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Federal Register

Thursday
April 18, 1985

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Internal Revenue Service
Merit Systems Protection Board

Air Pollution Control
Environmental Protection Agency

Anchorage Grounds
Coast Guard

Animal Diseases
Animal and Plant Health Inspection Service

Bridges
Coast Guard

Courts
Commodity Futures Trading Commission

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National Oceanic and Atmospheric Administration

Food Additives
Food and Drug Administration

Food Labeling
Food and Drug Administration

Government Employees
Personnel Management Office

Government Procurement
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Presidential Documents

Title 3—

The President

Proclamation 5319 of April 15, 1985

Loyalty Day, 1985

By the President of the United States of America

A Proclamation

Providence has favored our land, with its abundant resources and industrious people, and the years of adversity in our history have been few. Yet even during the dark hours, the times of conflict or economic hardship, Americans have demonstrated their unwavering devotion to the noble ideals upon which this country was founded. Our faith in the principles of freedom, justice, and opportunity has sustained us. We have prevailed over every challenge and our success shines as a beacon of hope for the world, an enduring reminder that adherence to the fundamental values of liberty will overcome any obstacle.

Today these values are enjoying renewed allegiance in America and elsewhere; the advantages of our democratic way of life are winning the United States new admiration and respect around the world.

Americans' loyalty to their Nation is especially inspiring because it is freely given by a free people. Nations that seek to compel the love or fidelity of their citizens without tolerance for their unalienable rights are inherently unstable and frequently dangerous to others. Now that the windows of communication and commerce are bringing nations into increasingly close relationships, the truths our forefathers found self-evident are becoming apparent to all: the future belongs to the free—to peoples who are free to work, to assemble, to vote, to travel and to emigrate, to print and to speak, and to worship as they choose.

Today, in this time of peace and prosperity at home, it is fitting that we reflect upon the venerable ideals that symbolize the American spirit. By remaining loyal to these ideals, we will be worthy of the trust a generous God has reposed in us. For this purpose, the Congress, by joint resolution approved July 18, 1958 (72 Stat. 369, 36 U.S.C. 162), has designated May 1 of each year as Loyalty Day, a day to renew our commitment to this grand republic and its democratic institutions.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim May 1, 1985, as Loyalty Day and call upon all Americans and patriotic, civic, and educational organizations to observe that day with appropriate ceremonies. I also call upon all government officials to display the flag of the United States on all government buildings and grounds on that day.

IN WITNESS WHEREOF, I have hereunto set my hand this fifteenth day of April, in the year of our Lord nineteen hundred and eighty-five, and of the Independence of the United States of America the two hundred and ninth.

Ronald Reagan

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Presidential Documents

Proclamation 5320 of April 15, 1985

Law Day, U.S.A., 1985

By the President of the United States of America

A Proclamation

May 1, 1985, is Law Day, U.S.A. This year's Law Day theme, "Liberty and Justice for All," reaffirms the principles upon which our Republic was founded. The guarantee of liberty and the right to seek justice emerged through law: through the Declaration of Independence, the Constitution, and the Bill of Rights. As Americans, we continue to preserve these principles through our lawmaking and judicial systems.

Each time we recite the Pledge of Allegiance, we renew our commitment to providing the benefits of liberty and the reality of justice for all.

These principles have served and continue to serve as an inspiration to everyone in this great Nation, because they represent a promise, an ideal, and an opportunity. It is the promise of liberty and justice for all that has brought millions of immigrants to American shores. It is the ideal of liberty and justice for all that has guided our government in making and enforcing our laws. It is the opportunity for liberty and justice for all that has inspired Americans from all walks of life to participate in and give life to our unique form of government.

The fact that we continue to strive to be one Nation, under God, with liberty and justice for all, is a tribute to the memory of the millions of Americans who, throughout our history, have been willing to die to secure or preserve these ideals. The great patriot Patrick Henry's impassioned plea, "Give me liberty or give me death," continues to symbolize today the fervor with which Americans treasure these freedoms.

Law Day is an important opportunity for all Americans to improve their understanding and appreciation of the contribution law makes to the preservation of liberty and justice. I urge all Americans to join with me in renewing our dedication to those principles for which so many Americans have sacrificed their lives.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim Wednesday, May 1, 1985, as Law Day, U.S.A. I urge the people of the United States to use this occasion to renew their commitment to the rule of law and to reaffirm our dedication to the partnership of law and liberty. I also urge the legal profession, schools, civic, service, and fraternal organizations, public bodies, libraries, the courts, the communications media, business, the clergy, and all interested individuals and organizations to join in efforts to focus attention on the need for the rule of law. I also call upon all public officials to display the flag of the United States on all government buildings open on Law Day, May 1, 1985.

IN WITNESS WHEREOF, I have hereunto set my hand this 15th day of April, in the year of our Lord nineteen hundred and eighty-five, and of the Independence of the United States of America the two hundred and ninth.

Ronald Reagan

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Rules and Regulations

Federal Register
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This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 930

Programs for Specific Positions and Examination (Miscellaneous)

AGENCY: Office of Personnel Management.

ACTION: Final regulations.

SUMMARY: The Office of Personnel Management (OPM) is issuing regulations that implement Pub. L. 98–224, signed March 2, 1984. This law amended section 3323(b) of Title 5, United States Code, to permit the temporary reemployment of retired Administrative Law Judges (ALJs) under regulations promulgated by OPM. These final rules will help agencies deal with temporary, irregular workloads for ALJs.

EFFECTIVE DATE: May 20, 1985.

FOR FURTHER INFORMATION CONTACT: Craig B. Pettibone, Assistant Director for Administrative Law Judges, (202) 632–5677.

SUPPLEMENTARY INFORMATION: In the October 31, 1984, **Federal Register**, OPM proposed to add a new § 930.216 to Subpart B, Part 930, Title 5 of the Code of Federal Regulations, to permit the temporary reemployment of retired ALJs to conduct formal administrative hearing proceedings in accordance with 5 U.S.C. 556 through 557. Interested parties were given until November 30, 1984, to submit written comments concerning this proposal.

Nineteen written comments and a few telephone comments were received by OPM. The Senior Judges Committee of the National Conference of Administrative Law Judges, Judicial Administration Division, American Bar Association, submitted a most comprehensive set of comments and met with OPM staff to discuss them. Eleven retired ALJs submitted comments that generally paralleled the comments of the Senior Judges Committee. Five agency chief ALJs and one agency personnel director submitted comments. In addition, a former director of the Office of Administrative Law Judges in the old U.S. Civil Service Commission submitted comments.

The commenters generally supported the promulgation of regulations permitting the reemployment of retired ALJs. However, they raised six issues that are listed and discussed below.

1. *Should retired ALJs apply directly to agencies for reemployment or apply first to OPM for referral to agencies?* Several commenters took the position that applicants for reemployment as retired ALJs should be required to apply first to OPM rather than directly to the employing agency as proposed by OPM under 5 CFR 930.216(b). They argued that such a procedure was necessary to give the public the assurance required by the Administrative Procedure Act (APA) that an agency would not be selecting a particular ALJ to hear a particular case or influence the outcome of an assigned case in any way. They also argued that requiring agencies to assign cases in general rotation as OPM had proposed was not a sufficient assurance to the public that an impartial retired ALJ would be appointed in the first place. Therefore, they argued that OPM should provide an application procedure that paralleled that required by the APA for applicants for regular ALJ positions. In other words, applicants should first apply to OPM for reemployment, and OPM should then provide employing agencies in reponse to their request lists of applicants who meet their qualification requirements. In response to the comments received, OPM has modified the proposed regulations so that the final regulations provide that retired ALJs who are interested in reemployment should first notify OPM in writing. OPM will compile a list of such retired ALJs and will refer lists of qualified retired ALJs to agencies that request them. The names of retired ALJs referred from OPM's master list will be rotated to the extent practicable.

2. *Should retired ALJs be required to reestablish their qualifications in accord with OPM Examination Announcement No. 318 for ALJs?* A number of commenters interpreted OPM's proposed regulations as if they would have required retired ALJs to reestablish their qualifications by retaking the ALJ examination. OPM did not and does not anticipate requiring ALJs to retake the ALJ examination to qualify for reemployment. OPM simply proposed to require that the retired ALJs who wanted to become reemployed would have to demonstrate that they had established eligibility in accordance with the qualification and examination requirements of OPM Examination Announcement No. 318 for ALJs. This Announcement was first published in 1963, but was revised in 1984. Retired ALJs having already passed the requirements of this examination announcement would not have to retake it. They would simply have to show that since retirement they continued to meet the one qualification requirement set out in the examination announcement that relates to current status rather than past achievement. Specifically, they would have to show that they continue to be duly licensed to practice law under the laws of a state, the District of Columbia, the Commonwealth of Puerto Rico, or any territorial court established under the Constitution. This is the same eligibility requirement placed on former ALJs who seek to be reinstated under 5 CFR 930.207. Such an eligibility requirement is a straightforward assurance to the public that retired ALJs have met the same eligibility requirements as regularly employed ALJs and have maintained proficiency in their legal knowledge, skills, and abilities. Accordingly, OPM is keeping this requirement in the rules for reemployment of retired ALJs.

3. *Should reemployment for the period of time necessary to conduct and complete one or more specified cases be limited to cases "assigned but not completed before retirement"?* Some commenters questioned why § 930.216(f)(2) of OPM's proposed regulations would have limited reemployment for the period of time necessary to conduct and complete one or more specified cases "assigned but not completed before retirement." They pointed out that such a limitation was not included in the statutory language of 5 U.S.C. 3323(b), as amended. They also added that an agency might wish from time to time to reemploy a retired ALJ indefinitely for assignment to a particular new case rather than for a particular period of time for assignment

to cases in normal rotation as permitted under § 930.216(f)(1). OPM had included the limitation because it had proposed that retired ALJs apply for reemployment directly to the employing agencies and that the employing agencies recommend to OPM a specific retired ALJ from reemployment. If the agencies were to be given such freedom to pick their own retired ALJs, they could not also be permitted to pick a particular case for assignment to them without violating the APA requirement that an agency not pick a particular ALJ for a particular case, and assign all cases in rotation to the extent practicable. However, in view of the revision of the final regulations to provide for retired ALJs to apply for reemployment by first notifying OPM, and for OPM to forward a list of qualified retired ALJs to agencies in response to their requests for reemploying unnamed retired ALJs, OPM has deleted this limitation from the final regulations.

4. *Is the language of § 930.216(h) (§ 930.216(g) in the proposed regulations) concerning the assignment of cases to reemployed ALJs either to hear a case(s) assigned but not completed before retirement, or to hear cases in normal rotation to the extent practicable, permissive or mandatory?* A few commenters expressed concern that the use of the word "shall" in this subsection of the regulations would have imposed an obligation on an agency to automatically reemploy a retired ALJ to complete a case that was asssigned but not completed before retirement. This concern was raised in the context of 5 U.S.C. 554(d) that requires in part "The employee who presides at the reception of evidence pursuant to section 556 of this title shall make the recommended decision or initial decision required by section 557 of this title, unless he becomes unavailable to the agency." OPM believes that this concern can be eliminated by changing the word "shall" to "may" as it has done in the final regulations. Also, OPM is not aware of anything in the legislative history of 5 U.S.C. 3323(b) that would suggest that an agency would be obligated to reemploy a retired ALJ to finish an uncompleted case. Such reemployment to complete an uncompleted case is a matter of agency discretion. Further, we assume that most agencies will continue to try to have their ALJs complete assigned cases before retirement, and that cases assigned but not completed before retirement will generally arise infrequently in connection with the remand of cases from a higher appellate body after an ALJ has retired.

5. *What happens if a retired ALJ reemployed for a particular period of time to hear an agency's cases in normal rotation finds during such period of time that the services of the additional ALJ are no longer required to handle pending workloads?* One agency asked whether, in such a situation, an agency could terminate the reemployment without proposing removal in an on the record hearing before the Merit Systems Protection Board under 5 U.S.C. 7521. Such a question should arise rarely, if at all, if the agency's request to reemploy a retired ALJ was fully and properly justified. Also, in accordance with the change made in the final regulations under issue 3 above, such a situation could be avoided by an agency if the agency simply reemploys a retired ALJ to hear a specific case or cases for such period of time as it takes to complete them. However, if the situation did arise, the agency could ask OPM to approve a reduction in the period of reemployment. And, if such a request is approved, the period of reemployment could be terminated when the need for the reemployed ALJ's services end.

6. *How is the pay to be set for the retired ALJ who is reemployed?* Several commenters interpreted proposed § 930.216(j) as if it would have limited the pay for a retired ALJ to the highest dollar rate of pay received as an ALJ before retirement. This was not the intent of the regulations. The final regulation has been clarified to make it understood that the retired ALJ will be paid by the employing agency at "the current rate of pay for the grade at which the duties to be performed have been classified and at a step of that grade that is nearest (when rounded up) to the highest previous grade and step attained as an Administrative Law Judge before retirement." For example, retired GS–16 ALJs would be reinstated in GS–16 ALJ positions at the highest step of the GS–16 grade level they had previously attained as ALJs before retirement. And, they would be paid at that step of the GS–16 grade level at current salary rates. Similarly, GS–15 ALJs would be reinstated in GS–15 ALJ positions at the highest step of the GS–15 grade level they had previously attained as ALJs before retirement. And, they would be paid at that step of the GS–15 grade level at current salary rates. Also, retired GS–16 ALJs would be reinstated in GS–15 ALJ positions at that step of the GS–15 grade level that is nearest (when rounded up) to the highest step of the GS–16 ALJ position attained before they retired. Likewise, they would be paid at current salary rates for that step at the GS–15 grade level. However, an amount equal to the annuity allocable to the period of actual employment will be deducted from his or her pay and deposited in the Treasury of the United States to the credit of the Civil Service Retirement and Disability Fund.

E.O. 12291 Federal Regulation

I have determined that this is not a major rule as defined under section 1(b) of E.O. 12291, Federal Regulation.

Regulatory Flexibility Act

I certify that this regulation will not have a significant economic impact on a substantial number of small entities because it only affects Federal employees.

List of Subjects in 5 CFR Part 930

Administrative practice and procedure, Government employees, Motor vehicles.

Office of Personnel Management.

Donald J. Devine,

Director.

Accordingly, OPM amends 5 CFR Part 930 as follows:

PART 930—PROGRAMS FOR SPECIFIC POSITIONS AND EXAMINATIONS (MISCELLANEOUS)

Subpart B—Appointment, Pay and Removal of Administrative Law Judges

1. The authority for Subpart B reads as follows:

(5 U.S.C. 1305, 3105, 3344, 5335, 5372, 7521, unless otherwise noted)

2. Section 930.216 is added to read as follows:

§ 930.216 Temporary Reemployment: Senior Administrative Law Judges.

(a) Subject to the requirements and limitations of this section, an annuitant, as defined by section 8331 of Title 5, United States Code, receiving an annuity from the Civil Service Retirement and Disability Fund (1) who has served with absolute status as an administrative law judge under section 3105 of that Title; and (2) who has met current qualification and examination requirements set forth in OPM Examination Announcement No. 318 (including the requirement to maintain a current license to practice law under the laws of a state, the District of Columbia, the Commonwealth of Puerto Rico, or any territorial court established under the Constitution), may be temporarily

reemployed as an administrative law judge by an agency that has temporary, irregular workload requirements for conducting proceedings in accordance with sections 556 and 557 of that title. Such retired administrative law judges who are so reemployed will be known as senior administrative law judges.

(b) Retired administrative law judges who meet the requirements of paragraph (a) of this section and who are available for temporary reemployment must notify OPM in writing of their availability, giving their full name, address, telephone number, name of the agencies where the person served as an ALJ, and jurisdictions in which they are currently licensed to practice law. OPM will maintain a master list of such retired administrative law judges for use in responding to agency requests for such judges.

(c) An agency that wishes to temporarily reemploy administrative law judges must submit a written request to OPM. The request shall—

(1) Identify the statutory authority under which the administrative law judge is expected to conduct proceedings;

(2) Demonstrate that the agency is occasionally or temporarily understaffed;

(3) Specify the tour of duty, location, period of time, or particular case(s), for the requested reemployment; and

(4) Describe any special qualifications desired in the retired administrative law judge that it wishes to reemploy, such as experience in a particular field, agency, or substantive area of law.

(d) OPM will approve agency requests for temporary reemployment of retired administrative law judges for a specified period or periods provided:

(1) The requesting agency fully justifies that it requires the use of an administrative law judge and that it is occasionally or temporarily understaffed; and

(2) No other administrative law judge with the appropriate qualifications is available through OPM under § 930.213 of this subpart to perform the occasional or temporary work for which reemployment is requested.

(e) Upon approval of an agency request to reemploy a retired administrative law judge, OPM will select from its master list of retired administrative law judges, in rotation to the extent practicable, those retired judges who it determines meet agency requirements. OPM will then provide a list of such individuals to the requesting agency and the agency must then select from that list a retired administrative law judge for reemployment.

(f) Reemployment of retired administrative law judges is subject to investigation of suitability in accordance with §§ 731.201 through 731.303 of this chapter. It is also subject to conflict of interest and security investigation requirements by the appointing agency.

(g) Reemployment as senior administrative law judges will be for either (1) a specified period not to exceed 1 year; or (2) such periods as may be necessary for the reemployed administrative law judge to conduct and complete the hearing of one or more specified cases and issue decisions therein. Upon agency request, OPM may either reduce or extend such period of reemployment, as necessary, to coincide with changing staffing requirements.

(h) An agency may assign its senior administrative law judges to either (1) hear one or more specific cases; or (2) hear, in normal rotation to the extent practicable, a number of cases on its docket and issue decisions therein.

(i) Hours of duty, administrative support services, and travel reimbursement for senior administrative law judges will be determined by the employing agency in accordance with the same rules and procedures that are generally applicable to employees.

(j) A senior administrative law judge serves subject to the same limitations on performance appraisal and removal as any other administrative law judge employed under this subpart and section 3105 of title 5, United States Code. An agency will not rate the performance of a senior administrative law judge. Actions may not be taken against senior administrative law judges during the period of reemployment, except for good cause established and determined by the Merit Systems Protection Board after opportunity for a hearing on the record before the Board as provided in §§ 1201.131 through 1201.136 of this Title.

(k) A senior administrative law judge will be paid by the employing agency the current rate of pay for the grade at which the duties to be performed have been classified and at a step of that grade that is nearest (when rounded up) to the highest previous grade and step attained as an administrative law judge before retirement. However, an amount equal to the annuity allocatable to the period of actual employment will be deducted from his or her pay and deposited in the Treasury of the United States to the credit of the Civil Service Retirement and Disability Fund.

[FR Doc. 85-9436 Filed 4-17-85; 8:45 am]

BILLING CODE 6325-01-M

MERIT SYSTEMS PROTECTION BOARD

5 CFR Part 1201

Practice and Procedure; Realignment of Regional Offices

AGENCY: Merit Systems Protection Board.

ACTION: Final rule.

SUMMARY: The Merit Systems Protection Board announces realignment of the geographical areas of its regional offices. The realignment affects regions covering territory located primarily west of the Mississippi River.

EFFECTIVE DATE: May 1, 1985.

FOR FURTHER INFORMATION CONTACT: Michael Doheny, (202) 653-7980.

SUPPLEMENTARY INFORMATION: The Merit Systems Protection Board has realigned the geographical jurisdiction of six of its regional offices: Atlanta, Dallas, Denver, St. Louis, San Francisco and Seattle. The realignment is designed to enable the Board to be more responsive to the needs of appellant and agency clients. It takes advantage of the demonstrated capacity of three small regional offices to handle a greater amount of territory than is currently assigned to them, and it provides for a better balanced caseload among all of the regions. It is also fully consistent with the government-wide effort to streamline federal regional structures for the purpose of cost-effectiveness and efficiency in operations. Agencies are required to provide employees, against whom an action appealable to the Board has been taken, notice of their appeal rights and the correct address of the MSPB regional office to which their appeals should be sent. Accordingly, agencies and other interested parties should carefully review the boundary changes in Appendix II.

List of Subjects in 5 CFR Part 1201

Government employees, Administrative practice and procedures, Civil rights.

PART 1201—[AMENDED]

Accordingly, Appendix II to 5 CFR Part 1201 is revised to read as follows:

Appendix II to Part 1201—Appropriate Regional Office for Filing Appeals

All submissions shall be addressed to the Regional Director, Merit Systems Protection Board, at the below-listed addresses, according to geographic region of the employing agency.

Address of Appropriate Regional Office and Area Where Agency is Located:

1. Atlantic Regional Office, 1776 Peachtree Street, NE, Atlanta, Georgia 30309 (Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina).

2. Boston Regional Office, 150 Causeway Street, Room 1122, Boston, Massachusetts 02114 (Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont).

3. Chicago Regional Office, 230 South Dearborn Street, 31st Floor, Chicago, Illinois 60604 (Illinois, Indiana, Michigan, Minnesota, Ohio, Wisconsin).

4. Dallas Regional Office, 1100 Commerce Street, Room 6F20, Dallas, Texas 75242 (Arkansas, Louisiana, Oklahoma, Texas, Swan Island).

5. Denver Regional Office, 730 Simms Street, Room 301, Golden, Colorado 80401 (Arizona, Colorado, Kansas, Montana, Nebraska, Nevada, New Mexico, North Dakota, South Dakota, Utah, Wyoming).

6. New York Regional Office, 26 Federal Plaza, Room 2341, New York, New York 10278 (New Jersey, New York, Puerto Rico, Virgin Islands).

7. Philadelphia Regional Office, U.S. Customhouse, Room 501, Second and Chestnut Street, Philadelphia, Pennsylvania 19106 (Camden County (New Jersey), Delaware, Maryland, Pennsylvania, Virginia, West Virginia).

8. St. Louis Regional Office, 1520 Market Street, Room 1740, St. Louis, Missouri 63103–2692 (Iowa, Kentucky, Missouri, Tennessee).

9. San Francisco Regional Office, 525 Market Street, Room 2800, San Francisco, California 94105 (California).

10. Seattle Regional Office, 915 Second Street, Room 1840, Seattle, Washington 98174 (Alaska, Hawaii, Idaho, Oregon, Washington, Pacific overseas).

11. Washington Regional Office, 5203 Leesburg Pike, Suite 1109, Falls Church, Virginia 22041 (Washington, D.C. Metropolitan Area, all overseas areas not otherwise covered).

For the Board.

Dated: April 15, 1985.

Herbert E. Ellingwood,

Chairman.

[FR Doc. 85-9331 Filed 4-17-85; 8:45 am]

BILLING CODE 7400-01-M

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

9 CFR Part 78

[Docket No. 85-032]

Brucellosis in Cattle; State and Area Classifications

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Interim rule.

SUMMARY: This document amends the regulations governing the interstate movement of cattle because of brucellosis by changing the classification of the State of Tennessee from Class B to Class A. This action is necessary because it has been determined that this State meets the standards for Class A status. The effect of this action is to relieve certain restrictions on the interstate movement of cattle from the State of Tennessee.

DATES: Effective date of the interim rule is April 18, 1985. Written comments must be received on or before June 17, 1985.

ADDRESSES: Written comments should be submitted to Thomas O. Gessel, Director, Regulatory Coordination Staff, APHIS, USDA, Room 728, Federal Building, Hyattsville, MD 20782. Written comments may be inspected at Room 728 of the Federal Building between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays.

FOR FURTHER INFORMATION CONTACT: Dr. Thomas J. Holt, Cattle Diseases Staff, VS, APHIS, USDA, Room 817, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, 301–436–8711.

SUPPLEMENTARY INFORMATION:

Background

The brucellosis regulations (contained in 9 CFR Part 78 and referred to below as the regulations) provide a system for classifying States or portions of States according to the rate of brucella infection present and the general effectiveness of a brucellosis control and eradication program. The classifications are Class Free, Class A, Class B, and Class C. States or Areas which do not meet the minimum standards for Class C are required to be placed under Federal quarantine. This document changes the classification of the State of Tennessee from Class B to Class A.

The brucellosis Class Free classification is based on a finding of no know brucellosis in cattle for the period of 12 months preceding classification as Class Free. The Class C classification is for States or Areas with the highest rate of brucellosis, with Classes A and B in between. Restrictions on the movement of cattle are more stringent for movements from Class A States or Areas compared to movements from Free States or Areas, and are more stringent for movements from Class B States or Areas compared to movements from Class A States or Areas, and so on. The restrictions include testing for movement of certain cattle from other than Class Free States or Areas.

The basic standard for the different classifications of States or Areas concern maintenance of: (1) A State or Area-wide accumulated 12 consecutive month herd infection rate not to exceed a stated level; (2) a Market Cattle Indentification (MCI) reactor prevalence rate not to exceed a stated rate (this concerns the testing of cattle at auction markets, stockyards, and slaughtering establishments); (3) a surveillance system which includes a testing program for dairy herds and slaughtering establishments, and provisions for identifying and monitoring herds at high risk of infection, including herds adjacent to infected herds and herds from which infected animals have been sold or received under approved action plans; and (4) minimum procedural standards for administering the program.

Prior to the effective date of this document, the State of Tennessee was classified as a Class B State. It had been necessary to classify this State as Class B rather than Class A because of the herd infection rate and the MCI reactor prevalence rate. To attain and maintain Class A status, A State or Area must, among other things, maintain an accumulated 12-month herd infection rate for brucellosis not to exceed 2.5 herds per 1,000 (0.25 percent) if the State has more than 10,000 herds, and the adjusted MCI prevalence rate for such 12 month period must not exceed one reactor per 1,000 cattle tested (0.10 percent). A review of brucellosis program records establishes that the brucellosis classification of the State of Tennessee, which has approximately 77,000 herds of cattle, should be changed to Class A since this State now meets the criteria for classification as Class A.

Executive Order and Regulatory Flexibility Act

This rule is issued in conformance with Executive Order 12291 and has been determined to be not a major rule. Based on information compiled by the Department, it has been determined that this rule will not have a significant

effect on the economy; will not cause a major increase in costs of prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and will not have any significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

For this action, the Office of Management and Budget has waived its review process required by Executive Order 12291.

Cattle moved interstate are moved for slaughter, for use as breeding stock, or for feeding. Changing the status of the State of Tennessee reduces certain testing and other requirements on the interstate movement of these cattle. Cattle from Certified Brucellosis-Free Herds moving interstate are not affected by the change in status. It has been determined that the change in brucellosis status made by this document will not affect marketing patterns and will not have a significant economic impact on those persons affected by this document.

Under these circumstances, the Administrator of the Animal and Plant Health Inspection Service has determined that this action will not have a significant economic impact on a substantial number of small entities.

Emergency Action

Dr. John K. Atwell, Deputy Administrator of the Animal and Plant Health Inspection Service for Veterinary Services, has determined that an emergency situation exists which warrants publication of this interim rule without prior opportunity for public comment. Immediate action is warranted in order to delete unnecessary restrictions on the interstate movement of certain cattle from the State of Tennessee.

Further, pursuant to the administrative procedure provisions in 5 U.S.C. 533, it is found upon good cause that prior notice and other public procedures with respect to this interim rule are impracticable and contrary to the public interest, and good cause is found for making this interim rule effective less than 30 days after publication of this document in the **Federal Register.** Comments have been solicited for 60 days after publication of this document. A document discussing comments received and any amendments required will be published in the **Federal Register.**

List of Subjects in 9 CFR Part 78

Animal diseases, Cattle, Hogs, Quarantine, Transportation, Brucellosis.

Accordingly, 9 CFR Part 78 is amended as follows:

PART 78—BRUCELLOSIS

§ 78.20 [Amended]

1. Section 78.20(b) is amended by adding "Tennessee," immediately before "Virginia".

2. In § 78.20(c), ", Tennessee" is removed and "and" is added immediately before "Oklahoma".

Authority: 21 U.S.C. 111–113, 114a–1, 115, 120, 121, 125, 134b, 134f; 7 CFR 2.17, 2.51, and 371.2(d).

Done at Washington, D.C., this 15th day of April 1985.

J. K. Atwell,

Deputy Administrator, Veterinary Services.

[FR Doc. 85–9387 Filed 4–17–85; 8:45 am]

BILLING CODE 3410–34–M

SMALL BUSINESS ADMINISTRATION

13 CFR Part 121

Small Business Size Standards; Size Standard for Commercial Fishing Industry

AGENCY: Small Business Administration.

ACTION: Interim emergency final rule.

SUMMARY: SBA is establishing an interim emergency size standard for the commercial fishing industry of $2 million for application to El Nino Economic Injury Disaster Loans for the period between June 1982 and December 1983. This size standard is necessary because SBA had no standard for this industry in effect at the time of the disaster. It is intended to clarify the size eligibility question for fishing firms applying for disaster loan assistance.

DATES: Effective April 18, 1985. The amendment applies to the period between June 1982 and December 1983. Comments must be received by May 20, 1985.

ADDRESSES: Address all comments to: Andrew A. Canellas, Director, Size Standards Staff, Small Business Administration, 1441 L Street, NW., Room 500, Washington, D.C. 20416.

FOR FURTHER INFORMATION CONTACT: Bernard Kulik, (202) 653–6879, Deputy Associate Administrator for Disaster Assistance.

SUPPLEMENTARY INFORMATION: On October 12, 1984, the President signed Pub. L. 98–473, which authorized SBA to make Economic Injury Disaster Loans (EIDL) to small businesses suffering financial injury as a result of Pacific Ocean conditions commonly known as "El Nino" occurring between June 1982 and December 1983. The SBA regulation to implement this law appeared in the **Federal Register** on January 4, 1985 (50 FR 704). By law, the loans are limited to small businesses and are administered by SBA's Disaster Assistance Division.

The size standard to be applied in the case of EIDLs is the one in effect at the time of the disaster. Since March 12, 1984, SBA has had a size standard for the fishing industry of $2 million. Prior to that time, a size standard for fishing industry did not exist.

SBA believes that the present $2 million standard should be retroactively applied for 1982–83. The makeup of the fishing industry was substantially the same in 1982–83, compared to 1984, so that the $2 million size standard can be appropriately used.

As part of a general revision of all size standards, SBA proposed in 1982 and 1983 a size standard of 25 employees for this industry which is roughly equivalent to the present $2 million standard. SBA received no adverse public comments to these two proposals.

The fishing industry is a competitive one, with low average firm size and investment requirements. While there are few data on the structure of this industry, these characteristics normally suggest a low size standard.

Thus, in order to carry out the intent of Congress in enacting Pub. L. 98–473, the $2 million size standard for the fishing industry is being put into effect on a retroactive basis to cover the time period of the "El Nino" disaster, and thereafter. Pursuant to the authority of 5 U.S.C. 553(b)(B), the regulation is being promulgated as a final rule. Due to the urgent nature of the disaster assistance contemplated by Pub. L. 98–473, SBA has determined that it is necessary to quickly establish this size standard to facilitate the efficient operation of the disaster program and to carry out the intent of Congress. Publishing a proposed rule and providing an opportunity to comment thereon before it can be promulgated in final form would delay the necessary assistance to disaster victims, and thus, would be contrary to the public interest. However, SBA intends to accept public comments on this interim emergency rule and will review them in reviewing the existent size standard for the commercial fishing industry.

SBA has determined that this regulation is a nonmajor rule as defined by Executive Order 12291. The intent of this action is to define the universe of

commercial fishing businesses eligible for EIDLs under the authority granted by Pub. L. 98–473. In FY 1984, SBA made a total of $85 million of EIDL loans in all industries at an average loan size of $77,000. The maximum loan size permitted is $500,000. For these reasons, the economic impact of this rule will be far less than $100 million. In addition, this regulation is not likely to result in a major increase in costs or prices or have a significant adverse effect on the United States economy.

SBA certifies pursuant to section 608 of the Regulatory Flexibility Act, 5 U.S.C. 608, that this interim final rule is being published pursuant to an emergency for the reasons indicated above, and that SBA is therefore waiving the requirements of section 603 of the Regulatory Flexibility Act. SBA will publish a final regulatory analysis of its final size standard in compliance with section 604 of the Regulatory Flexibility Act, when that final size standard is published. SBA also certifies that this regulation contains no reporting or recordkeeping requirements which are subject to the Paperwork Reduction Act, 44 U.S.C. Chapter 35.

List of Subjects in 13 CFR Part 121

Administrative practice and procedure, Government procurement, Government property, Grant programs—business, Loan programs—business, Reporting and recordkeeping requirements, Small business.

PART 121—[AMENDED]

Accordingly, pursuant to the authority contained in section 3(a) and 5(b)(6) of the Small Business Act, 15 U.S.C. 632(a) and 634(b)(6), SBA amends Part 121 of 13 CFR as follows:

The table in § 121.2(c)(2) is amended by adding the following entry under Division A, Major Group 09:

§ 121.2 [Amended]

* * * * *

(c) * * *

(2) * * *

* * * * *

DIVISION A—AGRICULTURE

[Major Group 09–Fishing, Hunting, and Trapping]

0912	Finfish	$2 million.

* * * * *

Dated: April 8, 1985.

James C. Sanders,

Administrator.

[FR Doc. 85–9171 Filed 4–17–85; 8:45 am]

BILLING CODE 8025–01–M

FEDERAL TRADE COMMISSION

16 CFR Part 13

[Docket No. C–2856]

The American Academy of Orthopaedic Surgeons; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Modifying order.

SUMMARY: In response to a petition filed by the American Academy of Orthopaedic Surgeons ("AAOS"), this Order reopens the matter in docket C–2856, and modifies the consent order entered against AAOS on December 14, 1976, by deleting Paragraph II(B) of the Order which bars the organization from advising in favor of or against any relative value scale developed by third parties, and inserting a provision identical to one contained in FTC's Order in *Michigan State Medical Society* (Michigan State), Docket No. 9129, 101 F.T.C. 191, to permit AAOS more freedom to discuss reimbursement issues with third-party payers and governmental entities. The Commission noted that it had recently modified a similar order entered against the American College of Obstetricians and Gynecologists ("ACOG"), Docket No. C–2855, after finding that benefits derived from the order's restriction on ACOG's ability to discuss relative value scales with third-party payers and governmental entities were outweighed by the resulting injury to ACOG and the public, and that this finding was also applicable to AAOS. Accordingly, the Commission reopened the proceeding and modified the AAOS order in the same manner as it had modified the ACOG order, and in conformity with the Commission's decision in *Michigan State.*

DATES: Consent order issued December 14, 1976, Modifying Order issued March 29, 1985.

FOR FURTHER INFORMATION CONTACT: L–301–1, Elliot Feinberg, Washington, D.C. 20580, (202) 634–4604.

SUPPLEMENTARY INFORMATION: In the Matter of The American Academy of Orthopaedic Surgeons, a corporation. Codification appearing at 42 FR 4118 remains unchanged.

List of Subjects in 16 CFR Part 13

Fee schedules, Trade practices.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45)

Before Federal Trade Commission

[Docket No. C–2856]

Commissioners: James C. Miller III, Chairman, Patricia P. Bailey, George W. Douglas, Terry Calvani, Mary L. Azcuenaga.

In the matter of the American Academy of Orthopaedic Surgeons, a corporation.

Order Reopening and Modifying Final Order

By petition filed November 19, 1984, the American Academy of Orthopaedic Surgeons ("AAOS") asked the Commission to reopen and modify the Commission order in Docket No. C–2856 entered by consent against AAOS on December 14, 1976 ("Order"). AAOS requested that the Commission modify the Order by (a) deleting Paragraph II(B) of the Order, which prohibits AAOS from advising in favor of or against any relative value scale developed by third parties (except that AAOS is permitted to provide historical data), and (b) inserting a provision identical to a provision contained in the Commission's Order in *Michigan State Medical Society,* Docket No. 9129, 101 F.T.C. 191 (1983) (*"Michigan State"*) that would allow AAOS more freedom to discuss issues relating to reimbursement with third-party payers and governmental entities. AAOS's petition was placed on the public record and no comments were received.

Upon consideration of AAOS's petition and other relevant information, the Commission finds that the public interest would be served by deleting Paragraph II(B) of the Order and by inserting the relevant provision contained in the order in *Michigan State.* The Commission's order against the American College of Obstetricians and Gynecologists ("ACOG") in Docket No. C–2855 is similar to the *AAOS* order, and the Commission recently reopened and modified the *ACOG* order, finding that its restriction on ACOG's ability to discuss relative value scales with third-party payers and governmental entities had caused injury to ACOG and the public that outweighed any benefit that might be derived from the restriction. AAOS's petition is based on ACOG's petition and the Commission has determined that its finding in ACOG is applicable to AAOS. Accordingly, the Commission has modified the *AAOS* order in the same manner as it modified the *ACOG* order. The modification is also consistent with the Commission's decision in *Michigan State.*

The Order continues to prohibit AAOS from developing and circulating its own relative value guide for use by its members. In addition, although the

Order no longer will prohibit AAOS from discussing relative value scales with governmental entities and third-party payers, serious antitrust concerns would arise were AAOS to negotiate or attempt to negotiate an agreement with any such party or engage in any type of coercive activity to effect such an agreement.

Accordingly, it is ordered, that this matter be, and it hereby is, reopened and that the Order in Docket No. C–2856 be modified (1) to delete Paragraph II(B) and to redesignate Paragraphs II(C) and II(D) of the Order Paragraph II(B) and II(C) respectively; (2) to renumber Paragraphs III, IV and V of the Order Paragraphs IV, V and VI respectively; and (3) to insert the following:

It is further ordered that this order shall not be construed to prevent AAOS from:

A. Exercising rights permitted under the First Amendment to the United States Constitution to petition any federal or state government, executive agency, or legislative body concerning legislation, rules or procedures, or to participate in any federal or state administrative or judicial proceeding.

B. Providing information or views, on its own behalf or on behalf of its members, to third-party payers concerning any issue, including reimbursement.

By direction of the Commission.

Issued: March 29, 1985.

Emily H. Rock,

Secretary.

[FR Doc. 85–9313 Filed 4–17–85; 8:45 am]

BILLING CODE 6750–01–M

16 CFR Part 13

[Docket No. 6156]

Luria Brothers and Co., Inc., et al.; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Set aside order.

SUMMARY: In response to a petition filed by Luria Brothers and Company, Inc. (Luria), the Commission, on February 1, 1985, reopened the proceedings in Docket 6156 and set aside the Order issued February 13, 1963, 62 F.T.C. 243, as it applies to Luria, on ground that it no longer served any procompetitive purpose and may impede the company's ability to compete effectively for the business of scrap consumers that desire exclusive supply arrangements. However, the Commission determined that such action would only provide partial relief as long as the corresponding prohibitions against scrap purchasers in Paragraph 2(a) remained in effect, and issued to respondent mills still in operation, orders to show cause why the proceedings in Docket 6156 should not be reopened to set aside Paragraph 2(a), which prohibited the mills from purchasing scrap exclusively from Luria and giving the firm preferential treatment as a broker or supplier of iron and steel scrap. Having received no objections to the proposed action, the Commission reopened the proceedings and set aside Paragraph 2(a) of the 1963 order, holding that in view of its set aside order as it applied to Luria, setting aside Paragraph 2(a) of the order is in the public interest.

DATES: Order issued February 13, 1963; Order Setting Aside Paragraph 2(a) issued March 28, 1985.

FOR FURTHER INFORMATION CONTACT: L/303–1, Elliot Feinberg, Washington, D.C. 20580. (202) 634–4604.

SUPPLEMENTARY INFORMATION: In the Matter of Luria Brothers and Company, Inc., et al. Codification appearing at 28 FR 2231 is deleted.

List of Subjects in 16 CFR Part 13

Iron and steel scrap, Trade practices.

(Sec 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 7, 38 Stat. 731, as amended; 15 U.S.C. 45, 18)

Before Federal Trade Commission

[Docket No. 6156]

Order Setting Aside Paragraph 2(a) of the Order Issued February 13, 1963

Commissioners: James C. Miller III, Chairman, Patricia P. Bailey, George W. Douglas, Terry Calvani, Mary L. Azcuenage.

In the Matter of Luria Brothers and Company, Inc., et al.

In response to a petition filed by Luria Brothers and Company, Inc. ("Luria"), the Federal Trade Commission on February 1, 1985, reopened the proceedings in Docket No. 6156 and set aside the order as it applied to respondent Luria. In so doing, the Commission concluded that the order no longer serves any procompetitive purpose and that it may impede unnecessarily Luria's ability to compete effectively for the business of scrap consumers that desire exclusive supply arrangements. However, the Commission believes that setting aside the order as to Luria alone would provide only partial relief as long as order Paragraph 2(a)'s corresponding prohibitions against scrap purchasers remain in effect. Paragraph 2(a) prohibits the respondent mills from purchasing all or almost all of any plant's requirements of scrap iron and steel from Luria, and from giving Luria preferential status or favored treatment as a broker or supplier of iron and steel scrap.

On February 1, 1985, the Commission, pursuant to § 3.72 of its Rules of Practice and Procedure, 16 CFR 3.72, issued to the respondent mills still in operation[1] orders to show cause why the proceedings in Docket No. 6156 should not be reopened to set aside Paragraph 2(a) of the order. Respondent mills were provided an opportunity to object to the proposed action, and having failed to do so, are now deemed to have consented to such action. In view of the Commission's set aside of the order as it applied to Luria, the Commission believes that the set aside of Paragraph 2(a) of the order, barring the respondent mills from using Luria as their exclusive scrap broker or supplier, is in the public interest.

Accordingly, it is hereby ordered that this matter be, and it hereby is, reopened and that Paragraph 2(a) of the order shall be set aside as of the effective date of this order.

By the Commission. Commissioner Bailey concurs in result.

Issued: March 28, 1985.

Emily H. Rock,

Secretary.

[FR Doc. 85–9314 Filed 4–17–85; 8:45 am]

BILLING CODE 6750–01–M

COMMODITY FUTURES TRADING COMMISSION

17 CFR Part 140

Procedures Regarding the Disclosure of Information and the Testimony of Present or Former Commission Members and Employees in Response to Subpoenas or Other Demands of a Court; Corrections

AGENCY: Commodity Futures Trading Commission.

ACTION: Final rules; corrections.

SUMMARY: This document corrects the revision of § 140.735–9 of Part 140 of the Commission's regulations regarding disclosure of information and the

[1] The Commission issued show cause orders to the following respondent mills: Bethlehem Steel Corporation; United States Steel Corporation; Phoenix Steel Corporation; Empire-Detroit Steel Division, Cyclops Corporation; ITT Grinnell Corporation; Standard Steel Division, Titanium Metals Corporation; McLouth Steel Corporation; Edgewater Corporation; Bucyrus-Erie Company; Weirton Steel Corporation; CF & I Steel Corporation and National Steel Corporation. Respondent mill formerly known as the Granite City Steel Company is now a division of the National Steel Corporation.

testimony of present or former Commission officials and employees in response to subpoenas or other demands of the court by restoring certain footnotes to the text of the rule as published in the **Federal Register** on March 20, 1985.

EFFECTIVE DATE: These corrections shall become effective on April 19, 1985 (the same effective date of the revised regulation previously published in the **Federal Register** on March 20, 1985).

FOR FURTHER INFORMATION CONTACT: Whitney Adams, Deputy General Counsel, Commodity Futures Trading Commission, 2033 K Street NW., Washington, D.C. 20581, (202) 254–9880.

SUPPLEMENTARY INFORMATION: On March 20, 1985, the Commodity Futures Trading Commission published notice of the adoption of a new Part 144 of its regulations establishing procedures regarding the disclosure of information and the testimony of present or former Commission officials and employees in response to subpoenas or other demands of a court. 50 FR 11149. At the same time, the Commission also published notice of certain revisions of Section 140.735–9 of Part 140 in conformity with the regulations set forth in the new Part 144. *Id.* at 11150–11151. Through oversight, however, the text of revised regulation § 140.735–9 omitted three footnotes that had been included in the text of the rule prior to its revisión. Because the omission of these footnotes was not intended, the Commission publishes this notice restoring the footnotes to the text. With the exception of footnote 16, which is modified to conform with new Part 144 of the regulations, the text of the footnotes remains the same as those currently published in Title 17 of the *Code of Federal Regulations* (1984). Accordingly, because these corrections are not substantive but rather correct certain inadvertent omissions, the Commission has determined to make these corrections effective concurrent with the effective date of the revisions of § 140.735–9 of Part 140.

List of Subjects in 17 CFR Part 140

Authority delegations (Government agencies), Conflicts of interest, Organization and functions (Government agencies).

PART 140—[AMENDED]

Accordingly, pursuant to its authority under 5 U.S.C. 301; 7 U.S.C. 4a(j) and 12a(5) the Commission hereby adopts corrections to the revised § 140.735–9 of Part 140 as follows:

§ 140.735–9 [Amended]

1. On page 11151, in the first column, line 10, the sentence ending in the word "release" should be followed by footnote reference "15." and the text of footnote 15 is added to read as follows:

[15] Attention is directed to section 9(e) of the Commodity Exchange Act, which provides that it shall be a felony punishable by a fine of not more than $100,000 or imprisonment for not more than five years, or both, together with the costs of prosecution—(1) for any Commissioner or any employee or agent thereof who, by virtue of his employment or position, acquires information which may affect or tend to affect the price of any commodity futures or commodity and which information has not been promptly made public, to impart such information with intent to assist another person, directly or indirectly, to participate in any transaction in commodity futures, any transaction in an actual commodity, or in any transaction of the character of or which is commonly known to the trade as an option, privilege, indemnity, bid, offer, put, call, advance guaranty, or decline guaranty, or in any transaction for the delivery of any commodity under a standardized contract commonly known to the trade as a margin account, margin contract, leverage account, or leverage contract, or under any contract or other arrangement that the Commission determines to serve the same function or is marketed in the same manner as such standardized contract, and (2) for any person to acquire such information from any Commissioner or any employee or agent thereof and to use such information in any of the foregoing transactions.

2. On page 11151, in the first column, line 27, the sentence ending in the word "regulations" should be followed by footnote reference "16," and the text of footnote 16, which has been modified to conform with new Part 144 of the Commission's regulations, is added to read as follows:

[16] No employee shall disclose such information unless directed to do so by the Commission.

3. On page 11151, in the first column, line 38, the sentence ending in the word "interest" should be followed by footnote reference "17," and the text of footnote 17 is added to read as follows:

[17] The prohibitions regarding confidential or nonpublic information stated above are intended to cover the matters addressed in sections 8 and 9(e) of the Act as well as nonpublic information under the Freedom of Information Act, 5 U.S.C. 552, the rules of the Commission thereunder, 17 CFR Part 145, and the Privacy Act, 5 U.S.C. 552a, the rules of the Commission thereunder, 17 CFR Part 146, and cases where, apart from specific prohibitions in any statute or rule, the disclosure or use of such information would be unethical.

Issued in Washington, D.C. on April 12, 1985, by the Commission.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 85–9307 Filed 4–17–85; 8:45 am]

BILLING CODE 6351–01–M

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Part 4

[T.D. 85–71]

Customs Regulations Amendment Relating to Payment of Tonnage Tax and Light Money

AGENCY: U.S. Customs Service, Department of the Treasury.

ACTION: Final rule.

SUMMARY: This document amends the Customs Regulations to provide that the control number which appears on Customs Form 5104 be written on Customs Form 1002 by Customs as proof of payment when tonnage taxes and light money are paid to Customs by the master of a vessel. This amendment modifies a recently published document which required that both of these forms be submitted to Customs by the master upon each entry of the vessel during the tonnage year. Only the Customs Form 1002 will now be required to be presented. This cross-referenced form will establish the date of commencement of the tonnage year and insure against overpayment. This change is part of Customs continuing efforts to develop a system to improve control over its collection process.

EFFECTIVE DATE: April 18, 1985.

FOR FURTHER INFORMATION CONTACT:

Operational Aspects: Robert Hamilton, Office of Financial Management and Program Analysis, (202–566–2596) and Thomas Davis, Office of Inspection and Control (202–566–5354).

Legal Aspects: Donald Reusch, Carriers, Drawback and Bonds Division (202–566–5706); Headquarters, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229.

SUPPLEMENTARY INFORMATION:

Background

Generally, unless exempted, the U.S. imposes regular and special tonnage taxes, and a duty of a specified amount per ton, known as "light money," on all foreign vessels which enter U.S ports (46 U.S.C. 121, 128). Section 4.23, Customs Regulations (19 CFR 4.23), formerly

provided that upon each payment of tonnage tax or light money, the district director shall give to the master of the vessel a certificate on Customs Form 1002. This certificate constituted the official evidence of payment and was to be presented by the vessel master upon each entry during the tonnage year to establish the date of commencement of the tonnage year and to insure against overpayment.

As part of its continuing efforts to develop a system to improve control over its collection process, by T.D. 84–232, published in the **Federal Register** on November 23, 1984 (49 FR 46118), effective December 24, 1984, § 4.23 was amended to require that in addition to the Customs Form 1002, a cash receipt (Customs Form 5104) must also be provided by Customs as proof of payment when tonnage taxes and light money are paid by the master of a vessel. This additional form was to have provided further protection for the payer vessel while aiding Customs in safeguarding monies collected.

However, the maritime community has expressed strong opposition to this amendment. They have stated that the original cash receipt (CF 5104) must be sent to the shipowner for reimbursement purposes and therefore would not be available for presentation to Customs. They urged Customs to explore alternatives which would be acceptable to all parties concerned.

After a review of the matter, it has been determined that the alternative with the least amount of impact on all parties concerned is to require Customs officers to cross-reference the CF 5104 control number on the CF 1002. Only the CF 1002 would then be submitted to Customs by the vessel master. This will insure that the vessel master has obtained a cash receipt and will eliminate the requirement that both the CF 5104 and CF 1002 be submitted. This minor change will fulfill Customs objectives of providing further protection for the payer vessel and aid in safeguarding monies collected. Accordingly, § 4.23, will be further amended to reflect this change.

Executive Order 12291

It has been determined that this amendment is not a "major rule" within the criteria provided in section 1(b) of E.O. 12291, and therefore no regulatory impact analysis is required.

Regulatory Flexibility Act

Pursuant to the provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), it is certified that, if adopted, the proposed amendments will not have a significant economic impact on a substantial number of small entities. Accordingly, they are not subject to the regulatory analysis or other requirements of 5 U.S.C. 603 and 604.

Drafting Information

The principal author of this document was Glen E. Vereb, Regulations Control Branch, Office of Regulations and Rulings, U.S. Customs Service. However, personnel from other Customs offices participated in its development.

Inapplicability of Public Notice and Delayed Effective Date Requirements

Because this amendment merely implements a procedural protection requirement for the benefit of the master of the vessel who paid the tonnage taxes and light money, and because it removes a recently imposed burden on the public and imposes no additional duties or responsibilities, it has been determined that good cause exists for dispensing with notice and public procedure pursuant to 5 U.S.C. 553(b)(B). Further, for the same reasons, good cause exists for dispensing with a delayed effective date under 5 U.S.C. 553(d)(3).

List of Subjects in 19 CFR Part 4

Customs duties and inspection, Imports, Vessels.

Amendment to the Regulations

Part 4, Customs Regulations (19 CFR Part 4), is amended as set forth below:

PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADES

Section 4.23 is revised to read as follows:

§ 4.23 Certificate of payment and cash receipt.

Upon each payment of tonnage tax or light money, the master of the vessel shall be given a certificate on Customs Form 1002 on which the control number of the cash receipt (Customs Form 5104) upon which payment was recorded shall be written. This certificate shall constitute the official evidence of such payment and shall be presented upon each entry during the tonnage year to establish the date of commencement of the tonnage year and to insure against overpayment. In the absence of the certificate, evidence of payment of tonnage tax shall be obtained from the district director to whom the payment was made.

(R.S. 251, as amended, secs. 2, 3, 23 Stat.118, as amended, 119, as amended, sec. 624, 46 Stat. 759, sec. 101, 76 Stat. 72; (5 U.S.C. 301, 19 U.S.C. 66, 1202, 1624, 46 U.S.C. 2, 3, Gen. Hdnote 11, Tariff Schedules of the United States))

William von Raab,

Commissioner of Customs.

Approved: March 29, 1985.

John M. Walker, Jr.,

Assistant Secretary of the Treasury.

[FR Doc. 85–9350 Filed 4–17–85; 8:45 am]

BILLING CODE 4820-02-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 179

[Docket No. 84F–0287]

Irradiation in the Production, Processing, and Handling of Food

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the regulations that permit gamma radiation treatment of food by expanding the specific list of dried spices and vegetable seasonings to include additional herbs, spices, and vegetable seasonings, and blends of these seasonings. This action responds to a petition filed by Radiation Technology, Inc.

DATES: Effective April 18, 1985. Objections by May 20, 1985.

ADDRESS: Written objections to the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Clyde A. Takeguchi, Center for Food Safety and Applied Nutrition (HFF–334), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–472–5690.

SUPPLEMENTARY INFORMATION:

Introduction

In a notice published in the **Federal Register** of September 26, 1984 (49 FR 37851), FDA announced that a petition (FAP 4M3812) had been filed by Radiation Technology, Inc., Lake Denmark Rd., Rockaway, NJ 07866, proposing that the food additive regulations be amended to provide for the safe use of a cobalt-60 or cesium-137 source of gamma radiation to control insect and microbial infestation in certain dried herbs, dried spices, and dried vegetable seasonings at doses not to exceed 10 kiloGray (kGy) (1 megarad,

Mrad). The petitioner specifically sought authorization to irradiate spice blends, many of which contain sodium chloride.

Background

In the Federal Register of July 5, 1983 (48 FR 30613), FDA issued a final rule amending § 179.22 *Gamma radiation for the treatment of food* (21 CFR 179.22) to provide for the use of a source of gamma radiation to control microbial contamination in several specifically named dried spices and dried vegetable seasonings at doses not to exceed 10 kGy (1 Mrad).

During the 30-day objection period, FDA received five submissions: Two from spice companies, two from trade associations, and one from a radiation equipment manufacturer. These submissions are addressed in a notice published elsewhere in this issue of the Federal Register.

FDA is also conducting a separate rulemaking proceeding on food irradiation that will deal comprehensively with all the issues attendant to such a process. In the Federal Register of February 14, 1984 (49 FR 5714), FDA issued a proposed rule that would establish:

1. General provisions for good food irradiation practice;

2. Specific conditions of use for specific radiation sources to inhibit growth and maturation of fresh fruits and vegetables and to control insect infestation of food at doses not to exceed 1 kGy, and to control microorganisms on the previously regulated dried spices and dried vegetable seasonings at doses not to exceed 30 kGy; and

3. Labeling requirements for nonretail containers to bear the statement "Treated with ionizing radiation—do not irradiate again."

The agency has received over 4,500 comments in response to the proposed rule. FDA will respond to all comments filed in response to the proposal, including those on spices as a minor food class, in the final regulation on food irradiation. In that document, FDA will also respond to the comments filed in response to the July 5, 1983 final rule.

In the Federal Register of June 19, 1984 (49 FR 24968), FDA published an amendment to the July 5, 1983 final rule to permit the use of sources of gamma radiation to control insect infestation in addition to microbial contamination of the same spices and vegetable seasonings.

FDA has evaluated information submitted by the petitioner, as well as information already in FDA's files, and concludes that the proposed use of gamma radiation is safe and that the regulations should be amended as set forth below.

In evaluating the petition, the agency considered whether data on the effects in mice of consuming irradiated chicken from a U.S. Department of Agriculture-sponsored study conducted by Raltech were relevant to this petition. Citing this study, comments claimed that mice fed irradiated chicken were found to show a significant increase in testicular tumors.

FDA has referred this study to the National Toxicology Program (NTP) Board of Scientific Counselors for peer review. Nonetheless, the agency believes that the U.S. Department of Agriculture-sponsored study, even if it shows adverse effects, is not relevant to the narrow issue of the safety of irradiating dry herbs, spices, and vegetable seasonings. The study is of particular concern, however, because it raises the possibility that certain radiolytic products produced in the chicken as a result of irradiation might be carcinogenic.

The food and water composition of chicken is totally different from dried herbs, spices, and seasonings. Chicken contains high levels of moisture while dry spices contain negligible amounts of water. Moisture has a significant effect on radiation chemistry. Chicken is a high-protein food while herbs, spices, and seasonings have essentially no nutrients. Thus, the radiolytic products formed in these vastly different foods would be different. Furthermore, irradiation parameters of dose, temperature, and atmosphere used in the irradiated chicken study are different from those used for spices and seasonings.

After it has reviewed the NTP findings, the agency will fully address those results as well as all implications of the U.S. Department of agriculture-sponsored study in the final regulation on irradiated foods.

In accordance with § 171.1(h) (21 CFR 171.1(h)), the petition and the documents that FDA considered and relied upon in reaching its decision to approve the petition are available for inspection at the Center for Food Safety and Applied Nutrition (address above) by appointment with the information contact person listed above. As provided in 21 CFR 171.1(h), the agency will delete from the documents any materials that are not available for public disclosure before making the documents available for inspection.

The agency has carefully considered the potential environmental effects of this action and has concluded that the action will not have a significant impact on the human environment and that an environmental impact statement is not required. The agency's finding of no significant impact and the evidence supporting that finding may be seen in the Dockets Management Branch (address above) between 9 a.m. and 4 p.m., Monday through Friday.

List of Subjects in 21 CFR Part 179

Food additives, Food packaging, Irradiation of food.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201(s), 409, 72 Stat. 1784–1788 as amended (21 U.S.C. 321(s), 348)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10), Part 179 is amended in § 179.22 in the table in paragraph (b) by removing the item "Garlic powder; Onion powder; Spices, dried * * *" and by alphabetically inserting a new item, to read as follows:

PART 179—IRRADIATION IN THE PRODUCTION, PROCESSING, AND HANDLING OF FOOD

§ 179.22 Gamma radiation for the treatment of food.

* * * * *

(b) * * *

Food for irradiation	Limitations	Use
The following dried herbs, spices, and vegetable seasonings: Allspice; anise; basil; bay leaves; caraway seed; caraway, black (black cumin); cardamon; celery seed; chamomile; chervil; chives; cinnamon; cloves; coriander; cumin seed; dill seed; dill weed; fennel seed; fenugreek; garlic powder; ginger; grains of paradise (melegueta pepper); horseradish; mace; marjoram; mustard seed; mustard flour; nutmeg; onion powder; orange petals; oregano; paprika; parsley; pepper, black; pepper, white; pepper, red; peppermint; poppy seed; rosemary; saffron; sage; savory; sesame seed; spearmint; star aniseed; tarragon; thyme; turmeric. Blends of the substances listed above may contain sodium chloride as a minor component.	Absorbed dose: Not to exceed 10 kiloGray (kGy) (1 megarad, Mrad).	Control of insects and/or microorganisms.

* * * * * * *

Any person who will be adversely affected by the foregoing regulation may at any time on or before May 20, 1985, submit to the Dockets Management Branch (address above) written objections thereto and may make a written request for a public hearing on the stated objections. Each objection shall be separately numbered and each numbered objection shall specify with

particularity the provision of the regulation to which objection is made. Each numbered objection on which a hearing is requested shall specifically so state; failure to request a hearing for any particular objection shall constitute a wavier of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held; failure to include such a description and analysis for any particular objection shall constitute a waiver of the right to a hearing on the objection. Three copies of all documents shall be submitted and shall be identified with the docket number found in brackets in the heading of this regulation. Received objections may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Effective date. This regulation is effective April 18, 1985.

(Secs. 201(s), 409, 72 Stat. 1784–1788 as amended (21 U.S.C. 321(s), 348))

Dated: April 12, 1985.

Joseph P. Hile,

Associate Commissioner for Regulatory Affairs.

[FR Doc. 85–9453 Filed 4–17–85; 8:45 am]

BILLING CODE 4160–01–M

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21 CFR Part 179

[Docket No. 80F–0368]

Irradiation in the Production, Processing, and Handling of Food; Response to Submissions

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice; final rule-related.

SUMMARY: The Food and Drug Administration (FDA) is responding to submissions filed in response to a rule that provided for the additional use of a source of gamma radiation to control microbial contamination in dried spices and vegetable seasonings.

FOR FURTHER INFORMATION CONTACT: Clyde A. Takeguchi, Center for Food Safety and Applied Nutrition (HFF–334), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–472–5690.

SUPPLEMENTARY INFORMATION: In a notice published in the **Federal Register** of October 17, 1980 (45 FR 69044), FDA announced that a food additive petition (FAP OM3516) had been filed by Radiation Technology, Inc., Lake Denmark Rd., Rockaway, NJ 07866, proposing that § 179.22 *Gamma radiation for the treatment of food* (21 CFR 179.22) be amended to provide for the safe use of a cobalt-60 or a cesium-137 source of gamma radiation to reduce or control microbial contamination in spices, natural flavorings, and dehydrated vegetable seasonings by irradiating those foods at doses up to 10 kiloGary (1 megarad, Mrad).

In the **Federal Register** of July 5, 1983 (48 FR 30613), FDA issued a final rule amending § 179.22 to provide for the additional use of a source of gamma radiation to control microbial contamination in those dried spices and vegetable seasonings. The final rule provided a 30-day period for the filing of objections and requests for a hearing.

FDA received five submissions in response to that final rule: two from spice companies, two from trade associations, and one from a radiation equipment manufacturer. All submissions were generally supportive of the regulation and none requested a hearing.

One of the submissions specifically stated that it was not an objection, and FDA does not believe that any of the submissions constitutes a valid objection for the following reasons. All the submissions supported the final regulation; they did not specify with particularity any provision of the regulation to which they objected, as required by 21 CFR 12.22(a)(3). Rather, the submissions argued that the agency should expand the regulation; for example, to include additional spices, higher doses, or a different source of radiation. Such arguments are not relevant to the petition under consideration here. However, FDA is also conducting a general rulemaking on food irradiation that will deal comprehensively with all the issues raised in the submissions.

In the **Federal Register** of February 14, 1984 (49 FR 5714), FDA published a proposed regulation that would permit the use of low doses of radiation to control insects in food and to prevent the growth and maturation of fresh fruits and vegetables, and to increase the maximum permitted dose for dried spices and vegetable seasonings. The submissions in response to the July 5, 1983 regulation (48 FR 36013) raise issues that are currently under consideration in the general rulemaking initiated on February 14, 1984. Accordingly, these submissions will be treated as comments on the 1984 proposal, and FDA will respond to those comments in the preamble to the final regulation on food irradiation.

One of the submissions on the 1983 regulation questioned the need for labeling of retail packages, as required by 21 CFR 179.22 and 179.24 since 1966 (July 13, 1966; 31 FR 9491). A resolution of the labeling question is not appropriate in the context of the 1983 rulemaking discussed here, because, as stated earlier, the petition (FAP OM 3516) did not request that the labeling requirements be amended. However, FDA's February 14, 1984 proposed rule discussed the labeling issue and requested further comments on the appropriateness and usefulness of specific labeling approaches, as well as on the general labeling issue. FDA will consider this submission and other comments on the labeling issue in its final regulation on food irradiation.

This notice simply discusses submissions in response to the July 5, 1983 final rule. Because no proper objections or requests for a hearing were submitted, the effective date of the final regulation (July 5, 1983) is unaffected by this notice.

Dated: April 12, 1985.

Joseph P. Hile,

Associate Commissioner for Regulatory Affairs.

[FR Doc. 85–9454 Filed 4–17–85; 8:45 am]

BILLING CODE 4160–01–M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 301

[T.D. 8020]

Procedure and Administration; Tax Shelter Registration

AGENCY: Internal Revenue Service, Treasury.

ACTION: Temporary regulations.

SUMMARY: This document contains temporary regulations relating to tax shelter registration. These regulations affect tax shelter organizers required to register tax shelters under section 6111. The changes made by these regulations are necessary because revised instructions to Form 8264, Application for Registration of a Tax Shelter, were issued on November 19, 1984.

DATE: These temporary regulations are effective April 18, 1985.

FOR FURTHER INFORMATION CONTACT: Cynthia L. Clark of the Legislation and Regulations Division, Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, D.C. 20224 (Attention: CC:LR:T) (202–566–3828, not a toll-free call).

SUPPLEMENTARY INFORMATION:

Background

These amendments modify Treasury Decision 7964, published in the **Federal Register** for August 15, 1984 (49 FR 32712). T.D. 7964 provided regulations under section 6111 as enacted by the Tax Reform Act of 1984 (Pub. L. 98–369, 98 Stat. 678). In addition, the text of T.D. 7964 served as the text of proposed regulations cross referenced in the Notice of Proposed Rulemaking in the Proposed Rules section of the **Federal Register** for August 15, 1984 (49 FR 32728).

Section 301.6111–2T as added by T.D. 7964 provided supplemental questions and answers relating to instructions to Form 8264, Application for Registration of a Tax Shelter. On November 19, 1984, the Internal Revenue Service issued revised instructions to Form 8264, incorporating the substance of § 301.6111–2T. Because of the revised instructions, § 301.6111–2T is no longer necessary. Accordingly, these amendments remove § 301.6111–2T. The temporary regulations as amended by this document will remain in effect until superseded by additional temporary regulations or by final regulations on this subject.

Executive Order 12291; Regulatory Flexibility Act

The Commissioner of Internal Revenue has determined that this temporary rule is not a major rule as defined in Executive Order 12291. Accordingly, a Regulatory Impact Analysis is not required. A general notice of proposed rulemaking is not required for temporary regulations. Accordingly, the temporary regulations are not subject to the Regulatory Flexibility Act (5 U.S.C. chapter 6).

Drafting Information

The principal author of these regulations is Cynthia L. Clark of the Legislation and Regulations Division of the Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participate in developing the regulations on matters of both substance and style.

List of Subjects in 26 CFR Part 301

Administrative practice and procedure, Bankruptcy, Courts, Crime, Employment taxes, Estate taxes, Excise taxes, Gift taxes, Income taxes, Investigations, Law enforcement, Penalties, Statistics, Taxes, Disclosure of information, Filing requirements.

Adoption of Amendments to the Regulations

Accordingly, 26 CFR Part 301 is amended as follows:

PART 301—[AMENDED]

§ 301.6111–2T [Removed]

26 CFR Part 301 is amended by removing § 301.6111–2T.

There is need for immediate guidance with respect to the provisions contained in this Treasury decision. For this reason, it is found impracticable to issue it with notice and public procedure under subsection (b) of section 553 of Title 5 of the United States Code or subject to the effective date limitation of subsection (d) of that section.

This Treasury decision is issued under the authority contained in section 6111 and 7805 of the Internal Revenue Code of 1954 (98 Stat. 678, 26 U.S.C. 6111; 68A Stat. 917, 26 U.S.C. 7805).

Roscoe L. Egger, Jr.,

Commissioner of Internal Revenue.

Approved: March 27, 1985.

Ronald A. Pearlman,

Assistant Secretary of the Treasury.

[FR Doc. 85–9399 Filed 4–17–85; 8:45 am]

BILLING CODE 4830–01–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 100

[CGD3 84–74]

Regatta; Empire State Regatta, Albany, NY

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: Special Local Regulations are being adopted for the Empire State Regatta being sponsored by the Capital Rowing Club, Inc. of New Scotland, New York. This event will be held on June 8–9, 1985 between the hours of 9:00 a.m. and 6:00 p.m. daily. This regulation is needed to provide for the safety of participants and spectators on navigable waters during the event.

EFFECTIVE DATE: This regulation becomes effective on June 7, 1985 at 6:00 a.m. and terminates on June 10, 1985 at 6:00 a.m.

FOR FURTHER INFORMATION CONTACT: Lt. D. R. Cilley, (212) 668–7974.

SUPPLEMENTARY INFORMATION: On December 13, 1984 the Coast Guard published a notice of proposed rulemaking in the **Federal Register** for this regulation (49 FR 48574). Interested persons were requested to submit comments and one comment was received.

Drafting Information

The drafters of this regulation are Lt. D.R. Cilley, Project Officer, Boating Safety Office, and Ms. MaryAnn Arisman, Project Attorney, Third Coast Guard District Legal Office.

Discussion of Regulations

The Empire State Regatta is sponsored by the Capital Rowing Club, Inc. of New Scotland, New York on behalf of the United States Rowing Association. This special crew racing event will serve as the 1985 Northeast Regional Championships. The races will be held on a 2000-meter course on the Hudson River in Albany, New York. Approximately 250 crew shells, ranging in size from 26 to 68 feet in length will race in heats throughout the day from 9:00 a.m. to 6:00 p.m. on both days. The race course will consist of 6 lanes marked by 7 rows of buoys anchored to the bottom of the river. Small fluorescent buoys will be set in the river on June 7, 1985 and will be removed during the evening of June 9, 1985. Several of these buoys will be lighted so as to mark the corners of the race course. The sponsor shall provide several vessels which will assist the Coast Guard Patrol Commander in controlling the event and spectator craft. The sponsor will provide vessels to patrol the north, south and western edge of the race course. The sponsor will also provide vessels to escort spectator/transiting vessels through the race course area. The Coast Guard intends to restrict vessel movement within this section of the Hudson River during this event to provide for the safety of the participants and spectators on navigable waters. Vessels less than 20 meters in length will be allowed to transit the regulated area under escort at no wake speeds at specified intervals (approximately every 2 hours) throughout each race day as directed by the Coast Guard Patrol Commander. At all other times during the effective period the sponsor will provide patrol vessels to escort vessels less than 20 meters in length along the eastern edge of the Hudson River through the regulated area at frequent intervals so as to not inconvenience transiting vessels. Larger vessels will not be allowed to pass through the regulated area at any time during the effective period unless in an emergency and authorized by the Coast Guard Patrol Commander. The Coast Guard Captain of the Port of New York has contacted

numerous commercial/oil facilities along the Hudson River, north of the regulated area, asking their cooperation in scheduling any vessel transits so as not to interfere with this event. Mariners are urged to use extreme caution when transiting the regulated area. The Coast Guard will issue a safety voice broadcast and this regulation will be published in the Local Notice to Mariners to advise the general public and commercial users on the Hudson River of the event.

Discussion of Comments

Interested parties were encouraged to comment on the proposed regulation. One comment was received. The sponsor of this event made several suggestions concerning the method by which vessels would be escorted through the regulated area. The sponsor suggested that vessels be required to transit the regulated area under escort at all times during the effective period. This change should not adversely impact the vessels that would normally be passing through this section of the river. It is being made so as to avoid incidents which might cause injury or damage to the transiting vessels, their occupants and the race course buoy system. The sponsor had previously agreed to provide vessels to escort other vessels through the regulated area during scheduled breaks between heats of the crew races. The sponsor will now provide this service while the buoy system is being set up, taken down and after each day of races. Vessels headed for or departing the Albany Yacht Club will also be required to transit the regulated area under escort. The sponsor will provide a contact person at the yacht club who will arrange for an escort patrol vessel. All vessels will be escorted along the eastern shore of the Hudson River. Tension cables will run from the race course to the north, south and west. The lack of cables to the east will allow transiting vessels to use the entire amount of charted depth of water to safely navigate their vessels through the regulated area. The sponsor has assured the Coast Guard that they will provide enough patrol vessels to ensure transiting vessels will not be unduly delayed while waiting for escort through the regulated area.

Economic Assessment and Certification

These regulations are considered to be non-major under Executive Order 12291 on Federal Regulation and nonsignificant under Department of Transportation regulatory policies and procedures (44 FR 11034; February 26, 1979). The economic impact of this proposal is expected to be so minimal that a full regulatory evaluation is unnecessary. This event will draw a large spectator crowd along the shores of the Hudson River which should compensate certain area merchants for the inconvenience of having navigation restricted. Smaller craft will be allowed to transit the regulated area under escort at specified times throughout the effective period. A phone survey of commercial facilities who rely on the river to move their product indicates that there is not a lot of traffic which would be inconvenienced by this closure of the river. Only 7 commercial vessels passed through this portion of the river during a 7-day period in early June, 1984. Since the impact of this regulation is expected to be minimal, the Coast Guard certifies that it will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 33 CFR Part 100

Marine safety, Navigation (water).

Final Regulation

PART 100—[AMENDED]

In consideration of the foregoing, Part 100 of Title 33, Code of Federal Regulations is amended by adding a temporary § 100.35–313 to read as follows:

§ 100.35–313 Empire State Regatta, Albany, New York.

(a) *Effective Dates:* This regulation will be effective from 6:00 a.m. on June 7, 1985 to 6:00 a.m. on June 10, 1985.

(b) *Regulated Area:* That section of the Hudson River between the Route I–90 Interchange Bridge on the north and the northern end of Culver Dike on the south.

(c) *Special Local Regulations:* (1) The regulated area shall be intermittently closed to all vessel traffic from 6:00 a.m. June 7, 1985 to 6:00 a.m. June 10, 1985 except as specified below or as directed by the Coast Guard Patrol Commander.

(2) Vessels greater than 20 meters in length shall not transit the regulated area at any time during the effective period unless directed by the Coast Guard Patrol Commander.

(3) Vessels less than 20 meters in length may transit the regulated area under escort as specified in paragraphs (4)–(6) of this section. Unless otherwise directed by the Coast Guard Patrol Commander transiting vessels shall at all times: Proceed at no wake speeds, remain clear of the race course areas as marked by the sponsor-provided buoys, not interfere with races or any shells in the area, make no stops and keep to the eastern edge of the Hudson River.

(4) From 9:00 a.m. to 6:00 p.m. on both June 8 and 9, 1985 vessels permitted to transit shall be escorted by a sponsor provided patrol vessel at specified intervals (approximately every 2 hours) or as directed by the Coast Guard Patrol Commander.

(5) At times other than those specified in paragraph (4), vessels permitted to transit shall also do so under the escort of a sponsor provided patrol vessel. The sponsor shall ensure that these vessels are escorted through the regulated areas as expeditiously as possible.

(6) During the effective period vessels approaching or departing the Albany Yacht Club shall be escorted through this portion of the regulated area. Escort shall be arranged by contacting the sponsor's representative at the yacht club.

(7) No person or vessel shall anchor or remain in the regulated area during the effective period unless participating in the event or authorized by Coast Guard patrol personnel.

(8) All persons and vessels shall comply with the instructions of U.S. Coast Guard patrol personnel. Upon hearing five or more blasts from a U.S. Coast Guard vessel, the operator of a vessel shall stop immediately and proceed as directed. U.S. Coast Guard patrol personnel include commissioned, warrant and petty officers of the Coast Guard. Members of the Coast Guard Auxiliary may be present to inform vessel operators of this regulation and other applicable laws.

(9) For any violation of this regulation, the following maximum penalties are authorized by law:

(i) $500 for any person in charge of the navigation of a vessel.

(ii) $500 for the owner of a vessel actually on board.

(iii) $250 for any other person.

(iv) Suspension or revocation of a license for a licensed officer.

(33 U.S.C. 1233; 49 U.S.C. 108(b); 49 CFR 1.46(b) and 33 CFR 100.35)

Dated: April 9, 1985.

P.A. Welling,

Captain, U.S. Coast Guard, Acting Commander, Third Coast Guard District.

[FR Doc. 85–9358 Filed 4–17–85; 8:45 am]

BILLING CODE 4910-14-M

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33 CFR Part 165

[COTP Louisville, Ky., Regulation 85–10]

Safety Zone Regulations; Louisville, KY

AGENCY: Coast Guard, DOT.

ACTION: Emergency rule.

SUMMARY: The Coast Guard is establishing a safety zone for the Ohio River mile 603.5 to 604.4. The zone is needed to protect all vessels and spectators observing the Kentucky Derby Festival from a safety hazard associated with launching of fireworks from a barge. Entry into this zone is prohibited unless authorized by the Captain of the Port.

EFFECTIVE DATES: This regulation becomes effective at 8:30 p.m. on 28 April 1985. It terminates at 11:30 p.m. on 28 April 1985. Times given are local time.

FOR FURTHER INFORMATION CONTACT: LTJG Tunstall at (502) 582–5194.

SUPPLEMENTARY INFORMATION: A notice of proposed rule making was not published for this regulation and it is being made effective in less than 30 days after **Federal Register** publication. Publishing an NPRM and delaying its effective date would be contrary to the public interest since immediate action is needed to prevent possible damage to the vessels involved.

Drafting Information

The drafters of this regulation are LTJG Tunstall (502) 582–5194, Project Officer for the Captain of the Port, and LT Kilroy, Project Attorney, Second Coast Guard District Legal Office.

Discussion of Regulation

The event requiring this regulation will begin at 9:00 p.m. and end at 11:00, 28 April 1985. A display of fireworks will be launched from a tow/barge combination located at mile 604.0, Ohio River. The river closure is needed to protect river traffic and spectators.

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Security measures, Vessels, Waterways.

Regulation

PART 165—[AMENDED]

In consideration of the foregoing, Part 165 of Title 33, Code of Federal Regulations, is amended by adding a new 33 CFR 165.T0206 to read as follows:

§ 165.T0206 Safety Zone: All waters of the Ohio River from mile 603.5 to 604.4.

(a) *Location.* The following area is a safety zone: All waters of the Ohio River from mile 603.5 to 604.4.

(b) *Regulations:*

(1) In accordance with the general regulations in § 165.23 of this part, entry into this zone is prohibited, unless authorized by the Captain of the Port.

(2) The Captain of the Port's representative may be contacted on VHF radio channel 16 during the race.

(33 U.S.C. 1225 and 1231; 49 CFR 1.46; 33 CFR 160.5)

Dated: April 9, 1985.

L.J. Beach, LCDR,

Alternate Captain of the Port, Louisville, Kentucky.

[FR Doc. 85–9368 Filed 4–17–85; 8:45 am]

BILLING CODE 4910–14–M

33 CFR Part 165

[COTP San Diego Regulation 85–05]

Safety Zone Regulations; San Clemente Island, CA, Pacific Ocean

AGENCY: Coast Guard, DOT.

ACTION: Emergency rule.

SUMMARY: The Coast Guard is establishing a safety zone in the vicinity of West Cove, San Clemente Island, California. This safety zone is being established at the request of the United States Navy and is needed to protect an underwater cable array in that location from damage due to vessels anchoring in this location. Vessels may transit this zone without restriction, but are prohibited from anchoring in this zone.

EFFECTIVE DATES: This regulation becomes effective on April 18, 1985. It terminates on August 16, 1985.

FOR FURTHER INFORMATION CONTACT: LT Steven P. Mojonnier, USCG, c/o U.S. Coast Guard Captain of the Port, 2710 N. Harbor Drive, San Diego, CA 92101, telephone (619) 293–5860.

SUPPLEMENTARY INFORMATION: A notice of proposed rulemaking (NPRM) was not published for this regulation and it is being made effective in less than 30 days after **Federal Register** publication. Publishing an NPRM and delaying its effective date would be contrary to the public interest since immediate action is needed to prevent damage to the underwater cable array.

Drafting Information

The drafters of this regulation are LT Steven P. Mojonnier, project officer for the Captain of the Port, and LT Catherine McNally, project attorney, Eleventh Coast Guard District Legal Office.

Discussion of Regulation

In September 1984, the U.S. Navy established an underwater cable array in West Cove, San Clemente Island. This cable array is highly susceptible to damage from vessels anchoring in the area. Since the cable array was established, the operator of the cable array has had difficulty controlling vessels anchoring in the area. The U.S. Navy has requested that the U.S. Army Corps of Engineers establish a restricted area in this location, under the authority of section 1, Title 33, United States Code (U.S.C.) to protect the cable array. This rulemaking will take at least 4 months to accomplish. In the meantime, the U.S. Navy has requested that the Captain of the Port of San Diego establish a temporary safety zone in this location, under the authority of Title 33, Code of Federal Regulations, Part 165, to protect the cable array until the restricted area can be established. Vessels may transit this area without restriction, but are prohibited from anchoring in the zone unless authorized by the Captain of the Port or the operator of the cable array, Commander, Anti-Submarine Warfare Wing, U.S. Pacific Fleet, San Diego, California.

It is anticipated that this regulation will have no significant impact on vessel operators in the area of San Clemente Island. Sufficient alternate anchorage areas are available to accommodate the vessels now anchoring in this area. These alternate areas are as close to shore and as convenient to use as the area of this zone.

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Security measures, Vessels, Waterways.

PART 165—[AMENDED]

Regulation

In consideration of the foregoing, Part 165 of Title 33, Code of Federal Regulations, is amended by adding a new § 165.T1181 to read as follows:

§ 165.T1181 Safety Zone: San Clemente Island, California, Pacific Ocean.

(a) *Location:* The waters within the following boundaries are a safety zone:

Starting at a point on the shore of San Clemente Island at West Cove in position 33°00'52" N, 118°36'18" W, for a point of beginning thence southwesterly to 32°59'30" N, 118°37'30" W; thence southerly to 32°58'30" N, 118°36'40" W; thence northeasterly to 33°00'40" N; 118°35'27" W; thence generally westerly along the shore of San Clemente Island to the point of beginning.

(b) *Special Regulations:*

(1) All vessels may transit or navigate within the safety zone.

(2) No vessel may anchor within the safety zone without the permission of

the Captain of the Port or Commander, Anti-Submarine Warfare Wing, U.S. Pacific Fleet.

(33 U.S.C. 1225 and 1231; 49 CFR 1.46; 33 CFR 160.5)

Dated: April 5, 1985.

E.A. Harmes,

Commander, U.S. Coast Guard, Captain of the Port, San Diego, California.

[FR Doc. 85-9361 Filed 4-17-85; 8:45 am]

BILLING CODE 4910-14-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[KY-024; A-4-FRL-2821-1]

Approval and Promulgation of Implementation Plans, Kentucky; Variances for Volatile Organic Compound Sources

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: EPA is today approving variances for two dry cleaning establishments in Mitchell and Cold Springs, Kentucky. The variances will allow the two dry cleaners to continue to emit at current uncontrolled levels. The revisions will not interfere with the "Reasonable Further Progress" toward attainment of the ozone standard in this area. The revisions are supported by economic considerations. This action was proposed in the **Federal Register** on October 12, 1984, and no comments were received.

DATE: This action is effective May 20, 1985.

ADDRESSES: Copies of the materials submitted by the State may be examined during normal business hours at the following locations:

Public Information Reference Unit, Library Systems Branch, Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460

Kentucky Department for Environmental Protection, Fort Boone Plaza, Building 2, 18 Reilly Road, Frankfort, Kentucky 40601

Air Management Branch, EPA, Region IV, 345 Courtland Street NE., Atlanta, Georgia 30365

Office of the Federal Register, 1100 L Street NW., Room 8401, Washington, D.C. 20005.

FOR FURTHER INFORMATION CONTACT: Cheryl Espy, Environmental Protection Agency, Region IV Air Management Branch, 345 Courtland Street NE., Atlanta, Georgia 30365, telephone 404/881-3016 (FTS: 257-3016).

SUPPLEMENTARY INFORMATION: The Commonwealth of Kentucky adopted Volatile Organic Compound Regulations as part of their ozone State Implementation Plan on June 5, 1979. Regulations 401 KAR 59:240 and 61:160 provide for the control of volatile organic compound emissions from perchloroethylene dry cleaning systems. Variance provisions contained in these regulations allow for sources, on a case-by-case basis, to be excused from complying with the established emission limits contained in the regulation. These requests must be supported by adequate technical information due to technological or economic circumstances. The following variances were granted based upon economic hardship in complying with Reasonably Available Control Technology (RACT). RACT is defined as the lowest emission limit that a particular source is capable of meeting by the application of control technology that is reasonably available considering technological and economic feasibility.

Jiffy The Cleaners of Ft. Mitchell, Kentucky, a perchloroethylene dry cleaning plant, applied for a technical variance with the Kentucky Division of Air Pollution Control on April 27, 1983. A preliminary determination was made to grant the variance. A public hearing was held on August 17, 1983, and no comments were received. Under the provisions of Regulation 401 KAR 59:240, New Perchloroethylene Dry Cleaning Systems, Jiffy the Cleaners requested and received an economic variance from the Kentucky Division of Air Pollution Control. Kentucky submitted to EPA this proposed revision of the State Implementation Plan on August 12, 1984.

The Kentucky Division of Air Pollution Control based its economic evaluation on the method of analysis as set forth in the applicable Control Techniques Guideline (CTG) document (EPA-450/2-78-050). This particular document is related to the control of volatile organic compounds (VOC), specifically perchloroethylene, from all dry cleaning systems which use this solvent. The average cost for controls in the CTG was adjusted to reflect 1981 cost and was $448.00 per ton. Source control was then calculated based on the CTG, and cost calculations indicated the source would be required to spend $1,052.00 per ton to control. Thus, a more than two to one cost differential would have been incurred by the source to comply with the CTG. Further, the total emissions of VOC resulting from this variance will be 1.75 tons/year (TPY) uncontrolled emissions compared to 0.875 TPY, had this variance not been granted.

Hiland Cleaners applied for an economic variance for an existing perchloroethylene dry cleaning facility. The Kentucky Division of Air Pollution Control made a preliminary determination to grant the variance. A public hearing was held and no comments were made. The final determination of the Division was to approve an economic variance as provided for in section 7 of Regulation 401 KAR 61.160, Existing Perchloroethylene Dry Cleaning Systems. The economic variance allows for a maximum annual usage of perchloroethylene not to exceed 118 gal/yr. (0.80 tons/yr). Total emissions of VOC from this action will be 0.8 tons/yr uncontrolled compared to 0.4 had this variance not been granted. Furthermore, it was determined that the cost ($3,567.28/controlled ton of VOC's) was found to be beyond the range of reasonable available control technology cost.

It is the opinion of the Kentucky Division of Air Pollution Control that Jiffy The Cleaners and Hiland Cleaners are small and insignificant to the overall VOC control strategy in the northern Kentucky ozone nonattainment area. EPA agrees.

These variances were submitted to EPA as State Implementation Plan revisions on April 25, 1984. EPA proposed to approve them on October 12, 1984 (49 FR 40052); no comments were received.

Final Action

EPA agrees that application of the presumptive norm in the CTG is not appropriate for these two facilities. Therefore, EPA is today giving full approval to the State's variances for Jiffy The Cleaners and Hiland Cleaners. This action is effective May 20, 1985.

Under section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by 60 days from today. This action may not be challenged later in proceedings to enforce its requirements. (See 307(b)(2).)

The Office of Management and Budget has exempted this rule from the requirement of section 3 of Executive Order 12291.

Incorporation by reference of the Kentucky State Implementation Plan was approved by the Director of the Federal Register on July 1, 1982.

List of Subjects in 40 CFR Part 52

Air pollution control, Intergovernmental relations, Ozone,

Hydrocarbons, Incorporation by reference.

(Secs. 110 and 172 of the Clean Air Act, as amended (42 U.S.C. 7410 and 7502))

Dated: April 12, 1985.

Lee M. Thomas,

Administrator.

PART 52—[AMENDED]

Part 52 of Chapter I, Title 40, Code of Federal Regulations, is amended as follows:

Subpart S—Kentucky

Section 52.920 is amended by adding paragraph (c)(44) as follows:

§ 52.920 Identification of plan.

* * * * *

(c) The plan revisions listed below were submitted on the date specified.

* * * * *

(44) Variances for two dry cleaners, Jiffy The Cleaners and Hiland Cleaners, submitted on April 25, 1984, by the Kentucky Natural Resources Environmental Protection Cabinet.

[FR Doc. 85-9428 Filed 4-17-85; 8:45 am]

BILLING CODE 6560-50-M

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40 CFR Part 52

[Region II Docket No. 52; A-2-FRL-2821-4]

Approval and Promulgation of Implementation Plans; Revision to the Commonwealth of Puerto Rico Implementation Plan

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: This notice announces the Environmental Protection Agency approval under the provisions of the Clean Air Act of a revision to the Commonwealth of Puerto Rico Implementation Plan concerning a visible emissions variance for two emission units at the Sun Oil Company's plant located at Yabucoa. The variance raises the visible emissions limit as regulated under Commonwealth Rule 403, "Visible Emission," from 20 percent to 45 percent opacity for the "crude" unit, and from 20 percent opacity to 35 percent opacity for the "hot oil/final lube" unit.

EFFECTIVE DATE: This action will be effective June 17, 1985, unless notice is received by May 20, 1985, that someone wishes to submit adverse or critical comments.

ADDRESSES: All comments should be addressed to: Christopher J. Daggett, Regional Administrator, Environmental Protection Agency, Region II Office, 26 Federal Plaza, New York, New York 10278.

Copies of the SIP revision are available at the following addresses for inspection during normal business hours:

Environmental Protection Agency, Region II Office, Air Programs Branch, Room 1005, 26 Federal Plaza, New York, New York 10278

Environmental Protection Agency, Public Information Reference Unit, 401 M Street SW., Washington, D.C. 20460

The Office of the Federal Register, 1100 L Street NW., Room 8401, Washington, D.C. 20408

Environmental Qualify Board, 204 Del Parque Street, Santurce, Puerto Rico 00910.

FOR FURTHER INFORMATION CONTACT: William S. Baker, Chief, Air Programs Branch, Environmental Protection Agency, Room 1005, 26 Federal Plaza, New York, New York 10278, (212) 264-2517.

SUPPLEMENTARY INFORMATION: On September 6, 1983, the Environmental Protection Agency (EPA) received from Puerto Rico a proposed revision to the Commonwealth's Implementation Plan. The Commonwealth requested that EPA approve a visible emissions variance which it issued to the Sun Oil Company plant located in Yabucoa under the provisions of Rule 301, "Variances Authorized," of its "Regulation for the Control of Atmospheric Pollution." The effect of this variance is to establish a maximum opacity limit of 45 percent for the crude unit at this plant and 35 percent for the hot oil/final lube unit.

Stack test data submitted in support of this variance showed that the 0.3 pounds of particulate matter per million British thermal units of heat input (lb/10^6 BTU) emissions limit contained in the Commonwealth's Regulation (Rule 406) would be met with these revised opacity limits. However, because of the nature of the Puerto Rico Implementation Plan, EPA determined that additional information in the form of an air quality impact anaylsis was needed. This was because, at these revised opacity limits, emissions were in excess of the amounts assumed in the air quality attainment demonstration for particulate matter which EPA approved on November 3, 1980 (45 FR 72655). In this dispersion modeling demonstration a particulate matter emissions rate of 0.08 grains per dry standard cubic foot (g/scf) was assumed to be approximately equivalent to the 20 percent opacity requirement of Rule 403, Section A.1, Rule 117 requires that if two emission limitations apply to a source, the more stringent of the two would be the controlling limit. In this case the 20 percent opacity (or 0.08 g/scf) is the more stringent and thus the controlling limit.

EPA notified the Puerto Rico Environmental Quality Board of the need for the additional analysis on December 30, 1983. In response, on April 5, 1984 a document entitled "Yabucoa Sun Oil Company Petition for Variance from Rule 403 of the RCAP, amended version" was submitted.

EPA has determined that the crude unit at the Yabucoa Sun Oil facility will meet a 0.08 g/scf emissions limitation at the proposed 45 percent opacity limit. However, this emissions limitation would be exceeded by the hot oil/final lube unit at the requested opacity of 35 percent. In this latter case, the applicant performed, and EPA verified, an air quality dispersion analysis which demonstrated that the two units would not cause or contribute to any air quality violations if the requested revised opacity limits were approved. On these bases EPA is today approving the requested opacity variances for the crude and hot oil/final lube units. In addition, to these revised limitations the source will still remain subject to the opacity limit of Rule 403(A)(2), which allows a 60 percent opacity for a period or periods of no more than four minutes in any 30 minute interval. It should be noted that the Sun Oil Yabucoa plant is located in an area of Puerto Rico classified under section 107(d) of the Clean Air Act as attainment for all pollutants.

This notice is issued as required by section 110 of the Clean Air Act, as amended. The Administrator's decision regarding the approval of this plan revision is based on its meeting the requirements of section 110 of the Clean Air Act and 40 CFR Part 51.

EPA is approving this SIP revision request without prior proposal because it is viewed as noncontroversial and no adverse comments are anticipated. The public should be advised that this action will be effective 60 days from the date of this **Federal Register** notice. However, if notice is received within 30 days that someone wishes to submit adverse or critical comments, this action will be withdrawn and two subsequent notices will be published before the effective date. One notice will withdraw the final action and the other will begin a new rulemaking by announcing a proposal of the action and establishing a comment period.

Under section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit within 60 days of today. This action may not be challenged later in proceedings to enforce its requirements. (See 307(b)(2).)

Under 5 U.S.C. 605(b), the Regional Administrator certifies that this SIP approval will not have a significant economic impact on a substantial number of small entities. (See 46 FR 8709.)

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

List of Subjects in 40 CFR Part 52

Intergovernmental relations, Air pollution control agency, Particulate matter, Incorporation by reference.

(Secs. 110 and 301, Clean Air Act, as amended (42 U.S.C. 7410 and 7601))

Note.—Incorporation by Reference of the Implementation Plan for the Commonwealth of Puerto Rico was approved by the Director of the Federal Register on July 1, 1982.

Dated: April 12, 1985.

Lee M. Thomas,

Administrator, Environmental Protection Agency.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Title 40, Chapter I, Subchapter C, Part 52, Code of Federal Regulations, is amended as follows:

Subpart BBB—Puerto Rico

1. Section 52.2720 is amended by adding new paragraph (c)(33) as follows:

§ 52.2720 Identification of plan.

* * * * *

(c) The plan revisions listed below were submitted on the dates specified.

* * * * *

(33) Revision submitted by the Puerto Rico Environmental Quality Board on September 6, 1983, which grants a visible emissions variance from Commonwealth Rule 403, "Visible Emissions," from 20 percent to 45 percent for the crude unit and from 20 percent to 35 percent for the hot oil/final lube unit located at the Yabucoa Sun Oil Company's plant in Yabucoa.

[FR Doc. 85-9423 Filed 4-17-85; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 52

[A-10-FRL-2820-9]

Approval and Promulgation of State Implementation Plans; Oregon

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA today approves amendments to the Oregon Department of Environmental Quality (ODEQ) rules for municipal incinerators and open field burning as revisions to the Oregon State Implementation Plan (SIP). These amended rules were submitted on January 16, 1984, and March 14, 1984, by ODEQ, after adequate opportunity for public, private and industry input.

EFFECTIVE DATE: June 17, 1985.

ADDRESSES: Copies of materials submitted to EPA may be examined during normal business hours at the following locations:

Public Information Reference Unit, Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460

Air Programs Branch (10A-84-5), Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Washington 98101

State of Oregon, Department of Environmental Quality, 522 SW. Fifth, Yeon Building, Portland, Oregon 97207

Copy of the State's submittal may be examined at: The Office of the Federal Register, 1100 L Street NW., Room 8401, Washington, D.C.

FOR FURTHER INFORMATION CONTACT: David C. Bray, Air Programs Branch, M/S 532, Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Washington 98101, Telephone (206) 442-4253 (FTS) 399-4253.

SUPPLEMENTARY INFORMATION:

I. Plan Revisions

On January 16, 1984, ODEQ submitted amendments to its rules for refuse burning equipment (OAR 340-21-005, 025 and 027), which revise the emission limits applicable to small to medium-size municipal waste incinerators in the coastal areas of Oregon. These amendments relax emission limits for incinerators with capacities between 2.4 and 50 tons per day and tighten emission limits for incinerators with capacities greater than 50 tons per day. These new emission limits are consistent with the current actual emissions of the affected incinerators. On May 23, 1984, ODEQ submitted modeling results demonstrating that, under worst-case assumptions, the new allowable emission limits would not result in violations of the National Ambient Air Quality Standard or Prevention of Significant Deterioration increments for total suspended particulates (TSP). EPA is therefore approving the amended rules.

On March 14, 1984, ODEQ submitted amendments to its rules for open field burning in the Willamette Valley (OAR 340-26-001 through 045). These amendments completely restructure and revise the existing rules. However, the revisions are strictly procedural, and do not affect the amount of acreage allowed to be burned or the controls embodied in the EPA-approved smoke management plan.

EPA proposed the changes for approval on January 8, 1985 (50 FR 975). Therefore, EPA is approving the amended rules.

II. Summary of Action

EPA has determined that the amended rules satisfy the requirements of the Act and is therefore proposing to approve the following as revisions to the Oregon SIP:

(1) Amended emission limitations for municipal waste incinerators in the coastal areas of Oregon, specifically: The addition of new definitions OAR 340-21-005 (1) and (4); an amendment to OAR 340-21-025(2)(b); and the addition of new emission limitations in OAR 340-21-027; and

(2) Amended rules for open field burning in the Willamette Valley, specifically: The addition of new sections 340-26-001 "Introduction," 340-26-003 "Policy," 340-26-031 "Burning by Public Agencies (Training Fires)," 340-26-035 "Experimental Burning," 340-26-040 "Emergency Burning, Cessation," and 340-26-045 "Approved Alternative Methods of Burning (Propane Flaming); revisions to sections 340-26-005 "Definitions," 340-26-013 "Acreage Limitations, Allocations," 340-25-015 "Daily Burning Authorization Criteria," 340-26-025 "Civil Penalties," and 340-26-030 "Tax Credits for Approved Alternative Methods and Approved Alternative Facilities; "the deletion of the existing section 340-26-010 "General Provisions" and replacing it with a new section 340-26-010 "General Requirements;" the deletion of the existing section 340-26-012 "Registration and Authorization of Acreage to be Open Burned" and replacing it with a new section 340-26-012 "Registration, Permits, Fees, and Records;" and the deletion of sections 340-26-011 "Certified Alternative to Open Field Burning," and 340-26-020 "Winter Burning Season Regulations."

Under section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by June 17, 1985. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2) of the Act.)

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

(Secs. 110(a) and 301(a) of the Clean Air Act (42 U.S.C. 7410(a) and 7601(a)))

List of Subjects in 40 CFR Part 52

Intergovernmental relations, Air pollution control, Ozone, Sulfur oxides, Nitrogen dioxide, Lead, Particulate matter, Carbon monoxide.

Dated: April 12, 1985.

Lee M. Thomas,

Administrator.

Note.—Incorporation by reference of the State Implementation Plan for the State of Oregon was approved by the Director of the Federal Register on July 1, 1982.

PART 52—[AMENDED]

Part 52 of Chapter I, Title 40 Code of Federal Regulations is amended as follows:

Subpart MM—Oregon

1. In § 52.1970, paragraph (c)(69) is added as set forth below:

§ 52.1970 Identification of plan.

* * * * *

(c) * * *

(69) Amendments to the Refuse Burning Equipment Limitations rules, specifically OAR 340-21-005 (1) and (4), OAR 340-21-025(2)(b), and OAR 340-21-027, were submitted by the State Department of Environmental Quality on January 16, 1984; and amendments to the Open Field Burning rules, specifically, the addition of new sections 340-21-001, 340-26-003, 340-26-031, 340-26-035, 340-26-040 and 340-21-045, revisions to sections 340-26-005, 340-26-013, 340-26-015, 340-26-010 and replacing it with a new section 340-26-010, the deletion of the existing section 340-26-011 and 340-26-020, were submitted by the State Department of Environmental Quality on March 14, 1984.

[FR Doc. 85-9429 Filed 4-17-85; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 60

[A-7-FRL-2821-9]

Standards for Performance for New Stationary Sources (NSPS); Delegation of Authority to the State of Nebraska

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of delegation of authority.

SUMMARY: This notice announces an extension of a previously-issued delegation of authority for the implementation and enforcement of the federal Standards of Performance for New Stationary Source (NSPS) regulation, 40 CFR Part 60. The action which involved EPA and the State of Nebraska added seventeen (17) NSPS source categories to the Nebraska/NSPS delegation of authority. Except for Kraft pulp mills, the delegation now addresses all source categories for which federal NSPS have been promulgated by the agency through June 1, 1984.

EFFECTIVE DATE: April 18, 1985.

ADDRESS: All requests, reports, applications, submittals and such other communications which are required to be submitted under 40 CFR Part 60 (including the notifications required to be submitted under Subpart A of the regulation) for affected facilities in Nebraska should be sent to the Nebraska Department of Environmental Control (NDEC), P.O. Box 94877, State House Station, Lincoln, Nebraska 68509. A copy of all Subpart A related notifications must also be sent to the attention of the Director, Air and Toxics Division, U.S. EPA, Region VII, 726 Minnesota Avenue, Kansas City, Kansas 66101.

FOR FURTHER INFORMATION CONTACT: Charles W. Whitmore, Chief, Air Compliance Section, Air Branch, U.S. EPA, Region VII, at the above address (816/374-6525 or FTS: 758-6525).

SUPPLEMENTARY INFORMATION: Section 111(c) of the Clean Air Act allows the Administrator of the Environmental Protection Agency (i.e., EPA or the agency) to delegate to any state government authority to implement and enforce the standards of performance promulgated by the agency under 40 CFR Part 60. When a delegation is issued, the agency retains concurrent authority to implement and enforce the delegated standards. The delegation basically shifts the primary responsibility for implementation and enforcement of the standards from the agency to the state government.

On August 7, 1984, the agency and the State of Nebraska entered into a delegation of authority agreement whereby the State of Nebraska will automatically receive authority to implement and enforce federal standards of performance against affected facilities in Nebraska upon the adoption of the standards by the state government (see 50 FR 933).

Prior to August 7, 1984, Nebraska was delegated authority to implement and enforce the standards for 29 source categories in various delegation and extension of authority actions. These previous delegation and extension of authority actions were not affected by the action described below.

On January 11, 1985, the State of Nebraska revised Chapter 6 of the Nebraska Air Pollution Control Rules and Regulations to incorporate, by reference, seventeen (17) additional standards of performance promulgated by the agency. The NDEC subsequently informed the agency of the above action in a letter dated January 16, 1985.

The agency acknowledged the adoption and the corresponding delegation of authority actions in a letter to the NDEC on February 1, 1985. The delegation occurred under the terms of the above-mentioned August 7, 1984, automatic delegation of authority agreement.

Interested individuals are informed that, as of January 11, 1985, the State of Nebraska has EPA's authorization to implement and enforce the federally-established standards of performance for the following additional seventeen (17) source categories:

NSPS:

- Subpart CC—Glass Manufacturing Plants;
- Subpart EE—Surface Coating of Metal Furniture;
- Subpart KK—Lead Acid Battery Manufacturing Plants;
- Subpart LL—Metalic Mineral Processing Plants;
- Subpart MM—Automobile and Light-Duty Truck Surface Coating Operations;
- Subpart NN—Phosphate Rock Plants;
- Subpart PP—Ammonium Sulfate Manufacture;
- Subpart QQ—Graphic Arts Industry: Publication Rotogravure Printing;
- Subpart RR—Pressure Sensitive Tape and Label Surface Coating Operations;
- Subpart SS—Industrial Surface Coating: Large Appliances;
- Subpart TT—Metal Coil Surface Coating;
- Subpart UU—Asphalt Processing and Asphalt Roofing Manufacture;
- Subpart VV—Equipment Leaks of VOC in the Synthetic Organic Chemical Manufacturing Industry;
- Subpart WW—Beverage Can Surface Coating Industry;
- Subpart XX—Bulk Gasoline Terminals;
- Subpart GGG—Equipment Leaks of VOC in Petroleum Refineries; and,

Subpart HHH—Synthetic Fiber Production Facilities.

Effective immediately, all reports, correspondence, and such other communications that are required to be submitted under the NSPS regulation for facilities in Nebraska affected by the amended delegation of authority should be sent to the Nebraska Department of Environmental Control at the above address rather than to the EPA Region VII office, *except* as noted below.

A copy of each notification required to be submitted under 40 CFR Part 60, Subpart A, must *also* be sent to the attention of the Director, Air and Toxics Division, U.S. EPA Region VII, at the above address.

Each document and letter mentioned in this notice is available for public inspection at the EPA regional office.

This notice is issued under the authority of section 111 of the Clean Air Act, as amended (42 U.S.C. 7411).

Dated: March 29, 1985.

William Rice,

Acting Regional Administrator.

[FR Doc. 85-9420 Filed 4-17-85; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Parts 60 and 61

[A-7-FRL-2821-8]

Standards of Performance for New Stationary Sources (NSPS) and National Emission Standards for Hazardous Air Pollutants (NESHAPS); Changes of Address

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rulemaking.

SUMMARY: The EPA is today amending 40 CFR 60.4 and 40 CFR 61.04 to reflect changes of address.

EFFECTIVE DATE: April 18, 1985.

FOR FURTHER INFORMATION CONTACT: Charles W. Whitmore, Chief, Air Compliance Section, Air Branch, EPA, Region VII, 726 Minnesota Avenue, Kansas City, Kansas 66101 (816/374-6525 or FTS: 758-6525).

SUPPLEMENTARY INFORMATION: Sections 40 CFR 60.4 and 61.04, respectively, set forth the EPA regional offices and state agencies to which all requests, reports, applications, submittals, and other communications must be sent by owners and/or operators of facilities (or activities) affected by the federal Standards of Performance for New Stationary Sources (NSPS) or the National Emission Standards for Hazardous Air Pollutants (NESHAPS) regulations. The information given in 40 CFR 60.4 and 61.04 must be changed to reflect a change of address of the EPA, Region VII, office and a change of title of Iowa's air pollution control department.

The Administrator finds good cause for foregoing prior public notices of the amendments and for making this rulemaking effective immediately in that the amendments are an administrative change and not one of substantive content. No additional burdens are imposed upon the parties affected by the amendments.

This rulemaking is effective immediately and is issued under the authority of section 111 and section 112 of the Clean Air Act, as amended, 42 U.S.C. 7411 and 7412.

Dated: March 25, 1985.

Morris Kay,

Regional Administrator.

Parts 60 and 61 of Chapter I, Title 40 of the Code of Federal Regulations are amended as follows:

PART 60—[AMENDED]

1. In § 60.4, the address of Region VII in paragraph (a) and the entry for the State of Iowa in paragraph (b)(Q) are amended to read as follows:

§ 60.4 Address.

(a) * * *

Region VII (Iowa, Kansas, Missouri, Nebraska), Director, Air and Toxics Division, U.S. Environmental Protection Agency, 726 Minnesota Avenue, Kansas City, Kansas 66101.

(b) * * *

(Q) *State of Iowa:* Iowa Department of Water, Air and Waste Management, Henry A. Wallace Building, 900 East Grand, Des Moines, Iowa 50319.

* * * * *

PART 61—[AMENDED]

1. In § 61.04, the address of Region VII in paragraph (a) and the entry for the State of Iowa in paragraph (b)(Q) are amended to read as follows:

§ 61.04 Address.

(a) * * *

Region VII (Iowa, Kansas, Missouri, Nebraska), Director, Air and Toxics Division, U.S. Environmental Protection Agency, 726 Minnesota Avenue, Kansas City, Kansas 66101.

(b) * * *

(Q) *State of Iowa:* Iowa Department of Water, Air and Waste Management, Henry A. Wallace Building, 900 East Grand, Des Moines, Iowa 50319.

* * * * *

[FR Doc. 85-9421 Filed 4-17-85; 8:45 am]

BILLING CODE 6560-50-M

48 CFR Parts 1506, 1515, and 1552

[FRL-2810-3]

Acquisition Regulation; Competition in Contracting

Correction

In FR Doc. 85-8583 beginning on page 14356 in the issue of Thursday, April 11, 1985, make the following corrections:

1506.303-2 [Corrected]

1. On page 14358, second column, 1506.303-2(b), sixth line, "procurements" should read "procurement".

1506.371 [Corrected]

2. On the same page, third column, 1506.371(d)(1), "CBO" should read "CBD".

Subpart 1515.10 [Corrected]

3. On page 14359, second column, second line of the subpart heading, "Protest" should read "Protests".

1552.210-77 [Corrected]

4. On page 14360, third column, 1552.210-77, under **Management Controlling Services (Apr 1985)**, fifth line, "the the" should read "of the".

BILLING CODE 1501-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 611

[Docket No. 41276-4176]

Foreign Fishing

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Notice to respecify fishery specifications.

SUMMARY: NOAA issues this notice to respecify joint venture processing (JVP) amounts in the foreign fishing regulations for the Hake Fishery of the Northwest Atlantic Preliminary Management Plan (PMP). The JVPs are specified for Georges Bank and Southern New England silver hake, and red hake on Georges Bank. The intended effect of the new specifications is to allow processing of joint venture applications for 1985.

EFFECTIVE DATE: April 18, 1985.

FOR FURTHER INFORMATION CONTACT: Peter D. Colosi, Jr., 617-281-3600, ext. 272.

SUPPLEMENTARY INFORMATION: NOAA published a notice of initial specifications on January 4, 1985 (50 FR 468), to present the optimum yield (OY),

domestic annual harvest (DAH), domestic annual processing (DAP), joint venture processing (JVP), reserve, and total allowable level of foreign fishing (TALFF) for all foreign fisheries, including the hake fisheries conducted under the Northwest Atlantic PMP. These specifications were current as of January 1, 1985.

NMFS has received joint venture applications involving the Atlantic hakes and has reviewed the data. It reaffirms that the DAPs presented for all hakes except red hake in Northwest Atlantic areas 1–4 (Southern New England) are appropriate to satisfy the domestic processing sector, includiing projected activity in 1985 by newly operating catcher/processor vessels. Based on this review, NMFS respecifies appropriate amounts of JVP for Georges Bank and Southern New England silver hake, and transfers the reserve of red hake in NW Atlantic Area 5 to DAH and JVP. These respecifications do not modify the DAPs.

A separate notice is being issued to reassess the DAP for the Southern New England red hake stock under procedures of § 611.51(b).

The table published at 50 FR 468 (January 4, 1985) is revised as follows:

Species	Species code	AREAS	OY or TAC	DAH	DAP	JVP	Reserve	TALFF
1. NW Atlantic Ocean Fisheries								
A. Hake fisheries:								
Hake, Silver	104	NW Atlantic 1–4	30,000	20,600	5,600	15,000	0	9,400
		NW Atlantic 5	13,000	9,000	2,000	7,000	0	4,000
Hake, Red	105	NW Atlantic 5	6,000	3,500	500	3,000	0	2,500

List of Subjects in 50 CFR Part 611

Fisheries, Foreign relations, Reporting and recordkeeping requirements.

Authority: 16 U.S.C. 1801 *et seq.*, unless otherwise noted.

Dated: April 16, 1985.

William G. Gordon,

Assistant Administrator for Fisheries National Marine Fisheries Service.

[FR Doc. 85–9551 Filed 4–16–85; 4:55 pm]

BILLING CODE 3510-22-M

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50 CFR Part 672

[Docket No. 40302–21]

Groundfish of the Gulf of Alaska

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Notice of modification of closure of sablefish fishery.

SUMMARY: Following the March 18, 1985, closure of the Southeast Outside District and the East Yakutat District of the Eastern Regulatory Area of the Gulf of Alaska to further sablefish fishing, the Director, Alaska Region, NMFS (Regional Director), has determined that the fishery did not fully harvest the amounts of sablefish available. The Secretary of Commerce therefore is modifying the closure notice by reopening this fishery for five days beginning at noon, April 16, 1985. This temporary reopening is necessary to allow full utilization of the sablefish resource. It is intended as a conservation and management measure to optimize the returns to the fishing industry.

DATE: This notice is effective from noon Alaska Daylight Time (A.D.T.), April 16, 1985, until noon A.D.T., April 21, 1985.

FOR FURTHER INFORMATION CONTACT: Ronald J. Berg, (Fishery Management Biologist, NMFS), 907–586–7230.

SUPPLEMENTARY INFORMATION: In accordance with § 672.20(b), the Regional Director issued a notice under § 672.22(a) prohibiting further fishing for sablefish in the Southeast Outside and East Yakutat Districts from noon, March 18, 1985, until midnight December 31, 1985 (50 FR 11368, March 21, 1985). The Regional Director took that action based on estimates of sablefish catches that had already been landed and sablefish that were projected to have been caught but not yet landed. From these estimates, the Regional Director calculated that a harvest near the upper end of the OY ranges of 470–1,435 mt and 850–1,135 mt, for the Southeast Outside and East Yakutat Districts, respectively, would be achieved on March 18, 1985.

Comments on that action were invited until April 2, 1985. Although no written comments were received, considerable interest was expressed by representatives of the fishing industry that the sablefish fishery should be reopened if information were submitted that indicated a shortfall in the harvest.

Following the closure, final catches were tabulated and catches per unit of effort (CPUE) were analyzed. The total 1985 catch in the Southeast Outside and East Yakutat Districts is now known to be 2,058 mt. This amount is smaller than the total 1984 catch of about 2,692 mt. The 1985 CPUE, calculated after the closure, is 0.67 pounds per hook. In 1984, the CPUE was about 0.62 pounds per hook during a similar period. The Regional Director has thus determined that the current size of the sablefish stock is at least as large as it was in 1984 when a much larger harvest occurred. Therefore, he has decided that an additional harvest should be allowed to fully utilize the sablefish resource.

In light of this information, and in accordance with § 672.22(b)(4)(iv), the Regional Director is modifying the notice of closure by reopening the sablefish fishery at noon A.D.T., April 16, 1985, until noon A.D.T., April 21, 1985, at which time the previously advertised closure will take effect until midnight, December 31, 1985.

This temporary reopening will be effective after this notice is filed for public inspection with the Office of the Federal Register and after it has been publicized for 48 hours through procedures of the Alaska Department of Fish and Game.

Other matters

Conservation and management of sablefish in the Southeast Outside and East Yakutat Districts will be adversely affected unless this action takes effect promptly. The agency therefore finds for good cause that advance opportunity for public comment on this notice is contrary to the public interest and that its effective date should not be delayed.

This action is taken under § 672.22(a)(3)(ii) and (b)(4)(iv) and complies with Executive Order 12291. It is not subject to the requirements of the Regulatory Flexibility Act. It does not contain any collection of information

request, as defined in the Paperwork Reduction Act.

List of Subjects in 50 CFR Part 672

Fisheries.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: April 12, 1985.

Joseph W. Angelovic,

Deputy Assistant Administrator for Science and Technology, National Marine Fisheries Service.

[FR Doc. 85-9280 Filed 4-15-85; 8:45 am]

BILLING CODE 3510-22-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

42 CFR Parts 400, 405, 412, 431, 433, 456, 460, 462, and 466

[HSQ-108-F]

Medicare and Medicaid Programs; Utilization and Quality Control Peer Review Organization (PRO): Assumption of Medicare Review Functions and Coordination With Medicaid

Correction

In FR Doc. 85-9003 beginning on page 15312 in the issue of Wednesday, April 17, 1985, on page 15319, in the third column, the word "or" in the twelfth line should read, "not".

BILLING CODE 1505-01-M

Proposed Rules

Federal Register
Vol. 50, No. 75
Thursday, April 18, 1985

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Parts 870, 871, 872, and 873

Basic Life Insurance, Standard Optional Life Insurance, Additional Optional Life Insurance and Family Optional Life Insurance

AGENCY: Office of Personnel Management.

ACTION: Proposed rulemaking.

SUMMARY: The Office of Personnel Management (OPM) proposes a further reduction in the premiums for Basic coverage effective the first pay period beginning on or after August 1, 1985. OPM is also proposing to amend its regulations to permit an open enrollment period from June 1 through July 1, 1985, during which time employees otherwise eligible to participate in the Federal Employees' Group Life Insurance (FEGLI) Program will have an opportunity to add to their existing coverages or to enroll in the Program if they have previously waived all coverage.

DATE: Comments must be received on or before May 20, 1985.

ADDRESS: Written comments may be sent to Jean M. Barber, Assistant Director for Pay and Benefits Policy, Compensation Group, Office of Personnel Management, P.O. Box 57, Washington, D.C. 20044, or delivered to OPM, Room 4351, 1900 E Street, NW., Washington, D.C. 20415.

FOR FURTHER INFORMATION CONTACT: John Ray, (202) 254–7052.

SUPPLEMENTARY INFORMATION: We have monitored the experience of the FEGLI Program carefully since the substantial revisions to the Program brought about by Pub. L. 96–427, enacted on October 10, 1980. Based upon our review of the rates and claims experience from early 1981 through the end of 1983, we were able to reduce premiums for practically all levels of coverage effective in May 1984. More recently, we have incorporated fiscal year 1984's mortality and financial experience into the continuing analysis of the FEGLI rates and have found that the premiums for Basic coverage can be reduced still further. Therefore, we are reducing the rates for the Basic insurance coverage by approximately 9%, from $.22 per $1,000 of coverage to $.20 per $1,000 of coverage effective the first pay period beginning on or after August 1, 1985. Since no open enrollment period has been conducted since March 1981 and our most recent review of the FEGLI Program indicates that claims experience has more than sustained the new rates introduced in 1984, we believe employees should be given an opportunity to review their insurance needs and, if needed, either add to their existing coverages or enroll in FEGLI if they have previously waived all coverage.

We will not require a positive reenrollment of all FEGLI eligibles as we did during the March 1981 open enrollment period. Only those employees who wish to change their participation status or their levels of coverage will have to complete an election form. Previous waivers or declinations of coverage will not be canceled unless the employee submits a new election. Elections filed during the open enrollment period will become effective at the beginning of the first pay period which begins on or after August 1, 1985, which immediately follows a pay period during which the employee was in a pay and duty status for at least 32 hours. Part-time employees will need to have been in a pay and duty status for one-half of the regularly-scheduled tour of duty indicated on their current SF's 50 for newly-elected coverage to become effective. This 1 month minimum waiting period between the date of the election and the effective date of coverage coupled with a strengthening of the length of time an employee must be in a pay and duty status before coverage can attach should provide an ample safeguard to the Program from adverse selection.

Detailed guidance will be provided agencies and employing offices in Federal Personnel Manual letters and bulletins concerning the reduction in the premium rates for Basic coverage, the open enrollment material which must be provided all eligible employees, and the shipping and distribution schedules.

OPM has determined that, in view of the need to commence decision-making on the proposal in June 1985, a 30-day comment period is appropriate. It will accord an adequate period of time for interested parties to comment on this proposal.

E.O. 12291, Federal Regulation

I have determined that this is not a major rule as defined under section 1(b) of E.O. 12291, Federal Regulation.

Regulatory Flexibility Act

I certify that these regulations will not have a significant economic impact on a substantial number of small entities because they would affect only Federal employees.

List of Subjects

5 CFR Part 870

Administrative practice and procedure, Government employees, Life insurance.

5 CFR Part 871

Administrative practice and procedure, Government employees, Life insurance.

5 CFR Part 872

Administrative practice and procedure, Government employees, Life insurance.

5 CFR Part 873

Administrative practice and procedure, Government employees, Life insurance.

Office of Personnel Management.

Loretta Cornelius,

Acting Director.

For the reasons set forth in the preamble, OPM is amending Parts 870, 871, 872, and 873 of Title 5 of the Code of Federal Regulations as follows:

1. The authority citation for Parts 870, 871, 872, and 873 continues to read as follows:

Authority: 5 U.S.C. 8716, unless otherwise noted.

PART 870—BASIC LIFE INSURANCE

2. In § 870.203, a new paragraph (d) is added to read as follows:

§ 870.203 Effective dates of insurance coverage.

* * * * *

(d) An open enrollment election of basic life insurance filed during the period from June 1 through July 1, 1985, is effective on the first day of the first pay period beginning on or after August 1, 1985, which immediately follows a pay period during which the employee was in a pay and duty status for at least 32 hours. A part-time employee will need to have been in a pay and duty status for one-half of the regularly-scheduled tour of duty indicated on his or her current Standard Form 50 for newly-elected coverage to become effective. An employee who has no regularly-scheduled tour of duty or who is employed on an intermittent basis will have to have been in a pay and duty status for one-half of the hours customarily worked before newly-elected coverage can become effective. For the purpose of this subsection, employing offices can determine the number of hours customarily worked by averaging the number of hours worked in the calendar year quarter ending June 30, 1985.

3. In § 870.204, a new paragraph (g) is added to read as follows:

§ 870.204 Cancellation of waiver of insurance coverage.

* * * * *

(g)(1) An open enrollment period will be held from June 1 through July 1, 1985, during which time employees otherwise eligible for coverage may cancel their existing waivers of coverage by affirmatively electing to be insured on a form designated by OPM.

(2) An employing office may make a determination, within 6 months after the June 1 through July 1, 1985 open enrollment period, that an employee was unable, for cause beyond his or her control, to cancel his or her then existing waiver of coverage by affirmatively electing to be insured during the 1985 open enrollment period. The employee shall be permitted to submit an affirmative election of coverage within 31 days after he or she is advised of that determination. Basic life insurance coverage in that case is retroactive to the first pay period beginning on or after August 1, 1985, which immediately follows a pay period during which the employee was in a pay and duty status for a sufficient length of time, as specified in § 870.203(d), to acquire coverage. Failure on the part of the employee to file an election within the 31 days prescribed in this paragraph shall be deemed a waiver of all coverage.

4. In § 870.401, paragraphs (a), (b) and (f)(1) are revised to read as follows:

§ 870.401 Withholdings and contributions.

(a) Effective August 1, 1985, during each pay period in which an insured employee is in pay status for any part of the period, $0.20 for each $1,000 of the employee's BIA shall be withheld from the biweekly pay of the employee. The amount withheld from the pay of an employee who is paid on other than a biweekly basis is determined at a proportionate rate, adjusted to the nearest one-tenth of one cent.

(b) The amount withheld from the pay of an insured employee whose annual pay is paid during a period shorter than 52 workweeks is the sum obtained by converting the biweekly rate of $0.20 for each $1,000 of the employee's BIA to an annual rate and prorating the annual rate over the number of installments of pay regularly paid during the year.

* * * * *

(f)(1) Except as provided under paragraph (g) of this section, an insured person who elects continued basic life insurance coverage during receipt of annuity or compensation payments as provided under § 870.601(c)(2) or § 870.701(c)(2) (maximum reduction of 75 percent after age 65) shall have withheld from his or her payments basic life insurance withholdings at the monthly rate (for annuitants) of $0.433 for each $1,000 of the BIA or at the weekly rate (for compensationers) of $0.10 for each $1,000 of the BIA.

* * * * *

PART 871—STANDARD OPTIONAL LIFE INSURANCE

5. In § 871.203, a new paragraph (c) is added to read as follows:

§ 871.203 Effective date of insurance.

* * * * *

(c) An open enrollment election of standard optional insurance filed during the period from June 1 through July 1, 1985, is effective on the first day of the first pay period beginning on or after August 1, 1985, which immediately follows a pay period during which the employee was in a pay and duty status for at least 32 hours. A part-time employee will need to have been in a pay and duty status for one-half of the regularly scheduled tour of duty indicated on his or her current Standard Form 50 for newly-elected coverage to become effective. An employee who has no regularly-scheduled tour of duty or who is employed on an intermittent basis will have to have been in a pay and duty status for one-half of the hours customarily worked before newly-elected coverage can become effective. For the purpose of this subsection, employing offices can determine the number of hours customarily worked by averaging the number of hours worked in the calendar year quarter ending June 30, 1985.

6. In § 871.205, a new paragraph (g) is added to read as follows:

§ 871.205 Cancellation of declination.

* * * * *

(g)(1) An open enrollment period will be held form June 1 through July 1, 1985, during which time employees otherwise eligible for coverage may cancel their existing declinations of coverage by affirmatively electing to be insured on a form designated by OPM.

(2) An employing office may make a determination, within 6 months after the June 1 through July 1, 1985 open enrollment period, that an employee was unable, for cause beyond his or her control, to cancel his or her then existing declination of coverage by affirmatively electing to be insured during the 1985 open enrollment period. The employee shall be permitted to submit an affirmative election of coverage within 31 days after he or she is advised of that determination. Standard optional insurance coverage in that case is retroactive to the first pay period beginning on or after August 1, 1985, which immediately follows a pay period during which the employee was in a pay and duty status for a sufficient length of time, as specified in § 871.203(c) to acquire coverage. Failure on the part of the employee to file an election within the 31 days prescribed in this paragraph shall be deemed a declination of standard optional insurance.

* * * * *

PART 872—ADDITIONAL OPTIONAL LIFE INSURANCE

7. In § 872.203, a new paragraph (c) is added to read as follows:

§ 872.203 Effective date of insurance.

* * * * *

(c) An open enrollment election of additional optional insurance filed during the period from June 1 through July 1, 1985, is effective on the first day of the first pay period beginning on or after August 1, 1985, which immediately follows a pay period during which the employee was in a pay and duty status for at least 32 hours. A part-time employee will need to have been in a pay and duty status for one-half of the regularly-scheduled tour of duty indicated on his or her current Standard Form 50 for newly-elected coverage to become effective. An employee who has no regularly-scheduled tour of duty or who is employed on an intermittent

basis will have to have been in a pay and duty status for one-half of the hours customarily worked before newly-elected coverage can become effective. For the purpose of this subsection, employing offices can determine the number of hours customarily worked by averaging the number of hours worked in the calendar year quarter ending June 30, 1985.

8. In § 872.205, paragraph (d) is added to read as follows:

* * * * *

§ 872.205 Cancellation of declination.

(d)(1) An open enrollment period will be held form June 1 through July 1, 1985, during which time employees otherwise eligible for coverage may cancel their existing declinations of coverage by affirmatively electing to be insured on a form designated by OPM.

(2) An employing office may make a determination, within 6 months after the June 1 through July 1, 1985 open enrollment period, that an employee was unable, for cause beyond his or her control, to cancel his or her then existing declination of coverage by affirmatively electing to be insured during the 1985 open enrollment period. The employee shall be permitted to submit an affirmative election of coverage within 31 days after he or she is advised of that determination. Additional optional insurance coverage in that case is retroactive to the first pay period beginning on or after August 1, 1985, which immediately follows a pay period during which the employee was in a pay and duty status for a sufficient length of time, as specified in § 872.203(c) to acquire coverage. Failure on the part of the employee to file within the 31 days prescribed in this paragraph shall be deemed a declination of additional optional insurance.

PART 873—FAMILY OPTIONAL LIFE INSURANCE

9. In § 873.203, a new paragraph (c) is added to read as follows:

§ 873.203 Effective d. te of insurance.

* * * * *

(c) An open enrollment election of family optional insurance filed during the period from June 1 through July 1, 1985, is effective on the first day of the first pay period beginning on or after August 1, 1985, which immediately follows a pay period during which the employee was in a pay and duty status for at least 32 hours. A part-time employee will need to have been in a pay and duty status for one-half of the regularly-scheduled tour of duty indicated on his or her current Standard Form 50 for newly-elected coverage to become effective. An employee who has no regularly-scheduled tour of duty or who is employed on an intermittent basis will have to have been in a pay and duty status for one-half of the hours customarily worked before newly-elected coverage can become effective. For the purpose of this subsection, employing offices can determine the number of hours customarily worked by averaging the number of hours worked in the calendar year quarter ending June 30, 1985.

10. In § 873.205, paragraph (e) is added to read as follows:

§ 873.205 Cancellation of declination.

* * * * *

(e)(1) An open enrollment period will be held from June 1 through July 1, 1985, during which time employees otherwise eligible for coverage may cancel their existing declinations of coverage by affirmativley electing to be insured on a form designated by OPM.

(2) An employing office may make a determination, within 6 months after the June 1 through July 1, 1985 open enrollment period, that an employee was unable, for cause beyond his or her control, to cancel his or her then existing declination of coverage by affirmatively electing to be insured during the 1985 open enrollment period. The employee shall be permitted to submit an affirmative election of coverage within 31 days after he or she is advised of that determination. Family optional insurance coverage in that case is retroactive to the first pay period beginning on or after August 1, 1985, which immediately follows a pay period during which the employee was in a pay and duty status for a sufficient length of time, as specified in § 873.203(c) to acquire coverage. Failure on the part of the employee to file an election within the 31 days prescribed in this paragraph shall be deemed a declination of family optional insurance.

* * * * *

[FR Doc. 85-9435 Filed 4-17-85; 8:45 am]
BILLING CODE 6325-01-M

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Parts 915 and 944

Avocados Grown in South Florida and Imported Avocados; Proposed Grade and Container Marking Requirements

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This rule invites written comments on a proposal to increase the minimum grade requirement applicable to domestic shipments of Florida avocados and imports of avocados to U.S. No. 2 from U.S. No. 3. The proposal would also modify Florida avocado container marking requirements. The proposed action is designed to promote orderly marketing conditions for avocados in the interest of producers and consumers.

DATES: Comments due by May 3, 1985. Proposed effective date: May 13, 1985.

ADDRESS: Comments should be sent to: Docket Clerk, F&V, AMS, Room 2069-S, U.S. Department of Agriculture, Washington, D.C. 20250. Two copies of all written material shall be submitted, and they will be made available for public inspection at the office of the Docket Clerk during regular business hours.

FOR FURTHER INFORMATION CONTACT: William J. Doyle, Chief, Fruit Branch, F&V, AMS, USDA, Washington, D.C. 20250, telephone 202-447-5975.

SUPPLEMENTARY INFORMATION: This proposed rule has been reviewed under Secretary's memorandum 1512-1 and Executive Order 12291, and has been designated a "non-major" rule. William T. Manley, Deputy Administrator, Agricultural Marketing Service, has certified that this action will not have a significant economic impact on a substantial number of small entities.

The proposed Florida avocado requirements are issued under the marketing agreement, as amended, and Order No. 915, as amended (7 CFR Part 915), regulating the handling of avocados grown in South Florida. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). The proposed grade and container marking requirements applicable to Florida avocado shipments were unanimously recommended by the Avocado Administrative Committee which is established under the marketing order.

The proposal would require fresh shipments of Florida avocados, except those handled within the production area, to grade U.S. No. 2. The current minimum grade requirement (U.S. No. 3) specified in § 915.329 (49 FR 21697, 36359) expires April 30, 1985. Current maturity requirements in § 915.329 as to weight and diameter expire on April 30, 1985, and consideration as to future requirements will be addressed later in a separate document.

Fresh shipments of Florida avocados have remained fairly constant in recent years. During the five-year period 1979–80 through 1983–84 annual fresh shipments averaged 1,093,200 bushels. However, during this period there has been a steady decline in the season average price at the packinghouse level. Industry sources attribute this price decline to the variation in the quality of avocados offered to consumers and the general perception with the trade that Florida avocados are poor quality fruit. The current U.S. No. 3 grade requirement allows shipment of avocados which are seriously damaged, and which generally have a very poor appearance. The proposed increase in the minimum quality requirements is designed to assure shipment of avocados which are fairly well formed, clean, fairly well colored, and well trimmed, and free from serious damage caused by bruises, cuts or other skin breaks, pulled stems, russeting or similar discoloration, scars, scab; sunburn, sunscald, sprayburn and other defects. Avocados possessing the characteristics of U.S. No. 2 or better fruit are preferred by the trade and consumers.

It is estimated that 85–90 percent of the 1985–86 Florida avocado crop will meet the proposed grade requirement. Fruit which fails to grade U.S. No. 2 may be handled within the production area or utilized in processed products, such as guacamole. In addition, the marketing order exempts from quality and other requirements individual shipments not exceeding 55 pounds of avocados.

The proposal would also modify container marking requirements in § 915.306 to require the marking of the grade of the fruit in letters and numbers at least 1¼ inch in height on the top and on 2 sides of the container lid. The proposal would also delete a current provision authorizing the marking of containers with a registered label, brand, or trademark registered with the committee as an alternative to marking the grade of the fruit on the container. The committee reports that the prosposed modification of the current container marking requirements is needed to enable the trade to more readily discern the grade of the fruit packed in the containers. The currently permitted alternative method of marking containers with a label, brand or trademark has caused confusion in the trade on the relationship between the numerous packing labels used by handlers and the quality of the fruit represented by a particular label.

Under the proposal, the changes in the Florida grade and container marking requirements would be made by amending § 915.306. Current requirements in § 915.306 pertaining to standard pack and lot stamping would continue in effect, but would be revised for clarity.

The proposed avocado import requirements are issued under section 8e (7 U.S.C. 608e–1) of the act. Section 8e of the act requires that when certain domestically produced commodities, including avocados, are regulated under a Federal marketing order, imports of that commodity must meet the same or comparable grade, size, quality, or maturity requirements. Under the proposal, a new § 944.28 would be issued establishing a minimum grade of U.S. No. 2 for imported avocados. The current minimum grade of U.S. No. 3 for imported avocados expires April 30, 1985.

It is found that this proposed rule relative to Florida and imported avocados would tend to effectuate the declared policy of the act.

The proposed grade regulation would continue in effect from marketing season to marketing season indefinitely unless modified, suspended, or terminated by the Secretary upon recommendation and information submitted by the committee or other information available to the Secretary. Heretofore, grade regulations issued under the marketing order were made effective for a single marketing season. The proposed issuance of a grade regulation which would continue in effect from marketing season to marketing season reflects the fact that grade regulations change infrequently from season to season and it is believed unnecessary to issue them for only a single season. In addition, the proposed action could result in a reduction in operational costs to the committee and the government. Although the proposed regulation would be effective for an indefinite period, the committee would continue to meet prior to and during each season to consider recommendations for modification, suspension, or termination of the regulation. Prior to making any such recommendations, the committee would submit to the Secretary a marketing policy for the season including an analysis of supply and demand factors having a bearing on the marketing of the crop. Committee meetings are open to the public and interested persons may express their views at these meetings. The Department will evaluate committee recommendations and information submitted by the committee, and other available information, and determine whether modification, suspension, or termination of the regulations on shipments of Florida avocados would tend to effectuate the declared policy of the act.

List of Subjects

7 CFR Part 915

Marketing agreements and orders, Avocados, Florida.

7 CFR Part 944

Food grades and standards, Imports, Avocados.

PART 915—AVOCADOS GROWN IN SOUTH FLORIDA

Under the proposal, § 915.306 would be revised to read as follows:

§ 915.306 Florida Avocado Grade, Pack, and Container Marking Regulation.

(a) On and after May 13, 1985, no handler shall handle any variety of avocados grown in the production area, except for avocados handled within the production area in containers other than those authorized in § 915.305, unless:

(1) Such avocados grade at least U.S. No. 2.

(2) Such avocados are packed in containers in accordance with standard pack.

(3) Such avocados are in containers marked with the grade of the fruit in letters and numbers at least 1¼ inch in height on the top and 2 sides of the lid of the container.

(4) Such avocados are in containers marked with the Federal-State Inspection Service lot stamp number.

(b) The provisions of paragraphs (a)(2), (a)(3), and (a)(4) of this section shall not apply to individual packages of avocados weighing 4 pounds or less, net weight, in master containers.

(c) Terms pertaining to grades and standard pack mean that the same as those defined n the United States Standards for Florida Avocados (7 CFR 51.3050–51.3069).

PART 944—FRUITS; IMPORT REGULATIONS

Unde the proposal a new § 944.28 would be added to read as follows:

§ 944.28 Avocado Import Regulation 36.

(a) Pursuant to section 8e of the act and Part 944—Fruits; Import Regulations, the importation into the United States of any avocados is prohibited on and after May 13, 1985, unless such avocados grade at least U.S. No. 2, as such grade is defined in the United States Standards for Florida Avocados (7 CFR 51.3050–51.3069). Such grade requirement is the same as that specified in § 915.306 for avocados

grown in South Florida under M.O. 915 (7 CFR Part 915).

(b) The Federal or Federal-State Inspection Service, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, is designated as the governmental inspection service for certifying the grade, size, quality, and maturity of avocados that are imported into the United States. Inspection by the Federal or Federal-State Inspection Service with evidence thereof in the form of an official inspection certificate, issued by the respective service, applicable to the particular shipment of avocados, is required on all imports. The inspection and certification services will be available upon application in accordance with the rules and regulations governing inspection and certification of fresh fruits, vegetables, and other products (7 CFR Part 51) and in accordance with the regulation designating inspection services and procedure for obtaining inspection and certification (7 CFR 944.400).

(c) The term "importation" means release from custody of the United States Customs Service.

(d) Any person may import up to 55 pounds of avocados exempt from the requirements specified in this section.

(e) Any lot or portion thereof which fails to meet the import requirements prior to or after reconditoning may be exported or disposed of under the supervision of the Federal or Federal-State Inspection Service with the costs of certifying the disposal of such lot borne by the importer.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: April 15, 1985.

Thomas R. Clark,

Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 85–9386 Filed 4–17–85; 8:45 am]

BILLING CODE 3410-02-M

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7 CFR Part 1032

[Docket No. AO–313–A33]

Milk in the Southern Illinois Marketing Area; Hearing on Proposed Amendments to Tentative Marketing Agreement and Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Notice of public hearing on proposed rulemaking.

SUMMARY: The hearing is being held to consider a proposal by six cooperative associations to amend the Southern Illinois milk marketing order. The proposal would establish under that order for plants in the St. Louis, Missouri, metropolitan area the same Class I price that applied at such plants under the former St. Louis-Ozarks order. The latter order was terminated on April 1, 1985. Proponents have requested expedited action on the price issue so as to continue to attract an adequate supply of milk to the St. Louis area.

DATE: The hearing will convene at 9:00 a.m., local time, on April 30, 1985.

ADDRESS: The hearing will be held at Henry VIII Inn and Lodge, 4690 N. Lindbergh, Bridgeton, Missouri (St. Louis Co.) 63044.

FOR FURTHER INFORMATION CONTACT: John F. Borovies, Marketing Specialist, Dairy Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, (202) 447–2089.

SUPPLEMENTARY INFORMATION: This administrative action is governed by the provisions of sections 556 and 557 of Title 5 of the United States Code and, therefore, is excluded from the requirements of Executive Order 12291.

Notice is hereby given of a public hearing to be held at Henry VIII Inn and Lodge, 4690 N. Lindbergh, Bridgeton, Missouri 63044, beginning at 9:00 a.m., local time, on April 30, 1985, with respect to proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Southern Illinois marketing area.

The hearing is called pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900).

The purpose of the hearing is to receive evidence with respect to the economic and marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreement and to the order.

Evidence also will be taken to determine whether emergency marketing conditions exist that would warrant omission of a recommended decision under the rules of practice and procedure (7 CFR 900.12(d)) with respect to Proposal No. 1.

Actions under the Federal milk order program are subject to the "Regulatory Flexibility Act (Pub. L. 96–354). This act seeks to ensure that, within the statutory authority of a program, the regulatory and information requirements are tailored to the size and nature of small businesses. For the purpose of the Federal order program, a small business will be considered as one which is independently owned and operated and which is not dominant in its field of operation. Most parties subject to a milk order are considered as a small business. Accordingly, interested parties are invited to present evidence on the probable regulatory and informational impact of the hearing proposals on small businesses. Also, parties may suggest modifications of these proposals for the purpose of tailoring their applicability to small businesses.

List of Subjects in 7 CFR Part 1032

Milk marketing orders, Milk, Dairy products.

The authority citation for Part 1032 continues to read as follows:

Authority: Secs. 1–19, 48 Stat. 31, as amended (7 U.S.C. 601–674).

PART 1032—[AMENDED]

The proposed amendments, as set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by Associated Milk Producers, Inc.; Land·O' Lakes; Mid-America Dairymen, Inc.; Midwest Dairymen, Inc.; Prairie Farms Dairy, Inc., and Wisconsin Dairies:

Proposal No. 1

Revise § 1032.52(a) (1) and (3) to read as follows:

§ 1032.52 Plant location adjustments for handlers.

(a) * * *

(1) At a plant in the southern zone; the city of St. Louis; Missouri; the Missouri counties of Jefferson, St. Charles and St. Louis, and the Illinois counties of Madison (except Alton township), Monroe and St. Clair; plus 7 cents.

(2) * * *

(3) At a plant outside the marketing area and the area specified in paragraph (a)(1) of this section, minus 15 cents if such plant is 100 or more miles from the city or village limits of Alton, Robinson, or Vandalia, Illinois, whichever is nearest, and minus an additional 1.5 cents for each 10 miles or fraction thereof that such distance exceeds 110 miles: *Provided*, That the adjustment at a plant outside the marketing area and in the State of Illinois south of the northernmost boundaries of the Illinois counties of Adams and Schuyler and at a plant in the Indiana counties of Fountain, Parke, Vermillion, and Warren shall be the same as for a pool plant located in the northern zone; and

* * * * *

Proposed by the Dairy Division, Agricultural Marketing Service:

Proposal No. 2

Make such changes as may be necessary to make the entire marketing agreement and the order conform with any amendments thereto that may result from this hearing, and incorporate the March 21, 1985, equivalent price determination in § 1032.50(a) as a technical, nonsubstantive, modification to the order.

Copies of this notice of hearing and the order may be procured from the Market Administrator, Donald R. Nicholson, P.O. Box 1485, Maryland Heights, Missouri 63043, or from the Hearing Clerk, Room, 1077, South Building, United States Department of Agriculture, Washington, D.C. 20250, or may be inspected there.

Copies of the transcript of testimony taken at the hearing will not be available for distribution through the Hearing Clerk's Office. If you wish to purchase a copy, arrangements may be made with the reporter at the hearing.

From the time that a hearing notice is issued and until the issuance of a final decision in a proceeding, Department employees involved in the decisional process are prohibited from discussing the merits of the hearing issues on an ex parte basis with any person having an interest in the proceeding. For this particular proceeding, the prohibition applies to employees in the following organizational units:

Office of the Secretary of Agriculture
Office of the Administrator, Agricultural Marketing Service
Office of the General Counsel
Dairy Division, Agricultural Marketing Service (Washington Office only)
Office of the Market Administrator, Southern Illinois Marketing Area

Procedural matters are not subject to the above prohibition and may be discussed at any time.

Signed at Washington, D.C., on April 12 1985.

William T. Manley,

Deputy Administrator, Marketing Programs.

[FR Doc. 85-9287 Filed 4-17-85; 8:45 am]

BILLING CODE 3410-02-M

Office of the Secretary

7 CFR Part 3015

Competition in the Awarding of Grants and Cooperative Agreements to Further Research, Extension, and Teaching Programs

AGENCY: Department of Agriculture, USDA.

ACTION: Proposed rule.

SUMMARY: This rule would amend 7 CFR part 3015, Subpart Q, by adding a new section to implement Secretary's Memorandum (SM) 5000-2, "Competition in the Awarding of Contracts, Grants, and Cooperative Agreements to Further Research, Extension, and Teaching Programs," dated August 13, 1984. SM 5000-2 sets forth the Department's policy regarding competition in the awarding of grants and cooperative agreements to further research, extension, or teaching programs in the food and agricultural sciences. This rule proposes to establish Departmentwide standards for carrying out the objective of USDA to support competition in the award of its grant and cooperative agreement activities.

DATE: Comments on this proposed rulemaking must be received on or before June 17, 1985.

ADDRESS: Interested persons should submit comments to Ms. Lyn Zimmerman, Office of Finance and Management, Financial Management Division, 201 14th Street SW., Room 2117-B, Auditors Building, Washington, D.C. 20250. (Telephone (202) 382-1553). Comments will be available for inspection at the above address from 8:30 a.m. to 5:00 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Ms. Lyn Zimmerman, Supervisory Program Analyst, Office of Finance and Management, USDA, Room 2117-B, Auditors Building, 201 14th Street SW., Washington, D.C. 20250. (Telephone (202) 382-1553).

SUPPLEMENTARY INFORMATION:

Classification

Executive Order 12291

This proposed rule has been reviewed under Executive Order 12291 and Departmental Regulation 1512-1 and John E. Carson, Director, Office of Finance and Management, has determined that this rule is "not major." The rule will not have an annual effect on the economy of $100 million or more, nor is it likely to result in a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions. Because this rule will not affect the business community, it will not result in significant adverse effects on competition employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Paperwork Reduction Act

In accordance with the Paperwork Reduction Act of 1980 (44 U.S.C. 3507), any reporting and recordkeeping provisions in this proposed rule will be submitted to the Office of Management and Budget (OMB) and would not be effective until OMB has approved them.

Regulatory Analysis

Although this rule may directly affect recipients of Federal assistance awards administered by the Department of Agriculture, it has been determined that this rule will not involve a substantial or major impact on the Nation's economy or large numbers of individuals or businesses. There will be no major increase in costs or prices to consumers, individuals, industries, Federal, State or local government agencies, or geographical regions. Additionally, John E. Carson, Director, Office of Finance and Management has certified that it will not have a significant economic impact on a substantial number of small entities; as defined in the Regulatory Flexibility Act, Pub. L. 96-354 (5 U.S.C. 601).

Background

Section 1472 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3318), confers general authority upon the Secretary of Agriculture to enter into contracts, grants, and cooperative agreements to further research, extension, or teaching Policy Act of 1977, it further authorizes the Secretary to enter into these contracts, grants, and cooperative agreements without competition.

Consequently, section 1472 allows an exception to the provisions of 31 U.S.C. 6301-6308, formerly the Federal Grant and Cooperative Agreement Act of 1977, which encourages competition in making grants and cooperative agreements. However, the Secretary has exercised discretion in this area by issuing policy which restricts an agency's authority to award grants and cooperative agreements without competition. The Secretary's policy provides that competition, to the maximum extent practicable, shall be sought in the award of USDA grants and cooperative agreements. To ensure the benefits of competition, the use of the authority granted by section 1472 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977, amended, to enter into grants and cooperative agreements to further research, extension, or teaching programs in the food and agricultural sciences, without regard to any requirements for

competition, shall be limited to those instances where it can be determined that a noncompetitive award is in the best interest of the Government and necessary to the accomplishment of the research, extension, or teaching program. Therefore, USDA discretionary grants and cooperative agreements shall be entered into only after competition unless the awarding official makes a determination in writing that competition is not deemed appropriate for the particular transaction.

Matters on Which Comments Are Invited

Since there are no Governmentwide standards on competition in making grant and cooperative agreement awards, comments and suggestions for the effective implementation of this policy on competition are requested from the public. Specifically, USDA invites comments on:

—The manner in which policy is expressed in this proposed rule.
—Specific policies and areas which should be expanded upon under this proposal.
—Standards to be used in a competitive award process and factors to be considered in determining the appropriateness of competition for particular transactions.
—Whether this policy should apply to all discretionary grants or cooperative agreements or only to those made to further research, extension, or teaching programs in the food and agricultural sciences.

List of Subjects in 7 CFR Part 3015

Grant programs—agriculture, Intergovernmental relations.

Issued at Washington, D.C. April 11, 1985.

John J. Franke, Jr.,
Assistant Secretary for Administration.

John R. Block,
Secretary of Agriculture.

PART 3015—[AMENDED]

Accordingly, USDA proposes to amend Subpart Q of 7 CFR Part 3015 as follows:

1. The authority citation for part 3015 reads as follows:

Authority: 5 U.S.C. 301.

2. A new paragraph (d) is added to § 3015.150 as follows:

Subpart Q—Application for Federal Assistance

§ 3015.150 Scope and applicability.

* * * * *

(d) This subpart also prescribes standards for competition to be used by USDA agencies in awarding discretionary cooperative agreements and grants to further research, extension, or teaching programs in the food and agricultural sciences.

3. A new § 3015.158 is added as follows:

§ 3015.158 Competition for research, extension and teaching programs.

(a) *Standards for competiton.* Except as provided in paragraph (d) of this section, awarding agencies shall enter into grants and cooperative agreements to further research, extension, or teaching programs only after competiton. An awarding agency's competitive award process shall adhere to the following standards:

(1) Potential applicants must be invited to submit proposals through publications such as the **Federal Register**, professional trade journals, agency or program handbooks, the Catalog of Federal Domestic Assistance or any other appropriate means of solicitation. In so doing, agencies should consider the widest possible dissemination of project solicitations in order to reach the highest number of potential applicants.

(2) Proposals are to be evaluated objectively by independent reviewers in accordance with written criteria set forth by the awarding agency. Reviewers should make written comments, as appropriate, on each application. Independent reviewers may be from the private sector, another agency, or within the awarding agency, as long as they do not include anyone who has approval authority for the applications being reviewed or anyone who might appear to have a conflict of interest in the role of reviewer of applications. A conflict of interest might arise when the reviewer or the reviewer's immediate family members have been associated with the applicant or applicant organization within the past five years as an owner, partner, officer, director, employee, or consultant; has any financial interest in the applicant or applicant organization; or is negotiating or has any arrangement concerning prospective employment.

(3) Unsolicited applications shall be competed under the project solicitation it comes closest to fitting. When this is not feasible, the application should be submitted to an ad hoc independent review group for evaluation under criteria established by the awarding agency. Ad hoc reviewers will be determined to be independent in accordance with paragraph (a)(2) of this section. If, after evaluation, a noncompetitive award would be appropriate under the criteria of this section, an award may be made without competition. Otherwise, the solicitation should be returned to the applicant.

(b) *Project solicitations.* A project solicitation by the awarding agency shall include or reference the following as appropriate:

(1) A description of the eligible activities which the awarding agency proposes to support and the program priorities;

(2) Eligible applicants;

(3) The dates and amounts of funds expected to be available for awards;

(4) Evaluation criteria and weights, if appropriate, assigned to each;

(5) Methods for evaluating and ranking applications;

(6) Name and address where proposals should be mailed and submission deadline(s);

(7) Any required forms and how to obtain them;

(8) Applicable cost principles and administrative requirements;

(9) Type of funding instrument intended to be used (grant or cooperative agreement); and

(10) The *Catalog of Federal Domestic Assistance* number and title.

(c) *Approval of applications.* The final decision to award is at the discretion of the awarding/approving official in each agency. The awarding/approving official shall consider the ranking, and comments and recommendations from the independent review group, and any other pertinent information before deciding which applications to approve and their order of approval. Any appeals by applicants regarding the award decision should be handled by the grantor in accordance with the grantor's existing appeal procedures or good administrative practice and sound business judgment.

(d) *Exception.* The awarding official may make a determination in writing that competition is not deemed appropriate for the particular transaction. Such determinations shall be limited to transactions where it can be demonstrated that a noncompetitive award is in the best interest of the Government and necessary to the accomplishment of a research, extension, or teaching program. Reasons for considering a noncompetitive award include, but are not necessarily limited to the following:

(1) Nonmonetary awards of property or services;

(2) Awards of less than $50,000;

(3) Awards to fund continuing work already started under a previous award;

(4) Awards which cannot be delayed due to an emergency or a substantial danger to health or safety;

(5) Awards when it is impracticable to secure competition; or

(6) Awards to fund unique and innovative unsoliciated applications.

[FR Doc. 85-9389 Filed 4-17-85; 8:45 am]

BILLING CODE 3410-01-M

Food Safety and Inspection Service

9 CFR Parts 318 and 381

[Docket No. 80-009 P]

Accredited Laboratory Program

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Proposed rule.

SUMMARY: This proposed rule would amend the Federal meat and poultry products inspection regulations to establish standards and procedures for the accreditation of non-Federal analytical chemistry laboratories that analyze official meat and poultry samples for (1) specific chemical residues or classes of chemical residues, and (2) moisture, protein, fat and salt content. The Agency anticipates that this action would increase the number of non-Federal analytical laboratories available to perform analyses, and consequently, would result in more timely analyses of official meat and poultry samples. A rule to establish an Accredited Laboratory Program was previously proposed. After consideration of comments submitted on that proposed rule, provisions have been added to the proposal concerning additional compliance procedures, including a probationary period for accredited laboratories out of compliance with the performance requirements of the rule and criteria to suspend or revoke accreditation; additional requirements for reapplying for accreditation; and statistical provisions for evaluating laboratory performance. Since these additions are substantial, the rule is being reproposed for additional comments. Comments are being solicited on the added provisions. Comments already submitted on the first proposal need not be resubmitted and will be addressed in the preamble of the final rule. However, additional comments on any part of this proposal can be submitted and will be considered.

DATES: Comments must be received on or before June 17, 1985.

ADDRESSES: Written comments to Regulations Office, ATTN: Annie Johnson, FSIS Hearing Clerk, Room 2637, South Agriculture building, Washington, DC 20250. Oral comments as provided under the Poultry Products Inspection Act should be directed to Mr. Barth, (202) 447-5850. (See also "Comments" under **SUPPLEMENTARY INFORMATION.**)

FOR FURTHER INFORMATION CONTACT: Mr. H. James Barth, Staff Officer, Chemistry Division, Science Program, Food Safety and Inspection Service, U.S. Department of Agriculture, Washington, DC 20250, (202) 447-5850.

SUPPLEMENTARY INFORMATION:

Executive Order 12291

This action has been reviewed under USDA procedures established in Secretary's Memorandum 1512-1 to implement Executive Order 12291. The Food Safety and Inspection Service has determined that this proposed rule is not a "major rule" under the Executive Order. It will not result in an annual effect on the economy of $100 million or more. There will be no major increase in costs or proves for consumers, individual industries, Federal, State, or local government agencies, or geographic regions, nor will there be a significant adverse effect on competition, employment, investment, productivity, small entities, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets. The publication of this proposed rule should stimulate interest on the part of non-Federal analytical laboratories to participate in a cooperative laboratory program with the Federal Government because of certain advantages to industry. For example, private laboratories could normally supply test results more quickly than FSIS laboratories because of their proximity to plants requiring their services. The decreased turnaround time saves the plants money because they do not have to hold suspect product as long as would be required if FSIS laboratories conducted the testing. Additionally, the Accredited Laboratory Program should save the government money by reducing the number of tests USDA must perform.

Effect on Small Entities

The Administrator, Food Safety and Inspection Service, has determined that this action will not have a significant economic impact on a substantial number of small entities, as defined by the Regulatory Flexibility Act, Pub. L. 96-354 (5 U.S.C. 601). Under the proposal, plants would have more options with regard to required laboratory analyses of product and could exercise the most expedient alternative. The ability to obtain more rapid test results would allow for quicker disposition of held suspect product, to the financial advantage of the plant involved.

Although a number of small plants and private laboratories would be affected by this proposal, there would be no significant economic impact. Participation in the program would be strictly voluntary. The principal effect of the proposal would be to offer cost-saving alternatives for laboratory testing.

Comments

Interested persons are invited to submit written comments concerning this proposal. Comments must be sent in duplicate to the Regulations Office and should bear a reference to the docket number located in the heading of this document. Any person desiring opportunity for an oral presentation of views should make such request to Mr. Barth so that arrangements may be made for the presentation. A transcript shall be made of all comments presented orally. Comments submitted pursuant to this document will be made available for public inspection in the Regulations Office between 9:00 a.m. and 4:00 p.m., Monday through Friday.

Background

In order to assure compliance with departmental regulations promulgated under the Federal Meat Inspection Act (21 U.S.C. 601 *et seq.*) and the Poultry Products Inspection Act (21 U.S.C. 451 *et seq.*), samples of meat and poultry products are periodically tested to determine protein, moisture, fat, and salt content. Residue analyses are also conducted.

Upon the finding of noncompliance, FSIS is required to take appropriate action against the processor of the noncompliant product. Depending upon the type of product and the severity of the noncompliance, such action may range from product reprocessing to litigation proceedings. Due to the critical nature of such testing, it is necessary for FSIS laboratories to maintain a high degree of integrity.

Prior to 1962, samples were principally analyzed by FSIS laboratories. However, in response to the meat and poultry industry's need for more rapid analytical results on official test samples, the Certified Laboratory Program for non-Federal chemistry laboratories was initiated in that year. In 1971, a "recognized status" for residue analysis was initiated for non-Federal chemistry laboratories when FSIS laboratory capacity was exceeded during a major polychlorinated biphenyl

contamination problem in poultry. Since then, "recognized status" has been extended to additional non-Federal laboratories for testing of other pesticide and drug residues in both meat and poultry and of nitrosamines in meat products.

A processor whose sample is to be analyzed generally has the option of using either an FSIS laboratory or a certified or recognized laboratory. The cost of FSIS analysis is borne by the government, while the cost of non-Federal analysis is borne by the processor. Due to the limited number of FSIS laboratories and their heavy workload, many processors prefer to use the non-Federal laboratories either for convenience of location or to obtain test results more quickly. Some non-Federal laboratories are separate entities while others are located in and owned by official establishments.

In order to become a certified or recognized laboratory, the non-Federal laboratory must meet certain standards required by FSIS. In addition, as alternatives to FSIS laboratories, non-Federal laboratories are expected to maintain the same degree of integrity as required of FSIS laboratories.

On November 7, 1980, the Food Safety and Inspection Service (FSIS), formerly the Food Safety and Quality Service, published a proposed rule in the **Federal Register** (45 FR 73947) to amend the Federal meat and poultry products inspection regulations. The Agency proposed: (1) To establish standards for the analytical chemical procedures to be performed on official meat and poultry samples by non-Federal chemistry laboratories, and (2) to consolidate standards and procedures formerly established under the Certified Laboratory Program and the Recognized Laboratory Program into one program, the Accredited Laboratory Program (ALP). On February 3, 1981, FSIS published a notice (46 FR 10500) reopening the comment period for an additional 30 days. This action was taken at the request of the American Meat Institute.

As a result of the comments received a number of changes have been made to the proposal. The rule is being reproposed primarily because of the addition of three new concepts. These are: statistical provisions concerning allowable differences in analytical results between laboratories; additional compliance procedures, including probation for accredited laboratories out of compliance with the performance requirements of the rule and criteria to suspend or revoke accreditation; and additional requirements for reapplying for accreditation. In addition, six major areas have been reconsidered:

(1) Education and experience requirements for laboratory supervisors;

(2) The time period allowed for check sample analyses and the frequency of check samples;

(3) The requirement that the laboratory provide at the time of application for accreditation, the name of the meat or poultry establishment that will be using its services;

(4) The time-period and requirements for reapplication after the withdrawal of accreditation;

(5) The method of payment for accredited laboratory use; and

(6) Proper identification of chemical residues.

The Proposal

The current proposal, like the earlier one, seeks to amend the Federal meat and poultry products inspection regulations by establishing standards for analytical chemical procedures performed by non-Federal laboratories, and to consolidate standards and procedures established under the Certified Laboratory and Recognized Laboratory Programs. The concepts which have been added since the original proposal was published are described below.

1. Statistical Provisions

A laboratory accredited to perform official food chemistry or chemical residue analysis must provide reliable and consistent analytical services. The following discussion presents the conceptual framework for the development of the statistical procedures for evaluating laboratory performance set forth in this rule. Specific statistical derivations, formulas, and examples are provided in the technical addendum to the rule, which can be obtained from the Regulations Office, FSIS, USDA, Room 2641 South Building, Washington DC, 20250.

a. Laboratory Performance. A laboratory cannot be expected to obtain identical results from the analysis of two homogeneous samples, regardless of its analytical capability. This within-laboratory variability is a function of differing analyst techniques, instrument variability, temperature fluctuation, variation inherent in analytical methods and sample preparation, and other conditions within the laboratory. This same laboratory cannot be expected to duplicate the analytical results obtained from a second laboratory of equivalent analytical capability. The causes of this latter discrepancy are very similar to those mentioned above but are points of differences between laboratories, rather than within a single laboratory. The statistical procedures for evaluating laboratory performance contained in this rule use laboratory comparison data to distinguish between laboratories whose analytical capability falls within acceptable limits and those laboratories whose analytical capability is substandard.

b. Performance Characteristics. The following performance characteristics collectively provide a reliable description of a laboratory's analytical capability: [1]

(i) Systematic Laboratory Difference. A comparison of a laboratory's analytical results with a second laboratory's results from homogeneous samples may show that, on the average, one of the laboratories obtains numerically greater results (or numerically smaller results) than the other. This consistent directional difference is referred to as a laboratory effect, or a systematic laboratory difference.

(ii) Variability. A laboratory experiences random fluctuations in its processes that cause its analytical results to deviate from a true value. This non-systematic laboratory variability reflects the overall level of precision at which the laboratory is performing.

(iii) Pattern of Large Discrepancies. A laboratory may have an acceptable systematic laboratory difference and variability, yet may periodically experience instances of undesirable performance (i.e., isolated results having high variability). Such instances might go undetected with the two characteristics already discussed because these are measuring average performance. Consequently, a "large discrepancy measure" is included in the assessment process to monitor the frequency and magnitude of individual large differences that may occur in the comparison of two laboratories.

Measures of the three characteristics presented above are used to assess the capability of laboratories performing official food chemistry analyses. Measures of the same characteristics are also used in the assessment of laboratories performing chemical residue analyses, but the nature of these analytical procedures requires the additional assessment considerations described below.

(iv) Analytical Recovery. The ability of a laboratory to recover a reasonable fraction of the substance in question is an important performance indicator.

[1] These characteristics replace the concepts of major and minor deviations presented in the original proposal.

Two types of analytical recovery are monitored.

(a) *Quality Control (QC) Recovery:* the comparison of a laboratory's unadjusted analytical value of a quality control standard to the fortification level of the standard. This recovery provides immediate feedback to the analyst indicating whether the analytical process is in control.

(b) *Quality Assurance (QA) Recovery:* the comparison of a laboratory's unadjusted analytical value of a check sample residue to the residue level fortified by a second laboratory that prepared the sample. This recovery provides an assessment of a laboratory's ability to recover an acceptable portion of a chemical residue when the fortification level is unknown to the laboratory.

(v) Proper Identification of Chemical Residues. A laboratory is required to identify every chemical residue in a sample that is detected at a level equal to or greater than the associated minimum reportable level by every FSIS laboratory analyzing the sample. Failure to do so will be considered a misidentification. In addition, reporting the presence of a residue that is not reported by any of the FSIS laboratories analyzing the sample will also be considered a misidentification.

c. Establishing Acceptable Levels of Performance. Standards of performance for the characteristics discussed above have been developed so as to reflect the analytical capabilities observed in laboratories considered to be performing acceptable—FSIS laboratories and laboratories under contract to the Agency. Check sample results obtained through several years of controlled quality assurance programs among these laboratories were used to develop a standard statistical distribution of laboratory comparison data. Acceptable levels of performance are derived from this distribution in accordance with the following Operating Characteristics:

(i) Initial Accreditation. A laboratory performing at or above the minimally acceptable level has at least a 95 percent chance of accreditation. A laboratory performing at a substantially lower level has a correspondingly lower chance of accreditation.

(ii) Maintaining Accreditation. A laboratory performing at only a marginal level has a 50 percent chance of being put on probationary status (see "Definitions") or losing accreditation after at least 30 of its official sample results have been evaluated.[2] A laboratory performing at a substantially higher level has a correspondingly lower chance of being put on probationary status or losing accreditation within the same period, and the converse is true of a laboratory performing at a substantially lower level. Once on probation, the laboratory will be given an opportunity to demonstrate acceptable performance before its accreditation is removed.

d. Evaluation Procedures. Each laboratory that applies for accreditation (hereafter referred to as the "applying laboratory") is required to analyze a set of check sample as identical as possible to samples analyzed by an FSIS laboratory. Standardizing constants are used to transform the observed differences between the laboratories into measures called "standardized differences". This adjustment accounts for differing levels of variability that may be associated with product type, analyte, or level of analyte for food chemistry analytical procedures, and with residue type for chemical residue analytical procedures.

The standardized differences are used to evaluate the applying laboratory's performance capability as follows: [3]

(i) The average of the standardized differences provides an estimate of systematic laboratory's difference.

(ii) The standard deviation of the standardized differences provides an estimate of variability.

(iii) The average of the large discrepancy measures provides an estimate of the severity of periodic occurrences of high variability.

If any one of these estimates exceeds the acceptable level established for that particular performance characteristic, the laboratory's analytical capability is not considered acceptable for granting accreditation. The laboratory will be allowed a second chance to demonstrate acceptable analytical capability through analysis of another set of check samples.

Laboratories applying for accreditation to perform chemical residue analysis must also meet the minimum acceptable levels of quality assurance and quality control recoveries, and must have no residue misidentifications in the set of initial accreditation check samples.

Each laboratory that receives accreditation (hereafter referred to as the "accredited laboratory") will have a percentage of its official samples split and analyzed by an assigned FSIS laboratory.[4] Comparisons of the resulting matched analytical results are used to monitor the ongoing performance of the laboratory. These data will be supplemented by accreditation maintenance check samples supplied periodically by FSIS to each laboratory. (Laboratories accredited to perform food chemistry analysis will receive these check samples only if an insufficient number of split samples are available to evaluate the laboratory.)

This ongoing evaluation of the accredited laboratory involves observing results from the laboratory's analytical processes over time. A laboratory's performance is likely to fluctuate because of random and possibly systematic changes in equipment, analytical procedures, environment, etc. In contrast to applying laboratories which are evaluated through one large set of check samples analyzed in a relatively short period of time (i.e., several days), the data for evaluation of an accredited laboratory's performance are provided through the periodic selection of small numbers of samples over long periods of time. Therefore, although the characteristics used to describe the ongoing performance of an accredited laboratory are the same as in initial accreditation (i.e., systematic laboratory difference, variability, and pattern of large discrepancies), a statistical method sensitive to trends is now required to evaluate performance.

A simple and convenient statistical procedure called cumulative summation, or CUSUM, is able to track the behavior of an accredited laboratory's analytical performance over time. This technique does not directly measure a laboratory's systematic laboratory difference, variability, or pattern of large discrepancies. It is a control procedure designed to "signal", or identify, when a laboratory's performance becomes unacceptable. Charts of CUSUM values can serve as diagnostic indicators to detect trends or high levels of variability occurring in a laboratory.

The four CUSUM procedures described below are used to monitor the ongoing analytical performance of an accredited laboratory. Each CUSUM is based on the standardized differences between the accredited laboratory's

[2] The time period to obtain 30 analytical results for the more active laboratories is expected to be approximately 6 months

[3] An analytical result reported by a laboratory applying for accreditation to perform chemical residue analysis will only be used in the statistical evaluation of the laboratory if the average of the matching results from all FSIS laboratories analyzing the sample indicate that the residue is present at a level equal to or greater than the minimum proficiency level for that residue.

[4] This percentage depends on the volume of official samples analyzed by the accredited laboratory and on the laboratory's performance history.

results and the matching results of the assigned FSIS laboratory on split or check samples.[5]

These CUSUMs collectively provide an overall picture of a laboratory's analytical capability, with no one CUSUM exclusively tracking any single performance characteristic. (In other words, although each CUSUM is oriented to react to trends in one specific evaluation component as indicated by its name, trends in a combination of such components could cause a CUSUM to "signal".)

(i) Positive Systematic Laboratory Difference CUSUM. Monitors how consistently an accredited laboratory gets numerically greater results than an assigned FSIS laboratory.

(ii) Negative Systematic Laboratory Difference CUSUM. Monitors how consistently an accredited laboratory gets numerically smaller results than an assigned FSIS laboratory.

(iii) Variability CUSUM. Monitors the average "total discrepancy" (i.e., the combination of random fluctuations and systematic differences) between an accredited laboratory's results and those of an assigned FSIS laboratory.

(vi) Individual Large Discrepancy CUSUM. Monitors the magnitude and frequency of large differences between the results of an accredited laboratory and those of an assigned FSIS laboratory.

If any one of these CUSUMs reaches a level exceeding that considered acceptable, there is sufficient evidence that the laboratory is not maintaining a level of performance adequate for the reliable analysis of official samples. The laboratory will be either put on probationary status or lose its accreditation, depending on its performance history (see probation section).

Laboratories accredited for the analysis of chemical residues must also maintain the minimum acceptable levels of quality assurance and quality control recoveries, and all proper identification requirements.

e. Quality Control/Quality Assurance procedures. A laboratory that has met the established analytical requirements for accreditation must actively participate in maintaining its acceptable performance. Frequent sample analyses alone are not sufficient to ensure reliable analytical results; the laboratory must continuously monitor and control its own within-laboratory variability. The implementation of a well-organized and systematic quality control plan to provide periodic checks on analyst performance, precision of instrumentation, sample preparation, critical points in standard preparation, recovery levels, and other sources of analytical variability is crucial to the laboratory's ability to maintain an acceptable performance level. Therefore, an accredited laboratory will be required to maintain laboratory quality control records for the three most recent years that samples have been analyzed under the Accredited Laboratory Program. These records will include the determination of all quality control recoveries associated with the analysis of official samples, and must be made available for review upon request by a duly authorized representative of the Secretary.

In addition, FSIS routinely conducts a quality assurance check sample program among its own laboratories and the laboratories with which it contracts. This program is designed to ensure that the level of performance that will be required of applying and accredited laboratories is being met and generally exceeded by those laboratories used as the standards of comparison in the evaluation process.

2. Compliance Provisions

The concept of a probationary status has been added to the original proposal by the Administrator. If a laboratory's results fail to meet the specific statistical requirements defined in this rule, the laboratory will either be (1) put on probationary status if at least one year has passd since the end of a previous probation, or (2) have its accreditation revoked if less than one year has passed since the end of a previous probation. A laboratory in a probationary status will be required to analyze a set of check samples similar to those sent for initial accreditation. If the laboratory's results from the analysis demonstrate acceptable performance, the laboratory will be removed from probationary status and allowed to analyze official samples again. If the analysis is not deemed satisfactory, the laboratory's accreditation will be revoked. During the probationary period a laboratory may not analyze any official samples.

FSIS laboratories have a similar procedure that puts an analyst on probation, rather than the entire laboratory. This practice is because the Federal Meat Inspection Act and the Poultry Products Inspection Act necessitate that Federal laboratories be available to analyze official samples at all times. Consequently, restrictions are placed on individual FSIS analysts, rather than the entire facility. Analysts failing to satisfy ongoing acceptance criteria are restricted from performing official sample analysis and have to requalify on samples similar to initial accreditation check samples.

In addition to the concept of probation, other compliance-related provisions deemed necessary by the Administrator are now included. To maintain accreditation, laboratories must provide any duly authorized representative of the Secretary access during ordinary business hours to the laboratory premises to examine and copy records required by regulation to be maintained.

Criteria for suspension and revocation of accreditation have been added to the original proposal. The accreditation of a laboratory shall be suspended if the operator or owner of the laboratory or any responsibly connected individual or entity is indicated or if charges on an information are brought against the operator or owner, responsibly connected individual or entity concerning any felony or any violation of law based upon acquiring, handling, or distributing of unwholesome, misbranded, or deceptively packaged food, or upon fraud in connection with transactions in food, or based upon a false statement to any governmental entity, or based upon the offering, giving, or receiving of a bribe or unlawful gratuity. The suspension will continue pending the outcome of the criminal charges in any federal district court or State court.

If the operator or owner of the laboratory, or any responsibly connected individual or entity is convicted of any crime in any Federal or State court of any violation of any law, based upon acquiring, handling, or distributing or unwholesome, misbranded or deceptively packaged food, or upon fraud in connection with transaction in food, or based upon a false statement to any governmental entity, or based upon the offering, giving or receiving, of a bribe or unlawful gratuity, accreditation shall be revoked regardless of any appeal of the conviction pending before any court.

The determination and order of the Administrator with respect to any refusal, suspension, or revocation of accreditation shall be final and conclusive.

3. Reapplication Provisions

Another requirement has been added concerning reapplication for

[5] An analytical result reported by a laboratory accredited to perform chemical residue analysis will only be used in the statistical evaluation of the laboratory if the average of the results from all laboratories analyzing the sample indicates that the residue is present at a level equal to or greater than the minimum proficiency level associated with the residue.

accreditation. When reapplying for accreditation, the applicant must forward to the Agency all written documentation concerning the specific corrective efforts that have been made.

As a result of public comments received on the original Accredited Laboratory Program proposal, several elements of the proposed rule have been reconsidered. Since the rule is now being reproposed and is essentially a new proposal, analysis of the comments received on the original proposal and on the present proposal will be reserved for inclusion in the preamble of a final rule, when one is published. The areas reconsidered since publication of the original proposal are as follows:

a. Education and Experience. FSIS recognizes that it is the final responsibility of laboratory management to select and document the competency of their personnel. The Agency also recognizes that the degree of analytical complexity of methods is greater for specific chemical residue analyses than it is for food chemistry analyses, and that experience with specific types of analytical procedures is an important factor in determining the ability of a laboratory or an analyst to provide precise and accurate results. The Agency believes that the requirements as stated in this rule must be consistent with those for FSIS laboratory personnel because accredited laboratories will be analyzing samples in lieu of FSIS laboratories. This may result in the accredited laboratory personnel occasionally being required to submit affidavits or provide testimony on analyses conducted in the laboratory.

In view of this, the Agency has decided to modify this portion of the rule. This requirement has been changed to provide that a laboratory supervisor may have either a bachelor's degree in chemistry, food science, food technology, or a related field. The requirement that the degree be from an ACS approved institution has been dropped. Additionally, for specific chemical residue analysis, the number of years of required experience at or below the part per million level of detection has been reduced to 3 years. FSIS personnel in FSIS laboratories must also meet these requirements.

b. Check Sample Analysis. Reporting Period and Frequency. The time requirement for reporting the results of check sample analyses has been revised from 1 week to 3 weeks. This should allow sufficient time to accommodate scheduling adjustments that might be necessary for equipment failure, fluctuating work-load assignments, etc. In addition, this would still allow the Agency to evaluate the laboratories on a timely basis. In terms of accreditation maintenance, the total number of check samples in a year which will be required cannot be specified for all types of analyses. The requirements differ depending upon the type and difficulties of chemical analysis under consideration and whether accreditation is for specific chemical residues or for moisture, protein, fat and salt.

c. Requirement that the Name of a Meat or Poultry Establishment that Will be Using its Services be Given Prior to Accreditation. Maintaining this requirement would automatically preclude many qualified laboratories, such as State laboratories and those with no contractural relationship with meat and poultry establishments, from participating in the Accredited Laboratory Program. Accordingly, this requirement has been deleted.

d. Time Allowed for Reapplication after Revocation of Accreditation. The rule has been modified by changing the waiting period for reapplication from 1 year to 6 months in most instances. There is also a new requirement that reapplying laboratories must forward to the Agency all written documentation concerning the specific corrective efforts made.

e. Payment for Official Sample Analysis. An establishment's use of an accredited laboratory is voluntary. Any establishment that wishes to avoid payment of fees has available the option of using FSIS laboratories. This service provided by FSIS is necessitated by the Federal Meat Inspection Act (21 U.S.C. 601 *et seq.*) and the Federal Poultry Products Inspection Act (21 U.S.C. 451 *et seq.*). The Agency believes the establishment of fees between the laboratory and the client should be mutually agreeable.

f. Identification of Chemical Residues. The proposed rule includes the criterion to require the correct identification of chemical residues. This criterion is now more prominently placed than in the original proposal.

Proposed Rule

Therefore, it is proposed that Parts 318 and 381 (9 CFR Parts 318 and 381) be revised by adding two new §§ 318.20 and 318.153. These new sections would set forth the standards to evaluate laboratory performance, and procedures used to obtain and maintain accreditation. Additionally, the rule would establish criteria for the probation, suspension, or revocation of accreditation, and the requirements for reapplying for accreditation.

List of Subjects

9 CFR Part 318

Accredited laboratory program, Meat inspection, Incorporation by reference., Recordkeeping and reporting requirements.

9 CFR Part 381

Accredited laboratory program, Poultry products inspection, Incorporation by reference, Recordkeeping and reporting requirements.

PART 318—[AMENDED]

1. The authority citation for Part 318 reads as follows:

Authority: 34 Stat. 1260, 81 Stat. 584, as amended (21 U.S.C. 601 *et seq.*); 72 Stat. 862, 92 Stat. 1069, as amended (7 U.S.C. 1901 *et seq.*); 76 Stat. 663 (7 U.S.C. 450 *et seq.*).

2. Section 318.21 is added to read as follows:

§ 318.21 Accreditation of chemistry laboratories.

(a) *Definitions:*

Accredited Laboratory—A non-Federal analytical laboratory that has met the requirements for accreditation specified in this section and hence, at an establishment's discretion, may be used in lieu of an FSIS laboratory for analyzing official regulatory samples. Payment for the analysis of official samples is to be made by the establishment using the accredited laboratory.

Accredited Laboratory Coordinator—The FSIS official responsible for coordinating all activities concerning laboratory accreditation.

AOAC Methods—Methods of chemical analysis accepted by the Association of Official Analytical Chemists (AOAC) and published in the "Official Methods of Analysis of the Association of Official Analytical Chemists." This publication is incorporated by reference and approved by the Director, Office of the Federal Register on _____.[1]

Chemical Residue Misidentification—See "Correct Chemical Residue Indentification" definition.

Coefficient of Variation (CV)—The standard deviation of a distribution of analytical values multipled by 100, and divided by the mean of those values.

Comparison Mean—The average of the results obtained by all accredited

[1] Copies of this publication are on file with the Director, Office of the Federal Register, and may be purchased from the Association of Official Analytical Chemists, 1111 N. 19th Street, Suite 210, Arlington, Virginia 22209.

and FSIS laboratories performing an analysis upon homogeneous samples of material.

Correct Chemical Residue Identification—A laboratory is required to identify correctly every chemical residue in a sample that is detected at a level equal to or greater than the associated minimum reportable level by all FSIS laboratories analyzing the sample. Failure to do so will be considered a misidentification. In addition, reporting the presence of a residue that is not reported by any FSIS laboratory analyzing the sample will also be considered a misidentification.

CUSUM—A class of statistical control procedures that assesses whether or not a process is "in control". Each CUSUM value is constructed by accumulating incremental values obtained from observed results of the process, and then determined to either exceed or fall within acceptable limits for that process. The four CUSUM procedures are:

—Positive Systematic Laboratory Difference CUSUM—monitors how consistently an accredited laboratory gets numerically greater results than an assigned FSIS laboratory.
—Negative Systematic Laboratory Difference CUSUM—monitors how consistently an accredited laboratory gets numerically smaller results than an assigned FSIS laboratory.
—Variability CUSUM—monitors the average "total discrepancy" (i.e., the combination of random fluctuations and systematic differences) between an accredited laboratory's results and those of an assigned FSIS laboratory.
—Individual Large Discrepancy DUSUM—monitors the magnitude and frequency of large differences between the results of an accredited laboratory and those of an assigned FSIS laboratory.

Individual Large Deviation—An analytical result from a non-Federal laboratory that differs from the sample comparison mean by more than would be expected assuming normal laboratory variability.

Initial Accreditation Check Sample—A sample prepared and sent by an FSIS laboratory to a non-Federal laboratory to ascertain if the non-Federal laboratory's analytical capability meets the standards for granting accreditation.

Interlaboratory Accreditation Maintenance Check Sample—A sample prepared and sent by an FSIS laboratory to an accredited laboratory to assist in determining if acceptable levels of analytical capability are being maintained by the accredited laboratory. Laboratories accredited to perform food chemistry analysis will receive a check sample only if an insufficient number of split samples are available to evaluate the laboratory.

Large Deviation Measure—A measure that quantifies an unacceptably large difference between a non-Federal laboratory's analytical result and the sample comparison mean.

Minimum Proficiency Level—The minimum level of a residue at which an analytical result will be used to assess a laboratory's quantification capability. This level is the smallest concentration for which the average CV for reproducibility (i.e., combined within and between laboratory variability) does not exceed 20 percent. (See Table 2.)

Official sample—A sample selected in accordance with FSIS procedures and submitted for regulatory purposes to a designated laboratory.

Probation—The period commencing with official notification to an accredited laboratory that its check or split sample results no longer satisfy the performance requirements specified in this rule, and ending with official notification that accreditation is either fully restored or suspended or removed.

QA (Quality Assurance) Recovery—The ratio of a laboratory's unadjusted analytical value of a check sample residue to the residue level fortified by the FSIS laboratory that prepared the sample, multiplied by 100. (See Table 2.)

QC (Quality Control) Recovery—The ratio of a laboratory's unadjusted analytical value of a quality control standard to the fortification level of the standard, multiplied by 100. (See Table 2.)

Responsibly Connected—Any individual who or entity which is a partner, officer, director, manager, or owner of 10 per centum or more of the voting stock of the applicant or recipient of accreditation or an employee in a managerial or executive capacity or any employee who conducts or supervises the chemical analysis of FSIS official samples.

Split Sample—An official sample divided into duplicate portions, one portion to be analyzed by an accredited laboratory (for official regulatory purposes) and the other portion by an FSIS laboratory (for comparison purposes).

Standardized Difference—

(1) Food Chemistry—A non-Federal laboratory's analytical result minus the matching FSIS laboratory's result from a split or check sample, divided by the appropriate standardizing value. (See Table 1.)

(2) Chemical Residues—A non-Federal laboratory's analytical result minus the comparison mean from a split or check sample, divided by the product of the comparison mean and the appropriate standardizing value. (See Table 2.)

Standardizing Value—A number used to transform the result of a computation to a unitless measure.

Systematic Laboratory Difference—A comparison of one laboratory's results with another laboratory's results on homogenous samples that shows, on the average, a consistent directional difference. A laboratory that is reporting, on the average, numerically greater results than a comparison laboratory has a positive systematic laboratory difference and, conversely, numerically smaller results on the average indicate a negative systematic difference.

Variability—Random fluctuations in a laboratory's processes that cause it analytical results to deviate from a true value.

TABLE 1.—STANDARDIZING VALUES FOR FOOD CHEMISTRY

[By product class and analyte]

Product class	Analyte			
	Moisture	Protein[1]	Fat[1]	Salt
Cured pork	0.90	0.069	0.13	0.18
Canned hams	0.65	0.069	0.16	0.18
Pork sausages	0.65	0.069	0.09	0.18
Ground beef	1.00	0.069	0.15	0.18
Sausages (other than pork)	1.00	0.069	0.12	0.18
Franks	0.65	0.069	0.10	0.18
Bologna	0.90	0.069	0.10	0.18
Salami, etc.[2]	0.65	0.069	0.11	0.18
Other[3]	0.80	0.069	0.11	0.18

[1] To obtain the standardizing value for a sample, the appropriate entry in this column is multiplied by $X^{0.44}$, where X is the comparison mean of the sample.

[2] Product class consists of hard salami, corn beef, and beef tongues.

[3] All products that cannot be classified into one of the previous categories are placed in this class. These include bacon, brisket, and jerky products.

TABLE 2.—MINIMUM PROFICIENCY LEVELS, PERCENT EXPECTED RECOVERIES (QC AND QA), AND STANDARDIZING VALUES FOR CHEMICAL RESIDUES

Class of residues	Minimum proficiency level	Percent expected recovery (QC and QA)	Standardizing value [3]	
			For maintenance check sample computations	For split sample computations
Chlorinated hydrocarbons (ppm):[1]				
Aldrin	0.10	80–110	0.20	0.28
Benzene				
Hexachloride	0.10	80–110	0.20	0.28
Chlordane	0.30	80–110	0.20	0.28
Dieldrin	0.10	80–110	0.20	0.28
DDT	0.15	80–110	0.20	0.28
DDE	0.10	80–110	0.20	0.28
TDE	0.15	80–110	0.20	0.28
Endrin	0.10	80–110	0.20	0.28
Heptachlor	0.10	80–110	0.20	0.28
Heptachlor epoxide	0.10	80–110	0.20	0.28
Lindane	0.10	80–110	0.20	0.28
Methoxychlor	0.50	80–110	0.20	0.28
Toxaphene	1.00	80–110	0.20	0.28
Polychlorinated biphenyls	0.50	75–110	0.20	0.28
Hexachlorobenzene	0.10	80–110	0.20	0.28
Mirex	0.10	80–110	0.20	0.28
Nonachlor	0.15	80–110	0.20	0.28
Polybrominated biphenyls (ppm)[4]	0.15	80–110	0.20	0.28
Arsenic (ppm)[2]	0.20	90–105	0.25	0.35
Sulfa drugs (ppm)[2]	0.08	70–120	0.25	0.35
Ipronidaxole (ppb)[2]	2	60–90	0.20	0.28
Nitrosamine (ppb)[2]	5	70–110	0.25	0.35

[1] Laboratory statistics are computed over all results (excluding PCB results), and for specific chemical residues.
[2] Laboratory statistics are only computed for specific chemical residues.
[3] The standardizing value for all initial accreditation and probationary check sample computations is 0.15

(b) *Laboratories accredited for analysis of protein, moisture, fat, and salt content of meat and meat products.*

(1) *Applying for accreditation.*[2] Application for accreditation shall be made in writing by the owner or operator of the non-Federal analytical laboratory and sent to the Accredited Laboratory Coordinator, Chemistry Division, Science Program, Food Safety and Inspection Service, U.S. Department of Agriculture, Washington, DC 20250. A laboratory whose accreditation has been refused or revoked under the circumstances described in paragraph (d)(1), (d)(2), (g)(1) or (g)(2) of this section may reapply for accreditation no sooner than 6 months after the effective date of that action, and must provide written documentation specifying what corrections were made. The applying laboratory will bear all costs associated with its application process.

(2) *Criteria for obtaining accreditation.* Non-Federal analytical laboratories may be accredited for the analyses of moisture, protein, fat, and salt content of meat and meat food products. Accreditation will be given only if the applying laboratory successfully satisfies the requirements presented below, for all 4 analytes. This accreditation authorizes official FSIS acceptance of the analytical test results provided by these laboratories on official samples. To obtain FSIS accreditation for moisture, protein, fat, and salt analyses, a non-Federal analytical laboratory must:

(i) Be supervised by a person holding, as a minimum, a bachelor's degree in either chemistry, food science, food technology, or a related field and having 1 year's experience in food chemistry, or equivalent qualifications, as determined by the Administrator.

(ii) Demonstrate acceptable levels of systematic laboratory difference, variability, and individual large deviations in the analyses of moisture, protein, fat and salt content using AOAC methods. An applying laboratory will successfully demonstrate these capabilities if its moisture, protein, fat, and salt results from a 36 check sample accreditation study each satisfy the criteria presented below.[3] If the laboratory's analysis of an analyte (or analytes) from the first set of 30 check samples does not meet these criteria for obtaining accreditation, a second set of 36 samples will be provided to the applying laboratory to be analyzed for only those analyte(s) that has unacceptable results initially. If the results of the second set of samples do not meet the criteria, an additional set of accreditation check samples (which must be analyzed for all 4 analytes) will not be provided for at least a 6 month period, commencing from the date on which the analytical results of the second set of samples were postmarked to FSIS.

(A) *Systematic Laboratory Difference:* The absolute value of the average standardized difference must not exceed 0.73 minus the product of 0.17 and the standard deviation of the standardized differences.

(B) *Variability:* The estimated standard deviation of the standardized differences must not exceed 1.15.

(C) *Individual Large Deviations:* One hundred times the average of the large deviation measures of the individual samples must be less than 5.0.[4]

(iii) Allow inspection of the laboratory by FSIS officials prior to the determination of granting accredited status.

(3) *Criteria for maintaining accreditation.* To maintain accreditation for moisture, protein, fat, and salt analyses, a non-Federal analytical laboratory must:

(i) Report analytical results of the moisture, protein, fat, and salt content of official samples, weekly, on designated forms to the Accredited Laboratory Coordinator, Chemistry Division, Science, FSIS.

(ii) Maintain laboratory quality control records for the most recent 3 years that samples have been analyzed under this Program.

(iii) Maintain complete records of the receipt, analysis, and disposition of official samples for the most recent 3 years that samples have been analyzed under this Program.

(iv) Maintain a standards book, which is a permanently bound book with sequentially numbered pages, containing all readings and calculations for standardization of solutions, determination of recoveries, and calibration of instruments. All entries are to be dated and signed within 2 working days by the analyst and his/her supervisor. The standards book is to be retained for a period of 3 years after the last entry is made.

(v) Analyze interlaboratory acceditation maintenance check samples and return the results to FSIS

[2] Laboratories designated by FSIS as "certified" prior to the effective date of this regulation will automatically become accredited laboratories for their current type of analysis without complying with paragraphs (b)(1) and (b)(2) of this section. However, all other requirements of this section shall be applicable to such laboratories. If at a later date, however, the laboratory has its accreditation revoked, it must comply with paragraphs (b)(1) and (b)(2) of this section.

[3] All statistical computations are rounded to the nearest tenth, except where otherwise noted.

[4] A result will have a large deviation measure equal to zero when the absolute value of the result's standardized difference, (d), is less than 2.5, and a measure equal to $1-(2.5/d)^4$ otherwise.

within 3 weeks of sample receipt. This must be done whenever requested by FSIS and at no cost to FSIS.

(vi) Inform the Accredited Laboratory Coordinator, Chemistry Division, Science, FSIS, by certified or registered mail, within 30 days, when there is any change in the laboratory's ownership, officers, directors, supervisory personnel, or other responsibly connected individual or entity.

(vii) Permit any duly authorized representative of the Secretary to perform both announced and unannounced on-site laboratory reviews of facilities and records during normal business hours.

(viii) Use official AOAC methods [5] on official and check samples.

(ix) Demonstrate that acceptable levels of systematic laboratory difference, variability, and individual large deviations are being maintained in the analyses of moisture, protein, fat, and salt content. An accredited laboratory will successfully demonstrate the maintenance of these capabilities if its moisture, protein, fat, and salt results from split samples and interlaboratory accreditation maintenance check samples each satisfy the criteria presented below.[6]

(A) Systematic Laboratory Difference:

(*1*) Positive systematic laboratory difference: The standardized difference between the accredited laboratory's result and that of the FSIS laboratory for each split or interlaboratory accreditation maintenance check sample is used to determine a CUSUM value, designated as CUSUM–P. This value is computed and evaluated as follows:

(*i*) Determine the CUSUM increment for the sample.

The CUSUM increment is set equal to:

2.0, if the standardized difference is greater than 2.4,

−2.0, if the standardized difference is less than −1.6,

or

the standardized difference minus 0.4, if the standardized difference lies between −1.6 and 2.4, inclusive.

(*ii*) Compute the new CUSUM–P value.

The new CUSUM–P value is obtained by adding, algebraically, the CUSUM increment to the last previously computed CUSUM–P value. If this computation yields a value smaller than 0, the new CUSUM–P value is set equal to 0. (CUSUM–P values are initialized at zero; that is, the CUSUM–P value associated with the first sample is set equal to the CUSUM increment for that sample.)

(*iii*) Evaluate the new CUSUM–P value.

The new CUSUM–P value must not exceed 5.2.

(*2*) Negative systematic laboratory difference:

The standardized difference between the accredited laboratory's result and that of the FSIS laboratory for each split or interlaboratory accreditation maintenance check sample is used to determine a CUSUM value, designated as CUSUM–N. This value is computed and evaluated as follows:

(*i*) Determine the CUSUM increment for the sample. The CUSUM increment is set equal to:

−2.0, if the standardized difference is greater than 1.6,

2.0, if the standardized difference is less than −2.4,

or

the standardized difference plus 0.4, if the standardized difference lies between −2.4 and 1.6, inclusive.

(*ii*) Compute the new CUSUM–N value. The new CUSUM–N value is obtained by adding, algebraically, the CUSUM increment to the last previously computed CUSUM–N value. If this computation yields a value smaller than 0, the new CUSUM–N value is set equal to 0. (CUSUM–N values are initialized at zero; that is, the CUSUM–N value associated with the first sample is set equal to the CUSUM increment for that sample.)

(*iii*) Evaluate the new CUSUM–N value. The new CUSUM–N value must not exceed 5.2.

(*B*) Variability: The absolute value of the standardized difference between the accredited laboratory's result and that of the FSIS laboratory for each split sample or interlaboratory accreditation maintenance check sample is used to determine a CUSUM value, designated as CUSUM–V. This value is computed and evaluated as follows:

(*1*) Determine the CUSUM increment for the sample. The CUSUM increment is set equal to the larger of −0.4 and the absolute value of the standardized difference minus 0.9. If this computation yields a value larger than 1.6, the increment is set equal to 1.6.

(*2*) Compute the new CUSUM–V value. The new CUSUM–V value is obtained by adding, algebraically, the CUSUM increment to the last previously computed CUSUM–V value. If this computation yields a value less than 0, the new CUSUM–V is set equal to 0. (CUSUM–V values are initialized at zero; that is, the CUSUM–V value associated with the first sample is set equal to the CUSUM increment for that sample.)

(*3*) Evaluate the new CUSUM–V value. The new CUSUM–V value must not exceed 4.3.

(C) Large Deviations: The large deviation measure of the accredited laboratory's result for each split sample or interlaboratory accreditation maintenance check sample is used to determine a CUSUM value, designated as CUSUM–D.[4] This value is computed and evaluated as follows:

(*1*) Determine the CUSUM increment for the sample. The CUSUM increment is set equal to the value of the large deviation measure minus 0.025.

(*2*) Compute the new CUSUM–D value. The new CUSUM–D value is obtained by adding algebraically, the CUSUM increment to the last previously computed CUSUM–D value. If this computation yields a values less that 0, the new CUSUM–D value is set equal to 0. (CUSUM–D values are initialized at zero; that is, the CUSUM–D value associated with the first sample is set equal to the CUSUM increment for that sample.)

(*3*) Evaluate the new CUSUM–D value. The new CUSUM–D value must not exceed 1.0.

(x) Meet the following requirements if placed on probation pursuant to paragraph (e) of this section:

(A) Send all official samples that have not been analyzed as of the date of written notification of probation to a specified FSIS laboratory by certified mail or private carrier. Mailing expenses will be paid by FSIS.

(B) Analyze a set of check samples similar to those used for initial accreditation, and submit the analytical results to FSIS within 3 weeks of receipt of the samples.

(C) Satisfy criteria described in paragraph (b)(2)(ii) of this section on the above mentioned check samples.

(xi) Expeditiously report analytical results of official samples in accordance with the instructions of the Accredited Laboratory Coordinator. The Federal inspector at any establishment may assign the analysis of official samples to an FSIS laboratory if, in his/her view, there are delays in receiving test results on official samples from an accredited laboratory.

(c) *Laboratories accredited for analysis of a class of chemical residues in meat and meat food products.*—(1)

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[5] Copies of the "Official Methods of Analysis of the Association of Official Analytical Chemists" are on file with the Director, Office of the Federal Register, and may be purchased from the AOAC, 1111 N. 19th Street, Suite 210, Arlington, VA 22209.

[6] All statistical computations are rounded to the nearest tenth, except where otherwise noted.

Applying for accreditation.[7] Application for accreditation shall be made in writing by the owner or operator of the non-Federal analytical laboratory and sent to the Accreditated Laboratory Coordinator, Chemistry Division, Science, Food Safety and Inspection Service, U.S. Department of Agriculture, Washington, D.C. 20250. A laboratory whose accreditation has been refused or withdrawn under the circumstances described in paragraph (d)(1), (d)(2), (g)(1) or (g)(2) of this section may reapply for accreditation no sooner than 6 months after the effective date of that action, and must provide written documentation specifying what corrections were made. The applying laboratory will bear all costs associated with its application process.

(2) *Criteria for obtaining accreditation.*—Non-Federal analytical laboratories may be accredited for the analysis of a class of chemical residues in meat and meat food products. Accreditation will be given only if the applying laboratory successfully satisfies the requirements presented below. This accreditation authorizes official FSIS acceptance of the analytical test results provided by these laboratories on official samples. To obtain FSIS accreditation for the analysis of a class of chemical residues, a non-Federal analytical laboratory must:

(i) Be supervised by a person holding, as a minimum, a bachelor's degree in either chemistry, food science, food technology, or a related field and having 3 years' experience determining analytes at or below part per million levels in analytical chemistry, or equivalent qualifications, as determined by the Administrator.

(ii) Demonstrate acceptable levels of systematic laboratory difference, variability, individual large deviations, recoveries, and proper identification in the analysis of the class of chemical residues for which application was made, using FSIS approved procedures. An applying laboratory will successfully demonstrate these capabilities if its analytical results for each specific chemical residue provided in a check sample accreditation study containing a minimum of 14 samples satisfy the criteria presented below.[8] In addition, if the laboratory is requesting accreditation for the analysis of chlorinated hydrocarbons, all analytical results for the residue class must collectively satisfy the criteria. (Conformance to criteria (A), (B), (C), and (D) will only be determined when 6 or more analytical results with associated comparison means at or above the minimum proficiency level are available.) If the results of the first set of samples do not meet these criteria for obtaining accreditation, a second set of at least 14 samples will be provided to the applying laboratory. If the results of the second set of samples do not meet the criteria, an additional set of accreditation check samples will not be provided for a 6 month period, commencing from the date on which the analytical results of the second set of samples were postmarked to FSIS.

(A) *Systematic Laboratory Difference:* The absolute value of the average standardized difference must not exceed 1.67 (2.00 if there are less than 12 analytical results) minus the product of 0.29 and the standard deviation of the standardized differences.

(B) *Variability:*. The standard deviation of the standardized differences must not exceed a computed tolerance. This tolerance is a function of the number of analytical results used in the computation of the standard deviation, and of the amount of variability associated with the results from the participating FSIS laboratories.

(C) *Individual Large Deviations.* One hundred times the average of the large deviation measures of the individual analytical results must be less than 5.0.[9]

(D) *QA Recovery:* The average of the QA recoveries of the individual analytical results must lie within the range given in Table 2 under the column entitled "Percent Expected Recovery."

(E) *QC Recovery:* All QC recoveries must lie within the range given in Table 2 under "Percent Expected Recovery." Supporting documentation must be made available to FSIS upon request.

(F) *Correct Identification:* There must be correct identification of all chemical residues in all samples.

(iii) Allow inspection of the laboratory by FSIS officials prior to the determination of granting accredited status.

(3) *Criteria for maintaining accreditation.* To maintain accreditation for analysis of a class of chemical residues, a non-Federal analytical labortory must:

(i) Report analytical chemical residue results from official samples, weekly, on designated forms to the Accredited Laboratory Coordinator, Chemistry Division, Science, FSIS.

(ii) Maintain laboratory quality control records for the most recent 3 years that samples have been analyzed under this Program.

(iii) Maintain complete records of the receipt, analysis, and disposition of official samples for the most recent 3 years that samples have been analyzed under the Program.

(iv) Maintain a standards book, which is a permanently bound book with sequentially numbered pages, containing all readings and calculations for standardization of solutions, determination of recoveries, and calibration of instruments. All entries are to be dated and signed within 2 working days by the analyst and his/her supervisor. The standards book is to be retained for a period of 3 years after the last entry is made.

(v) Analyze interlaboratory accreditation maintenance check samples and return the results to FSIS within 3 weeks of sample receipt. This must be done whenever requested by FSIS and at no cost to FSIS.

(vi) Inform the Accredited Laboratory Coordinator, Chemistry Division, Science Program, FSIS, by certified or registered mail, within 30 days when there is any change in the laboratory's ownership, officers, directors, supervisory personnel, or any other responsibly connected individual or entity.

(vii) Permit any duly authorized representative of the Secretary to perform both announced and unannounced on-site laboratory reviews of facilities and records during normal business hours.

(viii) Use analytical procedures designated and approved by FSIS.

(ix) Demonstrate that acceptable levels of systematic laboratory difference, variability, and individual large deviations are being maintained in the analysis of official samples, in the chemical residue class for which accreditation was granted. A laboratory will successfully demonstrate the maintenance of these capabilities if its analytical results for each specific chemical residue found in split samples satisfy the criteria presented

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[7] Laboratories designated by FSIS as "recognized" prior to the effective date of this regulation will automatically become accredited laboratories for their current type of analysis without complying with paragraphs (c)(1) and (c)(2) of this section. However, all other requirements of this section shall be applicable to such laboratories. If at a later date, however, the laboratory has its accreditation revoked, it must comply with paragraphs (c)(1) and (c)(2) of this section.

[8] All statistical computations are rounded to the nearest tenth, except where otherwise noted.

[9] A result will have a large deviation measure equal to zero when the absolute value of the result's standardized difference, (d), is less than 2.5 and a measure equal $1-(2.5/d)^4$ otherwise.

below.[10] [11] In addition, if the laboratory is accredited for the analysis of chlorinated hydrocarbons, all analytical results for the residue class must collectively satisfy the criteria.

(A) *Systematic Laboratory Difference:*

(*1*) Positive systematic laboratory difference: The standardized difference between the accredited laboratory's result and that of the FSIS laboratory for each split sample is used to determine a CUSUM value, designated as CUSUM–P.[12] This value is computed and evaluated as follows:

(*i*) Determine the CUSUM increment for the sample. The CUSUM increment is set equal to:

2.0, if the standardized difference is greater than 2.5,
−2.0, if the standardized difference is less than −1.5,

or

the standardized difference minus 0.5, if the standardized difference lies between −1.5 and 2.5, inclusive.

(*ii*) Compute the new CUSUM–P value. The new CUSUM–P value is obtained by adding, algebraically, the CUSUM increment to the last previously computed CUSUM–P value. If this computation yields a value smaller than 0, the new CUSUM–P value is set equal to 0. [CUSUM–P values are initialized at zero; that is, the CUSUM–P value associated with the first sample is set equal to the CUSUM increment for that sample.]

(*iii*) Evaluate the new CUSUM–P value. The new CUSUM–P value must not exceed 4.8.

(*2*) Negative systematic laboratory difference: The standardized difference between the accredited laboratory's result and that of the FSIS laboratory for each split sample is used to determine a CUSUM value, designated as CUSUM–N.[13] This value is computed and evaluated as follows:

(*i*) Determine the CUSUM increment for the sample. The CUSUM increment is set equal to:

−2.0, if the standardized difference is greater than 1.5,
2.0, if the standardized difference is less than −2.5,

or

the standardized difference plus 0.5 , if the standardized difference lies between −2.5 and 1.5, inclusive.

(*ii*) Compute the new CUSUM–N value. The new CUSUM–N value is obtained by adding, algebraically, the CUMSUM increment to the last previously computed CUSUM–N value. If this computation yields a value smaller than 0, the new CUSUM–N value is set equal to 0. (CUSUM–N values are initialized at zero; that is, the CUSUM–N value associated with the first sample is set equal to the CUSUM increment for that sample).

(*iii*) Evaluate the new CUSUM–N value. The new CUSUM–N value must not exceed 4.8.

(B) Variability: The absolute value of the standardized difference between the accredited laboratory's result and that of the FSIS laboratory for each split sample is used to determine a CUSUM value, designated as CUSUM–V.[14] This value is computed and evaluated as follows:

(*1*) Determine the CUSUM increment for the sample. The CUSUM increment is set equal to the larger of −0.4 and the absolute value of the standardized difference minus 0.9. If this computation yields a value larger than 1.6, the increment is set equal to 1.6.

(*2*) Compute the new CUSUM–V value.The new CUSUM–V value is obtained by adding, algebraically, the CUSUM increment to the last previously computed CUSUM–V value. If this computation yields a value less than 0, the new CUSUM–V value is set equal to 0. (CUSUM–V values are initialized at zero; that is, the CUSUM–V value associated with the first sample is set equal to the CUSUM increment for that sample.)

(*3*) Evaluate the new CUSUM–V value. The new CUSUM–V value must not exceed 4.3.

(C) Large Deviations: The large deviation measure of the accredited laboratory's result for each split sample is used to determine a CUSUM value, designated as CUSUM–D.[15] This value is computed and evaluated as follows:

(*1*) Determine the CUSUM increment for the sample. The CUSUM increment is set equal to the large deviation measure minus 0.025.

(*2*) Compute the new CUSUM–D value. The new CUSUM–D is obtained by adding, algebraically, the CUSUM increment to the last previously computed CUSUM–D value. If this computation yields a value less than 0, the new CUSUM–D value is set equal to 0. (CUSUM–D values are initialized at zero; that is, the CUSUM–D value associated with the first sample is set equal to the CUSUM increment for that sample.)

(*3*) Evaluate the new CUSUM–D value. The new CUSUM–D value must not exceed 1.0.

(x) Meet the following requirements if placed on probation pursuant to paragraph (e) of this section:

(A) Send all official samples that have not been analyzed as of the date of written notification of probation to a specified FSIS laboratory by certified mail or private carrier. Mailing expenses will be paid by FSIS.

(B) Analyze a set of check samples similar to those used for initial accreditation, and submit analytical results to FSIS within 3 weeks of receipt of the samples.

(C) Satisfy criteria described in paragraph (c)(2)(ii) of this section on the above mentioned check samples.

(xi) Expeditiously report analytical results of official samples in accordance with the instructions of the Accredited Laboratory Coordinator. The Federal inspector at any establishment may assign the analysis of official samples to an FSIS laboratory if, in his/her view, there are delays in receiving test results on official samples from an accredited laboratory.

(xii) Every QC recovery associated with reporting of official samples must be within the appropriate range given in Table 2 under "Percent Expected Recovery." Supporting documentation must be made available to FSIS upon request.

(xiii) Demonstrate that acceptable levels of systematic laboratory difference, variability, individual large deviations, recoveries, and proper

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[10] All statistical computations are rounded to the nearest tenth, except where otherwise noted.

[11] An analytical result will only be used in the statistical evaluation of the laboratory if the associated comparison mean is equal to or greater than the minimum proficiency level for the residue.

[12] When determining compliance with this criterion for all chlorinated hydrocarbon results in a sample collectively, the following statistical procedure must be followed to account for the correlation of analytical results within a sample: The average of the standardized differences of the analytical results within the sample, divided by a constant, is used in place of a single standardized difference to determine the CUSUM–P (or CUSUM–N) value for the sample. The constant is a function of the number of analytical results used to compute the average standardized difference.

[13] See footnote 12.

[14] When determining compliance with this criterion for all chlorinated hydrocarbon results in a sample collectively, the following statistical procedure must be followed to account for the correlation of analytical results within a sample: The square root of the sum of the within sample variance and the average standardized difference of the sample, divided by a constant, is used in place of the absolute value of the standardized difference to determine the CUSUM–V value for the sample. The constant is a function of the number of analytical results used to compute the average standardized difference.

[15] A result will have a large deviation measure equal to zero when the absolute value of the result's standardized difference, (d), is less than 2.5, and a measure equal to $1-(2.5/d)^4$ otherwise.

identification are being maintained in the analysis of interlaboratory accreditation maintenance check samples, in the chemical residue class for which accreditation was granted. A laboratory will successfully demonstrate the maintenance of these capabilities if its analytical results for each specific chemical residue found in interlaboratory accreditation maintenance check samples satisfy the criteria presented below. In addition, if the laboratory is accredited for the analysis of chlorinated hydrocarbons, all analytical results for the residue class must collectively satisfy the criteria.

(A) *Systematic Laboratory Difference.*

(*1*) Positive systematic laboratory difference: The standardized difference between the accredited laboratory's result and the comparison mean for each interlaboratory accreditation maintenance check sample is used to determine a CUSUM value, designated as CUSUM–P.[16] This value is computed and evaluated as follows:

(*i*) Determine the CUSUM increment for the sample. The CUSUM increment is set equal to:

2.0, if the standardized difference is greater than 2.5,

−2.0, if the standardized difference is greater than −1.5,

or

the standardized difference minus 0.5, if the standardized difference lies between −1.5 and 2.5, inclusive.

(*ii*) Compute the new CUSUM–P value. The new CUSUM–P value is obtained by adding, algebraically, the CUSUM increment to the last previously computed CUSUM–P value. If this computation yields a value small than 0, the new CUSUM–P value is set equal to 0. (CUSUM–P values are initialized at zero; that is, the CUSUM–P value associated with the first sample is set equal to the CUSUM increment for that sample.)

(*iii*) Evaluate the new CUSUM–P value. The new CUSUM–P value must not exceed 4.8.

(*2*) Negative systematic laboratory difference: The standardized difference between the accredited laboratory's result and the comparison mean for each interlaboratory accreditation maintenance check sample is used to determine a CUSUM value, designated as CUSUM–N.[17] This value is computed and evaluated as follows:

(*i*) Determine the CUSUM increment for the sample. The CUSUM increment is set equal to:

−2.0, if the standardized difference is greater than 1.5,

2.0, if the standardized difference is less than −2.5,

or

the standardized difference plus 0.5, if the standardized difference lies between −2.5 and 1.5, inclusive.

(*ii*) Compute the new CUSUM–N value. The new CUSUM–N value is obtained by adding, algebraically, the CUSUM increment to the last previously computed CUSUM–N value. If this computation yields a value smaller than 0, the new CUSUM–N value is set equal to 0. (CUSUM–N values are initialized at zero; that is, the CUSUM–N value associated with the first sample is set equal to the CUSUM increment for that sample.)

(*iii*) Evaluate the new CUSUM–N value. The new CUSUM–N value must not exceed 4.8.

(B) Variability: The absolute value of the standardized difference between the accredited laboratory's result and the comparison mean for each interlaboratory accreditation maintenance check sample is used to determine a CUSUM value, designated as CUSUM–V.[18] This value is computed and evaluated as follows:

(1) Determine the CUSUM increment for the sample. The CUSUM increment is set equal to the larger of −0.4 and the absolute value of the standardized difference minus 0.9. If this computation yields a value larger than 1.6, the increment is set equal to 1.6.

(2) Compute the new CUSUM–V value. The new CUSUM–V value is obtained by adding, algebraically, the CUSUM increment to the last previously computed CUSUM–V value. If this computation yields a value less than 0, the new CUSUM–V value is set equal to 0. (CUSUM–V values are initialized at zero; that is, the CUSUM–V value associated with the first sample is set equal to the CUSUM increment for that sample.)

(3) Evaluate the new CUSUM–V value. The new CUSUM–V value must not exceed 4.3.

(C) Large Deviations: The large deviation measure of the accredited laboratory's result for each interlaboratory accreditation maintenance check sample is used to determine a CUSUM value, designated as CUSUM–D.[19] This value is computed and evaluated as follows:

(1) Determine the CUSUM increment for the sample. The CUSUM increment is set equal to the value of the large deviation measure minus 0.025.

(*2*) Compute the new CUSUM–D value. The new CUSUM–D is obtained by adding, algebraically, the CUSUM increment to the last previously computed CUSUM–D value. If this computation yields a value less than 0, the new CUSUM–D value is set equal to 0. (CUSUM–D values are initialized at zero; that is, the CUSUM–D value associated with the first sample is set equal to the CUSUM increment for that sample.)

(3) Evaluate the new CUSUM–D value. The new CUSUM–D value must not exceed 1.0.

(D) Each QC Recovery is within the range given in Table 2 under "Percent Expected Recovery". Supporting documentation must be made available to FSIS upon request.

(E) Not more than 1 residue misidentification in any 2 consecutive check samples.

(F) Not more than 2 residue misidentifications in any 8 consecutive check samples.

(d) *Refusal of accreditation.* Upon a determination by the Administrator, a laboratory shall be refused accreditation for the following reasons:

(1) A laboratory shall be refused accreditation for moisture, protein, fat, and salt analysis for failure to meet the requirements of paragraph (b)(1) or (b)(2) of this section.

(2) A laboratory shall be refused accreditation for chemical residue analysis for failure to meet the requirements of paragraph (c)(1) or (c)(2) of this section.

(3) A laboratory shall be refused subsequent accreditation for failure to return to an FSIS laboratory, by certified mail or private carrier, all official samples which have not been analyzed as of the notification of a loss of accreditation.

(4) A laboratory shall be refused accreditation if the applicant or any individual or entity responsibly connected with the applicant has been convicted of or is under indictment or if charges on an information have been brought against the applicant or responsibly connected individual or entity in any Federal or State court

[16] *See* footnote 12.

[17] *See* footnote 12.

[18] *See* Footnote 14.

[19] A result will have a large deviation measure equal to zero when the absolute value of the result's standardized difference, (d), is less than 2.5, and a measure equal to $1-(2.5/d)^4$ otherwise.

concerning the following violations of law:

(i) Any felony.

(ii) Any misdemeanor based upon acquiring, handling, or distributing of unwholesome, misbranded, or deceptively packaged food or upon fraud in connection with transactions in food.

(iii) Any misdemeanor based upon a false statement to any governmental agency.

(iv) Any misdemeanor based upon the offering, giving or receiving of a bribe or unlawful gratuity.

(e) *Probation of accreditation.* Upon a determination by the Administrator, a laboratory shall be placed on probation for the following reasons:

(1) If the laboratory fails to complete more than one interlaboratory accreditation maintenance check sample analysis within 12 consecutive months as required by paragraphs (b)(3)(v) and (c)(3)(v) of this section.

(2) If the laboratory fails to meet any of the criteria set forth in paragraphs (b)(3)(v) and (b)(3)(ix) and (c)(3)(v) and (c)(3)(ix) of this section.

(f) *Suspension of Accreditation.* The accreditation of a laboratory shall be suspended if the laboratory or any individual or entity responsibly connected with the laboratory is indicted or if charges on an information have been brought against the laboratory or responsibly connected individual or entity in any Federal or State court concerning any of the following violations of law:

(1) Any felony.

(2) Any misdemeanor based upon acquiring, handling or distributing of unwholesome, misbranded, or deceptively packaged food or upon fraud in connection with transactions in food.

(3) Any misdemeanor based upon a false statement to any governmental agency.

(4) Any misdemeanor based upon the offering, giving or receiving of a bribe or unlawful gratuity.

(g) *Revocation of Accreditation.* The accreditation of a laboratory shall be revoked for the following reasons:

(1) An accredited laboratory which is only acredited to perform analysis under paragraph (b) of this section shall have its acreditation revoked for failure to meet any of the requirements of paragraph (b)(3). IF the recipient laboratory fails to meet any of the criteria set forth in paragraphs (b)(3)(v) and (b)(3)(ix), and if more than one year has passed since the end of any previous probationary period, the accredited laboratory will be placed on probation in lieu of having its accreditation revoked.

(2) An accredited laboratory which is only accredited to perform analysis under paragraph (c) of this section shall have its accreditation revoked for failure to meet the requirements of paragraph (c)(3) of this section. If the recipient laboratory fails to meet any of the criteria set forth in paragaphs (c)(3)(v), (c)(3)(ix), and (c)(3)(xiii) of this section, and if more than one year has passed since the end of any previous probationary period, the laboratory will be placed on probation in lieu of having its accreditation revoked.

(3) An accredited laboratory shall have its accreditation revoked if the Administrator determines that the laboratory or any responsibly connected individual or any agent or employee has:

(i) Altered any official sample or analytical finding, or,

(ii) Substituted an analytical result from a non-accredited laboratory for its own.

(4) An accredited laboratory shall have its accreditation revoked if the laboratory or any individual or entity responsibly connected with the laboratory is convicted in a Federal or State court of any of the following violations of law:

(i) Any felony.

(ii) Any misdemeanor based upon acquiring, handling, or distributing of unwholesome, misbranded, or deceptively packaged food or upon fraud in connection with transactions in food.

(iii) Any misdemeanor based upon a false statement to any governmental agency.

(iv) Any misdemeanor based upon the offering, giving or receiving of a bribe or unlawful gratuity.

unwholesome, mislabeled, or deceptively packaged food or upon fraud in connection with transactions in food or based upon a false statement to any governmental entity.

(h) *Notification and Hearings.* Accreditation of any laboratory shall be refused, suspended, or revoked under the conditions previously described herein. The owner or operator of the laboratory shall be sent written notice of the refusal, suspension, or revocation of accreditation by the Administrator. In such cases, the laboratory owner or operator will be provided an opportunity to present, withn 30 days of the date of the notification, a statement challenging the merits or validity of such action and to request an oral hearing with respect to the denial, suspension, or revocation decision. An oral hearing shall be granted if there is any dispute of material fact joined in such responsive statement. The proceeding shall thereafter be conducted in accordance with the applicable rules of practice which shall be adopted for the proceeding. Any such refusal, suspension, or revocation shall be effective upon the notification and shall continue in effect until final determination of the matter by the Administrator.

[Recordkeeping requirements under this section approved by the Office of Management and Budget under OMB control numbers (0583-0015)

PART 381—[AMENDED]

3. The authority citation for Part 381 reads as follows:

Authority: 34 Stat. 1260, 79 Stat. 903, as amended, 81 Stat. 584, 84 Stat. 91, 21 U.S.C. 71 *et seq.*, 601 *et seq.*

4. Section 381.153 is added to read as follows:

§ 318.153 Accreditation of Chemistry Laboratories.

(a) *Definitions:*

Accredited Laboratory—A non-Federal analytical laboratory that has met the requirements for accreditation specified in this section and hence, at an establishment's discretion, may be used in lieu of an FSIS laboratory for analyzing official regulatory samples. Payment for the analysis of official samples is to be made by the establishment using the accredited Laboratory.

*Accredited Laboratory Coordinator.*The FSIS official responsible for coordinating all activities concerning laboratory accreditation.

AOAC Methods—Methods of chemical analysis accepted by the Association of Official Analytical Chemists (AOAC) and published in the "Official Methods of Analysis of the Association of Official Analytical Chemists." This publication is incorporated by reference and approved by the Director, Office of the Federal Register on _____.[7]

Chemical Residue Misidentification—See "Correct Chemical Residue Indentification" definition.

Coefficient of Variation (CV)—The standard deviation of a distribution of analytical values multipled by 100, and divided by the mean of those values.

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[7]Copies of this publication are on file with the Director, Office of the Federal Register, and may be purchased from the Association of Official Analytical Chemists, 1111 N. 19th Street, Suite 210, Arlington, Virginia.

Comparison Mean—The average of the results obtained by all accredited and FSIS laboratories performing an analysis upon homogeneous samples of material.

Correct Chemical Residue Identification—A laboratory is required to identify correctly every chemical residue in a sample that is detected at a level equal to or greater than the associated minimum reportable level by all FSIS laboratories analyzing the sample. Failure to do so will be considered a misidentification. In addition, reporting the presence of a residue that is not reported by any FSIS laboratory analyzing the sample will also be considered a misidentification.

CUSUM—A class of statistical control procedures that assesses whether or not a process is "in control". Each CUSUM value is constructed by accumulating incremental values obtained from observed results of the process, and then determined to either exceed or fall within acceptable limits for that process. The four CUSUM procedures are:

—Postive Systematic Laboratory Difference, CUSUM—monitors how consistently an accredited laboratory gets numerically greater results than an assigned FSIS laboratory.

—Negative Systematic Laboratory Difference CUSUM—monitors how consistently an accredited laboratory gets numerically smaller results than an assigned FSIS laboratory.

—Variability CUSUM—monitors the average "total discrepancy" (i.e., the combination of random fluctuations and systematic differences) between an accredited laboratory's results and those of an assigned FSIS laboratory.

—Individual Large Discrepancy CUSUM—monitors the magnitude and frequency of large differences between the results of an accredited laboratory and those of an assigned FISI laboratory.

Individual Large Deviation—An analytical result from a non-Federal laboratory that differs from the sample comparison mean by more than would be expected assuming normal laboratory variability.

Initial Accreditation Check Sample—A sample prepared and sent by an FSIS laboratory to a non-Federal laboratory to ascertain if the non-Federal laboratory's analytical capability meets the standards for granting accreditation.

Interlaboratory Accreditation Maintenance Check Sample—A sample prepared and sent by an FSIS laboratory to an accredited laboratory to assist in determining if acceptable levels of analytical capability are being maintained by the accredited laboratory. Laboratories accredited to perform food chemistry analysis will receive a check sample only if an insufficient number of split samples are available to evaluate the laboratory.

Large Deviation Measure—A measure that quantifies an unacceptably large difference between a non-Federal laboratory's analytical result and the sample comparison mean.

Minimum Proficiency Level—The minimum level of a residue at which an analytical result will be used to assess a laboratory's quantification capability. This level is the smallest concentration for which the average CV for reproducibility (i.e., combined within and between laboratory variability) does not exceed 20 percent. (See Table 2.)

Official sample—A sample selected in accordance with FSIS procedures and submitted for regulatory purposes to a designated laboratory.

Probation—The period commencing with official notification to an accredited laboratory that its check or split sample results no longer satisfy the performance requirements specified in this rule, and ending with official notification that accreditation is either fully restored or removed.

QA (Quality Assurance) Recovery—The ratio of a laboratory's unadjusted analytical value of a check sample residue to the residue level fortified by the FSIS laboratory that prepared the sample, multiplied by 100. (See Table 2.)

QC (Quality Control) Recovery—The ratio of a laboratory's unadjusted analytical value of a quality control standard to the fortification level of the standard, multiplied by 100. (See Table 2.)

Responsibly Connected—Any individual who or entity which is a partner, officer, director, manager, or owner of 10 per centum or more of the voting stock of the applicant or recipient of accreditation or an employee in a managerial or executive capacity or any employee who conducts or supervises the chemical analysis of FSIS official samples.

Split Sample—An official sample divided into duplicate portions, one portion to be analyzed by an accredited laboratory (for official regulatory purposes) and the other portion by an FSIS laboratory (for comparison purposes).

Standardized Difference—(1) Food Chemistry—A non-Federal laboratory's analytical result minus the matching FSIS laboratory's result from a split or check sample, divided by the appropriate standardizing value. (See Table 1.)

(2) Chemical Residues—A non-Federal laboratory's analytical result minus the comparison mean from a split or check sample, divided by the product of the comparison mean and the appropriate standardizing value. (See Table 2.)

Standardizing Value—A number used to transform the result of a computation to a unitless measure.

Systematic Laboratory Difference—A comparison of one laboratory's analytical results with another laboratory's results on homogeneous samples that shows, on the average, a consistent directional difference. A laboratory that is reporting, on the average, numerically greater results than a comparison laboratory has a positive systematic laboratory difference and, conversely, numerically smaller results on the average indicate a negative systematic difference.

Variability—Random fluctuations in a laboratory's processes that cause its analytical results to deviate from a true value.

TABLE 1.—STANDARDIZING VALUES FOR FOOD CHEMISTRY

Analtye			
Moisture	Protein [1]	Fat [1]	Salt
0.80	0.069	0.12	0.18

[1] To obtain the standardizing value for a sample, the appropriate entry in this column is multiplied by $X^{0.85}$, where X is the comparison mean of the sample

TABLE 2.—MINIMUM PROFICIENCY LEVELS, PERCENT EXPECTED RECOVERIES (QC AND QA), AND STANDARDIZING VALUES FOR CHEMICAL RESIDUES

Class of residues	Minimum proficiency level	Percent expected recovery (QC and QA)	Standardizing value [1]	
			For maintenance check sample computations	For split sample computations
Chlorinated hydrocarbons (ppm) [1]				
Aldrin	0.10	80–110	0.20	0.28
Benzene				
Hexachlonde	0.10	80–110	0.20	0.28
Chlordane	0.30	80–110	0.20	0.28
Dieldrin	0.10	80–110	0.20	0.28
DDT	0.15	80–110	0.20	0.28
DDE	0.10	80–110	0.20	0.28
TDE	0.15	80–110	0.20	0.28
Endnn	0.10	80–110	0.20	0.28

TABLE 2.—MINIMUM PROFICIENCY LEVELS, PERCENT EXPECTED RECOVERIES (QC AND QA), AND STANDARDIZING VALUES FOR CHEMICAL RESIDUES—Continued

Class of residues	Minimum proficiency level	Percent expected recovery (QC and QA)	Standardizing value [3]	
			For maintenance check sample computations	For split sample computations
Heptachlor	0.10	80–110	0.20	0.28
Heptachlor epoxide	0.10	80–110	0.20	0.28
Lindane	0.10	80–110	0.20	0.28
Methoxychlor	0.50	80–110	0.20	0.28
Toxaphene	1.00	80–110	0.20	0.28
Polychlorinated biphenyls	0.50	75–110	0.20	0.28
Hexachlorobenzene	0.10	80–110	0.20	0.28
Mirex	0.10	80–110	0.20	0.28
Nonachlor	0.15	80–110	0.20	0.28
Polybrominated biphenyls (ppm) [2]	0.15	80–110	0.20	0.28
Arsenic (ppm) [2]	0.20	90–105	0.25	0.35
Sulfa drugs (ppm) [2]	0.08	70–120	0.25	0.35
Ipronidazole (ppb) [2]	2	60–90	0.20	0.28
Nitrosamine (ppb) [2]	5	70–110	0.25	0.35

[1] Laboratory statistics are computed over all results (excluding PCB results), and for specific chemical residues.
[2] Laboratory statistics are only computed for specific chemical residues.
[3] The standardizing value for all initial accreditation and probationary check sample computations is 0.15.

(b) *Laboratories accredited for analysis of protein, moisture, fat, and salt content of meat and meat products.*—(1) *Applying for accreditation.*[2] Application for accreditation shall be made in writing by the owner or operator of the non-Federal analytical laboratory and sent to the Accredited Laboratory Coordinator, Chemistry Division, Science Program, Food Safety and Inspection Service, U.S. Department of Agriculture, Washington, DC 20250. A laboratory whose accreditation has been refused or revoked under the circumstances described in paragraphs (d)(1), (d)(2), (g)(1) or (g)(2) of this section may reapply for accreditation no sooner than 6 months after the effective date of that action, and must provide written documentation specifying what corrections were made. The applying laboratory will bear all costs associated with its application process.

(2) *Criteria for obtaining accreditation.* Non-Federal analytical laboratories may be accredited for the analyses of moisture, protein, fat, and salt content of poultry and poultry products. Accreditation will be given only if the applying laboratory successfully satisfies the requirements presented below, for all 4 analytes. This accreditation authorizes official FSIS acceptance of the analytical test results provided by these laboratories on official samples. To obtain FSIS accreditation for moisture, protein, fat, and salt analyses, a non-Federal analytical laboratory must:

(i) Be supervised by a person holding, as a minimum, a bachelor's degree in either chemistry, food science, food technology, or a related field and having 1 year's experience in food chemistry, or equivalent qualifications, as determined by the Administrator.

(ii) Demonstrate acceptable levels of systematic laboratory difference, variability, and individual large deviations in the analyses of moisture, protein, fat and salt content using AOAC methods. An applying laboratory will successfully demonstrate these capabilities if its moisture, protein, fat, and salt results from a 36 check sample accreditation study each satisfy the criteria presented below.[3] If the laboratory's analysis of an analyte (or analytes) from the first set of 36 check samples does not meet these criteria for obtaining accreditation, a second set of 36 samples will be provided to the applying laboratory to be analyzed for only those analyte(s) that had unacceptable results initially. If the results of the second set of samples do not meet the criteria, an additional set of accreditation check samples (which must be analyzed for all 4 analytes) will not be provided for at least a 6 month period, commencing from the date on which the analytical results of the second set of samples were postmarked to FSIS.

(A) Systematic Laboratory Difference: The absolute value of the average standardized difference must not exceed 0.73 minus the product of 0.17 and the standard deviation of the standardized differences.

(B) Variability: The estimated standard deviation of the standardized differences must not exceed 1.15.

(C) Individual Large Deviations: One hundred times the average of the large deviation measures of the individual samples must be less than 5.0.[4]

(iii) Allow inspection of the laboratory by FSIS officials prior to the determination of granting accredited status.

(3) *Criteria for maintaining accreditation.* To maintain accreditation for moisture, protein, fat, and salt analyses, a non-Federal analytical laboratory must:

(i) Report analytical results of the moisture, protein, fat, and salt content of official samples, weekly, on designated forms to the Accredited Laboratory Coordinator, Chemistry Division, Science, FSIS.

(ii) Maintain laboratory quality control records for the most recent 3 years that samples have been analyzed under this Program.

(iii) Maintain complete records of the receipt, analysis, and disposition of official samples for the most recent 3 years that samples have been analyzed under this Program.

(iv) Maintain a standard book, which is a permanently bound book with sequentially numbered pages, containing all readings and calculations for standardization of solutions, determination of recoveries, and calibration of instruments. All entries are to be dated and signed within 2 working days by the analyst and his/her supervisor. The standards book is to be retained for a period of 3 years after the last entry is made.

(v) Analyze interlaboratory accreditation maintenance check samples and return the results to FSIS within 3 weeks of sample receipt. This must be done whenever requested by FSIS and at no cost to FSIS.

(vi) Inform the Accredited Laboratory Coordinator, Chemistry Division, Science, FSIS, by certified or registered mail, within 30 days when there is any change in the laboratory's ownership, officers, directors, supervisory personnel, or other responsibly connected individual or entity.

(vii) Permit any duly authorized representative of the Secretary to

[2] Laboratories designated by FSIS as "certified" prior to the effective date of this regulation will automatically become accredited laboratories for their current type of analysis without complying with paragraphs (b)(1) and (b)(2) of this section. However, all other requirements of this section shall be applicable to such laboratories. If at a later date, however, the laboratory has its accreditation revoked, it must comply with paragraphs (b)(1) and (b)(2) of this section.

[3] All statistical computations are rounded to the nearest tenth, except where otherwise noted.

[4] A result will have a large deviation measure equal to zero when the absolute value of the result's standardized difference, (d), is less than 2.5, and a measure equal to $1-(2.5/d)^4$ otherwise.

perform both announced and unannounced on-site laboratory reviews of facilities and records during normal business hours.

(viii) Use official AOAC methods [5] on official and check samples.

(ix) Demonstrate that acceptable levels of systematic laboratory difference, variability, and individual large deviations are being maintained in the analyses of moisture, protein, fat, and salt content. An accredited laboratory will successfully demonstrate the maintenance of these capabilities if its moisture, protein, fat, and salt results from split samples and interlaboratory accreditation maintenance check samples each satisfy the criteria presented below.[6]

(A) Systematic Laboratory Difference:

(*1*) Positive systematic laboratory difference: The standardized difference between the accredited laboratory's result and that of the FSIS laboratory for each split or interlaboratory accreditation maintenance check sample is used to determine a CUSUM value, designated as CUSUM–P. This value is computed and evaluated as follows:

(*i*) Determine the CUSUM increment for the sample. The CUSUM increment is set equal to:

2.0, if the standardized difference is greater than 2.4,

−2.0, if the standardized difference is less than −1.6,

or

the standardized difference minus 0.4, if the standardized difference lies between −1.6 and 2.4, inclusive.

(*ii*) Compute the new CUSUM–P value. The new CUSUP–P value is obtained by adding, algebraically, the CUSUM increment to the last previously computed CUSUM–P value. If this computation yields a value smaller than 0, the new CUSUM–P value is set equal to 0. (CUSUM–P values are initialized at zero; that is, the CUSUM–P value associated with the first sample is set equal to the CUSUM increment for that sample.)

(*iii*) Evaluate the new CUSUM–P value. The new CUSUM–P value must not exceed 5.2.

(*2*) Negative systematic laboratory difference: The standardized difference between the accredited laboratory's result and that of the FSIS laboratory for each split or interlaboratory accreditation maintenance check sample is used to determine a CUSUM value, designated as CUSUM–N. This value is computed and evaluated as follows:

(*i*) Determine the CUSUM increment for the sample. The CUSUM increment is set equal to:

−2.0, if the standardized difference is greater than 1.6,

2.0, if the standardized difference is less than −2.4,

or

the standardized difference plus 0.4, if the standardized difference lies between −2.4 and 1.6, inclusive.

(*ii*) Compute the new CUSUM–N value. The new CUSUM–N value is obtained by adding, algebraically, the CUSUM increment to the last previously computed CUSUM–N value. If this computation yields a value smaller than 0, the new CUSUM–N value is set equal to 0. (CUSUM–N values are initialized at zero; that is, the CUSUM–N value associated with the first sample is set equal to the CUSUM increment for that sample.)

(*iii*) Evaluate the new CUSUM–N value. The new CUSUM–N value must not exceed 5.2.

(*B*) Variability: The absolute value of the standardized difference between the accredited laboratory's result and that of the FSIS laboratory for each split sample or interlaboratory accreditation maintenance check sample is used to determine a CUSUM value, designated as CUSUM–V. This value is computed and evaluated as follows:

(*1*) Determine the CUSUM increment for the sample. The CUSUM increment is set equal to the larger of −0.4 and the absolute value of the standardized difference minus 0.9. If this computation yields a value larger than 1.6, the increment is set equal to 1.6.

(*2*) Compute the new CUSUM–V value. The new CUSUM–V value is obtained by adding, algebraically, the CUSUM increment to the last previously computed CUSUM–V value. If this computation yields a value less than 0, the new CUSUM–V value is set equal to 0. (CUSUM–V values are initialized at zero; that is, the CUSUM–V value associated with the first sample is set equal to the CUSUM increment for that sample.)

(*3*) Evaluate the new CUSUM–V value. The new CUSUM–V value must not exceed 4.3.

(*C*) Large Deviations: The large deviation measure of the accredited laboratory's result for each split sample or interlaboratory accreditation maintenance check sample is used to determine a CUSUM value, designated as CUSUM–D.[6] This value is computed and evaluated as follows:

(*1*) Determine the CUSUM increment for the sample. The CUSUM increment is set equal to the value of the large deviation measure minus 0.025.

(*2*) Compute the new CUSUM–D value. The new CUSUM–D value is obtained by adding, algebraically, the CUSUM increment to the last previously computed CUSUM–D value. If this computation yields a value less that 0, the new CUSUM–D value is set equal to 0. (CUSUM–D values are initialized at zero; that is, the CUSUM–D value associated with the first sample is set equal to the CUSUM increment for that sample.)

(*3*) Evaluate the new CUSUM–D value. The new CUSUM–D value must not exceed 1.0.

(x) Meet the following requirements if placed on probation pursuant to paragraph (e) of this section:

(A) Send all official samples that have not been analyzed as of the date of written notification of probation to a specified FSIS laboratory by certified mail or private carrier. Mailing expenses will be paid by FSIS.

(B) Analyze a set of check samples similar to those used for initial accreditation, and submit the analytical results to FSIS within 3 weeks of receipt of the samples.

(C) Satisfy criteria described in paragraph (b)(2)(ii) of this section on the above mentioned check samples.

(xi) Expeditiously report analytical results of official samples in accordance with the instructions of the Accredited Laboratory Coordinator. The Federal inspector at any establishment may assign the analysis of official samples to an FSIS laboratory if, in his/her view, there are delays in receiving test results on official samples from an accredited laboratory.

(c) *Laboratories accredited for analysis of a class of chemical residues in meat and meat food products.*

(1) *Applying for accreditation.*[7] Application for accreditation shall be make in writing by the owner or operator of the non-Federal analytical laboratory and sent to the Accredited Laboratory Coordinator, Chemistry Division, Science, Food Safety and Inspection Service, U.S. Department of Agriculture, Washington, D.C. 20250. A

[5] Copies of the "Official Methods of Analysis of the Association of Official Analytical Chemists" are on file with the Director, Office of the Federal Register, and may be purchased from the AOAC, 1111 N. 19th Street, Suite 210, Arlington, VA 22209.

[6] All statistical computations are rounded to the nearest tenth, except where otherwise noted.

[7] Laboratories designated by FSIS as "recognized" prior to the effective date of this regulation will automatically become accredited laboratories for their current type of analysis without complying with paragraphs (c)(1), and (c)(2) of this section. However, all other requirements of this section shall be applicable to such laboratories. If at a later date, however, the laboratory has its accreditation revoked, it must comply with paragraphs (c)(1) and (c)(2) of this section.

laboratory whose accreditation has been refused or withdrawn under the circumstances described in paragraph (d)(1), (d)(2), (g)(1) or (g)(2) of this section may reapply for accreditation no sooner than 6 months after the effective date of that action, and must provide written documentation specifying what corrections were made. The applying laboratory will bear all costs associated with its application process.

(2) *Criteria for obtaining accreditation.* Non-Federal analytical laboratories may be accredited for the analysis of a class of chemical residues in poultry and poultry products. Accreditation will be given only if the applying laboratory successfully satisfies the requirements presented below. This accreditation authorizes official FSIS acceptance of the analytical test results provided by these laboratories on official samples. To obtain FSIS accreditation for the analysis of a class of chemical residues, a non-Federal analytical laboratory must:

(i) By supervised by a person holding, as a minimum, a bachelor's degree in either chemistry, food science, food technology, or a related field and having 3 years' experience determining analytes at or below part per million levels in analytical chemistry, or equivalent qualifications, as determined by the Administrator.

(ii) Demonstrate acceptable levels of systematic laboratory difference, variability, individual large deviations, recoveries, and proper identification in the analysis of the class of chemical residues for which application was made, using FSIS approved procedures. An applying laboratory will successfully demonstrate these capabilities if its analytical results for each specific chemical residue provided in a check sample accreditation study containing a minimum of 14 samples satisfy the criteria presented below.[8] In addition, if the laboratory is requesting accreditation for the analysis of chlorinated hydrocarbons, all analytical results for the residue class must collectively satisfy the criteria. (Conformance to criteria (A), (B), (C), and (D) will only be determined when 6 or more analytical results with associated comparison means at or above the minimum proficiency level are available.) If the results of the first set of samples do not meet these criteria for obtaining accreditation, a second set of at least 14 samples will be provided to the applying laboratory. If the results of the second set of samples do not meet the criteria, an additional set of accreditation check samples will not be provided for a 6 month period, commencing from the date on which the analytical results of the second set of samples were postmarket to FSIS.

(A) *Systematic Laboratory Difference:* The absolute value of the average standardized difference must not exceed 1.67 (2.00 if there are less than 12 analytical results) minus the product of 0.29 and the standard deviation of the standardized differences.

(B) *Variability:* The standard deviation of the standardized differences must not exceed a computed tolerance. This tolerance is a function of the number of analytical results used in the computation of the standard deviation, and of the amount of variability associated with the results from the participating FSIS laboratories.

(C) *Individual Large Deviations:* One hundred times the average of the large deviation measures of the individual analytical results must be less than 5.0.[9]

(D) *QA Recovery:* The average of the QA recoveries of the individual analytical results must lie within the range given in Table 2 under the column entitled "Percent Expected Recovery."

(E) *QC Recovery:* All QC recoveries must lie within the range given in Table 2 under "Percent Expected Recovery." Supporting documentation must be made available to FSIS upon request.

(F) *Correct Identification:* There must be correct identification of all chemical residues in all samples.

(iii) Allow inspection of the laboratory by FSIS officials prior to the determination of granting accredited status.

(3) *Criteria for maintaining accreditation.* To maintain accreditation for analysis of a class of chemical residues, a non-Federal analytical laboratory must:

(i) Report analytical chemical residue results from official samples, weekly on designated forms to the Accredited Laboratory Coordinator, Chemistry Division, Science, FSIS.

(ii) Maintain laboratory quality control records for the most recent 3 years that samples have been analyzed under this Program.

(iii) Maintain complete records of the receipt, analysis, and disposition of official samples for the most recent 3 years that samples have been analyzed under the Program.

(iv) Maintain a standards book, which is a permanently bound book with sequentially numbered pages, containing all readings and calculations for standardization of solutions, determination of recoveries, and calibration of instruments. All entries are to be dated and signed within 2 working days by the analyst and his/her supervisor. The standards book is to be retained for a period of 3 years after the last entry is made.

(v) Analyze interlaboratory accreditation maintenance check samples and return the results to FSIS within 3 weeks of sample receipt. This must be done whenever requested by FSIS and at no cost to FSIS.

(vi) Inform the Accredited Laboratory Coordinator, Chemistry Division, Science Program, FSIS, by certified or registered mail, within 30 days when there is any change in the laboratory's ownership, officers, directors, supervisory personel, or any other responsibly connected individual or entity.

(vii) Permit any duly authorized representative of the Secretary to perform both announced and unannounced on-site laboratory reviews of facilities and records during normal business hours.

(viii) Use analytical procedures designated and approved by FSIS.

(ix) Demonstrate that acceptable levels of systematic laboratory difference, variability, and individual large deviations are being maintained in the analysis of official samples, in the chemical residue class for which accreditation was granted. A laboratory will successfully demonstrate the maintenance of these capabilities if its analytical results for each specific chemical residue found in split samples satisfy the criteria presented below.[10] [11] In addition, if the laboratory is accredited for the analysis of chlorinated hydrocarbons, all analytical results for the residue class must collectively satisfy the criteria.

(A) Systematic Laboratory Difference:

(*1*) Positive systematic laboratory difference: The standardized difference between the accredited laboratory's result and that of the FSIS laboratory for each split sample is used to determine a CUSUM value, designated as CUSUM-

[8] All statistical computations are rounded to the nearest tenth, except where otherwise noted.

[9] A result will have a large deviation measure equal to zero when the absolute value of the result's standardized difference, (d), is less than 2.5, and a measure equal to $1-(2.5/d)^4$ otherwise.

[10] All statistical computations are rounded to the nearest tenth, except where otherwise noted.

[11] An analytical result will only be used in the statistical evaluation of the laboratory if the associated comparison mean is equal to or greater than the minimum proficiency level for the residue.

P.[12] This value is computed and evaluated as follows:

(*i*) Determine the CUSUM increment for the sample. The CUSUM increment is set equal to:

2.0, if the standardized difference is greater than 2.5, −2.0, if the standardized difference is less than −1.5,

or

the standardized difference minus 0.5, if the standardized difference lies between −1.5 and 2.5, inclusive.

(*ii*) Compute the new CUSUM-P value. The new CUSUM-P value is obtained by adding, algebraically, the CUSUM increment to the last previously computed CUSUM-P value. If this computation yields a value smaller than 0, the new CUSUM-P value is set equal to 0. (CUSUM-P values are initialized at zero; that is, the CUSUM-P value associated with the first sample is set equal to the CUSUM increment for that sample.)

(*iii*) Evaluate the new CUSUM-P value. The new CUSUM-P value must not exceed 4.8.

(*2*) Negative systematic laboratory difference: The standardized difference between the accredited laboratory's result and that of the FSIS laboratory for each split sample is used to determine a CUSUM value, designated as CUSUM-N.[13] This value is computed and evaluated as follows:

(*i*) Determine the CUSUM increment for the sample. The CUSUM increment is set equal to:

− 2.0, if the standardized difference is greater than 1.5,

2.0, if the standardized difference is less than −2.5,

or

the standardized difference plus 0.5, if the standardized difference lies between −2.5 and 1.5, inclusive.

(*ii*) Compute the new CUSUM-N value. The new CUSUM-N value is obtained by adding, algebraically, the CUSUM increment to the last previously computed CUSUM-N value. If this computation yields a value smaller than 0, the new CUSUM-N value is set equal to 0. (CUSUM-N values are initialized at zero; that is, the CUSUM-N value associated with the first sample is set equal to the CUSUM increment for that sample.)

(*iii*) Evaluate the new CUSUM-N value. The new CUSUM-N value must not exceed 4.8.

(B) Variability: The absolute value of the standardized difference between the accredited laboratory's result and that of the FSIS laboratory for each split sample is used to determine a CUSUM value, designated as CUSUM-V.[14] This value is computed and evaluated as follows:

(*1*) Determine the CUSUM increment for the sample. The CUSUM increment is set equal to the larger of −0.4 and the absolute value of the standardized difference minus 0.9. If this computation yields a value larger than 1.6, the increment is set equal to 1.6.

(*2*) Compute the new CUSUM-V value. The new CUSUM-V value is obtained by adding, algebraically, the CUSUM increment to the last previously computed CUSUM-V value. If this computation yields a value less than 0, the new CUSUM-V value is set equal to 0. (CUSUM-V values are initialized at zero; that is, the CUSUM-V value associated with the first sample is set equal to the CUSUM increment for that sample.)

(*3*) Evaluate the new CUSUM-V value. The new CUSUM-V value must not exceed 4.3.

(C) Large Deviations: The large deviation measure of the accredited laboratory's result for each split sample is used to determine a CUSUM value, designated as CUSUM-D.[15] This value is computed and evaluated as follows:

(*1*) Determine the CUSUM increment for the sample. The CUSUM increment is set equal to the large deviation measure minus 0.025.

(*2*) Compute the new CUSUM-D value. The new CUSUM-D is obtained by adding, algebraically, the CUSUM increment to the last previously computed CUSUM-D value. If this computation yields a value less than 0, the new CUSUM-D value is set equal to 0. (CUSUM-D values are initialized at zero; that is, the CUSUM-D value associated with the first sample is set equal to the CUSUM increment for that sample.)

(*3*) Evaluate the new CUSUM-D value. The new CUSUM-D value must not exceed 1.0.

(x) Meet the following requirements if placed on probation pursuant to paragraph (e) of this section:

(A) Send all official samples that have not been analyzed as of the date of written notification of probation to a specified FSIS Science Laboratory by certified mail or private carrier. Mailing expenses will be paid by FSIS.

(B) Analyze a set of check samples similar to those used for initial accreditation, and submit analytical results to FSIS within 3 weeks of receipt of the samples.

(C) Satisfy criteria described in paragraph (c)(2)(ii) of this section on the above mentioned check samples.

(xi) Expeditiously report analytical results of official samples in accordance with the instructions of the Accredited Laboratory Coordinator. The Federal inspector at any establishment may assign the analysis of official samples to an FSIS laboratory if, in his/her view, there are delays in receiving test results on official samples from an accredited laboratory.

(xii) Every QC recovery associated with reporting of official samples must be within the appropriate range given in Table 2 under "Percent Expected Recovery." Supporting documentation must be made available to FSIS upon request.

(xiii) Demonstrate that acceptable levels of systematic laboratory difference, variability, individual large deviations, recoveries, and proper identification are being maintained in the analysis of interlaboratory accreditation maintenance check samples, in the chemical residue class for which accreditation was granted. A laboratory will successfully demonstrate the maintenance of these capabilities if its analytical results for each specific chemical residue found in interlaboratory accreditation maintenance check samples satisfy the criteria presented below. In addition, if the laboratory is accredited for the analysis of chlorinated hydrocarbons, all analytical results for the residue class must collectively satisfy the criteria.

(A) *Systematic Laboratory Difference.*

(*1*) Positive systematic laboratory difference: The standardized difference between the accredited laboratory's result and the comparison means for each interlaboratory accreditation

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[12] When determining compliance with this criterion for all chlorinated hydrocarbon results in a sample collectively, the following statistical procedure must be followed to account for the correlation of analytical results within a sample: The average of the standardized differences of the analytical results within the sample, divided by a constant, is used in place of a single standardized difference to determine the CUSUM-P (or CUSUM-N) value for the sample. The constant is a function of the number of analytical results used to compute the average standardized difference.

[13] *See* footnote 12.

[14] When determining compliance with this criterion for all chlorinated hydrocarbon results in a sample collectively, the following statistical procedure must be followed to account for the correlation of analytical results within a sample: The square root of the sum of the within sample variance and the average standardized difference of the sample, divided by a constant, is used in place of the absolute value of the standardized difference to determine the CUSUM-V value for the sample. The constant is a function of the number of analytical results used to compute the average standardized difference.

[15] A result will have a large deviation measure equal to zero when the absolute value of the result's standardized difference, (d), is less than 2.5, and a measure equal to $1-(2.5/d)^4$ otherwise.

maintenance check sample is used to determine a CUSUM value, designated as CUSUM–P.[16] This value is computed and evaluated as follows:

(*i*) Determine the CUSUM increment for the sample. The CUSUM increment is set equal to:

2.0, if the standardized difference is greater than 2.5,
−2.0, if the standardized difference is less than −1.5.

or

the standardized difference minus 0.5, if the standardized difference lies between −1.5 and 2.5, inclusive.

(*ii*) Compute the new CUSUM–P value. The new CUSUM–P value is obtained by adding, algebraically, the CUSUM increment to the last previously computed CUSUM–P value. If this computation yields a value smaller than 0, the new CUSUM–P value is set equal to 0. (CUSUM–P values are initiated at zero; that is the CUSUM–P value associated with the first sample is set equal to the CUSUM increment for that sample.)

(*iii*) Evaluate the new CUSUM–P value. The new CUSUM–P value must not exceed 4.8.

(*2*) Negative systematic laboratory difference: The standardized difference between the accredited laboratory's result and the comparison mean for each interlaboratory accreditation maintenance check sample is used to determine a CUSUM value, designated as CUSUM–N.[17] This value is computed and evaluated as follows:

(*i*) Determine the CUSUM increment for the sample. The CUSUM increment is set equal to:

−2.0, if the standardized difference is greater than 1.5,
2.0, if the standardized difference is less than −2.5,

or

the standardized difference plus 0.5, if the standardized difference lies between −2.5 and 1.5, inclusive.

(*ii*) Compute the new CUSUM–N value. The new CUSUM–N value is obtained by adding, algebraically, the CUSUM increment to the last previously computed CUSUM–N value. If this computation yields a value smaller than 0, the new CUSUM–N value is set equal to 0. (CUSUM–N values are initialized at zero; that is, the CUSUM–N value associated with the first sample is set equal to the CUSUM increment for that sample.)

(*iii*) Evaluate the new CUSUM–N value. The new CUSUM–N value must not exceed 4.8.

[16] *See* footnote 12.
[17] *See* footnote 12.

(B) *Variability:* The absolute value of the standardized difference between the accredited laboratory's result and the comparison mean for each interlaboratory accreditation maintenance check sample is used to determine a CUSUM value, designated as CUSUM–V.[18] This value is computed and evaluated as follows:

(1) Determine the CUSUM increment for the sample. The CUSUM increment is set equal to the larger of −0.4 and the absolute value of the standardized difference minus 0.9. If this computation yields a value larger than 1.6, the increment is set equal to 1.6.

(2) Compute the new CUSUM–V value. The new CUSUM–V value is obtained by adding, algebraically, the CUSUM increment to the last previously computed CUSUM–V value. If this computation yields a value less than 0, the new CUSUM–V value is set equal to 0. (CUSUM–V values are initialized at zero; that is, the CUSUM–V value associated with the first sample is set equal to the CUSUM increment for that sample.)

(3) Evaluate the new CUSUM–V value. The new CUSUM–V value must not exceed 4.3

(C) *Large Deviations:* The large deviation measure of the accredited laboratory's result for each interlaboratory accreditation maintenance check sample is used to determine a CUSUM value, designated as CUSUM–D.[19] This value is computed and evaluated as follows:

(*1*) Determine the CUSUM increment for the sample. The CUSUM increment is set equal to the value of the large deviation measure minus 0.025.

(*2*) Compute the new CUSUM–D value. The new CUSUM–D is obtained by adding, algebraically, the CUSUM increment to the last previously computed CUSUM–D value. If this computation yields a value less than 0, the new CUSUM–D value is set equal to 0. (CUSUM–D values are initialized at zero; that is, the CUSUM–D value associated with the first sample is set equal to the CUSUM increment for that sample.)

(*3*) Evaluate the new CUSUM–D value. The new CUSUM–D value must not exceed 1.0.

(D) Each QC Recovery is within the range given in Table 2 under "Percent Expected Recovery". Supporting documentation must be made available to FSIS upon request.

(E) Not more than 1 residue misidentification in any 2 consecutive check samples.

(F) Not more than 2 misidentifications in any 8 consecutive check samples.

(d) *Refusal of accreditation.* Upon a determination by the Administrator, a laboratory will be refused accreditation for the following reasons:

(1) a laboratory shall be refused accreditation for moisture, protein, fat, and salt analysis for failure to meet the requirements of paragraph (b)(1) or (b)(2) of this section.

(2) A laboratory shall be refused accreditation for chemical residue analysis for failure to meet the requirement of paragraph (c)(1) or (c)(2) of this section.

(3) A laboratory shall be refused subsequent accreditation for failure to return to an FSIS laboratory, by certified mail or private carrier, all official samples which have not been analyzed as of the notification of a loss of accreditation.

(4) A laboratory shall be refused accreditation if the applicant or any individual or entity responsibly connected with the applicant has been convicted of or is under indictment or if charges on an information have been brought against the applicant or responsibly connected individual or entity in any Federal or State court concerning the following violations of law:

(i) Any felony.

(ii) Any misdemeanor based upon acquiring, handling, or distributing of unwholesome, misbranded, or deceptively packaged food or upon fraud in connection with transactions in food.

(iii) Any misdemeanor based upon a false statement to any governmental agency.

(iv) Any misdemeanor based upon the offering, giving or receiving of a bribe or unlawful gratuity.

(e) *Probation of accreditation.* Upon a determination by the Administrator, a laboratory shall be placed on probation for the following reasons:

(1) If the laboratory fails to complete more than one interlaboratory accreditation maintenance check sample analysis within 12 consecutive months as required by paragraphs (b)(3)(v) and (c)(3)(v) of this section, unless written permission is granted by the Administrator to exceed the time limit.

(2) If the laboratory fails to meet any of the criteria set forth in paragraphs

[18] *See* footnote 11.
[19] A result will have a large deviation measure equal to zero when the absolute value of the result's standardized difference, |d|, is less than 2.5, and a measure equal to 1 − (2.5/|d|)² otherwise.

(b)(3)(v) and (b)(3)(ix) and (c)(3)(v) and (c)(3)(ix) of this section.

(f) *Suspension of Accreditation.* The accreditation of a laboratory shall be suspended if the laboratory or any individual or entity responsibly connected with the laboratory is indicted or if charges on an information have been brought against the laboratory or responsibly connected individual or entity in any Federal or State court concerning any of the following violations of law:

(1) Any felony.

(2) Any misdemeanor based upon acquiring, handling or distributing of unwholesome, misbranded, or deceptively packaged food or upon fraud in connection with transactions in food.

(3) Any misdemeanor based upon a false statement to any governmental agency.

(4) Any misdemeanor based upon the offering, giving or receiving of a bribe or unlawful gratuity.

(g) *Revocation of Accreditation.* The accreditation of a laboratory shall be revoked for the following reasons:

(1) An accredited laboratory which is only accredited to perform analysis under paragraph (b) of this section shall have its accreditation revoked for failure to meet any of the requirements of paragraph (b)(3). If the recipient laboratory fails to meet any of the criteria set forth in paragraph (b)(3)(v) and (b)(3)(ix), and if more than one year has passed since the end of any previous probationary period, the accredited laboratory will be placed on probation in lieu of having its accreditation revoked.

(2) An accredited laboratory which is only accredited to perform analysis under paragraph (c) of this section shall have its accreditation revoked for failure to meet the requirements of paragraph (c)(3) of this section. If the recipient laboratory fails to meet any of the criteria set forth in paragraphs (c)(3)(v), (c)(3)(ix), and (c)(3)(xiii) of this section, and if more than one year has passed since the end of any previous probationary period, the laboratory will be placed on probation in lieu of having its accrediation revoked.

(3) An accredited laboratory shall have its accreditation revoked if the Administrator determines that the laboratory or any responsibly connected individual or any agent or employee has:

(i) Altered any official sample or analytical finding, or,

(ii) Substituted an analytical result from a non-accredited laboratory for its own.

(4) An accredited laboratory shall have its accreditation revoked if the laboratory or any individual or entity responsibly connected with the laboratory is convicted in a Federal or State court of any of the following violations of law:

(i) Any felony.

(ii) Any misdemeanor based upon acquiring, handling, or distributing of unwholesome, misbranded, or deceptively packaged food or upon fraud in connection with transactions in food.

(iii) Any misdemeanor based upon a false statement to any governmental agency.

(iv) Any misdemeanor based upon the offering, giving or receiving of a bribe or unlawful gratuity.

(h) *Notification and Hearings.* Accreditation of any laboratory shall be refused, suspended, or revoked under the conditions previously described herein. The owner or operator of the laboratory shall be sent written notice of the refusal, suspension, or revocation of accreditation by the Administrator. In such cases, the laboratory owner or operator will be provided an opportunity to present, within 30 days of the date of the notification, a statement challenging the merits of validity of such action and to request an oral hearing with respect to the denial, suspension, or revocation decision. An oral hearing shall be granted if there is any dispute of material fact joined in such responsive statement. The proceeding shall thereafter be conducted in accordance with the applicable rules of practice which shall be adopted for the proceeding. Any such refusal, suspension, or revocation shall be effective upon the notification and shall continue in effect until final determination of the matter by the Administrator.

(Recordkeeping requirements under this section approved by the Office of Management and Budget under OMB control number 0583–0015)

Done at Washington, DC, on April 12, 1985.

Donald L. Houston,

Administrator, Food Safety and Inspection Service.

[FR Doc. 85–9310 Filed 4–17–85; 8:45 am]

BILLING CODE 3410–DM–M

FEDERAL DEPOSIT INSURANCE CORPORATION

12 CFR Part 352

Nondiscrimination on the Basis of Handicap

AGENCY: Federal Deposit Insurance Corporation.

ACTION: Notice of proposed rulemaking.

SUMMARY: This proposed regulation implements the spirit of section 504 of the Rehabilitation Act of 1973, as amended, which prohibits discrimination on the basis of handicap, as it applies to programs or activities conducted by various Executive agencies. Although the Federal Deposit Insurance Corporation ("FDIC") does not believe that Congress contemplated coverage of non-appropriated, independent regulatory agencies such as the FDIC, it has chosen to promulgate this proposed regulation to ensure that, to the extent practicable, handicapped persons are provided with equal access to FDIC programs and activities.

DATE: To be assured of consideration, comments must be in writing and must be received on or before June 17, 1985. Comments should refer to specific sections in the regulation.

ADDRESS: Send comments to Hoyle L. Robinson, Executive Secretary, Federal Deposit Insurance Corporation, 550 17th Street, NW., Washington, D.C. 20429. Comments may be hand delivered to Room 6108 between the hours of 8:30 a.m. and 5:00 p.m.

FOR FURTHER INFORMATION CONTACT: M. Jane Williamson, Attorney, Legal Division (202/389–4151), or Thomas W. Louden, Jr., Assistant to the Associate Director, Division of Accounting and Corporate Services (202/389–4251), Federal Deposit Insurance Corporation, 550 17th Street NW., Washington, D.C. 20429.

SUPPLEMENTARY INFORMATION:

Analysis of Selected Provisions

Section 352.2 Application

The proposed regulation would apply to all programs or activities conducted by the FDIC to the extent that they are available to members of the general public. A list of these programs and activities appears in section 352.2 of this regulation. Section 352.2 also confirms that this regulation is applicable only to the listed programs and activities of the FDIC, and does not apply to financial institutions insured and/or regulated by the FDIC or to FDIC-assisted programs. On this basis, and in accordance with the Regulatory Flexibility Act (5 U.S.C. 605(b)), the Board of Directors hereby certifies that the proposed rule will not have a significant economic impact on a substantial number of small entities.

Section 352.3 Definitions

Paragraph (b) "Complete complaint." The definition of "complete complaint" enables the FDIC to determine the beginning of its obligation to investigate a complaint (*see* § 352.10(b)).

Paragraph (c) "Facility." The definition of "facility" is similar to that in the existing section 504 regulations

for federally assisted (as opposed to federally conducted) programs, 28 CFR 41.3(f), except that the term "or personal property" and the phrase "or interest in such property" have been deleted. The phrase "which must be accessible to ensure participation in the FDIC programs and activities listed in § 352.2" has been added to clarify the term's coverage. The term "facility" is used in § 352.7.

Paragraph (d) "handicapped person." The definition of "handicapped person" is similar to the definition appearing in the section 504 regulation for federally assisted programs (28 CFR 41.31), differing only in minor word changes.

Paragraph (e) "Qualified handicapped person." The definition of "qualified handicapped person" is a revised version of the definition appearing in the section 504 regulation for federally assisted programs (28 CFR 41.32).

This definition deviates from existing regulations for federally assisted programs because of intervening court decisions. Paragraph (1) defines "qualified handicapped person" with regard to any program, such as employment, under which a person is required to perform services or to achieve a level of accomplishment. The definition reflects the decision of the Supreme Court in *Southeastern Community College* v. *Davis*, 442 U.S. 397 (1979), which held that a handicapped person who could not achieve the purpose of a program without modifications that would result in a fundamental alteration of its nature was not a "qualified handicapped person" within the meaning of section 504. The Court went on to state that section 504 does not require modifications that would result in "undue financial and administrative burdens". *Id.* at 412. Since *Davis*, circuit courts have applied this limitation upon a showing that only one of the two "undue burdens" would be created as a result of the modification sought to be imposed under section 504. *See, e.g., Dopico* v. *Goldschmidt*, 687 F.2d 644 (2d Cir. 1982); *American Public Transit Association* v. *Lewis*, 655 F.2d 1272 (D.C. Cir. 1981).

The proposed regulation incorporates the Court's language in the definition of "qualified handicapped person" in order to make clear that such a person must be able to participate in the program offered by the FDIC. The FDIC is required to make modifications in order to enable a handicapped individual to participate, but is not required to offer a program of a fundamentally different nature or to make modifications which would result in undue financial or administrative burdens. Although the revised definition allows exclusion of some handicapped people from some programs, it requires that a handicapped person who is capable of achieving the purpose of the program must be accommodated, provided that the modifications do not fundamentally alter the nature of the program or result in undue financial or administrative burdens.

Paragraph (f) "Reasonable accommodations." The definition of "reasonable accommodations" also incorporates the standards articulated by the Supreme Court in *Southeastern Community College* v. *Davis*, 422 U.S. 397 (1979). Examples of reasonable accommodations include modification of work equipment, relocation of sevices and modified work schedules. No exhaustive list of "reasonable accommodations" is possible, as determination of those accommodations needed by handicapped employees or participants in FDIC programs or activities must generally be made on a case-by-case basis.

Paragraph (g) "Section 504." This definition clarifies that, as used in this regulation, "section 504" does not refer to that portion of 29 U.S.C. 794 addressing programs and activities receiving federal financial assistance.

Section 352.4 Self-evaluation.

This section would require the FDIC to conduct a self-evaluation of its program implementing the spirit of section 504 within one year of the effective date of this regulation. A similar self-evaluation requirement is present in the existing section 504 regulation for programs or activities receiving federal financial assistance (28 CFR 41.5(b)(2)).

Section 352.5 General Requirements.

Section 352.5 states general principles which serve as the analytical foundation for the remaining sections of the regulation. Whenever the FDIC has violated a provision in any of the subsequent sections, it has also violated one of the general principles found in § 352.5. When there is no applicable subsequent provision, the general prohibition stated in this section would apply.

Paragraph (a) restates the nondiscrimination goals of section 504, and prohibits the FDIC from refusing to provide a handicapped person with an equal opportunity to participate in or benefit from its program simply because the person is handicapped. Such exclusionary practices often result from the use of irrebuttable presumptions that absolutely exclude certain classes of disabled persons (*e.g.*, epileptics, vision-impaired or hearing-impaired persons, persons with heart ailments) from participation in programs or activities without regard to an individual's actual ability to participate. Use of an irrebuttable presumption is permissible only when in all cases a physical condition by its very nature would prevent an individual from meeting the essential eligibility requirements for participation in the activity in question.

Section 504, however, prohibits more than just the most obvious denials of equal treatment. It is not enough to admit persons in wheelchairs to a program it the facilities in which the program is conducted are inaccessible. Paragraph (b), therefore, requires that the FDIC make all reasonable accommodations which are necessary to ensure that qualified handicapped individuals are provided with an equal opportunity to benefit from services provided by the FDIC. The later sections on program accessibility (§§ 352.7—352.8) and communications (§ 352.9) are specific applications of this principle.

Section 352.6 Employment.

Section 352.6 prohibits discrimination on the basis of handicap in employment by the FDIC. This regulation is in accord with a recent decision of the United States Court of Appeals for the Fifth Circuit which holds that, despite the resulting overlap of coverage with section 501 of the Rehabilitation Act of 1973 (29 U.S.C. 791), Congress intended section 504 to cover the employment practices of federal agencies. The Court also held that in order to give effect to both section 504 and section 501, the administrative procedures of section 501 must be followed in processing section 504 complaints. *Prewitt* v. *United States Postal Service*, 662 F.2d 292 (5th Cir. 1981).

Consistent with that decision, this section provides that the standards, requirements, and procedures of section 501 of the Rehabilitation Act, as established in regulations of the Equal Employment Opportunity Commission (EEOC) at 29 CFR Part 1613, shall be those applicable to employment in the FDIC. In addition to this section, § 352.10(b) of this regulation specified that the FDIC will continue to use the existing EEOC procedures to resolve allegations of employment discrimination.

Section 352.7 Program Accessibility: Existing Facilities.

This regulation adopts the program accessibility concept found in the existing section 504 regulation for programs or activities receiving federal financial assistance (28 CFR 41.56–41.58), with certain modifications. The regulation makes clear that the FDIC is not required to make each of its existing facilities accessible (§ 352.7(a)(1)). However, § 352.7, unlike 28 CFR 41.56–41.57, places explicit limits on the

FDIC's obligation to ensure program accessibility (§ 352.7(a)(2)).

Paragraph (a)(2) generally codifies recent case law that defines the scope of the FDIC's obligation to ensure program accessibility. The provisions of this paragraph, like those found in §§ 352.3(f)(1) and (2), and 352.9(e), are based on the Supreme Court's holding in *Southeastern Community College* v. *Davis*, 442 U.S. 397 (1979), and the decisions of lower courts following the *Davis* opinion.

Paragraph (a)(2), however, does not establish an absolute defense; it does not relieve the FDIC of all obligations to handicapped persons. Although the FDIC is not required to take actions that would result in a fundamental alteration in the nature of a program or activity or in undue financial and administrative burdens, it nevertheless must take other feasible steps, if any, to ensure that handicapped persons receive the benefits and services of the aforementioned programs or activities.

Section 352.8 Program Accessibility: New Construction and Alterations.

Section 352.8 incorporates the standards articulated by the Supreme Court in *Southeastern Community College* v. *Davis*, 442 U.S. 397(1979). It requires the FDIC to make accessible the buildings in which the programs and activities set forth in § 352.2 are conducted, if such buildings are newly constructed or substantially altered for the use of the FDIC, except to the extent that providing such accessibility would result in changes in the fundamental nature of an FDIC program or activity or in undue financial or administrative burdens. To the extent that FDIC facilities are not subject to § 352.8, they will be subject to the requirements of § 352.7.

Section 352.9 Communications.

Section 352.9 requires the FDIC to provide an opportunity for handicapped persons to request the auxiliary aids of their choice. This expressed choice, when reasonable, shall be considered by the FDIC. Section 352.9(e) limits the obligation of the FDIC to ensure effective communication in accordance with *Davis* and the circuit court opinions interpreting in (*see supra*, comments to § 352.2(f)). Unless not required by § 352.9(e), the FDIC shall provide auxiliary aids at no cost to the handicapped person.

In some circumstances, written materials may be sufficient to permit effective communication with a hearing-impaired person. If, however, a hearing-impaired applicant or participant is not skilled in spoken or written language, for example, a sign language interpreter may be appropriate. For vision-impaired persons, effective communication might be achieved by several means, including readers and audio recordings.

Auxiliary aids must be afforded where necessary to ensure effective communication with vision-impaired and hearing-impaired persons involved in hearings conducted by the FDIC. If sign language interpreters are necessary, the FDIC may require that it be given reasonable notice prior to the proceeding of the need for an interpreter. Moreover, the FDIC need not provide individually prescribed devices, readers for personal use or study, or other devices of a personal nature except for FDIC-related purposes. For example, the FDIC need not provide eye glasses or hearing aids to applicants or participants in its programs. Similarly, the regulation does not require the FDIC to provide wheelchairs to persons with mobility impairments.

Section 352.10 Compliance Procedures.

Paragraph (a) specifies that paragraphs (c) through (k) of this section establish the procedures for processing complaints other than employment complaints. Paragraph (b) provides that the FDIC will process employment complaints according to procedures established in existing regulations of the EEOC (29 CFR Part 1613) pursuant to section 501 of the Rehabilitation Act of 1973 (29 U.S.C. 791).

List of Subjects in 12 CFR Part 352

Blind, Civil rights, Equal employment opportunity, Federal buildings and facilities, Handicapped.

It is proposed that title 12 of the Code of Federal Regulations be amended by adding Part 352 as follows:

PART 352—NONDISCRIMINATION ON THE BASIS OF HANDICAP

Sec.
352.1 Purpose.
352.2 Application.
352.3 Definitions.
352.4 Self-evaluation.
352.5 General requirements.
352.6 Employment.
352.7 Program accessibility: Existing facilities.
352.8 Program accessibility: New construction and alterations.
352.9 Communications.
352.10 Compliance procedures.

Authority: 12 U.S.C. 1819.

§ 352.1 Purpose.

The purpose of this part is to implement the spirit of section 119 of the Rehabilitation, Comprehensive Services, and Developmental Disabilities Amendments of 1978, which amended section 504 of the Rehabilitation Act of 1973 to prohibit discrimination on the basis of handicap in programs or activities conducted by various Executive agencies. Although the Federal Deposit Insurance Corporation ("FDIC") does not believe that Congress contemplated coverage of non-appropriated, independent regulatory agencies such as the FDIC, it has chosen to promulgate this proposed regulation to ensure that, to the extent practicable, handicapped persons are provided with equal access to FDIC programs and activities.

§ 352.2 Application.

The majority of the FDIC's programs and activities do not involve the direct provision of benefits and services to, or participation by, members of the public. Members of the public are generally able to avail themselves of the following FDIC programs and activities:

(a) Attending open board meetings;

(b) Making inquiries or filing complaints at the FDIC Office of Congressional Affairs and Corporate Communications;

(c) Using the FDIC library in Washington, D.C.;

(d) Visiting an insured bank at which they conducted business (or an alternative liquidation site selected by the FDIC) and which has become insolvent, or been purchased by another bank under FDIC supervision, for the purpose of:

(1) Collecting FDIC checks for the insured amount of their deposits previously held in such bank; and/or

(2) Discussing with FDIC representatives the repayment of debts which they previously owed to such bank, prior to its failure or purchase by another bank under FDIC supervision;

(e) Seeking employment with the FDIC;

(f) Conducting regular banking business at a Deposit Insurance National Bank formed by the FDIC pursuant to the authority in 12 U.S.C. 1821(h).

The foregoing constitute the "programs and activities" of the FDIC for purposes of this regulation. This regulation does not apply to financial institutions insured and/or regulated by the FDIC or to FDIC-assisted programs.

§ 352.3 Definitions.

For purposes of this part, the term—

(a) "Auxiliary aids" means services or devices that enable persons with impaired sensory, manual, or speaking skills to have an equal opportunity to participate in, and enjoy the benefits of,

the FDIC programs or activities set forth in § 352.2.

(b) "Complete complaint" means a written statement that contains the complainant's name and address and describes the FDIC's actions in sufficient detail to inform the FDIC of the nature and date of the alleged violation of these regulations. It shall be signed by the complainant or by someone authorized to do so on his or her behalf.

(c) "Facility" means all or any portion of buildings, structures, equipment, roads, walks, parking lots, or other real property which must be accessible to ensure participation in the FDIC programs and activities set forth in § 352.2.

(d) "Handicapped person" means any person who has a physical or mental impairment that substantially limits one or more major life activities, has a record of such an impairment, or is regarded as having such an impairment. As used in this definition, the phrase:

(1) "Physical or mental impairment" includes—

(i) A physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one of more of the following body systems: neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive; genitourinary ; hemic and lymphatic; skin; and endocrine; or

(ii) A mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities.

(2) "Major life activities" includes functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working.

(3) "Has a record of such an impairment" means has a history of, or has been misclassified as having, a mental or physical impairment that substantially limits one or more major life activities.

(4) "Is regarded as having an impairment" means—

(i) Has a physical or mental impairment that does not substantially limit major life activities but is treated by the FDIC as constituting such a limitation;

(ii) Has a physical or mental impairment that substantially limits major life activities only as a result of the attitudes of others toward such impairment; or

(iii) Has none of the impairments defined in paragraph (d)(1) of this definition but is treated by the FDIC as having such an impairment.

(e) "Qualified handicapped person" means—

(1) With respect to any FDIC program or activity under which a person is required to perform services or to achieve a level of accomplishment, such as employment, a handicapped person who meets the essential eligibility requirements and who can perform the tasks required by the position without modifications in the program or activity that would result in a fundamental alteration in its nature or in undue financial or administrative burdens; and

(2) With respect to any other program or activity, a handicapped person who meets the essential eligibility requirements for participation in, or receipt of benefits from, that program or activity and whose participation would not require modifications in the program or activity that would result in a fundamental alteration in its nature or in undue financial or administrative burdens.

(f) "Reasonable accommodations" are those accommodations which can be made by the FDIC to ensure that a qualified handicapped individual is provided with an equal opportunity to participate in the programs or activities set forth in § 352.2 of these regulations, and which would not require modifications in the program or activity that would result in a fundamental alteration in its nature or in undue financial or administrative burdens.

(g) "Section 504" means section 504 of the rehabilitation Act of 1973 (Pub. L. 93–112, 87 Stat. 394 (29 U.S.C. 794)), as amended by the Rehabilitation Act Amendments of 1974 (Pub. L 93–516, 88 Stat. 1617), and the Rehabilitation, Comprehensive Services, and Developmental Disabilities Amendments of 1978 (Pub. L. 95–602, 92 Stat. 2955). As used in this regulation, section 504 shall be applied only to the programs and activities conducted by the FDIC as set forth in § 352.2 of this regulation.

§ 352.4 Self-evaluation.

Within one year of the effective date of this regulation, the FDIC shall conduct, with the assistance of interested persons, including designated handicapped persons, or organizations representing handicapped persons, expressing an interest in participating, a self-evaluation of its program implementing the spirit of section 504. Comments on the program made by such persons or organizations, while not binding on the FDIC for adoption, will be received and considered as part of the FDIC's self-evaluation process.

§ 352.5 General requirements.

(a) No qualified handicapped person shall, on the basis of handicap, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under the programs and activities conducted by the FDIC and set forth in § 352.2 this regulation.

(b) The FDIC, in providing any services under the programs and activities set forth in § 352.2 of this part, shall make all reasonable accommodations which are necessary to ensure that qualified handicapped persons are provided with an equal opportunity to benefit from such services.

§ 352.6 Employment.

No qualified handicapped person shall, on the basis of handicap, be subjected to discrimination in employment under any program or activity conducted by the FDIC. The definitions, requirements, and procedures of section 501 of the Rehabilitation Act of 1973 (29 U.S.C. 791), as established in 29 CFR Part 1613, shall apply to employment in the FDIC.

§ 352.7 Program accessibility: Existing facilities.

(a) *General.* The FDIC shall operate each of the programs or activities set forth in § 352.2 of this part so that the program or activity, when viewed in its entirety, is readily accessible to and usable by handicapped persons. This paragraph does not—

(1) Necessarily require the FDIC to make each of its existing facilities accessible to and usable by handicapped persons; or

(2) Require the FDIC to take any action that would result in a fundamental alteration in the nature of a program or activity or in undue financial or administrative burdens. If an action would result in such an alteration or such burdens, the FDIC shall take other feasible actions, if any, that would not result in such an alteration or such burdens but would nevertheless ensure that handicapped persons receive the benefits and services of the program or activity.

(b) *Methods.* The FDIC may comply with the requirements of this section through such means as redesign of equipment, reassignment of services to accessible buildings, assignment of aides to beneficiaries, delivery of services at alternate accessible sites, alteration of existing facilities and construction of new facilities or any other methods that result in making its programs or activities readily accessible

to and usable by handicapped persons. The FDIC is not required to make structural changes in existing facilities where other methods are effective in achieving compliance with this section.

(c) *Time period for compliance.* The FDIC shall comply with the obligations established under this section within sixty days of the effective date of this part except that where structural changes in facilities are undertaken, such changes shall be made within three years of the effective date of this part, but in any event as expeditiously as possible.

(d) *Transition plan.* In the event that structural changes to existing facilities will be undertaken to achieve program accessibility, the FDIC shall develop, within six months of the effective date of this part, a transition plan setting forth the steps necessary to complete such changes. The plan shall be developed after consultation with representatives of the General Services Administration and the Architectural and Transportation Barriers Compliance Board. The plan shall—

(1) Identify physical obstacles in the FDIC's facilities that limit the accessibility of its programs or activities to handicapped persons;

(2) Describe the methods that will be used to make the facilities accessible;

(3) Specify the proposed schedule for taking the steps necessary to achieve compliance with this section and, if the time period of the transition plan is longer than one year, identify proposed steps that will be taken during each year of the transition period;

(4) Indicate the official responsible for implementation of the plan; and

(5) Identify the persons or groups with whose assistance the plan was prepared.

§ 352.8 Program accessibility: New construction and alterations.

Each building or part of a building in which the programs or activities set forth in § 352.2 of this part will be carried on, and which is newly constructed or substantially altered by, on behalf of, or for the use of the FDIC shall be designed, constructed or altered so as to be readily accessible to, and usable by, handicapped persons. This paragraph does not require the FDIC to take any action that would result in a fundamental alteration in the nature of a program or activity or in undue financial or administrative burdens. If an action would result in such an alteration or such burdens, the FDIC shall take other feasible actions, if any, that would not result in such an alteration or such burdens but would nevertheless ensure that handicapped persons receive the benefits and services of the program or activity.

§ 352.9 Communications.

(a) The FDIC shall take appropriate steps to ensure effective communication with applicants for, and participants in, the FDIC programs and activities set forth in § 352.2.

(1) The FDIC shall furnish appropriate auxiliary aids where necessary to afford a handicapped person an equal opportunity to participate in, and enjoy the benefits of, the FDIC programs or activities set forth in § 352.2 of this part.

(i) In determining what type of auxiliary aid is necessary, the FDIC shall consider any reasonable requests of the handicapped person.

(ii) The FDIC need not provide individually prescribed devices, readers for personal use or study, or other devices of a personal nature except for FDIC-related purposes.

(2) Where the FDIC communicates with hearing impaired applicants and beneficiaries by telephone, telecommunications devices for deaf persons (TDDs) or equally effective telecommunication systems shall be used.

(b) The FDIC shall ensure that interested persons, including persons with impaired vision or hearing, can obtain information as to the existence and location of accessible services, activities, and facilities. Interested persons may obtain such information by calling, writing or visiting the FDIC Office of Congressional Affairs and Corporate Communications, located at 550 17th Street, N.W., Washington, D.C. 20429. The Office of Congressional Affairs and Corporate Communications telephone number is (202) 389–4221 (Voice), or 389–4473 (District of Columbia area) and (800) 424–5488 (all others) (TDD).

(c) The FDIC shall provide information at a primary entrance to each of its accessible facilities, directing users to a location at which they can obtain information about accessible facilities. The international symbol for accessibility shall be used at each primary entrance of an accessible facility.

(d) The FDIC shall take appropriate steps to provide handicapped persons, upon request, with information regarding their rights under this regulation.

(e) This section does not require the FDIC to take any action that would result in a fundamental alteration in the nature of a program or activity or in undue financial or administrative burdens. If an action required to comply with this section would result in such an alteration or such burdens, the FDIC shall take other feasible actions, if any, that would not result in such an alteration or such burdens but would nevertheless ensure that, to the maximum extent possible, handicapped persons receive the benefits and services of the program or activity.

§ 352.10 Compliance procedures.

(a) Except as provided in paragraph (b) of this section, this section applies to all allegations of discrimination on the basis of handicap in the FDIC programs or activities set forth in § 352.2 of this part.

(b) The FDIC shall process complaints alleging employment discrimination on the basis of handicap according to the procedures established in 29 CFR Part 1613 pursuant to section 501 of the Rehabilitation Act of 1973 (29 U.S.C. 791).

(c) The Chairman of the FDIC shall designate an official to be responsible for coordinating implementation of this section.

(d) The FDIC shall accept and investigate all complete complaints over which it has jurisdiction. All complete complaints must be filed within 180 days of the alleged act of discrimination. The FDIC may extend this time period for good cause.

(e) If the FDIC receives a complaint over which it does not have jurisdiction, it shall promptly notify the complainant and shall make reasonable efforts to refer the complainant to the appropriate government entity.

(f) Within 180 days of the receipt of a complete complaint for which it has jurisdiction, the FDIC shall notify the complainant of the results of the investigation in a letter containing—

(1) Findings regarding the alleged violations;

(2) A description of a remedy for each violation found; and

(3) A notice of the right to appeal.

(g) Appeals of the findings or remedies must be filed by the complainant within 90 days of receipt from the FDIC of the letter required by § 352.10(f). The FDIC may extend this time for good cause.

(h) Timely appeals shall be accepted and processed by the Chairman of the FDIC or designee.

(i) The Chairman of the FDIC or designee shall notify the complainant of the results of the appeal within 90 days of the receipt of the request. If the Chairman of the FDIC or designee determines that additional information is needed from the complainant, he or she shall have 60 days from the date of

receipt of the additional information to make a determination on the appeal.

(j) The FDIC may delegate its authority for conducting complaint investigations to other federal agencies, except that the authority for making the final determination may not be delegated.

By order of the Board of Directors, 8th day of April, 1985.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 85-8848 Filed 4-17-85; 8:45 am]

BILLING CODE 6714-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 101

[Docket No. 80N-0314]

Food Labeling; Declaration of Sodium Content of Foods and Label Claims for Foods on the Basis of Sodium Content; Proposed Extension of Effective Date

AGENCY: Food and Drug Administration.

ACTION: Proposed rule.

SUMMARY: The Food and Drug Administration (FDA) is proposing to extend until July 1, 1986, the effective date for compliance with the food labeling regulations requiring declaration of sodium content as part of the nutrition label. The current effective date for all affected products initially introduced or initially delivered for introduction into interstate commerce is July 1, 1985. FDA is proposing this extension to minimize economic burdens on certain manufacturers through loss of label inventories and to avoid expenditures of considerable agency resources.

DATES: Comments by May 20, 1985. The proposed extended effective date for compliance with the sodium labeling regulation is July 1, 1986.

ADDRESS: Written comments to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: F. Edward Scarbrough, Center for Food Safety and Applied Nutrition (HFF-204), Food and Drug Administration, 200 C St. SW, Washington, DC 20204, 202-245-3117.

SUPPLEMENTARY INFORMATION: In the Federal Register of April 18, 1984 (49 FR 15510), FDA amended the food labeling regulations (21 CFR 101.9(c)) to require that sodium content of foods be included in nutrition labeling information whenever nutrition labeling appears on food labels. Although the sodium labeling regulation also provided for proper use of certain descriptive terms about sodium and salt content of foods as well as for voluntary disclosure of potassium content information, the only mandatory aspect of the final rule was the inclusion of sodium content information in nutrition labeling in situations where nutrition labeling is required. The effective date for compliance is July 1, 1985, for all affected products initially introduced or initially delivered for introduction into interstate commerce on or after that date.

FDA addressed a number of comments in the preamble to the final regulation regarding the requirement that sodium content be a part of nutrition labeling. The agency responded to these comments by stating that the mandatory inclusion of sodium content information would not pose any significant hardship on those manufacturers who currently use nutrition labeling. At the same time, FDA indicated its interest in minimizing any unique burdens that may be placed on sectors of the food industry as a result of good-faith attempts to comply with the sodium labeling regulation. The agency expressed its willingness to consider as an alternative an extension of the effective date for compliance with the regulation on a case-by-case basis if information was submitted which reasonably demonstrated a need for and anticipated cost savings of adopting such action.

Subsequent to the publication of the final regulation, FDA received from a national trade organization representing the soft drink industry a petition for reconsideration raising a number of issues including a proposal for an alternative sodium disclosure for soft drinks and other products consisting largely of water. Although FDA has indicated that an exemption from sodium labeling requirements will not be granted to the soft drink industry, the agency has been willing to work further with the industry in resolving problems related to establishing sodium values to be declared on the labels of soft drinks.

FDA is currently evaluating the merits of the issues raised in the petition for reconsideration and intends to respond to that petition in the near future. Because the precise requirements for sodium disclosure on labels of soft drinks technically remained uncertain pending a response from FDA, NSDA has argued that there is not enough lead time remaining for bottlers to order new labels and still meet the July 1, 1985, deadline. The agency is aware that the soft drink industry requires a lead time on the order of 9 months to effect label changes. Consequently, FDA issued a letter on November 8, 1984, stating FDA's intent to extend, for the soft drink industry, the effective date for compliance with the sodium labeling regulations until July 1, 1986.

FDA has received a number of additional requests for extensions of the effective date for compliance with the sodium labeling regulation for labels of slow-moving items which will not be depleted by the July 1, 1985, deadline. Several of these requests documented that significant costs would be incurred if existing labels have to be destroyed before use. A majority of these requests have adequately demonstrated that steps have been taken to ensure that the labels of higher-volume items will be in compliance with the regulation before July 1, 1985. Additionally, the majority of those requesting an extension are already committed to providing sodium labeling on their labels with the next orders of labels. Although FDA had previously announced that requests for extensions would be considered on a case-by-case basis (as opposed to proposing a blanket extension of the effective date), it has since become apparent that this approach is no longer feasible. In view of the large number of requests already received, FDA anticipates that the number of labels that would ultimately be submittd for review is very large. Reviewing these labels and the supporting data to determine whether an extension is justified in each case would adversely affect the allocation of resources within the agency.

Because of this adverse impact on the agency's resources and because the information presented to the agency would indicate a potential increase in cost to consumers if manufacturers are unable to use the existing inventories on slow-moving products, the agency is proposing to extend the previously announced effective date for compliance with the mandatory provision of the sodium labeling regulation (requiring that sodium content be declared as a part of the nutrition label) for a period of 1 year until July 1, 1986. This delay would enable all affected manufacturers to effect any necessary label changes to comply with the labeling requirements of the final rule. The agency is stating, however, that it expects manufacturers who requested an extension of the effective date to move forward by

bringing their labels into compliance as soon as possible but no later than July 1, 1986.

Data obtained from the most recent "Food Label and Package Survey" and from a recent field survey conducted by FDA to monitor the prevalence of sodium information currently on food labels indicate that an extension such as that being proposed would produce only a marginal, short-term reduction in the projected availability of sodium labeled food. FDA believes that the circumstances above would not support an extension of the effective date beyond the proposed additional 1 year period, and industry is strongly encouraged to comply with the previous deadline of July 1, 1985, whenever possible.

FDA is proposing to extend the effective date of the sodium regulation by notice and comment rulemaking to accord with the Administrative Procedure Act and recent case law which has held that an extension of a regulation's effective date is the type of agency action that is ordinarily subject to the notice and comment procedure. *Council of Southern Mountains, Inc.* v. *Donovan*, 653 F.2d 573, 580 (D.C. Cir. 1981). *National Resources Defense Council, Inc.* v. *E.P.A.*, 683 F.2d 752 (3d Cir. 1982). This proposed extension would be consistent with alternative provisions previously considered in the agency's regulatory flexibility analysis to minimize the economic impact on small businesses while still accomplishing the stated objectives of the sodium labeling regulation.

List of Subjects in 21 CFR Part 101

Food labeling, Misbranding, Nutrition labeling, Warning statements.

PART 101—FOOD LABELING

§ 101.9 [Amended]

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201(n), 403, 701(a), 52 Stat. 1040–1042 as amended 1047–1048 as amended, 1055 (21 U.S.C. 321(n), 343, 371(a))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10), it is proposed that the effective date of paragraph (c)(8)(i) of § 101.9 *Nutrition labeling of foods* be extended until July 1, 1986.

Interested persons may, on or before May 20, 1985, submit to the Dockets Management Branch (address above) written comments regarding this proposal. Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Dated: April 15, 1985.

Joseph P. Hile,

Associate Commissioner for Regulatory Affairs.

[FR Doc. 85-9455 Filed 4-16-85; 10:39 am]

BILLING CODE 4160-01-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 100

[CGD 3-85-05]

Regatta; O.P.A. Classic, Barnegat Bay, NJ

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rule making.

SUMMARY: The Coast Guard is considering a proposal to establish Special Local Regulations for the Annual Offshore Performance Association (O.P.A.) Classic. The purpose of this regulation is to provide for the safety of participants and spectators on navigable waters during this powerboat race event.

DATES: Comments must be received on or before June 3, 1985.

ADDRESSES: Comments should be mailed to Commander (b), Third Coast Guard District, Governors Island, New York, NY 10004. The comments will be available for inspection and copying at the Boating Safety Office, Building 110, Governors Island, New York, NY. Normal office hours are between 8:00 a.m. and 4:30 p.m., Monday through Friday, except holidays. Comments may also be hand-delivered to this address.

FOR FURTHER INFORMATION CONTACT: Lt. D.R. Cilley, (212) 668–7974.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in this proposed rule making by submitting written views, data, or arguments. Persons submitting comments should include their names and addresses, identify this notice (CGD3 85–05) and the specific section of the proposal to which their comments apply, and give reasons for each comment. Receipt of comments will be acknowledged if a stamped, self-addressed postcard or envelope is enclosed. The rules may be changed in light of comments received. All comments received before the expiration of the comments period will be considered before final action is taken on this proposal. No public hearing is planned, but one may be held if written requests for a hearing are received and it is determined that the opportunity to make oral presentations will aid the rulemaking process.

Drafting Information

The drafters of this notice are Lt. D.R. Cilley, Project Officer, Boating Safety Office, and Ms. MaryAnn Arisman, Project Attorney, Third Coast Guard District Legal Office.

Discussion of Proposed Regulations

The Annual O.P.A. Classic is a powerboat race sponsored by the Offshore Performance Association held on Barnegat Bay, New Jersey. This event is traditionally held each year on the second Saturday in June. Because of the annual nature of this event the Coast Guard proposes to promulgate a permanent amendment to Part 100 of Title 33, U.S. Code of Federal Regulations and thereafter provide the public with full and adequate notice of this annual powerboat race by publication in the Third District Local Notice to Mariners. There will be one (1), 4 lap, 60 miles National Powerboat Association (N.P.B.A.) sanctioned race. The course has been laid out so that there should be little or no interference with vessel traffic in the Intercoastal Waterway (I.C.W.). The sponsor is providing in excess of 40 patrol vessels in conjunction with Coast Guard and local resources to patrol this event. In order to provide for the safety of life and property, the Coast Guard will restrict vessel movement in the race course area and will establish spectator anchorages for the spectator fleet. Mariners are urged to use extreme caution when transiting the area due to the large number of spectator craft, and should adhere closely to the charted I.C.W.

Economic Assessment and Certification

This proposed regulation is considered to be non major under Executive Order 12291 on Federal Regulation and nonsignificant under Department of Transportation regulatory policies and procedures (44 FR 11034; February 26, 1979). The economic impact of this proposal is expected to be so minimal that a full regulatory evaluation is unnecessary. This event will draw a large number of spectator craft into the area for the duration of the race. This should have a favorable impact on commercial facilities providing services to the spectators. This area is used primarily by recreational boaters; any impact on commercial traffic in the area will be negligible.

Since the impact of this regulation is expected to be minimal, the Coast Guard certifies that it will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 33 CFR Part 100

Marine safety, Navigation (water).

Proposed Regulation

PART 100—[AMENDED]

In consideration of the foregoing, the Coast Guard proposes to amend Part 100 of Title 33, Code of Federal Regulations by adding § 100.301 to read as follows:

§ 100.301 O.P.A. Classic, Barnegat Bay, N.J.

(a) *Regulated Area:* Barnegat Bay, New Jersey in the area bounded on the north by 39 degrees 55 minutes north latitude, and on the south by 39 degrees 48 minutes north latitude, the Intercoastal Waterway (I.C.W.) on the west and Island Beach on the east.

(b) *Effective Period:* This regulation will be effective from 10:00 a.m. to 3:00 p.m. on June 15, 1985 and thereafter annually on the second Saturday in June or as published in the Third District Local Notice to Marines.

(c) *Special Local Regulations:* (1) Marines shall use extreme caution when transiting the regulated area and shall adhere closely to the charted I.C.W.

(2) All persons or vessels not registered with sponsor as participants or not part of the regatta patrol are considered spectators. Spectator vessels must be at anchor within the designated spectator area or moored to a waterfront facility in a way that will not interfere with mariners transiting the I.C.W. in Barnegat Bay.

(3) The spectator fleet shall be held behind special race course buoys provided by the sponsor in the following areas:

(i) Between the race course and Island Beach State Park in the area north of Tices Shoal.

(ii) Between the race course and the I.C.W. in the area from Holly Park to Forked River.

(4) No spectator or press boats shall be allowed out onto or across the race course without Coast Guard escort.

(5) The sponsor of the race shall anchor race committee boats at each of the five (5) turns. Checkpoints shall be positioned so that race participants will pass no closer to the I.C.W. than 200 feet. Special markers shall be provided by the sponsor to separate the course from the I.C.W.

(6) All persons and vessels shall comply with the instructions of U.S. Coast Guard patrol personnel. Upon hearing five or more blasts from a U.S. Coast Guard vessel, the operator of a vessel shall stop immediately and proceed as directed. U.S. Coast Guard patrol personnel include commissioned, warrant and petty officers of the Coast Guard. Members of the Coast Guard Auxiliary may be present to inform vessel operators of this regulation and other applicable laws.

(7) For any violation of this regulation, the following maximum penalties are authorized by law:

(i) $500 for any person in charge of the navigation of a vessel.

(ii) $500 for the owner of a vessel actually on board.

(iii) $250 for any other person.

(iv) Suspensions or revocation of a license for a licensed officer.

(33 U.S.C. 1233; 49 U.S.C. 108; 49 CFR 1.46(b) and 33 CFR 100.35)

Dated: April 9, 1985.

P.A. Welling,

Captain, U.S. Coast Guard, Acting Commander, Third Coast Guard District.

[FR Doc. 85-9359 Filed 4-17-85; 8:45 am]

BILLING CODE 4910-14-M

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33 CFR Part 110

[CGD9-85-01]

Anchorage Grounds; Chicago Harbor, IL

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard is considering a proposal to establish two new commercial vessel anchorages and disestablish one existing commercial vessel anchorage in Chicago Harbor. The existing anchorage known as "Anchorage F, Filtration Plan Slip" conflicts with plans for a large recreational vessel marina. The effect of this rule will be accommodation of the marina development and continued availability of anchorage areas suitable for lakegoing barge tows without anchors.

DATES: Comments must be received on or before June 3, 1985.

ADDRESSES: Comments should be mailed to Commander, Ninth Coast Guard District, Marine Port Environmental Safety Branch, 1240 E. 9th St., Cleveland, OH 44199. The comments and other materials referenced in this notice will be available for inspection and copying at Commander, Ninth Coast Guard District, Marine Port and Environmental Safety Branch, 1240 E. 9th St., Cleveland, OH 44199. Normal office hours are between 7:30 a.m. and 5:00 p.m., Monday through Friday, except holidays. Comments may also be hand-delivered to this address.

FOR FURTHER INFORMATION CONTACT: Ensign G.H. Burns, Marine Port and Environmental Safety Branch, Ninth Coast Guard District. Telephone number (216) 522-3919.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in this rulemaking by submitting written views, data, or arguments. Persons submitting comments should include their names and addresses, identify this notice (CGD9-85-01) and the specific section of the proposal to which their comments apply, and give reasons for each comments. Receipt of comments will be acknowledged if a stamped self-addressed postcard or envelope is enclosed. The regulations may be changed in light of comments received. All comments received before the expiration of the comment period will be considered before final action is taken on this proposal. No public hearing is planned, but one may be held if written requests for a hearing are received and it is determined that the opportunity to make oral presentations will aid the rulemaking process.

Drafting Information

The drafters of this notice are Ensign G.H. Burns, project officer, Marine Port and Environmenal Safety Branch, and Lieutenant Raymond A. Pelletier, project attorney, Ninth Coast Guard District Legal Office.

Discussion of Proposed Regulations

The Coast Guard published an Advance Notice of Proposed Rulemaking on April 22, 1983 (48 FR 19183) (the "ANPRM") requesting comments on the need for changes to the present special anchorage areas and anchorage grounds in Chicago and Calument Harbors, IL. This proposed action relates only to the anchorage known as "Anchorage F, Filtration Plant Slip" and two proposed commercial anchorages in Chicago Harbor. Revision of any other anchorage grounds in Chicago Harbor, IL. will be the subject of separate Notices of Proposed Rulemaking.

Two comments were received in response to the ANPRM. One commenter, the Illinois River Carriers Association, opposed any changes to Chicago Harbor anchorages. They particularly opposed the loss of Anchorage F, since it is considered the only assured mooring space of their tows awaiting fair weather or a change of towboats. Traditional practice is to moor along the Main Branch of the

Chicago River. Urban development adjacent to this mooring area will preclude its future use. The other commenter, Navy Pier Marina, Inc. (a not-for-profit-organization), is interested in establishing a large recreational vessel marina next to Anchorage F. The Coast Guard had previously objected to this developer's permit application filed with the U.S. Army Corps of Engineers. The reason for this objection was the incompatibility of the commercial vessel anchorage and the private vessel marina. Their close proximity would create many navigation conflicts between large and small vessels in a very restricted channel. Navy Pier Marina, Inc. requested either relocation or disestablishment of Anchorage F to facilitate development of the marina.

The Captain of the Port Chicago, through individual and joint meeting with both commenters, has identified a mutually agreeable alternative to Anchorage F. The establishment of two new anchorages adjacent to the lakeside approach walls of the Chicago Harbor Lock will result in 112,000 square feet of new anchorage grounds. This is a net reduction of only 8,000 square feet compared to Anchorage F. The new anchorages will be more convenient to normal barge transit routes and will offer flexibility for weather-protected moorings. The area of the new Anchorage D, Chicago Harbor Lock South, has proven satisfactory in recent mooring use by barge tows. The area of the new Anchorage E, Chicago Harbor Lock North, has not experienced commercial vessel use, but was recently sounded adjacent to the guidewall. The minimum depth observed was 25 feet. The potential for barge inflicted damage to the lock's outer guidewalls requires that pile clusters be installed as anchorage buffers. The marina developer has informally agreed to provide these fixtures, and has requested a permit from the U.S. Army Corps of Engineers to do so. Concern for the security of moored vessels in the new anchorages necessitates including a towing vessel operator surveillance requirement. One hour permissible breaks in towing vessel attendance are believed sufficient to effect routine logistics.

"Development of Navy Pier Marina is not a certainty. Marina developer investment in the pile clusters for Anchorages D and E is dependent upon the marina project going forward. The Coast Guard intends to implement a final rule for disestablishing Anchorage F and establishing Anchorages D and E only after an absolute commitment for establishment of the associated protective pile clusters is obtained."

Economic Assessment and Certification

These proposed regulations are considered to be nonsignificant in accordance with DOT policies and procedures for simplification, Analysis, and Review of Regulations (DOT Order 2100.5). Its economic impact is expected to be minimal since the proposed action simply relocates an existing anchorage. The new locations will provide a slight transit time advantage to the marine towing industry. The cost of establishing the protective pile clusters for each anchorage will be borne by the commercial marina interests benefiting from this relocation. The marine towing industry's cost of compliance with the continual surveillance requirement will be negligible. Anchorages D and E will be utilized as temporary mooring areas for towing vessels and tows during inclement weather or while awaiting a change of towing vessels. These towing vessels are normally manned while moored and would provide the surveillance required by the rule. This corresponds with current practice and the inclusion of this requirement in the rule will insure a rapid response to breakaways which might damage the adjacent lock structure or passing vessels. Preliminary discussions with industry personnel confirm that the formal surveillance requirement will not impose significant additional costs. Based upon this assessment it is certified in accordance with section 605(b) of the Regulatory Flexibility Act (5 U.S.C. 605(b)) that this regulation, if promulgated, will not have a significant economic impact on a substantial number of small entities. Also, the regulation has been reviewed in accordance with Executive Order 12291 of February 17, 1981, on Federal Regulation and has been determined not to be a major rule under the terms of that order.

List of Subjects in 33 CFR Part 110

Anchorage grounds

Proposed Regulations

PART 110—[AMENDED]

In consideration of the foregoing, the Coast Guard proposes to amend Part 110 of Title 33, Code of Federal Regulations, by removing § 110.205(a)(6), adding §§ 110.205(a)(4) and (a)(5), and revising § 110.205(b)(7) to read as follows:

§ 110.205 [Amended]

(a) * * *

(4) Anchorage D, Chicago Harbor Lock South. Beginning at a point 35.5 feet South (16 feet South of the South face of the Southeast guidewall) and 28.0 feet West of the SE Guide Wall Light; thence Westerly and parallel to the guidewall 800 feet to a point that is 16 feet South of the South face of the Southeast guidewall; thence Southerly 80 feet to a point that is 96 feet South of the South face of the Southeast guidewall; thence Northerly 80 feet to the point of beginning.

(5) Anchorage E, Chicago Harbor Lock North. Beginning at a point 156.75 feet North (16 feet North of the North face of the Northeast guidewall) and 590 feet West of the SE Guidewall Light; thence Westerly and parallel to the guidewall 600 feet to a point that is 16 feet North of the North face of the Northeast guidewall; thence Northerly 80 Feet to a point that is 96 feet North of the North face of the Northeast guidewall; thence Easterly 600 feet to a point that is North of the North face of the Northeast guidewall; thence Southerly 80 feet to the point of beginning.

. . . . . .

(b) * * *

(7) No vessel may use anchorages A, B, D, and E except commercial vessels operated for profit. No person may place floats or buoys for making moorings or anchors in place in anchorages A and B. No person may placed fixed mooring piles or stakes in anchorages A and B. (Mooring facilities are available adjacent to the lakeside guidewalls of the Chicago Harbor Lock in anchorages D and E.) All vessels using anchorages D and E shall moor against pile clusters adjacent to the respective anchorage. Any time barges are moored in Anchorage D or E, a manned towing vessel shall be present in one of these anchorages. Exceptions to this surveillance requirement are allowable for periods not to exceed one hour.

(33 U.S.C. 471; 49 U.S.C. 1655(g)(1); 49 CFR 1.46; and 33 CFR 1.05–1(g))

Dated: March 18, 1985.

A.M. Danielsen,

Rear Admiral, U.S. Coast Guard, Commander, Ninth Coast Guard District.

[FR Doc. 85-9557 Filed 4-17-85; 8:45 am]

BILLING CODE 4910-14-M

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33 CFR Part 117

[CGD5-84-07]

Drawbridge Operation Regulations; Beaufort Channel, NC

AGENCY: Coast Guard, DOT.

ACTION: Proposed rule.

SUMMARY: At the request of the North Carolina Department of Transportation,

Division of Highways, the Coast Guard is considering amending the regulations that govern the operation of the drawbridge across Beaufort Channel, mile 0.1, at Beaufort, North Carolina. The request is for hourly openings for pleasure craft during the boating season. This proposal is being made in an effort to alleviate highway traffic congestion in the vicinity of the drawbridge. Approval of this request would reduce the number of draw openings and probably still provide for the reasonable needs of navigation.

DATE: Comments must be received by June 3, 1985.

ADDRESS: Comments should be mailed to Commander (oan), 5th Coast Guard District, 431 Crawford Street, Portsmouth, Virginia, 23705–5000. The comments received will be available for inspection and copying at the above address. Room 609, between 8 a.m. and 4 p.m., Monday through Friday, except holidays. Comments may also be hand-delivered to this address.

FOR FURTHER INFORMATION CONTACT: Wayne J. Creed, Bridge Administrator, Telephone (804) 398–6227.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in this proposed rulemaking by submitting written views, comments, data, or arguments. Persons submitting comments should include their names and addresses, identify the bridge, and give reasons for concurrence with or any recommended change in the proposal. Persons desiring acknowledgement that their comments have been received should enclose a stamped, self-addressed postcard or envelope.

The Commander, Fifth Coast Guard District, will evaluate all communications received and determine a course of final action on this proposal. The proposed regulation may be changed in light of comments received.

Drafting Information

The drafter of this notice is W.J. Creed, project officer, and Lieutenant Eglee W. Perez-Rodriguez is the project attorney.

Discussion of Proposed Rule

The North Carolina Division of Highways made the request to open the bridge on the hour from 7 a.m. to 7 p.m. because of highway traffic congestion in the vicinity of the bridge.

A survey of the marine related businessess in the area indicated that the proposed bridge schedule would not be opposed by these entities. In view of this, it is reasonable to assume that approval of the request is in the public interest.

Economic Assessment and Certification

This proposed regulation is considered to be non-major under Executive Order 12291 on Federal Regulation and non-significant under the Department of Transportation regulatory policies and procedures (44 FR 11034; February 26, 1979). The economic impact of this proposal is expected to be so minimal that a full regulatory evaluation is unnecessary. This conclusion is based on the fact that the proposed regulation will have no effect on commercial navigation, or on any industries that depend on waterborne transportation. Since the economic impact of this proposal is expected to be so minimal, the Coast Guard certifies that, if adopted, it will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 33 CFR Part 117

Bridges.

Proposed Regulation

In consideration of the foregoing, the Coast Guard proposes to amend Part 117 of Title 33, Code of Federal Regulations, by adding § 117.822 to read as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

§ 117.822 Beaufort Channel.

From May 1 to October 31, the U.S. 70 drawbridge at Beaufort, North Carolina shall open on the hour from 7 a.m. to 7 p.m. for the passage of pleasure craft. To accommodate approaching pleasure craft, the hourly opening may be delayed up to 10 minutes past the hour. Only pleasure boats are affected by this schedule and the standard rules apply to the operation of this bridge.

(33 U.S.C. 499; 49 CFR 1.46(c)(5); 33 CFR 1.05–1(g)(3))

Dated: April 2, 1985.

James C. Irwin,

Rear Admiral, U.S. Coast Guard, Commander, Fifth Coast Guard District.

[FR Doc. 85–9360 Filed 4–17–85; 8:45 am]

BILLING CODE 4910–14–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Ch. I

[OPP–30071B; FRL–2820–5]

Child-Resistant Packaging of Pesticides; Hearing

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of meeting.

SUMMARY: The Office of Pesticide Programs of the EPA will hold a public hearing under the provisions of section 21(b) and 25(c) of the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) to obtain additional information on child-resistant packaging (CRP) of pesticide products. The Agency has under consideration two proposed rules concerning CRP, and wishes to obtain additional information that may not have been submitted in response to the proposals that were published in the **Federal Register**.

DATE: The hearing will take place on Wednesday, May 15, 1985, beginning at 9 a.m. and ending by 2:30 p.m.

ADDRESS: The hearing will be held in: Rm. 1112, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA.

FOR FURTHER INFORMATION CONTACT:

By mail: Jean M. Frane, Registration Division (TS–767C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, D.C. 20460.

Office location and phone number: Rm. 1114, CM #2, 1921 Jefferson Davis Highway, Arlington, VA, (703–557–0592).

SUPPLEMENTARY INFORMATION: EPA issued a proposal in the **Federal Register** of January 4, 1984 (49 FR 423), to revise its CRP regulations for pesticide products by addition of a size exemption for certain products in large packages. Subsequently, the Agency issued a comprehensive proposal to revise its registration regulations, including those for CRP, contained in 40 CFR Part 162, which was published in the **Federal Register** of September 26, 1984 (49 FR 37916). The Agency is now considering the written comments received on both proposals and intends to issue a single final rule for CRP, consolidating the two proposals.

The Agency has decided to conduct an informal public hearing to obtain further comment that may be useful to the Agency in concluding its rulemaking proceedings for CRP.

The hearing will be limited to comment on child-resistant packaging of pesticides.

Members of the public and interested persons are invited to participate in the hearing. The hearing will be conducted before a panel convened to assist in Agency deliberations. Persons interested in speaking at the hearing should contact Jean Frane at the address or telephone number listed above no later than May 10, 1985. Comments will be limited to 10 minutes per speaker. If more speakers than time permits request to be heard, speakers may be limited to

less than 10 minutes. If time permits after scheduled speakers, persons not scheduled to speak will be heard. The hearing will be recorded and transcribed, and a copy of the transcription will be placed in the public comment file for each rulemaking. Written comments (other than transcripts of a speaker's remarks) will not be accepted. The hearing will end promptly at 2:30 p.m.

All comments will be considered by the Agency before promulgation of its final rule on CRP.

Dated: April 10, 1985.

Steven Schatzow,

Director, Office of Pesticide Programs.

[FR Doc. 85-9347 Filed 4-17-85; 8:45 am]

BILLING CODE 6560-50-M

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40 CFR Part 81

[A-10-FRL-2819-8]

Designation of Areas for Air Quality Planning Purposes; Oregon

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This proposed rulemaking would designate Grants Pass, Oregon, as a nonattainment area for carbon monoxide. This proposal is based on measured violations of the ambient air quality standard for carbon monoxide between 1981–1984 in the downtown area. Upon approval, the Department of Environmental Quality, in conjunction with the local and county governments, will develop a carbon monoxide control plan for the area.

DATE: Comments must be postmarked on or before May 20, 1985.

Comments should be addressed to: Laurie M. Kral, Air Programs Branch, M/S 532, Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Washington 98101

ADDRESSES: Copies of the materials submitted to EPA may be examined during normal business hours at:

Air Programs Branch, (10A-85-7), Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Washington 98101

State of Oregon, Department of Environmental Quality, 522 S.W. Fifth, Yeon Building, Portland, Oregon 97207

FOR FURTHER INFORMATION CONTACT: Loren C. McPhillips, Air Programs Branch, M/S 532, Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Washington 98101, Telephone No. (206) 442-4233, (FTS) 399-4233

SUPPLEMENTARY INFORMATION:

I. Background

Under the federal Clean Air Act states may designate areas as nonattainment for carbon monoxide (CO) levels if air quality monitoring shows that CO levels do not meet federal standards.

In response to a request by a local citizen's group, the Department of Environmental Quality (DEQ) expanded its air monitoring activities in the Grants Pass area in 1979. Initial studies identified a potential CO air quality problem in 1981; subsequent special studies during 1982–1984 have confirmed that CO concentrations in Grants Pass have exceeded, and are expected to continue to exceed, the state and federal ambient air quality standards.

The CO standard for an 8-hour average is 100 milligrams per cubic meter (mg/m^3). From the monitoring data taken from the location at Sixth and G Streets, it was found that between 1981–1983, the annual number of days above the Standard for CO levels ranged from 13 days to 38 days, and the CO levels for the second highest day ranged from 12.9 mg/m^3 to 14.9 mg/m^3.

The DEQ submitted its request for redesignation along with proposed boundaries for the nonattainment area on December 10, 1984. Based on this SIP revision, DEQ has devised a schedule for development of the CO control strategy and its submittal to EPA. The schedule currently calls for the SIP to be submitted to EPA by May 1986, consistent with the EPA's policy for newly designated nonattainment areas contained in the Guidance Document for Correction of Part D SIP's for Nonattainment Areas, January 27, 1984.

II. Proposed Action

In accordance with DEQ's request, EPA is proposing today to approve the State's designation of the following area in the Grants Pass central business district as a nonattainment area: beginning at the intersection of B Street and Fifth Street, extending easterly along B Street to Eighth Street; thence southerly along Eighth Street to the Rogue River; thence westerly along the river to Fifth Street; thence northerly along Fifth Street to the starting point.

Interested parties are invited to comment on all aspects of this proposed approval of the Oregon SIP revision. Comments should be submitted in triplicate, to the address listed in the front of this Notice. Public comments postmarked by May 20, 1985 will be considered in any final action EPA takes on this proposal.

Under 5 U.S.C. 605(b), the Administrator has certified that redesignations do not have a significant economic impact on a substantial number of small entities (46 FR 8709).

The Office of Management and Budget has exempted this rule from the requirements of Section 3 of Executive Order 12291.

List of Subjects in 40 CFR Part 81

Air pollution control, National parks, Wilderness areas.

Dated: March 12 1985.

L. Edwin Coate,

Acting Regional Administrator.

[FR Doc. 85-9343 Filed 4-17-85; 8:45 am]

BILLING CODE 6560-50-M

GENERAL SERVICES ADMINISTRATION

48 CFR Parts 515 and 522

[GSAR Notice No. 5-88]

Application of Thresholds to Contracts With Options

AGENCY: Office of Acquisition Policy, GSA.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice invites written comments on a proposed change to the General Services Administration Acquisition Regulation (GSAR) Chapter 5, which will provide clarification on determining the contract value when applying the thresholds for cost and pricing data, field pricing support, and equal employment opportunity preaward clearances to contracts with options. Sections 515.804-2, 515.805-5, and 522.805 would be revised to provide that when determining the contract amount for purposes of applying the thresholds at FAR 15.804-2, 15.801-5 and 22.805(a), the value of the contract plus any priced options shall be considered. The intended effect is to improve the regulatory coverage and provide for uniform application of the referenced FAR provisions by GSA contracting activities.

DATE: Comments are due in writing not later than May 20, 1985.

ADDRESS: Requests for a copy of the proposal and comments should be addressed to Ms. Lena M. Ustad, Office of GSA Acquisition Policy and Regulations, 18th and F Sts., NW., Room 4027, Washington, D.C. 20405.

FOR FURTHER INFORMATION CONTACT: Ms. Shirley Scott, Office of GSA Acquisition Policy and Regulations, (202) 523-2782.

SUPPLEMENTARY INFORMATION:

Impact

The Director, Office of Management and Budget (OMB), by memorandum dated December 14, 1984, exempt certain agency procurement regulations from Executive Order 12291. The exemption applies to this proposed rule. The General Services Administration (GSA) certifies that this document will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 et seq.). The proposed regulation only clarifies the application of an existing requirement of the Federal Acquisition Regulation. Accordingly, no regulatory flexibility analysis has been prepared. The rule does not contain information collection requirements which require the approval of OMB under 44 U.S.C. 3501 et seq.

List of Subjects in 48 CFR Ch. 5

Government procurement.

(40 U.S.C. 486(c))

Dated: April 10, 1985.

Ida M. Ustad,

Acting Director for Acquisition Policy and Regulations.

[FR Doc. 85-9336 Filed 4-17-85; 8:45 am]

BILLING CODE 6820-61-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 611

[Docket No. 31222-248]

Foreign Fishing

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Notice of hake preliminary reassessment.

SUMMARY: NOAA issues this notice to reassess the domestic annual processing (DAP) amount found in the foreign fishing rule for the Hake Fishery of the Northwest Atlantic Preliminary Fishery Management Plan (PMP), and requests comments for 15 days. The DAP has been reassessed, and a joint venture processing (JVP) amount is specified for red hake in the NW Atlantic 1–4 (Southern New England) area. The intended effect of this action is to allow NMFS to process joint venture applications in 1985.

DATE: Comments must be submitted on or before May 3, 1985.

ADDRESSES: Send comments to Peter Colosi, National Marine Fisheries Services, Northeast Regional Office, 14 Elm Street, Gloucester, Massachusetts 01930. Mark the outside of the envelope "Comments on Hake Specifications".

FOR FURTHER INFORMATION PLEASE CONTACT: Peter Colosi, 617-281-3600, ext. 272.

SUPPLEMENTARY INFORMATION: Foreign fishing regulations that govern the Atlantic hakes PMP contain procedures at § 611.51(b) to reassess DAP. If a joint venture fishing application is received for an amount of hake which exceeds the JVP specified in the annual fishing year initial specifications, the Secretary will reassess DAP to determine whether additional JVP can be made available. In making the reassessment, the Secretary will consult with the appropriate fishery management councils, and consider those factors listed at § 611.51(b)(ii) to assess the current and projected U.S. harvesting and processing performance. The preliminary reasssessment will be published in the **Federal Register** and a public comment period of 15 days will be provided.

The Secretary has received a joint venture request for 6,000 metric tons (mt) of Southern New England red hake. The request exceeds the current specified JVP specification of zero (o) mt. Therefore, the Secretary has conducted a reassessment of DAP as discussed above.

The PMP specifies a 13,000 mt DAH and DAP for Southern New England red hake. However, the actual red hake catch from this are has been at low levels in recent years, avaraging only 1,300 mt during 1981–1984. This level of performance is a reasonable reflection of the past and present DAP. This implies that a substantial amount of DAP for red hake may be made available for red hake JVP.

The Secretary expects that the 1981–1984 trend will continue in 1985. Catches from traditional hake harvesters are expected to be comparable to last year's level of 1,300 mt. In addition, four new domestic catcher/processor vessels in operation this year have indicated no directed effort toward red hake, although very small amounts of by-catch may occur.

Given the current and projected situation, the Secretary therefore respecifies the Northwest Atlantic 1–4 area DAP to 7,000 mt. This allows 6,000 mt of red hake for JVP, as indicated in the table below. There is no increase in the estimated domestic annual harvest.

PRELIMINARY REASSESSMENT OF RED HAKE IN THE NW ATLANTIC 1-4 AREA FOR THE 1985 ANNUAL FISHING YEAR

Specification [1]	Initial amount (mt)	Reassessed amount (mt)
OY or TAC	16,000	.....
DAH	13,000	.....
DAP	13,000	7,000
JVP	0	6,000
Reserve	0	.....
TALFF	2,500	.....

[1] Optimum yield or total allowable catch (OY or TAC), domestic annual harvest (DAH), domestic annual processing (DAP), joint venture processing (JVP), total allowable levels of foreign fishing (TALFF)

List of Subjects in 50 CFR Part 611

Fisheries, Foreign relations, Reporting and recordkeeping requirements.

Authority: 16 U.S.C. 1801 *et seq.*, unless otherwise noted.

Dated: April 16, 1985.

William G. Gordon,

Assistant Administrator for Fisheries, National Marine Fisheries Service.

[FR Doc. 85-9552 Filed 4-16-85; 4:53 pm]

BILLING CODE 3510-10-M

Notices

Federal Register
Vol. 50, No. 75
Thursday, April 18, 1985

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

AFRICAN DEVELOPMENT FOUNDATION

Advisory Council Meeting

Time: 2:00
Place: AFRICAN DEVELOPMENT FOUNDATION, 1724 Massachusetts Ave., NW., Suite 200, Washington, DC.
Date: Friday, June 14, 1985
Status: OPEN
Contact person for more information: Ms. Marjorie S. Cook (634–9853)
ADF Agency Number 11010006
ADF BOAC Number 953901

Leonard H. Robinson, Jr.,
President.

[FR Doc. 85–9325 Filed 4–17–85; 8:45 am]
BILLING CODE 6116–01–M

DEPARTMENT OF AGRICULTURE

Office of the Secretary

Mississippi Forest Resource Development Program; Determination of Primary Purpose of Program Payments for Consideration as Excludable From Income

AGENCY: Office of the Secretary, USDA.

ACTION: Notice of determination.

SUMMARY: The Secretary of Agriculture has determined that payments made to landowners under the Mississippi Forest Resource Development Program are made primarily for purposes of improving forests. This determination, which is made in accordance with section 126 of the Internal Revenue Code of 1954, as amended, and the provisions of 7 CFR Part 14, permits recipients of these payments to exclude some or all of them from gross income for Federal income tax purposes of certain other conditions are met.

FOR FURTHER INFORMATION CONTACT: Frederick A. Dorrell, Director, Cooperative Forestry, Forest Service, USDA, P.O. Box 2417, Washington, DC 20013, (703) 235–2212.

SUPPLEMENTARY INFORMATION: Section 126 of the Internal Revenue Code of 1954, as added by the Revenue Act of 1978 and amended by the Technical Corrections Act of 1979, provides that certain payments made under State programs may be eligible for exclusion from gross income if certain determinations are made. The Secretary of Agriculture must determine whether payments made under a State program, as described in section 126(a)(10), are "made primarily for the purpose of conserving soil and water resources, protecting or restoring the environment, improving forests, or providing a habitat for wildlife." In making this determination, the Secretary of Agriculture must evaluate each program according to criteria set forth in 7 CFR Part 14.

One such program, the Forest Resource Development Program, is carried out by the State of Mississippi under the Forest Resource Development Act of 1974 (Miss. Code 1972 §§ 49–19–201 to 227). The program provides technical and financial assistance to nonindustrial private forest landowners to ensure that Mississippi continues to develop its forest economy. The program is administered by the State Forestry Commission through the State Forester. An eligible entity is a private individual, group, association or corporation which owns lands suitable for forestry purposes. Private corporations which manufacture products or provide public utility services are not eligible for assistance. Agencies of the State and any political subdivisions thereof which own land also qualify for assistance.

Cost-share payments are made to landowners for the satisfactory installation of approved practices for establishing and improving a stand of trees for timber and game management purposes. Approved practices are tree planting, seeding, timber stand improvement, prescribed burning, site preparation, and systematic planting of hardwood trees for wildlife.

The authorizing legislation, regulations, and operating procedures for the Forest Resource Development Program of the State of Mississippi have been carefully examined using the criteria set forth in 7 CFR Part 14. The Department has concluded that the payments made under this forestry cost-share program are made to provide financial assistance to agricultural landowners in carrying out forest improvement practices. A "Record of Decision, Mississippi Forest Resource Development Program: Primary Purpose Determination for Federal Tax Purposes" has been prepared and is available upon request from Cooperative Forestry, Forest Service. Requests may be sent to the address listed above.

Determination

It is hereby determined in accordance with section 126(b)(1) of the Internal Revenue Code of 1954, as amended, and 7 CFR Part 14 that all cost-share payments made after September 30, 1979, for forestry conservation practices under the Mississippi Forest Resource Development Program as authorized by the Forest Resource Development Act of 1974 are made primarily for the purpose of improving forests.

Signed at Washington, DC, on April 2, 1985.

John R. Block,
Secretary of Agriculture.

[FR Doc. 85–9294 Filed 4–17–85; 8:45 am]
BILLING CODE 3410–01–M

California Forest Improvement Program; Determination of Primary Purpose of Program Payments for Consideration as Excludable From Income Under Section 126 of the Internal Revenue Code of 1954, as Amended

AGENCY: Office of the Secretary, USDA.

ACTION: Notice of determination.

SUMMARY: The Secretary of Agriculture has determined that payments made to landowners under the California Forest Improvement Program (CFIP) after September 30, 1979, are made primarily for the purpose of improving forests. This determination, which is made in accordance with section 126 of the Internal Revenue Code of 1954, as amended, and the provisions of 7 CFR Part 14, permits recipients of these payments to exclude some or all of them from gross income for Federal income tax purposes if certain other conditions are met.

FOR FURTHER INFORMATION CONTACT: Frederick A. Dorrell, Director, Cooperative Forestry, Forest Service,

USDA, P.O. Box 2417, Washington, DC 20013, (703) 235–2212.

SUPPLEMENTARY INFORMATION: Section 126 of the Internal Revenue Code of 1954, as added by the Revenue Act of 1978 and amended by the Technical Corrections Act of 1979, provides that certain payments made under State programs may be eligible for exclusion from gross income if certain determinations are made. The Secretary of Agriculture must determine whether payments made under a State program, as described in section 126(a)(10), are "made primarily for the purpose of conserving soil and water resources, protecting or restoring the environment, improving forests, or providing a habitat for wildlife." In making this determination, the Secretary of Agriculture must evaluate each program according to criteria set forth in 7 CFR Part 14.

One such program carried out by the State of California is the California Forest Improvement Program which is authorized by the California Forest Improvement Act of 1978 (Cal. Pub. Res. Code sections 4790 *et seq.*(West)). The program provides technical and financial assistance to private landowners to encourage them to upgrade the management of their forest land resources to ensure adequate future high quality timber supplies. The Director of the California Department of Forestry administers the program subject to the review of program regulations and guidelines by the State Board of Forestry.

Any private individual, group, association, or cooporation owning not more than 5,000 acres of forest land in the State is eligible for cost-share assistance under the CFIP. Land located in a Timberland Preserve Zone (TPZ) automatically qualifies for CFIP. TPZ in the State of California was authorized by the Forest Taxation Reform Act of 1976 aimed at retaining prime commercial forest land in timber production. On these lands, the growing and harvesting of timber is recognized as the highest and best use. The owner of land not zoned TPZ must agree with the State of California to maintain the forest resource improvements applied under CFIP a minimum of 10 years. This obligation shall be binding upon the new owner if there is a change in the ownership of the land. Work required on recently harvested lands subject to the 'Z' berg-Nejedly Forest Practice Act of 1973 is not eligible under the CFIP. The 'Z'berg-Nejedly Act established minimum stocking standards which must be attained by the landowner within five years after harvest on private lands logged subsequent to 1974. Since this statute already requires the landowner to satisfactorily restock lands on which harvesting has occurred, assistance under the CFIP is not applied on these lands following a harvest cut.

Cost-share payments are made to eligible landowners and other entities for satisfactory installation of approved forest resource improvement practices. These practices are categorized as follows: (1) Development of long-term forest management plans, (2) site preparation, (3) planting, (4) stand improvement, (5) forest land conservation measures, (6) fish and wildlife habitat improvement, and (7) needed followup work on these practices.

The authorizing legislation, regulations, and operating procedures for the CFIP have been carefully examined by agencies of the United States Department of Agriculture using the criteria set forth in 7 CFR Part 14. The Department has concluded that the cost-share payments made under this forestry cost-share program are made to provide financial assistance to agricultural landowners in carrying out practices which will improve forests. A "Record of Decision, California Forest Improvement Act of 1978 Program: Primary Purpose Determination for Federal Tax Purposes" has been prepared and is available upon request from Cooperative Forestry, Forest Service. Requests may be sent to the address listed above.

Determination

Therefore, it has been determined in accordance with section 126(b)(1) of the Internal Revenue Code of 1954, as amended, and 7 CFR Part 14 that all cost-share payments made to individuals after September 30, 1979, for conservation practices under the California Forest Improvement Program are made primarily for the purpose of improving forests.

Signed at Washington, DC, on April 2, 1985.
Dated:

John R. Block,

Secretary of Agriculture.

[FR Doc. 85–9288 Filed 4–17–85; 8:45 am]

BILLING CODE 3410–01–M

Agricultural Stabilization and Conservation Service

Determinations of a National Wheat Marketing Quota and Acreage Allotment for the 1986/87 Marketing Year and the Conducting of a Producer Referendum

AGENCY: Agricultural Stabilization and Conservation Service, USDA.

ACTION: Notice of determinations of a national wheat marketing quota and acreage allotment for the 1986/87 marketing year and the conducting of a producer Referendum.

SUMMARY: The purpose of this notice is to proclaim that a national wheat marketing quota of 1955 million bushels and a national acreage allotment of 54.0 million acres shall be in effect for the 1986/87 (1986-crop) marketing year. Also, a referendum of farmers to determine whether they favor or oppose marketing quotas will be conducted by August 1, 1985. These determinations are made in accordance with sections 301(b)(8)(B), 301(b)(10)(A), 301(b)(16)(A), 332 (a) and (b), 333 and 336 of the Agricultural Adjustment Act of 1938, as amended (hereinafter referred to as the "1938 Act").

EFFECTIVE DATE: April 15, 1985.

ADDRESS: Everett Rank, Administrator, Agricultural Stabilization and Conservation Service (ASCS), USDA, Room 3086 South Building, P.O. Box 2415, Washington, D.C. 20013.

FOR FURTHER INFORMATION CONTACT: Bruce R. Weber, Agricultural Marketing Specialist, Commodity Analysis Division, USDA-ASCS, Room 3738 South Building, P.O. Box 2415, Washington, D.C. 20013 or call (202) 447–4146. The Final Regulatory Impact Analysis describing the information considered in developing this notice of determination is available on request from the above-named individual.

SUPPLEMENTARY INFORMATION: This notice has been reviewed under USDA procedures established in accordance with Executive Order 12291 and Departmental Regulation No. 1512–1 and has been designated as "not major". It was designated "not major" because it will not result in: (1) An Annual effect on the economy of $100 million or more; (2) major increases in costs or prices for consumers, individual industries, Federal, State or local Government agencies, or geographic regions; or (3) significant adverse impacts on competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign based enterprises in doemstic or export markets.

The title and number of the federal assistance program to which this notice applies are: Title-Wheat Production Stabilization; Number 10.058 as found in the catalog of Federal Domestic Assistance.

It has been determined that the Regulatory Flexibility Act is not applicable to this notice since the

Agricultural Stabilization and Conservation Service is not required by 5 U.S.C. 553 or any other provision of law to publish a notice of proposed rulemaking with respect to the subject matter of these determinations.

It has been determined by an environmental evaluation that this action will have no signficant impact on the quality of the human environment. Therefore, neither an environmental assessment nor an Environmental Impact Statement is needed. This program/activity is not subject to the provisions of Executive Order 12372 which requires intergovernmental consultation with State and local officials. See the Notice related to 7 CFR Part 3015, Subpart V, published at 48 FR 29115 (June 24, 1983).

This notice sets forth determinations with respect to the following issues which are briefly described.

1. *Projected National Yield.* Section 301(b)(8)(B) of the 1938 Act provides that the projected national yield as applied to any crop of wheat shall be determined on the basis of the national yield per harvested acre of the commodity during each of the five years immediately preceding the year in which such projected national yield is determined, adjusted for abnormal weather conditions affecting such yield, for trends in yields and for any significant changes in production practices.

2. *Normal Supply.* Section 301(b)(10)(A) of the 1938 Act provides that the normal supply of wheat for any marketing year shall be (i) the estimated domestic consumption of the commodity for the marketing year ending immediately prior to the marketing year for which normal supply is being determined, plus (ii) the estimated exports of the commodity for the marketing year for which normal supply is being determined, plus (iii) an allowance for carryover. The allowance for wheat carryover shall be 20 percent of the sum of the consumption and exports used in computing normal supply.

3. *Total Supply.* Section 301(b)(10)(A) of the 1938 Act provides that the total supply of wheat for any marketing year shall be the carryover of wheat for that marketing year, plus the estimated production of wheat in the United States during the calendar year in which the marketing year begins and the estimated imports of wheat into the United States during that marketing year.

4. *Proclamation of Supplies and Marketing Quotas.* Section 332(a) of the 1938 Act provides that whenever prior to April 15 in any calendar year the Secretary determines that the total supply of wheat in the marketing year beginning in the next succeeding calendar year will, in the absence of a marketing quota program, likely be excessive, the Secretary shall proclaim that a national marketing quota for wheat shall be in effect for that marketing year and for either the following marketing year or the following two marketing years, if the Secretary determines and declares in such proclamation that a two- and three-year marketing quota program is necessary to effectuate the policy of the 1938 Act.

Section 332(b) provides that if a national marketing quota for wheat has been proclaimed for any marketing year, the Secretary shall determine and proclaim the amount of the national marketing quota for such marketing year not earlier than January 1 or later than April 15 of the calendar year preceding the year in which such marketing year begins. The amount of the national marketing quota for wheat for any marketing year shall be an amount of wheat which the Secretary estimates (i) will be utilized during such marketing year for human consumption in the United States as food, food products, and beverages, composed wholly or partly of wheat, (ii) will be utilized during such marketing year in the United States for seed, (iii) will be exported either in the form of wheat or products thereof, and (iv) will be utilized during such marketing year in the United States as livestock (including poultry) feed, less (A) an amount of wheat equal to the estimated imports of wheat into the United States during such marketing year and, (B) if the stocks of wheat owned by the Commodity Credit Corporation are determined by the Secretary to be excessive, an amount of wheat determined by the Secretary to be a desirable reduction in such marketing year in such stocks to achieve the policy of the 1938 Act. However, if the Secretary determines that the total stocks of wheat in the Nation are insufficient to assure an adequate carryover for next succeeding marketing year, the national marketing quota otherwise determined shall be increased by the amount the Secretary determines to be necessary to assure an adequate carryover. Notwithstanding the foregoing, the national marketing quota for wheat for any marketing year shall be not less than one billion bushels.

Section 332(c) provides that if, after the proclamation of a national marketing quota for wheat for any marketing year, the Secretary has reason to believe that, because of a national emergency or because of material increase in the demand for wheat, the national marketing quota should be terminated or the amount thereof increased, the Secretary shall cause an immediate investigation to be made to determine whether such action is necessary in order to meet such emergency or increase in the demand for wheat. If, on the basis of such investigation, the Secretary finds that such action is necessary, the Secretary shall immediately proclaim such finding and the amount of any such increase found to be necessary and thereupon such national marketing quota shall be so increased or terminated. In case any national marketing quota is increased under section 332(c), the Secretary shall provide for such increase by increasing acreage allotments established under the provisions of the 1938 Act by a uniform percentage.

5. *Proclamation of National Acreage Allotment.* Section 333 of the 1938 Act provides that the Secretary shall proclaim a national acreage allotment for each crop of wheat. The amount of the national acreage allotment for any crop of wheat shall be the number of acres which the Secretary determines on the basis of the projected national yield and expected underplantings (i.e., acreage other than that which is not harvested because of program incentives) of farm acreage allotments will produce an amount of wheat equal to the national marketing quota for wheat for the marketing year for such crop, or, if a national marketing quota was not proclaimed, the quota which would have been determined if one had been proclaimed.

6. *Commercial Area.* Section 334a of the 1938 Act provides that if the acreage allotment for any State for any crop of wheat is twenty-five thousand acres or less, the Secretary, in order to promote efficient administration of the 1938 Act and the Agricultural Act of 1949, may designate that State as outside the commercial wheat-producing area for the marketing year for such crop. If that State is so designated, acreage allotments for such crop and marketing quotas for the marketing year shall not be applicable to any farm in that State. Acreage allotments in any State shall not be increased by reason of such designation.

7. *Referendum.* Section 336 of the 1938 Act provides that if a national marketing quota for wheat for one, two or three marketing years is proclaimed, the Secretary shall, not later than August 1 of the calendar year in which such national marketing quota is proclaimed, conduct a referendum, by secret ballot, of farmers to determine whether they favor or oppose marketing quotas for the

marketing year or years for which proclaimed. Any producer who has a farm acreage allotment shall be eligible to vote in any referendum held in accordance with the provisions of section 336. The Secretary shall proclaim the results of any referendum which is held within thirty days after the date of the referendum. If the Secretary determines that more than one-third of the farmers voting in the referendum voted against marketing quotas, the Secretary shall proclaim that marketing quotas will not be in effect with respect to the crop of wheat produced for harvest in the calendar year following the calendar year in which the referendum is held. If the Secretary determines that two-thirds or more of the farmers voting in a referendum approve marketing quotas for a period of two or three marketing years, no referendum shall be held for the subsequent year or years of such period.

Section 332 of the 1938 Act requires the Secretary to proclaim whether or not marketing quotas will be in effect for the 1986/87 (1986-crop) wheat marketing year by April 15, 1985. Other required determinations relating to the proclamation of marketing quotas are also being made. In accordance with the above described provisions, the Secretary has made the following determinations with respect to the 1986/87 wheat marketing year.

Determinations

1. *Determination of Total and Normal Supply.* In accordance with Sections 301(b)(8)(B) and 301(b)(16)(A) of the 1938 Act, it is hereby determined that total wheat supplies for the 1986/87 marketing year (MY) will exceed normal supplies for such year and, therefore, supplies of wheat will be excessive in the absence of a marketing quota. This determination is based on the following:

Item	Million bushels
A. *Total Supply:*	
(1) Carryover, June 1, 1986	1,691
(2) Estimated production (1986 crop)	2,770
(3) Estimated imports (1986/87 MY)	5
(4) Total Supply	4,466
B *Normal Supply:*	
(1) (Estimated domestic consumption (1985/86 MY).	
a. Food	650
b. Feed	300
c. Seed	105
(2) Estimated exports (1986/87 MY)	1,250
(3) Allowance for carryover (equal to 20 percent of item 1 plus 2)	461
(4) Total normal supply	2,766
C Estimated excess supply. (Item A(4) minus B(4))	1,700

2. *Proclamation of National Marketing Quota.* In accordance with section 332 of the 1938 Act, it is hereby determined that the amount of the national marketing quota for the 1986/87 wheat marketing year shall be 1955 million bushels. It is further determined that a two- or three-year marketing quota program is not necessary to effectuate the policy of the 1938 Act. The quota proclamation is based upon the following:

Item	Million bushels
A Estimated utilization for 1986/87 MY	
(1) Domestic human consumption	660
(2) Seed	100
(3) Feed	250
(4) Exports	1,250
(5) Total utilization	2,260
B Less estimated imports	5
C. Decrease in excessive CCC stocks [1]	300
D. Increase in total stocks to assure an adequate carryover [2]	0
E National marketing quota	1,955

[1] CCC carryover stocks on June 1, 1986 are estimated at about 800 million bushels. The Food Security Wheat Reserve accounts for 147 million bushels. The remaining 653 million bushels would be available for disaster reserve and food aid commitments as needed. An adequate CCC stock level, including the Food Security Reserve, is considered to be about 500 million bushels. Therefore, 300 million bushels is determined to be a desirable reduction in CCC stocks to achieve the policy of the 1938 Act.

[2] Carryover stocks on June 1, 1986 are estimated to be about 1,690 million bushels, a level considered excessive. Therefore, no increase in total stocks is necessary to assure an adequate carryover.

3. *Determination of Projected National Yield.* In accordance with section 301(b)(8)(B) of the 1938 Act, it is hereby determined that the projected national yield for the 1986 crop of wheat shall be 37.3 bushels per acre. This determination is based upon the following:

Item	Bushels/acre
A. Average harvested yield-Corp years 1980-84	36.3
B. Abnormal weather adjustment [1]	0.0
C. Trend adjustment [2]	+1.0
D Adjustment for changes in production practices	0.0
E Projected National Yield	37.3

[1] Weather adjustment consideration: 1980-84 average yield times .8 and 1.25. If any annual yield is below the .8 computation or above the 1.25 computation, the computed yield is substituted. Based on this formula, no adjustments were necessary.

[2] Based upon a 10-year (1975-84) simple time series regression analysis.

4. *Proclamation of National Acreage Allotment.* In accordance with section 333 of the 1938 Act, it is hereby determined that the national acreage allotment for the 1986-crop of wheat shall be 54.0 million acres. This determination is based upon the following:

Item	Amount
A. National marketing quota (million bushels)	1955
B Divided by projected national average yield (bu/ac)	37.3
C. Preliminary national acreage allotment (mil. ac.)	52.4
D. Plus expected underplantings (mil. ac.) [1]	1.6
E Proclaimed national acreage allotment (mil. ac.)	54.0

[1] Based on a comparison of 1984 harvested acreage plus conservation use acreage for each State to the preliminary apportionment of the State acreage allotment.

5. *Determination of Commercial Area.* In accordance with section 334a of the 1938 Act, it is hereby determined that all States will be considered as commercial wheat-producing areas for the 1986/87 marketing years.

6. *Referendum.* In accordance with section 336 of the 1938 Act, it is hereby determined that a referendum will be conducted before August 1, 1985 of farmers to determine whether they favor or oppose marketing quotas for 1986/87 marketing years.

The type of referendum (polling place or mail ballot) and other detailed program provisions will be announced later. A notice of proposed determinations seeking public comments on these various program determinations will be published at a later date.

Authority: Sec. 301(b), 332, 333, 334a and 336, 52 Stat. 38, as amended, 53, as amended, 76 Stat. 620, 52 Stat. 55, as amended (7 U.S.C. 1301(b), 1332, 1333, 1334b and 1336).

Signed at Washington, D.C. on April 15, 1985.

John R. Block,

Secretary.

[FR Doc. 85-9390 Filed 4-17-85; 8:45 am]

BILLING CODE 3410-05-M

Soil Conservation Service

Supplement to Bayou Plaquemine Brule Watershed, Louisiana

AGENCY: Soil Conservation Service, Department of Agriculture.

ACTION: Notice of a finding of no significant impact.

SUMMARY: Pursuant to Section 102(2)(c) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Supplement to Bayou Plaquemine Brule Watershed, Acadia and St. Landry Parishes, Louisiana.

FOR FURTHER INFORMATION CONTACT: Harry S. Rucker, State Conservationist, Soil Conservation Service, 3737 Government Street, Alexandria, Louisiana 71302, telephone (318) 473-7751.

SUPPLEMENTARY INFORMATION: The environmental assessment of this federally assisted action indicates tha the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Harry S. Rucker, State Conservationist, has determined that the

preparation and review of an environmental impact statement are not needed for this project.

The project concerns a plan for flood prevention and drainage for cropland. The planned works of improvement include 49.5 miles of project channel with appurtenant structures and associated land treatment.

Supplement to Bayou Plaquemine Brule Watershed, Louisiana Notice of a Finding of No Significant Impact

The Notice of a Finding of No Significant Impact (FONSI) has been forwarded to the Environmental Protection Agency and to various Federal, State, and local agencies and interested parties. A limited number of copies of the FONSI are available to fill single copy requests at the above address. Basic data developed during the environmental assessment are on file and may be reviewed by contacting Harry S. Rucker.

No administrative action on implementation of the proposal will be taken until 30 days after the date of this publication in the **Federal Register**.

Dated: April 11, 1985.

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention Program. Office of Management and Budget Circular A-95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable)

Harry S. Rucker,

State Conservationist.

[FR Doc. 85-9326 Filed 4-17-85; 8:45 am]

BILLING CODE 3410-16-M

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Order No. 300]

Resolution and Order Approving the Application of the County of Onondaga, New York, for a Special-Purpose Subzone in Cortland County, New York, Adjacent to the Syracuse Customs Port of Entry

Resolution And Order

Pursuant to the authority granted in the Foreign-Trade Zones Act of June 18, 1934, as amended (19 U.S.C. 81a-81u), the Foreign-Trade Zones Board has adopted the following Resolution and Order:

The Board, having considered the matter, hereby orders:

After consideration of the application of the County of Onondaga, New York, grantee of Foreign-Trade Zone 90, filed with the Foreign-Trade Zone Board (the Board) on February 1, 1985, requesting special-purpose subzone status for the typewriter manufacturing plant of SCM Corporation's Smith-Corona operation, located in Cortland County, New York, adjacent to the Syracuse Customs port of entry, the Board, finding that the requirements of the Foreign-Trade Zones Act, as amended, and the Board's regulations are satisfied, and that the proposal is in the public interest, approves the application.

The Secretary of Commerce, as Chairman and Executive Office of the Board, is hereby authorized to issue a grant of authority and appropriate Board Order.

Grant of Authority To Establish a Foreign-Trade Subzone in Cortland County, New York

Whereas, by an Act of Congress approved June 18, 1934, an Act "To provide for the establishment, operation, and maintenance of foreign-trade zones in ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes", as amended (19 U.S.C. 81a-81u) (the Act), the Foreign-Trade Zones Board (the Board) is authorized and empowered to grant to corporations the privilege of establishing, operating, and maintaining foreign-trade zones in or adjacent to ports of entry under the jurisdiction of the United States;

Whereas, the Board's regulations (15 CFR 400.304) provide for the establishment of special-purpose subzones when existing zone facilities cannot serve the specific use involved, and where a significant public benefit will result;

Whereas, the County of Onondaga, New York, grantee of Foreign-Trade Zone No. 90, has made application (filed February 1, 1985, Docket No. 3-85, 50 FR 5653) in due and proper form to the Board for authority to establish a special-purpose subzone at the typewriter manufacturing plant of SMC Corporations's Smith-Corona operation is Cortland County, New York, adjacent to the Syracuse Customs port of entry;

Whereas, notice of said application has been given and published, and full opportunity has been afforded all interested parties to be heard; and,

Whereas, the Board has found that the requirements of the Act and the Board's regulations are satisfied;

Now therefore, in accordance with the application filed February 1, 1985, the Board hereby authorizes the establishment of a subzone at SMC Corporation's Smith-Corona typewriter plant in Cortland County, designated on the records of the Board as Foreign-Trade Subzone No. 90A at the location mentioned above and more particularly described on the maps and drawings accompanying the application, said grant of authority being subject to the provisions and restrictions of the Act and the Regulations issued thereunder, to the same extent as though the same were fully set forth herein, and also to the following express conditions and limitations:

Activation of the subzone shall be commenced within a reasonable time from the date of issuance of the grant, and prior thereto, any necessary permits shall be obtained from Federal, State, and municipal authorities.

Officers and employees of the United States shall have free and unrestricted access to and throughout the foreign-trade subzone in the performance of their official duties.

The grant shall not be construed to relieve responsible parties from liability for injury or damage to the person or property of others occasioned by the construction, operation, or maintenance of said subzone, and in no event shall the United States be liable therefor.

The grant is further subject to settlement locally by the District Director of Customs and District Army Engineer with the Grantee regarding compliance with their respective requirements for the protection of the revenue of the United States and the installation of suitable facilities.

In witness whereof, the Foreign-Trade Zones Board has caused its name to be signed and its seal to be affixed hereto by its Chairman and Executive Officer or his delegate at Washington, D.C. this 4th day of April 1985, pursuant to Order of the Board.

Foreign-Trade Zones Board.

William T. Archey,

Acting Assistant Secretary of Commerce for Trade Administration Chairman, Committee of Alternates.

[FR Doc. 85-9319 Filed 4-17-85; 8:45 am]

BILLING CODE 3510-05-M

International Trade Administration

Consolidated Decision on Applications for Duty-Free Entry of Scientific Articles; Harvard University et al.

Correction

In FR Doc 85-6768 appearing on page 14276 in the issue of Thursday, April 11, 1985, made the following correction: In the second column, in the fifth complete paragraph, in the first line, "Docket No. 83-026" should read "Docket No. 84-026".

BILLING CODE 1505-01-M

[A-588-401]

Antidumping Duty Order; Calcium Hypochlorite From Japan

AGENCY: International Trade Administration, Department of Commerce.

ACTION: Notice.

SUMMARY: The United States Department of Commerce (the Department) and the United States International Trade Commission (the ITC) have determined that calcium hypochlorite from Japan is being sold at less than fair value and that sales of this product are materially injuring a United States industry. Therefore, based on these findings, all unliquidated entries, or warehouse withdrawals, for consumption of this product made on or after October 9, 1984, the date on which the Department published its preliminary determination of sales at less than fair value in the **Federal Register**, will be liable for the possible assessment of antidumping duties. Further a cash deposit of estimated antidumping duties must be made on all such entries, and withdrawals from warehouse, for consumption made on or after the date of publication of this antidumping duty order in the **Federal Register**.

SUPPLEMENTARY INFORMATION: The merchandise covered by this investigation is calcium hypochlorite, currently provided for in item 418.2200 of the *Tariff Schedules of the United States (Annotated).*

In accordance with section 733 of the Tariff Act of 1930, as amended (the Act) (19 U.S.C. 1673b), on October 9, 1984, the Department published its preliminary determination that there was reason to believe or suspect that calcium hypochlorite from Japan was being sold at less than fair value. On February 27, 1985, the Department published its final determination that these imports were being sold at less than fair value.

On April 8, 1985, in accordance with section 735(d) of the Act (19 U.S.C. 1673d(d)), the ITC notified the Department that imports of calcium hypochlorite are materially injuring a United States industry.

Therefore, in accordance with sections 736 and 751 of the Act (19 U.S.C. 1673e and 1675), the Department directs United States Customs officers to assess, upon further advice by the administering authority pursuant to section 736(a)(1) of the Act (19 U.S.C. 1673e(a)(1)), antidumping duties equal to the amount by which the foreign market value of the merchandise exceeds the United States price for all entries of calcium hypochlorite from Japan.

These antidumping duties will be assessed on all unliquidated entries of such merchandise entered, or withdrawn from warehouse, for consumption on or after October 9, 1984, the date on which the Department published its "Preliminary Determination of Sales At Less Than Fair Value" Notice in the **Federal Register.**

On and after the date of publication of this notice, United States Customs officers must require, at the same time as importers would normally deposit estimated customs duties on this merchandise, a cash deposit equal to the estimated weighted-average antidumping duty margins as noted below:

Manufacturers, producers and exporters	Identification No	Weighted average margin (percent)
Nissan Denka Co., Ltd	A-588-401-001	0.9
Nippon Soda Co., Ltd	A-588-401-002	20.01
All other manufacturers, producers and exporters	A-588-401-003	12.29

This determination constitutes an antidumping order with respect to calcium hypochlorite from Japan pursuant to section 736 of the Act (19 U.S.C. 1673e) and § 353.48 of the Commerce Regulations (19 CFR 353.48). We have deleted from the Commerce Regulations, Annex 1 of 19 CFR Part 353, which listed antidumping findings and orders currently in effect. Instead, interested parties may contact the Office of Information Services, Import Administration, for copies of the updated list of orders currently in effect.

This notice is published in accordance with section 736 of the Act (19 U.S.C. 1673e) and § 353.48 of the Commerce Regulations (19 CFR 353.48).

Alan F. Holmer,

Deputy Assistant Secretary for Import Administration.

April 13, 1985.

[FR Doc. 85-9392 Filed 4-17-85; 8:45 am]

BILLING CODE 3510-DS-M

National Bureau of Standards

[Docket No. 40454-5010]

Approval of Federal Information Processing Standard 111, Storage Module Interfaces (With Extensions of Enhanced Storage Module Interfaces)

AGENCY: National Bureau of Standards, Commerce.

ACTION: The purpose of this notice is to announce that the Secretary of Commerce (Secretary) has approved a new standards, which will be published as FIPS Publication 111.

SUMMARY: The Storage Module Drive (SMD) interface is a widely used device level interface between magnetic disk drives and their controllers. This new standard adopts American National Standard X3.91M-1982, Enhanced Storage Module Interfaces.

The document which was presented to the Secretary, is part of the public record and is available for inspection and copying in the Department's Central Reference and Records Inspection Facility, Room 6628, Herbert C. Hoover Building, 14th Street between Pennsylvania and Constitution Avenues, NW., Washington, DC 20230.

This standard may be used as an alternative to FIPS 60-2, I/O Channel Interface, plus either FIPS 63-1, Operational Specifications for Variable Block Rotating Mass Storage Subsystems, or FIPS 97, Operational Specifications for Fixed Block Rotating Mass Storage Subsystems, when these standards would otherwise be required. When FIPS 111 is employed, FIPS 60-2 need not be used. Although the I/O channel is a computer to controller interface, and the SMD is a controller to device interface, the use of either one facilitates two important Federal needs: (1) Competitive procurement of generic disk drives or subsystems available from multiple vendors, and (2) enhancement of reutilization opportunities for surplus equipment (computers which use either the I/O Channel interface or the Storage Module Drive interface are widespread in the Federal inventory).

Although SMD disks are used in some large mainframe or superminicomputer systems where FIPS 60-2 applies, their primary use is in minicomputer systems where FIPS 60 does not apply. Consideration for Federal use of FIPS 111 is recommended with all minicomputer systems, since significant savings can frequently be achieved through the use of generic, multiple sourced drives.

The approved standard contains two portions: (1) An announcement portion which provides information concerning the applicability, implementation, and maintenance of the standard, and (2) a specifications portion which deals with the technical requirements of the standard. Only the announcement portion of the standard is provided in this notice.

In general, rigorous verification of all SMD products offered to the Government will be neither necessary

nor practical. However, procuring agencies may elect to require that correct operation of all interfaces conforming to FIPS 111 be verified through demonstration or other means acceptable to the Government prior to acceptance of all applicable equipment. In special cases, NBS may assist agencies to evaluate conformance to the SMD interface.

ADDRESS: Interested parties may purchase copies of this standard, including the technical specifications portion, from the National Technical Information Service (NTIS). Specific ordering information from NTIS for this set out in the Where to Obtain Copies Section of the announcement portion of the standard.

FOR FURTHER INFORMATION CONTACT: Mr. William E. Burr, Center for Computer Systems Engineering, Institute for Computer Sciences and Technology, National Bureau of Standards, Gaithersburg, MD 20899, (301) 921–3723.

Dated: April 12, 1985.

Ernest Ambler,

Director.

Federal Information Processing Standards Publication 111

(Date)

Announcing the Standard for Storage Module Interfaces

(With Extensions for Enhanced Storage Module Interfaces)

Federal Information Processing Standards Publications are issued by the National Bureau of Standards pursuant to section 111(f)(2) of the Federal Property and Administrative Services Act of 1949, as amended, Public Law 89–306 (79 Stat. 1127), Executive Order 11717 (38 FR 12315, dated May 11, 1973) and Part 6 of Title 15 Code of Federal Regulations (CFR).

Name of Standard. Storage Module Interfaces (with extensions for enhanced storage module interfaces) (FIPS PUB 111).

Category of Standard. Hardware Standard, Interface.

Explanation: The Storage Module Drive (SMD) interface is an interface between a disk device and its controller which is widely used in disk subsystems that are employed with small to medium sized computer systems. (By contrast, the FIPS 60 type interface employed in large systems defines the interconnection between a peripheral controller and the I/O channel of a central processing unit.) These smaller sized computer systems are generally excluded from the provisions of FIPS 60, 61, 63, and 97. An American National Standard (ANS) for the SMD interface, entitled Storage Module Interfaces, has been approved by the American National Standards Institute as X3.91M–1982. Since the approval of this standard, a number of new SMD magnetic disk products have been introduced which use recording rates and storage densities much higher than were available when the standard was developed. Since the SMD interface is a device level interface, these newer storage products, with greatly improved capacities and performance, cannot conform to all the provisions of X3.91M–1982. However, with the extensions and modifications specified in the FIPS, higher performance products as well as the older SMD products which do conform to X3.91M–1982, may be competitively procured. These newer products, often referred to as Enhanced SMD disk drives, have recording rates of between 15 and 24 Mbits/s. While SMD drives have been traditionally used with minicomputers, many of the newer high performance drives are suitable for use with larger main frame computer systems. A very large and competitive marketplace exists for SMD and enhanced SMD drives and controllers with numerous suppliers. Federal users may therefore wish to employ SMD or Enhanced SMD type drives in main frame computer applications where FIPS 60 type interfaces have previously been required, and may, in some cases, realize significant savings by doing so. In other cases, where FIPS 60 has not been required, significant savings may still be realized.

The Government's intent in employing this standard prescribing the Storage Module Interfaces Standard is to reduce the cost of satisfying its data processing requirements through increasing its available alternative sources of supply for computer systems components at the time of initial system acquisition, as well as in system replacement and augmentation and in system component replacement. This standard is also expected to lead to improved reutilization of system components. When acquiring ADP systems and system components, Federal agencies may cite this standard as an alternative to specifying FIPS 60. Consideration should also be given to specifying this standard as the interface to be employed for connecting storage module devices as a part of the ADP systems, where FIPS 60 does not apply.

Approving Authority. Secretary of Commerce.

Maintenance Agency. Department of Commerce, National Bureau of Standards (Institute for Computer Sciences and Technology).

Cross Index. American National Standard X3.91M–1982, Enhanced Storage Module Interfaces.

Applicability. This standard addresses connection of a disk drive to controller as part of an ADP system. For acquisition of magnetic disk drives or magnetic disk subsystems, this standard may be cited as an alternative to specifying the FIPS 60 channel level interface and FIPS 61, plus either FIPS 63 or FIPS 97 for those instances when FIPS 60 would otherwise be applicable. If FIPS 60 does not apply, consideration of this standard is recommended.

A procuring agency may require vendors to verify that the interface on their products conforms to this standard. In special cases, NBS may assist agencies in evaluating conformance to the SMD interface.

Specifications. Affixed. The standard shall be specified by ANSI X3.91M–1982, sections 1 through 5. Section 6, Interface Extensions, of ANSI X3.91M–1982 shall not be considered a part of this standard.

In addition, to permit the use of new higher performance and capacity "enhanced" drives than were contemplated in X3.91M–1982, the following extensions and modifications to X3.91M–1982 shall apply:

(a) Many new products exceed the maximum cylinder address space of 1024 cylinders. Such products may utilize either of two modes of extending addressing:

(1) While TAG is asserted, BUS 7 shall signify 2^{10} cylinders, BUS 8 shall signify 2^{11} cylinders and BUS 9 shall signify 2^{12} cylinders, or

(2) TAG 4 shall signify 2^{10} cylinders, while TAG 1 is asserted.

(b) Drives which exceed a transfer rate of 10 Mbits/s need not observe the minimum setup and hold times specified in Figures 20 and 21, titled READ CLOCK and READ DATA, and WRITE CLOCK and WRITE DATA respectively, since these minimums are fundamentally inconsistent with higher transfer rates.

(c) To allow for higher performance drives, the minimum timing requirements of 5.8.3 HEAD SET to READ GATE, 5.8.4 WRITE GATE to READ GATE, 5.10.3 HEAD SET to READ ADDRESS MARK and 5.10.4 WRITE GATE to READ ADDRESS MARK need not be observed.

(d) To allow for higher performance drives, the 500 ns minimum timing requirements of 5.9.4 READ GATE to WRITE GATE need not be observed.

(e) A number of new products provide diagnostic status information which is not contemplated in X3.91M–1982.

Drives may employ UNIT READY, ON CYLINDER, SEEK ERROR, FAULT, WRITE PROTECT, ADDRESS MARK, SECTOR MARK, all sourced by the drive, for additional status reporting when SELECT, and various other signals are asserted by the controller.

Note that these changes do not restrict the use of older, "unenhanced" SMD drives. A revision of ANS X3.91M is in progress. When it is published, it is anticipated that this Federal Information Processing Standard will be revised to adopt the revised ANS.

Implementation. The provisions of this standard are effective 30 days after the date of publication of the announcement portion of the approved standard in the **Federal Register.**

All equipment which is within the scope of the Applicability provision of FIPS 60, and which is ordered on or after the effective date of this SMD standard, or procurement actions for which solicitation documents have not been issued by that date, must conform to the provisions of this SMD standard or to FIPS 60 plus associated power control and operational specifications standards, or to any other permitted alternative to FIPS 60, unless a waiver has been granted in accordance with the procedure described elsewhere in this publication.

Regulations concerning the specific use of this standard in Federal procurement will be issued by the General Services Administration to be a part of the Federal Information Resources Management Regulations.

This standard shall be reviewed by NBS within three years after its date of issue, taking into account technological trends and other factors, to determine whether the standard should be affirmed, revised, or withdrawn.

Waivers. Since this standard is an alternative to FIPS 60, plus associated power control and operational specification standards, waiver procedures for this standard shall be as designated in FIPS 60. Waivers of this standard are not required where FIPS 60 does not apply. Any waiver of FIPS 60 also is a waiver of this standard.

Where to Obtain Copies. Copies of this publication are for sale by the National Technical Information Service, U.S. Department of Commerce, Springfield, VA 22161. (Sale of the included specifications document is by arrangement with the American National Standards Institute.) When ordering, refer to Federal Information Processing Standards Publication 111 (FIPSPUB111), and title. Payment may be made by check, money order, purchase order, credit card, or deposit account.

[FR Doc. 85-9305 Filed 4-17-85; 8:45 am]
BILLING CODE 3510-13-M

National Oceanic and Atmospheric Administration

Marine Mammals; Application for Permit: Dr. John D. Hall

Notice is hereby given that an Applicant has applied in due form for a Permit to take marine mammals as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407), the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216), the Endangered Species Act of 1973 (16 U.S.C. 1531–1544), and the National Marine Fisheries Service regulations governing endangered fish and wildlife permits (50 CFR Parts 217–222).

1. Applicant:
   a. Name: Dr. John D. Hall (P75C).
   b. Address: 8410 Owen Circle, Anchorage, Alaska 99502.
2. Type of Permit: Scientific Research.
3. Name and Number of Marine Mammals: An unspecified number of Pacific white-sided dolphins (Lagenorhynchus obliquidens), Dall's porpoise (Phocoenoides dalli), harbor porpoise (Phocoena phocoena), killer whales (Orcinus orca), minke whales (Balaenoptera acutorostrata), fin whales (Balaenoptera physalus), and humpback whales (Megaptera novaeangliae) may be encountered and incidentally harassed while conducting observational and photographic activities.
4. Location of activity: Gulf of Alaska.
5. Period of Activity: Three (3) years.

Concurrent with the publication of this notice in the **Federal Register,** the Secretary of Commerce is forwarding copies of this application to the Marine Mammal Commission and the Committee of Scientific Advisors.

Written data or views, or requests for a public hearing on this application should be submitted to the Assistant Administrator for Fisheries, National Marine Fisheries Service, U.S. Department of Commerce, Washington, D.C. 20235, within 30 days of the publication of this notice. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular application would be appropriate. The holding of such hearing is at the discretion of the Assistant Administrator for Fisheries.

All statements and opinions contained in this application are summaries of those of the Applicant and do not necessarily reflect the views of the National Marine Fisheries Service.

Documents submitted in connection with the above application are available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, NW., Washington, D.C.,
Regional Director, Alaska Region, National Marine Fisheries Service, P.O. Box 1668, Juneau, Alaska 99802.

Dated: April 12, 1985.

William G. Gordon,

Assistant Administrator for Fisheries, National Marine Fisheries Service.

[FR Doc. 85-9320 Filed 4-17-85; 8:45 am]
BILLING CODE 3510-22-M

Marine Mammals; Application for Permit: Dr. Howard E. Winn

Notice is hereby given that an Applicant has applied in due form for a Permit to take marine mammals as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407), the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216), the Endangered Species Act of 1973 (16 U.S.C. 1531–1544), and the National Marine Fisheries Service regulations governing endangered fish and wildlife permits (50 CFR Parts 217–222).

1. Applicant:
   a. Name: Dr. Howard E. Winn (P12F), Graduate School of Oceanography.
   b. Address: University of Rhode Island, Kingston, Rhode Island 02881.
2. Type of Permit: Scientific Research.
3. Name and Number of Marine Mammals: All cetacean species from Florida to Nova Scotia and humpback whales *(Megaptera novaeangliae)* worldwide.
4. Type of Take: Harassment.
5. Location of Activity:
6. Period of Activity: 4 years.

Concurrent with the publication of this notice in the **Federal Register,** the Secretary of Commerce is forwarding copies of this application to the Marine Mammal Commission and the Committee of Scientific Advisors.

Written data or views, or requests for a public hearing on this application should be submitted to the Assistant Administrator for Fisheries, National Marine Fisheries Service, U.S. Department of Commerce, Washington, D.C. 20235, within 30 days of the publication of this notice. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular application would be appropriate. The holding of

such hearing is at the discretion of the Assistant Administrator for Fisheries.

All statements and opinions contained in this application are summaries of those of the Applicant and do not necessarily reflect the views of the National Marine Fisheries Service.

Documents submitted in connection with the above application are available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, NW., Washington, D.C.

Regional Director, Northeast Region, National Marine Fisheries Service, Federal Building, 14 Elm Street, Gloucester, Massachusetts, 01930–3799

Regional Director, Southeast Region, National Marine Fisheries Service, 9450 Koger Boulevard, St. Petersburg, Florida 33702; and

Regional Director, Southwest Region, National Marine Fisheries Service, 300 South Ferry Street, Terminal Island, California 90731

Regional Director, Northwest Region, National Marine Fisheries Service, 7600 Sand Point Way, NE, BIN C15700, Seattle, Washington, 98115; and

Regional Director, Alaska Region, National Marine Fisheries Service, P.O. Box 1668, Juneau, Alaska 99802.

Dated: April 12, 1985.

Joseph W. Angelovic,

Deputy Assistant Administrator for Science and Technology, National Marine Fisheries Service.

[FR Doc. 85–9352 Filed 4–17–85; 8:45 am]

BILLING CODE 3510–22–M

National Technical Information Service

Notice of Intent To Grant Exclusive Patent License

The National Technical Information Service (NTIS), U.S. Department of Commerce, intends to grant to Oncogen, having a place of business in Seattle, Washington, an exclusive right to manufacture, use, and sell products embodied on the invention entitled "Tumor Growth Inhibitory Factor," U.S. Patent Application SN 6–602,520. The patent rights in this invention will be assigned to the United States of America, as represented by the Secretary of Commerce.

The proposed exclusive license will be royalty-bearing and will comply with the terms and conditions of 35 U.S.C. 209 and 41 CFR 101–4.1. The proposed license may be granted unless, within sixty days from the day of this published Notice, NTIS receives written evidence and argument which establishes that the grant of the proposed license would not serve the public interest.

Inquiries, comments and other materials relating to the proposed license must be submitted to the Office of Government Invention and Patents, NTIS, Box 1423, Springfield, VA 22151.

Douglas J. Campion,

Office of Federal Patent Licensing, U.S. Department of Commerce, National Technical Information Service.

[FR Doc. 85–9338 Filed 4–17–85; 8:45 am]

BILLING CODE 3510–04–M

Notice of Intent To Grant Exclusive Patent License

The National Technical Information Service (NTIS), U.S. Department of Commerce, intends to grant to Douglas Engineering, having an office in Concord, California an exclusive right to practice the invention embodied in U.S. Patent No. 4,425,240, "Plunging Water Jets for Oil Spill Containment and Recovery." The patent rights in this invention will be assigned to the United States of America, as represented by the Secretary of Commerce.

The proposed exclusive license will be royalty-bearing and will comply with the terms and conditions of 35 U.S.C. 209 and 41 CFR 101–4.1. The proposed license may be granted unless, within sixty days from the date of this published Notice, NTIS receives written evidence and argument which establishes that the grant of the proposed license would not serve the public interest.

Inquiries, comments and other materials relating to the proposed license must be submitted to the Office of Federal Patent Licensing, NTIS, Box 1423, Springfield, VA 22151.

Douglas J. Campion,

Office of Federal Patent Licensing, U.S. Department of Commerce, National Technical Information Service.

[FR Doc. 85–9339 Filed 4–17–85; 8:45 am]

BILLING CODE 3510–04–M

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

Procurement List 1985; Addition

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Addition to procurement list.

SUMMARY: This action adds to Procurement List 1985 a service to be provided by workshops for the blind and other severely handicapped.

EFFECTIVE DATE: April 18, 1985.

ADDRESS: Committee for Purchase from the Blind and Other Severely Handicapped, Crystal Square 5, Suite 1107, 1755 Jefferson Davis Highway, Arlington, Virginia 22202.

FOR FURTHER INFORMATION CONTACT: C.W. Fletcher, (703) 557–1145.

SUPPLEMENTARY INFORMATION: On November 26, 1984, the Committee for Purchase from the Blind and Other Severely Handicapped published a notice (49 FR 46458) of proposed addition to Procurement List 1985, October 19, 1984 (49 FR 41195).

Addition

After consideration of the relevant matter presented, the Committee has determined that the service listed below are suitable for procurement by the Federal Government under 41 U.S.C. 46–48c, 85 Stat. 77 and 41 CFR 51–2.6.

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered were:

a. The action will not result in any additional reporting, recordkeeping or other compliance requirements.

b. The action will not have a serious economic impact on any contractors for the service listed.

c. The action will result in authorizing small entities to provide the service procured by the Government.

Accordingly, the following service is hereby added to Procurement List 1985:

SIC 7369

Commissary Shelf Stocking and Custodial Service, Randolph Air Force Base, Texas

C.W. Fletcher,

Executive Director.

[FR Doc. 85–9505 Filed 4–17–85; 8:45 am]

BILLING CODE 6820–33–M

Procurement List 1985; Proposed Additions

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Proposed additions to procurement list.

SUMMARY: The Committee has received proposals to add to Procurement List 1985 a commodity to be produced by and a service to be provided by workshops for the blind and other severely handicapped.

Comments must be received on or before: May 22, 1985.

ADDRESS: Committee for Purchase from the Blind and Other Severely Handicapped, Crystal Square 5, Suite

1107, 1755 Jefferson Davis Highway, Arlington, Virginia 22202.

FOR FURTHER INFORMATION CONTACT: C.W. Fletcher, (703) 557–1145

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 47(a)(2), 85 Stat. 77 and 41 CFR 51–2.6. Its purpose is to provide interested persons an opportunity to submit comments on the possible impact of the proposed actions.

Additions

If the Committee approves the proposed additions, all entities of the Federal Government will be required to procure the commodity and service listed below from workshops for the blind or other severely handicapped.

It is proposed to add the following commodity and service to Procurement List 1985, October 1984 (49 FR 41195):

Class 7670

Microfiche, Subject Headings and Name Authorities: 7670–00–NSH–0001
(Requirements for Library of Congress only)

SIC 7349

Janitorial/Custodial, Naval Resale and Support Office, Fort Wadsworth, Staten Island New York

C.W. Fletcher,

Executive Director.

[FR Doc. 85–9506 Filed 4–17–85; 8:45 am]

BILLING CODE 6820-33-M

COMMODITY FUTURES TRADING COMMISSION

Chicago Board of Trade Zero Coupon Treasury Bond Futures Contract

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice of availability of the terms and conditions of proposed commodity futures contract.

SUMMARY: The Chicago Board of Trade ("CBT") has applied for designation as a contract market in the Zero Coupon Treasury Bond. The Commodity Futures Trading Commission ("Commission") has determined that the terms and conditions of the proposed futures contract are of major economic significance and that, accordingly, making available the proposed contract for public inspection and comment is in the public interest, will assist the Commission in considering the views of interested persons, and is consistent with the purposes of the Commodity Exchange Act.

DATE: Comments must be received on or before June 17, 1985.

ADDRESS: Interested persons should submit their views and comments to Jean A. Webb, Secretary, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581. Reference should be made to the CBT Zero Coupon Treasury Bond futures contract.

FOR FURTHER INFORMATION CONTACT: Naomi Jaffe, Division of Economic Analysis, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581, (202) 254–7227.

A copy of the terms and conditions of the proposed CBT Zero Coupon Treasury Bond futures contract will be available for inspection at the Office of the Secretariat, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581. Copies of the terms and conditions can be obtained through the Office of the Secretariat by mail at the above address or by phone at (202) 254–6314.

Other materials submitted by the CBT in support of its application for contract market designation may be available upon request pursuant to the Freedom of Information Act (5 U.S.C. 552) and the Commission's regulations thereunder (17 CFR Part 145 (1984)), except to the extent that they are entitled to confidential treatment as set forth in 17 CFR 145.5 and 145.9. Requests for copies of such materials should be made to the FOI, Privacy and Sunshine Acts Compliance Staff of the Office of the Secretariat at the Commission's headquarters in accordance with 17 CFR 145.7 and 145.8.

Any person interested in submitting written data, views or arguments on the terms and conditions of the proposed futures contract, or with respect to other materials submitted by the CBT in support of its application, should send such comments to Jean A. Webb, Secretary, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581, by June 17, 1985.

Issued in Washington, D.C. on April 12, 1985.

Jean A. Webb,

Secretary to the Commission.

[FR Doc. 85–9318 Filed 4–17–85; 8:45 am]

BILLING CODE 6351-01-M

New York Cotton Exchange European Currency Unit Futures Contract

AGENCY: Commidity Futures Trading Commission.

ACTION: Notice of availability of the terms and conditions of proposed commodity futures contract.

SUMMARY: The New York Cotton Exchange ("NYCE") has applied for designation as a contract market in the European Currency Unit ("ECU"). The Commodity Futures Trading Commission ("Commission") has determined that the terms and conditions of the proposed futures contract are of major economic significance and that, accordingly, making available the proposed contract for public inspection and comment is in the public interest, will assist the Commission in considering the views of interested persons, and is consistent with the purposes of the Commodity Exchange Act.

DATE: Comments must be received on or before June 17, 1985.

ADDRESS: Interested persons should submit their views and comments to Jean A. Webb, Secretary, Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581. Reference should be made to the NYCE ECU futures contract.

FOR FURTHER INFORMATION CONTACT: Naomi Jaffe, Division of Economic Analysis, Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581, (202) 254–7227.

A copy of the terms and conditions of the proposed NYCE ECU futures contract will be available for inspection at the Office of the Secretariat, Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581. Copies of the terms and conditions can be obtained through the Office of the Secretariat by mail at the above address or by phone at (202) 254–6314.

Other materials submitted by the NYCE in support of its application for contract market designation may be available upon request pursuant to the Freedom of Information Act (5 U.S.C. 552) and the Commission's regulations thereunder (17 CFR Part 145 (1984)), except to the extent that they are entitled to confidential treatment as set forth in 17 CFR 145.5 and 145.9. Requests for copies of such materials should be made to the FOI, Privacy and Sunshine Acts Compliance Staff of the Office of the Secretariat at the Commission's headquarters in accordance with 17 CFR 145.7 and 145.8.

Any person interested in submitting written data, views or arguments on the terms and conditions of the proposed futures contract, or with respect to other materials submitted by the NYCE in support of its application, should send such comments to Jean A. Webb, Secretary, Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581, by [sixty (60) days after publication].

Issued in Washington, D.C., on April 12, 1985.

Jean A. Webb,

Secretary to the Commission.

[FR Doc. 85-9306 Filed 4-17-85; 8:45 am]

BILLING CODE 6351-01-M

DEFENSE COMMUNICATIONS AGENCY

Scientific Advisory Group; Closed Meeting

The DCA Scientific Advisory Group will hold closed meetings on 13 and 14 May 1985 at the Defense Communications Agency, Director's Management Information Center, at Headquarters, Defense Communications Agency, 8th Street and South Courthouse Road, Arlington, Virginia.

The subject of the meeting will be the National Communications System, Defense Communications System, and DCA Support to Operational Commanders.

Any person desiring information about the Advisory Group may telephone (area code 703-883-5960) or write Chief Engineer, Defense Communications Agency, 8th Street and South Courthouse Road, Arlington, VA 22204.

These meetings are closed because the material to be discussed is classified requiring protection in the interest of National Defense. (5 U.S.C. 552b(c)(1)).

David R. Israel,

Chief Engineer.

[FR Doc. 85-9348 Filed 4-17-85; 8:45 am]

BILLING CODE 3810-05-M

DEPARTMENT OF DEFENSE

Office of the Secretary of Defense

Ada Board; Meeting

SUMMARY: A meeting of the Ada Board will be held Monday, 13 May 1985 from 1:00 P.M. to 6:00 P.M. and Wednesday, 15 May 1985 from 9:00 A.M. to 1:00 P.M. in Gaite a of the Montparnasse Park Hotel in Paris, France.

FOR FURTHER INFORMATION CONTACT: Dr. Edward Lieblein, Acting Director, Ada Joint Program Office, (202) 694-0209.

Patricia H. Means,

OSD Federal Register Liaison Officer, Department of Defense.

April 12, 1985.

[FR Doc. 85-9411 Filed 4-17-85; 8:45 am]

BILLING CODE 3810-01-M

Environments Committee; Meeting

SUMMARY: A meeting of the Environments Committee of the Ada Board will be held 14 May 1985 from 2:00 P.M. to 6:00 P.M. in Gaite b of the Montparnasse Park Hotel in Paris, France.

FOR FURTHER INFORMATION CONTACT: Dr. Edward Lieblein, Acting Director, Ada Joint Program Office, (202) 694-0209.

Patricia H. Means,

OSD Federal Register Liaison Officer, Department of Defense.

April 12, 1985.

[FR Doc. 85-9410 Filed 4-17-85; 8:45 am]

BILLING CODE 3810-01-M

Language Maintenance Committee; Meeting

SUMMARY: A meeting of the Language Maintenance Committee of the Ada Board will be held 17 and 18 May 1985 from 9:00 A.M. to 6:00 P.M. both days in Gaite c of the Montparnasse Park Hotel in Paris, France.

FOR FURTHER INFORMATION CONTACT: Dr. Edward Lieblein, Acting Director, Ada Joint Program Office, (202) 694-0209.

Patricia H. Means,

OSD Federal Register Liaison Officer, Department of Defense.

April 12, 1985.

[FR Doc. 85-9412 Filed 4-17-85; 8:45 am]

BILLING CODE 3810-01-M

Validations Committee; Meeting

SUMMARY: A meeting of the Validations Committee of the Ada Board will be held 16 May 1985 from 9:00 A.M. to 1:00 P.M. in Gaite c of the Montparnasse Park Hotel in Paris, France.

FOR FURTHER INFORMATION CONTACT: Dr. Edward Lieblein, Acting Director, Ada Joint Program Office, (202) 694-0209.

Patricia H. Means,

OSD Federal Register Liaison Officer, Department of Defense.

April 12, 1985.

[FR Doc. 85-9413 Filed 4-17-85; 8:45 am]

BILLING CODE 3810-01-M

Department of the Air Force

USAF Scientific Advisory Board; Meeting

April 9, 1985.

The USAF Scientific Advisory Board's Ad Hoc Committee on Artificial Intelligence will meet at the Pentagon, Washington, DC on May 15-16, 1985 and June 18-19, 1985.

The purpose of the meetings will be to review contractor and Air Force near-term AI application plans. There will be a short working session for report writing. The meetings will convene from 8:30 a.m. to 5:00 p.m. on May 15 and June 18 and from 8:30 a.m. to 4:00 p.m. on May 16 and June 19.

The meeting concerns matters listed in section 552b(c) of Title 5, United States Code, specifically subparagraphs (1) and (4) thereof, and accordingly, will be closed to the public.

For further information, contact the Scientific Advisory Board Secretariat at 202-697-8845.

Norita C. Koirtko,

Air Force Federal Register Liaison Officer.

[FR Doc. 85-9333 Filed 4-17-85; 8:45 am]

BILLING CODE 3910-01-M

DEPARTMENT OF EDUCATION

Secretary's Discretionary Program for Mathematics, Science, Computer Learning, and Critical Foreign Languages

Correction

In FR Doc. 85-9015 beginning on page 14743 in the issue of Monday, April 15, 1985, make the following correction: On page 14743, in the third column, in the **DATES** paragraph, in the second line, "April 15" should read "May 15".

BILLING CODE 1505-01-M

DEPARTMENT OF ENERGY

Procurement and Assistance Management Directorate; Restricted Eligibility for Grant Award; United Nations Institute for Training and Research

AGENCY: Department of Energy (DOE).

ACTION: Notice of Restricted Eligibility for Grant Award.

SUMMARY: DOE announces that it plans to award a grant in the amount of $50,000 in partial support of the United Nations Institute for Training and Research. Pursuant to § 600.7(b) of the DOE Financial Assistance Rules, 10 CFR Part 600, DOE has determined that eligibility for this grant award shall be limited to the United Nations Institute for Training and Research.

Procurement Request Number: 01-85FE60683.000.

Project Scope: The United Nations Institute for Training and Research

(UNITAR) is hosting a conference on "Heavy Crude and Tar Sands" which will take place in Long Beach, California, from July 22, 1985, to July 31, 1985.

The Conference will discuss the latest world developments in the exploration for and production of heavy crude and tar sands.

The DOE is vitally interested in the potential of heavy crude and tar sands to help meet the energy demands of the future and to encourage exploration and production of such energy, and has determined that this award to the United Nations Institute for Training and Research (UNITAR) on a restricted eligibility basis is appropriate.

FOR FURTHER INFORMATION CONTACT: Shirley Jones/James Beiriger, MA–452.1, U.S. Department of Energy, Office of Procurement Operations, 1000 Independence Avenue SW., Washington, DC 20585.

Issued in Washington, D.C., on April 10, 1985.

Ben Goldman,

Director, Contract Operations Division "A," Office of Procurement Operations.

[FR Doc. 85–9417 Filed 4–17–85; 8:45 am]

BILLING CODE 6450–01–M

Federal Energy Regulatory Commission

[Docket Nos. ER85–415–000, et al.]

American Electric Power Service Corp. et al.; Electric Rate and Corporate Regulation Filings

April 15, 1985.

Take notice that the following filings have been made with the Commission:

1. American Electric Power Service Corporation

[Docket No. ER85–415–000]

Take notice that on April 5, 1985, American Electric Power Service Corporation (AEP) tendered for filing on behalf of its affiliate Ohio Power Company (OPCO), which is an AEP operating subsidiary, Supplement No. 15 dated February 1, 1985 to the Interconnection Agreement dated January 1, 1952 between OPCO and the Ohio Edison Company (Edison). The Commission has previously designated the 1952 Agreement as OPCO's Rate Schedule FERC No. 25 and Edison's Rate Schedule FERC No. 9.

AEP states that Supplement No. 15 revises the Interchange Power Service Schedule to include provisions for Non-Displacement power and energy transactions between the parties and provides for an increase in the transmission demand rate for Short Term Power and OPCO is the supplying party to $0.46 per kilowatt per week and to $0.092 per kilowatt per day.

AEP further states for Non-Displacement power and energy, contained in this Supplement are the same as those between OPCO and other interconnected electric utility systems, which have been accepted for filing by the Commission. In addition, the proposed transmission demand rates for Short Term Power are the same as those between AEP and other interconnected electric utility systems which have been accepted for filing by the Commission. AEP requests an effective date of April 15, 1985, which will allow AEP to offer similar services at similar rates to electric utility systems interconnected with AEP affiliated operating subsidiaries as established in previous AEP filings, and therefore requests waiver of this Commission's notice requirements.

Copies of this filing were served upon the Public Utilities Commission of Ohio.

Comment date: April 30, 1985, in accordance with Standard Paragraph E at the end of this notice.

2. Kansas Power and Light Company

[Docket No. ER85–417–000]

Take notice that on April 5, 1985, Kansas Power and Light Company (KP&L) tendered for filing a new Rate Schedule for Service Schedule I for Participation Power under the Interconnection Agreement dated June 1, 1980, between KP&L and the Sunflower Electric Cooperative, Inc. (Sunflower). KP&L states that its new rate schedule is to maintain existing rates for participation power from Jeffrey Energy Center Unit No. 3 and to delete existing references to participation power from Unit No. 2.

KP&L further states that the proposed tariff changes arise from the load requirements for Sunflower now being served from Jeffrey Unit No. 3 instead of from Units No. 2 and No. 3 all as provided for by the Electric Interconnection Agreement between KP&L and Sunflower.

KP&L requests an effective date of June 1, 1985, and therefore requests waiver of the Commission's notice requirements.

Copies of this filing were served upon Sunflower Electric Cooperative, Inc. and the State Corporation Commission of the State of Kansas.

Comment date: April 30, 1985, in accordance with Standard Paragraph E at the end of this notice.

3. Public Service Company of Colorado

[Docket No. ER85–416–000]

Take notice that on April 5, 1985, Public Service Company of Colorado (Public Service) in its Contract for Interconnection and Transmission Service (Contract) with the United States Department of Energy, Western Area Power Administration (WAPA). Public Service states that the proposed change is a revised Exhibit A to Public Service's Contract with WAPA, dated May 9, 1962, on file with the Commission under Companys FERC Rate Schedule No. 7.

Public Service states that the revised Exhibit A is to establish the maximum kilowatt demand level for transmission service for calendar year 1988 and also to revise the maximum demand for calendar year 1985, 1986 and 1987.

Public Service requests an effective date of December 5, 1984, and therefore requests waiver of the Commission's notice requirements.

According to Public Service copies of this filing were served upon all parties to the Agreement and affected commissions.

Comment date: April 30, 1985, in accordance with Standard Paragraph E at the end of this notice.

Standard Paragraphs

E. Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 85–9391 Filed 4–17–85; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. G–13758–004, et al.]

Conoco Inc. et al.; Applications for Abandonment of Service

April 12, 1985.

Take notice that each of the Applicants listed herein has filed an

application or petition pursuant to section 7 of the Natural Gas Act for authorization to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before April 30, 1985, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or to be represented at the hearing.

Kenneth F. Plumb,
Secretary

Docket No. and date filed	Applicant	Purchaser and location	Price per 1,000 ft³	Pressure base
G-13758-004, D, Apr 1, 1985	Conoco Inc., P.O. Box 2197, Houston, Texas 77252	Transcontinental Gas Pipe Line Corporation, Various OCS Leases, Offshore Louisiana.	(1)	
CI63-1000-000, D, Mar 15, 1985	Exxon Corporation, P.O. Box 2180, Houston, Texas 77252-2180	Arkansas-Louisiana Gas Company, Lacey Area, Kingfisher County, Oklahoma	(2)	
CI65-739-006, D, Mar 28, 1985	Shell Western E&P Inc., P.O. Box 4684, Houston, Texas 77210	ANR Pipeline Company, Kings Bayou Field, Cameron Parish, Louisiana	(3)	
CI69-57-001, D, Mar 8, 1985	Cities Service Oil and Gas Corporation, P.O. Box 300, Tulsa, Okla. 74102	Tennessee Gas Pipeline Company, NE/4 and S/2 East Cameron Block 83, Offshore Louisiana	(4)	
CI85-285-000, (CI75-245), B, Mar 11, 1985	Beck Pump & Supply, Inc	Arkansas-Louisiana Gas Company, S.W. Lacey Field, Kingfisher County, Oklahoma	(5)	
CI85-287-000, B, Mar. 15, 1985	Hugh Spencer, West Union, W. Va. 26456	Cities Service Oil & Gas Corporation, New Milton District Doddridge County, West Virginia	(6)	
CI85-288-000, (CI80-84), B, Mar 15, 1985	Quinoco Resources, Inc. (Succ. to GEO Oil and Gas Company of Houston), 3801 East Florida Avenue, P.O. Box 10800, Denver, Colorado 80210-0800	Williston Basin Interstate Pipeline Company, Pavilion Field, Fremont Country, Wyoming	(7)	
CI85-289-000, (CI78-1078), B, Mar 18, 1985	Kerr-McGee Corporation, P.O. Box 25861, Oklahoma City, Okla. 73125	Southern Natural Gas Company, State Lease No. 1230, Well No. 3, Block 36 Breton Sound Area, Plaquemines Parish, Louisiana	(8)	
CI85-292-000, B, Mar 18, 1985	DN & Ruth I. Penton DBA Penton & Penton, P.O. Box 308, DeQuincy, Louisiana 70633	Transcontinental Gas Pipe Line Corporation, Bear Field, Calcasieu Parish, Louisiana	(9)	
CI85-302-000, B, Mar 28, 1985	G. N. Rupe, *et al.*	Northwest Central Pipeline Corporation, Conf/Ellsworth SE, Ellsworth County, Kansas	(10)	
CI85-305-000, (G-16029), B, Apr 1, 1985	Tom Brown, Inc., P.O. Box 2608, Midland, Texas 79702	Natural Gas Pipeline Company of America, Charleson Field, Caddo County, Oklahoma	(11)	
CI85-306-000, B, Apr 1, 1985	Texas West Oil & Gas Corporation, 1180 One First City Center, Midland, Texas 79701	Northwest Central Pipeline Corporation, SW¼ NE¼ Sec. 24-T27N-R15W, North Arvard Pool, Woods County, Oklahoma	(12)	
CI85-308-000, B, Apr 1, 1985	Tenneco Oil Company & Westmore Drilling Company, Inc., P.O. Box 2511, Houston, Texas 77001	Northwest Central Pipeline Corporation, S/2 NE/4 Sec. 30-T31S-R11W, Whelan Field, Barber County, Kansas	(13)	
CI85-309-000, B, Apr. 2, 1985	Service Drilling Co., 1800 Fourth Natl. Bank Bldg., Tulsa, Okla. 74119	Panhandle Eastern Pipe Line Company, South Midwell Field, Cimarron County, Oklahoma	(14)	
CI62-469-000, D, Mar. 12, 1985	Gulf Oil Corporation, P.O. Box 2100, Houston, Texas 77252.	Arkansas-Louisiana Gas Company, South Marlow Field, Stephens County, Oklahoma.	(15)	
CI85-291-000, (CI79-249), B, Mar 18, 1985	do	Southern Natural Gas Company, Woodwardville Field, Bienville Parish, Louisiana	(16)	
CI85-298-000, (CI72-447), B, Mar 25, 1985.	do	Southern Natural Gas Company, Diamond Field, Plaquemines Parish, Louisiana.	(17)	
CI85-304-000, (CI68-260), B, Apr. 1, 1985	do	United Gas Pipe Line Company, Mustang Island Field, Offshore Nueces County, Texas	(18)	
G-5716-024, D, Mar 20, 1985	Mobil Oil Corporation, Nine Greenway Plaza, Suite 2700, Houston, Texas 77046	Northern Natural Gas Company, Hugoton Field, Finney and Stevens Counties, Kansas	(19)	
G-5716-025, D, Mar 20, 1985	do	do	(19)	
G-5716-026, D, Mar 20, 1985	do	do	(19)	
G-5716-027, D, Mar 21, 1985	Mobil Producing Texas & New Mexico Inc., Nine Greenway Plaza, Suite 2700, Houston, Texas 77046	Northern Natural Gas Company, West Panhandle Field, Carson and Gray Counties, Texas	(20)	
G-5716-028, D, Mar 21, 1985	do	do	(20)	
G-5176-000, D, Apr 1, 1985	Sun Exploration and Production Company, P.O. Box 2880, Dallas, Texas 75221-2880	Panhandle Eastern Pipe Line Company, Hugoton Field, Stevens County, Kansas	(21)	
CI62-1111-000, D, Feb 5, 1985	do	ANR Pipeline Company, Mocane-Laverne Field, Harper County, Oklahoma	(22)	
CI63-35-000, D, Apr. 8, 1985	do	El Paso Natural Gas Company, Brown Bassett Field, Crockett County, Texas	(23)	
CI64-875-000, D, Mar 22, 1985	Sun Exploration and Production Company, P.O. Box 2880, Dallas, Texas 75221-2880	Arkansas-Louisiana Gas Company, N.E. Enid Field, Garfield County Oklahoma	(24)	
CI68-200-001, D, Mar 25, 1985	do	Arkansas-Louisiana Gas Company, Peno Field, Le Flore *et al.* Counties, Oklahoma	(25)	
CI85-286-000, (CI78-683), B, Mar 11, 1985	do	Transcontinental Gas Pipe Line Corporation, Bear Field, Beauregard Parish, Louisiana	(26)	
CI85-293-000, (G-10757), B, Feb 14, 1985	do	Northwest Central Pipeline Corporation, North Rhodes Field, Barber County, Kansas	(27)	
CI85-294-000, (CI68-1280), B, Mar 22, 1985	do	Transwestern Pipeline Company, Blurtt Field, Roosevelt County, New Mexico	(28)	
G-3210-000, D, Apr. 3, 1985	Southeastern Gas Company, 1319 Quarrier Street, Charleston, W. Va. 25301	Columbia Gas Transmission Corporation, Martin and Knott Counties, Kentucky	(29)	
G-3210-001, D, Apr 3, 1985	do	Columbia Gas Transmission Corporation, Floyd County, Kentucky	(30)	
G-3210-002, D, Apr 3, 1985	do	do	(31)	
G-3322-000, D, Apr 3, 1985	do	Kentucky-West Virginia Gas Company, Floyd County, Kentucky	(32)	
G-3322-001, D, Apr. 3, 1985	do	do	(33)	
G-3322-002, D, Apr. 3, 1985	do	do	(34)	
G-10358-000, D, Apr 3, 1985	do	Columbia Gas Transmission Corporation, Floyd and Knott Counties, Kentucky.		

Docket No. and date filed	Applicant	Purchaser and location	Price per 1,000 ft³	Pressure base
CI69-494-000, D, Apr 4, 1985	Phillips Petroleum Company, 336 Home Savings & Loan Bldg., Bartlesville, Okla. 74004	Arkansas-Louisiana Gas Company, Clarksville and Scranton Fields, Johnson County, Arkansas	(1)	
CI85-282-000, (CI66-1303), B, Mar 11, 1985	Phillips Oil Company (Succ. in Interest to Aminoil, Inc.), 336 Home Savings & Loan Bldg, Bartlesville, Okla 74004	Trunkline Gas Company, East Fresh Water Bayou Field Area, Vermilion Parish, Louisiana.	(2)	
CI85-372-000, B, Apr 8, 1985	J T Oil Company	Panhandle Eastern Pipe Line Company, NE Seiling Field, Dewey County, Oklahoma.	(3)	
CI85-373-000, B, Apr 8, 1985	Solar Petroleum Inc., 520 Patterson Bldg, Denver, Colorado 80202	Mountain Fuels, Powder Wash Field, Moffat County, Colorado	(4)	
CI85-374-000, B, Apr 8, 1985	Prenalta Corporation, P.O. Box 2514, Casper, Wyoming 82602	Colorado Interstate Gas Company, Federal Well No 34-10, Playa Area, SW¼ SE¼ Sec. 10-T20N-R99W, Sweetwater County, Wyoming.	(5)	
CI85-375-000, B, Apr 8, 1985	do	Colorado Interstate Gas Company, Federal Well No 13-14, Playa Area, NW¼ SW¼ Sec. 14-T20N-R99W, Sweetwater County, Wyoming.	(5)	

[1] Expiration of leases.
[2] Production from the T. C. Blodgett Unit No. 1 Well is declining. The well will not produce sufficient quantities against the current operating pressure, and neither Buyer nor Seller can economically justify the installation of compression equipment.
[3] Leases released to lessors effective 3-13-85
[4] OCS Lease No. G-1478 covering the NE/4 and S/2 of Block 83, East Cameron Area, Offshore Louisiana expired of its own terms effective 4-4-80
[5] Contract expired, well unable to produce into purchaser's high pressure line without compression. It is not economical to compress gas
[6] Low volume of gas.
[7] To release approximately 72% of the gas from the wells for direct sales to Koch Hydrocarbon Company for a period of (24) months from the effective date of authorization of abandonment. The proposed abandonment and resulting direct sale to Koch will not have any financial or supply impact on WBI ratepayers, because WBI currently is not taking the volumes for which abandonment is sought as a result of gas industry supply/demand imbalances and WBI's system requirements.
[8] The well watered out.
[9] Depletion
[10] Non Commercial Production.
[11] Current gas production is from a formation deeper than existing dedication to NGPL, and is purchased by Transok, Inc. Tom Brown, Inc. desires to commingle available gas production from a more shallow zone, which is dedicated to NGPL, with that deeper formation currently dedicated to Transok, Inc. NGPL has verbally advised their intent to intervene in support herein.
[12] Expiration of Tenneco's contract dated 2-3-65 with Westmore, by its own terms on 2-3-85
[13] Well has been plugged and abandoned. Oil and Gas Lease has expired by its own terms.
[14] Lease covered by original contract dated 8-1-61, as amended, is not covered by the rollover contract dated 8-25-81 and was cancelled in January 1981
[15] Production has ceased, the well has been plugged and abandoned and all leases terminated. Applicant no longer owns an interest in the acreage.
[16] Gulf's interest in the Diamond Field, Plaquemines Parish, Louisiana has been assigned to B. R. Eubanks
[17] The sale of gas covered by the contract dated 9-25-69, as amended, between Gulf and United ceased July 1974, leases expired, surrendered to State of Texas, cancelled and last producing well plugged and abandoned. Gulf no longer owns an interest in the acreage covered by the contract
[18] To release gas for irrigation fuel
[19] Assignment of oil, gas, and mineral lease to Panstar Oil & Gas, Inc
[20] By assignment of oil, gas, and mineral lease, dated 11-26-84, to be effective 8-1-84, Mobil Producing Texas & New Mexico Inc. assigned to J. C. Daniels Energy certain lease and assignment.
[21] Assignment and Bill of Sale to Cities Service Oil & Gas Corporation
[22] Partial Assignment and Bill of Sale to Kaiser-Francis Oil Co
[23] Assignment and Bill of Sale to WTG Exploration, Inc
[24] The reservoir pressure has decreased to the point that the well can no longer produce against the line pressure. Both parties have agreed to release the subject well from the commitment under the sales contract. Union Texas Petroleum has agreed to purchase the release gas for processing in their Chaney Dell Plant
[25] Partial Assignment and Bill of Sale to R. A. Miller Energy, Inc. of Sun's interest in Arkansas Valley Farms
[26] All Sun's leasehold rights released. Depletion of gas reserves.
[27] Partial Assignment and Bill of Sale to McCoy Petroleum Corporation
[28] Southeastern Gas Company hereby seeks release of approximately 100 Mcf annually from its 11-17-42 contract with Columbia Gas Transmission Corporation, in order to continue furnishing gas to the existing consumers
[29] Southeastern Gas Company hereby seeks release of approximately 700 Mcf annually from its 3-26-29 contract with Columbia Gas Transmission Corporation, in order to continue furnishing gas to the existing customers.
[30] Southeastern Gas Company hereby seeks release of approximately 100 Mcf annually from its 9-11-29 contract with Columbia Gas Transmission Corporation, in order to continue furnishing gas to the existing consumers
[31] Southeastern Gas Company hereby seeks release of approximately 200 Mcf annually from its 9-20-32 contract with Kentucky-West Virginia Gas Company, in order to continue furnishing gas to the existing consumers.
[32] Southeastern Gas Company hereby seeks release of approximately 100 Mcf annually from its 10-29-40 contract with Kentucky-West Virginia Gas Company, in order to continue furnishing gas to the existing consumers
[33] Southeastern Gas Company hereby seeks release of approximately 100 Mcf annually from its 11-30-29 contract with Kentucky-West Virginia Gas Company, in order to continue furnishing gas to the existing consumers
[34] Southeastern Gas Company hereby seeks release of approximately 13,800 annually from its 11-18-31 contract with Columbia Gas Transmission Corporation, in order to continue furnishing gas to the existing consumers
[35] Phillips Petroleum Company as assignor assigned to Sun Exploration and Production Company and Tenneco Oil Company, as assignees, its interest in those leases located in Sec. 34-10N-23W, Johnson County, Arkansas.
[36] Wells have been plugged and abandoned and deliveries ceased January 1981.
[37] Well watered out
[38] The well has been shut in for an indeterminable amount of time because of the purchaser not wanting the gas. Another purchaser has been found to take the gas.
[39] The well is depleted. Well was depleted by compressor installation to less than 50 psig wellhead pressure. There is no other gas producing zones in the well. The well needs to be plugged and abandoned to meet BLM lease requirements.
Filing Code: A—Initial Service, B—Abandonment, C—Amendment to add acreage, D—Amendment to delete acreage, E—Total Succession, F—Partial Succession

[FR Doc. 85-9394 Filed 4-17-85; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. CP74-314-014, et al.]

El Paso Natural Gas Co., et al.; Offer of Settlement, Applications for Certificates of Public Convenience and Necessity and Requests for Authority To Abandon Service and Facilities

April 12, 1985.

In the matter of:	Docket No.
El Paso Natural Gas Co.	CP74-314-014
Sun Exploration and Production Co., et al.	CI77-526-004
El Paso Natural Gas Co.	CI83-356-004
Tenneco Oil Co.	CI84-49-003
Conoco Inc.	CI84-51-003

Take notice that pursuant to Rule 602 of the Commission's Rules of Practice and Procedure, 18 CFR 385.602, on April 8, 1985, El Paso Natural Gas Company (El Paso), Tenneco Oil Company (Tenneco Oil), and Conoco Inc. (Conoco) filed a Joint Offer of Settlement and Request for Approval of Stipulations and Agreements (Joint Offer) in the above-referenced proceedings that would resolve all matters in dispute between El Paso, its customers, interested state Commissions and Commission Staff on the one hand, and Tenneco Oil and Conoco on the other, in the above-referenced dockets and/or related to Tenneco Oil and/or Conoco's ownership of interests in specified gas lease agreements. The instant Joint Offer supplants and supersedes the Offer of Settlement filed on May 18, 1984 in Docket No. CP74-314-009.

The Joint Offer involves gas lease agreements (GLA's) covering properties in the San Juan Basin of New Mexico to which El Paso and Tenneco Oil and Conoco are parties. Incorporated in the Stipulation of Settlement and Agreement and included within the Joint Offer are

applications for certificates of public convenience and necessity, requests for authority to abandon service and facilities, and agreements on El Paso's pricing of certain company owned production in the San Juan Basin, all as more fully described in the Joint Offer, stipulations, applications and requests on file herein.

The Joint Offer submitted by the parties provides for the transfer of the lease rights originally conveyed under the subject GLA's from El Paso to Tenneco Oil and Conoco to be effective on the effective date of the certificates and approvals requested as part of the Joint Offer. In order to effectuate the transfer of lease rights that are subject to FERC jurisdiction, El Paso requests any and all requisite approvals to effect that transfer, and terminate operations, as specified in the Joint Offer.

The Joint Offer includes contracts for sales of gas from the GLA properties by Tenneco Oil to El Paso and Conoco to El Paso that are the subject of the applications for certificates of public convenience and necessity submitted in Docket Nos. CI84–49 and CI84–51, respectively. The contracts provide, in terms more specifically detailed in the submittals incorporated within the Joint Offer, for sales of gas to El Paso at the applicable maximum scheduled prices, with a base price for the gas not qualifying for a higher maximum lawful price of the Section 104 replacement contract rate, as that term is defined at 18 CFR 2.56(a)(5), as such price has been and shall be adjusted and escalated from time to time.

The Joint Offer also provides for the amendment of all contracts for the sale of gas in the San Juan Basin in New Mexico and Colorado by and between El Paso and Tenneco Oil and El Paso and Conoco in order to allow Tenneco Oil and Conoco to process all gas sold thereunder. Applications for any necessary amendments to existing section 7(c) certificates and rate schedules are filed as a part of the Joint Offer.

The Joint Offer further provides for the construction of a new cryogenic plant to be built, owned and operated by Tenneco Oil and Conoco. El Paso has applied for authority, to the extent necessary, to cease certain compression and gas processing operations at its Blanco gas processing plant in the San Juan Basin upon the completion of the cryogenic facility and for authority under section 7(c) of the Natural Gas Act to construct and operate any facilities necessary to interconnect with the new cryogenic extraction plant.

Also included within the Joint Offer are applications by El Paso for permission, consistent with the terms of gas transportation agreements that are appendices to the Stipulation of Settlement and Agreement, to transport for Tenneco Oil and Conoco pursuant to the terms thereof, gas released or removed from their gas sales contracts.

Included within the Joint Offer is a Supplemental Stipulation under which El Paso has agreed to certain pricing limitations on its company owned production in the San Juan Basin for the term thereof, subject to certain express to such production, and the construction of the new cryogenic processing plant in the San Juan Basin for the processing of that gas subject to the Settlement.

If approved, the Joint Offer, with attachments, subject to the conditions and reservations contained therein, would resolve all matters arising out of Tenneco Oil and Conoco's ownership of an interest in the subject GLA's, or their receipt of overriding royalties thereunder, and out of El Paso's ownership and operation of the leases covered thereby, including its payment to Tenneco Oil and Conoco of overriding royalties pursuant to the subject GLA's. Accordingly, all pending or future claims as to Tenneco Oil and/or Conoco arising out of or pertaining thereto would be dismissed with prejudice and/or permanently foreclosed, including any issues currently pending as to them in El Paso's PGA proceedings.

Any person desiring to file comments on any aspect of the Joint Offer, including any participant in any of the above-referenced proceedings, shall, within twenty (20) days of April 8, 1985 file such comments with the Federal Energy Regulatory Commission, Washington, D.C. 20426, in accordance with the requirements of 18 CFR 385.602(f)(2). Any reply comments should be filed within fifteen (15) days thereafter.

All comments filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceedings herein. Persons wishing to become parties to the proceedings involving the referenced applications and requests or to participate as a party in any hearing thereon must file petitions to intervene in accordance with 18 CFR 385.214 or 385.211 of the Commission's rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 85–9395 Filed 4–17–85; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. ER85–301–000]

Massachusetts Refusetech, Inc.; Order Accepting Rates for Filing, Granting Requests for Waivers and Authorization, Terminating Docket and Delegating Authority

Issued April 15, 1985.

Before Commissioners: Raymond J. O'Connor, Chairman; Georgiana Sheldon, A. G. Sousa, Oliver G. Richard III and Charles G. Stalon.

On February 14, 1985, Massachusetts Refusetech, Inc. (MRI) tendered for filing an executed agreement applicable to sales of energy from a solid waste refuse-to-energy facility located in North Andover, Massachusetts, to New England Power Company (NEP).[1] By order dated December 22, 1983, 25 FERC ¶ 61,406, the Commission granted MRI's request for certification of the facility as a qualifying small power production facility.[2] The facility is scheduled to become operational in June of 1985. The proposed rates are intended to take effect when sales of electric energy from the facility first occur. MRI requests waiver of the 120-day advance filing limitation to the extent necessary to permit the agreement to become effective upon initiation of service. MRI also requests waiver of the Commission's regulations regarding cost of service documentation, accounting practices, reporting requirements, annual charges, property dispositions and consolidations, securities issuances or assumptions of liability, and the holding of interlocking directorate positions.

Notice of the filing was published in the **Federal Register**,[3] with comments due on or befoe March 7, 1985. No protests or motions to intervene have been received.

Discussion

Initially, we note that MRI's requested waivers of our filing requirements are identical to those granted by the Commission's orders in *Resources Recovery (Dade County), Inc.*, 18 FERC ¶ 61,243 (1982) and 20 FERC ¶ 61,138 (1982). Consistent with those orders, we shall grant these requested waivers and necessary authorizations, subject to the same conditions as specified in the August 3, 1982 order in *Resource Recovery*, 20 FERC at 61,304.

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[1] Designated as: *Massachusetts Refusetech, Inc.* Rate Schedule FERC No. 1.

[2] However, since the capacity of the facility will exceed 80 megawatts, it is not eligible for exemption from the requirements of the Federal Power Act.

[3] 50 FR 8655 (1985).

Based on our review of MRI's filing, we find that the proposed rates will not produce excessive revenues. Further, in light of the fact that the proposed rate schedule is predicated on construction of a new facility [4] and given the concurrence of NEP as evidenced by its execution of the tendered agreement, we find good cause to grant waiver of the 120-day advance filing limitation to the extent necessary. Accordingly, we shall accept MRI's submittal for filing without suspension or a hearing, to become effective upon commencement of service.

Finally we shall delegate authority to the Director of the Office of Electric Power Regulation, to take action on uncontested future filings relating to qualifying small power production facilities with capacity between 30 and 80 megawatts, including action consistent with this order on requests for waiver of our regulations and related authorizations under the Federal Power Act.

The Commission Orders

(A) MRI's requests for waivers of the Commission's filing requirements are hereby granted, along with the authorizations and subject to the same conditions provided for in the August 3, 1982 order in *Resources Recovery*, 20 FERC ¶61,138 (1982).

(B) MRI's request for waiver of the 120-day advance filing limitation is hereby granted for good cause shown.

(C) MRI's submittal is hereby accepted for filing to become effective upon commencement of service, without suspension or a hearing. MRI shall notify the Commisson within fifteen (15) days after the date on which service commences.

(D) Authority to take action on future filings relating to noncontested nonexempt qualifying small power production facilities, including action on requests for waivers of the Commission's regulations under the Federal Power Act and related authorizations, consistent with this order, is hereby delegated to the Director of the Office of Electric Power Regulation.

(E) Docket No. ER85–301–000 is hereby terminated.

(F) The Secretary shall promptly publish this order in the **Federal Register.**

By the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 85–9396 Filed 4–17–85; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. ID–2159–001]

Thomas O. Lind; Application

April 10, 1985.

Take notice that on March 26, 1985, Thomas O. Lind (applicant) filed and application pursuant to section 305(b) of the Federal Power Act to hold the following positions:

Vice President, Louisiana Power & Light Company

Vice President, New Orleans Public Service Inc.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before April 26, 1985. Protests will be considered by the Commission in determining the appropriation action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 85–9393 Filed 4–17–85; 8:45 am]

BILLING CODE 6717–01–M

[Project No. 1979–002, et al.]

Wisconsin Electric Power Co., et al.; Availability of Environmental Assessment and Finding of No Significant Impact

April 15, 1985.

	Project No
Wisconsin Electric Power Company	1979–002
Calaveras County Water District	2903–004
John M. Jordan	3161–001
Chittenden Falls Hydro Power, Inc.	3273–002
Energenics Systems, Inc.	3816–003
Clifton Power Corporation	4632–000
Cogeneration, Inc.	4797–001
South Fork Resources, Inc.	4885–003
Lawrence R. Taft	4900–001
Goose Creek Hydro Associates	5927–001
Roseburg Lumber Company	5931–002
Eveready Machinery Company, Inc.	6066–001
Gold Run Hydro Associates	6712–000
Placer County Water Agency	6040–002
Placer County Water Agency	6042–002
Gold Run Hydro Associates	6713–000
Gold Run Hydro Associates	6714–000
Placer County Water Agency	6046–002
N.H. Water Resources Board	6752–001
Cities of Minden, Louisiana, et al.	7042–001
Fox Valley Corporation	7264–000
Willow River Hydro Associates	7444–001
Willow River Hydro Associates	7483–000
Gene M. Peters	7577–000
Alden J. Greenwood	7920–000
Alden J. Greenwood	7921–000
Alden J. Greenwood	7922–000
Little Rapids Corporation	8015–000
Marshall Saunders, et al.	8324–001
Stockport Milling	8376–000
City of Montague, Massachusetts	8428–000
Harold E. Foster, Robert Z. Walker	8726–000
Palmdale Water District	8734–000

In Accordance with the National Environmental Policy Act of 1969, the Office of Hydropower Licensing, Federal Energy Regulatory Commission (Commission), has reviewed the applications for major and minor licenses (or exemptions) listed below and have assessed the environmental impacts of the proposed developments.

Project No	Project name	State	Body of water	Nearest town
1979–002	Alexander	WI	Wisconsin River	Merrill
2903–004	New Hogan	CA	Calaveras River	Valley Springs
3161–001	Randolph Mills No. 1	NC	Deep River	Franklinville
3273–002	Chittenden Falls	NY	Kinderhook Creek	Rossman
3816–003	Southside Canal	CO	Southside Canal	Colbran
4632–000	Clifton Mills No. 1	SC	Pacolet River	Spartanburg
4797–001	Auger Falls	ID	Snake River	Twin Falls
4885–003	Twin Falls	WA	North Bend	South Fork Snoqualmie River
4900–001	Forestport	NY	Black River	Forestport
5927–001	Goose Creek	VA	Goose Creek	Leesburg
5931–002	Hatchet Creek	CA	Hatchet Creek	Redding
6066–001	Derby	CT	Housatonic River	Derby and Shelton
6712 and 6040	Gold Run Pipe	CA	Lower Boardman Canal	Monte Vista and Gold Run

[4] *See* 18 CFR 35.3(b)

Project No	Project name	State	Body of water	Nearest town
6713 and 6042	Secret Town Pipe	CA	Lower Boardman Canal	Secret Town
6714 and 6046	Cape Horn Chute Pipe	CA	Lower Boardman Canal	Shady Glen
6752-001	Avery Dam	NH	Winnipesaukee River	Laconia
7042-001	John H. Overton Lock and Dam	LA	Red River	Rapides Parish
7264-000	Middle Appleton Dam	WI	Fox River	Appleton
7444-001	Willow Falls	WI	Willow River	Hudson
7483-000	Mound Pond	WI	Willow River	Burhardt
7577-000	Burton Creek	WA	Burton Creek	Packwood
7920-000	Waterloom	NH	Souhegan River	New Ipswich
7921-000	Otis Falls	NH	Souhegan River	Greenville
7922-000	Chamberlain Falls	NH	Souhegan River	Greenville
8015-000	Shawano Project	WI	Wolf River	Shawano, Richmond
8324-001	M D Hydro	CA	Sheridan Creek	Millville and Shingletown
8376-000	Stockport Mill	OH	Muskingum River	Stockport
8426-000	Montague	MA	Connecticut River	Montague
8726-000	Upper Cold Springs	CA	Upper Cold Springs	Montague
8734-000	Palmdale	CA	Lake Palmdale	Palmdale

Environmental assessments (EA's) were prepared for the above proposed projects. Based on independent analyses of the above actions as set forth in the EA's, the Commission's staff concludes that these projects would not have significant effects on the quality of the human environment. Therefore, environmental impact statements will not be prepared.

Copies of the EA's are available for review in the Commission's Division of Public Information, Room 1000, 825 North Capitol Street, NE., Washington, D.C. 20426.

Kenneth F. Plumb,

Secretary.

[FR Doc. 85-9397 Filed 4-17-85; 8:45 am]

BILLING CODE 6717-01-M

Office of Hearnings and Appeals

Issuance of Decisions and Orders; Week of March 11 through March 15, 1985

During the week of March 11 through March 15, 1985, the decisions and orders summarized below were issued with respect to applications for exception or other relief filed with the Office of Hearings and Appeals of the Department of Energy. The following summary also contains a list of submissions that were dismissed by the Office of Hearings and Appeals.

Remedial Order

Dorchester Gas Corp., 3/11/85, HRO-0045

Dorchester Gas Corp. objected to a Proposed Remedial Order (PRO) that the Economic Regulatory Administration issued to the firm on March 19, 1982. In the PRO, the ERA found that during the period November 1, 1974 through August 1979, Dorchester improperly reported the tier classification of certain of its crude oil receipts to the Entitlements Program. The PRO concluded that Dorchester should be required to make restitution by refunding to the DOE $54, 174,234.96, plus interest. Dorchester claimed that the firm correctly reported its crude oil receipts based upon its "pooling" method of accounting for crude oil certifications. In the analysis of the case, the DOE found that Dorchester did violate the DOE regulations since its "pooling" practices resulted in the firm miscertifying substantial volumes of crude oil. As a result, the DOE determined that Dorchester should be required to disgorge the excessive benefits that it received.

Hudson Oil Co., Inc., Hudson Refining Co., Inc., 3/15/85, HRO-0043

Hudson Oil Co., Inc. (Hudson Oil) objected to a Proposed Remedial Order (PRO) which the Economic Regulatory Administration (ERA) issued to the firm on March 23, 1982, and which was amended by the Office of Hearings and Appeals (OHA) on May 6, 1983. In the PRO the ERA found that Hudson Oil violated the DOE refiner price regulations by including its previously acquired retailer bank of unrecouped increased product costs in calculating its prices as a refiner. Hudson Oil argued that the Acquired Entity Rule permitted the use of the firm's retailer bank after its refinery acquisition.

In response to the OHA's August 27, 1984 Decision joining Hudson Refining Co., Inc. (Hudson Refining) as a respondent to the PRO, Hudson Oil contested its inclusion in the PRO proceeding on the ground that Hudson Refining was the sole proper respondent to the PRO. Hudson Refining contended that as a bankrupt entity it could not be held liable for previous violations that it, or its parent, may have committed.

In considering the firms' Statements of Objections, the DOE found that absent exception relief a firm could not use a bank acquired under one set of regulations when calculating prices under a different set of regulations. The DOE also found that the overcharge amount should be reduced to reflect the ERA's prosecutorial discretion in applying 10 CFR 212.83(g) to offset overrecoveries with subsequent underrecoveries. The DOE determinined, however, that overrecoveries could only be carried forward for one month, and not throughout the entire controlled period as Hudson Oil claimed. In addition, the DOE found that the amount of the retailer bank at issue that ERA had excluded from the firms' costs was improperly calculated and that, as a result, the amount of overcharges alleged in the PRO was overstated.

With respect to the liability issue, the DOE found that a firm is not relieved of liability in a PRO proceeding by entering bankruptcy, and also found that both firms had a demonstrated involvement in the overcharges. The DOE therefore concluded that Hudson Oil and Hudson Refining were properly joined as parties in the PRO proceeding. Accordingly, the Doe determined that the PRO should be issued as a final Remedial Order which certain modifications pertaining to the overcharge calculations and method of restitution.

Request for Exception

Ball Tire & Gas, Inc., 3/11/85, HEE-0109

Ball Tire & Gas, Inc. filed an Application for Exception in which the firm sought to be relieved from the requirement to file Form EIA-782B, "Reseller/Retailers' Monthly Petroleum Product Sales Report." In considering the request, The DOE found that the firm would not suffer an inordinate burden in fulfilling its reporting requirement. Accordingly, exception relief was denied.

Commonwealth Oil Refining Co., Inc., 3/12/85, DEE-1022

Commonwealth Oil Refining Co., Inc. (Corco) filed an Application for Exception from several provisions of the DOE Entitlements Program. In the Application, Corco requested a $36 million dollar increase in the firm's entitlement sales obligation or, alternatively, that it be granted a loan or a line of credit of $36 million through the Entitlements Program. In support of its request, Corco argued that it had lost $15 million as a result of the mechanics of the Entitlements Program, which entailed a two-month lag between the month in which entitlements were earned and the month in which a firm's entitlements sales obligation was realizable. Corco also argued that it was entitled to retroactive relief equal to revenues it would have received had the naphtha entitlements program (*see* 10 CFR 211.67(d)(5)) been made retroactive to January 1977. Furthermore, Corco claimed that it was adversely affected by the following provisions: (a) 10 CFR 211.67(d)(4), which reduced the volume of a refiner's crude oil runs to stills attributable to the production of residual fuel oil sold in the East Coast market, (b) DOE regulations (39 FR 17764 (May 20, 1974)) requiring that resellers affiliated with major oil companies compute

the passthrough of their increased product costs on a nationwide basis, and (c) 10 CFR 211.67(d)(5)(ii), which did not permit Puerto Rican refiners to include in their runs to stills volumes of imported naphtha used to produce petrochemicals for export.

In considering the request, the DOE determined that Corco had failed to identify any specific DOE regulation that had caused the firm to experience economic hardship or which uniquely and adversely affected the firm. In particular, the DOE determined that Corco was not competitively disadvantaged compared to mainland petrochemical producers by the provisions of 10 CFR 211.67(d)(5)(ii). Accordingly, Corco's request for exception relief was denied in its entirety.

Motions for Discovery

Gulf Oil Corporation; Economic Regulatory Administration, 3/11/85, BRH-0211, BRD-0211, BRD-0072, HRZ-0228

The Gulf Oil Corporation filed a Motion for Discovery in connection with its Statement of Objections to a Proposed Remedial Order issued to the firm by the Economic Regulatory Administration on November 3, 1979. In that Motion, Gulf sought to compel the ERA to answer numerous interrogatories and release documents that were identified in those interrogatories. Discovery was denied because many of the interrogatories had already been answered by the ERA or were moot, and because the firm did not adequately support its requests for contemporaneous construction discovery or administrative record discovery. Gulf's request for evidentiary hearing was denied because the firm did not specify any genuine issue that could be resolved by an evidentiary hearing. ERA filed a Motion for Discovery in which it sought information concerning Gulf's passthrough costs at refiner-operated retail stations. That Motion was unopposed by Gulf and was granted. ERA also filed a Motion to Amend in which it sought to change the violation period alleged in the PRO, and, correspondingly, the period for which information was sought in its discovery motion. If granted, the alleged violation period would have been September 1, 1974 through December 1980. The motion was granted in part and the violation period of the PRO and the period for which discovery was sought was amended to be September 1, 1974 through November 1, 1980.

Lone Star Oil & Chemical Co., Michael A. McAlister, 3/11/85, HRD-0185, HRH-0185

On October 11, 1984, Lone Star Oil and Chemical Company and Michael A. McAlister (referred to collectively as Lone Star) submitted a Motion for Discovery and a Motion for Evidentiary Hearing in connection with a Proposed Remedial Order which was issued to the firm. The Motion for Discovery included requests for the production of documents, for answers to interrogatories, and for taking of the deposition of the DOE auditor primarily responsible for the PRO. Assuming the granting of discovery, the Motion for Evidentiary Hearing sought to introduce testimony relevant to disputed isaues and to present the testimony of DOE employees regarding the contemporaneous constructions of the layering regulation.

The DOE concluded that both Lone Star's Motion for Discovery and its Motion for Evidentiary Hearing should be denied. However, the DOE afforded Lone Star the opportunity to submit written evidence, to the extent that such evidence relates to the factual issue of the functions and services provided by Lone Star in the transactions at issue in the PRO.

This Decision and Order discussed the general unwillingness on the part of the Office of Hearings and Appeals (OHA) to grant discovery relating to legal rather than factual issues or disputes and its general unwillingness to grant administrative record and contemporaneous construction discovery unless the regulatory language at issue is extraordinarily confused. It further reiterated OHA's finding that there is no such confusion and ambiguity surrounding the layering rule.

Supplemental Order

Young Refining Corporation, 3/12/85, BYX-0198

The DOE in this Decision and Order reviewed exception relief that Young Refining Corporation received under the DOE Crude Oil Entitlements Program for the period April 1980 through January 1981. The DOE determined that Young received excessive exception relief of $2,936,491 for that period. The DOE also summarized outstanding entitlements exception orders issued toYoung, and determined as Young's final position under the Entitlements Program that the firm has a net entitlements purchase obligation of $3,714,044. The DOE ordered that this net obligation be satisfied in accordance with the policies enunciated by the DOE in its January 9, 1985 Notice.

Implementation of Special Refund Procedures

Bayou State Oil Corporation, 3/11/85, HEF-0202

The DOE issued a Decision and Order setting for the procedures to be used in filing applications for refund with respect to the settlement funds obtained under a consent order with Bayou State Oil Corporation and Ida Gasoline, Inc. The funds plus accrued interest should be available to customers who purchased covered petroleum products from Bayou State or Ida during the period September 1973 to December 1977. As of January 31, 1985, the settlement funds plus accrued interest totalled $1,279,600. Specific information to be included in refund applications is discussed in the decision.

Moore Terminal & Barge Co., Ltd., Point Landing, Inc., 3/15/85, HEF-0132, HEF-0152

The DOE issued a Decision and Order implementing a plan for the distribution of $50,000 and $100,000 received as a result of two consent orders which the DOE entered into with Moore Terminal & Barge Co., Ltd., and Point Landing, Inc., plus interest that has accrued on those amounts. The Moore consent order was entered into on August 29, 1977. The DOE determined that a portion of the Moore settlement fund should be distributed to two customers who purchased petroleum products from Moore during the October 1, 1973 through September 30, 1974 consent order period. The Point Landing consent was entered into September 9, 1980. The DOE determined that a portion of the Point Landing settlement fund should be distrubited to 26 customers who purchased petroleum products from Point Landing during the October 1, 1973 through November 30, 1974 consent order period. In both cases, the customers were identified by DOE audits, and will be alloted refunds (after each files an application for refund) based on presumptions of injury which have been employed in prior, similar proceedings. Applications for refunds filed by other firms will also be considered. Any such claims will, of course, be analyzed and, if necessary, refunds to identified purchasers will be adjusted to accommodate successful applicants.

National Helium Corporation, 3/13/85, HQF-0501

The DOE issued a Decision and Order providing for the second stage disbursement of $8,037,946 in consent order funds made available by National Helium Corporation (NHC) in order to settle DOE-alleged overcharges in the firm's sales of natural gas liquid products (NGLPs). The DOE pointed out that Atlantic Richfield Company (ARCO) was the sole purchaser of the NHC NGLPs and that since NGLPs are used in the petroleum refining process, increased costs of the NHC products as a result of the alleged overcharges were probably incorporated into ARCO's prices for motor gasoline. The DOE therefore examined data setting forth the distribution of ARCO's motor gasoline sales throughout the United States in order to ascertain in what areas of the country consumers were most affected by ARCO purchases of NHC NGLPs. The DOE found that ARCO sales of motor gasoline were largely regional in nature, because the firm sold that product in only a limited number of states. The DOE determined that the remaining consent order funds should therefore be channeled to the governments of the states in which ARCO sold motor gasoline, because the citizens of those states would have experienced the effects of the NHC pricing practices. The DOE decided that the funds should be apportioned among those jurisdictions based on the proportion of ARCO product consumed The DOE further provided that upon submission of an appropriate plan by an eligible jurisdiction, the proportionate share of the NHC fund would be disbursed.

Refund Applications

Houston Natural Gas Corporation/Enterprise Products Company, 3/15/85, RF53-0005

Enterprise Products Company filed an Application for Refund in which the firm sought a portion of the fund obtained by the DOE through a consent order entered into by the agency and Houston Natural Gas Corporation (HNG). Using a three-part competitive disadvantage methodology the

DOE determined that Enterprise had suffered significantly harm as a result of its purchases from HNG. Accordingly, the DOE granted HNG a refund equal to its allocable share of the consent order fund, $24,730, plus accrued interest of $9,510.

Palo Pinto Oil & Gas/Mississippi, et al., 3/15/85, RQ5–166

The DOE issued a Decision and Order concerning the second-stage refunds already disbursed to 23 states in the Palo Pinto Oil & Gas proceeding. In the Decision, the DOE recalculated the amount of interest accruing to each state based on an alternative methodology, and directed the disbursement of those additional funds to the eligible states. The amount of accrued interest refunded pursuant to this Decision totalled $28,157.

Standard Oil Company (Indiana)/ Glenn J. Gibson, 3/11/85, RF21–12385

The DOE issued a Decision concerning duplicate refunds applied for and received by Glenn J. Gibson, a retailer of Amoco motor gasoline. A computer check of refund applications revealed that Gibson received two refunds when he was entitled to only one. The DOE determined that Gibson must return one refund as well as accrued interest, and also must submit a written explanation of why he had applied twice, and had not notified the DOE of the error.

Standard Oil Company (Indiana)/Gulf Oil Corporation, 3/14/85, RF21–11039

Gulf Oil Corporation filed an Application for Refund in connection with its purchases of Amoco motor gasoline, which it resold at the wholesale level.In considering the Application, the DOE found that Gulf made spot purchases of Amoco motor gasoline during the consent order period and that Gulf had failed to rebut the presumption that spot purchasers suffer no economic injury. Accordingly, the DOE concluded that Gulf was not entitled to a portion of the Amoco consent order funds and denied the firm's refund application.

Standard Oil Company (Indiana)/Gulf Oil Corporation, 3/11/85, RF21–11040

The DOE issued a Decision and Order concerning an Application for Refund filed by a reseller of natural gas liquid products, Gulf Oil Corporation, in connection with the Standard Oil Company (Indiana) (Amoco) refund proceeding. The DOE found that Gulf experienced a competitive disadvantage as a result of is purchases of propane, butane and natural gasoline from Amoco. The DOE concluded therefore tht the firm should receive its full allocable share ($14,170) of the consent order funds based on the volumetric approach. The refund granted in this proceeding totalled $24,463 ($14,170 principal plus $10,293 interest).

Dismissals

The following submission was dismissed:

Name and Case No.

J.R. Adams Oil Company, HRO–0253

Copies of the full text of these decisions and orders are available in the Public Docket Room of the Office of Hearings and Appeals, Room 1E–234, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C. 20585, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., except Federal holidays. They are also available in *Energy Management: Federal Energy Guidelines*, a commercial published loose leaf reporter system.

George B. Breznay,

Director, Office of Hearings and Appeals.

April 5, 1985.

[FR Doc. 85–9418 Filed 4–17–85; 8:45 am]

BILLING CODE 6450–01–M

Cases Filed; Week of March 8 Through March 15, 1985

During the Week of March 8 through March 15, 1985, the applications for exception or other relief listed in the Appendix to this Notice were filed with the Office of Hearings and Appeals of the Department of Energy. Submissions inadvertently omitted from earlier lists have also been included.

Under DOE Procedural regulations, 10 CFR Part 205, any person who will be aggrieved by the DOE action sought in these cases may file written comments on the application within ten days of service of notice, as prescribed in the procedural regulations. For purposes of the regulations, the date of service of notice is deemed to be the date of publication of this Notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first. All such comments shall be filed with the Office of Hearings and Appeals, Department of Energy, Washington, D.C. 20585.

George B. Breznay,

Director, Office of Hearings and Appeals.

April 11, 1985.

LIST OF CASES RECEIVED BY THE OFFICE OF HEARINGS AND APPEALS

[Week of Mar. 8 through Mar. 15, 1985]

Date	Name and location of applicant	Case No	Type of submission
Feb. 26, 1985	Gordon K. Walz, John Woolsey, Milton Walz and Corum Energy Corp., Houston, TX	HRD–0275	Motion for discovery. If granted: Discovery would be granted to Gordon K. Walz, John Woolsey, Milton Walz, and Corum Energy Corporation from Revere Petroleum Corporation and Richard E. Dobyns of materials concerning an alleged partnership as well as materials concerning the transactions described in the Proposed Remedial Order (Case No. HRO–0125)
Mar. 7, 1985	Revere Petroleum Corp., and Richard E. Dobyns	HRS–0047	Request for stay. If granted: Revere Petroleum Corporation would receive a stay of its obligation to file its Statement of Objections to a Proposed Remedial Order (Case No. HRO–0125) pending resolution by the Department of Justice of possible criminal violations.
Mar. 8, 1985	Tampimex Oil International, Ltd., Washington, DC	HRD–0274	Motion for discovery. If granted: Discovery would be granted to Tampimex Oil International, Ltd. in connection with the firm's Statement of Objections to the Proposed Remedial Order issued to it (Case No. HRO–0264)
Mar. 11, 1985	GCO Minerals Co., Washington, DC	HEF–0570	Implementation of special refund procedures. If granted: The Office of Hearings and Appeals would implement Special Refund Procedures pursuant to 10 CFR Part 205, Subpart V, in connection with the October 22, 1984 Consent Order entered into with GCO Minerals Company.
Do	Oneok, Inc., Washington, DC	HEF–0571	Implementation of special refund procedures. If granted: The Office of Hearings and Appeals would implement Special Refund Procedures pursuant to 10 CFR Part 205, Subpart V, in connection with the September 4, 1984 Consent Order entered into with Oneok, Inc.
Do	Pyro Energy Corp., Washington, DC	HEF–0569	Implementation of special refund procedures. If granted: The Office of Hearings and Appeals would implement Special Refund Procedures pursuant to 10 CFR Part 205, Subpart V, in connection with the October 13, 1983 Consent Order entered into with Pyro Energy Corporation.
Do	Topeka Gas & Fuel, Inc., Topeka, KS	HEE–0128	Exception to the reporting requirements. If granted: Topeka Gas & Fuel, Inc. would not be required to file Form EIA–782B "Reseller/Retailers' Monthly Petroleum Product Sales Report."
Mar. 12, 1985	Ryno Oil, Wood, SD.	HEE–0129	Exception to the reporting requirements. If granted: Ryno Oil would not be required to file Form EIA–782B "Reseller/Retailers' Monthly Petroleum Product Sales Report" and Form EIA–821 "Annual Sales of Fuel Oil and Kerosene Report."

LIST OF CASES RECEIVED BY THE OFFICE OF HEARINGS AND APPEALS—Continued

[Week of Mar 8 through Mar 15, 1985]

Date	Name and location of applicant	Case No	Type of submission
Mar 14, 1985	Rollins Truck Leasing, Wilmington, DE	HEE-0130	Exception to the reporting requirements. If granted: Rollins Truck Leasing would not be required to file Form EIA-782B "Reseller/Retailers' Monthly Petroleum Product Sales Report."
Mar 15, 1985	Cranston Oil Service Co., Newport, RI	HRX-0116	Supplemental order. If granted: Pursuant to the May 19, 1981 Decision and Order (Case No. BEX-0209) the trustee of the Cranston Oil Service Company escrow account would be directed to remit monies to the DOE for disbursement under Subpart V.
Do	Jade Petroleum Co., Branson, MO	HEE-0131	Exception to the reporting requirements. If granted: Jade Petroleum Company would not be required to file Form EIA-782B "Reseller/Retailers' Monthly Petroleum Product Sales Report."

REFUND APPLICATIONS RECEIVED

[Week of Mar 8 through Mar 15, 1985]

Date	Name of refund proceeding/ name of refund applicant	Case No
03/11/85	Waller/Department of Navy	RF78-6
03/11/85	Union Texas Petroleum/ Lowrey Tims Co	RF109-1
03/11/85	Amoco/Schneider Oil Co	RF21-12388
03/11/85	MAPCO/Delta Propane Co., Inc	RF108-3
03/11/85	MAPCO/Small's LP Gas Co	RF108-4
03/11/85	MAPCO/Farmland Industries, Inc.	RF108-5
03/11/85	U S Oil/Gramco, Ltd	RF110-1
03/12/85	Hertz/Harcourt Brace Jovanovich.	RF76-105
03/13/85	Wallace & Wallace/Al Jones Oil.	RF69-2
03/13/85	Van Gas/Lawrence P Soares, Jr	RF68-20
03/13/85	Amoco/Robert Kristensen	RF21-12389
03/14/85	Van Gas/Herman Wagenleitner	RF68-21
03/14/85	Hertz/Dow Chemical, USA	RF76/106
03/14/85	Aztex/Kenneth L. Nipper	RF73-12
03/14/85	Seminole/Waverly Minerals	RF111-1
03/15/85	APCO/Kelly Gasoline Co	RF83-6
03/11/85 through 03/15/85	Gulf Refund Applications	RF40-1819 through RF40-1893

[FR Doc. 85-9415 Filed 4-17-85; 8:45 am]

BILLING CODE 6450-01-M

Objection to Proposed Remedial Orders Filed; Period of February 18 Through March 22, 1985

During the period of February 18 through March 22, 1985, the notices of objection to proposed remedial orders listed in the Appendix to this Notice were filed with the Office of Hearings and Appeals of the Department of Energy.

Any person who wishes to participate in the proceeding the Department of Energy will conduct concerning the proposed remedial orders described in the Appendix to this Notice must file a request to participate pursuant to 10 CFR 205.194 within 20 days after publication of this Notice. The Office of Hearings and Appeals will then determine those persons who may participate on an active basis in the proceeding and will prepare an official service list, which it will mail to all persons who filed requests to participate. Persons may also be placed on the official service list as non-participants for good cause shown.

All requests to participate in these proceedings should be filed with the Office of Hearings and Appeals, Department of Energy, Washington, D.C. 20585.

George B. Breznay,

Director, Office of Hearings and Appeals.

April 5, 1985.

Shell Oil Co., Huston, TX: HRO-0271, Crude oil

On March 20, 1985, Shell Oil Company, P.O. Box 576, Houston Texas 77001 filed a Notice of Objection to a Proposed Remedial Order which the DOE Economic Regulatory Administration issued to the firm on November 8, 1984. In the PRO, the ERA found that during September 1, 1973, through May 31, 1979, Shell's prices in first sales of crude oil which it produed and sold in the United States were in exess of the lawful ceiling prices as provided in the DOE's regulations. According to the PRO the violation resulted in $190,559,081.84 of overcharges.

Texaco, Inc., White Plains, NY; HRO-0272, refined products

On March 20, 1985, Texaco, Inc., 2000 Westchester Ave., White Plains, N.Y. 10650 filed a Notice of Objection to a Proposed Remedial Order which the DOE Economic Regulatory Administration issued to the firm on February 7, 1985. In the PRO, the ERA found that during August 19, 1973 through January 28, 1981, Texaco calculated and used excessive May 15, 1973 prices in computing its maximum lawful selling prices with respect to sales of motor gasoline, middle distillates, kerosene, and other covered products to identified and unidentified customers which had purchased those products from Texaco's Atlanta, Houston and Low Angeles sales regions and from its Paragon Oil Division on or before May 15, 1973 pursuant to written variable priced contracts. According to the PRO, one of three restitutionary methodologies should be adopted.

Texaco, Inc., White Plains, NY; HRO-0273, motor gasoline, middle distillates

On March 20, 1985, Texaco, Inc., 2000 Westchester Ave., White Plains, N.Y. 10650 filed a Notice of Objection to a Proposed Remedial Order which the DOE Economic Regulatory Administration issued to the firm on February 7, 1985. In the PRO, the ERA found that during August 19, 1973 through January 28, 1981, Texaco calculated and applied excessive May 15, 1973 prices in computing maximum lawful selling prices with respect to its sales of motor gasoline and middle distillates from Texaco's Atlanta, Houston and Los Angeles sales regions to identified and unidentified consumers, retailers, and distributors which had pruchased such products on or before May 15, 1973, pursuant to written contracts. According to the PRO, One of three restitutionary methodologies should be adopted.

Texaco, Inc., White Plains, NY; HRO-0274, middle distillates kerosene

On March 20, 1985, Texaco, Inc., 2000 Westchester Ave., White Plains, N.Y. 10650 filed a Notice of Objection to a Proposed Remedial Order which the DOE Economic Regulatory Administration issued to the firm on February 7, 1985. In the PRO, the ERA found that during September 1973 through June 1976, Texaco calculated and used excessive May 15, 1973 selling prices in computing its maximum lawful selling prices with respect to its sales of middle distillates and kerosene to identified wholesale customers in Philadelphia. According to the PRO, one of three restitutionary measures should be adopted.

Texaco, Inc., White Plains, NY; HRO-0275, propane

On March 20, 1985, Texaco, Inc., 2000 Westchester Ave., White Plains, N.Y. 10650 filed a Notice of Objection to a Proposed Remedial Order which the DOE Economic Regulatory Administration issued to the firm on February 7, 1985. In the PRO, the ERA found that during August 1973 through December 1980, Texaco calculated and used excessive May 15, 1973 prices in computing its maximum lawful selling prices with respect to its sales of propane to identified and unidentified customers which purchased propane before May 15, 1973 pursuant to written variable priced contracts. According to the PRO, one of three restitutionary methodologies should be adopted.

Texaco, Inc., White Plains, NY; HRO-0276, propane

On March 20, 1985, Texaco, Inc., 2000 Westchester Ave., White Plains, N.Y. 10650 filed a Notice of Objection to a Proposed Remedial Order which the DOE Economic Regulatory Administration issued to the firm on February 7, 1985. In the PRO, the ERA found that during November 1, 1973 through December 1980, Texaco calculated and used excessive May 15, 1973 prices in computing

its maximum lawful selling prices with respect to its sales of propane to Dow Chemical Company and Enterprise Products Company. According to the PRO, one of three restitutionary methodologies should be adopted.

[FR Doc. 85-9414 Filed 4-17-85; 8:45 am]
BILLING CODE 6450-01-M

Southwestern Power Administration

Proposed New Rate Schedule P-4B and Opportunity for Public Review and Comment

AGENCY: Southwestern Power Administration, DOE.

ACTION: Notice of proposed new Rate Schedule P-4B for power and energy sold to certain SWPA customers which desire to change their service arrangements and opportunity for public review and comment.

SUMMARY: The Administrator, Southwestern Power Administration (SWPA), has determined that a new Rate Schedule P-4B is required for certain SWPA customers which desire a change from their present firm service arrangements with load center delivery from SWPA under Rate Schedule F-4B and pursuant to contractual arrangements between SWPA and the Public Service Company of Oklahoma (PSO) and Oklahoma Gas and Electric Company (OG&E). These SWPA customers now desire peaking service arrangements with load center delivery from SWPA pursuant to other contractual arrangements between SWPA, PSO, OG&E, and/or the Oklahoma Municipal Power Authority (OMPA). The proposed Rate Schedule P-4B will have the same rates and terms for load center deliveries as the existing Rate Schedule F-4B, but will recognize the peaking service arrangements between SWPA and the affected SWPA customers, which provide for direct purchase by the affected SWPA customers of non-federally generated energy from PSO, OG&E, and/or OMPA. Since the same rates that apply under Rate Schedule F-4B (except for revenues and expenses associated with non-federally generated energy) will also apply under the proposed rate schedule, the net repayment results of the 1983 Power Repayment Study (the basis for present rate levels) will not be altered. However, the amount that SWPA must budget and receive Congressional appropriations for purchased power each year will be reduced, thereby reducing the overall annual Federal Budget. An opportunity is presented for interested parties to submit written comments on the proposed rate schedule. Following review of written comments, the Administrator will submit the proposed rate schedule to the Deputy Secretary of Energy for confirmation, approval, and placement in effect on an interim basis and also submit it to the Federal Energy Regulatory Commission (FERC) for confirmation and approval on a final basis.

DATES: Written Comments on the proposed Rate Schedule P-4B are due on or before May 3, 1985.

FOR FURTHER INFORMATION CONTACT: Francis R. Gajan, director, Power Marketing, Southwestern Power Administration, Department of Energy, P.O. Box 1619, Tulsa, Oklahoma 74101, (918)581-7529.

SUPPLEMENTARY INFORMATION: SWPA's proposed new Rate Schedule P-4B is merely a modified version of the existing Rate Schedule F-4B to recognize the change in service arrangements desired by a certain group of SWPA customers now served through PSO and OG&E under Rate Schedule F-4B. The implementation of the proposed Rate Schedule P-4B will not affect the rate levels under other SWPA rate schedules and will produce a rate level which will be identical to that for service under either Rate Schedule F-4B with elimination of the purchase cost pass-through element, or Rate Schedule P-4 with load center delivery. Furthermore, participation in the new service arrangements and, hence, the proposed Rate Schedule P-4B, is purely voluntary. The Administrator has, therefore, determined that written comments will provide adequate opportunity for public participation in the development of the proposed rate schedule and that a shortened comment period is reasonable. Consequently, written comments are due on or before fifteen (15) days following publication of the notice in the **Federal Register**.

Ten copies of written comments should be submitted to the Administrator, Southwestern Power Administration, U.S. Department of Energy, P.O. Box 1619, Tulsa, Oklahoma 74101. Following review of the written comments, the Administrator will develop the proposed rate schedule which will be submitted to the Deputy Secretary of Energy for approval on an interim basis and to FERC for approval on a final basis.

Issued in Tulsa, Oklahoma, April 9, 1985.

Ronald H. Wilkerson,

Administrator, Southwestern Power Administration.

[FR Doc. 85-9419 Filed 4-17-85; 8:45 am]
BILLING CODE 6450-01-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

NUCLEAR REGULATORY COMMISSION

Memorandum of Understanding Between Federal Emergency Management Agency and Nuclear Regulatory Commission

The Federal Emergency Management Agency (FEMA) and the Nuclear Regulatory Commission (NRC) have entered into a new Memorandum of Understanding (MOU) Relating To Radiological Emergency Planning and Preparedness. This supersedes a memorandum entered into November 4, 1980 (Published December 16, 1980, 45 FR 82713). The substantive changes in the new MOU deal principally with the FEMA handling of NRC requests for findings and determinations concerning offsite planning and preparedness. The basis and conditions for interim findings in support of licensing are defined, as well as provisions for status reports when plans are not complete. The text of the MOU is set out below except that an attachment is not included. This attachment concerns membership on a steering committee.

Memorandum of Understanding Between NRC and FEMA Relating to Radiological Emergency Planning and Preparedness

I. Background and Purpose

This memorandum of Understanding (MOU) establishes a framework of cooperation between the Federal Emergency Management Agency (FEMA) and the U.S. Nuclear Regulatory Commission (NRC) in radiological emergency response planning matters, so that their mutual efforts will be directed toward more effective plans and related preparedness measures at and in the vicinity of nuclear reactors and fuel cycle facilities which are subject to 10 CFR Part 50, Appendix E, and certain other fuel cycle and materials licensees which have potential for significant accidental offsite radiological releases. The memorandum is responsive to the President's decision of December 7, 1979, that FEMA will take the lead in offsite planning and response, his request that NRC assist FEMA in carrying out this role, and the NRC's continuing statutory responsibility for the radiological health and safety of the public.

On January 14, 1980, the two agencies entered into a "Memorandum of Understanding Between NRC and FEMA to Accomplish a Prompt Improvement in

Radiological Emergency Preparedness" that was responsive to the President's December 7, 1979, statement. A revised and updated memorandum of understanding became effective November 1, 1980. This MOU is a further revision to reflect the evolving relationship between NRC and FEMA and the experience gained in carrying out the provisions of the January and November 1980 MOU's. This MOU supersedes these two earlier versions of the MOU.

The general principles, agreed to in the previous MOU's and reaffirmed in this MOU, are as follows: FEMA coordinates all Federal planning for the offsite impact of radiological emergencies and takes the lead for assessing offsite radiological emergency response plans [1] and preparedness, makes findings and determinations as to the adequacy and capability of implementing offsite plans, and communicates those findings and determinations to the NRC. The NRC reviews those FEMA findings and determinations in conjunction with the NRC onsite findings for the purpose of making determinations on the overall state of emergency preparedness. These overall findings and determinations are used by NRC to make radiological health and safety decisions in the issuance of licenses and the continued operation of licensed plants to include taking enforcement actions as notices of violations, civil penalties, orders, or shutdown of operating reactors. This delineation of responsibilities avoids duplicative efforts by the NRC staff in offsite preparedness matters.

A separate MOU dated October 22, 1980, deals with NRC/FEMA cooperation and responsibilities in response to an actual or potential radiological emergency. Operations Response Procedures have been developed that implement the provisions of the Incident Response MOU. These documents are intended to be consistent with the Federal Radiological Emergency Response Plan which describes the relationships, role, and responsibilities of Federal agencies for responding to accidents involving peacetime nucelar emergencies.

II. Authorities and Responsibilities

FEMA—Executive Order 12148 charges the Director, FEMA, with the responsibility to ". . . establish Federal policies for, and coordinate, all civil defense and civil emergency planning, management, mitigation, and assistance functions of Executive agencies" (Section 2–101) and ". . . represent the President in working with State and local governments and the private sector to stimulate vigorous participation in civil emergency preparedness, mitigation, response, and recovery programs." (Section 2–104.)

On December 7, 1979, the President, in response to the recommendations of the Kemeny Commission on the Accident at Three Mile Island, directed that FEMA assume lead responsibility for all offsite nuclear emergency planning and response.

Specifically, the FEMA responsibilities with respect to radiological emergency preparedness as they relate to NRC are:

1. To take the lead in offsite emergency planning and to review and assess offsite emergency plans and preparedness for adequacy.

2. To make findings and determinations as to whether offsite emergency plans are adequate and can be implemented (e.g., adequacy and maintenance of procedures, training, resources, staffing levels and qualifications, and eq uipment adequacy). Notwithstanding the procedures which are set forth in 44 CFR 350 for requesting and reaching a FEMA administrative approval of State and local plans, findings, and determinations on the current status of emergency planning and preparedness around particular sites, referred to as interim findings, will be provided by FEMA for use as needed in the NRC licensing process. Such findings will be provided by FEMA on mutually agreed to schedules or on specific NRC request. The request and findings will normally be by written communications between the co-chairs of the NRC/FEMA Steering Committee. An interim finding provided under this arrangement will be an extension of FEMA's procedures for review and approval of offsite radiological emergency plans and preparedness set forth in 44 CFR 350. It will be based on the review of currently available plans and, if appropriate, joint exercise results related to a specific nuclear power plant site.

An interim finding based only on the review of currently available offsite plans will include an assessment as to whether these plans are adequate when measured against the standards and criteria of NUREG–0654/FEMA–REP–1, and, pending a demonstration through an exercise, whether there is reasonable assurance that the plans can be implemented. The finding will indicate one of the following conditions: (1) Plans are adequate and there is reasonable assurance that they can be implemented with only limited or no corrections needed; (2) plans are adequate, but before a determination can be made as to whether they can be implemented, corrections must be made to the plans or supporting measures must be demonstrated (e.g., adequacy and maintenance of procedures, training, resources, staffing levels and qualifications, and equipment adequacy); or (3) plans are adequate and cannot be implemented until they are revised to correct deficiencies noted in the Federal review.

If in FEMA's view the plans that are available are not completed or are not ready for review, FEMA will provide NRC with a status report delineating milestones for preparation of the plan by the offsite authorities as well as FEMA's actions to assist in timely development and review of the plans.

An interim finding on preparedness will be based on review of currently available plans and joint exercise results and will include an assessment as to (1) whether offsite emergency plans are adequate as measured against the standards and criteria of NUREG–0654/FEMA–REP–1, and (2) whether the exercise(s) demonstrated that there is reasonable assurance that the plans can be implemented.

An interim finding on preparedness will indicate one of the following conditions: (1) There is reasonable assurance that the plans are adequate and can be implemented as demonstrated in an exercise; (2) there are deficiencies that may adversely affect public health and safety that must be corrected in order to provide reasonable assurance that the plans can be implemented; or (3) FEMA is undecided and will provide a schedule of actions leading to a decision.

3. To assume responsibility, as a supplement to State, local, and utility efforts, for radiological emergency preparedness training of State and local officials.

4. To develop and issue an updated series of interagency assignments which delineate respective agency capabilities and responsibilities and define procedures for coordination and direction for emergency planning and response. [Current assignments are in 44 CFR 351, March 11, 1982. (47 FR 10758)].

NRC—The Atomic Energy Act of 1954, as amended, requires that the NRC grant licenses only if the health and safety of the public is adequately protected. While the Atomic Energy Act does not

[1] Assessments of offsite plans may be based on State and local government plans submitted to FEMA under its rule (44 CFR Part 350), and as noted in 44 CFR 350.3(f), may also be based on plans currently available to FEMA or furnished to FEMA through the NRC/FEMA Steering Committee.

specifically require emergency plans and related preparedness measures, the NRC requires consideration of overall emergency preparedness as a part of the licensing process. The NRC rules (10 CFR 50.33, 50.34, 50.47, 50.54, and Appendix E to 10 CFR Part 50) include requirements for the licensee's emergency plans.

Specifically, the NRC responsibilities for radiological emergency preparedness are:

1. To assess licensee emergency plans for adequacy. This review will include organizations with whom licensees have written agreements to provide onsite support services under emergency conditions.

To verify that licensee emergency plans are adequately implemented (e.g., adequacy and maintenance of procedures, training, resources, staffing levels and qualifications, and equipment).

3. To review the FEMA findings and determinations as to whether offsite plans are adequate and can be implemented.

4. To make radiological health and safety decisions with regard to the overall state of emergency preparedness (i.e., integration of emergency preparedness onsite as determined by the NRC and offsite as determined by FEMA and reviewed by NRC) such as assurance for continued operation, for issuance of operating licenses, or for taking enforcement actions, such as notices of violations, civil penalties, orders, or shutdown of operating reactors.

III. Areas of Cooperation

A. *NRC Licensing Reviews.* FEMA will provide support to the NRC for licensing reviews related to reactors, fuel facilities, and materials licensees with regard to the assessment of the adequacy of offsite radiological emergency response plans and preparedness. This will include timely submittal of an evaluation suitable for inclusion in NRC safety evaluation reports.

Substantially prior to the time that a FEMA evaluation is required with regard to fuel facility or materials license review, NRC will identify those fuel and materials licensees with potential for significant accidental offsite radiological releases and transmit a request for review to FEMA as the emergency plans are completed.

FEMA routine support will include providing assessments, findings and determinations (interim and final) on offsite plans and preparedness related to reactor license reviews. To support its findings and determinations, FEMA will make expert witnesses available before the Commission, the NRC Advisory Committee on Reactor Safeguards, NRC hearing boards and administrative law judges, for any court actions, and during any related discovery proceedings.

FEMA will appear in NRC licensing proceedings as part of the presentation of the NRC staff. FEMA counsel will normally present FEMA witnesses and be permitted, at the discretion of the NRC licensing board, to cross-examine the witnesses of parties, other than the NRC witnesses, on matters involving FEMA findings and determinations, policies, or operations; however, FEMA will not be asked to testify on status reports. FEMA is not a party to NRC proceedings and, therefore, is not subject to formal discovery requirements placed upon parties to NRC proceedings. Consistent with available resources, however, FEMA will respond informally to discovery requests by parties. Specific assignment of professional responsibilities between NRC and FEMA counsel will be primarily the responsibility of the attorneys assigned to a particular case. In situations where questions of professional responsibility cannot be resolved by the attorneys assigned, resolution of any differences will be made by the General Counsel of FEMA and the Executive Legal Director of the NRC or their designees. NRC will request the presiding Board to place FEMA on the service list for all litigation in which it is expected to participate.

Nothing in this document shall be construed in any way to diminish NRC's responsibility for protecting the radiological health and safety of the public.

B. *FEMA Review of Offsite Plans and Preparedness.* NRC will assist in the development and review of offsite plans and preparedness through its membership on the Regional Assistance Committees (RAC). FEMA will chair the Regional Assistance Committees. Consistent with NRC's statutory responsibility, NRC will recognize FEMA as the interface with State and local governments for interpreting offsite radiological emergency planning and preparedness criteria as they affect those governments and for reporting to those governments the results of any evaluation of their radiological emergency plans and preparedness.

Where questions arise concerning the interpretation of the criteria, such questions will continue to be referred to FEMA Headquarters, and when appropriate, to the NRC/FEMA Steering Committee to assure uniform interpretation.

C. *Preparation for and Evaluation of Joint Exercises.* FEMA and NRC will cooperate in determining exercise requirements for licensees, State and local governments. They will also jointly observe and evaluate exercises. NRC and FEMA will institute procedures to enhance the review of the objectives and scenarios for joint exercises. This review is to assure that both the onsite considerations of NRC and the offsite considerations of FEMA are adequately addressed and integrated in a manner that will provide for a technically sound exercise upon which an assessment of preparedness capabilities can be based. The NRC/FEMA procedures will provide for the availability of exercise objectives and scenarios sufficiently in advance of sheduled exercises to allow enough time for adequate review by NRC and FEMA and correction of any deficiencies by the licensee. The failure of a licensee to develop a scenario that adequately addresses both onsite and offsite considerations may result in NRC taking enforcement actions.

The FEMA reports will be a part of an interim finding on emergency preparedness; or will be the result of an exercise conducted pursuant to FEMA's review and approval procedures under 44 CFR Part 350. Exercise evaluations will identify one of the following conditions: (1) There is reasonable assurance that the plans are adequate and can be implemented as demonstrated in the exercise; (2) there are deficiencies that may adversely impact public health and safety that must be corrected by the affected State and local governments in order to provide reasonable assurance that the plan can be implemented; or (3) FEMA is undecided and will provide a schedule of actions leading to a decision. Within 30 days of the exercise, a draft exercise report will be sent to the State, with a copy to the Regional Assistance Committee, requesting comments and a schedule of corrective actions, as appropriate, from the State in 30 days. Where there are deficiencies of the types noted in 2 above, and when there is a potential for a remedial exercise, FEMA Headquarters will promptly discuss these with NRC Headquarters. Within 90 days of the exercise, the FEMA report will be forwarded to the NRC Headquarters. Within 15 days of receipt of the FEMA report, NRC will notify FEMA in writing of action taken with the licensee relative to FEMA initiatives with State and local governments to correct deficiencies identified in the exercise.

D. *Emergency Planning and Preparedness Guidance.* NRC has lead

responsibility for the development of emergency planning and preparedness guidance for licensees. FEMA has lead responsibility for the development of radiological emergency planning and preparedness guidance for State and local agencies. NRC and FEMA recognize the need for an integrated, coordinated approach to radiological emergency planning and preparedness by NRC licensees and State and local governments. NRC and FEMA will each, therefore, provide opportunity for the other agency to review and comment on such guidance (including interpretations of agreed joint guidance) prior to adoption as formal agency guidance.

E. Support for Document Management System. FEMA and NRC will each provide the other with continued access to those automatic data processing support systems which contain relevant emergency preparedness data.

At NRC, this includes Document Management System support to the extent that it does not affect duplication or records retention. At FEMA, this includes technical support to the Radiological Emergency Preparedness Management Information System. This agreement is not intended to include the automated information retrieval support for the national level emergency response facilities.

F. Ongoing NRC Research and Development Programs. Ongoing NRC and FEMA research and development programs that are related to State and local radiological emergency planning and preparedness will be coordinated. NRC and FEMA will each provide opportunity for the other agency to review and comment on relevant research and development programs prior to implementing them.

G. Public Information and Education Programs. DEMA will take the lead in developing public information and education programs. NRC will assist FEMA by reviewing for accuracy educational materials concerning radiation and its hazards and information regarding appropriate actions to be taken by the general public in the event of an accident involving radioactive materials.

IV. NRC/FEMA Steering Committee

The NRC/FEMA Steering Committee on Emergency Preparedness will continue to be the focal point for coordination of emergency planning, preparedness, and response activities between the two agencies. The Steering Committee will consist of an equal number of members to represent each agency with one vote per agency. When the Steering Committee cannot agree on the resolution of an issue, the issue will be referred to NRC and FEMA management. The NRC members will have lead responsibility for licensee planning and preparedness and the FEMA members will have lead responsibility for offsite planning and preparedness. The Steering Committee will assure coordination of plans and preparedness evaluation activities and revise, as necessary, acceptance criteria for licensee, State, and local radiological emergency planning and preparedness. NRC and FEMA will then consider and adopt criteria, as appropriate, in their respective jurisdictions. (See Attachment 1.)

V. Working Arrangements

A. The normal point of contact for implementation of the points in this MOU will be the NRC/FEMA Steering Committee.

B. The Steering Committee will establish the day-to-day procedures for assuring that the arrangements of this MOU are carried out.

VI. Memorandum of Understanding

A. This MOU shall be effective as of date of signature and shall continue in effect unless terminated by either party upon 30 days notice in writing.

B. Amendments or modifications to this MOU may be made upon written agreement by both parties.

Approved for the U.S. Nuclear Regulatory Commission.

Dated: April 3, 1985.

William J. Dircks,

Executive Director for Operations.

Approved for the Federal Emergency Management Agency.

Dated: April 9, 1985.

Samuel W. Speck,

Associate Director, State and Local Programs and Support.

[FR Doc. 85-9308 Filed 4-17-85; 8:45 am]

BILLING CODE 6718-01-M

FEDERAL HOME LOAN BANK BOARD

State Savings and Loan Association; Salt Lake City, UT; Appointment of Receiver

Notice is hereby given that pursuant to the authority contained in section 406(c)(1)(B)(i)(I) of the National Housing Act, 12 U.S.C. 1729(c)(1)(B)(i)(I) (1982), the Federal Home Loan Bank Board duly appointed the Federal Savings and Loan Insurance Corporation as sole receiver for State Savings and Loan Association, Salt Lake City, Utah, on April 12, 1985.

Dated: April 15, 1985.

Jeff Sconyers,

Secretary.

[FR Doc. 85-9362 Filed 4-17-85; 8:45 am]

BILLING CODE 6720-01-M

FEDERAL RESERVE SYSTEM

Citicorp, et al.; Applications To Engage de Novo in Permissible Nonbanking Activities; Correction

This notice corrects a previous **Federal Register** document (FR Doc. No. 85-6785), published at page 11561 of the issue for Firday, March 22, 1985, specifying a period for public comment concerning an application by Citicorp, New York, New York, to engage in data processing and data transmission activities. Citicorp proposes to engage in these activities world-wide. Comments on this application must be received at the Federal Reserve Bank of New York, not later than May 2, 1985.

Board of Governors of the Federal Reserve System, April 15, 1985.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 85-9317 Filed 4-17-85; 8:45 am]

BILLING CODE 6210-01-M

Applications To Engage de Novo in Permissible Nonbanking Activities; the Marine Corp., et al.

The companies listed in this notice have filed an application under § 225.23(a)(1) of the Board's Regulation Y (12 CFR 225.23(a)(1)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to commence or to engage *de novo*, either directly or through a subsidiary, in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such

as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Unless otherwise noted, comments regarding the applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than May 8, 1985.

A. **Federal Reserve Bank of Chicago** (Franklin D. Dreyer, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *The Marine Corporation,* Milwaukee, Wisconsin; to engage *de novo* through its subsidiary, The Marine Trust Company, N.A., Milwaukee, Wisconsin, in acting as investment or financial adviser to the extent of serving as an investment adviser (as defined in section 2(a)(20) of the Investment Company Act of 1940, 15 U.S.C. 80a-2(a)(20), to an investment company registered under the Act.

2. *Riverdale Bancorporation, Inc.,* Riverdale, Illinois; to engage *de novo* directly in the activity of leasing personal and real property.

B. **Federal Reserve Bank of San Francisco** (Harry W. Green, Vice President) 101 Market Street, San Francisco, California 94105:

1. *Centennial Beneficial Corp.,* Orange, California; to engage *de novo* through its subsidiary, Centennial Beneficial Mortgage Company, Orange, California, in making, acquiring, and servicing loans and other extensions of credit such as would be made by a mortgage company or commercial loan company. This notice is for the expansion of the geographic scope of these previously approved activities to include the State of Arizona.

Board of Governors of the Federal Reserve System, April 12, 1985.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 85-9356 Filed 4-17-85; 8:45 am]

BILLING CODE 6210-01-M

Formations of; Acquisitions by; and Mergers of Bank Holding Companies; Community Bancshares, Inc., et al.

The companies listed in this notice have applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) and § 225.14 of the Board's Regulation Y (12 CFR 225.14) to become a bank holding company or to acquire a bank or bank holding company. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank or to the offices of the Board of Governors. Any comment on an appliction that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Unless otherwise noted, comments regarding each of these applications must be received not later than May 10, 1985.

A. **Federal Reserve Bank of Cleveland** (Lee S. Adams, Vice President) 1455 East Sixth Street, Cleveland, Ohio 44101:

1. *Community Bancshares, Inc.,* Hustonville, Kentucky; to become a bank holding company by acquiring 80 percent of the voting shares of The Peoples Bank of Hustonville, Hustonville, Kentucky.

B. **Federal Reserve Bank of Atlanta** (Robert E. Heck, Vice Presdient) 104 Marietta Street NW., Atlanta, Georgia 30303:

1. *CB&T Bancshares, Inc.,* Columbus, Georgia; to acquire 100 percent of the voting shares of Cohutta Bancshares, Inc., Chatsworth, Georgia, thereby indirectly acquiring The Cohutta Banking Company, Chatsworth, Georgia.

C. **Federal Reserve Bank of Chicago** (Franklin D. Dreyer, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

Marshall & Ilsley Corporation, Milwaukee, Wisconsin; to acquire 100 percent of the voting shares of Bay View State Bank, Milwaukee, Wisconsin.

D. **Federal Reserve Bank of St. Louis** (Delmer P. Weisz, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

1. *CB&T Capital Corporation,* Louisville, Mississippi; to become a bank holding company by acquiring 100 percent of the voting shares of Citizens Bank & Trust Company, Louisville, Mississippi.

Board of Governors of the Federal Reserve System, April 12, 1985.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 85-9355 Filed 4-17-85; 8:45 am]

BILLING CODE 6210-01-M

FEDERAL TRADE COMMISSION

Granting of Request for Early Termination of the Waiting Period Under the Premerger Notification Rules

Section 7A of the Clayton Act, 15 U.S.C. 18a, as added by Title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Federal Trade Commission and the Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the **Federal Register.**

The following transactions were granted early termination of the waiting period provided by law and the premerger notification rules. The grants were made by the Federal Trade Commission and the Assistant Attorney General for the Antitrust Division of the Department of Justice. Neither agency intends to take any action with respect to these proposed acquisitions during the applicable waiting period:

Transaction	Waiting period terminated effective
(1) 85-0269—Impenal Chemical Industnes' proposed acquisition of voting securities of Garst Seed Company	Mar 22, 1985
(2) 85-0181—Lowe's Companies, Inc 's proposed acquisition of assets of Boise Cascade Corporation	Mar 25, 1985
(3) 85-0249—Donald Hoodes' proposed acquisition of assets of Jones & Lamson Division, (Textron, Inc , UPE)	Do
(4) 85-0276—McDonnell Douglas Corporation's proposed acquisition of voting securities of INCO, Inc Stock Bonus Plan and Trust an ESOP	Do
(5) 85-0206—Sonoco Products Company's proposed acquisition of voting securities of KMI Continental Fibre Drum, Inc , (Peter Kiewit Son's, Inc., UPE)	Mar 26, 1985
(6) 85-0248—Johnson Controls, Inc 's proposed acquisition of voting securities of Hoover Universal, Inc	Do
(7) 85-0257—Merrill Lynch & Co., Inc 's proposed acquisition of assets of Wagner, Stott & Co	Do
(8) 85-0277—Instituto Finanziano Industriale S P A 's proposed acquisition of voting securities of RC Cement Company, Inc.	Do
(9) 85-0281—Massachusetts Mutual Life Insurance Company's proposed acquisition of voting securities of MassMutual Mortgage and Realty Investors.	Do

Transaction	Waiting period terminated effective
(10) 85-0287—The New York Times Company's, (The Ochs Trust, UPE) proposed acquisition of voting securities of three newspapers, (Public Welfare Foundation, Inc., UPE)	Do
(11) 85-0256—Terneco Inc.'s proposed acquisition of assets of Mobil Corporation	Mar. 27, 1985.
(12) 85-0261—Borden, Inc.'s proposed acquisition of assets of UPE plus voting securities of Texales Limited and Crown France S.A., (Reed International, P.L.C., UPE)	Do
(13) 85-0273—Zilber, Ltd., (Joseph J. Zilber, UPE)'s proposed acquisition of voting securities of Houstonian, Inc.	Do
(14) 85-0296—General Mills, Inc.'s proposed acquisition of voting securities of Vroman Foods, Inc., (Robert H. Vroman, UPE)	Do.
(15) 85-0305—Advance Voting Trust u/i/ w/t Samuel I. Newhouse's proposed acquisition of voting securities of The New Yorker Magazine, Inc.	Do
(16) 85-0205—Tate & Lyle, PLC's proposed acquisition of voting securities of Colonial Sugars, Inc., (H. Taylor Morrissette, UPE)	Mar. 28, 1985.
(17) 85-0267—Harris Corporation's proposed acquisition of assets of Exxon Office Systems Company, (Exxon Corporation, UPE)	Do
(18) 85-0285—Metal Box p.l.c.'s proposed acquisition of voting securities of Clarke Checks Inc., (Clarke Printing & Packaging Company, UPE)	Do
(19) 85-0295—Paracelsus Healthcare Corporation, (Dr. med. Hartmut Krukemeyer, UPE)'s proposed acquisition of voting securities of Chico Community Hospital and Lodi Community Hospital, (National Medical Enterprises, UPE)	Do
(20) 85-0311—Plastic Management Corp.'s proposed acquisition of assests of the Chemical Division of (The Sherwin-Williams Company, UPE)	Do
(21) 85-0250—Dresser Industries, Inc.'s proposed acquisition of assets of McGraw-Edison Company	Mar. 29, 1985
(22) 85-0268—United Savings of America's proposed acquisition of voting securities of Wisconsin Finance Corporation	Do
(23) 85-0278—Beverly Enterprises' proposed acquisition of voting securities of Hume Medical Systems, Inc.	Do
(24) 85-0289—AMBAC Partners proposed acquisition of assets of AMBAC Indemnity Corporation, (Baldwin-United Corporation, UPE)	Do
(25) 85-1130—Hospital Corporation of America's proposed acquisition of voting securities of Forum Group Inc.	Apr. 1, 1985
(26) 85-0308—Shamrock Capital, L.P.'s proposed acquisition of voting securities of Central Soya Company, Inc.	Do
(27) 85-0290—Cummins Engine Company, Inc.'s proposed acquisition of voting securities of McCord Heat Transfer Corporation, (Ex-Cello Corporation, UPE)	Apr. 2, 1985
(28) 85-0306—The Mennen Company's proposed acquisition of assets of Paper Art Company, Inc., (William E. Atcheson, UPE)	Do
(29) 85-0288—Inspiration Resources Corporation's proposed acquisition of voting securities of Adobe Oil & Gas Corporation	Apr. 3, 1985
(30) 85-0299—American Telephone and Telegraph Company's proposed acquisition of assets of Synertek, Inc., Honeywell Synertek Pte Ltd., Honeywell—Synertek Ltd., Honeywell GmbH, (Honeywell Inc., UPE)	Do
(31) 85-0316—American Can Company's proposed acquisition of voting securities of Berg Enterprises, Inc.	Do
(32) 85-0320—Sunshine Mining Company's proposed acquisition of voting securities of Woods Petroleum Corporation	Do
(33) 85-0321—Sunshine Mining Company's proposed acquisition of voting securities of Woods Petroleum Corporation	Do
(34) 85-0323—Jack Eckerd Corporation's proposed acquisition of voting securities of Ross Stores, Inc.	Do
(35) 85-0324—Frank C. Carlow's proposed acquisition of voting securities of Columbia Northwest Corporation, (Ashland Oil Company, UPE)	Do
(36) 85-0325—Michael P. Carlow's proposed acquisition of voting securities of Columbia Northwest Corporation, (Ashland Oil Company, UPE)	Do
(37) 85-0333—CBS, Incorporated's proposed acquisition of voting securities of Winterland Concessions Company.	Do
(38) 85-0187—Entrad Corporation Limited's proposed acquisition of voting securities of Tootal Group PLC.	Apr. 4, 1985
(39) 85-0300—Van Dusen Air, Inc.'s proposed acquisition of assets of Burlington Northern Airmotive Inc., (Burlington Northern Inc., UPE)	Do
(40) 85-0312—Sodexho S.A.'s proposed acquisition of voting securities of The Seiler Corporation	Do
(41) 85-0334—Cargill, Incorporated's proposed acquisition of assets of Hunt Steel Division's Mini Mill, (Hunt Energy Co., Inc., UPE)	Do
(42) 85-0292—Macmillan, Inc.'s proposed acquisition of voting securities of ten subsidiaries of ITT Corporation	Apr. 5, 1985
(43) 85-0291—London and Northern Group PLC's proposed acquisition of voting securities of Rockville Crushed Stone, Inc. (Equitable Bank, N.A. UPE)	Do
(44) 85-0326—Eastman Kodak Company's proposed acquisition of voting securities of Eikonix Corporation	Do

FOR FURTHER INFORMATION CONTACT: Sandra M. Peay, Legal Technician, Premerger Notification Office, Bureau of Competition, Room 303, Federal Trade Commission, Washington, D.C. 20580, (202) 523-3894.

By direction of the Commission.

Emily H. Rock,

Secretary.

[FR Doc. 85-9312 Filed 4-17-85; 8:45 am]

BILLING CODE 6750-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Alcohol, Drug Abuse, and Mental Health Administration

Development of National Plan to Combat Alcohol Abuse and Alcoholism

AGENCY: National Institute on Alcohol Abuse and Alcoholism, HHS.

ACTION: Invitation to comment on development of a national plan to combat alcohol abuse and alcoholism.

SUMMARY: The Secretary is required to transmit to the Congress, by October 1, 1985, a comprehensive national plan to combat alcohol abuse and alcoholism, including a description of a model program for activities to be undertaken by the States; an analysis of the social and economic costs to the Nation; assesssment of current treatment and rehabilitation needs including integration into the overall health care system; assessment of personnel needs in the fields of research, treatment, rehabilitation, and prevention; a statement of specific goals and objectives necessary to meet current treatment, rehabilitation, and personnel needs through specific modifications of appropriate Federal, State, local, and private policies (including Medicare and Medicaid) to ensure appropriate cost effective treatment and prevention of alcohol abuse and alcoholism; and estimates of public and private resources necessary to accomplish these goals, as well as anticipated resource savings to accrue from these changes. This notice invites comment on the national plan.

DATE: Receipt date for comments: May 20, 1985.

ADDRESS: Submit written comments to: Mr. Loran D. Archer, Deputy Director, National Institute on Alcohol Abuse and Alcoholism, Room 16-105, 5600 Fishers Lane, Rockville, Maryland 20857.

FOR FURTHER INFORMATION CONTACT: Mr. Loran D. Archer, (301) 443-3651.

SUPPLEMENTARY INFORMATION: The Alcohol Abuse, Drug Abuse, and Mental Health Amendments of 1984 (Pub. L. 98-509) requires the Secretary to prepare and transmit to the Congress a report which sets forth a comprehensive national plan to combat alcohol abuse and alcoholism. Section 208 of that statute provides that the report shall include:

(1) Description of a model program for activities to be conducted by the States to combat alcohol abuse and alcoholism;

(2) An analysis of the social and economic costs of alcoholism and alcohol abuse to the Nation, including amounts expended by public agencies and private organizations—

(A) For the treatment of individuals for alcohol abuse and alcoholism, including a division of such amounts among the types of settings in which such treatment is provided;

(B) For treatment of individuals for health problems resulting from alcohol abuse and alcoholism; and

(C) To meet other costs resulting from alcohol abuse and alcoholism, such as costs resulting from lost employee productivity;

(3) An assessment of current treatment and rehabilitation needs and the current integration and financing of alcoholism treatment and rehabilitation into the Nation's health care system;

(4) An assessment of personnel needs in the field of research, treatment, rehabilitation, and prevention;

(5) A statement of specific goals and objectives to meet the Nation's current treatment, rehabilitation, and personnel needs in the area of alcoholism and alcohol abuse and plans to meet those needs through specific modification of Federal, State, local and private policies and regulations, including a specification of recommendations for legislation—

(A) To establish Federal programs and to provide Federal funds to encourage States to adopt and implement the model program described under paragraph (1); and

(B) To modify programs and activities conducted, and services provided, under—

(i) Part B of title XIX of the Public Health Service Act;

(ii) Titles XVIII and XIX of the Social Security Act;

(iii) Chapter 89 of Title 5, United States Code; and

(iv) Sections 1079 and 1080 of title 10, United States Code.

in order to ensure appropriate cost-effective treatment and prevention of alcohol abuse and alcoholism; and

(6) Estimates of public and private resources needed to accomplish the goals and objectives referred to in paragraph (5) as well as resource savings that can be anticipated from achieving the national objectives.

The public is invited to submit written comments, views, and suggestions on these matters.

Donald Ian Macdonald,

Administrator, Alcohol, Drug Abuse, and Mental Health Administration.

[FR Doc. 85-9329 Filed 4-17-85; 8:45 am]

BILLING CODE 4160-20-M

Health Resources and Services Administration

Statement of Organization, Functions and Delegations of Authority

Part H, Chapter HB (Health Resources and Services Administration) of the Statement of Organization, Functions and Delegations of Authority of the Department of Health and Human Services (47 FR 38409, August 31, 1982, as amended most recently at 50 FR 3415-16, January 24, 1985), is amended to reflect the following changes in the functional statement for the Office of Planning, Evaluation and Legislation in the Health Resources and Services Administration: (1) The consolidation of the planning and evaluation functions into one division and a change in the title of the Division of Program Planning to the Division of Planning and Evaluation; (2) a change in the title of the Division of Planning and Evaluation; (2) a change in the title of the Division of Evaluation and Analysis to the Division of Information and Analysis to reflect the deletion of the evaluation functions and consolidation of information and program development functions now shared by the Division of Planning and Division of Evaluation and Analysis; and (3) deletion from the functional statement for the Division of Legislation of the legislative proposal development function, which is transferred to the Division of Planning and Evaluation.

Under Section HB-10, Organization and Functions, delete all division statements under the *Office of Planning, Evaluation and Legislation (HBA6)* in their entirety and substitute the following:

Division of Planning and Evaluation (HBA62). (1) Serves as the Administrator's primary staff unit and principal source of advice on program planning and evaluation; (2) oversees communications between the Administration and higher levels of the Department on all matters that involve program plans and evaluation of program performance; (3) maintains liaison with other Federal and non-Federal health agencies on matters within its areas of responsibility; (4) develops short-range goals, objectives and priorities for the Administration; (5) coordinates interrelated bureau activities which influence programmatic planning; (6) develops in collaboration with financial management staff the short-range program and financial plan for the Administration; (7) anlayzes budgetary data with regard to planning guidelines; (8) prepares policy analysis papers and other planning documents as required in the Administration's srategic planning process; (9) collaborates with the Office of Management in the development of the current and budget year financial plans; (10) develops legislative proposals; and (11) provides technical assistance to support the evaluation of policy and operations questions undertaken in the Administration.

Division of Information and Analysis (HBA63). (1) Serves as the Administrator's primary staff unit and principal source of advice on program information and analysis; (2) oversees communications between the Administration and higher levels of the Department on all matters that involve analysis of program policy; (3) maintains liasion with other Federal and non-Federal health agencies on matters within its area of responsibility; (4) provides with the Director of Planning and Evaluation technical assistance to support the statistical, economic, operations research, cost benefit, and other scientific analyses of policy questions undertaken in the Administration; (5) supports development of long-range objectives and strategies; (6) identifies for the Administrator data required for use in the management and direction of Administration programs; (7) assesses and analyzes trends and makes forecasts about health services systems for use in the program management and decisionmaking process; (8) monitors ongoing information systems which produce analytical data about the Agency's programs; (9) provides support in the development of small computer-assisted information applications and management decision tools; (10) performs analyses of the impact of Agency programs on specific groups within the population, including minorities, and develops appropriate solutions to problems of illness and disease; and (11) coordinates the Administration's public use reports clearance function.

Division of Legislation (HBA64). (1) Serves as the Administrator's primary staff unit and principal source of advice on legislative affairs; (2) oversees communications between the Administration and higher levels of the Department on legislative matters; (3) oversees the legislative program for the Administration; (4) develops a legislative program for the Administration; (5) prepares the Administration's analyses, position papers, and reports on proposed legislation; (6) supervises the preparation of testimony and backup materials on the Administration's legislative program for presentation to Congressional Committees; (7) monitor hearings and Congressional activities affecting the Administration; (8) in conjunction with the OAS(L), coordinates the preparation of information requested by, and provides technical assistance to, Congressional Committees, Members of Congress, or their staffs in relation to the Administration's legislative program; and (9) coordinates the distribution of legislative materials and serves as a legislative reference center.

These functional changes are effective on date of signature.

Dated: April 8, 1984.

James O. Mason,

Acting Assistant Secretary for Health.

[FR Doc. 85-9304 Filed 4-17-85; 8:45 am]

BILLING CODE 4160-15-M

Social Security Administration

Statement of Organization, Functions and Delegations of Authority

Part S of the Statement of Organization, Functions and Delegations of Authority for the Department of Health and Human Services (DHHS) covers the Social Security Administration (SSA). Sections SJ.10 and SJ.20 of the SSA statement, as published in the **Federal Register** on July 18, 1984 (49 FR 29153-54) and amended on October 29, 1984, describe the organization and functions of SSA's Office of Disability (OD).

Notice is hereby given that Sections SJ.10 and SJ.20 are amended to reflect the change in organizational title of the Medical Consultant Staff, OD to the Office of Medical Evaluation, OD. The OD material is amended as follows:

Section SJ.10 *The Office of Disability*—(Organization):

Delete:

D. The Medical Consultant Staff ( ).

Add:

D. The Office of Medical Evaluation ( ).

Section SJ.20 *The Office of Disability*—(Functions):

Delete:

D. The Medical Consultant Staff ( ).

Add:

D. The Office of Medical Evaluation ( ).

Dated: April 8, 1985.

Nelson J. Sabatini,

Acting Deputy Commissioner for Management and Assessment.

[FR Doc. 85-9363 Filed 4-17-85; 8:45 am]

BILLING CODE 4190-11-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Housing—Federal Housing Commissioner

[Docket No. N-85-1521; FR-2086]

General Prototype Housing Costs for One- to Four-Family Dwelling Units

AGENCY: Office of the Assistant Secretary for Housing—Federal Housing Commissioner, HUD.

ACTION: Notice.

SUMMARY: The Housing and Community Development Act of 1977 requires the Department to publish prototype housing costs for a variety of one- to four-family dwelling units in each market area throughout the United States. This Notice announces the 1984 prototype costs, and is intended to provide the public with the typical cost of a single family dwelling in a definite area.

FOR FURTHER INFORMATION CONTACT: Brain Chappelle, Director, Single Family Development Division, Office of Single Family Housing, Department of Housing and Urban Development, Room 9270, 451 Seventh Street, SW., Washington, D.C. 20410, telephone (202) 755-6720. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: Section 904 of the Housing and Community Development Act of 1977 (42 U.S.C. 3540) requires HUD to prepare and publish annually prototype housing costs for one- to four-family dwelling units for each market area in the United States. The most recent publication of prototype costs by the Department was on August 24, 1982 (see 47 FR 36970). These prototype figures are intended to serve as an aid to the general public in estimating typical housing costs in a particular market area. These prototype costs are not the same as those published annually by the Department under section 6(b) of the United States Housing Act of 1937 for use in public housing projects.

The prototpye costs are developed by HUD using data submitted from HUD field offices and the public and general data gathered by the Department in administering the National Housing Act section 203(b) single family mortgage insurance program. The prototype costs include costs for land and site improvement, and cover both urban and rural areas of each market area. Generally, prototype costs represent the sales price.

The tables that follow this document list the prototype costs for all market areas. Because of the lack of information on two-, three-, and four-family dwelling units, costs generally include figures for one-family dwellings only. In consideration of varying economic situations, prototype costs are divided into three cost ranges: Low, medium and high. The typical low-range, one-family dwelling contains three bedrooms and one full bath. The typical medium-range one-family dwelling contains three or four bedrooms and two full baths. The typical high-range one-family dwelling contains three to five bedrooms and two or three full baths.

A Finding of No Significant Impact with respect to the environment required by the National Environmental Policy Act (42 U.S.C. 4321-4347) is unnecessary, since prototype cost notices are categorically excluded under HUD regulations at 24 CFR 50.21(a).

Authority: Sec. 904, Housing and Community Development Act of 1977 (42 U.S.C. 3540); sec. 7(d), Department of HUD Act (42 U.S.C. 3535(d))

Dated: April 10, 1985.

Shirley McVay Wiseman,

General Deputy Assistance Secretary for Housing—Deputy Federal Housing Commissioner.

SCHEDULE OF PROTOTYPE HOUSING COSTS: 1- TO 4-FAMILY DWELLINGS

Market area	Low range	Medium range	High range
Field Office: Boston, MA			
Typical square foot area	1,000	1,250	1,430
Boston			
1-family dwelling	$67,587	$97,070	$135,383
2-family dwelling		103,141	
3-family dwelling			
4-family dwelling			
Pittsfield			
1-family dwelling	59,896	88,000	120,969
2-family dwelling		92,377	
3-family dwelling			
4-family dwelling			
Worcester			
1 family dwelling	60,297	88,620	122,470
2-family dwelling		93,013	
3-family dwelling			
4-family dwelling			
Springfield			
1-family dwelling	60,310	88,100	122,400
2-family dwelling		93,040	
3-family dwelling			
4-family dwelling			
Cape Cod			
1-family dwelling	61,130	90,875	124,206
2-family dwelling		96,516	
3-family dwelling			
4-family dwelling			
Field Office: Hartford, CT			
Typical square foot area	880	1,000	1,120
New Haven-Milford			
1-family dwelling	$67,842	$75,790	$82,805
2-family dwelling			
3-family dwelling			
4-family dwelling			
Hartford:			
1-family dwelling	68,305	76,920	83,676
2-family dwelling			
3-family dwelling			
4-family dwelling			
Bridgeport-Fairfield			
1-family dwelling	71,785	77,115	86,516
2-family dwelling			
3-family dwelling			
4-family dwelling			
Field Office: Manchester, NH			
Typical square foot area	960	1,690	1,980
Portland, ME			
1-family dwelling	$55,230	$94,490	$128,660
2 family dwelling			
3-family dwelling			
4 family dwelling			
Bangor, ME			
1-family dwelling	54,149	93,260	123,080
2 family dwelling			
3 family dwelling			
4-family dwelling			

SCHEDULE OF PROTOTYPE HOUSING COSTS: 1- TO 4-FAMILY DWELLINGS—Continued

Market area	Low range	Medium range	High range
Augusta, ME			
1-family dwelling	54,610	91,500	125,227
2-family dwelling			
3-family dwelling			
4-family dwelling			
Manchester, NH			
1-family dwelling	53,900	91,210	123,167
2-family dwelling			
3-family dwelling			
4-family dwelling			
Keene, NH			
1-family dwelling	52,975	86,995	119,390
2-family dwelling			
3-family dwelling			
4-family dwelling			
Portsmouth, NH			
1-family dwelling	57,400	92,855	123,854
2-family dwelling			
3-family dwelling			
4-family dwelling			
Burlington, VT			
1-family dwelling	56,420	93,575	125,830
2-family dwelling			
3-family dwelling			
4-family dwelling			
Field Office: Providence, RI			
Typical square foot area	1,040	1,250	1,540
Rhode Island			
1-family dwelling	$68,012	$84,747	$101,120
2-family dwelling			
3-family dwelling			
4-family dwelling			
Field Office: Albany, NY			
Typical square foot area	936	1,092	1,972
Albany-Troy			
1-family dwelling	$51,100	$63,400	$98,100
2-family dwelling			
3-family dwelling			
4-family dwelling			
Auburn			
1-family dwelling	49,750	61,200	90,050
2-family dwelling			
3-family dwelling			
4-family dwelling			
Binghamton			
1-family dwelling	48,650	59,850	95,300
2-family dwelling			
3-family dwelling			
4-family dwelling			
Ithaca			
1-family dwelling	48,650	59,850	99,550
2-family dwelling			
3-family dwelling			
4-family dwelling			
Plattsburgh			
1-family dwelling	48,650	59,850	94,250
2-family dwelling			
3-family dwelling			
4-family dwelling			
Poughkeepsie-Kingston			
1-family dwelling	54,350	67,450	104,250
2-family dwelling			
3-family dwelling			
4-family dwelling			
Schenectady			
1-family dwelling	51,100	63,400	98,100
2-family dwelling			
3-family dwelling			
4-family dwelling			
Syracuse			
1-family dwelling	50,450	62,150	97,750
2-family dwelling			
3-family dwelling			
4-family dwelling			
Utica-Rome			
1-family dwelling	49,000	60,250	94,950
2-family dwelling			
3-family dwelling			
4-family dwelling			
Watertown			
1-family dwelling	48,250	59,350	93,550
2-family dwelling			
3-family dwelling			
4-family dwelling			

SCHEDULE OF PROTOTYPE HOUSING COSTS: 1- TO 4-FAMILY DWELLINGS—Continued

Market area	Low range	Medium range	High range
Field Office: Buffalo, NY			
Typical square foot area	960	1,040	1,140
Buffalo:			
1-family dwelling	$56,800	$74,900	$95,900
2-family dwelling	90,100	113,125	138,550
3-family dwelling			
4-family dwelling			
Rochester:			
1-family dwelling	57,975	76,550	97,050
2-family dwelling	91,675	114,050	138,800
3-family dwelling			
4-family dwelling			
Elmira:			
1-family dwelling	46,275	63,000	79,100
2-family dwelling	76,800	96,875	120,900
3-family dwelling			
4-family dwelling			
Jamestown:			
1-family dwelling	48,675	67,700	85,150
2-family dwelling	81,625	101,900	126,200
3-family dwelling			
4-family dwelling			
Field Office: Camden, NJ			
Typical square foot area	1,160	1,320	1,480
Burlington, Camden, and Gloucester Counties:			
1-family dwelling	$50,425	$74,000	$91,800
2-family dwelling			
3-family dwelling			
4-family dwelling			
Cumberland, Salem, and Part of Atlantic Counties:			
1-family dwelling	50,450	69,200	79,000
2-family dwelling			
3 family dwelling			
4 family dwelling			
Atlantic (Shore) County:			
1-family dwelling	62,000	83,400	102,350
2-family dwelling			
3-family dwelling			
4-family dwelling			
Mercer County:			
1-family dwelling	55,200	74,600	91,800
2-family dwelling			
3-family dwelling			
4 family dwelling			
Ocean County:			
1-family dwelling	52,700	82,000	97,850
2 family dwelling			
3 family dwelling			
4-family dwelling			
Field Office: Newark, NJ			
Typical square foot area	1,000	1,475	1,818
Asbury Park:			
1-family dwelling	$65,800	$81,100	$86,900
2-family dwelling			
3-family dwelling			
4-family dwelling			
Morristown:			
1-family dwelling	81,200	97,400	103,500
2-family dwelling			
3-family dwelling			
4-family dwelling			
New Brunswick:			
1-family dwelling	73,100	89,100	102,900
2-family dwelling			
3-family dwelling			
4-family dwelling			
Plainfield:			
1-family dwelling	68,000	83,900	89,900
2-family dwelling			
3-family dwelling			
4-family dwelling			
Somerville:			
1-family dwelling	72,100	88,100	94,200
2-family dwelling			
3-family dwelling			
4-family dwelling			
Field Office: New York, NY			
Typical square foot area	1,040	1,490	2,440
Orange County:			
1-family dwelling	$53,800	$84,425	$132,750

SCHEDULE OF PROTOTYPE HOUSING COSTS: 1- TO 4-FAMILY DWELLINGS—Continued

Market area	Low range	Medium range	High range
2-family dwelling	73,450	117,300	170,650
3-family dwelling	115,800	126,000	216,150
4-family dwelling	137,850	198,800	285,150
Rockland County:			
1-family dwelling	60,400	91,350	146,450
2-family dwelling	75,000	118,400	163,900
3-family dwelling	118,250	134,050	215,000
4-family dwelling	225,850	208,250	301,150
Nassau/Suffolk Counties:			
1-family dwelling	58,500	97,150	161,500
2-family dwelling	80,600	121,000	174,400
3-family dwelling	122,850	146,050	241,200
4-family dwelling	167,200	223,100	317,450
New York City, Westchester and Putnam Counties:			
1-family dwelling	59,400	96,300	145,300
2-family dwelling	76,600	120,600	176,900
3-family dwelling	116,400	152,950	267,650
4-family dwelling	132,850	201,650	334,400
Field Office: San Juan, PR			
Typical square foot area	860	1,160	1,620
San Juan:			
1-family dwelling	$55,000	$70,000	$80,000
2-family dwelling			
3-family dwelling			
4-family dwelling			
Ponce:			
1-family dwelling	40,000	55,000	70,000
2-family dwelling			
3-family dwelling			
4-family dwelling			
Mayaguez:			
1-family dwelling	40,000	55,000	70,000
2-family dwelling			
3-family dwelling			
4-family dwelling			
Field Office: Baltimore, MD			
Typical square foot area	1,086	1,656	1,944
Baltimore:			
1-family dwelling	$81,667	$99,260	$111,858
2-family dwelling			
3-family dwelling			
4-family dwelling			
Hagerstown:			
1-family dwelling		66,789	104,256
2-family dwelling			
3-family dwelling			
4-family dwelling			
Salisbury:			
1-family dwelling	63,857	72,545	86,063
2-family dwelling			
3-family dwelling			
4-family dwelling			
Waldorf:			
1-family dwelling	65,595	96,655	120,545
2-family dwelling			
3-family dwelling			
4-family dwelling			
Field Office: Charleston, WV			
Typical square foot area	980	1,150	2,600
Charleston:			
1-family dwelling	$60,335	$88,900	$127,265
2-family dwelling			
3-family dwelling			
4-family dwelling			
Beckley/Princeton/ Bluefield:			
1-family dwelling	58,600	111,635	123,535
2-family dwelling			
3-family dwelling			
4-family dwelling			
Martinsburg:			
1-family dwelling	53,165	78,35	112,135
2 family dwelling			
3 family dwelling			
4-family dwelling			
Wheeling:			
1-family dwelling	61,635	90,700	129,600
2-family dwelling			
3-family dwelling			
4-family dwelling			
Huntington:			
1-family dwelling	60,165	88,035	126,035

Market area	Low range	Medium range	High range
2-family dwelling			
3-family dwelling			
4-family dwelling			
Parkersburg:			
1-family dwelling	$59,835	$88,035	$126,035
2-family dwelling			
3-family dwelling			
4-family dwelling			
Upper Monongalia:			
1-family dwelling	$60,365	$88,900	$127,235
2-family dwelling			
3-family dwelling			
4-family dwelling			

Field Office: Philadelphia, PA

Typical square foot area	1,220	1,790	2,200
Philadelphia:			
1-family dwelling	$63,450	$85,925	$76,165
2-family dwelling	68,630	72,515	83,700
3-family dwelling			
4-family dwelling			
Pottstown-Reading:			
1-family dwelling	61,656	64,510	71,575
2-family dwelling	67,690	70,985	78,635
3-family dwelling			
4-family dwelling			
Allentown-Bethlehem-Easton:			
1-family dwelling	62,155	64,980	72,160
2-family dwelling	68,275	71,455	79,345
3-family dwelling			
4-family dwelling			
Lancaster-York:			
1-family dwelling	59,800	63,450	72,400
2-family dwelling	65,690	69,810	79,580
3-family dwelling			
4-family dwelling			
Harrisburg:			
1-family dwelling	59,215	62,510	69,340
2-family dwelling	65,100	68,750	76,260
3-family dwelling			
4-family dwelling			
Wilkes-Barre-Scranton:			
1-family dwelling	61,570	64,510	71,575
2-family dwelling	67,700	70,985	78,635
3-family dwelling			
4-family dwelling			
Reading:			
1-family dwelling	56,150	63,450	70,630
2-family dwelling	61,685	69,810	77,695
3-family dwelling			
4-family dwelling			
Tioga:			
1-family dwelling	56,150	63,450	70,630
2-family dwelling	61,685	69,810	77,695
3-family dwelling			
4-family dwelling			
Wilmington-State of Delaware:			
1-family dwelling	52,030	58,905	65,450
2-family dwelling	57,160	64,795	71,990
3-family dwelling			
4-family dwelling			

Field Office: Pittsburgh, PA

Typical square foot area	960	1,440	2,210
Altoona:			
1-family dwelling	$68,097	$96,859	$125,591
2-family dwelling			
3-family dwelling			
4-family dwelling			
Erie:			
1-family dwelling	70,640	99,642	127,560
2-family dwelling			
3-family dwelling			
4-family dwelling			
Johnstown:			
1-family dwelling	70,125	98,812	127,560
2-family dwelling			
3-family dwelling			
4-family dwelling			
Pittsburgh:			
1-family dwelling	72,184	101,909	129,530
2-family dwelling			
3-family dwelling			
4-family dwelling			

Field Office: Richmond, VA

Typcal Square foot area	1,090	2,110	2,240
Chesapeake:			
1-family dwelling	$55,000	$77,025	$119,200
2-family dwelling			
3-family dwelling			
4-family dwelling			
Richmond:			
1-family dwelling	$5,700	77,575	119,250
2-family dwelling			
3-family dwelling			
4-family dwelling			
Roanoke:			
1-family dwelling	47,800	66,875	103,750
2-family dwelling			
3-family dwelling			
4-family dwelling			
Winchester:			
1-family dwelling	$3,500	75,100	116,400
2-family dwelling			
3-family dwelling			
4-family dwelling			
Hampton:			
1-family dwelling	$5,350	77,475	119,600
2-family dwelling			
3-family dwelling			
4-family dwelling			
Norfolk:			
1-family dwelling	$5,200	77,550	120,150
2-family dwelling			
3-family dwelling			
4-family dwelling			
Virginia Beach:			
1-family dwelling	$6,900	79,250	121,875
2-family dwelling			
3-family dwelling			
4-family dwelling			
Petersburg:			
1-family dwelling	$3,100	73,900	114,350
2-family dwelling			
3-family dwelling			
4-family dwelling			
Portsmouth:			
1-family dwelling	$4,550	76,575	118,250
2-family dwelling			
3-family dwelling			
4-family dwelling			
Charlottesville			
1-family dwelling	$1,100	71,300	110,400
2-family dwelling			
3-family dwelling			
4-family dwelling			
Danville:			
1-family dwelling	47,600	66,500	103,650
2-family dwelling			
3-family dwelling			
4-family dwelling			
Fredericksburg			
1-family dwelling	$7,100	79,750	123,600
2-family dwelling			
3-family dwelling			
4-family dwelling			
Lynchburg:			
1-family dwelling	49,600	68,650	106,150
2-family dwelling			
3-family dwelling			
4-family dwelling			
Newsport News:			
1-family dwelling	$4,750	76,875	119,025
2-family dwelling			
3-family dwelling			
4-family dwelling			

Field Office: Washington, DC

Typcal square foot area	1,060	1,380	2,510
Washington Metropolitan Area:			
1-family dwelling	$138,857	$173,028	$234,795
2-family dwelling			
3-family dwelling			
4-family dwelling			

Field Office: Atlanta, GA

Typcal square foot area	960	1,420	2,130
Albany:			
1-family dwelling	$43,700	$69,150	$100,250
2-family dwelling			
3-family dwelling			
4-family dwelling			
Athens:			
1-family dwelling	43,350	69,000	96,783
2-family dwelling			
3-family dwelling			
4-family dwelling			
Atlanta			
1-family dwelling	49,500	76,900	108,300
2-family dwelling			
3-family dwelling			
4-family dwelling			
Augusta:			
1-family dwelling	45,900	70,150	101,300
2-family dwelling			
3-family dwelling			
4-family dwelling			
Columbus:			
1-family dwelling	44,750	69,050	98,100
2-family dwelling			
3-family dwelling			
4-family dwelling			
Macon:			
1-family dwelling	44,750	70,150	100,250
2-family dwelling			
3-family dwelling			
4-family dwelling			
Rome			
1-family dwelling	46,700	71,350	101,400
2-family dwelling			
3-family dwelling			
4-family dwelling			
Savannah:			
1-family dwelling	46,600	72,400	104,000
2-family dwelling			
3-family dwelling			
4-family dwelling			

Field Office: Birmingham, AL

Typcal square foot area	1,080	1,820	2,420
1-family dwelling	$56,050	$83,450	$111,800
2-family dwelling			
3-family dwelling			
4-family dwelling			
Florence			
1-family dwelling	51,500	76,100	96,550
2-family dwelling			
3-family dwelling			
4-family dwelling			
Huntsville			
1-family dwelling	55,100	80,350	106,500
2-family dwelling			
3-family dwelling			
4-family dwelling			
Gadsden			
1-family dwelling	50,550	77,500	98,850
2-family dwelling			
3-family dwelling			
4-family dwelling			
Anniston			
1-family dwelling	50,350	76,500	96,850
2-family dwelling			
3-family dwelling			
4-family dwelling			

Field Office: Columbia, SC

Typcal square foot area	1,070	1,360	1,510
Aiken-Rockhill			
1-family dwelling	$50,800	62,400	69,200
2-family dwelling	72,000	91,900	
3-family dwelling			
4-family dwelling			
Columbia-Florence-Orangeburg			
1-family dwelling	50,600	63,300	73,000
2-family dwelling	71,600	92,400	
3-family dwelling			
4-family dwelling			
Charleston-Myrtle Beach			
1-family dwelling	53,900	67,700	77,600
2-family dwelling	75,900	98,200	
3-family dwelling			
4-family dwelling			
Greenville-Anderson-Spartanburg:			
1-family dwelling	51,800	65,000	73,600
2-family dwelling	73,300	94,800	
3-family dwelling			
4-family dwelling			

Field Office: Coral Gables, FL

Typcal Square foot area	950	1,250	1,970
Miami:			
1-family dwelling	$71,900	$85,400	$134,200
2-family dwelling			
3-family dwelling			
4-family dwelling			

Market area	Low range	Medium range	High range
Fort Lauderdale			
1-family dwelling	64,400	82,000	122,500
2-family dwelling			
3-family dwelling			
4-family dwelling			
West Palm Beach			
1-family dwelling	57,000	82,400	120,200
2-family dwelling			
3-family dwelling			
4-family dwelling			
Fort Myers			
1-family dwelling	52,700	70,500	109,100
2-family dwelling			
3-family dwelling			
4-family dwelling			
Key West			
1-family dwelling	58,300	79,000	122,800
2-family dwelling			
3-family dwelling			
4-family dwelling			

Field Office: Greensboro, SC

Typical square foot area	1,150	1,500	2,185
Greensboro			
1-family dwelling	$57,580	$79,030	$118,338
2-family dwelling			
3-family dwelling			
4-family dwelling			
Asheville			
1-family dwelling	56,370	77,423	115,988
2-family dwelling			
3-family dwelling			
4-family dwelling			
Charlotte			
1-family dwelling	59,634	81,285	120,965
2-family dwelling			
3-family dwelling			
4-family dwelling			
Elizabeth City			
1-family dwelling	53,787	74,042	111,123
2-family dwelling			
3-family dwelling			
4-family dwelling			
Greenville			
1-family dwelling	54,080	74,337	111,418
2-family dwelling			
3-family dwelling			
4-family dwelling			
Raleigh			
1-family dwelling	57,352	78,604	117,540
2-family dwelling			
3-family dwelling			
4-family dwelling			
Wilmington			
1-family dwelling	56,380	77,433	115,398
2-family dwelling			
3-family dwelling			
4-family dwelling			

Field Office: Jackson, MS

Typical square foot area	1,170	1,860	2,560
Biloxi-Gulfport			
1-family dwelling	$52,100	$82,600	$117,900
2-family dwelling		81,100	
3-family dwelling			
4-family dwelling		130,850	
Columbus			
1-family dwelling	51,900	84,050	120,000
2-family dwelling		83,100	
3-family dwelling			
4-family dwelling		133,600	
Greenville			
1-family dwelling	46,500	81,150	127,000
2-family dwelling		79,000	
3-family dwelling			
4-family dwelling		127,150	
Hattiesburg			
1-family dwelling	52,000	82,750	118,750
2-family dwelling		82,500	
3-family dwelling			
4-family dwelling		134,250	
Jackson			
1-family dwelling	52,700	84,000	124,400
2-family dwelling		88,650	
3-family dwelling			
4-family dwelling		134,250	
Laurel			
1-family dwelling	51,600	82,250	115,800
2-family dwelling		84,400	
3-family dwelling			
4-family dwelling		133,000	
Meridian			
1-family dwelling	49,450	81,000	112,100
2-family dwelling		80,100	
3-family dwelling			
4-family dwelling		128,750	
Natchez			
1-family dwelling	47,900	80,300	112,200
2-family dwelling		78,150	
3-family dwelling			
4-family dwelling		128,750	
Southaven			
1-family dwelling	54,600	87,500	123,500
2-family dwelling		78,150	
3-family dwelling			
4-family dwelling		139,400	
Vicksburg			
1-family dwelling	50,600	83,700	113,600
2-family dwelling		86,600	
3-family dwelling			
4-family dwelling		132,200	

Field Office: Jacksonville, FL

Typical square foot area	1,087	1,334	1,619
Jacksonville			
1-family dwelling	$51,725	$66,450	$78,760
2-family dwelling			
3-family dwelling			
4-family dwelling			
Gainesville/Ocala			
1-family dwelling	47,470	60,885	74,560
2-family dwelling			
3-family dwelling			
4-family dwelling			
Panama City			
1-family dwelling	49,925	57,950	73,150
2-family dwelling			
3-family dwelling			
4-family dwelling			
Tallahassee			
1-family dwelling	45,970	58,645	67,015
2-family dwelling			
3-family dwelling			
4-family dwelling			
Pensacola-Ft. Walton			
1-family dwelling	57,310	51,995	74,225
2-family dwelling			
3-family dwelling			
4-family dwelling			

Field Office: Knoxville, TN

Typical square foot area	980	1,030	1,300
Knoxville			
1-family dwelling	$47,000	$54,000	$65,000
2-family dwelling		64,000	86,000
3-family dwelling			
4-family dwelling	138,000	140,000	
Chattanooga			
1-family dwelling	46,000	54,000	64,300
2-family dwelling		64,000	66,000
3-family dwelling			
4-family dwelling	135,000	137,000	
Kingsport			
1-family dwelling	46,000	53,000	62,000
2-family dwelling		63,000	84,000
3-family dwelling			
4-family dwelling	133,000	135,000	
Johnson City			
1-family dwelling	46,000	53,000	63,000
2-family dwelling		64,000	85,000
3-family dwelling			
4-family dwelling	134,000	136,000	

Field Office: Louisville, KY

Typical square foot area	930	1,630	1,930
Louisville			
1-family dwelling	$50,845	$61,400	$86,510
2-family dwelling	62,415	126,780	
3-family dwelling			
4-family dwelling	143,260	184,545	
Owensboro			
1-family dwelling	50,300	63,235	80,400
2-family dwelling	62,080	126,240	
3-family dwelling			
4-family dwelling	143,260	183,460	
Ashland			
1-family dwelling	52,105	62,285	86,740
2-family dwelling	65,275	130,270	
3-family dwelling			
4-family dwelling	148,031	189,295	
Covington			
1-family dwelling	52,515	63,400	87,490
2-family dwelling	64,740	131,970	
3-family dwelling			
4-family dwelling	148,620	191,600	
Paducah			
1-family dwelling	49,340	61,200	82,110
2-family dwelling	62,165	125,075	
3-family dwelling			
4-family dwelling	141,375	181,695	

Field Office: Memphis, TN

Typical square foot area	1,020	2,020	3,050
Memphis			
1-family dwelling	$51,100	$81,675	$105,840
2-family dwelling			
3-family dwelling			
4-family dwelling			
Jackson			
1-family dwelling	50,885	61,335	105,050
2-family dwelling			
3-family dwelling			
4-family dwelling			

Field Office: Nashville, TN

Typical square foot area	1,060	1,300	1,800
Nashville			
1-family dwelling	$47,250	$74,450	$85,500
2-family dwelling	59,500	87,000	
3-family dwelling			
4-family dwelling			

Field Office: Orlando, FL

Typical square foot area	1,050	1,200	1,760
Brevard, Indian River, St Lucie Co			
1-family dwelling	$49,500	$57,700	$71,500
2-family dwelling		80,000	
3-family dwelling			
4-family dwelling			
Orange, Seminole, Osceola Co			
1-family dwelling	49,500	59,500	79,500
2-family dwelling		84,000	
3-family dwelling			
4-family dwelling			
Volusia Co			
1-family dwelling	46,000	56,600	77,500
2-family dwelling		79,250	
3-family dwelling			
4-family dwelling			

Field Office: Tampa, FL

Typical square foot area	1,010	1,320	1,660
Hillsborough-Pinellas-Pasco			
1-family dwelling	$50,000	$70,000	$108,000
2-family dwelling			
3-family dwelling			
4-family dwelling			
Bradenton-Sarasota			
1-family dwelling	49,000	67,000	99,900
2-family dwelling			
3-family dwelling			
4-family dwelling			
Polk County			
1-family dwelling	44,000	52,000	102,000
2-family dwelling			
3-family dwelling			
4-family dwelling			

Field Office: Chicago, IL

Typical square foot area	1,000	1,500	2,000
Chicago			
1-family dwelling	$54,230	$107,980	$150,250
2-family dwelling	99,160	125,120	155,370
3-family dwelling			
4-family dwelling			
Rockford			
1-family dwelling	50,950	91,620	130,430
2-family dwelling	87,200	108,810	135,950
3-family dwelling			
4-family dwelling			
Rock Island			
1-family dwelling	52,270	95,990	133,750
2-family dwelling	92,960	113,460	139,180
3-family dwelling			
4-family dwelling			
Sterling			
1-family dwelling	50,130	93,010	129,930
2-family dwelling	88,890	109,700	134,430
3-family dwelling			
4-family dwelling			

Field Office: Cincinnati, OH

Typical square foot area	1,120	1,220	2,020
Cincinnati			
1-family dwelling	$61,700	$75,255	$111,500

Market area	Low range	Medium range	High range
2-family dwelling			
3-family dwelling			
4-family dwelling			
Dayton:			
1-family dwelling	58,390	72,100	109,700
2-family dwelling			
3-family dwelling			
4-family dwelling			

Field Office: Cleveland, OH

Typical square foot area	1,040	1,320	1,790
Cleveland			
1-family dwelling	$68,270	$102,780	$172,960
2-family dwelling			
3-family dwelling			
4-family dwelling			
Akron:			
1-family dwelling	66,115	102,890	167,985
2-family dwelling			
3-family dwelling			
4-family dwelling			
Toledo:			
1-family dwelling	67,695	102,200	172,955
2-family dwelling			
3-family dwelling			
4-family dwelling			
Youngstown:			
1-family dwelling	66,490	103,100	165,960
2-family dwelling			
3-family dwelling			
4-family dwelling			
Findlay:			
1-family dwelling	66,020	99,595	164,217
2-family dwelling			
3-family dwelling			
4-family dwelling			
Mansfield:			
1-family dwelling	65,540	98,890	165,645
2-family dwelling			
3-family dwelling			
4-family dwelling			
Lorain:			
1-family dwelling	67,965	102,870	173,580
2-family dwelling			
3-family dwelling			
4-family dwelling			

Field Office: Columbus, OH

Typical square foot area	940	1,680	2,210
Columbus:			
1-family dwelling	$53,100	$79,400	$123,700
2-family dwelling	94,800	119,700	
3-family dwelling			
4-family dwelling			199,700
Athens:			
1-family dwelling	47,300	84,800	123,200
2-family dwelling			
3-family dwelling			
4-family dwelling			
Lima:			
1-family dwelling	53,400	94,600	123,200
2-family dwelling	105,100	127,800	
3-family dwelling			
4-family dwelling			
Zanesville:			
1-family dwelling	52,400	74,600	112,900
2-family dwelling			
3-family dwelling			
4-family dwelling		135,000	
Newark:			
1-family dwelling	58,500	82,100	108,400
2-family dwelling	87,700	110,700	
3-family dwelling		141,400	
4-family dwelling			162,000

Field Office: Detroit, MI

Typical square foot area	900	1,600	1,775
Detroit:			
1-family dwelling	$53,500	$64,800	$78,600
2-family dwelling			
3-family dwelling			
4-family dwelling			

Field Office: Flint, MI

Typical square foot area	1,000	1,220	1,530
Flint:			
1-family dwelling	$44,350	$51,245	$114,998
2-family dwelling			
3-family dwelling			
4-family dwelling			
Saginaw-Bay City:			
1-family dwelling	44,350	51,245	114,998
2-family dwelling			
3-family dwelling			
4-family dwelling			
Midland:			
1-family dwelling	44,350	51,245	114,998
2-family dwelling			
3-family dwelling			
4-family dwelling			

Field Office: Grand Rapids, MI

Typical square foot area	1,060	1,200	1,720
Grand Rapids:			
1-family dwelling	$58,750	$90,980	$155,395
2-family dwelling			
3-family dwelling			
4-family dwelling			
Battle Creek:			
1-family dwelling	62,990	100,310	160,780
2-family dwelling			
3-family dwelling			
4-family dwelling			
Jackson:			
1-family dwelling	60,960	95,475	162,290
2-family dwelling			
3-family dwelling			
4-family dwelling			
Lansing:			
1-family dwelling	63,750	92,845	162,945
2-family dwelling			
3-family dwelling			
4-family dwelling			
Muskegon:			
1-family dwelling	58,580	87,758	152,045
2-family dwelling			
3-family dwelling			
4-family dwelling			
Mount Pleasant:			
1-family dwelling	62,485	93,610	158,300
2-family dwelling	73,635	168,440	
3-family dwelling			
4-family dwelling			
Traverse City:			
1-family dwelling	57,475	86,995	150,155
2-family dwelling	71,490	163,530	
3-family dwelling			
4-family dwelling			
Marquette:			
1-family dwelling	58,495	88,520	149,615
2-family dwelling			
3-family dwelling			
4-family dwelling			
Benton Harbor:			
1-family dwelling	56,910	90,215	163,155
2-family dwelling	76,495	174,980	
3-family dwelling			
4-family dwelling			

Field Office: Indianapolis, IN

Typical square foot area	1,060	1,120	2,100
Indianapolis:			
1-family dwelling	$52,700	$71,000	$105,000
2-family dwelling			
3-family dwelling			
4-family dwelling			
Ft. Wayne:			
1-family dwelling	50,500	71,700	103,500
2-family dwelling			
3-family dwelling			
4-family dwelling			
Gary:			
1-family dwelling	53,000	75,000	113,000
2-family dwelling			
3-family dwelling			
4-family dwelling			
Terre Haute:			
1-family dwelling	53,500	73,700	110,850
2-family dwelling			
3-family dwelling			
4-family dwelling			

Field Office: Milwaukee, WI

Typical square foot area	1,200	1,500	2,030
Milwaukee:			
1-family dwelling	$76,845	$118,835	$181,865
2-family dwelling	130,175	166,925	238,390
3-family dwelling	192,060	247,995	352,500
4-family dwelling	256,560	334,270	465,420
Madison:			
1-family dwelling	70,835	109,850	169,145
2-family dwelling	119,585	154,690	221,815
3-family dwelling	175,575	229,030	326,690
4-family dwelling	235,455	306,430	439,045
Green Bay:			
1-family dwelling	61,340	100,385	158,120
2-family dwelling	108,705	142,815	208,590
3-family dwelling	165,455	216,290	311,203
4-family dwelling	221,150	289,500	416,090
Eau Claire:			
1-family dwelling	57,900	95,615	149,905
2-family dwelling	105,160	138,695	203,475
3-family dwelling	157,655	208,800	409,770
4-family dwelling	211,150	280,800	409,770
Superior:			
1-family dwelling	58,770	98,690	156,670
2-family dwelling	109,370	125,000	214,010
3-family dwelling	164,295	217,700	317,325
4-family dwelling	219,500	292,010	427,375

Field Office: Minneapolis-St. Paul, MN

Typical square foot area	1,090	1,260	2,010
Minneapolis:			
1-family dwelling	$70,342	$93,850	$127,730
2-family dwelling			
3-family dwelling			
4-family dwelling			
Duluth:			
1-family dwelling	64,580	86,360	118,015
2-family dwelling			
3-family dwelling			
4-family dwelling			
Mankato:			
1-family dwelling	64,285	85,945	117,410
2-family dwelling			
3-family dwelling			
4-family dwelling			
Rochester:			
1-family dwelling	65,585	87,780	119,780
2-family dwelling			
3-family dwelling			
4-family dwelling			
St. Cloud:			
1-family dwelling	64,285	85,945	117,720
2-family dwelling			
3-family dwelling			
4-family dwelling			

Field Office: Springfield, IL

Typical square foot area	1,130	1,350	2,020
Springfield-Peoria-Perkin:			
1-family dwelling	$63,550	$71,960	$75,460
2-family dwelling	61,480	64,010	82,880
3-family dwelling	87,190	90,040	124,670
4-family dwelling	118,440	137,640	170,950
Bloomington-Normal:			
1-family dwelling	63,550	71,960	75,460
2-family dwelling	61,480	64,010	82,880
3-family dwelling	87,190	90,040	124,670
4-family dwelling	118,440	137,640	170,950
Champaign-Urbana:			
1-family dwelling	63,550	71,960	75,460
2-family dwelling	61,480	64,010	82,880
3-family dwelling	87,190	90,040	124,670
4-family dwelling	118,440	137,640	170,950
Belleville-Alton:			
1-family dwelling	63,550	71,960	75,460
2-family dwelling	61,480	64,010	82,880
3-family dwelling	87,190	90,040	124,670
3-family dwelling	87,190	90,040	124,670
4-family dwelling	118,440	137,640	170,950

Field Office: Albuquerque, NM

Typical square foot area	1,160	1,684	2,000
Albuquerque:			
1-family dwelling	$62,860	$90,066	$125,979
2-family dwelling			
3-family dwelling		124,516	
4-family dwelling		148,980	
Sante Fe:			
1-family dwelling	65,430	94,810	129,695
2-family dwelling			
3-family dwelling		133,041	
4-family dwelling		158,140	

SCHEDULE OF PROTOTYPE HOUSING COSTS: 1- TO 4-FAMILY DWELLINGS—Continued

Market area	Low range	Medium range	High range
Clovis			
1-family dwelling	48,209	70,926	93,843
2-family dwelling			
3-family dwelling		104,475	
4-family dwelling		123,277	
Hobbs			
1-family dwelling	55,555	79,926	104,830
2-family dwelling			
3-family dwelling		119,205	
4-family dwelling		143,049	
Las Cruces			
1-family dwelling	56,478	80,182	106,395
2-family dwelling			
3-family dwelling		116,067	
4-family dwelling		139,323	
Field Office: Ft. Worth, TX			
Typical square foot area	1,400	1,600	2,387
Ft. Worth			
1-family dwelling	$71,050	$80,100	$145,400
2-family dwelling			
3-family dwelling			
4-family dwelling			
Dallas			
1-family dwelling	49,900	84,600	154,400
2-family dwelling			
3-family dwelling			
4-family dwelling			
Wichita Falls			
1-family dwelling	66,100	76,800	97,900
2-family dwelling			
3-family dwelling			
4-family dwelling			
Waco			
1-family dwelling	44,450	70,500	137,100
2-family dwelling			
3-family dwelling			
4-family dwelling			
Tyler			
1-family dwelling	43,250	64,750	137,100
2-family dwelling			
3-family dwelling			
4-family dwelling			
San Angelo Brownwood			
1-family dwelling	54,450	72,550	94,000
2-family dwelling			
3-family dwelling			
4-family dwelling			
Abilene			
1-family dwelling	56,650	76,500	97,500
2-family dwelling			
3-family dwelling			
4-family dwelling			
Field Office: Houston, TX			
Typical square foot area	1,100	1,620	2,150
Houston			
1-family dwelling	$62,800	$86,500	$111,800
2-family dwelling	99,800	122,200	134,300
3-family dwelling			
4-family dwelling			
Galveston-Texas City			
1-family dwelling	62,700	85,500	110,000
2-family dwelling	100,900	115,400	133,300
3-family dwelling			
4-family dwelling			
Beaumont-Port Arthur			
1-family dwelling	61,300	84,200	108,800
2-family dwelling	99,800	113,700	132,000
3-family dwelling			
4-family dwelling			
Field Office: Little Rock, AR			
Typical square foot area	1,200	1,260	2,420
Little Rock			
1-family dwelling	47,500	57,000	98,900
2-family dwelling		97,200	107,500
3-family dwelling			
4-family dwelling	122,200	134,600	158,500
Texarkana			
1-family dwelling	48,100	55,900	93,400
2-family dwelling		95,300	104,000
4-family dwelling			
4-family dwelling	123,700	134,400	156,800
Jonesboro			
1-family dwelling	45,800	55,100	93,500

SCHEDULE OF PROTOTYPE HOUSING COSTS: 1- TO 4-FAMILY DWELLINGS—Continued

Market area	Low range	Medium range	High range
2-family dwelling		91,800	102,600
3-family dwelling			
4-family dwelling	117,000	128,700	152,900
Fort Smith			
1-family dwelling	46,900	56,400	98,200
2-family dwelling		94,700	107,400
3-family dwelling			
4-family dwelling	120,600	134,400	156,700
Fayetteville			
1-family dwelling	46,900	56,400	98,200
2-family dwelling		93,500	105,700
3-family dwelling			
4-family dwelling	120,600	132,500	156,700
Field Office: Lubbock, TX			
Typical square foot area	1,036	1,390	1,700
Amarillo			
1-family dwelling	$45,000	$69,885	$96,730
2-family dwelling			
3-family dwelling			
4-family dwelling			
El Paso:			
1-family dwelling	47,250	75,620	100,085
2-family dwelling			
3-family dwelling			
4-family dwelling			
Lubbock			
1-family dwelling	44,950	69,155	94,950
2-family dwelling			
3-family dwelling			
4-family dwelling			
Midland-Odessa:			
1-family dwelling	45,650	74,115	105,430
2-family dwelling			
3-family dwelling			
4-family dwelling			
Field Office: New Orleans, LA			
Typical square foot area	960	1,470	2,260
New Orleans			
1-family dwelling	$48,950	$78,350	$133,300
2-family dwelling	74,450	119,850	
3-family dwelling	127,350		
4-family dwelling	144,300	232,000	
Baton Rouge:			
1-family dwelling	42,100	73,300	119,250
2-family dwelling	68,700	109,550	
3-family dwelling	103,150		
4-family dwelling	127,300	214,00	
Houma			
1-family dwelling	43,000	64,850	114,650
2-family dwelling	63,700	96,750	
3-family dwelling	102,550		
4-family dwelling	122,000	199,250	
Lake Charles			
1-family dwelling	36,550	60,950	116,900
2-family dwelling	60,350	94,450	
3-family dwelling	96,900		
4-family dwelling	120,800	203,000	
Lafayette			
1-family dwelling	40,800	69,900	127,150
2-family dwelling	66,250	105,300	
3-family dwelling	100,800		
4-family dwelling	127,300	214,000	
Field Office: Oklahoma City, OK			
Typical Square foot area	1,060	1,420	1,730
Oklahoma City			
1-family dwelling	$53,900	$70,900	$78,850
2-family dwelling			
3-family dwelling			
4-family dwelling			
Enid			
1-family dwelling	51,650	68,550	75,650
2-family dwelling			
3 family dwelling			
4-family dwelling			
Lawton			
1-family dwelling	50,900	65,850	73,050
2-family dwelling			
3-family dwelling			
4-family dwelling			
Woodward			
1-family dwelling	52,450	68,550	75,650
2-family dwelling			
3-family dwelling			

SCHEDULE OF PROTOTYPE HOUSING COSTS: 1- TO 4-FAMILY DWELLINGS—Continued

Market area	Low range	Medium range	High range
4-family dwelling			
Ardmore			
1-family dwelling	51,200	66,600	74,600
2-family dwelling			
3-family dwelling			
4-family dwelling			
Field Office: San Antonio, TX			
Typical Square foot area	900	1,310	1,900
San Antonio			
1-family dwelling	$47,500	$68,900	$94,500
2-family dwelling	72,700	80,200	106,100
3-family dwelling			
4-family dwelling			
Austin			
1-family dwelling	48,400	69,800	96,900
2-family dwelling	72,300	79,600	106,100
3-family dwelling			
4-family dwelling			
Corpus Cnsti.			
1-family dwelling	50,700	71,700	96,900
2-family dwelling	75,200	80,200	103,600
3-family dwelling			
4-family dwelling			
Rio Grande Valley:			
1-family dwelling	46,400	66,100	88,900
2-family dwelling	72,700	77,800	105,700
3-family dwelling			
4-family dwelling			
Field Office: Shreveport, LA			
Typical Square foot area	1,090	1,650	2,280
Shreveport			
1-family dwelling	$60,350	94,300	$120,900
2-family dwelling			130,665
3-family dwelling			
4-family dwelling			162,320
Monroe			
1-family dwelling	55,750	88,235	110,635
2-family dwelling			120,780
3-family dwelling			
4-family dwelling			151,753
Alexandria			
1-family dwelling	58,810	91,950	116,805
2-family dwelling			126,425
3-family dwelling			
4-family dwelling			157,265
Marshall:			
1-family dwelling	53,260	87,740	113,210
2-family dwelling			124,100
3-family dwelling			
4-family dwelling			156,255
Field Office: Tulsa, OK			
Typical Square foot area	1,220	1,530	1,920
Tulsa			
1-family dwelling	$64,530	$83,836	$106,390
2-family dwelling			
3 family dwelling			
4-family dwelling			
Bartlesville			
1-family dwelling	60,697	81,612	102,755
2-family dwelling			
3-family dwelling			
4-family dwelling			
McAlester			
1-family dwelling	58,350	78,130	98,200
2-family dwelling			
3-family dwelling			
4-family dwelling			
Muskogee			
1-family dwelling	59,055	78,060	98,325
2-family dwelling			
3-family dwelling			
4-family dwelling			
Field Office: Des Moines, IA			
Typical Square foot area	860	1,360	2,100
Cedar Rapids			
1-family dwelling	$49,995	$73,145	$121,160
2-family dwelling	86,575	131,770	
3-family dwelling			
4-family dwelling	130,415	164,500	

SCHEDULE OF PROTOTYPE HOUSING COSTS: 1- TO 4-FAMILY DWELLINGS—Continued

Market area	Low range	Medium range	High range
Council Bluffs			
1-family dwelling	49,275	72,170	119,500
2-family dwelling	85,360	129,875	
3-family dwelling			
4-family dwelling	128,515	161,985	
Davenport			
1-family dwelling	51,430	75,100	124,500
2-family dwelling	88,975	135,560	
3-family dwelling			
4-family dwelling	132,680	168,400	
Des Moines			
1-family dwelling	49,275	72,170	119,500
2-family dwelling	85,360	129,875	
3-family dwelling			
4-family dwelling	128,415	161,985	
Mason City			
1-family dwelling	48,920	71,685	118,665
2-family dwelling	84,775	128,900	
3-family dwelling			
4-family dwelling	127,410	160,595	
Sioux City			
1-family dwelling	48,560	71,195	117,835
2-family dwelling	84,175	127,980	
3-family dwelling			
4-family dwelling	126,410	159,295	
Waterloo			
1-family dwelling	48,995	73,145	121,160
2-family dwelling	86,575	131,770	
3-family dwelling			
4-family dwelling	130,415	164,500	
Field Office: Kansas City, MO			
Typical Square foot area	1,056	1,698	2,150
Kansas City			
1-family dwelling	$54,000	$91,000	$130,400
2-family dwelling			
3-family dwelling			
4-family dwelling			
Sedalia			
1-family dwelling	48,000	70,250	117,950
2-family dwelling			
3-family dwelling			
4-family dwelling			
Springfield			
1-family dwelling	53,300	86,500	104,500
2-family dwelling			
3-family dwelling			
4-family dwelling			
St. Joseph			
1-family dwelling	52,750	69,000	113,400
2-family dwelling			
3-family dwelling			
4-family dwelling			
Topeka			
1-family dwelling	52,700	79,500	98,600
2-family dwelling			
3-family dwelling			
4-family dwelling			
Typical square foot area	1,056	1,698	2,150
Pittsburg			
1-family dwelling	$51,100	$75,300	$99,500
2-family dwelling			
3-family dwelling			
4-family dwelling			
Wichita			
1-family dwelling	51,500	77,200	107,800
2-family dwelling			
3-family dwelling			
4-family dwelling			
Garden City			
1-family dwelling	49,500	75,700	99,800
2-family dwelling			
3-family dwelling			
4-family dwelling			
Field Office: Omaha, NB			
Typical square foot area	860	960	1,400
Lincoln			
1-family dwelling	60,085	93,605	125,811
2-family dwelling			
3-family dwelling			
4-family dwelling			
Omaha			
1-family dwelling	58,020	92,830	122,720
2-family dwelling			
3-family dwelling			
4-family dwelling			

SCHEDULE OF PROTOTYPE HOUSING COSTS: 1- TO 4-FAMILY DWELLINGS—Continued

Market area	Low range	Medium range	High range
North Platte			
1-family dwelling	53,155	83,805	113,790
2-family dwelling			
3-family dwelling			
4-family dwelling			
Grand Island			
1-family dwelling	55,660	86,060	118,855
2-family dwelling			
3-family dwelling			
4-family dwelling			
Norfolk			
1-family dwelling	58,535	91,285	122,720
2-family dwelling			
3-family dwelling			
4-family dwelling			
Scottsbluff			
1-family dwelling	55,215	87,930	115,850
2-family dwelling			
3-family dwelling			
4-family dwelling			
Field Office: St. Louis, MO			
Typical square foot area	1,050	1,800	2,360
St. Louis			
1 family dwelling	$53,750	$70,100	$114,900
2-family dwelling		88,700	126,500
3-family dwelling			
4-family dwelling			
Kirksville			
1 family dwelling	$48,800	$65,300	$110,500
2-family dwelling		83,800	116,800
3-family dwelling			
4-family dwelling			
Columbia			
1 family dwelling	$50,100	$65,300	$110,700
2-family dwelling		85,000	120,800
3-family dwelling			
4-family dwelling			
Rolla			
1 family dwelling	$50,400	$65,800	$109,300
2-family dwelling		87,200	119,100
3-family dwelling			
4-family dwelling			
Cape Girardeau			
1 family dwelling	$49,400	$65,800	$108,800
2-family dwelling		83,500	118,900
3-family dwelling			
4-family dwelling			
Field Office: Casper, WY			
Typical square foot area	900	1,430	1,700
1-family dwelling	$59,630	$99,460	$114,470
2-family dwelling			
3-family dwelling			
4-family dwelling			
Cheyenne			
1-family dwelling	55,396	93,900	106,820
2-family dwelling			
3-family dwelling			
4-family dwelling			
Cody-Powell			
1-family dwelling	57,130	91,975	102,720
2-family dwelling			
3-family dwelling			
4-family dwelling			
Gillette			
1-family dwelling	59,860	98,710	112,490
2-family dwelling			
3-family dwelling			
4-family dwelling			
Jackson			
1-family dwelling	72,365	112,535	132,370
2-family dwelling			
3-family dwelling			
4-family dwelling			
Laramie			
1-family dwelling	56,280	95,110	108,120
2-family dwelling			
3-family dwelling			
4-family dwelling			
Riverton			
1-family dwelling	54,860	95,035	106,870
2-family dwelling			
3-family dwelling			
4-family dwelling			
Rock Springs			
1-family dwelling	57,110	100,285	114,120

SCHEDULE OF PROTOTYPE HOUSING COSTS: 1- TO 4-FAMILY DWELLINGS—Continued

Market area	Low range	Medium range	High range
2-family dwelling			
3-family dwelling			
4-family dwelling			
Field Office: Denver, CO			
Typical square foot area	860	1,610	2,110
Aspen Carbondale			
1-family dwelling	92,990	131,060	178,225
2-family dwelling			
3-family dwelling			
4-family dwelling			
Colorado Springs			
1-family dwelling	64,295	98,360	139,645
2-family dwelling			
3-family dwelling			
4-family dwelling			
Denver			
1-family dwelling	71,855	104,720	149,855
2-family dwelling			
3-family dwelling			
4-family dwelling			
Durango-Cortez			
1-family dwelling	66,520	95,330	130,635
2-family dwelling			
3-family dwelling			
4-family dwelling			
Fort Collins			
1 family dwelling	69,970	99,285	140,245
2-family dwelling			
3-family dwelling			
4-family dwelling			
Georgetown			
1-family dwelling	88,950	126,025	170,190
2-family dwelling			
3-family dwelling			
4-family dwelling			
Grand Junction			
1-family dwelling	66,270	96,585	137,350
2-family dwelling			
3-family dwelling			
4-family dwelling			
Greeley			
1-family dwelling	65,785	98,350	133,635
2-family dwelling			
3-family dwelling			
4-family dwelling			
Leadville			
1-family dwelling	64,020	93,335	133,600
2-family dwelling			
3-family dwelling			
4-family dwelling			
Pueblo			
1-family dwelling	56,960	84,770	126,075
2-family dwelling			
3-family dwelling			
4-family dwelling			
Rangely			
1 family dwelling	66,470	95,785	133,050
2-family dwelling			
3-family dwelling			
4-family dwelling			
Field Office: Fargo, ND			
Typical Square foot area	960	970	1,330
Bismark			
1-family dwelling	$63,740	$89,370	$109,415
2-family dwelling			
3-family dwelling			
4-family dwelling			
Dickinson			
1-family dwelling	65,070	90,375	110,775
2-family dwelling			
3-family dwelling			
4-family dwelling			
Grand Forks			
1-family dwelling	64,890	90,195	109,795
2-family dwelling			
3-family dwelling			
4-family dwelling			
Minot			
1-family dwelling	65,740	92,000	113,105
2-family dwelling			
3-family dwelling			
4-family dwelling			
Fargo			
1-family dwelling	66,500	91,805	112,205
2-family dwelling			

SCHEDULE OF PROTOTYPE HOUSING COSTS: 1- TO 4-FAMILY DWELLINGS—Continued

Market area	Low range	Medium range	High range
3-family dwelling			
4-family dwelling			
Field Office: Helena, MT			
Typical Square foot area	860	1,330	1,600
Billings			
1-family dwelling	$52,095	$85,680	$114,890
2 family dwelling			
3-family dwelling			
4-family dwelling			
Bozeman			
1-family dwelling	56,180	94,220	123,615
2-family dwelling			
3-family dwelling			
4-family dwelling			
Butte			
1-family dwelling	52,290	86,745	114,680
2-family dwelling			
3-family dwelling			
4-family dwelling			
Great Falls			
1-family dwelling	53,510	86,095	115,335
2-family dwelling			
3-family dwelling			
4-family dwelling			
Helena:			
1-family dwelling	53,135	85,720	114,325
2-family dwelling			
3-family dwelling			
4-family dwelling			
Lewistown			
1-family dwelling	51,875	84,060	113,225
2-family dwelling			
3-family dwelling			
4-family dwelling			
Missoula			
1-family dwelling	53,200	87,785	115,025
2-family dwelling			
3-family dwelling			
4-family dwelling			
Field Office: Salt Lake City, UT			
Typical Square foot area	890	1,110	1,640
Salt Lake City:			
1-family dwelling	$54,292	$64,000	$116,370
2-family dwelling			
3-family dwelling			
4-family dwelling		151,160	
Provo			
1-family dwelling	53,925	83,860	116,755
2 family dwelling			
3-family dwelling			
4-family dwelling		153,605	
Logan:			
1-family dwelling	52,855	58,430	114,495
2-family dwelling			
3 family dwelling			
4-family dwelling		147,665	
Cedar City:			
1-family dwelling	49,700	64,040	107,935
2-family dwelling			
3-family dwelling			
4-family dwelling		135,930	
Field Office: Sioux Falls, SD			
Typical square foot area	900	1,450	1,700
ABerdeen			
1 family dwelling	$48,875	$82,245	$116,620
2 family dwelling			
3-family dwelling			
4-family dwelling			
Mitchell			
1-family dwelling	48,430	81,600	115,175
2-family dwelling			
3-family dwelling			
4-family dwelling			
Pierre			
1-family dwelling	50,995	84,755	118,610
2-family dwelling			
3-family dwelling			
4-family dwelling			
Rapid City			
1-family dwelling	51,425	86,785	121,740
2-family dwelling			
3-family dwelling			
4-family dwelling			

SCHEDULE OF PROTOTYPE HOUSING COSTS: 1- TO 4-FAMILY DWELLINGS—Continued

Market area	Low range	Medium range	High range
Sioux Falls			
1-family dwelling	51,140	86,170	120,800
2-family dwelling			
3-family dwelling			
4-family dwelling			
Watertown			
1 family dwelling	48,575	81,745	115,320
2-family dwelling			
3-family dwelling			
4-family dwelling			
Field Office: Fresno, CA			
Typical square foot area	1,150	1,580	2,000
Fresno:			
1-family dwelling	$65,250	$93,500	$158,500
2-family dwelling	102,750	155,250	255,750
3-family dwelling			
4-family dwelling			
Modesto:			
1-family dwelling	63,750	92,500	154,250
2-family dwelling	100,250	151,500	250,000
3 family dwelling			
4-family dwelling			
Visalia			
1-family dwelling	60,500	88,750	148,000
2-family dwelling	97,750	149,250	243,500
3-family dwelling			
4-family dwelling			
Bakersfield			
1-family dwelling	62,750	93,750	152,500
2-family dwelling	100,000	152,000	249,000
3-family dwelling			
4-family dwelling			
Field Office: Honolulu HI			
Typical square foot area	900	1,400	1,800
Honolulu:			
1-family dwelling	$125,000	$200,000	$280,000
2-family dwelling			
3-family dwelling			
4-family dwelling			
Maui:			
1-family dwelling	125,000	190,000	250,000
2 family dwelling			
3-family dwelling			
4-family dwelling			
Hawaii			
1-family dwelling	105,000	150,000	190,000
2-family dwelling			
3-family dwelling			
4-family dwelling			
Kauai			
1-family dwelling	115,000	155,000	195,000
2-family dwelling			
3-family dwelling			
4-family dwelling			
Guam:			
1-family dwelling	65,000	115,000	140,000
2-family dwelling			
3 family dwelling			
4-family dwelling			
Field Office: Las Vegas, NV			
Typical square foot area	900	1,387	2,205
Las Vegas:			
1-family dwelling	$53,360	$85,950	$135,850
2-family dwelling			
3 family dwelling			
4-family dwelling			
Field Office: Los Angeles, CA			
Typical square foot area	1,230	1,560	1,820
Los Angeles:			
1-family dwelling	$105,000	$132,500	$213,100
2-family dwelling	148,900		
3-family dwelling			
4-family dwelling	233,500	279,400	
Lancaster-Palmdale:			
1-family dwelling	76,200	101,100	174,500
2-family dwelling	112,500		
3-family dwelling			
4-family dwelling	193,100	234,900	
Ventura-Oxnard:			
1-family dwelling	78,400	105,800	187,700

SCHEDULE OF PROTOTYPE HOUSING COSTS: 1- TO 4-FAMILY DWELLINGS—Continued

Market area	Low range	Medium range	High range
2-family dwelling	177,900		
3-family dwelling	205,500	251,000	
4 family dwelling			
Santa Barbara-Ojai-Piru:			
1-family dwelling	99,600	126,900	206,300
2-family dwelling	139,000		
3-family dwelling			
4-family dwelling	226,600	272,300	
San Luis Obispo-Santa Maria-Paso Robles:			
1-family dwelling	74,400	97,000	172,000
2-family dwelling	110,500		
3 family dwelling			
4-family dwelling	190,500	227,900	
Field Office: Phoenix, AZ			
Typical square foot area	840	1,240	2,370
Phoenix			
1-family dwelling	$41,300	$79,700	$156,000
2-family dwelling	75,900	111,700	155,800
3-family dwelling	105,100	131,900	
4-family dwelling	128,100	163,600	213,400
Flagstaff:			
1-family dwelling	45,600	82,400	162,940
2-family dwelling	76,900	114,800	156,700
3-family dwelling	106,200	134,400	
4-family dwelling	129,600	162,400	217,100
Prescott			
1-family dwelling	43,300	77,400	148,300
2 family dwelling	75,800	105,300	150,600
3-family dwelling	103,700	130,700	
4-family dwelling	132,400	162,500	220,600
Yuma:			
1-family dwelling	41,000	70,700	146,000
2 family dwelling	74,400	104,700	145,800
3-family dwelling	102,200	124,000	
4-family dwelling	124,100	151,600	203,400
Field Office: Reno, NV			
Typical square foot area	1,064	1,500	2,116
Reno-Sparks:			
1-family dwelling	76,000	112,00	148,000
2-family dwelling			
3-family dwelling			
4-family dwelling			
Field Office: Sacramento, CA			
Typical square foot area	1,117	1,362	1,806
Sacremento:			
1-family dwelling	$72,234	$91,683	$141,251
2-family dwelling		114,044	
3-family dwelling			
4-family dwelling			
Placerville:			
1-family dwelling	72,005	90,585	138,455
2-family dwelling			
3-family dwelling			
4-family dwelling			
Chico			
1-family dwelling	69,774	88,380	135,875
2-family dwelling			
3-family dwelling			
4-family dwelling			
Yreka			
1-family dwelling	70,795	89,725	136,600
2-family dwelling			
3-family dwelling			
4-family dwelling			
Field Office: San Diego, CA			
Typical square foot area	940	1,640	2,640
San Diego			
1-family dwelling	$92,862	$129,715	$157,540
2-family dwelling			
3-family dwelling			
4-family dwelling			
Field Office: San Francisco, CA			
Typical square foot area			
Alameda County:			
1-family dwelling		$145,700	
2-family dwelling			
3-family dwelling			

SCHEDULE OF PROTOTYPE HOUSING COSTS: 1- TO 4-FAMILY DWELLINGS—Continued

Market area	Low range	Medium range	High range
4-family dwelling			
Contra Costa County:			
1-family dwelling		139,900	
2-family dwelling			
3-family dwelling			
4-family dwelling			
Del Norte County			
1-family dwelling		105,600	
2-family dwelling			
3-family dwelling			
4-family dwelling			
Humboldt County			
1-family dwelling		105,600	
2-family dwelling			
3-family dwelling			
4-family dwelling			
Lake County:			
1-family dwelling		107,700	
2-family dwelling			
3-family dwelling			
4-family dwelling			
Marin County:			
1-family dwelling		157,100	
2-family dwelling			
3-family dwelling			
4-family dwelling			
Mendocino County:			
1-family dwelling		107,700	
2-family dwelling			
3-family dwelling			
4-family dwelling			
Monterey County:			
1-family dwelling		99,900	
2-family dwelling			
3-family dwelling			
4-family dwelling			
Napa County:			
1-family dwelling		133,400	
2-family dwelling			
3-family dwelling			
4-family dwelling			
San Benito County:			
1-family dwelling		100,300	
2-family dwelling			
3-family dwelling			
4-family dwelling			
San Francisco County:			
1-family dwelling		156,600	
2-family dwelling			
3-family dwelling			
4-family dwelling			
San Mateo County:			
1-family dwelling		154,500	
2-family dwelling			
3-family dwelling			
4-family dwelling			
Santa Clara County:			
1-family dwelling		139,400	
2-family dwelling			
3-family dwelling			
4-family dwelling			
Santa Cruz County:			
1-family dwelling		103,000	
2-family dwelling			
3-family dwelling			
4-family dwelling			
Solano County:			
1-family dwelling		133,400	
2-family dwelling			
3-family dwelling			
4-family dwelling			
Sonoma County:			
1-family dwelling		133,400	
2-family dwelling			
3-family dwelling			
4-family dwelling			
Field Office: Santa Ana, CA			
Typical square foot area	1,120	1,713	2,185
Santa Ana:			
1-family dwelling	72,000	135,000	201,500
2-family dwelling			
3-family dwelling			
4-family dwelling			
Orange County			
1-family dwelling		192,500	
2-family dwelling			
3-family dwelling			

SCHEDULE OF PROTOTYPE HOUSING COSTS: 1- TO 4-FAMILY DWELLINGS—Continued

Market area	Low range	Medium range	High range
4-family dwelling			
Victorville			
1-family dwelling	84,500	124,000	180,000
2-family dwelling			
3-family dwelling			
4-family dwelling			
Indio:			
1-family dwelling	86,750	126,750	163,250
2-family dwelling			
3-family dwelling			
4-family dwelling			
Blythe			
1-family dwelling	85,250	124,750	159,500
2-family dwelling			
3-family dwelling			
4-family dwelling			
Big Bear:			
1-family dwelling	70,250	133,750	168,500
2-family dwelling			
3-family dwelling			
4-family dwelling			
Bishop:			
1-family dwelling	86,250	127,750	163,000
2-family dwelling			
3-family dwelling			
4-family dwelling			
Field Office: Tucson, AZ			
Typical square foot area	1,190	1,560	1,820
Tucson:			
1-family dwelling	$61,900	$72,000	$124,700
2-family dwelling	75,100	89,100	146,300
3-family dwelling			
4-family dwelling	145,700		
Sierra Vista:			
1-family dwelling	67,000	65,700	116,800
2-family dwelling	74,000	87,800	133,700
3-family dwelling			
4-family dwelling	142,600	169,200	
Douglas:			
1-family dwelling	52,400	57,900	
2-family dwelling	68,000	77,400	
3-family dwelling			
4-family dwelling			
Safford:			
1-family dwelling	54,100	60,100	
2-family dwelling	70,300	79,900	
3-family dwelling			
4-family dwelling			
Willcox:			
1-family dwelling	52,000	60,400	
2-family dwelling	67,600	80,300	
3-family dwelling			
4-family dwelling			
Nogales:			
1-family dwelling	50,700	57,100	
2-family dwelling	65,900	76,000	
3-family dwelling			
4-family dwelling			
Field Office: Anchorage, AK			
Typical square foot area	1,020	1,450	1,800
Anchorage:			
1-family dwelling	$119,565	$165,450	$219,780
2-family dwelling	194,250	262,470	334,370
3-family dwelling	229,075	321,690	421,215
4-family dwelling	292,885	423,030	542,635
Fairbanks:			
1-family dwelling	97,765	143,480	194,215
2-family dwelling	162,577	233,315	311,620
3-family dwelling	205,155	298,080	398,215
4-family dwelling	270,090	397,220	513,235
Juneau:			
1-family dwelling	109,990	154,770	198,545
2-family dwelling	185,460	254,520	325,685
3-family dwelling	220,750	314,530	415,330
4-family dwelling	280,040	406,480	522,235
Field Office: Boise, ID			
Typical square foot area	910	1,220	2,340
Boise:			
1-family dwelling	$55,615	$66,685	$107,505
2-family dwelling	72,750	81,170	
3-family dwelling			
4-family dwelling		169,210	

SCHEDULE OF PROTOTYPE HOUSING COSTS: 1- TO 4-FAMILY DWELLINGS—Continued

Market area	Low range	Medium range	High range
Idaho Falls:			
1-family dwelling	54,055	64,475	103,790
2-family dwelling	69,925	77,720	
3-family dwelling			
4-family dwelling		164,345	
McCall:			
1-family dwelling	55,435		
2-family dwelling			
3-family dwelling			
4-family dwelling			
Pocatello:			
1-family dwelling	56,440	67,255	108,175
2-family dwelling	73,510	81,590	
3-family dwelling			
4-family dwelling			
Lewiston:			
1-family dwelling	54,790		
2-family dwelling			
3-family dwelling			
4-family dwelling			
Coeur d' Alene:			
1-family dwelling	56,810	68,700	109,675
2-family dwelling	74,429	82,085	
3-family dwelling			
4-family dwelling		174,375	
Twin Falls:			
1-family dwelling	55,250	66,155	108,035
2-family dwelling	76,127	81,175	
3-family dwelling			
4-family dwelling		172,680	
Field Office: Seattle, WA			
Typical square foot area	1,090	1,130	1,340
Seattle:			
1-family dwelling	$76,095	$86,960	$95,335
2-family dwelling	97,605	119,665	154,940
3-family dwelling		178,940	
4-family dwelling		239,330	
Bellingham:			
1-family dwelling	74,065	84,770	93,010
2-family dwelling	95,285	116,965	150,660
3-family dwelling		174,815	
4-family dwelling		235,510	
Olympia-Port Angeles:			
1-family dwelling	73,100	84,035	92,555
2-family dwelling	94,805	116,950	151,415
3-family dwelling		176,540	
4-family dwelling		237,740	
Aberdeen:			
1-family dwelling	71,255	81,940	90,340
2-family dwelling	92,605	114,405	148,330
3-family dwelling		173,245	
4-family dwelling		233,675	
Longview:			
1-family dwelling	70,375	80,802	88,910
2-family dwelling	91,180	112,470	145,520
3-family dwelling		169,420	
4-family dwelling		229,205	
Yakima:			
1-family dwelling	69,800	80,015	86,605
2-family dwelling	90,195	110,675	142,740
3-family dwelling		116,770	
4-family dwelling		224,500	
Field Office: Spokane, WA			
Typical square foot area	1,000	1,050	1,100
Spokane:			
1-family dwelling	$47,380	$62,465	$83,625
2-family dwelling	62,775	78,270	104,230
3-family dwelling			
4-family dwelling	101,080	116,365	137,430
Pullman:			
1-family dwelling	46,825	55,620	88,895
2-family dwelling	64,100	81,085	108,905
3-family dwelling			
4-family dwelling	103,540	121,190	145,780
Kennewick:			
1-family dwelling	47,915	72,855	102,690
2-family dwelling	71,645	89,590	118,410
3-family dwelling			
4-family dwelling	118,695	134,370	155,985
Field Office: Portland, OR			
Typical square foot area	1,160	1,700	2,180

SCHEDULE OF PROTOTYPE HOUSING COSTS: 1- TO 4-FAMILY DWELLINGS—Continued

Market area	Low range	Medium range	High range
Portland.			
1-family dwelling	$63,330	$74,030	$89,930
2-family dwelling	97,800	107,775	123,555
3-family dwelling	148,410	162,200	185,720
4-family dwelling	179,185	196,655	225,645
Bend-Coos Bay-Eugene			
1-family dwelling	62,400	73,900	88,560
2-family dwelling	95,835	108,555	122,970
3-family dwelling	149,020	161,375	184,800
4-family dwelling	177,495	194,810	222,800
Medford			
1-family dwelling	62,150	72,360	85,315
2-family dwelling	94,430	105,835	121,910
3-family dwelling	146,990	160,785	184,310
4-family dwelling	177,830	195,165	224,260

[FR Doc. 85-9216 Filed 4-17-85; 8:45 am]

BILLING CODE 4210-27-M

Office of Administration

[Docket No. N-85-1522]

Submission of Proposed Information Collections to OMB

AGENCY: Office of Administration, HUD.

ACTION: Notices.

SUMMARY: The proposed information collection requirements described below have been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposals.

ADDRESS: Interested persons are invited to submit comments regarding these proposals. Comments should refer to the proposal by name and should be sent to: Robert Fishman, OMB Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, D.C. 20503.

FOR FURTHER INFORMATION CONTACT: David S. Cristy, Report Management Officer, Department of Housing and Urban Development, 451 7th Street, SW., Washigton, D.C. 20410, telephone (202) 755-6050. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: The Department has submitted the proposals described below for the collection of information to OMB for review, as required by the Paperwork Reduction Act (44 U.S.C. Chapter 35).

The Notices list the following information: (1) The title of the information collection proposal; (2) the office of the agency to collect the information; (3) the agency form number, if applicable; (4) how frequently information submissions will be required; (5) what members of the public will be affected by the proposal; (6) an estimate of the total number of hours needed to prepare the information submission; (7) whether the proposal is new or an extension or reinstatement of an information collection requirement; and (8) the names and telephone numbers of an agency official familiar with the proposal and of the OMB Desk Officer for the Department.

Copies of the proposed forms and other available documents submitted to OMB may be obtained from David S. Cristy, Reports Management Officer for the Department. His address and telephone number are listed above. Comments regarding the proposals should be sent to the OMB Desk Officer at the address listed above.

The proposed information collection requirements are described as follows:

Proposal: Application for Transfer of Physical Assets
Office: Housing
Form No.: HUD-92266
Frequency of submission: On Occasion
Affected public: Businesses or Other For-Profit and Non-Profit Institutions
Estimated burden hours: 32,200
Status: Extension
Contact: S. Daniel Raley, HUD, (202) 755-5730, Robert Neal, OMB, (202) 395-7316

Authority: Sec. 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507; Sec. 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Dated: March 15, 1985.

Proposal: Application for Coinsurance Benefits (Multifamily)—State Agencies
Office: Adminstration
Form No.: HUD-426, 426A, 426.1, and 427
Frequency of submission: On Occasion
Affected Public: State or Local Governments
Estimated burden hours: 30
Status: Extension
Contact: Eugene Morroni, HUD, (202) 755-7523, Robert Fishman, OMB (202) 395-7316

Authority: Sec. 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507; Sec. 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Dated: March 27, 1985.

Proposal: Multifamily Coinsurance Claims Package 223(f)
Office: Administration
Form No.: HUD-27008, 27009B, 27009D, and 27009F
Frequency of submission: On Occasion
Affected public: Businesses or Other For-Profit
Estimated burden hours: 60
Status: Extension
Contact: Eugene Morroni, HUD (202) 755-7523, Robert Fishman, OMB, (202) 395-7316

Authority: Sec. 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507; Sec. 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Dated: March 27, 1985.

Proposal: Claim for Payment of HUD Security Deposit Guarantee and Compensation for Vacancy Loss
Office: Housing
Form No.: HUD-52676
Frequency of submission: On Occasion
Affected public: State or Local Governments
Estimated burden hours: 352,750
Status: Revision
Contact: Myra Newbill, HUD, (202) 755-7570, Robert Fishman, OMB, (202) 395-7316

Authority: Sec. 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507; Sec. 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Dated: April 9, 1985.

Proposal: Evaluation of the Housing Voucher Demonstration Program
Office: Policy Development and Research
Form No.: None
Frequency of submission: On Occasion
Affected public: Individuals or Households and Non-Profit Institutions
Estimated burden hours: 8,282
Status: New
Contact: Howard Hammerman, HUD, (202) 755-5574, Robert Neal, OMB, (202) 395-7316

Authority: Sec. 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507; Sec. 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Dated: March 5, 1985.

Proposal: American Housing Survey—1985 National Sample
Office: Policy Development and Research
Form No.: AHS-21, 22, 23, 26, and 28
Frequency of submission: Biennially
Affected public: Individuals or Households
Estimated burden hours: 26,300
Status: New
Contact: Duane T. McGough, HUD, (202) 755-5060, Arthur F. Young, Census, (301) 763-2863, Robert Neal, OMB, (202) 395-7316

Authority: Sec. 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507; Sec. 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Dated: February 25, 1985.

Dennis F. Geer,

Director, Office of Information Policies and Systems.

[FR Doc. 85-9349 Filed 4-17-85; 8:45 am]

BILLING CODE 4210-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Information Collection Submitted for Review

The proposal for the collection of information listed below has been submitted to the Office of Management and Budget for approval under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Copies of the proposed information collection requiren.ent and related forms and explanatory material may be obtained by contacting the Bureau's Clearance Officer at the phone number listed below. Comments and suggestions on the requirement should be made directly to the Bureau Clearance Officer and the Office of Management and Budget Interior Desk Officer at (202) 395–7313.

Title: Subchapter N—Economic Enterprises. Applications and Requirements (25 CFR Part 286).

Abstract: To provide financial assistance to Tribes, Tribal organizations, and individuals through the Indian Business Development Program to promote economic development on or near reservations. The forms require certain financial data, background information, project feasiblity, and financial solvency to determine the eligibility and potential success of the business.

Note.—This is not a new program or a new information collection by BIA. Bureau Form Numbers: BIA Form 8001, BIA Form 8004, BIA Form 8005.

Frequency: On occasion.

Description of Respondents: Individual Indians and Indian Organizations.

Annual Responses: 700.

Annual Burden Hours: 630 hours.

Bureau Clearance Officer: Ramona Moore (202) 343–3574.

March 4, 1985.

John W. Fritz,

Assistant Secretary; Indian Affairs.

[FR Doc. 85-9404 Filed 4-17-85; 8:45 am]

BILLING CODE 4310-02-M

Poarch Band of Creeks Establishment of Reservation

April 12, 1985.

This notice is published in the exercise of authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs by 209 DM 8.1. In the absence of the Assistant Secretary—Indian Affairs, 209 DM 8.3A authorizes the Deputy Assistant Secretary—Indian Affairs final approval authority. Notice is hereby given that, under the authority of section 7 of the Act of June 18, 1934 (48 Stat. 986; 25 U.S.C. 467), the hereinafter described tracts of land, located in Elmore and Escambia Counties, Alabama, were proclaimed to be an Indian reservation, effective April 12, 1985 for exclusive use of Indians entitled by enrollment or by tribal membership to residence at such reservation.

Saint Stephans Meridian, Elmore and Escambia Counties, Alabama

Elmore County

T. 18 N., R. 18 E.,

"Commerce at the Southeast corner of Section 24, Township 18, Range 18, Elmore County, Alabama, and run thence West along section line a distance of 900.0 feet; thence N 1°02′ West along West property line of Southern Natural Gas Co., a distance of 340 feet; thence N. 19°09′ East a distance of 1019.03 feet to West right of way of U.S. Highway 231; thence S. 78°16′ West a distance of 316.80 feet; thence N 59°56′ West a distance of 440 feet; thence N 30°04′ E a distance of 875 feet; thence 59°56′ East a distance of 489.46 feet to the point of beginning of tract herein conveyed; thence N 9°04′ East a distance of 231.24 feet; thence N 8°56′ East a distance of 150.26 feet; thence N 80°59′ W a distance of 17.41 feet; thence N 0°39′ E a distance of 120.0 feet; thence N 89°29′ W a distance of 97.56 feet; thence N 0°21′ W a distance of 665 feet; thence N. 89°39′ East a distance of 50.0 feet; thence N 0°21′ West a distance of 645.87 feet (said point shall be hereinafter called "Point A" for a 60.0-foot easement described below); thence continue N 0°21′ West a distance of 495 feet; thence N 70°42′ W a distance of 425 feet, more or less, to the East bank of the Coosa River; thence run Southwesterly along said East bank a distance of 1960 feet, more or less; thence S. 59°56′ East a distance of 1264.46 feet, more or less, to the point of beginning, said tract being located in the East Half of Section 24, Township 18, Range 18, Elmore County, Alabama, and containing 35.8 acres, more or less.

Less and except a 60 foot by 60 foot easement on the Northeast corner for rights of egress and ingress;

Also: a 60 foot easement described as beginning at "Point A" in above description and run thence N. 89°39′ East a distance of 254.81 feet, more or less, to the West right of way of U.S. Highway 231 and South Main Street in the City of Wetumpka, Alabama, and said bearing and distance being the centerline of a 60 foot easement to above described property."

Escambia County, Alabama

T. 2 N., R. 5 E.,

"All of the South Half of Northeast Quarter of Southwest Quarter lying West of Jack Springs Road;

Also a strip on the East end of the South Half of Northwest Quarter of Southwest Quarter described as follows: Begin at Southeast corner of said 20 acres, thence West one chain and 99 links; thence North 3 degrees East 10 chains and eight links; thence East one chain and 46 links; thence South along East line of said 20 acres to point of beginning, containing 1.72 acres, more or less;

All in section 27, Township 2 North, Range 5 East, containing in the aggregate 17.74 acres, more or less, being the same lands conveyed by the State of Alabama to the Board of Education of Escambia County by deed recorded in Deed Book 250, pages 281 et seq. and by the latter to the former by deed dated May 14, 1975 and recorded in Deed Book 313, pages 113 et seq."

"All of the Southeast Quarter of Southwest Quarter lying South of the old Swift-Hunter Lumber Company railway right of way, less and except the following parcels:

Beginning at the Southwest corner of said Southeast Quarter of Southwest Quarter, thence run North 210 feet; thence run East 440 feet; thence run South 210 feet; thence run West 440 feet to the point of beginning, containing 2.1 acres, more or less;

Beginning at the Southeast corner of said Southeast Quarter of Southwest Quarter, thence run West 167 feet; thence run North 250 feet; thence run East 167 feet; thence run South 250 feet to the point of beginning, containing one acre, more or less;

Containing 15.3 acres, more or less.

Commencing at the Southwest corner of Southwest Quarter of Southeast Quarter, thence run East 196 feet; thence run North 210 feet; thence run North 28° East 131 feet; thence run North 29° West parallel with Jack Springs Road 210 feet; thence at an angle of 90° to the right run 210 feet to the West right-of-way line of Jack Springs Road; thence run North 29° West along said West right-of-way line 400 feet to a point which is 226 feet, measured along said West right-of-way line Southeasterly from the intersection of said West right-of-way line with the West line of said SW¼ of SE¼; thence turn an angle of 90° to the left and run 135 feet to a point on the West line of said SW¼ of SE¼ which is 267 feet South of the intersection of said West line with the West right-of-way line of Jack Springs Road; thence run South 881 feet to the point of beginning, containing 4.7 acres, more or less; all in Section 27, Township 2 North, Range 5 East."

"North Half of Northwest Quarter of Southwest Quarter, and that part of the South Half of Northwest Quarter of Southwest Quarter lying West of the public road known as Old Sullivan Mill Road, less and except the following parcels:

Exception One: Beginning at a point which is 240 feet South of the Northeast corner of said Northwest Quarter of Southwest Quarter; thence run South 408 feet to the North margin of roadway; thence run West along said North margin 154 feet; thence run South along the West margin of roadway 12 feet; thence run West 56 feet; thence run North 420 feet; thence run East 210 feet to the point of beginning, containing two acres, more or less;

Exception Two: Beginning at the Southwest corner of the Northwest Quarter of Southwest Quarter, thence run East 1145 feet to public road; thence run North 3 degrees 15 minutes East 380 feet along said road; thence run West 1167 feet; thence run South 380 feet to

the point of beginning, containing 10 acres, more or less;

All in Section 27, Township 2 North, Range 5 East, containing 25 acres, more or less."

"North Half of Southeast Quarter of Section 28, Township 2 North, Range 5 East, containing 80.00 acres, more or less."

"A tract of land consisting of 40 acres in the Northeast Quarter of Section 34, Township 2 North, Range 5 East bounded on the East by Jack Springs Road, bounded on the West by the West line of said Northeast Quarter; bounded on the North by the North line of said Northeast Quarter; and bounded on the South by a line parallel to the latter line."

T. 2 N., R. 6 E.,

"Beginning at a point on the West line of Alabama Highway No. 21 which is 577.5 feet North of the South line of Northwest Quarter of Southwest Quarter of Section 28, Township 2 North, Range 6 East; thence run South 28° 32' West along the West line of said highway 750 feet; thence run North 84° 40' West 555.80 feet to make or form the starting point; thence coutinue North 84° 40' West 950.20 feet to the East line of Escambia County Road 14; thence run South 39° 30' East along the East line of said Road 14 a distance of 450 feet; thence run in an Easterly direction along the curve of the North line of said Road 14 a distance of 690 feet (chord: S 67° 15' E 663.6 feet); thence run North 85° 15' East along the North line of said Road 14 a distance of 172.6 feet; thence run North 13° 51' West 511.73 feet to the point of beginning, lying partly in Southeast Quarter of Southeast Quarter and partly in Northeast Quarter of Southeast Quarter of Section 29, Township 2 North, Range 6 East, in Escambia County, Alabama."

The above described parcels contain a total of 229.54 acres, more or less which are subject to all valid rights, reservations, rights-of-way, and easements of record.

John W. Fritz,

Deputy Assistant Secretary, Indian Affairs.

[FR Doc. 85-9416 Filed 4-17-85; 8:45 am]

BILLING CODE 4310-02-M

Bureau of Land Management

[Coal Lease Application ES 32662]

Tuscaloosa County, AL; Public Hearing and Availability of Environmental Assessment

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of public hearing and availability of environmental assessment.

SUMMARY: The Department of the Interior, Bureau of Land Management, Eastern States Office, 350 South Pickett Street, Alexandria, Virginia 22304, hereby gives notice that a public hearing will be held on May 9, 1985, at 10:00 a.m., in the Public Room, Eastern States Office, Bureau of Land Management, 350 South Pickett Street, Alexandria, Virginia 22304. Application has been made to the United States under the emergency coal leasing regulation, 43 CFR 3425.1-4, that it offer for lease certain coal resources in the public lands hereinafter described. The purpose of the hearing is to obtain public comments on the Environmental Assessment and on the following items.

1. The method of mining to be employed to obtain maximum economic recovery of the coal;

2. The impact that mining the coal in the proposed leasehold may have on the area including but not limited to impacts on the environment; and

3. Methods of determining the fair market value (FMV) of the coal to be offered.

Written requests to testify orally at the May 9, 1985, public hearing should be received at the Eastern States Office, Bureau of Land Management, address set out above, prior to the close of business at 4:00 p.m., on May 8, 1985. People who indicate they wish to testify when they check in at the hearing room may have an opportunity to testify if time is available after the listed witnesses have been heard.

Both oral and written comments will be received at the public hearing, but speakers will be limited to a maximum of 10 minutes each depending on the number of persons desiring to comment. The time limitation will be strictly enforced, but the complete text of prepared speeches may be filed with the presiding officer at the hearing, whether or not the speaker has been able to finish oral delivery in the allotted minutes. Written comments may also be submitted to the Eastern States Office at the above address, prior to close of business on May 8, 1985.

Substantive comments, whether written or oral, will receive equal consideration prior to any lease offering.

In addition, the public is invited to submit written comments concerning the FMV of the coal resource to the Bureau of Land Management. Public comments will be utilized in establishing FMV for the coal resources in the described lands.

Comments should address specific factors related to FMV, including, but not limited to: The quantity and quality of the coal resources, the price that the mined coal would bring in the market place, the cost of producing the coal, the probable timing and rate of production, the interest rate at which anticipated income streams would be discounted, depreciation and other accounting factors, the expected rate of industry return, the value of the surface estate (if private surface), and the mining method or methods which would achieve maximum economic recovery of the coal. Documentation of similar market transactions, including location, terms and conditions, may also be submitted at this time.

These comments will be considered in the final determination of FMV as determined in accordance with 30 CFR 211.63 and 43 CFR 3422.12. Should any information submitted as comments be considered to be proprietary by the commentor, the information should be labeled as such and stated in the first page of the submission. Comments should be sent to the State Director, Bureau of Land Management, at the above address.

Application ES 32662 (310 Acres) (East Poplar Hollow Tract)

The coal resource to be offered is to be *Surface Mined* from the middle seam of the Utley Group (Middle Utley Coal Bed) which is on private surface located in Sections 3, 4 and 9, T. 17 S., R. 9 W., Tuscaloosa County, Alabama. The complete description is available at the Eastern States Office at the address set out above, or at the Bureau of Land Management, Jackson District Office, P.O. Box 11348, Delta Station, Jackson, Mississippi 39213.

The Environmental Assessment will be available for review in the Jackson District Office, Jackson, Mississippi, or in the Eastern States Office, Bureau of Land Management, at the above address. Single copies are available for distribution upon request from the Eastern States Office.

A copy of the Environmental Assessment, the case file and the comments by the public on FMV, except for proprietary information excluded by the Freedom of Information Act, will be available for public inspection at the Eastern States Office, Bureau of Land Management, at the address set out above.

We have found that the range of quality of the Middle Utley coal bed within the East Poplar Hollow tract is as follows:

1. Moisture (%), 1.4–2.4
2. Ash (%), 6.6–11.7
3. Sulfur (%), 1.6–3.9
4. Btu/lb. 13,109–14,000
5. Approx. tons in place, 132,000

FOR FURTHER INFORMATION CONTACT: Ms. Barbara Coalgate, Bureau of Land Mangement, Eastern States Office, 350

South Pickett Street, Alexandria, Virginia 22304, (703) 274–0149.

Lane J. Bouman,

Acting State Director.

[FR Doc. 85–8784 Filed 4–17–85; 8:45 am]

BILLING CODE 4310–GJ–M

Idaho; Filing of Plat of Survey

April 8, 1985.

The plats of survey of the following described land were officially filed in the Idaho State Office, Bureau of Land Management, Boise, Idaho, on the dates hereinafter stated:

Boise Meridian

T. 62 N., R. 3 E., Accepted February 4, 1985.
Officially filed February 25, 1985.
T. 7 N., R. 27 E., Accepted February 4, 1985.
Officially filed February 27, 1985.

The above plat represent surveys, dependent resurveys, and subdivisions of sections.

Inquiries about these lands should be addressed to Chief, Branch of Cadastral Survey, Idaho State Office, 3380 Americana Terrace, Boise, Idaho, 83706.

Sharron Deroin,

Chief, Land Services Section.

[FR Doc. 85–9327 Filed 4–17–85; 8:45 am]

BILLING CODE 4310–84–M

[M 60958]

Conveyance and Order Providing for Opening of Public Lands; Montana

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Conveyance and Order Providing for Opening of Public Land in Carter County, Montana.

SUMMARY: This order will open the lands reconveyed in an exchange under the Act of October 21, 1976, 43 U.S.C. 1701, et seq., to the operation of the public land laws. No minerals were transferred by either party in the exchange.

This notice also informs the public and interested state and local governmental officials of the issuance of the conveyance document.

DATE: At 9 a.m. on June 10, 1985, the lands reconveyed to the United States shall be open to the operation of the public land laws, subject to valid existing rights, the provisions of existing withdrawals and the requirements of applicable law. The lands described in paragraph 1 below were segregated from settlement, sale, location and entry under the public land laws, including the mining laws, but not from exchange, by the Notice of Realty Action published in the **Federal Register** on November 2, 1984 (49 FR 44153). The segregation terminated on issuance of the patent on April 5, 1985.

FOR FURTHER INFORMATION CONTACT: Edward H. Croteau, Chief, Lands Adjudication Section, BLM, Montana State Office, P.O. Box 36800, Billings, Montana 59107, Phone (406) 657–6082.

SUPPLEMENTARY INFORMATION: 1. Notice is hereby given that pursuant to section 206 of the Act of October 21, 1976 (43 U.S.C. 1716), the following described surface estate was conveyed to Richard Owen and Clarice Owen:

Principal Meridian Montana

T. 5 S., R. 57 E.,
Sec. 6, SE¼SW¼;
Sec. 7, NE¼NW¼;
Sec. 21, SE¼SW¼;
Sec. 26, SW¼NE¼;
T. 5 S., R. 58 E.,
Sec. 21, SE¼SE¼;
Sec. 22, SE¼NE¼, SE¼NW¼, NE¼SW¼;
Sec. 27, E½NW¼, N½NE¼SW¼;
Sec. 28, NE¼NW¼;
Sec. 29, NE¼NE¼.
Aggregating 500 acres.

2. In exchange for the above selected land, the United States acquired the surface estate of the following lands in Carter County, Montana:

Principal Meridian, Montana

T. 5 S., R. 57 E.,
Sec. 3, lot 4;
Sec. 4, lot 1, SE¼NE¼, SE¼SE¼;
Sec. 7, SE¼NE¼, SE¼SW¼, N½SE¼, SW¼SE¼;
Sec. 8, W½NE¼, S½NW¼, NW¼SW¼.
Containing 558.42 acres.

3. The values of the Federal public land and the non-Federal land in the exchange were both appraised at $53,500.

4. At 9 a.m. on June 10, 1985, the lands described in paragraph 2 above that were conveyed to the United States will be open to the operation of the public land laws.

John A. Kwiatkowski,

Deputy State Director, Division of Lands and Renewable Resources.

April 11, 1985.

[FR Doc. 85–9328 Filed 4–17–85; 8:45 am]

BILLING CODE 4310–DN–M

New Mexico; Notice of Filing of Plat of Survey

April 11, 1983.

The plat of survey described below was officially filed in the New Mexico State Office, Bureau of Land Management, Santa Fe New Mexico, effective at 10:00 a.m. on April 11, 1985.

The dependent resurvey of a portion of the subdivisional lines and the subdivision of section 28, of Township 19 South, Range 4 West, of the New Mexico Principal Meridian, New Mexico, under Group 819.

This survey was requested by the District Manager, Las Cruces, New Mexico.

The plat will be in the open files of the New Mexico State Office, Bureau of Land Management, P.O. Box 1449, Santa Fe, New Mexico 87501. Copies of the plat may be obtained from that office upon payment of $2.50 per sheet.

Cary S. Speight,

Chief, Branch of Cadastral Survey.

[FR Doc. 85–9340 Filed 4–17–85; 8:45 am]

BILLING CODE 4310–FB–M

[OR–19466, OR–21723]

Oregon; Proposed Continuation of Withdrawals

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The Department of the Army, Corps of Engineers, proposes that two land withdrawals for the Columbia River at the Mouth Project continue for a additional 100 years. The lands would remain closed to surface entry and mining but have been and would remain open to mineral leasing.

FOR FURTHER INFORMATION CONTACT: Champ Vaughan, BLM Oregon State Office, P.O. Box 2965, Portland, Oregon 97208 (Telephone 503–231–6905)

SUPPLEMENTARY INFORMATION: The Department of the Army, Corps of Engineers proposes that the existing land withdrawals made by the Executive Orders of February 26, 1852 and August 29, 1863, be continued for a period of 100 years pursuant to section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751, 43 U.S.C. 1714.

The lands involved include Sand Island and Point Adams which are located near the mouth of the Columbia River in Clatsop County, Oregon. Approximately 280 acres are affected.

The purpose of the withdrawals is to protect the Columbia River at the Mouth Project. The withdrawals segregate the lands from operation of the public land laws generally, including the mining laws, but not the mineral leasing laws. No change is proposed in the purpose or segregative effect of the withdrawals.

For a period of 90 days from the date of publication of this notice, all persons who wish to submit comments,

suggestions, or objections in connection with the proposed withdrawal continuations may present their views in writing to the undersigned officer at the address specified above.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. A report will also be prepared for consideration by the Secretary of the Interior, the President and Congress, who will determine whether or not the withdrawals will be continued and if so, for how long. The final determination on the continuation of the withdrawals will be published in the **Federal Register**. The existing withdrawals will continue until such final dtermination is made.

Dated: April 11, 1985.

Champ C. Vaughan, Jr.,

Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc. 85-9330 Filed 4-17-85; 8:45 am]

BILLING CODE 4310-33-M

[W-37489]

Wyoming; Proposed Reinstatement of Terminated Oil and Gas Lease

Pursuant to the provisions of Pub. L. 31-245 and Title 43 Code of Federal Regulations, § 3108.2-1(c), and Pub. L. 97-451, a petition for reinstatement of oil and gas lease W-37489 for lands in Converse County, Wyoming was timely filed and was accompanied by all the required rentals accruing from the date of termination.

The lessees have agreed to the amended lease terms for rentals and royalties at rates of $5.00 per acre, or faction thereof, per year and 16⅔ percent, respectively.

The lessees have paid the required $500.00 administrative fee and $106.25 to reimburse the Department for the cost of this **Federal Register** notice. The lessees have met all the requirements for reinstatement of the lease as set out in section 31 (d) and (e) of the Mineral Lands Leasing Act of 1920 (30 U.S.C. 188), and the Bureau of Land Management is proposing to reinstate lease W-37489 effective January 1, 1982, subject to the original terms and conditions of the lease and the increased rental and royalty rates cited above.

Judith A. Moffitt,

Acting Chief, Leasing Section.

[FR Doc. 85-9334 Filed 4-17-85; 8:45 am]

BILLING CODE 4310-22-M

Cedar City District Advisory Council; Meeting

Notice is hereby given in accordance with Pub. L. 92-463, that a meeting of the Cedar City District Advisory Council will be held May 14, 1985.

The meeting will begin at 9:30 a.m. at the BLM's Cedar City District Office, 1579 North Main, Cedar City, Utah. The agenda will include discussions of wildlife related issues in Iron, Beaver, and Garfield Counties, an update on the BLM/FS Interchange, and current status on projects the Council has previously addressed.

All Advisory Council meetings are open to the public. Those wishing to accompany the Council on the field portion of the meeting should provide their own transportation and lunch. Interested persons may make oral statements at 9:30 a.m. at the BLM District Office or may submit written statements for the Council's consideration. Anyone wishing to make an oral statement must notify the District Manager, P.O. Box 724, Cedar City, Utah 84720 by May 10, 1985. Depending on the number of persons wishing to make a statement, a per person time limit may be established by the District Manager or Council Chairman.

J. Kent Giles,

Acting District Manager.

April 12, 1985.

[FR Doc. 85-9323 Filed 4-17-85; 8:45 am]

BILLING CODE 4310-DQ-M

Idaho Falls District Grazing Advisory Board; Meeting

AGENCY: Bureau of Land Management (BLM), Interior.

ACTION: Meeting of the Idaho Falls District Grazing Advisory Board.

SUMMARY: The Idaho Falls District Grazing Advisory Board will meet Monday, June 3, 1985. Notice of this meeting is in accordance with Pub. L. 92-463. The meeting will begin at 9 a.m. at the Pocatello Resource Area Office in the Pocatello Federal Building at 250 South 4th Ave. The meeting is open to the public; public comments on agenda items will be accepted from 12:45 to 1:15 p.m. at the covered picnic area across from the hot pool at Lava Hot Springs, Idaho.

The meeting will consist of a tour of BLM projects and programs in the Pocatello Resource Area. Topics to be covered include noxious weeds, range improvement projects, recreation programs and interagency coordination.

Participants will need to provide transportation and lunch.

Summary minutes of the meeting will be kept in the District Office and will be available for public inspection and reproduction during business hours (7:45 a.m. to 4:30 p.m.) within 30 days after the meeting.

FOR FURTHER INFORMATION CONTACT: O'dell A. Frandsen, Bureau of Land Management, 940 Lincoln Road, Idaho Falls, Idaho 83401; Telephone: (208) 529-1020.

April 12, 1985.

O'dell A. Frandsen,

District Manager.

[FR Doc. 85-9402 Filed 4-17-85; 8:45 am]

BILLING CODE 4310-GG-M

[Group 699; 4-19952-ILM-940]

California; Filing of Plat of Survey

April 10, 1985.

1. This plat of survey of the following described land will be officially filed in the California State Office, Sacramento, California, effective 7:30 a.m. on May 27, 1985:

Mount Diablo Meridian, Tulare County

T. 23 S., R. 37½ E.

2. This plat, representing the survey of the subdivisional lines, of Township 23 South, Range 37½ East, Mount Diablo Meridian, California, under Group No. 699, California, was accepted March 11, 1985.

3. This plat will at and after 7:30 a.m. of the above date, become the basic record for describing the land for all authorized purposes. Until this date and time, the plat has been placed in the open files and is available to the public for information only.

4. This plat was executed to meet certain administrative needs of the Bureau of Land Management.

5. All inquiries relating to this land should be sent to the California State Office, Bureau of Land Management, Federal Office Building, 2800 Cottage Way, Room E-2841, Sacramento, California 95825.

Herman J. Lyttge,

Chief, Records and Information Section.

[FR Doc. 85-9405 Filed 4-17-85; 8:45 am]

BILLING CODE 4310-40-M

[Group 843; 4-19952-ILM-940]

California; Filing of Plat of Survey

April 10, 1985.

1. This plat of survey of the following described land will be officially filed in

the California State Office, Sacramento, California, immediately:

Mount Diablo Meridian, Butte County

T. 24 N., R. 3 E.

2. This plat, representing the dependent resurvey of a portion of the east boundary, a portion of the subdivisional lines, and Mineral Survey No. 5604, and the survey of the subdivision of section 24, Township 24 North, Range 3 East, Mount Diablo Meridian, under Group No. 843, California, was accepted march 12, 1985.

3. This plat will immediately become the basic record for describing the land for all authorized purposes. This plat has been placed in the open files and is available to the public for information only.

4. This plat was executed to meet certain administrative needs of the Bureau of Land Management.

5. All inquiries relating to this land should be sent to the California State Office, Bureau of Land Management, Federal Office Building, 2800 Cottage Way, Room E-2841, Sacramento, California 95825.

Herman J. Lyttge,

Chief, Records and Information Section.

[FR Doc. 85-9406 Filed 4-17-85; 8:45 am]

BILLING CODE 4310-40-M

[C-1-85; 4-19952-ILM-940]

California; Filing of Plat Survey

April 10, 1985.

1. This plat of survey of the following described land will be officially filed in the California State Office, Sacramento, California, immediately:

Mount Diablo Meridian, Nevada County

T. 16 N., R. 9 E.

2. This supplemental plat of W½ of section 18, T. 16 N., R. 9 E., M.D.M., California, showing amended lottings created by the cancellation of the segregation survey of the New Mohawk Mine, the Orleans No. 3 Gold Mine, Lot 64, of M.S. 1467 and a portion of the Gold Flat Quartz Mine, Lot 79, of M.S. 2486, is based upon the plats approved August 28, 1867 and August 22, 1932, diagrams dated August 21, 1873, March 5, 1880, May 26, 1881, February 9, 1882, March 23, 1883, October 4, 1883, October 4, 1887, July 12, 1898, August 1, 1899, February 4, 1904 and the mineral survey records, was accepted February 22, 1985.

3. This plat will immediately become the basic record for describing the land for all authorized purposes. This plat has been placed in the open files and is available to the public for information only.

4. This plat was executed to meet certain administrative needs of the Bureau of Land Management.

5. All inquiries relating to this land should be sent to the California State Office, Bureau of Land Management, Federal Office Building, 2800 Cottage Way, Room E-2841, Sacramento, California 95825.

Herman J. Lyttge,

Chief, Records and Information Section.

[FR Doc. 85-9407 Filed 4-17-85; 8:45 am]

BILLING CODE 4310-40-M

[Group 699; 4-19952-ILM-940]

California; Filing of Plat of Survey

April 10, 1985.

1. This plat of survey of the following described land will be officially filed in the California State Office, Sacramento, California, immediately:

Mount Diablo Meridian, Tulare County

T. 23 S., R. 37 E.

2. This plat, representing the corrective dependent resurvey of a portion of the south boundary, and the east half of the north boundary of section 36, the dependent resurvey of a portion of the east boundary of Township 23 South, Range 37 East with corners marked for the west boundary of Township 23 South, Range 37½ East, and a portion of the subdivisional lines of Township 23 South, Range 37 East, Mount Diablo Meridian, California, under Group No. 699, California, was accepted March 11, 1985.

3. This plat will immediately become the basic record for describing the land for all authorized purposes. This plat has been placed in the open files and is available to the public for information only.

4. This plat was executed to meet certain administrative needs of the Bureau of Land Management.

5. All inquiries relating to this land should be sent to the California State Office, Bureau of Land Management, Federal Office Building, 2800 Cottage Way, Room E-2841, Sacramento, California 95825.

Herman J. Lyttge,

Chief, Records and Information Section.

[FR Doc. 85-9408 Filed 4-17-85; 8:45 am]

BILLING CODE 4310-40-M

[W-42596]

Wyoming; Proposed Reinstatement of Terminated Oil and Gas Lease

Pursuant to the provisions of Pub. L. 97-451, 96 Stat. 2462-2466, and Regulation 43 CFR 3108.2-3(a)(b)(1), a petition for reinstatement of oil and gas lease W-42596 for lands in Campbell County, Wyoming was timely filed and was accompanied by all the required rentals accruing from the date of termination.

The lessee has agreed to the amended lease terms for rentals and royalties at rates of $5.00 per acre, or fraction thereof, per year and 16-⅔ percent, respectively.

The lessee has paid the required $500.00 administrative fee and $106.25 to reimburse the Department for the cost of this **Federal Register** notice. The lessee has met all the requirements for reinstatement of the lease as set out in section 31 (d) and (e) of the Mineral Lands Leasing Act of 1920 (30 U.S.C. 188), and the Bureau of Land Management is proposing to reinstate lease W-42596 effective January 1, 1985, subject to the original terms and conditions of the lease and the increased rental and royalty rates cited above.

Judith A. Moffitt,

Acting Chief, Leasing Section.

[FR Doc. 85-9400 Filed 4-17-85; 8:45 am]

BILLING CODE 4310-22-M

[W-37506]

Wyoming; Proposed Reinstatement of Terminated Oil and Gas Lease

Pursuant to the provisions of Pub. L. 97-451, 96 Stat. 2462-2466, and Regulation 43 CFR 3108.2-3(a)(b)(1), a petition for reinstatement of oil and gas lease W-37506 for lands in Johnson County, Wyoming was timely filed and was accompanied by all the required rentals accruing from the date of termination.

The lessee has agreed to the amended lease terms for rentals and royalties at rates of $5.00 per acre, or fraction thereof, per year and 16⅔ percent, respectively.

The lessee has paid the required $500.00 administrative fee and $106.25 to reimburse the Department for the cost of this **Federal Register** notice. The lessee has met all the requirements for reinstatement of the lease as set out in section 31 (d) and (e) of the Mineral Lands Leasing Act of 1920 (30 U.S.C. 188), and the Bureau of Land Management is proposing to reinstate lease W-37506 effective January 1, 1985, subject to the original terms and conditions of the lease and the

increased rental and royalty rates cited above.

Judith A. Moffitt,

Acting Chief, Leasing Section.

[FR Doc. 85-9401 Filed 4-17-85; 8:45 am]

BILLING CODE 4310-22-M

[W-82174]

Wyoming; Proposed Reinstatement of Terminated Oil and Gas Lease

Pursuant to the provisions of Pub. L. 31-245, and Title 43 Code of Federal Regulations, § 3108.2-1(c), and Pub. L. 97-451, a petition for reinstatement of oil and gas lease W-82174 for lands in Sweetwater County, Wyoming was timely filed and was accompanied by all the required rentals accruing from the date of termination.

The lessee has agreed to the amended lease terms for rentals and royalties at rates of $5.00 per acre, or fraction thereof, per year and 16⅔ percent, respectively.

The lessee has paid the required $500.00 administrative fee and $106.25 to reimburse the Department for the cost of this **Federal Register** notice. The lessee has met all the requirements for reinstatement of the lease as set out in section 31 (d) and (e) of the Mineral Lands Leasing Act of 1920 (30 U.S.C. 188), and the Bureau of Land Management is proposing to reinstate lease W-82174 effective January 1, 1985, subject to the original terms and conditions of the lease and the increased rental and royalty rates cited above.

Andrew L. Tarshis,

Chief, Leasing Section.

[FR Doc. 85-9403 Filed 4-17-85; 8:45 am]

BILLING CODE 4310-22-M

Fish and Wildlife Service

"Wetlands of the United States: Current Status and Recent Trends"

AGENCY: U.S. Fish and Wildlife Service, Interior.

ACTION: Notice.

SUMMARY: The U.S. Fish and Wildlife Service announces availability of the above mentioned report. This report was prepared by the U.S. Fish and Wildlife Service to inform the general public, government agencies, private industry and others about the present status of U.S. wetlands.

ADDRESS: Copies of this report are available for $3.00 per copy from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. To order by mail, please provide the following information: The name of the publication and the GPO Stock Number. "Wetlands of the United States: Current Status and Recent Trends" (GPO Stock Number 024-010-00656-1) and a check or money order.

FOR FURTHER INFORMATION CONTACT: Dr. Bill O. Wilen, National Coordinator, Wetlands Inventory, Department of the Interior, U.S. Fish and Wildlife Service at (202) 343-2618.

SUPPLEMENTARY INFORMATION: The 59-page report identifies where wetlands are in greatest jeopardy from the national standpoint and presents existing information on wetland trends. It includes general discussions of the concept of wetland, major U.S. wetland types, and wetland values. The future of America's remaining wetlands is also discussed..

Dated: March 28, 1985.

Robert A. Jantzen,

Director.

[FR Doc. 85-9283 Filed 4-17-85; 8:45 am]

BILLING CODE 4310-55-M

Minerals Management Service

Development Operations Coordination Document

AGENCY: Minerals Management Service.

ACTION: Notice of the Receipt of a Proposed Development Operations Coordination Document (DOCD).

SUMMARY: Notice is hereby given that Conoco Inc. has submitted a DOCD describing the activities it proposes to conduct on Lease OCS 0184, Block 72, East Cameron Area, offshore Louisiana. Proposed plans for the above area provide for the development and production of hydrocarbons with support activities to be conducted from onshore bases located at Morgan City and Cameron, Louisiana.

DATE: The subject DOCD was deemed submitted on April 12, 1985.

ADDRESSES: A copy of the subject DOCD is available for public review at the Office of the Regional Director, Gulf of Mexico OCS Region, Minerals Management Service, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana (Office Hours: 9 a.m. to 3:30 p.m., Monday through Friday).

FOR FURTHER INFORMATION CONTACT: Ms. Angie D. Gobert; Minerals Management Service; Gulf of Mexico OCS Region; Rules and Production; Plans, Platform and Pipeline Section; Exploration/Development Plans Unit; Phone (504) 838-0876.

SUPPLEMENTARY INFORMATION: The purpose of this Notice is to inform the public, pursuant to Sec. 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the DOCD and that it is available for public review.

Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in DOCDs available to affected states, executives of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in revised § 250.34 of Title 30 of the CFR.

Dated: April 12, 1985.

John L. Rankin,

Regional Director, Gulf of Mexico OCS Region.

[FR Doc. 85-9324 Filed 4-17-85; 8:45 am]

BILLING CODE 4310-MR-M

Oil and Gas and Sulphur Operations in the Outer Continental Shelf; Conoco Inc.

AGENCY: Minerals Management Service, Department of the Interior.

ACTION: Notice of the Receipt of a Proposed Development Operations Coordination Document.

SUMMARY: This Notice announces that Conoco Inc., Unit Operator of the West Delta/Grand Isle Federal Unit Agreement No. 14-08-001-2454, submitted on March 22, 1985, a proposed Development Operations Coordination Document describing the activities it proposes to conduct on the West Delta Grand Isle Federal unit.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the plan and that it is available for public review at the offices of the Regional Director, Gulf of Mexico OCS Region, Minerals Management Service, 3301 N. Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: Minerals Management Service, Records Management Section, Room 143, open weekdays 9:00 a.m. to 3:30 p.m., 3301 N. Causeway Blvd., Metairie, Louisiana 70002, phone (504) 838-0159.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in the proposed development operations coordination document

available to affected States, executives of affected local governments, and other interested parties became effective on December 13, 1979 (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: April 9, 1985.

John L. Rankin,

Regional Director, Gulf of Mexico OCS Region.

[FR Doc. 85-9335 Filed 4-17-85; 8:45 am]

BILLING CODE 4310-MR-M

Oil and Gas and Sulphur Operations in the Outer Continental Shelf; Chevron U.S.A.

AGENCY: Minerals Management Service, Department of the Interior.

ACTION: Notice of the Receipt of a Proposed Development Operations Coordination Document.

SUMMARY: This Notice announces that Chevron U.S.A. Inc., Unit Operator of the Main Pass Block 299 Federal Unit Agreement No. 14-08-0001-8850, submitted on April 9, 1985, a proposed Development Operations Coordination Document describing the activities it proposes to conduct on the Main Pass Block 299 Federal unit.

The purposes of this Notice is to inform the public, pursuant to section 25 of the OCS Lands Act Amendments of 1978, that the Mineral Management Service is considering approval of the plan and that it is available for public review at the offices of the Regional Director, Gulf of Mexico OCS Region, Minerals Management Service, 3301 N. Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: Minerals Management Service, Records Management Section, Room 143, open weekdays 9:00 a.m. to 3:30 p.m., 3301 N. Causeway Blvd., Metairie, Louisiana 70002, phone (504) 838-0519.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in the proposed development operations coordination document available to affected States, executives of affected local governments, and other interested parties became effective on December 13, 1979 (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: April 10, 1985.

John L. Rankin,

Regional Director, Gulf of Mexico OCS Region.

[FR Doc. 85-9322 Filed 4-17-85; 8:45 am]

BILLING CODE 4310-MR-M

INTERSTATE COMMERCE COMMISSION

[Docket No. AB-6 (Sub-248)]

Burlington Northern Railroad Co.; Abandonment in Pemiscot County, MO; Notice of Findings

The Commission has issued a certificate authorizing Burlington Northern Railroad Company to abandon its 8.0-mile rail line between Hayti (milepost 212.90) and Caruthersville (milepost 220.90) in Pemiscot County, MO. The abandonment certificate will become effective 30 days after this publication unless the Commission also finds that: (1) a financially responsible person has offered financial assistance (through subsidy or purchase) to enable the rail service to be continued; and (2) it is likely that the assistance would fully compensate the railroad.

Any financial assistance offer must be filed with the Commission and the applicant no later than 10 days from publication of this Notice. The following notation shall be typed in bold face on the lower left-hand corner of the envelope containing the offer: "Rail Section, AB-OFA". Any offer previously made must be remade within this 10-day period.

Information and procedures regarding financial assistance for continued rail service are contained in 49 U.S.C. 10905 and 49 CFR 1152.

James H. Bayne,

Secretary.

[FR Doc. 85-9354 Filed 4-17-85; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF JUSTICE

Lodging of Consent Decree Pursuant to Clean Water Act

In accordance with Departmental policy, 28 CFR 50.7, notice is hereby given that on March 26, 1985 a proposed consent decree in *United States of America* v. *LFE Corporation, Inc.*, C.A. 85-1196-G, was lodged with the United States District Court, District of Massachusetts. The complaint filed by the United States alleged that LFE Corporation, Inc. ("LFE") an electroplating facility for the production of printed circuit boards, violated the Clean Water Act by discharging wastewater pollutants, into a publicly owned treatment works in violation of national pretreatment requirements for electroplaters. The complaint alleged that LFE also violated various pretreatment reporting requirements. The proposed consent decree requires LFE to pay a civil penalty of $56,000 for past violations and to install pollution control equipment necessary to comply with applicable pretreatment requirements by April 22, 1985 and to comply with pretreatment discharge limitations by May 22, 1985.

The Department of Justice will receive, for a period of thirty (30) days from the date of this publication, comments relating to the proposed consent decree. Comments should be addressed to the Assistant Attorney General of the Land and Natural Resources Division, Department of Justice, Washington, D.C. 20530, and should refer to *United States of America* v. *LFE Corporation, Inc.*, Department of Justice Reference 90-5-1-1-2270.

The proposed consent decree may be examined at the Office of the United States Attorney, John McCormack Post Office and Courthouse Building, Devonshire Street, Boston, Massachusetts 02109 and at the Region I Office of the Environmental Protection Agency, John F. Kennedy Federal Building, Boston, Massachusetts 02203. Copies of the proposed consent decree may be examined at the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice, Room 1515, Ninth Street and Pennsylvania Avenue, NW., Washington, D.C. 20530. A copy of the proposed consent decree may be obtained in person or by mail from the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice. When requesting a copy, please refer to *United States of America* v. *LFE Corporation, Inc.*, Department of Justice Reference 90-5-1-1-2270.

F. Henry Habicht II,

Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 85-9332 Filed 4-17-85; 8:45 am]

BILLING CODE 4410-01-M

Information Collection(s) Under Review

April 16, 1985.

The Office of Management and Budget (OMB) has been sent for review the following proposals for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35) since the last list was

published. The list has all entries grouped into new forms, revisions, or extensions. Each entry contains the following information:

(1) The name and telephone number of the Agency Clearance Officer (from whom a copy of the form and supporting documents is available;

(2) The office of the agency issuing the form;

(3) The title of the form;

(4) The agency form number, if applicable;

(5) How often the form must be filled out;

(6) Who will be required or asked to report;

(7) An estimate of the number of responses;

(8) An estimate of the total number of hours needed to fill out the form;

(9) An indication of whether section 3504(h) of Pub. L. 96–511 applies; and,

(10) The name and telephone number of the person or office responsible for the OMB review.

Copies of the proposed form(s) and the supporting documentation may be obtained from the Agency Clearance Officer whose name and telephone number appear under the agency name. Comments and questions regarding the items contained in this list should be directed to the reviewer listed at the end of each entry *and* to the Agency Clearance Officer. If you anticipate commenting on a form but find that time to prepare will prevent you from submitting comments promptly, you should advise the reviewer and the Agency Clearance Officer of your intent as early as possible.

Department of Justice

Agency Clearance Officer: Larry E. Miesse, 202/633–4312.

New Collection

(1) Larry E. Miesse, 202/633–4312
(2) Immigration and Naturalization Service, Department of Justice
(3) Cuban Adjustment Survey
(4) G–842
(5) One-time
(6) Individuals or households. Data used by INS to anticipate future workload resulting from adjustment of status to permanent residence of Cubans who entered the United States during the period April 15 through October 10, 1980.
(7) 10,000 respondents
(8) 833 burden hours
(9) Not applicable under 3504(h)
(10) Robert Veeder—395–4814

Extension of the Expiration Date of a Currently Approved Collection Without Any Change in the Substance or in the Method of Collection

(1) Larry E. Miesse, 202/633–4312
(2) Bureau of Justice Statistics, Department of Justice
(3) Sample Survey of Jails
(4) CJ–5, CJ–5A
(5) Annually in years between quinquennial census
(6) State and local governments. This survey is part of the on-going series that provides current data on jails and their populations to Federal, state, and local officials; jail administrators; and, researchers for evaluating current conditions and making plans for future programs. The estimates released on a yearly basis allow for the projection of trends.
(7) 1,000 respondents
(8) 200 burden hours
(9) Not applicable under 3504(h)
(10) Robert Veeder—395–4814

(1) Larry E. Miesse, 202/633–4312
(2) Immigration and Naturalization Service, Department of Justice
(3) Aircraft/Vessel Report
(4) I–92
(5) On occasion
(6) Businesses or other for-profit. Manifest completed for each arriving or departing aircraft or vessel transporting passengers into or out of the United States, as required by 8 CFR Part 231.
(7) 650,000 respondents
(8) 108,000 burden hours
(9) Not applicable under 3504(h)
(10) Robert Veeder—395–4814

(1) Larry E. Miesse, 202/633–4312
(2) Immigration and Naturalization Service, Department of Justice
(3) Guarantee of Payment
(4) I–510
(5) On occasion
(6) Businesses or other for-profit. Section 253 of the I&N Act provides that the master or agent of a vessel or aircraft shall guarantee payment for expenses incurred for an alien crewman who arrives in the United States and is afflicted with any disease or illness mentioned in section 255 of the I&N Act.
(7) 1,000 respondents
(8) burden hours
(9) 83 Not applicable under 3504(h)
(10) Robert Veeder—395–4814

(1) Larry E. Miesse, 202/633–4312
(2) Immigration and Naturalization Service, Department of Justice
(3) Application to Correct Certificate of Naturalization
(4) N–458
(5) On occasion
(6) Individuals or households. A naturalized person whose certificate of naturalization contains a defect or error may apply to INS for correction of the certificate and the information provided is used to determine the facts and nature of the error and whether a new certificate should be issued.
(7) 3,000 respondents
(8) 250 burden hours
(9) Not applicable under 3504(h)
(10) Robert Veeder—395–4814

(1) Larry E. Miesse, 202/633–4312
(2) Immigration and Naturalization Service, Department of Justice
(3) Application to Pay Off or Discharge Alien Crewman
(4) I–408
(5) On occasion
(6) Businesses or other for-profit. Required by section 256 of the I&N Act for use in obtaining permission from the Attorney General by master or agent of vessel or aircraft to discharge or pay off alien crewman in the United States.
(7) 30,000 respondents
(8) 7,500 burden hours
(9) Not applicable under 3504(h)
(10) Robert Veeder—395–4814

(1) Larry E. Miesse, 202/633–4312
(2) Immigration and Naturalization Service, Department of Justice
(3) Assurance by a United States Sponsor in Behalf of an Applicant for Refugee Status (Section 107, Immigration and Nationality Act)
(4) I–591
(5) On occasion
(6) Individuals or households. Used by a U.S. sponsor in behalf of a refugee as acceptable sponsorship agreement and guarantee of transportation in order to be approved for refugee status under the I&N Act.
(7) 75,000 respondents
(8) 25,000 burden hours
(9) Not applicable under 3504(h)
(10) Robert Veeder—395–4814

(1) Larry E. Miesse, 202/633–4312
(2) Immigration and Naturalization Service, Department of Justice
(3) Application for Certificate of Citizenship (Made on INS Form N–400) Child's Personal Description Form
(4) N–604
(5) One-time
(6) Individuals or households. The information is required to prepare a certificate of citizenship for one (each) of the children of an applicant for naturalization applying under section 341 of the I&N Act.
(7) 17,000 respondents
(8) 1,600 burden hours

(9) Not applicable under 3504(h)
(10) Robert Veeder—395–4814

(1) Larry E. Miesse, 202/633–4312
(2) Immigration and Naturalization Service, Department of Justice
(3) Request That Applicant for Naturalization Appear for Interview
(4) N–430
(5) One-time
(6) Individuals or households. The information is needed in order to prepare the Certificate of Naturalization for an eligible petitioner for naturalization as prescribed by section 338 of the I&N Act.
(7) 310,000 respondents
(8) 25,833 burden hours
(9) Not applicable under 3504(h)
(10) Robert Veeder—395–4814

Larry E. Miesse,

Agency Clearance Officer.

[FR Doc. 85–9430 Filed 4–17–85; 8:45 am]

BILLING CODE 4410–01–M

[Civil Action No. 83–4311D]

Consent Decree in Action To Enjoin Emission of Air Pollutants

In accordance with Departmental Policy, 28, CFR 50.7, 38 FR 19029, notice is hereby given that a consent decree in *United States* v. *All Purpose Roll Leaf Corporation and Transfer Print Rolls, Inc.*, Civil Action No. 83–4311D, has been lodged with the United States District Court for the District of New Jersey. The consent decree establishes a compliance program for the Paramus plant owned and operated by All Purprose Roll Leaf Corporation and Transfer Print Rolls, Inc., to bring the plant into compliance with the Clean Air Act, 42 U.S.C. 7401 *et seq.* and the New Jersey State Implementation Plan ("SIP"), relating to the emission of volatile organic substances ("VOS"), and requires payment of a civil penalty.

The Department of Justice will receive for thirty (30) days from the date of publication of this notice, written comments relating to the consent decree. Comments should be addressed to the Assistant Attorney Gerneral, Land and Natural Resources Division, Department of Justice, Washington, D.C. 20530 and should refer to *United States* v. *All Purpose Roll Leaf Corporation and Transfer Print Rolls, Inc.*, D.J. Ref. No. 90–5–2–1–628.

The consent decree may be examined at the office of the United States Attorney, District of New Jersey, 970 Broad Street, Newark, New Jersey 07102; at the Region II Office of the Environmental Protection Agency, 26 Federal Plaza, New York, New York 10278; and the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice, Room 1515, Ninth Street and Pennsylvania Avenue, NW., Washington, D.C. 20530. A copy of the consent decree may be obtained in person or by mail from the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice. In requesting a copy please enclose a check in the amount of $1.20 (10 cents per page reproduction charge) payable to the Treasurer of the United States.

F. Henry Habicht, II,

Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 85–9409 Filed 4–17–85; 8:45 am]

BILLING CODE 4410–01–M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Expansion Arts Advisory Panel (Challenge/Advancement Section); Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), as amended, notice is hereby given that a meeting of the Expansion Arts Advisory Panel (Challenge/Advancement Section) to the National Council on the Arts will be held on May 9–10, 1985 from 9:00 am–5:30 pm in Room 714 of the Nancy Hanks Center, 1100 Pennsylvania Avenue, NW., Washington, DC 20506.

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendations on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the **Federal Register** of February 13, 1980, these sessions will be closed to the public pursuant to subsections (c)(4), (6), and 9(b) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, DC 20506, or call (202) 682–5433.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts

April 15, 1985.

[FR Doc. 85–9432 Filed 4–17–85; 8:45 am]

BILLING CODE 7537–01–M

Media Arts Advisory Penal (Challenge Section); Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), as amended, notice is hereby given that a meeting of the Media Arts Advisory Panel (Challenge Section) to the National Council on Arts will be held on May 13, 1985 from 9:00 am–5:30 pm in Room 730 of the Nancy Hanks Center, 1100 Pennsylvania Avenue, NW., Washington, DC 20506.

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendations on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the **Federal Register** of February 13, 1980, these sessions will be closed to the public pursuant to subsections (c)(4), (6), and 9(b) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, DC 20560, or call (202) 682–5433.

April 15, 1985.

John H. Clark,

Director, Council and Panel Operations, National Endowment for the Arts.

[FR Doc. 85–9433 Filed 4–17–85; 8:45 am]

BILLING CODE 7537–01–M

National Council on the Arts; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), as amended, notice is hereby given that a meeting of the National Council on the Arts will be held on Friday, May 3, from 9:00 a.m.–5:00 p.m.; Saturday, May 4, from 9:00 a.m.–5:30 p.m.; and on Sunday May 5, from 9:00 a.m.–1:00 in room M–09 of the Nancy Hanks Center, 1100 Pennsylvania Avenue, NW., Washington, D.C. 20506.

A portion of this meeting will be open to the public on Friday, May 4, from 9:00 a.m.–4:00 p.m., and on Saturday, May 4, from 9:00 a.m.–2:30 p.m. Topics for discussion will include Program Review/Guidelines for the Dance, Literature, Music, State Programs and Artists in Education programs; Arts Education; Arts Coverage/Criticism; Interim Report on Individual Artist's Insurance and other reports.

The remaining sessions of this meeting on Friday, May 3, from 4:00–5:00 p.m.; Saturday, May 4, from 2:30–5:30 p.m.; and on Sunday, May 5, from 9:00 a.m.–1:00 p.m. are for the purpose of Council review, discussion, evaluation and recommendation on applications for financial assistance under the National Foundation on the Arts and Humanities Act of 1965, as amended, including discussion and development on confidential materials and projections regarding FY 1987 and future year budget levels to be submitted to the Office of Management and Budget and the Congress. In accordance with the determination of the Chairman published in the **Federal Register** of February 13, 1980, these sessions will be closed to the public pursuant to subsections (c) (4), (6) and 9(b) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 682–5433.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

April 15, 1985.

[FR Doc. 85–9431 Filed 4–17–85; 8:45 am]

BILLING CODE 7537–01–M

NUCLEAR REGULATORY COMMISSION

Documents Containing Reporting or Recordkeeping Requirements; Office of Management and Budget Review

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of the Office of Management and Budget review of information collection.

SUMMARY: The Nuclear Regulatory Commission has recently submitted to the Office of Management and Budget (OMB) for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

1. Type of submission, new, revision or extension: Extension.

2. The title of the information collection:

—DOE/NRC Form 742—Material Balance Report and NUREG/BR–0007, instructions for completing forms 742, 742C, and 740M

—DOE/NRC Form 742C—Physical Inventory Listing

3. The form number if applicable: Same as item 2 above.

4. How often the collection is required:

—Semiannually for affected special nuclear material licensees. Annually for affected source material licensees. As specified in Facility Attachments for licensees reporting under 10 CFR Part 75.

5. Who will be required or asked to report: Persons licensed to possess specified quantities of special nuclear material or source material.

6. An estimate of the number of responses:

—DOE/NRC Form 742: 600

—DOE/NRC Form 742C: 600

7. An estimate of the total number of hours needed to complete the requirement or request:

8. An indication of whether section 3504(h), Pub. L. 96–511 applies:

—DOE/NRC Form 742: 600

—DOE/NRC Form 742C: 4,800

Not applicable.

Copies of the submittal may be inspected or obtained for a fee from the NRC Public Document Room, 1717 H Street, NW., Washington, DC 20555.

Comments and questions should be directed to the OMB reviewer, Jefferson B. Hill, (202) 395–7340.

The NRC Clearance Officer is R. Stephen Scott, (301) 492–8585.

Dated at Bethesda, Maryland, this 15th day of April 1985.

For the Nuclear Regulatory Commission.

Patricia G. Norry,

Director, Office of Administration.

[FR Doc. 85–9372 Filed 4–17–85; 8:45 am]

BILLING CODE 7590–01–M

Advisory Committee on Reactor Safeguards Subcommittee on Class 9 Accidents; Meeting

The ACRS Subcommittee on Class 9 Accidents will hold a meeting on May 2, 1985, Room 1167, 1717 H Street, NW, Washington, DC.

The entire meeting will be open to public attendance.

The agenda for the subject meeting shall be as follows:

Thursday, May 2, 1985—8:30 a.m. until the conclusion of business.

The Subcommittee will be briefed by RES on the draft NUREG–0956, "Source Term Reassessment."

Oral statements may be presented by members of the public with the concurrence of the Subcommittee Chairman; written statements will be accepted and made available to the Committee. Recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the ACRS staff member named below as far in advance as is practicable so that appropriate arrangements can be made.

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, may exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentation by and hold discussions with representatives of the NRC Staff, its consultants, and other interested persons regarding this review.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant ACRS staff member, Mr. A. Wang (telephone 202/634–3267) between 8:15 a.m. and 5:00 p.m., EST. Persons planning to attend this meeting are urged to contract the above named individual one or two days before the scheduled meeting to be advised of any changes in schedule, etc., which may have occured.

Dated: April 15, 1985.

Morton W. Libarkin,

Assistant Executive Director for Project Review.

[FR Doc. 85–9370 Filed 4–17–85; 8:45 am]

BILLING CODE 7590–01–M

Advisory Committee on Reactor Safeguards Subcommittee on Palo Verde; Meeting

The ACRS Subcommittee on Palo Verde will hold a meeting on April 26, 1985, at the Best Western Airport Inn, 2425 South 24th Street, Phoenix, AZ.

The entire meeting will be open to public attendance.

The agenda for the subject meeting shall be as follows:

Friday, April 26, 1985—8:30 a.m. until 12:30 p.m.

The Subcommittee will review the final reports for various construction deficiencies and the results of the preoperational testing as requested in ACRS letter dated December 15, 1981.

Oral statements may be presented by members of the public with the concurrence of the Subcommittee Chairman; written statements will be accepted and made available to the

Committee. Recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the ACRS staff member named below as far in advance as is practicable so that appropriate arrangements can be made.

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, may exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the NRC Staff, its consultants, and other interested persons regarding this review.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant ACRS staff member, Mr. Gary Quittschreiber or Mr. Alan Wang (telephone 202/634–3267) between 8:15 a.m. and 5:00 p.m., EST. Persons planning to attend this meeting are urged to contact the above named individual one or two days before the scheduled meeting to be advised of any changes in schedule, etc., which may have occurred.

Dated: April 15, 1985.

Morton W. Libarkin,

Assistant Executive Director for Project Review.

[FR Doc. 85–9371 Filed 4–17–85; 8:45 am]

BILLING CODE 7590–01–M

Advisory Committee on Reactor Safeguards, Subcommittee on Safety Philosophy, Technology, and Criteria; Meeting

The ACRS Subcommittee on Safety Philosophy, Technology, and Criteria will hold a meeting on May 8, 1985, Room 1046, 1717 H Street, NW, Washington, DC.

The entire meeting will be open to public attendance.

The agenda for the subject meeting shall be as follows:

Wednesday, May 8, 1985—3:00 p.m. until the conclusion of business

The Subcommittee will review the status of the NRC Staff's evaluation of the trial use of the Commission's proposed Safety Goal Policy.

Oral statements may be presented by members of the public with the concurrence of the Subcommittee Chairman; written statements will be accepted and made available to the Committee. Recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the ACRS staff member named below as far in advance as is practicable so that appropriate arrangements can be made.

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, may exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the NRC Staff, its consultants, and other interested persons regarding this review.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant ACRS staff member, Dr. Richard Savio (telephone 202/634–3267) between 8:15 a.m. and 5:00 p.m., EST. Persons planning to attend this meeting are urged to contact the above named individual one or two days before the scheduled meeting to be advised of any changes in schedule, etc., which may have occurred.

Dated: April 15, 1985.

Morton W. Libarkin,

Assistant Executive Director for Project Review.

[FR Doc. 85–9373 Filed 4–17–85; 8:45 am]

BILLING CODE 7590–01–M

Advisory Committee on Reactor Safeguards Subcommittee on Safety Research Program; Meeting

The ACRS Subcommittee on Safety Research Program will hold a meeting on May 8, 1985, Room 1046, 1717 H Street, NW, Washington, DC.

The entire meeting will be open to public attendance.

The agenda for subject meeting shall be as follows:

Wednesday, May 8, 1985—8:30 a.m. until 3:00 p.m.

The Subcommittee will discuss the proposed NRC Safety Research Program and budget for FY 1987 and gather information for use by the ACRS in its preparation of the annual report to the Commission on the NRC Safety Research Program.

Oral statements may be presented by members of the public with concurrence of the Subcommittee Chairman; written statements will be accepted and made available to the Committee. Recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the ACRS staff member named below as far in advance as practicable so that appropriate arrangements can be made.

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, may exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the NRC Staff, its consultants, and other interested persons regarding this review.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant ACRS staff member, Mr. Sam Duraiswamy (telephone 202/634–3267) between 8:15 a.m. and 5:00 p.m., EST. Persons planning to attend this meeting are urged to contact the above named individual one or two days before the scheduled meeting to be advised of any changes in schedule, etc., which may have occurred.

Dated: April 15, 1985.

Morton W. Libarkin,

Assistant Executive Director for Project Review.

[FR Doc. 85–9374 Filed 4–17–85; 8:45 am]

BILLING CODE 7590–01–M

International Atomic Energy Agency Draft Safety Guide; Availability of Draft for Public Comment

The International Atomic Energy Agency (IAEA) is completing development of a number of internationally acceptable codes of practice and safety guides for nuclear power plants. These codes and guides are in the following five areas: Government Organization, Design, Siting, Operation, and Quality

Assurance. All of the codes and most of the proposed safety guides have been completed. The purpose of these codes and guides is to provide guidance to countries beginning nuclear power programs.

The IAEA codes of practice and safety guides are developed in the following way. The IAEA receives and collates relevant existing information used by member countries in a specified safety area. Using this collation as a starting point, an IAEA working group of a few experts develops a preliminary draft of a code or safety guide which is then reveiwed and modified by an IAEA Technical Review Committee corresponding to the specified area. The draft code of practice or safety guide is then sent to the IAEA Senior Advisory Group which reviews and modifies as necessary the drafts of all codes and guides prior to their being forwarded to the IAEA Secretariat and thence to the IAEA Member States for comments. Taking into account the comments received from the Member States, the Senior Advisory Group then modifies the draft as necessary to reach agreement before forwarding it to the IAEA Director General with a reach agreement before forwarding it to the IAEA Director General with a recommendation that it be accepted.

As part of this program, Safety Guide SG–011, "Operational Management for Radioactive Effluents and Wastes Arising in Nuclear Power Plants," has been developed. The working group consisting of Mr. E. Hladky from Czechoslovakia; Mr. A. Higashi from Japan; Mr. A. G. Fleischman from the United Kingdom of Great Britain and Northern Ireland; Mr. L. C. Oyen (Sargent and Luny Engineers) from the United States of America developed the initial draft of this guide from an IAEA collation. This draft was subsequently modified by the IAEA Technical Review Committee for Operation and the Senior Advisory Group, and we are now soliciting public comment on a modified draft (Rev. 4, dated November 8, 1984). Comments received by the Director, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, by May 24, 1985, will be particularly useful to the U.S. representatives to the Technical Review Committee and the Senior Advisory Group in developing their positions on it adequacy prior to their next IAEA meetings.

Single copies of this draft Safety Guide may be obtained by a written request to the Director, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

(5 U.S.C. 522(a))

Dated at Washington, D.C., this 11th day of April 1985.

For the Nuclear Regulatory Commission.

Robert B. Minogue,

Director, Office of Nuclear Regulatory Research.

[FR Doc. 85–9369 Filed 4–17–85; 8:45 am]

BILLING CODE 7590–01–M

[Docket 72–3]

Carolina Power & Light Co.; Consideration of a Materials License for the Storage of Spent Fuel and Opportunity for a Hearing

The Nuclear Regulatory Commission (the Commission) is considering an application dated February 4, 1985, for a materials license, under the provisions of 10 CFR Part 72, from Carolina Power & Light Company (the applicant) to possess spent fuel and other radioactive materials associated with spent fuel storage in an independent spent fuel storage installation (ISFSI) located in Darlington County, South Carolina. If granted, the license will authorize the applicant to store spent fuel in a dry storage concrete module system at the applicant's H.B. Robinson Steam Electric Plant site for Unit 2 (Operating License DPR–23) within the protected area for the nuclear unit. Pursuant to the provisions of 10 CFR Part 72, the term of the license for the ISFSI would be twenty (20) years.

Prior to a decision on the requested license, the Commission will have made the findings required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The issuance of the materials license will not be approved until the Commission has reviewed the proposal and has concluded that approval of the license will not be inimical to the common defense and security and would not constitute an unreasonable risk to the health and safety of the public. The NRC will complete an environmental assessment in accordance with 10 CFR Part 51 to determine whether to prepare an environmental impact statement or a finding of no significant impact.

Pursuant to 10 CFR 2.105, by May 20, 1985, the applicant may file a request for a hearing; and any person whose interest may be affected by this proceeding may file a request for a hearing in the form of a petition for leave to intervene with respect to the subject materials license in accordance with the provisions of 10 CFR 2.714. If a request for hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel will rule on the request and/or petition, and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order. In the event that no request for hearing or petition for leave to intervene is filed by the above date, the Commission may, upon satisfactory completion of all evaluations, issue the materials license without further prior notice.

A petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend a petition, without prior approval of the presiding officer at any time up to 15 days prior to the holding of the first prehearing conference, but such an amended petition must satisfy the specificity requirements described above. A petition that sets forth contentions relating only to matters outside the jurisdiction of the Commission will be denied.

A request for a hearing or petition for leave to intervene shall be filed with the Secretary of the Commission, United States Nuclear Regulatory Commission, Washington, DC. 20555, Attention: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room, 1717 H Street, NW., Washington, DC, by the above date. A copy to the petition and/or request for a hearing should be sent to the Executive Legal Director, United States Nuclear Regulatory Commission, Washington, DC 20555, and to G.F. Trowbridge, Esquire, Shaw, Pittmann, Potts and Trowbridge, 1800 M Street, NW. Wasington, DC 20036, attorney for the applicant.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, the petitioner shall file a supplement to the petition to intervene which must include a list of contentions which are sought to be litigated in the matter, and the bases for each contention set forth with reasonable specificity. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the Atomic Safety and Licensing Board designated to rule on the petition and/or the request, that the petitioner has made a substantial showing of good cause for the granting of a later petition and/or request. That determination will be based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)–(v) and 2.714(d).

The Commission hereby provides notice that this proceeding is on an application for a license falling within the scope of section 134 of the Nuclear Waste Policy Act of 1982 (NWPA), 42 U.S.C. 10154. Under section 134 of NWPA, the Commission, at the request of any petitioner or any party to the proceeding, is required to employ hybrid hearing procedures with respect to "any matter which the Commission determines to be in controversy among the parties." Section 134 procedures provide for oral argument on those issues "determined to be in controversy", preceded by discovery under the Rules of Practice, and the designation, following argument, of only factual issues that involve a genuine and substantial dispute, together with any remaining questions of law, to be resolved at an adjudicatory hearing. Actual adjudicatory hearings are to be held only on those issues found to meet the criteria of Section 134 and set for hearing after oral argument on the proposed issues. However, if no petitioner or party requests the use of the hybrid hearing procedures, then the usual 10 CFR Part 2 procedures apply.

[At this time the Commission does not have effective regulations implementing section 134 of the NWPA, although it has published proposed rules. See Hybrid hearing Procedures for Expansion of Onsite Spent Fuel Storage Capacity at Civilian Nuclear Power Reactors, 48 FR 54499 (December 5, 1983).]

In the event that a hearing is held and a person is permitted to intervene, he/she becomes a party to the proceeding and has a right to participate fully in the conduct of the hearing. For example, he/she may present evidence and examine and cross-examine witnesses in any adjudicatory hearing that is held.

For further details with respect to this action, see the application dated February 4, 1985, which is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, DC, and at the local public document room at the Hartsville Memorial Library, 220 N. Fifth Street, Hartsville, South Carolina 29550. The Commission's License and Safety Evaluation Report, when issued, may be inspected at the above locations.

Dated at Silver Spring, Maryland, this 12th day of April, 1985.

For the Nuclear Regulatory Commission.

Leland C. Rouse,

Chief, Advanced Fuel and Spent Fuel Licensing Branch, Division of Fuel Cycle and Material Safety

[FR Doc. 85–9375 Filed 4–17–85; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–334]

Duquesne Light Co. et al.; Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an exemption from a schedular requirement of Appendix E to 10 CFR Part 50 to Duquesne Light Company, Ohio Edison Company and Pennsylvania Power Company (the licensees), for the Beaver Valley Power Station, Unit No. 1, located in Shippingport, Pennsylvania.

Environmental Assessment

Identification of Proposed Action

The exemption would allow the annual emergency preparedness exercise at Beaver Valley Power Station, Unit 1, to be conducted in September, instead of February of 1985.

The exemption is responsive to the Duquesne Light Company's application for exemption dated September 11, 1984.

The Need for the Proposed Action.

The proposed exemption is needed because (1) The change of the 1985 exercise date from February to September would enable the licensee to use the simulator, which would provide realistic operational data for the exercise, (2) the change would facilitate better coordination among the several FEMA and NRC regional offices, (3) the change would eliminate the need for separate exercises when Unit 2 starts operation, and (4) the change would enable an exercise be performed under different weather conditions from those of previous exercises.

Environmental Impacts of the Proposed Action

The proposed exemption will provide assurance of emergency preparedness that is equivalent to that required by Appendix E such that there is no increase in the risk of accidents at this facility. The probability of accidents has not been increased and the post-accident radiological releases will not be greater than previously determined, nor does the proposed exemption otherwise affect radiological plant effluents. Therefore, the Commission concludes that there are no significant radiological environmental impacts associated with this proposed exemption.

With regard to potential non-radiological impacts, the proposed exemption involves features located entirely within the restricted area as defined in 10 CFR Part 20. It does not affect non-radiological plant effluents and has no other environmental impact. Therefore, the Commission concludes that there are no significant non-radiological environmental impacts associated with the proposed exemption.

Alternative Use of Resources

This action involves no use of resources not previously considered in the Final Environmental Statement (construction permit and operating license) for the Beaver Valley Power Station, Unit No. 1.

Agencies and Persons Consulted

The NRC staff reviewed the licensee's request and did not consult other agencies or persons.

Finding of No Significant Impact

The Commission has determined not to prepare an environmental impact statement for the proposed exemption.

Based upon the foregoing environmental assessment, we conclude that the proposed action will not have a significant effect on the quality of the human environment.

For further details with respect to this action, see the application for the exemption dated September 11, 1984, which is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, DC, and at the B.F. Jones Memorial Library, 663 Franklin Avenue, Aliquippa, Pennsylvania 15001.

Dated at Bethesda, Maryland this 11th day of April 1985.

For the Nuclear Regulatory Commission.

Steven A. Varga,

Acting Assistant Director for Operating Reactors, Division of Licensing.

[FR Doc. 85-9377 Filed 4-17-85; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-424 and 50-425]

Georgia Power Company et al. Availability of Final Environmental Statement for the Vogtle Electric Generating Plant, Units 1 and 2

Pursuant to the National Environmental Policy Act of 1969 and the United States Nuclear Regulatory Commission's regulations in 10 CFR Part 51, notice is hereby given that the Final Enviromental Statement (NUREG-1087) prepared by the Commission's Office of Nuclear Reactor Regulation, related to the proposed operation of the Vogtle Electric Generating Plant, Units 1 and 2, located in Burke County, Georgia, is available for inspection by the public in the Commission's Public Document Room at 1717 H Street, NW., Washington, D.C., and in the Burke County Library, Fourth Street, Waynesboro, Georgia 30830. The Final Environmental Statement is also being made available at the Office of Planning and Budget, Room 615B, 270 Washington Street, SW., Atlanta Georgia 30334 and at the Central Savannah River APDC, 2123 Wrightsboro Road, Augusta, Georgia 30904.

The notice of availability of the Draft Environmental Statement for the Vogtle Electric Generating Plant, Units 1 and 2, and requests for comments from interested persons was published in the **Federal Register** on November 16, 1984 (49 FR 45512). The comments received from Federal, State, and local agencies, and interested members of the public have been included as Appendix A to the Final Environmental Statement.

Copies of NUREG-1087 may be purchased by calling (301) 492-9530 or by writing to the Publication Services Section, Document Management Branch, Division of Technical Information and Document Control, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555; or purchased from the National Technical Information Service, Department of Commerce, 5285 Port Royal Road, Springfield, VA 22161.

Dated at Bethesda, Maryland, this 12th day of April 1985.

For the Nuclear Regulatory Commission.

Elinor G. Adensam,

Chief Licensing Branch No. 4, Division of Licensing.

[FR Doc. 85-9379 Filed 4-17-85; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-333]

Power Authority of the State of New York; Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (NRC/the Commission) is considering issuance of an exemption from the requirements of 10 CFR 50.48(c)(4) to the Power Authority of the State of New York (PASNY/the licensee) for the James A. Fitzpatrick Nuclear Power Plant located in Osewgo County, New York.

Environmental Assessment

Identification of Proposed Action

The exemption would grant the licensee a schedular deferment from the provisions of Appendix R, Section III.G, fire protection of the equipment used for safe shutdown capability, from the current Cycle 6 refueling outage to the end of the Cycle 7 refueling outage. The exemption is responsive to the licensee's application for exemption dated March 15, 1985.

The Need for the Proposed Action

Appendix R, Section III.G requires a licensee authorized to operate a nuclear power reactor to provide fire protection for equipment used for safe shutdown by means of separation and barriers or provide alternative safe shutdown capability. The schedular requirements of 10 CFR 50.48(c)(4) call for the implementation of modifications before startup after the earliest of the following events commencing 180 days after Commission approval:

(1) The first refueling outage;

(2) Another planned outage that lasts for at least 60 days; or

(3) An unplanned outage that lasts for at least 120 days.

By letter dated March 15, 1985, the licensee informed us that it had identified a condition at FitzPatrick similar to that described for the Kansas Gas and Electric Wolf Creek facility in IE Information Notice No. 85-09, "Isolation Transfer Switches and Post-Fire Shutdown Capability," dated January 31, 1985. This condition could result in the plant's alternate shutdown system becoming disabled in the event of a control room fire. Because this condition was identified only recently, the licensee has stated that it would be unable to complete the long term modifications necessary to correct this problem by the end of the current Cycle 6 outage (i.e., the schedule established by 10 CFR 50.48), without severely impacting the schedule for plant restart.

Accordingly, the licensee has requested a schedular exemption from the requirements of Section III.G of Appendix R to 10 CFR Part 50 to extend the deadline for completing all modifications required for alternate shutdown capability to the end of the next refueling outage (Reload 7/Cycle 8), currently scheduled to begin October 1986. The licensee will implement interim compensatory fire protection measures prior to restart from the refueling outage now in progress. These measures have been found acceptable by the staff.

Environmental Impacts of the Proposed Action

By using reasonable interim compensatory measures, the proposed exemption will provide a degree of fire protection such that there is no significant increase in the risk of fires at this facility. Consequently, the probability of fires has not been increased and the post-fire radiological releases will not be greater than previously determined nor does the proposed exemption otherwise affect radiological plant effluents. Therefore, the Commission concludes that there are no significant radiological environmental impacts associated with this proposed exemption.

With regard to potential nonradiological impacts, the proposed exemption involves features located entirely within the restricted area as defined in 10 CFR Part 20. It does not affect nonradiological plant effluents and has no other environmental impact. Therefore, the Commission concludes that there are no significant nonradiological environmental impacts associated with the proposed exemption.

Alternative Use of Resources

This action involves no use of resources not previously considered in the Final Environmental Statement (construction permit and operating license) for the James A. FitzPatrick Nuclear Power Plant.

Agencies and Persons Consulted

The NRC staff reviewed the licensee's request and did not consult other agencies or persons.

Finding of No Significant Impact

The Commission has determined not to prepare an environmental impact statement for the proposed exemption.

Based upon the foregoing environmental assessment, we conclude that the proposed action will not have a significant effect on the quality of the human environment.

For further details with respect to this action, see the application for exemption dated March 15, 1985, which is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the Penfield Library, State University College of Oswego, Oswego, New York.

Dated at Bethesda, Maryland, this 10th day of April, 1985.

For the Nuclear Regulatory Commission.

Steven A. Varga,

Acting Assistant Director for Operating Reactors, Division of Licensing.

[FR Doc. 85-9380 Filed 4-17-85; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-390]

Tennessee Valley Authority, Watts Bar Nuclear Plant, Unit 1; Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of partial exemptions from the requirements of Appendix J to 10 CFR Part 50 and Paragraph 70.24 to 10 CFR Part 70 to the Tennessee Valley Authority (the licensee) for the Watts Bar Nuclear Plant, Unit 1, located at the licensee's site in Rhea County, Tennessee.

Environmental Assessment

Identification of Proposed Actions

The proposed actions would provide partial exemptions from certain Commission regulations. The first exemption would relieve the licensee from the requirement of conducting a full pressure airlock leakage test, pursuant to paragraph III.D.2(b)(ii) of Appendix J to 10 CFR Part 50, whenever airlocks are opened during periods when containment integrity is not required. Licensees would rely, instead, on the seal leakage test described in paragraph III.D.2(b)(iii) when the reactor is in cold shutdown (mode 5) or refueling (mode 6) and when maintenance has been performed on the airlock. The second exemption would relieve the licensee, until irradiated fuel is placed into the fuel storage area, from the requirement to have a criticality monitor installed in the fuel storage area.

The licensee's request for exemptions and the bases therefor, are contained in letters dated December 3, 1984, and February 16, 1985.

The Need for the Proposed Actions

As described in the staff's Safety Evaluation Report, Supplement 4, for the Watts Bar Nuclear Plant, performance of the leakage rate tests required by paragraph III.D.2(b)(ii) of 10 CFR Part 50, Appendix J, takes at least 6 hours per airlock. Exemption from type B leakage rate tests on airlocks opened during a period when containment integrity is not required and when no maintenance has been performed on the airlock would provide the licensee with greater plant availability over the lifetime of the plant.

The second exemption, as described in the licensee's February 16, 1985, submittal, would allow the licensee to delay installation and operation of a criticality monitor until irradiated fuel is placed into the fuel storage area. Because there is currently non-irradiated fuel on site, the licensee would be required to maintain a criticality monitor without the requested exemption. This would result in an unnecessary hardship without a compensating increase in the level of safety.

Environmental Impacts of Proposed Actions

The first proposed exemption would permit the substitution of an airlock seal leakage test (paragraph III.D.2(b)(iii) of Appendix J, 10 CFR Part 50) for the full pressure airlock test otherwise required by paragraph III.D.2(b)(ii) when the airlock is opened while the reactor is in a cold shutdown or refueling mode. If the tests required by III.D.2(b) (i) and (iii) are current, no maintenance having been performed on the airlock and with it properly sealed, this exemption will not affect containment integrity and does not affect the risk of facility accidents. Thus, post-accident radiological releases will not a be greater than previously determined nor does the proposed relief otherwise affect radiological plant effluents, nor result in any significant occupational exposure. Likewise, the relief does not affect non-radiological plant effluents and has no other environmental impact. Therefore, the Commission concludes that there are no significant radiological or non-radiological environmental impacts associated with the proposed exemption.

The second proposed exemption allows the licensee to have non-irradiated fuel in the fuel storage area without having a criticality alarm system. By letter dated September 5, 1979, the staff granted this exemption for the specified date of the Special Nuclear Materials (SNM) license. Since this license, and its exemptions, expires upon issuance of the operating license, the licensee has requested the exemption be incorporated into the Watts Bar Unit 1 operating license upon its issuance. The staff has determined that the bases supporting this exemption in the SNM license are applicable to the operating license. Therefore, this exemption will not affect containment integrity and does not affect the risk of facility accidents. Thus, post-accident releases will not be greater than previously determined, nor does the proposed relief otherwise affect radiological plant effluents, or result in any significant occupational exposure. Likewise, the relief does not affect non-radiological plant effluents and has no other environmental impact. Therefore, the Commission concludes that there are no significant radiological or non-radiological environmental impacts associated with the proposed exemption.

Alternative to the Proposed Actions

Because we have concluded that there is no measurable environmental impact associated with the proposed exemptions, any alternatives to the exemptions will have either no environmental impact or greater environmental impact.

The principal alternative would be to deny the requested exemptions. Such action would not reduce environmental impact of Watts Bar Unit 1 operations and would result in reduced operational flexibility and/or unwarranted delays in power ascension.

Alternative Use of Resources

These actions do not involve the use of resources not previously considered in connection with the "Final Environmental Statement Related to Operation of Watts Bar Nuclear Plant, Units 1 and 2," dated December 1978.

Agencies and Persons Consulted

The NRC staff reviewed the licensee's requests that support the proposed exemptions. The NRC staff did not consult other agencies or persons.

Finding of No Significant Impact

Based upon the foregoing environmental assessment, we conclude that the proposed actions will not have a significant effect on the quality of the human environment. Accordingly, the

Commission has determined not to prepare an environmental impact statement for the proposed exemptions.

For further details with respect to the actions, see the licensee's requests for the exemptions dated December 3, 1984, and February 16, 1985, which are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the Chattanooga-Hamilton County Bicentennial Library, 1001 Broad Street, Chattanooga, Tennessee 37401.

Dated at Bethesda, Maryland, this 12th day of April 1985.

For the Nuclear Regulatory Commission.

Thomas M. Novak,

Assistant Director for Licensing, Division of Licensing.

[FR Doc. 85-9376 Filed 4-17-85; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 72-2 (50-280 and -281)]

Virginia Electric and Power Co.; Issuance of Environmental Assessment and Finding of No Significant Impact for the Surry Dry Cask Independent Spent Fuel Storage Installation at the Surry Power Station

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of a materials license under the requirements of 10 CFR Part 72 to Virginia Electric and Power Company (VEPCO or the applicant), authorizing the receipt and storage of spent fuel in dry casks at an Independent Spent Fuel Storage Installation (ISFSI) located onsite at the Surry Power Station site in Surry County, Virginia.

The function of the dry cask ISFSI is to provide interim storage of spent fuel from Surry Power Stations Units 1 and 2. Spent fuel loading and cask preparation takes place within the Surry Power Station fuel handling building. The casks are then moved to the onsite ISFSI where they are placed on concrete slabs. The spent fuel is stored in an inert atmosphere inside massive metal casks which provide confinement, shielding, criticality control and heat removal.

The Commission's Office of Nuclear Material Safety and Safeguards, Division of Fuel Cycle and Material Safety, has completed its environmental review in support of the issuance of a materials license. The "Environmantal Assessment (EA) Related to the Construction and Operation of the Surry Dry Cask Independent Spent Fuel Storage Installation" has been issued in accordance with 10 CFR Part 51. The scope of the environmental assessment included the construction and operation of an ISFSI on the Surry site, including impacts specifically derived from the cask to be used, the CASTOR V/21. As discussed in the EA, no significant construction impacts are anticipated. The activities will affect only about two percent of the land area on the Surry site. The potentials for fugitive dust, erosion and noise impacts, typical of the planned construction activities, can be controlled to insignificant levels with good construction practices. The only resource committed irretrievably is the concrete used in the three ISFSI storage pads. The radiological impacts from liquid and gaseous effluents arising from cask loading and preparation fall within the scope of impacts evaluated for licensed reactor operations and are controlled by the existing Surry reactor Technical Specifications. The primary exposure pathway associated with operation of the ISFSI is direct irradiation of nearby residents and site workers. The dose commitment to the nearest resident is about 6×10^{-5} mrem/yr and when added to that from Surry Power Station operations is well within the 25 mrem/yr requirement of 10 CFR 72.67. The collective does commitment to residents within two miles of the ISDSI is 3×10^{-6} man-rem/yr. The occupational dose to site workers due to construction and operations is a small fraction of the total occupational dose commitment at the Surry Power Station. The radiological impacts due to accidents at the Surry ISFSI are only a small fraction of the 5 rem criteria specified in 10 CFR 72.68(b) and by the EPA protective action guides. No significant non-radiological impacts are expected from ISFSI operations.

In summary, the ISFSI site has previously been cleared and is being used by the applicant in connection with operations of its Surry Power Station Units 1 and 2, and therefore involves no new commitment of land resources. The proposed action involves no significant change in the type or increase in the amount of any effluents that may be released offsite. There is no significant increase in the individual and collective radiation doses to both the public and occupational workers. Therefore, the proposed action will not significantly impact the quality of the human environment. Accordingly, pursuant to 10 CFR 51.31, and 10 CFR 51.32 the Commission has determined that a finding of no significant impact is appropriate and an environmental impact statement (EIS) need not be prepared for the issuance of a materials license for the Surry Dry Cask Independent Spent Fuel Storage Installation.

This licensing action is the first of several anticipated onsite dry cask ISFSI's and is closely similar to that for an ISFSI at a site not occupied by a nuclear power reactor, which, in accordance with 10 CFR 51.20(b)(9), requires an EIS. However, in the NUREG-0575, "Final Generic Environmental Impact Statement on Handling and Storage of Spent Light Water Power Reactor Fuel," the impacts from wet storage, whether at reactor or away-from-reactor sites were generically assessed and found to be insignificant. Dry storage also appeared to be environmentally acceptable. Additionally, ISFSI impacts contribute little to the existing impact from a site already dedicated to NRC licensed activities. Therefore, issuance of a draft finding of no significant impact would not significantly further the purposes of NEPA.

The EA for the proposed action, on which this Finding of No Significant Impact is based, relied on seven other environmental documents: (1) "Environmental Report Surry Power Station Dry Cask Independent Spent Fuel Storage Installation," submitted with the license application, dated October 6, 1982, and supplementary information provided in response to NRC questions; (2) "Final Environmental Statement Related to Operation of Surry Power Station Unit 1, "Docket No. 50-280, May 1972; (3) "Final Environmental Statement Related to Operation of Surry Power Station Unit 2," Docket No. 50-281, June 1972; (4) "Final Environmental Statement Related to Construction of Surry Power Station Units 3 and 4," Dockets No. 50-434 and 50-435, May 1974; (5) memorandum from James R. Miller (NRC) to Joseph Rutberg (NRC), July 2, 1982. Enclosure 1, Finding of No Significant Impact with attached EA: "Environmental Assessment by the Office of Nuclear Reactor Regulation and Nuclear Material Safety and Safeguard Related to Increasing the Spent Fuel Storage Capacity and the Storage of Surry Spent Fuel at the North Anna Power Station Units 1 and 2, Virginia Electric and Power Company and Old Dominion Electric Cooperative, North Anna Power Station Units 1 and 2, Docket Nos. 50-338 and 50-339;" (6) "Final Generic Environmental Impact Statement on Handling and Storage of Spent Light Water Power Reactor Fuel," NUREG-0575, Vols. 1-3, August 1979; and (7) "Socioeconomic Impacts of Nuclear Generating Stations: Surry Case Study," NUREG/CR2749, Vol. 11, July 1982.

The environmental assessment and other documents related to this

proposed action are available for public inspection and for copying for a fee at the NRC Public Document Room, 1717 H Street, NW., Washington, DC. and at the Local Public Document Room at the Swem Library, College of William and Mary, Williamsburg, Virginia, 23185.

Dated at Silver Spring, Maryland this 12th day of April 1985.

For the Nuclear Regulatory Commission.

Leland C. Rouse,

Chief, Advanced Fuel and Spent Fuel Licensing Branch, Division of Fuel Cycle and Material Safety.

[FR Doc. 85-9378 Filed 4-17-85; 8:45 am]

BILLING CODE 7590-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-21937; SR-BSE-85-2]

Filing and Order Granting Accelerated Approval of Proposed Rule Change

April 12, 1985.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on March 11, 1984, the Boston Stock Exchange, Inc. ("BSE") filed with the Commission the proposed rule change as described herein. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

The BSE is requesting permanent approval of its pilot program established for execution of standard odd-lot market orders to purchase or sell shares in American Telephone and Telegraph ("AT&T") and the equity issues created as a result of the AT&T divestiture.[1] The proposed rule change will amend Chapter XII of the BSE rules pertaining to the execution of odd-lot orders ("Odd-lot Dealers in Securities the Primary Market for Which Is on Another Exchange").

Under these new procedures, standard odd-lot orders received prior to the opening will be executed at the primary market opening price. An odd-lot differential will not be charged on these orders.[2] Standard odd-lot market orders received after the opening in all BSE issues will receive an execution price based on the best consolidated quotation in the stock at the time such order is received by the specialist. No odd-lot differential will be charged on these orders. In addition, standard odd-lot market orders received during the course of a trading halt shall be executed at the primary opening price.[3] An odd-lot differential will not be charged on these orders. In instances in which quotation information is not available (*e.g.* when the quotation is in a non-firm mode), standard odd-lot market orders will be executed at the last consolidated round-lot sale. An odd-lot differential may be charged on these orders. The proposed rule change also provides that odd-lot limit orders shall be executed in accordance with the procedures applicable to round-lot limit orders. No odd-lot differential will be charged on these orders.

The BSE has stated in its filing that members favor the proposed rules because the pricing method has proven less error prone than one requiring the computation of differentials. In addition, the Exchange states that elimination of the differential provides a more favorable execution price for the public. The Exchange states that the proposed rule change is consistent with section 6(b)(5) of the Act in that it facilitates transactions in securities and serves to protect the public interest by providing for the execution of odd-lot orders at a price more favorable to the public.

Interested persons are invited to submit written data, views and arguments concerning the proposed rule change within 21 days from the date of publication of the submission in the **Federal Register**. Persons desiring to make written comments should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 450 5th Street, NW., Washington, D.C. 20549. Reference should be made to File No. SR-BSE-85-2.

Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change which are filed with the Commission and all written communications relating to the proposed rule change between the Commission and any person, other than those which may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Room, 450 5th Street, NW., Washington, D.C. Copies of the filing and of any subsequent amendments also will be available at the principal office of the BSE.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to national securities exchange and, in particular, the requirements of Section 6 and the rules and regulations thereunder.

The Comission finds good cause for approving the proposed rule change prior to the thirtieth day after the date of publication of notice of filing thereof in that the pilot program is scheduled to expire on March 29, 1985. The BSE is amending its rule to codify these odd-lot procedures contained in the pilot a permanent basis. The Division believes that accelerated approval is appropriate to permit the odd-lot procedures to continue uninterrupted.

It is therefore ordered, pursuant to section 19(b)(2) of the Act, that the proposed rule change referenced above be, and hereby is, approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 85-9385 Filed 4-17-85; 8:45 am]

BILLING CODE 8010-01-M

[1] The Commission initially approved the adoption of a nine month pilot program (SR-BSE-83-14) in Securities Exchange Act Release No. 20399, November 18, 1983; 48 FR 54151, November 30, 1983, for the execution of standard odd-lot market orders in the AT&T divestiture issues, including American Information Technologies Corporation, American Telephone & Telegraph Co., Bell Atlantic Corporation, Bell South Corporation, NYNEX Corporation, Pacific Telesis Group, Southwestern Bell Corporation and U.S. West, Inc. The Commission subsequently approved the expansion of the pilot program established for execution of standard odd-lot market orders to purchase or sell shares in AT&T to include all BSE issues on a two-month pilot basis. *See* Securities Exchange Act Release No. 21300, September 10, 1984; 49 FR 36185, September 14, 1984 (File No. SR-BSE-84-2). The pilot was subsequently extended until March 29, 1985. *See* Securities Exchange Act Release No. 21687, January 25, 1985, 50 FR 5023, February 5, 1985, (File No. SR-BSE-84-9).

[2] *See* letter from Joseph Carmichael to Michael Cavalier, Branch Chief, Market Regulation, dated April 3, 1985.

[3] *See* letter from Joseph Carmichael, Vice President, BSE to Brandon Becker, assistant Director, Market Regulation, dated March 14, 1985.

[Release No. 34-21942; SR-CBOE-85-07]

Chicago Board Options Exchange, Inc.; Filing of Proposed Rule Change; Relating to Position and Exercise Limit Procedures

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on March 15, 1985, the Chicago Board Options Exchange, Incorporated filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Text of the Proposed Rule Change

The Exchange files as a rule change the following memorandum to members:

To: The Membership
From: Alan Resser, Chairman
Exemption Committee
Re: Position and Exercise Limit
Exemption Procedures.

The Exemption Committee became a part of the Exchange Committee structure on February 8, 1984. To insure that all members are aware of Committee policy regarding the granting of position and exercise limit exemptions, the policy is set forth below. The Exchange's Executive Committee has approved the following position and exercise limit exemption policy and procedures.

Policies With Regard To Granting Exemptions To Position and Exercise Limits

Exchange Rules 4.11 and 4.12 provide that the President or his designee may authorize exemptions to the currently applicable position and exercise limits. The purpose of this process is to assure that there is sufficient depth and liquidity in the market place, and not to confer a right upon the market-maker applying for an exemption.

In light of the procedural safeguards set forth below, the purpose of the exemption process, and the prohibition against the granting of retroactive exemptions, decisions granting or denying exemptions are not subject to review under Chapter XIX of the Exchange Rules regarding Hearings and Review.

Policy

1. An exemption may be granted for the purpose of maintaining a fair and orderly market in the options on a given underlying security.

2. Generally, an exemption will be granted only to a market-maker who has requested an exemption, who holds an appointment to the options where the exemption is requested, whose positions are near the current position limit and who is significant in terms of in-person daily volume. The interpretation of this point has been that the positions must be within 10% of the applicable limits in equity options and 20% of the applicable limits in OEX.

3. If an exemption is granted, it will be effective at the time the decision is communicated. *Retroactive exemptions will not be granted.*

4. The size and length of an exemption will be determined on a case by case basis (An exemption is usually granted until the nearest expiration.)

Procedures

1. A request for an exemption from the established position and exercise limits must be in writing and *must state the specific reasons* why an exemption should be granted.

2. The request should be submitted to Nancy Wagner, Manager, in the Department of Surveillance on the seventh floor.

3. The Chairman of the Exemption Committee will appoint Panels, usually consisting of three members of the Committee, to review, among other factors, such matters as market-maker positions, trading activity, and comments by trading crowd members concerning market conditions. A Panel will make a recommendation to the President or his designee as to whether or not an exemption should be granted.

4. A Panel will normally meet after the market close, Mondays through Thursdays. To ensure review by a Panel, exemption requests must be submitted to Nancy Wagner no later than 10:00 a.m. on the day of a meeting. A panel's review is conducted informally, and a panel may receive information in such manner as is most effective, in its discretion, to ascertain whether an exemption is necessary to maintain depth and liquidity in the market.

5. Based upon the recommendation of a Panel the President or his designee will decide whether to grant the requested exemption.

6. The President or his designee will communicate the exemption decision to the requesting market-maker and his clearing firm as soon as possible, generally on the day following Panel review.

7. Ordinarily, a first application will be considered by a panel without the presence of the applicant. If a market-maker's request for an exemption has been denied and he wishes to reapply for an exemption he may make a brief personal appearance at the next scheduled exemption committee meeting to present only those issues not previously considered by the committee.

The above procedures have been established for market-makers nearing the limits due to general market conditions. Please also note that instant exemption requests will be considered in extraordinary situations, such as an order imbalance or position limit restrictions of market-makers who are near the limits in highly unusual circumstances. Requests for instant exemptions should be made by contacting two of the committee members listed below.

Following their immediate review of the situation, the two committee members will make a joint decision whether an exemption is warranted, in accordance with criteria established by the Committee. Following the committee members' decision, staff will be notified of the instant exemption request and its disposition, and at the next Committee meeting, granted instant exemptions will be reviewed.

Those committee members designated to handle instant exemptions:

	Crowd	Telephone or paging numbers
OEX options:		
Don Goldstein	OEX	DIG2
Scott Paseltiner	OEX	STP5
Lloyd Cassidy	OEX	
All exchange traded option:		
Alan Resser	HON	663-7007
Bob Fodor		RAF3
Mike Kelly		KLYO
Dave Johnson		ODJ1
Herchel Portman	OEX	1235
Jerry EtsHokin	GE	ETGS1
Charles Woodward	OEX	0991
Gary Knoblauch	BA	GLK1
Ernie Nadditch	XRX	124 (Post)
Jeff Wolfson	MCD	PAX1
Jim Gelbort	F	JIG2
Ed Kelly		EFK3
Mike Friedman		NYC2
Jeff Kaufmann	IBM	164 (Post)
Tony Saliba	TDY	139 (Post)

A list of current exemptions will be posted in a generally accessible area and will include, but may not be limited to, the following information: the exemption recipient's name, and the class, size, and duration of each exemption. The list will be updated after each exemption meeting.

For information regarding the exemption policy, contact Nancy Wagner at 786-7714, Alan Resser on the trading floor or at 663-7007 or any other member of the Committee.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below and is set forth in sections (A), (B), and (C) below.

(A) Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

The purpose of this rule change is to reissue the Exchange's exemption policies in one memorandum to members. The memorandum is

organized into two sections: Policy and procedures. The only revision from the memorandum approved by the Commission in 1984 (SR–CBOE–84–20) is a modification of the instant exemption process to assure that it is immediately responsive to market needs.

The instant exemptions, which are sparingly granted, require concurrence of two members of the Exemption Committee, and these decisions are reviewed by the staff and the Committee. Thus, the process has adequate safeguards, and allows for immediate attention to the handling of large orders in the marketplace.

The proposed rule change also supplements the Policy, as articulated in SR–CBOE–84–20: To provide that an applicant for a position limit exemption in OEX should be within 20 percent of the applicable position limit. In that rule filing, the policy states that an applicant's positions must be "near the current position limit . . ." and noted parenthetically that the interpretation "of this point has been that the positions must be within 10% of the applicable limits". Thus, SR–CBOE–84–20 clearly contemplated flexibility and not rigid adherence to a particular percentage point. Although 10 percent has continued to be a useful guidepost for equity options, 20 percent has become a realistic guidepost in respect of OEX, as trading activity has soared in the past year since SR–CBOE–84–20 was submitted. The large size of some customer orders in OEX necessitates immediate response by market-makers who are capable of making quite large markets. The Exchange's experience has been that, given the size of large OEX orders, the public interest requires position limit exemptions to be granted at times where a market-maker is within 20 percent of a position limit, rather than within 10 percent.

The statutory basis for this rule change is section 6(b)(5) of the Securities Exchange Act of 1934, in that it will protect investors and promote just and equitable principles of trade.

(B) Self-Regulatory Organization's Statement on Burden on Competition

This proposal will not impose any burden on competition that is not necessary or appropriate under the Act.

(C) *Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants or Others*

Comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submission should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted by May 9, 1985.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 85–9384 Filed 4–17–85; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 34–21944; SR–CBOE–85–6]

Self-Regulatory Organizations; Chicago Board Options Exchange, Inc.; Filing and Order Granting Accelerated Approval of Proposed Rule Change; Relating to Reporting Duties

The Chicago Board Options Exchange, Inc. ("CBOE"), submitted a proposed rule change on March 15, 1985, pursuant to section 19(b) of the Securities Exchange Act of 1934 ("Act"),[1] and Rule 19b–4 thereunder,[2] to amend CBOE Rule 6.51, Interpretation .01 and .02, concerning the procedure for reporting transactions.

I. Description of the Proposal, Purpose, and Statutory Basis

The proposal would amend Interpretation .01 to CBOE Rule 6.51 to require that an account origin code be placed on trading cards and tickets. New Interpretation .02 would codify the proper account origin codes to be used in the completion of trading tickets or cards, and when reporting option transactions to the CBOE, pursuant to Interpretation .01. The following codes are included in this interpretive section: "c" for a customer account; "f" for a firm proprietary account; "m" for a member market-maker account; "y" for any options account of a stock specialist relating to his assignment as specialist on the primary market for the underlying stock;[3] "b" for a customer range account of a broker-dealer;[4] and "n" for any account of a non-member market-maker or specialist relating to his assignment in a class of options listed for trading both at CBOE and at the exchange of the market-maker or specialist.

In its filing, CBOE stated that the "c", "f" and "m" codes have been in use for some time, and that the Exchange also previously has required broker-dealers placing orders for a customer account to indicate that account type on the order with the notation "B/D." In this connection, the proposal merely would change the code for this type of order to "b."

Essentially, therefore, the only new codes are "n" and "y." With regard to the "n" code, CBOE stated that it will permit the Exchange effectively to monitor the activity of specialists and market makers in their assignments in dually listed classes of options.[5] The "y"

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[1] 15 U.S.C. 78s(b)(1) (1984).

[2] 17 CFR 240.19b–4 (1984).

[3] As discussed below, CBOE stated in its filing that this code was made necessary by the Commission's recent approval of options related hedging activity by New York Stock Exchange ("NYSE") specialists. *See* File No. SR–NYSE–82–20; Securities Exchange Act Release No. 21710 (February 4, 1985), 50 FR 5708 (February 11, 1985).

[4] In its filing, CBOE stated that the requirement of indicating that a customer ticket is for a broker-dealer has been in effect since April 17, 1978, as part of the Exchange's effort to enforce the book priority rule (CBOE Rule 7.4).

[5] Although not codified, Amex has a substantially similar procedure for surveillance of dually listed options series, also using the "n" code. Telephone conversation between Heidi Litt, Attorney, Amex, and Heidi Steinberg Coppola, Attorney, SEC, dated March 25, 1985.

code, CBOE indicated, will be implemented in connection with Commission approval of a change to NYSE Rule 105, which permits specialists in the primary stock market to hedge their specialty stock positions with options.[6] In this connection, CBOE indicated that the "y" code will provide an effective, prompt, and accurate means of identifying transactions effected by specialists in options overlying their specialty stocks.

In processing the three new account origin codes ("b", "n", and "y"), the proposal would require member firms to convert these codes to the appropriately designated account of the Options Clearing Corporation ("OCC"). Currently, OCC does not have the capability to accept more than three origin account codes.

In its filing, CBOE stated that the placement of these account origin codes on trading cards or tickets will assure uniform treatment of orders on the floor, consistent with Exchange trading priority rules. In addition, CBOE stated that the full range of codes will clarify and standardize designation of the various classes of orders on the floor, thereby enhancing enforcement of book-priority and surveillance of the marketplace. Because the rule change also will foster cooperation and coordination with persons engaged in regulating, clearing, settling, and processing information with respect to securities, and also will protect investors and the public interest, CBOE indicated that the proposed rule change is consistent with Section 6(b)(5) of the Act.

II. Solicitation of Comments

The Commission is publishing this notice to solicit comment on the CBOE's proposed rule change described above. Persons interested in commenting on this proposed rule change should submit six copies of their comments within 21 days from the date of publication of this notice in the **Federal Register.** Comments should be sent to the Secretary of the Commission, 450 Fifth Street NW., Washington, D.C. 20549. Copies of the proposed rule change, and any amendments and documents relating to the proposed rule change, except those that may be withheld from the public pursuant to 15 U.S.C. 552, are available for inspection and copying at the Commission's Public Reference Room. Copies of the filing are also available at the CBOE.

[6] *See* note 3, *supra.*

III. Approval of the Proposed Rule Change

As indicated above, the proposed rule change provides an effective means of promptly and accurately identifying transactions. Therefore, the Commission believes that it should help CBOE in its monitoring and surveillance functions, particularly with respect to the enforcement of CBOE's rules concerning the priority of public customer orders.

With regard to CBOE's book-priority rules, which provide that public customer market or limit orders shall have priority over all other types of orders,[7] the Commission notes that CBOE has asserted that the use of the full range of codes would enhance its enforcement efforts. In particular, it appears that the use of a "y" code to designate NYSE specialist transactions in options overlying their specialty stocks would aid enforcement by allowing for a prompt determination that these orders cannot be booked.[8]

In addition, the Commission notes that CBOE also stated that the "y" code is necessary for surveillance purposes. Although CBOE acknowledges that NYSE specialists will be required to make daily reports of all of their transactions in options overlying their specialty stocks to the NYSE, and that the NYSE has primary regulatory oversight over its specialists' activities, CBOE asserts that the independent capture of trade data concerning all NYSE specialists' transactions on CBOE will help to verify the information obtained by the NYSE directly from their specialists and allow the CBOE to police its own market.[9]

As a separate matter, the CBOE has represented that CBOE Rule 6.73(a), which requires a floor broker handling an order to use due diligence to execute the order at the best price or prices available to him, in accordance with CBOE's rules would preclude a floor broker from disclosing the source of any order to the trading crowd or, by any other means, seeking to inappropriately handle any order presented to him for execution, in contravention of any of CBOE's rules (including the fiduciary responsibilities imposed upon floor brokers).

The Commission finds that the benefits of the proposed rule change outweighs any potential burdens, and, therefore, that the CBOE proposal is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange and, in particular, the requirements of Section 6. In addition, because the proposal codifies CBOE's existing practice with regard to use of certain of the account origin codes, conforms to Amex's existing practice with regard to dually listed options, and seeks to adopt a new code, the use of which is planned to coincide with the new trading capabilities of NYSE specialists to begin on April 15, 1986, the Commission finds good cause for approving this proposed rule change prior to the thirtieth day after the date of publication of notice of filing thereof.

It is therefore ordered, pursuant to section 19(b)(2) of the Act, that the proposed rule change described above, is approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Shirley E. Hollis,

Assistant Secretary.

April 12, 1985.

[FR Doc. 85-9383 Filed 4-17-85; 8:45 am]

BILLING CODE 8010-01-M

[7] At CBOE, the Order Book Official maintains public customer limit and market order books. Only public customer orders are accepted on the book and given priority in execution over other orders to be executed (*i.e.*, market maker and firm proprietary orders, for example, must yield to the execution of a booked order).

[8] NYSE specialists, trading as such, are not "public customers," and therefore would not be entitled to "book" priority at CBOE. Accordingly, CBOE has indicated that by using a special code ("y") for these order types, they could be identified readily and prohibited from gaining access to the book.

[9] In this connection, CBOE has asserted that prompt and accurate identification of NYSE specialists trades in options overlying the specialty stocks, in particular, is warranted because of the constraints on specialists' hedging activity. *See* Securities Exchange Act Release No. 21710 (February 4, 1985), note 3, *supra.*

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area #2187; Amdt. #1]

Illinois

The above numbered declaration (50 FR 13445) is amended in accordance with the President's declaration of April 2, 1985, to include Brown, Crawford, Greene, Jersey, La Salle, Marshall, Schuyler, Scott, and Whiteside Counties as adjacent counties in the State of Illinois as a result of damage for severe storms, flooding, and ice jams beginning on or about February 13, 1985. All other information remains the same, i.e., the termination date for filing applications for physical damage is the close of business on May 30, 1985 and for economic injury until the close of business on December 30, 1985.

(Catalog of Federal Domestic Assistance Programs Nos. 59002 and 59008)

Dated: April 11, 1985.

Bernard Kulik,

Deputy Associate Administrator for Disaster Assistance.

[FR Doc. 85-9302 Filed 4-17-85; 8:45 am]

BILLING CODE 8025-01-M

[License No. 04/04-5184]

The First B.D.J. Financial Services, Inc.; License Revocation

Notice is hereby given that The First B.D.J. Financial Services, Inc., (B.D.J.) Fort Lauderdale, Florida has had its license revoked and no longer operates as a small business investment company under the Small Business Investment Act of 1958, as amended, (the Act). B.D.J. was licensed by the Small Business Administration on May 20, 1980.

Under the authority vested by the Act and pursuant to the regulations promulgated thereunder, the revocation was effective January 2, 1985, and accordingly, all rights, privileges and franchises derived therefrom have been terminated.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: April 12, 1985.

Robert G. Lineberry,

Deputy Associate Administrator for Investment.

[FR Doc. 85-9303 Filed 4-17-85; 8:45 am]

BILLING CODE 8025-01-M

Region VIII Advisory Council Public Meeting; Denver, CO

The U.S. Small Business Administration Region VIII Advisory Council, located in the geographical area of Denver, Colorado, will hold a public meeting at 8:30 a.m. on Wednesday, May 8, 1985, at the Federal Building, 1961 Stout Street, Room 239 (Second floor), Denver, Colorado, to discuss such matters as may be presented by members, staff of the U.S. Small Business Administration, or others present.

For further information, write or call Eugene Uccellini, District Director, U.S. Small Business Administration, 721 19th Street, Room 426, Denver, Colorado, (303) 844-3673.

Jean M. Nowak,

Director, Office of Advisory Councils.

April 10, 1985.

[FR Doc. 85-9301 Filed 4-17-85; 8:45 am]

BILLING CODE 8025-01-M

Region IV Advisory Council; Public Meeting; Atlanta, GA

The U.S. Small Business Administration Region IV Advisory Council, located in the geographical area of Atlanta, Georgia, will hold a public meeting at 2:00 p.m. on Wednesday, May 8, 1985 through 12:00 Noon on Thursday, May 9, 1985, at the Ramada Renaissance Hotel (Atlanta Airport), 4736 Best Road, College Park, Georgia, 30337 to discuss such matters as may be presented by members, staff of the U.S. Small Business Administration, or others present.

For further information, write or call Clarence B. Barnes, District Director, U.S. Small Business Administration, 1710 Peachtree Rd., NW., Atlanta, Georgia 30309, (404) 881-4749.

Jean M. Nowak,

Director, Office of Advisory Councils.

April 10, 1985.

[FR Doc. 85-9298 Filed 4-17-85; 8:45 am]

BILLING CODE 8025-01-M

Region VII Advisory Council Public Meeting; Cedar Rapids, IA

The Small Business Administration Region VII Advisory Council will hold a public meeting at 9:00 a.m. on Monday, May 20, 1985, at the Junior Achievement Building, 330 Collins Road NE, Cedar Rapids, Iowa, to discuss such maters as may be presented by members, staff of the Small Business Administration, or others present.

For further information, write or call Ralph W. Potter, District Director, United States Small Business Administration, 373 Collins Road NE, Cedar Rapids, Iowa 52402, telephone number (319) 399-2571.

Jean M. Nowak,

Director, Office of Advisory Councils.

April 10, 1985.

[FR Doc. 85-9300 Filed 4-17-85; 8:45 am]

BILLING CODE 8025-01-M

Region VIII Advisory Council; Public Meeting; Salt Lake City, UT

The Small Business Administration Region VIII Advisory Council, located in the geographical area of Salt Lake City, Utah, will hold a public meeting from 7:30 a.m. to 10:00 a.m., Monday, May 6, 1985, at the Research Park, 400 Wikara Way, Salt Lake City, Utah, to discuss such matters as may be presented by members, staff of the Small Business Administration, or others present.

For further information, write or call R. Kent Moon, District Director, U.S. Small Business Administration, 2237 Federal Building, 125 South State Street, Salt Lake City, Utah 84138, (801) 524-5804.

Jean M. Nowak,

Director, Office of Advisory Councils

April 10, 1985.

[FR Doc. 85-9299 Filed 4-17-85; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD-85-025]

National Boating Safety Advisory Council; Meeting

Pursuant to section 10(a) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. 1), notice is hereby given of a meeting of the National Boating Safety Advisory Council to be held on Tuesday and Wednesday, May 14 & 15, 1985 at the Sheraton Harrisburg West, New Cumberland, Pennsylvania, beginning at 9:00 a.m. and ending at 4:00 p.m. on both days. The agenda for the meeting will be as follows:

1. Introduction of new Council member.
2. Review of action taken at the 30th meeting of the Council.
3. Members' items.
4. Executive Director's report.
5. Consumer Education Subcommittee report.
6. Update on bridge-to-bridge radiotelephone regulations on the Great Lakes, Strobe Light Data Collection and Vertical Sector Light Requirements for unmanned barges.
7. Capacity Plate Replacement Subcommittee report.
8. Report on the Tenth Annual Boating Education Seminar.
9. Progress Report on Boat Pox (osmotic blistering) Subcommittee Activities.
10. Update on Alcohol as a Gasoline Additive.
11. Briefing on Low-Head Dams.
12. Update on Proposed Rule on LPG/CNG for Small Passenger Vessels.
13. Presentation on Status of Hybrid PFD Notice of Proposed Rulemaking.
14. Presentation on Alcohol and Boating.
15. Report on 1984 Boating Statistics.
16. Presentation on Consumers "National Hot Line".
17. Report on the Regulatory Project, Operating a Vessel While Intoxicated.
18. Reply to members' items.

19. Chief, Office of Boating, Public, & Consumer Affairs, Remarks.

20. Chairman's session.

Attendance is open to the interested public. With advance notice to the Chairman, members of the public may present oral statements at the meeting. Persons wishing to present oral statements should so notify the Executive Director no later than the day before the meeting. Any member of the public may present a written statement to the Council at any time. Additional information may be obtained from Captain R. F. Ingraham, Executive Director, National Boating Safety Advisory Council, U.S. Coast Guard, (G-BBS), Washington, DC, 20593, or by calling (202) 426-1060.

Issued in Washington, DC, April 11, 1985.

L.C. Kindbom,

Captain, U.S. Coast Guard, Acting Chief, Office of Boating, Public and Consumer Affairs.

[FR Doc. 85-9367 Filed 4-17-85; 8:45 am]

BILLING CODE 4910-14-M

[CGD-85-023]

National Boating Safety Advisory Council Subcommittee on Consumer Education; Meeting

Pursuant to section 10(a) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. 1), notice is hereby given of a meeting of the National Boating Safety Advisory Council's Subcommittee on Consumer Education to be held on Monday, May 13, 1985 at the Sheraton Harrisburg West, New Cumberland, Pennsylvania, beginning at 2:00 p.m. and ending at 5:00 p.m. The agenda for the meeting will be as follows:

1. Discuss further projects and activities for the Subcommittee.

Attendance is open to the interested public. With advance notice to the Chairman, members of the public may present oral statements at the meeting. Persons wishing to present oral statements should so notify the Executive Director no later than the day before the meeting. Any member of the public may present a written statement to the Council at any time. Additional information may be obtained from Captain R.F. Ingraham, Executive Director, National Boating Safety Advisory Council, U.S. Coast Guard, (G-BBS), Washington, DC, 20593, or by calling (202) 426-1060.

Issued in Washington, DC, April 11, 1985.

L.C. Kindbom,

Captain, U.S. Coast Guard, Acting Chief, Office of Boating, Public, and Consumer Affairs.

[FR Doc. 85-9365 Filed 4-17-85; 8:45 am]

BILLING CODE 4910-14-M

[CGD-85-024]

National Boating Safety Advisory Council Subcommittee on Capacity Plate Replacement; Meeting

Pursuant to section 10(a) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. 1), notice is hereby given of a meeting of the National Boating Safety Advisory Council's Subcommittee on Consumer Education to be held on Monday, May 13, 1985 at the Sheraton Harrisburg West, New Cumberland, Pennsylvania, beginning at 2:00 p.m. and ending at 5:00 p.m. The agenda for the meeting will be as follows:

1. Review current Federal Regulations on Capacity Plates.

2. Discuss Alternatives for Replacement Capacity Plates.

Attendance is open to the interested public. With advance notice to the Chairman, members of the public may present oral statements at the meeting. Persons wishing to present oral statements should so notify the Executive Director no later than the day before the meeting. Any member of the public may present a written statement to the Council at any time. Additional information may be obtained from Captain R.F. Ingraham, Executive Director, National Boating Safety Advisory Council, U.S. Coast Guard, (G-BBS), Washington, DC, 20593, or by calling (202) 426-1060.

Issued in Washington, DC., April 11, 1985.

L.C. Kindbom,

Captain, U.S. Coast Guard, Acting Chief, Office of Boating, Public, and Consumer Affairs.

[FR Doc. 85-9366 Filed 4-17-85; 8:45 am]

BILLING CODE 4910-14-M

Federal Highway Administration

Environmental Impact Statement; Fairfax County, VA

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of Intent.

SUMMARY: The FHWA is issuing this notice to advise the public that a Draft Supplement to the Final Environmental Impact Statement will be prepared for a segment of a proposed highway project in Fairfax County, Virginia.

FOR FURTHER INFORMATION CONTACT: George E. Kirk, Jr., District Engineer, Federal Highway Administration, P.O. Box 10045, Richmond, Virginia, 23240-0045, Telephone: (804) 771-2380

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the Virginia Department of Highways and Transportation (VDH&T), will prepare a Draft Supplement to the Final Environmental Impact Statement (FEIS) on a proposal to construct a segment of a new four-lane facility from Braddock Road (Rte. 620) to Interstate I-66 in Fairfax County, Virginia.

The proposed construction will be entirely on new location. The environmental study limits of this proposal are from Braddock Road (Rte. 620) to Interstate 66, for a total length of about 2.8 miles.

The proposed project, as part of the total Springfield Bypass facility, will provide improved traffic movement and access to southern and western Fairfax County.

The option under consideration in this document is the selection of one of the two alignments being proposed for construction. One of these alternatives (the Preferred Alignment), has been fully described in the FEIS. Design and configuration variations will be studied as part of the alignment determination.

No formal scoping meeting is planned at this time. The Draft Supplement will be available for public and agency review and comment. Following the publication of the Draft Supplement, a public hearing will be held. Public notice will be given of the time and place of the hearing.

To ensure that the full range of issues related to this proposed action are addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments ans suggestions concerning this proposed action and the Draft Supplement should be directed to the FHWA at the address provided above.

Catalog of Federal Domestic Assistance Program Number 20.205, Highway Research, Planning and Construction. The provisions of Executive Order 12372 regarding State and local review of Federal and Federally assisted programs and projects apply to this program.

Issued on April 8, 1985.

George E. Kirk, Jr.,

District Engineer, Richmond, Virginia.

[FR Doc. 85-9337 Filed 4-17-85; 8:45 am]

BILLING CODE 4910-22-M

Sunshine Act Meetings

Federal Register
Vol. 50, No. 75
Thursday, April 18, 1985

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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1

FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 9:52 p.m. on Friday, April 12, 1985, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session, by telephone conference call, to: (1) Receive bids for the purchase of certain assets of and the assumption of the liability to pay deposits made in First State Bank of Elgin, Oregon, Elgin, Oregon, which was closed by the Superintendent of Banks for the State of Oregon on Friday, April 12, 1985; (2) accept the bid for the transaction submitted by United States National Bank of Oregon, Portland, Oregon; and (3) provide such financial assistance, pursuant to section 13(c)(2) of the Federal Deposit Insurance Act (12 U.S.C. 1823(c)(2)), as was necessary to facilitate the purchase and assumption transaction.

At that same meeting, the Board also: (1) Received bids for the purchase of certain assets of and the assumption of the liability to pay deposits made in South Coast Bank, Costa Mesa, California, which was closed by the Superintendent of Banks for the State of California on Friday, April 12, 1985; (2) accepted the bid for the transaction submitted by Harbor Bank, Long Beach, California, an insured State nonmember bank; (3) approved the application of Harbor Bank, Long Beach, California, for consent to purchase certain assets of and to assume the liability to pay deposits made in South Coast Bank, Costa Mesa, California, and to establish the two offices of South Coast Bank as branches of Harbor Bank; and (4) provided such financial assistance, pursuant to section 13(c)(2) of the Federal Deposit Insurance Act (12 U.S.C. 1823(c)(2)), as was necessary to effect the purchase and assumption transaction.

In calling the meeting, the Board determined, on motion of Chairman William M. Isaac, seconded by Director Irvine H. Sprague (Appointive), concurred in by Mr. H. Joe Selby, acting in the place and stead of Director C.T. Conover (Comptroller of the Currency), that Corporation business required its consideration of the matters on less than seven days' notice to the public; that no earlier notice of the meeting was practicable; that the public interest did not require consideration of the matters in a meeting open to public observation; and that the matters could be considered in a closed meeting pursuant to subsections (c)(8), (c)(9)(A)(ii), and (c)(9)(B) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(8), (c)(9)(A)(ii), and (c)(9)(B)).

Dated: April 15, 1985.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 85-9529 Filed 4-16-85; 3:09 pm]

BILLING CODE 6714-01-M

2

FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Meeting.

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that the Federal Deposit Insurance Corporation's Board of Directors will meet in open session at 2:00 p.m. on Monday, April 22, 1985, to consider the following matters:

Summary Agenda: No substantive discussion of the following items is anticipated. These matters will be resolved with a single vote unless a member of the Board of Directors requests that an item be moved to the discussion agenda.

Disposition of minutes of previous meetings.

Applications for Federal deposit insurance:

Capitol Thrift and Loan Association, an operating noninsured industrial bank located at 1612 Jeffeson Street, Napa, California.

Tustin Thrift and Loan Association, an operating noninsured industrial bank located at 530 East First Street, Tustin, California.

Request for reconsideration of a previous denial of an application for Federal deposit insurance:

Federal Finance & Mortgage, Ltd., an operating noninsured industrial bank located at 911 Keeaumoku Street, Honolulu, Hawaii.

Recommendations regarding the liquidation of a bank's assets acquired by the Corporation in its capacity as receiver, liquidator, or liquidating agent of those assets:

Case No. 46,201-SR (Amendment)
Atkinson Trust & Savings Bank, Atkinson, Illinois
Case No. 46,205
The Bank of Bloomfield, Bloomfield, New Jersey and
First State Bank of Hudson County, Jersey City, New Jersey and
Centennial Bank, Philadelphia, Pennsylvania and
Farmers Bank of the State of Delaware, Dover, Delaware
Case No. 46,207-SR (Amendment)
Sparta-Sanders State Bank, Sparta, Kentucky

Reports of committees and officers:

Minutes of actions approved by the standing committees of the Corporation pursuant to authority delegated by the Board of Directors.

Reports of the Division of Bank Supervision with respect to applications, requests, or actions involving administrative enforcement proceedings approved by the Director or an Associate Director of the Division of Bank Supervision and the various Regional Directors pursuant to authority delegated by the Board of Directors.

Discussion Agenda:

No matters scheduled.

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550—17th Street, NW., Washington, D.C.

Requests for further information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation, at (202) 389-4425.

Dated: April 15, 1985.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 85-9501 Filed 4-16-85; 2:25 pm]

BILLING CODE 6714-01-M

3

FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 2:30 p.m. on Monday, April 22, 1985, the Federal Deposit Insurance Corporation's Board of Directors will meet in closed session, by vote of the Board of Directors, pursuant to sections 552b(c)(2), (c)(4), (c)(6), (c)(8), (c)(9)(A)(ii), and (c)(9)(B) of Title 5, United States Code, to consider the following matters:

Summary Agenda: No substantive discussion of the following items is anticipated. These matters will be resolved with a single vote unless a member of the Board of Directors requests that an item be moved to the discussion agenda.

Recommendations with respect to the initiation, termination, or conduct of administrative enforcement proceedings (cease-and-desist proceedings, termination-of-insurance proceedings, suspension or removal proceedings, or assessment of civil money penalties) against certain insured banks or officers, directors, employees, agents or other persons participating in the conduct of the affairs thereof:

Names of persons and names and locations of banks authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(6), (c)(8), and (c)(9)(A)(ii)).

Note.—Some matters falling within this category may be placed on the discussion agenda without further public notice if it becomes likely that substantive discussion of those matters will occur at the meeting.

Discussion Agenda:

Memorandum regarding liquidation activities.

Personnel actions regarding appointments, promotions, administrative pay increases, reassignments, retirements, separations, removals, etc.:

Names of employees authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(2) and (c)(6) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(2) and (c)(6)).

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550–17th Street, NW., Washington, D.C.

Requests for further information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation, at (202) 389–4425.

Dated: April 15, 1985.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 85–9502 Filed 4–16–85; 2:25 pm]

BILLING CODE 6714–01–M

4

FEDERAL ELECTION COMMISSION

DATE AND TIME: Tuesday, April 23, 1985, 10:00 a.m.

PLACE: 1325 K Street, NW. Washington, D.C.

STATUS: This meeting will be closed to the public items to be discussed: Compliance. Litigation. Audits. Personnel.

* * * * *

Notice of Cancellation of Public Hearing

The previously announced hearing on the Sunshine Regulations (50 FR 10066, March 13, 1985), has been cancelled.

* * * * *

Special Open Meeting

DATE AND TIME: Wednesday, April 24, 1985, 10:00 a.m.

PLACE: 1325 K Street, N.W., Washington, D.C.

MATTER TO BE CONSIDERED:

Oral presentaion by the Friends of George McGovern on the Commission's initial repayment determination

* * * * *

DATE AND TIME: Thursday, April 25, 1985, 10:00 a.m.

PLACE: 1325 K Street, NW., Washington, D.C.

STATUS: This meeting will be open to the public.

MATTER TO BE CONSIDERED:

Setting of dates of future meetings
Correction and approval of minutes
Eligibility for candidates to receive Presidential primary matching funds
Net outstanding campaign obligations (NOCO) determination—Mondale for President Committee, Inc.
Draft advisory Opinion #1985–11, Richard P. Schweitzer, Legislative Councel, Private Truck Council of America, Inc.
Draft Advisory Opinion #1985–12, Gary Hong, Political Action Director, American Health Care Association PAC
Routine Administrative Matters

PERSONS TO CONTACT FOR INFORMATION: Mr. Fred Eiland, Information Officer, 202–523–4065.

Marjorie W. Emmons,

Secretary of the Commission.

[FR Doc. 85–9514 Filed 4–16–85; 3:06 pm]

BILLING CODE 6715–01–M

5

FEDERAL RESERVE SYSTEM

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 50 FR 14192, April 10, 1985.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 11:00 a.m. Monday, April 15, 1985.

CHANGES IN THE MEETING: Addition of the following closed item(s) to the meeting: Proposed statement to be presented to the Subcommittee on Financial Institutions Supervision, Regulation and Insurance of the House Committee on Banking, Finance and Urban Affairs on chartering of nonbank banks and on H.R. 20, the Bank Definition Act.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board; (202) 452–3204.

Dated April 15, 1985.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 9398 Filed 4–15–85; 4:44 pm]

BILLING CODE 6210–01–M

6

SECURITIES AND EXCHANGE COMMISSION

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: (To be published).

STATUS: Open/closed meeting.

PLACE: 450 Fifth Street, NW., Washington, D.C.

DATE PREVIOUSLY ANNOUNCED: Friday, April 5, 1985.

CHANGE IN THE MEETING: Additional items.

The following additional item will be considered at an open meeting scheduled for Tuesday, April 16, 1985, at 10:00 a.m.

Consideration of whether to issue a release requesting comment on the oversight of the government securities markets. For further information, please contact Andrew E. Feldman at (202) 272–2388.

The following additional item will be considered at a closed meeting scheduled for Tuesday, April 16, 1985, at 2:30 P.M.

Subpoena enforcement action.

Commissioner Peters, as duty officer, determined that Commission business required the above changes and that no earlier notice thereof was possible.

At times changes in Commission priorities require alternations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted

of postponed, please contact: Alan Dye at (202) 272–2014.

Shirley F. Hollis,

Assistant Secretary.

[FR Doc. 85–9500 Filed 4–16–85; 2:25 pm]

BILLING CODE 6210–01–M

7

SYNTHETIC FUELS CORPORATION

Meeting of the Board of Directors

SUMMARY: Interested members of the public are invited to attend and observe the meeting of the Board of Directors of the United States Synthetic Fuels Corporation to be held at the time, date and place specified below. This public announcement is made pursuant to the open meeting requirements of section 116(f)(1) of the Energy Security Act (94 Stat. 611, 637; 42 U.S.C. 8701, 8712(f)(1)) and Section 4 of the Corporation's Statement of Policy on Public Access to Board meetings. During the meeting, the Board of Directors will consider a resolution to close a portion of the meeting pursuant to Article II, section 4 of the Corporation's By-laws, section 116(f) of the said Act and sections 4 and 5 of the said policy.

MATTERS TO BE CONSIDERED:

Open Session (9:00 a.m.), Room 403

I. Call to Order—Chairman's Opening Remarks

II. Resolution to Close Meeting

Closed Session Room 403

III. Letter of Intent Project Reports
1. Great Plains
2. Seep Ridge
3. Cathedral Bluffs
4. Forest Hill

IV. Fourth General Solicitation Project Status Report

Open Session (3:30 p.m.), Room 503

V. Approval of Board Minutes

VI. Report of Comprehensive Strategy Committee Chairman
1. Comprehensive Strategy: Status
2. Statement of Principles and Objectives/ Business Plan: Assessment

VII. Hop Kern Project Letter of Intent Status

VIII. Third General Solicitation Open Issues
1. Paraho-Ute Project

TIME AND DATE: 9:00 a.m., April 22, 1985.

PLACE: 2121 K Street, NW., Rooms 403 and 503, Washington, D.C. 20586.

PERSON TO CONTACT FOR MORE INFORMATION: If you have any questions regarding this meeting, please contact Mr. March Coleman, Assistant General Counsel-Corporate & Litigation, at (202) 822–6571.

United States Synthetic Fuels Coporation.

Len Rawicz,

Vice President, General Counsel and Secretary.

April 15, 1985.

[FR. Doc. 85–9437 Filed 4–16–85; 9:41 am]

BILLING CODE 000–00–M

federal register

Thursday
April 18, 1985

Part II

Department of Transportation

Federal Aviation Administration

14 CFR Parts 91, 121, 125, and 135
Flight Recorders and Cockpit Voice Recorders

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Parts 91, 121, 125, and 135

[Docket No. 24418; Notice No. 85–1A]

Flight Recorders and Cockpit Voice Recorders

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Reopening of comment period.

SUMMARY: This notice reopens the comment period for Notice of Proposed Rulemaking (NPRM), No. 85–1 (50 FR 949; January 8, 1985). The notice proposes to require additional flight recorder parameters for airplanes type certificated before 1969 operating in Part 121 operations. Post-accident examination, in many cases, no longer produces sufficient information to accurately assess the causal interrelationship between man, machine, and environment. The additional requirements are necessary to ensure that all of the underlying causal factors of an accident are identified. The notice also proposes to require cockpit voice recorders (CVR) on newly manufactured multiengine, turbine-powered airplanes certificated to carry six or more passengers, requiring two pilots by certification or operating rules for those operations conducted under Part 135. The notice also proposes that, for those operators conducting operations under Part 91 and Part 125 that have installed approved cockpit voice recorders, the Administrator will not use the record in any civil penalty or certificate action. This reopening of the comment period is based on requests received from the Air Transport Association (ATA) of America, the Regional Airline Association, the Aerospace Industries Association of America, Inc., and the General Aviation Manufacturer's Association, for more time in order to obtain technical information, and cost data, as well as to study the proposal, and provide quality comment.

The FAA has determined that it is in the public interest to reopen the comment period to allow the public more time to undertake a thorough review of this proposal.

DATES: Comments on Notice 85–1 must be received on or before June 3, 1985.

ADDRESSES: Comments on Notice 85–1 may be mailed in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC–204), Docket No. 24418, 800 Independence Avenue, SW., Washington, D.C. 20591, or delivered in duplicate to: Room 916, 800 Independence Avenue SW., Washington, D.C. Comments delivered must be marked: Docket No. 24418. Comments may be inspected in Room 916 weekdays between 8:30 a.m. and 5 p.m.

FOR FURTHER INFORMATION CONTACT: John Flavin, Office of Airworthiness, Aircraft Maintenance Division, Avionics Branch (AWS–350), 800 Independence Avenue, SW., Washington, D.C. 20591, telephone (202) 426–8177.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the address listed above. All communications received on or before the closing date for comments will be considered by the Administrator before taking action on the proposed rule.

Commenters wishing the FAA to acknowledge receipt of their comments must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to docket number 24418." The postcard will be dated, time-stamped, and returned to the commenter. The proposals contained in Notice 85–1 may be changed in light of comments received. All comments submitted will be available, both before and after the closing date for the comments, in the Rules Docket for examination by interested persons. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM

Any person may obtain a copy of this notice and Notice 85–1 by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA–430, 800 Independence Avenue, SW., Washington, D.C. 20591. Persons interested in being placed on a mailing list for future NPRM's should request a copy of Advisory Circular 11–2, Notice of Proposed Rulemaking Distribution System, which describes the application procedures.

Background

On December 31, 1984, the FAA issued Notice 85–1 (50 FR 949; January 8, 1985). The FAA proposes in that notice to revise § 91.35 and add a new § 125.202 which would provide that the Administrator will not use the cockpit voice recorder record in any civil penalty or certificate action. The purpose is to encourage operators to voluntarily install cockpit voice recorders in airplanes that are used in those operations where they are not required. The installed equipment must be approved and it must continue to meet the airworthiness requirements under which the airplane is certificated and operated.

That notice also proposes substantive revisions to §§ 121.343 and 135.151. For operations conducted under Part 121, this proposed rule would require retrofitting all airplanes type certificated before September 30, 1969 (currently using a six-parameter foil-type flight recorder) with a six-parameter digital flight recorder within 2 years from the effective date of this proposed amendment. These flight recorders would have to be upgraded to 11 parameter digital flight recorders within 7 years after the effective date of this proposed amendment. The 11 parameters would consist of those currently required plus the following: (1) Pitch attitude; (2) roll attitude; (3) pitch trim position; (4) control column or pitch control surface position; and (5) thrust of each engine. They would be required to perform within the ranges, accuracies, and recording intervals specified in Appendix B of Part 121.

All newly manufactured airplanes having an original type certificate issued before September 30, 1969, would be required to have 17-parameter digitial flight recorders installed after 2 years from the effective date of the amendment. The requirements for airplanes type certificated after September 30, 1969, would not change.

For those operations conducted under Part 135, that proposal would require a CVR for all multiengine, turbine-powered airplanes certificated to carry six or more passengers and requiring two pilots by certification or operating rules, that are newly manufactured 2 years from the effective date of the final rule.

"Manufactured" means when the airplane inspection acceptance records reflect that the airplane is complete and meets the FAA-approved type design data. An airplane manufactured and then placed into storage prior to sale would be considered manufactured the date it is completed prior to being placed in storage.

The closing date for comments on Notice 85–1 was March 2, 1985. Two commenters, representing a considerable number of operators that

would be affected by this proposal, requested more time in which to study the proposals and to prepare their comments.

Reopening of Comment Period

In consideration of these requests the FAA concludes that reopening the comment period for an additional 45 days would serve the public interest. Accordingly, the comment period for Notice 85–1 is reopened. The comment period will close on June 3, 1985.

Conclusion

This document reopens the comment period on a notice of proposed rulemaking. Therefore, I certify that this document is not major under Executive Order 12291 or significant under Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979) and that it will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

(Sec. 313, 314, 601, 603(c), 605, 606, 609, and 610 of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1354, 1355, 1421, 1423(c), 1425, 1428, 1429, and 1430); 49 U.S.C. 106(g) (Revised Pub. L. 97–449, January 21, 1983); and 14 CFR 11.45)

Issued in Washington, D.C., on April 3, 1985.

Joseph A. Pontecorvo,

Acting Director of Airworthiness.

[FR Doc. 85–9297 Filed 4–17–85; 8:45 am]

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federal register

Thursday
April 18, 1985

Part III

Department of Agriculture

Animal and Plant Health Inspection Service

7 CFR Part 301

Subpart—Honey Bee Tracheal Mite; Revocation; Final Rule

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. 85-323]

7 CFR Part 301

Revocation; Subpart—Honey Bee Tracheal Mite

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: This document amends the Domestic Quarantine Notices by removing regulations, captioned "Subpart—Honey Bee Tracheal Mite". Prior to the effective date of this document, Subpart—Honey Bee Tracheal Mite quarantined the States of Florida, Louisiana, and Texas, and regulated the interstate movement of articles designated as regulated articles from anywhere in Florida and from portions of Louisiana and Texas. The regulations were established in order to prevent the artificial spread interstate of honey bee tracheal mite to noninfested areas in the United States. This document removes the regulations because it appears that honey bee tracheal mite is widespread throughout the United States and there is no longer a basis for regulating the interstate movement of articles because of honey bee tracheal mite.

EFFECTIVE DATE: April 16, 1985.

FOR FURTHER INFORMATION CONTACT: B. Glen Lee, Survey and Emergency Response Staff, National Program Planning Staff, Plant Protection and Quarantine, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Room 611, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, (301) 436-6365.

SUPPLEMENTARY INFORMATION: A document published in the **Federal Register** on February 20, 1985 (see 50 FR 7162-63), proposed to amend the Domestic Quarantine Notices (7 CFR Part 301 *et seq.*) by removing regulations captioned "Subpart—Honey Bee Tracheal Mite" (previously contained in 7 CFR 301.92 *et seq.* and referred to below as regulations).

Prior to the effective date of this document, the regulations quarantined the States of Florida, Lousiana, and Texas and regulated the interstate movement of articles designated as regulated articles from anywhere in Florida, and from portions of Lousiana and Texas. The regulations designated the following articles as regulated articles:

(a) Live bees of the genus *Apis*, in any life stage;

(b) Dead bees of the genus *Apis*;

(c) Used bee boards, hives, nests, nesting material, frames, comb, and shipping containers for such articles;

(d) Beeswax, unless it has been liquified;

(e) Pollen for bee feed; and

(f) Any other product, article, or means of conveyance, of any character whatsoever, not covered by paragraphs (a) through (e) when it is determined by an inspector that it presents a risk of spread of the honey bee tracheal mite and the person in possession thereof has actual notice that the the product, article, or means of conveyance is subject to the restrictions in the regulations.

The regulations were established to prevent the artificial spread interstate of honey bee tracheal mite, *Acarapis woodi*, an internal parasitic mite of honeybees (bees of the genus *Apis*). However, it has been determined that the regulations are no longer necessary for that purpose. For reasons discussed in the proposal of February 20, 1985, and in this document, the proposal to remove the regulations is adopted.

Comments

Comments were solicited for 30 days after publication of the amendment. One hundred and forty-two comments (142) were received from individual beekeepers, State and National beekeeping associations, and State Departments of Agriculture. Ninety-five (95) of the comments received favored the Department's proposal to remove the regulations, and forty-seven (47) of the comments received opposed the proposal or suggested that implementation of the proposal be delayed for a specified period of time.

The issues presented by commenters who supported the proposal to remove the regulations are summarized as follows:

1. It was asserted that the regulations should be removed because they are very difficult, if not impossible to enforce given the available resources.

2. It was asserted that the continuation of regulations without an extensive eradication program would be ineffective in preventing interstate spread of the honey bee tracheal mite, and that unless the Department of Agriculture would be able to make funds available for indemnifying beekeepers whose bees would be destroyed under an eradication program, it would be unlikely that the Department would get the necessary voluntary compliance needed to make an eradication program effective, especially when the migratory practices of the beekeeping industries are considered.

3. It was asserted that the honey bee tracheal mite is far more widespread and established in the United States than the Department's surveys revealed because the sampling techniques used were adequate for detecting only well established infestations. In support of this assertion, it was contended that: (a) Given the reproductive cycle of the honey bee tracheal mite and the reproductive cycle of the honey bee tracheal mite and the reproductive cycle of the honey bee, it could take several years before an infestation develops to a point that it will be detected under the sampling techniques used by the Department; (b) in light of the migratory practices of beekeepers in the United States, it can be assumed that honey bees from infected or exposed hives were sent nationwide before the honey bee tracheal mite was discovered and a regulatory program established; and (c) the sampling program did not take into account or sample feral bees within the flight range of infested colonies and feral bees may have become a source for transmitting honey bee tracheal mite to colonies that had initially tested free of honey bee tracheal mite during the survey.

4. It was asserted that if the regulations are not removed there would be a negative impact on beekeepers who keep their bees in Florida year around because the presence of additional bees in Florida during the summer months will increase the competition for what is already considered to be an inadequate amount of nectar in Florida.

5. It was asserted that the economic losses associated with not being able to migrate bees from regulated to nonregulated areas to ensure pollination would be far greater than the economic losses associated with widespread infestations of the honey bee tracheal mite.

The issues presented by commenters in favor of retaining the regulations are summarized as follows:

1. It was asserted that the honey bee tracheal mite is not widespread in the United States. In support of this assertion it was contended that Departmental surveys confirmed infestations in only 10 States and the honey bee colonies found to be infested have since been destroyed.

2. It was asserted that regulations established by the Federal government are necessary in order to prevent the honey bee tracheal mite from becoming widespread in the United States. In support of this assertion, it was contended that if the regulations are

removed there will be no way to determine whether honey bees moving interstate are coming from infested areas or not since States do not have adequate resources to conduct surveys, to do research, and to regulate the movement of honey bees.

3. It was asserted that the regulations should be removed because there is a need for uniform regulations nationwide, especially considering the migratory nature of the honey bee industry, rather than the establishment of many separate, and probably different, state regulations.

4. It was asserted that the regulations should not be removed until more is known about the impact of the honey bee tracheal mite on honey bees in the United States, especially on honey bees overwintered in colder northern climates.

5. It was asserted that removal of the regulations would cause Canada to take action restricting the importation of honey bees into Canada.

In addition, several commenters recommended that action to remove the regulations be delayed until late May after the queen honey bee and packaged honey bee industry has finished shipping honey bees interstate or to Canada for the 1985 season or until the States have had an opportunity to prepare and implement appropriate regulations.

The proposal to remove the regulations was based on the conclusion that the honey bee tracheal mite is widespread throughout the United States and that, consequently, there is no longer a basis for regulating the interstate movement of products and articles for the purpose of preventing the interstate dissemination of the honey bee tracheal mite. The Department reaffirms this determination, and, therefore, this document removes the regulations.

Nothwithstanding the possible validity of comments submitted concerning unknown consequences of a honey bee tracheal mite infestation to honey bees in the United States, the possible restrictions that could be placed on trade, and the desirability of regulation on a national basis, the Department believes that it can not effectively prevent additional spread of the honey bee tracheal mite by the continued implementation of the regulations.

The Department's surveys revealed honey bee tracheal mite infestations in the following ten States: Florida, Louisiana, Nebraska, New York, North Carolina, North Dakota, Ohio, South Dakota, Texas, and Virginia. However, some of the infected bee colonies were destroyed, but most of them were not. Further, the Department agrees with reasons set forth above by commenters who asserted that the honey bee tracheal mite has spread beyond the areas found to be infested during the surveys and has spread to areas throughout the United States. Also, it is expected that additional infestations will be found throughout the United States in the near future. In fact, on April 12, 1985, confirmed infestations of honey bee tracheal mite were reported to exist in the State of Georgia.

Under the circumstances described above, it does not appear that an effective federal eradication program would be feasible against the honey bee tracheal mite.

The Department recognizes that there could be many different State regulations that would affect the bee industry. In this regard, the Department has sent copies of model regulations to the States for their use, if desired.

A commenter questioned the statement in the proposal that the Office of Management and Budget (OMB) had waived review of the proposal under Executive Order 12291. OMB has waived the review process required by Executive Order 12291 based on an agreement between OMB and APHIS.

A commenter questioned the statement in the proposal that adoption of the proposal would have an effect on the economy of less than 100 million dollars. This commenter argued that large losses might be incurred by a reduction in the amount of honey or pollen produced by honey bees as a result of an infestation of honey bee tracheal mite. It is unclear exactly what losses will be incurred as a result of an infestation of honey bee tracheal mite. However, as discussed above, the Department has determined that the honey bee tracheal mite is widespread in the United States and that continued federal regulations would not be effective in preventing future spread. Therefore, adoption of the proposal to rescind the regulations should not cause significant increases or decreases in economic losses incurred as a result of a honey bee tracheal mite infestation.

Several commenters requested that the Department establish a certification program to facilitate the international and interstate movement of honey bees found to be free of the honey bee tracheal mite. The Department does not have the personnel and other resources available which would be necessary to implement a program for sampling and certifying honey bees to be moved interstate or internationally on a continuing basis.

The final rule relieves restrictions which have been found to be unnecessary. Accordingly, prompt action should be taken to delete the restrictions. Therefore, in accordance with the provisions of 5 U.S.C. 553 the final rule is made effective upon signature.

Executive Order 12291 and Regulatory Flexibility Act

This rule is issued in conformance with Executive Order 12291 and has been determined to be not a "major rule". Based on information compiled by the Department, it has been determined that this rule will have an effect on the economy of less than 100 million dollars; will not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and will not cause a significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

For this rulemaking action, the Office of Management and Budget has waived the review process required by Executive Order 12291.

The regulations were established as an interim rule on an emergency basis until final action could be taken. For the reasons explained above, it has been determined that the honey bee tracheal mite is widespread throughout the United States and that, consequently, there is no longer a basis for regulating the interstate movement of products and articles for the purpose of presenting the interstate dissemination of the honey bee tracheal mite. Under these circumstances, the Administrator of the Animal and Plant Health Inspection Service has determined that this action would not have a significant economic impact on a substantial number of small entities.

Paperwork Reduction Act

The regulations in this subpart contain no information collection or recordkeeping requirements under the Paperwork Reduction Act of 1980 (44 U.S.C. 3507 *et seq.*).

List of Subjects in 7 CFR Part 301

Agricultural commodities, Plant diseases, Plant pests, Plants (agriculture), Quarantine, Transportation, Honey bee tracheal mite.

PART 301—DOMESTIC QUARANTINE NOTICES

Subpart—Honey Bee Tracheal Mite

§§ 301.92—301.92-9 [Removed]

Accordingly, under the circumstances described above, 7 CFR Part 301 is amended by removing "Subpart—Honey Bee Tracheal Mite" (7 CFR 301.92 and 301.92–1 through 301.92–9).

Authority: 7 U.S.C. 150dd, 150ee; 7 CFR 2.17, 2.51, and 371.2(c).

Done at Washington, D.C., this 16th day of April 1985.

William F. Helms,

Acting Deputy Administrator, Plant Protection and Quarantine, Animal and Plant Health Inspection Service.

[FR Doc. 85–9573 Filed 4–17–85; 12:00 p.m.]

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Presidential Documents

Title 3—

The President

Executive Order 12510 of April 17, 1985

Non-Foreign Area Cost-of-Living Allowances

By the authority vested in me as President by the Constitution of the United States of America and section 5941 of title 5 of the United States Code, it is hereby ordered as follows:

Section 1. Section 205 of Executive Order No. 10000 of September 16, 1948, as amended, is further amended to provide as follows:

"Sec. 205. Additional living cost compensation.

(a) The Office of Personnel Management shall from time to time, subject to applicable law, (1) designate places in non-foreign areas eligible to receive additional compensation by virtue of living costs that are substantially higher than in the Washington, D.C., area, (2) fix for each place so designated an additional rate or rates of compensation by reason of such higher living costs, and (3) prescribe by regulation such additional policies or procedures as may be necessary to administer such compensation. Additional compensation under this section is referred to as a 'non-foreign area cost-of-living allowance'.

"(b) In fixing the non-foreign area cost-of-living allowances, the Office of Personnel Management shall make appropriate deductions when quarters or subsistence, or commissary or other purchasing privileges are furnished as a result of Federal civilian employment at a cost substantially lower than the prevailing costs in the allowance area concerned."

Sec. 2. (a) Section 201 of Executive Order No. 10000, as amended, is further amended by deleting "the word 'Territories' means Alaska, Hawaii, the" and inserting in its place "the term 'non-foreign areas' includes Alaska, Hawaii, the territories and".

(b) Executive Order No. 10000, as amended, is further amended by deleting "Territorial" and "Territories" wherever they appear and inserting in their place "non-foreign area" and "non-foreign areas", respectively.

Sec. 3. Executive Order No. 12070 of June 30, 1978, is hereby superseded.

Sec. 4. This Order shall be effective upon publication in the **Federal Register**.

Ronald Reagan

THE WHITE HOUSE,
April 17, 1985.

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The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 29

Tobacco Inspection; Growers' Referendum Results

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This document contains the determination with respect to the referendum on the designation of the consolidated flue-cured tobacco markets of Valdosta and Hahira, Georgia. A referendum was conducted during the period of March 25–29, 1985, among tobacco growers who sell their tobacco at auction in Valdosta and Hahira, Georgia, to determine producer approval of the designation of these two markets as one consolidated market. Eligible producers voted in favor of the designation. Therefore, for the 1985 and succeeding flue-cured marketing seasons, the Valdosta and Hahira, Georgia, tobacco markets shall be designated as and be called Valdosta-Hahira. The regulations are herein amended to reflect this new designated market.

EFFECTIVE DATE: April 19, 1985.

SUPPLEMENTARY INFORMATION: A notice was published in the March 15, 1985, issue of the **Federal Register** (50 FR 10501) advising that a referendum would be conducted among flue-cured producers who market their tobacco on the Valdosta and Hahira, Georgia, markets to ascertain if such producers favored the designation of the consolidated markets. Valdosta and Hahira had been officially and separately designated on June 2, 1940 (5 FR 2335) and October 9, 1941 (6 FR 5147), respectively, under the Tobacco Inspection Act of 1935 (7 U.S.C. 511 *et seq.*).

The referendum was conducted among producers who were engaged in the production of flue-cured tobacco marketed in Valdosta and Hahira, Georgia, for calendar year 1984. Ballots for the March 25–29 referendum were mailed to 415 producers. Approval required votes in favor of the proposal by two-thirds of the eligible voters who cast valid ballots. The Department received a total of 176 responses: 152 eligible producers voted in favor of the consolidation of the Valdosta and Hahira markets; 9 eligible producers voted against the consolidation; and 15 ballots were determined to be invalid because they were not completed and/or signed.

Upon the basis of the results of the referendum, it is determined that the consolidated market of Valdosta Hahira, Georgia, is hereby designated as a flue-cured tobacco auction market and that this designated market shall receive mandatory, federal grading of tobacco sold at auction for the 1985 and succeeding seasons.

The referendum was held in accordance with the provisions of 7 U.S.C. 1312(c) and the regulations set forth in 7 CFR Parts 29 and 717.

This final rule has been reviewed under USDA procedures established to implement Executive Order 12291 and the Secretary's Memorandum 1512–1 and has been determined to be a "nonmajor" rule because it does not meet any of the criteria established for major rules under the executive order.

Additionally, in conformance with the provisions of Pub. L. 96–354, Regulatory Flexibility Act, full consideration has been given to the potential economic impact upon small business. Tobacco warehousemen and producers fall within the confines of "small business" as defined in the Regulatory Flexibility Act. A number of firms which are affected by these adopted regulations do not meet the definition of small business either because of their individual size or because of their dominant position in one or more marketing areas. William T. Manley, Deputy Administrator, Agricultural Marketing Service, has certified that this action will have no adverse economic impact upon all entities, small or large, and will in no way effect the normal competition in the market place.

List of Subjects in 7 CFR Part 29

Administrative practices and procedure, Tobacco.

PART 29—TOBACCO INSPECTION

Accordingly, the Department amends the regulations under the Tobacco Inspection Act contained in 7 CFR Part 29, Subpart D, as follows:

§ 29.8001 [Amended]

The table contained in § 29.8001, entitled "Designated Tobacco Markets" is amended as follows:

(1) Item (o) is amended by removing the entire entry for Georgia, and by designating the entry for Florida as "(o)".

(2) Item (q) is amended by deleting the words "Hahira, Ga." from the column entitled Auction Markets.

(3) A new item (xx) is added under (ww) at end of the table, the new (xx) to read as follows:

Territory	Types of tobaccos	Auction markets	Order of designation	Citation
(xx) Georgia	Flue-Cured	Valdosta-Hahira	(Date of publication in Federal Register).	50 FR ——

Dated: April 1, 1985.

Karen Darling,

Acting Assistant Secretary, Marketing and Inspection Services.

[FR Doc. 85–9388 Filed 4–18–85; 8:45 am]

BILLING CODE 3410–02–M

7 CFR Part 910

[Lemon Reg. 512]

Lemons Grown in California and Arizona; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation establishes the quantity of fresh California-Arizona lemons that may be shipped to market at 290,000 cartons during the period April 21–27, 1985. Such action is needed to provide for orderly marketing of fresh lemons for the period due to the marketing situation confronting the lemon industry.

DATES: Effective for the period April 21–27, 1985.

FOR FURTHER INFORMATION CONTACT: William J. Doyle, Chief, Fruit Branch, F&V, AMS, USDA, Washington, D.C. 20250, telephone 202–447–5975.

SUPPLEMENTARY INFORMATION: This final rule has been reviewed under Secretary's Memorandum 1512–1 and Executive Order 12291, and has been designated a "non-major" rule. William T. Manley, Deputy Administrator, Agricultural Marketing Service, has certified that this action will not have a significant economic impact on a substantial number of small entities.

This final rule is issued under Marketing Order No. 910, as amended (7 CFR Part 910) regulating the handling of lemons grown in California and Arizona. The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The action is based upon recommendations and information submitted by the Lemon Administrative Committee and upon other available information. It is found that this action will tend to effectuate the declared policy of the act.

This action is consistent with the marketing policy currently in effect. The committee met publicly on April 16, 1985, at Los Angeles, California, to consider the current and prospective conditions of supply and demand and recommended a quantity of lemons deemed advisable to be handled during the specified week. The committee reports that the lemon demand pattern has improved on all sizes of fruit.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the **Federal Register** (5 U.S.C. 553), because of insufficient time between the date when information became available upon which this regulation is based and the effective date necessary to effectuate the declared purposes of the act. Interested persons were given an opportunity to submit information and views on the regulation at an open meeting. It is necessary to effectuate the declared purposes of the act to make these regulatory provisions effective as specified, and handlers have been apprised of such provisions and the effective time.

List of Subjects in 7 CFR Part 910

Marketing Agreements and Orders, California, Arizona, Lemons.

PART 910—[AMENDED]

Section 910.812 is added as follows:

§ 910.812 Lemon Regulation 512.

The quantity of lemons grown in California and Arizona which may be handled during the period April 21, 1985, through April 27, 1985, is established at 290,000 cartons.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: April 17, 1985.

Thomas R. Clark,

Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 85–9630 Filed 4–18–85; 8:45 am]

BILLING CODE 3410-02-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 85–ASW–7; Amdt. 39–5020]

Airworthiness Directives; Societe Nationale Industrielle Aerospatiale (SNIAS) Model SE3130, SE313B, SA3180, SA318B, SA318C, and SA315B Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) which requires an inspection for proper shot peening of certain tail rotor pitch control rods on Aerospatiale Model SE3130, SE313B, SA3180, SA318B, SA318C, and SA315B helicopters. Cracks may occur in an improperly shot peened rod which may cause failure of the rod and possible loss of helicopter directional control.

DATES: Effective April 19, 1985.

Compliance required within 50 hours' time in service after the effective date of this AD, unless already accomplished.

The incorporation by reference of the service bulletins listed in this AD is approved by the Director of the Federal Register as of April 19, 1985.

ADDRESSES: A copy of the service information may be examined at the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, 4400 Blue Mound Road, Fort Worth, Texas.

A copy of the service information may be obtained from Aerospatiale Helicopter Corporation, 2701 Forum Drive, Grand Prairie, Texas 75051, Attention: Customer Support.

FOR FURTHER INFORMATION CONTACT: Chris Christie, Manager, Aircraft Certification Office, FAA, Europe, Africa, and Middle East Office c/o American Embassy, Brussels, Belgium, APO New York 09667, or J. H. Major, Helicopter Policy and Procedures Staff, Aircraft Certification Division, FAA, P.O. Box 1689, Fort Worth, Texas 76101, telephone number (817) 877–2549.

SUPPLEMENTARY INFORMATION: The FAA has determined that tail rotor pitch rods modified per AMS2178 may not be properly shot peened. The affected rods may be installed on Aerospatiale Model SE3130, SE313B, SA3180, SA318B, SA318C, and SA315B helicopters. An airworthiness directive is being issued which requires a one-time inspection for proper shot peening (surface treatment) of certain tail rotor pitch change control rods on Aerospatiale Model SE3130, SE313B, SA3180, SA318B, SA318C, and SA315B helicopters. Cracks may occur in an improperly shot peened rod which may cause failure of the control rod and possible loss of helicopter directional control. To ensure that the shot peening operation was correctly applied in the fillet between the splines and shank of each control rod modified per AMS2178, a one-time inspection for proper shot peening is required within 50 hours' time in service, or as specified. Immediate replacement of a control rod with improper shot peening is then required. The inspection and associated replacement, if required, shall be accomplished as prescribed in Aerospatiale Service Bulletin No. 01.19 or No. 01.50 for the appropriate model helicopter.

Since a situation exists that requires the immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

About 98 helicopters may be affected for an estimated fleet expense of $114,000. These aircraft are owned by large entities. Therefore, I certify that this regulation is not a "major rule" under Executive Order 12291, and is not a significant "rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). A copy of the final regulatory evaluation prepared for this action is contained in the

regulatory docket. A copy of it may be obtained by contacting the person identified under the caption "**FOR FURTHER INFORMATION CONTACT.**"

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety and incorporation by reference.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new airworthiness directive:

Societe Nationale Industrielle Aerospatiale (SNIAS): Applies to Model SE3130, SE313B, SA3180, SA318B, SA318C, and SA315B helicopters, certificated in all categories, that are equipped with a tail rotor pitch change control rod that has been modified in accordance with AMS2178.

Compliance is required within 50 hours' time in service after the effective date of the AD or before the accumulation of 750 hours' total time in service for tail rotor gearboxes, whichever occurs later, unless already accomplished.

To ensure that proper shot peening of the control rod has been accomplished and thereby prevent possible cracks in the control rod, accomplish the following:

(a) Comply with paragraph C of Aerospatiale Service Bulletin No. 01.19 or No. 01.50, dated May 2, 1984, for the appropriate helicopter model. Paragraph C of each bulletin contains disassembly, inspection, and assembly information.

(b) Equivalent means of complying with this AD must be approved by the Manager, Aircraft Certification Office, FAA, Europe, Africa, and Middle East Officer c/o American Embassy, Brussels, Belgium.

(c) Aircraft may be flown in accordance with FAR §§ 21.197 and 21.199 to a base where compliance may be accomplished.

(d) The Director of the Federal Register approved the incorporation by reference of the manufacturer's specifications and procedures identified and described in this directive pursuant to 5 U.S.C. 552(a)(1). Persons may obtain copies of the service bulletins upon request to Aerospatiale Helicopter Corporation, 2701 Forum Drive, Grand Prairie, Texas 75051, Attention: Customer Support. The documents may be examined at the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, 4400 Blue Mound Road, Fort Worth, Texas.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); 49 U.S.C. 106(g) [Revised, Pub. L. 97-449, January 12, 1983]; 14 CFR 11.89)

This amendment becomes effective April 19, 1985.

Issued in Fort Worth, Texas, on March 19, 1985.

F.E. Whitfield,

Acting Director, Southwest Region.

[FR Doc. 85-9442 Filed 4-18-85; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 84-ASW-21; Amdt. 39-5024]

Airworthiness Directives; Boeing Vertol Model 234 Series Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action publishes in the **Federal Register** and makes effective as to all persons an amendment adopting a new airworthiness directive (AD) which was previously made effective as to all known U.S. owners and operators of Boeing Vertol Model 234 series helicopters by individual telegrams. The AD requires an initial and repetitive inspection of the forward main rotor drive shaft and removal and replacement of cracked shafts prior to further flight. The AD is prompted by a report of splines cracking on a forward main motor drive shaft. Failure of a main rotor drive shaft could lead to separation of the forward main rotor and subsequent loss of the helicopter.

DATES: Effective April 22, 1985, as to all persons except those to whom it was made immediately effective by telegraphic AD T84-10-51, issued May 3, 1984, which contained this amendment.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the **Federal Register** as of April 22, 1985.

Compliance as prescribed in the body of the AD.

ADDRESSES: The applicable service information may be obtained from Boeing Vertol Company, Boeing Center P.O. Box 16858, Philadelphia, Pennsylvania 19142.

These documents may be examined at the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, 4400 Blue Mound Road, Fort Worth, TX.

FOR FURTHER INFORMATION CONTACT: Murry Schoenberger, ANE-174, New York Aircraft Certification Office, Federal Aviation Administration, 181 South Franklin Avenue, Room 202, Valley Stream, New York 11581, telephone number (516) 791-7421.

SUPPLEMENTARY INFORMATION: On May 3, 1984, telegraphic AD T84-10-51 was issued and made effective immediately as to all known U.S. owners and operators of Boeing Vertol Model 234 series helicopters. The AD required an initial and repetitive inspection of forward main rotor drive shafts and removal and replacement of cracked drive shafts prior to further flight. The AD was prompted by a report of splines cracking on a forward main rotor drive shaft. Failure of a main rotor head drive shaft could lead to separation of a main rotor and loss of the helicopter.

Service Bulletin No. 234-63-1009, dated June 29, 1984, has been issued and is referenced in paragraph (a) of this AD. This later bulletin incorporates the inspection instructions and supersedes, but does not change, the inspection procedures contained in Telex Bulletin No. 234-63-1009, dated April 20, 1984, that were listed in paragraph A of the telegraphic AD.

Since it was found that immediate corrective action was required, notice and public procedure thereon were impracticable and contrary to public interest, and good cause existed to make the AD effective immediately by individual telegrams issued May 3, 1984, to all known U.S. owners and operators of Boeing Vertol Model 234 helicopters. These conditions still exist and the AD is revised as noted and hereby published in the **Federal Register** as an amendment to § 39.13 of Part 39 of the Federal Aviation Regulations to make it effective as to all persons.

Ten aircraft may be affected by this AD for an estimated annual cost of $33,280 per aircraft. None of these aircraft are owned by a small entity.

The FAA has determined that this regulation is an emergency regulation that is not considered to be major under Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been further determined that this action involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant/major regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation or analysis is not required). A copy of it, when filed, may be obtained by contacting the person identified under the caption "**FOR FURTHER INFORMATION CONTACT.**"

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety, Incorporation by reference.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new AD:

Boeing Vertol Company: Applies to Boeing Vertol Model 234 series helicopters, certificated in all categories, equipped with forward main rotor drive shaft Part Number (P/N) 114D1245–7 mated with, or which has ever been mated with, rotor hub P/N 114R2050–17 or –23.

Compliance is required as indicated, unless already accomplished. To prevent possible hazards in flight associated with cracking of the forward main rotor drive shaft, accomplish the following:

(a) Within 35 hours' time in service after the effective date of this AD or upon accumulation of 1,600 total hours' time in service on the rotor shaft, whichever occurs' later, and thereafter at intervals not to exceed 35 hours' time in service from the last inspection, inspect the rotor drive shaft in accordance with paragraph 3, "Accomplishment Instructions," Boeing Vertol Service Bulletin No. 234–63–1009, dated June 29, 1984, or FAA-approved equivalent.

(b) Remove from service forward main rotor drive shafts having a crack and replace with a serviceable part prior to further flight.

(c) An equivalent method of compliance with this AD may be used when approved by the Manager, New York Aircraft Certification Office, 181 South Franklin Avenue, Room 202, Valley Stream, New York 11581.

(d) Upon submission of substantiating data by an owner or operator through an FAA maintenance inspector, the Manager, New York Aircraft Certification Office, FAA New England Region, may adjust the compliance times specified in this AD.

(e) The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1). All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to the Boeing Vertol Company, Boeing Center, P.O. Box 16858, Philadelphia, Pennsylvania 19142. These documents may also be examined at the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, 4400 Blue Mound Road, Fort Worth, Texas.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); 49 U.S.C. 106(g) (Revised, Pub. L. 97–449, January 12, 1983); 14 CFR 11.89)

This amendment becomes effective April 22, 1985, as to all persons except those persons to whom it was made immediately effective by telegraphic AD No. T84–10–51, issued May 3, 1984, which contained this amendment.

Issued in Fort Worth, Texas, on March 22, 1985.

C.R. Melugin, Jr.,

Director, Southwest Region.

[FR Doc. 85–9507 Filed 4–18–85; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 71

[Airspace Docket No. 84–AWA–25]

Realignment of VOR Federal Airway V–162; Correction

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Correction to final rule.

SUMMARY: Due to recomputation of the DUMMR Intersection located between Harrisburg, PA, and East Texas, PA, on Federal Airway V–162, an error was found in the radials that form the intersection. This action amends the description of V–162 to correct the airway description as currently charted.

EFFECTIVE DATE: 0901 G.M.T. June 6, 1985.

FOR FURTHER INFORMATION CONTACT: Lewis W. Still, Airspace and Air Traffic Rules Branch (ATO–230), Airspace—Rules and Aeronautical Information Division, Air Traffic Operations Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 426–8626.

SUPPLEMENTARY INFORMATION:

The Amendment

During a revalidation period to confirm the accuracy of airway/jet route segments in the National Airspace System, VOR Federal Airway V–162 segment between Harrisburg, PA, VORTAC and East Texas, PA, VORTAC did not intersect at DUMMR Intersection via the radials charted. This action corrects these radials as recommended by National Ocean Survey.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) Is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

VOR Federal airways.

Adoption of the Correction

Accordingly, pursuant to the authority delegated to me, VOR Federal Airway V–162 as published in Compilation of Regulations, 7400.6A, dated January 2, 1985, is corrected as follows:

V–162 [Amended]

By removing the words "via Harrisburg; East Texas, PA;" and substituting the words "Harrisburg 080° and East Texas, PA, 260° radials; East Texas;"

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); (49 U.S.C. 106(g) (Revised, Pub. L. 97–449, January 12, 1983)); and 14 CFR 11.69)

Issued in Washington, D.C., on April 15, 1985.

John W. Baier,

Acting Manager, Airspace—Rules and Aeronautical Information Division.

[FR Doc. 85–9439 Filed 4–18–85; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 71

[Airspace Docket No. 84–ANM–18]

Alteration of VOR Federal Airways; Denver, CO

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment alters several federal airways located in the vicinity of Denver, CO, by deleting some alternate airway segments and renumbering other airway segments. This action supports an agreement with the International Civil Aviation Organization (ICAO) to eliminate all alternate airway designations from the National Airspace System.

EFFECTIVE DATE: 0901 G.M.T., June 6, 1985.

FOR FURTHER INFORMATION CONTACT: Burton Chandler, Airspace and Air Traffic Rules Branch (ATO–230), Airspace—Rules and Aeronautical Information Division, Air Traffic Operations Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 426–8783.

SUPPLEMENTARY INFORMATION: .

History

On December 20, 1984, the FAA proposed to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to amend the descriptions of several airways by deleting all alternate route designations, renumbering some airway segments and revoking airway segments that are not required (49 FR 49481).

Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments objecting to the proposal were received. Except for deletion of the reference to the Eureka High MOA and editorial changes, this amendment is the same as that proposed in the notice. Section 71.123 of Part 71 of the Federal Aviation Regulations was republished in Handbook 7400.6A dated January 2, 1985.

The Rule

This amendment to Part 71 of the Federal Aviation Regulations alters the descriptions of several airways by deleting alternate route designations, renumbering some airway segments and revoking airway segments not required. This action supports our agreement with ICAO to eliminate all alternate route designations from the National Airspace System, and contributes to the efficiency of the federal airway system by eliminating unnecessary segments.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

VOR Federal Airways.

Accordingly, pursuant to the authority delegated to me, § 71.123 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended, as follows:

V–210 [Amended]

By removing the words "Alamosa, CO, including a south alternate via INT Farmington 086° and Alamosa 232° radials;" and substituting the words "Alamosa, CO;"

V–368 [New]

From Alamosa, CO; INT Farmington, NM, 086° and Alamosa 232° radials; to Farmington, NM.

V–8 [Amended]

By removing the words "Bryce Canyon, UT, Hanksville, UT, including a south alternate; Grand Junction, CO, including a south alternate via INT of Hanksville 087° and Grand Junction 232° radials and also a north alternate from Bryce Canyon to Grand Junction via INT Bryce Canyon 048° and Grand Junction 259° radials; 33 miles, 130 MSL, Kremmling, CO, including a south alternate from Grand Junction, 33 miles, 21 miles, 127 MSL, 120 MSL, INT Grand Junction 075° and Kremmling 228° radials, 28 miles 120 MSL, 130 MSL to Kremmling;" and substituting the words "Bryce Canyon, UT, Hanksville, UT, Grand Junction, CO, Kremmling, CO;"

V–382 [New]

From Bryce Canyon, UT; INT Bryce Canyon 048° and Grand Junction, CO, 259° radials; to Grand Junction, CO.

V–4 [Amended]

By removing the words "Denver; including a north alternate from Laramie to Denver via Gill, CO;" and substituting the word "Denver;"

V–575 [New]

From Laramie, WY; via Gill, CO; to Denver, CO.

V–138 [Amended]

By removing the words "Medicine Bow; Cheyenne, WY, including a N alternate via INT Medicine Bow 106° and Cheyenne 330° radials;" and substituting the words "Medicine Bow; Cheyenne, WY;"

V–132 [Amended]

By removing the words "From Cheyenne, WY;" and substituting the words "From Medicine Bow, WY; INT Medicine Bow 106° and Cheyenne, WY, 330° radials; Cheyenne;" and also by removing the words "The airspace at and above 6,000 feet MSL from 9 NM to 34 NM northwest of Chanute VOR is excluded during the time that the Eureka High MOA is activated."

V–19 [Amended]

By removing the words "Cheyenne, WY; Casper, WY, including an E alternate from Cheyenne to Casper via INT Cheyenne 002° and Douglas, WY, 152° radials and Douglas;" and substituting the words "Cheyenne, WY; Casper, WY;"

V–547 [New]

From Cheyenne, WY; INT Cheyenne 002° and Douglas 152° radials; Douglas, WY; to Casper, WY.

V–85 [Amended]

By removing the words "Medicine Bow; Casper, WY, including a west alternate via INT Medicine Bow 336° and Casper 216° radials;" and substituting the words "Medicine Bow; Casper, WY."

V–491 [New]

From Medicine Bow, WY; INT Medicine Bow 336° and Casper 216° radials; to Casper, WY.

V–465 [Amended]

By removing the words "Miles City, MT, Williston, ND, including an E alternate" and substituting the words "Miles City, MT, Williston, ND."

V–545 [New]

From Miles City, MT; INT Miles City 053° and Williston, ND, 204° radials; to Williston, ND.

V–187 [Amended]

By removing the words "including a west alternate from Farmington, Cortez, CO; Dove Creek, CO, 17 miles, 28 miles 115 MSL, to Grand Junction, excluding the airspace between the main and west alternate;"

V–391 [Amended]

By removing the words "From Dove Creek, CO, via Grand Junction, CO," and substituting the words "From Farmington, NM; via Cortez, CO; via Dove Creek, CO; via Grand Junction, CO;"

V–207 [Amended]

By removing the words "Denver, CO, Gill, CO; including a W alternate via INT Denver 004° and Gill 234° radials;" and substituting the words "Denver, CO; Gill, CO;"

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); (49 U.S.C. 106(g) (Revised, Pub. L. 97–449, January 12, 1983)); and 14 CFR 11.69)

Issued in Washington, D.C., on April 15, 1985.

John W. Baier,

Acting Manager, Airspace—Rules and Aeronautical Information Division.

[FR Doc. 85–9447 Filed 4–18–85; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Parts 71 and 73

[Airspace Docket No. 84–ASO–22]

Alteration of Restricted Areas—Fort Campbell, KY

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: These amendments alter the descriptions of Restricted Areas R–3701 A and B R–3702 A and B, establish R–3702C and revoke R–3701C and R–3703 A, B and C located in the vicinity of Fort Campbell, KY. This action is a result of a determination by the Department of the Army that it can conduct required training and meet its operational requirements in less airspace.

EFFECTIVE DATE: 0901 G.M.T., June 6, 1985.

FOR FURTHER INFORMATION CONTACT: Lewis W. Still, Airspace and Air Traffic Rules Branch (ATO–230), Airspace-Rules and Aeronautical Information Division, Air Traffic Operations Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 426–8626.

SUPPLEMENTARY INFORMATION:

History

On November 15, 1984, the FAA proposed to amend Parts 71 and 73 of the Federal Aviation Regulations (14 CFR Parts 71 and 73) to alter the descriptions of Restricted Areas R–3701 A and B and R–3702 A and B, to establish R–3702C and to revoke Restricted Areas R–3701C and R–3703 A, B and C (49 FR 45169). Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments objecting to the proposal were received. Except for editorial changes, these amendments are the same as those proposed in the notice. Sections 71.151 and 73.37 of Parts 71 and 73 of the Federal Aviation Regulations were republished in Handbook 7400.6A dated January 2, 1985.

The Rule

These amendments to Parts 71 and 73 of the Federal Aviation Regulations alter the descriptions of Restricted Areas R–3701 A and B and R–3702 A and B, establish R–3702C and revoke Restricted Areas R–3701C and R–3703 A, B and C. The Department of the Army has analyzed its overall training missions and operational requirements with respect to special use airspace. As a result, the Department of the Army has determined that its mission can be accomplished with less airspace. The airspace no longer required by the Army is being returned for public use.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) Is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Parts 71 and 73

Continental control area, Restricted areas.

Adoption of the Amendments

Accordingly, pursuant to the authority delegated to me, § 71.151 and § 73.37 of Parts 71 and 73 of the Federal Aviation Regulations (14 CFR Parts 71 and 73) are amended, as follows:

Section 71.151

R–3701C Fort Campbell, KY [Revoked]

R–3702C Fort Campbell, KY [New]

R–3703C Fort Campbell, KY [Revoked]

Section 73.37

R–3701A Fort Campbell, KY [Amended]

Boundaries. Beginning at lat. 36°39'01" N., long. 87°34'15" W.; to lat. 36°39'01" N., long. 87°32'27" W.; to lat. 36°39'05" N., long. 87°31'18" W.; to lat. 36°39'20" N., long. 87°30'35" W.; to lat. 36°39'06" N., long. 87°28'57" W.; to lat. 36°39'18" N., long. 87°28'41" W.; to lat. 36°37'54" N., long. 87°28'38" W.; to lat. 36°37'09" N., long. 87°28'57" W.; to lat. 36°37'18" N., long. 87°32'05" W.; to lat. 36°37'22" N., long. 87°34'15" W.; to the point of beginning.

R–3701B Fort Campbell, KY [Amended]

Boundaries. Beginning at lat. 36°39'01" N., long. 87°34'15" W.; to lat. 36°39'01" N., long. 87°32'27" W.; to lat. 36°39'05" N., long. 87°31'18" W.; to lat. 36°39'20" N., long. 87°30'35" W.; to lat. 36°39'06" N., long. 87°28'57" W.; to lat. 36°39'18" N., long. 87°28'41" W.; to lat. 36°37'54" N., long. 87°28'38" W.; to lat. 36°37'09" N., long. 87°28'57" W.; to lat. 36°37'18" N., long. 87°32'05" W.; to lat. 36°37'22" N., long. 87°34'15" W.; to the point of beginning.

R–3701C Fort Campbell, KY [Revoked]

R–3702A Fort Campbell, KY [Amended]

Boundaries. Beginning at lat. 36°32'00" N., long. 87°32'30" W.; to lat. 36°37'18" N., long. 87°32'05" W.; to lat. 36°37'22" N., long. 87°34'15" W.; to lat. 36°39'01" N., long. 87°34'15" W.; to lat. 36°39'00" N., long. 87°40'00" W.; to lat. 36°42'00" N., long. 87°40'30" W.; to lat. 36°43'30" N., long. 87°43'00" W.; to lat. 36°43'30" N., long. 87°48'15" W.; to lat. 36°37'30" N., long. 87°48'15" W.; to lat. 36°35'30" N., long. 87°45'00" W.; to lat. 36°33'30" N., long. 87°42'30" W.; to lat. 36°32'00" N., long. 87°35'00" W.; to the point of beginning.

Designated altitudes. Surface to and including 16,000 feet MSL.

R–3702B Fort Campbell, KY [Amended]

Boundaries. Beginning at lat. 36°32'00" N., long. 87°32'30" W.; to lat. 36°37'18" N., long. 87°32'05" W.; to lat. 36°37'22" N., long. 87°34'15" W.; to lat. 36°39'01" N., long. 87°34'15" W.; to lat. 36°39'00" N., long. 87°40'00" W.; to lat. 36°42'00" N., long. 87°40'30" W.; to lat. 36°43'30" N., long. 87°43'00" W.; to lat. 36°43'30" N., long. 87°48'15" W.; to lat. 36°37'30" N., long. 87°48'15" W.; to lat. 36°35'30" N., long. 87°45'00" W.; to lat. 36°33'30" N., long. 87°42'30" W.; to lat. 36°32'00" N., long. 87°35'00" W.; to the point of beginning.

Designated altitudes. 16,000 feet MSL to and including FL 220.

R–3702C Fort Campbell, KY [New]

Boundaries. Beginning at lat. 36°32'00" N., long. 87°32'30" W.; to lat. 36°37'18" N., long. 87°32'05" W.; to lat. 36°37'22" N., long. 87°34'15" W.; to lat. 36°39'01" N., long. 87°34'15" W.; to lat. 36°39'00" N., long. 87°40'00" W.; to lat. 36°42'00" N., long. 87°40'30" W.; to lat. 36°43'30" N., long. 87°43'00" W.; to lat. 36°43'30" N., long. 87°48'15" W.; to lat. 36°37'30" N., long. 87°48'15" W.; to lat. 36°35'30" N., long. 87°45'00" W.; to lat. 36°33'30" N., long. 87°42'30" W.; to lat. 36°32'00" N., long. 87°35'00" W.; to the point of beginning.

Designated altitudes. FL 220 to FL 270.

Time of designation. By NOTAM 24 hours in advance.

Controlling agency. FAA, Memphis ARTCC.

Using agency. Commanding General, Fort Campbell, KY.

R–3703A Fort Campbell, KY [Revoked]

R–3703B Fort Campbell, KY [Revoked]

R–3703C Fort Campbell, KY [Revoked]

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); (49 U.S.C. 106(g) (Revised, Pub. L. 97–449, January 12, 1983)); and 14 CFR 11.69)

Issued in Washington, D.C., on April 11, 1985.

John W. Baier,

Acting Manager, Airspace—Rules and Aeronautical Information Division.

[FR Doc. 85–9440 Filed 4–18–85; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 73

[Airspace Docket No. 85–ASO–4]

Alteration of Restricted Area R–2916–FL

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: The using agency of Restricted Area R–2916 has been changed from the 20th Air Division at Tyndall Air Force Base, FL, to the 23rd Air Division, Tyndall Air Force Base, FL. This action alters the description of R–2916 to reflect that change.

DATES: Effective date-0901 G.M.T., June 6, 1985. Comments must be received on or before June 3, 1985.

ADDRESSES: Send comments on the rule in triplicate to: Director, FAA, Southern Region, Attention: Manager, Air Traffic Division, Docket No. 85–ASO–4, Federal Aviation Administration, P.O. Box 20636, Atlanta, GA 30320.

The official docket may be examined in the Rules Docket, weekdays, except Federal holidays, between 8:30 a.m. and 5:00 p.m. The FAA Rules Docket is located in the Office of the Chief Counsel, Room 916, 800 Independence Avenue, SW., Washington, D.C.

An informal docket may also be examined during normal business hours at the office of the Regional Air Traffic Division.

FOR FURTHER INFORMATION CONTACT: Lewis W. Still, Airspace and Air Traffic Rules Branch (ATO–230), Airspace-Rules and Aeronautical Information Division, Air Traffic Operations Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 426–8626.

SUPPLEMENTARY INFORMATION:

Request for Comments on the Rule

This final rule was not preceded by notice and public procedure because it is not in the public interest to do so on such an editorial type change that leaves the effective aspects of the rule unchanged, nonetheless, comments are invited on the rule. When the comment period ends, the FAA will use the comments submitted, together with other available information, to review the regulation. After the review, if the FAA finds that changes are appropriate, it will initiate rulemaking proceedings to amend the regulation. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in evaluating the effects of the rule and determining whether additional rulemaking is needed. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy aspects of the rule that might suggest the need to modify the rule.

The Rule

The purpose of this amendment to § 73.29 of Part 73 of the Federal Aviation Regulations (14 CFR Part 73) is to change the using agency of Restricted Area R–2916, Cudjoe Key, FL, from USAF, 20th Air Division to USAF, 23rd Air Division so that the affected airspace description contains accurate and current information. Section 73.29 of Part 73 of the Federal Aviation Regulations was republished in Handbook 7400.6A dated January 2, 1985.

Under the circumstances presented, the FAA concludes that there is an immediate used for a regulation to amend the using agency for R–2916 to USAF, 23rd Air Division. Since this action is editorial in nature only and the burden on the public remains unchanged, I find that notice or public procedure under 5 U.S.C. 553(b) is impracticable and unnecessary.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only effect air traffic procedures and air navigation, it is certified that this rule, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 73

Restricted areas.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, § 73.29 of Part 73 of the Federal Aviation Regulations (14 CFR Part 73) is amended, as follows:

R–2916 Cudjoe Key, FL. [Amended]

By removing the words "USAF, 20th Air Division" and substituting the words "USAF, 23rd Air Division, S. E. Regional Operational Control Center (ROCC), Tyndall AFB, FL"

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); (49 U.S.C. 106(g) (Revised, Pub. L. 97–449, January 12, 1983)); and 14 CFR 11.69)

Issued in Washington, D.C., on April 11, 1985.

John W. Baier,

Acting Manager, Airspace—Rules and Aeronautical Information Division.

[FR Doc. 85–9446 Filed 4–18–85; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 312

Update of Organizational References; Correction

AGENCY: Food and Drug Administration.

ACTION: Final rule; correction.

SUMMARY: The Food and Drug Administration (FDA) is correcting the final rule that amended its regulations to update organizational references resulting from a reorganization within the agency (50 FR 8993; March 6, 1985). A change in one paragraph was inadvertently omitted. This document corrects that error.

EFFECTIVE DATE: March 6, 1985.

FOR FURTHER INFORMATION CONTACT: Richard L. Arkin or Robert D. Bradley, Center for Drugs and Biologics (HFN–364), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–6490.

SUPPLEMENTARY INFORMATION: In FR Doc. 85–5329, appearing on page 8993 in the **Federal Register** of Wednesday, March 6, 1985, the following correction is made: On page 8996, in the middle column in § 312.1 *Conditions for exemption of new drugs for investigational use,* amendment 14, the phrase "(j) (2), and (3)" is corrected to read "(j) (2), (3), and (4)."

Dated: April 15, 1985.

Mervin H. Shumate,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 85–9452 Filed 4–18–85; 8:45 am]

BILLING CODE 4160–01–M

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21 CFR Part 1020

[Docket No. 76N–0308]

Diagnostic X-Ray Systems and Their Major Components; Amendments To Performance Standard; Correction

AGENCY: Food and Drug Administration.

ACTION: Final rule; correction.

SUMMARY: The Food and Drug Administration (FDA) is correcting the final rule that amended the performance standard for diagnostic x-ray systems and their major components by revising and adding requirements concerning computed tomography x-ray (CT) systems (49 FR 34698; August 31, 1984). An amendment to 21 CFR 1020.30(q)(2) was not stated properly. This document corrects that oversight.

EFFECTIVE DATE: April 19, 1985.

FOR FURTHER INFORMATION CONTACT: Tenny P. Neprud, Division of Regulations Policy (HFC–221), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–3480.

SUPPLEMENTARY INFORMATION: In FR Doc. 84–23154, appearing on page 34698 in the **Federal Register** of Friday, August 31, 1984, on page 34711 in the second

column, the amendatory language of amendment 1 is corrected to read:

"1. In § 1020.30, the introductory text of paragraph (b), paragraph (c), paragraphs (d)(2), (d)(2)(vi), (d)(3)(ii), introductory text of paragraph (e), paragraph (g), paragraphs (h)(1), (h)(1)(ii), and (p)(6), the words 'this section and §§ 1020.31 and 1020.32' wherever they appear are changed to read 'this section and §§ 1020.31, 1020.32, and 1020.33'; in paragraphs (d), (d)(1)(vii), and (d)(2)(viii), the words 'by § 1020.31 or § 1020.32' are changed to read 'by § 1020.31, § 1020.32, or § 1020.33'; in paragraph (q)(2), the phrase '§ 1020.31 or § 1020.32' wherever it appears is changed to read '§ 1020.31, § 1020.32, or § 1020.33'; by revising paragraph (a), by revising the introductory text of paragraph (b)(36), redesignating paragraph (b)(36)(iii) as (b)(36)(v), adding new paragraph (b)(36)(iii) and (iv); by adding new paragraph (b) (58), (59), (60), (61), and (62); by revising paragraph (h)(3) (vi) and (vii) and adding new paragraph (h)(3)(viii); and by revising the first sentence of paragraph (n), to read as follows:"

Dated: April 15, 1985.

Mervin H. Shumate,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 85-9450 Filed 4-18-85; 8:45 am]

BILLING CODE 4160-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 60

[Docket No. AM706PA; A-3-FRL-2819-9]

Standards of Performance for New Stationary Sources Delegation of Authority to the City of Philadelphia, Department of Public Health

AGENCY: Environmental Protection Agency.

ACTION: Rule-related notice.

SUMMARY: Section 111(c) of the Clean Air Act permits EPA to delegate to the States the authority to implement and enforce the standards set out in 40 CFR Part 60, Standards of Performance for New Stationary Sources (NSPS).

On December 28, 1984, the City of Philadelphia Department of Public Health (Department) requested EPA to delegate to it the authority for additional NSPS categories. EPA granted the request on January 25, 1985. The Department now has the authority to implement and enforce NSPS regulations for Equipment Leaks of Volatile Organic Compounds in Petroleum Refineries (Subpart GGG) and Flexible Vinyl and Urethane Coating and Printing (Subpart FFF).

Applications and reports required under the NSPS for which EPA has delegated authority to the Department to implement and enforce should be sent to the Department in addition to EPA Region III.

EFFECTIVE DATE: January 25, 1985.

ADDRESSES: Applications and reports required under all NSPS source categories now being delegated to the Department should be addressed to the Philadelphia Department of Public Health, Air Management Services, 500 S. Broad Street, Philadelphia, PA 19146, in addition to U.S. EPA Region III, 841 Chestnut Street, Philadelphia, PA 19107, Attn: Thomas Maslany (3AM20).

Copies of the Notice and accompanying documents are available for inspection during normal business hours at the Philadelphia AMS address given above or at the following offices:

U.S. Environmental Protection Agency, Region III, 841 Chestnut Street, Philadelphia, Pennsylvania 19107, ATTN: Michael Giuranna (3AM11), Telephone: (215) 597-9189.

Public Information Reference Unit, Room 2922—EPA Library, U.S. Environmental Protection Agency, 401 M Street, S.W. (Waterside Mall), Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Michael Giuranna of EPA Region III's Air Programs Branch, telephone (215) 597-9189.

SUPPLEMENTARY INFORMATION: On December 28, 1984, the Department requested that EPA delegate to it the authority to implement and enforce additional NSPS source categories. The Department requested these delegations to supplement the delegations for other source categories which Philadelphia had already received and which EPA published in the **Federal Register** at 42 FR 6886 on February 4, 1977.

In response to the Department's request of December 28, 1984, delegation of authority was granted by the following letter of January 25, 1985:

Dr. Stuart H. Shapiro,
Health Commissioner, City of Philadelphia, Municipal Services Building, Room 540, Philadelphia, Pennsylvania 19107

Dear Dr. Shapiro: This is in response to your letter of December 28, 1984 requesting delegation of authority for the Philadelphia Air Management Services to enforce New Source Performance Standards for Flexible Vinyl and Urethane Coating and Printing (Subpart FFF) and Equipment Leaks of VOC in Petroleum Refineries (Subpart GGG).

We have reviewed the pertinent laws, rules and regulations of the City of Philadelphia and have determined that they continue to provide an adequate and effective procedure for implementing and enforcing the NSPS. Therefore, we hereby delegate the authority for the implementation and enforcement of the NSPS regulations to the City of Philadelphia as follows:

Authority for all sources located or to be located in the City of Philadelphia subject to the New Source Performance Standards for Flexible Vinyl and Urethane Coating and Printing (FFF) and Equipment Leaks of VOC in Petroleum Refineries (GGG).

This delegation is based upon the conditions given in our June 30, 1983 letter to you which delegated seven (7) additional NSPS source categories to the City of Philadelphia.

We would also like to make you aware of the possibility of the Philadelphia Air Management Services requesting automatic delegation of NSPS and NESHAPs. An agency which has automatic delegation would receive authority for the implementation and enforcement of all NSPS and NESHAPs regulations immediately upon publication in the **Federal Register**. Also, automatic delegation would reduce the unnecessary administrative burden upon both our agenices to prepare, process and review subsequent delegation request. If you request, and in order to be granted automatic delegation, you may have to amend your regulations to provide for the necessary authority. I have attached a **Federal Register** Notice which granted automatic delegation of NSPS and NESHAPs to several States for your information.

If you need any further information, feel free to contact W. Ray Cunningham at (215) 597-9390 or myself.

Sincerely,

Thomas P. Eichler,
Regional Administrator.

For all sources located or to be located in the City of Philadelphia, effective immediately, all applications, reports, and other correspondence required under the NSPS requirements in 40 CFR Part 60 for Equipment Leaks of VOC in Petroleum Refineries (GGG) and Flexible Vinyl and Urethane Coating and Printing (FFF), should be sent to the City of Philadelphia, Department of Public Health (address above) in addition to the EPA Region III Office in Philadelphia.

The Office of Management and Budget has exempted this action from the requirements of section 3 of Executive Order 12291.

List of Subjects in 40 CFR Part 60

Air pollution control, Aluminum, Ammonium sulfate plants, Asphalt, Cement industry, Coal, Copper, Electric power plants, Glass and glass products, Grains, Intergovernmental relations, Iron, Lead, Metals, Metallic minerals, Motor vehicles, Nitric acid plants, Paper and paper products industry, Petroleum, Phosphate, Sewage disposal, Steel, Sulfuric acid plants, Waste treatment

and disposal, Zinc, Tires, Incorporation by reference, Can surface coating, Industrial organic chemicals, Organic solvent cleaners, Fossil fuel-fired steam generators, Fiberglas insulation, Synthetic fibers.

(Sec. 111(c), Clean Air Act (42 U.S.C. 7411(c)))

Dated: April 4, 1985.

Stanley Laskowski,

Acting Regional Administrator.

[FR Doc. 85-9341 Filed 4-18-85; 8:45 am]

BILLING CODE 6560-50-M

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40 CFR Parts 60 and 61

[Docket No. AM707PA; A-3-FRL-2820-1]

Standards of Performance for New Stationary Sources and National Emission Standards for Hazardous Air Pollutants; Delegation of Authority of the Commonwealth of Pennsylvania, Department of Environmental Resources

AGENCY: Environmental Protection Agency.

ACTION: Rule related notice.

SUMMARY: Section 111(c) and 112(d) of the Clean Air Act permit EPA to delegate to the States the authority to implement and enforce the standards set out in 40 CFR Part 60 and Part 61, Standards of Performance for New Stationary Sources (NSPS) and National Emission Standards for Hazardous Air Pollutants (NESHAP), respectively. On December 11, 1984, the Commonwealth of Pennsylvania, Department of Environmental Resources requested EPA to delegate to it the authority for additional NSPS and NESHPA source categories. EPA granted the request on January 7, 1985. The Commonwealth now has authority to implement and enforce NSPS regulations for Equipment Leaks of Volatile Organic Compounds (VOC) in Petroleum Refineries (Subpart GGG) and Flexible Vinyl and Urethane Coating and Printing (Subpart FFF), and NESHAP regulations for Equipment Leaks (Fugitive Emission Sources) of Benzene (Subpart J) and Equipment Leaks (Fugitive Emission Sources) (Subpart V).

EFFECTIVE DATE: January 7, 1985.

ADDRESSES: Applications and reports required under all NSPS and NESHAP source categories now being delegated to the Pennsylvania Department of Environmental Resources should be addressed to the Commonwealth of Pennsylvania, Department of Environmental Resources, P.O. Box 2063, Harrisburg, PA 17120, in addition to U.S. EPA, Region III, 841 Chestnut Street, Philadelphia, PA 19107, Attn: Thomas Maslany (3AM20).

Copies of the Notice and accompanying documents are available for inspection during normal business hours at the Pennsylvania DER address given above or at the following offices:

U.S. Environmental Protection Agency, Region III, 841 Chestnut Street, Philadelphia, Pennsylvania 19107, ATTN: Michael Giuranna (3AM11), Telephone: (215) 597-9189

Public Information Reference Unit, Room 2922—EPA Library, U.S. Environmental Protection Agency, 401 M Street, S.W. (Waterside Mall), Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Michael Giuranna of EPA Region III's Air Programs Branch, telephone (215) 597-9189.

SUPPLEMENTARY INFORMATION: The NESHAP program was delegaed to the Department on February 4, 1977 with the stipulation that Authority to enforce subsequent standards would be delegated only if specifically requested. The NSPS program was delegated to the Department on January 16, 1980, with the same stipulation.

On December 11, 1984, the Department requested EPA to delegate to it authority to implement and enforce additional NSPS and NESHAP Standards.

Delegation of the additional standards was made by the following letter on January 7, 1985.

Honorable Nicholas DeBenedictis
Secretary, Department of Environmental Resources,
P.O. Box 2063,
Harrisburg, Pennsylvania 17120

Dear Mr. DeBenedictis: This is in response to your letter of December 11, 1984, requesting delegation of authority for the Pennsylvania Department of Environmental Resources to enforce New Source Performance Standards (NSPS) for VOC Equipment Leaks in Petroleum Refineries and the Synthetic Organic Chemical Manufacturing Industry (Subpart GGG) and Flexible Vinyl and Urethane Coating and Printing (Subpart FFF), and National Emission Standards for Hazardous Air Pollutants (NESHAP) for Benzene Equipment Leaks (Fugitive Emission Sources) of Volatile Hazardous Air Pollutants (Subpart V).

We have reviewed the pertinent laws, rules and regulations of the Commonwealth of Pennsylvania and have determined that they continue to provide an adequate and effective procedure for implementing and enforcing the NSPS and NESHAP. Therefore, were hereby delegate the authority for the implementation and enforcement of the NSPS and NESHAP regulations to the Commonwealth of Pennsylvania as follows:

Authority for all sources located or to be located in the Commonwealth of Pennsylvania subject to the Standards of Performance for New Stationary Sources for VOC Equipment Leaks in Petroleum Refineries and the Synthetic Organic Chemical Manufacturing Industry (GGG) and Flexible Vinyl and Urethane Coating and Printing (FFF) and National Emission Standards for Hazardous Air Pollutants for Equipment Leaks (Fugitive Emission Sources) of Benzene (J) and Equipment Leaks (Fugitive Emission Sources) of Volatile Hazardous Air Pollutants (V).

This delegation is based upon the conditions given in our June 30, 1983 letter to you which delegated 7 additional NSPS source categories to the Commonwealth of Pennsylvania.

Also, thank you for your request for automatic delegation of NSPS and NESHAP. We are presently reviewing the Commonwealth's rules and regulations to determine if they are adequate. Once our determination is made, we will notify you. If you have any questions, please contact Glenn Hanson, Chief, PA/WV Section at (215) 597-8486.

Sincerely,

Thomas P. Eichler,
Regional Administrator.

Effective immediately, all applications, reports, and other correspondence required under the NSPS for VOC Equipment Leaks in Petroleum Refineries (GGG) and Flexible Vinyl and Urethane Coating and Printing (FFF) and under the NESHAP for Equipment Leaks (Fugitive Emission Sources) of Benzene (J) and Equipment Leaks (Fugitive Emission Sources) (V), should be sent to the Pennsylvania Department of Environmental Resources (address above) in addition to the EPA Region III Office in Philadelphia.

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

List of Subjects

40 CFR Part 60

Air pollution control, Aluminum, Ammonium sulfate plants, Asphalt, Cement industry, Coal, Copper, Electric power plants, Glass and glass products, Grains, Intergovernmental relations, Iron, Lead, Metals, Metallic minerals, Motor vehicles, Nitric acid plants, Paper and paper products industry, Petroleum, Phosphate, Sewage disposal, Steel, Sulfuric acid plants, Waste treatment and disposal, Zinc, Tires, Incorporation by reference, Can surface coating, Industrial organic chemicals, Organic solvent cleaners, Fossil fuel-fired steam generators, Fiberglass insulation, Synthetic fibers.

40 CFR Part 61

Air pollution control.

(Sec. 111(c), and 112(d) Clean Air Act (42 U.S.C.) 7411(c) and 7412(d))

Dated: April 4, 1985.

Stanley Laskowski,

Acting Regional Administrator.

[FR Doc. 85-9342 Filed 4-18-85; 8:45 am]

BILLING CODE 6560-50-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Part 2650

[Circular No. 2562]

Alaska Native Selections; Amendment Changing the Chargeability of Submerged Lands

AGENCY: Bureau of Land Management, Interior.

ACTION: Final rulemaking.

SUMMARY: This final rulemaking will amend the provisions of the Alaska Native Selection regulations to change the procedures used for excluding meanderable water bodies from acreage charged against the entitlements of Alaska Native Corporations. This amendment will implement a policy decision of the Secretary of the Interior.

EFFECTIVE DATE: May 20, 1985.

ADDRESS: Any suggestions or inquiries should be sent to: Director (311), Bureau of Land Management, 1800 C Street, NW., Washingotn, D.C. 20240.

FOR FURTHER INFORMATION CONTACT:

B. LaVelle Black, (202) 343-6511

or

Robert C. Bruce, (202) 343-8735.

SUPPLEMENTARY INFORMATION: A proposed rulemaking was published in the **Federal Register** on August 7, 1984 (49 FR 31475). The proposed rulemaking invited public comments for 60 days ending on October 9, 1984, with a notice of extension providing for an additional 45 days for public comment being published in the **Federal Register** on October 22, 1984 (49 FR 41266). During the comment period, comments were received from seven sources, two from Native corporations, one from a Native organization, one from a State government, one from a private individual, one from a public interest group and one from a Federal agency. The comments have been carefully reviewed and the action taken on them is discussed below.

Generally, the comments favored the establishment of the new procedures for chargeability of submerged lands provided in the proposed rulemaking. One comment suggested that the proposed rulemaking was defective and invalid because it provided insufficient factual background and explanation. Without adequate information, the public cannot make appropriate comment on the purpose of the proposed rulemaking. This comment went on to suggest that the proposed rulemaking was contrary to public policy and violated specific provisions of the Alaska Native Claims Settlement Act because no environmental impact statement was prepared and the requirements of section 810 of the Alaska National Interest Lands Conservation Act were not followed. After careful review, the comment was not accepted and the final rulemaking adopted the provisions of the proposed rulemaking with only one significant change, the removal of the provision on underselection. The proposed rulemaking stated that it was being issued to implement a change in policy announced by the Secretary of the Interior with the policy statement being explained in the **Federal Register** on December 5, 1983 (48 FR 54483). That policy statement dealt with the issue of submerged lands and their chargeability, an issue that has been the subject of discussion for many years, including policy papers prepared by the Federal-State Land Use Planning Commission. The issue is one that is clearly understood by those that would be affected by its implementation. Further, section 910 of the Alaska National Interest Lands Conservation Act excludes actions, including issuance of regulations, leading to the issuance of conveyances to Alaska Natives or Native Corporations under provisions of the Alaska Native Claims Settlement Act from the preparation or submission of an environmental impact statement. Finally, the provisions of section 810 of the Alaska National Interest Lands Conservation Act are not applicable to conveyances made under the Alaska Native Claims Settlement Act.

One comment suggested that § 2650.5-1(b)(3) of the proposed rulemaking be deleted from the final rulemaking because it was seen as requiring a navigability determination on rivers and lakes smaller than the criterion used in determining whether title passed to the State of Alaska at statehood. This comment was not adopted because the elimination of § 2650.5-1(b)(3) would eliminate all navigability determinations. In addition, the State of Alaska has expressed its support for this provision of the proposed rulemaking, while retaining the right to challenge a decision to convey submerged lands beneath lakes less than 50 acres in size or a river or stream less than 3 chains in width. The elimination of all navigability determinations would eliminate the ability to make navigability determinations in those instances where the State of Alaska challenges a conveyance of submerged lands. The final rulemaking retains § 2650.5-1(b)(3).

Another comment on § 2650.5-(b)(3) interpreted it to permit the conveyance of submerged lands beneath navigable water to a Native Corporation. This section applies only to lands retained in Federal ownership at the time of Statehood and does not pertain to any submerged lands granted to the State in the Submerged Lands Act (67 Stat. 29). Rather than retain Federal ownership to these submerged lands which are primarily sloughs and potholes subject to tidal influence within the boundaries of Native conveyances, the Department of the Interior will excerise its authority under the Alaska Native Claims Settlement Act and convey the lands to the adjoining upland owners.

Two comments recommended changing §§ 2651.4(i) (1) and (2) to allow the withdrawal of lands within the conservation system units for villages that may be underselected. After carefully reviewing the issues raised by the comments and the impact of the provisions of the proposed rulemaking on the question of selection and withdrawal of lands for the Native Corporations, the Department of the Interior has decided to remove the changes made by the proposed rulemaking to §§ 2651.4(i) (1), (2), (3) and (4) in their entirety. This will provide additional time for the Department to thoroughly review and make a decision on the question of what lands should be made available for those corporations that would be underselected as a result of the change in policy on the chargeability of submerged lands and what changes in the selection regulations, if any, will be made.

Two comments recommend for various reasons that the final rulemaking delete § 2651.4(i)(4) of the proposed rulemaking. For the reason cited above, § 2651.4(i)(4) has been deleted by the final rulemaking.

One comment suggested that the final rulemaking remove the reference to section 12(b) of the Alaska Native Claims Settlement Act that appears in § 2651.4(i)(1) of the proposed rulemaking. The comment argued that the reference is not needed because section 14(a) of the Act is the authority for conveying selections made under both 12(a) and (b) of the Act. The final rulemaking has not adopted this suggestion because the final rulemaking

has removed § 2461.4(i)(1) and the comment is no longer applicable.

One comment suggested that the final rulemaking should make mention of the fact that the Natives in the Koniag region are not entitled to additional withdrawals because of the language in section 1427(n) of the Alaska National Interest Lands Conservation Act. This suggestion was not adopted because the final rulemaking is not deemed to need a reference to Koniag, Inc.; the language of the Alaska National Interest Lands Conservation Act is sufficient.

A final comment recommended that the final rulemaking contain language that no newly withdrawn lands could be conveyed until all validly selected lands have been conveyed. The preamble to the proposed rulemaking clearly stated that a village corporation will be required to take patent to all previously validly selected lands. This clear statement of Department of Interior policy makes it unnecessary to add this requirement as a specific provisions of the final rulemaking and the suggestion has not been adopted.

Editorial and grammatical corrections as needed have been made.

The principal author of this final rulemaking is B. LaVelle Black, Alaska Programs Staff, Bureau of Land Management, assisted by the staff of the Office of Legislation and Regulatory Management, Bureau of Land Management.

The Department of the Interior has determined that this document is not a major rule under Executive Order 12291 and that it will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 et seq.).

The change in procedure made by this final rulemaking will allow Alaska Native Corporations to receive larger amounts of upland acreage because it changes the procedures used to exclude water bodies from their selection entitlement. The change will benefit many of the Alaska Native Corporations; however, the change should not have a major economic effect on any of the corporations.

The proposed rulemaking contains no information collection requirements which require the approval of the Office of Management and Budget under 44 U.S.C. 3507.

List of Subjects in 43 CFR Part 2650

Administrative practice and procedure, Airports, Alaska, Cemeteries, Historic places, Indians—claims, Indians—lands, National forest, National Wildlife Refuge System, Public lands—grants, Public lands—mineral resources.

Under the authority of the Alaska Native Claims Settlement Act, as amended (43 U.S.C. 1601 et seq.), Part 2650, Group 2600, Subchapter B, Chapter II of Title 43 of the Code of Federal Regulations is amended as set forth below.

Leona A. Power,

Acting Assistant Secretary of the Interior.

April 10, 1985.

PART 2650—[AMENDED]

1. Section 2650.0–5 is amended by adding a new paragraph (v) to read:

§ 2650.0–5 Definitions.

* * * * *

(v) "Native corporation" means any Regional Corporation, any Village Corporation, Urban Corporation and any Native Group.

2. Section 2650.5–1 is amended by revising paragraph (b) to read:

§ 2650.5–1 General.

* * * * *

(b) The following procedures shall be used to determine what acreage is not to be charged against Native entitlement:

(1) For any approved plat of survey where meanderable water bodies were not segregated from the survey but were included in the calculation of acreage to be charged against the Native corporation's land entitlement, the chargeable acreage shall, at no cost to the Native corporation, be recalculated to conform to the principles contained in the Bureau of Land Management's *Manual of Surveying Instructions,* 1973, except as modified by this part. Pursuant to such principles, the acreage of meanderable water bodies, as modified by this part, shall not be included in the acreage charged against the Native corporation's land entitlement.

(2) For any plat of survey approved after December 5, 1983, water bodies shall be meandered and segregated from the survey in accordance with the principles contained in the Bureau of Land Management's *Manual of Surveying Instructions,* 1973, as modified by this part, as the basis for determining acreage chargeability.

(3) If title to lands beneath navigable waters, as defined in the Submerged Lands Act, of a lake less than 50 acres in size or a river or stream less than 3 chains in width did not vest in the State on the date of Statehood, such lake, river or stream shall not be meandered and shall be charged against the Native corporation's entitlement.

(4) Any determinations of meanders which may be made pursuant to this subparagraph shall not require monumentation on the ground unless specifically required by law or for good cause in the public interest.

3. Section 2651.4(b) is amended by removing from the second sentence thereof the phrase "or a section in which a body of water comprises more than one-half of the total acreage of a section."

[FR Doc. 85–9560 Filed 4–18–85; 8:45 am]

BILLING CODE 4310–84–M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Ch. I

[FCC Docket No. 78–72; Phase III; FCC 85–98]

MTS and WATS Market Structure Policies and Requirements; Report and Order

AGENCY: Federal Communications Commission.

ACTION: Report and Order establishing policies and requirements.

SUMMARY: The Order addresses these issues, which were set forth for comment in our Notice of Proposed Rulemaking in the MTS and WATS Market Structure proceeding, published in the **Federal Register** on January 9, 1983, 48 FR 26632: (a) whether independent telephone companies should implement equal access interconnection projects according to a phased timetable; (b) the appropriate institutional arrangements for the joint planning of interexchange and local distribution networks and national security and emergency preparedness (NSEP) communications; and (c) whether the access tariffs of local exchange carriers should be modified to incorporate details pertaining to technical and operational details of interconnection, and interconnection with non-carriers. This action is taken in recognition of the arguments cited by the parties in this proceeding.

EFFECTIVE DATE: April 19, 1985.

FOR FURTHER INFORMATION CONTACT: Raymond Dujack, (202) 632–9342.

SUPPLEMENTARY INFORMATION:

Report and Order

In the matter of MTS and WATS Market Structure Phase III; Establishment of Physical Connections and Through Routes among Carriers; Establishment of Physical Connections by Carriers with Non-Carrier Communications Facilities; Planning among Carriers for Provision of Interconnected Services, and in Connection with National Defense and Emergency Communications

Services; and Regulations for and in Connection with the Foregoing, CC Docket No. 78-72, Phase III; FCC 85-98.

Adopted: March 1, 1985.
Released: March 19, 1985.

By the Commission.

I. Introduction

1. In this Order, we address the issues raised in our notice of proposed rulemaking in this phase of this docket.[1] In that *Notice*, we observed that our *Access Charge Order* in Phase I of this docket,[2] and the *Modification of Final Judgment* (MFJ), entered on August 24, 1982, by the United States District Court for the District of Columbia,[3] did not address several issues that emanate, in part, from these actions or are otherwise related to the optimal provision of interstate communications services in a competitive environment.

2. These issues are (a) whether the independent telephone companies (ITCs) should be required to implement equal access for interexchange carriers (IXCs) according to a phased approach analogous to that specified for the Bell Operating Companies (BOCs) in the MFJ; (b) what institutional arrangements should replace the role formerly held by the American Telephone and Telegraph Company (AT&T) in the centralized technical and construction planning for (i) interexchange and local distribution networks, and (ii) national security and emergency communications facilities; and (c) whether exchange carriers (BOCs and ITCs) should be required to incorporate into their tariffs the physical, technical, and operational details of interconnection with the facilities of both carriers and non-carriers.

3. With regard to the equal access implementation issues, we find in this Order that the ITCs should be required to implement equal access under certain circumstances and under certain schedules that differ from those set forth in the MFJ. We have defined these in recognition of the differences between the BOC and ITC sectors with respect to (a) the types of markets served; (b) end office switching technologies employed; and (c) the financial resources available to undertake equal access conversions.

4. With regard to the planning issues, we find that (a) general peacetime interconnection planning functions should be implemented through participation of interested parties in the activities of the T-1 Committee, which is sponsored by the Exchange Carriers Standards Association (ECSA) and accredited by the American National Standards Institute (ANSI); and (b) national defense network planning functions should be implemented through the mechanism of the plan proposed by the National Security Telecommunications Advisory Committee.

5. With regard to the tariff issues, we note that, since the release of our *Notice*, the exchange carriers (ECs) have voluntarily implemented the proposals we had set forth concerning the inclusion of interconnection information in their access tariffs, and we adopt those proposals for future tariff filings.

II. Background

A. Implementation of Equal Access by Independents

1. The Commission Proposal and the MFJ

6. In the *Notice*, we proposed "to extend, pursuant to our regulatory authority under the Act, to non-Bell (Independent) telephone carriers interconnection obligations patterned after those which will govern the BOCs under the MFJ * * *".[4] The MFJ establishes the following equal access implementation schedule:

1¾ years (9/1/85): "equal access shall be offered through end offices of each BOC serving at least one-third of that BOC's exchange acccess lines."[5]

2¾ years (9/1/86): "upon bona fide request, *every* end office shall offer such [equal] access by Sept. 1, 1986."[6]

7. The MFJ also incorporates a waiver mechanism that allows the BOCs to refuse equal access in cases where such construction may be economically infeasible:

> With respect to access provided through an end office employing switches technologically antecedent to electronic, stored program control switches [*i.e.*, electromechanical switches] or those offices served by switches that characteristically serve fewer than 10,000 access lines, a BOC may not be required to provide equal access through a switch if, upon complaint being made to the Court, the BOC carries the burden of showing that . . . such access is not physically feasible except at costs that clearly outweigh benefits to users of telecommunications services.[7]

This waiver is, apparently, not intended to be permanent. The decree continues: "Any such denial of access under the preceding sentence shall be for the minimum divergence in access necessary, and for the minimum time necessary, to achieve feasibility."[8]

8. In our *Notice*, we recognized that equal access obligations similar to those in the MFJ may not be workable when applied to the ITCs, because of the preponderance of less sophisticated equipment in the ITC sector. We noted, however, that "access to interstate services is required to be offered [by the ITCs] pursuant to access tariffs which are subject to our regulatory review and jurisdiction" and proposed to "utilize such tariffs as an appropriate adminstrative mechanism for addressing unequal interconnection offerings by Independents . . ."[9] We proposed the following timetable:

> *2-years*: For central offices to be equipped with new stored program-controlled (SPC) equipment, access will be provided with capabilities identical to those described below for existing stored-program-controlled central offices.
>
> *3-years*: For central offices already equipped with SPC, access will be provided "which is equal in all respects, except that the minimum number of digits necessary to reach other than a carrier pre-selected by the subscriber may be utilized until such time as the nationwide numbering plan is changed."[10]
>
> *No timetable*: For electromechanical central offices: (a) capabilities pertaining to features such as the number of dialing digits must be offered to the extent feasible; (b) where features such as automatic numbering identification (ANI) can be made available to more than one carrier, they should be provided at the same level of capability as specified in the MFJ; and (c) transmission channel quality should be no worse than that provided to the traditional interexchange carrier. Although we did not state that electromechanical exchanges need to be replaced, we did require that "[t]o the extent feasible, such offices shall be modified to offer the capabilities [associated with electronic exchanges]."[11]

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[1] CC Docket No. 78-72, Phase III, Notice of Proposed Rulemaking, 94 FCC 2d 282 (1983) (*Notice*).

[2] *MTS and WATS Market Structure*, CC Docket No. 78-72, Phase I, 93 FCC 2d 241 (1983) (*Access Charge Order*), *modified on reconsideration*, 97 FCC 2d 682 (1983) *further modified on reconsideration*, 97 FCC 2d 834 (1984) *aff'd in part, remanded in part, Nat'l Assn. of Regulatory Comm'rs* v. *FCC*, 737 F.2d 1095 (D.C. Cir. 1984), *petition for cert. denied* 53 U.S.L.W. 3583, 3595 (U.S. February 19, 1985) (No. 84-95) (*Noruc v. FCC*).

[3] *United States* v. *American Tel. & Tel. Co.*, 552 F. Supp. 131 (D.D.C. 1982), *aff'd sub nom., Maryland* v. *United States*, 460 U.S. 1001 (1983).

[4] *Notice*, 94 FCC 2d at 304. We further stated that "we believe it most appropriate, in view of our statutory mandate to promote the development of efficient and broadly available service on a nationwide basis, to ensure the establishment of a 'blueprint' [similar to that of the MFJ] for interconnection to the Independents' facilities."

[5] MFJ, App. B, at para. A.1.

[6] *Id.* (emphasis supplied).

[7] *Id.* at para. A.3.

[8] *Id.*

[9] *Notice*, 94 FCC 2d at 306.

[10] *Id.* at 307.

[11] *Id.*

2. *GTE Consent Decree*

9. On May 4, 1983, the GTE Corporation and the Department of Justice (DOJ) filed a Proposed Final Judgment (PFJ), with the United States District Court for the District of Columbia, to resolve an antitrust action brought by DOJ challenging the acquisition by GTE of the IXC, Sprint, which was a subsidiary of the Southern Pacific Corporation. A major feature of the PFJ was a plan for the provision of non-discriminatory equal access to interstate communications facilities by the subscribers of the GTE Operating Companies (GTOCs). In an Opinion issued on December 13, 1984,[12] the Court found the PFJ to be in the public interest and stated that the PFJ would be approved provided that the parties agreed to certain modifications relating to the specific criteria that would be observed if enforcement of the decree were being sought by the Department of Justice. The parties concurred, and a Consent Decree (CD) was entered on December 21, 1984. The CD sets forth the following phased-in equal access implementation timetable, which is closely modeled after the approach of the MFJ, but is adjusted for the specific characteristics of the GTOC end offices and exchange areas.[13]

1½ years (1/1/85): End offices containing 1–ESS and stored program controlled switches other than those specified below (*i.e.*, GTD–5, 1–EAX, and 2–EAX).

3½ years (1/1/87): End offices equipped with GTD–5 switches.

4 years (9/1/87): End offices equipped with 1–EAX and 2–EAX. In addition, two-thirds of all GTOC subscriber lines must be provided with equal access. (This proportion may be decreased to the extent that unforeseen circumstances, including the performance failure of non-affiliated providers of hardware and software, prevent this conversion from taking place.)

7½ years (12/31/90): All offices with greater than 10,000 access lines (except where changing circumstances make implementation economically infeasible).

10. In addition to the waivers cited in the timetable, the CD addresses the unique problems of electromechanical switches, which comprise a considerably larger percentage of end office switching equipment of the GTOC system than in the BOC end offices. No step-by-step offices need provide equal access, provided that a trunk-side connection for IXCs is offered at *all* GTOC offices, including those equipped with step-by-step equipment, "unless such access is not physically possible except at costs that clearly outweigh potential benefits to users of telecommunications services. . . ."[14]

B. Joint Planning

1. The Commission Proposal

11. We tentatively concluded in the *Notice* that the scope of any joint planning should be limited to the specification of technical parameters and compatibility criteria at the point of interconnection between an exchange carrier and IXCs, customer premises equipment, or private communications facilities. We proposed that such planning be carried out by the Exchange Carriers Association (ECA) and that the membership criteria be those set forth in our *Access Charge Order* for the ECA. IXCs as well as this Commission would, therefore, be excluded. We noted that:

> it is our tentative belief that this Commission should be assigned responsibilities and functions regarding the joint planning activities of the association (ECA) which are designed to ensure that the association does not operate in a manner which frustrates the goals and policies which we are establishing. This result can be achieved without requiring that this Commission be given membership on the association.[15]

We than asked for comments on our proposals as well as upon alternative suggestions regarding scope of planning, institutional arrangements, and the composition of the membership of any joint planning body.

2. Formation of Exchange Carriers Standards Association

12. On May 24, 1983, a pre-organizational meeting of exchange carriers (ECs) was held in Atlanta, Georgia, under the auspices of the Washington Legislative Council of Telecommunications (an *ad hoc* group formed by the carriers to deal with post-divestiture problems). At this meeting, a substantial portion of the spectrum of exchange carriers was represented by attendees from the United States Independent Telephone Association (now the United States Telephone Association or "USTA", the seven Bell regional holding companies, GTE, United Telecom, and various independent telephone holding companies and operating companies. As a result of this and subsequent meetings, the Exchange Carriers Standards Association (ECSA) was created, and incorporated in September 1983, in the State of New York, as a not-for-profit corporation. ECSA then became a party in this proceeding and filed, in its comments, an alternative to our proposal for the implementation of the joint planning function.

C. Tariff Issues

13. We proposed that the interstate access tariffs of the ECs formally reflect the responsibilities of these carriers to provide equal access and interconnect their facilities with IXCs and other access customers. We specifically proposed that tariffs filed by ECA and the individual ECs should include language providing for (a) interconnection with non-carriers (private networks and CPE); (b) interconnection with resellers; (c) the incorporation of the provisions of Part 68 of the Commission's Rules (CPE interconnection standards); and (d) certain technical and operational details of the ECs' offerings.

III. Implementation of Equal Access by Independents

A. Positions of Parties

14. Twenty-four parties filed comments or reply comments (or both) on the various issues associated with equal access implementation requirements for the ITC sector. Pleadings were filed on behalf of IXCs (nine parties);[16] ITCs (seven parties);[17] equipment manufacturers (two parties);[18] user groups (two parties);[19] and state and federal government agencies (four parties).[20]

15. In general, the OCCs argue for an implementation of equal access that is as immediate and as comprehensive as possible in order that they may compete more effectively with AT&T. Business user groups and equipment manufacturers also seek expeditious implementation of equal access. The former, as large consumers of

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[12] *United States v. GTE Corp.*, Civ. Action No. 83–1298 (D.D.C., December 13, 1984) (*GTE Opinion*).

[13] CD, App. B at para. A.(1). A starting date of May 4, 1983 (the proposed date of entry) was used in calculating the elapsed time to the specific completion dates (in parentheses) set forth in the CD. The results are rounded to the nearest half-year. At the time the PFJ was filed, GTE committed itself to following the schedule set forth therein even though approval of the Court had not yet been issued. If a bona fide request for equal access interconnection is received from an IXC, the GTOC must implement interconnection within no more than 12 months. Otherwise the time limits in the schedule must be observed.

[14] CD, *Id.*, App. B at para. A.4.

[15] *Notice*, 94 FCC 2d at 317–18.

[16] AT&T, GTE-Sprint, ITT-COINS, MCI, SBS, Western Union, Allnet, General Communications Inc., and U.S. Telephone. IXCs other than AT&T are referred to in this Order as "other common carriers" (OCCs).

[17] Centel, GTE Service Co., Rochester Telephone Co., Rural Telephone Coalition, Southern New England Telephone Co., USTA, and United Telephone System.

[18] CCIA and ITEC Inc.

[19] ICA and American Petroleum Institute.

[20] DOJ, Kentucky Public Service Commission, Public Service Commission of Wisconsin, and the Rural Electrification Administration.

interexchange telecommunication services, seek to minimize their communications costs. The latter seek to compete more effectively in markets for customer premises equipment and equipment related to switching and transmission applications.

16. The ITCs generally support the proposal that they be required to implement equal access. They tend, however, to support temporizing measures such as (a) the imposition of such a requirement only if there has been a demand for equal access services from an IXC; and (b) the opportunity to deviate, when indicated, from the timetable proposed on our *Notice*. Some ITCs propose that exchanges serving less than 10,000 access lines should be granted a waiver of equal access conversion requirements as outlined in the GTE CD. *See* para. 9, *supra*.

1. Proposed Timetable

17. Eighteen parties have commented upon the proposed timetable. Three parties find that the timetable is reasonable [21] and four argue that the timetable is too long.[22] The latter take the position that existing technology will permit acceleration of our proposed schedule. Two, Public Service Commission of Wisconsin (Wisconsin) and Kentucky Public Service Commission (Kentucky), essentially argue that there should be no timetable at all. AT&T and Centel claim that the timetable is too short and propose a five-year implementation deadline. AT&T further proposes (a) that the Commission take steps to facilitate the processing of waiver requests; and (b) that there be an exemption for end offices serving less than 10,000 lines. Centel states that there may be central office conversion problems due to the diversity of suppliers, some of whom may be no longer in business. Similar arguments are extended to the case of end offices using electromechanical equipment.

18. Six parties from the ITC sector,[23] and the Rural Electrification Administration (REA), suggest that timetables should be flexible, stating, generally, that since there is a considerable variability among existing SPC exchanges, the three-year implementation schedule might not be universally appropriate and implementation might be better scheduled on a less formal basis. REA claims that the equipment necessary to accomplish equal interconnection at end offices of small rural companies (which typically contain electromechanical switches) is not readily available and urges that this Commission postpone the requirement that local carriers prepare for equal interconnection at such offices until the necessary technology becomes available or, alternatively, consider requiring equal access interconnection at an access tandem only.

19. With regard to the conversion of existing SPC offices, USTA states that ITCs are unable to obtain definitive information from their equipment manufacturers regarding their ability to upgrade a given piece of SPC equipment. USTA claims that this inability stems, in part, from a lack of defined technical specifications regarding the exact nature of equal access. Further, USTA states, not all SPC switches are convertible to equal access because of their design. Under these circumstances, it might be necessary to retire such switches prematurely, which, from USTA's viewpoint, would be an unreasonable disturbance of an orderly and economically efficient process for deriving maximum benefit from existing equipment. USTA also recommends that the Commission modify its proposal that all new SPC switches ordered after the effective date of any Commission order in this proceeeding have the capability of offering equal access to one requiring that actual conversion need not occur unless and until an IXC requests equal access and agrees to the resulting tariff changes. Rochester Telephone Company (Rochester) concurs with USTA and other parties in claiming that not all SPC switches may be convertible.

20. Six parties cite potential problems with the conversion of electromechanical offices.[24] The Rural Telephone Coalition (RTC) urges that ITCs be given the option of refusing to implement equal access at such offices, and in any event, that such equipment not be prematurely retired absent a demand for equal access interconnection.

21. GTE Service Corp. compares our implementation proposals to those of the CD in which it had participated, stating that the equal access upgrading requirements of our *Notice* are more burdensome than those set forth in the CD.[25] GTE Service Corp. urges that the principles of the CD be adopted by the Commission and notes that together the MFJ and CD apply to the provision of equal access to 90 percent of the total, nationwide access lines.

2. Implementation on Demand only

22. The *Notice* did not condition an ITC's obligation to convert to equal access in accordance with our timetables on there being a demand for such interconnection from an IXC. Ten parties have suggested that equal access conversions not be required until a demand from an IXC has been received. The sectors represented are ITCs (six parties);[26] IXC (one party);[27] equipment manufacturing (one party);[28] and state and federal agencies (two parties).[29]

23. The ITCs cite the possibility that if they are required to implement equal access, even in the absence of an IXC demand for such services, they may be required to carry a larger cost burden without a sufficient offset in additional revenues from toll service. REA claims that most REA-financed systems will never receive an interconnection request, but these systems could, nevertheless, incur a conservatively estimated total of $367 million in equal access implementation costs if the conversion of all Class 5 offices were required. As an alternative, REA suggests equal access interconnection only be required at higher level offices until Class 5 implementation becomes more feasible.[30]

3. Exemptions for End Offices Serving Less than 10,000 Lines

24. Establishing exemptions for end offices serving less than 10,000 access lines, although not proposed in the *Notice*, is embodied, with variations, in both the MFJ and CD.[31] Five parties support the concept,[32] arguing generally that (a) central office equipment in such exchanges is likely to be electromechanical; (b) demand for equal access interconnection to exchange facilities from OCCs is likely to be low; and (c) therefore, the costs of conversion would likely exceed any benefits derived from increased revenues. RTC proposes that rural exchange carriers be

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[21] General Communications Inc., MCI, and International Communications Association.

[22] SPS, Western Union, U.S. Telephone Inc., and ITEC Inc.

[23] Rochester Telephone Co., GTE Service Co., Rural Telephone Coalition, Southern New England Telephone Co., United Telephone System, Inc., and USTA.

[24] AT&T, Centel, United Telephone System, Rural Telephone Coalition, DOJ, and REA.

[25] At the time that the GTE comments were filed, the PFJ had not been approved by the Court. Subsequent to that filing, the Court approved the PFJ (subject to some suggested additional, which contained those requirements to which GTE has referred. *See* para. 9, *supra*.

[26] USTA, Rural Telephone Coalition, GTE Service Co., SNETCO, United Telephone System and Centel.

[27] MCI.

[28] U.S. Telephone Inc.

[29] Kentucky PSC an REA.

[30] *See* also paras. 42, *infra*.

[31] *See* paras. 7 and 10, *supra*.

[32] AT&T, USTA, GTE Service Co., RTC's, Western Union.

subjected to no greater obligations than those imposed upon GTE by the CD. It accordingly suggests a blanket exemption for end offices serving fewer than 10,000 lines. GTE implicitly supports a 10,000 line exemption in proposing that the terms of its CD be extended to other carriers. USTA, on the other hand, claims that the 10,000 lines threshold should be higher, but does not propose a specific level.

25. A blanket 10,000 lines exemption is opposed by some parties. The International Communications Association (ICA), a user group, prefers that individual justifications for an exemption be proposed by ITCs wishing an exemption. DOJ opposes a blanket exemption, preferring an implementation schedule that takes all factors into account, such as new techniques for remote digital switching.

B. Discussion

1. Summary of the Record

26. There is general agreement among all sectors that the implementation of equal access by the ITCs is desirable. With respect to the manner in which such access is to be achieved, however, there is a well delineated schism between two groups. The first group (ITCs, AT&T, state regulatory commissions, and REA) generally argues that our proposed timetables would be too stringent in many cases if they were applied uniformly to the entire ITC sector. A more liberal compliance policy, embodying certain deviations on a case-by-case basis, is suggested. Members of the second group (OCCs, user organizations, and equipment manufacturers) either agree with our timetable concept or think that it should be accelerated.

27. Those who find our proposals for ITCs too rigorous argue that we should relax those requirements by (a) adopting a liberal policy for waivers of the implementation timetable; (b) requiring the implementation of equal access only upon a bona fide demand by an IXC; (c) exempting end offices serving less than 10,000 lines; and (d) exempting end offices using electromechanical equipment.[33]

28. Those who approve our proposed schedule, or seek to accelerate it, and those who would discourage various waivers and exemptions, make the following claims: (a) technology is available that would allow reconfigurations of non-conforming offices to be implemented in accordance with our proposed timetable; (b) the implementation of equal access at BOC tandems or at those of the larger ITCs will permit our schedule to be met or accelerated; and (c) extensive deviations from our proposed schedule (including those resulting from the adoption of an implementation-on-demand policy) will constrain the economic activities of the IXCs,[34] equipment manufacturers, and users.

2. Differences between BOCs and ITCs

29. The parties seeking flexibility in our approach to implementing equal access by the ITC sector have argued that it is not as feasible to apply a uniform implementation timetable to the ITCs as it is to the BOCs. RTC points to a number of fundamental differences between the BOCs and ITCs. Prior to the AT&T reorganization, the implementation of exchange area communications, including the design of end offices, was performed on behalf of the BOCs by the AT&T General Departments, the Bell Laboratories, and Western Electric. Under this system, many important functions were performed on a centralized basis such as: system engineering, equipment design, equipment manufacturing, equipment procurement, accceptance testing, and installation planning.

30. As a consequence, the predominant proportion of BOC central office equipment is of Western Electric design, and its characteristics are well documented. Further, although there is a considerable range in the type of switching equipment in the various BOC end offices, from step-by-step electromechanical equipment to advanced SPC equipment, the preponderance of BOC service is offered in high or moderate population density areas, and the majority of its access lines are served by a relatively small number of SPC designs. Such uniformity, as characterized by markets served and equipment employed, is clearly not the case among the ITCs.

(a) *Markets Served by ITCs*

31. With regard to markets served, the ITC sector is characterized by an industry structure in which the operating companies of a few holding companies provide the vast preponderance of service. In seeking the appropriate policy for equal access implementation in this sector, it is useful to undertake a quantitative assessment of the ITC industry in order to evaluate its place in the overall telecommunications environment in the United States. Figure 1 provides a comparison of the BOCs and the ITCs in terms of the number of access lines served.

32. As of December 31, 1983, there were 111.3 million access lines in the United States. Of these, 89 million (80 percent) were served by the 22 BOCs. The ITC sector, consisting of 1431 operating companies, served the remaining 22.3 million lines (or 20 percent). Of these independent lines, however, the vast majority are served by but a small proportion of these 1431 operating companies.

33. As shown in Fig. 1, the 18 GTOCs serve 44 percent of the ITC access lines, and that these companies, in combination with the 22 BOCs, serve 89 percent of the total U.S. access lines. Furthermore, the largest eleven ITCs (including GTE) serve, in combination with the BOCs, approximately 99 percent of the U.S. telephone access lines.[35]

FIGURE 1.—ACCESS LINES SERVED BY BOCS AND LARGER INDEPENDENTS[1]

	Number of OC's	Number of lines (millions)	Pct U S lines (cum)	Pct independent lines (cum)
BOC's	22	89	80 0	
Independents				
GTE	18	9 9	88 8	44
United Tel	20	3 0	91 5	58
Continentel Tel	39	2 1	93 4	67
SNETCO	1	1 6	94 9	74
CENTEL	14	1.2	96 0	80
AllTel	1	85	96 7	[illegible]
Cincinnati Bell	1	69	97 3	87
PRTC	1	50	97 8	89
Rochester Tel	1	44	98 2	91
Lincoln Tel	1	.20	98 4	92
Century Tel	35	20	98 6	93
Total (BOC's)	22	89 0		
Total (ITC's)	132	[2]20 7		
Total (BOC + ITC)	154	109.7		

[1] Sources USTA, *PhoneFacts, 84* USITA, *Holding Company Report*, May 1983.

[2] Includes only the access lines of the 132 operating companies of the first 11 ITCs (ranked by annual revenues, listed in *PhoneFacts, 84*. The remaining approximately 1,300 ITCs service approximately 1 6 million lines or approximately 1% of the nationwide total

[33] Rochester has suggested that the forced conversion of such offices would lead, in many cases, to premature equipment retirements and argues that this Commission should preempt state regulation over the depreciation practices of connecting carriers to ensure that investment in existing equipment is fully depreciated upon its replacement. This issue is not properly before us in this proceeding; consequently, we will not address it further in this Order.

[34] Some IXCs have claimed that if equal access were implemented in a given area absent a demand for such service, an IXC might be more likely to seek to provide service there than if it were required to go through a formal procedure of filing requests for equal access conversion with the EC

[35] As shown in Fig. 1, these eleven entities comprise five holding companies, which control 126 operating companies, and six individually owned companies. Thus, a total of 148 operating companies (22 BOCs and 126 ITC operating companies) serve 99 percent of the U.S. access lines.

34. The remaining ITCs, 1309 operating companies, serve only one percent of the total access lines in the U.S., although the comprise 91 percent of the ITCs. Thus, the average number of lines served by each of these 1309 companies is approximately 1,300. Approximately 1,200 of these companies serve less than 10,000 lines.[36]

35. It thus becomes apparent that it may be feasible to adopt a policy of prescribing a set of relatively uniform equal access implementation procedures, applicable to only a small segment of the ITC industry, that would result in the provision of equal access to the overwhelming majority of the ITC subscribers.

(b) *Switching Equipment of the ITCs*

36. Several parties associated with the ITC sector have argued that our proposed implementation plan, insofar as it applies to SPC switches, should not be uniformly applied because of the wide variety of SPC equipment that is now in place and that is available for future installation by the ITCs. They have also argued that it would be inappropriate to prescribe either the conversion of existing electromechanical equipment or its retirement.

37. USTA claims that the following problems arise from the diversity of SPC equipment: (a) not all manufacturers may be willing to upgrade their equipment even if it is upgradeable; (b) not all switches are equally upgradeable; and (c) some switches may not be upgradeable at all. With regard to electromechanical switches, and SPC switches that are not feasibly convertible, USTA proposes that we consider equal terminating access as a less costly alternative.

38. Rochester suggests that not all existing SPC installations may be convertible within the 3-year period proposed in the *Notice*. Rochester points out that it has SPC equipment manufactured by Northern Telecom, Automatic Electric, Nippon Electric, and Western Electric. It claims that it does not know whether any of the manufacturers "would supply necessary software modifications within three years, or whether they intend to offer these modifications at all." [37]

39. RTC claims that it cannot comment exhaustively upon our proposal because no comprehensive tabulation of the central office equipment of rural telephone companies has been made. RTC points out that existing analog SPC equipment is memory-limited and is no longer being manufactured.[38]

40. With regard to digital SPC equipment, RTC states that 10 to 15 percent of REA central offices are so equipped, but that some of the manufacturers are no longer in business. RTC claims that in any event *generic* specifications for the conversion of digital equipment can be completed in three years, but that specific conversion may take longer. RTC therefore proposes that manufacturers be given three years in which to develop generic specifications and that actual implementation times be negotiated on a case-by-case basis.

41. RTC notes that the conversion of electromechanical equipment can present considerable problems to the REA companies. RTC states that approximately 80 to 85 percent of REA equipment is step-by-step and that another 5 percent is crossbar. Further, RTC states that 90 to 95 percent of the step-by-step equipment, which was manufactured by Stromberg, is no longer being produced by that company.

42. REA also addresses the problem of conversion of its predominantly electromechanical offices. It states that no manufacturer has produced equipment that could effect such a conversion, but acknowledges that "[o]ne manufacturer, ITEC, has equipment on the drawing boards which could accomplish equal interconnection at the Class 5 step office." [39] REA cautions, however, that conversion estimates would be in the $60,000 to $75,000 range per end office. Finally, REA provides an estimate of $367.5 million as the cost of equal access implementation for all REA-financed systems. This estimate is based on the assumption that 5,000 step end offices would be converted, at $70,000 per office, and that 700 digital offices would be converted at $25,000 per office.

3. *Equal Access Implementation Plan* [40]

(a) *General Considerations*

43. It is evident from the record that the ITC sector evidences a degree of diversity that we do not observe among the BOCs. The BOCs comprise 22 operating companies, which, because of their common ownership and management for many years, have virtually identical categories of end office switching technology. Further, the BOCs serve 80 percent of the total access lines in the United States from this relatively homogeneous configuration.The ITC sector is clearly different. Some 1431 operating companies serve 20 percent of the nation's access lines. Among these companies, the GTE system of 18 operating companies accounts for 44 percent of the ITC access line—or 9 percent of the nation's access lines. A mere 132 of the 1431 ITCs serve over 90 percent of the ITC access lines.

44. With regard to switching equipment, the relatively small proportion of SPC equipment in ITC end offices is provided by a multiplicity of manufacturers, not all of whom have continued to manufacture or service the products they have sold. The preponderance of ITC switching equipment is of the electromechanical type, and apparently, the successful conversion of such switches by off-the-shelf equipment has not yet been demonstrated. Given these factors, it is likely that an implementation timetable similar to that of the MFJ would be inappropriate if imposed on the ITCs.

45. We must also take into account that GTE has committed itself to following the schedule set forth in the CD and that, consequently, the commitments already undertaken by the BOCs and the GTOCs will pace the implementation of equal access for approximately 89 percent of the nation's access lines. We need, therefore, only adopt a policy applicable to, and appropriate for, the remaining 1413 ITCs, which serve the remaining 11 percent of access lines.

46. We could consider the CD as a paradigm for application to the non-GTE ITCs. The timetable in the CD for the conversion of existing SPC end offices embodies, however, references to the specific types of equipment of specific manufacturers that are known to be installed in GTE end offices. But based on the record in this proceeding, it appears that many different types of equipment (in addition to those specified in the CD) are deployed in the non-GTE ITC end offices. Furthermore, GTE is a substantially larger company than most other ITCs with greater access to the necessary capital to implement an equal access conversion schedule. Finally, there is no reason to assume that the timetable GTE agreed to

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[36] *See PhoneFacts' 84.*

[37] Rochester Comments at 5.

[38] Analog SPC as discussed by RTC apparently consists of SPC common control equipment coupled with an analog switching matrix. A digital SPC switch would use time division multiplex techniques to perform the switching function.

[39] REA Comments at 5.

[40] We set out in the *Notice* the basis of our jurisdiction to establish an equal access implementation plan for ITCs. *See, Notice* 94 FCC 2d at 300-304. No party has challenged our authority in this regard.

in the CD to settle an antitrust challenge to its acquisition of Sprint is necessarily appropriate for other ITCs.

47. We shall, therefore, establish an implementation schedule that recognizes the following characteristics of the non-GTE sector, which distinguish it from both GTE and the BOCs: (a) the variability in installed SPC equipment types; (b) the predominance of electromechanical equipment; (c) the existence of more severe constraints on capital spending; and (d) the likelihood that demand for equal access service, by customers and OCCs alike, will be less.[41] In so doing, we shall impose time limits in those cases where the end office is equipped with SPC switching and a reasonable request for equal access services exists. Finally, we shall recognize the existence of problems that may be imposed by capital constraints, and the non-standardization of installed SPC equipment, by adopting an exception mechanism.

(b) *Specific Requirements*

48. *End Offices Equipped with SPC Switches:* End offices equipped with SPC switches must be converted to offer exchange access services that are equal in type and quality to that offered to AT&T, within three years of the receipt of a reasonable request [42] for equal access services from any OCC. Absent such a request, end offices should be converted as soon as practicable, according to a schedule and a degree of implementation that reflect the capital constraints of the operating company and the market and other business conditions in the area served by the end office.

49. *End Offices Equipped with Electromechanical Switches:* Whether or not a reasonable request for equal access is presented, end offices equipped with electromechanical switches will not be required to be converted to equal access according to a specified timetable. Rather, these end offices should be converted as soon as practicable according to the guidelines we have set forth in para. 60, *infra*.

50. *Exception Mechanisms:* An ITC receiving a reasonable request for equal access interconnection at an SPC-equipped end office may apply to this Commission for a waiver of the three-year timetable, or of the requirement for the provision of certain specific equal access features, if it can demonstrate that such a timetable, or the provision of such access features, is not feasible except at costs that clearly outweigh potential benefits to users of telecommunications services.

(c) *Equal Access Features*

51. In para. 48, *supra*, we require that SPC-equipped end offices, upon receiving a reasonable request from an OCC, "be converted to offer access service that is equal in type and quality to that offered to AT&T. . . ." In order to give more explicit guidance to those ITCs affected by this requirement, we shall attempt to describe further the concepts "exchange access services" and "equal in type and quality."

52. The MFJ defines "exchange access" as "the provision of exchange services for the purpose of originating or terminating interexchange telecommunications." [43] It then defines "exchange access services" to include, but not be limited to, the following activities or functions of an EC in the provision of exchange access: "the provision of network control signalling, answer supervision, automatic calling number identification, carrier access codes, directory services, testing and maintenance of facilities and the provision of information necessary to bill customers."[44]

53. Potential operational inequalities in subscriber signalling (due to technological limitations, and to constraints imposed by the existing interstate numbering plan) are also addressed. The following requirements are imposed: (a) the option of preselecting an IXC, through which originating traffic may be routed without the use of an access code, shall be offered.[45] (b) access signalling to reach carriers that are not so preselected must be provided with the minimum number of digits; and (c) upon revision of the nationwide numbering plan to require additional signalling digits, all IXCs shall be accessed with the same number of digits.[46]

54. The MFJ also sets forth a non-quantitative definition of equality as it pertains to certain technical parameters of the EC network. "Such [equal access] connections, at the option of the interchange carrier, shall deliver traffic with signal quality and characteristics equal to that provided similar traffic of AT&T, including equal probability of blocking, based on reasonable traffic estimates supplied by each interexchange carrier." [47]

55. In subsequent Motions for Partial Reconsideration, and Reconsideration and Clarification (of the MFJ), the BOCs indicated their concern with an appropriate definition of "equality." In addressing this issue, the Court summarized the BOCs claims that exact duplication is infeasible:

> The [BOCs] assert that technical deviations will be so slight as to be imperceptible to all customers, whether of voice or data [and that they] had urged the Court to accept a definition of 'equal access' as access whose overall quality in a particular area is equal within a reasonable range which is applicable to all carriers' and to reject a more stringent definition which would demand access that yields identical technical quality (*i.e.*, identical values for loss, noise, and echo and identical possibility of blocking). . . . *The Court accepts the Operating Companies definition and will not insist on absolute technical equality.*[48]

56. The GTE CD also uses "equal in type and quality" as the criterion for measuring the efficacy of equal access implementation. As in the MFJ, the CD sets forth a partial list of features identical to those in the MFJ, and avoids a quantitative definition of "equal in type and quality." [49] Further, in the *GTE Opinion*, the Court lists the features of

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[41] We have noted in paras. 33–34, *supra*, that 1389 (or 91 percent) of the ITCs serve less than one percent of nationwide access lines and that the average number of lines served by these ITCs is approximately 1,300. The typical non-GTE ITC is, therefore, a relative small company serving a rather small market, usually in a rural area. As a consequence, the factors (c) and (d) cited in this paragraph are likely to obtain for the majority of non-GTE ITCs.

[42] Sec. 201(*a*) of the Communications Act of 1934, as amended, states, "it shall be the duty of every common carrier engaged in interstate or foreign communications . . . to furnish such communications service upon reasonable request therefor . . .," but does not attempt to further define "reasonable." Neither shall we, in this Order, prescribe the elements of a "reasonable request" for equal access services from unconverted ITC end offices, but shall leave these arrangements to be developed in the tariff process. Tariff provisions the ITCs already have on file concerning ordering of access services and facilities may prove adequate for establishing the elements of such a request. To the extent that ITCs do not view these provisions as adequate for this purpose, they are free to make tariff filings setting out particular terms and conditions that will apply to such requests. We note that both the MFJ and the CD condition the obligation of an EC to convert certain end offices to equal access on there being a "bona fide request" to do so, but neither decree attempts to define such a request. Furthermore, prior to full conversion, the features set forth in para. 60, *infra*, should be offered to the extent feasible.

[43] MFJ at Sec. IV. F.

[44] *Id.*

[45] ITCs who will offer equal access should be aware that the FCC is examining the reasonableness of the routing by some local exchange carriers) of the default interLATA traffic of non-preselecting subscribers to AT&T. *See*, Memorandum Opinion and Order on Reconsideration, CC Docket No. 85-89, paras. 17–23 (February 25, 1985).

[46] *Id.* at Appendix B.2.

[47] *Id.*

[48] U.S. v. Western Electric Co., 569 F. Supp. at 1062, 1063 (1983) (MFJ Reconsideration) (emphasis added).

[49] *See* MFJ, Appendix B, and CD, Appendix B.

equal access that, GTE had stated, would be applicable to the GTOCs:

> The features of full equal access are: (1) dialing parity; (2) rotary dial access; (3) network control signalling; (4) answer supervision; (5) automatic calling number identification; (6) carrier access code; (7) directory services; (8) testing and maintenance of facilities; (9) provision of information necessary to bill customers; and (10) presubscription. * * * [50]

57. We see no reason to attempt to refine the concepts "exchange access services" and "equal in type and quality" to an extent exceeding that delineated in the MFJ and CD. With regard to the features of equal access service described in those decrees, we recognize that there will be considerable variation from end office to end office in the ITC sector in the types of exchange access services that are currently being offered to AT&T. We only require that such services be offered to OCCs to the extent that they are made available to AT&T, and consider the lists of features quoted above to be illustrative of the types of services that will generally have to be provided on an equal access basis once an end office is converted. By so doing, we anticipate that any new construction requirements will be in the realm of technological feasibility for any given ITC, since the required features are already being provided AT&T.

58. With regard to the definition of "equal in type and quality," we recognize that a definition of equality that is overly quantitative and microscopic in detail is impractical. Even AT&T's connections to ITC facilities vary in technical quality (with regard to impulse noise, error rates, distortions, and blocking probabilities) from end office to end office, and even within an end office. We concur with the District Court in its *MFJ Reconsideration* opinion that technical standards based upon the perceptions of customers are appropriate and that "absolute technical equality" need not be achieved.[51]

59. Therefore, subject to the caveats just discussed, we endorse the features of equal access services that have been set forth in the MFJ and CD as being equally valid in their application to the services we are requiring the ITCs to implement in this Order.[52] For further clarification, we reiterate the following requirements set out in the *Notice* for the conversion of existing SPC-controlled end offices, which were generally patterned after the MFJ:

> Programming of existing stored program controlled central offices shall be modified, during a three-year period * * *, to support access to the services of all interexchange carriers which is equal in all respects, except that the minimum number of digits necessary to reach other than a carrier pre-selected by the subscriber may be utilized until such time as the nationwide numbering plan is changed. At such time as the central office modification is completed, existing subscribers shall be given an option to pre-select a specific interexchange carrier which is interconnected with the exchange, and no additional digits shall be required for the subscriber to reach the services of that carrier. Thereafter, new subscribers shall be given this choice at the time when service is initially arranged. In both cases, the selection may subsequently be changed by the subscriber at his or her option.[53]

60. With regard to electromechanically-equipped end offices, we also proposed, and now adopt, the following, less stringent criteria for the provision of access:

> To the extent feasible, such offices shall be modified to offer the capabilities identified * * * [with regard to the conversion of SPC-equipped exchanges] utilizing techniques such as interconnection on a tandem basis where common equipment is capable of supporting such operation. If ANI (automatic number identification) capabilities or subscriber billing capabilities are capable of being made available to more than one interexchange carrier, to the extent the same is requested by such carriers they shall be made available in the same manner as is specified in the MFJ. If preselection of a particular carrier that might be accessed without dialing additional digits is not possible because of inflexibility of the electromechanical switching facilities, at minimum the exchange carrier must make available seven digit local telephone number access, with facilities and capabilities no worse than those provided in connection with PBX trunk service by the carrier. The carrier must make available transmission capabilities * * * which are no worse than those provided the traditional interexchange service provider accessing its office, and it shall provide access, to the extent possible, that uses the minimum number of accessing digits, and that makes possible access from rotary dial equipment to the services of each interexchange carrier.[54]

(d) *Rationale for Conclusions*

61. We have decided to impose these specific equal access implementation requirements in recognition of the differences between (a) the non-GTE independents and (b) GTE and the BOCs, which we have discussed above.[55] These differences reside primarily in the types of switching equipment used, the markets served, and the financial resources available to most non-GTE ITCs.

62. Accordingy, we have retained the recommendation (as set forth in the *Notice*) regarding the exemption of end offices equipped with electromechanical switches. We have not imposed a timetable upon such end offices (whether or not a request for service is presented) in consideration of the financial burdens they would be likely to encounter.[56] Our new requirements differ from those set forth in the *Notice* in two respects: (a) conversion of end offices equipped with SPC switches need not be implemented absent the presentation of a reasonable request (in which case the three-year deadline proposed in the *Notice* will apply); and (b) the two year deadline for the conversion of end offices to be equipped with new SPC, which was proposed in the *Notice*, will no longer be applicable.

63. We have concluded that the unconditional timetables proposed in the *Notice* for SPC end offices would not be in the public interest. Given the heterogeneity of the SPC equipment now installed in ITC end offices, an unconditional requirement for conversion to equal access could prove excessively expensive in those cases where the demand for conversion is nonexistent, or small. And, in light of the types of markets served by most ITCs, it is not necessarily the case that OCCs will be anxious to serve ITC exchange areas with equal access services. Accordingly, we shall require conversion only upon presentation of a reasonable request for service.

64. In retaining a three-year deadline for the conversion of SPC-equipped end offices, we have balanced the claims of those parties who state that three years or more could be required to convert a specific type of equipment or configuration, with the recognition that some of the larger non-GTE ITCs may have relatively sophisticated equipment that can be converted in less than three

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[50] *GTE Opinion, supra* note 12, at 30 N. 55.

[51] *See* para. 55, *supra*.

[52] Nothing in this Order prejudges any issue now pending before this Commission arising from the type of equal access provided by the BOCs or GTOCs, or limits the ability of any person to seek relief from the Commission predicated upon an alleged failure of a BOC or GTOC to provide other interexchange carriers with access equal to that provided AT&T.

[53] Notice, 94 FCC 2d at 308.

[54] Id.

[55] *See* paras. 29–47, *Supra*.

[56] Some of the parties have urged that 10,000 lines per end office be used as a threshold criterion for determining whether an end office should be exempted. Since SPC equipment that is feasibly convertible to equal access applications can be used in end offices serving fewer than 10,000 lines, we find that exemption on the basis of switch technology, rather than the number of lines served is a more useful criterion. In any event, it is likely that most end offices serving fewer than 10,000 lines use electromechnical, and not SPC, switching equipment, and thus would not be subject to the conversion timetable specified in this Order.

years. The CD acknowledges that such differences exist within the GTE sector and does, indeed, impose different timetables, which comport with the relative degrees of sophistication of the SPC switches that are known to exist among the GTOCs.[57]

65. Since the distribution of specific SPC switch types among the non-CTE ITCs is not known with any degree of precision, we cannot make equipment-based distinctions in an implementation timetable for these companies. In those cases where the three-year timetable would impose a serious hardship upon an ITC, the exception mechanism we have set forth in para. 50, *supra*, will be available. Conversely, there may be instances (such as end offices equipped with switching equipment for which the generic software and other equal access conversion facilities are available off the shelf) where the three-year deadline is unnecessarily long. In particular, the availability of generic software for equal access will be quite likely in those instances where newer SPC equipment is being voluntarily installed as a replacement for electromechanical equipment.[58] In such cases, the ITC should endeavor to make the necessary conversions earlier than three years following a reasonable request.[59]

IV. Carrier Planning for Interconnected Services and NSEP Communications Services

A. Positions of Parties

66. Thirty-six (36) parties have filed comments or reply comments (or both) on the proposed range of questions set out for discussion in the **NOTICE** on joint planning. Pleadings were filed on behalf of IXCs (eleven parties);[60] ITCs (eight parties);[61] equipment manufacturers (seven parties);[62] user groups (three parties);[63] and state and federal agencies and public associations (eight parties).[64]

67. The general consensus of commenters is to favor an institutional arrangement for technical planning that is based on voluntary participation and a broad membership spectrum, in order to minimize potential antitrust concerns. AT&T argues, for example, that "by not committing to adopt the standards they develop, standards-makers lessen the possibility that they will stumble into a contract or a conspiracy in restraint of trade." [65] MCI, IBM, and Centel support this view. DOJ, while emphasizing that Commission sponsorship of joint planning does not create any antitrust law immunity; states that "properly structured and narrowly focused joint ventures for dealing with matters such as interconnection standards are usually consistent with the antitrust laws." [66]

68. Most parties (including DOJ) take the position that a planning mechanism built around the Exchange Carriers Association (ECA), which was proposed in our *Notice*, is too narrow in its membership responsibilities and focus. Instead, they support the proposal of the Exchange Carrier Standards Association (ECSA) wherein joint planning (limited to the specification of the technical and physical characteristics of the interface between EC and IXC facilities) would be implemented through the voluntary participation of interested parties in the activities of the ECSA-sponsored T–1 Committee, which has been accredited by the American National Standards Institute (ANSI).[67] Most parties also oppose a requirement of Commission membership or oversight with regard to the activities of the T–1 Committee.

69. Those parties responding to the issues of national security and emergency planning (NSEP), [68] favor maximum use of the existing National Coordinating Mechanism (NCM), adopted by the industry under the authority of the President and the Secretary of Defense in response to Executive Order No. 12382 (dated Sept. 13, 1982).

B. Discussion

1. Authority of Commission To Require Limited Joint Planning

70. We concluded in the *Notice* that we have ample authority under the Communications Act to impose joint planning requirements to the extent we find necessary to carry out the purposes of the Act and our communications policy goals.[69] Most parties fully support this conclusion, and none mounts any substantial challenge to it. We therefore reiterate our conclusion that limited joint planning, as described below, for ensuring the just and reasonable administration of interconnection arrangement is well within our authority to require.

2. Standards for Limited Joint Planning

71. In the *Notice* we proposed that joint technical planning among carriers be limited to establishing performance and physical parameters at the EC/IXC interface only, under a mechanism built about the ECA. We further stated that:

> It is our tentative belief that this Commission should be assigned responsibilities and functions regarding the joint planning activities of the association which are designed to ensure that the association does not operate in a manner which frustrates the goals and policies which we are establishing. This result can be achieved without requiring that this Commission be given membership on the association.[70]

We cited previous examples of successful joint planning, stating:

> Forms of joint action by carriers, in some cases under this Commission's sponsorship, and in many cases by the carriers themselves, have historically proved necessary in telecommunications to achieve important objectives: developing of industry-wide technical standards, operating principles, administrative procedures, and maintenance procedures; informal resolution of service and maintenance disputes which may arise where there is divided responsibility for elements of a joint through service; development of standby procedures and facilities to support extraordinary communications requirements (*e.g.*, NSEP communications); and development of appropriate forecasting and circuit requirements amalgamation procedures to facilitate planning for construction of new facilities with relatively long "lead" times.[71]

72. We recognized in the *Notice* that limited joint planning poses potential risks related to the diminution of

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[57] *See* para. 9, *Supra*.

[58] Even where no OCC has requested interconnection services, the replacement of electromechanical equipment with an SPC digital switch can be economically advantageous where significant savings in maintenance and other operating expenses are achieved.

[59] For such end offices, we see no reason why the District Court's admonition in the CD should not also govern the actions of ITCs: "Since the decree requires [the GTOCs] to offer equal access 'as promptly as possible' * * *, they are required to advance the implementation of equal access if the necessary software and hardware become available sooner than anticipated." *GTE Opinion*, supra note 12, at 34 n. 61.

[60] AT&T; GTE Sprint; ITT-Coms; MCI; SBS; Western Union; Allnet; U.S. Telephone; American Satellite Company; TRT-Telecom; RCA-Americom.

[61] Centel; Rochester; Southern New England (SNETCO); USTA; United Telephone System; Mid-Rivers Telephone Coop and North Pittsburgh Telco; GTE Sprint.

[62] U.S. Telecom Suppliers Association; IDCMA; IBM; Northern Telecom; Telephone and Data System Inc.; Ericsson, Inc.

[63] ICA; American Petroleum Institute; Ad Hoc Telecom User Committee.

[64] DOJ; PSC of Wisconsin; ANSI; Anchorage Telephone Utility; ECSA; Secretary of Defense; DCA; U.S. Activities Board & Standards; IEEE.

[65] AT&T Comments at 31.

[66] DOJ Comments at 31.

[67] Accreditation of the T–1 Committee by ANSI became effective on Sept. 20, 1984.

[68] The parties commenting on NSEP include AT&T, ECSA, Mid-Rivers Telephone Coop and North Pittsburgh Telco., Secretary of Defense, DCA, Telephone and Data Systems Inc., USTA, PSC of Wisconsin.

[69] *See Notice*, 94 FCC 2d at 314–16.

[70] *Id.* at 317.

[71] Id. at 311.

innovation and competition, and that the decision to adopt such a policy necessarily entails a balancing of these risks and the advantages of joint planning cited in para. 71, *supra*. The comments and replies of the parties are largely in agreement that the structural mechanisms for limited joint planning proposed by ECSA would significantly reduce the risks of such planning, while substantially preserving its advantages.[72] Thus, we find no reason to alter our tentative conclusion in the *Notice* that "the advantages to be gained from joint planning, as well as the short-term dangers posed by disruptions in this planning, outweigh the potential risks involved and point toward the conclusion that joint planning under the aegis of this Commission will serve the public interest."[73]

73. With regard to NSEP functions, some new forms of planning among carriers will be required. AT&T, in the past, had taken a leading role in planning the participation of the telephone industry in NSEP communications. Implementation of the MFJ now requires the creation of new institutional arrangements for developing administrative mechanisms and maintaining emergency communications capabilities.

74. In this Order, we approve two joint planning mechanisms: (a) the ECSA-sponsored and ANSI-accredited T–1 Committee, and (b) the NCM to accomplish the technical planning associated with provision of NSEP communications.[74] We intend to minimize the imposition of additional regulatory rules or standards. While recognizing that experience may require future responses from the Commission, we accept today both the T–1 and NCM planning entities as responsive to our statutory responsibilities.

3. Structure for Limited Joint Planning for EC/IXC Interconnection

75. The record in this proceeding indicates that the parties are uniformly supportive of replacing our proposed joint planning mechanism with that proposed by ECSA. The voluntary membership of the T–1 Committee would, according to the parties, specifically address the concerns raised in our *Notice* by providing a forum in which the interests of all entities concerned with the development of technical standards would be heard and addressed.

76. In addressing the ECSA proposals, the parties provide sufficient arguments to demonstrate that a planning mechanism based upon the T–1 Committee structure (with its broad membership base) would minimize the potential for anticompetitive abuses resident in the ECA-based structure, which had been proposed in the *Notice*. The T–1 Committee includes and encourages the fullest industry representation of equipment manufacturers, IXCs, and other users of exchange access service as participants.[75]

77. The agendas of the T–1 Committee will be developed by its members and, therefore, should be responsive to their needs for administration of interconnection procedures, technical standards for provision of interconnection, design and operational standards relating to interconnection equipment and systems, and related administrative and maintenance procedures. The primary purposes of this limited joint planning coordination should be to make adjustments to interconnection processes on an ongoing basis in order to achieve operational efficiency, to promote nationwide compatibility, and to anticipate future needs and problems so that adjustments can be planned.

78. Based on our review of the structure, membership, functions, and procedures of the ESCA-sponsored and ANSI-accredited T–1 Committee, we find that is an appropriate organization for developing voluntary technical interconnection standards.[76] As described by ESCA, the T–1 Committee will have the following characteristics: (1) it will focus on developing "standards at the point of interconnection for 'external' interface with interexchange carriers, customer premises equipment, and information vendors";[77] (2) it will "examine physical, electrical, mechanical, and functional characteristics of external interface standards and will establish the minimum standards to ensure proper interconnectivity and interoperability of services and equipment";[78] (3) its membership "will be open to all parties with a direct and material interest in the formulation of interconnection standards, without dominance by any single interest."[79] The Commission will not participate as a member of the T–1 Committee. The proposed T–1 Committee mechanism, with its open and voluntary membership requirements, appears to satisfy our concerns regarding the full participation in joint planning by affected parties and the exposure of joint planning operations to public scrutiny. We shall, however, monitor the industry standard setting process and, if necessary, provide regulatory review.

79. Furthermore, we have concluded that the interconnection coordination activities and the organizational structure for limited technical planning that we approve in this Order are consistent with the antitrust laws. The parties discuss limited joint planning in terms of providing an association or procedural mechanism that would safeguard against the possibility of anticompetitive abuses by eliminating or reducing opportunities for restraint of trade, price-fixing, market allocation and other exclusionary practices. They generally suggest that an appropriate joint planning association would require broad representation to minimize antitrust concerns and refer to the structural and procedural safeguards of the T–1 Committee, which, they emphasize, are in accord with antitrust policies, and are responsive to the Commission's antitrust concerns.[80] Additionally, IBM, GTE (Sprint), ITT (COINS) and Western Union, encourage the Commission to participate and maintain regulatory oversight responsibilities. ANSI points to *Revised*

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[72] ECSA summarizes its structural philosophy as follows: "Limited joint planning under the auspices of the ECSA-sponsored and ANSI-accredited T–1 Committee, which has the responsibility for interconnection standards formulation, is open to all parties with a direct and material interest in that process and activity, without dominance by any single interest." ECSA Comments at 11. The T–1 Committee membership will be voluntary and will be open to all who may be concerned. *See* notes 75, 79, *infra*.

[73] *Notice*, 94 FCC 2d at 314.

[74] *See Id.* at 299.

[75] The composition of the T–1 Committee membership, as of Oct. 9, 1984, was: ECs (88); IXCs and resellers (19); manufacturers and vendors (17); users and general (37); interests from U.S. and Canada (15). Source: *Fiscal Year 1984, Report of Directors, ECSA*, Oct. 9, 1984.

[76] ESCA Comments, Appendix II, Exhibit A, (Procedures for the T–1 Committee of the Exchange Carrier Standards Association) at 1.

[77] ESCA Comments at 13.

[78] *Id.* at 14.

[79] *Id.* at 11. Exhibit A of the ESCA By-Laws cites the following entities as having direct and material interests: "(i) exchange carriers; (ii) interexchange carriers; (iii) relevant equipment manufacturers; (iv) vendors of relevant products; (v) state and federal regulatory agencies; (vi) the United States Department of Defense; (vii) user groups, (viii) professional technical organizations; and (ix) other groups that have a general interest in the exchange carrier industry." Exhibit A at 1.

[80] *See* Comments of Rural Telephone Coalition, SNETCO, Rochester Telephone Co., USTA, American Satellite Co., TDS, Centel, United Telephone System, ECSA, IEEE, USAB, ANSI, MCI, USTA, Northern Telecom Inc., U.S. Telephone Inc., Utilities Telecommunications Council, TRT, API, Association of Data Communications Users, and IBM.

Circular A–119, October 27, 1982, which directs government agencies to adopt voluntary standards that are consistent with statutory obligations and goals. Mid-Rivers Telephone Cooperative, Inc., North Pittsburgh Tel. Co., and the PSC of Wisconsin submit that direct Commission regulatory involvement in the interconnection process is unnecessary and that an ESCA/ANSI accredited organization is fully consistent with antitrust principles and policies. DOJ asserts that:

> properly structured and narrowly focused joint ventures for dealing with matters such as interconnection standards are usually consistent with the antitrust laws. Care must be taken, however, that the joint venture does not overflow into areas where innovation and diversity should continue unabated. . . . The various exchange carriers should be able to experiment with new interconnection arrangements and to adopt particular system designs that best meet the demands of their customers (the interexchange carriers) and of their subscribers within the overall framework of a compatible and efficient network. . . . [S]o long as compliance is voluntary, the exchange carriers will be free to act on their own incentive to subscribe only to those standards which actually enhance the efficiency of their networks.[81]

80. It has been our intent in fashioning the structure necessary to achieve limited joint planning to assign to the association, functions which are important for the provision of efficient planning but which will not create a basis for anticompetitive conduct. It also should be noted that, although it is true that competition is an important factor which should be given weight in the administration of the Act, this Commission also is required by the public interest standards of the Act to consider factors other than competition, such as the efficiency of the communications network, the provision of reliable service to the public, and the future needs of carriers and users. In sum, we believe that our endorsement of the joint planning procedures outlined in this Order is consistent with our responsibility under the Act, and that use of such procedures will not raise antitrust issues. Accordingly, we approve the T–1 Committee as the instrument for implementing the limited joint planning approach proposed in the Notice and endorsed by the industry.

4. Joint Planning for NSEP Communications Capabilities

81. A number of parties have addressed the concerns we have raised regarding the proper coordinating mechanism to ensure continuity of emergency communications bearing upon national defense and emergency preparedness. The Commission recognizes the need for planning among carriers to create administrative mechanisms and standby capabilities to support such communications. We concur with the parties that we should adopt the industry's response to Executive Order No. 12382 (dated Sept. 13, 1982), which directs the National Communications System, headed by the Secretary of Defense, to develop a post-divestiture NSEP plan.[82]

82. The general agreement among parties to form the NCM, composed of government and industry representatives who will jointly provide communications capabilities and ensure continuity of national facilities during emergency conditions, also resolves the issues raised in the Notice [83] regarding antitrust concerns. The DOJ has accepted the NCM plan.[84] The carriers and the government agencies assigned responsibility for NSEP have acted to plan and implement NSEP communications mechanisms that will meet national requirements. As in the case of the T–1 Committee activities, described in paras. 75–78, *supra*, we will continue to monitor the NSEP planning process and, as necessary, provide regulatory review and approval of whatever executive coordinating actions are taken in response to Executive Order 12382.[85]

V. Tariff Requirements

A. Positions of Parties

83. In the *Notice* we requested that parties consider what level of information on interconnection should be included in ECs' access tariffs. The consensus of the commenters is that the Commission should limit its tariff filing requirements to the provision of basic technical interconnection information and reject unnecessarily rigid rules that would only necessitate frequent waiver requests, especially in the case of small and rural companies. AT&T gives examples of "practical" tariff inclusions, such as identifying whether an interconnection is a trunk-side or line-side arrangement, what signalling methods are available, and whether seven digits or fewer are required of the customer.[86] Many parties state that complex, technical details of multi-featured services in tariffs would be unnecessary and burdensome. This material, commenters suggest, would be of marginal usefulness, and especially since there are other sources or references for such data.[87] MCI suggests that to avoid confusion either a general or specific reference to Part 68 in the tariffs should be required.[88] SNETCO states that tariffs should only reference physical, technical, and operational aspects of interconnection.[89]

B. Discussion

84. In the *Notice*, we noted that a variety of federal tariff-related interconnection policies governing ECs have traditionally been manifested in AT&T's interstate tariffs, to which all ECs concurred for the joint provision of interstate service. However, as competition for interstate service continues to evolve, such a pattern of concurrence may no longer be common. To prevent confusion to the public, we proposed that the ECs' interconnection practices be reflected in their interstate exchange access tariffs, noting that such a requirement would impose minimal (if any) burden on such carriers, as they were obliged to file (or to concur in) access tariffs in any event.

85. Our proposals in this area were necessary because it was unclear whether any EC tariffs (or tariffs in which ECs would concur) for interstate service would continue to manifest these carriers' interconnection practices pursuant to our long-standing interconnection orders. Since that time, however, the ECs have implemented our proposals and have included (or referenced) in their interstate exchange access tariffs language comparable to the interconnection-related language in AT&T's pre-divestiture interstate tariffs. Thus, this is not a controversial matter. But, to ensure that there is no confusion in the future, we shall make final our tentative conclusion in the *Notice* that ECs' interconnection practices, as prescribed by this Commission, must be reflected in their interstate exchange access tariffs.[90]

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[81] DOJ Comments at 31, 34, 35.

[82] AT&T, ECSA, Mid-Rivers Telephone Corp., North Pittsburgh Telco, Telephone and Data Systems, Inc. DOJ, USTA, ICA, PSC of Wisconsin, Secretary of Defense.

[83] See *Notice*, 94 FCC 2d at 321–322.

[84] Letter from Assistant Attorney General, Antitrust Division, U.S. Department of Justice, to Manager, National Communications System, dated June 1, 1983.

[85] While we today provide a framework for NSEP planning, we are not now specifying in detail the types of planning that will be required, nor the voluntary and regulatory administrative and other mechanisms that may prove necessary to carry out such planning. We will leave the development of resolution of such issues, in the first instance, to the NCM planning group we approve in this Order. *See Notice*, 94 FCC 2d at 299.

[86] AT&T Comments at 58.

[87] PSC of Wisconsin, Southern New England Telephone Co. (SNETCO), AT&T, Rural Telephone Coalition.

[88] MCI Comments at 19.

[89] SNETCO Comments at 7.

[90] *See* also, Access and Divestiture Related Tariffs, 97 FCC 2d at 1111 (1984).

86. A related issue raised in the *Notice*, namely, whether we should require that the BOCs treat resellers no differently from facilities-based IXCs with respect to access number coding, has subsequently become moot. At that time, it was contemplated that 10XX coding, which is capable of supporting access to no more than 100 IXCs, would be used for access to the services of non-predesignated carriers. Since there are more than 100 resellers, the supply of available codes could have been rapidly exhausted. Since the BOCs have since revised their plans to utilize 10XXX coding and will make such codes available to resellers and facilities-based carriers alike, we do not anticipate exhaustion of access codes in the foreseeable future. Accordingly, in light of the implementation of this expanded code space, we need make no determination on this issue.

VI. Regulatory Flexibility Certification

87. In the *Notice*, we invited interested parties to comment upon our initial regulatory flexibility analysis. We stated our legal authority for taking action in this proceeding, and noted that "the policy objectives of the Regulatory Flexibility Act are also encompassed in Sections 2(b) and 203(a) of the Communications Act of 1934, the provisions of which are intended to relieve many small telephone companies from various reporting and other requirements established in the Communications Act."

88. We hereby certify that the Regulatory Flexibility Act is not applicable to small telephone companies, as defined, because they are monopolies in their own service areas. The Act incorporates the definition of a "small business" in Section 3 of the Small Business Act as the definition of a "small entity." The latter definition excludes any business that is dominant in its field of operation. ECs, even small ones, enjoy a dominant monopoly position in their local service area. Moreover, the actions we are taking in this proceeding with respect to (a) the implementation of equal access, and (b) the modification of tariffs to reflect equal access interconnection, are designed that the interests of small telephone companies are protected—by recognizing their unique financial status *vis a vis* that of the BOCs and the larger independent telephone holding companies.

VII. Ordering Clauses

89. Accordingly, it is ordered That, pursuant to Sections 4(i), 4(j), 201–205, 213, 218, 220, and 403 of the Communications Act of 1934, 47 U.S.C. § § 154(i), 154(j), 201–205, 213, 218, 220, and 403, the policies, rules, and requirements set forth herein are adopted.

90. It is further ordered, That the Secretary shall cause this Order to be published in the **Federal Register**.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 85–9532 Filed 4–18–85; 8:45 am]

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47 CFR Part 67

Interpretation Letter Regarding Jurisdictional Separations

AGENCY: Federal Communications Commission.

ACTION: Interpretation Letter.

SUMMARY: Under delegated authority, the Common Carrier Bureau, in response to a request by New England Telephone has provided an interpretation of Part 67 of the FCC Rules and Regulations. The issue concerns the jurisdictional separation of state income taxes and the interpretation is intended to clarify the apportionment procedures in § 67.412 of the Rules.

FOR FURTHER INFORMATION CONTACT: Arthur S. Leahy, Common Carrier Bureau, (202) 634–1743.

William J. Tricarico,

Secretary, Federal Communications Commission.

April 9, 1985.

Mr. James E. Riley,
Division Manager, Depreciation and Separations, New England Telephone, 99 High Street, Room 1004, Boston, Massachusetts 02110

Dear Mr. Riley: This letter is in response to your letter of March 8, 1985 in which you requested clarification of section 67.412 of the *FCC Rules and Regulations*. Specifically, you requested information regarding the proper allocation of the state income tax (SIT).

Paragraph 67.412(d) of the *FCC Rules and Regulations* indicates that the net income tax attributable to all operations is to be apportioned among the operations on the basis of the approximate net taxable income applicable to each of the operations. As noted in your letter, New England Telephone has historically interpreted "operations" to mean Company rather than state specific operations, whereas the May 30, 1984, decision of the Maine Public Utility Commission interprets the word "operations" to mean Maine operations only.

The Maine PUC proposed method of allocating SIT to interstate would require that the New England Telephone Company continue to use company taxable income allocated to Maine as the basis for SIT, but apportion the tax to interstate on the basis of net taxable income applicable to each of the operations specific to Maine. We concur with the Maine PUC interpretation of section 67.412 of the Separations Manual. In section 67.412 the word "operations" is interpreted to mean state specific operations rather than company operations in order to be consistent with the method used in calculating SIT. Since the SIT is a directly assignable cost, it can be used for allocation in the separations process. In contrast, the method of allocating SIT that has been employed by New England Telephone fails to make use of the prior estimate of the Maine SIT cost. The attachment to this letter shows the jurisdictional allocation procedure for SIT proposed by the Maine PUC and with which we concur.

We do not anticipate any significant impact on telephone rates as a result of using the Maine PUC alternative method of allocating SIT to interstate. The New England Telephone submission indicates that the use of the alternative method would result in a $.4 million increase in interstate expense in the state of Maine based upon 1984 data. In addition, the proposed alternative method would result in a $1 million increase in interstate expense for the state of New Hampshire. These increases would be more than offset by the indicated $1.8 million decrease in interstate expense for the state of Massachusetts.

If you have any questions concerning this response, please contact Arthur Leahy on (202) 634–1743.

Sincerely,

Gerald P. Vaughan

Chief, Accounting and Audits Division.

Attachment.—Maine PUC Proposed Method of Allocating SIT to Interstate

Maine Interstate Taxable Income
  divided by
Maine Total Taxable Income
  equals
Interstate Allocation Ratio
  ×
SIT
  equals
SIT Allocated to Interstate

[FR Doc. 85–9527 Filed 4–18–85; 8:45 am]

BILLING CODE 6712–01–M

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47 CFR Part 73

Implementation of BC Docket No. 80–90 To Increase the Availability of FM Broadcast Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action adds a new attribute under the comparative hearing criterion of securing the best practicable service which would enhance the "integration" proposal of daytime-only AM licensees that apply for FM

channels in the same community. This daytimer enhancement credit would be equal to the "merit" enhancement value given for local residence or minority ownership. Also in this action we announce a procedure for accepting applications for the recent 689 FM channel allotments and for opening up the FM Table of Allotments for new petitions.

EFFECTIVE DATE: May 20, 1985.

FOR FURTHER INFORMATION CONTACT: Robert Branson, Mass Media Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Second Report and Order

In the Matter of Implementation of BC Docket No. 80-90 to Increase the Availability of FM Broadcast Assignments (MM Docket No. 84-231).

Adopted: March 14, 1985.
Released: April 12, 1985.

By the Commission: Chairman Fowler issuing a separate statement; Commissioner Rivera dissenting and issuing a statement at a later date.

I. Introduction

1. Before the Commission for consideration are three matters not addressed in the *First Report and Order*, 50 FR 3514, published January 25, 1985, in this proceeding. The *Notice of Proposed Rule Making ("Notice")*, 49 FR 11214, published March 26, 1984, solicited comments on several proposals designed to aid daytime-only AM licensees in obtaining FM broadcast stations in their principal community of license. In response to the Notice, the Commission received in excess of 150 comments on these proposals.[1] Also in this document, we set forth the system by which we will begin to accept applications for the 689 recently alloted channels. Finally, we announce herein that new FM petitions to amend the FM Table of Allotments can now be filed.

[1] A "Petition for Bifurcation and Expedited Action" was also filed on behalf of the Gene Sudduth Company, Inc. ("Sudduth"). Various parties filed in support and in opposition to this petition. Sudduth requsted that the Commission separate the question of a preference for daytime-only licensees from the proceeding implementing Docket 80-90 and consider it on an expedited basis. In addition, Sudduth argued that a preference should be granted to all daytime-only licensees and not solely to those in the omnibus proceeding. With respect to Sudduth's request that this matter be handled in an expedited manner, our action in this proceeding makes that portion of the petition moot. We have determined, however, that based on the comments filed, special consideration should be applied in all future FM comparative proceedings as noted in paragraph 20.

II. Background

2. The National Telecommunications and Information Administration ("NTIA") in a 1981 petition for rule making proposed that the Commission seek ways to aid daytime-only AM licensees. Subsequently, the Commission issued the *Notice of Inquiry and Notice of Proposed Rule Making* in BC Docket No. 82-538, 47 FR 38937, published September 3, 1982. The Commission, therein, considered a broad range of problems faced by the daytime-only AM licensee. Included in the *Notice of Inquiry* portion of that proceeding was the proposal to grant a comparative preference to these licensees. While the *Notice of Inquiry* portion was pending, the Commission began the first steps towards implementation of Docket 80-90. The Commission proposed that many of the new FM allotments be placed in communities presently served exclusively by daytime-only AM licensees.

3. In addition, because of our continuing concern for the limitations of daytime-only operations and our recognition that many daytime-only licensees have a long history of outstanding service to their community of license, we believed it appropriate to inquire in this proceeding as to whether some form of aid should be granted the daytime-only licensee applying for an FM channel in its community of license. In particular, we requested specific comments on the type of aid that could be provided to the daytime-only licensee in the comparative process.[2]

III. Comments

4. The majority of the parties filed comments in support of granting some form of aid to daytime-only broadcasters. Although two forms of possible assistance were suggested, the majority of the comments focused on the desirability of granting a preference to daytime-only AM licensees.[3] The parties disagreed, however, as to the nature and the limitations which should be placed on such a preference.

5. In support of a preference for daytime-only AM licensees, commenters assert that often daytime-only licensees have been the only source of programming to serve the special needs of their respective communities. Specifically, they point out that residents of smaller communities must rely on their local daytime-only broadcaster for information about local weather conditions, school closings, government actions, and other items of local interest. Commenters argue that the daytime-only licensees have provided this information in spite of the service constraints associated with daytime-only operation. Citing imposed restrictions on hours and broadcast conditions, commenters assert that daytime-only licensees often cannot provide adequate service to their communities of license. Moreover, commenters point out that these same restrictions cut into station revenues by precluding stations from offering service during prime portions of the broadcast day, such as drive times.

6. Commenters argue that if the Commission does not grant a comparative preference to daytime-only licensees, this will have the unintended effect of eliminating the experienced broadcaster in favor of the untested new applicant. These commenters assert that with the introduction of a superior, full-time, FM facility the daytime-only station could be forced out of business. In this connection, commenters note that many of the smaller markets could be expected to have difficulty supporting additional broadcast outlets. Similarly, other commenters contend that the daytime-only licensee might be forced to choose between going out of business and selling his facilities to the new FM licensee, leaving the community with only one voice. Such a result, it is alleged, would be inequitable in light of the daytime-only licensee's history of service to the community and accompanying financial sacrifice. Consequently, it is asserted that there would be no net increase in diversity in the affected community if the new broadcaster wins in the comparative hearing.

7. While the majority of the parties suggested that the Commission grant a substantial preference, most have differing opinions as to its nature and limits. One group proposed that the value of the preference be similar to that which is given in the comparative hearing for 100% ownership integration. Other parties contend that it should be akin to the "renewal expectancy" granted incumbents in comparative renewal proceedings. Under this plan the daytime-only licensee would have to demonstrate that it had provided "substantial" service to its community of license in order to receive a preference.

8. Some commenters express their concerns that, if daytime-only licensees receive some form of preference, it could

[2] *See Policy Statement on Comparative Hearings*, 1 FCC 2d 393 (1965).

[3] Although some parties proposed that the preference also be awarded to full-time AM licensees, we do not believe that the same policy justifications would support such a preference.

undercut the Commission's policy of increasing the number of minority broadcasters. These parties allege that grant of too great a preference could foreclose opportunities for minority broadcasters to obtain these new FM allotments in their communities. Specifically, the National Association of Black Owned Broadcasters, Inc. ("NABOB"), while generally supportive of a preference, suggests that the preference be weighted such that non-minority daytime-only licensees would not be preferred over minority applicants. Similarly, the National Black Media Coalition ("NBMC") contends that daytime-only licensees should not be granted preferred status for the new FM allotments which would otherwise have been granted to minorities.

9. Although the *Notice* stated that the proposed preference would only be available in the community of license, many commenters nonetheless suggested alternatives. These commenters suggested that a preference should be granted to daytime-only licensees even if the new FM allotment is not precisely in the same community as the daytime-only station. Specifically, the National Association of Broadcasters ("NAB"), Marion Broadcasting Company ("Marion") and Wilson-Howard-Broyles Broadcasting ("WHB") propose that the Commission grant a preference to daytime-only licensees whenever the 1 mV/m contour of the existing daytime-only station and the proposed new FM station would overlap. Likewise, the Daytime Broadcasters Association ("DBA") contends that whenever the FM station would substantially overlap the service area of the existing daytime-only facility, the daytime-only licensee should be awarded a preference.

10. Those parties supporting a preference are also divided as to whether divestiture should be a prerequisite. Commenters opposed to a divestiture requirement argue that the public interest could best be served through allowance of the AM–FM combinations. NAB asserts that the Commission has in the past acknowledged the benefits to be derived from such combinations. Other commenters note that the Commission has recently determined that existing licensees might acquire new facilities in their community of license without a divestiture requirement.[4] DBA points out that the Commission has declined to consider a proposal that AM–FM combinations be broken-up.

[4] *Citing Multiple Ownership of AM and FM Stations*, 51 RR 2d 449 (1982).

Accordingly, these parties assert that requiring divestiture in this proceeding would be inconsistent with the Commission's prior pronouncements and discriminatory to daytime-only licensees.

11. Opponents of a divestiture requirement further contend that many smaller markets can support only one broadcast facility. In such markets, commenters argue that the introduction of a superior full-time FM station could soon lead to the financial demise of the daytime-only station. When the daytime-only licensee attempts to sell the station in a community with a superior FM station, commenters contend that the daytime-only licensee could be forced into a "distress sale" posture. Instead of requiring divestiture and eventually losing an experienced daytime-only licensee, these commenters suggest that the Commission consider the benefits to be derived from joint ownership. In those communities that are too small to support two facilities, commenters indicate that an AM–FM combination could share certain resources, such as studio facilities and staff. Commenters point out that this in turn would result in the availability of additional resources which could be devoted to programming to serve the needs of their communities. Moreover, commenters contend that in the smaller communities the revenues generated from the existing daytime-only station could be used to cover the start-up costs of the new FM station and to support the FM facility during its initial operating period.

12. The commenters supporting a divestiture requirement point out that, under existing Commission policy, a daytime-only licensee can avoid a diversity demerit in the comparative hearing by pledging to divest its AM daytime-only facility.[5] Because divestiture of the daytime-only facility would not represent a significant change in Commission policy, these commenters are not opposed to such a prerequisite. Moreover, these parties suggest that divestiture would assure that the Commission's policy towards media diversity would be thwarted by having the same licensee owning both an AM and FM facility.

IV. Discussion

A. Comparative Merit for Daytimers

13. After careful consideration of the record in this proceeding, we conclude that it is in the public interest to afford some form of special consideration to daytime-only licensees when they apply for FM allotments in their community of license. This conclusion is based on several factors. First, daytimers represent a unique class of broadcast licensees. They alone are restricted to operate essentially from sunrise to sunset. Thus, daytimers and their respective communities do not receive the benefit of nighttime operations from daytime-only stations. In addition, daytime-only stations cannot take advantage of potential nighttime revenue to support their operations. Further, although the Commission has a strong policy to improve the ability of these licensees to obtain expanded service, the requirements of other types of AM stations, *e.g.* Class I and III stations, place a technical limit on the amount of relief that can be provided. We believe that the operation of daytime-only stations in the public interest by licensees, despite the above limitations, provides a strong indication that they will operate an FM station in the same community in a manner that will further the public interest. Moreover, positive recognition of the efforts of these licensees in operating limited facilities encourages all licensees to maximize the provision of service to the public, notwithstanding the nature of any obstacles attendant to such operations.

14. As many commenters noted, it was often daytime-only licensees who pioneered radio broadcast service in their communities. However, these licensees have always been subject to the limitation that they cannot operate at night. In a number of communities this limitation has deprived the community of any local nighttime service. It also follows that because daytime-only stations essentially are restricted to daytime hours of operation, the facilities must be supported without the aid of a nighttime revenue base. No other type of AM station is limited in this manner. Furthermore, many daytime-only stations are still unable to reap the full economic benefits that could be derived from operating during peak broadcast hours of high listenership, *e.g.* evening "drive-time" (4:00 to 6:00 p.m.) during the months of December and January when Christmas and New Year's advertising revenue is critical. Some of these licensees are required to sign-off as early as 4:15 or 4:30 p.m. during these months, while others are limited to post-sunset operation with powers significantly less than their authorized daytime power levels.

15. In recognition of the above problems, the Commission initiated a rule making proceeding in September of

[5] *See Alexander S. Klein, Jr.*, 49 RR 2d 606 (1981).

1982 to explore various alternatives for expanding the capability of daytime-only stations to operate beyond their present limitations.[6] A *Report and Order* was issued in September of 1983 permitting greater pre-sunrise flexibility and authorizing, for the first time, post-sunset operations.[7] In April of 1984, we released a *Memorandum Opinion and Order*,[8] on reconsideration, which, *inter alia*, gave further post-sunset relief to daytime-only stations operating on foreign clear channels. Finally, in December of 1984, we resolved the issue of affording additional post-sunset relief to daytime-only stations operating on regional channels.[9] These actions reflect our high degree of sensitivity to the predicament faced by daytime-only licensees in attempting to expand service to their communities.[10] However, at best, our actions afforded only moderate assistance to these licensees. In this regard, it was apparent that additional technical relief could be provided only at the risk of creating significant interference to the service requirements of other types of AM stations, such as Class I and III stations.

16. In view of all of the foregoing, it appears that the most viable option for addressing our concerns in this area is to grant special consideration to daytime-only licensees when they apply for new FM stations in their community of license. The comparative hearing process is the desirable vehicle for accomplishing this objective. Before discussing the methodology for applying any special comparative consideration to the subject licensees, we will briefly review the existing comparative hearing standards.

17. The Commission's 1965 *Policy Statement on Comparative Broadcast Hearings*, 1 FCC 2d 393 (1965), sets forth the criteria for choosing among qualified new applicants for the same broadcast facility. These criteria include: (1) Diversification of control of the media of mass communications; (2) full-time participation in station operation by owners (also characterized as securing the best practicable service); (3) proposed program service; (4) past broadcast record; (5) efficient use of the frequency; (6) other factors.[11] *Id.* at 394–399. The two primary criteria in comparative hearings are diversification and securing the best practicable service. *Id.* at 394.

18. Diversification is a comparative factor which involves a consideration of common control and less than controlling interests in other broadcast stations. Diversification is considered to be of primary significance and can lead to a predominant comparative preference or demerit. The ultimate weight given to this factor depends on the degree of ownership interest in other stations or media and the proximity of other stations or media to the community of the proposed station. *Id.* at 394–395.

19. The second comparative criterion, securing the best practicable service, is a factor of substantial importance and can lead to a significant preference depending on the extent to which there is full-time participation in station operations by owners. Moreover, the value of a preference for integration of ownership and management can be enhanced by attributes of the participating owners such as local residence, past participation in civic affairs, previous broadcast experience and minority ownership.[12] The rationale for allowing these attributes to enhance an integration proposal is that they increase the likelihood of securing the best practicable service. For example, "participation in station affairs . . . by a local resident indicates a likelihood of continuing knowledge of changing local interests and needs." *Id.* at 396.

20. We believe that affording comparative credit to daytime-only licensees who apply for new FM channels in their community of license also increases the likelihood of securing the best practicable service. As indicated previously, daytimers have operated their facilities in the public interest in an environment with serious limitations (see paragraphs 14–15 above). Thus, we believe there is an especially strong likelihood that they will operate a full-time FM facility in the same community in a manner which furthers the public interest. Moreover, awarding special comparative consideration to daytimers serves as an incentive to licensees in general that operation of facilities in the public interest, notwithstanding the difficulties encountered, can lead to certain added benefits. In view of the foregoing, we have decided to consider prior daytime ownership/management experience in an upgraded manner under the general comparative criterion of securing the best practicable service. Specifically, where the broadcast experience of an applicant is based on previous substantial participation in management of a daytime-only station owned by the applicant in the same community as the proposed FM station, we shall upgrade the value of broadcast experience as an integration enhancement so that it will be equal to the enhancement value of local residence or minority ownership. Where the applicant's broadcast experience does not meet these requirements, the comparative weight to be given broadcast experience will be less than local residence or minority ownership as indicated in note 12, *supra*. This new policy shall apply to all future comparative proceedings involving new FM applications filed, but not yet designated for hearing, as of the effective date of this order.[13]

21. However, to receive any such additional credit, the daytime-only licensee/applicant must have owned the daytime-only station for three continuous years prior to designation of the FM application for hearing. The applicant also must propose to be integrated in the operation of the FM station.[14] In addition, the application must be for an FM channel in the same community as the daytime-only station's community of license. These conditions are designed to assure that the benefits relied on in giving special consideration to daytime-only licensees are realized.

22. Having determined that daytime-only ownership/broadcast experience should be entitled to comparative enhancement, we next address whether divestiture of the daytime-only station in the same community as the proposed

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[6] *Notice of Proposed Rule Making and Notice of Inquiry*, 47 FR 38937 (1982).

[7] 48 FR 42944 (1983).

[8] 49 FR 17942 (1984).

[9] 49 FR 48046 (1984).

[10] It is also noted that a number of recent Congressional initiatives have focused on this matter. *See for example*, S 880, 98th Cong., 1st Sess. (1983), S. Rep. No. 98–165, 98th Cong., 1st Sess. (1983); H.R. 1589, 98th Cong., 1st Sess. (1983); H.R. 2385, 98th Cong., 1st Sess. (1983); H.R. 6129, 97th Cong., 2nd Sess. (1982); and H.R. 6308, 97th Cong. 2nd Sess. (1982).

[11] "Other factors" can include examination of additional relevant and substantial matters. *Id.* at 394.

[12] Equal weight is given to local residence and minority ownership. Past participation in civic affairs and broadcast experience are accorded less weight than either local residence or minority ownership. *See Radio Jonesboro, Inc.*, FCC 85305, ——FCC 2d ——.

[13] We believe that this represents an appropriate cut-off point. Applicants participating in a hearing, or post-hearing process, as of the effective date of this order, have expended significant time and funds in reliance on the existing comparative standards. Moreover, reopening these hearing proceedings would impose significant administrative costs on the Commission and delay service to the public. Therefore, in this particular circumstance, we will exercise our broad discretionary powers and limit application of the new policy as indicated above.

[14] As is the case with all current integration enhancement credits, the extent to which an applicant must be integrated before receiving upgraded broadcast experience credit will be determined by existing integration standards as enunciated in the *Comparative Policy Statement*, 1 FCC 2d at 395–396, and pertinent cases subsequent thereto.

FM station should be required. Based on our review of the record, Commission policy, case precedent and our continuing concern in the area of media diversity, we are persuaded that daytimers, who choose to take advantage of the upgraded comparative credit for daytime-only ownership/broadcast experience, should be required to divest themselves of the daytime-only station. Absent a divestiture requirement, daytimers would receive a double benefit and the public would be deprived of an opportunity to add another diverse voice to the community. We do not believe that such a result would best further the public interest.[15]

23. Given the above, a daytimer seeking additional comparative credit must pledge to divest itself of the daytime-only station within three years from the commencement date of program test authorization for the new FM station. This divestiture pledge must be made by the daytimer within 30 days after designation of its FM application for hearing.[16] If an applicant fails to make the required divestiture pledge, it will receive no special credit [17] for broadcast experience obtained while owning a daytime-only station.[18]

B. Application Process

24. In the *Notice of Proposed Rule Making*, we proposed to "phase-in" new FM stations by "staggering" the effective dates of the new channel allotments. Therein, we stated "[t]he order of availability could be based on any of several factors including: (1) Geographic region, by states; (2) alphabetical, by communities; (3) largest communities, by population; (4) channel number (221–300)."

25. Comments received in response to the "staggered" approach were varied. A majority expressed a preference for any of number of random procedures for accepting applications. Fewer than half recommended that we employ a system of priorities based on the community's need for new or additional service.

26. In determining a reasonable process by which applications will be accepted for the new channels, we considered two overriding factors. First, the procedure ultimately must provide an equitable and orderly method for the filing of applications by interested parties. Second, the procedure must provide an orderly method for the processing of applications by the Commission staff. We are satisfied that a process of accepting applications by random selection of channel number will accomplish these ends. Such a scheme will ensure that all communities, states, and geographic regions of the country in which new channels have been allocated will receive fair and equal treatment. Such a procedure will also allow the Commission staff to manage the flow of applications as the new channels become available for filing.

27. In a separate action today, we are adopting new rules regarding filing procedures. *See Report and Order*, MM Docket 84–750. By this action, we will apply those rules to the allotments made in the *First Report and Order, supra* in this proceeding. The Commission will *randomly* assign to each of the 80 commercial FM channels (221–300) a corresponding number (1–80) representing the order in which applications for each channel will be accepted for filing. These channels will not become effective and applications for them will not be accepted prior to the applicable pre-announced "window" period for each channel. In the near future, the Commission will issue a public notice announcing the date on which we will conduct a random selection to determine the order in which applications for each channel will be accepted for filing. Subsequently, we will issue a public notice identifying the specific order in which we will accept such applications.

28. We may, during the course of implementing the allotments made available in the *First Report and Order*, Docket 84–231, further amend § 73.202(b) of the Commission's Rules, the FM Table of Allotments, to add additional channels through appropriate rule making proceedings. Such new allotments will become available for application as they are made, also utilizing the "window" procedure.

29. Mutually exclusive applications will be designated for a comparative hearing. If, at a later date, we decide to revise the nature of the hearing due to changed circumstances, appropriate notice will accompany announcements of filing "windows" indicating to applicants when they file the nature of the selection process to which they will be subjected. However, when it is announced that applications for a particular community are to be received and processed through a comparative process we will not alter that procedure for that community in "mid-stream."

C. Multiple Applications

30. The law firm of Haley, Bader & Potts filed a request to clarify the terms under which applicants will be permitted to file multiple applications for new FM facilities. The law firm of Lukas, O'Brien & Raiser, Chartered, filed supporting comments. The issue arises from the provision of § 73.3555(d) of the Commission's Rules which generally restricts a party from holding a cognizable interest in more than twelve FM stations.[19]

31. Section 73.3518 of the Commission's Rules proscribes the filing of inconsistent or conflicting applications by, or on behalf of, or for the benefit of the same applicant. We have heretofore stated that "Section 73.3518 was promulgated because of concern that processing and hearing applications which cannot all be granted because of the limits of the multiple ownership rules may waste the Commission's resources, unfairly prejudice other applicants, and delay service to the public." *William H. Hernstadt*, 56 RR 2d 948, 949 (1984). We believe the policy underlying § 73.3518, as applied in *Storer Broadcasting Co.*, 43 FCC 1254 (1953), and *D.H. Overmyer Communications Co.*, 45 FCC 2272 (1965), is sound. That is, applicants should not be permitted to "flood the Commission's processing line and hearing docket with multiple

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[15] We recognize the position of some of the commenting parties that divestiture appears to be inconsistent with our recent action which declined to proscribe AM/FM combinations. *Multiple Ownership of AM/FM Stations*, 51 RR 2d 449 (1982). Yet, in that proceeding, we clearly indicated that a non-licensee who filed a mutually-exclusive application for an FM station against an existing AM licensee would have an advantage under the diversification criterion of the standard comparative issue. *Id.* at 551. Our action herein requiring divestiture is thus fully consistent with our 1982 AM/FM decision.

[16] Any daytimer who makes such a pledge will not be assessed a diversification demerit for owning the daytime-only station.

[17] Failure to pledge divestiture will thus mean that the applicant's broadcast experience will be less in weight than the local residence or minority ownership comparative factors.

[18] If a daytimer fails to qualify for upgraded broadcast experience credit because it does not meet the criteria in paragraphs 20–23, above, it still can pledge to divest itself of the daytime-only station and avoid a diversification demerit for that station. In fact, Commission policy permitted such actions prior to initiation of this proceeding. However, in those situations, divestiture was required to be made prior to the grant of program test authority for the new station. Henceforth, *all* daytimers, who pledge, or have already pledged, to divest a daytime-only station, will have three years from the grant of program test authority to carry out such divestiture.

[19] *See Report and Order* in Gen. Docket No. 83–1009, FCC 84–350 (released August 3, 1984), *appeal docketed sub nom. Black Citizens for a Fair Media v. FCC*, No. 84–1503 (D.C. Cir. filed Oct. 9, 1984). In the *Memorandum Opinion and Order* in Gen. Docket No. 83–1009, FCC 84–638 (released February 1, 1985), the Commission on reconsideration determined that group owners could own up to a maximum of fourteen FM stations provided, however, that no more than twelve stations are controlled by persons which are not members of a minority group.

applications many of which could not be granted under our multiple ownership rules. Such multiple applications, if entitled to consideration, would delay the processing of applications which would otherwise be granted." *Storer Broadcasting Co. supra*, at 1256.

32. Accordingly, we shall regard §73.3555(d) as establishing the maximum number of applications acceptable for filing by an applicant. Any application tendered in excess of this limit shall be considered inconsistent with §73.3518 and returned as unacceptable for filing. In this regard, we note that stations in which the applicant currently holds a cognizable ownership interest would be taken into account in determining the maximum number of acceptable applications. Our decision in this regard "is essential from the point of view of the just administration of broadcast applications and fairness to all other applicants seeking the establishment of broadcast services. * * *" *Id.*

33. Finally, the Commission anticipates the possibility that a large number of applications may be filed in response to this omnibus rule making. Thus, in order to expedite the processing of applications, the Commission strongly encourages applicants who are required to file FAA Form 7460–1 [20] with the Federal Aviation Administration to do so at the earliest available time.

D. Acceptance of New FM Petitions

34. The Commission announced by Public Notice of December 9, 1983 that it would not accept petitions for new FM channel allotments during the pendency of this proceeding. With this *Second Report and Order* we shall open up the FM Table of Allotments for amendment. New petitions shall have no restriction as to a category of need or other such limitation as had been applied in this docket. As previously required, the petition must contain a technical study demonstrating compliance with the minimum spacing requirements.[21] *See* § 1.401 et seq. of the Commission's Rules for other filing requirements.

35. It is ordered, that the Secretary shall cause this *Report and Order* to be printed in the FCC Reports.

36. It is further ordered, that this action is effective May 20, 1985.

[20] Notice of Proposed Construction or Alteration.

[21] The technical study should be based on the rule amendments made in Docket 80–90 as to distance separations including a 16 kilometer buffer for Class C stations below minimum facilities which is in effect until March 1, 1987.

37. Authority for this action is contained in Sections 4(i), 303(g) and (r) of the Communications Act of 1934, as amended.

38. For further information call Robert E. Branson (Legal Branch) (202) 632–7792 on the matter of daytime stations or Gary Schonman (FM Branch) (202) 632–8755 on the filing of applications.

(Secs. 4, 303, 48 stat., as amended, 1066, 1082; 47 U.S.C. 154, 303).

Federal Communications Commission.

William J. Tricarico,

Secretary.

March 14, 1985.

Statement of Chairman Mark S. Fowler

RE: Implementation of Docket 80–90

Today we are taking a major step forward in providing more choice for the American public—making this country more "radio active", in the best sense of those words. When this proceeding began, there were some who felt that the FCC could not arrive at a sound way to engineer in these additional stations.

Once the process for adding stations to the table of allocations was made, we faced the difficult task of deciding what criteria to apply in the comparative process. The choices that confront policy makers in 1985 differ considerably from those before the agency in 1935 or even 1965. Today's decision is our best effort to accommodate the criteria that seem to us most important and relevant in the licensing of stations.

I believe that when all the comparative hearings are over, we will see a leap in the number of minority owned FM facilities. And we have allowed AM daytimers to compete and upgrade their positions in their markets—a sort of "Make My Daytimers" weighting process. Minorities and daytimers are both significant groups to consider in the licensing process, and I think we have sensibly blended these interests in developing the criteria for the comparative process.

But the real purpose of today's order is not to benefit any class of potential licensees or to discourage anyone from applying. The business at hand is the public's interest in program choice and diversity. And on that measure, Docket 80–90 gets a score of 100.

[FR Doc. 85–9521 Filed 4–18–85; 8:45 am]

BILLING CODE 6712–01–M

47 CFR Part 95

Amendment of the Technical Regulations for the Personal Radio Services To Clarify the Conditions Under Which Certain Emissions Are Permissible

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document clarifies the technical regulations for the Personal Radio Services by stating the limitations on certain emission types. This action is necessary to remove an ambiguity which exists in the present rule. The effect of this amendment is to make clear that tone signaling in the General Mobile Radio Service and the Citizen Band Radio Service may be used only to establish or continue voice communications.

EFFECTIVE DATE: May 1, 1985.

FOR FURTHER INFORMATION CONTACT: Maurice J. DePont, Private Radio Bureau, Washington, D.C. 20554, (202) 632–4964.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 95

Communications equipment, Radio.

Order

In the matter of Amendment of § 95.627 of the Personal Radio Services Rules.

Adopted: April 8, 1985
Released: April 11, 1985

1. Section 95.627 (a) and (c) of Subpart E, Technical Regulations, Personal Radio Services, specifies the emission types that General Mobile Radio Service and Citizen Band transmitters may employ. In order to make clear that those transmitters may only use tone signaling to establish or continue voice communications, it is desirable to specifically state that limitation in the technical regulations.

2. Because this amendment which clarifies our rules is non-substantive, the notice and comment provisions as well as the effective date requirements of the Administrative Procedure Act are inapplicable.

3. Authority for this action is contained in Sections 4(i) and 303(r) of the Communications Act of 1934, as amended, and Section 0.231(d) of the Commission's Rules.

4. Accordingly, it is ordered, That § 95.627 of the Commission's Rules is amended as set forth in the Appendix.

5. The effective date of this rule amendment is May 1, 1985.

(Secs. 4, 303, 48 stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Edward J. Minkel,

Managing Director.

Appendix

PART 95—[AMENDED]

Part 95 of Chapter I of Title 47 of the Code of Federal Regulations is amended, as follows:

Section 95.627 (a) and (c) is revised to read, as follows:

§ 95.627 Emission types.

(a) A GMRS transmitter may employ only the following type emissions:

A1D, H1D, R1D, J1D,, G1D, F1D (See § 95.181 (g) and (h) of this chapter which limits selective calling tones and tone-operated squelch to establishing or continuing voice communications.) A3E, H3E, R3E, J3E, G3E, F3E

* * * * *

(c) A CB transmitter may employ only the following type emissions:

A1D, H1D, R1D, J1D (See § 95.412 (b) and (c) of this chapter which limits selective calling tones and tone-operated squelch to establishing or continuing voice communications.) A3E, H3E, R3E, J3E

(d) * * *

[FR Doc. 85-9526 Filed 4-18-85; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Final Rule To Determine Goetzea elegans (Beautiful Goetzea) as an Endangered Species

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: The U.S. Fish and Wildlife Service determines a plant, *Goetzea elegans* (beautiful goetzea, matabuey, manzanilla) to be an endangered species. This plant is only found in the semi-evergreen seasonal forests that occur on limestone in northern Puerto Rico. Fewer than 50 plants are known to exist, some on land managed by the Government of the Commonwealth of Puerto Rico and the others on privately owned land. The continued existence of this species is endangered by possible road straightening and widening, periodic trimming of roadside vegetation, potential limestone mining, cattle management practices, and a proposed amusement park complex. This final rule will implement the protection provided by the Endangered Species Act of 1973, as amended, for *Goetzea elegans*.

DATE: The effective date of this rule is May 20, 1985.

ADDRESSES: The complete file for this rule is available for inspection, by appointment, during normal business hours at the U.S. Fish and Wildlife Service, Banco de Ponce Building, Dr. Basora and Méndez Vigo Streets, P.O. Box 3005—Marina Station, Mayagüez, Puerto Rico 00709, and at the Service's Regional Office, Richard B. Russell Federal Building, Room 1282, 75 Spring Street, SW., Atlanta, Georgia 30303.

FOR FURTHER INFORMATION CONTACT: Mr. Robert T. Pace at the above Mayagüez address (809/833-5760) or Mr. Richard P. Ingram at the above Atlanta Regional Office address (404/221-3583 or FTS 242-3583).

SUPPLEMENTARY INFORMATION:

Background

The genus *Goetzea*, usually referred to the family Solanaceae (which includes nightshade, white potato, and tomato), also has been segregated with four other small genera into a distinct family of its own, the Goetzeaceae (Willis, 1973). The only other representative of the genus, *G. ekmanii* from the island of Hispaniola, is thought to be no longer extant in the Dominican Republic (Vivaldi *et al.*, 1981).

Goetzea elegans was first collected in Puerto Rico in 1827 by Heinrich Wydler; it was found growing along a hedge composed mostly of a large bromeliad species. Wydler (1830) did not give the exact locality when he described the species and named the genus to honor the German theologian J.E. Goetze, but the type locality is believed to have been Quebradillas. Quebradillas was noted as the source of specimens collected by Bello in 1881, along a hedge composed, in part, of *Bromelia pinguin*. Three other historic populations are now considered extirpated. These included one in the northern foothills of the Luquillo Mountains, recovered by Eggers in 1883 and by Holdridge and Gerhart in 1936; one south of Canóvanas, recorded by Vélez and Marrero between 1939 and 1950; and one in the Cambalache State Forest, recorded by Woodbury in 1975 (Vivaldi *et al.*, 1981). Two of the three known sites now occupied by *Goetzea elegans* are separated by about ¼ mile (0.4 km), and occur along the edge of a semi-evergreen seasonal forest on limestone at elevations below 656 feet (200 m) in the Guajataca Gorge area in the Municipality of Isabela (Vivaldi *et al.*, 1981). A third, recently discovered site is located 3.5 miles (5.6 km) east of the other two in a ravine in the Municipality of Quebradillas. This site contains about 30 plants, including the only plant known to have produced flowers and fruit since 1936 (J.L. Vivaldi, pers. comm.)

Goetzea elegans is an evergreen shrub or small tree up to 30 feet (9 m) tall and with stems up to 5 inches (13 cm) thick. The leaves are simple, alternate, and range up to 4 inches (10 cm) long and up to 2 inches (5 cm) wide; the upper surface is dark shiny green, and the lower surface is pale green. *Goetzea elegans* has been observed with flowers and fruits in the months of May to August. Usually a single orange flower is borne on a curved stalk in the leaf axil, and there may be several terminal flowers. The flowers are symmetrical and funnel-shaped. The fruit is one-seeded, orange, subglobose, and about ¾ inches (2 cm) in diameter.

Goetzea elegans was recommended for Federal listing by the Smithsonian Institution (Ayensu and Defillips, 1978). In August 1979, the Service contracted with Dr. José L. Vivaldi, a resident botanist of Puerto Rico, to conduct a status survey of some plants thought to be candidates for listing as endangered or threatened in Puerto Rico and the Virgin Islands. Reports and documentation resulting from this survey indicated that *Goetzea elegans* should be proposed for listing as an endangered species. On December 15, 1980, the Service published a notice in the **Federal Register** (45 FR 82479) naming those plant taxa being considered for listing as endangered or threatened species; *Goetzea elegans* was included.

In a notice published in the **Federal Register** on February 15, 1983 (48 FR 6752), the Service reported the earlier acceptance of the new taxa in the Smithsonian's 1978 book as under petition within the context of section 4(b)(3)(A) of the Act, as amended in 1982. The Service subsequently found that listing *Goetzea elegans* was warranted but precluded by other pending listing actions, in accordance with section 4(b)(3)(B)(iii) of the Act; notification of the finding was published in the January 20, 1984, **Federal Register** (49 FR 2485). An additional petition finding required in accordance with section 4(b)(3)(B)(ii) of the Act was incorporated in the proposed rule for this species. The Service proposed to list *Goetzea elegans* as an endangered species in the June 18, 1984, **Federal Register** (49 FR 24903).

Summary of Comments and Recommendations

In the June 18, 1984, proposed rule (49 FR 24903) and associated notifications, all interested parties were requested to submit factual reports or information that might contribute to the development of a final rule. Appropriate Commonwealth of Puerto Rico agencies, municipal governments, Federal agencies, scientific organizations, and other interested parties were contacted and requested to comment. A newspaper notice was published in *The San Juan Star* on July 8, 1984. Two comments were received and are discussed below. No public hearing was requested, and therefore none was held.

Mr. Clifford Pelton of the Federal Highway Administration on July 12, 1984, requested more specific information about the location of the plants to help the agency determine if any future activities might occur in the species' present habitat. The Service responded on July 17, 1984, by providing details of the species' current range.

Dr. José Vivaldi, Director of the Terrestrial Ecology Section of the Puerto Rico Department of Natural Resources in a letter dated August 6, 1984, questioned the Service's decision not to designate critical habitat as "ill-advised." The Service still considers that it is not prudent to designate critical habitat, because publication of the exact location of the plants could lead to taking or vandalism. Dr. Vivaldi also provided updated information on the numbers and locations of additional plants discovered since his status survey of 1981, upon which the proposed rule was based. This final rule has incorporated this new information.

Summary of Factors Affecting the Species

After a thorough review and consideration of all information available, the Service has determined that *Goetzea elegans* should be classified as an endangered species. Procedures found at section 4(a)(1) of the Endangered Species Act (16 U.S.C. 1531 *et seq.*) and regulations promulgated to implement the listing provisions of the Act (codified at 50 CFR Part 424, October 1, 1984, 49 FR 38900) were followed. A species may be determined to be an endangered or a threatened species due to one or more of the five factors described in section 4(a)(1). These factors and their application to *Goetzea elegans* Wydler, beautiful goetzea or matabuey, are as follows:

A. *The present or threatened destruction, modification, or curtailment of its habitat or range.* Two of the three existing sites occupied by *Goetzea elegans* are located in the Guajataca Gorge area, Municipality of Isabela. One site managed by the Commonwealth Department of Transportation and Public Works and one privately owned site are periodically cleaned and cleared of vegetation near the roadside. This results in serious habitat disturbance, which has adversely affected *Goetzea elegans* and its associated plant communities (see also factor "E" below). The roadside site now supports only one or two adult plants and about three root suckers. The privately owned site now contains only 6 plants, although in 1955 it contained over 30 adult plants. The third site in Quebradillas is a privately owned remnant of undisturbed forest surrounded by lands cleared for pasture. Any additional clear cutting to expand grazing areas could eliminate these plants.

A possible threat to these sites is road construction. In recent years, many roads have been resurfaced or widened in Puerto Rico. Some of the roads in the Guajataca area are now being repaired, straightened, or widened, including Highway Number 2. Any future projects, unless done with consideration and care, could either destroy or substantially modify habitat upon which individuals of *Goetzea elegans* depend.

A newly proposed project that may threaten the species is a recreational complex to be located nearby. The complex reportedly would include the largest amusement park in the Caribbean, with an associated resort. This project and the secondary development that would accompany it could destroy or adversely modify the species' habitat.

B. *Overutilization for commercial, recreational, scientific, or educational purposes.* Taking has not been a documented factor in the decline of this species, but could easily become so in the future. The species occurs along a road near habitations and has potential as an ornamental plant. Professional cultivation from cuttings and tissue culture is being attempted.

C. *Disease or predation.* Grazing could become a threat in the future at two of the privately owned sites, since adjacent lands are already being used as cattle pasture.

D. *The inadequacy of existing regulatory mechanisms.* The Commonwealth of Puerto Rico does not have specific legislation or rules to protect endangered or threatened plant species, although a list of vulnerable species exists. Sand extraction is regulated by Law 144, June 3, 1976, "Extracción de materiales de la corteza terrestre." However, whether this prohibition affects taking of such vulnerable species has not been tested in Commonwealth courts' interpretation; there is no established precedent.

E. *Other natural or manmade factors affecting its continued existence.* Periodic trimming of *Goetzea elegans* along the roadside during routine vegetation management for road maintenance is the most serious immediate threat to the species. Sometimes the plants are cut back to the ground. This practice has resulted in stunted growth and is probably responsible for the lack of observed flowers and fruits in recent years, as well as the lack of seedlings.

Goetzea elegans is found in three small, compact, isolated groups probably composing one population. The total number of individual plants known is less than 50. At one of the two Guajataca Gorge sites, 30 plants were counted in 1955; they have now been reduced to only 6 plants. Loss of genetic variation in the species is therefore probable. It has a very narrow ecological niche and is restricted to ravines and ledges in semi-evergreen seasonal forests on limestone. These factors make *Goetzea elegans* even more vulnerable to the threats described above.

The Service has carefully assessed the best scientific and commercial information available regarding the past, present, and future threats faced by this species in determining to make this rule final. Based on this evaluation, the preferred action is to list *Goetzea elegans* as an endangered species. With so few individuals known and the risk of damage to the plants and/or their habitat so high, endangered rather than threatened status seems an accurate assessment of the species' condition. It is not prudent to propose critical habitat because doing so would increase the risk for the species, as detailed below.

Critical Habitat

Section 4(a)(3) of the Endangered Species Act, as amended, requires that to the maximum extent prudent and determinable, the Secretary designate critical habitat at the time a species is determined to be endangered or threatened. The Service finds that designation of critical habitat for *Goetzea elegans* is not prudent for this species at this time.

As discussed under threat factor "B" above, *Goetzea elegans* is potentially threatened by collecting, an activity regulated by the Endangered Species Act with respect to plants only on lands under Federal jurisdiction; such lands

are not involved in this proposal. Publication of critical habitat localities would increase the risk of taking or vandalism, particularly at the roadside sites. The extreme vulnerability of *Goetzea elegans* to any collecting would make it quite detrimental to the survival of the species. Thus, determination of critical habitat for *Goetzea elegans* would not be prudent at this time.

Available Conservation Measures

Conservation measures provided to species listed as endangered or threatened under the Endangered Species Act include recognition, recovery actions, requirements for Federal protection, and prohibitions against certain practices. Recognition through listing encourages and results in conservation actions by other Federal, State, and private agencies, groups, and individuals. The Endangered Species Act provides for possible land acquisition and cooperation with the States and requires that recovery actions be carried out for all listed species. Such actions are initiated by the Service following listing. The protection required by Federal agencies and the prohibitions against taking are discussed, in part, below.

Section 7(a) of the Act, as amended, requires Federal agencies to evaluate their actions with respect to any species that is proposed or listed as endangered or threatened. Regulations implementing this interagency cooperation provision of the Act are codified at 50 CFR Part 402 and are now under revision (see proposal at 48 FR 29990; June 29, 1983). Section 7(a)(2) requires Federal agencies to ensure that activities they authorize, fund, or carry out are not likely to jeopardize the continued existence of a listed species or destroy or adversely modify its critical habitat. If a Federal action may affect a listed species, the responsible Federal agency must enter into formal consultation with the Service. The only potential Federal involvement known at this time is that of the Federal Highway Administration. In the event that highways are widened or resurfaced in this area, a strong commitment will be needed to protect *Goetzea elegans*. Without the protection provided by the Act, the species could be brought to extinction or its habitat substantially modified. Road designers and work crews would need to be alerted so that the plants are taken into consideration in any plans for the reconstruction of nearby roads. Such work should be done with utmost care and would require that the habitat of *Goetzea elegans* be left undamaged. It is not known whether there will be any Federal involvement in the amusement park complex proposed. Any Federal authorization, funding, or participation in this project would be subject to the provisions of section 7 discussed above.

The Act and its implementing regulations found at 50 CFR 17.61, 17.62, and 17.63 set forth a series of general trade prohibitions and exceptions that apply to all endangered plant species. With respect to *Goetzea elegans*, all trade prohibitions of section 9(a)(2) of the Act, implemented by 50 CFR 17.61, apply. These prohibitions, in part, make it illegal for any person subject to the jurisdiction of the United States to import or export, transport in interstate or foreign commerce in the course of a commercial activity, or sell or offer for sale this species in interstate or foreign commerce. Certain exceptions can apply to agents of the Service and Commonwealth conservation agencies. The Act and 50 CFR 17.62 and 17.63 also provide for the issuance of permits to carry out otherwise prohibited activities involving endangered species under certain circumstances. International trade and interstate commercial trade in *Goetzea elegans* are not known to exist, and the plant is very rare in experimental cultivation. It is anticipated that few trade permits involving plants of wild origin will ever be requested.

Section 9(a)(2)(B) of the Act, as amended in 1982, prohibits the removal and reduction to possession of endangered plant species from areas from Federal jurisdiction. The new prohibition now applies to *Goetzea elegans*. Permits for exceptions to this prohibition are available through section 10(a) of the Act, until revised regulation are promulgated to incorporate the 1982 Amendments. Proposed regulations implementing this new prohibition were published on July 8, 1983 (48 FR 31417), and it is anticipated that these will be made final following public comment. *Goetzea elegans* is not known to occur on any Federal lands at this time, so requests for taking permits are not anticipated. Requests for copies of the regulations on plants and inquiries regarding them may be addressed to the Federal Wildlife Permit Office, U.S. Fish and Wildlife Service, Washington, D.C. 20240 (703/235–1903).

National Environmental Policy Act

The Fish and Wildlife Service has determined that an Environmental Assessment, as defined by the National Environmental Policy Act of 1969, need not be prepared in connection with regulations adopted pursuant to section 4(a) of the Endangered Species Act of 1973, as amended. A notice outlining the Service's reasons for this determination was published in the **Federal Register** on October 25, 1983 (48 FR 49244).

Literature Cited

Ayensu, E.S., and R.H. DeFilipps. 1978. Endangered and Threatened Plants of the United Sates. Smithsonian Institution and World Wildlife Fund, Washington, D.C. xv + 403 pp.

Vivaldi, J.L., R.O. Woodbury, and H. Diez-Soltero. 1981. *Goetzea elegans* Wydler. Updated species report submitted to the Fish and Wildlife Service. 48 pp.

Willis, J.C. 1973. A Dictionary of the Flowering Plants and Ferns, 8th Edition. Revised by H.K. Airy Shaw. Cambridge University Press, Cambridge, England. xxii + 1311 pp.

Woodbury, R.O. 1975. The Rare and Endangered Plants of Puerto Rico. U.S.D.A. Soil Conservation Service and Puerto Rico Department of Natural Resources. San Juan, Puerto Rico. 85 pp.

Wydler, H. 1830. Plantarum quarundam descriptiones. Linnaea 5:423–425. pl. VIII.

Author

The primary author of this final rule is Mr. Robert T. Pace, U.S. Fish and Wildlife Service, Mayagüez Field Station, P.O. Box 3005—Marina Station, Mayagüez, Puerto Rico 00709–3005 (809/833–5760). Status information and a preliminary listing package were provided by Dr. José L. Vivaldi, 1904 Cond. Parque de Las Fuentes, Hato Rey, Puerto Rico 00918. Dr. George Drewry of the Service's Washington Office of Endangered Species served as editor.

List of Subjects in 50 CFR Part 17

Endangered and threatened wildlife, Fish, Marine mammals, Plants (agriculture).

Regulation Promulgation

PART 17—[AMENDED]

Accordingly, Part 17, Subchapter B of Chapter I, Title 50 of the Code of Federal Regulations, is amended as set forth below:

1. The authority citation for Part 17 reads as follows:

Authority: Pub. L. 93–205, 87 Stat. 884; Pub. L. 94–359, 90 Stat. 911; Pub. L. 95–632, 92 Stat. 3751; Pub. L. 96–159, 93 Stat. 1225; Pub. L. 97–304, 96 Stat. 1411 (16 U.S.C. 1531 *et seq.*).

2. Amend § 17.12(h) by adding the following, in alphabetical order under Solanaceae, to the List of Endangered and Threatened Plants:

§ 17.12 Endangered and threatened plants.

. . . . . .

(h) . . .

Species		Historic range	Status	When listed	Critical habitat	Special rules
Scientific name	Common name					
• •	• •	•	•	•		•
Solanaceae—Nightshade family:						
Goetzea elegans	Beautiful goetzea, matabuey	U.S.A. (PR)	E	175	NA	NA
• •	• •	•	•	•		•

Dated: March 24, 1985.

J. Craig Potter,

Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 85-9531 Filed 4-18-85; 8:45 am]

BILLING CODE 4310-55-M

Proposed Rules

Federal Register
Vol. 50, No. 76
Friday, April 19, 1985

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 52

United States Standards for Grades of Canned Carrots and Canned Beets

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: The purpose of this proposed rule is to revise the voluntary U.S. Standards for Grades of Canned Carrots and U.S. Standards for Grades of Canned Beets. The proposed rule was developed by the United States Department of Agriculture (USDA) at the request of major segments of the food processing industry. This proposed rule would lower the recommended minimum drained weights for all styles of canned carrots and canned beets packed in the No. 10 can size. Its effect would be to update the standards to reflect current manufacturing practices and promote orderly and efficient marketing of canned carrots and canned beets.

EFFECTIVE DATE: Comments must be received on or before May 20, 1985.

ADDRESS: Interested persons are invited to submit written comments concerning this proposal. Comments must be sent in duplicate to the Docket Clerk, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, Room 2069, South Building, Washington, D.C. 20250. Comments should reference the date and page number of this issue of the **Federal Register** and will be made available for public inspection in the office of the Docket Clerk during regular business hours.

FOR FURTHER INFORMATION CONTACT: Floyd M. Haugen, Processed Products Branch, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250. Telephone (202) 447–6247.

SUPPLEMENTARY INFORMATION: This rule has been reviewed under USDA procedures and Executive Order 12291 and has been designated as a "nonmajor" rule. It will not result in an annual effect on the economy of $100 million or more. There will be no major increase in cost or prices to consumers; individual industries; Federal, State, or local government agencies; or geographic regions. It will not result in significant effects on competition, employment, investments, productivity, innovations, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

William T. Manley, Deputy Administrator, Agricultural Marketing Service, has certified that this action will not have a significant economic impact on a substantial number of small entities, as defined in the Regulatory Flexibility Act, Pub. L. 96–354 (5 U.S.C. 601), because it reflects current marketing practices.

The National Food Processors Association (NFPA), a trade association representing approximately 600 member companies that process fruits, vegetables, meats, fish, and specialty products has requested the USDA to revise the U.S. Standards for Grades of Canned Carrots and U.S. Standards for Grades of Canned Beets. The revision would include a reduction of the recommended minimum drained weights for all styles of these products packed in the No. 10 container size by two ounces, except julienne style which would be lowered by four ounces. The No. 10 container is a large container (approximately 6 lbs. 10 oz.) designed primarily for the institutional market.

Based on data submitted by NFPA, virtually all members packing canned carrots and canned beets have experienced difficulties meeting the recommendations for drained weights from the present grade standards. Even under optimum operating conditions, a significant portion of the pack (as much as 50 percent by some packers) is not meeting the recommendations.

Packers have stated that overfilling containers to achieve the recommended minimum drained weights has not been successful, and has actually contributed to more serious problems. This includes a higher incidence of defective seams caused by excessive product being trapped between the container flange and lid at the time of closing. When product inside the improperly sealed container spoils and subsequently leaks, the contents can spill over adjacent containers. Additional containers are likely to become damaged as a result.

Overfilling containers increases damage to the product which may be crushed as the lid is forced down on the container. Crushing lowers the quality and grade of the product, and thus is counterproductive to the intent of the voluntary grading program. Filling containers with the amount of product the containers are designed to contain will help eliminate waste and result in less spoilage, thereby providing a more economical product.

List of Subjects in 7 CFR Part 52

Fruits, Vegetables, Food grades and standards.

PART 52—[AMENDED]

§ 52.675 [Amended]

(1) Accordingly, § 52.675 of subpart—United States Standards for Grades of Canned Carrots (7 CFR 52.675) would be amended as follows:

§ 52.675 Recommended minimum drained weight.

. . . . .

In Table No. I—Recommended Minimum Drained Weights, In Ounces, Of Carrots, the last line would be revised to read as follows:

No. 10 ....67 66 67 66 70 68 64

§ 52.525 [Amended]

(2) Accordingly, 52.525 of subpart—United States Standards for Grades of Canned Beets (7 CFR 52.525) would be amended as follows:

. . . . .

In Table No. I—Recommended Minimum Drained Weights, In Ounces, Of Beets, the last line would be revised to read as follows:

No. 10 ....67 66 67 66 70 68 64

(Agricultural Marketing Act of 1946, Sec. 203 205, 60 Stat. 1087, 1090, as amended (7 U.S.C. 1622, 1624))

Done at Washington, D.C. on April 16, 1985

William T. Manley,

Deputy Administrator, Marketing Programs

(FR Doc. 85-9472 Filed 4-18-85; 8:45 am)

BILLING CODE 3410-02-M

Federal Grain Inspection Service

7 CFR Part 800

Kinds of Official Services, Original Services, Official Reinspection Services and Review of Weighing Services, Appeal Inspection Services, and Official Certificates

AGENCY: Federal Grain Inspection Service, USDA.

ACTION: Proposed rule.

SUMMARY: In compliance with the requirements for periodic review, the Federal Grain Inspection Service (FGIS or Service) reviewed and proposes to revise the regulations under the United States Grain Standards Act (Act), as amended, concerning Kinds of Official Service, Original Services, Official Reinspection Services and Review of Weighing Services, Appeal Inspection Services, and Official Certificates to delete the requirements for prior-to-loading stowage examinations for intracompany domestic shipments; for showing certain information on application-for-service forms, for dismissing requests for service which appears elsewhere in the regulations; for not permitting the issuance of divided-lot certificates on shiplot grain commingled with grain of a different kind or quality; and for issuing certificates on shiplot grain when a portion is returned to the elevator or a portion is determined to be uniform on the basis of a reinspection or appeal inspection. The proposal would establish provisions for certain present scale testing services as official services listed in the regulations; for certificating reinspections, appeal inspections, and reviews of weighing services; and for obtaining reinspections and appeal inspections on carriers that have left the point of original inspection. In addition, miscellaneous proposed revisions would reorganize, condense, simplify certain language, and make corresponding changes to references in other sections. The proposed changes would clarify and simplify the regulations, conform certain provisions to present trading practices and facilitate the use of the regulations.

DATE: Comments must be submitted on or before June 18, 1985.

ADDRESS: Comments must be submitted in writing to Lewis Lebakken, Jr., Information Resources Management Branch (RM), FGIS, USDA, Room 0667 South Building, 1400 Independence Avenue, SW., Washington, D.C. 20250, telephone (202) 382–1738. All comments received will be made available for public inspection at the above address during regular business hours (7 CFR 1.27(b)).

FOR FURTHER INFORMATION CONTACT: Lewis Lebakken, Jr. (address above), telephone (202) 382–1738.

SUPPLEMENTARY INFORMATION:

Executive Order 12291

This proposed rule has been issued in conformance with Executive Order 12291 and Department Regulation 1512–1. This action has been classified as nonmajor because it does not meet the criteria for a major regulation established in the Order.

Regulatory Flexibility Act Certification

Dr. Kenneth A. Gilles, Administrator, FGIS, has determined that this proposed rule will not have a significant economic impact on a substantial number of small entities as defined in the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) because most users of the official inspection and weighing services and those entities that perform these services do not meet the requirements for small entities, and this action poses no new or additional duties or obligations to business entities.

Information Collection and Recordkeeping Requirements

In compliance with the Office of Management and Budget (OMB) regulations (5 CFR Part 1320) which implements the Paperwork Reduction Act of 1980 (Pub. L. 96–511) and section 3504(h) of that Act, the previously approved information collection and recordkeeping requirements contained in the proposed rule have been submitted to OMB for review. Comments concerning these requirements should be directed to the Office of Information and Regulatory Affairs of OMB, Attention: Desk Officer for the Department of Agriculture, Room 3201 NEOB, Washington, D.C. 20503.

Regulatory Review

The review of the regulations concerning Kinds of Official Service (7 CFR 800.75–800.78), Original Services (7 CFR 800.115–800.119), Official Reinspection Services and Review of Weighing Services (7 CFR 800.125–800.131), Appeal Inspection Services (7 CFR 800.135–800.140), and Official Certificates (7 CFR 800.160–800.166) included a determination of continued need for and consequences of the regulations. The objective of the review was to ensure that the regulations are serving their intended purpose, the language is clear, and the regulations are consistent with FGIS policy and authority.

FGIS has determined that, in general, these regulations are serving their intended purpose, are consistent with FGIS policy and authority, and should remain in effect. FGIS, however, proposes to amend §§ 800.75–800.78, 800.115–800.119, 800.125–800.131, 800.135–800.140, and 800.160–800.166 by:

1. Clarifying, condensing, and deleting unnecessary language. These proposed changes are in addition to the proposed changes below. They are nonsubstantive changes which facilitate the use of the regulations. Some of the language that would be condensed or deleted appears generally in §§ 800.160–800.166 which relates to official certificates, their issuance and distribution, content requirements, their correction and the like. The substance of these sections would remain unchanged. For example, in § 800.161 certain official certificate requirements would be specified while others would be summarized. The specific color requirements would be deleted, but would continue to appear in the instructions as do all format requirements. Similarly, certain of the statements on official certificates, such as captions, which presently appear in the regulations, would be described, but not specified. The actual statements would appear in the instructions. Further in § 800.162(b), the required official factor information which appears on certificates of grade and which is specified for each kind of grain would be described as a certificate requirement only without stating the specified factors. The specified factors appear in each official grade standard and the present duplication would be eliminated. Since the provisions of the present § 800.131, Reporting results of review of weighing services, would be combined with § 800.130, Reporting results of official reinspection services, it is proposed that § 800.131 be deleted.

2. Reorganizing §§ 800.75–800.78, Kinds of Official Services, to combine and consolidate compatible sections. The proposed reorganization would combine the general text in § 800.75, the Kinds of official inspection services in § 800.75, the Kinds of weighing services in § 800.77 into a revised § 800.75 entitled Kinds of official services, and § 800.78, Prohibited services; restricted services, would be renumbered as § 800.76. Accordingly, §§ 800.77–800.78 would be deleted. The proposed revised § 800.75 contains the same regulatory requirements currently in §§ 800.75–800.77, except the mandatory prior-to-loading stowage examination requirements in the current § 800.76(f)(2)(ii) for intracompany shipments of outbound domestic grain

sampled during loading would be deleted. Stowage examinations are performed to inform the buyer that the grain was loaded into fit carriers. Since an intracompany shipment is a one party transaction, prior-to-loading stowage examinations may be unnecessary and should only be performed upon request. The proposal to delete the requirement for mandatory prior-to-loading stowage examinations on intracompany shipments in the current § 800.76(f)(2)(ii) would retain the mandatory requirements for prior-to-loading stowage examinations on export grain and intercompany shipments while allowing applicants to request prior-to-loading stowage examinations on intracompany shipments. Additionally, the proposed revised § 800.75 includes as § 800.75(k) Test weight reverification service, § 800.75(l) Railroad track scale testing services, and § 800.75(m) Hopper and truck scale testing services. The Service has tested or supervised the testing of all test weights and scales used for official purposes since 1976 under the authority of section 7B of the Act. This proposed action would merely incorporate presently available test weight and scale testing services offered by the Service into the list of services which appear in this section of the regulations.

3. Revising §§ 800.46(c)(1) and 800.48(a)(1) to make conforming changes to the reference cited in these sections. Currently, § 800.46(c)(1), Requirements for obtaining official services, and § 800.48(a)(1), Dismissal of requests for official services, reference §§ 800.115(b) and 800.78. If these proposed changes are adopted, the reference in § 800.46(c)(1) would be changed to § 800.115, and the reference in § 800.48(a)(1) to § 800.76.

4. Deleting the provision for requiring certain specified information on application forms for official services in § 800.116(b), § 800.126(b), and § 800.136(b). Also, by deleting the provisions for dismissal of requests for official services, official reinspection and review of weighing services, and appeal inspection services in §§ 800.117, 800.127, and 800.137. A final rule (49 FR 30911) was published on August 2, 1984, incorporating the regulatory requirements currently in these sections into §§ 800.46 and 800.48 as applicable. The proposed changes would delete §§ 800.117, 800.127 and 800.137 to avoid duplication of the language. Other sections would be renumbered accordingly.

5. Deleting the requirement in § 800.160(b) for issuing separate original inspection and weighing certificates before performing a reinspection, appeal inspection, or review of weighing service when the original services were shown together on a combination certificate. Currently, when original inspection or Class X weighing results are shown on a combination certificate and a reinspection, appeal inspection, or review of weighing service is requested, the combination certificate must be surrendered to official personnel and voided. Separate original inspection and Class X weighing certificates must then be prepared. These certificates contain the same information as the original combination certificate and supersede the combination certificate. After the requested service is performed, an appropriate certificate (reinspection, appeal inspection, or review of weighing) is issued. Under the proposed procedures, when a reinspection (or appeal inspection or review of weighing) is requested, the results of the service would be reported on a new combination certificate with the original results of the other service. The new combination certificate would supersede the original combination certificate and identify the types of services performed (e.g., reinspection and original Class X weighing). This proposal would permit the use of combination certificates when a reinspection, appeal, or review of weighing is requested and would streamline the certification process.

6. Adding provisions in §§ 800.126(b)(1) and 800.136(b) for obtaining reinspection and appeal inspection services upon written request by the applicant and interested parties on carriers that have left the specified service point. Currently, requests for reinspection and appeal inspection services must be filed before the carrier leaves the specified service point. On November 18, 1980, this requirement was first waived to provide more flexibility to both applicants and other interested parties. Since that time, the Administrator has granted such waivers on a case-by-case basis without impairing the objectives of the Act. The proposed revision reflects this policy.

7. Deleting the restrictions in § 800.163(c) that prohibit divided-lot certificates from being issued when shiplot grain is commingled in a stowage area with other grain of a different kind or quality. Currently, divided-lot certificates may be issued on the first lot loaded on a vessel upon request. If a second lot loaded on top of the first lot is not the same kind or quality, divided-lot certificates cannot be issued for the second lot. The proposed deletion of these restrictions for the second lot would make divided-lot certificates available to all applicants upon request. In addition, the proposal includes requiring a statement indicating that the grain was loaded on board with grain of another kind or quality would be shown on the divided-lot certificate. This statement informs all parties as to the kind, quality, and location of the lots.

8. Deleting the requirements in §§ 800.130(a), 800.140(a), and 800.160(a) for issuing official certificates on: (1) A portion of a shiplot that is returned to the elevator, or (2) a portion of a shiplot that was initially found to be nonuniform in quality and then found to be uniform based on the results of the reinspection or appeal inspection. Currently, when shiplot grain is offered for inspection as a single lot and a portion of the lot is returned, an official certificate is issued on the returned portion. In the past, these certificates were used for documenting inspections and for billing purposes. Presently, inspection results are documented on the ship loading log and improved methods are used for billing purposes. In the case of reinspections and appeal inspections, if the results of the reinspection or appeal inspection indicate that a nonuniform portion is uniform, these results replace the original results and are used in determining the final grade. Official certificates are being issued for the original and all subsequent inspections of the portion. These certificates are qualified to indicate they are invalid for trading purposes since the reinspection or appeal inspection results are averaged with the remaining original results to determine the final grade. With the elimination of this requirement, inspection results would continue to be reported on official work records, but official certificates would be issued only when requested by the applicant or deemed necessary by official personnel. This action would not have an adverse impact on the buyer but would reduce paperwork and provide regulatory relief and greater program flexibility for the Service, agencies, and the trade.

List of Subjects in 7 CFR Part 800

Administrative practice and procedure, Export, Grain.

PART 800—GENERAL REGULATIONS

Accordingly, it is proposed that 7 CFR Part 800 be amended as follows:

1. Section 800.46 be amended by revising paragraph (c)(1) as follows:

§ 800.46 Requirements for obtaining official services.

* * * * *

(c) *Special requirements for official Class X and Class Y weighing services.*—(1) *General.* Weighing services shall be provided only at weighing facilities which have met the conditions, duties, and responsibilities specified in section 8A(f) of the Act and this section of the regulations. Weighing services will be available only in accordance with the requirements of § 800.115. Facilities desiring weighing services should contact the Service in advance to allow the Service time to determine if the facility complies with the provisions of the Act and regulations.

* * * * *

2. Section 800.48 be amended by revising paragraph (a)(1) as follows:

§ 800.48 Dismissal of request for official services.

(a) *Conditions for dismissal.*—(1) *General.* An agency or the Service shall dismiss requests for official services when (i) § 800.76 prohibits the requested service; (ii) performing the requested service is not practicable; (iii) the agency or the Service lacks authority under the Act or regulations; or (iv) sufficient information is not available to make an accurate determination.

* * * * *

3. Section 800.75 be revised as follows:

Kinds of Official Services

§ 800.75 Kinds of official inspection and weighing services.

(a) *General.* Paragraphs (b) through (m) of this section describe the kinds of official service available. Each kind of service has several levels. Sections 800.115, 800.116, 800.117, and 800.118 explain Original Services, §§ 800.125, 800.126, 800.127, 800.128, and 800.129 explain Reinspection Services and Review of Weighing Services, and §§ 800.135, 800.136, 800.137, 800.138, and 800.139 explain Appeal Inspection Services. The results of each official service will be certificated according to § 800.160.

(b) *Official sample-lot inspection service.* This service consists of official personnel: (1) Sampling an identified lot of grain; and (2) analyzing the grain sample for grade, official factors, or official criteria, or any combination thereof, according to the regulations, Official U.S. Standards for Grain, instructions, and the request for inspection.

(c) *Warehouseman's sample-lot inspection service.* This service consists of a licensed warehouseman sampler: (1) Sampling an identified lot of grain using an approved diverter-type mechanical sampler and (2) sending the sample of Official personnel; and official personnel analyzing the grain sample for grade, official factors, official criteria, or any combination thereof, according to the regulations, Official U.S. Standards for Grain, instructions, and the request for inspection.

(d) *Submitted sample inspection service.* This service consists of an applicant or an applicant's agent submitting a grain sample to official personnel, and official personnel analyzing the grain sample for grade, official factors, official criteria, or any combination thereof, according to the regulations, Official U.S. Standards for Grain, instructions, and the requests for inspection.

(e) *Official sampling service.* This service consists of official personnel: (1) Sampling an identified lot of grain and (2) forwarding a representative portion(s) of the sample along with a copy of the certificate, as requested by the applicant.

(f) *Official stowage examination service.* (1) This service consists of official personnel visually determining if an identified carrier or container is clearn; dry; free of infestation, rodents, toxic substances, and foreign odor; and is suitable to store or carry grain.

(2) A stowage examination may be obtained as a separate service or with one or more other services. Approval of the stowage space is required for official sample-lot inspection services on all export lots of grain. Except as provided in subparagraph (3) of this section, approval of the stowage space is required for official sample-lot inspection services on outbound domestic lots of grain which will be sampled and inspected at the time of loading.

(3) Approval of the stowage space prior to loading is not required for official sample-lot inspection services or weighing services of intracompany shipments of outbound domestic lots of grain unless requested by the applicant. A statement shall be shown on the inspection and/or weighing certificate when stowage examinations are not requested or performed.

(g) *Class X weighing service.* This service consists of official personnel: (1) Completely supervising the loading or unloading of an identified lot of grain and (2) physically weighing or completely supervising approved weighers weighing the grain.

(h) *Class Y weighing service.* This service consists of: (1) Approved weighers physically weighing the grain; and (2) official personnel partially or completely supervising the loading or unloading of an identified lot of grain.

(i) *Checkweighing service (sacked grain).* This service consists of official personnel or approved weighers under the supervision of official personnel (1) physically weighing a selected number of sacks from a grain lot; and (2) determining the estimated total gross, tare, and net weights, or the estimated average gross or net weight per filled sack according to the regulations, instructions, and request by the applicant.

(j) *Checkloading service.* This service consists of official personnel: (1) Performing a stowage examination; (2) computing the number of filled grain containers loaded aboard a carrier; and (3) if practicable, sealing the carrier for security.

(k) *Test weight reverification service.* This service consists of official personnel: (1) Comparing weight of elevator test weights with known weights; (2) correcting the elevator test weights, when necessary; and (3) issuing a Report of Test.

(l) *Railroad track scale testing service.* This service consists of official personnel: (1) Testing railroad track scales with Service-controlled test cars and (2) issuing a Report of Test.

(m) *Hopper and truck scale testing service.* This service consists of official personnel: (1) Testing hopper and truck scales and (2) issuing a Report of Test.

(The information collection requirements contained in this section were approved by the Office of Management and Budget under control number 0580-0011)

4. Section 800.76 be revised as follows:

§ 800.76 Prohibited services; restricted services.

(a) *Prohibited services.* No agency shall perform any function or provide any service on the basis of unofficial standards, procedures, factors, or criteria if the agency is designated or authorized to perform the service or provide the service on an official basis under the Act.

(b) *Restricted services.*—(1) *Not standardized grain.* When an inspection or weighing service is requested on a sample or a lot of grain which does not meet the requirements for grain as set forth in the Official U.S. Standards for Grain, a certificate showing the words "Not Standardized Grain" shall be issued according to the instructions.

(2) *Grain screening.* The inspection or weighing of grain screenings may be obtained from an agency or field office according to the instructions.

§ 800.77 and 800.78 [Removed]

5. Sections 800.77 and 800.78 be removed.

6. Section 800.115 be revised as follows:

§ 800.115 Who may request original services.

(a) *General.* Any interested person may request original inpsection and weighing services. The kinds of inspection and weighing services are described in § 800.75.

(b) *Class Y weighing services.* A request for Class Y weighing services at an export elevator at an export port location must cover all lots shipped or received in a specific type of carrier. At all other elevators, the request must cover all lots shipped from or to a specific location in a specific type of carrier. Each request must be for a contract period of at least 3 months, but a facility may exempt specific unit trains from the request upon satisfactory notification.

(c) *Contract services.* Any interested person may enter into a contract with an agency or the Service whereby the agency or Service will provide original services for a specified period and the applicant will pay a specified fees.

(The information collection requirements contained in this section were approved by the Office of Management and Budget under control number 0580–0012)

7. Section 800.116 be revised as follows:

§ 800.116 How to request original services.

(a) *General.* Requests must be filed with the agency or field office responsible for the areas in which the original service is to be performed. All requests must include the information specified in § 800.46. Verbal requests must be confirmed in writing when requested by official personnel, as specified in § 800.46. Copies of request froms may be obtained from the agency or field office upon request. If at the time the request is filed, the information specified by § 800.46 is not available official personnel may at their discretion, withhold service pending receipt of the required information. An official certificate shall not be issued unless (1) the information as required by § 800.46 has been submitted, or (2) official personnel determine that sufficient information has been made available so as to perform the request. A record that sufficient information was made available must be included in the record of the official service.

(b) *Request requirements.* Requests for original services, other than submitted sample inspections, must be made with the agency or field office responsible for the area in which the service will be provided. Requests for submitted sample inspections may be made with any agency, or any field office that provides original inspection service. Requests for inspection or Class X weighing of grain during loading, unloading, or handling must be received in advance of loading so official personnel can be present. All requests will be considered filed with the request is received by official personnel. A record must be maintained for all requests. All requests for service that is to be performed outside normal business hours must be received by 2 p.m. the preceding day.

(The information collection requirements contained in this section were approved by the Office of Management and Budget under control number 0580–0012)

§ 800.117 [Removed]

§ 800.118 [Redesignated as § 800.117]

8. Section 800.117 be removed. Section 800.118 be redesignated as § 800.117 and revised as follows:

§ 800.117 Who shall perform.

Original services shall be performed by the agency or field office assigned the area in which the service will be provided.

§ 800.119 [Redesignated as §800.118]

9. Section 800.119 be redesignated as § 800.118 and revised as follows:

§ 800.118 Certification.

Official certificates shall be issued according to § 800.160. Upon request, a combination inspection and Class X weighing certificate may be issued when both services are performed in a reasonably continuous operation at the same location by the same agency or field office.

10. Section 800.125 be revised as follows:

§ 800.125 Who may request reinspection services or review of weighing services.

(a) *General.* Any interested person may request a reinspection or review of weighing service. Only one reinspection or review of weighing service may be performed on any original service. When more than one interested person requests a reinspection or review of weighing service, the first person to file is the applicant of record.

(b) *Kind and scope of request.* The kind and scope of a reinspection or review of weighing service will be limited to the kind and scope of the original service. If the request specifies a different kind or scope, the request will be dismissed. The request may be resubmitted as a request for original services. Official criteria are considered separately from official grade or official factors when determining the kind and scope.

When requested, a reinspection for official grade or official factors, and official criteria may be handled separately even though both sets of results are reported on the same certificate. Moreover, a reinspection or review of weighing may be requested on either the inspection or Class X weighing results when both results are reported on a combination inspection and Class X weight certificate. Reinspections for grade must include a review of all official factors that: (1) May determine the grade; or (2) are reported on the original certificate; and (3) are required to be shown.

11. Section 800.126 be revised as follows:

§ 800.126 How to request reinspection or review of weighing services.

(a) *General.* Requests must be made with the agency or field office that performed the original service. All requests must include the information specified in § 800.46. Verbal requests must be confirmed in writing when requested by official personnel. Copies of request forms may be obtained from the agency or field office. If at the time the request is filed the documentation required by § 800.46 is not available. official personnel may, at their discretion, withhold services pending the receipt of the required documentation. A reinspection certificate or the results of a review of weighing service will not be issued unless: (1) The documentation requested under § 800.46 has been submitted; or (2) official personnel determine sufficient information has been made available so as to perform the request. A record that sufficient information was made available must be included in the record of the official service.

(b) *Request requirements.* Requests will be considered filed on the date they are received by official personnel. A record must be maintained for all requests.

(1) *Reinspection services.* Requests must be received (i) before the grain has left the specified service point where the grain was located when the original inspection was performed; (ii) no later than the close of business on the second business day following the date of the original inspection; and (iii) before the identity of the grain has been lost. If a representative file sample, as prescribed in § 800.82, is available, official personnel may, under the conditions prescribed in this paragraph, waive the requirements of paragraphs (b)(1) (ii) and (iii) of this section. The requirements of paragraph (b)(1)(i) of this section may be waived only upon

written consent of the applicant and all interested persons. The requirements of paragraphs (b)(1)(ii) and (iii) of this section may be waived at the request of the applicant or other interested persons. The requirement of paragraph (b)(1) (ii) of this section may also be waived upon satisfactory showing by an interested person of evidence of fraud or that because of distance or other good cause, the time allowed for filing was not sufficient. A record of each waiver must be included in the record of the reinspection service.

(2) *Review of weighing services.* Requests must be received no later than 90 calendar days after the date of the original Class X or Class Y weighing service.

(The information collection requirements contained in this section were approved by the Office of Management and Budget under control number 0580–0012)

§ 800.127 [Removed]

§ 800.128 [Redesignated as § 800.127]

12. Section 800.127 be removed. Section 800.128 be redesignated as § 800.127 and revised as follows:

§ 800.127 Who shall perform reinspection or review of weighing services.

Reinspection or review of weighing services shall be performed by the agency or field office that performed the original service.

§ 800.129 [Redesignated as § 800.128]

13. Section 800.129 be redesignated as § 800.128 and revised as follows:

§ 800.128 Conflicts of interest.

Official personnel cannot perform or participate in performing or issue an official certificates for a reinspection or a review of weighing service if they participated in the original service unless there is only one qualified person available at the time and place of the reinspection or review of weighing.

§ 800.130 [Redesignated as § 800.129]

14. Section 800.130 be redesignated as § 800.129 and revised as follows:

§ 800.129 Certificating reinspection and review of weighing results.

(a) *General.* Except as provided in subparagraph (1) of this paragraph, official certificates shall be issued according to § 800.160 and the instructions. Except as provided in (b)(2), only the results of the reinspection service shall be reported.

(1) *Results of sublots.* When results of a reinspection on a sublot involved in a material portion are within the tolerances of a specified inspection plan, they shall replace the original inspection results. Certificates for the original inspection and reinspection services shall not be issued unless requested by the applicant or deemed necessary by official personnel. The results, however, must be recorded on the inspection log and used to determine the weighted/mathematical average of the lot.

(2) *Reporting review of weighing results.* When the review of weighing service results indicate that the original weighing results were correct, the applicant will be notified in writing. When the original weighing service results are incorrect, a corrected weight certificate or, if applicable, a corrected combination inspection and Class X weight certificate will be issued according to the provisions of § 800.165.

(b) *Required statements on reinspection certificates.* Each reinspection certificate shall show the statements required by this section, § 800.161, and applicable instructions.

(1) Each reinspection certificate must clearly show (i) the term "Reinspection;" and (ii) a statement identifying the superseded certificate. The superseded certificate will be considered null and void as of the date of the reinspection certificate.

(2) When official grade or official factors, Class X weighing results, and official criteria are reported on the same certificate, the reinspection certificate must show a statement indicating that the reinspection results are based on official grade, or official factors, or official criteria and that all other results are those of the original service.

(3) If the superseded certificate is in the custody of the agency or field office, the superseded certificate shall be marked "Void." If the superseded certificate is not in the custody of the agency or field office at the time the reinspection certificate is issued, a statement indicating that the superseded certificate has not been surrendered must be shown on the reinspection certificate.

(4) As of the date of issuance of the official certificate, the superseded certificate for the original service will be void and shall not be used to represent the grain.

(5) When certificates are issued under (a)(1), the reinspection certificate must show a statement indicating that the results replaced the original results and that the certificate is not valid for trading purposes.

§ 800.131 [Removed]

15. Section 800.131 be removed:

16. Section 800.135 be revised as follows:

§ 800.135 Who may request appeal inspection services.

(a) *General.* Any interested person may request appeal inspection or Board appeal inspection services. When more than one interested person requests an appeal inspection or Board appeal inspection service, the first person to file is the applicant of record. Only one appeal inspection may be obtained from any original inspection or reinspection service. Only one Board appeal inspection may be obtained from an appeal inspection. Board appeal inspections will be performed on the basis of the official file sample. Board appeal inspections are not available on stowage examination services.

(b) *Kind and scope of request.* The kind and scope of an appeal inspection service will be limited to the kind and scope of the original inspection, or reinspection, or, in the case of a Board appeal inspection service, the appeal inspection service. If the request specifies a different kind or scope, the request shall be dismissed. It may, however, be resubmitted as a request for original services. Official criteria is considered separately from official grade or official factors when determining kind and scope. When requested, an appeal inspection for grade, or official factors, and official criteria may be handled separately even though both results are reported on the same certificate. Moreover, an appeal inspection may be requested on the inspection results when both inspection and Class X weighing results are reported on a combination inspection and Class X weight certificate. An appeal inspection for grade must include a review of all official factors that: (1) May determine the grade; or (2) are reported on the original, reinspection, or in the case of a Board appeal inspection, the appeal inspection certificate; and (3) are required to be shown on a certificate of grade.

(The information collection requirements contained in this section were approved by the Office of Management and Budget under control number 0580–0012)

17. Section 800.136 be revised as follows:

§ 800.136 How to request appeal inspection services.

(a) *General.* Requests must be filed with the field office responsible for the area in which the original service was performed. Requests for Board appeal inspections may be filed with the Board of Appeals and Review or the field office that performed the appeal inspection. All requests must include the information specified in § 800.46. Verbal

requests must be confirmed in writing when requested by official personnel as specified in § 800.46. Copies of request forms may be obtained from the field office upon request. If at the time the request is filed the documentation required by § 800.46 is not available, official personnel may, at their discretion, withhold service pending the receipt of the required documentation. An appeal inspection certificate will not be issued unless: (1) Documentation requested under § 800.46 has been submitted, or (2) official personnel determine that sufficient information has been made available so as to perform the request. A record that sufficient information has been made available must be included in the record of the official service.

(b) *Filing requirements.* Requests will be considered filed on the date they are received by official personnel. A record must be maintained for all requests. Requests must be filed: (1) Before the grain has left the specified service point where the grain was located when the original inspection was performed; (2) no later than the close of business on the second business day following the date of the last inspection, and (3) before the identity of the grain has been lost. If a representative file sample as prescribed in § 800.82 is available, official personnel may, under the conditions prescribed in this paragraph, waive the requirements of paragraphs (b) (2) and (3) of this section. The requirements of paragraph (b)(1) of this section may be waived only upon written consent of the applicant and all interested persons. The requirements of paragraphs (b) (2) and (3) of this section may be waived at the request of the applicant or other interested persons. The requirement of paragraph (b)(2) of this section may also be waived upon satisfactory showing by an interested person of evidence of fraud or that because of distance or other good cause, the time allowed for filing was not sufficient. A record of each waiver must be included in the record of the appeal inspection service.

§ 800.137 [Removed]

§ 800.138 [Redesignated as § 800.137]

18. Section 800.137 be removed. Section 800.138 be redesignated as § 800.137 and revised as follows:

§ 800.137 Who shall perform appeal inspection services.

(a) *Appeal.* Appeal inspection services shall be performed by the field office responsible for the area in which the original inspection was performed.

(b) *Board appeal.* Board appeal inspection services shall be performed only by the Board of Appeals and Review. The field office that performed the appeal inspection service will act as a liaison between the Board of Appeals and Review and the applicant.

§ 800.139 [Redesignated as § 800.138]

19. Section 800.139 be redesignated as § 800.138 and revised as follows:

§ 800.138 Conflict of interest.

Official personnel cannot perform or participate in performing or issue an official certificate for an appeal inspection if they participated in the original inspection, reinspection, or, in the case of a Board appeal inspection, the appeal inspection service unless there is only one qualified person available at the time and place of the appeal inspection.

§ 800.140 [Redesignated as § 800.139]

20. Section 800.140 be redesignated as § 800.139 and revised as follows:

§ 800.139 Certificating Appeal inspections.

(a) *General.* Except as provided in paragraphs (b) of this section, official certificates shall be issued according to § 800.160 and the instructions. Except as provided in (c)(2), only the results of the appeal inspection service shall be reported on the appeal inspection certificate.

(b) *Results of sublots.* When the results of an appeal inspection on a sublot involved in a material portion are within the tolerance of a specified inspection plan, they will replace the original inspection, reinspection, or appeal inspection results. No certificate will be issued unless requested by the applicant or deemed necessary by inspection personnel. The results must be recorded on the inspection log and used to determine the weighted/mathematical average of the lot.

(c) *Required statements.* Each appeal certificate shall show the statements required by this section, § 800.161, and applicable instructions.

(1) Each appeal inspection certificate must clearly show (i) the term "Appeal" or "Board appeal;" and (ii) a statement identifying the superseded certificate. The superseded certificate will be considered null and void as of the date of the appeal inspection certificate.

(2) When official grade or official factors, Class X weighing results, and official criteria are reported on the same certificate, the appeal inspection certificate must show a statement indicating that appeal or Board appeal inspection results are based on official grade, official factors, or official criteria and that all other results are those of the original, reinspection, or, in the case of a Board appeal, the appeal inspection results.

(3) If the superseded certificate is in the custody of the Service, the superseded certificate shall be marked "Void." If the superseded certificate is not in the custody of the Service at the time the appeal certificate is issued, a statement indicating that the superseded certificate has not been surrendered must be shown on the appeal certificate.

(4) As of the date of issuance of the appeal or Board appeal certificate, the superseded certificate for the original, reinspection, or appeal inspection service will be void and shall not be used to represent the grain.

(5) When certificates are issued under (b), the appeal inspection certificate must show a statement indicating that the results replace the original inspection, reinspection, or, in the case or a Board appeal, the appeal inspection results and that the certificate is not valid for trading purposes.

(d) *Finality of Board appeal inspections.* A Board appeal inspection will be the final appeal inspection service.

21. Section 800.160 be revised as follows:

§ 800.160 Official certificates; issuance and distribution.

(a) *Required issuance.* An official certificate must be issued for each inspection service and each weighing service except as provided by §§ 800.130 and 800.140 and (b) of this section.

(b) *Distribution.*—(1) *General.*—(i) *Export.* The original and at least three copies of each certificate will be distributed to the applicant or applicant's order. One copy of each certificate must be retained by the agency, field office, or Board of Appeals and Review.

(ii) *Nonexport.* The original and at least one copy of each certificate will be distributed to the applicant or to the applicant's order. In the case of inbound trucklot grain, one copy shall be delivered by the applicant to the truck driver or the person who owned the grain at the time of delivery. One copy of each certificate must be retained by the agency, field office, or Board of Appeals and Review.

(iii) *Local movements of shiplot grain.* When shiplot grain is offered for inspection as a single lot and a portion of the lot is returned to the elevator, certificates representing the original inspection service shall not be issued unless (A) requested by the applicant; or

(B) deemed necessary by official personnel.

(2) *Reinspection and appeal inspection services.* In addition to the distribution requirements of paragraph (b), one copy of each reinspection or appeal inspection certificate shall be distributed to each interested person of record or the interested person's order and to the agency or field office that issued the superseded certificate.

(3) *Additional copies.* Additional copies of certificates will be furnished to the applicant or interested person upon request. Fees for extra copies may be assessed according to the fee schedules established by the agency or the Service.

(c) *Prompt issuance.* The results of the inspection or weighing service must be reported to the applicant on the date the inspection or weighing service is completed. Certificates must be issued as soon as possible, but no later that the close of business on the next business day.

(d) *Who may issue certificates.*—(1) *Authority.* Certificates for inspection or Class X weighing services may be issued only by official personnel who are specifically licensed or authorized to perform and certify the results reported on the certificate. Certificates for Class Y weighing services may be issued only by individuals who are licensed or authorized or are approved to perform and certify the results.

(22) *Exception.* The person in the best position to know whether the service was performed in an approved manner and that the determinations are accurate and true should issue the certificate. If the service is performed by one person, the certificate should be issued by that person. If the service is performed by two or more persons, the certificate should be issued by the person who made the majority of the determinations or the person who makes the final determination. Supervisory personnel may issue a certificate when the individual is licesned or authorized to perform the service being certificated.

(e) *Name requirement.* On export certificates, the type written name and signature of the individual issuing the certificate must appear on the original and all copies. On all other certificates, the name or signature of the individual issuing the certificate must appear on the original and all copies. Upon request by the applicant, the name and signature may be shown on all other certificates.

(f) *Authorization to affix names.*—(1) *Requirements.* The name or signature of official personnel may be affixed to official certificates which are prepared from work records signed or initialed by the person whose name will be shown. An agent affixing the name and signature must (i) be employed by the agency or Service; (ii) have been designated to affix names and signatures; and (iii) hold a power of attorney from the person whose name and signature will be affixed. The power of attorney must be on file with the agency or Service.

(2) *Initialing.* When a name or signature is affixed by an authorized agent, the initials of the agent shall appear directly below or following the signature of the person.

(g) *Advance information.* Upon request, the contents of an official certificate may be furnished in advance to the applicant and any other interested party, or to their order, and any additional expense shall be borne by the requesting party.

(h) *Certification after dismissal.* An official certificate cannot be issued for a service after the request has been withdrawn or dismissed.

(The information collection requirements contained in this section were approved by the Office of Management and Budget under control number 0580–0011)

22. Section 800.161 be revised as follows:

§ 800.161 Official certificate requirements.

(a) *General.* Official certificates must show the information and statements required by § 800.161 through § 800.166 and the instructions. The Administrator must approve any other information and statements reported. Information must be reported in a uniform, accurate, and concise manner, be in English, be typewritten or handwritten in ink, and be clearly legible.

(b) *Required format.* Official certificates must be uniform in size, shape, color, and format and conform to requirements prescribed in the instructions. Upon request and for good cause, the Service may approve special design certificates. All information and statements must be shown on the front of the certificate, except that on domestic grain certificates: (1) Approved abbreviations for official factors and official criteria, with their meanings, may be shown on the back; and (2) the identification of carriers or containers in a combined-lot inspection may be shown on the back if ample space is not available on the front. When information is recorded on the back of the certificate, the statement "See reverse side" must be shown on the front.

(c) *Required information.* Each official certificate must show the following information in accordance with the instructions: (1) For a delegated State or the Federal Grain Inspection Service "United States Department of Agriculture—Federal Grain Inspection Service;" (2) for a designated agency the name of the agency, as applicable; (3) captions identifying the kind of service; (4) a preprinted serial number and lettered prefix; (5) "original" or "copy," as applicable; (6) "divided lot," "duplicate," or "corrected," as applicable; (7) the identification of the carrier or container; (8) the date the service was performed; (9) the date and method of sampling; (10) the kind of movement and the level of service performed; (11) the grade and kind or "Not Standardized Grain," as applicable; (12) the results of the service performed; (13) the location of the issuing office; (14) the location of the grain when the service was performed; (15) a space for remarks; (16) that a reinspection or appeal inspection service was based in whole or in part on file samples when file samples are used; (17) a statement reflecting the results of a stowage examination, when applicable; (18) seal records, when applicable; and (19) the name of the person issuing the certificate.

(d) *Required statements.* Each official certificate must include the following statements according to the instructions: (1) A statement that the certificate is issued under the authority of the United States Grain Standards Act; (2) a nonnegotiability statement; (3) a warning statement; and (4) a statement referencing the certificate number and date. Each official certificate for an official sample-lot inspection service must include a caption "U.S. Grain Standards Act" and a USDA–FGIS shield ghosted across the front. Each official certificate for a warehouseman's sample-lot inspection, a submitted sample inspection, or Class Y weighing service must include a statement that the certificate does not meet the requirements of Section 5 of the Act and for warehouseman's sample-lot inspections, the word "QUALIFIED:" for submitted sample inspections, the words "Not Officially Sampled;" and for Class Y weighing, the words "Class Y Weighing" screened across the front.

(e) *Permissive information and statements.*—(1) *Certificates.* Information and statements requested by the applicant but not required by the regulations or instructions may be shown on the certificate if the information or statements have been approved in the instructions or on a case-by-case basis by the Administrator.

(2) *Letterhead.* Information and statements requested by the applicant but not required by the regulations or

instructions may be shown on letterhead stationary of the Service or an agency when: (i) Ample space is not available for reporting the information or statements on the certificate, (ii) letterhead, and stationary is determined to be more suitable than the official certificate, and (iii) the certificate is referenced on the letterhead stationary and distributed according to § 800.160. Letterhead stationary of the Service must be used for all export grain. (The information collection requirements contained in this section were approved by the Office of Management and Budget under control number 0580–0011)

23. Section 800.162 be revised as follows:

§ 800.162 Certification of grade; special requirements.

(a) *General.* Each official certificate for grade shall show: (1) The grade and factor information required by the Official U.S. Standards for Grain; (2) the test weight of the grain; (3) the moisture content of the grain; (4) the results for each official factor for which a determination was made; (5) the result for each official factor that determined the grade when the grain is graded other than U.S. No. 1; (6) any other factor information considered necessary to describe the grain; and (7) any additional factor results requested by the applicant for official factors defined in the Official U.S. Standards for Grain.

(b) *Cargo shipments.* Each official certificate for grade representing a cargo shipment must show, in addition to the requirements of paragraph (a) of this section, the results of all official factors defined in the Official U.S. Standards for Grain for the type of grain being inspected.

(The information collection requirements contained in this section were approved by the Office of Management and Budget under control number 0580–0011)

24. Section 800.163 be revised as follows:

§ 800.163 Divided-lot certificates.

(a) *General.* When shiplot grain is offered for inspection or Class X weighing as a single lot and is certificated as a single lot, the applicant may exchange the official certificate for two or more divided-lot certificates. This applies to orginal inspection, reinspection, appeal inspection, Board appeal inspection, and Class X weighing services.

(b) *Application.* Requests for divided-lot certificates must be made: (1) In writing; (2) by the applicant who filed the initial request; (3) to the office that issued the outstanding certificate; (4) within 5 business days of the outstanding certificate date; and (5) before the identity of the grain has been lost.

(c) *Quantity restrictions.* Divided-lot certificates cannot show an aggregate quantity different than the total quantity shown on the superseded certificate.

(d) *Surrender of certificate.* The certificate that will be superseded must: (1) Be in the custody of the agency or the Service; (2) be marked "Void;" and (3) show the identification of the divided-lot certificates.

(e) *Certification requirements.* The same information and statements, including permissive statements, that were shown on the superseded certificate must be shown on each divided-lot certificate. Divided-lot certificates must show: (1) A statement indicating the grain was inspected or weighed as an undivided lot: (2) the terms " Divided Lot-Original," and the copies must show "Divided Lot-Copies," (3) the same serial number with numbered suffix (For example, 1764–1, 1764–2, 1764–3, etc.); and (4) the quantity specified by the request.

(f) *Issuance and distribution.* Divided-lot certificates shall be issued no later than the close of business on the next business day after the request and be distributed according to § 800.160.

(g) *Limitations.* No divided-lot certificate can be issued: (1) For grain in any shipment other than shiplot grain inspected or weighed as a single lot; or (2) for an export certificate which has been superseded by another export certificate. After divided-lot certificates have been issued, further dividing or combining is prohibited except with the approval of the Service.

(h) *Use of superseded certificate prohibited.* As of the date of the divided-lot certificate, the superseded certificate will be void and shall not be used to represent the grain.

(The information collection requirements contained in this section were approved by the Office of Management and Budget under control number 0580–0011)

25. Section 800.164 be revised as follows:

§ 800.164 Duplicate certificates.

Upon request, a duplicate certificate may be issued for a lost or destroyed official certificate.

(a) *Application.* Requests for duplicate certificates must be filed: (1) In writing; (2) by the applicant who requested the service covered by the lost or destroyed certificate; and (3) with the office that issued the initial certificate.

(b) *Certification requirements.* The same information and statements, including permissive statements, that were shown on the lost or destroyed certificate must be shown on the duplicate certificate. Duplicate certificates must show: (1) The terms "Duplicate-Original," and the copies must show "Duplicate-Copies;" and (2) a statement that the certificate was issued in lieu of a lost or destroyed certificate.

(c) *Issuance.* Duplicate certificates shall be issued as promptly as possible and distributed according to § 800.160.

(d) *Limitations.* Duplicate certificates will not be issued for certificates that have been superseded.

(The information collection requirements contained in this section were approved by the Office of Management and Budget under control number 0580–0011)

26. Section 800.165 be revised as follows:

§ 800.165 Corrected certificates.

(a) *General.* The accuracy of the statements and information shown on official certificates must be verified by the individual whose name or signature is shown on the certificate, or by the authorized agent who affixed the name or signature. Errors found during this process must be corrected according to this section.

(b) *Who may correct.* Only official personnel or their authorized agents may make correction, erasures, additions, or other changes to official certificates.

(c) *Corrections prior to issuance.*—(1) *Export certificates.* No corrections, erasures, additions, or other changes can be made to an export certificate. If any error is found prior to issuance, a new certificate must be prepared and issued and the incorrect certificate marked "Void."

(2) *Other than export certificates.* No corrections, erasures, additions, or other changes can be made to other than export certificates which involve identification, grade, gross tare, or net weight. If errors are found, a new certificate must be prepared and issued and the incorrect certificate marked "Void." Otherwise, errors may be corrected provided that: (i) The corrections are neat and legible, (ii) each correction is initialed by the individual who corrects the certificate, and (iii) the corrections and initials are shown on the original and all copies.

(d) *Corrections after issuance.*—(1) *General.* If errors are found on a certificate at any time up to a maximum of 1 year after issuance, the errors shall be corrected by obtaining the incorrect certificate and replacing it with a corrected certificate. When the incorrect certificate cannot be obtained, a

corrected certificate can be issued superseding the incorrect one.

(2) *Certification requirements.* The same statements and information, including permissive statements, that were shown on the incorrect certificate, along with the correct statement or information, must be shown on the corrected certificate. According to this section and the instructions, corrected certificates must show: (i) The terms "Corrected-Original" and "Corrected-Copy;" (ii) a statement identifying the superseded certificate and the corrections; (iii) a statement indicating the superseded certificate was not surrendered when the incorrect certificate was not submitted; and (iv) a new serial number. In addition, the incorrect certificate shall be marked "Void" when submitted.

(e) *Limitations.* Corrected certificates cannot be issued for a certificate that has been superseded by another certificate or on the basis of a subsequent analysis for quality.

(The information collection requirements contained in this section were approved by the Office of Management and Budget under control number 0580–0011)

(f) *Use of superseded certificate prohibited.* As of the date of issuance of the corrected certificate, the superseded certificate will be void and shall not be used to represent the grain.

27. Section 800.166 be revised as follows:

§ 800.166 Reproducing certificates.

Official certificates may be photo copies or similarly reproduced.

(The information collection requirements contained in this section were approved by the Office of Management and Budget under control number 0580–0011)

Authority: Pub. L. 94–582, 90 Stat., 2867, as amended (7 U.S.C. 71 *et. seq.*)

Dated: April 2, 1985.

Kenneth A. Gilles,

Administrator.

[FR Doc. 85–9309 Filed 4–18–85; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Ch. I

[Summary Notice No. PR–85–3]

Summary of Rulemaking Petition Received From Pilgrim Airlines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petition for rulemaking.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for rulemaking (14 CFR Part 11), this notice contains a summary of a petition by Pilgrim Airlines seeking relief from the restriction of commuter slots at high density traffic airports to aircraft having a maximum passenger seating capacity of less than 56 seats. The purpose of this notice is to improve the public's awareness of this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of the petition or its final disposition.

DATES: Comments on petitions received must identify the petition docket number involved and be received on or before June 3, 1985.

ADDRESSES: Send comments on the petition in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC–204), Petition Docket No. ———, 800 Independence Avenue, SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT: The petition, any comments received, and a copy of any final disposition are filed in the assigned regulatory docket and are available for examination in the Rules Docket (AGC–204), Room 916, FAA Headquarters Building (FOB–10A), Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone (202) 426–3644.

Petitioner requests that the requirements of the High Density Traffic Airport Rule, 14 CFR Part 93, Subpart K, be amended to permit the limited operation of "commuter" slots at high density airports with aircraft having a certificated maximum passenger seating capacity of 56 or more. The High Density Traffic Airport Rule currently limits the number of air carrier, commuter, and other operations at O'Hare International Airport in Chicago, LaGuardia and Kennedy International Airport in New York, and Washington National Airport in Washington, D.C. The existing rule limits the use of commuter slots at these airports to aircraft with a seating capacity of less than 56; air carrier slots may only be operated with aircraft having a maximum seating of 56 or more. The reason for the requested amendment is the increasing acquisition and use by commuter operators of aircraft with a passenger seating capacity of more than 56. Petitioner and other commuter operators interested in using larger aircraft have had difficulty in obtaining the necessary air carrier slots from the airline scheduling committee at each high density airport Accordingly, the petitioner requests that commuter operators be allowed to conduct some operations with larger aircraft using commuter slots. The petitioner does not request that the distinction between air carrier slots and commuter slots be eliminated.

Petitioner specifically proposes the following:

(1) A commuter operator holding "commuter" slots at a high density airport would be able to operate up to fifty percent of its commuter slots with aircraft having a certificated passenger seating capacity of 56 seats or more.

(2) If a commuter operator obtains "air carrier" slots at a high density airport, it must reduce the number of its commuter slots being used for larger aircraft (56 seats or more) operation on a one-for-one basis. The slots affected would not be surrendered, but would be restricted to small aircraft operation. The petitioner does not suggest if or how commuter operators already holding s substantial number of air carrier slots would be accommodated.

(3) The recordkeeping necessary for the administration of the requested rule would be accomplished by the air carrier and commuter scheduling committees rather than the Federal Aviation Administration.

This notice is published pursuant to paragraphs (b) aand (f) of § 11.27 of Part 11 of the Federal Aviation Regulations (14 CFR Part 11).

Issued in Washington, D.C. on April 15, 1985.

Richard C. Boitel,

Acting Assistant Chief Counsel, Regulations and Enforcement Division.

[FR Doc. 85–9438 Filed 4–18–85; 8:45 am]

BILLING CODE 4910–13–M

14 CFR Part 71

[Airspace Docket No. 85–AMN–2]

Proposed Alteration of Glasgow, MT Control Zone and Transition Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to alter the control zone and transition area at Glasgow, Montana, to enlarge the control zone extensions and reduce the size of the 700' transition area. This action is necessary to ensure segregation of aircraft using approach procedures in instrument weather conditions and other aircraft operating in visual weather conditions.

DATES: Comments must be received on or before June 10, 1985.

ADDRESSES: Send comments on the proposal to: Manager, Airspace and Procedures Branch, ANM–530, Federal Aviation Administration—Docket No. 85–ANM–2, 17900 Pacific Highway South, C–68966, Seattle, Washington 98168.

The official docket may be examined in the Regional Counsel's office at the above address.

An informal docket may also be examined during normal business hours at the same address.

FOR FURTHER INFORMATION CONTACT: Kathy Paul, Airspace Technical Specialist, ANM–535. The telephone number is (206) 431–2535.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposal. Communications should identify the airspace docket and be submitted to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 85–ANM–2." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination at the address listed above both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM's

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Airspace and Procedures Branch, 17900 Pacific Highway South, C–68966, Seattle, Washington 98168. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11–2 which describes the application procedure.

The Proposal

The FAA is considering an amendment to §§ 71.171 and 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to enlarge the control zone extensions and reduce the size of the 700' transition area at Glasgow, Montana. The control zone extensions are required due to recent amendments to instrument approach procedures at Glasgow International Airport. The reduction of the 700' transition area is permitted due to cancellation of instrument approach procedures at Valley Industrial Park Airport. Sections 71.171 and 71.181 of Part 71 of the Federal Aviation Regulations were republished in Handbook 7400.6 dated January 2, 1985.

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Control zones, Transition areas, Aviation safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me the Federal Aviation Administration proposes to amend §§ 71.171 and 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as follows:

Glasgow, Montana Control Zone (Revised)

"Within a 5-mile radius of the Glasgow International Airport (lat. 48°12'48" N, long. 106°37'06" W); within 3 miles each side of the Glasgow VOR/DMME327° radial, extending from the 5-mile radius zone to 8.5 miles northwest of the VOR/DME; and within 3 miles each side of the Glasgow VOR/DME 127° radial, extending from the 5-mile radius zone to 8.5 miles southeast of the VOR/DME; and within 3 miles each side of the Milk River NDB 106° bearing, extending from the 5-mile radius Zone to 8.5 miles east of the NDB".

Glasgow, Montana, Transition Area (Revised)

"That airspace extending upward from 700 feet above the surface within an 11-mile radius of the Glasgow VOR/DME; and that airspace extending upward from 1,200 feet above the surface starting at lat. 48°40'00" N, long. 106°00'00" W; to lat. 48°32'00" N, long. 105°50'00" W; to lat. 48°03'00" N, long. 105°50'00" W; to lat. 48°03'00" N, long. 106°10'00" W; to lat. 47°53'00" N, long. 106°22'30" W; to lat. 48°15'00" N, long. 107°07'00" W; to lat. 48°40'00" N, long. 107°07'00" W; thence to point of beginning, excluding that area designated as the Wolf Point, Montana, 1,200 foot transition area".

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); (49 U.S.C. 106(g) (Revised, Pub. L. 97–449, January 12, 1983)); and 14 CFR 11.65)

Wayne J. Barlow,

Acting Director, Northwest Mountain Region.

[FR Doc. 85–9444 Filed 4–18–85; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 71

[Airspace Docket No. 85–ASW–13]

Proposed Alteration of Transition Area and Control Zone: Killeen, TX

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to alter the transition area and control zone at Killeen, TX. The intended effect of the proposed action is to provide additional controlled airspace for aircraft executing new standard instrument approach procedures (SIAPs) to the Killeen Municipal Airport, Hood Army Air Field, and Robert Gray Army Air Field. This action is necessary since there are three new SIAPs being developed using the Gray Vortac (GRK). In addition, a review of this airspace revealed the necessity to reconfigure the control zone and transition areas. This action will reduce the amount of controlled airspace northwest of Robert Gray and Hood Army Air Fields and result in additional controlled airspace as necessary to protect the existing and three newly proposed SIAPs.

DATES: Comments must be received on or before June 3, 1985.

ADDRESSES: Send comments on the proposal in triplicate to: Manager, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Docket No. 85–ASW–13, Federal Aviation Administration, P.O. Box 1689, Fort Worth, TX 76101.

The official docket may be examined in the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, 4400 Blue Mound Road, Fort Worth, TX.

The informal docket may also be examined during normal business hours at the Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, 4400 Blue Mound Road, Fort Worth, TX.

FOR FURTHER INFORMATION CONTACT:

David J. Souder, Airspace and Procedures Branch, ASW–534, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, TX 76101; telephone (817) 877–2463.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposal. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 85–ASW–13." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Office of the Regional Counsel, 4400 Blue Mound Road, Fort Worth, TX, both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Manager, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, P.O. Box 1689, Fort Worth, TX 76101. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11–2 which describes the application procedure.

The Proposal

The FAA is considering an amendment to §§ 71.171 and 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to reconfigure both the control zone and transition area at Killeen, TX. This will provide the necessary controlled airspace for the benefit of aircraft conducting instrument flight rules (IFR) activity at Killeen Municipal, Hood, and Robert Gray Airports. Sections 71.171 and 71.181 of Part 71 of the Federal Aviation Regulations were republished in Handbook 7400.6A dated January 2, 1985.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Transition areas, Control zones.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the FAA proposes to amend §§ 71.171 and 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as follows:

Section 71.171

Killeen, TX Revised

Within a 5-mile radius of the Killeen Municipal Airport (latitude 31°05'09" N., longitude 97°41'10" W.), and within a 5-mile radius of the Hood Army Air Field (latitude 31°08'13" N., longitude 97°42'49" W.), and within a 5-mile radius of the Robert Gray Army Air Field (latitude 31°04'04" N., longitude 97°49'45" W.), and within 1.5 miles each side of the north localizer course extending from the 5-mile radius area to 7 miles north of the Robert Gray Army Air Field, and within 2 miles each side of the 160-degree bearing from the Robert Gray Army Air Field extending from the 5-mile radius area to 11 miles south of the airport.

Section 71.181

Killeen, TX Revised

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Hood Army Air Field (latitude 31°08'13" N., longitude 97°42'49" W.), and within 4.5 miles each side of the 217-degree bearing from the airport extending from the 5-mile radius area to 21 miles southwest of the airport, and within a 6.5-mile radius of the Killeen Municipal Airport (latitude 31°05'09" N., longitude 97°41'10" W.), and within 3 miles each side of the south localizer course extending from the 6.5-mile radius area to 15.5 miles south of the airport and within 4.5 miles each side of the 244-degree bearing from the airport extending from the 6.5-mile radius area to 20 miles southwest of the airport, and within a 6.5-mile radius of the Robert Gray Army Air Field (latitude 31°04'04" N., longitude 97°49'45" W.), and within 2.5 miles each side of the north localizer course extending from the 6.5-mile radius area to 7.5 miles north of the airport and within 4.5 miles each side of the 160-degree bearing from the airport extending from the 6.5-mile radius area to 14 miles south of the airport.

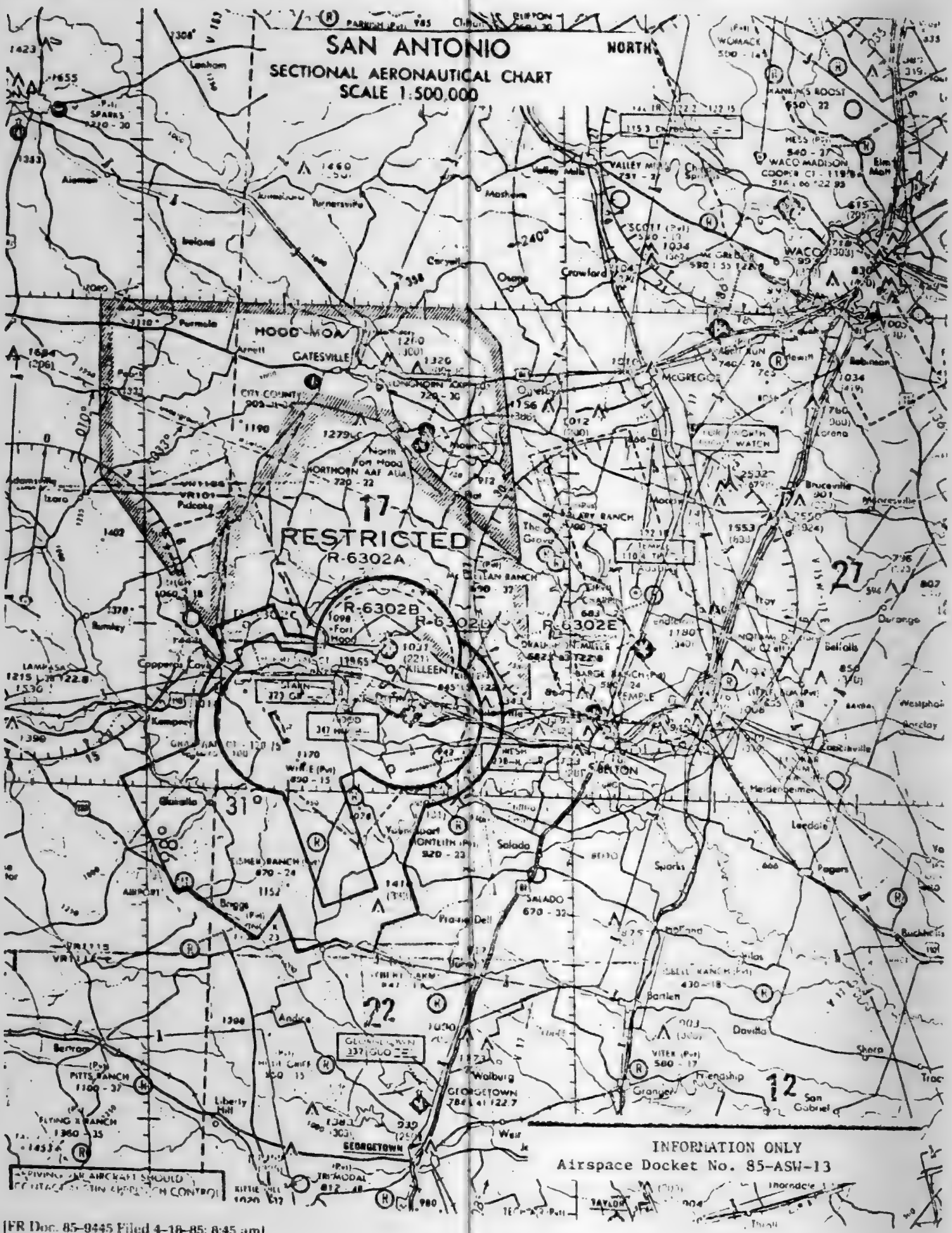
(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); (49 U.S.C. 106(g) (Revised, Pub. L. 97–449, January 12, 1983)); and 14 CFR 11.65)

Issued in Fort Worth, TX, on April 5, 1985.

F.E. Whitfield,

Acting Director, Southwest Region.

BILLING CODE 4910–13–M



[FR Doc. 85-9445 Filed 4-18-85; 8:45 am]

14 CFR Part 71

[Airspace Docket No. 85-AAL-4]

Proposed Alteration of Colored Federal Airway R-39—AK

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to realign Colored Federal Airway R-39 over the recently commissioned Ice Pool, AK Nondirectional Radio Beacon (NDB) which enhances efficiency and air navigation aid coverage in the affected area. The affected airway is currently aligned with Julius, AK, NDB, which is being decommissioned.

DATES: Comments must be received on or before June 4, 1985.

ADDRESSES: Send comments on the proposal in triplicate to: Director, FAA, Alaskan Region, Attention: Manager, Air Traffic Division, Docket No. 85-AAL-4, Federal Aviation Administration, 701 C Street, Box 14, Anchorage, AK 99513.

The official docket may be examined in the Rules Docket, weekdays, except Federal holidays, between 8:30 a.m. and 5:00 p.m. The FAA Rules Docket is located in the Office of the Chief Counsel, Room 916, 800 Independence Avenue, SW., Washington, D.C.

An informal docket may also be examined during normal business hours at the office of the Regional Air Traffic Division.

FOR FURTHER INFORMATION CONTACT: Burton Chandler, Airspace and Air Traffic Rules Branch (ATO-230), Airspace—Rules and Aeronautical Information Division, Air Traffic Operations Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 426-8783.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposal. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 85-AAL-4." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM's

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue, SW., Washington, D.C. 20591, or by calling (202) 426-8058. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11-2 which describes the application procedure.

The proposal

The FAA is considering an amendment to § 71.107 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to realign Federal Airway R-39. Due to the commissioning of the Ice Pool, AK, NDB (lat. 64°32'46" N., long. 149°04'28" W.), and the planned decommissioning of the Julius NDB, the FAA is proposing to route R-39 over the new Ice Pool NDB rather than the Julius NDB. This will reduce high maintenance costs associated with the Julius NDB, and have no negative effect on air navigation. Section 71.107 of Part 71 of the Federal Aviation Regulations was republished in Handbook 7400.6A dated January 2, 1985.

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) Is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Colored Federal airways.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend § 71.107 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as follows:

R-39 [Amended]

By removing the words "Julius, AK, RBN." and substituting the words "Ice Pool, AK, NDB."

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); (49 U.S.C. 106(g) (Revised, Pub. L. 97-449, January 12, 1983)); and 14 CFR 11.65)

Issued in Washington, D.C., on April 15, 1985.

John W. Baier,

Acting Manager, Airspace—Rules and Aeronautical Information Division.

[FR Doc. 85-9441 Filed 4-18-85; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 85-AAL-5]

Proposed Revocation of Control Zones at Aniak, Nenana, Umiat and Fort Yukon, AK

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking

SUMMARY: This notice proposes to revoke control zones at Aniak, Nenana, Umiat and Fort Yukon, AK. This action is proposed to allow more efficient use of the airspace, and to reduce the constraints and impact on the public in the affected airspace. The circumstance which creates the need to revoke the control zones is that weather reports at these airports are provided only on an hourly basis without special observations taken and disseminated when significant changes in weather occur. This creates an undue restriction on the users when: (1) The last report indicates the weather is below basic visual flight rules (VFR) minimums, (2) the weather is actually above basis VFR minimums, and (3) the next weather report will not be available until on the hour. This proposal will provide

airspace for VFR aircraft to depart and arrive at the above airports with 1 mile flight visibility and clear of clouds below 700 feet above the surface.

DATES: Comments must be received on or before May 31, 1985.

ADDRESSES: Send comments on the proposal in triplicate to: Director, FAA Alaskan Region, Attention: Manager, Air Traffic Division, Docket No. 85-AAL-5, Federal Aviation Administration, 701 C Street, Box 14, Anchorage, AK 99513-0087.

The official docket may be examined in the FAA Rules Docket, Office of the Regional Counsel, Third Floor, Module F, Federal Building U.S. Courthouse, 701 C Street, Anchorage, AK.

An informal docket may also be examined during normal business hours at the office of the Regional Air Traffic Division, Third Floor, Module B, Federal Building U.S. Courthouse, 701 C Street, Anchorage, AK.

FOR FURTHER INFORMATION CONTACT: Robert C. Durand, Procedures and Airspace Specialist, (AAL-536), Air Traffic Division, Federal Aviation Administration, 701 C Street, Box 14, Anchorage, AK 99513-0087, telephone (907) 271-5902.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particulary helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposal. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped post card on with the following statement is made: "Comments to Airspace Docket No. 85-AAL-5." The post card will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Regional Air Traffic Division, Third Floor, Module B, Federal Building U.S. Courthouse, 701 C Street, Anchorage, AK, both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRMs

Any person may obtain a copy of this Notice of Proposed Rulemaking by submitting a request to the Federal Aviation Administration, Manager, Operations, Procedures, and Airspace Branch, Air Traffic Division, Alaskan Region, 701 C Street, Box 14, Anchorage, AK 99513-0087, or by calling (907) 271-5902. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedure.

The Proposal

The FAA is considering an amendment to § 71.171 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to revoke the control zones at Aniak, Nenana, Umiat and Fort Yukon, AK. Weather reports at the above locations are being taken once an hour and do not include specials. This can result in weather conditions which unduly restrict users. Transition areas are published to provide controlled airspace to protect the instrument approaches at the above locations. The revocation of the control zones will allow VFR aircraft to depart and arrive at the above airports with 1 mile flight visibility and clear of clouds below 700 feet above the surface. Section 71.171 of Part 71 of the Federal Aviation Regulations was republished in Handbook 7400.6 dated January 3, 1984. The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore, (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Polices and Procedures (44 FR 11034; Februry 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Control zones.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend § 71.171 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as follows:

Aniak, Ak [Removed]

Within a 5-mile radius of the Aniak Airport (lat. 61°35'N., long. 159°32'W.); within 3 miles each side of the 114°T(094°M) bearing from Aniak NDB, extending from the 5-mile radius zone to 8 miles SE of the NDB, and within 2 miles each side of the Aniak localizer (lat.61°35'02"N., long. 159°33'01"W.) west course extending from the 5-mile radius zone to 8.5 miles west of the localizer. This control zone is effective during the specific dates and times estabished in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Flight Information Publication Supplement Alaska.

Nenana, AK [Removed]

Within a 5-mile radius of the Nenana Airport (lat. 64°31'56" N., long. 149°04'24" W.), and within 4 miles each side of the 132° bearing from the Julius RBN extending from the 5-mile radius zone to 8.5 miles southeast of the RBN. This control zone is effective during the specific days and times established in advance by a Notice to Airmen. The effective dates and times will thereafter be continuously published in the Flight Information Publication Supplement Alaska.

Umiat, AK [Removed]

Within a 5-mile radius of the Umiat Airport, (lat. 69°22'17" N., long. 152°08'00" W.), within 3 miles each side of the 079° bearing from the Umiat NDB extending from the 5-mile radius zone to 8 miles east of the NDB; and within 3 miles each side of the 259° bearing from the Umiat NDB extending from the 5-mile radius zone to 8 miles west of the NDB.

Fort Yukon, AK [Removed]

Within a 5-mile radius of Fort Yukon Municipal Airport (lat. 66°34'16" N., long. 145°14'59" W.), and within 3 miles south and 4 5 miles north of the Fort Yukon 076° radial extending from the 5-mile radius zone to 10.5 miles east of the Fort Yukon VORTAC and within 3 miles each side of the Fort Yukon VORTAC 214° radial extending from the 5-mile radius zone to 8.5 miles southwest of the VORTAC. This control zone is effective from 0800 to 1700 hours local time daily or during the specific days and times established in advance by a Notice to Airmen. The effective dates and time will thereafter be continuously published in the Flight Information Publication Alaska.

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); (49 U.S.C. 106(g) (Revised, Pub. L. 97-449, January 12, 1983)); and 14 CFR 11.65)

Issued in Anchorage, Alaska, on April 5, 1985.

Franklin L. Cunningham,

Director, Alaskan Region.

[FR Doc. 85-9448 Filed 4-18-85; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 85-AAL-6]

Proposed Revision of Transition Area and Revocation of Control Zone at Valdez, AK

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to revise the transition area and revoke the control zone at Valdez, AK. This action is proposed to allow more efficient use of the airspace, and to reduce the constraints and impact on the public in the affected airspace. The circumstance which creates the need to revoke the control zone is that weather reports at the airport are provided only on an hourly basis without special observations taken and disseminated when significant changes in weather occur. This creates an undue restriction on the users when: (1) The last report indicates the weather is below basic visual flight rules (VFR) minimums, (2) the weather is actually above basic VFR minimums, and (3) the next weather report will not be available until on the hour. The circumstance which created the need to revise the transition area is the revocation of the control zone. The revised transition area will provide controlled airspace below 1,200 feet down to 700 feet above the surface for the microwave landing system (MLS) approach to Valdez, AK, Airport. Revocation of the control zone will provide airspace for VFR aircraft to depart and arrive at the Valdez Airport with 1 mile flight visibility and clear of clouds below 700 feet above the surface.

DATES: Comments must be received on or before May 31, 1985.

ADDRESSES: Send comments on the proposal in triplicate to: Director, FAA Alaskan Region, Attention: Manager, Air Traffic Division, Docket No. 85-AAL-6, Federal Aviation Administration, 701 C Street, Box 14, Anchorage, AK 99513-0087.

The official docket may be examined in the FAA Rules Docket, Office of the Regional Counsel, Third Floor, Module F, Federal Building U.S. Courthouse, 701 C Street, Anchorage, AK.

An informal docket may also be examined during normal business hours at the office of the Regional Air Traffic Division, Third Floor, Module B, Federal Building U.S. Courthouse, 701 C Street, Anchorage, AK.

FOR FURTHER INFORMATION CONTACT: Robert C. Durand, Procedures and Airspace Specialist (AAL-536), Air Traffic Division, Federal Aviation Administration, 701 C Street, Box 14, Anchorage, AK 99513-0087, telephone (907) 271-5902.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposal. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped post card on which the following statement is made: "Comments to Airspace Docket No. 85-AAL-6." The post card will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Regional Air Traffic Division, Third Floor, Module B, Federal Building U.S. Courthouse, 701 C Street, Anchorage, AK, both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRMs

Any person may obtain a copy of this Notice of Proposed Rulemaking by submitting a request to the Federal Aviation Administration, Manager, Operations, Procedures, and Airspace Branch, Air Traffic Division, Alaskan Region, 701 C Street, Box 14, Anchorage, AK 99513-0087, or by calling (907) 271-5902. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedure.

The Proposal

The FAA is considering an amendment to § 71.171 and § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to establish the base of controlled airspace at 700 feet above the surface within a 5-mile radius of the Valdez, AK, Airport and revoke the controlled airspace within a 3-mile radius of the Valdez, AK, Airport from the surface up to 700 feet above the surface. These airspace designations will allow VFR aircraft to depart and arrive at Valdez, AK, Airport with 1 mile flight visibility and clear of clouds below 700 feet above the surface and provide controlled airspace between 700 feet and 1,200 feet above the surface for the MLS approach. Sections 71.171 and 71.181 of Part 71 of the Federal Aviation Regulation were republished in Handbook 7400.6 dated January 3, 1984.

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore, (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Transition areas; Control zones.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend § 71.171 and § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as follows:

Valdez, AK § 71.171 [Removed]

Within a 3-mile radius of the Valdez Municipal Airport, (lat. 61°07'58"N, long. 146°14'24"W.). This control zone is effective from 0800 to 1600 local time daily from mid-October to mid-May, and from 0600 to 2200 local time daily from mid-May to mid-October or during specific dates and times established in advance by a Notice to Airmen. The effective date and time will

thereafter be continuously published in the U.S. Government Flight Information Publication Supplement Alaska.

Valdez, AK § 71.181 [Amended]

By removing the words "That airspace extending upward from" and substituting the words "That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Valdez Airport (lat. 61°07'58"N., long 146°14'24"W.); and from * * *"

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); (49 U.S.C. 106(g) (Revised, Pub. L. 97-449, January 12, 1983)); and 14 CFR 11.65.)

Issued in Anchorage, Alaska, on April 5, 1985.

Franklin L. Cunningham,

Director, Alaskan Region.

[FR Doc. 85-9449 Filed 4-18-85; 8:45 am]

BILLING CODE 4910-13-M

INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Agency for International Development

22 CFR Part 208

Debarment, Suspension and Ineligibility

AGENCY: Agency for International Development.

ACTION: Proposed rule.

SUMMARY: The Agency for International Development proposes to amend Part 208 to include AID procurement contracts and subscontracts and direct AID and AID-financed agreements (e.g., grants, cooperative agreements, and host country contracts) and subagreements. Part 208 currently applies to debarment and suspension of AID-financed suppliers of commodities and commodity-related services. The amendment expands the coverage to include direct AID agreements (e.g. grants and cooperative agreements) and all AID-financed agreements (e.g., host county contracts). The amendment also implements and supplements 48 CFR Subpart 709.4 (49 FR 13240, April 3, 1984) with respect to procurement contracts and subcontracts.

DATES: Comments must be submitted on or before May 20, 1985.

Comments: Comments may be mailed to Mr. Jan W. Miller, Office of the General Counsel, Room 6943 N.S., Agency for International Development, Washington, D.C. 20523. Telephone: (202) 632-8874.

FOR FURTHER INFORMATION CONTACT: Jan Miller (202) 632-8874.

SUPPLEMENTARY INFORMATION:

Regulatory Flexibility and Impact Analysis

This action will not have a significant economic impact on a substantial number of small entities including small businesses, small organizational units and small governmental jurisdictions.

This action does not constitute a "major rule" under Executive Order No. 12291.

Administrative Procedures Act

This is not a rule subject to rulemaking under the Administrative Procedures Act. However, in order to afford interested parties with an opportunity to comment, the regulation is being published as a proposed rule. The regulation will be published as a final rule following the comment period.

Environmental Impact

This action does not constitute a major Federal action significantly affecting the quality of the human environment.

List of Subjects in 22 CFR Part 208

Foreign aid, Government procurement, Government contracts, Grant programs—foreign relations, Grants administration.

Accordingly, AID proposes to revise 22 CFR Part 208 to read as follows:

PART 208—DEBARMENT, SUSPENSION AND INELIGIBILITY

Subpart A—General

Sec.

208.1 Scope.
208.2 Policy.
208.3 Definitions.
208.4 GSA Notification.
208.5 AID Consolidated List of Debarred, Suspended and Ineligible Awardees.

Subpart B—Effect of Being Listed on the AID and GSA Lists

208.6 GSA List.
208.7 AID List.
208.8 Waiver.

Subpart C—Debarment

208.9 General.
208.10 Causes for debarment.
208.11 Procedures.
208.12 Period of debarment.
208.13 Scope of debarment (imputed conduct).

Subpart D—Suspension

208.14 General.
208.15 Causes for suspension.
208.16 Procedures.
208.17 Period of suspension.
208.18 Scope of suspension.

Authority: Sec. 621 of the Foreign Assistance Act of 1961, 22 U.S.C. 2381; 48 CFR Subpart 9.4.

Subpart A—General

§ 208.1 Scope.

(a) This part:

(1) Prescribes policies and procedures for the Agency for International Development (AID) governing the debarment and suspension of organizations and individuals from participating in AID agreements, including contracts, grants, cooperative agreements, AID-financed host country contracts, AID-financed commodity transactions under 22 CFR Part 201, and reimbursement for overseas freight charges under 22 CFR Part 202;

(2) Sets forth the causes, procedures and requirements for determining the scope, duration and effect of AID debarment and suspension actions; and

(3) Implements and supplements 48 CFR Subpart 709.4 with respect to suspension, debarment and ineligibility for Goverment procurement contracts.

§ 208.2 Policy.

(a) AID shall not solicit bids and proposals from, award agreements to, or finance or consent to agreements with, organizations and individuals that are suspended, proposed for debarment, debarred, or ineligible as indicated on the AID List or that are debarred, suspended or ineligible as indicated on the GSA List.

(b) The serious nature of debarment and suspension requires that they be imposed only in the public interests, for the Government's protection and not for purposes of punishment. Debarment and suspension shall be imposed to protect the Government's interest, and only for the causes and in accordance with the procedures set forth in this part.

(c) Offices responsible for the award and administration of agreements are responsible for reporting to the Inspector General, AID, information about possible fraud, waste, abuse, or other wrongdoing which may constitute or contribute to a cause for debarment or suspension under this Part.

§ 208.3 Definitions.

For purposes of this Part—

(a) "Adequate evidence" means information sufficient to support the reasonale belief that a particular act or omission has occurred.

(b) "Affiliates." Organizations or individuals are affiliates if, directly or indirectly, (1) either one controls or can control the other; or (2) a third controls or can control both.

(c) "Agency" means an executive department, military department or defense agency, or other agency or

independent establishment of the executive branch.

(d) "AID agreement" means a contract, grant, cooperative agreement, loan, loan guarantee, sales agreement, donation agreement or any other agreement to which AID is a party or which AID finances or approves. It also means any subagreement under an AID agreement. It includes AID Government procurement contracts, grants and cooperative agreements, AID-financed host country contracts, AID-financed commodity transactions under 22 CFR Part 201, reimbursement of freight charges under 22 CFR Part 202, and transactions under Title II of the Agricultural Trade Development and Assistance Act of 1954, as amended (Pub. L. 480).

(e) "AID List" means the AID Consolidated List of Debarred, Suspended or Ineligible Awardees maintained by AID in accordance with this Part.

(f) "Authorized representative" means an official who has been designated by and authorized to act on behalf of the Administrator of AID for the purposes of this part including, but not limited to, acting as a debarring or suspending official.

(g) "Awardee" means any individual or legal entity that submits offers for, is awarded or performs services under, or reasonably may be expected to be awarded or perform services under an AID agreement. It includes an employee of an awardee and any person who conducts business with AID as an agent or representative of an awardee. It also includes AID contractors.

(h) "Contractor" means any individual or legal entity that submits offers for or is awarded, or reasonably may be expected to submit offers for or be awarded, a Government procurement contract or conducts business with the Government as an agent or representative of another contractor.

(i) "Conviction" means a judgment or conviction of a criminal offense by any court of competent jurisdiction, whether entered upon a verdict or plea, and includes a conviction entered upon a plea of nolo contendere.

(j) "Debarment" means action taken by a debarring official to exclude an organization or individual from receiving Government procurement contracts or AID agreements for a reasonable, specified period. An organization or individual so excluded is "debarred".

(k) "Debarring Official" means an agency head or an official authorized by an agency head to impose debarment. The AID debarring official is the Associate Assistant to the Administrator for Management (M/AAA-SER).

(l) "Government procurement contract" means (1) an agreement to which a Federal agency is a party for the acquisition of supplies or services (including construction) for the direct benefit or use of the Federal Government or (2) a Government-approved or financed subcontract under a Government procurement contract.

(m) "GSA List" means the Consolidated List of Debarred, Suspended and Ineligible Contractors maintained by the General Services Administrator.

(n) "Indictment" means indictment for a criminal offense. An information or other filing by competent authority charging a criminal offense shall be given the same effect as an indictment.

(o) "Ineligible" means excluded from Government contracting (and subcontracting, if appropriate) under statutory, Executive Order, or regulatory authority other than this regulation or subpart 9.4 of the Federal Acquisition Regulation. For example, contractors excluded under the Davis-Bacon Act and its related statutes and implementing regulations, the Service Contract Act, the Equal Employment Opportunity Acts and Executive Orders, the Walsh-Healey Public Contract Act, the Buy American Act, and the Environment Protection Acts and Executive Orders are ineligible.

(p) "Legal proceedings" mean any civil judicial proceeding to which the Government is a party or any criminal proceeding. The term also includes appeals from such proceedings.

(q) "Preponderance of the evidence" means proof by information that, compared with that opposing it, leads to the conclusion that the fact at issue is more probably true than not.

(r) "Suspending official" means an agency head or an official authorized by an agency head to impose suspension. The AID suspending official is the Associate Assistant to the Administrator for Management (M/AAA/SER).

(s) "Suspension" means action taken by a suspending official to exclude an organization or individual temporarily from receiving Government procurement contracts or AID agreements. An organization or individual so excluded is "suspended".

§ 208.4 GSA Notification.

The Agency shall—

(a) Notify GSA, within 5 working days after debarring or suspending a contractor or modifying or rescinding such an action, of the information set forth in § 208.5;

(b) Notify GSA of the names and addresses of the organizations within the Agency that are to receive the consolidated list and the number of copies to be furnished to each; and

(c) Direct inquiries concerning listed contractors to the agency or other Governmental authority that took the action.

§ 208.5 AID Consolidated List of Debarred, Suspended and Ineligible Awardees.

The agency shall compile and maintain a list of awardees and affiliates who are proposed for debarment or who are curently debarred or suspended under this part. At a minimum, the AID List shall contain the following information:

(a) The awardee's name and address;

(b) The cause(s) for the action;

(c) The effect of the action;

(d) The effective date of the action and, in the case of debarments, the termination date for each listing; and

(e) The name and telephone number of AID's point of contact for the action.

Subpart B—Effect of Being Listed on the AID and GSA Lists

§ 208.6 GSA List.

AID shall not—

(a) Solicit or consider a bid or proposal for a Government procurement contract from;

(b) Award, extend or renew any Government procurement contract with; or

(c) Approve or consent to the award, extension or renewal of a Government procurement contract with—

A contractor on the GSA List.

§ 208.7 AID List.

AID shall not—

(a) Solicit or consider a bid or proposal for an agreement from;

(b) Award, extend, or renew any agreement with;

(c) Finance, approve or consent to the award, extension, or renewal of any agreement—

An awardee on the AID LIST.

§ 208.8 Waiver.

(a) The Associate Assistant to the Administrator for Management may waive the prohibitions of §§ 208.6 and 208.7 by issuing a written determination setting forth the compelling reasons justifying the waiver.

(b) Some examples of circumstances that may constitute a compelling reasons include: (1) The property or services to be acquired are available only from the listed awardee or contractor; (2) the urgency of the requirement dictates that AID deal with

the awardee or contractor; (3) the contractor or awardee and AID have entered an agreement covering the same events which resulted in the listing and the agreement includes a decision by AID not to debar or suspend the awardee or contractor; and (4) for such other reasons related to U.S. foreign assistance activities which require continued business dealing with the listed awardee or contractor.

Subpart C—Debarment

§ 208.9 General.

(a) The debarring official may, in the public interest, debar an awardee for any of the causes contained in § 208.10, using the procedures in § 208.11. The existence of a cause for debarment under § 208.10, however, does not necessarily require that the awardee be debarred; the seriousness of the awardee's acts or omissions and any mitigating factors should be considered in making any debarment decision.

(b) Debarment of an awardee constitutes debarment of all divisions or other organizational elements of the awardee, unless the debarment decision is limited by its terms to specific divisions, organizational elements, or commodities. Debarment extends to affiliates of the awardee, only if they are (1) specifically named and (2) given written notice of the proposed debarment and opportunity to respond (see § 208.11).

§ 208.10 Causes for debarment.

The debarring official may debar an awardee for:

(a) Conviction of or civil judgment for—

(1) Commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public agreement or subagreement;

(2) Violation of Federal or State antitrust statutes relating to the submission of bids or proposals: or

(3) Commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property; or

(4) Commission of any other offense indicating a lack of business integrity or business honesty which seriously and directly affects the present responsibility of an awardee.

(b) Violation of the terms of an agreement or subagreement so serious as to justify debarment, such as—

(1) Willful failure to perform in accordance with the terms of one or more agreements or subagreements; or

(2) A history of failure to perform, or of unsatisfactory performance of, one or mroe agreements or subagreements.

(c) Any other cause of so serious or compelling a nature that it affects the present responsibility of an AID contractor or awardee. Such cause may include but is not limited to:

(1) Failure to furnish information in accordance with the terms of one or more agreements or subagreements;

(2) Violation of AID regulations in a substantial manner; or

(3) Offer or acceptance of a bribe or other illegal payment or credit or commission of a fraud in connection with any AID-financed transaction.

(d) On the basis of a debarment for any of the above causes by another agency.

§ 208.11 Procedures.

(a) *Notice of proposal to debar.* Debarment shall be initiated by sending the awardee or affiliates, a notice containing, as appropriate, the following information:

(1) That debarment is being proposed.

(2) The reasons for the proposed debarment in terms sufficient to put the awardee or affiliate on notice of the conduct or transaction(s) upon which it is based.

(3) The cause(s) relied upon under § 208.10 for the proposed debarment, and, if applicable, under FAR Subpart 9.4.

(4) That, within 30 days after the receipt of the notice, the awardee or affiliate may (i) submit, in person, in writing, or through a representative, information and argument in opposition to the proposed debarment, including any additional specific information that raises a genuine dispute over the material facts; and (ii) request in writing a hearing.

(5) The effects of the proposed debarment and the effects of a final debarment. If a notice of proposed debarment is issued to an awardee or affiliate who is not suspended, the notice shall state that, for purposes of AID agreements, the proposed debarment shall have the effect of a suspension.

(6) The awardee's or affiliate's name and address have been placed on the AID List.

(b) *Hearing.*—(1) *Appointment.* Upon receipt of a timely request for a hearing, the debarring official will appoint a hearing officer.

(2) *Purpose.* The purpose of the hearing is to provide the awardee or affiliate an opportunity to dispute material facts, present evidence of any mitigating factors, present arguments concerning the imposition, scope, duration or effects of a proposed debarment or debarment and to provide the debarring official with proposed findings of fact.

(3) *Evidence and argument.* The awardee or affiliate shall have the opportunity to appear with counsel, to submit documentary evidence, to examine and cross-examine witnesses and to present argument.

(4) *Transcript.* The hearing officer shall make a transcribed record of the hearing and make it available at cost to the awardee of affiliate. The requirement for a transcript may be waived by mutual agreement.

(5) *Report.* Within 30 days after the hearing record is closed, the hearing officer will transmit to the debarring official and the awardee or affiliate a written report setting forth proposed findings of fact as to disputed material facts. The awardee or affiliate shall have 30 days from receipt of the report to submit written exceptions to the debarring official.

(c) *Debarring official's decision.* (1) The debarring official shall make a decision on the basis of all the information in the administrative record, including any submission made by the awardee or affiliate, the hearing report and any exceptions. The debarring official may set aside findings of fact only after specifically determining them to be aribitrary and capricious or clearly erroneous.

(2) In any action in which the proposed debarment is not based upon a conviction or civil judgment, the cause for debarment must be established by a preponderance of the evidence.

(d) *Notice of debarring official's decision.* (1) If the debarring official decides to impose debarment, the awardee or affiliate shall be sent a notice with the following information as appropriate;

(i) A reference to the notice of proposed debarment.

(ii) Any findings of fact and conclusion of law.

(iii) The reasons for the debarment.

(iv) The period of debarment, including effective dates.

(v) The type of agreements and subagreements covered by the debarment.

(vi) If the debarment is based on one or more causes in FAR Subpart 9.4, a statement that the debarment is effective throughout the Executive Branch as provided in FAR Subpart 9.4, and that the awardee's or affiliate's name will be added to the GSA List.

(vii) The awardee's or affiliate's name and address will be or have been placed on the AID List.

(2) If debarment is not imposed, the debarring official shall so notify the awardee or affiliate.

§ 208.12 Period of debarment.

(a) Debarment shall be for a period sufficient to protect the Government's interest. Generally, a debarment should not exceed 3 years. If suspension precedes a debarment, the suspension period shall be considered in determining the debarment period.

(b) The debarring official may extend the debarment for an additional period, if that official determines that an extension is necessary to protect the Government's interest. However, a debarment may not be extended solely on the basis of the facts and circumstances upon which the initial debarment action was based. If debarment for an additional period is determined to be necessary, the procedures of § 208.11 above shall be followed to extend the debarment.

(c) At any time, an awardee or affiliate may submit a written request to the debarring official for review of the period or extent of debarment because of new information or changed circumstances, such as—

(1) Newly discovered material evidence;

(2) Reversal of the conviction or judgment upon which the debarment was based;

(3) Bona fide change in ownership or management;

(4) Elimination of other causes for which debarment was imposed; or

(5) Other reasons such as restitution and other actions in mitigation.

§ 208.13 Scope of debarment (imputed conduct).

(a) The fraudulent, criminal, or other seriously improper conduct of any officer, director, shareholder, partner, employee, or other individual associated with an awardee may be imputed to the awardee when the conduct occurred in connection with the individual's performance of duties for or on behalf of the awardee, or with the awardee's knowledge, approval, or acquiescense. The awardee's acceptance of the benefits derived from the conduct shall be evidence of such knowledge, approval, or acquiescence.

(b) The fraudulent, criminal, or other seriously improper conduct of an awardee may be imputed to any officer, director, shareholder, partner, employee, or other individual associated with the awardee who participated in, knew of, or had reason to know of, the awardee's conduct.

(c) The fraudulent, criminal, or other seriously improper conduct of one awardee participating in a joint venture or similar arrangement or with the knowledge, approval, or acquiescence of the organizations or individuals. Acceptance of the benefits derived from the conduct shall be evidence of such knowledge, approval, or acquiescence.

Subpart D—Suspension

§ 208.14 General.

(a) The suspending official may, in the public interest, suspend an awardee for any of the causes in § 208.15, using the procedures in § 208.16.

(b) Suspension is a serious action to be imposed on the basis of adequate evidence, pending the completion of an investigation or legal proceedings, when it has been determined that immediate action is necessary to protect the Government's interest. In assessing the adequacy of the evidence, consideration should be given to how much information is available, how credible it is given the circumstances, whether or not important allegations are corroborated, and what inferences can reasonably be drawn as a result. This assessment should include an examination of basic documents such as contracts, inspection reports, and correspondence.

(c) Suspension constitutes suspension of all divisions or other organizational elements of the awardee, unless the suspension decision is limited by its terms to specific divisions, organizational elements, or commodities. The suspending official may extend the suspension decision to include any affiliates of the awardee if they are (1) specifically named and (2) given written notice of the suspension and an opportunity to respond (see § 208.16).

§ 208.15 Causes for suspension.

The suspending official may suspend an organization or individual:

(a) Indicted for or suspected, upon adequate evidence, of the causes in paragraphs (a) and (c) of § 208.10.

(b) On the basis of a suspension or debarment by another agency.

(c) On the Basis of the causes, upon adequate evidence, set forth in paragraphs (a), (b), and (c) of § 208.10.

§ 208.16 Procedures.

(a) *Notice of suspension.* When a decision to suspend has been made the awardee or any affiliates shall be sent a notice of suspension containing, as appropriate, the following information.

(1) That the decision to suspend has been made.

(2) The reasons for the suspension in terms sufficient to place the awardee or affiliate on notice of the causes upon which suspension is based, except the notice shall omit any information which would prejudice an ongoing criminal or civil investigation or a pending contemplated legal proceeding.

(3) The cause(s) relied upon under § 208.15 and, if applicable, under FAR Subpart 9.4 for imposing suspension.

(4) The effects of the suspension.

(5) That, within 30 days after receipt of the notice, the awardee or affiliate may submit, in person, in writing or through a representative, information and argument in opposition to the suspension, including any additional specific information that raises a genuine dispute over material facts.

(6) That, within 30 days after receipt of the notice, the awardee or affiliate may request a hearing; unless (i) the action is based on an indictment or (ii) a determination is made, on the basis of Department of Justice advice, that the substantial interests of the Government in pending or contemplated legal proceedings based on the same facts as the suspension would be prejudiced.

(7) The suspension is effective as of the date of the notice.

(8) The awardee's or affiliate's name and address have been placed on the AID List.

(9) If suspended for one or more of the causes in FAR Subpart 9.4, that the awardee's or affiliate's name will be added to the GSA List.

(b) *Hearing.* When the awardee or affiliate has been given an opportunity to request a hearing under paragraph (a)(6) of this section and upon receipt of a timely request for a hearing, the provisions for debarment hearings in paragraph (b) of § 208.11 will be followed.

(c) *Suspending officials decision.* The suspending official shall make a decision based on all the information in the administrative record, including any submission made by the awardee or affiliate, the hearing report and any exceptions. The suspending official may set aside findings of fact only after specifically determining them to be arbitrary and capricious or clearly erroneous.

(d) *Notice of suspending official's decision.* (1) If the suspending official decides to sustain the suspension, the awardee or affiliate shall be sent a notice with the following information, as appropriate:

(i) A reference to the notice of suspension.

(ii) Any findings of fact and conclusion of law.

(iii) The reasons for sustaining the suspension.

(iv) The type of agreements and subagreements covered by the suspension.

(v) If the suspension is based on one or more of the causes in FAR Subpart 9.4, a statement that the suspension is effective throughout the Executive Branch as provided in FAR Subpart 9.4.

(vi) Modifications, if any, of the terms of the suspension.

(vii) The awardee's or affiliate's name and address will be or have been placed on the AID List.

(2) If the suspension is terminated, the suspending official shall notify the awardee or affiliate of that decision.

§ 208.17 Period of suspension.

(a) Suspension shall be for a temporary period pending the completion of investigation and any ensuing legal proceedings; unless sooner terminated by the suspending official or as provided in this section.

(b) If legal proceedings are not initiated within 12 months after the date of suspension notice, the suspension shall be terminated unles the Department of Justice requests its extension, in which case it may be extended for an additional 6 months. If legal proceedings are initiated before the period of suspension expires, the suspension may continue until legal proceedings are conducted.

(c) The suspending official shall notify the Department of Justice of the proposed termination of the suspension at least 30 days before the 12 month period expires to give it an opportunity to request an extension.

(d) At any time, an awardee or affiliate may submit a written request to the suspending official for a review of the period or extent of suspension because of new information or changed circumstances such as those listed in paragraph (c) of § 208.12.

§ 208.18 Scope of suspension.

The scope of suspension shall be the same as that for debarment (see § 208.13), except that the procedures of § 208.16 shall be used in imposing the suspension.

Dated, January 22, 1985.

R.T. Rollis,

Assistant to the Administrator for Management.

[FR Doc. 85-9206 Filed 4-18-85; 8:45 am]

BILLING CODE 4116-01-M

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

27 CFR Part 9

[Notice No. 562]

South Coast Viticultural Area; Establishment

AGENCY: Bureau of Alcohol, Tobacco and Firearms.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Bureau of Alcohol, Tobacco and Firearms (ATF) is considering the establishment of a viticultural area in California to be known as "South Coast." This proposal is the result of a petition submitted on behalf of the South Coast Vintners Association, a group of grape growers in the proposed area. The establishment of viticultural areas and the subsequent use of viticultural area names in wine labeling and advertising will enable winemakers to label wines more precisely and will help consumers to better identify the wines they purchase.

DATE: Written comments must be received by June 3, 1985.

ADDRESSES: Send written comments to: Chief, FAA, Wine and Beer Branch, Bureau of Alcohol, Tobacco and Firearms, P.O. Box 385, Washington, DC 20044-0385 (Notice No. 562).

Copies of the petition, the proposed regulations, the appropriate maps, and the written comments will be available for public inspection during normal business hours at: ATF Reading Room, Office of Public Affairs and Disclosure, Room 4407, Federal Building, 1220 Pennsylvania Avenue, NW, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Steve Simon, FAA, Wine and Beer Branch, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania, NW, Washington, DC 20226 (202-566-7626)

SUPPLEMENTARY INFORMATION:

Background

ATF regulations in 27 CFR Part 4 provide for the establishment of definite viticultural areas. The regulations also allow the name of an approved viticultural area to be used as an appellation of origin on wine labels and in wine advertisements.

Part 9 of 27 CFR provides for the listing of approved American viticultural areas, the names of which may be used as appellations of origin.

Section 3.25a(e)(1), Title 27 CFR, defines an American viticultural area as a delimited grape-growing region distinguishable by geographical features. Section 4.25a(e)(2) outlines the procedures for proposing an American viticultural area. Any interested person may petition ATF to establish a grape-growing region as a viticultural area. The petition should include—

(a) Evidence that the name of the proposed viticultural area is locally and/or nationally known as referring to the area specified in the petition;

(b) Historical or current evidence that the boundaries of the viticultural area are as specified in the petition;

(c) Evidence relating to the geographical features (climate, soil, elevation, physical features, etc.) which distinguish the viticultural features of the proposed area from surrounding areas;

(d) A description of the specific boundaries of the viticultural area, based on features which can be found on United States Geological Survey (U.S.G.S.) maps of the largest applicable scale; and

(e) A copy of the appropriate U.S.G.S. map(s) with the boundaries prominently marked.

Petition

ATF has received a petition from the South Coast Vintners Association, proposing an area south of Los Angeles, California, as a viticultural area to be known as "South Coast." The area contains about 1,800 square miles. It is located along the Pacific coastline between Los Angeles and the Mexican border. There are about 3,000 acres of grapes currently planted in the proposed area. The petitioner states that at least 15 wineries are operating within the area.

The petitioner claims that the proposed viticultural area is known by the name of "South Coast." To support this, he submitted the following evidence:

(a) *Wine Maps*, published in 1984 by The Wine Spectator, designates various coastal grape-growing areas of California. One such area is identified on both a "Key Map" and a more detailed map as "South Coast." The area shown on these maps corresponds generally to the petitioned area.

(b) The South Coast Vintners Association, which is the only association of vintners in existence in the proposed area, was incorporated in the State of California on January 31, 1984. Prior to incorporation, this association existed informally for several years. Its membership includes most of the wineries in the proposed area. While in existence, the petition states, this association "has created

publications featuring 'South Coast' wines, has held joint tastings and public relations functions, and generally has sought to create name and location identification in the wine industry for 'South Coast' fine wines." As evidence of this effort, the petitioner submitted a booklet published by it, titled "South Coast Wineries." This booklet features a map showing the locations of the association's winery members, and also contains this description: "The wineries are located in the foothills and valleys of the coastal region, most, less than thirty miles from the ocean. Here the combination of higher elevations, well drained soils, and cooling Pacific breezes produce an ideal environment for growing the finest European grape varieties."

The proposed viticultural area is distinguished geographically from the surrounding areas as follows:

(1) To the north, the area is set off by the predominant urbanization of Los Angeles County, which makes grape-growing there unfeasible. The petition explains this as follows: "No doubt portions of Los Angeles County would qualify [with respect to name] as 'South Coast.' However, as a practical matter the entire Los Angeles County coastal area is urbanized and no present or potential grape growing areas exist. Since no grapes come from Los Angeles County and it is very unlikely that any ever will, it was considered confusing to include the County in 'South Coast'."

(2) To the west, the area is bounded by the Pacific Ocean.

(3) The southern boundary of the area, the Mexican-American border, does not correspond to a geographical distinction. However, since 27 CFR Part 9 is titled "American Viticultural Areas," and since "American" is defined in 27 CFR 9.11 as "Of or relating to the several States, the District of Columbia, and Puerto Rico," it is evident that an American viticultural area must not extend into Mexico.

(4) To the east, the proposed area is distinguished geographically by the limit of "coastal influence." This distinction is described in the petition as follows: "Applicant believes that 'coast' infers some substantial coastal influence on the grape growing areas involved, resulting in classification of same as Zones I through III of the Davis scale. While many grapes are grown in San Bernardino, eastern Riverside, eastern San Diego and Imperial Counties, they are grown in Zones IV or V, and are primarily table grapes rather than wine grapes."

The boundaries of the proposed viticultural area may be found on three U.S.G.S. maps of the 1:250,000 series, titled Long Beach, Santa Ana, and San Diego; and on one U.S.G.S. map of the 7.5 minute series, titled Wildomar. The boundaries would be as described in the proposed § 9.104. ATF has slightly modified these proposed boundaries from the boundaries originally proposed by the petitioner, so as to include all of the approved Temecula viticultural area, since evidence submitted in conjunction with the approval of that area showed that all of the Temecula area is influenced by coastal climate factors.

Regulatory Flexibility Act

The provisions of the Regulatory Flexibility Act relating to an initial and final regulatory flexibility analysis (5 U.S.C. 603, 604) are not applicable to this proposal because the notice of proposed rulemaking, if promulgated as a final rule, will not have a significant economic impact on a substantial number of small entities. The proposal is not expected to have significant secondary or incidential effects on a substantial number of small entities. Further, the proposal will not impose, or otherwise cause, a significant increase in the reporting, recordkeeping, or other compliance burdens on a substantial number of small entities.

Accordingly, it is hereby certified under the provisions of Section 3 of the Regulatory Flexibility Act (5 U.S.C. 605(b)) that this notice of proposed rulemaking, if promulgated as a final rule, will not have a significant economic impact on a substantial number of small entities.

Executive Order 12291

In compliance with Executive Order 12291 of February 17, 1981, the Bureau has determined that this proposal is not a major rule since it will not result in:

(a) An annual effect on the economy of $100 million or more;

(b) A major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographical regions; or

(c) Significant adverse effects on competition, employment, investment, productivity, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Paperwork Reduction Act

The provisions of the Paperwork Reduction Act of 1980, Pub. L. 96–511, 44 U.S.C. Chapter 35, and its implementing regulations, 5 CFR Part 1320, do not apply to this notice because no requirement to collect information is proposed.

Public Participation—Written Comments

ATF requests comments concerning this proposed viticultural area from all interested persons. Furthermore, while this document proposes possible boundaries for the South Coast viticultural area, comments concerning other possible boundaries for this viticultural area will be given consideration.

Comments received before the closing date will be carefully considered. Comments received after the closing date and too late for consideration will be treated as possible suggestions for future ATF action.

ATF will not recognize any material or comments as confidential. Comments may be disclosed to the public. Any material which the commenter considers to be confidential or inappropriate for disclosure to the public should not be included in the comment. The name of the person submitting a comment is not exempt from disclosure.

Any person who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his or her request, in writing, to the Director within the 45-day comment period. The request should include reasons why the commenter feels that a public hearing is necessary. The Director, however, reserves the right to determine, in light of all circumstances, whether a public hearing will be held.

List of Subjects in 27 CFR Part 9

Administrative practice and procedures, Consumer protection, Viticultural areas, Wine.

Drafting Information

The principal author of this document is Steve Simon, FAA, Wine and Beer Branch, Bureau of Alcohol, Tobacco and Firearms.

Authority

Accordingly, under the authority in 27 U.S.C. 205, the Director proposes the amendment of 27 CFR Part 9 as follows:

PART 9—AMERICAN VITICULTURAL AREAS

Paragraph 1. The table of sections in 27 CFR Part 9, Subpart C, is revised to add the title of § 9.104, to read as follows:

* * * * *

Subpart C—Approved American Viticultural Areas

Sec.

* * * * *

9.104 South Coast.

Par. 2. Subpart C of 27 CFR Part 9 is amended by adding § 9.104, which reads as follows:

§ 9.104 South Coast.

(a) *Name.* The name of the viticultural area described in this section is "South Coast."

(b) *Approved maps.* The appropriate maps for determining the boundaries of South Coast viticultural area are four U.S.G.S. maps. They are titled:

(1) San Diego, 1:250,000 series, 1958 (revised 1978).

(2) Santa Ana, 1:250,000 series, 1959 (revised 1979).

(3) Long Beach, 1:250,000 series, 1957 (revised 1978).

(4) Wildomar Quadrangle, 7.5 minute series, 1953 (photorevised 1973).

(c) *Boundary*—(1) *General.* The South Coast viticultural area is located in California. The starting point of the following boundary description is the northern intersection of the Orange County line with the Pacific Ocean (on the Long Beach map).

(2) *Boundary Description*—(i) From the starting point generally northeastward, eastward, and southeastward along the Orange County line, to the intersection of that county line with the township line on the northern border of Township 7 South (on the Santa Ana map).

(ii) From there eastward along that township line to its intersection with the portion of the Temecula viticultural area boundary described in § 9.50, paragraphs (c)(1), (c)(2), (c)(23), and (c)(24) (on the Wildomar Quadrangle map).

(iii) From there following that portion of the boundary of the Temecula viticultural area generally northeastward, eastward, and southeastward until it again intersects the township line on the northern border of Township 7 South.

(iv) From there eastward along that township line to the San Bernardino Meridian (on the Santa Ana map).

(v) Then southward along the San Bernardino Meridian to the Riverside County-San Diego County line.

(vi) Then westward along that county line for about 7½ miles, to the western boundary of the Cleveland National Forest (near the Pechanga Indian Reservation).

(vii) Then generally southeastward along the Cleveland National Forest boundary to where it joins California Highway 76.

(viii) From there, generally southeastward along Highway 76, to the township line on the northern border of Township 12 South.

(ix) Then eastward along that township line to its intersection with the range line on the eastern border of Range 3 East.

(x) From there southward along that range line to the U.S.-Mexico international border.

(xi) Then westward along that international border to the Pacific Ocean.

(xii) Then generally northwestward along the shores of the Pacific Ocean to the starting point.

Approved: April 5, 1985.

Stephen E. Higgins,

Director.

[FR Doc. 85-9475 Filed 4-18-85; 8:45 am]

BILLING CODE 4810-31-M

DEPARTMENT OF THE INTERIOR

Minerals Management Service

30 CFR Ch. II

Leasing of Nonenergy Minerals in the Outer Continental Shelf

AGENCY: Minerals Management Service, Interior.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: The Department of the Interior (Department) is considering the desirability of issuing new regulations to govern leasing in the Outer Continental Shelf (OCS) for minerals other than oil, gas, and sulphur under the authority of the OCS Lands Act (OCSLA). Comments and recommendations are requested from interested parties. The Minerals Management Service (MMS) will consider relevant comments in determining the conditions, benefits, costs, and probable consequences of such regulations.

This request is made in response to comments received from industry, environmental groups, interested parties, States, and Federal Agencies on the draft Environmental Impact Statement (EIS) for the Gorda Ridge and from the Federal /State Task Forces which have been formed to evaluate the environmental, economic, developmental, and operational aspects of various areas.

DATE: Comments in response to this request should be postmarked or hand-delivered no later than close of business August 19, 1985.

ADDRESS: Comments may be mailed or delivered to Reid T. Stone, Program Director for Strategic and International Minerals, Minerals Management Services, Department of the Interior, 11 Golden Shore, Suite 260, Long Beach, California 90802, telephone (213) 548-2901.

FOR FURTHER INFORMATION CONTACT: Andrew V. Bailey, Minerals Management Service, Office of Strategic and International Minerals, 12203 Sunrise Valley Drive, Mail Stop 642, Reston, Virginia 22091, telephone (703) 860-6823

SUPPLEMENTARY INFORMATION:

Background

Pursuant to section 8(k) of the OCSLA, the Secretary of the Interior "is authorized to grant to the qualified persons offering the highest cash bonuses on a basis of competitive bidding leases of any mineral other than oil, gas, and sulphur in any area of the Outer Continental Shelf not then under lease for such mineral upon such royalty, rental, and other terms and conditions as the Secretary may prescribe at the time of offering the area for lease."

The OCS includes areas that may be favorable for a variety of strategic and critical materials including phosphates and minerals contining copper, lead, zinc, cobalt, nickel, silver, cadmium, titanium, and manganese. Recognizing the potential for the development of these domestic resources, the President declared in his State of the Union Address on January 26, 1984, that the Department will encourage careful, selective exploration and production of our vital resources in the Exclusive Economic Zone within the 200-mile limit off our coasts but with strict adherence to environmental laws and with full State and public participation.

The Department published an Advance Notice of Proposed Rulemaking in the **Federal Register** on December 7, 1984 (49 FR 47871), requesting comments on the desirability of using the regulations at 30 CFR Part 251 to govern strategic, critical, and other minerals exploration activities.

To aid in the evaluation of the environmental and management aspects of leasing for strategic, critical, and other minerals in the OCS, the Department is reviewing the desirability of promulgating new regulations to govern these activities.

Although the regulations in 30 CFR Part 256 now govern leasing activities for nonenergy minerals as well as oil, gas, and sulphur, separate regulations

may better enable the Department, industry, and the public to evaluate the environmental, economic, and management implications of exploration for nonenergy minerals in the OCS. Recommendations to prepare such clarifying regulations were made in the public hearings on the Gorda Ridge draft EIS by individuals, environmental organizations, and State and Federal Agencies.

Consequently, comments are requested as to whether regulations separate from those in 30 CFR Part 256 should be developed for leasing strategic, critical, and other minerals in the OCS, and if so, how such regulations should differ from those in 30 CFR Part 256. In particular, comments, suggestions, data, and recommendations are requested with respect to the inclusion and treatment in such regulations of the following:

Resource Management

Identification of tracts to be offered
Size of tracts
Duration of lease
Exploration and development requirements
Assignment of leases

Fiscal Considerations

Rentals and royalties
Bonus bids
Alternative bidding systems
Joint bidding
Bonus
Application fees

Protection of Health, Safety, and Environment

Qualifications of lessee
Suspension of operations
Termination of leases
Control of operations
Inspections

Multiple-Use Aspects

Public notice and participation
State and local government involvement
Coastal zone management considerations

Other Considerations

Lease form
Release of information to States and to the public

Any other ideas considered to be relevant to the leasing of minerals other than oil, gas, and sulphur.

Dated: April 12, 1985.

Thomas M. Gernhofer,

Acting Director, Minerals Management Service.

[FR Doc. 85-9456 Filed 4-18-85; 8:45 am]

BILLING CODE 4310-MR-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

46 CFR Part 154

[CGD 77-069]

Proposed Safety Standards for Existing Self-Propelled Vessels Carrying Bulk Liquefied Gases

Correction

In FR Doc. 85-6100, beginning on page 10264 in the issue of Thursday, March 14, 1985, make the following corrections:

1. On page 10270, in the second column, in § 154.7, in the definition for "Existing gas vessel", paragraphs (a) and (b) should have been designated (1) and (2).

2. On page 10270, in the third column, in § 154.7, in the definition for "Gas-dangerous space", paragraphs (a) through (m) should have been designated (1) through (13) and subparagraphs (1) and (2) under misdesignated paragraph (k) should have been designated (i) and (ii).

3. On page 10271, in the first column, in § 154.7, in the definition for "IMO Certificate", paragraphs (a) through (c) should have been designated (1) through (3).

4. On page 10271, in the second column, in § 154.7, in the third line of the definition for "Membrane tank", the word "membrance" should have read "membrane".

5. On page 10271, in the second column, in § 154.7, in the definition for "New gas vessel", paragraphs (a) through (d) should have been designated (1) through (4) and subparagraphs (1) through (3) of misdesignated paragraph (d) should have been designated (i) through (iii).

6. On page 10271, in the second column, in § 154.7, in the definition for "Service space", the word "gallery" in the third line should have read "galley".

7. On page 10272, in the first column, in § 154.12, the semi-colon at the end of paragraph (b)(2) should have been a period.

8. On page 10272, in the first column, in § 154.12, the third line of paragraph (c)(1) should have read "the Coast Guard issued the original".

9. On page 10272, in the second column, in § 154.12, the last line of paragraph (e)(26) should have read "154.1120(b), and 154.1125 (c), (e), and (f)."

10. On page 10273, in the first column, in § 154.22, the second word in the first line of paragraph (a)(9)(ii) should have read "vessel's".

BILLING CODE 1505-01-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 85-73; RM-4850]

TV Broadcast Stations in Pendleton, OR; Missoula, Havre, MT

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: Action taken herein proposes the assignment of VHF TV Channel 11 to Pendleton, Oregon, as that community's first commercial television service, at the request of Terrell Communications. In order to accomplish the assignment the offsets of unused Channel *11 at Missoula, Montana, and unused Channel 11 at Havre, Montana must be changed.

DATES: Comments must be filed on or before May 28, 1985, and reply comments on or before June 12, 1985.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Patricia Rawlings, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 73

Television broadcasting.

Proposed Rule Making

In the matter of amendment of § 73.606(b), Table of Assignments, Television Broadcast Stations. (Pendleton, Oregon; Missoula, and Havre, Montana); MM Docket No. 85-73, RM-4850.

Adopted: March 11, 1985.
Released: April 9, 1985.

By the Chief, Policy and Rules Division.

1. A petition for rule making was filed by Terrell Communications ("petitioner"), requesting the assignment of VHF Television Channel 11 to Pendleton, Oregon, as that community's first commercial television service. Petitioner stated an intention to apply for the channel, if assigned. The assignment can be made in compliance with the minimum distance separation requirements. However, in order to accomplish the assignment, the offsets of unused Channel *11- at Missoula, Montana, and an used Channel 11+ at Havre, Montana must be reversed.

2. Pendleton (population 14,521)[1] seat of Umatilla County (population 58,861) is

[1] Population figures are from the 1980 U.S. Census.

located in northeastern Oregon approximately 290 kilometers (180 miles) east of Portland, Oregon.

3. Since Missoula and Havre, Montana and Pendleton are all located within 400 kilometers (250 miles) of the common U.S.-Canadian border, the proposal requires concurrence by the Canadian government.

4. In view of the fact that the proposed assignment could provide a first local television service to Pendleton, the Commission believes it is in the public interest to seek comments on the proposal to amend the TV Table of Assignments, § 73.606(b) of the Commission's Rules for the following communities:

City	Channel No.	
	Present	Proposed
Havre, MT	9+, 11+, and *18–	9+, 11–, and *18–
Missoula, MT	8–, *11–, 13–, 17–, and 23–	8–, *11+, 13–, 17–, and 23–
Pendleton, OR		11–

5. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.— A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

6. Interested parties may file comments on or before May 28, 1985, and reply comments on or before June 12, 1985, and are advised to read the Appendix for the proper procedures. Additionally, a copy of such comments should be served on the petitioners, or their counsel or consultant, as follows: Gary D. Terrell, 2420 Belair, Magnolia, AR 71753.

7. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the TV Table of Assignments, § 73.606(b) of the Commission's Rules. See, *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 FR 11549, published February 9, 1981.

8. For further information concerning this proceeding, contact Patricia Rawlings, Mass Media Bureau, (202) 634–6530. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contract is a message (spoken or written) concerning the merits of a pending rule making, other than comments officially filed at the Commission, or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment, to which the reply is directed, constitutes an *ex parte* presentation and shall not be considered in the proceeding.

(Secs. 4, 303, 48 stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Charles Schott,

Chief, Policy and Rules Division, Mass Media Bureau.

Appendix

1. Pursuant to authority found in sections 4(i), 5(c)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, it is proposed to amend the TV Table of Assignments, § 73.606(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or person acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420(a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, N.W., Washington, D.C.

[FR Doc. 85–9525 Filed 4–18–85; 8:45 am]

BILLING CODE 6712–01–M

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47 CFR Part 76

[MM Docket No. 85–38]

Review of Technical and Operational Requirements of the Cable Television Service Rules; Order Extending Time for Filing Reply Comments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule; extension of reply comment period.

SUMMARY: This Order extends the time for filing reply comments in BC Docket

No. 85-38 concerning the technical and operational Requirements of the Cable Television Service Rules in response to a Motion for Extension of Time filed by the National Cable Television Association, Inc. ("NCTA").

DATES: Reply comments must be filed on or before May 15, 1985.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Bernard Gorden, Policy and Rules Division, Mass Media Bureau, (202) 632-9660.

SUPPLEMENTARY INFORMATION: The proposed rule in this proceeding was published in the **Federal Register** on February 26, 1985, 50 FR 7301.

Order Extending Time for Filing Reply Comments

In the matter of Review of Technical and Operational Requirements of Part 76, Cable Television, MM Docket No. 85-38.

Adopted: April 11, 1985.

Released: April 15, 1985.

By the Chief, Mass Media Bureau.

1. The Commission has before it for consideration a Motion for Extension of Time to file reply comments, filed by the National Cable Television Association, Inc. ("NCTA"), in the above-captioned proceeding. NCTA requests a fourteen day extension, however we believe a thirty day extension would afford all parties sufficient time for commentary.

2. Accordingly, it is ordered, that the date for filing reply comments in BC Docket No. 85-38, is extended to May 15, 1985.

Federal Communications Commission.

James C. McKinney,

Chief, Mass Media Bureau.

[FR Doc. 85-9522 Filed 4-18-85; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

49 CFR Part 215

[FRA Docket No. RSFC-6, Notice 12]

Railroad Freight Car Standards

AGENCY: Federal Railroad Administration (FRA), DOT.

ACTION: Announcement of change in hearing schedule.

SUMMARY: FRA announces that the public hearing scheduled for April 25, 1985 in Washington, D.C., regarding thermal abuse of freight car wheels, has been rescheduled to May 13, 1985 and may be extended for an additional day (through May 14, 1985) if necessary.

DATES: The public hearing previously announced as beginning at 10:00 a.m. on Thursday, April 25, 1985, will not be convened until 10:00 a.m. on May 13, 1985 and, if necessary to assure adequate time for the presentation of information or views, may be reconvened at 10:00 a.m. on May 14, 1985.

ADDRESS: The public hearing will be held in Room 8334 of the Nassif Building located at 400 Seventh Street SW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Philip Olekszyk, Office of Safety, Federal Railroad Administration, Washington, D.C. 20590, telephone (202) 426-0897.

SUPPLEMENTARY INFORMATION: On December 17, 1984 FRA published in the **Federal Register** (49 FR 48952) an announcement that it was scheduling additional dates for public hearings regarding its proposal to amend FRA's regulatory provision defining freight car wheels as defective because of thermal abuse. The hearing scheduled for April 25, 1985 was focused on the concern raised by a commenter that FRA's current regulatory approach to thermally abused freight car wheels is intrinsically flawed because it continues to rely on a scientifically unjustified detection methodology.

Due to unforeseen scheduling conflicts, FRA has decided to reschedule this hearing until 10:00 a.m. on May 13, 1985. Based on the information FRA has received concerning this hearing, FRA believes that it may be necessary to extend the hearing until the following day so as to permit all interested parties to fully explain their views. Therefore, FRA is tentatively scheduling an additional day for the conduct of this hearing. If appropriate, FRA will reconvene the hearing on May 14, 1985 at 10:00 a.m. in the same location.

FRA believes that interested parties may want to review notices published in the **Federal Register** concerning specific waiver requests received from various individual railroads since FRA anticipates that individuals planning to appear at this hearing will discuss these individual waiver requests. The **Federal Register** issues of March 1, March 6, and March 11, 1985 contain descriptions of the waiver requests received from six railroads. *See* 50 FR 8432, 9146, 9753. In addition, FRA has just received two more requests that will appear in the **Federal Register** in the near future.

To assist FRA in conducting this hearing, any individual or organization desiring to present testimony is requested to notify FRA prior to the hearing and to provide FRA with the name and title of the person expected to testify as well as an estimate of the amount of time required for the presentation.

Issued in Washington, D.C., on April 12, 1985.

John H. Riley,

Administrator.

[FR Doc. 85-9533 Filed 4-18-85; 8:45 am]

BILLING CODE 4910-06-M

Notices

Federal Register
Vol. 50, No. 76
Friday, April 19, 1985

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

Forest Service

[Docket No. 85-327]

Gypsy Moth Suppression and Eradication Projects; Final Environmental Impact Statement as Supplemented—1985; Decision

AGENCY: Animal and Plant Health Inspection Service and Forest Service, USDA.

ACTION: Notice of decision.

SUMMARY: This gives notice that based on the environmental analysis as documented in the Final Environmental Impact Statement, (FEIS), as Supplemented consideration of comments made at public meetings, and comments received on the draft supplement, a decision has been made to adopt Alternative 4 as identified in the FEIS as Supplemented. Alternative 4 provides for an integrated pest management (IPM) approach for gypsy moth suppression and eradication projects and is environmentally preferable to the other alternatives identified in the FEIS as Supplemented.

FOR FURTHER INFORMATION CONTACT: Gary Moorehead, Staff Officer, Field Operations Support Staff, Plant Protection and Quarantine, APHIS, USDA, Room 663, Federal Building, Hyattsville, MD 20782, (301) 436–8295; or Thomas N. Schenarts, Area Director, Insect Disease Management Staff, Northeastern Area, State and Private Forestry, Forest Service, U.S. Department of Agriculture, 370 Reed Road, Broomall, PA 19008, (215) 461–3158.

SUPPLEMENTARY INFORMATION: The 1984 final EIS on gypsy moth suppression and eradication projects was filed with the U.S. Environmental Protection Agency and made available to the public on March 16, 1984. Since the issuance of the 1984 final EIS, the Department received additional comments and obtained additional information concerning health risks of the insecticides discussed in that document. As a result of those comments and information, the Forest Service and Animal and Plant Health Inspection Service (APHIS) published a notice in the **Federal Register** on August 23, 1984 (49 FR 33471) announcing their intent to prepare a supplement to the 1984 final EIS.

On December 14, 1984, the draft Supplement to the final Environmental Impact Statement was filed with the Environmental Protection Agency (EPA). The four alternatives considered were: (1) No action; (2) Chemical insecticide treatment; (3) Biological insecticide treatment; and (4) Integrated pest management. A notice was published on December 21, 1984, (49 FR 49649) announcing the availability and requesting comments on the draft Supplement to the EIS. The official comment period ended on February 4, 1985. However, comments on the draft were accepted and responded to through February 21, 1985. The EIS as Supplemented significantly revised Appendix F with regard to an analysis of the human health risks of using acephate, carbaryl, diflubenzuron and trichlorfon insecticides in gypsy moth suppression and eradication projects.

In preparing the FEIS, as Supplemented comment letters were reviewed in detail to determine if any concerns, issues or data were presented that would alter or revise the assumption or conclusions drawn from the risk analysis or influence the adoption of Alternative 4. No information was presented that would alter the selection of this Alternative for implementation in proposed cooperative gypsy moth suppression or eradication projects.

Subsequent to publishing the FEIS as Supplemented we learned that the U.S. Environmental Protection Agency developed a list of pesticides "possibly contaminated with dioxin." Diflubenzuron was on the list of pesticides which was published in the February 20 issue of Pesticide and Toxic Chemical News. We have subsequently discussed the possible diozin contamination of diflubenzuron with both EPA and the registrant, Uniroyal Inc. EPA concluded that the list was only speculative and 2,3,7,8-tetrachlorodibenzo-p-dioxin was not an anticipated contaminant. Moreover, the registrant has found no chlorinated dibenzo-p-dioxins or dibenzofurans in analysis of technical grade diflubenzuron run at 0.01 ppm sensitivity. Therefore, we conclude that diflubenzuron is not contaminated with detectable levels of dioxin, and the possibility of dioxin contamination is not an issue needing further discussion in the FEIS, as Supplemented.

Implementation of Alternative 4, IPM, an integrated pest management alternative in gypsy moth suppression and eradication projects will provide for mitigation and monitoring measures to minimize environmental impacts of the techniques utilized, while maximizing established natural controls in the majority of areas affected by the insect. Biological and chemical insecticides registered pursuant to the Federal Insecticide Fungicide and Rodenticide Act will be applied according to label directions. Appropriate public involvement, public notification, and utilization of mitigating measures for insecticide treatments will further reduce human exposure during periods of application. Specific mitigation and monitoring measures, and public involvement and notification procedures will be identified and addressed in site-specific environmental analyses.

Alternative 4, IPM, will be carried out by the USDA Forest Service and APHIS through technical and financial assistance to cooperating State and Federal agencies. Decisions on granting such assistance will be made on the basis of site-specific environmental analyses conducted in accordance with the National Environmental Policy Act (NEPA) regulations, agency operating procedures, and other applicable laws.

The decision to adopt Alternative 4 conforms with the Forest Service mission as defined in the Cooperative Forestry Assistance Act of 1978 (Public Law 95–313) to suppress or prevent pest population outbreaks by methods that will restore, maintain, and enhance the quality of the environment through cooperative efforts with Federal land managers, State Foresters, or equivalent State officials.

The decision also conforms with the Animal and Plant Health Inspection Service mission as outlined in the Plant

Quarantine Act of August 20, 1912 (7 U.S.C. 151–165 and 167), the Organic Act of September 21, 1944 (7 U.S.C. 147a), and the Federal Plant Act of May 23, 1957 (7 U.S.C. 150aa—150jj). These authorities direct APHIS cooperative State regulatory programs to retard the artificial, long-range spread of the gypsy moth and to eradicate isolated infestations of the pest.

Dated: April 15, 1985.

R. Max Peterson,

Chief, Forest Service.

Bert W. Hawkins,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 85–9471 Filed 4–18–85; 8:45 am]

BILLING CODE 3410–11–M

Forest Service

Alaska Region, Chugach National Forest; Intent To Prepare an Environmental Impact Statement

The Chugach National Forest will prepare an environmental impact statement to disclose the environmental consequences of developing winter recreation facilities.

Four sites on the Kenai Peninsula portion of the Forest are being considered for a variety of winter recreation uses and development. The sites include Glacier/Winner Creek in Girdwood Valley, Seattle Creek south of Girdwood Valley across Turnagain Arm, Tincan Mountain at Turnagain Pass and Manitoba Mountain near Summit Lake.

A wide range of alternatives will be considered including development of facilities to serve a variety of winter recreation users at one or more of the sites being evaluated. The type of development and/or allocation being considered includes alpine ski area development (2500 to 7500 skiers at one time), nordic skiing, snowmachining and other winter recreation uses (sledding, dog mushing, etc.).

We invite other Federal, State, and local agencies, and interested individuals and groups to participate in the project, including the initial scoping which will continue through June 15, 1985.

The Final EIS should be finished by April 15, 1987, with the Draft EIS out during the early fall of 1986. If development of facilities at one or more of the locations is approved a developer(s) will be chosen using a competitive process.

Written comments and questions should be directed to Jim Tallerico, Recreation Specialist, Chugach National Forest, 201, E. 9th Avenue, Suite 206, Anchorage, Alaska 99501. His phone number is 261–2510.

Dalton Du Lac,

Forest Supervisor, Chugach National Forest.

[FR Doc. 85–9459 Filed 4–18–85; 8:45 am]

BILLING CODE 3410–11–M

COMMISSION ON CIVIL RIGHTS

Colorado Advisory Committee; Meeting Cancellation

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights that a meeting of the Colorado Advisory Committee to the Commission originally scheduled for April 20, 1985, at the Executive Tower Building, 1405 Curtis Street, Denver Colorado, (FR Doc. 85–7845, on page 50 FR 13056) has been cancelled.

Dated at Washington, D.C. April 15, 1985.

Bert Silver,

Assistant Staff Director for Regional Programs.

[FR Doc. 85–9511 Filed 4–18–85; 8:45 am]

BILLING CODE 6335–01–M

Georgia Advisory Committee; Agenda and Public Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Georgia Advisory Committee to the Commission will convene at 3:30 p.m. and will end at 6:00 p m. on June 21, 1985, at the Marriott Hotel Downtown, Courtland & International Boulevard, the Thornwood Room, Atlanta, Georgia. The purpose of the meeting is to discuss program plans for 1985.

Persons desiring additional information, or planning a presentation to the Committee, should contact Advisory Committee Chairperson John Ruffin, or Bobby Doctor in the Southern Regional Office, (404) 221–4391.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., April 8, 1985.

Bert Silver,

Assistant Staff Director for Regional Programs.

[FR Doc. 85–9513 Filed 4–18–85; 8:45 am]

BILLING CODE 6335–01–M

Kentucky Advisory Committee; Agenda For Public Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Kentucky Advisory Committee to the Commission will convene at 1:00 p.m. and will end at 4:00 p.m. on June 18, 1985, at the Brown Hotel, 4th and Broadway, The Louisville Room, Louisville, Kentucky. The purpose of the meeting is for an orientation of the newly rechartered advisory committee members and discussion of the housing forum and Commissioners' briefing memorandum.

Persons desiring additional information, or planning a presentation to the Committee, should contact Advisory Committee Chairperson Paul Oberst, or Bobby Doctor of the Southern Regional Office at (404) 221–4391.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C. April 5, 1985.

Bert Silver,

Assistant Staff Director for Regional Programs.

[FR Doc. 85–9510 Filed 4–18–85; 8:45 am]

BILLING CODE 6335–01–M

Tennessee Advisory Committee; Agenda and Public Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Tennessee Advisory Committee to the Commission will convene at 3:30 p.m. and will end at 6:00 p.m. on June 14, 1985, at the Marriott Hotel-Nashville, 1 Marriott Drive, the Memphis Room, Nashville, Tennessee. The purpose of the meeting is to discuss program plans for 1985.

Persons desiring additional information, or planning a presentation to the Committee, should contact Advisory Committee Chairperson James Blumstein, or Bobby Doctor in the Southern Regional Office (404) 221–4391.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., April 5, 1985.

Bert Silver,

Assistant Staff Director for Regional Programs.

[FR Doc. 85–9512 Filed 4–18–85; 8:45 am]

BILLING CODE 6335–01–M

DEPARTMENT OF COMMERCE

International Trade Administration

Applications for Duty-Free Entry of Scientific Instruments; Children's Hospital of San Francisco et al.

Pursuant to section 6(c) of the Educational, Scientific and Cultural Materials Importation Act of 1966 (Pub. L. 89–651; 80 Stat. 897; 15 CFR Part 301), we invite comments on the question of whether instruments of equivalent scientific value, for the purposes for which the instruments shown below are intended to be used, are being manufactured in the United States.

Comments must comply with § 301.5(a) (3) and (4) of the regulations and be filed within 20 days with the Statutory Import Programs Staff, U.S. Department of Commerce, Washington, D.C. 20230. Applications may be examined between 8:30 A.M. and 5:00 P.M. in Room 1523, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C.

Docket No. 85–080R. Applicant: Children's Hospital of San Francisco, 3700 California Street, San Francisco, CA 94118. Instrument: Electron Microscope, Model EM 109 with Accessories. Manufacturer: Carl Zeiss, West Germany. Intended use: The instrument is intended to be used for research which includes but is not limited to the following:

(1) Morphometric analysis of ultrastructural changes in the tumor, Kaposi's sarcoma, prior to and after treatment.

(2) Examination of peripheral neuropathy syndrome.

(3) Study of the ultrastructure of muscle biopsy material from a newly described myopathic syndrome.

(4) Study of the localization and nature of membrane antigens on lymphocytes reacting with antilymphocyte antibiodies employing immunoelectron microscopy.

(5) Examination and morphological analysis of nerve biopsies in order to increase diagnostic sensitivity as well as providing further information about basic mechanisms in acute Guillain-Barre syndrome.

(6) Muscle fatigue study.

(7) Morphometric Analysis of lung cancer with respect to progression and prognosis.

(8) Determination of in vitro hormonal response to human carcinomas of breast and prostate.

Original application received by Commissioner of Customs: January 29, 1985.

Docket No. 84–294R. Applicant: University of Maryland, Baltimore, MD 21201. Instrument: Time-resolved Spectrofluorometer, Model 199S. Original notice of this resubmitted application was published in the Federal Register of October 5, 1984.

Docket No. 85–119. Applicant: Auburn University, Department of Chemical Engineering, 230 Ross Hall, Auburn, AL 36849. Instrument: Turbomolecular Pumps. Manufacturer: Leybold Heraeus GmbH and Company, West Germany. Intended use: Studies of surfaces, thin films, organic/inorganic compounds and absorbed gases. Speciments of particular interest include heterogeneous catalysts and multilayered thin films. The experiments to be conducted include: reaction of multicomponent thin films in selected gaseous atmospheres followed by surface characterization and depth profiling using secondary ion mass spectroscopy, electron energy loss spectroscopy, electron spectrosocopy for chemical analysis, and other available techniques. The primary educational function of the instrument will be in the training of M.S. and Ph.D. students during the course of their thesis research. Application received by Commissioner of Customs: March 15, 1985.

Docket No. 85–122. Applicant: David Taylor Naval Ship Research and Development Center, Annapolis, MD 21402–1198. Instrument: Electron Microscope, Model EM 420. Manufacturer: N.V. Philips, The Netherlands. Intended use: Studies of a variety of metals and alloys systems. Investigations will be conducted to evaluate new alloys and determine the effects of variations in the composition, manufacturing processes or environment on the various metals and alloys. Application received by Commissioner of Customs: March 15, 1985.

Docket No. 85–127. Applicant: Richard L. Roudebush VA Medical Center, 1481 West 10th Street, Indianapolis, IN 46202. Instrument: Electron Microscope, Model H–300 with Accessories. Manufacturer: Hitachi, Ltd., Japan. Intended use: The instrument will be used for experiments conducted to assess the effects of disease on the ultrastructural morphology of human and animal tissues for the purpose of discovering new medical knowledge consonant with the research programs of the Veterans Administration. Application received by Commissioner of Customs: March 13, 1985.

Docket No. 85–129. Applicant: Rensselaer Polytechnic Institute, Eight Street, Troy, NY 12180–3590. Instrument: Microscope Stage System. Manufacturer: Autoscan Systems Pty., Ltd., Australia. Intended use: Fission track analysis of several minerals to determine geological history. Application received by Commissioner of Customs: March 18, 1985.

Docket No. 85–130. Applicant: University of California, San Diego, Central Purchasing, Q–026, La Jolla, CA 92093. Instrument: Laser Doppler Flowmeter, Model Periflux. Manufacturer: PERIMED, K.B., Sweden. Intended use: Study of skin blood flow to develop diagnostic criteria for a variety of diseases e.g. Raynaud's syndrome, amputation level determination, diabetic vasomotor disturbances. A number of vasomotor responses will be studied to identify the potency of the cutaneous vascular bed as well as the responsiveness of the skin circulatory system to sympathomimetic stimuli. The instrument will also be used for laboratory training of undergraduate and graduate bioengineering students. The objective is to familiarize the students with the Doppler principal and modern non-invasive modalities to examine skin blood flow. Application received by Commissioner of Customs: March 18, 1985.

Docket No. 85–131. Applicant: Rutgers-The State University of New Jersey, Waksman Institute of Microbiology, P.O. Box 759, Piscataway, NJ 08854. Instrument: Refrigerated Microcentrifuge with Accessories. Manufacturer: Sigma Laborzentrifugen GmbH, West Germany. Intended Use: Research to determine if the genes of plastids are regulated by transcription, translation, at some other level or if it is unregulated. Application received by Commissioner of Customs: March 18, 1985.

Docket No. 85–132. Applicant: University of Colorado, Boulder, Department of Molecular, Cellular & Developmental Biology, Box 347, Boulder, CO 80309. Instrument: High Pressure Freezing Apparatus (Prototype). Manufacturer: Balzers AG, Switzerland. Intended use: Study of the basic organization of cells, and how cell architecture is changed by disease. Work will also include basic testing of the usefulness of the instrument for biological research, development of application procedures, and testing of design modifications. The instrument will also be used to train undergraduate and graduate students as well as postdoctoral fellows in the use of the most advanced techniques in structural

cell biology. Application received by Commissioner of Customs: March 18, 1985.

Docket No. 85–133. Applicant: Department of the Interior, U.S. Geological Survey, National Mapping Division, Box 25046, MS 509, Denver Federal Center, Denver, CO 80225. Instrument: Automatic Geodetic Level, Model NI 002 with Accessories. Manufacturer: aus JENA, East Germany. Intended use: Long-term monitoring designed to reveal crustal motion which may be detrimental to underground hazardous nuclear waste disposal sites and to support geologic and hydrologic investigations to suspected crustal movements, within the Long Valley Caldera, California. Application received by Commissioner of Customs: March 20, 1985.

Docket No. 85–135. Applicant: Montana State University, Bozeman, MT 59717. Instrument: Electron Microscope, Model EM 10 CA with Accessories. Manufacturer: Carl Zeiss, Inc., West Germany. Intended use: Studies of bacteria, fungi, viruses, and animal and plant tissues in a biomedical research project. Plant tissues, viruses, bacteria, and fungi will be studied in an agricultural research project. In addition, the instrument will be used for educational purposes in the courses "Biological Electron Microscopy" PLP 520 and "Plant Virology" PLP 530. Application received by Commissioner of Customs: March 20, 1985.

Docket No. 85–136. Applicant: National Institutes of Health, Building 36, Room 4A29, 9000 Rockville Pike, Bethesda, MD 20205. Instrument: Electron Microscope, Model EM 410 with Accessories. Manufacturer: N.V. Philips Electronic Instruments, The Netherlands. Intended use: Research on the cellular mechanisms of myelin formation, maintenance and breakdown in the nervous system of normal and diseased humans and experimental animals. The material to be studied includes myelinated tracts or nerves obtained surgically which may be frozen or chemically fixed, embedded and sectioned for electron microscopic examination. Application received by Commissioner of Customs: March 22, 1985.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 85–9470 Filed 4–18–85; 8:45 am]

BILLING CODE 3510–DS–M

Computer Peripherals, Components and Related Test Equipment Technical Advisory Committee; Partially Closed Meeting

A meeting of the Computer Peripherals, Components, and Related Test Equipment Technical Advisory Committee will be held May 7, 1985, at 11:30 p.m., Herbert C. Hoover Building, Room 3708, 14th Street and Constitution Avenue, NW., Washington, D.C. The Committee advises the Office of Export Administration with respect to technical questions which affect the level of export controls applicable to computer peripherals, components and related test equipment or technology.

General Session

1. Opening remarks by the Chairman.
2. Presentation of papers or comments by the public.
3. Discussion of the status on the technical data regulations.
4. Report of the Joint Technical Advisory Committee Meeting.
5. Report on membership by the Chairman.
6. Items for decontrol.
7. DOC response to the letter from the Committee to the Under Secretary for International Trade concerning CCL 1565.
8. Discussion of the proposed foreign availability regulations.

Executive Session

9. Discussions of matters properly classified under Executive Order 12356, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

The general session will be open to the public with a limited number of seats available. A Notice of Determination to close meetings or portions of meeting of the Committee to the public on the basis of 5 U.S.C. 552b(c)(1) was approved on February 6, 1984, in accordance with the Federal Advisory Committee Act. A copy of the Notice is available for public inspection and copying in the Central Reference and Records Inspection Facility, 6628, U.S. Department of Commerce, (202) 377–4217.

For further information or copies of the minutes contact Margaret A. Cornejo (202) 377–2583.

Dated: April 16, 1985.

Milton M. Baltas,

Director, Technical Programs Staff, Office of Export Administration.

[FR Doc. 85–9542 Filed 4–18–85; 8:45 am]

BILLING CODE 3510–DT–M

[C–351–020]

Non-Rubber Footwear From Brazil; Final Results of Administrative Review of Countervailing Duty Order

AGENCY: International Trade Administration/Import Administration, Department of Commerce.

ACTION: Notice of Final Results of Administrative Review of Countervailing Duty Order.

SUMMARY: On March 9, 1983, the Department of Commerce published the preliminary results of its administrative review of the countervailing duty order on non-rubber footwear from Brazil. The review covers the period December 7, 1979, through December 31, 1980.

We gave interested parties an opportunity to comment on the preliminary results. After review of all comments received, the Department has determined the net subsidy to be 11.03 percent *ad valorem* for the period December 7, 1979, through December 31, 1979, and 8.84 percent *ad valorem* for 1980.

EFFECTIVE DATE: April 19, 1985.

FOR FURTHER INFORMATION CONTACT: Lorenza Olivas or Peggy Clarke, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230; telephone: (202) 377–2786.

SUPPLEMENTARY INFORMATION:

Background

On March 9, 1983, the Department of Commerce ("the Department") published in the **Federal Register** (48 FR 9901) the preliminary results of its administrative review of the countervailing duty order on non-rubber footwear from Brazil (39 FR 32903, September 12, 1974). The Department has now completed that administrative review in accordance with section 751 of the Tariff Act of 1983 ("the Tariff Act").

On June 2, 1983, the International Trade Commission ("the ITC") published its determination that an industry in the United States would not be materially injured, or threatened with material injury, by reason of imports of Brazilian non-rubber footwear if the order were revoked (48 FR 24796). Consequently, the Department published in the **Federal Register** (48 FR 28310, June 21, 1983) a revocation of the order with respect to all merchandise entered, or withdrawn from warehouse, for consumption on or after October 29, 1981.

Scope of the Review

Imports covered by the review are shipments of Brazilian non-rubber footwear currently classifiable under Part 1A of Schedule 7 of the Tariff Schedules of the United States Annotated, excluding items 700.5100 through 700.5400, 700.5700 through 700.7100, and 700.9000. The preliminary results notice erroneously included items 700.5400 and 700.9000; these items are not within the scope of the order and are not covered by these final results.

The review covers the period December 7, 1979, through December 31, 1980, and twelve programs: (1) Preferential financing for exports through CECEX; (2) an income tax exemption for export earnings; (3) the export credit premium for the Goods Circulation Tax ("ICM"); (4) the export credit premium for the Industrial Products Tax ("IPI"); (5) tax reductions on equipment used in export production ("CIEX"); (6) preferential financing under CIC–CREGE 14–11; (7) incentives for trading companies (Resolution 643); (8) the Fundo de Democratizacao do Capital das Empresas; (9) fiscal benefits for special export programs ("BEFIEX"); (10) preferential financing for the storage of merchandise destined for export (Resolution 330); (11) Gold Draft of Exportation; and (12) preferential export financing under Resolution 68 ("FINEX").

Analysis of Comments Received

We gave interested parties an opportunity to comment on the preliminary results. We received written comments from the petitioner, Footwear Industries of America, Inc., and from the Volume Footwear Re'ailers of America ("VFRA"), a group of importers.

Comment 1: The petitioner argues that the appropriate benchmark for short-term export financing is not the discount rate for sales of domestic cruzeiro-denominated accounts receivable, used by the Department in reaching its preliminary results, but rather the "Advance Over the Exchange Contract." In an advance over the exchange rate transaction, the exporter assigns its foreign account receivable to a Brazilian bank and receives the discounted dollar value of the export shipment in cruzeiros. The petitioner believes that these foreign currency transactions are the most common form for raising working capital for export financing and, therefore, should be the basis for the benchmark. The advance benchmark properly reflects the fact that common Brazilian commercial practice places the risk of depreciation of the cruzeiro against the foreign currency receivable on the borrower.

Department's Position: In choosing the benchmark for countervailable short-term loans, we seek instruments commonly used that are most similar to the loan we are countervailing. A borrower under Resolution 674 receives cruzeiros today and repays cruzeiros in the future. The discounting of cruzeiro-denominated accounts receivable is also an exchange of current cruzeiros for future cruzeiros. While a discount of dollars receivable can be converted into an exchange of current of cruzeiros for furture cruzeiros, something is added in the conversion, the exchange rate. Since exchange rates fluctuate, the cost of discounting dollars receivable must differ from the cost of discounting cruzeiros receivable. Therefore, discounting of dollar-denominated accounts receivable is not an appropriate benchmark for short-term cruzeiro-denominated loans.

Comment 2: The Petitoner argues that, even if the Department were to use the discount of cruzeiro-denominated accounts receivable as the commercial benchmark for short-term loans, the benchmark used in the preliminary calculations, was incorrect for three reasons: (1) The Department use the official rate established by the Banco do Brasil, which cannot be regarded as a commercial institution, rather than a weighted-average of the discount rates from banks other than the Banco do Brasil; (2) the Department calculated a simple annual rate rather than a compounded annual rate; and (3) the department did not consider the effect of compensating balances on the discount rate.

Department's Position: We agree that the rate offered by the Banco do Brasil alone does not accurately reflect the national average for discounting of cruzeiro accounts receivable. Rates established solely by banks other than Banco do Brasil also do not. We are therefore using a national average rate of both.

We agree that a simple annual rate for discounts of accounts receivable is inappropriate. We have now calculated our benchmark from the national average nominal rate for 30-day discounts of accounts receivable as found in *Analise/Business Trends*. From this rate, we then calculated the compounded annual commercial benchmark.

Concerning the argment that the Department must account for compensating balances in establishing the benchmark, Department officials met with representatives of four privately-owned Brazilian banks in connection with a recent verification concerning pig iron from Brazil. All of the bank representatives indicated that they do not uniformly require either compensating balances or minimum deposits. In many cases, the banks lend only to a few favored clients, and the banks do not require compensating balances since the clients maintain a sufficient volume of business overall. When such balances are required, the size and terms of the requirement may vary widely. Because the Department has no evidence of a uniform requirement for compensating balances nor a reliable measure of the extent to which compensating balances are actually used, we have decided not to use compensating balances in calculating our benchmark interest rate. (*see also*, our final affirmative countervailing duty determination on oil country tubular goods from Brazil, 49 FR 46570, November 27, 1984.)

For our preliminary results, we calculated the benefit from a loan by prorating the loan amount over the portion of the review period during which the loan was outstanding irrespective of the timing of the interest payment. We not believe that the benefit occurs when the cash flow effect occurs. For loans under Resolution 515, 602, 641 and 643, and for CIC–CREGE 14–11 loans, that effect occurred when the borrower made the preferential interest payments. We calculated the benefit based on the date of payment. We divided the total number of days the loan was outstanding by 365 days and applied the resulting ration to the interest differential (the difference between the annual commercial benchmark and the preferential interest rate at the time of drawdown). Then we multiple the result by the affected loan principal.

Based on our recalculations, we determine the benefit from Resolutions 514, 602 and 641 financing to be 10.20 percent *ad valorem* for the period December 7, 1979, through December 31, 1979, and 7.62 percent *ad valorem* for 1980; for CIC–CREGE 14–11, 0.35 percent *and valorem* for the period of review; and for Resolution 643, 0.02 percent *ad valorem* for the period of review.

Comment 3: The petitioner argues that, for the income tax exemption for export earnings, the Department should not reduce the benefit by the amount of potentially owed taxes that corporate taxpayers may direct into various specified investment funds.

Department Position: We agree and we have not made such a reduction.

Comment 4: The petitioner contends that the Department should assess a countervailing duty on exports during 1981 to compensate for the delay until 1982 of payment of the export tax offsetting the IPI credit premium. The petitioner has particular criticisms of our method of calculation of the benefit in other cases.

Department's Position: The petitioner's contentions are premature. The Department will address this issue in the next administrative review.

Comment 5: The petitioner argues that the Department should determine the extent to which the Brazilian government collected an additional offsetting export tax of 8 percent. This tax was allegedly imposed by the Brazilian government on July 28, 1982, on exports of non-rubber footware to the United States to offset the remaining potential subsidy calculated by the Department.

Department's Position: The issue is irrelevant. The Department revoked the order effective October 29, 1981, on the basis of the ITC's negative determination under section 104(b) of the Trade Agreements Act of 1979 (the "TAA") (48 FR 28310, June 21, 1983). Even so, the Department has verified that the Brazilian government collected the export tax.

Comment 6: VFRA argues that the results of section 751 reviews of countervailing duty orders issued under section 303 of the Tariff Act are to be applied prospectively. There is no authority in the law permitting suspension of liquidation pending the completion of administrative reviews or the retroactive assessment of countervailing duties. VFRA cites the decision of *Florsheim Shoe Company* v. *United States*, 577 F. Supp. 196 (Ct. Int'l Trade 1983), as support for its position.

Department's Position: In *Ambassador Division of Florsheim Shoe* v. *United States*, Appeal No. 84–819 (Fed. Cir. Nov. 19, 1984), the Court of Appeals for the Federal Circuit (the "CAFC") reversed the CIT decision. The CAFC ruled that the ITA has the authority to suspend liquidation of entries and to retroactively assess duties on those entries based on a section 751 review.

Comment 7: VFRA states that, even if the law permits suspension of liquidation pending completion of reviews, it does not authorize continued suspension if the Department fails to complete a review by the time limits set forth in section 751 of the Tariff Act. Since the Department did not complete its administrative review by the anniversary date of the order, entries made during the review period should automatically be liquidated in accordance with section 504(a) of the Tariff Act.

Department's Position: In *Florsheim Shoe, supra*, the CAFC concluded that the statutory scheme permits suspension of liquidation of entries and the later assessment of duties on those entries based on a section 751(a) review. It does not follow that, if the ITA does not complete the review within the time specified by section 751(a), the ITA may never complete the review and never order assessment of any countervailing duties on the merchandise covered by that 751 review. No provision of the Tariff Act specifies a consequence for failure to complete a review within the 12-month period beginning on the anniversary of the date of publication of an outstanding countervailing duty order specified in section 751(a). The statutory period referred to in section 751(a) for conducting a periodic review is merely directory, not mandatory (see *Alberta Gas Chemicals, Inc.* v. *Unites States*, 1 CIT 312, 315–316, 515 F. Supp. 780, 785 (1981), and the cases there cited).

Comment 8: VFRA claims that section 104(b)(4)(B) of the TAA refers to *any* countervailing duties collected since the TAA became effective. VFRA argues that the revocation of the order should apply to entries made since January 1, 1980 (not just those since the date of ITC notification to the Department of the section 104(b) injury request, *i.e.*, October 29, 1981) and that all estimated countervailing duties collected since the earlier date should be refunded without interest.

Department's Position: We do not agree. Under the transition provisions of the TAA, section 104(b) provides that revocations resulting from negative injury determinations apply retroactively to the date of the ITC's notification to the administering authority. The law is explicit in its instruction concerning this issue and we have followed that practice in all revocations under section 104(b) by the Department.

Final Results of the Review

Based on our analysis of the comments received and our recalculation of the benefits from the preferential financing programs, we determine the aggregate net subsidy to be 11.03 percent for the period December 7, 1979, through December 31, 1979, and 8.84 percent for the period January 1, 1980, through December 31, 1980. Accordingly, the Department will instruct the Customs Service to assess countervailing duties of 11.03 percent of the f.o.b. invoice price on all shipments of Brazilian non-rubber footwear exported on or after December 7, 1979, and on or before December 31, 1979. The Department will instruct the Customs Service to assess countervailing duties of 8.84 percent of the f.o.b. invoice price on all shipments exported on or after January 1, 1980, and on or before December 31, 1980.

All unliquidated entries of this merchandise that were exported from Brazil before December 7, 1979, shall be liquidated at the applicable rates set forth in **Federal Register** notices dated May 17, 1979 (44 FR 28791), July 3, 1979 (44 FR 38839), September 28, 1979 (44 FR 55825) and February 26, 1980 (45 FR 12413).

The Department still must review the period January 1, 1981, through October 28, 1981, and is immediately beginning that review. The Department encourages interested parties to review the public record and submit applications for protective order, if desired, within ten days of the date of publication of this notice.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and § 355.41 of the Commerce Regulations (19 CFR 355.41).

Dated: April 14, 1985.

Alan F. Holmer,

Deputy Assistant Secretary, Import Administration.

[FR Doc. 85–9537 Filed 4–18–85; 8:45 am]

BILLING CODE 3510–DS–M

Technical Regulations Subcommittee of the Computer Peripherals, Components, and Related Test Equipment Technical Advisory Committee; Partially Closed Meeting

A meeting of the Technical Regulations Subcommittee of the Computer Peripherals, Components and Related Test Equipment Technical Advisory Committee will be held May 7, 1985, at 9:00 a.m., Herbert C. Hoover Building, Room 3708, 14th Street and Constitution Avenue NW., Washington, D.C. The Technical Regulations Subcommittee was formed to review the procedural aspects of export licensing and recommend areas where improvements can be made.

General Session

1. Opening remarks by the Subcommittee Chairman.

2. Presentation of papers or comments by the public.

3. Review of Committee Chairman's letter to the Under Secretary for International Trade concerning CCL

1565 proposed revisions (embedded and incorporated).

4. Secretary Baldrige comments on decontrol—a focus for our Committee: What do these remarks mean? (General Discussion)

5. Foreign availability and areas where decontrol is obvious.

6. Magnetic media—where does hardware capacity obviate decontrol of media for example, personal computers and 5¼" floppy discs.

7. Recommendations for specific commodities for decontrol. What are the mechanics to accomplish this?

8. Action items underway.

9. Action items due at next meeting.

Executive Session

10. Discussion of matters properly classified under Executive Order 12356, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

The General Session of the meeting will be open to the public and a limited number of seats will be available. To the extent time permits, members of the public may present oral statements to the Subcommittee. Written statements may be submitted at any time before or after the meeting.

The Assistant Secretary for Administration, with the concurrence of the delegate of the General Counsel, formally determined on February 6, 1984, pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended by Section 5(c) of the Government in the Sunshine Act, Pub. L. 94–409, that the matters to be discussed in the Executive Session should be exempt from the provisions of the Federal Advisory Committee Act relating to open meetings and public participation therein, because the Executive Session will be concerned with matters listed in 5 U.S.C. 552b(c)(1) and are properly classified under Executive Order 12356.

A copy of the Notice of Determination to close meetings or portions thereof is available for public inspection and copying in the Central Reference and Records Inspection Facility, Room 6628, U.S. Department to Commerce, Telephone: 202–377–4217. For further information or copies of the minutes contact Margaret A. Cornejo, (202) 377–2583.

Dated: April 16, 1985.

Milton M. Baltas,

Director, Technical Programs Staff, Office of Export Administration.

[FR Doc. 85–9543 Filed 4–18–85; 8:45 am]

BILLING CODE 3510-DT-M

National Bureau of Standards

[Docket No. 41044–4144]

Proposed Federal Information Processing Standard; Videotex/ Teletext Presentation Level Protocol Syntax (North American PLPS)

Correction

In FR Doc. 85–8541, beginning on page 14128 in the issue of Wednesday, April 10, 1985, make the following corrections.

On page 14129, first column:

1. In the eighth line from the bottom of the page, "could" should have read "would".

2. In the fifteenth line from the bottom of the page, "X3.100–1983" should have read "X3.110–1983".

BILLING CODE 1505-01-M

National Oceanic and Atmospheric Administration

North Pacific Fishery Management Council; Public Meeting

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

The North Pacific Fishery Management Council's Permit Review Committee will meet May 1, 1985, at 1:30 p.m. in Room 337 in the Federal Building in Juneau, AK. They will discuss the types of conditions and restrictions that should be placed on joint ventures and foreign fishing permit applications, and review the Council's Interim Policy on Joint Ventures and Allocations.

Dated: April 15, 1985.

Richard B. Roe,

Director, Office of Protected Species and Habitat Protection, National Marine Fisheries Service.

[FR Doc. 85–9489 Filed 4–18–85; 8:45 am]

BILLING CODE 3510-22-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Announcing an Import Restraint Level for Certain Cotton Textile Products Produced or Manufactured in Bangladesh

April 15, 1985.

On February 26, 1985, a notice was published in the **Federal Register** (50 FR 7811) announcing that, on January 29, 1985, the United States Government, under Article 3 of the Arrangement Regarding International Trade in Textiles, had requested the Government of Bangladesh to enter into consultations concerning exports to the United States of men's and boys' other cotton coats in Category 334, produced or manufactured in Bangladesh.

The United States Government has decided, inasmuch as consultations with the Government of Bangladesh held April 2–5, 1985 failed to reach a mutually satisfactory solution concerning this category, to control imports of cotton textile products in Category 334, produced or manufactured in Bangladesh and exported during the twelve-month period which began on Janaury 29, 1985 and extends through January 28, 1986 at a level of 31,068 dozen.

Accordingly, in the letter published below the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs to prohibit entry into the United States for consumption, or withdrawal from warehouse for consumption, of cotton textile products in Category 334 exported during the twelve-month period which began on January 29, 1985, in excess of the designated level of restraint.

A description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on December 13, 1982 (47 FR 55709), as amended on April 7, 1983 (48 FR 15175), May 3, 1983 (48 FR 19924), December 14, 1983 (48 FR 55607), December 30, 1983 (48 FR 57584), April 4, 1984 (49 FR 13397), June 28, 1984 (49 FR 26622), July 16, 1984 (49 FR 28754), November 9, 1984 (49 FR 44782), and in Statistical Headnote 5, Schedule 3 of the Tariff Schedules of the United States Annotated (1985).

Effective Date: April 19, 1985.

For Further Information Contact: Diana Solkoff, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, Washington, D.C. (202/377–4212).

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

April 15, 1985.

Committee for the Implementation of Textile Agreements

Commissioner of Customs,
Department of the Treasury, Washington, D.C.

Dear Mr. Commissioner: Under the terms of Section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854), and the Arrangement Regarding International Trade in Textiles: done at Geneva on December 20, 1973, as extended on December 15, 1977 and December 22, 1981; and in accordance with the provision of Executive Order 11651 of March 3, 1972, as amended, you are directed effective on April 19, 1985, to prohibit entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textile products in Category 334,

produced or manufactured in Bangladesh and exported during the twelve-month period which began on January 29, 1985, in excess of 31,068 dozen.[1]

Textile products in Category 334 which have been exported to the United States prior to January 29, 1985 shall not be subject to this directive.

Textile products in Category 334 which have been released from the custody of the U.S. Customs Service under the provisions of 19 U.S.C. 1448(b) or 1484(a)(1)(A) prior to the effective date of this directive shall not be denied entry under this directive.

A description of the textile categories in terms of T.S.U.S.A. numbers was published in the Federal Register on December 13, 1982 (47 FR 55709), as amended on April 7, 1983 (48 FR 15175), May 3, 1983 (48 FR 19924), December 14, 1983 (48 FR 55607), December 30, 1983 (48 FR 57584), April 4, 1984 (49 FR 13397), June 28, 1984 (49 FR 26622), July 16, 1984 (49 FR 28754), November 9, 1984 (49 FR 44782), and in Statistical Headnote 5, Schedule 3 of the Tariff Schedules of the United States Annotated (1985).

In carrying out the above directions, the Commissioner of Customs should construe entry into the United States for consumption to include entry for consumption into the Commonwealth of Puerto Rico.

The Committee for the Implementation of Textile Agreements has determined that this actions falls within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553.

Sincerely,

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 85-9468 Filed 4-18-85; 8:45 am]

BILLING CODE 3510-DR-M

Requesting Public Comment on Bilateral Consultations With the Government of the People's Republic of China Concerning Category 359pt. (Infants' Sets)

The Chairman of the Committee for the Implementation of Textile Agreements (CITA), under the authority contained in E.O. 11651 of March 3, 1972, as amended, has issued the directive published below to the Commissioner of Customs to be effective on April 19, 1985. For further information contact Diana Solkoff, International Trade Specialist (202) 377-4212.

Background

On March 29, 1985, pursuant to the terms of the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of August 19, 1983 between the Governments of the United States and the People's Republic of China, the Government of the United States requested consultations concerning imports into the United States of infants' sets in Category 359pt. (only TSUSA numbers 383.0339, 383.0341, 383.0342, 383.0344, 383.0856, 383.0857, 383.0858, 383.0859, 383.0861, 383.3045, 383.3046, 383.3047, 383.3048, 383.5062, 383.5063, 383.5067, 383.5069 and 383.5072, produced or manufactured in China and exported to the United States. A summary market disruption statement concerning this category follows this notice.

A description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on December 13, 1982 (47 FR 55709), as amended on April 7, 1983 (48 FR 15175), May 3, 1983 (48 FR 19924), December 14, 1983 (48 FR 55607), December 30, 1983 (48 FR 57584), April 4, 1984 (49 FR 13397), June 28, 1984 (49 FR 26622), July 16, 1984 (49 FR 28754), November 9, 1984 (49 FR 44782), and in Statistical Headnote 5, Schedule 3 of the Tariff Schedules of the United States Annotated (1985).

Anyone wishing to comment or provide data or information regarding the treatment of this category under the agreement with the People's Republic of China, or on any other aspect thereof, or to comment on domestic production or availability of textile products included in the category, is invited to submit such comments or information in ten copies to Mr. Walter C. Lenahan, Chairman, Committee for the Implementation of Textile Agreements, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230. Because the exact timing of the consultations is not yet certain, comments should be submitted promptly. Comments or information submitted in response to this notice will be available for public inspection in the Office of Textiles and Apparel, Room 3100, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C., and may be obtained upon written request.

Further comment may be invited regarding particular comments or information received from the public which the Committee for the Implementation of Textile Agreements considers appropriate for further consideration.

The solicitation of comments regarding any aspect of the agreement or the implementation thereof is not a waiver in any respect of the exemption contained in 5 U.S.C. 553(a)(1) relating to matters which constitute "a foreign affairs function of the United States."

Pursuant to the terms of the bilateral agreement, the People's Republic of China is obligated under the consultation provision to limit its exports to the United States of this product during the ninety-day period which began on March 29, 1985 and extends through June 26, 1985 to 351,541 pounds.

The People's Republic of China is also obligated under the bilateral agreement, if no mutually satisfactory solution is reached during consultations, to limit its exports to the United States during the twelve-months following the ninety-day consultation period to 1,112,732 pounds (June 27, 1985–June 26, 1986).

The United States Government has decided, pending a mutually satisfactory solution, to control imports of textile products in Category 359pt., exported during the ninety-day period at the level described above. The United States remains committed to finding a solution concerning this category. Should such a solution be reached in consultations with the Government of the People's Republic of China, further notice will be published in the **Federal Register.**

In the event the limit established for Category 359pt. for the ninety-day period is exceeded, such excess amounts, if allowed to enter at the end of the restraint period, shall be charged to the level (described above), defined in the agreement for the subsequent twelve-month period.

SUPPLEMENTARY INFORMATION: On December 28, 1984 a letter to the Commissioner of Customs was published in the **Federal Register** (49 FR 50432) from the Chairman of the Committee for the Implementation of Textile Agreements which established restraint limits for certain categories of cotton, wool and man-make fiber textile products, produced or manufactured in the People's Republic of China and exported during 1985. The notice document which preceded that letter referred to the consultation mechanism which applies to categories of textile products under the bilateral agreement, such as Category 359pt. which is not subject to a specific ceiling and for which a level may be established during the year. In the letter published below, pursuant to the bilateral agreement, the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs to prohibit entry into the United States for consumption, or withdrawal from warehouse for consumption, of apparel products in Category 359pt., produced or manufactured in the People's Republic of China and exported during the

[1] The level of restraint has not been adjusted to reflect any imports exported after January 28, 1985.

indicated ninety-day period, in excess of the designated level.

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

China—Market Statement

Category 359 Pt.—Infant's Sets Up to and Including 24 Months

March 1985.

Summary and Conclusions

United States imports of Category 359 infant's sets from China increased from 298,000 pounds in 1982 to 344,000 in 1983 and to 963,000 pounds in 1984. Imports from China in 1984 were up 180 percent from the same period in 1983. China is the third largest supplier of these sets, accounting for 11 percent of the total imports.

The substantial increase in imports of Category 359 infants' sets from China was a major factor in the disruption occurring in the U.S. market for these items. Continuation of the increases in imports threaten to increase the market disruption.

The U.S. industry producing these infants' sets is highly fragmented with three largest firms accounting for only about 15 percent of total production. These three major manufacturers report substantial unit declines in production due to increased imports. Their representatives report that the smaller firms are experiencing production declines equal or more serious than those experienced by the three major firms.

The market disruption for Category 359 infants' sets which has occurred for several years intensified in 1984 as imports surged. Over the years, production declined, imports increased, and the domestic producer's share of the market decreased. In 1983, the domestic share was 60.5 percent, down from 67.0 in 1981. It is anticipated that the 1984 share will decline to 44.0 percent. This decline is based on a projection that the market will increase by 2 percent and on 1984 imports and assuming no change in inventories.

U.S. Production

Production of Category 359 infants' sets declined from 2,569,000 dozens in 1981 to 2,469,000 dozen in 1983. With an anticipated market growth of two percent, domestic production likely totaled only 1,831,000 dozens in 1984.

U.S. Imports and Import Ratios

Imports increased from 1,264,000 dozens (4.3 million pounds) in 1981 to 1,610,000 dozens (5.5 million pounds) in 1983. Imports in 1984 were 2,330,000 dozens (8.6 million pounds). Imports were equal to 49.2 percent of the 1982 production, 65.2 percent of the 1983 production, and an estimated 127.3 percent in 1984.

During 1984, 47 percent of the Category 359 infants' sets imports from China entered under TSUSA No. 383.3060 and 46 percent under TSUSA No. 383.5075. These imports were valued well below the U.S. producer prices for comparable garments.

April 15, 1985.

Committee for the Implementation of Textile Agreements

Commissioner of Customs,
Department of the Treasury, Washington, D.C.

Dear Mr. Commissioner: Under the terms of Section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854), and the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as extended on December 15, 1977 and December 22, 1981; pursuant to the bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of August 19, 1983, between the Governments of the United States and the People's Republic of China; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended, you are directed to prohibit, effective on April 19, 1985, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textile products in Category 359 pt.[1] produced or manufactured in the People's Republic of China and exported during the ninety-day period which began March 29, 1985 and extends through June 26, 1985, in excess of 351,541 pounds.[2]

Textile products in Category 359pt.[1] which have been exported to the United States prior to the first day of the indicated ninety-day period shall not be subject to this directive.

Textile products in Category 359pt.[1] which have been released from the custody of the U.S. Customs Service under the provisions of 19 U.S.C. 1448(b) or 1484(a)(1)(A) prior to the effective date of this directive shall not be denied entry under this directive.

A description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on December 13, 1982 (47 FR 55709), as amended on April 7, 1983 (48 FR 15175), May 3, 1983 (48 FR 19924), December 14, 1983 (48 FR 55607), December 30, 1983 (48 FR 57584), April 4, 1984 (49 FR 13397), June 28, 1984 (49 FR 26622), July 16, 1984 (49 FR 28754), November 9, 1984 (49 FR 44782), and in Statistical Headnote 5, Schedule 3 of the Tariff Schedules of the United States Annotated (1985).

In carrying out the above directions, the Commissioner of Customs should construe entry into the United States for consumption to include entry for consumption into the Commonwealth of Puerto Rico.

The Committee for the Implementation of Textile Agreements has determined that this action falls within foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553.

Sincerely,

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 85-9469 Filed 4-18-85; 8:45 am]

BILLING CODE 3510-DR-M

[1] In Category 359, only TSUSA numbers 383.0339, 383.0341, 383.0342, 383.0344, 383.0856, 383.0857, 383.0858, 383.0859, 383.0861, 383.3045, 383.3046, 383.3047, 383.3048, 383.5062, 383.5063, 383.5067, 383.5069 and 383.5072.

[2] The level has not been adjusted to reflect any imports exported after March 28, 1985.

DEPARTMENT OF DEFENSE

Office of the Secretary

Annual Review of the Manual for Courts-Martial

SUMMARY: The Department of Defense is considering recommending changes to the Manual for Courts-Martial, Exec. Order No. 12473, as amended by EO 12484. The proposed changes are part of the annual review required by the Manual for Courts-Martial and DoD Directive 5500.17, "Review of the Manual for Courts-Martial," January 23, 1985. The proposed changes have not been coordinated within the Department of Defense under DoD Directive 5500.1, "Preparation and Processing of Legislation, Executive Orders, Proclamations, and Reports and Comments Thereon," May 21, 1964, and do not constitute the official position of the Department of Defense, the Military Departments, or any other government agency.

The proposed changes include modifications to the Rules for Courts-Martial relating to the competency of an accused to stand trial, the defenses of lack of mental responsibility and partial mental responsibility, speedy trial, punitive separations prescribed for noncommissioned warrant officers, advice concerning post-trial and appellate rights, and instructions regarding lesser included offenses which are barred by the statute of limitations. They also include modifications to the Military Rules of Evidence relating to confessions and admissions, searches and seizures, and admissibility of expert testimony with respect to the mental state or condition of an accused.

This notice is provided in accordance with DoD Directive 5500.17, "Review of the Manual for Courts-Martial," January 23, 1985. It is intended only to improve the internal management of the federal government. It is not intended to create any right or benefit, substantive or procedural, enforceable at law by a party against the United States, its agencies, its officers, or any person.

ADDRESS: Copies of the proposed changes, and the accompanying Discussion and Analysis, may be examined at the Military Law Branch, Room 1004, Federal Building No. 2 (Navy Annex), Judge Advocate Division, Headquarters, United Sates Marine Corps, Washington, D.C. A copy of the proposed changes and accompanying Discussion and Analysis may be obtained by mail upon request from the following address: Headquarters, U.S. Marine Corps (JAM), Washington, D.C. 20380–0001, Attn: Major D.P. O'Neil.

DATE: Comments on the proposed changes must be received not later than July 3, 1985 for consideration by the Joint-Service Committee on Military Justice.

FOR FURTHER INFORMATION CONTACT: Major D.P. O'Neil, (202) 694–4197.

Dated: April 15, 1985.

Patricia H. Means,

OSD Federal Register Liaison Officer. Department of Defense.

[FR Doc. 85–9557 Filed 4–18–85; 8:45 am]

BILLING CODE 3810–01–M

Defense Intelligence Agency Scientific Advisory Committee; Closed Meeting

SUMMARY: Pursuant to the provisions of Subsection (d) of Section 10 of Pub. L. 92–463, as amended by section 5 of Pub. L. 94–409, notice is hereby given that a closed meeting of a panel of the DIA Scientific Advisory Committee has been scheduled as follows:

DATES: June 10, 1985, 9:00 a.m. to 5:00 p.m.

ADDRESS: The DIAC, Bolling AFB, D.C.

FOR FURTHER INFORMATION CONTACT: Lt. Col. Harold E. Linton, USAF, Executive Secretary, DIA Scientific Advisory Committee, Washington, D.C. 20301 (202/373–4930).

SUPPLEMENTARY INFORMATION: The entire meeting is devoted to the discussion of classified information as defined in Section 552b(c)(1), Title 5 of the U.S. Code and therefore will be closed to the public. Subject matter will be used in a special study on Space Based Collection and Reconnaissance.

Dated: April 16, 1985.

Patricia H. Means,

OSD Federal Register Liaison Officer. Department of Defense.

[FR Doc. 85–9556 Filed 4–18–85; 8:45 am]

BILLING CODE 3810–01–M

Defense Intelligence Agency Scientific Advisory Committee; Closed Meeting

SUMMARY: Pursuant to the provisions of Subsection (d) of Section 10 of Pub. L. 92–463, as amended by Section 5 of Pub. L. 94–409, notice is hereby given that closed meetings of a panel of the DIA Scientific Advisory Committee have been scheduled as follows:

DATES: May 16, and June 13, 1985, 9:00 a.m. to 5:00 p.m..

ADDRESS: The DIAC, Bolling AFB, D.C.

FOR FURTHER INFORMATION CONTACT: Lt. Col. Harold E. Linton, USAF, Executive Secretary, DIA Scientific Advisory Committee, Washington, D.C. 20301 (202/373–4930).

SUPPLEMENTARY INFORMATION: The entire meetings are devoted to the discussion of classified information as defined in Section 552b(c)(1), Title 5 of the U.S. Code and therefore will be closed to the public. Subject matter will be used in a special study on Advanced Air Defense.

Dated: April 16, 1985.

Patricia H. Means,

OSD Federal Register Liaison Officer. Department of Defense.

[FR Doc. 85–9555 Filed 4–18–85; 8:45 am]

BILLING CODE 3810–01–M

Department of the Navy

Chief of Naval Operations; Executive Panel Advisory Committee; Anti-Submarine Warfare Task Force; Closed Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (5 U.S.C. app.), notice is hereby given that the Chief of Naval Operations (CNO) Executive Panel Advisory Committee Anti-Submarine Warfare Task Force will meet May 9, 1985, from 9 a.m. to 5 p.m., at 2000 North Beauregard Street, Alexandria, Virginia. All sessions will be closed to the public.

The purpose of this meeting is to evaluate U.S. Navy anti-submarine warfare long term strategies. The entire agenda for the meeting will consist of discussions of key issues related to anti-submarine warfare and related intelligence. These matters constitute classified information that is specifically authorized by Executive order to be kept secret in the interest of national defense and is, in fact, properly classified pursuant to such Executive order. Accordingly, the Secretary of the Navy has determined in writing that the public interest requires that all sessions of the meeting be closed to the public because they will be concerned with matters listed in section 552b(c)(1) of title 5, United States Code.

For further information concerning this meeting, contact Lieutenant Thomas E. Arnold, Executive Secretary of the CNO Executive Panel Advisory Committee, 2000 North Beauregard Street, Room 392, Alexandria, Virginia 22311. Phone (703) 756–1205.

Dated: April 16, 1985.

William F. Ross, Jr.,

Lieutenant, JAGC, U.S. Naval Reserve, Federal Register Liaison Officer.

[FR Doc. 85–9520 Filed 4–18–85; 8:45 am]

BILLING CODE 3810–AE–M

Naval Research Advisory Committee; Closed Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (5 U.S.C. app.), notice is hereby given that the Naval Research Advisory Committee Panel or Joint C^3 Interoperability will meet on May 6–8, 1985, at the Headquarters of USCINCEUR, Vaihingen, Germany; CINCUSAREUR, Heidleberg, Germany; and CINCUSAFE, Ramstein, Germany. The agenda will include operation briefings from these U.S. Commands on their respective command and control systems, requirements, and infrastructure capability. Each session will commence at 8:30 A.M. and terminate at 4:30 P.M. daily on May 6, 7, and 8, 1985. All sessions of the meeting will be closed to the public.

The purpose of the meeting is to examine the quality of joint command and control systems and assess future requirements and infrastructure capability. The entire meeting will consist of classified information that is specifically authorized under criteria established by Executive order to be kept secret in the interest of national defense and is in fact properly classified pursuant to such Executive order. The classified and nonclassified matters to be discussed are so inextricably intertwined as to preclude opening any portion of the meeting. Accordingly, the Secretary of the Navy has determined in writing that the public interest requires that all sessions of the meeting be closed to the public because they will be concerned with matters listed in section 552b(c)(1) of title 5, United States Code.

For further information concerning this meeting contact: Commander M.B. Kelley, U.S. Navy, Office of Naval Research (Code 100N), 800 North Quincy Street, Arlington, VA 22217, Telephone number (202) 696–4870.

Dated: April 16, 1985.

William F. Roos, Jr.,

Lieutenant, JAGC, U.S. Naval Reserve, Federal Register Liaison Officer.

[FR Doc. 85–9518 Filed 4–18–85; 8:45 am]

BILLING CODE 3810–AE–M

Naval Research Advisory Committee; Closed Meeting

Pursuant to the provisions of the Federal Advisory Committeee Act (5 U.S.C. app.), notice is hereby given that the David W. Taylor Naval Ship Research and Development Center (DTNSRDC) Review Team of the Naval Research Advisory Committee Panel on Laboratory Oversight will meet on May 7, 1985, at the David W. Taylor Naval Ship Research and Development Center, Carderock, Maryland. The first and only session of the meeting will commence at 8:30 a.m. and terminate at 5:00 p.m. on May 7. This meeting session will be closed to the public.

The purpose of the meeting is to examine the scientific, technical, and engineering health of DTNSRDC. The agenda for the meeting will consist of technical briefing by the Review Team to the DTNSRDC management and discussion among the Review Team members to begin consolidating a draft report. The entire meeting will consist of classified information that is specifically authorized under criteria established by Executive order to be kept secret in the interest of national defense and is in fact properly classified pursuant to such Executive order. The classified and nonclassified matters to be discussed are so inextricably intertwined as to preclude opening any portion of the meeting. Accordingly, the Secretary of the Navy has determined in writing that the public interest requires that all sessions of the meeting be closed to the public because they will be concerned with matters listed in section 552b(c)(1) of Title 5, United States Code.

For further information concerning this meeting contact: Commander M.B. Kelley, U.S. Navy, Office of Naval Research (Code 100N), 800 North Quincy Street, Arlington, VA 22217–5000. Telephone number (202) 696–4870.

Dated: April 8, 1985.

William F. Roos, Jr.,

Lieutenant, JAGC, U.S. Naval Reserve, Federal Register Liaison Officer.

[FR Doc. 85–9519 Filed 4–18–85; 8:45 am]

BILLING CODE 3810–AE–M

DEPARTMENT OF ENERGY

Intent To Grant Exclusive Patent License; Acctek Associates Inc.

Notice is hereby given of an intent to grant to Acctek Associates Inc. of La Grange, Illinois, an exclusive license to practice in the United States the invention described in U.S. Patent No. 3,986,026, entitled "Apparatus for Proton Radiography." The patent is owned by the United States of America, as represented by the Department of Energy (DOE).

The proposed license will be exclusive, subject to a license and other rights retained by the U.S. Government. DOE intends to grant the license, upon a final determination in accordance with 35 U.S.C. 209(c), unless within 60 days of this notice the Assistant General Counsel for Patents, Department of Energy, Washington, D.C. 20585, receives in writing any of the following, together with supporting documents:

(i) A statement from any person setting forth reasons why it would not be in the best interests of the United States to grant the proposed license; or

(ii) An application for a nonexclusive license to the invention in the United States, in which applicant states that he has already brought the invention to practical application or is likely to bring the invention to practical application expeditiously.

The Department will review all written responses to this notice, and will grant the license if, after expiration of the 60-day notice period, and after consideration of written responses to this notice, a determination is made, in accordance with 35 U.S.C. 209(c), that the license grant is in the public interest.

Issued in Washington, D.C. on April 10, 1985.

Eric J. Fygi,

Acting General Counsel.

[FR Doc. 85–9490 Filed 4–18–85; 8:45 am]

BILLING CODE 6450–01–M

Intent To Grant Exclusive Patent License; ETS Inc.

Notice is hereby given of an intent to grant to ETS Inc. of Roanoke, Virginia, an exclusive license to practice in the United States the invention described in U.S. Patent No. 3,976,747, entitled "Modified Dry Limestone Process for Control of Sulfur Dioxide Emissions." The patent is owned by the United States of America, as represented by the Department of Energy (DOE).

The proposed license will be exclusive, subject to a license and other rights retained by the U.S. Government. DOE intends to grant the license, upon a final determination in accordance with 35 U.S.C. 209(c), unless within 60 days of this notice the Assistant General Counsel for Patents, Department of Energy, Washington, D.C. 20585, receives in writing any of the following, together with supporting documents:

(i) A statement from any person setting forth reasons why it would not be in the best interests of the United States to grant the proposed license; or

(ii) An application for a nonexclusive license to the invention in the United States, in which applicant states that he has already brought the invention to practical application or is likely to bring the invention to practical application expeditiously.

The Department will review all written responses to this notice, and will grant the license if, after expiration of the 60-day notice period, and after consideration of written responses to this notice, a determination is made, in accordance with 35 U.S.C. 209(c), that the license grant is in the public interest.

Issued in Washington, D.C. on April 10, 1985.

Eric J. Fygi,

Acting General Counsel.

[FR Doc. 85–9491 Filed 4–18–85; 8:45 am]

BILLING CODE 6450–01–M

Economic Regulatory Administration

[ERA Docket No. 85–10–NG]

Czar Resources Inc.; Application To Import Natural Gas From Canada

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of Application for Authorization to Import Natural Gas from Canada.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) gives notice of receipt on April 8, 1985, of an application filed by Czar Resources Inc. (Czar Inc.) to import on a best-efforts, interruptible basis, up to 5,800 Mcf per day of Canadian natural gas from Czar Resources Ltd. (Czar Ltd.) for resale to the Weyerhaeuser Company (Weyerhaeuser). The maximum volume sought to be imported is 3.4 Bcf over a period of two years beginning on the date of first delivery. During the initial three-month term, the price of the gas at the international border would be $2.75 (U.S.) per MMBtu; $3.70 (U.S.) delivered to Weyerhaeuser. Thereafter, the proposed contract would permit pricing adjustments on a quarterly basis to reflect prevailing market conditions.

The application was filed with the ERA pursuant to Section 3 of the Natural Gas Act. Protests or petitions to intervene are invited.

DATES: Protests, motions to intervene or notices to intervene, as applicable, and written comments are to be filed no later than 4:30 p.m., May 20, 1985.

FOR FURTHER INFORMATION CONTACT:

Olga T. Ronkovich (Natural Gas Division, Office of Fuels Programs),

Economic Regulatory Administration, Forrestal Building, Room GA–007, 1000 Independence Avenue, SW., Washington, D.C. 20585, (202) 252–9482

Diane J. Stubbs (Office of General Counsel, Natural Gas and Mineral Leasing), Forrestal Building, Room 6E–042, 1000 Independence Avenue, SW., Washington, D.C 20585, (202) 252–6667

SUPPLEMENTARY INFORMATION: On April 8, 1985, Czar Inc. filed an application to import from Czar Ltd. on an interruptible, best-efforts basis, up to 5,800 Mcf per day of Canadian natural gas for resale to Weyerhaeuser. Czar Inc. is a wholly owned U.S. subsidiary of Czar Ltd., a Canadian-based natural gas producer. The maximum volume sought to be imported is 3.4 Bcf over a period of two years beginning on the date of first delivery at an average daily rate of 4,600 Mcf per day. Following the initial two-year term, the arrangement is to continue on a month-to-month basis until terminated by any party or until a maximum of 3.4 Bcf of gas has been delivered, whichever occurs first. The imported gas is intended to displace No. 6 fuel oil used a Weyerhaeuser's Longview, Washington, fiber manufacturing facility.

In accordance with the draft sales contract dated April 1, 1985, the gas would enter the U.S. at a point near Dumas, Washington, where the existing pipeline facilities of Westcoast Transmission Company Limited interconnect with those of Northwest Pipeline Corporation (Northwest). Northwest would then transport the gas to the facilities of Cascade Natural Gas Corporation which would complete delivery to the Longview facility. At this time, no final transportation agreements have been reached by the parties.

The sales contract provides that, during the first three months, the price Czar Inc. would pay Czar Ltd. for the gas is $2.75 (U.S.) per MMBtu. The delivered cost to Weyerhaeuser during that period would be $3.70 (U.S.) per MMBtu. Thereafter, price redeterminations may be made quarterly, subject to mutual agreement, to reflect prevailing market conditions. Any party may terminate the arrangement if agreement on an acceptable import or delivered price cannot be reached. In the absence of a minimum purchase obligation or take-or-pay requirement, Weyerhaeuser has agreed that all of the natural gas needed for fuel oil displacement at its facility would be supplied by Czar Ltd., provided the volumes requested can be delivered and the price is competitive. Under the contract Weyerhaeuser is entitled to determine, at its sole discretion, the amount of gas required daily for its facility on the basis of operating, economic, or any other consideration.

In support of the application, Czar Inc. asserts that the imported gas would provide Weyerhaeuser with a cost-effective means of improving the manufacturing facility's operating economics because the offered gas supply can be delivered at a significant saving over Weyerhaeuser's cost for No. 6 fuel oil of approximately $4.25 (U. S.) per MMBtu. According to the applicant, the import is in the public interest because it would (1) provide an environmental advantage compared to burning fuel oil; (2) reduce or eliminate Weyerhaeuser's requirement for fuel oil, thus freeing that oil for use by other domestic purchasers; (3) reduce reliance on imported foreign crude oil; (4) serve an incremental market which the existing transmission and distribution systems have not been able to serve under similar competitive conditions; and (5) increase revenues for the transporting pipelines which will benefit their residential and industrial customers.

The decision on this application will be made consistent with the Department of Energy's gas import policy guidelines, under which the competitiveness of an import arrangement in the markets served is the primary consideration in determining whether it is in the public interest. Parties who may oppose this application should comment in their responses on the issue of competitiveness as set forth in the policy guidelines. The applicant has asserted that this import arrangement is competitive. Parties opposing the arrangement bear the burden of overcoming this assertion.

Other Information

In response to this notice, any person may file a protest, motion to intervene or notice of intervention, as applicable, and written comments. Any person wishing to become a party to the proceeding and to have the written coments considered as the basis for any decision on the application must, however, file a motion to intervene or notice of intervention. The filing of a protest with respect to this application will not serve to make the protestant a party to the proceeding, although protests and comments received by persons who are not parties will be considered in determining the appropriate procedural action to be taken on the application. All protests, motions to intervene, notices of intervention, and written comments must meet the requirements that are specified by the regulations in 10 CFR Part 590. They should be filed with the Natural Gas Division, Office of Fuels Programs, Economic Regulatory Administration, Room GA–033, RG–43, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C. 20585. They must be filed no later than 4:30 p.m., May 20, 1985.

A decisional record on the application will be developed through responses to this notice by parties, including the parties' written comments and replies thereto. Additional procedures will be used as necessary to achieve a complete understanding of the facts and issues.

A party seeking intervention may request that additional procedures be provided, such as additional written comments, an oral presentation, a conference, or a trial-type hearing. Any request to file additional written comment should explain why they are necessary. Any request for an oral presentation should identify the substantial question of fact, law, or policy at issue, show that it is material and relevant to a decision in the proceeding, and demonstrate why an oral presentation is needed.

Any request for a conference should demonstrate why the conference would materially advance the proceeding. Any request for a trial type hearing must show that there are factual issues genuinely in dispute that are relevant and material to a decision and that a trial-type hearing is necessary for a full and true disclosure of the factds.

If an additional procedure is scheduled, the ERA will provide notice to all parties. If no party requests additional procedures, a final opinion and order may be issued based on the official record, including the application and responses filed by parties pursuant to this notice, in accordance with 10 CFR 590.316.

A copy of Czar Inc.'s application is available for inspection and copying in the Natural Gas Division Docket Room, GA–033–B, at the above address. The docket room is open between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, D.C., on April 15, 1985.

James W. Workman,

Director, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 85–9493 Filed 4–18–85; 8:45 am]

BILLING CODE 6450–01–M

Energy Information Administration

Proposed Form EIA–846, Manufacturing Energy Consumption Survey

AGENCY: Office of Energy Markets and End Use, Energy Information Administration, DOE.

ACTION: Extension of date for receipt of written comments, rescheduling of public hearings, and corrections to original notice.

SUMMARY: The Department of Energy recently published a notice (50 FR 11486, March 21, 1985) of public hearings and requests for comments on the proposed Form EIA–846, Manufacturing Energy Consumption Survey. Notice is hereby given that the period for receiving written comments on the questionnaire has been extended from 30 days after publication of the original notice (March 21, 1985) to 45 days after publication. The public hearings are rescheduled as follows: Washington, DC, May 6, 1985; Denver, Colorado, May 9, 1985. The location and time of the public hearings are unchanged from the original notice.

In addition, the following corrections to the original notice should be incorporated:

- Page 11487, second column, Question J, change "IEA to EIA."
- Page 11488, first column, ITEM 4, change "Item 2" to "Item 3."
- Page 11488, first column, add the following general instruction:

"G. When is the report due? The completed Form EIA–846 is due 60 days after receipt."

For further information, contact John L. Preston, Energy End Use Division, Office of Energy Markets and End Use, (202) 252–1128.

Issued in Washington, DC, April 15, 1985.

Albert H. Linden, Jr.,

Deputy Administrator, Energy Information Administration.

[FR Doc. 85–9487 Filed 4–18–85; 8:45 am]

BILLING CODE 6450–01–M

Federal Energy Regulatory Commission

[Docket No. GP85–22–000]

Natural Gas Policy Act Jurisdictional Determinations; Colorado; Petition To Reopen and Vacate Final Well Category Determinations and Request To Withdraw

April 16, 1985.

In the matter of State of Colorado; Section 107 NGPA Determinations; Amoco Production Co., State of Colorado "Z" No. 1 Well, FERC JD No. 84–38919, UPRR 41 Pan Am "A" No. 1 Well, FERC JD No. 84–16312.

On February 11, 1985, Amoco Production Company (Amoco) filed with the Federal Energy Regulatory Commission (Commission) a petition to reopen and vacate and a request to withdraw its applications for final well category determinations that natural gas from the State of Colorado "Z" No. 1 Well and the UPRR 41 Pan Am "A" No. 1 Well, both located in Weld County, Colorado, qualify as tight formation gas under section 107(c)(5) of the Natural Gas Policy Act of 1978 (NGPA).[1] These determinations by the Colorado Oil and Gas Conservation Commission became final with respect to the State of Colorado "Z" No. 1 Well and the UPRR 41 Pan Am "A" No. 1 Well on August 5, 1984 and February 27, 1984, respectively.[2]

Amoco states that it made NGPA section 107 filings because it inadvertently failed to consult the appendix of an Errata Notice, pertaining to Commission Order No. 124, which showed that the two captioned wells were excluded from the Wattenberg "J" Sand tight formation, notwithstanding the State of Colorado's original recommendation that the captioned wells be included within the aforesaid tight sand formation. Also Amoco states that it has not collected, with respect to the two captioned wells, the maximum lawful price permitted for tight formation gas.

Although Amoco states that refunds will not be required for the subject wells, the Commission gives notice that the question of whether refunds plus interest as computed under § 154.102(c) will be required is a matter which is subject to the review and final determination of the Commission.

Within 30 days of publication in the **Federal Register**, any person may file a protest to Amoco's petition or a petition to intervene with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. If you wish to become a party to this proceeding, you must file a petition to intervene. *See* Rules 214 or 211.[3]

Kenneth F. Plumb,

Secretary.

[FR Doc. 85–9465 Filed 4–18–85; 8:45 am]

BILLING CODE 6717–01–M

[1] 15 U.S.C. 3301–3432 (1982).

[2] NGPA section 503(d) and 18 CFR 275.202(a).

[3] 18 CFR 385.214 or 385.211 (1983).

[Project No. 8053–001]

City of Newaygo, MI; Surrender of Preliminary Permit

April 16, 1985.

Take notice that the City of Newaygo, Michigan, Permittee for the proposed Newaygo Hydro Project No. 8053, requested by letter dated March 4, 1985, that its preliminary permit be terminated. The preliminary permit was issued on August 20, 1984, and would have expired on January 31, 1986. The project would have been located on the Muskegon River in Newaygo County, Michigan.

The Permittee filed the request on March 20, 1985, and the preliminary permit for Project No. 8053 shall remain in effect through the thirtieth day after issuance of this notice unless that day is a Saturday, Sunday or holiday as described in 18 CFR 385.2007, in which case the permit shall remain in effect through the first business day following that day. New applications involving this project site, to the extent provided for under 18 CFR Part 4, may be filed on the next business day.

Kenneth F. Plumb,

Secretary.

[FR Doc. 85–9463 Filed 4–18–85; 8:45 am]

BILLING CODE 6717–01–M

[Docket Nos. SA85–21–000, ST81–258–001, ST81–437–001, ST82–127–001, ST83–134–001, ST84–81–000, ST84–431–000]

Liberty Natural Gas Co.; Petition for Adjustment

April 16, 1985.

On March 26, 1985, Liberty Natural Gas Company (Liberty) filed with the Federal Energy Regulatory Commission a petition for an adjustment under section 502(c) of the Natural Gas Policy Act, wherein Liberty sought relief from the Commission's regulations governing rates for the transportation of gas by intrastate pipelines as set forth in 18 CFR 284.123(b)(2). Liberty seeks such an adjustment to permit Liberty to use an existing rate charged to Intratex Gas Company for intrastate transportation service, which rate is on file with the Railroad Commission of Texas. Liberty proposes to charge this rate for transportation service rendered to Tennessee Gas Pipeline Company, United Gas Pipe Line Company, Transcontinental Gas Pipe Line Corporation, Transwestern Pipeline Company, Neches Gas Distribution Company, and Industrial Natural Gas Company through Liberty's Linc System facilities in Loving and Ward Counties.

Texas pursuant to section 311(a) of the NGPA. Liberty's application is on file with the Commission and is available for public inspection.

The procedures applicable to the conduct of this adjustment proceeding are found in Subpart K of the Commission's Rules of Practice and Procedure.

Any person desiring to participate in this adjustment proceeding shall file a motion to intervene in accordance with the provisions of such Subpart K. All motions to intervene must be filed within 15 days after publication of this notice in the **Federal Register.**

Kenneth F. Plumb,

Secretary.

[FR Doc. 85-9464 Filed 4-18-85; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. GP83-61-000]

State of Texas NGPA Section 108 Determination, Sun Exploration and Production Co.; Frost National Bank-C-No. 2U FERC JD No. 82-28865; Petition To Reopen Final Determination and Request To Withdraw

Issued April 16, 1985.

On September 18, 1983, Sun Exploration and Production Company (Sun) filed with the Federal Energy Regulatory Commission (Commission) a petition to reopen and a request to withdraw its application for a final well category determination that natural gas from the Frost National Bank–C–No. 2U Well, located in the Cortez Field, Starr County, Texas, qualifies as stripper well natural gas under section 108 of the Natural Gas Policy Act of 1978 (NGPA).[1] The affirmative determination was made by the Railroad Commission of the State of Texas.

Although Sun gave no reason for its petition to reopen and its request to withdraw the subject well, it is assumed that the subject well does not meet the section 118 stripper well natural gas requirements.

Within thirty days of publication in the **Federal Register,** any person may file a protest to Sun's petition or a petition to intervene with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. If you wish to become a party to this proceeding, you must file a petition to intervene. See Rules 214 or 211.[2]

Kenneth F. Plumb,

Secretary

[FR Doc. 85-9466 Filed 4-18-85; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. CP85-386-000, et. al.]

Northwest Central Pipeline Corporation et al.; Natural Gas Certificate Filings

April 12, 1985.

Take notice that the following filings have been made with the Commission:

1. Northwest Central Pipeline Corporation

[Docket No. CP85-386-000]

Take notice that on March 25, 1985, Northwest Central Pipeline Corporation (Applicant), P.O. Box 3288, Tulsa, Oklahoma 74101, filed in Docket No. CP85-386-000 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of a pipeline tap, measuring station, regulator and appurtenant facilities and a sale of gas to Public Service Company of Colorado for resale in and about the City of Merino, Colorado, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that the proposed tap, measuring station, regulator and appurtenant facilities would cost approximately $43,110, which would be paid from treasury cash. Applicant further estimates that the gas required for the first three years of operation would be 15,554 Mcf, 17,604 Mcf and 20,161 Mcf, respectively. Applicant states that such sale would not significantly affect its overall gas supply and that the proposed sale would not adversely affect any of its existing customers.

Comment date: May 3, 1985, in accordance with Standard Paragraph F at the end of this notice.

2. Arkla Energy Resources, a Division of Arkla, Inc.

[Docket No. CP85-384-000]

Take notice that on March 25, 1985, Arkla Energy Resources, a division of Arkla, Inc. (AER), P.O. Box 21734 Shreveport, Louisiana 71151, filed in Docket No. CP85-384-000 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain pipeline and related metering and regulating facilities in Texarkana, Texas-Arkansas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

AER proposes to construct and operate 29 miles of 12-inch pipeline along with related metering and regulating facilities in order to ensure an adequate gas supply to the Arkansas Louisiana Gas Company division (ALG) which serves the Taxarkana metropolitan area located on the state line in northeast Texas and southwest Arkansas, and also to permit service to two of AER's new industrial customers in the surrounding area. More specifically, AER proposes to

1. Transfer from distribution investment to transmission investment 3,076 feet of 10¾ inch O.D. pipeline, originating at Nash Town Border Station, Bowie County, Texas. This transfer would permit AER to integrate better the operation of those facilities servicing ALG's Taxarkana town borders into AER's redesigned Taxarkana supply system, it is explained.

2. Construct 19.5 miles of 12-inch new pipeline from the existing Line LT–1 to the junction of Line A and Lines AM–45 and AM–129 located in Miller and Lafayette Counties, Arkansas.

3. Construct a west loop pipeline around the west side of Taxarkan a from near the #1 town border station to the town of Nash. This west loop line would be 9.5 miles of 12-inch pipeline located in Miller County in Arkansas and Bowie County in Texas.

4. Upgrade the pressure rating of Line AM–45 in Miller County, Arkansas, by performing hydrostatic pressure tests. AER proposed to increase the operating pressure rating from the existing 300 psig to about 500 psig, maximum allowable operating pressure.

5. Upgrade the existing pressure rating of 12¾ inch Line LT–1 in Columbia and Lafayette Counties, Arkansas, by performing hydrostatic pressure tests to 800 psig maximum allowable operating pressure.

6. Install metering and regulating facilities at six locations.

AER estimates the cost of the proposed facilities to be $8,524,931, which would be financed initially out of funds on hand and short-term financing and then converted to long-term financing at a later date.

Comment date: May 3, 1985, in accordance with Standard Paragraph F at the end of this notice.

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[1] 15 U.S.C. 3301–3432 (1982)

[2] 18 CFR 385.214 or 385.211 (1985)

3. Transcontinental Gas Pipe Line Corporation

[Docket No. CP79-230-005]

Take notice that on March 12, 1985, Transcontinental Gas Pipe Line Corporation (Transco), P.O. Box 1396, Houston, Texas 77251, filed in Docket No. CP79-230-005, a petition to amend the order issued June 7, 1979, in Docket No. CP79-230, as amended pursuant to section 7(c) of the Natural Gas Act so as to authorize the establishment of additional delivery points, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Transco states that it transports for El paso Natural gas Company (El Paso) quantities of natural gas up to a contract demand quantity of 54,600 Mcf per day. It is explained that the gas which El Paso purchases in various blocks in the High Island area, offshore Texas, is received by Transco at the point of interconnection of its Southwest Louisiana Gathering System and the tailgate of the separation plant of U-T Offshore System at Johnson's Bayou, Cameron Parish, Louisiana. Transco states that it delivers or causes to be delivered, on a firm basis, thermally equivalent quantities, less quantities retained for compressor fuel and line loss make-up and less adjustments for variations in thermal content, if any, to Houston Pipeline Company (HPL) and/or for HPL's affiliate, Oasis Pipe Line Company, at (1) the existing point of interconnection between the facilities to Transco and the katy plant of Exxon Company, U.S.A., in Waller County, Texas (Katy delivery point), (2) the existing point of interconnection between the facilities of HPL and Transco near Fulshear, Fort Bend County, Texas (Fulshear delivery point), and (3) the existing point of interconnection between the facilities of HPL and Transco near Bammel, Harris County, Texas (Bammel delivery point).

Transco states that by amendatory agreement dated August 28, 1984, new points of delivery to or for the account of El Paso have been added at (1) the existing interconnection between the facilities of Northern Natural Gas Company, Division of InterNorth, Inc. (Northern), and Transco at Starks, Calcasieu Parish, Louisiana (Starks delivery point), (2) the existing interconnection between the facilities of Florida Gas Transmission Company and Transco near Vinton, Calcasieu Parish, Louisiana (Vinton delivery point), and (3) the existing interconnection between the facilities of Louisiana Resources Company and Transco at Transco's Johnson's Bayou plant, Cameron Parish, Louisiana (Johnson's Bayou delivery point). Transco states further that deliveries to the Starks, Vinton and Johnson's Bayou delivery points would be made on an interruptible basis upon mutual agreement of the parties and that Transco would continue to deliver gas on a firm basis at the Katy, Fulshear and Bammel delivery points.

It is further stated that Transco would charge El Paso a monthly demand charge of $78,624.00 for the delivery to any of the delivery points of quantities of gas within El Paso's contract demand quantity of 54,600 Mcf per day, the demand charge provided in Transco's FERC Rate Schedule X-198. It is explained that for quantities of gas delivered to any delivery point which exceed the contract demand quantity, Transco would initially charge El Paso a rate of 4.7 cents per dt equivalent. It is asserted that such rate is based on a rate of 2.8 cents per dt per 25 miles with a minimum charge of 5.6 cents per dt pursuant to Transco's July 31, 1984, filing in Docket No. RP83-30. Transco states that such rate has been reduced to reflect the one-third conversion to a fully rolled-in rate for agreements executed prior to October 31, 1983, pursuant to the Commission's letter order dated April 5, 1984, approving the interim settlement agreement in Docket No. RP83-30. It is explained that such rate is subject to refund pending the outcome in Docket No. RP83-30 and that for all quantities of gas which Transco transports for El Paso, 0.6 percent would be retained for compressor fuel and line loss make-up.

Comment date: May 3, 1985, in accordance with the first subparagraph of Standard Paragraph F at the end of this notice.

Standard Paragraphs

F. Any person desiring to be heard or make any protest with reference to said filing should on or before the comment date file with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motin to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this filing if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for the applicant to appear of be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 85-9467 Filed 4-18-85; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. ER85-421-000, et al.]

Electric Rate and Corporate Regulation Filings; Southern California Edison Co. et al.

April 16, 1985.

Take notice that the following filings have been made with the Commission:

1. Southern California Edison Company

[Docket No. ER85-421-000]

Take notice that on April 9, 1985, Southern California Edison Company (Edison) tendered for filing a notice of change of rates for transmission service as embodied in Edison's agreements with the following entities:

	Rate schedules FERC No
Contract Rate TN	FPC Electric Tariff, Original Volume No. 1
City of Riverside	165.
City of Anaheim	164

The rate changes are proposed to become effective on minimum statutory notice, i.e., 60 days after receipt for filing by the Commission.

Copies of this filing were served upon the Public Utilities Commission of the State of California and all interested parties.

Comment date: May 1, 1985, in accordance with Standard Paragraph E at the end of this notice.

2. Florida Power & Light Company

[Docket No. ER85-418-000]

Take notice that on April 8, 1985, Florida Power & Light Company (FP&L) tendered for filing a document entitled "Amendment Number One to Contract for Interchange Service Between FP&L and Orlando Utilities Commission."

FP&L states that under the Amendment FP&L and Orlando Utilities Commission (OUC) utilize the provisions of the existing Contract for Interchange Service between FP&L and OUC, the parties to establish additional service schedules. FP&L further states that the additional Service Schedule X provides the parties with the necessary vehicle to better maximize the overall economy of power production in the State of Florida.

FP&L requests waiver of the Commission's notice requirements to allow the proposed Amendment be made effective no later than 60 days from the date of filing.

According to FP&L, a copy of this filing was served upon Orlando Utilities Commission.

Comment date: April 30, 1985, in accordance with Standard Paragraph E at the end of this notice.

3. Tucson Electric Power Company

[Docket No. ER85-419-000]

Take notice that on April 9, 1985, Tucson Electric Power Company (Tucson) tendered for filing a letter agreement supplementing Service Schedule B of the Tucson—M-S-R Interconnection Agreement between Tucson and M-S-R Public Power Agency ("M-S-R"). The primary purpose of this letter agreement is to clarify certain understandings between Tucson and M-S-R in connection with Tucson's sale of its ownership interest in Springerville Generating Station Unit 1 and San Juan Unit 3 to Alamito Company and how such sale will affect the arrangement under which Tucson provides M-S-R with coal-fired energy costs.

Comment date: May 1, 1985, in accordance with Standard Paragraph E at the end of this notice.

4. Tampa Electric Company:

[Docket No. ER84-422-000]

Take notice that on April 9, 1985, Tampa Electric Company (Tampa) tendered for filing an Agreement for Interchange Service between Tampa and the City of Lake Worth, Florida (Lake Worth). The Agreement was supplemented with Service Schedules, A, B, C, D, and X, providing for emergency, scheduled, (short-term) economy, long-term, and extended economy interchange service, respectively. Tampa states that the Agreement and accompanying schedules supersede Tampa's Rate Schedule FERC No. 8.

Tampa proposes an effective date of April 1, 1985, and therefore requests waiver of the Commission's notice requirements.

Copies of the filing have been served on Lake Worth and the Florida Public Service Commission.

Comment date: May 1, 1985, in accordance with Standard Paragraph E at the end of this notice.

5. Central Hudson Gas & Electric Corporation

[Docket No. ER85-420-000]

Take notice that on April 9, 1985, Central Hudson Gas & Electric Corporation (Central Hudson) tendered for filing a rate schedule an executed agreement dated March 13, 1985 between Central Hudson and the New York Power Authority (NYPA). The proposed rate schedule provides for electric transmission service and standby electric service for generation associated with NYPA's Ashokan Hydro Electric Generating Plant.

Central Hudson states that the rate schedule provides for a monthly transmission charge of $1.69 per kilowatt and a standby charge of $8.51 per kilowatt per month during the summer and winter peak periods.

Central Hudson requests an effective date of November 1, 1984.

Copies of this filing were served on NYPA.

Comment date: May 1, 1985, in accordance with Standard Paragraph E at the end of this notice.

6. Southern California Edison Company

[Docket No. ER85-423-000]

Take notice that on April 10, 1985, Southern California Edison Company (Edison) tendered for filing a notice of change of rates for transmission service as embodied in Edison's agreements with the following entities:

	Rate schedules FERC No
City of Anaheim	130
City of Azusa	160
City of Banning	159
City of Colton	162
City of Riverside	129
City of Vernon	149 and 172

Edison requests waiver of the Commission's prior notice requirements and an effective date of January 1, 1985, for these rate changes.

Copies of this filing were served upon the Public Utilities Commission of the State of California and all interested parties.

Comment date: May 1, 1985, in accordance with Standard Paragraph E at the end of this notice.

7. PacifiCorp doing business as Pacific Power & Light Company

[Docket No. ER85-37-000]

Take notice that on April 11, 1985, PacifiCorp doing business as Pacific Power & Light Company (Pacific) filed an application with the Federal Energy Regulatory Commission, pursuant to section 204 of the Federal Power Act, seeking an order authorizing it to issue and sell not more than $60,000,000 of Serial Preferred Stock.

Comment date: May 10, 1985, in accordance with Standard Paragraph E at the end of this notice.

Standard Paragraphs

E. Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 85-9517 Filed 4-18-85; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 7802-002, et al.]

Hydroelectric Applications (Natural Energy Resources Co. et al.); Notices of Applications Filed With the Commission

Take notice that the following hydroelectric applications have been filed with the Federal Energy Regulatory Commission and are available for public inspection:

(1)(a) Type of Application: Amendment of Preliminary Permit.

(b) Project No.: 7802-002.

(c) Date Filed: January 28, 1985.

(d) Applicant: Natural Energy Resources Company.

(e) Name of Project: Union Park Pumped Storage Project.

(f) Location: Taylor Park Reservoir, Gunnison County, Colorado.

(g) Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

(h) Contact Person: Alvin L. Steinmark, President, Natural Energy Resources Company, Greeley, Colorado 80631.

(i) Comment Date: May 28, 1985.

(j) Description of Project: A 36-month preliminary permit for the Union Park Pumped Storage Project No. 7802 was issued to Natural Energy Resources Company (Permittee) on August 15, 1984. The proposed project under the preliminary permit would consist of a 900 MW capacity pumped storage facility utilizing the U.S. Bureau of Reclamation's Taylor Park Reservoir as lower reservoir, and a proposed impoundment to be constructed on Loth's Creek as upper reservoir.

Since the issuance of the preliminary permit, the Permittee has identified an alternate location for the upper reservoir in an area outside the present project boundary. By using the alternate upper reservoir location, the project capacity would be 1,000 MW, with an estimated average annual power production of 1,400 GWh. The Permittee seeks an amendment of the preliminary permit that would change the project boundary to include lands within Gunnison National Forest to accommodate the alternate upper reservoir.

(k) This notice also consists of the following standard paragraphs' A6, A7, A9, B, C, and D2.

(2) (a) Type of Application: Major License.

(b) Project No: 5797–002.

(c) Date Filed: April 30, 1984.

(d) Applicant: B & C Energy, Inc.

(e) Name of Project: Star Falls.

(f) Location: At Star Falls on the Snake River in Jerome and Twin Falls Counties, Idaho on lands of the United States administered by the Bureau of Land Management.

(g) Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

(h) Contact Person: Mr. C. B. Beymer, Jr., 188 Blair Drive, Twin Falls, ID 83301.

(i) Comment Date: June 17, 1985.

(j) Description of Project: The proposed project would consist of: (1) a 20-foot-high, 500-foot-long gravity arch concrete dam with crest elevation 3,930 feet creating an impoundment with a 161-acre normal maximum water surface area and having a 2,780-acre-foot gross storage capacity; (2) a 2,200-foot-long power canal; (3) an enclosed penstock intake; (4) a 21-foot-diameter, 190-foot-long buried penstock; (5) a 66-foot-wide, 114-foot-long, 95-foot-high powerhouse containing a generating unit rated at 29.7 MW and producing an average annual energy output of 90.4 GWh; (6) a 200-foot-long tailrace with normal tailwater elevation 3,853 feet; (7) a 138–kV, 4.75-mile-long transmission line; and (8) a 2,500-foot-long access road from the canyon rim to the powerhouse and a roadway along the power canal embankment. Proposed recreational facilities include picnic and boating access facilities upstream of the project dam, public access to the tailrace and powerhouse area with parking and picnic facilities in the construction staging area, and whitewater boating access immediately upstream of the Murtaugh Bridge. The total estimated project cost is $45,575,000 in 1987 dollars. This application was filed pursuant to a preliminary permit.

(k) This notice also consists of the following standard paragraphs: A3, A9, B, and C.

(3) (a) Type of Application: Minor License.

(b) Project No.: 7890–001.

(c) Date Filed: January 30, 1985.

(d) Applicant: Matthew J. Bonaccorsi.

(e) Name of Project: Wendell Dam.

(f) Location: On the Sugar River near the Town of Sunapee, Sullivan County, New Hampshire.

(g) Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

(h) Contact Person: Mr. Matthew J. Bonaccorsi, Box 206 RFD 3, Newport, New Hampshire 03773.

(i) Comment Date: June 14, 1985.

(j) Description of Project: The proposed project would consist of: (1) the existing 8-foot-high, 56-foot-long concrete gravity Wendell Dam; (2) the installation of 1.25-foot-long flashboards; (3) a reservoir having a surface area of 11.4 acres, a storage capacity of 20 acre-feet, and normal water surface elevation of 978.4 feet m.s.l.; (4) the existing gate house; (5) a proposed 180-foot-long, 5-foot-diameter steel penstock; (6) a proposed powerhouse containing two generating units having a total installed capacity of 140kW; (7) a proposed 100-foot-long tailrace; (8) a proposed 300-foot-long 12-kV transmission line; and (9) appurtenant facilities. The existing dam and project facilities are owned by the State of New Hampshire Fish and Game Department. The Applicant estimates the average annual generation of 610,000 kWh. The Applicant filed this license application during the term of his preliminary permit.

(k) Purpose of Project: All power would be sold to the Public Service Company of New Hampshire.

(l) This notice also consists of the following standard paragraphs: A3, A9, B, C, and D1.

(4) (a) Type of Application: Preliminary Permit.

(b) Project No.: 9016–000.

(c) Date Filed: March 11, 1985.

(d) Applicant: Feather River Improvement Company.

(e) Name of Project: Serpentine Canyon.

(f) Location: East Branch of the North Fork Feather River, near Belden, in Plumas County, CA.

(g) Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

(h) Contact Person: Mr. Daniel L. Ostrander, Feather River Improvement Company, 12750 Quail Run Drive, Chico, CA 95928.

(i) Comment Date: July 17, 1985.

(j) Description of Project: The proposed run-of-the-river project would consist of: (1) a 15-foot-high, 150-foot-long concrete diversion weir and intake tunnel structure located on the East Branch of the North Fork Feather River at elevation 2,560 feet msl; (2) a 12,500-foot-long, 8-foot-diameter steel lined and rock tunnel; (3) a 350-food-long, 8-foot-diameter steel penstock; (4) a powerhouse located in Section 20, T25N, R7E, MDB&M, with an estimated installed capacity of 7.4 MW and an average annual energy generation of 40 GWh; and (5) a 1,000-foot-long, 60-kV transmission line connecting the project to an existing Pacific Gas and Electric Company (PG&E) line. Project power would be sold to PG&E. The project would be partially located on Plumas National Forest lands.

A preliminary permit, if issued, does not authorize construction. The Applicant seeks a 24-month permit to study the feasibility of constructing and operating the project and estimates the cost of the studies at $175,000.

(k) This notice also consists of the following standard paragraphs: A6, A7, B, C, and D2.

(5) (a) Type of Application: Amendment of a Major License.

(b) Project No.: 2299–007.

(c) Date Filed: January 7, 1985.

(d) Applicant: Turlock and Modesto Irrigation Districts.

(e) Name of Project: Don Pedro.

(f) Location: On San Joaquin River in Tuolumne County, California.

(g) Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

(h) Contact Person: Mr. Ernest Geddes, General Manager, Turlock Irrigation District, P.O. Box 949, Turlock, CA 95381.

(i) Comment Date: June 12, 1985.

(j) Description of Project: The proposed amendment would consist of: (1) a powerhouse containing a single generating unit with a total installed capacity of 28,000 kW to be constructed in an excavation site adjoining the left wall of the existing licensed powerhouse of Don Pedro Project No. 2299; (2) a power transformer; (3) switchyard; (4) a 13-food-diameter tailrace; and (5) appurtenant facilities. No recreational facilities are proposed by the Applicant.

(k) Purpose of Project: The power produced by the project would provide additional capacity during systems peak demand.

(l) This notice also consists of the following standard paragraphs: B and C.

(6) (a) Type of Application: Preliminary Permit.

(b) Project No.: 8977–000.

(c) Date Filed: February 26, 1985.

(d) Applicant: Golden Hydro Limited Partnership.

(e) Name of Project: Golden Hydro.

(f) Location: On North Fork Clearwater Creek, within the Clearwater National Forest, near Pierce, in Clearwater County, Idaho.

(g) Filed Pursuant to: Federal Power Act 16 U.S.C. 791(a)–825(r).

(h) Contact Person: Mr. Raymond T. Michener, P.E., Michener Associates, Inc., P.O. Box 2176, Tri-Cities, WA 99302.

(i) Comment Date: June 17, 1985.

(j) Description of Project: the proposed project would consist of: (1) a 40-foot-diameter, 10-foot-deep, 250-foot-long screened flume intake; (2) an 8-mile-long, 15-foot-diameter tunnel; (3) four 7-foot-diameter, 1000-foot-long penstocks; (4) a powerhouse containing four 7,000 kW turbines; and (5) a 28-mile-long, 69-kV transmission line. The Applicant estimates the average annual energy production to be 139,424 MWh.

A preliminary permit, if issued, does not authorize construction. The Applicant seeks a 36-month preliminary permit to conduct engineering, economic and environmental studies to ascertain project feasibility and to support an application for a license to construct and operate the project. A ¼-mile long access road will be required at the powerhourse site and drilling will also be required. The estimated cost of permit activities is $185.000.

(k) Purpose of Project: The project power would be sold to Washington Water Power Company of Spokane, Washington.

(l) This notice also consists of the following standard paragraphs: A6, A7, A9, B, C, and D2.

(7) (a) Type of Application: Preliminary Permit.

(b) Project No.: 9025–000.

(c) Date Filed: March 4, 1985.

(d) Applicant: Weyerhaeuser Company.

(e) Name of Project: Hancock Creek.

(f) Location: Near North Bend, King County, Washington on Hancock Creek.

(g) Filed Pursuant to: Federal Power Act 16 U.S.C. 791(a)–825(r).

(h) Contact Person: Mr. Horbert E. Methven, Weyerhaeuser Company, Tacoma WA 98477.

(i) Comment Date: June 14, 1985.

(j) Description of Project: the proposed project would consist of: (1) a 10-foot-high diversion weir; (2) a 42-inch-diameter, 8,000-foot-long penstock; (3) a powerhouse containing a generating unit rated at 6,800 kW; and (4) a 1½ mile-long transmission line. The Applicant estimates the average annual energy production to be 29,500 MWh.

A preliminary permit does not authorize construction. Applicant seeks issuance of a preliminary permit for a term of 24 months during which it would conduct engineering and environmental feasibility studies and prepare an FERC license application at a cost of $50,000. No new roads would be constructed or drilling conducted during the feasibility study.

(k) Purpose of Project: Applicant proposes to use the output or sell to a utility.

(l) This notice also consists of the following standard paragraphs: A6, A7, A9, B, C, and D2.

(8)(a) Type of Application: Preliminary Permit.

(b) Project No: 9006–000.

(c) Date Filed: March 7, 1985.

(d) Applicant: Mutual Energy Co., Inc.

(e) Name of Project: Tumalo Creek.

(f) Location: On lands located in the Deschutes National Forest, near the City of Bend, in Deschutes County, Oregon.

(g) Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

(h) Contact Person: Mr. Bart M. O'Keeffe, Mutual Energy Co., Inc., 3451 Longview Drive, Suite 130, North Highlands, CA 95660.

(i) Comment Date: June 10, 1985.

(j) Description of Project: The proposed project would consist of: (1) the existing Columbia Southern Diversion Dam; (2) a 72-inch-diameter, 16,500-foot-long low pressure pipeline; (3) a 66-inch-diameter, 5,800 foot-long penstock; (4) a powerhouse containing one generating unit rated at 7,300 kW; (5) a four-mile long, 69–kV transmission line; and (6) a 2,000-foot-long access road. The Applicant estimates that the average annual energy production to be 29,000 MWh.

A preliminary permit, does not authorize construction. Applicant seeks issuance of a preliminary permit for a term of 36 months during which it would conduct engineering and environmental feasibility studies and prepare an FERC license application at a cost of $125,000. No new roads would be constructed or drilling conducted during the feasibility study.

(k) Purpose of Project: Applicant proposes to sell the power to a local privately owned utility in the Pacific Northwest.

(l) This notice also consists of the following standard paragraphs: A5, A7, A9, B, C, and D2.

(9)(a) Type of Application: Preliminary Permit.

(b) Project No: 8817–000.

(c) Date Filed: December 24, 1984.

(d) Applicant: Gainesville Hydro Associates.

(e) Name of Project: Gainesville Hydro Project.

(f) Location: On the Tombigbee River near Gainesville, Greene County, Alabama.

(g) Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

(h) Contact Person: Mr. Casey Cummings, 410 Severn Avenue, Suite 409, Annapolis, Maryland 21403.

(i) Comment Date: June 3, 1985.

(j) Competing Application: Project No. 8812–000, Date Filed: December 24, 1984. Comment Due Date: April 1, 1985.

(k) Description of Project: The proposed project would utilize the U.S. Army Corps of Engineers' Gainesville Lock and Dam, a 875-foot-long and 50-foot-wide diversion channel, and would consist of: (1) a new powerhouse located on the east side of the river in the diversion channel housing two 7.5-MW generators for a total installed capacity of 15 MW; (2) a proposed 44-kV transmission line approximately 12 miles long interconnecting with Alabama Power Company's transmission system; and (3) appurtenant facilities. The Applicant estimates that the average annual generation would be 52 GWh. All project energy would be sold to Alabama Power Company.

(l) This notice also consists of the following standard paragraphs: A8, A9, B, C, and D2.

(m) Proposed Scope of Studies under Permit: A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of 24 months during which time Applicant would investigate project design alternatives, financial feasibility, environmental effects of project construction and operation, and project power potential. Depending upon the outcome of the studies, the Applicant

would decide whether to proceed with an application for FERC license. Applicant estimates that the cost of the studies under permit would be $30,000.

(10) (a) Type of Application: Major License (Under 5MW).

(b) Project No.: 6867–001.

(c) Date Filed: October 26, 1984.

(d) Applicant: Daniel J. Horrall.

(e) Name of Project: Williams Dam Project.

(f) Location: On East Fork of White River in Lawrence County, IN.

(g) Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

(h) Contact Person: Robert W. Everett, W.M. Lewis & Associates, Inc., 740 Fifth Street, P.O. Box 1383, Portsmouth, Ohio 45662, and Daniel J. Horrall R R. #2, Washington, IN 47501.

(i) Comment Date: June 24, 1985.

(j) Description of Project: The Williams dam is owned by the state of Indiana, Department of Natural Resources. The proposed project would consist of: (1) the existing reinforced concrete dam, approximately 300 feet long and 20 feet high; (2) the existing resevoir with a surface area of 200 acres and a storage capacity of 1,000 acre-feet at powerpool elevation of 476 feet m.s.l.; (3) an existing powerhouse which would be rehabilitated and would contain four generating units rated at 470 kW each for a total installed capacity of 1,880 kW; (4) a proposed 150-foot-long, 12.47-kV transmission line; and (5) appurtenant facilities. The estimated average annual energy generation for the project is 10,660,000 kWh.

(k) Purpose of Project: The energy generated at the project would be sold to a utility company.

(l) This notice also consists of the following standard paragraphs: A3, A9, B, C, & D1.

(11) (a) Type of Application: Revised Application for Minor License.

(b) Project No: 8600–001.

(c) Dated Filed: February 19, 1985.

(d) Applicant: Boulder Hydro, A Limited Partnership.

(e) Name of Project: Little Gold.

(f) Location: On Little Gold Creek in Granite County, Montana, within Deerlodge National Forest.

(g) Filed Pursuant to: Federal Power Act, 16 U.S.C. 792(a)–825(r).

(h) Contact Person: F. Lee Tavenner, Star Route, Hall, MO 59837.

(i) Comment Date: June 20, 1985.

(j) Description of Project: The proposed project would consist of: (1) a 4-foot-high, 20-foot-long wooden diversion dam with a 3-foot-deep, 8-foot-long overflow notch, crest elevation 6,405 feet USGS datum; (2) an integral intake in the southern end of the dam; (3) a 15-inch-diameter, 3,880-foot-long low-pressure PVC pipeline; (4) a 12-inch-diameter, 3,000-foot-long steel penstock; (5) a 16-foot-wide, 20-foot-long concrete block powerhouse at elevation 5,520 feet containing a generating unit with a rated capacity of 450 kW producing an average annual energy output of 1.90 GWh; (6) a corrugated pipe tailrace; (7) a 200-foot-long, 25-kV transmission line from the transformer adjacent to the powerhouse to an existing Montana Power Company transmission line; and (8) 400-foot of new access road. The estimated cost of the project is $230,000 as of October, 1984.

(k) Purpose of Project: To produce electricity to sell to Montana Power Company.

(l) This notice also consists of the following standard paragraphs: A3, A9, B, C and D1.

(12)(a) Type of Application: Minor License.

(b) Project No.: 8515–000.

(c) Date Filed: August 13, 1984 as amended on January 16, 1985.

(d) Applicant: Louis J. Travis.

(e) Name of Project: Hope Creek Water Power.

(f) Location: On Hope Creek, Tributary to Freezout Creek, near Imnaha, in Wallowa County, OR.

(g) Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

(h) Contact Person: Mr. Al Peters, Energy Planning Associates, 3182 SE Timberlake Drive, Hillsboro, OR 97123.

(i) Comment Date: June 24, 1985.

(j) Description of Project: The proposed project would consist of: (1) a 4-foot-high, 15-foot-long concrete diversion structure at an elevation of 3,665; (2) a 4000-foot-long, 8-inch-diameter penstock; (3) an 8-foot by 8-foot powerhouse containing one generating unit with an installed capacity of 115 kW at an operating head of 560 feet; and (4) a 3000-foot-long, 19.6-kV transmission line to Applicant's farm house for connection to a Pacific Power and Light Company transmission line. The Applicant estimates that the average annual energy production would be 354,000 kWh. The cost to construct the project would be $100,000 in 1984 dollars.

(k) Purpose of Project: The project power would be sold to the Pacific Power and Light Company.

(l) This notice also consists of the following standard paragraphs: A3, A9, B and C.

(13)(a) Type of Application: New Major License.

(b) Project No.: 2305–002.

(c) Date Filed: December 27, 1984.

(d) Applicant: Central Maine Power Company.

(e) Name of Project: Williams.

(f) Location: Kennebec River in Somerset County, Maine.

(g) Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

(h) Contact Person: Mr. Ralph L. Bean, Vice President, Engineering, Central Maine Power Company, Edison Drive, Augusta, Maine 04336.

(i) Comment Date: June 24, 1985.

(j) Description of Project: The existing operating project commenced operation in 1939 and was issued an initial license in 1964, which will expire in 1987. The Licensee has filed for a new license for the continued operation of the project with a change in the operating head from 43 feet to 45 feet. The existing project consists of: (1) a concrete core earth dike, approximately 202 feet long with a crest elevation of 325.0 feet USGS datum consisting of: (a) a 75.5-foot-long concrete core with an elevation of 323.0 feet USGS datum; (b) a 15-foot-long concrete core and; (c) a 111.5-foot-long retaining wall with an elevation of 325.0 feet USGS datum; (2) a reinforced concrete gate section 243.5 feet long consisting of 5 taintor gates and one vertical lift wheel gate, each 32.5 feet wide by 20.5 feet high with a spillway crest of 300.0 feet USGS datum which includes a 203-foot-long stanchion and timber panel section; (3) a reservoir with a normal water surface area of 446 acres, and storage capacity of 3,650 acre-feet at elevation 320.0 feet USGS datum; (4) an intake located at the west bank of the retaining wall; (5) a concrete powerhouse containing one unit with a capacity of 8,040 kW and one unit with a capacity of 6,460 kW for a total installed capacity of 14,500 kW; (6) a 6,000-foot-long tailrace; (7) a transmission line 3,900 feet long; and (8) appurtenant facilities. The Applicant proposes to increase the timber panel and gate section by 2 feet, and therefore increase the normal water surface area of the reservoir to 448 acres and the storage capacity to 4,475 acre-feet at elevation 322.0 feet USGS datum. The Applicant estimates the increased average annual generation would be 99,000,000 kWh. The dam is owned by Central Maine Power Company. The existing project would also be subject to Federal takeover under Sections 14 and 15 of the Federal Power Act. The cost of the existing project is $3,500,000.

(k) Purpose of Project: Project power would continue to be sold to the customers of Central Maine Power Company.

(l) This notice also consists of the following standard paragraphs: B and C.

14 (a) Type of Application: Conduit Exemption.

(b) Project No.: 8930–001.

(c) Date Filed: February 15, 1985.
(d) Applicant: County of Tuolumne.
(e) Name of Project: Columbia Ditch Hydroelectric Project.
(f) Location: On Columbia Ditch, part of the Applicant's existing water supply system, in Tuolumne County, California.
(g) Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).
(h) Contact Person: Mr. Billy H. Marr, Water Supervisor, Tuolumne County Administration Center, 2 South Green Street, Sonora, CA 95370.
(i) Comment Date: June 3, 1985.
(j) Description of Project: The proposed project would comprise three sites. The Site #1 at Yankee Hill would consist of a 12-inch-diameter, 1,750-foot-long pipeline/penstock and a powerhouse containing a single generating unit with a rated capacity of 118 kW to operate under a head of 450 feet. The Site #2 at Ridge Road would consist of a 12-inch-diameter, 520-foot-long pipeline/penstock and a powerhouse containing a single generating unit with a rated capacity of 45 kW to operate under a head of 141 feet. The Site #3 at Old Oak Ranch would consist of a 12-inch-diameter, 310-foot-long pipeline/penstock and a powerhouse containing a single generating unit with a rated capacity of 32 kW to operate under a head of 86 feet. Three short 12.5-kV transmission lines will connect the powerhouses with an existing Pacific Gas and Electric Company (PG&E) line south of the sites.
(k) Purpose of Project: The project's estimated annual generation of 1.72 million kWh would be sold to PG&E.
(l) This notice also consists of the following standard paragraphs: A3, A9, B, C, & D3b.
15 (a) Type of Application: Application for License (over 5 MW).
(b) Project No.: 5081–001.
(c) Date Filed: September 23, 1983.
(d) Applicant: Utah Board of Water Resoruces.
(e) Name of Project: White River Dam Hydro Project.
(f) Location: On White River in Unitah County, Utah.
(g) Filed Pursuant to: Federal Power Act, 16 U.S.C. §§ 791(a)–825(r).
(h) Contact Person: Dennis J. Strong, Division of Water Resources, State of Utah, 1636 West North Temple, Salt Lake City, UT 84116.
(i) Comment Date: June 7, 1985.
(j) Description of Project: The proposed unconstructed project would affect lands of the United States under the jurisdiction of the Bureau of Land Management (BLM) and would consist of: (1) a multi-zoned earth and rockfill dam, 136 feet high and approximately 2,500 feet long, having a crest elevation at 5,026 feet m.s.l.; (2) a service spillway consisting of a fantail inlet, a box culvert conduit and stilling basin, along with an auxilliary fuse plug type spillway extending from the left dam abutment; (3) a reservoir impounding approximately 109,250 acre-feet of water and covering 1,982 acres at service spillway crest elevation 5,017 feet m.s.l.; (4) outlet works consisting of a multi-level intake structure, a 10-foot-diameter pressure conduit and a 36-inch-diameter bypass pipe with gated outlet; (5) a 10-foot-diameter penstock trifurcating into 6-foot-6-inch diameter penstocks; (6) a powerhouse to contain 3 turbine generator units rated as 3,000 kW each for a total rated capacity of 9,000 kW; (7) a tailrace returning flow to the river just below the toe of the dam; (8) a 500-foot-long, 138-kV transmission line; and (9) appurtenant facilities. The applicant estimates that the average annual energy output would be 39.6 million kWh.
(k) Purpose of Project: The applicant intends to market the power on the open market for regional power needs.
(l) This notice also consists of the following standard paragraphs: A3, A9, B, C.
16 (a) Type of Application: Preliminary Permit.
(b) Project No.: 9001–000.
(c) Date Filed: March 5, 1985.
(d) Applicant: China Flat Company.
(e) Name of Project: China Creek Power Project.
(f) Location: On China Creek, near Willow Creek, within Six Rivers National Forest, in Humboldt County, California.
(g) Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).
(h) Contact Person: Mr. Albert E. Hodgson, Chairman, China Flat Company, P.O. Box 536, Willow Creek, California 95573.
(i) Comment Date: June 7, 1985.
(j) Description of Project: The proposed project would consist of: (1) a 4-foot-high, 30-foot-long diversion dam at elevation 1,400 feet; (2) a 24-inch-diameter, 1,500-foot-long diversion conduit; (3) a 20-inch-diameter, 2,500-foot-long steel penstock; (4) a powerhouse with a total installed capacity of 640 kW operating under a head of 815 feet; and (5) a 300-foot-long, 12.5-kV transmission line from the powerhouse to connect to an existing Pacific Gas and Electric Company (PG&E) transmission line. The Applicant estimates the average annual energy generation at 4.6 million kWh to be sold to PG&E.
A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a 36-month preliminary permit to conduct technical, environmental and economic studies, and also prepare an FERC license application at an estimated cost of $15,000.
(k) This notice also consists of the following standard paragraphs: A6, A7, A9, B, C and D2.
17 (a) Type of Application: Preliminary Permit.
(b) Project No.: 9012–000.
(c) Date Filed: March 11, 1985.
(d) Applicant: Salt Lake City Corporation.
(e) Name of Project: Little Cottonwood Power Project.
(f) Location: On Little Cottonwood Creek in Salt Lake County, Utah.
(g) Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).
(h) Contact Person: Mr LeRoy Hooton, Director, Department of Public Utilities, 1530 South West Temple, Salt Lake City, UT 84115.
(i) Comment Date: June 10, 1985.
(j) Description of Project: The proposed project would be located entirely within the Wasatch National Forest and would consist of: (1) a new low intake structure across Little Cottonwood Creek near Red Pine Creek; (2) a new penstock, 36 inches in diameter and 10,500 feet long; (3) a new powerhouse to contain turbine-generator units having a total rated capacity of 4,290 kW; (4) a short tailrace returning flow to the creek; (5) a new buried transmission line, about 3 miles long, connecting to an existing Utah Power and Light Company 25 kV line; and (6) appurtenant facilities. The Applicant estimates that the average annual energy output would be 14,572,000 kWh.
(k) Purpose of Project: Project energy would be utilized by the Salt Lake City Corporation.
(l) This notice also consists of the following standard paragraphs: A6, A7, A9, B, C, D2.
(m) Proposed Scope of Studies under Permit: A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of 36 months during which time Applicant would investigate project design alternatives, financial feasibility, environmental effects of project construction and operation, and project power potential. Depending upon the outcome of the studies, the Applicant would decide whether to proceed with an application for FERC license. Applicant estimates that the cost of the studies under permit would be $13,000.
(18) (a) Type of Application: License (5 MW or Less).

(b) Project No: 8160–000.
(c) Date Filed: March 7, 1984.
(d) Applicant: Mr. Dale L.R. Lucas.
(e) Name of Project: Lewis Fork Creek.
(f) Location: On Lewis Fork Creek in Madera County, California; within Sierra National Forest.
(g) Filed Pursuant to: Federal Power Act 16 U.S.C. 791(a)–825(r).
(h) Contact Person: Mr. Dale L.R. Lucas, 36600 Orange Grove Avenue, Madera, California 93638.
(i) Comment Date: June 6, 1985.
(j) Description of Project: The proposed project would consist of: (1) a 3-foot-high diversion dam and intake at elevation 4,680 feet; (2) a 48 inch-diameter, 6,000-foot-long pipeline; (3) a 48-inch-diameter, 1,000-foot-long steel penstock; (4) a powerhouse containing a single impulse turbine-generator with a total installed capacity of 3,700 kW; and (5) a 12-kV, 1,000-foot-long transmission line connecting with an existing transmission line owned and operated by Pacific Gas and Electric Company (PG&E). No recreational facilities are proposed by the Applicant.
(k) Purpose of Project: The estimated 9.3 million kWh generated annually by the proposed project would be sold to PG&E.
(l) This notice also consists of the following standard paragraph: A3, A9, B, C and D1.
(19) (a) Type of Application: Preliminary Permit.
(b) Project No.: P–9011–000.
(c) Date Filed: March 11, 1985.
(d) Applicant: Independence Electric Corporation.
(e) Name of Project: Taylorsville Dam.
(f) Location: On Salt River in Spencer County, Kentucky.
(g) Filed Pursuant to: Federal Power Act, 16 U.S C. 791(a)–825(r).
(h) Contact Person: Mr. G. William Miller, President, Independence Electric Corporation, 919 18th Street NW., Washington, DC 20006.
(i) Comment Date: June 10, 1985.
(j) Description of Project: The proposed project would utilize the existing U.S. Army Corps of Engineers Taylorsville Dam and Reservoir and would consist of: (1) a proposed power tunnel and penstock 10 feet in diameter and 1,600 feet long; (2) a proposed powerhouse containing two double regulated propeller turbine/generators each rated at 2,000 kW; (3) a proposed tailrace channel 100 feet and 400 feet long; (4) a new 69-kV transmission line 4 miles long; and (5) appurtenant facilities. The estimated average annual energy produced by the project would be 10,700,000 kWh operating under a net hydraulic head of 62 feet. Project power would be sold to a utility company in the project area.
(k) This notice also consists of the following standard paragraphs: A5, A7, A9, B, C, D2.
(l) Proposed Scope under this Permit: A preliminary permit, if issued, does not authorize construction. The term of the proposed preliminary permit is 36 months. The work proposed under the preliminary permit would include economic analysis, preparation of preliminary engineering plans, and a study of environmental impacts. Based on results of these studies Applicant would decide whether to proceed with more detailed studies, and the preparation of an application for license to construct and operate the project. Applicant estimates that the cost of the work to be performed under the preliminary permit would be $125,000.
(20) (a) Type of Application: Preliminary Permit.
(b) Project No.: 8996–000.
(c) Date Filed: March 4, 1985.
(d) Applicant: Streamline Hydro, Inc.
(e) Name of Project: Bighorn Creek.
(f) Location: On Bighorn Creek in Eagle County, Colorado on lands administered by the White River National Forest.
(g) Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).
(h) Contact Person: Mr. Robert Stout, 6565 South Dayton, Suite 1100; Englewood, CO 80111
(i) Comment Date: June 10, 1985.
(j) Description of Project: The proposed project would consist of: (1) a 6 to 10–foot-high and 60–foot-long proposed dam including spillway at elevation 9,040 feet U.S.G.S. datum; (2) a proposed reservoir with a storage capacity of 3000 cubic feet and a surface area of 1500 square feet at elevation 9,046 feet U S.G.S. datum; (3) a proposed penstock 2500 feet long, approximately 10 inches in diameter; (4) a proposed powerhouse 15 feet long and 15 wide containing one proposed turbine/generator with a rated capacity of 100 kW; (5) a proposed closed channel conduit tailrace 18 inches in diameter and 20 feet long; (6) a new three phase 25–kV transmission line 200 feet long; and (7) appurtenant facilities. The estimated average annual energy produced by the project would be .14 million kWh operating under a net hydraulic head of 315 feet. Project power would be sold to the Holy Cross Electric Company of Glenwood, Springs, Colorado.
(k) This notice also consists of the following standard paragraphs: A6, A7, A9, B, C, D2.
(l) Proposed Scope under this Permit: A preliminary permit if issued, does not authorize construction. The term of the proposed preliminary permit is 24 months. The work proposed under the preliminary permit would include economic analysis, preparation of preliminary engineering plans, and a study of environmental impacts. Based on results of these studies Applicant would decide whether to proceed with more detailed studies, and the preparation of an application for license to construct and operate the project. Applicant estimates that the cost of the work to be performed under the preliminary permit would be $3,000.
(21) (a) Type of Application: Preliminary Permit.
(b) Project No.: P–8995–000
(c) Date Filed: March 4, 1985.
(d) Applicant: Streamline Hydro, Inc.
(e) Name of Project: Booth Creek.
(f) Location: On Booth Creek in Eagle County, Colorado on lands administered by the White River National Forest.
(g) Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).
(h) Contact Person: Mr. Robert Stout, 6565 South Dayton, Englewood, CO 80111.
(i) Comment Date: June 10, 1985.
(j) Description of Project: The proposed project would consist of: (1) a 6 to 10–foot-high and 60–foot-long proposed dam including spillway at elevation 8,766 feet U.S.G.S. datum; (2) a proposed reservoir with a storage capacity of 5,400 cubic feet and surface area of 1800 square feet at elevation 8,760 feet U S.G.S. datum; (3) a proposed penstock 2,200 feet long, approximately 10 inches in diameter; (4) a proposed powerhouse 15 feet long and 15 wide containing one proposed turbine/generator with a rated capacity of 130 kW; (5) a proposed closed channel conduit tailrace 18 inches in diameter and 20 feet long; (6) a new three phase 25–kV transmission line 200 feet long; and (7) appurtenant facilities. The estimated average annual energy produced by the project would be .4 million kWh operating under a net hydraulic head of 280 feet. Project power would be sold to the Holy Cross Electric Company of Glenwood, Springs, Colorado.
(k) This notice also consists of the following standard paragraphs: A6, A7, A9, B, C, D2.
(l) Proposed Scope under this Permit: A preliminary permit if issued, does not authorize construction. The term of the proposed preliminary permit is 24 months. The work proposed under the preliminary permit would include economic analysis, preparation of preliminary engineering plans, and a study of environmental impacts. Based

on results of these studies Applicant would decide whether to proceed with more detailed studies, and the preparation of an application for license to construct and operate the project. Applicant estimates that the cost of the work to be performed under the preliminary permit would be $2,000.

(22) (a) Type of Application: Preliminary Permit.

(b) Project No.: P–8994–000.

(c) Date Filed: March 4, 1985.

(d) Applicant: Streamline Hydro, Inc.

(e) Name of Project: Buffehr Creek.

(f) Location: On Buffehr Creek in Eagle County, Colorado on lands administered by the White River National Forest.

(g) Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

(h) Contact Person: Mr. Robert E. Stout, 6565 South Dayton, Suite 1100, Englewood, CO 80111.

(i) Comment Date: June 10, 1985.

(j) Description of Project: The proposed project would consits of: (1) a 6- to 10-foot-high and 60-foot-long proposed dam including spillway at elevation 8760 feet U.S.G.S. datum; (2) a proposed reservoir with a storage capacity of 3000 cubic feet and surface area of 1500 square feet at elevation 8766 U.S.G.S. datum; (3) a proposed penstock 2500 feet long, approximately 12 inches in diameter; (4) a proposed powerhouse 15 feet long and 15 feet wide containing one proposed turbine/generator with a rated capacity of 150 kW; (5) a proposed closed channel conduit tailrace 18 inches in diameter and 20 feet long; (6) a new three-phase 25-kV transmission line 3400 feet long; and (7) appurtenant facilities. The estimated average annual energy produced by the project would be .5 million kWh operating under a net hydraulic head of 360 feet. Project power would be sold to the Holy Cross Electric Company of Glenwood Springs, Colorado.

(k) This notice also consists of the following standard paragraphs: A6, A7, A9, B, C, D2.

(l) Proposed Scope under this Permit: A preliminary permit if issued, does not authorize construction. The term of the proposed preliminary permit is 24 months. The work proposed under the preliminary permit would include economic analysis, preparation of preliminary engineering plans, and a study of environmental impacts. Based on results of these studies Applicant would decide whether to proceed with more detailed studies, and the preparation of an application for license to construct and operate the project. Applicant estimates that the cost of the work to be performed under the preliminary permit would be $40,000.

(23) (a) Type of Application: Preliminary Permit.

(b) Project No.: P–8993–000.

(c) Date Filed: March 4, 1985.

(d) Applicant: Streamline Hydro, Inc.

(e) Name of Project: Pitkin Creek.

(f) Location: On Pitkin Creek in Eagle County, Colorado on lands administered by the White River National Forest.

(g) Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

(h) Contact Person: Mr. Robert Stout, 6565 South Dayton, Suite 1100, Englewood, CO 80111.

(i) Comment Date: June 10, 1985.

(j) Description of Project: The proposed project would consits of: (1) a 6- to 10-foot-high and 60-foot-long proposed dam including spillway at elevation 9,000 feet U.S.G.S. datum; (2) a proposed reservoir with a storage capacity of 5,400 cubic feet and surface area of 1,800 square feet at elevation 9,006 feet U.S.G.S. datum; (3) a proposed penstock 2,000 feet long, approximately 10 inches in diameter; (4) a proposed powerhouse 15 feet long and 15 feet wide containing one proposed turbine/generator with a rated capacity of 130 kW; (5) a proposed closed channel conduit tailrace 18 inches in diameter and 20 feet long; (6) a new three-phase 25-kV transmission line 200 feet long; and (7) appurtenant facilities. The estimated average annual energy produced by the project would be .5 million kWh operating under a net hydraulic head of 384 feet. Project power would be sold to the Holy Cross Electric Company of Glenwood Springs, Colorado.

(k) This notice also consists of the following standard paragraphs: A6, A7, A9, B, C, D2.

(l) Proposed Scope under this Permit: A preliminary permit if issued, does not authorize construction. The term of the proposed preliminary permit is 24 months. The work proposed under the preliminary permit would include economic analysis, preparation of preliminary engineering plans, and a study of environmental impacts. Based on results of these studies Applicant would decide whether to proceed with more detailed studies, and the preparation of an application for license to construct and operate the project. Applicant estimates that the cost of the work to be performed under the preliminary permit would be $3,000.

(24) (a)Type of Application: Preliminary Permit.

(b) Project No.: P–8992–000.

(c) Date Filed: March 4, 1985.

(d) Applicant: Streamline Hydro, Inc.

(e) Name of Project: Gore Creek.

(f) Location: On Gore Creek in Eagle County, Colorado on lands administered by the White River National Forest.

(g) Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r)

(h) Contact Person: Mr. Robert E. Stout, 6565 South Dayton, Englewood, CO 80111.

(i) Comment Date: July 10, 1985.

(j) Description of Project: The proposed project would consist of: (1) a 6 to 10-foot-high and 50-foot-long proposed dam including spillway at elevation 9,200 feet U.S.G.S. datum; (2) a proposed reservoir with a storage capacity of 4,000 cubic feet and a surface area of 2,000 square feet at elevation 9,204 feet U.S.G.S. datum; (3) a proposed penstock 3,200 feet long, approximately 10 inches in diameter; (4) a proposed powerhouse 30 feet long and 15 feet wide containing two proposed turbine/generators with a total capacity of 200 kW; (5) a proposed closed channel conduit tailrace 18 inches in diameter and 20 feet long; (6) a new three phase 25-kV transmission line 1,600 feet long; and (7) appurtenant facilities. The estimated average annual energy produced by the project would be .8 million kWh operating under a net hydraulic head of 300 feet. Project power would be sold to the Holy Cross Electric Company of Glenwood Springs, Colorado.

(k) This notice also consists of the following standard paragraphs: A6, A7, A9, B, C, D2.

(l) Proposed Scope under this Permit: A preliminary permit, if issued, does not authorize construction. The term of the proposed preliminary permit is 24 months. The work proposed under the preliminary permit would include economic analysis, preparation of preliminary engineering plans, and a study of environmental impacts. Based on results of these studies Applicant would decide whether to proceed with more detailed studies, and the preparation of an application for license to construct and operate the project. Applicant estimates that the cost of the work to be performed under the preliminary permit would be $4,000.

(25) (a) Type of Application: Preliminary Permit.

(b) Project No: 8945–000.

(c) Date Filed: February 11, 1985.

(d) Applicant: Richard D. Ely.

(e) Name of Project: Natchaug River 1.

(f) Location: On the Natchaug River in Tolland and Windham Counties, Connecticut.

(g) Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

(h) Contact Person: Richard D. Ely, P.O. Box 474, Storrs, Connecticut 06268–0474.

(i) Comment Date: June 13, 1985.

(j) Description of Project: The proposed run-of-river project would consist of two independent developments and would utilize two existing U.S. Army Corps of Engineers' dams.

Site 1 Development would utilize the Mansfield Hollow Dam and outlet works and would consist of a new powerhouse at the downstream end of the existing outlet works with three new turbine generator units with a total installed capacity of 234 kW. Interconnection to distribution lines is available at the site.

Site 2 Development would utilize a small dam and existing headrace canal about 300 feet downstream from the Site 1 Development and would consist of: (1) a new short pensock; (2) a new powerhouse with three turbine-generator units with a total installed capacity of 234 kW; (3) a short tailrace; and (4) other appurtenances. Interconnection to distribution lines is available at the site.

Applicant estimates a total average annual generation of 2,000,000 kWh.

(k) Purpose of Project: Project energy would be sold to Northeast Utilities.

(l) This notice also consists of the following standard paragraphs: A5, A7, A9, B, C & D2.

(m) Proposed Scope of Studies under Permit: A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of 36 months during which time Applicant would investigate project design alternatives, financial feasibility, environmental effects of project construction and operation, and project power potential. Depending upon the outcome of the studies, the Applicant would decide whether to proceed with an application for FERC license. Applicant estimates that the cost of the studies under permit would be $68,000.

Competing Applications

(A1) Exemption for Small Hydroelectric Power Project under 5MW Capacity—Any qualified license or conduit exemption applicant desiring to file a competing application must submit to the Commission, on or before the specified comment date for the particular application, either a competing license or conduit exemption application that proposes to develop at least 7.5 megawatts in that project, or a notice of intent to file such an application. Any qualified small hydroelectric exemption applicant desiring to file a competing application must submit to the Commission, on or before the specified comment date for the particular application, either a competing small hydroelectric exemption application or a notice of intent to file such an application. Submission of a timely notice of intent allows an interested person to file the competing license, conduit exemption, or small hydroelectric exemption application no later than 120 days after the specified comment date for the particular application. Applications for preliminary permit will not be accepted in response to this notice.

(A2) Exemption for Small Hydroelectric Power Project under 5MW Capacity—Any qualified license or conduit exemption applicant desiring to file a competing application must submit to the Commission, on or before the specified comment date for the particular application, either a competing license or conduit exemption application that proposes to develop at least 7.5 megawatts in that project, or a notice of intent to file such an application. Submission of a timely notice of intent allows an interested person to file the competing license or conduit exemption application no later than 120 days after the specified comment date for the particular application. Applications for preliminary permit and small hydroelectric exemption will not be accepted in response to this notice.

(A3) License or Conduit Exemption—Any qualified license, conduit exemption, or small hydroelectric exemption applicant desiring to file a competing application must submit to the Commission, on or before the specified comment date for the particular application, either a competing license, conduit exemption, or small hydroelectric exemption application, or a notice of intent to file such an application. Submission of a timely notice of intent allows an interested person to file the competing license, conduit exemption, or small hydroelectric exemption application no later than 120 days after the specified comment date for the particular application. Applications for preliminary permit will not be accepted in response to this notice.

This provision is subject to the following exception: if an application described in this notice was filed by the preliminary permittee during the term of the permit, a small hydroelectric exemption application may be filed by the permittee only (license and conduit exemption applications are not affected by this restriction).

(A4) License or Conduit Exemption—Public notice of the filing of the initial license, small hydroelectric exemption or conduit exemption application, which has already been given, established the due date for filing competing applications or notices of intent. In accordance with the Commission's regulations, any competing application for license, conduit exemption, small hydroelectric exemption, or preliminary permit, or notices of intent to file competing applications, must be filed in response to and in compliance with the public notice of the initial license, small hydroelectric exemption or conduit exemption application. No competing applications or notices of intent may be filed in response to this notice.

(A5) Preliminary Permit: Existing Dam or Natural Water Feature Project—Anyone desiring to file a competing application for preliminary permit for a proposed project at an existing dam or natural water feature project, must submit the competing application to the Commission on or before 30 days after the specified comment date for the particular application (see 18 CFR 4.30 to 4.33 (1982)). A notice of intent to file a competing application for preliminary permit will not be accepted for filing.

A competing preliminary permit application must conform with 18 CFR 4.33(a) and (d).

(A6) Preliminary Permit: No Existing Dam—Anyone desiring to file a competing application for preliminary permit for a proposed project where no dam exists or where there are proposed major modifications, must submit to the Commission on or before the specified comment date for the particular application, the competing application itself, or a notice of intent to file such an application. Submission of a timely notice of intent allows an interested person to file the competing preliminary permit application no later than 60 days after the specified comment date for the particular application.

A competing preliminary permit application must conform with 18 CFR 4.33(a) and (d).

(A7) Preliminary Permit—Except as provided in the following paragraph, any qualified license, conduit exemption, or small hydroelectric exemption applicant desiring to file a competing application must submit to the Commission, on or before the specified comment date for the particular application, either a competing license, conduit exemption, or small hydroelectric exemption application or a notice of intent to file such an application. Submission of a timely notice of intent to file a license, conduit exemption, or small hydroelectric exemption application allows an interested person to file the

competing application no later than 120 days after the specified comment date for the particular application.

In addition, any qualified license or conduit exemption applicant desiring to file a competing application may file the subject application until: (1) a preliminary permit with which the subject license or conduit exemption application would compete is issued, or (2) the earliest specified comment date for any license, conduit exemption, or small hydroelectric exemption application with which the subject license or conduit exemption application would compete; whichever occurs first.

A competing license application must conform with 18 CFR 4.33(a) and (d).

(A8) Preliminary Permit—Public notice of the filing of the initial preliminary permit application, which has already been given, established the due date for filing competing preliminary permit applications on notices of intent. Any competing preliminary permit application, or notice of intent to file a competing preliminary permit application, must be filed in response to and in compliance with the public notice of the initial preliminary permit application. No competing preliminary permit applications or notices of intent to file a preliminary permit may be filed in response to this notice.

Any qualified small hydroelectric exemption applicant desiring to file a competing application must submit to the Commission, on or before the specified comment date for the particular application, either a competing small hydroelectric exemption application or a notice of intent to file such an application. Submission of a timely notice of intent to file a small hydroelectric exemption application allows an interested person to file the competing application no later than 120 days after the specified comment date for the particular application.

In addition, any qualified license or conduit exemption applicant desiring to file a competing application may file the subject application until: (1) a preliminary permit with which the subject license or conduit exemption application would compete is issued, or (2) the earliest specified comment date for any license, conduit exemption, or small hydroelectric exemption application with which the subject license or conduit exemption application would compete; whichever occurs first.

A competing license application must conform with 18 CFR 4.33(a) and (d).

(A9) Notice of intent—A notice of intent must specify the exact name, business address, and telephone number of the prospective applicant, include an unequivocal statement of intent to submit, if such an application may be filed, either (1) a preliminary permit application or (2) a license, small hydroelectric exemption, or conduct exemption application, and be served on the applicant(s) named in this public notice.

(B) *Comments, Protests, or Motions to Intervene*—Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 C.F.R. §§ 385.210, .211, .244. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

(C) *Filing and Service of Responsive Documents*—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST" or "MOTION TO INTERVENE", as applicable, and the Project Number of the particular application to which the filing is in response. Any of the above named documents must be filed by providing the original and the number of copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Project Management Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application or motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

(D) *Agency Comments*—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are requested to provide comments pursuant to the Federal Power Act, the Fish and Wildlife Coordination Act, the Endangered Species Act, the National Historic Preservation Act, the Historic and Archeological Preservation Act, the National Environmental Policy Act, Pub. L. No. 88–29, and other applicable statutes. No other formal requests for comments will be made.

Comments should be confined to substantive issues relevant to the issuance of a license. A copy of the application may be obtained directly from the Applicant. If an agency does not file comments with the Commission within the time set for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

(D2) *Agency Comments*—Federal, State, and local agencies are invited to file comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

(D3a) *Agency Comments*—The U.S. Fish and Wildlife Service, the National Marine Fisheries Service, and the State Fish and Game agency(ies) are requested, for the purposes set forth in Section 408 of the Energy Security Act of 1980, to file within 60 days from the date of issuance of this notice appropriate terms and conditions to protect any fish and wildlife resources or to otherwise carry out the provisions of the Fish and Wildlife Coordination Act. General comments concerning the project and its resources are requested; however, specific terms and conditions to be included as a condition of exemption must be clearly identified in the agency letter. If an agency does not file terms and conditions within this time period, that agency will be presumed to have none. Other Federal, State, and local agencies are requested to provide any comments they may have in accordance with their duties and responsibilities. No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the granting of an exemption. If an agency does not file comments within 60 days from the date of issuance of this notice, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

(D3b) *Agency Comments*—The U.S. Fish and Wildlife Service, the National Marine Fisheries Service, and the State Fish and Game agency(ies) are requested, for the purposes set forth in Section 30 of the Federal Power Act, to file within 45 days from the date of issuance of this notice appropriate terms and conditions to protect any fish and wildlife resources or otherwise carry out the provisions of the Fish and Wildlife

Coordination Act. General comments concerning the project and its resources are requested; however, specific terms and conditions to be included as a condition of exemption must be clearly identified in the agency letter. If an agency does not file terms and conditions within this time period, that agency will be presumed to have none. Other Federal, State, and local agencies are requested to provide comments they may have in accordance with their duties and responsibilities. No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the granting of an exemption. If an agency does not file comments within 45 days from the date of issuance of this notice, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Dated: April 16, 1985.

Kenneth F. Plumb,

Secretary.

[FR Doc. 85-9516 Filed 4-18-85; 8:45 am]

BILLING CODE 6717-01-M

Office of Hearings and Appeals

Implementation of Special Refund Procedures; Blex Oil, Inc., et al.

AGENCY: Office of Hearings and Appeals, DOE.

ACTION: Notice of implementation of special refund Procedures.

SUMMARY: The Office of Hearings and Appeals of the Department of Energy announces the procedures for disbursement of $44,314.31 (plus accrued interest) obtained as a result of Consent Orders which the DOE entered into with Blex Oil, Inc. of Minneapolis, Minnesota (Case No. HEF-0038), Cross Oil Company of Wellston, Missouri (Case No. HEF-0058), and Independent Oil & Tire Company of Elyria, Ohio (Case No. HEF-0094). The funds will ba available to customers who purchased refined petroleum products from one of the consent order firms during the relevant consent order period.

DATE AND ADDRESS: Applications for refund of a portion of one of the consent order funds must be postmarked within 90 days of publication of this notice in the **Federal Register** and should be addressed to: Blex Consent Order Proceeding, Cross Consent Order Proceeding, or Independent Consent Order Proceeding, Officer of Hearings and Appeals, Department of Energy, 1000 Independence Avenue SW., Washington, D.C. 20585. All applications should conspicuously display a reference to the appropriate case number.

FOR FURTHER INFORMATION CONTACT: Richard W. Dugan, Associate Director, Office of Hearings and Appeals, 1000 Independence Avenue SW., Washington, D.C. 20585, (202) 252-2860.

SUPPLEMENTARY INFORMATION: In accordance with § 205.282(c) of the procedural regulations of the Department of Energy, 10 CFR 205.282(c), notice is hereby given of the issuance of the Decision and Order set out below. The Decision and Order relates to Consent Orders entered into by Blex Oil, Inc. (Blex), of Minneapolis, Minnesota, Cross Oil Company (Cross) of Wellston, Missouri, and Independent Oil and Tire Company (Independent) of Elyria, Ohio (hereinafter collectively referred to as the consent order firms). These Consent Orders settled possible pricing and allocation violations with respect to the consent order firms' sales of refined petroleum products during the relevant consent order periods. Under the terms of the Consent Orders, the products covered, the consent order periods, and the consent order amounts are as follows:

Products covered	Consent order period	Consent order amount
Blex: Motor gasoline	1/1/79-6/30/80	$7,100.00
Cross:		
Premium gasoline	1/1/73-5/7/75	13,384.69
Regular gasoline	1/1/73-7/31/75	
No. 2 heating oil	1/1/73-1/8/75	9,658.65
Independent: Motor gasoline	1/1/79-12/31/79	14,170.97

The consent order amounts are being held in separate interest-bearing escrow accounts pending determination of their proper distribution.

The Office of Hearings and Appeals previously issued a Proposed Decision and Order which tentatively established a two-stage refund procedure and solicited comments from interested parties concerning the proper disposition of the three consent order funds. The Proposed Decision and Order discussing the distribution of the consent order funds was issued on December 10, 1984. 49 FR 48978 (December 17, 1984).

As the Decision and Order indicates, applications for refunds from the consent order funds may now be filed. Applications will be accepted provided they are postmarked no later than 90 days after publication of this Decision and Order in the **Federal Register**.

Applications will be accepted from customers who purchased refined petroleum products from one of the consent order firms during the relevant consent order period. The specified information required in an application for refund is set forth in the Decision and Order. The Decision and Order reserves the question of the proper distribution of any remaining consent order funds until the first-stage claims procedure is completed.

Dated: April 10, 1985.

George B. Breznay,

Director, Office of Hearings and Appeals.

Decision and Order of the Department of Energy

Special Refund Procedures

April 10, 1985.

Names of Firms: Blex Oil, Inc., Cross Oil Company, Independent Oil and Tire Company.

Date of Filing: October 13, 1983.

Case Numbers: HEF-0038, HEF-0058, HEF-0094.

In accordance with tfhe procedural regulations of the Department of Energy (DOE), 10 CFR Part 205, Subpart V, the Economic Regulatory Administration (ERA) of the DOE filed a Petition for the Implementation of Special Refund Procedures with the Office of Hearings and Appeals (OHA) on October 13, 1983. The petition requests that the OHA formulate and implement procedures for the distribution of funds received pursuant to Consent Orders entered into by the DOE and the following parties: Blex Oil, Inc. (Blex) of Minneapolis, Minnesota, Cross Oil Company (Cross) of Wellston, Missouri, and Independent Oil and Tire Company (Independent) of Elyria, Ohio (hereinafter collectively referred to as the consent order firms).[1]

I. Background

Each of the consent order firms is a "reseller-retailer" of "refined petroleum products," as these terms were defined in 10 CFR 212.31. ERA audits of the consent order firms revealed possible violations of the Mandatory Petroleum Price Regulations. Subsequently, each of these firms entered into a separate Consent Order with the DOE in order to settle its disputes with the DOE concerning certain sales of refined petroleum products. Each Consent Order refers tro the ERA allegations of overcharges, but notes that no findings of violation were made. In addition, each Consent Order states that the consent order firm does not admit that it committed such violations.

[1] The Cross Consent Order covers sales of motor gasoline and No. 2 heating oil by Cross Oil Company and its five subsidiaries: Kirby Oil Company, Automatic Heat, Wiesehan Oil Company, Marvel Fuel Oil and Gas Company (from February 1975), and Froesel Oil Company (from December 1973).

Pursuant to these Consent Orders, the firms agreed to pay to the DOE specified amounts in settlement of their potential liability regarding sales to their repective customers during the consent order periods. The firms' payments are currently being held by the DOE in separate interest-bearing escrow accounts pending distribution by the DOE. The names and locations of the firms, the settlement amounts, the products covered by the Consent Orders, and the dates of the consent order periods are set forth in Appendices A–C to this Decision and Order.

On December 10, 1984, we issued a Proposed Decision and Order (PD&O) setting forth a tentative plan for the distribution of the consent order funds. 49 FR 48978 (December 17, 1984). We stated in the PD&O that the basic purpose of a special refund proceeding is to make restitution for injuries that were suffered as a result of alleged or adjudicated violations of the DOE regulations. In order to effect restitution in this proceeding, we proposed to establish a claims procedure whereby applications for refund would be accepted from customers who can demonstrate that they were injured as a result of the pricing practices of one of the consent order firms during the relevant consent order period.

A copy of the PD&O was published in the **Federal Register** on December 17, 1984, and comments were solicited regarding the proposed refund procedures. While none of the consent order firms' customers filed comments on the proposed procedures, comments were filed on behalf on the State of New Mexico. These comments, however, discuss the distribution of any residual funds that might remain after refunds have been made to first stage claimants. The purpose of this Decision and Order is limited to establishing procedures to be used for filing and processing claims in the first stage of the present refund proceeding. This Decision sets forth the information that a purchaser of petroleum products from one of the consent order firms should submit in an Application for Refund in order to establish eligibility for a portion of the consent order funds. The formulation of procedures for the final disposition of any remaining funds will necessarily depend on the size of the fund. *See Office of Enforcement,* 9 DOE ¶ 82,508 (1981). Therefore, it would be premature for use to address at this time the issues raised by New Mexico's comments concerning the disposition of any funds remaining after all the meritorious first stage claims have been paid.[2] Since we have received no other comments regarding issues raised in the PD&O, we will adopt the proposed refund procedures.

II. Jurisdiction

The procedural regulations of the DOE set forth general guidelines by which the Office of Hearings and Appeals may formulate and implement a plan of distibution for funds received as a result of an enforcement proceeding. 10 CFR Part 205, Subpart V. The Subpart V process may be used in situations where the DOE is unable to readily identify persons who may have been injured by alleged or adjudicated violations, or unable to ascertain the amounts of such persons' injuries. For a more detailed discussion of Subpart V and the authority of the Office of Hearings and Appeals to fashion procedures to distribute refunds obtained as part of settlement agreement, *see Office of Enforcement,* 9 DOE ¶82,553 (1982); *Office of Enforcement,* 9 DOE ¶82,508 (1981); *Office of Enforcement,* 8 DOE ¶ 82,597 (1981) *(hereinafter cited as Vickers).* As we stated in the PD&O, we have reviewed the record in the present case and have determined that a Subpart V proceeding is an appropriate mechanism for distributing the three consent order funds. We will therefore grant the ERA's petition and assume jurisdiction over the distribution of these funds.

III. Determination of Injury and Refund Amounts

As proposed in the PD&O, reseller claimants will be required to demonstrate that they did not pass on to their customers the price increases implemented by one of the consent order firms. *See, e.g., Vickers.* Accordingly, in order to qualify for a refund, resellers of refined petroleum products purchased from one of the consent order firms must show that during the consent order period market conditions would not permit them to increase their prices to pass through the additional costs associated with the alleged overcharges. In addition, resellers must show that they maintained a "bank" of unrecovered costs in order to demonstrate that they did not subsequently recover these costs by increasing their prices.[3] As we noted in the PD&O, however, the maintenance of a bank will not, automatically establish injury. *See Tenneco Oil Co. / Chevron U.S.A., Inc.,* 10 DOE ¶ 85,014 (1982); *Vickers Energy Crop. /Standard Oil Co.,* 10 DOE ¶ 85,036 (1982); *Vickers Energy Corp. /Koch Industries, Inc.,* 10 DOE ¶ 85,038 (1982).

We will also adopt certain presumptions proposed in the PD&O which have been used in many prior refund cases. First, we will adopt a presumption that the alleged overcharges were dispersed equally in all sales of refined petroleum products made by the consent order firms during the relevant consent order period. The OHA has referred to this presumption in the past as a volumetric refund amount. Second, we will adopt a presumption of injury with respect to small claims.

Presumptions in refund cases are specifically authorized by applicable DOE procedural regulations. Section 205.282(e) of those regulations states that:

> In establishing standards and procedures for implementing refund distributions, the Office of Hearings and Appeals shall take into account the desirability of distributing the refunds in an efficient, effective and equitable manner and resolving to the maximum extent practicable all outstanding claims. In order to do so, the standards for evaluation of individual claims may be based upon appropriate presumptions.

10 CFR 205.282(e). The presumptions we will adopt in this case are used to permit claimants to participate in the refund process without incurring disproportionate expense, and to enable the OHA to consider the refund applications in the most efficient way possible in view of the limited resources available.

The volumetric refund presumption assumes that alleged overcharges were spread equally over all gallons of product marketed by a particular firm. In the absence of better information, this assumption is sound because the DOE price regulations generally required a regulated firm to account for increased costs on a firm-wide basis in determining its prices.

In the PD&O, we stated that the information available in the ERA audit files is insufficient to base refunds on the amount each individual applicant was allegedly overcharged. Although the Cross and Independent audit files identify a number of customers who purchased petroleum products directly

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[2] It is not clear, however, that New Mexico and its citizens have a legitimate interest in this proceeding, since none of the sales involved were made in the state of New Mexico.

[3] Some of the petroleum product sales covered by the Consent Orders occurred subsequent to the amendment of the retailer price rule that eliminated the banking provision for retailers of motor gasoline. *See* 10 CFR 212.93(a)(2), 44 FR 42542 (July 19, 1979) (effective July 15, 1979). Accordingly, retailers will not be required to submit bank information concerning any purchases of motor gasoline they may have made after July 15, 1979.

from the consent order firms, those files do not provide individual alleged overcharge amounts. The Blex audit file does not identify any customers who may have been injured by Blex's pricing practices nor any alleged overcharged amounts.[4] Accordingly, we will use the volumetric method to allocate the consent order funds.[5] The volumetric refund amounts, determined by dividing each consent order fund by the estimated total volume of petroleum products sold by the consent order firm during the relevent consent order period, are set forth in the Appendices.[6] In each case, a successful applicant will receive a refund amount for each gallon of petroleum products which it purchased from the consent order firm.[7] The interest which has accrued on the money in each escrow account will be added to the refund of each successful claimant in proportion to the size of its refund.

The presumption that claimants seeking smaller refunds were injured by the pricing practices settled in each Consent Order is based on a number of considerations. *See, e.g., Uban Oil Co.*, 9 DOE ¶ 82,541 (1982). As we have noted in many previous refund decisions, there may be considerable expenses involved in gathering the types of data needed to support a detailed claim of injury. In order to prove such a claim, an applicant must compile and submit detailed factual information regarding the impact of alleged overcharges which took place many years ago. This procedure is generally time-consuming and expensive, and in the case of small claims, the cost to the firm of gathering this factual information and the cost to the OHA of analyzing it may be many times the expected refund amount. Failure to allow simplified application procedures for small claims could therefore operate to deprive injured parties of the opportunity to obtain a refund. The use of presumptions is also desirable from an administrative standpoint, because it allows the OHA to process a large number of refund claims quickly, and use its limited resources more efficiently. Finally, we know that these smaller claimants did purchase covered products from one of the consent order firms and were in the chain of distribution where the alleged overcharges occurred. Therefore, they bore some impact of the alleged overcharges, at least initially. The presumption eliminates the need for a claimant to submit and the OHA to analyze detailed proof of what happened downstream of that initial impact.

Under the presumptions we are adopting, a reseller or retailer claimant will not be required to submit any additional evidence of injury beyond purchase volumes if its refund claim is based on purchases below a threshold level.[8] Previous OHA refund decisions have expressed the threshold either in terms of a ceiling on purchases from the consent order firm, or as a dollar refund amount. However, in *Texas Oil & Gas Corp.*, 12 DOE ¶ 85,069 (1984), we noted that describing the threshold in terms of a dollar amount rather than a purchase volume figure would better effectuate our goal of facilitating disbursements to applicants seeking relatively small refunds. *Id.* at 88,210. As proposed in the PD&O, the same approach will be followed in this case. The adoption of a threshold level below which a claimant is not required to submit any further evidence of injury beyond volumes purchased is based on several factors. As noted above, we are especially concerned that the cost to the applicant and the government of compiling and analyzing information sufficient to show injury not exceed the amount of the refund to be gained. Since the per gallon refund amount is fairly low in the case of Blex and Independent, and the time period of the Consent Order is quite distant in the case of Cross, we believe that the establishment of a presumption of injury for all claims of $5,000 or less is reasonable in the present proceeding.[9] *See, id.; Marion Corp.*, 12 DOE ¶ 85,014 (1984).

In addition to the presumptions we are adopting, we are making a finding that end-users or ultimate consumers, including businesses that are unrelated to the petroleum industry, were injured by the alleged overcharges settled in the Consent Orders. Unlike regulated firms in the petroleum industry, members of this group generally were not subject to price controls during the consent order period, and they were not required to keep records which justified selling price increases by reference to cost increases. For these reasons, an analysis of the impact of the alleged overcharges on the final prices of non-petroleum goods and services would be beyond the scope of a special refund proceeding. *See Office of Enforcement, Economic Regulatory Administration: In the Matter of PVM Oil Associates, Inc.*, 10 DOE ¶ 85,072 (1983); *See also Texas Oil & Gas Corp.*, 12 DOE at 88,209, and cases cited therein. We have therefore concluded that end-users of petroleum products purchased from one of the consent order firms need only document their purchase volumes from the firm to make a sufficient showing that they were injured by the alleged overcharges.[10]

We shall also adopt our proposal to establish a minimum amount of $15 for

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[4] Although the ERA audit files pertaining to Blex identify two retail outlets which sold motor gasoline supplied by Blex, these outlets appear to be consignees of Blex Oil, rather than independently operated retail outlets. As in previous cases, we will adopt a rebuttable presumption that consignees of a consent order firm experienced no injury as a result of the consent order firm's pricing practices. *See Aztex Energy Co.*, 12 DOE ¶ 85,116 (1984). Accordingly, in order to be eligible for a refund, these two outlets must either rebut this presumption or show that they operated as independent retailers during Blex's consent order period.

[5] We recognize, however, that the impact of a firm's pricing practices on an individual purchaser could have been greater, and any purchaser is allowed to file a refund application based on a claim that it suffered a disproportionate injury as a result of the pricing practices of one of the consent order firms during the relevent audit period. A refund application for an amount greater than that calculated using the volumetric presumption must document the disproportionate impact of the alleged overcharges. *See, e.g., Amtel, Inc.*, 12 DOE ¶ 85,073 at 88,233–34 (1984).

[6] Because the ERA audit files provide only partial sales volume data regarding the petroleum products sold by Cross during the Cross consent order period, we have extrapolated volume figures from the available sales volume data.

[7] The Cross Consent Order designates $12,553.29 of the $12,611.99 consent order fund for distribution to dealers of Cross motor gasoline and $9,058.70 for distribution to jobbers of Cross #2 heating oil. In order to carry out the mandate of the Consent Order and to fashion a refund plan which is likely to correspond closely to the injuries experienced, we have calculated a separate volumetric amount for each portion of the consent order fund as set forth in the Appendices.

[8] Resellers who made only spot purchases from the consent order firms will be presumed to have suffered no injury. Accordingly, these resellers will be ineligible for any refund, even a refund at or below the threshold level. As we have previously stated with respect to spot purchasers:

> [T]hose customers tend to have considerable discretion in where and when to make purchases and would therefore not have made spot market purchases of [the firm's product] at increased prices unless they were able to pass through the full amount of [the firm's] quoted selling price at the time of purchase to their own customers.

Vickers, 8 DOE at 85,398–97. *See Office of Special Counsel*, 10 DOE ¶ 85,048 at 88,270 (1982). The same rationale holds true in the present case. Accordingly, in order to overcome the rebuttable presumption that they were not injured, in addition to the proof of injury required of those resellers claiming more than the threshold amount, any reseller claimants who were spot purchasers must submit additional evidence to establish that they were unable to exercise considerable discretion as to where and when they made the purchase(s) on which their refund claims are based.

[9] Any reseller whose potential refund exceeds the threshold level may elect to apply for a refund based on the threshold amount.

[10] End-user customers who purchased motor gasoline from Cross during the consent order period should have received a direct refund from Cross, as mandated by the Cross Consent Order. Accordingly, end-users of Cross motor gasoline will not be eligible to apply for a refund in this proceeding, unless they can show that they did not receive a direct refund from Cross.

refund claims. We have found through our experience in prior refund cases that the cost of processing claims in which refunds are sought for amounts less than $15 outweighs the benefits of restitution in those situations. *See, e.g., Uban Oil Co.*, 9 DOE ¶ 82,541 at 85,225 (1982). *See also* 10 CFR 205.286(b).

IV. Application for Refund Procedures

We have determined that the procedures described in the PD&O are the most equitable and efficacious means of distributing the two consent order funds. Accordingly, we shall now accept applications for refunds from customers who purchased motor gasoline from Blex, Cross, or Independent, or No. 2 heating oil from Cross during the relevant consent order period.

In order to receive a refund, each applicant will be required to report the monthly volume of motor gasoline or No. 2 heating oil purchased from one of the consent order firms for which it is claiming a refund. The applicant must also state how it used the motor gasoline or No. 2 heating oil, i.e., whether it was a reseller or an ultimate consumer. Retailers and resellers who request refunds in excess of the $5,000 threshold amount must submit evidence to establish that they did not pass on the alleged overcharges to their customers. In addition, each applicant must state whether there has been a change in ownership of the firm since the relevant audit period and must provide the names and addresses of any other owners. If there has been a change in ownership, the applicant should either state the reasons why the refund should be paid to the applicant rather than the other owners or provide a signed statement from the other owners indicating that they do not claim a refund. Applicants should also report any past or present involvement as a party in DOE enforcement proceedings. If these proceedings have terminated, the applicant should furnish a copy of the final order issued in the matter and indicate the status of any remedial action required by the order. If the proceeding is ongoing, the applicant should briefly describe the proceeding and its current status. The applicant is under a continuing obligation to keep the OHA informed of any change in status while its refund application is pending. *See* 10 CFR 205.9(d).

All applications must be filed in duplicate and must be received within 90 days after publication of this Decision and Order in the **Federal Register**. Each application must be in writing, signed by the applicant, and specify that it pertains to either the Blex Consent Order Fund, Case No. HEF-0038, the Cross Consent Order Fund, Case No. HEF-0058, or the Independent Consent Order Fund, Case No. HEF-0094. A copy of each application will be available for public inspection in the Public Docket Room of the Office of Hearings and Appeals. Any applicant who believes that its application contains confidential information must so indicate and submit two additional copies of its application from which the information that the applicant claims is confidential has been deleted. Each application must also include the following statement: "I swear (or affirm) that the information submitted is true and accurate to the best of my knowledge and belief." *See* 10 CFR 205.283(c); 18 U.S.C. 1001. In addition, the applicant should furnish us with the name and telephone number of a person who may be contacted by this Office for additional information concerning the application. All applications should be sent to: Office of Hearings and Appeals, Department of Energy, 1000 Independence Ave., S.W., Washington, D.C. 20585.

It Is Therefore Ordered That:

(1) Applications for refunds from funds remitted to the Department of Energy by the consent order firms listed in Appendices A–C to this Decision and Order may now be filed.

(2) All applications must be filed no later than 90 days after publication of this Decision and Order in the **Federal Register**.

Dated: April 10, 1985.

George B. Breznay,

Director, Office of Hearings and Appeals.

Appendix A

Blex Oil, Inc., 1010 Washington Avenue, Minneapolis, MN

Consent Order Period: 1/1/79–6/30/80
Product Covered: Motor gasoline
Consent Order Amount: $7,100.00
Volumetric Amount: $0.0009964.

No identified non-consignee customers.

Appendix B

Cross Oil Company, 6291 Suburban, Wellston, Mo

Products Covered:
Motor gasoline (premium and regular)
No. 2 heating oil
Consent Order Periods
Premium motor gasoline: 11/1/73–5/7/75
Regular motor gasoline: 11/1/73–7/31/75
No. 2 heating oil: 11/1/73–1/8/75
Consent Order Amount: $23,043.34
$9,658.65 to jobbers of No. 2 heating oil*
$13,384.69 to dealers of motor gasoline*
Volumetric Amounts:
$0.009924 for No. 2 heating oil
$0.003895 for motor gasoline**

*Includes interest that accrued on the consent order amount prior to payment to the DOE.

**We have calculated the volumetric refund factor for service station dealers on the basis of an extrapolated total volume figure for gallons sold to dealers during the consent order period. *See* footnote 6. In the PD&O, we calculated a volumetric refund factor of $0.01539 on the basis of an extrapolated total volume figure of 869,548 gallons. Upon closer examination of the Cross audit file, we have determined that an extrapolated total volume figure of 3, 436,114 gallons is more accurate. Accordingly, we have adjusted the volumetric refund factor to $0.0003895 ($13,384.69 divided by 3,436,114 gallons).

Identified Customers

Adams Store	William Costello
Corless	Joe Manfrede
Dock Side Marina	Harold James
Grover Service	Don Glenn
Gordons	Baden Oil
Gray	Mike Mohrman
Dave Harness	Larry Rozycki
Mauer Service	Circle Service Station
Payton	Plover Garage
Pete's Service	Willer Bruer
Pond Motor	Hill-Top Service Station
Schott's Pontiac	Carl Haskins
Read's Store	Bill Nulsen
Riverbend 66 Service Station	Ron's Service

Appendix C

Independent Oil & Tire Company 39479 Center Ridge Rd., Elyria, OH

Consent Order Period: 1/1/79–12/31/79
Product Covered: motor gasoline (including gasohol)
Consent Order Amount: $14,170.97*
Volumetric Amount: $0. 001144.

*Includes interest that accrued on the consent order amount prior to payment.

Identified Customers

Ainsley	Monroeville Oil
Bolen Oil	Morgan Truck Stop
Cochran Oil	Mansfield Truck Plaza
Chagrin Oil	Ohio Power Waller
C & D Products	Paul's Arco
Dalco	Ravenna Oil
Deichler	Sines & Sines
Dave's Arco	B. Ullman, Inc.
Holland Oil	D. Walters
Lojecks	Weekly Oil
Mid-Penn	Walker Oil

[FR Doc. 85–9492 Filed 4–18–85; 8:45 am]

BILLING CODE 6450–01–M

Implementation of Special Refund Procedures; Columbia Oil Co. and Empire Oil Co.

AGENCY: Office of Hearings and Appeals, DOE.

ACTION: Notice of Implementation of Special Refund Procedures.

SUMMARY: The Office of Hearings and Appeals of the Department of Energy announces the procedures for disbursement of $17,179.41 (plus accrued interest) obtained as the result of Consent Orders which the DOE entered into with Columbia Oil Company (Columbia) of Hamilton, Ohio and Empire Oil Company (Empire) of Bloomington, California. The funds will be available to customers who purchased motor gasoline from Columbia or Empire during the relevant consent order period.

DATE AND ADDRESS: Applications for refund of a portion of one of the consent order funds must be postmarked within 90 days of publication of this notice in the **Federal Register** and should be addressed to either Columbia Consent Order Refund Proceeding (Case No. HEF-0052) or Empire Consent Order Refund Proceeding (Case No. HEF-0068), Office of Hearings and Appeals, Department of Energy, 1000 Independence Avenue, SW., Washington, D.C. 20585. All applications should conspicuously display a reference to the appropriate case number.

FOR FURTHER INFORMATION CONTACT: Richard W. Dugan, Associate Director, Office of Hearings and Appeals, 1000 Independence Avenue, SW., Washington, D.C. 20585, (202) 252-2860.

SUPPLEMENTARY INFORMATION: In accordance with § 205.282(c) of the procedural regulations of the Department of Energy, 10 CFR 205.282(c), notice is hereby given of the issuance of the Decision and Order set out below. The Decision and Order relates to Consent Orders entered into by Columbia Oil Company (Columbia) of Hamilton, Ohio and Empire Oil Company (Empire) of Bloomington, California (hereinafter referred to as the consent order firms). These Consent Orders settled possible pricing and allocation violations with respect to the consent order firms' sales of motor gasoline during the following consent order periods: April 1, 1979 through September 30, 1979 for sales by Columbia; March 1, 1979 through July 31, 1979 for sales by Empire. Under the terms of the Consent Orders, $4,871.59 was remitted to the DOE by Columbia, and $12,307.82 was remitted to the DOE by Empire. These amounts are being held in separate interest-bearing escrow accounts pending determination of their proper distribution.

The Office of Hearings and Appeals previously issued a Proposed Decision and Order which tentatively established a two-stage refund procedure and solicited comments from interested parties concerning the proper disposition of the two consent order funds. The Proposed Decision and Order discussing the distribution of the consent order funds was issued on January 9, 1985. 50 FR 4586 (January 31, 1985).

As the Decision and Order indicates, applications for refunds from the consent order funds may now be filed. Applications will be accepted provided they are postmarked no later than 90 days after publication of this Decision and Order in the **Federal Register**.

Applications will be accepted from customers who purchased motor gasoline from Columbia or Empire during the relevant consent order period. The specific information required in an application for refund is set forth in Section IV of the Decision and Order. The Decision and Order reserves the question of the proper distribution of any remaining consent order funds until the first-stage claims procedure is completed.

Dated: April 10, 1985.

George B. Breznay,

Director, Office of Hearings and Appeals.

Decision and Order of the Department of Energy

Special Refund Procedures

April 10, 1985.

Names of Firms: Columbia Oil Company, Empire Oil Company.

Date of Filing: October 13, 1983.

Case Numbers: HEF-0052, HEF-0068.

In accordance with the procedural regulations of the Department of Energy (DOE), 10 CFR Part 205, Subpart V, the Economic Regulatory Administration (ERA) of the DOE filed a Petition for the Implementation of Special Refund Procedures with the Office of Hearings and Appeals (OHA) on October 13, 1983. The petition requests that the OHA formulate and implement procedures for the distribution of funds received pursuant to Consent Orders entered into by the DOE and the following parties: Columbia Oil Company (Columbia) of Hamilton, Ohio and Empire Oil Company (Empire) of Bloomington, California (hereinafter collectively referred to as the consent order firms).

I. Background

Each of the consent order firms is a "reseller-retailer" of motor gasoline, as this term was defined in 10 CFR 212.31. ERA audits of the consent order firms revealed possible violations of the Mandatory Petroleum Price Regulations. Subsequently, each of these firms entered into a separate Consent Order with the DOE in order to settle its disputes with the DOE concerning certain sales of motor gasoline. Each Consent Order refers to the ERA allegations of overcharges, but notes that no findings of violation were made. In addition, each Consent Order states that the consent order firm does not admit that it committed any such violations.

Pursuant to these Consent Orders, the firms agreed to pay to the DOE specified amounts in settlement of their potential liability for alleged overcharges in sales of motor gasoline to their respective customers during the consent order periods. The firms' payments are currently being held by the DOE in separate interest-bearing escrow accounts pending distribution by the DOE. The names and locations of the firms, the settlement amounts, and the dates of the consent order periods are set forth in Appendix A to this Decision and Order.

On January 9, 1985, we issued a Proposed Decision and Order (PD&O) setting forth a tentative plan for the distribution of the consent order funds. 50 FR 4586 (January 31, 1985). We stated in the PD&O that the basic purpose of a special refund proceeding is to make restitution for injuries that were suffered as a result of alleged or adjudicated violations of the DOE regulations. In order to effect restitution in this proceeding, we proposed to establish a claims procedure whereby applications for refund would be accepted from customers who can demonstrate that they were injured as a result of any alleged overcharges made by one of the consent order firms during the relevant consent order period.[1]

A copy of the PD&O was published in the **Federal Register** on January 31, 1985, and comments were solicited regarding the proposed refund procedures. In addition, a copy of the PD&O was sent to those purchasers whose names and addresses were listed in the Empire audit file (*see* Appendix B). Since we have received no comments from any

[1] The ERA audit of Empire took place in two stages: the first examined sales to end-users from retail stations owned and operated by Empire; the second examined Empire's sales of motor gasoline to independently operated retail stations, other resellers, and direct purchase end-users. Although the consent order amount appears to have been based upon the first stage of the audit, the language of the consent order indicates that it settles the DOE enforcement proceeding with respect to both stages of the Empire audit. Therefore, all purchasers of Empire motor gasoline during the consent order period are eligible to apply for a refund.

customers or interested parties, we will adopt the proposed refund procedures.

II. Jurisdiction

The procedural regulations of the DOE set forth general guidelines by which the Office of Hearings and Appeals may formulate and implement a plan of distribution for funds received as a result of an enforcement proceeding. 10 CFR Part 205, Subpart V. The Subpart V process may be used in situations where the DOE, is unable to readily identify persons who may have been injured by alleged or adjudicated violations, or unable to ascertain the amounts of such persons' injuries. For a more detailed discussion of Subpart V and the authority of the Office of Hearings and Appeals to fashion procedures to distribute refunds obtained as part of settlement agreements, *see Office of Enforcement*, 9 DOE ¶ 82,553 (1982); *Office of Enforcement*, 9 DOE ¶ 82,508 (1981); *Office of Enforcement*, 8 DOE ¶ 82,597 (1981) (hereinafter cited as *Vickers*). As we stated in the PD&O, we have reviewed the record in the present case and have determined that a Subpart V proceeding is an appropriate mechanism for distributing the two consent order funds. We will therefore grant the ERA's petition and assume jurisdiction over these funds.

III. Determination of Injury and Refund Amounts

As proposed in the PD&O, reseller claimants will be required to demonstrate that they did not pass on to their customers the price increases implemented by the consent order firms. *See, e.g., Vickers*. Accordingly, in order to qualify for a refund, resellers of a consent order firm's motor gasoline must show that during the consent order period market conditions would not permit them to increase their prices to pass through the additional costs associated with the alleged overcharges. In addition, resellers must show that they maintained a "bank" of unrecovered costs in order to demonstrate that they did not subsequently recover these costs by increasing their prices.[2] As we noted in the PD&O, however, the maintenance of a bank will not automatically establish injury. *See Tenneco Oil Co./Chevron U.S.A., Inc.*, 10 DOE ¶ 85,014 (1982); *Vickers Energy Corp./Standard Oil Co. (Indiana)*, 10 DOE ¶ 85,036 (1982); *Vickers Energy Corp./Koch Industries, Inc.*, 10 DOE ¶ 85,038 (1982).

We will also adopt certain presumptions proposed in the PD&O which have been used in many prior refund cases. First, we will adopt a presumption that the alleged overcharges were dispersed equally in all sales of motor gasoline made by the consent order firms during the relevant consent order period. The OHA has referred to this presumption in the past as a volumetric refund amount. Second, we will adopt a presumption of injury with respect to small claims.

Presumptions in refund cases are specifically authorized by applicable DOE procedural regulations. Section 205.282(e) of those regulations states that:

> In establishing standards and procedures for implementing refund distributions, the Office of Hearings and Appeals shall take into account the desirability of distributing the refunds in an efficient, effective and equitable manner and resolving to the maximum extent practicable all outstanding claims. In order to do so, the standards for evaluation of individual claims may be based upon approrpriate presumptions.

10 CFR 205.282(e). The presumptions we will adopt in this case are used to permit claimants to participate in the refund process without incurring disproportionate expenses, and to enable the OHA to consider the refund applications in the most efficient way possible in view of the limited resources available.

The volumetric refund presumption assumes that alleged overcharges were spread equally over all gallons of product marketed by a particular firm. In the absence of better information, this assumption is sound because the DOE price regulations generally required a regulated firm to account for increased costs on a firm-wide basis in determining its prices.

In the PD&O, we stated that the information available in the ERA audit files is insufficient to base refunds on the amount each individual applicant was allegedly overcharged. In the case of Columbia, the ERA audit files do not identify any customers who purchased motor gasoline from Columbia during the consent order period. In the case of Empire, the ERA audit files identify a number of customers who purchased motor gasoline directly from Empire during the audit period, but do not set forth any specific alleged overcharge amounts for these customers. Accordingly, we will use the volumetric method to allocate the consent order funds.[3] The volumetric refund amounts, determined by dividing each consent order fund by the estimated total volume of motor gasoline sold by the consent order firm during the relevant consent order period, are set forth in Appendix A.[4] In each case, a successful applicant will receive a volumetric refund amount for each gallon of gasoline which is purchased from the consent order firm. The interest which has accrued on the money in each escrow will be added to the refund of each successful applicant in proportion to the size of its refund

The presumption that reseller claimants seeking refunds were injured by the pricing practices settled in each Consent Oder is based on a number of considerations. *See, e.g., Uban Oil Co.*, 9 DOE ¶ 82,541 (1982). As we have noted in many previous refund decisions, there may be considerable expenses involved in gathering the types of data needed to support a detailed claim of injury. In order to prove such a claim, an applicant must compile and submit detailed factual information regarding the impact of alleged overcharges which took place many years ago. This procedure is generally time-consuming and expensive, and in the case of small claims, the cost to the firm of gathering this factual information, and the cost to the OHA of analyzing it, may be many times the expecting refund amount. Failure to allow simplified application procedures for small claims could therefore operate to deprive injured parties of the opportunity to obtain a refund. The use of presumptions for small claims is also desirable from an administrative standpoint because it allows the OHA to process a large number of refund claims quickly and use its limited resources more efficiently. Finally, we know that these smaller claimants purchased motor gasoline from one of the consent order firms and were in the chain of distribution where the alleged overcharges occurred. Therefore, they bore some impact of the alleged overcharges, at least initially.

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[2] Some of the motor gasoline sales covered by the Consent Orders occurred subsequent to the amendment of the retailer price rule that eliminated the banking provision for retailers. *See* 10 CFR 212.93(a)(2), 44 FR 42542 (July 19, 1979) (effective July 15, 1979). Accordingly, retailers will not be required to submit bank information concerning any purchases of gasoline they may have made after July 15, 1979.

[3] We recognize, however, that the impact of a firm's pricing practices on an individual purchaser could have been greater, and any purchaser will therefore be allowed to file a refund application based on a claim that it suffered a disproportionate injury as a result of the pricing practices of one of the consent order firms during the relevant audit period. A refund application for an amount greater than the amount calculated using the volumetric presumption must document the disproportionate impact of the allleged overcharges. *See, e.g., Arthur, Inc.*, 12 DOE ¶ 85,073 at 88,233–34 (1984).

[4] Because the avilable ERA audit file provide only partial sale volume data regarding the motor gasoline sold by Columbia and Empire during the relevant consent order period, we have extrapolated sales volume figures or these firms from the available audit data.

The small claims presumption eliminates the need for a claimant to submit and the OHA to analyze detailed proof of what happened downstream of that initial impact.

Under the presumptions we are adopting, a reseller or retailer claimant will not be required to submit any additional evidence of injury beyond purchase volumes if its refund claim is based on purchases below a threshold level.[5] Previous OHA refund decisions have expressed the threshold either in terms of a ceiling on purchases from the consent order firm, or as a dollar refund amount. However, in *Texas Oil & Gas Corp.*, 12 DOE ¶ 85,069 (1984), we noted that describing the threshold in terms of a dollar amount rather than a purchase volume figure would better effectuate our goal of facilitating disbursements to applicants seeking relatively small refunds. *Id.* at 88,210. As proposed in the PD&O, the same approach will be followed in this case. The adoption of a threshold level below which a claimant is not required to submit any further evidence of injury beyond volumes purchased is based on several factors. As noted above, we are especially concerned that the cost to the applicant and the government of compiling and analyzing information sufficient to show injury not exceed the amount of the refund to be gained. In the present case, where the volumetric refund amounts are fairly low, we believe that the establishment of a presumption of injury for all claims of $5,000 or less is reasonable.[6] *See id.; Marion Corp.*, 12 DOE ¶ 85,014 (1984).

In addition to the presumptions we are adopting, we are making a finding that end-users or ultimate consumers, including businesses that are unrelated to the petroleum industry, were injured by the alleged overcharges settled in the consent orders. Unlike regulated firms in the petroleum industry, members of this group generally were not subject to price controls during the consent order period, and they were not required to keep records which justified selling price increases by reference to cost increases. For these reasons, an analysis of the impact of the alleged overcharges on the final prices of non-petroleum goods and services would be beyond the scope of a special refund proceeding. *See Office of Enforcement, Economic Regulatory Administration: In the Matter of PVM Oil Associates, Inc.*, 10 DOE ¶ 85,072 (1983); *see also Texas Oil & Gas Corp.*, 12 DOE at 88,209, and cases cited therein. We have therefore concluded that end-users of motor gasoline purchased from one of the consent order firms need only document their purchase volumes from the firm to make a sufficient showing that they were injured by the alleged overcharges.[7]

We shall also adopt our proposal to establish a minimum amount of $15 for refund claims. We have found through our experience in prior refund cases that the cost of processing claims in which refunds are sought for amounts less than $15 outweighs the benefits of restitution in those situations. *See, e.g., Uban Oil Co.*, 9 DOE ¶ 82,541 at 85,225 (1982). *See also* 10 CFR 205.286(b).

IV. Application for Refund Procedures

We have determined that the procedures described in the PD&O are the most equitable and efficacious means of distributing the two consent order funds. Accordingly, we shall now accept applications for refunds from customers who purchased motor gasoline from one of the consent order firms during the relevant consent order period.

In order to receive a refund, each claimant will be required to report the monthly volume of motor gasoline purchased from one of the consent order firms for which it is claiming a refund. It must also state how it used the motor gasoline, i.e., whether it was a reseller or an ultimate consumer. Retailers and resellers who request refunds in excess of the $5,000 threshold amount must submit evidence to establish that they did not pass on the alleged overcharges to their customers. In addition, each applicant must state whether there has been a change in ownership of the firm since the relevant audit period and must provide the names and addresses of any other owners. If there has been a change in ownership, the applicant should either state the reasons why the refund should be paid to the applicant rather than the other owners or provide a signed statement from the other owners indicating that they do not claim a refund. Applicants should also report any past or present involvement as a party in DOE enforcement proceedings. If these proceedings have terminated, the applicant should furnish a copy of the final Order issued in the matter and indicate the status of any remedial action required by the Order. If the proceeding is ongoing, the applicant should briefly describe the proceeding and its current status. The applicant is under a continuing obligation to keep the OHA informed of any change in status while its refund application is pending. *See* 10 CFR 205.9(d).

All applications must be filed in duplicate and must be received within 90 days after publication of this Decision and Order in the **Federal Register**. Each application must be in writing, signed by the applicant, and specify that it pertains to either the Columbia Consent Order Fund, Case No. HEF–0052, or the Empire Consent Order Fund, Case No. HEF–0068. A copy of each application will be available for public inspection in the Public Docket Room of the Office of Hearings and Appeals. Any applicant who believes that its application contains confidential information must so indicate and submit two additional copies of its application from which the information that the applicant claims is confidential has been deleted. Each application must also include the following statement: "I swear (or affirm) that the information submitted is true and accurate to the best of my knowledge and belief." *See* 10 CFR 205.283(c); 18 U.S.C. 1001. In addition, the applicant should furnish us with the name and telephone number of a person who may be contacted by this Office for additional information concerning the application. All applications should be sent to: Office of Hearings and Appeals, Department of Energy, 1000 Independence Ave., S.W., Washington, D.C. 20585.

It is Therefore Ordered That:

(1) Applications for refunds from the funds remitted to the Department of

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[5] Resellers who made only spot purchases from the consent order firms will be presumed to have suffered no injury. They will therefore be ineligible for any refund, even a refund at or below the threshold level. As we have previously stated with respect to spot purchasers:

> [T]hose customers tend to have considerable discretion in where and when to make purchases and would therefore not have made spot market purchases of [the firm's product] at increased prices unless they were able to pass through the full amount of [the firm's] quoted selling price at the time of purchase to their own customers.

Vickers, 8 DOE at 85,396–97. *See Office of Special Counsel*, 10 DOE ¶ 85,048 at 88,200 (1982). The same rationale holds true in the present case. Accordingly, in order to overcome the rebuttable presumption that they were not injured, in addition to the proof of injury required of those resellers claiming more than the threshold amount, any reseller claimants who were spot purchasers must submit additional evidence to establish that they were unable to exercise considerable discretion as to where and when they made the purchase(s) on which their refund claims are based.

[6] As in prior refund cases, resellers whose potential refund exceeds the threshold amount may elect to apply for a refund based on the threshold amount.

[7] The Columbia Consent Order required the firm to refund $6,467.85 directly to its end-user customers. The $4,871.59 which the firm paid to the DOE is therefore primarily intended for distribution to the firm's reseller and retailer customers. Accordingly, an end-user of Columbia's motor gasoline will not be eligible to apply for a refund in this proceeding unless it did not receive a direct refund from Columbia.

Energy by the consent order firms listed in Appendix A to this Decision and Order may now be filed.

(2) All applications must be filed no later than 90 days after publication of this Decision and Order in the **Federal Register.**

Date: April 10, 1985.

George B. Breznay,

Director, Office of Hearings and Appeals.

APPENDIX A

Name of firm	Consent order period	Consent order amount	Products covered	Volumetric amount
Columbia Oil Co., 4311 Hamilton-Middleton Rd., Hamilton, OH 45011.	4/1/79–9/30/79	[1]$4,871.59	Motor gasoline	$0.003822
Empire Oil Co., 2307 South, Riverside Ave., Bloomington, CA 92316.	3/1/79–7/31/79	12,307.82	....do....	0.003756

[1] The Columbia Consent Order required the firm to pay $13,532.15 to the DOE, but provided that this payment could be reduced by amounts owed to Columbia by customers whose debts to Columbia were discharged in bankruptcy proceedings. In accordance with this provision, the amount that Columbia was required to deposit was reduced by $8,660.56; Columbia therefore paid only $4,871.59 to the DOE.

Appendix B

Customers Identified in the Empire Audit File

A. Addresses Known

Arlington Heights Citrus Co., 8000 Lincoln Ave., Riverside, CA
Bill's U-Drive Rentals, 3505 Market St., Riverside, CA
Roy Barnett Landscape Contractor, 1253 W. Church St., Riverside, CA
Commercial Honing Company, 8606 Sultana Ave., Fontana, CA
Car Showers, Inc., 6061 Magnolia Ave., Riverside, CA
D&D Installation Plumbing Co., 5116 Steve Ave., Riverside, CA
Easy On Manufacturing Co., 6612 Columbia Ave., Riverside, CA
Gate City Beverage Distributors, 345 West H St., Colton, CA
Grand Terrace Service, 12111 La Cadena Dr., Colton, CA
Inland Lumber Co., 21900 Main St., Colton, CA
Inland Plumbing, Inc., 18805 Van Buren Blvd., Riverside, CA
Lamar Bros., 1924 Monroe St., Riverside, CA
Las Plumas Lumber, 6464 33rd St., Riverside, CA
Loma Linda University, Loma Linda, CA 92354
Monier Company,* 1745 Sampson Ave., Riverside, CA 92504
Polymer Building Systems, 6942 Gage River, Riverside, CA
Reyman Enterprises, 4298 Campbell St., Riverside, CA
Riverside Medical Lab, 6950 Brockton Ave., Riverside, CA
Riverside Plumbing Company,* P.O. Box 7756, Riverside, CA 92502
Riverside Scrap Iron & Metal Corp., 2993 6th St., Riverside, CA
Southwest Painting Corp., 6251 Baldwin Ave., Riverside, CA
Travel Queen, 1850 Massachusetts Ave., Riverside, CA
Tri-Co Disposal Co., 9470 Mission Boulevard, Riverside, CA

*Copies of the PD&O were sent to these firms at the addresses indicated above but wre returned to this Office unclaimed. Accordingly, we will not send these firms copies of the final Decision and Order, but they may still submit an application for refund in the present proceeding.

B. Addresses Unknown

Arlington Heights Packing
Ameron
Air Conditioning Engineering
Auto Engineering
American Metals
Arrowhead Country Club
B&D Installers
Bonnano
George Casey
Chase Automotive
Corona Gulf
Capital Insulation
Crestlawn
Euclid Orange
Global Van Lines
Gaslin Tire
General Am. Transport Co.
Goddard Plumping
Hood Pontiac
Hubbs Equipment
Higbee
Inland Distributors
J&M Sales
Jensen Frame
Robert Kelly
Keith
Dorcie Mitchell
Mario Andretti Grand Prix
Nadig Masonry
Norco
Nading Nursery
Oveweat
Pages Shell
Rubidoux Motor Co.
Rialto Rubbish
Schneiders/Gratz
Southern Services
Spencer & Jones
R.V. Scott
Soren Engineering
Servomation
Socco
James Wickard
Western Wholesale
WK (Riverside)
WK (San Bernardino)
Young Market
Zieman Manufacturing

[FR Doc. 85–9504 Filed 4–18–85; 8:45 am]

BILLING CODE 6450-01-M

Implementation of Special Refund Procedures; Cosby Oil Co.

AGENCY: Office of Hearings and Appeals, DOE.

ACTION: Notice of Implementation of Special Refund Procedures.

SUMMARY: The Office of Hearings and Appeals of the Department of Energy announces the procedures for disbursement of $47,616.73 (plus accrued interest) obtained as the result of a Consent Order which the DOE entered into with Cosby Oil Company (Cosby) of Santa Fe Springs, California. The funds will be available to customers who purchased motor gasoline from Cosby during the period November 1, 1973 through April 30, 1974.

DATE AND ADDRESS: Applications for refund of a portion of the Cosby consent order funds must be postmarked within 90 days of publication of this notice in the **Federal Register** and should be addressed to: Cosby Consent Order Refund Proceeding, Office of Hearings and Appeals, Department of Energy, 1000 Independence Avenue, S.W., Washington, D.C. 20585. All applications should conspicuously display as reference to Case Number HEF–0056.

FOR FURTHER INFORMATION CONTACT: Richard W. Dugan, Associate Director, Office of Hearings and Appeals, 1000 Independence Avenue, S.W., Washington, D.C. 20585, (202) 252–2860.

SUPPLEMENTARY INFORMATION: In accordance with § 205.282(c) of the procedural regulations of the Department of Energy, 10 CFR 205.282(c), notice is hereby given of the issuance of the Decision and Order set out below. The Decision and Order relates to a Consent Order entered into by Cosby Oil Company (Cosby) of Santa Fe Springs, California. The Consent Order settled possible pricing and allocation violations with respect to the firm's sales or motor gasoline during the period November 1, 1973 through April 30, 1974. Under the terms of the Consent Order, $47,616.73 has been remitted by

Cosby and is being held in an interest-bearing escrow account pending determination of its proper distribution.

The Office of Hearings and Appeals previously issued a Proposed Decision and Order which tentatively established a two-state refund procedure and solicited comments from interested parties concerning the proper disposition of the Cosby consent order funds. The Proposed Decision and Order discussing the distribution of the Cosby consent order funds was issued on December 12, 1984. 49 FR 49885 (December 24, 1984).

As the Cosby Decision and Order indicates, applications for refunds from the consent order funds may now be filed. Applications will be accepted provided they are postmarked no later than 90 days after publication of this Decision and Order in the **Federal Register.**

Applications will be accepted from customers who purchased motor gasoline from Cosby during the period November 1, 1973 through April 30, 1974. The specific information required in an application for refund is set forth in the Decision and Order. the Decision and Order reserves the question of the proper distribution of any remaining consent order funds until the first-stage claims procedure is completed.

Dated: April 10, 1985.

George B. Breznay,

Director, Office of Hearings and Appeals

Decision and Order of the Department of Energy

Special Refund Procedures

April 10, 1985.

Name of Firm: Cosby Oil Company.
Date of Filing: October 13, 1983.
Case Number: HEF-0056.

In accordance with the procedural regulations of the Department of Energy (DOE), 10 CFR Part 205, Subpart V, the Economic Regulatory Administration (ERA) of the DOE filed a Petition for the Implementation of Special Refund Procedures with the Office of Hearings and Appeals (OHA) on October 13, 1983. The petition requests that the OHA formulate and implement procedures for the distribution of funds received pursuant to a Consent Order entered into by the DOE and Cosby Oil Company (Cosby) of Santa Fe Springs, California.[1]

I. Background

Cosby Oil Company is a "reseller-retailer" of motor gasoline, as this term was defined in 10 CFR 212.31. An ERA audit of Cosby's operations during the period November 1, 1973 through April 30, 1974 (the audit period) revealed possible violations of the Mandatory Petroleum Pricing Regulations. In a Proposed Remedial Order (PRO) issued to Cosby on February 12, 1979, the ERA alleged that during the audit period Cosby overcharged its motor gasoline customers by $103,734.61. In order to settle all claims and disputes between Cosby and the DOE regarding Cosby's compliance with the DOE price regulations in sales of motor gasoline during the audit period, the firm entered into a Consent Order with the DOE on September 10, 1979. Cosby thereby agreed to remit $35,000, plus interest for the period November 1, 1973 through July 31, 1979, to the DOE for deposit in an interest-bearing escrow account.[2] The Consent Order refers to the ERA allegations of overcharges, but notes that no findings of violation were made Additionally, the Consent Order states that Cosby does not admit that it committed any such violations.

On December 12, 1984, we issued a Proposed Decision and Order (PD&O) setting forth a tentative plan for the distribution of the consent order funds. 49 FR 49885 (December 24, 1984). We stated in the PD&O that the basic purpose of a special refund proceeding is to make restitution for injuries that were suffered as a result of alleged or adjudicated violations of the DOE regulations. In order to effect restitution in this proceeding, we tentatively determined to rely, in part, on the information contained in the Cosby PRO. We observed that this approach was warranted based on our experience in prior Subpart V cases where the audit period was coterminous with the consent order period, all or most of the purchasers of the firm's products were identified by the ERA, and specific alleged overcharge amounts for individual customers were calculated in the ERA audit files. *See, e.g., Marion Corp.*, 12 DOE ¶ 85,014 (1984). We therefore proposed to establish a claims procedure whereby the identified customers of Cosby could apply for a refund.[3]

A copy of the PD&O was published in the **Federal Register** on December 24, 1984, and comments were solicited regarding the proposed refund procedures. In addition, a copy of the PD&O was sent to those purchasers whose names and addresses we obtained from the Cosby PRO. Those firms, as well as firms for whom we do not have addresses, are listed in the Appendix to this Decision and Order. While none of Cosby's customers filed comments on the proposed procedures, comments were filed on behalf of the States of California, New Mexico, North Carolina, Arkansas, Delaware, Kansas, Iowa, Louisiana, North Dakota, Rhode Island, and West Virginia. Most of these comments, however, discuss the distribution of any residual funds that might remain after refunds have been made to first stage claimants. The purpose of this Decision and Order is limited to establishing procedures to be used for filing and processing claims in the first stage of the present refund proceeding. This Decision sets forth the information that a purchaser of motor gasoline from Cosby should submit in an Application for Refund in order to establish eligibility for a portion of the consent order fund. The formulation of procedures for the final disposition of any remaining funds will necessarily depend on the size of the fund. *See Office of Enforcement*, 9 DOE ¶ 82,508 (1981). Therefore, it would be premature for us to address at this time the issues raised by the states' comments concerning the disposition of any funds remaining after all the meritorious first stage claims have been paid.[4]

II. Jurisdiction

The procedural regulations of the DOE set forth general guidelines by which the OHA may formulate and implement a plan of distribution for funds received as a result of an enforcement proceeding. 10 CFR Part 205, Subpart V. The Subpart V process may be used in situations where the DOE is unable to readily identify persons who may have been injured by alleged or adjudicated violations, or unable to ascertain the amounts of such persons' injuries. For a more detailed discussion of Subpart V and the authority of the OHA to fashion procedures to distribute refunds obtained as part of settlement agreements, *see Office of Enforcement*, 9 DOE ¶ 82,553 (1982); *Office of Enforcement*, 9 DOE ¶ 82,508 (1981);

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[1] During the period covered by the Consent Order, Cosby was located in Whittier, California

[2] On the date it signed the Consent Order (September 5, 1979), Cosby remitted $47,616.73 ($35,000 plus interest) to the DOE. We note that the PD&O erroneously stated that the consent order amount was $46,616.73. We have adjusted the figures used in the PD&O to calculate the potential refund amounts. *See* Section IV and the Appendix.

[3] We recognized, however, that there may have been other purchasers of Cosby motor gasoline who were not identified in the PRO and who may have been injured as a result of Cosby's pricing practices during the consent order period. As we stated in the PD&O, such customers will also be eligible to apply for refunds in the present proceeding.

[4] It is not clear, however, that any of the states except California have a legitimate interest in this proceeding, since all of the motor gasoline sales involved were made in California.

Office of Enforcement, 8 DOE ¶ 82,597 (1981) (hereinafter cited as *Vickers*). We have received no comments challenging our authority to fashion special refund procedures in this case. We will therefore grant the ERA's petition and assume jurisdiction over distribution of the Cosby consent order fund.

III. Determination of Injury

In the PD&O, we proposed that retailer and reseller claimants (including refiners acting as resellers) be required to demonstrate that they did not pass on to their customers the price increases implemented by Cosby. *See, e.g., Vickers*. We have received no comments objecting to our proposal. Accordingly, in order to qualify for a refund, resellers of Cosby motor gasoline must show that during the consent order period market conditions would not permit them to increase their prices to pass through the additional costs associated with the alleged overcharges. In addition, resellers must show that they maintained a "bank" of unrecovered costs in order to demonstrate that they did not subsequently recover these costs by increasing their prices. As we noted in the PD&O, however, the maintenance of a bank will not automatically establish injury. *See Tenneco Oil Co./Chevron U.S.A., Inc.*, 10 DOE ¶ 85,014 (1982); *Vickers Energy Corp./Standard Oil Co.*, 10 DOE ¶ 85,036 (1982); *Vickers Energy Corp./Koch Industries, Inc.*, 10 DOE ¶ 85,038 (1982).

We also proposed to adopt a presumption of injury with respect to small claims. Specifically, we proposed that a reseller or retailer claimant whose refund claim is below a threshold amount of $5,000 not be required to submit any additional evidence of injury beyond purchase volumes.

We have received comments from the State of North Carolina and the State of California regarding the use of a small claims presumption. North Carolina argues that the use of a presumption for reseller claimants is inappropriate in the present proceeding. First, North Carolina objects to the statement in the PD&O that a small claims presumption is necessary to insure administrative efficiency and reasonable cost to the claimant, stating that "it is incongruous to believe that resellers would retain the necessary records of purchases—and yet not retain records of their sales and associated prices." Comments at 2. North Carolina then asserts that only end-users should be entitled to refunds based on a presumption of injury.

California does not challenge the use of a presumption for reseller claimants, but objects to the proposed threshold of $5,000. California argues that the threshold level in the present case should be based on a proportion of the consent order amount which is no larger than the proportion established in *Wisconsin Industrial Fuel Oil, Inc.*, 12 DOE ¶ 85,099 (1984). In that case, a $5,000 threshold was established for use in procedures involving the distribution of a $286,885.14 consent order fund. Applying the same proportion to the Cosby consent order fund, California asserts that the threshold in the present case should be no more than $801.

After careful consideration, we find these arguments to be unpersuasive. For the reasons stated below, we have determined that resellers and retailers of Cosby motor gasoline should receive refunds based on a presumption of injury for all claims of $5,000 or less. *See White Petroleum Co.*, 12 DOE ¶ 85,161 (1985) ($5,000 threshold established in case involving $42,325.95 consent order fund).

As we stated in the PD&O, presumptions in refund cases are specifically authorized by applicable DOE procedural regulations. Section 205.282(e) of those regulations states that:

> In establishing standards and procedures for implementing refund distributions, the Office of Hearings and Appeals shall take into account the desirability of distributing the refunds in an efficient, effective and equitable manner and resolving to the maximum extent practicable all outstanding claims. In order to do so, the standards for evaluation of individual claims may be based upon appropriate presumptions.

10 CFR 205.282(e).

As we pointed out in the PD&O, The presumption that claimants seeking smaller refunds were injured by the pricing practices settled in the Cosby Consent Order is based on a number of considerations. *See, e.g., Uban Oil Co.*, 9 DOE ¶ 82,541 (1982). First, there may be considerable expenses involved in gathering the types of data needed to support a detailed claim of injury. In order to prove such a claim, an applicant must compile and submit detailed factual information regarding the impact of alleged overcharges which took place many years ago. As we noted in the PD&O, this procedure is generally time-consuming and expensive, and in the case of small claims, the cost to the firm of gathering this factual information and the cost to the OHA of analyzing it may be many times the expected refund amount. In the present case, the transactions involved in the Cosby audit took place 11 years ago, and we recognize that obtaining even just purchase records may be difficult for some of the claimants. We reject North Carolina's unsubstantial assertion that small claimants who have purchase records from 11 years ago would necessarily also have the type of data required to show that they did not pass through the price increases implemented by Cosby. The type of data required to make a detailed showing of cost absorption, including data showing banks of unrecouped costs, is much more difficult to extract or derive from a firm's accounting records than are purchase volume figures that are readily available from copies of invoices the firm may have retained. Therefore, as we stated in the PD&O, we are convinced that failure to allow this type of simplified application procedure for small claims could operate to deprive injured parties of the opportunity to obtain a refund.

Secondly, as we stated in the PD&O, the use of presumptions is desirable from an administrative standpoint, because it allows the OHA to process a large number of refund claims quickly and use its limited resources more efficiently. As of March 20, 1985, the Office of Hearings and Appeals was evaluating 2,363 applications for first-stage refunds in 77 proceedings. In addition, there were 237 pending refund proceedings in which applications for refund will be accepted in the near future. In order to expeditiously process this case load, it is essential to use a small claims presumption like that proposed in the Cosby PD&O.

Finally, as we noted in the PD&O, it is clear that claimants seeking smaller refunds in the Cosby proceeding did purchase covered products from Cosby and were in the chain of distribution where the alleged overcharges occurred. Therefore, they bore some impact of the alleged overcharges, at least initially. The use of a small claims presumption eliminates the need for a claimant to submit and the OHA to analyze detailed proof of what happened downstream of that initial impact.

Under the small claims presumption, a reseller or retailer claimant will not be required to submit any additional evidence of injury beyond purchase volumes if its refund claim is based on purchases below a threshold level.[1]

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[1] Resellers who made only spot purchases from Cosby will be presumed to have suffered no injury. These resellers will therefore be ineligible for any refund, even a refund at or below the threshold level. As we have previously stated with respect to spot purchasers:

> [T]hose customers tend to have considerable discretion in where and when to make purchases and would therefore not have made spot market purchases of [the firm's product] at increased prices unless they were able to pass through the full

(Continued)

Previous OHA refund decisions have expressed the threshold either in terms of a ceiling on purchases from the consenting firm, or as a dollar refund amount. However, the *Texas Oil & Gas Corp.*, 12 DOE ¶ 85,069 (1984), we noted that describing the threshold in terms of a dollar amount rather than a purchase volume figure would better effectuate our goal of facilitating disbursements to applicants seeking relatively small refunds. *Id.* at 88,210. In the PD&O, we proposed that the same approach be followed in this case. The adoption of a threshold level below which a claimant is not required to submit any further evidence of injury beyond volumes purchased is based on several factors. As noted above, we are especially concerned that the cost to both the applicant and the government of compiling and analyzing information sufficient to show injury not exceed the amount of the refund to be gained. In its objection to the threshold level proposed in the present case, California appears to ignore these factors. The size of the individual refund amounts, the amount of time that has passed since the consent order period, and the difficulty of compiling the necessary information are more relevant in establishing a threshold level than the size of the total consent order fund. In this case, where the refund amounts are fairly low and the time period of the Consent Order is quite distant, we believe that the establishment of a presumption of injury for all claims of $5,000 or less is reasonable.[6] *See id.; Marion Corp.*, 12 DOE ¶ 85,014 (1984). Accordingly, we reject the comments of North Carolina and California on this issue.

In addition to the presumption for small claims, we are making a finding that end-users or ultimate consumers, including businesses that are unrelated to the petroleum industry, were injured by the alleged overcharges settled in the Consent Order. Unlike regulated firms in the petroleum industry, members of this group generally were not subject to price controls during the consent order period, and they were not required to keep records which justified selling price increases by reference to cost increases. For these reasons, and analysis of the impact of the alleged overcharges on the final prices of non-petroleum goods and services would be beyond the scope of a special refund proceeding. *See Office of Enforcement, Economic Regulatory Administration: In the Matter of PVM Oil Associates, Inc.*, 10 DOE ¶ 85,072 (1983); *See also Texas Oil & Gas Corp.*, 12 DOE at 88,209 and cases cited therein. Since we have received no comments challenging our finding regarding end-users, we have concluded that end-users of Cosby gasoline need only document their purchase volumes from Cosby to make a sufficient showing that they were injured by the alleged overcharges.

IV. Calculation of Refund Amounts

In the PD&O, we proposed that the maximum refund for the firms listed in the Appendix be based on the amount they were allegedly overcharged, as indicated by the Cosby PRO. Although we recognize that the PRO does not provide conclusive evidence as to the identity of all allegedly overcharged parties or the amount of money they should receive in a Subpart V proceeding, we believe it is appropriate to use this information in the present case. As we noted in the PD&O, the ERA audit was very narrow in scope, the Consent Order was limited to the same products and time period as the audit, and Cosby had a relatively small number of customers. Because of these factors, the information contained in the PRO can be used to fashion a refund plan which will correspond closely to the injuries experienced. *See, e.g., Marion.* Since we have received no comments regarding our proposed method of distribution, we will adopt the procedures set forth in the PD&O. To calculate the size of each applicant's potential refund, we will multiply the alleged overcharge amounts for each eligible claimant by 0.4590, a pro rata factor determined by dividing the consent order amount ($47,616.73) by the total alleged overcharges ($103,734.61). [7]

The alleged overcharge amount and the maximum potential refund for each of the identified customers are listed in the Appendix. In addition, successful refund applicants will receive a pro rata share of the interest which has accrued since the deposit of the funds into the escrow account.

We will also adopt our proposal to establish a minimum amount of $15 for refund claims. We have found through our experience in prior refund cases that the cost of processing claims in which refunds are sought for amounts less than $15 outweighs the benefits of restitution in those situations. *See, e.g., Uban Oil Co.*, 9 DOE ¶ 82,541 at 85,225 (1982). *See also* 10 CFR 205.286(b).

V. Application for Refund Procedures

We have determined that the procedures described in the PD&O are the most equitable and efficacious means of distributing the Cosby consent order fund. Accordingly, we shall now accept applications for refunds from the 15 customers listed in the Appendix. We will also accept claims from any customers not listed in the Appendix who can show that they were injured by Cosby's pricing practices during the consent order period.

In order to receive a refund, each applicant will be required to report the monthly volume of Cosby motor gasoline for which it is claiming a refund. The applicant must also state how it used the motor gasoline, i.e., whether it was a reseller or an ultimate consumer. Retailers and resellers who request refunds in excess of the $5,000 threshold amount must submit evidence to establish that they did not pass on the alleged overcharges to their customers. In addition, each applicant must state whether there has been a change in ownership of the firm since the audit period and must provide the names and addresses of any other owners. If there has been a change in ownership the applicant should either state the reasons why the refund should be paid to the applicant rather than the other owners or provide a signed statement from the other owners indicating that they do not claim a refund. Applicants should also report any past or present involvement as a party in DOE enforcement proceedings. If these proceedings have terminated, the applicant should furnish a copy of the final order issued in the matter and indicate the status of any remedial action required by the order. If the proceeding is ongoing, the applicant should briefly describe the proceeding and its current status. The applicant is under a continuing obligation to keep the OHA informed of any change in

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amount of [the firm's] quoted selling price at the time of purchase to their own customers

Vickers, 8 DOE at 85,396–97. *See Office of Special Counsel*, 10 DOE ¶ 85,048 at 88,200 (1982). The same rationale holds true in the present case. Accordingly, in order to overcome the rebuttable presumption that they were not injured, in addition to the proof of injury required of those resellers claiming more than the threshold amount, any reseller claimants who were spot purchasers must submit additional evidence to establish that they were unable to exercise discretion as to where and when they made the purchase(s) on which their refund claim is based.

[6] Any reseller whose potential refund exceeds the threshold amount may elect to apply for a refund based on the threshold amount.

[7] In the event that there are customers not listed in the Appendix who file a successful application for refund, we will use the volumetric approach to determine their refund amounts. If such applications are granted under this approach, we may have to reduce the level of refunds proposed for the firms listed in the Appendix. Because of this possibility, we do not intend to issue final determinations on any refund claims in this proceeding until the deadline for applications has passed

status while its refund application is pending. *See* 10 CFR 205.9(d).

All applications must to be filed in duplicate and must be received within 90 days after publication of this Decision and Order in the **Federal Register.** Each application must be in writing, signed by the applicant, and specify that it pertains to the Cosby Consent Order Fund, Case No. HEF-0056. A copy of each application will be available for public inspection in the Public Docket Room of the Office of Hearings and Appeals. Any applicant who believes that its application contains confidential information must so indicate and submit two additional copies of its application from which the information that the applicant claims is confidential has been deleted. Each application must also include the following statement: "I swear (or affirm) that the information submitted is true and accurate to the best of my knowledge and belief." *See* 10 CFR 205.283(c); 18 U.S.C. 1001. In addition, the applicant should furnish us with the name and telephone number of a person who may be contacted by this Office for additional information concerning the application. All applications should be sent to: Office of Hearings and Appeals, Department of Energy, 1000 Independence Ave., S.W., Washington, D.C. 20585.

It Is Therefore Ordered That:

(1) Applications for refunds from the consent order fund remitted to the Department of Energy by Cosby Oil Company may now be filed.

(2) All applications must be filed no later than 90 days after publication of this Decision and Order in the **Federal Register.**

George B. Breznay,

Director, Office of Hearings and Appeals.

April 10, 1982.

APPENDIX

Names and address	Alleged overcharges	Potential refund [1]
Automat Oil Company, 200 West Willow Street, Long Beach, CA 90806	$9,067.98	$4,162.00
Bradshaw, Inc., 1708 Gage Avenue Montebello, CA 90640	223.24	102.00
C.M. Caldwell Company, 540 Sespe Avenue, Fillmore, CA 93105	6,813.99	3,128.00
Cerritos High School, 12500 East 183rd Street, Cerritos, CA 90701	135.79	62.00
Chuck and Lees, Address unavailable	3,292.43	1,511.00
Clements Oil Compnay,[2] 8454 Atlantic, Cudahy, CA 90640	8,540.92	3,879.00
Five Points, Address unavailable	5,978.45	2,744.00
H D Distributors, 347 South Ogden Drive, Los Angeles, CA 90036	21,194.02	9,728.00
Leona Supere, Address unavailable	$198.55	$91.00
Jerry Litsey [2] L & S Service Station 7535 East Firestone, Downey, CA 90241	2,295.82	1,054.00

APPENDIX—Continued

Names and address	Alleged overcharges	Potential refund [1]
Pyramid Oil Company, P.O. Box 3225, Santa Fe Springs, CA 90670	78.20	36.00
U.S.A. Petroleum Corp., 1633 26th Street, Santa Monica, CA 90404	6,325.66	2,903.00
Winall Oil Company, 3978 Cherry Avenue, Long Beach, Ca 90807	31,646.81	14,526.00
World Oil Company, 1017 North La Cienega Blvd., Los Angeles, CA 90069	2,809.80	1,290.00
Yucca Valley, Address unavailable	5,132.95	2,356.00

[1] Rounded to the nearest dollar

[2] Copies of the PD&O were sent to these firms at the above addresses, but were returned to this Office unclaimed. Although we will therefore, not send copies of the final Decision and Order to these firms, they are still eligible to apply for a refund in the present proceeding.

[FR Doc. 85-9503 Filed 4-18-85; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[OPTS-51567; FRL-2820-6]

Certain Chemicals; Premanufacture Notices

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Statutory requirements for section 5(a)(1) premanufacture notices are discussed in EPA statements of the final rule published in the **Federal Register** of May 13, 1983 (48 FR 21722). This notice announces receipt of thirty-eight PMNs and provides a summary of each.

DATES: Close of Review Period:

P 85-762, 85-763, 85-764, 85-765, 85-766, 85-767, 85-768, 85-769, 85-770, 85-771, 85-772, 85-773, 85-774, 85-775, 85-776, 85-777, 85-778, and 85-779—July 3, 1985.

P85-780, 85-781, 85-782, 85-783, 85-784 and 85-785—July 7, 1985.

P 85-786, 85-787, 85-788, 85-789, 85-790, 85-791, 85-792, 85-793, 85-794, 85-795 and 85-796—July 8, 1985.

P 85-797, 85-798 and 85-799—July 9, 1985.

Written comments by:

P 85-762, 85-763, 85-764, 85-765, 85-766, 85-767, 85-768, 85-769, 85-770, 85-771, 85-772, 85-773, 85-774, 85-775, 85-776, 85-777, 85-778 and 85-779—June 3, 1985.

P 85-780, 85-781, 85-782, 85-783, 85-784 and 85-785—June 7, 1985.

P 85-786, 85-787, 85-788, 85-789, 85-790, 85-791, 85-792, 85-793, 85-794, 85-795 and 85-796—June 8, 1985.

P 85-797, 85-798 and 85-799—June 9, 1985.

ADDRESS: Written comments, identified by the document control number "[OPTS-51567]" and the specific PMN number should be sent to: Document Control Officer (TS-793), Chemical Information Branch, Information Management Division, Office of Toxic Substances, Environmental Protection Agency, Rm. E-201, 401 M St., SW., Washington, DC 20460, (202-382-3532).

FOR FURTHER INFORMATION CONTACT: Wendy Cleland-Hamnett, Premanufacture Notice Management Branch, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm. E-611, 401 M St., SW., Washington, DC 20460, (202-382-3725).

SUPPLEMENTARY INFORMATION: The following notice contains information extracted from the non-confidential version of the submission provided by the manufacturer on PMNs received by EPA. The complete non-confidential document is available in the Public Reading Room E-107 at the above address.

P 85-762

Importer. Confidential.

Chemical. (G) Substituted, substituted, substituted anthraquinone.

Use/Import. (S) Industrial colorant for textiles. Import range: Confidential.

Toxicity Data. Acute oral: >5.0 g/kg; Irritation: Skin—Slight, Eye—Non-irritant; IC_{50} 96 hr (Brachydanio rerio): >100 mg/l.

Exposure. Processing: Dermal, inhalation and ocular, weighing once per shift, 5 min.

Environmental Release/Disposal. No release to air and land. Disposal by publicly owned treatment works (POTW), navigable waterway and customers's own waste treatment facility.

P 85-763

Importer. Confidential.

Chemical. (G) Trisubstituted anthraquinone.

Use/Import. (S) Industrial colorant for textiles. Import range: Confidential.

Toxicity Data. Acute oral: >5.0 g/kg; Irritation: Skin—Nonirritant, Eye—Non-irritant; IC_{50} 96 hr (Brachydanio rerio): > mg/L.

Exposure. Processing: Dermal.

Environmental Release/Disposal. Release to water. Disposal by navigable waterway and biological treatment

P 85–764

Importer. EM Industries.

Chemical. (G) 4-(Trans-4-n-alkylcyclohexyl)-n-alkylbenzene.

Use/Import. (S) The new chemical substance is part of a liquid crystal mixture used to manufacture displays (watches, instruments, calculators, computers, etc.). Import range: 5–10 kg/yr.

Toxicity Data. No data submitted.

Exposure. Processing: Dermal, a total of 20–50 workers, up to 8 hrs/da, up to 240 da/yr.

Environmental Release/Disposal. No release.

P 85–765

Importer. EM Industries.

Chemical. (G) 4-n-alkoxyphenyl-4-trans-n-pentyl cyclohexyl carboxylate.

Use/Import. (S) The new chemical substance is part of a liquid crystal mixture used to manufacture displays (watches, instruments, calculators, computers, etc). Import range: 5–10 kg/yr.

Toxicity Data. No data submitted.

Exposure. Processing: Dermal, a total of 20–50 workers, up to 8 hrs/da, up to 240 da/yr.

Environmental Release/Disposal. No release.

P 85–766

Importer. EM Industries.

Chemical. (G) 4-(Trans-4-n-alkyl cyclohexyl)-4'-Trans-4-n-alkyl' cyclohexyl biphenyl.

Use/Import. (S) The new chemical substance is part of a liquid crystal mixture used to manufacture displays (watches, instruments, calculators, computers, etc.). Import range: 5–10 kg/yr.

Toxicity Data. No data submitted.

Exposure. Processing: Dermal, a total of 20–50 workers, up to 8 hrs/da, up to 240 da/yr.

Environmental Release/Disposal. No release.

P 85–767

Importer. EM Industries.

Chemical. (G) 4-n-alkoxyphenyl-trans-4-n-alkylcyclohexyl carboxylate.

Use/Import. (S) The new chemical substance is part of a liquid crystal mixture used to manufacture displays (watches, instruments, calculators, computers, etc.). Import range: 5–10 kg/yr.

Toxicity Data. No data submitted.

Exposure. Processing: Dermal, a total of 20–50 workers, up to 8 hrs/da, up to 240 da/yr.

Environmental Release/Disposal. No release

P 85–768

Importer. EM Industries.

Chemical. (G) Trans-5-n-alkyl-2-[4-cyanobiphenyl]-1,3-dioxane.

Use/Import. (S) The new chemical substance is part of a liquid crystal mixture used to manufacture displays (watches, instruments, calculators, computers, etc.). Import range: 5–10 kg/yr.

Toxicity Data. No data submitted.

Exposure. Processing: Dermal, a total of 20–50 workers, up to 8 hrs/da, up to 240 da/yr.

Environmental Release/Disposal. No release.

P 85–769

Importer. EM Industries.

Chemical. (G) Trans-5-n-alkyl-2-[4-cyanobiphenyl]-1,3-dioxane.

Use/Import. (S) The new chemical substance is part of a liquid crystal mixture used to manufacture displays (watches, instruments, calculators, computers, etc.). Import range: 5–10 kg/yr.

Toxicity Data. No data submitted.

Exposure. Processing: Dermal, a total of 20–50 workers, up to 8 hrs/da, up to 240 da/yr.

Environmental Release/Disposal. No release.

P 85–770

Importer. EM Industries.

Chemical. (G) 4-n-alkoxyphenyl-trans-4-n-alkylcyclohexylcarboxylate.

Use/Import. (S) The new chemical substance is part of a liquid crystal mixture used to manufacture displays (watches, instruments, calculators, computers, etc.). Import range: 5–10 kg/yr.

Toxicity Data. No data submitted.

Exposure. Processing: Dermal, a total of 20–50 workers, up to 8 hrs/da, up to 240 da/yr.

Environmental Release/Disposal. No release.

P 85–771

Importer. EM Industries.

Chemical. (G) 4-n-alkoxyphenyl-4-trans-n-alkyl cyclohexylcarboxylate.

Use/Import. (S) The new chemical substance is part of a liquid crystal mixture used to manufacture displays (watches, instruments, calculators, computers, etc.). Import range: 5–10 kg/yr.

Toxicity Data. No data submitted.

Exposure. Processing: Dermal, a total of 20–50 workers, up to 8 hrs/da, up to 240 da/yr.

Environmental Release/Disposal. No release.

P 85–772

Importer. EM Industries.

Chemical. (G) 4-n-alkyl-4'(4-Trans-n-alky')cyclohexyl biphenyl.

Use/Import. (S) The new chemical substance is part of a liquid crystal mixture used to manufacture displays (watches, instruments, calculators, computers, etc.). Import range: 5–10 kg/yr.

Toxicity Data. No data submitted.

Exposure. Processing: Dermal, a total of 20–50 workers, up to 8 hrs/da, up to 240 da/yr.

Environmental Release/Disposal. No release.

P 85–773

Importer. EM Industries.

Chemical. (G) 4-(Trans-4-n-alkylcyclohexyl)-n-alkoxybenzene.

Use/Import. (S) The new chemical substance is part of a liquid crystal mixture used to manufacture displays (watches, instruments, calculators, computers, etc.). Import range: 5–10 kg/yr.

Toxicity Data. No data submitted.

Exposure. Processing: Dermal, a total of 20–50 workers, up to 8 hrs/da, up to 240 da/yr.

Environmental Release/Disposal. No release.

P 85–774

Importer. EM Industries.

Chemical. (G) 4-(Trans-4-n-aklylcyclohexyl)-n-alkyl'benzene.

Use/Import. (S) The new chemical substance is part of a liquid crystal mixture used to manufacture displays (watches, instruments, calculators, computers, etc.). Import range: 5–10 kg/yr.

Toxicity Data. No data submitted.

Exposure. Processing: Dermal, a total of 20–50 workers, up to 8 hrs/da, up to 240 da/yr.

Environmental Release/Disposal. No release.

P 85–775

Importer. EM Industries.

Chemical. (G) 5-n-alkyl-2-[4-n-alkoxyphenyl]-1,3-pyrimidine.

Use/Import. (S) The new chemical substance is part of a liquid crystal mixture used to manufacture displays (watches, instruments, calculators, computers, etc.). Import range: 5–10 kg/yr.

Toxicity Data. No data submitted.

Exposure. Processing: Dermal, total of 20–50 workers, up to 8 hrs/da, up to 240 da/yr.

Environmental Release/Disposal. No release.

P 85–776

Importer. EM Industries.
Chemical. (G) 5-n-alkyl-2-[4-n-alkoxyphenyl]-1,3-pyrimidine.
Use/Import. (S) The new chemical substance is part of a liquid crystal mixture used to manufacture displays (watches, instruments, calculators, computers, etc.). Import range: 5–10 kg/yr.
Toxicity Data. No data submitted.
Exposure. Processing: Dermal, total of 20–50 workers, up to 8 hrs/da, up to 240 da/yr.
Environmental Release/Disposal. No release.

P 85–777

Importer. EM Industries.
Chemical. (G) Trans-5-n-alkyl-2-[4-cyanobiphenyl]-1,3-dioxane.
Use/Import. (S) The new chemical substance is part of a liquid crystal mixture used to manufacture displays (watches, instruments, calculators, computers, etc.). Import range: 5–10 kg/yr.
Toxicity Data. No data submitted.
Exposure. Processing: Dermal, total of 20–50 workers, up to 8 hrs/da, up to 240 da/yr.
Environmental Release/Disposal. No release.

P 85–778

Importer. EM Industries.
Chemical. (G) 5-n-alkyl-2-[4-n-alkoxyphenyl]-1,3-pyrimidine.
Use/Import. (S) The new chemical substance is part of a liquid crystal mixture used to manufacture displays (watches, instruments, calculators, computers, etc.). Import range: 5–10 kg/yr.
Toxicity Data. No data submitted.
Exposure. Processing: Dermal, a total of 20–50 workers, up to 8 hrs/da, up to 240 da/yr.
Environmental Release/Disposal. No release.

P 85–779

Importer. EM Industries.
Chemical. (G) 5-n-alkyl-2-[4-n-alkoxyphenyl]-1,3-pyrimidine.
Use/Import. (S) The new chemical substance is part of a liquid crystal mixture used to manufacture displays (watches, instruments, calculators, computers, etc.). Import range: 5–10 kg/yr.
Toxicity Data. No data submitted.
Exposure. Processing: Dermal, a total of 20–50 workers, up to 8 hrs/da, up to 240 da/yr.
Environmental Release/Disposal. No release.

P 85–780

Manufacturer. SecoDyne, Inc.
Chemical. (G) Condensed aminomethylated tannins.
Use/Production. (G) A destabilization charge carrier in settling of colloidal suspensions; a crystal-lattice distorter in removal of $CaCo_3$ and $CaSO_4$ scales; and assists with autoflocculation of biomass polysaccharides by zoogloearamigera for cell surface binding and removal. Prod. range: Confidential.
Toxicity Data. Acute oral: Male—84 g/kg, female—92 g/kg; LC_{50} 24 hr (Ranibow Trout): 100 parts per million (ppm).
Exposure. Confidential.
Environmental Release/Disposal. Confidential.

P 85–781

Manufacturer. The Dow Chemical Company.
Chemical. (G) Substituted polyglycol.
Use/Production. (S) Industrial polyol for use in polyurethane resins. Prod. range: Confidential.
Toxicity Data. Acute oral: >2,000 mg/kg; Irritation: Skin—Non-irritant, Eye—Non-irritant.
Exposure. Manufacture: Dermal, a total of 48 workers.
Environmental Release/ Disposal. Release to air and vapor. Disposal by incineration.

P 85–782

Manufacturer. The Dow Chemical Company.
Chemical. (G) Substituted polyglycol.
Use/Production. (S) Industrial polyol for use in polyurethane resins. Prod. range: Confidential.
Toxicity Data. Acute oral: >2,000 mg/kg; Irritation: Skin—Non-irritant, Eye—Non-irritant.
Exposure. Manufacture: Dermal, a total of 48 workers.
Environmental Release/ Disposal. Release to air and vapor. Disposal by incineration.

P 85–783

Manufacturer. Confidential.
Chemical. (G) Chlorinated cyclic olefin/ polydiene adduct.
Use/Production. (G) Adhesives for open, non-dispersive use. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Confidential.
Environmental Release/ Disposal. Confidential.

P 85–784

Manufacturer. The Dow Chemical Company.
Chemical. (G) Substituted polyglycol.
Use/Production. (S) Industrial polyol for use in polyurethane resins. Prod. range: Confidential.
Toxicity Data. No data on the PMN substance submitted.
Exposure. Manufacture: Dermal, a total of 48 workers.
Environmental Release/ Disposal. Release to air. Disposal by incineration.

P 85–785

Manufacturer. Confidential.
Chemical. (G) Copolyacrylate.
Use/Production. (G) Industrial polymer for specialty coating. Prod. range: 20,000–100,000 kg/yr.
Toxicity Data. No data submitted.
Exposure. Manufacture and processing: Dermal, a total of 28 workers, up to 8 hrs/da, up to 136 da/yr.
Environmental Release/ Disposal. 6 to 65 kg/batch released to land. Disposal by incineration and landfill.

P 85–786

Manufacturer. Confidential.
Chemical. (G) Fatty dibasic acids, amides from polyoxyalkylene amines.
Use/Production. (G) Lubricant additive and wetting agent. Prod. range: 14,600–44,000 kg/yr.
Toxicity Data. No data submitted.
Exposure. Manufacture: Dermal, a total of 6 workers, up to 8 hrs/da, up to 3 da/yr.
Environmental Release/ Disposal. 299 kg/batch released to water. Disposal by POTW.

P 85–787

Manufacturer. Confidential
Chemical. (G) Urea derivative.
Use/Production. (S) Site-limited intermediate for latex polymers. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Manufacture: Dermal, a total of 18 workers, up to 5 hrs/da, up to 150 da/yr.
Environmental Release/ Disposal. Less than 0.5 to 1–2 kg/batch released to water with 0 to 1 kg/batch to land. Disposal by POTW.

P 85–788

Manufacturer. General Electric Company.
Chemical. (G) Substituted benzoate ester of polyphenylene oxide.
Use/Production. (S) Industrial automotives, E/E and appliances and fluid handling components. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Manufacture: Dermal and inhalation, a total of 40 workers, up to 10 hrs/da, up to 100 da/yr.

Environmental Release/Disposal. 100 kg released to air and water. Disposal by incineration and on-site waste treatment—the Hudson River.

P 85–789

Manufacturer. Confidential.
Chemical. (G) Polyester resin.
Use/Production. (G) Electrical insulation intermediate. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Confidential.
Environmental Release/Disposal Confidential.

P 85–790

Manufacturer. Confidential.
Chemical. (G) Polyester resin.
Use/Production. (G) Electrical insulation intermediate. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Confidential.
Environmental Release/Disposal Confidential.

P 85–791

Manufacturer. Confidential.
Chemical. (G) Haloborane-aromatic phosphate ester complex.
Use/Production. (G) Modifier. Prod range: Confidential.
Toxicity Data. No data submitted.
Exposure. Manufacture, processing and use: Dermal, total of 7 workers, up to 0.1 hr/da, up to 32 da/yr.
Environmental Release/Disposal. No release.

P 85–792

Manufacturer. Confidential.
Chemical. (G) Indole.
Use/Production. (G) Captive intermediate used in manufacturing a minor component for paper coatings. Prod. range: Confidential.
Toxicity Data. Ames Test: Negative.
Exposure. Confidential.
Environmental Release/Disposal. Confidential. Disposal by POTW.

P 85–793

Manufacturer. Confidential.
Chemical. (G) Carboxyphenylcarbonylindole [I].
Use/Production. (G) Captive intermediate used in manufacturing a minor component for paper coatings. Prod. range: Confidential.
Toxicity Data. Ames Test: Negative.
Exposure. Confidential.
Environmental Release/Disposal. Confidential. Disposal by POTW.

P 85–794

Manufacturer. Confidential.
Chemical. (G) Carboxyphenylcarbonylindole [II].
Use/Production. (G) Captive intermediate used in manufacturing a minor component for paper coatings. Prod. range: Confidential.
Toxicity Data. Ames Test: Negative
Exposure. Confidential.
Environmental Release/Disposal. Confidential. Disposal by POTW.

P 85–795

Manufacturer. Confidential.
Chemical. (G) Isobenzofuranone [I].
Use/Production. (G) Minor color-forming component in paper coatings. Prod. range: Confidential.
Toxicity Data. Ames Test: Negative.
Exposure. Confidential.
Environmental Release/Disposal. Confidential. Disposal by POTW.

P 85–796

Manufacturer. Confidential.
Chemical. (G) Isobenzofuranone [II].
Use/Production. (G) Minor color-forming component in paper coatings. Prod. range: Confidential.
Toxicity Data. Ames Test: Negative.
Exposure. Confidential.
Environmental Release/Disposal. Confidential. Disposal by POTW.

P 85–797

Manufacturer. Confidential.
Chemical. (G) Diamino-polydimethyl siloxane.
Use/Production. (G) Organosilicon polymer intermediate. Prod. range: Confidential.
Toxicity Data. Acute oral: Male—1.107 mg/kg, female–602 mg/kg, combined—726 mg/kg; Irritation: Skin—Irritant.
Exposure. Confidential.
Environmental Release/Disposal. Confidential.

P 85–798

Manufacturer. Confidential.
Chemical. (G) Polyimide siloxane.
Use/Production. (G) Open, non-dispersive use coating. Prod. range: Confidential. kg/ lbs/yr.
Toxicity Data. Irritation: Skin—Slight, Eye—Slight/severe; Ames Test: Non-mutagenic.
Exposure. Confidential.
Environmental Release/Disposal. Confidential.

P 85–799

Manufacturer. Rohm and Haas Company.
Chemical. (G) Modified polyacrylate polymer.
Use/Production. (G) Polymeric dispersant. Prod. range: Confidential
Toxicity Data. Acute oral: >5.0 g/kg; Acute dermal: >5.0 g/kg; Irritation: Skin—Non-irritant, Eye—Slight; LC_{50}96 hr (Rainbow trout): >1,000 mg/L; LC_{50}96 hr (Bluegill sunfish): >1,000 mg/L; LC_{50} 48 hr (Daphnia magna): >1,000 mg/L.
Exposure. Manufacture: Dermal, a total of 8 workers, up to 3.0 hrs/da, up to 48 da/yr.
Environmental Release/Disposal. Release to water. Disposal by POTW and navigable waterway.

Dated: April 15, 1985.

Linda K. Smith,

Acting Director, Information Management Division.

[FR Doc. 85–9346 Filed 4–18–85; 8:45 am]

BILLING CODE 6560–50–M

[OPTS-59711; FRL-2820–7]

Certain Chemicals; Premanufacture Notices

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Statutory requirements for section 5(a)(1) premanufacture notices are discussed in EPA statements of the final rule published in the **Federal Register** of May 13, 1983 (48 FR 21722). In the **Federal Register** of November 11, 1984, (49 FR 46066) (40 CFR 723.250), EPA published a rule which granted a limited exemption from certain PMN requirements for certain types of polymers. PMNs for such polymers are reviewed by EPA within 21 days of receipt. This notice announces receipt of twelve such PMNs and provides a summary of each.

DATES: Close of Review Period:
Y 85–43—April 25, 1985.
Y 85–44, 85–45 and 85–46—April 28, 1985.
Y 85–47, 85–48, 85–49, 85–50 and 85–51—April 29, 1985.
Y 85–52, 85–53, and 85–54—April 30, 1985.

FOR FURTHER INFORMATION CONTACT: Wendy Cleland-Hamnett, Chemical Control Division (TS–794), Office of Toxic Substances, Environmental Protection Agency, Rm. E–611, 401 M Street SW., Washington, DC 20460 (202–382–3725).

SUPPLEMENTARY INFORMATION: The following notice contains information extracted from the non-confidential version of the submission by the

manufacturer on the exemption received by EPA. The complete non-confidential document is available in the Public Reading Room E–107 at the above address between 8:00 a.m. and 4:00 p.m., Monday through Friday, excluding legal holidays.

Y 85–43

Manufacturer. Allied Corporation.
Chemical. (G) Modified polyamide.
Use/Production. (S) Fiber for apparel applications. Prod. range: Confidential.
Toxicity Data. Skin sensitization: Non-sensitizer.
Exposure. No data submitted.
Environmental Release/Disposal. No data submitted.

Y 85–44

Manufacturer. Confidential.
Chemical. (G) Dimer acids, monocarboxylic acids, polymaines polyamide resin.
Use/Production. (S) Industrial binder resin in high solids, solvent based flexographic printing inks. Prod. range: Confidential.
Toxicity Data. No data on the PMN substance submitted.
Exposure. Manufacture: Dermal and inhalation, a total of 4 workers.
Environmental Release/Disposal. Less than 0.1 kg/batch released to water with less than 2 kg/batch to land. Disposal by sanitary landfill and to the receiving stream.

Y 85–45

Manufacturer. Enterprise Companies.
Chemical. (S) Polymer of soybean oil, pentaerythritol, phthalic anhydride, intermediate, 1,2 propanediol, 1,3-diisocyanato-methylbenzene and dipropylene glycol monomethyl ether.
Use/Production. (S) Commercial and consumer binder in urethane varnishes and paints, primarily in aerosol spray cans, possibly as floor sealer. Prod. range: 75,000 kg/yr.
Toxicity Data. No data submitted.
Exposure. No data submitted.
Environmental Release/Disposal. No data submitted.

Y 85–46

Manufacturer. Enterprise Companies.
Chemical. (S) Polymer of phthalic anhydride, trimethylolpropane and tone 0200 polycaprolactone diol.
Use/Production. (S) Industrial and commercial cross linking agent for urethane type coatings, primarily but not exclusively for concrete floors. Prod. range: 2,000–6,000 kg/yr.
Toxicity Data. No data submitted.
Exposure. No data sumitted.
Environmental Release/Disposal. No data submitted.

Y 85–47

Manufacturer. S. C. Johnson & Son, Inc.
Chemical. (G) Alkali soluble styrene-acrylate ranom copolymer.
Use/Production. (G) Open, non-dispersive use. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Confidential.
Environmental Release/Disposal. Confidential. Disposal by publicly owned treatment works (POTW).

Y 85–48

Manufacturer. S. C. Johnson & Son, Inc.
Chemical. (G) Alkali soluble styrene-acrylate ranom copolymer.
Use/Production. (G) Open, non-dispersive use. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Confidential.
Environmental Release/Disposal. Confidential. Disposal by POTW.

Y 85–49

Manufacturer. S. C. Johnson & Son, Inc.
Chemical. (G) Alkali soluble styrene-acrylate ranom copolymer.
Use/Production. (G) Open, non-dispersive use. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Confidential.
Environmental Release/Disposal. Confidential. Disposal by POTW.

Y 85–50

Manufacturer. S. C. Johnson & Son, Inc.
Chemical. (G) Alkali soluble styrene-acrylate ranom copolymer.
Use/Production. (G) Open, non-dispersive use. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Confidential.
Environmental Release/Disposal. Confidential. Disposal by POTW.

Y 85–51

Importer. NAPP Systems (USA) Inc.
Chemical. (G) Acrylic copolymer resin.
Use/Import. (G) Acrylic copolymer resin for photopolymer printing plates. Import range: Confidential.
Toixicity Data. No data submitted.
Exposure. No data submitted.
Environmental Release/Disposal. No data submitted.

Y 85–52

Importer. Albright and Wilson Inc.
Chemical. (G) Alkyl methacrylate polymer.
Use/Import. (S) Industrial and commercial viscosity index improver for hydraulic fluids. Import range: Confidential.
Toxicity Data. No data submitted.
Exposure. Use: Dermal, a total of 5–50 workers, up to 8 hrs/da, up to 240 da/yr.
Environmental Release/Disposal. Release is negligible. Disposal by approved incineration and approved landfill.

Y 85–53

Importer. Albright and Wilson Inc.
Chemical. (G) Alkyl methacrylate polymer.
Use/Import. (S) Industrial, commercial and consumer viscosity index improver for lubricating oils. Import range: Confidential.
Toxicity Data. No data submitted.
Exposure. Use: Dermal, a total of 5–50 workers, up to 8 hrs/da, up to 240 da/yr.
Environmental Release/Disposal. Release is negligible. Disposal by approved incineration and approved landfill.

Y 85–54

Importer. Albright and Wilson Inc.
Chemical. (G) Alkyl methacrylate polymer.
Use/Import. (S) Industrial, commercial and consumer viscosity index improver for lubricating oils. Import range: Confidential.
Toxicity Data. No data submitted.
Exposure. Use: Dermal, a total of 5–50 workers, up to 8 hrs/da, up to 240 da/yr.
Environmental Release/Disposal. Release is negligible. Disposal by approved incineration and approved landfill.

Dated: April 15, 1985.

Linda K. Smith,

Acting Director, Information Management Division.

[FR Doc. 85–9345 Filed 4–18–85; 8:45 am]
BILLING CODE 6560–50–M

[OPTS–59191; FRL–2820–8]

Test Marketing Exemption Application; N,N,-Diallyltartardiamide

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA may upon application exempt any person from the premanufacturing notification requirements of section 5 (a) or (b) of the Toxic Substances Control Act (TSCA) to permit the person to manufacture or process a chemical for test marketing purposes under section 5(h)(1) of TSCA.

Requirements for test marketing exemption (TME) applications, which must either be approved or denied within 45 days of receipt, are discussed in EPA's final rule published in the **Federal Register** of May 13, 1983 (48 FR 21722). This notice, issued under section 5(h)(6) of TSCA, announces receipt of one application for an exemption, provides a summary, and requests comments on the appropriateness of granting the exemptions.

DATE: Written comments by: May 6, 1985.

ADDRESS: Written comments, identified by the document control number "[OPTS-59191]" and the specific TME number should be sent to: Document Control Officer (TS-793), Chemical Information Branch, Information Management Division, Office of Toxic Substances, Environmental Protection Agency, Rm. E-4201, 401 M Street SW., Washington, DC 20460 (202-382-3532).

FOR FURTHER INFORMATION CONTACT: Wendy Cleland-Hamnett, Premanufacture Notice Management Branch, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm. E-611, 401 M Street SW., Washington, DC 20460 (202-382-3725).

SUPPLEMENTARY INFORMATION: The following notice contains information extracted from the non-confidential version of the submission provided by the manufacturer on the TME received by EPA. The complete non-confidential document is available in the Public Reading Room E-107 at the above address.

T 85-39

Close of Review Period. May 23, 1985.

Manufacturer. Confidential.

Chemical. (G) N,N.-Diallyltartardiamide.

Use/Production. (G) Photo sensitive material. Prod. range: 25 kg/yr.

Toxicity Data. No data submitted.

Exposure. Manufacture and use. Dermal and ocular, a total of 308.

Environmental Release/Disposal. No data submitted.

Dated: April 15, 1985.

Linda K. Smith,

Acting Director, Information Management Division.

[FR Doc. 85-9344 Filed 4-18-85; 8:45 am]

BILLING CODE 6560-50-M

[OW-FRL-2821-5]

Water Quality Criteria Request for Comments

AGENCY: Environmental Protection Agency.

ACTION: Notice of request for comments on ambient water quality criteria document for dissolved oxygen.

SUMMARY: EPA announces the availability for public comment and provides a summary of an ambient water quality criteria document for dissolved oxygen. These criteria are published pursuant to section 304(a)(1) of the Clean Water Act. EPA water quality criteria documents may form the basis for enforceable standards.

DATES: Written comments should be submitted to the person listed directly below on or before July 18, 1985.

FOR FURTHER INFORMATION CONTACT: Dr. Frank Gostomski, Criteria and Standards Division (WH-585), U.S. Environmental Protection Agency, 401 M Street, SW. Washington, D.C. 20460. (202) 245-3030.

Availability of Document

This notice contains a summary of a criteria document containing proposed ambient water quality criteria for dissolved oxygen for the protection of aquatic life. Copies of the complete criteria document may be obtained upon request from the person listed above. This document is also available for public inspection and copying during normal business hours at: Public Information Reference Unit, U.S. Environmental Protection Agency, Room 2404 (rear), 401 M Street, SW. Washington, D.C. 20460. As provided in 40 CFR Part 2, a reasonable fee may be charged for copying services. Copies of this document are also available for review in the EPA Regional Office libraries.

SUPPLEMENTARY INFORMATION:

Background

Section 304(a)(1) of the Clean Water Act (33 U.S.C. 1314(a)(1)) requires EPA to publish and periodically update ambient water quality criteria. These criteria are to reflect the latest scientific knowledge on the identifiable effects of pollutants on public health and welfare, aquatic life and recreation.

EPA has periodically issued ambient water quality criteria, beginning in 1973, with publication of the "Blue Book" (Water Quality Criteria 1972). In 1976, the "Red Book" (Quality Criteria for Water) was published. On November 28, 1980, (45 FR 79318) and February 15, 1984, (49 FR 5831), EPA announced the publication of 65 individual ambient water quality criteria documents for pollutants listed as toxic under section 307(a)(1) of the Clean Water Act.

Today EPA is announcing the availability for public comment of a water quality criteria document for dissolved oxygen which, upon final publication, will update and revise criteria for dissolved oxygen previously published in the "Red Book" in 1976.

Criteria Implementation Guidance

The proposed dissolved oxygen criteria provide separate criteria for coldwater and warmwater aquatic life. This separation provides for less stringent criteria for warmwater species than for coldwater species. Most of the data for coldwater species are from research on the effects of low dissolved oxygen on salmonid fish. Some other species (often termed coldwater species) appear to be closer to salmonids in their dissolved oxygen requirements than to the warmwater nonsalmonid species. For implementation of the proposed dissolved oxygen criteria, it is important that further clarification be obtained of the species considered to require the coldwater criteria. EPA specifically requests comments on the procedures (species lists, water temperature ranges applicable to each category, or other) that should be used in implementing the new coldwater/warmwater dissolved oxygen criteria.

A similar question involves the identification of times and places where the more stringent criteria for early life stages should be used, or conversely, when and where the less stringent criteria for other life stages should be used. EPA specifically requests comment in this area.

EPA is also interested in obtaining comment on the appropriate water temperatures in modeling dissolved oxygen for each category of dissolved oxygen criteria. For example, what procedures should be used to determine the appropriate water temperature in models used in conjunction with coldwater criteria, both for early life stages and for other life stages? Do all life stages occur during critical high temperature conditions frequently used in modeling?

Dated: April 11, 1985.

Henry L. Longest II,

Acting Assistant Administrator for Water.

[FR Doc. 85-9422 Filed 4-18-85; 8:45 am]

BILLING CODE 6560-50-M

[ER-FRL-2822-2]

Environmental Impact Statements and Regulations; Availability of EPA Comments

Availability of EPA comments prepared April 1, 1985 through April 5, 1985 pursuant to the Environmental Review Process (ERP), under section 309 of the Clean Air Act and section 102(2)(c) of the National Environmental Policy Act as amended. Requests for copies of EPA comments can be directed to the Office of Federal Activities at (202) 382-5075/76. An explanation of the ratings assigned to draft environmental impact statements (EISs) was published in FR dated October 19, 1984 (49 FR 41108).

Draft EISs

ERP No. D-AFS-E65030-MS. Rating Alt. #1 and 4=LO; #5=EC2. Mississippi Nat'l Forests Land and Resource Magmt. Plan, MS. Summary: EPA identified either Alternative 1 or 4 as having less impact on the overall environment and water quality than the preferred Alternative 5. Additional discussion of erosion control measures, harvesting, road building, soil preparation and planting operations were requested.

ERP No. D-AFS-K61082-AZ. Rating EC2. Bill Williams Mtn. Ski Area, Mgmt. Plan Kaibab Nat'l Forest, AZ. Summary: EPA requested that the FEIS discuss the following: impacts of erosion on water quality; sources of water for the project, including ground water withdrawal; and impacts of chemicals used to control vegetation on ground water.

ERP No. D-APH-K82003-HI. Rating EU3, Tri-Fly Complex Eradication Program Elimination, HI. Summary: EPA rated the DEIS environmentally unsatisfactory because the program as proposed would be a violation of FIFRA since certain crops will be treated with insecticides that do not have current tolerances or tolerance exemptions. EPA also believes the analysis in the DEIS did not adequately cover the impacts to surface water bodies, ground water resources and the unique Hawaiian flora and fauna. EPA suggested that the DEIS be revised or supplemented.

ERP No. D-BIA-G08009-NM. Rating LO, Norton-Tesuque 115 kV Overhead Transmission Line and Substation, Right-of-Way Permit and Approval, NM. Summary: EPA has not identified any potential environmental impacts requiring changes to the proposal

ERP No. D-BLM-G08008-NM. Rating LO, El Paso 345 kV, Springerville to Deming, Transmission Line, Construction, Operation and Maintenance, Right-of-Way Permit, NM. Summary: EPA has not identified any potential environmental impacts requiring changes to the proposal.

ERP No. D-COE-G32050-AR, Rating LO, Pine Bluff Harbor Expansion, AR. Summary: EPA has not identified any potential environmental impacts requiring substantive changes to the proposal.

ERP No. D-MMS-A02211-AK, Rating EO3, 1985 N. Aleutian Basin OCS Oil and Gas Lease Sale No. 92, Leasing, Offshore AK. Summary: EPA recommended that MMS revise the EIS and reconfigure the lease sale in order to provide a more environmentally protective buffer zone for the Alaska Peninsula. EPA's detailed comments pointed out where data gaps should be filled and analytical techniques strengthened in order to adequately assess the effects of oil spills in the N. Aleutian Basin. EPA recommends that a revised or supplemental DEIS be prepared and and circulated for comment.

Final EISs

ERP No. F-BLM-J65026-CO, Piceance Basin Mgmt. Plan, White R. Resource Area, CO. The FEIS responded adequately to EPA concerns. EPA remains supportive of BLM's carrying capacity study efforts prior to leasing and will assist BLM on air quality study efforts. EPA continues, however, to have environmental reservations about any new oil shale leasing since the prototype oil shale leasing program has not yet produced an industry to provide environmental baseline data.

ERP No. FS-COE-G30009-LA, Larose to Golden Meadow, Hurricane Protection Project, LA. Summary: The FEIS responded adequately to EPA's comments issued on the DEIS. EPA did not identify any new issues of concern with regard to the proposed action.

ERP No. F-FHW-E40200-NC, US 264, NW Bypass Improvement, US 264 (Relocated) to Greenville Blvd./NC-1590 at US 13/NC-11/Memorial Drive, NC. Summary: EPA expressed environmental objections to the FEIS due to acreage deduction methods of wetland mitigation proposed in the FEIS. It is EPA's belief that acquired "replacement" wetlands should only be used as a last resort, and typically should only be seriously considered if it is shown that the acquired wetlands would otherwise imminently be developed or that enhancement, restoration, or creation of wetlands is infeasible.

ERP No. F-FHW-L40135-OR, Salmon R. Highway Widening, E. McMinnville Interchange to Airport Road, OR. Summary: EPA made no formal comments. EPAs review found the project to be satisfactory and the FEIS to be responsive to the comments issued on the DEIS.

Dated: April 16, 1985.

Allan Hirsch,

Office of Federal Activities.

[FR Doc. 85-9558 Filed 4-18-85; 8:45 am]

BILLING CODE 6560-50-M

[ER-FRL-2822-1]

Environmental Impact Statements; Notice of Availability

Responsible Agency

Office of Federal Activities, General Information (202) 382-5073 or (202) 382-5075. Availability of Environmental Impact Statements filed April 8, 1985 through April 12, 1985 Pursuant to 40 CFR 1506.9

EIS No. 850141, Final, COE, FL, Sarasota and Manatee Counties, Beach Erosion and Storm Protection Plan, Due: May 20, 1985, Contact: Ronnie Tapp (904) 791-1690.

EIS No. 850141, DSuppl, COE, HI, West Beach Resort Development, Construction, Permit, Hawaii County, Due: June 3, 1985, Contact: Michael T. Lee (808) 438-9258.

EIS No. 850143, Final, AFS, NM, Western Spruce Budworm Management Program, Carson National Forest, Taos County, Due: May 20, 1985, Contact: John Bedell (505) 758-6200.

EIS No. 850144, Draft, AFS, SD, MT, ND, Custer National Forest, Land and Resource Management Plan, Due: August 1, 1985, Contact: David A. Filius (406) 657-6361.

EIS No. 850145, Draft, AFS, MT, Deerlodge National Forest, Land and Resource Management Plan, Due: August 1, 1985, Contact: Frank Salomonsen (406) 496-3400.

EIS No. 850146, Draft, AFS, ID, WA, MT, Idaho Panhandle National Forest, Land and Resource Management Plan, Due: August 1, 1985, Contact: Gerry House (208) 765-7477.

EIS No. 850147, Final, COE, AL, Theodore Ship Channel, Bulk Coal and Grain Handling Facility, Construction, Permit, Mobile Bay, Mobile County, Due: May 20, 1985, Contact: C. Clay Carter (205) 694-3770.

EIS No. 850148, Draft, COE, DE, Wilmington Harbor, Federal Navigation Project, Dredged Material Disposal Area, Development and Designation, Christina River, New Castle County, Contact: John Forren (215) 597-4833.

EIS No. 850149, Draft, BIA, CA, Hoopa Valley Indian Reservation, Fishing Regulations, Modifications, Klamath River Drainage, Humboldt and Del Norte Counties, Due: June 3, 1985, Contact: George Farris (202) 343–6574.

EIS No. 850150, Final, NRC, GA, Vogtle Electric Generating Plant, Units 1 and 2, Operating License, Savannah River, Burke County, Due: May 20, 1985, Contact: Melainie Miller (301) 492–4259.

EIS No. 850151, Final, MMS, AK, 1985 St. Geroge Basin, OCS Oil and Gas Sale No. 89, Leasing Offering, Bearing Sea, Due: May 20, 1985, Contact: Richard Miller (202) 343–6264.

Amended Notices

EIS No. 850114, Draft, AFS, MT, ID, Bitterroot National Forest, Land and Resource Management Plan, Due: July 15, 1985, Published FR 3–29–85—Filing date reestablished.

EIS No. 850152 Draft, AFS, ID, MD, Blue Joint and Sapphire Montana Wilderness Study Act Area, Land and Resource Management Plan, Bitterroot, Deerlodge and Salmon National Forests, Due: July 15, 1985, Contact: Robert Morgan (406) 363–3131—Inadvertently omitted from 4–5–85 FR.

EIS No. 850137, Draft, BLM, OR, Two Rivers Planning Area, Resources Management Plan, Due: July 1, 1985, Published FR 4–12–85—Review period extended.

EIS No. 850124, Draft, BLM, CA, Chemise Mountain and King Range Wilderness Study Areas, Arcata Resource Area, Designation, Due: July 3, 1985, Publiished FR: 4–5–85—Review period extended.

EIS No. 850110, Final, FHW, MD, MD–43/Whitemarsh Blvd, Extension, I–695/Baltimore Beltway to I–95 and US 1 Improvements, I–695 to north of Silver Spring Rd., Baltimore County, Due: May 13, 1985, Published FR 3–29–85—Review period reestablished.

EIS No. 850115, Draft, AFS, MT, Gallatin National Forest, Land and Resource Management Plan, Due: July 15, 1985, Published FR 4–5–85—Filing date reestablished.

EIS No. 850139, Final, SFW, AK, Kenai National Wildlife Refuge, Conservation Management Plan, Due: June 7, 1985, Published FR 4–12–85—Review extended.

Dated: April 16, 1985.

Allan Hirsch,

Director, Office of Federal Activities.

[FR Doc. 85–9559 Filed 4–18–85; 8:45 am]

BILLING CODE 6560–50–M

FEDERAL COMMUNICATIONS COMMISSION

A&M Broadcasting and Good Christian Radio Broadcasting Inc.; Applications for Consolidated Hearing

1. The Commission has before it the following mutually exclusive applications for a new FM station:

	Applicant, city, and State	File No	MM Docket No
A	A&M Broadcasting, Whitneyville, PA	BPH–840516IC	85–108
B	Good Christian Radio Broadcasting, Inc., Whitneyville, PA	BPH–840723IA	

2. Pursuant to section 309(e) of the Communications Act of 1934, as amended, the above applications have been designated for hearing in a consolidated proceeding upon issues whose headings are set forth below. The text of each of these issues has been standardized and is set forth in its entirety in a sample standardized Hearing Designation Order (HDO) wich can be found at 48 FR 22428, May 18, 1983. This issue headings shown below correspond to issue headings contained in the referenced sample HDO. The letter shown before each applicant's name, above, is used below to signify whether the issue in question applies to that particular applicant.

Issue Heading and Applicant(s)

1. Air Hazard, B
2. Comparative, A & B
3. Ultimate, A & B

3. If there is any non-standardized issue(s) in this proceeding, the full text of the issue and the applicant(s) to which it applies are set forth in an Appendix to this Notice. A copy of the complete HDO in this proceeding may be obtained, by written or telephone request, from the Mass Media Bureau's Contact Representative, Room 242, 1919 M Street, NW Washington, D.C. 20554. Telephone (202) 632–6334.

W. Jan Gay,

Assistant Chief, Audio Services Division, Mass Media Bureau.

[FR Doc. 85–9524 Filed 4–18–85; 8:45 am]

BILLING CODE 6712–01–M

Charles Ray Shinn, et al.; Hearing Designation Order; Construction Permit, Pine Bluff, AR

In re applications of Charles Ray Shinn, Robin C. Brandt, and Elmer Montgomery d/b/a Montgomery Broadcasting, MM Docket No. 85–97; File No. BPCT–840813KN; File No. BPCT–841005KQ; File No. BPCT–841005LF.

Adopted: March 28, 1985.

Released: April 5, 1985.

By the Chief, Video Services Division.

1. The Commission, by the Chief, Video Services Division, acting pursuant to delegated authority, has before it the above-captioned mutally exclusive applications of Charles Ray Shinn (Shinn), Robin C. Brandt (Brandt), and Elmer Montgomery d/b/a Montgomery Boradcasting (Montgomery) for authority to construct a new commercial television station on Channel 25, Pine Bluff, Arkansas.

2. The effective radiated visual power, antenna height above average terrain and other technical data submitted by each applicant indicate that there would be a significant difference in the size of the areas and populations that each proposes to serve. Consequently, the areas and populations which would be within the predicted 64 dBu (Grade B) contour, together with the availability of other television service of Grade B or greater intensity, will be considered under the standard comparative issue for the purpose of determining whether a comparative preference should accrue to any of the applicants.

3. Applicants for new broadcast stations are required to give local notice of the filing of their applications, in accordance with § 73.3580 of the Commission's Rules. They must then file proof of publication of such notice or certify that they have or will comply with the public notice requirement. We have no evidence, however, that Brandt has done either. If he has not already done so, Brandt will be required to file a statment that he has or will comply with the public notice requirement with the Administrative Law Judge within 20 days of the release of this Order.

4. No determination has been made that the tower height and location proposed by each of the applicants would not constitute a hazard to air navigation. Accordingly, an apporpriate issue will be specified.

5. Shinn's proposed site is 50 miles from the site of co-channel station KRZB–TV, Hot Springs, Arkansas, whereas Section 73.610(c)(1) of the Commission's Rules requires a minimum separations of 55 miles. The applicant, therefore, would be short-spaced 5 miles to Station KRZB–TV. An issue will be specified to determine whether circumstances exist warranting a waiver. In assessing the circumstances to determine whether a waiver of the rule is warranted, the Administrative Law Judge will consider the fact that the other applicants in this proceeding have specified fully-spaced sites.

6. Since grant of Montgomery's application would constitute a major environmental action as defined by § 1.1305(a) of the Commission's Rules, Montgomery is required to submit the environmental impact information described in § 1.1311. Accordingly, Montgomery will be required to file, within 20 days of the release of this Order, an environmental narrative statement with the presiding Administrative Law Judge. In addition, a copy shall be filed with the Chief, Video Services Division, who will then proceed in accordance with the provisions of § 1.1313(b). Accordingly, § 1.1317 of the Rules will be waived to the extent that the comparative phase of the case will be allowed to begin before the environmental phase is completed. See *Golden State Broadcasting Corp.*, 71 F.C.C. 2d 229 (1979) *recon. denied sub nom. Old Pueblo Broadcasting Corp.*, 83 F.C.C. 2d 337 (1980).

7. The technical data provided by Montgomery in response to Section V–C, item 15, FCC Form 301 appears to be incorrect, thereby leading to an improper calculation of predicted contours. For example, the height above the 225 degree radial is shown to be 505 feet and the height above the 180 degree radial is shown to be 490 feet. Thus, the distance of the Grade B contour along the 225 degree radial should be greater than the distance along the 180 degree radial, but the applicant shows it to be one mile less. Additionally, the area within the proposed Grade B contour is shown to be 630 square miles, which would indicate a Grade B radius of about 14 miles. This radius is much less than the distances shown in response to Section V–C, item 15 and the applicant's Exhibit 3. Montgomery will be required to furnish proper figures by amendment submitted to the presiding Administrative Law Judge within 20 days after the date of release of this Order.[1]

8. The vertical tower sketch submitted by Montgomery is patently incorrect (two different dimensions are labeled 510 feet; heights are not identified) and does not agree with the figures appearing in Section V–C, item 5, FCC Form 301. Montgomery will be required to submit a new vertical tower sketch showing the correct height to the Administrative Law Judge within 20 days after this Order is released.

9. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. Since these applications are mutually exclusive, the Commission is unable to make the statutory finding that their grant will serve the public interest, convenience, and necessity. Therefore, the applications must be designated for hearing in a consolidated proceeding on the issues specified below.

10. Accordingly, it is ordered, that pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, to be held before an Administrative Law Judge at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine whether there is a reasonable possibility that the tower height and location proposed by each of the applicants would constitute a hazard to air navigation.

2. To determine whether the proposal of Charles Ray Shinn is consistent with the minimum mileage separation requirements of Section 73.610 of the Commission's Rules and if not, whether circumstances exist which would warrant a waiver of the Rule.

3. If a final environmental impact statement is issued with respect to Elmer Montgomery d/b/a Montgomery Broadcasting, which concludes that the proposed facilities are likely to have an adverse effect on the quality of the environment,

(a) To determine whether the proposal is consistent with the National Environmental Policy Act, as implemented by § 1.1301–1319 of the Commission's Rules; and

(b) Whether, in light of the evidence adduced pursuant to (a) above, the applicant is qualified to construct and operate as proposed.

4. To determine which of the proposals would, on a comparative basis, best serve the public interest.

5. To determine, in light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted

11. It is further ordered, that Robin C. Brandt, shall file a certification with the presiding Administrative Law Judge, within 20 days after this Order is released, that he has or will comply with § 73.3580 of the Commission's Rules.

12. It is further ordered that the Federal Aviation Administration is made a party respondent to this proceeding with respect to issue 1.

13. It is further ordered, that § 1.1317 of the Commission's Rules IS WAIVED to the extent indicated herein. Within 20 days of the release of this Order, Elmer Montgomery d/b/a Montgomery Broadcasting, shall submit an environmental narrative statement required by § 1.1311 of the Rules to the presiding Administrative Law Judge with a copy to the Chief, Video Services Division.

14. It is further ordered, that Elmer Montgomery d/b/a Montgomery Broadcasting, shall submit an amendment to the presiding Administrative Law Judge, within 20 days after the release date of this Order correcting the information discussed in paragraphs 7 and 8 *supra*, and any other engineering information required by the correction.

15. It is further ordered, that, to avail themselves of the opportunity to be heard, the applicants and party respondent herein shall, pursuant to § 1.221(c) of the Commission's Rules, in person or by attorney, within 20 days of the mailing of this Order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and to present evidence on the issues specified in this Order.

16. It is further ordered, that the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934 as amended, and § 73.3594 of the Commission's Rules, give notice of the hearing within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 73.3594(g) of the Rules.

Federal Communications Commision.

Roy J. Stewart,

Chief, Video Services Division, Mass Media Bureau.

[FR Doc. 85–9528 Filed 4–18–85; 8:45 am]

BILLING CODE 6712–01–M

[1]The applicant should note that the corrections in item 15, Section V–C will also require adjustments in the maps required by Section V–C, item 10(b) and the area and population figures required by Section V–C, item 10(e).

FEDERAL EMERGENCY MANAGEMENT AGENCY

Anti-Arson Program Grants; Solicitation for Award of Cooperative Agreement

AGENCY: Federal Emergency Management Agency.

ACTION: Notice.

Notice of Solicitation is hereby given that the Federal Emergency Management Agency, under the Fire Prevention and Control Act of 1974, will issue a Request for Assistance (RFA), EMW–85–S–1977 on May 1, 1985 regarding the design and implementation of an anti-arson strategy program for Community-Based Anti-

Arson Programs. This program is limited to Community Based Organizations.

The purpose of this assistance is to focus on nationwide efforts to reduce the number of arson related fires that occur every year throughout this country. Some broad objectives of the program are: (a) To increase involvement and interaction between community groups and fire service organizations; (b) to build a comprehensive community anti-arson program; and, (c) to encourage community participation and responsibility in reducing arson-related fires.

Applications for Assistance must be requested in writing and addressed as follows:

Federal Emergency Managment Agency, Office of Acquisition Management, 500 C Street SW., Room 728, Washington, D.C. 20472, Attn: Victory Long, Contract Specialist, Request for Assistance No. EMW–85–S–1877.

Please include a self-addressed mailing label with the request.

Cooperative Agreements are anticipated to be awarded as a result of this request for assistance. It is anticipated that a minimum of five (5) and a maximum of thirty (30) assistance awards will be made. The anticipated funding levels for this program are between $5.000.00 to $25.000.00 based on the criteria shown in Attachment C of the solicitation package.

Edward M. Hall,

Acting Administrator, U.S. Fire Administration.

[FR Doc. 85–9476 Filed 4–18–85; 8:45 am]

BILLING CODE 6718–01–M

[FEMA–735–DR]

Illinois; Amendment to Notice of a Major-Disaster Declaration

AGENCY: Federal Emergency Management Agency.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the State of Illinois (FEMA–735–DR), dated March 29, 1985, and related determinations.

DATE: April 11, 1985.

FOR FURTHER INFORMATION CONTACT: Sewall H.E. Johnson, Disaster Assistance Programs, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 646–3616.

SUPPLEMENTARY INFORMATION: The notice of a major disaster for the State of Illinois, dated March 29, 1985, is hereby amended to include the following areas among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of March 29, 1985: Bureau, Cass, Fulton, Marshall, Morgan, Peoria, Schuyler, Scott, Tazewell, Whiteside, and Will Counties for Public Assistance.

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance)

Samuel W. Speck,

Associate Director, State and Local Programs and Support, Federal Emergency Management Agency.

[FR Doc. 85–9477 Filed 4–18–85; 8:45 am]

BILLING CODE 6718–01–M

FEDERAL RESERVE SYSTEM

First Virginia Banks, Inc., et al.; Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) and § 225.14 of the Board's Regulation Y (12 CFR 225.14) to become a bank holding company or to acquire a bank or bank holding company. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank or to the offices of the Board of Governors. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Unless otherwise noted, comments regarding each of these applications must be received not later than May 10, 1985.

A. **Federal Reserve Bank of Richmond** (Lloyd W. Bostian, Jr., Vice President) 701 East Byrd Street, Richmond, Virginia 23261:

1. *First Virginia Banks, Inc.*, Falls Church, Virginia; to acquire 100 percent of the voting shares of the Citizens Bank, Inc., South Hill, Virginia.

B. **Federal Reserve Bank of Chicago** (Franklin D. Dreyer, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *Romy Hammes, Inc.*, South Bend, Indiana; to acquire an additional 9.6 percent of the voting shares of Peoples Bank Marycrest, Kankakee, Illinois.

C. **Federal Reserve Bank of St. Louis** (Delmer P. Weisz, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

1. *GCB Bancorp, Inc.*, Princeton, Indiana; to become a bank holding company by acquiring 100 percent of the voting shares of Gibson County Bank, Princeton, Indiana.

D. **Federal Reserve Bank of Dallas** (Anthony J. Montelaro, Vice President) 400 South Akard Street, Dallas, Texas 75222:

1. *Med Center Bancshares, Inc.*, Houston, Texas; to merge with United Bancshares, Inc., Rosenberg, Texas, thereby indirectly acquiring Rosenberg Bank and Trust, Rosenberg, Texas.

2. *Iowa Park Bancshares, Inc.*, Iowa Park, Texas; to acquire 100 percent of the voting shares of Windthorst National Bank, Windthorst, Texas, a *de novo* bank.

Board of Governors of the Federal Reserve System, April 15, 1985.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 85–9478 Filed 4–18–85; 8:45 am]

BILLING CODE 6210–01–M

Valley Bancorporation; Formation of, Acquisition by, or Merger of Bank Holding Companies; and Acquisition of Nonbanking Company

The company listed in this notice has applied under § 225.14 of the Board's Regulation Y (12 CFR 225.14) for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) to become a bank holding company or to acquire voting securities of a bank or bank holding company. The listed company has also applied under § 225.23(a)(2) of Regulation Y (49 FR 794) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to acquire or control voting securities or assets of a company engaged in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies, or to engage in such an activity. Unless otherwise noted, these activities will be conducted throughout the United States.

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the office of the Board of Governors. Interested persons may express their views in writing on the

question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Comments regarding the application must be received at the Reserve Bank indicated or the offices of the Board of Covenors not later than May 14, 1985.

A. **Federal Reserve Bank of Chicago** (Franklin D. Dreyer, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *Valley Bancorporation*, Appleton, Wisconsin; to acquire 100 percent of the voting shares of United Banks of Wisconsin, Inc., Madison, Wisconsin, thereby indirectly acquiring United Bank, Madison, Wisconsin, Farmers & Citizens United Bank in Sauk City, Suak City, Wisconsin, United Bank in Menomie, Menomie, Wisconsin and United Bank in Sun Prairie, Sun Prairie, Wisconsin. In addition, Valley Bancorporation has applied to acquire United Mortgage of Wisconsin, Inc., Madison, Wisconsin, thereby engaging in making, acquiring or servicing loans or other extensions of credit (including issuing letters of credit and accepting drafts) for the company's account or for the account of others, such as would be made by a mortgage company. These activities will be conducted in the Madison, Wisconsin area.

Board of Governors of the Federal Reserve System, April 15, 1985.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 85-9479 Filed 4-18-85; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

Agency Forms Submitted to the Office of Management and Budget for Clearance

Each Friday the Deparment of Health and Human Services (HHS) publishes a list of Information collection packages it has submitted to the Office of Management and Budget (OMB) for clearance in compliance with the Paperwork Reduction Act (44 U.S.C. Chapter 35). The following are those packages submitted to OMB since the last list was published on April 12, 1985.

Human Development Services

Subject: Part IV Narrative Application Instructions-Revision (0980-0016)
Respondents: Applicants for grants from HDS programs
Subject: Interim Final Rule to Implement Provisions of the Older Americans Act as Amended-45 CFR 1321 and 1328—Revision
Respondents: States, Indian Tribes
OMB Desk Officer: Judy A. McIntosh

Health Care Financing Administration

Subject: Billing Form for the Alcoholism Services Coverage Demonstration—Extension—(0938-0259)
Respondents: Businesses or other for-profit
Subject: Modification to National (Rural) Swing-Bed Evaluation—HCFA-415-Revision (0938-0290)
Respondents: Individuals, households, State/local governments, businesses or other for-profit, non-profit institutions, small businesses or organizations
Subject: Medicaid Quality Control Disposition List—HCFA-321—Revision (8938-0173)
Respondents: State/local governments
Subject: Request to Adjust Customary Charge Screen—HCFA-455—Reinstatement—(0938-0206)
Respondents: Businesses or other for-profit
OMB Desk Officer: Fay S. Iudicello

Social Security Administration

Subject: Report of Continuing Disability Interview—SSA-454-BK-Revision (0960-0072)
Respondents: Individuals
Subject: Request to be Selected as Payee-SSA-11BK—Extension—(0960-0014)
Respondents: Individuals
Subject: Information Collection Requirements in Regulations on Services to Non-AFDC Individuals 45 CFR 312—New
Respondents: State/local governments
OMB Desk Officer: Judy A. McIntosh

Public Health Service

Health Resources and Services Administration

Subject: Project Proposal for Provision of Sanitation Services—Extension (0915-0018)
Respondents: Indian tribes

National Institutes of Health

Subject: Piedmont Health Survey of the Elderly—New
Respondents: Individuals

Office of the Assistant Secretary for Health

Subject: President's Council on Physical Fitness and Sports School Population Survey—New
Respondents: Students
Subject: National Survey of Worksite Health Promotion Program—New
Respondents: Businesses
OMB Desk Officer: Fay S. Indicello

Copies of the above information collection clearance packages can be obtained by calling the HHS Reports Clearance Officer on 202-245-6511.

Written comments and recommendations for the proposed information collections should be sent directly to the appropriate OMB Desk Officer designated above at the following address: OMB Reports Management Branch, New Executive Office Building, Room 3208, Washington, D.C. 20503. Attn: (name of OMB Desk Officer).

Dated: April 15, 1985.

Wallace O. Keene,

Acting Deputy Assistant Secretary for Management Analysis and Systems.

[FR Doc. 85-9482 Filed 4-18-85; 8:45 am]

BILLING CODE 4150-04-M

Food and Drug Administration

Advisory Committees; Meetings

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: This notice announces forthcoming meetings of public advisory committees of the Food and Drug Administration (FDA). This notice also summarizes the procedures for the meetings and methods by which interested persons may participate in open public hearings before FDA's advisory committees.

Meetings: The following advisory committee meetings are announced:

Dental Devices Panel

Date, time, and place. May 3, 9 a.m. to 4:30 p.m., Rm. 337A-339A, 200 Independence Ave. SW., Washington, DC.

Type of meeting and contact person. Open public hearing, 9 a.m. to 10 a.m.; open committee discussion, 10 a.m. to 12 m. and 2 p.m. to 4:30 p.m.; Gregory Singleton, Center for Devices and Radiological Health (HFZ-470), Food and Drug Administration, 8757 Georgia

Ave., Silver Spring, MD 20910, 301–427–7555.

General function of the committee. The committee reviews and evaluates available data on the safety and effectiveness of devices and makes recommendations for their regulation.

Agenda—Open public hearing. Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Those desiring to make formal presentations should notify the contact person before April 24, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time required to make their comments.

Open committee discussion. The committee will discuss premarket approval applications for a surgical dressing material and for a wound dressing material.

Radiopharmaceutical Drugs Advisory Committee

Date, time, and place. May 10, 8:45 a.m. Conference Rms. G and H, Parklawn Bldg., 5600 Fishers Lane, Rockville, MD.

Type of meeting and contact person. Open committee discussion, 8:45 a.m. to 11 a.m.; open public hearing, 11 a.m. to 12 m.; open committee discussion, 12:45 p.m. to 4:30 p.m.; Neil M. Abel, Center for Drugs and Biologics (HFN–150), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–4260.

General function of the committee. The committee reviews and evaluates available data on the safety and effectiveness of marketed and investigational prescription drugs for use in diagnostic and therapeutic procedures using radioactive pharmaceuticals and contrast media used in diagnostic radiology.

Agenda—Open public hearing. Interested persons requesting to present data, information, or views, orally or in writing, on issues pending before the committee should communicate with the committee contact person.

Open committee discussion. The committee intends to discuss: (1) The proposed labeling for Amersham's NDA 19–044 "Indium In 111 Oxine"; (2) the summary basis of approval and proposed labeling for Squibb's NDA 18–735 "Iopamidol"; (3) the review of submitted clinical data and proposed indication for use for Cadema's NDA 19–180 "Kit for the Preparation of Technetium Tc 99m Antimony Trisulfide Colloid"; and (4) pediatric dosage recommendations for radiopharmaceuticals.

Veterinary Medicine Advisory Committee

Date, time, and place. May 22, 23, and 24; May 22, 1 p.m., Conference Rm. 17–09B, Parklawn Bldg., 5600 Fishers Lane, Rockville, MD; May 23 and 24, 8:30 a.m., Conference Rm. E, Parklawn Bldg., 5600 Fishers Lane, Rockville, MD.

Type of meeting and contact person. Open committee discussion, May 22, 1 p.m. to 4:30 p.m., May 23, 8:30 a.m. to 3:45 p.m.; open public hearing, May 23, 3:45 p.m. to 4:30 p.m.; open committee discussion, May 24, 8:30 a.m. to 12 m.; Bert L. Schrivener, Center for Veterinary Medicine (HFV–400), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–4557.

General function of the committee. The committee reviews and evaluates available data on the safety and effectiveness of marketed and investigational new animal drugs, feeds, and devices for use in the treatment and prevention of animal diseases and increased animal production.

Agenda—Open public hearing. Interested persons requesting to present data, information, or views, orally or in writing, on issues pending before the committee should communicate with the contact person.

Open committee discussion. The committee will discuss: (1) The results of its internal study panels, (2) the low level antibiotics issue, (3) the sulfa residue problem, (4) grants application process, and (5) second generation and prescription guidelines.

Science Advisory Board to the National Center for Toxicological Research

Date, time, and place. May 30 and 31, 9 a.m., Director's Conference Rm., Bldg. 13, National Center for Toxicological Research, Jefferson, AR.

Type of meeting and contact person. Open pubic hearing, May 30, 9 a.m. to 10 a.m.; open committee discussion, May 30, 10 a.m. to 6 p.m., and May 31, 9 a.m. to 1 p.m., Ronald F. Coene, National Center for Toxicological Research (NCTR), Food and Drug Administration 5600 Fishers Lane, Rm. 14–101, Rockville, MD 20857, 301–443–3155.

General function of the board. The board advises the Director, NCTR, in establishing and implementing a research program that will assist the Commissioner of Food and Drugs in fulfilling his regulatory responsibilities. The board provides the extra-agency review in ensuring that research programs and methodology development at NCTR are scientifically sound and pertinent to its stated goals and objectives.

Agenda—Open public hearing. Any interested persons may present data, information, or views, orally or in writing, on issues pending before the committee.

Open board discussion. The board will continue discussions on research initiatives for the NCTR in areas of the evaluation of the assumptions underlying risk assessment, and modulating factors in toxicology. Additional items are being considered for review by the board and final agenda will be available on May 15, 1985, by contacting the contact person.

FDA public advisory committee meetings may have as many as four separable portions: (1) An open public hearing, (2) an open committee discussion, (3) a closed presentation of data, and (4) a closed committee deliberation. Every advisory committee meeting shall have an open public hearing portion. Whether or not it also includes any of the other three portions will depend upon the specific meeting involved. There are no closed portions for the meetings announced in this notice. The dates and times reserved for the open portions of each committee meeting are listed above.

The open public hearing portion of each meeting shall be at least 1 hour unless public participation does not last that long. It is emphasized, however, that the 1 hour time limit for an open public hearing represents a minimum rather than a maximum time for public participation, and an open public hearing may last for whatever longer period the committee chairman determines will facilitate the committee's work.

Public hearings are subject to FDA's guideline concerning the policy and procedures for electronic media coverage of FDA's public administrative proceedings. This guideline was published in the **Federal Register** of April 13, 1984 (49 FR 14723). These procedures are primarily intended to expedite media access to FDA's public proceedings, including hearings before a public advisory committee conducted pursuant to Part 14 of the agency's regulations. Under this guideline, representatives of the electronic media may be permitted, subject to certain limitations, to videotape, film, or otherwise record FDA's public administrative proceedings, including the presentation of participants at a public hearing. Accordingly, all interested persons are directed to the guideline, as well as the **Federal Register** notice announcing issuance of

the guideline, for a more complete explanation of the guideline's effect on public hearings.

Meetings of advisory committees shall be conducted, insofar as is practical, in accordance with the agenda published in this **Federal Register** notice. Changes in the agenda will be announced at the beginning of the open portion of a meeting.

Any interested person who wishes to be assured of the right to make an oral presentation at the open public hearing portion of a meeting shall inform the contact person listed above, either orally or in writing, prior to the meeting. Any person attending the hearing who does not in advance of the meeting request an opportunity to speak will be allowed to make an oral presentation at the hearing's conclusion, if time permits, at the chairman's discretion.

Persons interested in specific agenda items to be discussed in open session may ascertain from the contact person the approximate time of discussion.

A list of committee members and summary minutes of meetings may be requested from the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857, between the hours of 9 a.m. and 4 p.m., Monday through Friday.

This notice is issued under section 10(a)(1) and (2) of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770-776 (5 U.S.C. App. I)), and FDA's regulations (21 CFR Part 14) on advisory committees.

Dated: April 15, 1985.

Mervin H. Shumate,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 85-9451 Filed 4-18-85; 8:45 am]

BILLING CODE 4160-01-M

DEPARTMENT OF THE INTERIOR

National Park Service

Bering Land Bridge National Preserve; Availability of a Draft General Management Plan/Environmental Assessment, Land Protection Plan, and Wilderness Suitability Review

AGENCY: National Park Service, Alaska Regional Office, Interior.

ACTION: Notice.

SUMMARY: This notice announces the availability of the draft general management plan/environmental assessment, land protection plan, and wilderness suitability review for Bering Land Bridge National Preserve, Alaska. The document will be available for public review and comment for 60 days, and public meetings will be held in Anchorage, Nome, and local communities (see schedule below).

This document proposes management actions addressing issues and problems facing Bering Land Bridge National Preserve for the next 10 years. There are three major elements within this document. The first element is the draft general management plan, which includes proposals for managing natural and cultural resources and visitor uses, general development within and adjacent to the preserve, and National Park Service facilities and level of operations. The draft general management plan also includes alternatives considered and environmental consequences of the proposal and alternatives. The second element is the land protection plan, which discusses nonfederal lands and other interests in and around the unit and methods to protect the resource values for which the unit was created. The third element is the wilderness suitability review which evaluates the suitability of nonwilderness lands within the preserve for designation as wilderness.

Following consideration of public comments, a final general management plan, land protection plan, and wilderness suitability review will be developed.

DATES AND ADDRESSES: Comments on the draft document should be received no later than June 19, 1985, and should be submitted to: Regional Director, National Park Service, Alaska Regional Office, 2525 Gambell, St., Rm 107, Anchorage, Alaska 99503-3982.

Public reading copies of the draft document will be available for review at the following locations:

Office of Public Affairs, National Park Service, Department of the Interior, 18th and C Streets NW., Washington, D.C. 20240
Alaska Resources Library, Federal Building, 701 C Street, Anchorage, AK 99502
Alaska Regional Office, National Park Service, 2525 Gambell Street, Anchorage, AK 99503-2892
Consortium Library, University of Alaska, 3211 Providence Ave., Anchorage, AK 99507
Loussac Library, 525 W. 6th Avenue, Anchorage, AK 99502
Northwest Areas Office, National Park Service, Eskimo Building, Kotzebue, AK
Noel Wien Library, 1215 Cowles, Fairbanks, AK
CIty Office, Shishmaref, Alaska
City Office, Deering, AK
Bering Land Bridge National Preserve Headquarters, Nome, Alaska 99762
Juneau Memorial Library, 114 W. 4th Juneau, AK
Elmer Rasmuson Library, University of Alaska, Fairbanks, AK
City Office, Wales, Ak
City Office, Buckland, AK.

Public Meetings: Public meetings will be held at the following locations:

NANA Museum, Kotzebue, AK, May 6, 1985, 7:00 p.m.
School, Wales, AK, May 9, 1985, 7:00 p.m.
City Offices, Deering, AK, May 28, 1985, 7:00 p.m.
Noel Wien Library, Fairbanks, AK, May 22, 1985, 6:30 p.m.
Community Hall, Shishmaref, AK, May 8, 1985, 7:00 p.m.
Buckland, AK, May 28, 1985, 1:00 p.m.
City Council Chambers, Nome, AK, May 29, 1985, 7:00 p.m.
Regional Office, National Park Service, 2525 Gambell St., Rm 110, Anchorage, AK, Thursday, May 23, 1985, 7:00 p.m.

Copies of a summary and a limited number of copies of the full document are available upon request from: Chief of Planning, National Park Service, Alaska Regional Office, 2525 Gambell St., Room 107, Anchorage, Alaska 99503-3892, (907) 271-4366.

For further information contact Larry Beal at the above address and telephone number.

Dated: April 8, 1985.

Roger J. Contor,

Regional Director, Alaska Region.

[FR Doc. 85-9743 Filed 4-18-85; 8:45 am]

BILLING CODE 4310-70-M

Bureau of Land Management

[F-14929-A]

Alaska Native Claims Selection; Askinuk Corp.

In accordance with Departmental regulation 43 CFR 2650.7(d), notice is hereby given that the decision to issue conveyance (DIC) to Askinuk Corporation, notice of which was published in the **Federal Register** (50 FR 6397) on February 15, 1985, is modified by deleting the Airport Lease M-186-YD third-party interest.

A notice of the modified DIC will be published once a week, for four (4) consecutive weeks, in THE TUNDRA DRUMS. Copies of the modified DIC may be obtained by contacting the Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513. ((907) 271-5960.)

Any party claiming a property interest which is adversely affected by the decision shall have until May 20, 1985 to file an appeal on the issue in the modified DIC. However, parties receiving service by certified mail shall have 30 days from the date of receipt to file an appeal. Appeals must be filed in the Bureau of Land Management, Division of Conveyance Management (960), address identified above, where the requirements for filing an appeal may be obtained. Parties who do not file an appeal in accordance with the requirements in 43 CFR Part 4, Subpart E (1983) (as amended, 49 FR 6371, February 21, 1984) shall be deemed to have waived their rights.

Except as modified, the decision, notice of which was given February 15, 1985, is final.

Ruth Stockie,

Section Chief, Branch of ANCSA Adjudication.

[FR Doc. 85-9499 Filed 4-18-85; 8:45 am]

BILLING CODE 4310-JA-M

[AA-6680-B]

Alaska Native Claims Selection; Paug-Vik Inc., Ltd.

In accordance with Departmental regulation 43 CFR 2650.7(d), notice is hereby given that a decision to issue conveyance under the provisions of sec. 14(a) of the Alaska Native Claims Settlement Act of December 18, 1971 (ANCSA), 43 U.S.C. 1601, 1611, will be issued to Paug-Vik Incorporated, Limited for 48.42 acres. The lands involved are in the vicinity of Naknek.

Seward Meridian, Alaska (Partially Surveyed)

T. 17 S., R. 45 W.

A notice of the decision will be published once a week for four (4) consecutive weeks, in THE ANCHORAGE TIMES. Copies of the decision may be obtained by contacting the Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513. [(907) 271-5960].

Any party claiming a property interest which is adversely affected by the decision shall have until May 20, 1985 to file an appeal. However, parties receiving service by certified mail shall have 30 days from the date of receipt to file an appeal. Appeals must be filed in the Bureau of Land Management, Division of Conveyance Management (960), address identified above, where the requirements for filing an appeal can be obtained. Parties who do not file an appeal in accordance with the requirements of 43 CFR Part 4, Subpart E (1983) (as amended, 49 FR 6371, February 21, 1984) shall be deemed to have waived their rights.

Barbara A. Lange,

Section Chief, Branch of ANCSA Adjudication.

[FR Doc. 85-9498 Filed 4-18-85; 8:45 am]

BILLING CODE 4310-JA-M

Bureau of Land Management

Bureau of Indian Affairs

Draft Environmental Impact Statement for the Jackpile-Paguate Uranium Mine Reclamation Project; Extension of Public Comment Period and Cancellation of Public Hearings

AGENCIES: Bureau of Land Management and Bureau of Indian Affairs, Interior.

ACTION: Amendment to notice published March 18, 1985 (50 FR 10864); extension of public comment period and cancellation of public hearings.

SUMMARY: The Bureau of Land Management and the Bureau of Indian Affairs have extended the comment period on the Draft Environmental Impact Statement (DEIS) for the Jackpile-Paguate Mine Reclamation Project to October 4, 1985. The purpose of the 120-day extension is to give more time for the public, the Pueblo of Laguna, and Anaconda Minerals Company to study the reclamation proposals contained in the DEIS. The public hearings scheduled for April 23 in Albuquerque and April 24 in Laguna have been cancelled. Public hearings and/or meetings will be rescheduled for late summer. Announcement of the new dates and locations will be made later.

DATE: Written comments on the DEIS will be accepted up to and including October 4, 1985. Oral and written comments will also be received at the public hearings and/or meetings to be rescheduled at a later date.

ADDRESS: Written comments should be addressed to: Mike Pool, EIS Team Leader, Bureau of Land Management, Rio Puerco Resource Area, 3550 Pan American Freeway NE., P.O. Box 6770, Albuquerque, NM 87197-6770.

FOR FURTHER INFORMATION CONTACT: Mike Pool, Rio Puerco Resource Area, (505) 766-3114.

Dated: April 15, 1985.

L. Paul Applegate,

District Manager, Bureau of Land Management.

[FR Doc. 85-9577 Filed 4-18-85; 8:45 am]

BILLING CODE 4310-FB-M

Fish and Wildlife Service

Receipt of Applications for Permit

The following applicants have applied for permits to conduct certain activities with endangered species. This notice is provided pursuant to section 10(c) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531, *et seq.*):

APP No. 692369

Applicant: William E. Hodson, Montebello, CA

The applicant requests a permit to import a sport-hunted male bontebok (*Damaliscus d. dorcas*) trophy culled from the herd of John Pohl, Shenfield, South Africa, for enhancement of propagation.

APP No. 692412

Applicant: A.T. McQueen, Livington, TX

The applicant requests a permit to import a sport-hunted male bontebok (*Damaliscus d. dorcas*) trophy culled from the captive herd of Frank Bowker, Thorn Kloof, Grahamstown, South Africa, for enhancement of propagation.

APP No. 692403

Applicant: Florida Game and Freshwater Fish Commission, Tallahassee, FL

The applicant requests a permit to take 2 female Florida panthers (*Felis concolor coryi*) from the wild (Collier Co., FL) for purposes of enhancement of of propagation through use in a captive-breeding program at the White Oak Plantation, Yulee, FL.

APP No. 692538

Applicant: USFWS/National Museum of Natural History, Washington, DC

The applicant requests a permit to reexport the preserved remains of 4 Mexican wolves (*Canis lupus baileyi*) to La Coleccion Maztozoologica de la Universidad, Mexico City, Mexico, for scientific research purposes.

APP No. 692693

Applicant: Thomas A. Gavin, Cornell University, Ithaca, NY

The applicant requests a permit to obtain small amounts of muscle tissue and/or blood for genetic analysis from captured or dead Colombian white-tailed deer (*Odocioleus virginianus leucurus*) for scientific purposes.

Documents and other information submitted with these applications are available to the public during normal business hours (7:45 am to 4:15 pm) Room 611, 1000 North Glebe Road, Arlington, Virginia 22201, or by writing to the Director, U.S. Fish and Wildlife Service of the above address.

Interested persons may comment on any of these applications within 30 days

of the date of this publication by submitting written views, arguments, or data to the Director at the above address. Please refer to the appropriate PRT number when submitting comments.

Dated: April 11, 1985.

Larry LaRochelle,

Acting Chief, Branch of Permits, Federal Wildlife Permit Office.

[FR Doc. 85-9530 Filed 4-18-85; 8:45 am]

BILLING CODE 4310-55-M

Minerals Management Service

Development Operations Coordination Document; Conoco Inc.

AGENCY: Minerals Management Service Interior.

ACTION: Notice of the receipt of a Proposed Development Operations Coordination Document (DOCD).

SUMMARY: Notice is hereby given that Conoco Inc. has submitted a DOCD describing the activities it proposes to conduct on Lease OCS-G 2127, Block 33, East Cameron Area, offshore Louisiana. Proposed plans for the above area provide for the development and production of hydrocarbons with support activities to be conducted from onshore bases located at Cameron and Morgan City, Louisiana.

DATE: The subject DOCD was deemed submitted on April 10, 1985. Comments must be received within 15 days of the date of this Notice or 15 days after the Coastal Management Section receives a copy of the DOCD from the Minerals Management Service.

ADDRESSES: A copy of the subject DOCD is available for public review at the Office of the Regional Director, Gulf of Mexico OCS Region, Minerals Management Service, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana (Office Hours: 9 a.m. to 3:30 p.m., Monday through Friday). A copy of the DOCD and the accompanying Consistency Certification are also available for public review at the Coast Management Section Office located on the 10th floor of the State Lands and Natural Resources Building, 625 North 4th Street, Baton Rouge, Louisiana (Office Hours: 8 a.m. to 4:30 p.m., Monday through Friday). The public may submit comments to the Coastal Management Section, *Attention OCS Plans*, Post Office Box 44396, Baton Rough, Louisiana 70805.

FOR FURTHER INFORMATION CONTACT: Ms. Angie D. Gobert; Minerals Management Service; Gulf of Mexico OCS Region; Rules and Production; Plans, Platform and Pipeline Section; Exploration/Development Plans Unit; Phone (504) 838-0876.

SUPPLEMENTARY INFORMATION: The purpose of this Notice is to inform the public, pursuant to section 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the DOCD and that it is available for public review. Additionally, this Notice is to inform the public, pursuant to Section 930.61 of Title 15 of the CFR, that the Coastal Management Section/Louisiana Department of Natural Resources is reviewing the DOCD for consistency with the Louisiana Coastal Resources Program.

Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in DOCDs available to affected states, executives of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in revised § 250.34 of Title 30 of the CFR.

Dated: April 10, 1985

John L. Rankin,

Regional Director, Gulf of Mexico OCS Region.

[FR Doc. 85-9457 Filed 4-18-85; 8:45 am]

BILLING CODE 4310-MR-M

Development Operations Coordination Document; Union Oil Co.

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the Receipt of a Proposed Development Operations Coordination Document (DOCD).

SUMMARY: Notice is hereby given that Union Oil Company of California has submitted a DOCD describing the activities it proposes to conduct on Lease OCS 0206, Block 39, Vermilion Area, offshore Louisiana. Proposed plans for the above area provide for the development and production of hydrocarbons with support activities to be conducted from an onshore base located at Intracoastal City, Louisiana.

DATE: The subject DOCD was deemed submitted on April 10, 1985.

ADDRESSES: A copy of the subject DOCD is available for public review at the Office of the Regional Director, Gulf of Mexico OCS Region, Minerals Management Service, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana (Office Hours: 9 a.m. to 3:30 p.m., Monday through Friday).

FOR FURTHER INFORMATION CONTACT: Michael J. Tolbert; Minerals Management Service; Gulf of Mexico OCS Region; Rules and Production; Plans, Platform and Pipeline Section; Exploration/Development Plans Unit; Phone (504) 838-0875.

SUPPLEMENTARY INFORMATION: The purpose of this Notice is to inform the public, pursuant to Sec. 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the DOCD and that it is available for public review.

Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in DOCDs available to affected states, executives of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in revised § 250.34 of Title 30 of the CFR.

Dated: April 10, 1985.

John L. Rankin,

Regional Director, Gulf of Mexico OCS Region

[FR Doc. 85-9458 Filed 4-18-85; 8:45 am]

BILLING CODE 4310-MR-M

Alaska Offshore; Reschedule of Dates of Public Hearings for Proposed Oil and Gas Lease Sale 100 in the Norton Basin Area

On March 19, 1985, a notice appeared in the **Federl Register** (Vol. 50, No. 53, Page 11016) announcing the availability of the draft environmental impact statement and the location and dates of public hearings for proposed oil and gas lease Sale 100 in the Norton Basin area.

The Alaska Legal Services Corporation, on behalf of the residents of St. Lawrence Island, has requested that the hearing scheduled for April 24, 1985, in Savoonga, Alaska, and April 25, 1985, in Gambell, Alaska, be rescheduled to a later date. The reason for a delay is that the majority of the residents of St. Lawrense Island will be engaged in subsistence activities in April and will not be available to attend the hearings.

In order to be responsive to the needs of the residents of St. Lawrence Island, the hearings in Savoogna and Gambell have been rescheduled for the following dates:

May 7, 1985:

City Hall, Savoogna, Alaska (7:00 p.m.)

May 8, 1985:

Municipal Building, Gambell, Alaska (7:00 p.m.)

The dates and times of the hearings scheduled in Emmonak, Nome, and Anchorage are not changed.

Interested individuals, representatives of organizations, and public officials wishing to testify at the hearings in Savoogna or Gambell are asked to contact the Alaska Regional Office, 949 E. 36th Avenue, Anchorage, Alaska 99510, by telephone, (907) 261–4080, by Friday, May 3, 1985. An oral statement may be supplemented by a more completed written statement which may be submitted to a hearing official at the time of oral presentation or by mail until May 14, 1985.

Dated: April 16, 1985.

William D. Bettenberg,

Director, Minerals Management Service.

[FR Doc. 85–9509 Filed 4–18–85; 8:45 am]

BILLING CODE 4310-MR-M

Outer Continental Shelf Oil and Gas Leasing Program; Mid-1986 through Mid-1991; Correction

The following correction is made to **Federal Register** Vol. 50, No. 56, dated Friday, March 22, 1985.

Item 8 under Tabel 1—Description of Planning Areas on page 11592 is amended to read:

8. Southern California: West along a line extending from the territorial sea at approximately 35°47′ N. latitude to approximately 124° W. longitude thence south to approximately 34°58′ N. latitude thence east to approximately 122° W. longitude thence south to approximately 32°55′ N. latitude thence east to approximately 120°40′ W. longitude thence south to approximately 32°40′ N. latitude thence east to approximately 120°20′ W. longitude thence south to approximately 32°10′ N. latitude thence east to 120° W. longitude thence south to the U.S.-Mexico Provisional Maritime Boundary thence along the U.S.-Mexico Provisional Maritime Boundary to the territorial sea thence along the territorial sea to the point of origin.

Dated: April 15, 1985.

Wm. D. Bettenberg,

Director, Minerals Management Service.

[FR Doc. 85–9508 Filed 4–18–85; 8:45 am]

BILLING CODE 4310-MR-M

National Park Service

Cape Krusenstern National Monument; Availability of Draft General Management Plan

AGENCY: National Park Service, Alaska Regional Office, Interior.

ACTION: Notice of availability of a Draft General Management Plan/Environmental Assessment, Land Protection Plan, and Wilderness Suitability Review.

SUMMARY: This notice announces the availability of the draft general management plan/environmental assessment, land protection plan, and wilderness suitability review for Cape Krusenstern National Monument. The document will be available for public review and comment for 60 days, and public meetings will be held in Anchorage, Fairbanks, and local communities (dates, locations and times to be announced locally).

This document proposes management actions addressing issues and concerns facing Cape Krusenstern National Monument for the next 10 years. There are three major elements within this document. The first element is the draft general management plan, which includes proposals for managing cultural and natural resources, subsistence and visitor uses, and for determining the National Park Service's staff, equipment and facility requirements. The second element is the land protection plan which explains options and recommendations, priorities and methods for protection of federal lands within the monument from activities that might take place on private lands, within or adjacent to the monument that could cause harm or threaten the monument's resources. The third element is the wilderness suitability review which evaluates the suitability of nonwilderness lands within the monument for inclusion in the National Wilderness System.

Following consideration of public comments, a final general management plan, land protection plan, and wilderness suitability review will be developed.

DATES AND ADDRESSES: Comments on the draft document should be received no later than June 19, 1985, and should be submitted to: Regional Director, National Park Service, Alaska Regional Office, 2525 Gambell Street Room 107, Anchorage, Alaska 99503–2892.

Public reading copies of the draft document will be available for review at the following locations:

Office of Public affairs, National Park Service, Department of the Interior, 18th and C Street NW., Washington, D.C. 20240
Alaska Resources Library, Federal Building, 701 C Street, Anchorage, Alaska 99513
Loussac Library, 524 W. 6th Avenue, Anchorage, Alaska 99502
Noel Wien Library, 1215 Cowles, Fairbanks, Alaska 99707
Juneau Memorial Library, 114 W. 4th, Juneau, Alaska 99801
City Office, Buckland, Alaska 99727
City Office, Kivalina, Alaska 99750
City Office, Kotzebue, Alaska 99752
City Office, Selawik, Alaska 99770
City Office, Noatak, Alaska 99761
City Office, Kiana, Alaska
Alaska Regional Office, National Park Service, 2525 Gambell Street, Room 101, Anchorage, Alaska 99503–2892
Consortium Library, University of Alaska, 3211 Providence Ave., Anchorage, Alaska 99507
National Park Service, Northwest Area Office, Eskimo Building, Kotzebue, Alaska 99752
Elmer Rasmuson Library, University of Alaska, Fairbanks, Alaska 99707
City Office, Ambler, Alaska 99786
City Office, Deering, Alaska 99736
City Office, Kobuk, Alaska 99751
City Office, Noorvik, Alaska 99763
City Office, Shungnak, Alaska 99773
City Office, Nome, Alaska 99762
National Park Service, Bering Land Bridge National Monument Office, Federal Building (Post Office), Nome, Alaska 99762
Sanford P. Rabinowitch, Cape Krusenstern Team Captain, National Park Service, Alaska Regional Office, 2525 Gambell St., Room 107, Anchorage, Alaska 99503–2892.

Dated: April 8, 1985.

Roger J. Contor,

Regional Director, Alaska Region.

[FR Doc. 85–9536 Filed 4–18–85; 8:45 am]

BILLING CODE 4310-70-M

Kobuk Valley National Park; Availability of Draft General Management Plan

AGENCY: National Park Service, Alaska Regional Office, Interior.

ACTION: Notice of availability of a Draft General Management Plan/Environmental Assessment, Land Protection Plan, and Wilderness Suitability Review.

SUMMARY: This notice announces the availability of the draft general management plan/environmental assessment, land protection plan, and wilderness suitability review of Kabuk Valley National Park. The document will be available for public review and comment for 60 days, and public meetings will be held in Anchorage, Fairbanks, and local communities (dates, locations and times to be announced locally).

This document proposes management actions for Kobuk Valley National Park for approximately the next 10 years. There are three major elements within this document. The first element is the draft general management plan, which includes proposals for managing cultural and natural resources, subsistence and visitor uses, and for determining the National Park Service's staff and facility requirements. The second element is the land protection plan which explains options and recommendations, priorities and methods for protection of federal lands within the park from activities that might take place on private lands, within or adjacent to the monument that could cause harm or threaten the park's resources. The third element is the wilderness suitability review which evaluates the suitability of non-wilderness lands within the park for inclusion in the National Wildeness Preservation System.

Following consideration of public comments, a final general management plan, land protection plan, wilderness suitability review will be developed.

DATES AND ADDRESSES: Comments on the draft document should be received no later than June 19, 1985, and should be submitted to: Regional Director, National Park Service, Alaska Regional Office, 2525 Gambell Street, Room 107, Anchorage, Alaska 99503–2892.

Public reading copies of the draft document will be available for review at the following locations:

Office of Public Affairs, National Park Service, Department of the Interior, 18th and C Streets NW., Washington, D.C. 20240.
Alaska Resources Library, Federal Building, 701 C Street, Anchorage, Alaska 99513.
Loussac Library, 524 W. 6th Avenue, Anchorage, Alaska 99502
Noel Wien Library, 1215 Cowles, Fairbanks, Alaska 99707
Juneau Memorial Library, 114 W. 4th, Juneau, Alaska 99801
City Office, Buckland, Alaska 99727
City Office, Kivalina, Alaska 99750
City Office, Kotzebue, Alaska 99752
City Office, Selawik, Alaska 99770
Alaska Regional Office, National Park Service, 2525 Gambell Street, Room 101, Anchorage, Alaska 99503–2892
Consortium Library, University of Alaska, 3211 Providence Avenue, Anchorage, Alaska 99507
National Park Service, Northwest Area Office, Eskimo Building, Kotzebue, Alaska 99752
Elmer Rasmuson Library, University of Alaska, Fairbanks, Alaska 99707
City Office, Ambler, Alaska 99786
City Office, Deering, Alaska 99736
City Office, Kobuk, Alaska 99751
City Office, Noorvik, Alaska 99763
City Office, Shungnak, Alaska 99773
Charles Gilbert, Kobuk Valley Team, Captain, National Park Service, Alaska Regional Office, 2525 Gambell Street, Room 107, Anchorage, Alaska 99503–2892, (907) 271–4366.

Dated: April 8, 1985.

Roger J. Centor,

Regional Director, Alaska Region.

[FR Doc. 85–9535 Filed 4–18–85; 8:45 am]

BILLING CODE 4310-70-M

Noatak National Preserve; Availability of Draft General Management Plan

AGENCY: National Park Service, Alaska Regional Office, Interior.

ACTION: Notice of availability of a Draft General Management Plan/ Environmental Assessment, Land Protection Plan, and Wilderness Suitability Review.

SUMMARY: This notice announces the availability of the draft general management plan/environmental assessment, land protection plan, and wilderness suitability review for Noatak National Preserve. The document will be available for public review and comment for 60 days, and public meetings will be held in Anchorage, Fairbanks, and local communities (dates, locations and times to be announced locally).

This document proposes management actions addressing issues and problems facing Noatak National Preserve for the next 10 years. There are three major elements within this document. The first element is the draft general management plan, which includes proposals for managing natural and cultural resources, subsistence and visitor uses, and for determining the National Park Service's staff and facility requirements. The draft general management plan also includes one alternative and environmental consequences of the proposal and alternative. The second element is the land protection plan which explains options and recommendations, priorities, and methods for protection of federal lands within the preserve from activities that might take place on private lands, within or adjacent to the preserve that could cause harm or threaten the preserve's resources. The third element is the wilderness suitability review which evaluates the suitability of non-wilderness lands within the preserve for inclusion in the National Wilderness System.

Following consideration of public comments, a final general management plan, land protection plan, and wilderness suitability review will be developed.

DATES AND ADDRESSES: Comments on the draft document should be received no later than June 19, 1985, and should be submitted to: Regional Director, National Park Service, Alaska Regional Office, 2525 Gambell Street Room 107, Anchorage, Alaska 99503–2892.

Public reading copies of the draft document will be available for review at the following locations:

Office of Public Affairs, National Park Service, Department of the Interior, 18th and C Streets NW., Washington, D.C. 20240.
National Park Service, Northwest Area Office, Eskimo Building, Kotzebue, Alaska 99752
Gates of the Arctic NP/P, 201 First Street, Fairbanks, Alaska 99701
Loussac Library, 524 W. 6th Avenue, Anchorage, Alaska 99502
Fairbanks Library, 1215 Cowles, Fairbanks, Alaska 99701
Juneau Memorial Library, 114 W. 4th, Juneau, Alaska 99801
City Office, Buckland, Alaska 99727
City Office, Kivalina, Alaska 99750
City Office, Kotzebue, Alaska 99752
City Office, Selawik, Alaska 99770
City Office, Noatak, Alaska 99761
Alaska Regional Office, National Park Service, 2525 Gambell Street, Room 101, Anchorage, Alaska 99503–2892
Consortium Library, University of Alaska, 3211 Providence Avenue, Anchorage, Alaska 99507
Gates of the Arctic NP/P, Bettles Ranger Station, Bettles, Alaska 99726
Alaska Resources Library, Federal Building, 701 C Street, Anchorage, Alaska 99513
Elmer Rasmuson Library, University of Alaska, Fairbanks, Alaska 99701
National Park Service, Federal Building, Nome, Alaska 99762
City Office, Deering, Alaska 99736
City Office, Kobuk, Alaska 99751
City Office, Noorvik, Alaska 99763
City Office, Shungnak, Alaska 99773
City Office, Kiana, Alaska 99749
City Office, Barrow, Alaska 99723
City Office, Ambler, Alaska 99786.

A limited number of copies of the full document are available upon request from: Linda Nebel, Chief of Planning, National Park Service, Alaska Regional Office, 2525 Gambell Street, Room 204, Anchorage, Alaska 99503–2892, (907) 271–4366.

Dated: April 8, 1985.

Roger J. Contor,

Regional Director, Alaska Region.

[FR Doc. 85-9523 Filed 4-18-85; 8:45 am]

BILLING CODE 4310-70-M

Office of Surface Mining Reclamation and Enforcement

[Federal Coal Lease No. M-46292]

Availability of the Draft Environmental Impact Statement on and Intent To Hold a Public Hearing for the Proposed CX Ranch Mine, Bighorn County, MT.

AGENCY: Office of Surface Mining Reclamation and Enforcement, Interior.

ACTION: Notice of availability of a draft environmental impact statement and the intent to hold a public hearing (OSM-EIS-20).

SUMMARY: The Office of Surface Mining Reclamation and Enforcement (OSM) and the Montana Department of State Lands (DSL) are making available a jointly prepared draft environmental impact statement (EIS) on the proposed CX Ranch mine. The EIS has been prepared to assist the Department of the Interior and Montana DSL in making a decision on the Consolidation Coal Company (Consol) application to surface mine coal approximately 2 miles northwest of Decker, Montana. OSM and Montana DSL are requesting that any interested party submit written comments on the draft EIS to assist with the preparation of the final EIS. OSM and Montana DSL will hold a public hearing in the vicinity of the mine to receive oral comments.

DATES: .

Comment period: Written comments on the draft EIS must be received by 4 p.m., MDT, June 11, 1985, at the location listed below, under **ADDRESSES**.

Public hearing: One public hearing on the EIS will be held at 7 p.m., May 22, 1985, at the Sheridan Junior College, Room 124, Whitney Building, Sheridan, Wyoming.

Additional hearings: Expressions of interest in additional hearings should be submitted by the public at the location listed below, under **ADDRESSES**, not later than May 3, 1985.

ADDRESSES: Written comments and/or expressions of interest for additional public hearings: Hand deliver or mail to the attention of Kit Walther, Environmental Analysis Bureau, Montana DSL, Capitol Station, Helena, Montana 59620.

Availability of copies: Copies of the draft EIS may be obtained from Allen D. Klein, Administrator, Attn: Charles Albrecht, OSM, Western Technical Center, Second Floor, Brooks Towers, 1020 Fifteenth Street, Denver, Colorado 80202, or from Kit Walther, Environmental Analysis Bureau, Montana DSL, Capitol Station, Helena, Montana 59620.

FOR FURTHER INFORMATION CONTACT: Charles Albrecht, Chief, Environmental Analysis Branch (telephone: 303-844-5656) at the Denver, Colorado, location given under **ADDRESSES**.

SUPPLEMENTARY INFORMATION: Consol's proposed CX Ranch mine would be a new surface mine located in Big Horn County, Montana, 2 miles west of Decker, Montana, and 22 miles north of Sheridan, Wyoming. The mine would lie along the lower reaches of Squirrel Creek, just north of the Tongue River.

Consol is currently seeking approval to mine 46.9 million tons of coal over a 12 year period at an average rate of approximately 8 million tons per year. It would disturb 974 acres of the 1,905-acre application area, which includes all or part of secs. 14, 15, 23, 25, and 26 of T.9 S., R.39 E., Montana principal meridian, and secs. 29, 30, and 31 of T.9 S., R.40 E., Montana principal meridian.

Should Consol acquire additional coal leases adjacent to the current application area, it would extend the life of the mine by 21 years, eventually increase production to approximately 16 million tons per year, disturb 2,200 acres more for mining, and expand the mine area by 3,720 acres. A total of 322 million tons of coal would be excavated from this 33-year, extended life-of-mine area; 3,174 acres of a total 5,694-acre mine area would be disturbed in the process.

The draft EIS analyzes the 12-yer operation proposed for the application area, the 33-year operation proposed for the life-of-mine area, and a cumulative scenario of the full development of all mines formally proposed in Montana. This scenario, analyzed to show the impacts of the maximum projected growth, assumes that development in the Decker area of Montana would include three new mines: CX Ranch, Youngs Creek/Tanner Creek (about 5 miles east of the CX Ranch mine), and Wolf Mountain (1 mile north of the CX Ranch mine). Five alternatives that treat the available range of decision are evaluated in the EIS. These include: approve the application as proposed, reject the application, selectively reject approval of the application, approve the application with special conditions, and no action. OSM and Montana DSL have identified "approve the application with special conditions" as their preferred alternative.

Dated: April 11, 1985.

Jerry R. Ennis,

Acting Assistant Director, Technical Services and Research.

[FR Doc. 85-9474 Filed 4-18-85; 8:45 am]

BILLING CODE 4310-05-M

INTERSTATE COMMERCE COMMISSION

Intent To Engage in Compensated Intercorporate Hauling Operations

This is to provide notice as required by 49 U.S.C. 10524(b)(1) that named corporations intend to provide or to use compensated intercorporate hauling operations as authorized in 49 U.S.C. 10524(b).

1. Parent corporation and address of principal office: Aluminum Company of America, 1501 Alcoa Building, Pittsburgh, PA 15219.

2. Wholly-owned subsidiaries which will participate in the operations, and states of incorporation:

Alcoa Inter-America, Inc.—Delaware
Alcoa Recycling Company—Delaware
Alcoa Steamship Company, Inc.—New York
American Powdered Metals Company—Delaware
Buckeye Molding Company—Delaware
CNG Cylinder Corporation—California
H.C. Products Company—Delaware
Jonathan's Landing, Inc.—Delaware
Northwest Alloys, Inc.—Delaware
Penn Way Trucking Company—Delaware
Pep Industries, Inc.—Tennessee
REA Magnet Wire Company, Inc.—Delaware
The Stolle Corporation—Ohio
Tifton Aluminum Company, Inc.—Delaware
Vancouver Extrusion Company, Inc.—Delaware

1. Parent Corporation: Anheuser Busch Companies, Inc., One Busch Place, St. Louis, Missouri 63118.

2. Wholly-Owned Subsidiaries and State of Incorporation:

(1) Anheuser-Busch, Inc.—Missouri
(2) August A. Busch & Company of Massachusetts, Inc.—Massachusetts
(3) August A. Busch & Company of Florida, Inc.—Florida
(4) Busch Properties, Inc.—Delaware
(5) Consolidated Farms, Inc.—Delaware
(6) Metal Container Corporation—Delaware
(7) Kingsmill Realty, Inc.—Virginia
(8) Busch International Sales Corporation—Delaware
(9) St. Louis Refrigerator Car Company—Common Law

Massachusetts Business Trust (Unincorporated)
(10) Manufacturers Railway Company—Missouri
(11) Manfacturers Cartage Company—Missouri
(12) M.R.SA. Redevelopment Corporation—Missouri
(13) M.R.S. Transport Company—Texas
(14) Williamsburg Transport, Inc.—Virginia
(15) Fairfield Transport, Inc.—California
(16) Busch Entertainment Corporation—Delaware
(17) Kingsmill Resorts, Inc.—Delaware
(18) Container Recovery Corporation—Ohio
(19) Metal Label Corporation—Tennessee
(20) Ramtag, Inc.—Texas
(21) Busch Creative Services Corporation—Delaware
(22) Busch Agricultural Resources, Inc.—Delaware
(23) Busch Industrial Products Corporation—Delaware
(24) Anheuser-Busch International, Inc.—Delaware
(25) Golden Eagel Distributing Company—Delaware
(26) Civic Center Corporation—Missouri
(27) Anheuser-Busch Europe—Delaware
(28) Stadium Plaza Redevelopment Corporation—Missouri
(29) Broadway Redevelopment Corporation—Missouri
(30) St. Louis Sports Hall of Fame, Inc.—Missouri
(31) Suffolk-Busch Development Corporation—Massachusetts
(32) Eagle Snacks, Inc.—Delaware
(33) Anheuser-Busch Wines, Inc.—Delaware
(34) Nutri-Turf, Inc.—Delaware
(35) Anheuser-Busch Asia, Inc.—Delaware
(36) A-B Sports, Inc.—Delaware
(37) Anheuser-Busch Metal Corporation—Delaware
(38) SP Parks, Inc.—Delaware
(39) Innoven IV Corporation—Delaware
(40) BACI, Inc.—Delaware
(41) Campbell Taggart—Delaware
(42) Rainbo Baking Company of Albuquerque—Delaware
(43) Colonial Baking Company of Atlanta—Delaware
(44) Colonial Baking Company of Augusta—Delaware
(45) Rainbo Bread Company of Aurora—Delaware
(46) Rainbo Bread Company of Beaumont—Delaware
(47) Colonial Baking Company of Cedar Rapids—Delaware
(47) Colonial Baking Company of Chattanooga—Delaware
(48) Rainbo Baking Company of Cincinnati—Delaware
(49) Colonial Baking Company of Columbus—Delaware
(50) Rainbo Baking Company of Corpus Christi—Delaware
(51) Manor Baking Company of Dallas—Delaware
(52) Rainbo Bread Company—Delaware
(53) Colonial Baking Company of Des Moines—Delaware
(54) Colonial Baking Company of El Dorado—Delaware
(55) Rainbo Baking Company of El Paso—Delaware
(56) Evansville Colonial Baking Company—Delaware
(57) Rainbo Baking Company of Fort Smith—Delaware
(58) Rainbo Bakeries of San Joaquin Valley, Inc.—Delaware
(59) Rainbo Bread Company of Nebraska—Delaware
(60) Colonial Baking Company of Gulfport—Delaware
(61) Rainbo Baking Company of Harlingen—Delaware
(62) Rainbo Baking Company of Houston—Delaware
(63) Colonial Baking Company of Huntsville—Delaware
(64) Betts Baking Company—Delaware
(65) Colonial Baking Company of Indianapolis, Inc.—Delaware
(66) Colonial Baking Company of Jackson—Delaware
(67) Colonial Baking Company of Madison County—Delaware
(68) Rainbo Baking Company of Johnson City—Delaware
(69) Manor Baking Company—Delaware
(70) Rainbo Baking Company of Lexington—Delaware
(71) Colonial Baking Company of Little Rock—Delaware
(72) Rainbo Baking Company of Louisville—Delaware
(73) Rainbo Baking Company of Lubbock—Delaware
(74) Colonial Baking Company of Memphis—Delaware
(75) Colonial Baking Company of Alabama—Delaware
(76) Colonial Baking Company of Muncie, Inc.—Delaware
(77) Colonial Baking Company of Nashville—Delaware
(78) Rainbo Baking Company of Oklahoma City—Delaware
(79) Paducah Colonial Baking Company—Delaware
(80) Rainbo Baking Company of Phoenix—Delaware
(81) Rainbo Bakers, Inc. —Delaware
(82) Rainbo Bread Company of Roanoke—Delaware
(83) Rockford Baking Company of Sacramento Valley—Delaware
(84) Rainbo Bread Company of Saginaw—Delaware
(85) Rainbo Bread Company of St. Joseph—Delaware
(86) Colonial Baking Company of St. Louis—Delaware
(87) Rainbo Baking Company of San Antonio—Delaware
(88) Colonial Baking Company of Springfield—Delaware
(89) Kilpatrick's Bakeries, Inc.—Delaware
(90) Rainbo Baking Company of Tucson—Delaware
(91) Rainbo Baking Company of Tulsa—Delaware
(92) Rainbo Baking Company of Waco—Delaware
(93) Rainbo Baking Company of Wichita—Delaware
(94) El Charrito, Inc.—Delaware
(95) Bel-Art Advertising, Inc.—Texas
(96) C-Trans, Inc.—Texas
(97) Herby's Foods, Inc.—Texas
(98) Merico, Inc.—Texas

1. Parent Corporation and address of principal office: Dart & Kraft, Inc., 2211 Sanders Road, Northbrook, IL 60062.

2. Wholly-owned subsidiaries which will participate in the operations and State (s) of incorporation:

(A) Dart Industries Inc. (Delaware)
(i) Duracell Inc. (Delaware)
(ii) Duracell International Inc. (Delaware)
(iii) Precor Incorporated (Delaware)
(B) Hobart Corporation (Delaware)
(C) Kraft, Inc. (Delaware)
(i) Celestial Seasonings, Inc. (Delaware)
(ii) Celestial Transport Inc. (Colorado)
(iii) Churny Company, Inc. (Delaware)
(iv) Cosmopolitan Ice Cream Company (New York)
(v) Frusen Gladje, Ltd. (New York)
(vi) Lenders Bagel Bakery (division)

(1) Parent Corp.: Gibraltar Steel Corp., 2545 Walden Avenue, Cheektowaga, NY 14225.

and its divisions:

1. Seneca Steel, Buffalo, NY
2. Gibraltar Steel, Buffalo, NY
3. Gibraltar Blades, Buffalo, NY

(2) Subsidiary (wholly-owned) by parent which will participate in operations: GFS Transportation, Inc., 635 South Park Avenue, Buffalo, NY 14210.

State of Incorporation: New York.

1. Parent Corporation—Household International, Inc., 2700 Sanders Road, Prospect Heights, Illinois 60070.

2. Wholly-owned subsidiaries of Household International, Inc. which will participate in the operations, and the addresses of their respective principal offices and state of incorporation:

A. Household Finance Corporation (Delaware), 2700 Sanders Road, Prospect Heights, Illinois 60070

B. Household Merchandising, Inc. (Ohio), 1700 S. Wolf Road, Des Plaines, Illinois 60018
C. Household Merchandising, Inc. (Ohio), Ben Franklin Division, (Ben Franklin Stores), 1700 S. Wolf Road, Des Plaines, Illinois 60018
D. Coast-to-Coast Stores (Central Organization), Incorporated (Delaware), 10801 Red Circle Drive, Minnetonka, Minnesota 55343
E. Coast-to-Coast Stores, Inc. (Delaware), 10801 Red Circle Drive, Minnetonka, Minnesota 55343
F. Total Hardware Inc. (Delaware), 10801 Red Circle Drive, Minnetonka, Minnesota 55343
G. Twenty One—Fifty Olympic, Inc. (Oregon), 10801 Red Circle Drive, Minnetonka, Minnesota 55343
H.T.D.S. Transportation, Inc. (Delaware), 1700 S. Wolf Road, Des Plaines, Illinois 60018
I. T.G. & Y. Stores Co. (Delaware), 3815 North Santa Fe, Oklahoma City, Oklahoma 73125
J. Central Fixture Manufacturing Co. (Oklahoma), 3409 South Broadway, Edmond, Oklahoma 73034
K. Central Sales Promotions, Inc. (Oklahoma), 130 N.E. 50th Street, Oklahoma City, Oklahoma 73125
L. Household Merchandising Overseas, Inc. (Delaware), 1700 S. Wolf Road, Des Plaines, Illinois 60018
M. T.D.S. Brokerage, Inc. (Delaware), 1700 S. Wolf Road, Des Plaines, Illinois 60018
N. Gosselin Stores Co., Inc. (Kansas), 1700 S. Wolf Road, Des Plaines, Illinois 60018
O. Crest Stores Company (North Carolina), 1700 S. Wolf Road, Des Plaines, Illinois 60018
P. Vons Grocery Co. (Delaware), 10150 Lower Azusa Road, El Monte, California 91731
Q. Foods, Incorporated (California), 10150 Lower Azusa Road, El Monte, California 91731
R. Household Manufacturing, Inc. (Delaware), 2700 Sanders Road, Prospect Heights, Illinois 60070
S. Hydrometals, Inc. (Delaware), 2700 Sanders Road, Prospect Heights, Illinois 60070
T. Thorsen Tool Co. (Delaware), 2700 Sanders Road, Prospect Heights, Illinois 60070
U. Cameron Manufacturing Co. (Delaware), 2700 Sanders Road, Prospect Heights, Illinois 60070
V. Peru Mining Co. (Delaware), 2700 Sanders Road, Prospect Heights, Illinois 60070
W. Shannon Mining Co. (Delaware), 2700 Sanders Road, Prospect Heights, Illinois 60070
X. United States Brass Corporation (Delaware), 2700 Sanders Road, Prospect Heights, Illinois 60070
Y. King-Seeley Thermos Co. (Delaware), 2700 Sanders Road, Prospect Heights, Illinois 60070
Z. Albion Industries (Delaware), 2700 Sanders Road, Prospect Heights, Illinois 60070
AA. Almco Division (Delaware), 2700 Sanders Road, Prospect Heights, Illinois 60070
BB. Dry Manufacturing (Delaware), 2700 Sanders Road, Prospect Heights, Illinois 60070
CC. Atrax Research & Development (Delaware), 2700 Sanders Road, Prospect Heights, Illinois 60070
DD. Eljer Plumbingware (Delaware), 2700 Sanders Road, Prospect Heights, Illinois 60070
EE. G.C. Electronics (Delaware), 2700 Sanders Road, Prospect Heights, Illinois 60070
FF. Metallized Products (Delaware), 2700 Sanders Road, Prospect Heights, Illinois 60070
GG. New England Carbide (Delaware), 2700 Sanders Road, Prospect Heights, Illinois 60070
HH. Scotsman (Delaware), 2700 Sanders Road, Prospect Heights, Illinois 60070
II. Selkirk Metalbestos (Delaware), 2700 Sanders Road, Prospect Heights, Illinois 60070
JJ. Schwitzer Industries (Delaware), 2700 Sanders Road, Prospect Heights, Illinois 60070
KK. Simonds Cutting Tools (Delaware), 2700 Sanders Road, Prospect Heights, Illinois 60070
LL. Halsey-Taylor Structo (Delaware), 2700 Sanders Road, Prospect Heights, Illinois 60070
MM. Thermos (Delaware), 2700 Sanders Road, Prospect Heights, Illinois 60070
NN. Illinois Gear (Delaware), 2700 Sanders Road, Prospect Heights, Illinois 60070
OO. Ohio Gear (Delaware), 2700 Sanders Road, Prospect Heights, Illinois 60070
PP. Richmond Gear (Delaware), 2700 Sanders Road, Prospect Heights, Illinois 60070
QQ. National Car Rental Systems, Inc. (Delaware), 7700 France Avenue South, Minneapolis, Minnesota 55435
RR. Lend Lease Transportation Services, Inc. (Delaware), 7700 France Avenue South, Minneapolis, Minnesota 55435
SS. Lend Lease, a division of National Car Rental Systems, Inc. (Delaware), 7700 France Avenue South, Minneapolis, Minnesota 55435
TT. Lend Lease Transportation Co. (Delaware), 7700 France Avenue South, Minneapolis, Minnesota 55435

1. Parent Corporation and address: ICI American Holdings Inc., Concord Pike and New Murphy Road, Wilmington, DE.

2. Wholly-owned subsidiaries which will participate in these operations and States of incorporation:
(i) ICI Americas Inc., a Delaware Corporation
(ii) ICI Specialty Chemicals Inc., a Delaware Corporation
(iii) Fiberite Holdings Inc., a Delaware Corporation
(iv) Fiberite Corporation, a Delaware Corporation
(v) Converters Ink Holdings Inc., a Delaware Corporation
(vi) Converters Ink Co., a Delaware Corporation
(vii) Dri Print Foils holding Inc., a Delaware Corporation
(viii) Dri Print Foils, Inc., a Delaware Corporation
(ix) Imperial Oil & Grease Holdings Inc., a Delaware Corporation
(x) Imperial Oil & Grease Co., a Delaware Corporation
(xi) LNP Holdings Inc., a Delaware Corporation
(xii) LNP Corporation, a Delaware Corporation
(xiii) Polyvinyl/Permathane Holdings inc., a Delaware Corporation
(xiv) Polyvinly/Permathane Co., a Delaware Corporation
(xv) Thoro System Products Holdings Inc., a Delaware Corporation
(xvi) Thoro System Products, Inc., a Delaware Corporation
(xvii) Stahl Chemical Holdings Inc., a Delaware Corporation
(xviii) Stahl Chemical Co., a Delaware Corporation

1. The parent corporation is Hasbro Bradley Incorporated, a Rhode Island corporation with a principal office at 1027 Newport Avenue, Pawtucket, Rhode Island 02862.

2. The wholly-owned subsidaries of Hasbro Bradley Incorporated which will participate in the intercorporate hauling operations are:
(i) Playskool, Inc.—a Delaware corporation with principal offices at 443 Shaker road, East Longmeadow, Massachusetts 01028
(ii) Tommee Tippee Playskool, Inc.—a New Jersey corporation with principal offices at 108 Fairway Court, Northvale, New Jersey 0467
(iii) Aviva Hasbro, Inc.—a California corporation with principal offices 1027 Newport Avenue, Pawtucket, Rhode Island 02862
(iv) Hasbro Industries Canada Limited—a Canadian corporation with principal offices at 2350 Rue de la Province, Longueuil Quebec, Canada J4G 1G2
(v) Milton Bradley Canada, Inc.—a Canadian corporation with principal offices at 7615 Bath Road,

Mississaugua Ontario, Canada L4T 3T1

(vi) Milton Bradley Company—a Massachussetts corporation with principal offices at 443 Shaker Road, East Longmeadow, Massachusetts 01028

1. Parent corporation and address of principal office:

KDI Corporation 5721 Dragon Way Cincinnati, OH 45227

2. Wholly-owned subsidaries which will participate in the corporations, and state(s) of incorporation:

(i) M.J. Daly Company, Inc., Incorporateod in the state of Delaware, 38 Elm Street, Ludlow, KY 41016

(ii) The Herbert Verkamp Calvert Chemcial Company, Incorporated in the state of Delaware, 4600 Dues, Drive, Cincinnati, OH 45246

I. Parent Corporation and Address of Principal Office

Pennzoil company, P.O. Box 2967, Pennzoil Place, 700 Milam, Houston, Texas 77001.

II. Wholly Owned Subsidaries Participating in Operations

Duval Sales Corporation, P.O. Box 2967, Houston, Texas 77001

Duval Corporation, 4715 East Ft. Lowell Road, Tucson, Arizona 85712

Atlas Processing Company, P.O. Box 3099, Shreveport, LA 71103

III. Additional Wholly Owned Subsidiaries participating in Operations

Pennzoil Sulphur Company, P.O. Box 2967, Houston, Texas 77252-2967

Potash Producers Inc., P.O. Box 2967, Houston, Texas, 77252-2967

Gold Producers Inc., P.O. Box 2967, Houston, Texas 77252-2967

Richland Development Corporation, P.O. Box 2967, Houston, Texas 77252-2967

1. Parent corporation and addrress of principal office:

Sara Lee Corporation, Three First National Plaza, Chicago, Illinois 60602.

2. Wholly owned subsidiaries which will participate in the operations, the address of their respective principal offices, and their states of incorporation:

Aris Isotoner Gloves, Inc, 417 Fifth Avenue, New York, New York 10016—Delaware

Bali Company, 3330 Healy Dr., Winston-Salem, North Carolina 27103—Delaware

Betteravia Byproducts Company, 100 Pine Street, Suite 2575, San Francisco, California 94111—Delaware

Booth Fisheries Corporation, Two North Riverside Plaza, Chicago, Illinois 60606—Delaware

Bryan Foods, Inc., 1 Churchill Road, P.O. Box 1177, West Point, Mississippi 39773—Mississippi

Chef Pierre, Inc., 2314 Sybrandt St., P.O. Box 1009, Traverse City, Michigan 49685—Delaware

Electrolux Corporation 3003 Summer Street, Stamford, Conn. 06905—Delaware

Epic Company, Inc., 222 West Adams Street, Chicago, Illinois 60606—Illinois

The Fuller Brush Company, 2800 Rockcreek Parkway, Suite 400, North Kansas City, Missouri 64117—Connecticut

Gibbon Packing Company, P.O. Box 2006, Milwaukee, Wisconsin 53201—Nebraska

Hollywood Brands, Inc., 100 S. Poplar, Centralia, Illinois 62801—Delaware

Idaho Frozen Foods Corp., 856 Russet St., P.O. Box 128, Twin Falls, Idaho 83301—Delaware

Illinois Fruit & Produce Corp., One Quality Lane, Streator, Illinois 61364—Illinois

The Jimmy Dean Meat Company, Inc., 1341 W. Mockingbird Lane, Dallas, Texas 75247—Texas

Jimmy Dean Restaurants, Inc., 1341 W. Mockingbird Lane, Dallas, Texas 75247—Texas

Jimmy Dean Trucking Co., 1341 W. Mockingbird Lane, Dallas, Texas 75247—Texas

Kitchens of Sara Lee, Inc., 500 Waukegan Road, Deerfield, Illinois 60015—Delaware

Kiwi Brands Inc., Route 662 North, Douglassville, Pennsylvania 19518—Delaware

The Lawson Company, 210 Broadway East, Cuyahoga Falls, Ohio 44222—Delaware

L'eggs Brands, Inc., P.O. Box 2495, 8025 North Point Blvd., Winston-Salem, North Carolina 27102—North Carolina

Lily Packing, Inc., P.O. Box 2006, Milwaukee, Wisconsin 53201—Wisconsin

Lyon's Restaurants, Inc., 1165 Triton Drive, Foster City, California 94404—Delaware

Lyon's Restaurants in Oregon, Inc., 1165 Triton Drive, Foster City, California 94404—Oregon

Moo-Battue, Inc., P.O. Box 2006, Milwaukee, Wisconsin 53201—Wisconsin

Peck Meat Packing Corporation, P.O. Box 2006, Milwaukee, Wisconsin 53201—Wisconsin

Popsicle Industries, Inc., P.O. Box 200, Englewood, New Jersey 07631—Delaware

Poultry Specialties, Inc., 517 E. 5th Street, Russelville, Arkansas 72801—Delaware

PYA/Monarch, Inc., 107 Frederick Street, P.O. Box 1328, Greenville, South Carolina 29602—Delaware

PYA/Monarch of Texas, Inc., 107 Frederick Street, P.O. Box 1328, Greenville, South Carolina 29602—Texas

Sav-A-Stop Incorporated, 7960 Baymeadows Way 32216, P.O. Box 19050, Jacksonville, Florida 32245-9050—Delaware

Shasta Beverages, Inc., 26901 Industrial Boulevard, Hayward, California 94545—Delaware

Sirena, Inc., 10333 Vacco Street, P.O. Box 3307, South Elmonte, California—California

Smoky Hollow Foods, 3200 S. Woodrow, P.O. Box 1007, Little Rock, Ark.—Delaware

Standard Meat Company, 3709 East First Street, Fort Worth, Texas 76111—Texas

Twin Rivers Transportation Company, 500 Armory Drive, South Holland, Illinois 60473—Delaware

Union Sugar Company, 100 Pine Street, Suite 2575, San Francisco, California 94111—Delaware

3. Wholly owned divisions which will participate in the operations:

Buring Foods division of Sara Lee Corporation, 1837 Harbor Ave., Memphis TN 38113

Direct Marketing division of Sara Lee Corporation, 2035 University Parkway, Winston-Salem, NC 27106

Gallo Salame division of Sara Lee Corporation, 250 Brannan St., San Francisco, CA 94107

Gordon County Farm Company division of Sara Lee Corporation, P.O. Box 1267, Calhoun, GA 30701

Hanes Hosiery division of Sara Lee Corporation, P.O. Box 1413, Winston Salem, NC 27105

Hanes Knitwear division of Sara Lee Corporation, 1100 South Stratford Road, Winston-Salem, NC 27103

Hanes Printables division of Sara Lee Corporation, 2000 West First St., Winston-Salem, NC 27103

Hi-Brand Foods division of Sara Lee Corporation, P.O. Box 2048, Peachtree City, GA 30269

Hillshire Farm Company division of Sara Lee Corporation, P.O. Box 227, Rte. No 4, New London, WI 54961

Kahn's and Company division of Sara Lee Corporation, 3241 Spring Grove Ave., Cincinnati Ohio 45225

Lauderdale Farm Company, division of Sara Lee Corporation, 700 S. Wood Avenue, Florence, Ala. 35630

R.B. Rice Company, division of Sara Lee Corporation, 1951 Rice Road, Lee's Summit, MO 64063

Rudy's Farm Company, division of Sara Lee Corporation, 2424 Music Valley Drive, Nashville, TN 37214
Sav-A-Stop/Hanes DSD, division of Sara Lee Corporation, 7960 Baymeadows Way, Jacksonville, Fla 32245
Superior Coffee Company, division of Sara Lee Corporation, 990 Supreme Drive, Bensenville, IL 60106

1. Parent corporation and address of principal office: Tenneco Inc., a Delaware corporation, 1010 Milam Street, (P.O. Box 2511), Houston, TX 77001.

2. Divisions of the parent corporation which will participate in the operations, and the address of their respective principal offices:

Tennessee Gas Pipeline Company, 1010 Milam Street, (P.O. Box 2511), Houston, TX 77001
Tenneco Automotive, P.O. Box 615, Bannockburn, IL 60015
Walker Manufacturing Co., 1201 Michigan Boulevard, Racine, WI 53402

3. Wholly-owned subsidiaries which will participate in the operations, and address of their respective principal offices:

(a) Tenneco Oil Company (Exploration and Production Unit), a Delaware corporation, 1010 Milam Street (P.O. Box 2511), Houston, TX 77001
(b) Tenneco Oil Company (Production and Marketing Unit), a Delaware corporation, 1010 Milam Street (P.O Box 2511), Houston, TX 77001
(c) Operators, Inc., a Delaware corporation, 16630 Imperial Valley Drive, Suite 147, Houston, TX 77060
(d) Blue Flame Gas Corporation, a Delaware corporation, Gal-Ham Building, Bluffton, IN 45714
(e) Direct Oil Corporation, a Delaware corporation, Highway 31 (P.O. Box 1243), Nashville, TN 37202
(f) Marlin Drilling Co., Inc., a Delaware corporation, Park Tower South, 133 West Loop South, Suite 780, Houston, TX 77027
(g) Mitchell Supreme Fuel Company, a Delaware corporation, 532 Freeman Street, Orange, NJ 07050
(h) TLC Oil Company, a Delaware corporation, 92 Walnut Street (P.O. Box 1867), Hartford, CT 06101
(i) Tennessee Gas Transmission Company, a Delaware corporation, 1010 Milam Street (P.O. Box 2511), Houston, TX 77001
(j) East Tennessee Natural Gas Company, a Tennessee corporation, Kingston Pike (P.O. Box 10245), Knoxville, TN 37919
(k) Midwestern Gas Transmission Company, a Delaware corporation, 1100 Milam Building (P.O. Box 2511), Houston, TX 77001
(l) Tenngasco Corporation, a Delaware corporation, 1010 Milam Street (P.O Box 2511), Houston, TX 77001
(m) J.I. Case Company, a Delaware corporation, 700 State Street, Racine, WI 53404
(n) J. I. Case Canada, a division of Tenneco Canada Inc., an Ontario corporation, 17 Vickers Road, Islington, Ontario M9B 1C2 Canada
(o) Case Tractors, a division of Case Poclain Corp. Ltd., Inc., a Delaware corporation, 17 Vickers Road, Islington, Ontario M9B 1C2 Canada
(p) Pryor Foundry, Inc., an Oklahoma corporation, P.O. Box 549, Pryor, OK 74361
(q) Monroe Auto Equipment Company, a Delaware corporation, One International Drive, Monroe, MI 48161
(r) Speedy Muffler King, Inc., a Delaware corporation, P.O. Box 615, Bannockburn, IL 60015
(s) Walker Manufacturing Company, a Delaware corporation, 1201 Michigan Boulevard, Racine, WI 53402
(t) Packaging Corporation of America, a Delaware corporation, 1603 Orrington Avenue, Evanston, IL 60204
(u) ABCO Cartage Company, a Michigan corporation, P.O. Box 1408, Evanston, IL 60204
(v) Ekco Products, Inc., an Illinois corporation, P.O. Box 1408, Evanston, IL 60204
(w) Tennessee River Pulp & Paper Company, a Delaware corporation, P.O. Box 33, Counce, TN 38326
(x) Newport News Shipbuilding & Dry Dock Company, a Virginia corporation, 4101 Washington Avenue, Newport News, VA 23607
(y) Greenville Metal Manufacturing, Inc., a Virginia corporation, 4101 Washington Avenue, Newport News, VA 23607
(z) Newport News Industrial Corporation, a Virginia corporation, 230 41st Street, Newport News, VA 23607
(aa) Asheville Industries Inc., a North Carolina corporation, P.O. Box 1157, Arden, NC 28704
(bb) Tenneco West, Inc., a Delaware corporation, 10000 Ming Avenue (P.O. Box 9380), Bakersfield, CA 93389
(cc) Cal-Date Company, a California corporation, 10000 Ming Avenue (P.O. Box 9380), Bakersfield, CA 93389
(dd) California Almond Orchards, Inc., a California corporation, 10000 Ming Avenue (P.O. Box 9380), Bakersfield, CA 93389

James H. Bayne,

Secretary.

[FR Doc. 85-9561 Filed 4-18-85; 8:45 am]

BILLING CODE 7035-01-M

[Finance Docket No. 30480 (Sub-2)]

Rail Carriers; Missouri Pacific Railroad Co. & Seaboard System Railroad, Inc.—Trackage Rights Exemption—Over New Orleans Terminal Co.; Notice of Exemption

On March 5, 1985, Missouri Pacific Railroad Company (MoPac), Seaboard System Railroad, Inc. (Seaboard), and New Orleans Terminal Company (NOT) jointly filed a notice of exemption under 49 CFR 1180.4(g) for an extension of a trackage rights agreement under 49 CFR 1180.2(d)(4). The notice of exemption was supplemented by letters received March 8 and April 1, 1985, respectively.

MoPac and Seaboard maintain rail lines in New Orleans that pass through the site of the 1984 World's Fair. To avoid the use of these lines during the Fair and for a short time afterwards, MoPac and Seaboard obtained temporary trackage rights over a nearby line of NOT extending 7.14 miles between Shrewsbury and N.O. Junction, LA. Pursuant to 49 CFR 1180.2(d)(5), a notice of exemption pertaining to this temporary relocation of the lines of MoPac and Seaboard was served on May 29, 1984, in Finance Docket No. 30480. These trackage rights were extended by agreement of the parties through March 12, 1985, and, pursuant to 49 CFR 1180.2(d)(4), a notice of exemption pertaining to the extension was served on December 5, 1984, in Finance Docket No. 30480 (Sub-No. 1).

The parties now have reached an agreement for MoPac and Seaboard to gain permanent trackage rights over the same line of NOT. Although this transaction does not constitute a "renewal" or extension of trackage rights within the meaning of 49 CFR 1180.2(d)(4), it does meet the definition of a joint relocation project under 49 CFR 1180.2(d)(5) since the project will not disrupt service to shippers and the existing lines of MoPac and Seaboard are abandonable. In *D.T.&I.R.—Trackage Rights*, 363 I.C.C. 878 (1981), the Commission determined that line relocations include trackage rights in circumstances such as are involved here.

As a condition to the use of this exemption, any employees affected by the trackage rights agreement shall be protected pursuant to *Norfolk and Western Ry. Co.—Trackage Rights-BN*, 354 I.C.C. 605 (1978), as modified by *Mendocino Coast Ry., Inc.—Lease and Operate*, 360 I.C.C. 653 (1980).

Decided: April 16, 1985.

By the Commission, Heber P. Hardy, Director, Office of Proceedings.

James H. Bayne,

Secretary.

[FR Doc. 85-9562 Filed 4-18-85; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Gilberto Vila-Balzac, M.D.; Denial of Application

On January 22, 1985, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration (DEA) issued to Gilberto Vila-Balzac, M.D. of 8000 E. Girard Avenue, Suite 608, Denver, Colorado 80231 (Respondent), an Order to Show Cause proposing to deny his application for a DEA Certificate of Registration, executed on November 30, 1984, for registration as a practitioner under 21 U.S.C. 823(f). The statutory predicate for the proposed action is that granting such a registration would be inconsistent with the public interest as defined in 21 U.S.C. 823(f) as amended by Pub. L. 98-473. In a correspondence dated February 5, 1985, Respondent specifically waived his opportunity for a hearing and instead, filed a written statement regarding his position on the matters of fact and law involved. 21 CFR 1301.54(c). The Acting Administrator has considered the entire record in this matter, including Respondent's written statement, and hereby issues this final order based upon findings of fact and conclusions of law as hereinafter set forth.

The Acting Adminstrator finds that Respondent previously possessed DEA Certificate of Registration AV8789452 issued to him at a Georgia address. Effective June 21, 1984, the Composite State Board of Medical Examiners of the State of Georgia suspended Dr. Vila-Balzac's license to practice medicine in the State of Georgia for a period of three years to be followed by a period of probation of three years during which the doctor will not be allowed to possess, dispense, distribute, order or prescribe any controlled susbstances. This action was taken after a hearing before a hearing officer for the Board found that Dr. Vila-Balzac excessively dispensed Schedule II controlled substances outside the scope of legitimate medical practice. As a result of this suspension, DEA issued an Order to Show Cause on October 24, 1984, seeking to revoke Respondent's DEA Certificate of Registration at his Georgia address, based upon Respondent's lack of authority to prescribe, administer or dispense controlled substances in the State of Georgia. Respondent waived his right to a hearing in the matter. As a result, the then Administrator of DEA entered a final order revoking DEA Certificate of Registration AV8789452 previously issued to Dr. Vila-Balzac in the State of Georgia. The final order was printed in the **Federal Register** on December 14, 1984. (49 FR 48815).

Respondent now wants to be registered by DEA to possess, dispense, distribute, order and prescribe controlled susbstances in the State of Colorado where he presently possesses a valid medical license. The Acting Administrator finds that the magnitude of Respondent's past illicit prescribing practices in Georgia was so great that to register him anywhere at this time would be a threat to the public health and safety and therefore would not be consistent with the public interest.

The Acting Administrator finds that Respondent practiced medicine at Physicians Consulting Services, P.C., also known as Physical Examinations, P.C. in Atlanta, Georgia. This practice was a stress clinic through which substantial quantities of controlled substances were prescribed. A review of prescription records at three pharmacies in the area around the clinic at which Respondent practiced revealed that during the period January 1982 to November 1982, Dr. Vila-Balzac issued 1,870 prescriptions for methaqualone, then a Schedule II controlled substance but since transferred to Schedule I. The same review revealed 853 prescriptions written by Dr. Vila-Balzac for the Schedule II drug Tuinal for the period January 1982 to June 1983.

At the hearing which resulted in the suspension of Respondent's Georgia medical license, the Hearing Officer for the Composite Board of Medical Examiners for the State of Georgia concluded that there was a pattern and practice to the prescribing of controlled substances outside of the scope of legitimate medical practice. The Board also found in its final decision that "even questionable psychological testing, physical examinations and lab analysis cannot mask the fact that one-half of Dr. Vila-Balzac's patients received prescriptions for methaqualone or Tuinal from January to June, 1983." The Acting Administrator concurs in these findings.

In Respondent's correspondence dated February 5, 1985, in which he waived his right to a hearing in this matter, Dr. Vila-Balzac presented certain issues for the consideration of the Acting Administrator. The Respondent indicated that the action of the Georgia Composite State Board of Medical Examiners suspending his medical license in that state is currently under appeal to the Superior Court of Fulton County, Georgia. The Acting Administrator notes that in spite of the appeal, Respondent has been without a medical license in the State of Georgia since June of 1984, and that since July 5, 1983 he has been without authority to prescribe controlled substances in Georgia. The suspension of Respondent's medical license in the State of Georgia was based entirely upon Respondent's prescribing of controlled substances. Respondent further contends that the Georgia Medical Board disregarded his evidence and based its decision upon only five patients. The Acting Administrator has reviewed the lengthy record which was before the Georgia Board and notes that the Board found a pattern and practice of prescribing "highly abused drugs for willng users" under the guise of treatment of stress. The Respondent indicated in his letter that, "under no circumstances will I prescribe any medication to any patient except if the medication is actually needed by the patient." The Acting Administrator is not assured by Respondent's statement. The Georgia Medical Board concluded that Dr. Vila-Balzac had a practice of prescribing methaqualone and Tuinal to patients for no legitimate medical purpose. The Acting Administrator agrees with the conclusion of the Georgia Board. Respondent apparently does not believe that his activity in Georgia was outside the scope of medical practice and therefore that those patients needed the methaqualone and Tuinal. The Respondent contends that he has a new practice in Colorado with a different type of patient than he treated in the past, and that he needs a DEA number in order to practice. The Acting Administrator notes that if Respondent had a DEA registration his practice might again change to one such as he had in Georgia. The Acting Administrator finds Respondent's arguments to be unpersuasive in light of his past conduct.

Unlike the preceding revocation action against Dr. Vila-Balzac, in the matter now before the Acting Administrator, Respondent *is* licensed to practice medicine and authorized to handle controlled substances by the State of Colorado where he is currently practicing medicine. However, the facts clearly indicate that Dr. Vila-Balzac was willing to ignore his professional responsibility to protect the public health and safety and instead, directed large quantities of controlled substances

into the illicit market. The Administrator of DEA is charged with protecting the public health and safety. Conduct such as that exhibited by Respondent is precisely what Congress sought to address by adding public interest as a ground for the revocation or denial of a DEA Certificate of Registration in Public Law 98–473. The extent of Respondent's prescription-writing practices in Georgia leads the Acting Administrator to conclude that registration of Dr. Vila-Balzac would be contrary to the public interest wherever he may practice medicine.

In consideration of the foregoing, and having a lawful basis for such action, (21 U.S.C. 823(f) as amended by Public Law 98–473), it is the decision of the Acting Administrator that Dr. Vila-Balzac's application for registration should be denied. Accordingly, pursuant to the authority vested in him by 21 U.S.C. 823 and 28 CFR 0.100(b), the Acting Administrator hereby orders that the application for a DEA Certificate of Registration executed on November 30, 1984 by Gilberto Vila-Balzac, M.D., and any other applications executed by Respondent which may exist, be, and are hereby denied.

Dated: April 11, 1985.

John C. Lawn,

Acting Administrator.

[FR Doc. 85–9497 Filed 4–18–85; 8:45 am]

BILLING CODE 4410–09–M

[Docket No. 84–52]

Registration Applications: Thomas W. Moore, Jr., M.D.; Hearing

Notice is herby given that on December 12, 1984, the Drug Enforcement Administration, Department of Justice, issued to Thomas W. Moore, Jr., M.D., an Order To Show Cause as to why the Drug Enforcement Administration should not deny his application executed on June 20, 1984, for registration as a practitioner under 21 U.S.C. 823(f).

Thirty days having elapsed since the said Order To Show Cause was received by Respondent, and written request for a hearing having been filed with the Drug Enforcement Administration, notice is hereby given that a hearing in this matter will be held commencing at 10:00 a.m. Thursday, May 9, 1985, in Courtroom No. 10, Room 309, U.S. Claims Court, 717 Madison Place NW., Washington, D.C.

Dated: April 12, 1985.

John C. Lawn,

Acting Administrator, Drug Enforcement Administration.

[FR Doc. 85–9494 Filed 4–18–85; 8:45 am]

BILLING CODE 4410–09–M

[Docket No. 84–31]

Registration Applications: John W. Fitzhugh, M.D.; Hearing

Notice is hereby given that on July 25, 1984, the Drug Enforcement Administration, Department of Justice, issued to John W. Fitzhugh, M.D., an Order To Show Cause as to why the Drug Enforcement Administration should not revoke his DEA Certificate of Registration, AF2436461, as a practitioner, issued under 21 U.S.C. 823(f).

Thirty days having elapsed since the said Order To Show Cause was received by Respondent, and written request for a hearing having been filed with the Drug Enforcement Administration, notice is hereby given that a hearing in this matter will be held commencing at 10:00 a.m. Tuesday, May 7, 1985, in Courtroom No. Room 309, U.S. Claims Court, 717 Madison Place NW., Washington, D.C.

Dated: April 12, 1985.

John C. Lawn,

Acting Administrator Drug, Enforcement Administration.

[FR Doc. 85–9495 Filed 4–18–85; 8:45 am]

BILLING CODE 4410–09–M

[Docket No. 84–45]

Registration Applications: Harold Lloyd Wright, M.D.; Hearing

Notice is hereby given that on October 1, 1984, the Drug Enforcement Administration, Department of Justice, issued to Harold Lloyd Wright, M.D., an Order To Show Cause as to why the Drug Enforcement Administration should not revoke his DEA Certificate of Registration, AW5441287, and deny his application, executed on March 25, 1984, for registration as a practitioner, under 21 U.S.C. 823(f).

Thirty days having elapsed since the said Order To Show Cause was received by Respondent, and written request for a hearing having been filed with the Drug Enforcement Administration, notice is hereby given that a hearing in this matter will be held commencing at 10:00 a.m. Wednesday, May 8, 1985, in Courtroom No. 10, Room 309, U.S. Claims Court, 717 Madison Place NW., Washington, D.C.

Dated: April 12, 1985.

John C. Lawn,

Acting Administrator, Drug Enforcement Administration.

[FR Doc. 85–9496 Filed 4–18–85; 8:45 am]

BILLING CODE 4410–09–M

DEPARTMENT OF LABOR

Bureau of Labor Statistics

Labor Research Advisory Council Committees; Meetings and Agenda

The regular spring meetings of committees of the Labor Research Advisory Council will be held on May 15, 16, and 17. The meetings will be held in Room N–5437, B&C, of the Frances Perkins Department of Labor Building, 200 Constitution Avenue, N.W., Washington, D.C.

The Labor Research Advisory Council and its committees advise the Bureau of Labor Statistics with respect to technical matters associated with the Bureau's programs. Membership consists of union research directors and staff members.

The schedule and agenda of the meetings are as follows:

Wednesday, May 15

9:30 a.m.—Committee on Productivity, Technology and Economic Growth

1. Discussion of the update of the 1995 projections of economic growth.
2. Extension of multifactor productivity measures to two-digit manufacturing industries.
3. Impact of R and D on productivity.
4. Capacity utilization change and productivity change.
5. Current results of survey of hours worked and hours paid.

11:15 a.m.—Committee on Foreign Labor and Trade

1. Alternative unemployment rates abroad—U1 through U7.
2. International comparisons of employment by sector.
3. New GNP benchmarks for international comparisons.

1:30 p.m.—Committee on Occupational Safety and Health Statistics

1. Recordkeeping guidelines.
2. Work injury reports and the development of standards.
3. National Academy of Sciences, Committee on National Statistics: study of survey quality.
4. Recordkeeping case studies project.

Thursday, May 16

9:30 a.m.—Committee on Wages and Industrial Relations

1. Review of work in progress.
2. Special research from the Professional, Administrative, Technical, and Clerical pay survey.
3. New data on collective bargaining settlements for State and local governments.
4. New data on labor organizations membership.
5. Comparison of union/nonunion earnings data derived from Current Population Survey.
6. Status report on treatment of lump-sum payments

1:30 p.m.—Committee on Prices and Living Conditions

1. Review of Consumer Expenditure Surveys, 1980/81.
2. Status report on International Price Program.
3. Status report on Consumer Price Indexes and Consumer Price Index Revision.
4. Other business.

Friday, May 17

9:30 a.m.—Committee on Employment Structure and Analysis

1. Status reports on:

(a) Local area unemployment statistics methodology review.

(b) Establishment survey modernization program.

2. Discussion of:

(a) Dislocated worker/mass layoff data system.

(b) Census/BLS report on trade and employment.

(c) Report of earnings of workers and their families.

3. Review of:

(a) May 1985 CPS supplement on work schedules.

(b) Statistics on temporary help industry.

The meetings are open. It is suggested that persons planning to attend as observers contact Joseph P. Goldberg, Executive Secretary, Labor Research Advisory Council on (Area Code 202) 523–0001.

Signed at Washington, D.C. this 10th day of April 1985.

Janet L. Norwood,

Commissioner of Labor Statistics.

[FR Doc. 85–9544 Filed 4–18–85; 8:45 am]

BILLING CODE 4510–24–M

Employment and Training Administration

[TA–W–15,214 and 15,215]

Amax Specialty Metals Corp., Newark, NJ, Florham Park, NJ; Amended Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974, the Department of Labor issued a Certification of Eligibility to Apply for Worker Adjustment Assistance on July 17, 1984, applicable to all workers at Amax Specialty Metals Corporation, Newark, New Jersey and Florham Park, New Jersey. The Notice of Certification was published in the **Federal Register** on July 31, 1984 (49 FR 30607).

On the basis of additional information, furnished by a corporate official on the scheduled closure of the Florham Park plant, the Office of Trade Adjustment Assistance reviewed the termination date in the subject certification. The May 3, 1984 termination date in the certification was predicated upon the scheduled purchase of the company by another firm. Because the purchase never materialized as scheduled, workers were retained at Florham Park until July 31, 1984 to close down the plant. It was the Department's intent to include all workers as eligible to apply for adjustment assistance who were laid off from the Amax Specialty Metals Corporation plant in Florham Park, New Jersey.

The amended certification for TA–W–15,214 and 15,215 is hereby issued as follows:

All workers of the Newark, New Jersey plant of Amax Specialty Metals Corporation who became totally or partially separated from employment on or after February 6, 1983 and before May 4, 1984 and all workers of the Florham Park, New Jersey plant who became totally or partially separated from employment on or after February 6, 1983 and before September 1, 1984 are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

Signed at Washington, D.C., this 4th day of April 1985.

Stephen A. Wandner,

Deputy Director, Office of Legislation and Actuarial Services, UIS.

[FR Doc. 85–9547 Filed 4–18–85; 8:45 am]

BILLING CODE 4510–30–M

[TA–W–15,598]

The Biltrite Corp., Chelsea, MA; Amended Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974, the Department of Labor issued a Certification of Eligibility to Apply for Worker Adjustment Assistance on March 15, 1985, applicable to all workers of the Chelsea, Massachusetts plant of The Biltrite Corporation. The Notice of Certification was published in the **Federal Register** on March 26, 1985 (50 FR 11951).

The certification document issued in response to this worker petition improperly reported the impact date as November 9, 1984. The certification document is amended to show the correct impact date of November 8, 1983.

The amended notice applicable to TA–W–15,598 is hereby issued as follows:

All workers of the Chelsea, Massachusetts plant of The Biltrite Corporation who became totally or partially separated from employment on or after November 8, 1983 are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

Signed at Washington, D.C., this 4th day of April 1985.

Robert A. Schaerfl,

Director, Office of Program Management, UIS.

[FR Doc. 85–9545 Filed 4–12–85; 8:45 am]

BILLING CODE 4510–30–M

[TA–W–15,738]

Tecumseh Products, Marion, OH; Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on February 4, 1985 in response to a petition received on January 25, 1985 which was filed by the United Auto Workers of America on behalf of workers at Tecumseh Products, Marion, Ohio.

The production workers at the subject plant were laid off when the plant closed in July 1984. Workers were certified for trade adjustment assistance under an earlier certification (TA–W–13,435) wich expired on February 17, 1985. Since all production workers were covered by this certification and since the maintenance workers at the Marion plant have not been laid off yet, further investigation in this case would serve no purpose; and the investigation has been terminated.

Signed at Washington, D.C., this 9th day of April 1985.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 85–9548 Filed 4–18–85; 8:45 am]

BILLING CODE 4510–30–M

Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Employment and Training Administation, has instituted investigations pursuant to section 221(a) of the Act.

The purpose of each of the investigations is to determine whether the workers are eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

The petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than April 29, 1985.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than April 29, 1985.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Employment and Training Administration, U.S. Department of Labor, 601 D Street, NW., Washington, D.C. 20213.

Signed at Washington, D.C. this 8th day of April 1985.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

APPENDIX

Petitioner: Union/workers or former workers of—	Location	Date received	Date of petition	Petition No.	Articles produced
Avondale Mills, Lafayette Plant (co.)	Lafayette, AL	4/01/85	3/26/85	TA-W-15,880	100% acrylic yarn
Boyd Lumber Corp. (workers)	Tonasket, WA	3/05/85	2/26/85	TA-W-15,881	Lumber
Eastland Shoe Mfg. (workers)	Lewiston, ME	3/29/85	3/20/85	TA-W-15,882	Stitched casual shoes
Ellen Tracy, Inc. (ILGWU)	Carlstadt, NJ	2/22/85	2/07/85	TA-W-15,883	Warehouse ladies' sportswear
George J. Meyer Co. (USWA)	Cudahy, WI	3/14/85	3/11/85	TA-W-15,884	High speed packing equipment
Hoover NSK Bearing Co. (UAW)	Wayne, NJ	3/22/85	3/11/85	TA-W-15,885	Bearings
Jack Winter, Inc. (ACTWU)	LaCrosse, WI	4/03/85	3/28/85	TA-W-15,886	Ladies' sportswear
Northland Shoe Manufacturing (workers)	Foxeburg, ME	4/01/85	3/26/85	TA-W-15,887	Cut and stitched casual shoes
Snappy Garments (ILGWU)	East Newark, NJ	3/12/85	3/06/85	TA-W-15,888	Ladies' coats
Weyerhaeuser Co., Green Mountain Mill (IWA)	Tenino, WA	3/19/85	3/12/85	TA-W-15,889	Douglas fir lumber—sawmill
Weyerhaeuser Co. (IWA)	Longview, WA	3/19/85	3/12/85	TA-W-15,890	Lumber transporting, logging operation, sawmill
Wilker Brothers Co., Inc. (workers)	Mckenzie, TN	4/01/85	3/28/85	TA-W-15,891	Ladies', men's and boys' paramas and robes
Alta Products Corp. (UTWA)	Wilkes Barre, PA	4/01/85	3/27/85	TA-W-15,892	Women's slippers
Formfit Rogers, Inc. (workers)	McMinnville, TN	4/01/85	3/25/85	TA-W-15,893	Bras
General Electric Corp., Cathode Ray Tube Operation (IUE)	Syracuse, NY	3/29/85	3/25/85	TA-W-15,894	Catnode ray tubes/television picture tubes
Mid-Atlantic Precision Steel (USWA)	Atco, NJ	4/01/85	3/19/85	TA-W-15,895	Cold bar finishing
Morton Salt Co. (workers)	Marysville, MI	3/29/85	3/25/85	TA-W-15,896	Salt water softener pellets and pellens
Pester Refining Co. (OCAW)	El Dorado, KS	3/29/85	3/18/85	TA-W-15,897	Petroleum products—gasoline, kerosene and asphalt
Rowker Manufacturing Co. (ILGWU)	Tunkhannock, PA	3/29/85	3/26/85	TA-W-15,898	Ladies' sportswear and dresses
Teledyne Amco (workers)	Moniton, PA	4/01/85	3/27/85	TA-W-15,899	Sewing machine motors and positioning devices
Tennessee Chemcial Co. (ICWU)	Copperhill, TN	4/03/85	3/15/85	TA-W-15,900	Copper mine
Waverly Sportswear Inc. (ILGWU)	New York, NY	2/19/85	2/08/85	TA-W-15,901	Ladies' skirts and pants
Wilson Sporting Goods Co., Caribbean Service Operation (company)	Cookeville, TN	3/29/85	3/22/85	TA-W-15,902	Leather and vinyl baseball and softballs covers, baseball bases, body protectors, leather baseball gloves
Zenith Electronics Corp. of Texas (workers)	McAllen, TX	4/01/85	3/14/85	TA-W-15,903	Warehouse, income quality control

[FR Doc. 85–9546 Filed 4–18–85; 8:45 am]

BILLING CODE 4510–30–M

Occupational Safety and Health Administration

[V–85–3]

St. Regis Corp.; Application for Variance and Interim Order

AGENCY: Occupational Safety and Health Administration, Department of Labor.

ACTION: Notice of application for variance and interim order; Grant of interim order.

SUMMARY: The notice announces the application of St. Regis Corporation for a variance from the part of 29 CFR 1910.261(c)(9)(i) which requires that the flagman must always remain in sight of the operator when the crane or locomotive is in motion. It also announces the granting of an interim order until a decision is rendered on the application for variance.

DATE: The effective date of the interim order is April 19, 1985. The last date for affected employers and employees to request a hearing on the application is May 20, 1985.

ADDRESSES: Send comments and requests for a hearing to: Office of Variance Determination, Occupational Safety and Health Administration, U.S. Department of Labor, Third Street & Constitution Avenue NW., Room N–3656, Washington, D.C. 20210.

FOR FURTHER INFORMATION CONTACT:

Mr. James J. Concannon, Director, Office of Variance Determination at the above address, Telephone: 202–523–7193

or the following Regional and Area Offices:

U.S. Department of Labor—OSHA, Federal Building, Room 1554, 1961 Stout Street, Denver, Colorado 80294

U.S. Department of Labor—OSHA, Petroleum Building, Suite 210, 2812 1st Avenue North, Billings, Montana 59101.

I. Notice of Application

Notice is hereby given that St. Regis Corporation, Post Office Box V–X, Libby, Montana 59923–1284, has made application pursuant to section 6(d) of the Occupational Safety and Health Act of 1970 (84 Stat. 1590; 29 U.S.C. 655) and 29 CFR 1905.11 for a variance from the part of 29 CFR 1910.261(c)(9)(i) which requires that the flagman must always remain in sight of the operator when the crane or locomotive is in motion.

The place of employment that will be affected by the application is the plant of the applicant.

The applicant certifies that employees who would be affected by the variance have been notified of the application by presenting a copy of it to the authorized employee repesentative and by posting a copy at all places where notices to employees are normally posted. Employees have also been informed of their right to petition the Assistant Secretary for a hearing.

Regarding the merits of the application, the applicant contends that the radio communications between the railroad crew is as safe and healthful as visual contact between the railroad crew as required by § 1910.261(c)(9)(i). The applicant proposes that their railroad crew use portable radios to relay verbal instructions in directing movement of the locomotives rather than using visual observation of hand signals. The railroad crew would thus be able to maintain voice contact when throwing switches, coupling, uncoupling or spotting rail cars within the applicant's railroad system. The applicant contends that constant visual contact while the locomotive is in motion is not the exclusive means of achieving the safe operation.

This variance is requested from St. Regis Corporation, Lumber and Plywood Division, Plywood/Sawmill Complex, Libby, Montana. The applicant contends that products in its railroad operations are lumber, plywood and wood chips.

The applicant further states that the operating area of the locomotive encompasses approximately two miles of track, all within the confines of the company's property. The applicant has submitted written operations procedures for its employees involved in railroad duties.

The applicant maintains that a variance from the requirement that the railroad crew be in visual contact with the locomotive engineer at all times should be granted because the use of radios in conjunction with written operations procedures provides an operation which is as safe as, or safer than the outdated method of hand signals.

Specifically,

(a) Without the visual contact requirement, crew members' mobility will be enhanced and will be able to position themselves at the safest possible location during train movement;

(b) Radios will provide a means of communication instantaneously, whereas hand signals must await visual contact between the parties; and

(c) Radios improve communication under adverse weather conditions and after nightfall.

The applicant contends that its request for a variance should be granted because the OSHA requirement for visual contact applies only to the pulp and paper and paperboard mill industry. Locomotives routinely operate in other industries using radio communication in lieu of visual contact. There is nothing unique about the pulp, paper and paperboard mill industry which justifies a visual contact requirement.

The applicant contends that it has taken the following steps to assure that the system of radio communication will work safely and efficiently:

(a) The applicant has purchased a sufficient number of radios and microphones to supply all required employees;

(b) The radios purchased are a 2 watt FM system providing a clear and audible signal;

(c) The applicant has obtained a separate radio frequency from the Federal Communications Commission. The frequency will be used solely among members of the train crew to direct the movement of the locomotive.

(d) The radios, when not in use, will be maintained in a secure place under the control of St. Regis Corporation supervision; employees will be responsible for the security of radios which have been issued to them;

(e) The radios will be checked regularly and recharged when appropriate; and,

(f) Employees will be trained in the use of the radios as well as in the operational procedures which apply during the use of radios. The locomotive engineer will be under instruction not to move the train until given a radio signal from the crew. Should radio failure or interference occur after an order to move has been given, the locomotive engineer will stop. The engineer will not move the train again until radios are repaired, replaced or until interference has cleared. Established operational procedures will be followed.

The Occupational Safety and Health Administration conducted an onsite variance investigation at the applicant's facility on December 18, 1984 to examine plant and railroad operations and procedures. The conditions at the facility were found to be as stated in the variance application.

The applicant also contends that its alternative method as described above is as safe and healthful as the requirements of the standard from which a variance is sought.

All interested persons, including employers and employees who believe they would be affected by the grant or denial of the application for variance, are invited to submit written data, views, and arguments relating to the pertinent application no later than May 20, 1985. In addition, employers and employees who believe they would be affected by a grant or denial of the variance may request a hearing on the application no later than May 20, 1985, in conformance with the requirements of 29 CFR 1905.15. Submission of written comments and requests for a hearing should be in quadruplicate, and must be addressed to the Office of Variance Determination at the above address.

Grant of Interim Order

The applicant also requested an interim order to be effective until a decision is made on the application for variance.

It has been determined that an interim order from 29 CFR 1910.26(c)(9)(i) shall be issued. Therefore, it is ordered, pursuant to the authority in section (6)(d) of the Occupational Safety and Health Act of 1970, in 29 CFR 1905.11(c) and in Secretary of Labor's Order No. 9–83 (48 FR 35736) that St. Regis Corporation is hereby subject to the following conditions in lieu of complying with 29 CFR 1910.261(c)(9)(i) of the Occupational Safety and Health standards:

(a) Institute a radio control program for assignment, storage, security, recharging and periodic maintenance of the radio equipment.

(b) Clearly designate the area where the two-way radio communications may be conducted.

(c) Develop safe operating procedures in the use of the radio communications system and provide a copy to each employee required to work with a two-way radio.

(d) Instruct and thoroughly train each employee who is authorized to use the two-way radio in the proper methods for using the radio communications.

(e) Assure testing of the radio before and at least once during each railroad crew shift to verify that the radio is operating properly. The test at a minimum shall consist of an exchange of voice transmissions.

(f) Immediately remove from service all improperly functioning radios until they have been repaired.

(g) Assure that when radio communication is used in lieu of hand signals in connection with the switching, backing or pushing of a train, engine, or car, the employee directing the movement shall give complete instructions or keep continuous radio contact with the employees receiving

the instructions. When backing or pushing a train, engine or cars, the distance of the movement must be specified, and the movement must stop in one-half the remaining distance unless additional instructions are received. If the instructions are not understood or continuous radio contact is not maintained, the movement shall be stopped immediately and may not be resumed until the misunderstanding has been resolved, radio contact has been restored, or communication has been achieved by hand signals.

(h) Assure that a traffic pattern across and on the railroad tracks be well defined and a safe operating procedure established.

(i) Install and maintain appropriate and practical warning signs at each vehicular and pedestrian crossing of the railroad track and the blind areas of the track.

(j) Require that an audible signal be given when approaching a crossing. The sound of the engine whistle or horn shall be distinct, with intensity and duration proportionate to the distance the signal is to be conveyed.

(k) Assure that when outside railroad company operators are on the premises, operations of the applicant's crew shall be fully coordinated with those of the outside railroad company to assure a safe joint operation. Crews of one company shall be informed of the operating procedures of the other company.

(l) Allow OSHA to inspect its premises in connection with this order.

This interim order becomes effective on April 19, 1985, and shall remain in effect until a decision is rendered on the application for a variance.

Signed at Washington, D.C. this 10th day of April 1985.

Robert A. Rowland,

Assistant Secretary of Labor.

[FR Doc. 85-9549 Filed 4-18-85; 8:45 am]

BILLING CODE 4510-26-M

Office of Pension and Welfare Benefit Programs

[Prohibited Transaction Exemption 85-69; Exemption Application No. D-4990 et al.]

Grant of Individual Exemptions; San Francisco Photographers Supply, Inc., et al.

AGENCY: Pension and Welfare Benefit Programs, Labor.

ACTION: Grant of Individual Exemptions.

SUMMARY: This document contains exemptions issued by the Department of Labor (the Department) from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and/or the Internal Revenue Code of 1954 (the Code).

Notices were published in the **Federal Register** of the pendency before the Department of proposals to grant such exemptions. The notices set forth a summary of facts and representations contained in each application for exemption and referred interested persons to the respective applications for a complete statement of the facts and representations. The applications have been available for public inspection at the Department in Washington, D.C. The notices also invited interested persons to submit comments on the requested exemptions to the Department. In addition the notices stated that any interested person might submit a written request that a public hearing be held (where appropriate). The applicants have represented that they have complied with the requirements of the notification to interested persons. No public comments and no requests for a hearing, unless otherwise stated, were received by the Department.

The notices of pendency were issued and the exemptions are being granted solely by the Department because, effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type proposed to the Secretary of Labor.

Statutory Findings

In accordance with section 408(a) of the Act and/or section 4975(c)(2) of the Code and the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975), and based upon the entire record, the Department makes the following findings:

(a) The exemptions are administratively feasible;

(b) They are in the interests of the plans and their participants and beneficiaries; and

(c) They are protective of the rights of the participants and beneficiaries of the plans.

San Francisco Photographers Supply, Inc. Defined Benefit Pension Plan and San Francisco Photographers Supply, Inc. Money Purchase Pension Plan (the Plans) Located in San Francisco, California

[Prohibited Transaction Exemption 85-69; Exemption Application No. D-4990 and D-4991]

Exemption

The restrictions of section 406(a), 406 (b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code, shall not apply, for a period of five years, to the proposed loans by the Plans of up to 25% of each Plan's assets to San Francisco Photographers Supply, Inc., provided that the terms of the transactions are not less favorable to the Plans than those obtainable in an arm's-length transaction with an unrelated party at the time of consummation of each transaction.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption refer to the notice of proposed exemption published on January 2, 1985 at 50 FR 189.

Temporary Nature of Exemption

This exemption is temporary and will expire five years after the date of grant with respect to the making of any loan.

Subsequent to the expiration of this exemption, the Plans may hold loans originated during this five year period for an additional five years. Should the applicant wish to continue entering into loan transactions beyond the five year period, that applicant may submit another application for exemption.

For Further Information Contact: Mr. Alan H. Levitas of the Department, telephone (202) 523-8971. (This is not a toll-free number.)

Bryce Corporation Pension Plan and Trust and Bryce Corporation Profit Sharing Plan and Trust (Together, the Plans) Located in Memphis, Tennessee

[Prohibited Transaction Exemption 85-70; Exemption Application Nos. D-5123 and D-5124]

Exemption

The restrictions of section 406(a), 406 (b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975 (c)(1) (A) through (E) of the

Code, shall not apply to (1) the lease by the Plans to Bryce Corporation (Bryce) of certain real property (the Land) located at 3861 Delp Street, Memphis, Tennessee, which was entered into on August 1, 1974, provided the terms of the lease were not less favorable to the Plans than those obtainable in an arm's-length transaction with an unrelated party; and (2) the sale of the Land by the Plans to Bryce or parties related to Bryce for $98,000 in cash, or the fair market value of the Land on the date of sale, whichever amount is greater.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption refer to the notice of proposed exemption published on February 11, 1985 at 50 FR 5689.

Effective Date: The exemption for the lease is effective from January 1, 1975 through June 30, 1984.

For Further Information Contact: Mr. Gary Lefkowitz of the Department, telephone (202) 523–8881. (This is not a toll-free number.)

Midelfort Clinic, Ltd. Profit Sharing Plan (the Plan) Located in Eau Claire, Wisconsin

[Prohibitied Transaction Exemption 85–71; Exemption Application No. D–5163]

Exemption

The restrictions of section 406(a), 406(b)(1) and 406(b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code, shall not apply to the proportionate distribution of the assets of a corporation (Building, Inc.) to parties in interest with respect to the Plan, in connection with the liquidation and dissolution of Building, Inc., provided that the terms and conditions of the transaction are at least as favorable to the Plan as those obtainable in similar transactions between unrelated parties.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption, refer to the notice of proposed exemption published on February 11, 1985, at 50 FR 5690.

For Further Information Contact: Ms. Katherine D. Lewis of the Department, telephone (202) 523–8882. (This is not a toll-free number.)

Lone Star Company Profit Sharing Trust and the Lone Star Company Pension Plan (the Pension Plan; Collectively, the Plans) Located in Dallas, Texas

[Prohibited Transaction Exemption 85–72; Exemption Application Nos. D–5208 and D–5209]

Exemption

The restrictions of section 406(a), 406 (b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code, shall not apply to the continuation, past June 30, 1984, of: (1) A loan (the New Loan) in the amount of $3,042,000 by the Plans to Lone Star Company (the Employer); and (2) a lease (the New Lease) of certain improved real property (the Real Property) by the Pension Plan to the Employer, provided the terms and conditions of the New Loan and the New Lease are at least as favorable to the Plans as those obtainable in an arm's length transaction with an unrelated party.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption refer to the notice of proposed exemption published on February 11, 1985 at 50 FR 5692.

Effective Date: This exemption is efective July 1, 1984.

For Further Information Contact: Ms. Jan D. Broady of the Department, telephone (202) 523–8971. (This is not a toll-free number.)

Mid-Continent Mud Sales, Inc. Pension Plan and Profit-Sharing Plan (the Plans) Located in Oklahoma City, Oklahoma

[Prohibited Transaction Exemption 85–73; Exemption Application No. D–5374]

Exemption

The restrictions of section 406(a) and 406 (b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code, shall not apply to the proposed loan of $100,000 by the Plans to B&N Development Company, a party in interest with respect to the Plans, provided the terms of this transaction are not less favorable to the Plans than those obtainable in an arm's-length transaction with an unrelated party at the time of the consummation of the transaction.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption refer to the notice of proposed exemption published on February 11, 1985 at 50 FR 5694.

For Further Information Contract: Ms. Linda Hamilton of the Department, telephone (202) 523–8881. (This is not a toll-free number.)

Kerr Glass Manufacturing Corporation Retirement Trust Fund (the Plans) Located in Los Angeles, California

[Prohibited Transaction Exemption 85–74; Exemption Application No. D–5454]

Exemption

The restrictions of section 406(a), 406 (b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code, shall not apply to the continuation, past June 30, 1984, of a lease (the Amended Lease) of certain improved real property (the Real Property) between the Plans and Kerr Glass Manufacturing Corporation (the Employer), provided the terms and conditions of the Amended Lease are at least as favorable to the Plans as those obtainable in an arm's length transaction with an unrelated party

Effective Date of Exemption: If granted, this exemption will be effective July 1, 1984.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption refer to the notice of proposed exemption published on December 14, 1984 at 49 FR 48824.

Written Comments: The Department received three written comments to the proposed exemption which were submitted by certain participants of the Plans. Two participants, who questioned whether the proposed transactions would adversely affect their pensions, withdrew their comments after a Department representative explained that the exemption would have no detrimental effect on the participant's pensions. The third participant objected to the proposed exemption as not being in the best interests of employees participating in the Plans. The commentator requested that the Department deny the exemption for two reasons. Firstly, the participant felt that the proposed exemption represented an attempt by the Employer to abrogate the leasing of the Real Property for its sole benefit and not for the benefit of those retirees or future retirees under the Plans. Secondly, the participant thought that the proceeds obtained from a potential sale of the Real Property to unrelated parties could not be invested at a return equal to the rate of return obtained by the Plans from the Amended Lease.

The applicant responded to the first issue raised by the objecting participant by stating that the Employer's obligations under the Amended Lease would continue until its expiration thereof in 1990 or until the trustee of the

Plans, Fulton Bank of Lancaster, Pennsylvania (Fulton), terminated the lease. The applicant explained that the Employer would have no right to terminate the Amended Lease and its obligations thereunder at any time prior to the expiration date of the lease. Thus, the applicant concluded, instead of being an attempt by the Employer to abrogate its rights to lease the Real Property, the Amended Lease would continue to obligate the Employer for the remainder of the lease term.

With respect to the second issue raised by the objecting participant, the appplicant thought the proposed sale of the Real Property by the Plans to unrelated parties was of no relevance to the subject exemption inasmuch as it related to the continued leasing of the Real Property. However, if the Real Property were sold by Fulton, either in its own discretion or upon the direction of a committee for the Plans, the applicant noted that the decision would have to be made in accordance with Fulton's fiduciary duties and obligations under the Act. The applicant asserted that Fulton would have to consider such factors as the sales price for the Real Property, the return it obtained, its appreciation in value while held by the Plans and the return anticipated to be received by the Plans from the sale proceeds.

After consideration of the entire record, the Department has made a decision to grant the requested exemption.

For Further Information Contact: Ms. Jan D. Broady of the Department, telephone (202) 523–8971. (This is not a toll-free number.)

Retirement Plan for Employees of National Bank of Commerce (the Plan) Located in Memphis, Tennessee

[Prohibited Transaction Exemption 85–75 Exemption Application No. D–5564]

Exemption

The restrictions of section 406(a), 406 (b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code, shall not apply to the lease of real property by the Plan to the National Bank of Commerce, a party in interest with respect to the Plan, provided that such lease is on terms and conditions at least as favorable to the Plan as those obtainable by the Plan in an arm's-length transaction with an unrelated person.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption refer to the notice of proposed exemption published on February 11, 1985 at 50 FR 5695.

For Further Information Contact: Mr. Alan Levitas of the Department, telephone (202) 523–8971. (This is not a toll-free number.)

Shelly's Tall Girl Shops, Inc. Defined Benefit Pension Plan (the Plan) Located in Los Angeles, CA

[Prohibited Transaction Exemption 85–76; Exemption Application No. D–5587]

Exemption

The restrictions of section 406(a) and 406 (b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code, shall not apply to the loan by the Plan of amounts not to exceed 25% of its total assets to Shelly's Tall Girl Shops, Inc., the sponsor of the Plan, on a recurring basis over a five-year period, and the guarantee of repayment of those loans by Messrs. Sheldon Kort, Irving Kellogg, and Sherman Andelson, parties in interest with respect to the Plan, provided the terms of the loans are not less favorable to the Plan than those obtainable in an arm's-length transaction with an unrelated party.

Temporary Nature of Exemption: This exemption will be effective for five years from the date a grant of an individual exemption is published in the **Federal Register** on behalf of the transaction. Subsequent to the expiration of the exemption, the Plan may hold the loans provided they were made during the five-year period.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption refer to the notice of proposed exemption published on January 29, 1985 at 50 FR 3999.

For Further Information Contact: Ms. Linda Hamilton of the Department, telephone (202) 523–8881. (This is not a toll-free number.)

McKay of California, Inc. Defined Benefit Pension Plan (the Plan) Located in Los Angeles, California

[Prohibited Transaction Exemption 85–77; Exemption Application No. D–5602]

Exemption

The restrictions of section 406(a) and 406 (b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code, shall not apply to the loan by the Plan of amounts not to exceed 25% of its total assets to McKay of California, the sponsor of the Plan, on a recurring basis over a five-year period, and the guarantee of repayment of these loans by Messrs. Sherman L. Andelson, Irving Kellogg, and Sherman Kort, parties in interest with respect to the Plan, provided the terms of the loans are not less favorable to the Plan than those obtainable in an arm's-length transaction with an unrelated party.

Temporary Nature of Exemption: This exemption will be effective for five years from the date a grant of an individual exemption is published in the **Federal Register** on behalf of the transactions. Subsequent to the expiration of the exemption, the Plan may hold the loans provided they were made during the five-year period.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption refer to the notice of proposed exemption published on January 29, 1985 at 50 FR 4000.

For Further Information Contact: Ms. Linda Hamilton of the Department, telephone (202) 523–8881. (This is not a toll-free number.)

Drs. Meara and Pansino, Oral and Maxillofacial Surgery, P.C. Employees' Pension Plan (the Plan) Located in Lansing, Michigan

[Prohibited Transaction Exemption 85–78; Exemption Application No. D–5799]

Exemption

The restrictions of section 406(a), 406 (b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code, shall not apply to the purchase of a diamond (the Diamond) by Dr. John W. Meara, Jr. (Dr. Meara), for the cash consideration of $11,200 plus carrying costs, from Dr. Meara's individual account in the Plan, provided the price paid for the Diamond is not less than its fair market value at the time the transaction is consummated.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption refer to the notice of proposed exemption published on February 11, 1985 at 50 FR 5701.

For Further Information Contact: Ms. Jan D. Broady of the Department, telephone (202) 523–8971. (This is not a toll-free number.)

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and/or section 4975(c)(2) of the Code does not relieve a

fiduciary or other party in interest or disqualified person from certain other provisions of the Act and/or the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) These exemptions are supplemental to and not in derogation of, any other provisions of the Act and/or the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

(3) The availability of these exemptions is subject to the express condition that the material facts and representations contained in each application accurately describes all material terms of the transaction which is the subject of the exemption.

Signed at Washington, D.C., this 16th day of April, 1985.

Elliot I. Daniel,

Acting Assistant Administrator for Regulations and Interpretations, Office of Pension and Welfare Benefit Programs, U.S Department of Labor.

[FR Doc. 85-9553 Filed 4-18-85; 8:45 am]

BILLING CODE 4510-29-M

[Application No. D-5151 et al.]

Proposed Exemptions; University Avenue Orthopaedic Medical Group, Inc., et al.

AGENCY: Pension and Welfare Benefit Programs, Labor.

ACTION: Notice of Proposed Exemptions.

SUMMARY: This document contains notices of pendency before the Department of Labor (the Department) of proposed exemptions from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and/or the Internal Revenue Code of 1954 (the Code.)

Written Comments and Hearing Requests.

All interested persons are invited to submit written comments or requests for a hearing on the pending exemptions, unless otherwise stated in the Notice of Pendency, within 45 days from the date of publication of this **Federal Register** Notice. Comments and requests for a hearing should state the reasons for the writer's interest in the pending exemption.

ADDRESS: All written comments and requests for a hearing (at least three copies) should be sent to the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20216. Attention: Application No. stated in each Notice of Pendency. The applications for exemption and the comments received will be available for public inspection in the Public Documents Room of Pension and Welfare Benefit Programs, U.S. Department of Labor, Room N-4677, 200 Constitution Avenue NW., Washington, D.C. 20216.

Notice to Interested Persons

Notice of the proposed exemptions will be provided to all interested persons in the manner agreed upon by the applicant and the Department within 15 days of the date of publication in the **Federal Register**. Such notice shall include a copy of the notice of pendency of the exemption as published in the **Federal Register** and shall inform interested persons of their right to comment and to request a hearing (where appropriate).

SUPPLEMENTARY INFORMATION: The proposed exemptions were requested in applications filed pursuant to section 408(a) of the Act and/or section 4975(c)(2) of the Code, and in accordance with procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). Effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type requested to the Secretary of Labor. Therefore, these notices of pendency are issued solely by the Department.

The applications contain representations with regard to the proposed exemptions which are summarized below. Interested persons are referred to the applications on file with the Department for complete statement of the facts and representations.

University Avenue Orthopaedic Medical Group, Inc. Profit Sharing Plan (the Profit Sharing Plan) and University Avenue Orthopaedic Medical Group, Inc. Money Purchase Pension Plan (the Pension Plan; Together, the Plans) Located in San Diego, California

[Application Nos. D-5151 and D-5152]

Proposed Exemption

The Department is considering granting an exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). If the exemption is granted the restrictions of section 406(a), 406 (b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code shall not apply to the purchase from James E. Schultz, M.D. (Dr. Schultz) by his individual accounts (the Accounts) in the Plans of a farm located in Harrison County, Iowa (the Property), for $144,000 in cash, provided such amount is not greater than the fair market value of the Property at the time of its acquisition, and the lease of the Property to Dr. Schultz by the Accounts under the terms set forth in this notice of proposed exemption, provided such terms are not less favorable to the Accounts than those obtainable in an arm's-length transaction with an unrelated party.

Summary of Facts and Representations

1. The Plans are defined contribution plans which provide for individually directed accounts. The Plans each have approximately 20 participants. Dr. Schultz is the President and a director of University Avenue Orthopaedic Medical Group, Inc. (the Employer), the Plans' sponsor. Dr. Schultz is also a 25% shareholder of the Employer. Dr. Schultz currently has total assets in the Accounts of approximately $671,570, of which $274,740 is in his Account in the Pension Plan, and $396,830 is in his Account in the Profit Sharing Plan.

2. The Property consists of a 160 acre farm located in Harrison County, Iowa. Dr. Schultz believes that the Property should appreciate and provide a good investment for the Accounts. The investment will provide diversification since the Accounts currently hold no real estate. In addition, the lease will provide a good return to the Accounts. The investment will be earmarked for the Accounts of Dr. Schultz and thus no other participant in the Plans will be affected. The sale will be for cash, and an existing mortgage on the Property,

held by an unrelated party, will be paid off as part of the transaction.

3. The sales price for the Property to the Accounts will be $144,000. Mr. Kenneth L. Beckstrom (Mr. Beckstrom) of Farmers National Company, an independent appraiser in Omaha, Nebraska, has appraised the Property as having a fair market value of $144,000 as of January 30, 1985. The Account in the Pension Plan will acquire a 41% interest in the Property for $59,040, and the Account in the Profit Sharing Plan will acquire a 59% interest in the Property for $84,960. The Property will thus represent approximately 21% of the assets of each of the Accounts.

4. Dr. Schultz then proposes to lease the Property from the Accounts. The lease will be for a period of 10 years. Mr. Beckstrom has appraised the Property, as of January 30, 1985, as having a fair market rental value of $15,100 per year, and that will be the initial rental which Dr. Schultz will pay to the Accounts. The proposed lease provides that on the last day of each calendar year during the term of the lease, the annual rental will be adjusted by a percentage equal to the percentage increase from the base period of the Department's Consumer Price Index. The Index published for the calendar year in which the Property is initially leased shall be the base period. The annual rental for the Property will not fall below $15,100. The Accounts shall have the right to terminate the lease upon 90 days notice to Dr. Schultz or at any time during the term of the lease if the Accounts dispose of their interests in the Property.

5. In summary, the applicant represents that the proposed transactions satisfy the criteria contained in section 408(a) of the Act because: (1) The Property represents approximately 21% of each of the Accounts' assets; (2) the purchase price of the Property and the annual rental amount for the Property have both been determined by a qualified, independent appraiser; and (3) Dr. Schultz is the only participant in the Plans to be affected by the proposed transactions, and he has determined that the transactions are in the best interests of the Accounts.

Notice to Interested Persons: Because Dr. Schultz is the only participant in the Plans to be affected by the proposed transactions, it has been determined that there is no need to notify interested persons. Comments and requests for a public hearing are due 30 days from the date of publication of this proposed exemption in the **Federal Register.**

For Further Information Contact: Gary H. Lefkowitz of the Department, telephone (202) 523-8881. (This is not a tool-free number.)

Littonian Shoe Company Profit Sharing and Retirement Plan (the Littonian Plan) and the Employees Retirement Income Plan of the Community National Bank of Southern Pennsylvania (the Community Plan; Collectively, the Plans) Located in Gettysburg, PA

[Application No. D-5837]

Proposed Exemption

The Department is considering granting an exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). If the exemption is granted, the restrictions of section 406(a), 406 (b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code shall not apply to: (1) The sale, on June 8, 1984, by the Littoinian Plan and the Community Plan of certain real estate mortgage participations (the Participation Interests) to Community National Bank (Community); and (2) the proposed sale by the Community Plan to Community of two other Participation Interests, provided the total price paid for the participation Interests was not or will not be less than their fair market value at the time of sale.

Effective Date: This exemption, if granted, will be effective June 8, 1984.

Summary of Facts and Representations

1. The Plans consist of the Littonian Plan and the Community Plan, both of which were administered by Community, as trustee, prior to June 8, 1984. At that time, Littonian Shoe Company (Littonian), the sponsor of the Littonian Plan, decided to change trustees and liquidate that Plan's assets. On March 30, 1984, the last date for which a full financial report is available, the Littonian Plan had total assets of $1,363,561 and approximately 80 participants. On June 28, 1984, the Community Plan had total assets of $607,377 and an estimated 38 participants. Until the liquidation, Community made investment decisions for the Littonian Plan. It continues to make them for the Community plan.

2. Community, the sponsor of the Community Plan, is a national banking association chartered under the laws of the State of Pennsylvania. Community maintains its principal place of business in Littletown, Pennsylvania. Littonian, the sponsor of the Littonian Plan, is a manufacturer of baby shoes. Its principal place of business is also located in Littletown, Pennsylvania.

3. Among the assets of the Plans were twelve participation interests in ten real estate mortgages (the Mortgages) that were originated by Community between August 2, 1973 and August 29, 1979 in the ordinary course of its business.[1] The Mortgages were "new" mortgages representing first lien interests on residential property. The Mortgages carried interest at fixed rates ranging between 8 percent and 10.75 percent per annum and the loan amounts were between $9,322 and $30,698. All were for a 20 year term. None of the Mortgagors were parties in interest with respect to either Plan.

4. Littonian Plan acquired ten Participation Interests in the Mortgages during the six year origination period. It paid a total purchase price of $142,100. The Community Plan acquired two Participation Interests in the Mortgages, also during the origination period. The Community Plan paid a total of $11,700 for the participation Interests. On June 8, 1984, the Participation Interests held by the Littonian Plan and the Community Plan had outstanding principal balances of $105,277 and $11,700, respectively. The exemption application states that the Participation Interests held by the Community Plan were not amortized because of Community's policy against amortizing more than one Participation Interest at a time. However, the Community Plan received interest payments based on the full amount of each Participation Interest for the entire period these interests were held by the Community Plan.

5. In May 1984, Littonian notified Community that it wished to terminate the Littonian Plan's account and liquidate certain of the Plan's assets in order to facilitate a transfer to a successor trustee. To comply with this request, Community decided to purchase the Participation Interests held by the Littonian Plan. Community also decided to purchase the Participation Interests held by its own Plan. The Participation Interests were then purchased for their total par value or total outstanding principal balance as of June 8, 1984, the date of sale. (These amounts are noted above.) Community paid cash for the Participation Interests.

6. According to Community, the Participation Interests, if sold to a third party, would have been sold at a

[1] In this proposed exemption, the Department expresses no opinion on whether the acquisition and holding by the Plans of the Participation Interests violated any provision of Part 4 of Title I of the Act.

discount because of the increase in prevailing interest rates since the Mortgages were originated. To support these facts, Community obtained documentation from three independent competitor banks as to the going rate of interest for the Participation Interests on the date of transfer. On January 21, 1985, Mr. Jeffrey K. Dice (Mr. Dice), Assistant Vice President of Bank of Hanover and Trust Company of Hanover, Pennsylvania (Hanover), provided information on the interest rate for fixed and one year adjustable rate mortgages as of June 5, 1984. Depending on the loan duration, Mr. Dice represented that fixed interest rates ranged between 13.5 percent and 14.5 percent while the interest for an adjustable rate mortgage of 1–30 year's duration was 11.5 percent. Mr. Dice further asserted that the loans would be subject to service fees of 2–3 points, again depending on the loan duration.

Also on January 21, 1985, Mr. John E. Kashner (Mr. Kashner), Assistant Vice President of the Commercial Loan Department of Hamilton Bank (Hamilton) of Hanover, Pennsylvania, stated that Hamilton's interest rate for residential mortgages was 14.75 percent for loan of up to 30 years' duration.

Finally, on January 24, 1985, Mr. William H. Kiick (Mr. Kiick), Executive Vice President of Farmers Bank and Trust Company (Farmers) of Hanover, Pennsylvania stated that Farmer's interest rate for a fixed mortgage loan as of June 8, 1984 was between 14.75 percent and 15 percent for a period not exceeding 30 years. Mr. Kiick also represented that the loan would be subject to a 3 point service fee.

7. In addition to the transactions described above, Community requests an exemption in order to purchase two other Participation Interests held by the Community Plan for cash for their total outstanding principal balance. The Participation Interests were also acquired by the Community Plan at the time Community originated the underlying first Mortgages.[2] The Mortgages were made to unrelated parties in 1973 and 1976 for $17,083 and $79,930. They carry interest at the fixed rates of 8 percent to 9.5 percent per annum and they are of 20 years' duration.

8. The Community Plan paid $7,000 for one Participation Interest and $23,000 for other. As of December 12, 1984, the Participation Interests had a total outstanding principal balance of approximately $29,026 or $6,383 and $22,643 individually. In their January 1985 appraisals, Messrs. Kashner and Kiick represented that the two Participation Interests would also be subject to discounted purchase prices.

9. In summary, it is represented that the transactions satisfy the statutory criteria for an exemption under section 408(a) of the Act because: (a) The sales were or will be one-time transactions for cash; (b) the Participation Interests were or will be sold at their aggregate outstanding principal balance or par value which would be in excess of their fair market value as established by independent appraisers; and (c) the Littonian Plan and the Community Plan were or will be able to divest themselves of mortgage investments generating little income.

Notice to Interested Persons: Notice of the proposed exemption will be provided to all interested persons in the manner agreed upon by the applicant and the Department within 30 days of the date of publication of the proposed exemption in the **Federal Register**. Such notice shall include a copy of the notice of pendency of the exemption as published in the **Federal Register** and shall inform interested persons of their right to comment and/or to request a hearing. Comments are due within 60 days of the date of publication of the proposed exemption.

For Further Information Contact: Ms. Jan D. Broady of the Department, telephone (202) 523–8971. (This is not a toll-free number).

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and/or section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions of the Act and/or the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) Before an exemption may be granted under section 408(a) of the Act and/or section 4975(c)(2) of the Code, the Department must find that the exemption is administratively feasible, in the interests of the plan and of its participants and beneficiaries and protective of the rights of participants and beneficiaries of the plan; and

(3) The proposed exemptions, if granted, will be supplemental to, and not in derogation of, any other provisions of the Act and/or the Code, including statutory of administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

(4) The proposed exemptions, if granted, will be subject to the express condition that the material facts and representations contained in each application are true and complete, and that each application accurately describe all material terms of the transaction which is the subject of the exemption.

Signed at Washington, D.C., this 16th day of April 1985.

Elliott I. Daniel,

Acting Assistant Administrator for Regulations and Interpretations, Office of Pension and Welfare Benefit Programs, U.S. Department of Labor.

[FR Doc. 85–9554 Filed 4–18–85; 8:45 am]

BILLING CODE 4510–29–M

[2] Supra, note 1.

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–317]

Baltimore Gas and Electric Co.; Consideration of Issuance of Amendment to Facility Operating License and Proposed No Significant Hazards Consideration Determination and Opportunity for Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. DPR–53 issued to Baltimore Gas and Electric Company (the licensee), for operation of the Calvert Cliffs Nuclear Plant Unit No. 1 located in Calvert County, Maryland.

The amendment would revise provisions in Technical Specification (TS) 4.10.1.2 "Shutdown Margin" to allow an increase from 24 hours to 7 days for the time period within which a scram test must be performed prior to reducing the shutdown margin below specified limits during preoperational testing at 5% power or less. This proposed action is in response to the licensee's application for amendment dated February 26, 1985.

Before issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations.

The Commission has made a proposed determination that the amendment request involves no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability of consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety.

The purpose of TS 4.10.1.2 is to assure the reliability of the reactor control rod insertion capability (reactor trip verification) prior to reducing the shutdown margin below specified levels during preoperational testing or when the plant is operating at 5% power or less. This reduction in shutdown margin is required to perform special tests that are normally performed following a refueling outage at power levels less than or equal to 5% power (Mode 2). At the present time, TS 4.10.1.2 requires a reactor trip verification within 24 hours prior to reducing the shutdown margin below specified levels. The licensee has requested that the reactor trip verification be performed within 7 days in order to achieve a more expeditious startup following a refueling outage.

In Chapter 14 of the Calvert Cliffs FSAR, the licensee has considered all potential accidents where control rods (CEAs) fail to insert. The only accidents impacted by a stuck CEA are those that may result in positive reactivity addition after a reactor trip (i.e., an overcooling event) and thus no new types of accidents will be created by the proposed change. Based on probabilistic risk assessment analysis performed by the licensee the probability of an overcooling event with a stuck CEA increases insignificantly (1.1×10^{-7} to 4.8×10^{-7}), when the requirement for trip verification is increased from 24 hours to seven (7) days during low power testing. Finally, since no system modifications, operating modes, or safety system setpoints have been changed, the consequences of previously analyzed accident will not be increased and no reduction in a margin of safety will result from the proposed TS change.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination. The Commission will not normally make a final determination unless it receives a request for a hearing.

Comments should be addressed to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attn: Docketing and Service Branch.

By May 20, 1985, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written petition for leave to intervene. Request for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the result of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter, and the bases for each contention set forth with reasonable specificity. Contentions shall be limited to matters within the scope of the amendment under consideration. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceedings, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the the hearing is held.

If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

If the final determination is that the amendment involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

Normally, the Commission will not issue the amendment until the expiration of the 30-day notice period. However, should circumstances change during the notice period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 30-day notice period, provided that its final determination is that the amendment involves no significant hazards consideration. The final determination will consider all public and State comments received. Should the Commission take this action, it will publish a notice is issuance and provide for opportunity for a hearing after issuance. The Commission expects that the need to take this action will occur very infrequently.

A request for a hearing or a peition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch, or may

be delivered to the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner promptly so inform the Commission by toll-free telephone call to Western Union at (800) 325—6000 (Missouri (800) 342–6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to James R. Miller: petitioner's name and telephone number; date petition was mailed; plant name; and publication date and page number of this **Federal Register** notice. A copy of the petition should also be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to D.A. Brune, Jr., General Council, G&E Building, Charles Center, Baltimore, Maryland 21203, attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or request for hearing will not be entertained absent a determination by the Commission, the presiding officer or the Atomic Safety and Licensing Board designated to rule on the petition and/or request, that the petitioner has made a substantial showing of good cause for the granting of a late petition and/or request. That determination will be based upon a balancing of the factors specified in 10 CFR 2.714(a)(i)-(v) and 2.714(d).

For further details with respect to this action, see the application for amendment dated February 26, 1965 which is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the Calvert County Library, Prince Frederick, Maryland.

Dated at Bethesda, Maryland, this 15th day of April 1985.

For the Nuclear Regulatory Commission.

Charles M. Trammell,

Acting Branch Chief, Operating Reactors Branch No. 3, Division of Licensing.

[FR Doc. 85–9540 Filed 4–18–85; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50–461]

Illinois Power Co. et. al.; Preparation of Environmental Assessment and Findings of No Significant Impact

The U.S. Nuclear Regulatory Commission (The Commission) is considering issuance of an amendment to Construction Permit CPPR–137 to Illinios Power Company, (the permittee) on behalf of itself and as agent for Soyland Power Cooperative, Inc. and Western Illinois Power Cooperative, Inc. for the Clinton Power Station Unit 1, located in DeWitt County, Illinois.

Environmental Assessment

Identification of Proposed Action

The NRC staff has prepared an Environmental Assessment dated April 15, 1985, supporting the proposed amendment of Construction Permit No. CPPR–137 for Clinton Power Station, Unit 1. The amendment would modify two conditions in section 3E (conditions 3E(1) and 3E(3)) of the Construction Permit (CP) and delete six conditions in section 3E (conditions 3E (2), (4), (5), (6), (7) and (8)) of the CP. The modifications and deletions update the CP to reflect changes related to environmental programs that have been approved by various agencies since the CP was originally granted, and to reflect the current policies of agencies responsible for the various aspects of environmental protection addressed by the CP.

Summary of Environmental Assessment

As described in the environmental Assessment the proposed wording change in paragraph 3E(1) would delete (1) the requirement for the permittee to conduct peroperational environmental monitoring programs; (2) the restrictions on the use of herbicides during the establishment and maintenance of transmission line rights-of-way; and (3) the requirement for additional monthly wather chemistry sampling in the preoperational phase.

Based on the assessments of the staff contained in an expedited review sent to the permittee on April 30, 1980 and in the FES–OL dated May 1982, the change in the requirements for preoperational monitoring that would result from the proposed rewording of paragraph 3E(1) of Construction Permit CPPR–137 will not result in any significant additional environmental impact. The staff concludes that the environmental impacts associated with construction of the station described in the FES–CP and FES–OL are not affected by the proposed rewording of paragraph 3E(1).

The wording change proposed for paragraph 3E(3) would make this requirement coincide with that of the Illinois Pollution Control Board (IPCB) as approved for Clinton Power Station Unit 1 on May 28, 1981. Based on the assessments by the staff in the FES–OL it is concluded that the proposed rewording of paragraph 3E(3) of Construction Permit CPPR–137 will not result in any additional environmental impact or result in environmental impacts not already considered. Additionally, the staff concludes that the environmental impacts associated with construction of the station as described in the FES–CP and FES–OL are not affected by the proposed rewording of paragraph 3E(3).

The proposed deletion of paragraph 3E(2) will not cause additional environmental impact, either as related to cooling lake or downstream Salt Creek water quality or as related to aquatic biota. The staff has assessed the likely environmental impact associated with the alternate thermal standards approved by the Illinois Pollution Control Board (IPCB).

The approval of the alternate thermal standards by the IPCB supercedes the specification of thermal limits and supplemental cooling by the NRC in paragraph 3E(2). Therefore the staff concludes that the environmental impacts associated with the construction and operation of the station as described in the FES–Cp and the FES–OL are not affected by the proposed deletion of paragraphs 3E(2).

The proposed deletion of paragraphs 3E(4), 3E(5), 3L(6), 3E(7), and 3E(8) are not likely to result in additional environmental impacts as a result of Clinton Power Station Unit 1 construction or operation because the provisions of these paragraphs remain as conditions to the Water Quality Certification pursuant ot section 401 of the Clean Water Act issued to Illinois Power Company on August 25, 1975 (FES–OL Section 1.2); these same requirements are included in Part IV.B of the National Pollutant Discharge Elimination System Permit No. IL–0036919, issued to Illinois Power Company for Clinton power Station on October 21, 1977. Water quality limitations and monitoring programs are under the jurisdiction of the U.S. Environmental Protection Agency.

Based on the above considerations regarding the permittee's NPDES permit, and the staff's assessments in the FES–OL, the Environmental Assessment concluded that the proposed deletion of paragraphs 3E(4) through 3E(8) of Construction Permit CPPR–137 will not result in any additional environmental impact nor will the environmental impacts associated with construction and operation for the station as described in the FES–CP and FES–OL be affected by the proposed deletions of these paragraphs.

Findings of No Significant Impact

The staff has reviewed the proposed amendment to Construction Permit CPPR–137. Based upon the environmental assessment, the staff has

concluded that there are no significant radiological or non-radiological impacts associated with the proposed action and that the proposed CP amendment will not have a significant effect on the quality of the human environment. Therefore, the Commission has determined, pursuant to 10 CFR 51.31, not to prepare an environmental impact statement for the proposed amendment.

For further details with respect to this action, see: (1) The application for amendment by Illinois Power Company by letters dated August 31, 1981, March 29, 1982, and August 22, 1984 and subsequently modified by letters dated October 29, 1984 and December 4, 1984. (2) the Final Environmental Statement for the Construction Permit (FES–CP) dated October 1974, (3) the Final Environmental Statement for the Operating License (FES–OL) dated May 1982, (4) the expedited staff review of monitoring inspectional programs dated April 30, 1980, and (5) the Environmental Assessment dated April 15, 1985.

These documents are available for public inspection at the Commission's Public Document Room 1717 H Street, NW., Washington, D.C. 20555 and at the Warner Vespasian Library, 120 West Johnson Street, Clinton, Illinois 61727.

Dated at Bethesda, Maryland, this 15th day of April 1985.

For the Nuclear Regulatory Commission.

Thomas M. Novak,

Assistant Director for Licensing, Division of Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 85–9541 Filed 4–18–85; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–387]

Pennsylvania Power and Light Co.; Consideration of Issuance of Amendment To Facility Operating License and Proposed No Significant Hazards Consideration Determination

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. NPF–14 issued to Pennsylvania Power and Light Company (the licensee) for operation of the Susquehanna Steam Electric Station, Unit 1 located in Luzerne County, Pennsylvania.

The proposed amendment change to the Technical Specifications would permit Susquehanna SES refueling operations (fuel loading and unloading) to take place without using Fuel Loading Chambers (FLCs). This change would allow up to eight fuel assemblies to be loaded in order to attain the required Technical Specification count rate on the source range monitors (SRMs) without creating any safety concern. Another Technical Specification change currently before the NRC (proposed Amendment 43 to NPF–14) would reduce Unit 1's required count rate from 3.0 to 0.7 counts per second (cps) (Section 3.9.2 and Table 3.3.6–2), which will make Unit 1 Technical Specifications consistent with Unit 2.

During the Susquehanna SES Unit 1 end-of-cycle defueling the FLCs, which were being used to provide neutron monitoring, produced anomalous readings which were attributed to a detector saturation condition caused by the high gamma flux from the irradiated fuel. The FLCs are B–10 lined proportional detectors which are connected to the SRM circuitry, while the SRMs are miniature fission chambers. The B–10 lined detectors are prone to degraded and unpredictable response in a high gamma flux, whereas the SRMs are not as susceptible to the same phenomena. Furthermore, although the energy deposited by a gamma in a B–10 detector is less than that deposited by a neutron, in a large gamma flux a pulse "pile-up" condition occurs which results in several gammas being counted together thereby producing about the same signal as a neutron; and if the detector electronics are set to reduce the pulse pile-up effect, a reduction in neutron detection efficiency occurs. In comparison the energy deposited by a neutron in a fission chamber is much greater than that of a gamma, thus making the neutron counts easily distinguished from the gammas. Therefore the SRM circuitry can more easily discriminate the gamma flux and thus the SRMs provide a more reliable, well characterized signal than the FLCs in a high gamma environment (i.e., in the presence of irradiated nuclear fuel).

The licensee has stated that based on previous SRM response calculations one irradiated fuel assembly adjacent to a SRM should provide at least 0.7 cps, and two assemblies around a SRM would assure at least 0.7 cps. Therefore although the proposed Technical Specification changes will allow loading of up to eight fuel assemblies before requiring the necessary SRM counts, no loss of neutron monitoring capability is expected to occur.

In order to assure a safe subcritical condition during the loading of the first eight fuel assemblies the licensee performed calculations assuming maximum reactivity conditions (i.e., cold, clustered, uncontrolled, peak reactivity) which concluded that eight fuel assemblies, as analyzed, would remain subcritical. These calculations were bounding for all the fuel to be used during Susquehanna SES Unit 1 Cycle 2.

The licensee has stated that during a typical core reloading, two irradiated fuel assemblies will be loaded around each SRM to produce greater than the minimum required count rate. In addition the loading schemes will be selected to provide for a continuous multiplying medium to be established between the required operable SRMs and the location of the core alteration to enhance the ability of the SRMs to respond to the loading of each fuel assembly. During a core unloading, the last fuel to be removed is that fuel adjacent to the SRMs.

These revisions to the technical specifications would be made in response to the licensee's application for amendment dated April 9, 1985. Before issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations.

The Commission has made a proposed determination that the amendment request involves no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety.

A review of the licensee's submittal dated April 9, 1985 in accordance with the standard of 10 CFR 50.92 provides sufficient information to conclude that the proposed amendment to allow up to eight fuel assemblies to be loaded to attain the requested Technical Specification count rate on the SRMs does not involve a significant hazards consideration. Based on the above safety assessment the Commission agrees with the licensee that the proposed Technical Specification change will result in improved safety because: the SRMs are more reliable in detecting neutrons than the FLCs in the presence of irradiated nuclear fuel; conservative analyses have shown that criticality is not a problem during the loading of the first eight fuel assemblies; and the risk of dropping loose objects into the reactor is reduced by eliminating the use of the FLCs. The proposed change does not involve a significant increase in the probability of consequences of a previously analyzed accident, does not create the possibility

of a new or different kind of accident from any accident previously evaluated, and does not significantly reduce a safety margin. Therefore, based on these considerations and the three criteria given above, the Commission has made a proposed determination that the amendment request involves no significant hazards consideration.

The Commission has determined that failure to act on this license amendment request in a timely way would result in extending the shutdown of the facility. In addition, the Commission finds that the licensee has adequately explained the reason for the exigency and why the licensee could not avoid it. Specifically the condition which prompted the requested Technical Specification change was first discovered by licensee in early March 1985, and the licensee's investigation and analysis to provide a basis for the proposed change was promptly completed and submitted. Therefore, because of this exigency and in order to avoid extending the shutdown of the facility, the Commission has insufficient time to issue its usual 30-day notice of the proposed action for public comment

If the proposed determination becomes final, an opportunity for a hearing will be published in the **Federal Register** at a later date and any hearing request will not delay the effective date of the amendment.

If the Commission decides in its final determination that the amendment does involve a significant hazards consideration, a notice of opportunity for a prior hearing will be published in the **Federal Register** and, if a hearing is granted, it will be held before any amendment is issued.

The Commission is seeking public comments on this proposed determination of no significant hazards consideration. Comments on the proposed determination may be telephoned to A. Schwencer, Chief of Licensing Branch No. 2, by collect call to 301–492–7435 or submitted in writing to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attn: Docketing and Service Branch. All comments received at least 15 days after the notice is published in the **Federal Register** will be considered in reaching a final determination. A copy of the application may be examined at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Osterhout Free Library, Reference Department, 71 South Franklin Street, Wilkes-Barre, Pennsylvania 18701.

Dated at Bethesda, Maryland, this 17th day of April 1985.

For the Nuclear Regulatory Commission

A. Schwencer,

Chief, Licensing Branch No. 2, Division of Licensing.

[FR Doc. 85–9659 Filed 4–18–85, 8:45 am]

BILLING CODE 7590–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 35–23663; 31–810]

Cuivre River Electric Cooperative, Inc., Application for Exemption Pursuant to Section 3(a)(1)

April 15, 1965.

Cuivre River Electric Cooperative, Inc., ("Cooperative"), P.O. Box 160, Troy, Missouri 63379, a Missouri rural electric distribution cooperative, has filed an application for exemption pursuant to section 3(a)(1) of the Public Utility Holding Company Act of 1935 ("Act").

Cooperative is incorporated under the Missouri Rural Electric Cooperative Act and is a non-profit rural electric cooperative, serving approximately 19,000 retail customers. Its operations are confined to Lincoln, Warren, Pike and St. Charles counties, all in Missouri. It is a REA financed cooperative designated, MISSOURI 57 Lincoln. It sells electric energy to its consumer members. It generates no power of its own, purchasing power from Central Electric Power Cooperative, Jefferson City, Missouri. It owns 100% of the stock in its subsidiary, Cuivre River Electric Service Company ("Service"). Service, a Missouri, corporation, is an "electric utility company" under section 2(a)(3) of the Act.

Missouri law limits the service area of rural electric cooperatives to communities having a population of less than 1500 persons. Cooperative constructed electric facilities in Lincoln, Warren, Pike, and St. Charles counties in Missouri which were annexed by municipalities that have populations in excess of 1500. Service was created as a wholly owned subsidiary of Cooperative to quality under Missouri law to serve Cooperative member in these annexed areas. Cooperative intends, subject to approval of the Missouri Public Service Commission, and the Rural Electrification Administration ("REA"), to transfer to Service facilities and members of Cooperative which are in the areas annexed by municipalities. Service will generate no power. Cooperative will be its sole power supplier. All of its sales will be made to consumers within the State of Missouri.

Cooperative states that the public interest does not demand its registration as a "holding company". Cooperative is owned by the several thousand consumer members of the rural electric cooperative. These consumer members elect from their own members those persons who serve on the Board of Directors of Cooperative. In turn the Board of Directors of Cooperative elect the persons who serve on the Board of Directors of Service. The election of directors, and the management of the affairs of the Cooperative and Service are effectively audited and regulated by REA. Cooperative has also requested that it not be required to make the annual filings required by 17 CFR 250.2.

The application and any amendments thereto are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by May 9, 1985, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the applicant at the address specified above. Proof of service (by affidavit or, in case of attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date, the application, as filed or as it may be amended, may be authorized.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Shirley E. Bollis,

Assistant Secretary

[FR Doc. 85–9486 Filed 4–18–85, 8:45 am]

BILLING CODE 8010–01–M

[Release No. 35–23664; 70–7100]

Massachusetts Electric Co.; Notice of Proposed Increase in Authorized Short-Term Unsecured Indebtedness and Order Authorizing Solicitation of Proxies in Connection Therewith

April 15, 1985.

Massachusetts Electric Company ("Mass Electric"), 25 Research Drive, Westborough, Massachusetts 01582, an electric utility subsidiary company of New England Electric System, a registered holding company, has filed a declaration with this Commission pursuant to sections 6(a), 7, and 12(e) of the Public Utility Holding Company Act of 1935 ("Act") and Rule 62 promulgated thereunder.

The terms of Mass Electric's Cumulative Preferred Stock, as set forth in the By-Laws, provide that, without the vote of the holders of a majority of said stock, the short-term unsecured indebtedness of the company shall not exceed 10% of total capitalization. At special meetings of the holders of the company's Cumulative Preferred Stock held on August 1, 1975, and August 1, 1980, the stockholders approved a proposal authorizing Mass Electric to incur short-term unsecured indebtedness not exceeding 20% of total capitalization. (See HCAR No. 19097 (July 29, 1975) and HCAR No. 21663 (July 22, 1980).) The most recent of these authorizations expires on July 31, 1985.

Mass Electric proposes to submit to its preferred stockholders at a special meeting scheduled to be held on June 27, 1985, a proposal to extend until July 31, 1992, its authority to issue short-term unsecured debt up to 20% of its total capitalization. The continuation of the 20% permitted amount of short-term unsecured debt requires the favorable vote at a meeting called for that purpose of a majority of the Cumulative Preferred Stock of all series now outstanding, voting as a single class. In connection therewith, Mass Electric proposes to solicit proxies from the holders of such stock. The favorable vote would renew the authorization for Mass Electric to issue short-term unsecured indebtedness in excess of the 10% limitation provided (i) such indebtedness shall be issued not later than July 31, 1982, (ii) such indebtedness shall have a maturity not later than July 31, 1993, and (iii) all unsecured indebtedness of the company not exceed 20% of total capitalization.

Mass Electric states that it is seeking this authorization to finance initially construction expenditures, estimated at $253 million for 1985–1989, and to be prepared for unforeseen events.

The declaration and any amendments thereto are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by May 13, 1985, to the Secretary, Securities and exchange Commission, Washington, D.C. 20549, and serve a copy on the declarant at the address specified above. Proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date, the declaration, as filed or as it may be amended, may be permitted to become effective.

It appearing to the Commission that the declaration, insofar as it relates to the proposed solicitation of proxies, should be permitted to become effective forthwith pursuant to Rule 62:

It is ordered that the declaration regarding the proposed solicitation of proxies be, and it hereby is, permitted to become effective forthwith pursuant to Rule 62 and subject to the terms and conditions prescribed in Rule 24 under the Act.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 85-9485 Filed 4-18-85; 8:45 am]

BILLING CODE 8010-01-M

[Release No 34-21947; SR-MSRB-85-4]

Self-Regulatory Organizations; Municipal Securities Rulemaking Board; Order Approving Rule Change

The Municipal Securities Rulemaking Board, ("MSRB") Suite 800, 1818 N. Street, NW., Washington, D.C. 20036–2491 on February 5, 1985 submitted copies of a proposed rule change pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 and rule 19b–4 thereunder. This rule change is intended to indicate clearly that good delivery of a municipal security for which a notice of call applicable to the entire issue of securities has been published on or prior to the trade date has not been effected unless the security was identified as called at the time of trade.

At present, MSRB rules G–12 and G–15 provide that a delivery of a municipal security that has been called under an "in part" call published on or before the delivery date does not constitute good delivery if the certificate was not identified as called at the time of trade. The MSRB is of the view that a seller should not be allowed to deliver "called" securities in satisfaction of a contract if the bond's called status is not satisfied at the time of the trade. MSRB rules G–12 and G–15 at present provide that delivery of a municipal security subject to an "in whole" call notice (applicable to the entire issue) published on or prior to the delivery date is a good delivery. The MSRB believes that the risk of ownership passes to the purchaser as the time of trade, and thus the risk of an "in whole" called announced after the trade date but prior to delivery should be borne by the purchaser. The proposed rule change is designed to make clear, however, that where an "in whole" call for an issue of municipal securities has taken place on or before the trade date, the security must be identified as "called" at the time of the trade for there to be good delivery. A similar clarification is made in the parallel reclamation provisions of rule G–12(g).

Notice of the proposed rule change was given in Securities Exchange Act Release No. 21746, published in the **Federal Register** (50 FR 9923, March 12, 1985). No comments on the proposed rule change were received.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to the MSRB, and in particular, the requirements of Section 15B and the rules and regulations thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the proposed rule change be, and it hereby is, approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority. 17 CFR 200.30–3(a)(12).

Shirley E.Hollis,

Assistant Secretary.

April 15, 1985.

[FR Doc. 85–9539 Filed 4–18–85; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

Petitions for Exemption or Waiver of Compliance

In accordance with 49 CFR 211.9 and 211.41, notice is hereby given that the Federal Railroad Administration has received requests for an exemption from or waiver of compliance with certain requirements of its safety standards. The individual petitions are described below, including the party seeking relief, the regulatory provisions involved, and the nature of the relief being requested.

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested party desires an opportunity for oral comment, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communications concerning these proceedings should identify the appropriate Docket Number (e.g., waiver petition Docket Number HS–85–2) and must be submitted in triplicate to the Docket Clerk, Office of Chief Counsel, Federal Railroad Administration, Nassif Building, 400 Seventh Street SW., Wahington, D.C. 20590. Communications received before June 4, 1985, will be considered by FRA before final action is taken. Comments received after that date will be considered as far as practicable. All written communications concerning these proceedings are available for examination during regular business hours (9 a.m.–5 p.m.) in Room 8201, Nassif Building, 400 Seventh Street SW., Washington, D.C. 20590.

The individual petitions seeking an exemption or waiver of compliance are is follows:

Petition for Exemption From the Hours of Service Act

Petitioners' name	Waiver petition docket No
Texas South-Eastern Railroad Company	HS-85-2
The Cape Cod and Hyannis Railroad, Inc	HS-85-3

Grand Trunk Western Railroad Company

Waiver Petition Docket Number RSOR–85–1

Blue Signal Protection for Workmen

The Grand Trunk Western Railroad Company (GT) has petitioned the FRA seeking relief from the requirements of 49 CFR § 218.29(c). Section 218.29(c), in part, requires a minimum of 150 feet distance to clear equipment for the installation of a derail mechanism. Because of the very constricted area of the two loading tracks at the reactivated General Motors Plant at Pontiac, Michigan, the GT cannot comply with this distance requirement, given the five car per track placement need. The GT believes that placement of the derails at a reduced distance of 50 feet from the protected equipment will provide the desired level of protection. Other factors that improve the level of protection at this location include: (1) the fact that the tracks are stub ended; (2) only one crew is working at any given time; and (3) operating speed is limited to five mph.

Issued in Washington, D.C. on April 8, 1985

Joseph W. Walsh,

Associate Administrator for Safety.

[FR Doc. 85–9534 Filed 4–18–85; 8:45 am]

BILLING CODE 4910–06–M

DEPARTMENT OF THE TREASURY

Public Information Collection Requirements Submitted to OMB for Review

Dated: April 16, 1985.

The Department of the Treasury has submitted the following public information collection requirement(s) to OMB (listed by submitting bureau(s)), for review and clearance under the Paperwork Reduction Act of 1980, Pub. L. 96–511. Copies of these submissions may be obtained by calling the Treasury Bureau Clearance Officer listed under each bureau. Comments regarding these information collections should be addressed to the OMB reviewer listed at the end of each bureau's listing and to the Treasury Department Clearance Officer, Room 7221, 1201 Constitution Avenue NW., Washington, D.C. 20220.

Internal Revenue Service

OMB Number: New
Form Number: None
Type of Review: New
Title: Appeals Taxpayer Attitude Survey
Clearance Officer: Garrick Shear, (202) 566–6150, Room 5571, 1111 Constitution Avenue NW., Washington, D.C. 20224
OMB Reviewer: Milo Sunderhauf, (202) 395–6880, Office of Mangement and Budget, Room 3208, New Executive Office Building, Washington, D.C 20503

Office of the Secretary

OMB Number: 1505–0025
Form Number: RS–9B, and RS–9D
Type of Review: Extension
Title: Annual Survey of State and Local Government Finances
Clearance Officer: Joseph Maty, (202) 535–6020, Office of the Secretary, Room 7221, ICC Building, 1201 Constitution Avenue NW., Washington, DC 20220
OMB Reviewer: Judy McIntosh, (202) 395–6880, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, D.C. 20503.

James V. Nasche, Jr.,

Departmental Reports, Management Office.

[FR Doc. 85–9461 Filed 4–18–85; 8:45 am]

BILLING CODE 4810–25–M

Public Information Collection Requirements Submitted to OMB for Review

Dated: April 15, 1985.

The Department of the Treasury has submitted the following public information collection requirement(s) to OMB (listed by submitting bureau(s)), for review and clearance under the Paperwork Reduction Act of 1980, Pub. L. 96–511. Copies of these submissions may be obtained by calling the Treasury Bureau Clearance Officer listed under each bureau. Comments regarding these information collections should be addressed to the OMB reviewer listed at the end of each bureau's listing and to the Treasury Department Clearance Officer, Room 7221, 1201 Constitution Avenue, NW., Washington, D.C. 20220.

Internal Revenue Service

OMB Number: 1545–0046
Form Number: IRS Form 982
Type of Review: Revision
Title: Reduction of Tax Attributes Due to Discharge of Indebtedness

OMB Number: 1546–0430
Form Number: IRS Form 4810
Type of Reiew: Reinstatement
Title: Request for Prompt Assessment Under Internal Revenue Code Section 6501(d)
Clearance Officer: Garrick Shear, (202) 566–6150, Room 5571, 1111 Constitution Avenue NW., Washington, D.C. 20224
OMB Reviewer: Milo Sunderhauf, (202) 395–6880, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, D.C. 20503.

Bureau of the Public Debt

OMB Number: 1535–0021
Form Number: PD 4632–1, PD 4632–2 and PD 4632–3
Type of Review: Extension
Title: Tender for Treasury Bills in Book-Entry Form at the Department of the Treasury
Clearance Officer: Peter Lougesen, (202) 376–4902, Bureau of the Public Debt, Room 445, 999 E. Street NW., Washington, D.C. 20226
OMB Reviewer: Milo Sunderhauf, (202) 395–6880, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, D.C. 20503.

U.S. Customs Service

OMB Number: 1515–0097
Form Number: None
Type of Review: Revision
Title: Proposed Customs Regulations Amendments Relating to Copyrights
Clearance Officer: Vince Olive, (202) 566–9181, U.S. Customs Service, Room 2130, 1301 Constitution Avenue NW., Washington, D.C. 20229
OMB Reviewer: Judy McIntosh, (202) 395–6880, Office of Management and Budget, Room 3208, New Executive

Office Building, Washington, D.C. 20503.

Joseph F. Maty,

Departmental Reports Management Office.

[FR Doc. 85-9462 Filed 4-18-85; 8:45 am]

BILLING CODE 4810-25-M

VETERANS ADMINISTRATION

Health Services Research and Development Scientific Review and Evaluation Board; Availability of Annual Report

Under section 10(d) of Public Law 92-463 (Federal Advisory Committee Act), notice is hereby given that the Annual Report of the Veterans Administration Health Services Research and Development Service Scientific Review and Evaluation Board for calendar year 1984 has been issued.

This report summarizes activities of the Board on matters related to the review of health services research and development proposals submitted by VA field staff. It is available for inspection at two locations:

Library of Congress, Serial and Government Publications, Reading Room, LM 133, Madison Building, Washington, DC 20540

and

Veterans Administration, Office of the Director, Health Services Research and Development Service, Room 653, 810 Vermont Avenue NW., Washington, DC 20420

Dated: April 12, 1985.

By direction of the Administrator.

Rosa Maria Fontanez,

Committee Management Officer.

[FR Doc. 85-9483 Filed 4-18-85; 8:45 am]

BILLING CODE 8320-01-M

Veterans Administration Cooperative Studies Evaluation Committee; Availability of Annual Report

Under Section 10(d) of Public Law 92-463 (Federal Advisory Committee Act) notice is hereby given that the Annual Report for calendar year 1984 has been issued for the Veterans Administration Cooperative Studies Evaluation Committee.

The report summarizes activities of the Committee on matters related to the review and evaluation of new and ongoing cooperative studies. It is available for public inspection at two locations:

Library of Congress, Serial and Government Publications Reading Room LM 133, Madison Building, Washington, DC. 20540,

and

Veterans Administration, Medical Research Service, Cooperative Studies Program, Room 748, 810 Vermont Avenue, NW., Washington, DC. 20420

Dated: April 12, 1985.

By Direction of the Administrator.

Rosa Maria Fontanez,

Committee Management Officer.

[FR Doc. 85-9484 Filed 4-18-85; 8:45 am]

BILLING CODE 8320-01-M

Sunshine Act Meetings

Federal Register
Vol. 50, No. 76
Friday, April 19, 1985

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3)

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EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DATE AND TIME: Monday, April 29, 1985, 2:00 p.m. (eastern time).

PLACE: Clarence M. Mitchell, Jr., Conference Room No. 200–C on the 2nd Floor of the Columbia Plaza Office Building, 2401 "E" Street, NW., Washington, D.C. 20507.

STATUS: Closed to the public.

MATTER TO BE CONSIDERED:

Closed

1. Litigation Authorization: GC Recommendations
2. Proposed Commission Decision

Note.—Any matter not discussed or concluded may be carried over to a later meeting. (In addition to publishing notices on EEOC Commission Meetings in the **Federal Register**, the Commission also provides a recorded announcement a full week in advance on future Commission sessions. Please telephone (202) 634–6748 at all times for information on these meetings).

CONTACT PERSON FOR MORE INFORMATION: Cynthia C. Matthews, Executive Officer, Executive Secretariat at (202) 634–6748.

Dated: April 17, 1985.

Cynthia C. Matthews,

Executive Officer.

This notice Issued April 17, 1985

[FR Doc. 85–9622 Filed 4–17–85; 3:12 pm]

BILLING CODE 6750–06–M

2

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DATE AND TIME: Tuesday, April 30, 1985, 9:30 a.m. (eastern time).

PLACE: Clarence M. Mitchell, Jr., Conference Room No. 200-C on the 2nd Floor of the Columbia Plaze Office Building, 2401 "E" Street, NW., Washington, D.C. 20507.

STATUS: Part will be open to the public and part will be closed to the public.

MATTERS TO BE CONSIDERED:

1. Announcement of Notation Vote(s)
2. A Report on Commission Operations (Optional)
3. Implementation of the Decisions from the Bench Program for Federal Sector Hearings
4. Revised Procedures for Issuance of Opinion Letters
5. Request for an Opinion Letter Concerning Commission Procedures for Documenting Receipt of Right-To-Sue Letters by Charging Parties
6. Proposed Change in Procedures for Circulation of Decision Documents to the Commission

Closed

1. Litigation Authorization; General Counsel Recommendations
2. Proposed Commission Decision

Note.—Any matter not discussed or concluded may be carried over to a later meeting. (In addition to publishing notices on EEOC Commission Meetings in the **Federal Register**, the Commission also provides a recorded announcement a full week in advance on future Commission sessions. Please telephone (202) 634–6748 at all times for information on these meetings).

CONTACT PERSON FOR MORE INFORMATION: Cynthia C. Matthews, Executive Officer, Executive Secretariat at (202) 634–6748.

Dated: April 17, 1985.

Cynthia C. Matthews,

Executive Officer.

This Notice Issued April 17, 1985.

[FR Doc. 85–9623 Filed 4–17–85; 3:12 pm]

BILLING CODE 6750–06–M

3

FEDERAL ENERGY REGULATORY COMMISSION

TIME AND DATE: 10:00 a.m., April 24, 1985.

PLACE: 825 North Capitol Street, NE., Room 9306, Washington, D.C. 20426.

STATUS: Open.

MATTERS TO BE CONSIDERED: Agenda.

Note.—Items listed on the agenda may be deleted without further notice.

CONTACT PERSON FOR MORE INFORMATION: Kenneth F. Plumb, Secretary, Telephone (202) 357–8400.

This is a list of matters to be considered by the Commission. It does not include a listing of all papers relevant to the items on the agenda; however, all public documents may be examined in the Division of Public Information.

Consent Power Agenda, 812th Meeting—April 24, 1985, Regular meeting (10:00 a.m.)

CAP–1.
Project No. 8848–001, Sawyer-Bellamy Mill Associates
CAP–2.
Project No. 8704–000, Gregory B. and Pernina P. Ryan
CAP–3.
Docket No. EL78–24–031 (Phase II), Municipal Electric Utilities Association of New York State v. Power Authority of the State of New York
Docket No. EL78–37–004 (Phase II), village of Ilion, New York v. Power Authority of the State of New York
CAP–4.
Project No. 8287–002, Western Power, Inc.
Project No. 8314–002, town of Index, Washington
CAP–5.
Project No. 6923–001, John C. Simmons
CAP–6.
Project Nos. 5865–012, 002, 003, 004, 005 and 007, David Cereghino
CAP–7.
Project Nos. 6879–001 and 002, Southeastern Hydro-Power Inc.
CAP–8.
Project No. 8763–001, Power Mining, Inc.
CAP–9.
Project No. 5927–002, Goose Creek Hydro Associates
CAP–10.
Project No. 6119–001, Michael Russo
CAP–11.
Project No. 6434–005, Thomas A. Nelson
CAP–12.
Project Nos. 7439–002, 7440–003 and 7441–002, Michael Arkoosh
Project No. 8044–002, Enertech, Inc.
CAP–13.
Project No. 6727–001, Northwest Power Company, Inc.
CAP–14.
Omitted
CAP–15.
Project No. 4044–003, Minnesota Department of Natural Resources
CAP–16.
Docket No. HB05–84–1–000, Montana Power Company
CAP–17.
Docket No. ER85–300–000, Vermont Yankee Nuclear Power Corporation
CAP–18.
Docket Nos. ER82–462–000, ER82–539–000, ER82–734–000, ER82–810–000, ER83–127–000, ER83–540–000, ER83–573–000, ER83–748–000, ER84–163–000, ER84–042–000,

ER84-347-000 and ER84-403-000, Portland General Electric Company
Docket Nos. ER82-448-000, ER82-715-000, ER83-044-000, ER83-045-000, ER83-046-000, ER83-187-000, ER83-334-000, ER83-541-000, ER83-567-000, ER83-706-000, ER84-040-000, ER84-198-000, ER84-305-000, Puget Sound Power and Light Company
Docket Nos. ER82-618-000, ER82-622-000, ER83-661-000, ER83-241-003, ER83-687-000 and ER83-712-000, Idaho Power Company
Docket Nos. ER83-582-000, ER84-026-000 and ER83-156-000, Montana Power Company

CAP-19.
Docket No. ER84-679-000, Florida Power Corporation

CAP-20.
Docket No. EL85-11-000, City of Vernon and the cities of Anaheim, Riverside, Banning, Colton, and Azusa, California v. Southern California Edison Company

CAP-21.
(A) Docket No. QF85-233-000, Northwest Power Company
(B) Docket No. QF85-232-000, Northwest Power Company

Consent Miscellaneous Agenda

CAM-1.
Docket No. RM85-14-000, suspension of filing requirements for FERC Form No. 80

CAM-2.
Omitted

CAM-3.
Omitted

CAM-4.
Docket No. R079-13-001, Glenn Martin Heller d/b/a Beacon Hill Gulf

Consent Gas Agenda

CAG-1.
Docket Nos. OR79-1-024 and 025 (Phase II), Williams Pipe Line Company

CAG-2.
Docket No. RP85-69-001, Penn-York Energy Corporation

CAG-3.
Docket No. RP85-60-001, Overthrust Pipeline Company

CAG-4.
Docket Nos. RP85-58-000, 001 and 003, el Paso Natural Gas Company

CAG-5.
Docket No. RP85-122-000, Colorado Interstate Gas Company

CAG-6.
Docket No. RP85-125-000, Distrigas of Massachusetts Corporation

CAG-7.
Docket Nos. RP85-129-000 and RP85-130-000, El Paso Natural Gas Company

CAG-8.
Docket Nos. TA85-2-50-000 and 001, Valley Gas Transmission, Inc.

CAG-9.
Docket Nos. TA85-4-51-000 and 001 (PGA85-4), Great Lakes Gas Transmission Company

CAG-10.
Docket No. RP85-110-000, Northern Natural Gas Company

CAG-11.
Omitted

CAG-12.
Docket No. RP85-126-000, Northern Border Pipeline Company

CAG-13.
Docket No. TA85-2-49-003 (PGA85-2a), Williston Basin Interstate Pipeline Company

CAG-14.
Docket No. TA84-2-48-000 (PGA84-2 and IPR84-2), ANR Pipeline Company

CAG-15.
Omitted

CAG-16.
Omitted

CAG-17.
Docket No. TA85-2-62-000, Pacific Offshore Pipeline Company

CAG-18.
Docket No. TA85-1-16-000, National Fuel Gas Supply Corporation

CAG-19.
Docket Nos. ST83-429-002, ST81-106-001, ST82-193-001, ST82-194-001, ST82-195-000, ST83-50-001, ST83-327-001, ST83-481-000, ST83-634-000, ST84-101-000, ST84-218-000, ST84-219-000, ST84-524-000, ST84-1138-000, ST85-70-000 and ST85-71-000, Producer's Gas Company

CAG-20.
Docket Nos. ST83-265-000, 001, ST82-76-000 and 001, Producer's Gas Company

CAG-21.
Docket No. ST84-1304-000, Exxon Gas System, Inc.

CAG-22.
Docket Nos. ST80-94-000, 001, 002, ST80-109-000, 001, 002, ST83-395-000, ST83-396-000, ST83-599-000, ST83-694-000, ST84-713-000, ST84-910-000 and ST84-1137-000, Cranberry Pipeline Corporation

CAG-23.
Docket No. RI84-5-000, N.C. Ginther, et al

CAG-24.
Docket Nos. RI74-188-050 and RI75-21-045, Independent Oil & Gas Association of West Virginia

CAG-25.
Docket No. CI73-629-001, Mobil Oil Corporation

CAG-26.
Docket No. CP80-346-005, Consolidated Gas Supply Corporation and Consolidated Gas Transmission Corporation

CAG-27.
Docket No. CP85-180-000, Columbia Gas Transmission Corporation

CAG-28.
Docket No. CP66-112-007 and CP71-223-003, Great Lakes Gas Transmission Company

CAG-29.
Docket No. CP81-409-001, Louisiana Intrastate Gas, a division of Celeron Corporation

CAG-30.
Docket No. CP85-21-001, Transcontinental Gas Pipe Line Corporation

I. Licensed Project Matters

P-1.
Project Nos. 2840-010, 2849-008 and 3295-003, East Columbia Basin Irrigation District, Quincy-Columbia Basin Irrigation District and South Columbia Basin Irrigation District

P-2.
Docket No. EL85-19-000, Hydropower Projects clustered in River Basins

II. Electric Rate Matters

ER-1.
Omitted

Miscellaneous Agenda

M-1.
Omitted

M-2.
Omitted

M-3.
Docket No. RM85-12-000, amendments to FERC Form No. 1, addition of rule requiring filing of Form No. EIA-714, and elimination of rule concerning FERC Form No. 12

M-4.
Reserved

M-5.
Reserved

M-6.
Docket No. RM85-13-000, revisions to FPC Form No. 8, "Underground Gas Storage Report," and FERC Form No. 16 "Report of Gas Supply and Requirements

M-7.
Omitted

I. Pipeline Rate Matters

RP-1.
Docket Nos. TA85-3-29-000 and 001 (PGA85-3), Transcontinental Gas Pipe Line Corporation

RP-2
Docket Nos. TA85-3-37-000 and 001, Northwest Pipeline Corporation

RP-3.
Docket Nos. TA85-2-45-000, 001 and 003 (PGA85-2), Inter-City Minnesota Pipelines, Ltd., Inc

RP-4.
Docket Nos. TA85-2-46-000 and 001 (PGA85-1 and IPR85-2), Kentucky-West Virginia Gas Company

RP-5.
Docket Nos. TA85-2-47-000 and 001, MIGC, Inc.

RP-6.
Docket Nos. TA85-2-48-000 and 001 (PGA85-2 and IPR85-2), ANR Pipeline Company

RP-7.
Docket Nos. TA85-2-49-000 and 001 (PGA85-3), Williston Basin Interstate Pipeline Company

RP-8.
Docket Nos. TA85-3-51-000 and 001 (PGA85-3), Great Lakes Gas Transmission Company

RP-9.
Docket Nos. RP80-55-000, RP80-118-000, RP81-73-000, RP82-32-000, RP80-55-008, RP80-118-010, RP80-55-009 and RP80-118-011, Sea Robin Pipeline Company

II. Producer Matters

CI-1.
Reserved

III. Pipeline Certificate Matters

CP-1.

Docket Nos. CP84–348–001, 002 and 003, Mississippi River Transmission Corporation
CP–2.
Docket Nos. CP84–543–000, CP85–150–000 and CP85–151–000, Equitable Gas Company, a division of Equitable Resources, Inc.

Kenneth F. Plumb,

Secretary.

April 17, 1985.

[FR Doc. 85–9627 Filed 4–17–85; 3:40 pm]

BILLING CODE 6717–01–M

4

FEDERAL HOME LOAN BANK BOARD

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: Vol. No. 50, Page No. 14486, Date Published—Friday, April 12, 1985.

PLACE: In the Board Room, 6th Floor, 1700 G St., NW., Washington, D.C.

STATUS: Open Meeting.

CONTACT PERSON FOR MORE INFORMATION: Ms. Gravlee (202–377–6677).

CHANGES IN THE MEETING: The Bank Board meeting Scheduled Wednesday, April 17, 1985, at 9:00 a.m., have been changed to 10:00 a.m.

No. 5, April 16, 1985.

Jeff Sconyers,

Secretary.

[FR Doc. 85–9550 Filed 4–16–85; 4:33 pm]

BILLING CODE 6720–01–M

5

FEDERAL TRADE COMMISSION

TIME AND DATE: 3:00 p.m., Monday, April 29, 1985.

PLACE: Room 432, Federal Trade Commission Building, 6th Street and Pennsylvania Avenue, NW., Washington, D.C. 20580.

STATUS: Open.

MATTER TO BE CONSIDERED: Consideration of Proposed Refinement of Commission Voting Procedures.

CONTACT PERSON FOR MORE INFORMATION: Susan B. Ticknor, Office of Public Affairs: (202) 532–1892; Recorded Message: (202) 523–3806.

Emily H. Rock,

Secretary.

[FR Doc. 85–9592 Filed 4–17–85; 1:31 pm]

BILLING CODE 6750–01–M

6

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

TIME AND DATE: 10:00 a.m., Thursday, April 25, 1985.

PLACE: Suite 410, 1825 K Street, NW., Washington, D.C.

STATUS: Because of the subject matter, it is likely that this meeting will be closed.

MATTERS TO BE CONSIDERED: Discussion of specific cases in the Commission adjudicative process.

CONTACT PERSON FOR MORE INFORMATION: Mrs. Mary Ann Miller, (202) 634–4015.

Dated: April 17, 1985.

Earl R. Ohman, Jr.,

General Counsel.

[FR Doc. 85–9590 Filed 4–17–85; 8:45 am]

BILLING CODE 7600–01–M

7

SYNTHETIC FUELS CORPORATION

Meeting of the Board of Directors

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 50 FR 15528, APRIL 18, 1985.

SUMMARY: Interested members of the public are advised that the previously noticed agenda of the meeting of the Board of Directors of the United States Synthetic Fuels Corporation to be held on Monday, April 22, 1985 has been amended as follows:

The meeting will commence in Room 503.

Portions of the Board's review of the status of the Great Plains Project will be conducted during the open session of the meeting.

The open session of the meeting also will include Board review of new solicitation options.

PERSON TO CONTACT FOR MORE INFORMATION: If you have any questions regarding this meeting, please contact Mr. March Coleman, Assistant Secretary, at (202) 822–6571.

United States Synthetic Fuels Corporation.

Len Rawicz,

Vice President, General Counsel and Secretary.

April 17, 1985.

[FR Doc. 85–9620 Filed 4–17–85; 2:43 pm]

BILLING CODE 0000–00–M

8

TENNESSEE VALLEY AUTHORITY

Meeting No. 1348

TIME AND DATE: 10:15 a.m. (EST), Tuesday, April 23, 1985.

PLACE: TVA West Tower Auditorium 400 West Summit Hill Drive, Knoxville, Tennessee.

STATUS: Open.

Agenda

Approval of minutes of meeting held on April 3, 1985.

Discussion Item

1. Progress report on the first-year implementation of the Valley-wide Existing Industries Program.

Action Items

Purchase Awards

B1. Proposal J3–716522—Conversion of lease contract with Control Data Corporation to a purchase contract for hardware and services.

B2. Proposal 56–942518—Total ash management program at Bull Run Fossil Plant.

C—Power Items

C1. Letter agreement with Department of Energy covering arrangements for satisfaction of obligations under construction power contract for the Clinch River Breeder Reactor project.

E—Real Property Transactions

E1. Sale of permanent sewerline easement to the Metropolitan Government of Nashville and Davidson County to accommodate the installation of 324 feet of a 15-inch sanitary sewerline affecting 0.2 acre of TVA's Cockrill Bend property located in Nashville, Tennessee—Tract No. XNTPSC–1S.

E2. Sale of permanent easement to the Georgia Department of Transportation to accommodate an extension of State Route 2A affecting 6.68 acres of the Oglethorppe 161-kV Substation spur track property located in Walker County, Georgia—Tract No. OPSS–6.

E3. Sale of permanent highway easement to the Kentucky Department of Transportation to accommodate a highway improvement project affecting a 0.28 acre portion of the Summer Shade 161-kV Substation site located in Metcalfe County, Kentucky—Tract No. XSSSS–1H.

E4. Grant of permanent easement to Bedford County, Tennessee, for the construction, operation, and maintenance of a highway and appurtenances affecting approximately 0.68 acre of land acquired for Normandy Reservoir downstream from the dam located in Bedford County, Tennessee—Tract No. XTNRMRD–1E.

E5. Grant of permanent easement to the State of Alabama for the construction, operation, and maintenance of a highway affecting approximately 0.4 acre of Wheeler Reservoir land in Limestone County, Alabama—Tract No. XTWR-93H.

E6. Proposed abandonment of certain rights affecting 0.10 acre of Chickamauga Reservoir land located in Rhea County, Tennessee—Tract No. XCR-170.

E7. Filing of condemnation cases.

F—Unclassified

F1. Supplement to Memorandum of Understanding No. TV-56700A with the State of Tennessee renewing the recognition of TVA as a water quality management agency as defined under the Clean Water Act.

CONTACT PERSON FOR MORE INFORMATION: Craven H. Crowell, Jr., Director of Information, or a member of his staff can respond to requests for information about this meeting. Call (615) 632-8000, Knoxville, Tennessee. Information is also available at TVA's Washington, Office, (202) 245-0101.

Dated: April 16, 1985.

W.F. Willis,

General Manager.

[FR Doc. 85-9591 Filed 4-17-85; 1:31 pm]

BILLING CODE 8120-01-M

Federal Register

Friday
April 19, 1985

Part II

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Birmingham, AL 35203
(205) 254–2551

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Gadsden Public Library
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Gadsden, AL 35901
(205) 547–1611

Mobile:
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Mobile Public Library
564 Davis Avenue
Mobile, AL 36603
(205) 438–7092

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University of South Alabama Library
Mobile, AL 36688
(205) 460–7024

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Alabama Public Library Service
6030 Monticello Drive
Montgomery, AL 36130
(205) 277–7330

Tuscaloosa:
University of Alabama Library
Reference Department
Box S
University, AL 35486
(205) 348–6046

ALASKA

Anchorage:
Alaska Resources Library
U.S. Department of the Interior
701 C Street, Box 36
Anchorage, AK 85513

Office of the Solicitor, Law Library
U.S. Department of the Interior
510 L Street, Suite 408
Anchorage, AK 99501

Fairbanks:
Bureau of Land Management
Library
Fairbanks District Office
P.O. Box 1150
North Post of Ft. Waynewright
Fairbanks, AK 99707

Rasmuson Library
Government Documents Section
University of Alaska
Fairbanks, AK 99701

Juneau:
Alaska State Library
8th Floor, New State Office Bldg.
Pouch G
Juneau, AK 99811
(907) 465–2920

ARIZONA

Flagstaff:
Government Documents Department
Northern Arizona University Library
Flagstaff, AZ 86011
(602) 523–2171

Glendale:
Velma Teague Library
7010 N. 58th Avenue
Glendale, AZ 85301
(602) 931–5576

Phoenix:
Office of the Field Solicitor, Law
Library
U.S. Department of the Interior
Valley Bank Center, Suite 2080
201 North Central Avenue
Phoenix, AZ 85073

Phoenix Public Library
Business, Science & Technology—
Documents
12 E. McDowell Road
Phoenix, AZ 85004
(602) 262–6451

Tempe:
Arizona State University
College of Law Library
Government Documents
Tempe, AZ 85281

Government Documents Department
Arizona State University Library
Tempe, AZ 85281

Window Rock:
Field Solicitor, Law Library
U.S. Department of the Interior
Window Rock, AZ 86515

ARKANSAS

Little Rock
Government Documents Department
UALR Library
University of Arkansas at Little Rock
33rd and University Avenue
Little Rock, AR 72204
(501) 569–3120

Searcy:
Beaumont Memorial Library
Harding University
P.O. Box 928
Searcy, AR 72143
(501) 268–6161

CALIFORNIA

Anaheim:
Anaheim Public Library
500 W. Broadway Avenue
Anaheim, CA 92805
(714) 999–1880

Arcata:
Documents Department
The Library
Humboldt State University
Arcata, CA 95521

Burlingame:
The San Mateo Foundation*
1204 Burlingame Avenue
P.O. Box 627
Burlingame, CA 94010
(415) 342–2477

Glendale:
City of Glendale
Glendale Public Library
222 East Harvard Street
Glendale, CA 91205

La Jolla:
Government Documents, Maps,
Microforms Department
Central University Library C–075–P
University of California, San Diego
La Jolla, CA 92093
(714) 452–3338

Lakewood:
Angelo M. Iacoboni Library
5020 Clark Avenue
Lakewood, CA 90712
(213) 866–1777

Long Beach:
Government Publications
Long Beach Public Library and
Information Center
101 Pacific Avenue
Long Beach, CA 90802
(213) 437–2949, ext. 40

Long Beach Safety Council Library
121 Linden Avenue
Long Beach, CA 90802

Menlo Park:
U.S. Geological Survey Library
345 Middlefield Road
Menlo Park, CA 94025

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Holy Names College Library
3500 Mountain Blvd.
Oakland, CA 94619
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Thurmond Clarke Memorial Library
Chapman College
333 North Glassell Street
Orange, CA 92666
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City of Pasadena
Pasadena Public Library
285 E. Walnut Street
Pasadena, CA 91101
(213) 577–4054
Redwood City:
Redwood City Public Library
881 Jefferson Avenue
Redwood City, CA 94063
(415) 369–6251, ext. 288
San Mateo County Superintendent of Schools Office
Educational Resources Center
333 Main Street
Redwood City, CA 94063
(415) 364–5600
Richmond:
Richmond Public Library
Civic Center Plaza
Richmond, CA 94804
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Sacramento, CA 95809
(916) 445–8833
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U.S. Department of the Interior
Room E-2753
2800 Cottage Way
Sacramento, CA 95825
San Bernardino:
San Bernardino County Library
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San Bernardino, CA 92415
San Diego:
Western State University
College of Law
1333 Front Street
San Diego, CA 92101
(714) 231–0300
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Field Solicitor, Law Library
U.S. Department of the Interior
450 Golden Gate Avenue
Box 36064
San Francisco, CA 94102
University of California
Hastings College of the Law
Library
198 McAllister Street
San Francisco, CA 94102
San Rafael:
Marin County Free Library
Civic Center Administration Building
San Rafael, CA 94903
(415) 499–6051
Vallejo:
California Maritime Academy*
P.O. Box 1392
Vallejo, CA 94590
(707) 644–5601

COLORADO

Denver:
Bureau of Land Management
Denver Service Center Library
Building 50
Denver Federal Center
Denver, CO 80225

Bureau of Reclamation Library
Engineering and Research Center
P.O. Box 25007, Denver Federal Center
Denver, CO 80225

Colorado State Library
1362 Lincoln Street
Denver, CO 80203

Regional Solicitor, Law Library
U.S. Department of the Interior
Room 1400, Bldg. 67, Denver Federal Center
P.O. Box 25007
Denver, CO 80225

Rocky Mountain Regional Office Library
National Park Service
655 Parfect Street
P.O. Box 25287
Denver, CO 80225
Fort Collins:
Documents Department
The Libraries
Colorado State University
Fort Collins, CO 80523
Greeley:
James A. Michener Library
Government Publications Service
University of Northern Colorado
Greeley, CO 80639
Lakewood:
Villa Library*
455 South Pierce Street
Lakewood, CO 80226
(303) 936–7407
Pueblo:
Pueblo Regional Planning Commission Library*
No. 1 City Hall Place
Pueblo, CO 81003
(303) 543–6006

CONNECTICUT

Bloomfield:
Prosser Public Library
1 Tunxis Avenue
Bloomfield, CT 06002
Danielson:
Quinebaug Valley Community College
P.O. Box 59
Danielson, CT 06239
774–1130
East Haven:
Hagaman Memorial Library*
227 Main Street
East Haven, CT 06512
(203) 468–3223
Fairfield:
Nyselius Library
Fairfield University
North Benson Road
Fairfield, CT 06430
(203) 255–5411, Ext. 2451
Hartford:
The Stanley Osborne Library*
Third Floor
The Connecticut State Department of Health Services
79 Elm Street
Hartford, CT 06115
(203) 566–2198
Middletown:
Olin Library
Wesleyan University
Middletown, CT 06457
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96 Broad Street
Stamford, CT 06901
Storrs:
Government Publications Department
University of Connecticut Library
University of Connecticut
Storrs, CT 06268
Waterbury:
Silas Bronson Public Library
Business, Industry & Technology Department
267 Grand Street
Waterbury, CT 06702
Wethersfield:
Wethersfield Public Library
515 Silas Deane Highway
Wethersfield, CT 06109

DELAWARE

Wilmington:
The Delaware Law School Library
Widener University
P.O. Box 7475 Concord Pike
Wilmington, DE 19803
(302) 478–5280
Ext. 247

DISTRICT OF COLUMBIA

Natural Resources Library
U.S. Department of the Interior
Washington, DC 20240

Office of the Federal Register
1100 L Street, N.W.
Room 8301
Washington, DC 20408
(202) 523–4986

FLORIDA

Clearwater:
Clearwater Public Library
100 North Osceola Avenue
Clearwater, FL 33515

Melbourne:
Government Documents Department
Florida Institute of Technology
Library
University Blvd.
Melbourne, FL 32901
(305) 723–3701

Orlando:
Orange County Library System
General Information Department
10 N. Rosalind Avenue
Orlando, FL 32801
(305) 425–4694

Sarasota:
The University of Sarasota
2080 Ringling Blvd.
Sarasota, FL 33577
(813) 955–4228

Tallahassee:
Documents Section
State Library of Florida
R. A. Gray Building
Tallahassee, FL 32301
(904) 487–2651

Tampa:
Tampa–Hillsborough County Public
Library
900 North Ashley Street
Tampa, FL 33602
(813) 223–8969

GEORGIA

Athens:
University of Georgia Libraries
Government Reference Department
Athens, GA 30602

Atlanta:
Office of the Regional Solicitor, Law
Library
U.S. Department of the Interior
148 Cain Street, N.E., Suite 405
Atlanta, GA 30303

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801 Bellevue Ave.
Dublin, GA 31021

Elberton:
Southeastern Power Administration
Law Library
U.S. Department of Energy
Samuel Elbert Building
Elberton, GA 30635

Savannah:
Chatham–Effingham–Liberty Regional
Library
2002 Bull Street
Savannah, GA 31499
(912) 234–5127

IDAHO

Boise:
Field Solicitor, Law Library
U.S. Department of the Interior
Federal Building, U.S. Courthouse
Box 20
Boise, ID 83724

Pocatello:
The Library
Idaho State University
Pocatello, ID 83209

ILLINOIS

Bloomington:
Illinois Wesleyan University
Library
Bloomington, IL 61701

Chicago:
Government Publications Department
Chicago Public Library
425 N. Michigan Avenue
Chicago, IL 60611
(312) 269–3002

University of Chicago Law Library
1121 East 60th Street
Chicago, IL 60637

Documents Department
University of Illinois at Chicago Circle
The Library, P.O. Box 8198
Chicago, IL 60680
(312) 996–2716/996–2738

Dekalb:
Government Publications Department
Northern Illinois University
Founders Library
Dekalb, IL 60115
(815) 753–1932

Lake Forest:
Lake Forest College Library
Lake Forest, IL 60045
(312) 234–3100, ext. 410

Lockport:
Lewis University
Route 53
Lockport, IL 60441
(815) 838–0500

Macomb:
Government Publications and Legal
Reference Library
Western Illinois University
Macomb, IL 61455
(309) 298–2411

Niles:
Niles Public Library District
6960 Oakton Street
Niles, IL 60648
(312) 967–8554

Normal:
Milner Library
Illinois State University
Normal, IL 61761

Oak Park:
Oak Park Public Library
834 Lake Street
Oak Park, IL 60301
(312) 383–8200

Rockford:
Rockford Public Library
215 North Wyman Street
Rockford, IL 61101
(815) 965–6731

Springfield:
Energy Information Library*
Illinois Institute of Natural Resources,
Room 300
325 W. Adams Street
Springfield, IL 62706

Waukegan:
County of Lake
Law Library
18 North County Street
Waukegan, IL 60085
(312) 689–6654

INDIANA

Fort Wayne:
The Public Library of
Fort Wayne and Allen County
900 Webster Street
Fort Wayne, IN 46802
(219) 424–7241

Indianapolis:
Reference and Loan Division
Indiana State Library
140 N. Senate Ave.
Indianapolis, IN 46204
(317) 232–3675

Muncie:
Ball State University Library
Government Publications Service
Muncie, IN 47305
(317) 285–8195

South Bend:
Indiana University at South Bend
1700 Mishawaka Avenue
South Bend, IN 46615
(219) 237–4440

IOWA

Ames:
Library—Government Publications
Department
Iowa State University
Ames, IA 50010
(515) 294–2834

Des Moines:
State Library Commission of Iowa
Law Library
Capitol Building
Des Moines, IA 50319
(515) 281–5125

State Library Commission of Iowa
Historical Building
East 12th & Grand
Des Moines, IA 50319

Dubuque:
Carnegie–Stout Public Library
Eleventh and Bluff Streets
Dubuque, IA 52001
(319) 583–9197

Wahlert Memorial Library
Loras College
1450 Alta Vista
Dubuque, IA 52001

KANSAS

Colby:
H. F. Davis Memorial Library
Colby Community College
1255 South Range
Colby, KS 67701
(913) 462–3984

KANSAS—Continued

Lawrence:
University of Kansas Law Library
Green Hall
Lawrence, KS 66045
(913) 864–3025

Pittsburg:
Leonard H. Axe Library
Pittsburg State University
Pittsburg, KS 66762
(316) 231–7000, ext. 4889

Salina:
Memorial Library
Kansas Wesleyan
100 East Claflin
Salina, KS 67401–6196
(913) 827–5541, ext. 298

Topeka:
Washburn University of Topeka
School of Law Library
Topeka, KS 66621
(913) 295–6660

KENTUCKY

Bowling Green:
Western Kentucky University
Helm–Cravens Library
Bowling Green, KY 42101

Frankfort:
Government Document Section
State Library Division
Kentucky Department of Library & Archives
Berry Hill
Frankfort, KY 40602
(502) 564–2480

Highland Heights
Northern Kentucky University Library
Government Documents Department
Highland Heights, KY 41076

Lexington:
University of Kentucky Libraries
Government Publications Department
Lexington, KY 40506

Law Library
University of Kentucky
Lexington, KY 40506

Louisville:
University of Louisville
The Library
Louisville, KY 40208

Pikeville:
CITAC Library
Pikeville College
Armington Science Center
Pikeville, KY 41501
(606) 432–9396

LOUISIANA

Baton Rouge:
Library, Department of Urban & Community Affairs
5790 Florida Boulevard
Baton Rouge, LA 70806

Louisiana State Library
P.O. Box 131
760 N. Riverside Mall
Baton Rouge, LA 70821
(504) 389–6651

Lafayette:
University of Southwestern Louisiana
University Libraries
Lafayette, LA 70501

New Orleans:
U.S. Court of Appeals Library
5th Circuit
600 Camp Street
Room 106
New Orleans, LA 70130
(504) 589–6510

MAINE

Lewiston:
George and Helen Ladd Library
Bates College
Lewiston, ME 04240

Portland:
Donald L. Garbrecht Law Library
246 Deering Avenue
Portland, ME 04102
(207) 780–4350

MARYLAND

Aberdeen:
Department of the Army
U.S. Army Environmental Hygiene Agency
ATTN: Librarian, Bldg. E–2100
Aberdeen Proving Ground, MD 21010

Annapolis:
Maryland State Law Library
Courts of Appeal Building
361 Rowe Boulevard
Annapolis, MD 21401

Baltimore:
Enoch Pratt Free Library
400 Cathedral Street
Baltimore, MD 21201

Cumberland:
Allegany Community College Library
Willow Brook Road
P.O. Box 1695
Cumberland, MD 21502
(301) 724–7700, ext. 36

Oakland:
Garrett County Planning Office*
323 East Oak Street
Oakland, MD 21550
(301) 334–4200

Rockville:
Medical Library
Food & Drug Administration
5600 Fishers Lane
Room 11B40
Rockville, MD 20857

Department of Public Libraries
Montgomery County
99 Maryland Avenue
Rockville, MD 20850
(301) 279–1966

MASSACHUSETTS

Boston:
Government Documents Department
Boston Public Library
Copley Square
Boston, MA 02117

Gloucester:
Gloucester Lyceum and Sawyer Free Library*
General Reference Section
2 Dale Avenue
Gloucester, MA 01930
(617) 283–0376

Newton Corner:
Office of the Regional Solicitor, Law Library
Suite 306
1 Gateway Center
Newton Corner, MA 02156

Springfield:
The City Library
Central Library
220 State Street
Springfield, MA 01103

Woburn:
Commonwealth of Massachusetts
Trial Court of the Commonwealth
District Court Department
Fourth Eastern Middlesex Division
Woburn, MA 01801
(617) 935–4000

MICHIGAN

Ann Arbor:
Washtenaw Community College
4800 East Huron River Drive
Ann Arbor, MI 48106
(313) 973–3300

Detroit:
Downtown Library*
Detroit Public Library
121 Gratiot
Detroit, MI 48226

Detroit Public Library
5201 Woodward Avenue
Detroit, MI 48202

Municipal Reference Library
Detroit Public Library
1004 City–County Building
Detroit, MI 48226

Arthur Neef Law Library
Wayne State University
468 W. Ferry Mall
Detroit, MI 48202
(313) 577–3925

East Lansing:
Documents Department
Michigan State University Library
East Lansing, MI 48824

Flint:
Flint Public Library
General Reference Department
1026 E. Kearsley Street
Flint, MI 48502
(313) 232–7111

MICHIGAN—Continued

Lansing:
Thomas M. Cooley Law School Library
U.S. Documents Collection
217 South Capitol Avenue
Lansing, MI 48901
(517) 371–5140

Marquette:
Government Documents Department
Olson Library
Northern Michigan University
Marquette, MI 49855
(906) 227–2112

Mount Clemens:
Macomb County Library
16480 Hall Road
Mount Clemens, MI 48044
469–5300

Mt. Pleasant:
Library – Documents Department
Central Michigan University
Mt. Pleasant, MI 48859
(517) 774–3414

Pontiac:
Adams–Pratt Oakland County Law Library
1200 N. Telegraph Road
Pontiac, MI 48053

Oakland Schools Library*
2100 Pontiac Lake Road
Pontiac, MI 48054

Rochester:
Kresge Library
Documents Department
Oakland University
Squirrel/Walton
Rochester, MI 48063
(313) 377–2476

Saginaw:
Public Libraries of Saginaw
505 Janes
Saginaw, MI 48605
(517) 755–0904

Traverse City:
Mark Osterlin Library
Documents Department
Northwestern Michigan College
1701 East Front Street
Traverse City, MI 49684
(616) 946–5650, ext. 540

University Center:
Learning Resources Center
Delta College
University Center, MI 48710

MINNESOTA

Bemidji:
Documents Section
A. C. Clark Library
Bemidji State University
Bemidji, MN 56601
(218) 755–2958

Blaine:
Anoka County Library
707 Highway 10
Blaine, MN 55434

Cambridge:
East Central Regional Library*
Cambridge, MN 55008

Duluth:
Duluth Public Library
520 W. Superior Street
Duluth, MN 55802
(218) 723–3804

Edina:
Southdale–Hennepin Area Library
7001 York Avenue South
Edina, MN 55435
(612) 830–4900

Mankato:
Memorial Library
Mankato State University
Box 19
Mankato, MN 56001
(507) 389–6201

Minneapolis:
Minnesota Hospital Association Library
2333 University Ave. S.E.
Minneapolis, MN 55414
(612) 331–5571

Government Publications Division
409 Wilson Library
University of Minnesota
Minneapolis, MN 55455
(612) 373–7813

St. Paul:
Minnesota State Law Library
117 University Avenue
St. Paul, MN 55155
(612) 296–2775

Government Publications Office
St. Paul Public Library
90 West Fourth Street
St. Paul, MN 55102
292–6178

Stillwater:
Stillwater Public Library
223 North Fourth Street
Stillwater, MN 55082
439–1675

Twin Cities:
Field Solicitor, Law Library
U.S. Department of the Interior
686 Federal Building, Fort Snelling
Twin Cities, MN 55111

Winona:
Maxwell Library
Government Documents
Winona State University
Winona, MN 55987
(507) 457–5148

MISSISSIPPI

Gulfport:
Harrison County Law Library
1st Judicial Courthouse
1801 23rd Avenue
Gulfport, MS 39501
(601) 864–5161 ext. 336

Jackson:
H. T. Sampson Library
Jackson State University
Jackson, MS 39217

MISSOURI

Columbia:
Ellis Library
University of Missouri–Columbia
Columbia, MO 65201
(314) 882–6733

Fulton:
Reeves Library
Westminster College
Fulton, MO 65251
(314) 642–3361

Jefferson City:
Missouri State Library
308 E. High Street
P.O. Box 387
Jefferson City, MO 65102
(314) 751–4552

Kansas City:
Kansas City Public Library
311 East 12th Street
Kansas City, MO 64106
(816) 221–2685

Liberty:
Charles F. Curry Library
Government Documents
William Jewell College
Liberty, MO 64068
(816) 781–3806, ext. 293

St. Louis:
Missouri Botanical Garden*
(back issues held 1 year)
2345 Tower Grove Avenue
St. Louis, MO 63110
(314) 772–7600

St. Louis County Library
1640 S. Lindbergh Blvd.
St. Louis, MO 63131
(314) 994–3300

Documents Department
St. Louis Public Library
1301 Olive Street
St. Louis, MO 63103
(314) 241–2288, ext. 375

Thomas Jefferson Library
University of Missouri–St. Louis
8001 Natural Bridge Road
St. Louis, MO 63144
(314) 453–5954

Sedalia:
State Fair Community College Library
1900 Clarendon Road
Sedalia, MO 65301

Springfield:
Walker Library
Drury College
Springfield, MO 65802

Southwest Missouri State University
The Library
Springfield, MO 65802
(417) 831–1561

MONTANA

Billings:
Bureau of Land Management
Library
P.O. Box 30157
Billings, MT 59107

MONTANA, Billings—Continued

Field Solicitor, Law Library
U.S. Department of the Interior
P.O. Box 1538
Billings, MT 59103

NEBRASKA

Kearney:
Calvin T. Ryan Library
Kearney State College
Kearney, NE 68847

Lincoln:
Nebraska Library Commission
1420 P Street
Lincoln, NE 68508
(402) 471–2045

University of Nebraska–Lincoln Libraries
Lincoln, NE 68588

Norfolk:
Northeast Technical Community College
801 E. Benjamin Avenue
Norfolk, NE 68701
(402) 371–2020

Wayne
U. S. Conn Library
Wayne State College
Wayne, NE 68787
(402) 375–2200, ext. 213

NEVADA

Boulder City:
Field Solicitor, Law Library
U.S. Department of the Interior
P.O. Box 427, Park Street
Boulder City, NV 89005

Carson City:
Nevada State Library
Capitol Complex
Carson City, NV 89710
(702) 885–5160

Reno:
Government Publications Department
University of Nevada Library
Reno, NV 89557
(702) 784–6579

NEW HAMPSHIRE

Concord:
Law Division, State Library
Supreme Court Building
Loudon Road
Concord, NH 03301
(603) 271–3777

New London:
Fernald Library
Colby–Sawyer College
New London, NH 03257

NEW JERSEY

Bloomfield:
Bloomfield Public Library
90 Broad Street
Bloomfield, NJ 07003
(201) 429–9292

Bridgeton:
Cumberland County Library
800 East Commerce Street
Bridgeton, NJ 08302

Elmer:
Arthur P. Schalick High School
Elmer–Centerton Road
R.D. 1
Elmer, NJ 08318

Hackensack:
Johnson Free Public Library
Hackensack Area Reference Library
275 Moore Street
Hackensack, NJ 07601

Jersey City:
Hudson Health Systems Agency Library
871 Berger Avenue
Jersey City, NJ 07306

Lawrenceville:
Franklin F. Moore Library
Rider College
Lawrenceville, NJ 08648
(609) 896–5115

Mahwah:
Ramapo College Library
505 Ramapo Valley Road
Mahwah, NJ 07430

Newark:
Newark Public Library
5 Washington Street
P.O. Box 630
Newark, NJ 07101
(201) 733–7782

Paterson:
Paterson Free Public Library
250 Broadway
Paterson, NJ 07501
(201) 881–3750

Pomona:
Stockton State College
Pomona, NJ 08240
(609) 652–1776, ext. 266

Toms River:
Ocean County College
Learning Resources Center
College Drive
Toms River, NJ 08753
(201) 255–4000 ext. 385

Trenton:
New Jersey State Law Library
185 West State Street
P.O. Box 1898
Trenton, NJ 08625
(609) 292–6230

Voorhees:
Camden County Library
Echelon Urban Center
Laurel Road
Voorhees, NJ 08043
(609) 772–1636

Wayne:
Wayne Public Library
475 Valley Road
Wayne, NJ 07470
(201) 694–4272

NEW MEXICO

Albuquerque:
Field Solicitor, Law Library
U.S. Department of the Interior
P.O. Box 1696
Albuquerque, NM 87103

The University of New Mexico
General Library
Albuquerque, NM 87131
(505) 277–4241 and 277–5441

The University of New Mexico
School of Law Library
1117 Stanford NE
Albuquerque, NM 87131
(505) 277–6236

Las Vegas:
New Mexico Highlands University
Donnelly Library
Las Vegas, NM 87701

Portales:
Golden Library
Documents Department
Eastern New Mexico University
Portales, NM 88130

Santa Fe:
New Mexico State Library
300 Don Gaspar
Santa Fe, NM 87503
(505) 827–2033

Office of the Solicitor, Law Library
U.S. Department of the Interior
U.S. Courthouse, Room 224
P.O. Box 1042
Santa Fe, NM 87501

Silver City:
Miller Library
Western New Mexico University
Silver City, NM 88061

NEW YORK

Albany:
The New York State Library
The State Education Department
Cultural Education Center
Empire State Plaza
Albany, NY 12230

Brooklyn:
Brooklyn Public Library
Business Library
280 Cadman Plaza West
Brooklyn, NY 11201
(212) 780–7800

Corning:
The Arthur A. Houghton, Jr. Library
Corning Community College
Corning, NY 14830
(607) 962–9251

Garden City:
Adelphi University
Swirbul Library
South Avenue
Garden City, NY 11530
(516) 294–8700 ext. 7345

NEW YORK—Continued

Geneseo:
State University of New York at Geneseo
Milne Library
Government Documents
Geneseo, NY 14454

Greenvale:
C. W. Post Center—Long Island University
B. Davis Schwartz Memorial Library
Greenvale, NY 11548

New Paltz:
Government Documents Department
Sojourner Truth Library
State University College
New Paltz, NY 12561
(914) 257–2252

Niagara Falls:
Niagara Falls Public Library
1425 Main Street
Niagara Falls, NY 14305
(716) 278–8113

Oswego:
State University of New York at Oswego
Oswego, NY 13126
(315) 341–4267

Rochester:
Rochester Public Library
Business and Social Science Division
115 South Avenue
Rochester, NY 14604
(716) 428–7342

Schenectady:
Schenectady County Public Library
Liberty and Clinton Streets
Schenectady, NY 12305

Syracuse:
Reference Department
Onondaga County Public Library
335 Montgomery Street
Syracuse, NY 13202
475–8458

Uniondale:
Nassau Library System
900 Jerusalem Avenue
Uniondale, NY 11553
(516) 292–8920

NORTH CAROLINA

Asheboro:
Asheboro Public Library
201 Worth Street
Asheboro, NC 27203
(919) 629–3329

Boone:
Regional Information Center
Region D Council of Governments
P.O. Box 1820
Boone, NC 28607

Charlotte:
Public Librarty of Charlotte and Mecklenburg County
310 N. Tryon Street
Charlotte, NC 28202
(704) 374–2540

Durham:
William Perkins Library
Public Documents Department
Duke University
Durham, NC 27706
(919) 684–2380

Gastonia:
Gaston County Public Library*
Headquarters: Gaston–Lincoln Regional Library
1555 East Garrison Boulevard
Gastonia, NC 28052
(704) 865–3418

Greenville:
J. Y. Joyner Library
East Carolina University
Greenville, NC 27834

Raleigh:
Documents Department
The D. H. Hill Library
North Carolina State University
Box 5007
Raleigh, NC 27650

North Carolina Supreme Court Library
2 East Morgan Street
P.O. Box 28006
Raleigh, NC 27611
(919) 733–3425

Winston–Salem:
Forsyth County Public Library
660 West Fifth Street
Winston–Salem, NC 27101
(919) 727–2220

NORTH DAKOTA

Bismarck:
Bismarck Junior College*
Schafer Heights
Bismarck, ND 58501

North Dakota State Library
Highway 83 North
Bismarck, ND 58505
224–2490

Office of Program Planning*
All Nations Circle – Bldg. 35
United Tribes Educational Technical Center
3315 South Airport Road
Bismarck, ND 58501

OHIO

Athens:
Government Documents Department
Ohio University Library
Athens, OH 45701
(614) 594–5604

Cincinnati:
Municipal Reference Library
224 City Hall
Cincinnati, OH 45202

National Institute for Occupational Safety and Health
Division of Technical Services
Robert A. Taft Laboratories
4676 Columbia Parkway
Cincinnati, OH 45226

Cleveland:
Cleveland Public Library
325 Superior Avenue
Cleveland, OH 44114

Cleveland Regional Sewer District*
Library
Administrative Offices
801 Rockwell Avenue
Cleveland, OH 44114
(216) 781–6600 ext. 219

Cleveland Heights:
Cleveland Heights—University Heights Public Library
2345 Lee Road
Cleveland Heights, OH 44118
(216) 932–3600

Columbus
The State Library of Ohio
65 South Front Street
Columbus, OH 43215
(614) 466–2694

Dayton:
University Library
Wright State University
Dayton, OH 45435

Findlay:
Marathon Oil Company
Law Library, Room 854–M
539 South Main Street
Findlay, OH 45840
(419) 422–2121 ext. 3376

Shafer Library
Findlay College
1000 N. Main Street
Findlay, OH 45840
(419) 422–8313

Marion:
Marion Public Library*
445 E. Church Street
Marion, OH 43302
(614) 387–0992

Toledo:
Toledo–Lucas County Public Library
Social Science Department
325 Michigan Street
Toledo, OH 43624
(419) 255–7055 ext. 221

Wooster:
Andrews Library
The College of Wooster
Wooster, OH 44691

OKLAHOMA

Aradarko:
Field Solicitor, Law Library
U.S. Department of the Interior
P.O. Box 397
Aradarko, OK 73005

Muskogee:
Office of the Field Solicitor, Law Library
U.S. Department of the Interior
P.O. Box 1508
Muskogee, OK 74401

OKLAHOMA—Continued

Norman:
Law Library
University of Oklahoma
300 Timberdell
Norman, OK 73019

Oklahoma City:
Metropolitan Library System
Main Library
131 Dean A. McGee Avenue
Oklahoma City, OK 73102
(405) 631–1149

Oklahoma Department of Libraries
U.S. Documents Regional Depository
200 N.E. 18th Street
Oklahoma City, OK 73105
(405) 521–2502

Pawhuska:
Field Solicitor, Law Library
U.S. Department of the Interior
c/o Osage Agency
Pawhuska, OK 74056

Stillwater:
Documents Department
Edmon Low Library
Oklahoma State University
Stillwater, OK 74074
(405) 624–6546

Tulsa:
Office of the Regional Solicitor, Law Library
U.S. Department of the Interior
P.O. Box 3156
Tulsa, OK 74101

OREGON

Eugene:
University of Oregon Library
Government Documents Section
Eugene, OR 97403
(503) 686–3070

Portland:
Library Association of Portland
(Multnomah County Library)
801 S.W. 10th Avenue
Portland, OR 97205
223–7201

Salem:
Oregon State Library
State Library Building
Salem, OR 97310
(503) 378–4276

PENNSYLVANIA

Aliquippa:
B.F. Jones Memorial Library*
Aliquippa District Center
663 Franklin Avenue
Aliquippa, PA 15001
(412) 375–7174

Allentown:
The John A. W. Haas Library
Muhlenberg College
Allentown, PA 18104

Dallas:
Library
College Misericordia
Dallas, PA 18612

Harmony:
Library
Seneca Valley Senior High School*
Southwest Butler County School District
R.D. 2
Harmony, PA 16037

Harrisburg:
State Library of Pennsylvania
Box 1601
Harrisburg, PA 17126
(717) 787–7343

Hazleton:
Hazleton Area Public Library
Church and Maple Streets
Hazleton, PA 18201
454–2961/454–0244

Johnstown:
Cambria County Library System
248 Main Street
Johnstown, PA 15901
(814) 536–5131

Lancaster:
Fackenthal Library
Franklin and Marshall College
P.O. Box 3003
Lancaster, PA 17604
(717) 291–4210

Loretto:
Pius XII Memorial Library
Saint Francis College
Loretto, PA 15940

Millersville:
Millersville State College
Millersville, PA 17551

Vein
Stayer R & L Center
Millersville State College
Millersville, PA 17551
(717) 872–5411 ext. 552, 542

Newtown:
The Library
Bucks County Community College
Newtown, PA 18940

Philadelphia:
Government Publications Department
Free Library of Philadelphia
Logan Square
Philadelphia, PA 19103

Pittsburgh:
Baldwin Borough Public Library
3344 Churchview Avenue
Pittsburgh, PA 15227

U.S. Bureau of Mines
Library
4800 Forbes Avenue
Pittsburgh, PA 15213

Shippensburg:
Ezra Lehman Memorial Library
Shippensburg State College
Shippensburg, PA 17257

Somerset:
Somerset State Hospital Library
Box 631
Somerset, PA 15501
(814) 445–6501, ext. 216

Swarthmore:
The Swarthmore College Library
The McCabe Library
Swarthmore, PA 19081
(215) KI 4–7900

Warren:
Warren Library Association
205 Market Street
Warren, PA 16365

Washington:
Washington County Law Library
Courthouse
Washington, PA 15301
(412) 228–6747

West Chester:
Francis Harvey Green Library*
West Chester State College
West Chester, PA 19380
(215) 436–2869

Wilkes–Barre:
Institute of Regional Affairs*
Wilkes College
Wilkes–Barre, PA 18703

RHODE ISLAND

Kingston:
Government Publications Office
University of Rhode Island
Library
Kingston, RI 02881
(401) 792–2602

Providence:
Brown University Library
Documents Department
Providence, RI 02912
(401) 863–2522

Providence Public Library
150 Empire Street
Providence, RI 02903
(401) 521–7722

Rhode Island College
James P. Adams Library
Documents Department
600 Mt. Pleasant Avenue
Providence, RI 02908
(401) 274–4900 ext. 331

Warwick:
Warwick Public Library
600 Sandy Lane
Warwick, RI 02886
(401) 739–5440

SOUTH CAROLINA

Charleston:
Baptist College of Charleston
P. O. Box 10087
Charleston, SC 29411

Charleston County Library
404 King Street
Charleston, SC 29403

Citadel
Charleston, SC 29409

College of Charleston
66 George Street
Charleston, SC 29401

Clemson:
Clemson University
Clemson, SC 29631

SOUTH CAROLINA—Continued

Columbia:
Benedict College
Blanding & Harden Streets
Columbia, SC 29204

Richland County Public Library
1400 Sumter Street
Columbia, SC 29201

South Carolina State Library
1500 Senate Street
Columbia, SC 29201

University of South Carolina
Columbia, SC 29208

Conway:
Coastal Carolina (of University of SC)
Route 6
Conway, SC 29526

Due West:
Erskine College*
Due West, SC 29639

Florence:
Florence County Library
319 S. Irby Street
Florence, SC 29501

Francis Marion College
Florence, SC 29501

Greenville:
Furman University
Greenville, SC 29613

Greenville County Library
300 College Street
Greenville, SC 29601

Greenwood:
Larry A. Jackson Library
Lander College
Greenwood, SC 29646

Orangeburg:
South Carolina State College
College Avenue
Orangeburg, SC 29117

Rock Hill:
Winthrop College
Rock Hill, SC 29733

Spartanburg:
Spartanburg County Library
P. O. Box 2409
333 S. Pine Street
Spartanburg, SC 29304

Sumter:
Sumter County Library
111 North Harvin Street
Sumter, SC 29150
773–7273

SOUTH DAKOTA

Aberdeen:
Field Solicitor, Law Library
U.S. Department of the Interior
P.O. Box 549
Aberdeen, SD 57401

Brookings:
H. M. Briggs Library
South Dakota State University
Brookings, SD 57007
(605) 688–5106

Rapid City:
Devereaux Library
South Dakota School of Mines & Technology
Rapid City, SD 57701
(605) 394–2418

Sioux Falls:
Sioux Falls Public Library
201 N. Main Avenue
Sioux Falls, SD 57101

TENNESSEE

Chattanooga:
Hamilton County Bicentennial Library
Business, Science and Technology Department
1001 Broad Street
Chattanooga, TN 37402
(615) 757–5312

Clarksville:
Woodward Library
Austin Peay State University
Clarksville, TN 37040
(615) 648–7346

Martin:
Paul Meek Library
University of Tennessee at Martin
Martin, TN 38238
(901) 587–7065

Nashville:
Documents Unit
Joint University Libraries
Nashville, TN 37203

Tennessee State Library
Tennessee State Library and Archives
403 Seventh Avenue North
Nashville, TN 37219
(615) 741–2451

TEXAS

Amarillo:
Amarillo Public Library*
City of Amarillo
P.O. Box 2171
413 E. 4th
Amarillo, TX 79189

Field Solicitor
U.S. Department of the Interior
P.O. Box H–4393, Herring Plaza
Amarillo, TX 79101

Austin:
The State Law Library
Supreme Court Building
P.O. Box 12367, Capitol Station
Austin, TX 78711
(512) 475–3807

College Station:
Documents Division
University Libraries
Texas A & M University
College Station, TX 77843

Dallas:
Dallas County Law Library
Government Center
Dallas, TX 75202
749–8481

U.S. Environmental Protection Agency
Region VI
1201 Elm Street
Dallas, TX 75270

Denton:
Texas Woman's University Library
Box 23715, TWU Station
Denton, TX 76204
(817) 566–6415

El Paso:
El Paso Public Library
Documents Section
501 North Oregon Street
El Paso, TX 79901
(915) 543–3808

Hurst:
Hurst Public Library
901 Precinct Line Road
Hurst, TX 76053
(817) 485–5320

Lubbock:
School of Law Library
Texas Tech University
Lubbock, TX 79409

Victoria:
Documents Department
VC/UHVC Library
2602 N. Ben Jordan
Victoria, TX 77901
(512) 576–3151, ext. 201
(512) 573–3291

UTAH

Cedar City:
Southern Utah State College Library
Cedar City, UT 84720

Ephraim:
Lucy A. Phillips Library
Snow College
Ephraim, UT 84627

Logan:
Documents Department
Merrill Library, UMC 30
Utah State University
Logan, UT 84322

Ogden:
Weber State College Library
Ogden, UT 84403

Provo:
Harold B. Lee Library
Documents and Maps Section
Brigham Young University
Provo, UT 84602

Law Library
Brigham Young University
Provo, UT 84602

Salt Lake City:
Regional Solicitor
U.S. Department of the Interior
Suite 6201, Federal Building
125 South State Street
Salt Lake City, UT 84138

Supreme Court Library
State Capitol
Salt Lake City, UT 84114

College of Law Library
University of Utah
Salt Lake City, UT 84112

UTAH, Salt Lake City—Continued

Government Documents
Eccles Health Sciences Library
University of Utah, Bldg. 89
Salt Lake City, UT 84112

Government Documents Division
Marriott Library
University of Utah
Salt Lake City, UT 84112

Utah State Library Commission
2150 South 300 West, Suite 16
Salt Lake City, UT 84115

VERMONT

Burlington:
Bailey/Howe Library
Documents Department
University of Vermont
Burlington, VT 05405

Middlebury:
Egbert Starr Library
Government Documents Department
Middlebury College
Middlebury, VT 05753

South Royalton:
Law Library
Vermont Law School
South Royalton, VT 05068
(802) 763–8303

VIRGINIA

Alexandria:
Alexandria Library*
717 Queen Street
Alexandria, Va. 22314
(703) 750–6351

Arlington:
Office of Hearings and Appeals Library
U.S. Department of the Interior
4015 Wilson Boulevard
Arlington, VA 22203

Chesapeake:
Chesapeake Public Library
300 Cedar Road
Chesapeake, VA 23320
(804) 547–6591

Danville:
Danville Community College Library
1009 Bonner Avenue
Danville, VA 24541
(804) 797–3553

Fairfax:

Fairfax City Central Library
3915 Chain Bridge Road
Fairfax, VA 22030
(703) 691–2741

Fenwick Library
George Mason University
4400 University Drive
Fairfax, VA 22030

Lynchburg
The Library
Lynchburg College
Lynchburg, VA 24501

Norfolk:
Norfolk Public Library System
301 East City Hall Avenue
Norfolk, VA 23510

Reston:
U.S. Geological Survey Library
National Center, Mail Stop 950
Reston, VA 22092

Richmond:
Learning Resources Center
Parham Road Campus
J. Sargeant Reynolds Community College
P.O. Box 12084
Richmond, VA 23241
(804) 264–3220

Municipal Library
County of Henrico
Hungary Springs & Parham Roads
Richmond, VA 23228

Virginia State Library
11th & Capitol Streets
Richmond, VA 23219

Roanoke:
Roanoke Law Library
210 Campbell Avenue, SW
Roanoke, VA 24011

Virginia Beach:
Public Law Library
Municipal Center
City of Virginia Beach
Virginia Beach, VA 23456

Williamsburg:
Documents Department
Earl Gregg Swem Library
College of William and Mary
Williamsburg, VA 23185

WASHINGTON

Bellingham:
Documents Division, Wilson Library
Western Washington University
516 High Street
Bellingham, WA 98225
(206) 676–3075

Cheney:
Eastern Washington University
The Library
Cheney, WA 99004
(509) 359–2475

Everett:
Everett Public Library
2702 Hoyt Avenue
Everett, WA 98201
(206) 259–8857

Snohomish County Law Library
County Courthouse
Everett, WA 98201
(206) 259–5326

Midway:
Highline Community College
Library 25–2
Midway, WA 98032
(206) 878–3710, ext. 232

Olympia:
Washington State Law Library
Temple of Justice
Olympia, WA 98504

Port Angeles:
North Olympic Library System
207 So. Lincoln
Port Angeles, WA 98362

Seattle:
NW Federal Regional Council Library
Room 1023 Arcade Plaza Building
1321 Second Avenue
Seattle, WA 98101
(206) 442–5554

Spokane:
Gonzaga University Law Library
E. 600 Sharp Avenue
P.O. Box 3528
Spokane, WA 99220

WEST VIRGINIA

Beckley:
National Mine Health and Safety Academy
Learning Resources Center
P.O. Box 1166
Beckley, WV 25801

Charleston:
Kanawha County Public Library
123 Capitol Street
Charleston, WV 25301
(304) 343–4646

Montgomery:
Vining Library
West Virginia Institute of Technology
Montgomery, WV 25136

Weirton:
Mary H. Weir Public Library
3442 Main Street
Weirton, WV 26062
(304) 748–7070

WISCONSIN

Appleton:
Appleton Public Library
121 South Oneida Street
Appleton, WI 54911
734–7171

Green Bay:
University of Wisconsin—Green Bay
Library Learning Center
Government Publications
Green Bay, WI 54302

Kenosha:
Library/Learning Center
University of Wisconsin–Parkside
Wood Road
Kenosha, WI 53141

Ladysmith:
Mount Senario College Library
Ladysmith, WI 54848

Madison:
Madison Public Library
201 W. Mifflin Street
Madison, WI 53703
(608) 266–6363

WISCONSIN—Continued

Milwaukee:
Milwaukee County
Law Library
Courthouse, Room 307
901 North 9th Street
Milwaukee, WI 53233
278–4322

WYOMING

Gillette:
George Amos Memorial Library
412 S. Gillette Avenue
Gillette, WY 82716
(307) 682–3223

Laramie:
Coe Library---Documents Division
University of Wyoming
Box 3334, University Station
Laramie, WY 82071
(307) 766–2174

Federal Register

Friday
April 19, 1985

Part III

Department of Labor

Employment Standards Administration, Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions; Notice

DEPARTMENT OF LABOR

Employment Standards Administration, Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

General wage determination decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed on construction projects of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 5.1 (including the statutes listed at 36 FR 306 (1970) following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of part 1 of subtitle A of title 29 of Code of Federal Regulations Procedure for Predetermination of Wage Rates, 48 FR 19533 (1983) and of Secretary of Labor's Orders 9–83, 48 FR 35736 (1983), and 6–84, 49 FR 32473 (1984). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in the effective date as prescribed in that section, because the necessity to issue construction industry wage determination frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General wage determination decisions are effective from their date of publication in the **Federal Register** without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

Modifications and Supersedeas Decisions to General Wage Determination Decisions

Modifications and supersedeas decisions to general wage determination decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the modifications and supersedeas decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 5.1 (including the statutes listed at 36 FR 306 (1970) following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations Procedure for Predetermination of Wage Rates, 48 FR 19533 (1983) and of Secretary of Labor's Orders 6–84, 49 FR 32473 (1984). The prevailing rates and fringe benefits determined in foregoing general wage determination decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and supersedeas decisions are effective from their date of publication in the **Federal Register** without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division, Office of Program Operations, Division of Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rulemaking procedures prescribed in 5 U.S.C. 553 has been set forth in the original General Determination Decision.

Modifications to General Wage Determination Decisions

The numbers of the decisions being modified and their dates of publication in the **Federal Register** are listed with each State.

Alaska: AK82-5125	Oct. 22, 1982.
Arkansas: AR84-4111	Dec. 28, 1984.
California: CA84-5007	May 18, 1984.
Connecticut: CT84-3016	June 8, 1984.
Illinois:	
IL83-2035	Apr. 8, 1983.
IL85-5020	Apr. 5, 1985.
Kansas: KS84-4053	Aug. 24, 1984.
Massachusetts:	
MA85-3014	Mar. 15, 1985.
MA85-3015	Do.
MA85-3013	Do.
Nevada:	
NV84-5014	June 8, 1984.
NV83-5121	Sept. 23, 1983.
New York: NY84-3014	July 6, 1984.
North Dakota:	
ND84-5032	Oct. 19, 1984.
ND85-5009	Mar. 1, 1985.
Ohio:	
OH83-5123	Dec. 2, 1983.
OH83-5125	Dec. 23, 1983.
Pennsylvania: PA84-3017	June 15, 1984.
Virginia: VA81-3015	Mar. 6, 1981

Supersedeas Decisions to General Wage Determination Decisions

The numbers of the decisions being superseded and their dates of publication in the **Federal Register** are listed with each State. Supersedeas decision numbers are in parentheses following the number of the decisions being superseded.

Delaware: DE82-3015 (DE85-3021)	June 4, 1982
Georgia: GA83-1002 (GA85-3022)	Jan. 21, 1983.

Signed at Washington, D.C., this 12th day of April 1985.

James L. Valin,

Assistant Administrator.

BILLING CODE 4510-27-M

DECISION NO. AK82-5125 - Mod. #9
(47 FR 47150 - October 22, 1982)
Statewide, Alaska

	Basic Hourly Rates	Fringe Benefits
Change:		
Asbestos Workers	$28.37	4.88
Boilermakers	25.69	4.25
Cement Masons:		
Area 1	22.05	6.45
Area 2	21.80	6.45
Electricians; Technicians	25.82	6.15 +3%
Cable Splicers	27.57	6.15 +3%
Elevator Constructors:		
Mechanics	27.12	3.29+a
Helpers	18.98	3.29+a
Probationary Helpers	13.56	
Glaziers:		
Areas 2 and 3	22.77	3.00
Ironworkers:		
Bender Operator; Bridge; Fence Erector; Machinery Mover; Ornamental; Reinforcing; Sheeter; Structural	24.25	5.75
Line Construction:		
Groundman	18.00	5.82+ 3%
Equipment Operators; Linemen; Technicians	26.15	5.82+ 3%
Cable Splicers	27.90	5.82+ 3%
Powderman	24.15	5.82+ 3%
Marble Setters; Terrazzo Workers	22.64	7.72
Painters:		
Areas 2 and 3:		
Brush; Roller; Sign Paper & Vinyl; Swing stage; Taper/Drywall; Structural Steel	24.45	3.80
Spray; Sandblast; Pot tender	24.85	3.80
Epoxy and Tar Applicator	25.25	3.80
Steeplejack and Tower	25.25	3.80
	26.25	3.80
Plasterers:		
Area 1	$23.53	6.45
Area 2	23.28	6.45
Roofer:		
Area 1	22.90	5.75
Areas 2 & 3	22.60	5.75
Sheet Metal Workers:		
Area 1	26.84	3.89
Soft Floor Layers:		
Areas 2 & 3	24.00	5.05
Tile Setters	21.81	7.72
POWER EQUIPMENT OPERATORS:		
Group 1	24.47	6.50
Group 1A	26.01	6.50
Group 2	23.80	6.50
Group 3	23.17	6.50
Group 4	17.75	6.50
TRUCK DRIVERS:		
Building, Heavy and Highway:		
Group 1	24.51	6.99
Group 1A	25.56	6.99
Group 2	23.46	6.99
Group 3	22.76	6.99
Group 4	22.47	6.99
Group 5	21.76	6.99
Bricklayers; Blocklayers Stonemasons	22.54	7.72

DECISION NO. AR84-4111
MOD # 1 (49 FR 50556-
December 28, 1984)
Sebastian, Crawford and
Washington Counties,
Arkansas

	Basic Hourly Rates	Fringe Benefits
CHANGE		
Sebastian & Crawford Counties		
POWER EQUIPMENT OPERATORS		
Group I	$14.55	$1.40
Group II	13.18	1.40
Group III	12.56	1.40
Group IV	10.34	1.40

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS

GROUP I - Cranes, draglines, shovels and piledrivers with a lifting capacity of 50 tons or over, and operators of all towers, climbing cranes, and derricks required to work 25 feet or over from the ground, blacksmith, mechanics and/or welders

GROUP II - Hydraulic cranes, cherry pickers, backhoes and all derricks with a lifting capacity less than 50 tons, as specified by the manufacturers, all backhoes, tractor or truck type, all overhead and traveling cranes, or tractors with swinging boom attachments, gradalls, all above equipment irrespective of motive power, leverman (engineer), hydraulic or bucket dredges, irrespective of size

GROUP III - HEAVY EQUIPMENT OPERATORS: All bulldozers, all front end loaders, all sidebooms, skytracks, all push tractors, all pull scrapers, all motor graders, all trenching machines, regardless of size or motive power, all back fillers all central mixing plants, 10S and larger, finishing machines, all boiler firemen high or low pressure, all asphalt spreaders, hydro truck crane, multiple drum hoist, irrespective of motive power, all rotary, cable tool core drill or churn drill, water well and foundation drilling machines regardless of size, regardless of motive power and dredge tender operator

GROUP IV - LIGHT EQUIPMENT OPERATORS: Oilerdriver motor crane, single drum hoists, winches and air tuggers, irrespective of motive power, winch or A-frame trucks, forklifts, rollers of all types and pull tractors, regardless of size, elevator operators inside and outside when used for carrying workmen from floor to floorand handling building material. Lad-A-Vator, conveyor, batch plant, and mortar or concrete mixers, below 10S, end dump Euclid, pumpcrete, spray machine andpressure grout machine, air compressors, regardless of size, all equipment, welding machines light plants, pumps, all well point system de-watering and portable pumps, space heater, irrespective of size, and motive power, equipment greaser, oiler, asphalt distributor, and like equipment, safety boat operator and deckhand.

DECISION NO. CA84-5007 - MOD #9 (49 FR 21245 - May 18, 1984) Imperial, Inyo, Kern, etc., Counties, California	Basic Hourly Rates	Fringe Benefits
OMIT:		
Drywall Installers/ Lathers	$18.53	$7.06
Drywall Stocker, Scrapper + Clean-up Man	9.31	2.25
Residential Drywall Installer/Lather	18.53	5.06
ADD:		
Drywall Installer/Lathers: Inyo, Kern and Mono Counties:		
Drywall Installer	18.53	7.06
Drywall Stocker, Scrapper and Clean-up Man	9.31	2.25
Residential Drywall Lather	18.53	5.06
Remainder of Counties:		
Drywall Installer/Lather	18.53	7.06
Drywall Stocker, Scrapper and Clean-up Man	9.31	2.25
Residential Drywall/ Lather	18.53	5.06

DECISION NO. CT84-3016 - MOD. #13 (49 FR 23980 June 8, 1984) Statewide Connecticut	Basic Hourly Rates	Fringe Benefits
CHANGE:		
CARPENTERS; MILLWRIGHTS; PILEDRIVERMEN; LATHERS; RESILIENT FLOOR LAYERS: (BUILDING CONSTRUCTION)		
Area 1		
Carpenters	15.75	2.25
Millwrights	16.50	2.30
Area 2		
Carpenters	15.47	2.25
Millwrights	16.50	2.30
Area 3		
Carpenters	16.20	1.90
Area 4		
Carpenters	15.05	3.15
Area 5		
Carpenters	15.15	3.80
Area 6		
Carpenters	16.35	2.43
Millwrights	16.85	2.43

DECISION NO. IL83-2035 - Mod# 4 (48 FR 15413 - April 8, 1983) Bureau, Carroll, Henry, Jo-Daviess, Lee, Ogle, Rock Island Stephenson, Whiteside & Winnebago Counties, Illinois	Basic Hourly Rates	Fringe Benefits
CHANGE:		
CARPENTERS:		
Area 2	$17.52	$2.49
CEMENT MASONS:		
Area 2	15.13	3.70
Area 3	15.25	1.75
LINE CONSTRUCTION:		
Area 2:		
Lineman	17.92	1.00+ 11½%+e
Equipment Operators	15.22	1.00+ 11½%+e
Truck Drivers	12.13	1.00+ 11½%+e
Groundmen	11.73	1.00+ 11½%+e
PAINTERS:		
Area 2:		
Brush, Roller	14.47	3.49
Spray, Structural Steel	14.97	3.49
Area 5:		
Brush, Roller	15.97	2.55
Open Structural Steel	16.22	2.55
Spray	16.47	2.55
Sandblasting	16.97	2.55
LABORERS:		
AREA 1:		
Unskilled	13.52	2.70
Semi-skilled	13.72	2.70
Skilled	13.92	2.70
AREA 2:		
Group 1	14.84	2.115
Group 2	15.09	2.115
AREA 3:		
Group 1	13.39	3.515
Group 2	13.64	3.515
AREA 4:		
Group 1	13.44	3.515
Group 2	13.69	3.515
AREA 5:		
Unskilled	13.92	3.05
Semiskilled	14.12	3.05
Skilled	14.32	3.05

	Basic Hourly Rates	Fringe Benefits
POWER EQUIPMENT OPERATORS:		
AREA 1:		
Group 1	17.09	2.95
Group 2	15.94	2.95
Group 3	14.23	2.95
AREA 2:		
Group 1	18.05	5.25
Group 2	17.50	5.25
Group 3	16.35	5.25
Group 4	14.95	5.25
Group 5	13.75	5.25
Area 3:		
Change fringes all groups		3.28
TRUCK DRIVERS:		
Area 3:		
2-3Axles	15.70	c
4 Axles	15.85	c
5 Axles	16.06	c
6 Axles	16.25	c

DECISION NO. IL85-5020 - Mod# 1 (50 FR 13699 - April 5, 1985) Cook County, Illinois	Basic Hourly Rates	Fringe Benefits
CHANGE:		
LABORERS (Bldg & Residential):		
Group 1	$13.90	$2.62
Group 2	13.975	2.62
Group 3	14.00	2.62
Group 4	14.05	2.62
Group 5	14.10	2.62
Group 6	14.125	2.62
Gropp 7	14.225	2.62
Group 8	14.25	2.62
Group 9	14.35	2.62
Group 10	14.475	2.62

	Basic Hourly Rates	Fringe Benefits
DECISION NO. MA85-3014 - MOD. #2 (50 FR 10594 - March 15, 1985) Worcester County, Massachusetts		
CHANGE:		
ELECTRICIANS Area 1	16.53	4.05+ 3%
Area 3 Residential (Single Family Housing)	12.00	2.34+ 3%
ELEVATOR CONSTRUCTORS	17.565	3.29+ b+c
ELEVATOR CONSTRUCTORS HELPERS	12.295	3.29+ b+c
ELEVATOR CONSTRUCTORS HELPERS (Probationary)	8.78	
SHEET METAL WORKERS Area 2	16.31	5.09

	Basic Hourly Rates	Fringe Benefits
DECISION NO. MA85-3015 - MOD. #2 (50 FR 10600 - March 15, 1985) Berkshire, Franklin, Hampden, and Hampshire Counties, Massachusetts		
CHANGE:		
ASBESTOS WORKERS	18.23	5.03
ELECTRICIANS Area 3	16.53	4.05+ 3%
PLUMBERS & STEAMFITTERS Area 1	15.08	3.70
SHEET METAL WORKERS	16.31	5.09

	Basic Hourly Rates	Fringe Benefits
Decision No. KS84-4053 MOD #3 (49FR33784- August 24, 1984) Leavenworth County, Kansas		
ADD		
SOUNDMEN	$12.59	$1.33+ 8.7%

	Basic Hourly Rates	Fringe Benefits
DECISION NO. MA85-3013 - MOD. #2 (50 FR 10587 - March 15, 1985) Essex, Sussex, Middlesex, Norfolk, Bristol, Plymouth, Barnstable, Dukes, Nantucket Counties, Massachusetts		
CHANGE:		
ELECTRICIANS Area 3 Residential (Single Family Housing)	12.00	2.95+ 3%
Area 5 Residential (Single Family Housing)	12.00	2.34+ 3%
Area 10 Residential	9.85	21%

	Basic Hourly Rates	Fringe Benefits
DECISION NO. NV84-5014 - MOD #10 (49 FR 23988-June 8, 1984) Statewide (does not include the Nevada Test Site and Tonopah Test Range, or Building construction in Churchill, Lyon and Mineral Counties, or Highway construction in Douglas County), Nevada		
OMIT:		
Glaziers: Area 1		
ADD:		
Glaziers: Area 1:		
Glaziers	$22.12	$2.80
Automatic Door Mechanic	17.25	2.80

	Basic Hourly Rates	Fringe Benefits
DECISION NO. NV83-5121 - MOD. 88 (49 FR 43532-September 23, 1983) Clark County (does not (include the Nevada Test Site), Nevada		
CHANGE:		
Glaziers	9.32	2.80

	Basic Hourly Rates	Fringe Benefits
DECISION NO. NY84-3018 - MOD. #1 (49 FR 27899 - July 6, 1984) CATTARAUGUS, CHAUTAUQUA & ERIE COUNTIES, NEW YORK		
OMIT:		
POWER EQUIPMENT OPERATORS: Rates and classifications		
ADD:		
POWER EQUIPMENT OPERATORS (BUILDING CONSTRUCTION):		
Group 1	16.325	6.01+e
Group 2	16.17	6.01+e
Group 3	16.13	6.01+e
Group 4	16.045	6.01+e
Group 5	15.89	6.01+e
Group 6	15.735	6.01+e
Group 7	15.275	6.01+e
Group 8	13.395	6.01+e
Group 9	13.24	6.01+e
Group 10	13.225	5.61+e
Group 11	13.17	5.61+e
Group 12	13.025	5.61+e
Group 13	16.825	6.01+e
Group 14	17.325	6.01+e
Group 15	17.825	6.01+e
POWER EQUIPMENT OPERATORS (HEAVY & HIGHWAY):		
Class A	15.80	6.01+f
Class B	15.30	6.01+f
Class C	14.23	6.01+f
Class D	12.05	6.01+f
Class E	16.55	6.01+f
Class F	16.80	6.01+f
Class G	17.30	6.01+f

ADD:

CLASSIFICATION DESCRIPTIONS

POWER EQUIPMENT OPERATORS (BUILDING CONSTRUCTION)

GROUP 1: All boom type equipment (100 ft. or less), all pan and carry-all operators, archer hoist, back and pull hoe operator, blast or rotary drill (track or cat mounted), boiler (when used for power, boom trucks, cableway operator, concrete paver machine, crane operator, derrick operator, dragline, elevating grader (self-propelled), head tower operator, hot roller (finish course), hydraulic booms, hydro crane, maintenance engineer, mucking machine operator, multiple drum hoist (more than 1 drum in use), Peine crane, pile driving machine operator, power grader machine operator, scoopmobile, shovel operator, skimmer operator, test core drill machine, tractor shovel operator, vertical caisson auger drill, well drilling machine.

GROUP 2: Back filing machine operator, Kolman loader, roller machine operator, snatch and pusher cats, stone crusher, towed or self-propelled rollers, trenching machine operator.

GROUP 3: Air hoist operator, cage hoist operator, conveyor operator, conveyor system (belt-crete or similar), hoisting engine operator, house elevator (when used for hoisting), industrial tractor, locomotive operator (irrespective of power), push button hoist operator, Strato tower, tractors (when using winch power).

GROUP 4: Concrete mixer operator (½ c.y. or over), gasoline driven boring machine, hydraulic system pumps, hydro hammer, finishing machine operator (asphalt spreader), finishing machine operator, bulldozer (over 50 h.p.), monorail.

DECISION NO. NY84-3019 -
MOD. #1 (CONT'D)

CLASS B: Air hoist, asphalt curb and gutter machines, automatic fine grade machine (CMI and similar type) (second operator), backhoe and pullhoe (tractor mounted, rubber-tired), back filling machine, bending machine (pipe), bituminous spreader and mixer, blacktop plant (non-automated), blower for burning brush, boiler (when used for power), boom truck, boring machine, cage hoist, cherry picker (5 tons and under), chipping machine and chip spreader, concrete curb and gutter machine, concrete curing machine, concrete mixer (over ½ cu. yd.), concrete pavement spreader and finishers, concrete paver, concrete pump, conveyor, core drill, crusher, drill rig (tractor mounted), electric pump used in conjunction with well point systems, elevator, farm tractor with accessories, fine grade machine, forklift, grout or gunite machine, hoist (one drum), hoisting engine, hydraulic hammer (self-propelled), hydraulic pipe jack machine (or similar type machine), hydraulic rock expander (or similar type machine), Hydraulic system pumps, hydro hammer (or similar type), industrial tractor, jersey spreader, Kolman plant loader (and similar type loaders), locomotive, mixer for stabilized base (self-propelled), monorail, mortorized hydraulic pin puller, motorized hydraulic seeder, mulching machine, plant engineer, pneumatic mixer, post hole digger and post driver, pump crete, push button hoist, road widener, rock bit sharpener (all types), roller (all above sub-grade), roller (grade and fill), rolling machine (pipe), side boom, slip form paver (CMI and similar type) (second operator), snorkel, srato-tower, stump chipping machine, towed roller, tractor with towed accessories, tractors (using winch power), trencher, tube finisher (CMI and similar type) vibratory compactor, vibro tamp, well drilling machine, well point, winch, winch truck with A frame.

CLASS C: Aggregate bin, aggregate plant, boiler (used in conjunction with production, cement bin, concrete mixer (½ cu. yd. and under), concrete saw (self-propelled), fireman, form tamper, fuel truck, heating boiler (used for temporary heat), jeep trencher, power broom, Revinius Widener, steam cleaner, tractor.

CLASS D: Compressors (4 or less), helper on lubrication unit or truck, power heaterman, power plant in excess of 10 K.W., pump (4" or over), welding machine (1 machine over 300 amps or 2 or 3 machines regardless of amps).

CLASS E: Crane with boom over 100 ft.

CLASS F: Crane with boom over 200 ft.

CLASS G: Crane with boom over 300 ft.

DECISION NO. NY84-3018 -
MOD. #1 (CONT'D)

GROUP 5: Grout machine operator, heating boiler operator (used for temporary heat), lubrication units on truck, pneumatic mixer operator.

GROUP 6: Bulldozer & tractor (50 h.p., drawbar or under), jeep trencher, mulchers, power brooms and rakes, seeders.

GROUP 7: Aggregate bin operator, cement bin operator, concrete mixer operator (under ½ c.y.), tractor machines.

GROUP 8: Pump operator (4" or over), pump operator (2-3 in a battery).

GROUP 9: Air compressor operator, generator, mechanical heater (when 3 are in a battery), power plant (in excess of 10KW), welding machine operator (to and including 3 machines).

GROUP 10: Fireman.

GROUP 11: Truck crane driver.

GROUP 12: Oiler, mechanical heaters (when 1 or 2 are used), pump operators (one inch), pump operators (2 inches), pump operators (3 inches).

GROUP 13: Crane with boom over 100 feet.

GROUP 14: Crane with boom over 200 feet.

GROUP 15: Crane with boom over 300 feet.

POWER EQUIPMENT OPERATORS (HEAVY & HIGHWAY CONSTRUCTION)

CLASS A: All boom type equipment, all pans and carry-alls, asphalt roller, asphalt spreader or paver, automatic fine grade machine, (CMI and similar type), backhoe and pullhoe, belt palcer (CMI and similar type), black top plant (automated), blast or rotary drill (truck or track mounted), bull-dozer, cableway, caisson auger, central mix plant (and all concrete batching plants), cherry picker (over 5 tons capacity), crane, derrick, dragline, dredge, dual drum paver, elevating grader (self-propelled or towed), excavator (all purpose, hydraulically operated), front end loader, gradall, grader, head tower, hydraulic boom, hydro crane, maintenance engineer, maintenance lubrication unit or truck, mine hoist, mucking machine, multiple drum hoist (more than 1 drum in use), overhead crane, Paine crane (or similar type), pile driver, push or snatch cat, quarry master or equivalent, scoopmoble, shovel, skimmer, slip form paver (CMI and similar type), tire truck & repair, tractor drawn belt-type grader/loader, tractor shovel, truck crane, tunnel shovel.

DECISION NO. ND84-5032 - Mod. # 2
(49 FR 41136 - October 19, 1984)
Statewide, North Dakota

	Basic Hourly Rates	Fringe Benefits
Change:		
Description of Work to read: Heavy & Highway Projects		
Omit:		
Ironworkers; Structural Steel:		
Mercer County	$14.63	$3.96
Laborers:		
Group 4:		
Reinforcing Steel setter/tiers	6.10	
Add:		
Ironworkers:		
Heavy Construction:		
Structural, Ornamental and Reinforcing:		
Burleigh, Cass, Grand Forks, Mercer, Morton and Ward Cos.	$14.63	3.96
Laborers:		
Group 4:		
Highway Construction Only:		
Reinforcing Steel setter/Tiers	6.10	
Ironworkers:		
Highway Construction Only:		
Structural Steel:		
Mercer Co.	14.63	3.96

DECISION NO. ND85-5009 - Mod. #2
(50 FR 8570 - March 1, 1985)
Burleigh, Morton and Ward Counties, North Dakota

	Basic Hourly Rates	Fringe Benefits
Change:		
Ironworkers:		
Structural, Ornamental & Reinforcing	$14.63	3.96

DECISION NUMBER OH83-5123 - MOD. #3
(48 FR 54419 - December 2, 1983)
Mahoning & Trumbull Counties, Ohio

	Basic Hourly Rates	Fringe Benefits
Change:		
Bricklayers; Caulkers; Cleaners; Pointers; & Stonemasons:		
Area 2	$17.14	$3.10

DECISION NUMBER OH83-5125 - MOD. #4
(48 FR 56898 - December 23, 1983)
Ashtabula, Cuyahoga, Lake, Lorain, Portage, Stark, & Summit Counties, Ohio

	Basic Hourly Rates	Fringe Benefits
Change:		
Electricians:		
Area 5:		
Family Residences, Inclu. Mobile Home Parks, Residences not to exceed 12 units	10.98	1.65 + 4%
Sheet Metal Workers:		
Area 2:		
Commercial Building	17.18	3.32
Residential	10.31	2.48

DECISION NO. VA81-3015-MOD. #20
(46 FR 15666-March 6, 1981)
RADFORD ARMY AMMUNITION PLANT, VIRGINIA

	Basic Hourly Rates	Fringe Benefits
CHANGE:		
CARPENTERS	11.75	1.17
LATHERS	11.75	1.17

DECISION NO. PA84-3017 - MOD. #
(49 FR 24859 - June 15, 1984)
Berks, Lehigh & Northampton Counties, Pennsylvania

	Basic Hourly Rates	Fringe Benefits
ADD:		
TRUCK DRIVERS		
Zone 3 - (Berks County)		
Building	12.13	k+l
Wrecking	10.80	1.99

FOOTNOTES:

k. Employer contributes $135.00 per employee per month.
l. Employer contributes $134.34 employee per month.

Basic Hourly Rates	Fringe Benefits

SUPERSEDEAS DECISION

STATE: GEORGIA

COUNTIES: CLAYTON, DEKALB & FULTON

DECISION NUMBER GA85-3022

DATE: DATE OF PUBLICATION

Supersedes Decision Number GA83-1002, dated January 21, 1983, in 48 FR 2930.

DESCRIPTION OF WORK: BUILDING CONSTRUCTION PROJECTS (does not include single family homes and apartments up to and including for stories).

FULTON COUNTY	Basic Hourly Rates	Fringe Benefits
ASBESTOS WORKERS (Heat & Frost Insulators)	9.25	
BRICK & BLOCK MASONS	11.61	
CARPENTERS	11.09	
CEMENT MASONS/CONCRETE FINISHERS	10.98	
DRYWALL FINISHERS	11.48	
DRYWALL HANGERS/MECHANICS	10.33	
ELECTRICIANS	15.00	21%
ELEVATOR CONSTRUCTORS:		
Mechanics	13.00	3.00+ a+b
Helpers	9.10	3.00+ a+b
Probationary Helpers	6 50	
GLAZIERS	9.17	
IRONWORKERS	9.71	
LABORERS:		
General Laborers	7.13	
PAINTERS	9.80	
PILEDRIVERMEN	12.00	
PIPEFITTERS (Including HVAC)	14.90	2.24
PLASTERERS	12.69	
PLUMBERS	14.90	2.24
ROOFERS	8.56	
SHEETMETAL WORKERS (Including HVAC)	13.60	2.76
SOFT FLOOR LAYERS	12.36	
SPRINKLER FITTERS	14.57	2.83
TILE SETTERS	12.55	2.48
TILE SETTERS FINISHERS	10.59	.86
TRUCK DRIVERS	6.00	
WATER PROOFERS	10.06	
POWER EQUIPMENT OPERATORS		
Backhoe	12.64	2.01
Bulldozer	8.63	
Crane	14.08	2.01
Drill	12.64	2.01
Forklift	10.23	
Front end loader	12.33	2.01
Oiler for crane	10.86	2.01
Roller	6.39	1.55
Tractor with special equipment	12.33	2.01

DEKALB COUNTY	Basic Hourly Rates	Fringe Benefits
BRICK & BLOCK MASONS	11.50	
CARPENTERS	10.27	
CEMENT MASONS/CONCRETE FINISHERS	10.31	
DRYWALL FINISHERS	10.00	
DRYWALL HANGERS/MECHANICS	9.75	
ELECTRICIANS	15.00	21%
ELEVATOR CONSTRUCTORS:		
Mechanics	13.00	3.00+ a+b
Helpers	9.10	3.00+ a+b
Probationary Helpers	6.50	
GLAZIERS	9.20	
HVAC PIPEFITTERS	9.21	
HVAC SHEET METAL WORKERS	9.23	
IRONWORKERS	8.70	
LABORERS:		
General Laborers	6.63	
Mortar Mixers	7.08	
Mason Tenders	6.80	
PAINTERS	9.66	
PIPEFITTERS (Excluding HVAC)	14.90	2.24
PLUMBERS	14.90	2.24
ROOFERS	9.52	
SHEET METAL WORKERS (Excluding HVAC)	13.60	2.76
SPRINKLER FITTERS	10.54	
TILE SETTERS	11.66	2.48
TILE SETTERS FINISHERS	10.19	.66
TRUCK DRIVERS	5.50	1.08
WATER PROOFERS	10.75	
POWER EQUIPMENT OPERATORS		
Backhoe	12.64	2.01
Bulldozer	9.67	
Crane	11.43	2.01
Front End Loader	12.33	2.01
Roller	6.10	1.38
Scraper-pan	9.46	

DECISION NO. GA85-3022

CLAYTON COUNTY	Basic Hourly Rates	Fringe Benefits
BRICK & BLOCK MASONS	12.23	
CARPENTERS	9.76	
CEMENT MASONS/CONCRETE FINISHERS	9.92	
ELECTRICIANS	12.10	21%
HVAC MECHANICS	8.91	
IRONWORKERS	9.55	
LABORERS:		
General Laborers	5.88	
PIPEFITTERS (Excluding HVAC)	14.90	2.24
PLUMBERS	8.96	
ROOFERS	8.90	
SHEETMETAL WORKERS (Excluding HVAC)	10.17	2.72
TILE SETTERS	11.20	
TILE SETTERS FINISHERS	6.70	
POWER EQUIPMENT OPERATORS		
Backhoe	9.94	
Crane	14.08	2.01
Front End Loader	9.42	

WELDERS - Rate for craft to which the welding is incidental.

SUPERSEDEAS DECISION

STATE: DELAWARE
COUNTIES: State of Delaware
DECISION NO.: DE85-3021
DATE: Date of Publication
Supersedes Decision No. DE82-3015, dated June 4, 1982 in 47 FR 24526.
DESCRIPTION OF WORK: Building (excluding single family houses and garden type apartments up to and including 4 stories) and Heavy Construction.

DECISION NO. DE85-3021	Basic Hourly Rates	Fringe Benefits
ASBESTOS WORKERS	19.64	4.04
BOILERMAKERS:		
New Castle County	20.88	2.415
Kent & Sussex Counties	19.50	3.09
BRICKLAYERS	14.21	4.19
CARPENTERS - Building & Heavy		
New Castle & Kent Cos.	16.32	3.67
Sussex County	13.92	3.36
CEMENT MASONS		
Building Construction	14.60	2.75
Heavy	14.30	2.75
ELECTRICIANS	17.92	2.48+3%%
ELEVATOR CONSTRUCTORS:		
Mechanics	19.36	3.29+a+b
ELEVATOR CONSTRUCTORS' HELPERS	13.90	3.29+a+b
ELEVATOR CONSTRUCTORS" HELPERS (Probationary)	9.93	
GLAZIERS	13.66	2.77
IRONWORKERS:		
Structural Ornamental, Reinforcing, Riggers & Machinery Movers	16.70	6.25
LABORERS - Building Construction:		
New Castle County		
Class 1	12.32	3.18
Class 2	12.57	3.18
Class 3	12.82	3.18
Class 4	13.32	3.18
Class 5	13.57	3.18
Kent & Sussex Counties		
Class 1	12.30	2.95
Class 2	12.55	2.95
Class 3	12.80	2.95
Class 4	12.90	2.95
Class 5	13.55	2.95
LABORERS - Heavy Construction:		
New Castle County:		
General laborers, asphalt tamper, ashhalt raker, concrete pitman, landscaper, planter, puddler railroad trackman, rubber magazine tender, seeder & arboriate, and		
Signalman	10.07	3.18
Pipelayers	10.22	3.18
Blasters, caissons, and cofferdams (open air below 8 ft. where excavations for circular caissons and cofferdams are 8 ft. or more below level of natural grade adjacent to start point) diamond point drills, form setters, gunite nozzle operators, and wagon drills	10.37	3.18
LABORERS - Heavy Const. Kent & Sussex Counties		
Common laborers, landscapers, planters, seeders, aborists, asphalt tampers, rakers, concrete pitman, puddlers, rubber magazine tenders, railroad trackman, signal men	9.05	2.95
Pipelayers	9.20	2.95
Wagon drill, diamond point drill, gunite nozzlemen, form setters, blasters, caisson & coffer dams (open air, below 8')	9.35	2.95
LINE CONSTRUCTION:		
Linemen, cable splicers	19.27	.80+12 1/2%
Winch truck operators	13.49	.80+12 1/2%
Truck drivers	12.53	.80+12 1/2%
Groundmen	11.56	.80+12 1/2%
MARBLE SETTERS	14.88	2.55
MILLWRIGHTS:		
Kent & New Castle Cos.	17.03	3.91
Sussex County	18.80	4.14
PAINTERS:		
Base rate	14.25	[illegible].01
Structural steel & suspended scaffolding (swing, chair & window belts)	14.47	4.01
Machine taping	14.75	4.01
Bridges (if surface to be painted is 50' or more above ground or water), and/or cabled scaffolding	16.73	[illegible].01
Tanks (if exposes to the weather and is used for storage or processing purposes with a capacity of 5,000 gallons or more using exterior dimensions and/or interior work on all tanks), sandblasting, and spray	14.80	[illegible].01
Height pay - work 75' or more from surface and additional 55¢ shall be paid above the applicable rate		
PILEDRIVERMEN, Wharf & DOCK BUILDERS	14.67	3.36
PLASTERERS	16.07	1.16
PLUMBERS & STEAMFITTERS:		
New Castle & Kent (north of the southern boundary of Dover City) Counties:		
Plumbers	19.47	3.60
Sussex & Kent (remainder of county) Counties	17.40	2.55
POWER EQUIPMENT OPERATORS Building & Heavy Construction:		
Group 1	17.82	26.6%+h
Group 2	17.56	26.6%+h
Group 3	16.10	26.6%+h
Group 4	15.79	26.6%+h
Group 5	14.02	26.6%+h
Group 6	13.51	26.6%+h
ROOFERS:		
Composition, damp and waterproofing	18.17	2.73
Mechanic II (Handle and transport all materials tools, and equipment; clean-up debris)	13.65	2.10
SHEET METAL WORKERS	18.10	3.38
SOFT FLOOR LAYERS:		
New Castle & Kent Cos.	16.65	3.20
SPRINKLER FITTERS	16.67	3.23
TERRAZZO WORKERS & TILE SETTERS	13.94	4.19
TRUCK DRIVERS - Building Construction:		
Group 1	12.228	2.545
Group 2	12.435	2.545
Group 3	12.535	2.545
TRUCK DRIVERS Heavy Construction:		
Group 1	11.435	2.545 +k
Group 2	11.585	2.545 +k
Group 3	11.685	2.545 +k

LABORERS - CLASSIFICATION DEFINITIONS
BUILDING CONSTRUCTION

CLASS 1 - Laborers, general and construction, dumpmen and truck spotters

CLASS 2 - Caulkers; operators of pneumatic and electric tools; vibrating machines; concrete saws and pumps (which shall include the hook-up of hose and/or pipe); pot tenders; and sewer pipe layers; demolition (where walls are required to be ridden down by hand tools). Driller (except Core, Diamond, or Multiple Wagon); Gunite material and rebound workers; mason and plasterer tenders; and cement workers; mobile buggy operators; operators of power saws (portable) power and sewing machines; scaffold builders, shoring; hookup men; including when working with digging and grading equipment; stripping of flat arch and form work; and cleaning and oiling thereof, and tool room attendant

CLASS 3 - Burners and welders; caisson workers, top men (when excavations for caissons are dug eight feet or more below the nature grade level adjacent to the starting point of the caisson hole, the rate shall apply at the ground level); driller (core, diamond, or multiple wagon); gunite industrial fume stack, nozzle, and rod workers; sandblaster (nozzleman): tunnelling - Underpinning excavation (when an underpinning excavation is dug eight feet or more below the natural grade, or when an excavation for a pier hole of five feet square or less and eight feet or more deep is dug, the rate shall apply only when a depth of eight feet is reached): working under compressed air

CLASS 4 - Caisson workers, bottom men

CLASS 5 - Blaster; laborers engaged in unloading, placing, and assisting in the installation of well point systems or deep well systems as long as needed on the job for such work

POWER EQUIPMENT OPERATORS
CLASSIFICATIONS

GROUP 1 - Machines with booms doing hook work, any machine handling machinery, cable spinning machines, helicopter and similar machines

GROUP 2 - All types of cranes, all types of backhoes, cableway, draglines, keystones, all types of shovels, derricks, trench shovels, trenching machines, hoists with 2 towers, pavers 21½ and over, all types overhead cranes, building hoists (double drum), gradalls, mucking machines, in tunnel, all front end loaders 3-¼ c.y., and over, tandem scrapers, pipin type backhoes, boat captains, batch plant operators (concrete), drills, self contained rotary drill, fork lifts (20' lift & over), and similar machines

GROUP 3 - Conveyors, building hoist (single drum), scrapers, tournapulls, spreaders (asphalt), high or low pressure boilers, concrete pumps, well drillers, bulldozers, tractors, asphalt plant engineers, rollers (high grade finishing), ditch witch type trenchers, all loaders under 3¼ c.y., mechanic-welders, motorpatrols, core drill operator, forklift trucks under 20' lift, similar machines

GROUP 4 - Welding machines, well points, compressors, pumps, heaters, farm tractors, form line graders, fine grade machines, road finishing machines, concrete breaking machines, rollers, seaman pulverizing mixer, power boom, seeding spreader, tireman (for power equipment), and similar machines

GROUP 5 - Fireman, grease trucks

GROUP 6 - Oilers and deck hands (personnel boats), core drill helper

CLASSIFICATION DEFINITIONS
TRUCK DRIVERS

GROUP 1 - Euclid type or similar off highway equipment (where not self loaded), off highway tandem back-dump, specialized earth moving equipment, truck mechanic (first class), twin engine equipment & double-hitched equipment (where not self-loaded).

GROUP 2 - A-frames, agitators or mixers, asphalt distributors, dispatchers, low-boys, semi-trailers, tandems, batch trucks & truck mechanics (second class).

GROUP 3 - Dumps (single axle), dumpsters, escort & pilot vehicles, flat body material trucks (straight job), greasers, material checkers & receivers, panel trucks, pick-ups rubber-tired (towing & pushing vehicles), tiremen & truck mechanic helpers, truck helpers.

CLASSIFICATION DEFINITIONS
TRUCK DRIVERS
HEAVY CONSTRUCTION

GROUP 1 - Euclid type or similar off highway equipment (where not self loaded), specialized earth moving equipment, truck mechanics (first class), twin engine equipment & double-hitched equipment (where not self-loaded.)

GROUP 2 - A-frames, agitators or mixers, asphalt distributors, dispatchers, low-boys, semi-trailers, tandems, batch trucks, truck mechanics (second class).

GROUP 3 - Dump trucks (single axle), dumpsters, escort & pilot vehicles, flat body material trucks (straight jobs), greasers, material checkers & receivers, panel trucks, pick-ups, rubber-tired (towing or pushing flat body vehicles), tiremen, truck mechanic helpers, truck helpers.

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Paid Holidays: Good Friday, Memorial Day, Washington's Birthday, Labor Day, Presidential Election Day; Veteran's Day, Thanksgiving Day; Christmas Day.

b. Employer contribution of 8% of the basic hourly rate for 5 years or more of service and 5% of the basic hourly rate for 6 months to 5 years of service for Vacation Pay Credit.

c. Paid Holidays: A through F

d. Paid Holidays: New Year's Day; Declaration Day; Independence Day; Labor Day; Thanksgiving Day; Christmas Day and Good Friday.

FOOTNOTES: Cont'd

e. Paid Holidays: Washington's Birthday; Good Friday; Memorial Day; Independence Day; Presidential Election Day; Veterans Day; and Thanksgiving Day.

f. Paid Holiday: Labor Day provided the employee is currently on the payroll and would be scheduled to work the holiday also employee must work the day prior to and after the holiday.

g. Paid Holidays: A through F; provided the employee worked the scheduled work day preceeding and following the holiday.

h. Paid Holidays: A through F; plus Election Day provided the employee works the scheduled work day before and after the holiday.

j. Paid Holiday: Election Day.

k. Paid Holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day and Christmas Day provided the employee has worked the scheduled workdays preceding and following the holiday.

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR 5.5 (a)(1)(ii)).

WELDERS - Receive rate prescribed for craft performing operations to which welding is incidental.

[FR Doc. 85-9275 Filed 4-18-85; 8:45 am]

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Friday
April 19, 1985

Part IV

Department of Transportation

Federal Aviation Administration

14 CFR Part 65

Issuance and Renewal of Inspection Authorization; Final Rule

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 65

[Docket No. 24233; Amdt. No. 65–30]

Issuance and Renewal of Inspection Authorization

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment permits persons who have had their mechanic certificates or ratings suspended to be eligible for issuance or renewal of inspection authorizations (IA's) if their mechanic certificates or ratings have been reinstated. This amendment will remove a requirement that is unnecessary as a means of ensuring that only responsible persons exercise IA privileges.

EFFECTIVE DATE: April 19, 1985.

FOR FURTHER INFORMATION CONTACT: Leo Weston, General Aviation and Commercial Branch, AWS–340, Aircraft Maintenance Division, Office of Airworthiness, Federal Aviation Administration, 800 Independence Ave., SW., Washington, D.C. 20591, Telephone (202) 426–8205.

SUPPLEMENTARY INFORMATION:

Background

Section 65.93 of the Federal Aviation Regulations (FAR) provides that to be eligible for the renewal of an IA an applicant must present evidence that, among other things, he or she still meets the requirements of § 65.91(c) (1) through (4) for the original issuance of an IA. Before Amendment 65–22 (42 FR 46278; September 15, 1977), § 65.91(c)(1) provided that to be eligible for an IA, an applicant has to be "a certificated mechanic who has held both an airframe and a powerplant rating for at least 3 years before the date he applies." Amendment 65–22 revised paragraph (c)(1) to require that the applicant hold "a currently effective mechanic certificate with both an airframe rating and a powerplant rating, each of which is currently effective *and has been continuously in effect* for not less than the 3-year period immediately before the date of application." (Emphasis added.)

When renewal was sought under the old rule, the holder of an IA whose mechanic certificate or rating was suspended could still be said to have "held" that certificate during the time of suspension. However, the certificate could not be said to be "in effect" while it was suspended. Accordingly, after Amendment 65–22, the IA could not be renewed at the end of the year because at renewal time (authorization expires on March 31) the mechanic certificate or rating would not have been continuously in effect during the preceding 3 years. Therefore, the mechanic would not be eligible again for an IA until 3 years after the end of the suspension of the mechanic certificate. Moreover, because the eligibility requirements for issuance of a certificate are considered to be continuing requirements which must be met as long as certificate is held, an IA does not "become effective" again under § 65.91 at the end of the suspension of the mechanic certificate.

At the time Amendment 65–22 was adopted, the FAA was aware that adding the words "continuously in effect" to § 65.91(c)(1) would have this result. It was considered appropriate because the privileges and responsibilities that a person is charged with while holding the IA are greater than those of a certificated mechanic. Under § 65.95, the holder of an IA may inspect and approve for return to service certain aircraft or related parts or appliances after a major repair or major alteration to it in accordance with Part 43 of the FAR and perform annual and progressive inspections. Although a mechanic is authorized to perform much of the associated maintenance work underlying these functions, the IA holder is ultimately responsible for ensuring that the work is done in accordance with the FAR.

This 3-year-long period of ineligibility, however, has had an unintended inhibiting effect on the FAA's enforcement program. Amendment 65–22 has had a significant impact on the action taken against a mechanic for relatively minor to moderate violations. As a result of Amendment 65–22, a short-term suspension of a certificate or rating for a relatively minor offense effectively revokes an IA for a period of 3 years. Further, this creates the unusual situation where an action for revocation of an IA could have less of an impact on the mechanic involved than a 5-day suspension of a single rating on his or her mechanic certificate. (In most cases, a mechanic whose IA has been revoked may reapply after 1 year.) Not every action that warrants the suspension of a mechanic certificate evidences a lack of responsibility sufficient to justify such a long-term ineligibility for an IA. As a result, enforcement personnel have been reluctant in some cases to produce such results.

In attempting to resolve this problem, the FAA has reviewed the requirement of § 65.91(c)(1) and has determined that it is unnecessary as a means of ensuring that only responsible persons continue to exercise IA privileges. First, the suspension or revocation of a mechanic certificate or rating does result in loss of IA privileges. Section 65.92(a) provides that the holder of an IA may exercise the privileges of that authorization only while he or she holds a currently effective mechanic certificate with both a currently effective airframe rating and a currently effective powerplant rating. In addition, the cause that gave rise to suspension of the IA holder's mechanic certificate or rating may also warrant suspension of an IA for a longer period of time and may even justify revocation of the IA. Revocation of the IA may be justified when the person's actions evidence a lack of responsibility indicating that the mechanic should not be allowed to exercise the inspection and other privileges prescribed by § 65.95. Also, section 609 of the Federal Aviation Act of 1958, as amended (FAAct), provides that the FAA may reexamine any civil airman, including the holder of an IA. The FAA may reexamine, for instance, when there is reason to believe that the holder of an IA may not be qualified to exercise his or her privileges. If, as a result of this reexamination, the FAA determines that safety in air commerce or air transportation and the public interest require, the FAA may issue an order suspending or revoking the IA. Thus, the cause that gave rise to the suspension of the IA holder's mechanic certificate may also warrant reexamination to determine his or her qualification to hold an IA. The results of this reexamination may warrant suspending or revoking the IA.

Discussion of the Comments

Interested persons were afforded the opportunity to participate in the making of this amendment by Notice 84–16 (49 FR 35652; September 11, 1984). Due consideration has been given to all comments presented in response to this notice.

Sixteen of the 19 public comments received are favorable. Many of these favorable commenters agree that the proposal would reduce an unfair penalty imposed on any IA holder who has had his or her mechanic certificate or rating temporarily suspended by removing the requirement that the certificate and ratings be continuously in effect for 3 years at the time of the IA renewal.

Three commenters who are not in favor of this notice state that any time a certificated mechanic holding an IA has violated the regulations to such an extent as to cause a suspension of the mechanic certificate, that suspension

should also affect his or her IA privileges. Two of these commenters state that a mechanic having his or her certificate or a rating suspended should have to prove his or her competency again to the satisfaction of the Administrator.

The FAA agrees, in part, with the above commenters that there are enforcement cases where suspensions or revocations of IA's or reexaminations of IA holders may be necessary. Under the authority of Section 609 of the FAAct, the FAA may reexamine an airman, including an IA. Therefore, when there is a question of an IA holder's qualification to exercise the privileges of the authorization, the FAA may reexamine the airman. Based on this reexamination or any other investigation, the FAA may suspend or revoke the airman's IA. The FAA has determined that its continued ability to suspend or revoke an IA or to reexamine an IA holder, when circumstances warrant, provides adequate protection against unqualified persons exercising IA privileges, without imposing an undue burden on mechanics for minor violations.

One commenter states that this NPRM is a timely response by the FAA to an unintended result of the rulemaking process and that it will relieve a significant burden to both individual certificate holders and the Administrator's enforcement personnel without derogation in air safety.

A professional organization states that the present regulations pose an unnecessary secondary penalty on any holder of an IA who is punished for a slight infraction of the regulations by suspension of either or both of the airframe and powerplant ratings. The organization believes that the public interest will not be compromised and that the economic impact will be positive because a highly trained individual will be returned to the wage-earning rolls more quickly.

Accordingly, the FAA is amending § 65.91 to return to the requirements which existed prior to Amendment 65–22 and is clarifying these requirements to provide that an otherwise eligible applicant need only hold a currently effective mechanic certificate with both an airframe rating and a powerplant rating which have been in effect for a total of at least 3 years. This revision will remove any inequity associated with the renewal process and will provide more flexible and fair enforcement program for IA holders, without derogation of the original certification standards.

Regulatory Assessment

This rule will relax an unnecessary requirement for original issuance or renewal of an IA. It also will eliminate a double penalty currently imposed on any IA holder who, as a result of a suspension, becomes ineligible for renewal solely because his or her mechanic certificate or ratings were not continuously in effect during the 3-year period preceding the annual IA renewal.

This rule will not impose any costs, other than the cost of publishing the rule. Benefits of the proposed rule will accrue from the elimination of income loss due to an individual's not being permitted to renew an IA for 3 years from the date of a suspension. The actual benefits will be inconsequential because, once the full impact of the current rule was fully realized, the FAA imposed few suspensions on IA holders. Thus, very few IA holders actually will be affected by this rule. Comments to the NPRM did not disclose any data or facts to contradict this position. In light of the lack of costs and benefits, the FAA finds that a regulatory evaluation is not warranted.

Trade Impact Assessment

This rule will have no impact on trade opportunities for either U.S. firms doing business overseas or foreign firms doing business in the United States.

Regulatory Flexibility Determination

The Regulatory Flexibility Act of 1980 (RFA) was enacted by Congress in order to ensure, among other things, that small entities are not disproportionately affected by Government regulations. The RFA requires agencies to review rules which may have "a significant economic impact on a substantial number of small entities."

This amendment will relax requirements for issuance and renewal of an IA and will impose no additional burden. Further, the number of persons who would be unable to renew their IA's if the current rule is not changed is minimal compared with the total number of IA holders.

The FAA finds that this rule will not have a significant economic impact, either beneficial or detrimental, on a substantial number of small entities. Therefore, a regulatory flexibility determination is not required.

Need for Immediate Adoption

This amendment will provide immediate relief and reduce a regulatory burden on persons who have had their mechanic certificates or ratings suspended by permitting them to be eligible for issuance or renewal of their IA's provided their mechanic certificate or ratings have been reinstated.

Immediate adoption will permit persons who have had their mechanic certificates or ratings suspended since the last IA renewal date (March 31) to be eligible again on the following year's renewal date provided they meet all of the requirements of §§ 65.91, 65.92, and 65.93 of the FAR.

This amendment will also permit persons who had previously become ineligible for a 3-year period, because of suspension of their mechanic certificates or ratings, to immediately become eligible for issuance of IA's provided that their mechanic certificates or ratings have been reinstated and they meet the requirements of § 65.91 of the FAR.

Finally, adoption of this amendment will not impose any burden on persons affected. Therefore, for these reasons, I find that good cause exists for making this amendment effective in fewer than 30 days.

Conclusion

This amendment will relax the requirements for initial issuance and renewal of an inspection authorization and thus will not impose an additional burden on any person. Accordingly, it has been determined that this action is not a major rule under Executive Order 12291, and it is not significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). For these reasons and because the number of persons who would be unable to renew their IA's if the current rule is not changed is minimal in comparison to the total number of IA holders, I certify that under the criteria of the Regulatory Flexibility Act, this proposal will not have a significant economic impact, positive or negative, on a substantial number of small entities. In addition, the FAA has determined that the expected economic impact of this proposal is so minimal that a full regulatory evaluation is not required.

List of Subjects in 14 CFR Part 65

Airmen other than flight crewmembers, Inspection authorization, Mechanic certification, Aircraft, Aviation safety.

Adoption of the Amendment

Accordingly, § 65.91 of the Federal Aviation Regulations (14 CFR 65.91) is amended as follows, effective April 19, 1985.

PART 56—CERTIFICATION: AIRMEN OTHER THAN FLIGHT CREWMEMBERS

By revising § 65.91(c)(1) to read as follows:

§ 65.91 Inspection authorization.

* * * * *

(c) * * *

(1) Hold a currently effective mechanic certificate with both an airframe rating and a powerplant rating, each of which is currently effective and has been in effect for a total of at least 3 years;

* * * * *

(Secs. 313(a), 314(a), 601, 602, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1355(a), 1421, 1422, and 1423); 49 U.S.C. 106(g) (Revised, Pub. L. 97-499, January 12, 1983))

Issued in Washington, D.C., on April 1, 1985.

Donald D. Engen,

Administrator.

[FR Doc. 85-9443 Filed 4-18-85; 8:45 am]

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Friday
April 19, 1985

Part V

General Services Administration

Changes to Federal Travel Regulations; Notice

GENERAL SERVICES ADMINISTRATION

[GSA Bulletin FPMR A–40, Supp. 14]

Changes to Federal Travel Regulations

AGENCY: Office of Federal Supply and Services, GSA.

ACTION: Notice of changes to Federal Travel Regulations (FTR).

SUMMARY: GSA has issued GSA Bulletin FPMR A–40, Supplement 14, to transmit a change to the Federal Travel Regulations (FTR), FPMR 101–7, implementing new provisions authorizing payment of a relocation income tax (RIT) allowance for reimbursement of additional Federal, State, and local income taxes incurred by transferred Federal employees as a result of certain relocation expense reimbursements.

EFFECTIVE DATE: The new provisions transmitted by Supplement 14 are effective for transferred employees whose effective date of transfer is on or after November 14, 1983, or on or after October 12, 1984, for certain specified provisions. The effective date of transfer means the date on which the employee reports for duty at the new official station.

FOR FURTHER INFORMATION CONTACT: Staff members, Travel and Transportation Regulations Division (FTA), Office of Transportation, (703) 557–1253 and 557–1256 or FTS 557–1253 and 557–1256.

SUPPLEMENTARY INFORMATION: The General Services Administration (GSA) has determined that this rule is not a major rule for the purposes of Executive Order 12291 of February 17, 1981, because it is not likely to result in an annual effect on the economy of $100 million or more; a major increase in costs to consumers or others; or significant adverse effects. GSA has based all administrative decisions underlying this rule on adequate information concerning the need for, and consequences of, this rule; has determined that the potential benefits to society from this rule outweigh the potential costs and has maximized the net benefits; and has chosen the alternative approach involving the least net cost to society.

Authority

1. Section 118 of Pub. L. 98–151 (97 Stat. 977), November 14, 1983, amended the statutory authority for the Federal employee relocation allowances contained in subchapter II of chapter 57, title 5, United States Code by adding new section 5724b authorizing reimbursement of "all or part" of the additional Federal, State, and "city" income taxes incurred by a transferred employee as a result of reimbursement for certain defined moving expenses.

2. Section 120 of Pub. L. 98–473 (98 Stat. 1968), October 12, 1984, amended the authority in 5 U.S.C. 5724b for the relocation income tax (RIT) allowance to (1) authorize reimbursement of "substantially all" (rather than all or part) of the additional Federal, State, and "local" (rather than only city) income taxes and (2) redefine the types of moving expenses covered by section 5724b to specifically include relocation services under 5 U.S.C. 5724c and to exclude expenses for nontemporary storage of household goods.

3. By Executive Order No. 12466, February 27, 1984, which amended Executive Order No. 11609, July 22, 1971, the President delegated authority to the Administrator of General Services to, among other things, prescribe regulations, in consultation with the Secretary of the Treasury, to implement 5 U.S.C. 5724b relating to reimbursement of additional income taxes incurred by transferred employees resulting from reimbursement for relocation expenses.

Guidelines to Agencies

1. The provisions of Part 11 to Chapter 2, FTR, give the agency the discretion to determine whether the actual calculation of the new allowance should be done by the employee or by an appropriate official. However, agencies are encouraged, at least during the initial implementation period, to either calculate the allowance for employees based on employee furnished information or provide as much assistance to employees as may be necessary to expedite payments or preclude erroneous claims.

2. Agencies should insure that employees understand that the statutory authority (Public Laws 98–151 and 98–473) for the RIT allowance as prescribed in the attached FTR change did not make changes to the Internal Revenue Code or State or local tax codes. Consequently, the authority for reimbursement of additional income taxes incurred as a result of moving expense reimbursements shall not be construed as changing or limiting the employee's income tax obligations in any way or as authorizing a refund of these taxes when filing a return with the IRS or other recognized tax authority. The RIT allowance must be claimed and paid on the SF 1012 (Travel Voucher) or other authorized travel voucher form, the same as other moving expense allowances.

Explanation of Changes

The attachment to GSA Bulletin FPMR A–40, Supplement 14, amends the FTR by adding Part 11 to Chapter 2, implementing policies and procedures for payment of a relocation income tax (RIT) allowance. Supplement 14 also transmits a change to Part 12, Chapter 2 (paragraph 2–12.7) by deleting the exclusion of certain payments to relocation companies from coverage by the RIT allowance.

Accordingly, the Federal Travel Regulations (FTR) are amended as follows:

CHAPTER 2—RELOCATION ALLOWANCES

1. **Authority:** (Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c)); 5 U.S.C. 5707; Executive Order No. 11609, July 22, 1971 and No. 12466, February 27, 1984.)

2. Chapter 2 of the FTR is amended by adding Part 11 to read as follows:

PART 11—RELOCATION INCOME TAX (RIT) ALLOWANCE

2–11.1. Authority.

Payment of a relocation income tax (RIT) allowance is authorized to reimburse eligible transferred employees for substantially all of the additional Federal, State, and local income taxes incurred by the employee, or by the employee and spouse if a joint tax return is filed, as a result of certain travel and transportation expenses and relocation allowances which are furnished in kind, or for which reimbursement or an allowance is provided by the Government (5 U.S.C 5724b, as amended). The RIT allowance shall be calculated and paid as provided in this Part 11.

2–11.2. Coverage.

a. *Eligible employees.* Payment of a RIT allowance is authorized for employees transferred on or after November 14, 1983, in the interest of the Government from one official station to another for permanent duty. The effective date of an employee's transfer is the date the employee reports for duty at the new official station as provided in paragraph 2–1.4j.

b. *Individuals not covered.* The provisions of this Part 11 are not applicable to the following individuals or employees:

(1) New appointees as defined in 2–1.5e, including those covered under 2–1.5f (i.e., new appointees to shortage category or Senior Executive Service positions, and new Presidential appointees) and 2–1.5g(2) (i.e., new appointees to overseas posts of duty);

(2) Employees assigned under the Government Employees Training Act (see 5 U.S.C. 4109); or

(3) Employees returning from overseas assignments for the purpose of separation.

2–11.3. Types of moving expenses or allowances covered and general limitations.

The RIT allowance is by law limited as to the types of moving expenses that can be covered. The law authorizes reimbursement of additional income taxes resulting from certain moving expenses furnished in kind or for which reimbursement or an allowance is provided to the transferred employee by the Government. However, such moving expenses are covered by the RIT allowance only to the extent that they are (1) actually paid or incurred, and (2) are not allowable as a moving expense deduction for tax purposes. The types of expenses or allowances listed in a through i, below, are covered by the RIT allowance within the limitations discussed.

a. *En route travel.* Travel (including per diem) and transportation expenses of the transferred employee and immediate family for en route travel from the old official station to the new official station. (See FTR Part 2–2.)

b. *Household goods shipment.* Transportation (including temporary storage) expenses for movement of household goods from the old official station to the new official station. (See FTR Part 2–8.)

c. *Nontemporary storage expenses.* Allowable expenses for nontemporary storage of household goods belonging to an employee transferred on or after November 14, 1983, through October 11, 1984, to an isolated location in the conterminous United States. (See FTR 2–9.1.) Nontemporary storage expenses are not covered by the RIT allowance for transfers on or after October 12, 1984. (See 2–11.4c).

d. *Mobile home movement.* Expenses for the movement of a mobile home for use as a residence when movement is authorized instead of shipment and temporary storage of household goods. (See FTR Part 2–7.)

e. *Househunting trip.* Travel (including per diem) and transportation expenses of the employee and spouse for one round-trip to the new official station to seek permanent residence quarters. (See FTR Part 2–4.)

f. *Temporary quarters.* Subsistence expenses of the employee and immediate family during occupancy of temporary quarters. (See FTR Part 2–5.)

g. *Real estate expenses.* Allowable expenses for the sale of the residence (or expenses of settlement of an unexpired lease) at the old official station and for purchase of a home at the new official station for which reimbursement is received by the employee. (See FTR Part 2–6.)

h. *Miscellaneous expense allowance.* A miscellaneous expense allowance for the purpose of defraying certain expenses associated with discontinuing a residence at one location and establishing a residence at the new location in connection with an authorized or approved permanent change of station. (See FTR Part 2–3.)

i. *Relocation services.* Payments, or portions thereof, made to a relocation service company for services provided to a transferred employee (see FTR Part 2–12), subject to the conditions stated below and within the general limitations of this paragraph applicable to other covered expenses.

(1) *For employees transferred on or after November 14, 1983, through October 11, 1984.* The amount of a broker's fee or real estate commission or other real estate sales transaction expenses which normally are reimbursable to the employee under 2–6.2 but have been paid by a relocation service company incident to an assigned sale from the employee, provided that such payments constitute income to the employee. For the purposes of this regulation, an assigned sale occurs when an employee obtains a binding agreement for the sale of his/her residence and assigns the inherent rights and obligations of that agreement to a relocation company that is providing services under contract with the employing agency. For example, if the employee incurs an obligation to pay a specified broker's fee or real estate commission under the terms of the sales agreement, this obligation along with the sales agreement is assigned to the relocation company and may, upon payment of the obligation by the relocation company, constitute income to the employee. (See 2–12.7 entitled "Income tax consequences of using relocation companies.")

(2) *For employees transferred on or after October 12, 1984.* Expenses paid by a relocation company providing relocation services to the transferred employee pursuant to a contract with the employing agency to the extent such payments constitute income to the employee. (See 2–12.7.)

Note.—See FTR reference shown in parentheses for reimbursement provisions for each allowance listed in a through i, above. See Section 217 of the Internal Revenue Code (IRC) and Internal Revenue Service (IRS) Publication 521 entitled "Moving Expenses" and appropriate State and local tax authority publications for additional information on the taxability of moving expense reimbursements and the allowable tax deductions for moving expenses.

2–11.4. Exclusions from coverage.

The provisions of this Part 11 are not applicable to the following:

a. Any tax liability that may result from payments by the Government to relocation companies on behalf of employees transferred on or after November 14, 1983, through October 11, 1984, other than the payments for those expenses specified in 2–11.3i(1).

b. Any tax liability incurred for local income taxes other than city income tax as a result of moving expense reimbursements for employees transferred on or after November 14, 1983, through October 11, 1984. (See definition in 2–11.5b.)

c. Any tax liability resulting from reimbursed expenses for any nontemporary storage of household goods except as specifically provided for in 2–11.3c.

d. Any tax liability resulting from paid or reimbursed expenses for shipment of a privately owned automobile.

e. Any tax liability resulting from an excess of reimbursed amounts over the actual expense paid or incurred. For instance, if an employee's reimbursement for the movement of household goods is based on the commuted rate schedule and his/her actual moving expenses are less than the reimbursement, the difference is not covered by the RIT allowance. (See 2–11.8c(2)(a).)

f. Any tax liability resulting from an employee's decision not to deduct moving expenses for which a tax deduction is allowable under the Internal Revenue Code or appropriate State and local tax codes. (See 2–11.8b(1) and 2–11.8c(2).)

2–11.5. Definitions and discussion of terms.

For purposes of this part, the following definitions will apply:

a. *State income tax.* A tax, imposed by a State tax authority, that is deductible for Federal income tax purposes as a State income tax under section 164(a)(3) of the IRC. "State" means any one of the several States of the United States and the District of Columbia.

b. *Local income tax.* A tax, imposed by a recognized city or county tax authority, that is deductible for Federal income tax purposes as a local (city or county) income tax under section 164(a)(3) of the IRC; except that, for employees transferred on or after November 14, 1983, through October 11, 1984, local income tax shall be

construed to mean only city income tax. For purposes of this regulation:

(1) "City" means any unit of general local government which is classified as a municipality by the Bureau of the Census, or which is a town or township that in the determination of the Secretary of the Treasury possesses powers and performs functions comparable to those associated with municipalities, is closely settled, and contains within its boundaries no incorporated places as defined by the Bureau of the Census (31 CFR 215.2(b)(1)).

(2) "County" means any unit of local general government which is classified as a county by the Bureau of the Census (31 CFR 215.2(e)).

c. *Covered moving expense reimbursements or covered reimbursements.* As used herein, these terms include those moving expenses listed in 2–11.3 which may be furnished in kind, or for which reimbursement or an allowance is provided by the Government.

d. *Covered taxable reimbursements.* Covered moving expense reimbursements minus the allowable tax deductions for moving expenses. (See determination in 2–11.8c.)

e. *Year 1 or reimbursement year.* The calendar year in which reimbursement or payment for moving expenses is made to, or for, the employee under the provisions of the FTR, Chapter 2. All or part of these reimbursements (see 2–11.6) are reported as income (wages, salary or other compensation) to the employee for that tax year under the provisions of the IRC and IRS regulations, and an obligation for Federal tax withholding is incurred. The withholding tax allowance (WTA) (see 1, below) is calculated in Year 1, to cover the employee's Federal tax withholding obligations each time reimbursements are made that result in a withholding obligation. For purposes of this regulation, an advance of funds for any of the covered moving expenses is not considered to be a reimbursement or a payment until the travel voucher settlement for such expenses takes place. If an employee's reimbursement for moving expenses is spread over more than one year, he/she will have more than one Year 1.

f. *Year 2.* The calendar year following Year 1 in which the employee files a tax return reflecting his/her tax liability for income received in Year 1. The RIT allowance is calculated in Year 2 and paid to cover the additional tax liability (resulting from moving expense reimbursements received in Year 1) not covered by the WTA paid in Year 1. If an employee's covered taxable reimbursements are spread over more than one year, he/she will have more than one Year 2.

g. *Federal withholding tax rate (FWTR).* The tax rate applied to incremental income to determine the amount to be withheld from salary or other compensation such as moving expense reimbursements. Because moving expense reimbursements constitute supplemental wages for Federal income tax purposes, the 20 percent flat rate of withholding is generally applicable to such reimbursements (see 2–11.7c). Agencies should refer to the Treasury Fiscal Requirements Manual, ITFRM 3–5000, and applicable IRS regulations for complete information on this subject.

h. *Earned income.* For purposes of the RIT allowance, "earned income" shall include only the gross compensation (salary, wages, or other compensation such as moving expense reimbursements and the WTA) that is reported as income on IRS Form W–2 for the employee (employee and spouse, if filing jointly), and if applicable, the net earnings (or loss) from self-employment income shown on Schedule SE of IRS Form 1040. Earned income may be from more than one source. (See 2–11.8d.)

i. *Marginal tax rate (MTR).* The tax rate (for example 40%) applicable to a specific increment of income. The Federal and State marginal tax rates to be used in calculating the RIT allowance are provided in appendices 2–11.A and B. See 2–11.8e(3) for instructions on lcoal marginal tax rate determinations.

j. *Combined marginal tax rate (CMTR).* A single rate determined by combining the applicable margin tax rates prescribed herein for Federal, State and local income taxes, using the formula provided in 2–11.8e(4).

k. *"Gross-up."* Payment for the estimated additional income tax liability incurred by an employee as a result of reimbursements or payments by the Government for the covered moving expense reimbursements listed in 2–11.3. (See total RIT allowance in m, below.)

l. *"Gross-up" formula.* The formula used to determine the amount of the "gross-up". The formula used herein (see 2–11.7d and 2–11.8f) compensates the employee for the initial tax, the tax on tax, etc. The formula assumes that the combined marginal tax rate for Year 2 and subsequent tax years will be the same as the one for Year 1 (see 2–11.8b(1)(c)).

m. *Total RIT allowance or "gross-up."* The amount of payment, computed in Year 2 by applying the "gross-up" formula, required to cover substantially all of the estimated additional tax liability incurred as a result of the covered moving expense reimbursements received in Year 1. (See k and l, above, and 2–11.8f.)

n. *Final RIT allowance or final "gross-up."* The total RIT allowance or "gross-up" less the WTA (see o, below). The final RIT allowance or final "gross-up" is calculated and paid in Year 2. (See 2–11.8f.)

o. *Withholding tax allowance (WTA).* The withholding tax allowance (WTA) is an estimated partial payment of the total RIT allowance. The WTA covers the employee's Federal tax withholding liability on covered taxable reimbursements. The amount is computed by applying the "gross-up" formula (using the Federal withholding tax rate) each time that a Federal withholding obligation is incurred on moving expense reimbursements in Year 1. "Grossing-up" the Federal withholding amount protects the employee from having to use part of his/her moving expense reimbursement to pay Federal withholding taxes. The amount of the WTA is considered income to the employee. (See 2–11.7.)

2–11.6. Procedures in general.

a. This regulation sets forth procedures for the computation and payment of the RIT allowance and defines agency and employee responsibilities. This regulation does not require changes to those internal fiscal procedures established by individual agencies pursuant to IRS regulations, or the Treasury Fiscal Requirements Manual, provided that the intents of the statute authorizing the RIT allowance and this regulation are not disturbed.

b. The total amount reimbursed or paid to the employee, or on his/her behalf, for travel, transportation and other relocation expenses and allowances is includable in the employee's gross income pursuant to the Internal Revenue Code (IRC) and certain State and local government tax codes. Some expenses for which reimbursements are received may be deducted from income by the employee as moving expense deductions, subject to certain limitations prescribed by the IRS or pertinent State or local tax authorities. Reimbursements for nondeductible moving expenses are subject to income tax. (See IRS Publication 521 entitled "Moving Expenses" and the appropriate State and local tax codes for detailed information.)

c. Usually, if the employee is reimbursed for nondeductible moving expenses, the amount of these reimbursements is subject to withholding of Federal income tax at the

time of reimbursement. Under existing fiscal procedures, the amount of the employee's withholding obligation is usually deducted either from reimbursements for the moving expenses at the time of reimbursement or from the employee's salary. Procedures prescribed herein are not intended to change ongoing fiscal procedures in this area. (See Treasury Fiscal Requirements Manual for Federal Agencies.)

d. Payment of a withholding tax allowance (WTA) established herein will offset deductions for the Federal withholding taxes, on moving expense reimbursements and on the WTA itself, from the employee's moving expense reimbursements or from salary. The amount of the WTA is then deducted from the total RIT allowance computed the following year to arrive at the final RIT allowance.

e. The total amount of the RIT allowance can be computed after the end of Year 1 as soon as gross compensation and total covered taxable reimbursements can be determined.

f. Procedures are prescribed in 2–11.7 and 2–11.8 for computation and payment of the WTA and the final RIT allowance. These procedures are intended to build on existing fiscal procedures regarding reporting of employee income from reimbursements and withholding of taxes on supplemental wages.

2–11.7. Procedures for determining the withholding tax allowance (WTA) in Year 1.

a. *General rules.* The withholding tax allowance (WTA) is an estimated partial payment of the RIT allowance designed to cover the employee's Federal withholding tax obligation resulting from moving expense reimbursements. Withholding tax obligations, if any, for State and/or local income taxes on moving expense reimbursements are not covered by the WTA. The WTA will be calculated by the agency as provided below and credited to the employee on the travel voucher at the time reimbursement is made for certain moving expenses. The amount of the WTA is equal to the Federal withholding tax obligation incurred by the employee on covered moving expense reimbursements (which are not offset by deductible moving expenses) and on the WTA itself. The amount of the WTA is considered to be income to the employee and should, along with the amount of moving expense reimbursements, be reported on IRS Form W–2 and furnished to the employee on IRS Form 4782 (Employee Moving Expense Information) or another itemized listing of moving expense reimbursements. The total amount of all WTA's paid during Year 1 shall be deducted from the total RIT allowance calculated after the end of Year 1. The agency shall advise the employee that if the total amount of all WTA's paid in Year 1 exceeds the total RIT allowance which the employee is entitled to in Year 2, he/she is obligated to repay the excess amounts as a debt due the Government as provided in 2–11.9b(3). The WTA shall be calculated, accounted for, and reported as provided in b through f, below.

b. *Determination of amount of reimbursement subject to withholding.* Each time that moving expenses are reimbursed to the employee, or paid on behalf of the employee, IRS regulations require that the agency determine the amount of those reimbursements that it reasonably believes will be deductible moving expenses. Reimbursements for nondeductible moving expenses are then subject to withholding of Federal income tax. Since there are some relocation expenses which may be reimbursed but are not covered reimbursements under the RIT allowance, such as nontemporary storage of household goods (HHG) (see exclusions in 2–11.4), the amount of the nondeductible moving expenses may be different than the actual amount of covered taxable reimbursements which is subject to withholding. Because the difference in these amounts should not be substantial and the WTA is an estimated partial payment of the RIT allowance, the amount of nondeductible moving expenses subject to Federal withholding tax, as determined by the agency pursuant to IRS regulations, may be used in computing the WTA.

c. *Determination of Federal withholding tax rate (FWTR).* Because moving expense reimbursements constitute supplemental wages for Federal income tax purposes, the 20 percent flat rate of withholding is generally applicable to income generated by such reimbursements. The 20 percent rate shall be used in calculating the WTA unless under an agency's internal fiscal (withholding) procedures a different withholding rate is normally used pursuant to IRS tax regulations. In such cases, the applicable withholding rate shall be substituted for the 20 percent rate in the calculation shown in d, below.

d. *Calculation of withholding tax allowance (WTA).*

(1) The WTA is calculated by substituting the amounts determined in 2–11.7 b and c, above, into the gross-up formula shown below. The amount of nondeductible moving expenses (from 2–11.7b) is multiplied by the fraction of the FWTR (from 2–11.7c; generally 20 percent) over 1 minus the FWTR.

These calculations are expressed in the "gross-up" formula as follows:

Formula:

$$Y = \frac{X}{1 - X} (N)$$

where

Y = WTA

X = FWTR (generally, 20 percent)

N = nondeductible moving expenses

Example: If

X = 20 percent

N = $21,800

Then

$$Y = \frac{.20}{1.00 - .20} ($21,800)$$

Y = .25 ($21,800)

Y = $5,450

(2) The WTA may be calculated several times within Year 1 if reimbursements for nondeductible moving expenses are made on more than one travel voucher. Each time an employee is reimbursed for nondeductible moving expenses which are subject to Federal tax withholding, the WTA will be calculated and shown on the employee's travel voucher as an estimated allowance paid to cover the Federal tax withholding amount and its subsequent tax impact.

e. *Determination of employee's Federal withholding tax on WTA.* Since the amount of the WTA is considered income to the employee, it is subject to Federal tax withholding (generally at the 20 percent rate). The Federal tax withholding on the WTA should be calculated and handled in the same manner as withholding on nondeductible moving expenses. (Note: As a cross-check on the accuracy of the WTA computation, the withholding amount on the nondeductible moving expenses plus the withholding on the WTA should equal the WTA amount calculated in d, above.) After deducting all withholding amounts (withholding on the WTA and withholding on the nondeductible moving expenses) from the amount of the employee's reimbursements (including the WTA), the balance of the amount due the employee as shown on the travel voucher should be the original amount of reimbursement for the moving expenses.

f. *End of year reporting.* At the end of the year, agencies generally are required to issue IRS Forms W–2 for each employee showing total gross compensation (including moving

expense reimbursements) and the applicable amount of Federal taxes withheld. For tax reporting purposes, the WTA is to be treated as a moving expense reimbursement. The total amount of the employee's WTA's calculated during the year should be reflected, along with the applicable Federal withholding amount, on the employee's Form W–2. The total amount of the WTA's will also be furnished to the employee on IRS Form 4782 or another itemized listing provided for the employee's use in preparing his/her tax return and in claiming the RIT allowance as provided in 2–11.8.

2–11.8. Rules and procedures for determining the RIT allowance in Year 2.

a. *Summary/overview of procedures.* The RIT allowance will be calculated and claimed in Year 2. This can be accomplished as soon as the employee can determine earned income (as defined herein), income tax filing status, and covered taxable reimbursements for the Year 1. The RIT allowance is then calculated using the appropriate tax tables and the "gross-up" formula under procedures prescribed herein. The total amount of all WTA's paid in Year 1 is deducted from the RIT allowance yielding the final amount of the RIT allowance due the employee in Year 2. This final amount also is considered income. The appropriate amount of withholding taxes on the final RIT allowance is deducted and the balance constitutes the net payment to the employee. Rules, procedures, examples, and prescribed tax tables for these calculations are provided in b through h, below, and in the figures and appendices to this Part 11.

b. *General rules and assumptions.*

(1) The procedures prescribed herein for calculation and payment of the RIT allowance are based on certain assumptions jointly developed by GSA and IRS, and tax tables developed by IRS. This approach avoids a potentially controversial and administratively burdensome procedure requiring the employee to furnish extensive documentation, such as certified copies of actual tax returns and reconstructed returns, in support of a claim for a RIT allowance payment. Specifically it has been assumed that:

(a) the employee will claim moving expense deductions for the same tax year in which the corresponding moving expense reimbursements are reflected as income;

(b) the employee will claim the maximum amount of deductible moving expenses allowable under the IRS tax rules when filing his/her tax return; and

(c) the employee's (and spouse's, if a joint return is filed) earned income, combined marginal tax rate, and filing status for Year 1, used to determine the amount of the RIT allowance, will remain the same or will not be substantially different in the second and subsequent tax years.

(2) The prescribed procedures which yield an estimate of an employee's additional tax liability due to moving expense reimbursements are to be used uniformly. They are not to be adjusted to accommodate an employee's unique circumstance which may differ from the assumed circumstances stated in (1), above.

(3) An adjustment of the final RIT allowance paid in Year 2 for the covered taxable reimbursements received in Year 1 is required if the tax information certified to on the RIT allowance claim is different than that shown on the actual Federal tax return filed with IRS for Year 1 or changed for any reason after filing of the tax return, so as to affect the combined marginal tax rate used in the RIT allowance calculation. (See 2–11.10 for claims procedures.)

c. *Determination of amount of covered taxable reimbursements.*

(1) Generally, the amount of the covered taxable reimbursements is the difference between (a) the amount of covered moving expense reimbursements for the allowances listed in 2–11.3 that was included in the employee's income in Year 1, and (b) the maximum amount of allowable moving expenses that may be claimed by the employee on his/her Federal tax return under IRS tax regulations to offset the income resulting from moving expense reimbursements for Year 1.

(2) For purposes of the RIT allowance, the following special rules apply to the determination of moving expense deductions to offset moving expense reimbursements reported as income:

(a) The total amount of reimbursement (which was reported as income) for the expenses of en route travel for the employee and family (see 2–11.3a) and transportation (including up to 30 days temporary storage) of household goods (see 2–11.3b) to the new official station shall be used as a moving expense deduction.

(b) The total amount of reimbursement for a househunting trip, temporary quarters (up to 30 days at new station) and real estate transaction expenses (see 2–11.3e, f, g, and i), up to the maximum allowable deduction under IRS tax regulations, shall be used as a moving expense deduction. For example, an employee and spouse filing a joint return for the 1984 tax year and residing in the same household at the end of the tax year may deduct up to $3,000 for these expenses. (No more than $1,500 of the $3,000 may be claimed for househunting trips and temporary quarters expenses combined). If the employee was reimbursed $1,350 for the househunting trip and temporary quarters expenses and $9,000 for real estate expenses, the moving expense deductions would be $1,350 for the househunting trip and temporary quarters expenses and $1,650 for real estate expenses. If the employee's reimbursement was $1,850 for the househunting trip and temporary quarters expenses and $9,000 for real estate expenses, the moving expense deductions would be $1,500 for the househunting trip and temporary quarters expenses and $1,500 for real estate expenses. If the employee had no reimbursement for the househunting trip and temporary quarters, the full $3,000 would be applied to the $9,000 reimbursement for real estate expenses. (See IRS Publication 521, "Moving Expenses," for these and other maximums which vary by situation and filing status.)

(3) Procedures and examples are provided herein as if all moving expense reimbursements are received in one year with all moving expense deductions applied in that same year to arrive at the covered taxable reimbursements. However, when reimbursements span more than one year, the amount of covered taxable reimbursements must be determined separately for each reimbursement year (Year 1). The maximum moving expense deductions apply to the entire move. Under IRS tax regulations the employee has some discretion as to when he/she claims these deductions (e.g., in the year of the move when the expenses was paid or in the year of reimbursement, if these actions do not occur in the same year). However, for purposes of the RIT allowance procedures, the moving expense deductions will be applied in the year that the corresponding expense reimbursement is made. For example, if an employee incurred and was reimbursed $1,000 for a househunting trip and temporary quarters in 1984 and an additional $1,000 for temporary quarters in 1985, this employee, according to his/her particular situation and tax filing status, may deduct $1,500 of these expenses in moving expense deductions. In calculating the RIT allowance for 1984, $1,000 of the $1,500 deduction is used to offset the $1,000 reimbursement in 1984 resulting in zero covered taxable reimbursements for the househunting trip and temporary quarters for 1984.

The remaining $500 (balance of the $1,500 not used in determining covered taxable reimbursements for 1984) will be used to offset the $1,000 temporary quarters reimbursement in 1985 (second Year 1), leaving $500 of the temporary quarters reimbursement as a covered taxable reimbursement for 1985.

(4) Although the WTA amount is included in income (see 2–11.7), it shall not be included in the amount of covered taxable reimbursements. Under the procedures and formulas established herein, the proper amount of the RIT allowance is calculated using the gross-up formula with covered taxable reimbursements without the WTA included.

(5) Agencies are cautioned that there may be moving expenses reimbursed to the employee that are not covered by the RIT allowance. (See exclusions in 2–11.4; also see discussion in 2–11.7 regarding covered taxable reimbursements versus nondeductible expenses.)

(6) An example showing how to calculate covered taxable reimbursements is illustrated in Figure 2–11.8a. Also, Figures 2–11.8b. and 2–11.8c show an example of completed IRS Form 4782 (Employee Moving Expense Information) and of IRS Form 3903 (Moving Expense Adjustment) with dollar amounts which correspond to those shown in Figure 2–11.8a.

d. *Determination of income level and filing status.* In order to determine the combined marginal tax rate (CMTR) needed to calculate the RIT allowance, the employee must determine the appropriate amount of earned income (as prescribed herein) that was or will be reported on his/her Federal tax return for the tax year in which the covered taxable reimbursements were received (Year 1). Such amount will also include the spouse's earned income if a joint filing status is claimed. For purposes of this regulation, appropriate earned income shall include only the amount of gross compensation reported on IRS Form(s) W–2, and, if applicable, the net earnings (or loss) from self-employment income as shown on Schedule SE of IRS Form 1040. (Note that moving expense reimbursements including the WTA amounts are to be included in earned income and should be shown as income on the Form W–2; if they are not, other appropriate documentation shall be furnished by the agency.) The earned income level as determined under this provision and the tax filing status (for example, from lines 1 through 5 on the 1984 IRS Form 1040) shall be contained in a certified statement on, or attached to, the voucher claiming the RIT allowance (see 2–11.10).

e. *Determination of the combined marginal tax rate (CMTR).* The gross-up formula used to calculate the RIT allowance in f, below, requires use of a single tax rate which represents the Federal, State and/or local tax rates applicable to the income determined in d, above, for Year 1 for the employee (or employee and spouse). This single tax rate is referred to as a combined marginal tax rate (CMTR). The CMTR will be determined as provided in (1) through (4), below. Note that the marginal tax rates determined below, as well as the income level and filing status, must be furnished by the employee in a certified statement in support of the RIT allowance claim (see 2–11.10).

(1) *Federal marginal tax rate.* The Federal marginal tax rate is determined by using the income level and filing status determined under 2–11.8d and contained in the certified statement by the employee on his/her RIT allowance claim, and applying the prescribed Federal tax tables contained in appendix 2–11.A. For example, if the income level (from 2–11.8d) was $65,000 for a married employee filing a Federal joint return, the Federal marginal tax rate would be 38 percent. This rate would be used regardless of how much of the $65,000 was attributable to reimbursement for the employee's relocation expenses. (Note that this marginal rate is different from the withholding tax rate used for the WTA.) If the employee incurs only Federal income tax (i.e., there are no State or local taxes), the Federal marginal tax rate determined from appendix 2–11.A is the CMTR to be used in the gross-up formula provided in 2–11.8f. In such cases, the provisions of (2) and (3), below, do not apply.

(2) *State marginal tax rate.*

(a) If the employee incurs an additional State income tax (see definition in 2–11.5a) liability as a result of moving expense reimbursements, the State tax table in appendix 2–11.B is to be used to determine the applicable State marginal tax rate that will be substituted into the formula for determining the CMTR. The income level determined in 2–11.8d for Federal taxes shall be used to identify the appropriate income bracket in the State tax table. The applicable State marginal tax rate is obtained from the selected income bracket column for the State where the employee is required to pay State income tax on moving expense reimbursements. The tax rates shown in the table apply to all employees regardless of filing status, except where a separate rate is shown for single filing status.

(b) The lowest income bracket shown in the State tax table in appendix 2–11.B is $20,000–$24,999. In cases where the employee's (employee's and spouse's, if filing jointly) earned income as determined under 2–11.8d is less than this income bracket, an appropriate State marginal tax rate shall be established by the employing agency from the applicable State tax code or regulations issued pursuant thereto. Such State marginal tax rate shall be representative of the earned income level in question but in no case more than the marginal tax rate established in appendix 2–11.B for the $20,000–$24,999 income bracket for the particular State in which an additional income tax obligation has been incurred.

(c) The prescribed State marginal tax rates generally are expressed as a *percent* of *taxable income*. However, if the applicable State marginal tax rate is stated as a *percentage* of the *Federal income tax liability*, the State tax rate must be converted to a percent of taxable income to be used in the CMTR formula in 2–11.8e(4). This is accomplished by multiplying the applicable Federal tax rate by the applicable State tax rate. For example, if the Federal tax rate is 38 percent and the State tax rate is 25 percent of the Federal tax liability, the State tax rate stated as a percent of income would be 9.5 percent.

(d) An employee may incur a State income tax liability on moving expense reimbursements in more than one State at the same or different marginal tax rates. Nevertheless, a single State marginal tax rate must be determined for use in the CMTR formula in 2–11.8e(4). The following general rules shall be applied in determining the applicable single rate.

(i) In the tax year during which the transfer actually takes place, the employee may incur a State income tax obligation at both the old and the new location. However, most moving expense reimbursements will be taxed at the new location. Although the employee may receive some reimbursements (e.g., for a househunting trip, possibly household goods shipment) prior to the actual transfer which would be credited as income at the old location, these types of expenses generally are tax deductible and would not generate an additional State tax liability for the employee. In addition, procedures inherent in the travel voucher reimbursement system tend to cause most reimbursements which may

be taxable to occur after the actual transfer. Therefore, the State marginal tax rate determined under 2–11.8e(2)(a) through (c) for the new location will be used in the CMTR formula.

(ii) There may be instances where the employee is subject to taxes on moving expense reimbursements in two States, in one State because of State residency and in another because a particular State taxes income earned within its jurisdiction irrespective of whether the employee is a resident. If the States recognize such situations by allowing an adjustment or credit for taxes paid to another State, the State marginal tax rate for the State where income tax on moving expense reimbursements is actually paid will be determined and used in the CMTR formula. However, in those situations where there is in fact double taxation on income from moving expense reimbursements and the taxes imposed by both States qualify as a State income tax (as defined in 2–11.5a), the sum of the State marginal tax rates for the two States as determined under 2–11.8e(2)(a) through (c) shall be used in the CMTR formula.

(3) *Local marginal tax rate.* Because of the impracticality of establishing a single marginal tax rate table for local income taxes that could be applied uniformly on a nationwide basis, appropriate local marginal tax rates shall be determined as provided in (a) through (c), below.

(a) If the employee incurs an additional local income tax (see definition 2–11.5b) liability as a result of moving expense reimbursements, he/she shall certify to such fact when claiming the RIT allowance (see certification statement in 2–11.10) by specifying the name of the locality imposing the income tax and the applicable marginal tax rate determined from the actual marginal tax rate table or schedule prescribed by the taxing locality. The marginal tax rate shall be applicable to the taxable income portion of the amount of earned income determined under 2–11.8d for the employee (and spouse, if filing jointly). The employing agency shall establish procedures to determine whether the employee certified local marginal tax rate is appropriate for the employee's income level and filing status and approve its use in the CMTR formula. (See also 2–11.10b(2).)

(b) If the local marginal tax rate is stated as a percentage of Federal or State income tax liability, such rate must be converted to a percent of income for use in the CMTR formula. This is accomplished by multiplying the applicable Federal or State tax rate determined in 2–11.8e(1) or (2) by the applicable local tax rate. For example, if the State tax rate is 6 percent and the local tax rate is 50 percent of State tax liability, the local tax rate stated as a percentage of income would be 3 percent.

(c) The situations described in 2–11.8e(2)(d) with respect to State income taxes may also be encountered with local income taxes. If such situations do occur, the rules prescribed for determining the single State marginal tax rate shall also be applied to determine the single local marginal tax rate for use in the CMTR formula.

(4) *Calculation of the combined marginal tax rate (CMTR).* As stated above, the gross-up formula for calculating the RIT allowance is designed for use with a single combined tax rate. However, the required CMTR cannot be calculated by merely adding the Federal, State and local marginal tax rates together because of the deductibility of State and local income taxes from income for Federal income tax purposes. The State tax tables prescribed in appendix 2–11.B are designed to use the same income amount as that determined for the Federal taxes, which reflects, among other things, State and local tax deductions. The formula prescribed below for calculating the CMTR is designed to adjust the State and local tax rates to compensate for their deductibility from income for Federal tax purposes.

(a) *Both State and local taxes incurred.* If the employee incurs both State and local income taxes on moving expense reimbursements, the following formula shall be used to determine the CMTR:

Formula: $X = F + (1 - F)S + (1 - F)L$

where
X = CMTR
F = Federal tax rate
S = State tax rate
L = local tax rate
Example: If

F = 38 percent of income
S = 6 percent of income
L = 2 percent of income

Then

$X = .38 + (1.00 - .38).06 + (1.00 - .38).02$
$X = .4296$

(b) *State income tax incurred but no local income tax.* If the employee incurs tax liability on moving expense reimbursements for State income tax but none for local income tax, the value of "L" is zero and the formula in (a), above, may be solved as follows:

Formula:
$X = F + (1 - F)S + (1 - F)L$
Example: If

F = 38 percent of income
S = 6 percent of income
L = Zero

Then

$X = .38 + (1.00 - .38).06$
$X = .4172$

(c) *Local income tax incurred but no State income tax.* If the employee incurs a tax liability on moving expense reimbursements for local income tax but none for State income tax, the value of "S" is zero and the formula in (a), above, may be solved as follows:

Formula:
$X = F + (1 - F)S + (1 - F)L$
Example: If

F = 38 percent of income
S = Zero
L = 2 percent of income

Then

$X = .38 + (1.00 - .38).02$
$X = .3924$

f. *Determination of the RIT allowance.* The total RIT allowance for the covered taxable reimbursements received in Year 1 and the final amount of the allowance due the employee are calculated in Year 2 as provided below:

(1) The total RIT allowance is calculated by substituting the amount of covered taxable reimbursements for Year 1 (see 2–11.8c) and the CMTR (see 2–11.8e) attributable to the employee's (employee's and spouse's, if filing jointly) earned income level and filing status (see 2–11.8d) into the "gross-up" formula. The amount of covered taxable reimbursements is multiplied by the fraction of the CMTR over 1 minus the CMTR. For example, if the employee's CMTR was .4296 and the amount of covered taxable reimbursement was $21,800, the total RIT allowance would be $16,419.76.

(2) The employee usually will have been paid one or more WTA's during Year 1 to cover the Federal withholding tax on the reimbursements. Since the WTA is an estimated partial payment of the RIT allowance, the total amount of all WTA's paid during Year 1 shall be deducted from the total RIT allowance to determine the final amount of the RIT allowance payable to the employee in Year 2.

(3) Calculation of the final RIT allowance as provided in (1) and (2), above, may be stated in a final "gross-up" formula as follows:

Formula:

$$Z = \frac{X}{1-X}(R) - Y$$

where
Z = final RIT allowance payable in Year 2
X = CMTR

R = covered taxable reimbursements
Y = total WTA's paid in Year 1

Example: If

X = .4296
R = $21,800
Y = $5,450

Then

$$Z = \frac{.4296}{1.00 - .4296}(\$21,800) - \$5,450$$

Z = .7532 ($21,800) − $5,450
Z = $16,419.76 − $5,450
Z = $10,969.76

(4) There may be instances when a WTA was not paid in Year 1 at the time moving expense reimbursements were made. For example, for those employees whose effective date of transfer was on or after November 14, 1983, through December 31, 1984, and whose reimbursements were received in 1983 or 1984, a WTA would not have been paid. In cases where there is no WTA to be deducted, the value of "Y" is zero and the formula stated in (3), above, for calculating the final amount of the RIT allowance (= Z) due the employee in Year 2 may be solved as follows:

Formula:

$$Z = \frac{\times}{1-\times}(R) - y$$

Example: If

× = .4296
R = $21,800
Y = Zero

Then

$$Z = \frac{.4296}{1.00 \times .4296}(\$21,800)$$

Z = .7532 ($21,800)
Z = $16,419.76

(5) If the final amount of the RIT allowance is greater than zero, it is payable to the employee on the travel voucher as a relocation or moving expense allowance. The final RIT allowance amount is included in the employee's gross income for Year 2 and, therefore, subject to appropriate withholding taxes (see net payment to employee in 2-11.8g). The final RIT allowance amount will be reported on IRS Form W–2 for Year 2 and on IRS Form 4782 for the employee's information.

(6) If the final amount of the RIT allowance shown on the travel voucher is less than zero (negative amount) because the WTA amount paid in Year 1 exceeds the total RIT allowance, the employee shall repay the excess amount to his/her agency (see also 2–11.7a and 2–11.9b).

(7) Any changes to the employee's income level or filing status for Year 1 that would affect the marginal tax rates (Federal, State, or local) used in calculating the RIT allowance must be reported to the agency by the employee as provided in 2–11.9b(2). (See also 2–11.10 for certified statement regarding these changes.)

g. *Determination of the net payment due employee in Year 2.* Since the final amount of the RIT allowance is income to the employee in Year 2, it is subject to Federal tax withholding. It is also subject to appropriate State and local tax withholding if the employing agency normally withholds for State and local taxes on moving expense reimbursements. Agencies should determine the appropriate amounts of withhold taxes under their internal tax withholding procedures. The amount of withholding taxes is deducted from the final RIT allowance to arrive at the net payment to the employee.

h. *Summary example.* The procedures provided in a through g, above, for calculating the RIT allowance and in 2–11.7 for calculating the WTA are summarized and illustrated for a hypothetical situation in Figure 2–11.8d.

2–11.9. Responsibilities.

a. *Agency.* Finance offices will calculate the amount of the gross-up for the withholding tax allowance (WTA) in Year 1 in accordance with procedures outlined herein and credit this amount to the employee on the travel voucher at the time of reimbursement. The WTA will be reflected on the employee's Form W–2 for Year 1. The RIT allowance may be calculated in Year 2 either by the employee, or by the agency finance office based on information provided by the employee on the voucher, as directed by the agency's implementing policies and procedures. In addition, agencies shall prescribe appropriate and necessary implementing procedures as provided elsewhere in this Part 11.

b. *Employee.*

(1) The employee is required to file the tax information for Year 1 specified in 2–11.10 with his/her agency in Year 2, regardless of whether any additional reimbursement for the RIT tax allowance is owed the employee.

(2) If any action occurs (i.e., amended tax return, tax audit, etc) that would change the information provided in Year 2 by the employee to his/her agency for use in calculating the total RIT allowance due the employee for Year 1 taxes, this information must be provided by the employee to his/her agency under procedures prescribed by the agency. (See 2–11.10.)

(3) If the total amount of all WTA's paid by the Government in Year 1 is more than the total RIT allowance computed in Year 2, the employee is obligated to repay the excess amounts as a debt due the Government. (See also 2–11.7a and 2–11.8f(6).)

2–11.10. Claims for payment and supporting documentation and verification.

a. *Claims forms.* Claims for payment of the RIT allowance shall be submitted by the employee in Year 2 on SF 1012 (Travel Voucher) or other authorized travel voucher form. When claiming payment for the RIT allowance, the employee shall furnish and certify to certain tax information that has been or will be shown on his/her actually prepared tax returns. This information shall be contained in a certified statement on, or attached to, the SF 1012 reading essentially as follows:

I certify that the following information, which is to be used in calculating the RIT allowance to which I am entitled, has been (or will be) shown on the income tax returns filed (or to be filed) by me (or by my spouse and me) with the applicable Federal, State, and local (specify which) tax authorities for the 198__ tax year.

—Gross compensation as shown on attached IRS Form(s) W–2 and, if applicable, net earnings (or loss) from self-employment income shown on attached Schedule SE (Form 1040):

Employee.....	$_____	$_____
Spouse (if filing jointly)..	$_____	$_____
Total (Both columns).....	$_____	

—Filing status: _____

(Specify one of the five filing status items that was (or will be) claimed on IRS Form 1040.)

—Marginal tax rates from FTR appendices 2–11.A and B and local tax tables derived under procedures prescribed in FTR Part 2–11:

Federal _____
State (specify which): _____
Local (specify which): _____

The above information is true and accurate to the best of my knowledge. I (we) agree to notify the appropriate agency official of any changes to the above (i.e., from amended tax returns, tax audit, etc.) so that appropriate adjustment to the RIT allowance can be made. The required supporting documents are attached. Additional documentation will be furnished if requested.

Employee's Signature _____
Date _____
Spouse's signature (if joint filing status) _____
Date _____

b. *Supporting documention/ verification.* The claim for the RIT allowance shall be supported by documentation attached to the voucher

and by verification of State and local tax obligations as provided below:

(1) Copies of the appropriate IRS Forms W–2 and, if applicable, the completed IRS Schedule SE (Form 1040) shall be attached to the voucher to substantiate the income amounts shown in the certified statement. Employee and/or spouse must agree to provide additional documentation to verify income amounts, filing status, and State and local income tax obligations if requested by the agency.

(2) In order to determine or verify whether a particular State or locality imposes a tax on moving expense reimbursements, it is incumbent upon the appropriate agency officials to become familiar with the State and local tax laws that affect their transferring employees. In cases where the taxability of moving expense reimbursements is not clear, an agency may pay a RIT allowance which reflects only those State and local tax obligations that are clearly imposed under State and local tax law. Once the questionable State or local tax obligations are resolved, agencies may recompute the RIT allowance and make appropriate payment adjustments.

c. *Fraudulent claims.* A claim against the United States is forefeited if the claimant defrauds or attempts to defraud the Government in connection therewith (28 U.S.C. 2514). In addition, there are two criminal provisions under which severe penalties may be imposed on an employee who knowingly presents a false, fictitious, or fraudulent claim against the United States (18 U.S.C. 287 and 1001). The employee's claim for payment of the RIT allowance shall accurately reflect the facts involved in every instance so that any violation of these provisions will be avoided.

2–11.11. Violation of service agreement.

In the event the employee violates the terms of the agreement required under 2–1.5a(1), no part of the RIT allowance will be paid, and any amounts paid prior to such violation shall be a debt due the United States until they are repaid by the employee.

2–11.12. Advance of funds.

No advance of funds is authorized in connection with the allowance provided in this part.

2–11.13. Source references.

The following references or publications have been used as source material for this Part 11.

a. Internal Revenue Code (IRC), section 164(a)(3) (26 U.S.C. 164(a)(3)) pertaining to the deductibility of State and local income taxes, and section 217 (26 U.S.C. 217), pertaining to moving expenses.

b. Internal Revenue Service Publication 521, "Moving Expenses."

c. Internal Revenue Service, Circular E, "Employer's Tax Guide."

d. Department of Treasury Fiscal Requirements Manual for Federal Agencies, ITFRM 3–5000.

e. 31 CFR 215.2 (5 U.S.C. 5516, 5517, and 5520).

BILLING CODE 6820-34-M

EXAMPLE 1. CALCULATION OF COVERED TAXABLE REIMBURSEMENTS

The following example shows how to calculate covered taxable reimbursements as provided in FTR 2-11.8. Column (a) shows hypothetical moving expense reimbursements. Column (b) shows Federal moving expense deductions for employee and spouse filing a joint return and residing together at the end of the tax year (see footnote 5/, below). Column (c) shows the balance of the covered reimbursements in column (a) which have not been offset by moving expense deductions in column (b). Amounts shown are for illustration purposes only and should not be construed in any way to represent actual, average, or typical moving costs.

	Covered Allowances (FTR 2-11.3)		Amount Paid/ Reimbursed (a) 1/	Maximum Moving Exp. Deduction (b) 2/	Amount of Covered Taxable Reimbursements (c)=(a)-(b) 3/
1.	Travel and transportation expenses between duty stations.		$ 1,150 4/	$ 1,150 4/	$ -0- 4/
2.	Transportation and 30 days temporary storage of household goods (HHG's).		$ 5,100 4/	$ 5,100 4/	$ -0- 4/
3.	Temporary storage of HHG's not included on line 2, and/or nontemporary storage (see (2-11.3c).		$ 1,100	$ -0-	$ 1,100
4.	Mobile home movement instead of HHG's.		$ -0-	$ -0-	$ -0-
5.	Miscellaneous expense allowance.		$ 700	$ -0-	$ 700
6.	Househunting trip.	$1,550			
7.	Temporary quarters, 30 days, new station.	$2,550			
8.	Total lines 6 and 7.		$ 4,100		
9.	Enter lesser of line 8 or $1,500 as deductible amount in col. b; 5/			$ 1,500	
10.	Enter balance of line 8 minus line 9.				$ 2,600
11.	Temporary quarters in excess of line 7.		$ 1,900	$ -0-	$ 1,900
12.	Real estate transactions resulting from:				
	(a) Sale expenses.	$13,500			
	(b) Purchase expenses.	$ 3,500			
	(c) Unexpired lease.	$ -0-			
	(d) Relocation services. 6/	$ -0-			
13.	Total of items (a) through (d), line 12.		$17,000		
14.	Enter lesser of line 13 or $3,000 less deductible amount used on line 9. 5/			$ 1,500	
15.	Balance of line 13 minus line 14.				$15,500
16.	Relocation services not included on line 12(d). 6/		$ -0- 6/	$ -0- 6/	$ -0- 6/
17.	Total column (a), (b), and (c).		$31,050	$ 9,250 7/	$21,800 8/
18.	Total amount of WTA's paid in Year 1.		$ 5,450 9/		
19.	Total lines 17 and 18, column (a).		$36,500 10/		

Figure 2-11.8a. Illustration of Example for Calculation of Covered Taxable Reimbursements in Year 2.
(Part 1 of 2)

1/ Enter in column (a) the amounts of reimbursed expenses for the allowances listed in FTR 2-11.3.

2/ Enter in column (b) the maximum amounts of the reimbursed expenses in column (a) which are deductible moving expenses. (See FTR 2-11.8c(2); also see footnote 4/.)

3/ Enter in column (c) the balance of column (a) minus column (b). (See FTR 2-11.8c.)

4/ The amount entered in column (b) for lines 1 and 2 should be the same as that entered in column (a). (See FTR 2-11.8c(2)(a).) Column (c) will be zero.

5/ Limits may vary according to filing status, etc. See page 5 of IRS Publication 521, Moving Expenses.

6/ In this example, relocation services were not used--employee declined (see FTR 2-12 and employing agency policy). However, if relocation services were used, any amounts paid to the relocation service company that are determined to be income to the employee (see FTR 2-11.3i, 2-11.4a, and 2-12.7) and covered by the RIT allowance would be entered on lines 12(d) and 16, column (a), as appropriate. In such cases, the amount shown in column (c) as a covered taxable reimbursement would depend on whether any part of the amount in column (a) is a moving expense deduction in column (b). All amounts included in column (a) may not be deductible and there are limitations as to what can be included as a covered reimbursement under 2-11.3i.

7/ In this example, total moving expense deductions on line 17, column (b), equate to the amount shown on line 11 on IRS Form 3903 in Figure 2-11.8c. Amounts on those lines for an actual situation may not be the same because of relocation expenses incurred which are not paid for or reimbursed by the Government but which may be claimed as a moving expense deduction for Federal tax purposes, such as extra valuation insurance for household goods shipments.

8/ The amount on line 17, column (c), is the amount of covered taxable reimbursements to be used in the gross-up formula for the RIT allowance.

9/ Enter total amount of all WTA's paid in Year 1 on line 18, column (a) only. This amount is an estimated partial payment of the RIT allowance. It is not included in the amount of covered taxable reimbursements determined for calculation of the RIT allowance. (See FTR 2-11.8c(4).)

10/ In this example, the total amount shown on line 19, column (a), equates to the amount shown on line 7 on IRS Form 4782 in Figure 2-11.8b. Amounts on those lines for an actual situation may differ because of relocation allowances paid or reimbursed which are not covered by the RIT allowance. (See exclusions in FTR 2-11.4.)

Figure 2-11.8a. Illustration of Example for Calculation of Covered Taxable Reimbursements in Year 2. (Footnotes)
(Part 2 of 2)

EXAMPLE 2

Form **4782** (Rev August 1983)
Department of the Treasury
Internal Revenue Service

Employee Moving Expense Information

Payments made during the calendar year 19

OMB No 1545-0182

Do not file. Keep for your records.

Name of employee: I. M. EMPLOYEE

Social security number: 000 00 0000

Moving Expense Payments

Type of expense	a. Amount paid to employee	b. Amount paid to a third party for employee's benefit and value of services furnished in-kind	c Total (Add columns a. and b.)
1 Transportation expenses in moving household goods and personal effects (including storage expenses for a foreign move)		(carrier payment) 6,200.00	6,200.00
2 Travel, meal, and lodging expenses in moving from old to new residence	1,150.00		1,150.00
3 Pre-move travel, meal, and lodging expenses in looking for a new residence after obtaining employment	870.00	(air carrier) 680.00	1,550.00
4 Temporary living expenses in new location or area during any 30 days in a row after obtaining employment (90 days in a row for a foreign move)	2,550.00		2,550.00
5 Qualified expenses of selling, buying, or leasing a residence	17,000.00		17,000.00
6 All other payments (specify) Misc. Exp. Allowance	700.00		700.00
Temporary Qtrs. in excess of 30 days	1,900.00		1,900.00
Withholding Tax Allowance	5,450.00		5,450.00
7 Total moving expense payments. Add lines 1 through 6. ▶			36,500.00

Figure 2-11.8b. Illustration of completed Example IRS Form 4782

EXAMPLE 3

Form **3903**
Department of the Treasury
Internal Revenue Service

Moving Expense Adjustment

▶ Attach to Form 1040.

OMB No 1545 0062
1984
52

Name(s) as shown on Form 1040: I. M. Employee

Your social security number: 000 00 0000

a What is the distance from your **old** residence to your **new** work place? 1500 miles

b What is the distance from your **old** residence to your **old** work place? 20 miles

c If the distance in **a** above is 35 or more miles farther than the distance in **b** above, complete the rest of this form. If the distance is less than 35 miles, you may not take a deduction for moving expenses. This rule does not apply to members of the armed forces.

1 Transportation expenses in moving household goods and personal effects			1 5,100 00
2 Travel, meal, and lodging expenses in moving from old to new residence			2 1,150 00
3 Pre-move travel, meal, and lodging expenses in looking for a new residence after getting your job	3 1,550 00		
4 Temporary living expenses in new location or area during any 30 days in a row after getting your job	4 2,550 00		
5 Add lines 3 and 4	5 4,100 00		
6 Enter the smaller of line 5 or $1,500 ($750 if married, filing a separate return, and, at the end of the tax year, you lived with your spouse who also started work during the tax year)		6 1,500 00	
7 Expenses of (check one): a ☑ selling or exchanging your **old residence**; or b ☐ if renting, settling an unexpired lease on your old residence		7 13,500 00	
8 Expenses of (check one): a ☑ buying your new residence; **or** b ☐ if renting, getting a lease **on your** new residence		8 3,500 00	
9 Add lines 6, 7, and 8		9 18,500 00	
10 Enter the smaller of line 9 or **$3,000** ($1,500 if married, filing a separate return, and, at the end of the tax year, you lived with your spouse who also started work during the tax year)			10 3,000 00

Note: *Use any amount on line **7a** not deducted because of the $3,000 (or $1,500) limit to decrease the gain on the sale of your residence. Use any amount on line **8a** not deducted because of the limit to increase the basis of your new residence. See **No Double Benefit** in the instructions.*

11 Add lines 1, 2, and 10. This is your moving expense deduction. Enter here and on Form 1040, line 24 ▶	11 9,250 00

Note: *If your employer paid for any part of your move (including the value of any services furnished in kind), report that amount on **Form 1040, line 7**. See **Reimbursements** in the instructions.*

Figure 2-11.8c. Illustration of completed Example IRS Form 3903

EXAMPLE 4. Summary of RIT Procedures

Year 1: In 1984, the employee received $31,050 in covered moving expense reimbursements. After subtracting $9,250 of deductible moving expenses, $21,800 of the reimbursements (nondeductible moving expenses) were subject to Federal tax withholding. (No State or local tax withholding in this case.)

Apply WTA formula: $Y = \frac{X}{1-X} (N)$

Where Y = WTA
X = Federal withholding tax rate (.20)
N = nondeductible moving expenses ($21,800)

Then $Y = \frac{.20}{1-.20} ($21,800)$
$Y = $5,450$

Compute net payment to employee in Year 1:

Total moving expense reimbursements in Year 1	$31,050
Less deductible moving expenses	- 9,250
Nondeductible moving expenses subject to withholding	$21,800
Plus WTA on $21,800	+ 5,450
Amount subject to withholding	$27,250
Less Federal tax withholding ($27,250 X .20)	- 5,450
Balance after withholding	$21,800
Plus deductible moving expenses	+ 9,250
Net payment to employee in Year 1	$31,050

Year 2: In 1985, the amount of the RIT allowance is determined on the basis of covered reimbursements in Year 1. Assume that $21,800 of nondeductible moving expenses is the same as the covered taxable reimbursements. Also, assume that employee and spouse (married, filing jointly) have combined earned income of $65,000. Thus, the Federal marginal tax rate would be 38%. Also, assume the applicable State and local marginal tax rates are 6% and 2%, respectively, of taxable income.

Apply CMTR formula: $X = F + (1-F)S + (1-F)L$

Where X = CMTR
F = Federal tax rate
S = State tax rate
L = local tax rate

Then $X = .38 + (1-.38).06 + (1-.38).02$
$X = .38 + .0372 + .0124$
$X = .4296$

Figure 2-11.8d. Summary Example of RIT Allowance Procedures (Part 1 of 2)

Example 4. Summary of RIT Allowance Procedures (continued)

Apply final gross-up formula: $Z = \frac{X}{1-X}(R) - Y$

Where Z = final RIT allowance
X = CMTR (.4296)
R = covered taxable reimbursements ($21,800)
Y = WTA paid in Year 1 ($5,450)

Then $Z = \frac{.4296}{1-.4296}$ ($21,800) - $5,450

Z = .7532 ($21,800) - $5,450
Z = $16,419.76 - $5,450
Z = $10,969.76

Compute net payment to employee in Year 2:

Total RIT allowance	$16,419.76
Less WTA's paid in Year 1	- 5,450.00 1/
Final RIT allowance payable	$10,969.76
Less Federal withholding tax	- 2,193.95
Less State and local withholding	N/A
Net amount paid to employee	$ 8,775.81

1/ If no WTA's had been paid in this example, the final RIT allowance would be the same as the total RIT allowance ($16,419.76). The Federal withholding tax would be $3,283.95, leaving a net payment to the employee of $13,135.81.

Figure 2-11.8d. Summary Example of RIT Allowance Procedures (Part 2 of 2)

FEDERAL MARGINAL TAX RATES BY EARNED INCOME LEVEL AND FILING STATUS - TAX YEARS 1983/1984

The following table is to be used to determine the Federal marginal tax rate for computation of the RIT allowance as prescribed in FTR 2-11.8e(1).

Marginal Tax Rate	Single Taxpayer		Heads of Household		Married Filing Jointly/Qualifying Widows & Widowers		Married Filing Separately	
	Over	But not over	Over	But not over	Over	But not over	Over	But not over
11 %	$3,519	$4,692	$5,742	$7,845	$8,265	$10,356	$4,017	$5,220
12 %	4,692	5,812	7,845	9,830	10,356	12,587	5,220	6,514
14 %	5,812	8,010	9,830	11,979	12,587	17,415	6,514	8,215
15 %	8,010	10,102	N/A	N/A	N/A	N/A	N/A	N/A
16 %	10,102	12,586	N/A	N/A	17,415	22,090	8,215	10,524
17 %	N/A	N/A	11,979	15,480	N/A	N/A	N/A	N/A
18 %	12,586	14,953	15,480	19,216	22,090	26,915	10,524	13,105
20 %	14,953	17,340	19,216	23,330	N/A	N/A	N/A	N/A
22 %	N/A	N/A	N/A	N/A	26,915	32,198	13,105	15,068
23 %	17,340	21,186	N/A	N/A	N/A	N/A	N/A	N/A
24 %	N/A	N/A	23,330	29,738	N/A	N/A	N/A	N/A
25 %	N/A	N/A	N/A	N/A	32,198	38,335	15,068	18,748
26 %	21,186	27,362	N/A	N/A	N/A	N/A	N/A	N/A
28 %	N/A	N/A	29,738	35,682	38,335	45,082	18,748	21,934
30 %	27,362	34,022	N/A	N/A	N/A	N/A	N/A	N/A
32 %	N/A	N/A	35,682	43,397	N/A	N/A	N/A	N/A
33 %	N/A	N/A	N/A	N/A	45,082	58,888	21,934	27,415
34 %	34,022	41,150	N/A	N/A	N/A	N/A	N/A	N/A
35 %	N/A	N/A	43,397	59,143	N/A	N/A	N/A	N/A
38 %	41,150	49,875	N/A	N/A	58,888	78,203	27,415	35,991
42 %	49,875	64,832	59,143	78,622	78,203	107,463	35,991	49,858
45 %	N/A	N/A	78,622	101,019	107,463	132,836	49,858	62,195
48 %	64,832	92,257	101,019	128,517	N/A	N/A	N/A	N/A
49 %	N/A	N/A	N/A	N/A	132,836	186,961	62,195	89,006
50 %	92,257	---	128,517	---	186,961	---	89,006	---

Appendix 2-11.A. Federal Tax Table for RIT Allowance

STATE MARGINAL TAX RATES BY EARNED INCOME LEVEL - TAX YEARS 1983/1984

The following table (pages 1 thru 3) is to be used to determine State marginal tax rates for calculation of the RIT allowance as prescribed in FTR 2-11.8e(2).

State (or district)	Marginal tax rates (stated in percents) for the earned income amounts specified in each column. 1/ 2/ $20,000-24,999	$25,000-49,999	$50,000-74,999	$75,000 & OVER
1. Alabama	5	5	5	5
2. Alaska	0	0	0	0
3. Arizona	8	8	8	8
4. Arkansas	6	7	7	7
5. California	3	7	11	11
if single status 3/	8	11	11	11
6. Colorado	8	8	8	8
7. Connecticut	0	0	0	0
8. Delaware	8.4	11	13.5	13.5
if single status 3/	8.8	12.2	13.5	13.5
9. District of Columbia	10	11	11	11
10. Florida	0	0	0	0
11. Georgia	6	6	6	6
12. Hawaii	8.5	10	10.5	11
if single status 3/	10.5	11	11	11
13. Idaho	7.5	7.5	7.5	7.5
14. Illinois	2.5	2.5	2.5	2.5
15. Indiana	3	3	3	3
16. Iowa	8	11	12	13
17. Kansas	7.5	9	9	9
18. Kentucky	6	6	6	6
19. Louisiana	4	4	6	6
20. Maine	8	9.2	10	10
if single status 3/	9.2	10	10	10
21. Maryland	5	5	5	5
22. Massachusetts	5.375	5.375	5.375	5.375

Appendix 2-11.B. State Tax Table for RIT Allowance

STATE MARGINAL TAX RATES BY EARNED INCOME LEVEL - TAX YEARS 1983/1984 (cont'd.)

State (or district)	Marginal tax rates (stated in percents) for the earned income amounts specified in each column. 1/ 2/			
	$20,000-24,999	$25,000-49,999	$50,000-74,999	$75,000 & OVER
23. Michigan	5.35	5.35	5.35	5.35
24. Minnesota	14	16	16	16
25. Mississippi	5	5	5	5
26. Missouri	6	6	6	6
27. Montana	9	10	11	11
28. Nebraska	* 19 percent of Federal income tax liability. 4/			
29. Nevada	0	0	0	0
30. New Hampshire	0	0	0	0
31. New Jersey	2	2.5	3.5	3.5
32. New Mexico	3.9	5.6	6.5	7.8
if single status 3/	6.1	6.9	7.4	7.8
33. New York	11	14	14	14
if single status 3/	13	14	14	14
34. North Carolina	7	7	7	7
35. North Dakota	6	8	9	9
36. Ohio	4.75	5.7	6.65	9.5
37. Oklahoma	6	6	6	6
38. Oregon	10.8	10.8	10.8	10.8
39. Pennsylvania	2.35	2.35	2.35	2.35
40. Rhode Island	* 25.5 percent of Federal income tax liability. 4/			
41. South Carolina	7	7	7	7
42. South Dakota	0	0	0	0
43. Tennessee	0	0	0	0
44. Texas	0	0	0	0
45. Utah	7.75	7.75	7.75	7.75
46. Vermont	* 26 percent of Federal income tax liability. 4/			

Appendix 2-11.8

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STATE MARGINAL TAX RATES BY EARNED INCOME LEVEL - TAX YEARS 1983/1984 (cont'd.)

State (or district)	Marginal tax rates (stated in percents) for the earned income amounts specified in each column. 1/ 2/ $20,000-24,999	$25,000-49,999	$50,000-74,999	$75,000 & OVER
47. Virginia	5.75	5.75	5.75	5.75
48. Washington	0	0	0	0
49. West Virginia	3.5	7.4	10.5	13
if single status 3/	8.2	12.6	13	13
50. Wisconsin	8.7	9.5	10	10
51. Wyoming	0	0	0	0

1/ Earned income amounts that fall between the income brackets shown in this table (e.g., $24,999.45, $49,999.75, etc.) should be rounded to the nearest dollar to determine the marginal tax rate to be used in calculating the RIT allowance.

2/ If the earned income amount is less than the lowest income bracket shown in this table, the employing agency shall establish an appropriate marginal tax rate as provided in FTR 2-11.8e(2)(b).

3/ This rate applies only to those individuals certifying that they will file under a single status within the States where they will pay income taxes. All other taxpayers, regardless of filing status, will use the other rate shown.

4/ Rates shown as a percent of Federal income tax liability must be converted to a percent of income as provided in FTR 2-11.8e(2).

Appendix 2-11.B

PART 12—USE OF RELOCATION SERVICE COMPANIES

3. Part 12 of Chapter 2 of the FTR is amended by revising paragraph 2–12.7 to read as follows:

2–12.7. Income tax consequences of using relocation companies.

In entering into contracts with relocation companies, agencies should consider the income tax consequences for the employee. Certain payments on behalf of the employee to a relocation company may constitute taxable income to the employee, depending on the specific terms of the contract. Under the provisions of 5 U.S.C. 5724b, additional taxes resulting from such income would be covered by the relocation income tax allowance as provided in 2–11. For further information relating to the income tax consequences of payments to relocation companies, agencies should contact the Internal Revenue Service, 1111 Constitution Avenue, NW., (CC: IND:I) Room 5019, Washington, D.C. 20224.

Dated: April 1, 1985.

Dwight Ink,

Acting Administrator of General Services.

[FR Doc. 85–9488 Filed 4–18–85; 8:45 am]

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federal register

Friday
April 19, 1985

Part VI

National Archives and Records Administration

36 CFR Ch. XII

41 CFR Parts 101-11, 101-13, 105-60, 105-61, 105-65

Establishment of Chapter and Redesignation of Regulations; Final Rule

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

36 CFR Ch. XII

41 CFR Parts 101–11, 101–13, 105–60, 105–61, and 105–65

Establishment of Chapter XII and Redesignation of Regulations

AGENCY: National Archives and Records Administration.

ACTION: Final rule.

SUMMARY: This document establishes Chapter XII in Title 36 for regulations of the National Archives and Records Administration, an independent executive branch agency established by Public Law 98–497. It also redesignates certain regulations concerning NARA programs that now appear in Title 41, and makes minor technical changes in organizational references.

EFFECTIVE DATE: April 1, 1985.

FOR FURTHER INFORMATION CONTACT: Adrienne C. Thomas, Director, Program Policy and Evaluation Division, National Archives (NAA), Washington, DC 20408, (202) 523–3214.

SUPPLEMENTARY INFORMATION: The National Archives and Records Administration Act of 1984, Public Law 98–497, established the National Archives and Records Administration (NARA) as an independent agency in the executive branch, and transferred the National Archives and Records Service of the General Services Administration to the agency. Regulations concerning National Archives and Records Service programs relating to disposition of Federal records; vital records during an emergency; preservation of records by war contractors; public availability and use of records, donated historical materials and facilities; and National Historical Publications and Records Commission programs were contained in Title 41 CFR Parts 101–11, 101–13, 105–60, 105–61, and 105–65, and were issued under the authority of the Administrator of General Services.

This document establishes the National Archives and Records Administration regulations in Title 36, Chapter XII of the Code of Federal Regulations. The table of contents for Chapter XII set forth below includes regulations which are issued in this final rule, as well as the part titles of other material which NARA intends to issue in the future after notice of proposed rulemaking. The regulations redesignated in this document were originally issued in Title 41 after providing the public an opportunity to comment. Only nomenclature changes and technical amendments to the redesignated regulations are made: changing references from GSA organizations and officials to NARA organizations; clarifying citations and language where necessary; and in Part 1253, adding the location and hours of use of additional NARA facilities not previously included in the regulations.

Within the next month, NARA intends to issue a notice of proposed rulemaking that would establish regulations implementing the Privacy Act and Freedom of Information Act and other general agency regulations. NARA intends to issue another notice of proposed rulemaking that would incorporate provisions of 41 CFR Part 101–11 relating to adequacy of documentation and records disposition in records management programs. Provisions in 41 CFR Part 101–11 and Chapter 105 as they relate to NARA will continue to remain in those CFR units during the interim period that the two notices of proposed rulemaking are issued. NARA intends to issue the final regulation rewriting and transferring these provisions to Chapter XII of Title 36 by June 30, 1985. GSA is issuing regulations in its FIRMR (41 CFR Chapter 201) incorporating provisions of 41 CFR 101–11 which promote economy and efficiency in records management (50 FR 14220, April 11, 1985). NARA will have sole signatory authority over its regulations.

This rule is not a major rule for the purposes of Executive Order 12291 of February 17, 1981. As required by the Regulatory Flexibility Act, it is hereby certified that this rule will not have a significant economic impact on small business entities.

List of Subjects in 36 CFR Chapter XII

Archives and records, Classified information, Reporting and recordkeeping requirements, Freedom of information, Research.

Title 36—[Amended]

For the reasons set forth above, Title 36 of the Code of Federal Regulations is amended as follows:

1. The authority for Chapter XII reads as follows:

Authority: 44 U.S.C. 2104(a), as added by sec. 102(a)(2) of Pub. L. 98–497.

2. Title 36 of the Code of Federal Regulations is amended by establishing Chapter XII to read "Chapter XII—National Archives and Records Administration." The general organization of the chapter is as follows:

CHAPTER XII—NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

SUBCHAPTER A—GENERAL RULES

Part
1200 Official seal
1202 Regulations implementing the Privacy Act of 1974
1204 Standards of Conduct
1206 National Historical Publications and Records Commission
1208 Regulations implementing Section 504 of the Rehabilitation Act of 1973
1209–1219 [Reserved]

SUBCHAPTER B—RECORDS MANAGEMENT

1220 Federal Records; General
1222 Creation of Records; Adequacy of Documentation
1224 Files Management
1228 Disposition of Federal Records
1230 Micrographics
1232 Audiovisual Records Management
1234 ADP Records Management
1236 Vital Records During an Emergency
1238 Technical Assistance
1239 Preservation of Records by War Contractors
1240–1249 [Reserved]

SUBCHAPTER C—PUBLIC AVAILABILITY AND USE

1250 Public Availability of NARA Agency Records and Information Materials
1252 Public Use of Records, Donated Historical Materials, and Facilities; General
1253 Location of Records and Hours of Use
1254 Availability of records and donated historical materials
1256 Restrictions on the Use of Records
1258 Fees

SUBCHAPTER D—DECLASSIFICATION

1260 Declassification of and Public Access to National Security Information

SUBCHAPTER E—PRESIDENTIAL RECORDS

1270 Presidential Records

SUBCHAPTER F—NIXON PRESIDENTIAL MATERIALS

1275 Preservation and Protection of and Access to the Presidential Historical Materials of the Nixon Administration

SUBCHAPTER G—NARA FACILITIES

1280 Public Use of Facilities
1281–1299 [Reserved]

3. Title 36 of the Code of Federal Regulations is amended by transferring certain regulations appearing in 41 CFR Chapters 101 and 105 and redesignating the provisions accordingly. The following table shows the relationship of the former CFR Part, subpart and section numbers under 41 CFR Chapters 101 and 105 and new part, subpart and section numbers in 36 CFR Chapter XII.

BILLING CODE 7515-01-M

REDESIGNATION TABLE

Former section numbers	New section numbers
Subpart 101-11.3a	Part 1260
101-11.320	1260.1
101-11.321	1260.2
101-11.322	Subpart A
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101-11.323	Subpart B
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101-11.324	Subpart C
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101-11.404	Subpart B
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101-11.404-2	1228.22
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105-61.103-2	1254.32
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105-61.104	1254.40
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105-61.104-2	1254.44
105-61.104-3	1254.46
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105-61.302-3	1280.14
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105-61.304-1	1280.18
105-61.304-2	1280.20
105-61.305	Subpart B
105-61.305-1	1280.40
105-61.305-2	1280.42
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105-61.5101-7(e)	1253.6(g)
105-61.5101-7(f)	1253.6(h)
105-61.5101-7(g)	1253.6(i)
105-61.5101-7(h)	1253.6(j)
105-61.5101-7(i)	1253.6(k)
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105-61.5205	1258.10
105-61.5206	1258.12
105-61.5207	1258.14
105-61.5208	1258.16
Subpart 105-61.53	Part 1256
105-61.5300	1256.1
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105-61.5302	Subpart A
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105-61.5302-2	1256.12
105-61.5302-3	1256.14
105-61.5302-4	1256.16
105-61.5302-5	1256.18
105-61.5303	Subpart B
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105-65.000	1206.1
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105-65.101	1206.12
105-65.102	1206.14
105-65.103-1	1206.16
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105-65.302-1	1206.54
105-65.302-2	1206.56
105-65.302-3	1206.58
105-65.303	1206.60
105-65.303-1	1206.62
105-65.303-2	1206.64
105-65.304	1206.66
105-65.305	1206.68
105-65.306	1206.70
105-65.307	1206.72
105-65.308	1206.74
105-65.309	1206.76
105-65.310	1206.78
105-65.311	1206.80
105-65.312	1206.82
105-65.313	1206.84
105-65.314	1206.86
105-65.315	1206.88
105-65.316	1206.90
105-65.317	1206.92
105-65.318	1206.94

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4. The table of contents for the newly redesignated Part 1206 is set forth below. All internal references appearing in the newly redesignated part are revised as appropriate.

PART 1206—NATIONAL HISTORICAL PUBLICATIONS AND RECORDS COMMISSION

Sec.
1206.1 Scope of part.
1206.2 Definitions.
1206.4 Purpose of the Commission.
1206.6 Programs of the Commission.

Subpart A—National Historical Publications Program

1206.10 General.
1206.12 Scope and purpose.
1206.14 Organization.
1206.16 Book publication projects.
1206.18 Subsidies for printing costs.
1206.20 Microform publication projects.
1206.22 Microform publication standards.

Subpart B—National Historical Records Program

1206.30 General.
1206.32 Scope and purpose.
1206.34 Organization.
1206.36 State Historical Records Coordinator.
1206.38 State Historical Records Advisory Board.

Subpart C—Grant Procedures

1206.50 Types of grants.
1206.52 Grant limitations.
1206.54 Who may apply;
1206.56 Where to apply.
1206.58 When to apply.
1206.60 Application requirements.
1206.62 Project proposals.
1206.64 Proposed budgets.
1206.66 Review and evaluation of records project proposals.
1206.68 Grant administration responsibilities.
1206.70 Grant instrument.
1206.72 Grant period and payments.
1206.74 Adherence to original budget estimates.
1206.76 Adherence to original project objectives.
1206.78 Grant reports.
1206.80 Safety precautions.
1206.82 Acknowledgement.
1206.84 Revocation of grants.
1206.86 Transfer of grants to other institutions.
1206.88 Repayment of grant funds.
1206.90 Responsibility for exceeding grant funds.
1206.92 Records, accounting practices, and audit.
1206.94 Compliance with Government-wide requirements.

Authority: 44 U.S.C. 2104(a); 44 U.S.C. 2501–2500.

§ 1206.16 [Amended]

5. The title for § 1206.16 is revised to read "§ 1206.16 Book publication projects."

§ 1206.20 [Amended]

6. The title for § 1206.20 is revised to read "§ 1206.20 Microform publication projects."

§ 1206.22 [Amended]

7. The title for § 1206.22 is revised to read "§ 1206.22 Microform publication standards."

§ 1206.70 [Amended]

8. Section 1206.70 is amended by removing from the first sentence the words "the Administrator of General Services or".

9. The table of contents for the newly redesignated Part 1228 is set forth below. All internal references appearing in the newly redesignated part are revised as appropriate.

PART 1228—DISPOSITION OF FEDERAL RECORDS

Sec.
1228.1 Scope of part.
1228.2 Definitions.

Subpart A—Records Disposition Programs

1228.10 Authority.
1228.12 Basic elements of disposition programs.

Subpart B—Records Disposition Schedules and Disposal Lists

1228.20 Comprehensive agency records disposition schedules.
1228.22 General Records Schedules.
1228.24 Records disposal lists.

Subpart C—Disposition of Permanent Records

1228.30 Authority.
1228.32 Submission of recommendations for the permanent retention of records.
1228.34 Approval of the permanent retention of records.
1228.36 Disapproval of the permanent retention of records.

Subpart D—Disposition of Temporary Records

1228.60 Authority.
1228.62 Requests for authorization to dispose of temporary records.
1228.64 General Accounting Office clearance.
1228.66 Approval of requests for disposal authority.
1228.68 Withdrawal of disposal authority.
1228.70 Request to change disposal authority.
1228.72 Temporary extension of retention periods.
1228.74 Methods of disposal.

Subpart E—Emergency Authorization to Destroy Records

1228.90 General provisions.
1228.92 Menaces to human life or health or to property.
1228.94 State of war or threatened war.

Subpart F—Damage to and Unauthorized Disposition of Records

1228.100 Responsibilities.
1228.102 Penalties.
1228.104 Reporting.
1228.106 Exclusions.

Subpart G—Transfer of Records from the Custody of One Executive Agency to Another

Sec.
1228.120 Authority.
1228.122 Approval.
1228.124 Agency request.
1228.126 Agency concurrences.
1228.128 Records of terminated agencies.
1228.130 Equipment.
1228.132 Costs of transfers.
1228.134 Restrictions on use of records.
1228.136 Exceptions.

Subpart H—Transfer of Records to Federal Records Centers

1228.150 Authority.
1228.152 Procedures for transfers to Federal records centers.
1228.154 Transfers to the National Personnel Records Center.
1228.156 Transferring vital records to Federal records centers.
1228.158 Surveying records for transfer to records center.
1228.160 Release of equipment.
1228.162 Use of records in Federal records centers.
1228.164 Disposal clearance for records in Federal records centers.

Subpart I—Transfer of Records to the National Archives

1228.180 Authority.
1228.182 Types of records to be transferred.
1228.184 Audiovisual records.
1228.186 Cartographic and architectural records.
1228.188 Machine-readable records.
1228.190 Transfer of records listed in records control schedules.
1228.192 Transfer of unscheduled records.
1228.194 Records subject to the Privacy Act of 1974.
1228.196 Release of equipment.
1228.198 Use of records transferred to the National Archives.
1228.200 Disposal clearances.

Subpart J—Agency Records Centers

1228.220 Authority.
1228.222 Facility standards for agency records centers.
1228.224 Requests for authority to establish or relocate records centers.

Authority: 44 U.S.C. 2104(a).

10. Part 1228 is amended by removing the word "(NCD)" whenever it appears and inserting the word "(NIR)".

§ 1228.1 [Amended]

11. Section 1228.1 is amended by removing the word "subpart" appearing in the section title and text and inserting the word "part."

§ 1228.2 [Amended]

12. The definitions formerly appearing in 41 CFR 101-11.405-2 (permanent records), 101-11.406-2 (temporary records), and 101-11.411-1 (National Archives) and redesignated into § 1228.2 are arranged in alphabetical sequence.

§ 1228.22 [Amended]

13. Section 1228.22 is amended by removing the words "General Services Administration (NARS)" and inserting the words "National Archives and Records Administration".

§ 1228.72 [Amended]

14. Section 1228.72 is amended by removing "(NC)" whenever it appears and inserting "(NI)".

§ 1228.74 [Amended]

15. Section 1228.74 is amended by adding "41 CFR" before the reference "Part 101–45" in the last sentence in paragraph (b) and by removing "(NC)" in paragraph (c)(2) and inserting "(NI)".

§ 1228.92 [Amended]

16. Section 1228.92 is amended by removing "GSA" in paragraph (e) and inserting "NAR".

§ 1228.104 [Amended]

17. Section 1228.104 is amended by removing "GSA" in paragraph (b) and inserting "NAR".

§ 1228.106 [Amended]

18. Section 1228.106 is amended by removing the word "Section" at the beginning of the second sentence and inserting "41 CFR".

19. Section 1228.150 is amended by revising the table to read as follows:

§ 1228.150 Authority.

* * * * *

Areas served	Federal records center
District of Columbia, Maryland, West Virginia, and Virginia (except U.S. Court records).	Washington National Records Center, Washington, DC 20409.
Designated records of the Military Departments and the U.S. Coast Guard.	National Personnel Records Center (Military Personnel Records), 9700 Page Boulevard, St. Louis, MO 63132.
The entire Federal Government personnel records of separated Federal employees, medical and pay records of all Federal employees; designated medical records of Army and Air Force military personnel and their dependents; and records of agencies in the St Louis area (Missouri only), of Scott AFB, IL, and of the Memphis Service Center, Internal Revenue Service.	National Personnel Records Center (Civilian Personnel Records), 111 Winnebago Street, St. Louis, MO 63118.
Maine, Vermont, New Hampshire, Massachusetts, Connecticut, and Rhode Island.	Federal Records Center, 380 Trapelo Road, Waltham, MA 02154.
New York, New Jersey, Puerto Rico, and the Virgin Islands.	Federal Records Center, Military Ocean Terminal, Building 22, Bayonne, NJ 07002.
Delaware, Pennsylvania, and U.S. court records for Maryland, Virginia, and West Virginia.	Federal Records Center, 5000 Wissahickon Ave., Philadelphia PA 19144.
North Carolina, South Carolina, Tennessee, Mississippi, Alabama, Georgia, Florida, and Kentucky.	Federal Records Center, 1557 St. Joseph Ave., East Point, GA 30044.
Illinois, Wisconsin, Minnesota, and U.S. court records for Indiana, Michigan, and Ohio.	Federal Records Center, 7358 South Pulaski Rd., Chicago, IL 60629.
Indiana, Michigan, and Ohio except for U.S. court records.	Federal Records Center, 3150 Bertwynn Drive, Dayton, OH 45439.
Kansas, Iowa, Nebraska, and Missouri except greater St. Louis area.	Federal Records Center, 2312 East Bannister Rd., Kansas City, MO 64131.
Texas, Oklahoma, Arkansas, Louisiana, and New Mexico.	Federal Records Center, P.O. Box 6216, Forth Worth, TX 76115.
Colorado, Wyoming, Utah, Montana, North Dakota, and South Dakota.	Federal Records Center, Bldg. 48, Denver Federal Center, P.O. Box 25307, Denver, CO 80225
Nevada except Clark County, California except southern California, American Samoa.	Federal Records Center, 1000 Commodore Drive, San Bruno, CA 94066.
Arizona; Clark County, Nevada, and southern California (counties of San Luis Obispo, Kern, San Bernadino, Santa Barbara, Ventura, Orange, Los Angeles, Riverside, Inyo, Imperial, and San Diego).	Federal Records Center, 24000 Avila Road, Laguna Niguel, CA 92677.
Washington, Oregon, Idaho, Alaska, Hawaii, and Pacific Ocean area (except American Samoa).	Federal Records Center, 6125 Sand Point Way, Seattle, WA 98115

§ 1228.152 [Amended]

20. Section 1228.152(c) is amended by changing the words "in the GSA region" to read "serving the area".

§ 1228.158 [Amended]

21. Section 1228.158 is amended by changing the words "regional National Archives and Records Service" to read "NARA field".

§ 1228.164 [Amended]

22. Section 1228.164 is amended by removing in paragraph (b) the words "GSA Form 3165" and inserting the words "NA Form 1300" and by removing in paragraph (c) the words "GSA Form 3170" and inserting the words "NA Form 1301".

§ 1228.180 [Amended]

23. Section 1228.180 is amended by removing in the second sentence of paragraph (b) the words "the Administrator," and by removing paragraph (c).

24. Section 1228.182 is amended by removing the words "regional archives" whenever they appear in paragraph (b) and inserting the words "National Archives Field Branches"; by adding at the end of paragraph (b)(2)(i) the words ", except for records of agency field offices located in the Washington, DC area"; and by revising paragraph (b)(3)(i), removing paragraph (b)(3)(ii), and redesignating paragraph (b)(3)(iii) as paragraph (b)(3)(ii), to read as follows:

§ 1228.182 Types of records to be transferred.

* * * * *

(b) * * *

(3) * * *

(i) Records of Washington, DC area field offices of Federal agencies and other records relating to the District of Columbia and the Washington, DC area, such as records of the National Capital Planning Commission.

* * * * *

§ 1228.190 [Amended]

25. Section 1228.190 is amended by inserting the word "Legal" before the word "custody" at the beginning of the last sentence of paragraph (a) and at the beginning of the last sentence of paragraph (b).

§ 1228.192 [Amended]

26. Section 1228.192 is amended by inserting the word "legal" before the word "custody" at the beginning of the last sentence of paragraph (a) and in the last sentence of paragraph (b).

27. The table of contents for the newly redesignated Part 1236 is set forth below. All internal references appearing in the newly redesignated part are revised as appropriate.

PART 1236—VITAL RECORDS DURING AN EMERGENCY

Sec.

1236.1 Purpose.
1236.2 Background.
1236.4 Categories of vital records.
1236.6 Program considerations.
1236.8 Vital records storage at Federal records centers.

Authority: 44 U.S.C. 2104(a); Executive Order 11490 of October 28, 1969 as amended (3 CFR 1966–1970 Comp., p. 820.)

§ 1236.1 [Amended]

28. Section 1236.1 is amended by removing "§ 101–11.701" and inserting the word "part".

§ 1236.4 [Amended]

29. Section 1236.4 is amended by revising the title to read "§ 1236.4 Categories of vital records."

§ 1236.6 [Amended]

30. Section 1236.6 is amended by revising the title to read § 1236.6 Vital records storage at Federal records centers." and by removing in paragraph (b) the words ", NARS Regional Commissioner,".

31. The table of contents for the newly redesignated Part 1239 is set forth below. All internal references appearing in the newly redesignated part are revised as appropriate.

PART 1239—PRESERVATION OF RECORDS BY WAR CONTRACTORS

Sec.
1239.1 Scope of regulation.
1239.2 Responsibility of the war contractor.
1239.4 Records not to be destroyed for stated period.
1239.6 Partial settlements, exclusions, or exceptions.
1239.8 Exemptions.
1239.10 Duplicate copies.
1239.12 Authorization to destroy if photographs are retained.
1239.14 Features which photography would not clearly reflect.
1239.16 Arrangements, classification and self-identification of records.
1239.18 Minimum standards for film and processing.
1239.20 Certificate of authenticity.
1239.22 Additional special requirements for microfilm.
1239.24 Indexing and retention of photographs.

Authority: 18 U.S.C. 443.

32. Table of contents for the newly redesignated Part 1252 is set forth below. All internal references appearing in the newly redesignated part are revised as appropriate.

PART 1252—PUBLIC USE OF RECORDS, DONATED HISTORICAL MATERIALS, AND FACILITIES; GENERAL

Sec.
1252.1 Scope.
1252.2 Definitions.

Authority: 44 U.S.C. 2104(a).

33. In Part 1252, remove the word "part" wherever it occurs, and replace it with the word "subchapter".

§ 1252.2 [Amended]

34. The definitions formerly appearing in 41 CFR 105–61.001–1 through 105–61.001–7 and redesignated into § 1252.2 are arranged in alphabetical sequence after the existing text of § 1252.2 and the definitions of "Director" and "Federal records centers" are revised to read as follows:

§ 1252.2 Definitions.

* * * * *

"Director" means the head of a Presidential library, the head of an Office of the National Archives division, branch, or unit responsible for servicing records, or the head of a Federal center.

"Federal records center" include the Washington National Records Center, National Personnel Records Center, and the Federal Records Centers located at National Archives Centers listed in § 1253.6.

* * * * *

35. The table of contents for the newly redesignated Part 1253 is set forth below. All internal references appearing in the newly redesignated part are revised as appropriate.

PART 1253—LOCATION OF RECORDS AND HOURS OF USE

Sec.
1253.1 National Archives Building.
1253.2 Pickett Street facility.
1253.3 Presidential libraries.
1253.4 Washington National Records Center.
1253.5 National Personnel Records Center.
1253.6 National Archives Centers.

Authority: 44 U.S.C. 2104(a).

36. § 1253.2 is added to read as follows:

§ 1253.2 Pickett Street facility.

Nixon Presidential materials (see Subchapter F) and holdings of the Cartographic and Architectural Branch are located at the Pickett Street facility, 881 S. Pickett Street, Alexandria, VA. Mailing address: National Archives (NLN) or National Archives (NNSC), Washington, DC 20408. Hours: 8 a.m. to 4:30 p.m., Monday through Friday.

§ 1253.6 [Amended]

37. Section 1253.6 is amended by revising the section title, by redesignating paragraphs (d) through (k) as (f) through (m), by adding new paragraph (d), by removing "2306" appearing in newly designated paragraph (h) and inserting "2312", and by removing the words "Federal Archives and Records Center" appearing in newly redesignated paragraphs (i) and (j) and inserting the words "National Archives Center" as follows:

§ 1253.6 National Archives Centers.

* * * * *

(d) National Archives Field Archives Branch: 9th and Market Streets, Room 1350, Philadelphia, PA 19107. Hours: 8 a.m. to 5 p.m., Monday through Friday; 9 a.m. to 1 p.m., first and third Saturdays of the month.

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38. The table of contents for the newly redesignated Part 1254 is set forth below. All internal references appearing in the newly redesignated part are revised as appropriate.

PART 1254—AVAILABILITY OF RECORDS AND DONATED HISTORICAL MATERIALS

Subpart A—General

Sec.
1254.1 General provisions.
1254.2 Location of records and hours of use.
1254.4 Research procedures.
1254.6 Researcher identification card.
1254.8 Subpoenas and other legal demands for records transferred to the National Archives and Records Administration.

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Subpart D—Access to National Security Information

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Subpart E—Information, Reproduction, and Authentication Services

1254.70 Copying services.
1254.72 Information about records.
1254.74 Information from records.
1254.76 Authentication of copies.

Authority: 44 U.S.C. 2101–2118.

§ 1254.1 [Amended]

39. Section 1254.1 is amended by revising the title to read "§ 1254.1 General provisions."

37. Section 1254.8 is revised to read as follows:

§ 1254.8 Subpoenas and other legal demands for records transferred to the National Archives and Records Administration.

(a) Access to records transferred to a Federal records center is controlled by the instructions and restrictions imposed on NARA by the Federal agency that transferred the records to the Federal records center. NARA will honor a subpoena duces tecum or other legal demand for the production of these records, to the extent required by law, if the transferring agency has imposed no restrictions. When the transferring agency has imposed restrictions, NARA will notify the authority issuing the subpoena or other legal demand that NARA must abide by the agency-imposed restrictions and will request the authority to pursue the matter directly with the transferring agency.

(b) The Archivist of the United States, the Director of the Legal Services Staff (NSL) or his designee, and the Director of the Federal Records Center in which the records are stored are the only NARA officials authorized to accept a subpoena or other legal demand for records transferred to a Federal records center.

(c) A subpoena duces tecum or other legal demand for the production of records designated as "archives" or "donated historical materials" administered by NARA may be served only on the Archivist of the United States, the Director of the Legal Services Staff (NSL) or his designee, the appropriate Assistant Archivist, Director of a National Archives Field Archives Branch, or Director of a Presidential Library.

§ 1254.30 [Amended]

41. Section 1254.30 is amended by removing in the first sentence of paragraph (a) the word "44 U.S.C. 2104" and inserting the word "44 U.S.C. 2108" and by removing in the fourth sentence the words "and the GSA Business Service Center reading rooms set forth in § 105–60.303."

§ 1254.70 [Amended]

42. Section 1254.70 is amended by removing the words "the Service" wherever they appear, and inserting the word "NARA".

43. The table of contents for the newly redesignated Part 1256 is set forth below. All internal references appearing in the newly redesignated part are revised as appropriate.

PART 1256—RESTRICTIONS ON THE USE OF RECORDS

Sec.
1256.1 Scope of part.
1256.2 Restrictions on access.

Subpart A—General Restrictions

1256.10 National security information.
1256.12 Information exempted from disclosure by statute.
1256.14 Trade secrets and commercial or financial information.
1256.16 Information which would invade the privacy of an individual.
1256.18 Information related to law enforcement investigations.

Subpart B—Specific Restrictions

1256.40 Agency-imposed restrictions.

Authority: 44 U.S.C. 2108.

44. Part 1256 is amended by removing the words "44 U.S.C. 2104" whenever they appear and inserting the words "44 U.S.C. 2108".

§ 1256.1 [Amended]

45. Section 1256.1 is amended by removing in the section title and the text the word "subpart" and inserting the word "part".

46. Section 1256.40 is added to read as follows:

§ 1256.40 Agency-imposed restrictions.

Some records in NARA legal custody are covered by restrictions imposed by the agency of origin that are in conformance with the Freedom of Information Act.

47. The table of contents for the newly redesignated Part 1258 is set forth below. All internal references appearing in the newly redesignated part are revised as appropriate.

PART 1258—FEES

Sec.
1258.1 Authority.
1258.2 Applicability.
1258.4 Color reproductions.
1258.6 Copy negatives.
1258.8 Mail orders.
1258.10 Fee schedule.
1258.12 Payment of fees.
1258.14 Effective date.

Authority: 44 U.S.C. 2116(c).

§ 1258.1 [Amended]

48. Section 1258.1 is amended in the first sentence by removing the words "44 U.S.C. 2112c" and inserting the words "44 U.S.C. 2116(c)" and by removing the words ", not in excess of 10 percent more than the costs or expenses,".

§ 1258.2 [Amended]

49. Section 1258.2(c)(1) is amended by removing the word "GSA".

50. The table of contents for the newly redesignated Part 1260 is set forth below. All internal references appearing in the newly redesignated part are revised as appropriate.

PART 1260—DECLASSIFICATION OF AND PUBLIC ACCESS TO NATIONAL SECURITY INFORMATION

Sec.
1260.1 Scope of part.
1260.2 Public requests for mandatory review of classified U.S. Government originated information under Executive Order 12356.
1260.4 Agency liaison.

Subpart A—Mandatory Review of Classified U.S. Government Originated Information

1260.10 NARA action.
1260.12 Agency action.

Subpart B—Mandatory Review of Foreign Government Information Provided to the United States in Confidence

1260.20 NARA action.
1260.22 Agency action.

Subpart C—Mandatory Review of Classified Information Originated by a Defunct Agency or Received by a Defunct Agency From a Foreign Government

1260.30 NARA action.
1260.32 Agency action.

Subpart D—Mandatory Review of Classified White House Originated Information and Foreign Government Information Received or Classified in the White House Less Than 30 Years Old

1260.40 NARA action.
1260.42 NARA appellate action.
1260.44 Agency action.

Subpart E—Mandatory Review of Classified White House Information More Than 30 Years Old

1260.50 Mandatory review of classified White House originated information and foreign government information received or classified in the White House more than 30 years old.

Subpart F—Other Mandatory Review

1260.60 Mandatory review of classified White House information in the custody of other agencies.

Subpart G—Requests for Reclassification of Information

1260.70 Information originated by or under the declassification jurisdiction of Federal agencies.
1260.72 Information originated in the White House and under the declassification jurisdiction of the Archivist.
1260.74 Appeals.

Authority: 44 U.S.C. 2104(a); Executive Order 12356 of April 2, 1982 (3 CFR 1982 Comp., p. 166).

§ 1260.1 [Amended]

51. The title for §1260.1 is revised to read "§ 1260.1 Scope of part."

§ 1260.2 [Amended]

52. Section 1260.2 is amended by removing in the fourth sentence the word "NARS' " and inserting the word "NARA's".

§ 1260.40 [Amended]

53. The title for § 1260.40 is revised to read "§ 1260.40 Information subject to mandatory review."

54. The table of contents for the newly redesignated Part 1280 is set forth below. All internal references appearing in the newly redesignated part are revised as appropriate.

PART 1280—PUBLIC USE OF FACILITIES

Sec.
1280.1 General provisions.

Subpart A—National Archives Building

1280.10 Admittance of visitors to National Archives Exhibition Hall.
1280.12 Photographing documents in exhibit areas.
1280.14 Artificial lighting in public areas.
1280.16 National Archives Library.
1280.18 National Archives Theater and conference rooms.
1280.20 Application for outside use of National Archives Theater and conference rooms.

Subpart B—Facilities in Presidential Libraries

1280.40 Museum areas.
1280.42 Auditoriums and other public spaces.
1280.44 Supplemental rules.
1280.46 Book collections.
1280.48 Photographing documents.

Subpart C—National Archives Centers

1280.60 Use of conference rooms.
1280.62 Restrictions on use.

Authority: 44 U.S.C. 2104(a).

§ 1280.1 [Amended]

55. Section 1280.1 is amended by revising the title for § 1280.1 to read "§ 1280.1 General provisions." and by removing the words "Federal records center" and inserting the words "National Archives Center".

§ 1280.10 [Amended]

56. The title for § 1280.10 is revised to read "§ 1280.10 Admittance of visitors to the National Archives Exhibition Hall."

§ 1280.14 [Amended]

57. The title for § 1280.14 is revised to read "§ 1280.14 Artificial lighting in public areas."

§ 1280.18 [Amended]

58. The title for § 1280.18 is revised to read "§ 1280.18 National Archives Theater and conference rooms."

§ 1280.20 [Amended]

59. The title for § 1280.20 is revised to read "§ 1280.20 Application for outside use of National Archives Theater and conference rooms."

§ 1280.60 [Amended]

60. Section 1280.60 is amended by adding the section title to read "§ 1280.60 Use of conference rooms" and by removing in the first sentence the words "Federal records center" and inserting the words "National Archives Center".

§ 1280.62 [Amended]

61. Section 1280.62 is amended by adding the section title to read "§ 1280.62 Restrictions on use."

62. In Chapter XII, remove the words "Administrator of General Services" whenever they appear and insert the words "Archivist of the United States".

63. In Chapter XII, remove the word "Administrator" whenever it appears and insert the word "Archivist".

64. In Chapter XII, remove the words "National Archives and Records Service" whenever they appear and insert the words "National Archives and Records Administration".

65. Except in §§ 1254.52(a)(6)(iv) and 1260.44(d), remove the words "General Services Administration" whenever they appear in Chapter XII and insert the words "National Archives".

66. Except in §§ 1228.188(c) and the note to § 1288.222(b)(11), remove the word "GSA" and the word "NARS" whenever they appear in Chapter XII and insert the word "NARA".

67. In Chapter XII, remove the words "Part 101–11" whenever they appear and insert the words "Subchapter B".

68. In Chapter XII, remove the words "Part 105–61" whenever they appear and insert the words "Subchapter C".

69. In Chapter XII, remove the words "Subpart 101–20.3" whenever they appear and insert the words "41 CFR 101–20.3".

70. In Chapter XII, remove the words "Subpart 101–20.7" whenever they appear and insert the words "41 CFR 101–20.7".

Title 41—[Amended]

71. The following sections are removed from 41 CFR Parts 101–11, 105–61, and 105–65:

Section 101–11.701
Section 101–11.701–2
Section 105–61.000
Section 105–61.000–2
Section 105–61.106
Section 105–61.108
Section 105–61.108–2
Section 105–61.109
Section 105–61.201
Section 105–61.5100
Section 105–61.5101–6(a)
Section 105–65.103
Section 105–65.104
Section 105–65.203
Section 105–65.302.

Dated: March 27, 1985.

Robert M. Warner,

Archivist of the United States.

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To amend the Biomass Energy and Alcohol Fuels Act of 1980 to clarify the intention of section 221 of the Act. (Apr. 16, 1985; 99 Stat. 50) Price: $1.00



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April 22, 1985

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DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Parts 270, 271, 272, and 273

[Docket Nos. RM84-14-001, et al.; Order No. 406-A]

Deregulation and Other Pricing Changes on January 1, 1985 Under the Natural Gas Policy Act

April 17, 1985.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Order granting in part, denying in part, applications for rehearing and denying applications for stay: corrections.

SUMMARY: On December 21, 1984, the Commission issued an order on rehearing (49 FR 50637, December 31, 1984) of its final rule amending its regulations to prepare for price deregulation under section 121 of the Natural Gas Policy Act. This notice corrects several errors in that order.

EFFECTIVE DATE: The order was effective January 1, 1985.

FOR FURTHER INFORMATION CONTACT: Kenneth F. Plumb, Secretary, (202) 357-8400.

SUPPLEMENTARY INFORMATION:

FR Doc. 84-33797 is corrected as follows:

1. At 49 FR 50637, column 1, in the caption, "Order No. 406" should read "Order No. 406-A".

2. At 49 FR 50639, column 3, footnote 20, the reference to 18 CFR 271.703(b)(3)(i) (1983)" should read "18 CFR 271.703(b)(2) (1983)".

3. At 49 FR 50641, column 3, insert the number "2." before the phrase "In § 270.202, paragraph (h) is revised to read as follows:"

4. At 49 FR 50642, column 2, amendatory paragraph "5.", should be renumbered "8.".

Kenneth F. Plumb,
Secretary.

[FR Doc. 85-9629 Filed 4-19-85; 8:45 am]
BILLING CODE 6717-01-M

18 CFR Part 271

[Docket No. RM79-76-238 (Texas—22 Addition V) Order No. 415]

High-Cost Gas Produced From Tight Formations; Texas

Issued: April 17, 1985.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Final rule.

SUMMARY: The Federal Energy Regulatory Commission is authorized by Section 107(c)(5) of the Natural Gas Policy Act of 1978 to designate certain types of natural gas as high-cost gas where the Commission determines that the gas is produced under conditions which present extraordinary risks or costs. Under Section 107(c)(5), the Commission issued a final regulation designating natural gas produced from tight formations as high-cost gas which may receive an incentive price (18 CFR 271.703) (1984)). This rule established procedures for jurisdictional agencies to submit to the Commission recommendations of areas for designation as tight formations. This order adopts the recommendation of the Railroad Commission of the State of Texas that an additional specified area of the Strawn-Detrital Formation, underlying portions of Crockett County, Texas, be designated as a tight formation under Section 271.703 of the Commission's Regulations.

EFFECTIVE: This rule is effective May 17, 1985.

FOR FURTHER INFORMATION CONTACT: Edward G. Gingold, (202) 357-5491 or Walter W. Lawson (202) 357-8556.

SUPPLEMENTARY INFORMATION:

Before Commissioners: Raymond J. O'Connor, Chairman; Georgiana Sheldon, A.G. Sousa, Oliver G. Richard III and Charles G. Stalon.

The Commission amends § 271.703(d) of its regulations (18 CFR 271.703(d) (1984)) to include an additional area of the Strawn-Detrital Formation, underlying portions of Crockett County, Texas, as a designated tight formation eligible for incentive pricing under § 271.703. The amendment was proposed in a Notice of Proposed Rulemaking by the Director, Office of Pipeline and Producer Regulation, issued November 8, 1984 (49 FR 45175, November 15, 1984) [1] based on a recommendation of the Railroad Commission of Texas (Texas) in accordance with § 271.703, that a specified additional area of the Strawn-Detrital Formation, underlying portions of Crockett County, Texas, be designated as a tight formation.

Evidence submitted by Texas supports the assertion that the specified additional area of the Strawn-Detrital Formation underlying portions of Crockett County, Texas, meets the guidelines contained in § 271.703(c)(2). The Commission adopts the Texas recommendation.

This amendment shall become effective May 17, 1985.

List of Subjects in 18 CFR Part 271

Natural gas, Incentive price, Tight formations.

In consideration of the foregoing, Part 271 of Subchapter H, Chapter I, Code of Federal Regulations, is amended as set forth below.

By the Commission.

Kenneth F. Plumb,
Secretary.

PART 271—[AMENDED]

1. The authority citation for Part 271 reads as follows:

Authority: Department of Energy Organization Act, 42 U.S.C. 7101 *et seq.*, Natural Gas Policy Act of 1978, 15 U.S.C. 3301-3432; Administrative Procedure Act, 5 U.S.C. 553.

2. Section 271.703 is amended by revising paragraph (d)(106)(i) to read as follows:

§ 271.703 Tight Formations.

* * * * *

(d) *Designated tight formations.*

* * * * *

[1] Comments on the proposed rule were invited and none were received. No party requested a public hearing and no hearing was held.

(106) *Strawn-Detrital Formation in Texas. RM79-76 (Texas—22)*—(i) *University Block 31 (Strawn-Detrital) and Howards Creek (Penn) Fields.*—(A) *Delineation of formation.* The Strawn-Detrital Formation in the area of the University Block 31 and Howards Creek Fields located in Crockett County, Texas, Railroad Commission District 7C. The designated area consists of Sections 7, 8, 9, the south half of Section 10, Sections 16 through 20, the south half of Section 21, Sections 29 through 32, Block 30, University Lands Survey; all Sections in Block 31, University Lands Survey; Sections 1, 2, 3, the south half of Section 4, Sections 5 through 8, the south half of Section 9, Sections 11 through 14 and the north half of Section 18, Block 32, University Lands Survey; Sections 6 through 20, Block 33, University Lands Survey; the southwest ¼ of Section 12, Sections 29, 30, 31, the south half of Section 32, Sections 50, 51 and the southeast ¼ of Section 53, Block UV, GC & SF RR Co. Survey; Section 2, Block ST-2, GC & SF RR Co. Survey; the north half of Hampton Survey; Section 1001 of W. G. Hall Survey; Section 1002 of J. M. Jean Survey; Section 1003 of M. F. Lopez Survey; Sections 1, 2, 14 through 18, Block ST,GC & SF RR Co. Survey; the north half of Section 49, Sections 50 through 53, the south half Section 54, Sections 66 through 70, the east half of Section 71, Sections 76 through 79, the south half of Section 90, Sections 91, 92, 93 and the north half of Section 94, Block OP, GC & SF RR Co. Survey; Sections 20, 21, 22, 29, 37, 38, the western 75 acres of Section 34, the western half of Section 36 and the eastern half of Section 41, Block ST, T.C.R.R. Survey; Section 28, Block ST, H.E. & W.T. Survey; Section 8 and the northern 480 acres of Sections 7 and 10, Block SL, T. & S.T.L. Survey; and the northern 98 acres of Block Z, J. W. Henderson Survey.

(B) *Depth.* The vertical extent of the Strawn-Detrital Formation in the University Block 31 Field is defined as the interval from the base of the Canyon Formation (top of the Strawn series) to the top of the Simpson Shale (base of the Devonian), which includes the Strawn, Strawn-Detrital and Devonian zones. The average depth to the top of the Strawn series is approximately 7,900 feet in the north and 8,900 feet in the south.

* * * * *

[FR Doc. 85-9583 Filed 4-19-85; 8:45 am]

BILLING CODE 6717-01-M

18 CFR Part 375

[Docket No. RM85-3-000 Order No. 417]

Delegation to the Chief Administrative Law Judge

Issued: April 17, 1985.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Final rule.

SUMMARY: For reasons of administrative efficiency, the Federal Energy Regulatory Commission (Commission) is transferring the authority to designate presiding officers for proceedings under Subpart I of Part 385 of the Commission's rules to the Chief Administrative Law Judge. With the exception of three proceedings in which the currently assigned presiding officers in the Office of General Counsel have completed all of their responsibilities and which cases are currently before the Commission, the pending and future appeals of remedial orders issued by the Department of Energy will be conducted by the Commission's Chief Administrative Law Judge or his designee. This final rule amends the delegations of authority to reflect this change.

EFFECTIVE DATE: April 17, 1958.

FOR FURTHER INFORMATION CONTACT: Roland M. Frye, Jr., Producer Regulation Division, Office of the General Counsel, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, (202) 357-8511.

SUPPLEMENTARY INFORMATION:

Before Commissioners: Raymond J. O'Connor, Chairman; Georgiana Sheldon, A. G. Sousa, Oliver G. Richard III, and Charles G. Stalon.

I. Introduction

The Federal Regulatory Commission (Commission) is delegating to the Chief Administrative Law Judge the authority to designate presiding officers for most pending and all future appeals of remedial orders issued by the Department of Energy.

II. Discussion

H.R. Section 502(c) of the Department of Energy Organization Act [1] accords the Commission the authority to review contested remedial orders issued by the Office of Hearings and Appeals (OHA) of the Department of Energy (DOE) to parties in violation of the DOE's Mandatory Petroleum Price Regulations.[2] These regulations were promulgated to effectuate the statutory mandates of the Emergency Petroleum Allocation Act of 1973 (EPAA).[3] On January 28, 1981, President Reagan prospectively exempted the petroleum industry from the DOE price regulations, thus effectively deregulating crude oil and pertroleum products.[4] Eight months later, the enabling legislation expired.

As part of its efforts to expedite the handling of the remedial order appeals, the Commission is delegating to the Chief Administrative Law Judge the authority to designate presiding officers to conduct proceedings initiated by appeals of remedial orders issued by the Department of Energy. This final rule codifies this redelegation of authority in 18 CFR 375.304 (b) and (c) (1984). In making these revisions, the Commisssion is not substantively changing the way in which these proceedings are conducted. These cases are now, and will continue to be, conducted under Subpart I of the Commission's Rules of Practice and Procedure.[6] The Commission is nevertheless amending the procedural rules governing remedial order apeals in an accompanying order [7] to expedite the processing of these cases and to reduce the burdens on the parties.

The Commission is redelegating the presiding officer authority in order to make more effective use of staff resources and to expedite the processing of remedial order cases. However, the current presiding officers in the Office of General Counsel have completed their responsibilities in three pending cases and those cases are currently before the Commission. Therefore the Commission does not delegate presiding officer authority to the Chief Administrative Law Judge in the following proceedings:

Glenn Martin Heller—RO79-13-001
Ven Fuel, Inc.—RO83-8-000
St. Louis Fuel & Supply Co., Inc.—RO82-87-001

All other cases, both pending and future, will be administered consistent with the revised § 375.304.[8] In addition,

[1] 42 U.S.C. 7193(c) (1982).
[2] 10 CFR Part 212 (1981).
[3] 15 U.S.C. 751 *et seq.* (1982).
[4] Executive Order No. 12,287, 46 FR 9909 (Jan. 30, 1981).
[5] U.S.C. 760(g) (1984).
[6] 18 CFR Part 385, Subpart I (1984).
[7] Rules of Practice and Procedure: Commission Review of Remedial Orders, 50 FR —— (1985) (Docket No. RM85-2-000) (Order No. ———). That rule is being issued contemporaneously with this delegation order.
[8] Because the adjustment denial appeal of Meeker & Co., RA83-1-00, had been consolidated with the same company's remedial order appeal, R082-85-000, that adjustment case will also be transferred to the Office of Administrative Law Judges.

the Chief Administrative Law Judge is also authorized to deny or grant, in whole or in part, petitions for waiver of fees prescribed in 18 CFR 381.303 (1984) in accordance with 18 CFR 381.106 (1984).

III. Effective Date

Pursuant to Section 4 of the Administrative Procedure Act, 5 U.S.C. 553(b) (1982), this rule is issued without prior notice and comment because it is rule of agency organization, procedure, practice that will not alter the substantive rights or interests of any interested persons. Specifically, this rule only changes the delegation for appointing presiding officers and waiving fees for review of DOE remedial orders. Since the rule does not alter the substantive rights or interests of any interested persons, this rule can become effective upon issuance under 5 U.S.C. 533(d) (1982). In order to expedite the remedial order proceedings and make more effective use of the Commission's resources, the Commission finds good cause to make this rule effective upon issuance.

List of Subjects in 18 CFR Part 375

Authority delegations (Government agencies), Seals, Insignia, Sunshine Act.

In consideration of the foregoing, the Commission amends Part 375 of Chapter I, Title 18, *Code of Federal Regulations*, as set forth below.

By the Commission.

Kenneth F. Plumb,

Secretary.

PART 375—[AMENDED]

1. The authority citation continues to read as follows for Part 375:

Authority: Department of Energy Organization Act, 42 U.S.C. 7101–7352 (1982); Executive Order 12,009, 3 CFR 142 (1987); Administrative Procedure Act, 5 U.S.C. 533 (1982).

2. Section 375.304 is amended by designating the existing paragraph as paragraph (a), and by adding new paragraphs (b) and (c) to read as follows:

§ 375.304 Delegations to the Administrative Law Judges.

* * * * *

(b) The Chief Administrative Law Judge is further authorized to designate presiding officers for proceedings under Subpart I of Part 385 of this chapter, who shall have all the authorities and duties vested in presiding officers by those rules and other applicable rules in conducting proceedings pursuant to section 503(c) of the Department of Energy Organization Act, 42 U.S.C. 7193(c) (1982).

(c) The Chief Administrative Law Judge is further authorized to deny or grant, in whole or in part, petitions for waivers of fees prescribed in § 381.303 of this chapter in accordance with § 381.106 of this chapter.

§ 375.309 [Amended]

3. In Section 375.309, paragraph (e) is amended by removing the words "Subpart I and" and the words "§ 503(c) and", and paragraph (f) is amended by removing the words "§ 381.303".

[FR Doc. 85–9581 Filed 4–19–85; 8:45 am]

BILLING CODE 6717-01-M

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18 CFR Part 385

[Docket No. RM85–2–000; Order No. 416]

Rules of Practice and Procedure for Commission Review of Remedial Orders

Issued April 17, 1985.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Final rule.

SUMMARY: In order to increase administrative efficiency and reduce the burdens on the participants, the Federal Energy Regulatory Commission (Commission) is amending its procedural rules governing appeals of remedial orders issued by the Department of Engery. 18 CFR Part 385, Subpart I (1984). The Commission is modifying its requirements regarding the filing of a DOE administrative record, is accelerating the filing deadlines for petitioner's answer and participants' requests for hearing, and is eliminating the rules authorizing both the issuance of a proposed order and the filing of comments on that order.

EFFECTIVE DATE: April 17, 1985.

FOR FURTHER INFORMATION CONTACT: Roland M. Frye, Jr., Producer Regulation Division, Office of the General Counsel, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, (202) 357–8511.

SUPPLEMENTARY INFORMATION:

Before Commissioners: Raymond J. O'Connor, Chairman; Georgiana Sheldon, A. G. Sousa, Oliver G. Richard III and Charles G. Stalon.

I. Introduction

The Federal Energy Regulatory Commission (Commission) is amending certain portions of 18 CFR Part 385, Subpart I, its procedural rules for remedial order appeals, to reduce the burdens on the participants and to help expedite the proceedings.

II. Background

Section 503(c) of the Department of Energy Organization Act [1] accords the Commission the authority to review contested remedial orders issued by the Office of Hearings and Appeals (OHA) of the Department of Energy (DOE) to parties in violation of the DOE's Mandatory Petroleum Price Regulations.[2] DOE's regulations were promulgated to effectuate the statutory mandates of the Emergency Petroleum Allocation Act of 1973 (EPAA).[3] On January 28, 1981, President Reagan prospectively exempted the petroleum industry from the DOE price regulations, thus effectively deregulating crude oil and petroleum products.[4] Eight months later, the enabling legislation expired.[5]

On November 9, 1978, the Commission published final procedural regulations governing the appeal of remedial orders,[6] and two months later received its first appeal. Based on its subsequent six years of experience with the 1978 regulations and the completion of 136 remedial order appeals, the Commission concludes that these rules require amendment in order to expedite the review process and to reduce the burdens of expense and delay which the procedures have placed upon the participants in the review process. Accordingly, the Commission is amending its procedural rules regarding remedial order review to modify the requirements regarding DOE's filing of an adminstrative record, to require earlier filings of petitioner's answer and participants' requests for hearing, and to eliminate the proposed order and comment procedures. All "Rules" referred to are sections of Part 385 of the Commission's regulations.

III. Discussion

A. DOE Administrative Record

Old Rule 906(a)(1)(i) required DOE to file with the Commission within 20 days of the commencement of the Commission proceeding two copies of the entire administrative record developed before OHA. The Commission is changing this practice by eliminating this requirement, and is instead requiring the parties to submit

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[1] 42 U.S.C. 7193(c) (1982).

[2] 10 CFR Part 212 (1981).

[3] 15 U.S.C. 751 *et seq.* (1982).

[4] Executive Order No. 12,287, 46 FR 9909 (Jan. 30, 1981).

[5] 15 U.S.C. 760(g) (1982).

[6] 18 CFR Part 385, Subpart I (1984); 43 FR 52219 (Nov. 9, 1978).

as appendices to their pleadings those portions of the DOE record which they specifically rely upon and cite in such pleadings. If the portions contain confidential information, the party submitting such documents must submit to the Commission one version including and another version excluding such information, must serve DOE and/or the petitioner with both versions, and must serve any intervenors with the latter version unless the requirements of Rule 903 (Nondisclosure of information) have been met.

The Commission believes this procedure will not prejudice the interests of the parties. Rather, it will save DOE the time and expense of photocopying the *entire* record in every remedial order appeal. The Commission and its presiding officers will likewise be spared the burden of reviewing the bulk of material that is unessential in an appellate-type proceeding. The Commission believes that this requirement ensures that all documents crucial to the case of DOE, petitioner or an intervenor will be submitted to it on appeal and encourages the parties to comply with the spirit of this limitation to prevent the unnecessary attenuation of these proceedings.

B. Modified Filing Deadlines

1. *Answers.* Under current Rule 906(b)(1), an answer must be filed within 15 days of DOE's filing the OHA administrative record. Because of the elimination of the requirement that DOE file with the Commission an administrative record, and in order to expedite the review proceeding, the Commission is changing this rule to require the 15-day filing period to begin on the date petitioner notifies DOE that it intends to appeal the remedial order. This reduces by 20 days the period within which petitioners must file their answers. However, given that petitioners will be thoroughly familiar with the issues of fact and law by the close of their OHA proceedings, they should have no difficulty in preparing an answer in 45 days (30 days in which to notify DOE of the intention to appeal pursuant to 10 CFR 205.199C(b) (1984) plus 15 days pursuant to amended rule 906(b)(1)).

2. *Request for Hearing.* In the past, any participant could request a hearing or an opportunity to cross-examine under Rule 909(a) within 10 days of the filing of petitioner's brief. The Commission is modifying this rule to require a 20-day time period that runs from the commencement of the proceeding. Participants should know at the outset of the appeal whether they wish a hearing, so that requiring them to request one at the outset of the proceeding should in no way prejudice their interests. By thus accelerating this filing deadline, the Commission further expedites its review of remedial order appeals, and still provides participants ample opportunity to request a hearing.

C. Deletion of Proposed Order and Comment Procedures

Under existing Rule 913 (a) and (c), a presiding officer issued a proposed order based upon a review of the record, and within 15 days thereafter the participants filed written comments with the Commission regarding the proposed order and any interlocutory ruling made by the presiding officer prior to the issuance of the proposed order. The Commission is amending Rule 913 to remove these procedures. Such procedural steps are required by neither the Department of Energy Organization Act [7] nor the Administrative Procedure Act,[8] and are unnecessarily duplicative. The participants will have had ample opportunity before OHA to file briefs setting forth their positions, to present oral argument and to request an evidentiary hearing.[9] They will have had the same opportunities before the Commission's presiding officer. They are therefore in no way prejudiced by not having yet another opportunity to argue their respective positions. In addition, by eliminating the proposed order phase of the proceeding, the Commission expedites the final resolution of the appeals in two ways. First, the new procedures save the time that would be needed to draft a second order in every case. Second, they save time by eliminating the 15-day period that was provided for participants to file comments. Eliminating comments also saves the participants the time and expense of preparing these comments. The Commission also notes that historically it has rarely modified or reversed the proposed order, but, of course, it will continue to thoroughly review these cases and modify and reverse decisions, as necessary. For these reasons, it has concluded that issuing both a proposed and final order is unnecessary.

[7] 42 U.S.C. 7101 *et seq.* (1982).

[8] 5 U.S.C. 551 *et seq.* (1982). We note that section 557(c) of the APA (requiring that parties have a reasonable opportunity to submit "exceptions to the decisions or recommended decisions . . . or . . . tentative decisions . . . and . . . supporting reason for the exceptions . . .") does not apply to remedial order proceedings. 5 U.S.C. 557(c) (2) and (3) (1984). Section 207(a) of the Economic Stabilization Act of 1970, 12 U.S.C. 1904 note (1982), which is incorporated by reference into section 5(a)(1) of the EPAA (the enabling statute for remedial orders), 15 U.S.C. 754(a)(1), excludes such functions remedial order proceedings from the requirements of section 557(c) of the APA.

[9] 10 CFR Part 205, Subpart O (1984).

IV. Paperwork Reduction Act Statement

The Paperwork Reduction Act (PRA), 44 U.S.C. 3501–3520 (1982), and the Office of Management and Budget's (OMB) regulations, 5 CFR 1320.12 (1984), require that OMB approve certain information collection requirements imposed by an agency. The information collection requirements provided for in this rulemaking do not require OMB approval because this information is being collected as part of an adjudicatory proceeding within the meaning of the PRA and OMB regulations. Therefore, those information collection requirements imposed by this rule are not being submitted to OMB for review or approval.

V. Effective Date

This final rule is a matter of agency organization, procedure, and practice. Since this rule does not itself alter the substantive rights or interests of any interested persons, although it does alter the manner in which these persons present their viewpoints to the Commission, prior notice and comment are unnecessary under section 4 of the Administrative Procedure Act, 5 U.S.C. 553(b) (1982). The Commission also finds that this rule will expedite the consideration of remedial order appeals, will reduce the filing burden on the participants, and will thereby benefit the participants in Commission proceedings by removing restrictions imposed by the old rules of practice and procedure. Specifically, DOE is no longer required to file the entire administrative record with the Commission, the need to prepare and file comments on proposed orders is removed, and general filing deadlines are modified to provide sufficient time to prepare the filings while still expediting proceedings. Therefore, the Commission finds good cause to make this rule effective immediately upon issuance pursuant to 5 U.S.C. 553(d) (1982). In addition, each rule change will apply prospectively in all situations in which the proceedings have not passed the procedural stage addressed by the rule change.

List of Subjects in 18 CFR Part 385

Administrative practice and procedure.

Accordingly, the Commission, effective immediately, amends Part 385 of Title 18, Chapter I, *Code of Federal Regulations*, as set forth below.

By the Commission.

Kenneth F. Plumb,

Secretary.

PART 385—[AMENDED]

1. The authority citation for Part 385 continues to read as follows:

Authority: Department of Energy Organization Act, 42 U.S.C. 7101–7352 (1982); Executive Order 12,009, 3 CFR 142 (1978); Administrative Procedure Act, 5 U.S.C. 551–557 (1982); Independent Offices Appropriations Act, 31 U.S.C. 9701 (1982); Natural Gas Act; 15 U.S.C. 717–717w (1982); Federal Power Act, 16 U.S.C. 791a–828c (1982); Natural Gas Policy Act, 15 U.S.C. 3301–3432 (1982); Public Utility Regulatory Policies Act, 16 U.S.C. 2601–2645 (1982); Interstate Commerce Act, 49 U.S.C. 1–27 (1976), unless otherwise noted.

§ 385.903 [Amended]

2. Paragraph (f) of § 385.903 is removed, and paragraph (g) is redesignated as (f).

3. In § 385.903, new paragraph (f) is amended by inserting the words "by the Secretary" following the words "that participant."

4. In § 385.905, paragraph (b) is revised to read as follows:

§ 385.905 Stay of contest order (Rule 905).

* * * * *

(b) The Secretary or other participants may at any time prior to the hearing under Rule 909 (Hearing), if requested; or, if there is no hearing, within 30 days of the commencement of the proceeding under Rule 904 (Commencement of proceeding); file a petition requesting that the contested order not be stayed, or that the stay be lifted, and setting forth the legal and factual basis for the request.

* * * * *

5. Paragraph (a)(1)(i) of § 385.906 is removed, and paragraphs (a)(1) (ii) and (iii) are redesignated as (a)(1) (i) and (ii) respectively.

6. In § 385.906, paragraph (b)(1) is amended by removing the words "the filing by the Secretary under paragraph (a)(1) of this section" and insering, in their place, the words "petitioner gives written notice to the Office of Hearings and Appeals of the Department of Energy pursuant to 10 CFR 205.199C(b) that petitioner wishes to appeal the remedial order".

7. In § 385.906, a new paragraph (d) is added to read as follows:

§ 385.906 Pleading (Rule 906).

* * * * *

(d) *Attachments of Pleadings.* (1) Each party will file, as an appendix to each pleading which cites documents in the record developed in the prior proceedings on the remedial order, one copy of each such document in its entirety and, if any such document contains information exempt from public disclosure pursuant to Rule 903, a second copy of such document with such information deleted. The top of the first page of each such document will contain the word "PUBLIC" or "NONPUBLIC," to indicate whether it contains such exempt information.

(2) One copy of each version shall be served on counsel for the petitioner and/or the Secretary, and one copy of the PUBLIC version shall be served on counsel for each other participant separately represented unless the conditions of Rule 903 are met, in which situation such counsel shall be served with copies of both versions.

(3) In compiling their appendices, the parties will include only documents specifically cited and relied upon in their pleadings. They will have regard for the fact that the Secretary's entire administrative record is always available to the Commission and will not include irrelevant or duplicative documents in the appendices.

8. In § 385.906, paragraph (c)(6) is amended by removing the words "under Rule 913 (c) (proposed order)" and inserting, in their place, the words "prior to the certification of the record under Rule 913 (Certifiction of the record)."

§ 385.909 [Amended]

9. In § 385.909, paragraph (a) is amended by removing the number "10" in the first sentence and inserting, in its place, the number "20"; and by removing the words "after filing of the petitioner's brief under Rule 906(b)(3) (Pleadings)" and inserting, in their place, the words "after the Secretary's commencement of the proceeding under Rule 904 (Commencement of proceeding)".

10. In § 385.909, paragraph (f) is amended by removing the words "issuance of a proposed order pursuant to Rule 913 (proposed order)" and inserting, in their place, the words "certification of the record by the presiding officer under Rule 913 (Certification of the record)."

11. In § 385.911, paragraph (b) is revised to read as follows:

§ 385.911 Burden of Proof (Rule 911).

* * * * *

(b) The Commission order will be based on a preponderance of the evidence.

12. Section 385.913 is revised to read as follows:

§ 385.913 Certification of the record (Rule 913).

The presiding officer will certify and file with the Secretary of the Commission, for the Commission, a copy of the record in the proceeding.

§ 385.914 [Amended]

13. Section 385.914 is amended by removing the words "and the proposed order."

[FR Doc. 85–9582 Filed 4–19–85; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Housing—Federal Housing Commissioner

24 CFR Part 882

[Docket No. N–85–1524; FR–2114]

Section 8 Housing Assistance Payments Program; Existing Housing

AGENCY: Office of the Assistant Secretary for Housing—Federal Housing Commissioner, HUD.

ACTION: Notice required by Court Order.

SUMMARY: This Notice implements the Order Granting Permanent Injunction entered in *Levy, et al.* v. *HUD, et al.*, No. C 84 7983 WWS (N.D. Cal., March 22, 1985) by setting out the statement as directed by the Court in the Order. In accordance with that Order, this notice advises the public that owners may not terminate a tenancy under the Section 8 Existing Housing Certificate Program during the first year of the lease for reasons other than serious or repeated violation of the terms and conditions of the lease; violation of Federal, State or local law which imposes obligations on the tenant in connection with occupancy or use of the dwelling unit and surrounding premises; or other malfeasance or nonfeasance of the tenant.

FOR FURTHER INFORMATION CONTACT: Madeline Hastings, Existing Housing Division, Office of Elderly and Assisted Housing, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C. 20410, (202) 755–6887. [This is not a toll-free number.]

SUPPLEMENTARY INFORMATION: The United States District Court for the Northern District of California, on plaintiffs' motion for a preliminary injunction in the case *Levy, et al.* v. *HUD, et al.* (No. C 84 7983 WWS), has entered an injunction which requires HUD to suspend, and prohibits HUD

from enforcing or implementing, 24 CFR 882.215, as amended at 49 FR 12215, 12242 (March 29, 1984), insofar as it permits termination of tendency under the Section 8 Existing Housing Program during the first year of the lease for reasons other than serious or repeated violation of the terms and conditions of the lease; violation of Federal, State, or local law which imposes obligations on the tenant in connection with the occupancy or use of the dwelling unit and surrounding premises; or other malfeasance or nonfeasance of the tenant. The court's order does not address the obligations of HUD, or of landlords or tenants in the program, after one year from the beginning of the lease term. This order has been made permanent. Although § 882.215, as amended, specifically authorizes termination of a tenancy at any time for "business or economic reasons", or because the owner desires to use the property as his personal residence, such reasons are not based upon acts of malfesance or nonfeasance of the tenant, violations of the lease, or violations of the law. HUD is therefore prohibited by the Court's order from enforcing or implementing that portion of the regulation, insofar as it allows termination of tenancy for those reasons during the first year of the term of the lease, and its operative effect is hereby suspended. The District Court has also entered an order prohibiting two individual owners participating in the Section 8 program from proceeding with legal action to recover possession of the property for reasons other than serious or repeated violation of the terms and conditions of the lease; violation of Federal, State, or local law which imposes obligations on the tenant in connection with the occupancy or use of the dwelling unit and surrounding premises; or other malfeasance or nonfeasance of the tenant until one year from the beginning of the term of their leases. Public Housing Agencies shall revise new leases entered into under the program accordingly and should advise owners and tenants already participating in the program accordingly.

The HUD Office of General Counsel will send all Field Offices revised forms of Housing Assistance Payments Contract and revised Lease Addendum language. The new HAP Contract and Addendum will incorporate requirements for termination of tenancy during the first year of the lease term in accordance with the decision and injunction of the District Court.

Authority: Sec. 8, United States Housing Act of 1937 (42 U.S.C. 1437f); and sec. 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d)).

Dated: April 18, 1985.

Shirley McVay Wiseman,

General Deputy Assistant Secretary for Housing—Deputy Federal Housing Commissioner.

[FR Doc. 85-9711 Filed 4-19-85; 8:45 am]

BILLING CODE 4210-27-M

DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Part 90

[DoD Instruction 7045.18]

Collection of Indebtedness Due the United States

AGENCY: Office of the Secretary of Defense, DoD.

ACTION: Final rule.

SUMMARY: The Department of Defense is publishing a final rule to implement the salary offset provisions of the Debt Collection Act of 1982 (Pub. L. 97-365, enacted on October 25, 1982, and further implemented by joint regulations published by the General Accounting Office and the Department of Justice and regulations published by the Office of Personnel Management). The final rule provides specific guidance to DoD Components on the conduct and management of debts. It also provides advice to other Federal agencies on how to request from debtors who are DoD military members and civilian employees.

EFFECTIVE DATE: March 13, 1985.

FOR FURTHER INFORMATION CONTACT: Adam T. Shaw, (202) 697-0585.

ADDRESS: Office of the Assistant Secretary of Defense (Comptroller) (Management Systems), The Pentagon, Room 3E825, Washington, D.C. 20301.

SUPPLEMENTARY INFORMATION: In the September 6, 1984 **Federal Register** (49 FR 35148 the Department of Defense (DoD) proposed to issue a rule to implement, within the DoD the Debt Collection Act of 1982, and other statutory authorities available to DoD regarding the collection of debts. The title of the proposed rule, Collection of Indebtedness From DoD Employees, has been changed because it limited the scope of debts due from DoD employees. The proposed rule provided specific guidance to all heads of DoD Components on the conduct and management of debts and it provided advice to other Federal agencies on how to request offset from debtors who are DoD military members or employees. Interested parties were invited to submit written comments by October 6, 1984.

Two labor organizations were respondents to the DoD proposed rule. A summary of the comments, DoD responses and changes to §§ 90.2, 90.3, 90.4, and 90.6 are as follows:

Section 90.2 Applicability and Scope.

This section has been modified to specifically exclude applicability to contracts. Guidance applicable to contracts will be incorporated in the Federal Acquisition Regulations (FAR).

Section 90.3 Definitions.

Changes made in the definitions are as follows: (1) The definition of "debt" was amended to eliminate detailed examples, to specifically exclude fines and forfeitures arising under the Uniform Code of Military Justice, to specifically exclude debts due to nonappropriated fund instrumentalities and to delete references to an exclusion for overpayments from normal processing delays and ministerial adjustment in pay. The revised definition has been made consistent with the definition provided by the Office of Personnel Management (OPM) (49 FR 27470 July 3, 1984); (2) the definition, "disposable pay" was amended to incorporate the provisions of 5 CFR 581.105, in accordance with the OPM final rule (49 FR 27470); (3) the definition, "pay period in the Department of Defense" was amended to accommodate variations in pay days for civilian, active duty military, reserve personnel, and retirees. One commenter suggested that since these are DoD implementing instructions, that reference to Postal Service or Postal Rate Commission be deleted from the definition of "employee." While the observation is true, DoD will pursue collection of offset when DoD debtors are found to be employed by the Postal Service or the Postal Rate Commission. DoD did not amend the definition; (4) the definition, "ministerial adjustment" was deleted in accordance with the OPM final rules; (5) the definition of "person" was deleted as unnecessary, and "out of service debtor" has been included; (6) the definition, "salary offset" was reworded for clarity. One commenter suggested that a definition for administrative offset be included and in contrasting the difference between salary offset and administrative offset, the definition of salary offset has been included. However, in order to eliminate confusion between the two definitions, DoD has elected to provide a very narrow definition for both terms rather than a more detailed definition of one; and the definitions, "creditor agency" and "paying agency" have been added.

Section 90.4 Policy.

The statement of policy has been expanded to recognize that other statutory authorities under which indebtedness may be collected may exist and that their implementing regulations will be used in determining the standards to be applied in collecting the indebtedness. The general collection authority of either section 5514 of Title 5 United States Code or section 3716 of Title 31, United States Code shall be used where neither the specific statute nor its implementing regulation establish such standards.

Section 90.6 Procedures.

References to Title 10 United States Code 9837 and 4837 have been deleted as the statutes were repealed. The final rule has been modified to make it clear that, in cases where salary offset has already commenced and the employee retires, resigns, or separates, DoD should be able to automatically offset against the employee's final pay. § 90.5b(1) reflects this revision. One commenter pointed out correctly that the wording in § 90.6(f)(3)(i)(g) prevents the debtor from introducing additional factors or records that were not submitted previously. The prohibition has been deleted in the revision. Under the title "Exceptions to Entitlements," one commenter indicated that § 90.6(f)(v) is not in accordance with 5 CFR Part 890; subpart C, D, and E. DoD did not find any conflict with subparts C or D of 5 CFR Part 890. As DoD interpreted the commenter's concern about subpart E, the employee should first be given the opportunity to pay off the indebtedness in full before any involuntary deductions are made. DoD believes that the policy is consistent with OPM final rule (49 FR 27470). Therefore, DoD did not revise the rule to satisfy that concern.

List of Subjects in 32 CFR Part 90

Debt collection, Claims.

Accordingly, 32 CFR is amended by adding a new Part 90, reading as follows:

PART 90—COLLECTION OF INDEBTEDNESS DUE THE UNITED STATES

Sec.

90.1 Purpose.
90.2 Applicability and scope
90.3 Definitions.
90.4 Policy.
90.5 Responsibilities.
90.6 Procedures.
Enclosure 1—Procedures

Authority: 5 U.S.C. 5514.

§ 90.1 Purpose.

Under the provisions of DoD Directive 7045.13 this part provides policy, prescribes procedures, and establishes responsibilities with respect to collection of debts due the Department of Defense (DoD) and debts due to other Federal departments and agencies that may be referred to DoD for collection. It provides for the implementation of the salary offset provisions of the Title 5, U.S.C. 5514, the administrative offset provisions of Title 31, U.S.C. 3711 and 3716–3718 and the provisions of The Federal Claims Collection Standards (FCCS).

§ 90.2 Applicability and scope.

(a) This part applies to the Office of the Secretary of Defense, the Military Departments, the Organization of the Joint Chiefs of Staff, and the Defense Agencies (hereafter referred to collectively as "DoD Components").

(b) It includes all civil and military functions under the direct supervision of a DoD Component.

(c) It applies to personnel rather than contract debts. Guidance regarding contract debts is contained in the Federal Acquisition Regulations.

§ 90.3 Definitions

In addition to the definitions below, other definitions, concepts, and terminology used herein may be found in the FCCS.

(a) *Administrative Offset.* The withholding of money payable by the United States Government to, or held by the United States for, a person to satisfy a debt the person owes the United States Government.

(b) *Creditor Agency* means the agency or DoD Component to which the debt is owed.

(c) *Debt.* An amount of money or property owed to the United States from any person, organization, or entity, except those owned by another Federal agency. Fines and forfeitures arising under the Uniform Code of Military Justice are not included in the definition of debt for the purpose of this instruction. Debts due a nonappropriated fund instrumentality are not debts due the United States except where specifically indicated in this instruction.

(d) *Delinquent Debt.* A debt that has not been paid by the date specified in the DoD Component's initial written notification or as specified in 4 CFR 101.2(b).

(e) *Disposable Pay.* That part of current basic pay, special pay, incentive pay, retired pay, retainer pay, or in the case of an employee not entitled to basic pay, other authorized payments remaining after the deduction of any amount required by law to be withheld. It is the amount of pay remaining after the deduction of amounts which:

(1) Are required by law to be deducted from the remuneration or other payment involved, including, but not limited to:

(i) Amounts withheld from benefits payable under Title II of the Social Security Act where the withholding is required by law;

(ii) Federal employment taxes;

(iii) Amounts mandatorily withheld for the U.S. Soldiers' and Airmen's Home; and

(iv) Fines and forfeitures ordered by a court-martial or by a commanding officer;

(2) Are properly withheld for Federal, State, or local income tax purposes, if the withholding of the amounts is authorized or required by law and if amounts withheld are not greater than would be the case if the individual claimed all dependents to which he/she were entitled. Under the provisions of 26 U.S.C. 3402(i)(2), additional amounts withheld pursuant to 26 U.S.C. 3402(i) are considered to be amounts required by law to be withheld for all purposes.

(3) Are deducted as health insurance premiums, including, but not limited to, amounts deducted from civil service annuities for Medicare where such deductions are requested by the Health Care Financing Administration;

(4) Are deducted as normal retirement contributions, not including amounts deducted for supplementary coverage. Amounts withheld as Survivor Benefit Plan, or Retired Servicemen's Family Protection Plan payments are considered to be normal retirement contributions. Amounts voluntarily contributed toward additional civil service annuity benefits are considered to be supplementary; and

(5) Are deducted as normal life insurance premiums from salary or other remuneration for employment, not including amounts deducted for supplementary coverage. Both Serviceman's Group Life Insurance and Basic Life Federal Employees' Group Life Insurance premiums are considered to be normal life insurance premiums; all optional Federal Employees' Group Life Insurance premiums and life insurance premiums paid for by allotment, such as National Service Life Insurance, are considered to be supplementary.

(f) *Employee.* A current or retired civilian employee paid from appropriated funds; a member of the Armed Forces including members of the Reserve Components of the United

States and retirees; an employee of the U.S. Postal Service or a member of the Postal Rate Commission.

(g) *Out of Service Debtor.* A former civilian employee or member of the Armed forces who no longer receives any compensation from the Federal Government.

(h) *Pay.* Basic pay, special pay, incentive pay, retired pay, retainer pay, or, in case of employees not entitled to basic pay, other authorized payments. Allowance are *not* "pay."

(i) *Pay Period in the Department of Defense.* Normally biweekly for civilians; monthly for active duty military and all retirees; periodically, based on completion of inactive duty for training or active duty for training for reserve personnel and weekly for piecework employees at the Defense Personnel Support Center's clothing factory.

(j) *Paying Agency* means the agency or DoD Component employing the individual and authorizing the payment of his or her current pay.

(k) *Salary Offset.* The collection of a debt due the government by lump sum or installment deduction from the pay account of an employee.

§ 90.4 Policy.

It is DoD policy that each DoD Component shall manage credit properly and pursue vigorously timely and economical debt collection. Credit management and debt collection programs shall be established to comply with collection standards provided in title 5, U.S.C. 5514; Title 31, U.S.C. 3711 and 3716–3718; FCCS, Chapter 11; Federal Acquisition Regulations; Title 5, U.S.C. 5705; Title 10, U.S.C. 2775; Title 37, U.S.C. 1007; Title 28, U.S.C. 2415; Title 10, U.S.C. 6161; Title 5, U.S.C. 5584; Title 10, U.S.C. 2774; Title 32, U.S.C. 716; DoD 5400.11–R; Title 15, U.S.C. 1682; and Office of Management and Budget (OMB) Bulletin No. 83–21. It is the policy of the Department of Defense that when specific statutory authority exists authorizing the collection of indebtedness, the provisions of that statute and its implementing regulations shall be used in determining the standards to be applied in collecting the indebtedness. When neither the specific statute nor its implementing regulations establish such standards, then the general collection authority of either section 5514 of Title 5, United States Code or section 3716 of Title 31, United States Code as appropriate, shall be used to collect indebtedness.

§ 90.5 Responsibilities.

(a) The *Assistant Secretary of Defense (Comptroller)* (ASD(C)) under DoD Directive 7045.13 and DoD Directive 5118.3 shall oversee the administration of the debt collection and credit management program in the Department of Defense.

(b) The *Head of DoD Components* shall:

(1) Develop and implement procedures to comply with this part and the GAO Federal Claims Collection Standards (FFCS).

(2) Carry out involuntary salary and administrative offsets and transfer resultant funds to appropriate Federal agencies, as required.

(3) Report to the Defense Manpower Data Center (DMDC) (which operates under the policy guidance of the Assistant Secretary of Defense (Manpower, Installations, and Logistics) (ASD(MI&L)) activities on internal matching and salary and administrative offsets for other Federal agencies.

(4) Participate in the internal DoD data exchange program for delinquent debtors. The National Security Agency (NSA) will work with the DMDC but accbmplish matches at the NSA Fort Meade Complex.

(c) The *Director, Defense Logistics Agency (DLA),* through the DMDC, shall coordinate the data exchange, salary and administrative offset programs for debt collection, that shall include:

(1) Conducting computer matching programs within the Department of Defense and with other Federal agencies for the purpose of identifying current or former employees in default or in debt either to DoD Components or other Federal agencies.

(2) Ensuring that Federal agencies requesting salary and administrative offsets of DoD employees include certification of due process with their requests.

(3) Providing appropriate offices within DoD Components with requests for offsets that have been certified by other Federal agencies.

(4) Ensuring that appropriate steps are taken to safeguard all information and systems of records within DLA's authority as required by the Privacy Act, such as notification in the **Federal Register,** or the preparation and submission of any required reports, or both.

(5) Providing necessary guidance to DoD Components on reporting formats and data elements to be considered to ensure uniformity.

(6) Identifying all Federal agencies involved in performing the matches and the roles to be performed by each agency.

(7) Providing periodic progress and summary reports to the ASD(C), the ASD(MI&L), and other DoD Components on activities under the Debt Collection Act such as the number of employees entering into voluntary repayments as a result of DoD efforts and assistance to other Federal agencies, amounts withheld involuntarily from DoD employees, and the amounts recovered by DoD Components.

§ 90.6 Procedures.

(a) All DoD Components shall follow the procedures prescribed in enclosure f and the standards prescribed by DoD Directive 7045.13, Title 5, U.S.C. 5514, Title 31, U.S.C. 3711 and 3716–3718, and FCCS.

(b) Claims based in whole or in part on conduct in which there is any indication of fraud, a false claim or misrepresentation shall be referred to the Department of Justice in accordance with 4 CFR 101.3(a).

(c) Referrals to the Department of Justice will be accomplished through each DoD Component's centralized point for coordination of criminal, civil, and adminstrative remedies.

Enclosure 1—General Procedures

A. The following statutes provide authority for the Collection of indebtedness:

1. The statutes providing specific authority include, but are not limited to:

a. 5 U.S.C. 5705, Advancements and deductions.

b. 10 U.S.C. 2775, Liability of Member for Damages to Family Housing, Equipment, and Furnishings.

c. 37 U.S.C. 1007, Deductions from Pay.

2. The statutes providing general authority are:

a. 5 U.S.C. 5514, Installment deduction of indebtedness to the United States.

b. 31 U.S.C. 3716, Administrative Offset.

B. Collections under 5 U.S.C. 5705.

1. Under this statute an employee entitled to per diem or mileage allowances may receive a travel advance. An advance that is not used for allowable travel expenses is recoverable from the employee or the employee's estate by:

a. Offset against accrued pay, retirement credit, or other amount due the employee;

b. Deduction from an amount due from the United States; and

c. Such other methods as provided by law.

2. *Debtor Entitlement.* In making collections under this statute, the debtor may be given an opportunity to repay the amount due voluntarily or the amount may be deducted automatically from the next pay due the debtor. If the offset is initiated automatically, notice will be given the debtor of the intent to make such a deduction and of when the amount is to be deducted. DoD Components may elect to explain the procedure to the debtor before disbursing the advance. In lieu of the foregoing, DoD Components may provide the employee the opportunity of repaying the excess travel advance at the time of filing a travel voucher or upon final settlement of that voucher.

3. *Formal Notification Process.* DoD Components are free to choose the method by which a debtor shall be advised of the debt or implementation of the procedures described in subsection B.2. above.

C. Collections under 37 U.S.C. 1007.

1. Under subsection (c) of this statute, under regulations prescribed by the Secretary concerned, an amount that a member of the Armed Forces is administratively determined to owe the United States (including nonappropriated fund instrumentalities) may be deducted from the pay of the member in monthly installments.

2. In addition to the authority to make collections under subsection (c) from all members of the Armed Forces, subsections (a) and (b) and (d) through (f) provide authority for the collection of indebtedness in specific cases from the members of the Armed Forces specified in those subsections.

3. *Debtor Entitlements.* Specific procedure for the collection of indebtedness under 37 U.S.C. 1008(c) shall be prescribed under regulations issued by the Secretary concerned; however, these regulations shall provide that debtors shall be notified in writing when collections are made under this authority. That notification shall include information concerning the amount to be collected, the amount of monthly deductions, and the debtor shall be given an opportunity to enter into a voluntary agreement to repay the debt. The debtor shall be given an opportunity to inspect and copy records related to the debt and for review of the decision related to the debt.

D. Collections under 10 U.S.C. 2775

1. Under this statute, under regulations prescribed by the Secretary of Defense, a member of the Armed Forces may be held liable for damage to any family housing unit, unaccompanied personnel housing unit or for damage to, or loss of, any equipment or furnishings of such units, if the damage or loss was caused by the negligence of the member or a dependent or guest of such a member or member's dependent.

2. *Debtor Entitlements.* The Secretary concerned may provide that amounts due may be deducted from a member's pay or that amounts may be collected by any other authorized means.

E. Collections under 5 U.S.C. 5514.

1. *Exclusions.* The provisions of this statute provide general authority for the collection of indebtedness from employees and members of the Armed Forces. Both the Federal Claims Collection Standards and the regulations of the Office of Personnel Management prescribing standards for the evaluation of agency regulations issued under this statute effectively provide that the provisions of this statute shall be used only if there is no other statute specifically permitting salary offset. In addition, subsection (c) of this statute provides that it does not modify existing statutes which provide for forfeiture of pay and allowances, including specifically subsections (b) and (c) of 37 U.S.C. 1007. Accordingly, the provisions of 5 U.S.C. 5514, and the procedures prescribed in that statute, shall apply only to those collections which are not governed by the provisions of a specific statute authorizing the collection of indebtedness. In addition, the requirement to notice, a hearing, written responses, and written decisions do not apply to any adjustment to pay arising out of an employee's election of coverage or a change in coverage under a Federal benefits program requiring periodic deductions from pay, if the amount to be recovered was accumulated over four pay periods or less.

2. *General Provisions.* The salary offset provisions of Title 5, U.S.C. 5514 generally provide that when the Secretary of Defense, a designee, or the head of another Federal agency determines that an employee is indebted to the United States, the amount of the indebtedness may be collected by deduction (offset) from the current pay of the employee. The offset will be made either in the total amount of the debt or, if the total debt exceeds 15 percent of disposable pay, in increments not to exceed 15 percent of disposable pay, except that a greater amount may be deducted upon written consent of the individual involved.

a. *Collections In Installments.*

(1) The amount deducted involuntarily for any period may not exceed 15 percent of the disposable pay from which the deduction is made. Deductions shall be reasonable in terms of the employee's ability to pay after considering necessary living expenses, deductions required by law, and other deductions being made from disposable pay at the time the debt is discovered. If possible, the installment payments should be sufficient in size and frequency to liquidate the government's claim in not more than 3 years. If the repayment extends over a period of years, provisions should be made for increasing the deduction when conditions so warrant.

(a) Should a multiple debt situation arise where there is no problem with a statute of limitations, these debts may be collected simultaneously (e.g., by applying 7½% of the deduction to each of two debts or some other combination not to exceed the 15% limitation). However, since indebtedness to the United States is not excluded when arriving at the amount of disposable pay subject to offset, Components shall normally give first priority to the collection of debts due to DoD Components and second priority to debts due other agencies unless a statute of limitations will expire with respect to the debt due to another agency, in which case that debt shall be given first priority.

(b) While the amount deducted involuntarily for any pay period may not exceed 15 percent of disposable pay, a greater amount may be deducted upon the written consent of the employee involved. The employee should be encouraged to consent to payment of more than 15 percent in order to liquidate the indebtedness as soon as possible. Installment payments of less than $50 per month should be accepted only if justified on the grounds of financial hardship or some other reasonable cause including the 15 percent limitation imposed by 5 U.S.C. 5514.

(2) If the employee retires or resigns, or if his or her employment or period of active duty ends before collection of the debt is completed, offset from subsequent payments of any nature (such as, final salary payment, lump-sum leave, and bonuses), may be effected by administrative offset under 31 U.S.C. 3716, without additional notification

(3) Payroll deductions shall begin on the next expedient payday after expiration of the time provided in the notification, unless action has been taken by the employee such as a request for a hearing, that delays the commencement of collection action.

b. *Refunds.*

(1) The DoD Creditor Component shall refund promptly to the employee amounts (including interest) paid or deducted when one of the following occurs:

(a) A debt is waived or otherwise found not owing to the Department of Defense (unless expressly prohibited by statute or regulation).

(b) The employee's paying office is directed by an administrative or judicial order to refund amounts deducted from his or her current pay.

(2) Unless there are statutory, regulatory judicial, or contractual provisions to the contrary, an employee is not entitled to interest on the amounts refunded to the employee.

3. *Debtor's Entitlement.*

a. A minimum of 30 days written notification informing the debtor of the circumstances under which the debt occurred, the amount owed, the intent to collect by deduction from pay if the amount owed is not paid in full, and an explanation of other rights of the employee under the Act.

b. An opportunity to inspect and copy the records of the DoD Creditor Component related to the debt. The debtor should be advised that requests for copies of the records relating to the debt shall be made no later than 10 days from the receipt by the debtor of the notice of indebtedness.

c. An opportunity to enter into a written agreement to establish a schedule for repayment of the debt under terms agreeable to the head of the Creditor Component or his designee.

d. An opportunity for a hearing on the determination of the DoD Creditor Component concerning the existence or the amount of the debt, or when a repayment schedule is established other than by written agreement, concerning the terms of the repayment schedule. The debtor shall be advised that a challenge to either the existence of the debt, the amount of the debt, or the repayment schedule, must be made within 30 days of the receipt by the debtor of the notice of indebtedness or within 45 days after receipt of the records relating to the debt, if such records are requested by the debtor.

e. If a hearing is given, the opportunity to receive a written decision from the official holding the hearing.

4. *Exceptions to Entitlements.*

a. Exceptions to the provisions of subsection E.3., above, are limited to any intraagency adjustments in pay arising out of an employee's election of coverage or of a change in coverage under a DoD benefit program that requires periodic deductions from pay, if the amount to be recovered was accumulated over four pay periods or less.

b. In the above case, the DoD Creditor Component shall issue, concurrent with or in advance of the actual collection, a notice

that, because of the employee's election, future salary will be reduced to cover the period between the effective date of the election and the first regular withholding, and the employee may dispute the amount of the retroactive collection by notifying an official (to be specified by each DoD Component) responsible for resolving the dispute. This requirement can be met by an appropriate notice on the leave and earning statements.

c. If processing delays exceed four pay periods, the full procedures prescribed under 5 U.S.C. 5514 and subsection E.2., above, shall be extended to the employee.

5. *Notification Process.*

a. Appropriate written demand for voluntary lump-sum payment shall be made promptly upon a debtor in terms that inform the debtor of the agency's intention to offset the debtor's pay if voluntary payment is not made within 30 days. Only one written demand is required. DoD Creditor Components must be able to demonstrate that the debtor has received the demand letter. Accordingly, while DoD Components may exercise discretion in this matter, it is suggested that, if hand delivery and execution of a receipt of notice to the debtor is not possible, a certified or registered notice with return receipt requested be used. In addition to notification of the rights specified in paragraph 3, the notification letter shall advise the debtor of the following:

(1) The date by which payment is to be made, which normally should be no more than 30 calendar days from the date that the demand letter is mailed or hand-delivered. DoD Creditor Components shall exercise care to ensure that demand letters are mailed or hand-delivered on the same day that they are dated.

(2) The amount (maximum of 15 percent) frequency, approxiate beginning date, and duration of the intended deduction should voluntary payment not be received by the due date.

(3) The DoD Creditor Component's requirements concerning interest, penalties, and administrative costs, including a statement that such assessments must be made unless excused by the Creditor Component in accordance with the FCCS.

(4) The method and time period for requesting a hearing unless there is no right to a hearing as provided in paragraph F.4. If there is a right to a hearing, the debtor shall be advised that the right to an oral hearing may be waived and that the debtor may rely on written submissions instead.

(5) The fact that the timely filing of a petition for the hearing will stay the commencement of collection proceedings, and that interest and penalty charges will be applied retroactively should a debtor lose an appeal to a hearing official.

(6) The fact that a final decision on the hearing (if one is requested) will be issued at the earliest practical date, but not later than 60 days after the filing of the petition requesting the hearing unless the employee requests, and the hearing official grants, a delay in the proceedings.

(7) Any other rights and remedies available to the employee such as the possibility of a waiver under provisions of statutes or regulations governing the claim for which the collection is being made, or the possibility of an appeal if the eventual hearing decision is not in the employee's favor.

(8) The fact that amounts paid or deducted for the debt that are later waived or found not owed to the United States will be refunded promptly to the employee, unless there are applicable statutes or regulations to the contrary.

(9) The specific address to which all correspondence shall be directed regarding the debt.

6. *Agency Reconsideration.*

a. Upon timely receipt of the appropriate statements and documents, the DoD Creditor Component will reconsider whether the employee is indebted to the Department of Defense, the amount of the indebtedness, or the appropriateness of the offset schedule.

b. If the review of statements and documents provided so warrants, the DoD Creditor Component will notify the employee that:

(1) The employee is not indebted to the Department of Defense, or

(2) The employee's proposed alternative offset schedule is approved.

c. If, after considering the statement and supporting documents, the DoD Creditor Component reaffirms the employee's indebtedness to the Department of Defense, the Creditor Component will send the employee the following:

(1) A statement indicating the reasons for the decision regarding the indebtedness, including, if applicable, the reasons for reducing the amount of the indebtedness.

(2) The formal notice that collection action will begin if payment is not made within 30 days.

d. If, after considering the statement and supporting documents, the DoD Creditor Component determines that the original offset schedule, or a modification to that schedule, will not impose an extreme financial hardship for the employee, the Creditor Component will send the employee a statement indicating the reason it concluded that the original or modified offset schedule will not impose an extreme financial hardship. The statement shall indicate that collection action will begin if payment is not received within 30 days.

7. *Hearings and Written Submissions.*

a. *Petitions.* Debtors who petition for hearings under DoD Instruction 7045.18 are entitled to an oral hearing unless such hearing is waiver specifically in the petition letter. These general rules will apply whether the hearing is oral or whether comprised only of written submissions.

(1) An employee must file a petition with the DoD Creditor Component concerned for a hearing not later than 30 days from the date the employee receives the notification of the intent to collect by salary offset or within 45 days after receipt of records, if such records were requested by the debtor, if an employee wants a hearing concerning the existence or amount of the debt or the proposed DoD Creditor Component's offset schedule.

(2) The employee's petition or statement shall identify and explain with reasonable specificity and brevity the facts, evidence, and witness that the employee believes support his or her position.

(3) If an employee elected an oral hearing, the election may be changed to written submissions only if a written request is received by the Creditor Component at least 3 working days before the original hearing date.

(4) If an employee files a petition for an oral hearing, the DoD Creditor Component shall:

(a) Notify the employee of the time, date, and location of the hearing. To the extent feasible, a location convenient for the employee shall be selected.

(b) Provide the employee and the hearing official with a copy of the records in the DoD Creditor Component's possession relating to the employee's debt.

(5) Not later than 25 calendar days from the date the employee receives the records from the DoD Creditor Component, if such records were not previously furnished to the employee and not later than 10 days after receipt of the notification, if such records were previously furnished the employee, the employee shall file the following with the DoD Creditor Component concerned and the hearing official:

(a) The following items if the employee contests the DoD Creditor Component's determination of the existence or the amount of the debt:

1. The reasons why the employee believes that the DoD Creditor Component's determination of the existence or amount of the debt is erroneous. The statement shall include all facts on which the employee bases his or her belief and any arguments supporting the belief.

2. A list of witnesses the employee will call at the hearing and a summary of their anticipated testimony.

3. A copy of any records the employee intends to introduce at the hearing if they differ from the records provided by the DoD Creditor Component.

4. The name of any representative the debtor expects to be present.

(b) The following items if the employee contests the DoD Creditor Component's offset schedule:

1. A proposed alternative offset schedule with supporting documents showing why the Creditor Component's schedule would produce an extreme financial hardship for the debtor. The supporting documents should include specific details concerning income and expenses of the debtor, his or her spouse, and dependents for 1 year preceding the Creditor Component's notice and projected income and expenses during the repayment period proposed by the Creditor Component.

2. A list of witnesses the employee intends to call at the hearing and a summary of their anticipated testimony; and

3. A copy of the records the employee intends to introduce at the hearing if they differ from the ones provided by the DoD Creditor Component.

(6) *Standards For Determining Extreme Financial Hardship.*

(a) An offset produces an extreme finanical hardship for an employee if the offset prevents the employee from meeting the costs necessarily incurred for essential subsistence

expenses of the employee and his or her spouse and dependents.

(b) These essential subsistence expenses include only costs incurred for food, housing, necessary public utilities, clothing, transportation, and medical care.

(c) In determining whether the offset would prevent the employee from meeting the essential subsistence expense described above, the DoD Component and the hearing official shall consider the following:

1. The income from all sources of the employee, his or her spouse, and dependents.

2. The extent to which the assets of the employee and his or her spouse and dependents are available to meet the offset and the essential subsistence expenses.

3. Whether these essential subsistence expenses have been minimized to the greatest extent possible.

4. The extent to which the employee or his or her spouse can borrow money to meet the offset and other essential expenses.

5. The extent to which the employee and his or her spouse and dependents have other exceptional expenses that should be taken into account and whether these expenses have been minimized.

(7) As applicable, not later than 15 days from the date the DoD Creditor Component receives the materials submitted under subparagraph above, the DoD Creditor Component shall either accept the debtor's contentions concerning the existence of the debt, the amount of the debt or the debtor's alternative offset schedule or provide the employee and the hearing official with the following:

(a) A statement supporting the DoD Creditor Component's determination regarding the existence and amount of the debt.

(b) A statement setting forth the reasons why the DoD Creditor Component's proposed offset schedule does not produce an extreme financial hardship for the employee.

(c) A list of witnesses that the DoD Creditor Component intends to call at the hearing.

(d) A summary of their anticipated testimony.

b. *Waiver of Rights to Hearing.*

(1) An employee forfeits or waives his or her right to a hearing and will have his or her pay offset in accordance with the DoD Creditor Component's offset schedule, if the employee:

(a) Fails to file a petition for a hearing before the deadline date prescribed in paragraph E.7.a., above.

(b) Fails to file the required submissions under paragraphs 7.a. (2) and (5), above.

(c) Is scheduled to appear and fails to appear at the hearing.

(2) If the employee files his or her required submissions within 5 days after the established deadline date or fails to appear at the hearing, the employee may petition the hearing official for a determination that the employee has good cause for the failure to comply with the established deadline date or for failure to appear at the hearing. The hearing official may find that the employee has not waived his or her right to a hearing.

c. *Procedures.*

(1) The hearing shall be conducted by a hearing official who is not an employee of the DoD Creditor Component to which the debt is owed and is not otherwise under the supervision or control of the Creditor Component. For instance, when collection action is being taken by the Department of the Army (DA) and a hearing is granted to a DA employee, the hearing official cannot be employed or supervised by the DA.

(2) Hearings should be conducted by DoD personnel. While the Creditor Component may select the Component to conduct the hearing, assignment of a hearing official to a particular hearing shall be made by the Component selected to conduct the hearing. Each Component will identify a reasonable number of employees qualified to serve as hearing officers for other DoD Creditor Components. Eligible persons include grievance or appeals examiners, attorney advisors, staff judge advocates, and other individuals who have been trained in or performed hearing officer duties. Arrangements for the temporary assignment of hearing officers between Components should reflect any agreed upon reimbursement of expenses. Implementing procedures shall identify a central point of contact with regard to hearing officials who have been identified by each Component. If necessary, individuals not employed by the Department of Defense may be employed on a temporary or intermittent basis to act as hearing officials. Employment of such individuals should occur only where it is clearly impractical to use Department of Defense Personnel.

(3) The hearing normally will consist of informal conferences before a hearing official in which the employee and Creditor Component will be given a full opportunity to present evidence, witnesses, and arguments. The employee may represent him or herself or be represented by a person of his or her choice. The hearing official will permit only the introduction of such evidence as described in the prehearing submissions under paragraphs 7.a. (2) and (5)., above and the employee may not raise any issue that he or she has not raised previously concerning the existence or amount of the debt or the Component's proposed offset schedule.

(4) The Creditor Component shall provide for maintaining a summary record of the hearing.

(5) The hearing official shall provide a written decision on the merits of the hearing that discusses the basic facts offered to document the nature and origin of the debt and the hearing official's findings and conclusions concerning the existing and amount of the debt and, where applicable, the repayment schedule.

(6) Expenses incident to a debtor or employee inspecting and copying government records or transportation of a debtor or his representative to attend oral hearings shall be born by the employee or debtor requesting the hearing. The Component providing the hearing shall bear expenses for the hearing official. To assist employees in deciding whether necessary expenses incident to travel are warranted, DoD Components shall publish the locations at which hearings will be conducted.

F. *Collections under 31 U.S.C. 3716.*

1. *General.* This statute provides for collection by administrative offset. It is applicable to all persons, including employees. It is the basis for collecting debts from out of service debtors. Unlike salary offset, all money payable to a person by the government is subject to administrative offset. With respect to employees, administrative offset shall not be used to collect pay subject to salary offset. If collection is not made from pay subject to salary offset, such as from allowances only or from other amounts due an employee, the procedures for salary offset are not applicable.

2. *Exclusions.* Administrative offset under this statute may not be used to collect debts due from state and local governments or debts arising or relating to payments made under the Social Security Act, the Internal Revenue Code, or the tariff laws of the United States. Also excluded is the collection of debts where administrative offset is explicitly prohibited by another statute. DoD Components may not initiate administrative offset to collect a debt under this statute more than 10 years after the government's right to collect the debt first accrued, unless facts material to the government's right to collect the debt were not known and could not reasonably have been known by the officials of the Department of Defense who were charged with the responsibility to discover and collect the debt. The date the debt first accrued is to be determined according to existing law regarding the accrual of debts, such as 28 U.S.C. 2415.

3. *Use of Administrative Offset.* A DoD Creditor Component shall make a determination to collect a debt by administrative offset on a case-by-case basis using sound judgment. A Component shall consider whether administrative offset is feasible from a practical and legal standpoint and whether such offset is in the best interest of the Department of Defense and the United States. Debts that are not subject to administrative offset may still be collected by administrative offset under some other statute or common law.

4. *Debtor's Entitlement.* A debtor is not entitled to a hearing in cases of collection by administrative offset. A debtor is entitled to written notice of the type and amount of the claim, the intention to collect the claim by administrative offset and an explanation of the following rights:

a. An opportunity to inspect and copy the records related to the claim;

b. An opportunity for a review of the decision related to the claim; and

c. An opportunity to make a written agreement to repay the amount of the claim.

5. *Formal Notification Process.*

a. After one written demand has been made upon a debtor of the Department of Defense a total of two progressively stronger letters shall be sent to the debtor at no more than 30-day intervals unless a response to the first or second letter indicates that further correspondence would be futile and the debtor's response does not require rebuttal. In determining the timing of the demand letters, DoD Components shall give due regard to the need to act promptly so that, if necessary to refer the debt to the Department of Justice for litigation, such referral can be

made within 1 year of the Component's final determination of the existence and amount of the debt. When necessary to protect the government's interest (for example, to prevent the statute of limitations, 28 U.S.C. 2415 from expiring) written demand may be preceded by other appropriate actions including immediate referral for litigation. In addition, administrative offset may be made against a payment to be made to a debtor before completion of the notification process if the time before the payment is to be made does not reasonably permit the completion of those procedures and failure to take the offset would prejudice substantially the Department of Defense's ability to collect the debt. If an offset is made under such circumstances the debtor shall be notified promptly of the reasons for the offset and shall be granted the right listed in paragraph 4. Amounts recovered by offset which are later found not to be owed the Department of Defense shall be refunded promptly. If, either prior to the initiation of, at any time during, or after completion of the demand cycle, a Component determines to pursue offset, then the Component is immediately relieved of the responsibility to send three letters.

b. In addition to the notification requirements provided above, any notification letters may be used to advise the debtor of (a) the possible notification of Commercial Credit Bureaus if payment is not made on time; (b) the possible use of Commercial Collection Agencies; and (c) the possible referral of the claim to the Department of Justice for prosecution.

6. *Creditor Component Review.* Oral hearings are not required in most cases involving administrative offset. Creditor Components shall, however, establish procedures for review of decisions related to claims based upon Component records and any submissions by the debtor. In addition, Components shall provide a debtor with a reasonable opportunity for an oral hearing when:

a. An applicable statute authorizes or requires the Department of Defense to consider waiver of the indebtedness involved, the debtor requests waiver of the indebtedness, and the waiver determination turns on an issue of credibility or veracity; or

b. The debtor requests reconsideration of the debt and the Component determines that the question of the indebtedness cannot be resolved by review of the documentary evidence; for example, when the validity of the debt turns on an issue of credibility or veracity. Unless otherwise required by law, an oral hearing is not required to be a formal evidentiary-type hearing, although the Component always shall document carefully all significant matters discussed at the hearing.

c. An oral hearing is not required in cases involving debt collection systems in which collections of indebtedness or waiver rarely involve issues of credibility or veracity. A Creditor Component may make a blanket determination with respect to which of its debt Collection systems meet the foregoing criterion and is not required to review requests by debtors with respect to such systems in order to grant hearings in those few cases which may involve issues of credibility or veracity.

7. *Collections Of Out Of Service Debts.* The collection of amounts under this section shall be in accordance with the standards promulgated pursuant to 31 U.S.C. 3711 and 3716–3718 and implemented by the FCCS.

G. Requests for Collection to or From Other Agencies.

1. *Requests To Other Federal Agencies.*

a. If a determination has been made that the debtor is employed by another DoD Component or another Federal agency, a request for salary or administrative offset shall be forwarded to the employing agency. Such request shall include the following:

(1) A statement that the due process provisions of 5 U.S.C. 5514 or 31 U.S.C. 3716 have been completed.

(2) A certified debt claim form (to be provided by OPM).

(3) Details of the debt including the amount and reason for the debt; the payment due date; the date the DoD Creditor Component determined the debt was due; and, in the case of requests to other agencies, a statement that the DoD regulations have been approved by OPM.

b. Department of Defense Creditor Components shall submit requests for offset directly to DoD paying Components and other non-DoD Federal agency paying offices. When the request for offset involves a DoD paying Component, a copy of the request including the names of the debtors, shall be forwarded to the Defense Manpower Data Center.

2. *Requests From Other Agencies.* If a determination has been made by a non-DoD Federal agency that a debtor is employed by the Department of Defense, a request for salary or administrative offset shall be addressed to the Secretary of Defense and a copy of all documentation shall be forwarded to the Defense Manpower Data Center, 550 Camino El Estero, Monterey, CA 93940. It is expected that all requests shall be consolidated on magnetic tape and that a blanket certification be provided for the tape file. Such request shall include the following:

a. A written certification that the due process provisions of 5 U.S.C. 5514, 31 U.S.C. 3716 or other applicable law have been completed.

b. A certified debt claims form (to be provided by OPM).

c. Details of the debt, including the amount and reason for the debt, the payment due date, the date the federal agency determined the debt was incurred, and a statement that the agency's regulations have been approved by the Office of Personnel Management (OPM).

3. DoD Components may not honor requests to collect a debt under Title 5, U.S.C. 5514 and Title 31, U.S.C. 3711 and 3716–3718 or other applicable law more than 10 years after the government's right to collect the debt first accrued except as provided in the FCCS.

H. *Waiver of Indebtedness.*

1. An employee may address a written request for waiver or remission of indebtedness as appropriate under 5 U.S.C. 5584, 10 U.S.C. 2774, 10 U.S.C. 6161, and 32 U.S.C. 716 to the official designated in the notification letter. The request should state the reasons that a waiver or remission under the standards cited in the notice should be made. To delay further collection action, a debtor's request for waiver or remission must be received within 30 calendar days of the date of the notification letter if the debtor is in the United States, or 45 calendar days if the debtor is in a foreign country. While the request for waiver is pending, interest on the amount due shall not accrue.

2. The DoD Creditor Component shall notify the debtor in writing of the designated official's final decision. This decision shall be final and conclusive as far as the Creditor Component is concerned. If waiver or remission is not granted, further collection actions shall be initiated unless the debtor pays the amount due within 30 days following the date of the Component's notification to the debtor. If waiver or remission is granted, the Creditor Component's accounts shall be adjusted as appropriate.

I. Compromise of Claims. The compromise of claims within the Department of Defense is governed by the provisions of Chapter II, Part 103, FCCS, Standards for Compromise of Claims. DoD Components shall incorporate these standards in policies and procedures that are developed for the compromise of claims.

J. Data Exchange Program.

1. DoD Components are expected to cooperate with one another and with other Federal agencies in their debt collection activities. Accordingly, DoD Components shall establish necessary procedures to ensure that the establishment and maintenance or debtor records are compatible for matching and referral programs.

2. Within the Department of Defense, the DMDC is the central source for DoD Component exchange of records. Before using a matching or referral program to collect debts, a determination shall be made by the DoD Creditor Component that all other alternatives either are less effective, more expensive, or would present a greater threat to personal privacy.

K. *Use of Private Collection Agencies.*

1. *General.* All DoD Components may use commercial collection agencies for collection services to supplement their collection programs. Normally, however, debts due from individuals who are employed by the government will not be referred to collection agencies.

2. *DoD Component's Responsibilities* When a Component uses commercial collection services the following conditions must be met:

a. All actions required by FCCS shall be accomplished before release to the commercial collection agency.

b. Procedures shall be established covering the transfer of accounts, the review and approval of formats of letters and bills and a system for repayment processing.

c. Ultimate responsibility for collections must be retained. Accordingly, Components must retain the authority to resolve disputes, compromise claims, suspend or terminate collection action, and refer the matter for litigation.

3. *Contractual Procedure.* Contracts for commercial collection services must meet the following conditions:

a. The contract will be in compliance with the Federal Acquisition Regulations (FAR).

b. The contract will provide a mechanism to ensure that any substantive issues relating to the underlying merits of the claims are referred to the originating DoD Component for resolution, at which time the contractor shall relinquish to the Component its complete file of information on an account.

c. The Contract will list the minimum collection activities to be performed and the minimum documentation to be obtained for various categories of accounts such as:

(1) Locating and contacting debtor.
(2) Repayment schedules.
(3) Suspension of collection activity.
(4) Resolution of complaints.
(5) Unlocatable accounts.
(6) Inability to pay.
(7) Refusal to pay.

d. The contract will require the contractor to record all collection actions taken on each account and provide a report of such actions to the Department of Defense monthly, or as requested.

e. The contract will require the contractor to calculate up-to-date accrued interest, penalty and administrative charges using the rate tables supplied by the Department of Defense.

f. The contract will define clearly the procedures for billing debtors, receiving and processing repayments.

g. The contractor shall be subject to the Privacy Act of 1974, 5 U.S.C. 552a and, when applicable, to Federal, State, and local laws and regulations pertaining to debt collection practices, such as the Fair Debt Collection Practices Act.

4. *Contract Funding.* Appropriated funds are available to fund contracts for collection services to the extent provided in Appropriation Acts. Normally, however, contracts shall be funded by payments from amounts collected by the contractor and commission rates shall be negotiated as part of the terms of the contract.

L. Reporting Debts to Commercial Credit Bureaus.

1. *General.* As a means of further enhancing the debt collection program of the Department of Defense, Components authroized to terminate or write-off individual debts shall report to commercial credit bureaus delinquent debts which are not feasible to collect or have been referred to the GAO or the Department of Justice for further collection effort.

2. *Component Responsibility.* Each DoD Component that is authorized to terminate or write-off individual debts shall be responsible for reporting debts in compliance with title 31, U.S.C. 3711 and 3716–3718 and the OMB Bulletin No. 83–21; Before reporting an employee's debt to a commercial credit bureau, a Component must provide public notice in the **Federal Register** identifying those systems of records from which it intends to disclose information. Chapter 4, Subsection B.13. of DoD 5400.11–R authorizes such disclosure. Each DoD Component also shall ensure that an individual debtor is afforded the due process protection prescribed by Title 31 U.S.C. 3711 and 3716–3718 before any disclosure of information is made on that debtor.

3. *Reporting of Referrals.* Each DoD Component shall maintain an accurate account of all names reported to credit bureaus. After a debt is referred to a commercial credit bureau, Components have a continuing responsibility to immediately notify the credit bureau when substantial changes in the condition and amount of the referred claim occur. Procedures must be established to promptly disclose correct information about the claim upon request from commercial credit bureaus to which claims were referred. Records should be maintained on commercial debtors for a period of 13 months after the date reported to a commercial credit bureau and for seven years for consumer debtors.

Patricia H. Means,

OSD Federal Register Liaison Officer Department of Defense.

April 17, 1985.

[FR Doc. 85–9572 Filed 4–19–85; 8:45 am]

BILLING CODE 3810–01–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 100

[CGD13 85–03]

Seattle Opening Day Yacht Parade and Crew Race

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: These regulations are being adopted for the areas of Union Bay, Portage Bay and Lake Washington, Seattle, Washington. This event will take place May 3, 1985 from 3:00 p.m. until 4:00 p.m., and May 4, 1985 from 8:00 a.m. until 3:00 p.m. Navigation in the area will be restricted for the safety of the spectators and participants.

EFFECTIVE DATES: These regulations become effective on May 3, 1985 at 3:00 p.m. and terminate on May 4, 1985 at 3:00 p.m. (during indicated times).

FOR FURTHER INFORMATION CONTACT: Lieutenant John M. Holmes, Coast Guard Group Seattle, (206) 442–1874.

SUPPLEMENTARY INFORMATION: On March 11, 1985 the Coast Guard published a notice of proposed rule making in the **Federal Register** for these regulations (50 FR 9681). Interested persons were requested to submit comments and no comments were received. The text of the final rule is substantially the same as proposed except for sections: (a), (d)(1), (d)(3), and (e). These sections have been changed to better clarify the regulated area, ensure no misunderstandings occur and outline more clearly the authority of the Coast Guard Patrol Commander.

Drafting Information

The drafters of these regulations are Lieutenant John M. Holmes, USCG, Project Officer, USCG Group Seattle, and Lieutenant Commander D. Gary Beck, USCG, Project Attorney, Thirteenth Coast Guard District Legal Office.

Economic Assessment and Certification

These regulations are considered to be non-major under Executive Order 12291 on Federal Regulation and nonsignificant under Department of Transportation regulatory policies and procedures (44 FR 11034; February 26, 1979). The economic impact has been found to be so minimal that a full regulatory evaluation is unnecessary. No major shipping industry or trade will be interfered with.

Since the impact of these regulations is expected to be minimal the Coast Guart certifies that they will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 33 CFR Part 100

Marine safety, Navigation (water).

PART 100—[AMENDED]

Final Regulations

In consideration of the foregoing, Part 100 of Title 33, Code of Federal Regulations, is amended by adding § 100.35–1301 to read as follows:

§ 100.35–1301 Lake Washington/Portage Bay/Union Bay/Opening Day Crew Race and Yacht Parade.

(a) This event will take place on May 3, 1985 between 3:00 p.m. and 4:00 p.m. and on May 4, 1985 between the hours of 8:00 a.m. and 3:00 p.m. in the described waters near Seattle, Washington.

(b) Patrol of the described areas will be under the direction of a designated Coast Guard Patrol Commander. This individual is empowered to control the movement of vessels on the parade course and in the adjoining water areas. The Coast Guard Patrol Commander will exercise the authority granted herein prior to, during, and after the parade for such time as he finds it necessary for the safe and orderly conduct of the program. Portage Cut will be closed to all traffic except crew shells and vessels in the parade from 3:00 p.m. to 4:00 p.m. on May 3, 1985 and from 10:30 a.m. until the termination of the yacht parade on May 4, 1985.

(c) All sailing vessels in the restricted zone shall use propelling machinery for maneuvering. Spinnakers may be used.

in addition to propelling machinery, to the extent that control of the vessel is not impaired.

(d) Specific areas restricted to general navigation or anchorage from 3:00 p.m. to 4:00 p.m. on May 3 and from 8:00 a.m. until termination of the yacht parade on May 4 are:

(1) The waters of Portage Bay Southeast of a line running from the Western corner of the pier (Showboat) 70 yards South of 47°39' N, 122°18'40" W, 425 yards Southwest across Portage Bay to the Northwest corner of the "L" shaped moorage (at the foot of east Shelby st.) at 47°38'52" N, 122°18'52" W.

(2) All waters of Portage Cut (also known as Montlake Cut) to Union Bay Channel Buoy 27 and Union Bay Channel Buoy 28.

(3) All waters of the Union Bay reach between an East/West line connecting Union Bay Channel Buoy 27, Union Bay Channel Buoy 29, Union Bay Channel Buoy 31, and Webster Point Light 33; and a second East/West line connecting Union Bay Channel Buoy 28, Union Bay Channel Buoy 30, and a point 470 yards East of Union Bay Channel Buoy 30 and 80 yards South of Webster Point Light 33.

(4) The waters between the judging and reviewing vessels and the Southern edge of the channel described above. This area is South of Union Bay Channel Buoy 28 and North of Foster Island. The judging and reviewing vessels will be identified by appropriate signs.

(e) A succession of sharp, short signals by whistle or horn from patrolling vessels shall serve as a signal to stop. Vessels signaled shall comply with the orders of the Patrol Vessel. Failure to do so may result in expulsion from the area, citation for failure to comply, or both.

(33 U.S.C. 1233; 49 U.S.C. 108; 49 CFR 1.46(b); and 33 CFR 100.35)

Dated: April 8, 1985.

R.R. Garrett,

Captain, U.S. Coast Guard, Acting Commander, 13th Coast Guard District.

[FR Doc. 85-9613 Filed 4-19-85; 8:45 am]

BILLING CODE 4910-14-M

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33 CFR Part 110

[CGD9-85-03]

Special Anchorage Area; Port Washington, WI

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: The Special Anchorage Area at Port Washington, Wisconsin is being disestablished. Municipal, State and Federal construction of breakwaters and piers has absorbed all available mooring space in the anchorage area. As a result, the current special anchorage regulation no longer serves any useful purpose.

EFFECTIVE DATE: May 22, 1985.

FOR FURTHER INFORMATION CONTACT: Ensign George H. Burns III, Marine Port and Environmental Safety Branch, Ninth Coast Guard District, 1240 East Ninth Street, Cleveland, Ohio 44199. Normal office hours are between 8:00 a.m. and 4:00 p.m., Monday through Friday, except holidays. Telephone Number (216) 522-3919.

SUPPLEMENTARY INFORMATION: A notice of proposed rulemaking was not published for this regulation and it is being made effective in less than 30 days from the date of publication. Following normal rulemaking procedures would have been unnecessary. The regulation should have little or no economic impact.

Drafting Information

The drafters of this regulation are Ensign George H. Burns, III, Marine Port and Environmental Safety Branch, project officer, and Lieutenant Raymond A. Pelletier, project attorney, Ninth Coast Guard District Legal Office.

Economic Evaluation and Certification

These regulations are considered to be non-major under Executive Order 12291 on Federal Regulation and nonsignificant under Department of Transportation regulatory policies and procedures (44 FR 11034; February 26, 1979). For this reason no further regulatory evaluation has been prepared.

Based upon the information in the final evaluation, the Coast Guard certifies that these regulations will not have a significant economic impact on a substantial number of small entities.

Discussion of Regulation

Joint Municipal, State and Federal construction in 1981 of 2 Breakwaters and a marina within the established Special Anchorage Area has resulted in the absorbtion of all available mooring space by these structures and a channel. Special Anchorage Areas are created so that vessels of not more than 65 feet in length may anchor without exhibiting anchor lights, or making sound signals. Due to the reasons stated, the purpose for this area no longer exists. Therefore, the area is being disestablished.

List of Subjects in 33 CFR Part 110

Anchorage grounds.

PART 110—[AMENDED]

§ 110.79 [Removed]

Final Regulation

In consideration of the foregoing, Part 110 of Title 33, Code of Federal Regulations, is amended by removing § 110.79

(33 U.S.C. 2030, 2035, and 2071; 49 CFR 1.46; and 33 CFR 1.05-1(g))

Dated: April 1, 1985.

B.K. Schaeffer,

Captain, U.S. Coast Guard, Acting Commander, Ninth Coast Guard District.

[FR Doc. 85-9617 Filed 4-19-85; 8:45 am]

BILLING CODE 4910-14-M

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33 CFR Part 117

[CGD 08-84-14]

Drawbridge Operation Regulations; San Bernard River, Texas

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: At the request of the Missouri Pacific Railroad (MoPac) the Coast Guard is changing the regulation governing the operation of the swing span railroad bridge over the San Bernard River, mile 20.7, near Brazoria, Brazoria County, Texas, by requiring that at least three hours advance notice be given for an opening of the draw from 10 a.m. to 2 p.m. and 10 p.m. to 2 a.m. The bridge would open on signal outside these hours. The bridge presently is required to open on three hours advance notice from 12 midnight to 8 a.m. and to open on signal from 8 a.m. to 12 midnight. This change is being made because the railroad has changed its operating schedule to meet customer demands and to make train connections with the Mexican Railroad at Matamoros. This action will accommodate the needs of the railroad's revised schedule and will still provide for the reasonable needs of navigation.

EFFECTIVE DATE: This regulation becomes effective on May 22, 1985.

FOR FURTHER INFORMATION CONTACT: Perry Haynes, Chief, Bridge Administration Branch, telephone (504) 589-2965.

SUPPLEMENTARY INFORMATION: On January 28, 1985, the Coast Guard published a proposed rule (50 FR 3807) concernig this amendment. The Commander, Eighth Coast Guard District, also published the proposal as a Public Notice dated February 8, 1985. In each notice interested persons were

given until March 14, 1985 to submit comments.

Drafting information: The drafters of this notice are Perry Haynes, project officer and Steve Crawford, project attorney.

Discussion of comments: There were three responses to the public notice: Two from federal agencies and one from a state agency. They had no objections. There was no response to the **Federal Register.**

Economic assessment and certification: This regulation is considered to be non-major under Executive Order 12291 on Federal Regulation and nonsignificant under the Department of Transportation regulatory policies and procedures (44 FR 11034: February 26, 1979).

The economic impact of this change is expected to be so minimal that a full regulatory evaluation is unnecessary. The basis for this conclusion is that the number of vessels passing this bridge during the proposed advance notice period, 10 a.m. to 2 p.m. and 10 p.m. to 2 a.m., is approximately the same as for the existing advance notice period, 12 midnight to 8 a.m. These few vessels that are now giving the three hours advance notice will merely continue to give three hours notice for a bridge opening by placing a collect call at any time from ashore or afloat. From ashore, call Spring, Texas (713) 350–7581/7584. From afloat, call Freeport/Bay City Public Coast Station KGW 304, VHF Channels 25 and 27.

To provide for leeway in the appointed arrival time and to facilitate communication, MoPac Railroad will continue to have a bridge tender at the bridge at least one-half hour before the appointed time and to remain at least one-half hour after that time for a late arriving vessel. A marine radiotelephone has been installed on the bridge for the bridge tender to communicate with the vessel as it approaches the bridge to keep its appointment for an opening, previously scheduled by a collect call to the railroad dispatcher.

Since the economic impact of this proposal is expected to be minimal, the Coast Guard certifies that it will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 33 CFR Part 117

Bridges.

Regulations

In consideration of the foregoing, Part 117 of Title 33, Code of Federal Regulations, is amended by revising § 117.984 to read as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

§ 117.984 San Bernard River.

The draw of the Missouri Pacific railroad bridge, mile 20.7 near Brazoria, shall open on signal; except that, from 10 a.m. to 2 p.m. and 10 p.m. to 2 a.m., the draw shall open on signal if at least three hours notice is given.

(33 U.S.C. 499; 49 CFR 1.46(c)(5); 33 CFR 1.05–1(g)(3))

Dated: April 5, 1985.

T. T. Matteson,

Captain, U.S. Coast Guard, Acting Commander, 8th Coast Guard District.

[FR Doc. 85–9614 Filed 4–19–85; 8:45 am]

BILLING CODE 4910-14-M

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33 CFR Part 165

[CGD 8–84–07]

Safety Zone; Corpus Christi Ship Channel, Corpus Christi, TX

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: The Coast Guard is establishing a safety zone around all loaded Liquefied Petroleum Gas (LPG) vessels during their transit through Corpus Christi Harbor. The safety zone will be discontinued after LPG vessels entering port are safely moored at the LPG receiving facility within the Port of Corpus Christi and for LPG vessels departing the port after they pass the seaward extremity of the Aransas Pass Jetties. This safety zone will minimize the risk of collision between LPG carriers and other vessels. This precautionary measure is necessary in consideration of the nature and quantity of the LPG cargo involved and the limited ability of these vessels to take evasive action when maneuvering through the Corpus Christi Ship Channel. This safety zone regulation will require persons to comply with the general safety zone regulations contained in 33 CFR 165.23 which prohibits persons from entering the safety zone without authorization of the Captain of the Port. Mariners will be provided advance notice of scheduled LPG vessel harbor transits through the Corpus Christi Ship Channel via Marine Radio Broadcast Notice to Mariners. This safety zone was published as 33 CFR 165.817 in the notice of proposed rulemaking in the **Federal Register** (49 FR 44926) and is being changed to 33 CFR 165.808 in the final rule.

EFFECTIVE DATE: May 22, 1985.

FOR FURTHER INFORMATION CONTACT: Lieutenant Commander Glenn F. Epler, Port Operations Officer, Marine Safety Office, 400 Mann Street, P.O. Box 1621, Corpus Christi, TX 78403; telephone (512) 888–3193.

SUPPLEMENTARY INFORMATION: On November 13, 1984, the Coast Guard published a notice of proposed rule making in the **Federal Register** for these regulations (49 FR 44926). Interested persons were requested to submit comments and 2 comments were received.

Drafting Information

The drafters of these regulations are LCDR Glenn F. Epler, project officer, Captain of the Port, Corpus Christi, Texas, and LT Rick Wallar, project attorney, Eighth Coast Guard District Legal Office.

Discussion of Comments

Of the two written responses that were received concerning the proposed regulations, one proposal strongly endorsed the regulations while the other proposal stated that permanent regulations were not necessary. This safety zone is part of an overall safety program implemented by the Captain of the Port, Corpus Christi, Texas, to enhance the safety of Liquefied Petroleum Gas operations in the Port of Corpus Christi. A primary reason for permanent regulations is to notify the maritime community of the local requirements for moving LPG vessels through the port area. These specific requirements have been in effect for many years, so the implementation in to permanent regulations would cause little or no disruption to the maritime community. The only other option to permanent regulations would be to issue a temporary Captain of the Port Order addressing the movement of each LPG vessel entering the COTP Zone, which is administratively cumbersome and is not as effective in providing timely notification to the maritime community.

The objecting commenter stated that because of the infrequent calls by LPG vessels, permanent regulations are not necessary. The number of times LPG vessels transit the port area has little to do with whether permanent regulations are necessary or not. The fact that LPG vessels do transit the port area on occasion is justification enough. The Captain of the Port wants to minimize as many risks as possible when LPG vessels are moving. Granted, the fewer the number of LPG vessel transits, the lesser the probability that a disaster will occur. However, the potential for a disaster will always be present, no matter how many LPG vessel transit the area, and with the permanent

regulations in place, this potential for disaster will be minimized to the best of the COTPA's ability.

The objecting commenter also expressed the concern of having other vessels delayed so that the LPG vessel can transit through the harbor. With the advance notice of arrival to the COTP and the publishing of a Notice to Mariners concerning the LPG vessel's transit, this problem should not exist. The requirement in the regulation for the COTP to provide advance notices of scheduled LPG vessel harbor transits through the port area should provide sufficient lead time to vessel operators to schedule vessel movements to minimize delays. For the many LPG vessel transits that the port has experienced over the past few years, the COTP has not been aware of any problems of this nature.

Economic Assessment and Certification

These regulations are considered to be non-major under Executive Order 12291 on Federal Regulation and nonsignificant under Department of Transportation regulatory policies and procedures (44 FR 11034; February 26, 1979). The economic impact has been found to be so minimal that a full regulatory evaluation is unnecessary. The basis for the conclusion of minimal impact involves the fact that the practice of establishing a safety zone around a loaded LPG vessel has been in effect for many years. Small and large companies with vessels operating in Corpus Christi Harbor are aware of scheduled LPG vessel harbor transits and adjust their vessel movements accordingly. In addition, since temporary safety zones are already being used the economic impact of the permanent safety zone is minimal. As long as LPG is being shipped within the Port of Corpus Christi, the establishment of a safety zone will continue to be necessary. The only alternative is to continue present procedures of establishing a temporary zone, which is not as efficient as a permanent zone nor does it receive as much publicity. Since the impact of these regulations is expected to be minimal the Coast Guard certifies that they will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 33 CFR Part 165

Harbors, Marines Safety, Navigation (water), Security measures, Vessels, Waterways.

PART 165—[AMENDED]

Final Regulations

In consideration of the foregoing, Part 165 of Title 33, Code of Federal Regulations, is amended by adding section 165.808 to read as follows:

§ 165.808 Corpus Christi Ship Channel, Corpus Christi, TX, safety zone.

(a) The following areas are established as Safety Zones during specified conditions:

(1) For incoming tank vessels loaded with Liquefied Petroleum Gas, the waters within a 500 yard radius of the LPG carrier while the vessel transits the Corpus Christi Ship Channel to the LPG receiving facility. The Safety Zone remains in effect until the LPG vessel is moored at the LPG receiving facility.

(2) For outgoing tank vessels loaded with LPG, the waters within a 500 yard radius of the LPG carrier while the vessel departs the LPG facility and transits the Corpus Christi Ship Channel. The Safety Zone remains in effect until the LPG vessel passes the seaward extremity of the Aransas Pass Jetties.

(b) The general regulations governing safety zones contained in 33 CFR 165.33 apply.

(c) The Captain of the Port will notify the maritime community of periods during which this safety zone will be in effect by providing advance notice of scheduled arrivals and departures of loaded LPG vessels via a Marine Safety Information Broadcast Notice to Mariners.

(33 U.S.C. 1225 and 1231; 49 CFR 1.46; 33 CFR 160.5)

Dated: April 14, 1985.

K.P. Pensom,

Captain of the Port.

[FR Doc. 85-9616 Filed 4-19-85; 8:45 am]

BILLING CODE 4910-14-M

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33 CFR Part 165

[COTP Baltimore, MD Reg. 85-02]

Safety Zone Regulations; Upper Chesapeake Bay

AGENCY: Coast Guard, DOT.

ACTION: Emergency rule.

SUMMARY: The Coast Guard is establishing a safety zone in the Upper Chesapeake Bay. This will be a moving zone centered around the M/V Queen Elizabeth II, during her transit to and from Baltimore, Maryland. The zone is needed to protect watercraft from a safety hazard associated with the passage of the Queen Elizabeth I into the Upper Chesapeake Bay. Entry into this zone is prohibited unless authorized by the Captain of the Port Baltimore.

EFFECTIVE DATES: This regulation becomes effective on 05 May 1985 at 1:00 AM. It terminates on 12 May 1985 at 10:00 PM unless terminated sooner by the Captain of the Port Baltimore.

FOR FURTHER INFORMATION CONTACT: Lieutenant Commander D.E. Henrickson, USCG Marine Safety Office, Custom House, Baltimore, Maryland 21202, (301) 962-5105.

SUPPLEMENTARY INFORMATION: A notice of proposed rulemaking was not published for this regulation and it is being made effective in less than 30 days from the date of this publication. Publishing a NPRM and delaying the effective date of this safety zone would be contrary to the public interest since action is needed to safeguard watercraft and their occupants on the scheduled dates.

Drafting Information

The drafters of this regulation are D.L. Hutchinson, project officer for the Captain of the Port Baltimore, MD and LCDR W.J. Brudzinski, Project Attorney, Fifth Coast Guard District Legal Office.

Discussion

The event requiring this regulation will occur on 5 and 6 May 1985 and again on 12 May 1985. This safety zone is necessary to protect the boating public from the hazards associated with the passage of the M/V Queen Elizabeth II through the Upper Chesapeake Bay and in and out of the Port of Baltimore. This action will help prevent possible damage to watercraft and their occupants.

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Security measures, Vessels, Waterways.

PART 165—[AMENDED]

Regulation

In consideration of the foregoing, Part 165 of Title 33, Code of Federal Regulations, is amended by adding a new 165.T0502 to read as follows:

§ 165.T0502 safety zone: Upper Chesapeake Bay, Baltimore, Maryland.

(a) *Location.* The following area is a safety zone: A 200 yards radius moving zone around the M/V Queen Elizabeth II, while in transit of the Upper Cheaspeake Bay north of a line between Point Lookout to the Southern tip of Holland Island thence to Dundalk Marine Terminal Baltimore, Maryland and the return trip south through the

Upper Chesapeake Bay to a line from Point Lookout to the southern tip of Holland Island.

(b) *Regulations.* (1) In accordance with the general regulation in Section 165.23 of this part, entry into this zone is prohibited unless authorized by the Captain of the Port Baltimore.

(33 U.S.C. 1225 and 1231; 49 CFR 1.46; 33 CFR 160.5)

Dated: April 8, 1985.

R.C. Pickup,

Captain, U.S. Coast Guard, Captain of the Port, Baltimore, Maryland.

[FR Doc. 85-9612 Filed 4-19-85; 8:45 am]

BILLING CODE 4910-14-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-10-FRL-2821-2]

Approval and Promulgation of State Implementation Plan; Washington

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The purpose of this Notice is to approve revisions to the Washington State Implementation Plan (SIP) submitted on January 16, 1984. These revisions were submitted to satisfy requirements of sections 110 (Implementation Plans) and section 173 (Permit Requirements) of the Clean Air Act (hereinafter the Act). They will result in implementation of new source review and emissions trading (offset and banking) programs for nonattainment areas within the jurisdiction of the Puget Sound Air Pollution Control Agency (PSAPCA). This action also transfers authority for nonattainment area new source construction permits from the Washington Department of Ecology to PSAPCA.

EFFECTIVE DATE: June 21, 1985.

ADDRESSES: Copies of the materials submitted to EPA may be examined during normal business hours at:

Environmental Protection Agency, Public Information Reference Unit, 401 M Street, SW., Washington, D.C. 20460

Air Programs Branch, (10A-84-3), Environmental Protection Agency, Region 10, 1200 Sixth Avenue, Seattle, Washington 98101

State of Washington, Department of Ecology, 4224 6th Avenue SE., Rowe Six, Building #4, Lacey, Washington 98504

Copy of the State's submittal may be examined at: Office of the Federal Register, 1100 L Street NW, Room 8401, Washington, D.C.

FOR FURTHER INFORMATION CONTACT: David C. Bray, Air Programs Branch, M/S 532, Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Washington 98101, Telephone: (206) 442-4253, FTS: 399-4253.

SUPPLEMENTARY INFORMATION:

I. Introduction

The Puget Sound Air Pollution Control Agency (PSAPCA) is a local agency which has jurisdiction over King, Kitsap, Pierce and Snohomish counties. Within these counties there are several areas which are nonattainment for carbon monoxide (CO) and total suspended particulates (TSP) and one ozone nonattainment area. As required by Part D of the Act, the State of Washington Department of Ecology (DOE) has adopted, and EPA has previously approved, a new source review program which requires new and modified major stationary sources in nonattainment areas to meet the lowest achievable emission rate, provide emission offsets and demonstrate statewide compliance.

On October 11, 1983, the PSAPCA Board of Directors adopted a new source review program which includes provisions for banking of emission reduction credits, but allows such only for nonattainment pollutants in the designated nonattainment areas, and for use as emission offsets for new or modified major stationary sources. The DOE submitted the revised new source review provisions to EPA on January 16, 1984. EPA proposed the changes for approval on October 9, 1984 (49 FR 39582). No adverse comments were received.

Today's approved SIP revisions embody the PSAPCA new source review program for the nonattainment areas within its jurisdiction and would result in the transfer of the authority for nonattainment area new source construction permits from DOE to PSAPCA.

II. Plan Revisions

The SIP revisions involve amendments to sections 1.07, 6.07(b) and 6.08 of Regulation I of the Puget Sound Air Pollution Control Agency as described briefly below. A complete analysis of the revisions and how they satisfy the requirements of section 173 of the Act and 40 CFR 51.18(j) is contained in a technical support document (TSD), available at the addresses shown earlier.

Section 1.07 GENERAL DEFINITIONS is amended by adding definitions of the terms "Facility", "Source" and "Volatile organic compound."

Section 6.07 ISSUANCE OF APPROVAL OR ORDER is amended by adding a new subsection 6.07(b)(7) which adds a new requirement regarding impact on nonattaiment areas for new air contaminant sources which are not subject to the nonattainment area permit requirements.

A new section 6.08 SPECIAL CONDITIONS FOR NEW AIR CONTAMINANT SOURCES WHICH WILL SIGNIFICANTLY IMPACT A NONATTAINMENT AREA adds provisions, as required by section 173 of the Act, for new and modified major stationary sources in nonattainment areas.

EPA's proposal noted three deficiencies that were to be corrected as described in the TSD and outlined below. PSAPCA has committed to revising its regulations (as necessary) and, in the interim, is implementing the regulation consistent with EPA requirements.

1. The definition of "allowable emissions" (Section 6.08(b)(2)), used to determine new major sources (instead of using "potential to emit" as in EPA's program), fails to include the restriction that all limitations be *federally* enforceable per 40 CFR 51.18(j)(1)(iii). However, on August 25, 1983 (48 FR 38742) EPA proposed to rescind this requirement. Should EPA rescind the requirement, the PSAPCA regulation will be acceptable. Therefore, EPA is approving the PSAPCA regulations with the following understandings:

a. PSAPCA has indicated that it will revise its definition of "allowable emissions" within one year of EPA promulgation, if EPA decides to retain the requirement for federal enforceability; and

b. In the interim, PSAPCA has indicated that they will submit to EPA for inclusion in the SIP, any permit or regulatory order, used to establish allowable emissions, which is not already enforceable by EPA.

2. The PSAPCA provision for source obligation in section 6.09(c) does not include all the requirements of 40 CFR 51.18(j)(5)(i) regarding state and federal provisions. However, language in the general conditions section of each "Approval of Construction" notifies the source owner or operator that the approval to construct does not relieve them of the responsibility to comply fully with applicable requirements of other governmental agencies. PSAPCA has also indicated that it will revise section 6.09(c) to include the additional provisions. The revised provisions will then be submitted as a SIP revision.

3. The definition of "volatitle organic compound (VOC)" in section 1.07(xx) is not consistent with EPA requirements in 40 CFR 51.18(j)(3)(ii)(d) (and 40 CFR 51.18(j)(1)(xix) as proposed on August 25, 1983) in that PSAPCA exempts low vapor pressure compounds. However, EPA is approving this definition with the understanding that PSAPCA has requested redesignation of the ozone nonattainment area to attainment. EPA will be approving this redesignation in a separate action thereby eliminating the need for a 40 CFR 51.18(j) permit program for VOC. Until EPA approves the redesignation request, PSAPCA has indicated that for new source review, VOC will be considered to be anything collected during a Method 25 source test (the approved VOC source test method for the Washington SIP).

III. Comments on EPA's Proposal

EPA proposed the above changes for approval on October 9, 1984. EPA received one comment, which supported our proposed approval. No other comments were received.

IV. Final EPA Action

EPA has concluded that these revisions satisfy the requirements of section 173 of the Act and 40 CFR 51.18(j) and are consistent with EPA's emissions trading policy statement (47 FR 15076, April 7, 1982). Therefore, EPA is approving these revisions to the PSAPCA permit program, thereby transferring the authority for issuing permits pursuant to Part D of the Act from DOE to PSAPCA, and recognizing the PSAPCA emissions reduction credit banking program for use in the nonattainment areas within PSAPCA's jurisdiction.

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

Under section 307(b)(1) of the Clean Air Act, judicial review of this section must be filed in the United States Court of Appeals for the appropriate circuit by June 21, 1985. This action may not be challenged later in proceedings to enforce its requirements (See 307(b)(2)).

(Secs. 110(a), 171 to 173, 301(a) of the Clean Air Act as amended (42 U.S.C. 7410(a), 7501 to 7503 and 7601(a)))

List of Subjects in 40 CFR Part 52

Intergovermental relations, Air pollution control, Ozone, Sulfur oxides, Nitrogen dioxide, Lead, Particulate matter, Carbon monoxide, Incorporation by reference.

Dated: April 12, 1985.

Lee M. Thomas,

Administrator.

PART 52—[AMENDED]

Part 52 Chapter I, Title 40 Code of Federal Regulations is amended as follows:

Subpart WW—Washington

1. In § 52.2470, paragraph (c)(33) is added as follows:

§ 52.2470 Identification of plan.

* * * * *

(c) * * *

(33) On January 16, 1984 the Washington Department of Ecology submitted revisions to the approved SIP which added the PSAPCA emission offset and banking program to the approved SIP regulations. The revisions consisted of new section 1.07(s), 1.07(rr), 1.07(xx), 6.07(b)(7) and 6.08 of PSAPCA Regulation I.

2. In § 52.2478, Table 52.2479 is amended by revising the entry for Puget Sound Air Pollution Control Agency Regulation I as follows:

§ 52.2479 Rules and regulations.

* * * * *

Citation	Title	Applicable sections	Date of sections	Date of EPA approval	Federal Register citation
Puget Sound Air Pollution Control Agency	Regulation I	Article 9.07(c)	Aug. 12, 1970	May 31, 1972	37 FR 10900
		Article 9.02A	Oct. 10, 1973	Oct. 29, 1975	40 FR 50266
		Article 1 (except 1.07(s), 1.07(rr), and 1.07(xx))	Dec. 10, 1974	June 5,1980	45 FR 37835
		Article 3; and Article 6 (except 6.07(b)(7) and 6.08))	Jan. 1977	June 5, 1980.	45 FR 39835
		Articles 9.02, 9.03, 9.04, 9.05, 9.07(d), 9.07(e) 9.09			
		Articles 1.07(s), 1.07(rr), 1.07(xx), 6.07(b)(7), and 6.08	Oct. 11, 1983	April 22, 1985	50 FR 15746

* * * * *

[FR Doc. 85-9427 Filed 4-19-85; 8:45 am]

BILLING CODE 6560-50-M

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40 CFR Part 81

[A-5-FRL-2821-3]

Designations of Areas for Air Quality Planning Process; Attainment Status Designations; Ohio

AGENCY: Environmental Protection Agency (USEPA).

ACTION: Notice of final rulemaking.

SUMMARY: This notice approves the change of attainment status designations for Erie and Lawrence Counties in Ohio relative to the Total Suspended Particulate (TSP) National Ambient Air Quality Standards (NAAQS). For Erie County, USEPA approves the redesignation of the entire County to attainment. USEPA also approves the redesignation of the Cities of Ironton and Coal Grove in Lawrence County, and Upper and Perry Townships in Lawrence County to secondary nonattainment. Finally, USEPA approves the redesignation of the remainder of Lawrence County to attainment.

EFFECTIVE DATE: May 22, 1985.

ADDRESSES: Copies of the redesignation request, technical support documents and the supporting air quality data are available at the following addresses:

U.S. Environmental Protection Agency, Region V, Air and Radiation Branch, 230 S. Dearborn Street, Chicago, Illinois 60604

Ohio Environmental Protection Agency, Office of Air Pollution Control, 361 East Broad Street, Columbus, Ohio 42316

FOR FURTHER INFORMATION CONTACT: Anne E. Tenner, (312) 886-6036.

SUPPLEMENTARY INFORMATION: The Clean Air Act Amendments of 1977 added section 107(d) to the Clean Air Act (the Act). This section directed each State to submit to the Administrator of USEPA a list of the attainment status for all areas within the State. The Administrator was required to promulgate the State lists, with any necessary modifications. The Administrator published these lists in the **Federal Register** on March 3, 1978 (43 FR 8962), and made necessary amendments in the **Federal Register** on October 5, 1978 (43 FR 45993). These area designations are subject to revision whenever sufficient data become available to warrant a redesignation. USEPA may redesignate an area to attainment if it is supported by all available data including eight

consecutive quarters of the most recent, quality assured, representative ambient air quality data which show no violation of the National Ambient Air Quality Standards (NAAQS) and evidence of adequate implemented, enforceable emission reductions. USEPA's policy on redesignations is summarized in a memorandum from Sheldon Meyers, Director, Office of Air Quality Planning and Standards, dated April 21, 1983, entitled "Section 107 Designation Policy Summary" and memorandum from G.T. Helms, Chief, Control Programs, Operations Branch, dated December 23, 1983, entitled "Section 107 Questions and Answers". These memorandums are available for public review in the rulemaking docket on this notice.

Erie County

On March 3, 1978 (43 FR 9023), USEPA originally designated Erie County as nonattainment of the primary standards NAAQS for TSP. The entire county of Erie was redesignated as nonattainment of the secondary NAAQS for TSP in the October 5, 1978 (43 FR 46012) **Federal Register**. This designation was based on violations of the secondary TSP NAAQS measured at the Sandusky High School monitoring site located in the City of Sandusky.

On May 16, 1983, the State requested that all of Erie County be designated attainment for TSP. To support their request, the State submitted data collected at two monitoring sites in the County for the period January 1981 to December 1982. In addition, on April 12, 1984, the State submitted an explanation of the reason for air quality improvement in the County and a justification of the representatives of the available monitoring data. This information was submitted in response to USEPA's February 24, 1984 (49 FR 6926), proposed action to disapprove the requested designation for Erie County because of insufficient support data.

USEPA reviewed the available monitoring and modeling data and on October 24, 1984 (49 FR 42750), in the **Federal Register**, USEPA proposed approval to revise the TSP secondary nonattainment designation for Erie County to full attainment for TSP.

A detailed discussion of the basis of USEPA's action can be found in the notice of proposed rulemaking and the technical support document which is available at USEPA's Region V office. There were no public comments received by the Agency on this action.

As a result of USEPA's review of monitoring and modeling data which includes evidence of emission reductions, USEPA believes the requested designation for Erie County, Ohio to full county attainment for TSP is acceptable and approves the State's designation request.

Lawrence County

On March 3, 1978 (43 FR 9024), USEPA had originally designated Lawrence County for TSP as:

Primary Nonattainment—Cities of Ironton, Coal Grove, South Point and Townships of Upper and Perry.
Secondary Nonattainment—Fayette Township.
Attainment—Remainder of the County.

These designations were based on violations of the primary and secondary TSP NAAQS measured at several monitors in the County.

On December 29, 1983, the State requested that the above designations be changed to:

Secondary Nonattainment—Cities of Ironton and Coal Grove, and Upper and Perry Townships.
Attainment—Remainder of Lawrence County.

On April 25, 1984, the State requested that their December 29, 1983, request be modified to:

Secondary Nonattainment—Cities of Ironton and Coal Grove, and Upper and Perry Townships.
Attainment—Remainder of Lawrence County.

To support their December 29, 1983, request the State submitted data collected at numerous monitors in the County for the period January 1981 to September 1983, in addition to an explanation of the reason for the air quality improvement in the County. On April 12, 1984, the Portsmouth Local Air Agency submitted information concerning source shutdowns in addition to this data. In addition to the analysis of the monitoring data, USEPA reviewed the modeling performed by the State as part of its Part D SIP for Lawrence County. The analysis indicated that there is one significant "hot spot" in the County around the requested secondary nonattainment area of the Cities of Ironton and Coal Grove, and Upper and Perry Townships. The modeling for the remainder of the County supports the requested redesignation.

Based on the available monitoring and modeling data, USEPA proposed to approve the State's TSP redesignation request on October 24, 1984 (49 FR 42750), **Federal Register**.

A detailed discussion of USEPA's technical analysis can be found in the notice of proposed rulemaking and the technical support document which is available at the Region V office.

There were no public comments received by the Agency. Therefore, USEPA approves the State's request to redesignate the Cities of Ironton and Coal Grove and Upper and Perry Townships for secondary nonattainment in Lawrene County for TSP. Additionally, USEPA approves the redesignation of the remainder of Lawrence County to attainment.

The Office of Management and Budget has exempted this rule from the requirements of Section 3 of Executive Order 12291.

Under section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by June 21, 1985. This action may not be challenged later in proceedings to enforce its requirements. (See 307(b)(2).)

List of Subjects in 40 CFR Part 81

Intergovernmental relations, Air pollution control, National parks, Wilderness areas.

(Sec. 107(d) of the Clean Air Act, as amended (42 U.S.C. 7407))

Dated: April 12, 1985.

Lee M. Thomas,

Administrator.

PART 81—DESIGNATION OF AREAS FOR AIR QUALITY PLANNING PURPOSES

Part 81 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

Section 81.336 is amended by revising the Erie and Lawrence Counties designations as follows:

§ 81.336 Ohio.

OHIO—TSP

Designated area	Does not meet primary standards	Does not meet secondary standards	Cannot be classified	Better than national standards
Erie County				X
Lawrence County: Cities of Ironton and Coal Grove, and Upper and Perry Townships.		X		

OHIO—TSP—Continued

Designated area	Does not meet primary standards	Does not meet secondary standards	Cannot be classified	Better than national standards
Remainder of Lawrence County				X

[FR Doc. 85-9426 Filed 4-19-85; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 81

[A-5-FRL-2822-9]

Designations of Areas for Air Quality Planning Process; Attainment Status Designations; Indiana

AGENCY: Environmental Protection Agency.

ACTION: Final rulemaking.

SUMMARY: USEPA approves the State of Indiana's request to change the Total Suspended Particulates (TSP) designations for Floyd, Porter, Sullivan and Vigo Counties. USEPA (1) Approves the State's request to redesignate Floyd County to attainment, except for New Albany Township which will remain unclassifiable, (2) approves the State's request to redesignate the southern portion of Porter County from unclassifiable to attainment, (3) approves the State's request to redesignate Sullivan County from unclassifiable to attainment, and (4) approves the State's request to redesignate the Vigo County primary nonattainment area to secondary nonattainment. These revisions are based on requests from the State of Indiana to redesignate these areas and on the supporting data the State submitted.

EFFECTIVE DATE: This final rulemaking becomes effective on May 22, 1985.

ADDRESSES: Copies of the redesignation request, technical support documents and the supporting air quality data are available at the following addresses:

U.S. Environmental Protection Agency, Region V, Air and Radiation Branch (5AR-26), 230 S. Dearborn Street, Chicago, Illinois 60604

Indiana Air Pollution Control Division, Indiana State Board of Health, 1330 West Michigan Street, Indianapolis, Indiana 46206

FOR FURTHER INFORMATION CONTACT: Anne E. Tenner, (312) 886-6036.

SUPPLEMENTARY INFORMATION: Under Section 107(d) of the Act, the Administrator of USEPA has promulgated the National Ambient Air Quality Standards (NAAQS) attainment status for each area of Indiana. See 40 CFR 81.315. These area designations may be revised whenever the data warrant such a revision.

Floyd County

Floyd County is currently designated as "unclassifiable" for TSP. See the March 3, 1978 (43 FR 8992) **Federal Register.** In the October 5, 1978 (43 FR 45995) **Federal Register,** USEPA explained that its designation was based on the fact that there were insufficient TSP monitoring data from the County to determine the actual status of the County.

On March 16, 1984, the State of Indiana requested USEPA to revise the TSP designation of Floyd County, Indiana, from unclassified to attainment for the TSP NAAQS. The State supported its request with data collected at the only monitor in the County, which showed no violations since 1978, and a modeling analysis that depicted the representativeness of this monitored data. USEPA analyzed this technical information and determined (through calculations based on the State's modeling results) that a small portion of Floyd County may be in violation of the 24-hour secondary NAAQS. This analysis also showed that the single monitor is not located within the predicted secondary nonattainment area and, therefore, does of accurately characterize the worst case not air quality in the area. (USEPA's technical analysis is discussed in more detail in the technical support document which is available at USEPA's Region V office). Because of this, on November 14, 1984 (49 FR 45031), USEPA proposed to disapprove the State of Indiana's redesignation request.

However, in the notice of proposed rulemaking, USEPA stated that, if during the public comment period the State requested USEPA (1) To redesignate a small portion of eastern Floyd County (which is directly across the Ohio River from a primary TSP nonattainment area in Louisville, Kentucky) to secondary nonattainment and provided acceptable boundaries, and (2) to redesignate the remainder of the County to attainment, then USEPA would approve this modified redesignation request.

In response to this action, only the State commented. In its December 14, 1984, comment, the State modified its initial redesignation request in response to USEPA's proposal. The State reiterated its initial request to redesignate Floyd County from unclassifiable to attainment, except as that request applied to New Albany Township. For New Albany Township, the State recommended that the current unclassifiable status be retained and, thereby, withdrew its request to redesignate this township.[1]

Based on the available technical support from the State and the State's modified request, USEPA approves the redesignation of Floyd County to full attainment, except for New Albany Township which retains its unclassifiable designation.

Porter County

At this time, all of Porter County, Indiana, is currently designated unclassifiable for TSP.[2] On March 14, 1984, the State of Indiana requested USEPA to revise the TSP designation of Porter County, Indiana, to attainment for the entire county, except for the area bounded on the west by Indiana 249 from I-94 to Burns Ditch, then following Burns Ditch to Lake Michigan, on the north by Lake Michigan, on the east by Mineral Springs Road, and on the south by I-94. To support the redesignation request, the State submitted ambient air

[1] In the State's December 14, 1984, letter, the State also questioned the use of Larsen's Transforms for redesignation purposes. USEPA's response to the State is that the USEPA's current modeling guidelines (i.e., "Regional Workshops on Air Quality Modeling: A Summary Report", April 1984), do not identify CDM/Larsen's Transforms as a reference technique for demonstrating attainment of the short term TSP NAAQS. This is based on USEPA's current belief that Larsen's Transforms underpredict short-term concentrations. Therefore, while the Larsen's Transforms cannot be utilized to demonstrate attainment, any violations predicted using this technique can be considered to be a reasonable basis for showing nonattainment.

[2] Based on the ambient data before the Agency, on August 18, 1982 (47 FR 3565), USEPA unilaterally redesignated a part of Porter County as a primary nonattainment area for TSP. As codified at 40 CFR 81.315 (1983), this nonattainment area was:

An area bounded on the north by the Lake Michigan shoreline, on the east by Mineral Springs Road, on the south by I-94, and on the west by Indiana 249 from I-94 to Burns Ditch and then following Burns Ditch to Lake Michigan.

The remainder of Porter County remained designated "Unclassified".

The Bethlehem Steel Corporation filed a petition challenging USEPA's action in the United States Court of Appeals for the Seventh Circuit; and on December 13, 1983, the Court overturned the redesignating. See *Bethlehem Steel Corporation v. USEPA*, 726 F.2d 1303. The Court held the USEPA had exceeded its authority under the Act by unilaterally redesignating the area without a request from the State to do so. Based on the Court's decision, on June 6, 1984 (49 FR 23343), USEPA officially returned the area previously designated primary nonattainment to unclassifiable.

quality data collected at the monitors in this portion of Porter County, during the period January 1981 through December 1983.

Although violations of the 24-hour secondary TSP standard were monitored at three sites (Morgan High School, Clanricarde, and Tassinong), under the Agency's rural fugitive dust policy, these violations may be discounted for designation purposes. The remainder of the ambient data and the lack of significant industrial sources in the area in question support the State's redesignation request.

On November 14, 1984 (49 FR 45031), USEPA proposed to approve the State of Indiana's request. A detailed discussion of USEPA's action can be found in the notice of proposed rulemaking and in the technical support document which are available at USEPA's Region V office.

There were no public comments received by the Agency on this proposal. Therefore, based on the available technical support from the State, USEPA approves the redesignation of the southern portion of Porter County, Indiana, from unclassified to attainment for TSP.

Sullivan County

Sullivan County was originally designated as unclassifiable in the October 5, 1978 (43 FR 46007) **Federal Register**. On March 14, 1984, the State of Indiana requested USEPA to revise the TSP designation of Sullivan County, Indiana, from unclassified to attainment for TSP. To support its request, the State submitted air monitoring data collected from January 1981 to December 1982 at three sites in northwestern Sullivan County operated by the Indiana and Michigan Electric Company at its Breed Power Generating Station (Breed). (Breed is the only utility or major industry in the immediate area and the largest point source of particulates in Sullivan County.)

Although there were several monitored exceedances of the TSP NAAQS at the Breed monitors, USEPA concluded that they were due to rural fugitive dust and, therefore, were discountable. On November 14, 1984 (49 FR 45031), USEPA proposed to approve the State of Indiana's request. A detailed discussion of USEPA's action can be found in the notice of proposed rulemaking and the technical support document which is available at USEPA's Region V office.

There were no public comments received by the Agency on this proposal. Based on available technical support from the State, USEPA approves the redesignation of Sullivan County from unclassifiable to attainment for the TSP NAAQS.

Vigo County

On July 16, 1982 (47 FR 30978), USEPA modified its original designation of Vigo County to reduce the size of the primary nonattainment area to a 0.5 km radius around a monitoring site at Indiana State University. The nonattainment area was restricted to this small area, based on the Vigo County Air Pollution Control Division's demonstration that the nonattainment problem is highly localized. According to the Vigo County Agency, the primary cause of this problem was re-entrained fugitive dust resulting from traffic cutting through the unpaved parking lot where the monitoring site is located.

On February 16, 1984, the State asked that the nonattainment area be redesignated to full attainment.[3] To support the redesignation request, the State submitted monitoring data collected at this monitoring site. The Vigo County Agency also stated that a nontraditional fugitive dust control strategy (i.e., elimination of traffic cutting through the parking lot) has begun in June 1982, and that permanent barricades preventing this traffic were erected by October 19, 1982.

In reviewing the monitoring data for this site, USEPA found that violations of the secondary standard had occurred during the last eight quarters of monitoring. (This monitoring site was discountinued in June of 1983.) The State did request that the monitored exceedances not be considered for designation purposes. USEPA determined that there was no basis to discount these exceedances for designation purposes. Since the available monitoring data did not support the State's request to redesignate the area to full attainment, on November 14, 1984 (49 FR 45031), USEPA proposed to disapprove the State's request to redesignate Vigo County to full attainment for TSP. However, USEPA also proposed that if the State requested, USEPA would redesignate the area to secondary nonattainment. A detailed discussion of USEPA's action can be found in the notice of proposed rulemaking and technical support document which is available at USEPA's Region V office.

In response to this action, only the State commented. On December 14, 1984, it formally requested that the Vigo County primary nonattainment area be designated as secondary nonattainment for TSP. As a result, USEPA approves the redesignation to secondary nonattainment for TSP of the portion of Vigo County which presently is designated as a primary nonattainment area.

The Office of Management and Budget has exempted this rule from the requirements of Section 3 of Executive Order 12291.

Under Section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by June 21, 1985. This action may not be challenged later in proceedings to enforce its requirements. (See 307(b)(2).)

List of Subjects in 40 CFR Part 81

Intergovernmental relations, Air pollution control, National parks, Wilderness areas.

(Sec. 107(b) of the Clean Air Act, as amended (42 U.S.C. 7407)

Dated: April 16, 1985.

Lee M. Thomas,

Administrator.

PART 81—DESIGNATION OF AREAS FOR AIR QUALITY PLANNING PURPOSES

Part 81 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

Section § 81.315 is amended by revising the Floyd, Porter, Sullivan, and Vigo Counties designations in the Indiana Table for Total Suspended Particulates (TSP) as follows:

§ 81.315 Indiana.

INDIANA—TSP

Designated Area	Does not meet primary standards	Does not meet secondary standards	Cannot be classified	Better than national standards
• • •	•	•	•	•
Floyd County:				
New Albany Township			X	
Remainder of Floyd County			X	

[3] The State of Indiana originally requested USEPA to redesignate the TSP primary nonattainment area in Vigo County to full attainment on April 14, 1983. However, on November 15, 1983, the State revised this request asking that the nonattainment area be redesignated to secondary nonattainment instead. On February 16, 1984, the State revised its position again to request redesignation to full attainment.

INDIANA—TSP—Continued

Designated Area	Does not meet primary standards	Does not meet secondary standards	Cannot be classified	Better than national standards
• • •	•	•	•	•
Porter County:				
An area bounded on the north by the Lake Michigan shoreline, on the east by Mineral Springs Road, on the south by I-94, and on the west by Indiana 249 from I-94 to Burns Ditch and then following Burns Ditch to Lake Michigan.			x	
Remainder of Porter County				x
• • •	•	•	•	•
Sullivan County				x
• • •	•	•	•	•
Vigo County:				
The area within a 0.5 kilometers radius circle centered at UTM Coordinates Zone 16 East 464.52 km North 4369.21 km.		x		
The remainder of Vigo County				x
• • •	•	•	•	•

[FR Doc. 85-9593 Filed 4-19-85; 8:45 am]

BILLING CODE 6560-50-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

46 CFR Parts 76 and 95

[CGD 83-026A]

Discharge Rate of Fire Extinguishing Carbon Dioxide in Cargo Spaces Specifically Suitable for Vehicles

AGENCY: Coast Guard, DOT.

ACTION: Rule related notice.

SUMMARY: The Coast Guard recently tested and found that the International Convention for the Safety of Life at Sea, 1974, as amended (SOLAS) standard for the discharge rate of fire extinguishing carbon dioxide (CO_2) in cargo spaces specifically suitable for vehicles (RO/RO cargo spaces) is effective in providing a degree of safety consistent with the intent of the Coast Guard's fire protection regulations. Thus, the Coast Guard is prepared to accept CO_2 installations in RO/RO cargo spaces where the arrangement is such that two-thirds the required quantity of CO_2 is discharged within ten minutes as prescribed by SOLAS. Any faster discharge rate, such as that presently required by the Coast Guard's fire protection regulations, is also acceptable.

DATES: Effective April 15, 1985. Comments will be accepted until May 22, 1985.

ADDRESSES: Comments should be mailed to Commandant (G-CMC/21) (CGD 83-026), U.S. Coast Guard, 2100 Second Street SW., Washington, D.C. 20593. Each comment should include the name and address of the person submitting the comment and identify this notice (CGD 83-026). Comments will be available for inspection and copying from 8:00 a.m. to 4:00 p.m., Monday through Friday, except holidays, at the Marine Safety Council, Room 2110, at the address above. The telephone number is (202) 426-1477.

FOR FURTHER INFORMATION CONTACT: Lieutenant Commander John E. Veentjer, Office of Merchant Marine Safety, U.S. Coast Guard (G-MTH-4/13), Room 1304, 2100 Second Street SW., Washington, D.C. 20593. Telephone (202) 426-2197.

SUPPLEMENTARY INFORMATION:

Drafting Information

The principal persons involved in preparing this notice are Lieutenant Commander John E. Veentjer, Office of Merchant Marine Safety, and Mr. Michael N. Mervin, Office of Chief Counsel.

An Advanced Notice of Proposed Rulemaking was published on October 1, 1984 (49 FR 38672) (CGD 83-026) in which the Coast Guard announced its intention to review the existing fire protection regulations and incorporate the 1981 set of amendments to the International Convention for the Safety of Life at Sea, 1974 (SOLAS 74). No public input specifically aimed at this subject has been received; however, other matters directed attention to a significant difference between the SOLAS regulations and the Coast Guard's regulations pertaining to the discharge rate of CO_2 in cargo spaces specifically suitable for vehicles (RO/RO cargo spaces).

Paragraph (b)(i) of Regulation 31 of Chapter II-2 of SOLAS 74 requires that the CO_2 fire extinguishing arrangement for RO/RO cargo spaces be such that the gas is introduced rapidly and effectively. The corresponding Coast Guard regulations in 46 CFR 76.15-5(f)(2) and 95.15-5(f)(2) require that 100% of the required quantity of CO_2 be released within two minutes.

The 1981 set of amendments to SOLAS 74 provide a more precise CO_2 discharge rate in paragraph 2.1. of Regulation 38 of Chapter II-2 for RO/RO spaces in passenger vessels and in paragraph 2.2.1.1. of Regulation 53 of Chapter II-2 for RO/RO spaces in cargo vessels. These SOLAS regulations now require that two-thirds of the required quantity of CO_2 be discharged within ten minutes. These regulations became effective 1 September 1984.

There were no known tests to support any particular discharge rate, thus the Coast Guard conducted a test at its Fire and Safety Test Facility. The SOLAS discharge rate was specifically tested and found to be effective in providing a degree of safety consistent with the intent of the Coast Guard fire protection regulations. Thus, the Coast Guard is prepared to accept CO_2 fire extinguishing arrangements which are designed to the SOLAS discharge rate requirements.

As a result of the fire tests, the Coast Guard is changing its policy on release of 100% of CO_2 within two minutes and will approve arrangements providing for the discharge of two-thirds of the prescribed quantity within ten minutes, unless significant adverse comments are received within thirty days. 46 CFR 90.15-1 states conditions under which equivalents may be accepted. One of the conditions is that the Commandant may acccept other arrangements "provided, that he shall have been satisfied by suitable trials that the * * * arrangement is at least as effective as that specified in this subchapter". The fire testing carried out certainly falls within these provisos.

This alternative arrangement acceptance will eliminate the need for costly retrofitting in connection with reflaggings.

Although this action is not expected to receive opposition, the Coast Guard welcomes comment, data, or arguments. The acceptance of the SOLAS discharge rate may be altered if the Coast Guard receives convincing arguments indicating that safety is not served by the SOLAS standard.

In the course of the continuing review of all the Coast Guard's fire protection regulations, the SOLAS discharge rate

will be incorporated by replacing the discharge rate now specified in 46 CFR 76.15–5(f)(2) and 95.15–5(f)(2). A notice of proposed rulemaking (CGD 83–026) to update all the fire protection regulations is forthcoming.

Dated: April 15, 1985.

B.G. Burns,

Captain, U.S. Coast Guard, Acting Chief, Office of Merchant Marine Safety.

[FR Doc. 85–9434 Filed 4–19–85; 8:45 am]

BILLING CODE 4910–14–M

INTERSTATE COMMERCE COMMISSION

[Ex Parte No. 282 (Sub-9)]

49 CFR Part 1180

Railroad Consolidation Procedures; Trackage Rights Exemption

AGENCY: Interstate Commerce Commission.

ACTION: Final rules.

SUMMARY: The Commission exempts from regulation, under 49 U.S.C. 10505, trackage rights proposals and renewal of trackage rights agreements under 49 U.S.C. 11343 that are: (1) based on written agreements; and (2) not filed or sought in responsive applications in rail consolidation proceedings. Carriers taking advantage of this exemption are subject to the standard provisions for the protection of employees in *Norfolk and Western Ry. Co.—Trackage Right—BN*, 354 I.C.C. 605 (1978), as modified by *Mendocino Coast Ry., Inc.—Lease and Operate*, 360 I.C.C. 653 (1980). The exemption automatically removes these transactions from regulatory oversight, and simplifies and expedites the process for commencing trackage rights operations. The regulations at 49 CFR Part 1180 are amended, as set forth in the Appendix, to implement this action.

DATE: The rules will be effective on May 22, 1985.

FOR FURTHER INFORMATION CONTACT: Louis E. Gitomer, (202) 275–7245.

SUPPLEMENTARY INFORMATION: The rules adopted here were proposed at 47 FR 40668, on September 15, 1982. Additional information is contained in the Commission's decision. To purchase a copy of the full decision write to T.S. InfoSystems, Inc., Interstate Commerce Commission, Room 2227, Washington, DC 20423, or call 289–4357 (DC Metropolitan area) or toll free (800) 424–5403.

List of Subjects in 49 CFR Part 1180

Administrative practice and procedure, Railroads.

Authority: 49 U.S.C. 10505(b) and 5 U.S.C. 553.

This action will not significantly affect either the quality of the human environment or energy conservation.

Decided: April 10, 1985.

By the Commission, Chairman Taylor, Vice Chairman Gradison, Commissioners Sterrett, Andre, Simmons, Lamboley, and Strenio. Commissioner Lamboley concurred in the result.

James H. Bayne,

Secretary.

Appendix

PART 1180—[AMENDED]

Title 49, Subtitle B, Chapter X, Part 1180 of the Code of Federal Regulations is amended as follows:

§ 1180.2 [Amended]

1. The first sentence of § 1180.2(d) is amended by revising the word "six" to read "seven."

2. Section 1180.2(d)(4) is amended by removing the words "or trackage rights contracts."

3. A new paragraph (d)(7) is added to § 1180.2 to read as follows:

* * * * *

(d) * * *

(7) Acquisition of trackage rights and renewal of trackage rights by a rail carrier over lines owned or operated by any other rail carrier or carriers that are: (i) based on written agreements, and (ii) not filed or sought in responsive applications in rail consolidation proceedings.

§ 1180.4 [Amended]

4. In § 1180.4, paragraph (g)(2) is redesignated as paragraph (g)(1)(i).

5. In § 1180.4, paragraph (g)(3) is redesignated as paragraph (g)(1)(ii).

6. Section 1180.4 is amended by adding new paragraph (g)(2) to read as follows:

* * * * *

(g)(2)(i) To qualify for an exemption under § 1180.2(d)(7) (acquisition or renewal of trackage rights agreements), in addition to the notice, the railroad must file a caption summary suitable for publication in the **Federal Register**. The caption summary must be in the following form:

Interstate Commerce Commission

Notice of Exemption

Finance Docket No.

(1)—Trackage Rights—(2)

(2) (3) to grant (4) trackage rights to (1) between (5). The trackage rights will be effective on (6).

This notice is filed under 49 CFR 1180.2(d)(7). Petitions to revoke the exemption under 49 U.S.C. 10505(d) may be filed at any time. The filing of a petition to revoke will not stay the transaction.

Dated:

By the Commission.

James H. Bayne,

Secretary.

The following key identifies the information symbolized in the summary.

(1) Name of the tenant railroad.

(2) Name of the landlord railroad.

(3) If an agreement has been entered use "has agreed", but if an agreement has been reached but not entered use "will agree."

(4) Indicate whether "overhead" or "local" trackage rights are involved.

(5) Describe the trackage rights.

(6) State the date the trackage rights agreement is proposed to be consummated.

(ii) The Commission will publish the caption summary in the **Federal Register** within 20 days of the date that it is filed with the Commission. The filing of a petition to revoke under 49 U.S.C. 10505(d) does not stay the effectiveness of an exemption.

§ 1180.6 [Amended]

7. Section 1180.6 is amended by adding the following language to the end of paragraph (a)(7)(ii):

(a) * * *

(7) * * *

(i) * * *

(ii) * * *

In addtion, parties to exempt trackage rights agreements and renewal of agreements described at § 1180.2(d)(7) must submit an original and one copy of the executed agreement or renewal agreement with the notice of exemption, or within 10 days of the date that the agreement is executed, whichever is later.

[FR Doc. 85–9608 Filed 4–19–85; 8:45 am]

BILLING CODE 7035–01–M

Proposed Rules

Federal Register
Vol. 50, No. 77
Monday, April 22, 1985

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

NUCLEAR REGULATORY COMMISSION

10 CFR Part 35

Physician's Use of Radioactive Drugs

AGENCY: Nuclear Regulatory Commission.

ACTION: Proposed rule.

SUMMARY: The Nuclear Regulatory Commission (NRC) is proposing to amend its regulations to allow physicians to use technetium-99m labeled sulfur colloid for gastroesophageal imaging; technetium-99m labeled sulfur colloid, pertechnetate, and macroaggregated human serum albumin for LeVeen, ventriculo-atrial and ventriculo-peritoneal shunt imaging; and technetium-99m labeled pertechnetate for cystography and dacryocystography. Without this amendment, each NRC licensee that wants to use these radioactive materials in these ways would have to apply to the NRC for permission to do so. The proposed rule will allow physicians or hospitals that are now licensed by NRC to use other similar materials to use these drugs without making an application to NRC.

DATE: Comment period expires May 22, 1985.

Comments received after this date will be considered if it is practical to do so, but assurance of consideration cannot be given except as to comments received on or before this date.

ADDRESSES: Send comments to: The Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, ATTN: Docketing and Service Branch. Hand deliver comments to: Room 1121, 1717 H Street NW., Washington, DC between 8:15 am and 5:00 p.m. Examine comments received, environmental and regulatory analyses and the requests for exception at: The NRC Public Document Room 1717 H Street, NW, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Norman L. McElroy, Office of Nuclear Materials Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Telephone: (301) 427–4108.

SUPPLEMENTARY INFORMATION: Physicians who want to use certain readioactive materials in the practice of medicine may do so only in accordance with a license issued by the Nuclear Regulatory Commission (NRC) or by States which have an agreement with the NRC to license the use of these materials instead of the NRC.

As new radiopharmaceuticals, radioactive sources, medical devices, and uses of radioisotopes are developed, the NRC considers adding them to one of the groups under which medical licenses are issued. The groups were designed to allow physicians and community hospitals wide access to nuclear medicine services. The groups in § 35.100 contain only radiopharmaceuticals that are the subject of an FDA-approved "New Drug Application" (NDA), or a "Notice of Claimed Investigational Exemption for a New Drug" (IND) that has been accepted by FDA. A licensee authorized to use all the materials listed in a group is referred to as a "group medical licensee."

NRC regulations in § 35.14(b)(6) that apply to the group medical licensees provide that when a physician uses byproduct material for clinical procedures other than those approved by FDA and specified in the product labeling or package insert, the physician must follow the product labeling regarding: (1) Chemical and physical form, (2) route of administration, and (3) dosage range. The NRC has received requests to amend its regulations to allow physicians to use technetium-99m labeled sulfur colloid for gastroesophageal imaging; technetium-99m labeled sulfur colloid, pertechnetate, and macroaggregated human serum albumin for LeVeen, ventriculo-atrial, and ventriculo-peritoneal shunt imaging; and technetium-99m labeled pertechnetate for cystography and dacryocystography. These are clinical procedures that are not listed in the product labels.

(As a separate matter, the NRC recently allowed persons who are licensed to use materials in § 35.100 Group II or III to also use pertechnetate for dacryocystography and sulfur colloid for gastroesophageal imaging (see 50 FR 7663, published February 25, 1985). That action was precipitated by a letter to NRC from FDA that said those two methods of use had recently been approved for listing on the respective package inserts, but that some manufacturers might not be able to print new package inserts for several months. The NRC has included those two methods of use in this proposed rulemaking so that the regulation will provide a complete list.)

It is noteworthy that NRC and FDA have sought a solution to the general problem of drug labeling, and FDA currently is considering a program to authorize additional clinical procedures that use approved radiopharmaceuticals. However, until such a program is implemented, NRC believes that this rulemaking is the most appropriate way to resolve the problem in this interim period. This policy was described in an NRC rulemaking published in the **Federal Register** on February 3, 1983 (48 FR 5217).

The requests that NRC received provided a description of the clinical procedure, a justification for why the regulatory action is needed, the purpose of the procedure, an analysis of the radiation dose, and additional technical and scientfic information. (Each of the requests is available for inspection at the NRC Public Document Room, 1717 H Street, NW, Washington, DC.) The NRC has reviewed the requests to determine whether the requested regulatory action might result in an unreasonable risk to the safety of the public or might endanger life or property. The NRC specifically considered two criteria:

- No unjustified dose to the patient, and
- Demonstration of adequacy of occupational radiation protection measures.

With assistance from its Advisory Committee on the Medical Uses of Isotopes (ACMUI), the NRC has determined that the above criteria have been met for the proposed clinical procedures. Many of the committee members believe that these clinical procedures are useful, and the risk/benefit ratio for these procedures is extremely low. They also noted that these techniques will probaby become routine when allowed by NRC.

Technetium-99m labeled sulfur colloid can be administered orally either as a solid or liquid test meal. Following oral administration, technetium-99m sulfur colloid goes from the esophagus to the stomach, small intestine, and the upper large intestine. This clinical procedure permits external imaging which is helpful in assessing gastric emptying, gastroesophageal reflux, and esophageal transit. The gastric emptying procedure is useful in demonstrating the presence and the severity of gastric motor disorder; the gastroesophageal reflux study may demonstrate backward flow in the digestive tract. The esophageal transit study may demonstrate obstructions or abnormal transit time. The normal dosage is 0.3 millcuries. The radiation dose to an average adult patient from 1 millicurie of orally administered technetium-99m sulfur colloid as a liquid is: 0.1 rad to the stomach wall; 0.3 rad to the small intestine; 0.5 rad to the upper large intestine; 0.3 rad to the lower large intestine; 0.1 rad to the ovaries; 0.01 rad to the testes; and 0.02 rad to the whole body. The estimated absorbed radiation dose to an average adult patient from 1 millicurie of orally administered technetium-99m sulfur colloid as a solid food is: 0.2 rad to the stomach wall; 0.2 rad to the small intestine; 0.4 rad to the upper large intestine; 0.3 rad to the lower large intestine; 0.1 rad to the ovaries, 0.004 rad to the tests; and 0.02 rad to the whole body.

These estimated absorbed radiation doses and the following doses are similar to other absorbed doses received from other diagnostic nuclear medicine and x-ray procedures.

A LeVeen shunt is an implanted tube that drains built-up fluid from the peritioneal cavity to a large central vein. Technetium-99m labeled sulfur colloid, pertechnetate, or macroaggregated human serum albumin can be injected into the peritoneal cavity to diagnose shunt malfunction, such as blockage by clot or valve failure, by taking images of the shunt. The normal dosage is 3 to 10 millicuries. The radiation dose from an intraperitoneal injection of a 3 millicurie dosage of technetium-99m sulfur colloid is: 0.02 rad to the whole body; 0.02 rad to the tests; 0.02 rad to the ovaries; 0.03 rad to the liver; 0.02 rad to the spleen and 0.03 rad to the red marrow.

A ventriculo-atrial shunt is a tube implanted in patients with hydrocephalus (fluid build-up in the head). It drains the fluid from the head to the atrial cavity. Technetium-99m labeled colloid, pertechnetate, or macroaggregated human serum albumin is injected into the shunt system of the patient to localize shunt blockage before surgical repair is performed. The normal dosage is 1 to 5 millicuries. The radiation dose from an injection of a 5 millicurie dosage of technetium-99m to a patient with a patent shunt is: 0.1 rad to the whole body and 0.1 rad to the brain.

A ventriculo-peritoneal shunt is an implanted tube in patients with hydrocephalus (fluid build-up in the head). It drains the fluid from the head to the peritoneal cavity. Technetium-99m labeled sulfur colloid, pertechnetate, or macroaggregated human serum albumin is injected into the shunt of patients to localize blockage before performing surgical repairs. The normal dosage is 1 to 5 millicuries. The radiation dose from an injection of a 5 millicurie dosage of technetium-99m to a patient with a patent shunt is: 0.1 rad to the whole body and 0.1 rad to the brain.

Cystography is a procedure for patients with bladder problems. A tube is inserted into the bladder of a patient. Technetium-99m pertechnetate is instilled through the tube into the bladder. Images are taken during filling and voiding of the bladder to measure the amount of reflux (backward flow) into the upper tracts, bladder volume at which reflux occurs, drainage time of reflux after voiding, and the remaining urine volume. The normal dosage is 1 millicurie. The radiation dose from a 1 millicurie dosage of technetium-99m pertechnetate is: 0.002 rad to the whole body, 0.006 rad to gonads, and 0.2 rad to the bladder.

Dacryocystography is a procedure for patients whose eyes exhibit excessive teardrops (epiphora). This procedure is performed to assess tear production and drainage in patients, and for nasolacrimal system imaging. Technetium-99m labeled pertechnetate is administered as a sterile eye drop. The normal dosage is 100 to 250 microcuries. The radiation dose from a dosage of 100 to 150 microcuries of technetium-99m pertechnetate per eye drop to the germinal epithelium of the lens is: 0.01 to 0.02 rad under normal physiological conditions. With blocked lacrimal drainage, the dose to the lens is 0.4 to 0.6 rad.

Finding of No Significant Environmental Impact: Availability

The Commission has determined under the National Environmental Policy Act of 1969, as amended, and the Commission's regulations in Subpart A of 10 CFR Part 51, that this is not a major Federal action significantly affecting the quality of the human environment and therefore an environmental impact statement is not required. The assessment shows that any detectable effect on the environment is unlikely. The environmental assessment and finding of no significant impact on which this determination is based are available for inspection at the NRC Public Document Room, 1717 H Street, NW, Washington, DC. Single copies of the environmental assessment are available from Mr. McElroy (*See* "**FOR FURTHER INFORMATION CONTACT**" heading).

Paperwork Reduction Act Statement

This proposed rule contains no information collection requirements and therefore it is not subject to the requirements of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*).

Regulatory Analysis

The NRC has prepared a draft regulatory analysis for this proposed rule. The analysis examines the costs and benefits of the alternatives considered by the NRC Public Document Room, 1717 H Street, NW, Washington, DC. A single copy may be obtained from Mr. McElroy (*See* "For Further Information Contact" heading).

Regulatory Flexibility Certification

As required by the Regulatory Flexibility Act of 1980, 5 U.S.C. 605(b), the NRC certifies that the rule, if adopted, will not have a significant economic impact on a substantial number of small entities. The NRC has prepared a draft regulatory analysis for this proposed rule that examines the economic impact of this action. The analysis notes that approximately 1900 medical licensees may experience some beneficial impact from the rule. The proposed rule would spare each medical licensee who desires to use the radioactive material in the requested manner the estimated $230 cost of preparing a license amendment request, the $120 amendment fee, and the 60-day delay associated with the amendment of the license.

The Commission is seeking comment particularly from small entities (*i.e.*, small businesses, small organizations, and small jurisdictions as defined by the Regulatory Flexibility Act) about the ways the proposed rule will affect them and the ways it may be modified to impose less stringent requirements on them which will still adequately protect the public health and safety. Those small entities that offer comments on how the regualtions could be modified to take into account their differing needs should specifically discuss:

(a) The size of their business and how the proposed regulations would result in a significant economic burden upon them as compared to larger organizations in the same business community;

(b) How the proposed regulation could be modified to take into account their differing needs or capabilities;

(c) The benefits that would accure, or the detriments that would be avoided, if the proposed regulation were modified as suggested by the commenter;

(d) How the proposed regulation, as modified, would more closely equalize the impact of NRC regulations or create more equal access to the benefits of Federal programs as opposed to providing special advantages to any individuals or groups; and

(e) How the proposed regulation, as modified, would still adequately protect the public health and safety.

List of Subjects in 10 CFR Part 35

Byproduct material, Drugs, Health facilities, Health professions, Incorporation by reference, Medical devices, Nuclear materials, Occupational safety and health, Penalty, Radiation protection, Reporting and recordkeeping requirements.

For the reasons set out in the preamble and under the authority of the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and 5 U.S.C. 553, the following amendment to 10 CFR Part 35 is being considered.

PART 35—HUMAN USES OF BYPRODUCT MATERIAL

1. The authority citation for Part 35 continues to read as follows:

Authority: Secs. 81, 161, 182, 183, 68 Stat. 935, 948, 953, 954, as amended (42 U.S.C. 2111, 2201, 2232, 2233); sec. 201, 88 Stat. 1242, as amended (42 U.S.C. 5841).

For the purposes of sec. 223, 68 Stat. 958, as amended (42 U.S.C. 2273); §§35.2, 35.14(b), (e) and (f), 35.21(a), 35.22(a), 35.24, and 35.31(b) and (c) are issued under sec. 161(b), 68 Stat. 948, as amended 42 U.S.C. 2201(b); and §§ 35.14(b)(5)(ii), (iii) and (v) and (f)(2), 35.25 and 35.31(d) are issued under sec. 161o, 68 Stat. 950, as amended (42 U.S.C. 2201(o)).

* * * * *

2. In § 35.14, paragraph (b)(7) is revised to read as follows:

§ 35.14 Specific licenses for certain groups of medical uses of byproduct material.

* * * * *

(b) * * *

(7) The following radiopharmaceuticals, when used for the listed clinical procedures, are not subject to the restrictions in paragraph (b)(6) of this section:

(i) Technetium–99m pentetate as an aerosol for lung function studies;

(ii) Technetium–99m sulfur colloid as a solid or liquid for gastroesophageal imaging;

(iii) Technetium–99m sulfur colloid, pertechnetate, or macroaggregated human serum albumin for LeVeen shunt imaging;

(iv) Technetium–99m sulfur colloid, pertechnetate, or macroaggregated human serum albumin for ventriculo-atrial shunt imaging;

(v) Technetium–99m sulfur colloid, pertechnetate, or macroaggregated human serum albumin for ventriculo-peritioneal shunt imaging;

(vi) Technetium–99m pertechnetate for cystography; and

(vii) Technetium–99m pertechnetate for dacryocystography.

* * * * *

Dated at Bethesda, Maryland this 5th day of April 1985.

For the Nuclear Regulatory Commission.

William J. Dircks,

Executive Director for Operations.

[FR Doc. 85–9853 Filed 4–19–85; 8:45 am]

BILLING CODE 7590-01-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Housing—Federal Housing Commissioner

24 CFR Parts 207 and 213

[Docket No. R–85–1106; FR–1756]

Cooperative Housing Mortgage Insurance—Subordinated Secretary-Held Mortgages

AGENCY: Office of the Assistant Secretary for Housing—Federal Housing Commissioner, HUD.

ACTION: Proposed rule.

SUMMARY: This proposed rule would, under stated conditions, permit unsubsidized multifamily rental housing projects with Secretary-held mortgages to be converted to cooperatives by subordinating the Secretary-held mortgage to a new first mortgage insured under section 213(i) of the National Housing Act.

This proposal is expected to benefit both the tenants of an affected project and the General Insurance Fund. Tenants would gain the opportunity for cooperative homeownership at a lower cost, since the interest on the Secretary-held mortgage would remain at its original rate. The General Insurance Fund would benefit by sharing in fifty percent of the equity appreciation received by the project owner in selling the project to a cooperative.

DATE: Comments due: June 21, 1985.

ADDRESS: Interested persons are invited to submit comments about this rule to the Office of the General Counsel, Rules Docket Clerk, Room 10276, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C. 20410. Letters should refer to the above docket number and title. A copy of each comment received will be available for public inspection and copying (at a charge of 10 cents per page) during regular business hours at the above address.

FOR FURTHER INFORMATION CONTACT: James L. Hamernick, Director, Office of Housing, Multifamily Housing Development, Room 6128, Department of Housing and Urban Development, 451 Seventh Street, S.W., Washington, D.C. 20410, (202) 755–5720. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: With the exception of certain supplementary loans under section 213(j), 232(i) or 241 of the National Housing Act (Act), or operating loss loans under section 223(d) of the Act, HUD is not authorized to insure a project mortgage which has been subordinated to any other first lien. The Act, however, does not prohibit HUD from allowing an already-existing first mortgage to be subordinated, after HUD has become the mortgagee. By amending 24 CFR 213.21 and 213.22, and by making conforming amendments to §§ 213.7, 207.253a, and 207.258, this proposed rule would allow an unsubsidized multifamily rental housing project with a Secretary-held mortgage to be converted to a cooperative by subordinating the existing Secretary-held mortgage to a new National Housing Act section 213(i) insured first mortgage.

The new section 213(i) insured first mortgage would be for an amount no greater than the difference between (a) the maximum insured mortgage which would be available under Section 213(i) if the project were being refinanced, and (b) the unpaid principal obligation of the existing Secretary-held mortgage. In order to protect the interests of the government as a secondary lienholder, and to enable a certain amount of the insurance proceeds that was paid to the mortgagee to be recouped upon the conversion, provisions are proposed to be added to the regulations to enable HUD to share in the equity appreciation realized by the mortgage in selling the property to a cooperative, and to require

assignment of the new insured first mortgage in the event of a default.

This proposal is expected to benefit both the tenants of an affected project and the General Insurance Fund. Tenants would gain the opportunity for cooperative homeownership at a lower cost, since the interest on the Secretary-held mortgage would remain at its original rate. The General Insurance Fund would benefit by sharing in fifty percent of the equity appreciation received by the project owner in selling the project to a cooperative. HUD's share in the equity appreciation would be paid by the owner to HUD simultaneously with the endorsement of the new section 213(i) first mortgage, and HUD would deposit it back into the General Insurance Fund. This equity appreciation would be defined as the difference between the price at which the owner of the project sells the project to a cooperative (less costs incurred in selling the property) and the sum of the reasonable costs borne by the owner in converting the project plus the actual cost of the land and improvements that have been allowed by HUD as part of the cost certification process before final endorsement of the original mortgage. HUD's share of the equity appreciation will provide an opportunity to recoup some of the money that HUD paid to the mortgagee upon assignment of the original insured first mortgage, and will compensate HUD for keeping the Secretary-held mortgage in place. The rule would restrict the program to unsubsidized housing, as a means of assuring a proper valuation of the property.

Finally, to protect HUD's interest as a secondary lienholder, the proposed rule provides that the mortgagee shall be prohibited from unilaterally terminating the mortgage insurance contract and foreclosing on the new first mortgage, and that, in the event of a default on the new insured first mortgage, the mortgagee shall be required to assign the new mortgage to the Secretary.

A Finding of No Significant Impact with respect to the environment has been made in accordance with HUD regulations in 24 CFR Part 50, which implement section 102(2)(C) of the National Environmental Policy Act of 1969. The Finding of No Significant Impact is available for public inspection during regular business hours in the Office of the Rules Docket Clerk, at the above address.

This rule does not constitute a "major rule" as that term is defined in Section 1(b) of Executive Order 12291 on Federal Regulation. Analysis of the rule indicates that it does not (1) have an annual effect on the economy of $100 million or more; (2) cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or (3) have a significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Under section 605 of the Regulatory Flexibility Act, 5 U.S.C. 601, the Undersigned hereby certifies that this rule would not have a significant economic impact on a substantial number of small entities, because the total number or projects potentially eligible to participate in this program is quite limited.

This rule was listed as item number 80 in the Department's Semiannual Agenda of Regulations published under Executive Order 12291 and the Regulatory Flexibility Act on October 22, 1984 (49 FR 41684, 41708).

The Catalog of Federal Domestic Assistance Program numbers are 14.115, Mortgage Insurance-Development of Sales Type Cooperative Projects; 14.124, Mortgage Insurance-Investor-Sponsored Cooperative Housing; 14.126, Mortgage Insurance-Management Type Cooperative Projects; and 14.132, Mortgage Insurance-Purchase of Sales-Type Cooperative Housing Units.

List of Subjects

24 CFR Part 213

Mortgage insurance, Cooperatives.

24 CFR Part 207

Mortgage insurance, Rental housing, Mobile home parks.

Accordingly, the Department proposes to amend 24 CFR Parts 213 and 207 as follows:

PART 213—COOPERATIVE HOUSING MORTGAGE INSURANCE

1. Section 213.7 would be amended by adding a new paragraph (h)(3) to read as follows:

§ 213.7 Maximum insurable amounts.

* * * * *

(h) * * *

(3) If a Secretary-held first mortgage is to be subordinated to a new mortgage in accordance with § 213.21(b) of this part, the maximum amount of the new insured first mortgage shall not exceed the difference between the amount normally allowable under the provisions of this paragraph (h) and the remaining unpaid principal obligation of the existing Secretary-held mortgage.

* * * * *

2. Section 213.21 would be amended by designating the present paragraph as paragraph (a), and by adding a new paragraph (b), to read as follows:

§ 213.21 Liens.

(b) The Secretary may agree to subordinate a Secretary-held mortgage to a new first mortgage insured under this part. A Secretary-held mortgage will be permitted to become an inferior lien only under the following conditions:

(1) The property covered by the mortgage is not receiving project-based housing assistance payments under section 8 of the United States Housing Act of 1937; assistance resulting in interest rate reduction under section 221(d)(5) or 236 of the National Housing Act; direct loan assistance under section 202 of the Housing Act of 1959; or rent supplement assistance under section 101 of the Housing and Urban Development Act of 1965;

(2) The owner of the property agrees to remit to the Secretary, at the time of the endorsement of the new first mortgage, one-half of the equity appreciation of the property realized upon the sale to the cooperative. For purposes of this paragraph, equity appreciation shall consist of the difference between (i) the selling price (less costs incurred in selling the property), (ii) actual cost of the land and improvements allowed by HUD as part of the cost certification process before final endorsement of the original mortgage, plus the sum of the reasonable costs borne by the owner in converting the project to a cooperative; and

(3) The new mortgagee agrees to assign the new first mortgage to the Secretary in the event of a default and a subsequent claim for insurance, and not to terminate the contract of mortgage insurance without the Secretary's prior written approval.

3. Section 213.22 would be revised to read as follows:

§ 213.22 Obligation of mortgagor.

Except as otherwise provided in § 213.21, a mortgagor must certify at final endorsement of the property covered by the mortgage is free and clear of all liens

other than such mortgage, and that there are not outstanding any other unpaid obligations, except such obligations as have been approved by the Commissioner as to terms, form, and amount.

PART 207—MULTIFAMILY HOUSING MORTGAGE INSURANCE

4. Section 207.253a would be amended by adding a new paragraph (e), to read as follows:

§ 207.253a Termination of insurance contract.

* * * * *

(e) In the case of a mortgage financed in accordance with §213.21(b) of this chapter, a mortgagee may not terminate the contract of mortgage insurance without the prior written approval of the Secretary. In the event of a prepayment, the mortgagee may not accept such payment without the prior written approval of the Secretary. The Secretary may, in his or her discretion, predicate approval of the prepayment on the prepayment of the subordinated Secretary-held second mortgage.

5. In § 207.258, a paragraph (a) would be revised to read to follows:

§ 207.2598 Insurance claim requirements.

(a) *Alternative election by mortgagee.* When the mortgagee becomes eligible to receive mortgage insurance benefits in accordance with § 207.255(c), it shall, within 45 days thereafter, give the Commissioner written notice of its intention to file an insurance claim and of its election either to assign the mortgage to the Commissioner, as provided in paragraph (b) of this section, or to acquire and convey title to the Commissioner, as provided in paragraph (c) of this section. In the case of a mortgage financed in accordance with § 213.21(b) of this chapter, the mortgagee must assign the mortgage to the Commissioner.

* * * * *

Authority: Sec. 211 of the National Housing Act, 12 U.S.C. 1715b; sec. 213 of the National Housing Act, 12 U.S.C. 1715e.

Dated: April 15, 1985.

Shirley McVay Wiseman,

General Deputy Assistant Secretary for Housing—Deputy Federal Housing Commissioner.

[FR Doc. 85-9564 Filed 4-19-85; 8:45 am]

BILLING CODE 4210-27-M

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Part 1910

[Docket No. S-700 A]

Powered Platforms for Exterior Building Maintenance; Extension of Comment Period

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Extension of written comment period.

SUMMARY: This notice extends the time in which written comments and requests for a hearing may be submitted concerning OSHA's notice of proposed rulemaking on Powered Platforms for Exterior Building Maintenance (50 FR 2890, January 22, 1985).

DATE: Written comments and requests for a hearing on the notice must be submitted on or before June 3, 1985.

ADDRESS: Comments and requests for a hearing must be submitted, in quadruplicate, to the Docket Officer, Docket S-700 A, Room N-3670, 200 Constitution Avenue, NW., Washington, D.C. 20210. Telephone (202) 523-7894.

FOR FURTHER INFORMATION CONTACT: Mr. James Foster, U.S. Department of Labor, OSHA, Room N3637, 200 Constitution Avenue, N.W., Washington, D.C. 20210. Telephone (202) 523-8151.

SUPPLEMENTARY INFORMATION: OSHA published a Notice of Proposed Rulemaking on January 22, 1985 (50 FR 2890) which proposed to revise the safety standards for Powered Platforms for Exterior Building Maintenance. Interested persons were given until March 25, 1985 to submit comments pertaining to the proposal. The notice of proposed rulemaking also informed the public of the opportunity to request an informal public rulemaking hearing on the proposal.

OSHA has received several requests for an extension of the comment period, based on the complexity of the subject, the extent of the proposed revision, and the time required to compile data and prepare responses to the issues raised in the notice. To assure the fullest participation of interested persons, OSHA is extending the period in which written comments may be submitted on the proposed rule until June 3, 1985. The comments should be sent in quadruplicate to the Docket Officer at the address given previously. Commenters are requested to provide substantive data and documentary evidence in support of their views and arguments on the proposal.

Additionally, OSHA is extending the period in which interested persons may file objections to the proposed rule and request an informal hearing until June 3, 1985. The objections and hearing requests should be submitted in quadruplicate to the Docket Officer at the address given previously and must comply with the following conditions:

1. The objection must include the name and address of the objector;
2. The objections must be postmarked by June 3, 1985;
3. The objections must specify with particularity the provisions of the proposed rule to which objection is taken and must state the grounds therefor;
4. Each objection must be separately stated and numbered; and
5. The objections must be accompanied by a detailed summary of the evidence proposed to be adduced at the request hearing.

Authority: This document was prepared under the direction of Robert A. Rowland, Assistant Secretary of Labor for Occupational Safety and Health, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20210.

(Sec. 6(b), 84 Stat. 1593, (29 U.S.C. 655); 29 CFR Part 1911, Secretary of Labor's Order No. 9-83 (48 FR 35736))

Signed at Washington, D.C., this 17th day of April, 1985.

Robert A. Rowland,

Assistant Secretary of Labor.

[FR Doc. 85-9624 Filed 4-19-85; 8:45 am]

BILLING CODE 4210-27-M

29 CFR Part 1926

[Docket No. S-009]

Compressed Air

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Request for comments and information.

SUMMARY: The Occupational Safety and Health Administration is considering the revision of 29 CFR 1926.803 (Compressed Air) and Appendix A to Subpart S (Decompression Tables), 29 CFR Part 1926. An earlier proposal concerning Underground Construction (48 FR 35774) generated requests for review of the compressed air regulations and the accompanying decompression tables. In response to these suggestions, OSHA is soliciting quantitative and qualitative data, expert opinions, comments, and information regarding compressed air work and the use and adequacy of the decompression tables in order to facilitate its evaluation of the need for

revision of the regulation and the tables, and to aid in the development of any revision that is appropriate.

DATE: Data, comments and information must be received on or before July 22, 1985.

ADDRESS: Data, comments and information should be submitted in quadruplicate to the Docket Officer, Docket No. S–009, Occupational Safety and Health Administration, Room N3670, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20210; Telephone (202) 523–7894.

FOR FURTHER INFORMATION CONTACT: Mr. James Foster, Occupational Safety and Health Administration, U.S. Department of Labor, Room N3637, 200 Constitution Avenue, NW., Washington, D.C. 20210, Telephone (202) 523–8151.

SUPPLEMENTARY INFORMATION:

Background

Section 6(a) of the Occupational Safety and Health Act (OSH Act) (84 Stat. 1590, 29 U.S.C. 651 et seq.) authorized OSHA to adopt established Federal standards issued under other Statutes. In 1971, under its section 6(a) authority, OSHA adopted regulations issued as 29 CFR Part 1518 under the Construction Safety Act (83 Stat. 96, 40 U.S.C. 333) as OSHA standards and redesignated them as 29 CFR Part 1926. The compressed air standards in § 1926.803, together with an appendix of decompression tables, were adopted as OSHA standards during this process. These regulations have not been revised since that time.

The recently proposed revision of the OSHA standards on Underground Construction, § 1926.800 (48 FR 35774), generated requests for the review of the compressed air regulations (§ 1926.803) in general, and the decompression tables (Appendix A to Subpart S, 29 CFR Part 1926) in particular. A revision of OSHA's Compressed Air standards could have a significant economic impact on small entities, particularly small businesses. In accordance with the provisions of the Regulatory Flexibility Act (94 Stat. 1184, 5 U.S.C. 601 et seq.) OSHA invites information regarding the economic impact which any changes to these regulations might have on small businesses, including, but not limited to, compliance, reporting and recordkeeping costs. OSHA also requests comments regarding alternatives which would minimize the economic impact on small businesses while at the same time accomplishing the objective of protecting worker safety and health. OSHA has also determined that this request for information is consistent with the Regulatory Flexibility Act's requirement that agencies periodically review their rules to gauge their impact on small entities.

Comments and Information Requested

OSHA invites interested persons and organizations to comment on the need for revision of the compressed air standard (§ 1926.803) and decompression tables (Appendix A to Subpart S, Part 1926). OSHA requests that parties suggesting changes in the standard or decompression tables detail the proposed changes and supporting information.

OSHA also invites comments concerning the feasibility and safety of oxygen decompression.

OSHA solicits information pertaining to the anticipated economic and environmental impacts of potential revisions raised in this notice or elsewhere in the comments. OSHA further requests that any available injury or illness data be provided where applicable.

OSHA invites written comments and information regarding the following issues concerning the compressed air standard and the decompression tables.

1. To date, OSHA has received no *specific* complaints or criticism regarding the provisions of § 1926.803 except for the requirement (§ 1926.803(f)(1)) to use the decompression tables in Appendix A to Subpart S.

a. Do the other provisions of § 1926.803 adequately address the hazards of compressed air work? If they do not, specify any gaps in coverage and any provisions which require clarification. Please supply any supporting material.

b. Have advances in technology rendered any provisions of § 1926.803 obsolete? Please identify any such provisions and supply supporting material.

2. Recent reports indicate that the current OSHA decompression tables may not be effective in preventing decompression sickness. Specifically, these reports indicate that an unacceptably high number of employees working at pressures greater than 15 psig have suffered from decompression sickness (the bends) when decompressed according to the OSHA decompression tables. Most importantly, these reports also indicate that the current tables are ineffective in preventing dysbaric osteonecrosis (bone death) when exposure occurs at pressures greater than 36 psig. OSHA intends to determine whether the application of the decompression tables, misuse of the tables, or other factors caused this reported high incidence of decompression sickness. In order to evalute the nature and extent of the problem, OSHA requests responses to the following questions:

a. What portions of the decompression tables have proven to be inadequate?

b. What injury and illness data are available to indicate that the tables are inadequate?

c. What information is available on the causes and circumstances related to the development of the injury and illness data requested under 2(b) above?

d. What changes could be made to improve the tables?

e. Should the current tables be revoked and new tables generated? If so, detail how they should differ from the current tables and provide supporting data.

f. What evidence is there that misuse of the OSHA decompression tables has either contributed to or caused incidents of decompression sickness? Please detail any such cases.

g. What other factors should OSHA consider in reviewing its decompression tables? Please submit supporting information.

h. What benefits or problems would arise from making modifications of the current tables in the upper ranges of pressures and in the longer ranges of exposure time at each pressure level? What changes, if any, would be appropriate? What test critieria should OSHA require before adopting revised tables?

i. Identify and describe any other decompression tables, including foreign decompression tables, that have proven to be more effective than the current OSHA tables. Should OSHA consider adopting any of these decompression tables? If so, which ones? What accident and injury data are available for these decompression tables? What information is available on the causes and circumstances related to accidents and injuries which have occurred during the use of these decompression tables?

j. Should OSHA consider introducing other field tested decompression tables as interim decompression tables during the time needed to develop, test and implement new tables or to update the current one? What tables are recommended? OHSA is seeking comments on the advantages and disadvantages of such an approach.

k. Should OSHA develop air decompression tables for work periods exceeding eight hours? If so, what impacts, economic or otherwise, would there be on work schedules or on the overall construction projects to be undertaken?

l. Should OSHA use continuous or stage decompression in the development of new tables? OSHA invites comments on the advantages and disadvantages of each approach.

3. In order to evalute the risks to employees, OSHA requests information concerning conditions at compressed air worksites and the number of employees working in compressed air work environments.

a. How many workers, on average, are employed on a compressed air project?

b. What are the typical wage rates, fringe benefits and turnover rates in compressed air work?

c. How many compressed air projects have been started in the last ten years? How many have been completed? What is the dollar value of each project?

d. What atmospheric pressures have employees been exposed to on these jobs?

e. How many compressed air projects are anticipated in the next ten years? What are the estimated budgets associated with these projects? What atmospheric pressures would employees be exposed to while working on these projects?

f. What, if any, advances in technology preclude the use of pressures in the higher ranges (25–33) psig and 34 psig and over)? Please provide details.

g. What cost, in addition to those anticipated in a free air tunnel project, could be expected during the construction of a compressed air tunnel? Please provide details. For example, what would be the cost of equipment and special precautions necessary for compressed air project?

h. What is the cost of time lost due to decompression? Please provide details.

i. What general medical limitations would preclude an individual from working in a compressed air workplace?

4. In recent years OSHA has attempted to develop standards using performance-oriented language as opposed to specification language. Performance language provides employers with substantial leeway in determining how they protect their employees from a given workplace hazard. Specification language, on the other hand, sets the means by which an employer must comply with a standard.

If might be possible, for example, for OSHA to permit the use of decompression tables other than those in the current standard if the employer can show them to be at least as effective as the present tables. Such use of performance-oriented language would allow employers to implement improvements in technology for decompression without having to apply for and obtain a variance.

a. Should OSHA totally re-write the current regulation (§ 1926.803) in performance-oriented language? If so, please provide recommendations for the wording of that revision.

b. If OSHA leaves the current regulation as written, except for the addition of performance-language related to the use of decompression tables, what performance criteria should OSHA use to determine compliance?

c. It has been suggested that OSHA require that employers achieve a given safety level (incidence of decompression sickness below a certain percentage of the workforce at any time during the job) without specifying a decompression schedule. Would this provide adequate employee protection? How would OSHA establish such a safety level? Please provide the rationale for your answer.

Please submit any information bearing on the feasibility of employing performance-oriented language in the regulation of compressed air worksites.

5. A recent report suggests that the use of oxygen decompression is more effective than air decompression in preventing decompression sickness. The report also provides a set of computer generated, laboratory tested (but not field tested) oxygen decompression tables. OSHA requests the following information in order to evaluate the potential for the use of oxygen decompression.

a. What are the safety and health hazards related to oxygen decompression?

b. What technology is currently available to allow oxygen decompression and to ensure that oxygen decompression can be accomplished safely? Please describe this technology.

c. What special safety precautions (work practices or equipment) would be necessary when using oxygen decompression?

d. What evidence is there that oxygen decompression is more effective than air decompression in preventing decompression sickness?

e. What would be the economic impacts of using oxygen decompression? Consider additional cost for equipment, time lost due to decompression, cost of modifying work practices, useful life of equipment and any other pertinent factors.

f. Should OHSA establish requirements for the use of an oxygen decompression system design with backups, including provisions for maintenance, inspections, crew training and monitoring, and fire prevention? What should be included in these requirements? Comment on the advantages and disadvantages of this approach.

g. The use of oxygen in decompression would make it even more important for employers to train their employees in the appropriate procedures, operations, maintenance, inspections, emergency procedures, and fire prevention methods. What would be the increased cost burdens to employers if OSHA imposed a special employee training requirement for operations using oxygen decompression?

h. What, if any, would be the increased economic burden imposed on businesses, especially small businesses, if the current decompression schedules were replaced or supplemented by oxygen decompression schedules?

i. OSHA seeks information on the long term aftereffects of oxygen and air decompressions. Would oxygen decompression protect workers from the long term development of decompression sickness or dysbaric osteonecrosis in cases where no symptoms of any sicknesses appeared during decompression?

j. Should OSHA develop decompression tables and procedures for saturation decompression using air, oxygen or air with the use of intermittent oxygen. OSHA invites comments on the advantages and disadvantages of using oxygen instead of air. Please submit supporting materials.

k. Should OSHA develop oxygen decompression tables for work periods exceeding eight hours? If so, what impacts (i.e., economic, safety and health or other) would these be on work schedules and the overall projects to be undertaken?

l. OSHA is seeking information regarding the comparative advantages and disadvantages of oxygen decompression and air decompression.

m. Should decompression tables for air or oxygen be extended beyond 50 psig? What should be the maximum range in either case? Please provide the rationale for your answer.

n. If oxygen decompression tables were adopted, OSHA solicits information on the appropriate procedures to follow in case of interruption of oxygen decompression. Please include detailed cost information.

o. What is the likelihood that pulmonary or central nervous system oxygen toxicity will appear before the completion of oxygen decompression from high pressures? What changes in the oxygen decompression schedules would eliminate or reduce the hazards of acute or long range oxygen toxicity?

Please provide any oxygen toxicity exposure data.

p. What factors should be included in medical examinations for employees using oxygen decompression?

q. What general or specific medical limitations would preclude an individual from employment in a compressed air workplace which uses oxygen decompression?

r. What design factors should be considered when addressing the venting of oxygen from the decompression chamber?

s. What medical problems could result from the high oxygen concentrations at the greater than normal pressures that would be necessary for oxygen decompression?

6. OSHA understands that Navy divers have been decompressing with oxygen for many years. The time and pressure ranges used by the Navy do not correspond to those found in the current OSHA tables due to the different work environments involved. A preliminary review of reports received by OSHA indicates that the Navy tables would not be appropriate as written for compressed air tunneling. Nevertheless, OSHA invites comments on the adaptability of the Navy tables to meet OSHA's needs regarding the underground work environment.

7. OSHA has been asked to allow the use of decompression tables other than those in the current regulation.

a. Should OSHA permit the field testing of computer generated, laboratory tested, or other scientifically generated decompression tables? Under what conditions? What bases should OSHA use to evaluate these tables?

b. What precautions, if any, should be imposed on the use of these "test tables?"

c. How many successful field tests should OSHA require before accepting the "test tables?" What data should OSHA require in order to demonstrate that a set of tables is ready for field testing?

d. Parameters such as tissue half-time and decompression pressure ratio (supersaturation pressure ratio) are considered in the calculation of decompression tables. Please provide any medical data which can be used to estimate the safe decompression pressure ratio and nitrogen partial pressures for each tissue half-time? OSHA invites comments and solicits information on these parameters.

8. Dysbaric osteonecrosis, a serious and potentially debilitating form of decompression sickness, reportedly has been diagnosed in several workers exposed to pressures above 36 psig and decompressed using the current OSHA tables.

a. In addition to exposure to high pressure, what other factors are known or suspected to cause or to contribute to the development of this disease? Please detail any such factors and any cases where these factors operated.

b. What is the incidence of this disease in the population of compressed air workers?

c. How many cases of the disease are known to have resulted from exposure to pressure below 36 psig?

d. What were the circumstances of those cases?

e. What is the cost of medical treatment for workers suffering from dysbaric osteonecrosis?

f. How many documented cases of dysbaric osteonecrosis are known, and what degree of impairment has resulted?

g. Is there evidence that oxygen decompression is more effective than air decompression in preventing dysbaric osteonecrosis? Please provide any evidence available.

Public Participation

Written Comments and Information

The written comments and information requested herein must be submitted on or before July 22, 1985. Comments should be submitted in quadruplicate to the Docket Officer, Docket S–009, Room N3670, U.S. Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue, NW., Washington, D.C. 20210, where they will be available for public inspection and copying during normal business hours.

Public Meeting

In order to provide an informal forum in which interested persons can orally present comments and information regarding the issues discussed in this request or regarding other aspects of the regulation of compressed air work, OSHA will schedule informal public meetings if sufficient interest is shown.

All written and oral submissions, as well as other information gathered by the Agency, will be considered by OSHA in its deliberations concerning the need for the development of proposed standards or revisions to the compressed air regulation. In addition, under § 107 of the Construction Safety Act (33 U.S.C. 941), OSHA will consult with the Advisory Committee on Construction Safety and Health prior to the publication of any proposed revision of its compressed air standards.

List of Subjects in 29 CFR Part 1926

Occupational safety and health.

Authority: This document was prepared under the direction of Robert A. Rowland, Assistant Secretary of Labor for Occupational Safety and Health, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20210.

(Sec. 6, 84 Stat. 1593 (29 U.S.C. 655); Sec. 107, 83 Stat. 96 (41 U.S.C. 333); 29 CFR Part 1911; Secretary of Labor's Order No. 9–83 (48 FR 35736))

Signed at Washington, D.C. this 17th day of April 1985.

Robert A. Rowland,

Assistant Secretary of Labor.

[FR Doc. 85–9626 Filed 4–19–85; 8:45 am]

BILLING CODE 4210–27–M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 935

Reopening and Extension of Public Comment Period on Proposed Amendments to the Ohio Permanent Regulatory Program

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

ACTION: Reopening and extension of public comment period.

SUMMARY: On July 23, 1984, the Ohio Department of Natural Resources Division of Reclamation submitted to OSM proposed amendments to Ohio rule 1501:13–14–01 on inspection frequency and compliance reviews. OSM published a notice in the **Federal Register** on August 14, 1984, announcing receipt of the amendments (49 FR 32404). The public comment period ended September 13, 1984.

OSM's review of Ohio's proposed amendments identified concerns relating to reduction of inspection frequency on abandoned mine sites where bond has been forfeited and to Ohio's procedures for compliance conferences. OSM notified the Division of Reclamation about its concerns on January 2, 1985. Ohio responded by revising the proposed amendment.

Accordingly, OSM is reopening and extending the comment period on Ohio's July 23, 1984 proposed amendment as modified on April 3, 1985. This action is being taken to provide the public an opportunity to reconsider the adequacy of the proposed amendments.

DATES: Written comments, data or other relevant information relating to this rulemaking not received on or before 4:00 p.m., May 7, 1985, will not

necessarily be considered in the Director's decision.

ADDRESSES: Written comments should be mailed or hand delivered to: Ms. Nina Rose Hatfield, Director, Columbus Field Office, Office of Surface Mining, Room 202, 2242 South Hamilton Road, Columbus, Ohio 43227. Telephone: (614) 866–0578.

Copies of the Ohio program, the proposed modifications to the program, and all written comments received in response to this notice will be available for public review at the OSM Field Office listed above and at the OSM Headquarters Office and the Office of the State regulatory authority listed below during normal business hours Monday through Friday, excluding holidays.

Office of Surface Mining, Administrative Record, Room 5124, 1100 "L" Street, NW., Washington, D.C. 20240;
Ohio Division of Reclamation, Building B, Fountain Square, Columbus, Ohio 43224.

FOR FURTHER INFORMATION CONTACT: Ms. Nina Rose Hatfield, Director, Columbus Field Office, Office of Surface Mining, Room 202, 2242 South Hamilton Road, Columbus, Ohio 43227. Telephone: (614) 866–0578.

SUPPLEMENTARY INFORMATION: The Ohio program was approved effective August 16, 1982, by notice published in the August 10, 1982 **Federal Register** (47 FR 34688). The approval was conditioned on the correction of 28 minor deficiencies contained in 11 conditions—(a), (b), (c), (d), (e), (f)(1)–(f)(10), (g), (h)(1)–(h)(3), (i)(1)–(i)(3), (j) and (k)(1)–(k)(5). Information pertinent to the general background, revisions, modifications, and amendments to the Ohio program submission, as well as the Secretary's findings, the disposition of comments, and a detailed explanation of the conditions of approval of the Ohio program can be found in the August 10, 1982 **Federal Register.**

On June 5, 1984, OSM approved an amendment submitted by Ohio on December 28, 1983, to revise rule 1501:13–14–01 on inspection frequency and compliance reviews (49 FR 23178). The rule was in proposed form at that time and the notice stated that the approval of the amendment would not be effective until promulgation of the rule and instead has submitted to OSM a rule which is similar to the rule OSM approved June 5, 1984, but which has been revised to include some additional provisions. The specific provisions of the revised rule are described below.

By letter dated July 23, 1984, Ohio submitted proposed regulations to revise the inspection frequency requirement and to revise the provision concerning compliance reviews.

Specifically, the proposed amendment includes the following revisions to Ohio rule 1501:13–14–01 Inspection:

(1) Paragraph (A) is revised to include definitions for "inactive coal mining and reclamation operation", and "compliance review technician;"

(2) Paragraph (C) concerning partial inspections is revised to require such partial inspections of inactive operations are necessary to ensure effective enforcement and to allow aerial inspections;

(3) Paragraph (D) concerning complete inspections is revised to require an average of at least one complete inspection per calendar quarter of each active and inactive operation; and

(4) Paragraph (K) concerning compliance review is revised to conform to the Federal rule at 30 CFR 840.16.

OSM's review of Ohio's proposed amendments identified concerns relating to reduction of inspection frequency on abandoned sites and sites where bond has been forfeited and to Ohio's procedures for compliance conferences. OSM notified the Division of Reclamation of its concerns on January 2, 1985. Ohio responded by revising the proposed amendment on April 3, 1985.

The Division of Reclamation's revisions delete language that would allow abandoned sites or sites on which bond has been forfeited to be declared inactive and inspected less frequently. Ohio has also amended the proposed rules to clarify the manner in which aerial inspections will be carried out. Ohio is also revising these amendments to clarify that a compliance review technician is an authorized representative of the Chief of the Division of Reclamation and that a compliance conference is not an inspection. Ohio has also deleted all proposed changes to the proposed compliance review procedures.

The full text of the proposed program amendments and of the subsequent material is available for review at the locations listed above under ADDRESSES. Accordingly, OSM is now seeking public comment on the adequacy of Ohio's July 23, 1984 amendments in light of the State's April 3, 1985 modifications.

List of Subjects in 30 CFR Part 935

Coal mining Intergovernmental relations, Surface mining, Underground mining.

Authority: Pub. L. 95–87, Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201 *et seq.*).

Dated: April 16, 1985.

Richard G. Bryson,

Acting Assistant Director, Program Operations and Inspection.

[FR Doc. 85–9575 Filed 4–19–85; 8:45 am]

BILLING CODE 4310–05–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 100

[CGD13 85–06]

Regatta; Annual Kennewick, Washington, Unlimited Hydroplane Races

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rule making.

SUMMARY: The Coast Guard is considering a proposal for permanent special local regulations for a part of the Columbia River at Kennewick, Washington, from the western end of Hydro Island to the western end of Clover Island. The special regulations would be in effect daily from Tuesday through Saturday, July 23 to 27, 1985, from 8:30 a.m. to 7:30 p.m., and on Sunday, July 28, 1985 from 8:30 a.m. until one hour after the conclusion of the last race; and thereafter annually during the last week of July as published in the Local Notices to Mariners. This action is being considered to permit the safe conduct of the Kennewick, Washington, Unlimited Hydroplane Races scheduled for this time period as part of the Tri-Cities Water Follies. It is intended to restrict the general navigation in the area for the safety of spectators and participants in this event.

DATE: Comments must be received on or before June 3, 1985.

ADDRESSES: Comments should be mailed to Commanding Officer, Marine Safety Office, 6767 North Basin Avenue, Portland, Oregon 97217. The comments and other materials referenced in this notice will be available for inspection and copying at 6767 North Basin Avenue, Portland, Oregon 97217, Room 1124, Mt. St. Helens Building. Normal office hours are between 8:00 a.m. and 3:45 p.m., Monday through Friday, except holidays. Comments may also be hand-delivered to this address.

FOR FURTHER INFORMATION CONTACT: LCDR Mark P. Troseth, Chief, Port Operations Department, 6767 North Basin Avenue, Portland, Oregon 97217, (503) 240–9317.

SUPPLEMENTARY INFORMATION: Interested persons are invited to

participate in this rulemaking by submitting written views, data, or arguments. Persons submitting comments should include their names and addresses, identify this notice (CGD13 85–06) and the specific section of the proposal to which their comments apply, and give reasons for each comment. Receipt of comments will be acknowledged if a stamped self-addressed postcard or envelope is enclosed.

The regulations may be changed in light of comments received. All comments received before the expiration of the comment period will be considered before final action is taken on this proposal. No public hearing is planned, but one may be held if written requests for a hearing are received and it is determined that the opportunity to make oral presentations will aid the rulemaking process.

Drafting Information

The drafters of this notice are LT M. P. RAND, USCG, Project Officer, U.S. Coast Guard Marine Safety Office, Portland, Oregon, and LCDR D. G. Beck, USCG, Project Attorney, Thirteenth Coast Guard District Legal Office.

Discussion of Proposed Regulations

Each year, the Tri-Cities Water Follies Association sponsors an unlimited hydroplane race on the Columbia River near Kennewick, Washington. The event draws a large number of spectators to the beaches and waters surrounding the race course. A sizeable portion of the spectators watch the event from numerous pleasure craft anchored near the race course. To promote the safety of both the spectators and the participants, a special navigation regulation providing Coast Guard personnel with the authority to control and coordinate general navigation in the waters surrounding the race course during the event is required. The Coast Guard has previously published temporary regulations for this annual event. The regulations were essentially republished from year to year without change. These regulations are being made permanent with specific event dates and other information being published annually in the Local Notices to Mariners.

Economic Assessment and Certification

These proposed regulations are considered to be non-major under Executive Order 12291 on Federal Regulation and nonsignificant under Department of Transportation regulatory policies and procedures (44 FR 11034; February 26, 1979). The economic impact of this proposal is expected to be so minimal that a full regulatory evaluation is unnecessary. This regulation affects a short section of the Columbia River with only light commercial traffic and will be in effect for only six (6) days, two of those being Saturday and Sunday. On the days of time trials, Tuesday through Saturday, July 23 to 27, 1985, and annually thereafter, the Patrol Commander will allow commercial traffic to transit the area between time trials. On race day Sunday, July 28, 1985, all traffic will be excluded. This race is an annual event and similar regulations have been promulgated in the past. There has been no evidence brought to the attention of the Coast Guard of significant adverse economic effect from such past regulation.

Since the impact of this proposal is expected to be minimal, the Coast Guard certifies that, if adopted, it will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 33 CFR Part 100

Marine safety, Navigation (water).

Proposed Regulations

PART 100—[AMENDED]

In consideration of the foregoing, the Coast Guard proposes to amend Part 100 of Title 33, Code of Federal Regulations, by adding § 100.1303 to read as follows:

§ 100.1303 Annual Kennewick, Washington, Unlimited Hydroplane Races.

(a) From Tuesday through Saturday, July 23 to 27, 1985, this regulation will be in effect from 8:30 a.m. until 7:30 p.m. on Sunday, July 28, 1985, this regulation will be in effect from 8:30 a.m. until one hour after the conclusion of the last race. This section will be effective thereafter annually during the last week of July as published in the Local Notices to Mariners.

(b) The Coast Guard will restrict general navigation and anchorage by this regulation during the hours it is in effect on the waters of the Columbia River from the western end of Hydro Island to the western end of Clover Island at Kennewick, Washington.

(c) When deemed appropriate, the Coast Guard may establish a patrol consisting of active and auxiliary Coast Guard vessels in the area described in paragraph (b). The patrol shall be used the direction of a Coast Guard officer or petty officer designated as Coast Guard Patrol Commander. The Patrol Commander is empowered to forbid and control the movement of vessels in the area described in paragraph (b) of this section.

(d) The Patrol Commander may authorize vessels to be underway in the area described in paragraph (b) of this section during the hours this regulation is in effect. All vessels permitted to be underway in the controlled area (other than racing or official vessels) shall do so only at speeds which will create minimum wake consistent with maintaining steerageway, and not to exceed seven (7) miles per hour. This speed limit may be adjusted at the discretion of the Patrol Commander to enhance the level of safety.

(e) A succession of sharp, short signals by whistle or horn from vessels patrolling the area under the direction of the U.S. Coast Guard Patrol Commander shall serve as a signal to stop. Vessels signalled shall stop and shall comply with the orders of the patrol vessel personnel; failure to do so may result in expulsion from the area, citation for failure to comply, or both.

(33 U.S.C. 1233; 49 U.S.C. 108; 49 CFR 1.46(b); and 33 CFR Part 100.35)

Dated: April 12, 1985.

R. R. Garrett,

Captain, U.S. Coast Guard, Commander, 13th Coast Guard District, Acting.

[FR Doc. 85–9615 Filed 4–19–85; 8:45 am]

BILLING CODE 4910–14–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-5-FRL-2823-1]

Approval and Promulgation of Implementation Plans; Michigan

AGENCY: Environmental Protection Agency (USEPA).

ACTION: Notice of proposed rulemaking.

SUMMARY: USEPA is proposing to approve a revision to the Michigan State Implementation Plan (SIP) for volatile organic compounds (VOC) as it applies to the General Motors Corporation (GMC) Buick Motor Divsion located in Flint, Michigan. The proposed revision is an alteration to Consent Order No. 8–1982 which was approved as a SIP revision on July 6, 1983 (48 FR 31022). Consent Order No. 8–1982 made various modifications to the compliance schedules established for the Buick Motor Plant in the applicable SIP VOC regulation. On September 6, 1984, the State of Michigan submitted an alteration of Consent Order No. 8–1982 which changes requirements in the Order by accelerating the final compliance dates with the Michigan SIP

limit for prime and prime-surfacer coating operations. This alteration also extends an interim compliance date for topcoat operations one year, but reduces the interim emission limit during the period. USEPA believes that approval of this revision will not jeopardize attainment of the ozone National Ambient Air Quality Standards (NAAQS).

DATE: USEPA must receive comments on or before May 22, 1985.

ADDRESSES: Written comments should be sent to: (Please submit an original and five copies, if possible): Mr. Gary Gulezian, Chief, Regulatory Analysis Section (5AR–26), U.S. Environmental Protection Agency, 230 South Dearborn Street, Chicago, Ill. 60604.

FOR FURTHER INFORMATION CONTACT: Ms. Toni Lesser (312) 886–6037.

Copies of the State's submittal and USEPA's evaluation are available for inspection during normal business hours at (It is recommended that you telephone Ms. Toni Lesser, at (312) 886–6037, before visiting the Region V Office):

U.S. Environmental Protection Agency, Region V, Air and Radiation Branch (5AR–26), 230 South Dearborn Street, Chicago, Illinois 60604

Michigan Department of Natural Resources, Air Quality Division, State Secondary Government Complex, General Office Building, 7150 Harris Drive, Lansing, Michigan 48821

SUPPLEMENTARY INFORMATION: On July 6, 1983 (48 FR 31022), USEPA approved a Stipulation for Entry of Consent and Final Order, SIP No. 8–1982, between GMC and the Michigan Air Pollution Control Commission (MAPCC) as a revision to the Michigan SIP. The Consent Order concerned VOC emissions from the surface coating lines at Buick Motor Division Plant in Flint, Michigan. The plant is located in Genesee County, which is classified as primary nonattainment area for Ozone. This plant assembles and paints automobiles. The coating operations affected by the Consent Order are the prime operations, the prime-surfacer operations and the small parts topcoat operations. All these operations are classified as the surface coating of automobiles and light-duty trucks and are subject to the VOC control requirements of Michigan Rules 336.1603 and 336.1610. The Consent Order extended the interim and final compliance dates for meeting the VOC limits in 336.1610 from those set forth in the regulation for the Buick Motor Division Plant.

The July 6, 1983 (48 FR 31022), Notice of Final Rulemaking approving Consent Order No. 8–1982 discussed Michigan's November 29, 1982, submittal of additional data which demonstrated that compliance date extensions for, among others, Buick Motor Division, do not interfere with the demonstration of attainment in Flint area. It was also noted in that notice, that Michigan has changed the units with which they express their emission limits. The limits have been changed from pounds per gallon of coating to pounds per gallon of applied coating solids.

On September 6, 1984, the State of Michigan submitted a revision in the form of an Alternative of Stipulation for Entry of Consent Order and Final Order, SIP No. 8–1982, between GMC and MAPCC. Consent Order No. 8–1982 as altered, provides for the following schedule and emission limitations:

Prime Operations: Until December 31, 1985, VOC emission shall not exceed 36–8 pounds per gallon of applied coating solids. After December 31, 1985, VOC emissions shall not exceed 1.43 pounds per gallon of applied coating solids.

Primer-Surfacer Operations: After December 31, 1984, VOC emissions shall not exceed 14.9 pounds per gallon of applied coating solids.

Topcoat Operations: Until December 31, 1985, VOC emissions shall not exceed 48.1 pounds per gallon of applied coating solids. After December 31, 1985 and until December 31, 1987, VOC emissions shall not exceed 27.1 pounds per gallon of applied coating solids. After December 31, 1987, VOC emissions shall not exceed 14.9 lbs of VOC per gallon of solids.

Consent Order No. 8–1982 as amended, accelerates final compliance with VOC limits for the prime coating operations from December 31, 1987 to December 31, 1985. This alternation also allows primer surfacer operations to be conducted in compliance with final VOC limits after December 31, 1984 instead of December 31, 1987. Compliance with the topcoat and trim limit of 331.1 pounds per gallon of applied coating solids as required in the current order, would be delayed by 1 year from December 31, 1984 to December 31, 1985. The limit would be reduced to 27.1 pounds per gallon of applied coating solids. Final compliance for the topcoat and repair operations remains at December 31, 1987.

The State believes that based on the Buick Motor Plant's 1983 production, the effect of the alterations of the order would be to allow 1800 tons of VOC emissions in 1985. The original order which was federally approved on July 6, 1983, allowed 1485 tons of VOC emissions. In addition, for 1986 and 1987 the alteration allows VOC emissions of 647 tons each year, which is 810 tons less than the VOC emissions allowed in the existing order. This alteration allows 343 tons of VOCs to be emitted over that allowed in the original order for the year 1985.

USEPA has reviewed Consent Order No. 8–1982 for the GMC, and finds the December 31, 1987 final compliance extension to be consistent with the USEPA's October 20, 1981 policy statement (46 FR 51386) which established criteria whereby states could defer certain compliance dates for surface coating operations at automotive and light truck assembly plants. USEPA believes this extension with interim compliance will ultimately result in more cost-effective compliance and can be implemented without interfering with the maintenance of the O_3 NAAQS.

The Office of Management and Budget has exempted this rule from the requirements of Section 3 of Executive Order 12291.

Pursuant to the provisions of 5 U.S.C. 605(b), I certify that this action will not have a significant impact on a substantial number of small entities because it affects only one source. In addition, this action imposes no additional requirements on the source.

List of Subjects in 40 CFR Part 52

Air pollution control, Ozone, Sulfur oxides, Nitrogen dioxide, Lead, Particulate matter, Carbon monoxide, Hydrocarbons, Intergovernmental relations.

This notice is issued under authority of section 110 of the Clean Air Act, as amended (42 U.S.C. 7410).

Dated: March 26, 1985.

Valdas V. Adamkus,

Regional Administrator.

[FR Doc. 85–9594 Filed 4–19–85, 8:45 am]

BILLING CODE 6560–50–M

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40 CFR Part 81

[MS–009; A–4–FRL–2822–8]

Designation of Areas for Air Quality Planning Purposes; Mississippi; Redesignation of Total Suspended Particulate (TSP) Area

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: EPA today proposes to approve a request by Mississippi that the attainment status designation of the City of Laurel be changed from nonattainment to attainment for the

primary and secondary air quality standards for total suspended particulate (TSP). The State's request was supported by air quality data showing attainment and evidence of emission reductions.

DATE: To be considered, comments must be received on or before May 22, 1985.

ADDRESSES: Copies of the materials submitted by Mississippi may be examined during normal business hours at the following locations:

Environmental Protection Agency, Region IV, Air Management Branch, 345 Courtland Street NE., Atlanta, Georgia 30365

Bureau of Pollution Control, Mississippi Dept. of Natural Resources, P.O. Box 10385, Jackson, Mississippi 39209

Also, a Technical Support Document setting forth the criteria upon which EPA evaluated the Mississippi request may be examined at the EPA Region IV address.

FOR FURTHER INFORMATION CONTACT: Al Yeast, EPA Region IV Air Management Branch, at the Atlanta address above, telephone 404/881-3067 [FTS 257-3067].

SUPPLEMENTARY INFORMATION: Section 107 of the Clean Air Act provides for changes in attainment status designation by the Administrator. On September 28, 1984, the Mississippi Bureau of Pollution Control submitted a request that EPA promulgate a new air quality classification for the City of Laurel (Jones County) with respect to total suspended particulate (TSP). This request was based on eight quarters of monitoring data and a demonstration of emission reduction consistent with the State's 1979 TSP Part D plan. EPA approved Mississippi's Part D plan for the Jones County TSP nonattainment area on January 10, 1980 (45 FR 2031).

Supporting documentation submitted by the State shows that there have been no recorded violations of the primary or secondary TSP standard since 1981. In fact, air quality has been steadily improving since 1981. These data were collected at monitoring site number 1480002F02, which is located in the City of Laurel. This is a SLAMS site meeting EPA's quality assurance requirements. This improvement in air quality corresponds to emission reductions achieved by implementing measures identified in the Part D control strategy for the area. A lumber mill dominates the emission inventory for the area. During 1981, there was an unexpected increase in nontraditional emission (building demolition and land clearing for construction of a shopping mall) in the immediate area of the monitor. Once the added emissions ceased in 1981, the ambient TSP concentrations were reduced, and there have been no violations since. The base year 1975 inventory shows total point source emissions of 6,513 tons per year. By 1983 total emissions had been reduced by 71.6% to 1,857.1 tons per year.

Additional TSP monitoring data which has become available since the State's request provides further support for the redesignation of Jones County in that it shows no exceedance of any national ambient TSP standard.

Proposed Action

On the basis of eight quarters of monitoring data showing attainment and a determination by EPA that the improvement in the area's air quality is not a result of emission reductions brought about by an economic downturn, EPA is proposing to redesignate a portion of Jones County from nonattainment to attainment for TSP. The public is invited to participate in this rulemaking by submitting written comments on the proposed action.

Under 5 U.S.C. 605(b), the Administator has certified that area redesignations do not have a significant economic impact on a substantial number of small entities. (See 46 FR 8709.)

The Office of Management and Budget (OMB) has exempted this rule from the requirements of Section 3 of Executive Order 12291.

List of Subjects in 40 CFR Part 81

Air pollution control, National parks, Wilderness areas.

(Sec. 107, Clean Air Act (42 U.S.C. 7407))

Dated: March 7, 1985.

Charles R. Jeter,

Regional Administrator.

[FR Doc. 85-9599 Filed 4-19-85; 8:45 am]

BILLING CODE 6560-50-M

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40 CFR Part 81

[EPA Docket No. 107-PA-23; A-3-FRL-2822-7]

Commonwealth of Pennsylvania; Attainment Status Designations; Pennsylvania

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: EPA is proposing to approve a request from the Commonwealth of Pennsylvania to revise the attainment status designation of ten (10) areas within the Central Pennsylvania Intrastate Air Quality Control Region (AQCR) with respect to Sulfur Dioxide (SO_2). These areas will henceforth be referred to as "the Sunbury area."

The request for redesignation of the Sunbury area is in accordance with the requirements of the stipulation and agreement of settlement between the Pennsylvania Power & Light Company (PP&L), Sunbury, PA and the Pennsylvania Department of Environmental Resources (PADER).

The intent of this notice is to discuss the results of EPA's review of the Commonwealth's redesignation request and to solicit public comments on the revisions and EPA's proposed action.

DATE: Comments must be submitted on or before May 22, 1985.

ADDRESSES: Copies of the proposed redesignation request and accompanying support material are available for public inspection during normal business hours at the following locations:

U.S. Environmental Protection Agency, Region III, Air Management Division, Curtis Building, Tenth Floor, Sixth & Walnut Streets, Philadelphia, PA 19106, Attn: Donna Abrams

Commonwealth of Pennsylvania, Department of Environmental Resources, Bureau of Air Quality Control, 200 North 3rd Street, Harrisburg, PA 17120, Attn: Gary Triplett.

All comments on the proposed revisions submitted within 30 days of publication of this notice will be considered and should be directed to Mr. Glenn Hanson, Chief of the PA/WVA Section, EPA, Region III, Curtis Building, 6th & Walnut Streets, Philadelphia, PA 19106, EPA Docket No. 107-PA-23.

FOR FURTHER INFORMATION CONTACT: Donna Abrams (3AM11) at the EPA, Region III address above or call (215) 597-9134.

SUPPLEMENTARY INFORMATION:

Under section 107(d) of the Clean Air Act (Act) the Administrator of EPA has promulgated the National Ambient Air Quality Standards (NAAQS) attainment status for all areas within each State (see, 43 FR 8962 (March 3, 1978)). These areas designations are subject to revision whenever sufficient data become available to warrant a redesignation.

Background

The Pennsylvania Department of Environmental Resources (PADER) has submitted to the U.S. Environmental Protection Agency (EPA), on September 25, 1984, a request to have the following areas redesignated with respect to SO_2:

Lower Augusta Twp., Point Twp., and Shamokin Dam Boro redesignated from "Does Not Meet Primary Standards" to "Better Than National Standards."

Little Mahanoy Twp., Rockefeller Twp., and Shamokin Twp. redesignated from "Does Not Meet Secondary Standards" to "Better Than National Standards."

Upper Augusta Twp., Sunbury Boro, Northumberland Boro, and Monroe Twp. redesignated from "Cannot Be Classified" to "Better Than National Standards."

The present designation status for SO_2 in the above areas was based upon a 1976 dispersion modeling study performed by Geomet for PADER; the study predicted certain exceedances of the National Ambient Air Quality Standards (NAAQS) with respect to SO_2 in the Sunbury area.

In January, 1981, however, it was discovered that an error in the use of meterorological data in the original Geomet model caused the predicted exceedances. It was subsequently determined that if the model had been run properly, with the correct meteorological data, the Sunbury area would have been designated attainment in March, 1978.

In 1979, PP&L added three additional ambient SO_2 monitors, to the two monitors in existence, to sample air quality in the Sunbury area to ascertain the true attainment status. The location of the existing two monitoring sites was determined giving consideration to Briggs Plume Rise, Gaussion Dispersion, land availability and site characteristics. The three additional stations, placed in-service in April–May, 1979, were located, with the concurrence of PADER, near the Geomet predicted hot spots and with regard to land availability, local population exposure, site access, power and telephone availability. Data representing the SO_2 concentrations from April 1979 through September 1981, was submitted to EPA on December 29, 1981. A review of the data, by EPA, indicated that there were no SO_2 ambient air exceedances during this preliminary monitoring period.

Because of the error made in the use of met data in the Geomet study and the subsequent monitoring data showing attainment, PADER and PP&L entered into a Consent Order and Agreement on March 30, 1982. This Agreement called for an additional two years of on-site ambient monitoring commencing July 1, 1982. PP&L's existing monitoring network was reviewed and modified to more closely conform to points of maximum SO_2 concentrations. The modified network was approved by both PADER and EPA.

Air quality data collected from July 1, 1982 through June 30, 1984, indicate that the Sunbury area shows no violations of the SO_2 air quality standards. EPA has examined this data collected from the monitoring sites used to demonstrate attainment and found that the data were collected in accordance with all EPA requirements.

Production levels at PP&L were within 10% of the existing State Implementation Plan (SIP) maximum allowable capacity (Article III of the Pennsylvania Air Resources Regulations, § 123.22(a)) throughout the course of the monitoring study.

Therefore, in accordance with the stipulation in their Agreement that should two years of monitoring data show attainment of the SO_2 National Ambient Air Quality Standards (NAAQS) the Sunbury area would be redesignated, PADER has requested and EPA is proposing to approve this redesignation request.

Interested parties are invited to submit coments on this action. EPA will consider comments received within 30 days of publication of this notice.

Administrative Procedures

Under 5 U.S.C. 605(b), the Administrator has certified that redesignations do not have a significant economic impact on a substantial number of small entities (see 46 FR 8709).

The Office of Management and Budget has exempted this rule from the requirements of Section 3 of Executive Order 12291.

List of Subjects in 40 CFR Part 81

Air pollution control, National parks, Wilderness areas.

(Sec. 107(d) of the Clean Air Act, as amended (42 U.S.C. 7407))

Dated: January 7, 1985.

Stanley L. Laskowski,

Acting Regional Administrator.

[FR Doc. 85–9598 Filed 4–19–85; 8:45 am]

BILLING CODE 6560-50-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Proposed Endangered Status for Achyranthes Rotundata

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

SUMMARY: The Service proposes to determine *Achyranthes rotundata* to be an endangered species, under the authority contained in the Endangered Species Act of 1973, as amended. This plant is known from only two populations, one located at Ka'ena Point and the second at Barbers Point, island of Oahu, Hawaii. The Ka'ena Point population consists of only two individuals and is believed to be near extirpation. The Barbers Point population is vulnerable to any substantial habitat alternation and faces the potential threat of complete habitat destruction during conversion of existing sites to industrial use. A determination that *Achyranthes rotundata* is an endangered species would implement the protection provided by the Endangered Species Act of 1973, as amended. The Service seeks data and comments from the public on this proposal, and is requesting further information on the species' status.

DATES: Comments from all interested parties must be received by June 21, 1985. Public hearing requests must be received by June 6, 1985.

ADDRESSES: Comments and materials concerning this proposal should be sent to Regional Director, U.S Fish and Wildlife Service, 500 NE. Multnomah Street, Portland, Oregon 97232. Comments and materials received will be available for public inspection, by appointment, during normal business hours, at the above address.

FOR FURTHER INFORMATION CONTACT: Mr. Wayne S. White, Chief, Division of Endangered Species, U.S. Fish and Wildlife Service, 500 N.E. Multnomah Street, Portland, Oregon 97232 (503/231–6131 or FTS 429–6131).

SUPPLEMENTARY INFORMATION:

Background

Achyranthes rotundata was first recorded in 1819 by C. Gaudichaud during the voyage of the *Uranie*. It was later formally described by W. Hillerbrand in 1888 as a variety of *Achyranthes splendens*. The species is a low shrub, 1½ to 6½ feet in height and is covered with short, silvery hairs. Small inconspicuous flowers are borne in terminal spikes with prominent floral and rachis bracts.

H. St. John (1976) first recognized this taxon as a species endemic to the island of Oahu, and described it as abundant on the seaward portions of the 'Ewa Coral Plain. He concluded that it may have once been distributed all along the arid and semi-arid coastal lowlands of the island, from Barbers Point to Ka'ena Point. *Achyranthes rotundata* is now

unknown except for two populations. One population is found on the Military Reserve at Ka'ena Point and consists of only two individuals. Approximately 2,000 plants are known from the Barbers Point population at the other extreme of the historical range. This population consists of three sub-populations, one of which contains 80 percent of the known individuals of the species, and occurs on lands owned by the James Campbell Estate and proposed for industrial development. The remaining two small colonies are on Federal lands managed by the Coast Guard and the Army. *Achyranthes rotundata* has been extirpated from the remainder of its historic range by habitat coversion for mostly industrial and agricultural developments and habitat degradation by invading exotic shurbs and trees.

Research now in progress indicates that two additional species of *Achyranthes*, now believed to be extinct, may in fact be synonymous with *A. rotundata*. Should this prove true, the species would have originally been found on Lanai and Molokai, as well as Oahu, emphasizing its historic decline in range.

Section 12 of the Endangered Species Act of 1973 directed the Secretary of the Smithsonian Institution to prepare a report on those plants considered to be endangered, threatened, or extinct. This report, designated as House Document No. 94–51, was presented to Congress on January 9, 1975. On July 1, 1975, the service published a notice in the **Federal Register** (40 FR 27823) of its acceptance of this report as a petition within the context of Section 4(c)(2) of the Act (petition acceptance is now governed by Section 4(b)(3) of the Act, as amended), and of its intention to review the status of the plant taxa named within. On June 16, 1976, the Service published a proposed rule in the **Federal Register** (41 FR 24523) to determine approximately 1,700 vascular plant taxa to be endangered species. This list was assembled on the basis of comments and data received by the Smithsonian Institution and the Service in response to House Document 94–51 and the July 1, 1975, **Federal Register** publication. *Achyranthes rotundata* was included in the July 1, 1975, notice and the June 16, 1976, proposal as *Achyranthes splendens* var. *rotundata*. General comments on the 1976 proposal were summarized in an April 26, 1978, **Federal Register** publication (43 FR 17909).

The Endangered Species Act Amendments of 1978 required that all proposals over two years old be withdrawn. A 1-year grace period was given to those proposals already more than 2 years old. Subsequently, on December 10, 1979, the Service published a notice of the withdrawal of the portion of the June 16, 1976, proposal that had not been made final, along with other proposals that had expired (44 FR 70796); this notice of withdrawal included *Achyranthes rotundata*. *Achyranthes rotundata* (as *Achyranthes splendens* var. *rotundata*) was included in the December 15, 1980 (45 FR 82485), notice of review as a candidate species. On February 15, 1983, the Service published a notice (48 FR 6752) of its finding that the petitioned listing of this species may be warranted, in accordance with Section 4(b)(3)(A) of the Act, as amended in 1982. On October 13, 1983, and again on October 13, 1984, a petition finding was made that listing of this species was warranted, but precluded by other pending listing actions, in accordance with Section 4(b)(3)(B) (iii); notification of the 1983 finding was published on January 20, 1984 (49 FR 2485). Such a finding requires a recycling of the petition, pursuant to Section 4(b)(3)(C)(i) of the Act. Therefore, a new finding must be made; consequently, the Service finds the listing warranted and hereby publishes a proposal to list the species, in accordance with Section 4(b)(3)(B)(ii) of the Act.

Summary of Factors Affecting the Species

Section 4(a)(1) of the Endangered Species Act (16 U.S.C. 1531 *et. seq.*) and regulations promulgated to implement the listing provisions of the Act (to be codified at 50 CFR Part 424, see 49 FR 38900, October 1, 1984) set forth the procedures for adding species to the Federal lists. A species may be determined to be an endangered or threatened species due to one or more of the five factors described in Section 4(a)(1). These factors and their application to *Achyranthes rotundata* (Hbd.) St. John are as follows:

A. *The present or threatened destruction, modification, or curtailment of its habitat or range.* Approximately 88 percent of the historic range of *Achyranthes rotundata* has been developed for industrial, agricultural, residential, and recreational uses. The remaining 12 percent of its range has been degraded by the intrusion of exotic shrub and tree species (Nagata, 1981) and faces the threat of development. Dense *Leucaena* thickets of Ka'ena Point threaten the remaining two plants by competing with them for space. On the Ewa Plains at Barbers Point, *Pluchea* thickets are competing with the remaining *Achyranthes rotundata* individuals and encroaching *Prosopis pallida* forests are altering the open sunny habitat of the species. One sub-population near Barbers Point lighthouse was partially destroyed when habitat was converted for industrial uses in 1980 and 1981, resulting in the loss of 75 percent of the individuals. The remaining individuals were on Federal lands and were not affected by the development. The largest sub-population of the species (80 percent of the total remaining individuals) is located on lands proposed for development into an oil refinery.

B. *Overutilization for commercial, recreational, scientific, or educational purposes.* Inflorescences and and leaves of *Achyranthes rotundata* have been used for making leis. The grey foliage has been valued for traditional lei making..

C. *Disease or predation.* At one colony on Barbers Point the parasitic vine, *Cassytha filiformis*, forms a dense covering over shrubs it has infected and may threaten *Achyranthes rotundata* (Nagata, 1981).

D. *The inadequacy of existing regulatory mechanisms.* No regulatory mechanisms exist at the present time. Federal listing would require permits for taking of *Achyranthes rotundata* on Federal lands. Federal listing would also invoke listing under Hawaiian State law, which prohibits taking and encourages conservation by State government agencies.

E. *Other natural or manmade factors affecting its continued existence.* None are known at this time but further reductions of population size could reduce the reproductive capabilities and genetic potential of the species.

The Service has carefully assessed the best scientific information available regarding the past, present, and future threats faced by the species in determining to propose this rule. Based on this evaluation, the preferred action is to list *Achyranthes rotundata* as endangered. Threatened status would not reflect the decline of the species, which is in danger of extinction through the loss of historical range due to past development, the threats of further development, and degradation of suitable habitat. A discussion of why critical habitat is not proposed to be designated is included in the "Critical Habitat" section.

Critical Habitat

Section 4(a)(3) of the Act, as amended, requires that, to the maximum extent prudent and determinable, the Secretary designate any habitat of a species which is considered to be critical habit at the time the species is determined to be

endangered or threatened. The Service finds that designation of critical habitat is not prudent for this species at this time. As discussed under Factor B in the "Summary of Factors Affecting the Species," *Achyranthes rotundata* is threatened by taking for the making of leis, an activity not regulated by the Endangered Species Act with respect to plants, except for a prohibition against removal and reduction to possession of endangered plants from lands under Federal jurisdiction. Publication of critical habitat descriptions would make this species even more vulnerable. Therefore, it would not be prudent to designate critical habitat for *Achyranthes rotundata* at this time.

Available Conservation Measures

Conservation measure provided to species listed as endangered or threatened under the Endangered Species Act include recognition, recovery actions, requirements for Federal protection, and prohibitions against certain practices. Recognition through listing encourages and results in conservation actions by Federal, State, and private agencies, groups, and individuals. The Endangered Species Act provides for possible land acquisition and cooperation with the States, and requires that recovery actions be carried out for all listed species. Such actions are initiated by the Service following listing. The protection required of Federal agencies and the prohibitions against taking are discussed, in part, below.

Section 7(a) of the Act, as amended, requires Federal agencies to evaluate their actions with respect to any species that is proposed or listed as endangered or threatened, and with respect to its critical habitat, if any is being designated. Regulations implementing this interagency cooperation provision of the Act are codified at 50 CFR Part 402, and are now under revision (see proposal at 48 FR 29990; June 29, 1983). Section 7(a)(4) requires Federal agencies to confer informally with the Service on any action that is likely to jeopardize the continued existence of a proposed species or result in destruction or adverse modification of proposed critical habitat. If a species is listed subsequently, Section 7(a)(2) requires Federal agencies to ensure that activities they authorize, fund, or carry out are not likely to jeopardize the continued existence of such a species or to destroy or adversely modify its critical habitat. If a Federal action may affect a listed species or its critical habitat, the responsible Federal agency must enter into formal consultation with the Service. *Achyranthes rotundata* occurs on Federal lands at the Ka'ena Military Reserve, Camp Malakole, and Barbers Point Lighthouse grounds. All of these areas in whole or part are being considered, or are in the process of being declared excess. Cooperation between the U.S. Fish and Wildlife Service and the Federal agencies involved will be necessary to ensure the protection of *Achyranthes rotundata* during the excessing process.

The Act and its implementing regulations found at 50 CFR 17.61, 17.62, and 17.63 set forth a series of general trade prohibitions and exceptions that apply to all endangered plant species. With respect to *Achyranthes rotundata*, all trade prohibitions of Section 9(a)(2) of the Act, implemented by 50 CFR 17.61, would apply. These prohibitions, in part, would make it illegal for any person subject to the jurisdiction of the United States to import or export, transport in interstate or foreign commerce in the course of a commercial activity, or sell or offer for sale this species in interstate or foreign commerce. Certain exceptions can apply to agents of the Service and State conservation agencies. The Act and 50 CFR 17.62 and 17.63 also provide for the issuance of permits to carry out otherwise prohibited activities involving endangered species under certain circumstances. It is anticipated that few if any trade permits would be requested for *Achyranthes rotundata* as no trade in the species is known.

Section 9(a)(2)(B) of the Act, as amended in 1982, prohibits the removal and reduction to possession of endangered plant species from areas under Federal jurisdiction. This prohibition would apply to *Achyranthes rotundata* where it occurs on Federal lands. Permits for exceptions to this prohibition are available through Section 10(a) of the Act, until revised regulations are promulgated to incorporate the 1982 Amendments. Proposed regulations implementing this new prohibition were published on July 8, 1983 (48 FR 31417), and it is anticipated that these will be made final following public comment. The species is found on Federal lands and a few requests for taking permits are anticipated for lei making activities. Requests for copies of the regulations on plants and inquiries regarding them may be addressed to the Federal Wildlife Permit Office, U.S. Fish and Wildlife Service, Washington, D.C. 20240 (703/235–1903).

Public Comments Solicited

The Service intends that any final rule adopted will be accurate and as effective as possible in the conservation of endangered or threatened species. Therefore, any comments or suggestions from the public, other concerned governmental agencies, the scientific community, industry, or any other interested party concerning any aspect of this proposed rule are hereby solicited. Comments particularly are sought concerning the following:

(1) Biological, commercial trade, or other relevant data concerning any threat (or lack thereof) to *Achyranthes rotundata;*

(2) The location of any additional populations of *Achyranthes rotundata* and the reasons why any habitat of this species should or should not be designated as critical habitat;

(3) Additional information concerning the range and distribution of this species; and

(4) Current or planned activities in the subject area and their possible impacts on *Achyranthes rotundata.*

Final promulgation of the regulation on *Achyrantes rotundata* will take into consideration the comments and any additional information received by the Service, and such communications may lead to adoption of a final regulation that differs from this proposal.

The Endangered Species Act provides for a public hearing on this proposal, if requested. Requests must be filed within 45 days of the date of the proposal. Such requests must be made in writing and addressed to the Regional Director, U.S. Fish and Wildlife Service, 500 NE. Multnomah Street, Portland, Oregon 97232.

National Environmental Policy Act

The Fish and Wildlife Service has determined that an Environmental Assessment, as defined by the National Environmental Policy Act of 1969, need not be prepared in connection with regulations adopted pursuant to Section 4(a) of the Endangered Species Act of 1973, as amended. A notice outlining the Service's reasons for this determination was published in the **Federal Register** on October 25, 1983 (48 FR 49244).

Literature Cited

Nagata, K.M. 1981. Status report on *Achyranthes rotundata.* Research Corporation of the University of Hawaii, under contract 14–16–001–79096, to the U.S. Fish and Wildlife Service.

St. John, H. 1979. Monograph of the Hawaiian species of *Achyranthes* (Amaranthaceae). Hawaiian Plant Studies 56. Pacific Science 33(4):333–350.

Author

The primary author of the proposed rule is Carol A. Wilson, U.S. Fish and Wildlife Service, 500 N.E. Multnomah

Street, Portland, Oregon 97232 (503/231–6131 or FTS 429–6131).

List of Subjects in 50 CFR Part 17

Endangered and threatened wildlife, Fish, Marine mammals, Plants (agriculture).

Proposed Regulation Promulgation

PART 17—[AMENDED]

Accordingly, it is hereby proposed to amend Part 17, Subchapter B of Chapter I, Title 50 of the Code of Federal Regulations, as set forth below:

1. The authority citation for Part 17 reads as follows:

Authority: Pub. L. 93–205, 87 Stat. 884; Pub. L. 94–359, 90 Stat. 911; Pub. L. 95–632, 92 Stat. 3751; Pub. L. 96–159, 93 Stat. 1225; Pub. L. 97–304, 96 Stat. 1411 (16 U.S.C. 1531 *et seq.*).

2. It is proposed to amend Section 17.12(h) by adding the following, in alphabetical order under the family Amaranthaceae, to the List of Endangered and Threatened Plants:

§ 17.12 Endangered and threatened plants.

* * * * *

(h) * * *

Species		Historic range	Status	When listed	Critical habitat	Special rules
Scientific name	Common name					
*	*	*	*	*	*	*
Amaranthaceae—Amaranth family						
Achyranthes rotundata		U.S.A. (HI)	E		NA	NA
*	*	*	*	*	*	*

Dated: March 21, 1985.

Susan Recce,

Acting Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 85–9618 Filed 4–19–85; 8:45 am]

BILLING CODE 4310-55-M

Notices

Federal Register
Vol. 50, No. 77
Monday, April 22, 1985

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

Committee on Regulation and Committee on Rulemaking; Public Meetings

Committee on Regulation

Date: Tuesday, May 7, 1985. Time: 2:00 PM. Location: 2120 L Street NW. Washington, D.C. Agenda: Consideration of proposed recommendation and draft report by Professor Alfred S. Neely IV concerning statutory prohibition on the use of cost/benefit analysis. Contact: William C. Bush, 202–254–7065.

Committee on Rulemaking

Date: Wednesday, May 8, 1985. Time: 10:00 AM. Location: 1201 Pennsylvania Avenue, N.W. Suite 300, Washington, D.C. Agenda: Consideration of a draft recommendation on regulatory analysis of rules, *see* request for comments, 50 FR 14273, April 11, 1985. Contact: Michael W. Bowers, 202–254–7065.

Public Participation

Attendance at the committee meetings is open to the public, but limited to the space available. Persons wishing to attend should notify the contact person at least two days in advance of the meeting. The committee chairman may permit members of the public to present appropriate oral statements at the meeting. Any member of the public may file a written statement with a committee before, during, or after the meeting. Minutes of the meetings will be available on request to the contact persons. The contact person's mailing address is: Administrative Conference of the United States, 2120 L Street N.W., Suite 500, Washington, D.C. 20037. These meetings are subject to the Federal Advisory Committee Act (Pub. L. 92–463).

Richard K. Berg,
General Counsel.
April 17, 1985.
[FR Doc. 85–9605 Filed 4–19–85; 8:45 am]
BILLING CODE 6110–01–M

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Order No. 287]

Resolution and Order Approving the Application of the Greater Detroit Foreign-Trade Zone, Inc., for a Special-Purpose Subzone for a Chrysler Plant in Sterling Heights, MI

Proceedings of the Foreign-Trade Zones Board, Washington, D.C.

Resolution and Order

Pursuant to the authority granted in the Foreign-Trade Zones Act of June 18, 1934, as amended (19 U.S.C. 81a–81u), the Foreign-Trade Zones Board has adopted the following Resolution and Order:

The Board, having considered the matter, hereby orders:

After consideration of the application of the Greater Detroit Foreign-Trade Zone, Inc., grantee of Foreign-Trade Zone 70, filed with the Foreign-Trade Zones Board (the Board) on March 9, 1984, requesting special-purpose subzone status for the automobile manufacturing plant of Chrysler Corporation in Sterling Heights, Michigan, adjacent to the Detroit Customs port of entry, the Board, finding that the requirements of the Foreign-Trade Zones Act, as amended, and the Board's regulations are satisfied, and that the proposal is in the public interest, approves the application.

The Secretary of Commerce, as Chairman and Executive Officer of the Board, is hereby authorized to issue a grant of authority and appropriate Board Order.

Grant of Authority to Establish a Foreign-Trade Subzone in Sterling Heights, Michigan, Adjacent to the Detroit Customs Port of Entry

Whereas, by an Act of Congress approved June 18, 1934, an Act "To provide for the establishment, operation, and maintenance of foreign-trade zones in ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes", as amended (19 U.S.C. 81a-81u) (the Act) the Foreign-Trade Zones Board (the Board) is authorized and empowered to grant to corporations the privilege of establishing, operating, and maintaining foreign-trade zones in or adjacent to ports of entry under the jurisdiction of the United States;

Whereas, the Board's regulations (15 CFR 400.304) provide for the establishment of special-purpose subzones when existing zone facilities cannot serve the specific use involved, and where a significant public benefit will result;

Whereas, the Greater Detroit Foreign-Trade Zone, Inc., grantee of Foreign-Trade Zone No. 70, as made application (filed March 9, 1984, Docket No. 11–84, 49 FR 10137) in due and proper form to the Board for authority to establish a special-purpose subzone at the auto manufacturing plant of Chrysler Corporation in Sterling Heights, Michigan, adjacent to the Detroit Customs port of entry;

Whereas, notice of said application has been given and published, and full opportunity has been afforded all interested parties to be heard; and,

Whereas, the Board has found that the requirements of the Act and the Board's regulations are satisfied;

Now, Therefore, in accordance with the application filed March 9, 1984, the Board hereby authorizes the establishment of a subzone at the Chrysler plant in Sterling Heights, Michigan, designated on the records of the Board as Foreign-Trade Subzone No. 70H at the location mentioned above and more particularly described on the maps and drawings accompanying the application, said grant of authority being subject to the provisions and restrictions of the Act and the Regulations issued thereunder, to the same extent as though the same were fully set forth herein, and also to the following express conditions and limitations:

Activation of the subzone shall be commenced within a reasonable time from the date of issuance of the grant, and prior thereto, any necessary permits shall be obtained from Federal, State, and municipal authorities.

Officers and employees of the United States shall have free and unrestricted access to and throughout the foreign-trade subzone in the performance of their official duties.

The grant shall not be construed to relieve responsible parties from liability

for injury or damage to the person or property of others occasioned by the construction, operation, or maintenance of said subzone, and in no event shall the United States be liable therefor.

The grant is further subject to settlement locally by the District Director of Customs and District Army Engineer with the Grantee regarding compliance with their respective requirements for the protection of the revenue of the United States and the installation of suitable facilities.

In Witness Whereof, the Foreign-Trade Zones Board has caused its name to be signed and its seal to be affixed hereto by its Chairman and Executive Officer or his delegate at Washington, D.C. this 10th day of April 1985 pursuant to Order of the Board.

Foreign-Trade Zones Board.

William T. Archey,

Acting Assistant Secretary of Commerce for Trade Administration, Chairman, Committee of Alternates.

Attest:

John J. Da Ponte, Jr.,

Executive Secretary.

[FR Doc. 85-9587 Filed 4-19-85; 8:45 am]

BILLING CODE 3510-DS-M

[Order No. 284]

Resolution and Order Approving the Application of the Greater Kansas City Foreign-Trade Zone, Inc., for a Special-Purpose Subzone for a General Motors Plant in Kansas City, MO

Proceedings of the Foreign-Trade Zones Board, Washington, D.C.

Resolution and Order

Pursuant to the authority granted in the Foreign-Trade Zones Act of June 18, 1934, as amended (19 U.S.C. 81a–81u), the Foreign-Trade Zones Board has adopted the following Resolution and Order:

The Board, having considered the matter, hereby orders:

After consideration of the application of the Greater Kansas City Foreign-Trade Zone, Inc., grantee of Foreign-Trade Zone 15, filed with the Foreign-Trade Zones Board (the Board) on March 7, 1984, requesting special-purpose subzone status for the automobile assembly plant of General Motors Corporation in Kansas City, Missouri, within the Kansas City Customs port of entry, the Board, finding that the requirements of the Foreign-Trade Zones Act, as amended, and the Board's regulations are satisfied, and that the proposal is in the public interest, approves the application.

The Secretary of Commerce, as Chairman and Executive Officer of the Board, is hereby authorized to issue a grant of authority and appropriate Board Order.

Grant of Authority To Establish a Foreign-Trade Subzone in Kansas City, Missouri

Whereas, by an Act of Congress approved June 18, 1934, an Act, "To provide for the establishment, operation, and maintenance of foreign-trade zones in ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes", as amended (19 U.S.C. 81a–81u) (the Act), the Foreign-Trade Zones Board (the Board) is authorized and empowered to grant to corporations the privilege of establishing, operating, and maintaining foreign-Trade zones in or adjacent to ports of entry under the jurisdiction of the United States.

Whereas, the Board's regulations (15 CFR 400.304) provide for the establishment of special-purpose subzones when existing zone facilities cannot serve the specific use involved, and where a significant public benefit will result;

Whereas, the Greater Kansas City Foreign-Trade Zone, Inc., grantee of Foreign-Trade Zone No. 15, has made application (filed March 7, 1984, Docket No. 8–84, 49 FR 10135) in due and proper form to the Board for authority to establish a special-purpose subzone at the auto manufacturing plant of General Motors Corporation in Kansas City, Missouri, within the Kansas City Customs port of entry;

Whereas, notice of said application has been given and published, and full opportunity has been afforded all interested parties to be heard; and,

Whereas, the Board has found that the requirements of the Act and the Board's regulations are satisfied;

Now, Therefore, in accordance with the application filed March 7, 1984, the Board hereby authorizes the establishment of a subzone at the General Motors plant in Kansas City, Missouri, designated on the records of the Board as Foreign-Trade Subzone No. 15B at the location mentioned above and more particularly described on the maps and drawings accompanying the application, said grant of authority being subject to the provisions and restrictions of the Act and the Regulations issued thereunder, to the same extent as though the same were fully set forth herein, and also to the following express conditions and limitations.

Activation of the subzone shall be commenced within a reasonable time from the date of issuance of the grant, and prior thereto, any necessary permits shall be obtained from Federal, State, and municipal authorities.

Officers and employees of the United States shall have free and unrestricted access to and throughout the foreign-trade subzone in the performance of their official duties.

The grant shall not be construed to relieve responsible parties from liability for injury or damage to the person or property of others occasioned by the construction, operation, or maintenance of said subzone, and in no event shall the United States be liable therefor.

The grant is further subject to settlement locally by the District Director of Customs and District Army Engineer with the Grantee regarding compliance with their respective requirements for the protection of the revenue of the United States and the installation of suitable facilities.

In Witness Whereof, the Foreign-Trade Zones Board has caused its name to be signed and its seal to be affixed hereto by its Chairman and Executive Officer or his delegate at Washington, D.C. this 10th day of April 1985, pursuant to Order of the Board.

Foreign-Trade Zones Board.

William T. Archey,

Acting Assistant Secretary of Commerce for Trade Administration, Chairman, Committee of Alternates.

Attest:

John J. Da Ponte Jr.,

Executive Secretary.

[FR Doc. 85-9584 Filed 4-19-85; 8:45 am]

BILLING CODE 3510-DS-M

[Order No. 286]

Resolution and Order Approving the Application of the County of Orange, New York, for a Special-Purpose Subzone for a General Motors Plant in North Tarrytown, NY

Proceedings of the Foreign-Trade Zones Board, Washington, D.C.

Resolution and Order

Pursuant to the authority granted in the Foreign-Trade Zones Act of June 18, 1934, as amended (19 U.S.C. 81a–81u), the Foreign-Trade Zones Board has adopted the following Resolution and Order:

The Board, having considered the matter, hereby orders:

After consideration of the application of the County of Orange, New York, grantee of Foreign-Trade Zone 37, filed with the Foreign-Trade Zones Board (the Board) on March 7, 1984, requesting special-purpose subzone status for the automobile assembly plant of General Motors Corporation in North Tarrytown, New York, adjacent to the New York Customs port of entry, the Board, finding that the requirements of the Foreign Trade Zones Act, as amended, and the Board's regulations are satisfied, and that the

proposal is in the public interest, approves the application.

The Secretary of Commerce, as Chairman and Executive Officer of the Board, is hereby authorized to issue a grant of authority and appropriate Board Order.

Grant of Authority to Establish a Foreign-Trade Subzone in North Tarrytown, New York, Adjacent to the New York City Customs Port of Entry

Whereas, by an Act of Congress approved June 18, 1934, an Act "To provide for the establishment, operation, and maintenance of foreign-trade zones in ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes", as amended (19 U.S.C. 81a–81u) (the Act), the Foreign-Trade Zones Board (the Board) is authorized and empowered to grant to corporations the privilege of establishing, operating, and maintaining foreign-trade zones in or adjacent to ports of entry under the jurisdiction of the United States;

Whereas, the Board's regulations (15 CFR 400.304) provide for the establishment of special-purpose subzones when existing zone facilities cannot serve the specific use involved, and where a significant public benefit will result;

Whereas, the County of Orange, New York, grantee of Foreign-Trade Zone No. 37, has made application (filed March 7, 1984, Docket No. 10–84, 49 FR 10136) in due and proper form to the Board for authority to establish a special purpose subzone at the auto manufacturing plant of General Motors Corporation in North Tarrytown, New York, adjacent to the New York City Customs port of entry;

Whereas, notice of said application has been given and published, and full opportunity has been afforded all interested parties to be heard; and,

Whereas, The Board has found that the requirements of the Act and the Board's regulations are satisfied;

Now, Therefore, in accordance with the application filed March 7, 1984, the Board hereby authorizes the establishment of a subzone at the General Motors plant in North Tarrytown, New York, designated on the records of the Board as Foreign-Trade Subzone No. 37A at the location mentioned above and more particularly described on the maps and drawings accompanying the application, said grant of authority being subject to the provisions and restrictions of the Act and the Regulations issued thereunder, to the same extent as though the same were fully set forth herein, and also to the following express conditions and limitations:

Activation of the subzone shall be commenced within a reasonable time from the date of issuance of the grant, and prior thereto, any necessary permits shall be obtained from Federal, State, and municipal authorities.

Officers and employees of the United States shall have free and unrestricted access to and throughout the foreign-trade subzone in the performance of their official duties.

The grant shall not be construed to relieve responsible parties from liability for injury or damage to the person or property of others occasioned by the construction, operation, or maintenance of said subzone, and in no event shall the United States be liable therefor.

The grant is further subject to settlement locally by the District Director of Customs and District Army Engineer with the Grantee regarding compliance with their respective requirements for the protection of the revenue of the United States and the installation of suitable facilities.

In Witness Whereof, the Foreign-Trade Zones Board has caused its name to be signed and its seal to be affixed hereto by its Chairman and Executive Officer or his delegate at Washington, D.C. this 10th day of April 1985 pursuant to Order of the Board.

Foreign-Trade Zones Board.

William T. Archey,

Acting Assistant Secretary of Commerce for Trade Administration, Chairman, Committee of Alternates.

Attest:

John J. Da Ponte, Jr.,

Executive Secretary.

[FR Doc. 85–9586 Filed 4–19–85; 8:45 am]

BILLING CODE 3510–DS–M

[Order No. 285]

Resolution and Order Approving the Application of the Cleveland-Cuyahoga County Port Authority, for a Special-Purpose Subzone for a General Motors Plant in Lordstown, OH

Proceedings of the Foreign-Trade Zones Board, Washington, D.C.

Resolution and Order

Pursuant to the authority granted in the Foreign-Trade Zones Act of June 18, 1934, as amended (19 U.S.C. 81a–81u), the Foreign-Trade Zones Board has adopted the following Resolution and Order:

The Board, having considered the matter, hereby orders:

After consideration of the application of the Cleveland-Cuyahoga County Port Authority, grantee of Foreign-Trade Zone 40, filed March 7, 1984, requesting special-purpose subzone status for the automobile assembly plant of General Motors Corporation in Lordstown, Ohio, adjacent to the Akron Customs port of entry, the Board, finding that the requirements of the Foreign-Trade Zone Act, as amended, and the Board's regulations are satisfied, and that the proposal is in the public interest, approves the application.

The Secretary of Commerce, as Chairman and Executive Officer of the Board, is hereby authorized to issue a grant of authority and appropriate Borad Order.

Grant of Authority To Establish a Foreign-Trade Subzone in Lordstown, Ohio, Adjacent to the Akron Customs Port of Entry

Whereas, by an Act of Congress approved June 18, 1934, an Act "To provide for the establishment, operation, and maintenance of foreign-trade zones in ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes", as amended (19 U.S.C. 81a–81u) (the Act), the Foreign-Trade Zone Board (the Board) is authorized and empowered to grant to corporations the privilege of establishing, operating, and maintaining foreign-trade zones in or adjacent to ports of entry under the jurisdiction of the United States;

Whereas, the Board's regulations (15 CFR 400.304) provide for the establishment of special-purpose subzones when existing zone facilities cannot serve the specific use involved, and where a significant public benefit will result;

Whereas, the Cleveland-Cuyahoga County Port Authority, grantee of Foreign-Trade Zone No. 40, has made application (filed March 7, 1984, Docket No. 9–84, 49 FR 10136) in due and proper form to the Board for authority to establish a special-purpose subzone at the vehicle manufacturing plant of General Motors Corporation in Lordstown, Ohio, adjacent to the Akron Customs port of entry;

Whereas, notice of said application has been given and published, and full opportunity has been afforded all interested parties to be heard; and

Whereas, the Board has found that the requirements of the Act and the Board's regulations are satisfied;

Now, Therefore, in accordance with the application filed March 7, 1984, the Board hereby authorizes the establishment of a subzone at the General Motors plant in Lordstown, Ohio, designated on the records of the Board as Foreign-Trade Subzone No. 40B at the location mentioned above and more particularly described on the maps and drawings accompanying the

application, said grant of authority being subject to the provisions and restrictions of the Act and the Regulations issued thereunder, to the same extent as through the same were fully set forth herein, and also to the following express conditions and limitations:

Activation of the subzone shall be commenced within a reasonable time from the date of issuance of the grant, and prior thereto, any necessary permits shall be obtained from Federal, State, and municipal authorities.

Officers and employees of the United States shall have free and unrestricted access to and throughout the foreign-trade subzone in the performance of their official duties.

The grant shall not be construed to relieve responsible parties from liability for injury or damage to the person or property of others occasioned by the construction, operation, or maintenance of said subzone, and in no event shall the United States be liable therefor.

The grant is further subject to settlement locally by the District Director of Customs and District Army Engineer with the Grantee regarding compliance with their respective requirements for the protection of the revenue of the United States and the installation of suitable facilities.

In Witness Whereof, the Foreign-Trade Zones Board has caused its name to be signed and its seal to be affixed hereto by its Chairman and Executive Officer or his delegate at Washington, D.C., this 10th day of April 1985 pursuant to Order of the Board.

Foreign-Trade Zone Board.

William T. Archey,

Acting Assistant Secretary of Commerce for Trade Administration, Chairman, Committee of Alternates.

Attest:

John J. Da Ponte, Jr.,

Executive Secretary.

[FR Doc. 85-9585 Filed 4-19-85; 8:45 am]

BILLING CODE 3510-DS-M

International Trade Administration

[A-122-502]

Certain Heavy-Walled Rectangular Welded Carbon Steel Pipes and Tubes From Canada; Initiation of Antidumping Duty Investigation

AGENCY: International Trade Administration, Import Administration, Commerce.

ACTION: Notice.

SUMMARY: On the basis of a petition filed in proper form with the United States Department of Commerce, we are initiating an antidumping duty investigation to determine whether certain heavy-walled rectangular welded carbon steel pipes and tubes from Canada are being, or are likely to be, sold in the United States at less than fair value. We are notifying the United States International Trade Commission (ITC) of this action so that it may determine whether imports of this product are causing material injury, or threaten material injury, to a United States industry. If this investigation proceeds normally, the ITC will make its preliminary determination on or before May 9, 1985, and we will make ours on or before September 3, 1985.

EFFECTIVE DATE: April 22, 1985.

FOR FURTHER INFORMATION CONTACT: Michael Ready, Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230; telephone: (202) 377-2613.

SUPPLEMENTARY INFORMATION:

The Petition

On March 25, 1985, we received a petition in proper form filed by Bull Moose Tube Co., Copperweld Tubing Group, Kaiser Steel Corp., Maruichi American Corp., UNR-Leavitt, and Welded Tube Company of America on behalf of the United States heavy-walled rectangular tubing industry. In compliance with the filing requirements of § 353.35 of the Commerce Regulations (19 CFR 353.36), the petition alleged that imports of the subject merchandise from Canada are being, or are likely to be, sold in the United States at less than fair value within the meaning of section 731 of the Tariff Act of 1930, as amended (the Act), and that these imports are causing material injury, or threaten material injury, to a United States industry.

The petitioners based the United States prices on price quotes from a Canadian exporter. From these quoted prices, petitioners deducted freight costs.

The petitioners based foreign market value on constructed value. The petitioners calculated constructed value based on United States inputs for raw materials, labor hours, and utilities, valued in Canada. The petitioners also added amounts for supplies and other conversion costs based on the petitioners' costs converted to Canadian currency. Finally, the petitioners completed the calculation by adding statutory minimums of 10 percent for general expenses and 8 percent for profit.

By comparing the values calculated by the foregoing methods, petitioners alleged dumping margins between 3.6 and 27.9 percent.

Initiation of Investigation

Under section 732(c) of the Act, we must determine, within 20 days after a petition is filed, whether it sets forth the allegations necessary for the initiation of an antidumping duty investigation and whether it contains information reasonably available to the petitioner supporting the allegations.

We examined the petition on heavy-walled rectangular welded carbon steel pipes and tubes and have found that it meets the requirements of section 732(b) of the Act. Therefore, in accordance with section 732 of the Act, we are initiating an antidumping duty investigation to determine whether certain heavy-walled rectangular welded carbon steel pipes and tubes from Canada are being, or are likely to be, sold in the United States at less fair value. If our investigation proceeds normally, we will make our preliminary determination by September 3, 1985.

Scope of Investigation

The products covered by this investigation are certain welded carbon steel pipes and tubes of rectangular (including square) cross section, having a wall thickness not less than 0.156 inches, not threaded and not otherwise advanced, other than pipe conforming to American Petroleum Institute specifications for oil well casing, currently provided for in item 610.3955 of the Tariff Schedules of the United States Annotated.

The product is used for forming and supporting members for construction or load-bearing purposes in construction, transportation, farm, and material-handling equipment. The product is generally produced to ASTM specification A-500, Grade B, and is commonly referred to in the industry as structural tubing.

Notification of ITC

Section 732(d) of the Act requires us to notify the ITC of this action and to provide it with the information we used to arrive at this determination. We will notify the ITC and make available to it all nonprivileged and nonconfidential information. We will also allow the ITC access to all privileged and confidential information in our files, provided it confirms that it will not disclose such information either publicly or under an administrative protective order without the consent of the Deputy Assistant Secretary for Import Administration.

Preliminary Determination by ITC

The ITC will determine by May 9, 1985, whether there is a reasonable indication that imports of certain heavy-walled rectangular welded carbon steel pipes and tubes from Canada are causing material injury, or threaten material injury, to a United States industry. If its determination is negative the investigation will terminate; otherwise, it will proceed according to the statutory procedures.

Dated: April 15, 1985.

Alan F. Holmer,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 85-9578 Filed 4-19-85; 8:45 am]

BILLING CODE 3510-DS-M

Decision on Application for Duty-Free Entry of Scientific Instrument; Montana State University

This decision is made pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897; 15 CFR Part 301). Related records can be viewed between 8:30 AM and 5:00 PM in Room 1523, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C.

Docket No.: 83-108R. Applicant: Montana State University, Bozeman, MT 59717. Instrument: Mass Spectrometer System, MM 16F and Accessories. Original notice of this resubmitted application was published in the **Federal Register** of March 30, 1983.

Comments: None received.

Decision: denied.

Reasons: The applicant failed to demonstrate that no instrument of equivalent scientific value was being manufactured in the United States. In addition, the applicant failed to address deficiencies we pointed out in our denial without prejudice to resubmission (DWOP). In the DWOP we asked the applicant to provide a clear comparison of the foreign article with comparable instruments offered by Nuclide Corporation. We also asked the applicant to provide a clear summary of the use of the foreign instrument "by any interested parties in the Montana region," so that we could resolve the issue whether any commercial use was involved.

Section 301.5(d)(3) of the regulations states that the "burden of proof shall be on the applicant to demonstrate that no instrument of equivalent scientific value for the purposes for which the foreign instrument is to be used is being manufactured in the United States." Section 301.5(e)(7) states that we "may draw appropriate inferences from the failure of an applicant to attempt to provide the information requested in the DWOP," and § 301.5(e)(8) states that if the applicant "fails to address the noted deficiencies in the response to the DWOP, the Director may deny the application."

In its response to the DWOP, the applicant discussed only matters that are not germane under the regulations or that do not pertain to the availability of a scientifically equivalent domestic instrument. Specifically, the resubmission attempted only to show that the domestic supplier provided the University a bid that was nonresponsive on a number of counts, namely timeliness, the provision of bid security and samples, operational demonstration at the expense of the supplier, component and total system price information, and acceptance of the purchaser's payment terms. None of these pertain to scientific equivalency and adequacy. Most relate to considerations specifically excluded from our consideration by regulation. The law requires us to determine whether an equivalent instrument is being produced domestically, not whether the manufacturer entered a satisfactory bid.

In our judgment, an equivalent instrument is being manufactured in the United States, and this judgment formed the basis for our DWOP. The applicant's response to the DWOP offered us no pertinent ground for reversing our position.

The National Institutes of Health (NIH), in its memorandum dated January 23, 1985, states that the applicant failed to show "that a scientifically equivalent instrument for the planned work is not made in the United States." The NIH also states that "Bid or purchase restrictions, as linkage to other purchases, state law, etc., as well as cost, convenience, etc., are not relevant for purposes of duty-free entry under Pub. L. 89-651."

For the foregoing reasons, we deny the application.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 85-9579 Filed 4-19-85; 8:45 am]

BILLING CODE 3510-DS-M

Short Supply Determinations on Steel Pipe and Tube; Request for Comments

AGENCY: International Trade Administration/Import Administration, Commerce.

ACTION: Notice and request for comments.

SUMMARY: The Department of Commerce hereby announces review of a request for a short supply determination under Article 8 of the US-EEC Pipe and Tube Arrangement with respect to two sizes of cold drawn seamless steel tubing of the following dimensions: outer diameter ¼" x inner diameter .063", and outer diameter ¼" x inner diameter .072" to be used in the manufacture of injection lines for diesel engines.

EFFECTIVE DATE: Comments must be submitted no later than ten days after publication of this noitice.

ADDRESS: Send all comments to Joseph A. Spetrini, Director, Office of Agreements Compliance, 14th Street and Constitution Ave., NW., Washington, D.C. 20230, Room 3099.

FOR FURTHER INFORMATION CONTACT: Nicholas C. Tolerico, Office of Agreements Compliance, Import Administration, U.S. Department of Commerce, 14th and Constitution Ave., NW., Washington, D.C. 20230, Room 3087B, (202) 377-4036.

SUPPLEMENTARY INFORMATION: On January 10, 1985 the United States (U.S.) and the European Economic Community (EEC) concluded a clarification of the Pipe and Tube Arrangement agreed to on October 21, 1982. The January 10 clarification provides in Articles 8 that ". . . the U.S. shall accept exports of pipes and tubes in addition to those permitted under sections 1 and 2 where a shortage of supply is identified, i.e., where the U.S. industry is unable to meet demand in the United States for a particular product." Under the terms of Article 8 the Department ". . . shall make a decision under this section on the basis of objective evidence from all relevant sources."

We have received a request for short supply for the following products:

Two sizes of cold drawn seamless steel tubing to be used in the manufacture of injection lines for diesel engines. The dimensions of this tubing are ¼" outer diameter x .063" inner diameter and ¼" outer diameter x .072" inner diameter. This product is to meet Caterpillar specification 1E1388 which is similar to German specification DIN 2391 Part 2, Grade ST-52 1.0580 NBK Class C.

Any party interested in commenting on this request should send written comments as soon as possible, and no later than ten days after the publication of this notice. Comments should focus on the economic factors involved in granting or denying this request.

Commerce will maintain this request and all comments in a public file. Anyone submitting business proprietary information should clearly so label the business proprietary portion of their submission and also submit with it a submission without proprietary information, which can be placed in the public file. The public file will be maintained in the Central Records Unit, Import Administration, U.S. Department of Commerce, Room B-099 at the above address.

Dated: April 16, 1985.

Alan F. Holmer,

Deputy Assistance Secretary for Import Administration.

[FR Doc. 85-9621 Filed 4-19-85; 8:45 am]

BILLING CODE 3510-DS-M

Minority Business Development Agency

[Transmittal No. 85-6000-17 (Readvertisement); Project I.D. Number: 08-10-85019-01]

Financial Assistance Applications Announcements; Denver/Colorado Springs Minority Business Development Center (MBDC)

SUMMARY: The Minority Business Development Agency (MBDA) announces that it is soliciting competitive applications under its Minority Business Development Center (MBDC) Program to operate an MBDC for a *three (3) year period*, subject to available funds. The cost of performance for the first *thirteen (13) months* is estimated at *$402.328* for the project's performance of *09/01/85 to 09/30/86*. The MBDC will operate in the *Denver, Colorado Metropolitan Statistical Area (MSA)* and the *Colorado Springs, Colorado Metropolitan Statistical Area (MSA)*. The first year cost of the MBDC will consist of *$341.970* Federal funds and a minimum of *$60.358* in non-Federal funds (which can be a combination of cash, in-kind conrtibution and fees for services).

The funding instrument for the MBDC will be a cooperative agreement and competition is open to individuals, nonprofit and for-profit organizations, local and state governments, American Indian Tribes and educational institutions.

The MBDC will provide management and technical assistance (M&TA) to eligible clients for the establishment and operation of businesses. The MBDC program is designed to assist those minority businesses that have the highest potential for success. In order to accomplish this, MBDA supports MBDC programs that can: coordinate and broker public and private sector resources on behalf of minority individuals and firms; offer them a full range of management and technical assistance (M&TA); and serve as a conduit of information and assistance regarding minority business.

Applications will be judged on the experience and capability of the firm and its staff in addressing the needs of minority business individuals and organizations; the resources available to the firm in providing management and technical assistance (M&TA); the firm's proposed approach to performing the work requirements included in the application; and the firm's estimated cost for providing such assistance. It is advisable that applicants have an existing office in the geographic region for which they are applying.

The MBDC will operate for a three (3) year period with periodic reviews culminating in annual evaluations to determine if funding for the project should continue. Continued funding will be at the discretion of MBDA, based on such factors as an MBDC's satisfactory performance, the availability of funds and Agency priorities.

DATES: *Closing date:* The closing date for applications is May 22, 1985.

Applications: Must be postmarked on or before May 22, 1985.

ADDRESS: MBDA—Dallas Regional Office, 1100 Commerce Street, Suite 7B23, Dallas, Taxas 75242-0790.

FOR FURTHER INFORMATION CONTACT: Bill Medina, Business Development Specialist, Dallas Regional Office, 214/767-8001.

SUPPLEMENTARY INFORMATION: Questions concerning the preceding information, copies of application kits and applicable regulations can be obtained at the above address.

Bobby Jefferson,

Acting Chief, Enterprise Development, Minority Business Development Agency, Dallas Regional Office.

[FR Doc. 85-9563 Filed 4-19-85; 8:45 am]

BILLING CODE 3510-21-M

COMMISSION OF FINE ARTS

Meeting

The Commission of Fine Arts will next meet in open session on Wednesday, May 15, 1985 at 10:00 a.m. in the Commission's offices at 708 Jackson Place, NW., Washington, D.C. 20006 to discuss various projects affecting the appearance of Washington including buildings, memorials, parks, etc., also matters of design referred by other agencies of the government. Access for handicapped persons will be through the main entrance to the New Executive Office Building on 17th Street between Pennsylvania Avenue and H Street, NW.

Inquiries regarding the agenda and requests to submit written or oral statements should be addressed to Mr. Charles H. Atherton, Secretary, Commission of Fine Arts, at the above address or call 566-1066.

Dated in Washington, D.C., April 15, 1985.

Charles H. Atherton,

Secretary.

[FR Doc. 85-9631 Filed 4-19-85; 8:45 am]

BILLING CODE 6330-01-M

DEPARTMENT OF DEFENSE

Office of the Secretary

Defense Science Board Task Force on Acquisition Management of Conventional Munitions; Meeting

ACTION: Change in Advisory Committee Meeting.

SUMMARY: The meeting of the Defense Science Board Task Force on Acquisition Management of Conventional Munitions scheduled for 15-16 May 1985 in the Pentagon, Arlington, Virginia as published in the **Federal Register** (Vol. 50, No. 62, Monday, April 1, 1985, FR Doc. 85-7723) has been changed to 29-30 May 1985. In all other respects the original notice remains unchanged.

Linda M. Lawson,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

April 17, 1985.

[FR Doc. 85-9669 Filed 4-19-85; 8:45 am]

BILLING CODE 3810-01-M

Public Information Collection Requirement Submitted to OMB for Review

ACTION: Public Information Collection Requirement Submitted to OMB for Review.

SUMMARY: The Department of Defense has submitted to OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Each entry contains the following information: (1) Type of Submission; (2) Title of Information Collection and Form Number if applicable; (3) Abstract statement of the need for and the uses to be made of the information collected; (4) Type of Respondent; (5) An estimate of the number of responses; (6) An estimate of the total number of hours needed to provide the information; (7) To whom comments regarding the information collection are to be forwarded; and (8) The point of contact from whom a copy of the information proposal may be obtained.

Extension

Survivor Benefit Plan—Minimum Income Claims—DD 1885

Pub. L. 92–425 provides that certain surviving spouses of retired service members may be entitled to a monthly annuity under certain conditions of limited income. DD Form 1885 must be completed and submitted by the surviving spouse to the Uniformed Services' Finance Center to establish entitlement to payments and determine the amount of the annuity.

Individuals and Households

Responses 50

Burden hours 150

ADDRESSES: Comments are to be forwarded to Mr. Edward Springer, Office of Management and Budget, Desk Officer, Room 3235, New Executive Office Building, Washington, DC 20503, and Mr. Daniel Vitiello, DOD Clearance Officer, WHS/DIOR, 1215 Jefferson Davis Highway, Suite 1204, Arlington, VA 22202–4302, telephone (202) 746–0933.

FOR FURTHER INFORMATION CONTACT: A copy of the information collection proposal may be obtained from Mr. Robert L. Newhart, OASD MI&L(PI), Room 3C800, Pentagon, Washington, DC 20301–4000, telephone (202) 695–0643.

Linda M. Lawson,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

April 17, 1985.

[FR Doc. 85–9672 Filed 4–19–85; 8:45 am]

BILLING CODE 3810–01–M

Public Information Collection Requirement Submitted to OMB for Review

ACTION: Public Information Collection Requirement Submitted to OMB for Review

SUMMARY: The Department of Defense has submitted to OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Each entry contains the following information: (1) Type of Submission; (2) Title of Information Collection and Form Number, if applicable; (3) Abstract statement of the need for and the uses to be made of the information collected; (4) Type of Respondent; (5) An estimate of the number of responses; (6) An estimate of the total number of hours needed to provide the information; (7) To whom comments regarding the information collection are to be forwarded; and (8) the point of contact from whom a copy of the information proposal may be obtained.

Existing Collection in Use Without OMB Control Number

End-of-Year Reports for School and Installation Advisory Committees Department of Defense Overseas Dependents Schools.

Information reported indicates the degree to which goals and objectives of the Committees have been attained.

Individual and/or Committee Chairperson

Responses 320

Burden hours 320

ADDRESSES: Comments are to be forwarded to Mr. Edward Springer, Office of Management and Budget, Desk Officer, Room 3235, New Executive Office Building, Washington, DC 20503, and Mr. Daniel Vitiello, DOD Clearance Officer, WHS/DIOR, 1215 Jefferson Davis Highway, Suite 1204, Arlington, VA 22202–4302, telephone (202) 746–0933.

FOR FURTHER INFORMATION CONTACT: A copy of the information collection proposal may be obtained from Mr. Robert L. Newhart, OASD MI&L(PI), Room 3C800, Pentagon, Washington, DC 20301–4000, telephone (202) 695–0643. This collection is not for contract.

Linda M. Lawson,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

April 17, 1985.

[FR Doc. 85–9673 Filed 4–19–85; 8:45 am]

BILLING CODE 3810–01–M

Department of the Air Force

Public Information Collection Requirement Submitted to OMB for Review

ACTION: Public Information Collection Requirement Submitted to OMB for Review.

SUMMARY: The Department of Defense has submitted to OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Each entry contains the following information: (1) Type of submission; (2) Title of Information Collection and Form Number, if applicable; (3) Abstract statement of the need for and the uses to be made of the information collected; (4) Type of Respondent; (5) An estimate of the number of responses; (6) An estimate of the total number of hours needed to provide the information; (7) To whom comments regarding the information collection are to be forwarded; and (8) The point of contact from whom a copy of the information proposal may be obtained.

Reinstatement of a previously approved collection for which approval has expired.

Report of Existence, AFAFC Form 0–126 and AFAFC Form 0–127

For net pay checks mailed overseas or to a trustee or guardian in behalf of the retired member, a Report of Existence (ROE) is required. Without the return of these forms, retired/annuitants living overseas, and legal representatives of persons declared incompetent are affected.

Approximately 10,000 ROEs are mailed each year.

ADDRESSES: Comments are to be forwarded to Mr. Edward Springer, Office of Management and Budget, Desk Officer, Room 3235, New Executive Office Building, Washington, DC 20503, and Mr. Daniel J. Vitiello, DOD Clearance Officer, WHS/DIOR, 1215 Jefferson Davis Highway, Suite 1204, Arlington, Virginia 22202–4302, telephone number (202) 746–0933.

SUPPLEMENTAL INFORMATION: A copy of the information collection proposal may be obtained from Roma A. Ferioli, AFAFC/RP, Denver, CO 80279, commercial telephone (303) 370–3582.

Linda M. Lawson,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

April 17, 1985.

[FR Doc. 85–9671 Filed 4–19–85; 8:45 am]

BILLING CODE 3810–01–M

DEPARTMENT OF EDUCATION

Research in Education of the Handicapped

Correction

In FR Doc. 85-8195 beginning on page 13734 in the issue of Friday, April 5, 1985, make the following correction: On page 13734, in the first column, the first sentence of the **EFFECTIVE DATE** paragraph should have read: "This notice of priorities will take effect either 45 days after publication in the **Federal Register** or later if Congress takes certain adjournments."

BILLING CODE 1505-01-M

Office of Postsecondary Education

Availability of Amendments to the 1984–85 National Defense and Direct Student Loan Programs Directory of Designated Low-Income Schools for Teacher Cancellation Benefits

AGENCY: Department of Education.

ACTION: Notice of availability of amendments to the 1984–85 Directory of low-income schools for cancellation of loans for teaching service.

SUMMARY: Insitutions and borrowers participating in the National Defense and National Direct Student Loan Programs and other interested persons are advised that they may obtain information regarding, or copies of, amendments to the *1984–85 National Defense and Direct Student Loan Programs Directory of Designated Low-Income Schools for Teacher Cancellation Benefits (Directory)*. The amendments identify changes in the schools that qualify for teacher cancellation benefits under each of the loan programs.

DATE: A limited number of copies of the amendments to the *Directory* will be available upon request on or after May 10, 1985.

ADDRESS: Copies of the amendments to the *Directory* may be requested from the U.S. Department of Education, Office of Student Financial Assistance, Division of Program Operations, Campus-Based Programs Branch, 400 Maryland Avenue, SW., [Room 4613, ROB–3] Washington, D.C. 20202. Telephone (202) 245–9640.

FOR FURTHER INFORMATION CONTACT: Inquiries concerning the amendments to the *Directory* may be made to: (1) The appropriate State educational agency, (2) individuals listed in the ten (10) regional offices of the Department of Education (see Appendix to this notice for the addresses of the regional offices), or (3) Ronald Allen, Campus-Based Programs Branch, Division of Program Operations, U.S. Department of Education, 400 Maryland Avenue, S.W., [Room 4613, ROB–3] Washington, D.C. 20202. Telephone (202) 245–9640.

SUPPLEMENTARY INFORMATION: The Secretary of Education published a notice in the **Federal Register** on December 26, 1984 (49 FR 50071–50072), that the *1984–85 National Defense and Direct Student Loan Program Directory of Designated Low-Income Schools for Teacher Cancellation Benefits* was available. The Secretary has revised the *Directory* due to the openings and closings of schools, name changes, and other corrections. The amendments to the *Directory* make these changes.

The procedures for selecting schools for cancellation benefits are described in the National Defense and Direct Student Loan program regulations (34 CFR 674.53, 674.54). The Secretary has determined that for the 1984–85 academic year full-time teaching in the schools set forth in the amendments to the *Directory* qualifies for cancellation.

The Secretary is providing the amendments to the *Directory* to each institution participating in the National Direct Student Loan Program. Inquiries should be directed to participating institutions, the appropriate State Departments of Education, regional offices of the Department of Education, or the Office of Student Finanical Assistance of the Department of Education concerning the identity of qualifying schools for the 1984–85 academic year. The Office of Student Financial Assistance has a limited number of copies of the amendments to the *Directory* that are available upon requests.

Dated: April 16, 1985.

(Catalog of Federal Domestic Assistance Number 84.037: National Defense/Direct Student Loan Cancellations)

Edward M. Elmendorf,

Assistant Secretary for Postsecondary Education.

Appendix to Notice of Availability of 1984–85 Directory of Low-Income Schools for Cancellation of Loans for Teaching Service

Department of Education Regional Offices

Mr. Ted Jones, Training and Dissemination Officer—Region I, Office of Student Financial Assistance, U.S. Department of Education, J.W. McCormack Post Office and Court House, 5 Post Office Square, Room 510, Boston, Massachusetts 02109, (617) 223–6895

Sister Bernadine Hayes, Training and Dissemination Officer—Region II, Office of Student Financial Assistance, U.S. Department of Education, 26 Federal Plaza, Room 3954, New York, New York 10278, (212) 264–4426

Ms. Beatrice Rosenfeld, Training and Dissemination Officer—Region III, Office of Student Financial Assistance, U.S. Department of Education, P.O. Box 13716, 3535 Market Street, Philadelphia, Pennsylvania 19104, (215) 596–0247

Ms. Judy Brantley, Assistant Regional Administrator—Region IV, Office of Student Financial Assistance, U.S. Department of Education, 101 Marietta Tower, Suite 423, Atlanta, Georgia 30323, (404) 221–4171

Dr. Morris Osburn, Assistant Regional Administrator—Region V, Office of Student Financial Assistance, U.S. Department of Education, 300 South Wacker Drive, 12th Floor, Chicago, Illinois 60606, (312) 353–8103

Mr. Lyndon Lee, Assistant Regional Administrator—Region VI, Office of Student Financial Assistance, U.S. Department of Education, 1200 Main Tower Building, Room 1645, Dallas, Texas 75202, (214) 767–3811

Mr. Jerry Craft, Training and Dissemination Officer—Region VII, Office of Student Financial Assistance, U.S. Department of Education, 324 East 11th Street, 9th Floor, Kansas City, Missouri 64106, (816) 374–3136

Mr. Paul Tone, Training and Dissemination Officer—Region VIII, Office of Student Financial Assistance, U.S. Department of Education, Room 398, Federal Office Building, 1961 Stout Street, Box 3548, Denver, Colorado 80294, (303) 844–3676

Ms. Mary Ann Faris, Training and Dissemination Officer—Region IX, Office of Student Financial Assistance, U.S. Department of Education, 50 United Nations Plaza, San Francisco, California 94102, (415) 556–0137

Mr. W. Phillips Rockfeller, Training and Dissemination Officer—Region X, Office of Student Financial Assistance, U.S. Department of Education, 3rd and Broad Building, Mail Stop 102, 2901 3rd Avenue, Seattle, Washington 98121, (206) 442–4027

[FR Doc. 85–9628 Filed 4–19–85; 8:45 am]

BILLING CODE 4000–01–M

National Advisory Committee on Accreditation and Institutional Eligibility; Public Meeting; Correction

AGENCY: Department of Education.

ACTION: Notice of public meeting: correction.

In FR Doc. 85–8924 published on Monday, April 15, 1985 page 14744 the following correction is made: In the first column on page 14745 after the 34th line insert the following:

Council on Noncollegiate Continuing Education, Accrediting Commission

Dated: April 19, 1985.

C. Ronald Kimberling,

Acting Assistant Secretary for Postsecondary Education.

[FR Doc. 85–9521 Filed 4–19–85; 11:31 am]

BILLING CODE 4000–01–M

DEPARTMENT OF ENERGY

Energy Information Administration

Publication of Alternative Fuel Price Ceilings and Incremental Price Threshold for High Cost Natural Gas

The Natural Gas Policy Act of 1978 (NGPA) (Pub. L. 95–621) signed into law on November 9, 1978, mandated a new framework for the regulation of most facets of the natural gas industry. In general, under Title II of the NGPA, interstate natural gas pipeline companies are required to pass through certain portions of their acquisition costs for natural gas to industrial users in the form of a surcharge. The statute requires that the ultimate costs of gas to the industrial facility should not exceed the cost of the fuel oil which the facility could use as an alternative.

Pursuant to Title II of the NGPA, section 204(e), the Energy Information Administration (EIA) herewith publishes for the Federal Energy Regulatory Commission (FERC) computed natural gas ceiling prices and the high cost gas incremental pricing threshold which are to be effective May 1, 1985. These prices are based on the prices of alternative fuels.

For further information contact: Leroy Brown, Jr., Energy Information Administration, 1000 Independence Avenue SW., Room BE–034, Washington, D.C. 20585, Telephone: (202) 252–6077.

Section I

As required by FERC Order No. 50, computed prices are shown for the 48 contiguous States. The District of Columbia's ceiling is included with the ceiling for the State of Maryland. FERC, by an Interim Rule issued on March 2, 1981, in Docket No. RM79–21, revised the methodology for calculating the monthly alternative fuel price ceilings for State regions. Under the revised methodology, the applicable alternative fuel price ceiling published for each of the contiguous States shall be the lower of the alternative fuel price ceiling for the State or the alternative fuel price ceiling for the multistate region in which the State is located.

The price ceiling is expressed in dollars per million British Thermal Units (BTU's). The method used to determine the price ceilings is described in Section III.

State	Dollars per million Btu's
Alabama	3.90
Arizona[1]	4.20
Arkansas[1]	3.98
California[1]	4.20
Colorado[2]	4.00
Connecticut[1]	4.44
Delaware[1]	4.39
Florida	3.87
Georgia[1]	4.19
Idaho[2]	4.00
Illinois[1]	4.01
Indiana[1]	4.01
Iowa[1]	3.69
Kansas[1]	3.69
Kentucky[1]	4.01
Louisiana	3.98
Maine[1]	4.44
Maryland[1]	4.39
Massachusetts	4.40
Michigan	3.89
Minnesota	3.64
Mississippi[1]	4.19
Missouri[1]	3.69
Montana[2]	4.00
Nebraska[1]	3.69
Nevada[1]	4.20
New Hampshire	4.43
New Jersey	4.39
New Mexico[1]	3.98
New York	4.37
North Carolina[1]	4.19
North Dakota[1]	3.69
Ohio	3.82
Oklahoma[1]	3.98
Oregon	4.16
Pennsylvania[1]	4.39
Rhode Island[1]	4.44
South Carolina[1]	4.19
South Dakota[1]	3.69
Tennessee	3.94
Texas	3.66
Utah[2]	4.00
Vermont[1]	4.44
Virginia[1]	4.19
Washington	4.18
West Virginia[1]	4.01
Wisconsin[1]	4.01
Wyoming[1]	4.00

[1] Region based price as required by FERC Interim Rule, issued on March 2, 1981, in Docket No. RM–79–21.
[2] Region based price computed as the weighted average price of Regions E, F, G, and H.

Section II. Incremental Pricing Threshold for High Cost Natural Gas

The EIA has determined that the volume-weighted average price for No. 2 distillate fuel oil landed in the greater New York City Metropolitan area during February 1985 was $32.19 per barrel. In order to establish the incremental pricing threshold for high cost natural gas, as identified in the NGPA, Title II, section 203(a)(7), this price was multiplied by 1.3 and converted to its equivalent in millions of BTU's by dividing by 5.8. Therefore, the incremental pricing threshold for high cost natural gas, effective May 1, 1985, is $7.21 per million BTU's.

Section III. Method Used To Compute Price Ceilings

The FERC, by Order No. 50, issued on September 29, 1979, in Docket No. RM79–21, established the basis for determining the price ceilings required by the NGPA. FERC also, by Order No. 167, issued in Docket No. RM81–27 on July 24, 1981, made permanent the rule that established that only the price paid for No. 6 high sulfur content residual fuel oil would be used to determine the price ceilings. In addition, the FERC, by Order No. 181, issued on October 6, 1981, in Docket No. RM81–28, established that price ceilings should be published for only the 48 contiguous States on a permanent basis.

A. Data Collected

The following data were required from all companies identified by the EIA as sellers of No. 6 high sulfur content (greater than 1 percent sulfur content by weight) residual fuel oil: For each selling price, the number of gallons sold to large industrial users in the months of December 1984, January 1985, and February 1985.[1] All reports of volume sold and price were identified by the State into which the oil was sold.

B. Method Used To Determine Alternative Price Ceilings

(1) Calculation of Volume-Weighted Average Price

The prices which will become effective May 1, 1985, (shown in Section I) are based on the reported price of No. 6 high sulfur content residual fuel oil, for each of the 48 contiguous States, for each of the 3 months, December 1984, January 1985, and February 1985. Reported prices for sales in December 1984 were adjusted by the percent change in the nationwide volume-weighted average price from December 1984 to February 1985. Prices for January 1985 were similarly adjusted by the percent change in the Nationwide volume-weighted average price from January 1985 to February 1985. The volume-weighted 3-month average of the adjusted December 1985 and January 1985, and the reported February 1985 prices were then computed for each State.

[1] Large Industrial User—A person/firm which purchases No. 6 fuel oil in quantities of 4,000 gallons or greater for consumption in a business, including the space heating of the business premises. Electric utilities, governmental bodies (Federal, State, or Local), and the military are excluded.

(2) Adjustment for Price Variation

States were grouped into the regions identified by the FERC (see Section III.C.). Using the adjusted prices and associated volumes reported in a region during the 3-month period, the volume-weighted standard deviation of prices was calculated for each region. The volume-weighted 3-month average price (as calculated in Section III.B.(1) above) for each State was adjusted downward by two times this standard deviation for the region to form the adjusted weighted average price for the State.

(3) Calculation of Ceiling Price

The lowest selling price within the State was determined for each month of the 3-month period (after adjusting up or down by the percent change in oil prices at the national level as discussed in Section III.B(1) above). The products of the adjusted low price for each month times the State's total reported sales volume for each month were summed over the 3-month period for each State and divided by the State's total sales volume during the 3 months to determine the State's average low price. The adjusted weighted average price (as calculated in Section III.B.(2)) was compared to this average low price, and the higher of the values was selected as the base for determining the alternative fuel price ceiling for each State. For those States which had no reported sales during one or more months of the 3-month period, the appropriate regional volume-weighted alternative fuel price was computed and used in combination with the available State data to calculate the State alternative fuel price ceiling base. The State's alternative fuel price ceiling base was compared to the alternative fuel price ceiling base for the multistate region in which the State is located and the lower of these two prices was selected as the final alternative fuel price ceiling base for the State. The appropriate lag adjustment factor (as discussed in Section III.B.4) was then applied to the alternative fuel price ceiling base. The alternative fuel price (expressed in dollars per gallon) was multiplied by 42 and divided by 6.3 to estimate the alternative fuel price ceiling for the State (expressed in dollars per million BTU's).

There were insufficient sales reported in Region G for the months of December 1984, January 1985, and February 1985. The alternative fuel price ceilings for the States in Region G were determined by calculating the volume-weighted average price ceilings for Region E, Region F, Region G, and Region H.

(4) Lag Adjustment

The EIA has implemented a procedure to partially compensate for the two-month lag between the end of the month for which data are collected and the beginning of the month for which ceiling prices become effective. It was determined that *Platt's Oilgram Price Report* publication provides timely information relative to the subject. The prices found in *Platt's Oilgram Price Report* publication are given for each trading day in the form of high and low prices for No. 6 residual oil in 20 cities throughout the United States. The low posted prices for No. 6 residual oil in these cities were used to calculate a national and a regional lag adjustment factor. The national lag adjustment factor was obtained by calculating a weighted average price for No. 6 high sulfur residual fuel oil for the ten trading days ending April 12, 1985, and dividing that price by the corresponding weighted average price computed from prices published by Platt's for the month of February 1985. A regional lag adjustment factor was similarly calculated for four regions. These are: one for FERC Regions A and B combined; one for FERC Region C; one for FERC Regions D, E, and G combined; and one for FERC Regions F and H combined. The lower of the national or regional lag factor was then applied to the alternative fuel price ceiling for each State in a given region as calculated in Section III.B.(3).

Listing of States by Region

States were grouped by the FERC to form eight distinct regions as follows:

Region A	*Region B*
Connecticut	Delaware
Maine	Maryland
Masschusetts	New Jersey
New Hampshire	New York
Rhode Island	Pennsylvania
Vermont	
Region C	*Region D*
Alabama	Illinois
Florida	Indiana
Georgia	Kentucky
Mississippi	Michigan
North Carolina	Ohio
South Carolina	West Virginia
Tennessee	Wisconsin
Virginia	
Region E	*Region F*
Iowa	Arkansas
Kansas	Louisiana
Missouri	New Mexico
Minnesota	Oklahoma
Nebraska	Texas
North Dakota	
South Dakota	
Region G	*Region H*
Colorado	Arizona
Idaho	California
Montana	Nevada
Utah	Oregon
Wyoming	Washington

Issued in Washington, D.C., April 17, 1985.

Dr. H.A. Merklein,

Administrator, Energy Information Administration.

[FR Doc. 85-9684 Filed 4-19-85; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket Nos. CP85-415-000, et al.]

United Gas Pipe Line Co., et al.; Natural Gas Certificate Filings

Take notice that the following filings have been made with the Commission:

1. United Gas Pipe Line Company

[Docket No. CP85-415-000]

April 10, 1985.

Take notice that on April 4, 1985, United Gas Pipe Line Company (United), Post Office Box 1478, Houston, Texas 7701, filed in Docket No. CP85-415-000 a request pursuant to Section 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to transport natural gas on behalf of Brownsville Utility Department, City of Brownsville, Tennessee (Brownsville), as agent for the Haywood Company (Haywood), under the certificate issued in Docket No. CP82-430-000 pursuant to Section 7(c) of the Natural Gas Act, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

United proposes to transport up to 400 million Btu of natural gas per peak day for Brownsville as agent for Haywood until June 30, 1985, with an extension for a term to end no later than October 31, 1985, should the Commission extend the end-user transportation program beyond June 30, 1985. United indicates that the gas to be transported would be transported by Haywood from Golden Resources Corporation (Golden Resources) and would be used for low-priority space heating, boiler fuel, and generator fuel at Haywood's plant in Brownsville, Tennessee.

United states that it would receive such gas for Haywood's account from Golden Resources on its 6-inch diameter Floyd Field-Delhi pipeline located in Richland Parish, Louisiana, would redeliver said gas to the interconnection of United's and Texas Gas Transmission Corporation's (Texas Gas) facilities located in Ouachita Parish, Louisiana.

United states that it would charge Brownsville the rate equivalent to one-half United's northern zone rate of 22.22 cents per Mcf. Such rate, it is explained, includes a component for gas consumed

in company operations and the Gas Research Institute surcharge.

Comment date: May 28, 1985, in accordance with Standard Paragraph G at the end of this notice.

2. Northwest Pipeline Corporation

[Docket No. CP85-349-000]

April 16, 1985.

Take notice that on March 8, 1985, Northwest Pipeline Corporation (Applicant), 295 Chipeta Way, Salt Lake City, Utah 84108, filed in Docket No. CP85-349-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities in order to transport for and exchange natural gas with ANR Pipeline Company (ANR), all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant proposes to construct and operate approximately 17.53 miles of 20-inch pipeline, a skid-mounted meter station, and appurtenant facilities, in Lincoln County, Wyoming, and to transport, on a firm basis, and exchange gas on a best-efforts basis, up to a combined maximum of 115 billion Btu's of natural gas per day for ANR's account under a gas transportation and exchange agreement between Applicant and ANR dated January 23, 1985 (Agreement).

Applicant states that ANR owns or otherwise controls natural gas which would be processed at the existing Exxon Shute Creek processing plant in Lincoln County, Wyoming. Applicant further states that it proposes to receive up to 115 billion Btu's per day for ANR's account at the outlet of the Shute Creek plant and transport such volumes through the proposed pipeline facilities, referred to as the residue line, to a point of interconnection with Application's existing 30-inch Opal lateral pipeline downstream of its Opal extraction plant. Applicant then proposes to transport ANR's gas through its mainline facilities and deliver thermally equivalent volumes, less any volumes exchanged under the Agreement with ANR and less mainline transmission fuel, to either El Paso Natural Gas Company at an existing point of interconnection near Ignacio, Colorado, or to Colorado Interstate Gas Company at an existing point of interconnection near Green River, Wyoming. It is explained that under the Agreement, the maximum volumes transported and delivered to the Ignacio and Green River delivery points for ANR's account would be 75 billion Btu's per day and 40 billion Btu's per day, respectively.

It is further explained that Applicant proposes to charge ANR a two-part transportation rate for volumes transported under the Agreement. It is explained that for all volumes transported through the proposed residue line, ANR would reimburse Applicant on a monthly basis for one-twelfth of the full cost of service attributable to Applicant's ownership interest, 75 percent, in the proposed residue line. Applicant estimates its monthly cost of service would be $137,124 per month during 1986.

For all volumes transported through Applicant's mainline, it explained that ANR would pay the effective mainline transportation rate contained in Applicant's FERC Gas Tariff, Original Volume No. 2, plus fuel reimbursement. Applicant states that its current mainline transportation rate is 1.24 cents per 100-mile billing milage unit with a fuel reimbursement of 0.83 pecent of the volumes tendered for transportation. Applicant indicates that the applicable billing milage units for ANR volumes transported to the Ignacio and Green River delivery points are 4 and 1, respectively. Applicant asserts that its mainline transportation rate and revenues are subject to the final disposition of its pending rate proceeding in Docket No. RP85-13-000 and that in that proceeding Applicant has proposed a new off-system transportation rate of 3.80 cents per million Btu's per 100-mile billing milage unit.

In addition to the proposed transportation Applicant proposes to exchange certain volumes of natural gas with ANR on a best-efforts basis. It is explained that Applicant has acquired or controls certain supplies of natural gas in Oklahoma which are adjacent to ANR's facilities. Applicant proposes to tender such volumes to ANR at several existing delivery points on ANR's system in exchange for ANR's tendering thermally equivalent volumes to Applicant at the interconnection of the proposed residue line and Applicant's 30-inch Big Piney lateral in Lincoln County, Wyoming. Applicant states that the proposed exchange of gas would initially involve approximately 8 billion Btu's per day. Applicant further states that since the proposed exchange would be mutually beneficial to both Applicant and ANR, the exchange of such volumes would be free of charge.

The total estimated cost of proposed residue line is $7,991,000 which Applicant proposes to finance from current operating funds or short-term borrowing. Applicant states that ANR would reimburse Applicant for 25 percent of the total cost of the proposed residue line and thus would own 25 percent of such facilities.

Comment date: May 7, 1985, in accordance with Standard Paragraph F at the end of this notice.

3. ANR Pipeline Company and Shell Offshore Inc.

[Docket Nos. CP85-393-000 and CI85-300-000]

April 16, 1985.

Take notice that on March 26, 1985, ANR Pipeline Company (ANR), 500 Renaissance Center, Detroit, Michigan 48243 and Shell Offshore Inc. (Shell), P.O. Box 4480, Houston, Texas 77210 (Applicants) filed in Docket No. CP85-393-000 and Docket No. CI85-300-000 a joint application pursuant to Section 7(c) of the Natural Gas Act and Sections 157.7, 157.17, 157.23 and 157.28 of the Federal Energy Regulatory Commission's Regulations thereunder, for a certificate of public convenience and necessity and the issuance of a temporary certificate authorizing Applicants to exchange natural gas, all as more fully set forth in the joint application on file with the Commission and open for public inspection.

The joint application requests authority for Applicant ANR to deliver up to 2,000 dth of natural gas from time to time to Applicant Shell at the Block 188 Field, Eugene Island Area, Offshore Louisiana (Block 188) in exchange for gas delivered by Shell at the Block 175 Field, Eugene Island Area, Offshore Louisiana. Applicants state that the purpose of the exchange is to provide Shell with such needed natural gas for fuel and other well operations at Shell's Block 188 production facilities to maximize Shell's recovery of oil reserves from the Block 188 Field.

Comment date: April 30, 1985, in accordance with the first subparagraph of Standard Paragraph F at the end of this notice.

4. Colorado Interstate Gas Company

[Docket No. CP85-381-000]

April 17, 1985.

Take notice that on March 22, 1985, Colorado Interstate Gas Company (CIG), P.O. Box 1087, Colorado Springs, Colorado 80944, filed in Docket No. CP85-381-000, an application pursuant to Section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the addition of West Texas Gas, Inc. (West Texas), as a new full requirements customer, the waiver of the provisions of Section 18.8 of its FERC Gas Tariff, the revision of

peak day and annual entitlements, the revision of maximum daily volume obligations (MDVO) and delivery pressures, extension of the term of service agreements with nine jurisdictional customers, and the addition of an "input factor" to a service agreement, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, CIG proposes the following:

(1) To add West Texas as a full requirements customer with peak day and annual entitlements of 500 Mcf of gas and 65,000 Mcf of gas, respectively.

(2) Waiver, on a one time basis, Section 18.8 of the General Terms and Conditions of its FERC Gas Tariff in order to effect its proposed peak day and annual entitlements revisions.

(3) To decrease the peak day entitlements of its customers by a net total of 221,274 Mcf of gas. CIG states that its jurisdictional full requirements customers have nominated peak day decreases of 216,653 Mcf and increases of 19,879 Mcf. Its jurisdictional partial requirements customers are said to have nominated a peak day decrease of 40,000 Mcf and increases of 16,500 Mcf. One non-jurisdictional customer, Great Western Sugar Company, is said to have nominated a peak day decrease of 1,000 Mcf.

(4) To decrease net annual entitlements of its customers by 111,472,000 Mcf of gas. CIG indicates that its non-jurisdictional direct sales customers have nominated annual volume decreases of 15,324,000 Mcf, its jurisdictional partial requirement customers have nominated annual volume decreases of 36,764,000 Mcf, and its jurisdictional full requirements customers have nominated annual volume decreases of 61,412,000 Mcf. CIG also states that its jurisdictional full and partial requirements customers have nominated annual volume increases of 228,000 Mcf and 2,500,000 Mcf, respectively.

(5) To extend the term of is service agreements to September 30, 1995, with Cheyenne Light, Fuel and Power Company, City of Fort Morgan, Eastern Colorado Utility Company, Greeley Gas Company, K N Energy, Inc., Northern Gas Division of K N Energy, Inc., Public Service Company of Colorado, Raton Natural Gas Company, and Western Gas Supply Company.

(6) To revise the MDVO and delivery pressure at various delivery points in its service agreements with twelve of its jurisdictional customers because of distribution system load changes and/or revised peak day entitlements. CIG states that the facility modifications at four delivery points are required in order to accommodate the proposed MDVO and delivery pressure revisions. CIG estimates that the City of Colorado Springs' McClintock delivery point would cost $48,100. It estimates that changes requested by Eastern Colorado Utility Company at the Deertrail-Bennett delivery point would cost an estimated $3,400. Also, the modifications sought by the Public Service Company of Colorado at the Green Valley Ranch and Schaffer-Weiks delivery points require facilities estimated to cost a total of $88,800.

(7) To include an "input factor" clause in the service agreement with the City of Colorado Springs. CIG states that Colorado Springs has specified that the heating value and specific gravity prescribed for its customers' gas appliance orifice settings have been 982 Btu per cubic foot of gas and 0.67, respectively. CIG states that the input factor is calculated by dividing the heating value by the square root of the specific gravity. Therefore, CIG would not deliver gas to Colorado Springs without Colorado Springs' approval, for which the input factor varies by more than 6 percent over or 6 percent under an input factor of 1,200.

CIG states that the various proposals combined with its anticipated filing pursuant to Section 4 of the Natural Gas Act to adjust its rates is the most prudent course of action to meet its current market environment.

The authority requested is proposed to be effective on or about September 28, 1985.

Comment date: May 8, 1985, in accordance with Standard Paragraph F at the end of this notice.

5. Columbia Gas Transmission Corporation, Columbia Gulf Transmission Company

[Docket No. CP85-408-000]

April 17, 1985.

Take notice that on April 1, 1985, Columbia Transmission Corporation (Columbia Transmission), 1700 MacCorkle Avenue, S.E., Charleston, West Virginia 25314, and Columbia Gulf Transmission Company (Columbia Gulf), 3805 West Alabama Avenue, Houston, Texas 77027, hereinafter referred to jointly as Applicants, filed in Docket No. CP85-408-000 a request to Section 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to transport natural gas on behalf of Air Products and Chemicals, Inc. (Air Products) under their certificates issued in Docket Nos. CP83-76-000 and CP83-496-000, respectively, pursuant to Section 7 of the Natural Gas Act, all as more fully set forth in their request on file with the Commission and open to public inspection.

Applicants propose to transport up to 600 million Btu equivalent of natural gas per day on behalf of Air Products through December 31, 1985. It is indicated that the gas to be transported would be purchased by Air Products, from Exxon Corporation pursuant to the terms of a sales agreement dated June 22, 1984, and that such gas would be used as boiler fuel in Air Products' Trexlertown, Pennsylvania, plant. It is further indicated that Columbia Gulf would receive the gas at existing points of receipt in Louisiana from Exxon Corporation and redeliver to Columbia Transmission which would redeliver to UGI Corporation (UGI) for ultimate delivery to Air Products.

Columbia Gulf states that it would charge one of the rates in its Rate Schedule T-2 for its transportation service: offshore to Kentucky—23.92 cents per dt equivalent of gas and retain 1.69 percent of the total quantity of gas delivered into its system for company-use and unaccounted-for gas; lateral onshore to Kentucky—14.28 cents per dt equivalent of gas and retain 1.50 percent; Rayne, Louisiana, to Kentucky—12.76 cents per dt equivalent of gas and retain 1.50 percent; and Corinth, Mississippi, to Kentucky—6.38 cents per dt equivalent of gas and retain 0.75 percent.

Columbia Transmission states that it would charge one of the rates in its Rate Schedule TS-1 for its transportation service: gas received from Columbia Gulf at Leach, Kentucky—21.16 cents per dt equivalent and gas received from Columbia Gulf at receipt points other than Leach, Kentucky—29.93 cents per dt equivalent provided the volumes are within UGY's total daily entitlements (TDE). However, Columbia Transmission states it would charge 32.50 cents per dt equivalent for gas it receives from Columbia Gulf at Leach, Kentucky; and 41.27 cents per dt equivalent for gas received from receipt points other than Leach, Kentucky if the volumes are in excess of UGI's TDE. Columbia Transmission further states it would retain 2.43 percent of the total quantity of gas delivered into its system for company-use and unaccounted-for gas. In addition, Columbia Transmission states it would collect the General R & D Funding Unit of the Gas Research Institute.

Applicants also requests flexible authority to add or delete receipt/delivery points associated with sources of gas acquired by the end-user. The flexible authority requested applies only

to points related to sources of gas supply not to delivery points in the market area. Applicants will file a report providing certain information with regard to the addition or deletion of sources of gas as further detailed in the application and any additional sources of gas would only be obtained to constitute the transportation quantities herein and not to increase those quantities.

Comment date: June 3, 1985 in accordance with Standard Paragraph G at the end of this notice.

6. El Paso Natural Gas Company

[Docket No. CP85–379–000]

April 17, 1985.

Take notice that on March 21, 1985, El Paso Natural Gas Company (Applicant), Post Office Box 1492, El Paso, Texas 79978, filed in Docket No. CP85–379–000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain pipeline, metering, and regulating facilities, with appurtenances, and the sale and delivery of additional quantities of natural gas by means of such facilities to Southwest Gas Corporation (Southwest) and Black Mountain Gas Company (Black Mountain), for resale to consumers located in Maricopa County, Arizona, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it currently sells natural gas to Southwest for resale in its Maricopa County service area, pursuant to a service agreement dated August 15, 1970 (1970 agreement) between Applicant and Arizona Public Service Company, Southwest's predecessor-in-interest. Applicant further states that it supplies gas to Black Mountain under a service agreement dated May 4, 1984 (1984 agreement).

During the next three years, reports Applicant, Southwest and Black Mountain expect to serve additional residential and commercial customers (Priorities 1 through 2(c)) in the Maricopa County area. Applicant states that to meet their increased needs, the two distributors asked Applicant to install new facilities and to deliver and sell more natural gas to them for resale. Consequently, Applicant proposes to construct and operate a 19.8-mile 12¾-inch O.D. pipeline, with metering and regulating facilities and their appurtenances, which would extend eastward from Applicant's 20-inch O.D. Maricopa County line to a proposed extension of Black Mountain's gas distribution system. Applicant states that its new facilities would cost $5,117,912 and would be financed through internally generated funds.

Through these facilities, Applicant proposes to increase its peak day natural gas deliveries and sales to Southwest for resale from approximately 23,794 Mcf in 1984 to a projected 44,338 Mcf in 1988 and further proposes to deliver and sell 1,152 Mcf of gas to Black Mountain, on a peak day basis, for resale to a heretofore-unserved area of the latter's Maricopa County service area. Applicant maintains that the distributors' proposed load growth and corresponding increased sales of gas would be consistent with the high-priority growth provisions of its own currently-effective permanent Allocation Plan, which was approved in Docket No. RP72–6, *et al.*, on March 17, 1981.

Applicant states that it would sell the proposed additional volumes of gas to Southwest and to Black Mountain pursuant to the prices and Rate Schedules of the 1970 agreement and the 1984 agreement, respectively.

Comment date: May 6, 1985, in accordance with Standard Paragraph F at the end of this notice.

7. Natural Gas Pipeline Company of America

[Docket No. CP85–387–000]

April 17, 1985.

Take notice that on March 25, 1985, Natural Gas Pipeline Company of America (Natural), 701 East 22nd Street, Lombard, Illinois 60148, filed in Docket No. CP85–387–000 a request pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) for permission and approval to abandon certain facilities related to the sale and delivery of natural gas to Northern Illinois Gas Company (NI-Gas) and Northern Indiana Public Service Company (NIPSCO) at sales delivery points located in Cook and Will Counties, Illinois, under the abandonment authorization issued in Docket No. CP82–402–000 pursuant to Section 7 of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

Natural states that it has continued to make sales originally made by its predecessor, Chicago District Pipeline Company, to NI-Gas at the Stepan Chemical Company sales delivery sidetap in Will County, Illinois, and at the Elmhurst Road Meter Station in Cook County, Illinois, and to NIPSCO at the Lansing sales meter station No. 1 in Cook County, Illinois. Natural has also sold gas to NI-Gas at the Edison Chicago Heights sidetap in Cook County, Illinois.

Natural proposes to abandon the facilities serving NI-Gas identified above. It is explained that NI-Gas would continue to serve Stepan Chemical from its own distribution system and would not require a direct connection to Natural's pipeline. Natural says that the other two sales points have not been used for some time. Natural states that there is no proposal to modify NI-Gas' existing system-wide daily contract quantity of gas from Natural as a result of the abandonments proposed here.

As for NIPSCO, it is explained that the Lansing No. 1 meter facility has not been used for several years, since Natural constructed a 30-inch lateral connecting its Calumet No. 3 line and that nearby Lansing No. 2 meter station. The Lansing No. 1 meter facility is, therefore, proposed to be abandoned. The 22-inch lateral on which it is located would be connected to the 30-inch lateral so that deliveries to NIPSCO can be made utilizing gas flow from Natural's Calumet No. 1 and 2 lines when the Calumet No. 3 line is out of service, it is indicated. Natural states that there would be no adverse effect on any of the customers of NI-Gas, NIPSCO or Natural, by reason of abandonment and removal of the subject facilities.

Comment date: June 3, 1985, in accordance with Standard Paragraph G at the end of this notice.

8. Panhandle Eastern Pipe Line Company

[Docket No. CP84–653–002]

April 17, 1985.

Take notice that on March 21, 1985, Panhandle Eastern Pipe Line Company (Panhandle), P.O. Box 1642, Houston, Texas 77001, filed in Docket No. CP18–653–002 a request pursuant to Section 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to increase the quantities of natural gas which it transports on behalf of PPG Industries, Inc. (Shipper), under the certificate issued in Docket No. CP83–83–000 pursuant to Section 7 of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open for public inspection.

Panhandle proposes to increase the daily quantity of natural gas that it transports on behalf of Shipper from 4,400 Mcf to 5,200 Mcf and the annual quantity from 1,606,000 Mcf to 1,752,000 Mcf. Panhandle proposes no other changes to the authorization previously received on October 30, 1984, in Docket No. CP84–563–000, it is asserted.

The authorization in Docket No. CP84–563–000 gave Panhandle flexible authority to add or delete supply/receipt points and delivery points to the locations initially specified, it is noted. Panhandle states it initially received Shipper's volumes at the tailgate of Union Texas Products Company's (Seller) Chaney Dell Plant in Major County, Oklahoma, and delivered equivalent volumes to Illinois Power Company (Illinois Power) in Macon County, Illinois. From there Illinois Power would then deliver the natural gas to Shipper's plant in Mt. Zion, Illinois, it is stated.

Pursuant to its flexible authority, Panhandle states that on December 20, 1984, four additional supply/receipt points were added. These four supply/receipt points are located in Woods and Woodward Counties, Oklahoma, and are existing interconnections between Panhandle and Tuthill and Barbie, it is stated. Panhandle, in its January 18, 1985, compliance report explained that Shipper and Seller amended their sales agreement to provide for these four new sources of natural gas. Furthermore, the gas from these new sources is gas which was previously dedicated to Panhandle and were volumes which were classified under sections 102 and 103 of the Natural Gas Policy Act of 1978, it is explained. Panhandle asserts that because of the additional volumes of gas available to Shipper, the volumes originally authorized to be transported in Docket No. CP84–653–000 need to be increased. Panhandle attests that no other changes to the original service as authorized for Shipper in Docket No. CP84–653–000 have been made.

Comment date: June 3, 1985, in accordance with Standard Paragraph G at the end of this notice.

9. Panhandle Eastern Pipe Line Company

[Docket No. CP84–673–001]

April 17, 1985.

Take notice that on March 21, 1985, Panhandle Eastern Pipe Line Company (Petitioner), P.O. Box 1642, Houston, Texas 77001, filed in Docket No. CP84–673–001 a request pursuant to §157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to transport increased quantities of natural gas for Kraft, Inc. (Kraft), under the certificate issued in Docket No. CP83–83–000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request on file with the Commission and open to public inspection.

Specifically, Petitioner requests authorization to increase the maximum daily transportation quantity from 5,500 Mcf of gas to 6,500 Mcf under the same terms and conditions authorized for the basic service. Petitoner proposes no other changes to the authorization previously granted in Docket No. CP84–673–000.

Comment date: June 3, 1985, in accordance with Standard Paragraph G at the end of this notice.

10. Southern Natural Gas Company

[Docket No. CP85–392–000]

April 17, 1985.

Take notice that on March 26, 1985, Southern Natural Gas Company (Southern), P.O. Box 2563, Birmingham, Alabama 35202–2563, filed in Docket No. CP85–392–000 an application pursuant to Section 7(c) of the Natural Gas Act for certificate of public convenience and necessity authorizing the transportation of gas for sale to Forman Exploration Company (Forman) and authorizing the modification of certain facilities necessary to effect the sale, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Southern proposes to sell to Forman on a when-available, interruptible basis, pursuant to a gas sales agreement dated December 28, 1984, up to a maximum daily volume of 500 Mcf of gas. Southern states that the sales agreement is for a primary term of one year from the date of the initial delivery of gas to Forman.

Southern requests authority to deliver the sales volumes to Forman at an existing point of interconnection between the facilities of Southern and Forman in St. Martin Parish, Louisiana. Southern also requests authorization to modify Southern's existing Forman-Bayou Bouillion gas purchase meter station and appurtenant facilities necessary to effect deliveries to Forman. The estimated cost of the modification is $2,000.

Southern proposes to sell the gas to Forman at an initial price of $4.69406 per Mcf. It is indicated that this price would be redetermined periodically to reflect changes in Southern's costs.

Comment date: May 8, 1985, in accordance with standard Paragraph F at the end of this notice.

11. Trunkline Gas Company

[Docket No. CP84–577–005]

April 17, 1985.

Take notice that on March 14, 1985, Trunkline Gas Company (Trunkline), P.O. Box 1642, Houston, Texas 77001, filed in an amendment in Docket No. CP84–577–005 a request pursuant to Section 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to make an off-system sale of natural gas. The request is pursuant to authorization received in the Commission's order issued October 29, 1984, in Docket No. CP84–577–000, authorizing sales for take-or-pay relief program (STOPR), all as more fully set forth in the request which is on file with the Commission and open for public inspection.

Trunkline proposes to make an off-system sale of gas to Spindletop Gas Distribution System (Spindletop) pursuant to a gas sales agreement dated February 28, 1985, between Spindletop and Trunkline (agreement). It is explained that the agreement provides for Trunkline to deliver up to 50,000 Mcf of gas per day on an interruptible basis for Spindletop's general system supply for resale within Spindletop's service areas. Trunkline states it would deliver the gas to an existing point of interconnection between Trunkline and Natural Gas Pipeline Company of America (NGPL) located in Montgomery County, Texas, for the account of Spindletop. It is stated that the sales price which Spindletop would pay Trunkline is $3.1438 per dt equivalent of gas. The sales price consists of Trunkline's current average cost of gas, the GRI Surcharge, and an added margin pursuant to the authorization received in the STOPR order, it is indicated.

Further, it is stated that this service is conditioned upon the availability of capacity sufficient to provide service without detriment or disadvantage to Trunkline's existing customers which are dependent on Trunkline's general system supply. The term of the service requested herein would be from the date of first delivery, with termination to coincide with the expiration under the STOPR program, it is stated.

Comment date: June 3, 1985, in accordance with Standard Paragraph G at the end of this notice.

Standard Paragraphs

F. Any person desiring to be heard or make any protest with reference to said filing should on or before the comment date file with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person

wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this filing if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for the applicant to appear or be represented at the hearing.

G. Any person or the Commission's staff may, within 45 days after the issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to Section 7 of the Natural Gas Act.

Kenneth F. Plumb,

Secretary.

[FR Doc. 85-9980 Filed 4-19-85; 8:45 am]

BILLING CODE 6717-01-M

ENVIRONMENTAL PROTECTION AGENCY

[OPPE-FRL-2822-3]

Agency Information Collection Activities Under OMB Review

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 3507(a)(2)(B) of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*) requires the Agency to publish in the **Federal Register** a notice of proposed information collection requests (ICRs) that have been forwarded to the Office of Management and Budget for review. The ICR describes the nature of the solicitation and the expected impact, and, where appropriate includes the actual data collection instrument. The following ICR is available to the public for review and comment.

FOR FURTHER INFORMATION CONTACT: Nanette Liepman (PM-223), Office of Standards and Regulations, Regulation and Information Management Division, U.S. Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460, telephone (202) 382-2742 or FTS 382-2742.

SUPPLEMENTARY INFORMATION:

Office of Air Radiation

• Title: Mobile Sources Emission Factor Survey (EPA #0619). (This is a request to continue an ongoing collection.)

Abstract: The Emissions Factor Survey tests a random sample of privately owned motor vehicles, stratified by class of vehicle and by mileage of vehicle-use within each class, for the purpose of characterizing levels of exhaust pollutants for each combination of class and mileage in the sample. The data generated by this survey are used to model air pollution attributable to mobile sources and to determine the impact of regulations and the benefits of control programs.

Respondents: A sample of individual owners of motor vehicles.

Agency PRA Clearance Request Completed by OMB

EPA #1102, Health Significance of Bacteria Found in Point-of-Use Granular Activated Filters, was approved March 27, 1985. (OMB #2080-0011; expires December 31, 1987).

Comments on all parts of this notice should be sent to:

Nanette Liepman (PM-223), U.S. Environmental Protection Agency, Office of Standards and Regulations, Regulation and Information Management Division, 401 M Street SW., Washington, D.C. 20460

and

Wayne Leiss, Office of Management and Budget, Office of Information and Regulatory Affairs, New Executive Office Building (Room 3228), 726 Jackson Place NW., Washington, D.C. 20503.

Dated: April 15, 1985.

Odelia Funke,

Acting Director, Regulation and Information Management Division.

[FR Doc. 85-9595 Filed 4-19-85; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL RESERVE SYSTEM

Agency Forms Under Review by OMB

Background

April 16, 1985.

On June 15, 1984, the Office of Management and Budget (OMB) delegated to the Board of Governors of the Federal Reserve System (Board) its approval authority under the Paperwork Reduction Act of 1980, as per 5 CFR 1320.9, "to approve of and assign OMB control numbers to collection of information requests and requirements conducted or sponsored by the Board under conditions set forth in 5 CFR 1320.9." Board-approved collections of information will be incorporated into the official OMB inventory of currently approved collections of information. A copy of the SF 83 and supporting statement and the approved collection of information instrument(s) will be placed into OMB's public docket files. The following forms, which are being handled under this delegated authority, have received initial Board approval and are hereby published for comment. At the end of the comment period, the proposed information collection, along with an analysis of comments and recommendations received, will be submitted to the Board for final approval under OMB delegated authority.

DATE: Comments must be received on or before May 7, 1985.

ADDRESS: Comments, which should refer to the OMB Docket number (or Agency form number in the case of a new information collection that has not yet been assigned an OMB number), should be addressed to Mr. William W. Wiles, Secretary, Board of Governors of the Federal Reserve System, 20th and C Streets, NW., Washington, D.C. 20551, or delivered to room B-2223 between 8:45 a.m. and 5:15 p.m. Comments received may be inspected in room B-1122 between 8:45 a.m. and 5:15 p.m., except as provided in § 261.6(a) of the Board's Rules Regarding Availability of Information, 12 CFR 261.6(a).

A copy of the comments may also be submitted to the OMB desk officer for the Board: Robert Neal, Office of Information and Regulatory Affairs, Office of Management and Budget, New

Executive Office Building, Room 3208, Washington, D.C. 20503.

FOR FURTHER INFORMATION CONTACT: A copy of the proposed form, the request for clearance (SF 83), supporting statement, instructions, transmittal letter, and other documents that will be placed into OMB's public docket files once approved may be requested from the agency clearance officer, whose name appears below.

Federal Reserve Board Clearance Officer—Cynthia Glassman—Division of Research and Statistics, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 (202–452–3829)

Proposal to approve under OMB delegated authority the extension with minor revisions to instructions of the following report:

1. Report title: Monthly Survey of Debits to Demand and Savings Deposits
Agency form number: FR 2573
OMB Docket number: 7100.0081
Frequency: Monthly
Reporters: Commercial Banks
Small businesses are affected.

General description of report: This information collection is voluntary (12 U.S.C. 248(a)(2)) and (12 U.S.C. 353 et seq.) and is given confidential treatment (5 U.S.C. 552(b)(4)).

This report collects information on debits to demand and savings deposit accounts from a sample of commercial banks. Debits information is used in formulating banking and credit policies. These data are also used in conjunction with other data to interpret money-stock movements and to determine the turnover rate of deposits of various sectors of the economy.

Board of Governors of the Federal Reserve System, April 16, 1985.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 85–9565 Filed 4–19–85; 8:45 am]

BILLING CODE 6210–01–M

First Western Bancshares, Inc.; Application To Engage de Novo in Permissible Nonbanking Activities

The company listed in this notice has filed an application under §225.23(a)(1) of the Board's Regulation Y (12 CFR 225.23(a)(1)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to commerce or to engage *de novo*, either directly or through a subsidiary, in a nonbanking activity that is listed in §225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Unless otherwise noted, comments regarding the application must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than May 10, 1985.

A. **Federal Reserve Bank of St. Louis** (Delmer P. Weisz, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

1. *First Western Bancshares, Inc.*, Booneville, Arkansas; to engage *de novo* through its subsidiary, First Western Loan Company, Booneville, Arkansas, in acting as broker or agent for all types of credit related insurance. These activities would be conducted out of First Western Loan Company's office in Greenwood, Arkansas. The geographic area to be served would be Arkansas and all contiguous states.

Board of Governors of the Federal Reserve System, April 16, 1985.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 85–9566 Filed 4–19–85; 8:45 am]

BILLING CODE 6210–01–M

Keystone Bancshares, Inc.; Application To Engage de Novo in Permissible Nonbanking Activities

The company listed in this notice has filed an application under §225.23(a)(1) of the Board's Regulation Y (12 CFR 225.23(a)(1)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(C)(8)) and §225.21(a) of Regulation Y (12 CFR 225.21(a)) to commence or to engage *de novo*, either directly or through a subsidiary, in a nonbanking activity that is listed in §225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Unless otherwise noted, comments regarding the application must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than May 10, 1985.

A. **Federal Reserve Bank of Chicago** (Franklin D. Dreyer, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *Keystone Bancshares, Inc.*, Kankakee, Illinois; to engage *de novo* through its subsidiary, Keystone Bancshares Life Insurance Company, Kankakee, Illinois, in underwriting of credit life and credit health insurance and accident insurance. Applicant will engage in this activity in Kankakee and LaSalle counties, Illinois.

Board of Governors of the Federal Reserve System, April 16, 1985.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 85–9567 Filed 4–19–85; 8:45 am]

BILLING CODE 6210–01–M

Midland Bancorp., et al.; Formations of; Acquisitions by; and Mergers of Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) and § 225.14 of the Board's Regulation Y (12 CFR 225.14) to become a bank holding company or to acquire a bank or bank holding company. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank or to the offices of the Board of Governors. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Unless otherwise noted, comments regarding each of these applications must be received not later than May 12, 1985.

A. Federal Reserve Bank of New York (A. Marshall Puckett, Vice President) 33 Liberty Street, New York, New York 10045:

1. *Midland Bancorporation*, Paramus, New Jersey; to become a bank holding company by acquiring 100 percent of the voting shares of The Midland Bank & Trust Company, Paramus, New Jersey.

2. *Norwood Associates II*, Hackensack, New Jersey; to become a bank holding company by acquiring 29.1 percent of the voting shares of Midland Bancorporation, Paramus, New Jersey, thereby indirectly acquiring The Midland Bank & Trust Company, Paramus, New Jersey.

B. Federal Reserve Bank of Philadelphia (Thomas K. Desch, Vice President) 100 North 6th Street, Philadelphia, Pennsylvania 19105:

1. *First Valley Corporation*, Bethlehem, Pennsylvania; to acquire 100 percent of the voting shares of Hanover Bank of Pennsylvania, Wilkes-Barre, Pennsylvania.

Board of Governors of the Federal Reserve System, April 16, 1985.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 85-9568 Filed 4-19-85; 8:45 am]

BILLING CODE 6210-01-M

GENERAL SERVICES ADMINISTRATION

[GSA Bulletin FPMR A-87]

Use of Government Contract Air Fares by Cost-Reimbursable Contractors

AGENCY: Office of Federal Supply and Services, GSA.

ACTION: GSA Bulletin.

SUMMARY: This bulletin announces the conditions of availability of the General Services Administration's contract airline discount fares to Government cost-reimbursable contractors.

FOR FURTHER INFORMATION CONTACT: Mr. John J. Whalen, Jr., General Services Administration, Travel and Transportation Services Division (FTE), Washington, DC 20406. Telephone: FTS 557-1264/(703)557-1264.

Dated: April 9, 1985.

By delegation of the Assistant Administrator.

James J. Grady, Jr.,

Director of Policy and Agency Assistance.

GSA Bulletin FPMR A-87 General

To: Heads of Federal agencies

Subject: Use of Government contract air fares by cost-reimbursable contractors

1. *Purpose.* This bulletin announces the conditions of availability of the General Services Administration's contract airline discount fares to Government cost-reimbursable contractors.

2. *Expiration date.* This bulletin contains information of a continuing nature and will remain in effect until canceled.

3. *Background.*

a. In July 1980, the General Services Administration (GSA) initiated the contract airline program for discount air fares between selected city-pairs. In fiscal year 1985, GSA contracted with 22 airlines to furnish passenger service for official Government travel in 643 city-pairs at discount fares. Regulations governing the use of the contract airlines are contained in Federal Property Management Regulations (FPMR) Temporary Regulation A-22. The Federal Travel Directory (FTD), which GSA publishes monthly, identifies current contract airlines, flight schedules, and contract fares.

b. FPMR Temporary Regulation A-22 provides that cost-reimbursable contractors working for the Government may use the same contract fares available to Federal employees traveling at Government expense if the contract airline agrees to the arrangement. The regulation further provides that cost-reimbursable contractors on official Government travel and with proper identification supplied by authorizing agencies may obtain the contract fares by use of a Government Transportation Request (GTR) (Standard Form 1169), cash, or a personal credit card.

c. This bulletin identifies contract airlines which permit employees of cost-reimbursable Government contractors to use GSA contract discount fares in accordance with FPMR Temporary Regulation A-22.

4. *Contract airline practices.*

a. GSA asked the contract airlines to outline their current practices on the use of GSA contract discount fares by employees of cost-reimbursable Government contractors, their required payment method, and the documentation required for employees of cost-reimbursable contractors to qualify for the GSA contract discount fares. Attachments A and B incorporate the results of the survey taken.

b. Changes in airline practices will be announced by supplement to this bulletin.

5. *Agency responsibilities.*

a. Agencies should ensure that cost-reimbursable contracts include a provision that other savings achieved through the contractor's use of the GSA contract discount fares accrue to the Government.

b. Agencies should furnish the cost-reimbursable contractor the required identification letter(s), illustrated in attachment B, for presentation to the contract airline as indicated in attachment A.

6. *Availability of the FTD.* Cost-reimbursable contractors may obtain copies of the FTD from the contracting agency or from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402.

7. *Information.* Inquiries concerning this bulletin may be directed to Mr. John J. Whalen, Jr., General Services Administration, Travel and Transportation Services Division (FTE), Washington, DC 20406. Telephone: FTS 557-1264/(703) 557-1264.

8. *Action.* All agency heads are requested to make this information available to contracting officers and, where appropriate, cost-reimbursable contractors, and to encourage the use of the GSA contract discount fares whenever possible in order to achieve savings in passenger airline transportation expenses.

Attachment A

Contract Airlines That Agree to Provide Passenger Transportation to Cost-Reimbursable Contractors Pursuant to FPMR Temporary Regulation A-22, to the Extent Noted Below

Contract airline	Payment method required	Agency identification letter (attachment B) required
AirCal (OC)	GTR, Cash, or Personal credit card.	Yes.
Braniff Airlines (BN)	GTR, Cash, or Personal credit card.	Yes.
Continental Airlines (CO).	GTR	Yes.
Delta Air Lines (DL)	GTR, Cash, or Personal credit card.	Yes.
Northwest Orient Airlines (NW)	GTR	No.[1]
World Airways (WO)	GTR, Cash, or Personal credit card.	Yes.

[1] This airline will accept a valid corporate identification in lieu of the agency identification letter.

Attachment B

Agency Letter of Identification Required for Cost-Reimbursable Contractors to Qualify for GSA Contract Discount Fares

(To be typed on agency official letterhead)

To: GSA Contract Airline
Subject: Official travel of cost-reimbursable contractor

(Full name of traveler), the bearer of this letter, is an employee of *(Company name)* which is under contract to this agency under the cost-reimbursable contract *(contract number).* During the period of the contract, *(give dates),* the employee will be performing direct, reimbursable travel in performance of the contract. The employee is hereby eligible and authorized to use the GSA contract discount fares in accordance with your city-pairs contract with the General Services Administration.

(Signature, title and telephone number of the contracting officer)

[FR Doc. 85-9643 Filed 4-19-85; 8:45 am]

BILLING CODE 6820-24-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 81D-0148]

Defect Action Levels for Canned Tomato Products; Availability of Guide

Correction

In FR Doc. 85-8295 beginning on page 13880 in the issue of Monday, April 8, 1985, make the following corrections:

1. On page 13880, in the third column, in the **SUPPLEMENTARY INFORMATION,** in the fourteenth line, "proceeding" should read "processing";

2. On page 13881, in the first column, in the first complete paragraph, in the third line, "evaluation" should read "evaluating".

BILLING CODE 1505-01-M

[Docket No. 83V-0399]

Availability of Approved Variance for UPC Laser Scanners

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that an amendment to a variance from the performance standard for laser products has been approved by FDA's Center for Devices and Radiological Health (CDRH) for the Model SP-2001 universal product code (UPC) laser scanners manufactured by Spectra-Physics, Inc. The laser scanners are used to read UPC bar code labels.

DATES: The amendment to the variance became effective January 16, 1985, and ends June 25, 1989.

ADDRESS: The application and all correspondence on the application have been placed on display in the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Tracy Summers, Center for Devices and Radiological Health (HFZ-84), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4874.

SUPPLEMENTARY INFORMATION: Under § 1010.4 (21 CFR 1010.4) of the regulations governing establishment of performance standards under section 358 of the Radiation Control for Health and Safety Act of 1968 (42 U.S.C. 263f), CDRH has granted Spectra-Physics, Inc., 959 Terry St., Eugene, OR 97402, an amendment to its variance from § 1040.10(f)(6) (21 CFR 1040.10(f)(6)) of the performance standard for laser products for the Class II UPC laser scanners manufactured by Spectra-Physics, Inc.

On June 25, 1984, Spectra-Physics was granted a variance for its hand-held Model SP-2001 UPC laser scanners, which variance provided that the laser system may be turned on only by a normally-off momentary switch. The provisions of the amended variance allow for any model SP-2001 UPC laser scanner, manufactured by Spectra-Physics, Inc., and sold under any brand name, to be turned on using a power on/off switch readily accessible to the user and located on the control terminal with a maximum cable length of 12 feet from the scanner head to the terminal. This switch will serve as an alternate means of radiation protection. The specific requirements of the standard for which the variance as amended was granted pertain to the provisions of § 1040.10(f)(6) that otherwise would require the laser scanners to be equipped with beam attenuators to reduce the laser radiation output of the lasers to below Class I limits. All other provisions of the performance standard remain applicable means of providing certification in accordance with 21 CFR 1010.2(d).

CDRH has determined that suitable means of radiation safety and protection are provided by: (a) The existing equipment design; (b) the requirement that the laser system be turned on either by using a normally off momentary switch or an on/off switch located on the control terminal; and (c) the requirement that the product be either a Class I or a Class II laser product. Therefore, on January 16, 1985, CDRH approved the requested amendment by letter from the Deputy Director of CDRH to the manufacturer.

So that the product may show evidence of the variance approved for the manufacturer, the laser scanners shall bear on the certification label required by § 1010.2(a) (21 CFR 1010.2(a)) a variance number, which is the docket number appearing in the heading of this notice, and the effective date of the variance.

In accordance with § 1010.4, the application and all correspondence on the application have been placed on public display under the designated docket number in the Dockets Management Branch (address above) and may be seen in that office between 9 a.m. and 4 p.m., Monday through Friday.

This notice is issued under the Public Health Service Act as amended by the Radiation Control for Health and Safety Act of 1968 (sec. 358, 82 Stat. 1177-1179 (42 U.S.C. 263f)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Director, Center for Devices and Radiological Health 21 CFR 5.86).

Dated: April 16, 1985.

John C. Villforth,

Director, Center for Devices and Radiological Health.

[FR Doc. 85-9570 Filed 4-19-85; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 84V-0179]

Availability of Approved Variance for Airborne Particle Size Spectrometer

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a variance from the performance standard for laser products has been approved by FDA's Center for Devices and Radiological Health (CDRH) for an Airborne Particle Size Spectrometer manufactured by Particle Measuring Systems, Inc. The electronic product is intended to be mounted on the exterior of aircraft and will be used only during flight to measure the size and distribution of airborne particulates.

DATES: The variance became effective January 9, 1985, and ends January 9, 1990.

ADDRESS: The application and all correspondence on the application have been placed on display in the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Glenn E. Conklin, Center for Devices and Radiological Health (HFZ–84), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–4874.

SUPPLEMENTAL INFORMATION: Under § 1010.4 (21 CFR 1010.4) of the regulations governing establishment of performance standards under section 358 of the Radiation Control for Health and Safety Act of 1968 (42 U.S.C. 263f), CDRH has granted Particle Measuring Systems, Inc., 1855 South 57th Ct., Boulder, CO 80301, a variance from certain provisions of the performance standard for laser products for its Airborne Particle Size Spectrometer.

The specific requirements of the standard from which a variance has been granted pertain to the performance features of a remote-control connector (§ 1040.10(f)(3)), key control (§ 1040.10(f)(4)), laser radiation emission indicator (§ 1040.10(f)(5)), and beam attenuator (§ 1040.10(f)(6)). All other provisions of the performance standard remain applicable to the product.

CDRH has determined that: (1) The requirements of § 1040.10(f) (3), (4), (5), and (6) are not appropriate for the product; and (2) suitable means of radiation safety and protection are provided by constraints on the physical and optical design and by the labeling of the product. The laser system shall be marketed only for use on the exterior of aircraft and for use during flight, when human access to the laser radiation is not possible.

In addition, in no case is the radiation propagated away from the aircraft so that a person can be inadvertently exposed in the beam. The safety performance features of § 1040.10(f) (3), (4), (5), and (6) are not needed when the aircraft is on the ground, because access to the radiation, while possible, is not likely to occur, considering the high level of security associated with airports and the rather complex power-up and power-down procedures pilots have to follow. Therefore, on January 9, 1985, CDRH approved the requested variance by a letter from the Deputy Director of CDRH to the manufacturer. The variance will terminate on January 9, 1990.

So that the product may show evidence of the variance approved for the manufacturer, the product shall bear on the certification label required by § 1010.2(a) (21 CFR 1010.2(a)) a variance number, which is the docket number appearing in the heading of this notice, and the effective date of the variance.

In accordance with § 1010.4, the application and all correspondence on the application have been placed on public display under the designated docket number in the Dockets Management Branch (address above) and may be seen in that office between 9 a.m. and 4 p.m., Monday through Friday.

This notice is issued under the Public Health Service Act as amended by the Radiation Control for Health and Safety Act of 1968 (sec. 358, 82 Stat. 1177–1179 (42 U.S.C. 263f)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Director, Center for Devices an Radiological Health (21 CFR 5.86).

Dated: April 16, 1985.

John C. Villforth,

Director, Center for Devices and Radiological Health.

[FR Doc. 85–9569 Filed 4–19–85; 8:45 am]

BILLING CODE 4160–01–M

Office of Human Development Services

Federal Council on the Aging; Meeting

Agency Holding the Meeting: Federal Council on the Aging.

Time and Date: Meeting begins at 9:30 AM and ends at 4:30 PM on Wednesday, May 15, 1985. Meeting begins at 9:30 AM and ends at 5:00 PM on Thursday, May 16, 1985.

Place: Department of Health and Human Services, Hubert H. Humphrey Building, 200 Independence Avenue, SW, Washington, DC 20201, Rooms 503–529A (Fifth Floor).

Status: Meeting is open to the public.

Contact Person: Rita Lowry, Room 4243, HHS North Building, 245–2451. Copies of the agenda are available.

The Federal Council on the Aging was established by the 1973 Amendments to the Older Americans Act of 1965 (Pub. L. 93–29, 42 U.S.C. 3015) for the purpose of advising the President, the Secretary of Health and Human Services, the Commissioner on Aging and the Congress on matters relating to the special needs of older Americans.

Notice is hereby given pursuant to the Federal Advisory Committee Act (Pub. L. 92–453, 5 U.S.C. App. 1, Sec. 10, 1976) that the Council will hold a meeting on May 15 and 16, 1985 from 9:30 AM–4:30 PM and from 9:30 AM–5:00 PM respectively in Rooms 503A–529A of the Hubert H. Humphrey Building, 200 Independence Avenue, SW, Washington, DC 20201.

The agenda will include a "Salute to the Older Americans Act Programs" which will take place on May 15, 1985 from 2:00 PM–4:00 PM in the Dirksen Senate Office Auditorium. There will be a presentation from the National Endowment for the Arts on the joint interagency agreement to effect architectural design for the aging. In addition, a representative of the American Association of Retired Persons will discuss the new Pub. L. 98–313, which promotes senior employment by the Environmental Protection Agency, and its ramifications for other federal agencies.

Dated: April 15, 1985.

Adelaide Attard,

Chairperson, Federal Council on the Aging.

[FR Doc. 85–9637 Filed 4–19–85; 8:45 am]

BILLING CODE 4130–01–M

Public Health Service

Health Resources and Services Administration; Statement of Organization, Functions and Delegation of Authority

Part H, Chapter HB (Health Resources and Services Administration) of the Statement of Organization, Functions, and Delegations of Authority of the Department of Health and Human Services (47 FR 38409–24, August 31, 1982, as amended most recently at 50 FR 3415–16, January 24, 1985), is amended to reflect the following changes within the Bureau of Health Care Delivery and Assistance (1) the abolishment of the Office of Policy Coordination and the transfer of the Office of Policy Coordination functions to the Office of Program Development; and (2) the Office of Program Development title changed to read the Office of Program and Policy Development.

Under *Section HB–10, Organization and Functions*, amend the Bureau of Health Care Delivery and Assistance as follows:

(1) Abolish the *Office of Policy Coordination (HBC13);* and

(2) Delete the *Office of Program Development (HBC12)* in its entirety and substitute the following:

Office of Program and Policy Development (HBC12). (1) Serves as the Bureau's principal staff arm for program planning, coordination, and analysis, including the development of alternative program and policy positions; (2) oversees planning and tracking functions in support of policy formulation and program implementation; (3) advises the Director and his immediate staff on program policy and operational implications arising from activities of the Bureau; (4)

collaborates in the development and implementation of annual and 5-year program and financial plans for the Bureau's program planning and budgeting systems; (5) provides the focus for legislative development and analysis in the Bureau; (6) conducts special inquiries and studies and provides liaison and coordination with the Office of the Administrator, Health Resources and Services Administration (HRSA), in the evaluation program for the Bureau; (7) manages the Bureau's coorespondence activities; (8) coordinates the development of and accomplishes the formal clearance of policy for the Bureau; (9) responsible for the Bureau's adherence to the Freedom of Information Act and Privacy Act and coordinates the Bureau's responsibilities in connection with the Inspector General's "Hotline" (10) develops and/or provides technical assistance in the development and implementation of new and revised regulations and standards; (11) determines the need for changes in legislation and regulations concerning Bureau programs and effectuates necessary changes; (12) tracks legislative proposals in the Congress which impact on Bureau programs; and (13) prepares and/or provides guidance and assistance in the development of associated **Federal Register** notices.

These functional changes are effective upon date of signature.

Dated: April 12, 1985.

Wilford J. Forbush,

Deputy Assistant Secretary for Health Operations, and Director, Office of Management, PHS.

[FR Doc. 85-9632 Filed 4-19-85; 8:45 am]

BILLING CODE 4160-15-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

[Docket No. N-85-1523]

Privacy Act of 1974; Amendments to Systems of Records

AGENCY: Department of Housing and Urban Development.

ACTION: Notice of proposed amendments to existing systems of records.

SUMMARY: The Department is giving notice that it intends to amend the following Privacy Act systems of records: (1) HUD/PD&R-1, Urban Homesteading Evaluation Data; (2) HUD/PD&R-2, Solar Energy Demonstration Survey Files; (3) HUD/PD&R-3, Urban Reinvestment Task Force Data; (4) HUD/PD&R-4, Prepurchase Counseling Demonstration and Evaluation Records; and (5) HUD/PD&R-5, HUD Community Development Block Grant Evaluation Files.

EFFECTIVE DATE: The amendments shall become effective without further notice on May 22, 1985 unless comments are received on or before that date which would result in a contrary determination.

ADDRESS: Rules Docket Clerk, Room 10276, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C. 20410.

FOR FURTHER INFORMATION CONTACT: Arthur L. Stokes, Departmental Privacy Act Officer, Telephone: (202) 755-6374. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: The Department is naming a new system manager for each system listed in order to accurately identify the official responsible for managing the system. This action is necessary to reflect current organizational placement or responsibility for managing these systems.

The system notices were published in the "Federal Register Privacy Act Issuances 1982/83 Compilation, Volume II." They are being amended to read as follows:

HUD/PD&R-1

SYSTEM NAME:

Urban Homesteading Evaluation Data.

* * * * *

SYSTEM MANAGER AND ADDRESS:

Director, Community Planning and Neighborhood Studies Division, TUS, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C. 20410.

* * * * *

HUD/PD&R-2

SYSTEM NAME:

Solar Energy Demonstration Survey Files.

* * * * *

SYSTEM MANAGER AND ADDRESS:

Director, Building Technology Division, TRB, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C. 20410.

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HUD/PD&R-3

SYSTEM NAME:

Urban Reinvestment Task Force Data.

* * * * *

SYSTEM MANAGER AND ADDRESS:

Director, Community Planning and Neighborhood Studies Division, TUS, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C. 20410.

* * * * *

HUD/PD&R-4

SYSTEM NAME:

Prepurchase Counseling Demonstration and Evaluation Records.

* * * * *

SYSTEM MANAGER AND ADDRESS:

Director, Community Planning and Neighborhood Studies Division, TUS, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C. 20410.

* * * * *

HUD/PD&R-5

SYSTEM NAME:

HUD Community Development Block Grant Evaluation Files.

* * * * *

SYSTEM MANAGER AND ADDRESS:

Director, Community Development and Fair Housing Division, TUC, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C. 20410.

Authority: 5 U.S.C. 552(a), 88 Stat. 1896; sec. 7(d), Department of HUD Act (42 U.S.C. 3535(d)).

Issued at Washington, D.C., April 17, 1985.

Judith L. Tardy,

Assistant Secretary for Administration.

[FR Doc. 85-9626 Filed 4-19-85; 8:45 am]

BILLING CODE 4210-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Pueblo of Santa Ana, NM.; Ordinance Providing for the Introduction, Use, Sale, and Distribution of Alcohol

March 29, 1985.

This notice is published in accordance with the authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs by 209 DM 8, and in accordance with the Act of August 15, 1953, 67 Stat. 586, 18 U.S.C. 1161. I certify that the Pueblo of Santa Ana Ordinance No. 84-0-03 and Ordinance No. 85-0-01 were duly adopted by the Santa Ana Pueblo Council on October 25, 1984 and February 7, 1985. Ordinance No. 84-0-03 as revised by Ordinance No. 85-0-01 provides for the introduction, use, sale and distribution of alcoholic beverages

within the areas of Indian country under the jurisdiction of the Pueblo of Santa Ana in New Mexico. The ordinance reads as follows:

John W. Fritz,

Deputy Assistant Secretary—Indian Affairs.

Pueblo of Santa Ana

Ordinance of the Pueblo Council

Ordinance No. 84–0–03 Revised by Ordinance No. 85–0–01—Liquor Control Ordinance

Whereas, the Pueblo Council of the Pueblo of Santa Ana is the duly constituted traditional governing body of the Pueblo of Santa Ana exercising all inherent governmental powers and tribal sovereignty; and

Whereas, the introduction, possession and sale of liquor on the Santa Ana Reservation since time immemorial have been clearly recognized as matters of special concern to the Pueblo of Santa Ana and its members and to the United States; and

Whereas, federal law currently allows the introduction of liquor into Indian country leaving Indian tribes the decision regarding when and to what extent liquor transactions shall be permitted; and

Whereas, to date the Pueblo Council of the Pueblo of Santa Ana has not authorized the introduction, possession or sale of liquor within the reservation boundaries; however, authorization of liquor sales on the reservation is desirable for economic development; and

Whereas, the enactment of an ordinance governing liquor sales on the reservation providing for exclusive liquor introduction and sale by the Pueblo or a Pueblo enterprise and authorizing management by qualified entities will increase the ability of the Pueblo government to control reservation liquor distribution and possession, and at the same time will provide an important source of revenue for Pueblo enterprises engaged in economic development activities.

Now, therefore, be it ordained by the Pueblo Council of the Pueblo of Santa Ana that in order to provide for increased Pueblo control over liquor distribution and possession within the boundaries of the Santa Ana Reservation, and to provide for urgently needed additional revenue, this liquor control ordinance is hereby adopted.

Section 1. Definitions

As used in this ordinance the following definitions shall apply unless the context clearly indicates otherwise:

A. "BIA" means the Bureau of Indian Affairs, Department of the Interior.

B. "Council" means the Pueblo of Santa Ana Council.

C. "Governor" means the Governor of the Pueblo of Santa Ana.

D. "Liquor" includes the four varieties of liquor commonly referred to as alcohol, spirits, wine and beer, and all fermented, spiritous, vinous, or malt liquor, or combinations thereof, and mixed liquor, a part of which is fermented, spiritous, vinous or malt liquor, or otherwise intoxicating. Every liquid or solid or semisolid or other substance, patented or not, containing alcohol, spirits, wine or beer.

E. "Package" means any container or receptacle used for holding liquor not to be immediately consumed.

F. "Liquor by the drink" means alcoholic beverages sold and served one at a time to individuals to be consumed on the premises.

G. "Pueblo" means the Pueblo of Santa Ana.

H. "Purchase" includes the exchange, barter, traffic, receipt with or without consideration by any means whatsoever, of liquor as defined herein, by any person.

I. "Reservation" means the Pueblo of Santa Ana Reservation.

J. "Sale" includes the exchange, barter, traffic, donation with or without consideration, in addition to the selling, supplying or distributing, by any means whatsoever, of liquor, as defined herein, by any person to any person.

K. "Tribal Court" means the traditional Pueblo of Santa Ana Court manner of dealing with judicial matters.

Section 2. Relation to Other Pueblo Laws

All prior ordinances and resolutions of the Pueblo of Santa Ana regulating, authorizing, prohibiting or in any way dealing with the sale of liquor are hereby repealed and of no further force and effect. No Pueblo business licensing law or other Pueblo law shall be applied in a manner inconsistent with the provisions of this ordinance.

Section 3. Prohibition

The introduction, wholesale purchase, sale and dealing in liquor, other than by the Pueblo of Santa Ana or an enterprise of the Pueblo or corporation the majority stock ownership of which is held by the Pueblo which is properly authorized by the Pueblo to deal in liquor sales is prohibited within the Santa Ana Indian Reservation. Possession of liquor by any person now prohibited by federal law shall be lawful so long as possession is in conformity with this ordinance. Federal Indian liquor laws shall remain applicable to any act or transaction which is not authorized by this ordinance. Non-member Indian violators of this ordinance shall be subject to federal prosecution as well as to expulsion from the reservation and civil legal action in accordance with this ordinance. Member Indian violators shall be subject to federal prosecution as well as to civil and criminal legal action in accordance with Pueblo law.

Section 4. Conformity with State Law

Pueblo standards for liquor transaction shall be or exceed those required by the State of New Mexico to the extent required by 18 U.S.C. 1161.

Section 5. Sales

A. *Sales Only by the Pueblo.* No introduction, wholesale purchase or sale of liquor shall be made within the exterior boundaries of the Santa Ana Reservation except by the Pueblo, or by an enterprise of the Pueblo or by a corporation the majority stock of which is held by the Pueblo, authorized to make such wholesale or sale of liquor. Authorization to engage in the wholesale purchase, sale or distribution of liquor shall be given to a qualified entity by resolution of the Pueblo Council which action shall constitute a liquor permit. All such permits shall be non-transferable and renewable annually. Any qualified entity may hire or retain such employees or managers for its liquor sales as it deems necessary, so long as each management arrangement is approved by the Pueblo Council.

B. *All Sales for Personal Use.* All sales shall be for the personal use of the purchaser and resale for profit of any liquor whether in the original container or not shall be a violation of this ordinance and the violator shall be subject to the penalties described herein. Provided, however, that a Pueblo enterprise authorized to purchase and sell liquor may sell or make arrangements to sell liquor at special events so long as such sale is authorized by the Pueblo Council separately for each event.

C. *Liquor by the Drink and Package Sales Allowed.* Sales of liquor shall be in package form or for consumption on the premises by the drink, or both as authorized by the Pueblo Council. In addition, the Council may, in its sole discretion, authorize the wholesale sale of liquor in package form by a wholesale distributorship which may sell only to licensed retail outlets on the reservation that are owned or operated by the Pueblo, an enterprise of the Pueblo or corporation the majority stock of which is owned by the Pueblo. No packages of liquor may be brought onto the premises

where liquor by the drink is authorized to be sold.

D. *No Sale to Minors.* No sale of any liquor shall be made to any person under the age of twenty-one (21) years of age.

E. *Limited Sunday and Election Day Sales Allowed.* Sale of liquor by the drink only shall be allowed on Sunday and then only after one o'clock p.m. Sale of liquor shall be allowed on any tribal, state or federal election day starting one (1) hour after polls are closed. No sale shall be allowed on any day or at any time determined by the Pueblo Council that liquor sales shall be prohibited.

F. *Prohibition of Sales During Emergency.* The Governor of the Pueblo of Santa Ana may, on an emergency basis and for a period of time not to exceed five (5) business days, by written order, prohibit the sale of liquor until such emergency order can be considered by the Pueblo Council which may, in its discretion, extend such emergency order for any length of time it determines necessary, or may issue emergency rules, regulations, directions or orders concerning such introduction, possession, sale or purchase of liquor within the reservation boundaries.

G. *Hours of Sale.* No sale of liquor shall be made except between the hours of 10:00 a.m. and 12:00 midnight Monday through Saturday and between 1:00 p.m. and 12:00 midnight on Sunday.

H. *Location of Sales.* An entity authorized to sell liquor shall do so only at those locations authorized by the Pueblo Council.

I. *Sales to be Made by Adults.* All handling, stocking, possession or sale of liquor pursuant to this ordinance shall be made by persons twenty-one (21) years of age or older.

Section 6. All Sales Cash

Sales as defined herein shall be by cash, check or credit card only and no credit otherwise shall be extended to any person, organization or entity.

Section 7. Illegal Activities

A. *Purchase from or Sale to Unauthorized Person.* It shall be a violation of this ordinance for any person within the boundaries of the Santa Ana Reservation to buy liquor or sell liquor for resale to any person other than a properly authorized Pueblo business enterprise.

B. *Sale to Minors.* Any person who shall sell, serve or provide any liquor to any person under the age of twenty-one (21) years shall be in violation of this ordinance.

C. *Purchase by Minor.* Any person under the age of twenty-one (21) years who shall purchase, attempt to purchase or possess any liquor shall be in violation of this ordinance.

D. *Sale to Person Apparently Intoxicated.* Any person who knowingly sells liquor to a person who the seller has reason to believe is under the influence of alcohol or any person under the influence of alcohol who shall purchase liquor shall be in violation of this ordinance.

E. *Drinking in Public Places.* Any person who shall drink any liquor in a public place except for locations authorized by the Pueblo Council for sales of liquor by the drink shall be in violation of this ordinance.

F. *Open Containers Prohibited.* Any person who shall have an open container of liquor in a non-exempt public place or who has or knowingly permits an open container of liquor in an automobile, whether moving or standing still, shall be in violation of this ordinance. This section shall not apply to empty containers such as aluminum cans collected for recycling.

G. *Proof of Unlawful Sale.* In proceeding under this ordinance, proof of one unlawful sale of liquor shall suffice to establish *prima facie* the intent or purpose of unlawfully keeping liquor for sale or selling for resale in violation of this ordinance.

H. *Use of False or Altered Identification.* Any person who attempts to purchase liquor through the use of false or altered identification which falsely purports to show the individual to be over the age of twenty-one (21) shall be in violation of this ordinance.

I. *Defense to Action for Sale to Minors.* It shall be a defense to an alleged violation of this ordinance for serving liquor to a person under twenty-one (21) years of age if such purchaser has presented a card of identification showing the purchaser's age to be over twenty-one (21) years of age. In addition to the presentation of a normal card of identification by the purchaser, such as a driver's license, the person selling, if still in question of the purchaser's age, may require the purchaser to print his or her name on a file card, sign and date the card. Such card shall be filed alphabetically in a file box and be subject to examination by any BIA or Pueblo law enforcement officer, designated employee of the Pueblo, employees of the Pueblo enterprise authorized to sell liquor, and by the officers of the Pueblo of Santa Ana. Such card in the possession of the Pueblo business enterprise authorized to sell liquor may be offered as a defense in any hearing held by the Pueblo Court for sale to the person who signed the card and may be considered by the Court as evidence that the Pueblo business enterprise and its employees acted in good faith.

Section 8. Permit

A. *Fee.* Each enterprise of the Pueblo or corporation, the majority stock ownership of which is held by the Pueblo, which is authorized to engage in the wholesale purchase, sale or distribution of liquor shall pay an annual permit fee to the Pueblo of Santa Ana of One Thousand Dollars ($1,000) payable on the anniversary date of the Council resolution authorizing the entity to engage in liquor transactions.

B. *Display of Permits.* Each entity authorized and permitted to engage in the wholesale purchase, sale or distribution of liquor shall prominently display its permit issued by the Pueblo at all locations where liquor is sold or distributed.

Section 9. Retail Excise Tax Levy

A. *Retail Excise Tax Levied.* There is hereby levied and shall be collected an excise tax upon each retail sale of liquor in whatever package or container, in the amount of five percent (5%) of the selling price. Said retail excise tax shall be added to the sales price of the liquor sold and shall be paid by the buyer to the retail business enterprise selling liquor which shall collect the same and hold such amounts for the Pueblo until deposited as provided for in this ordinance. Wholesale sales shall be exempted from the retail excise tax.

B. *Deposits.* The taxes collected shall be submitted at least monthly to the Treasurer of the Pueblo who shall upon receipt deposit the same to a special account or fund of the Pueblo. The Treasurer shall report said tax collections, expenditures and the status of such special account or fund to the Governor and Pueblo Council at least quarterly.

C. *Use of Revenues.* Tax revenues shall be used for the benefit of the reservation and Pueblo community. In appropriating these tax revenues, the Council shall give priority to:

1. Strengthening Pueblo government, which shall include but not be limited to, strengthening the Pueblo justice system enforcing this ordinance.

2. Health, education, and other social services programs.

3. Alcohol and drug abuse community services which relate specifically to the needs of the Pueblo of Santa Ana.

4. Such other needs as the Pueblo Council determines are appropriate.

The Pueblo Council shall in its discretion determine which of the above priorities shall receive an appropriation and the amount of such appropriation.

D. *Modification of Tax.* The amount and type of taxes levied by this section may be modified from time to time by resolution of the Pueblo Council with or without or public hearing.

Section 10. Sovereign Immunity Preserved

Nothing in this ordinance is intended or shall be construed as a waiver of the sovereign immunity of the Pueblo of Santa Ana. No officer, manager or employee of the Pueblo or an enterprise of the Pueblo shall be authorized nor shall he attempt to waive the sovereign immunity of the Pueblo.

Section 11. Penalty

Any person, or entity selling, bartering, purchasing or possessing liquor products in violation of any part of this ordinance, rule or regulation adopted pursuant to this ordinance shall be subject to a civil fine of not more then Five Hundred Dollars ($500) for each violation which shall be levied upon issuance of a civil citation by the Tribal Police or BIA special officer and collected by the Business Manager of the Pueblo of Santa Ana. Any non-member violator may be expelled from the reservation by resolution of the Pueblo Council after notice and hearing, with the violator being given an opportunity to be heard and represented by counsel at his own expense. In addition, member Indians and other persons or entities subject to criminal prosecution by the Pueblo who purchase, sell, barter, or possess liquor products in violation of any part of this ordinance, or any rule and regulation adopted thereunder, shall be subject to punishment not to exceed six (6) months imprisonment or to a fine not to exceed Five Hundred Dollars ($500) or to both such imprisonment and fine or as otherwise provided in the laws or by the traditions of the Pueblo of Santa Ana. All contraband merchandise shall be confiscated by the Pueblo of Santa Ana and disposed of as directed by the Pueblo Court.

Section 12. Severability

If any clause, part, or section of this ordinance shall be adjudged invalid, such judgment shall not affect or invalidate the remainder of the ordinance, but shall be confined in its operation to the clause, part, or section directly involved in controversy in which such judgment was rendered.

Section 13. Disclaimer

Nothing in its ordinance shall be construed to authorize or require the criminal trial and punishment of non-Indians except to the extent allowed by any applicable present or future Act of Congress or any applicable federal court decision.

Section 14. Regulations

The Council shall have the authority to adopt and enforce rules and regulations to implement this ordinance and to further the purposes thereof.

Section 15. Enforcement

This ordinance may be enforced by any Pueblo Police Officer, any BIA law enforcement officer, the BIA Superintendent responsible for the Santa Ana Reservation, or any other agency vested with such enforcement authority by resolution of the Pueblo Council.

Section 16 Effective Date

This ordinance shall be effective upon the date that the Secretary of the Interior or his authorized representatives certifies this ordinance and publishes it in the **Federal Register**.

Section 17 Amendment

This ordinance may be amended by majority vote of the Pueblo Council subject to approval by the Secretary of Interior or his authorized representative except for the modifications allowed by resolution in Section 9(d) which shall not be subject to Secretarial approval.

Certification

The foregoing ordinance was enacted by the Pueblo Council of the Pueblo of Santa Ana on the 7th day of February, 1985, by a vote of All for, 0 1against, and 0 abstanining, at a duly called meeting at which a quorum of the Pueblo Council members was present.

Eliseo Raton, Sr.,
Governor.
Robert Garcia, Sr.,
Council Member.
Frank Sandy,
Council Member.
Elgin Montoya, Jr.,
Council Member.

Pueblo of Santa Ana Ordinance of the Pueblo Council

Ordinance No. 85–0–01

Amendment to Liquor Control Ordinance No. 84–0–3

Whereas, the Pueblo Council of the Pueblo of Santa Ana is the duly constituted traditional governing body of the Pueblo of Santa Ana exercising all inherent governmental powers and tribal sovereignty; and

Whereas, on October 25, 1984 the Pueblo Council enacted a Liquor Control Ordinance, No. 84–0–03, which ordinance has been submitted to the Bureau of Indian Affairs for approval; and

Whereas, the Bureau of Indian Affairs has requested amendment of certain language of the ordinance with which suggestions the Pueblo Council is in agreement.

Now, therefore, be it ordained by the Council of the Pueblo of Santa Ana that Section 4, Conformity with State Law, be and it hereby is amended to read as follows:

Sec. 4 Conformity with State Law.

Pueblo standards for liquor transactions shall be or exceed those required by the State of New Mexico to the extent required by 18 U.S.C. 1161.

Certification

The foregoing ordinance was enacted by the Pueblo Council of the Pueblo of Santa Ana on the 7th day of February 1985, by a vote of All for, 0 against and 0 abstaining, at a duly called meeting at which a quorum of the Pueblo Council members was present.

Eliseo Raton, Sr.,
Governor.
Robert Garcia, Sr.,
Council Member.
Frank Sandy,
Council Member.
Elgin Montoya, Jr.,
Council Member.

Attest:
Lorenda M. Baugh,
Secretary.

[FR Doc. 85–9644 Filed 4–19–85; 8:45 am]
BILLING CODE 4310–02–M

Plan for the Use and Distribution of Salt River Pima-Maricopa Indian Community Judgment Funds in Docket 291 Before the United States Court of Claims

April 8, 1985.

This notice is published in exercise of authority delegated by the Secretary of the Interior to the Assistant Secretary for Indian Affairs by 209 DM 8. Due to administrative oversight, the plan for the distribution of judgment funds of the Salt River-Maricopa Indian Community of Arizona in Docket 291 was not published in the **Federal Register** when it became effective. Although the plan has been implemented, including distribution of per capita payments and budgeting of programing funds, we have been advised by the Solicitor that we should now formally publish the plan.

The Act of October 19, 1973 (Pub. L. 93–134, 87 Stat. 466), as amended, requires that a plan be prepared and

submitted to Congress for the use and distribution of funds appropriated to pay a judgment of the Indian Claims Commission or Court of Claims to any Indian tribe. Funds were appropriated on July 15, 1982, in satisfaction of the award granted to the Salt River Pima-Maricopa Indian Community of Arizona in United States Court of Claims Docket 291. The plan for the use and distribution of the funds was submitted to the Congress with a letter dated May 10, 1983, and was received (as recorded in the Congressional Record) by the House of Representatives on May 12, 1983, and by the Senate on May 23, 1983. The plan became effective on September 19, 1983, as provided by Section 5 of the amended 1973 Act, since a joint resolution disapproving it was not enacted.

The plan reads as follows:

"The funds appropriated July 15, 1982, in satisfaction of the judgment granted in Docket 291 to the Salt River Pima-Maricopa Indian Community before the United States Court of Claims, less attorney fees and litigation expenses, and including all interest and investment income accrued, shall be used and distributed as provided herein.

Per Capita Aspect

Eighty (80) percent of the funds shall be distributed in the form of per capita payments, in sums as equal as possible, to all tribal members born on or prior to and living on the effective date of this plan.

Programing Aspect

Twenty (20) percent of the funds, and any amount remainng from the per capita payment provided above, shall be distributed to the Salt River Pima-Maricopa Indian Community Council for investment by the Council. Investment decisions will be the sole responsibility of the Community Council and will not be subject to the provisions contained in the Federal statutes governing the investment of Indian trust funds. Funds will be invested in the followng amounts so that investment income may be utilized to continuously support the programs.

Paramedic/Ambulance Service ($340,000.00)

Anticipated annual earnings: $27,200.00. This project will provide funds for a contract with a paramedic/ambulance firm to provide the services at no user cost to Community members. About $2,200 will be required to contract for these services per month.

Clinic Staff and Medical Support ($1,125,000.00)

Anticipated annual earnings: $90,000.00. This project would enable the Community to continue certain health services now threatened by budget reductions. The projected income would provide for a Doctor Assistant, $30,000; Nursing Assistant, $20,000; Medical Records Clerk, $15,000; and Medical Supplies, $25,000.

Burial Assistance ($340,000.00)

Anticipated annual earnings: $27,200.00. This project would permit the Community to provide grants for burial assistance. These grants, based upon past experience, would be for a maximum of $600.00 per family. The project would support about 40 families annually.

Summer Jobs for Community Youth ($250,000.00)

Anticipated annual earnings: $20,000.00. This project would provide funds for students who are not eligible for CETA or NYC funding. It is estimated that about 40 students would be provided with 120 hours of work at $3.35 per hour plus fringe benefits.

Scholarship Grants ($160,500.00) (Approx)

Anticipated annual earnings: ($36,840.00) (Approx.) This project would provide that approximately $18,000.00 be programed annually for college scholarships and that approximately $18,000.00 be programed annually for vocational education training.

Miscellaneous

Any amount remaining in this plan in any of the budgeted items, after the cost of the proposed project or program has been met, may be transferred to and become a part of any other budgeted items, including a new project, in accordance with the proper procedures of the Community governing body and the approval of the Secretary of the Interior. Likewise, the Community, with the approval of the Secretary of the Interior may make program readjustments if and when any program becomes outdated.

General Provisions

The per capita shares of living, competent adults shall be paid directly to them. The per capita shares of deceased individual beneficiaries shall be determined and distributed in accordance with 43 CFR, Part 4, Subpart D.

Per capita shares of legal incompetents and minors shall be handled as provided in the Act of October 19, 1973, 87 Stat. 466, as amended January 12, 1983, by Pub. L. 97–458.

None of the funds distributed per capita or made available under this plan for programing shall be subject to Federal or State income taxes or be considered income or resources in determining either eligibility for or the amount of assistance under the Social Security Act or, except for per capita shares in excess of $2,000, any Federal or federally assisted programs."

Sidney L. Mills,

Acting Deputy Assistant Secretary—Indian Affairs.

[FR Doc. 85–9639 Filed 4–19–85; 8:45 am]

BILLING CODE 4310–02–M

Bureau of Land Management

Information Collection Submitted to the Office of Management and Budget for Review Under the Paperwork Reduction Act

The proposal for the collection of information listed below has been submitted to the Office of Management and Budget for approval under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Copies of the proposed information collection requirement and related forms and explanatory material may be obtained by contacting the Bureau's clearance officer at the phone number listed below. Comments and suggestions on the requirement should be made within 30 days directly to the Bureau clearance officer and to the Office of Management and Budget desk officer, at (202) 395–7340.

Title: Information Collection Requirements under 43 CFR 3000–3120

Abstract: Respondents supply information which will be used to determine the eligibility of an applicant to hold, explore for, and produce oil and gas on Federal lands. The information supplied allows the Bureau of Land Management to determine whether an applicant is qualified to conduct geophysical operations and to hold a lease to obtain a benefit under the terms of the Mineral Leasing Act of 1920

Bureau Form Number: None

Frequency: On Occasion

Description of Respondents: General public, small businesses, and oil companies

Annual Responses: 1,500

Annual Burden Hours: 1,500

Bureau Clearance Officer: Rebecca Daugherty, (202) 653–8853.

James M. Parker,

Associate Director.

[FR Doc. 9645 Filed 4–19–85; 8:45 am]

BILLING CODE 4310–84–M

Colorado, Grand Junction District Advisory Council; Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Grand Junction District Advisory Council Meeting.

SUMMARY: Notice is hereby given in accordance with Pub. L. 94–579 that a meeting of the Grand Junction District Advisory Council will be held on Wednesday, May 22, 1985. Council members will leave from the BLM office, 764 Horizon Drive, Grand Junction, at 9 a.m., for an all-day field trip into the Little Bookcliffs.

SUPPLEMENTARY INFORMATION: The recently published draft Grand Junction Resource Management Plan (RMP) will be the topic of discussion as Council members tour sites of various conflicting resource values such as: coal and oil and gas development, cultural, designated wild horse area, utility corridor, wildlife and recreation.

All Advisory Council meetings and activities are open to the public; however, field transportation will only be provided for Council members. There will be no meeting after the field trip.

Richard D. Freel,

Associate District Manager, Grand Junction District Office.

[FR Doc. 85–9647 Filed 4–19–85; 8:45 am]

BILLING CODE 4310–JB–M

Fish and Wildlife Service

Information Collection Submitted to the Office of Management and Budget for Review Under the Paperwork Reduction Act

The proposal for the collection of information listed below has been submitted to the Office of Management and Budget (OMB) for approval under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Copies of the proposed information collection requirement and related forms and explanatory material may be obtained by contacting the Service's clearance officer at the phone number listed below. Comments and suggestions on the requirement should be made directly to the Service clearance officer and the OMB Interior Desk Officer, Washington, D.C. 20503, telephone 202–395–7313.

Title: Federal Fish and Wildlife License/Permit Application amendments

Abstract: This amended requirement implements the 1982 Congressional amendments to the Endangered Species Act (ESA) concerning incidental take of protected wildlife and removal of listed plants from Federal lands, and adds a special rule to 50 CFR 17.42(c) to allow the importation and commercialization, including manufacture, transport, purchase and sale of parts and products of the green sea turtle.

Service Form Number: 3–200

Frequency: On Occasion

Description of Respondents: Individuals, businesses, scientific organizations and educational institutions

Annual Responses (all respondents): 16,955 (includes +250 applicants—green sea turtle special rule, +10 applicants—ESA incidental take amendments)

Annual Burden Hours (all respondents): 21,378 (includes +500 hours—green sea turtle special rule and +20 hours—ESA incidental take amendments)

Service Clearance Officer: Arthur J. Ferguson, 202–653–7499.

Dated: April 11, 1985.

Rolf L. Wallenstrom,

Associate Director—Federal Assistance.

[FR Doc. 85–9646 Filed 4–19–85; 8:45 am]

BILLING CODE 4310–55–M

Minerals Management Service

Outer Continental Shelf; Development Operations Coordination Document; ODECO Oil and Gas Co.

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the Receipt of a Proposed Development Operations Coordination Document (DOCD).

SUMMARY: Notice is hereby given that ODECO Oil and Gas Company has submitted a DOCD describing the activities it proposes to conduct on Lease OCS 073, Block 19, South Pelto Area, offshore Louisiana. Proposed plans for the above area provide for the development and production of hydrocarbons with support activities to be conducted from an onshore base located at Dulac, Louisiana.

DATE: The subject DOCD was deemed submitted on April 11, 1985.

ADDRESSES: A copy of the subject DOCD is available for public review at the Office of the Regional Director, Gulf of Mexico OCS Region, Minerals Management Service, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana (Office Hours: 9 a.m. to 3:30 p.m., Monday through Friday).

FOR FURTHER INFORMATION CONTACT: Mr. Emile H. Simoneaux, Jr.; Minerals Management Service; Gulf of Mexico OCS Region; Rules and Production; Plans, Platform and Pipeline Section; Exploration/Development Plans Unit; Phone (504) 838–0782.

SUPPLEMENTARY INFORMATION: The purpose of this Notice is to inform the public, pursuant to section 25 of the OCS Land Act Amendments of 1978, that the Minerals Management Service is considering approval of the DOCD and that is available for public review.

Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in DOCDs available to affected states, executives of affected local governments, and other interested parties became effective December 13, 1979 (44 FR 53685). Those practices and procedures are set out in revised § 250.34 of Title 30 of the CFR.

Dated: April 11, 1985.

John L. Rankin,

Regional Director, Gulf of Mexico OCS Region.

[FR Doc. 85–9648 Filed 4–19–85; 8:45 am]

BILLING CODE 4310–MR–M

National Park Service

Cape Cod National Seashore, South Wellfleet, MA; Cape Cod National Seashore Advisory Commission; Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770 (5 U.S.C. App. 1 § 10), that a meeting of the Cape Cod National Seashore Advisory Commission will be held on Friday, May 10, 1985.

The Commission was established pursuant to Pub. L. 91–383 to meet and consult with the Secretary of the Interior on general policies and specific matters relating to the development of Cape Cod National Seashore.

The Commission will conduct a field trip beginning at Park Headquarters, South Wellfleet, MA at 10 am to: (1) Review South Hollow Wellfield Reclamation Project; and (2) Review Dune Revegetation Project. The field trip is open to the public, however no transportation will be provided and anyone wishing to accompany the Commission must provide their own transportation.

The meeting will convene at Park Headquarters for a discussion of the Proposed Rule to Implement Modifications to the Off-road Vehicle Management Plan. It is expected that 15 persons may be able to attend the afternoon 2 pm session in addition to the Commission members.

Interested persons may make oral/written presentations to the Commission or file written statements. Such requests should be made to the official listed below at least seven days prior to the meetings.

Further information concerning this meeting may be obtained from Herbert Olsen, Superintendent, Cape Cod National Seashore, South Wellfleet, Massachusetts 02663. Telephone (617) 349–3785. Minutes of the meeting will be available for public information and copying two weeks after the meeting at the Office of the Superintendent, Cape Cod National Seashore, South Wellfleet, Massachusetts.

Herbert Olsen,

Superintendent, Cape Cod National Seashore.

April 12, 1985.

[FR Doc. 85–9652 Filed 4–19–85; 8:45 am]

BILLING CODE 4310–70–M

Intention To Negotiate Concession Permit; Division of Vocational Rehabilitation

Pursuant to the provisions of section 5 of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20), public notice is hereby given that sixty (60) days after the date of publication of this notice, the Department of the Interior, through the Director of the National Park Service, proposes to negotiate a concession permit with the Division of Vocational Rehabilitation, State of Hawaii authorizing it to continue to provide prepacked food items, confections and canned non-alcoholic beverage facilities and services for the public at USS Arizona Memorial for a period of five (5) years from January 1, 1986, through December 31, 1990.

This permit renewal has been determined to be categorically excluded from the procedural provisions of the National Environmental Policy Act, and no environmental document will be prepared.

The foregoing concessioner has performed its obligations to the satisfaction of the Secretary under an existing permit which expires by limitation of time on December 31, 1985, and therefore, pursuant to the Act of October 9, 1965, as cited above, is entitled to be given preference in the renewal of the permit and in the negotiation of a new permit.

Dated: April 10, 1985.

W. Lowell White,

Acting Regional Director, Western Region.

[FR Doc. 85–9649 Filed 4–19–85; 8:45 am]

BILLING CODE 4310–70–M

Intention To Extend Concession Contract; H.S. Concessions, Inc.

Pursuant to the provisions of section 5 of the Act of October 9, 1965 (9 Stat. 969; 16 U.S.C. 20), public notice is hereby given that sixty (60) days after the date of publication of this notice, the Department of the Interior, through the Director of the National Park Service, proposes to extend a concession contract with H.S. Concessions, Inc., authorizing it to continue to provide semi-mobile food service facilities and services for the public at Gateway National Recreation Area, New Jersey for a period of two (2) years from October 1, 1985 through September 30, 1987.

This contract extension has been determined to be categorically excluded from the procedural provisions of the National Environmental Policy Act and no environmental document will be prepared.

The foregoing concessioner has performed its obligations to the satisfaction of the Secretary under the existing contract which expires by limitation of time on September 30, 1985, and therefore, pursuant to the Act of October 9, 1965, as cited above, is entitled to be given preference in the renewal of the contract and in the negotiation of a new contract as defined in 36 CFR 51.5.

The Secretary will consider and evaluate all proposals received as a result of this notice. Any proposal, including that of the existing concessioner, must be postmarked or hand delivered on or before the sixtieth (60th) day following publication of this notice to be considered and evaluated.

Interested parties should contact the Regional Director, North Atlantic Region, 15 State Street, Boston, Massachusetts 02109, for information as to the requirements of the proposed contract.

Dated: April 11, 1985.

Richard S. Tousley,

Acting Regional Director, North Atlantic Region.

[FR Doc. 85–9651 Filed 4–19–85; 8:45 am]

BILLING CODE 4310–70–M

Intention To Renew Concession Permit; Washington Boat Lines, Inc.

Pursuant to the provisions of section 5 of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20), public notice is hereby given that thirty (30) days after the date of publication of this notice, the Department of the Interior, through the Director of the National Park Service, proposes to renew a concession permit with Washington Boat Lines, Incorporated, authorizing it to continue to provide interpretive waterborne tours for the public at National Capital Parks-Central, for a period of four (4) years form April 1, 1984, through March 31, 1988.

This permit renewal has been determined to be categorically excluded from the procedural provisions of the National Environmental Policy Act and no environmental document will be prepared.

The foregoing concessioner is performing its obligation to the satisfaction of the Secretary under an existing permit which expired by limitation of time on March 31, 1984, and therefore, pursuant to the Act of October 9, 1965, as cited above, is entitled to be given preference in the renewal of the permit and in the negotiation of new pemit.

The Secretary will consider and evaluate all proposals received as a result of this notice. Any proposal, including that of the existing concessioner, must be postmarked or hand delivered on or before the thirtieth (30th) day following publication of this notice to be considered and evaluated.

Interested parties should contact the Superintendent, National Capital Parks-Central, 900 Ohio Drive, SW., Washington, D.C. 20242, for information as to the requirements of the proposed permit.

Dated: February 22, 1985.

William F. Ruback,

Superintendent, National Capital Parks-Central.

[FR Doc. 85–9650 Filed 4–19–85; 8:45 am]

BILLING CODE 4310–70–M

INTERSTATE COMMERCE COMMISSION

[Docket No. MC–F–16248]

Burlington Northern Inc.; Control Exemption; Victory Freightway System, Inc.

AGENCY: Interstate Commerce Commission.

ACTION: Notice of proposed exemption.

SUMMARY: Burlington Northern Inc. (BNI), a noncarrier holding company which controls Burlington Northern Railroad Company (BNRR), a class I railroad, Burlington Northern Motor Carriers (BNMC), a wholly-owned noncarrier subsidiary of BNI, and Victory Freightway System, Inc. (Victory) a motor carrier subject to Commission regulations, have filed a petition for exemption under 49 U.S.C. 11343(e) in connection with an agreement between BNMC and Victory under which Victory would become a wholly-owned subsidiary of BNMC. As a result of the transaction BNI would control two common carriers: Victory and BNRR. Acquisition of control a carrier by a person that is not a carrier but that controls any number of carriers may be carried out only under Commission regulation or under an exemption from regulation. *See:* 49 U.S.C. 11343(a)(5) and 11343(e).

DATES: Comments must be received by May 12, 1985.

ADDRESSES: Send comments (an original plus 10 copies) referring to Docket No. MC–F–16248 to:

(1) Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423; and

(2) Petitioners' representative: Hebert J. Martin, Esq., Crowwell & Moring, 1100 Connnecticut Ave, NW., Washington, DC 20036.

FOR FURTHER INFORMATION CONTACT: Louis E. Gitomer, (202) 275–7245.

SUPPLEMENTARY INFORMATION: BNI, BNMC, and Victory seek exemption under 49 U.S.C. 11342(e) and the Commission's regulation in Ex Parte No. 400 (Sub–No. 1), *Procedures for Handling Exemptions Filed by Motor Carriers of Property Under 49 U.S.C. 11342*, 11343, 367 I.C.C. 113 (1982), 47 FR 53303 (November 24, 1982).

A copy of the petition may be obtained from petitioners' representative, or it may be inspected at the Washington, DC office of the Interstate Commerce Commission during normal business hours.

By the Commission, Hebert P. Hardy, Director, Office of Proceedings.

James H. Bayne

Secretary.

[FR Doc. 85–9790 Filed 10–19–85; 10:23 am]

BILLING CODE 7025-01-M

DEPARTMENT OF JUSTICE

Bureau of Prisons

National Institute of Corrections Advisory Board; Meeting

Notice is hereby given that the National Institute of Corrections Advisory Board will meet on May 13, 1985, starting at 8:30 a.m., at the Sheraton National Hotel, Columbia Pike and Washington Blvd., Arlington, Virginia, 22204. At this meeting (one of the regularly scheduled triannual meetings of the Advisory Board), the Board will receive its subcommittees' reports and recommendations as to future thrusts of the Institute.

Larry Solomon,

Assistant Director.

[FR Doc. 85–9632 Filed 4–19–85; 8:45 am]

BILLING CODE 4410-05-M

Request for Proposals

April 1985.

The National Institute of Corrections is seeking proposals to conduct a two-year jail classification program. The $400,000 reserved for this program is part of a $3 million supplemental appropriation the Congress made to the Institute for fiscal year 1984. The other programs to be funded with these supplemental monies are described in the recently issued *Supplemental Funding Plan for Fiscal Year 1984.*

One cooperative agreement will be awarded for the jail classification program. Proposals are solicited from public, private, profit, and non-profit organizations with demonstrated expertise in objective, comprehensive classification systems. Applications must be received by June 17, 1985.

Applications should be submitted in six copies to the National Institute of Corrections, 320 First Street, NW, Washington, DC 20538. At least one copy of the application must bear the original signature of the applicant. A cover letter must identify the responsible audit agency for the applicant's financial accounts.

Applications must be prepared in accordance with the procedures included in the *NIC Guidelines Manual: Instructions for Applying for Federal Assistance* and submitted on OMB Standard Form 424, Federal Assistance. The applications should be concisely written, typed double spaced, and referenced to the project by the number and title given in this request for proposals.

Grant applications are reviewed by a team of Institute staff members. When the project cost is $100,000 or more, as in this case, a panel of qualified outside reviewers is also used. Among the criteria used to evaluate the applications are:

- Responsiveness to this specific request for proposals.
- Clearly defined and realistic objectives.
- Appropriateness of the proposed approaches for attainment of objectives.
- Applicant's familiarity with the subject and capability to conduct the project successfully.
- Estimated total costs and levels of effort.

To obtain more information prior to preparing a grant application, contact the Institute's Jails Division, 1790 30th Street, Suite 440, Boulder, Colorado 80301, (303–497–6700).

Jail Classification System Development

Project No. SA–84–12–J

One cooperative agreement at a cost of up to $400,000 will be awarded for this two-year program. Applications must be received by June 17, 1985.

Background

The nearly 3,300 jails in the United States have a cumulative average daily population of more than 225,000 inmates and, collectively, book and detain more than 8 million people each year. The majority of local jails have rated capacities of less than 50 beds and accommodate only 10 percent of the national jail population. The majority—approximately 60 percent—of jail inmates reside in just 10 percent of the jails.

Regardless of the size and complexity of the agency, the primary responsibility of the jail is to safely and securely detain all individuals lawfully remanded to its custody. Inmate classification is an essential element and management tool for performing this function. The primary objectives of classification include screening for risk; ensuring due process by objective, consistent decisionmaking; and safeguarding staff, inmates, and the community by responsible placement and housing. As a management tool, classification provides practical, cost-effective strategies for administering operations and planning. Severe liabilities can occur when agencies fail to adequately perform classification functions.

Very few wide-scale efforts have been undertaken to study and evaluate jail classification in comparison to similar efforts for probation, parole, and prison classification. In fact, most jail classification systems—including many

mandated ones—have little bearing on the issue of inmate management. Beyond the basic separation of males, females, adults, and juveniles, classification is generally limited to such considerations as alleged offense, judicial status, and bond amount, none of which holds significant correlation to prediction of risk or manageability in the jail setting.

The issue is further compounded by various jail architectural designs and inmate management strategies. Jail systems span the traditional, linear concept to newer facilities of podular design that incorporate direct inmate supervision.

Program Description

The Institute is seeking proposals for a two-year cooperative agreement, where the grantee will develop an objective jail classification system that will:

- Screen for inmate risk and needs.
- Provide information to facilitate decisionmaking relative to pre-trial release and supervision, as well as to identify those individuals who should remain in jail awaiting trial.
- Facilitate proper housing assignments, custody levels, and services for jail inmates.

The classification system will be designed to control levels of violence, escape, and management problems; ensure appropriate use of limited jail bed space; and offer protection against liability. Final products will include a comprehensive guideline manual on jail classification, including a step-by-step "how to" guide.

The three-phased project will develop a broad-based jail classification system capable of being easily modified and adapted to meet local needs. The system developed must be efficient, practical, and relatively inexpensive to put in place at the local level. Decisionmaking should be based on documented objective data.

Under the provisions of the cooperative agreement and based on policy direction from the Institute, the grantee will perform the full range of study, analysis, research, program implementation, and reporting as outlined below. Each phase and interim products to be generated are described.

Phase One

The purpose of Phase One is to define the objectives of a jail classification system and to identify a set of elements that are accepted indicators of risk and need. Products for this phase will be a system definition and a provisional list of the informational items required for risk screening and classification and the predictive utility of each. The final report for this phase will also include a detailed summary of current jail classification and inmate management practices.

During this first phase, the grantee will:

1. Conduct a comprehensive survey of existing jail classification systems (minimum sample of 45) to determine common variables, valid indicators, types of instruments used, general procedures, and inmate management strategies. Where available, the grantee will use existing jail data bases to test the relative utility of the various elements of the classification instruments.

2. Identify and compile those common elements that collectively would comprise the current "state of the art" approach to jail classification and management practices.

3. Perform a literature search concerning the variables and elements that are purported to be predictors of:

- Assaultive behavior.
- Suicide risk.
- Mental health problems.
- Substance abuse problems.
- Appropriateness for pre-trial release or continued detention (including risk of failure to appear in court and committing pre-trial offenses).
- Escape risk.

Review and incorporate in the final report any evaluations or impact studies conducted on the systems reviewed. Particular attention should be given to data that can be validated and to identifying items required at jail intake for risk screening and reclassification and their levels of predictive utility.

Phase Two

During this phase, the classification screening instruments will be designed and the strategies for successful program implementation developed. The final product will be complete classification instruments based on "state of the art" practices and procedures.

The system design must include procedures to ensure accountability, ongoing monitoring of the process, and evaluation criteria to assess both process and impact. Each screening instrument must include a clean set of written policies and procedures, including those for reclassification and special-housing assignments. Requirements and guildelines must address staff training, classification management, record keeping, and information dissemination.

Several formats must be developed to ensure applicability to small, medium, and large jails with various architectural styles and inmate managemet configurations. The elements of the instruments will be designed to accommodate potential computerization, since many classification systems may eventually be integrated into automated management information systems.

The following activities will take place during Phase Two.

1. The elements identified in Phase One will be field tested to develop vaild and reliable factors for standardized instruments for classification decisionmaking and placement. Some data may be evaluated retrospectively where jail systems have an adequate historical data base.

2. Initial classification and reclassification formats will be developed that incorporate a full range of the predictive variables. Formats will be developed to cover small through large jail systems, with particular emphasis on simple, practical application to small jails. All formats must be consistent with currently accepted professional jail standards.

3. Instruments will be reviewed by selected jail administrators to determine their suitability for implementation at the local level. It is anticipated that some modification will always be required to adapt the instruments for specific local use.

Phase Three

This phase includes the implementation and field testing of the designs at selected sites, provision of training and on-site technical assistance to the sites, and ongoing monitoring and evaluation of the implementation process.

During this phase, the grantee will:

1. With the assistance and concurrence of the Institute, select at least four sits for implementation of the new procedures. The sites selected will be representative of jails generally with respect to size, design, and inmate management strategy (i.e., small, medium, and large jails, as well as linear and direct-supervision jails).

2. Use the material and information developed in the first two phases to prepare and test detailed guides for use and implementation of the jail classification system. The guides must be usable in small, medium, and large jails of different design and management configurations and must include detailed implementation procedures, that are readily understandable by line staff.

3. Provide the full range technical and training assistance necessary for implementation of the system. Instruments will be modified to meet the specific needs of each site. Overall

project implementation will be facilitated by providing funding to the local agencies through sub-grants jointly developed and negotiated by the Institute and the grantee. The grantee will strive to develop collaborative relationships and commitments with the sub-grantees to enhance the success of the project.

4. Provide ongoing monitoring and evaluation services to the selected sites and analyze data collected by the sites. Analysis should focus on predetermined indicators representative of a successful classification system.

5. Provide the Institute with reports and evaluations of all project-generated materials and data.

During Phase Three, the NIC project monitor will meet with the grantee and representatives from the selected sites on a regular basis to receive interim progress evaluation reports. The grantee will convene two meetings during this phase with representatives (no more than three) from each site to coordinate activities and review individual case histories.

If additional funds are available in the future, a follow-up project will provide for dissemination strategies, and the training of jail staff, as well as development of a revised manual for use by classification directors and jail managers.

Eligibility

Applicants must demonstrate a competency in objective, comprehensive classification systems and have a demonstrated ability to implement a project of this size and scope. Documentation of the principals' and associates' relevant knowledge, skills, and abilities to carry out the described tasks must be included in the application.

Raymond C. Brown,

Director.

[FR Doc. 85-9724 Filed 4-19-85; 8:45 am]

BILLING CODE 4410-06-M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Humanities Panel Meetings

AGENCY: National Endownment for the Humanities.

ACTION: Notice of meetings.

SUMMARY: Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, as amended), of the Humanities Panel will be held at the Old Post Office, 1100 Pennsylvania Avenue, NW., Washington, D.C. 20506:

Date: (1) May 1, 1985
Time: 8:30 a.m. to 5:30 p.m.
Room: 316-2

Program: This meeting will review Summer Seminars for College Teachers applications in English and American Literature, submitted to the Division of Fellowships and Seminars, for projects beginning after May 1, 1986.

Date: (2) May 2, 1985
Time: 8:30 a.m. to 5:30 p.m.
Room: 316-2

Program: This meeting will review Summer Seminars for College Teachers applications in Politics and Society, submitted to the Division of Fellowships and Seminars, for projects beginning after May 1, 1986.

Date: (3) May 2-3, 1985
Time: 8:30 a.m. to 5:30 p.m.
Room: 430

Program: This meeting will review applications submitted to the Humanities, Science, and Technology Program, Division of Research Programs, for projects beginning after August 1, 1985.

Date: (4) May 3, 1985
Time: 8:30 a.m. to 5:30 p.m.
Room: 316-2

Program: This meeting will review Summer Seminars for College Teachers applications in Religion and Philosophy, submitted to the Division of Fellowships and Seminars, for projects beginning after May 1, 1986.

Date: (5) May 6, 1985
Time: 8:30 a.m. to 5:30 p.m.
Room: 315

Program: This panel will review applications for the Faculty Graduate Study Program for Historically Black Colleges and Universities for fellowships to begin after September 1, 1986.

Date: (6) May 16-17, 1985
Time: 8:30 a.m. to 5:00 p.m.
Room: 316

Program: This meeting will review applications submitted to the Research Conferences category, Basic Research Program, Division of Research Programs, for projects beginning after October 1, 1985.

Date: (7) May 17, 1985
Time: 8:30 a.m. to 5:00 p.m.
Room: 316

Program: This meeting will review applications submitted for the "Humanities Instruction in Elementary and Secondary Schools" programs, for projects beginning after January 1986.

Date: (8) April 25-26, 1985
Time: 9:00 a.m. to 5:00 p.m.
Room: 425

Program: This meeting will review applications submitted for Humanities Projects in Libraries, Division of General Programs, for projects beginning after October 1, 1985.

The proposed meetings are for the purpose of Panel review, discussion, evaluation and recommendation of applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. Because the proposed meetings will consider information that is likely to disclose: (1) Trade secrets and commercial or financial information obtained from a person and privileged or confidential; (2) information of a personal nature the disclosure of which would constitute a clearly unwarranted invasion of personal privacy; and (3) information the disclosure of which would significantly frustrate implementation of proposed agency action; pursuant to authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee Meetings, dated January 15, 1978, I have determined that these meetings will be closed to the public pursuant to subsections (c)(4), (6) and (9)(B) of section 552b of Title 5, United States Code.

Further information about these meetings can be obtained from Mr. Stephen J. McCleary, Advisory Committee Management Officer, National Endowment for the Humanities, Washington, D.C. 20506, or call (202) 786-0322.

Stephen J. McCleary,

Advisory Committee Management Officer.

[FR Doc. 85-9635 Filed 4-19-85; 8:45 am]

BILLING CODE 7536-01-M

National Council on the Humanities Advisory Committee; Meeting

April 17, 1985.

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, as amended) notice is hereby given that a meeting of the National Council on the Humanities will be held in Washington, D.C. on May 8-10, 1985.

The purpose of the meeting is to advise the Chairman of the National Endowment for the Humanities with respect to policies, programs, and procedures for carrying out his functions, and to review applications for financial support and gifts offered to the Endowment and to make recommendations thereon to the Chairman.

The meeting will be held in the Old Post Office Building, 1100 Pennsylvania Avenue, NW., Washington, D.C. The afternoon session on May 8, 1985 and a portion of the morning and afternoon sessions on May 9-10, 1985 will not be open to the public pursuant to subsections (c) (4), (6) and (9)(B) of section 552b of Title 5, United States Code because the Council will consider information that may disclose: Trade secrets and commercial or financial information obtained from a person and privileged or confidential; information of

a personal nature the disclosure of which will constitute a clearly unwarranted invasion of personal privacy; and information the disclosure of which would significantly frustrate implementation of proposed agency action. I have made this determination under the authority granted me by the Chairman's Delegation of Authority dated January 15, 1978.

The agenda for the session on May 8, 1985 will be as follows:

Committee Meeting

(Closed to the Public)

4:00 p.m. until Adjourned

Challenge Grants—discussion of specific grant applications—Room 430

The agenda for the sessions on May 9, 1985 will be as follows:

Committee Meetings

(Open to the Public)

8:30–9:30 a.m.

Coffee for Council Members—Room 502

9:30–10.30 a.m.

Committee Meetings—Policy Discussion
Research Programs—Room 316–2
Education Programs—Room M–14
State Programs—Room 730
General Programs—Room 415
Fellowship Programs—Room 315

10:30 a.m. Until Adjourned

Committee Meetings (Continued)
(Closed to the Public for the reasons stated above)—Consideration of specific applications

The morning session on May 10, 1985 will convene at 8:30 a.m. in the 1st Floor Council Room M–09 and will be open to the public. The agenda for the morning session will be as follows. (Coffee for Staff and Council Attending Meeting will be served from 8:30 a.m.–9:00 a.m.)

Minutes of the Previous Meeting; Reports

A. Introductory Remarks
B. Introduction of New Staff
C. Contracts Awarded in the Previous Quarter
D. Dates of Future Council Meetings
E. Application Report and Gifts and Matching Report
F. Status of Fiscal Year 1985 Program Funds
G. FY 1985 Appropriation Request and Reauthorization
H. FY 1987 Budget Planning
I. Committee Reports on Policy and General Matters
1. Research Programs
2. Education Programs
3. State Programs
4. General Programs
5. Fellowship Programs
6. Challenge Grants
J. Emergency Grants and Actions Departing from Council Recommendation—Awards

The remainder of the proposed meeting will be given to the consideration of specific applications (closed to the public for the reasons stated above).

Further information about this meeting can be obtained from Mr. Stephen J. McCleary, Advisory Committee Management Officer, Washington, D.C. 20506, or call area code 202–786–0322.

Stephen J. McCleary,

Advisory Committee Management Officer.

[FR Doc. 85–9636 Filed 4–19–85; 8:45 am]

BILLING CODE 7536–01–M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–123]

Extension of License Expiration Date; University of Missouri-Rolla

This U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 8 to Facility Operating License No. R–79 to the University of Missouri-Rolla (the licensee) in response to the December 14, 1984 request from the licensee. This amended license adds ten years to the license expiration date for operation of the reactor facility located on the University's campus in Rolla, Missouri. The facility is a research and training reactor that has been operating at power levels up to and including 200 kilowatts (thermal). The amended license extends the duration of Facility Operating License No. R–79 until November 20, 1999.

The application complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR, Chapter I which are set forth in the amended license.

On January 14, 1985, the Commission issued a renewal of the University of Missouri-Rolla Operating License No. R–79. Notice of Consideration of the renewal was published in the **Federal Register** on May 9, 1980 at 45 FR 30752. Notice of the renewal was published on January 23, 1985 at 50 FR 3070. On December 14, 1984, prior to issuance of the renewal, the licensee requested that the license be renewed for an additional ten years. The staff noticed the Consideration of Extension of the License Expiration Date on February 13, 1985 at 50 FR 6085. No request for hearing or leave to intervene was filed following either the notice of proposed renewal or the notice of the extension request.

The Commission prepared an Environmental Assessment (EA) and Safety Evaluation Report (SER) (NUREG-1086) in conjuction with the license renewal issued January 14, 1985. In its SER, the staff concluded that the licensee continues to maintain adequately trained and experienced operating and management personnel to give assurance of continued safe operator performance. Furthermore, there has been no significant deterioration of components of the reactor or control systems, and the licensee performs routine preventive and prompt corrective maintenance or replacement to assure no degradation of reactor systems. Therefore, there is reasonable assurance that routine operations will continue with no decrease in safety margins or increase in the likelihood or consequences of potential accidents.

In its EA, the staff concluded that there is reasonable assurance that potential impacts on the environment both from normal operation and under potential accident conditions will remain insignificant, and will not increase with continued operation of the reactor.

Because these reviews and conclusions identified no safety considerations that were dependent on duration of future operations, the staff has concluded that the SER and EA are also applicable to this license extension, and that the facility can be operated for the period of this license extension without endangering the health and safety of the public and that the license extension will have no significant environmental impact.

For further details with respect to this action, see (1) the application dated December 14, 1984, (2) Amendment No. 8 to Operating License No. R–79, (3) the Notice of Finding of No Significant Environmental Impact published in the **Federal Register** on April 12, 1985 at 50 FR 14476, and (4) the Commission's related Safety Evaluation Report (NUREG–1086) and Environmental Assessment issued with the license renewal dated January 14, 1985. These items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. The Safety Evaluation Report (NUREG-1086) can also be purchased, at current rates, from the National Technical Information Service, Department of Commerce, 5285 Port Royal Road, Springfield, Virginia 22161.

Dated at Bethesda, Maryland this 16th day of April 1985.

Cecil O. Thomas,

Chief, Standardization and Special Projects Branch, Division of Licensing.

[FR Doc. 85–9654 Filed 4–19–85; 8:45 am]

BILLING CODE 7590–01–M

Issuance and Availability of "Draft Report for Comment" Edition of NUREG–0844, "NRC Integrated Program for the Resolution, Unresolved Safety Issues A–3, A–4, and A–5 Regarding Steam Generator Tube Integrity"

The U.S. Nuclear Regulatory Commission (NRC) staff has prepared a "Draft Report for Comment" edition of NUREG–0844, "NRC Integrated Program for the Resolution of Unresolved Safety Issues A–3, A–4, and A–5 Regarding Steam Generator Tube Integrity."

This report, when issued in final form, will serve as the NRC staff's technical resolution of USI's A–3, A–4, and A–5. These issues were identified as an Unresolved Safety Issue in the 1978 Annual Report pursuant to Section 210 of the Energy Reorganization Act of 1974.

The report addresses issues within the areas of steam generator integrity, plant systems response, human factors, radiological consequences and the response of various organizations to a steam generator tube rupture. A generic risk assessment is provided and indicates that risk from steam generator tube rupture events is not a significant contributor to total risk at a typical site, nor to the total risk to which the general public is routinely exposed. However, SGTR events have been found to have a relatively high potential for causing undersirable, non-core melt levels of radiological release to the public. In addition, maintenance and repair activities to address steam generator tube degradation problems contribute 20% of the average annual plant occupational radiological doses at PWRs. The report identified a number of actions which the staff finds as a group would be effective in significantly reducing the incidence of steam generator tube degradation, the frequency of tube ruptures and the corresponding potential for significant non-core melt radiological release, and occupational radiological exposure and which would be effective in mitigating the consequences of SGTR events. The actions would also further reduce risk and have been designated as "staff recommended actions." As part of the technical resolution of the USIs, the staff has issued Generic Letter 85–02 to all PWR licensees and applicants to inform them of the staff recommended actions and to request that they submit descriptions of their overall programs to ensure steam generator tube integrity and steam generator tube rupture mitigation. The staff will evaluate these responses and report its findings to the Commission.

The staff will continue to monitor the effectiveness of licensee programs for ensuring steam generator tube integrity and the ability to mitigate tube rupture events. As has been true in the past, additional actions may become necessary in case-specific instances of extensive or severe degradation or other circumstances to ensure that risk will continue to be small.

The request for information in Generic Letter 85–02 was approved by the Office of Management and Budget under Clearance number 3150–0011.

Comments are being solicited from interested organizations, groups and individuals. The staff will evaluate the comments received and address them in the final documents.

Copies of the "For Comment" documents will be available on and after April 22, 1985. Copies will be sent directly to affected utilities. Other copies will be available for review at the NRC Public Document Room, 1717 H Street NW., Washington, D.C.; and the Commission's Local Public Document Rooms located in the vicinity of nuclear power plants. Addresses of these Local Public Document Rooms can be obtained from the Chief, Local Public Document Room Branch, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, telephone (301) 492–7536. Single copies may be obtained upon written request to Director, Division of Technical Information and Document Control, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

Comments should be forwarded in writing to Mr. Gary M. Holahan, Division of Licensing, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, by July 22, 1985.

Dated at Bethesda, Maryland, this 15th day of April 1985.

For the Nuclear Regulatory Commission.

Hugh L. Thompson, Jr.,

Director, Division of Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 85–9656 Filed 4–19–85; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–245]

Northeast Nuclear Energy Co. (Millstone Nuclear Power Station, Unit No. 1); Exemption

I

Northeast Nuclear Energy Company (the licensee) is the holder of Provisional Operating License No. DPR–21 which authorizes the operations of Millstone Unit 1 (the facility) at the steady-state power levels not in excess of 2011 megawatts thermal. The facillity is a boiling water reactor located at the licensee's site in New London County, Connecticut. The license provides, among other things, that it is subject to all rules, regulations and Orders of the Nuclear Regulatory Commission (the Commission) now or hereafter in effect.

II

Section 50.71(e)(3)(ii) of 10 CFR Part 50 requires that those plants initially subject to the NRC's systematic evaluation program (SEP) must file a complete updated final safety analysis report within 24 months after receipt of notification that the SEP has been completed. By letter dated March 16, 1983, the staff informed Northeast Nuclear Energy Company (NNECO) that SEP had been completed for Millstone Unit 1 and that, pursuant to 10 CFR 50.71(e)(3), the licensee was required to file an updated Final Safety Analysis Report (FASR).

By letter dated February 4, 1985, the licensee requested an exemption to defer submittal of the updated FSAR on the bases that the ongoing review would directly affect the content of the updated FSAR and that the required submittal would affect the work of the licensee's engineering personnel on issues of higher safety significance.

The NRC staff has reviewed the licensee's request for an exemption from the Millstone Unit 1 updated FSAR submittal date. For most plants covered by 10 CFR 50.71(e)(3)(ii), ample time was available for updating the FSAR within the 24-month interval allowed in the regulations. However, Millstone Unit 1 requested participation in an expanded assessment of outstanding regulatory requirements with the idea of establishing an integrated schedule for the completion of these issues in a resource efficient manner.

The staff is now implementing a limited Integrated Systematic Assessment Program (ISAP) fof Millstone Unit 1. Because the licensee had placed the updating of its FSAR into its original integrated assessment proposal, the staff will be reviewing that licensing action as part of its screening reveiw of ISAP related topics. The Commission has authorized the staff, in its policy statement on ISAP (49 FR 45112), to suspend specific existing implementation schedule requirements for plants to be reviewed under ISAP.

However, the staff believes that a current FSAR is a vital and necessary tool in documenting the design bases of safety systems at Millstone Unit 1 as well as establishing the bases for future plant modifications and changes to technical specifications. While Millstone

Unit 1 has shown good cause for the requested exemption, the staff has determined that only a 6 month exemption from compliance with 10 CFR 50.71 is warranted at this time. Any additional exemptions from compliance with 10 CFR 50.71 will be granted by the Director of Licensing only upon review and approval of a program plan containing schedules or milestones for the submittal of an updated FSAR for Millstone Unit 1.

The NRC staff considered safety aspects of the requested exemption from the updatd FSAR submittal date. The proposed exemption affects only the required date for updating the FSAR and does not affect the risk of facility accidents. Thus the granting of the requested exemption will have no significant impact on plant safety.

The public interest will be served by granting the exemption since the licensee can continue to use its personnel to complete other work of higher safety significance sooner than would be the case if personnel were diverted to update the FSAR immediately.

Based on its review, the staff concludes that issuance of this exemption will have no significant effect on plant safety. Further, this action is in the public interest and good cause has been shown to support the exemption. Therefore, a 6 month exemption from the date of issuance of this exemption is being granted by the staff for the submittal of an updated FSAR for Millstone Unit 1.

Pursuant to 10 CFR 51.32, the Commission has determined that the granting of this exemption will have no significant impact on the environment (50 FR 13434, April 4, 1985).

Accordingly, the Commission has determined that, pursuant to 10 CFR 50.12 an exemption is authorized by law and will not endanger life or property or the common defense and security and is otherwise in the public interest. Therefore, the Commission hereby approves the following temporary exemption from compliance with § 50.71(e).

An updated FSAR containing those original pages of the FSAR that are still applicable plus replacement pages shall be filed on or before a date 6 months from the date of issuance of this exemption. This updated FSAR shall bring the FSAR up to date as of a maximum of 6 months prior to the date of filing the updated FSAR, with subsequent revisions no less frequently than annually thereafter. Any additional exemptions from compliance with 10 CFR 50.71 will be granted by the Director of Licensing only upon review and approval of a program plan containing comprehensive schedules or milestones for the submittal of an updated FSAR for Millstone Unit 1.

Dated at Bethesda, Maryland, this 11th day of April 1985.

For the Nuclear Regulatory Commission.

Hugh L. Thompson,

Director, Division of Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 85-9655 Filed 4-19-85; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 30-10859, License No. 37-14600-01, EA 84-131]

Applied Health Physics, Inc.; Order Imposing Civil Monetary Penalties

I

Applied Health Physics, Inc., 2986 Industrial Boulevard, Bethel Park, Pennsylvania (the "Licensee") is the holder of License No. 37-14600-01 (the "license") issued by the Nuclear Regulatory Commission (the "NRC") which authorizes the licensee to possess and use radioactive materials in accordance with conditions specified therein. License No. 37-14600-01 was issued on September 4, 1975.

II

A safety inspection of the licensee's activities under the license was conducted by the State of Washington's Department of Social and Health Services on March 21 and 29, 1984 at the U.S. Ecology, Inc., burial site in Richland, Washington. As a result of the inspection, the NRC staff determined that the licensee had not conducted its activities in full compliance with NRC requirements. A written Notice of Violation and Proposed Imposition of Civil Penalties was served upon the licensee by letter dated January 3, 1985. The Notice stated the nature of the violations, the provisions of the NRC's requirements that the licensee had violated, and the amount of the civil penalties. A response dated February 7, 1985, to the Notice of Violation and Proposed Imposition of Civil Penalties was received from the licensee.

III

Upon consideration of the licensee's response, the statement of fact, explanations and arguments for remission or mitigation of the proposed civil penalties contained therein, and as set forth in the Appendix to this Order, the Director of the Office of Inspection and Enforcement has determined that the violation occurred as stated, and the penalties proposed for the violations designated in the Notice of Violation and Proposed Imposition of Civil Penalties should be imposed.

IV

In view of the foregoing and pursuant to Section 234 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2282, Pub. L. 96-295), and 10 CFR 2.205, it is hereby ordered that:

The licensee pay civil penalties in the amount of One Thousand Dollars ($1,000) within thirty days of the date of this Order, by check, draft, or money order, payable to the Treasurer of the United States and mailed to the Director of the Office of Inspection and Enforcement, USNRC, Washington, D.C. 20555.

V

The licensee may , within thrity days of the date of this Order, request a hearing. A request for a hearing shall be addressed to the Director, Office of Inspection and Enforcement. A copy of the hearing request shall also be sent to the Executive Legal Director, USNRC, Washington, D.C. 20555. If a hearing is requested, the Commission will issue an Order designating the time and place of the hearing. Upon failure of the licensee to request a hearing within thirty days of the date of this Order, the provisions of this Order shall be effective without further proceedings and, if payment has not been made by that time, the matter may be referred to the Attorney General for collection.

VI

In the event the licensee requests a hearing as provided above, the issues to be considered at such hearing shall be:

(a) Whether the licensee violated NRC requirements as set forth in the Notice of Violation and Proposed Imposition of a Civil Penalties; and

(b) Whether, on the basis of such violations, this Order should be sustained.

Dated at Bethesda, Maryland this 12 day of April 1985.

For the Nuclear Regulatory Commission.

James. M. Taylor,

Director, Office of Inspection and Enforcement.

Appendix—Evaluation and Conclusion

On January 3, 1985, a Notice of Violation and Proposed Imposition of Civil Penalties was issued for violations of twelve NRC requirements. The licensee's response to the Notice was provided in a letter dated February 7, 1985, from Mr. Robert G. Gallagher, President, Applied Health Physics, Inc., to the Director, Office of Inspection and Enforcement. A restatement of the

violations, a summary of the licensee's response, and the NRC staff's evaluation are set forth below.

Restatement of Violations

10 CFR 71.5(a) requires a licensee who transports any licensed material outside the confines of its plant or other place of use, or delivers licensed material for transport, to comply with the applicable requirements of the Department of Transportation regulations in 49 CFR Parts 170 through 189.

A. 49 CFR 173.425(b)(1) requires that low specific activity (LSA) material be packaged in strong tight packages so that there be no leakage of radioactive material under conditions normally incident to transportation.

49 CFR 173.412(e) requires that a Type A package be able to withstand the effects of any acceleration, vibration or vibration resonance that may arise during normal transportation, without any deterioration of the effectiveness of closing devices or of the integrity of the package as a whole and without loosening or unintentional release of nuts, bolts or other securing devices even after repeated use.

Contrary to the above, on March 21 and 29, 1984, 315 drums containing radioactive material were received at Richland, Washington, and were not in strong tight packages or were not packaged to withstand the effects of acceleration, vibration or vibration resonance that may arise during normal transportation in that:

1. Of the drums containing LSA material, three drums had loose bung caps, one drum had a loose bung cap and a loose right, and one drum had a hole from an apparent forklift puncture:

B. 49 CFR 173.425(b)(6) requires that packaged shipments of LSA material consigned as exclusive use must be braced so as to prevent shifting of lading under conditions normally incident to transportation.

49 CFR 177.834(a) requires that any package not permanently attached to a motor vehicle which contains radioactive material must be secured against movement within the vehicle on which it is being transported, under conditions normally incident to transportation.

Contrary to the above, packages containing LSA and Type A quantities of radioactive material received at Richland, Washington, on March 21 and 29, 1984, were not properly braced or secured against movement within the vehicle to prevent shifting of lading under conditions normally incident to transportation. Specifically, for drums containing LSA material and three drums containing Type A quantities of radioactive material were crushed because of improper bracing during transportation.

C. 49 CFR 172.403(b) requires that the proper label be affixed to a package of radioactive material based on the radiation level at the surface of the package and the transport index.

Contrary to the above, packages of radioactive material received at Richland, Washington, on March 21 and 29, 1984, did not have the proper labels affixed based on the radiation level at the surface of the package and the transport index. Specifically, two packages which had radiation levels and transport indices classified as Radioactive Yellow III were labeled as Radioactive Yellow II; two packages which had radiation levels and transport indices classified as Radioactive Yellow II were labeled as Radioactive Yellow III; and four packages which had radiation levels and transport indicies classified as Radioactive White I were labeled Radioactive Yellow III.

D. 49 CFR 172.203(d)(iv) and (v) require that the description of radioactive material and the transport index on the shipping papers list the category of label applied to each package in the shipment.

Contrary to the above, the description on the shipping papers of radioactive material received at Richland, Washington, on March 21 and 29, 1984, did not properly list the category of label applied to some of the packages in the shipment. Specifically, one package was listed on the shipping papers as having a Radioactive Yellow II label applied but the package was actually labeled (correctly) Radioactive White I; and one package was listed on the shipping papers as having a Radioactive White I label applied but the package was actually labeled (correctly) Radioactive Yellow II. Also, the shipping papers wre marked only "I", "II" or "III" rather than "Radioactive White I," "Radioactive Yellow II" or "Radioactive Yellow III." Finally, three drums classified on the shipping papers as "Radioactive Yellow II" did not list the transport index for each of these packages.

E. 49 CFR 173.425(b)(8) requires that packaged shipments of LSA material consigned as exclusive use have the exterior of each outside package marked or stenciled "Radioactive—LSA."

Contrary to the above, packaged shipments of LSA material consigned as exclusive use received at Richland, Washington, on March 21 and 29, 1984, were not marked or stenciled "Radioactive—LSA." Specifically, one package was not labeled "Radioactive—LSA," and 67 packages were labeled as "LSA—Radioactive", which is not the proper word sequence.

F. 49 CFR 172.310(a)(2) requires that each package of radioactive material which conforms to the requirements for Type A packaging must be plainly and durably marked on the outside of the package with the words "Type A."

Contrary to the above, 176 packages received at Richland, Washington, on March 21 and 29, 1984, which conformed to the requirements for Type A packaging, were not marked with the works "Type A."

G. 49 CFR 172.301(a)(2) requires that each package having a rated capacity of 110 gallons or less be marked with the proper shipping name and identification number.

Contrary to the above, 176 packages received at Richland, Washington, on March 29, 1984, and having a rated capacity of 110 gallons or less were not marked with the proper shipping name and identification number.

H. 49 CFR 172.403(f) specifies that each package required to be labeled with a "Radioactive" label must have two of these labels affixed to opposite sides of the package.

Contrary to the above, 176 packages required to be labeled with two "Radioactive" labels were received at Richland, Washington on March 21 and 29, 1984, with only one label.

I. 49 CFR 172.407(c) requires that, except for size and color, the printing, inner border, and symbol on each label must be as shown in 49 CFR 172.438 and 49 CFR 178.440.

Contrary to the above, 91 packages were received at Richland, Washington, on March 21 and 29, 1984, and the Radioactive Yellow II or Radioactive Yellow III labels on the packages were obsolete.

J. 49 CFR 172.202(b) and (c) require that the basic description specified in paragraphs (a)(1), (2) and (3) of this section (proper shipping name, hazard class and identification number) be shown in proper sequence on the shipping papers.

Contrary to the above, shipping papers received with the shipment of radioactive material at Richland, Washington, on March 21 and 29, 1984, did not list in the proper sequence the proper shipping name, hazard class and identification number. Also, the number (total count) and identification of packages listed on the shipping papers was different from the actual number and identification (drum identification number) of packages found on one trailer.

K. 49 CFR 172.204 (a) and (d)(1) specify that the shipper's certication on

the shipping papers must be legibly signed by a principal, officer, partner or employee of the shipper or his agent.

Contrary to the above, the shipper's certification on one set of shipping papers received at Richland, Washington, on March 21 and 29, 1984, did not contain the required signature.

L. 49 CFR 172.403(g) requires that packages of radioactive material be labeled, with the transport index placed on the RADIOACTIVE label.

49 CFR 173 403(bb) defines transport index and states that the index be rounded up to the first decimal place.

Contrary to the above, the transport indices listed on the labels of five drums received at Richland, Washington, on March 21 and 29, 1984, and had not been rounded up to the first decimal place.

These violations are classified in the aggregate as a Severity Level III problem. (Supplement V) (Civil Penalty—$1,000)

Summary of Licensee's Response

The licensee admits that the violations occurred as stated in the Notice, but denies direct responsibility for Violation A an B involving shipments of packages that were not in strong tight packages and were not adequately braced to prevent shifting of the lading. The licensee maintains that all drums were strong and tight when sealed and loaded within the trailers, but were subjected to abnormal conditions during transportation. These abnormal conditions resulted from (1) use of risers between alternate rows of drums which allowed rings of one drum to cave in adjacent drums; (2) the placement of light weight drums in the middle of the load; and (3) the positioning of the trailer on the railroad flat car.

The licensee further requests that the proposed civil penalty be remitted, contending that sufficient evidence exists of:

—Identification and notification of the State of Washington prior to the shipment of many of the labeling deficiencies;
—Actions to ensure that the packages remained strong, tight and properly braced during the shipment;
—Extenuating circumstances associated with the violations; and
—Efforts to investigate and rectify without delay any situation that might lead to future violations.

NRC Evaluation of Licensee Response

Notwithstanding the licensee's arguments, the licensee was responsible for Violations A and B in that the conditions experienced were those normally incident to transportation by rail.

The licensee was responsible for the loading and bracing of the shipment on the trailer, and cannot, therefore, disclaim responsibility for the use of risers or the placement of light drums in the middle of the load. Furthermore, if the shipment required special positioning of the trailer on the railroad car (e.g., the use of nonresonant trailer positioning), the licensee had the responsibility to ensure that its trailers were positioned accordingly. While the staff acknowledges the licensee's contention that it sought advice on these matters, the responsibility for the subsequent transportation violations cannot be shifted from the licensee to its consultant or advisors. The licensee could have inspected the positioning of the trailers on the flat cars to ensure that the trailers were loaded to avoid resonance effects. There is no evidence that any abnormal condition occurred during the transportation of the licensee's shipment. The test of the licensee's packaging and bracing is their performance during transportation. In this case, that performance was inadequate.

Further, the licensee has not provided a sufficient basis for remission of the proposed civil penalty. While the licensee did identify the omission of "unstable" and "Class A" labels in its April 20 and 23, 1984 telephone conversation with the State of Washington Department of Social and Health Services, it failed to identify the many other violations associated with the shipment. In addition to the violations identified by the licensee, the State of Washington identified other labeling violations on almost every drum on each of the four trailers in the shipment. Furthermore, at no time did the licensee report any violation to the NRC.

The extenuating circumstances cited by the licensee primarily involve the contention that it sought expert advice prior to shipment. However, while NRC licensees are encouraged to solicit such expert advice, they cannot avoid responsibility for their performance by claiming that they relied on such expert advice.

The licensee has provided no information to indicate that its corrective actions were unusually prompt and extensive. A significant element of the licensee's corrective actions was its development of a revised quality assurance program. The violations were identified on March 21, 1984; an NRC inspection was conducted on November 2, 1984, during which the licensee promised to provide an upgraded quality assurance program. On November 27, 1984, NRC Region I received a copy of this quality assurance program. While the NRC staff found the program to be acceptable, it does not consider the licensee's actions to be the unusually prompt and extensive corrective action described by 10 CFR Part 2, Appendix C or warranting the reduction of a civil penalty.

Conclusion

The NRC staff's evaluation of the licensee's response indicates that the violations have occurred as stated in the Notice of Violation and Proposed Imposition of Civil Penalties dated January 3, 1985, and that the licensee has not provided an adequate basis for the mitigation of the proposed civil penalties. Accordingly, civil penalties in the amount of the One Thousand Dollars are imposed.

[FR Doc. 85–9663 Filed 4–19–85; 8:45 am]
BILLING CODE 7590–01–M

[Docket No. 50–213]

Connecticut Yankee Atomic Power Co. (Haddam Neck Plant); Exemption

I

Connecticut Yankee Atomic Power Company (the licensee) is the holder of Facility Operating License No. DPR–61 which authorizes the operation of the Haddam Neck Plant (the facility) at the steady-state power levels not in excess of 1825 megawatts thermal. The facility is a pressurized water reactor located at the licensee's site in Middlesex County, Connecticut. The license provides, among other things, that it is subject to all rules, regulations and Orders of the Nuclear Regulatory Commission (the Commission) now or hereafter in effect.

II

Section 50.71(e)(3)(ii) of 10 CFR Part 50 requires that those plants initially subject to the NRC's systematic evaluation program (SEP) must file a complete updated final safety analysis report within 24 months after receipt of notification that the SEP has been completed. By letter dated July 20, 1983, the staff informed Connecticut Yankee Atomic Power Company (CYAPCo) that the SEP has been completed for the Haddam Neck Plant and that, pursuant to 10 CFR 50.71(e)(3), the licensee was required to file an updated Facility Description and Safety Analysis (FDSA). By letter dated February 4, 1985, the licensee requested an exemption to defer submittal of the updated FDSA on the bases that ongoing reviews would directly affect the content of the updated

FDSA and that the required submittal would affect the work of the licensee's engineering personnel on issues of higher safety significance.

The NRC staff has reviewed the licensee's request for an exemption from the Haddam Neck updated FDSA submittal date. For most plants covered by 10 CFR 50.71(e)(3)(ii), ample time was available for updating the FDSA within the 24 month interval allowed in the regulations. However, the Haddam Neck Plant requested participation in an expanded assessment of outstanding regulatory requirements with the idea of establishing an integrated schedule for the completion of these issues in a resource efficient manner.

In addition the licensee has other ongoing activities which would directly affect the quality and substance of an updated FDSA. For example, CYAPCo is contracting with Westinghouse to develop and document detailed information on the design and licensing bases for key systems at the Haddam Neck Plant. CYAPCo has undertaken an extensive design bases reanalysis which will result in new analyses for all FDSA Chapter 10 transients and accidents and for several SEP topics. The licensee believes that these additional efforts will facilitate a better understanding of the plant design bases when the updated FDSA is submitted.

The staff is also implementing a limited Integrated Safety Assessment Program (ISAP) for the Haddam Neck Plant. Because the licensee had placed the updating of its FDSA into its original integrated assessment proposal, the staff will be reviewing that licensing action as part of its screening review of ISAP related topics. The Commission has authorized the staff in its policy statement on ISAP (49 FR 45112), to suspend specific existing implementation schedule requirements for plants to be reviewed under ISAP.

However, the staff believes that a current FDSA is a vital and necessary tool in documenting the design bases of safety systems at the Haddam Neck Plant as well as establishing the bases for future plant modifications and changes to technical specifications. While Haddam Neck has shown good cause for the requested exemption, the staff has determined that only a 6 month exemption from compliance with 10 CFR 50.71 is warranted at this time. Any additional exemptions from compliance from 10 CFR 50.71 will be granted by the Director of Licensing only upon review and approval of a program plan containing comprehensive schedules or milestones for the submittal of an updated FDSA for the Haddam Neck Plant.

The NRC staff considered safety aspects of the requested exemption from the updated FDSA submittal date. The proposed exemption affects only the required date for updating the FSAR and does not affect the risk of facility accidents. Thus, the granting of the requested exemption will have no significant impact on plant safety.

III

The public interest will be served by granting the exemption since the licensee can continue to use its personnel to complete other work of higher safety significant sooner than would be the case if personnel were diverted to update the FDSA immediately.

Based on its review, the staff concludes that issuance of this exemption will have no significant effect on plant safety. Further, this action is in the public interest and good cause has been shown to support the exemption. Therefore, a 6 month exemption from the date of issuance of this exemption is being granted by the staff for the submittal of an update FDSA for the Haddam Neck Plant.

Pursuant to 10 CFR 51.32, the Commission has determined that the granting of this exemption will have no significant impact on the environment (50 FR 13433, April 4, 1985).

Accordingly, the Commission has determined that, pursuant to 10 CFR 50.12, an exemption is authorized by law and will not endanger life or property or the common defense and security and is otherwise in the public interest. Therefore, the Commission hereby approves the following temporary exemption from compliance with § 50.71(e).

An updated FDSA containing those original pages of the FDSA that are still applicable plus new replacement pages shall be filed on or before a date 6 months from the date of issuance of the exemption. This updated FDSA shall bring the FDSA up to date as of a maximum of 6 months prior to the date of filing the updated FDSA, with subsequent revisions no less frequently than annually thereafter. Any additional exemptions from compliance with 10 CFR 50.71 will be granted by the Director of Licensing only upon review and approval of a program plan containing comprehensive schedules or milestones for the submittal of an updated FDSA for the Haddam Neck Plant.

Dated at Bethesda, Maryland, this 11 day of April 1985.

For the Nuclear Regulatory Commission.

Hugh L. Thompson, Jr.,

Division of Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 85-9660 Filed 4-19-85; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-414]

Duke Power Company et. al., Catawba Nuclear Station, Unit 2; Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an Exemption from a portion of the requirements of General Design Criterion (GDC) 4 (10 CFR Part 50, Appendix A) to the Duke Power Company, the North Carolina Municipal Power Agency Number One, and the Piedmont Municipal Power Agency (the applicants) for the Catawba Nuclear Station, Unit 2, located at the applicants' site in York County, South Carolina.

Environmental Assessment

Identification of Proposed Action: The Exemption would permit the applicants not to install protective devices (such as pipe whip restraints) and not to consider the dynamic effects associated with postulated pipe breaks in eight locations per loop in the Catawba Unit 2 primary coolant system, on the basis of advanced calculational methods for assuring that piping stresses would not result in rapid piping failure; i.e., pipe breaks.

Need for Proposed Action: The proposed Exemption is needed in order to permit the applicants not to install protective devices such as pipe whip restraints related to 32 postulated break locations in the primary coolant loops. Analysis shows that the pipe breaks, which these devices are designed to protect against, will not occur. On the other hand the presence of these devices increases inservice inspection time in the containment and their elimination would tend to lessen the occupational doses to workers and facilitate inservice inspections.

GDC 4 requires that structures, systems and components important to safety shall be appropriately protected against dynamic effects including the effects of discharging fluids that may result from equipment failures, up to and including a double-ended rupture of the largest pipe in the reactor coolant system (Definition of LOCA). In recent submittals the applicants have provided information to show by advanced fracture mechanics techniques that the

detection of small flaws by either inservice inspection or leakage monitoring systems is assured long before flaws in the piping materials can grow to critical or unstable sizes which could lead to large break areas such as the double-ended guillotine break or its equivalent. The NRC staff has reviewed and accepted the applicants' conclusion. Therefore, the NRC staff agrees that double-ended guillotine breaks in the primary pressure coolant loop piping, and their associated dynamic effects, need not be postulated as a design basis accident for pipe protective devices; i.e., pipe whip restraints are not needed. Accordingly, the NRC staff agrees that a partial exemption from GDC 4 is appropriate.

Environmental Impact of the Proposed Action: The proposed Exemption would not affect the environmental impact of the facility. No credit is given for the restraints to be eliminated in calculating accident doses to the environment. While the pipe whip restraints would minimize the damage from jet forces and whipping from a broken pipe, the calculated limitation on stresses required to support this Exemption assures that the probability of pipe breaks which could give rise to such forces are extremely small; thus, the pipe whip restraints would have no significant effect on the overall plant accident risk.

The Exemption does not otherwise affect radiological plant effluents. Likewise, the relief granted does not affect non-radiological plant effluents, and has no other environmental impact. The elimination of the pipe whip restraints would tend to lessen the occupational doses to workers inside containment. Therefore, the Commission concludes that there are no significant radiological or non-radiological impacts associated with this Exemption.

The proposed Exemption involves design features located entirely within the restricted area as defined in 10 CFR Part 20. It does not affect plant non-radioactive effluents and has no other environmental impact. Therefore, the Commission concludes that there are no non-radiological impacts associated with this proposed Exemption.

Since we have concluded that there are no measurable negative environmental impacts associated with this Exemption, any alternatives would not provide any significant additional protection of the environment. The alternative to the exemption would be to require literal compliance with GDC 4.

Alternative Use of Resources: This action does not involve the use of resources not previously considered in the Final Environmental Statement (construction permit) for Catawba Unit 2.

Agencies and Persons Contacted: The NRC staff reviewed the applicants' request and applicable documents referenced therein that support this Exemption for Catawba Unit 2. The NRC did not consult other agencies or persons.

Finding of No Significant Impact

The Commission has determined not to prepare an environmental impact statement for this action. Based upon the environmental assessment, we conclude that this action will not have a significant effect on the quality of the human environment.

For details with respect to this action, see the request for exemption dated May 11, 1984, and the information provided by the applicants in letters dated December 20, 1983, September 14, 1984, February 14, and April 17, 1985. These documents, utilized in the NRC staff's technical evaluation of the exemption request, are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and at the York County Library, 138 East Black Street, Rock Hill, South Carolina 29730. The staff's technical evaluation of the exemption request will be published with the exemption and will also be available for inspection at both locations listed above.

Dated at Bethesda, Maryland, this 17th day of April 1985.

For the Nuclear Regulatory Commission.

Thomas. M. Novak,

Assistant Director for Licensing, Division of Licensing.

[FR Doc. 85-9664 Filed 4-19-85; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-124]

Virginia Polytechnic Institute and State University; Renewal of License and Change of Status to Possession Only

The U.S. Nuclear Regulatory Commission has issued Amendment No. 6 to License No. R-62 for the Virginia Polytechnic Institute and State University (the licensee). This amendment renews the license in a possession only status until November 16, 1989.

On October 2, 1979, the licensee applied for renewal of Operational License No. R-62 and an increase in power from 100 kilowatts (thermal) to 500 kilowatts (thermal). This application was noticed in the **Federal Register** on May 2, 1980 at 45 FR 29453. No request for hearing or petition for leave to intervene was filed following notice of the proposed action. The power increase request was withdrawn on August 19, 1981. The licensee amended its renewal request to change it to a possession only status on October 22, 1984, as supplemented.

The Commission has prepared a Safety Evaluation regarding the possession only renewal of License No. R-62 and has concluded that the facility can be maintained in a possession only status without endangering the health and safety of the public.

The Commission has also prepared an Environmental Assessment and Notice of Finding of No Significant Environmental Impact for the possession only renewal of Facility Operating License No. R-62 and has determined not to prepare an Environmental Impact Statement for this license renewal because there will be no significant environmental impact attributable to the action. The Environmental Assessment and Notice of Finding of No Significant Environmental Impact was published in the **Federal Register** on April 12, 1985 at 50 FR 14478.

For further details with respect to this action, see (1) the application for amendment dated October 2, 1979, as supplemented, (2) Amendment No. 6 to License R-62, (3) the Commission's related Safety Evaluation and (4) the Environmental Assessment and Notice of Finding of No Significant Environmental Impact. These items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Bethesda, Maryland, this 16th day of April 1985.

For the Nuclear Regulatory Commission.

Cecil O. Thomas,

Chief, Standardization and Special Projects Branch, Division of Licensing.

[FR Doc. 85-9661 Filed 4-19-85; 8:45 am]

BILLING CODE 7590-01-M

Regulatory Guide; Issuance, Availability

The Nuclear Regulatory Commission has issued a new guide in its Regulatory Guide Series. This series has been developed to describe and make available to the public methods acceptable to the NRC staff of implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain of the information needed by the staff in its review of applications for permits and licenses.

Regulatory Guide 3.55, "Standard Format and Content for the Health and Safety Sections of License Renewal Applications for Uranium Hexafluoride Production," describes the information needed in the health and safety sections of renewal applications for uranium hexafluoride plants and recommend a format for its presentation.

Comments and suggestions in connection with (1) items for inclusion in guides currently being developed or (2) improvements in all published guides are encouraged at any time. Comments should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch.

Regulatory guides are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Copies of active guides may be purchased at the current Government Printing Office price. A subscription service for future guides in specific divisions is available through the Government Printing Office. Information of the subscription service and current prices may be obtained by writing to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Publications Sales Manager.

(5. U.S.C. 552(a))

Dated at Silver Spring, Maryland this 15th day of April 1985.

For the Nuclear Regulatory Commission.

Robert B. Minogue,

Director, Office of Nuclear Regulatory Research.

[FR Doc. 85-9662 Filed 4-19-85; 8:45 am]

BILLING CODE 7590-01-M

OFFICE OF THE FEDERAL INSPECTOR FOR THE ALASKA NATURAL GAS TRANSPORTATION SYSTEM

Federal Inspector Approval of "Stipulation 1.6.1" Plans for the Alaska Segment of the Alaska Natural Gas Transportation System

AGENCY: Office of the Federal Inspector (OFI) for the Alaska Natural Gas Transportation System.

ACTION: Notice.

EFFECTIVE DATE: April 22, 1985.

FOR FURTHER INFORMATION CONTACT: Rhodell B. Fields, Legal Counsel, Office of the Federal Inspector for the Alaska Natural Gas Transportation System, (202) 275-1100, 1200 Pennsylvania Ave., NW., P.O. Box 290, Washington, D.C. 20044.

Take notice that by letter dated April 16, 1985, to Northwest Alaskan Pipeline Company (NWA), John T. Rhett, the Federal Inspector, acknowledged that, with the approval on January 25, 1985, of "Stipulation 1.6.1," Plan No. 18 for the Alaska segment of the Alaska Natural Gas Transportation System (ANGTS), the Federal Inspector has approved those 1.6.1 plans that could be concluded prior to remobilization.

On December 1, 1980, the United States Department of the Interior (DOI) issued a grant of right-of-way (F-24538) (R-O-W) to the Alaskan Northwest Natural Gas Transportation Company (ANNGTC), to allow construction of the Alaska segment of the ANGTS over Federal lands. Stipulation 1.6.1 of the R-O-W required the company to submit to the Federal Inspector comprehensive plans for the following areas (1.6.1. Plans):[1]

(1) Air Quality;
(2) Blasting;
(3) Camps;
(4) Clearing;
(5) Corrosion Control;
(6) Cultural Resource Preservation;
(7) Environmental Briefings;
(8) Erosion and Sedimentation Control;
(9) Fire Control;
(10) Liquid Waste Management;
(11) Material Exploration and Extraction;
(12) Oil and Hazardous Substances Control, Cleanup and Disposal;
(13) Overburden and Excess Material Disposal;
(14) Pesticides, Herbicides, Chemicals;
(15) Pipeline Contingency;
(16) Quality Assurance/Quality Control;
(17) Restoration;
(18) River Training Structures;
(19) Solid Waste Management;
(20) Stream, River and Floodplain Crossings;
(21) Surveillance and Maintenance;
(22) Visual Resources;
(23) Wetland Construction;
(24) Seismic; and
(25) Human/Carnivore Interaction.

Moreover, Stipulation 1.6.2 of the R-O-W provides that the plans and programs specified in Stipulation 1.6.1 must be approved in writing by the Federal Inspector.

By letter dated April 16, 1985, the Federal Inspector acknowledged approval of the following plans required by Stipulation 1.6.1 of the R-O-W: 1, 2, 3, 6, 7, 10, 11, 12, 14, 18, 19, 22, 24, and 25. These plans were reviewed by the Federal Inspector and Alaska, and where relevant, were commented upon by the Alyeska Pipeline Service Company. They address a variety of environmental, health, safety, construction and operation matters related to the Alaskan segment of ANGTS. All parties directly involved consider these plans and programs to be the ones that could be concluded at this time. They agree that the remainder of the plans will be completed following remobilization and, where applicable, prior to approval of site-specific (or mile-by-mile) design packages that would be affected by these plans.

All of the pertinent approval letters for the respective 1.6.1 plans are available for review upon request.

Dated April 16, 1985.

John T. Rhett,

Federal Inspector.

[FR Doc. 85-9588 Filed 4-19-85; 8:45 am]

BILLING CODE 6119-01-M

[1] Numbers conform to Plan Numbers.

Federal Inspector Actions Concerning the Pipeline Design Criteria Manual for the Alaska Segment of the Alaska Natural Gas Transportation System

AGENCY: Office of the Federal Inspector (OFI) for the Alaska Natural Gas Transportation System.

ACTION: Notice.

EFFECTIVE DATE: April 22, 1985.

FOR FURTHER INFORMATION CONTACT: Rhodell G. Fields, Legal Counsel, Office of the Federal Inspector for the Alaska Natural Gas Transportation System, (202) 275-1100, 1200 Pennsylvania Ave., NW, P.O. Box 290, Washington, D.C. 20044.

Take notice that by letters dated April 16, 1985, to Northwest Alaskan Pipeline Company (NWA), John T. Rhett, the Federal Inspector, approved Sections 13 and 21A [1] of the Pipeline Design Criteria Manual for the Alaska segment of the Alaska Natural Gas Transportation System (ANGTS).

On December 1, 1980, the United States Department of the Interior (DOI) issued a grant of right-of-way (F-24538) (R-O-W) to the Alaskan Northwest Natural Gas Transportation Company (ANNGTC), to allow construction of the Alaska segment of the ANGTS over Federal lands. Stipulation 1.6.1 of the R-O-W required the company to submit to the Federal Inspector Design Criteria. Moreover, Stipulation 1.6.2 of the R-O-W provided that the plans and programs specified in Stipulation 1.6.1 must be approved in writing by the Federal Inspector.

[1] Design Modes and Frost Heave Design Criteria and Methodology, respectively.

During the past four years, NWA, as agent and operator for the ANGTS partnership, has submitted individual sections of the Pipeline Design Criteria Manual (DCM) for review by the Federal Inspector and the State of Alaska (Alaska). In addition, as required by Stipulation 1.6.1, NWA submitted Design Criteria to the Alyeska Pipeline Service Company for comment on behalf of the owners of the Trans-Alaska Pipeline System. These comments were considered during the DCM review process. Individual sections of the DCM have been approved previously by the Office of the Federal Inspector. By letters dated April 16, 1985, the Federal Inspector approved Sections 13 and 21A of the DCM. With these most recent approvals, the DCM is now complete as a significant component of the Design Criteria for the Alaska segment of the ANGTS.

The sponsors can rely on those approvals as a basis for development of design procedures, completion of remaining Design Criteria, and Final Design of the pipeline. Those approvals only cover the documents currently on file with the OFI related to the approved DCM sections. The OFI has encouraged the sponsors to make any reasonable changes to the DCM which would provide a more cost-effective design. Positive results from such efforts would be reviewed by the OFI at the appropriate time.

All of the pertinent approval letters for the individual sections of the DCM are available for review upon request.

Dated: April 16, 1985.

John T. Rhett,

Federal Inspector.

[FR Doc. 85-9589 Filed 4-19-85; 8:45 am]

BILLING CODE 6119-01-M

DEPARTMENT OF STATE

[Public Notice 936]

Agency Form Submitted for OMB Review

ACTION: In accordance with the provisions of the Paperwork Reduction Act of 1980, the Department has submitted a collection of information to the Office of Management and Budget for review.

SUMMARY: The following summarizes the information collection proposal submitted to OMB:

1. Form number—JF-53.
2. Title—Application for Dependent Care Training Grant.
3. Purpose—Used to determine eligibility of and identify dependents requesting training outside the Foreign Service Institute's facilities or to request day-care services while dependent is attending a training course.
4. Type of request—Extension.
5. Origin—Foreign Service Institute.
6. Frequency—On occasion.
7. Respondents—Employees and dependents of Foreign Service employees.
8. Estimated number of responses—75.
9. Estimated number of hours needed to respond—6.25.

Section 3504(h) of Pub. L. 96-511 does not apply.

Additional Information or Comments: Copies of the forms and supporting documents may be obtained from Gail J. Cook (202) 632-3602. Comments and questions should be directed to (OMB) Francine Picoult (202) 395-7231.

Dated: April 1, 1985.

Robert E. Lamb,

Assistant Secretary for Administration and Security.

[FR Doc. 85-9641 Filed 4-19-85; 8:45 am]

BILLING CODE 4710-24-M

DEPARTMENT OF TRANSPORTATION

Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits Filed Under Subpart Q of Department of Transportation's Procedural Regulations (See, 14 CFR 302.1701 et. seq.), Week Ended April 12, 1985

Subpart Q Applications

The due date for answers, conforming application, or motions to modify scope are set forth below for each application. Following the answer period DOT may process the application by expedited procedures, such procedures may consist of the adoption of a show-cause order, a tentative order, or in appropriate cases a final order without further proceedings.

Date filed	Docket No.	Description
Apr 8, 1985	43029	Trans Global Airlines, Inc., c/o Harry A. Bowen, Bowen and Atkin, 2020 K Street NW., Suite 350, Washington, D.C. 20006 Conforming Application of Trans Global Airlines, Inc. pursuant to Section 401 of the Act and Subpart Q of the Regulations requests a certificate to engage in scheduled foreign air transportation of persons, property and mail (a) Between points in interstate and overseas air transportation within the United States, the District of Columbia, and U.S. territories or possessions, (b) Between coterminal points in the United States, the District of Columbia, or U.S. territories and coterminal points in Belgium, the Federal Republic of Germany, Ireland, Israel, Luxembourg, Netherlands, Portugal, and Switzerland, (c) Between coterminal points in the United States, the District of Columbia, or U.S. territories and coterminal points in Antigua, Bahamas, Barbados, Chile, Costa Rica, Dominican Republic, El Salvador, Grenada, Guadeloupe, Guatemala, Haiti, Hondouras, Jamaica, Martinique, Netherland Antilles, Panama, St. Kitts, and Trinidad and Tobago; and (d) Between San Juan and Mexico City, Mexico Answers may be filed by April 22, 1985
Apr 11, 1985	43036	Midway Airlines (1984), Inc., c/o Joel Stephen Burton, Ginsburg, Feldman and Bress, 1250 Connecticut Avenue, N.W. Washington, D.C. 20036 Application of Midway Airlines (1984), Inc. pursuant to Section 401 of the Act and Subpart Q of the Regulations requests a certificate of public convenience and necessity authorizing scheduled interstate and overseas air transportation. Applicant also requests a determination of fitness pursuant to Part 204 of the Regulations. Conforming Applications, Motions to Modify Scope and Answers may be filed by May 9, 1985
Apr 9, 1985	42912	King Flying Service, c/o Bill Miller, Bill Miller Associates, Suite 301, 1341 G Street, N.W., Washington, D.C. 20005 Supplemental Material to the Application of King Flying Service Answers may be filed by May 7, 1985.
Apr 12, 1985	43038	Eastern Air lines, Inc., Miami International Airport, Miami, Florida 33148 Application of Eastern Air Lines, Inc. pursuant to Section 401 of the Act and Subpart Q of the Regulations to permit Eastern to provide air service on the following routes Atlanta, Georgia—Tokyo, Japan Honolulu, Hawaii—Tokyo, Japan Los Angeles, California—Tokyo, Japan Miami, Florida—Tokyo, Japan Portland, Oregon—Tokyo, Japan Conforming Applications, Motions to Modify Scope and Answers may be filed by May 10, 1985

Phyllis T. Kaylor,

Chief, Documentary Services Division.

[FR Doc. 85-9611 Filed 4-19-85; 8:45 am]

BILLING CODE 4910-62-M

Order Adjusting the Standard Foreign Fare Level Index

The International Air Transportation Competition Act (IATCA), Pub. L. 96–192, requires that the Department, as successor to the Civil Aeronautics Board, establish a Standard Foreign Fare Level (SFFL) by adjusting the SFFL base periodically by percentage changes in actual operating costs per available seat-mile. Order 80–2–69 established the first interim SFFL and Order 85–1–36 established the currently effective two-month SFFL applicable through March 31, 1985.

In establishing the SFFL for the two-month period starting April 1, 1985, we have projected nonfuel costs based on the year ended September 1984, data, and have determined fuel prices on the basis of experienced monthy fuel cost levels as reported to the Department.

By Order 85–4–53 fares may be increased by the following adjustment factors over the October 1, 1979, level:

Atlantic	1.1359
Latin America	1.2442
Pacific	1.2799
Canada	1.2066

For Further Information Contact: John D. Coakley, (202) 472–5492.

By the Department of Transportation.

Matthew V. Scocozza,

Assistant Secretary for Policy and International Affairs.

[FR Doc. 85–9610 Filed 4–19–85; 8:45 am]

BILLING CODE 4910–62–M

Federal Highway Administration

Environmental Impact Statement; Charleston County, SC

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an environmental impact statement will be prepared for a proposed highway project in Charleston County, South Carolina.

FOR FURTHER INFORMATION CONTACT: Mr. W.H. Rice, District Engineer, Federal Highway Administration, Suite 758, Strom Thurmond Building, 1835 Assembly Street, Columbia, South Carolina 29201, Telephone: (803) 765–5411.

SUPPLEMENTARY INFORMATION: The FHWA in cooperation with the South Carolina Department of Highways and Public Transportation will prepare an environmental impact statement (EIS) on the proposed replacement of the Ben Sawyer Memorial Bridge and approaches located on S.C. 703 at the Intercoastal Waterway. The proposed replacement would be placed parallel to and within 150 feet of the existing facility. Traffic would be maintained on the existing bridge during construction of the replacement.

The replacement bridge would be a two-lane, high-level, bridge to eliminate the conflicts between land-based and waterborne traffic which exist with the present drawbridge span. Other improvements would include a modern bridge section with standard travel lane widths, shoulders for emergency stopping, and a dedicated bicycle/pedestrian lane. Total length of the bridge would be approximately 3,800 feet.

No major actions by other government agencies are known to be proposed in the same geographic area as this project.

Alternatives considered for the bridge replacement included an alignment on the upstream side and one on the downstream side of the existing bridge. In order to minimize disruption of the small amount of residential development which exist in the project area, the upstream alignment has been selected as the "Preferred Alternative." Alternative bridge designs—one for a concrete structure and one for a concrete/steel hybrid—will be prepard and bid competitively to ensure the most economical materials are used in the replacement bridge.

A scoping meeting has previously been held in which input from many sources was received. A letter of intent inviting written comments and suggestions has been sent to appropriate federal, state, and local agencies, and to private organizations and citizens who may be interested in this proposal. Formal location and design public hearings will be conducted to further involve local citizens in the process. Public notice will be given of the time and place of the meetings and hearings. The Draft EIS will be available for public and agency review and comments.

To ensure that the full range of issues related to this proposed action are addressed and all significant issues are identified, comments and suggestions are invited from all interested parties. Comments or questions concerning this proposed action and the EIS should be directed to the FHWA at the address provided above.

Issued: April 16, 1985.

Arthur A. Fendrick,

Division Administrator, Columbia, South Carolina.

[FR Doc. 85–9640 Filed 4–19–85; 8:45 am]

BILLING CODE 4910–22–M

DEPARTMENT OF THE TREASURY

Fiscal Service

[Dept. Circ. 570, 1984 Rev., Supp. No. 15]

Surety Companies Acceptable on Federal Bonds; Unigard Security Insurance Co.; Change of Name

Unigard Mutual Insurance Company, a Washington corporation, has formally been demutualized and changed its name to Unigard Security Insurance Company, effective September 13, 1984. The company was last listed as an acceptable surety on Federal bonds in 49 FR 27261, July 2, 1984.

A Certificate of Authority as an acceptable surety on Federal bonds, dated today, is hereby issued under Sections 9304 to 9308 of Title 31 of the United States Code, to Unigard Security Insurance Company, Seattle, Washington. This new certificate replaces the Certificate of Authority issued to the company under its former name, Unigard Mutual Insurance Company. The underwriting limitation of $4,266,000 established for the company as of July 2, 1984 remains unchanged until the July 1, 1985 revision is published.

Certificates of Authority expire on June 30, each year, unless renewed prior to that date or sooner revoked. The certificates are subject to subsequent annual renewal so long as the companies remain qualified (31 CFR Part 223). A list of qualified companies is published annually as of July 1 in Department Circular 570, with details as to underwriting limitations, areas in which licensed to transact surety business and other information. Federal bond-approving officers should annotate their reference copies of the Treasury Circular 570, 1984 Revision, at page 27261 to reflect this change. Copies of the circular, when issued, may be obtained from the Surety Bond Branch, Finance Division, Financial Management Service, Department of the Treasury, Washington, D.C. 20226.

Dated: April 3, 1985.

W.E. Douglas,

Commissioner, Financial Management Service.

[FR Doc. 85–9606 Filed 4–19–85; 8:45 am]

BILLING CODE 4810–35–M

[Dept. Circ. 570, 1984 Rev., Supp. No. 16]

Surety Companies Acceptable on Federal Bonds

A Certificate of Authority as an acceptable surety on Federal bonds is hereby issued to the following company under Section 9304 to 9308 Title 31 of the United States Code. An underwriting limitation of $19,671,000 has been established for the company.

Name of Company:
FEDERATED MUTUAL INSURANCE COMPANY
Business Address: 129 East Broadway, Owatonna, MN 55060
State of Incorporation: Minnesota

Certificates of Authority expire on June 30 each year, unless renewed prior to that date or sooner revoked. The certificates are subject to subsequent annual renewal so long as the companies remain qualified (31 CFR Part 223). A list of qualified companies is published annually as of July 1 in Department Circular 570, with details as to underwriting limitations, areas in which licensed to transact surety business and other information. Federal bond-approving officers should annotate their reference copies of the Treasury Circular 570, 1984 Revision, at page 27253 to reflect this addtion. Copies of the circular, when issued, may be obtained from the Surety Bond Branch, Finance Division, Financial Management Service, Department of the Treasury, Washington, DC 20226.

Dated: April 4, 1985.

W.E. Douglas,

Commissioner, Financial Management Service.

[FR Doc. 85-9607 Filed 4-19-85; 8:45 am]

BILLING CODE 4810-35-M

[Dept. Circ. 570, 1984 Rev., Supp. No. 14]

Surety Companies Acceptable on Federal Bonds; Termination of Authority; Cal-Farm Insurance Company, Sacramento, CA

Notice is hereby given that the Certificate of Authority issued by the Treasury to CAL-FARM INSURANCE COMPANY, of Sacramento, California, under sections 9304 to 9308 of Title 31 of the United States Code, to qualify as an acceptable surety on Federal bonds is hereby terminated effective this date.

The company was last listed as an acceptable surety on Federal bonds at 49 FR 27251, July 2, 1984.

With respect to any bonds currently in force with CAL-FARM INSURANCE COMPANY, bond-approving officers for the Government may let such bonds run to expiration and need not secure new bonds. However, no new bonds should be accepted from the company.

Questions concerning this notice may be directed to the Surety Bond Branch, Finance Division, Financial Management Service (formerly Bureau of Government Financial Operations), Department of the Treasury, Washington, D.C. 20226, telephone (202) 634-2319.

Dated: April 3, 1985.

W.E. Douglas,

Commissioner, Financial Management Service.

[FR Doc. 85-9604 Filed 4-19-85; 8:45 am]

BILLING CODE 4810-35-M

Sunshine Act Meetings

Federal Register
Vol. 50, No. 77
Monday, April 22, 1985

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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	Item
Consumer Product Safety Commission	1, 2
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1

CONSUMER PRODUCT SAFETY COMMISSION

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: Vol. 50 No. 71 p. 14486.

PREVIOUSLY ANNOUNCED TIME OF MEETING: Thursday, April 18, 1985.

CHANGES IN THE MEETING: Meeting Canceled.

LISTED BELOW IS THE CANCELED MEETING:

Commission Meeting, Thursday, April 18, 1985, See Times Below; Room 456, Westwood Towers, 5401 Westbard Avenue, Bethesda, Maryland

8:30 a.m.

Open to the Public

1. Commission Staff Briefing

The staff will brief the Commission on various matters.

9:30 a.m.

2. NSPI Request Concerning Public Service Announcements

The Commission will consider a request from the National Spa and Pool Institute (NSPI) to participate in the development and sponsorship of public service announcements concerning diving accidents and drownings of young children.

Closed to the Public

3. Compliance Status Report

The staff will brief the Commission on various Compliance matters.

FOR A RECORDED MESSAGE CONTAINING THE LATEST AGENDA INFORMATION, CALL: 301–492–5709.

CONTACT PERSON FOR ADDITIONAL INFORMATION: Sheldon D. Butts, Office of the Secretary, 5401 Westbard Ave., Bethesda, Md. 20207 301–492–6800.

Dated: April 18, 1985.

Sheldon D. Butts,

Deputy Secretary.

[FR Doc. 85–9722 Filed 4–18–85; 2:11 pm]

BILLING CODE 6355–01–M

2

CONSUMER PRODUCT SAFETY COMMISSION

TIME AND DATE: Commission Meeting, Wednesday, April 24, 1985, See Times Below.

LOCATION: Room 456, Westwood Towers, 5401 Westbard Avenue, Bethesda, MD.

STATUS: Closed and open.

MATTERS TO BE CONSIDERED:

8:30 A.M.

Open to the Public

1. Commission Staff Briefing

The staff will brief the Commission on various matters.

9:30 A.M.

2. NSPI Request Concerning Public Service Announcements

The Commission will consider the request from the National Spa and Pool Institute (NSPI) to participate in the development and sponsorship of public service announcements concerning diving accidents and drownings of young children.

Closed to the Public

3. Compliance Status Report

The staff will brief the Commission on various Compliance matters.

FOR A RECORDED MESSAGE CONTAINING THE LATEST AGENDA INFORMATION, CALL: 301—492–5709.

CONTACT PERSON FOR ADDITIONAL INFORMATION: Sheldon D. Butts, Office of the Secretary, 5401 Westbard Ave., Bethesda, Md. 20207 301—492–6800.

Sheldon D. Butts,

Deputy Secretary.

[FR Doc. 85–9723 Filed 4–16–85; 2:11 pm]

BILLING CODE 6355–01–M

3

FEDERAL RESERVE SYSTEM

TIME AND DATE: 2:30 p.m., Wednesday, April 24, 1985.

PLACE: Marriner S. Eccles Federal Reserve Board Building, C Street entrance between 20th and 21st Streets, NW., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Proposals regarding structure of the academic consultants program.
2. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.
3. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board; (202) 452–3204. You may call (202) 452–3207, beginning at approximately 5 p.m. two business days before this meeting, for a recorded announcement of bank and bank holding company applications scheduled for the meeting.

Dated: April 17, 1985.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 85–9657 Filed 4–17–85; 5:03 pm]

BILLING CODE 6210–01–M

4

U.S. PAROLE COMMISSION

PLACE: Room 420 F One North Park Building, 5550 Friendship Boulevard, Chevy Chase, Maryland 20815.

DATE AND TIME:

Monday—April 22, 1985—1:00 p.m. through
Wednesday—April 24, 1985—4:00 p.m.

STATUS: Open.

CHANGES IN THE MEETING: The following new Matter is added for consideration: 14. Discussion of personnel procedures and practices.

The balance of the Matters to be Considered and Consent Agenda will be the same as announced on p. 13913 of the **Federal Register** dated April 8, 1984. Notice of this change is being made at the earliest practicable time.

CONTACT PERSON FOR MORE INFORMATION: Peter B. Hoffman, Director of Research, United States Parole Commission, (301) 492–5880.

Dated: April 17, 1985.

Joseph H. Barry,

General Counsel, United States Parole Commission.

[FR Doc. 85–9721 Filed 4–18–85; 2:11 pm]

BILLING CODE 4410–01–M

Federal Register

Monday
April 22, 1985

Part II

Department of Health and Human Services

Food and Drug Administration

21 CFR Parts 330, 331, 332, and 357

Labeling of Drug Products for Over-the-Counter Human Use; Proposed Rule

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Parts 330, 331, 332, and 357

[Docket No. 82N-0154]

Labeling of Drug Products for Over-the-Counter Human Use

AGENCY: Food and Drug Administration.

ACTION: Proposal.

SUMMARY: The Food and Drug Administration (FDA) is proposing to change its "exclusivity" policy for the labeling of over-the-counter (OTC) drug products. The label and labeling of OTC drug products would be required to contain in a prominent and conspicuous location either (1) within a boxed area designated "APPROVED USES" the specific wording on indications for use esteblished under an OTC drug monograph; (2) within a nonboxed area other wording describing such indications for use that meets the statutory prohibitions against false or misleading labeling; or (3) within a boxed area designated "APPROVED USES" the approved monograph language plus elsewhere in the labeling alternative language describing indications for use that was not false or misleading. All required OTC drug labeling other than indications (e.g., warnings and directions) would continue to be subject to the existing exclusivity standard. FDA is issuing this proposal after considering testimony and comments submitted during a public hearing on this matter.

DATE: Written comments by July 22, 1985.

ADDRESS: Written comments to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: William E. Gilbertson, Center for Drugs and Biologics (HFN-210), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4960.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of July 2, 1982 (47 FR 29002), FDA announced a public hearing to be held on the "exclusivity" policy as it relates to the labeling of OTC drugs. This policy currently limits the terms that may be used in an OTC drug product's labeling to the specific terminology established in a final OTC drug monograph.

The hearing, which was held on September 29, 1982, was requested following publication of the tentative final monograph (proposed regulation) for OTC nighttime sleep-aid and stimulant drug products in the **Federal Register** of June 13, 1978 (43 FR 25544). The tentative final monograph for nighttime sleep-aid drug products stated that the labeled indications for such products "shall be limited to one or more of the following phrases: 'Helps fall asleep,' 'For relief of occasional sleeplessness,' 'Helps to reduce difficulty in falling asleep,' " The tentative final monograph for stimulant drug products stated that the labeled indication for such products "shall be limited to the following phrase: 'Helps restore mental alertness or wakefulness when experiencing fatigue or drowsiness.' " The tentative final monograph proposed to exclude all other claims or representations of indications. Moreover, in accordance with FDA's exclusivity policy, the claims and representations would be required to be stated in OTC drug labeling by using only the precise phrases listed above. Thus, when the applicable final monograph became effective, any OTC nighttime sleep-aid or stimulant drug product containing labeling with claims or representations other than those established in the monograph, or using differing terminology, would have been a new drug and/or misbranded under the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 321(p) and 352).

I. The Existing Exclusivity Policy

The policy of limiting monograph labeling terminology to specific words and phrases considered and approved by FDA has been the subject of comment throughout the OTC drug review process. With the publication of the tentative final monograph for OTC antacid drug products in the **Federal Register** of November 12, 1973 (38 FR 31260), FDA responded to comments proposing that terms other than those specified in the monograph should be allowed in the product labeling. The agency concluded that the terms recommended by the panel fully met the intent of the regulation. The agency also stated that allowing each manufacturer to select words other than those set forth in the monograph would result in continued consumer confusion and deception (38 FR 31264).

However, in the "Indications" section of the antacid tentative final monograph, FDA proposed as a requirement that the drug products have labeling that "represents or suggests" the product for the allowed antacid indications (38 FR 31268). The "represents or suggests" language was retained when the final monograph for OTC antacid drug products was published in the **Federal Register** of June 4, 1974 (39 FR 19862, 19876).

In the **Federal Register** of March 13, 1975 (40 FR 11718), however, FDA amended the monographs for OTC antacid and antiflatulent drug products. The "represents or suggests" language that had been in the "Indications" section was replaced with a requirement that the "Indications" section contain a statement "that is limited" to the words and phrases set out in quotation marks in the respective monographs. The change was made in response to a comment inquiring whether the phrase "represents or suggests" meant that terms analogous or similar to the quoted conditions could be used.

The change was intended to clarify the agency's position on the exclusivity policy. The controversy concerning exclusivity did not abate, however, even though in subsequent tentative final monographs FDA consistently expanded the labeling recommended by the panels to include alternate terminology suggested in comments.

Subsequently, comments both supporting and objecting to the exclusivity policy were submitted to a number of OTC drug rulemaking proceedings, including the proposed monographs for OTC nighttime sleep-aid and stimulant drug products. The comments objecting to the limitation on labeling terminology asserted that it is unduly restrictive, unconstitutional, and contrary to the purpose of the Federal Food, Drug, and Cosmetic Act. These comments stated that the policy prevents manufacturers from using "truthful alternative wording." In the tentative final monographs for OTC nighttime sleep-aid and stimulant drug products, FDA responded to the comments by reasserting its position on exclusivity (43 FR 25553).

The agency also stated, in a response to a comment on the exclusivity policy as it relates to both nighttime sleep-aid and stimulant drug products, that the agency would permit truthful alternative terminology only after approval of an appropriate petition to the agency under § 330.10(a)(12) (21 CFR 330.10(a)(12)) and publication of an amendment to an appropriate monograph (43 FR 25545).

II. The Public Hearing on the Exclusivity Policy

The objections to the exclusivity policy were resubmitted with respect to nighttime sleep-aid and stimulant drug products after publication of the tentative final monographs for these products, and an oral hearing was requested. In granting the hearing

request. FDA stated that the frequency with which the issue of exclusivity has been raised, and is likely to be raised again with respect to future monographs, justified a hearing to consider whether the agency's long-stated policy on labeling exclusivity for OTC drugs should be retained, modified, or eliminated (47 FR 29003):

In addition, when the agency initiated a retrospective review of its regulations to minimize unnecessary regulatory burdens, as part of the agency's response to Executive Order 12291 and the Regulatory Flexibility Act (Pub. L. 96–354) (46 FR 36332, July 14, 1981; 47 FR 29004, July 2, 1982) the exclusivity policy was identified by comments as one that could be made more flexible without sacrificing public health objectives.

A. Scope of the Hearing

The notice of hearing defined the scope of the hearing broadly as encompassing all aspects, both practical and legal, of the exclusivity policy and its possible alternatives. Participants were invited to comment on any matter related to that policy. The inquiry was structured, however, to seek answers to the following questions (47 FR 29003):

(1) Does the government have a substantial interest in restricting the terminology used in the labeling of OTC drug products?

(2) If the government's interest is substantial, does restricting labeling to terminology approved by FDA in a final monograph directly advance this interest?

(3) Is the restriction imposed by the exclusivity policy more extensive than is necessary to serve that interest?

(4) By imposing such a restriction, does the agency exceed its authority under the Federal Food, Drug, and Cosmetic Act?

(5) Is the restriction a prior restraint on free speech that is prohibited by the Constitution?

(6) Should there be limitations on terminology used in the labeling of OTC drug products? If the current policy of exclusivity of labeling should be changed, what changes would be desirable from the standpoint of consumers and marketers?

B. Alternatives Explored at the Hearing

The notice of hearing identified and solicited comments on the following possible alternatives to the exclusivity policy:

(1) Provide a separate list of approved synonyms maintained on file in the Dockets Management Branch.

The notice stated that this alternative would retain the exclusivity policy but provide a simpler and more expeditious means of obtaining additional acceptable language for use in labeling.

(2) Require specific information to be included in a designated area of a product's labeling without deviation from the approved language but permit manufacturers to use their own synonymous language outside the designated area.

The notice stated that this alternative would preserve the exclusivity policy with respect to claims made in the designated area, thus providing consumers with an FDA-approved source of information on the label itself, while at the same time allowing manufacturers the flexibility to employ reasonable truthful interpretative language elsewhere in the product's labeling. The notice also stated that the agency believed that this alternative represents a compromise that may incorporate the advantages of the exclusivity policy while avoiding some of its perceived rigidity.

(3) Allow manufacturers to interpret the claims included in a monograph in synonymous language.

The notice stated that this alternative would abandon the exclusivity policy. Manufacturers would still be required to employ accurate, nonmisleading terminology, but would not have to obtain FDA's prior approval for the language chosen.

At the hearing on September 29, 1982, 12 persons presented testimony on behalf of manufacturers, trade associations, and consumers. Written testimony was submitted by individuals, companies, and organizations. Comments and testimony by manufacturers and trade associations contended that the present exclusivity policy is unconstitutional because it unlawfuly restrains free speech; is in violation of the Administrative Procedure Act (APA) because it was implemented without notice and comment and because it is arbitrary and capricious; and is not authorized by the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321 et seq.). These comments also questioned whether, as a matter of sound agency policy, FDA should continue the policy irrespective of its legal status. In general, testimony and comments submitted by individuals or consumer groups urged FDA to retain the exclusivity policy in its present form to avoid confusion and deception and to facilitate comparisons among products. In its testimony, the American Association of Retired Persons (AARP) took the position that while it is important that limitations be placed on labeling so as to avoid confusion, alternative wording of labeling claims could also be advantageous.

III. Proposed Change

The agency has decided, after consideration of the testimony and information submitted at the hearing and the comments submitted in the various proceedings to establish OTC drug monographs, that the present exclusivity policy, while legally supportable, should not be continued for policy reasons. FDA specifically rejects the assertions in the submitted comments that the present policy is legally deficient on constitutional grounds, is in violation of the Administrative Procedure Act (APA), or contrary to the Federal Food, Drug, and Cosmetic Act.

The present policy clearly falls within restraints on commercial speech allowed by the Supreme Court in *Virginia State Board of Pharmacy* v. *Virginia Citizens Consumer Council*, 425 U.S. 748 (1976); *Central Hudson Gas & Electric Corp.* v. *Public Service Comm'n*, 447 U.S. 557 (1980); and *Matter of R.M.J.*, 455 U.S. 191 (1982). The policy also meets the requirements of the APA both with respect to the requirement of notice and the standards of arbitrary and capricious agency action. Finally, the present policy is well within the scope of activities authorized by the Federal Food, Drug, and Cosmetic Act. Section 701(a) of the act (21 U.S.C. 371(a)) provides that the agency may "promulgate regulations for the efficient enforcement of this Act." Although there have been many challenges to FDA regulations promulgated under section 701(a), the courts have, with few exceptions, upheld FDA's authority to issue the regulation in question. See, for example, *Toilet Goods Ass'n* v. *Gardner*, 387 U.S. 158 (1967). See also, *National Confectioners Ass'n* v. *Califano*, 569 F.2d 690, 693 (D.C. Cir. 1978); *Cosmetic, Toiletry & Fragrance Ass'n* v. *Schmidt*, 409 F. Supp. 57 (D.D.C. 1976).

In sum, the agency believes that the exclusivity policy is lawful under the Constitution, the APA, and the act. However, even though the agency believes that the exclusivity policy as presently constituted is lawful, there are sound reasons for proposing a modification of that policy.

The agency's principal purpose in establishing and maintaining the exclusivity policy has been to ensure that OTC drug labeling is clear, accurate, and meaningful to the consumer. In the past, the agency has been concerned that unless the policy is rigidly adhered to, there is potential for labeling to be used that is misleading or confusing. The agency's basic premise has not changed. After careful review

and study, however, the agency now believes that the goal of ensuring truthful, nonmisleading labeling without inhibiting effective consumer communication does not require the enforcement of a rigid exclusivity policy. Recognizing that, within limits, there can be various ways of accurately stating the same thing, some of which may even be more meaningful to potential purchasers of OTC drug products, the agency has concluded that it can meet its responsibilities by providing greater flexibility for the use of alternative truthful statements without recourse to the time and resource consuming monograph amendment process. Rather, the agency will use the monograph language as its standard in determining whether alternative statements are accurate or require regulatory action, thus achieving its goals at a lower cost in terms of administrative and enforcement resources.

As discussed in detail below, the new labeling requirements would allow for a alternative labeling of OTC drug products. The label and labeling would be required to contain, in a prominent and conspicuous location, either (1) within a boxed area that is designated "APPROVED USES" the specific wording set out in the indications for use section of an applicable OTC drug monograph, or (2) within a nonboxed area alternative wording relating to indications for use that is not false or misleading. As a third alternative, monograph lanugage would be used in the boxed area and the label and labeling could contain elsewhere alternative wording describing indications for use, so long as the alternative wording was not false or misleading.

The agency believes that labeling established in an OTC drug monograph would continue to serve a vital purpose. It would represent the agency's determination, following extensive notice and comment rulemaking, of the specific indications for which an OTC drug product would be generally recognized as safe and effective, and not misbranded. Because the monographs would provide a definitive explanation of those uses a particular drug is good for, FDA would be able to determine whether nonmonograph language is an accurate description of a drug's properties. Having made such a determination, the agency is in a much better position of determining appropriate regulatory action than it would be, or was, in a nonmonograph situation. While other wording may be developed that would also meet these criteria, the specific wording established in the monograph would provide a standard for measuring the accuracy of synonymous terminology. The standard could be used both by the agency in determining appropriate enforcement actions and by the courts in evaluating the merits of such actions.

The agency emphasizes, as described below in the discussion of the proposed regulation, that it will use the monograph language as a regulatory benchmark. FDA will carefully examine any alternative language to ensure that it does not go beyond the approved indications, thereby causing the drug to become a "new drug" or misbranded, or both, under the act. Language that is so nondescriptive as to be meaningless, or that indicates uses for a new indication, would cause the product to be misbranded, a new drug, or both.

The agency also believes that a change in policy will save resources, with no loss in consumer protection. Under the present exclusivity policy, changes to labeling established in a final monograph may be made only by amending the final monograph (21 CFR 330.10(a)(12)). FDA on its own initiative may propose to amend a monograph, or any interested person may petition FDA for an amendment under 21 CFR 10.30. In accordance with the APA and FDA's own regulations, before an amendment can become final, FDA must determine that there is adequate evidence to propose the amendment in terms of safety, effectiveness, and compliance with the act's misbranding provisions. The amendment then is published as a proposal in the **Federal Register**, and interested persons are provided an opportunity to comment. Following consideration of any comments received and other material in the record, if FDA determines that the amendment should be made, a final regulation is published in the **Federal Register**.

Amendment petitions filed with the agency to date, as well as comments submitted regarding the exclusivity policy, indicate that the principal objection to the policy is that it limits truthful alternate language, not that language included in the monograph is deficient. In sum, more terms are sought to describe a product's indications for use. Moreover, many of the terms sought are suitable candidates for inclusion in the monograph; they comport with the act's requirements with respect to false and misleading labeling.

Under the circumstances, the agency believes that it is no longer a sound use of resources to enforce the exclusivity policy as it relates to indications for use. FDA believes that many words that would trigger an FDA enforcement action because they were not included in a final monograph may subsequently be determined by FDA to be valid under the present monograph amendment process. Moreover, there is little justification for maintaining a review system that can accommodate large numbers of petitions for amendment on a timely basis, because frequently a petitioner seeks only to have words added to the monograph that could not in any practical sense be regarded as affecting the consumer's understanding of the intended uses for which the product has been found safe and effective. The agency believes that the original objectives of the OTC drug review can be met by requiring labeling describing indications for use that has been developed during the monograph process, or truthful, nonmisleading alternative language, subject to the prohibitions in 21 U.S.C. 352(a) against false or misleading labeling, to be displayed in a prominent and conspicuous manner at time of purchase and use in an OTC drug product's label and labeling.

However, FDA emphasizes that the relaxation of the exclusivity policy would apply only to indications for use that are established in a final monograph. As discussed below, all other required OTC drug labeling would continue to be subject to the existing exclusivity standard.

IV. Proposed Regulation

Accordingly, FDA is proposing to amend the labeling requirements for OTC drugs in 21 CFR Part 330 by amending § 330.1. As amended, this section would establish three ways of stating the indications for use in OTC drug labeling. The first would require that the label and labeling for OTC drug products contain in a prominent and conspicuous location that is easily read at time of purchase and use the terminology describing the indications for use that have been established in an applicable final monograph. The terminology would be required to consist of the exact language of the monograph. This terminology would appear within a boxed area designated "APPROVED USES" each time it appears, as appropriate, in the labeling, e.g., on the outer carton, inner bottle label, and in any package insert. Other OTC labeling requirements established under 21 CFR Subchapter C and Subchapter D (21 CFR Parts 200 and 300) could, at the manufacturer's discretion, also appear within the boxed area. In such case, the boxed area would be designated "APPROVED INFORMATION," rather than

"APPROVED USES." A statement that the information in the box was published by the Food and Drug Adminstration would appear either within the boxed area or reasonably close by. In lieu of such statement, manufacturers would have the option of modifying the designation of the boxed area to read "FDA APPROVED USES" or "FDA APPROVED INFORMATION," as appropriate, or "USES (or "INFORMATION") APPROVED BY THE FOOD AND DRUG ADMINISTRATION," or other similar wording.

A manufacturer that elects to use the exact wording of the monograph would be assured that FDA agrees that such labeling is appropriate. Moreover, the manufacturer would be allowed to state that such language has been approved by FDA. The agency anticipates that consumers will look for the approved labeling when purchasing OTC drugs, thereby providing an incentive for manufacturers to use this alternative.

The second alternative way of stating the indications for use would be to use, in a prominent and conspicuous place in the labeling, other truthful and nonmisleading language describing those indications for use that have been developed under a relevant monograph, subject to the prohibition in the act against false or misleading labeling. However, such alternative terminology could not be boxed and could not contain the "APPROVED USES" or "APPROVED INFORMATION" designation or any statement asserting or implying that the indication statement appearing in the prominent and conspicuous area was published by the Food and Drug Adminstration.

As a third alternative, monograph language could be used in the boxed area (the first alternative, discussed above) and other truthful and nonmisleading alternative language describing those indications for use that have been developed under a relevant monograph could appear elsewhere in the labeling, subject to the prohibition in the act against false or misleading labeling.

It is emphasized that any alternative language describing an indication for use that has been established in a relevant final monograph could not be inconsistent with that indication for use or imply or indicate a use that is not established under a relevant monograph. Alternative language representing or suggesting that the drug is safe and effective for some indication for use other than those established in an appropriate final monograph would render the drug product a "new drug" under 21 U.S.C. 321(p) for which an approved new drug application would be required under 21 U.S.C. 335.

A number of tentative final monographs published recently have contained proposed supplemental language relating to indications. These statements have been listed in the proposed *Indications* section and have been captioned as *Other allowable indications* or *Other allowable statements*. See, for example, the tentative final monographs for topical otic and topical antimicrobial drug products, published in the **Federal Register** of July 9, 1982 (47 FR 29986, 29999 and 47 FR 30012, 30020); for bronchodilator drug products, published in the **Federal Register** of October 26, 1982 (47 FR 47520, 47527); and for external analgesic drug products, published in the **Federal Register** of February 8, 1983 (48 FR 5852, 5868). As proposed in these tentative final monographs, other allowable statements describing indications would have been permitted on the labeling in addition to the other required information (such as statement of identity, indications, warnings, and directions) provided that the statements were not placed in direct conjuction with the information required to appear in the labeling or did not occupy labeling space with greater prominence or conspicuousness than the required information. In effect, such supplemental information has been tentatively determined by FDA not to be false or misleading when used with the required information. In the context of the present proposal, these statements are examples of other truthful and nonmisleading labeling that would be allowed. While certainly not exhaustive of such terms and while subject to later modification by FDA, the terms are considered to meet the statutory standards relating to false or misleading labeling (21 U.S.C. 352). In the future, although these terms may be developed during the tentative final monograph stage of the OTC drug review, they will not be included in a final monograph. FDA believes that because such terms are only examples of other acceptable language, their inclusion in a final monograph would not be useful.

The provisions of the regulations relating to the amendment of monographs (§ 330.10(1)(12)) would not be affected by this proposal. Persons seeking to amend the language established by a monograph would continue to follow these procedures.

V. Conforming Amendments

FDA is also proposing conforming amendments to the monographs for OTC antacid, antiflatulent, and cholecystokinetic drug products that appear in 21 CFR Parts 331, 332, and 357, respectively. Other conforming amendments, as required, may be made to other monographs as they are published in final form.

The agency has examined the economic consequences of this proposed rulemaking and has determined that it does not require either a regulatory impact analysis, as specified in Executive Order 12291, or a regulatory flexibility analysis, as defined in the Regulatory Flexibility Act (Pub. L. 96–354).

Absent special circumstance that would justify reducing the time interval, manufacturers would have up to 12 months after each final monograph is published in the **Federal Register** to revise their product labeling. In most cases, this would be routinely done at the next printing so that minimal costs should be incurred. Thus, the impact of the proposed rule, if implemented, appears to be minimal. Therefore, the agency concludes that the proposed rule is not a major rule as defined in Executive Order 12291. Further, the agency certifies that the proposed rule, if implemented, will not have a significant economic impact on a substantial number of small entities as defined in the Regulatory Flexibility Act.

The agency invites public comment regarding any substantial or significant economic impact that this rulemaking would have on OTC drug products. Comments regarding the impact of this rulemaking on OTC drug products should be accompanied by documentation. The agency will evaluate any comments and supporting data that are received and will reassess the economic impact of this rulemaking in the preamble to the final rule.

The agency has determined under 21 CFR 25.24(d)(9) (proposed December 11, 1979; 44 FR 71742) that this proposal is of a type that does not individually or cumulatively have a significant impact on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

List of Subjects in 21 CFR Parts 330, 331, 332, and 357

OTC drugs, Labeling requirements.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201(p), 502, 505, 701, 52 Stat. 1041–1042 as amended, 1050–1053 as amended, 1055–1056 as amended by 70 Stat. 919 and 72 Stat. 948 (21 U.S.C. 321(p), 352, 355, 371)) and the Administrative Procedure Act (secs. 4, 5, 10, 60 Stat. 238 and 243 as amended (5 U.S.C. 553, 554, 702, 703

704)) and under 21 CFR 5.11, it is proposed that Parts 330, 331, 332, and 357 be amended as follows:

1. In Part 330, in § 330.1 by redesignating existing paragraph (c) as paragraph (c)(1) and by adding new paragraph (c)(2), to read as follows:

PART 330—OVER-THE-COUNTER (OTC) HUMAN DRUGS WHICH ARE GENERALLY RECOGNIZED AS SAFE AND EFFECTIVE AND NOT MISBRANDED

§ 330.1 General conditions for general recognition as safe, effective, and not misbranded.

* * * * *

(c)(1) * * *

(2)(i) The label and labeling of the product contain in a prominent and conspicuous location the labeling describing the "Indications" that have been established in an applicable final monograph. This labeling shall appear in a boxed area designated "APPROVED USES" each time it appears, as appropriate, in the labeling, e.g., on the outer carton, inner bottle label, and on any package insert or display placard. Other applicable labeling established under this Subchapter and Subchapter C of this chapter may be included in the boxed area. If such other labeling is included, the boxed area shall be designated "APPROVED INFORMATION" rather than "APPROVED USES." the "Indications" information appearing in the boxed area shall be stated in the exact language of the monograph. Other information within the boxed area also shall be stated in exact language where exact language has been established by an applicable monograph or by regulation. A statement that the information in the box was "published by the Food and Drug Administration" shall appear within the boxed area, or reasonably close by. In lieu of such statement, the designation of the boxed area may be modified to read: "FDA APPROVED USES" or "FDA APPROVED INFORMATION," as appropriate: "USES (or "INFORMATION") APPROVED BY THE FOOD AND DRUG ADMINISTRATION," or other similar wording.

(ii) At the option of the manufacturer, as an alternative to the requirements of paragraph (c)(2)(i) of this section, the label and labeling of the product shall contain in a prominent and conspicuous location these or other truthful and nonmisleading statements describing only those indications for use that have been established in an applicable monograph, subject to the prohibitions in section 502(a) of the act against misbranding by the use of false or misleading labeling and the prohibition in section 301(d) of the act against the introduction into interstate commerce of unapproved new drugs. Such labeling may not be boxed and may not contain the statements provided in paragraph (c)(2) (i) of this section relating to "APPROVED USES," "APPROVED INFORMATION," or that the labeling has been published by the Food and Drug Administration.

(iii) At the option of the manufacturer, the label and labeling may meet the requirements of paragraph (c)(2)(i) of this section and, in addition, other truthful and nonmisleading statements describing only those indications for use that have been established in an applicable monograph may appear elsewhere in the labeling, that is, outside the boxed area, subject to the prohibitions in section 502(a) of the act against misbranding by the use of false or misleading labeling and the prohibition in section 301(d) of the act against the introduction into interstate commerce of unapproved new drugs.

(iv) The term "prominent and conspicuous location" as used in paragraph (c)(2) (i) and (ii) of this section means that the labeling with the boxed or nonboxed area shall be presented and displayed in such a manner as to render it likely to be read and understood by the ordinary individual under customary conditions at both time of purchase and use.

(v) Regardless of the option selected by the manufacturer to describe indications, paragraphs (c)(2) (i), (ii), and (iii) of this section require other labeling established under this Subchapter and Subchapter C of this chapter to be stated in the exact language of the applicable monograph or regulation.

PART 331—ANTACID PRODUCTS FOR OVER-THE-COUNTER (OTC) HUMAN USE

2. In Part 331, in § 331.30 by revising paragraph (b) to read as follows:

§ 331.30 Labeling of antacid products.

* * * * *

(b) *Indications.* The labeling of the product states, under the heading "Indications," the following: "For the relief of" (optional, any or all of the following:) "heartburn," "sour stomach," and/or "acid indigestion" (which may be followed by the optional statement:) "and upset stomach associated with" (optional, as appropriate) "this symptom" or "these symptoms." Other truthful and nonmisleading statements, describing only the indications for use that have been established and listed above, may also be used, as provided in § 330.1(c)(2) of this chapter, subject to the prohibitions in section 502(a) of the act against misbranding by the use of false or misleading labeling and the prohibition in section 301(d) of the act against the introduction into interstate commerce of unapproved new drugs.

* * * * *

PART 332—ANTIFLATULENT PRODUCTS FOR OVER-THE-COUNTER HUMAN USE

3. In Part 332, in § 332.30 by revising paragraph (a) to read as follows:

§ 332.30 Labeling of antiflatulent products.

(a) *Indications.* The labeling of the product states, under the heading "Indications," the following: "antiflatulent" and/or "to alleviate or relieve the symptoms of gas." Other truthful and nonmisleading statements, describing only the indications for use that have been established and listed above, may also be used, as provided in § 330.1(c)(2) of this chapter, subject to the prohibitions in section 502(a) of the act against misbranding by the use of false or misleading labeling and the prohibition in section 301(d) of the act against the introduction into interstate commerce of unapproved new drugs.

* * * * *

PART 357—MISCELLANEOUS INTERNAL DRUG PRODUCTS FOR OVER-THE-COUNTER HUMAN USE

4. In Part 357, in § 357.250 by revising paragraph (b) to read as follows:

§ 357.250 Labeling of cholecystokinetic drug products.

* * * * *

(b) *Indications.* The labeling of the product states, under the heading "Indications," the following: "For the contraction of the gallbladder during diagnostic gallbladder studies." Other truthful and nonmisleading statements, describing only the indications for use that have been established and listed above, may also be used, as provided in § 330.1(c)(2), subject to the prohibitions in section 502(a) of the act against misbranding by the use of false or misleading labeling and the prohibition in section 301(d) of the act against the introduction into interstate commerce of unapproved new drugs.

* * * * *

Interested persons may, on or before July 22, 1985 submit to the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600

Fishers Lane, Rockville, MD 20857, written comments on the proposed regulation. Comments are to be identified with the docket number found in brackets in the heading of this document and may be accompanied by a supporting memorandum or brief. Comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Frank E. Young,

Commissioner of Food and Drugs.

Dated: March 21, 1985.

Margaret M. Heckler,

Secretary of Health and Human Services.

[FR Doc. 85-9571 Filed 4-17-85; 11:40 am]

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Monday
April 22, 1985

Part III

Department of Energy

Office of the Secretary

10 CFR Part 1017

Identification and Protection of Unclassified Controlled Nuclear Information; Final Rule

DEPARTMENT OF ENERGY

Office of the Secretary

10 CFR Part 1017

Identification and Protection of Unclassified Controlled Nuclear Information

AGENCY: Department of Energy.

ACTION: Final rule.

SUMMARY: The Department of Energy (DOE) is issuing these regulations to prohibit the unauthorized dissemination by U.S. Government employees, contractors, subcontractors, and any other person of certain information, identified as Unclassified Controlled Nuclear Information (UCNI). This information is limited to certain unclassified but sensitive government information which concerns atomic energy defense programs. These regulations are being issued in response to requirements set forth in section 148 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2168). These regulations describe how government information is determined to be UCNI, establish minimum protection standards for UCNI, specify who may have access to UCNI, and establish procedures for the imposition of penalties for violation of these regulations.

EFFECTIVE DATE: May 22, 1985.

FOR FURTHER INFORMATION CONTACT:

Paul R. Laplante, Office of Policy and Planning (DP–6), Office of the Assistant Secretary for Defense Programs, Department of Energy, Washington, DC 20585, (202) 252–1870

Jo Ann Williams, Office of the Assistant General Counsel for International Development and Defense Programs (GC–31), Department of Energy, Washington, DC 20585, (202) 252–6975

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I. Background

The DOE is charged with the operation of programs for: (1) Research, development, testing, and production of nuclear weapons, (2) nuclear material production for defense activities, and (3) certain defense related nuclear reactors. In recent years, the Congress and the DOE have been increasingly concerned about the possibility of terrorist or other criminal acts directed against a government nuclear defense activity. This concern is based, in part, on the increased incidence of acts of terrorist-inspired violence, the increased sophistication of these acts, and the increased availability of the technological resources, including information in the public domain, necessary to commit these acts.

In response to this perceived threat, Congress directed the DOE, by enactment of section 210 of the DOE National Security and Military Applications of Nuclear Energy Authorization Act of 1982, Pub. L. 97–90, to safeguard certain types of unclassified but sensitive information from unauthorized dissemination in the interest of protecting both the health and safety of the public and the common defense and security of the Nation. Congress recognized that while much information concerning atomic energy defense programs is classified, a new statutory provision was necessary to protect certain sensitive information which could not be classified under statute or executive order. Section 210 amended the Atomic Energy Act of 1954 (42 U.S.C. 2011 *et seq.*) by adding section 148, "Prohibition Against the Dissemination of Certain Unclassified Information."

Section 148 is not without precedent; in 1980, the Congress amended the Atomic Energy Act to add section 147. Section 147 authorizes the Nuclear Regulatory Commission to prohibit unauthorized disclosure of certain unclassified safeguards information. This information must be related to control and accountability procedures and security measures for special nuclear material and related vital plant equipment used for industrial or commercial purposes, medical therapy, or certain kinds of nuclear-related research and development conducted by private or public institutions or persons. One of the major purposes of section 148 is to allow the Federal Government to control at least the same type of sensitive information about its operations as is being protected about the operations of private nuclear facilities.

Section 148 directs the Secretary to prescribe regulations, after notice and opportunity for public comment, or issue orders as may be necessary to prohibit the unauthorized dissemination of certain unclassified information concerning atomic energy defense programs. This information must pertain to the following:

1. The design of production or utilization facilities;

2. Security measures (including security plans, procedures, and equipment) for the physical protection of: (a) Production or utilization facilities, (b) nuclear material contained in such facilities, or (c) nuclear material in transit; or

3. The design, manufacture, or utilization of any nuclear weapon or component if the design, manufacture, or utilization of such weapon or component was contained in any information declassified or removed from the Restricted Data category by the Secretary (or the head of the predecessor agency of the Department of Energy) pursuant to section 142 of the Atomic Energy Act;

In order for information in the above categories to be controlled under section 148, it must be of such a sensitive nature that its unauthorized dissemination could reasonably be expected to have a significant adverse effect on the health and safety of the public or the common defense and security by significantly increasing the likelihood of: (1) The illegal production of nuclear weapons, or (2) the theft, diversion, or sabotage of nuclear materials, equipment, or facilities.

UCNI only includes government information which: (1) Is not classified, (2) concerns atomic energy defense programs, (3) falls within at least one of the three categories described above, and (4) meets the adverse effect test described above. A key point in understanding these regulations is the distinction between the concepts of "information" versus "documents or material." As used in these regulations, "information" is independent of the physical medium in which it is contained. A fact that is UCNI remains UCNI whether it appears in a report, a

letter, a photograph, or is spoken. The distinction between "information" and "documents or material" is of particular significance in understanding the functions and authorities of the three kinds of officials established under the regulations for the administration of the UCNI program. These officials are Controlling Officials, Reviewing Officials, and Denying Officials.

A Controlling Official (refer to § 1017.7(a)(1)) has the authority to decide what "information" is UCNI. This authority is the most significant of the authorities. Therefore, use of this authority will be tightly controlled by: (1) Limiting the number of officials granted such authority, (2) requiring that each decision made by a Controlling Official be reported to a central office for oversight purposes, and (3) including each such decision, with its justification, in a quarterly report available to any interested person upon request. Guidelines on what information is UCNI based on the collective decisions of Controlling Officials will be issued.

A Reviewing Official (refer to § 1017.12(a)) has less authority than a Controlling Official. Applying the guidelines described above, a Reviewing Official may determine whether "documents or material" contain "information" that is UCNI. The authority of a Reviewing Official is limited to applying instructions contained in the guidelines. A Reviewing Official cannot determine that "information" is UCNI. A Reviewing Official's authority is also limited with respect to the denial of requests for documents made by the public. If a person requests a document under statute or executive order (e.g., the Freedom of Information Act), a Reviewing Official may not deny the release of all or part of the document because, in the Reviewing Official's sole opinion, the document contains UCNI. The Reviewing Official must refer the requested document, with his or her recommendation, to another official, a Denying Official.

The role of a Denying Official (refer to § 1017.12(b)) is to verify that the Reviewing Official has done his or her job correctly. This added check insures that the public will not be denied access to documents, material, or information that it has a right to have.

In conclusion, this system of three different kinds of officials insures that section 148 of the Atomic Energy Act will be implemented in an efficient manner while minimizing the potential for abuse by providing several mechanisms for control and oversight of the UCNI program.

Examples of UCNI are included in the Appendix. The Appendix is not part of the regulations and will not be codified by publication in the Code of Federal Regulations. Its purpose was to provide examples of UCNI to assist commenters in understanding the regulations.

II. Rulemaking Requirements

A. National Environmental Policy Act

The National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*), requires Federal agencies to prepare detailed statements on major Federal actions significantly affecting the quality of the human environment. The DOE has determined that the regulations do not significantly affect the quality of the human environment; therefore, the preparation of an Environmental Impact Statement is not required.

B. Executive Order No. 12291

It has been determined that these regulations are not a major rule subject to the requirements of Executive Order No. 12291 (46 FR 13193, February 19, 1981). This determination is based on the fact that the regulations are not likely: (1) To result in an annual effect on the economy of $100 million or more; (2) to result in a major increase in costs or prices for consumers, individual industries, Federal, State, or local Government agencies, or geographic regions; or (3) to cause a significant adverse effect on competition, employment, investment, productivity, innovation, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

These regulations were submitted to the Director of the Office of Management and Budget for a 10 day review period as required by section 3(c)(3) of Executive Order 12291. The Director has concluded his review under that Executive Order.

C. Regulatory Flexibility Act

Pursuant to section 605(b) of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the DOE certifies that sections 603 and 604 of the Act do not apply to these regulations. This certification is based on the fact that these regulations will not have a significant economic impact on a substantial number of small entities since they merely describe how government information is to be identified and protected under section 148 of the Atomic Energy Act.

D. Paperwork Reduction Act

These regulations do not impose a collection of information requirement; therefore, it is not necessary to submit them to the Office of Management and Budget for review under the Paperwork Reduction Act (44 U.S.C. 3501 through 3520).

III. Freedom of Information Act (FOIA) Considerations

Paragraph a(1) of section 148 of the Atomic Energy Act provides that the DOE's exercise of the authorities in section 148 are ". . . subject to section 552(b)(3) of Title 5, United States Code . . ." (i.e., the FOIA). The DOE has determined that section 148 falls within the scope of exemption 3 of the FOIA (5 U.S.C. 552(b)(3)). Exemption 3 grants an exemption to the public disclosure provision of the FOIA for information specifically exempted from disclosure by statute. Thus, UCNI is not subject to disclosure under the FOIA. Requests for documents or material made under the FOIA shall be processed in accordance with applicable DOE regulations and orders which implement the FOIA within the Department. The DOE had determined that appeals of denials of requests for documents containing UCNI shall be decided by the Assistant Secretary for Defense Programs as is the case for appeals involving classified information. Accordingly, 10 CFR 1004.8 was revised (47 FR 44112) to reflect this determination.

IV. Analysis of Public Comments

A notice of proposed rulemaking was first published on pages 13988–13993 of the **Federal Register** of April 1, 1983. The comment period ended on October 7, 1983. Public hearings were held in Washington, D.C. on August 16, 1983; Denver, Colorado on August 18, 1983; and Chicago, Illinois on September 26, 1983. Written comments were received from 124 sources and oral comments were received from 52 sources. These sources included private citizens, representatives of Congress, state governments, labor unions, special interest organizations, universities and colleges, and other Federal agencies. Based on the review and analysis of the written and oral comments received in response to the first proposed rulemaking, a second proposed rulemaking was published on pages 31236–31246 of the **Federal Register** of August 3, 1984. Copies of this second proposed rulemaking were sent to all persons and groups (for whom the DOE had addresses) who commented on the first proposed rulemaking. This comment period ended on October 26, 1984. A fourth public hearing was held in Washington, D.C. on September 13, 1984. Written comments were received

from 137 sources and oral comments were received from 6 sources. These sources were a cross-section of persons and groups similar to those who commented on the first proposed rulemaking in 1983. The following summarizes the major comments, suggestions, and actions taken.

A. Nuclear Weapons Shipments

The overwhelming majority (118 of a total of 143) of comments was based on a concern that the regulations would make it illegal to monitor or protest the movements of the special trains which transport nuclear weapons, their components, or special nuclear material to various sites around the country. These trains, commonly referred to as the "white trains," have been the objects of organized protests. The protestors observe the route of a train and communicate this information to others. This allows the protesters to organize demonstrations along the route of the train. The commenters were concerned that their rights to protest and communicate observations about the movements of the "white trains" would be infringed upon by these regulations.

These regulations were not intended to interfere with the rights of private citizens to protest or to restrict the communication of any information which persons acquire by their own or another person's observation. Such privately generated information is not government information as defined in § 1017.3(j) and is, therefore, exempt from control under § 1017.6(a)(1). Only certain official documents which contain government information about these trains may be controlled under the regulations. Unauthorized dissemination of any such official documents or the UCNI which they contain by government employees or others having official access to them would be a violation of the regulations.

B. Definition of "Atomic Energy Defense Programs"

One comment expressed the position that the definition for "atomic energy defense programs" (refer to § 1017.3(b)) is too broad. The comment stated that only those activities conducted under the Assistant Secretary for Defense Programs and funded in the DOE's Atomic Energy Defense Activities Budget should be included within the scope of the regulations. Specifically, this comment stated that the naval nuclear reactor program should not be included within the scope of the regulations. However, defense related reactor designs for naval propulsion purposes are specifically cited in the legislative history of section 148 (Congressional Record, November 3, 1981, p. S.12768) as an example of the type of information that should be protected under section 148. In addition, a naval propulsion reactor meets the definition of a utilization facility in section 11cc of the Atomic Energy Act. Therefore, its design is within the scope of section 148a(1)(A) of the Atomic Energy Act and these regulations. The functional definition in § 1017.3(b) is preferable to the alternative recommended in the comment (i.e., that the definition be based on arbitrary budget or organizational categories) in that it protects all defense-related, sensitive information within the intended scope of the regulations.

One comment objected to the term "other Government agencies" in the definition of "Atomic Energy Defense Programs." Under section 148 of the Atomic Energy Act, DOE has sole responsibility within the Executive Branch for establishing basic standards for the identification and protection of UCNI. (This parallels DOE's authority under other sections of the Act for restricted Data.) DOE's exclusive authority prevents anomalous treatment of identical or similar information merely because different agencies possess it or it relates to the facilities of different agencies. For example, security measures concerning the storage of nuclear weapons is equally sensitive whether the storage location belongs to the DOE or the Department of Defense. Therefore, the inclusion of "other Government agencies" in the definition of "Atomic Energy Defense Programs" should remain.

C. Definition of "Component"

One comment stated that § 1017.3(d) defines "component" of a nuclear weapon in such a way that it could include the delivery system or vehicle (e.g., aircraft, submarine) for the nuclear weapon. This interpretation of the definition is incorrect. The definition of "component" only includes those elements of a nuclear weapon which are part of the weapon. Delivery systems or vehicles for nuclear weapons are not within the definition of "component" in the regulations.

D. Exemptions

Fourteen comments expressed various concerns about the exemptions in § 1017.6. These exemptions identify subject areas that are exempt from the regulations and, therefore, cannot be UCNI. Some comments expressed the concern that all information not specifically exempt from these regulations must be covered by them. This interpretation is incorrect. The purpose of the exemptions is to assist in indicating the intended scope of the regulations and is not intended to be all inclusive. Information not specifically exempt from the regulations must still satisfy all of the limitations, procedures, tests, and protections specified throughout the regulations before it can be controlled as UCNI.

Where ever possible, a universal exemption was used. However, in certain cases, this was not possible. Some commenters expressed the concern that certain limited information that affects the public's health and safety may still be UCNI. Section 148a(2) of the Atomic Energy Act states that information should be controlled as UCNI if ". . . the unauthorized dissemination of such information could reasonably be expected to have a significant adverse effect on the health and safety of the public . . ." Therefore, it would be inconsistent with the intent of Congress to provide a universal exemption for all information related to the public's health and safety. While the use of partial exemptions does not satisfy the desires of certain commenters to have full exemptions, the DOE believes these partial exemptions serve a positive purpose of signifying the DOE's intent to subject these partially exempted information categories to particular scrutiny.

E. Definition of "Scientific Information"

One comment recommended that we define the term "basic scientific information" used in § 1017.6(a)(4) and the term "applied scientific information" used in § 1017.6(a)(5). Since these terms are each only used once in the regulations, their meaning, as used in these regulations, is parenthetically incorporated where the terms appear in the regulations.

F. Appointment of Officials

One comment expresed the concern that too many Controlling Officials and Reviewing Officials may be appointed, resulting in abuse of the authorities contained in section 148 of the Atomic Energy Act. A DOE directive will implement these regulations within the Department. The directive will specify, in detail, the procedures by which the various officials are to be designated. Administrative measures, including education and appraisal programs, will be used to assure that abuses are controlled. Finally, the violations section, § 1017.18, applies to Controlling Officials and Reviewing Officials who abuse their authority.

G. Designed-Related Operational Information

Section 148a(1)(A) of the Atomic Energy Act specifies that information pertaining to the design of production facilities or utilization facilities may be UCNI. One comment states that § 1017.8(c)(2) broadens this category to include design-related operational information about such facilities. This section of the regulations does not broaden the statutory intent but only acknowledges that certain operational information can reveal design information. Not all operational information can be UCNI under this section. A link between the operational information and sensitive design information must exist in order for the operational information to be designated as UCNI.

H. Adverse Effect Test Factors

Three comments stated that the "Other Factors" specified in § 1017.9(b) enlarged the scope of information that could be UCNI. We disagree. The adverse effect test itself is contained in § 1017.9(a), which closely tracks the language in section 148a(2) of the Atomic Energy Act. Each factor in § 1017.9(b) has a basis in the language of § 1017.9(a). The purpose of § 1017.9(b) is not to expand on the scope of the regulations; rather, § 1017.9(b) clarifies and limits the more general language in § 1017.9(a) by using more specific language and a number of illustrative examples. While any such list of examples cannot be all inclusive, it does clarify the thrust and intent of the regulations and should remain in the regulations. One comment recommended that the relationship of the factors in § 1017.9(b) to the adverse effect test determination in § 1017.9(a) be clarified. The first sentence in § 1017.9(b) has been modified to accomplish this clarification.

I. Nuclear Material Determinations

Four comments objected to allowing the Secretary to determine that a material, in addition to special nuclear material, source material, or byproduct material as defined in the Atomic Energy Act, is a nuclear material. The definition of "nuclear material" (§ 1017.3(m)) limits the scope of possible additions to the list of nuclear materials to materials ". . . used in the production, testing, utilization, or assembly of atomic weapons or components of atomic weapons . . ." Section 1017.10(a) requires that each addition to the list of nuclear materials pass an adverse effect test prior to its being designated a nuclear material under these provisions. Materials which are only used in civilian programs (i.e., not atomic energy defense programs) are exempt from these regulations under § 1017.3(m). Harmless materials cannot pass the adverse effect test and cannot be added to the definition of nuclear material. Note that § 1017.10(b) was added to clarify that designation of a material as a nuclear material does not automatically make all information about the material UCNI. Specific information about the material must still meet all the requirements in the regulations before it can be made UCNI.

One comment suggested that we use a definition found in DOE Order 5630.2, "Control and Accountability of Nuclear Material, Basic Principles." A list of materials determined to be nuclear materials under these UCNI regulations will be part of implementing agency documents. While we anticipate that this list will be similar to the list of materials in the DOE order recommended in the comment, we are not certain that it will be identical and prefer a separate listing in any case.

J. Quarterly Report Distribution.

One comment recommended that the quarterly report specified in § 1017.11 be distributed to all Federal Depository Libraries. Any means of distribution of the quarterly report, other than that described in § 1017.11, will be determined by the level of interest in the report. If we receive a sufficient number of requests for the quarterly report, we will explore efficient distribution alternatives, including utilization of the referral to Federal Depository Libraries.

K. State Officials' Access to Unclassified Controlled Nuclear Information

One comment from a state government representative was that state officials would not be eligible for access to UCNI concerning environmental matters in their state. However, §1017.16(a)(2)(ii)(F) allows state officials to have routine access to UCNI, once they have met the conditions in § 1017.16(a).

L. Labor Unions

Representatives from two labor unions and one other comment expressed concern that persons affiliated with a union representing DOE or DOE contractor employees would not have access to UCNI needed in a grievance procedure or other, similar situations. They requested that union representatives be added to the list of persons in § 1017.16(a)(2)(ii) who are eligible for routine access to UCNI. However, routine access to UCNI, as described in §1017.16(a), is intended to provide persons access to UCNI in the performance of official duties. Union representatives' probable uses for UCNI are not in direct support of the performance of official duties for the DOE or its contractors. In addition, a person granted routine access to UCNI under § 1017.16(a) may further disseminate the UCNI. This authority to further disseminate UCNI is more authority than is needed by union representatives.

Union representatives, under § 1017.16(b), may be granted special access to UCNI, a form of limited access designed for persons who cannot be granted routine access to UCNI under § 1017.16(a). Depending on the specific circumstances in a particular case, we anticipate that most purposes for which a union representative (including but not limited to a scientist, engineer, attorney, or medical doctor assisting the union) is likely to request access to UCNI would support a positive decision to provide special access to the UCNI under § 1017.16(b)(3)(ii). The final decision to grant special access to the UCNI would be based on the evaluation of this purpose in conjunction with the other factors in § 1017.16(b)(3).

M. Freedom of Information Requests Time Limits

Two comments recommended that the regulations specify a time limit for response to requests for documents made under the FOIA. Such time limits are specified in DOE regulations and orders which implement the FOIA. These time limits apply to requests for documents which contain UCNI. Therefore, it is unnecessary to repeat these time limits in these regulations and could be confusing if the requester believes time limits independent of normal FOIA procedures are intended.

N. Appeal Rights

Two comments requested that a formal appeal process be established by which any person could appeal whether or not specified information is UCNI. An appeal process exists as part of the DOE's implementation of the FOIA (See 10 CFR Part 1004). This process allows a person to appeal the denial of documents for any reason under the FOIA, including denials of UCNI.

O. Implementing Documents

One comment recommended that we explain the relationship between the regulations and other, additional documents which will implement the regulations. In so doing, persons would better understand the interrelationships

between the regulations and these documents and why the regulations are structured as they are. The regulations have the force of law and apply to those persons specified in § 1017.2. The regulations state general policy and those specific procedures that directly impact members of the public. Therefore, different parts of the regulations are written at different levels of detail. For example, §§ 1017.16 (concerning access to UCNI) and 1017.18 (concerning the imposition of violations) are relatively detailed because they define procedures which, in certain circumstances, could apply to members of the general public. However, other parts of the regulations, such as §§ 1017.7(a)(2) and 1017.12(c) (concerning the appointment of officials), address internal agency procedures which do not directly affect the public and are written at a less detailed level.

Upon issuance, the regulations will be implemented by detailed, internal agency documents which will establish agency procedures in all areas addressed in the regulations. Specifically, these regulations will be implemented by means of (1) a directive (or directives) which will apply only to DOE employees (and to its contractors) and (2) guidelines (see §§ 1017.7(c)(2), 1017.12(a)(1), and 1017.12(b)) which will contain detailed, specific instructions as to what is or is not UCNI. These internal, implementing documents must be consistent in every respect with the regulations but will be more detailed in many respects than the regulations. Therefore, while the regulations are general in certain areas dealing with internal agency procedures, these areas will be addressed in detail in the regulations' implementing documents.

List of Subjects in 10 CFR Part 1017

Administrative practice and procedure, Freedom of information, Government contracts, Security measures, Nuclear energy, Penalties.

(Sec. 210, Pub. L. No. 97-90, 95 Stat. 1169 (42 U.S.C. 2168) as amended by Sec. 17, Pub. L. No. 97-415, January 4, 1983)

For the reasons set out in the preamble, Part 1017 of Chapter X of Title 10 of the Code of Federal Regulations is added as set forth below.

Issued in Washington, D.C. on April 12, 1985.

John S. Herrington,

Secretary of Energy.

V. Text of Regulation

Part 1017 is added to 10 CFR Chapter X to read as follows:

PART 1017—IDENTIFICATION AND PROTECTION OF UNCLASSIFIED CONTROLLED NUCLEAR INFORMATION

Sec.

1017.1 Purpose and scope.
1017.2 Applicability.
1017.3 Definitions.
1017.4 Policy.
1017.5 Prohibitions.
1017.6 Exemptions.
1017.7 Identification of Unclassified Controlled Nuclear Information.
1017.8 Categories of Unclassified Controlled Nuclear Information.
1017.9 Adverse effect test.
1017.10 Nuclear material determinations.
1017.11 Quarterly report.
1017.12 Review and denial of documents or material.
1017.13 Retirement of documents or material.
1017.14 Joint information, documents, or material.
1017.15 Markings on documents or material.
1017.16 Access to Unclassified Controlled Nuclear Information.
1017.17 Physical protection requirements.
1017.18 Violations.

Authority: Sec. 210, Pub. L. 97-90, 95 Stat. 1169 (42 U.S.C. 2168) as amended by Sec. 17, Pub. L. 97-415, January 4, 1983.

§ 1017.1 Purpose and scope.

(a) This part contains regulations of the Department of Energy (DOE) implementing section 148 (42 U.S.C. 2168) of the Atomic Energy Act which prohibits the unauthorized dissemination of certain unclassified government information. This information, identified by the term "Unclassified Controlled Nuclear Information" (UCNI), is limited to information concerning atomic energy defense programs.

(b) These regulations—

(1) Provide for the review of information prior to its designation as UCNI;

(2) Describe how information is determined to be UCNI;

(3) Establish minimum physical protection standards for documents and material containing UCNI;

(4) Specify who may have access to UCNI; and

(5) Establish a procedure for the imposition of penalties on persons who violate section 148 of the Atomic Energy Act or any regulation or order of the Secretary issued under section 148 of the Atomic Energy Act, including these regulations.

§ 1017.2 Applicability.

These regulations apply to—

(a) Any person authorized access to UCNI;

(b) Any person not authorized access to UCNI who acquires, attempts to acquire, or conspires to acquire, in violation of these regulations, Government information in any document or material containing an UCNI notice (refer to § 1017.15); and

(c) Any person not authorized access to UCNI but who wants to be authorized access to UCNI.

§ 1017.3 Definitions.

As used in this part—

(a) "Atomic Energy Act" means the Atomic Energy Act of 1954, as amended (42 U.S.C. 2011 *et seq.*).

(b) "Atomic Energy Defense Programs" means activities, equipment, and facilities of the DOE or other Government agencies utilized or engaged in support of the—

(1) Development, production, testing, sampling, maintenance, repair, modification, assembly, utilization, transportation, or retirement of nuclear weapons or components of nuclear weapons;

(2) Production, utilization, or transportation of nuclear material for military applications; or

(3) Safeguarding of activities, equipment, or facilities which support the functions in paragraphs (b)(1) and (b)(2) of this section, including the protection of nuclear weapons, components of nuclear weapons, or nuclear material for military applications at a fixed facility or in transit.

(c) "Authorized Individual" means a person who has been granted routine access to UCNI under § 1017.16(a).

(d) "Component" means any operational, experimental, or research-related part, subsection, design, or material used in the manufacture or utilization of a nuclear weapon, nuclear explosive device, or nuclear weapon test assembly.

(e) "Controlling Official" means an individual authorized under § 1017.7(a) to make a determination that specific Government information is, is not, or is no longer UCNI, such determination serving as the basis for determinations by a Reviewing Official that a document or material contains, does not contain, or no longer contains UCNI.

(f) "Denying Official" means an individual authorized under § 1017.12(b) to deny a request made under statute or Executive order for all or any portion of a document or material containing UCNI.

(g) "Document or Material" means the physical medium on or in which information is recorded, or a product or substance which contains or reveals information, regardless of its physical form or characteristics.

(h) "Formerly Restricted Data" means a category of information classified under section 142 d. of the Atomic Energy Act.

(i) "Government" means the Executive Branch of the United States Government.

(j) "Government Information" means any fact or concept, regardless of its physical form or characteristics, that is owned by, produced by or for, or otherwise controlled by the United States Government.

(k) "In Transit" means the physical movement of a nuclear weapon, a component of a nuclear weapon, or nuclear material from one part to another part of a facility or from one facility to another facility. An item is considered "in transit" until it has been relinquished to the custody of the authorized recipient at its ultimate destination. An item in temporary storage pending shipment to its ultimate destination is "in transit."

(l) "National Security Information" means a category of information classified under Executive Order 12356, "National Security Information," or its successor executive orders.

(m) "Nuclear Material" means special nuclear material, byproduct material, or source material as defined by sections 11 aa., 11e., and 11z., respectively, of the Atomic Energy Act, or any other material used in the production, testing, utilization, or assembly of nuclear weapons or components of nuclear weapons that the Secretary determines to be nuclear material under § 1017.10(a).

(n) "Nuclear Weapon" means atomic weapon.

(o) "Physical Security" means the combination of operational and security equipment, personnel, and procedures used to protect facilities, information, documents, or material against theft, sabotage, diversion, or other criminal acts.

(p) "Restricted Data" means a category of information classified under section 142 of the Atomic Energy Act.

(q) "Reviewing Official" means an individual authorized under § 1017.12(a) to make a determination, based on guidelines which reflect decisions of Controlling Officials, that a document or material contains UCNI.

(r) "Safeguards" means an integrated system of physical protection, personnel reliability, accountability, and material control measures designed to deter, prevent, detect, and respond to unauthorized access, diversion, or possession of a nuclear weapon, a component of a nuclear weapon or nuclear material.

(s) "Secretary" means the Secretary of Energy.

(t) "Unauthorized Dissemination" means the intentional or negligent transfer, in any manner, by any person, of information contained in a document or material determined by a Reviewing Official to contain UCNI and marked in accordance with § 1017.15 to any person other than an Authorized Individual or a person granted special access to UCNI under § 1017.16(b).

(u) "Unclassified Controlled Nuclear Information" means certain unclassified government information prohibited from unauthorized dissemination under section 148 of the Atomic Energy Act—

(1) Which concerns atomic energy defense programs;

(2) Which pertains to—

(i) The design of production facilities or utilization facilities;

(ii) Security measures (including security plans, procedures, and equipment) for the physical protection of—

(A) Production or utilization facilities;

(B) Nuclear material contained in such facilities; or

(C) Nuclear material in transit; or

(iii) The design, manufacture, or utilization of any nuclear weapon or component if the design, manufacture, or utilization of such weapon or component was contained in any information declassified or removed from the Restricted Data category by the Assistant Secretary for Defense Programs (or the head of the predecessor agency of the Department of Energy) pursuant to section 142 of the Atomic Energy Act; and

(3) Whose unauthorized dissemination, as determined by a Controlling Official, could reasonably be expected to have a significant adverse effect on the health and safety of the public or the common defense and security by significantly increasing the likelihood of—

(i) Illegal production of nuclear weapons; or

(ii) Theft, diversion, or sabotage of nuclear materials, equipment, or facilities.

§ 1017.4 Policy.

It is the policy of the DOE to make information publicly available to the fullest extent possible. These regulations shall be interpreted and implemented so as to apply the minimum restrictions needed to protect the health and safety of the public or the common defense and security, consistent with the requirement in section 148 of the Atomic Energy Act to prohibit the unauthorized dissemination of UCNI. For example—

(a) Although UCNI is not subject to disclosure under the Freedom of Information Act (FOIA), documents or material containing both UCNI and other information which is not UCNI shall have the portions of the document or material not containing UCNI released to the maximum possible extent in response to a request made under the FOIA, subject to other exemptions of the FOIA; and

(b) To the fullest extent possible, the fundamental DOE policy of full disclosure of documents prepared under the National Environmental Policy Act (NEPA) and its implementing regulations will be followed. In some cases, this will mean that UCNI may be excised from documents to be made publicly available and prepared as an appendix, or otherwise segregated so as to allow the release of the nonsensitive portions of a document.

§ 1017.5 Prohibitions.

Government information shall not be controlled as UCNI in order to—

(a) Conceal violations of law, inefficiency, or administrative error;

(b) Prevent embarrassment to a person or organization;

(c) Restrain competition; or

(d) Prevent or delay the release of any information that does not properly qualify as UCNI.

§ 1017.6 Exemptions.

(a) Information exempt from these regulations includes—

(1) Information that is not government information;

(2) Information that concerns activities, facilities, or equipment outside the scope of atomic energy defense programs;

(3) Information that is classified as Restricted Data, Formerly Restricted Data, or National Security Information, or that is protected from disclosure under section 147 of the Atomic Energy Act (42 U.S.C. 2167);

(4) Basic scientific information (i.e., information resulting from research directed toward increasing fundamental scientific knowledge or understanding rather than any practical application of that knowledge);

(5) Applied scientific information (i.e., information resulting from research whose objective is to gain knowledge or understanding necessary for determining the means by which a specific need may be met) but not including that pertaining to:

(i) The design of production facilities or utilization facilities;

(ii) Security measures (including security plans, procedures, and

equipment) for the physical protection of:

(A) Production or utilization facilities,

(B) Nuclear material contained in such facilities, or

(C) Nuclear material in transit; or

(iii) The design, manufacture, or utilization of any nuclear weapon or component if the design, manufacture, or utilization of such weapon or component was contained in any information declassified or removed from the Restricted Data category by the Secretary (or the head of the predecessor agency of the Department of Energy) pursuant to section 142 of the Atomic Energy Act;

(6) Safety information used to protect employees from occupational hazards, except for government information that reveals an exploitable vulnerability or design element that is UCNI;

(7) Radiation exposure data and all other personal health information;

(8) Information pertaining to the public health and safety and to the protection of the environment, except for government information that reveals an exploitable vulnerability or design element that is UCNI;

(9) Information concerning the transportation of low level or commercially generated radioactive waste; and

(10) Waste Isolation Pilot Plant (WIPP) information, except for government information that deals with safeguards or physical security for the WIPP project.

(b) Documents exempt from these regulations include—

(1) Documents prepared under Council on Environmental Quality regulations or DOE guidelines complying with the National Environmental Policy Act, except those portions of a document revealing an exploitable vulnerability or design element that is UCNI;

(2) Documents or material that a Reviewing Official determines to have been widely disseminated in the public domain (e.g., to a public library or a university library); and

(3) For documents which contain UCNI, any reasonably segregable portions of documents which do not contain UCNI or which contain information otherwise exempt from disclosure.

§ 1017.7 Identification of Unclassified Controlled Nuclear Information.

(a) *Authorities*—(1) *Controlling Officials.* A Controlling Official having cognizance over certain government information is authorized to make a determination that the government information is or is not UCNI. A Controlling Official with overall cognizance over UCNI under consideration for decontrol is authorized to make a determination that the information is no longer UCNI. Each Controlling Official having cognizance over UCNI under consideration for decontrol shall concur in the determination to decontrol the UCNI prior to the UCNI being decontrolled.

(2) *Designation.* The Secretary may designate the Deputy Secretary, the Under Secretary, a Secretarial Officer of the DOE, or a Manager of a DOE Operations Office to be a Controlling Official for government information within his or her cognizance. The Controlling Official may redelegate his or her authority in accordance with the redelegation provisions in the designation of authority from the Secretary.

(3) Controlling Officials shall exercise their authorities in strict compliance with the rules, prohibitions, and exemptions described in these regulations.

(b) *Criteria.* Prior to a specific type of information being identified and controlled as UCNI, a Controlling Official shall insure that the information under review meets each of the following criteria:

(1) The information is government information.

(2) The information is limited to information concerning atomic energy defense programs.

(3) The information is within the scope of at least one of the three categories of UCNI in § 1017.8.

(4) Unauthorized dissemination of the information under review meets the adverse effect test in § 1017.9.

(5) The information is the minimum amount of information necessary to be controlled to protect the health and safety of the public or the common defense and security.

(6) The purpose for controlling the information is not prohibited under § 1017.5.

(7) The information is not exempt from these regulations under § 1017.6.

(c) *Procedures.* A Controlling Official shall report each determination to control or decontrol UCNI to the Assistant Secretary for Defense Programs for—

(1) Inclusion in the quarterly report required in § 1017.11; and

(2) Incorporation into guidelines which Reviewing Officials consult in their review of documents and material for UCNI.

§ 1017.8 Categories of Unclassified Controlled Nuclear Information.

In order for information to be considered for control as UCNI, it must be within the scope of at least one of the following categories and it must meet each of the other criteria in § 1017.7(b).

(a) *Category A—Unclassified Controlled Production or Utilization Facility Design Information.* This category includes certain unclassified government information concerning—

(1) The design of production or utilization facilities which are related to atomic energy defense programs; or

(2) Design-related operational information concerning the production, processing, or utilization of nuclear material for atomic energy defense programs.

(b) *Category B—Unclassified Controlled Safeguards and Security Information.* This category includes certain unclassified government information concerning security measures for the protection of—

(1) Production or utilization facilities related to atomic energy defense programs;

(2) Nuclear material to be used for military applications, regardless of its physical state or form, contained in these facilities; or

(3) Nuclear material to be used for military applications, regardless of its physical state or form, that is in transit.

(c) *Category C—Declassified Controlled Nuclear Weapon Information.* This category includes certain declassified government information concerning the design, manufacture, or utilization of nuclear weapons or components of nuclear weapons that was once classified as Restricted Data but which has been declassified or removed from the Restricted Data Category by the Assistant Secretary for Defense Programs (or the head of predecessor agencies of the Department of Energy) under section 142 of the Atomic Energy Act.

§ 1017.9 Adverse effect test.

(a) *Determination.* In order for a Controlling Official to control government information as UCNI, the Controlling Official shall make a determination that the unauthorized dissemination of the government information under review could reasonably be expected to result in a significant adverse effect on the health and safety of the public or the common defense and security by significantly increasing the likelihood of—

(1) Illegal production of a nuclear weapon; or

(2) Theft, diversion, or sabotage of nuclear material, equipment, or facilities.

(b) *Other factors.* In making a determination under § 1017.9(a), a Controlling Official may consider how the dissemination of government information under review for control as UCNI could assist a potential criminal in—

(1) Selecting a target for an act of theft, diversion, or sabotage of nuclear material, equipment, or facilities (e.g., relative importance of a facility; location, form, and quantity of nuclear material);

(2) Planning and committing an act of theft, diversion, or sabotage of nuclear material, equipment, or facilities (e.g., design of operational and security systems; building plans; methods and procedures for transfer, accountability, and handling of nuclear material; security plans, procedures, and capabilities);

(3) Measuring the success of an act of theft, diversion or sabotage of nuclear material, equipment, or facilities (e.g., actual or hypothetical consequences of the sabotage of specific vital equipment or facilities);

(4) Illegally fabricating, acquiring, or detonating a nuclear explosive device (e.g., unclassified nuclear weapon design information useful in designing a primitive nuclear device; location of unique nuclear materials needed to fabricate such a device; location of a nuclear weapon); or

(5) Dispersing hazardous nuclear material which could be used as an environmental contaminant (e.g., location, form, and quantity of nuclear material).

§ 1017.10 Nuclear material determinations.

(a) The Secretary may determine that a material other than special nuclear material, byproduct material, or source material as defined by the Atomic Energy Act is included within the scope of the term "nuclear material" if—

(1) The material is used in the production, testing, utilization; or assembly of atomic weapons or components of atomic weapons; and

(2) Unauthorized acquisition of the material could reasonably be expected to result in a significant adverse effect on the health and safety of the public or the common defense and security because the specific material—

(i) Could be used as a hazardous environmental contaminant; or

(ii) Could be of significant assistance in the illegal production of a nuclear weapon.

(b) Designation of a material as a nuclear material under paragraph (a) of this section does not make all information about the material UCNI. Specific information about the material must still meet each of the criteria in § 1017.7(b) prior to its being identified and controlled as UCNI.

§ 1017.11 Quarterly report.

The Assistant Secretary for Defense Programs shall prepare a report on a quarterly basis, to be made available upon request to any interested person, detailing the application during the previous quarter of each regulation or order prescribed or issued under section 148 of the Atomic Energy Act, including these regulations. Requests for this report may be sent to the Assistant Secretary for Defense Programs (refer to § 1017.16(b)(1) for the address).

This report must—

(a) Identify types of government information determined to be UCNI by any Controlling Official during the previous quarter;

(b) Include a justification specifying why the government information is UCNI; and

(c) Include a justification that these regulations have been applied so as to protect from disclosure only the minimum amount of government information necessary to protect the health and safety of the public or the common defense and security.

§ 1017.12 Review and denial of documents or material.

(a) *Reviewing Officials.* A Reviewing Official with cognizance over the information contained in a document or material is authorized to—

(1) Make a determination, based on guidelines which reflect decisions of Controlling Officials, that the document or material contains, does not contain, or no longer contains UCNI; and

(2) Apply or remove UCNI markings to or from the document or material.

(b) *Denying Officials.* A Denying Official with cognizance over the information contained in a document or material is authorized to deny a request made under a statute or Executive order for all or any portion of the document or material that contains UCNI. The Denying Official bases his or her denial on guidelines which reflect decisions of Controlling Officials. The Denying Official insures that the Reviewing Official who determined that the document or material contains UCNI correctly applied and interpreted the guidelines.

(c) *Designation.* Reviewing and Denying Officials are designated in accordance with Departmental directives issued by the Secretary.

§ 1017.13 Retirement of documents or material.

(a) *Unmarked documents or material.* Any document or material which is not marked as containing UCNI but which contains government information within the scope of the categories in § 1017.8 shall be marked with the notice in § 1017.15(a)(2) upon retirement to a repository (e.g., an agency's centralized records storage area, a Federal Records Center, the National Archives of the United States). The Secretary may approve alternative procedures to those described in this paragraph.

(b) *Marked documents or material.* A document or material containing an UCNI notice (refer to § 1017.15) is not required to be reviewed by a Reviewing Official upon or subsequent to retirement, except that a Reviewing Official shall review any retired document or material upon request for its release into the public domain.

(c) *Existing documents or material.* Any document or material retired to a repository prior to the effective date of these regulations need not be reviewed for UCNI. However, any such document or material that is subsequently determined by a Reviewing Official to contain UCNI must be marked and protected by the repository in accordance with these regulations, upon notification from the Reviewing Official to the repository having the document or material.

§ 1017.14 Joint information, documents, or material.

(a) *Joint Information.* A Controlling Official shall coordinate with any other Government agency or DOE organization having cognizance over the information under consideration for control or decontrol prior to making the determination that the information is or is no longer UCNI.

(b) *Joint documents or material.* A Reviewing Official or a Denying Official reviewing a document or material for decontrol and public release shall coordinate this review with the DOE organization or Government agency originating the document or material and with each DOE organization or Government agency having cognizance over any information contained in the document or material.

(c) *Resolution of disagreements.* Since the DOE has overall cognizance over all UCNI and sole responsibility for implementation of section 148 of the Atomic Energy Act, the Secretary has the final authority to resolve all disagreements concerning—

(1) The identification of UCNI that is within the cognizance of more than one DOE organization or of a Government agency in addition to the DOE; or

(2) The control or decontrol or all or any part of any document or material

originated by or for the DOE or another Government agency that contains UCNI.

(d) *Notification of determinations.* An official making a determination concerning joint information, documents, or material shall inform affected organizations within the DOE or in other Government agencies of his or her determination.

(e) *Other government information control systems.* A document containing information within the scope of section 148 of the Atomic Energy Act may also contain information within the scope of other government information control systems. Where this is the case, the requirements of the more restrictive system apply.

§ 1017.15 Markings on documents or material.

(a) *Documents or material which may contain UCNI.* (1) Any person who originates or has in his or her possession a document or material that the person believes may contain UCNI, may mark in a conspicuous manner the document or material with the notice in the paragraph (a)(2) of this section prior to transmitting the document or material to a Reviewing Official for a formal determination.

(2) Any Authorized Individual who originates or has in his or her possession a document or material that the Authorized Individual believes may contain UCNI, shall mark in a conspicuous manner the document or material with the following notice—

(i) Prior to transmitting the document or material outside of the Authorized Individual's organization;

(ii) Prior to transmitting the document or material to a Reviewing Official; or

(iii) Upon the retirement of the document or material under § 1017.13:

Not for Public Dissemination

May contain Unclassified Controlled Nuclear Information subject to section 148 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2168). Approval by the Department of Energy prior to release is required.

(b) *Documents or material which contain UCNI.* A Reviewing Official shall mark in a conspicuous manner each document or material that the Reviewing Official determines to contain UCNI with one of the following notices:

(1) Unclassified Controlled Nuclear Information Not for Public Dissemination

Unauthorized dissemination subject to civil and criminal sanctions under section 148 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2168).

(2) Not for Public Dissemination

Unauthorized dissemination subject to civil and criminal sanctions under 42 U.S.C. 2168.

(c) *Other markings.* UCNI markings may be applied regardless of any other distribution control markings (e.g., "Official Use Only," company proprietary) that are also on a document or material.

§ 1017.16 Access to Unclassified Controlled Nuclear Information.

(a) *Routine access.* (1) A Reviewing Official is an Authorized Individual for documents or material that the Reviewing Official determines to contain UCNI.

(2) An Authorized Individual, for UCNI in his or her possession or control, may determine that another person is an Authorized Individual who may be granted access to the UCNI, subject to the following limitations, and who may further disseminate the UCNI under the provisions of this section. The person to be granted routine access to the UCNI must—

(i) Have a need-to-know in the performance of official duties or DOE authorized activities for the UCNI to which routine access is to be granted; and

(ii) Be a U.S. citizen who is—

(A) A Government employee or a member of the U.S. Armed Forces;

(B) An employee of a Government contractor or subcontractor, or of a prospective Government contractor or subcontractor for the purpose of bidding on a Government contract or subcontract;

(C) A Government consultant or DOE advisory committee member;

(D) A Member of Congress;

(E) A staff member of a congressional committee or of an individual Member of Congress;

(F) The Governor of a State, his or her designated representative, or a State government official;

(G) A local government official or an Indian tribal government official;

(H) A member of a State, local, or Indian tribal law enforcement or emergency response organization; or

(I) A DOE access permittee authorized access by the Secretary under Part 725 of this title to Restricted Data applicable to civil use of atomic energy; or

(iii) Be a person who is not a U.S. citizen but who is—

(A) A Government employee or a member of the U.S. Armed Forces;

(B) An employee of a Government contractor or subcontractor; or

(C) A Government consultant or DOE advisory committee member; or

(iv) Be a person who is not a U.S. citizen but who may be granted routine access to UCNI by an Authorized Individual in conjunction with—

(A) An international nuclear cooperative activity approved by the Government;

(B) U.S. diplomatic dealings with foreign government officials;

(C) An agreement for cooperation under section 123 of the Atomic Energy Act; or

(D) Provisions of treaties, mutual defense acts, Government contracts or subcontracts.

(3) The Secretary may impose additional administrative controls concerning the granting of routine access to UCNI by an Authorized Individual to a person who is not a U.S. citizen.

(4) An Authorized Individual may only disseminate UCNI to another Authorized Individual or to a person granted special access to UCNI under paragraph (b) of this section.

(5) The Assistant Secretary for Defense Programs may waive any of the requirements for determination of routine access to UCNI specified in paragraph (a) of this section.

(b) *Special access.* (1) A person not authorized routine access to UCNI under paragraph (a) of this section may submit a request for special access to UCNI to the—

Assistant Secretary for Defense Programs, U.S. Department of Energy, Washington, DC 20585

(2) Such a request must include—

(i) The name, current residence or business address, birthplace, birthdate, and country of citizenship of the person submitting the request;

(ii) A description of the UCNI for which special access is being requested;

(iii) A description of the purpose for which the UCNI is needed; and

(iv) Certification by the requester of his or her understanding of and willingness to abide by these regulations.

(3) The Assistant Secretary for Defense Programs shall base his or her decision to grant special access to UCNI on an evaluation of—

(i) The sensitivity of the UCNI for which special access is being requested (i.e., the worst-case, adverse effect on the health and safety of the public or the common defense and security which would result from illegal use of the UCNI);

(ii) The purpose for which the UCNI is needed (e.g., will the UCNI be used for commercial or other private purposes or will it be used for public benefit to fulfill statutory or regulatory responsibilities);

(iii) The likelihood of unauthorized dissemination by the requester of the UCNI; and

(iv) The likelihood of the requester using the UCNI for illegal purposes.

(4) The Assistant Secretary for Defense Programs shall attempt to notify a person who requests special access to UCNI within 30 days of receipt of the request as to whether or not special access to the requested UCNI is granted. If a final determination on the request cannot be made within 30 days of receipt of the request, the Assistant Secretary for Defense Programs shall notify the requester, within 30 days of the request, as to when the final determination on the request may be made.

(5) A person granted special access to UCNI is not an Authorized Individual under paragraph (a) of this section and shall not further disseminate the UCNI.

(c) *Notification of responsibilities*—(1) *Routine access.* An Authorized Individual granting routine access to UCNI to another person under paragraph (a) of this section shall notify each person granted such access (other than when the person being granted such access is a Government employee, a member of the U.S. Armed Forces, or an employee of a Government contractor or subcontractor) of applicable regulations and orders concerning UCNI and of any special redistribution limitations that the Authorized Individual determines to apply for the specific UCNI to which routine access is being granted.

(2) *Special access.* The Assistant Secretary for Defense Programs shall notify each person granted special access to UCNI under paragraph (b) of this section of applicable regulations concerning UCNI prior to dissemination of the UCNI to the person.

(d) *Other persons.* Persons not granted routine access to UCNI under paragraph (a) of this section or special access to UCNI under paragraph (b) of this section shall not have access to UCNI.

§ 1017.17 Physical protection requirements.

(a) *General.* UCNI requires protection from unauthorized dissemination. UCNI must be protected and controlled in a manner consistent with that customarily accorded other types of unclassified but sensitive information (e.g., proprietary business information, personnel or medical records of employees, attorney-client information). Each Government agency and Government contractor authorized access to UCNI shall establish and maintain a system for the protection of UCNI in their possession or under their control that is consistent with the physical protection standards established in this section. Each Authorized Individual or person granted special access to UCNI under § 1017.16(b) who receives, acquires, or produces UCNI or a document or material containing UCNI shall take reasonable and prudent steps to ensure that it is protected from unauthorized dissemination by adhering to these regulations and their implementing directives.

(b) *Protection in use or storage.* An Authorized Individual or a person granted special access to UCNI under § 1017.16(b) shall maintain physical control over any document or material containing an UCNI notice that is in use so as to prevent unauthorized access to it. When any document or material containing an UCNI notice is not in use, it must be stored in a secure container (e.g., locked desk or file cabinet) or in a location where access is limited (e.g., locked or guarded office, controlled access facility).

(c) *Reproduction.* A document or material containing an UCNI notice may be reproduced to the minimum extent necessary consistent with the need to carry out official duties without permission of the originator, provided the reproduced document or material is marked and protected in the same manner as the original document or materials.

(d) *Destruction.* A document or material containing an UCNI notice may be disposed of by any method which assures sufficiently complete destruction to prevent its retrieval (providing the disposal is authorized by the Archivist of the United States under 41 CFR 101–11.4 and by agency records disposition schedules).

(e) *Transmission.* (1) A document or material containing an UCNI notice must be packaged to prevent disclosure of the presence of UCNI when transmitted by a means which could allow access to the document or material by a person who is not an Authorized Individual or a person granted special access to UCNI under § 1017.6(b). The address and return address must be indicated on the outside of the package.

(2) A document or material containing an UCNI notice may be transmitted by—

(i) U.S. first class, express, certified, or registered mail;

(ii) Any means approved for the transmission of classified documents or material;

(iii) An Authorized Individual or a person granted special access to UCNI under § 1017.16(b), when he or she can control access to the document or material being transmitted; or

(iv) Any other means determined by the Assistant Secretary for Defense Programs to be sufficiently secure.

(3) UCNI may be discussed or transmitted over an unprotected telephone or telecommunications circuit when required by operational considerations. More secure means of communication should be utilized whenever possible.

(f) *Automated Data Processing (ADP).* UCNI may be processed or produced on any ADP system which is certified for classified information or which complies with the guidelines of Office of Management and Budget Circular No. A–71, "Security of Federal Automated Information Systems" or which has been approved for such use in accordance with the provisions of applicable DOE directives.

§ 1017.18 Violations.

(a) *Civil Penalty.* Any person who violates section 148 of the Atomic Energy Act or any regulation or order of the Secretary issued under section 148 of the Atomic Energy Act, including these regulations, is subject to a civil penalty. The Assistant Secretary for Defense Programs may recommend to the Secretary imposition of this civil penalty, which shall not exceed $100,000 for each violation.

(1) *Written Notification.* (i) Whenever the Assistant Secretary for Defense Programs believes that a person is subject to imposition of a civil penalty under the provisions of section 148b(1) of the Atomic Energy Act, the Assistant Secretary for Defense Programs shall notify the person in writing by certified mail, return receipt requested, of—

(A) The date, facts, and nature of each act or omission with which the person is charged;

(B) The particular provision of section 148 of the Atomic Energy Act or its implementing regulations or orders involved in the violation;

(C) Each penalty which the Assistant Secretary for Defense Programs proposes to recommend the Secretary impose and its amount;

(D) The right of the person to submit to the Assistant Secretary for Defense Programs the person's written reply to each of the allegations in the notification letter. The person shall mail or deliver any reply letter within twenty days of receipt of the notification letter from the Assistant Secretary for Defense Programs.

(E) The right of the person to submit to the Assistant Secretary for Defense Programs a written request for a hearing under paragraph (a)(2) of this section.

(F) The fact that, upon failure of the person to pay any civil penalty imposed by the Secretary, the penalty may be

collected by civil action under paragraph (a)(5) of this section.

(ii) The Assistant Secretary for Defense Programs shall respond in writing within ten days of the receipt of a reply or a hearing request letter.

(iii) The Assistant Secretary for Defense Programs, at the request of the person accused of a violation, may extend for a reasonable period the time limit for submitting a reply or a hearing request letter.

(2) *Hearing.* Any person who receives a notification letter under paragraph (a)(1)(i) of this section may request a hearing to answer under oath or affirmation the allegations contained in the notification letter. The person shall mail or deliver any hearing request letter to the Assistant Secretary for Defense Programs within twenty days of receipt of the notification letter. Upon receipt from the person of a written request for a hearing, the Assistant Secretary for Defense Programs shall request that the Secretary appoint a Hearing Officer and, if necessary, a Hearing Counsel.

(i) *The Hearing Counsel.* The Hearing Counsel, if appointed, shall—

(A) Represent the Department;

(B) Consult with the person or the person's counsel prior to the hearing; and

(C) Examine and cross-examine witnesses during the hearing.

(ii) *The Hearing Officer.* The Hearing Officer shall—

(A) Be responsible for the administrative preparations for the hearing;

(B) Convene the hearing as soon as is reasonable;

(C) Conduct the hearing in a manner which is fair and impartial;

(D) Arrange for the presence of witnesses and physical evidence at the hearing;

(E) Make a recommendation that violation of section 148 of the Atomic Energy Act or any regulation or order of the Secretary issued under section 148 of the Atomic Energy Act, including these regulations, has occurred only if the DOE proves by the preponderance of the evidence that such a violation occurred; and

(F) Submit his or her recommendation, accompanied by a statement of the findings and reasons supporting them, to the Secretary for the Secretary's final determination on the imposition of a civil penalty.

(iii) *Rights of the person.* The person may—

(A) Present evidence in his or her own behalf, through witnesses, or by documents;

(B) Cross-examine witnesses and rebut records or other physical evidence (except as provided in paragraph (a)(2)(iv)(D) of this section);

(C) Be present during the entire hearing (except as provided in paragraph (a)(2)(iv)(D) of this section);

(D) Be accompanied, represented, and advised by counsel of his or her own choosing; and

(E) Testify in his or her own behalf.

(iv) *Conduct of the Hearing.*

(A) A summarized record of the hearing shall be made.

(B) All relevant and material evidence is admissible (except as provided in paragraph (a)(2)(iv)(D) of this section); however, formal rules of evidence are not applicable.

(C) Witnesses shall testify under oath and are subject to cross-examination (except as provided in paragraph (a)(2)(iv)(D) of this section).

(D) If the Hearing Officer determines that the testimony of a witness or any documentary or physical evidence contains classified information or UCNI, such testimony or evidence will not be considered unless it is material. If it is material, a nonsensitive summary of the testimony or records or description of the physical evidence shall be made available to the person to the maximum extent possible, consistent with the requirements of national security or the public health and safety. In all such cases, the Hearing Officer, in considering such testimony or evidence, shall take into account that the person did not have an opportunity to cross-examine the witness or review the actual document or evidence.

(E) The DOE bears the burden of proving that a violation of section 148 of the Atomic Energy Act or any regulation or order of the Secretary issued under section 148 of the Atomic Energy Act, including these regulations, has occurred.

(v) *Failure to request a hearing.* If the person fails to file a written request for a hearing within the specified time period, the person relinquishes his or her right to a hearing. If the person does not request a hearing, the Assistant Secretary for Defense Programs shall transmit his or her recommendation, with any supporting materials, to the Secretary for the Secretary's final determination on the imposition of the civil penalty.

(3) *Final determination.* The Secretary makes the final determination on the disposition of a violation. The Secretary may uphold, compromise or mitigate, or remit any penalty recommended by the Assistant Secretary for Defense Programs.

(4) *Appeal.* A person whom the Secretary has determined violated section 148 of the Atomic Energy Act or any regulations or orders of the Secretary issued under section 148 of the Atomic Energy Act, including these regulations, may appeal the determination of the Secretary to an appropriate United States District Court.

(5) *Collection of Penalty.*

(i) The Secretary may request the Attorney General to institute a civil action to collect a penalty imposed by the Secretary under this section.

(ii) The Attorney General has the exclusive power to uphold, compromise or mitigate, or remit any civil penalty imposed by the Secretary under this section and referred to the Attorney General for collection.

(b) *Criminal penalty.* Any person who violates section 148 of the Atomic Energy Act or any regulations or orders of the Secretary issued under section 148 of the Atomic Energy Act, including these regulations may be subject to a criminal penalty under section 223 of the Atomic Energy Act. In such case, the Secretary refers the matter to the Attorney General for investigation and possible prosecution.

VI. Appendix

Editorial Note: The following appendix will not appear in the Code of Federal Regulations.

A. Introduction

The purpose of this appendix is to provide examples of specific types of government information that are Unclassified Controlled Nuclear Information (UCNI). This list is not intended to be a permanent, fixed listing of all UCNI, but rather represents examples of types of information determined to be UCNI.

B. Examples of Unclassified Controlled Nuclear Information

1. *Category A.* Unclassified Controlled Production or Utilization Facility Design Information includes unique or critical aspects of—

a. The design or operation of a reactor or reactor component used for the production of nuclear material for atomic energy defense programs;

b. The design or operation of any facility which processes or separates nuclear material for atomic energy defense programs; or

c. The design of naval nuclear propulsion reactor plants or their components.

2. *Category B.* Unclassified Controlled Safeguard, and Security Information includes—

a. Security plans and procedures for production or utilization facilities, nuclear material contained in such facilities, or nuclear material in transit (e.g., security inspector or guard orders, patrol schedules, security codes);

b. Security equipment for protection of production or utilization facilities, nuclear material contained in such facilities, or nuclear material in transit (e.g., alarm system designs, characteristics of);

c. Capabilities, deficiencies, or vulnerabilities of a specified security plan, procedure, or system.

3. *Category C.* Declassified Controlled Nuclear Weapon Information includes—

a. Any design of an actual or hypothetical nuclear weapon or component of a nuclear weapon, except for specific examples of such designs approved for public release by the Assistant Secretary for Defense Programs;

b. Any manufacturing technique or process which could be of major assistance in the illegal production of a nuclear weapon or a component of a nuclear weapon; or

c. Information related to the utilization of nuclear weapons which could assist a potential criminal in an act of sabotage or theft of a nuclear weapon or a component of a nuclear weapon.

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federal register

Monday
April 22, 1985

Part IV

Department of the Interior

Minerals Management Service

Outer Continental Shelf; Central Gulf of Mexico; Oil and Gas Lease Sale 98; Notices

UNITED STATES
DEPARTMENT OF THE INTERIOR
MINERALS MANAGEMENT SERVICE

4310-MR

Outer Continental Shelf
Central Gulf of Mexico--Sale 98
Joint Use of Warning Area 155

AGENCY: Minerals Management Service, Interior

ACTION: Notice of Information: Joint Use of Warning Area 155--Gulf of Mexico

SUMMARY: As a part of the Sale 98--Central Gulf of Mexico decision, the Secretary, after consultation with the Department of Defense and industry and analysis of responses to the request for public comments issued as part of the Sale 98 proposed Notice of Sale, has agreed to defer from consideration for leasing certain blocks in Sale 94--Eastern Gulf of Mexico. This Notice is published to advise potential bidders for both Sale 98 and for Sale 94 that a 40 by 40 nautical mile area will be deferred to facilitate Department of Defense activities being conducted in Warning Area W-155. This area is completely within the parameters of the Eastern Gulf of Mexico Planning Area and therefore has no effect on the Sale 98 offering but will create a deferral for Sale 94 planned for November 1985. Existing leases on blocks within the area described below will not come under any additional limitations or stipulations during the lifetime of the lease as a result of this Notice. The area will be deferred for a maximum of 4 years after Sale 98 is held or less if drilling results and/or leasing patterns warrant a shorter duration.

FOR FURTHER INFORMATION CONTACT: Chris Oynes, Chief, Offshore Leasing Management Division, Minerals Management Service at (202) 343-6906.

SUPPLEMENTARY INFORMATION: The following 256 blocks located on Official Protraction Diagram NH 16-8 Destin Dome will be deferred from Sale 94: 133 through 148; 177 through 192; 221 through 236; 265 through 280; 309 through 324; 353 through 368; 397 through 412; 441 through 456; 485 through 500; 529 through 544; 573 through 588; 617 through 632; 661 through 676; 705 through 720; 749 through 764; 793 through 808.

Director, Minerals Management Service
Wm. D. Bettenberg

5/17/85
Date

[FR Doc. 85-9665 Filed 4-19-85; 8:45 am]
BILLING CODE 4310-MR-C

Billing Code: 4310-MR

DEPARTMENT OF THE INTERIOR

Minerals Management Service

Outer Continental Shelf
Central Gulf of Mexico

Notice of Leasing Systems, Sale 98

Section 8(a)(8) (43 U.S.C. 1337(a)(8)) of the Outer Continental Shelf Lands Act (OCSLA) requires that, at least 30 days before any lease sale, a Notice be submitted to the Congress and published in the Federal Register:

1. identifying the bidding systems to be used and the reasons for such use; and

2. designating the tracts to be offered under each bidding system and the reasons for such designation.

This Notice is published pursuant to these requirements.

1. Bidding systems to be used. In the Outer Continental Shelf (OCS) Sale 98, blocks will be offered under the following two bidding systems as authorized by section 8(a)(1) (43 U.S.C. 1337(a)(1)): (a) bonus bidding with a fixed 16 2/3-percent royalty on all unleased blocks in less than 400 meters of water; and (b) bonus bidding with a fixed 12 1/2-percent royalty on all remaining unleased blocks.

a. Bonus Bidding with a 16 2/3-Percent Royalty. This system is authorized by section (8)(a)(1)(A) of the OCSLA. This system has been used extensively since the passage of the OCSLA in 1953 and imposes greater risks on the lessee than systems with higher contingency payments, but may yield more rewards if a commercial field is discovered. The relatively high front-end bonus payments may encourage rapid exploration.

b. Bonus Bidding with a 12 1/2-Percent Royalty. This system is authorized by section (8)(a)(1)(A) of the OCSLA. It has been chosen for certain deeper water blocks proposed for the Central Gulf of Mexico (Sale 98) because these blocks are expected to require substantially higher exploration, development, and production costs, as well as longer times before initial production, in comparison to shallow water blocks. Department of the Interior analyses indicate that the minimum economically developable discovery on a block in such high-cost areas under a 12 1/2-percent royalty system would be less than for the same blocks under a 16 2/3-percent royalty system. As a result, more blocks may be explored and developed. In addition, the lower royalty rate system is expected to encourage more rapid production and higher economic profits. It is not anticipated, however, that the larger cash bonus bid associated with a lower royalty rate will significantly reduce competition, since the higher costs for exploration and development are the primary constraints to competition.

2. Designation of Blocks. The selection of blocks to be offered under the two systems was based on the following factors:

a. Lease terms on adjacent, previously leased blocks were considered to enhance orderly development of each field.

b. Blocks in deep water were selected for the 12 1/2-percent royalty system based on the favorable performance of this system in these high-cost areas as evidenced in our analyses.

The specific blocks to be offered under each system are shown on Map 2 entitled "Central Gulf of Mexico (Sale 98) Bidding Systems and Bidding Units, Final." This map is available from the Minerals Management Service, Gulf of Mexico Region, 3301 North Causeway Boulevard, Metairie, Louisiana 70002.

Director
Wm. D. Bettenberg

Approved:

Secretary of the Interior
Donald Paul Hodel

[FR Doc. 85-9666 Filed 4-19-85; 8:45 am]
BILLING CODE 4310-MR-C

UNITED STATES
DEPARTMENT OF THE INTERIOR
MINERALS MANAGEMENT SERVICE

Outer Continental Shelf
Central Gulf of Mexico
Oil and Gas Lease Sale 98

1. Authority. This Notice is published pursuant to the Outer Continental Shelf (OCS) Lands Act of 1953 (43 U.S.C. 1331-1343), as amended (92 Stat. 629), and the regulations issued thereunder (30 CFR Part 256).

2. Filing of Bids. Sealed bids will be received by the Regional Director (RD), Gulf of Mexico Region, Minerals Management Service (MMS), 3301 North Causeway Boulevard, Metairie, Louisiana 70002. Bids may be delivered in person to the above address during normal business hours (8:00 a.m. to 4:00 p.m., c.s.t.) until the Bid Submission Deadline at 10:00 a.m., May 21, 1985. Hereinafter, all times cited in this Notice refer to Central Standard Time (c.s.t.) unless otherwise stated. Bids will not be accepted on the day of Bid Opening, May 22, 1985. Delivery by mail should be addressed to P.O. Box 7944, Metairie, Louisiana 70010, and must be received by the Bid Submission Deadline. Bids received by the RD later than the time and date specified above will be returned unopened to the bidders. Bids may not be modified unless written modification is received by the RD prior to 10:00 a.m., May 21, 1985. Bids may not be withdrawn unless written withdrawal is received by the RD prior to 9:30 a.m., c.s.t., May 22, 1985. Bid Opening Time will be 10:00 a.m., c.s.t., May 22, 1985 at the Landmark Hotel, Metairie, Louisiana. All bids must be submitted and will be considered in accordance with applicable regulations, including 30 CFR Part 256. The list of restricted joint bidders which applies to this sale appeared in the Federal Register at 50 FR 13290 on April 3, 1985.

3. Method of Bidding. Tract numbers will not be used. A separate bid in a sealed envelope labeled "Sealed Bid for Oil and Gas Lease Sale 98, (map number(s), map name(s), and block number(s)), not to be opened until 10:00 a.m., c.s.t., May 22, 1985," must be submitted for each block or prescribed bidding unit bid upon. For example, a label would read as follows: "Sealed Bid for Oil and Gas Lease Sale 98, NG 16-1, Atwater Valley, Block 701, not to be opened until 10:00 a.m., c.s.t., May 22, 1985." For those blocks which must be bid upon together as a bidding unit (see paragraph 12), it is recommended that all numbers of blocks comprising the bidding unit appear in the label on the sealed envelope. A suggested bid form appears in 30 CFR Part 256, Appendix A. In addition, the total amount bid must be in whole dollar amounts (no cents). Bidders must submit with each bid one-fifth of the cash bonus, in cash or by cashier's check, bank draft, or certified check, payable to the order of the U.S. Department of the Interior--Minerals Management Service. No bid for less than all of the unleased portion of a block or bidding unit as described in paragraph 12 will be considered. Bidders are advised to use the description "All the Unleased Federal Portion" for those blocks having only aliquot portions currently available for leasing.

All documents must be executed in conformance with signatory authorizations on file. Partnerships also need to submit or have on file in the Gulf of Mexico Regional Office a list of signatories authorized to bind the partnership. bidders submitting joint bids must state on the bid form the proportionate interest of each participating bidder in percent to a maximum of five decimal places, e.g., 50.12345 percent. Other documents may be required of bidders under 30 CFR 256.46. Bidders are warned against violation of 18 U.S.C. 1860, prohibiting unlawful combination or intimidation of bidders.

4. Bidding Systems. All bids submitted at this sale must provide for a cash bonus of $150 or more per acre, or fraction thereof. All leases resulting from this sale will provide for a yearly rental payment of $3 per acre, or fraction thereof. All leases awarded will provide for a minimum royalty of $3 per acre, or fraction thereof. The bidding systems to be utilized for this sale apply to blocks or bidding units as shown on map 2 (see paragraph 12). The following bidding systems will be used:

(a) Bonus Bidding with a 12-1/2 Percent Royalty. Bids on the blocks and bidding units offered under this system must be submitted on a cash bonus basis with a fixed royalty of 12-1/2 percent.

(b) Bonus Bidding with a 16-2/3 Percent Royalty. Bids on the blocks and bidding units offered under this system must be submitted on a cash bonus basis with a fixed royalty of 16-2/3 percent.

5. Equal Opportunity. Each bidder must have submitted by the Bid Submission Deadline, stated in paragraph 2, the certification required by 41 CFR 60-1.7(b) and Executive Order No. 11246 of September 24, 1965, as amended by Executive Order No. 11375 of October 13, 1967, on the Compliance Report Certification Form, Form 1140-8 (June 1982), and the Affirmative Action Representation Form, Form 1140-7 (June 1982). See paragraph 14, "Information to Lessees."

6. Bid Opening. Bid opening will begin at the Bid Opening Time stated in paragraph 2. The opening of the bids is for the sole purpose of publicly announcing bids received, and no bids will be accepted or rejected at that time. If the Department is prohibited for any reason from opening any bid before midnight on the day of Bid Opening, that bid will be returned unopened to the bidder as soon thereafter as possible.

7. Deposit of Payment. Any cash, cashier's checks, certified checks, or bank drafts submitted with a bid will be deposited by the Government in an interest bearing account in the U.S. Treasury during the period the bids are being considered. Such a deposit does not constitute and shall not be construed as acceptance of any bid on behalf of the United States.

8. Withdrawal of Blocks. The United States reserves the right to withdraw any block from this sale prior to issuance of a written acceptance of a bid for the block.

9. Acceptance, Rejection, or Return of Bids . The United States reserves the right to reject any and all bids. In any case, no bid will be accepted and no lease for any block or bidding unit will be awarded to any bidder, unless:

(a) the bidder has complied with all requirements of this Notice and applicable regulations;

(b) the bid is the highest valid bid; and

(c) the amount of the bid has been determined to be adequate by the authorized officer.

No bonus bid will be considered for acceptance unless it provides for a cash bonus in the amount of $150 or more per acre, or fraction thereof. Any bid submitted which does not conform to the requirements of this Notice, the OCS Lands Act, as amended, or other applicable regulations, may be returned to the person submitting that bid by the RD and not considered for acceptance.

10. Successful Bidders. Each person who has submitted a bid accepted by the authorized officer will be required to execute copies of the lease, pay the balance of the cash bonus bid together with the first year's annual rental as specified below, and satisfy the bonding requirements of 30 CFR 256, Subpart I.

For this lease sale, MMS will utilize procedures for the electronic funds transfer (EFT) payment of four-fifths of the cash bonus bid and the first year's annual rental for each lease issued. Successful bidders are required to submit the balance of the bonus and the first year's annual rental payment by EFT utilizing the Federal Reserve Communications System and the Treasury Financial Communications System, payable to the Department of the Interior--MMS.

The RD will provide more detailed instructions on making the EFT payments when bidders are qualified to submit bids for the sale. Bidders are referred to 30 CFR 218.155 (49 FR 8602, March 8, 1984).

11. Leasing Maps/Official Protraction Diagrams. Blocks or bidding units offered for lease may be located on the following Leasing Maps/Official Protraction Diagrams which may be purchased from the Gulf of Mexico Regional Office (see paragraph 14):

(a) Outer Continental Shelf Leasing Maps--Louisiana Nos. 1 through 12. This is a set of 27 maps which sells for $17.

(b) Outer Continental Shelf Official Protraction Diagrams:

NH 16-4	Mobile	(revised April 19, 1983)
NH 16-7	Viosca Knoll	(revised December 2, 1976)
NH 15-12	Ewing Bank	(revised December 2, 1976)
NH 16-10	Mississippi Canyon	(revised December 2, 1976)
NG 15-3	Green Canyon	(revised December 2, 1976)
NG 15-6	Walker Ridge	(revised December 2, 1976)
NG 16-1	Atwater Valley	(revised November 10, 1983)
NG 16-4	(No Name)	(approved December 2, 1976).

These sell for $2 each.

12. Description of the Areas Offered for Bids.

(a) Acreages of blocks are shown on Leasing Maps and Official Protraction Diagrams. Some of these blocks, however, may be partially leased, bisected by administrative lines such as the Federal/State jurisdictional line, or the section 8(g) line, or a combination of such lines. In these cases, the following supplemental documents to this Notice of Sale are available from the Gulf of Mexico Regional Office (see paragraph 14 (a)):

(1) Central Gulf of Mexico Lease Sale 98 - Unleased Split Blocks

(2) Central Gulf of Mexico Lease Sale 98 - Unleased Acreage of Blocks with Aliquots Under Lease

(3) Central Gulf of Mexico Lease Sale 98 - Unleased Blocks Split by the 8(g) Line

(b) References to maps 1, 2, and 3 in this Notice refer to the following maps which are available on request from the Gulf of Mexico Regional Office:

Map 1 entitled "Central Gulf of Mexico Lease Sale 98, Stipulations, Lease Terms, and Warning Areas."

Map 2 entitled "Central Gulf of Mexico Lease Sale 98, Bidding Systems and Bidding Units", refers largely to Royalty Rates and Bidding Units.

Map 3 entitled "Central Gulf of Mexico Lease Sale 98, Detailed Maps of Biologically Sensitive Areas", pertains to areas referenced in Stipulation No. 2.

(c) In several instances two or more blocks have been joined together into bidding units totaling less than 5,760 acres. Any bid submitted for a bidding unit having two or more blocks must be for all of the unleased Federal acreage within all of the blocks in that bidding unit. The list of those bidding units with their acreages appears on map 2.

(d) The areas offered for leasing include all those blocks shown on the OCS Leasing Maps and Official Protraction Diagrams listed in paragraph 11 (a) and (b), except for those blocks which are in water depths greater than 2400 meters and except for those blocks or partial blocks described as follows:

January 31, 1985

DESCRIPTIONS OF BLOCKS LISTED REPRESENT ALL FEDERAL ACREAGE LEASED UNLESS OTHERWISE NOTED

Sabine Pass

3
5
6
7
9
10
11
12
13
14
15
16

West Cameron

17
18-
(SW¼)
20
21-
(SW¼SW¼)
22
28-
(N½; N½N½S½
Zone 2)
33
34
35
36
40
41 (E½)
42
44-
(NW¼NW¼
Portion seaward
of 8g line)
45
47 (NW¼)
48
49
53
54
56
57
58
59
61
62

West Cameron (continued)

63
64
65
66
67
68
69 (N½)
71
72
73
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81
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152

West Cameron (continued)

153
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181
182 (N½)
184
185
186
187
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192
193
195
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199
201
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West Cameron (continued)

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283
284

West Cameron, West Addition

157
163
287
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West Cameron, West Addition (continued)

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West Cameron, West Addition (continued)

426
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431
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442

West Cameron, South Addition

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West Cameron, South Addition (continued)

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West Cameron, South Addition (continued)

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West Cameron, South Addition (continued)

658
659
660
661
663

East Cameron

2
9-
(E½SW¼;
SE¼ Zone 2)
14-
(E½NW¼; NE¼)
16
23
24
25
26
29
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31
32
33
34
35
36
38
39-
(Portion seaward
of 8g line)
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64
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East Cameron (continued)

66
67
71
76
81
82 (W½)
83 (NW¼)
88
89
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96
97
99
100
102
104
105
106
113
114
116
117
118
119 (N½)
122
123
125
128
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137
140
142
143
148
151
157
158
160 (E½)
161
178
185
187
194-
(E½E½SE¼)

East Cameron (continued)

195 (S½)
196
198
202
203
204-
(N½N½)
208
209
213
215
217
220
221
222
226
229
231
232
235

East Cameron, South Addition

236
237
239
240
241
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246
254
255
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272
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278
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281
286
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East Cameron, South Addition (continued)

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Vermilion

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Vermilion (continued)

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45
46 (N½)
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91
94

Vermilion (continued)

95
96
97
101 (S½)
102
103
104
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114
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122
124
128
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131
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182
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186
187
190

Vermilion (continued)

191
197
198
201
203
204
214
215
216
217-
(SW¼;
W½W½SE¼)
218-
(E½SE¼;
E½W½SE¼;
NE¼SW¼SE¼)
219
220
221
222
223
224
225-
(E½NE¼;
NE¼SE¼)
226
227
228
231
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251

Vermilion, South Addition (continued)

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Vermilion, South Addition (continued)

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407
412

S. Marsh Island, North Addition

207
208
209
210
211
212
213
214
215
216
217
218
219
220
221-
(Landward of lease 0310 stip. line)
222
223
224
225
226

S. Marsh Island, North Addition (continued)

227
228
229
230-
(Landward of lease 0310 stip. line)
231
232
233
234
235
236
237
238
239
240
241-
(Landward of lease 0310 stip. line)
242-
(Landward of lease 0310 stip. line)
243
244
245
246
249
250
252
253-
(Landward of lease 0310 stip. line)
254
255
256
257
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S. Marsh Island, North Addition (continued)

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S. Marsh Island

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S. Marsh Island, South Addition (continued)

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S. Marsh Island, South Addition

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Eugene Island

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Eugene Island (continued)

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93 (E½)
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97
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100
101
102
105
106
107
108
110
111
112
113A
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126
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128A
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129A
133
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Eugene Island (continued)

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209
210
211
212
214-
(W½W½E½; W½)
215
217
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224
227
229
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249
251

Eugene Island (continued)

252
253
254 (S½)
255 (S½)
256
257
258
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Eugene Island, South Additon

267
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272
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301 (S½)
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Eugene Island, South Addition (continued)

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Eugene Island, South Addition (continued)

387
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Ship Shoal

11
13
14
15
16
25- (Seaward of Zone 2)
26
27
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30
31
32
33
34
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37
38
49
50
52
55
59
63
64 (W½)
65
66
68
69
70
71 (W½)
72
78
79
80

Ship Shoal (continued)

81
82
84
85
86
87 (N½)
90
91
92
93
94- (S½NE¼; N½SE¼; S½N½ in Zone 3)
97
98
99
102
104
107
108
111
112
113
114
115
117 (N½)
118 (N½)
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Ship Shoal (continued)

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223
224
225 (N½)
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232
233
235

Ship Shoal, Sliton Addition

237
238

Ship Shoal, South Addition (continued)

239
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242
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262
263
264
266
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270
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274
275
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291- (N½; SE¼)
292
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Ship Shoal, South Addition (continued)

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368

South Timbalier

16
21
22
23
24
26
27- (N½; N½SW¼)
28 (NE¼)
29
31
33- (Portion seaward of 8g line)

South Timbalier (continued)

34
35
36
37
38
44
47
48
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51
52
53
54
55
59
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South Timbalier (continued)

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165
166
169
170
171
172
173
175
176
177
182
183
185
186
188 (NW¼)
189
190
192
193
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197
200
203
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209

South Timbalier, South Additon

212
217
220
221
225
226
228

South Timbalier, South Addition (continued)

229
230
231
236
238

South Pelto

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2
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9
10
11
12
13
14
17
18
19 (W½)
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23
24
25

Bay Marchand

2
3

Grand Isle

15
16
17
18
19
20
21
22
23
24
25
26
27
29 (N½)
30- (Portion in Zone 2)
31

Grand Isle (continued)

32
33
34
37
38
39
40
41
44 (N½)
45
46
47
48
49
51
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53
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Grand Isle, South Addition

86
90
91
93
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102
103
105
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112
113
118
119

West Delta

17
18
21- (S½N½S½; S½S½)
22 (E½)
23
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35- (Seaward of Zone 3)
36- (S½; NW¼)
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West Delta (continued)

80 (N½;
N½S½;
SW¼SW¼)
85
86
87 (N½)
89
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West Delta, South Addition

117
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South Pass

6
17-
(Portion lying 1 ft. seaward of 3rd Supp. Decree)

South Pass (continued)

18
19
27
28
33
34
36
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38
42-
(Portion lying between Zone 1 and Zone 2 lines)
43
44
45
46
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49
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51
52-
(Portion landward of 8(g) line)
53
54
55
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South Pass, South & East Addition

39
40
41
42
62
63
64
65
66-
(Seaward of 1965 Decree Line)
67
69
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73

South Pass, South & East Addition (continued)

74
75
76-
(Portion landward of 8g line)
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78
82
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93
94

Main Pass

6
7-
(N½; N½S½; Seaward of 1975 Decree Line)
18 (S½)
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27
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38
39
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41
42
43-
(N½; W½NE¼SW¼; NW¼SW¼)
44-
(SE¼NE¼; NE¼SE¼)
55
56
57
58
59-
(Portion landward of Zone 3 line)
62

Main Pass (continued)

63
64
65
68
69
72
73
74-
(Portion landward of 3rd Supp. Decree)
77
78
86
87
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100
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103
106
107-
(NW¼NE¼NE¼; NE¼NW¼NE¼; W½W½SE¼; W½)
108
110
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125
126
127 (N½)
128

Main Pass (continued)

129
131
132
133
138
140
141
142
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144
145
148
149
150
151
152-
(Seaward of 1965 Decree Line)
153
154
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Main Pass, South & East Addition

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Main Pass, South & East Addition (continued)

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316

Breton Sound

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Chandeleur

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Chandeleur, East Addition

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Mobile

778
779
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Mobile (continued)

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962
995
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1002
1003
1004
1005
1006

Viosca Knoll

Viosca Knoll (continued)

Ewing Bank

Ewing Bank (continued)

Mississippi Canyon

Mississippi Canyon (continued)
281
283
284
285
309
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311
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316
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Mississippi Canyon (continued)
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Green Canyon
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Green Canyon (continued)
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Green Canyon (continued)
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Green Canyon (continued)
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475
517

Atwater Valley
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490

Although currently unleased and shown on the OCS Official Protraction Diagram Mobile NH 16-4 (Approved October 10, 1972; Revised December 21, 1977; Revised April 19, 1983), no bids will be accepted on the following blocks:

Mobile -- Blocks 765 through 768
809 through 816
818 through 820

13. Lease Terms and Stipulations.

(a) Leases resulting from this sale will have initial terms as shown on map 1 and will be on Form MMS-2005 (August 1982). Copies of the lease form are available from the Gulf of Mexico Regional Office.

(b) The applicability of Stipulations Nos. 1 through 5 that will be included in leases resulting from this sale is as shown on map 1 and supplemented by references in this Notice.

Stipulation No. 1--Protection of Cultural Resources.

(This stipulation will apply to all blocks offered for lease in this sale.)

(a) "Cultural resource" means any site, structure, or object of historic or prehistoric archaeological significance. "Operations" means any drilling, mining, or construction or placement of any structure for exploration, development, or production of the lease.

(b) If the Regional Director (RD) believes a cultural resource may exist in the lease area, the RD will notify the lessee in writing. The lessee shall then comply with subparagraphs (1) through (3).

(1) Prior to commencing any operations, the lessee shall prepare a report, as specified by the RD, to determine the potential existence of any cultural resource that may be affected by operations. The report, prepared by an archaeologist and geophysicist, shall be based on an assessment of data from remote-sensing surveys and of other pertinent cultural and environmental information. The lessee shall submit this report to the RD for review.

(2) If the evidence suggests that a cultural resource may be present, the lessee shall either:

(i) Locate the site of any operations so as not to adversely affect the area where the cultural resource may be; or

(ii) Establish to the satisfaction of the RD that a cultural resource does not exist or will not be adversely affected by operations. This shall be done by further archaeological investigation, conducted by an archaeologist and a geophysicist, using survey equipment and techniques deemed necessary by the RD. A report on the investigation shall be submitted to the RD for review.

(3) If the RD determines that a cultural resource is likely to be present on the lease and may be adversely affected by operations, the RD will notify the lessee immediately. The lessee shall take no action that may adversely affect the cultural resource until the RD has told the lessee how to protect it.

(c) If the lessee discovers any cultural resource while conducting operations on the lease area, the lessee shall report the discovery immediately to the RD. The lessee shall make every reasonable effort to preserve the cultural resource until the RD has told the lessee how to protect it.

Stipulation No. 2--Protection of High Relief Banks.

(This stipulation will be included in leases located in the areas so indicated on maps 1 and 3 described in paragraph 12. The high relief banks with their appropriate "no activity" isobaths are listed below.)

Bank Name	Isobath (meters)
18 Fathom Lump	85
Bouma Bank	85
Kezak Bank	85
Sidner Bank	85
Sonnier Bank	55
Sackett Bank	85
Ewing Bank	85
Diaphus Bank	85
Alderdice Bank	80
Parker Bank	85
Fishnet Bank	76
Jakkula Bank	85
Sweet Bank[1]	85
28 Fathom Bank	85
29 Fathom Bank	64
Bright Bank	85
Geyer Bank[2]	85
MacNeil Bank[2]	82

[1] The Sweet Bank Stipulation will contain only this sentence: "No structures, drilling rigs, or pipelines will be allowed within the 85-meter isobath."

[2] Western Gulf of Mexico bank with portion of 3-Mile Zone in Central Gulf of Mexico.

(a) No structures, drilling rigs, pipelines, or anchoring will be allowed within the isobaths (i.e., the "no activity zone" shown on map 3) of the banks listed above.

(b) Operations within the area shown as "1-Mile Zone" on map 3 shall be restricted by shunting all drill cuttings and drilling fluids to the bottom through a down-pipe that terminates an appropriate distance, but no more than 10 meters, from the bottom.

(c) Operations within the area shown as "3-Mile Zone" on map 3 shall be restricted as specified in either (1) or (2) below at the option of the lessee.

(1) All drill cuttings and drilling fluids must be disposed of by shunting the material to the bottom through a down-pipe that terminates an appropriate distance, but no more than 10 meters, from the bottom.

(2) The operator (lessee) shall submit a monitoring plan. The monitoring plan will be designed to assess the effects of oil and gas exploration and development operations on the biotic communities of the nearby banks.

The monitoring program shall indicate that the monitoring investigations will be conducted by qualified, independent scientific personnel, and that these personnel and all required equipment will be available at the time of operations. The monitoring team will submit its findings to the Regional Director (RD) on a schedule established by the RD, or immediately in case of imminent danger to the biota of the bank resulting directly from drilling or other operations. If it is decided that surface disposal of drilling fluids or cuttings presents no danger to the bank, no further monitoring of that particular well or platform will be required. If, however, the monitoring program indicates that the biota of the bank are being harmed, or if there is a great likelihood that operation of that particular well or platform may cause harm to the biota of the bank, the RD shall require shunting as specified in subparagraph (1) above or other appropriate operational restrictions.

Stipulation No. 3--Live Bottom Areas.

(This stipulation will be included in leases located in the areas indicated on map 1 described in paragraph 12.)

Prior to any drilling activity or the construction or placement of any structure for exploration or development on this lease, including but not limited to well drilling and pipeline and platform placement, the lessee will submit to the Regional Director (RD) a bathymetry map prepared utilizing remote sensing and/or other survey techniques. This map will include interpretations for the presence of live bottom areas within a minimum of 1,820 meters radius of a proposed exploration or production activity site.

For the purpose of this stipulation, "live bottom areas" are defined as those areas which contain biological assemblages consisting of such sessile invertebrates as sea fans, sea whips, hydroids, anemones, ascidians, sponges, bryozoans, seagrasses, or corals living upon and attached to naturally occurring hard or rocky formations with rough, broken, or smooth topography; or whose lithotope favors the accumulation of turtles, fishes, and other fauna. If it is determined that the remote sensing data indicate the presence of hard or live bottom areas, the lessee will also submit to the RD photodocumentation of the sea bottom near proposed exploratory drilling sites or proposed platform locations.

If it is determined that live bottom areas might be adversely impacted by the proposed activities, then the RD will require the lessee to undertake any measure deemed economically, environmentally, and technically feasible to protect live bottom areas. These measures may include, but are not limited to, the following:

(a) the relocation of operations to avoid live bottom areas;

(b) the shunting of all drilling fluids and cuttings in such a manner as to avoid live bottom areas;

(c) the transportation of drilling fluids and cuttings to approved disposal sites; and

(d) the monitoring of live bottom areas to assess the adequacy of any mitigation measures taken and the impact of lessee initiated activities.

Stipulation No. 4--Military Warning Areas.

(This stipulation will be included in leases located within each warning area, as shown on map 1 described in paragraph 12.)

Warning Areas Command Headquarters
Central Planning Area

Warning Areas	Warning Areas Command Headquarters
W-155	Naval Air Training Command Training Wing Six Naval Air Station Pensacola, Florida 32508
W-453	(Preliminary Planning Stage) Air National Guard Training Site Gulfport, Mississippi 39534 (Operations Stage) 159th Tactical Fighter Group Air National Guard U.S.N.A.S. NOLA New Orleans, Louisiana 70143-0200
W-92	Naval Air Station New Orleans, Louisiana 70143
Eglin Water Test Area 1 and 3	Commander Armament Division Eglin Air Force Base, Florida 32542

(a) Hold Harmless

Whether or not compensation for such damage or injury might be due under a theory of strict or absolute liability or otherwise, the lessee assumes all risks of damage or injury to persons or property which occurs in, on, or above the Outer Continental Shelf, to any person or persons or to any property of any person or persons who are agents, employees, or invitees of the lessee, its agents, independent contractors or subcontractors doing business with the lessee in connection with any activities being performed by the lessee in, on, or above the Outer Continental Shelf, if such injury or damage to such person

or property occurs by reason of the activities of any agency of the U.S. Government, its contractors or subcontractors, or any of their officers, agents, or employees, being conducted as a part of, or in connection with, the programs and activities of the command headquarters listed in the table above.

Notwithstanding any limitations of the lessee's liability in section 14 of the lease, the lessee assumes the risk whether such injury or damage is caused in whole or in part by any act or omission, regardless of negligence or fault, of the United States, its contractors or subcontractors, or any of their officers, agents, or employees. The lessee further agrees to indemnify and save harmless the United States against all claims for loss, damage, or injury sustained by the lessee, and to indemnify and save harmless the United States against all claims for loss, damage, or injury sustained by agents, employees, or invitees of the lessee, its agents, or any independent contractors or subcontractors doing business with the lessee in connection with the programs and activities of the aforementioned military installations and agencies, whether the same be caused in whole or in part by the negligence or fault of the United States, its contractors or subcontractors, or any of their officers, agents, or employees and whether such claims might be sustained under theories of strict or absolute liability or otherwise.

(b) Electromagnetic Emissions

The lessee agrees to control its own electromagnetic emissions and those of its agents, employees, invitees, independent contractors or subcontractors emanating from individual, designated warning areas in accordance with requirements specified by the commander of the command headquarters listed in the table above to the degree necessary to prevent damage to or unacceptable interference with Department of Defense flight, testing, or operations activities conducted within individual, designated warning areas. Necessary monitoring, control, and coordination with the lessee, its agents, employees, invitees, independent contractors or subcontractors, will be effected by the commander of the appropriate onshore military installation conducting operations in the particular warning area; provided, however, that control of such electromagnetic emissions shall permit at least one continuous channel of communication between a lessee, its agents, employees, invitees, independent contractors or subcontractors, and onshore facilities.

(c) Operational Controls

The lessee agrees that, prior to operating or causing to be operated on its behalf boat or aircraft traffic into individual, designated warning areas, the lessee shall coordinate and comply with instructions from the commander of the individual command headquarters listed in the table above. Such coordination and instruction will provide for positive control of boats and aircraft operating in the warning areas at all times.

Stipulation No. 5--8-Year Lease Terms

For each oil and gas lease in the 400-meter to 900-meter water-depth range, the lessee must commence the drilling of an exploratory well within 5 years of the date the lease becomes effective. The exploratory well shall meet the depth and other criteria established in an approved exploration plan.

14. Information to Lessees.

(a) Information on Supplemental Documents. For copies of the various documents identified as available from the Gulf of Mexico Regional Office, prospective bidders should contact the Public Information Unit at the address stated in paragraph 2, either in writing or by telephone (504) 838-0519 or 838-0527. For additional information, contact the Regional Supervisor for Leasing and Environment at the address stated in paragraph 2 or by telephone at (504) 838-0755 or 838-0765.

(b) Information on Navigation Safety. Operations on some of the blocks offered for lease may be restricted by designation of fairways, precautionary zones, anchorages, safety zones, or traffic separation schemes established by the U.S. Coast Guard pursuant to the Ports and Waterways Safety Act (33 U.S.C. 1221 et. seq.) as amended; or in connection with the Louisiana Offshore Oil Port (LOOP) for blocks 57 and 59, Grand Isle area. U.S. Corps of Engineers permits are required for construction of any artificial islands, installations, and other devices permanently or temporarily attached to the seabed located on the OCS in accordance with section 4(e) of the OCS Lands Act, as amended.

(c) Information on MOU with DOT on Pipelines. Bidders are advised that the Departments of the Interior and Transportation have entered into a Memorandum of Understanding dated May 6, 1976, concerning the design, installation, operation, and maintenance of offshore pipelines. Bidders should consult both Departments for regulations applicable to offshore pipelines.

(d) Information on Unitization. Bidders are advised that, in accordance with section 16 of each lease offered, the lessor may require a lessee to operate under a unit, pooling, or drilling agreement, and that the lessor will give particular consideration to requiring unitization in instances where one or more reservoirs underlie two or more leases with a different royalty rate or a net profit share payment.

(e) Information on 10-Year Leases. For those blocks identified as having lease terms with an initial period of 10 years, bidders are advised that pursuant to 30 CFR 250.34-1(a)(3), the lessee shall submit to the MMS either an exploration plan or a general statement of exploration intention prior to the end of the ninth lease year.

(f) Information on Affirmative Action. Revision of Department of Labor regulations on Affirmative Action requirements for Government contractors (including lessees) have been deferred, pending review of those regulations (see Federal Register of August 25, 1981, at 46 FR 42865 and 42968). Should changes become effective at any time before the issuance of leases resulting from this sale, section 10 of the lease form (Form MMS-2005, August 1982), would be deleted from leases resulting from this sale. In addition, existing stocks of the Affirmative Action forms described in paragraph 5 of this Notice contain language that would be superseded by the revised regulations at 41 CFR 60-1.5(a)(1) and 60-1.7(a)(1). Pending the issuance of revised versions of Forms 1140-7 and 1140-8, submission of Form 1140-7 (June 1982)

and Form 1140-8 (June 1982) will not invalidate an otherwise acceptable bid, and the revised regulations' requirements will be deemed to be part of the existing Affirmative Action forms.

(g) Information on Ordnance Disposal Areas. Bidders are cautioned as to the existence of two inactive ordnance disposal areas in the Mississippi Canyon area, as shown on map 1 described in paragraph 12. These areas were used to dispose of ordnance of unknown composition and quantity. The western-most area has not been used for over 15 years. Water depths in this area range from 750 to 1,525 meters. Bottom sediments in both areas are generally soft, consisting of silty clays. Exploration and development activities in these areas require precautions commensurate with the potential hazards.

The U.S. Air Force has released an indeterminable amount of unexploded ordnance throughout Eglin Water Test Areas 1 and 3. The exact location of the unexploded ordnance is unknown, and lessees are advised that all lease blocks included in this sale within these water test areas should be considered potentially hazardous to drilling and platform and pipeline placement.

(h) Information on Shallow Hazards. Federal regulation (30 CFR 250.34) requires a lessee to conduct shallow hazards and other geological and geophysical surveys that are necessary for the evaluation, of activities to be carried out under a proposed exploration or development/production plan or activities being carried out under an approved plan.

Data collection by the lessee on a lease, and when necessary, off a lease, will be analyzed and submitted by the lessee and then reviewed and, when necessary, reanalyzed by the RD to ensure that drilling, development, and production activities can be conducted in an acceptable manner with minimum risk or damage to human, marine, and coastal environments. Based on the review and analysis of the data received and other available data and information, the RD either approves or requires modification to an exploration or development/production plan or application for permit to drill, or recommends that the Director, MMS, temporarily prohibit or suspend the conduct of exploration or development/production activities, according to provisions of the OCS Lands Act, as amended, and appropriate regulations. Existing regulations authorize the RD to take whatever steps are necessary to assure safe operations offshore, whether shallow hazards are delineated before or after the lease sale.

(i) Information on Coastal Zone Management. Lessees are advised that the States of Mississippi and Alabama have expressed concern about the possible effects of drilling discharges on their coastal zones. The States may not concur in consistency certifications for exploration plans pursuant to section 307(c)(3) of the Coastal Zone Management Act unless, at minimum, there is monitoring of discharges proposed near State territorial waters.

(j) Information on Stipulation No. 5. Any lease subject to Stipulation No. 5 will be cancelled after 5 years, following notice pursuant to the OCS Lands Act, if, within the initial 5 year period of the lease, the drilling of an exploratory well has not been initiated, or if initiated,

the well has not been drilled in conformance with the approved exploration plan criteria, or there is not a suspension of operations in effect, etc. For further information, see the Federal Register Notice published April 3, 1985, subject: Notification of Outer Continental Shelf (OCS) Programwide Policy of Water-depth Criterion for Longer Primary Lease Terms for OCS Oil and Gas Leases.

15. OCS Orders. Operations on all leases resulting from this sale will be conducted in accordance with the provisions of all Gulf of Mexico OCS Orders, as of their effective dates, and any other applicable OCS Order as it becomes effective.

Wm. D. Bettenberg
Director, Minerals Management Service

Approved:

Donald Paul Hodel
Secretary of the Interior

[FR Doc. 85-9667 Filed 4-19-85; 8:45 am]
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federal register

Monday
April 22, 1985

Part V

Veterans Administration

38 CFR Parts 1 and 3

Adjudication of Claims Based on Exposure to Dioxin or Ionizing Radiation; Proposed Rules

VETERANS ADMINISTRATION

38 CFR Parts 1 and 3

Adjudication of Claims Based on Exposure to Dioxin or Ionizing Radiation

AGENCY: Veterans Administration.

ACTION: Proposed rules.

SUMMARY: The Veterans Administration (VA) proposes the following regulations to implement the "Veterans Dioxin and Radiation Exposure Compensation Standards Act," Pub. L. 98–542 (Oct. 24, 1984). The Act requires that the VA conduct rulemaking regarding its guidelines for the adjudication of compensation claims based upon disabilities or deaths of certain veterans who, while in military service, were exposed to ionizing radiation or herbicides containing dioxin. The stated purpose of the Act is to ensure compensation for "veterans who were exposed during service in the Armed Forces in the Republic or Vietnam to a herbicide containing dioxin or to ionizing radiation in connection with atmospheric nuclear tests or in connection with the American occupation of Hiroshima or Nagasaki, Japan, for all disabilities arising after that service that are connected, based on sound scientific and medical evidence, to such service."

DATES: Comments must be received on or before July 22, 1985. It is proposed to make these rules effective thirty days after date of publication of the final rules with the exception of § 3.813 which is proposed to be effective October 1, 1984, as required by law.

ADDRESSES: Interested persons are invited to submit written comments, suggestions, or objections regarding these rules to Administrator of Veterans Affairs (271A), Veterans Administration, 810 Vermont Avenue, NW., Washington, DC 20420. All written comments received will be available for public inspection only at the Veterans Services Unit, room 132, at the above address only between the hours of 8 a.m. and 4:30 p.m. Monday through Friday (except holidays) until August 5, 1985.

FOR FURTHER INFORMATION CONTACT: Robert M. White, Chief, Regulations Staff, Compensation and Pension Service, Department of Veterans Benefits (202) 389-3005.

SUPPLEMENTARY INFORMATION: The VA administers compensation programs for veterans disabled as a result of injuries or diseases incurred or aggravated during military service, and for survivors of veterans whose deaths result from such service connected causes. Monthly benefits are paid at statutory rates which vary with the level of disability or, for survivors, with the military pay grade of the deceased. Nearly two and one-quarter million veterans and 400,000 survivors are currently receiving these payments.

In certain cases, eligibility under these programs may arise if a veteran's disability or death can be traced to exposure, during military service, to ionizing radiation or dioxin. Under Pub. L. 98–542, VA is to set forth, for public comment, "guidelines and (where appropriate) standards and criteria" for its resolution of two categories of such claims: those based on exposure to herbicides containing dioxin (e.g., "Agent Orange") during service in the Republic of Vietnam, and those based on exposure to ionizing radiation in connection with participation in the atmospheric testing of nuclear weapons or the American occupation of Hiroshima or Nagasaki, Japan, at the close of World War II.

Section 5 of the new law specifies that regulations be issued to guide VA adjudication personnel in deciding the merits of these claims. The regulations are to ensure continuation of VA's current policy of granting claimants the benefit of the doubt when there is an approximate balance of positive and negative evidence regarding any material issue. The regulations are also to carry forward current policy of denying claims if the evidence makes clear that disability or death was caused by some post-service occurrence or resulted from the veteran's own willful misconduct.

These rules are to specify whether, and if so under what circumstances, certain diseases are to be recognized as connected to a veteran's exposure. The rules are to be grounded in "sound scientific and medical evidence." With respect to Vietnam veterans exposed to herbicides containing dioxin, the diseases for which rules must be issued are chloracne, porphyria cutanea tarda, and soft tissue sarcoma. For veterans exposed to ionizing radiation under the specified conditions, the diseases for which rules must be issued are leukemias, polycythemia vera, and malignancies of the thyroid, female breast, lung, bone, liver and skin. Additionally, the rules are to indicate how claims will be handled if based upon other diseases for which the Administrator finds there is sound scientific or medical evidence indicating a connection with such exposures.

In addition, the VA is to publish guidelines for its evaluation of studies into the health effects of exposure to ionizing radiation or herbicides containing dioxin, and give notice of these evaluations by publication in the **Federal Register.**

Section 6 of the Act authorizes a new "Veterans' Advisory Committee on Environmental Hazards." The 15-member committee, composed of an 11-member Scientific Council and 4 lay members, will formally consider these proposed regulations and may recommend changes before final rules are published. The panels of the Scientific Council are also responsible for advising the Administrator as to additional diseases to be covered by the regulations and respecting the study evaluations discussed above.

Finally, these regulations implement Section 9 of the Act, which authorizes "interim benefits" for certain Vietnam veterans.

Section 1.17 Study evaluations.

This section, to be added to Part 1 of 38 CFR Chapter I, relating to General Provisions, provides a formal process for the Agency's evaluations of scientific and medical studies relating to the possible adverse health effects of dioxin or radiation exposure. As contemplated by section 5(b) of the Act, the evaluations would be published from time to time in the "Notices" section of the **Federal Register.** In addition to statutory criteria—whether the findings are statistically significant, have withstood peer review, and are capable of replication—these evaluations would consider the views of the appropriate panel of the Scientific Council of the Advisory Committee and the significance of the study findings for veterans exposed to dioxin or ionizing radiation during military service.

"Statistical significance" is used by scientists and medical personnel to generalize the results of an investigation of a sample, e.g., laboratory experiment, an opinion poll, or an extensive "head count," to the relevant population. Tests for statistical significance estimate the chance that the investigation's results would have been achieved if the population had particular characteristics. The desired numerical value for statistical significance varies depending upon the information sought and how certain the scientists want to be that the results are not due to chance. Selection of these values depends upon the judgment of expert, qualified scientists, but in the absence of compelling evidence is based upon conventionally accepted numerical values.

"Peer review" is an accepted means of assuring scientific quality. It ordinarily

is performed by a group of a scientist's superiors or peers who review the research when it is completed to determine whether it has been properly conducted and whether the conclusions drawn are justified by the results obtained. Ordinarily the review groups are constituted within the scientist's organization, whether academic, governmental or private, often with participation by outside experts.

Section 3.102 Reasonable doubt policy.

This section of Part 3, Adjudication, is reworded and simplified. Since the 1920's, the purpose of the "reasonable doubt policy" has been to assure the resolution of close issues, material to the claim, in the claimant's favor whenever it is not unreasonable to do so.

Decisions on material issues—usually, issues that must be resolved in the claimant's favor if the benefit is to be granted—are made only after all available evidence has been assembled. If the evidence of record supports the claim and is adequately probative, there is no need for the application of the reasonable doubt policy. Conversely, if the evidence is insufficient to support the claim, the policy should not be applied. Entitlement should never be based on speculation or remote possibility. It sometimes happens, however, that the evidence supporting the claim is counterbalanced by other evidence that creates a reasonable doubt as to the claim's merits. In this type of situation, the reasonable doubt is to be resolved in the claimant's favor.

Section 5(a)(2) of the Act directs the Agency to assure that this policy, reformulated in section 2(13) of the Act, applies to dioxin and radiation exposure claims. Proposed new §§ 3.311a and § 3.311b (below) accordingly refer to § 3.102. To avoid possible confusion from alternative formulations, this regulatory proposal would realign the text of § 3.102 in accordance with the congressional reformulation. No substantive alteration of the "reasonable doubt" policy is intended.

Section 3.311a Dioxin rule.

This section, to be added to 38 CFR Part 3, provides guidelines and criteria for the resolution of veterans' claims based on exposure to a herbicide containing dioxin during military service in the Republic of Vietnam during the Vietnam era.

Background. Beginning in the 1940's, phenoxy herbicides were widely used in the United States and elsewhere by farmers, foresters, and homeowners. Herbicides were used during the Vietnam conflict to defoliate trees, remove ground cover, and destroy crops. Shipped in orange-striped barrels, Agent Orange was a liquid containing two chemicals, one of which, 2,4,5-trichlorophenoxyacetic acid (2,4,5-T), is contaminated during the manufacturing process by 2,3,7,8-tetrachlorodibenzo-p-dioxin, also known as TCDD or, more popularity, dioxin. The contaminant dioxin, first identified in the 1960's, is of special concern because studies have shown it to be highly toxic to certain animal species. More than 2.4 million United States military personnel served in Vietnam. Many were deployed in or near locations where Agent Orange was sprayed, and others—particularly the Ranch Hand group—participated in the spraying operations directly.

According to *The Toxicology, Environmental Fate, and Human Risk of Herbicide Orange and Its Associated Dioxin* (USAF Technical Report No. OEHL TR–78–92, 1978), about 10.6 million gallons of herbicides were sprayed in Vietnam, with a mean dioxin concentration of about 2 parts per million. During the 7-year period of Agent Orange use, about 3 million acres were sprayed at various times. The mean distribution of dioxin per acre is estimated at 0.00013 pounds (0.06 grams). Dioxin is photo-degradable, that is, it decomposes in sunlight. The soil concentration is estimated at 0.016 parts per billion.

There are other sources of human dioxin exposure besides Agent Orange, for example, exposure from industrial accidents, contaminated industrial wastes, farming and ranching herbicide applications, transportation accidents, and hexachloraphene, a germicidal agent widely used in the 1950's and 1960's.

Definitions. The term "dioxin" may refer to one of several chemicals. This section uses dioxin to refer only to 2,3,7,8-tetrachlorodibenzo-p-dioxin, the Agent Orange contaminant. Because some military personnel stationed elsewhere may have been present in the Republic of Vietnam, "service in the Republic of Vietnam" will encompass services elsewhere if the person concerned actually was in the Republic of Vietnam, however briefly.

The law requires these regulations to specify the circumstances under which service connection may be established for disability resulting from chloracne, porphyria cutanea tarda (PCT), or soft tissue sarcoma. These rules are to be based on sound scientific and medical evidence. In this section, "sound scientific evidence" consists of findings that are statistically significant, withstand peer review, and are capable of replication. "Sound medical evidence" means studies consonant with medical knowledge and conclusions on which medical treatment could be prudently based.

Exposure. In view of shifting personnel deployments, absence of on-site measurement of dioxin contamination and other factors, the Agency has adhered to a policy of presuming exposure if the veterans served in Vietnam during the relevant period. This section formalizes that existing policy.

Service connection. At the present time, there is sound scientific and medical evidence that chloracne, a skin disorder, can result from dioxin exposure. *See, e.g.*, Crow, K.D., Significance of Cutaneous Lesions in the Symptomatology of Exposure to Dioxins and Other Chloracnegens, in *Human and Environmental Risks of Chlorinated Dioxins and Related Compounds* (Tucker et al., ed., Plenum Press, 1983). Chloracne may subside spontaneously, but it can be a chronic condition. Industrial accident follow-up studies indicate that chloracne associated with dioxin exposure is manifest within days or weeks. This section provides that a veteran's disabling chloracne may be service connected if the first symptoms appeared within three months of the veteran's departure from the Republic of Vietnam.

PCT. Investigators concerned about the possible deleterious effects of Agent Orange exposure located studies of industrial accidents involving phenoxy chemicals in which some exposed individuals developed porphyria cutanea tarda (PCT). This is a relatively rare liver disorder also found in certain individuals who have a history of alcoholism. Further investigations have revealed that the PCT manifested in the industrial accidents occurred when workers were also exposed to hexachlorobenzene, a known potent cause of PCT. *See, e.g.*, Pazderova, et al., Chronic Intoxication by Chlorinated Hydrocarbons Formed During the Production of Sodium 2,4,5 trichlorophenoxyacetate, 26(9) *Proc. Lek.* 332 (1974), and Jones, R.E., Chelsky, M., Serrone, D.M., and Hillman, D.W., A Reassessment of the Evidence Linking Porphyria Cutanea Tarda to 2,3,7,8 tetrachlorodibenzo-p-dioxin (TCDD) Exposure (Submitted to *Human Pathology* for publication). Sound medical and scientific evidence does not support a causal association between dioxin exposure and the development of PCT. Hence, this section does not provide a basis for service connection, based on dioxin exposure, of a veteran's disabling PCT. *Soft tissue sarcomas.* Malignancies in the soft tissue sarcoma

category are relatively rare. While most of these malignancies are of unknown etiology, prolonged exposure to asbestos fibers is known to be a causative factor in the development of mesothelioma, sometimes classified as one of these sarcomas. Dioxin has not been shown to be a human carcinogen. Studies conducted in Sweden in the 1970's suggest a relationship between exposure to phenoxy herbicides and the subsequent development of soft tissue sarcomas, but studies published elsewhere, including studies in the United States, do not confirm the Swedish studies' hypothesis. See, e.g., Fingerhut et al., An Evaluation of Reports of Dioxin Exposure and Soft Tissue Sarcoma Pathology Among Chemical Workers in the United States, 10 *Scand. J. of Work, Enviroment and Health* 299 (1984), and Riihimaki, V., et al., Mortality of 2,4–D and 2,4,5–T Herbicide Applicators in Finland, 8 *Scand. J. of Work, Environment and Health* 37 (1982). At the present time, sound scientific and medical evidence does not afford a basis for a causal association between dioxin exposure and the development of malignancy of the soft tissue sarcoma group. Hence, this section does not provide for service connection, based on dioxin exposure, of disability resulting from these diseases.

Exceptions. This section provides that chloracne may not be established as service connected if the disability resulted from the veteran's own willful misconduct or there is a supervening, nonservice-connected cause of the disease.

Construction. Nothing in this section is to be construed as preventing the establishment of service connection for a disability that had its origin in military service. For example, a veteran suffering from PCT or a soft tissue sarcoma may establish service connection based on direct evidence that it existed in service or, in the case of a sarcoma, based on symptoms to a compensable degree within the one-year statutory presumptive period following discharge from service (see 38 U.S.C. §§301, 312).

Evaluations. This section provides for the appropriate use of study evaluations published in the "Notices" section of the **Federal Register.**

Section 3.311b Radiation rule.

This section provides guidelines and criteria for the resolution of claims for service connection of disabilities based on exposure to ionizing radiation as a result of participation in the atmospheric testing of nuclear weapons, the occupation of Hiroshima and Nagasaki, Japan, at the close of World War II, or other service activities. This section would replace existing § 3.311, which would be removed.

Background. Radiation exposures over which veterans have expressed greatest concern are those occurring during atmospheric nuclear testing and the occupation of Hiroshima and Nagasaki. From 1945 through 1962, the U.S. Atomic Energy Commission conducted some 235 atmospheric tests of nuclear weapons, principally in Nevada and the Pacific Ocean. Approximately 203,000 American military personnel participated in one or more of these tests.

To address concerns regarding possible health effects to test participants, the Defense Nuclear Agency (DNA) established the Nuclear Test Personnel Review (NTPR) program in 1977. Among the objectives of this program are identification of personnel involved in testing and compilation of available information on exposure levels. Extensive dose reconstruction has also been undertaken to calculate doses received by participating units and individuals and as a check on recorded dose information from film badges worn by test participants. Research conducted under the NTPR program indicates over 99 percent of atmospheric nuclear test participants reportedly received doses of 5 rem or less. To place this in perspective, 5 rem is the current Federal guideline for allowable annual radiation dose for radiation workers.

The bombings of Hiroshima and Nagasaki occurred in early August 1945. The first American occupation forces arrived in the vicinity of the Hiroshima bombing site 60 days after the bombing. Occupation forces arrived in Nagasaki 45 days after the bombing. Military records show that 11,000 men were billeted for at least a week during 1945–46 inside the city limits of Hiroshima and Nagasaki. Approximately 110,000 personnel spent at least one day within 10 miles of the city limits. An estimated 350,000 personnel were within 100 miles of Hiroshima and Nagasaki.

Substantial knowledge of residual radiation at these locations was derived from on-site surveys conducted shortly after the bombing and from extensive scientific reconstructions. Several factors, including the lapse of time between the bombing and the occupation, heavy rains during this period, the high burst altitude of the bombs used, and the brief duty tours of occupation participants combined to minimize exposure levels of the occupation forces. Analyses performed by the DNA indicate the highest radiation dose any occupation force participant could have received was less than one rem.

Ionizing radiation. Ionizing radiation is radiation having sufficient energy to free electrons from atoms. The resulting ions are capable of causing damage to human tissues. Ionizing radiation includes both electromagnetic radiation, e.g., gamma rays, and particulate radiation, e.g., alpha particles.

Exposure. Shifting personnel deployments, absence of on-site measurement of dioxin contamination and other factors make estimation of the extent of dioxin exposure for a particular veteran extremely difficult. In contrast, radiation exposure generally occurred in clearly defined areas on specific occasions, and measures were taken to monitor exposure levels. Thus, a veteran's in-service radiation dose can generally be estimated with relative precision. The proposed regulations define procedures for estimating radiation dose.

Procedures for service-connection determinations. Proposed § 3.311b is designed to ensure fairness to claimants and consistency and accuracy in the adjudication of radiation exposure claims. Procedures governing development of evidence, provisions presuming exposure in the absence of adequate records, use of outside experts and consultants, and reference to application of the reasonable-doubt standard are among the features of the proposed regulation designed to assure fair treatment of all claimants. Consistency and accuracy will be promoted by specification of minimum standards for extended consideration of claims and by clear definition of factors to be considered at each stage.

Under proposed § 3.311b(b), an initial review of claims based upon radiation exposure would be made in order to identify claims meriting further consideration under § 3.311b(c). The VA believes standards and criteria, *i.e.*, firm rules of decision, are appropriate in connection with this initial review.

Principles governing the disability compensation program preclude establishment of service connection, based upon radiation exposure, unless it can be concluded that exposure occurred as claimed. Further, the VA does not believe a claim merits extended consideration under proposed § 3.311b unless it involves a disease associated with radiation exposure. Proposed § 3.311b(b)(2) specifies those diseases which may be considered to result from radiation exposure. Finally, the proposed rule specifies that further consideration of a claim under § 3.311b is unnecessary if a veteran's disease

became manifest either before or after the period following exposure during which the disease, if related to exposure, would be expected to develop. Under the proposal, if these minimum criteria are met, further consideration of the claim under proposed § 3.311b will be accorded.

Proposed § 3.311b(c)(1) provides that claims meeting the initial review criteria will be referred to the Chief Medical Director. Under the proposed regulation, if the Chief Medical Director is convinced sound scientific and medical evidence supports the conclusion it is at least as likely as not the veteran's disease resulted from radiation exposure in service, the Chief Medical Director will provide the Chief Benefits Director with a written evaluation supporting this conclusion. If the Chief Medical Director determines there is no reasonable possibility the veteran's disease resulted from such exposure, he will so inform the Chief Benefits Director. For purposes of this section, the same definitions of sound scientific and medical evidence stated in proposed § 3.311a, pertaining to dioxin exposure, would apply.

In making determinations under proposed § 3.311b(c), the Chief Medical Director would consider the factors specified in proposed § 3.311b(e). These factors are intended as guidelines, or guidance to the decisionmaker, rather than standards or criteria. The VA considers proper claims resolution to require a balancing of these factors on a case-by-case basis. The factors specified are generally recognized in the medical and scientific literature as influencing the likelihood that a specific type of cancer is radiation induced. See, *e.g.*, Committee on the Biological Effects of Ionizing Radiations, *The Effects on Populations of Exposure to Low Levels of Ionizing Radiation: 1980* (BEIR III report). However, at present, the relative weight of these factors is not susceptible to precise definition.

Proposed § 3.311b(c)(2) provides for referral of a claim to a consultant outside the VA when the Chief Medical Director is unable to determine whether it is at least as likely as not, or that there is no reasonable possibility, the veteran's disease is due to radiation exposure in service. Under proposed § 3.311b(d), the Chief Medical Director would select the consultant after receiving the recommendation of the Director of the National Cancer Institute. The Chief Medical Director would ask the consultant to evaluate the claim using the factors specified in proposed § 3.311b(e) and provide an opinion as to whether it is likely, unlikely, or approximately as likely as not the veteran's disease resulted from exposure to radiation in service. The consultant's opinion would provide valuable evidence for consideration by the Agency.

In all cases, the VA's Department of Veterans Benefits would adjudicate the claim under generally applicable procedures. Adjudication officials would give due consideration to all evidence of record, including any consultant's opinion, and to the policy of resolving reasonable doubt in favor of the claimant. Appeals of adverse decisions could be taken to the Board of Veterans Appeals.

Proposed § 3.311b(a)(2) would provide for referral to the Department of Defense, for a dose estimate, all radiogenic-disease claims based on exposure during atmospheric nuclear weapons testing or during the occupation of Hiroshima and Nagasaki. In other claims where radiation exposure is alleged, the Chief Medical Director would review records bearing on the veteran's radiation dose and apply available methodologies in preparation of a dose estimate.

Under proposed § 3.311b(a)(3), if a claimant submits a radiation dose estimate from a credible source which differs materially from the estimate derived from official sources, an independent expert selected by the Director of the National Institutes of Health will be asked to prepare a separate dose estimate for consideration with all other evidence in adjudication of the claim. To assure this procedure will be invoked only where differing estimates have been prepared by qualified persons having a familiarity with the claim at issue, a dose estimate would be considered from a credible source only if it was prepared by a person or persons certified by an appropriate governing body in the field of nuclear medicine or radiology and was based on analysis of the facts and circumstances of the veteran's exposure.

The difference between a claimant's credible-source estimate and the dose estimate from official sources would ordinarily be considered material and require referral to an independent expert if one estimate is at least double the other. However, the VA intends flexibility in application of this provision based on the circumstances of the individual claim. It is anticipated that, in claims involving high doses, referral to an independent expert may be appropriate in some cases even though one dose estimate is less than double the other. Conversely, when both estimates are very low, referral may not be necessary where, although one estimate is double or more than double the other, the difference is too small to be of significance in adjudication of the claim.

Basis for criteria. The VA considers the proposed criteria for evaluation of radiation claims fully supported by sound scientific and medical evidence and consistent with the policy of resolving reasonable doubt in favor of the claimant. In light of such evidence, the VA has tentatively concluded that service connection based on radiation exposure may be established for each disease referred to in section 2(5) of Pub. L. 98–542, with the exception of polycythemia vera and chronic lymphatic leukemia. The BEIR III report, page 267, Table A–1, indicated chronic lymphatic leukemia has not been observed as resulting from radiation exposure. The VA intends to request the advice of the Veterans' Advisory Committee on Environmental Hazards as to whether sound scientific and medical evidence exists linking these and other diseases to radiation exposure and anticipates that additional diseases may be included in the regulation as radiogenic diseases in the future.

Studies reviewed in the BEIR III report do not suggest a causal connection between skin cancer and low dose levels of ionizing radiation. A connection between skin cancer and radiation exposure at high dose levels is well-established, and skin cancer has, therefore, been included as a radiogenic disease in proposed § 3.311b(b)(2). The VA notes the apparent absence of sound scientific and medical evidence supporting an association between skin cancer and exposure to low levels of ionizing radiation.

The proposed regulations state that sound scientific and medical evidence does not establish a connection between polycythemia vera and radiation exposure. One study (Glyn G. Caldwell, et al., *Polycythemia Vera Among Participants of a Nuclear Weapons Test*, Journal of the American Medical Association, Vol. 252, pp. 662–664 (1984)) of the health and mortality of participants in the "Smoky" atmospheric nuclear test found a greater than expected incidence of polycythemia vera among test participants. However, the lack of other supporting documentation suggests the apparent excess of polycythemia vera cases may have resulted from chance or misdiagnosis. Despite the proposed exclusion of polycythemia vera from the list of radiogenic diseases in § 3.311b(b)(2), service connection may nonetheless be established under generally applicable adjudication

regulations for polycythemia vera becoming manifest during a veteran's period of service.

In order to provide every reasonable consideration to veterans seeking to establish service connection, the VA has proposed use in § 3.311b(b)(4) of the broadest periods of expected incidence supported by sound scientific and medical opinion. In particular, the BEIR III report stated that excess leukemias and bone cancers have been observed within 2 to 4 years after radiation exposure, but that evidence indicates the increased risk of these cancers becomes negligible 25 to 30 years after irradiation. The report goes on to state that, for all other radiation induced cancers reviewed, the minimal latent period is 10 years or more, and there is no indication increased cancer risk eventually declines. See BEIR III report, page 193.

Probability-of-Causation Tables. The Orphan Drug Act, Pub. L. 97–414, 7(b), 96 Stat. 2049, 2060 (1983), directed the Department of Health and Human Services (HHS) to develop and update radioepidemiological tables relating to the probability that certain cancers could result from prior exposure to radiation. The resulting tables have only recently become available.

Because of a lack of data regarding the health effects of low-level radiation exposure, the reliability of any such tables at the lower doses and for certain cancers would be open to some question. In fact, the VA notes that the Ad Hoc Working Group which developed these tables identified many significant sources of uncertainty associated with the tables. *Report of the National Institutes of Health Ad Hoc Working Group to Develop Radioepidemiological Tables* 79–115 (1986). Therefore, the proposed regulations do not adopt the use of the HHS tables, but VA has sought the guidance of the Committee on Interagency Radiation Research and Policy Coordination (CIRRPC) of the Federal Coordinating Council for Science, Engineering and Technology (FCCSET) in order to asses the potential utility of employing the tables in some fashion to adjudicate veterans' compensation claims. The Veterans' Advisory Committee on Environmental Hazards will also be asked for its views on this subject.

Section 3.813 Special interim benefits.

This section implements section 9 of the Act. A Vietnam veteran disabled from chloracne or PCT would be eligible for special interim benefits if the disease became manifest within one year of the veteran's departure from Vietnam. Interim benefits would be payable for the two-year period beginning October 1, 1984, at the same rate as compensation for service-connected disability. If the veteran died from the disease, the survivors would be eligible for interim benefits, paid like dependency and indemnity compensation. Interim benefits would not be payable if there is affirmative evidence that the disease was precipitated by a known cause that occurred after the veteran's departure from the Republic of Vietnam. Also, interim benefits would not be payable if the veteran (or survivor) is receiving compensation for disability (or death) resulting from the chloracne of PCT.

Regulatory Evaluations

The Administrator hereby certifies that these proposed regulations do not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act, U.S.C. 601–612. Therefore, pursuant to 5 U.S.C. 605(b), these proposed regulations are exempt from the initial and final regulatory flexibility analyses requirements of section 603 and 604. The reason for this certification is that these regulations impose no regulatory burdens on small entities, and only claimants for VA benefits will be directly affected.

In accordance with Executive Order 12291, Federal Regulation, the VA has determined that these proposed regulations are non-major for the following reasons: (1) They will not have an effect on the economy of $100 million or more; (2) They will not cause a major increase in costs or prices; (3) They will not have significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

List of Subjects in 38 CFR Part 3

Administrative practice and procedure, Claims, Handicapped, Health care, Pensions, Veterans.

The Catalog of Federal Domestic Assistance program numbers are 64.109 and 64.110.

Approved: April 12, 1985.

Harry N. Walters,

Administrator.

38 CFR Part 1, GENERAL and Part 3, ADJUDICATION, are amended as follows:

PART 1—[AMENDED]

1. Part 1 is amended by adding a new § 1.17 to read as follows:

§ 1.17 Evaluation of studies relating to health effects of dioxin and radiation exposure.

(a) From time to time, the Administrator shall publish evaluations of scientific or medical studies relating to the adverse health effects of exposure to 2,3,7,8 tetrachlorodibenzo-p-dioxin or ionizing radiation in the "Notices" section of the **Federal Register.**

(b) Factors to be considered in evaluating scientific studies include:

(1) Whether the study's findings are statistically significant and replicable.

(2) Whether the study and its findings have withstood peer review.

(3) Whether the study methodology has been sufficiently described to permit replication of the study.

(4) Whether the study's findings are applicable to the veteran population of interest.

(5) The views of the appropriate panel of the Scientific Council of the Veterans' Advisory Committee on Environmental Hazards.

(Pub. L. 98–542)

PART 3—[AMENDED]

2. Part 3 is amended by revising § 3.102, by removing and reserving § 3.311 and by adding new §§ 3.311a, 3.311b and 3.813 so that the new and revised material reads as follows:

§ 3.102 Sufficiency of the evidence: benefit of reasonable doubt to the claimant.

The policy of the VA in adjudicating claims is to administer the law under a broad interpretation, consistent with the facts shown in each claim. Evidence supporting the claimant's position must be sufficient to justify a belief in a fair and impartial mind that the claim is well grounded. Entitlement to benefits may not be based on pure speculation or remote possibility. When, after consideration of all evidence of record, there is an approximate balance of positive and negative evidence regarding the merits of an issue material to a claim, the benefit of the doubt in resolving that issue shall be given to the claimant.

(38 U.S.C. 210(c))

§ 3.311a Claims based on exposure to herbicides containing dioxin during service in the Republic of Vietnam.

(a) *Definitions.* For purposes of this section:

(1) "Service in the Republic of Vietnam" includes service in the waters

offshore and service in other locations, if the conditions of service involved duty or visitation in the Republic of Vietnam.

(2) "Dioxin" means 2,3,7,8 tetrachlorodibenzo-p-dioxin.

(3) "Sound scientific evidence" means observations, findings, or conclusions which are statistically significant, are capable of replication, and withstand peer review.

(4) "Sound medical evidence" means observations, findings, or conclusions which are consistent with current medical knowledge and are so reasonable and logical as to serve as the basis for management of a medcial condition.

(b) *Presumption of exposure.* A veteran who served in the Republic of Vietnam during the Vietnam era shall be presumed to have been exposed to a herbicide containing dioxin while in Vietnam. The commencement date of any period specified in paragraph (c) of this section shall be the day of the veteran's latest departure from the Republic of Vietnam during such service.

(c) *Service-connection based on dioxin exposure.* Except as provided in paragraph (e) of this section, exposure to dioxin together with the development of the following disease within the period specified is sufficient to establish service-connection for resulting disability: Chloracne manifested not later than three months from the date of exposure.

(d) *Diseases not associated with dioxin exposure.* Sound scientific and medical evidence does not establish a cause and effect relationship between dioxin exposure and the following:

(1) Porphyria cutanea tarda.

(2) Soft tissue sarcomas.

(3) Any other disease not specified in paragraph (c) of this section.

(e) *Exceptions.* Service-connection will not be established if the claimed disease is due to the veteran's own willful misconduct or there is affirmative evidence that establishes a nonservice-related supervening condition or event as the cause of the disease.

(f) *Study evaluations.* In the adjudication of individual claims, due consideration shall be given to the evaluations of study findings published pursuant to § 1.17 of this title.

(g) *Service-connection under other provisions.* Nothing in this section will be construed to prevent the establishment of service-connection for any disease or disorder shown by sound scientific or medical evidence to have been incurred in or aggravated by active service.

(h) *Reasonable doubt doctrine.* With regard to any issue material to the determination of an individual claim, the provisions of § 3.102 of this title shall apply.

(Pub. L. 98-542)

§ 3.311b Claims based on exposure to ionizing radiation.

(a) *Determinations of exposure and dose*—(1) *Dose assessment.* In all claims in which it is established that a radiogenic disease, listed in paragraph (b) (2) of this section, first became manifest after service and was not manifest to a compensable degree within any applicable presumptive period as specified in § 3.307, and it is contended the disease is a result of exposure to ionizing radiation in service, an assessment will be made as to the size and nature of the radiation dose or doses.

(2) *Request for dose information.* Where necessary pursuant to paragraph (a) (1) of this section, dose information will be requested as follows:

(i) *Atmospheric nuclear weapons test-participation claims.* In claims based upon participation in atmospheric nuclear testing, dose data will in all cases be requested from the appropriate office of the Department of Defense.

(ii) *Hiroshima and Nagasaki occupation claims.* In all claims based on participation in the American occupation of Hiroshima or Nagasaki, Japan, prior to July 1, 1946, dose data will be requested from the Department of Defense.

(iii) *Other exposure claims.* In all other claims involving radiation exposure, a request will be made for the veteran's Record of Occupational Exposure to Ionizing Radiation (DD Form 1141), if maintained, service medical records, and other records which may contain information pertaining to the veteran's radiation dose in service. All such records will be forwarded to the Chief Medical Director, who will be responsible for preparation of a dose estimate, to the extent feasible, based on available methodologies.

(3) *Referral to independent expert.* When necessary to reconcile a material difference between an estimate of dose, from a credible source, submitted by or on behalf of a claimant, and dose data derived from official military records, the estimates and supporting documentation shall be referred to an independent expert, selected by the Director of the National Institutes of Health, who shall prepare a separate radiation dose estimate for considerational in adjudication of the claim. For purposes of this paragraph:

(i) The difference between the claimant's estimate and dose data derived from official military records shall ordinarily be considered material if one estimate is at least double the other estimate.

(ii) A dose estimate shall be considered from a "credible source" if prepared by a person or persons certified by an appropriate governing body in the field of nuclear medicine or radiology and if based on analysis of the facts and circumstances of the particular claim.

(4) *Exposure.* In cases described in paragraph (a) (2) (i) and (a) (2) (ii) of this section:

(i) If military records do not establish presence at or absence from a site at which exposure to radiation is claimed to have occurred, the veteran's presence at the site will be conceded.

(ii) Neither the veteran nor the veteran's survivors may be required to produce evidence substantiating exposure if the information in the veteran's service records or other records maintained by the Department of Defense is consistent with the claim that the veteran was present where and when the claimed exposure occurred.

(b) *Initial review of claims.* (1) When it is determined:

(i) A veteran was exposed to ionizing radiation as a result of participation in the atmospheric testing of nuclear weapons; the occupation of Hiroshima or Nagasaki, Japan, from September 1945 until July 1946; or other activities as claimed;

(ii) The veteran subsequently developed a radiogenic disease specified in paragraph (b)(2) of this section; and

(iii) Such disease first became manifest within the period specified in paragraph (b)(4) of this section; before its adjudication the claim will be referred to the Chief Medical Director for further consideration in accordance with paragraph (c) of this section. If any of the foregoing 3 requirements has not been met, it shall not be determined that a disease has resulted from exposure to ionizing radiation under such circumstances. (But see paragraph (h) of this section.)

(2) For purposes of paragraphs (a)(1) and (b)(1) of this section, "radiogenic disease" shall include only the following:

(i) All forms of leukemia except chronic lymphatic leukemia;

(ii) Thyroid cancer;

(iii) Female breast cancer;

(iv) Lung cancer;

(v) Bone cancer;

(vi) Liver cancer; and

(viii) Skin cancer.

(3) For purposes of paragraphs (a)(1) and (b)(1) of this section, "radiogenic disease" shall not include polycythemia vera.

(4) For purposes of paragraph (b)(1) of this section:

(i) Leukemias and bone cancer must become manifest more than 2 years but less than 30 years after exposure;

(ii) Other forms of cancer specified in paragraph (b)(2) of this section must become manifest 10 years or more after exposure.

(c) *Review by Chief Medical Director.* (1) When a claim is forwarded for review pursuant to paragraph (b)(1) of this section, the Chief Medical Director shall consider the claim with reference to the factors specified in paragraph (e) of this section.

(i) If after such consideration the Chief Medical Director is convinced sound scientific and medical evidence supports the conclusion it is at least as likely as not the veteran's disease resulted from exposure to radiation in service, the Chief Medical Director shall so inform the Chief Benefits Director in writing. The Chief Medical Director shall set forth the rationale for this conclusion, including an evaluation of the claim under the applicable factors specified in paragraph (e) of this section.

(ii) If the Chief Medical Director determines there is no reasonable possibility that the veteran's disease resulted from radiation exposure in service, the Chief Medical Director shall so inform the Chief Benefits Director in writing, setting forth the rationale for this conclusion.

(2) If the Chief Medical Director is unable to conclude whether it is at least as likely as not, or that there is no reasonable possibility, the veteran's disease resulted from radiation exposure in service, the Chief Medical Director shall refer the matter to an outside consultant in accordance with paragraph (d) of this section.

(3) For purposes of paragraph (c)(1) of this section, "sound scientific evidence" means observations, findings, or conclusions which are statistically significant, are capable of replication, and withstand peer review, and "sound medical evidence" means observations, findings, or conclusions which are consistent with current medical knowledge and are so reasonable and logical as to serve as the basis of management of a medical condition.

(d) *Referral outside consultants.* (1) Referrals pursuant to paragraph (c) of this section shall be to consultants selected by the Chief Medical Director from outside the VA, upon the recommendation of the Director of the National Cancer Institute. The consultant will be asked to evaluate the claim and provide an opinion as to the likelihood the disease is a result of exposure as claimed.

(2) The request for opinion shall be in writing and shall include a description of:

(i) The disease, including the specific cell type and stage, if known, and when the disease first became manifest;

(ii) The circumstances, including date, of the veteran's exposure;

(iii) The veteran's age, gender, and pertinent family history;

(iv) The veteran's history of exposure to known carcinogens, occupationally or otherwise;

(v) Evidence of any other effects radiation exposure may have had on the veteran; and

(vi) Any other information relevant to determination of causation of the veteran's disease.

The Chief Medical Director shall forward, with the request, copies of pertinent medical records and, where available, dose assessments from official sources, from credible sources as defined in paragraph (a)(3)(ii) of this section, and from an independent expert pursuant to paragraph (a)(3) of this section.

(3) The consultant shall evaluate the claim under the factors specified in paragraph (e) of this section and respond in writing, stating whether it is either likely, unlikely, or approximately as likely as not the veteran's disease resulted from exposure to ionizing radiation in service. The response shall set forth the rationale for the consultant's conclusion, including the consultant's evaluation under the applicable factors specified in paragraph (e) of this section. The Chief Medical Director shall review the consultant's response and transmit it with any comments to the Chief Benefits Director for use in adjudication of the claim.

(e) *Factors for consideration.* Factors to be considered in determining whether a veteran's disease resulted from exposure to ionizing radiation in service include:

(1) The probable dose, in terms of dose type, rate and duration as a factor in inducing the disease, taking into account any known limitations in the dosimetry devices employed in its measurement or the methodologies employed in its estimation;

(2) The relative sensitivity of the involved tissue to induction, by ionizing radiation, of the specific pathology;

(3) The veteran's gender and pertinent family history;

(4) The veteran's age at time of exposure;

(5) The time-lapse between exposure and onset of the disease; and

(6) The extent to which exposure to radiation, or other carcinogens, outside of service may have contributed to development of the disease.

(f) *Adjudication of claim.* The determination of service connection will be made under the generally applicable provisions of this part, giving due consideration to all evidence of record, including any evaluation by the Chief Medical Director or an outside consultant, and to the evaluations published pursuant to § 1.17 of this title. Notwithstanding any determination under paragraph (c)(1) of this section, the Chief Benefits Director may request that the Chief Medical Director refer any claim to an outside consultant. With regard to any issue material to consideration of a claim, the provisions of § 3.102 of this title apply.

(g) *Willful misconduct and supervening cause.* In no case will service connection be established if the disease is due to the veteran's own willful misconduct, or if there is affirmative evidence to establish that a supervening, nonservice-related condition or event is more likely the cause of the disease.

(h) *Service connection otherwise established.* Nothing in this section will be construed to prevent the establishment of service connection for any injury or disease otherwise shown by sound scientific or medical evidence to have been incurred or aggravated as a result of active service.

(Pub. L. 98–542)

§ 3.813 Interim benefits for disability or death due to chloracne or porphyria cutanea tarda.

(a) *Disability benefits.* Except as provided in paragraph (c) of this section, a veteran who served in the active military, naval or air service in the Republic of Vietnam during the Vietnam era, and who suffers from chloracne or porphyria cutanea tarda which became manifest within one year after the date of the veteran's most recent departure from the Republic of Vietnam during such service, shall be paid interim disability benefits under this section in the same manner and to the same extent that compensation would be payable if such disabilities were service-connected.

(b) *Death benefits.* Except as provided in paragraph (c) of this section, if a veteran described in paragraph (a) of this section dies as a result of chloracne or porphyria cutanea tarda, the

veteran's survivors shall be paid interim death benefits under this section based upon the same eligibility requirements and at the same rates that dependency and indemnity compensation would be payable if the death were service-connected.

(c) *Exceptions.* Benefits under this section are not payable for any month for which compensation or dependency and indemnity compensation is payable for the same disability or death, nor are benefits payable under this section (1) when there is affirmative evidence that the disease was not incurred by the veteran during service in the Republic of Vietnam during the Vietnam era, (2) when there is affirmative evidence to establish that an intercurrent injury or disease, which is a recognized cause of the disease for which benefits are being claimed, was suffered by the veteran between the date of the veteran's most recent departure from the Republic of Vietnam during active military, naval or air service and the onset of the claimed disease, or (3) if it is determined, based on evidence in the veteran's service records and other records provided by the Secretary of Defense, that the veteran was not exposed to dioxin during active military, naval or air service in the Republic of Vietnam during the Vietnam era.

(d) *Similarity to service-connected benefits.* For purposes of all laws administered by the VA (except chapters 11 and 13 of Title 38, United States Code), a disease establishing eligibility for disability or death benefits under this section shall be treated as if it were service-connected, and the receipt of disability or death benefits shall be treated as if such benefits were compensation or dependency and indemnity compensation, respectively.

(e) *Effective dates.* Benefits under this section may not be paid for any period prior to October 1, 1984, nor for any period after September 30, 1986.

(Pub. L. 98-542) (Oct. 1, 1984)

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Monday, April 22, 1985

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Food Grades and Standards
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Hazardous Waste
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Income Taxes
Internal Revenue Service

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Presidential Documents

Title 3—

The President

Proclamation 5321 of April 19, 1985

Jewish Heritage Week, 1985

By the President of the United States of America

A Proclamation

Those who set out to describe Jewish contributions to Western Civilization soon learn how enormous is their task. The Jewish people have contributed to the West its fundamental spiritual values. They introduced the world to monotheism and to the high ethical principles expressed in the Ten Commandments and the writings of the Prophets. The other great religions of the West—Christianity and Islam—can recognize their roots in Judaism. Western literature owes many of its most inspiring themes and allusions to the Hebrew Bible. Great Jewish thinkers—from Philo of Alexandria, to Maimonides and Saadya Gaon, to Spinoza and Martin Buber—have engaged in powerful symbiotic dialogue with Christian and Muslim writers to add vital insights to the Western philosophical tradition. In addition, individual Jews have made extraordinary contributions to the arts, literature, sciences, and humanities.

Yet throughout history the Jewish people have endured countless bloody massacres from the Inquisition to pogroms throughout Europe. None of these remotely approaches the genocidal undertaking of the Nazis who planned the wholesale destruction of European Jewry. In our own time this plan was conceived and, before we could stop it, it had taken the lives of six million Jewish men, women, and children.

Even as we herald the glory of the Jewish heritage, we commemorate as well Jewish suffering in this era. It is up to us to show the way out of this shameful cycle. We must remember the sins of the past and rededicate ourselves to shaping a future marked by tolerance, respect, and compassion. We must rededicate ourselves to the proposition that the Holocaust will remain a solitary horror and that its like will never be repeated.

Jews throughout the world have just celebrated Passover, the holiday that marks the Exodus from Egypt and the deliverance from slavery. The Jewish people came forth from the house of bondage and flowered with an abundance of creativity which has maintained itself until the present day. We learn from this that the emergence from slavery to freedom can release powers hidden within the human spirit, as the Jewish people have once again shown since the end of the Nazi terror. The faith in God and in the Jewish people which sustained them through these tribulations has infused new life into the Jewish communities in America and the State of Israel.

In recognition of the special significance of this time of year for America's Jews, in tribute to the contributions they have made to American life, and in an effort to foster understanding and appreciation of the cultural diversity that has made America a unique society, the Congress, by Senate Joint Resolution 17, has designated April 21 through April 28, 1985, as "Jewish Heritage Week" and authorized and requested the President to issue a proclamation in observance of this event.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim April 21 through April 28, 1985, as Jewish Heritage Week. I call upon the people of the United States, Federal, State, and local government officials, and interested organizations to observe that week with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this 19th day of April, in the year of our Lord nineteen hundred and eighty-five, and of the Independence of the United States of America the two hundred and ninth.

Ronald Reagan

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Editorial note: For the President's remarks of Apr. 19, 1985, on signing Proclamation 5321, see the *Weekly Compilation of Presidential Document* (vol. 21, no. 16).

Presidential Documents

Proclamation 5322 of April 19, 1985

Victims of Crime Week, 1985

By the President of the United States of America

A Proclamation

The primary function of a government is to ensure that its citizens can live safely in their communities. Yet each year millions of our citizens face the reality of violent crime, and their lives are forever changed by these acts. Many are afraid to leave their homes after dark. Others are barricaded inside with multiple locks on their doors and steel bars on their windows.

The strength of our justice system depends, in large part, upon the willingness of the innocent victims of crime to cooperate with it. Unless victims participate in the judicial process, society cannot punish criminals and prevent them from committing more crimes. While we need the help of innocent victims, they in turn deserve our support. They do not ask for pity. They ask only for our support as they recover from an unexpected, unwanted, and undeserved trauma.

After decades when most concern was focused on the rights of criminals, the public has recognized that the victims of criminals have rights also. Guided by the recommendations of the President's Task Force on Victims of Crime, my Administration is striving to ensure fair treatment for innocent victims. We are working with national organizations, as well as State and local agencies, to help people whose lives have been shattered through no fault of their own.

One of the most encouraging developments in this regard was the passage of the Victims of Crime Act of 1984, which offers unprecedented assistance to States to meet some of the needs of the targets of violent behavior. We have examined in particular the plight of people who are assaulted by people they know and trust, and we have proposed reforms to assure them the full protection of the law. It is the nature of the crime, not the relationship of the victim to the offender, that should guide the actions of the justice system.

We may reduce the frequency of violent crime, but we will never eliminate it. Every year millions of our fellow citizens will face it for the first time, and millions more will continue to face the daily challenge of lives forever changed by it. As citizens of a Nation promising justice for all, they must be treated with respect and compassion.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim the week beginning April 14, 1985, as Victims of Crime Week. I commend those innocent victims who have turned their anguish into action to protect their fellow citizens. I urge officials at all levels of government to give special attention to the burdens crime victims face. I ask that all Americans listen and respond to the needs of crime victims, who urgently require and deserve our support.

IN WITNESS WHEREOF, I have hereunto set my hand this 19th day of April, in the year of our Lord nineteen hundred and eighty-five, and of the Independence of the United States of America the two hundred and ninth.

Ronald Reagan

[FR Doc. 85-9898
Filed 4-19-85; 4:27 pm]
Billing code 3195-01-M

Editorial note: For the President's remarks of Apr. 19, 1985, on signing Proclamation 5322, see the *Weekly Compilation of Presidential Documents* (vol. 21, no. 16).

Rules and Regulations

Federal Register
Vol. 50, No. 78
Tuesday, April 23, 1985

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 52

United States Standards for Grades of Extracted Honey

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: The purpose of this final rule is to revise the voluntary U.S. Standards for Grades of Extracted Honey. This revised rule was developed by the United States Department of Agriculture (USDA) at the request of major segments of the honey industry. This rule will: (1) Provide for the addition of a style for strained honey; (2) expand and update the values for soluble solids; (3) remove the screen test method for the determination of defects; (4) change the tolerance for color designations to be in line with the tolerance for grade determinations; (5) replace dual grade nomenclature with single letter grade designations; (6) change the format of the standards to include definitions of terms and easy to read tables; and (7) incorporate minor editorial changes. Its effect will be to improve the standards and promote orderly and efficient marketing of extracted honey.

EFFECTIVE DATE: May 23, 1985.

FOR FURTHER INFORMATION CONTACT: Floyd M. Haugen, Processed Products Branch, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, DC. 20250, Telephone (202) 447–6247.

SUPPLEMENTARY INFORMATION: This rule has been reviewed under USDA procedures and Executive Order 12291 and has been designated as a "nonmajor" rule. It will not result in an annual effect on the economy of $100 million or more. There will be no major increase in cost or prices to consumers; individual industries; Federal, State, or local government agencies; or geographic regions. It will not result in significant effects on competition, employment, investments, productivity, innovations, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

William T. Manley, Deputy Administrator, Agricultural Marketing Service, has certified that this action will not have a significant economic impact on a substantial number of small entities, as defined in the Regulatory Flexibility Act, Pub. L. 96–354 (5 U.S.C. 601), because it reflects current marketing practices.

The present grade standards for extracted honey were last revised in 1951 with no specific provisions for alternate styles. Recent marketing trends indicate a need for a style of product resembling natural honey after extraction from the comb. With this style, clarification by extensive filtering would not be necessary. The current grade standards provide no quality designations that apply to this less clarified style without seriously penalizing the grade. Honey producers, through the Honey Industry Council of America, Incorporated, have requested the USDA to revise the voluntary U.S. Standards for Grades of Extracted Honey with provisions for a new style.

On November 1, 1984, a proposed rule was published in the **Federal Register** (49 FR 43970) that provided for the retention of the present style of "filtered" honey and established an additional style of "strained" honey permitting pollen grains and other fine particles in the product. Other provisions of the proposal included expanding and updating the values for soluble solids, removal of the screen test method for the determination of defects, changing the tolerance for color designations to be in line with the tolerance for grade determinations, replacing dual grade nomenclature with single letter grade designations, and changing the format of the standards to include definitions of terms and easy to read tables.

Two comments were received in response to the proposed rule. Both comments were favorable. Honey packer and producer, Tropical Blossom Honey Company, Incorporated, supported the revision which provides for the additional style of "strained" honey. The new style permits honey to be processed with small grains of pollen retained in the product. Honey for the domestic market could then be processed the same as is presently done for the export market. The company stated that the Common Market and most foreign countries require pollen to be present in honey, since pollen types can be identified and used as an aid in the identification of the honey's floral source. The company further commented that the standard for the domestic honey pack will be improved as a result of the presence of pollen.

The second comment, from the American Beekeeping Federation, Incorporated, confirmed the need for an additional style of "strained" honey. No adverse comments about the proposal were received from the Federation's members who believe they are being penalized by the grade standards presently in effect.

The proposed revision stated the recommended sample unit size for the determination of color designation be 60 grams (2.1 ounces). With more than one USDA approved device permitted for the determination of color, the amount of product recommended for examination may vary, depending on the device used. To assure an adequate amount of product is available for color analysis, the recommended sample unit size for the determination of color designations should be the amount of product required to adequately fill a color comparator cell of any approved device used for the determination of honey color. The change is reflected in this rule.

List of Subjects in 7 CFR Part 52

Processed Fruits and Vegetables, Food Grades and Standards.

PART 52—[AMENDED]

According, the Subpart-United States Standards for Grades of Extracted Honey (presently consisting of 7 CFR 52.1391 through 52.1404) is revised and redesignated as 7 CFR 52.1391 through 52.1405 to read as follows:

Subpart—United States Standards for Grades of Extracted Honey

Sec.

52.1391 Product description.
52.1392 Types.

Sec.
52.1393 Styles.
52.1394 Definitions of terms.
52.1395 Recommended sample unit sizes.
52.1396 Recommended fill of container.
52.1397 Color.
52.1398 Color designations.
52.1399 Tolerance for the designations of color of officially drawn samples.
52.1400 Grades.
52.1401 Determining the grade.
52.1402 Determining the rating for each factor.
52.1403 Requirements for grades.
52.1404 Sample size.
52.1405 Determining the grade of a lot.

Authority: Agricultural Marketing Act of 1946, Secs. 203, 205, 60 Stat. 1087, as amended 1090, as amended (7 U.S.C. 1622, 1624).

§ 52.1391 Product description.

Extracted honey (hereinafter referred to as honey) is honey that has been separated from the comb by centrifugal force, gravity, straining, or by other means.

§ 52.1392 Types.

The type of extracted honey is not incorporated in the grades of the finished product since the type of extracted honey, as such, is dependent upon the method of preparation and processing, and therefore is not a factor of quality for the purpose of these grades. Extracted honey may be prepared and processed as one of the following types:

(a) *Liquid honey.* Liquid honey is honey that is free from visible crystals.

(b) *Crystallized honey.* Crystallized honey is honey that is solidly granulated or crystallized, irrespective of whether candied, fondant, creamed, or spread types of crystallized honey.

(c) *Partially crystallized honey.* [Partially crystallized honey is honey that is a mixture of liquid honey and crystallized honey.

§ 52.1393 Styles.

(a) *Filtered.* Filtered honey is honey of any type defined in these standards that has been filtered to the extent that all or most of the fine particles, pollen grains, air bubbles, or other materials normally found in suspension, have been removed.

(b) *Strained.* Strained honey is honey of any type defined in these standards that has been strained to the extent that most of the particles, including comb, propolis, or other defects normally found in honey, have been removed. Grains of pollen, small air bubbles, and very fine particles would not normally be removed.

§ 52.1394 Definitions of terms.

As used in these U.S. standards, unless otherwise required by the context, the following terms shall be construed, respectively, to mean:

(a) *Absence of defects* means the degree of freedom from particles of comb, propolis, or other defects which may be in suspension or deposited as sediment in the honey. Classifications for the factor of quality, absence of defects, are:

(1) *Practically free*—the honey contains practically no defects that affect the appearance or edibility of the product.

(2) *Reasonably free*—the honey may contain defects which do not materially affect the appearance or edibility of the product.

(3) *Fairly free*—the honey may contain defects which do not seriously affect the appearance or edibility of the product.

(b) *Air bubbles* mean small visible pockets of air in suspension that may be numerous in the honey and contribute to the lack of clarity in filtered style.

(c) *Aroma* means the fragrance or odor of the honey.

(d) *Clarity* means, with respect to filtered style only, the apparent transparency or clearness of honey to the eye and to the degree of freedom from air bubbles, pollen grains, or other fine particles of any material suspended in the product. Classifications for the factor of quality, clarity, are:

(1) *Clear*—the honey may contain air bubbles which do not materially affect the appearance of the product and may contain a trace of pollen grains or other finely divided particles of suspended material which do not affect the appearance of the product.

(2) *Reasonably clear*—the honey may contain air bubbles, pollen grains, or other finely divided particles of suspended material which do not materially affect the appearance of the product.

(3) *Fairly clear*—the honey may contain air bubbles, pollen grains, or other finely divided particles of suspended material which do not seriously affect the appearance of the product.

(e) *Comb* means the wax like cellular structure that bees use for retaining their brood or as storage for pollen and honey. Fine particles of comb in suspension are defects and contribute to the lack of clarity in filtered style.

(f) *Crystallization* means honey in which crystals have been formed.

(g) *Flavor and aroma* means the degree of taste excellence and aroma for the predominant floral source. Classifications for the factor of quality, flavor and aroma, are:

(1) *Good flavor and aroma for the predominant floral source*—the product has a good, normal flavor and aroma for the predominant floral source or, when blended, a good flavor for the blend of floral sources and the honey is free from caramelized flavor or objectionable flavor caused by fermentation, smoke, chemicals, or other causes with the exception of the predominant floral source.

(2) *Reasonably good flavor and aroma for the predominant floral source*—the product has a reasonably good, normal flavor and aroma for the predominant floral source or, when blended, a reasonably good flavor for the blend of floral sources and the honey is practically free from caramelized flavor and is free from objectionable flavor caused by fermentation, smoke, chemicals, or other causes with the exception of the predominant floral source.

(3) *Fairly good flavor and aroma for the predominant floral source*—the product has a fairly good, normal flavor and aroma for the predominant floral source or, when blended, a fairly good flavor for the blend of floral sources and the honey is reasonably free from caramelized flavor and is free from objectionable flavor caused by fermentation, smoke, chemicals, or other causes with the exception of the predominant floral source.

(h) *Floral source* means the flower from which the bees gather nectar to make honey.

(i) *Granulation* means the initial formation of crystals in the honey.

(j) *Pfund color grader* means a color grading device used by the honey industry. It is not the officially approved device for determining color designation when applying these United States grade standards for the color of honey.

(k) *Pollen grains* mean the granular, dustlike microspores that bees gather from flowers. Pollen grains in suspension contribute to the lack of clarity in filtered style.

(l) *Propolis* means a gum that is gathered by bees from various plants. It may vary in color from light yellow to dark brown. It may cause staining of the comb or frame and may be found in extracted honey.

§ 52.1395 Recommended sample unit sizes.

(a) Determination of color designation—the amount of product required to adequately fill a color comparator cell of any approved device used for the determination of honey color.

(b) Factors of quality and analysis—100 g (3.5 oz).

§ 52.1396 Recommended fill of container.

The recommended fill of container is not incorporated in the grades of the finished product since fill of container, as such, is not a factor of quality for the purpose of these grades. It is recommended that each container be filled with honey as full as practicable, and with respect to containers of one gallon or less, the honey shall occupy not less than 95 percent of the total capacity of the container.

§ 52.1397 Color.

The color of extracted honey is not a factor of quality for the purpose of these grades.

§ 52.1398 Color designations.

(a) The color designation of extracted honey is determined (after adjusting for cloudiness in the honey) by means of the USDA approved color standards in accordance with the range as given in Table I.

(b) The respective color designations, applicable range of each color, color range on the Pfund scale, and optical density of freshly prepared caramel-glycerin solutions are shown in Table I.

TABLE I.—COLOR DESIGNATIONS OF EXTRACTED HONEY

USDA color standards designations	Color range USDA color standards	Color range pfund scales millimeters	Optical density [1]
Water white	Honey that is water white or lighter in color	8 or less	0.0945
Extra white	Honey that is darker than water white, but not darker than extra white in color.	Over 8 to and including 17	.189
White	Honey that is darker than extra white, but not darker than white in color.	Over 17 to and including 34.	.378
Extra light amber	Honey that is darker than white, but not darker than extra light amber in color.	Over 34 to and including 50.	.595
Light amber	Honey that is darker than extra light amber, but not darker than light amber in color.	Over 50 to and including 85.	1.389
Amber	Honey that is darker than light amber, but not darker than amber in color.	Over 85 to and including 114.	3.008
Dark amber	Honey that is darker than amber in color	Over 114	

[1] Optical Density (absorbance)—$\log_{10}$ (100/percent transmittance), at 560 nm for 3.15 cm thickness for caramel-glycerin solutions measured versus an equal cell containing glycerin.

§ 52.1399 Tolerance for the designations of color of officially drawn samples.

When designating the color of samples that have been officially drawn and which represent a specific lot of honey, the lot shall be considered as one color if the number of containers with honey comprised of a darker color does not exceed the applicable acceptance number indicated in the sampling plans contained in 7 CFR 52.38 of the "Regulations Governing Inspection and Certification of Processed Fruits and Vegetables, Processed Products Thereof, and Certain Other Processed Food Products:" Provided, however, that the honey in none of the containers falls below the next darker color designation. Applicable sampling plans and acceptance numbers are shown in Table II.

TABLE II.—SINGLE SAMPLING PLANS AND ACCEPTANCE NUMBERS

Sample Size (number of sample units)	3	6	13	21	29
Acceptance No	0	1	2	3	4

§ 52.1400 Grades.

(a) *U.S. Grade A* is the quality of extracted honey that meets the applicable requirements of Table IV or V, and has a minimum total score of 90 points.

(b) *U.S. Grade B* is the quality of extracted honey that meets the applicable requirements of Table IV or V, and has a minimum total score of 80 points.

(c) *U.S. Grade C* is the quality of extracted honey that meets the applicable requirements of Table IV or V, and has a minimum total score of 70 points.

(d) *Substandard* is the quality of extracted honey that fails to meet the requirements of U.S. Grade C.

§ 52.1401 Determining the grade.

Determining the grade from the factors of quality and analysis.

(a) For the factor of analysis, the soluble solids content of extracted honey is determined by means of the refractometer at 20 °C (68 °F). The refractive indices, corresponding percent soluble solids, and percent moisture are shown in Table III. The moisture content of honey and percent soluble solids may be determined by any other method which gives equivalent results.

(b) For the factors of quality, the grade of extracted honey is determined by considering, in conjunction with the requirements of the various grades, the

respective ratings for the factors of flavor and aroma, absence of defects, and clarity (except the factor of clarity is excluded for the style of strained).

(c) The relative importance of each factor is expressed numerically on the scale of 100. The maximum number of points that may be given each factor is:

Factors	Points
Flavor and aroma	50
Absence of defects	40
Clarity	10
Total score	100

(d) The factor of clarity for the style of strained extracted honey is not based on any detailed requirements and is not scored. The other two factors (flavor and absence of defects) are scored and the total is multiplied by 100 and divided by 90, dropping any fractions to determine the total score.

(e) Crystallized honey and partially crystallized honey shall be liquified by heating to approximately 54.4 °C (130 °F) and cooled to approximately 20 °C (68 °F) before determining the grade of the product.

§ 52.1402 Determining the rating for each factor.

The essential variations within each factor are so described that the value may be determined for each factor and expressed numerically. The numerical range for the rating of each factor is inclusive (for example, 37 to 40 points means 37, 38, 39, or 40 points) and the score points shall be prorated relative to the degree of excellence for each factor.

§ 52.1403 Requirements for grades.

TABLE III.—REFRACTIVE INDICES, CORRESPONDING PERCENT SOLUBLE SOLIDS, AND PERCENT MOISTURE IN EXTRACTED HONEY [1]

Refractive index @ 20 °C (range)	Percent soluble solids	Percent moisture
1.4817 to 1.4818	78.1	21.9
1.4819 to 1.4820	78.2	21.8
1.4821 to 1.4823	78.3	21.7
1.4824 to 1.4825	78.4	21.6
1.4826 to 1.4828	78.5	21.5
1.4829 to 1.4830	78.6	21.4
1.4831 to 1.4833	78.7	21.3
1.4834 to 1.4835	78.8	21.2
1.4836 to 1.4838	78.9	21.1
1.4839 to 1.4840	79.0	21.0
1.4841 to 1.4843	79.1	20.9
1.4844 to 1.4845	79.2	20.8
1.4846 to 1.4848	79.3	20.7
1.4849 to 1.4850	79.4	20.6
1.4851 to 1.4853	79.5	20.5
1.4854 to 1.4855	79.6	20.4
1.4856 to 1.4858	79.7	20.3
1.4859 to 1.4860	79.8	20.2
1.4861 to 1.4863	79.9	20.1
1.4864 to 1.4865	80.0	20.0
1.4866 to 1.4868	80.1	19.9
1.4869 to 1.4870	80.2	19.8
1.4871 to 1.4873	80.3	19.7
1.4874 to 1.4875	80.4	19.6
1.4876 to 1.4878	80.5	19.5
1.4879 to 1.4880	80.6	19.4
1.4881 to 1.4883	80.7	19.3
1.4884 to 1.4885	80.8	19.2
1.4886 to 1.4888	80.9	19.1
1.4889 to 1.4890	81.0	19.0
1.4891 to 1.4893	81.1	18.9
1.4894 to 1.4896	81.2	18.8
1.4897 to 1.4898	81.3	18.7
1.4899 to 1.4901	81.4	18.6
1.4902 to 1.4903	81.5	18.5
1.4904 to 1.4906	81.6	18.4
1.4907 to 1.4908	81.7	18.3
1.4909 to 1.4911	81.8	18.2
1.4912 to 1.4913	81.9	18.1
1.4914 to 1.4916	82.0	18.0
1.4917 to 1.4918	82.1	17.9
1.4919 to 1.4921	82.2	17.8
1.4922 to 1.4923	82.3	17.7
1.4924 to 1.4926	82.4	17.6
1.4927 to 1.4929	82.5	17.5
1.4930 to 1.4932	82.6	17.4
1.4933 to 1.4934	82.7	17.3
1.4935 to 1.4936	82.8	17.2
1.4937 to 1.4939	82.9	17.1
1.4940 to 1.4941	83.0	17.0
1.4942 to 1.4944	83.1	16.9
1.4945 to 1.4946	83.2	16.8
1.4947 to 1.4949	83.3	16.7
1.4950 to 1.4951	83.4	16.6
1.4952 to 1.4954	83.5	16.5
1.4955 to 1.4957	83.6	16.4
1.4958 to 1.4959	83.7	16.3
1.4960 to 1.4962	83.8	16.2
1.4963 to 1.4964	83.9	16.1
1.4965 to 1.4967	84.0	16.0
1.4968 to 1.4969	84.1	15.9
1.4970 to 1.4972	84.2	15.8
1.4973 to 1.4975	84.3	15.7
1.4976 to 1.4977	84.4	15.6
1.4978 to 1.4980	84.5	15.5
1.4981 to 1.4982	84.6	15.4
1.4983 to 1.4984	84.7	15.3
1.4985 to 1.4987	84.8	15.2
1.4988 to 1.4990	84.9	15.1
1.4991 to 1.4993	85.0	15.0
1.4994 to 1.4995	85.1	14.9
1.4996 to 1.4998	85.2	14.8
1.4999 to 1.5000	85.3	14.7
1.5001 to 1.5003	85.4	14.6
1.5004 to 1.5005	85.5	14.5
1.5006 to 1.5008	85.6	14.4
1.5009 to 1.5011	85.7	14.3
1.5012 to 1.5013	85.8	14.2
1.5014 to 1.5016	85.9	14.1
1.5017 to 1.5018	86.0	14.0
1.5019 to 1.5021	86.1	13.9
1.5022 to 1.5024	86.2	13.8
1.5025 to 1.5026	86.3	13.7
1.5027 to 1.5029	86.4	13.6
1.5030 to 1.5031	86.5	13.5
1.5032 to 1.5034	86.6	13.4
1.5035 to 1.5037	86.7	13.3
1.5038 to 1.5039	86.8	13.2
1.5040 to 1.5042	86.9	13.1
1.5043 to 1.5044	87.0	13.0

[1] Temperature corrections: If refractometer reading is made at temperatre above 20 °C (68 °F), add 0.00023 to the refractive index for each degree C, or 0.00013 for each degree F. If made below 20 °C (68 °F), subtract correction. The moisture content of honey and equivalent values may be determined by any other method which gives equivalent results

TABLE IV.—FILTERED STYLE

Factors	Grade A	Grade B	Grade C	Substandard
		Analytical Quality		
Percent soluble solids (Minimum)	81.4 [4]	81.4	80.0	Fails grade C
Absence of defects	Practically free—practically none that affect appearance or edibility.	Reasonably free—do not materially affect the appearance or edibility	Fairly free—do not seriously affect the appearance or edibility.	Fails grade C
Score points	37 to 40	34 to 36 [1]	31 to 33 [1]	0 to 30.[1]
Flavor and aroma	Good—free from caramelization, smoke, fermentation, chemicals, and other causes.	Reasonably good—practically free from caramelization, free from smoke, fermentation, chemicals, and other causes.	Fairly good—reasonably free from caramelization; free from smoke, fermentation, chemicals, and other causes.	Poor—Fails grade C.
Score points	45 to 50	40 to 44 [1]	35 to 39 [1]	0 to 34.[1]
Clarity	Clear—may contain air bubbles that do not materially affect the appearance; may contain a trace of pollen grains or other finely divided particles in suspension that do not affect appearance.	Reasonably clear—may contain air bubble, pollen grains, or other finely divided particles in suspension that do not materially affect the appearance	Fairly clear—may contain air bubbles, pollen grains, or other finely divided particles in suspension that do not seriously affect the appearance	Fails grade C.
Score points	8 to 10	6 to 7	4 to 5 [2]	0 to 3.[2]

[1] Limiting rule—sample units with score points that fall in this range shall not be graded above the respective grade regardless of the total score.
[2] Partial limiting rule—sample units with score points that fall in this range shall not be graded above U.S. Grade C regardless of the total score.

TABLE V.—STRAINED STYLE

Factors	Grade A	Grade B	Grade C	Substandard
		Analytical Quality		
Percent soluble solids (minimum)	81.4	81.4	80.0	Fails grade C
Absence of defects	Practically free—practically none that affect appearance or edibility	Reasonable free—do not materially affect the appearance or edibility	Fairly free—do not seriously affect the appearance or edibility	Fails grade C
Score points	37 to 40	34 to 36 [1]	31 to 33 [1]	0 to 30 [1]
Flavor and aroma	Good—free from caramelization, smoke, fermentation, chemicals, and other causes	Reasonably good—practically free from caramelization, free from smoke, fermentation, chemicals, and other causes.	Fairly good—reasonably free from caramelization, free from smoke, fermentation, chemicals and other causes	Poor—Fails grade C.
Score points	45 to 50	40 to 44 [1]	35 to 39	0 to 34 [1]

[1] Limiting rule—sample units with score points that fall in this range shall not be graded above the respective grade regardless of the total score

§ 52.1404 Sample size.

The sample size to determine meeting the requirements of these standards shall be as specified in the "Regulations Governing Inspection and Certification of Processed Fruits and Vegetables, Processed Products Thereof, and Certain Other Processed Food Products" (7 CFR 52.1–52.83) for lot grading and on-line grading, as applicable.

§ 52.1405 Determining the grade of a lot.

A lot of extracted honey is considered as meeting the requirements for quality and analysis if:

(a) The requirements specified in Table IV and V, as applicable, are met; and

(b) The requirements for the procedures set forth in the "Regulations Governing Inspection and Certification of Processed Fruits and Vegetables, Processed Products Thereof, and Certain Other Processed Food Products" (7 CFR 52.1–52.83) are met.

Done at Washington, D.C., on April 16, 1985.

William T. Manley,

Deputy Administrator, Marketing Programs.

[FR Doc. 85–9603 Filed 4–22–85; 8:45 am]

BILLING CODE 3410–02–M

NUCLEAR REGULATORY COMMISSION

10 CFR Part 2

Exceptions to Notice and Comment Rulemaking Procedures

Correction

In FR Doc. 85–7848 beginning on page 13006 in the issue of Tuesday, April 2, 1985, make the following correction: On page 13010, in the second column, in the section heading for § 2.805, "Participating" should read "Participation".

BILLING CODE 1505–01–M

FARM CREDIT ADMINISTRATION

12 CFR Part 612

Personnel Administration

AGENCY: Farm Credit Administration.

ACTION: Final rule; correction.

SUMMARY: On March 25, 1985 (50 FR 11655), the Farm Credit Administration published a final rule which amended its regulations relating to standards of conduct for directors, officers, and employees of Farm Credit System ("System") institutions. In the final rule document, the text of amended paragraph (b) of § 612.2260 was inadvertently omitted. This document corrects the error contained in the final regulation (50 FR 11655).

FOR FURTHER INFORMATION CONTACT: Gary L. Norton, Office of General Counsel, Farm Credit Administration, McLean, Virginia 22102–5090, (703) 883–4020.

Accordingly, the Farm Credit Administration is correcting § 612.2260 as published at 50 FR 11656, by revising paragraph (b) to read as follows:

§ 612.2260 Standards of conduct for agents.

(a) * * *

(b) System institutions shall utilize safe and sound business practices in the engagement, utilization, and retention of agents. These practices shall provide for the selection of qualified and reputable agents. Employing System institutions shall be responsible for the administration of relationships with their agents, and shall take appropriate investigative and corrective action in the case of a breach of fiduciary duties by the agent or failure of the agent to carry out other agent duties as required by contract, FCA regulations, or law. Associations shall report, upon discovery, suspected nonperformance of duties by an agent to the supervisory bank.

* * * * *

(Secs. 5.9, 5.12, 5.18, Pub. L. 92–181, 85 Stat. 619, 620, 621 (12 U.S.C. 2243, 2246 and 2252))

Donald E. Wilkinson,

Governor.

[FR Doc. 85–9714 Filed 4–22–85; 8:45 am]

BILLING CODE 6705–01–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 85–ASW–3; Amdt. 39–5041]

Airworthiness Directives; Bell Helicopter Textron, Inc. (BHTI) Model 47 Series et al.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that requires the replacement of certain tail rotor blade assemblies on BHTI Model 47 series helicopters; Continental Copters, Inc., U.S. Army OH–13H; Hawkeye Rotor and Wing, U.S. Army Model OH–13E; Teryjon Aviation, Inc., U.S. Army Model OH13S; Texas Helicopter Corporation, U.S. Army Model OH–13E and U.S. Army Model OH–13H. During the bonding stage of the manufacturing process the tail rotor blades experienced uneven pressure thus creating a void between the root structure and the skin. This void had a portion of one side that opened to the environment thus allowing corrosion to develop in an area that is virtually uninspectable by visual means. The corrosion could result in the failure of the tail rotor blade. The AD is needed to prevent operation of the helicopter with tail rotor blades which may fail resulting in possible loss of the helicopter.

DATE: Effective April 29, 1985.

Compliance required within the next 100 hours' time in service after the effective date of this AD unless already accomplished.

ADDRESSES: The applicable Alert Service Bulletin, No. 47–84–1, may be obtained from Bell Helicopter Textron, Inc., P.O. Box 482, Fort Worth, Texas 76101.

A copy of the alert service bulletin is contained in the Rules Docket, Office of the Regional Counsel, FAA, Southwest Region, 4400 Blue Mound Road, Fort Worth, Texas.

FOR FURTHER INFORMATION CONTACT: Gary B. Roach, Helicopter Certification Branch, ASW–170, Aircraft Certification Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101, telephone number (817) 877–2593.

SUPPLEMENTARY INFORMATION: The FAA has determined that there were 65 tail rotor blades distributed that may contain bonding voids. Since this condition could occur on any of BHTI Model 47 series helicopters; Continental Copters, Inc., U.S. Model OH–13H; Hawkeye Rotor and Wing, U.S. Army Model OH–13H; Teryjon Aviation, Inc., U.S. Army Model OH–13S; Texas Helicopter Corporation, U.S. Army Model OH–13H and U.S. Army Model OH–13H; an AD is being issued which requires the tail rotor blade assembly, Part Number (P/N) 47–642–117–1, Serial Numbers (S/N) A–8 through A–72, be removed from service.

Since a situation exists that requires the immediate adoption of this regulation, it is found that notice and public procedure hereon are impractical and good cause exists for making this amendment effective in less than 30 days. The FAA has determined this regulation involves approximately 65 helicopters for an estimated total cost of $312,000 or approximately $4,800 per helicopter.

Therefore, I certify that this action (1) is not a "major rule" under Executive Order 12291, and (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). A copy of the final evaluation prepared for this action is contained in the regulatory docket. A copy of it may be obtained by contacting the person identified under the caption **"FOR FURTHER INFORMATION CONTACT."**

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

Adoption of the Amendent

Accordingly, pursuant to the authority delegated to be by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new airworthiness directive:

Bell Helicopter Textron, Inc. (BHTI): Applies to BHTI Model 47 Series helicopters and all other helicopters, certified in all categories, equipped with tail rotor blade assemby, P/N 47–642–117–1, S/N's A–8 through A–72.

Compliance is required as indicated unless already accomplished.

To prevent possible failure of the tail rotor blade accomplish the following:

(a) Within the next 100 hours' time in service after the effective date of this AD, remove from service tail rotor blade assemblies Part Number 47–642–117–1, Serial Numbers A–8 through A–72.

(b) Any equivalent method of compliance with this AD must be approved by the Manager, Helicopter Certification Branch, Federal Aviation Administration, 4400 Blue Mound Road, Fort Worth, Texas 76106.

(c) In accordance with FAR §§ 21.197 and 21.199, flight is permitted to a base where the replacement required by this AD may be accomplished.

Note.—Alert Service Bulletin, No. 47–84–11, dated 10–16–84, pertains to this AD.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); 49 U.S.C. 106(g) (Revised, Pub. L. 97–449, January 12, 1983); 14 CFR 11.89)

This amendment becomes effective on April 29, 1985.

Issued in Fort Worth, Texas, on April 5, 1985.

F.E. Whitfield,

Acting Director, Southwest Region.

[FR Doc. 85–9678 Filed 4–22–85; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 39

[Docket No. 85–CE–1–AD; Amdt. 39–5042]

Airworthiness Directives; Partenavia Costruzioni Aeronautiche S.p.A. Models P 68, P 68B, P 68C, P 68C–TC and P 68 Observer Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new Airworthiness Directive (AD), applicable to Partenavia Costruzioni Aeronautiche S.p.A. Models P 68, P 68B, P 68C, P 68C–TC and P 68 Observer airplanes which requires the safety wiring of the aileron control chain, the inspection of the aileron control cables for wear, and in the P 68C–TC Model airplanes only, replacement of two aileron control cable guides. Loss of the chain safety lock and cable wear have been reported which could result in desengagement or breaking of the aileron control cable and loss of lateral control. These actions will assure the integrity of the aileron control system.

DATES: Effective May 28, 1985.

Compliance: As prescribed in the body of this AD.

ADDRESSES: Partenavia Service Bulletins (S/B) No. 59, Revision 1, dated November 30, 1983, S/B No. 59, Revision 2, dated June 27, 1984, Service Instruction No. 18, and S/B No. 64, Revision 1, dated September 10, 1984, applicable to this AD, may be obtained from Partenavia Costruzioni Aeronautiche S.p.A. Via Cava, Casoria-Napoli (Italy). A copy of this information is also contained in the Rules Docket, FAA, Office of the Regional Counsel, Room 1558, 601 East 12th Street, Kansas City, Missiouri 64106.

FOR FURTHER INFORMATION CONTACT: Mr. H. Chimerine, Brussels Aircraft Certification Office, AEU–100, Europe, Africa and Middle East Office, FAA, c/o American Embassy, 1000 Brussels, Belgium; Telephone 513.38.30; or Mr. H. Belderok, FAA, ACE–109, 601 East 12th Street, Kansas City Missouri 64106; Telephone (816) 374–6932.

SUPPLEMENTARY INFORMATION: A proposal to amend Part 39 of the Federal Aviation Regulations to include an AD applicable to Partenavia Costruzioni Aeronautiche S.p.A. Models P 68, P 68B, P 68C, P 68C–TC and P 68 Observor airplanes requiring the safety wiring of the aileron control chain, the inspection of the aileron control cables for wear, and on the P 68C–TC airplanes only, replacement of the two aileron control cable guides, was published in the **Federal Register** on February 4, 1985, (50 FR 4869–4870). The proposal resulted from reports to the manufacturer of lose of the aileron control chain safety lock and aileron control cable wear. These events could result in disengagement or breaking of the aileron control cable and loss of lateral control. As a result, the manufacturer issued S/B No. 59 Revision 1, dated November 30, 1983, S/B No. 59, Revision 2, dated June 27, 1984, Service Instruction No. 18, and S/B No. 64, Revision 1 dated September 10, 1984, to correct the problem.

The Registro Aeronautico Italiano (R.A.I.) who has responsibility and authority to maintain the continuing airworthiness of these airplanes in Italy, has issued Italian Airworthiness Directives No. 84–130/P 68–29, Revision 1, and No. 84–146/P 68–32, which makes these service bulletins and the actions recommended therein by the manufacturer mandatory to assure the continued airworthiness of the affected airplanes.

On airplanes operated under Italian registration, this action has the same effect as an AD on airplanes certificated

for operation in the United States. The FAA relies upon the certification of R.A.I. combined with FAA review of pertinent documentation in finding compliance of the design of these airplanes with the applicable United States airworthiness requirements and the airworthiness and conformity of products of this design certificated for operation in the United States.

The FAA examined the available information related to the issuance of Partenavia Costruzioni Aeronautiche S.p.A. Service Bulletin No. 59, Revision 1, dated November 30, 1983, Service Bulletin No. 59, Revision 2 and Service Bulletin No. 64, Revision 1, dated September 10, 1984, and the issuance of ADs No. 84–130/P 68–29, Revision 1, and No. 84–146/P 68–32 by the R.A.I. and determined that a Notice of Proposed Rulemaking (NPRM) was appropriate.

Interested persons have been afforded an opportunity to comment on the proposal. No comments or objections were received on the proposal or the FAA determination of the related cost to the public. Accordingly the proposal is adopted without change, except for the addition of one serial number previously omitted in the NPRM.

There are approximately eight Model P 68C–TC airplanes and 51 Model P 68 airplanes in U.S. Registery affected by the AD. The cost to the private sector of complying with AD is estimated to be $2,420 for the the entire fleet. Because of the limited number of affected airplanes and their distribution among several owners, no small entities are expected to experience a significant economic impact as a result of this action.

Therefore, I certify that this action (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the final evaluation prepared for this action is contained in the regulatory docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption "ADDRESSES".

List of Subjects in 14 CFR 39

Air transportation, Aviation safety, Aircraft, Safety.

Adoption of the Amendment

Accordingly pursuant to the authority delegated to me by the Adminstrator, § 39.13 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new AD.

Partenavia Costruzioni Aeronautiche S.p.A.: Applies to all Models P 68, P 68B, P 68C, P 68C–TC and P 68 OBSERVOR (Serial Numbers (S/N) 001 thru 335, XXX–01TC thru XXX–23TC, and XXX–26TC) airplanes certificated in any category.

Compliance: Required within the next 100 hours time-in-service after the effective date of this AD, unless already accomplished. To prevent the loss of aileron control, accomplish the following:

(a) On all P 68 models from S/N 001 through S/N 335, safety lockwire the aileron cable chain safety lock, Part Number (P/N) 68–5.2017–3, as described in Partenavia Service Bulletin (S/B) No. 64, Revision 1, dated September 10, 1984.

(b) On all P 68, P 68B, P 68C, P 68C–TC and P 68 Observer Models from S/Ns 001 to and including 293, 305 and 312, except 261, 279, 284, 286, 290, 291 and 292 visually inspect the aileron control cable behind the engine compartment firewall for wear caused by rubbing against the cable guard plates as described in the Instructions of Partenavia S/B No. 59, Revision 1, dated November 30, 1983, and replace any cables that exhibit wear damage as defined in this S/B.

(c) On all P 68C–TC Models from S/N XXX–01TC to and including XXX–23TC, and XXX–26TC, replace aileron cable guard plates (P/Ns 1.2091B–1 and 1.2091B–2) as described in Partenavia S/B No. 59, Revision 2, dated June 27, 1984.

(d) Airplanes may be flown in accordance with FAR 21.197 to a location where this AD may be accomplished.

(e) An equivalent means of compliance may be used, if approved, by the Manager, Aircraft Certification Staff, AEU–100, Europe, Africa, and Middle East Office, FAA, c/o American Embassy, 1000 Brussels, Belgium.

(Secs. 313(a), 601 and 603 of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421 and 1423); 49 U.S.C. 106(g) (Revised, Pub. L. 97–449, Jan. 12, 1983); Sec. 11.89 of the Federal Aviation Regulations (14 CFR 11.89).

This amendment becomes effective on May 28, 1985.

Issued in Kansas City, Missouri, on April 11, 1985.

William H. Pollard,

Acting Director, Central Region.

[FR Doc. 85–9679 Filed 4–22–85; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF COMMERCE

International Trade Administration

15 CFR Parts 370 and 399

[Docket No. 40669–5050]

Clarifications of Export Licensing Policy

AGENCY: Office of Export Administration, Commerce.

ACTION: Final rule.

SUMMARY: This rule, which neither expands nor limits the provisions of the Export Administration Regulations, makes two clarifications to export policy.

(a) "Phencyclidine" is relocated within a listing of substances controlled by the Drug Enforcement Administration, Department of Justice. Phencyclidine has been listed under "Schedule III Substances," but properly belongs under "Schedule II Substances."

(b) A cross-reference is added to direct exporters to information on shipping tolerances for exported commodities.

EFFECTIVE DATE: April 23, 1985.

FOR FURTHER INFORMATION CONTACT: Betty A. Ferrell, Exporter Assistance Division (Telephone: (202) 377–3856).

SUPPLEMENTARY INFORMATION

Rulemaking Requirements

In connection with various rulemaking requirements, the Office of Export Administration has determined that:

1. Since this rule invokes a foreign affairs function of the United States, the proposed rulemaking procedures and the delay in effective date required under the Administrative Procedure Act are not applicable.

2. This rule does not contain a collection of information requirement under the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.*

3. Because a notice of proposed rulemaking is not required to be published for this rule, it is not a rule within the meaning of section 601(2) of the Regulatory Flexibility Act, 5 U.S.C. 601(2) and is not subject to the requirements of that Act. Accordingly no initial or final Regulatory Flexibility Analysis has been or will be prepared.

4. Because this rule concerns a foreign affairs function of the United States, it is not a rule or regulation within the meaning of Section 1(a) of Executive Order 12291 and, accordingly, is not subject to the requirements of that Order. Accordingly, no preliminary or final Regulatory Impact Analysis has been or will be prepared.

Therefore, this regulation is issued in final form. Although there is no formal comment period, public comments on this regulation are welcome on a continuing basis.

List of Subjects

15 CFR Part 370

Administrative practice and procedure.

15 CFR Part 399

Exports.

Accordingly, the Export Administration Regulations (15 CFR Parts 368–399) are amended as follows:

PART 370—[AMENDED]

§ 370.10 [Amended]

1. The *Schedule II Substances* paragraph of § 370.10(d) is amended by inserting "Phencyclidine" between "Secobarbital", and "Methaqualone"; and the *Schedule III Substances* paragraph is amended by removing the word "Phencyclidine".

2. Paragraph (g) of § 399.1 is amended by adding a sentence reading as follows:

§ 399.1 [Amended]

* * * * *

(g) * * * If a unit of weight or measure is given in the Unit paragraph, a shipping tolerance is allowed (see § 386.7).

* * * * *

Authority: Secs. 203, 206, Pub. L. 95–223, Title II, 91 Stat. 1626, 1628 (50 U.S.C.1702, 1704), Executive Order No. 12470 of March 30, 1984 (49 FR 13099, April 3, 1984).

Dated: April 15, 1985.

John K. Boidock,

Director, Office of Export Administration, International Trade Administration.

[FR Doc. 85–9690 Filed 4–22–85; 8:45 am]

BILLING CODE 3510-DT-M

COMMODITY FUTURES TRADING COMMISSION

17 CFR Parts 4 and 140

Commodity Pool Operators; Exclusion for Certain Otherwise Regulated Persons From the Definition of the Term "Commodity Pool Operator"; Other Regulatory Requirements

AGENCY: Commodity Futures Trading Commission.

ACTION: Final rules.

SUMMARY: The Commodity Futures Trading Commission (the "Commission") has adopted § 4.5, which excludes certain otherwise regulated persons from the definition of the term "commodity pool operator" ("CPO") upon the filing of a notice of eligibility. The Commission also has revised § 140.93 to delegate thereunder to the Director of the Division of Trading and Markets the authority to make such special calls as may be necessary to demonstrate compliance with certain provisions of § 4.5. Similarly, and so that it may know the identities of all persons who are operating as a CPO pursuant to an exemption from registration as such, the Commission has revised § 4.13 to require each person who is exempt from registration as a CPO pursuant to that regulation—*i.e.*, the operator of a family, club or small pool—to file the prescribed statement of exemption that it currently is required to deliver to prospective participants under the regulation. Finally, the Commission has adopted a technical revision to § 4.15, concerning the applicability of reparations proceedings to persons exempt from registration as a CPO.

EFFECTIVE DATES: Sections 4.5, 4.15 and 140.93(a)(5) are effective April 23, 1985. Section 4.13(b)(1) will become effective May 23, 1985.

FOR FURTHER INFORMATION CONTACT: Barbara R. Stern, Special Counsel for Commodity Pool Operators and Commodity Trading Advisors, Division of Trading and Markets, 2033 K Street, N.W., Washington, D.C. 20581. Telephone (202) 254–8955.

SUPPLEMENTARY INFORMATION:

I. Introduction

The term "commodity pool operator" is defined in section 2(a)(1)(A) of the Commodity Exchange Act, as amended (the "Act")[1] to mean:

> [A]ny person engaged in a business which is of the nature of an investment trust, syndicate, or similar form of enterprise, and who, in connection therewith, solicits, accepts, or receives from others, funds, securities or property, either directly or through capital contributions, the sale of stock or other forms of securities, or otherwise, for the purpose of trading in any commodity for future delivery on or subject to the rules of any contract market, but does not include such persons not within the intent of this definition as the Commission may specify by rule or regulation or by order.

Section 4m(1) of the Act[2] makes it unlawful for any person to engage in business as a CPO without being registered as such. Part 4 of the Commission's regulations[3] governs the operations and activities of CPOs, through certain operational, disclosure, reporting and recordkeeping requirements set forth in Subpart B thereof.[4] In particular, § 4.10(d) defines the term "pool" to mean "any investment trust, syndicate or similar form of enterprise operated for the purpose of trading commodity interests."[5]

In connection with the adoption of the Futures Trading Act of 1982 (the "1982 Act"),[6] the Senate Committee on Agriculture, Nutrition, and Forestry (the "Committee") considered an amendment to the Act which would have exempted the persons specified therein from the CPO definition.[7] In this regard, the Commission made the Committee aware of the "not a pool" interpretative letters under § 4.10(d) that had been issued by its Division of Trading and Markets, which is responsible for, among other things, administering and interpreting the Part 4 regulations.[8] In lieu of adopting such an amendment to the CPO definition, the Committee directed the Commission to issue regulations which would have the effect of providing relief from regulation as a CPO for certain otherwise regulated entities. Specifically, the Committee Report states:

> [C]ertain entities are not within the intent of the definition of the term 'commodity pool operator', as that term is defined in the Act, unless these entities have other attributes or features which would warrant their regulation as a commodity pool operator. Specifically, an entity regulated under the Investment Company Act of 1940 or an insurance company or a bank or trust company acting in its fiduciary capacity and subject to regulation by any State or the United States could ordinarily be excluded from the definition of the term 'commodity pool operator,' provided that (1) the entity uses commodity futures contracts or options thereon solely for hedging purposes; (2) initial margin requirements or premiums for such futures or options contracts will never be in excess of 5 percent of the fair market value of the entity's assets (in the case of an investment company) or of the assets of any trust, custodial account or other separate unit of investment for which the entity is acting as a fiduciary; (3) the entity has not been and will not be, marketing participations to the public as or in a commodity pool or otherwise as or in a vehicle for trading in the commodities markets; and (4) the entity will disclose to each prospective participant the purpose of and limitations on the scope of the

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[1] 7 U.S.C. 2 (1982).

[2] 7 U.S.C. 6m(1) (1982).

[3] 17 CFR Part 4 (1984).

[4] *See* §§ 4.20–4.23. Part 4 similarly governs the operations and activities of commodity trading advisors ("CTAs"). *See* §§ 4.30–4.32.

[5] The term "commodity interest" is defined in § 4.10(a) to mean:

> (1) Any contract for the purchase or sale of a commodity for future delivery; and
>
> (2) Any contract, agreement or transaction subject to Commission regulation under section 4c or 19 of the Act.

[6] Pub. L. No. 97–444, 96 Stat. 2294 *et seq.* (1983).

[7] *See* S. Rep. No. 384, 97th Cong., 2d Sess. 79–80 (1982).

[8] The representations given in connection with the receipt of these "not a pool" letters typically stated that the entity in question (1) was subject to extensive Federal or State regulation; (2) would be using commodity interests for hedging purposes; (3) would commit only a small percentage of its assets—*e.g.*, 5%—to its commodity interest trading; (4) would not be promoted as a commodity pool; and (5) would disclose, as appropriate, the purpose of and limitations on its commodity interest trading. *See, e.g., IDS Bond Fund, Inc.* (December 23, 1981); *Harris Trust and Savings Bank* (November 13, 1981); *Montgomery Street Income Securities, Inc.* (August 14, 1981).

commodity futures or commodity option trading it conducts for such participants.

Also, a defined benefit plan that is subject to the provisions of the Employee Retirement Income Security Act of 1974 (ERISA) and is insured by the Pension Benefit Guaranty Corporation, or any fiduciary thereof, ordinarily could be excluded from the definition of the term 'commodity pool operator', provided that its commodity futures (or options on futures) trading activity is solely incidental to the conduct of its business as such a plan or as a fiduciary thereof. The Committee understands that such a plan and its fiduciaries are subject to extensive regulation under ERISA. Therefore, while the Commission should retain discretion in this area, the Committee believes that, unless otherwise inappropriate, exemption by rule, regulation, or order from commodity pool operator registration and related requirements, other than antifraud provisions, should generally be granted to these classes of entities.[9]

To implement this directive, on February 8, 1984 the Commission published for comment in the **Federal Register** proposed § 4.5, which would have made available for certain otherwise regulated persons an exemption from registration as a CPO and from the provisions of Subpart B of the Part 4 regulations.[10] As was noted in the preamble accompanying the proposed rule, the Commission strictly followed the language of the Committee Report in specifying the persons who would be eligible for relief under the rule, the qualifying entities for which they would be so eligible and the criteria pursuant to which such qualifiying entities would be required to be operated. Pending final action on proposed § 4.5, Commission staff received requests from and issued to such persons "no-action" letters based upon representations virtually identical to those that the proposal would have required to qualify for relief thereunder.[11]

By that **Federal Register** release the Commission further proposed certain revisions to its rules for CPOs. Among other things, the Commission proposed: to require each person exempt from registration under existing § 4.13—*i.e.*, the operators of family, club and small pools—to file a statement of such exemption with the Commission (proposed § 4.13(b)(1); and to prohibit CPOs from receiving income generated from pool assets other than to recover actual organizational and offering expenses (proposed § 4.20(d)).

In addition, but without specifying any proposed language, by that **Federal Register** release the Commission also sought comment on whether: Other persons should be exempt from regulation as a CPO; persons registered as an investment adviser ("IA") under the Investment Advisers Act of 1940 should be exempt from registration as a CTA; CPOs should be prohibited from abandoning their pools; the current format for presenting the actual past performance of CPOs, CTAs, and their principals should be revised; and financial requirements for CPOs should be adopted.

The comment period on these proposals originally was due to expire on April 9, 1984. To maximize public participation in this rulemaking process, the Commission extended the comment period to May 9, 1984.[12] Moreover, because certain of the proposals—*e.g.*, proposed § 4.5—pertained to persons whose primary regulator was not the Commission and who thus might not have been aware of these proposals in time adequately to review them and to comment thereon, to obtain the participation of these persons in the rulemaking process Commission staff sent letters requesting comment to such persons' primary regulators and industry associations and to numerous committees of the American Bar Association.[13]

The Commission received 55 comment letters on these proposals: 5 from persons registered as a CPO; 3 from persons registered as a CTA; 8 from persons registered both as a CPO and as a CTA; 5 from persons registered as a futures commission merchant ("FCM"); 1 from a person registered both as an FCM and as a CPO; 1 from a commodity exchange; 1 from an industry-wide self-regulatory organization designated as such by the Commission; 3 from trade associations representing Commission registrants; [14] 1 from an international regulatory agency; 2 from Federal regulatory agencies; 1 from a State regulatory agency; 2 from persons registered as an IA; 3 from insurance companies; 1 from a bank; 2 from fiduciaries of pension plans; 6 from other trade associations; 4 from bar associations; and 6 from law firms.

The Commission has carefully reviewed each of those comment letters. Based upon that review and its careful reconsideration of its proposals, the Commission is now adopting in § 4.5 a rule which it believes is not only responsive to the concerns of the commenters but also is consistent with the intent of the Committee Report and, thus, the Commission's regulatory objectives in this rulemaking proceeding.[15] As is discussed further below, the Commission also now is adopting the revisions it proposed to §§ 4.13, 4.15 and 140.93, in essentially the form as such revisions were proposed. The Commission is not at this time taking any final action on proposed § 4.20(d) or on any of the issues on which the Commission, without specifying any proposed language, also sought comment—*e.g.*, whether the current format for presenting the actual past performance of CPOs, CTAs and their principals should be revised. The Commission does, however, intend in the near future to propose rules on these matters which, as the rules being adopted today, would reflect the Commission's review of the comments thereon and the Commission's careful reconsideration of its proposals.

II. Section 4.5: Exclusion for Certain Otherwise Regulated Persons From the Definition of the Term "Commodity Pool Operator"

A. The Nature of the Relief Available Under the Rule

As proposed, § 4.5 would have made available for certain otherwise regulated persons an exemption from registration as a CPO and from the provisions of Subpart B of the Part 4 regulations.[16] Under the proposal, then, these persons would have continued to come within the CPO definition. As is discussed more fully below, § 4.5 as adopted generally follows the same structure of the rule as proposed. The nature of the relief available under the final rule is,

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[9] S. Rep. No. 384, 97th Cong., 2d Sess. 80 (1982).

[10] 49 FR 4778.

[11] These letters, which were issued by the Division of Trading and Markets, stated that the Division would not recommend that the Commission take any enforcement action against the otherwise regulated persons named therein for failure to register as a CPO or to comply with the provisions of Subpart B of Part 4. *See, e.g.*, Division of Trading and Markets Staff Interpretative Letter 84-5, Comm. Fut. L. Rep. (CCH) ¶ 22,023 (February 24, 1984); Division of Trading and Markets Staff Interpretative Letter 84-4, Comm. Fut. R. Rep. (CCH) ¶ 22,022 (February 24, 1984).

[12] 49 FR 13378 (April 4, 1984).

[13] In all, 27 such letters were sent by the Division of Trading and Markets.

[14] In addition, 56 members of the National Association of Futures Trading Advisors sent basically identical letters in support of the comments of this trade association.

[15] Further in this regard, and as is noted above, section 2(a)(1)(A) provides the Commission with authority to exclude from the CPO definition "such persons not within the intent of this definition."

[16] As is noted above, section 4m(1) of the Act requires registration as a CPO of persons who come within the CPO definition. Among other things, the Commission's regulations which implement this requirement require the filing of registration applications and fingerprint cards and the payment of attendant registration fees. *See, e.g.*, § 3.14, 17 CFR 3.14 (1984). As is also noted above, Subpart B prescribes certain operational, disclosure, reporting and recordkeeping requirements for CPOs. *See* §§ 4.20-4.23.

however, more extensive than that which was proposed.

While virtually all of the commenters agreed with the purpose of proposed § 4.5—*i.e.*, to eliminate duplicative and unnecessary regulatory burdens—they asserted that to meet this purpose the Commission would need to make certain modifications to the proposal. Specifically, many commenters urged the Commission to reconsider the nature of the relief to be afforded by § 4.5. They stated that to effectuate the directive of the Committee Report, such relief should provide exclusion from the CPO definition (as opposed to inclusion within the definition and exemption from registration and regulatory requirement). Certain of these commenters also contended that since the proposal as drafted would require eligible persons to concede they are CPOs, it would provide for an exemptive rule which would necessitate the acknowledgement of a regulatory status that might not, in fact, be applicable. Still other commenters contended that a rule as detailed as § 4.5 was unnecessary to effectuate the directive of the Committee Report. They argued that a brief interpretative statement issued by the Commission was all that was needed.

The Commission has carefully considered these comments and also has reconsidered its interpretation of the nature of the relief intended by the Committee Report. As a result, the Commission has adopted in § 4.5 a rule that makes available an exclusion—not merely an exemption—for certain otherwise regulated persons from the definition of the term "commodity pool operator."[17] Moreover, because of the nature and extent of regulatory relief being provided, the Commission believes that a rule such as § 4.5—not merely an interpretative statement—is the appropriate means by which such relief should be issued. The Commission wishes to emphasize, however, that while such otherwise regulated persons may be outside the CPO definition, they still are "persons" for the purposes of the Act and the Commission's regulations thereunder.[18] Thus, they remain subject to, among other things, Section 4b of the Act,[19] which prohibits fraudulent transactions, and Part 18 of the regulations,[20] which requires certain reports to be furnished by traders in the commodity interest markets.

Numerous commenters expressed concern that proposed § 4.5 appeared to provide an exclusive means for relief from regulation as a CPO. Thus, they argued, if a specified otherwise regulated person was unable to meet such criteria as the Commission decided to adopt, or if such person was not so specified, it would *prima facie* be a CPO. These commenters recommended that adoption of a rule such as proposed § 4.5 should provide a regulatory "safe harbor," but not the exclusive means for relief from regulation as a CPO. The Commission agrees with this recommendation, and by this Federal Register release confirms that, notwithstanding the conclusion of this rulemaking proceeding, it will expect the staff to continue to issue such interpretations of § 4.5 as may be necessary and appropriate to fulfill the purposes of the rule.[21]

The Commission also agrees with the recommendation that it clarify the effect of § 4.5 on those persons who previously have obtained relief from regulation as a CPO through, as noted above, the receipt of staff "not a pool" letters under § 4.10(d) and, subsequent to the issuance of proposed § 4.5, through the receipt of staff "no-action" letters. As is discussed below, as proposed and as adopted § 4.5(c) requires that a notice of eligibility must be filed with the Commission to claim the exclusion provided by the rule and § 4.5(d) requires that, subsequently, supplemental notices must be filed as necessary to render the notice of eligibility accurate and complete. In proposing § 4.5 the Commission stated:

> As the representations given in connection with the receipt of the previously issued 'not a pool' staff interpretative letters closely parallel the representations which would be required in connection with qualifying for the exemption contained in proposed § 4.5, the Commission does not believe that it should be necessary for the recipients of such interpretative letters to, in effect, "re-submit" an application for exemption—*i.e.*, to file an initial notice of eligibility—in the event the proposal is adopted. However, to insure that these persons (and entities) would be in compliance with the requirements of the proposed rule, the Commission intends to take the position that such persons must file supplemental notices in the event that any of the representations they previously had made to the Commission changed or that, to the extent that the proposal would require any additional representations, they were not in compliance with them. This position would ensure equal treatment of all persons claiming exemption under the rule.[22]

Consistent with this statement, and for the reasons given therein, the Commission has determined to deem each request for a "not a pool" interpretation or a "no-action" position which did, in fact, receive such interpretation or position as a notice of eligibility properly filed under § 4.5(c).[23] Of course, this position assumes that a person who is the subject of such interpretation or position is complying and will continue to comply with all of the provisions of § 4.5 and, in particular, with the operating criteria of § 4.5(c)(2) discussed below.

One commenter recommended that to insure equal treatment of all persons claiming relief under § 4.5 the Commission should clarify that to the extent it adopts operating criteria less stringent than those required for receipt of a "not a pool" or a "no-action" letter, the recipients of such letters should be able to comply with such less stringent criteria. The Commission agrees with this recommendation and intends to so interpret § 4.5.

Another commenter recommended that the Commission clarify the effect of § 4.5 on the recipients of staff "no-action" letters. As this person noted, because the recipients of those letters were deemed to be CPOs, they remained subject to section 4*o* of the Act,[24] which prohibits fraudulent activities by CPOs (and by CTAs). Because § 4.5 as adopted provides an exclusion as opposed to an exemption for the persons specified therein from the CPO definition, the provisions of section 4*o* would not be applicable to persons who qualified for relief thereunder. Consistent with the position taken above, the Commission finds that the recipients of the staff "no-action" letters

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[17] In furtherance of the relief from registration as a CPO contained in proposed § 4.5, the Commission also proposed to amend § 3.16(a)(4), 17 CFR 3.16(a)(4) (1984), to provide that an associated person of a person exempt from registration as a CPO and from Subpart B under § 4.5 would, likewise, be exempt from registration with the Commission. However, in light of the relief afforded in § 4.5 as adopted, it has been unnecessary for the Commission to adopt that amendment to § 3.16(a)(4).

[18] This is consistent with the language in the Senate Committee Report that relief "other than [from] antifraud provisions should generally be granted."

[19] 7 U.S.C. 6b (1982).

[20] 17 CFR Part 18 (1984).

[21] It also should be noted that, under § 4.12, the Commissioin may exempt any person from any provision of Part 4—*e.g.*, from any provision of § 4.5—upon a finding that "the exemption is not contrary to the public interest and the purposes of the provision from which the exemption is sought."

[22] 49 FR 4778, 4782–83.

[23] As the Commission noted in proposing § 4.5, not all of the persons who requested such staff interpretations received them. Where one or more of the requisite representations were absent, the Division of Trading and Markets declined to issue such relief but, instead, issued certain other relief from the provisions of §§ 4.21, 4.22 and 4.23 subject to such persons' registration as a CPO. *See* 49 FR 4778, 4785. *See also*, Division of Trading and Markets Staff Interpretative Letter 84–8, Comm. Fut. L. Rep. (CCH) ¶22,048 (March 14, 1984).

[24] 7 U.S.C. 6*o* (1982).

similarly are not subject to section 4*o*.[25] Those persons would remain subject, however, to all other applicable provisions of the Act and the Commission's regulations thereunder—*e.g.*, to section 4b of the Act and Part 18 of the regulations.

As is noted above, § 4.5 is effective today upon its publication in the **Federal Register**. In this regard the Commission recognizes that, pending the completion of the § 4.5 rulemaking proceeding, there may have been uncertainty on the part of persons affected thereby as to whether, and under what criteria, they would be eligible to claim the relief from regulation as a CPO available under the final rule. In light of that uncertainty, those persons may be engaging in activities for which they now would be eligible for regulatory relief under § 4.5 as adopted without having sought (and received) a "not a pool" or a "no-action" letter from Commission staff. In light of such uncertainty, and subject to continued compliance with all of the other provisions of § 4.5, the Commission has determined that it will not take any enforcement action solely for failure to register as a CPO against any such person who files a notice of eligibility as specified in § 4.5(c) within 60 days from the date hereof.

B. The Persons and Entities to Whom the Exclusion is Available

In proposing § 4.5, the Commission noted that under its regulatory framework a CPO and its pool generally must be organized as separate legal entities.[26] The Commission further noted that to be effective, then, any relief to be provided by § 4.5 "must not only be applicable to a 'person' who could be deemed to be a CPO but also to the pool such person intended to operate—*i.e.*, its 'qualifying entity.' "[27] Accordingly, as proposed and as adopted, paragraph (a) of § 4.5 pertains to the persons who are eligible for relief under the rule and paragraph (b) pertains to the corresponding qualifying entity for which such relief is available provided, as is discussed below, that such qualifying entity is operated in a specified manner.

In its proposal, the Commission explained that it had strictly followed the language of the Committee report in specifying the persons and the qualifying entities eligible for relief from regulation as a CPO. In response to the comments received, the Commission believes that certain clarifications, refinements and expansion of the relief are appropriate.

Prior to discussing the specific persons (and their qualifying entities) eligible for relief under § 4.5, the Commission wishes to note that, as proposed and as adopted, the scope of such relief includes the principals or employees of such persons.[28] One commenter on this aspect of the proposal stated that such an extension would be useful and appropriate. Other commenters, however, contended that the Commission's proposal did not extend far enough. For example, one commenter suggested that the phrase "principal or employee" be expanded to include persons who functionally, but not literally, come within such phrase. Another commenter suggested that the phrase be expanded to include "such other fiduciaries that fall within the intent" of § 4.5.

In response to these two commenters, the Commission wishes to explain that in proposing and in adopting § 4.5 it has carefully followed the directive in the Committee Report that relief from regulations as a CPO under the rule be afforded to otherwise regulated persons. Whether a person such as those these commenters suggest is, in fact, otherwise regulated to the extent that the persons specified in § 4.5 are regulated remains to be determined on a case-by-case basis in the context of the particular factual situation applicable to such person. Thus, the Commission is unable to incorporate the recommendations of these commenters into § 4.5 as adopted. Consistent with its prior practice in this area and with its statement made earlier in this **Federal Register** release, however, the Commission invites interested persons to seek such staff determinations of the scope of the term "persons, and any principal or employee thereof" in § 4.5 as shall be necessary and appropriate to effectuate the purposes of the rule.

Registered Investment Companies. As proposed and as adopted, the first "otherwise regulated person" specified in § 4.5 is "an investment company registered as such under the Investment Company Act 1940,"[29] and its qualifying entity similarly is such a registered investment company. Sections 4.5 (a)(1) and (b)(1).[30] The comments received on these provisions of the proposed rule basically asked the Commission first to clarify whether a registered investment company's depositor, sponsor, underwriter, or IA came within the definition of the term "commodity pool operator" and, if so, then to also provide relief from regulation as a CPO for such persons equivalent to the relief to be provided for the investment company itself. The Commission does not believe that the activities in which such persons typically engage are, without more, the activities in which a CPO typically engages.[31] Rather, the Commission believes that such persons are outside the CPO definition and, therefore, that relief from regulation as a CPO is not necessary in order to exclude such persons from the CPO definition.[32]

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[25] Proposed § 4.5 would have retained the applicability of § 4.41, which prescribes certain advertising standards for CPOs (and for CTAs), to persons who qualified for relief from CPO regulation. Similarly, since § 4.5 as adopted excludes persons who have qualified for relief thereunder from the COP definition, the provisions of § 4.41 would not be applicable to them.

[26] *See* § 4.20(a) and the discussion of that regulation in 49 FR 4778, 4780. As the Commission further noted in its proposal:

Frequently, Commission staff is called upon by members of the public to offer guidance on determining who, in fact, would be the CPO of a particular pool. In providing such guidance, the staff typically looks at such factors as who will be acting in the manner contemplated by the statutory definition of the term commodity pool operator—*e.g.*, who will be promoting the pool by soliciting, accepting or receiving from others, property for the purpose of commodity interest trading—and who will have the authority to hire (and to fire) the pool's CTA and to select (and to change) the pool's FCM. *Id.*

[27] *Id.*

[28] As the Commission explained in its proposal: Since who the pool operator of a given entity would be might extend to operating officials, principals or employees, to clarify the scope of the exemption, paragraph (a) includes not only the person itself (*e.g.*, a bank or trust company) but also "any principal or employee thereof." *Id.*

[29] 15 U.S.C. 80a *et seq.* (1982).

[30] As is noted above, under the Commission's regulatory framework, and in particular under § 4.20(a), a CPO and its pool must be separate legal entities. Section 4.20(a) recognizes, however, that in the case of a corporation the CPO and its pool may be one and the same and, accordingly, that rule provides exemption from its requirements in the case of certain corporations—*i.e.*, those who demonstrate to the Commission that they will be operated in a manner consistent with the purposes of the rule.

[31] *See* n. 26, *supra.*

[32] In issuing "no-action" letters under proposed § 4.5 Commission staff similarly had occasion to consider this issue. *See, e.g.*, Division of Trading and Markets Staff Interpretative Letter 84–11, Comm. Fut. L. Rep. (CCH) ¶ 22,290, at 29,457 n. 5 (July 17, 1984), wherein the staff stated:

We historically have treated registered investment companies and their officers and directors as those persons subject to CPO regulation. You have requested our opinion, however, that neither the Fund's registered investment advisor * * * (the "Adviser"), nor its registered broker-dealer * * * (the "Distributor"), nor any officer, director or employee of the Adviser or Distributor is a CPO. Proposed Rule 4.5 does not contemplate that any such person would be a CPO. *See, e.g.*, Rule 3.16(a)(5), which generally exempts from registration as an associated person to a CPO persons registered with the National Association of Securities Dealers as a registered representative or registered principal. 48 FR 35248 (August 3, 1983). Accordingly, we do not believe than any such opinion is necessary at this time.

Accordingly, the Commission has determined to adopt as proposed these provisions of § 4.5.

The Commission also believes it necessary to clarify these provisions as they would apply to a registered series investment company where one or more portfolios thereof intend to trade commodity interests. The Commission is aware that, in the course of issuing "no-action" positions under proposed § 4.5, its staff has had occasion to consider under what circumstances relief from regulation as a CPO should be afforded to such series investment companies. Specifically, the staff issued such a "no-action" position where each portfolio that intended to trade interests met the operating criteria of the proposal and where there was separate ownership in and identities of each of the company's portfolios—regardless of whether any (other) such portfolio intended to trade commodity interests.[33] The Commission believes that this approach is a sound one and, accordingly, intends that § 4.5 as adopted be so applied to a registered series investment company.

Insurance Companies. Proposed § 4.5 next proposed to provide relief from regulation as a CPO to "an insurance company subject to regulation by any State" with respect to "the assets of any trust, custodial account or other separate unit of investment for which it is acting as a fiduciary." The commenters on this proposed provision strongly took issue with it.

Specifically, these commenters asserted that the proposed provision would go far beyond the intended scope of the Committee Report by, in effect, deeming the holding of commodity interests in an insurance company's general assets as the operation of a commodity pool. As one of these commenters explained:

> Life insurance companies use premiums to acquire assets such as real estate or corporate bonds, which satisfy contractual obligations under the life insurance product contract. Life insurance companies treat these contractual obligations as a liability, against which the company maintains a reserve representing the difference between the actuarially determined value of future benefits payable and future premiums receivable. Reserves are established as a way of determining or measuring the assets the company must maintain to meet its future commitments under the policies it has issued. The funds accumulated in support of these reserves are invested by the insurance company in assets that are the property of the company. Unlike some entities within the scope of the proposal's relief, contractholders of traditional life insurance products do not own any interest in the general assets of a life insurance company. As a result of this significant distinction, a life insurance company's general assets are not a pool in which policyholders participate.[34]

This commenter further explained that, while fixed insurance products constitute the vast majority of life insurance contracts, some companies offer another category of products known as variable contracts in which a contract-holder's benefit under the contract may, in part, vary in relation to the value of specifically identified assets contained in a life insurance separate account. The commenter thus reasoned that *if* relief from regulation as CPO—*i.e.*, inclusion within the scope of § 4.5—was in fact necessary with respect to insurance companies, at most such relief was necessary with respect to such separate accounts.

The Commission agrees that, for the reasons provided to it, the holding of commodity interests in an insurance company's general assets should not make the insurance company a commodity pool. The Commission further believes, however, that the devoting of assets to commodity interest trading by an insurance company separate account could constitute the operation of a commodity pool. Accordingly, the Commission has adopted in § 4.5 a provision that limits the availability of the rule—and therefore the need to seek the relief provided by the rule—to the operation of insurance company separate accounts. Section 4.5(b)(2).

Financial Depository Institutions. The third group of persons for whom § 4.5 proposed to provide relief from regulation as a CPO was certain financial depository institutions as specified in the Committee Report—*i.e.*, "a bank or trust company subject to regulation by any State or the United States" with respect to "the assets of any trust, custodial account or other separate unit of investment for which it is acting as a fiduciary." The Commission does not agree with, and has not adopted in § 4.5, the recommendation of one commenter that relief from regulation as a CPO should be available to any federally or state regulated bank or trust company in all instances, regardless of whether such bank or trust company complied with the operating criteria proposed for all other persons and qualifying entities. Such relief would be contrary to that intended by the Committee Report. Moreover, it would provide such banks and trust companies with an unwarranted competitive advantage over those persons who do not meet the operating criteria or other requirements of § 4.5 and who therefore must register with the Commission as a CPO.

Other commenters on this portion of the Commission's proposal generally recommended that it be expanded to also make regulatory relief available to such other financial depository institutions who are regulated in a manner equivalent to the persons specified in the proposal. The Commission believes this recommendation useful and appropriate and, accordingly, has incorporated it into § 4.5 as adopted. Section 4.5(a)(3). Thus, the final rule expands coverage thereunder to include such persons as federally or state regulated bank affiliates, savings institutions and U.S. branches and agencies of foreign banks.

Another commenter noted that frequently a bank or trust company will act in a fiduciary capacity without having any investment authority and that in such limited capacity it would be unable to make the representations on operating criteria proposed in the rule. Accordingly, this commenter recommended that regulatory relief be applicable with respect to accounts for which a bank or trust company serves as trustee and also has investment authority. The Commission similarly believes this recommendation has merit,

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[33] *See, e.g.*, Division of Trading and Markets Staff Interpretative Letter 84-13, Comm. Fut. L. Rep. (CCH) ¶ 22,302 (August 1, 1984), where two of the investment company's four portfolios intended to trade commodity interests. As the staff stated therein:

> Proposed Rule 4.5 does not specifically address the instant situation—*i.e.*, where only certain portfolios of a registered series investment company intend to engage in commodity interest transactions. However, in light of the separate ownership in and identities of the Fund's Portfolios—e.g., separate investment objectives, net asset valuation and dividend policies—we believe it consistent with the intent of proposed Rule 4.5 to treat as separate entities each of the two Portfolios that intend to engage in commodity interest trading for purposes of determining whether the criteria of the proposal have been met. Conversely, where such separate ownership and identities are not present, we might find it more consistent with proposed Rule 4.5 to aggregate all of the portfolios of a series investment fund in determining whether the criteria have been met. *Id.* at 29,499.

> In issuing such "no-action" letters, the staff further expressed its belief that such a determination was particularly appropriate to the proposed "hedging" and "5%" operating criteria. As the staff explained:

> A contrary finding would enable a Portfolio to commit 5% of the Fund's total assets for its commodity interest positions which, in turn, might enable the Portfolio to commit more assets than are necessary to hedge its own, separate actual or anticipated cash positions. *Id.* n. 3.

[34] Comment letter of the American Council of Life Insurance, p. 5 (May 9, 1984).

and has adopted it in the final rule. Section 4.5(b)(3).[35]

Pension Plans. The fourth and final person for whom the Commission proposed to provide relief from regulation as a CPO was "a trustee or named fiduciary of a defined benefit pension plan" that is "subject to the Employee Retirement Income Security Act of 1974 ["ERISA"][36] and is insured by the Pension Benefit Guaranty Corporation." Based upon its evaluation of the comments received, its reconsideration of the Committee Report and its review of the definitions of the term "commodity pool operator" and "pool," the Commission has extensively revised this proposed provision.

The comments received on this provision not only questioned its scope, but also the need for such relief from regulation as a CPO as it would provide. Certain commenters asserted that the Commission should expressly exclude from the proposed operational criteria of § 4.5—and therefore from the definition of the term "pool" in § 4.10(d)—all pension plans subject to ERISA. The Commission does not believe that the Committee Report and the definitions of the terms "commodity pool operator" and "pool" contemplate relief of such nature and breadth. The Commission does believe, however, that certain ERISA plans merit such relief. As was explained by one commenter:

> [A] non-contributory plan, *i.e.*, one in which all contributions are solely made by an employer, can *never* be a commodity pool, because no funds are solicited from participants and only the employer bears the funding responsibility of the plan if there are losses. Similarly, defined benefit plans are not likely to be commodity pools, even if contributions are permitted, because such plans normally require the employer to cover losses and permit the employer to benefit from excess earnings not needed to fund the benefit.[37]

Accordingly, § 4.5 as adopted expressly excludes a noncontributory plan, whether defined benefit or defined contribution, or under certain circumstances a contributory defined benefit plan, which is covered under Title I of ERISA. Sections 4.5(a)(4) (i) and (ii). In this regard, the Commission notes that Title I contains the operative provisions of ERISA—*e.g.*, reporting, disclosure, administration and enforcement provisions—which, for the purposes of this rulemaking, would make a pension plan "otherwise regulated." Accordingly, for these purposes, the Commission believes that coverage under Title I should be controlling.

The Commission is aware that certain contributory defined benefit plans have an "additional" feature which allows for (additional) voluntary employee contributions, the benefit from which depends on the performance of the investments into which such contributions are placed. Because this feature has "pool" attributes to it, the availability of the express exclusion in § 4.5 for a contributory defined benefit plan is subject to the proviso that "with respect to any such plan to which an employee may voluntarily contribute, no portion of an employee's contribution is committed as margin or premiums for futures or options contracts."[38] Section 4.5(a)(4)(ii).

Similarly, but for other reasons, the Commission agrees with those commenters who contended that governmental pension plans are not appropriate subjects for regulation and, therefore, that they need not qualify for any exclusion from such regulation. As was stated in connection with excluding such plans from coverage under ERISA:

> State and local governments must be allowed to make their own determination of the best method to protect the pension rights of municipal and state employees. These are questions of state and local sovereignty and the Federal government should not interfere.
>
> Likewise the various retirement plans established by the Federal government would be exempt since these are regulated by other statutes.[39]

Thus, § 4.5 as adopted also expressly provides exclusion for such governmental plans.[40] Section 4.5(a)(4)(iii).

Thus, §4.5 excludes each of these three types of pension plans from the definition of the term "pool" in § 4.10(d). The Commission wishes to make clear, however, that this exclusion is only applicable at the pension plan level itself and not at any subsequent level where the assets of any such pension plan are commingled with the assets of any other person in trading commodity interests and gains and losses are not separately accounted for. For example, in the event that the assets of two or more such plans are commingled in a trust account or other type of investment vehicle which intends to trade in, among other things, commodity interests, the Commission in appropriate cases where that vehicle was not subject to an effective exclusion under § 4.5 would deem the operation of such vehicle as the operation of a commodity pool and such plans as its pool participants. In such event, with respect to such vehicle compliance with the provisions of § 4.5—or regulation as a CPO—would be required.

With respect to other pension plans covered under Title I of ERISA—*e.g.*, a contributory defined contribution plan, the Commission has determined to include such other plans as qualifying entities in § 4.5 and, thus, to enable the trustee or named fiduciary of any other such plan to claim the relief from regulation as a CPO available under § 4.5—subject, of course, to compliance with the provisions of the rule. Section 4.5(b)(4). The Commission believes that such relief is appropriate in light of the pervasive regulatory scheme to which such other plans are subject under Title I of ERISA.[41] The Commission further believes that such relief is necessary in light of the fact that in trading commodity interests such other plans would possess characteristics typical of commodity pools—*e.g.*, contributions to such plans are made by the participants therein and the benefits to be received from such contributions depend upon the performance of the investments into which those contributions are placed.

Whether any other pension plan not specified in § 4.5 merits such relief as the rule provides, or any other regulatory relief, remains to be determined on a case-by-case basis in light of the facts particular to such

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[35] *But see* n. 52 *infra*. The Commission is aware that certain bank affiliates have registered with the Commission, and are engaging in business as, an FCM. In this regard, the Commission wishes to make clear that the relief available under § 4.5 only is available for the otherwise regulated persons and entities specified in the rule. Thus, if an FCM—albeit a bank affiliate—intended to engage in business as a CPO, § 4.5 would be unavailable to it and registration as a CPO would be required of it. This is because the primary regulator of FCMs is the Commission. Moreover, by making § 4.5 available to such other financial depository institutions—and to all of the other persons specified in the rule—the Commission does not mean to imply that it has made any determinations regarding the propriety of trading in commodity interests by such persons in general or the particular conditions under which such trading should take place. Rather, and as is discussed more fully below, the Commission intends that any such determinations remain with, and are to be made by, such persons' "other regulator."

[36] 29 U.S.C. 1001 *et seq.* (1982).

[37] Comment letter of Goldman, Sachs & Co., p. 5 (May 8, 1984).

[38] To stay outside the proviso—and to maintain its exclusion from the term "pool"—such plan may seek to address this matter through segregation.

[39] 1 Legislative History of the Employee Retirement Income Security Act of 1974, 97th Cong., 2d Sess. 224 (Comm. Print 1976).

[40] Specifically, this express exclusion is applicable to "a plan defined as a governmental plan in section 3(32) of Title I" of ERISA.

[41] As is noted above, Title I contains provisions concerning reporting, disclosure, administration and enforcement.

plan—*e.g.*, whether, and to what extent, the operations of such plan are subject to other regulation. As explained above, the Commission intends that its staff shall issue such determinations. The Commission further intends that, as it gains experience in this area, it will reevaluate this aspect of the rule.

The Commission emphasizes, however, that the fact that a pension plan is not covered under Title I of ERISA does not, in each and every case, make such plan a commodity pool—ineligible as a qualifying entity under § 4.5(b)(4). In this regard, the Commission notes that certain plans or arrangements, such as an Individual Retirement Account or a plan which covers only the owner of a business (and his or her spouse) are, in effect, excluded from coverage under Title I of ERISA.[42] By their very nature, such plans are not within the meaning and intent of the term "pool" contained in § 4.10(d), nor are their "operators" within the CPO definition contained in section 2(a)(1)(A) of the Act.[43]

Finally, the Commission wishes to respond to those commenters who asserted that relief under § 4.5 should not be limited to "a trustee or named fiduciary" of a specified pension plan but, rather, that relief should be available to all ERISA fiduciaries of such a plan. The Commission believes that for the purposes of § 4.5 such a sweeping provision would be overly broad. While the Commission acknowledges that the fiduciary standards required of such persons are extremely high, it is not, however, persuaded that such standards make such persons "otherwise regulated" to the same extent as trustees and named fiduciaries of ERISA plans. Accordingly, the Commission has adopted as proposed the term "a trustee or named fiduciary." Section 4.5(a)(4). The Commission does, however, invite interested persons to seek staff determinations of this term as it may apply to related persons or affiliates of the persons specified therein.

C. The Notices Required to Claim and to Maintain the Exclusion

In General. The Commission's proposal would have required, initially, the filing of a notice of eligibility to claim relief from regulation as a CPO and, subsequently, the filing of such supplemental notices as would be necessary to amend the notice of eligibility so as to render it accurate and complete. The Commission disagrees with the contention of several commenters that such notices were unnecessary. In light of the nature of the relief available under § 4.5, the Commission believes that the filing of such notices are necessary and appropriate. The Commission has both the right and the obligation to know who is claiming the relief available under the rule and to have that knowledge kept current. Those commenters also contended that the proposed notices might prove unduly burdensome to the persons required to file them. Here, too, the Commission disagrees. In the preamble accompanying its proposal the Commission requested comment on whether those notices should be supported by any specific documentation and, if so, what documentation would be appropriate.[44] In response to that request, one commenter asserted that, in light of the antifraud standards specified by such persons' other regulators, such documentation was unnecessary. Another commenter also argued that such documentation was unnecessary in light of the Commission's proposal (adopted in § 4.5(c)(2)(v)) to require such documentation on an "as needed" basis. The Commission believes these comments have merit and is not now adopting any documentation requirement.[45] Moreover, as proposed and as adopted, the notice of eligibility is effective upon filing. Section 4.5(c)(4). In light of the foregoing, the Commission believes that no undue burdens will be imposed on persons seeking to claim relief under § 4.5.

Thus, § 4.5 as adopted requires both the filing of initial and supplemental notices to claim and to maintain exclusion from the definition of the term "commodity pool operator." Sections 4.5 (c) and (d), respectively. Specifically, the notice of eligibility must be filed with the Commission "prior to the date upon which such person intends to operate the qualifying entity pursuant to the exclusion provided by this section" (§ 4.5(c)(3)) and any supplemental notice must be filed within 15 days after the occurrence of an event that renders the notice of eligibility inaccurate or incomplete (§ 4.5(d)(2)).

The Commission also has adopted as proposed certain other requirements applicable to any notice required to be filed under § 4.5—*i.e.*, it must be in writing, signed by a duly authorized representative, and filed with the Commission. Section 4.5(f). In addition, to ensure the proper administration of § 4.5, the Commission has adopted a requirement that any such notice also must be filed, at the address specified in the rule, with the National Futures Association (the "NFA"), which now has responsibility for registering CPOs. Section 4.5(f)(4).[46] The one commenter on this portion of the proposal addressed the provision on duly authorized representatives and, in particular, the provision that "if such person [who files a notice] is a corporation, [the notice must be signed] by the chief executive officer, chief financial officer or counterpart thereto." That commenter contended that the provision would unnecessarily limit authorized signatories, by failing to recognize that typically corporate entities have a broader range of individuals who are authorized to sign submissions on behalf of the corporation. The Commission believes that this argument has merit and, accordingly, has adopted in the final rule the commenter's recommendation that any notice required to be filed under § 4.5 must be "signed by a duly authorized representative"—*i.e.*, a representative who has been authorized to bind the person on whose behalf the notice has been filed to the information and the representations contained in the notice. Section 4.5(f)(2).

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[42] *See* 29 CFR 2510.3–2(d) and 2510.3–3 (b) and (c) (1984) which concern, respectively, certain Individual Retirement Accounts and so-called "Keogh" or "H.R. 10" plans.

[43] *See* Division of Trading and Markets Staff Interpretative Letter 83–9, Comm. Fut. L. Rep. (CCH) ¶21,909 (November 3, 1983), wherein Commission staff stated that a joint account comprised, in effect, of certain immediate family members would not be a "pool" within § 4.10(d). *Cf.* 43 FR 18557, 18561 (May 1, 1978), wherein the Securities and Exchange Commission interpreted the "natural person" exemption under Section 11(a)(1)(E) of the Securities and Exchange Act of 1934 as including "an individual retirement account established by a natural person"—but not "group retirement accounts." In this regard, and also as is stated above, where the assets of a pension plan such as those specified in n. 42 are commingled with the assets of another person in trading commodity interests and gains and losses are not separately accounted for, with respect to such commingled trading vehicle compliance with § 4.5—or regulation as a CPO—would be required.

[44] 49 FR 4778, 4780.

[45] The Commission's experience with § 4.5 subsequently may indicate, however, that such documentation is necessary and appropriate for the administration of the rule.

[46] Pursuant to section 17 of the Act, 7 U.S.C. 21 (1982), the Commission has designated the NFA as a registered futures association with responsibility for the regulation of persons who are required to be registered with the Commission—*e.g.*, CPOs. *See* NFA Bylaw 1101. *See also*, NFA Compliance Rule 2–13, which provides in pertinent part that "[a]ny Member who violates any of CFTC Regulations 4.1 and 4.16 through 4.41 shall be deemed to have violated an NFA requirement." Thus, a requirement that any notice filed under § 4.5 must be filed with the NFA is necessary to ensure that this designated self-regulatory organization is timely apprised of the activities of persons who are acting as a CPO—and persons who have qualified under § 4.5 for exclusion from the CPO definition.

The Information That the Notice of Eligibility Must Contain. Subject to the exception discussed below, as proposed and as adopted the notice of eligibility must contain the name of the person claiming exclusion under § 4.5, the qualifying entity for which such exclusion is being claimed, and the applicable provisions under paragraphs (a) and (b) of the rule pursuant to which they are eligible for exclusion. Section 4.5(c)(1).

The Commission further proposed that where the qualifying entity was a registered investment company, the notice of eligibility also would contain information on any exemptions concerning disclosure and financial reporting to which the investment company was subject under the Federal securities laws or, if it was not so subject, a statement to that effect. The Commission explained that this proposal arose out of a concern that "the nature and extent of such exemptions could be such that the investment company should not be treated as an 'otherwise regulated person' for purposes of proposed § 4.5." [47] The two persons who commented on this proposed provision [48] asserted that it was unnecessary inasmuch as, among other things, an exemptive order under Section 6(c) of the Investment Company Act of 1940—to which the Commission specifically referred in the preamble accompanying its proposal—can only be issued on the basis that regulation under the specific provision from which exemptive relief is sought is not necessary for the public interest or the protection of investors. The Commission finds that this argument and others presented to it have merit and, accordingly, has not adopted its proposed provision concerning special disclosures by registered investment companies.[49]

The other commenters on this portion of the Commission's proposal recommended clarification of the proposal as it would apply to qualifying entities of banks or trust companies. *See* § 4.5(c)(1)(iii). They argued that, in the case of a bank or trust company which intends to trade commodity interests on behalf of various fiduciary accounts, the provisions of the notice of eligibility could be interpreted to require inclusion of extensive lists of such accounts and to require frequent amendment as such accounts are opened and closed. The Commission does not believe that the notice of eligibility needs to be interpreted so broadly—and to impose such an administrative burden—to fulfill its purposes. One commenter recommended that a bank should be able to file a "blanket" notice which would notify the Commission that the bank serves as fiduciary for trusts the operation of which, absent qualifying for relief under § 4.5, might require the bank to register as a CPO. The Commission disagrees with this contention because, as is explained more fully above, it has the right and the obligation to know who is claiming relief under § 4.5 and the qualifying entity for which such relief is being claimed. Rather, the Commission intends to interpret the notice of eligibility to require the name of each ultimate trading vehicle through which a bank or trust company, or any other such financial depository institution, intends to trade commodity interests on behalf of various fiduciary accounts—*e.g.*, the name of each such collective trust fund into which such accounts have been placed.[50] The Commission further intends that, assuming each such trading vehicle is named, the financial depository institution need only file one notice of eligibility to claim relief under § 4.5 with respect to all such trading vehicles.

The Representations Concerning Operating Criteria that the Notice of Eligibility Must Contain. The Commission also proposed that the notice of eligibility would be required to contain certain representations concerning the standards by which a qualifying entity would be operated with respect to its commodity interest activities. These standards—which would be the operating criteria for relief from regulation as a CPO—would have required the entity: (1) To trade commodity interests solely for bona fide hedging purposes; (2) to commit no more than 5% of its assets as margin or premiums for its commodity interest trading; (3) to not market itself as a commodity pool; (4) to disclose to its participants the purpose of and limitations on its commodity interest trading; and (5) to submit to special calls for information by the Commission. The Commission explained that, with the exception of the representation concerning special calls, these standards of operation were taken from the Committee Report. The Commission also noted that:

> [A]lthough this proposal has not itself gone beyond the specific language of the Committee Report to further define the meaning and scope of these criteria, the Commission specifically is requesting comments on the actual content of these representations which address specifically the differences in the other regulatory frameworks to which the qualifying entities set forth in the proposal are subject. The Commission expects that the final rules on these representations will more fully describe the parameters of such operating conditions. Moreover, the Commission would expect to interpret the express criteria of the rule in accord with the specific standards contained in the staff interpretations of § 4.10(d) which have been issued to date. Absent comment which suggests further interpretation or modification of the rule itself, the Commission expects to continue to follow such interpretations and to consider requests for further delineation of the criteria based on specific fact situations.[51]

Most of the persons who commented on proposed § 4.5 addressed this portion of the Commission's proposal. The Commission has given particular attention to those comments. Thus, while the five operating criteria the Commission has adopted are essentially modeled on those originally proposed, as is discussed below the Commission has made certain fine tuning changes to them to reflect those comments consistent with the general intent of the Committee Report. Section 4.5(c)(2).

Prior to discussing each of these criteria in detail, the Commission wishes to respond to those persons who contended that the Commission should not use the Committee Report as a basis for interfering with the ability of the persons specified therein to use commodity interests in managing their investment portfolios and, further, that any limitation on such use should come from the Federal or State regulators of such persons' overall operations. Neither the proposed nor final rule limits such use. Rather, § 4.5 provides relief for those persons from certain regulation that otherwise would be required as a result of their use of the commodity interest markets. Moreover, to clarify the intent and effect of the representations on operational criteria that the notice of eligibility must contain, the Commission has adopted a proviso, which follows such representations in the rule, that the making of those representations "shall not be deemed a substitute for compliance with any criteria applicable

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[47] 49 FR 4778, 4781.

[48] One of these persons was the Division of Investment Management of the Securities and Exchange Commission.

[49] In the preamble accompanying its proposal the Commission also requested comment on whether the notice of eligibility should require similar disclosure on exemptions with respect to any other qualifying entities. 49 FR 4778, 4781. The Commission did not receive any comments responsive to that request and has not adopted any such disclosure requirements in the final rule.

[50] *See, e.g.*, Division of Trading and Markets Staff Interpretative Letter 84-16, Comm. Fut. L. Rep. (CCH) ¶ 22,347 (September 7, 1984).

[51] 44 FR 4778, 4781.

to commodity futures or commodity options trading established by any regulator to which such person or qualifying entity is subject." Thus, the Commission's intent in adopting the § 4.5 criteria is to distinguish when certain entities should be treated as commodity pools and their operators as CPOs—and not to establish what should be regarded as prudent trading strategies.

Also, in response to the commenters on this portion of the proposal, the Commission wishes to make clear that, as the other information the notice of eligibility must contain, the representations on operating criteria must be made with respect to the ultimate trading vehicle through which an eligible person intends to trade commodity interests.[52]

1. *The Bona Fide Hedging Representation.* The first proposed representation concerning the standards by which a qualifying entity would be required to be operated was that the entity "will use commodity futures or options contracts solely for bona fide hedging purposes." In the preamble accompanying its proposal the Commission stated that it intended to interpret this representation as being controlled by the definition of the term "bone fide hedging transactions and positions" contained in § 1.3(z)(1).[53] The Commission explained that, among other things, this definition means:

> [I]n using commodity futures and options contracts the qualifying entity must take into account the correlation in the fluctuations in the value of its futures or options positions relative to the value of its actual or anticipated cash position. This also means that such futures or options positions must be entered into with the intent required by § 1.3(z)(1).[54]

The Commission then expressed its concern that certain "anticipatory" or "long hedge" strategies might not, in fact, come within the scope of § 1.3(z)(1) and proposed to adopt a "completion" test for the commodity interests employed in such strategies to ensure that they would, in fact, come within the rule. Specifically, the Commission stated:

> Where there is an anticipatory transaction but no fixed commitment to make a transaction at a later time in a physical marketing channel, the Commission is concerned that distinguishing between what is the anticipatory reduction of risk and speculation may be exceedingly difficult. This is particularly true in the case of pooled investment media where there is no independent business need generated by the commercial activities of the entity (other than the need to increase investment return) for using the commodity markets to anticipate future commitments.

Nonetheless, the Commission believes that there may be situations where it would not be economically appropriate for such an entity to complete an anticipatory hedge.[55] In this connection, the staff has employed an intent test to determine whether an anticipatory hedge which is not in fact followed by the purchase of the commodity—*i.e.*, "completed"—is outside the scope of § 1.3(z)(1). Accordingly, Commission staff previously has required that to receive a "not a pool" interpretation an entity must represent that it "will use commodity futures or options contracts solely for bona fide hedging purposes" and, further, that: (1) all transactions will be entered into with the intent required by § 1.3(z) (1); and (2) a substantial majority—*i.e.*, 75%—of all anticipatory hedge transactions entered into each year will be completed. The Commission proposes to continue to so interpret the hedging criterion for purposes of the exemption in § 4.5 but specifically requests comments on whether additional or different standards should be set forth.[56]

In light of the comments received in response to this request, and the Commission's further deliberations on this proposed criterion, as adopted the first representation concerning the standards by which a qualifying entity must be operated maintains the proposed requirement that a qualifying entity "will use commodity futures or commodity options contracts solely for bona fide hedging purposes" and further, as recommended by one commenter, "within the meaning and intent of § 1.3(z)(1)." Section 4.5(c)(2)(i). In addition, as is discussed more fully below, the Commission is providing certain clarifications of the completion component of this representation. Moreover, the Commission has determined to provide an alternate criterion for certain long strategies—even though it does not regard strategies which meet this alternate test as coming within the meaning and intent of § 1.3(z)(1). Section 4.5(c)(2)(i) (A)–(C).

With respect to the bona fide hedging representation, certain commenters requested clarification of the completion requirement and, in particular, of the requirement that 75% of all anticipatory transactions be completed. One commenter stated that the proposal was unclear as to when the intent to

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[52] *See* Division of Trading and Markets Staff Interpretative Letter 85–5, Comm. Fut. L. Rep. (CCH) ¶ 22,508 (February 28, 1985), wherein Commission staff was unable to issue the requested "no-action" position under proposed § 4.5 because the ultimate trading vehicle was unable to make each of the proposal's representations with respect to each of the underlying pooled trading vehicles. Based upon other facts presented to it, however, the staff issued certain other relief.

In this connection, the Commission notes that where trading in commodity interests by a qualifying entity is not through a pooled investment vehicle or for its own account certain other issues may arise—*e.g.*, whether in directly receiving money for trading in commodity interests, an otherwise eligible person is acting as an FCM.

[53] Section 1.3(z)(1), 17 CFR 1.3(z)(1) (1984), states:

> Bona fide hedging transactions and positions shall mean transactions or positions in a contract for future delivery on any contract market, where such transactions or positions normally represent a substitute for transactions to be made or positions to be taken at a later time in a physical marketing channel, and where they are economically appropriate to the reduction of risks in the conduct and management of a commercial enterprise, and where they arise from:
>
> (i) The potential change in the value of assets which a person owns, produces, manufactures, processes, or merchandises or anticipates owning, producing, manufacturing, processing, or merchandising,
>
> (ii) The potential change in the value of liabilities which a person owes or anticipates incurring, or
>
> (iii) The potential change in the value of services which a person provides, purchases or anticipates providing or purchasing.
>
> Notwithstanding the foregoing, no transactions or positions shall be classified as bona fide hedging for purposes of section 4a of the Act unless their purpose is to offset price risk incidental to commercial cash or spot operations and such positions are established and liquidated in an orderly manner in accordance with sound commercial practices and unless the provisions of paragraphs (z) (2) and (3) of this section and §§ 1.47 and 1.48 of the regulations have been satisfied.

[54] 49 FR 4778, 4781. In considering requests for a "no-action" position under proposed § 4.5, Commission staff accordingly so interpreted the bona fide hedging criterion. *See, e.g., The Government Securities Series of the Hutton Investment Series Inc.* (April 4, 1984), wherein the staff advised that the investment company's contemplated purchase of put options on interest rate futures contracts "to hedge a long position in the underlying futures contract" did not appear to be bona fide hedging activity. Thus, the staff issued the requested "no-action" position subject to the investment company's representation that it would not purchase put options for such purpose "without seeking further guidance from the Commission." *See also, Colonial Tax-Exempt High Yield Trust* (November 1, 1984), wherein for purposes of the requested "no-action" position the staff similarly questioned certain other contemplated uses of the commodity interest markets. As the staff stated therein:

> The Prospectus also discusses [another strategy], which we do not believe would result in "bona fide hedging transactions and positions". . . . The . . . strategy is selling tax-exempt bond futures contracts (if and when approved) and buying U.S. Government bond financial futures contracts, 'to protect against shifts in value due to over-or-under valuation of the tax-exempt bond market in relation to the taxable bond market'—*i.e.*, an inter-market straddle position. . . . Accordingly, the position we are taking herein presumes that the Trust will not engage in [this strategy]. Page 2, n.2.

[55] The Commission provided the following example of such a situation:

> [I]f due to drastically changed market conditions since the purchase of a long futures contract, the cash market for the commodity subject to the contract has declined *and a further decline appears likely*, the purchase of the commodity at the time of offset of the contract may be prudent. 49 FR 4778, 4782 n. 15.

[56] 44 FR 4778, 4781–82.

complete a transaction would accrue.[57] That commenter recommended that the requisite intent should be judged as of the date on which the transaction is entered into, rather than later when the transaction is or is not completed, and that the 75% test should be used as a general standard for later review. The Commission generally believes this recommendation useful and appropriate, and intends to so interpret the completion requirement. Another commenter stated that the proposal was unclear as to when such long transactions should be completed—*e.g.*, within one year from the date entered into or at some indefinite time in the future. The Commission does not believe that specific time constraints need be imposed upon the completion requirement. The real test is whether the intention to complete can be substantiated—*i.e.*, through a course of conduct. In this connection, the Commission wishes to make clear that the "bona fide hedging" representation would not be violated if a qualifying entity "rolled" its long (or short) position in a commodity interest over to another position in the same commodity interest but with an earlier or later expiration date—so long as the termination of the initial or any such subsequent (rollover) position takes place at the same time as the completing cash market transaction.

One the whole, however, the commenters took vigorous issue with the use of a specific percentage in the Commission's proposed completion test. They generally contended that this approach was unduly mechanical and unrealistic and that it could force portfolio managers to enter into imprudent transactions. Certain of those commenters recommended that the Commission should merely retain the "substantial majority" language, without attaching any specific percentage thereto. They argued that in satisfaction of this requirement, the Commission should only require a qualifying entity to document the completion of its long transactions and to explain the circumstances surrounding uncompleted transactions. As those commenters noted, Commission staff had taken this approach in issuing "not a pool" interpretations under § 4.10(d).[58] The Commission notes, however, that as the staff continued to develop and to refine the representations necessary for relief from regulations as a CPO, it did require a representation that "a substantial majority—*i.e.*, 75%—of all anticipatory transactions would be completed."[59] Moreover, the approach recommended by those commenters would require the Commission continuously to evaluate the use of commodity interests by each person who has claimed the regulatory relief available under § 4.5.[60] This would be contrary to the Commission's intent, as is noted above, that the rule alleviate the need for the Commission to make case-by-case determinations in respect to meeting the eligibility and operating criteria requirements.

Other commenters questioned the applicability of the provisions of § 1.3(z)(1), and in particular the Commission's interpretation of those provisions in the context of long transactions, to the persons and qualifying entities eligible for relief from regulation as a CPO. They asserted that since § 1.3(z)(1) was developed at a time when the commodity interest markets were used to facilitate the movement of physical goods from the producer to the consumer, the rule was not written in terms applicable to portfolio managers—*i.e.*, persons charged with maximizing returns. Thus, those commenters argued that the application of § 1.3(z)(1) is appropriate in a merchandising environment.[61] Many of them further recommended various alternate representations to the Commission's proposed "bona fide hedging" representation.

Although the Commission does not necessarily agree with such comments, based upon its review of those comments and of recommendations that alternate representations be considered, the Commission has provided in § 4.5(c)(2)(i) the following alternate representation that may be made with respect to long positions in a commodity future or commodity option contract:

> [T]he underlying commodity value of such contract at all times will not exceed the sum of:
>
> (A) Cash set aside in an identifiable manner, or short-term United States debt obligations or other United States dollar-denominated high quality short-term money market instruments so set aside, plus any funds deposited as margin on such contract;
>
> (B) Cash proceeds from existing investment due in 30 days; and
>
> (C) Accrued profits on such contract held at the futures commission merchant.

With respect to certain of the terms used in this alternate representation, the Commission believes the following explanations helpful. For a futures contract, the "underlying commodity value" is computed by multiplying the size of the contract by the daily settlement price of the contract. For an option on a futures contract, the underlying commodity value is the underlying commodity value of the number of futures contracts underlying the option. For an option on a physical commodity, the underlying commodity value is computed by multiplying the contract size by the daily cash or spot futures price of the underlying commodity. The term "high quality" refers to a determination of such a rating as shall have been made by any major rating service.

The Commission emphasizes, however, that this alternate representation is not intended to encourage or to authorize the trading of commodity interests as a replacement for trading in the corresponding cash markets. Rather, it requires that the trading of commodity interests must be incidental to a qualifying entity's activities in the underlying cash market. This representation, then, as all of the other representations on operating criteria specified in § 4.5(c)(2), is necessary to comply with the intent of the Committee Report that regulatory relief be issued unless a person in operating a qualifying entity possesses "other attributes or features" which would warrant its regulation as a CPO. Moreover, the Commission further wishes to emphasize that in adopting this alternate representation it has not sough to disturb or to expand upon the provisions of § 1.3(z)(1) and the staff's prior interpretations of those provisions. Rather, the representation is intended to serve "as a *substitute* for compliance with the provisions of this paragraph."

Finally, the Commission wishes to respond to the commenter who requested clarification on the application of the bona fide hedging requirement to the writing of commodity option contracts for yield purposes. That commenter acknowledged that such activity might not come within the meaning and intent of § 1.3(z)(1). It asserted, however, that such option writing should be permitted pursuant to guidelines that effectively would make them "covered" in substance if not in form, and thereby would, according to that commenter, provide a relatively "risk-free" service. The Commission believes that whether the writing of

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[57] As noted above, the "bona fide hedging" criterion requires that *all* transactions be entered into with the intent required by § 1.3(z)(1).

[58] *See, e.g.*, Division of Trading and Markets Staff Interpretative Letter 83-5, Comm. Fut. L. Rep. (CCH) ¶ 21,905 (September 13, 1983).

[59] *See, e.g., The Government Securities Series of the Hutton Investment Series Inc., supra* n. 54.

[60] *Compare* § 4.5(c)(2)(v), which provides authority to the Commission to make such special calls as *may* be necessary to demonstrate compliance with the provisions of § 4.5(c).

[61] In this regard, those commenters compared the trading of commodity interests in a merchandising environment to such trading in a financial environment.

commodity options is such activity as should merit relief under § 4.5 remains to be determined on a case-by-case basis in light of the facts particular to such option writing. In this connection, the Commission is aware that its staff has had occasion to make such determinations in the course of issuing "not a pool" interpretations and "no-action" positions.[62] Consistent with that practice, and prior statements in this preamble, the Commission invites interested persons to continue to seek such staff interpretations.

2. *The 5% Limitation on Assets Representation.* The second proposed representation was that the qualifying entity "will not enter into commitments which require as deposits for initial margin for [its] futures or options contracts more than 5% of the fair market value of its assets."

The Commission disagrees with those commenters who argued that neither the 5% limitation nor any other such percentage limitation was necessary or appropriate to fulfill the intent of the Committee Report. In response, the Commission notes that the limitation is suggested by the Committee Report and is intended as a bright line to distinguish between entities which should not be subject to direct Commission regulation and those which should be. As the Commission explained in its proposal, the reason for this criterion is that regulatory relief "is not intended to be for pooled media primarily dealing in commodity interest trading but for qualifying entities that use commodity interests as risk reduction transactions as an adjunct to their other stated investment activities."[63] Indeed, as another commenter noted, some restriction on initial commitments for commodity interests is necessary to ensure that a qualifying entity does not engage in speculation through "overhedging"—*i.e.*, by "hedging" more than 100% of its assets—and thereby violate the first operating criterion that it will use commodity interests "solely for bona fide hedging purposes within the meaning and intent of § 1.3(z)(1)." Moreover, based on the experience of Commission staff in issuing "not a pool" and "no-action" letters and its own review of the current initial hedge margins and premiums for the commodity interest in which the Commission is aware that the persons and qualifying entities specified in § 4.5 intend to trade, the Commission believes that the 5% limitation generally should not pose any serious or regular impediments to the use of commodity interests by such persons and entities.[64]

Thus, the Commission has adopted as the second operating criterion a 5% limitation on the fair market value of a qualifying entity's assets that may be committed as initial margin and premiums for the entity's commodity interest positions. Section 4.5(c)(2)(ii). The Commission has, however, adopted in the final rules two provisions concerning the computation of the 5% limitation that are intended to eliminate certain impediments to qualifying for relief from regulation as a CPO that commenters perceived in the proposal.

First, the Commission has clarified in the final rule that such 5% may not exceed the fair market value of a qualifying entity assets, "after taking into account unrealized profits and unrealized losses on any such contracts it has entered into." This provision which is consistent with generally accepted accounting principles in this area, is intended to ensure that the fair market value of the entity's assets accurately takes into account all of those assets, that the 5% limitation is and remains appropriately computed and, thus, that the entity's hedge positions may be maintained. In this regard, the Commission wishes to clarify that in determining the amount of initial margin of a commodity interest to be included in computing the 5% limitation, a qualifying entity only needs to include such amount as is required by the exchange on which such commodity interest is traded. Moreover, where a qualifying entity grants an option (whether it be a put or a call), in computing the 5% limitation it need not include the in-the-money amount of the position at the time it was established. Of course, for administrative convenience, the qualifying entity may include in its computation the amount of initial margin held at any time by the FCM through whom the commodity interest is traded—which amount must, at a minimum, equal the amount required by the exchange.[65] This will

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[62] *See, e.g., Colonial Tax-Exempt High Yield Trust, supra* n. 54, wherein Commission staff stated:

[The Trust contemplates] writing put options on futures contracts the Trust has sold, to offset the Trust's positions in such futures contracts. Notwithstanding the fact that this strategy may not increase the Trust's risks as a participant in the commodity interest markets, it would not result in a bona fide hedging position. Moreover, this strategy cannot be considered as merely effecting an offsetting position, because such offset will only occur if and when the holder of the option exercises the option. Accordingly, the position we are taking herein presumes that the Trust will not engage in [this strategy]. Page 2, n.2.

Compare, Division of Trading and Markets Staff Interpretative Letter 83-10, Comm. Fut. L. Rep. (CCH) ¶21,910 (November 21, 1983), wherein the staff concluded that certain option writing activity came within proposed § 4.5. As the staff stated:

A critical indicia of [the] intent [required by § 1.3(z)(1)] will be the extent to which [the Fund's] commodity interest transactions are entered into for traditional hedging purposes—that is, futures contracts are sold or simultaneously put options are purchased and call options are written to protect against a decline in the value of securities that [the Fund] owns.

In this connection, it appears that the commodity interest transactions in which [the Fund] intends to engage—*i.e.*, selling stock index futures contracts or simultaneously purchasing put options and writing call options on stock index futures contracts—would place [the Fund] on the 'short' side of the market in such transactions. It also would appear, then, that all of [the Fund's] commodity interest transactions should in fact be entered into for traditional hedging purposes to maintain our conclusion that [the Fund] would not be a 'pool.'

With respect to [the Fund's] proposal to simultaneously purchase put options on stock index futures contracts and to write call options on such contracts, you have represented that: (1) The contracts subject to such options, and the quantities, strike prices and expiration dates thereof, would be identical for each such option; and (2) the transactions would be executed to protect against a decline in the value of securities that [the Fund] owned. *Id.* at 27,838–39.

[63] 49 FR 4778, 4782.

[64] For example, with respect to the June '85 Treasury bond futures contract traded on the Chicago Board of Trade, on March 14, 1985 the initial hedge margin for the contract ($1,500) represented approximately 2.2% of the contract's market value based on that day's settlement price ($68,312.50). Similarly, with respect to the June '85 S&P 500 Index contract traded on the Chicago Mercantile Exchange, on that day the initial hedge margin for the contract ($2,500) represented approximately 2.7% of the contract's market value based on that day's settlement price ($91,150). Thus, a 5% limitation on the amount of the fair market value of a person's assets that may be committed as initial margin for its futures contracts would enable the person to enter into contracts with a market value of, in the first example, approximately 2.3 times the fair market value of its assets (5/2.2) or alternatively, in the second example approximately 1.9 times the fair market value of its assets (5/2.7). Of course, to meet and to maintain the bona fide hedging criterion, a qualifying entity may not enter into futures contracts in quantities that exceed the relevant hedge ratio for such cash and futures market positions.

[65] *See* § 1.56(b), 17 CFR 1.56(b) (1984), which provides in pertinent part:

No futures commission merchant * * * may in any way represent that it will, with respect to any commodity interest in any account carried by the futures commission for or on behalf of any person: * * *

(3) Not call for or attempt to collect initial * * * margin as established by the rules of the applicable board of trade.

In this connection, the Commission wishes to explain that initial and any subsequent margin is, in effect, set at three levels: at the clearinghouse—which generally sets original margin at a level equal to or less than exchange initial margin, at the exchange; and at the FCM—who frequently requires its customers to provide funds in excess of the minimum margin requirements set by the exchange. For the purposes of § 4.5, the Commission does not believe that the clearinghouse requirements, which are computed on a net basis in most cases, can be used. Nor does the Commission believe that, for these purposes, the FCM requirement need be controlling (as opposed to optional) since this could induce a qualifying entity to choose an FCM based on factors other than service and execution.

eliminate the need to establish separate systems to assess continued compliance with the representation.

Second, the Commission has addressed the concerns of those commenters who asserted that where a qualifying entity purchases an option (whether a put or a call), the proposed rule failed to take into account the fact that the premium paid for the purchase of an in-the-money option may exceed the initial margin on the underlying futures contract, although the market risk may be no greater. Thus, those commenters argued that by requiring the entire amount of option premiums to be included in computing the 5% limitation without regard to the intrinsic value of the option, the proposal would result in decisions made on other than economic—*e.g.*, bona fide hedging—criteria. In response to those commenters, the Commission has adopted in the final rule a proviso that "in the case of an option that is in-the-money at the time of purchase, the in-the-money amount as defined in § 190.01(x) may be excluded in computing such 5%."[66] The Commission is aware that such computation may require detailed and difficult calculations and, accordingly emphasizes that, as indicated in the rule,. the use of such computation is optional.

The Commission also recognizes that, notwithstanding the foregoing revisions and clarifications, there may be extraordinary circumstances in which a qualifying entity which has been in compliance with the 5% limitation inadvertently exceeds the limitation. This could occur, for example, if subsequent to establishment of a commodity interest hedge position by a qualifying entity, the exchange on which such commodity interest was traded increased initial margin requirements significantly and deemed them applicable to existing as well as newly established positions.[67] In such circumstances, the Commission does not intend to interpret § 4.5 as requiring the forced liquidation of such positions as would be necessary to bring the qualifying entity within the 5% limitation.

3. *The Marketing Representation.* As proposed and as adopted, the third representation is that the qualifying entity "will not be, and has not been, marketing participations to the public as or in a commodity pool or otherwise as or in a vehicle for trading in the commodity futures or commodity options markets." Section 4.5(c)(2)(iii). Also as proposed, the Commission intends the term "marketing" to include oral, written and electronic promotional materials and that an entity would be "marketing participations" in a manner inconsistent with the required representation if it was actively promoted as "a hybrid—*e.g.*, a securities *and* a commodities—trading vehicle or as an investment vehicle in which commodity futures and options trading was particularly significant and critical to the growth of its assets, as opposed to being incidental to protecting those assets against a decline in value."[68] In its proposal the Commission acknowledged, however, that the other regulatory agencies to which the qualifying entity is subject may prescribe the form and content of the entity's marketing materials and therefore requested comment on whether "marketing" should be further interpreted in light of the prescriptions of such other regulatory agencies.

In response to that request, two commenters recommended that the Commission should allow within the marketing representation any promotional material required by and consistent with the policies of a qualifying entity's other Federal or State regulator. Several other commenters recommended that the Commission should distinguish between marketing a qualifying entity as a commodity pool and accurate disclosure of the entity's limited use of commodity interests. They thus recommended that the marketing representation should permit a qualifying entity to describe accurately in its sales literature the limited use of its commodity interest trading and how it believes that use will be beneficial—which, in effect, would be consistent with the disclosure representation, discussed below. The Commission agrees with those recommendations and, accordingly, intends to so interpret the marketing representation.

4. *The Disclosure Representation.* As proposed and as adopted, the fourth representation is that the qualifying entity "will disclose in writing to each prospective participant the purpose of and the limitations on the scope of the commodity futures and commodity options trading in which the entity intends to engage." Section 4.5(c)(2)(iv). Again, in view of the differences in the other regulatory frameworks to which the entity may be subject and, in particular, any differences in applicable disclosure requirements, the Commission requested comment on whether further specificity as to how this criterion would best be met was needed.

In response to that request, several commenters generally asserted that the disclosure representation was not appropriate for certain qualifying entities—*i.e.*, ERISA plans and bank commingled trust funds—in light of the manner in which such entities customarily are operated and administered. In consideration of such concerns, and at the recommendation of other commenters, the Commission intends that the disclosure representation may be satisfied through inclusion of the specified information in any document which is required by the qualifying entity's other Federal or State regulator to be routinely furnished to participants or, if no such document is required to be routinely furnished, through disclosure in any instrument that is required by the other regulator to establish the entity's investment policies and objectives and which is required by such other regulator to be made available (but not specifically furnished) to the entity's participants.[69]

5. *The Special Call Representation.* The fifth and final representation that the Commission proposed was that the qualifying entity "will submit to such special calls as the Commission shall make of it to demonstrate compliance" with the requirements for regulatory relief specified in § 4.5. In its proposal the Commission explained the reason for this representation as follows:

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[66] Section 190.01(x), 17 CFR 190.01(x) (1984), provides that "in-the-money" means:

(1) With respect to a call option, the amount by which the value of the physical commodity or the contract for sale of a commodity for future delivery which is the subject of the option exceeds the strike price of the option; and

(2) With respect to a put option, the amount by which the value of the physical commodity or the contract for sale of a commodity for future delivery which is the subject of the option is exceeded by the strike price of the option.

[67] Although the higher margin levels were not required to established the qualifying entity's position in the example, they nevertheless would represent an increase in the entity's initial margin level under the circumstances hypothesized.

[68] 49 FR 4778, 4782.

[69] The Commission notes that certain qualifying entities—*e.g.*, registered investment companies—are required by their other regulators to make disclosures directly to their participants but that other qualifying entities—*e.g.*, a commingled trust fund of a federally regulated bank—may not be subject to any such direct disclosure requirement. The Commission intends that those other entities may satisfy this representation by indirect disclosure. For example, in the case of a bank commingled trust fund that intends to trade commodity interests on behalf of the various trust accounts comprising the commingled fund, the bank only needs to make the disclosure representation to the trustee of each underlying trust account.

The Commission believes that it must be able to readily obtain such information as may be necessary to verify compliance with the terms and conditions of the exemption and would expect to make very limited use of this special call provision. Inasmuch as proposed § 4.5 would provide for exemption from the recordkeeping requirements of § 4.23, this provision would enable the Commission upon complaint to establish whether an entity operating under the exemption was in continued compliance with the exemption criteria. It may also help the Commission to further refine the hedging or other criteria required by the exemption or to expand such criteria by rendering data on commodity interest activity by such entities generally accessible.[70]

Here also, in light of the comments received, the Commission has adopted this representation essentially in the form as proposed. Section 4.5(c)(2)(v). Moreover, in the absence of any comments received, the Commission has adopted as proposed a delegation to the Director of the Division of Trading and Markets, and to his or her designee, "all functions reserved to the Commission" under this representation. Section 140.93(a)(5).

In general, the persons commenting on the special call representation sought clarification on the nature and the manner of presentation of the information subject to such special calls. They argued that this representation should not be interpreted so as to require retroactive creation of data or to subject an entity to surprise inspections. In response to those concerns, and pursuant to the intent of the Committee Report, the Commission wishes to make clear that it does not intend to administer the special call representation in any such burdensome or onerous manner. Rather, the Commission intends that the information it would require pursuant to a special call basically would be information that the qualifying entity's other Federal or State regulator would already be requiring it to keep—*e.g.*, data concerning the execution dates, execution prices and current values of its cash market and commodity interest positions. Moreover, as is now expressly stated in the rule, a special call would be strictly limited to documenting compliance with the information and representations on operating criteria that the notice of eligibility must contain. Therefore, the Commission believes that compliance with a special call should pose little, if any, inconvenience or disruption to the conduct of the entity's operations.

[70] 49 FR 4778, 4782.

D. Termination of an Exclusion

The Commission proposed that previously effective relief from regulation as a CPO would immediately cease to be effective upon the ineligibility of the person as to whom the relief was effective or the entity for which it was effective for inclusion in paragraph (a) or (b), respectively, or upon the failure of the entity to be operated in the manner specified in paragraph (c)(2).[71] The Commission also proposed to terminate such previously effective relief if it determined that: (1) The notice of eligibility was inaccurate or incomplete; (2) the person or qualifying entity thereof possessed other attributes or features which would warrant regulation as a CPO; or (3) the continuance of the relief would be contrary to the public interest.

The commenters generally supported the provision on immediate termination for specific grounds. They took issue, however, with such discretionary termination authority in the Commission as the proposal would have provided with respect to otherwise facially qualifying entities. They generally contended that such authority was too broad and too vague and, therefore, that it could run afoul of the Commission's intention in proposing § 4.5 by stripping the rule of reliable certainty.

Based upon its evaluation of those comments, and its existing enforcement authority under the Act,[72] the Commission has determined not to adopt this portion of its termination proposal. Thus, the final rule includes only the "immediate" portion of the proposal—*i.e.*, that an exclusion effective under § 4.5 will cease to be effective upon any change which would render the person or the qualifying entity ineligible for relief under the rule or either the representations on operating criteria inaccurate or the continuation of such representations false or misleading. Section 4.5(e). The Commission emphasizes, however, that the rule as adopted is in no way intended to preclude the Commission from exercising its enforcement authority for a violation of § 4.5—or any section of the Act or any other regulation thereunder.

[71] The Commission emphasized, however, that failure to provide a supplemental notice of this information under paragraph (d) would not affect the fact that the exemption had ceased and, conversely, that the providing of this information in a supplemental notice would not affect the fact that the exemption had ceased. 49 FR 4778, 4783.

[72] *See, e.g.*, Section 4m(1) of the Act.

II. Other Rules.

A. Section 4.13(b)(1): The Filing of a Statement by Exempt CPOs

Section 4.13 exempts the operators of essentially family, club and small pools from registration as a CPO.[73] Under paragraph (b)(1) of this rule, a person who qualifies for and operates pursuant to such exemption must deliver a prescribed statement to each prospective participant in its pool. This statement essentially advises the prospective participant that the CPO is not registered as such with the Commission and therefore that the CPO is not required to comply with the disclosure and reporting requirements applicable to registered CPOs under §§ 4.21 and 4.22, respectively. The statement must also describe the exemption pursuant to which the CPO is not registered.

In the preamble accompanying its proposal the Commission noted that § 4.13(b)(1) did not require that this prescribed statement be filed with the Commission. Because it is critical to the Commission's oversight of the operations and activities of CPOs to know the identities of all persons who are acting as a CPO, the Commission proposed to amend § 4.13(b)(1) to require that the statement specified therein be filed with the Commission within seven business days after the date the statement was first delivered to a prospective participant. The Commission emphasized that this proposal was in no way intended to affect who is eligible for exemption from registration as a CPO under § 4.13 or to

[73] Specifically, § 4.13(a) provides in pertinent part:

A person is not required to register under the Act as a commodity pool operator if:

(1)(i) It does not receive any compensation or other payment, directly or indirectly, for operating the pool, except reimbursement for the ordinary administrative expenses of operating the pool;

(ii) It operates only one commodity pool at any time;

(iii) It is not otherwise required to register with the Commission and is not a business affiliate of any person required to register with the Commission; and

(iv) Neither the person nor any other person involved with the pool does any advertising in connection with the pool (for purposes of this section, advertising includes the systematic solicitation of prospective participants by telephone or seminar prospective participants by telephone or seminar presentation); or

(2)(i) The total gross capital contributions it receives for units of participation in all of the pools that it operates or that it intends to operate do not in the aggregate exceed $200,000; and

(ii) None of the pools operated by it has more than 15 participants at any time.

Compare § 4.5, which makes available an exclusion from the CPO definition for the "otherwise regulated" persons specified in the rule.

delay the effectiveness of any such exemption.[74]

The commenters generally supported this proposed amendment to § 4.13(b)(1). Accordingly, subject to two exceptions discussed below, the Commission has adopted the amendment as proposed.

One commenter recommended that the statement be required to be filed not later than the date that the trading activity of the pool for which the statement is required commences. According to that commenter, many CPOs who are exempt from registration under § 4.13 are not familiar with this requirement but many FCMs (voluntarily) require proof that such a statement has been furnished to the pool's participants. The commenter thus reasoned that its recommendation would further compliance with the filing requirement. The Commission finds this recommendation to be useful, and has adopted in the rule a requirement that the statement must be filed "by the earlier of seven business days after the date the statement is first delivered to a prospective participant and the date upon which the pool commences trading commodity interests." Section 4.13(b)(1)(iv). Also, for the reasons provided earlier in this **Federal Register** release, the Commission has adopted in the final rule a requirement that the statement must be filed with the National Futures Association, at the address specified in the rule. Section 4.13(b)(1)(iv)(B).

B. Section 4.15: Continued Applicability of Antifraud Section

The Commission also proposed to amend § 4.15 such that it would no longer subject persons exempt from registration as a CPO (or as a CTA) to the provisions of section 14 of the Act,[75] which essentially subjects persons who are registered with the Commission to suit in reparations. The Commission explained that this proposal was in furtherance of proposed § 4.5.[76] Thus, the proposed amendment to § 4.15 would have affected persons proposed to be exempted from regulation as a CPO under § 4.5 and persons (currently) exempt from registration as a CPO under existing § 4.13. The Commission did not receive any specific comments on this proposal.

While § 4.5 as adopted makes an exclusion from the CPO definition available to such persons and therefore the provisions of Section 14 inapplicable to such persons as to whom such exclusion is effective, in light of the amendment to Section 14 made by the 1982 Act,[77] the Commission has determined to adopt as proposed its amendment to § 4.15. The Commission emphasizes, however, that neither the proposed nor final amendment disturbs the other provisions of § 4.15—*i.e.*, that "section 4*o* of the Act shall apply to any person even though such person is exempt from registration under this Part 4, and it shall continue to be unlawful for any such person to violate section 4*o* of the Act." Thus, § 4.15 as amended retains within the scope of Section 4*o* persons who are within the CPO definition but who are exempt from registration as a CPO under § 4.13.

III. Related Matters

A. Regulatory Flexibility Act

The Regulatory Flexibility Act ("FRA")[78] requires that agencies, in proposing rules, consider the impact of those rules on small business. As the Commission noted in the preamble to the proposed rules,[79] it already had established certain definitions of "small entities" to be used by the Commission in evaluating the impact of its rules on such small entities in accordance with the RFA.[80]

As the Commission also noted, those definitions do not address the persons and qualifying entities set forth in proposed § 4.5 because, by the very nature of the proposal, the operations and activities of such persons and entities generally are regulated by Federal and State authorities other than the Commission.[81] Assuming, *arguendo*, that such persons and entities would be "small entities" for purposes of the RFA, the Commission expressed its belief that proposed § 4.5 would not have a significant economic impact on them because it merely would require the filing of a notice with the Commission, the documentation for which should be pre-existing. Moreover, the Commission noted that the proposal would relieve those persons (and entities) from the requirement to register as a CPO and from the disclosure, reporting and recordkeeping requirements applicable to registered CPOs.[82] Thus, the Commission concluded that no economic analysis of proposed § 4.5 was required.

With respect to § 4.13(b)(1), the Commission explained that it previously had determined that registered CPOs are not small entities for purposes of the RFA [83] and, therefore, that an economic analysis of § 4.13(b)(1)—which would apply to persons exempt from registration as a CPO—might be required. The Commission similarly expressed its belief that the proposal should not have a significant economic impact on such exempt CPOs because it would merely require those CPOs to provide the Commission with an already required statement of exemption.

In certifying pursuant to Section 3(a) of the RFA that these two proposals, if adopted, would not have a significant economic impact on a substantial number of small entities, the Commission invited comments from any CPO who believed that the proposals, if adopted, would have a significant economic impact on their activities.[84] No such comments were received on the proposed amendment to § 4.13(b)(1).

Such comments were, however, received on proposed § 4.5 and, in particular, on the operating criteria proposed in the rule. In response, and as is discussed more fully above, the Commission notes that when compared to the proposed rule, the final rule: (1) makes available an exclusion from the CPO definition, not merely an exemption from regulation as a CPO as was proposed; (2) makes the exclusion available to more persons; and (3) contains various provisions—and by this **Federal Register** release numerous interpretations thereof—responsive to the concerns of the commenters. With respect to the operating criteria in particular, the Commission has adopted in the final rule certain provisions—and by this release interpretations thereof—intended to relieve the burdens the

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[74] 49 FR 4778, 4784. The Commission also noted that while § 4.14 exempts certain persons from registration as a CTA, that rule does not, however, require the delivery of any prescribed statement such as that specified in § 4.13(b)(1) for CPOs. *Id.* n. 30.

[75] 7 U.S.C. 18 (1982).

[76] *See* 49 FR 4778, 4783.

[77] In this regard, the Commission does not intend hereafter to exercise jurisdiction in its reparations program over persons exempt from CTA registration under section 4m(1) of the Act. This view is consistent with the thrust of the 1982 amendments to the Act. *See* Pub. L. No. 97-444, § 231, 96 Stat. 2319-20 (1983), which generally narrowed the scope of Section 14 jurisdiction to persons registered with the Commission.

[78] 5 U.S.C. 601 *et seq.* (1982).

[79] *See* 49 FR 4778, 4787 for the Commission's discussion of the application of the RFA to proposed §§ 4.5 and 4.13(b)(1).

[80] 47 FR 18618-21 (April 30, 1982).

[81] For example, a registered investment company is regulated by the Securities and Exchange Commission.

[82] As is explained more fully above, § 4.5 as adopted makes even greater relief available to such persons and entities.

[83] 47 FR 18619-20.

[84] With respect to the other two rules it is adopting today, the Commission believes that a specific RFA analysis is unnecessary. This is because § 140.93(a)(5) delegates to the Director of the Division of Trading and Markets certain authority set forth in § 4.5 and thus is covered under the RFA analysis of that rule, and the amendment to § 4.15 excludes from suit in reparations CPOs (and CTAs) who are not registered with the Commission.

commenters perceived on the availability of § 4.5—*e.g.*, §§ 4.5(c)(2) (i) and (ii). As is stated above, § 4.5 is not intended to interfee with the business activities of the persons and qualifying entities specified therein but to provide relief from certain regulation that otherwise would be required as a result of their use of the commodity interest markets. Thus, the Commission here repeats that its intent in adopting § 4.5 is to distinguish between when certain entities should be treated as commodity pools and their operators as CPOs—and not to establish what should be regarded as prudent trading strategies.

B. Section 15 of the Act

Section 15 of the Act [85] requires the Commission to—

> Take into consideration the public interest to be protected by the antitrust laws and endeavor to take the least anticompetitive means of achieving the objectives of this Act, as well as the policies and purposes of this Act, in issuing any order or adopting any Commission rule or regulation. * * *

The Commission has taken into consideration the public interest to be protected by the antitrust laws and has endeavored to take the least anticompetitive means of achieving the regulatory objectives of the Act. To the extent the rules adopted herein raise competitive concerns, the Commission has determined that such rules are necessary and appropriate. This is particularly true in light of the nature and extent of regulatory relief available under § 4.5. Moreover, in adopting § 4.5 the Commission specifically has taken into account the differences in the structures of eligible persons' and qualifying entities' "other regulators." *See, e.g.*, § 4.5(c)(2)(iv). As for other persons and entities, the Commission notes that, as is discussed above, while it closely has followed the Committee Report in specifying the persons and entities covered under § 4.5 it intends that the staff will continue to issue interpretations of the rule—such that, under appropriate circumstances, relief from regulation as a CPO may be afforded to such other persons with respect to such other entities.

C. Paperwork Reduction Act

The Commission previously has submitted pertinent portions of these rules to the Office of Management and Budget in accordance with the Paperwork Reduction Act of 1980.[86]

[85] 7 U.S.C. 19 (1982).

[86] 44 U.S.C. Chapter 35 (1982). The control number for Part 4 is 3038–0005.

D. Effective Dates

The Administrative Procedure Act generally requires that rules promulgated by an agency may not be made effective less than 30 days after publication except for, among other things, "a substantive rule which grants or recognizes an exemption or relieves a restriction" or "for good cause."[87] Inasmuch as § 4.5 and the amendment to § 4.15 come within the first exception, the Commission is making these rules effective upon the date of publication of this **Federal Register** release. As is explained more fully above, however, by this **Federal Register** release the Commission also, in effect, is providing a 60 day "no-action" period for persons to file the requisite notice of eligibility necessary to claim the relief available under § 4.5. Since § 140.93(a)(5) necessarily flows from the adoption of § 4.5, the Commission finds that good cause exists similarly to make this rule effective upon publication. The amendment to § 4.13(b)(1) does not come within any such exception and, accordingly, it is to be effective 30 days after publication.

List of Subjects

17 CFR Part 4

Commodity pool operators, Commodity trading advisors, Commodity futures.

17 CFR Part 140

Authority delegations (Government agencies), Commodity futures.

In consideration of the foregoing and pursuant to the authority contained in the Commodity Exchange Act and, in particular, sections 2(a)(1), 4k, 4l, 4m, 4n, 4*o*, 8a and 14 thereof, 7 U.S.C. 2, 6k, 6l, 6m, 6n, 6*o*, 12a and 18 (1982), and in 5 U.S.C. 552 and 552b (1982), the Commission hereby amends Chapter I of Title 17 of the Code of Federal Regulations as follows:

PART 4—COMMODITY POOL OPERATORS AND COMMODITY TRADING ADVISORS

1. Section 4.5 is added to read as follows:

§ 4.5 Exclusion for certain otherwise regulated persons from the definition of the term "commodity pool operator."

(a) Subject to compliance with the provisions of this section, the following persons, and any principal or employee thereof, shall be excluded from the definition of the term "commodity pool operator" with respect to the operation of a qualifying entity specified in paragraph (b) of this section:

(1) An investment company registered as such under the Investment Company Act of 1940;

(2) An insurance company subject to regulation by any State;

(3) A bank, trust company or any other such financial depository institution subject to regulation by any State or the United States; and

(4) A trustee or named fiduciary of a pension plan that is subject to Title I of the Employee Retirement Income Security Act of 1974; *Provided, however,* That for purposes of this § 4.5 the following pension plans shall not be construed to be pools:

(i) A noncontributory plan, whether defined benefit or defined contribution, covered under Title I of the Employee Retirement Income Security Act of 1974;

(ii) A contributory defined benefit plan covered under Title IV of the Employee Retirement Income Security Act of 1974; *Provided, however,* That with respect to any such plan to which an employee may voluntarily contribute, no portion of an employee's contribution is committed as margin or premiums for futures or options contracts; and

(iii) A plan defined as a governmental plan in Section 3(32) of Title I of the Employee Retirement Income Security Act of 1974.

(b) For the purposes of this section, the term "qualifying entity" means:

(1) With respect to any person specified in paragraph (a)(1) of this section, an investment company registered as such under the Investment Company Act of 1940;

(2) With respect to any person specified in paragraph (a)(2) of this section, a separate account established and maintained or offered by an insurance company pursuant to the laws of any State or territory of the United States, under which income gains and losses, whether or not realized, from assets allocated to such account, are, in accordance with the applicable contract, credited to or charged against such account, without regard to other income, gains, or losses of the insurance company;

(3) With respect to any person specified in paragraph (a)(3) of this section, the assets of any trust, custodial account or other separate unit of investment for which it is acting as a fiduciary and for which it is vested with investment authority; and

(4) With respect to any person specified in paragraph (a)(4) of this section, and subject to the proviso thereof, a pension plan that is subject to Title I of the Employee Retirement

[87] 5 U.S.C. 553(d) (1) and (3) (1982), respectively.

Income Security Act of 1974; *Provided, however,* That such entity will be operated in the manner specified in paragraph (c)(2) of this section.

(c) Any person who desires to claim the exclusion provided by this section shall file with the Commission a notice of eligibility.

(1) The notice of eligibility must contain the following information:

(i) The name of such person;

(ii) The applicable subparagraph of paragraph (a) of this section pursuant to which such person is claiming exclusion;

(iii) The name of the qualifying entity which such person intends to operate pursuant to the exclusion; and

(iv) The applicable subparagraph of section paragraph (b) of this pursuant to which such entity is a qualifying entity.

(2) The notice of eligibility must contain representations that such person will operate the qualifying entity specified therein in a manner such that the qualifying entity:

(i) Will use commodity futures or commodity options contracts solely for bona fide hedging purposes within the meaning and intent of § 1.3(z)(1); *Provided, however,* That in the alternative, with respect to each long position in a commodity future or commodity option contract which will be used as part of a portfolio management strategy and which is incidental to a qualifying entity's activities in the underlying cash market but would not come within the meaning and intent of § 1.3(z)(1), as a substitute for compliance with this paragraph (c)(2)(i) a qualifying entity may represent that the underlying commodity value of such contract at all times will not exceed the sum of:

(A) Cash set aside in an identifiable manner, or short-term United States debt obligations or other United States dollar-denominated high quality short-term money market instruments so set aside, plus any funds deposited as margin on such contract;

(B) Cash proceeds from existing investments due in 30 days; and

(C) Accrued profits on such contract held at the futures commission merchant.

(ii) Will not enter into commodity futures and commodity options contracts for which the aggregate initial margin and premiums exceed 5 percent of the fair market value of the entity's assets, after taking into account unrealized profits and unrealized losses on any such contracts it has entered into; *Provided, however,* That in the case of an option that is in-the-money at the time of purchase, the in-the-money amount as defined in § 190.01(x) may be excluded in computing such 5%;

(iii) Will not be, and has not been, marketing participations to the public as or in a commodity pool or otherwise as or in a vehicle for trading in the commodity futures or commodity options markets;

(iv) Will disclose in writing to each prospective participant the purpose of and the limitations on the scope of the commodity futures and commodity options trading in which the entity intends to engage; and

(v) Will submit to such special calls as the Commission may make to require the qualifying entity to demonstrate compliance with the provisions of this § 4.5(c);

Provided, however, That the making of such representations shall not be deemed a substitute for compliance with any criteria applicable to commodity futures or commodity options trading established by any regulator to which such person or qualifying entity is subject.

(3) The notice of eligibility must be filed with the Commission prior to the date upon which such person intends to operate the qualifying entity pursuant to the exclusion provided by this section.

(4) The notice of eligibility shall be effective upon filing.

(d)(1) Each person who has claimed exclusion hereunder must, in the event that any of the information contained or representations made in the notice of eligibility becomes inaccurate or incomplete, file a supplemental notice with the Commission to that effect which, if applicable, includes such amendments as may be necessary to render the notice of eligibility accurate and complete.

(2) The supplemental notice required by paragraph (d)(1) of this section shall be filed within fifteen business days after the occurrence of such event.

(e) An exclusion claimed hereunder shall cease to be effective upon any change which would render:

(1) A person as to whom such exclusion has been claimed ineligible under paragraph (a) of this section;

(2) The entity for which such exclusion has been claimed ineligible under paragraph (b) of this section; or

(3) Either the representations made pursuant to paragraph (c)(2) of this section inaccurate or the continuation of such representations false or misleading.

(f) Any notice required to be filed hereunder must be:

(1) In writing;

(2) Signed by a duly authorized representative of a person specified in paragraph (a) of this section;

(3) Filed with the Commission at the address specified in § 4.2; and

(4) Filed with the National Futures Association at its headquarters office (Attn: Director of Compliance, Compliance Department).

2. Section 4.13 is amended by revising paragraph (b)(1) to read as follows:

§ 4.13 Exemption from registration as a commodity pool operator.

* * * * *

(b)(1) No person who is exempt from registration as a commodity pool operator under paragraph (a)(1) or (a)(2) of this section and who is not registered as such pursuant to that exemption may, directly or indirectly, solicit, accept or receive funds, securities or other property from any prospective participant in a pool that it operates or that it intends to operate unless, on or before the date it engages in that activity, the person delivers or causes to be delivered to the prospective participant a written statement that must disclose this fact as follows: "The commodity pool operator of this pool is not required to register, and has not registered, with the Commodity Futures Trading Commission. Therefore, unlike a registered commodity pool operator, this commodity pool operator is not required by the Commission to furnish a Disclosure Document, periodic Account Statements, and an Annual Report to participants in the pool." The person must:

(i) Describe in the statement the exemption pursuant to which it is not registered as a commodity pool operator;

(ii) Provide its name, main business address and main business telephone number on the statement;

(iii) Manually sign the statement as follows: if such person is a corporation, by the chief executive officer, chief financial officer or counterpart thereto; if a partnership, by a general partner; and if a sole proprietorship, by the sole proprietor; and

(iv) By the earlier of seven business days after the date the statement is first delivered to a prospective participant and the date upon which the pool commences trading in commodity interests:

(A) File two copies of the statement with the Commission at the address specified in § 4.2; and

(B) File one copy of the statement with the National Futures Association at its headquarters office (Attn: Director of Compliance, Compliance Department).

* * * * *

3. Section 4.15 is revised to read as follows:

§ 4.15 Continued applicability of antifraud section.

The provisions of section 4*o* of the Act shall apply to any person even though such person is exempt from registration under this Part 4, and it shall continue to be unlawful for any such person to violate section 4*o* of the Act.

PART 140—ORGANIZATION, FUNCTIONS AND PROCEDURES OF THE COMMISSION

4. Section 140.93 is amended by adding paragraph (a)(5) to read as follows:

§ 140.93 Delegation of Authority to the Director of the Division of Trading and Markets.

(a) * * *

(5) All functions reserved to the Commission in § 4.5(c)(2)(v) of this Chapter.

* * * * *

Issued in Washington, D.C., on April 17, 1985, by the Commission.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 85-9730 Filed 4-22-85; 8:45 am]

BILLING CODE 6351-01-M

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Part 19

[T.D. 85-72]

Customs Regulations Amendment Relating to the Relocation or Alteration of Container Stations

AGENCY: Customs Service, Treasury.

ACTION: Final rule.

SUMMARY: This document amends the Customs Regulations to provide a procedure for the relocation or alteration of an approved container station and the payment of an appropriate fee to Customs to reflect the services provided. The change is necessary to conform the regulations concerning container stations to those concerning bonded warehouses, wherein relocation or alteration is provided for, and to recover Customs costs for services rendered. The fee requirement is necessary because of the policy that Federal agencies charge appropriate fees for providing special benefits to identifiable recipients above and beyond those which accrue to the general public.

EFFECTIVE DATE: May 23, 1985.

FOR FURTHER INFORMATION CONTACT: James Kenny, Accounting Division, (202-566-2021), and Donald Thompson, Office of Cargo Enforcement and Facilitation, (202-566-5354), U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229.

SUPPLEMENTARY INFORMATION:

Background

Container stations are secured areas within the U.S. into which containers of imported merchandise may be moved for the purpose of opening the container and delivering the contents before an entry is filed with Customs or duty is paid. A container station serves as a central location at a port for processing containerized merchandise which otherwise could not be handled timely at the dock, wharf, pier, or bonded carrier's terminal.

Sections 19.40 through 19.49, Customs Regulations (19 CFR 19.40-19.49), set forth the procedures for the establishment and use of container stations. To establish a container station under § 19.40, Customs Regulations, an application must be filed with the district director. Before the application may be approved, Customs must: (1) Determine that the application is in proper form; (2) survey the premises to determine that all physical requirements are met; (3) perform a background investigation of the applicant and the applicant's officers and employees; (4) prepare a report of that investigation; and (5) review the application, survey, and background investigation report, and prepare a response to the applicant.

By T.D. 83-56, published in the **Federal Register** on March 9, 1983 (48 FR 9853), Customs amended § 19.40, to provide that a fee, calculated in accordance with § 24.17(d), Customs Regulations (19 CFR 24.17(d)), must accompany an application to establish a container station. The fee set forth in that document was $852. By T.D. 84-45, published in the **Federal Register** on February 21, 1984 (49 FR 6433), the fee was raised to $879.00. However, by T.D. 85-70, published in the **Federal Register** on April 17, 1985 (50 FR 15271), effective April 17, 1985, the fee was raised to $1021. The fee is based upon the amount of time the average service requires of the Customs officers performing the service. It is in accord with the User Charges Statute (31 U.S.C. 9701), under which a Federal agency may charge appropriate fees to recover the costs of services provided by that agency. The fee is charged for providing special benefits to identifiable recipients above and beyond those which accrue to the general public.

Although § 19.40 provides for the establishment of a container station and the collection of an establishment fee, the present regulations do not make any provision for the relocation or alteration of a container station, as they do for a bonded warehouse. Section 19.3(a), Customs Regulations (19 CFR 19.3(a)), provides procedures for the relocation or alteration of bonded warehouses.

Accordingly, on October 3, 1984, a notice was published in the **Federal Register** (49 FR 39077), proposing to amend § 19.40 to provide not only for the establishment of a container station, upon payment of a fee, but also for the relocation or alteration of a container station within the same Customs district, also upon payment of a fee. The fee proposed for relocation and alteration was $382, which is equivalent to the current fee prescribed by T.D. 84-45, to reimburse Customs for services relating to the relocation or alteration of a bonded warehouse. The services provided by Customs in altering or relocating a container station are essentially the same as those provided in altering or relocating a bonded warehouse. By T.D. 85-70, published in the **Federal Register** on April 17, 1985 (50 FR 15271), effective April 17, 1985, the fee for altering or relocating a bonded warehouse was raised to $442. Therefore, the fee for altering or relocating a container station also will be $442.

As with the fee charged for establishing a container station, which was included in T.D. 83-56, the fee for relocating or altering a container station will be revised periodically to reflect increased costs for Customs services. A scheldule listing the revised fees to be charged by Customs for relocating or altering a container station, as well as establishing a container station, will be published in the **Federal Register** and Customs Bulletin when changed. The fee schedule will remain in effect until changed.

Interested parties were given until December 3, 1984, to submit written comments on the proposal. However, no comments were received. Therefore, except for increasing the fee, the amendment is adopted as proposed.

Executive Order 12291

This document does not meet the criteria for a "major rule" as specified in § 1(b) of E.O. 12291. Accordingly, no regulatory impact analysis has been prepared.

Regulatory Flexibility Act

Pursuant to the provisions of the Regulatory Flexibility Act (Pub. L. 96-354, 5 U.S.C. 601 *et seq.*), it is certified that the amendment set forth in this document will not have a significant

economic impact on a substantial number of small entities. Accordingly, it is not subject to the regulatory analysis or other requirements of 5 U.S.C. 603 and 604.

Drafting Information

The principal author of this document was Susan Terranova, Regulations Control Branch, U.S. Customs Service. However, personnel from other Customs offices participated in its development.

List of Subjects in 19 CFR Part 19

Customs duties and inspection, Imports, Freight, Container stations.

Amendment to the Regulations

Part 19, Customs Regulations (19 CFR Part 19), is amended as set forth below.

PART 19—CUSTOMS WAREHOUSES, CONTAINER STATIONS AND CONTROL OF MERCHANDISE THEREIN

Section 19.40 is amended in the following manner:

§ 19.40 Establishment, relocation or alteration of container stations.

* * * * *

1. The section heading is revised to read as set forth above.

2. The first sentence of paragraph (a) is amended by removing reference to "paragraph (b)" and inserting, in its place, reference to "paragraph (c)".

3. Paragraphs (b)(1) and (b)(2) are redesignated as paragraphs (c)(1) and (c)(2), and a new paragraph (b) is added to read as follows:

* * * * *

(b) Alterations to or relocation of a container station within the same district may be made with the permission of the district director of the district in which the facility is located. An application to alter or relocate a container station shall be accompanied by the fee required by paragraph (c) of this section.

* * * * *

4. The text of redesignated paragraph (c)(1) is revised to read as follows:

* * * * *

(c)(1) Customs shall charge a fee to establish, relocate or alter a container station, and publish a general notice in the **Federal Register** and Customs Bulletin setting forth a fee schedule, to be revised periodically to reflect increased costs, to establish, relocate or alter the container station. The published revised fee schedule shall remain in effect until changed.

(R.S. 251, as amended, 77A, Stat. 14, sec. 499, 46 Stat. 728, sec. 624, 46 Stat. 759 (19 U.S.C. 66, 1202 (Gen. Hdnts. 1–6, 11, 12, Tariff Schedules of the United States) 1499, 1624))

Alfred R. DeAngelus,

Acting Commissioner of Customs.

Approved March 29, 1985.

John M. Walker, Jr.,

Assistant Secretary of the Treasury.

[FR Doc. 85–9733 Filed 4–22–85; 8:45 am]

BILLING CODE 4820–02–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 558

New Animal Drugs for Use in Animal Feeds; Amprolium, Ethopabate, and Virginiamycin

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a new animal drug application (NADA) filed by SmithKline Animal Health Products, providing for use of a virginiamycin premix with an amprolium plus ethopabate premix to manufacture complete broiler chicken feeds used as an aid in the prevention of coccidiosis and for increased rate of weight gain and improved feed efficiency.

EFFECTIVE DATE: April 23, 1985.

FOR FURTHER INFORMATION CONTACT: Lonnie W. Luther, Center for Veterinary Medicine (HFV–128), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–4317.

SUPPLEMENTARY INFORMATION: SmithKline Animal Health Products, Division of SmithKline Beckman Corp., 1600 Paoli Pike, West Chester, PA 19380, filed NADA 122–822 providing for use of premixes containing either 5, 10, 20, 50, or 225 grams of virginiamycin per pound with a premix containing 25 percent (113.5 grams per pound) amprolium and 8 percent (36.3 grams per pound) ethopabate to manufacture a complete feed containing 15 or 5 to 15 grams of virginiamycin per ton of feed, 0.0125 percent (113.5 grams per ton) amprolium, and 0.004 percent (36.3 grams per ton) ethopabate for broiler chickens. The medicated feed is used as an aid in the prevention of coccidiosis and for increased rate of weight gain and improved feed efficiency with virginiamycin at 15 grams per ton, or for increased rate of weight gain only with virginiamycin 5 to 15 grams per ton. The NADA is approved and the regulations are amended to reflect the approval. The basis for approval is discussed in the freedom of information summary.

In accordance with the freedom of information provisions of Part 20 (21 CFR Part 20) and § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)), a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857, from 9 a.m. to 4 p.m., Monday through Friday.

The Center for Veterinary Medicine has determined pursuant to 21 CFR 25.24(d)(1)(ii) (proposed December 11, 1979; 44 FR 71742) that this action is of a type that does not individually or cumulatively have a significant impact on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

List of Subjects in 21 CFR Part 558

Animal drugs; Animal feeds.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Center for Veterinary Medicine (21 CFR 5.83), Part 558 is amended as follows:

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

1. In § 558.58 by adding a new entry to the table in paragraph (e)(1), item (iii), to read as follows:

§ 558.58 Amprolium and ethopabate.

* * * * *

(e) * * *

(1) * * *

Amprolium and ethopabate in grams per ton	Combination in grams per ton	Indications for use	Limitations	Sponsor
•	•	•	•	•
(iii) Amprolium 113.5 (0.0125%) and ethopabate 36.3 (0.004%).	• • •	• • •	• • •	.....

Amprolium and ethopabate in grams per ton	Combination in grams per ton	Indications for use	Limitations	Sponsor
•	•	•	•	•
	Virginiamycin, 15	Broiler chickens, as an aid in the prevention of coccidiosis where severe exposure to *Eimeria acervulina, E brunetti,* and *E. maxima* is likely to occur, for increased rate of weight gain and improved feed efficiency	Feed continuously as sole ration, do not feed to laying hens, not for chickens over 16 weeks of age, as sole source of amprolium, amprolium and ethopabate as provided by 000006 in § 510.600(c), virginiamycin as provided by 000007	00007
	Virginiamycin, 5 to 15	Broiler chickens, as an aid in the prevention of coccidiosis where severe exposure to *Eimeria acervulina, E Brunetti,* and *E. maxima* is likely to occur, for increased rate of weight gain.	do	
•	•	•	•	•

2. In § 558.635 by adding new paragraph (f)(3)(iv) to read as follows:

§ 558.635 Virginiamycin.

• • • • •

(f) • • •

(3) • • •

(iv) Amprolium and ethopabate as in § 558.58.

Effective date. April 23, 1985.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)))

Dated: April 16, 1985.

Gerald B. Guest,

Acting Director, Center for Veterinary Medicine.

[FR Doc. 85-9887 Filed 4-22-85; 8:45 am]

BILLING CODE 4160-01-M

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

27 CFR Parts 250 and 275

[T.D. ATF-203]

Definition of Products Manufactured in Puerto Rico and the Virgin Islands

AGENCY: Bureau of Alcohol, Tobacco and Firearms, Treasury.

ACTION: Treasury decision (final rule).

SUMMARY: This final rule amends ATF regulations to implement Sections 2681 and 2682 of Pub. L. 98-369 (Deficit Reduction Act of 1984), which was signed by President Reagan on July 18, 1984. Section 2681 eliminates the Puerto Rican redistillation program by clarifying the definition of articles containing distilled spirits that are produced in Puerto Rico or the Virgin Islands. It also defines the criteria for products other than distilled spirits to be considered as produced in Puerto Rico. Section 2682 limits the amount of excise tax that will be paid to Puerto Rico and the Virgin Islands for their distilled spirits to the lesser of $10.50 or the tax imposed by law, on each proof gallon.

EFFECTIVE DATE: April 23, 1985.

FOR FURTHER INFORMATION CONTACT: Susan McCarron or Robert White, Distilled Spirits and Tobacco Branch, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue NW., Washington, DC 20226 (202-566-7531).

SUPPLEMENTARY INFORMATION:

Background

Under Section 7652 (a) and (b) of the Internal Revenue Code of 1954 (as amended), merchandise manufactured in Puerto Rico and the Virgin Islands, and brought into the United States (U.S.), is subject to an excise tax equal to the tax imposed in the United States on similar merchandise of domestic manufacture. This section further provides for the taxes collected on merchandise (including distilled spirits and tobacco products) made in Puerto Rico and the Virgin Islands, and transported to the U.S. (less certain amounts), to be deposited in the Treasury of the possession which manufactured the merchandise.

A longstanding administrative interpretation of 26 U.S.C. 7652(a) and (b) by ATF provides that an article may be considered "produced" in Puerto Rico or the Virgin Islands if it is shipped to Puerto Rico or the Virgin Islands and undergoes a substantial change in identity as a result of treatment in Puerto Rico or the Virgin Islands.

In 1982, the Puerto Rican government (through their Economic Development Administration—EDA) began subsidizing a redistillation program. Under the terms of the program, distilled spirits originally produced in the U.S. were shipped to distilleries in Puerto Rico for redistillation and subsequent shipment back to the U.S. The excise taxes would be deposited into the Treasury of Puerto Rico, provided the redistilled spirits met the substantial change requirement.

In an attempt to give stronger guidelines to the redistillation program, ATF issued a ruling (ATF Rul. 83-4, A.T.F., Q.B. 1983-2, 65), effective May 9, 1983, which established restrictive "substantial change" criteria for spirits involved in the program. The domestic distilled spirits plants involved in transporting spirits to Puerto Rico for redistillation had little operational difficulty in conforming to these criteria; therefore, the level of activity in this program did not decrease.

This redistillation program began receiving Congressional interest in mid-1983. Congress became concerned about the revenue impact this program had to the U.S. Treasury, as well as the competitive and economic effect of the program on U.S. distilled spirits plants that were not involved in the program, as a result, Public Law 98-369 includes a provision to halt the redistillation program.

Explanation of Pub. L. 98-369

On July 18, 1984, President Reagan signed the Deficit Reduction Act of 1984, Pub. L. 98-369. Section 2681 of the Act eliminates the Puerto Rican redistillation program by clarifying the definition of articles containing distilled spirits that are produced in Puerto Rico (or the Virgin Islands). Although the Virgin Islands was not involved in a redistillation program, it is also affected by certain amendments to 26 U.S.C. 7652 made by Sections 2681 and 2682 of this Act.

Section 2681 amends 26 U.S.C. 7652 by requiring that payments of excise taxes on articles containing distilled spirits will be permitted only if at least 92 percent of the alcoholic content of such articles is rum. This requirement applies to spirits coming into the U.S. from either Puerto Rico or the Virgin Islands.

In addition, an article not containing distilled spirits (e.g., wine, beer, and tobacco products) will not be considered as produced in Puerto Rico unless the sum of the cost or value of the materials produced in Puerto Rico, plus the direct costs of processing operations in Puerto Rico, equals or exceeds 50 percent of the value of the article at the time it is brought into the U.S. The term "direct costs of processing operations" is defined in section 213 of the Caribbean Basin Economic Recovery Act (Pub. L. 98-67) as:

(a) All actual labor costs involved in the growth, production, manufacture, or

assembly of the specific merchandise, including fringe benefits, on-the-job training, and the cost of engineering, supervisory, quality control, and similar personnel; and

(b) Dies, molds, tooling, and depreciation on machinery and equipment which are allocable to the specific merchandise.

Puerto Rico and the Virgin Islands are prohibited by section 2681 of the Act from providing any federal excise tax subsidy for any article not containing distilled spirits produced by them. Subsidies may be provided for any article containing distilled spirits that meets the 92 percent criteria. A "federal excise tax subsidy" is defined as a subsidy which is of a kind different from, or in an amount per value or volume of production greater than, subsidies provided by Puerto Rico or the Virgin Islands to industries that produce articles not subject to excise tax.

Section 2682 of Pub. L. 98–369, amends 26 U.S.C. 7652 by limiting the amount of excise tax that will be paid to Puerto Rico and the Virgin Islands for distilled spirits to the lesser of $10.50, or the tax imposed by 26 U.S.C. 5001(a)(1), on each proof gallon. This limitation also applies to the taxes these areas receive for all rum imported into the U.S., as provided in the Caribbean Basin Economic Recovery Act.

Special Rules of Section 2681

Section 2681 of the Act is effective for articles brought into the U.S. as of March 1, 1984; however, allowances are made for a phase-out period for articles containing distilled spirits that extends to January 1, 1985.

The amount of excise taxes that may be transferred to Puerto Rico for redistilled spirits and cane neutral spirits coming into the U.S. between July 1, 1983 and June 30, 1984, was limited to $130 million. The limitation on excise taxes to Puerto Rico for redistilled spirits brought into the U.S. from July 1, 1984 to January 1, 1985, is $75 million.

A further provision of Section 2681 allows any U.S. distiller involved in the redistillation program prior to March 1, 1984, to receive up to $1.5 million in incentive payments from Puerto Rico during the period July 1, 1984 to January 1, 1985. Certain penalties are imposed for any distiller that exceeds the $1.5 million limitation. These incentive payments include any payment made directly or indirectly by Puerto Rico to any U.S. distiller as an incentive for participation in the redistillation program, excluding certain transportation costs.

Executive Order 12291

It has been determined that this final rule is not a "major rule" within the meaning of Executive Order 12291, 46 FR 13193 (February 17, 1981), because it will not have an annual effect on the economy of $100 million or more; it will not result in a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and it will not have significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Regulatory Flexibility Act

The provisions of the Regulatory Flexibility Act relating to an initial and final regulatory flexibility analysis (5 U.S.C. 603, 604) do not apply to this final rule because no notice of proposed rulemaking is required by 5 U.S.C. 553(b) or any other statute.

Paperwork Reduction Act

The provisions of the Paperwork Reduction Act of 1980, Pub. L. 96–511, 44 U.S.C. Chapter 35, and its implementing regulations, 5 CFR 1320, do not apply to this rule because no requirement to collect information is imposed.

Drafting Information

The authors of this document are Susan McCarron and Robert White of the Distilled Spirits and Tobacco Branch, Bureau of Alcohol, Tobacco and Firearms.

Effective Date

There is an immediate need for this information to be distributed to the distilled spirits industry to implement certain provisions of the Deficit Reduction Act of 1984 which were effective on March 1, 1984. Consequently, it is found that it would be impracticable and unnecessary, within the meaning of 5 U.S.C. 553(b), to provide a notice of proposed rulemaking prior to the issuance of any regulations. For the same reason it is found that these regulations are exempt from compliance with the 30-day effective date limitation of 5 U.S.C. 553(d). Accordingly, these regulations shall become effective on the date of their publication in the **Federal Register**.

List of Subjects

27 CFR Part 250

Administrative practice and procedure, Alcohol and alcoholic beverages, Authority delegations, Beer, Customs duties and inspection, Electronic funds transfers, Excise taxes, Liquors, Packaging and containers, Puerto Rico, Reporting and recordkeeping requirements, Surety bonds, Transportation, Virgin Islands, Warehouses, Wine.

27 CFR Part 275

Administrative practice and procedure, Authority delegations, Cigarette papers and tubes, Cigars and cigarettes, Claims, Customs duties and inspection, Electronic funds transfers, Excise taxes, Imports, Labeling, Packaging and containers, Penalties, Puerto Rico, Reporting and recordkeeping requirements, Seizures and forefeitures, Surety bonds, Virgin Islands, Warehouses.

Authority and Issuance

These regulations are issued under the authority contained in 26 U.S.C. 7805 (68A Stat. 917, as amended). Accordingly, Title 27 of the Code of Federal Regulations is amended as follows:

PART 250—LIQUORS AND ARTICLES FROM PUERTO RICO AND THE VIRGIN ISLANDS

Paragraph 1. Section 250.1 is amended to reflect the revision of paragraphs (d) and (e) necessitated by 26 U.S.C. 7652(j). As amended, § 250.1 (d) and (e) reads as follows:

§ 250.1 Alcoholic products coming into the United States from Puerto Rico and the Virgin Islands.

* * * * *

(d) The deposit of the distilled spirits excise taxes, limited to the lesser of $10.50 or the rate in section 5001(a)(1) per proof gallon, into the Treasuries of Puerto Rico and the Virgin Islands on all articles containing distilled spirits as defined in section 7652, produced by those two U.S. possessions, and transported into the United States (less certain amounts); and

(e) The deposit of the distilled spirits excise taxes, limited to the lesser of $10.50 or the rate in section 5001(a)(1) per proof gallon, into the Treasuries of Puerto Rico and the Virgin Islands on all rum imported into the United States (including rum from possessions other than Puerto Rico and the Virgin Islands), less certain amounts.

(Aug. 16, 1954, Chapter 736, 68A Stat. 907, as amended (26 U.S.C. 7652))

Par. 2. Subpart Ca is revised to read as follows:

Subpart Ca—Rum Imported Into the United States From Areas Other Than Puerto Rico and the Virgin Islands

§ 250.30 Excise taxes.

Distilled spirits excise taxes, less the estimated amounts necessary for payment of refunds and drawbacks, collected on all rum imported into the United States (including rum from possessions other than Puerto Rico and the Virgin Islands), will be deposited into the Treasuries of Puerto Rico and the Virgin Islands according to the formula described in § 250.31. The amount deposited into the Treasuries of Puerto Rico and the Virgin Islands shall be the lesser of $10.50, or the rate imposed by 26 U.S.C. 5001(a)(1) (including adjustments to the effective tax rate under 26 U.S.C. 5010), on each proof gallon of rum imported into the United States.

(Aug. 16, 1954, Chapter 736, 68A Stat. 907, as amended (26 U.S.C. 7652))

§ 250.31 Formula.

(a) The amount of excise taxes deposited in the Treasuries of Puerto Rico and the Virgin Islands on rum imported into the United States from other areas shall be deposited in proportion to the average amount of taxes that were collected on rum brought into the U.S. from Puerto Rico and the Virgin Islands during the fiscal years 1980, 1981, and 1982. Accordingly, the Puerto Rican Treasury will receive 86.4 percent, and the Virgin Islands Treasury will receive 13.6 percent, of the amount deposited into these Treasuries for rum imported into the United States from areas other than Puerto Rico and the Virgin Islands.

(b) The method for transferring the excise tax amounts on rum imported from other countries into the Treasuries of Puerto Rico and the Virgin Islands shall be the same as the method used for transferring the excise tax amounts on distilled spirits brought into the United States from Puerto Rico, and deposited into that Treasury.

(Sec. 221, Pub. L. 98–67, 97 Stat. 369, as amended (26 U.S.C. 7652))

Par. 3. Section 250.35 is amended by revising paragraph (b) and adding paragraph (c) to read as follows:

§ 250.35 Taxable status.

* * * * *

(b) The excise taxes collected on distilled spirits or articles containing distilled spirits shall be deposited into the Treasury of Puerto Rico only if at least 92 percent of the alcoholic content of such products is rum. The amount deposited into the Treasury of Puerto Rico shall not exceed the lesser of $10.50, or the rate imposed by 26 U.S.C. 5001(a)(1) (including adjustments to the effective tax rate under 26 U.S.C. 5010), on each proof gallon of such distilled spirits or articles containing distilled spirits coming into the United States or consumed on the island. Such excise tax deposits will be reduced by the estimated amount necessary for payment of refunds and drawbacks.

(c) Except for products described in 26 U.S.C. 7652(c), no excise taxes shall be deposited into the Treasury of Puerto Rico if an excise tax subsidy is provided by Puerto Rico that is of a kind different from, or in an amount per value or volume of production greater than, any subsidy offered by Puerto Rico to industries manufacturing products not subject to Federal excise tax.

(Sec. 2682, Pub. L. 98–369, 98 Stat. 494 (26 U.S.C. 7652))

Par. 4. Section 250.200 is amended by revising paragraph (b) and adding paragraph (c) to read as follows:

§ 250.200 Taxable status.

* * * * *

(b) The excise taxes collected on distilled spirits and articles containing distilled spirits shall be deposited into the Treasury of the Virgin Islands only if at least 92 percent of the alcoholic content of such product is rum. The amount deposited into the Treasury of the Virgin Islands shall not exceed the lesser of $10.50, or the rate imposed by 26 U.S.C. 5001(a)(1) (including adjustments to the effective tax rate under 26 U.S.C. 5010), on each proof gallon of such distilled spirits or article containing distilled spirits coming into the United States. Such excise tax payments to the Treasury of the Virgin Islands will be reduced by one percent and the estimated amount of refunds or credits, and may be further reduced by certain amounts deposited to the U.S. Treasury as miscellaneous receipts. The moneys so transferred and paid over shall constitute a separate fund in the Treasury of the Virgin Islands, and may be expended as the Virgin Islands legislature may determine.

(c) Except for products described in 26 U.S.C. 7652(c), no excise taxes shall be deposited into the Treasury of the Virgin Islands if an excise tax subsidy is provided by the Virgin Islands that is of a kind different from, or in an amount per value or volume of production greater than, any subsidy offered by the Virgin Islands to industries manufacturing products not subject to Federal excise tax.

(Sec. 2682, Pub. L. 98–369, 98 Stat. 494 (26 U.S.C. 7652))

Par. 5. Section 250.92 is revised to read as follows:

§ 250.92 Subject to tax.

(a) Wine of Puerto Rican manufacture coming into the United States and withdrawn for consumption or sale is subject to a tax equal to the internal revenue tax imposed in the United States on wine by 26 U.S.C. 5041.

(b) The excise taxes collected on wine of Puerto Rican manufacture shall be deposited in the Treasury of Puerto Rico only if the sum of the cost or value of the materials produced in Puerto Rico, plus the direct costs of processing operations performed in Puerto Rico, equals or exceeds 50 percent of the value of the wine when it is brought into the United States.

(Aug. 16, 1954, Chapter 736, 68A Stat. 907, as amended (26 U.S.C. 7652))

Par. 6. Section 250.101 is revised to read as follows:

§ 250.101 Subject to tax.

(a) Beer of Puerto Rican manufacture coming into the United States and withdrawn for consumption or sale is subject to a tax equal to the internal revenue tax imposed on beer in the United States by 26 U.S.C. 5051.

(b) The excise taxes collected on beer of Puerto Rican manufacture shall be deposited in the Treasury of Puerto Rico only if the sum of the cost or value of the materials produced in Puerto Rico, plus the direct costs of processing operations performed in Puerto Rico, equals or exceeds 50 percent of the value of the beer when it is brought into the United States.

(Aug. 16, 1954, Chapter 736, 68A Stat. 907, as amended (26 U.S.C. 7652))

PART 275—IMPORTATION OF CIGARS, CIGARETTES, AND CIGARETTE PAPERS AND TUBES

Par. 1. Section 275.101 is revised to read as follows:

§ 275.101 General.

(a) Cigars, cigarettes, and cigarette papers and tubes manufactured in Puerto Rico which are brought into the United States and withdrawn for consumption or sale are subject to the tax imposed by 26 U.S.C. 7652(a), at the rates set forth in 26 U.S.C. 5701.

(b) The excise taxes collected on cigars, cigarettes, and cigarette papers and tubes manufactured in Puerto Rico are covered into the Treasury of Puerto Rico. Cigars, cigarettes, and cigarette papers and tubes are considered as manufactured in Puerto Rico for purposes of 26 U.S.C. 7652(a)(3) if the sum of the cost or value of the materials produced in Puerto Rico, plus the direct costs of processing operations performed in Puerto Rico, equals or exceeds 50 percent of the value of the product when it is brought into the United States.

(c) The excise tax on cigars, cigarettes, and cigarette papers and tubes of Puerto Rican manufacture may be prepaid in Puerto Rico prior to shipment of such articles to the United States in accordance with § 275.105. In the case of cigars and cigarettes such tax may be paid in Puerto Rico on the basis of a semi-monthly return in accordance with the applicable provisions of this subpart.

(d) Cigars and cigarettes may be shipped to the United States and released from customs custody, without payment of excise tax, for transfer to the factory of a manufacturer of tobacco products under the bond of such manufacturer in accordance with § 275.135. Cigarette papers and tubes may be similarly shipped and released from customs custody for transfer to the factory of either a manufacturer of cigarette papers and tubes, or a manufacturer of tobacco products solely for use in the manufacture of cigarettes, under the bond of the manufacturer to whom such articles are released, in accordance with § 275.135.

(e) Cigars, cigarettes, and cigarette papers and tubes of Puerto Rican manufacture on which excise tax has not been paid or computed in Puerto Rico and which are not to be released from customs custody without payment of excise tax, under bond, shall not be withdrawn from customs custody until the excise tax has been paid in accordance with § 275.81.

(68A Stat. 907, as amended, 72 Stat. 1417, 1418, as amended (26 U.S.C. 7652, 5703, 5704))

Signed: February 12, 1985.

Stephen E. Higgins,

Director.

Approved: March 29, 1985.

John M. Walker, Jr.,

Assistant Secretary (Enforcement and Operations).

(FR Doc. 85-9685 Filed 4-22-85; 8:45 am)

BILLING CODE 4810-31-M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 948

Approval of Permanent Program Amendment From the State of West Virginia Under the Surface Mining Control and Reclamation Act of 1977

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

ACTION: Final rule.

SUMMARY: OSM is announcing the approval of a program amendment submitted by West Virginia as an amendment to the State's permanent regulatory program (hereinafter referred to as the West Virginia program) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The amendment revises certain requirements of the State's program for blaster training, examination and certification.

West Virginia submitted the proposed program amendment on November 20, 1984. OSM published a notice in the **Federal Register** on December 17, 1984, announcing receipt of the amendment and inviting public comment on the adequacy of the proposed amendment. The public comment period ended January 16, 1985.

After providing opportunity for public comment and conducting a thorough review of the program amendment, the Director has determined that the amendment meets the requirements of SMCRA and the Federal regulations, and is approving it with one exception. The Federal rules at 30 CFR Part 948 codifying decisions concerning the West Virginia program are being amended to implement this action.

This final rule is being made effective immediately in order to expedite the State program amendment process and encourage States to conform their programs to the Federal standards without undue delay; consistency of the State and Federal standards is required by SMCRA.

EFFECTIVE DATE: April 23, 1985.

FOR FURTHER INFORMATION CONTACT: James Blankenship, Acting Director, Charleston Field Office, Office of Surface, 603 Morris Street, Charleston, West Virginia 25301; Telephone: (304) 347-7158.

SUPPLEMENTARY INFORMATION:

I. Background

The West Virginia program was conditionally approved by the Secretary of the Interior on January 21, 1981 (46 FR 5915-5956). Information pertinent to the general background, revisions, modifications, and amendments to the proposed permanent program submission, as well as the Secretary's findings, the disposition of comments and a detailed explanation of the conditions of approval of the West Virginia program can be found in the January 21, 1981 **Federal Register**. (46 FR 5915).

II. Submission of Revisions

On January 12, 1984, West Virginia submitted statute and regulations and other material which would establish requirements for the training, examination and certification of blasters working in surface coal mining operations. These materials were later supplemented by additional information submitted by the State on June 18, 1984.

On September 20, 1984, the Director approved the State's proposed blaster program but required correction of three minor deficiencies (49 FR 36837-36840). These deficiencies related to the lack of the requirements of 30 CFR 850.12(b), 850.13(a)(2) and 850.15(b)(1)(ii) in the proposed State regulations. On November 20, 1984, the State submitted proposed regulations and a policy statement intended to resolve the above deficiencies.

On December 17, 1984, OSM published a notice in the **Federal Register** announcing receipt of the West Virginia amendment and inviting public comment on whether the proposed amendment was no less effective than the Federal regulations (49 FR 48943-48945). The public comment period ended January 16, 1985. An opportunity to request a public hearing was provided, but none was requested.

III. Director's Findings

The Director finds, in accordance with SMCRA and 30 CFR 732.17 and 732.15, that the program amendment submitted by West Virginia on November 20, 1984, meets the requirements of SMCRA and 30 CFR Chapter VII, with certain exceptions, as discussed below.

A. General

The West Virginia submission provides that the West Virginia Department of Mines, in accordance with Section 20-6-34 of the West Virginia Surface Coal Mining and Reclamation Act, will be responsible for the training, examination and certification of blasters within the State.

The program amendment approved by the Secretary on September 20, 1984, provided that mandatory blaster certification training as required by 30

CFR 850.13(b) could be accomplished by way of any of three methods. The first would be to attend the classroom training sponsored by the West Virginia Department of Mines and provided through the facilities of the State Vocational Education office as specified in the State's proposed regulations. The second method of satisfying the training provisions would be to conduct a self-study program using the "Study Guide for West Virginia Surface Mine Blasters." The third method would be to attend a certified blaster training session conducted by an explosives manufacturer. The applicant are certification would indicate on the application for the blaster certification exam which type of training he or she had received.

In the September 20 approval, the Director found that only the first method of training would satisfy the provisions of 30 CFR 850.13(b). The second option, self-study, could not be utilized until self-study training materials providing instruction in all areas required by 30 CFR 850.13(b) and a procedure to verify that the self-study had actually been conducted were developed. The third method of proposed training, manufacturer training, could not be accepted until procedures were developed by the State to verify that the training meets the requirements of 30 CFR 850.13(b) and the process for verifying completion of the course was developed. Following development of the required information and procedures, both methods of training were to be submitted to the Director for approval.

In response to the Director's findings that a procedure to verify completion of explosives manufacturers' sponsored training or the self-study guide be developed, the West Virginia November 20 submission contained a copy of the State's "Surface Mine Blasters Examination Application." The application requested, in part, information relating to the applicant's training, whether through self-study or other formal training and the applicant's certification of completion of same. The Director finds the application, together with successful completion of the examination, to be an acceptable procedure to verify that the applicant for certification has actually completed the study. However, the State has not yet revised the Study Guide for West Virginia Surface Mine Blasters nor developed a procedure to verify that any explosives manufacturer training meets the requirements of 30 CFR 850.13(b). Therefore, the Director cannot approve the use of these two methods of training.

B. West Virginia Administrative Regulations, Department of Mines, Chapter 22-4, Series——, Rules and Regulations Governing the Standards for Certification of Blasters, Submitted November 20, 1984

The Director's approval of the West Virginia Blaster Certification Program on September 20 addressed three areas which were found not to be as effective as the provisions of Federal regulations. The Director's approval required that these areas be revised and submitted as a required amendment by November 19, 1984. The following is a discussion of each of these areas, the amendment proposed by the State on November 20, 1984, to address these areas and the Director's Finding on the adequacy of each amendment.

1. 30 CFR 948.16(a) requires that West Virginia amend its program to provide that all persons responsible for the use of explosives on or after 12 months of the effective date of the Director's approval shall be certified in accordance with 30 CFR 850.12(b). This amendment was necessary due to a provision of section 4C.01 of the State's approved surface mining regulations which inappropriately relate the blasting plan requirements to blasts using more than five pounds of explosives. Since the provisions of section 3.01(A) of the State's blasting regulations require certification of blasting personnel who use explosives in accordance with the blasting plan, certain blasts would be exempt from the blaster certification requirements. In addition, since blasting plan requirements apply only to blasts conducted on surface mines, surface blasting at underground mines would not require the certification of blasting personnel.

The November 20 program amendment contained a policy statement intended to address this deficiency. The statement is to be included in the State's policy and procedures manual at page number 25.08. The statement provides that all blasts shall be conducted in accordance with section 4C of the Rules and Regulations (this includes blasts using less than five pounds). The only exception is the deep mine variance concerning public notice.

Thus, the State's policy statement of November 20, 1984, in conjunction with section 4C of the State's regulation, would require: That a blaster certified by the Department of Mines shall be responsible for all blasting operations including the transportation, storage and use of explosives within the permit area and that each application for an operation shall include a blasting plan which explains how the applicant will comply with the requirements of the subsection. The Director finds that this policy statement, if enforceable, in conjunction with section 4C of the State's regulations would satisfy the required amendment. However, in the absence of a State Attorney General's opinion that the policy statement is legally enforceable despite the existence of the conflicting regulation, the Director finds that the State's policy statement that the exemption does not apply is insufficient to correct the deficiency. Therefore, the Director will notify West Virginia of his decision with regard to this issue and request the State to submit an Attorney General's opinion that the policy statement is legally enforceable. The requirement for an amendment under 30 CFR 948.16(a) will remain in effect and be extended for 60 days to allow the State to submit the amendment.

2. 30 CFR 948.16(b) requires that West Virginia amend its program to provide that a blaster's certification may be suspended or revoked for unlawful use of alcohol, narcotics or other dangerous drugs in the work place as required by 30 CFR 850.15(b)(1)(ii).

The November 20 program amendment proposed a revision to section 6.01(B) of the blaster certification regulations approved by the Director on September 20. The revisions provides that a blaster's certification may be suspended or revoked for use of alcohol, narcotics or other dangerous drugs in the work place and is no less effective than 30 CFR 850.15(b)(1)(ii).

3. 30 CFR 948.16(c) requires that West Virginia amend its program to provide that the blasting crew or others who assist in the use of explosives and are not certified blasters, receive direction and on-the-job training from a certified blaster as required by 30 CFR 850.13(a)(2).

The November 20 program amendment proposed a new section 9 to the blaster certification regulations approved by the Director on September 20. The new section provides that blasting crew members who are not certified blasters or assist in the use of explosives shall receive direction and on-the-job training from a certified blaster and is no less effective than 30 CFR 850.13(a)(2).

IV. Public Comments

Pursuant to section 503(b) of SMCRA and 30 CFR 732.17(h)(10)(i), of those Federal agencies invited to comment, acknowledgements were received from the Advisory Council on Historic Preservation; the Department of the

Army, Office of the Chief of Engineers; the Department of the Interior, National Park Service; and, the Department of Labor, Mine Safety and Health Administration. No additional public comments were received.

The Advisory Council on Historic Preservation stated the likelihood exists that implementation of the State program will result in adverse effects upon properties included in or eligible for the National Register of Historic Places. However, no specific comments on the effects were included in its comments. Therefore, the Director is unable to respond to the concerns in relation to the program amendment currently being considered.

The National Park Service stated that the term "surface area of an underground mine" is not defined in the proposed amendment. However, this term is defined in section 2.05 of the State's approved blaster certification regulations. In addition, the National Park Service expressed concern that the amendment did not appear to adequately address the surface effects of blasting associated with underground mining. The amendment currently being considered does not relate to any standards associated with the use of explosives. It deals only with the training, examination and certification of the personnel responsible for the use of explosives. The requirement for certification of personnel responsible for the surface blasting operations of an underground mine is of concern to the Director as discussed in Finding 1 above and in Finding 1 of the Director's approval of the West Virginia blaster certification program published in the **Federal Register** on September 20, 1984 (49 FR 36857).

The disclosure of Federal agency comments is made pursuant to section 503(b)(1) of SMCRA and 30 CFR 732.17(h)(10)(i).

V. Director's Decision

The Director, based on the above findings, is approving the November 20, 1984 amendment to the West Virginia program. However, two methods for satisfying the training provisions of 30 CFR Part 850, as discussed in Finding A above may not be utilized until the State makes the necessary revisions and they are approved by OSM. Also, as indicated in Finding B.1, above, one provision nas been found to be less effective than the Federal regulations and must be amended. The Director is amending Part 948 of 30 CFR Chapter VII to implement this decision.

VI. Procedural Requirements

1. *Compliance with the National Environmental Policy Act:* The Secretary has determined that, pursuant to section 702(d) of SMCRA, 30 U.S.C. 1292(d), no environmental impact statement need be prepared on this rulemaking.

2. *Executive Order No. 12291 and the Regulatory Flexibility Act:* On August 28, 1981, the Office of Management and Budget (OMB) granted OSM an exemption from sections 3, 4, 7, and 8 of Executive Order 12291 for action directly related to approval or conditional approval of State regulatory programs. Therefore, this action is exempt from preparation of a Regulatory Impact Analysis and regulatory review by OMB.

The Department of the Interior has determined that this rule will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C 601 *et seq.*). This rule will not impose any new requirements; rather, it will ensure that existing requirements established by SMCRA and the Federal rules will be met by the State.

3. *Paperwork Reduction Act:* This rule does not contain information collection requirements which require approval by the Office of Management and Budget under 44 U.S.C. 3507.

List of Subject in 30 CFR Part 948

Coal mining, Intergovernmental relations, Surface mining, Underground mining.

Authority: Pub. L. 95-87, Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201 *et seq.*).

Dated: April 16, 1985.

Brent W. Blauch,

Acting Director, Office of Surface Mining.

PART 948—WEST VIRGINIA

1. 30 CFR Part 948 is amended by adding a new § 948.15(b) as follows:

§ 948.15 Approval of regulatory program amendments.

* * * * *

(b) The following amendment submitted to OSM on November 20, 1984, is approved effective April 23, 1985: Amendments to West Virginia's blaster certification program, as contained in the proposed West Virginia Administrative Regulations, Department of Mines, Chapter 22–4 Series ——, section 6.01(B) and section 9, submitted to OSM on November 20, 1984. This approval is contingent upon the State's promulgation of the proposed regulations in the identical form submitted for OSM's review and approval.

2. 30 CFR Part 948 is amended by revising the introductory paragraph and paragraph (a) and removing and reserving paragraphs (b) and (c) of § 948.16 as follows:

§ 948.16 Required program amendments.

Pursuant to 30 CFR 732.17, West Virginia is required to make the following program amendments by June 24, 1985.

(a) Amend its program through an Attorney General's opinion or otherwise amend its program to require that all persons responsible for the use of explosives shall be certified in a manner no less effective than 30 CFR 850.12(b).

(b) [Reserved.]

(c) [Reserved.]

[FR Doc. 85-9574 Filed 4-22-85; 8:45 am]

BILLING CODE 4310-05-M

DEPARTMENT OF DEFENSE

Department of the Navy

32 CFR Part 721

Standards of Conduct; Correction

AGENCY: Department of the Navy, DOD.

ACTION: Final rule; correction.

SUMMARY: This document makes corrections to the Standards of Conduct final rule that was published March 6, 1985, at 50 FR 9000.

FOR FURTHER INFORMATION CONTACT:
Commander G. Sid Smith, JAGC, USN, (Office of the Judge Advocate General), (202) 325-9752,

or

Mr. James T. Tate, Jr. (Office of General Counsel), (202) 692-7186

SUPPLEMENTARY INFORMATION:

In FR Doc. 85-4881 beginning on page 9000, in the issue of Wednesday, March 6, 1985, make the following corrections:

§ 721.6 [Corrected]

1. On page 9002, column 3, in § 721.6(a)(3), the reference in lines 5 and 6 should read "paragraph (a)(2)(iii) or (a)(2)(iv)" instead of "paragraph (a)(2)(c) or (a)(2)(d)."

2. On page 9003, column 3, in § 721.6(g)(2)(xii), the reference should read "SECNAVINST 1650.1" rather than "SECNAVINST 1650."

§ 721.11 [Corrected]

3. On page 9006, column 3, in § 721.11, the last word in line 10 should be "or" instead of "of."

§ 721. [Corrected]

4. On page 9007, column 2, in § 721.14(b), delete the second "Report of" in line 12.

§ 721.15 [Corrected]

5. On page 9009, column 1, in § 721.15(b)(3)(iv), line 1, the words "of this statute" should be inserted between "(c)" and "further."

§ 721.16 [Corrected]

6. On page 9010, column 2, in § 721.16(c), line 9, the last word should be "in" rather than "is."

7. On page 9010, column 3, in § 721.16(e)(6), line 9, delete the words "rate of" between "basic" and "pay."

8. On page 9012, column 2, in § 721.16(k)(1), line 7, a comma should be inserted after "(i)(2)," and another comma should be inserted after "(i)(3)."

9. On page 9014, column 1, in § 721.16(s), the first line at the top of the page, the third word should be spelled "Government" rather than "Govenment."

§ 721.17 [Corrected]

10. In § 721.17 on page 9014, column 2, line 44, the paragraph designation "(e)" should replace the paragraph designation "(3)."

11. On page 9014, column 3, in the introductory text of § 721.17(h), line 1, "The" should replace "This."

Dated: April 16, 1985.

Lt. W.F. Roos, Jr.,

JAGC, USNR, Federal Register Liaison Officer.

[FR Doc. 85-9745 Filed 4-22-85; 8:45 am]

BILLING CODE 3810-AE-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[TN-021; A-4-FRL-2823-7]

Approval and Promulgation of Implementation Plans; Tennessee: Approval of Two Visible Emission Evaluation Methods

AGENCY: Environmental Protection Agency.

ACTION: Final action.

SUMMARY: On September 26, 1984, the State of Tennessee submitted two Tennessee Visible Emission Evaluation (TVEE) methods for EPA review, which were adopted by the Tennessee Air Pollution Control Board, and became State-effective, on August 24, 1984. These methods have been evaluated and found to be in conformance with EPA policy. This notice proposes to approve these methods and incorporate them into the State Implementation Plan (SIP) for Tennessee. The intended effect of these methods is to enable more precise and accurate determinations of visible emissions.

EFFECTIVE DATE: This action will be effective on June 24, 1985 unless notice is received within 30 days that someone wishes to submit adverse or critical comments.

ADDRESSES: Written comments should be addressed to Kelly McCarty of EPA Region IV's Air Management Branch (see EPA Region IV address below). Copies of the materials submitted by Tennessee may be examined during normal business hours at the following locations:

Environmental Protection Agency, Region IV, Air Management Branch, 345 Courtland Street, N.E., Atlanta, Georgia 30365

Division of Air Pollution Control, Tennessee Department of Health and Environment, 150 9th Avenue, North, Nashville, Tennessee 37203

Public Information Reference Unit, Library Systems Branch, Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460

Office of the Federal Register, 1100 L Street, NW., Room 8401, Washington, D.C. 20005

FOR FURTHER INFORMATION CONTACT: Ms. Kelly McCarty, Air Management Branch, EPA Region IV, at the above address, and phone 404/881-3286, or FTS 257-3286.

SUPPLEMENTARY INFORMATION: Measuring the opacity of a plume of smoke from a specific source is one way of determining whether or not that source is in compliance with the applicable Total Suspended Particulate (TSP) regulations. The two TVEE methods which are today approved by EPA are used to determine exactly how a person should read the opacity of the plumes from certain sources. The opacity is "read" by comparing the opaqueness of the plume with a set of standards and then stating the opacity in terms of percent.

These two methods each include: applicability; a procedure for determining violations, along with the observational error allowed; rules of certification for the observer; and the data reduction methods.

TVEE Method 1—Visual Determination of Opacity of Emissions from Nontraditional Sources. This method is used to determine opacity from sources which are considered "nontraditional", i.e., roads and parking lots, which are not addressed in any other method for opacity determinations. This method was revised for the following reasons:

- The distance required between the opacity reader and the plume of smoke was not previously specified. This revision changes the distance from "sufficient" to "15 feet".
- A certification procedure for the opacity reader was not previously specified. This revision includes a certification procedure.
- An observational error of 10% was allowed before issuance of a Notice of Violation (NOV). This was felt to be too large and so was reduced to 8.8%.

TVEE Method 2—Visual Determination of Opacity for Aggregate Count Visible Emission Standards. This is a new method for documenting violations of the regulations for opacity limits. EPA Method 9 is the standard method for determining violations of opacity limits, but it is written in terms of 6-minute averages, rather than the aggregate, as is specified in the SIP. Method 9 requires readings to be taken every 15 seconds for 6 minutes, and then the readings are averaged to determine a 6-minute average. If this average is over the opacity limit, then the source is out of compliance, and may be issued an NOV; otherwise, the source is in compliance. Occasionally, a source will run intermittently, for less than 6 minutes (i.e., 4 minutes every half hour). Using Method 9, this source could greatly exceed the opacity limit for the time it runs, and be zero for the rest of the 6 minutes, and still be under the opacity limit after averaging. The SIP addresses this loophole and specifies opacity limits and the number of exceedances allowable in any 1- or 24-hour period; however, prior to adoption of this new method, there was no method for determining if a source was in violation of the limits specified in the SIP. This method addresses that oversight.

Final Action. EPA has reviewed these revisions to the Tennessee SIP and is approving them as submitted. This action is taken without prior proposal because the changes are non-controversial and EPA anticipates no comments on them. The public should be advised that this action will be effective 60 days from the date of this **Federal Register** notice. However, if notice is received within 30 days that someone wishes to submit adverse or critical comments, this action will be withdrawn, and two subsequent notices will be published before the effective date. One notice will withdraw the final action, and the other will begin a new rulemaking by announcing a proposal of

the action and establishing a comment period.

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by 60 days from date of action. This action may not be challenged later in proceedings to enforce its requirements (see 307(b)(2).)

Under 5 U.S.C. 605(b), I certify that SIP approvals do not have a significant economic impact on a substantial number of small entities. (see 46 FR 8709.)

Incorporation by reference of the Tennessee State Implementation Plan was approved by the Director of the Federal Register on July 1, 1982.

The Office of Management and Budget has exempted this rule from the requirements of Section 3 of Executive Order 12291.

List of Subjects in 40 CFR Part 52

Air pollution control, Intergovernmental relations, Particulate matter, Incorporation by reference.

(Sec. 110 of the Clean Air Act, (42 U.S.C. 7410))

Dated: April 17, 1985.

Lee M. Thomas,

Administrator.

PART 52—[AMENDED]

Part 52 of Chapter I, Title 40, Code of Federal Regulations, is amended as follows:

Subpart RR—Tennessee

Section 52.2220 is amended by adding paragraph (c)(64) as follows:

§ 52.2220 Identification of plan.

* * * * *

(c) The plan revisions listed below were submitted on the dates specified.

* * * * *

(64) Changes in visible emission evaluation methods, submitted on September 26, 1984, by the Tennessee Department of Health and Environment.

[FR Doc. 85-9717 Filed 4-22-85; 8:45 am]

BILLING CODE 6560-50-M

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40 CFR Part 60

[AD-FRL 2797-3]

Standards of Performance for New Stationary Sources; Appendix A—Reference Methods; Nitrogen Oxide Emissions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This action is to promulgate "Method 7B, Determination of Nitrogen Oxide Emissions from Stationary Sources Ultraviolet Spectrophotometric Method," which is to be added to Appendix A of 40 CFR Part 60.

The intended effect is to allow nitric acid plants, subject to standards of performance (Subpart G), to use Method 7B as an alternative method. It offers improvements over Method 7 in that the sample analytical time is shortened and precision is improved.

EFFECTIVE DATE: April 23, 1985.

Under section 307(b)(1) of the Clean Air Act, judicial review of this new source performance standard is available *only* by the filing of a petition for review in the U.S. Court of Appeals for the District of Columbia Circuit within 60 days of today's publication of this rule. Under section 307(b)(2) of the Clean Air Act, the requirements that are the subject of today's notice may not be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

ADDRESS: *Docket.* Docket No. A-83-20, containing material relevant to this rulemaking, is available for public inspection and copying between 8:00 a.m. and 4:00 p.m., Monday through Friday, at EPA's Central Docket Section (LE-131), West Tower Lobby, Gallery 1, Waterside Mall, 401 M Street SW., Washington, D.C. 20460. A reasonable fee may be charged for copying.

FOR FURTHER INFORMATION CONTACT: Mr. Gary McAlister, Emission Measurement Branch (MD-19), Emission Standards and Engineering Division, U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, telephone number (919) 541-2237.

SUPPLEMENTARY INFORMATION: Method 7B has been proposed because it offers shorter analytical time and better precision than Method 7. This method is to be used as an alternative method and would apply to nitric acid plants only. This rulemaking would not impose any additional emission measurement requirements on any facilities. Rather, the rulemaking would simply add an alternative test method associated with emission measurement requirements that would apply irrespective of this rulemaking.

Public Participation

This test method was proposed and published in the **Federal Register** on August 3, 1983 (48 FR 35338). The opportunity to request a public hearing was presented to provide interested persons the opportunity for oral presentation of data, views, or arguments concerning the proposed test method, but no one wished to make an oral presentation.

The public comment period was from August 3, 1983, to October 8, 1983. One comment letter concerning the proposed test method was received. This commenter pointed out that the equation for calculating the spectrophotometer was applicable only when the calibration standards specified in the method were used. It was suggested that a general equation be included in the method for cases when different calibration standards were used. This change has been incorporated in the method.

Docket

The docket is an organized and complete file of all the information considered by EPA in the development of this rulemaking. The docket is a dynamic file, since material is added throughout the rulemaking development. The docketing system is intended to allow members of the public and industries involved to identify and locate documents readily so that they can intelligently and effectively participate in the rulemaking process. Along with the statement of the proposed and promulgated test method and EPA responses to significant comments, the contents of the docket will serve as the record in case of judicial review (Section 307(d)(7)(A)).

Miscellaneous

Under Executive Order 12291, EPA must judge whether a regulation is "major" and, therefore, subject to the requirement of a regulatory impact analysis. This regulation is not major because it will not have an annual effect on the economy of $100 million or more; it will not result in a major increase in costs or prices; and there will be no significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of U.S.-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Pursuant to the provisions of 5 U.S.C. 605(b), I hereby certify that the attached rule will not have any economic impact because it offers an alternative method. Any written comments from the Office of Management and Budget and any written EPA responses are available in the docket.

This proposed rulemaking is issued under the authority of sections 111, 114, and 301(a) of the Clean Air Act, as amended (42 U.S.C. 7411, 7414, and 7601(a)).

List of Subjects in 40 CFR Part 60

Air pollution control, Aluminum, Ammonium sulfate plants, Asphalt, Cement industry, Coal, Copper, Electric power plants, Glass and glass products, Grains, Intergovernmental relations, Iron, Lead, Metals, Metallic minerals, Motor vehicles, Nitric acid plants, Paper and paper products industry, Petroleum, Phosphate, Sewage disposal, Steel, Sulfuric acid plants, Waste treatment and disposal, Zinc, Tires, Can surface coating, Sulfuric acid plants, Industrial organic chemicals, Organic solvent cleaners, Fossil fuel-fired steam generators, Fiberglass insulation, Synthetic fibers, Lime.

Dated: April 8, 1985.

Lee M. Thomas,

Administrator.

PART 60—[AMENDED]

40 CFR Part 60 is amended as follows:

1. By revising § 60.73, paragraph (a) to read as follows:

§ 60.73 Emission Monitoring.

(a) A continuous monitoring system for the measurement of nitrogen oxides shall be installed, calibrated, maintained, and operated by the owner or operator. The pollutant gas used to prepare calibration gas mixtures under paragraph 2.1, Performance Specification 2 and for calibration checks under § 60.13(d) to this part shall be nitrogen dioxide (NO_2). The span shall be set at 500 ppm of NO_2. Method 7, 7A, 7B, 7C, or 7D shall be used for conducting monitoring system performance evaluations under § 60.13(c).

* * * * *

2. By revising § 60.74, paragraphs (a)(1) and (b) to read as follows:

§ 60.74 Test Methods and Procedures.

(a) * * *

(1) Method 7, 7A, 7B, 7C, or 7D for the concentration of NO_x;

* * * * *

(b) For Method 7, 7A, 7B, 7C, or 7D the sample site shall be selected according to Method 1 and the sampling point shall be the centroid of the stack or duct or at a point no closer to the walls than 1 m (3.28 ft). For Method 7, 7A, or 7B, each run shall consist of four grab samples taken at approximately 15-minute intervals. The arithmetic mean of the samples shall constitute the run value. For Method 7C or 7D, each run shall consist of a 1-hour sample. A velocity traverse shall be performed once per run.

* * * * *

3. By amending Appendix A by adding a new method 7B as follows:

Appendix A

* * * * *

Method 7B. Determination of Nitrogen Oxide Emissions From Stationary Sources (Ultraviolet Spectrophotometry)

1. Applicability and Principle

1.1 Applicability. This method is applicable to the measurement of nitrogen oxides emitted from nitric acid plants. The range of the method as outlined has been determined to be 57 to 1,500 milligrams NO_x (as NO_2) per dry standard cubic meter, or 30 to 786 ppm NO_x (as NO_2), assuming corresponding standards are prepared.

1.2 Principle. A grab sample is collected in an evacuated flask containing a dilute sulfuric acid-hydrogen peroxide absorbing solution; and the nitrogen oxides, except nitrous oxide, are measured by ultraviolet absorption.

2. Apparatus

2.1 Sampling. Same as Method 7, Section 2.1.1 through Section 2.1.11.

2.2 Sample Recovery. The following equipment is required for sample recovery:

2.2.1 Wash Bottle. Polyethylene or glass.

2.2.2 Volumetric Flasks. 100-ml (one for each sample).

2.3 Analysis. The following equipment is needed for analysis:

2.3.1 Volumetric Pipettes. 5-, 10-, 15-, and 20-ml to make standards and sample dilutions.

2.3.2 Volumetric Flasks. 1000- and 100-ml for preparing standards and dilution of samples.

2.3.3 Spectrophotometer. To measure ultraviolet absorbance at 210 nm.

2.3.4 Analytical Balance. To measure to within 0.1 mg.

3. Reagents

Unless otherwise indicated, all reagents are to conform to the specifications established by the committee on analytical reagents of the American Chemical Society, where such specifications are available. Otherwise, use the best available grade.

3.1 Sampling. Same as Method 7, Section 3.1. It is important that the amount of hydrogen peroxide in the absorbing solution not be increased. Higher concentrations of peroxide may interfere with sample analysis.

3.2 Sample Recovery. Same as for Method 7, Section 3.2.2.

3.3 Analysis. Same as for Method 7, Sections 3.3.4, 3.3.5, and 3.3.7 with the addition of the following:

3.3.1 Working Standard KNO_3 Solution. Dilute 10 ml of the standard solution to 1000 ml with water. One milliliter of the working standard is equivalent to 10 μg nitrogen dioxide (NO_2).

3.3.2 Absorbing Solution. Same as in Section 3.1.

3.3.3 Quality Assurance Audit Samples. Nitrate samples are prepared in glass vials by the Environmental Protection Agency (EPA), Environmental Monitoring Systems Laboratory, Research Triangle Park, North Carolina. Each set will consist of two vials with two unknown concentrations. When making compliance determinations, obtain the audit samples from the quality assurance management office at each EPA regional office.

4. Procedures

4.1 Sampling. Same as Method 7, Sections 4.1.1 and 4.1.2.

4.2 Sample Recovery. Let the flask sit for a minimum of 16 hours, and then shake the contents for 2 minutes. Connect the flask to a mercury filled U-tube manometer. Open the valve from the flask to the manometer, and record the flask temperature (T_f), the barometric pressure, and the difference between the mercury levels in the manometer. The absolute internal pressure in the flask (P_f) is the barometric pressure less the manometer reading.

Transfer the contents of the flask to a 100-ml volumetric flask. Rinse the flask three times with 10-ml portions of water, and add to the volumetric flask. Dilute to 100 ml with water. Mix thoroughly. The sample is now ready for analysis.

4.3 Analysis. Pipette a 20-ml aliquot of sample into a 100-ml volumetric flask. Dilute to 100 ml with water. The sample is now ready to be read by ultraviolet spectrophotometry. Using the blank as zero reference, read the absorbance of the sample at 210 nm.

4.4 Audit Analysis. With each set of compliance samples or once per analysis day or once per week when averaging continuous samples, analyze each performance audit in the same manner as the sample to evaluate the analyst's technique and standard preparation. The same person, the same reagents, and the same analytical system must be used both for compliance determination samples and the EPA audit samples. Report the results of all audit samples with the results of the compliance determination samples. The relative error will be determined by the regional office or the appropriate enforcement agency.

5. Calibration

Same as Method 7, Section 5.1 and Sections 5.3 through 5.6 with the addition of the following:

5.1 Determination of Spectrophotometer Standard Curve. Add 0.0 ml, 5 ml, 10 ml, 15 ml, and 20 ml of the KNO_3 working standard solution (1 ml- 10 μg NO_2) to a series to five 100-ml volumetric flasks. To each flask, add 5 ml of absorbing solution. Dilute to the mark with water. The resulting solutions contain 0.0, 50, 100, 150, and 200 μg NO_2, respectively. Measure the absorbance by ultraviolet spectrophotometry at 210 nm, using the blank as a zero reference. Prepare a standard curve plotting absorbance vs. μg NO_2.

Note.—If other than a 20-ml aliquot of sample is used for analysis, then the amount of absorbing solution in the blank and standards must be adjusted such that the same amount of absorbing solution is in the blank and standards as is in the aliquot of sample used. Calculate the spectrophotometer calibration factor as follows:

$$K_c = \frac{\sum_{i=1}^{N} M_i A_i}{\sum_{i=1}^{N} A_i^2} \qquad \text{(Eq. 7.1.)}$$

Where:

M_i = Mass of NO_2 in standard i, μg.
A_i = Absorbance of NO_2 standard i.
N = Total number of calibration standards.

For the set of calibration standards specified here, Equation 7–1 simplifies to the following:

$$K_c = 50 \frac{A_1 + 2A_2 + 3A_3 + 4A_4}{A_1^2 + A_2^2 + A_3^2 + A_4^2} \qquad \text{(Eq. 7.2)}$$

6. Calculations

Same as Method 7, Sections 6.1, 6.2, and 6.4 with the addition of the following:

6.1 Total μg NO_2 Per Sample:

$$m = 5K_c AF \qquad \text{(Eq. 7–3)}$$

Where:

5 = 100/20, the aliquot factor.

Note.–If other than a 20-ml aliquot is used for analysis, the factor 5 must be replaced by a corresponding factor.

6.2 Relative Error (RE) for Quality Assurance Audits.

$$RE = \frac{C_d - C_a}{C_a} \times 100 \qquad \text{(Eq. 7–4)}$$

Where:

C_d = Determined audit concentration.
C_a = Actual audit concentration.

7. Bibliography

1. National Institute for Occupational Safety and Health Recommendations for Occupational Exposure to Nitric Acid. In: Occupational Safety and Health Reporter. Washington, D.C. Bureau of National Affairs, Inc. 1976. p. 149.

2. Rennie, P.J., A.M. Sumner, and F.B. Basketter. "Determination of Nitrate in Raw, Potable, and Waste Waters by Ultraviolet Spectrophotometry." "Analyst." Vol. 104. September 1979. p. 837.

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DEPARTMENT OF TRANSPORTATION

Coast Guard

46 CFR Parts 153 and 154

[CGD 81–052]

Compliance Procedures for Self-Propelled Foreign-Flag Vessels Carrying Hazardous Liquids and Bulk Liquefied Gases

Correction

In FR Doc. 85–5177 beginning on page 8730 in the issue of Tuesday, March 5, 1985, make the following corrections:

1. On page 8733, in the first column, in § 153.9, after the introductory text of paragraph (a), insert the following paragraph (1):

"(1) An additional classification society statement that the vessel complies with § 153.530 (b), (d), and (p)(1) if a person desires a Certificate of Compliance endorsed with the name of an alkylene oxide; and"

2. On page 8734, in the first column, in § 153.809 (c)(4), in the second line, "are board" should read "are on board".

3. On page 8734, in the third column, in footnote 1 to § 154.5(a), in the third line, "Subchapter C" should read "Subchapter O".

4. On page 8734, in the third column, in § 154.151(b)(1), in the fourth line, "to the" should read "to a".

BILLING CODE 1505-01-M

Research and Special Programs Administration

49 CFR Part 195

[Amdt. 195–33, Docket PS–80]

Transportation of Hazardous Liquids by Pipeline; Regulation of Intrastate Pipelines

AGENCY: Materials Transportation Bureau (MTB), DOT.

ACTION: Final rule.

SUMMARY: The existing Federal safety standards for pipelines transporting hazardous liquids apply to pipelines operating in interstate or foreign commerce. This final rule extends the applicability of these standards to include pipelines transporting hazardous liquids that affect interstate or foreign commerce, sometimes called intrastate pipelines. The Hazardous Liquid Pipeline Safety Act of 1979 (HLPSA) requires this action to provide for consistent State regulation of risks associated with intrastate transportation of hazardous liquids.

EFFECTIVE DATES: The effective date of this final rule is October 21, 1985, except that the effective date of § 195.402 with respect to intrastate pipelines is April 23, 1987.

FOR FURTHER INFORMATION CONTACT: Frank Robinson, (202) 426–2392, regarding the content of this final rule. Barbara Betsock (202) 755–4972 concerning Appendix A, or the Dockets Branch (202) 426–3148, regarding other information in the docket.

SUPPLEMENTARY INFORMATION: .

Background

Section 203(a) of the Hazardous Liquid Pipeline Safety Act of 1979 (HLPSA) (49 U.S.C. 2002) requires the Secretary of Transportation to establish minimum Federal safety standards for the transportation of hazardous liquids by pipeline in or affecting interstate or foreign commerce. Once the Federal standards are established, section 205 of the HLPSA provides for State adoption and enforcement of the Federal standards with respect to "intrastate pipelines," or pipelines to which the HLPSA applies which are not used in interstate or foreign commerce. Although State safety regulation of interstate pipelines is preempted, the HLPSA permits States to adopt additional or more stringent safety standards for intrastate pipelines, provided they are compatible with the Federal standards (49 U.S.C. 2002(d)).

On July 20, 1981, MTB reissued the safety standards in 49 CFR Part 195 under section 203 of the HLPSA, and applied the standards to pipelines transporting petroleum, petroleum products, or anhydrous ammonia in interstate or foreign commerce (46 FR 38357). At that time, MTB decided to defer further application of the standards to similar intrastate pipelines for at least 2 years, allowing interested State agencies time to prepare for participation under the section 205 program.

Thereafter, MTB solicited State participation under section 205 and learned that 15 States had enabling legislation for the safety regulation of intrastate pipelines, while 7 other States were considering it.

Then on March 26, 1984, the MTB published a notice of proposed rulemaking (NPRM), proposing that the existing Federal safety standards (49 CFR Part 195), with minor modifications, be extended to cover intrastate pipelines (49 FR 11226). It was estimated that about 11,000 miles of pipeline would be affected by the proposal, 88 percent of which are within States that either

have enabling legislation or are seeking it.

Six associations (North Texas Oil and Gas Association, West Central Texas Oil and Gas Association, American Petroleum Institute, Pennsylvania Oil and Gas Association, Rocky Mountain Oil and Gas Association, and the Texas Mid-Continental Oil and Gas Association), three state agencies (Texas Railroad Commission, Iowa State Commerce Commission, and the Public Utility Commission of Oregon), together with twenty-three pipeline operators responded to the NPRM.

The purpose of the NPRM and of this final rule is not only to control the risk presented by intrastate hazardous liquid pipelines, but also to provide, through minimum Federal safety standards, continuity among State regulations. Safety regulation of intrastate hazardous liquid pipelines is an activity that is open to all States. Without the limited Federal preemption of State regulation provided by issuance of the Federal standards, the potential of inconsistent regulation of intrastate pipelines from State to State could have an undesirable effect on operators with intrastate pipelines in more than one State. Further, the preemptive language of the HLPSA matches similar preemptive provisions of the Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. 1671 *et. seq.*) The two statutes show a clear Congressional intent to provide a uniform Federal policy for the regulation of interstate and intrastate pipelines transporting hazardous materials in gas or liquid form.

General comments

Most of the commenters recognized that section 203(a) of the HLPSA requires the safety regulation of intrastate pipelines as stated in the NPRM.

However, one of the associations opposed regulation of intrastate pipelines, arguing that there is no significant safety or health problem posed by these pipelines. Also, one operator argued that the associated costs and benefits do not justify regulation of intrastate pipelines. MTB does not agree with these two commenters. Intrastate pipelines carry the same hazardous liquids as interstate pipelines, the characteristics of which are flammability, toxicity, or explosivity. Because intrastate pipelines have been generally designed, constructed, tested, maintained, and operated in the same manner as interstate pipelines, it is reasonable to assume that the results of accidents should not differ appreciably from those of interstate pipelines. While the accident rate for interstate pipelines has been excellent, the hazardous characteristics of the liquids and the potential for harm if an accident should occur render regulation appropriate. Furthermore, Congress has made it clear that such regulation is desirable. In addition, the Final Evaluation for this rulemaking, titled "Assessing the Impact of Federal Regulation of Intrastate Hazardous Liquid Pipelines," shows a net benefit from Federal safety regulation of intrastate pipelines. Due to reduction in the number of expected accidents following regulation, cost reduction of between $120,000 and $950,000 a year should be achieved, depending on the number of States that begin regulating intrastate pipelines. The evaluation is available for inspection in the docket.

On December 7, 1983 a draft of the NPRM was discussed by the Technical Hazardous Liquid Pipeline Safety Standards Committee at a meeting in Washington, D.C. The Committee in its report found the proposed rules to be technically feasible, reasonable and practicable. (A copy of the Committee's report is available in the docket for public inspection and copying). The Committee recommended that the NPRM be sent to various oil and gas associations, and this was done after it was published in the **Federal Register.** The Committee also recommended that MTB seek comments from the public concerning appropriate definitions of "rural", "non-rural", "gathering systems", and "significant economic impact". Except for "significant economic impact" public comments were solicited for these definitions in the NPRM, as further discussed below under the subheading "Gathering lines."A definition for "significant economic impact" (10 percent or more of current cash flow) was developed by MTB and was used in the Draft and Final Evaluation of the economic impact of this rulemaking.

The Committee made a further recommendation concerning cathodic protection. This recommendation is discussed below under the Section § 195.414 heading.

Choice of Standards

None of the commenters argued that Part 195 is inappropriate for intrastate pipelines. Most agreed with the MTB that Part 195 is the best choice. MTB's experience with the pipeline industry shows that intrastate pipelines have been generally designed, constructed, tested, maintained, and operated in the same manner as interstate pipelines. Further, most intrastate operators voluntarily utilize the current Federal safety standards now applicable to interstate facilities or the industry code, ANSI B31.4, upon which the Federal standards were based, totally or in part as their safety standards. Consequently, in this final rule, MTB adopts the existing Federal safety standards in Part 195, which apply to interstate pipelines transporting petroleum, petroleum products, or anhydrous ammonia, as appropriate safety standards for intrastate pipelines carrying these commodities.

Gathering Lines

In an effort to better delineate in §195.1(b)(4) those rural, onshore gathering lines that are not subject to the HLPSA, MTB proposed minor clarifying changes to the language of §195.1(b)(4). Since there were no adverse comments, this section is revised as proposed.

MTB also solicited comments on the distinction between "rural" and "nonrural" and the points that mark the beginning and end of a gathering line in order to facilitate the application of §195.1(b)(4) to intrastate pipelines. Thirty-four commenters responded with varying concepts of the points that mark the beginning and end of a gathering line.

In addition, MTB took the gathering line issue before the Technical Hazardous Liquid Pipeline Safety Standards Committee on November 1, 1984, and again on February 27, 1985, to obtain the views of the Committee. Although the Committee did not take formal action, views expressed by individual Committee members have been considered in this rulemaking.

A few Committee members together with the majority of industry commenters considered flow lines to be part of production rather than transportation. (Flow lines are found at production sites and are used to move produced hydrocarbons from a well to a point where gas, oil and water are separated.) Other Committee members were uncertain about whether flow lines were normally considered to be part of production, but expressed concerns about a possible unneeded extension of Federal regulation. Only two commenters considered a gathering line to extend to the well head.

Perhaps the most significant concern expressed at the Committee meetings was that if flow lines were considered part of gathering lines, and not part of onshore production, numerous small intrastate entities that operate production facilities containing flow lines in non-rural areas would become subject to Part 195. This is so because, as proposed, Part 195 would not apply to

"onshore production" but would cover certain gathering lines in non-rural areas in conformity with the limits of the HLPSA. Committee members further stated that many small entities operate flow lines in conjuction with marginal wells, and the cost of compliance with Part 195 for the flow lines could make production from these wells uneconomical.

The NPRM stated that the proposed intrastate regulations "will not have a significant economic impact on a substantial number of small entities." In fact, the Draft Evaluation predicted the proposal would "affect no small firms at all," and this was certainly MTB's intent in issuing the NPRM. It seems now, however, that the evaluation did not consider the impact on the many small entities that might be affected if MTB were to consider non-rural gathering lines to encompass flow lines or, conversely, MTB did not consider "onshore production" to encompass flow lines.

In conclusion, there is no information in the record indicating a pressing safety need to regulate flow lines. There is nothing (such as a need to facilitate interstate commerce) to indicate an existing, pressing need for the consistency of regulation that imposition of uniform Federal minimum standards would bring to flow lines. Furthermore, a reading of the legislative history of the HLPSA tends to support a conclusion that Congress intended flow lines to be excluded from regulation as part of onshore production. Finally, MTB's Draft Evaluation did not consider the impact on small entities if flow lines were considered part of gathering lines. Therefore, §195.1(b)(6) has been amended to clearly indicate that onshore flow lines are considered part of production facilities and are excluded from the applicability of the Part 195 regulations. This change should make Part 195 comport with the Final Evaluation's conclusion that there is no impact on small entities. The change should not affect interstate pipelines because it is doubtful that any flow lines operate in interstate commerce or that Part 195 applies to any that do. States which do have some special local concerns about the safety of flow lines would remain free to address them through State regulation.

Following review of comments received on the distinction between rural and nonrural and the point that marks the end of a gathering line and the beginning of a trunkline, MTB recognizes that the existing regulatory language for the exclusion may not provide the clarity desirable in a regulation. In the near future, MTB intends to propose language charges or definitions that will provide the necessary clarity.

Section 195.1 Applicability, Section 195.2 Definitions.

The NPRM proposed to extend the applicability of Part 195 to intrastate pipelines by addtion of the term "in or affecting interstate or foreign commerce" in §195.1(a). At the same time, MTB proposed to delete the §195.1(a)(1) reference to the jurisdiction of the Federal Energy Regulatory Commission [FERC]. The FERC reference and the §195.1(a)(2) reference to pipeline facilities on the Outer Continental Shelf have been used to delineate interstate pipeline facilities to which Part 195 applies. Deletion of the FERC reference and the proposed new wording of §195.1(a) were intended to state the applicability of Part 195 in terms that comport with the language of the HLPSA.

Two new definitions were proposed in §195.2 for "Interstate pipeline" and "Intrastate pipeline" to distinquish the two terms for purposes of certain changes proposed to Part 195 to accommodate coverage of intrastate pipelines.

Only one commenter argued against deletion of the FERC reference. This commenter said that the proposed method of identifying jurisdictional pipelines and definitions for interstate and intrastate pipelines would (1) confuse rather than clarify, the distinction between interstate and intrastate pipelines (2) encourage States to develop regulations disparate from Part 195 and apply these regulations segmentally to integral parts of an interstate pipeline system, seriously impeding the safety and efficiency of pipeline operations, and (3) create conflicts which can only be resolved by protracted and wasteful litigation. The commenter recommended a definition of "Interstate pipeline" as follows:

> Interstate Pipeline means a pipeline which is used in the transportation of hazardous liquids in interstate or foreign commerce, or is subject to the jurisdiction of the Federal Energy Regulatory Commission under the Authority of the Interstate Commerce Act.

The MTB recognizes the potential for confusion cited by this commenter. It believes, however, that the best way to avoid these difficulties is to base the Part 195 jurisdictional reach and definitions on the language of the HLPSA as much as possible, without adding the complicating factor of determining whether pipeline facilities are subject to FERC jurisdiction. The issue of FERC jurisdiction often is not readily resolvable, because FERC's list of facilities on record does not definitively represent the pipeline facilities that are legally "subject to" its jurisdiction. Consequently, although MTB has not adopted the commenter's recommended definition, for consistency with the HLPSA, the proposed definitions of "interstate pipeline" and "intrastate pipeline" have been modified.

As noted in the NPRM, MTB will continue to use evidences of FERC jurisdiction to provide some indication whether a particular facility is interstate or intrastate. In recognition of questions that have arisen in the past through use of a FERC reference and of potential problems of application of the definitions, MTB believes it appropriate to state its interpretation of the jurisdictional delineations provided in the HLPSA and to provide guidelines on how MTB will use the evidences of FERC jurisdiction in applying the definitions. Accordingly, MTB will attach a statement of agency policy and interpretation on the delineation between Federal and State jurisdiction to Part 195 as Appendix A.

Because the new Appendix A is not part of the regulation itself, but a statement of agency policy and interpretation, it is published without need for notice and comment. However, comments are invited on possible refinements to the examples given that would provide clearer guidance or on possible situations that do not appear to be addressed in the examples. Comments received before June 1, 1985, which should be addressed to the Office of Chief Counsel, Research and Special Programs Administration, will be considered in any future refinements of Appendix A.

Section 195.300 Scope.

As proposed in the NPRM, § 195.300(d) is added to specifically include onshore steel intrastate pipelines constructed before October 21, 1985 that transport highly volatile liquids.

Section 195.302(b) General Requirements.

One commenter recommended that the one year period for planning and scheduling hydrostatic tests under §195.302(b)(2)(i) be lengthened from one year to two years. The one year planning and scheduling period was adequate when this rule was adopted for interstate pipelines and, in the absence of information to the contrary,

the MTB believes the one year period is adequate for intrastate pipelines.

Section 195.401.

One commenter recommend that § 195.401(c)(3) refers to the date design was begun rather than the date construction was begun or, alternatively, to delay the effective date until 180 days after publication. The commenter argued that the proposed rule could result in wasted money on design work and materials procurement for pipelines in the design phase at the time the rule is published. In order to avoid this potential waste, the effective date of this final rule has been set as 180 days after publication, and this date is reflected in § 195.401(c)(3). The six month period should also allow intrastate operators time to fully prepare for compliance with Part 195 operation and maintenance rules in addition to design, construction and testing requirements. Further, additional time for compliance with §§ 195.402 and 195.406 is discussed below. In addition, the six-month period allows time for State agencies and MTB to complete the process of certification or agreement under section 205 of the HLPSA.

Section 195.402 and 195.406.

No adverse comments were received regarding these sections. The effective date of § 195.402 is postponed until 2 years after publication as proposed in the NPRM. The amendment to § 195.402 is adopted as proposed, except that the effective date is delayed until 180 days after publication as discussed above under § 195.402.

Section 195.414.

One commenter recommended that the extended compliance time in § 195.414(b) should allow a period longer than 5 years where good cause is shown. However, the proposed 5-year period is adopted since it proved adequate for interstate pipelines and, in the absence of information to the contrary, should be adequate for intrastate pipelines. For good cause, a longer compliance period can be sought under the waiver provisions of Section 203 of the HLPSA.

Another commenter recommended that § 195 414(c) be clarified to specifically exclude underground storage facilities, because the methods of corrosion protection for underground storage differ form those for above ground storage and station piping. The MTB did not adopt the recommendation, however, for two reasons: (1) As stated in the NPRM, the purpose of this rulemaking is to establish identical standards for interstate and intrastate pipelines rather than examine the need for or merits of particular standards, and (2) the MTB believes that § 195.414(c) is sufficiently broad to permit the various methods of corrosion protection.

The Technical Hazardous Liquid Pipeline Safety Standards Committee during its December 7, 1983, meeting recommended that the wording of § 195.414 be changed to require cathodic protection "effectively coated" as opposed to "coated" pipelines, because some externally coated pipelines might better fall in the category of bare pipelines due to the amount of current which would be required to achieve a protected state. This distinction applies to gas pipelines under 49 CFR 192.457, and effective coating is defined in terms of the pipeline's cathodic protection current requirements. Further, § 195.414 has historically been applied by MTB in the manner suggested by the Committee. Consequently, the wording of § 195.414 has been changed in this final rule as recommended by the Committee and to be consistent with the manner in which the rule has been applied. Also, the definition of effective coating found in § 192.457 is added to § 195.414.

Information Collection

The NPRM stated that the accident reporting requirements of Subpart B as well as the recordkeeping requirements of §§ 195.266, 195.310, and 195.404 are under review. A temporary exception from these requirements was proposed under § 195.1(c) for intrastate pipelines until pending revisions are completed. In Docket PS–82 (49 FR 44928, November 13, 1984), MTB proposed that revised recordkeeping and accident reporting requirements be adopted for interstate pipelines and that the revised requirements be applied to intrastate pipelines. When final rules in Docket PS–82 are issued (scheduled for early 1985), the temporary exception under § 195.1(c) will be lifted.

One state agency recommended imposing the accident reporting requirements of Subpart B and the recordkeeping requirements of § 195.404 immediately, arguing that the accident reports and the maps and records are necessary to (1) allow timely onsite accident investigation, and (2) provide information necessary for damage prevention programs.

While the MTB is fully aware of the usefulness of the accident reports as well as the maps and records, it did not adopt this recommendation. MTB believes that whatever temporary enforcement difficulties are caused by delaying adoption of the information collection requirements are small compared to the hardship that would be caused intrastate operators by adopting the current rules and then imposing revised rules shortly thereafter.

Classification

This final rule is considered to be non-major under Executive Order 12291 and nonsignificant under DOT regulatory policies and procedures (44 FR 11034, February 26, 1979) based on a Final Evaluation of the economic impact of this rule, a copy of which is in the docket. Based on the Evaluation, the agency certifies that this final rule will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 49 CFR Part 195

Interstate pipeline, Intrastate pipeline, Ammonia Petroleum, Pipeline safety, Reporting and recordkeeping requirements.

PART 195—[AMENDED]

In view of the foregoing, the MTB amends 49 CFR Part 195 in the following manner:

1. By revising §§195.1 (a), (b)(4), and (b)(6), and adding a new paragraph (c) to read as follows:

§195.1 Applicability.

(a) Except as provided in paragraph (b) of this section, this part applies to pipeline facilities and the transportation of hazardous liquids associated with those facilities in or affecting interstate or foreign commerce, including pipeline facilities on the Outer Continental Shelf.

(b) * * *

(4) Transportation of a hazardous liquid in those parts of an onshore pipeline system that are located in rural areas between a production facility and an operator trunkline reception point;

* * * * *

(6) Transportation of a hazardous liquid through onshore production (including flow lines), refining, or manufacturing facilities or storage or in-plant piping systems associated with such facilities;

* * * * *

(c) Subpart B of this part and §§195.266, 195.310, and 195.404 do not apply to intrastate pipelines.

2. By adding two new definitions to §195.2 to read as follows:

§195.2 Definitions.

* * * * *

Interstate pipeline means a pipeline or that part of a pipeline that is used in the transportation of hazardous liquids in interstate or foreign commerce.

Intrastate pipeline means a pipeline or that part of a pipeline to which this

part applies that is not interstate pipeline.

* * * * *

3. By revising §195.300 to read as follows:

§195.300 Scope.

This subpart prescribes minimum requirements for hydrostatic testing of the following. It does not apply to movement of pipe covered by §195.424.

(a) Newly constructed steel pipeline systems;

(b) Existing steel pipeline systems that are relocated, replaced, or otherwise changed;

(c) Onshore steel interstate pipelines constructed before January 8, 1971, that transport highly volatile liquids; and

(d) Onshore steel intrastate pipelines constructed before October 21, 1985, that transport highly volatile liquids.

4. By revising §195.302(b) to read as follows:

§195.302 General requirements.

* * * * *

(b) No person may transport a highly volatile liquid in an onshore steel interstate pipeline constructed before January 8, 1971, or an onshore steel intrastate pipeline constructed before October 21, 1985, unless the pipeline has been hydrostatically tested in accordance with this subpart or, except for pipelines subject to §195.5, its maximum operating pressure is established under §195.406(a)(5). Dates to comply with this requirement are:

(1) For onshore steel interstate pipelines in highly volatile liquid service before September 8, 1980—

(i) Planning and scheduling of hydrostatic testing or actual reduction in maximum operating pressure to meet § 195.406(a)(5) must be completed before September 15, 1985; and

(ii) Hydrostatic testing must be completed before September 15, 1985, with at least 50 percent of the testing completed before September 15, 1983.

(2) For onshore steel intrastate pipelines in highly volatile liquid service before April 23, 1985—

(i) Planning and scheduling of hydrostatic testing or actual reduction in maximum operating pressure to meet § 195.406(a)(5) must be completed before April 23, 1986; and

(ii) Hydrostatic testing must be completed before April 23, 1990 with at least 50 percent of the testing completed before April 23, 1988.

* * * * *

5. Section 195.401(c) is revised to read as follows:

§ 195.401 General requirements.

* * * * *

(c) Except as provided by § 195.5, no operator may operate any part of any of the following pipelines unless it was designed and constructed as required by this part:

(1) An interstate pipeline on which construction was begun after March 31, 1970.

(2) An interstate offshore pipeline located between a production facility and an operator's trunkline reception point on which construction was begun after July 31, 1977.

(3) An intrastate pipeline on which construction was begun after October 21, 1985.

6. By revising § 195.406(a)(5) to read as follows:

§ 195.406 Maximum Operating Pressure

(a) * * *

(5) In the case of onshore HVL interstate pipelines constructed before January 8, 1971, or onshore HVL intrastate pipelines constructed before October 21, 1985, that have not been tested under Subpart E of this part, 80 percent of the test pressure or highest operating pressure to which the pipeline subjected for four or more continuous hours that can be demonstrated by recording charts or logs made at the time the test or operations were conducted. (See § 195.302(b) for compliance schedules for HVL interstate pipelines in service before September 8, 1980, and for HVL intrastate pipelines in service before April 23, 1985.

* * * * *

7. By revising § 195.414 to read as follows:

§ 195.414 Cathodic protection.

(a) No operator may operate an interstate pipeline after March 31, 1973, or an intrastate pipeline after October 19, 1988, that has an effective external surface coating material, unless that pipeline is cathodically protected. This paragraph does not apply to breakout tank areas and buried pumping station piping. For the purposes of this subpart, a pipeline does not have an effective external coating and shall be considered bare, if its cathodic protection current requirements are substantially the same as if it were bare.

(b) Each operator shall electrically inspect each bare interstate pipeline before April 1, 1975, and each base intrastate pipeline before October 20, 1990 to determine any areas in which active corrosion is taking place. The operator may not increase its established operating pressure on a section of bare pipeline until the section has been so electrically inspected. In any areas where active corrosion is found, the operator shall provide cathodic protection. Section 195.416 (f) and (g) apply to all corroded pipe that is found.

(c) Each operator shall electrically inspect all breakout tank areas and buried pumping station piping on interstate pipelines before April 1, 1973, and on intrastate pipelines before October 20, 1988 as to the need for cathodic protection, and cathodic protection shall be provided where necessary.

8. By adding a new Appendix A to read as follows:

Appendix A—Delineation Between Federal and State Jurisdiction—Statement of Agency Policy and Interpretation

In 1979, Congress enacted comprehensive safety legislation governing the transportation of hazardous liquids by pipeline, the Hazardous Liquids Pipeline Safety Act of 1979, 49 U.S.C. 2001 *et seq.* (HLPSA). The HLPSA expanded the existing statutory authority for safety regulation, which was limited to transportation by common carriers in interstate and foreign commerce, to transportation through facilities used in or affecting interstate or foreign commerce. It also added civil penalty, compliance order, and injunctive enforcement authorities to the existing criminal sanctions. Modeled largely on the Natural Gas Pipeline Safety Act of 1968, 49 U.S.C. 1671 *et seq.* (NGPSA), the HLPSA provides for a national hazardous liquid pipeline safety program with nationally uniform minimal standards and with enforcement administered through a Federal-State partnership. The HLPSA leaves to exclusive Federal regulation and enforcement the "interstate pipeline facilities," those used for the pipeline transportation of hazardous liquids in interstate or foreign commerce. For the remainder of the pipeline facilities, denominated "intrastate pipeline facilities," the HLPSA provides that the same Federal regulation and enforcement will apply unless a State certifies that it will assume those responsibilities. A certified State must adopt the same minimal standards but may adopt additional more stringent standards so long as they are compatible. Therefore, in States which participate in the hazardous liquid pipeline safety program through certification, it is necessary to distinguish the interstate from the intrastate pipeline facilities.

In deciding that an administratively practical approach was necessary in distinguishing between interstate and intrastate liquid pipeline facilities and in determining how best to accomplish this, DOT has logically examined the approach used in the NGPSA. The NGPSA defines the interstate gas pipeline facilities subject to exclusive Federal jurisdiction as those subject to the economic regulatory jurisdiction of the Federal Energy Regulatory Commission (FERC). Experience has proven this approach practical. Unlike the NGPSA however, the HLPSA has no specific reference to FERC jurisdiction, but instead

defines interstate liquid pipeline facilities by the more commonly used means of specifying the end points of the transportation involved. For example, the economic regulatory jurisdiction of FERC over the transportation of both gas and liquids by pipeline is defined in much the same way. In implementing the HLPSA DOT has sought a practicable means of distinguishing between interstate and intrastate pipeline facilities that provide the requisite degree of certainty to Federal and State enforcement personnel and to the regulated entities. DOT intends that this statement of agency policy and interpretation provide that certainty.

In 1981, DOT decided that the inventory of liquid pipeline facilities identified as subject to the jurisdiction of FERC approximates the HLPSA category of "interstate pipeline facilities." Administrative use of the FERC inventory has the added benefit of avoiding the creation of a separate Federal scheme for determination of jurisdiction over the same regulated entities. DOT recognizes that the FERC inventory is only an approximation and may not be totally satisfactory without some modification. The difficulties stem from some significant differences in the economic regulation of liquid and of natural gas pipelines. There is an affirmative assertion of jurisdiction by FERC over natural gas pipelines through the issuance of certificates of public convenience and necessity prior to commencing operations. With liquid pipelines, there is only a rebuttable presumption of jurisdiction created by the filing by pipeline operators of tariffs (or concurrences) for movement of liquids through existing facilities. Although FERC does police the filings for such matters as compliance with the general duties of common carriers, the question of jurisdiction is normally only aired upon complaint. While any person, including State or Federal agencies, can avail themselves of the FERC forum by use of the complaint process, that process has only been rarely used to review jurisdictional matters (probably because of the infrequency of real disputes on the issue). Where the issue has arisen, the reviewing body has noted the need to examine various criteria primarily of an economic nature. DOT believes that, in most cases, the formal FERC forum can better receive and evaluate the type of information that is needed to make decisions of this nature than can DOT.

In delineating which liquid pipeline facilities are interstate pipeline facilities within the meaning of the HLPSA, DOT will generally rely on the FERC filings; that is, if there is a tariff or concurrence filed with FERC governing the transportation of hazardous liquids over a pipeline facility or if there is a tariff or concurrence filed with obligation to file tariffs obtained from FERC, then DOT will, as a general rule, consider the facility to be an interstate pipeline facility within the meaning of the HLPSA. The types of situations in which DOT will ignore the existence or non-existence of a filing with FERC will be limited to those cases in which it appears obvious that a complaint filed with FERC would be successful or in which blind reliance on a FERC filing would result in a situation clearly not intended by the HLPSA such as a pipeline facility not being subject to either State or Federal safety regulation. DOT anticipates that the situations in which there is any question about the validity of the FERC filings as a ready reference will be few and that the actual variations from reliance on those filings will be rare. The following examples indicate the types of facilities which DOT believes are interstate pipeline facilities subject to the HLPSA despite the lack of a filing with FERC and the types of facilities over which DOT will generally defer to the jurisdiction of a certifying state despite the existence of a filing with FERC.

Example 1. Pipeline company P operates a pipeline from "Point A" located in State X to "Point B" (also in X). The physical facilities never cross a state line and do not connect with any other pipeline which does cross a state line. Pipeline company P also operates another pipeline between "Point C" in State X and "Point D" in an adjoining State Y. Pipeline company P files a tariff with FERC for transportation from "Point A" to "Point B" as well as for transportation from "Point C" to "Point D." DOT will ignore filing for the line from "Point A" to "Point B" and consider the line to be intrastate.

Example 2. Same as in example 1 except that P does not file any traiffs with FERC. DOT will assume jurisdiction of the line between "Point C" and "Point D."

Example 3. Same as in example 1 except that P files its tariff for the line between "Point C" and "Point D" not only with FERC but also with State X. DOT will rely on the FERC filing as indication of interstate commerce.

Example 4. Same as in example 1 except that the pipline from "Point A" to "Point B" (in State X) connects with a pipeline operated by another company transports liquid between "Point B" (in State X) and "Point D" (in State Y). DOT will rely on the FERC filing as indication of interstate commerce.

Example 5. Same as in example 1 except that the line between "Point C" and "Point D" has a lateral line connected to it. The lateral is located entirely with State X. DOT will rely on the existence or non-existence of a FERC filing covering transportation over that lateral as determinitive of interstate commerce.

Example 6. Same as in example 1 except that the certified agency in State X has brought an enforcement action (under the pipeline safety laws) against P because of its operation of the line between "Point A" and "Point B". P has successfully defended against the action on jurisdictional grounds. DOT will assume jurisdiction if necessary to avoid the anomaly of a pipeline subject to neither State or Federal safety enforcement. DOT's assertion of jurisdiction in such a case would be based on the gap in the state's enforcement authority rather than a DOT decision that the pipeline is an interstate pipeline facility.

Example 7. Pipeline Company P operates a pipeline that originates on the Outer Continental Shelf. P does not file any tariff for that line with FERC. DOT will consider the pipeline to be an interstate pipeline facility.

Example 8. Pipeline Company P is constructing a pipeline from "Point C" (in State X) to "Point D" (in State Y). DOT will consider the pipeline to be an interstate pipeline facility.

Example 9. Pipeline company P is constructing a pipeline from "Point C" to "Point E" (both in State X) but intends to file tariffs with FERC in the transportation of hazardous liquid in interstate commerce. Assuming there is some connection to an interstate pipeline facility, DOT will consider this line to be an interstate pipeline facility.

Example 10. Pipeline Company P has operated a pipeline subject to FERC economic regulation. Solely because of some statutory economic deregulation, that pipeline is no longer regulated by FERC. DOT will continue to consider that pipeline to be an interstate pipeline facility.

As seen from the examples, the types of situations in which DOT will not defer to the FERC regulatory scheme are generally clear-cut cases. For the remainder of the situations where variation from the FERC scheme would require DOT to replicate the forum already provided by FERC and to consider economic factors better left to that agency, DOT will decline to vary its reliance on the FERC filings unless, of course, not doing so would result in situations clearly not intended by the HLPSA.

(49 U.S.C. 2002; 49 CFR 1.53 and Appendix A of Part 1)

Issued in Washington, D C. on April 17, 1985.

L.D. Santman,

Director, Materials Transportation Bureau.

[FR Doc. 85-9609 Filed 4-22-85; 8:45 am]

BILLING CODE 4910-60-M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1130

[Docket No. 37130 (Sub-No. 2)]

Special Docket Proceedings—Exemption From Letter-of-Intent Requirement Involving Amounts of $5,000 or Less

AGENCY: Interstate Commerce Commission.

ACTION: Final rules.

SUMMARY: The Commission is adopting rules that eliminate the Letter-of-Intent requirement in Special Docket cases involving reparations or waiver of undercharges of $5,000 or less. This change, as commentors assert, will save carriers, shipper, and the Commission substantial and costly paperwork and will protect the shipping public by also requiring that letters of disposition, still required of such cases, will be kept in a public file for three years.

DATES: Effective on May 22, 1985. We will reconsider adoption of the $5,000 amount in lieu of the $2,000 amount we proposed if negative comments are filed by May 13, 1985.

FOR FURTHER INFORMATION CONTACT: Donald W. Simmons (202) 275–7358.

SUPPLEMENTARY INFORMATION: This proceeding began with a Notice of Proposed Rulemaking published at 48 FR 2025, January 17, 1983.

Additional information is contained in the Commission's full decision. To purchase a copy of the full decision, contact T.S. InfoSystems, Inc., Room 2227, Interstate Commerce Commission, Washington, DC 20423, or call 289–4357 (DC Metropolitan area) or toll free (800) 424–5403.

This action is taken under the authority of section 207 of the Staggers Rail Act of 1980, 5 U.S.C. 553, and 49 U.S.C. 10321 and 10707.

Elimination of the Letter-of-Intent requirement for cases involving amounts of $5,000 or less will save carriers some clerical costs and may speed waiver of undercharges and reparations, but will not have a significant economic impact on a substantial number of small entities.

This action will not significantly affect the quality of the human environment or energy conservation.

List of Subjects in 49 CFR Part 1130

Administrative practice and procedure.

Dated: April 12, 1985.

By the Commission, Chairman Taylor, Vice Chairman Gradison, Commissioners Sterrett, Andre, Simmons, Lamboley and Strenio. Vice Chairman Gradison, joined by Commissioner Strenio, concurred in part and dissented in part, with a separate expression. Commissioner Simmons did not participate.

James H. Bayne,

Secretary.

APPENDIX

PART 1130—[AMENDED]

Title 49, Part 1130, of the Code of Federal Regulations is amended as follows:

§1130.2 [Amended]

1. In the first sentence of § 1130.2(e)(1), add the phrase "and the amount involved is more than $5,000," after the third comma, and before the word "petitions."

2. Add the following new sentences to § 1130.2(e)(1) at the end of the paragraph beginning "If a carrier. . . ," is added to read as follows:

* * * * *

* * *If an amount to be waived or refunded is $5,000 or less, no petition (Letter-of-Intent) need be filed prior to waiver or reparation. However, a Letter of Disposition informing the Commission of the action taken, the date of the action, the amount waived or refunded, and the date or dates shipments moved shall be submitted to the Special Docket Board, Interstate Commerce Commission, Washington, DC 20423, within 30 days of the waiver or refund. The Letter of Disposition is deemed to be Commission action on a complaint for payment of reparations or waiver of undercharges. Letters of Disposition will be kept in a public file at the Commission for three years. Interested persons may see the file by inquiring at the Special Docket Board, Bureau of Traffic, during normal working hours of the Commission.

3. In the first sentence of § 1130.2(e)(2), the amount "$2,000.00" is revised to read "$5,000.00."

[FR Doc. 85–9710 Filed 4–22–85; 8:45 am]

BILLING CODE 7035–01–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 258

[Docket No. 41036–4136]

The Fishermen's Protective Act Procedures

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Notice of fee adjustment.

SUMMARY: The Fishermen's Guaranty Fund under Section 7 of the Fishermen's Protective Act requires fees from participating vessel owners. These fees are used for a vessel seizure compensation program. This notice increases fees for the remainder of this agreement year ending September 30, 1985, in order to pay outstanding and anticipated claims.

EFFECTIVE DATE: April 23, 1985 until September 30, 1985.

FOR FURTHER INFORMATION CONTACT: Mr. Michael L. Grable, Chief, Financial Services Division, National Marine Fisheries Service, Washington, DC 20235, telephone number (202) 634–7496.

SUPPLEMENTARY INFORMATION: The Fishermen's Guaranty Fund under section 7 of the Fishermen's Protective Act (22 U.S.C. 1971–1980) compensates U.S. fishing vessel owners, who have entered into guaranty agreements, for certain losses caused by a foreign country's detention of a U.S. fishing vessel based on oceanic rights not recognized by the United States. Pre-existing agreements are required. Section 7 requires that fees cover program administrative costs and at least 25 percent of claims. The annual fees or adjusted agreement fees are established by The Chief, Financial Services Division, by publication in the **Federal Register**.

The fee initially established for the current agreement year from October 1, 1984, through September 30, 1985, was $16 per gross vessel ton for each agreement vessel. Vessel seizure and one very long and expensive vessel detention has since, however, greatly increased Program claims beyond the amount on which the initial fee was based. The fee must now be increased from $16 to $38 per gross vessel ton in order to pay outstanding and anticipated claims.

All agreement holders for the current agreement year from October 1, 1984, through September 30, 1985, who wish their agreements to remain in force must submit the increased fee required by this amendment. The increased fee is due on the date this amendment is published in the **Federal Register**, but is payable in two deferred installments. The first installment, equal to one-half the increased fee, is payable not later than June 1, 1985. The second installment, equal to the other one-half of the increased fee, is payable not later than August 1, 1985. Failure to pay the first installment of the increased fee by the date it is payable will result in termination of agreements retroactive to the date this amendment is published in the **Federal Register.**

Although Section 7 requires only that fees cover administrative costs and at least 25% of claims, Administration policy requires that fees cover 100% of costs and claims. Consequently, all additional funds now needed are to be generated from this fee increase.

Classification

This action is taken under the authority of § 258.6(b), and complies with Executive Order 12291. It is not subject to the requirements of the Regulatory Flexibility Act. It does not contain any collection of information request, as defined in the Paperwork Reduction Act.

(22 U.S.C. 1977)

Dated: April 16, 1985.

Will G. Gordon,

Assistant Administrator For Fisheries, National Marine Fisheries Service.

[FR Doc. 85–9712 Filed 4–22–85; 8:45 am]

BILLING CODE 3510–22–M

Proposed Rules

Federal Register
Vol. 50, No. 78
Tuesday, April 23, 1985

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

NUCLEAR REGULATORY COMMISSION

10 CFR Parts 19, 20, 21, 30, 39, 40, 51, 70, 71, and 150

Licenses and Radiation Safety Requirements for Well-Logging Operations

Correction

In FR Doc. 85-8340 beginning on page 13797 in the issue of Monday, April 8, 1985, make the following corrections:

1. On page 13799, second column, fourth complete paragraph, twelfth line, "10" should have read "100".

2. On page 13801, first column, tenth line from the bottom, "retained" should have read "retrained".

§ 39.77 [Corrected]

3. On page 13809, first column, in § 39.77(c)(1), third line, "§ 29.15" should have read "§ 39.15".

BILLING CODE 1505-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 85-ASO-11]

Proposed Alteration of Transition Area, Campbellsville, KY

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to increase the size of the Campbellsville, Kentucky, transition area to accommodate changes in instrument approach procedures. The Arista radio beacon (RBN), which was previously located on Taylor County Airport, has been relocated to a new site approximately five miles northeast of the airport. This relocation necessitates a change in the instrument approach procedure which serves Runway 23 at Taylor County Airport and requires cancellation of the instrument approach procedure to Runway 05. These changes in procedures permit the revocation of the existing transition area arrival extension established southwest of the airport and requires increasing the size of the northeast arrival extension. The net effect of these changes will be to raise the floor of controlled airspace from 700 to 1,200 feet above the surface in an area southwest of the airport and to lower the floor from 1,200 to 700 feet in a larger area northeast of the airport.

DATE: Comments must be received on or before: June 10, 1985.

ADDRESSES: Send comments on the proposal in triplicate to: Federal Aviation Administration, Manager, Airspace and Procedures Branch, ASO-530, P.O. Box 20636, Atlanta, Georgia 30320.

The official docket may be examined in the Office of the Regional Counsel, Room 652, 3400 Norman Berry Drive, East Point, Georgia 30344, telephone: (404) 763-7646.

FOR FURTHER INFORMATION CONTACT: Donald Ross, Supervisor Airspace Section, Airspace and Procedures Branch, Air Traffic Division, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone: (404) 763-7646.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposal. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stampted postcard on which the following statement is made: "Comments to Airspace Docket No.——." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Office of the Regional Counsel, Room 652, 3400 Norman Berry Drive, East Point, Georgia 30344, both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM's

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Manager, Airspace and Procedures Branch (ASO-530), Air Traffic Division, P.O. Box 20636, Atlanta, Georgia 30320. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11-2 which describes the application procedure.

The proposal

The FAA is considering an amendment to § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) which will alter the Campbellsville, Kentucky, transition area by revoking the existing arrival extension southwest of the Taylor County Airport and increasing the size of the northeast arrival extension. The increased size of the northeast arrival extension will provide controlled airspace for aircraft executing a new instrument approach procedure to the airport. Section 71.181 of Part 71 of the Federal Aviation Regulations was republished in FAA Order 7400.6A dated January 2, 1985.

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore, (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory

evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Aviation safety, Airspace, Transition area.

The Proposed Amendment

PART 71—[AMENDED]

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend the Campbellsville, Kentucky, transition area under § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as follows:

§ 71.181 Campbellsville, KY—[Revised]

That airspace extending upward from 700 feet above the surface within a 6.5 mile radius of Taylor County Airport (Lat. 37°21'24" N., Long. 85°18'43" W.); within 3.5 miles each side of the 050° bearing from the Taylor County RBN (Lat. 37°24'27" N., Long. 85°14'04" W.), extending from the 6.5 mile radius area to 11.5 miles northeast of the RBN.

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); 49 U.S.C. 106(g) (Revised, Public Law 97-449, January 12, 1983)); and 14 CFR 11.65))

Issued in East Point, Georgia, on April 11, 1985.

George R. LaCaille,

Acting Director, Southern Region.

[FR Doc. 85-9676 Filed 44-22-85; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Parts 71 and 73

[Airspace Docket No. 85-AWA-18]

Proposed Alteration of Continental Control Area and Restricted Area R-4803 Fallon, NV

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to realign the internal boundaries of Restricted Area R-4803 North and South, located in the vicinity of Fallon, NV. This action would constitute a minor change in the availability of altitudes within the restricted area during times of use.

DATE: Comments must be received on or before June 5, 1985.

ADDRESSES: Send comments on the proposal in triplicate to: Director, FAA, Western-Pacific Region, Attention: Manager, Air Traffic Division, Docket No. 85-AWA-18, Federal Aviation Administration, P.O. Box 92007, Worldway Postal Center, Los Angeles, CA 90009.

The offical docket may be examined in the Rules Docket, weekdays, except Federal holidays, between 8:30 a.m. and 5:00 p.m. The FAA Rules Docket is located in the Office of the Chief Counsel, Room 916, 800 Independence Avenue, SW., Washington, D.C.

An informal docket may also be examined during normal business hours at the office of the Regional Air Traffic Division.

FOR FURTHER INFORMATION CONTACT: Andy Oltmanns, Airspace and Aeronautical Information Requirements Branch (ATO-240), Airspace-Rules and Aeronautical Information Division, Air Traffic Operations Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C.20591; telephone: (202) 426-3656.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposal. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 85-AWA-18." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM's

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue, SW., Washington, D.C. 20591, or by calling (202) 426-8058. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11-2 which describes the application procedure.

The Proposal

The FAA is considering amendments to § 71.151 and § 73.48 of Parts 71 and 73 of the Federal Aviation Regulations (14 CFR Parts 71 and 73) to realign the internal boundaries of Restricted Area R-4803 North and South, located in the vicinity of Fallon, NV, and adjust the Continental Control Area accordingly. The external boundaries of R-4803 will remain the same. This action would change the availability of altitudes within Restricted Area R-4803 North and South during actual times of use. Sections 71.151 and 73.48 of Parts 71 and 73 of the Federal Aviation Regulations were republished in Handbook 7400.6A dated January 2, 1985.

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) Is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 73

Restricted areas, Aviation safety.

The Proposed Amendments

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend § 71.151 and § 73.48 of Parts 71 and 73 of

the Federal Aviation Regulations (14 CFR Parts 71 and 73) as follows:

§ 71.151

R–4803 Fallon, NV—[Revoked]

R–4803S Fallon, NV—[New]

§ 73.48

R—4803 Fallon, NV—[Revoked]

R–4803N Fallon, NV—[New]

Boundaries. Beginning at lat. 39°34'53" N., long. 118°59'36" W.; to lat. 39°35'48" N., long. 118°53'14" W.; to lat. 39°26'48" N., long. 118°51'03" W.; to lat. 39°30'00" N., long. 118°58'30" W.; to the point of beginning.

Designated altitudes. Surface to 8,000 feet MSL.

Time of designation. 0600 to 2400 local time, daily.

Controlling agency. FAA, Oakland ARTCC

Using agency. Commander, Flight Attack Wing Pacific, USN, NAS Lemoore, CA

R–4803S Fallon, NV

Boundaries. Beginning at lat. 39°30'00" N., long. 118°58'30" W.; to lat. 39°26'48" N., long. 118°51'03" W.; to lat. 39°23'13" N., long. 118°50'10" W.; thence via the arc of a 3 NM radius circle centered at lat. 39°20'40" N., long. 118°52'15" W.; to lat. 39°20'07" N., long. 118°56'03" W.; to the point of beginning.

Designated altitudes. Surface to 18,000 feet MSL.

Time of designation. 0600 to 2400 local time, daily.

Controlling agency. FAA, Oakland ARTCC

Using agency. Commander, Light Attack Wing Pacific, USN, NAS Lemoore, CA

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); (49 U.S.C. 106(g) (Revised, Pub. L. 97–449, January 12, 1983)); and 14 CFR 11.65)

Issued in Washington, D.C., on April 15, 1985.

John W. Baier,

Acting Manager, Airspace-Rules and Aeronautical Information Division.

[FR Doc. 85–9675 Filed 4–22–85; 8:45 am]

BILLING CODE 4910-13-M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 240

[Release No. 34–21959; File No. S7–17–85]

Request for Comments on the Oversight of the U.S. Government and Agency Securities Markets

AGENCY: Securities and Exchange Commission.

ACTION: Request for comments.

SUMMARY: The Commission is seeking comments on the U.S. government and agency securities markets and dealers, in order to determine, in consultation with the Treasury and the Federal Reserve Board, whether legislative or regulatory initiatives are necessary to address the problems posed by recent failures of government securities dealers; and if so, the most practical, cost-effective form of such rules and regulations.

DATES: Please respond no later than May 20, 1985. Your prompt response is appreciated. The Commission intends to hold a public meeting on May 23, 1985 where representatives of the government securities markets will have an opportunity to discuss the issues posed in this release.

ADDRESS: Please file five copies of your comments with John Wheeler, Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, D.C. 20549. Refer to File No. S7–17–85. All comments will be available for review at the Commission's Public Reference Room.

FOR FURTHER INFORMATION CONTACT: Andrew E. Feldman, (202) 272–2388, Division of Market Regulation, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, D.C. 20549

SUPPLEMENTARY INFORMATION:

Executive Summary

The Problem: Over the past seven years, the widely publicized failures of several small government securities dealers, including within the past month E.S.M. Government Securities, Inc. ("ESM") and Bevill Bresler & Schulman Asset Management Corp. ("BBS"), have had repercussions throughout the financial markets.

The SEC estimates that over $500 million of losses have been sustained by the firms and institutions that dealt with ESM and BBS. Such losses have been attributed principally to: fraudulent concealment of ESM's and BBS's financial conditions; their use of the same collateral for multiple transactions; and in the case of ESM, over $200 million of its $300 million of losses have been attributed to transactions with thrift institutions which the receiver has alleged were under the control of the same individual. Additional losses were sustained by individuals, including taxpayers and employees of municipalities and the customers of 71 Ohio thrift institutions who lost access to their funds.

The Market: The annual dollar volume of trading in U.S. government and agency obligations is over 15 times that of all U.S. securities exchanges and over-the-counter markets. It is by far the world's largest and most efficient securities market. It is of paramount importance to the effective, low cost financing of the national debt as well as administration of the nation's fiscal and monetary policies. In addition, the government securities markets are important to the other nations that use U.S. dollars and government securities for their reserves and as a medium of international exchange; as well as to commercial enterprise throughout the free world.

The Regulatory Structure: There are 36 primary government securities dealers that report to the Federal Reserve Board ("FRB") on a daily, monthly, and annual basis; and an unknown number of secondary dealers, whose government securities transactions are largely unregulated although 27 report to the FRB on a monthly basis. These firms primarily deal with institutions as opposed to individuals, although these institutions have varying degrees of sophistication. Representatives of the FRB have indicated that it intends to adopt voluntary capital adequacy guidelines for dealers not otherwise subject to federal regulation.

Neither the FRB nor the SEC has specific statutory authority over those firms that deal exclusively in government securities. Nevertheless, the vast majority of secondary market government securities transactions are handled by primary dealers subject to monitoring by the FRB; banks subject to the jurisdiction of the FRB, the Comptroller of the Currency and/or the FDIC; or registered broker-dealers subject to inspection and regulation by the SEC and self-regulatory organizations. The SEC also has the authority to sanction these firms and anyone else that engages in fraudulent securities activities.

The Question: Can losses in the government securities market be inhibited, reduced or prevented in the future? How can that be done on a cost-effective basis? The rationale and factual basis for your response to those questions of which you have special knowledge or experience is requested. Some of the key questions are summarized below.

How widespread are these problems? Are the underlying practices of double collateralization and demanding excess margin common among government securities dealers? If so, is there a significant risk of other government securities dealers failing?

What is the reaction in the marketplace to the widely publicized ESM and BBS failures? Are those who deal in the government securities market now properly perfecting their collateral? Are they shifting from small to large dealer? Are there likely to be more

failures as a result of investor reactions to the ESM and BBS failures?

If greater regulation is necessary, which of the following alternatives would be the most cost-effective? Which would maximize investor protection and reduce or eliminate mistakes and deceptions at the least cost?

Should dealers be required to deliver through the FRB's or other book-entry systems, government securities that are transferred, or pledged under repurchase agreements?

Should the FRB's proposed voluntary capital-adequacy guidelines for government dealers be made mandatory? Should those guidelines be expanded to include voluntary registration and segregation of customer positions subject to audit and inspection by the FRB?

Should there be direct regulation of government securities dealers by the FRB or the SEC? Or should a self-regulatory organization be created under the aegis of the SEC—or the FRB? Or should the authority of the Municipal Securities Rulemaking Board, under the SEC's oversight, be expanded to include government securities markets and dealers? What responsibilities and authority should the SRO have? In particular, should the SRO's authority be limited to imposing financial and operational requirements or should it also be authorized to regulate the business practices of government securities dealers?

As a result of the losses incurred in ESM and BBS, Congressional committees have requested the Commission's recommendations of cost-effective means to reduce, inhibit, or prevent such losses in the future. The Commission is, therefore, seeking comment on the current functioning of the market for government securities and possible regulatory and other initiatives. In view of the broad range of the questions, commentators are not expected to respond to all of them, but factual responses and estimates within commentators' areas of expertise or experience are respectfully requested.

I. Introduction

A. The Governments and Government-Related ("Agency") Securities Markets

The market in U.S. government and agency securities is by far the largest and most efficient securities market in the world. The monthly trading volume of just the 36 primary government dealers that report to the FRB amounts to over $1.5 trillion [1]—or approximately 15 times the total volume of all transactions in corporate securities traded on all the nation's securities exchanges and over-the-counter markets.[2] In the government market, the "spread" between bid and asked prices and the brokerage commissions are a fraction of those in other securities markets.

Individuals hold nine percent of U.S. government obligations. Much of the remainder is held by a wide variety of institutions including municipalities, corporations, and pensions funds.[3] Most of the dealers that participate in the original issue and resale of these securities to institutional investors maintain active ongoing secondary markets for these securities.

In the Treasury securities market a system of "primary" and "secondary" dealers exists. "Primary dealers" are those dealers with whom the FRBNY is willing to deal directly in conducting its open market operations to implement the FRB's monetary policy. The FRBNY regards the primary dealers as the principal market makers in the secondary market. At present there are 36 primary dealers in Treasury securities, of which 13 are banks, 12 are broker-dealers registered with the Commission, and 11 are unregistered dealers.

Primary dealers are expected to bid for a substantial share of Treasury securities in Treasury auctions [4] and make continuous markets in these securities. In addition, they are required to submit daily, monthly, and annual reports to the FRBNY showing their transactions, positions, and capital; the FRBNY monitors the activity and financial soundness of these primary dealers through these reports and by frequent contacts through telephone calls and on-site visits.

In addition to these primary dealers, there are a larger number of secondary dealers that trade Treasury securities but do not deal directly with FRBNY. The number of these secondary dealers is unknown although officials of the FRB have estimated there may be 200 or more government securities dealers.[5] The FRBNY has encouraged secondary dealers to report on a monthly basis information similar to that provided by primary dealers. As of April 1985, 27 non-bank secondary dealers [6] were voluntarily reporting this information.[7] In addition to directly monitoring primary dealers and encouraging secondary dealers to report voluntarily, the FRBNY has indicated that it intends to adopt shortly voluntary capital adequacy guidelines for Treasury securities dealers not otherwise subject to federal regulation.[8]

These oversight activities depend largely on voluntary compliance and moral suasion, and, for the primary dealers, the ultimate threat of the FRBNY ending a firm's primary dealer status. The FRBNY has no statutory

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[1] Office of the Secretary, Department of the Treasury, *Treasury Bulletin*, 1st Quarter, Fiscal 1985, Table FD–2, at 15 ("Treasury Bulletin"). Of this debt, $1.247 trillion was in marketable Treasury securities. Government agency debt (e.g., Government National Mortgage Association ("GNMA") securities) outstanding totalled $35 billion and government-sponsored agency debt (e.g. Student Loan Marketing Association ("SLMA") Securities) outstanding totalled $224.3 billion in October 1984. Board of Governors of the Federal Reserve System, *Federal Reserve* Bulletin, March 1985, Table 1.44, at A–33. ("Federal Reserve Bulletin".)

[2] In 1984, dealers reporting to the Federal Reserve Bank of New York ("FRBNY") reported transaction volume averaging $52.7 billion daily in Treasury securities and $7.8 billion daily in agency securities *Federal Reserve Bulletin, supra* note 1, Table 1.42, at A–31. In contrast, the daily dollar volume of trading in 1984 on all United States stock exchanges and the NASDAQ over-the-counter market averaged only $4.5 billion. Based on SEC Statistical Review, February 1985, Table M–110, and NASD 1984 Annual Report. These figures are used for illustrative purposes only; they cannot be directly compared because of differences in the way dollar volume is calculated in these markets.

[3] *See Treasury Bulletin, supra* note 1, Table OFS–1; 2, at 31. In December 1984, private investors held 72% of the outstanding Treasury securities, including 8.7% held by individuals. The remaining share of this debt was held by United States Government accounts and Federal Reserve Banks *Id*

[4] The Treasury Department, through the Federal Reserve Banks, sells marketable Treasury securities to the public through an auction process. These securities are bought directly at auction primarily by dealers but also by investors *Report of the Joint Treasury-SEC-Federal Reserve Study of the Government Related Securities Markets* (December 1980) at 37 (*"Government-Related Securities Report"*).

[5] The Commission specifically requests commentators to provide estimates of the number of secondary dealers active in these markets at present; their aggregate positions; and the annual dollar transaction volume of their transactions.

[6] The agency securities market is not differentiated into primary and secondary dealers While many of the dealers in Treasury securities also make markets in agency securities, the precise number of dealers in this market also is unknown Information concerning the size, nature, and number of dealers in this market would be appreciated.

[7] Comment is requested on the efficacy of these reporting requirements. In this regard, it should be noted that ESM was a reporting dealer

[8] FRBNY, *Capital Adequacy Guidelines for U.S Government Securities Dealers, Request for Comments* (February 7, 1985). These guidelines would require that a dealer in Treasury securities keep the size of its risk consistent with the amount of liquid capital available to absorb losses. While compliance would be voluntary, the FRBNY would require primary dealers, and strongly encourage other dealers, clearing and lending banks, and customers to deal only with firms who have been certified by their auditors as complying with these guidelines. The FRBNY also would encourage other bank supervisors to look for certification letters in examining bank clearing and lending activities for Treasury securities accounts.

investigation or enforcement authority over these dealers. However, 25 of the 36 primary dealers, and approximately half of the 27 secondary dealers voluntarily reporting to the FRBNY, are regulated by one or more bank regulatory agencies or the SEC.

The Commission similarly has no direct statutory authority over the government securities markets. Government securities are exempt from the registration provisions of the Federal securities laws,[9] although transactions in such securities are subject to the anti-fraud provisions of these laws.[10] Broker-dealers who effect transactions exclusively in government securities are exempt from the broker-dealer registration provisions of the securities laws. However, those that also effect transactions in corporate or municipal securities must register with the Commission.[11] The government securities activities of registered broker-dealers are subject to Commission financial responsibility, recordkeeping, reporting, and other regulations.

In addition to the informal oversight activities of the FRBNY for primary dealers in the government securities area, all activities of banks, including their government securities activities and investment practices, are subject to the direct regulatory oversight of the appropriate regulatory authority for the bank (the FRB, the Comptroller of the Currency, or the Federal Deposit Insurance Corporation). Moreover, the investment activities of many institutional entities in the government securities market are subject to review by regulatory bodies that supervise them. For instance, the FHLBB provides regulatory oversight over savings and loan associations and other thrift institutions, the National Credit Union Association ("NCUA") over credit unions, the Department of Labor over pension funds, and state insurance commissions over insurance companies.[12]

Overall, the government securities markets function efficiently under the present regulatory framework.[13] A number of developments in recent years, however, have placed increased pressure on these markets. The most significant of these developments is the increasing amount of government debt required to be financed each year. In addition, the volatility of interest rates at times in recent years has greatly increased the market risks of taking positions in government securities.[14] These risks are exacerbated by virtue of the complexity and high degree of leverage possible in the government securities markets through the use of repurchase agreements.[15]

Moreover, despite the importance of the government securities markets for the nation's financial system, entry into these markets as a dealer, with its potential impact on other participants, is relatively simple. In the absence of dealer registration and capital requirements, it is possible to go into business as a government securities dealer with a minimum of capital or experience.[16] However, the interconnected nature of the market may cause the misfeasance or failure of even a small firm to have repercussions disproportionate to its size. Furthermore, the nature of the investors in the market may cause any such failure to have widespread consequences throughout the financial system.

B. Problem Incidents in the Government Securities Markets

Over the past seven years, there have been a number of highly publicized failures or near-failures involving unregistered government securities dealers, most of which have been affiliates of registered broker-dealers. These include Winters Government Securities (1977), Hibbard & O'Connor Government Securities (1979), Drysdale Government Securities (1982), Lombard-Wall (1982), Lion Capital (1984), and most recently ESM and BBS (1985). These incidents have involved market participants that have engaged in highly speculative, and in some instances, fraudulent trading activites in government securities. The failure or near failure of these firms has resulted in losses totaling hundreds of millions of dollars with broad, and even international,[17] repercussions. These failures underscore the dangers of problem incidents to other participants in these markets and to public confidence in these markets generally.

The two recent failures of ESM and BBS exemplify the problems that have arisen and their potential effects. The failure of ESM in March 1985 allegedly resulted in losses to inventors involved in repurchase and reverse repurchase transactions with ESM of over $300 million.[18] It also resulted in the failure of a privately insured Ohio savings bank. ESM, an unregistered government securities dealer, allegedly failed for over five years to reflect in its financial statements the fact that it had incurred substantial losses from trading reverses and high expenses incurred by the firm. ESM allegedly was able to continue operating despite these losses because of its inaccurate financial statements; transactions with two thrift institutions, which the receiver has alleged to be under the control of the same individual, that essentially funded a large portion of ESM operations; and because ESM customers were not adequately collateralized in their transacions.[19]

The April 1985 bankruptcy of BBS, and unregistered government securities dealer, may result in losses to customers, mostly savings and loan associations and banks that had engaged in repurchase and reverse repurchase transactions with BBS, of as

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[9] Sections 3(a)(2) of the Securities Act of 1933 (the "Securities Act") and 3(a)(12) of the Securities Exchange Act of 1934 (the "Exchange Act") define government securities as exempt for purposes of the registration and periodic reporting provisions of these Acts.

[10] Sections 17(a) of the Securities Act and 10(b) of the Exchange Act, and Rule 10b–5 thereunder, apply to the offer, purchase, or sale of any securities. As a result, these sections apply to government securities. While the Commission lacks statutory authority to examine regularly sole government securities dealers, it may conduct investigations to determine whether these firms have violated the anti-fraud provisions.

[11] Section 15(a)(1) of the Exchange Act. In addition, exclusive government securities broker-dealers are not required to become members of a self-regulatory organization ("SRO") under the Commission's oversight.

[12] For an account of this oversight for government securities, see generally *Government-Related Securities Report, supra* note 4, at 176–204.

[13] *See, e.g.*, Statement of E. Gerald Corrigan, President, FRBNY, before the Subcommittee on Domestic Monetary Policy of the House Committee on Banking, Finance and Urban Affairs (April 1, 1985), at 12 ("the market as a whole continues to function effectively in fair weather or foul").

[14] The development of a variety of financial futures and options, such as futures on Treasury bonds, has enabled market participants to hedge against these increased derivative risks. At the same time, these instruments also can be used themselves to assume highly leveraged unhedged positions that can carry substantial risks.

[15] The term "repurchase agreement" refers to an agreement to sell securities subject to a commitment to repurchase from the same person securities of the same quantity, issuer, and maturity. *See* Rule 15c3–1(c)(2)(iv)(F)(9) under the Exchange Act.

[16] Illustrative of the ease of entry into the government securities markets is the case of Eldon Miller. After operating Miller Truck and Sales Service in Iowa, in the early 1970's Miller renamed his company Financial Corporation and in January 1974 opened an office on Wall Street. Starting with $400,000 in capital, by July 1975 Financial Corporation held $1.9 billion in assets, but approximately $18 million more than that in liabilities. The court declined to issue an injunction against Miller although it found that Miller had violated Rule 10b–5 under the Exchange Act. *SEC* v. *Miller*, 495 F. Supp. 465 (S.D.N.Y. 1980).

[17] *Foreign Currencies Gain on Troubles at Bevill Bresler*, Wall Street Journal, April 9, 1985, at 50.

[18] These are estimated losses without consideration of tax consequences, insurance, and civil suit recoveries, if any.

[19] *Report on the Condition of the ESM Companies by Thomas Tew*, Receiver, *Sec* v. *ESM Group et. al.*, Case No. 85–61–90–Civ-Gonzalez, In the U.S. District Court (S.D. Fla.) April 2, 1985.

much as $233 million.[20] BBS allegedly provided financing for a related government securities dealer which has incurred large trading losses. BBS allegedly also engaged in loans with an affiliate, a registered broker-dealer. BBS allegedly was able to continue operating, in part, because customers were not adequately collateralized. Apparently as a direct result of BBS' failure, Bevill, Bresler & Schulman, a registered broker-dealer affiliate of BBS; Brokers' Capital (and an affiliated futures commission merchant); and Collins Securities, Inc., another registered broker-dealer, either have been enjoined from or voluntarily have ceased doing business. Losses with respect to Brokers' Capital and Collins Securities, Inc. have been estimated to be less than $5 million.

II. Discussion

The failures of ESM and BBS, coming after the series of other incidents involving small, unregulated government securities dealers, have raised concerns about the possible adverse effects of these incidents on confidence in the government securities markets. The failures have also raised questions about whether there is a need for corrective action with respect to participants in these markets. At hearings on March 21, 1985 before the Telecommunications, Consumer Protection and Finance Subcommittee of the House Energy and Commerce Committee, the Commission indicated it would consult with the FRB and the Treasury and advise Congress within 90 days on whether additional regulation is needed and if so the most cost-effective approaches.

In responding to the specific matters discussed below, the Commission requests that commentators bear in mind the following three general considerations. First, because of the importance of the government securities markets to the monetary and fiscal policies of the nation, it is crucial to ensure their continued efficient operation. Maintaining or, if possible, improving the efficiency of these markets is of paramount importance. Accordingly, the Commission requests that commentators, in responding to the specific questions raised by the Commission, attempt to address the effects of possible regulatory actions on the ability of the Treasury and FRB to fund the public debt and execute the nation's monetary policy in the most efficient and least costly manner possible. In particular, commentators are asked to provide information about the costs and benefits of increased regulation to the Treasury Department and other entities issuing government securities.

Second, and evaluation of regulatory alternatives for the government securities markets must carefully consider the costs of that regulation as well as the potential benefits to investor protection, market efficiency, and investors' confidence that additional regulation might provide. While such a cost-benefit analysis is an important element in any regulatory initiative, it is particularly critical in the government securities markets because of size and importance of these markets. For example, one cost of government securities dealers failures could be the withdrawal from the market of a substantial number of investors. On the other hand, such failures could induce a "flight to quality" in which investors deal only with more established firms. Thus, in evaluating the specific issues discussed below, commentators are requested to identify and quantify to the extent possible the costs and benefits of taking further regulatory action, as well as declining to take further action.

Third, the regulation by the Commission and the SROs of non-exempt securities broker-dealers generally has operated effectively. While no system is fool-proof and there have been some major failures of regulated broker-dealers, the Commission believes that the regulatory system for registered broker-dealers promotes investor protection. It deters fraud and permits earlier detection of fraudulent activities. Nevertheless, there are a number of differences in the customers and activities of government securities dealers and broker-dealers presently regulated by the Commission. Broker-dealers currently registered with the commission generally deal directly with individual investors as well as institutions; whereas government securities dealers deal primarily with other dealers and corporate, municipal, and institutional investors.

In responding to the specific questions raised below, the Commission requests comment on the relevant similarities and differences between the activities of government securities dealers and registered broker-dealers.[21] In this regard, as the BBS case illustrates, activity in the government securities markets can have repercussions for related registered broker-dealers and their customers. Hence, commentators also are requested to discuss the impact on the corporate and municipal or other securities markets of taking regulatory action, and declining to take such action, in the government securities area.

The Commission has divided its specific questions into two general categories: (1) Issues relating to the costs and benefits of further federal regulation of government securities dealers and the structure that any such regulation should take; and (2) if further regulation of government securities dealers is considered necessary, the specific areas that should be regulated. In addition, the Commission invites commentators to address any other issues they believe to be important.

A. Costs and Benefits of Regulatory Alternatives

Possible responses to recent problems range from working within the present regulatory framework to creating an SRO for government securities dealers, perhaps coupled with registration with, and regulation by, one or more federal agencies.

1. *Responses by the Private Sector and Regulators of Investors.* One approach would be to rely primarily on responses by the private sector, and possibly regulators of institutions that invest in that market, to meet the problems raised by the recent failures. In that connection, how effectively is the marketplace responding to the widely publicized problems of ESM and BBS? Please describe steps that are being taken. Abuses involving GNMA standby contracts in the late 1970's dissipated when the less sophisticated institutional investors who had engaged in transactions in standbys substantially reduced their participation in that market. In addition, the NCUA, FHLBB, and bank regulatory agencies each adopted guidelines or rules intended to limit the activities of regulated institutions in standbys and forwards.[22] Similarly, the losses incurred

[20] These are estimated losses without consideration of tax consequences, insurance and civil suit recoveries, if any.

[21] The Commission also requests specific comment on which market participants should be considered as dealers in government securities, and how this universe should be defined. The Exchange Act's definitions of "dealer" (Section 3(a)(5)) and "municipal securities dealer" (Section 3(a)(30)) turn on whether a person buys and sells securities as part of a regular business. This language has been interpreted to distinguish between professional investors and market makers. Commentators should consider whether this type of distinction is feasible in a market where large positions may be taken for cash management purposes as well as to generate trading profits.

[22] *See Government-Related Securities Report, supra* note 4, at 176–204.

in the Drysdale failure were largely the result of a failure by investors to account for accrued interest on securities loaned to Drysdale, a shortcoming that has since been corrected by standard industry practices.[23]

In both ESM and BBS, it appears that investors incurred substantial losses because they were not properly collateralized. This apparently occurred because investors failed to take all the measures necessary to assure adequate possession or control of their collateral. This also was alleged to have resulted from fraud and deception on the part of the government securities dealers (and perhaps their registered broker-dealer affiliates) involved in these failures. With respect to ESM, substantial losses also were incurred by two institutions, apparently controlled by the same individual, which provided ESM with excessive margin. The Commission requests comment on the private sector's response to these failures. What steps have dealers, including secondary dealers, taken to respond to these failures? In addition, are investors that do business with government securities dealers taking actions to ensure that their transactions are properly collateralized? Are they more actively auditing their collateral when it is held in custody by a government securities dealers? If so, how could such an auditing task efficiently be carried out? Have the recent failures resulted in a "flight to quality" with investors transferring their repurchase activities to larger, better known dealers.

Commentators who believe there has been or will be significant private sector response to ESM and BBS are requested to discuss whether this response reduces the risk of future frauds of a similar magnitude. At the same time, commentators are also requested to address whether one cost of a solely private response to government securities dealer failures is the withdrawal from the market of a substantial number of investors and whether any such withdrawal may adversely affect the government securities markets on a short and long term basis.

2. *Collateralization.* An alternative approach would be legislation or additional regulation requiring government securities dealers or customers to take steps to ensure that such transactions, including repurchase agreements, are properly collateralized, possibly through electronic book-entry systems. This approach would reduce the risk of a dealer using the same collateral to secure more than one transaction. The Commission requests comment on the feasibility of and the expenses associated with such collateralization of both long and short term transactions. Those who incurred losses in ESM and BBS apparently were primarily, if not entirely, dealing in long term transactions.

The Commission understands that the charge to an institutional investors of a Treasury securities movement over the Fed wire is approximately $38. In this connection, the Commission requests comment on the costs to investors of transfer of a Treasury securities position, and the receipt, custody, and examination of a position in a safekeeping account for the benefit of customers.

The Commission also requests comments on the costs of collateralizing GNMA securities which are presently not included in a book-entry system. Some government securities dealers have indicated that the cost to transfer GNMA securities could be as high as $20 per pool, and noted that the delivery of a round lot (one million dollars) of GNMA securities may involve up to three pools. The Commission also requests comments on any operational problems in collateralizing GNMA transactions.[24]

In addressing the costs entailed in a collateralization requirement, commentators should distinguish between the costs for overnight and term repurchase agreements. In this connection, the Commission notes that the collateralization abuses occurring in ESM and BBS apparently involved term repurchase agreements. Comment is requested as to whether there is a similar risk of abuse in overnight repurchase agreements. Finally, comment is requested as to the need to impose any collateralization requirement on banks or regulated broker-dealers already subject to examinations and segregation requirements.

Also, please consider possible alternatives to collateralization, such as a requirement that a dealer segregate its customers' collateral. Would the viability of such a customer segregation requirement depend on an auditor's examinations, or the ability of the customer or a regulatory body to inspect or externally audit the dealer's accounts? Evaluation of possible means of providing such an external check is requested.[25] Comment also is requested on whether it is necessary or appropriate for the regulators of institutional investors to adopt rules to ensure that they follow such protective measures.

3. *Expansion of Statutory Disqualification Provisions.* Another approach which could be used alone or in conjunction with others approaches would be to expand the present authority to suspend or bar securities market participants. Currently, SROs under the Commission's jurisdiction are empowered to deny membership to a broker-dealer registered with the Commission and bar any person from becoming associated with a registered broker-dealer who is subject to a statutory disqualification.[26] The SRO must file with the Commission a notice within 30 days if it knows, or in the exercise of reasonable care should have known, that it has admitted into membership a person subject to a statutory disqualification or allowed a person subject to a statutory disqualification to become associated with a member.[27]

The Commission notes that, to some extent, the recent problems in the government securities markets appear to have resulted from certain persons connected with one troubled dealer later moving to another dealer which subsequently encountered difficulty. Accordingly, comments are requested on the possibility of extending the review of persons subject to a statutory disqualification to cover all dealers, including currently unregistered government securities dealers. Please also comment on whether such a review is feasible without registration and examination of government securities dealers to enforce such provisions; and

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[23] *See, e.g.*, Public Securities Association, *Business Practice Guidelines for Participants in the Repo Market* (October 1982).

[24] For a discussion of automated systems for the transfer of government-related securities, see *infra* notes 48–49 and accompanying text.

[25] The Commission also seeks comments on whether specific measures such as the expansion of book-entry systems in government securities would be useful in ensuring that investors can obtain adequate collateralization in connection with repurchases and similar short-term transactions. In this connection, the Commission seeks comment on whether adequate collteralization would protect investors from abuses apart from possible dealer insolvency, or whether some additional guidelines or regulations directed towards dealers engaged in a government securities business might be necessary. *See infra* notes 26–33, 37–68 and accompanying text.

[26] Section 6(c)(2) and 15(A)(g)(2) of the Exchange Act. *See also* section 15B(c)(4) of the Exchange Act. The term "statutory disqualification" is defined broadly in Section 3(a)(39) of the Exchange Act to include, among other things, persons: expelled, suspended from membership in, or barred from association with, a member of an SRO; subject to a Commission order suspending or revoking broker-dealer registration; or who have violated the federal securities laws.

[27] Rule 19h-1 under the Exchange Act.

discuss whether this additional oversight would be effective as the only additional regulation of government securities dealers, or whether it could best be utilized in conjunction with other regulatory initiatives.

4. *Expansion of FRBNY Guidelines.* An alternative regulatory approach could be the use of voluntary guidelines governing the conduct of firms engaged in a government securities business. For example, the FRBNY's proposed voluntary capital adequacy guidelines could be expanded to establish standards in other areas such as the segregation of customer securities and the maintenance of complete books and records. Alternatively, voluntary guidelines could be adopted by a relevant industry group. The FRBNY's proposed voluntary guidelines rely on pressure to comply from customers, and indirectly, from regulatory agencies requiring supervised institutions to ensure compliance by the firms with whom they deal. Complying firms would obtain certification of compliance by an independent public accountant, thus providing customers with a basis on which to choose the firms with which to deal.

The Commission seeks comments on whether voluntary guidelines for government securities dealers could adequately protect investors and maintain the integrity of the government securities markets. In this connection, it would be useful if commentators would assess the potential cost-effectiveness of the FRB's current reporting program for secondary dealers and the proposed voluntary compliance program, as well as whether the voluntary standards could be enhanced by voluntary inspections, perhaps by a federal agency or a relevant industry group, auditing of all affiliates by a single auditor, or certification by auditors of internal controls as well as financial statements. In order to be effective would it be necessary for such standards to be mandatory?

5. *Creation of a Self-Regulatory Organization.* Another oversight approach would be the creation of an SRO for government securities dealers. Important issues include: whether such an SRO should have rulemaking power only or also have inspection and enforcement powers over members; [28] and whether membership in such an SRO should extend to all government securities dealers, or be limited to non-bank dealers or unregistered firms that deal solely in government securities. Any regulatory scheme for oversight of government securities dealers must recognize the important role of the primary dealers in the auction process and the FRBNY open market operations, as well as the unique oversight role of the FRBNY with respect to the primary dealers. Accordingly, comment is sought on whether the primary dealers should be exempted from SRO membership or subject to a more limited form of SRO oversight.

A government securities SRO could be a separate, limited SRO, modeled after the MSRB; or could be an expansion of the MSRB to include responsibility for regulation of the government securities market.[29]

A limited SRO which had rulemaking but not inspection or enforcement authority could take several forms. The form most similar to the MSRB could have rulemaking authority over all government securities dealers, including banks and dealers registered with the Commission. Inspection and enforcement authority could repose in the bank regulators for bank dealers, the FRBNY for primary dealers, and the NASD or the New York Stock Exchange ("NYSE") for non-bank dealer members.

A second form of SRO could be limited to adopting rules applying to government securities dealers not regulated by any other SRO or agency. It would not govern the government securities activities of registered bank dealers and registered broker-dealers. Enforcement and inspection authority over unregistered government securities dealers could be delegated to the NASD or the NYSE.

Alternatively, a government securities SRO could be given fully integrated rulemaking, inspection, and enforcement authority like that of the NASD and the national securities exchanges. This integrated approach may provide greater consistency between rulemaking and rule enforcement and permit consolidation of expertise in a single entity. On the other hand, an integrated SRO for all government securities dealers might be duplicative in part.[30]

Another approach which could be used alone or in conjunction with the creation of an SRO for currently unregulated government securities dealers would be to expand the jurisdiction of an existing SRO to include government securities dealers. For instance, all or certain government securities dealers could be brought within the purview of the MSRB, the NASD, or the national stock exchanges. This approach could include a requirement that subsidiaries of registered broker-dealers be combined with the registered broker-dealer or that broker-dealer audits and inspections extend to government securities dealer subsidiaries. Such an approach might substantially reduce the start-up costs of a government securities SRO. Because these SROs are not presently oriented toward government securities, however, they might have to revise their organizational structures and examine the applicability of their rules in order to regulate effectively government securities dealer activities.[31]

The Commission asks commentators to evaluate the cost-effectiveness of these various forms of self-regulation. Comment is sought on whether self-regulation is appropriate for the government securities markets on the whole, and whether the benefits from uniform rulemaking for the government securities industry would outweigh possible costs of compliance.[32]

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[28] At present there are two basic types of SROs: Those with rulemaking authority only, such as the Municipal Securities Rulemaking Board ("MSRB"); and integrated SROs with rulemaking, inspection, and enforcement authority, such as the National Association of Securities Dealers, Inc. ("NASD") and the national securities exchanges. The MSRB's fifteen-member board with expertise on municipal securities has authority under section 15B(b)(2) of the Exchange Act to adopt rules governing transactions by brokers, dealers, and municipal securities dealers, subject to Commission approval. The MSRB is divided evenly among representatives of dealer banks, securities firms, and the public. Responsibility for ensuring compliance with MSRB rules, however, rests primarily with bank regulators for dealer banks and the NASD for registered broker-dealers. In contrast, the NASD and the national securities exchanges have integrated rulemaking, inspection, and enforcement authority subject to Commission oversight, over registered broker-dealers and member firms, respectively. The Commission also has enforcement and inspection authority over the entities subject to SRO rules.

[29] This is the approach taken in the Public Securities Act of 1985, introduced on April 15, 1985 by Congressman John Dingell and several other co-sponsors in the House of Representatives. *See* H.R. 2032, 99th Cong., 1st Sess. (1985).

[30] The Commission requests that commentators discuss whether an integrated SRO might nevertheless be appropriate for sole government securities dealers which, if they are not primary dealers, currently are not subject to any form of regulation. The principal advantage of the limited SRO model is that it avoids creating an additional inspection and enforcement structure for currently regulated entities.

[31] The Commission also notes that, pursuant to section 17(d)(1) of the Exchange Act and Rule 17d-1 thereunder, the Commission has the authority to allocate authority to SROs in areas of potential overlap. The Commission requests comment on whether, if government securities regulation is accomplished through an SRO, the Commission should use its authority under this section to allocate regulatory responsibilities. It also should be note that, under Rule 17d-2, SROs can agree to allocate responsibility for examining dual members' compliance with SRO and Commission requirements to one of the SROs.

[32] In this connection, the *Government-Related Securities Report* attempted to assess the costs of an SRO approach. *See Government-Related Securities Report, supra* note 4, at 232–234.

Commentators also should assess whether subjecting less than all dealers to self-regulatory oversight might unfairly burden the firms subject to this oversight by creating regulatory disparities. Comment is also requested as to whether any of the other possible SRO models may have adverse competitive effects on any sector of government securities dealers.

6. *Direct Federal Regulation.* A further alternative is increasing the direct federal role in regulating the government securities markets. Government securities dealers could be required to register directly with the Commission, as is currently required of registered broker, dealers, and municipal securities dealers, the FRB, or some other entity, and be directly subject to federal regulations concerning financial responsibility and other subjects discussed below.[33] Another possibility would be to give to the FRB the direct ability to regulate the government securities market, thus strengthening its present informal oversight activities. This alternative could operate separate from or in conjunction with other approaches to overseeing the government securities market.

7. *Federal Oversight.* A further issue raised by the consideration of additional regulatory structures is what form of ultimate federal oversight should exist. One approach could be for either the Commission or the FRB to have sole oversight authority over a government securities SRO or other regulatory structure. The Commission and the FRB each have experience in different areas that might pertain to such an SRO or regulatory structure. The Commission has substantial experience in overseeing a variety of securities SROs, including the MSRB, the NASD, and the national securities exchanges. It is the appropriate regulatory authority for broker-dealers, and is charged with responsibility for administering the federal securities laws. In that capacity, it currently has anti-fraud authority over participants in the government securities markets. The FRB has substantial expertise with respect to the government securities markets. The FRBNY already is active in monitoring closely the activities of primary dealers, receives information from other dealers on a voluntary basis, and is responsible for implementing national monetary policy through transactions in government securities. Accordingly, the Commission seeks comment on the appropriateness of sole FRB or Commission oversight.

Another possibility would be joint supervision of an SRO by the Commission, the FRB, and the Treasury. This approach was proposed in the *Government-Related Securities Report.* This oversight could operate either directly through a joint council or through consultation procedures similar to those in clearing agency regulation under section 17A of the Act [34] or between the Commission and the Commodity Futures Trading Commission under the Commodity Exchange Act ("CTFC-SEC Accord model").[35] The Commission solicits comment on the relative advantages of these various oversight approaches.

B. Areas of Regulation

In conjunction with determining whether further federal oversight of the government securities market would be cost-effective, comments are requested on the areas such regulation should cover. In its regulation of brokers, dealers, and municipal securities dealers (both directly, and through its oversight of the SROs), the Commission in the past has developed and reviewed regulations in three general areas: (1) Financial and operational regulation; (2) professional qualification regulation; and (3) business practices regulation.[36]

1. *Financial and Operational Regulation.* The cornerstones of the Commission's financial regulation of brokers and dealers are the Net Capital Rule [37] and the Customer Protection Rule.[38] The primary objective of the Net Capital Rule is to ensure the liquidity of a broker-dealer to enable it to meet its obligations promptly. The Customer Protection Rule has two principal objectives: (1) To require a broker or dealer to obtain promptly, and thereafter maintain, possession or control of customers' fully paid and excess margin securities;[39] and (2) to require brokers and dealers to deposit, in effect, excess customer monies in a special reserve bank account for the exclusive benefit of such customers.[40]

The Commission requests comment on whether this type of financial regulation should be applicable to government securities dealers and, if so, at what level the requirements, particularly net capital requirements, should be established. It would appear that the impact of many of the recent government securities dealer failures would have been lessened considerably if there had been a functioning net capital rule in place and audits or inspections had detected the significant trading and other losses incurred by those firms and related firms. At the same time, the substantial leverage in the government securities industry, and the selective absence of significant capital reserves for many firms, suggests that caution would have to be exercised in applying any financial responsibility standards in this market. In this context, the Commission specifically requests commentators to discuss the FRBNY's proposed voluntary capital adequacy standards [41] and whether any capital standards should be made mandatory.[42]

The Commission also requests commentators to discuss whether there should be specific margin requirements imposed on transactions in government securities. The Commission requests commentators to consider direct Federal regulation of margin, such as that engaged in by the FRB under Section 7 of the Exchange Act with respect to transactions in corporate securities,[43] or, alternatively, margin regulations established by an SRO, subject to government oversight,[44] or SRO margin

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[31] *See infra* text accompanying notes 37–63.

[34] See section 17A(a)(2), (3)(A) of the Exchange Act. Under the clearing agency model, one agency would be the principal oversight agency, and would consult and cooperate with other interested agencies to insure that each fulfills its respective regulatory responsibilities, especially when proposed SRO rules are involved. In addition, interested agencies would make and enforce their own rules with respect to government securities dealers over whom they have jurisdiction.

[35] Securities Exchange Act Release No. 20578 (January 18, 1984), 49 FR 2834. Under the CFTC-SEC Accord model, one agency would be the principal oversight authority, and other agencies would be able to comment upon and in certain instances veto action taken by the principal authority.

[36] As discussed above with respect to the scope of SRO and federal oversight of government securities dealers, *see supra* text accompanying notes 28–33, the Commission recognizes that, even if additional regulation of the government securities market is deemed to be cost-effective, some of these types of requirements may not be found to be applicable to all government securities dealers. Accordingly, the Commission requests commentators to address each of the areas of possible regulation and to discuss the costs and benefits of imposing such regulations on various participants in the government securities markets. The Commission further requests commentators to describe any specific operational characteristics of the government securities markets that may be relevant to a discussion of whether a particular aspect of regulation is cost-effective.

[37] Rule 15c3–1 under the Exchange Act.

[38] Rule 15c3–3 under the Exchange Act.

[39] Rule 15c3–3(b) under the Exchange Act.

[40] Rule 15c3–(e)(2) under the Exchange Act.

[41] *See supra* note 8.

[42] The Commission also requests comment on whether there should be periodic financial and operational reporting by government securities dealers in a manner similar to the FOCUS Reports filed by registered broker-dealers on Form X–17A–5 under the Exchange Act.

[43] *See* Regulations G (12 CFR Part 207); T (12 CFR Part 220); U (12 CFR Part 221); and X (12 CFR Part 224) promulgated by the FRB.

[44] Margin regulation established by an SRO, subject to government oversight, would be similar to

Continued

regulation that is not subject to any formal government oversight.[45]

Many of the recent problems in the government securities markets have involved repurchase transactions. Hence, the Commission requests comment on whether it is desirable to establish specific financial and operational regulations governing the repurchase agreement market. For example, should there be regulations concerning the collateralization of repurchase transactions?[46] In this regard, what regulations should be adopted, and what changes should be made to existing regulations governing either book-entry, physical delivery, or segregation of collateral for these transactions? Also, should the extent of regulation vary according to the duration of the transaction?[47] Finally, should there be specific regulations governing mark-to-market payments in these types of transactions?

With respect to regulation of the operational and processing aspects of the government securities market, the Commission first notes that evidence of ownership of Treasury bills is now solely in book-entry form and that settlement in these securities occurs by electronic communication systems. Beginning in 1986, all new issues of Treasury bonds and notes also will be issued and traded in this manner. In addition, the Commission notes that the MBS Clearing Corporation ("MBSCC"), a subsidiary of the Midwest Stock Exchange, was established in 1979 to offer settlement services to firms active in the GNMA market. In March 1985, MBSCC, in conjunction with Chemical Bank, also began offering depository services on certain GNMAs.[48] As a general matter, however, most transactions in government-related securities are not processed in an automated environment.

On February 25 and 26 and March 8, 1985, the Commission hosted a series of workshops on increasing the immobilization, and ultimate elimination, of securities certificates. A primary focus of the workshops was to identify steps that could be pursued to immobilize or eliminate certificates in the government-related securities markets. Virtually unanimous support was expressed for developing book-entry or similar systems. The Commission currently lacks direct authority over clearing agencies or their participants engaged exclusively in processing of such securities. Accordingly, the Commission requests comment on what regulatory action, if any, is appropriate to facilitate more efficient processing of government securities. Commentators are requested to focus both on the long-term adequacy of current book-entry processing system, especially if trading volume greatly increases in these instruments, and on the need for automated clearing facilities in instruments not issued solely in book-entry form.[49]

The Committee also requests comment on the need for specific record retention requirements to facilitate inspections programs. While inspection programs are an essential portion of any direct regulatory scheme, the question of who should conduct the inspection has been raised previously.

A final issue relating to financial and operational regulation relates to insurance or similar protection for customers of government securities dealers that enter liquidation. Specifically, the Commission requests comment on whether the Securities Investor Protection Act of 1970 ("SIPA") should be extended to provide protection to customers of government securities dealers not currently registered with the Commission.[50] If so, commentators are requested to consider whether the current levels of coverage provided under SIPA would be cost-effective for government securities dealers, or for losses from government securities transactions by broker-dealers.[51]

2. *Professional Qualifications.* Persons associated with registered broker-dealers must meet professional qualification standards. The Act specifically empowers SROs to ensure the qualifications of persons associated with member firms.[52] One aspect of professional qualifications is the requirement to pass an examination testing knowledge relevant to particular functions in the industry.[53] In addition, SROs are empowered, subject to Commission review, to deny membership to a broker-dealer, and bar any person from becoming associated with broker-dealers, who is subject to a statutory disqualification.[54]

The Commission requests comment on which, if any, of these professional qualifications requirements should be applicable to the government securities markets. In doing so, commentators are requested to address what particular supervisory requirements would be cost-effective in the government securities market and whether persons with particular statutory disqualifications should be restricted from participating in this market.

3. *Business Practices.* Pursuant to the statutory directive to adopt rules to prevent fraudulent and manipulative acts and practices, to promote just and

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the manner in which margin requirements currently are established for options on stock indices, debt securities, and foreign currency, and in which they have been proposed to be established for individual stock options. *See* FRB Docket No. R–0538. Various alternative approaches toward margin regulation are discussed in an extensive recent study by the FRB staff. *See* FRB, A Review and Evaluation of Federal Margin Regulations (December 1981).

[45] For example, margins for futures are established by the board of trade, and the CFTC is statutorily precluded from reviewing those margins. *See* section 5a(12) of the Commodity Exchange Act.

[46] *See also supra* text accompanying notes 24–25.

[47] The Commission also requests comment on whether specific regulatory programs are necessary to address other particular types of transactions in government securities, such as GNMA forward and standby transactions.

[48] The Commission understands that GNMA recently has indicated interest in the development of a book-entry system for GNMA securities and has stated to MSBCC that, should its depository prove viable, it was interested in holding discussions with MBSCC on further measures to streamline efficient operation of the GNMA market. Ginnie Mae Will Use MBS for Clearance of its Securities, *Bond Buyer*, April 11, 1985.

[49] In considering this area, the Commission notes that the MSRB recently adopted rules requiring municipal securities brokers and dealers to use the facilities of a clearing agency for clearance of transactions in municipal securities if they are members of one or more clearing agencies that offer such services. MSRB rules G–12(f).

[50] The Commission notes that government securities positions held by customers of registered broker-dealers who also conduct a government securities business currently are protected by SIPA in the event of the default of the broker-dealer. Nevertheless, the Securities Investor Protection Corporation ("SIPC") takes the position that persons engaged in repurchase transactions with SIPC member firms are not customers under SIPA and therefore are not protected by SIPA. In the event that SIPA did apply to the repurchase transactions, would SIPC have adequate funds to satisfy customer claims?

[51] If the property in possession of a failed broker-dealer that is distributed to customers is insufficient to satisfy customer claims, SIPC advances funds up to $500,000 per customer, of which no more than $100,000 can be to satisfy claims for cash.

[52] *See* Sections 6(c)(3)(B), 15A(g)(3)(B) and 15B(b)(2)(E) of the Exchange Act.

[53] *See* NASD By-Laws, Article 1, sections 1–2 and Schedule C thereunder ("Schedule C"); MSRB rules G–2 and G–3; NYSE Rule 345. For example, registered representatives must pass either: (i) The Series 7 General Securities Representative Examination, Schedule C at III(2)(a), to qualify to conduct a general securities business; or (ii) a more specialized examination or examinations to qualify to conduct specific limited types of business. Specialized examinations include the MSRB's Municipal Securities Representative Examination, MSRB rule G–3(e), and NASD Limited Representative examinations for direct participation programs, Schedule C at III(2)(c), investment company and variable contracts products, *Id.* at III(2)(b), and options products, *Id.* at III(2)(d). Similarly, supervisory personnel must pass the relevant principal examinations. These examinations generally parallel the categories of examinations applicable to registered representatives, with additional examination, such as one for financial and operational principals.

[54] *See supra* notes 26–27 and accompanying text.

equitable principles of trades, to protect investors and to further the public interest,[55] SROs have adopted a number of rules regulating various business practices of their members. In addition, the Commission, pursuant to the anti-fraud sections of the securities acts,[56] has adopted various rules and adopted enforcement programs that address the business conduct of broker-dealers.

While some of the business practice rules adopted by the Commission and the SROs had, as their original basis, the objective of assuring that broker-dealers protected themselves against unsound practices, for the most part they have evolved into rules designed to protect investors dealing with those broker-dealers. In considering the appropriateness of applying business practice rules to government securities dealers, it is necessary to understand the nature of the customers with whom they typically do business.

A significant presumption behind a number of provisions of the federal securities laws and Commission rules is that, as the financial resources of an investor increases, his need for protection under the federal securities laws decreases, primarily because the sophistication of the investor, or his ability to obtain professional advice or counsel, commensurately increases.[57] Transactions in the market for government securities generally are substantial in size. Nevertheless, abuses that have come to light in the past in the government securities markets generally have involved entities regarded as "institutional investors," often financial institutions.[58] Accordingly, a significant question raised by problems encountered in the government securities industry is whether the presumption of sophistication usually attached to investors with significant assets is applicable to investors in the government securities markets, or whether the complexity of transactions or other factors related to this market necessitate additional protection for otherwise sophisticated investors. As a related matter, if it is felt that these customer losses stem from sophisticated investors that have received inadequate management or advice, commentators are asked to consider whether additional regulation of these investors by their regulators, or other approaches such as the FRBNY's educational initiative, would be more cost-effective than, or preferable to, regulation of government securities dealers.

The Commission requests commentators to focus on a number of specific areas where business practice rules have been adopted in the past. First, those SROs that regulate registered broker-dealers have rules to ensure that members recommend to a customer only securities that are suitable for that customer.[59] Similarly, these rules also address "churning," or engaging in excessive trading solely to generate commissions.[60] In the past, the most rigorous suitability rules have been intended to address potential problems involving speculative low-priced securities, securities where market information is unavailable, or potentially risky trading strategies involving options.

Government securities in and of themselves pose virtually no credit risk to investors. Nevertheless, trading vehicles such as repurchase agreements, reverse repurchase agreements, GNMA forwards and standbys, and when-issued trading may pose suitability issues. Hence, the Commission requests comment on whether suitability concerns are raised in the more complex trading strategies involving government securities.

Second, the Commission and the SROs have rules governing disclosure that must be made in confirming trades with customers.[61] The Commission requests comment on whether there should be specific confirmation requirements applicable to the government securities markets, for example, as regards to the general provisions of repurchase agreements.

Third, pursuant to its general investigative and antifraud authority, the Commission investigates, and can take enforcement action, if it believes that customers are being charged excessive mark-ups or commissions,[62] including transactions in government securities.[63] The Commission requests comment on whether reliance on the Commission's general antifraud authority is sufficient in this area or whether there should be more specific regulation of commissions and mark-ups of government securities.

Finally, the Commission requests comment on any other business practice regulations that commentators may believe are appropriate. Areas of possible comment include, but are not limited to, disclosure of possible conflicts of interests, regulations concerning quotation and last sale reporting, and rules regarding employee trading.

III. Conclusion

In preparation of its response to Congress on the need for additional regulation of the government securities markets, the Commission is seeking comment on a wide variety of issues. The Commission requests commentators to address both the specific issues raised in this release and any other issues believed to be relevant to the government securities markets.

List of Subjects in 17 CFR Part 240

Reporting and recordkeeping requirements, Securities.

Dated: April 19, 1985.

By the Commission.

John Wheeler,

Secretary.

[FR Doc. 85-9797 Filed 4-22-85; 8:45 am]

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17 CFR Parts 240 and 249b

[Release No. 34-21950; File No. S7-15-85]

Revised Transfer Agent Forms and Related Rules

AGENCY: Securities and Exchange Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Securities and Exchange Commission is publishing for comment amendments to the forms and rules for the registration and monitoring of

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[55] *See* sections 6(b)(5), 15A(b)(6), and 15B(b)(2)(c) of the Exchange Act.

[56] *See* sections 10(b), 15(c)(1), and 15(c)(2) of the Exchange Act and 17(a) of the Securities Act.

[57] *See, e.g.*, Rule 215 under the Securities Act, defining the term "accredited investor" as used in section 2(15) of the Securities Act and Rule 215 thereunder; and Section 205 of the Investment Advisers Act of 1940.

[58] *See, e.g., Government-Related Securities Report, supra* note 4, at 108–117.

[59] *See* NASD Rules of Fair Practice Article III section 2; MSRB rule G–19.

[60] *See* NASD Policy of the Board of Governors: Fair Dealing With Customers, under Article III section 2 of the NASD's Rules of Fair Practice.

[61] The confirmation rules generally require certain information to be disclosed to customers, including, with respect to debt securities, dollar value and yield information and, where applicable, information concerning possible redemption before maturity. Commission Rule 10b–10; NASD Rules of Fair Practice Article III Section 12; MSRB rule G–15.

[62] In addition, SROs have more specific rules intended to ensure that their members are not charging excessive mark-ups and commissions in non-exempt securities. NASD Rules of Fair Practice Article III section 4; MSRB rule G–30. Those SROs with surveillance and enforcement authority also inspect for violations of the rules, and can take action in appropriate circumstances.

[63] The Commission has used this authority on several occasions to bring enforcement actions with respect to government securities. *See, e.g., SEC v. Winters Government Securities Corporation* (S.D. Fla., No. 77 Civ. 6345), Litigation Rel. No. 8067 (August 15, 1977), 12 SEC Doc. 1560; *Sec v. MV Securities, Inc. (S.D.N.Y., No. 84 Civ. 1164), Litigation Rels. Nos. 10289 (February 21, 1984) and 10303 (March 5, 1984), 29 SEC Doc. 1454 and 1691.*

transfer agents. Revised Form TA–1 is proposed to remain essentially the same as the present Form TA–1, except several questions that are viewed as no longer necessary have been deleted, and others have been shifted to proposed Form TA–2. The proposed supplement to Form TA–1 would be completed only by independent, non-issuer transfer agents who register with the Commission and would provide information about persons associated with transfer agents. Proposed Rule 17Ac2–2 would require all transfer agents to file an annual report of their business activities on proposed Form TA–2. Exempt transfer agents would only be required to provide identifying information and provide responses to two basic questions. Finally, the proposed amendment to Rule 17Ac2–1(c) would extend the time period for a registrant to file corrections to Form TA–1.

The proposed filing requirements have been carefully drafted to elicit only necessary information and to apply only to transfer agents from whom the information is necessary. Adoption should significantly enhance the Commission's regulatory programs regarding transfer agents by providing data to permit the Division of Market Regulation ("Division") to monitor industry changes.

DATE: Comments must be received on or before June 17, 1985.

ADDRESS: Persons wishing to submit written views, data and comments should file three copies with John Wheeler, Secretary, Securities and Exchange Commission, 450 5th Street, NW., Washington, D.C. 20549. All comments should refer to File No. S7–15–85 and will be available for public inspection and copying at the Commission's Public Reference Room.

FOR FURTHER INFORMATION CONTACT: Randy G. Goldberg, Esq. at (202) 272–2365, Division of Market Regulation, Securities and Exchange Commission, Washington, D.C. 20549.

SUPPLEMENTARY INFORMATION: In 1975 Congress enacted legislation for the regulation of the securities processing industry.[1] A registration requirement was imposed on transfer agents, and the appropriate regulatory agencies ("ARAs"), which are the federal bank regulatory agencies and the Commission, were given broad authority to develop an appropriate registration application.[2] While the bank regulatory agencies were given the primary responsibility for the oversight of bank transfer agents,[3] the Commission was given broad regulatory authority to make rules and to enforce compliance for all entities involved in the securities processing area.[4]

In the spirit of cooperation envisioned by the Securities Exchange Act of 1934, the Commission and the bank regulators jointly develop Form TA–1 to accomplish the registration requirement.[5] In 1980 and 1981 the ARAs eliminated the annual amendment requirement to Schedule B of Form TA–1 while simultaneously anticipating a comprehensive revision of the Form.[6] The proposed Forms TA–1 and TA–2 represent the culmination of those efforts.

Proposed Amendments to Form TA–1

Form TA–1 is currently used by transfer agents required to register with their ARA, which would be the Commission, the Comptroller of the Currency, the Board of Governors of the Federal Reserve System or the Federal Deposit Insurance Corportion.[7]

The revised Form TA–1 requires transfer agents to provide only basic information, including the name and address of the proposed entity and where the transfer agent functions will be performed. The difference between the proposed form and the form presently utilized is that existing questions which have been determined to be unnecessary have been eliminated, and other questions contained in Form TA–1 have been shifted to proposed Form TA–2. The proposed Form TA–1 has been adopted by the bank regulatory agencies and is currently used by bank transfer agents.

The proposed SEC Supplement to Form TA–1 solicits background information for the owners and other persons in control positions at independent, non-issuer transfer agencies, with particular emphasis on whether offenses have been committed by these persons, and therefore, whether the transfer agent's association with a particular individual would have an impact on the transfer agent's ability to perform its functions properly.[8] Presently, there are fewer than one hundred registered independent non-issuer transfer agents regulated by the Commission. The questions included in the SEC Supplement to Form TA–1 parallel several questions to be included in the revised versions of both Form BD, the Uniform Application for Broker-Dealer Registration and Form U–4, utilized by the National Association of Securities Dealers for registration of registered representatives. The Proposed SEC Supplement to Form TA–1 would enable a more thorough review of independent, non-issuer transfer agents registering with the Commission.

The Commission's regional offices have noted instances where receptionists or other clerical employees have executed the existing Form TA–1 as a "duly authorized principal," thus concealing the identify of the persons responsible for the conduct of the transfer agent. The proposed SEC Supplement to Form TA–1 would eliminate this problem by requiring that names of all owners and other persons in control positions at the transfer agent must be disclosed and the existence of prior violations of securities-related laws and rules must be reported. Further, the SEC Supplement requires control persons at a transfer agent to disclose whether they had ever been found to have been a cause of a firm having its authority to do business denied, restricted, suspended or revoked.[9] Thus, the Commission would be aware of a control person's prior association with a transfer agent.

Pursuant to Rule 17Ac2–1(c), a transfer agent is required to amend its registration application once information reported therein becomes false, misleading, or inaccurate. Therefore transfer agents who register with the Commission would have an ongoing obligation to amend the SEC Supplement to report other relevant violations committed by control persons or proceedings instituted against these persons subsequent to the transfer agent's registration having been approved.

Proposed Amendment to Rule 17Ac2–1(c)

The proposed amendment to Rule 17Ac2–1(c) would extend the time

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[1] *See* Pub. L. 94–29 (June 4, 1975) the securities processing industry refers to both transfer agents and clearing agencies

[2] *See* sections 17A(c) (1) and (2) of the Securities Exchange Act of 1934 ("the Act").

[3] *See* section 17A(d)(3)(A)(ii) of the Act.

[4] *See* section 17A(d)(3)(B) of the Act.

[5] The Commission also adopted rule 17Ac2–1(a) which requires transfer agents to complete Form TA–1 prior to commencing transfer agent activities. *See* Securities Exchange Act Release No. 34–11759 (October 22, 1975), 40 FR 51181 (November 4, 1975)

[6] *See* Securities Exchange Act Release No. 34–17410 (December 30, 1980), 46 FR 1665 (January 7, 1981). The bank regulators eliminated this requirement in January 1981. Schedule B required registrants to inform their ARA of changes both in issuers for which they perform transfer agent services and the capacity in which the transfer agent acted with respect to those issuers.

[7] *See* Section 3(a)(34)(B) of the Act.

[8] Completion of the SEC Supplement to Form TA–1 would not be required by issuers that act as transfer agents solely for their own securities or securities of an affiliate, or by bank transfer agents.

[9] *See* proposed SEC Supplement to Form TA–1, questions 3(C)(3), 3(D)(3), 3(E)(3).

period from twenty-one to sixty days for a registrant to file an amendment to Form TA-1 correcting information which had been previously reported and which thereafter becomes inaccurate, misleading or incomplete.

Proposed Rule 17Ac2-2 and Form TA-2

Proposed Rule 17Ac2-2 would require registered transfer agents to file a report of their business activities annually on proposed Form TA-2. Proposed Form TA-2 elaborates on several questions which are presently included in Form TA-1 relating to the nature of the transfer agent's business activities, and contains other basic questions regarding the volume and nature of the transfer agent's activities. Essentially, the transfer agent will be required to state the volume of certain activities it performs, the number of securities issues it services and the capacity in which the transfer agent acts. The Commission expects that these compilations can be easily produced, and indeed in certain cases transfer agents are already required to calculate this information. For example, question 3 requires information about the number of items received for transfer during the last six months. Transfer agents are required to compile this routinely pursuant to Rule 17Ad-6.

All registered transfer agents, regardless of their ARA, will be required to submit this annual report to the Commission. However, small transfer agents will be exempt from responding to all but two basic questions. The staff estimates that approximately one-half of the transfer agents whose ARA is the Commission will satisfy the exemption criteria.[10]

The information provided should assist the Commission in its examination and oversight program. In addition, the form will assist the Commission in keeping abreast of developments in the transfer agent industry, which during the past decade has undergone significant change. The annual reports would enable the staff to develop and maintain a current composite profile of the transfer agent community. This profile would assist in the identification of industry trends, and would enable the Commission both to review on an ongoing basis the adequacy of existing rules relating to transfer agent performance and to assure that any additional regulations prepared for future adoption are based on current information. To the extent that the success of the Commission's oversight program is dependent on the availability of current and complete information regarding the transfer agent industry, proposed Form TA-2 would be an important resource.

List of Subjects in 17 CFR Parts 240 and 249b

Reporting and recordkeeping requirements, Securities.

Statutory Basis

Pursuant to the Securities Exchange Act of 1934 and particularly Sections 17, 17A and 23(a) thereof, 15 U.S.C. 78q, 78q-1 and 78w(a), the Commission proposes to amend § 240.17Ac2-1(c) and Form TA-1 (17 CFR § 249b.100) and proposes § 240.17Ac2-2 and Form TA-2 for inclusion in Chapter II of Title 17 of the Code of Federal Regulations in the manner set forth below.

Text of Proposed Amendments and Forms

17 CFR Parts 240 and 249b are proposed to be amended as follows:

PART 240—[AMENDED]

1. By revising paragraph (c) to § 240.17Ac2-1 as follows:

§ 240.17Ac2-1 Application for registration of transfer agents.

* * * * *

(c) If any of the information reported on Form TA-1 becomes inaccurate, misleading, or incomplete, the registrant shall correct the information by filing an amendment on Form TA-1 within sixty days following the date on which the information became inaccurate, misleading, or incomplete.

* * * * *

2. By adding § 240.17Ac2-2 as follows:

§ 240.17Ac2-2 Annual reporting requirement for registered transfer agents.

Every registered transfer agent shall file an annual report on Form TA-2 in accordance with the instructions contained therein by July 31 of each year, except that a registered transfer agent is not required to file Form TA-2 if it received fewer than 500 items for transfer and fewer than 500 items for processing in the six months ending June 30 of the year for which the form is being filed, does not maintain master securityholder files for more than 1000 individual securityholder accounts as of June 30 of the year for which the form is being filed is only required to complete Page One and the execution section of Page Two of Form TA-2.

PART 249b—FURTHER FORMS, SECURITIES EXCHANGE ACT OF 1934

3. By amending § 249b.100 by updating the address in footnote 1 to read: Securities and Exchange Commission, 450 Fifth Street, NW., Washington, D.C. 20549, and by revising Form TA-1.

§ 249b.100 Form TA-1,[1] uniform form for registration as a transfer agency pursuant to Section 17A of the Securities Exchange Act of 1934.

* * * * *

Securities and Exchange Commission, Washington, D.C. 20549

Instructions for Use of Form TA-1

Uniform form for registration and amendment to registration as a transfer agent pursuant to section 17A of the Securities Exchange Act of 1934.

Attention: Certain Sections of the Securities Exchange Act of 1934 applicable to transfer agents are referenced or summarized below. Transfer agents are urged to review all applicable provisions of the Securities Exchange Act of 1934, the Securities Act of 1933 and the Investment Company Act of 1940, as well as the applicable rules promulgated by the SEC under those Acts

I. General Instructions for Filing and Amending Form TA-1

A. *Terms and Abbreviations.* The following terms and abbreviations are used throughout these instructions:

1. "Act" refers to the Securities Exchange Act of 1934.

2. "ARA" refers to the appropriate regulatory agency, as defined in Section 3(a)(34)(B) of the Act. *See* General Instruction D. below.

3. "Federal Bank Regulators" or "FBRs" refers to the Office of the Comptroller of the Currency, the Board of Governors of the Federal Reserve System, and the Federal Deposit Insurance Corporation.

4. "Form TA-1" includes the Form and any attachments to that Form, whether filed as a registration or an amendment to registration.

5. "Registrant" refers to the entity on whose behalf Form TA-1 is filed.

6. "SEC" refers to the Securities and Exchange Commission.

7. "Transfer agent" is defined in Section 3(a)(25) of the Act as any person who engages on behalf of an issuer of securities or on behalf of itself as an issuer in at least one of the functions enumerated therein.

B. *Who Must File.* Pursuant to Section 17A(c)(1) of the Act, it is unlawful for a transfer agent to perform any transfer agent function with respect to any qualifying security unless that transfer agent is registered with its ARA.

A "qualifying security" is any security registered under Section 12 of the Act. Thus, qualifying securities include securities registered on a national securities exchange pursuant to Section 12(b) of the Act as well as equity securities registered pursuant to

[10] Exempted from this requirement are those transfer agents who are both "exempt" as defined in Rule 17Ad-4(b)(1) and who do not maintain securityholder files containing more than one thousand securityholder accounts. In addition, the relatively few transfer agents that do not qualify as small under Rule 0-10(h), by virtue of their affiliation with a large entity, have been exempted by Rule 17Ac2-2 from completing Form TA-2.

Section 12(g)(1) of the Act for issuers that have total assets exceeding $3,000,000 and a class of equity securities (other than exempted securities) held of record by 500 or more persons.

In addition, qualifying securities include equity securities of registered investment companies and certain insurance companies that would be required to be registered under Section 12(g) except for the exemptions provided by subsections (g)(2)(B) and (g)(2)(G), respectively, of Section 12, *i.e.*, when the asset and shareholder criteria of Section 12(g)(1)(B) are met.

C. *When to File.* Before a transfer ageny may perform any transfer agent function for a qualifying security, it must apply for registration on Form TA–1 with its ARA and its registration must become effective. Instructions for amending Form TA–1 appear at General Instruction F.

D. *How and Where to File: Number of Copies.* Each registrant must file Form TA–1 with its ARA. SEC registrants must also file the SEC Supplement. If a registrant's ARA is a FBR, a copy of the registration or any amendment also must be filed with the SEC. However, the FBRs will send the submitted filings to the SEC on behalf of their registrants to satifsy that requirement. A registrant may determine the name and address of its ARA from the following:

1. A national bank or a bank operating under the Code of Law for the District of Columbia, or a subsidiary of any such bank registers with the *Comptroller of the Currency*, at: Office of the Comptroller of the Currency, Administrator of National Banks, Trust Examinations Division, Washington, D.C. 20219.

2. A state member bank of the Federal Reserve System, a subsidiary thereof, a bank holding company, or a subsidiary of a bank holding company which is a bank other than a bank spescified in clause (1) or (3) of this section registers with the *Board of Governors of the Federal Reserve System*, at: Board of Governors of the Federal Reserve System, Trust Activities Program, Washington, D.C. 20551.

3. A bank insured by the Federal Deposit Insurance Corporation (other than a bank which is a member of the Federal Reserve System) or a subsidiary thereof registers with the *Federal Deposit Insurance Corporation*, at: Federal Deposit Insurance Corporation, Trust Section, Washington, D.C. 20429.

4. All other transfer agents register with *Securities and Exchange Commission*, at: Securities and Exchange Commission, Division of Market Regulation, Washington, D.C. 20549.

If the registrant's ARA is a FBR, the registrant must file the original and four copies of any registration or amendment with the appropriate FBR and need not file directly with the SEC. If the registrant's ARA is the SEC, the registrant must file with the SEC the original and three copies of any registration or amendment. The original copy of Form TA–1 must be manually signed and any additional copies may be photocopies of the signed original copy. All copies must be legible, on good quality 8½ x 11 inch white paper. The registrant must keep an exact copy of any filing for its records.

E. *Effective Dates.* Registration of a transfer agent becomes effective thirty days after receipt by the ARA of the application for registration, unless the filing does not comply with applicable requirements or the ARA takes affirmative action to accelerate, deny or postpone registration in accordance with the provisions of Section 17A(c) of the Act.

F. *Amending Registration.* Each registrant must amend Form TA–1 within sixty calendar days following the date on which information reported therein becomes inaccurate, incomplete or misleading.

II. Special Instructions for Filing and Amending Form TA–1

A. *Registration.* Respond in full to all Questions. If the appropriate response to a Question is "none," or if any Question is "not applicable," respond with "none" or "N/A" respectively.

1. In answering Question 3.c and 7 of Part I, the term "Financial Industry Number Standard" ("FINS" number) means a six digit number assigned by The Depository Trust Company ("DTC") to financial institutions engaged in activities involving securities. Registrants that do not have a FINS number may obtain one free of charge by writing to the DTC ID Task Force at 11 Broadway, 13th Floor, New York, N.Y., 10004, stating its name, address, and type of business (such as "bank" or "non-bank transfer agent").

2. State in Question 3.d. the full address of the registrant's principal office where transfer agent activities are, or will be, performed; a post office box number is not acceptable. State in response to Question 3.f the registrant's mailing address if different from the response to Question 3.d. You may provide a post office box number in response to Question 3.f.

3. If additional space is needed to answer Questions 4, 5, and 7, photocopy the appropriate page(s) of a blank Form TA–1, and continue such answers thereon.

4. In answering Questions 4 and 7 do not check any of the boxes marked "Delete." These boxes are to be used only when amending Form TA–1.

5. For the purpose of answering Question 5, a transfer agent is an "affiliate" of, or "affiliated" with, a person, if the transfer agent directly, or indirectly through one or more intermediaries, controls, or is controlled by, or is under common control with, that person.

6. In answering Questions 5 and 7, a "named transfer agent" is a transfer agent engaged by the issuer to perform transfer agent functions for an issue of securities. There may be more than one named transfer agent for a given security issue (*e.g.*, principal transfer agent, co-transfer agent or outside registrar).

B. *Amending Registration.* When amending Form TA–1, the registrant must identify itself and the filing by answering Questions 1 through 3.c. Thereafter, only answer Questions that require amendment. When adding new information, enter that information into the appropriate spaces. When deleting information from a prior filing, repeat the information exactly as it appeared in the prior filing and check the corresponding box marked "Delete."

C. *Execution of Form TA–1 and Amendments Thereto.* A duly authorized official or a principal of the registrant must execute Form TA–1 and any amendments thereto on behalf of that registrant. For a corporate registrant, the term "official" includes chairman or vice-chairman of the board of directors, chairman of the executive committee, or any officer of the corporation who is authorized by the corporation to sign Form TA–1 on its behalf. For a non-corporate registrant, duly authorized principal means a principal of the registrant who is authorized to sign Form TA–1 on its behalf.

The name of the individual signing Form TA–1 shall be stated in full (*i.e.*, first name, middle name and last name). Initials are not acceptable, unless they are part of the individual's legal name.

By executing Form TA–1, the registrant agrees and consents that notice of any proceeding under the Act by the FBRs or the SEC involving the registrant may be given by sending such notice by registered or certified mail or confirmed telegram to the registrant, "Attention Officer in Charge of Transfer Agent Activities," at its principal Office for transfer agent activities as given in response to Question 3.d. of Form TA–1.

III. Special Instructions for Filing and Amending the SEC Supplement to Form TA–1.

A. *Who must file.* Only non-issuer registrants whose appropriate regulatory agency is the Securities and Exchange Commission (*See* General Instruction D) are required to complete the SEC Supplement to Form TA–1.

B. *Amendments to the SEC Supplement to Form TA–1.* Transfer agents required to complete the SEC Supplement to Form TA–1 are also required to amend the Form TA–1 Supplement, within the time period provided by Rule 17Ac2–1(c) (17 CFR 240.17Ac2–1(c)), when information which the transfer agent knows or reasonably should know comes to the attention of such transfer agent. When amending the Supplement to Form TA–1, the transfer agent must identify itself and the filing by answering Questions 1 through 3.c. of Form TA–1. Thereafter, transfer agents need only answer Questions contained in the Supplement of Form TA–1 that require amendments (including any explanation that may be appropriate pursuant to Question 4 of Part Two of Form TA–1).

IV. Notice

Under Sections 17, 17A(c) and 23(a) of the Act and the rules and regulations thereunder, the ARAs are authorized to solicit from applicants for registration as a transfer agent and from registered transfer agents the information required to be supplied by Form TA–1. Disclosure to the ARA of the information requested in Form TA–1 is a prerequisite to the processing of Form TA–1. The information will be used by the principal purpose of determining whether the ARA should permit an application for registration to become effective or should deny, accelerate or postpone registration of an applicant. The information supplied herein may also be used for all routine uses of the Commission or the ARAs. Information supplied on this Form will be included routinely in the public files of the ARAs and will be available for inspection by any interested person.

BILLING CODE 8010-01-M

Regulator/ File Number	FORM TA-1	OMB APPROVAL
08 -	Uniform Form For Registration as a Transfer Agent and for amendment to registration pursuant to Section 17A of the Securities Exchange Act of 1934	OMB #: 3235-0084 Exp. Jan.31,1987

GENERAL: Form TA-1 is to be used to register or amend registration as a transfer agent with the Comptroller of the Currency, the Board of Governors of the Federal Reserve System, the Federal Deposit Insurance Corporation or the Securities and Exchange Commission pursuant to Section 17A of the Securities Exchange Act of 1934. Read all instructions before completing the Form. Please print or type all responses.

1. Appropriate regulatory agency (check one) (See General Instruction D):

Comptroller of the Currency [_]
Board of Governors of the Federal Reserve System [_]
Federal Deposit Insurance Corporation [_]
Securities and Exchange Commission [_]

2. Filing status of this Form (check one):

Registration [_] Amendment to Registration [_]

3. a. Full name of registrant:

::::::::::::::::::::::::::::::::
(Name)

::::::::::::::::::::::::::::::::
(Name, continued)

::::::::::::::::::::::::::::::::
(Previous name, if being amended)

::::::::::::::::::::::::::::::::
(Previous name, continued)

b. If registrant is a successor to a registered transfer agent, state:

::::::::::::::::::::::::::::::::
(Name of Predecessor)

::::::::::::::::::::::::::::::::
(Name, continued)

File Number 08::/::::::

Date of Succession :::/:::/:::
(MO/DAY/YR)

c. Financial Industry Number Standard (FINS) number (See Special Instruction A1): :::::::

d. Address of principal office where transfer agent activities are, or will be, performed (See Special Instruction A2):

::
(Number and Street)

:::::::::::::::::::::: ::: ::::::-:::::
(City) (State) (Zip Code)

e. Telephone Number: :::: ::::-:::::
(Area Code) (Number)

f. Mailing address, if different from response to Question 3d:

::
(Number and Street)

:::::::::::::::::::: ::: ::::::-:::::
(City) (State) (Zip Code)

4. Does registrant conduct, or will it conduct, transfer agent activities at any location other than that given in question 3d above? yes [_] no [_]

If "yes," provide address(es):

:: Delete address [_]
(Number and Street)

:::::::::::::::::::: ::: ::::::-:::::
(City) (State) (Zip Code)

:: Delete address [_]
(Number and Street)

:::::::::::::::::::: ::: ::::::-:::::
(City) (State) (Zip Code)

5. Does registrant act, or will it act, as a transfer agent solely for its own securities and/or securities of an affiliate(s) (See Special Instruction A5)? yes [_] no [_]

6. Has registrant, as a named transfer agent, engaged, or will it engage, a service company to perform any transfer agent functions? yes [_] no [_]

If "yes," provide the name(s) and address(es) of all service companies engaged, or that will be engaged, by the registrant to perform its transfer agent functions:

::
(Name)

::
(Number and Street)

:::::::::::::::::::: ::: ::::::-:::::
(City) (State) (Zip Code)

::
(Name)

::
(Number and Street)

:::::::::::::::::::: ::: ::::::-:::::
(City) (State) (Zip Code)

7. Has registrant been engaged, or will it be engaged, as a service company by a named transfer agent to perform transfer agent functions? yes [_] no [_]

If "yes," provide the name(s) and the FINS number(s) of the named transfer agent(s) for which the registrant has been engaged, or will be engaged, as a service company to perform transfer agent functions:

(Name)	(FINS no.)	Delete
::	::::::::	[_]
::	::::::::	[_]
::	::::::::	[_]
::	::::::::	[_]
::	::::::::	[_]

ATTENTION: INTENTIONAL MISSTATEMENTS OR OMISSIONS OF FACT CONSTITUTE FEDERAL CRIMINAL VIOLATIONS. SEE 18 U.S.C. 1001 and 15 U.S.C. 78ff(a)

EXECUTION: The registrant submitting this Form, and the person executing it hereby represent that all the information contained herein is true, correct and complete.

Official responsible for Form:

(Manual signature) (Title)

::
(First name, Middle name, Last name)

:::/:::/:::
(MO DAY YR)

Regulator/ File Number	SEC SUPPLEMENT	
084/ ::::::	TO FORM TA-I	:::/:::/::: (MO/DAY/YR)

COMPLETION OF THE SEC SUPPLEMENT IS ONLY REQUIRED BY NON-ISSUER REGISTRANTS WHOSE APPROPRIATE REGULATORY AGENCY IS THE SECURITIES AND EXCHANGE COMMISSION

Full name of registrant: ::

1. If registrant is a:

(1) Corporation - Complete Schedule A
(2) Partnership - Complete Schedule B
(3) Sole Proprietorship or other (specify) _____ - Complete Schedule C

2. Does any person or entity not named in Schedules A, B or C:

(1) directly or indirectly, through agreement or otherwise, exercise or have the power to exercise control over the management or policies of applicant; or ..... yes [_] no [_]

(If "yes," state on Schedule D the exact name [last, first, and middle] of each person or entity and describe the agreement or other basis through which such person or entity exercises or has the power to exercise control.)

(2) wholly or partially finance the business of applicant, directly or indirectly, in any manner other than by a public offering of securities made pursuant to the Securities Act of 1933 or by credit extended in the ordinary course of business by suppliers, banks and others? ..... yes [_] no [_]

(If "yes," state on Schedule D the exact name [last, first, and middle] of each person or entity and describe the agreement or arrangement through which such financing is made available, including the amount thereof.)

DEFINITIONS

Control affiliate - An individual or firm that directly or indirectly controls, is under common control with, is controlled by or has the power to exercise control over the management or policies of applicant. Included are any employees identified in Schedules A, B, C or D of this form. Excluded are any employees who perform solely clerical, administrative support or similar functions.

Investment or investment-related - Pertaining to securities, commodities, banking, insurance, or real estate (including, but not limited to, acting as or being associated with a broker-dealer, investment company, investment advisor, futures sponsor, bank, or savings and loan association).

Involved - Doing an act of aiding, abetting, counseling, commanding, inducing, conspiring with or failing reasonably to supervise another in doing an act.

3A. In the past ten years has any control affiliate been convicted of or plead guilty or nolo contendere ("no contest") to:

(1) a felony or misdemeanor involving: investments or an investment-related business, fraud, false statements or omissions, wrongful taking of property, or bribery, forgery, counterfeiting or extortion? ..... yes [_] no [_]

(2) any other felony? ..... yes [_] no [_]

B. Has any court:

(1)	In the past ten years enjoined any control affiliate in connection with any investment-related activity?	yes [ ]	no [ ]
(2)	ever found that any control affiliate was involved in a violation of investment-related statutes or regulations?	yes [ ]	no [ ]

C. Has the U.S. Securities and Exchange Commission or the Commodity Futures Trading Commission ever:

(1)	found any control affiliate to have made a false statement or omission?	yes [ ]	no [ ]
(2)	found any control affiliate to have been involved in a violation of its regulations or statutes?	yes [ ]	no [ ]
(3)	found any control affiliate to have been a cause of an investment-related business having its authorization to do business denied, suspended, revoked or restricted?	yes [ ]	no [ ]
(4)	entered an order denying, suspending or revoking the registration of any control affiliate or otherwise disciplined it by restricting its activities?	yes [ ]	no [ ]

D. Has any other Federal regulatory agency or any state regulatory agency:

(1)	ever found any control affiliate to have made a false statement or omission or to have been dishonest, unfair, or unethical?	yes [ ]	no [ ]
(2)	ever found any control affiliate to have been involved in a violation of investment-related regulations or statutes?	yes [ ]	no [ ]
(3)	ever found any control affiliate to have been a cause of an investment-related business having its authorization to do business denied, suspended, revoked, or restricted?	yes [ ]	no [ ]
(4)	in the past ten years entered an order against any control affiliate in connection with any investment-related activity?	yes [ ]	no [ ]
(5)	ever denied, suspended, or revoked the registration or license of a control affiliate or prevented any control affiliate from associating with an investment-related business, or otherwise disciplined such control affiliate by restricting its activities?	yes [ ]	no [ ]

(6) ever revoked or suspended the license of any control affiliate as an attorney or accountant?	yes ☐	no ☐

E. Has any self-regulatory organization or commodities exchange:

(1) found any control affiliate to have made a false statement or omission?	yes ☐	no ☐
(2) found any control affiliate to have been involved in a violation of its rules?	yes ☐	no ☐
(3) found any control affiliate to have been the cause of an investment-related business losing its authorization to do business?	yes ☐	no ☐
(4) disciplined any control affiliate by expelling or suspending it from membership, by barring or suspending its association with other members, or by otherwise restricting its activities?	yes ☐	no ☐
F. Has any foreign government, court, regulatory agency, or exchange ever entered an order against any control affiliate related to investments or fraud?	yes ☐	no ☐
G. Is any control affiliate now the subject of any complaint, investigation, or proceeding that could result in a "yes" answer to parts A-F of this item?	yes ☐	no ☐
H. Has a bonding company denied, paid out on, or revoked a bond for any control affiliate?	yes ☐	no ☐
I. Does any control affiliate have any unsatisfied judgments or liens against it?	yes ☐	no ☐

4. For each "yes" to Item 3, provide on Schedule D the following details of any court or regulatory action:

* the individuals named in the action
* the title and date of the action
* the court or body taking the action and its location
* a description of the action
* the disposition of the proceeding

FORM TA-1 SEC Supplement (SCHEDULE A) FOR CORPORATE REGISTRANTS

File Number 084/::::::

REGISTRANT NAME ::

Date: :::/:::/::: (MO/DAY/YR)

Complete appropriate columns for (a) each Chief Executive Officer, Chief Financial Officer, Chief Operations Officer, Chief Legal Officer, Chief Compliance Officer, Director, and persons with similar status or functions, and (b) each other person who is, directly or indirectly the beneficial owner of 5% or more of any class of equity security of registrant.

ADD | Section for initial registration and for amendments reporting additional persons.

FULL NAME Last First Middle	Social Security Number	Date of Relationship (Beginning) Month	Year	Title or Status	Percentage of Ownership	Class of Equity Security
	::::-:::-:::::					

AMEND | Section for amendments reporting changes in the title, status or ownership percentage of previously reported persons.

DELETE | Section for amendments to report deletion of previously reported persons.

		(Ending)		

SEC Form TA-1 SEC Supplement (X/85) (Schedule A)

FORM TA-1 SEC Supplement (SCHEDULE B) FOR PARTNERSHIP REGISTRANTS

File Number 084/::::::

REGISTRANT NAME ::

Date: :::/:::/::: (MO/DAY/YR)

List all general partners and list all limited and special partners who have contributed 5% or more of the partnership's capital. For each partner, complete appropriate columns below.

ADD | Section for initial registration and for amendments reporting additional persons.

FULL NAME Last	First	Middle	Social Security Number	Date of Relationship (Beginning) Month	Year	Type of Partner	Percent of Partnership
			::::-:::-:::::				

AMEND | Section for amendments reporting changes in type or percentage of partnership owned by previously reported persons.

DELETE | Sectior for amendments to amendments to report deletion of previously reported persons.

				(Ending) Month	Year	

SEC Form TA-1 SEC Supplement (X/85) (Schedule B)

FORM TA-1 SEC Supplement (SCHEDULE C) FOR APPLICANTS THAT ARE SOLE PROPRIETORSHIPS AND OTHER THAN PARTNERSHIPS AND CORPORATIONS

File Number 084/::::::

REGISTRANT NAME ::

Date: :::/:::/::: (MO/DAY/YR)

List below any person, including a trustee, who directs, manages, or participates in directing or managing the affairs of registrant. As to each person listed below, state his title or status and describe the nature of his authority and his beneficial interest in applicant.

ADD | Section for initial registration and for amendments reporting additional persons.

FULL NAME Last	First	Middle	Social Security Number	Date of Relationship (Beginning) Month	Year	Title or Status	Description of Authority and Beneficial Interest
			:::-:::-:::::				

AMEND | Section for amendments reporting changes in the title, status, or nature of authority or beneficial interest.

DELETE | Section for amendments to report deletion of previously reported persons.

				(Ending)		

SEC Form TA-1 SEC Supplement (X/85) (Schedule C)

FORM TA-1 SEC Supplement (SCHEDULE D) REGISTRANT NAME ::	File Number 084/:::::: Date: ::/:::/::: (MO/DAY/YR)

Use this Schedule to report details of affirmative responses to questions on Part II of Form TA-1.

Item on Form (Identify)	Answer

SEC Form TA-1 SEC Supplement (X/85) (Schedule D)

BILLING CODE 8010-01-C

4. By adding § 249b.102 as follows:

§ 249b.102. Form TA-2, form to be used by transfer agents registered pursuant to Section 17A of the Securities and Exchange Act of 1934 for the annual report of transfer agent activities.

This form shall be used by transfer agents registered pursuant to Section 17A of the Securities Exchange Act of 1934 for filing an annual report of their business activities.

Securities and Exchange Commission, Washington, D.C. 20549

Instructions for Use of Form TA-2

Form TA-2 is to be used by transfer agents registered pursuant to section 17A of the Securities Exchange Act of 1934 for filing the annual report of transfer agent activities.

ATTENTION: Certain Sections of the Securities Exchange Act of 1934 applicable to transfer agents are referenced below. Transfer agents are urged to review all applicable provisions of the Securities Exchange Act of 1934, the Securities Act of 1933 and the Investment Company Act of 1940, as well as the applicable rules promulgated by the SEC under those Acts.

I. General Instructions for Filing and Amending Form TA-2.

A. *Terms and Abbreviations.* The following terms and abbreviations are used throughout these instructions:

1. "Act" refers to the Securities Exchange Act of 1934.

2. "ARA" refers to the appropriate regulatory agency, as defined in Section 3(a)(34)(B) of the Act. *See* General Instruction C.

3. "Form TA-2" includes the Form and any attachments thereto.

4. "Registrant" refers to the entity on whose behalf Form TA-2 is filed.

5. "Rule" or "Rules" are found in Volume 17, Section 240 of the Code of Federal Regulations ("C.F.R.") e.g., Rule 17Ad-1(a) may be found in 17 CFR 240.17Ad-1(a).

6. "SEC" refers to the Securities and Exchange Commission.

7. "Transfer agent" is defined in Section 3(a)(25) of the Act as any person who engages on behalf of an issuer of securities or on behalf of itself as an issuer in at least one of the functions enumerated therein.

B. *Who Must file; When to File. See* Special Instruction C. Rule 17c2-2 requires that every registered transfer agent file Form TA-2 by July 31 of each year, except that a registered transfer agent is only required to complete Page One and the execution section on Page Two if it received fewer than 500 items for transfer and fewer than 500 items for processing in the six months ending June 30 of the year for which the form is being filed and does not maintain master securityholder files for more than 1,000 individual security holder accounts as of June 30 of the year for which the form is being filed.

The date on which any filing is actually received by the SEC is its filing date, provided that the filing complies with all applicable requirements. A filing that does not comply with applicable requirements may be rejected by the SEC. Acceptance of a filing, however, shall not constitute a finding that it has been filed as required or that the information therein is true, current or complete.

C. *Number of Copies; How and Where to File.* The registrant must file the original and two copies of Form TA-2 with the SEC. The original copy of Form TA-2 must be manually signed and any additional copies may be photocopies of the signed original copy. All copies must be legible, on good quality 8½ x 11 inch white paper. The registrant must keep an exact copy of any filing for its records.

Each registrant may file Form TA-2 directly with the *Securities and Exchange Commission* at: Securities and Exchange Commission, Division of Market Regulation, Washington, DC 20549.

II. Special Instructions for Filing Form TA-2.

A. Indicate at the top of the page the year for which Form TA-2 is filed.

B. For Question 3, indicate the number of *items* received for *transfer* and the number of items received for *processing* for the period January 1 to June 30 of the year for which Form TA-2 is being filed. (The underlined terms are defined in Rule 17Ad-1.) Omit transactions involving the purchase, sale and redemption of investment company shares. Report those items in response to Question 8.

C. In answering Question 7, a "Transfer Agent Custodian Arrangement" ("TAC") exists when certain institutional securityholders of record, such as broker-dealers, banks, and securities depositories, leave securities with a transfer agent. These securities are registered in the name of the institution or its nominee and are evidenced by a balance certificate. That balance certificate is retained by the transfer agent and is adjusted daily for the institution's deposit and withdrawal activity.

III. Notice

Under Sections 17, 17A(c) and 23(a) of the Act and the rules and regulations thereunder, the SEC is authorized to solicit from registered transfer agents the information required to be supplied on Form TA-2. Disclosure to the SEC of the information requested in Form TA-2 is required of all registered transfer agents. The information will be used for the principal purpose of regulating registered transfer agents but may be used for all routine uses of the Commission or of the ARAs. Information supplied on this Form will be included routinely in the public files of the ARAs and will be available for inspection by any interested person.

BILLING CODE 8010-01-M

FORM TA-2 JUNE 30, 19::: Regulator/ File Number 08::/::::::	SECURITIES AND EXCHANGE COMMISSION Division of Market Regulation Washington, D.C. 20549 FORM FOR REPORTING ACTIVITIES AS A TRANSFER AGENT REGISTERED PURSUANT TO SECTION 17A OF THE SECURITIES EXCHANGE ACT OF 1934	OMB No. XXXX-XXXX Expiration Date XX/30/88

GENERAL: Form TA-2 is to be used by transfer agents registered pursuant to Section 17A of the Securities Exchange Act of 1934 for filing the annual report of transfer agent activities with the Securities and Exchange Commission. Read all instructions before completing this Form. Please print or type all responses.

A TRANSFER AGENT THAT RECEIVED FEWER THAN 500 ITEMS FOR TRANSFER AND FEWER THAN 500 ITEMS FOR PROCESSING IN THE SIX MONTHS ENDING JUNE 30 OF THE YEAR FOR WHICH THIS FORM IS BEING FILED AND DOES NOT MAINTAIN MASTER SECURITYHOLDER FILES FOR MORE THAN 1000 INDIVIDUAL SECURITYHOLDER ACCOUNTS AS OF JUNE 30 OF THE YEAR FOR WHICH THIS FORM IS BEING FILED IS ONLY REQUIRED TO COMPLETE PAGE ONE AND THE EXECUTION SECTION ON PAGE TWO.

1. Appropriate regulatory agency (check one box only)

Comptroller of the Currency	[ ]
Board of Governors of the Federal Reserve System	[ ]
Federal Deposit Insurance Corporation	[ ]
Securities and Exchange Commission	[ ]

2. Full name of Registrant as stated in Question 3a of Form TA-1:

::::::::::::::::::::::::::::::::
(Name)
::::::::::::::::::::::::::::::::
(Name continued)

IF THE RESPONSE TO ANY QUESTION IS NONE OR ZERO, ENTER "0"

3. Number of items (in thousands) received during the six months ended June 30 for:

a. transfer	::::::
b. processing (outside registrar function)	::::::

4. Number of individual securityholder accounts (in thousands) maintained as of June 30:

a. corporate equity and debt securities	::::::
b. investment company securities	::::::
c. limited partnership securities	::::::
d. municipal debt securities	::::::

5. Number of securities issues for which registrant acts in the following capacities:

	corporate debt & equity	invest. company	limited partshp.	municipal debt	other exempt issues
a. receives items for transfer and maintains the master securityholder files	::::::	::::::	::::::	::::::	::::::
b. receives items for transfer but does not maintain the master securityholder files	::::::	::::::	::::::	::::::	::::::
c. does not receive items for transfer but maintains the master securityholder files	::::::	::::::	::::::	::::::	::::::

6. Aggregate debits and credits of securities record differences, existing for more than 30 days, as of June 30:

	Agent prior	Agent current
a. number of issues	::::::	::::::
b. market value (in thousands of dollars)	$::::::	$::::::

7. Scope of certain additional types of activities performed:

a. transfer agent custodian arrangements (TACs):
   i. number of issues :::::
   ii. number of shares (in thousands) ::::::
   iii. number of institutions for which this activity is performed ::::
b. dividend reinvestment plan services are provided:
   i. number of issues :::::
c. dividend disbursing or paying agent activities conducted during the preceding twelve months:
   i. number of issues :::::
   ii. amount (in millions of dollars) $ :::::

8. Number of open-end investment company (mutual fund) transactions (excluding dividend and distribution postings) processed:

a. total number (in thousands) ::::::::
b. number processed on a date other than date of receipt of order ::::::::
c. number of transactions processed on other than on date of receipt of order, expressed as a percentage of total transactions processed ::.::::%

ATTENTION: INTENTIONAL MISSTATEMENTS OR OMISSIONS OF FACT CONSTITUTE FEDERAL CRIMINAL VIOLATIONS. See 18 U.S.C. 1001 and 15 U.S.C. 78ff(a)

EXECUTION: The registrant submitting this Form, and the person executing the Form, hereby represent that all the information contained in the Form is true, correct and complete.

Official responsible for Form:

(Manual signature) Title

:: :::/:::/:::
(First name, Middle name, Last name) MO DAY YR

BILLING CODE 8010-01-C

Summary of Initial Regulatory Flexibility Analysis

The Commission has prepared an Initial Regulatory Flexibility Analysis in accordance with 5 U.S.C. 603 regarding the proposed SEC Supplement to Form TA–1. The Analysis notes that the objective of the SEC Supplement to Form TA–1 is to enable a more thorough review of transfer agents registering with the Commission. The SEC Supplement to Form TA–1 would require that names of all owners and other persons in control positions at independent, non-issuer transfer agencies must be disclosed, and the existence of prior violations of securities-related laws and rules must be reported. Further, the SEC Supplement requires owners and control persons to disclose whether they had ever been found to have been a cause of a firm having its authority to do business denied, restricted, suspended or revoked. Transfer agents would also be required to amend the SEC Supplement if information previously reported therein becomes incomplete, inaccurate or misleading. A copy of the Initial Regulatory Flexibility Analysis may be obtained by contacting Randy G. Goldberg, Esq., (202) 272–2365, Division of Market Regulation, Securities and Exchange Commission, 450 5th Street, NW., Washington, D.C. 20549.

Pursuant to section 605(b) of the Regulatory Flexibility Act, the Chairman of the Commission has certified that the amendment to Rule 17Ac2–1, the revisions to form TA–1, the proposed Rule 17Ac2–1 and the proposed Form TA–2 will not, if promulgated, have a significant economic impact on a substantial number of small entities. This certification, including the reasons therefor, is attached to this release.

Paperwork Reduction Act

The information collection requirement imposed by Forms TA–1 and TA–2 has been submitted to the Office of Management and Budget for clearance.

By the Commission.
Dated: April 17, 1985.

John Wheeler,
Secretary.

Regulatory Flexibility Act Certification

I, John S.R. Shad, Chairman of the Securities and Exchange Commission, hereby certify pursuant to 5 U.S.C. 605(b) that the proposed Rule 17Ac2–1 and Form TA–2, and the amendment to Rule 17Ac2–1(c) and to Form TA–1, set forth in Securities Exchange Act Release No. 34–21950, if promulgated, will not have a significant economic impact on a substantial number of small entities. The reason for this certification is that Form TA–1 simply requests basic identification information about transfer agents who are applying for registration. Rule 17Ac2–2, which requires transfer agents to file an annual report on Form TA–2, provides that transfer agents that receive fewer than 500 items for transfer and fewer than 500 items for processing in the six months ending June 30 of the year in which the form is being filed, and do not maintain security-holder files for more than 1,000 individual security-holder accounts as of June 30 of the year for which the form is being filed, are required to answer only two identification questions and two basic questions which demonstrate their entitlement to omit the remainder of the Form. Pursuant to Rule 17Ad–6, transfer agents are required to maintain the information requested by one of these basic questions, and the information requested by the other basic question is readily available. Therefore, Form TA–2 would not have a significant economic impact on small transfer agents. The amendment to Rule 17Ac2–1(c) increases the time period for correction of information contained in Form TA–1 from twenty-one days to sixty days. The amendment will provide transfer agents with substantially more time to amend their registration form, and will therefore have no significant economic impact on small entities.

Dated: April 17, 1985.

John S.R. Shad,
Chairman.

[FR Doc. 9775 Filed 4–22–85; 8:45 am]

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DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[LR–55–83]

Credit for Clinical Testing Expenses for Certain Drugs for Rare Diseases or Conditions; Proposed Rulemaking

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: This document contains proposed regulations relating to the credit for clinical testing expenses for certain drugs for rare diseases or conditions. The credit was enacted by the Orphan Drug Act. The regulations would provide the public with the guidance needed to comply with the law and would affect taxpayers seeking to obtain the credit.

DATES: Written comments and requests for a public hearing must be delivered or mailed by June 24, 1985. These provisions are proposed to be effective immediately upon publication in a Treasury decision. They will apply for purposes of determining if and to what extent amounts paid or incurred after December 31, 1982, and before January 1, 1988, qualify for the credit.

ADDRESS: Send comments and requests for a public hearing to Commissioner of Internal Revenue, Attention: CC:LR:T (LR–55–83), Washington, D.C. 20224.

FOR FURTHER INFORMATION CONTACT: Stuart G. Wessler of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111Constitution Ave., NW., Washington, D.C. 20224, Attention: CC:LR:T (LR–55–83), 202–566–3297, not a toll-free call.

SUPPLEMENTARY INFORMATION:

Background

This document contains proposed amendments to the Income Tax Regulations (26 CFR Part 1) in order to conform the regulations to sections 28 (formerly 44H) and 280C (b) (formerly 280C(c)) of the Internal Revenue Code of 1954, relating to the credit for clinical testing expenses for certain drugs for rare diseases or conditions. Sections 44H and 280C(c) were added by section 4 of the Orphan Drug Act (96 Stat. 2053). Sections 44H and 280C(c) were subsequently amended by sections 471(c)(1), 474(g), 474(r)(10) (A), (C), and (D), and 612 (e) (1) of the Tax Reform Act of 1984 (Pub. L. 98–369). The proposed amendments also conform the regulations under section 28 to reflect section 526(a)(2) of the Federal Food, Drug, and Cosmetic Act, as amended by section 4 (a) of the Health Promotion and Disease Prevention Act of 1984 (Pub. L. 98–551). The proposed regulations are to be issued under the authority contained in section 28(d)(5), 280C(b)(3), and 7805 of the Internal Revenue Code of 1954 (96 Stat. 2055, 26 U.S.C. 28(d)(5); 96 Stat. 2055, 26 U.S.C. 280C(c)(3); 68A Stat. 917, 26 U.S.C. 7805).

Explanation of Provisions

In General

The Orphan Drug Act enacted a credit against income tax for clinical testing expenses for certain drugs for rare diseases or conditions. The credit, codified in section 28 of the Internal Revenue Code of 1954, is equal to 50 percent of the qualified clinical testing expenses for a taxable year. Only

qualified clinical testing expenses paid or incurred by the taxpayer after December 31, 1982, and before January 1, 1988, are creditable.

Qualified Clinical Testing Expenses

Section 28(b)(1) defines qualified clinical testing expenses, in general, as amounts which are paid or incurred by the taxpayer during the taxable year which would constitute "qualified research expenses" within the meaning of section 30(b) as modified by section 28(b)(1)(B). For purposes of section 28, section 28(b)(1)(D) provides that section 30 and the regulations thereunder shall be deemed to remain in effect after December 31, 1985.

Section 28(b)(1)(C) excludes from qualified clinical testing expenses any amount which would otherwise constitute qualified clinical testing expenses to the extent such amount is funded by a grant, contract, or otherwise by another person (or any governmental entity). The proposed regulations provide that the determination of the extent of funding will be made in light of all of the facts and circumstances.

In addition, the proposed regulations provide that, if a taxpayer conducting clinical testing with respect to the designated drug for another person retains no substantial rights in the clinical testing under the agreement providing for the clinical testing, the clinical testing expenses are treated as fully funded for purposes of section 28(b)(1)(C). If the taxpayer retains substantial rights in the clinical testing, the clinical testing expenses are generally funded to the extent of the payments (and fair market value of any property at the time of transfer) to which the taxpayer becomes entitled by conducting the clinical testing. The provisions concerning the extent to which clinical testing expenses are funded shall be applied separately to each designated drug. The proposed regulations provide further that if, at the time the taxpayer files its return for a taxable year, it is impossible to determine to what extent some or all of the qualified clinical testing expenses may be funded, the taxpayer shall treat the clinical testing expenses as funded for purposes of that return. When the amount of funding for qualified clinical testing expenses is finally determined under the regulations, the taxpayer should amend the return and any interim returns to reflect the amount of funding for qualified clinical testing expenses.

Clinical Testing

Section 28(b)(2)(A) defines clinical testing as any human clinical testing which (1) is carried out under section 505(i) of the Federal Food, Drug, and Cosmetic Act and the regulations thereunder for the purpose of testing a drug for a rare disease or condition (as defined in section 28(d)(1)); (2) occurs after the date the drug is designated as a drug for a rare disease or condition under section 526 of the Federal Food, Drug, and Cosmetic Act, and before the date on which an application for the designated drug is approved under section 505(b) of that Act; and (3) is conducted by or on behalf of the taxpayer to whom the designation under section 526 of the Federal Food, Drug, and Cosmetic Act applies. The proposed regulations provide that testing is considered to be human clinical testing to the extent that it uses human subjects, *i.e.*, individuals who are participants in research, either as recipients of the drug or as controls, to determine the effect of the designated drug on humans and is necessary for the designated drug to be approved under section 505(b). Further, the proposed regulations provide that human clinical testing is carried out under section 505(i) only if the primary purpose of the human clinical testing is to ascertain the data necessary to qualify the designated drug for sale in the United States, and not to ascertain data unrelated or only incidentally related to that needed to qualify the designated drug. Whether or not this primary purpose test is met shall be determined in light of all the facts and circumstances.

Finally, the proposed regulations do not provide a rule dealing with the treatment of biological products under these provisions. The language of section 28(b)(2)(A) (i) and (ii)(II) of the Code refers only to drugs approved under section 505 of the Federal Food, Drug, and Cosmetic Act as within the definition of clinical testing. Accordingly, it appears that biological products are not within the purview of section 28 since such products are not approved under that Act.

Rare Disease or Condition

Section 28(d)(1) defines a rare disease or condition as any disease or condition which occurs so infrequently in the United States that there is no reasonable expectation that the cost of developing and making available in the United States a drug for such disease or condition will be recovered from sales in the United States of such drug. Determinations under the preceding sentence with respect to any drug shall be made on the basis of the facts and circumstances as of the date of such drug is designated under section 526 of the Federal Food, Drug, and Cosmetic Act.

The proposed regulations provide rules for computing the cost of developing and making available in the United States the designated drug (as distinguished from creditable costs for clinical testing). The taxpayer shall include in those costs of developing and making available only the costs that the taxpayer (or any person whose right to make sales of the drug is directly or indirectly derived from the taxpayer, *e.g.*, a licensee or transferee) has incurred or reasonably expects to incur (to the extent that the costs are not funded by another person) in developing and making available in the United States the designated drug for the disease or condition for which it is designated.

For example, if, prior to the designation under section 526, the taxpayer incurred costs of $125,000 to test the drug for the rare disease or condition for which it is subsequently designated and incurred $500,000 to test the same drug for other diseases, and if, on the date of designation, the taxpayer expects to incur costs of $1.2 million to test the drug for the rare disease or condition for which it is designated, the taxpayer includes in its cost computation both the $125,000 incurred prior to designation and the $1.2 million expected to be incurred after designation to test the drug for the rare disease or condition for which it is designated. The taxpayer's cost computation is to include numerous cost items incurred after the first indication of an orphan application for the designated drug including general overhead, depreciation costs, and liability insurance premiums to the extent that the taxpayer can demonstrate that these costs are properly allocated to the designated drug under the established standards of financial accounting and reporting of research and development costs.

The proposed regulations also provide that in the case where the costs incurred or expected to be incurred in developing and making available the designated drug for the disease or condition for which it is designated are also incurred or expected to be incurred in the developing and making available in the United States the same drug for one or more other diseases or conditions (whether or not they are also designated or expected to be designated), the costs are to be allocated between the cost of developing and making available the designated drug for the disease or condition for which the drug is designated and the cost of developing

and making available the designated drug for the other diseases or conditions. This allocation is to be made on the basis of the ratio of the expected amount of sales in the United States of the designated drug for the disease or condition for which the drug is designated to the total expected amount of sales in the United States of the designated drug.

The proposed regulations further provide that in determining whether the taxpayer's costs will be recovered from sales in the United States of the designated drug for the rare disease or condition for which the drug is designated, the taxpayer shall include inticipated sales by the taxpayer or any person whose right to make such sales is directly or indirectly derived from the taxpayer (such as a licensee or transferee). The proposed regulations also require that the taxpayer keep records sufficient to substantiate the cost and sales estimates made pursuant to the above provisions. The records shall be retained so long as the contents thereof may become material in the administration of section 28.

Finally, to reduce the administrative burdens on taxpayers and the Service, to insure that the diseases that Congress expressed a clear intention to cover qualify as rare diseases, and to reflect amendment to section 526(a)(2) of the Federal Food, Drug, and Cosmetic Act, the proposed regulations contain a conclusive presumption when a disease or condition afflicts less than 200,000 persons in the United States. In such a case, it is presumed that there is no reasonable expectation that the taxpayer's cost of developing and making available in the United States the designated drug for such disease or condition will be recovered from sales in the United States of the designated drug for the disease or condition for which it is designated. Examples of such diseases or conditions in 1983 are Duchenne dystrophy, one of the muscular dystrophies; Huntington's disease, a hereditary chorea; myoclonus; Tourette's syndrome; and amyyotrophic lateral schlerosis (ALS or Lou Gehrig's disease).

Limitation of Foreign Testing

Section 28(d)(3) provides that expenses paid or incurred with respect to clinical testing conducted outside the United States are not eligible for the credit unless such testing is conducted outside the United States because there is an insufficient testing population in the United States, and such testing is conducted by a United States person or by any other person who is not related to the taxpayer to whom the designation under section 526 applies. The proposed reguations provide that there is an insufficient testing population in the United States if there are not within the United States the number of available and appropriate human subjects needed to produce reliable data from the clinical investigation. The proposed regulations also provide that for purposes of determining whether a person is unrelated to the taxpayer, the rules of section 6134A(d)(3) shall apply except tha the number "5" in section 613 (d)(3) (A), (B), and (C) shall be deleted and the number "10" inserted in lieu thereof.

Aggregation of Expenditures and Allocations

Section 28(d)(4) provides that rules similar to those of section 30(f)(1) and (2) shall apply for purposes of section 28. The proposed regulations provide that, in determining the amount of the credit allowable with respect to an organization that at the end of its taxable year is a member of a controlled group of corporations or a member of a group or organizations under common control, all members of the group are treated as a single taxpayer. The proposed regulations also provide special rules for members of a group under common control when one member of the group conducts clinical testing on behalf of another. In such a case, the member conducting the clinical testing shall include in its qualified clinical testing expenses any in-house research expenses for that work and shall not treat any amount received or accrued from the other member as funding the clinical testing. Conversely, the member for whom the clinical testing is conducted shall not treat any part of any amount paid or incurred as a contract research expense. If a member of a group pays or incurs contract research expenses to a person outside the group in carrying on the member's trade or business, that member shall include those expenses as qualified clinical testing expenses. However, if the expenses are not paid or incurred in carrying on any trade or business of that member, those expenses may be taken into account as contract research expenses by another member of the group provided that the other member (1) reimburses the member paying or incurring the expenses, and (2) carries on a trade or business to which the clinical testing relates. Further, the proposed regulations explain the allocation rules in the case of an S corporation, an estate or trust, and a partnership.

Election

Section 28(d)(5) provides that section 28 applies to the taxpayer for any taxable year only if such taxpayer makes an election to have section 28 apply for such taxable year. The proposed regulations establishes the manner in which the taxpayer is to make the election.

Disallowance of Certain Deductions

Section 280C(b) requires that the taxpayer's deduction for qualified clinical testing expenses must be reduced by the amount allowable as a credit for such expenses under section 28. In addition, section 280C(b) requires a similar rule where the taxpayer capitalizes rather than deducts expenses.

Comments and Request for a Public Hearing

Before adoting these proposed regulations, consideration will be given any written comments that are submitted (preferably eight copies) to the Commissioner of Internal Revenue. All comments will be available for public inspection and copying. A public hearing will be held upon written request to the Commissioner by any person who has submitted written comments. If a public hearing is held, notice of the time and place will be published in the **Federal Register**.

The collection of information requirements contained in this notice of proposed rulemaking have been submitted to the Office of Management and Budget (OMB) for review under section 3504 (h) of the Paperwork Reduction Act. Comments on these requirements should be sent to the Office of Information and Regulatory Affairs of OMB, Attention: Desk Officer for Internal Revenue Service, New Executive Office Building, Washington, D.C. 20503. The Internal Revenue Service requests that persons submitting comments on these requirements to OMB also send copies of those comments to the Service.

Special Analyses

The Commissioner of Internal Revenue has determined that these proposed regulations are not subject to review under Executive Order 12291. Accordingly, a Regulatory Impact Analysis is not required.

Although this document is a notice of proposed rulemaking which solicits public comment, the Internal Revenue Service has concluded that the regulations proposed herein are interpretative and that the notice and public procedure requirements of 5

U.S.C. 553 do not apply. Accordingly, these proposed regulations do not constitute regulations subject to the Regulatory Flexibility Act (5 U.S.C. chapter 6).

Drafting Information

The principal author of these proposed regulations is Nerman Dobynes Hubbard of the Legislation and Regulations Division of the Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing these regulations, both on matters of substance and style.

List of Subjects

26 CFR 1.0–1—1.58–8

Income taxes, Tax liability, Tax rates, Credits.

26 CFR 1.61–1—1.281–4

Income taxes, Taxable income, Deductions, Exemptions.

Proposed Amendments to the Regulations

The proposed amendments to 26 CFR Part 1 are as follows:

PART 1—[AMENDED]

Paragraph 1. The following new § 1.28–1 would be added to read as follows:

§ 1.28–1 Credit for clinical testing expenses for certain drugs for rare diseases or conditions.

(a) *General rule.* Section 28 provides a credit against the tax imposed by chapter 1 of the Internal Revenue Code. The amount of the credit is equal to 50 percent of the qualified clinical testing expenses (as defined in paragraph (b) of this section) for the taxable year. The credit applies to qualified clinical testing expenses paid or incurred by the taxpayer after December 31, 1982, and before January 1, 1988. The credit is nonrefundable (that is, the credit may not exceed a taxpayer's tax liability for the taxable year).

(b) *Qualified clinical testing expenses*—(1) *In general.* Except as otherwise provided in paragraph (b)(3) of this section, the term "qualified clinical testing expenses" means the amounts which are paid or incurred during the taxable year which would constitute "qualified research expenses" within the meaning of section 30(b) (relating to the credit for increasing research activities) as modified by section 28(b)(1)(B) and paragraph (b)(2) of this section. For example, amounts paid or incurred for the acquisition of depreciable property used in the conduct of clinical testing (as defined in paragraph (c) of this section) are not qualified clinical testing expenses.

(2) *Modification of section 30(b).* For purposes of paragraph (b)(1) of this section, section 30(b) is modified by substituting "clinical testing" for "qualified research" each place it appears in paragraph (2) of section 30(b) (relating to in-house research expenses) and paragraph (3) of section 30(b) (relating to contract research expenses). In addition, "100 percent" is substituted for "65 percent" in paragraph (3)(A) of section 30(b).

(3) *Exclusion for amounts funded by another person*—(i) *In general.* The term "qualified clinical testing expenses" shall not include any amount which would otherwise constitute qualified clinical testing expenses, to the extent such amount if funded by a grant, contract, or otherwise by another person (or any governmental entity). The determination of the extent to which an amount is funded shall be made in light of all the facts and circumstances. For a special rule regarding funding between commonly controlled businesses, see paragraph (d)(5)(iv) of § 1.28–1.

(ii) *Clinical testing in which taxpayer retains no rights.* If a taxpayer conducting clinical testing with respect to the designated drug for another person retains no substantial rights in the clinical testing under the agreement providing for the clinical testing, the taxpayer's clinical testing expenses are treated as fully funded for purposes of section 28(b)(1)(C). Thus, for example, if the taxpayer incurs clinical testing expenses under an agreement that confers on another person the exclusive right to exploit the results of the clinical testing, those expenses do not constitute qualified clinical testing expenses because they are fully funded under this paragraph (b)(3)(ii). Incidental benefits to the taxpayer from the conduct of the clinical testing (for example, increased experience in the field of human clinical testing) do not constitute substantial rights in the clinical testing.

(iii) *Clinical testing in which taxpayer retains substantial rights*—(A) *In general.* If a taxpayer conducting clinical testing with respect to the designated drug for another person retains substantial rights in the clinical testing under the agreement providing for the clinical testing, the clinical testing expenses are funded to the extent of the payments (and fair market value of any property at the time of transfer) to which the taxpayer becomes entitled by conducting the clinical testing. Except as otherwise provided in paragraph (b)(3)(iii)(B) of this section, the taxpayer shall reduce the amount paid or incurred by the taxpayer for the clinical testing expenses that would, but for section 28(b)(1)(C), constitute qualified clinical testing expenses of the taxpayer by the amount of the funding determined under the preceding sentence. Rights retained in the clinical testing are not treated as property for purposes of this paragraph (b)(3)(iii)(A). If the property that is transferred to the taxpayer is to be consumed in the clinical testing (for example, supplies), the taxpayer should exclude the value of that property from both the payments received and the expenses paid or incurred for the clinical testing.

(B) *Pro rata allocation.* If the taxpayer can establish to the satisfaction of the district director—

(*1*) The total amount of clinical testing expenses,

(*2*) That the total amount of clinical testing expenses exceeds the funding, and

(*3*) That the otherwise qualified clinical testing expenses (that is, the expenses which would be qualified clinical testing expenses if there were no funding) exceed 65 percent of the funding.

the taxpayer may allocate the funding pro rata to non-qualified and otherwise qualified clinical testing expenses, rather than allocating it 100 percent to the otherwise qualified clinical testing expenses (as provided in paragraph (b)(3)(iii)(A) of this section).

(C) *Drug by drug determination.* The provisions of this paragraph (b)(3) shall be applied separately to each designated drug tested by the taxpayer.

(iv) *Funding for qualified clinical testing expenses determinable only in subsequent taxable years.* If, at the time the taxpayer files its return for a taxable year, it is impossible to determine to what extent some or all of the qualified clinical testing expenses may be funded, the taxpayer shall treat the clinical testing expenses as fully funded for purposes of that return. When the amount of funding for qualified clinical testing expenses is finally detetermined, the taxpayer should amended the return and any interim returns to reflect the amount of funding for qualified clinical testing expenses.

(4) *Special rule governing the application of section 30(b) beyond its expiration date.* For purposes of section 28 and this section, section 30(b), as amended, and the regulations thereunder shall be deemed to remain in effect after December 31, 1985.

(c) *Clinical testing*—(1) *In general.* The term "clinical testing" means any human clinical testing which—

(i) Is carried out under an exemption under section 505(i) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(i)) and the regulations relating thereto (21 CFR Part 312) for the purpose of testing a drug for a rare disease or condition as defined in paragraph (d)(1) of this section,

(ii) Occurs after the date the drug is designated as a drug for a rare disease or condition under section 526 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360bb), and before the date on which an application for the designated drug is approved under section 505(b) of that Act (21 U.S.C. 355(b)), and

(iii) Is conducted by or on behalf of the taxpayer to whom the designation under section 526 of the Federal Food, Drug, and Cosmetic Act applies.

Human clinical testing shall be taken into account under this paragraph only to the extent that the testing relates to the use of a drug for the rare disease or condition for which the drug was designated under section 526 of the Federal Food, Drug and Cosmetic Act.

(2) *Definition of "human clinical testing."* Testing is considered to be human clinical testing only to the extent that it uses human subjects to determine the effect of the designated drug on humans and is necessary for the designated drug to be approved under section 505(b) of the Federal Food, Drug, and Cosmetic Act and the regulations thereunder (21 CFR Part 314). For purposes of this subparagraph, a human subject is an individual who is a participant in research, either as a recipient of the drug or as a control. A subject may be either a healthy individual or a patient.

(3) *Definition of "carried out under" section 505(i).* Human clinical testing is not carried out under section 505(i) of the Federal Food, Drug, and Cosmetic Act and the regulations thereunder (21 CFR Part 312) unless the primary purpose of the human clinical testing is to ascertain the data necessary to qualify the designated drug for sale in the United States, and not to ascertain data unrelated or only incidentally related to that needed to qualify the designated drug. Whether or not this primary purpose test is met shall be determined in light of all of the facts and circumstances.

(d) *Definition and special rules*—(1) *Definition of "rare disease or condition"*—(i) *In general.* The term "rare disease or condition" means any disease or condition which occurs so infrequently in the United States that there is no reasonable expectation that the cost of developing and making available in the United States (as defined in section 7701(a)(9)) a drug for such disease or condition will be recovered from sales in the United States (as so defined) of such drug. Determinations under the preceding sentence with respect to any drug shall be made on the basis of the facts and circumstances as of the date of such drug is designated under section 526 of the Federal Food, Drug, and Cosmetic Act. See paragraph (d)(1)(v) of this section for a presumption relating to whether a disease or condition is a rare disease or condition.

(ii) *Cost of developing and making available the designated drug*—(A) *In general.* Except as otherwise provided in this subdivision, the taxpayer's computation of the cost of developing and making available in the United States the designated drug shall include only the costs that the taxpayer (or any person whose right to make sales of the drug is directly or indirectly derived from the taxpayer, *e.g.*, a licensee or transferee) has incurred or reasonably expects to incur in developing and making available in the United States the designated drug for the disease or condition for which it is designated. For example, if, prior to designation under section 526, the taxpayer incurred costs of $125,000 to test the drug for the rare disease or condition for which it is subsequently designated and incurred $500,000 to test the same drug for other diseases, and if, on the date of designation, the taxpayer expects to incur costs of $1.2 million to test the drug for the rare disease or condition for which it is designated, the taxpayer shall include in its cost computation both the $125,000 incurred prior to designation and the $1.2 million expected to be incurred after designation to test the drug for the rare disease or condition for which it is designated. The taxpayer shall not include the $500,000 incurred to test the drug for other diseases.

(B) *Exclusion of costs funded by another person.* In computing the cost of developing and making available in the United States the designated drug, the taxpayer shall not include any cost incurred or expected to be incurred by the taxpayer to the extent that the cost is funded or is reasonably expected to be funded (determined under the principles of paragraph (b)(3)) by a grant, contract, or otherwise by another person (or any governmental entity).

(C) *Computation of cost.* The cost computation shall use only reasonable costs incurred after the first indication of an orphan application for the designated drug. Such costs shall include the costs of obtaining data needed, and of meetings to be held, in connection with a request for FDA assistance under section 525 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360aa) or a request for orphan designation under section 526 of that Act; costs of determining patentability of the drug; costs of screening, animal and clinical studies; costs associated with preparation of a Notice of Claimed Investigational Exemption for a New Drug (IND) and a New Drug Application (NDA); costs of possible distribution of drug under a "treatment" protocol; costs of development of a dosage form; manufacturing costs; distribution costs; promotion costs; costs to maintain required records and reports; and costs of the taxpayer in acquiring the right to market a drug from the owner of that right prior to designation. The taxpayer shall also include general overhead, depreciation costs and premiums for insurance against liability losses to the extent that the taxpayer can demonstrate that these costs are properly allocable to the designated drug under the established standards of financial accounting and reporting of research and development costs.

(D) *Allocation of common costs. Costs for developing and making available the designated drug for both the disease or condition for which it is designated and one or more other diseases or conditions.* In the case where the costs incurred or expected to be incurred in developing and making available the designated drug for the disease or condition for which it is designated are also incurred or expected to be incurred in developing and making available in the United States the same drug for one or more other diseases or conditions (whether or not they are also designated or expected to be designated), the costs shall be allocated between the cost of developing and making available the designated drug for the disease or condition for which the drug is designated and the cost of developing and making available the designated drug for the other diseases or conditions. The amount of the common costs to be allocated to the cost of developing and making available the designated drug for the disease or condition for which it is designated is determined by multiplying the common costs by a fraction the numerator of which is the sum of the expected amount of sales in the United States of the designated drug for the disease or condition for which the drug is designated and the denominator of which is the total expected amount of sales in the United States of the designated drug. For example, if prior to designation, the taxpayer incurs (among other costs)

costs of $100,000 in testing the designated drug for its toxic effect on animals (without reference to any disease or condition), and if the taxpayer expects to recover $500,000 from sales in the United States of the designated drug for disease X, the disease for which the drug is designated, and further expects to recover another $1.5 million from the sales in the United States of the designated drug for disease Y, the taxpayer must allocate a proportionate amount of the common costs of $100,000 to the cost of developing and making available the designated drug for both disease X and disease Y. Since the ratio of the expected amount of sales in the United States of the designated drug for disease X to the total of both the expected amount of sales in the United States of the designated drug for disease X and the expected amount of sales in the United States of the designated drug for disease Y is $500,000/$2,000,000, 25% of the common costs of $100,000 (*i.e.*, $25,000) is allocated to the cost of developing and making available the designated drug for disease X.

(iii) *Recovery from sales.* In determining whether the taxpayer's cost described in paragraph (d)(1)(ii) of this section will be recovered from sales in the United States of the designated drug for the disease or condition for which the drug is designated, the taxpayer shall include anticipated sales by the taxpayer or any person whose right to make such sales is directly or indirectly derived from the taxpayer (such as a licensee or transferee). The anticipated sales shall be based upon the size of the anticipated patient population for which the designated drug would be useful, including the following factors: the degree of effectiveness and safety of the designated drug, if known; the projected fraction of the anticipated patient population expected to be given the designated drug and to continue to take it; other available agents and other types of therapy; the likelihood that superior agents will become available within a few years; and the number of years during which the designated drug would be exclusively available, *e.g.*, under a patent.

(iv) *Recordkeeping requirements.* The taxpayer shall keep records sufficient to substantiate the cost and sales estimates made pursuant to this paragraph (d)(1). The records required by this paragraph (d)(1)(iv) shall be retained so long as the contents thereof may become material in the administration of section 28.

(v) *Presumption that disease or condition is "rare."* If a disease or condition afflicts less than 200,000 persons in the United States (on the date of the determination by the Food and Drug Administration concerning whether the disease or condition is rare), it is conclusively presumed that there is no reasonable expectation that the taxpayer's cost of developing and making available in the United States the designated drug for such disease or condition will be recovered from sales in the United States of the designated drug for the disease or condition for which it is designated. Examples of such diseases or conditions in 1983 are Duchenne dystrophy, one of the muscular dystrophies; Huntington's disease, a hereditary chorea; myoclonus; Tourette's syndrome; and anyotrophic lateral schlerosis (ALS or Lou Gehrig's disease).

(2) *Tax liability limitation*—(i) *Taxable years beginning after December 31, 1983.* The credit allowed by section 28 shall not exceed the taxpayer's tax liability for the taxable year (as defined in section 26(b)), reduced by the sum of the credits allowable under—

(A) Section 21 (relating to expenses for household and dependent care services necessary for gainful employment),

(B) Section 22 (relating to the elderly and permanently and totally disabled),

(C) Section 23 (relating to residential energy),

(D) Section 24 (relating to contributions to candidates for public office),

(E) Section 25 (relating to interest on certain home mortgages), and

(F) Section 27 (relating to the taxes on foreign countries and possessions of the United States).

(ii) *Taxable years beginning before January 1, 1984.* The credit allowed by section 28 shall not exceed the amount of the tax imposed by chapter 1 of the Internal Revenue Code for the taxable year, reduced by the sum of the credits allowable under the following sections as designated prior to the enactment of the Tax Reform Act of 1984 (Pub. Law 98–369):

(A) Section 32 (relating to tax withheld at source on nonresident aliens and foreign corporations and on tax-free covenant bonds),

(B) Section 33 (relating to taxes of foreign countries and possessions of the United States),

(C) Section 37 (relating to the retirement income),

(D) Section 38 (relating to investment in certain depreciable property),

(E) Section 40 (relating to expenses of work incentive programs),

(F) Section 41 (relating to contributions to candidates for public office),

(G) Section 44 (relating to purchase of new principal residence),

(H) Section 44A (relating to expenses for household and dependent care services necessary for gainful employment),

(I) Section 44B (relating to employment of certain new employees),

(J) Section 44C (relating to residential energy),

(K) Section 44D (relating to producing fuel from a nonconventional source),

(L) Section 44E (relating to alcohol used as fuel),

(M) Section 44F (relating to increasing research activities), and

(N) Section 44G (relating to employee stock ownership).

The term "tax imposed by chapter 1," as used in this paragaph, does not include any tax treated as not imposed by chapter 1 of the Internal Revenue Code under the last sentence of section 53 (a).

(3) *Special limitations on foreign testing*—(i) *Clinical testing conducted outside of the United States—In general.* Except as otherwise provided in this subparagraph, expenses paid or incurred with repsect to clinical testing conducted outside the United States (as defined in section 7701(a)(9)) are not eligible for credit under this section. Thus, for example, wages paid an employee clinical investigator for clinical testing conducted in medical facilities in the United States and Mexico generally must be apportioned between the clinical testing conducted within the United States and the clinical testing conducted outside the United States, and only the wages apportioned to the clinical testing conducted within the United States are qualified clinical testing expenses.

(ii) *Insufficient testing population in the United States*—(A) *In general.* If clinical testing is conducted outside of the United States because there is an insufficient testing population in the United States, and if the clinical testing is conducted by a United States person (as defined in section 7701(a)(30)) or is conducted by any other person unrelated to the taxpayer to whom the designation under section 526 of the Federal Food, Drug, and Cosmetic Act applies, then the expenses paid or incurred for clinical testing conducted outside of the United States are eligible for the credit provided by section 28.

(B) *"Insufficient testing population."* The testing population in the United States is insufficient if there are not within the United States the number of available and appropriate human

subjects needed to produce reliable data from the clinical investigation.

(C) *"Unrelated to the taxpayer."* For the purpose of determining whether a person is unrelated to the taxpayer to whom the designation under section 526 of the Federal Food, Drug, and Cosmetic Act and the regulations thereunder applies, the rules of section 613A(d)(3) shall apply except that the number "5" in section 613A(d)(3) (A), (B), and (C) shall be deleted and the number "10" inserted in lieu thereof.

(4) *Special limitation for corporations to which section 934 (b) or section 936 applies.* Expenseses paid or incurred for clinical testing conducted either inside or outside the United States by a corporation to which section 934(b) (relating to limitation on reduction in income tax liability incurred to the Virgin Islands) applies or to which an election under section 936 (relating to Puerto Rico and possession tax credit) applies are not eligible for the credit under section 28.

(5) *Aggregation of expenditures*—(i) *Controlled group of corporations; organizations under common control*—(A) *In general.* In determining the amount of the credit allowable with resepct to an organization that at the end of its taxable year is a member of a controlled group of corporations or a member of a group of organizations under common control, all members of the group are treated as a single taxpayer and the credit (if any) allowable to the member is determined on the basis of its proportionate share of the qualified clinical testing expenses of the aggregated group.

(B) *Definition of controlled group of corporations.* For purposes of this section, the term "controlled group of corporations" shall have the meaning given to the term by section 30(f)(5).

(C) *Definition of organization.* For purposes of this section, an organization is a sole proprietorship, a partnership, a trust, an estate, or a corporation, that is carrying on a trade or business (within the meaning of section 162). For purposes of this section, any corporation that is a member of a commonly controlled group shall be deemed to be carrying on a trade or business if any other member of that group is carrying on any trade or business.

(D) *Determination of common control.* Whether organizations are under common control shall be determined under the principles set forth in paragraphs (b)–(g) of 26 CFR §1.52–1 except that the words "singly or" in 1.52–1(d)(1)(i) of the regulations shall be treated as deleted.

(ii) *Tax accounting periods used*—(A) *In general.* The credit allowable to a member of a controlled group of corporations or a group of organizations under common control is that member's share of the aggregate credit computed as of the end of such member's taxable year.

(B) *Special rule where the timing of clinical testing is manipulated.* If the timing of clinical testing by members using different tax accounting periods is manipulated to generate a credit in excess of the amount that would be allowable if all members of the group used the same tax accounting period, the district director may require all members of the group to calculate the credit in the current taxable year and all future years by using the "conformed years" method. Each member computing a credit under the "conformed years" method shall compute the credit as if all members of the group had the same taxable year as the computing member.

(iii) *Membership during taxable year in more than one group.* An organization may be a member of only one group for a taxable year. If, without application of this paragraph (d)(5)(iii), an organization would be a member of more than one group at the end of its taxable year, the organizaiton shall be treated as a member of the group in which it was included for its preceding taxable year. If the organization was not included for its preceding taxable year in any group in which it could be included as of the end of its taxable year, the organization shall designate in its timely filed return the group in which it is being included. If the return for a taxable year is due before May 1, 1985, the organization may designate its group membership through an amended return for that year filed on or before April 30, 1985. If the organization does not so designate, then the district director with audit jurisdiction of the return will determine the group in which the business is to be included.

(iv) *Intra-group transactions.* (A) *In general.* Because all members of a group under common control are treated as a single taxpayer for purposes of determining the credit, transactions between members of the group are generally disregarded.

(B) *In-house research expenses.* If one member of a group conducts clinical testing on behalf of another member, the member conducting the clinical testing shall include in its qualified clinical testing expenses any in-house research expenses for that work and shall not treat any amount received or accrued from the other member as funding the clinical testing. Conversely, the member for whom the clinical testing is conducted shall not treat any part of any amount paid or incurred as a contract research expense. For purposes of determining whether the in-house research for that work is clinical testing, the member performing the clinical testing shall be treated as carrying on any trade or business carried on by the member on whose behalf the clinical testing is performed.

(C) *Contract reserach expenses.* If a member of a group pays or incurs contracts research expenses to a person outside the group in carrying on the member's trade or business, that member shall include those expenses as qualified clinical testing expenses. However, if the expenses are not paid or incurred in carrying on any trade or business of that member, those expenses may be taken into account as contract research expenses by another member of the group provided that the other member—

(*1*) Reimburses the member paying or incurring the expenses, and

(*2*) Carries on a trade or business to which the clinical testing relates.

(D) *Lease payments and payments for supplies.* The extent to which amounts paid or incurred (*1*) to another member of the group for the lease of personal property owned by a person outside the group, or (*2*) to another member of the group for supplies, are to be taken into account as in-house research expenses for purposes of section 28 shall be determined under the principles set forth in regulations under section 30 (see paragraph (e) (4) and (5) of proposed § 1.44F–6 published in the **Federal Register** for January 21, 1983 (48 FR 2790)).

(6) *Allocations*—(i) *Pass through in the case of an S corporation.* In the case of an S corporation (as defined in section 1361), the amount of the credit for qualified clinical testing expenses computed for the corporation for any taxable year shall be allocated among the persons who are shareholders of the corporation during the taxable year according to the provisions of section 1366 and section 1377.

(ii) *Pass-through in the case of an estate or a trust.* In the case of an estate or a trust, the amount of the credit for qualified clinical testing expenses computed for the estate or trust for any taxable year shall be apportioned between the estate or trust and the beneficiaries on the basis of the income of the estate or trust allocable to each.

(iii) *Pass-through in the case of a partnership*—(A) *In general.* In the case of a partnership, the credit for qualified clinical testing expenses computed for the partnership for any taxable year shall be apportioned among the persons who are partners during the taxable

year in accordance with section 704 and the regulations thereunder.

(B) *Certain partnership non-business expenditures.* A partner's share of an in-house research expense or contract research expense paid or incurred by a partnership other than in carrying on a trade or business of the partnership constitutes a qualified clinical testing expense of the partner if—

(*1*) The partner is entitled to make independent use of the result of the clinical testing, and

(*2*) The clinical testing expense paid or incurred in carrying on the clinical testing would have been paid or incurred by the partner in carrying on a trade or business of the partner if the partner had carried on the clinical testing that was in fact carried on by the partnership.

(C) *Apportionment.* Qualified clinical testing expenses to which paragraph (d)(6)(iii)(B) of this section applies shall be apportioned among the persons who are partners during the taxable year in accordance with section 704 and the regulations thereunder. For purposes of section 28, these expenses shall be treated as paid or incurred directly by the partners rather than by the partnership. Thus, the partnership shall disregard these expenses in computing the credit to be apportioned under paragraph (d)(6)(iii)(A) of this section, and each partner shall aggregate the portion of these expenses allocated to the partner with other qualified clinical testing expenses of the partner in making the computations under section 28.

(iv) *Year in which taken into account.* An amount apportioned to a person under paragraph (d)(6) of this section shall be taken into account by the person in the taxable year of such person in which or with which the taxable year of the corporation, estate, trust, or partnership (as the case may be) ends.

(v) *Credit allowed subject to limitation.* Any person to whom any amount has been apportioned under paragraph (d)(6) (i), (ii), or (iii) of this section is allowed, subject to the limitation provided in section 28(d)(2), a credit for that amount.

(7) *Manner of making an election.* To make an election to have section 28 apply for its taxable year, the taxpayer shall file Form 6765 (Credit for Increasing Research Activities (or for claiming the orphan drug credit)) containing all the information required by that form.

Par. 2. A new § 1.280C–3 would be added to read as follows:

§ 1.280C–3 Disallowance of certain deductions for qualified clinical testing expenses when section 28 credit is allowable.

(a) *In general.* If a taxpayer is entitled to a credit under section 28 for qualified clinical testing expenses (as defined in section 28(b)), it must reduce the amount of any deduction for qualified clinical testing expenses paid or incurred in the year the credit is earned by the amount allowable as credit for such expenses (determined without regard to section 28(d)(2)).

(b) *Capitalization of qualified clinical testing expenses.* In a case in which qualified clinical testing expenses are capitalized, the amount chargeable to the capital account for a taxable year must be reduced by the excess of the amount of the credit allowable for the taxable year under section 28 (determined without regard to section 28(d)(2)) over the amount allowable as a deduction for qualified clinical testing expenses (determined without regard to paragraph (a) of this section) for the taxable year. See section 174 and the regulations thereunder.

(c) *Controlled group of corporations; organizations under common control.* In the case of a taxpayer described in paragraph (d)(5) of § 1.28–1 of this chapter (relating to controlled groups of corporations and organizations under common control), paragraphs (a) and (b) of this section shall be applied in accordance with the rules prescribed for aggregation of expenditures under that paragraph.

(d) *Example.* The following example illustrates the application of paragraphs (a) and (b) of this section.

Example. A incurs $1,000 in clinical testing expenses for which a $500 credit is allowable under section 28. A also elects under section 174 of the Code to amortize these expenses over a 5-year period beginning in the year the credit is claimed. Under paragraph (a), the current year amortization deduction of $200 ($1,000 ÷ 5) is disallowed. Moreover, the amount which would otherwise be capitalized, $800, is reduced by the excess of the amount of the section 28 credit claimed for the taxable year over the amount of the allowable section 174 amortization deduction for the taxable year, or $300 ($500 – $200). Thus, the amount chargeable to the capital account for the taxable year is $500 ($800–$300). A is entitled to amortize $500 over the remaining amortization period, resulting in a deduction of $125 for each of the remaining four years.

Roscoe L. Egger, Jr.,

Commissioner of Internal Revenue.

[FR Doc. 85–9634 Filed 4–18–85; 11:38 am]

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31 CFR Part 10

Regulations Governing the Practice of Attorneys, Certified Public Accountants, Enrolled Agents, and Enrolled Actuaries Before the Internal Revenue Service

AGENCY: Department of the Treasury, Internal Revenue Service.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes modification of the regulations governing practice before the Internal Revenue Service (31 CFR Part 10) by requiring that those who are enrolled to practice before the Internal Revenue Service renew their enrollment on a periodic basis. A condition of eligiblity for renewal of enrollment would be the satisfaction of continuing professional education requirements. The proposal also contemplates a fee for the renewal of enrollment. The fee would be for the purpose of defraying the costs of administering the program. In addition, this notice contains modifications of the regulations reflecting the transfer to the Office of Director of Practice certain functions formerly performed by the Commissioner of Internal Revenue relative to the enrollment of individuals who wish to practice before the Internal Revenue Service.

DATE: Comments must be submitted in writing on or before June 24, 1985. Comments should be sent to the Director of Practice, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, ATTN: PM:HR:DP.

FOR FURTHER INFORMATION CONTACT: Mr. Leslie S. Shapiro, Director of Practice, Internal Revenue Service, Washington, DC 20224, (202) 535–6787.

SUPPLEMENTARY INFORMATION:

Background and Comments

On July 3, 1984, the Treasury Department published in the **Federal Register** (49 FR 27326) an advance notice of proposed rulemaking that would amend the regulations governing practice before the Internal Revenue Service contained in 31 CFR Part 10 (Treasury Department Circular No. 230). The notice addressed the Treasury Department's intent to require those enrolled to practice before the Internal Revenue Service (enrolled agents) to renew their enrollment status on a periodic basis. A condition for renewal would be the satisfaction of continuing education requirements. The basic requirements were delineated in the notice. Written comments on the advance notice were invited and over one hundred were received. Those

comments can be separated into three categories.

(1) Discrimination

The greatest number of commenters believed the scope of the proposal to be unfair. While most endorsed the concept of continuing education, concern was expressed about limiting the requirement to enrolled agents. The position taken was that those eligible to practice before the Internal Revenue Service are attorneys, certified public accountants and enrolled agents. Consequently, they believed the requirement for continuing education should apply to attorneys and certified public accountants as well as to enrolled agents. By limiting the requirement to enrolled agents, the Treasury Department is "discriminating" against them. Some comments contends that attorneys and certified public accountants receive only superficial training in the field of taxation. The commenters expressed belief that the competence level in Federal taxation required for the licensing of those professions is far lower than that required of enrolled agents, while the same privileges are accorded all three categories of practitioners with respect to practice before the Internal Revenue Service.

We endorse the concept that all who practice before the Internal Revenue Service should further their knowledge of Federal tax laws and procedures. Attorneys and certified public accountants are eligible to practice before the Internal Revenue Service under authority of the Agency Practice Act, 5 U.S.C. 500. In pertinent part, that legislation provides:

(b) An individual who is a member in good standing of the bar of the highest court of a State may represent a person before an agency on filing with the agency a written declaration that he is currently qualified as provided by this subsection and is authorized to represent the particular person in whose behalf he acts.

(c) An individual who is duly qualified to practice as a certified public accountant in a State may represent a person before the Internal Revenue Service of the Treasury Department on filing with that agency a written declaration that he is currently qualified as provided by this subsection and is authorized to represent the particular person in whose behalf he acts.

The law eliminated agency-established admission requirements for licensed attorneys who appear before most Federal agencies and for certified public accountants who appear before the Internal Revenue Service. Consequently, the enactment of the legislation obviated the enrollment program insofar as attorneys and certified public accountants are concerned and left with their respective licensing bodies complete authority to govern their standing as attorneys and certified public accountants.

As a result of the Agency Practice Act, any attorney in good standing or duly qualified certified public accountant may practice before the Internal Revenue Service upon filing with the Internal Revenue Service a declaration of his or her good standing and authority to represent the taxpayer concerned, 31 CFR, 10.3 (a) and (b). If this condition is met (and a proper power of attorney where required is filed), the Internal Revenue Service is required by law to recognize the attorney or certified public accountant. Stated another way, the Internal Revenue Service is prohibited from placing any limitation or qualification on the recognition of an attorney or certified public accountant who has met the conditions of the statute. To require continuing education of an attorney or certified public accountant would not be a condition for renewal of enrollment since they are not enrolled to practice before the Internal Revenue Service by the Treasury Department; to require it as a condition of eligibility to practice before the Internal Revenue Service would be a limitation not permitted by law.

The licensing body of each state has authority to require continuing education of attorneys and certified public accountants who are licensed within that jurisdiction. In this connection, nearly all states have continuing education requirements for certified public accountants and a number impose them on attorneys. The "licensing" body for enrolled agents is the Treasury Department. Consequently, like state licensing bodies with respect to attorneys and certified public accountants, Treasury has sole responsibility for the good standing of enrolled agents. We continue to believe that continuing education is a positive way of helping assure that the enrolled agent community keeps abreast of the volatile and dynamic nature of our tax laws and procedures. In fact, most of those whose comments claimed "discrimination" acknowledged the benefit of continuing education.

(2) Licensed Public Accountants

A number of comments were from enrolled agents who are also licensed public accountants and must meet their respective state licensing authorities' continuing education requirements in order to maintain their good standing. The commenters requested exemption from the requirements of the proposal. We believe the requirements of the regulations should be applied evenly to all enrolled agents, regardless of licensed public accountant status. An undue hardship is not anticipated for those individuals to meet the continuing education requirements set forth in this notice. We expect that satisfaction of recognized continuing education programs in the field of taxation which meet state requirements also will meet the Treasury Department requirements. Consequently, we believe it is more likely than not that a licensed public accountant will satisfy, through one continuing education program, both his or her state's continuing education requirements and those of the Treasury Department.

(3) Inconvenience

Some of those who commented observed that the unavailability of sufficient courses in certain geographic areas and the registration costs for some courses may make it inconvenient or difficult to meet the continuing education requirements set forth in the advance notice. To address those concerns, the proposed regulations reduce the number of hours from 30 hours per year (90 hours over a three year period) to 24 hours per year (72 hours over a three year period). In addition, the proposal contemplates that qualifying correspondence and/or home study courses may be utilized to satisfy the requirements of the regulations. These will be particularly appropriate for persons who find the availability of other courses inconvenient because of geographic location and/or cost.

Summary of Renewal Requirements

While the requirements for renewal of enrollment were set forth in the advance notice of proposed rulemaking, the following summary is being provided to re-familiarize the reader with the highlights of those requirements and with the modifications made to them.

(A) *Enrollment Renewal Requirements.* All enrolled agents would be required to renew their enrollment every three years in order to maintain good standing and authority to engage in practice before the Internal Revenue Service. This would be a condition for a active enrollment beginning in the year 1987. All individuals enrolled to practice before the Internal Revenue Service would be required to apply for renewal during the period October 1, 1986 to December 31, 1986. The first effective date of renewal would be April 1, 1987. Thereafter, applications for renewal would be required during the period between

October 1, 1989 and December 31, 1989 and between October 1 and December 31 every third year subsequent thereto. A condition for renewal of enrollment would be the satisfaction of continuing education requirements in accordance with the proposed regulations. While the proposal provides for waiver of the mandatory continuing education requirements under certain circumstances, those individuals who receive waivers would be required to make application for renewal of enrollment.

(B) *Qualifying Programs.* It is important that qualifying educational programs be responsive to the needs of a tax practioner. In this connection, an individual enrolled to practice before the Internal Revenue Service has established a level of knowledge with regard to the Internal Revenue Code and regulations, either through previous experience an as employee of the Internal Revenue Service or by passing the Special Enrollment Examination administered by the Internal Revenue Service. Therefore, the overriding consideration in determining whether a specific program qualifies as acceptable continuing education would be that it be a course of learning in current subject matter which will enhance the professional knowledge of an enrolled agent in Federal taxation or Federal tax related matters. The publication of a comprehensive listing of applicable educational courses or subject matter is not contemplated. Professional knowledge of an enrolled agent is considered to include (but not restricted to) accounting, financial management, business computer science and taxation. Taking a particular course would qualify if it can be demonstrated that the subject matter would provide substantive improvement of the professional knowledge or methods of the enrolled agent. To help ascertain the soundness of a qualifying program, it must be conducted by a sponsor who has met the requirements of the proposal. We also recognize that instructing relevant courses, writing articles and successfully completing the Internal Revenue Service Special Enrollment Examination are ways of demonstrating continuing knowledge. Consequently, such activities could be used to help satisfy the continuing education requirements of the regulations.

(C) *Hours.* Each individual making application for renewal of enrollment to practice before the Internal Revenue Service would be required to complete 72 hours of qualifying continuing education during the three calendar years preceding each renewal date. A minimum of 16 hours of qualifying continuing education would be required to be completed each calendar year of an enrollment cycle (the three year perod). An individual granted initial enrollment during an enrollment cycle would be required to complete two hours of qualifying continuing education for each month enrolled during the initial enrollment cycle. Enrollment for any part of a month would be considered enrollment for the entire month.

In order to effectively implement renewed enrollment for April 1, 1987, all individuals enrolled to practice before the Internal Revenue Service would be required to complete 24 hours of qualifying continuing education during the period between January 1, 1986 and December 31, 1986. Individuals granted initial enrollment during the period between January 1, 1986 and December 31, 1986 would be exempt from the continuing education requirements, but would be required to file a timely application for renewal of enrollment.

(D) *Measurement of Continuing Professional Education Programs.* All programs would be measured in terms of 50-minute contact hours. The shortest recognized program would be one contact hour. The purpose of this standard is to develop uniformity and substance in the activity. A contact hour is defined as 50 minutes of continuous participation in a program. Under this standard, credit would be granted only for full contact hours. A program lasting more than 50 minutes but less than 100 minutes would count only for one hour. For example, a program lasting 100 minutes would be considered two contact hours and a program lasting 90 minutes would be considered one contact hour. When individual segments are fewer than 50 minutes at continuous conferences, conventions and the like, the sum of the segments would be considered one total program, but would be assessed on the basis of a 50-minute contact hour and multiples thereof. For example, two 90-minute segments (180 minutes) at a continuous program would be counted as three contact hours.

For university or college courses, each semester hour credit would equal 15 contact hours. A quarter hour credit would equal 10 contact hours.

(E) *Waiver.* The proposal contemplates waiver of the mandatory continuing education requirement under circumstances warranting it. For example, the waiver would be available in those instances where physical circumstances preclude an enrolled agent from meeting the requirements of the proposal, e.g., prolonged debilitating illness or extended absence from the country. In all instances, a request for waiver would be required to be accompanied by appropriate documentation and/or explanation the Director of Practice deems necessary. The granting of a waiver would not preclude the requirement for filing a timely application for renewal of enrollment.

(F) *Fees.* It is contemplated that a reasonable renewal fee would be charged each enrolled agent who submits a renewal application. The purpose of the fee is to provide funding for administration of the renewal of enrollment program. The amount of the fee would be established by the Director of Practice and would be non-refundable. Fee information would be published in the renewal material furnished enrolled agents.

(G) *Failure to Renew and/or Satisfy Continuing Professional Education Requirements.* An enrolled agent who fails to make application for renewal or who fails to meet the continuing education requirements would have his or her enrollment placed in an inactive status until such time that an application for renewal of enrollment is filed and/or evidence of compliance with the regulation is provided. During inactive status, the individual would be ineligible to practice before the Internal Revenue Service.

An individual in an inactive status who has not filed an application for renewal of enrollment or has not satisfied the requirements for renewal within three years from the expiration date of his or her last active enrollment, would be considered to have abandoned his or her enrollment and such enrollment would terminate. Eligibility for enrollment must then be reestablished by successful completion of the Internal Revenue Service Special Enrollment Examination.

(H) *Verification.* Under the proposal, the Director of Practice could review the continuing education records of enrolled agents and/or program sponsors in a manner deemed appropriate to determine compliance with the requirements and standards for renewal of enrollment as provided. Failure to comply with a request for the appropriate documentation could result in a disqualification of the continuing education hours claimed.

Amendments Relating to Transfer of Functions

On October 31, 1982, certain responsibilities relative to the enrollment of individuals who wish to

practice before the Internal Revenue Service were transferred from the Commissioner of Internal Revenue to the Director of Practice. This proposal updates the regulations to reflect the transfer of those functions. In pertinent part it:

(1) Authorizes the Director of Practice to act upon applications for enrollment to practice before the Internal Revenue Service;

(2) Provides for appeal to the Secretary of the Treasury from the denial by the Director of Practice of an application for enrollment; and

(3) Authorizes the Director of Practice to empower any person to represent another before the Internal Revenue Service without enrollment for the purpose of a particular matter.

The proposal also modifies 31 CFR 10.1(b) to reflect that the duties of the Director of Practice encompass the discipline of appraisers. This duty has been given the Director of Practice pursuant to section 156 of the Deficit Reduction Act of 1984, 98 Stat. 695, amending 31 U.S.C. 330. A notice of proposed rulemaking implementing such amendment was published in the **Federal Register** (50 FR 7075) on February 20, 1985.

Special Analyses

This rule relates solely to professional services in connection with Internal Revenue Service and Treasury Department proceedings and is not expected to have any significant economic consequences.

Therefore, it has been determined that this rule is not a major rule as defined in Executive Order 12291 and a regulatory impact analysis is not required. It is hereby certified that this rule is not expected to have a significant economic impact on a substantial number of small entities. Accordingly, a regulatory flexibility analysis is not required.

Paperwork Reduction Act

The collection of information requirements contained in this proposed rule has been submitted to the Office of Management and Budget pursuant to the Paperwork Reduction Act of 1980 (44 U.S.C. 3504(h)). Comment on these requirements should be directed to the Office of Information and Regulatory Affairs, Washington, DC 20503, Attention: Desk Officer for the Department of the Treasury, Office of the Secretary. Copies of those comments should be submitted to the Director of Practice at the address previously specified.

Drafting Information

The author of these regulations is Mr. Leslie S. Shapiro, Director of Practice, Department of the Treasury. Other personnel in the Treasury Department participated in the development of the regulations, both as to substance and style.

List of Subjects in 31 CFR Part 10

Administrative rules and procedures, Lawyers, Accountants, Enrolled agents, Enrolled actuaries, Appraisers.

Authority: These proposed rules are issued under authority of Sec. 3, 23 Stat. 258, secs. 2-12, 60 Stat. 237 et seq.; 5 U.S.C. 301; 31 U.S.C. 330; 31 U.S.C. 321.

Proposed Amendments to Regulations

PART 10—[AMENDED]

Accordingly, 31 CFR Part 10 is proposed to be amended as follows:

§ 10.1 [Amended]

1. In § 10.1, paragraph (b) is revised to read as follows:

* * * * *

(b) *Duties.* The Director of Practice shall act upon applications for enrollment to practice before the Internal Revenue Service; institute and provide for the conduct of disciplinary proceedings relating to attorneys, certified public accountants, enrolled agents, enrolled actuaries and appraisers; make inquiries with respect to matters under his jurisdiction; and perform such other duties as are necessary or appropriate to carry out his functions under this part or as are prescribed by the Secretary of the Treasury.

§§ 10.4, 10.5, and 10.7 [Amended]

2. In § 10.4; §§ 10.5 (a), (b), and (c); and § 10.7; in each place where it appears, the word "Commissioner" is removed and the words "Director of Practice" inserted.

3. In § 10.5, paragraph (d) is revised to read as follows:

§ 10.5 Application for enrollment.

* * * * *

(d) *Appeal from denial of application.* The Director of Practice, in denying an application for enrollment, shall inform the applicant as to the reason(s) therefor. The applicant may, within 30 days after receipt of the notice of denial, file a written appeal therefrom, together with his/her reasons in support thereof, to the Secretary of the Treasury. A decision on the appeal will be rendered by the Secretary of the Treasury as soon as practicable.

4. Section 10.6 is revised to read as follows:

§ 10.6 Enrollment.

(a) *Roster.* The Director of Practice shall maintain rosters of all individuals:

(1) Who have been granted active enrollment to practice before the Internal Revenue Service;

(2) Whose enrollment has been placed in an inactive status for failure to meet the requirements for renewal of enrollment;

(3) Who have been disbarred or suspended from practice before the Internal Revenue Service;

(4) Whose offer of consent to resignation from enrollment to practice before the Internal Revenue Service has been accepted by the Director of Practice under § 10.55 of this part; and

(5) Whose application for enrollment has been denied.

(b) *Enrollment card.* The Director of Practice will issue an enrollment card to each individual whose application for enrollment to practice before the Internal Revenue Service is approved after the effective date of this regulation. Each such enrollment card will be valid for the period stated thereon. Enrollment cards issued individuals before January 1, 1987 shall become invalid after March 31, 1987. An individual having an invalid enrollment card is not eligible to practice before the Internal Revenue Service.

(c) *Term of enrollment.* Active enrollment to practice before the Internal Revenue Service is accorded each individual enrolled, so long as renewal of enrollment is effected as provided in this part.

(d) *Renewal of enrollment.* To maintain active enrollment to practice before the Internal Revenue Service, each individual enrolled is required to have his/her enrollment renewed as set forth herein. Failure by an individual to receive notification from the Director of Practice of the renewal requirement will not be justification for circumvention of such requirement.

(1) All individuals enrolled to practice before the Internal Revenue Service before October 1, 1986 shall apply for renewal of enrollment during the period between October 1, 1986 and December 31, 1986. Those who receive initial enrollment between October 1, 1986 and December 31, 1986 may apply for renewal of enrollment by March 1, 1987. The first effective date of renewal will be April 1, 1987.

(2) Thereafter, applications for renewal will be required between October 1, 1989 and December 31, 1989, and between October 1 and December 31 of every third year subsequent thereto. Those who receive initial enrollment during the renewal

application period may apply for renewal of enrollment by March 1 of the following year. The effective date of renewed enrollment will by April 1, 1990, and April 1 of every third year subsequent thereto.

(3) The Director of Practice will notify the individual of renewal of enrollment and will issue a card evidencing such renewal.

(4) A reasonable nonrefundable fee may be charged for each application for renewal filed with the Director of Practice.

(5) Forms required for renewal may be obtained from the Director of Practice, Internal Revenue Service, Washington, DC 20224.

(e) *Condition for renewal: Continuing Professional Education.* In order to qualify for renewal of enrollment, an individual enrolled to practice before the Internal Revenue Service must provide satisfactory evidence, on a form prescribed by the Director of Practice, of having satisfied the following continuing professional education requirements.

(1) *For renewed enrollment affective April 1, 1987.* (i) A minimum of 24 hours of continuing education credit must be completed between January 1, 1986 and December 31, 1986.

(ii) An individual who receives initial enrollment between January 1, 1986 and December 31, 1986 is exempt from the continuing education requirement for the renewal of enrollment effective April 1, 1987, but is required to file a timely application for renewal of enrollment.

(2) *For renewed enrollment effective April 1, 1990 and every third year thereafter.* (i) A minimum of 72 hours of continuing education credit must be completed between January 1, 1987 and December 31, 1989, and during each three year period subsequent thereto. Each such three year period is known as an enrollment cycle.

(ii) A minimum of 16 hours of continuing education credit must be completed in each calender year of an enrollment cycle.

(iii) An individual who receives initial enrollment during an enrollment cycle msut complete two (2) hours of qualifying continuing education credit for each month enrolled during such enrollment cycle. Enrollment for any part of a month is considered enrollment for the entire month.

(f) *Qalifying continuing education.*—(1) *In General.* To qualify for continuing education credit, a course of learning must:

(i) Be a qualifying program designed to enhance the professional knowledge of an individual in Federal taxation or Federal tax related matters, i.e. programs comprised of current subject matter in Federal taxation or Federal tax related matters to include accounting, financial management, business computer science and taxation; and

(ii) Be conducted by a qualifying sponsor.

(2) *Qualifying Programs.*—(i) *Formal programs.* Formal qualify as continuing education programs if they:

(A) Require attendance;

(B) Require the program be conducted by a qualified instructor, discussion leader or speaker, i.e. a person whose background, training, education and/or experience is appropriate for instructing or leading a discussion on the subject matter of the particular program; and

(C) Require a written outline which must be retained by the attendee for a three year period following renewal of enrollment.

(ii) *Correspondence or individual study programs (including taped programs).* Qualifying continuing education programs include correspondence of individual study programs completed on an individual basis by the enrolled individual. The allowable credit hours for such programs will be measured on a basis comparable to the measurement of a seminar or course for credit in an accredited educational institution.

(iii) *Serving as an instructor, discussion leader or speaker.* One hour of continuing education credit will be awarded for each contact hour completed as an instructor, discussion leader or speaker at an educational program which meets the continuing requirements of those attending. In addition, two hours of continuing education credit may be awarded for actual subject preparation time for each contact hour completed as an instructor, discussion leader or speaker as such programs. It will be the responsibility of the individual claiming such credit to maintain records to verify preparation time. The maximum credit for instruction and preparation may not exceed 25% of the continuing education requirement for an enrollment cycle. Presentation of the same subject matter in an instructor, discussion leader or speaker capacity more than one time during an enrollment cycle will not qualify for continuing education credit.

(iv) *Credit for published articles, books, etc.* Continuing education credit will be awarded for publication on Federal taxation or Federal tax related matters to include accounting, financial management, business computer science, and taxation, provided the content of such publications is current and designed for the enhancement of the professional knowledge of an individual enrolled to practice before the Internal Revenue Service. The credit allowed will be on the basis of one hour credit for each hour of preparation time for the material. It will be the responsibility of the person claiming the credit to maintain records to verify preparation time. The maximum credit for publications may not exceed 25% of the continuing education requirement of any enrollment cycle.

(v) *Periodic examination.* Individuals may establish eligibility for renewal of enrollment for any enrollment cycle by:

(A) Achieving a passing score on each part of the Special Enrollment Examination during the three year period to renewal; and

(B) Completing a minimum of 16 hours of qualifying continuing education during the last year of an enrollment cycle.

(g) *Sponsors.* (1) Sponsors are those responsible for presenting programs.

(2) To qualify as a sponsor, a program presenter must:

(i) Be recognized by the licensing body of any State, possession, territory, Commonwealth, or the District of Columbia responsible for the issuance of a license in the field of accounting or law; or file a sponsor agreement with the Director of Practice to obtain approval of the program as of the a qualified continuing education program; and

(ii) Ensure that its program meets the following requirements:

(A) Programs must be developed by individual(s) qualified in the subject matter.

(B) Program subject matter must be current.

(C) Instructors, discussion leaders, and speakers must be qualified with respect to program content.

(D) Programs must include some means for evaluation of technical content and presentation.

(E) Certificates of completion must be provided those who have successfully completed the program.

(F) Records must be maintained by the sponsor to verify completion of the program and attendance by each participant. Such records must be retained for a period of three years following completion of the program.

(h) *Measurement of continuing education coursework.*

(1) All continuing education programs will be measured in terms of contact hours. The shortest recognized program will be one contact hour.

(2) A contact hour is 50 minutes of continuous participation in a program. Credit is granted only for a full contact hour, i.e. 50 minutes or multiples thereof.

For example, a program lasting more than 50 minutes but less than 100 minutes will count as one contact hour.

(3) Individual segments at continuous conferences, conventions and the like will be considered one total program. For example, two 90-minute segments (180 minutes) at a continuous conference will count as three contact hours.

(4) For accredited university or college courses, each semester hour credit will equal 15 contact hours and a quarter hour credit will equal 10 contact hours.

(i) *Recordkeeping requirements.*

(1) The individual seeking renewal of enrollment is responsible for documenting all completed continuing education credit hours claimed on an application for renewal of enrollment.

(2) In the case of courses taken for scholastic credit at an accredited university, college or high school, course syllibi and evidence of satisfactory completion of the course are required.

(3) In the case of non-credit courses taken at educational institutions, a signed statement of the hours of attendance must be obtained from the sponsor.

(4) In the case of other qualifying continuing education programs, a course outline and certificate of completion of the course must be retained.

(5) All documentation to support fulfillment of the continuing education requirements must be retained for a period of three years following the date of renewal.

(j) *Reporting requirements.* (1) Each individual making application for renewal of enrollment is required to report satisfactory completion of the continuing education requirement on the application for renewal form.

(2) Each individual applying for renewal shall provide the information required on the application for renewal form with regard to qualifying continuing professional education credit hours. Such information shall include:

(i) The name of sponsoring organization;

(ii) The location of program;

(iii) The title of program and description of content;

(iv) The dates attended;

(v) The credit hours claimed; and

(vi) The name of instructor, discussion leader, or speaker.

(3) To receive continuing education credit for service completed as an instructor, discussion leader, or speaker, the following information must be provided:

(i) The name of sponsoring organization;

(ii) The location of program;

(iii) The title of program and description of content;

(iv) The dates of program; and

(v) The credit hours claimed.

(4) To receive continuing education credit for publications, the following information must be provided:

(i) The publisher;

(ii) The title of publication;

(iii) A copy of publication; and

(iv) The date of publication.

(5) Each applicant for renewal is required to sign a statement under penalty of perjury that the information is true and accurate.

(6) The Director of Practice may require an applicant for renewal to file additional information regarding continuing education credit hours claimed. An individual who fails to comply with the request of the Director of Practice may have the continuing education hours claimed disallowed.

(k) *Waivers.*

(1) Waiver from the continuing education requirements for a given period may be granted by the Director of Practice for the following reasons:

(i) Health, which prevented compliance with the continuing education requirements;

(ii) Extended active military duty;

(iii) Absence from the United States for an extended period of time due to employment or other reasons, provided the individual does not practice before the Internal Revenue Service during such absence; and

(iv) Other compelling reasons, which will be considered on a case-by-case basis.

(2) A request for waiver must be accompanied by appropriate documentation. The individual will be required to furnish any additional documentation or explanation deemed necessary by the Director of Practice. Examples of appropriate documentation could be a medical certificate, military orders, etc.

(3) A request for waiver must be filed no later than the last day of the renewal application period.

(4) If a request for waiver is not approved, the individual will be so notified by the Director of Practice.

(5) Those who are granted waivers are required to file timely applications for renewal of enrollment.

(l) *Failure to comply.*

(1) An individual who fails to meet the requirements of eligibility for renewal of enrollment will be notified by the Director of Practice. The notice will state the basis for the non-compliance and will provide the individual an opportunity to furnish in writing information relating to the matter within 20 days of the date of the notice. Such information will be considered by the Director of Practice in making a final determination as to eligibility for renewal of enrollment.

(2) An individual who has not filed a timely application for renewal of enrollment, who has not made a timely response to the notice of non-compliance with the renewal requirements, or who has not satisfied the requirements of eligibility for renewal will be placed on a roster of inactive enrolled individuals for a period of three years. During this time, the individual will be ineligible to practice before the Internal Revenue Service.

(3) An individual may satisfy the requirements of renewal of enrollment at any time during his/her inactive enrollment status and will be placed back on the active enrollment roster.

(4) If there has been a failure to satisfy the continuing education requirements during an enrollment cycle, the affected individual may make up the deficiency during his/her period of inactive enrollment by completing the number of unsatisfied continuing education hours. In addition, the individual must complete four (4) hours of continuing education for each month of his/her inactive enrollment status not to exceed 36 hours. Such hours of continuing education may not be used to satisfy the requirements of the enrollment cycle in which the individual has been placed in an inactive status.

(5) An individual placed in an inactive status must file an application for renewal of enrollment and satisfy the requirements for renewal as set forth in this section within three years of being placed in inactive status. If this is not done, the name of such individual will be removed from the inactive enrollment roster and his/her enrollment will terminate. Eligibility for enrollment must then be reestablished by the individual as provided in this part.

(m) *Period of ineligibility.* An individual who is ineligible to practice before the Internal Revenue Service by virtue of disciplinary action is required to meet the requirements for renewal of enrollment during the period of ineligibility.

(n) *Verification.* The Director of Practice may review the continuing education records of an enrolled individual and/or qualified sponsor in a manner deemed appropriate to determine compliance with the requirements and standards for renewal of enrollment as provided in this part.

5. Section 10.99 is revised to read as follows:

§ 10.99 Effective date of regulations.

The regulations of this part shall become effective on (date of publication) and shall supersede all prior regulations related to this part.

Dated: April 10, 1985.

Margery Waxman,

Acting General Counsel.

[FR Doc. 85-9633 Filed 4-22-85; 8:45 am]

BILLING CODE 4810-25-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-5-FRL-2822-4]

Ohio State Implementation Plan; Extension of Comment Period

AGENCY: Environmental Protection Agency (USEPA).

ACTION: Notice of extension of the public comment period.

SUMMARY: USEPA is giving notice that the public comment period for the notice of proposed rulemaking, published March 5, 1985 (50 FR 8749), for an inter-facility alternative emission control program plan (bubble) between seven metal coating lines and eight degreasers which are located at Harrison Radiator, General Motors Corporation, in Montgomery County, Ohio, has been extended to April 26, 1985. USEPA is taking this action because an extension was requested by Natural Resources Defense Council, Incorporated.

DATE: Comments are now due on or before April 26, 1985.

FOR FURTHER INFORMATION CONTACT: Uylaine E. McMahan, Regulatory Specialist (5AR-26), Air and Radiation Branch, U.S. Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604 (312) 353-0396.

This notice is issued under authority of sections 110, 172 and 301(a) of the Clean Air Act, as amended (42 U.S.C. 7410 and 7502).

Dated: April 11, 1985.

Valdas V. Adamkus,

Regional Administrator.

[FR Doc. 85-9716 Filed 4-22-85; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 704

[OPTS-82016; FRL-2722-7]

Hexachloronorbornadiene; Proposed Submission of Notice of Manufacturer, Import, or Processing and Determination of Significant New Use

Correction

In FR Doc. 85-4237 beginning on page 7351 in the issue of Friday, February 22, 1985, make the following correction:

§ 704.142 [Corrected]

On page 7355, in the middle column, in § 704.142(a)(5), the formula should read as set forth below:

$$E = \frac{C_a T_a + C_b T_b + \cdots C_n T_n}{8}$$

BILLING CODE 1505-01-M

GENERAL SERVICES ADMINISTRATION

48 CFR Part 552

[GSAR Notice No. 5-85]

Identification of Provisions and Clauses

AGENCY: Office of Acquisition Policy, GSA.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice invites written comments on a proposed change to § 552.103 of the General Sevices Administration Acquisition Regulation (GSAR), which would provide a method for identifying provisions and clauses used in solicitations and contracts which are "substantially the same as" FAR or GSAR provisions or clauses so that readers will be alerted of the fact that the provision or clause is a variation of a FAR or GSAR provision or clause. The intended effect is to improve the regulatory coverage.

DATES: Comments are due in writing not later than May 23, 1985.

ADDRESS: Requests for a copy of the proposal and comments should be addressed to Ida M. Ustad, Office of GSA Acquisition Policy and Regulations, 18th and F Sts., NW, Room 4027, Washington, D.C. 20405.

FOR FURTHER INFORMATION CONTACT: Ms. Shirley Scott, Office of GSA Acquisition Policy and Regulations, 18th and F Sts., NW, Washington, D.C. 20405 (202) 523-3782.

SUPPLEMENTARY INFORMATION:

Impact

The Director, Office of Management and Budget (OMB), by memorandum dated December 14, 1984, exempt certain procurement regulations from Executive Order 12291. The exemption applies to this proposed rule. The General Services Administration (GSA) certifies that this document will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 et. seq.). The proposed regulation will benefit prospective contractors by making it easier for them to identify variations in standard Far and GSAR provisions and clauses when reviewing solicitations and contracts. Therefore, no regulatory flexibility analysis has been prepared. The rule does not contain information collection requirements which require the approval of OMB under 44 U.S.C. 3501 et. seq.

List of Subject in 48 CFR Ch. 5

Government procurement.

(40 U.S.C. 486(c))

Dated: April 10,1985.

Ida M. Ustad

Acting Director, Office of Acquisition Policy and Regulations.

[FR Doc. 85-9642 Filed 4-22-85; 8:45 am]

BILLING CODE 6820-61-M

Notices

Federal Register
Vol. 50, No. 78
Tuesday, April 23, 1985

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

ACTION

Proposed VISTA Guidelines

AGENCY: ACTION.

ACTION: Proposed notice of VISTA Guidelines.

SUMMARY: This notice is intended to clarify and update the guidelines under which the VISTA program will operate. The proposed revisions to the current VISTA Guidelines (effective February 5, 1982) incorporate changes made to Title I, Part A of the Domestic Volunteer Service Act of 1973, as amended (Pub. L. 93–113), by the amendments of 1984 (Pub. L. 98–288). They are also intended to facilitate the VISTA project approval process and to clarify VISTA's project selection criteria. The proposed revisions are discussed under Supplementary Information.

DATE: Written comments should be submitted no later than May 23, 1985, to Suzanne Gibson Wise, Director of VISTA, ACTION, 806 Connecticut Avenue, NW., Washington, D.C. 20525.

FOR FURTHER INFORMATION CONTACT: Susanne Gibson Wise, Director of VISTA, ACTION, 806 Connecticut Avenue, NW., Washington, D.C., (202) 634–9445).

SUPPLEMENTARY INFORMATION: The revised VISTA Guidelines are contained in the following parts:

Part I— Program Directions
Part II—Criteria for Selection of VISTA Sponsors and Projects
Part III—VISTA Project Approval Process

The first Part restates the legislative mandate and overall mission of the VISTA program. It also incorporates the amended language of section 101 of the Act which adds, as an objective of VISTA, the generation of private sector resources and the encouragement of volunteer service at the local level.

The second Part identifies criteria used by ACTION staff in selecting VISTA sponsors and projects. It incorporates the amended language of section 103 of the Act requiring all VISTA project applications to contain evidence of local support. It also requires ACTION staff to use the Additional Factors cited in Part II. B. 3 in choosing among VISTA project applicants who meet all of the minimum project selection criteria.

The Additional Factors section of the criteria has been revised to include items relating to: (a) Institutionalization of VISTA activities; (b) the track record of the sponsoring organization; (c) adequacy of sponsor-provided support; (d) appropriateness of the VISTA Volunteer role; (e) relationship of volunteer qualifications requested to the project assignment; and (f) maximum utilization of the Volunteers' time.

A long-standing VISTA policy prohibition against volunteer involvement in religious activities as part of their project assignment is also incoporated in this Part.

The third Part describes procedures under which new and renewal VISTA project applications are reviewed and selected. The procedures for new project approvals remain essentially unchanged with final approval authority resting with the Director of VISTA. Final approval authority for second and third year project renewals is delegated to the ACTION Regional Director from the Director of VISTA.

Part III. B. 2 clarifies the project approval process for all existing VISTA projects requesting renewal for a fourth year or more, requesting an increase in their level of volunteers, or proposing a substantial change in the scope of the project.

Part III. C provides ACTION Regional Directors with final approval authority for project extensions of up to six months in order to allow volunteers to complete their terms of service and/or allow projects additional time for institutionalization of VISTA activities.

Part III. D is a new provision advising agencies or organizations applying for VISTA Volunteers of the requirement to comply with Executive Order 12372 as set forth in 45 CFR Part 1233.

Part I—Program Directions

Volunteers in Service to America (VISTA) is authorized under Title I, Part A, of the Domestic Volunteer Service Act of 1973, as amended (Pub. L. 93–113) ("the Act"). The statutory mandate of the VISTA program is "to eliminate and alleviate poverty and poverty-related problems in the United States by encouraging and enabling persons from all walks of life, all geographical areas, and all age groups, including low-income individuals, and elderly and retired Americans, to perform meaningful and constructive volunteer service in agencies, institutions, and situations where the application of human talent and dedication may assist in the solution of poverty and poverty-related problems and secure exploit opportunities for self-advancement by persons afflicted with such problems. In addition the objective of [VISTA] is to generate the commitment of private sector resources and to encourage volunteer service at the local level to carry out the purposes [of the program]" (42 U.S.C. 4951).

VISTA provides full-time volunteers to local public and private non-profit organizations which have goals in accord with the VISTA mission. VISTA carries out its legislative mandate by assigning Volunteers to sponsoring organizations to work on projects determined and defined by the sponsoring organization and by the low-income individuals to be served by the VISTA Volunteers.

The VISTA program can effectively serve the poor by encouraging projects which enable low-income communities and individuals to develop the skills and resources necessary to survive and prosper in the private sector, and by making the private sector aware of the basic needs of low-income people. Organizations which have a demonstrable pattern of approaching people and problems in a constructive, collaborative way have the best chance of fulfilling the goals of the Act and of the particular project. VISTA project sponsors must actively elicit the support and/or participation of local public and private sector elements in order to enhance the chances of a project's success, as well as institutionalize the VISTA activities when ACTION/VISTA no longer provides Volunteers.

The VISTA Volunteer's role in addressing the problems of poverty in a particular community should be focused on mobilizing community resources and increasing the capacity of the low-income community to solve its own problems. While VISTA Volunteers may serve as important links between the

project sponsor and the people being served, it is crucial to the concept of achieving self-sufficiency among the low-income community that sponsoring organizations plan for the eventual phase-out of VISTA Volunteers and for the absorption of the Volunteers' functions by other facets of the community.

(42 U.S.C. 4951; 4952)

Part II—Criteria for Selection of VISTA Sponsors and Projects

A. The following criteria will be employed by ACTION staff in the selection of VISTA sponsors and in the approval of new and continuation VISTA projects. All of the stated elements below must be found in the applicant's proposal. The project must:

1. Be poverty-related in scope and otherwise comply with the provisions of the Domestic Volunteer Service Act of 1973, as amended (42 U.S.C. 4951 *et seq.*) applicable to VISTA and all applicable published regulations, guidelines and ACTION policies.

2. Comply with applicable financial and fiscal requirements established by ACTION or other elements of the Federal Government.

3. Show that the goals, objectives and volunteer tasks are attainable within the time frame during which the volunteers will be working on the project and will produce a measurable result.

4. Provide for reasonable efforts to recruit and involve low-income community residents in the planning, development and implementation of the VISTA project.

5. Have evidence of local public and private sector support.

6. Provide for frequent and effective supervision of the volunteers.

7. Identify resources needed and make them available for volunteers to perform their tasks.

8. Have the management and technical capability to implement the project successfully.

B. Additional Factors. ACTION staff will use the following additional tests in choosing among applicants who meet all of the criteria specified above:

1. How important is the proposed project to the low-income community? Who will benefit from the project?

2. Does the project show evidence of skillful and careful planning to attain project goals?

3. Did the sponsor answer project application questions with specificity or somewhat vaguely?

4. Is there any local opposition to the proposed project?

5. Are there plans for the continuation of VISTA activities in the community after the volunteers are withdrawn?

6. *Sponsoring Organization.* (a) Does the sponsoring organization have adequate experience in dealing with the problem(s) identified in the project application?

(b) Are plans for volunteer supervision and sponsor-provided training adequate for the volunteer assignments?

(c) Are transportation arrangements outlined in the project application adequate for the volunteers to carry out their assignments?.

(d) Are the procedures for staff accountability adequate for the VISTA project?

7. *VISTA Volunteers.* (a) Is the number of volunteers being requested appropriate for project goals and objectives as stated? Is a proposal requesting one VISTA Volunteer of such worth as to make development worthwhile?

(b) Are the roles of the volunteers designed to increase self-sufficiency in the low-income community?

(c) Are the volunteer skills/qualifications described in the application appropriate for the assignemnt(s)?

(d) Are the volunteer assignments designed to utilize the full-time volunteers' time to the maximum extent?

C. Prohibited Activities. Applicant and current sponsoring organizations must ensure that the following prohibitions on volunteer and sponsor activity are observed:

1. VISTA Volunteers are prohibited by law from participating in:

(a) Partisan and nonpartisan political activities, including voter registration activities and transporting voters to the polls.

(b) Direct or indirect attempts to influence legislation, or proposals by initiative petition.

(c) Labor and anti-labor organization and related activities.

(d) Any outside employment while in VISTA service.

2. VISTA sponsors are prohibited by law from:

(a) Carrying out projects resulting in the identification of such projects with partisan and nonpartisan political activities, including voter registration activities and providing voters with transportation to the polls.

(b) Assigning volunteers to activities which would result in the displacement of employed workers or impair existing contracts for service.

(c) Requesting or receiving any compensation for the services of volunteers.

3. VISTA Volunteers are prohibited from engaging in any religious activities as part of their duties. VISTA sponsors are prohibited from conducting any religious instruction, worship, proselytization or other religious activity as part of a VISTA project.

Part III—VISTA Project Approval Process

A. Project Approval Process for New Sponsors. In order to assure all potential sponsors equal consideration, the VISTA project approval process for new projects described below is to be followed.

1. When a potential sponsor contacts an ACTION State Office to apply for VISTA resources the State Office will send the sponsor a Preliminary Inquiry Form or a VISTA Project Application Form. State Offices will provide applicants with technical assistance and additional instructions necessary to plan proposed project activities.

(2) Completed VISTA Project Application forms will be reviewed by the State Director as they are received.

(a) Potential projects which the State Director determines to be out of compliance with VISTA legislation and guidelines will be disapproved and the applicant agency/organization notified in writing.

(b) Potential projects that meet minimum VISTA requirements will be assessed by the State Director in terms of the Additional Factors noted in Section IIB above, evidence of local support, the overall quality of the project application, the State programming strategy (e.g. rural/urban program focus, etc.), and the availability of VISTA resources within the State.

3. At least 80 days prior to the planned projects' start dates, the State Director will forward to the ACTION Regional Office all VISTA project applications recommended for placement of VISTA Volunteers.

4. The Regional Director will review the State Director's recommendations and transmit to the Director of VISTA, at least 60 days prior to the planned projects' start dates, all project application packages deemed suitable for VISTA Volunteer placements along with recommendation memos from the State and Regional Offices.

Project applications not transmitted to the VISTA Director by the Regional Director will be returned to the State Director who will, in turn, notify the applicant organization(s) of the projects' non-selection.

5. The Director of VISTA will notify the Regional and State Directors of final decisions on new VISTA project applications within 60 days. Formal action necessary to implement the decisions will be taken by the State

Director after all approved VISTA Project Application forms and necessary auxiliary documents (e.g., Memorandum of Agreement, Memoranda of Understanding) have been reviewed for compliance by the Regional Director.

6. The Regional Office will forward a copy of the complete project document file to VISTA Headquarters. Original project document files will be retained in the Regional Office.

B. Project Approval Process for Existing VISTA Sponsors. All VISTA projects will be reviewed at the time of their renewal request to determine the extent to which the projects are mobilizing support from the community and planning for community continuance of the volunteers' activities.

1. The project approval process outlined below is to be followed for all existing VISTA projects seeking renewal for a *second* or *third* year of operation.

a. Project applications from existing sponsoring organizations which desire continuation of their present VISTA projects, i.e. continuation of the VISTA volunteer activities and/or program issue area(s) previously approved, for a second or third year of operation should be submitted to the ACTION State Office at least 115 days prior to the end of the current project period.

b. The State Director will review the continuation project application, as well as quarterly VISTA Project Progress Reports which have been submitted during the prior project period. The State Director will transmit the complete project renewal package to the Regional Director, along with a recommendation for continuance or non-continuance of the VISTA project, at least 80 days prior to the end of the current project period.

c. If the Regional Director approves the renewal project application, the project will be continued for one year subject to the availability of funds. Formal action necessary to implement the approval decision will be taken by the State Director after all approved VISTA project application forms and auxiliary documents (e.g. Memorandum of Agreement, Memoranda of Understanding) have been reviewed for compliance by the Regional Director.

d. The Regional Office will forward a copy of the complete project document file to VISTA Headquarters. Original project document files will be retained in the Regional Office.

e. If the Regional Director disapproves the renewal project application, the sponsoring organization will be notified by the Regional Director at least 75 days in advance of the end of the current project period that ACTION intends to deny the application for renewal, and the sponsor will be given an opportunity to show cause why the application should not be denied in accordance with section 412 of the Domestic Volunteer Service Act of 1973, as amended (enacted May 21, 1984), and 45 CFR, Part 1206, Subpart B, (effective March 25, 1982).

f. If the current sponsor participates in an informal meeting, the information presented by the sponsor at that meeting, as well as a report of the meeting and recommendations of the Regional Director, will be forwarded within five (5) working days of the meeting to the Director of VISTA for a final decision on the project's renewal application. The project will be continued at its existing level of volunteer and project support pending a final decision by the Director of VISTA.

g. Where a final decision denies project renewal, VISTA volunteers whose terms of service extend beyond the project's expiration date are covered by the provisions of 45 CFR Part 1210.3–2.

2. The project approval process outlined below is to be followed for:

a. all existing VISTA projects seeking continuation for a *fourth* year or longer of the previously approved VISTA volunteer activities and/or program issue area(s);

or

b. all existing VISTA projects approved for less than 15 volunteers seeking an increase of *40% or more* in their previously approved level of VISTA Volunteer positions, and all existing VISTA projects approved for 15 or more volunteers seeking an increase of 30% or more in their previously approved level of volunteers;

c. all existing VISTA sponsors seeking to *change* the programmatic emphasis(es) of the VISTA project and/or substantially *change* the scope of the activities and duties performed by the volunteers (e.g. from literacy to job development, or from agricultural production activities to development of food buying clubs).

(1) Project application should be submitted to the ACTION State Office at least 115 days prior to the beginning of the proposed project period. The State Director will review the project application, as well as quarterly VISTA Project Progress Reports for the prior project period and evidence of local support for the proposed project's activities.

(2) At least 80 days prior to the beginning of the project period, the State Director will transmit the complete project package to the Regional Director, along with a specific justification for the continuance of the current project beyond a third year, or a recommendation regarding the sponsor's revised programmatic emphasis or volunteer activities.

(3) The Regional Director will review the project package and State Director's recommendations and transmit to the Director of VISTA, at least 60 days prior to the start of the project period, any application package deemed suitable for VISTA volunteer placements along with recommendation memos from the State and Regional Offices. The Director of VISTA will render the final decision on the project application package within 60 days. The ACTION State and Regional offices will take formal action to implement the VISTA Director's decision.

(4) If the project application requesting continuation of a current VISTA project for a fourth year or longer, as defined in (B)(1) above, is disapproved at the State, regional or national level, the sponsoring organization will be notified at least 75 days in advance of the end of the current project period that ACTION intends to deny the application for renewal, and the sponsor will be given an opportunity to show cause why the application should not be denied in accordance with section 412 of the Domestic Volunteer Service Act of 1973, as amended, (enacted May 21, 1984), and 45 CFR, Part 1206, Subpart B, (effective March 25, 1982).

(5) If the sponsor participates in an informal meeting, the information presented by the sponsor at that meeting, as well as a report of the meeting and recommendations of the Regional Director will be forwarded within five (5) working days of the meeting to the Director of VISTA for a final decision on the project's renewal application. The project will be continued at its existing level of volunteer and project support pending a final decision by the Director of VISTA.

(6) Project applications from current VISTA sponsors seeking volunteers for *new* projects, [i.e. sponsors proposing to change the programmatic emphasis(es) or substantially change the scope of activities and duties performed by the volunteers from those previously approved] are not subject to the denial of refunding procedures contained in section 412 of the Domestic Volunteer Service Act of 1973, as amended (enacted May 21, 1984), and 45 CFR, Part 1206, Subpart B (effective March 25, 1982).

C. Extensions of Current VISTA Projects. In limited circumstances, current VISTA sponsors may wish to

extend previously approved projects for up to six months in order to allow already-assigned VISTA volunteers to complete their term of service, and/or to conclude activities designed to institutionalize the efforts of VISTA Volunteers when ACTION/VISTA no longer provides Volunteers.

In such instances, the VISTA sponsors will send to the ACTION State Office, at least 60 days prior to the end of the current project period, a detailed justification, along with Section III of the VISTA Project Application form, describing the activities to be performed during the extension period.

The State Director will review the project extension request and transmit it, along with a recommendation memo, to the ACTION Regional Director at least 45 days prior to the end of the current project period.

The ACTION Regional Director will render a final decision on the project extension request within 20 days.

If the request is approved, the ACTION State and Regional Offices will take formal action to implement the decision including extension of the current Momorandum of Agreement.

The Regional Office will forward copies of all project extension documents to VISTA Headquarters. Orignial project document files will be retained in the Regional Office.

Denial of project extension requests of six months or less are not subject to the denial of refunding procedures contained in section 412 of the Domestic Volunteer Service Act of 1973 as amended (enacted May 21, 1984), and 45 CFR, Part 1206, Subpart B (effective March 25, 1982).

D. Intergovernmental Review of VISTA Projects. Agencies and organizations submitting new or renewal VISTA project applications must comply with the provisions of Executive Order 12372, the "Intergovernmental Review of Federal Programs and Activities" as set forth in 45 CFR Part 1233. ACTION State Offices will provide applicant organizations with technical assistance regarding this requirement.

E. Governor's Approval of VISTA Projects. Governor's approval must be sought by the ACTION Regional Director (or designee) for all new VISTA projects, as well as for ongoing projects which are requesting an increase in their volunteer numbers or substantially changing their volunteer activities.

No volunteers may be assigned in any State until the Governor or other Chief Executive Officer of the jurisdiction concerned has been given 45 days within which to disapprove the proposed project's submission.

F. Freedom of Information Act Requests Related to VISTA Project Reviews. All Freedom of Information Act (FOIA) requests generated by the project review process shall be directed to the FOIA Officer in ACTION Headquarters for reply (even if initially addressed to the State or Regional Office).

(42 U.S.C. 4951, 4952, and 4953)

Dated in Washington, D.C. on April 18, 1985.

Betty H. Brake,

Acting Director, ACTION.

[FR Doc. 85-9755 Filed 4-22-85; 8:45 am]

BILLING CODE 6050-25-M

DEPARTMENT OF AGRICULTURE

Food Safety and Inspection Service

[Docket No. 85-007N]

SLD Policy Memoranda; Semi-Annual Listing

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Notice.

SUMMARY: This document lists memoranda issued by the Standards and Labeling Division (SLD), Meat and Poultry Inspection Technical Services, Food Safety and Inspection Service (FSIS), and available to the public which contain significant new applications or interpretations of the Federal Meat Inspection Act, the Poultry Products Inspection Act, the regulations promulgated thereunder, or departmental policy in the labeling area.

FOR FURTHER INFORMATION CONTACT: Margaret O'K. Glavin, Acting Director, Standards and Labeling Division, Meat and Poultry Inspection Technical Services, Food Safety and Inspection Service, U.S. Department of Agriculture, Washington, DC 20250, (202) 447-6042.

SUPPLEMENTARY INFORMATION: FSIS conducts a prior approval program for labels or other labeling (specified in 9 CFR 317.4, 317.5, 381.132, and 381.134) to be used on federally inspected meat and poultry products. Pursuant to the Federal Meat Inspection Act (21 U.S.C. 601 *et seq.*) and the Poultry Products Inspection Act (21 U.S.C. 451 *et seq.*), and the regulations promulgated thereunder, meat and poultry products which do not bear approved labels may not be distributed in commerce.

FSIS's prior label approval program is conducted by label review experts with SLD. A variety of factors, such as continuing technological innovations in food processing and expanded public concern regarding the presence of various substances in foods, has generated a series of increasingly complex issues which SLD must resolve as part of the prior label approval process. In interpreting the Acts or regulations to resolve these issues, SLD may modify its policies on labeling or develop new ones.

Significant or novel interpretations or determinations made by SLD are issued in writing in memorandum form. This document lists those SLD policy memoranda issued from October 1, 1984, through April 1, 1985.

Persons interested in obtaining copies of any of the following SLD policy memoranda, or in being included on a list for automatic distribution of future SLD policy memoranda may write to: Printng and Distribution Section, Paperwork Management Branch, Administrative Services Division, Food Safety and Inspection Service, U.S. Department of Agriculture, Washington, DC 20250.

Memo No.	Title and date	Issue	Reference
077	Labeling and Standards Requirements for Quiche Products, October 11, 1984	What are the appropriate labeling and standards requirements for quiche products?	N/A
078	Potassium Labeling Guidelines, November 15, 1984	What guidelines should be followed in the review and approval of labeling which includes potassium information?	N/A.
079	Cooked Corned Beef Products with Added Substances, February 25, 1985.	Can cooked corned (cured) beef products in excess of the fresh uncured weight be prepared and how should they be labeled?	9 CFR 319.100, 319.101, 319.102, Policy Memo 057.

The SLD policies specified in these memoranda will be uniformly applied to all relevant labeling applications unless modified by future memoranda or more formal Agency action. Applicants retain all rights of appeal regarding decisions based upon these memoranda.

Done at Washington, DC, on April 18, 1985.

Margaret O'K. Glavin,

Acting Director, Standards and Labeling Division, Meat and Poultry Inspection Technical Services, Food Safety and Inspection Service.

[FR Doc. 85-9740 Filed 4-22-85; 8:45 am]

BILLING CODE 3410-DM-M

Forest Service

Mono Basin National Forest Scenic Area Advisory Board; Meeting

The Mono Basin National Forest Scenic Area Advisory Board will meet at 10:00 a.m. on May 22, 1985, at the Lee Vining Presbyterian Church, Lee Vining, California. The agenda of the meeting follows:

1. Policy of private land and minor boundary revisions;
2. Procedure for public input;
3. Review of visitor center sites;
4. Management Plan;
5. Sheep grazing (relicted lands);
6. Final logo.

The meeting will be open to the public. Persons who wish to attend should notify Eugene E. Murphy, Forest Supervisor, Inyo National Forest, 873 No. Main Street, Bishop, California, 93514 Telephone: (619) 873–5841. Written statements may be filed with the Committee before or after the meeting.

The Committee has established the following rules for public participation: None.

Dated: April 15, 1985.

Eugene E. Murphy,

Forest Supervisor and Chairman.

[FR Doc. 85–9769 Filed 4–22–85; 8:45 am]

BILLING CODE 3410–11–M

Colville National Forest, Grazing Advisory Board; Meeting

The Colville National Forest Grazing Advisory Board will meet at 1 p.m on May 21, 1985 at the Federal Building conference room, 695 South Main, Colville, Washington. The purpose of this meeting is to discuss range allotment management planning, and range betterment projects.

The meeting is open to the public. Persons who wish to attend should notify Gary Oliverson, Colville National Forest, 695 South Main, Colville, WA 99114. Written statements may be filed with the committee before or after the meeting.

Dated: April 12, 1985.

William D. Shenk,

Forest Supervisor.

[FR Doc. 85–9756 Filed 4–22–85; 8:45 am]

BILLING CODE 3410–11–M

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Order No. 302]

Approval for Expansion of Foreign-Trade Zone No. 81 at Sites in Portsmouth, Dover, and Manchester, NH

Pursuant to its authority under the Foreign-Trade Zones Act of June 18, 1934, as amended (19 U.S.C. 81a–81u), and the Foreign-Trades Zones Board Regulations (15 CFR Part 400), the Foreign-Trade Zones Board (the Board) adopts the following order:

Whereas, the New Hampshire State Port Authority (the Port Authority), Grantee of Foreign-Trade Zone No. 81, has applied to the Board for authority to expand its general-purpose zone to include industrial park sites in Portsmouth, Dover, and Manchester, New Hampshire, adjacent to the Portsmouth and Lawrence Customs ports of entry;

Whereas, the application was accepted for filing on September 5, 1984, and notice inviting public comment was given in the **Federal Register** on September 21, 1984 (Docket No. 41–84, 49 FR 37131);

Whereas, an examiners committee has investigated the application in accordance with the Board's regulations and recommends approval;

Whereas, the expansion is necessary to improve and expand zone services in the Portsmouth area; and,

Whereas, the Board has found that the requirements of the Foreign-Trade Zones Act, as amended, and the Board's regulations are satisfied, and that approval of the application is in the public interest;

Now, therefore, the Board hereby orders:

That the Grantee is authorized to expand its zone in accordance with the application filed September 5, 1984. The Grantee shall notify the Executive Secretary of the Board for approval prior to the commencement of any manufacturing operations. The authority given in this Order is subject to settlement locally by the District Director of Customs and the District Army Engineer regarding compliance with their respective requirements relating to foreign-trade zones.

Signed at Washington, D.C. this 12th day of April 1985.

William T. Archey,

Acting Assistant Secretary of Commerce for Trade Administration, Chairman, Committee of Alternates, Foreign-Trade Zones Board.

John J. Da Ponte, Jr.,

Executive Secretary.

[FR Doc. 85–9742 Filed 4–22–85; 8:45 am]

BILLING CODE 3510–DS–M

International Trade Administration

[A–485–006]

Postponement of Final Antidumping Duty Determination and Postponement of Hearing; Carbon Steel Plate From Romania

AGENCY: International Trade Administration, Import Administration, Commerce.

ACTION: Notice.

SUMMARY: This informs the public that: (1) We are granting a request we received from the respondent in this invetigation to postpone the final determination until not later than July 25, 1985, as permitted in section 635(a)(2)(A) of the Tariff Act of 1930, as amended (the Act) (19 U.S.C. 1673d(a)(2)(A)), and (2) we have determined to postpone our hearing until May 30, 1985, and our final determination as to whether sales of hot-rolled carbon steel plate from Romania have occurred at less than fair value until not later than July 25, 1985.

EFFECTIVE DATE: April 23, 1985.

FOR FURTHER INFORMATION CONTACT: Raymond Busen, Office of Investigations, Import Administration, International Trade Administration, Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230; telephone (202) 377–2830.

SUPPLEMENTARY INFORMATION: On March 12, 1985, we published a notice in the **Federal Register** (50 FR 9812) that the suspension agreement covering imports of hot-rolled carbon steel plate from Romania is no longer in the public interest and, therefore, no longer meets the requirements of section 734(d)(1)(A) of the Act. As provided in section 734(i)(1) of the Act, we resumed the antidumping preliminary determination under section 733(b) of the Act were made on March 12, 1985, the date of publication of our notice of termination of the suspension agreement.

March 21, 1985, we notified interested parties that we would make our final determination on or before May 28, 1985.

Pursuant to section 735(a)(2) of the Act, the respondent requested an extension of the final determination date until the 135th day after the date on which we published our notice of resumption of this investigation. The respondent is qualified to make such a request because it accounts for a significant proportion of the exports of the merchandise. If an exporter who accounts for a significant proportion of exports of the merchandise under investigation properly requests an extension after an affirmative preliminary determination, we grant the request, absent compelling reasons to the contrary. We will issue a final determination in this case not later than July 25, 1985.

The hearing orginally scheduled for April 30, 1985, has been postponed. The new hearing date will be May 30, 1985, at 10 a.m. in room 1851, Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230.

Interested parties who wish to participate must submit a request to the Deputy Assistant Secretary for Import Administration, Room 3099b, at the above address within 10 days of publication of this notice. Oral presentations will be limited to issues raised in the briefs.

Requests should contain: (1) The party's name, address, and telephone number, (2) the number of participants, (3) the reason for attending, and (4) a list of the issues to be discussed. In addition, prehearing briefs in at least 10 copies must be submitted to the Deputy Assistant Secretary by May 23, 1985. A date will be established at the hearing for the submission of post-hearing briefs. All written views should be filed in accordance with 19 CFR 353.46, at the above address and in at least 10 copies, not later than June 25, 1985.

This notice is published pursuant to section 735(b) of the Act.

Dated: April 16, 1985.

Alan F. Holmer,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 85-9696 Filed 4-22-85; 8:45 am]

BILLING CODE 3510-DS-M

[C-614-503]

Lamb Meat From New Zealand; Initiation of Countervailing Duty Investigation

AGENCY: Import Administration, International Trade Administration, Commerce.

ACTION: Notice.

SUMMARY: On the basis of a petition filed in proper form with the United States Department of Commerce, we are initiating a countervailing duty investigation to determine whether producers, processors, or exporters in New Zealand of lamb meat receive, directly or indirectly, benefits which constitute bounties or grants within the meaning of the countervailing duty law. If this investigation proceeds normally, we will make our preliminary determination by June 19, 1985.

EFFECTIVE DATE: April 23, 1985.

FOR FURTHER INFORMATION CONTACT: Rick Herring or Barbara Tillman, Office of Investigations, Import Administration, International Trade Administration, United States Department of Commerce, 14th Street and Constitution Avenue NW., Washington, D.C. 20230; telephone (202) 377-0187 or 377-1785.

SUPPLEMENTARY INFORMATION:

The Petition

On March 26, 1985, we received a petition in proper form from counsel for the American Lamb Company of Chino, California and its constituent members; the Denver Lamb Company of Denver, Colorado and its constituent members; and the Iowa Lamb Corporation of Hawarden, Iowa, filed on behalf of the United States industry which is comprised of sheep ranchers, feed lot operators, and lamb meat packing and processing companies.

In compliance with the filing requirements of § 355.26 of the Commerce Regulations (19 CFR 355.26), the petition alleges that producers, processors, or exporters in New Zealand of lamb meat receive, directly or indirectly, bounties or grants within the meaning of section 303 of the Tariff Act of 1930, as amended (the Act). Effective April 1, 1985, the Office of the United States Trade Representative terminated New Zealand as a "country under the Agreement" pursuant to section 701(b)(2) of the Act. Since New Zealand is no longer a "country under the Agreement" and the merchandise being investigated is dutiable, sections 303(a)(1) and 303(b) of the Act apply to this investigation. Accordingly, the domestic industry is not required to allege that, and the United States International Trade Commission is not required to determine whether, imports of this merchandise cause or threaten to cause material injury to a U.S. industry.

Initiation of Investigation

Under section 702(c) of the Act, we must determine, within 20 days after a petition is filed, whether the petition sets forth the allegations necessary for the initiation of a countervailing duty investigation and whether it contains information reasonably available to the petitioners supporting the allegations. We have examined the petition on lamb meat from New Zealand, and we have found that it meets these requirements. Therefore, in accordance with section 702 of the Act, we are initiating a countervailing duty investigation to determine whether producers, processors, or exporters in New Zealand of lamb meat receive, directly or indirectly, bounties or grants. If our investigation proceeds normally, we will make our preliminary determination on or before June 19, 1985.

Scope of Investigation

The merchandise covered by this investigation is lamb meat, currently classified under item number 106.30 of the *Tariff Schedules of the United States*.

Allegations of Bounties or Grants

The petition alleges that producers, processors, or exporters in New Zealand of lamb meat receive the following benefits that constitute bounties or grants:

1. Meat Board Price Support Scheme
2. Government Supplementary Minimum Price Scheme (SMP)
3. Meat Board Support Programs for Exports
   a. Promotional Activity by the Board's New York Office
   b. Contributions to the Meat Industry Research Institute
   c. Payments for the Cost of Supervision of Meat Grading for Export
4. Meat Board Loans and Loan Guarantees
5. Meat Industry Hygiene Grant
6. Export Performance Tax Incentive Scheme (EPTI)
7. Export Market Development Taxation Incentive
8. Export Program Grants Scheme (EPGS)
9. Export Suspensory Loan Scheme (ESLS)
10. Rural Export Suspensory Loans
11. Suspension of Government Inspection Fees
12. Livestock Incentive Scheme
13. Land Development Loans
14. Standard Value and Nil Value

We note that the EPGS and ESLS programs were scheduled to expire on March 31, 1985. However, they may have provided benefits during the period of investigation and may provide benefits lasting beyond the expiration date.

We will also initiate a countervailing duty investigation on the following programs in order to examine whether these programs are limited to specific enterprises or industries or whether they are available on equal terms to all industries in the agriculture sector, including the livestock industry.

1. Fertilizer Price Subsidy

Petitioners allege that the New Zealand lamb meat industry receives benefits from a New Zealand government program which provides a price subsidy of NZ$15 per ton on all fertilizer used by new Zealand farmers.

2. Fertilizer and Lime Bounty

Petitioners allege that the New Zealand lamb meat industry receives benefits under a New Zealand government program providing a subsidy to encourage the application of fertilizer and lime.

3. Fertilizer and Line Transport Subsidy

Petitioners allege that the New Zealand lamb meat industry receives benefits from a New Zealand government program under which the New Zealand government has been paying a subsidy on the transport of fertilizer.

4. Noxious Plant Control

Petitioners allege that the New Zealand government provides benefits under the noxious plant control scheme to assist New Zealand livestock.

5. Deductions for Capital Expenditures for Development of Domestic Farmland

Petitioners allege that, in order to encourage farmers to bring land into production and to increase the productivity of existing farms, the New Zealand government provides special beneficial tax deduction provisions for certain items of development expenditure which normally would not be deductible.

We will also investigate any other program found or uncovered during the course of this investigation that may confer a bounty or grant upon the production or exportation of New Zealand lamb meat.

We are not initiating on the following program:

Contributions to the Lamb Promotion Coordinating Committee (LPCC)

Petitioners allege that the Meat Board contribution to the LPCC to support the consumption of lamb meat in the United States. The LPCC is comprised of representatives of the U.S. and New Zealand lamb industry, and its purpose is to promote the consumption of lamb meat in the U.S. without regard to the source of the lamb meat. Since there is no allegation that the program targets New Zealand lamb meat, the generic promotion does not constitute a subsidy to producers, processors, or exporters of lamb meat within the meaning of the countervailing duty law.

Dated: April 15, 1985.

Alan F. Holmer,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 85-9697 Filed 4-22-85; 8:45 am]

BILLING CODE 3510-DS-M

[C-201-501]

Initiation of a Countervailing Duty Investigation; Portable Aluminum Ladders and Certain Components of Ladders From Mexico

AGENCY: Import Administration, International Trade Administration, Commerce.

ACTION: Notice.

SUMMARY: On the basis of a petition filed in proper form with the U.S. Department of Commerce, we are initiating a countervailing duty investigation to determine whether manufacturers, producers, or exporters in Mexico of portable aluminum ladders and certain components of ladders, as described in the "Scope of Investigation" section of this notice, receive benefits which constitute bounties or grants within the meaning of the countervailing duty law. If this investigation proceeds normally, we will make our preliminary determination on or before June 19, 1985.

EFFECTIVE DATE: April 23, 1985.

FOR FURTHER INFORMATION CONTACT: Steven Morrison or Bradley Mikkelsen, Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230; telephone: (202) 377-1248 or 377-1769.

SUPPLEMENTARY INFORMATION

Petition

On March 26, 1985, we received a petition from R.D. Werner Co., Inc. of Greenville, Pennsylvania filed on behalf of the U.S. industry producing portable aluminum ladders. On April 9 and 11, 1985, petitioners submitted supplementary information. In compliance with the filing requirements of § 355.26 of the Commerce Regulations (19 CFR 355.26), the petition alleges that manufacturers, producers, or exporters in Mexico of portable aluminum ladders and certain components of ladders receive bounties or grants within the meaning of section 303 of the Tariff Act of 1930, as amended (the Act). Since Mexico is not a "country under the Agreement" within the meaning of section 701(b) of the Act, and this merchandise is duty-free, sections 303(a)(1) and (a)(2) of the Act apply to this investigation. The merchandise subject to this investigation enters the United States duty-free under the Generalized System of Preferences (GSP). Because there are no "international obligations" within the meaning of section 303(a)(2) of the Act, which require an injury determination for nondutiable merchandise from Mexico, petitioner is not required to allege that, and the U.S. International Trade Commission (ITC) is not required to determine whether, imports of the subject merchandise from Mexico materially injure or threaten material injury to a U.S. industry.

Initiation of Investigation

Under section 702(c) of the Act, we must determine, within 20 days after a petition is filed, whether a petition sets forth the allegations necessary for the initiation of a countervailing duty investigation and whether it contains information reasonably available to the petitioner supporting the allegations. We have examined the petition on portable aluminum ladders and their components from Mexico, and we have found that the petition meets these requirements. Therefore, we are initiating a countervailing duty investigation to determine whether the manufacturers, producers, or exporters in Mexico of portable aluminum ladders and their components as described in the "Scope of Investigation" section of this notice, receive bounties or grants. We will make our preliminary determination by June 19, 1985.

Scope of the Investigation

The products covered by this investigation are portable aluminum ladders and their components. The term ladder includes:

- Step Ladders
- Extension Ladders
- Step Stools
- Platform Ladders
- Single Ladders
- Combination Ladders
- Trestle Ladders
- Extension Trestle Ladders

Aluminum ladders are currently classified under item number 657.4015 of the *Tariff Schedules of the United States, Annotated* (TSUSA). Other articles of aluminum not coated with precious metal are classified under

TSUSA number 657.4080 and include ladder components. Components of ladders and step stools include: steps, side rails, braces, pail shelves, spreaders, D-rungs, and rung-locks. The scope of this investigation only includes such components when made of aluminum or aluminum alloys. Aluminum steps stools and components of aluminum step stools are currently classified as other furniture and parts thereof not specifically provided for under TSUSA number 727.70.

Allegation of Bounties and Grants

The petition alleges that manufacturers, producers, or exporters in Mexico of portable aluminum ladders and their components receive benefits under the following programs which constitute bounties or grants:

- Fund for the Promotion of Exports of Mexican Manufactured Products (FOMEX)
- Fund for Industrial Development (FONEI)
- Preferential Federal Tax Credits (CEPROFI)
- Accelerated Depreciation of Capital Equipment and Machinery
- Guarantee and Development Fund for Medium and Small Businesses (FOGAIN)
- Trust Fund for Industrial Parks, Cities and Commercial Centers (FIDEIN)
- Import Duty Reductions and Exemptions
- Preferential State Investment Incentives
- Article 94 Loans
- Trust Fund for Small and Medium-Sized Companies (FOMIN)
- Government Financed Technology Development
- Regional Energy Discounts
- BANCOMEXT Loans
- PROFIDE
- Preferential Freight, Terminal and Insurance Benefits
- Delay of Payments of Fuel Charges

Programs Not Initiated

Preferential Vessel Rates

The petition alleges that manufacturers, producers or exporters of aluminum ladders from Mexico receive preferential vessel rates. Department of commerce import statistics reveal that aluminum ladders were not imported by water transport.

NAFINSA Loans

The petitioner alleges that producers of portable aluminum ladders have received NAFINSA loans which are provided at below market interest rates for companies located in priority development areas. In *Oil County Tubular Goods from Mexico* (49 FR 47054, Nov. 30, 1984), we determined that loans granted by the commercial banking operations of NAFINSA are not limited to a specific industry, group of industries, or to companies located in specific regions and therefore, do not confer a bounty or grant. Because the petition presents no new evidence of changed circumstances with respect to this program, we will not investigate this allegation.

Stock Purchases by FOMIN

The petitioner alleges that FOMIN may have purchased stock in Mexican ladder producers. Because the petitioner does not allege that such stock purchases were made on terms inconsistent with commercial considerations, we will not investigate on this program.

Mexican Institute of Foreign Trade (IMCE)

Petitioner alleges that IMCE assists Mexican exporters with trade fairs, missions and technical assistance to exporters and that Mexican portable aluminum ladder producers may have received such assistance. With respect to the functions performed by IMCE that include organizing and directing trade fairs abroad, promoting the visits of foreign trade missions, carrying out investigations to identify national products or services that might be in demand abroad, and providing exporters with technical assistance, we have prevously determined that this program does not confer a bounty or grant. (See *Fresh Cut Flowers from Mexico*, 49 FR 15007, April 16, 1984)

Because the petition does not contain an allegation that IMCE provides benefits other than those that have already been determined not to be countervailable, nor does it provide any new evidence of changed circumstances, we will not investigate on this program.

Dated: April 15, 1985.

Alan F. Holmer,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 85-9698 Filed 4-22-85; 8:45 am]

BILLING CODE 3510-DS-M

[C-588-040]

Certain Fasteners From Japan; Final Results of Administrative Review of Countervailing Duty Order

AGENCY: International Trade Administration/Import Administration, Commerce.

ACTION: Notice of final results of administrative review of countervailing duty order.

SUMMARY: On January 10, 1985, the Department of Commerce published the preliminary results of its administrative review of the countervailing duty order on certain fasteners from Japan. The review covers the period January 1, 1983, through December 31, 1983.

We gave interested parties an opportunity to comment on the preliminary results. We received no comments. Based on our analysis, the final results of the review are the same as the preliminary results.

EFFECTIVE DATE: April 23, 1985.

FOR FURTHER INFORMATION CONTACT: Al Jemmott or Richard Moreland, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230; telephone: (202) 377-2786.

SUPPLEMENTARY INFORMATION:

Background

On January 10, 1985, the Department of Commerce ("the Department") published in the **Federal Register** (50 FR 1255) the preliminary results of its administrative review of the countervailing duty order on certain fasteners from Japan (42 FR 23147, May 6, 1977; amended by 44 FR 31972, June 4, 1979). The Department has now completed that administrative review, in accordance with section 751 of the Tariff Act of 1930 ("the Tariff Act").

Scope of the Review

Imports covered by the review are shipments of all Japanese fasteners currently classifiable under items 646.5400 and 646.5600, and non-metric Japanese fasteners currently classifiable under items 646.1700, 646.4000, 646.4100, 646.4920, 646.4940, 646.5100, 646.5300, 646.5800, 646.6020, 646.6040, 646.6320, 646.6340, 646.6500, 646.7200, 646.7400, 646.7500, 646.7600, and 646.7800 of the Tariff Schedules of the United States Annotated.

The review covers the period January 1, 1983, through December 31, 1983, and three programs: (1) Benefits received under the "Temporary Measures Act for Small and Midsized Businesses with Regard to the High Yen Exchange Market"; (2) the deferral of income taxes on export earnings under the Overseas Market Development Reserves; and (3) other loans given at preferential rates by the People's Finance Corporation, the Bank of Commerce and Industrial Cooperatives, the Small Business

Finance Corporation, and the Japan Development Bank.

Final Results of Review

We gave interested parties an opportunity to comment on the preliminary results. We received no comments. Based on our analysis, the final results of the review are the same as the preliminary results. We determine the aggregate net subsidy to be 0.05 percent *ad valorem* for the period January 1, 1983, through December 31, 1983. The Department considers any rate less than 0.50 percent *ad valorem* to be *de minimis*. Therefore, the Department will instruct the Customs Service not to assess countervailing duties on any shipments exported on or after January 1, 1983, and on or before December 31, 1983.

The Department will instruct the Customs Service to waive cash deposits of estimated countervailing duties, as provided for in section 751(a)(1) of the Tariff Act, on any shipment of Japanese fasteners entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice. This deposit waiver shall remain in effect until publication of the final results of the next administrative review.

The Department encourages interested parties to review the public record and submit applications for protective orders as early as possible after the Department's receipt of the requested information.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and § 355.41 of the Commerce Regulations (19 CFR 355.41).

Dated: April 17, 1985.

Alan F. Holmer,

Deputy Assistant Secretary, Import Administration.

[FR Doc. 85-9735 Filed 4-22-85; 8:45 am]

BILLING CODE 3510-DS-M

National Technical Information Service

Government-Owned Inventions; Availability for Licensing

The inventions listed below are owned by agencies of the U.S. Government and are available for licensing in the U.S. in accordance with 35 U.S.C. 207 to achieve expeditious commercialization of results of federally funded research and development. Foreign patents are filed on selected inventions to extend market coverage for U.S. companies and may also be available for licensing.

Technical and licensing information on specific inventions may be obtained by writing to: Office of Federal Patent Licensing, U.S. Department of Commerce, P.O. Box 1423, Springfield, Virginia 22151.

Please cite the number and title of inventions of interest.

Douglas J. Campion,

Office of Federal Patent Licensing, National Technical Information Service, U.S. Department of Commerce.

Department of Agriculture

SN 6-696,222
Improved Method and Apparatus for the Mass Rearing of Fruit Flies
SN 6-696,274
Electronic Temperature Equalizer
SN 6-704,442
Novel Diolefin Pheromone Mimics as Disruptants of Sexual Communication in Insects

Department of Commerce

SN 6-680,114
Method and Apparatus for Four-Beam Radar
SN 6-716,913
Polyunsaturated Fatty Acids from Fish Oils

Department of Health and Human Services

SN 6-696,538
Monoclonal Antibodies Against Chlamydial Genus Specific lipopolysaccharide
SN 6-709,678
Purified Antigen from Non-A, Non-B Hepatitis Causing Factor

Department of the Army

SN 6-700,573
Cylindrical Crystal Resonator

[FR Doc. 85-9758 Filed 4-22-85; 8:45 am]

BILLING CODE 3510-04-M

COMMODITY FUTURES TRADING COMMISSION

Chicago Mercantile Exchange; Proposed Amendments Relating to the Feeder Cattle Futures Contract

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice of proposed contract market rule changes.

SUMMARY: The Chicago Mercantile Exchange ("CME" or "Exchange") has submitted a proposal to replace the current procedure for delivery of the underlying physical commodity with a cash settlement mechanism for the feeder cattle futures contract. The Commodity Futures Trading Commission ("Commission") has determined that the proposed cash settlement mechanism is of major economic significance and that, accordingly, publication of that proposal is in the public interest, will assist the Commission in considering the views of interested persons, and is consistent with the purposes of the Commodity Exchange Act.

DATE: Comments should be received on or before May 23, 1985.

ADDRESS: Interested persons should submit their views and comments to Jean A. Webb, Secretary, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581. Reference should be made to the CME feeder cattle contract.

SUPPLEMENTARY INFORMATION: The Chicago Mercantile Exchange is proposing to amend its feeder cattle futures contract. The CME has proposed to replace the current physical delivery procedure for feeder cattle delivery with a cash settlement mechanism. The Exchange believes that a cash settlement feeder cattle contract would eliminate: The uncertainties and disputes associated with the grading of CME feeder deliveries; the risk of longs receiving delivery at an inconvenient location or receiving undesired types of feeder cattle; the costs incurred in making or taking delivery on the contract; and the need for certain periodic contract amendments including discounts for non-par grades, grade deviations, and additions and deletions of delivery points; and would reduce the basis variability for users of the contract.

In accordance with section 5a(12) of the Commodity Exchange Act, 7 U.S.C. 7a(12) (1982), the Commission has determined that the proposal submitted by the CME concerning cash settlement procedures for its feeder cattle futures contract is of major economic significance because of the potential effect on the hedging utility and pricing of the contract. Accordingly, the principal amendments being proposed by the CME are printed below, using bracketing to indicate deletions and italics to indicate additions:

* * * * *

2301. COMMODITY SPECIFICATIONS.—Each futures contract shall be [for feeder steers of Medium Frame and the lower two thirds (2/3) of the Large Frame size and Number One (1) muscle thickness and the top one-third (1/3) of the Number Two (2) muscle thickness, as defined in Official United States Standards for Grades

of Feeder Cattle in effect as of the opening of the contract.] *valued at 44,000 pounds times the Cattle Fax US Feeder Steer Price per pound for 600 to 800 pound steers.*

2302. FUTURES CALL.—

A. Trading Months and House

Futures contracts shall be scheduled for trading during such hours and [delivery] *for final settlement* in such months as may be determined by the Board *of Governors, subject to the requirement that all such determinations be submitted to the Commodity Futures Trading Commission in accordance with the provisions of section 5a(12) of the Commodity Exchange Act and all applicable regulations thereunder.*

B. Trading Unit

The unit of trading shall be 44,000 pounds of *600 to 800 pound* feeder steers. [consisting of the USDA Number One (1) muscle thickness and not more than thirteen (13) head of the top one-third (1/3) of the USDA Number Two (2) muscle thickness.]

* * * * *

E. Position Limits

A person shall not own or control more than [300] *2400* contracts *net* long or *net* short in [any delivery] *all contract* months[.] *combined, nor more than 600 contracts in any contract month, except that in no event shall a person own or control more than 300 contracts in the spot month during the last 10 days of trading.*

F. Accumulation of Positions

For the purposes of this rule, the positions of all accounts *directly or indirectly* owned or controlled by a person or persons, [acting in concert or] *and the positons of all accounts of a person or persons acting pursuant to an expressed or implied agreement or understanding, and the positions of all accounts* in which [such] *a* person or persons have a proprietary or beneficial interest, shall be cumulated.

G. Bona Fide Hedges

The foregoing position limits shall not apply to bona fide hedging transactions meeting the requirements of [section 4a(3) of the] *Regulation 1.3(z) (1) of the* Commodity [Exchange Act] *Future Trading Commission* and the Rules of the Exchange.

* * * * *

H. Termination of Trading

Trading shall terminate on the [20th calendar day] *last Friday* of the contract month, [or, if the 20th calendar day is not a business day, on the business day immediately preceding the 20th calendar day of the contract month. In the event that following the 20th calendar day of the contract month there remain, pursuant to Rule 2303.A., two or less delivery days in the contract month, trading shall terminate two business days preceding the 20th calendar day.] *unless a holiday falls on that Friday or on any of the five weekdays prior to that Friday, in which case trading shall terminate on the first prior Friday that is not a holiday and is not so preceded by a holiday.*

* * * * *

2303. [DELIVERY PROCEDURES. In addition to the procedures and requirements of Chapter 7, the following shall specifically apply to the delivery of Feeder Cattle.] FINAL SETTLEMENT.—*Final settlement of this contract shall be by cash settlement. There shall be no delivery of feeder cattle on this contract.*

A. [Delivery Days]

Final Settlement Price

[Delivery may be made on any Monday, Tuesday, Wednesday, or Thursday of the contract month, except that deliveries may not be made on a holiday or the day preceding a holiday.] *The final settlement price shall be the weekly average Cattle Fax US Feeder Steer Price for 600 to 800 pound steers for the week in which trading terminates.*

B. [Seller's Duties] Final Settlement

[A seller intending to make delivery shall present to the Clearing House a written Notice of Intent to Deliver on a form prescribed by the Exchange. For deliveries at all points shown in 2304.E., such notice must be delivered to the Clearing House no later than 1:00 p.m., one day prior to actual delivery. The buyer shall be notified by the Exchange not alter than 3:00 p.m. of said day unless such notification deadline is extended by the President. On the day of delivery, the seller shall promptly furnish the buyer such documents as required by the Exchange] *Clearing members holding open positions in a Feeder Cattle futures contract at the time of termination of trading in that contract shall make payment to or receive payment from the Clearing House in accordance with normal variation margin procedures based on a settlement price equal to the final settlement price.*

* * * * *

The proposed amendments to the feeder cattle futures contract would become effective immediately after Commission approval for all contract months subsequently listed by the Exchange for trading, but would not be applicable to currently listed months.

FOR FURTHER INFORMATION CONTACT: Fred Linse, Division of Economic Analysis, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C., (202) 254-7303.

Other materials submitted by the CME in support of the proposed rules may be available upon request pursuant to the Freedom of Information Act (5 U.S.C. 552) and the Commission's regulations thereunder (17 CFR Part 145 (1984)), except to the extent that they are entitled to confidential treatment as set forth in 17 CFR 145.5 and 145.9. Requests for copies of such materials should be made to the FOI, Privacy and Sunshine Acts Compliance Staff of the Office of the Secretariat at the Commission's headquarters in accordance with 17 CFR 145.7 and 145.8.

Any person interested in submitting written data, views or arguments on the proposed amendments should send such comments to Jean A. Webb, Secretary, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581, by May 23, 1985.

Issued in Washington, D.C., on April 18, 1985.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 85-9728 Filed 4-22-85; 8:45 am]

BILLING CODE 6351-01-M

MidAmerica Commodity Exchange; Proposed Amendments Relating to the Copper Futures Contract

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice of proposed contract market rule changes.

SUMMARY: The MidAmerica Commodity Exchange has submitted a proposal to amend its copper futures contract. The Commodity Futures Trading Commission ("Commission") has determined that the proposal is of major economic significance and that, accordingly, publication of the proposal is in the public interest, will assist the Commission in considering the views of interested persons, and is consistent with the purposes of the Commodity Exchange Act.

DATE: Comments should be received on or before May 23, 1985.

ADDRESS: Interested persons should submit their views and comments to

Jean A. Webb, Secretary, Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581. Reference should be made to the MCE copper futures contract rule amendments.

SUPPLEMENTARY INFORMATION: Under the existing rules of the MidAmerica Commodity Exchange ("MCE" or "Exchange") copper futures contract, the par deliverable grade is Grade 2 electrolytic copper cathode meeting the ASTM B115–82 specifications. Delivery of Grade 1 electrolytic copper cathode is not permitted under current rules. Currently, alternative deliverable grades and forms are (1) fire refined high conductivity (FRHC) copper ingots or ingot bars (ASTM 623–80) delivered at par; (2) electrolytic copper wire bars (ASTM B5–82) delivered at a premium of ⅝ cent per pound; (3) electrolytic copper ingots and ingot bars (ASTM B5–82) delivered at a premium of ¼ cent per pound; and (4) fire refined copper (other than lake copper or FRHC) assaying 99.88 precent copper plus silver in ingot or ingot bar form (ASTM B216–82) delivered at a discount of ⅛ cent per pound.

The Exchange is proposing to allow Grade 1 electrolytic copper cathode (ASTM B115–82) to be delivered on the contract at a premium of ½ cent per pound, delete the ⅝ cent per pound premium for the delivery of electrolytic copper wire bars (ASTM B5–82), remove from deliverable status all types of copper ingots and require that deliverable electrolytic copper cathodes be identified by grade in the warehouse receipt. If the Commission approves these proposed amendments, the par deliverable grade on the MCE copper futures contract would continue to be Grade 2 electrolytic cathodes (ASTM B115–82), and all currently deliverable copper ingot bars would also continue to be deliverable on the contract at the price differentials currently specified.

The Exchange is proposing that the amendments of the copper futures contract be applicable to existing contracts beginning with the December 1985 contract as well as to all new contracts listed by the Exchange subsequent to Commission approval.

FOR FURTHER INFORMATION CONTACT: Richard Shilts, Division of Economic Analysis, Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581, (202) 254–7303.

In accordance with section 5a(12) of the Commodity Exchange Act, as amended, 7 U.S.C. 7a(12) (1982), the Commission has determined that the proposed rule amendments submitted by the MCE concerning its copper futures contract are of major economic significance. Accordingly, the MCE's proposed amendments will be available for inspection at the Office of the Secretariat, Commodity Futures Trading Commission, 2033 K Street NW., Washington, D.C. 20581. Copies can be obtained through the Office of the Secretariat by mail at the above address or by phone at (202) 254–6314.

Other materials submitted by MCE in support of its proposed rules may be available upon request pursuant to the Freedom of Information Act (5 U.S.C. 552) and the Commission's regulations thereunder (17 CFR Part 145 (1984)). Requests for copies of such materials should be made to FOI, Privacy and Sunshine Acts Compliance Staff of the Office of the Secretariat at the Commission's headquarters in accordance with 17 CFR 145.7 and 145.8.

Any persons interested in submitting written data, views or arguments on the proposed amendments should send such comments to Jean A. Webb, Secretary, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C., 20581, by May 23, 1985.

Issued in Washington, D.C. on April 18, 1985.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 85–9729 Filed 4–22–85; 8:45 am]

BILLING CODE 6351–01–M

DEPARTMENT OF DEFENSE

Office of the Secretary

Availability of Annual Inventory Report

AGENCY: Defense.

ACTION: Notice of availability.

SUMMARY: This notice announces the publication of the "DoD Commercial Activities Inventory Report and Five-Year Review Schedule" for Fiscal Year 1984. This document may be obtained by writing to the Superintendent of Documents, United States Government Printing Office, Washington, D.C. 20402, referring to stock number 008–000–00425–1, and enclosing a check in the amount of $14.00, payable to the Superintendent of Documents.

SUPPLEMENTARY INFORMATION: This document is published under the provision of OMB Circular A–76, which requires the Department of Defense to publish an annual inventory report of all commercial activities, both in-house and contract support services. The OMB also requires that the Department of Defense publish a five-year schedule for reviewing all in-house and contract commercial activities. The purpose of the review is to determine whether the current method of operation should continue or whether an in-house versus contract cost comparison should be performed to determine the most cost effective method of operation.

Linda M. Lawson,

Alternate OSD Federal Register Officer, Department of Defense.

April 17, 1985.

[FR Doc. 85–9668 Filed 4–22–85; 8:45 am]

BILLING CODE 3810–01–M

Education Benefits Board of Actuaries; Meeting

AGENCY: Department of Defense, Education Benefits Board of Actuaries.

ACTION: Notice of meeting.

SUMMARY: A meeting of the Board has been scheduled to execute the provisions of Chapter 101, Title 10, United States Code (10 U.S.C. 2006(e) et seq.). The Board shall review DoD actuarial methods and assumptions to be used in the valuation of the GI Bill. Persons desiring to (1) attend the DoD Education benefits Board of Actuaries meeting or (2) make an oral presentation or submit a written statement for consideration at the meeting must notify Ms. Kathy Greenstreet at 696–5793 by May 20, 1985. Notice of this meeting is required under the Federal Advisory Committee Act.

DATE: May 23, 1985, 9:00 a.m. to 4:00 p.m.

ADDRESS: Room 1E801, the Pentagon (River Entrance).

FOR FURTHER INFORMATION CONTACT: Toni Hustead, Executive Secretary, Defense Manpower Data Center, 4th floor, 1600 Wilson Boulevard, Arlington, VA 22209 (202) 696–5869.

Linda M. Lawson,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

April 17, 1985

[FR Doc. 85–9670 Filed 4–22–85; 8:45 am]

BILLING CODE 3810–01–M

Department of the Air Force

USAF Scientific Advisory Board; Meeting

The USAF Scientific Advisory Board Armament Division Advisory Group will meet at Eglin AFB, Florida, on May 9 and 10, 1985, from 8:00 AM to 5:00 PM in Building 1, Room 204 to review Air Force weapon development programs.

This meeting will involve classified defense matters listed in Section 552b(c)

of Title 5, United States Code, specifically subparagraph (1) thereof, and accordingly will be closed to the public.

For further information, contact the Scientific Advisory Board Secretariat at (202) 697–4648.

Norita C. Koritko,

Air Force Federal Register Liaison Officer.

[FR Doc. 85–9759 Filed 4–22–85; 8:45 am]

BILLING CODE 3910–01–M

Department of the Army

Military Traffic Management Command; Military Personal Property Symposium; Open Meeting

Announcement is made of meeting of the Military Personal Property Symposium. This meeting will be held on 9 May 1985 at the Hyatt Regency-Crystal City Hotel, Crystal City, Arlington, Virginia, and will convene at 0930 hours and adjourn at approximately 1500 hours.

Proposed Agenda

The purpose of the Symposium is to provide an open discussion and free exchange of ideas with the public on procedural changes to Personal Property Traffic Management Regulation (DoD 4500.34–R), and the handling of other matters of mutual interest concerning the Department of Defense Personal Property Movement and Storage program.

All interested persons desiring to submit topics to be discussed should contact the Commander, Military Traffic Management Command, ATTN: MT–PPM, at telephone number 765–1600, between 0700–1530 hours. Topics to be discussed should be received on or before 25 April 1985.

Dated: April 12, 1985.

Joseph R. Marotta,

Colonel GS, Director of Personal Property.

[FR Doc. 85–9744 Filed 4–22–85; 8:45 am]

BILLING CODE 3710–08–M

Military Traffic Management Command; Directorate of Personal Property; Rate Filing Procedures; Domestic Interstate Shipments

AGENCY: Military Traffic Management Command.

ACTION: Submission by the Industry of rate filings for domestic interstate personal property shipments for the May 1, 1985 cycle.

SUMMARY: The purpose of this notice is to provide advance notification to the household goods moving industry for submitting domestic interstate rates and to announce rate filing procedures for transporting Department of Defense and U.S. Coast Guard personal property shipments for the May 1, 1986 cycle.

The Military Traffic Management Command Rate Solicitation 4–2, and reissues thereof, will be modified by considering the entire document as a complete baseline document which requires carriers to submit only one percentage instead of two. This will mean that the single percentage quoted cover all charges (linehaul, packing, and accessorial) for all services rendered on each individual shipment. This revision will be included in the solicitation for the rate cycle commencing May 1, 1986. Carriers will still be allowed to submit a single percentage below, equal to, or above the Military Traffic Management Command developed baselines.

DATE: Written comments concerning this solicitation will be considered if received not later than July 1, 1985.

ADDRESS: *Comments to:* Commander, Military Traffic Management Command, ATTN: Rate Acquisition Division (MT-PPC), Room 408, 5611 Columbia Pike, Falls Church, Virginia 22041–5050.

FOR FURTHER INFORMATION CONTACT: Mr. Jeffrey McKenzie, HQ, Military Traffic Management Command, ATTN: MT-PPC (Room 408), 5611 Columbia Pike, Falls Church, Virginia 22041–5050, (202) 756–1190.

SUPPLEMENTARY INFORMATION: This change will promote the overall efficiency of services provided to the Government by reducing the administrative burden associated with the submission and quotation of rates. It should also provide greater flexibility to carriers and forwarders in negotiating a competitive rate which reflects all of their actual costs. To accommodate this revised rate filing procedure, details of the parallel revision of the CONUS Automated Rate System will be provided by May 1, 1985. If industry desires, a meeting will be scheduled to answer any questions concerning the revised procedures for filing rates. The solicitation for the May 1, 1986, cycle will be provided in October 1985.

This request for comments and the resulting determinations are being made under the authority of 10 U.S.C. 2301–2314 and DOD Directive 4500.9 and 4500.34R.

Patricia H. Means,

OSD Federal Register Liaison Officer, Department of Defense.

April 18, 1985.

[FR Doc. 85–9754 Filed 4–22–85; 8:45 am]

BILLING CODE 3810–01–M

Army Science Board; Meeting Change

The following joint meeting of the Army Science Board Functional Subgroup on Human Capabilities and Resources and the Ad Hoc Subgroup on Soldier Research Issues which was originally announced in the **Federal Register** issue of Tuesday, 16, April 1985, (50 FR 14961) FR Doc #85–9067, has been changed as follows:

Entire meeting is open to the general public (portions were previously announced as closed). Any person may attend, appear before, or file statements with the committee at the time and in the manner permitted by the committee.

Sally A. Warner,

Administrative Officer, Army Science Board.

[FR Doc. 85–9798 Filed 4–19–85; 2:29 pm]

BILLING CODE 3710–08–M

Army Science Board; Closed Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), announcement is made of the following Committee Meeting:

Name of the Committee: Army Science Board (ASB).

Dates of Meeting: Wednesday, 8 May 1985.

Times of Meeting: 0830–1700 hours (Closed).

Place: John Hopkins University Applied Physics Laboratory, Laurel, Maryland.

Agenda: A tri-lab overview meeting will be held of 3 U.S. Army laboratories (Atmospheric Sciences Lab, Electronic Warfare Lab, and Signals Warfare Lab) effectiveness reviews being conducted by the Army Science Board for classified discussions on lessons learned during the course of these reviews. This meeting will be closed to the public in accordance with section 552b(c) of Title 5, U.S.C., specifically subparagraph (1) thereof, and Title 5, U.S.C., Appendix 1, subsection 10(d). The classified and nonclassified matters to be discussed are so inextricably intertwined so as to preclude opening any portion of the meeting. The ASB Administrative Officer, Sally Warner, may be contacted for further information at (202) 695–3039 or 695–7046.

Sally A. Warner,

Administrative Officer, Army Science Board.

[FR Doc. 85–9799 Filed 4–19–85; 2:29 pm]

BILLING CODE 3710–08–M

Department of the Navy

Performance of Commercial Activities; Announcement of Program Cost Studies

Department of the Navy intends to conduct OMB Circular A–76 (48 FR 37110, August 16, 1983) cost studies of various functions at listed activities commencing 23 May 1985. Cost study

process is rigorous, time-consuming procedure and, depending upon size of functions involved, can take several months to several years to complete. Since studies not yet begun, specifications not yet prepared. When bids/proposals desired, appropriate advertisements will be placed. No consolidated bidders' list being maintained since solicitations will be processed by various contracting offices throughout U.S.

Surface Warfare Officers School Command Detachment (Base Operations), Coronado, CA
Admin Support Services
Surface Warfare Officers School Command Detachment, Coronado, CA
Admin Support Services
Training Development and Support (Admin)
Naval Air Maintenance Training Group Detachment, Lemoore, CA
Training Development and Support
Naval Hospital, Long Beach, CA (Naval Hospital Branch Clinic, Seal Beach), CA
Medical Care
Naval Hospital, Long Beach, CA
Ambulance Services
Combat Systems Technical School Command, Mare Island, CA
Storage and Warehousing
Admin Support Services
Training Development and Support
Naval Air Maintenance Training Group Detachment, Miramar, CA
Training Development and Support
Naval Air Maintenance Training Group Detachment, Moffett Field, CA
Training Development and Support
Fleet Numerical Oceanography Center, Monterey, CA
Custodial Services
Naval Air Maintenance Training Group Detachment, North Island, CA
Training Development and Support
Naval School Physical Distribution Management, Oakland, CA
Admin Support Services
Training Development and Support
Naval Construction Training Center, Port Hueneme, CA
Storage and Warehousing
Admin Support Services
Training Development and Support
Fleet Training Center, San Diego, CA
Training Development and Support
Naval Submarine Base, San Diego, CA
Recreational Library Services
Fleet Intelligence Center, Pacific, San Diego, CA
Admin Support Services
Naval Unit, Lowry Air Force Base, CO
Admin Support Services
Armed Force Air Intelligence Training Center, Lowry AFB, CO
Training Development and Support
Naval Submarine Medical Research Laboratory, Groton, CT
Custodial Services
Naval Air Maintenance Training Group Detachment, Cecil Field, FL
Training Development and Support
Naval Air Maintenance Training Group Detachment, Jacksonville, FL
Training Development and Support
Naval Medical Command, Southeast Region, Jacksonville, FL
Ambulance Services
Naval Hospital, Jacksonville, FL
Custodial Services
Fleet Training Center, Mayport, FL
Admin Support Services
Naval Air Maintenance Training Group Detachment, Mayport, FL
Training Development and Support
Naval Air Maintenance Training Group Detachment, Whiting Field, Milton, FL
Training Development and Support
Naval Hospital, Orlando, FL
Ambulance Services
Management Information and Instructional Systems Activity, Pensacola, FL
Operations of ADP Equipment
Naval Hospital, Pensacola, FL
Ambulance Services
Naval Air Rework Facility, NAS, Pensacola, FL
Word Processing Center
Messenger Service
Navy Supply Corps School, Athens, GA
Training Development and Support
General Skill Training, Naval Submarine Training Center, Pacific, Pearl Harbor, HI
Training Development and Support (Equipment Maintenance)
Naval Submarine Base, Pearl Harbor, HI
Heavy Truck Operation
Other Vehicle Operations
Naval Submarine Training Center, Pacific, Pearl Harbor, HI
Training Development and Support (Admin)
Commander Submarine Force, U.S. Pacific Fleet, Pearl Harbor, HI
Printing and Reproduction
Word Processing Centers
Data Processing Services
Naval Air Maintenance Training Group Detachment, Brunswick, ME
Training Development and Support
Naval Medical Clinic, Annapolis, MD
Ambulance Services
Naval School Explosive Ordnance Disposal, Indian Head, MD
Training Development and Support
Naval Air Test Center, Patuxent River, MD
Reference Library
Naval Air Maintenance Training Group Detachment, Meridian, MS
Training Development and Support
Aircraft Launch Recovery Training Group, Naval Air Technical Training Center, East Lakehurst, NJ
Training Development and Support
Naval Air Technical Training Center, Lakehurst, NJ
Training Development and Support
General Skill Training, Naval Air Technical Training Center, Lakehurst, NJ
Training Development and Support
Naval Air Engineering Center, Lakehurst, NJ
RDT&E Maintenance and Support
Electrical Plants and Systems
Heating Plants and Systems
Water Plants and Systems
Sewage and Waste Plants and Systems
Air Conditioning and Refrigeration Plants
Buildings and Structures (Other Than Family Housing)
Data Processing Services
Naval Hospital, Philadelphia, PA
Ambulance Services
Naval Air Maintenance Training Group Detachment, Willow Grove, PA
Training Development and Support
Surface Warfare Officers School Command, Newport, RI
Admin Support Services
Training Development and Support
Naval Hospital, Beaufort, SC
Occupational Health
Fleet & Mine Warfare Training Center, Naval Base, Charleston, SC
Word Processing Centers
Reference Libraries
Messenger Service
General Skill Training, Naval Air Maintenance Training Group, Millington, TN
Admin Support Services
Training Development and Support
Naval Air Technical Training Center, Millington, TN
Training Development and Support
Naval Air Maintenance Training Group Detachment, Beeville, TX
Training Development and Support
Naval Air Maintenance Training Group Detachment, Corpus Christi, TX
Training Development and Support
Naval Air Maintenance Training Group Detachment, Kingsville, TX
Training Development and Support
Naval Amphibious School, Little Creek, VA
Curriculum Development, Test and Evaluation
Admin Support Services
Fleet Training Center, Norfolk, VA
Training Development and Support
Fleet Anti-Submarine Warfare Training Center, Atlantic, Norfolk, VA
Buildings and Structures Maintenance

Training Development and Support
School of Music, Naval Amphibious Base, Little Creek, Norfolk, VA
Training Development and Support
Naval Air Maintenance Training Group Detachment, Norfolk, VA
Training Development and Support
Naval Air Maintenance Training Group Detachment, Oceana, VA
Training Development and Support
Naval Submarine Base, Bangor, WA
Storage and Warehousing
Sewage and Waste Plants and Systems
Water Plants and Systems
Electrical Plants and Systems
TRIDENT Training Facility, Bangor, WA
Training Development and Support
Naval Air Maintenance Training Group Detachment, Whidbey Island, WA
Training Development and Support

Dated: April 11, 1985.

William F. Roos, Jr.,

Lieutenant, JAGC, USNR, Federal Register Liaison Officer.

[FR Doc. 85-9126 Filed 4-22-85; 8:45 am]

BILLING CODE 3810-AE-M

DELAWARE RIVER BASIN COMMISSION

Commission Meeting and Public Hearings

Notice is hereby given that the Delaware River Basin Commission will hold a public hearing on Wednesday, May 1, 1985, beginning at 1:30 p.m. in the Newcastle Room of the Radisson Wilmington Hotel, Wilmington, Delaware. The hearing will be a part of the Commission's regular business meeting which is open to the public.

An informal pre-meeting conference among the Commissioners and staff will be open for public observation at about 11:00 a.m. at the same location.

Applications for Approval of the Following Projects Pursuant to Article 10.3, Article 11 and/or Section 3.8 of the Compact:

1. *Kudra, Kudra and Frawley D-84-40.* A sewage treatment project to serve the Heritage Hills residential development in Upper Makefield Township, Bucks County, Pennsylvania. The treatment plant will be designed to remove 92 percent (summer) BOD_5 and TSS from an average waste flow of 0.10 million gallons per day (mgd). Treated effluent will discharge to the Delaware River in Upper Makefield Township.

2. *Commonwealth of Pennsylvania, Department of General Services D-84-41 CP.* A sewage treatment project to serve Graterford Correctional Institution in Shippack Township, Montgomery County, Pennsylvania. The project will be designed for storage and subsequent spray irrigation of an annual average of 1.0 mgd of secondary treated effluent. Spray volume will vary from 0.76 mgd during winter months to 1.3 mgd during the summer. The spray area will consist of 25 acres of woodland and 369 acres of pasture and crop land. Feed crops will be harvested and used for the prison's farm operation.

3. *Scott Paper Company D-84-53.* Discharge of industrial waste waters from the applicant's new cogeneration process at its paper manufacturing facility in the City of Chester, Delaware County, Pennsylvania. Up to 0.725 mgd of treated coal pile runoff and 0.461 mgd of cooling tower blowdown will be discharged through separate outfalls to Zone 4 of the Delaware River. Coal pile runoff will be treated for oil, sediment removal and pH control prior to discharge.

4. *H. Hassan D-84-54.* A sewage treatment project to serve the applicant's "Orchard" subdivision in Montgomery Township, Montgomery County, Pennsylvania. The plant is designed to remove 96 percent BOD_5 (summer) and 90 percent TSS from an average waste flow of 0.15 mgd. Treated effluent will discharge to the Little Neshaminy Creek in Montgomery Township, Montgomery County, Pennsylvania.

5. *Texaco USA D-85-1.* An application for ground water withdrawal to supply the applicant's oil refining facility in West Deptford Township, Gloucester County, New Jersey. Replacement Well Nos. 4A and 6A, both located in West Deptford Township, were previously placed in service and replace Well Nos. 4 and 6, which have been sealed. Each well supplies up to 40.176 million gallons (mg)/30 days for cooling and process use. Total withdrawals from all system wells average 118.7 mg/30 days.

6. *Sybron Chemicals Inc. D-85-5.* An application for approval of a ground water withdrawal which supplies the applicant's manufacturing facility in Pemberton Township, Burlington County, New Jersey. Well Nos. 2, 4, 5, and EQ106 supply water for cooling and process use and are located in Pemberton Township. Requested withdrawal rates are 43.2 mg/30 days from Well No. 5, and 80 mg/30 days from all wells. Only Well No. 4 is pumped regularly. Well Nos. 2 and 5 are used for backup and for meeting peak demands. Well No. EQ106 is used for potable supply.

7. *Borough of Honey Brook D-85-7 CP.* A ground water withdrawal project to supply the applicant's distribution system in and around Honey Brook Borough, Chester County, Pennsylvania. New Well No. 7 will serve as a backup supply and is to be used during repair and rehabilitation of existing Well No. 5—the major existing water supply source. Present withdrawal rates from existing Well Nos. 5 and 6 average 3.75 mg/30 days. The requested withdrawal rate from the proposed well is 3.78 mg/30 days. All wells are located in Honey Brook Township in the West Branch Brandywine Creek Watershed.

8. *Commonwealth of Pennsylvania—Bureau of Corrections D-85-11 CP.* A sewage treatment project to serve the new Frackville State Correctional Institution in Ryan Township, Schuylkill County, Pennsylvania. The treatment plant will be designed to remove 90 percent BOD_5 and suspended solids from an average waste flow of 0.10 mgd. Treated effluent will discharge to Stony Creek in Ryan Township.

9. *Lightnet D-85-13.* A fiber optic cable crossing of Assumpink Creek Site No. 20, a Comprehensive Plan reservoir project in West Windsor Township, Mercer County, New Jersey. The cable will be buried a minimum of three feet below the reservoir bed and will be jetted into place by means of a 2.5 inch diameter high pressure air or water jet. The fiber optic cable will follow the right of way of an existing overhead transmission line owned by Public Service Electric and Gas Company and is part of a new interstate electronic comunication network.

10. *Kiamesha Artesian Spring Water Company D-85-20 CP.* An application for approval of existing Well No. 3 (Concord Well) for use as a backup source of water for the applicant's water supply system in the Town of Thompson, Sullivan County, New York. The well, which will provide up to 70 gallons of water per minute or 100,800 gallons per day is located immediately south of Chalet Road (Town Road #45) and east of Kiamesha Creek.

11. *Blue Ridge Real Estate/Big Boulder Corporation D-85-25.* A sewage treatment project to serve the "Big Boulder Lake" resort area in Kidder Township, Carbon County, Pennsylvania. The treatment plant will be designed to remove 93 percent BOD_5, 88 percent TSS and nutrients from an average waste flow of 0.225 mgd. Treated effluent will discharge to an unnamed tributary of Tunkhannock Creek in Kidder Township.

12. *Borough of Ambler D-85-26 CP.* A ground water withdrawal application to continue approvals for the applicant's Well Nos. 12 and 14. Dockets D-77-92 CP and D-77-16 CP granted interim approvals in 1978 and 1977 for Well Nos.

12 and 14, respectively, subject to review when the applicant submitted an acceptable ground water monitoring program and a report on the findings and analysis of the effects of Ambler withdrawals on the water resurces of the area. In 1984 the applicant supplied an average of 1.89 mgd from nine wells to meet system demands. Well No. 12 is located 800 feet east of Houston Road in lower Gwynedd Township, Montgomery County, Pennsylvania and is expected to yield up to 0.22 mgd. Well No. 14 is located adjacent to Butler Pike in Upper Dublin Township, Montgomery County and is expected to yield up to 0.547 mgd.

Documents relating to these items may be examined at the Commission's offices. Preliminary dockets are available in single copies upon request. Please contact David B. Everett. Persons wishing to testify at this hearing are requested to register with the Secretary prior to the hearings.

The Commission will hold a public hearing on Tuesday, May 7, 1985, at 10:00 a.m. and 1:30 p.m. in the Goddard Conference Room of the Commission's offices at 25 State Police Drive, West Trenton, New Jersey to consider the following application:

Philadelphia Electric Company D–69–210 CP (Final) Revised. An Application by the Philadelphia Electric Company (PECO) to temporarily, during 1985, revise portions of the Limerick Electric Generating Project as included in the Comprehensive Plan and to approve the temporary changes under Section 3.8 of the Compact. The proposed revisions consist of (1) a substitution of dissolved oxygen controls (average 5.0 mg/l and instantaneous of 4.0 mg/l) in lieu of the existing 59 °F temperature limitation to determine the availability of Schuylkill River water and (2) the release of varying amounts of water from Blue Marsh Reservoir and/or other water supply storage whenever the proposed dissolved oxygen limits or the existing flow limitation of 530 cubic feet per second (cfs) in the Schuylkill River at Pottstown would otherwise prohibit the consumptive use of water from the Schuylkill River. The quantity of water withdrawn will vary during the power ascension testing and start-up period. PECO estimates that Unit No. 1 will not operate at full power before September 1985. At full power water consumption will average 27 cfs (17.3 mgd with a peak demand of 32.5 cfs (21 mgd.) The Limerick Electric Generating Project is located in Limerick Township, Montgomery County, Pennsylvania.

Documents relating to this item may be examined at the Commission's offices. Persons wishing to testify at this hearing are requested to register with the Secretary prior to the hearing.

Public Information Briefings on Water Supply Charges

The Commission is currently considering new revenue arrangements to meet its prospective obligations for financing the proposed enlargement of two existing reservoirs in the Basin. Under its current program, anticipated revenues from water charges will fall far short of meeting future contract or bond repayment requirements if revenues are not increased by greatly raising present rates or by expanding the number of paying users. Based upon Delaware River Basin Compact Section 15.1(b), only surface water users who commenced or increased their water use after Compact enactment in 1961 are presently subject to user fees. As of 1984, those surface water users subject to DRBC charges included ten public water supply systems, seven electric power plants, and 11 industrial facilities. Presently, the vast majority of Basin water users are grandfathered and exempt from such charges.

In assessing potential arrangements for financing future water projects, the Commission believes that consideration must be given to possible modification of Federal Reservation Section 15.1(b) and potential extension of water charges, in some form, to pre-Compact water users.

The Commission invites comment by interested water users and other parties regarding potential modification of Section 15.1(b) and possible extension of the DRBC water charge program to assist in financing water projects benefitting the Basin.

Four public information sessions, one in each of the States comprising the Basin, will be held to brief interested parties and receive comments.

The information meetings will be held as follows:

April 30, 1985—1:30 p.m. and 7:00 p.m., Sheraton-Brandywine Inn—Ballrooom A, Route 202, 4727 Concord Pike, Wilmington, Delaware

May 13, 1985—1:30 p.m. and 7:00 p.m., Holiday Inn—Lafayette Room, 260 Goddard Boulevard, King of Prussia, Pennsylvania

May 20, 1985—1:30 p.m. and 7:00 p.m., Delaware River Basin Commission—Goddard Conference Room, 25 State Police Drive, West Trenton, New Jersey

May 29, 1985—7:00 p.m., Holiday Inn—Delaware Room, New Greenville Turnpike Road, Route 23 and I–84, Port Jervis, New York

Any specific new water pricing proposal would be subject to formal public hearing prior to adoption.

Parties interested in presenting statements at any of the sessions are requested to register with the Secretary by 4:00 p.m of the previous workday.

Wide distribution of a detailed background paper describing the issues and options was made on March 29, 1985. Additional copies of the background paper are available upon request.

Susan M. Weisman,

Secretary.

April 16, 1985.

[FR Doc. 85–9768 Filed 4–22–85; 8:45 am]

BILLING CODE 6360–01–M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

[ERA Docket No. 85–09–NG]

Natural Gas Imports; Bethlehem Steel Corp.; Application To Import Natural Gas From Canada

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of application for authorization to import natural gas from Canada.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) gives notice of receipt on April 4, 1985, of the application of the Bethlehem Steel Corporation (Bethlehem) to import up to 12 Bcf of Canadian natural gas from Northridge Petroleum Marketing, Inc. (Northridge) for the period ending November 1, 1986. The daily rate would be up to 25 MMcf but would not exceed 6 Bcf in one year. Sales would be on a best-efforts basis with no penalty if Bethlehem reduces or suspends purchase, although Bethlehem will attempt to purchase an average of 15 MMcf of gas per day. The initial border price would be $2.87 (U.S.) per Mcf but is subject to renegotiation at any time upon either party giving 30 days notice to the other. The contract is automatically renewed for additional two-year periods unless terminated by either party. Bethlehem requests that the authorization be granted by June 4, 1985.

The application is filed with the ERA pursuant to Section 3 of the Natural Gas Act and DOE Delegation Order No. 0204–111. Protests, motions to intervene, notices of interventions, and written comments are invited. DATES: Protests, motions to intervene or notices of intervention, as applicable, and written

comments are to be filed no later than 4:30 p.m., on May 23, 1985.

FOR FURTHER INFORMATION CONTACT:

Chuck Boehl (Natural Gas Division, Office of Fuels Programs), Economic Regulatory Administration, Forrestal Building, Room GA–007, 1000 Independence Avenue, SW., Washington, D.C. 20585, (202) 252–6050

Diane J. Stubbs (Office of General Counsel, Natural Gas and Mineral Leasing), U.S. Department of Energy, Forrestal Building, Room 6E-042, 1000 Independence Avenue, SW., Washington, D.C. 20585, (202) 252–6667

SUPPLEMENTARY INFORMATION:

Bethlehem is an integrated steel producer engaged primarily in the manufacture and sale of steel and steel products. The natural gas that is the subject of this application will be used in the manufacturing process at its Burns Harbor, Indiana, plant, which converts raw materials into plates and sheets.

The gas to be imported would initially displace a portion of the gas being purchased from MidCon Ventures, Inc., an affiliate of Natural Gas Pipeline Company of America (Natural). Under the MidCon arrangement, Bethlehem is currently purchasing up to 25,000 MMBtu's per day delivered to the Burns Harbor plant by Natural and the Northern Indiana Public Service Company (NIPSCO). The MidCon gas began flowing on September 1, 1984, according to Bethlehem.

According to Bethlehem's application, the Canadian gas will come from reserves owned or controlled by producers in the Province of Alberta, Canada, or from such other sources as may be required from time to time. No new facilities will be required to implement the proposed importation. The imported volumes will be transported for Northridge by NOVA, an Alberta Corporation, to the Alberta border and thereafter will be transported to the international boundary at Emerson, Manitoba, by TransCanada Pipelines Limited. Bethlehem states that there are five potential transporters within the United States that have indicated a willingness to transport the gas for Bethlehem through existing pipeline facilities—ANR Pipeline Company, Great Lakes Transmission Company, Northern Natural Gas Company, Natural, and Midwestern Gas Transmission Company. No final transportation agreements has been reached at the date of the applicant's filing. The gas would ultimately be delivered to NIPSCO, the existing utility supplier of the Burns Harbor, Indiana, plant, for redelivery by NIPSCO to Bethlehem.

Bethlehem and Northridge entered into a gas sales agreement dated February 22, 1985. Under that agreement, Northridge would make available on a best-efforts basis up to 25 MMcf of gas per day and 6 Rcf per year. Bethlehem would take an average of 15 MMcf of gas per day on a best-efforts basis, although it may take all the gas Northridge has available up to 25 MMcf per day. The primary term of the contract extends through November 1, 1986, and is automatically extended for successive two-year terms unless terminated by either party giving 60 days notice prior to the expiration of a term.

Deliveries under the contract will begin on the first day of the month following the month in which all necessary approvals are received unless this occurs during the last five days of the month. In that case, deliveries would commence on the first day of the second month following the month in which approvals are received.

The price at the point of importation initially will be $2.87 (U.S.) per Mcf and will be subject to renegotiation at any time by either party giving the other 30 days notice. The contract also provides for renegotiation at a time the price netted back to Empress, Alberta, is lower than the Alberta border price set monthly by the Alberta Petroleum Marketing Commission. There is no minimum purchase obligation and the only take-or-pay requirement relates to volumes nominated by Bethlehem and actually delivered by Northridge to the intervening transporters at the time of contract termination. Sales and deliveries will be on a best-efforts basis by Northridge, as requested by Bethlehem in monthly volume nominations. Bethlehem retains the right to restrict or cease taking the imported supplies at any time and for so long as it deems expedient to do so.

Bethlehem maintains that the importation will be in the public interest. It asserts that the importation will place downward pressure on high-cost domestic suppliers. Bethlehem alleges that this downward price pressure ultimately benefits the residential, commercial and industrial customers of the local distributing companies which purchase from such domestic suppliers by fostering lower-priced gas supplies. Also, there are no disincentives to Bethlehem's switching to alternate lower-priced gas supplies or to other alternate fuels.

The decision on this application will be made consistent with the Department of Energy's gas import policy guidelines, under which the competitiveness of an import arrangement in the markets served is the primary consideration in determining whether it is in the public interest. Parties that may oppose this application should comment in their responses on the issue of competitiveness as set forth in the policy guidelines. The applicant has asserted that this import arrangement is competitive. Parties opposing the arrangement bear the burden of overcoming this assertion.

Other Information

In response to this notice, any person may file a protest, motion to intervene or notice of intervention, as applicable, and written comments. Any person wishing to become a party to the proceeding and to have the written comments considered as the basis for any decision on the application must, however, file a motion to intervene or notice of intervention, as applicable. The filing of a protest with respect to this application will not serve to make the protestant a party to the proceeding, although protests and comments received from persons who are not parties will be considered in determining the appropriate procedural action to be taken on the application. All protests, motions to intervene, notices of intervention, and written comments must meet the requirements that are specified by the regulations in 10 CFR Part 590. They should be filed with the Natural Gas Division, Office of Fuels Programs, Economic Regulatory Administration, Room GA–033–B, RG–23, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C. 20585. They must be filed no later than 4:30 p.m., May 23, 1985.

The Administrator intends to develop a decisional record on the application through responses to this notice by parties, including the parties' written comments and replies thereto. Additional procedures will be used as necessary to achieve a complete understanding of the facts and issues. A party seeking intervention may request that additional procedures be provided, such as additional written comments, an oral presentation, a conference, or a trial-type hearing. Any request to file additional written comments should explain why they are necessary. Any request for an oral presentation should identify the substantial question of fact, law, or policy at issue, show that it is material and relevant to a decision in the proceeding, and demonstrate why an oral presentation is needed. Any request

for a conference should demonstrate why the conference would materially advance the proceeding. Any request for a trial-type hearing must show that there are factual issues genuinely in dispute that are relevant and material to a decision and that a trial-type hearing is necessary for a full and true disclosure of the facts.

If an additional procedure is scheduled, the EPA will provide notice to all parties. If no party requests additional procedures, a final opinion and order may be issued based on the official record, including the application and response filed by parties pursuant to this notice in accordance with 10 CFR § 590.316.

A copy of Bethlehem's application is available for inspection and copying in the Natural Gas Division Docket Room, GA–033–B, at the above address. The Docket Room is open between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except holidays.

Issued in Washington, D.C., on April 16, 1985.

James W. Workman,

Director, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 85–9719 Filed 4–23–85; 8:45 am]

BILLING CODE 6450–01–M

[ERA Docket No. 85–08–NG]

Natural Gas Imports; N–REN Corp.; Application To Import Natural Gas From Canada

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of application to import natural gas from canada.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) gives notice of receipt on April 4, 1985, of an application from N–REN Corporation (N–REN), a wholly-owned subsidiary of IDI Management, Inc., to import up to 35,000 Mcf of Canadian natural gas per day on a best-efforts basis at $2.87 (U.S.) per Mcf. The imported volumes are to be purchased from Northridge Petroleum Marketing, Inc. (Northridge) over an initial term beginning on the date of first delivery and ending November 1, 1986, with an automatic two-year extension unless terminated in writing by either party at least 60 days prior to that date. Additional one-year extensions would also be automatic unless terminated by a 60-day notice prior to the expiration of the then existing term. The maximum obligation during the initial term is 21.90 Bcf with deliveries in any given year not to exceed 10.95 Bcf.

The application was filed with the ERA pursuant to Section 3 of the Natural Gas Act. Protests or petitions to intervene are invited. DATES: Protests or petitions to intervene are to be filed no later than 4:30 p.m., May 23, 1985.

FOR FURTHER INFORMATION CONTACT:

Robert M. Stronach (Natural Gas Division, Office of Fuels Programs), Economic Regulatory Administration, Forrestal Building, Room GA–007, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 252–9622

Diane J. Stubbs (Office of General Counsel, Natural Gas and Mineral Leasing), Forrestal Building, Room 6E–042, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 252–6667

SUPPLEMENTARY INFORMATION: N–REN operates a plant in East Dubuque, Illinois, which consumers natural gas as a process fuel and feedstock in the manufacture of anhydrous ammonia and by-products primarily for essential agricultural uses. N–REN proposes to import natural gas for its own use under an agreement executed on March 15, 1985, with Northridge, a Canadian corporation which has control over certain natural gas reserves from wells in the Province of Alberta, Canada. The agreement provides for the purchase and sale, on a best-efforts basis, of up to 35,000 Mcf of natural gas per day for an initial term starting with the date of first delivery and ending on the primary expiration date, November 1, 1986. The agreement has an automatic two-year extension beyond the primary expiration date unless terminated by written notice from either party at least 60 days prior to the primary expiration date. At the end of the two-year extension, the agreement provides for successive one-year extensions unless terminated by written notice by either party at least 60 days prior to the expiration of the then existing term. The first contract year begins on the date of first delivery and ends on the next November 1, with successive contract years ending on November 1 in the following year.

The maximum volume delivered in any given year is limited to 10.95 Bcf and to 21.90 Bcf during the initial term of the agreement. N–REN states in its application that sufficient reserves are controlled by and available to Northridge to supply the maximum daily volume of 35,000 Mcf called for under the agreement. The agreement contains no minimum purchase obligation or take-or-pay requirement and allows N–REN to revert totally to domestic supplies without penalty if the Canadian supply becomes uncompetitive.

Under the proposed import arrangement, the gas will be purchased from Northridge and delivered at the interconnection of the facilities of TransCanada Pipelines Limited and Great Lakes Gas Transmission Company (Great Lakes) at the international border between Canada and the United States in the vicinity of Noyes, Minnesota. Great Lakes will transport the gas to its interconnection with Northern Natural Gas Company (Northern) at either Carlton or Fortune Lake, Minnesota. Northern will then transport the gas over its existing facilities to Northern Illinois Gas Company (NI–Gas), N–REN's current distributor, which will then deliver the gas to N–REN's plant at East Dubuque, Illinois. N–REN will bear the cost of transporting the gas from the Canadian border to its plant.

The initial price of the imported gas at the international border will be $2.87 (U.S.) per Mcf. The price may be renegotiated upon 30 days notice by either party subject to regulatory approvals. If negotiations fail, the agreement will terminate 30 days following cessation of negotiations. The agreement also provides for immediate renegotiation of the international border price if changes in the U.S./Canadian exchange rate or increases in transportation costs in Canada result in a price netback to Alberta lower than the Alberta border price. Combined transportation costs from the U.S./Canadian border have been projected to be no more than $.34 (U.S.) per Mcf.

N–REN contends that the importation of Canadian natural gas is in the public interest because it will enable it to be competitive in the manufacture of anhydrous ammonia fertilizer which is essential to the U.S. agricultural economy. It states that the nitrogen manufacturing and marketing business is highly competitive and that natural gas accounts for more than 70 percent of its variable manufacturing costs. According to N–REN, access to a competitively priced, secure supply is therefore essential. N–REN states that authorization of this import will help assure continued operation of its plant and will assist in the effort to produce essential agricultural chemicals at the least cost for the farming community of the U.S. Midwest. It believes that the absence of minimum bill and take-or-pay obligations, the right to renegotiate the contract price, and the right to terminate or extend the agreement after the initial term provide sufficient flexibility so that the import will remain competitively priced. Although the sales obligation of Northridge is on a best-

efforts basis, N–REN considers the reserves committed by Czar to be sufficient to supply the contract quantity. If these should be a temporary or permanent failure of supply, N–REN states that it will be free under the terms of the agreement to obtain gas supplies from other sources. Further, N–REN believes that the proposed import arrangement will foster competition in the gas industry.

The decision on this application will be made consistent with the Department of Energy's gas import policy guidelines, under which the competitiveness of an import arrangement in the markets served is the primary consideration in determining whether it is in the public interest. Parties that may oppose this application should address in their comments the issue of competitiveness as set forth in the policy guidelines. The applicant has asserted that this import arrangement is competitive. Parties opposing the arrangement bear the burden of overcoming this assertion.

Other Information

In response to this notice, any person may file a protest, motion to intervene or notice of intervention, as applicable, and written comments. Any person wishing to become a party to the proceeding and to have the written comments considered as the basis for any decision on the application must, however, file a motion to intervene or notice of intervention, as applicable. The filing of a protest with respect to this application will not serve to make the protestant a party to the proceeding, although protests and comments received by persons who are not parties will be considered in determining the appropriate procedural action to be taken on the application. All protests, motions to intervene, notices of intervention, and written comments must meet the requirements that are specified by the regulations in 10 CFR Part 590. they should be filed with the Natural Gas Division, Office of Fuels Programs, Economic Regulatory Administration, Room GA–033–B, RG–23, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585. They must be filed no later than 4:30 p.m., May 23, 1985.

A decisional record on the application will be developed through responses to this notice by parties, including the parties' written comments and replies thereto. Additional procedures will be used as necessary to achieve a complete understanding of the facts and issues. A party seeking intervention may request that additional procedures be provided, such as additional written comments, an oral presentation, a conference, or a trial-type hearing. Any request to file additional written comments should explain why they are necessary. Any request for an oral presentation should identify the substantial question of fact, law, or policy at issue, show that it is material and relevant to a decision in the proceeding, and demonstrate why an oral presentation is needed. Any request for a conference should demonstrate why the conference would materially advance the proceeding. Any request for a trial-type hearing must show that there are factual issues genuinely in dispute that are relevant and material to a decision and that a trial-type hearing is necessary for a full and true disclosure of the facts.

If an additional procedure is scheduled, the ERA will provide notice to all parties. If no party requests additional procedures, a final opinion and order may be issued based on the official record, including the application and responses filed by parties pursuant to this notice, in accordance with 10 CFR 590.316.

A copy of N–REN's application is available for inspection and copying in the Natural Gas Division Docket Room, GA–033–B, at the above address. The docket room is open between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, DC, on April 15, 1985.

James W. Workman,

Director, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 85–9720 Filed 4–22–85; 8:45 am]

BILLING CODE 6450–01–M

Federal Energy Regulatory Commission

[Docket No. TA85–7–20–002]

Algonquin Gas Transmission Co.; Proposed Changes in FERC Gas Tariff

April 18, 1985.

Take notice that Algonquin Gas Transmission Company ("Algonquin Gas") on April 12, 1985, tendered for filing Substitute Fourth Revised Sheet No. 203 and Substitute Thirteenth Revised Sheet No. 213 to its FERC Gas Tariff, Second Revised Volume No. 1.

Algonquin Gas states that the above-mentioned tariff sheets are being filed to reflect in Algonquin Gas' Rates Schedule F–2 and Rate Schedule S–IS decreases in Consolidated Gas Transmission Corporation's ("Consolidated") underlying Rate Schedule RQ and Rate Schedule E.

Algonquin Gas requests that the Commission accept Substitute Fourth Revised Sheet No. 203 and Substitute Thirteenth Revised Sheet No. 213 to be effective March 1, 1985 to coincide with the proposed effective date of Consolidated's rate change.

Algonquin Gas requests that the Commission grant such special permission as may be necessary to allow Algonquin Gas to provide a credit on the next month's billing subsequent to Commission approval to effectuate the rate reduction filed herein as of March 1, 1985.

Algonquin Gas notes that a copy of this filing is being served upon each affected party and interested state commission.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protest should be filed on or before April 26, 1985. Protest will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 85–9761 Filed 4–22–85; 8:45 am]

BILLING CODE 6717–01–M

[Docket Nos. TA85–2–23–000 and TA85–2–23–001]

Eastern Shore Natural Gas Co.; Tariff Filing

April 18, 1985.

Take notice that Eastern Shore Natural Gas Company (Eastern Shore) on April 11, 1985, tendered for filing the following revised tariff sheets to Original Volume No. 1 of Eastern Shore's FERC Gas Tariff:

A. Proposed Tariff Sheets To Be Effective May 1, 1985

Twenty-Eighth Revised Sheet No. 5
Twenty-Eighth Revised Sheet No. 6
Twelfth Revised Sheet No. 7
Twenty-Eighth Revised Sheet No. 10
Twenty-Eighth Revised Sheet No. 11
Twenty-Eighth Revised Sheet No. 12
Fifth Revised Sheet No. 13

B. Alternate Tariff Sheets To Be Effective May 1, 1985

Alternate Twenty-Eighth Revised Sheet No. 5
Alternate Twenty-Eighth Revised Sheet No. 6
Alternate Twelfth Revised Sheet No. 7
Alternate Twenty-Eighth Revised Sheet No. 10
Alternate Twenty-Eighth Revised Sheet No. 11
Alternate Twenty-Eighth Revised Sheet No. 12
Fifth Revised Sheet No. 13

Eastern Shore states that the purpose of the filing is to reflect (1) a Purchase Gas Cost Current Adjustment, (2) a Demand Charge Adjustment (3) a Deferred Gas Cost Adjustment, and (4) to report the Projected Incremental Pricing Surcharges. This filing is being made in accordance with Sections 20, 21, and 23 of Eastern Shore's FERC Gas Tariff.

Eastern Shore states that copies of the filing have been mailed to each of its jurisdictional customers and interested State Commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before April 26, 1985. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 85-9762 Filed 4-22-85; 8:45 am]

BILLING CODE 6717-01-M

[Project Nos. 4796-008; Project No. 4939-001]

Niagara Mohawk Power Corp. et al.; Order Providing for Hearing and Granting Interventions

Issued: April 15, 1985.

Before Commissioners: Raymond J. O'Connor, Chairman; Georgiana Sheldon, A. G. Sousa, Oliver G. Richard III and Charles G. Stalon.

On June 4, 1981, Niagara Mohawk Power Corporation (NMPC) filed a license application for the Glen Park Project No. 4796, to be located at the site of a washed-out dam on the Black River in Jefferson County, New York. The license was issued on December 29, 1982.[1] [2] On February 17, 1983, the Brownville Power Company (BPC) filed a license application for the Brownville Project No. 4939, to be located at the site of another washed-out dam on the Black River immediately downstream from Project No. 4796.[3] This application is still pending before the Commission.

On September 20, 1984, the Adirondack River Outfitters, Inc. (ARO) filed a motion to intervene out of time in the Brownville Project proceeding.[4] ARO operates whitewater rafting trips on a reach of the Black River from Watertown, New York to a dam at Dexter, New York, about 7.9 miles in length. ARO, which began its service on the Black River in 1983, states that it guided 1,400 persons in 1983, an estimated 3,500 in 1984, and projects over 50,000 annually by 1989. ARO claims that this business would provide 120 jobs directly and interject millions of dollars per year into the local economy.

ARO asserts that a change in circumstances since the application for license for Project No. 4939 was filed justifies its late intervention. ARO claims that, because of the wash-out of the previous dams at the Glen Park and Brownville project sites in 1978, and also as a result of the Clean Water Act, the formerly polluted river has been cleansed and changed to a free-flowing stream with excellent whitewater sections in an attractive setting (*i.e.*, a gorge between the Glen Park and Brownville sites). ARO states that whitewater rafting has become a very popular leisure activity and that the Black River includes a market area of 50 million people. Finally, ARO claims that the Black River has emerged as one of the Northeast's premier whitewater rivers. In support of these statements, ARO included with its intervention request letters from the National Park Service of the United States Department of the Interior; the New York Department of Environmental Conservation; and the New York State Office of Parks, Recreation, and Historic Preservation. ARO argues that: The Brownville Project's power generation benefits cannot compensate for the loss of these recreational resources;[5] Section 10(a) of the Federal Power Act [6] requires that the license be denied; and Environmental Impact Statement (EIS) is needed; and an evidentiary hearing should be held.

On December 10, 1984, the United States Department of the Interior (DOI) filed a supplement to its earlier letter of comment on the Brownville license application. DOI indicated that it has reassessed the recreational value and potential of the Black River and that the reassessment indicated that:

1. The Black River is recognized as one of only four rivers in the entire Northeastern United States which currently provides a high quality adventure rafting experience during the entire summer;

2. The Black River is one of only two adventure rafting rivers in New York State and offers the longest whitewater rafting season of any river in the state; and

3. The Black River appears to have significant future potential for increased whitewater rafting use.

On November 7, 1984, the American Whitewater Affiliation, Inc. (AWA) also filed a motion to intervene out of time in the Brownville Project proceeding. AWA, which represents kayakers, canoeists, and paddlers of non-powered craft, asserts that the Brownville Project would inundate some of the most exciting and rare rapids in the Black River run. According to AWA, this particular river segment represents a unique paddling resource because it is easily accessible by vehicle, it is near populated areas where food and lodging can be obtained, and it is on the route to other areas often paddled. AWA advances arguments similar to those presented by ARO concerning changed circumstances as its reason for late filing. AWA also states that technological advances in boat construction as well as in paddling techniques have expanded the frontiers of paddling to rivers, such as the Black,

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[1] 21 FERC ¶ 62,537 (1982).

[2] On September 4, 1984, NMPC filed an application for a transfer of the license from itself to itself and the Glen Park Associates (GPA). The purpose of the transfer was to permit GPA to utilize various tax advantages unavialable to NMPC that would ultimately save NMPC's ratepayers some $30 million over forty years. That application is approved today by separate order (*see* Niagara Mohawk Power Corporation, 30 FERC ¶ 61,—— (1985)), because that transfer is in the public interest and is independent of, and not relevant to, the matters set for hearing in this order.

[3] Another project located just downstream from Project No. 4939 (the exempted Dexter Project No 2895, 19 FERC ¶ 61,229 (1982)) has not been challenged by the entities petitioning for intervention in this proceeding and thus is not included within the scope of this order. Another application for license (the proposed Woods Falls Project No. 8763, which would have been located on the Black River just upstream from the Glen Park development) would have been included in this order, but for the fact that it was rejected on February 28, 1985. A license is already outstanding on this site. (Project No. 2427), but the facilities have never been built. That project's surrender has not been made effective because of a failure to pay the accumulated annual charges.

[4] ARO filed a supplement to its motion to intervene on October 19, 1984.

[5] ARO also cites in support of its position that increase in private canoeing and kayaking on the river as well as sport fishing.

[6] 16 U.S.C. 803(a) (1976).

that had heretofore been considered too dangerous. In general, AWA makes other arguments similar to ARO and requests similar relief. AWA also states, however, that it may be possible to redesign the proposed dam for Project No. 4939 so that it would facilitate closed boat and raft usage, as well as power generation.

Because the adjacent Glen Park Project No. 4796 had already been licensed, ARO filed on October 16, 1984, a petition to have the Commission impose conditions on the license for recreational purposes pursuant to its reserved authority under Articles 9, 12, 17, and 36 of the license,[7] and a motion to intervene.[8] The conditions that ARO wants imposed are:

1. That all inflow to the reservoir be released at the dam between 9AM and 4PM (a) four days per week including Friday, Saturday, and Sunday, from May 1 to December 30 and (b) daily from June 1 to September 15;

2. That boat passage facilities be built at the dam in conjunction with fish passage facilities; and

3. That the powerhouse be redesigned to prevent interference with passing boats and to minimize the negative visual impact.

ARO requests that a hearing be ordered if the licensee opposes these modifications.

We have examined the above-referenced pleadings filed by ARO and AWA in the Project Nos. 4939 and 4796 proceedings. We have also reviewed the answers to those pleadings submitted by NMPC and BPC. Essentially, those responses claim that there does not exist good cause for the late filing of the intervention requests, that they completed the required consultation with regard to recreational resources and that no significant problems were raised during that process, that there has been no change in circumstances, and that no new material issues of fact are presented by ARO and AWA. NMPC and BPC also claim that the Projects will produce a significant amount of power, that Congress has mandated the development of such renewable resources in the Public Utility Regulatory Policies Act of 1978 (PURPA),[9] and that ARO does not represent the public interest, but rather a private, commercial business venture.

None of these responses persuade us that a hearing need not be held here. We do not have sufficient information before us to evaluate the two projects' impacts on the newly developed whitewater recreation potential of the river. Nor do we know the extent to which power generation and whitewater recreation are incompatible. We believe both sides should be given the opportunity to develop a record on these matters. We further believe that there has been a sufficient change in circumstances here that justifies ARO and AWA raising these issues after the close of the comment period on Project No. 4939 and after the licensing of Project No. 4796. The agency letters support this view. As indicated earlier, on December 10, 1984, DOI filed a letter expressing its concern over the impact Project No. 4939 would have on the recreational resources of the river. Also, on March 19, 1985, DOI filed a letter with the Commission in which it expressed similar concerns with regard to Project No. 4796 and requested that the Commission order changes in the recreational plan for the project pursuant to Article 17 of the license.[10] Moreover, merely because ARO has a monetary interest in the outcome of these proceedings, its views, like those of its customers and the members of AWA, are also a part of the overall "public interest". Finally, we note that, although Congress did express an interest in the expeditious development of hydropower in PURPA, Congress clearly indicated that this was to be accomplished consistent with applicable law and specifically with certain environmental statutes. Therefore, we do not believe that our duty to examine the possible environmental consequences of these projects, *e.g.* impact on whitewater recreation, has been negated by PURPA.

Two remaining points must be addressed. First, ARO and AWA claim that an EIS should be prepared for Project No. 4939. We believe that this request is premature. We have ordered a hearing to develop a factual record on limited issues with respect to the license application. This information will be useful in a subsequent determination of whether an EIS is or is not needed. But the question would encompass a consideration of many environmental factors that are not of concern here. Thus, the findings of the Administrative Law Judge will be of help in deciding this issue at a later date. The parties may raise this issue at that time if they continue to believe that the environmental impacts of the project require preparation of an EIS.

Second, NMPC claims that the license articles cited by ARO in its petition to impose conditions on the license for Project No. 4796 do not reserve authority for the Commission to impose the relief requested. We disagree. Articles 12, 17, and 36 all reserve Commission authority to require modification of project structures or operation in order to accommodate all beneficial public uses, including recreational purposes. Of course, due process and the articles themselves require notice and an opportunity for hearing, which we are providing herein, before changes are ordered. Further, the changes ultimately required, if any, would have to be in the public interest. Thus, their effect on project economics, as well their own economic value, must be taken into account. This is precisely the sort of information we seek in setting this matter for hearing.[11]

Because of the nature and complexity of the issues raised by the pleadings and because of our need for a thorough airing of the facts upon which to base our decisions with regard to the licensing of Project No. 4939 and the modification of conditions for Project No. 4796, we conclude that the matter should be set for evidentiary hearing. The following issues should be addressed:

1. The value of the Black River for whitewater recreation;

2. The impacts on recreation that would be caused by construction and operation of Project Nos. 4939 and 4796;

3. The compatibility of the projects with whitewater recreation, including alterntive designs or operating regimes;

4. The value of the projects for power generation purposes under the proposed and alternative schemes of development or operating regimes.

The Adirondack River Outfitters, Inc. and the American Whitewater Affiliation, Inc. are granted intervention in these proceedings. They shall participate fully in the hearings and present testimony and evidence to support their positions as set forth in their filings.

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[7] Under Commission regulations, any person may request that the Commission exercise discretionary authority vested in the Commission. *See* 18 CFR 385.207 (1984).

[8] The motion to intervene is basically the same as the one filed in the Project No. 4939 proceeding.

[9] Pub. L. No. 95-617.

[10] Although in its initial comment letters on the projects DOI did not raise these recreational concerns, we have previously stated that, "[w]here the Commission receives differing recommendations from the same agency, it treats the most recent recommendation as controlling." Douglas Water Power Company, 29 FERC ¶ 61,185 (1984); Sierrra Pacific Power Company, 19 FERC ¶ 61,307 (1982).

[11] *See* Upper Peninsula Power Company, 14 FERC ¶ 63,069 (1981), *aff'd* FERC ¶ 61,147 (1981).

The Commission orders

(A) Pursuant to the provisions of the Federal Power Act, particularly sections 4(e), 10(a), 308, and 309, and the Commission's Rules of Practice and Procedure, a hearing shall be held for the limited purposes of determining the value of the use of the Black River for power generation as compared to whitewater recreation and the compatibility of the competing uses under the proposed scheme of development and operation or alternative schemes, as set forth in detail above.

(B) A Presiding Administrative Law Judge, who shall be designated by the Chief Administrative Law Judge, shall preside at the hearing in this proceeding. The Presiding Judge shall convene a prehearing Judge shall provide for an adequate opportunity for discovery for all participants, including staff, prior to the filing of direct testimony.

(C) The motions to intervene filed by the Adirondack River Outfitters, Inc. and the American Whitewater Affiliation, Inc. are granted to allow their full participation in the hearing on the issues set forth in their filings and as discussed in this order.

(D) The Secretary shall cause prompt publication of this order in the **Federal Register** and shall otherwise give appropriate notice in accordance with Rules 2009 and 2010 of the Commission's Rules of Practice and Procedure, 18 CFR 385.2009 and 385.2010 (1984).

By the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 85-9763 Filed 4-22-85; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. GP85-23-000]

Northern Natural Gas Co., Division of InterNorth, Inc.; Petition for Declaratory Order

Issued: April 17, 1985.

On March 18, 1985, Northern Natural Gas Company, Division of InterNorth, Inc. (Northern), pursuant to Rule 207 of the Commission's Rules of Practice and Procedure, filed a petition for a declaratory order that errors in the calculation of certain volumes of natural gas which Northern purchased resulted in the payment for the actual volumes of natural gas at prices which exceed the maximum lawful prices under the Natural Gas policy Act of 1978, (NGPA).[1] Northern believes that this constitutes a violation of the NGPA, and asks that the Commission exercise its jurisdiction by ordering refunds with interest.

Northern alleges that certain errors caused the inaccurate calculation of the amount of gas actually being delivered to Northern by Sellers[2] which resulted in the overpayment of an amount more than $162,000. In the spring of 1984, Northern discovered the overpayment, and demanded repayment from Sellers. When Sellers refused, Northern withheld proceeds due Sellers for gas purchased from them.

On December 27, 1984, Sellers filed an action in the United States District Court for the Northern District of Oklahoma, No. 84-C-971B, seeking an accounting of all proceeds withheld and payment of such proceeds by Northern, together with interest. Sellers alleges that provisions of their contracts with Northern bar adjustments extending beyond ninety days.

Northern contends that its errors in calculating the volumes of gas produced resulted in Sellers receiving a first sale price in excess of the maximum lawful price applicable to the gas being purchased which violates § 270.101(a) of the Commission's regulations. Northern alleges that in not repaying such amounts, Sellers has also violated § 270.101(e) which establishes the general refund obligation. Northern contends that the regulations are applicable to all overpayments without regard to the cause of the overpayment.

Northern requests that the Commission take jurisdiction of this matter and issue an order determining whether error in the calculation of the volumes of natural gas purchased which results in charging and collecting prices in excess of the maximum lawful price is a violation of the NGPA, and that Sellers be subject to the § 270.101(e) refund obligation.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such motions or protests should be filed on or before May 8, 1985. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 85-9764 Filed 4-22-85; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA85-3-37-002]

Northwest Pipeline Corp.; Change in Rates

April 18, 1985.

Take notice that on April 12, 1985 Northwest Pipeline Corporation ("Northwest") tendered for filing and acceptance as part of its FERC Gas Tariff, First Revised Volume No. 1, the following tariff sheet:

Substitute Eighteenth Revised Sheet No. 10

This tariff sheet reflects a reduction in the surcharge adjustment of .167¢ per therm resulting from the inclusion of a $4.5 million credit to Account No. 191 attributable to incremental fuel and shrinkage at Northwest's Opal and Ignacio liquids extraction plants for the period September through December 1984. Northwest agreed to credit such incremental fuel and shrinkage to Account No. 191 as part of an Offer of Settlement in Docket Nos. TA84-2-37-000 and 001, TA85-1-37-000 and 001, TA85-2-37-000, and 001, and RP85-1-000. The Offer of Settlement was approved by Commission order dated March 19, 1984.

Northwest has requested an effective date of May 1, 1985 for the above referenced tariff sheet.

A copy of this filing is being served on all parties of record in Docket No. RP72-154, on all jurisdictional customers and affected state agencies, and all intervenors at Docket No. TA85-3-37-000 and 001.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before April 26, 1985. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to

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[1] 15 U.S.C. 3301-3432 (1982).

[2] Northern entered into gas purchase contracts with a number of parties (Sellers) all of which contracts were amended in July 1966. Northern is purchasing gas from Sellers under these contracts under a small producer certificate issued in Docket No. CS72-1020.

intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 85-9765 Filed 4-22-85; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 2541-001]

Utilities Holding Co. and Cascade Power Co.; Application for Transfer of License (Minor)

April 16, 1985.

Take notice that Utilities Holding Company, Licensee for the Cascade Project No. 2541, and Cascade Power Company have requested that the project license be transferred to Cascade Power Company. The Cascade Project is located on the Little River in Transylvania County, North Carolina. The project's installed capacity is 825 kilowatts.

Comments, Protests, or Motion to Intervene—Anyone may file comments, a protest, or a motion to intervene in accordance with the requirements of Rules 211 or 214, 18 CFR 385.211 or 385.214, 47 FR 19025–26 (1982). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be filed on or before May 28, 1985.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "PROTESTS", or "MOTION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426.

Kenneth F. Plumb,

Secretary.

[FR Doc. 85-9766 Filed 4-22-85; 8:45 am]

BILLING CODE 6717-01-M

1984 Annual Oil Pipeline Construction Costs

April 19, 1985.

The Federal Energy Regulatory Commission (FERC), by order issued February 10, 1978, established an Oil Pipeline Board and delegated to the Board its functions with respect to the issuance of valuation reports pursuant to Section 19a of the Interstate Commerce Act.

Take notice that the FERC is now giving consideration to costs associated with the construction of oil pipelines during 1984. These costs will be translated to 1984 price index numbers which show the relative costs of oil pipleine construction using 1947 Period Costs equal to 100.

In the development of the annual indices, major consideration is given to data submitted by jurisdictional oil pipelines pursuant to valuation orders in 18 CFR 360.103 and 360.104 (formerly 49 CFR 1260.103 and 1260.104). Such data include pipe purchases, tank constuction, pump and motor purchases, buildings constructed, labor cost for laying new piplines, and other related pipeline construction and facilities costs. In addition, consideration is given to other sources of cost data pertinent to oil pipelines.

Any person desiring to submit information for the FERC's consideration in the development of the 1984 annual oil pipeline construction indices should file an original and six copies of such information with the Secretary, Federal Energy Regulatory Commission, 825 North Capital Street, NE., Washington, D.C. 20426, on or before May 22, 1985. Copies of the filings will be available for public inspection.

Francis J. Conner,

Administrative Officer, Oil Pipeline Board.

[FR Doc. 85-9767 Filed 4-22-85; 8:45 am]

BILLING CODE 6717-01-M

Office of Hearings and Appeals

Cases Filed; Week of March 15 Through March 22, 1985

During the Week of March 15 through March 22, 1985, the applications for exception or other relief listed in the Appendix to this Notice were filed with the Office of Hearings and Appeals of the Department of Energy.

Under DOE procedural regulations, 10 CFR Part 205, any person who will be aggrieved by the DOE action sought in these cases may file written comments on the application within ten days of service of notice, as prescribed in the procedural regulations. For purposes of the regulations, the date of service of notice is deemed to be the date of publication of this Notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first. All such comments shall be filed with the Office of Hearings and Appeals, Department of Energy, Washington, D.C. 20585.

Dated: April 15, 1985.

George B. Breznay,

Director, Office of Hearings and Appeals.

LIST OF CASES RECEIVED BY THE OFFICE OF HEARINGS AND APPEALS

[Week of Mar. 15 through Mar. 22, 1985]

Date	Name and location of applicant	Case No.	Type of submission
Mar. 18, 1985	H.H. Gungoll & Associates, Washington, DC	HEF-0572	Implementation of special refund procedures. If granted: The Office of Hearings and Appeals would implement special refund procedures pursuant to 10 CFR Part 205, Subpart V in connection with the Apr. 5, 1984 remedial order issued to H.H. Gungoll & Associates.
Do	Landsea Holding Co., Washington, DC	HEF-0573	Implementation of special refund procedures. If granted: The Office of Hearings and Appeals would implement special refund procedures pursuant to 10 CFR Part 205, Subpart V in connection with the Dec. 15, 1983 consent order entered into with Landsea Holding Co.
Mar. 19, 1985	Bernard Schafer Petroleum, Lansing, MI	HEE-0132	Exception to reporting requirements. If granted: Bernard Schafer Petroleum would not be required to file Form EIA-782B "Reseller's/Retailer's Monthly Petroleum Product Sales Report."
Do	Resources Extraction and Processing Co., Washington, DC	HEF-0574	Implementation of special refund procedures. If granted: The Office of Hearings and Appeals would implement special refund procedures pursuant to 10 CFR part 205, subpart V in connection with the Aug. 10, 1984 consent order entered into with Resources Extraction and Processing Co.
Do	Tenneco Oil Co./Major Oil Co. of Georgia, Washington, DC	RR7-6 and RR7-7	Request for modification/rescission in the Tenneco refund proceeding. If granted: The July 23, 1982 and Aug. 18, 1982 decisions and orders (Case Nos. RF7-18 and RF7-100) issued to Major Oil Co. of Georgia would be modified regarding the firm's application for refund submitted in the Tenneco refund proceeding.
Mar. 20, 1985	Placid Oil Co., Washington, DC	HRX-0117	Supplemental order. If granted: The Feb. 2, 1985 remedial order issued to Placid Oil Co. (Case No. BRO-1433) would be modified regarding the Glass Unit, which would be found to qualify for the stripper well exemption.

LIST OF CASES RECEIVED BY THE OFFICE OF HEARINGS AND APPEALS—Continued

[Week of Mar. 15 through Mar. 22, 1985]

Date	Name and location of applicant	Case No.	Type of submission
Do	Thornton Oil Corp., Louisville, KY	HQF-0575	Implementation of second stage refund procedures. If granted: The Office of Hearings and Appeals would implement a second stage refund proceeding in connection with the consent order entered into with Thornton Oil Corp. (Case No. HEF-0497).
Mar. 21, 1985	Brazoria Energy, Inc. & Gerald W. Collum, Longview, TX	HRD-0278, HRH-0276	Motions for discovery and evidentiary hearing. If granted: Discovery would be granted and an evidentiary hearing would be convened in connection with the statement of objections submitted in response to a proposed remedial order (Case No. HRO-0259)

REFUND APPLICATIONS RECEIVED

[Week of Mar. 15 to Mar. 22, 1985]

Date	Name of refund proceeding/ name of refund applicant	Case No.
3/18/85	Seminole Refining/Baxter's Asphalt & Concrete, Inc.	RF111-2
3/18/85	Little America Refining	RF112-1
3/18/85	The M.H. Cook Pipeline Construction.	RF112-2
3/19/85	Hertz Corp./Dresser Industries.	RF76-107
3/19/85	Hertz Corp./Litton Industries.	RF76-108
3/19/85	Hertz Corp./Lucky Stores	RF76-109
3/19/85	Hertz Corp./American Greetings.	RF76-110
3/19/85	Hertz Corp./Ethyl Corp	RF76-111
3/19/85	Hertz Corp. General Instrument.	RF76-112
3/19/85	Hertz Corp./Meredith Corp.	RF76-113
3/19/85	Hertz Corp./A.C. Nielson	RF76-114
3/19/85	Richards Oil/Waste Research & Reclamation	RF70-25
3/19/85	MAPCO/Cal Gas Corp	RF108-6
3/19/85	Witco Chemical Corp./Fortmeyer's Inc.	RF115-1
3/19/85	Hunt Petroleum Corp./Tenneco Oil	RF114-1
3/19/85	Kansas Nebraska Natural/ Cal Gas Corp.	RF113-1
3/20/85	Seminole Refining/Haugabook Oil Co.	RF111-3
3/20/85	Hertz Corp./James River Corp.	RF76-115
3/20/85	Hendel's, Inc./Colonial Tire	RF79-6
3/21/85	Bayou State Oil/Ida Gasoline/Matthews Oil Co., Inc.	RF117-1
3/21/85	Northwest Pipeline/Arex, Inc.	RF116-1
3/21/85	Hertz Corp./Ex-Cell-O Manufacturing System Co.	RF76-116
3/21/85	Texas Oil & Gas/Gulf States Oil & Gas Refining Co.	RF42-11
3/22/85	Hendel's Inc./Fleming's Store	RF79-7
3/22/85	Kansas Nebraska Natural Gasoline/Little America Refining Co.	RF113-2
3/18/85 through 3/22/85	Gulf Refund Applications	RF40-1894 through RF40-2160

[FR Doc. 85-9784 Filed 4-22-85; 8:45 am]

BILLING CODE 6450-01-M

Issuance of Decisions and Orders; Week of March 25 Through March 29, 1985

During the week of March 25 through March 29, 1985, the decisions and orders summarized below were issued with respect to appeals and applications for exception or other relief filed with the Office of Hearings and Appeals of the Department of Energy. The following summary also lists a submission that was dismissed by the Office of Hearings and Appeals.

Appeals

Kramer Associates, Inc., March 25, 1985, HFA-0275

Kramer Associates, Inc. (Kramer) filed an Appeal from a partial denial by the Inspector General (IG) of the DOE of a Request for Information which Kramer had submitted under the Freedom of Information Act (FOIA). In considering the Appeal, the DOE found that certain material withheld pursuant to Exemption 4 of the FOIA should be released to Kramer, but that other material was properly withheld pursuant to Exemptions 4, 5, 7(C), and 7(D). The DOE also found that the IG did not adequately justify withholding other material pursuant to Exemptions 7(C), and 7(D), and these documents were remanded for a more specific determination. An important issue considered in this case was the privacy interest of individuals named in agency investigatory documents. Kramer also filed an Appeal under the Privacy Act for amendment of the documents it had requested. The DOE found that Kramer never received an initial determination on its Privacy Act request, and that therefore there was no basis for considering the Appeal.

William G. Sack, March 25, 1985, HFA-0280

William G. Sack filed an Appeal from a denial by the Inspector General (IG) of the Department of Energy of a Request for Information which he had submitted under the Freedom of Information Act. In considering the Appeal, the DOE found that the report requested by Mr. Sack has been completed since the IG's initial determination. Since the requested report now exists, the DOE found that the IG must either release the report to Mr. Sack or issue a determination justifying its withholding.

Remedial Order

Holly Energy, Inc. and Holly Corp., March 29, 1985, HRO-0215

Holly Energy, Inc. and Holly Corporation (Holly) objected to a Proposed Remedial Order which the Tulsa Office of the Economic Regulatory Administration (ERA) issued to the firm on March 19, 1984. In the Proposed Remedial Order, the ERA found that during the period June 1979 through December 1980, Holly erroneously classified crude oil produced from three of its properties as newly discovered crude oil, and charged prices for that crude oil in excess of those permitted pursuant to 10 CFR 212.73, 212.74 and 212.79. After considering the firm's objections the DOE concluded that the Proposed Remedial Order should be issued as a final Remedial Order of the Department of Energy. The important issues discussed in the Decision and Order include (i) whether Holly ended its liability for the overcharges by making direct payments to first purchasers of the firm's crude oil, and (ii) whether equitable principles required the DOE to seek restitution from the first purchasers rather than from Holly.

Requests for Exception

Riner Oil Co., March 29, 1985, HEE-0110

Riner Oil Company filed an Application for Exception seeking relief from the requirement that the firm complete and submit Form EIA-782B, the Reseller/Retailers' Monthly Petroleum Product Sales Report. In a Proposed Decision and Order issued on January 14, 1985, the DOE found that Riner had not shown that the burden which completing the Form placed upon the firm outweighed the benefit to the nation provided by the EIA-782B survey results. The firm submitted a Statement of Objections to the Proposed Decision and Order on January 23, 1985. In considering the firm's objections to the Proposed Decision, the DOE found that the firm had not demonstrated that filling out the Form placed a burden on the firm incommensurate with the burden placed on similar firms. Accordingly, exception relief was denied.

Varibus Corp., Gulf States Utilities Corp., March 28, 1985, HEE-0060; HER-0077

Varibus Corporation and Gulf States Utilities Corporation filed an Application for Exception from the provisions of 10 CFR 212.93 in which the firms sought retroactive relief from any price violations in sales of No. 2 and No. 6 fuel oil to Gulf States from Varibus, its wholly owned subsidiary, during 1973 and 1974. In considering the request, the DOE found that Gulf States had passed along to its electricity customers any overcharges on fuel oil purchased through Varibus. Accordingly, the DOE concluded that neither Varibus nor Gulf States had experienced a hardship, inequity, or unfair distribution of burdens caused by the regulations.

Motions for Discovery

Indian Wells Oil Co., March 26, 1985, HRD-0093 and HRH-0093

Indian Wells Oil Company filed Motions for Discovery and an Evidentiary Hearing in connection with a Proposed Remedial Order issued to the firm. In considering Indian Wells' discovery motion, the DOE determined that the firm had not laid a proper basis for administrative record and contemporaneous construction discovery of 10 CFR Part 212, Subparts E and K. The DOE further

determined that Indian Wells failed to show the relevance of audit-related discovery. Accordingly, the Motion for Discovery of audit-related discovery. Accordingly, the Motion for Discovery was denied. Finally, the DOE denied Indian Wells' evidentiary hearing request because there were no genuine disputed issues of fact.

Liberty Trading Co., Ray Levrier, March 28, 1985, HRD–0181; HRH–0181

On October 27, 1983, Liberty Trading Company and Ray Levrier filed motions for discovery and for evidentiary hearing in connection with a Proposed Remedial Order issued by the Economic Regulatory Administration to the firm and Ray Levrier on April 29, 1983. The motion for discovery sought information on administrative records and unofficial contemporaneous agency constructions of the regulations relied on by the Economic Regulatory Administration, and further explanation of the allegations made in the PRO. The motion for evidentiary hearing sought permission to present testimony of persons experienced in the petroleum industry on the functions traditionally and historically associated with resales of crude oil, and the testimony of DOE employees regarding the meaning of the phrase "performs no service or other function traditionally and historically associated with the resale of crude oil." The Office of Hearings and Appeals denied the motions in their entirety on the grounds that the requested discovery and hearing would not adduce information which was relevant and material to the resolution of any contested factual issues in the Proposed Remedial Order proceeding.

Metropolitan Enterprises, Inc., March 28, 1985, HRD–0056

Metropolitan Enterprises, Inc. (Metropolitan) filed a Motion for Discovery on June 8, 1982 in connection with a Statement of Objections to a Proposed Remedial Order that the Economic Regulatory Administration (ERA) issued to the firm on February 24, 1982. In its discovery motion, Metropolitan requested responses to interrogatories and the production of related documents in support of its contentions that: (i) The ERA's audit program improperly discriminated against resellers; (ii) the DOE did not give proper consideration to the impact of its regulatory actions on small businesses, in contravention of section 18(a)(9) of the Federal Energy Administration Act (FEAA), 15 U.S.C. 777(a)(9); (iii) the Special Report Order issued to the firm on August 14, 1979 was in violation of the Federal Reports Act, 44 U.S.C. 3509; and (iv) the ERA had inconsistent and contradictory policies regarding "netting" of overcharges with undercharges, the assessment of interest on overcharges, the use of the Equal Application Rule in 10 CFR 212.93(e), the manner of calculating unrecouped increased costs, the valuaiton of inventory costs, the sequence of recovering increased product and non-product costs, and the applicability of the "new item rule," 10 CFR 212.111, to sales of unleaded gasoline. In considering the Motion for Discovery, the DOE determined that the discovery sought by the firm would not elicit evidence that was relevant and material to the issues raised in the Statement of Objections. Accordingly, the Motion for Discovery was denied.

R.P. Trading Co./Seldon R. Harris, Ralph Pedler, Economic Regulatory Administration, March 26, 1985, HRH–0030; HRH–0242; HRD–0242; HRD–0250

R.P. Trading Company and Seldon R. Harris filed a Motion for Evidentiary Hearing and Ralph Pedler filed Motions for Discovery and an Evidentiary Hearing (the parties' evidentiary hearing motions are identical) in connection with a Proposed Remedial Order (PRO) issued to the parties. The Economic Regulatory Administration also filed a Motion for Discovery. The DOE granted the respondents an evidentiary hearing on the issue of whether they provided traditional and historical reseller services in each transaction in which the PRO found a violation of the layering regulations, 10 CFR 212.186. The respondents were also permitted to present evidence relating to the personal liability of R.P. Trading Co.'s corporate officers. The other requests were denied.

Motion for Evidentiary Hearing

M&M Minerials Corp., March 28, 1985, HRH–0031

On March 18, 1983, M&M Mineral Corp. et al. filed a renewed Motion for an Evidentiary Hearing concerning two issues related to a Proposed Remedial Order (PRO) issued to the firm. In considering M&M's submission, the Office of Hearings and Appeals found that neither issue fell within the ambit of the renewed Motion contemplated by an earlier Decision and Order in this PRO proceeding. Accordingly, M&M's Motion was denied.

Implementation of Special Refund Procedures

Aminoil U.S.A., Inc., March 29, 1985, HEF–0007

The Office of Hearings and Appeals issued a Decision and Order setting forth procedures to be used in filing applications for refund of a portion of the settlement funds obtained as the result of the consent order which the DOE entered into with Aminoil U.S.A., Inc. The funds will be available to customers who were injured as a result of purchases of natural gas liquid products from Aminoil and its subsidiaries, affiliates, and predecessors in interest during the period September 1, 1973 through January 28, 1981. Applications for refund must be postmarked within 90 days of the publication of the decision in the **Federal Register**. Specific information to be included in refund applications is discussed in the decision.

J.E. DeWitt, Inc., Hines Oil Company, March 27, 1985, HEF–0062; HEF–0092

On March 27, 1985, the Office of Hearings and Appeals of the Department of Energy issued a final Decision and Order establishing procedures for the disbursement of $14,450.18 (plus accrued interest) obtained as a result of Consent Orders entered into by J.E. DeWitt, Inc. (DeWitt) and Hines Oil Company (Hines). The funds will be available to customers who purchased motor gasoline from DeWitt during the period May 1, 1979 through July 31, 1979 or from Hines during the period March 1, 1979 through July 31, 1979. Successful applicants will receive refunds propriationate to the volume of motor gasoline they purchased from one of the consent order firms.

Edwards Mantz d/b/a A–1 Arco, et al., March 27, 1985, HEF–0509 through HEF–0556

The DOE issued a Decision and Order setting forth the procedures it will use to distribute $499,097 which it received as the result of consent orders entered into with 48 California motor gasoline retailers. The DOE decided that the funds should be distributed in a two-stage process. During the first stage the DOE will attempt to refund moneys to customers of any of the 48 retailers who can document their purchases. The DOE will accept first stage applications for refund until 90 days after publication of the Decision and Order in the **Federal Register**. If any funds remain after first stage refund procedures are completed, the DOE will establish appropriate second stage refund procedures.

Refund Applications

Standard Oil Co. (Indiana)/Cars-A-Washing, Inc., March 26, 1985, RF21–12386

The DOE issued a Decision and Order concerning duplicate refunds applied for and received by a retailer of Amoco motor gasoline in the Amoco Special refund proceeding. Cars-A-Washing received two refunds when it was entitled to only one. The DOE decided that the owner of Cars-A-Washing must return one refund as well as additional accrued interest, and also must submit a written explanation of why he had filed two refund applications, and had not notified the DOE about his duplicate refund.

Standard Oil Co. (Indiana)/Ralph J. Johnson, March 27, 1985, RF21–12387

The DOE issued a Decision and Order concerning duplicate refunds applied for and received by a retailer of Amoco motor gasoline in the Amoco Special refund proceeding. Ralph J. Johnson received two refunds when it was entitled to only one. The DOE decided that Johnson must return one refund as well as additional accrued interest, and also must submit a written explanation of why he had filed two refund applications, and had not notified the DOE about his duplicate refund.

Vickers Energy Corp../Sikeston General Oil Co., March 27, 1985, RF1–374

Sikeston General Oil Company, a motor gasoline reseller, sought a portion of the Vickers Energy Corporation consent order fund based on purchases below the small claim threshold figure of 50,000 gallons per month. After analyzing the firm's application for refund, the DOE concluded that Sikeston should receive a refund based upon the volume of its Vickers motor gasoline purchases during the consent order period. Accordingly, the Application for Refund was granted.

Dismissal

The following submission was dismissed:

Name	Case No.
Cedar Valley Cooperative Company	HEE-0119

Copies of the full text of these decisions and orders are available in the Public Docket Room of the Office of Hearings and Appeals, Room 1E-234, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. 20585, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., except federal holidays. They are also available in *Energy Management: Federal Energy Guidelines*, a commercially published loose leaf reporter system.

April 15, 1985.

George B. Breznay,

Director, Office of Hearings and Appeals.

[FR Doc. 85-9798 Filed 4-22-85; 8:45 am]

BILLING CODE 6450-01-M

Implementation of Special Refund Procedures

AGENCY: Office of Hearings and Appeals, DOE.

ACTION: Notice of Implementation of Special Refund Procedures.

SUMMARY: The Office of Hearings and Appeals of the Department of Energy solicits comments concerning the appropriate procedures to be followed in refunding a consent order fund of $110,925 to members of the public. This money is being held in escrow following the settlement of an enforcement proceeding involving Consumers Oil Company (Case Number HEF-0055).

DATE AND ADDRESS: Comments must be filed within 30 days of publication of this notice in the **Federal Register** and should be addressed to the Office of Hearings and Appeals, Department of Energy, 1000 Independence Avenue, SW., Washington, D.C. 20585. All comments should conspicuously display a reference to the above case number.

FOR FURTHER INFORMATION CONTACT: Richard W. Dugan, Associate Director, Office of Hearings and Appeals, 1000 Independence Avenue, SW., Washington, D.C. 20585, (202) 252-2860.

SUPPLEMENTARY INFORMATION: In accordance with § 205.282(b) of the procedural regulations of the Department of Energy, 10 CFR 205.282(b), notice is hereby given of the issuance of the Proposed Decision, and Order set out below. The Proposed Decision relates to a Consent Order entered into by Consumers Oil Company (Consumers). The Consent Order involves a particular audit period and a distinct consent order fund as set forth in the Proposed Decision. The Consent Order settled possible pricing violations in Consumers' sales of refined petroleum products to customers during the relevant audit period.

The Proposed Decision sets forth the procedures and standards that the DOE has tentatively formulated to distribute the contents of the escrow account funded by Consumers pursuant to the Consent Order. The DOE has tentatively decided that the consent order fund should be distributed to those direct and indirect customers of Consumers who establish that they were injured by Consumers' alleged overcharges. However, Applications for Refund should not be filed at this time. Appropriate public notice will be given when the submission of claims is authorized.

Any member of the public may submit written comments regarding the proposed refund procedures. Commenting parties are requested to submit two copies of their comments. Comments should be submitted within 30 days of publication of this notice in the **Federal Register**, and should be sent to the address set forth at the beginning of this notice. All comments received in the proceeding will be available for public inspection between the hours of 1:00 to 5:00 p.m., Monday through Friday, except federal holidays, in the Public Docket Room of the Office of Hearings and Appeals, located in Room 1E-234, 1000 Independence Avenue, SW., Washington, D.C. 20585.

Dated: April 16, 1985.

George B. Breznay,

Director, Office of Hearings and Appeals.

Proposed Decision and Order of the Department of Energy

Special Refund Procedures

Name of Firm: Consumer Oil Company.

Date of Filing: October 13, 1983.

Case Number: HEF-0055.

Under the procedural regulations of the Department of Energy (DOE), the Economic Regulatory Administration (ERA) of the DOE may request the Office of Hearings and Appeals (OHA) to formulate and implement special procedures to make refunds in order to remedy the affects of alleged violations of the DOE regulations *See* 10 CFR Part 205, Subpart V. The ERA filed such a petition on October 13, 1983, requesting that OHA implement a proceeding to distribute funds received pursuant to a Consent Order entered into by the DOE and Consumers Oil Company (Consumers) of Rosemead, California.

I. Background

Consumers Oil Company is a "reseller-retailer" of "refined petroleum products," as these terms were defined in 10 CFR 212.31. An ERA audit of Consumers' operations during the period October 1, 1973 through September 30, 1976 (the audit period) revealed possible violations of the Mandatory Petroleum Price Regulations. In a Notice of Probable Violation (NOPV) issued to Consumers on January 3, 1979, the ERA alleged that during the audit period Consumers overcharged its customers by $2,542,131. In order to settle all claims and disputes between Consumers and the DOE regarding Consumers' compliance with the DOE price regulations in sales of gas oil, diesel fuel, and motor gasoline during the audit period, the firm entered into a Consent Order with the DOE on May 29, 1980. Under the terms of the Consent Order, Consumers agreed to the following: (1) To issue direct refunds totaling $347,437 by cash or credit memoranda to customers of gas oil and diesel fuel who either were end-users or had suffered alleged overcharges of less than $10,000; (2) to roll back prices for a total of $114,823 in sales of motor gasoline; and (3) to remit $110,925 to the DOE for deposit in an interest-bearing escrow account pending distribution by the DOE. This latter payment was intended to settle any alleged overcharges to non-end-user customers of diesel fuel or gas oil where the alleged overcharge amount exceeded $10,000. The Consent Order refers to the ERA allegations of overcharges, but notes that no findings of violation were made. Additionally, the Consent Order states that Consumers does not admit that it committed any such violations.

II. Jurisdiction

The procedural regulations of the DOE set forth general guidelines by which the OHA may formulate and implement a plan of distribution for funds received as a result of an enforcement proceeding. 10 CFR Part 205, Subpart V. The Subpart V process may be used in situations where the DOE is unable to readily identify persons who may have been injured by alleged or adjudicated violations, or unable to ascertain the amounts of such persons' injuries. For a more detailed discussion of Subpart V and the authority of the OHA to fashion procedures to distribute refunds obtained as part of settlement agreements, *see Office of Enforcement*, 9 DOE ¶ 82,553 (1982); *Office of Enforcement*, 9 DOE ¶ 82,508 (1981); *Office of Enforcement*, 8 DOE ¶ 82,597

(1981) (hereinafter cited as *Vickers*). After reviewing the record in the present case, we have concluded that a Subpart V proceeding is an appropriate mechanism for distributing the Consumers consent order fund. We therefore propose to grant the ERA's petition and assume jurisdiction over distribution of the fund.

III. Proposed Refund Procedures

Insofar as possible, the consent order fund should be distributed to those customers of Consumers who were injured by the alleged price violations. Exhibits B and C of the Consent Order list the names of all those customers who were allegedly overcharged by Consumers. As indicated above, however, all of the listed customers except non-end-users who were allegedly overcharged by more than $10,000 were to receive direct refunds from Consumers, under the terms of the Consent Order. The Exhibits to the Consent Order list only one non-end-user customer who was allegedly overcharged by more than $10,000. That firm is Powerine Oil Company (Powerine). The Consent Order Exhibits indicate that the $110,925 placed in the DOE escrow account was solely attributable to Consumers' alleged overcharges in sales of diesel fuel to Powerine.[1] In our view, it is therefore likely that Powerine and any customers who purchased No. 2 oils (No. 2-D diesel fuel or No. 2 heating oil) from Powerine during the consent order period are the only firms who will be eligible for refunds in the present proceeding.[2]

Powerine, a small, independent refiner and marketer, resold the diesel fuel it purchased from Consumers. We propose that Powerine be required to demonstrate that it did not pass on to its customers price increases implemented by Consumers. *See, e.g., Vickers.* This type of showing is a prerequisite to a finding that Powerine experienced injury. *See* 10 CFR 205.280. In order to qualify for a refund, Powerine must show that during the consent order period it would have maintained its prices for No. 2 oils at the same level had the alleged overcharges not occurred. While there are a variety of ways to make this showing, Powerine should demonstrate that at the time it purchased diesel fuel from Consumers, market conditions would not permit it to increase its prices to pass through the additional costs associated with the alleged overcharges to its customers. In addition, Powerine must show that it maintained a "bank" of unrecovered costs in order to demonstrate that it did not subsequently recover these costs by increasing its prices. The maintenance of a bank will not, however, automatically establish injury. *See Tenneco Oil Co./Chevron U.S.A., Inc.*, 10 DOE ¶ 85,014 (1982); *Vickers Energy Corp./Standard Oil Co.*, 10 DOE ¶ 85,036 (1982); Vickers Energy Corp./Koch Industries, Inc., 10 DOE ¶ 85,038 (1982). Reseller claimants who purchased No. 2 oils from Powerine during the consent order period will have to make the same showing of injury in order to be eligible for a refund.

Nevertheless, as in many prior special refund cases, we will adopt a presumption of injury with respect to small claims. Presumptions in refund cases are specifically authorized by applicable DOE procedural regulations. Section 205.282(e) of those regulations states that:

> In establishing standards and procedures for implementing refund distributions, the Office of Hearings and Appeals shall take into account the desirability of distributing the refunds in an efficient, effective and equitable manner and resolving to the maximum extent practicable all outstanding claims. In order to do so, the standards for evaluation of individual claims may be based upon appropriate presumptions.

10 CFR 205.282(e). The presumption we will adopt in this case is used to permit claimants to participate in the refund process without incurring disproportionate expenses, and to enable the OHA to consider the refund applications in the most efficient way possible in view of the limited resources available.

The presumption that reseller claimants seeking smaller refunds were injured by the pricing practices settled in the Consumers Consent Order is based on a number of considerations. *See, e.g., Uban Oil Co.*, 9 DOE ¶82,541 (1982). As we have noted in many previous refund decisions, there may be considerable expenses involved in gathering the types of data needed to support a detailed claim of injury. In order to prove such a claim, an applicant must compile and submit detailed factual information regarding the impact of alleged overcharges which took place many years ago. This procedure is generally time-consuming and expensive, and in the case of small claims, the cost to the firm of gathering this factual information, and the cost to the OHA of analyzing it, may be many times the expected refund amount. Failure to allow simplified application procedures for small claims could therefore operate to deprive injured parties of the opportunity to obtain a refund. The use of presumptions is also desirable from an administrative standpoint, because it allows the OHA to process a large number of refund claims quickly and use its limited resources more efficiently.

Under the presumption we are adopting, claimants who resold No. 2 oils purchased from Powerine will not be required to submit any additional evidence of injury beyond purchase volumes if their refund claims are based on purchases below a threshold level. Previous OHA refund decisions have expressed the threshold either in terms of a ceiling on purchases from the consenting firm, or as a dollar refund amount. However, in *Texas Oil & Gas Corp.*, 12 DOE ¶ 85,069 (1984), we noted that describing the threshold in terms of a dollar amount rather than a purchase volume figure would better effectuate our goal of facilitating disbursements to applicants seeking relatively small refunds. *Id.* at 88,210. We propose to follow the same approach in this case. The adoption of a threshold level below which a claimant is not required to submit any further evidence of injury beyond volumes purchased is based on several factors. As noted above, we are especially concerned that the cost to the applicant and the government of compiling and analyzing information sufficient to show injury not exceed the amount of the refund to be gained. In this case, where the time period of the Consent Order was quite distant, we believe that the establishment of a presumption of injury for all claims of

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[1] According to Exhibit B of the Consent Order, Powerine should have received a direct refund of $3,660 to compensate for any alleged overcharges by Consumers in sales of gas oil. Powerine will therefore not be eligible in the present proceeding to apply for a refund based on its purchases of gas oil from Consumers.

[2] Under the refiner price regulations, Powerine was required to allocate its increased costs for purchases of diesel fuel to its selling prices for No. 2 oils. *See* 10 CFR 212.83(c)(1)(i)(A). Accordingly, any alleged overcharges by Consumers in sales of diesel fuel to Powerine which Powerine did not absorb would have been passed through to all of Powerine's No. 2 oil customers. We note that since No. 2 oils were decontrolled effective July 1, 1976, 41 Fed. Reg. 24516 (June 16, 1976), the Consumers consent order period for those products is October 1, 1973 through June 30, 1976.

In addition, during five months of the consent order period (February through June 1976), Powerine was permitted to allocate a portion of its increased diesel fuel costs to motor gasoline. *See* 10 CFR 212.83(d)(2). We intend to investigate further whether such an allocation occurred and, if so, to allow Powerine's motor gasoline customers to apply for refunds in the present proceeding.

$5,000 or less is reasonable.[3] *See Texas Oil & Gas Corp.*, 12 DOE ¶ 85,069 (1984); *Marion Corp.*, 12 DOE ¶ 85,014 (1984).

Some of the customers who purchased No. 2 oils from Powerine during the consent order period may have been end-users or ultimate consumers. As in many prior special refund cases, we are making a finding that end-users or ultimate consumers, including businesses that are unrelated to the petroleum industry, were injured to the extent that the alleged overcharges settled in the Consent Order were passed through to them by Powerine. Unlike regulated firms in the petroleum industry, members of this group generally were not subject to price controls during the consent order period, and they were not required to keep records which justified selling price increases by reference to cost increases. For these reasons, an analysis of the impact of the alleged overcharges on the final prices of non-petroleum goods and services would be beyond the scope of a special refund proceeding. *See Office of Enforcement, Economic Regulatory Administration: In the Matter of PVM Oil Associates, Inc.*, 10 DOE ¶ 85,072 (1983); *see also Texas Oil & Gas Corp.*, 12 DOE ¶ 85,069 at 88,209, and cases cited therein. We have therefore concluded that end-users of No. 2 oils purchased from Powerine experienced the impact of any overcharges which were passed along by Powerine and need only document their purchase volumes to make a sufficient showing that they were injured by the alleged overcharges.

IV. Calculation of Refund Amounts

We must further determine the proper method for dividing the consent order fund among successful applicants. Although we recognize that the Consent Order does not provide conclusive evidence as to the identity of all allegedly overcharged parties or the amount of money they should receive in a Subpart V proceeding, we believe it is appropriate to use this information in the present case in order to fashion a refund plan which will corrrespond most closely to the injuries experienced. *See, e.g., Marion.* As discussed above, Powerine was the only allegedly overcharged customer identified in the Consent Order or the ERA audit files that did not receive a direct refund from Consumers. Moreover, the entire refund amount deposited by Consumers in the DOE escrow account was specifically attributable to alleged overcharges in sales of diesel fuel to Powerine. We therefore propose that Powerine be permitted to apply for a maximum refund equal to the entire consent order fund, i.e., $110,925, plus accrued interest. As indicated above, however, in order to qualify for a refund above the threshold level, Powerine will be required to demonstrate that it did not pass through Consumers' alleged overcharges to its own No. 2 oil customers. In the event that Powerine is unable to prove injury for the total amount of the alleged overcharges, the remaining monies in the consent order fund will be available for distribution to customers who purchased No. 2 oils from Powerine. As in prior refund cases, we will adopt a presumption that any alleged overcharges passed on by Powerine were spread equally over all gallons of No. 2 oils marketed by the firm during the consent order period. *See Conoco, Inc./Banco Properties, Inc.*, 12 DOE ¶ 85,117 at 88,362 (1984). The OHA has referred to this presumption in the past as a volumetric refund amount. In the absence of better information, the volumetric refund presumption is sound because the DOE price regulations generally required a regulated firm to account for increased costs on a firm-wide basis in determining its prices.[4] The volumetric refund factor for customers who purchased No. 2 oils from Powerine will be determined by dividing the amount remaining in the consent order fund after any refund to Powerine by the total volume of No. 2 oils sold by Powerine during the consent order period. This result in a refund amount for each gallon of No. 2 oils which an applicant purchased from Powerine. In addition, successful refund applicants will receive a pro rata share of the interest which has accrued since the deposit of the funds into the escrow account.

We further propose to establish a minimum amount of $15 for refund claims. We have found through our experience in prior refund cases that the cost of processing claims in which refunds are sought for amounts less than $15 outweights the benefits of restitution in those situations. *See, e.g., Uban Oil Co.*

Refund applications in this proceeding should not be filed until issuance of a final Decision and Order. Detailed procedures for filing applications will be provided in the final Decision and Order. Before disposing of any of the funds received, we intend to publicize the distribution process and to provide an opportunity for any affected party to file a claim. In addition to publishing copies of the proposed and final decisions in the **Federal Register**, a copy will be provided to Powerine Oil Company, 12354 Lakeland Road, Sante Fe Springs, California 90670. If appropriate, we may also publicize this proceeding in local newspapers in the areas where Consumers and Powerine conducted business.

In the event that money remains after all first state claims have been disposed of, these funds could be distributed in various ways. We will not be in a position to decide what should be done with any remaining funds until the first stage of this refund proceeding is completed.

It is therefore orderd that the refund amount remitted to the Department of Energy by Consumers Oil Company pursuant to the Consent Order executed on May 29, 1980, will be distributed in accordance with the foregoing Decision.

[FR Doc. 85-9782 Filed 4-22-85; 8:45 am]

BILLING CODE 6450-01-M

Implementation of Special Refund Procedures

AGENCY: Office of Hearings and Appeals, DOE.

ACTION: Notice of Implementation of Special Refund Procedures.

SUMMARY: The Office of Hearings and Appeals of the Department of Energy solicits comments concerning the appropriate procedures to be followed in refunding $449,287.18 in consent order funds to members of the public. This money is being held in escrow following the settlement of enforcement proceedings involving the following parties: Busler Enterprises, Inc. (Case No. HEF-0045), Eastern Petroleum Corp. (Case No. HEF-0066), FKG Oil Company (Case No. HEF-0073), General Equities, Inc. (Case No. HEF-0078), General Equities, Inc. (Case No. HEF-0078) and Indian Oil Co. (Case No. HEF-0095).

DATE AND ADDRESS: Comments must be filed within 30 days of publication of this notice in the **Federal Register** and should be addressed to the Office of Hearings and Appeals, Department of Energy, 1000 Independence Avenue, SW., Washington, D.C. 20585. All

[3] As in prior refund cases, resellers whose potential refund exceeds the threshold amount may elect to apply for a refund based on the threshold amount. Powerine, too, may limit its claim to the threshold amount.

[4] We also recognize that the impact on an a individual purchaser could have been greater than the volumetric refund amount. Any purchaser is therefore allowed to file a refund application based on a claim that it suffered a disproportionate share of the alleged overcharges passed on by Powerine. *See, e.g., Amtel, Inc.*, 12 DOE ¶ 85,703 at 88,233-34 (1984); *Sid Richardson Carbon & Gasoline Co. and Richardson Products Co./Siouxland Propane Co.*, 12 DOE ¶ 85,054 at 88,164 (1984)

comments should conspicuously display a reference to the applicable case number.

FOR FURTHER INFORMATION CONTACT: Richard W. Dugan, Associate Director, Office of Hearings and Appeals, 1000 Independence Avenue, SW., Washington, D.C. 20585, (202) 252–2860.

SUPPLEMENTARY INFORMATION: In accordance with § 205.282(b) of the procedural regulations of the Department of Energy, 10 CFR 205.282(b), notice is hereby given of the issuance of the Proposed Decision and Order set out below. The Proposed Decision relates to five Consent Orders entered into by the DOE and the following parties: Busler Enterprises, Inc., Eastern Petroleum Corp., FKG Oil Company, General Equities, Inc., and Indian Oil Co. (the consent order firms). These Consent Orders settled possible pricing violations in the firms' sales of motor gasoline to customers during the consent order periods referred to in Appendix A to the Proposed Decision.

The Proposed Decision sets forth the procedures and standards that the DOE has tentatively formulated to distribute the contents of the escrow accounts funded by the consent order firms pursuant to the five Consent Orders. The DOE has tentatively decided that these consent order funds should be distributed to those customers of the consent order firms who establish that they were injured by the firms' alleged overcharges. Such customers will receive refunds proportionate to the volume of motor gasoline they purchased from the consent order firms. However, Applications for Refund should not be filed at this time. Appropriate public notice will be given when the submission of claims is authorized.

Any member of the public may submit written comments regarding the proposed refund procedures. Commenting parties are requested to submit two copies of their comments. Comments should be submitted within 30 days of publication of this notice in the **Federal Register**, and should be sent to the address set forth at the beginning of this notice. All comments received in this proceeding will be available for public inspection between the hours of 1:00 to 5:00 p.m., Monday through Friday, except federal holidays, in the Public Docket Room of the Office of Hearings and Appeals, located in Room 1E–234, 1000 Independence Avenue, S.W., Washington, D.C. 20585.

Dated: April 15, 1985.

George B. Breznay,

Director, Office of Hearings and Appeals.

Proposed Decision and Order of the Department of Energy

Special Refund Procedures

Name of Firms: Busler Enterprises, Inc., Eastern Petroleum Corp., FKG Oil Co., General Equities, Inc., and Indian Oil Co.

Date of Filing: October 13, 1983.

Case Numbers: HEF–0045, HEF–0066, HEF–0073, HEF–0078, HEF–0095.

Under the procedural regulations of the Department of Energy (DOE), the Economic Regulatory Administration (ERA) of the DOE may request the Office of Hearings and Appeals (OHA) to formulate and implement special procedures to make refunds in order to remedy the effects of alleged violations of the DOE regulations. *See* 10 CFR Part 205, Subpart V. The ERA filed such a petition on October 13, 1983, requesting that the OHA implement proceedings to distribute the funds received pursuant to Consent Orders entered into by the DOE and the following parties: Busler Enterprises, Inc. (Busler) of Evansville, Indiana; Eastern Petroleum Corp. (Eastern) of Annapolis, Maryland; FKG Oil Co. (FKG) of Belleville, Illinois; General Equities, Inc. (General) of Kensington, Connecticut; and Indian Oil Co. (Indian) of Madison, Maine (hereinafter collectively referred to as the consent order firms). The total amount of funds that is subject to distribution in this proceeding is $449,287.18.

I. Background

Each of the consent order firms is a "reseller-retailer" of "motor gasoline" as these terms were defined in 10 CFR 212.31. ERA audits of the consent order firms revealed possible violations of the Mandatory Petroleum Price Regulations. Subsequently, each of these firms entered into a separate Consent Order with the DOE in order to settle its disputes with the DOE concerning certain sales of motor gasoline. Each Consent Order refers to the ERA allegations of overcharges, but notes that no findings of violation were made. In addition, each Consent Order states that the consent order firm does not admit that it committed such violations.

Pursuant to these Consent Orders, the firms agreed to pay to the DOE specified amounts in settlement of their potential liability regarding sales of motor gasoline during the consent order periods. The firms' payments are currently being held in separate interest-bearing escrow accounts pending distribution by the DOE. The names and locations of the firms, the settlement amounts and the dates of the consent order periods are set forth in Appendix A to this Proposed Decision.

The procedural regulations of the DOE set forth general guidelines by which the Office of Hearings and Appeals may formulate and implement a plan of distribution for funds received as a result of an enforcement proceeding. 10 CFR Part 205, Subpart V. The Subpart V process may be used in situations where the DOE is unable to readily identify persons who may have been injured by alleged or adjudicated violations, or unable to ascertain the amounts of such persons' injuries. For a more detailed discussion of Subpart V and the authority of the Office of Hearings and Appeals to fashion procedures to distribute refunds obtained as part of settlement agreements, *see Office of Enforcement*, 9 DOE ¶82,553 (1982); *Office of Enforcement*, 9 DOE ¶82,508 (1981); *Office of Enforcement*, 8 DOE ¶82,597 (1981) (hereafter cited as *Vickers*).

II. Proposed Refund Procedures

We have considered the ERA petition to implement Subpart V proceedings with respect to the five consent order funds and have determined that it is appropriate to establish such proceedings. Insofar as possible, these consent order funds should be distributed to those customers of the consent order firms who were injured by the consent order firms' pricing practices which allegedly were in violation of DOE regulations.[1] We therefore propose to establish a claims procedure in which we will accept applications for refund from all customers who can demonstrate that they were injured as a result of any alleged overcharges in sales of motor gasoline by one of the consent order firms during the appropriate consent order period.

The consent order firms' customers include gasoline resellers, i.e., retailers and wholesalers. We propose that in order to receive a refund, these firms be required to demonstrate that they did

[1] The ERA audit files do not identify customers of Busler, Indian, or FKG, and we solicit information concerning the names and addresses of such customers. The ERA audit files for the other two consent order firms, Eastern and General, identify a number of customers who purchased motor gasoline directly from those firms during the audit periods. While no specific alleged overcharge amounts are indicated for these customers, the may well have been adversely affected by the alleged overcharges by Eastern and General and they will be given notice of this proceeding and an opportunity to request a refund.

not pass on to their customers the price increases implemented by the consent order firm. *See, e.g., Vickers.* In other words, to qualify for a refund, resellers or motor gasoline purchased from one of the consent order firms must show that during the consent order period they would have maintained their prices for the products at the same level had the alleged overcharges not occurred.[2] While there are a variety of ways to make this showing, a reseller may demonstrate that at the time if purchased motor gasoline from a consent order firm, market conditions would not permit it to increase its prices to pass through the additional costs associated with the alleged overcharges. In any case, the reseller must always show that it maintained a "bank" of unrecovered costs in order to demonstrate that it did not subsequently recover these costs by increasing its prices.[3] The maintenance of a bank will not, however, automatically establish injury. *See Tenneco Oil Co./Chevron U.S.A., Inc.*, 10 DOE ¶ 85,014 (1982); *Vickers Energy Corp./Standard Oil Co.*, 10 DOE ¶ 85,036 (1982); *Vickers Energy Corp./Koch Industries, Inc.*, 10 DOE ¶ 85,038 (1982).

As in many prior special refund cases, we will adopt certain presumptions. First, we will adopt a presumption that the alleged overcharges were dispersed equally in all sales of products made by the consent order firms during the consent order periods. The OHA has referred to this presumption in the past as a volumetric refund amount. Second, we will adopt a presumption of injury with respect to small claims.

Presumptions in refund cases are specifically authorized by applicable DOE procedural regulations. Section 205.282(e) of those regulations states that:

> In establishing standards and procedures for implementing refund distributions, the Office of Hearings and Appeals shall take into account the desirability of distributing the refunds in an efficient, effective and equitable manner and resolving to the maximum extent practicable all outstanding claims. In order to do so, the standards for evaluation of individual claims may be based upon appropriate presumptions.

10 CFR 205.282(e). The presumptions we will adopt in this case are used to permit claimants to participate in the refund process without incurring disproportionate expenses, and to enable the OHA to consider the refund applications in the most efficient way possible in view of the limited resources available.

The volumetric refund presumption assumes that alleged overcharges were spread equally over all gallons of product marketed by a particular firm. In the absence of better information, this assumption is sound because the DOE price regulations generally required a regulated firm to account for increased costs on a firm-wide basis in determining its prices. However, we also recognize that the impact of a firm's pricing practices on an individual purchaser could have been greater, and any purchaser is allowed to file a refund application based on a claim that it suffered a disproportionate share of the alleged overcharges. *See, e.g., Amtel, Inc.*, 12 DOE ¶ 85,073 at 88,233–34 (1984); *Sid Richardson Carbon and Gasoline Co./Siouxland Propane Co.*, 12 DOE ¶ 85,054 at 88,164 (1984).

In each of the five cases being considered here, the information available in th ERA audit files is insufficient to base refunds on the amount each individual applicant was allegedly overcharged. We therefore propose to use the volumetric method to allocate the consent order fund in each case. To determine the volumetric factor, each consent order fund will be divided by the estimated total volume of motor gasoline sold by the consent order firm during the relevant consent order period.[4] The per gallon volumetric refund amounts are set forth in Appendix A.[5] In each case, this results in a refund amount of each gallon of motor gasoline which an applicant purchased from the consent order firm. The interest which has accrued on the money in each escrow account will be added to the refund of each successful claimant in proportion to the size of its refund.

We also propose to adopt a presumption of injury with respect to small claims. The presumption that reseller claimants seeking smaller refunds were injured by the pricing practices settled in each Consent Order is based on a number of considerations. *See, e.g., Uban Oil Co.*, 9 DOE ¶ 82,541 (1982). As we have noted in many previous refund decisions, there may be considerable expenses involved in gathering the types of data needed to support a detailed claim of injury. In order to prove such a claim, an applicant must compile and submit detailed factual information regarding the impact of alleged overcharges which took place many years ago. This procedure is generally time-consuming and expensive, and in the case of small claims, the cost to the firm of gathering this factual information and the cost of the OHA of analyzing it may be many times the expected refund amount. Failure to allow simplified application procedures for small claims could therefore operate to deprive injured parties of the opportunity to obtain a refund. The use of presumptions is also desirable from an administrative standpoint, because it allows the OHA to process a large number of refund claims quickly, and use its limited resources more efficiently. Finally, we know that these smaller claimants did purchase covered products from one of the consent order firms and were in the chain of distribution where the alleged overcharges occurred. Therefore, they bore some impact of the alleged overcharges, at least initially. The presumption eliminates the need for a claimant to submit and the OHA to analyze detailed proof of what happened downstream of that initial impact.

Under the presumptions we are adopting, a reseller or retailer claimant will not be required to submit any additional evidence of injury beyond purchase volumes if its refund claim is based on purchased below a threshold level.[6] Previous OHA refund decisions

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[2] Under the terms of the Busler consent order, the firm agreed to pay $10,060 directly to its reseller customers. The amount Busler paid into the DOE escrow account is attributable only to retail sales of motor gasoline from Busler's company-owned gasoline stations. Accordingly, Busler's reseller customers will not be eligible for refunds in this proceeding.

[3] Some of the motor gasoline sales covered by the Consent Orders occurred subsequent to the amendment of the retailer price rule that eliminated the bank requirement for retailers. See 10 CFR 212.93(a)(2), 44 FR 42542 (July 19, 1979) (effective July 15, 1979). Accordingly, retailers will not be required to submit bank information concerning any purchases of motor gasoline they may have made after July 15, 1979.

[4] The ERA audit files do not list the volumes of motor gasoline sold by Busler, Eastern, FKG, and Indian during the entire consent order periods applicable in each case. We have therefore extrapolated sales figures for these firms from the available audit data.

[5] The General Consent Order calls for General to remit $128,081 plus interest to the DOE in 24 monthly installments from September 30, 1981 through August 30, 1983, and the Indian Consent Order calls for Indian to remit $145,583 including interest to the DOE in 36 monthly installments from July 1, 1979 through June 1, 1982. We have been informed by the ERA, however, that as of January 31, 1985, only $37,158.88 had been paid into the General consent order escrow account and only $28,307.79 has been paid into the Indian consent order escrow account. If General and Indian do not remit the entire consent order amounts before the processing of refund applications in this proceeding, refunds to the firm's customers will be reduced proportionately. For this reason, no refunds will be distributed from the General and Indian escrow funds until after the close of the appropriate period for filing applications.

[6] We propose that resellers who made only spot purchases from the consent order firms be presumed to have suffered no injury. They would therefore be

Continued

have expressed the threshold either in terms of a ceiling on purchases from the consent order firm, or as a dollar refund amount. However, in *Texas Oil & Gas Corp.*, 12 DOE ¶ 85,069 (1984), we noted that describing the threshold in terms of a dollar amount rather than a purchase volume figure would better effectuate our goal of facilitating disbursements to applicants seeking relatively small refunds. *Id.* at 88,210. We propose that the same approach be followed in this case. The adoption of a threshold level below which a claimant is not required to submit any further evidence of injury beyond volumes purchases is based on several factors. As noted above, we are especially concerned that the cost to the applicant and the government of compiling and analyzing information sufficient to show injury not exceed the amount of the refund to be gained. Since the per gallon refund amount is fairly low in the cases of Busler, Eastern, FKG and General, and the time period of the consent order was quite distant in the case of Indian, we believe that the establishment of a presumption of injury for all claims of $5,000 or less is reasonable in the present proceeding.[7] *See id.; Marion Corp.*, 12 DOE ¶ 85,014 (1984).

In addition to the presumptions we are adopting, we are making a finding that end-users or ultimate consumers, including businesses that are unrelated to the petroleum industry, were injured by the alleged overcharges settled in the Consent Orders. Unlike regulated firms in the petroleum industry, members of this group generally were not subject to price controls during the consent order period, and they were not required to keep records which justified selling price increases by reference to cost increases. For these reasons, an analysis of the impact of the alleged overcharges on the final prices of non-petroleum goods and services would be beyond the scope of a special refund proceeding. *See office of Enforcement, Economic Regulatory Administration: In the Matter of PVM Oil Associates, Inc.*, 10 DOE ¶ 85,072 (1983); *see also Texas Oil & Gas Corp.*, 12 DOE at 88,209, and cases cited therein. We have therefore concluded that end-users of motor gasoline purchased from one of the consent order firms need only document their purchase volumes from the firm to make a sufficient showing that they were injured by the alleged overcharges.

We further propose to establish a minimum amount of $15 for refund claims. We have found through our experience in prior refund cases that the cost of processing claims in which refunds are sought for amounts less than $15 outweighs the benefits of restitution in those situations. *See, e.g., Uban Oil Co.*, 9 DOE ¶ 82,541 at 85,225 (1982). *See also* 10 C.F.R. § 205.286(b).

Refund applications in these proceedings should not be filed until issuance of a final Decision and Order. Detailed procedures for filing applications will be provided in the final Decision and Order. Before disposing of any of the funds received, we intend to publicize the distribution process and to provide an opportunity for any affected party to file a claim. In addition to publishing copies of the proposed and final decisions in the **Federal Register**, copies will be provided to the consent order firms' customers whose names and addresses we have obtained from the ERA audit files. If appropriate, we also intend to publicize this proceeding in local newspapers in the areas where the consent order firms conducted business.

In the event that money remains after all first stage claims have been disposed of, these funds could be distributed in various ways. We will not be in a position to decide what should be done with any remaining funds until the first stage refund procedure is completed.

It is therefore ordered that the refund amounts remitted to the Department of Energy by the consent order firms listed in Appendix A to this Decision and Order will be distributed in accordance with the foregoing Decision.

Appendix A

Name of firm	Consent order period	Consent order amount	volumetric amount
Busler Enterprises, 401 Diamond Ave., Evansville, IN 47711	1/1/79–1/28/81	[1] $72,591.90	$0.002522
Eastern Petroleum Corp., 33 Hudson St., Annapolis, MD 21401	6/1/79–2/29/80	[1] 28,104.82	0.009508
FKG Oil Co., 720 West Main, P.O. Box 122, Belleville, IL 62220	4/1/79–8/31/79	[1] 74,926.46	0.007720
General Equities, Inc., Main St., Kensington, CT 06037	4/1/79–8/31/79	128,081.00	0.006090
Indian Oil Co., 114 Main St., Madison, ME	11/1/73–7/1/74	145,583.00	0.03615

[1] Includes interest that accrued on the consent order amount prior to payment to the DOE.

[FR Doc.85–9783–4 Filed 4–22–85; 8:45 am]

BILLING CODE 6450–01–M

Implementation of Special Refund Procedures

AGENCY: Office of Hearing and Appeals, DOE.

ACTION: Notice of Implementation of Special Refund Procedures.

SUMMARY: The Office of Hearing and Appeals of the Department of Energy announces the procedures for disbursement of $50,594.11 obtained as a result of a consent order which the DOE entered into with McCarty Oil Company, Inc., a reseller of petroleum products located in Wapakoneta, Ohio, and $46,000 obtained as a result of a consent order which the DOE entered into with Nielsen Oil and Propane, Inc., a reseller of petroleum products located in West Point, Nebraska.

DATE AND ADDRESS: Applications for refund of a portion of the McCarty or Nielsen consent order funds must be filed in duplicate and must be received within 90 days of publication of this notice in the **Federal Register**. All applications should refer to Case Number HEF–0126 (McCarty) or HEF–0136 (Nielsen) and should be addressed to: Office of Hearings and Appeals, Department of Energy, 1000 Independence Avenue, SW., Washington, D.C. 20585.

FOR FURTHER INFORMATION CONTACT: Douglas Friedman, Office of Hearings and Appeals, 1000 Independence Avenue, SW., Washington, D.C. 20585, (202) 252–6602.

SUPPLEMENTARY INFORMATION: In accordance with § 205.282(c) of the precedural regulations of the Department of Energy, 10 CFR 205.282(c), notice is hereby given of the issuance of the Decision and Order set out below. The Decision relates to consent orders entered into by the DOE and McCarty Oil Company, Inc., and the

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ineligible for any refund, even a refund at or below the threshold level. As we have previously stated with respect to spot purchasers:

[T]hose customers tend to have considerable discretion in where and when to make purchases and would therefore not have made spot market purchases of [the firm's product] at increased prices unless they were able to pass through the full amount of [the firm's] quoted selling price at the time of purchase to their own customers.

Vickers, 8 DOE at 85,396–97. *See Office of Special Counsel*, 10 DOE ¶ 85,048 at 88,200 (1982). The same rationale holds true in the present case. Accordingly, in order to overcome the rebuttable presumption that they were not injured, in addition to the proof of injury required of those resellers claiming more than the threshold amount, any reseller claimants who were spot purchasers must submit additional evidence to establish that they were unable to exercise considerable discretion as to where and when they made the purchase(s) on which their refund claims are based.

[7] Any reseller whose potential refund exceeds the threshold level may elect to apply for a refund based on the threshold amount.

DOE and Nielsen Oil and Propane, Inc., which settled possible pricing violations in the firms' sales of refined petroleum products to their customers during the respective consent order periods. The McCarty consent orders covers the period between April 1, 1979, and September 30, 1979. The Nielsen consent order covers the period from March 1, 1979, through December 31, 1979.

The Decision sets forth procedures and standards that the DOE has formulated to distribute the contents of the escrow accounts funded by McCarty and Nielsen pursuant to the consent orders. The DOE has decided that a portion of the McCarty consent order funds should be distributed to 22 wholesale purchasers which DOE's audit indicated may have been overcharged, after each has filed an application for refund. The DOE has also decided that a portion of the Nielsen consent order funds should be distributed to 13 first purchasers who may have been overcharged, after each has filed an application for refund. These purchasers were identified by DOE audits and alloted funds based on findings and presumption of injury which the DOE has used in past proceedings. In addition, applications for refund will be accepted from purchasers not identified by the DOE audit.

A Proposed Decision and Order tentatively establishing refund procedures and soliciting comments from the public concerning the distribution of the McCarty and Nielsen consent order funds was issued on January 7, 1985. 50 FR 4,752 (February 1, 1985).

As the Decision and Order published with this Notice indicates, applications for refunds may now be filed by customers who purchased petroleum products from McCarty and Nielsen during the respective audit periods. Applications will be accepted provided they are filed in duplicate and are received no later than 90 days after publication of this Decision and Order in the **Federal Register**. The specific information required in an application for refund is set forth in the Decision and Order.

Dated: April 15, 1985.

George B. Breznay,

Director Office of Hearings and Appeals.

Decision and Order of the Department of Energy

Special Refund Procedures

Names of Firms: McCarty Oil Company, Inc., and Nielsen Oil and Propane, Inc.

Date of Filing: October 13, 1983.

Case Numbers: HEF-0126, and HEF-0136.

Under the procedural regulations of the Department of Energy (DOE), the Economic Regulatory Administration (ERA) may request that the Office of Hearings and Appeals (OHA) formulate and implement special procedures to distribute funds received as a result of an enforcement proceeding in order to remedy the effects of alleged or actual violations of the DOE regulations. *See* 10 CFR Part 205, Subpart V. In accordance with the provisions of Subpart V, on October 13, 1983, ERA filed a Petition for the Implementation of Special Refund Procedures in connection with consent orders entered into with McCarty Oil Company, Inc. (McCarty) and Nielsen Oil and Propane, Inc. (Nielsen).

I. Background

Both McCarty and Nielsen are "reseller-retailers" of refined petroleum products as that term was defined in 10 CFR § 212.31. McCarty's main office is in Wapakoneta, Ohio. Nielsen is located in West Point, Nebraska. A DOE audit of each firm's records revealed possible violations of the Mandatory Petroleum Price Regulations, 10 CFR Part 212, Subpart F. Subsequently, each firm entered into a separate consent order with the DOE. The consent orders refer to ERA's allegations of overcharges, but note that there were no findings that violations occurred. Additionally, the consent orders state that the consenting firms do not admit that they committed violations. A brief discussion of the pertinent matters covered by each consent order follows.

The McCarty consent order covers the period April 1, 1979, through September 30, 1979. A DOE audit alleged that during that period, the firm committed possible pricing violations amounting to $78,140.53 with respect to its sales of motor gasoline. In order to settle all claims and disputes between McCarty and the DOE regarding the firm's sales of motor gasoline during the audit period, McCarty and the DOE entered into a consent order on February 24, 1981. Under the terms of the consent order, McCarty agreed to make refunds amounting to $53,000 (including interest). Separate processes were established by which McCarty would refund money to injured parties. First, $2,405.89, representing alleged overcharges on sales to end users, was to be refunded directly to those purchasers. In addition, $50,594.11, representing alleged overcharges with respect to sales of motor gasoline to certain wholesale purchasers, was to be deposited by McCarty into an interest-bearing escrow account for ultimate distribution by the DOE. McCarty deposited the $50,594.11 over an 18-month period ending February 24, 1983.[1]

The Nielsen consent order covers the period from March 1, 1979, through December 31, 1979. The DOE audit of Nielsen revealed possible pricing violations amounting to $127,177.22 during the audit period. In order to settle all claims and disputes regarding Nielsen's sales of motor gasoline and propane during the audit period, on August 31, 1981, Nielsen and the DOE entered into a consent order. Under the terms of the consent order, Nielsen was to deposit $46,000 into an interest-bearing escrow account for ultimate distribution by the DOE. Nielsen remitted this sum on April 22, 1981, in advance of the effective date of the consent order.[2]

On January 7, 1985, we issued a Proposed Decision and Order (PD&O) setting forth a tentative plan for the distribution of refunds to parties who were injured by McCarty's alleged violations in the sale of motor gasoline or by Nielsen's alleged violations in the sale of motor gasoline and propane during the respective consent order periods. 50 FR 4752 (February 1, 1985). We stated in the PD&O that the basic purpose of a special refund proceeding is to make restitution for injuries which were probably suffered as a result of actual or alleged violations of the DOE regulations. In order to effect restitution in these proceedings, we tentatively determined to rely in part on the information contained in ERA's audit files. We observed that our experience with similar cases supports the use of this approach in Subpart V cases where all or most of the purchasers of a firm's products are identified in the audit file. *See, e.g., Marion Corp.*, 12 DOE ¶ 85,014 (1984) (*Marion*). We also noted that under such circumstances, a more precise determination with respect to the identities of the allegedly overcharged first purchasers was possible. At the same time, we recognized that there may have been other purchasers not identified by the ERA audits who may have been injured by McCarty's or Nielsen's pricing practices during the audit periods who would therefore be entitled to a portion of the consent order funds. Therefore, procedures by which such purchasers

[1] As of February 28, 1985, the McCarty escrow account contained $66,789.07, including accrued interest.

[2] As of January 31, 1985, the Nielsen escrow account contained $70,529.85, including accrued interest.

could establish a refund claim were also proposed.

A copy of the PD&O was published in the **Federal Register** and comments were solicited regarding the proposed refund procedures. In addition, a copy of the PD&O was mailed to each purchaser identified in the audit file for whom we had an address. Copies were also sent to various service station dealers associations. Five of McCarty's customers and three of Nielsen's submitted comments concerning the proposed refund procedures.[3] Six of these firms expressed support for those procedures. We will address the comments of the other two below.

In addition, comments were submitted on behalf of the State of Ohio concerning the small-claims presumption (*see infra*) and the distribution of residual funds. We will address the comments on the small-claims presumption below. However, we will not address Ohio's other comments at this time. The purpose of this Decision and Order is the establishment of procedures to be used for filing and processing claims in the first stage of the McCarty and Nielsen refund proceedings. The formulation of procedures for the final disposition of any remaining funds will necessarily depend on the size of the fund. *See Office of Enforcement*, 9 DOE ¶ 82,508 (1981). Therefore, it would be premature for us to address Ohio's comments regarding residual funds at this time.

II. Refund Procedures

The procedural regulations of the DOE set forth general guidelines to be used by OHA in formulating and implementing a plan of distribution for funds received as a result of an enforcement proceeding. 10 CFR Part 205, Subpart V. The Subpart V process may be used in situations where the DOE is unable to identify readily those person who likely were injured by alleged overcharges or to ascertain readily the amount of such persons' injuries. For a more detailed discussion of Subpart V and the authority of OHA to fashion refunds, *see Office of Enforcement*, 8 DOE ¶ 82,508 (1981), *and Office of Enforcement*, 8 DOE ¶ 82,597 (1981) (*Vickers*).

In the PD&O, we stated that during the DOE's audit of McCarty, 37 first purchasers were identified as having allegedly been overcharged and in the audit of Nielsen, 44 first purchasers were so identified. We recognize that the DOE audit files do not necessarily provide conclusive evidence regarding the identity of possible refund recipients or the appropriate refund for a particular firm. *See Armstrong & Associates/City of San Antonio*, 10 DOE ¶ 85,059 at 88,259 (1983). Nevertheless, as we stated in *Marion*, the information contained in the audit files "can be used for guidance in fashioning a refund plan which is likely to correspond more closely to the injuries probably experienced than would a distribution plan based solely on a volumetric approach." *Marion*, 12 DOE at 88,031. In previous cases of this type, we have apportioned the funds in the escrow account among the customers identified by the audit or their downstream customers. *See, e.g., Bob's Oil Co.*, 12 DOE ¶ 85,024 (1984); *Richards Oil Co.*, 12 DOE ¶ 85,150 (1984). The first purchasers identified by the audits, along with the share of the settlement allotted to each by ERA, are listed in Appendices A–1, A–2, A–3, B–1, B–2, and B–3.

Identification of first purchasers is only the first step in the distribution process. We must also determine whether the first purchasers were injured or were able to pass through the alleged overcharges. Besides considering the information which the audit file provides, we will also adopt certain presumptions in order to determine the level of a purchaser's injury and thereby distribute the escrow accounts in this case. Presumptions in refund cases are specifically authorized by applicable DOE procedural regulations. Section 205.282(e) of those regulations states that:

> [i]n establishing standards and procedures for implementing refund distributions, the Office of Hearings and Appeals shall take into account the desirability of distributing the refunds in an efficient, effective and equitable manner and resolving to the maximum extent practicable all outstanding claims. In order to do so, the standards for evaluation of individual claims may be based upon appropriate presumptions.

10 CFR 205.282(e). The presumptions and findings we will adopt in this case are used to permit claimants to participate in the refund process without incurring inordinate expenses, and to enable OHA to consider the refund applications in the most efficient way possible in view of the limited resources available. Therefore, as in previous special refund proceedings, we will adopt rebuttable presumptions that claimants seeking small refunds were injured by McCarty's and Nielsen's pricing practices and that spot purchasers who were resellers were not injured. In addition, we find that end users suffered injury.

There are a veriety of reasons for adopting the presumption that claimants seeking small refunds were injured. *See Uban Oil Co.*, 9 DOE ¶ 82,541 (1982). Firms which will be eligible for refunds were in the chain of distribution were the alleged overcharges occurred and therefore bore some impact of the alleged overcharges, at least initially. In order to support a specific claim of injury, a firm would have to compile and submit detailed factual information regarding the impact of alleged overcharges which took place many years ago. This procedure is generally time consuming and expensive. With small claims, the cost to the firm of gathering the necessary information and the cost to OHA of analyzing it could exceed the expected refund. Failure to allow simplified procedures could therefore deprive injured parties of the opportunity to receive a refund. This presumption eliminates the need for a claimant to submit and OHA to analyze detailed proof of what happened downstream of the initial impact.

Under this small-claims presumption, a claimant who is a reseller or retailer will not be required to submit any additional evidence of injury beyond purchase volumes if its refund claim is based on purchases below a certain level. Other refund decisions have expressed this threshold in terms of either purchase volumes or refund dollar amounts. In *Texas Oil & Gas Corp.*, 12 DOE ¶ 85,069 (1984), we noted that describing the threshold in terms of a dollar amount rather than a purchase volume figure would more readily facilitate disbursements to applicants seeking relatively small refunds. *Id.* at 88,210. These cases merit the same approach.

Several factors determine the specific value of the threshold below which a claimant is not required to submit any further evidence of injury beyond volumes purchased. One of these factors is the concern that the cost to the applicant and the government of compiling and analyzing information sufficient to show injury not exeed the amount of the refund to be gained. In this instance, where the refund amounts are fairly low, and the early months of the consent order periods are quite distant, $5,000 is a reasonable value for the threshold.[4] *See Texas Oil & Gas*

[3] McCarty customers submitting comments were Hancock Landmark, Inc., Mid-Wood, Inc., Paulding Landmark, Inc., Slattery Oil Company, Inc. (Slattery), and Watkins Oil Company, Inc. (Watkins). Nielsen customers who submitted comments were Gas 'n' Shop, Bob Martens Oil Company, Inc., and Riteway Service.

[4] Resellers who claim a refund in excess of $5,000 but who cannot establish that they did not pass through the price increases will be eligible for a refund of up to the $5,000 threshold, without being required to submit evidence of injury. Resellers

Continued

Corp.: Office of Special Counsel, 11 DOE ¶ 85,226 (1984) (*Conoco*), and cases cited therein. Twenty of McCarty's customers and 14 of Nielsen's are eligible for refunds below the threshold.

In its comments on the proposed refund procedures, Ohio suggests that because of the comparatively small size of the McCarty escrow account, the small-claims presumption should not apply to large resellers. Ohio does not explain its logic and we cannot see any reason why the fact that an escrow account is small should work against potential claimants. In addition, it should be noted that the rationale behind the presumption applies ot small claims, not small firms.

In its comments, Slattery requests that we permit it to receive the full $6,405.85 allotted to it without requiring the firm to prove its injury. The firm bases its request on the fact that it is located in an isolated part of Ohio and lacked alternative suppliers. We will defer a final determination on the exact amount of refund Slattery should receive until we have analyzed the firm's Application for Refund. However, we note that in previous cases where an applicant faced circumstances similar to Slattery's we have granted the applicant the full refund allotted to it by the DOE audit. *See Reinhard Distributors, Inc.*, 12 DOE ¶ 85,137 (1984).

Any firm potentially eligible for a refund in excess of $5,000 may receive the full amount allotted to it if it can show that it was injured by either McCarty's or Nielsen's alleged overcharges. While there are a variety of methods by which a firm can make such a showing, a firm is generally required o demonstrate that it maintained a "bank" of unrecovered costs, in order to show that it did not pass the alleged overcharges through to its own customers, and to show that market conditions would not permit it to pass through those increased costs.

Watkins Oil Company, one of McCarty's spot-purchaser customers, suggested that we discard our presumption that spot purchasers suffered no injury. Watkins states that it had to buy from McCarty because of limits imposed by its regular supplier and the firm submitted copies of invoices showing it paid over 13 cents per gallon more to McCarty that it paid to its other supplier. The firm thus concludes that the spot purchaser presumption is inapplicable to it and extrapolates from this to argue that the presumption is invalid for others as well. Watkins's submission is insufficient to cause us to withdraw the sport purchaser presumption. It is entirely possible that Watkins was injured; we will reserve judgment on this question until we have analyzed the firm's refund application. However, even if Watkins suffered injury, we still believe that most spot purchasers did not. In the PD&O, we explained that we have found that spot purchasers generally buy fuel only when they believe they can pass the full costs through to their own customers. *See Vickers*, 8 DOE at 85,396–97. For example, in *Tenneco Oil Co./J.O. Cook, Inc.*, 9 DOE ¶ 82,581 (1982), the applicant stated: "We brokered all of this gasoline at ½ cent to 1 cent above our cost. . . . We did not pickup the gasoline and sell it ourselves at retail."; *Id* at 85,427. In many other cases, spot purchasers have failed to produce evidence demonstrating injury when given the opportunity. *See, e.g., Standard Oil Co. (Indiana)/Cities Service Co.*, 12 DOE ¶ 85,114 (1984); *Sid Richardson Carbon & Gasoline Co. and Richardson Products Co./Gulf Oil Corp.*, 12 DOE ¶ 85,092 (1984). Our experience has thus shown us that, in general, spot purchasers are not likely to have been injured by alleged overcharges. This presumption is rebuttable, however. If Watkins, or any other spot purchaser, can prove injury, we will approve its application for refund.

There are a variety of methods by which a firm can show that it was injured. One method is described above, in the section relating to larger purchasers. A firm such as Watkins, which did not calculate its cost banks as required by 10 CFR § 212.87, could show that such banks probably existed by showing that is profit margin was lowered as a result of its purchase, or by some other method. *See Seminole Refining, Inc.*, 12 DOE ¶ 85,188 at 88,577 (1985). We will determine whether the available data provide adequate support for a particular refund application on a case-by-case basis.

As noted above, we find that end users were injured by the alleged overcharges. Unlike regulated firms in the petroleum industry, members of this group generally were not subject to price controls during the consent order period. They were therefore not required to base their pricing decision on cost increases or to keep records which would show whether they passed through cost increases. Because of this, an analysis of the impact of the alleged overcharges on the final prices of goods and services which were not covered by the petroleum price regulations would be beyond the scope of a special refund proceeding. *See Office of Enforcement*, 10 DOE ¶ 85,072 (1983) (*PVM*); *see also Texas Oil & Gas Corp.*, 12 DOE at 88,209 and cases cited therein. End users of Nielsen petroleum products will therefore be required to document only their purchase volumes from Nielsen to make sufficient showing that they were injured by the alleged overcharges.[3]

As stated in the PD&O, firms whose prices for goods and services are regulated by a governmental agency or by the terms of a cooperative agreement will not be required to demonstrate that they absorbed the alleged overcharges. In the case of regulated firms, *e.g.*, public utilities, any overcharges incurred as a result of McCarty's or Nielsen's alleged violations of the DOE regulations would routinely be passed through to their customers. Similarly, any refunds received by such firms would be reflected in the rates they were allowed to charge their customers. Refunds to agricultural cooperatives would likewise directly influence the prices charged to their member customers. Consequently, we will add such firms to the class of claimants that are not required to show that they did not pass through to their customers cost increases resulting from alleged overcharges. *See, e.g., Office of Special Counsel*, 9 DOE ¶ 82,539 (1982) (*Tenneco*), and *Office of Special Counsel*, 9 DOE ¶ 82,545 at 85,244 (1982) (*Pennzoil*). Instead, those firms should provide with their application a full explanation of the manner in which refunds would be passed through to their customers and of how the appropriate regulatory body or membership group will be advised of the applicant's receipt of any refund money. Sales by cooperatives to nonmembers, however, will be treated the same as sales by any other reseller.

As in previous cases, only claims for at least $15 will be processed. This minimum has been adopted in prior refund cases because the cost of processing smaller claims outweighs the benefits of restitution. *See, e.g., Uban Oil Co.*, 9 DOE at 85,225. *See also* 10 CFR 205.286(b). The same principal applies here.

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potentially eligible for greater refunds may choose to limit their claims to $5,000 in order to avoid having to prove their injury. *See* Vickers, 8 DOE at 85,396. *See also* Office of Enforcement, 10 DOE ¶ 85,029 at 88,125 (1982) (Ada).

[3] McCarty has already made direct refunds to its customers who were end users. Those firms are therefore not eligible to apply for additional refunds in this proceeding, and the finding regarding end users is thus not relevant to first purchasers of McCarty products. However, downstream purchasers whose suppliers did not absorb the alleged overcharges will be covered by this finding as well as by all other presumptions

Finally, as we indicated in the PD&O, if additional meritorious claims are filed, we will adjust the figures listed in the Appendices accordingly. Actual refunds will be determined only after analyzing all appropriate claims.[6]

III. Applications for Refund.

We have determined that by using the procedures described above, we can distribute the McCarty consent order funds and the Nielsen consent order funds as equitably and efficiently as possible. Accordingly, we will now accept applications for refund from individuals and firms who purchased motor gasoline from McCarty between April 1, 1979, and September 30, 1979, or motor gasoline and/or propane from Nielsen between March 1, 1979, and December 31, 1979. As we proposed, the consent order funds will be distributed to those firms listed in Appendices A–1, A–2, B–1, and B–2 who file applications for refund, providing they make any necessary demonstrations of injury. Spot purchasers listed in Appendices A–3 and B–3, will receive refunds if they can rebut the spot-purchaser presumption and show that they were injured.[7] We will also grant refunds to any other eligible customers of McCarty or Nielsen which applies for a refund.

No valid addresses are available for those firms listed in Appendix A–2; copies of the PD&O sent to them were returned by the Post Office. There are also no addresses available for those firms listed in Appendix B–2. As a result of our initial efforts, we were able to locate three firms for whch we had not had addresses. In an attempt to locate the remaining firms, we will provide McCarty, Nielsen, and various petroleum dealers associations in Iowa, Kansas, Nebraska, and Ohio with copies of this decision, in addition to publishing notice in the **Federal Register**. We will accept information regarding the identity and present location of these firms for a period of 90 days from the date of publication of this Decision and Order in the **Federal Register**.[8]

In order to receive a refund, each claimant will be required to submit either a schedule of its monthly purchases of gasoline from McCarty or gasoline and/or propane from Nielsen or a statement verifying that it purchased petroleum products from McCarty or from Nielsen, and is willing to rely on the data in the audit file. A claimant must also indicate whether it has previously received a refund, from any source, with respect to the alleged overcharges identified in the ERA audits underlying these proceedings. Purchasers not identified by the ERA audits will be required to provide specific information concerning the date, place, price, and volume of product purchased, the name of the firm from which the purchase was made, and the extent of any injury alleged. Each applicant must also state whether there has been a change in ownership of the firm since the audit period. If there has been a change in ownership, the applicant must provide the names and addresses of the other owners, and should either state the reasons why the refund should be paid to the applicant rather than to the other owners or provide a signed statement from the other owners indicating that they do not claim a refund. Finally, an applicant should report whether it is or has been involved as a party in DOE enforcement or private, § 210 actions. If these actions have been concluded the applicant should furnish a copy of any final order issued in the matter. If the action is still in progress, the applicant should briefly describe the action and its current status. The applicant must keep OHA informed of any change in status while its Application for Refund is pending. *See* 10 CFR 205.9(d)

All applications must be filed in duplicate and must be received within 90 days after publication of this Decision and Order in the **Federal Register**. A copy of each application will be available for public inspection in the Public Docket Room of the Office of Hearings and Appeals. Any applicant which believes that its application contains confidential information must so indicate and submit two additional copies of its application from which the information that the applicant claims is confidential has been deleted. Each application must also include the following statement: "I swear (or affirm) that the information submitted is true and accurate to the best of my knowledge and belief." *See* 10 CFR 205.283(c); 18 U.S.C. 1001. In addition, the applicant should furnish us with the name and telephone number of a person who may be contacted by this Office for additional information concerning the application. Applications from McCarty customers should refer to Case No. HEF–0126; applications from Nielsen customers should refer to Case No. HEF–0136. All applications should be sent to: Office of Hearings and Appeals, Department of Energy, 1000 Independence Ave., SW., Washington, D.C. 20585.

It is therefore ordered that:

(1) Applications for refunds from the funds remitted to the Department of Energy by McCarty Oil Company pursuant to the consent order executed on February 24, 1981, and by Nielsen Oil and Propane, Inc. pursuant to the consent order executed on August 31, 1981, may now be filed.

(2) All applications must be filed no later than 90 days after publication of this Decision and Order in the **Federal Register**.

Dated: April 15, 1985.

George B. Breznay,

Director, Office of Hearings and Appeals

APPENDIX A 1—MCCARTY FIRST PURCHASERS

Name of firm	Share of settlement[1]
Agri-Urban, 818 South U.S. 42, Lebanon, OH 45036	$298.19
Auglaize Landmark, Wapa Theatre Building Wapakoneta, OH 45895	1,027.77
Butler Landmark, P.O. Box 626, Hamilton, OH 45012	75.38
C & D Oil, Inc., Paulding, OH 45879	504.60
Darke Landmark, Inc., 619 Sater, Greenville, OH 45331	504.86
Garner's Truck Service, P.O. Box 96, Jeffersonville, OH 43128	243.65
Hancock Landmark, 6566 Company Road No. 236, Findlay, OH 45840	480.00
Hertz Corp., 660 Madison Ave., New York, NY 10021	13,277.80
King-Kwik, 3870 Virginia Ave., Cincinnati, OH 45227	462.23
Lin mor, 110 Ash St., Lindsey, OH 43442	4,926.83
May's Oil Co., 113 S. College St., Piqua, OH 45356	135.14
Mercer Landmark, 715 West Logan St., Celina, OH 45822	912.22
Mid-wood Landmark, P.O. Box 799, Bowling Green, OH 43402	297.15
Minster Farmers Co-op, 292 Fourth St., Minster, OH 45865	1,388.23
Minster Oil Co., 185 West 4th St., Minster, OH 45865	1,743.77
Ottawa Oil Co., 105 East 4th St., Ottawa, OH 45875	3,091.76
Ralph's Sunoco, 2001 Needmore Rd., Dayton, OH 45415	1,176.70
Slattery Oil Co., 306 Defiance Ave., Hicksville, OH 43526	6,405.85
Wapak Truck Plaza, RRI, Wapakoneta, OH 45895	2,158.39

[1] Not including accrued interest

[6] Purchasers identified in the ERA audit as having allegedly been overcharged may also submit information to show that they are entitled to refunds larger than those indicated in the Appendices.

[7] The share of the McCarty escrow fund allocated to each firm listed in Appendices A–1, A–2, and A–3 represents 68.55 percent of the amount each was allegedly overcharged. The share of the Nielsen escrow fund allocated to each firm listed in Appendices B–1, B–2, and B–3 represents 36.17 percent of amount each was allegedly overcharged. These figures are consistent with the terms of the McCarty and Nielsen consent orders, which settled for 68.55 and 36.17 percent, respectively, of the total amount of overcharges alleged in the respective audits.

[8] If we are unable to locate any firms listed in either Appendix A–2 or Appendix B–2, we will reserve any funds allocated to that firm for distribution in a subsequent proceeding.

APPENDIX A-2—MCCARTY FIRST PURCHASERS, NO VALID ADDRESS AVAILABLE

Name of firm and last known address	Share of settlement [1]
Dayton South Truck Stops, Franklin, OH 45005	$2,399.26
Interpoint Corp. 8 South Wabash Ave., Chicago, IL 60603	2,896.85
Union 76 Tourist Stop (Dayso), 235 South Main St., Monroe, OH 45050	1,009.36

[1] Not including accrued interest

APPENDIX A-3—MCCARTY SPOT PURCHASERS

Name of firm	Share of settlement [1]
Auto Truck Rental, 401 E. 5th St., Dayton, OH 45402	$257.06
Central Transport, 34200 Mound Rd., Sterling Heights, MI 48077	440.13
Champaign County Landmark, 304 Bloomfield Ave., Urbana, OH 43078	164.43
Clark Landmark, 821 N. Belmont St., Springfield, OH 45503	237.72
Clinton Co	230.13
G & L Oil Co., 80 Hopewell St., Tiffin, OH 44883	191.72
Highland Landmark, P.O. Box 70, Hillsboro, OH 45133	108.51
Interstate Truck Stops, c/o Claire Fisher, 1333 Mercer Rd., Jerome, MI 49249	424.58
Madison County Landmark, 254 W. High St., London, OH 43140	155.59
Montgomery Landmark	79.22
Paulding Landmark, P.O. Box 243, Paulding, OH 45879	367.43
Watkins Oil Co., P.O. Box 195, Hillsdale, MI 49242	1,478.66
C. Wright Truck Stop, c/o Barry Groathouse, 2420 State Route 703 East Celina, OH 45822	268.93
XCEL Products, 14th Floor, 2900 North Loop West, Houston, TX 77092	569.10

[1] Not included accrued interest.

APPENDIX B-1—NIELSEN FIRST PURCHASERS

Name of firm	Share of settlement [1]
Al's Place, Crofton, NE 68730	$386.22
Barger Oil, 905 South 13th, Tekamah, NE 68061	714.86
Casey's General Store, P.O. Box 3288, Des Moines, IA 50316	10,959.40
Derby Refining Co., 502 Broadway, Yankton, SD 57078	35.49
Downing Oil, Post Office Box 1006, Norfolk, NE 68701	239.42
Fisca Oil, 8242 Maple St., Omaha, NE 68134	10,880.49
Gas 'N' Shop, Post Office Box 81463, Lincoln, NE 68501	5,117.51
Jim Hakel, Hakel Oil, Weston, NE 68070	22.17
Highway Oil, 12th Floor, 1st National Bldg., Topeka, KS 66603	5,470.69
Kratke Oil, Wakefield, NE 68784	1,063.46
Kookie's Kwik, Oakland, NE 68045	5.01
Lueders Oil, Wisner, NE 68791	190.15
R.J. Martens, Box 342, Seward, NE 69434	147.69
Neska Oil, 4th and Whitney, Pender, NE 68047	1,081.36
David Scharff, Riteway Service, Route 3, Box 87, Columbus, NE 68601	2,121.12
Shortstop East, 235 West 19th St., Fremont, NE 68025	2,902.86
Sell Oil Co., Bancroft, NE 68004	1,061.28
Smidt Standard, West Point, NE 68788	1.84

[1] Not including accrued interest
[2] As noted in the body of this Proposed Decision, we do not intend to grant claims for less than $15.00

Appendix B-2—Nielsen First Purchasers, No Address Available

Name of firm	Share of settlement [1]
Ginns	$617.00
Kerr-McGee (retail station)	278.60
Pokorny Oil	355.14
Schuzler Oil	342.12

[1] Not including accured interest

APPENDIX B-3—NIELSEN SPOT PURCHASERS

Name of firm	Share of settlement [1]
J. Adams, 1500 East Front St., Fremont, NE 68025	$4.89
Bingo Oil	56.60
Blackman Standard	159.52
Blair Mini-Market	198.57
Crest Oil, 1545 Cornhusker Highway, Lincoln, NE 68521	157.46
Chadwick's Self-Service, Wisner, NE 68791	78.99
Fina Oil	42.17
Farmers Co-op	96.70
Jones Oil	47.34
Kersten & Lee	202.41
Konechy, Cedar Bluffs, NE 68015	109.48
Liberty Oil	42.74
Lincoln Oil, Box 82231, Lincoln, NE 68500	276.19
M & M Service	44.43
Merchant Oil	18.46
7-11, Store No. 104	26.48
7-11, Store No. 107	76.55
7-11, Store No. 118, Omaha, NE	41.01
Stubbendick Oil	104.75
Sapp Brothers, P.O. Box 37446, Omaha NE 68137	178.92
E.T. Thomoson, Blair, NE 68008	39.06
Ziegler Oil, Monroe, NE 68647	3.07

[1] Not including accrued interest.

[FR Doc. 85-9785 Filed 4-22-85; 8:45 am]

BILLING CODE 6450-01-M

FEDERAL MARITIME COMMISSION

General Rate Increase of Trans-Pacific Freight Conference (Hong Kong) and New York Freight Bureau (Hong Kong); Filing of Petition for Investigation

Notice is given that a petition has been filed by counsel for the Hong Kong Shippers' Council for an investigation pursuant to section 11 of the Shipping Act of 1984 (the Act), regarding general rate increases implemented by the Trans-Pacific Freight Conference (Hong Kong) and the New York Freight Bureau (Hong Kong) on January 1, 1985. Petitioner is asking the Commission to both determine that the increases violate the general standards of section 6(g) of the Act and seek to enjoin further implementation of the increases pursuant to section 6(h) of the Act.

Interested persons may inspect and obtain a copy of the petition at the Washington Office of the Federal Maritime Commission, 1100 L Street, N.W., Room 11101.

Interested persons may submit replies to the petition to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before May 20, 1985. An original and fifteen copies of such replies shall be submitted. A copy of such replies shall also be served on filing counsel: Austin P. Olney, LeBoeuf, Lamb, Leiby & MacRae, 1333 New Hampshire Avenue, N.W., Washington, D.C. 20036.

Bruce A. Dombrowski,

Acting Secretary.

[FR Doc. 85-9732 Filed 4-22-85; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

Agency Forms Under Review

April 17, 1985

Background

Notice is hereby given of the submission of proposed information collection(s) to the Office of Management and Budget (OMB) for its review and approval under the Paperwork Reduction Act (Title 44 U.S.C. Chapter 35) and under OMB regulations on Controlling Paperwork Burdens on the Public (5 CFR Part 1320). A copy of the proposed information collection(s) and supporting documents is available from the agency clearance officer listed in the notice. Any comments on the proposal should be sent to the OMB desk officer listed in the notice. OMB's usual practice is not to take any action on a proposed information collection until at least ten working days after notice in the **Federal Register**, but occasionally the public interest requires more rapid action.

FOR FURTHER INFORMATION CONTACT:

Federal Reserve Board Clearance Officer—Cynthia Glassman—Division of Research and Statistics, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 (202-452-3829)

OMB Desk Officer—Robert Neal—Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 3208, Washington, D.C. 20503 (202-395-6880)

Request for OMB approval to extend with revision the following reports:

1. Report title: Reports of Condition and Income

Agency form number: FFIEC 031-034
OMB Docket number: 7100-0036
Frequency: Quarterly
Reporters: State member banks
Small businesses are affected
General description of report

This information collection is mandatory (12 U.S.C. 324) and is given partial confidential treatment.

State member banks are required to file detailed schedule of assets, liabilities, and capital accounts in the form of a condition report and summary statement; detailed schedule of operating income and expense, sources and disposition of income, and changes in equity capital in the form of an income statement; and a variety of supporting schedules. Data are used for supervisory and monetary policy purposes. The proposed revisions to the June 1985 Call Report consist of: (1) The addition of items on intangible assets and mandatory convertible debt to obtain data for use in monitoring compliance with capital adequacy guidelines; (2) obtaining nonaccrual and renegotiated "troubled" debt data on agricultural loans from the smaller institutions; (3) merging memo item 2 on the Report of Income with item 1.d. on the Income Statement of the –034 report; (4) the elimination of Part III on Schedule J; and (5) the addition of a memo item on Schedule RC-L on interest rate swap.

Board of Governors of the Federal Reserve System, April 17, 1985.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 85–9691 Filed 4–22–85; 8:45 am]

BILLING CODE 6210–01–M

Citizens Financial Services, Inc., et al.; Formations of; Acquisitions by; and Mergers of Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) and § 225.14 of the Board's Regulation Y (12 CFR 225.14) to become a bank holding company or to acquire a bank or bank holding company. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank or to the offices of the Board of Governors. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Unless otherwise noted, comments regarding each of these applications must be received not later than May 15, 1985.

A. **Federal Reserve Bank of Atlanta** (Robert E. Heck, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303:

1. *Citizens Financial Services, Inc.*, Greensboro, Georgia; to become a bank holding company by acquiring 100 percent of the voting shares of Citizens Union Bank, Greensboro, Georgia.

B. **Federal Reserve Bank of Chicago** (Franklin D. Dreyer, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *FIRSTBANK CORP.*, Alma, Michigan; to become a bank holding company by acquiring 100 percent of the voting shares of Bank of Alma, Alma, Michigan.

C. **Federal Reserve Bank of Minneapolis** (Bruce J. Hedblom, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. *Liberty Bancshares, Inc.*, St. Paul, Minnesota; to become a bank holding company by acquiring 100 percent of the voting shares of Janada Bancshares, Inc., St. Paul, Minnesota and directly acquiring 100 percent of the nonvoting preferred stock of Liberty State Bank, St. Paul, Minnesota.

Board of Governors of the Federal Reserve System, April 17, 1985.

James McAfee,

Associate Secretary of the Board

[FR Doc. 85–9692–Filed 4–22–85; 8:45 am]

BILLING CODE 6210–01–M

The Chase Manhattan Corp.; Proposal To Engage in the Execution and Clearance of Future Contracts on a Municipal Bond Index on Major Commodity Exchanges, and the Provision of Advisory Services With Respect to Futures Contracts and Options on Futures Contracts in Which It Trades

The Chase Manhattan Corporation, New York, New York, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.23(a)(3) of the Board's Regulation Y (12 CFR 225.23(a)(3)), for permission to engage in the execution and clearance of futures contracts on a municipal bond index on major commodity exchanges, and the provision of advisory services with respect to futures contracts and options on futures contracts in which it trades. These activities would be performed through the applicant's futures commission merchant subsidiary, Chase Manhattan Futures Corporation, through offices in New York, New York, Miami, Florida, Los Angeles, California, Chicago, Illinois, Houston, Texas, Philadelphia, Pennsylvania, Boston, Massachusetts, San Francisco, California, Singapore, Malaysia, and London, England, serving customers in the United States and abroad.

Section 4(c)(8) of the Bank Holding Company Act provides that a bank holding company may, with Board approval, engage in any activity "which the Board after due notice and opportunity for hearing has determined (by order or regulation) to be so closely related to banking or managing or controlling banks as to be a proper incident thereto." The Board has previously determined by order that activities similar to those proposed by the applicant are closely related to banking. *Bankers Trust New York Corporation*, December 21, 1984; 71 Federal Reserve Bulletin 111 (1985). Applicant believes that its proposed activities are so closely related to banking or managing or controlling banks as to be a proper incident thereto.

Interested persons may express their views on whether the proposed activities of executing and clearing futures contracts on a municipal bond index and of providing advisory services thereon are "so closely related to banking or managing or controlling banks as to be a proper incident thereto," and whether the proposal as a whole can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on these questions must be accompanied by a statement of the reasons why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or the Federal Reserve Bank of New York.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than May 15, 1985.

Board of Governors of the Federal Reserve System, April 17, 1985.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 85-9693 Filed 4-22-85; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Alcohol, Drug Abuse, and Mental Health Administration

National Advisory Mental Health Council; Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. Appendix I) announcement is made of the following national advisory bodies scheduled to assemble during the month of May 1985:

National Advisory Mental Health Council

May 13-15: 10:30 a.m.
May 13—National Institutes of Health, Building #1—Wilson Hall, 9000 Rockville Pike, Bethesda, Maryland 20205
May 14-15—Parklawn Building, Conference Rooms I and J, 5600 Fishers Lane, Rockville, Maryland 20857
Open—May 13; 10:30 a.m.-5:00 p.m.
Closed—Otherwise
Contact: Helen W. Garrett, Committee Management Officer, Parklawn Building, Room 17C26, 5600 Fishers Lane, Rockville, Maryland 20857, (301) 443-4333

Purpose: The National Advisory Mental Health Council advises the Secretary of Health and Human Services, the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, and the Director, National Institute of Mental Health, regarding policies and programs of the Department in the field of mental health. The Council reviews applications for grants-in-aid relating to research and training in the field of mental health and makes recommendations to the Secretary with respect to approval of applications for, and amount of, these grants.

Agenda: On May 13, the meeting will be open for discussion of NIMH policy issues and will include current administrative, legislative, and program developments. Attendance by the public for the open session will be limited to space available. Otherwise, the Council will conduct a final review of applications for Federal assistance and will not be open to the public in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of 5 U.S.C. 552b(c)(6), and section 10(d) of Pub. L. 92-463 (5 U.S.C. Appendix I).

National Advisory Council on Drug Abuse

May 14-15; 9:00 a.m., National Institutes of Health, Building 31C, Conference Room 9, 9000 Rockville Pike, Bethesda, Maryland 20205
Open—May 14; 9:00 a.m.-12 noon
May 15; 9:00 a.m.-5:00 p.m.
Closed—Otherwise
Contact: Sheila Gardner, Parklawn Building, Room 10A-37, 5600 Fishers Lane, Rockville, Maryland 20657, (301) 443-6720

Purpose: The National Advisory Council on Drug Abuse advises and makes recommendations to the Secretary, Department of Health and Human Services, the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, and the Director, National Institute on Drug Abuse, on the development of new initiatives and priorities and the efficient administration of drug abuse research, including prevention and treatment research, and research training. The Council also gives advice on policies and priorities for drug abuse grants and contracts, and reviews and makes final recommendations on grant applications.

Agenda: From 9:00 a.m.-12 noon, May 14, and from 9:00 a.m.-5:00 p.m., May 15, the meeting will be open for discussion of administrative announcements, program development and policy issues. Otherwise, the Council will be performing final review of applications for Federal assistance and will not be open to the public in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration pursuant to the provisions of 5 U.S.C. 552b(c)(6), and section 10(d) of Pub. L. 92-463 (5 U.S.C. Appendix I).

Board of Scientific Counselors, NIMH

May 30-June 1; 9:00 a.m., National Institutes of Health, Building 36, Conference Room 1B-07, 9000 Rockville Pike, Bethesda, Maryland 20205
Open—May 30; 9:00-9:15 a.m.
Closed—Otherwise
Contact: Frederick K. Goodwin, National Institute of Mental Health, 9000 Rockville Pike, Building 36, Conference Room 1B-07, Bethesda, Maryland 20205, (301) 496-3501

Purpose: The Board provides expert advice to the Director, NIMH, on the mental health intramural research program through periodic visits to the laboratories for assessment of the research in progress and evaluation of productivity and performance of staff scientists.

Agenda: On May 30, the Board will meet for approximately 15 minutes for a report by the Director of Intramural Research, NIMH, on recent administrative developments. The remainder of the 2½ day session will be devoted to a review of the intramural research projects from the Laboratory of Cerebral Metabolism and the Laboratory of Neurophysiology, and the evaluation of individual scientific programs, and will not be open to the public in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration pursuant to the provisions of 5 U.S.C. 552b(c)(6), and section 10(d) of Pub. L. 92-463 (5 U.S.C. Appendix I).

Substantive information may be obtained from the contact persons listed above. Summaries of the meetings and rosters of committee members may be obtained as follows: NIDA: Ms. Claudette Wright, Committee Management Officer, Room 10-22, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, (301) 443-1644. NIMH: Ms. Helen W. Garrett, Committee Management Officer, Room 17C26, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, (301) 443-4333.

Dated: April 17, 1985.

Sue Simons,

Committee Management Officer, Alcohol, Drug Abuse, and Mental Health Administration.

[FR Doc. 85-9727 Filed 4-22-85; 8:45 am]

BILLING CODE 4160-20-M

Food and Drug Administration

Consumer Participation; Open Meetings

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the following consumer exchange meetings:

Boston District Office, chaired by Frederick R. Carlson, District Director. The topics to be discussed are Health Frauds and Switching of Prescription Drugs to Over-the-Counter Drugs.

DATE: Tuesday, April 23, 1985, 9:30 a.m. to 12 m.

ADDRESS: Conference Rm., Deeds and Probate Bldg. (Lower Level), Railroad Ave., Barnstable, MA 02630.

FOR FURTHER INFORMATION CONTACT: Paula B. Fairfield, Consumer Affairs Officer, Food and Drug Administration, 585 Commercial St., Boston, MA 02109, 617–223–5857.

Kansas City District Office, chaired by James A. Adamson, District Director. The topic to be discussed is Women's Health Issues.

DATE: Thursday, April 25, 1985, 9:30 a.m. to 12 m.

ADDRESS: Federal Office Bldg., Rm. 147, 601 East 12th St., Kansas City, MO 64106.

FOR FURTHER INFORMATION CONTACT: Julia S. Hewgley, Consumer Affairs Officer, Food and Drug Administration, 1009 Cherry St., Kansas City, MO 64106, 816–374–3817.

Los Angeles District Office, chaired by Abraham I. Kleks, District Director. The topics to be discussed are Women's Health Issues, Switching of Prescription Drugs to Over-the-Counter Drugs, and Health Frauds.

DATE: Monday, April 29, 1985, 1 p.m. to 3 p.m.

ADDRESS: Cooperative Extension Service, 4341 East Broadway, Phoenix, AZ 85040.

FOR FURTHER INFORMATION CONTACT: Irene Gomez Caro, Consumer Affairs Officer, Food and Drug Administration, 1521 West Pico Blvd., Los Angeles, CA 90015, 213–688–4395.

Cincinnati District Office, chaired by James C. Simmons, District Director. The topics to be discussed are: (1) Switching of Prescription Drugs to Over-the-Counter Drugs, (2) Exclusivity of Labeling Terms for Over-the-Counter Drugs, (3) Use of Antibiotics at Subtherapeutic Levels in Animal Feeds, (4) Health Claims on Food Packages, and (5) Health Frauds.

DATE: Tuesday, May 7, 1985, 1 p.m. to 3 p.m.

ADDRESS: 85 Marconi Blvd., Rm. 446, Columbus, OH 43215.

FOR FURTHER INFORMATION CONTACT: Ruth E. Weisheit, Consumer Affairs Officer, Food and Drug Administration, 601 Rockwell Ave., Rm. 463, Cleveland, OH 44114–1699, 216–522–4844.

Cincinnati District Office, chaired by James C. Simmons, District Director. The topics to be discussed are: (1) Switching of Prescription Drugs to Over-the-Counter Drugs, (2) Exclusivity of Labeling Terms for Over-the-Counter Drugs, (3) Use of Antibiotics at Subtherapeutic Levels in Animal Feeds, (4) Health Claims on Food Packages, and (5) Health Frauds.

DATE: Thursday, May 9, 1985, 10 a.m. to 12 m.

ADDRESS: 550 Main St., Federal Office Bldg., Rm. 4022, Cincinnati, OH 45202.

FOR FURTHER INFORMATION CONTACT: Ruth E. Weisheit, Consumer Affairs Officer, Food and Drug Administration, 602 Rockwell Ave., Rm. 463, Cleveland, OH 44114–1699, 216–522–4844.

SUPPLEMENTARY INFORMATION: The purpose of these meetings is to encourage dialogue between consumers and FDA officials, to identify and set priorities for current and future health concerns, to enhance relationships between local consumers and FDA's District Offices, and to contribute to the agency's policymaking decision on vital issues.

Dated: April 16, 1985.

Mervin H. Shumate,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 85–9686 Filed 4–22–85; 8:45 am]

BILLING CODE 4160–01–M

Health Resources and Services Administration

Advisory Committee; Meetings

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), announcement is made of the following National Advisory body scheduled to meet during the month of May 1985:

Name: National Advisory Council on Nurse Training

Date and Time: May 13–15, 1985, 10:00 a.m.

Place: Conference Room G, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857

Open on May 13, 10:00 a.m.–12:00 noon

Open on May 14, 2:00 p.m.–2:30 p.m.

Closed for remainder of meeting.

Purpose: The Council advisers the Secretary and Administrator, Health Resources and Services Administration, concerning general regulations and policy matters arising in the administration of Title XXVII, National Health Service Corps, Health Professions Education, Nurse Training Omnibus Budget Reconciliation Act of 1981 (Pub. L. 97–35). The Council also performs final review of grant applications for Federal assistance, and makes recommendations to the Administrator, HRSA.

Agenda: Agenda items for the May 13, open portion of the meeting will cover announcements; consideration of minutes of the previous meeting; reports by the Director, Bureau of Health Professions, the Financial Management Officer, BHPr., the Director, Division of Nursing, and staff reports. The May 14 open portion of the meeting will be for a report by the Administrator, HRSA. The meeting will be closed to the public on May 13 at 12:00 noon for the remainder of the meeting, except from 2:00 p.m. to 2:30 p.m. on May 14, for the review of grant applications for advanced nurse training grants, nurse practitioner grants, special project grants, national research service awards, and research project grants. The closing is in accordance with the provision set forth in section 552b(c)(6), Title 5, U.S. Code and the Determination by the Administrator, Health Resources and Services Administration, pursuant to section 10(d) of Pub. L. 92–463.

Anyone wishing to obtain a roster of members, minutes of meeting, or other relevant information should write to or contact Dr. Mary S. Hill, Bureau of Health Professions, Health Resources and Services Administration, Room 5C–04, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, Telephone (301) 443–6193.

Agenda items are subject to change as priorities dictate.

Dated: April 18, 1985.

Jackie E. Baum,

Advisory Committee Management Officer, HRSA.

[FR Doc. 85–9726 Filed 4–22–85; 8:45 am]

BILLING CODE 4160–15–M

Indian Health Service; Health Professions Recruitment Program for Indians; Announcement of Competitive Grant Applications

The Indian Health Service (IHS), Health Resources and Services Administration, announces that competitive applications are now being accepted for the above-referenced grant program established by section 102 of Indian Health Manpower (Title I), Indian Health Care Improvement Act of 1976 (25 U.S.C. 1612). There will be only one funding cycle during fiscal year 1985.

Section 102 of the Act authorizes grants to identify, recruit, and assist American Indians and Alaska Natives, hereafter referred to as Indians, into medicine, osteopathy, dentistry, veterinary medicine, optometry, podiatry, pharmacy, public health, nursing, and allied health professions. The Secretary of Health and Human Services, acting through the IHS, determines which of these professions will be given priority consideration in order to meet the needs of Indians for health services.

The regulations governing this grants program are set forth in 42 CFR Part 36,

Subdivision J–2. This program is described at § 13.970 in the Catalog of the Federal Domestic Assistance.

Scope of this program announcement: This announcement provides information on the general program purposes and objectives, programmatic priority, eligibility requirements, funding availability, and application procedures for the Health Professions Recruitment Program for Indians for fiscal year 1985.

A. General Program Purposes: To augment the inadequate number of health professionals serving Indians and remove the multiple barriers to the entrance of health professionals into the IHS and private practice among Indians.

B. Programmatic Priority: Based on the projected manpower needs of the IHS, only organizations which can recruit and train for Masters of Public Health in various specializations will be considered for FY 85 funding.

C. Program Objectives:

1. (a) To offer a Masters level program in Public Health or Hospital Administration for Indian Health Service Indian employees who are working full-time and therefore can only participate in on-campus activities for a limited amount of time (maximum of 60 days per calendar year). Tuition, fees, books, and other educational costs are not a part of this grant and will be funded separately for those students approved by the Indian Health Service.

(b) To identify Indians with a potential for education or training in Public Health or Hospital Administration (Masters level) and to encourage and assist them to enroll in such programs.

Each grantee will be requried to develop the necessary student support systems to help to ensure that students successfully complete their academic training. Each grantee is required to develop a "Retention Program" to support the students participating in those programs funded under objectives 1(a) and/or 1(b).

2. To publicize existing sources of financial aid available to Indian students interested in enrolling in or enrolled in a health professions school.

3. To develop a study guide for health professional students that will provide guidance on effective note-taking, time management, test preparation, test taking, and study organization techniques and suggestions.

Each proposal must respond to either objective 1(a) or 1(b) or both. However, priority consideration will be given to those applicants that respond to objective 1(a). Additionally, within the same application each grantee must respond to either objective 2 or 3. In order to avoid duplication of effort by the funded projects, the grantor will be responsible for coordinating an initial planning meeting of the funded projects that have chosen the same secondary objective (e.g., 2 or 3) and to negotiate redistribution and coordination of efforts.

D. Eligibility Requirements: In accordance with regulations, any Indian tribe, tribal organization, urban Indian organization, Indian health organization, or any public or other non-profit private health or educational entity may apply; however, priority will be given to public or non-profit educational entities which offer accredited Masters of Public Health programs.

E. Fund Availability: Approximately $220,000 is available in fiscal year 1985 during this cycle for award of recruitment grants under section 102 with approximately four projects to be funded.

F. Type of Program Activities Considered for Support: Grant programs developed to locate and recruit students with potential for Public Health training and to support Indian students funded by the IHS Scholarship Programs and other funding sources. Support services may include providing career counseling and academic advice; assisting students to locate financial aid; and assisting with the determination of need for and location of tutorial services.

G. Application process:

1. An *IHS Recruitment Grant Application Kit* may be obtained from the Grants and Contracts Management Branch, Room 6A–29, 5600 Fishers Lane, Rockville, Maryland 20857.

2. The application must be signed and submitted by an individual authorized to act for the applicant and to assume on behalf of the applicant the obligations imposed by the terms and conditions of any award, including those referred to in 42 CFR Part 36, Subdivision J–2.

3. An original and four copies of the completed Grants Application must be submitted, with all required documents, to arrive in the Grants and Contracts and Management Branch by the closing date, *May 31, 1985*. Applications received after the announced closing date will be returned to the applicant and will *not* be considered for funding. (See Part H of this announcement for deadline requirements.)

4. Each application will be reviewed at the Grants and Contracts Management Branch for completeness, accuracy, and eligibility. All acceptable applications will be subject to a competitive review and evaluation in accordance with established objective review procedures.

5. If an application is disapproved or if funds are not available to support all approved applications, the affected applicants will be so notified by July 31, 1985.

G. Criteria for Review and Evaluation:

1. As stated in 42 CFR Part 36, Subdivision J–2, § 36.313, each application will be evaluated against the following criteria:

The potential effectiveness of the proposed project in carrying out the purposes of Section 102;

The demonstrated capability of the applicant to successfully conduct the project;

The accessibility of the applicant to Indian communities or tribes, including evidence of past or potential cooperation between the applicant and such communities or tribes;

The relation of project objectives to Indian Health manpower's deficiencies;

The soundness of the fiscal plan for assuring effective utilization of grant funds;

The objectives and feasibility of the application.

2. Where program needs justify funding a certain activity for a particular geographic area and several applicants are equally qualified to conduct the activity, preference will be given in awarding grants in the following order of priority: Indian tribes; Tribal organizations; Urban Indian organizations and other Indian Health organizations; and public and non-profit private health and educational entities.

3. The project period for any proposal will not exceed one year. However, annual continuations will be considered if project has performed satisfactorily and the IHS needs still exist.

H. Closing Date for Receipt of Applications: The closing date for receipt of applications under this announcement is May 31, 1985. An application will be considered to have arrived by the closing date if: (1) It is received by the Grants and Contracts Management Branch by 12:00 p.m. (EDT), or (2) it is clearly postmarked at least 2 days prior to the announced closing date.

FOR FURTHER INFORMATION CONTACT:

Mr. Kay Carpentier, Grants Management Officer, Grants and Contracts Management Branch, Room 6A–29, 5600 Fishers Lane, Rockville, Maryland 20857, (310) 443–5204, and Pierre A. Colombel, Title I Project Manager, Room 6A–23, 5600 Fishers Lane, Rockville, Maryland 20857, (3010) 443–5441.

Dated: April 17, 1985.

Robert Graham,

Administrator Assistant Surgeon General.

[FR Doc. 85-9725 Filed 4-22-85; 8:45 am]

BILLING CODE 4160-16-M

National Institutes of Health

Biomedical Research Support Subcommittee of the General Research Support Review Committee; Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Biomedical Research Support Subcommittee of the General Research Support Review Committee, Division of Research Resources, National Institutes of Health, May 10, 1985, Building 31A, Conference Room 11A10, Bethesda, Maryland 20205, from 9:30 a.m. to adjournment.

The meeting will be open to the public on May 10 from 9:30 a.m. to adjournment to discuss program policies and planning for the Biomedical Research Support Grant Program, the Biomedical Research Support Shared Instrumentation Grant Program, and the Minority High School Student Research Apprentice Program. Attendance by the public will be limited to space available.

Mr. James Augustine, Information Officer, Division of Research Resources, Room 5B10, Building 31, National Institutes of Health, Bethesda, Maryland 20205, (301) 496-5545, will provide a summary of the meeting and a roster of the Committee members. Dr. Marjorie A. Tingle, Executive Secretary, Biomedical Research Support Subcommittee of the General Research Support Review Committee, will furnish substantive program information and will receive any comments pertaining to this announcement.

(Catalog of Federal Domestic Assistance Program No. 13.337, Biomedical Research Support, National Institutes of Health)

Dated: April 16, 1985.

Betty J. Beveridge,

Committee Management Officer, National Institutes of Health.

[FR Doc. 85-9681 Filed 4-22-85; 8:45 am]

BILLING CODE 4140-01-M

Clinical Cancer Program Project Review Committee; Amended Meeting

Notice is hereby given of a change in the meeting of the Clinical Cancer Program Project Review Committee, National Cancer Institute, July 25-26, 1985, Building 31, Conference Room 10, National Institutes of Health which was published in the **Federal Register** on March 18, (50 FR 10862).

The committee was to have convened at 8:30 a.m. on July 25, but has been changed to 8:30 a.m. on July 26, 1985, Building 31, Conference Room 10.

The meeting will be open to the public from 8:30 a.m. to 10:00 a.m. and will be closed from 10:00 a.m. to adjournment for the review of grant applications.

Dated: April 16, 1985.

Betty J. Beveridge,

Committee Management Officer, National Institutes of Health.

[FR Doc. 85-9680 Filed 4-22-85; 8:45 am]

BILLING CODE 4140-01-M

DEPARTMENT OF THE INTERIOR

Office of the Secretary

Meeting; Alaska Land Use Council

As required by the Alaska National Interest Lands Conservation Act (ANILCA), Pub. L. 96-487, dated December 2, 1980, section 1201, paragraph (h), the Alaska Land Use Council will meet at 11:00 a.m. Wednesday, May 15, 1985, in the Council's Conference Room, located at 1689 C Street, Room 107, Anchorage, Alaska.

The agenda will include Council consideration of:

—Long Range Goals and Objectives 1985-90,
—Council Work Program 1985-86,
—The Kenai National Wildlife Refuge Comprehensive Conservation Plan,
—The Becharof National Wildlife Refuge Comprehensive Conservation Plan,
—The Izembek National Wildlife Refuge Comprehensive Conservation Plan,
—The Togiak National Wildlife Refuge Comprehensive Conservation Plan,
—Outfitter/Guide Policy Recommendations,
—Conservation System Unit Management Plan Implementation, Memorandum of Understanding, Gulkana Wild and Scenic River and
—Upland Oil and Gas Leasing Project Group Report.

The Alaska Land Use Council meeting will be preceded by a joint session with the Council's Land Use Advisors Committee beginning at 9:00 a.m., and lasting approximately two hours. The Land Use Advisors Committee will present recommendations to the Council on the 1985-86 Work Program and discuss State/Federal land use planning activities in Alaska. The Council's meeting will immediately follow this joint session.

For further information contact: Alaska Land Use Council, P.O. Box 100120, Anchorage, Alaska 99510, (907-272-3422 or (FTS) 271-5485.

The public is invited to attend.

William P. Horn,

Deputy Under Secretary.

[FR Doc. 85-9731 Filed 4-22-85; 8:45 am]

BILLING CODE 4310-10-M

Bureau of Land Management

Actions on Proposed Powder River Region Coal Lease Exchange; Wyoming

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of the following actions concerning the Kerr-McGee I-90 coal lease exchange proposal:

(1) Preliminary public interest findings,

(2) Intended offered and selected lands to be exchanged,

(3) Environmental assessment availability, and

(4) Intent to hold a public hearing, if requested.

SUMMARY: Federal law authorizes the Secretary of the Interior to exchange unleased federal coal reserves for certain coal leases impacted by the routing and construction of Interstate Highway 90 across the Powder River Basin in Wyoming. Two exchanges involving other companies have been effected pursuant to the law. This action relates to a proposed exchange with Kerr-McGee Coal Corporation which holds leases adjacent to those exchanged previously. The Bureau of Land Management has made a preliminary finding that it would be in the public interest to exchange these Federal coal leases, which are incumbered by Interstate Highway 90, for another Federal coal lease in the Powder River Coal Region. If requested, a public hearing on this exchange proposal will be held in the Gillette Community Recreation Center, 1000 Douglas Highway, Gillette, Wyoming, on May 23, 1985, at 9:00 a.m. An environmental assessment on the exchange proposal is available upon request from the Bureau's Casper District Office.

FOR FURTHER INFORMATION CONTACT: Don Brabson, Wyoming State Office Bureau of Land Management, Cheyenne, Wyoming (307) 772-2571.

SUPPLEMENTAL INFORMATION: On October 30, 1978, Pub. L. 95-554 specifically authorized the Secretary of the Interior to exchange Kerr-McGee's

and others', Federal coal leases that are incumbered by Interstate 90. The Bureau's preliminiary findings indicate that it would be in the public interest to issue a new Federal lease to Kerr-McGee Coal Corporation for approximately 79.5 million tons of recoverable coal in the Powder River Basin. The legal description of these selected lands are:

T. 43 N., R. 70 W.,
Sec. 4: E½, E½NW¼;
Sec. 9. E½.

In exchange, Kerr-McGee would relinquish to the Federal government Federal coal lease numbers W–0312311 and W–0313668, which contain approximately 111.7 million tons of recoverable coal in the Powder River Basin. These offered lands were encumbered by the construction of Interstate Highway 90. The legal descriptions of these offered lands are:

T. 50 N., R. 71 W.,
Sec. 20: NW¼SW¼, S½SW¼, S½SE¼;
Sec. 21. SE¼SW¼, NE¼SE¼, SW¼SE¼;
Sec. 22: NW¼SW¼;
Sec. 27: W½SW¼;
Sec. 28: W½NE¼, NE¼NW¼, S½NW¼;
Sec. 29: NE¼, S½;
Sec. 33: NW¼NW¼;
Sec. 34: NW¼NW¼.

According to the economic evaluation findings, the selected lands have a net present value that is approximately equal to the offered lands. More specifically, the economic evaluation determines the net present value of the offering to be approximately 12.7% greater than the net present value of the selection. This determination is the basis for demonstrating that the leases to be exchanged are within the equal value constraints for coal lease exchanges. Since the involved parcels are of approximate equal value, no additional compensations would occur.

Preliminary findings have been made that the proposed exchange is in the public interest. The findings are that the action would:

(1) Comply with the intent of Pub. L. (95–554 and thereby resolve an Interstate Highway 90 incumberance which has persisted for over 10 years,

(2) Enable the public to gain royalties form the selected lands sooner than royalties could be gained from the offered lands,

(3) Promote Federal coal development by expanding the needed reserve base for an active coal-producing mine,

(4) Be done in a manner which would not significantly impact the local and regional environment,

(5) Help assure the continuation of local tax base, employment, and infrastructure, and

(6) Continue to assure adequate competition for the Thundercloud Tract, which is under consideration for future Powder River Regional competitive lease sale. The proposed exchange would not affect competition for the Thundercloud Tract because approximately 390.55 million tons of Federal recoverable reserves would remain for competitive leasing. The Bureau has the option to request the Regional Coal Team to redelineate the Thundercloud Tract and add coal, if it is determined that additional reserves would improve competition.

An environmental assessment has been prepared on the proposed exchange. This analysis found that the environmental impacts of the proposal are not significant pursuant to the National Environmental Policy Act of 1969. Accordingly, no environmental impact statement is warranted. Copies of the environmental assessment may be obtained from the Bureau's Casper District office; call Charles F. Wilkie at (307) 261–5554.

A public hearing on the proposed exchange has been tentatively scheduled in the Gillette Community Recreation Center, 1000 Douglas Highway, Gillette, Wyoming, on May 23, 1985, at 9:00 a.m. If anyone requests by May 10, 1985 that the Bureau hold this hearing, it will be held. Confirmation of the hearing, if held, will be announced in the *Casper Star Tribune* at least one week prior to the hearing. Anyone requesting a hearing or wishing to provide an oral statement at the hearing should notify Don Brabson by May 10, 1985. If held, the hearing will be the opportunity for anyone to provide comments on the merits of the exchange, the preliminary public interest findings, the environmental assessment, or any other aspect of the exchange proposal. If anyone would rather provide written comments in lieu of verbal testimony, he or she may do so at the hearing or by writing to the Wyoming State Director, Bureau of Land Management, 2515 Warren Avenue, Cheyenne, Wyoming 82001. Written comments are requested by the hearing date.

Hillary A. Oden,
Wyoming State Director.

[FR Doc. 85–9713 Filed 4–22–85, 8:45 am]
BILLING CODE 4310–22–M

National Public Lands Advisory Council; Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of meeting of the National Public Lands Advisory Council.

SUMMARY: Notice is hereby given that the National Public Lands Advisory Council will meet May 23–25, 1985, at the Klamath Falls County Courthouse Annex, 305 Main, Klamath Falls, Oregon. The meeting hours will be 8:00 a.m. to 5:00 p.m. on Thursday, the 23rd, 11:00 a.m. to 5:00 p.m. on Friday, the 24th and 8:00 a.m. to 11:00 a.m. on Saturday, the 25th. Council members will also participate in a field tour highlighting BLM's forestry program on Friday morning, May 24. The proposed agenda for the meetings is:

Thursday, May 23

Morning

New member orientation and election of officers for 1985; Overview of Bureau of Land Management (BLM) and Forest Service Interchange Project; Summary of proposed Interchange legislation.

Afternoon

Discussion by BLM State and Forest Service Regional officials on the Interchange; Presentation on BLM's Forestry Program; Discussion of BLM/Forest Service draft Grazing Fee Study; Meeting of Council subcommittees (Renewable Resources, Lands, and Energy and Minerals).

Friday, May 24

Morning

Meeting of Council subcommittees, following field tour highlighting BLM's forestry program.

Afternoon

Public Statement Period; Report on previous Council resolutions and discussion of agenda for future Council meetings; Meeting the Council subcommittees.

Saturday, May 25

Morning

Final meetings of Council subcommittees; Discussion of subcommittee recommendations and passing of Council resolutions.

All meetings of the Council will be open to the public. Opportunity will be provided for members of the public to make oral statements to the Council, beginning at 1:00 p.m., Friday, May 24. Speakers should address specific national public lands issues on the meeting agenda and are encouraged to submit a copy of their written testimony prior to oral delivery. Please send written comments by May 17 to the Bureau of Land Management's Oregon State Office at the address listed below. Depending on the number of people who wish to address the Council, it may be

necessary to limit the length of oral presentations.

DATES: May 23, 24, and 25—Council Meeting. May 24—Public Statements.

ADDRESS: Copies of public statements should be mailed by May 17 to: Director, Oregon State Office (912), Bureau of Land Management, P.O. Box 2965, Portland, Oregon 97208.

FOR FURTHER INFORMATION CONTACT: Karen Slater, Washington, D.C. Office, BLM, telephone (202) 343–2054; or Ed Ciliberti, Public Affairs Chief, Oregon State Office, BLM, telephone (503) 231–6277.

SUPPLEMENTARY INFORMATION: The Council advises the Secretary of the Interior through the Director, Bureau of Land Management, regarding policies and programs of a national scope related to public lands and resources under the jurisdiction of the Bureau.

Robert F. Burford,

Director.

April 17, 1985.

[FR Doc. 85–9689 Filed 4–22–85; 8:45 am]

BILLING CODE 4310–84–M

Minerals Management Service

[Lease OCS–P 0409]

Outer Continental Shelf; Proposed Development and Production Plan for the Cities Service San Miguel Project; Intent to Prepare an Environmental Impact Statement

AGENCY: Minerals Management Service (MMS), Pacific Outer Continental Shelf (OSC) Region, Interior.

ACTION: Notice of Intent to Prepare an Environmental Impact Statement/ Environmental Impact Report (EIS/EIR).

SUMMARY: The Minerals Management Service-Pacific Outer Continental Shelf Region, the County of San Luis Obispo, the California State Lands Commission, the California Coastal Commission, and the County of Santa Barbara will prepare a joint Environmental Impact Statement/ Environmental Impact Report (EIS/EIR) for the proposed San Miguel Project which covers the development of OCS oil and gas resources offshore San Luis Obispo and Santa Barbara Counties, California. The MMS Pacific OCS Region has determined that known and futher cumulative development of the San Miguel Area is an action which will require preparation of an EIS because of the nature and magnitude of environemtnal impacts. This EIS/EIR will include proposed development by Cities Service of the San Miguel Project as well as anticipated future development of oil and gas resources in the northern Santa Maria Basin Area, offshore Santa Barbara and San Luis Obispo Counties, California.

The draft EIS/ EIR is scheduled for completion in December, 1985. A Notice of Availability will be published in the **Federal Register** establishing dates for the comment period following distribution of the draft. Those wishing to assist MMS in determining the scope of the San Miguel Area Study EIS/EIR should write to: William E. Grant, Regional Director, Minerals Management Service, Pacific OCS Region, 1340 W. 6th Street, Los Angeles, CA 90017. Comments on the scope of this project should be received no later than June 7, 1985.

A public workshop (9:00 A.M.–1:00 P.M.) on the proposed project is shceduled for May 1, 1985, at the Old County Courthouse (Room 202), San Luis Obispo, California. In addition an agency hearing (10:00 A.M.) and a public hearing (6:00 P.M.–9:00 P.M.) are scheduled on May 8, 1985. The agency hearing is to be held at the Old County Courthouse; the public hearing is scheduled at the South County Regional Center, 800 W. Branch, Arroyo Grande, California. Federal, State, or local governments and interested groups or individuals requiring further information should call Mary Elaine Warhurst in the MMS Pacific OCS Regional Office at (213) 688–4360, 1340 W. 6th Street, Los Angeles, CA 90017.

Supplementary Information

Lease OCS–P 0409 is located approximately 8.5 miles west of Pt. Sal in the Santa Maria Basin offshore California in water depths ranging from 325–350 feet. The lease is a part of Tract No. 182 (Block 22, NI 10–6) which was bid for in OCS Sale No. 53 on May 28, 1981. The major features of the proposed development project include: (1) A single eight-leg platform (designated as Platform Julius) with seventy well slots; (2) Subsea pipelines to a landfall at the Guadalupe Oil Field in San Luis Obispo County; (3) onshore pipelines to an onshore processing facility; and (4) onshore processing facility to be located on a site in San Luis Obispo County and designed to handle approximately 40,000 barrels of oil per day (BOPD).

Production from up to six additional platforms will be considered in the San Miguel Area Study EIS/EIR for the purpose of assessing cumulative impacts. The San Miguel Area development includes a total of 34 OCS leases and tracts offshore Pt. Sal.

This EIS/ EIR will provide the information needed to evaluate proposed and future activities in the Federal OCS in the northern Santa Maria Basin. Since a Development and Production Plan (DPP) has been submitted for OCS–P 0409, a detailed, site-specific, impact analysis will be provided in the EIS/EIR for this platform. Decisions by the MMS on the platform and by the County on the proposed onshore facility will follow certification of the EIS/EIR.

Operators proposing additional platforms in the San Miguel Study Area will be required to conduct the appropriate site-specific geohazards, cultural resource and biological surveys and to submit Development and Production Plans (DPP's). Documents included in these submittals are: Plan of Development, Environmental Report, Oil Spill Contingency Plan, Hydrogen Sulfide Contingency Plan, and survey and data reports. The MMS will evaluate environment al impacts from additional development activities in subsequent Environmental Assessments, or depending on the significance of the impacts, in Environmental Impact Statements. The EIS/EIR will analyze the environmental consequences of the proposed project in compliance with the National Environmental Policy Act (NEPA) and California Environmental Qualify Act (CEQA). Significant issues to be discussed include, but are not limited to: Air quality, water quality, terrestrial and marine biota, endangered species, cultural resources, aesthetic resources, commercial fishing, military use, and land use. Alternatives to be considered include options to modify, defer, or disapprove the proposed development plans.

James W. Sutherland,

Acting Regional Director, Pacific OCS Region.

[FR Doc. 85–9702 Filed 4–22–85; 8:45 am]

BILLING CODE 4310–MR–M

National Park Service

Overmountain Victory National Historic Trail Advisory Council; Meeting

Notice is hereby given in accordance with the Federal Advisory Commission Act that a meeting of the Overmountain Victory National Historic Trail Advisory Council will be held at 10:00 a.m. on Wednesday, May 29, 1985, at Blue Ridge Parkway Office, 700 Northwestern Bank Building, Asheville, North Carolina 28801.

The purpose of the Overmountain Victory National Historic Trail Advisory Council is to consult and advise with the Secretary of the Interior on all matters of planning, management and trail development of the Overmountain Victory National Historic Trail. The agenda will include a discussion of the draft comprehensive management plan.

The members of the Advisory Council are as follows:

Mr. Frank Robinson, Chairman, Elizabethton, Tennessee
Mr. Walter Hindricks, Abington, Virginia
Mr. Roy A. Taylor, Black Mountain, North Carolina
Mr. Walter H. Schrader, Columbia, South Carolina
Mr. Dennis Kline, Rogersville, Tennessee
Mrs. Jean Hawkins, Hilton Head, South Carolina
Mr. David Lloyd Thomas, Greenville, South Carolina
Mr. James Robert Hartbarger, Dillsboro, North Carolina
Mr. Fred L. Burgin, Jr., Rutherfordton, North Carolina
Mr. Hugh Atkins, Spartanburg, South Carolina
Mr. Hubert Hendrix, Spartanburg, South Carolina
Mr. Jack D. Stansbury, Hampton, Tennessee
Dr. J. N. Lipscomb, Gaffney, South Carolina
Mrs. Grace Vance, Plumtree, North Carolina
Mr. Carl Gillis, Jr., Adrian, Georgia
Mr. William H. Hecht, Vienna, Virginia
Mr. Richard L. Heffner, Atlanta, Georgia
Mr. David B. Morgan, III, Asheville, North Carolina
Mr. John S. Wilkerson, Clover, South Carolina
Mr. George Olson, Asheville, North Carolina
Mr. Andrew Duncan, Jr., Wilkesboro, North Carolina
Mr. Terry Chilcoat, Norris, Tennessee

The meeting will be open to the public; however, facilities and space for accommodating members of the public are limited. Any member of the public may file with the council a written statement concerning the matters to be discussed.

Persons wishing further information concerning the meeting or who wish to submit written statements may contact Paul Swartz, Chief, Planning and Compliance Division, National Park Service, Southeast Region, 75 Spring Street, SW., Atlanta, Georgia 30303, Telephone 404/221–5465. Minutes of the meeting will be available for public inspection at the above address approximately 4 weeks after the meeting.

Dated: April 12, 1985.

Paul B. Hartwig,

Acting Regional Director, Southeast Region.

[FR Doc. 85–9741 Filed 4–22–85; 8:45 am]

BILLING CODE 4310–70–M

National Register of Historic Places; Notification of Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the National Park Service before April 13, 1985. Pursuant to § 60.13 of 36 CFR Part 60 written comments concerning the significane of these properties under the National Register criteria for evaluation may be forwarded to the National Register, National Park Service, U.S. Department of the Interior, Washington, DC 20243. Written comments should be sumitted by May 8, 1985.

Carol D. Shull,

Chief of Registration, National Register.

CALIFORNIA

Napa County

St. Helena, *Helios Ranch*, 1575 St. Helena Hwy.

San Francisco County

San Francisco, *St. Joseph's Hospital*, 355 Buena Vista Ave. East

CONNECTICUT

Middlesex County

Middletown, *Washington Street Historic District*, Roughly bounded by Washington and Main Sts., Washington Terrace and Vine St.

New Haven County

Middlebury, *Middlebury Center Historic District*, Roughly bounded by Library Rd., North and South Sts. and Whittemore Rd.

IDAHO

Canyon County

Nampa, *Nampa City Hall*, 203 Twelfth Ave. S.

Kootenai County

Coeur d'Alene *Davey, Harvey M., House*, 315 Wallace Ave.

ILLINOIS

Cook Conty

Chicago, *Foley, Jennie, Building*, 626–628 S. Racine Ave.
Chicago, *Guyon Hotel*, 4000 W. Washington Blvd.
Lansing, *Ford Airport Hanger*, Glenwood-Lansing Rd. and Burnhan Ave.

DeKalb County

Sandwich, *von KleinSmid Mansion*, 218 W. Center

Gallatin County

Equality, *Crenshaw House*, Off Rt. 1

Greene County

Carrollton, *Carrollton Courthouse Square Historic District*, Roughly bounded by S. Main, W. Fifth, N. Main and W. Sixth Sts.

Kane County

Batavia, *Wilson, Judge Isaac, House*, 406 E. Wilson St.

Macon County

Decatur, *Decatur Downtown Historic District*, Merchant St. roughly bounded by North, Water, Wood, and Church Sts.

McHenry County

Crystal Lake, *Palmer, Col. Gustavius A., House*, 5516 Terra Cotta Rd.

Schuyler County

Rushville, *Phoenix Opera House Block*, 112–122 W. Lafayette St.

St. Clair County

East St. Louis, *Majestic Theatre*, 240–246 Collinsville Ave.

LOUISIANA

Avoyelles Parish

Bunkie vicinity, *Frithland*, LA 29
Evergreen vicinity, *Clarendon Plantation House*, LA 29
Mansura, *Roy, Dr. Thomas A., Sr., House*, *L'Eglise St.*

Lafayette Parish

Lafayette, *Latiolais, Alexandre, House*, 900 E. Butcher Switch Rd.

Ouachita Parish

Monroe, *Neville High School*, 600 Forsythe Ave.

Pointe Coupee Parish

Jarreau vicinity, *LeBeau House and Kitchen*, LA 414

Richland Parish

Mangham, *Mangham State Bank Building*, Main and Horace Sts.

Vermilion Parish

Lake Arthur vicinity, *Narrows plantation House*, Off Hwy. 717 on S. shore of Lake Arthur

MASSACHUSETTS

Middlesex County

Watertown, *Pratt, Miles, House*, 106 Mt. Auburn St.

Worcester County

Dudley, *Back Tavern*, Dudley Center Rd.
Fitchburg, *Duck Mill*, 60 Duck Mill Rd.
Milford, *Memorial Hall*, School St.

MICHIGAN

Wayne County

Detroit, *Century Building and Little Theatre*, 58–62–E. Columbia

MISSISSIPPI

Adams County

Natchez vicinity, *Oakwood*, Off Kingston Rd.

MONTANA

Lewis and Clark County

Helena, *Western Clay Manufacturing Company*, 2915 Country Club Rd.

NEBRASKA

Garfield County

Burwell vicinity, *Garfield County Frontier Fairgrounds*, Off NE 91

Lancaster County

Lincoln, *Tifereth Israel Synagogue*, 344 S. 18th St.

Lincoln County

North Platte, *Fox Theatre*, 301 E. 5th
North Platte, *Hotel Yancey*, 221 East 5th St.

Saunders County

Wahoo, *Wahoo Burlington Depot*, 431 W. Third

PENNSYLVANIA

Beaver County

Ambridge, *Economy Historic District*, Old Economy Village roughly bounded by PA 65, 12th, Merchant, and 16th Sts.

Bucks County

Doylestown Borough, *Doylestown Historic District*, Roughly bounded by Union, Cottage and E. Ashland Sts., Hillside Ave and S. and N. West Sts.

Chester County

Embreeville vicinity, *Harlan House*, PA 162 and Star Gazer Rd.
Spring City, *Forge, Vincent, Mansion*, Cook's Glen Rd. R.D.

Dauphin County

Hummelstown, *Keystone Hotel*, 40 East Main St.

Jefferson County

Punxsutawney, *Jefferson Theater*, 230 N Findley St.

Philadelphia County

Philadelphia, *McCallum Manor*, 6653 McCallum Ave.
Philadelphia, *National Bank of North Philadelphia*, 370 N. Broad St.
Philadelphia, *Pennsylvania Institute for the Deaf and Dumb*, 7500 Germantown Ave.
Philadelphia, *Powelton Historic District*, Roughly bounded by Brandywine St., 32nd to 39th Sts. and Lancaster Ave.

Potter County

Coudersport, *Coudersport Historic District*, Roughly bounded by Seventh, East, Water and Main Sts.

Warren County

Warren, *Jefferson, John P., House*, 119 Market St.

TENNESSEE

Davidson County

Lakewood, *Lakewood Commercial District (Old Hickory MRA)*, Roughly bounded by 22nd St. and Old Hickory Blvd.
Old Hickory, *DuPont Fire Hall (Old Hickory MRA)*, 1010 Hadley Ave.
Old Hickory, *Old Hickory Historic District (Old Hickory MRA)*, Bordered by Hadley Ave., Jones St., Eight St., Riverside Dr. and 15th Ave.
Old Hickory, *Old Hickory Methodist Church (Old Hickory MRA)*, 1216 Hadley Ave.
Old Hickory, *Old Hickory Post Office (Old Hickory MRA)*, 1010 Donelson Ave.

UTAH

Iron County

Page Ranch vicinity, *Page, Daniel R. and Sophia G., House*, Richie Flat at W. edge of Harmony Mountains

Salt Lake County

Magna, *Empress Theatre*, 9104 W. 2700 South
Salt Lake City vicinity, *Baldwin, Nathaniel, House*, 2374 Evergreen Ave.

Sanpete County

Ephraim, *Dorius, John, Jr., House*, 46 W. 100 North

Summit County

Woodland, *Hewlett, Verner O., Ranch House (Stewart Ranch TR)*, Off UT 35

Tooele County

Stockton, *Stockton Jail*, Off UT 36

Wasatch County

Woodland vicinity, *Stewart Hewlett, Lester F. and Margaret, Ranch House (Stewart Ranch TR)*, Off Ut 35
Woodland vicinity, *Stewart Ranch Foreman's House (Stewart Ranch TR)*, Off UT 35
Woodland vicinity, *Stewart, Barnard J., Ranch House (Stewart Ranch TR)*, Off Ut 35
Woodland vicinity, *Stewart, Charles B., Ranch House (Stewart Ranch TR)*, Off Ut 35
Woodland vicinity, *Stewart, Samuel W., Ranch House (Stewart Ranch TR)*, Off Ut 35
Woodland vicinity, *Stewart-Hewlett Ranch Dairy Barn (Stewart Ranch TR)*, Off Ut 35
Woodland vicinity, *White, Ethelbert and Stewart, William M., Ranch House (Stewart Ranch TR)*, Off Ut 35

VERMONT

Bennington County

Manchester, *Lawrence, Amos, House*, Richville Rd.

Windham County

Vernon, *Pond Road Chapel*, Pond Rd., Town Hwy. #2

VIRGINIA

Alexandria (Independent City)

St. Paul's Episcopal Church, 228 S. Pitt St

Franklin (Independent City)

Franklin Historic District, US 58 and US 258

Franklin County

Otter Creek Archaeological Site (44FR31)

Greenville County

Green, John, Archeological Sites (44GV1 and 44GV2)

Henry County

Martinsville vicinity, *Beaver Creek Plantation*, VA 108

WASHINGTON

Jefferson County

Port Townsend, *Edwards, Joel, House (Victorian Residences in Port Townsend TR)*, 913—25th St.
Port Townsend, *Harper, F.C., House (Victorian Residences in Port Townsend TR)*, 502 Reed St.
Port Townsend, *House at 1723 Holcomb Street (Victorian Residences in Port Townsend TR)*, 1723 Holcomb St.
Port Townsend, *House at Fir Street (Victorian Residences in Port Townsend TR)*, 503 Fir St.
Port Townsend, *Schlager, Ferdinand, House (Victorian Residences in Port Townsend TR)*, 810 Rose St.

WISCONSIN

Dane County

Madison, *West Madison Depot, Chicago, Milwaukee, and St. Paul Railway*, 640 W Washington Ave.

[FR Doc. 85-9737 Filed 4-22-85, 8:45 am]

BILLING CODE 4310-70-M

National Register of Historic Places; Proposed NHL Boundaries

April 15, 1985.

The National Park Service has been working to establish boundaries for all National Historic Landmarks for which no specific boundary was identified at the time of designation and therefore are without a clear delineation of the amount of property involved. The results of such designation make it important that we define specific boundaries for each landmark.

In accordance with the National Historic Landmark program regulations 36 CFR Part 65, the National Park Service notifies owners, public officials and other interested parties and provides them with an opportunity to make comments on the proposed boundaries.

Comments on the proposed boundaries will be received for 60 days after the date of this notice. Please address replies to Jerry L. Rogers, Associate Director, Cultural Resources, and Keeper of the National Register of Historic Places, National Park Service, P.O. Box 37127, Washington, D.C. 20013-7127, Attention: Chief of Registration, (202) 343-9536. Copies of the documentation of the landmarks and their proposed boundaries, including

maps may be obtained from that same office.

Carol D. Shull,

Chief of Registration, National Register of Historic Places, Interagency Resources Division.

PALUGVIK ARCHEOLOGICAL DISTRICT NATIONAL HISTORIC LANDMARK

Hawkins Island, Prince William Sound, Cordova-McCarthy Div., Alaska

The boundaries have been drawn to include all sites and cultural features and to protect the integrity of the district setting. From a point of beginning located at the tip of the land in the SE¼ of the NW¼ of the NE¼ of the SW¼ of Section 26, Township 16 S, Range 6 W, C.R.M., proceed 0° and 200 m, thence 67° and 1000 m, thence 73° and 900 m, thence 162° and 300 m, thence the mean high tide line to the POB.

CARLISLE INDIAN INDUSTRIAL SCHOOL NATIONAL HISTORIC LANDMARK

Carlisle, Cumberland County, Pennsylvania

Beginning on the southeast bank of the southeastern branch of Letort Spring Run on the southwest side of Ashburn Drive; thence proceeding southeast to the northern corner of the block bounded by Lovell Avenue, Ashburn Driver Garrison Lane and Guardhouse Lane; thence proceeding 200 feet southwest along the southeast side of Lovell Avenue, 340 feet southeast along a line perpendicular to the previous line, and 250 feet northeast along a line perpendicular to the previous line to the northeast side of Ashburn Drive; thence proceeding 150 feet southeast along the northeast side of Ashburn Drive, 200 feet northwest along a line perpedicular to the previous line, and 80 feet northwest to the southweast side of Forbes Avenue; thence proceeding 350 feet northeast to a northeast-southeast wall that runs perpendicular to Forbes Avenue; thence proceeding along this wall which passes to the rear (southeast) of Buildings 102, 123, 104, 106, 124, 108, 110, 125 and 112 to a point where this wall intersects with a southwesterly projection of the center line of Wright Avenue; thence proceeding south southwest approximately 970 feet along a line parallel to the southeast side of the running track to the northeast side of Ashburn Drive; thence proceeding 280 feet northwest along the northeast side of Ashburn Drive and 1350 feet south southwest along the northwest side of Garrison Lane and Flower Road, and across Flower Road to its southwestern side where it curves to the northwest; thence proceeding northwest; southwest and northwest along the southwestern edge of the service road to the southwest of (behind) Buildings 32–34 to a point 30 feet south of the southern corner of Building 32; thence proceeding northeast approximately 130 feet along a line perpendicular to Flower Road to the northeastern edge of Flower Road; thence proceeding 80 feet southeast along the northeast side of Flower Road and 400 feet northeast along a line perpendicular to the previous line to the southwestern side of Guardhouse Lane; thence proceeding 350 feet northwest along the southwestern side of Guardhouse Lane to the northwestern side of Lovell Avenue, 100 feet southwest along the northwestern side of Lovell Avenue, and 100 feet northwest along a line perpendicular to the previous line to the east side of Indian Garden Lane; thence proceesing 260 feet north northeast across and then along the west side of Indian Garden Lane; thence proceeding 300 feet northwest along a line perpendicular to the previous line to the southeast bank of Letort Spring Run and thence along the southeast bank of Letort Spring Run to the point of beginning.

GREAT FALLS PORTAGE NATIONAL HISTORIC LANDMARK

Great Falls, Cascade County, Montana

Starting at a point in the southwest corner of Section 36, T22n, R5E; thence south approximately 1.5 miles to a point in Section 12, T21N, R5E; thence east approximately .5 mile to the east line of Section 12; thence south approximately .8 mile along said section line; thence southwest approximately 3.2 miles to a point on the south line of Section 26, T22N, R5E; thence southwest approximately 1.85 miles to the midpoint on the north line of Section 3, T20N, R5E; thence southwest approximately 3.1 miles to the east curb of a county road in Section 7, T20N, R5E; thence north approximately .9 miles along said road to a point; thence northeast approximately 2.7 miles to a point in Section 33, T21N, R5E; thence northeast approximately 2.9 miles to the midpoint of the south line of Section 14, T21N, R5E; thence north to a point in Section 35, T22N, R5E; thence east to the point of the beginning.

Starting at a point in Section 20, T20N, R4E; thence southwest approximately 2.4 miles to a point on the north curb of a street in Section 25, T20N, 53E; thence west approximately .3 mile to a point; thence northwest to a point; thence northeast approximately 2.6 miles to a point on the midline of Section 17, T20N, R4E; thence east approximately .3 mile to the north-south midline of Section 17; thence south approximately .65 mile along the midline of Sections 17 and 20, T20N, R4E, to the point of the beginning.

ALKALI POINT/ALKALI RIDGE NATIONAL HISTORIC LANDMARK

Blanding, San Juan County, Utah

Northern Subdistrict: The Northern Subdistrict of the proposed Alkali Ridge National Historic Landmark lies within Sections 14 and 23 of Township 36 South, Range 23 East, USGS Quadrangle Verdue 3 NE, Utah, 7.5', 1954. The northeast corner is in the SW, SW, NW, NE quarter of Section 14. The boundary follows the edge of Alkali Point 2000 feet southeast to the NE, NE, NW, SE quarter of Section 14. From here, the boundary extends due south for 1450 feet to the NE, NE, SW, SE quarter of Section 14. The next boundary point, again following southeast along the edge of Alkali Point, is 1800 feet away, at the section marker of Sections 13, 24, 23 and 14. The southeast corner of the proposed boundary is 4100 feet due south, on the section line between 24 and 23 (NE, NE, SE, SE, Section 23). One mile due west is the southwest corner of the proposed boundary (NW, NW, SW, SW, Section 23). The northwest corner is due north on the section line between Sections 14 and 15, at the SW, SW, NW, NW quarter of Section 14.

Southern Subdistrict: The Southern Subdistrict of the proposed Alkali Ridge National Historic Landmark falls within Sections 30 and 31 of Township 36 South, Range 24 East, Sections 6 and 7 of Township 37 South, Range 24 East, Sections 1 of Township 37 South, Range 23 East, and Section 36 of Township 36 South, Range 23 East. The major portion of this subdistrict is located on USGS Quadrangle Verdue 3 SE, Utah, 7.5', 1954, with a small part of the northern portion located on USGS Quadrangle Verdue 3 NE, Utah, 7.5', 1954. The northeast corner of the subdistrict is located at the head of Bradford Canyon, SW, SW, SE, NE of Section 30. Due south, 14560 feet, on the western edge of Bradford Canyon is the southeast corner (NW, NW, SE, NE quarter of Section 7). The southwest corner is 2700 feet due west in the SW, SW, NW, NW quarter of Section 7, 3700 feet to the northwest is another boundary corner located in the NW, NW, SE, SE quarter of Section 1. Due north, 8200 feet, in the SW, SW, NE, NE quarter of Section 36 is the next corner. The northwest corner is 5500 feet northeast from this point in the SW, SW, SW, NE quarter of Section 30.

ZUNI-CIBOLA COMPLEX NATIONAL HISTORIC LANDMARK

Zuni, McKinley/Valencia Counties, New Mexico

1. Village of the Great Kivas: Beginning about 200 feet east of the northwestern corner of the Nutria Dam as indicated in the 1938 aerial photograph, the boundary proceeds about 1950 feet north, then about 4100 feet west, then about 2750 feet south to its intersection with the northern edge of the road or drive which comes off the larger road paralleling Nutria Creek, then about 3100 feet in a generally eastern direction along the northern edge of the drive till its intersection with the north edge of said road paraelleling Nutria Creek, then about 1300 feet in a generally northeastern direction along the northern edge of road paralleling Nutria Creek, then about 1200 feet north to the point of beginning. The landmark boundary includes three house-blocks, two great kivas, several small kivas, petroglyphs and pictographs north of the living and/or ceremonial areas, plus an area of potential archeological significance west of the known occupational zone.

2. Yellow House: Beginning at a point on the northern right-of-way of State Route 53 about 1500 feet west of its intersection with the southern extension of State Route 32, the boundary proceeds west along the northern right-of-way of State Route 53 about 1800 feet, then north about 1700 feet, then east about 1700 feet, then south about 1200 feet to the point of beginning. The boundary encloses the pueblo containing probably at least 250 rooms, two possible plaza areas, several kivas, and trash mounds.

3. Hawikuh: Beginning at a point about 7150 feet northwest (N 38° W) of the intersection of the main north-south road through Ojo Caliente with the east/west road

just south of the main part of town and north of the reservoir, the boundary proceeds north about 2500 feet, then west about 2500 feet then south about 2500 feet, and then east about 2500 feet to point of beginning. The boundary includes the pueblo, associated kivas, and the 17th century mission complex.

4. Kechipbowa: Beginning at a point about 5000 feet northeast (N 47° E) of the intersection of the main north/south road through Ojo Caliente with the east/west road just south of the main part of town and north of the reservoir, the boundary proceeds east about 2200 feet, then north about 2350 feet, then west about 2200 feet, then south about 2350 feet. The landmark boundary includes a pueblo of approximately 150–200 rooms, at least 2 plaza areas, a small mission church, a small associated convent, at least two major trash areas, and possible pit houses in the southwest corner.

We are presently requesting comments on the proposed boundary for Watrous National Historic Landmark, located at Watrous, Mora County, New Mexico:

The boundaries of the Watrous National Historic Landmark encompass those portions of the La Junta Valley that retain historic integrity from the period associated with the Santa Fe Trail. The boundaries include all the routes of the Cimarron Cutoff and Mountain Branch of the Santa Fe Trail which came together in the Valley, the surviving buildings retaining architectural integrity, the four river crossings that were significant to the valley's pattern of development, and the open semi-arid rangeland that has historically been associated with the trail and unites the significant features within the valley.

The eastern boundary has been drawn west of the 1879 town of Watrous and the Atchison, Topeka and Santa Fe Railroad tracks to exclude development that occurred after the period associated with the Santa Fe Trail. It extends southwest to the southern portion of the valley, turning west at the boundary of Mora and San Miguel Counties. The southern boundary roughly follows the county line to include the Sapello River Crossing and the Fort Union Corral and Buildings. The western boundary roughly follows the hills and escarpments of the valley to include the earliest route of the Mountain Branch and the properties associated with James Boney's descendents. Along the southern bank of the Mora River the boundary extends west to the location of James Boney's dam, which is also the western boundary of the Boney and Scolly land grants. Crossing the Mora River at this point, the boundary then proceeds east along the northern bank to the edge of the valley and north to encompass Puerto del Canon, where the earliest route of the Mountain Branch entered the valley. The northern boundary extends from a point northwest of the Puerto southeast along the northern edge of the valley to encompass the 1870 village of Tiptonville, which was the meeting point of the trail's various routes and an important commercial center during the late history of the Santa Fe Trail. The northern boundary extends southeast to the area settled as La Junta and marked by the Watrous Ranch and the junction of the Mora and Sapello Rivers. It is here that one of the routes of the Cimarron Cutoff entered the valley and crossed the Mora River. At a point east of the Watrous Ranch the boundary turns south toward the edge of the town of Watrous.

We are presently requesting comments on the proposed boundary for Deadwood Historic District, located at Deadwood, Lawrence County, South Dakota:

The city limits form the boundary of the district.

The basic Y shape of the community has remained intact as the rugged topography has allowed for little new growth. These more recent structures are clustered at the edges of the town, along the narrow, valley streets. The central business district is concentrated on Main Street, which has an exceptional collection of Victorian era commercial buildings. Businesses are also found on the side streets of Lee and Deadwood and along the one prong of the Y, Sherman Street. Residential neighborhoods are built up the hillsides. Industrial activities are found on the hillside at the fork of the Y and along Main Street, on Whitewood Creek, at the opposite end.

[FR Doc. 85–9738 Filed 4–22–85; 8:45 am]

BILLING CODE 4310-70-M

INTERSTATE COMMERCE COMMISSION

Forms Under Review by Office of Management and Budget

The following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35) is being submitted to the Office of Management and Budget for review and approval. Copies of the forms and supporting documents may be obtained from the Agency Clearance Officer, Ray Houser (202) 275–6723. Comments regarding this information collection should be addressed to Ray Houser, Interstate Commerce Commission, Room 1325, 12th and Constitution Ave., NW., Washington, DC 20423 and to Gary Waxman, Office of Management and Budget, Room 3228 NEOB, Washington, DC 20503, (202) 395–7340.

Type of Clearance: Reinstatement
Bureau/Office: Office of Proceedings
Title of Form: Rules for System Diagram Maps, financial assistance for Railroad Lines
OMB Form No.: 3120–0045
Agency Form No.: N/A
Frequency: Annually
Respondents: Railroads filing applications for abandonment
No. of Respondents: 30–50
Total Burden Hrs.: 4,420

James H. Bayne,

Secretary.

[FR Doc. 85–9709 Filed 4–22–85; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF JUSTICE

Antitrust Division

National Cooperative Research Act of 1984—Microelectronics and Computer Technology Corp.

Notice is hereby given that pursuant to section 6(a) of the National Cooperative Research Act of 1984, Pub. L. No. 98–462 ("the Act"), Microelectronics and Computer Technology Corporation ("MCC") has filed a written notification simultaneously with the Attorney General and the Federal Trade Commission disclosing a change in the membership of MCC by the addition of Bell Communications Research, Inc. The additional notification was filed for the purpose of extending the protections of the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Pursuant to section 6(b) of the Act, the identities of the parties to MCC, and its general areas of planned activities, are given below.

MCC is a joint venture corporation which, with the addition of Bell Communications Research, Inc., consists of the following shareholders:

Advanced Micro Devices, Inc.
Allied Corporation
Bell Communications Research, Inc. ("Bellcore")
BMC Industries, Inc.
The Boeing Company
Control Data Corporation
Digital Equipment Corporation
Eastman Kodak Company
Gould Inc.
Harris Corporation
Honeywell, Inc.
Lockhead Corporation
Martin Marietta Corporation
Minnesota Mining and Manufacturing Company
Mostek Corporation, a subsidiary of United Technologies Corporation
Motorola, Inc.
National Semiconductor Corporation
NCR Corporation
RCA Corporation
Rockwell International Corporation
Sperry Corporation

MCC's shareholders and each of their subsidiaries, and United Technologies Corporation and each of its subsidiaries, are parties to MCC. For the purposes of agreements relating to MCC research and development, the following companies are deemed subsidiaries of Bellcore, and thus parties to MCC:

NYNEX Service Company
Bell Atlantic Management Services, Inc.
Ameritech Services, Inc.

BellSouth Services Incorporated
The Mountain States Telephone and Telegraph Company
Northwestern Bell Telephone Company
Pacific Northwest Bell Telephone Company
Southwestern Bell Telephone Company
The Pacific Telephone and Telegraph Company
Illinois Bell Telephone Company
Indiana Bell Telephone Company, Incorporated
Michigan Bell Telephone Company
The Ohio Bell Telephone Company
Wisconsin Telephone Company
The Bell Telephone Company of Pennsylvania
The Diamond State Telephone Company
The Chesapeake and Potomac Telephone Company
The Chesapeake and Potomac Telephone Company of Maryland
The Chesapeake and Potomac Telephone Company of Virginia
The Chesapeake and Potomac Telephone Company of West Virginia
New Jersey Bell Telephone Company
Southern Bell Telephone and Telegraph Company
South Central Bell Telephone Company
New England Telephone and Telegraph Company
New York Telephone Company
Bell Telephone Company of Nevada

Each of the subsidiaries of these companies is also a party to MCC.

MCC will engage in advanced, long-term research and development activities in the following general areas of microelectronics and computer technology:

a. *Advanced Computer Architectures*: artificial intelligence/knowledge based systems, data base architectures, human interface, and parallel processing;

b. *Packaging/Interconnect*: processes, materials, and equipment for automated high density packaging of semiconductors;

c. *Software Technology*: tools and methodologies regarding software productivity and software quality;

d. *VLSI/CAD (very large scale integration/computer-aided design)*: CAD tools and systems with a focus on VLSI chip designs.

Joseph H. Widmar,

Director of Operations, Antitrust Division.

[FR Doc. 85-9734 Filed 4-22-85; 8:45 am]

BILLING CODE 4410-01-M

Office of Juvenile Justice and Deliquency Prevention

Missing Children's Advisory Board; Meeting

The Second meeting of the Missing Children's Advisory Board will be held in Louisville, Kentucky on May 18, 1985. The meeting will take place at the Brown Hotel, 4th and Broadway, Louisville, Kentucky, 40202, from 9:00 a.m. to 5:30 p.m. The public is welcome to attend.

The Board will discuss coordination and activities of missing children's programs.

For further information, please contact Michelle Easton, Office of Juvenile Justice and Delinquency Prevention, 633 Indiana Avenue N.W., Washington, D.C. 20531, (202) 724-7655.

Dated: April 11, 1985.

Alfred S. Regnery,

Administrator, Office of Juvenile Justice and Delinquency Prevention.

[FR Doc. 85-9786 Filed 4-22-85; 8:45 am]

BILLING CODE 4410-18-M

DEPARTMENT OF LABOR

Employment and Training Administration

Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents summaries of determinations regarding eligibility to apply for adjustment assistance issued during the period.

In order for an affirmative determination to be made and a certification of eligibility to apply for adjustment assistance to be issued, each of the group eligibility requirements of section 222 of the Act must be met.

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated,

(2) That sales or production, or both, of the firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Negative Determinations

In each of the following cases the investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-15, 719; Auburn Die Co., Auburn, ME

TA-W-15, 709; Amcast Industrial Corp., Ironton Div., Ironton, OH

In the following cases the investigation revealed that criterion (3) has not been met for the reasons specified.

TA-W-15, 714; ITT Rayonier, Inc., Peninsula Plywood Div., Port Angeles, WA

Aggregate U.S. imports of cedar plywood siding are negligible.

TA-W-15, 699; American Hoechst Corp., Baton Rouge Works, Baton Rouge, LA

Aggregate U.S. imports of chloroacetic acid did not increase as required for certification.

TA-W-15, 715; LTV Steel Co., Greenwich Sales Office, Greenwich, CT

The closing of the sales office was attributable to a reorganization of the corporation.

TA-W-15, 698; Westinghouse Electric Corp., Small Motor Division, Bellefontaine, OH

Declines in production and employment at the subject firm were attributable to a loss in export sales.

Affirmative Determinations

TA-W-15, 717; Taverly, Inc., New York, NY

A certification was issued covering all workers separated on or after December 28, 1983 and before July 15, 1984.

TA-W-15, 720; Elite Thomes Co., Inc., Brooklyn, NY

A certification was issued covering all workers separated on or after January 2, 1984 and before November 30, 1984.

TA-W-15, 712; Foster Grant Corp., Leominster, MA

A certification was issued covering all workers separated on or after November 29, 1984.

TA-W-15, 713; Hercules Shoe Manufacturing Corp., Brooklyn, NY

A certification was issued covering all workers separated on or after January 9, 1984 and before October 14, 1984.

TA-W-15, 718; A.N. Wolf Shoe Co., Div., Miller, Hess & Co., Denver, PA

A certification was issued covering all workers of the firm separated on or after June 1, 1984 and before January 31, 1985.

TA-W-15, 700; Gateway Coal Co., Prosperity, PA

A certification was issued covering all workers separated on or after July 1, 1984.

TA-W-15, 701; General Electric Co., Consumer Electronics Business Operations, Portsmouth, VA

A certification was issued covering all workers separated on or after January 17, 1984.

TA-W-15, 703; J & A Young, Inc., Lindenhurst, NY

A certification was issued covering all workers separated on or after January 11, 1984 and before November 26, 1984.

TA-W-15, 704; Kagan-Lown & Co., Division of Penobscot Shoe Co., Oldtown, ME

A certification was issued covering all workers separated on or after July 1, 1984.

TA-W-15, 705; Lansford Fashions Manufacturing Corp., Lansford, PA

A certification was issued covering all workers separated on or after January 5, 1984 and before February 28, 1985.

TA-W-15, 695; Lowndes Coat Co., East Northport, NY

A certification was issued covering all workers separated on or after December 26, 1983 and before November 30, 1984.

TA-W-15, 706; LTV Steel Co., East Hartford, CT

A certification was issued covering all workers separated on or after September 1, 1984 and before April 30, 1985.

I hereby certify that the aforementioned determinations were issued during the period April 8, 1985–April 12, 1985. Copies of these determinations are available for inspection in Room 6434, U.S. Department of Labor, 601 D Street, N.W., Washington, D.C. during normal business hours or will be mailed to persons who write to the above address.

Dated: April 16, 1985.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 85-9750 Filed 4-22-85; 8:45 am]

BILLING CODE 4510-30-M

Federal-State Unemployment Compensation Program; Extended Benefits; New Extended Benefit Period in Idaho

This notice announces the beginning of a new Extended Benefit Period in Idaho, effective on March 16, 1985, and remaining in effect for at least 13 weeks after that date.

Background

The Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note) established the Extended Benefit Program as a part of the Federal-State Unemployment Compensation Program. Under the Extended Benefit Program, individuals who have exhausted their rights to regular unemployment benefits (UI) under permanent State (and Federal) unemployment compensation laws may be eligible, during an extended unemployment benefits, at the same weekly rate of benefits as previously received under the State law. The Federal-State Extended Unemployment Compensation Act is implemented by State unemployment compensation laws and by Part 615 of Title 20 of the Code of Federal Regulations (20 CFR Part 615).

Each state unemployment compensation law provides that there is a State "on" indicator (triggering on an Extended Benefit Period) for a week if the head of the State employment security agency determines that, for the period consisting of that week and the immediately preceding 12 weeks, the rate of insured unemployment in the State equaled or exceeded the State trigger rate. The Extended Benefit Period actually begins with the third week following the week for which there is an "on" indicator in the State. A benefit period will be in effect for a minimum of 13 weeks, and will end the third week after there is an "off" indicator.

Determination of an "on" Indicator

The head of the employment security agency of the State named above has determined that the rate of insured unemployment in the State, for the 13-week period ending on March 16, 1985, equals or exceeds 6 percent, so that for the week ending March 16, 1985, there was an "on" indicator in the State.

Therefore, a new Extended Benefit Period commenced in the State with the week beginning on March 31, 1985. This period will continue for no less than 13 weeks, and until three weeks after a week in which there is an "off" indicator in the State.

Information for Claimants

The duration of extended benefits payable in the Extended Benefit Period, and the terms and conditions on which they are payable, are governed by the Act and the State unemployment compensation law. The State employment security agency will furnish a written notice of potential entitlement to extended benefits to each individual who has established a benefit year in the State that will expire after the new Extended Benefit Period begins. 20 CFR 615.13(d)(1). The State employment security agency also will provide such notice promptly to each individual who exhausts all rights under the State unemployment compensation law to regular benefits during the Extended Benefit Period. 20 CFR 615.13(d)(2).

Persons who believe they may be entitled to extended benefits in the State named above, or who wish to inquire about their rights under the Extended Benefit Program, should contact the nearest State employment service office or unemployment compensation claims office in their locality.

Signed at Washington, D.C. on April 15, 1985.

Franck C. Casillas,

Assistant Secretary of Labor.

[FR Doc. 85-9748 Filed 4-22-85; 8:45 am]

BILLING CODE 4510-30-M

Federal-State Unemployment Compensation Program; Extended Benefits; New Extended Benefit Period in West Virginia

This notice announces the beginning of a new Extended Benefit Period in West Virginia, effective on February 3, 1985, and remaining in effect for at least 13 weeks after that date.

Background

The Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note) established the Extended Benefit Program as a part of the Federal-State Unemployment Compensation Program. Under the Extended Benefit Program, individuals who have exhausted their rights to regular unemployment benefits (UI) under permanent State (and Federal) unemployment compensation laws may be eligible, during an extended benefit period, to receive up to 13 weeks of extended unemployment benefits, at the same weekly rate of benefits as previously received under the State law. The Federal-State Extended Unemployment Compensation Act is implemented by State unemployment compensation laws and by Part 615 of Title 20 of the Code of Federal Regulations (20 CFR Part 615).

Each State unemployment compensation law provides that there is a State "on" indicator (triggering on an Extended Benefit Period) for a week if the head of the State employment security agency determines that, for the period consisting of that week and the immediately preceding 12 weeks, the rate of insured unemployment in the State equaled or exceeded the State trigger rate. The Extended Benefit Period actually begins with the third week following the week for which there is an "on" indicator in the State. A benefit period will be in effect for a minimum of 13 weeks, and will end the third week after there is an "off" indicator.

Determination of an "on" Indicator

The head of the employment security agency of the State named above has determined that the rate of insured unemployment in the State, for the 13-week period ending on January 19, 1985, equals or exceeds 6 percent, so that for the week ending January 19, 1985, there was an "on" indicator in the State.

Therefore, a new Extended Benefit Period commenced in the State with the week beginning on February 3, 1985. This period will continue for no less than 13 weeks, and until three weeks after a week in which there is an "off" indicator in the State.

Information for Claimants

The duration of extended benefits payable in the Extended Benefit Period, and the terms and conditions on which they are payable, are governed by the Act and the State unemployment compensation law. The State employment security agency will furnish a written notice of potential entitlement to extended benefits to each individual who has established a benefit year in the State that will expire after the new Extended Benefit Period begins. 20 CFR 615.13(d)(1). The State employment security agency also will provide such notice promptly to each individual who exhausts all rights under the State unemployment compensation law to regular benefits during the Extended Benefit Period. 20 CFR 615.13(d)(2).

Persons who believe they may be entitled to extended benefits in the State named above, or who wish to inquire about their rights under the Extended Benefit Program, should contact the nearest State employment service office or unemployment compensation claims office in their locality.

Signed at Washington, D.C. on April 15, 1985.

Frank C. Casillas,

Assistant Secretary of Labor.

[FR Doc. 85-9752 Filed 4-22-85, 8:45 am]

BILLING CODE 4510-30-M

Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Employment and Training Administration, has instituted investigations pursuant to section 221(a) of the Act.

The purpose of each of the investigations is to determine whether the workers are eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

The petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than May 3, 1985.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than May 3, 1985.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Employment and Training Administration, U.S. Department of Labor, 601 D Street, NW., Washington, D.C. 20213.

Signed at Washington, D.C. this 15th day of April 1985.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

APPENDIX

Petitioner (Union/workers or former workers of—	Location	Date received	Date of petition	Petition No.	Articles produced
Airway Industries, Inc. (LGPNM)	Ellwood City, PA	4/9/85	4/2/85	TA-W-15,904	Luggage
Alcan Ingot & Recycling (Aluminum, Brick and Glass Wkrs).	Sebree, KY	4/11/85	4/8/85	TA-W-15,905	Primary aluminum products (remelt, sheet ingot, and billet extrusion).
Avtex Fibers, Inc., (ACTWU)	Meadville, PA	4/9/85	3/29/85	TA-W-15,906	Acetate fiber
Cooper-Wise (Company)	Newark, NJ	4/11/85	4/2/85	TA-W-15,907	Steel forgings for shears and snips.
Dominion Automotive Industries, Inc. (workers)	Sevierville, TN	4/3/85	3/28/85	TA-W-15,908	Mirrows—truck industries.
General Electric Co., Battery Business Dept. (IBEW)	Gainesville, FL	4/9/85	4/1/85	TA-W-15,909	Nickel cadium and sealed lead acid battery cells
(The) Halliburton Co., HMCO Service Div. (workers)	Battle Mountain, NV	4/3/85	3/26/85	TA-W-15,910	Exploration of ground and crude borrite.
Kellwood Company (workers)	Grenada, MS	4/11/85	4/8/85	TA-W-15,911	Pants and jeans for children and men.
North Shore Sportswear Co., Inc. (workers)	Glen Cove L.I., NY	4/4/85	4/1/85	TA-W-15,912	Ladies and coats and leather jackets
Romany Ceramics, Inc. (Aluminum, Brick & Glass Wkrs)	East Sparta, OH	4/9/85	3/30/85	TA-W-15,913	White body, bright and matt glazed wall tile and red body quarry pavers.
Carus Chemical Co. (ICWU)	LaSalle, IL	3/29/85	3/23/85	TA-W-15,914	Potassium permanganate.
Chino Mines Co. (USWA)	Hurley, NM	4/3/85	3/26/85	TA-W-15,915	Copper ingot bars, blister sow molds.
Damon International, Ltd. (ACTWU)	Newberry, SC	4/5/85	3/29/85	TA-W-15,916	Men's dress shirts and ties.
Enro Shirt Company (ACTWU)	Woodruff, SC	4/5/85	3/28/85	TA-W-15,917	Men's dress shirts.
General Electric Co. (company)	Columbia, MD	4/9/85	4/4/85	TA-W-15,918	Microwave ovens.
Health-Tex, Inc. (ACTWU)	Cowpens, SC	4/5/85	3/26/85	TA-W-15,919	Knitting goods.
NCR Corporation—Clemson Development Center (workers).	Liberty, SC	4/5/85	4/1/85	TA-W-15,920	Personal computers.
South Branch Lumber (workers)	Howland, ME	4/3/85	4/1/85	TA-W-15,921	Raw lumber, saw mill, dry kiln-planer.
Spielberg Manufacturing Co. (workers)	Antonia, MO	4/5/85	3/27/85	TA-W-15,922	Producer handbags and office workers.
Stride Rite (company)	Presque Isle, ME	4/9/85	4/5/85	TA-W-15,923	Sewing topsider uppers.
Tennford Weaving Co. (workers)	Wartburg, TN	4/9/85	4/3/85	TA-W-15,924	Weave labels for clothing.
U.S. Steel Corp., Geneva Works (USWA)	Provo, UT	4/4/85	3/29/85	TA-W-15,925	Plate and pipe.

[FR Doc. 85-9751 Filed 4-22-85; 8:45 am]

BILLING CODE 4510-30-M

Wage and Hour Division

Certificates Authorizing the Employment of Learners at Special Minimum Wages

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act (52 Stat. 1062, as amended; U.S.C. 214), Reorganization Plan No. 6 of 1950 (3 CFR 1949–53 Comp., p. 1004), and Administrative Order No. 1–76 (41 FR 18949), the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the Act. For each certificate, the effective and expiration dates, number or proportion of learners and the principal product manufactured by the establishment are as indicated. Conditions on occupations, wage rates and learning periods which are provided in certificates issued under the supplemental industry regulations cited in the captions below are as established in those regulations.

The following certificate was issued under the apparel industry learner regulations (29 CFR 522.1 to 522.9, as amended and §§ 522.20 to 522.25 as amended):

Flushing Shirt Mfg., Inc., Grantsville, MD; 1–18–85 to 1–17–86; 10 percent of the total number of factory production workers for normal labor turnover purposes (Men's shirts).

The following certificate was issued under the knitted wear industry regulations (29 CFR 522.1 to 522.9, as amended and §§ 522.30 to 522.35, as amended):

Somerset Mfg. Co., Inc., Somerset, PA; 3–12–85 to 3–11–86; 5 percent of the total number of factory production workers for normal labor turnover purposes (Ladies' slips and sleepwear).

Each certificate has been issued upon the representations of the employer which, among other things were that employment of learners at special minimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available.

The certificate may be annulled or withdrawn as indicated therein, in the manner provided in 29 CFR Part 528. Any person aggrieved by the issuance of any of these certificates may seek a review of consideration thereof on or before May 8, 1985.

Signed at Washington, D.C. this 17th day of April 1985.

Arthur H. Korn,

Authorized Representative of the Administrator.

[FR Doc. 85–9749 Filed 4–22–85; 8:45 am]

BILLING CODE 4510–27–M

NATIONAL COMMISSION FOR EMPLOYMENT POLICY

Commission Meeting

ACTION: Notice of meeting.

SUMMARY: Under the provisions of the Federal Advisory Committee Act (Pub. L. 92–463, as amended), notice is hereby given of the thirty-eighth meeting of the National Commission for Employment Policy at the Crystal Gateway Marriott Hotel, 1700 Jefferson Davis Highway, Arlington, Virginia.

DATES: May 16, 1985—10:00 a.m.–4:00 p.m May 17, 1985—9:00 a.m.–11:30 a.m.

Status: This meeting will be open to the public.

Matters to be discussed: On Thursday afternoon the Commission will discuss issues and findings to date regarding its project on the effects of technological change (particularly computer and computer-based equipment) on job opportunities. On Thursday morning the Commission will hear updates on other Commission activities. On Friday the Commission will discuss its work plan for Program Year 1985.

FOR FURTHER INFORMATION CONTACT: Ms. Patricia W. McNeil, Director, National Commission for Employment Policy, 1522 K Street, NW., Suite 300, Washington, D.C. 20005, (202) 724–1545.

SUPPLEMENTARY INFORMATION: The National Commission for Employment Policy is authorized by the Job Training Partnership Act (Pub. L. 97–300). The Act gives the Commission the broad responsibility of advising the President and the Congress on national employment issues. Business meetings are open to the public. Handicapped individuals wishing to attend should contact Velada Waller of the Commission staff so that appropriate accommodations can be made.

People wishing to submit written statements to the Commission that are germane to the agenda may do so, provided that such statements are in reproducible form and are submitted to the Director at least 5 days before the meeting and not more than 7 days after the meeting.

In addition, members of the general public may request to mark oral presentations to the Commission, time permitting. Such statements must be applicable to the announced agenda and written application must be submitted to the Director at least 5 days before the meeting. This application should include: name and address of applicant, subject of presentation, relation to agenda, amount of time needed, individual's qualifications to speak on the subject, and a statement justifying the need for an oral rather than written statement.

The Commission Chairman has the right to decide to what extent public oral presentations may be permitted at the meeting. Oral presentations will be limited to statements of fact and views and shall not include any questionning of the Commissioners or other participants unless these questions have been specifically approved by the Chairman.

Minutes of the meeting and materials prepared for it will be available for public inspection at the Commission's headquarters, 1522 K Street, NW., Suite 300, Washington, D.C. 20005.

Signed in Washington, D.C., this 16th day of April 1985.

Patricia W. McNeil,

Director.

[FR Doc. 85–9753 Filed 4–22–85; 8:45 am]

BILLING CODE 4510–30–M

NATIONAL SCIENCE FOUNDATION

Forms Submitted for OMB Review

In accordance with the Paperwork Reduction Act and OMB Guidelines, The National Science Foundation is posting this notice of information collection that will affect the public.

Agency Clearance Officer: Herman G. Fleming, (202) 357–9421.

OMB Desk Officer: Carlos Tellez, (202) 395–7340.

Title: Letter to Recipients of NSF Funds.

Affected Public: Individuals.

Number of Respondents: 470 respondents, total of 235 burden hours.

Abstract: The Directorate for Science and Engineering Education requires information concerning existing cost-sharing support of grant recipients by private sector funding as part of an effort to encourage additional collaborative projects that would include private sector funding. This is a one-time collection of data form FY 84 and 85 grant recipients.

Dated: April 18, 1985.

Herman G. Fleming,

National Science Foundation Reports Clearance Officer.

[FR Doc. 85-9674 Filed 4-22-85; 8:45 am]

BILLING CODE 7555-01-M

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards, Subcommittee on Qualification Program for Safety-Related Equipment; Meeting

The ACRS Subcommittee on Qualification Program for Safety-Related Equipment will hold a meeting on May 6, 1985, Room 1046, 1717 H Street, NW, Washington, DC

The entire meeting will be open to public attendance.

The agenda for the subject meeting shall be as follows:

Monday, May 6, 1985—8:30 a.m. until 12:00 Noon

The Subcommittee will discuss RES programs for plant aging and equipment qualification.

Oral statements may be presented by members of the public with the concurrence of the Subcommittee Chairman; written statements will be accepted and made available to the Committee. Recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the ACRS staff member named below as far in advance as is practicable so that appropriate arrangements can be made.

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, may exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the NRC Staff, its consultants, and other interested persons regarding this review.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant ACRS staff member, Mr. A. Cappucci (telephone 202/634-3267) between 8:15 a.m. and 5:00 p.m., EST. Persons planning to attend this meeting are urged to contact the above named individual one or two days before the scheduled meeting to be advised of any changes in schedule, etc., which may have occurred.

Dated: April 18, 1985.

Morton W. Libarkin,

Assistant, Executive Director for Project Review.

[FR Doc. 85-9778 Filed 4-22-85; 8:45 am]

BILLING CODE 7590-01-M

Advisory Committee on Reactor Safeguards, Subcommittee on Fluid Dynamics and Emergency Core Cooling Systems; Cancellation of Meeting

The ACRS Subcommittee meeting on Fluid Dynamics and Emergency Core Cooling Systems scheduled for May 1, 1985, Room 1046, 1717 H Street, NW., Washington, DC has been cancelled. This notice was published Tuesday, April 16, 1985 (50 FR 15019).

Dated: April 18, 1985.

Morton W. Libarkin,

Assistant Director for Project Review.

[FR Doc. 85-9776 Filed 4-22-85; 8:45 am]

BILLING CODE 7590-01-M

Advisory Committee on Reactor Safeguards; Proposed Meetings

In order to provide advance information regarding proposed public meetings of the ACRS Subcommittees and meetings of the full Committee, the following preliminary schedule is published to reflect the current situation, taking into account additional meetings which have been scheduled and meetings which have been postponed or cancelled since the last list of proposed meetings published March 19, 1985 (50 FR 11024). Those meetings which are definitely scheduled have had, or will have, an individual notice published in the **Federal Register** approximately 15 days (or more) prior to the meeting. It is expected that the sessions of the full Committee meeting designated by an asterisk (*) will be open in whole or in part to the public. ACRS full Committee meetings begin at 8:30 a.m. and Subcommittee meetings usually begin at 8:30 a.m. The time when items listed on the agenda will be discussed during full Committee meetings and when Subcommittee meetings will start will be published prior to each meeting. Information as to whether a meeting has been firmly scheduled, cancelled, or rescheduled, or whether changes have been made in the agenda for the May 1985 ACRS full Committee meeting can be obtained by a prepaid telephone call to the Office of the Executive Director of the Committee (telephone 202/634-3265, ATTN: Barbara Jo White) between 8:15 a.m. and 5:00 p.m., Eastern Time.

ACRS Subcommittee Meetings

Reliability Assurance (valves), April 23, 1985, Washington, DC. The Subcommittee will continue discussion from the March 19 meeting regarding methods to enhance the reliability of air- and motor-operated valves.

Palo Verde, April 26, 1985, Phoenix, AZ. The Subcommittee will review the final reports for various construction deficiencies and the results of the preoperational testing as requested in ACRS letter dated December 15, 1981.

Combined Fluid Dynamics and Emergency Core Cooling System, May 1, 1985, Washington, DC—Cancelled.

Class 9 Accidents, May 2, 1985, Washington, DC. The Subcommittee will be briefed on draft NUREG-0956, "Source Term Reassessment."

Combined Waste Management and Site Evaluation, May 2 and 3, 1985, Washington, DC—Cancelled.

Reactor Operations, May 6, 1985, Washington, DC. The Subcommittee will discuss recent operating occurrences.

Qualification Program for Safety-Related Equipment, May 6, 1985, Washington, DC. The Subcommittee will discuss RES programs for plant aging and equipment qualification.

Safeguards and Security, May 7, 1985, Washington, DC. The Subcommittee will review the potential consequences of sabotage at nonpower reactors, be briefed by NMSS on sabotage protection at power reactors, and hear how the NRC Staff reviews and evaluates licensees' security plans.

Safety Research Program, May 8, 1985, Washington, DC. The Subcommittee will discuss the proposed NRC Safety Research Program and budget for FY 1987 and gather information for use by the ACRS in its preparation of the annual report to the Commission on the related matter.

Systematic Evaluation Program (San Onofre), May 15, 1985, Washington, DC. The Subcommittee will review the Integrated Plant Safety Analysis Report (IPSAR) for San Onofre.

Long Range Plan for NRC, May 16, 1985, Washington, DC. The Subcommittee will continue to develop a long range plan for the NRC. Topics to be discussed are technical and administrative issues related to the regulation of nuclear power plant safety and safety regulation over the next 5 to 10 years.

Combined Metal Components and Structural Engineering, May 23, and 24, 1985, Washington, DC. The

Subcommittee will discuss mofifications to General Design Criterion-4 that will account for the use of the leak-before-break concept. Status of the NRC Piping Review Committee reports will also be discussed at this meeting.

State of Nuclear Power Safety, May 31, 1985, Washington, DC. The Subcommittee will begin to discuss reactor safety problems.

Qualification Program for Safety-Related Equipment, Date to be determined (May, tentative), Washington, DC. The Subcommittee will discuss the NRC Staff's resolution of USI A–46, "Seismic Qualification of Equipment in Operating Plants." The Subcommittee will also discuss valve operability with the NRC Staff and industry.

Regulatory Activties, June 4, 1985, Washington, DC. The Subcommittee will review the following: (1) Proposed General Revisions to Appendix J to 10 CFR Part 50, "Leak Tests for Primary and Secondary Containments of Light-Water Cooled Nuclear Power Plants," (2) Draft Regulatory Guide on "Containment Leakage Testing," (3) Regulatory Guide 1.23, Rev. 1, "Meteorological Measurement Programs for Nuclear Power Plants," and (4) proposed Regulatory Guide (Task No. IC 127–5), "Criteria for Programmable Digital Computer Systems Software in Safety-Related Systems of Nuclear Power Plants."

Safety Research Program, June 5, 1985, Washington, DC. The Subcommittee will discuss the updated information (possibly the Budget Review Group mark) on the proposed NRC Safety Research Program and budget for FY 1987. Also, it will discuss a draft ACRS report to the Commission on the NRC Safety Research Program and budget for FY 1987.

Emergency Core Cooling Systems, June 12 and 13, 1985, Alliance, OH. The Subcommittee will continue the review of the joint NRC/B&WOG/EPRI/B&W IST Program. A visit to the MIST facility is also planned.

Air Systems, June 17, 1985, Washington, DC. The Subcommittee will review the NRC Staff's Supplement to the Control Room Habitability Working Group Report, June 1984. The NRC Staff's survey of NTOL and OR control rooms is discussed in this Supplement. Also, the Subcommittee will review the Staff's final report on "Safety Implications Associated with In-Plant Pressurized Gas Storage and Distribution Systems in Nuclear Power Plants."

Class 9 Accidents, June 19, 1985, Washington, DC. The Subcommittee will continue its review of draft NUREG–0956, "Source Term Reassessment."

Beaver Valley 2, June 20 and 21, 1985, Pittsburgh, PA. The Subcommittee will review the Duquesne Light Company's application for an operating license for Beaver Valley 2.

River Bend 1 and 2, Date and location to be determined (early June). The Subcommittee will continue its review of Gulf States Utilities' application for an operating license for the River Bend Nuclear Power Plant Units 1 and 2.

Seismic Design of Piping, Date to be determined (June, tentative), Washington, DC. The Subcommittee will review draft reports issued by the NRC Piping Review Committee on dynamic loads and other load combinations and seismic design requirements of piping systems.

Metal Components and Seismic Design of Piping, Date to be determined (June/July, tentative), Washington, DC. The Subcommittees will review the NRC Piping Review Committee's overall recommendations on piping system design and its implementation.

Quality and Quality Assurance in Design and Construction, July 5, 1985, Washington, DC. The Subcommittee will: (1) Review the final rule on "The Important to Safety Issue," and (2) be briefed on the "NRC Quality Assurance Program Implementation Plan."

Long Range Plan for NRC, July 10, 1985, Washington, DC. The Subcommittee will continue to develop a long range plan for the NRC. Topics to be discussed are technical and administrative issues related to the regulation of nuclear power plant safety and safety regulation over the next 5 to 10 years.

Emergency Core Cooling Systems, Date to be determined (July), Washington, DC. The Subcommittee will continue its review of the proposed revision to Appendix K of 10 CFR 50.46.

Long Range Plan for NRC, August 7, 1985, Washington, DC. The Subcommittee will continue to develop a long range plan for the NRC. Topics to be discussed are technical and administrative issues related to the regulation of nuclear power plant safety and safety regulation over the next 5 to 10 Years.

Emergency Core Cooling Systems, Date to be determined (summer), Palo Alto, CA. The Subcommittee will continue its review of the joint NRC/B&WOG/EPRI/B&W IST Program. A visit is planned to the EPRI-sponsored Stanford Research Institute facilities supporting this Program.

Long Range Plan for NRC, September 11, 1985, Washington, DC. The Subcommittee will continue to develop a long range plan for the NRC. Topics to be discussed are technical and administrative issues related to the regulation of nuclear power plant safety and safety regulation over the next 5 to 10 years.

Long Range Plan for NRC, October 9, 1985, Washington, DC. The Subcommittee will continue to develop a long range plan for the NRC. Topics to be discussed are technical and administrative issues related to the regulation of nuclear power plant safety and safety regulation over the next 5 to 10 years.

Combined Reliability and Probabilistic Assessment and Millstone 3, Date and location to be determined. The Subcommittees will review the probabilistic risk assessment for Millstone 3.

Emergency Core Cooling Systems, Date to be determined, Washington, DC. The Subcommittee will review the NRC Thermal Hydraulic Research Program with emphasis on the code assessment program.

GESSAR II, Date and location to be determined, Washington, DC. The Subcommittee will continue its review of GESSAR II for a Final Design Approval applicable to future plants.

Combined Reactor Radiological Effects and Fire Protection, Date to be determined, Washington, DC. The Subcommittee will discuss the use of hydrogen addition in BWRs to inhibit stress corrosion regarding increased N–16 production and fire hazards.

Maintenance Practices and Procedures, Date to be determined. Washington, DC. The Subcommittee will review the maintenance program plan.

ACRS Full Committee Meeting

May 9–11, 1985: Items are *tentatively* scheduled.

*A. *Emergency Preparedness for Fuel Cycle and Other Radioactive Material Licensees*—Discuss proposed NRC rule on emergency preparedness for fuel cycle and other radioactive material licensees.

*B. *General Electric Standard Safety Analysis Report*—Discuss aspects of specific issues such as interface requirements and seismic issues..

*C. *Recent Events at Operating Plants*—Hear a report regarding and discuss recent operating events at nuclear power plants..

*D. *Emergency Preparedness*—Discuss consideration of earthquakes and other low frequency natural phenomena in the emergency planning and preparedness for production and utilization facilities.

*E. *Quantitative Safety Goals*—Discuss NRC Staff evaluation of two-year trial period and plan for implementation of the proposed NRC quantitative safety goals.

*F. *Future ACRS Activities*—Discuss anticipated. ACRS activities including preparation of the ACRS report to the NRC regarding the proposed safety research program and budget for FY-1987 and proposed reveiw of scram systems for Westinghouse PWR nuclear plants.

*G. *EPA Standards for High-Level Radioactive Waste Repositories*—Discuss EPA environmental standards for management and disposal of high-level radioactive wastes in geologic repositories.

*H. *Prioritization of Unresolved Generic Issues*—Discuss proposed priorities for a new list of approximately 23 unresolved generic safety related issues.

*I. *ACRS Subcommittee Activities*—Discuss safety related activities of designated ACRS subcommittees including hydrodynamic effects in BWR dynamic containments and the effects of insulation debris on containment sump performance following a LOCA.

*J. *Meeting with NRC Commissioners*—Discuss ACRS report regarding the roles of the ACRS in review and evaluation of the proposed DOE program for management and disposal of radioactive wastes.

*K. *Activities of ACRS Members*—Hear and discuss reports of ACRS members regarding activities as individual ACRS members.

*L. *ACRS Procedures and Practices*—Proposed changes to ACRS Bylaws will be considered with respect to the conduct of ACRS members as part of the collegial body and as individuals.

June 6–8, 1985—Agneda to be announced.

July 11–13, 1985—Agenda to be announced.

Dated: April 18, 1985.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 85–9780 Filed 4–22–85; 8:45 am]

BILLING CODE 7590-01-M

Advisory Committee on Reactor Safeguards, Subcommittee on Reactor Operations; Meeting

The ACRS Subcommittee on Reactor Operations will hold a meeting on May 6, 1985, Room 1046, 1717 H Street, NW, Washington, DC.

The entire meeting will be open to public attendance.

The agenda for the subject meeting shall be as follows:

Monday, May 6, 1985—1:00 p.m. until the conclusion of business

The Subcommittee will discuss recent operating occurrences.

Oral statements may be presented by members of the public with the concurrence of the Subcommittee Chairman; written statements will be accepted and made available to the Committee. Recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the ACRS staff member named below as far in advance as is practicable so that appropriate arrangements can be made.

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, may exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the NRC Staff, its consultants, and other interested persons regarding this review.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant ACRS staff member, Mr. Herman Alderman (telephone 202/634–1414) between 8:15 a.m. and 5:00 p.m., EST. Persons planning to attend this meeting are urged to contact the above named individual one or two days before the scheduled meeting to be advised of any changes in schedule, etc., which may have occurred.

Dated: April 18, 1985.

Morton W. Libarkin,

Assistant Executive Director for Project Review.

[FR Doc. 85–9777 Filed 4–22–85; 8:45 am]

BILLING CODE 7590-01-M

Advisory Committee on Reactor Safeguards, Subcommittee on Safeguards and Security; Meeting

The ACRS Subcommittee on Safeguards and Security will hold a meeting on May 7, 1985, Room 1046, 1717 H Street, NW, Washington, DC.

Portions of the meeting will be open to public attendance, however, those portions that deal with confidential Safeguards Information will be closed to the public.

The agenda for the subject meeting shall be as follows:

Tuesday, May 7, 1985—8:30 a.m. unitl the conclusion of business

The Subcommittee will review the potential consequences of sabotage at nonpower reactors, be briefed by NMSS on sabotage protection at power reactors, and hear how the NRC Staff reviews and evaluates licenees' security plans.

Oral statements may be presented by members of the public with the concurrence of the Subcommittee Chairman; written statements will be accepted and made available to the Committee. Recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the ACRS staff member named below as far in advance as is practicable so that appropriate arrangements can be made.

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, may exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the NRC Staff, its consultants, and other interested persons regarding this review.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant ACRS staff member, Mr. John Schiffgens (telephone 202/634–1414) between 8:15 a.m and 5:00 p.m., EST. Persons planning to attend this meeting are urged to contact the above named individual one or two days before this scheduled meeting to be advised of any changes in schedule,etc., which may have occured.

Dated: April 18, 1985.

Morton W. Libarkin,

Assistant, Executive Director for Project Review.

[FR Doc. 85–9779 Filed 4–22–85; 8:45 am]

BILLING CODE 7590-01-M

Applications and Amendments to Operating Licenses Involving No Significant Hazards Considerations; Monthly Notice

I. Background

Pursuant to Pub. L. 97–415, the Nuclear Regulatory Commission (the Commission) is publishing its regular monthly notice. Pub. L. 97–415 revised section 189 of the Atomic Energy Act of 1954, as amended (the Act), to require the Commission to publish notice of any amendments issued, or proposed to be issued, under a new provision of section 189 of the Act. This provision grants the Commission the authority to issue and make immediately effective any amendment to an operating license upon a determination by the Commission that such amendment involves no significant hazards consideration, notwithstanding the pendency before the Commission of a request for a hearing from any person.

This monthly notice includes all amendments issued, or proposed to be issued, since the date of publication of the last monthly which was published on March 27, 1985 (50 FR 12132) through April 15, 1985.

NOTICE OF CONSIDERATION OF ISSUANCE OF AMENDMENT TO FACILITY OPERATING LICENSE AND PROPOSED NO SIGNIFICANT HAZARDS CONSIDERATION DETERMINATION AND OPPORTUNITY FOR HEARING

The Commission has made a proposed determination that the following amendment requests involve no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means the operation of the facility in accordance with the proposed amendments would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. The basis for this proposed determination for each amendment request is shown below.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination. The Commission will not normally make a final determination unless it receives a request for a hearing.

Comments should be addressed to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch.

By May 23, 1985; the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written petition for leave to intervene. Requests for a hearing and petitions for leave to intervene shall be filed in accordance with Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropritate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factor: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter, and the bases for each contention set forth with reasonable specificity. Contentions shall be limited to matters within the scope of the amendment under consideration. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held.

If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

If the final determination is that the amendment involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

Normally, the Commission will not issue the amendment until the expiration of the 30-day notice period. However, should circumstances change during the notice period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 30-day notice period, provided that its final determination is that the amendment involves no significant hazards consideration. The final determination will consider all public and State comments received before action is taken. Should the Commission take this action, it will publish a notice of issuance and provide for opportunity or a hearing after issuance. The Commission expects that the need to take this action will occur very infrequently.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at (800) 325–6000 (in Missouri (800) 342–6700).

The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to *(Branch Chief):* Petitioner's name and telephone number; date petition was mailed; plant name; and publication date and page number of this **Federal Register** notice. A copy of the petition should also be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to the attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the Atomic Safety and Licensing Board designated to rule on the petition and/or request, that the petitioner has made a substantial showing of good cause for the granting of a late petition and/or request. That determination will be based upon a balancing of the factors specified in 10 CFR 2.714(a)(1) (i)–(v) and 2.714(d).

For further details with respect to this action, see the application for amendment which is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington D.C., and at the local public document room for the particular facility involved.

Arkansas Power and Light Company, Docket No. 50–313, Arkansas Nuclear One, Unit No. 1, Pope County, Arkansas

Date of amendment request: March 1, 1985.

Description of amendment request: The amendment would add Technical Specifications to reflect specific time intervals in terms of Effective Full Power Days (EFPD) for Axial Power Shaping Rod Insertion Limits.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the application of the standards in 10 CFR 50.92 by providing certain examples (48 FR 14870). An example of actions involving no significant hazards considerations is Example (ii), an amendment involving a change that constitutes an additional limitation, restriction, of control not presently included in the Technical Specifications. The proposed Technical Specification modifications impose additional limitations, restrictions and controls and, therefore, fall within this example. Therefore, since the application for amendment involves proposed changes that are similar to the example for which no significant hazards considerations exist, the Commission has made a proposed determination that the application for amendment involves no significant hazards considerations.

Local Public Document Room location: Tomlinson Library, Arkansas Tech University, Russellville, Arkansas 72801.

Attorney for licensee: Nicholas S. Reynolds, Bishop, Liberman, Cook, Purcell & Reynolds, 1200 Seventeenth Street, NW., Suite 700, Washington DC 20036.

NRC Branch Chief: John F. Stolz.

Baltimore Gas and Electric Company, Docket Nos. 50–317 and 50–318, Calvert Cliffs Nuclear Power Plant, Unit Nos. 1 and 2, Calvert County, Maryland

Date of amendment request: January 31, 1985.

Description of amendment request: The proposed amendment would change the Unit 1 and Unit 2 Technical Specifications (TS) to reflect clarification and increased flexibility for determination of reactor coolant system leakage as specified in TS 3/4.4.6.1, "Leakage Detection Systems" and TS 3/4.4.6.2, "Reactor Coolant System Leakage."

In reviewing the above proposed changes to the TS, we have determined that certain changes in the proposed TS are required. These changes were discussed with and agreed to by the licensee.

Basis for proposed no significant hazards consideration determination: Technical Specification 3/4.4.4.6.1 provides operability and surveillance requirements for three instrumentation systems which will detect reactor coolant system leakage. Two of the instrumentation systems specified in 3.4.6.1, the containment particulate radioactivity monitoring (PRM) system and the containment atmospheric gaseous radioactivity monitoring (GRM) system, are not completely independent in that they both share the same sample pump. The containment sump level alarm system, the third leakage monitoring system addressed in TS 3/4.4.4.6.1, is independent of the PRM and GRM systems.

In the past, TS 3.4.6.1 has caused difficulty with regard to interpretation. This difficulty is caused by the "action" statement which is applicable when one leak detection system is inoperable but which also requires remedial action to be taken when two systems (the GRM and/or the PRM) are inoperable. The licensee has proposed a change to TS 3.4.6.1 to correct this ambiguity. The proposed change would make the existing action statement the first of a two-part requirement. This first part would be applicable, unambiguously, when only one leakage detection system is inoperable by changing the phrase ". . . when the required gaseous and/or particulate radioactivity monitoring system is inoperable . . ." to ". . . when either the required gaseous or particulate radioactivity monitoring system is inoperable . . ." The new second part of the action statement would be unambiguously applicable when two leakage detection systems are inoperable. This action statement requires that the existing remedial action be taken, obtaining and analyzing containment atmospheric grab samples at least once per 24 hours, and also that a reactor coolant system water inventory balance be undertaken every 24 hours. The reactor coolant system water inventory balance is an approved leak detection methodology that is currently required to be performed every 72 hours by TS 4.4.6.2c.

Based upon our evaluation, we conclude that the consequences of accidents already evaluated will not be more severe nor will new or different types of accidents be created. This is because at least two approved means of reactor coolant system leak detection will be required to be operable as is presently the case is TS 3.4.6.1. Moreover, numerous other systems and means for leak detection are described and discussed in Section 4.3 of the Updated FSAR and are used by reactor operators for leak detection purposes. They include: Containment Pressure and Temperature Indication, Pressurizer Pressure and Level Indication and Alarm, Containment Area Radiation Monitor Indication and Alarm, Containment Humidity Indicators, Reactor Coolant Drain Tank Level Indication, and Reactor Coolant Make-up Water Flow Integrators. The proposed TS does not increase the probability of accidents or reduce any safety margins since no changes in design or operating modes of the leak detection systems are involved. Consequently, the Commission prolposes to determine that the proposed changes to TS 3.4.6.1 involves no significant hazards considerations.

Finally, the licensee has requested changes to TS 4.4.6.2 as follows:

- Surveillance Requirement (SR) 4.4.6.2a which requires monitoring the containment atmosphere 12 hours with the PRM would be modified to also permit monitoring with the GRM or grab samples.
- SR 4.4.6.2b which requires monitoring containment sump discharge every 12 hours using the containment sump level alarm system would be

modified to suspend this requirement when the containment sump level alarm system is inoperable.

• SR 4.4.6.2c which requires a reactor coolant system water inventory balance at least once per 72 hours would be modified to require this balance every 24 hours when used as an alternate leak detection method per TS 3.4.6.1.

On April 6, 1983 the NRC published guidance in the **Federal Register** (48 FR 14870) concerning examples of amendments that are not likely to involve significant hazards considerations. One such example (i) involves changes of "A purely administrative change to technical specifications for example, a change to achieve consistency through the technical specifications. . . ." The proposed changes to TS 4.4.6.2 are required to achieve consistency with existing and proposed requirements of TS 3.4.6.1. Accordingly, the Commission proposes to determine that the proposed changes to TS 4.4.6.2 involve no significant hazards considerations.

Local Public Document Room Location: Calvert County Library, Prince Frederick, Maryland.

Attorney for licensee: George F. Trowbridge, Esq., Shaw Pittman, Potts and Trowbridge, 1800 M. Street, NW., Washington, D.C. 20036.

NRC Branch Chief: James R. Miller.

Carolina Power & Light Company, Docket Nos. 50–325 and 50–324, Brunswick Steam Electric Plant, Units 1 and 2, Brunswick County, North Carolina

Date of application for amendment: February 13, 1985, as supplemented April 4, 1985.

Description of amendment requests: The proposed Technical Specification (TS) changes request postponement of one full flow test of the core spray pumps until the primary containment suppression chamber is restored to its operational condition.

The licensee is presently planning to shutdown the Brunswick Steam Electric Plant, Unit 1 on or before March 31, 1985 for a 31 week outage (plus six weeks for contingencies) to refuel, perform maintenance work and modify the Mark I torus. In conjunction with the Mark I torus modifications, the suppression chamber will be drained and, therefore, it will not be possible to perform the full flow surveillance test of the Core Spray System (CSS) wherein water is recirculated into the suppression pool. In the April 4, 1985 letter the licensee indicated that the fuel would be removed from the core about May 30, 1985 and replaced in early August 1985. During that period of time the core spray system is not needed.

This requirement will last be performed on approximately April 1, 1985. Due to the modifications being made to the suppression pool the maximum permissible interval between full flow tests will be exceeded before the next test. The licensee is, therefore, requesting a one time extension to the maximum surveillance interval during the upcoming refueling outage until within 48 hours after restoration of the suppression chamber to operable status, but in any case no later than October 30, 1985. Based on the present outage schedule, CP&L plans to restore the suppression chamber to operable status and perform Surveillance Requirement 4.5.3.1.c.1 by approximately August 29, 1985. This will extend the surveillance interval from the present maximum 115 days to approximately 150 days. The October 30, 1985 date allows for contingencies in the completion of modification to the suppression pool making the total allowable surveillance interval 212 days.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance in the form of examples of amendments that are not considered likely to involve a significant hazards consideration (48 FR 14870). The licensee's February 13, 1985 submittal included a discussion of the proposed action with respect to the no significant hazards consideration. The licensee also provided a discussion regarding the proposed Technical Specification (TS) change.

The licensee has determined and the NRC staff concurs that extending the surveillance interval, for a full flow test of the Core Spray System, from 92 days to a total allowable surveillance interval of 212 days does not constitute a significant reduction in the verification of operability or the availability of this system for the following reasons:

1. Normally, in the refueling operation (OPERATIONAL CONDITION 5), the CSS is not required to be operable (and thus to have surveillance testing performed), if all of the following conditions are met: (a) The reactor vessel head is removed,

(b) The refueling cavity is flooded, and

(c) The spent fuel gates are removed.

2. The CSS consists of two independent subsystems, each with 100% capacity, thus providing a redundant safety system subsystem.

3. Redundant systems that will be available to supply core reflood capability include the condensate system and the service water injection system, with a small volume available from the control rod drive system.

4. Surveillance is being performed every 12 hours to verify that the CSS has an operable water source (TS 4.5.3.1.a). Surveillance is performed every 31 days to verify that the CSS is filled with water (TS 4.5.3.1.b.1). Surveillance is performed every 31 days to verify that all valves in the CSS flow path are properly aligned (TS 4.5.3.1.b.2).

5. For a portion of the outage (about 8 or 9 weeks) the fuel will not be in the vessel. During this time the CSS is not needed.

The proposed change pertaining to TS 4.5.3.1.c.1 represents a relaxation in the surveillance requirements. However, adequate precautions have been taken to ensure the availability of other means of cooling for the reactor core when fuel is in the vessel. Based on the foregoing discussion, the staff concludes that the results of this change, would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. Therefore, the Commission proposed to determine that these changes do not involve a significant hazards consideration.

Local Public Document Room location: Southport, Brunswick County Library, 109 W. Moore Street, Southport, North Carolina 28461.

Attorney for licensee: George F. Trowbridge, Esquire, Shaw, Pittman, Potts and Trowbridge, 1800 M Street, NW., Washington, D.C. 20036.

NRC Branch Chief: Domenic B. Vassallo.

Carolina Power & Light Company, Docket Nos. 50–325 and 50–324, Brunswick Steam Electric Plant, Units 1 and 2, Brunswick County, North Carolina

Date of application for amendment: March 6, 1985.

Description of amendment request: The proposed amendment to the Brunswick Unit 1 Technical Specifications (TS) would revise TS Tables 3.3.5.3–1 and 4.3.5.3–1 (Accident Monitoring Instrumentation) and Section 3/4.6.2.1 (Suppression Chamber) to incorporate the inclusion of a suppression pool temperature monitoring system (SPTMS) to meet the acceptance criteria of NUREG–0661, Appendix A. In addition, the channel check for item 4.3.5.3–1.4 is being changed from monthly to daily to provide consistency with TS 4.6.2.1.2.1

TS Section 3/4.6.2.1 and 3/4.6.4.1 (Drywell-Suppression Chamber Vacuum Breakers) have been modified to more closely conform to the guidance of the BWR–4 Standard Technical Specifications (STS), NUREG–0123. A similar revision was issued for Brunswick Unit 2 on September 22, 1984. Brunswick Unit 2 Surveillance Requirements are being revised at this time to eliminate redundancy.

The requested TS change reflects the new suppression pool temperature monitoring system being installed on Brunswick Unit 1 during the upcoming refueling outage. This system consists of 24 Class 1E resistance temperature detectors (RTDs) installed about the torus at designated locations to provide accurate measurement of the average pool water temperature. These new RTDs are split into two totally independent channels consisting of 12 RTDs per channel. All new RTDs are Class 1E qualified, seismically analyzed, and the two suppression pool temperature monitoring divisions meet the acceptance criteria of Regulatory Guide 1.97, NUREG–0661, and NUREG–0783. The new suppression pool temperature monitoring system also serves as the accident monitoring instrumentation for suppression chamber water temperature. Tables 3.3.5.3–1 and 4.3.5.3–1 have been changed to reflect the new instrument numbers. In addition, the channel check for Item 4.3.5.3–1.4 is currently performed on a monthly basis. This requirement is being changed to daily in order to be consistent with TS 4.6.2.1.d.1. A similar change is being made in the Brunswick Unit 2 TS to provide consistency. Also, a footnote has been added in Table 3.3.5.3–1 to ensure that the dual function of the system is apparent to operations personnel.

TS Section 3/4.6.2 has been rewritten to make the section more closely conform to the format of the STS. A Limiting Condition for Operation (LCO) and new action items have been added to ensure appropriate requirements exist for various plant conditions. The LCO and Surveillance Requirements pertaining to suppression chamber leakage have been moved from Section 3/4.6.4 to Section 3/4.6.2, consistent with guidance of the STS.

Surveillance Requirement 4.6.2.1.b.2.b contains a 24-hour time restriction for suppression chamber temperature in excess of 95 °F while in Operating Conditions 1 and 2. This requirement is also covered by TS Section 3/4.6.2, Action Statement b. Restating the 24-hour restriction is redundant and may mislead the operator. Therefore, the time restriction has been removed from Surveillance Requirement 4.6.2.1.b.2.b in the Brunswick Unit 2 TS.

The above proposed modifications are submitted in response to the staff request dated March 19, 1984 which included a Safety Evaluation of the Mark I Long Term Containment Program for the Brunswick facilities. In that Safety Evaluation the staff concluded that containment modifications made have restored the original design safety margin to the Mark I Containment at the Brunswick plant.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the application of its standards set forth in 10 CFR 50.92 for no significant hazards consideration by providing certain examples published in the **Federal Register** on April 6, 1983 (48 FR 14870). Examples of an amendment likely to involve no significant hazards consideration include: (i) A purely administrative change; and (ii) a change that constitutes an additional limitation, restriction, or control not presently included in the Technical Specifications. The new suppression pool temperature monitoring system/accident monitoring instrumentation is subject to LCOs, actions, and surveillances, specified in Section 3/4.6.2 during normal operation, which were not previously required and, therefore, constitute additional limitations. The staff has reviewed the proposed change as discussed above and has concluded that this proposed change falls within the scope of example (ii). Similarly, revision of channel check 4.3.5.3–1.4 from monthly to daily also provides additional limitations. The reformatting of Sections 3/4.6.2 and 3/4.6.4 and the changing of instrument numbers in Tables 3.3.5.3–1 and 4.3.5.3–1 represent administrative changes, which fall within the scope of example (i). Therefore, the staff proposes to determine that the proposed amendment request does not involve a significant hazards consideration.

Local Public Document Room location: Southport, Brunswick County Library, 109 W. Moore Street, Southport, North Carolina 28461.

Attorney for licensee: George F. Trowbridge, Esquire, Shaw, Pittman, Potts & Trowbridge, 1800 M Street, N.W., Washington, D.C. 20036.

NRC Branch Chief: Domenic B. Vassallo.

Carolina Power & Light Company, Docket No. 50–325, Brunswick Steam Electric Plant, Unit 1, Brunswick County, North Carolina

Date of application for amendment: March 18, 1985.

Description of amendment request: This proposed amendment would revise the Technical Specifications (TS) for the Brunswick Steam Electric Plant, Unit 1 (Brunswick—1). The proposed revision to the TS Tables 3.3.3–1, 3.3.2–2, and 4.3.3–1 reflects modifications to the Automatic Depressurization System (ADS) by removing the high pressure trip from the logic sequence and adding a manual inhibit switch thus eliminating the need for manual actuation to ensure core coverage. The requested TS change removes the ADS high drywell pressure instruments and adds manual inhibit switches to ADS logic in TS 3.3.3 and 4.3.3.

This modification is a result of TMI Action item II.K.3.18. A BWR Owners Group (BWROG) study of alternatives to the present ADS actuation logic identified modifications to eliminate the need for manual actuation to ensure core coverage in the event of certain accident sequences. The proposed TS change is the second option outlined in the BWROG study and is one of the two options indicated to be an acceptable method of complying with TMI Action item II.K.3.18 by NRC letter dated June 3, 1983. The staff position stated in the June 3, 1983 letter that the ADS system actuation logic should be modified to eliminate the need for manual activation to assure adequate core cooling. The proposed reduction of logic devices will increase ADS reliability and will provide additional assurance of adequate core cooling by further automating reactor pressure vessel depressurization for isolations and stuck open relief valve events, while satisfying design concerns associated with anticipated transients without scram.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the application of the standards for determining whether a significant hazards consideration exists by providing certain examples (48 FR 14870). The examples involving no significant hazards consideration include "(ii) A change that constitutes an additional limitation, restriction, or control not presently included in the Technical Specifications: For example, a more stringent surveillance requirement."

Based on the above discussion the staff concludes that the proposed amendment is consistent with the staff position. Further, the proposed amendment provides additional assurance of adequate core cooling by extending the operation of the ADS to encompass additional accident and transient conditions which do not

directly produce a high drywell pressure signal.

Example (ii) applies to the added requirements for automating reactor pressure vessel depressurization for isolations and stuck open relief valve events, while satisfying design concerns associated with anticipated transients without scram. Therefore, since the application for amendment involves proposed changes that are similar to an example for which no significant hazards consideration exists, the staff has made a proposed determination that the application for amendment involves no significant hazards consideration.

Local Public Document Room location: Southport, Brunswick County Library, 109 W. Moore Street, Southport, North Carolina 28461.

Attorney for licensee: George F. Trowbridge, Esquire, Shaw, Pittman, Potts and Trowbridge, 1800 M Street, NW., Washington, D.C. 20036.

NRC Branch Chief: Domenic B. Vassallo.

Commonwealth Edison Company, Docket No.s 50–373 & 50–374, La Salle County Station, Units 1 & 2, La Salle County, Illinois

Date of amendment request: February 21, 1985 as supplemented by letter dated March 5, 1985.

Description of amendment requests: The proposed amendments to Operating License NPF–11 and Operating License NPF–18 would revise the La Salle, Units 1 and 2 Technical Specifications to reflect the changes in the revised section of 10 CFR 50.72, and a new section, 10 CFR 50.73, both of which became effective on January 1, 1984. The revised §50.72 modifies the immediate notification requirements for operating nuclear reactors and § 50.73 provides for a revised Licensee Event Report System.

The major proposed changes are in the "Definitions" and "Administrative Control" sections of the Technical Specifications. The definition "Reportable Occurrence" is replaced by a new term, "Reportable Events."

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the application of the standards for determining whether a significant hazards consideration exists by providing certain examples (48 FR 14870). The examples of actions involving no significant hazard consideration include example (vii)—a change to make a license conform to changes in the regulations, where the license change results in very minor changes to facility operations clearly in keeping with the regulations. The changes proposed in the application for amendments are fully encompassed by this example because the licenses are being changed solely to conform with a change in the regulations. On this basis, the staff proposed to determine that this amendment involves no significant hazards considerations. Additionally, the licensee was requested by the NRC staff to make these administrative changes in Generic Letter No. 83–43, "Reporting Requirements of 10 CFR Part 50, §§ 50.72 and 50.73, and Standard Technical Specification," dated December 19, 1983.

Local Public Document Room location: Public Library of Illinois Valley Community College, Rural Route No. 1, Ogelsby, Illinois 61348.

Attorney for licensee: Isham, Lincoln and Burke, Suite 840, 1120 Connecticut Avenue, NW., Washington, D.C. 20036.

NRC Branch Chief: A. Schwencer.

Commonwealth Edison Company, Docket No. 50–265, Quad Cities Nuclear Power Station, Unit 2, Rock Island County, Illinois

Date of amendment request: February 4, 1985.

Description of amendment request: This amendment would (1) extend the maximum average planar linear heat generation rate (MAPLHGR) curve for fuel types now in the core from 30,000 megawatt days per short ton (MWD/ST) to 45,000 MWD/ST so as to extend the protective thermal limits on fuel of these types to higher values of planar average exposure and thereby extend the useful life of the fuel, and (2) incorporate into the Technical Specifications MAPLHGR curves for two new fuel types that will be loaded into the core for use in the upcoming Operating Cycle 8.

Basis for proposed no significant hazards consideration determination: The licensee has evaluated the proposed Technical Specification amendment and has determined that it does not represent a significant hazards consideration. Based on the criteria for defining a significant hazards consideration set forth in 10 CFR 50.92(c), operation of Quad Cities Unit 2 in accordance with the proposed amendment will not:

(1) Involve a significant increase in the probability or consequences of an accident previously evaluated because:

(a) The amendment involves restrictions on the reactor power distribution during normal operation which of itself cannot initiate an accident and therefore does not increase the probability of an accident, and

(b) These restrictions on power distribution are based on a reanalysis of accidents in accordance with NRC-approved methods, and are specific to ensure that the consequences of LOCA remain within the existing accident criteria established for Quad Cities in the FSAR.

(2) Create the possibility of a new or different kind of accident from any accident previously evaluated for the same reason as (1)a. above and

(3) Involve a significant reduction in the margin of safety since the amendments are specifically intended to ensure that the 10 CFR 50.46 ECCS criteria continue to be protected during operation.

With regard to the second part of the proposed amendment particularly, i.e., incorporation in the Technical Specifications MAPLHGR curves for two new fuel types for use in the upcoming Operating Cycle 8, the Commission has provided guidance concerning the application of standards for determining whether a significant hazards consideration exists by providing specific examples (48 FR 14870). Examples of actions likely to involve no significant hazards include: "(iii) A change resulting from a nuclear reactor core reloading if fuel assemblies are not significantly different from those previously found acceptable to the NRC for a previous core at the facility in question. Each of the two new fuel types is a barrier-type fuel having properties similar to fuel already in the core. Each has the same physical configuration, and similar material composition and isotopic enrichment as fuel already analyzed and approved for previous reloads, so use of the new fuel types involves no significant hazards consideration.

The staff has reviewed the licensee's no significant hazards considerations determinations and, based on this review, the staff has made a proposed determinations that the proposed amendment involves no significant hazards consideration.

Local Public Document Room location: Moline Public Library, 504 17th Street, Moline, Illinois 61265.

Attorney for licensee: Mr. Robert G. Fitzgibbons, Jr., Isham, Lincoln, & Beale, Three First National Plaza, Suite 5200, Chicago, Illinois 60602.

NCR Branch Chief: Domenic B. Vassallo.

Commonwealth Edison Company, Docket Nos. 50–295 and 50–304, Zion Nuclear Power Station, Unit Nos, 1 and 2, Benton County, Illinois

Date of application for amendments: January 30, 1985.

Description of amendments request: The amendments would: (a) Permit full pressure testing of the containment in

accordance with 10 CFR 50, Appendix J as requested by NRC—Region III; (b) add containment air lock testing; (c) reduce the number of tendons to be included in surveillance requirements in accordance with Regulatory Guide 1.35, Revision 2; and (d) remove obsolete containment liner surveillance requirements.

Basis for proposed no significant hazards consideration determinations: The Commission's examples of actions involving no significant hazards considerations (48 FR 14870) include: "(ii) A change that constitutes an additional limitation, restriction, or control not presently included in the technical specifications; for example, a more stringent surveillance requirement." The changes identified as (a) and (b) above are encompassed by this example in that the proposed changes add surveillance requirements not contained in the current technical specifications.

The Commission's examples of actions involving no sifnificant hazards consideration include: "(iv) A relief granted upon demonstration of acceptable operation from an operating restriction that was imposed because acceptable operation was not yet demonstrated." The change identified as (c) above fits this example in that successful tests at years 1, 3 and 5 of reactor operation demonstrated acceptable performance of the containment tendons. A reduction in the number of tendons to be inspected following the successful tests at years 1, 3 and 5 is in accordance with Regulatory Guide 1.35, Revision 2.

The containment liner surveillance program was established to demonstrate the initial post-construction integrity of the liner. The Technical Specification 4.10.4 states that if a successful test sequence is performed, the program shall be discontinued. The licensee has performed satisfactory test series and has, accordingly, discontinued the liner surveillance program. This amendment would remove the no longer applicable text from the Technical Specification. The Commission's examples of actions involving no significant hazards consideration include: "(i) A purely administrative change to technical specifications . . ." . The change identified as (d) above fits this example since the LCO and associated surveillance no longer apply and the purely administrative change is being made to remove the no longer applicable section from technical specifications.

Based on the above, the Commission proposes to determine that the proposed amendments involves no significant hazards consideration.

Local Public Document Room location: Zion-Benton Library District, 2600 Emmaus Avenue, Zion, Illinois 60099.

Attorney to licensee: P. Steptoe, Esq., Isham, Lincoln and Beale, Counselors at Law, Three First National Plaza, 51st Floor, Chicago, Illinois 60602.

NRC Branch Chief: Steven A. Varga.

Consolidated Edison Company of New York, Docket No. 50–247, Indian Point Nuclear Generating Unit No. 2, Westchester County, New York. Date of amendment request: February 14, 1983, as supplemented February 28, 1985.

Description of amendment request: This submittal supplements the request for amendment dated February 14, 1983 which was noticed in the **Federal Register** on August 23, 1983 (49 FR 38395) and September 21, 1983 (49 FR 43134). The proposed Technical Specification revision would modify portions of Consolidated Edison's February 14, 1983 license amendment application to reflect revised pressure/temperature limitations for reactor coolant system heatup cooldown, hydrostatic test and low temperature overpressure protection applicable through fifteen effective full power years of reactor operation. The proposed revision to the Technical Specifications also increases the number of reactor coolant pumps that are required to be operating when the reactor is at hot shutdown and above 350°F. This change is requested to achieve consistency between the safety analysis for the Uncontrolled Rod Withdrawal From Subcritical concerning the number of reactor coolant pumps in operation.

Basis for proposed no significant hazards consideration determination: Consistent with the Commission's criteria for determining whether a proposed amendment to an operating license involves no significant hazards considerations, 10 CFR 50.92 (48 FR 14871), the proposed revisions to the heatup, cooldown, hydrostatic test pressure-temperature limitations and low temperature overpressure protection requirements will not involve a significant increase in the probability or consequences of an accident previously evaluated; or create the possibility of a new or different kind of accident from any previously evaluated, or involve a significant reduction in margin of safety. The proposed revision reflects conservative values of the Reference Nil-Ductility Transition Temperature (RT_{NDT}) for the reactor vessel and provides a margin of safety which complies with the fracture toughness requirements of 10 CFR Part 50 Appendix G.

The proposed changes regarding the minimum number of reactor coolant pumps required to be operating when at hot shutdown but above 350°F and the addition of action statements in Table 3.1.A–1 are consistent with example (ii) of the Commission's guidance concerning the application standards for determining whether a significant hazards consideration exists (48 FR 14870). Example (ii) identifies a change that constitutes an additional limitation restriction, or control not presently included in the Technical Specifications, for example, a more stringent surveillance requirement. The proposed change regarding the number of operating reactor coolant pumps increases the minimum number of reactor coolant pumps required to be operating during specified plant conditions constituting an additional limitation, restriction, or control not presently included in the Technical Specifications. The proposed changes to Table 3.1.A–1 provide new explicit action to be taken if no pumps are operating for longer than the one hour permitted. This also constitutes an additional limitation,, restriction, or control not presently included in the Technical Specifications.

Based on the above, the staff proposes to determine that the requested action would involve no significant hazards considerations.

Local Public Document Room location: White Plains Public Library, 100 Martine Avenue, White Plains, New York, 10610.

Attorney for licensee: Thomas J. Farrelly, Esq., 4 Irving Place, New York, New York 10003.

NRC Branch Chief: Steven A. Varga.

Consumers Power Company Docket No. 50–255, Palisades Plant, Van Buren County, Michigan

Date of amendment request: March 29, 1985.

Description of amendment request: The proposed amendment would delete Technical Specification 4.13 that requires neutron noise monitoring to confirm that the modification made in 1974 to clamp the core barrel in place was adequate.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the application of the standards in 10 CFR 50.92 by providing certain examples (48 FR 14870, April 6, 1983). One of the examples (iv) in this guidance is if demonstration of acceptable operation from an operating restriction that was imposed because acceptable operation was not yet

demonstrated can be made, it can be considered not likely to involve significant hazards considerations. This proposed change is based on the fact that during plant operation over the past 10 years, surveillance data has been taken and analyzed on a weekly basis. The measured values have been predictable and consistently far below the established limits for vibration. In addition, the recently completed 10 year Inservice Inspection of the reactor vessel and internals showed no additional evidence of wear caused by vibrations. Consequently, the modification which increased the core barrel clamping force has been proven effective over a number of years and core cycles, and the surveillance program can prudently be eliminated.

Therefore, because this amendment request involves a change of the type specified in example (iv) of the Commission's guidance, the staff proposed to determine that the proposed change would not involve a significant hazards consideration.

Local Public Document Room location: Kalamazoo Public Library, 315 South Rose Street, Kalamazoo, Michigan 49007.

Attorney for licensee: Judd L. Bacon, Esquire, Consumers Power Company, 212 West Michigan Avenue, Jackson, Michigan 49201.

NRC Branch Chief: John A. Zwolinski.

Georgia Power Company, Oglethorpe Power Corporation, Municipal Electric Authority of Georgia, City of Dalton, Georgia, Docket No. 50–321, Edwin I. Hatch Nuclear Plant, Unit No. 1, Appling County, Georgia

Date of amendment request: January 11, 1985.

Description of amendment request: This amendment would modify the Technical Specifications to delete the definition for "cumulative downtime" from the Definitions and Bases sections.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the application of the standards in 10 CFR 50.92 by providing certain examples (48 FR 14870). An example of actions involving no significant hazards considerations is Example (i), an amendment involving a purely administrative change to Technical Specifications. The term "cumulative downtime" is not used in the body of the Technical Specifications. The removal of the definition of this term from the Definition section and removal of the term from the Bases section is a purely administrative change. Therefore, since the application for amendment involves a proposed change that is similar to an example for which no significant hazards consideration exist, the Commission has made a proposed determination that the application for amendment involves no significant hazards considerations.

Local Public Document Room Location: Applying County Public Library, 301 City Hall Drive, Baxley, Georgia.

Attorney for Licensee: G.F. Trowbridge, Shaw, Pittman, Potts and Trowbridge, 1800 M Street, N.W., Washington, D.C. 20036.

NRC Branch Chief: John F.Stolz.

Georgia Power Company, Oglethorpe Power Corporation, Municipal Electric Authority of Georgia, City of Dalton, Georgia, Docket No. 50–321, Edwin I. Hatch Nuclear Plant, Unit No. 1, Appling County, Georgia

Date of amendment request: January 17, 1985.

Description of amendment request: This amendment would modify the Technical Specifications to reflect changes in fire detection as a result of control room and "Appendix R" modifications. Specifically, the number of fire detectors and the number of minimum operable required fire detctors cited in Technical Specification Table 3.13–1 are changed for the Control Room (Unit 1) and its peripheral rooms. In addition, similar information is being provided for the Low Pressure Coolant Injection Inverter Room which is being added to the aforementioned Technical Specification table. The number of minimum operable required fire detectors for the Controll Room (Unit 2), as listed in Hatch Unit 1 Technical Specification Table 3.13–1, is also being changed to reflect plant conditions.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the application of the standards in 10 CFR 50.92 by providing certain examples (48 FR 14870). An example of actions involuing no significant hazards considerations is Example (ii), an amendment involving a change that constitutes an additional limitation, restriction, or control not presently included in the Technical Specifications. The changes involve either new requirements not presently in the Technical Specifications or increase the minimum number of fire detectors required to be operable. Therefore, the modifications impose additional limitations, restrictions and controls and fall within this example.

Since the application for amendment involves proposed changes that are similar to an example for which no significant hazards considerations exist, the Commission has made a proposed determination that the application for amendment involves no significant hazards considerations.

Local Public Document Room Location: Appling County Public Library, 301 City Hall Drive, Baxley, Georgia.

Attorney for Licensee: G.F. Trowbridge, Shaw, Pittman, Potts and Trowbridge, 1800 M Street, NW., Washington, D.C. 20036.

NRC Branch Chief: John F.Stolz.

Georgia Power Company, Oglethorpe Power Corporation, Municipal Electric Authority of Georgia, City of Dalton, Georgia, Docket Nos. 50–321 and 50–366, Edwin I. Hatch Nuclear Plant, Unit Nos. 1 and 2, Appling County, Georgia

Date of amendment request: December 21, 1983, as supplemented April 16, 1984.

Description of amendment request: The amendments would modify the Technical Specifications for the post-accident oxygen and hydrogen monitoring instruments for Unit 1 to: (1) Correct a typographical error in the listed instrument range, (2) delete permission to continue to operate for 30 days when a parameter is reduced to one indication and to continue to operate for 7 days when a parameter is not indicated in the control room, (3) increase the minimum instrument calibration frequency from 6 months to 3 months and (4) decrease the minimum instrument check frequency from every shift to monthly.

The amendments would also modify the Technical Specifications for these instruments for both Hatch Units 1 and 2 to add a requirement that the instrumentation be operable with continuous sampling capability within 30 minutes of an Emergency Core Cooling System (ECCS) actuation during a Loss of Coolant Accident (LOCA).

Basis for proposed no significant hazards consideration determination: The Commission provided guidance concerning the application of the standards in 10 CFR 50.92 by providing certain examples (48 FR 14870). An example of actions involving no significant hazards considerations is (ii), an amendment involving a change that constitutes an additional limitation, restriction, or control not presently included in the Technical Specifications. Proposed Unit 1 Technical Specification modifications (2) and (3) and the addition of the requirement for both Hatch Units 1 and 2 Technical Specifications for sampling capability within 30 minutes of an ECCS action impose additional limitations.

restrictions and controls and therefore fall within this example.

Another example of actions involving no significant hazards considerations is (i), an amendment involving a purely administrative change to the Technical Specifications, such as a change to achieve consistency throughout the Technical Specifications. Proposed Unit 1 Technical Specification modification (1) is such an action as it is only an administrative change, neither increasing nor lessening previous requirements.

Still another such example is (vi), a change which may result in some increase to the probability or consequences of a previously-analyzed accident or may reduce in some way a safety margin, but where the results are clearly within all acceptable criteria with respect to the system or component specified in the Standard Review Plan. Proposed Unit 1 Technical Specification modification (4) decreases the instrument check frequency from every shift to monthly. The licensee has stated that experience has shown frequent operation of hydrogen and oxygen analyzers, especially during the required checks, tends to lower the reliability of the equipment. The licensee has also stated that the instrument vendor has recommended a monthly check as being the optimum frequency for maintaining maximum equipment operability. The Commission's staff agrees that frequent operation tends to lower reliability and concludes that, on balance, the change in the safety margin will be small and that the change is clearly within acceptable criteria as specified in the Standard Review Plan.

Therefore, since the application for amendments involves proposed changes that are similar to examples for which no significant hazards considerations exist, the Commisson has made a proposed determination that the application for amendments involves no significant hazards considerations.

Local Public Document Room location: Appling County Public Library, 301 City Hall Drive, Baxley, Georgia.

Attorney for licensee: G.F. Trowbridge, Shaw, Pittman, Potts & Trowbridge, 1800 M Street, NW., Washington, D.C. 20036.

NRC Branch Chief: John F. Stolz.

Georgia Power Company, Oglethorpe Power Corporation, Municipal Electric Authority of Georgia, City of Dalton, Georgia, Dockets Nos. 50–321 and 50–366, Edwin I. Hatch Nuclear Plant, Units Nos. 1 and 2, Appling County, Georgia

Date of amendment request: February 15, 1985.

Description of amendment request: These amendments would modify the Technical Specifications to remove provisions that allow bypass of the high drywell pressure scram signal for the purpose of containment inerting and de-inerting.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the application of the standards in 10 CFR 50.92 by providing certain examples (48 FR 14870). An example of actions involving no significant hazards considerations is Example (ii), an amendment involving a change that constitutes an additional limitation, restriction, or control not presently included in the Technical Specifications. These proposed Technical Specification modifications to delete the current allowance to bypass the high drywell pressure scram signal, in effect, impose additional limitations, restrictions and controls and therefore fall within this example.

Therefore, since the application for amendments involves proposed changes that are similar to an example for which no significant hazards considerations exist, the Commission has made a proposed determination that the application for amendments involves no significant hazards considerations.

Local Public Document Room location: Applying County Public Library, 301 City Hall Drive, Baxley, Georgia.

Attorney for licensee: G.F. Trowbridge, Shaw, Pittman, Potts and Trowbridge, 1800 M Street, NW., Washington D.C. 20036.

NRC Branch Chief: John F. Stolz.

GPU Nuclear Corporation, Docket No. 50–219, Oyster Creek Nuclear Generating Station, Ocean County, New Jersey

Date of amendment request: Feburary 11, 1985.

Description of amendment request: Request approval for Appendix A Technical Specifications (TSs) changes pertaining to Sections 3.13 and 4.13, Accident Monitoring Instrumentation, which are proposed to (1) clarify the existing limiting conditions for operations in Table 3.13.1 on relief valve position indicators, (2) add limiting conditions for operation and surveillance requirements to the TSs on the following accident monitoring instrumentation: torus water level monitor, drywell pressure monitor and drywell hydrogen monitor, and (3) revise the existing limiting conditions for operation for the relief and safety valve position indicators not in Table 3.13.1 to have these TSs agree with those proposed for the accident monitoring instrumentation listed in (2).

Basis for proposed no significant hazards consideration determination: The licensee has first proposed a change to the existing limiting conditions for operation on the minimum channels operable in Table 3.13.1 for relief valve position indicators. The licensee states that this change is to clarify the TSs such that either the single acoustic monitor per valve or the single thermocouple per valve may be the minimum channel required to be operable instead of only the single acoustic monitor per valve in the existing TSs. This is a relaxation of requirements in the existing TSs; however, because these indicators are in addition to the reactor water level instrumentation, the staff concludes upon review that this proposed change does not involve a significant increase in the probability or the consequences of an accident previously evaluated, does not create the possibility of a new or different kind of accident from any previously evaluated and does not a significant reduction in a margin of safety. Based on this, the staff proposes to determine for this proposed change in the amendment application that the requested action involves no significant hazards consideration.

The licensee has also proposed to (1) add limiting conditions for operation and surveillance requirements to the TSs on the following accident monitoring instrumentation: torus water level monitor, drywell pressure monitor, and drywell hydrogen monitor and (2) revise the existing limiting conditions for operation for the relief and safety valve position indicators to have these TSs agree with those proposed for the new accident monitoring instrumentation listed in (1). The new requirements, which add additional accident monitoring instrumentation to the TSs, are an additional limitation, restriction or control not presently included in the TSs. The revisions to existing TSs on the relief and safety valve position indicators are an administrative change to achieve consistency throughout the TSs which the staff concludes are not a relaxation of the existing TSs and may clarify the requirements in the TSs. Therefore, for the latter two proposed changes, the licensee has proposed changes to Section 3.13 and 4.13, Accident Monitoring Instrumentation, of the Appendix A TSs which are (1) administrative changes to clarify existing TSs and to provide consistency in the limiting conditions for operation among the proposed and existing TSs

and (2) additional requirements being added to the existing TSs. These additional requirements are to incorporate the requirements of NUREG–0737 on accident monitoring instrumentation as requested by NRC in Generic Letter 83–36 dated November 1, 1983, NUREG–0737 Technical Specifications. The Commission has provided examples of license amendments that are not likely to involve significant hazards considerations (48 FR 14870): (i) A purely administrative change to the TSs to achieve consistency and clarify throughout the TSs and (ii) a change that constitutes an additional limitation, restriction or control not presently included in the TSs. Because the latter two proposed changes requested in this amendment application fall within these examples, the staff proposes to determine that the requested action on these two proposed changes also involves no significant hazards consideration.

Therefore, based on the above, the staff proposes to determine that all the proposed changes in this amendment application involve no significant hazards consideration.

Local Public Document Room location: Ocean County Library, 101 Washington Street, Toms River, New Jersey 08753.

Attorney for licensee: G.F. Trowbridge, Esquire, Shaw, Pittman, Potts, and Trowbridge, 1800 M Street, NW., Washington D.C. 20036.

NRC Branch Chief: John A. Zwolinski

GPU Nuclear Corporation et al., Docket No. 50–289, Three Mile Island Nuclear Station, Unit No. 1, Dauphin County, Pennsylvania.

Date of amendment request: September 21, 1976, as revised March 5, 1985.

Description of amendment request: The licensee's March 5, 1985, submittal of Technical Specification (TS) Change Request No. 38, Rev. 1, replaces the earlier submittal in its entirety. The proposed amendment would define the lift conditions and allowable areas of travel for movement of heavy loads in the TMI–1 fuel handling building. This amendment would make the TSs consistent with resolution of NUREG–0612, "Control of Heavy Loads at Nuclear Power Plants—Resolution of TAP A–36."

Basis for proposed no significant hazards consideration determination: The proposed amendment is considered to be in the same category as example (ii) of amendments that are not likely to involve a significant hazards consideration (48 FR 14870), namely, a change that constitutes additional limitations, restrictions or controls not presently included in the TSs. The proposed TSs include specific travel paths for heavy loads that are not currently included in the TSs. The proposed TSs also more precisely define acceptable lifting and moving conditions. Accordingly, the Commission's staff proposes to determine that the amendment request does not involve a significant hazards consideration.

Local Public Document Room location: Government Publications Section, State Library of Pennsylvania, Education Building, Commonwealth and Walnut Streets, Harrisburg, Pennsylvania 17126.

Attorney for licensee: G.F. Trowbridge, Shaw, Pittman, Potts & Trowbridge, 1800 M Street, NW., Washington D.C. 20036.

NRC Branch Chief: John F. Stolz

GPU Nuclear Corporation et al., Docket No. 50–289, Three Mile Island Nuclear Station, Unit No. 1, Dauphin County, Pennsylvania

Date of amendment request: March 5, 1985.

Description of amendment request: The March 5, 1985, submittal provides changes to clarify Technical Specification (TS) Change Request No. 105, Revision 1, dated February 17, 1984, which was issued as Amendment No. 106 dated March 21, 1985.

The proposed amendment would change the wording to improve the clarity to TS Section 4.17 regarding snubbers. In particular, under the existing TSs, the four large reactor coolant pump snubbers are implicitly excluded from testing requirements until a test program is developed for these snubbers as described in the Bases section. The proposed amendment would explicity exclude these four snubbers for clarity. In addition, the title of the individual who will evaluate snubber accessibility is corrected to read "TMI–1 Manager, Radiological Controls" in accordance with the current organization chart. Also, requirements for inaccessible snubbers will be corrected to require inspection during the next shutdown which is clearly the licensee's intent, rather than during *each* shutdown of greater than 48 hours. Other changes are simply wording changes to improve clarity.

Basis for proposed no significant hazards consideration determination: The proposed TS changes are considered to be purely administrative because they do not change the technical content of the licensee's February 17, 1984, TS change request which was noticed in the **Federal Register** on September 28, 1984 (49 FR 38401) and which has been issued as Amendment No. 106 dated March 21, 1985.

The proposed amendment is in the same category as Example (i) of amendments that are considered not likely to involve significant hazards consideration (48 FR 14870), namely, purely administrative changes to correct errors, change nomenclature and improve clarity. Accordingly, the Commission proposes to determine that the proposed amendment does not involve a significant hazards consideration.

Local Public Document Room location: Government Publications Section, State Library of Pennsylvania, Education Building, Commonwealth and Walnut Streets, Harrisburg, Pennsylvania 17126.

Attorney for licensee: G.F. Trowbridge, Shaw, Pittman, Potts & Trowbridge, 1800 M Street, NW., Washington D.C. 20036.

NRC Branch Chief: John F. Stolz

Iowa Electric and Power Company, Docket No. 50–331, Duane Arnold Energy Center, Linn County, Iowa

Date of amendment request: January 2, 1985, as supplemented March 8, 1985

Description of amendment request The Iowa Electric Light and Power Company (the licensee) proposes to change the Technical Specifications for Duane Arnold Energy Center (DAEC) to eliminate the requirement for routine Operations Committee review of all procedure changes except those which are determined by an Assistant Plant Superintendent to potentially affect the safety design bases of equipment or the safety objectives of administrative controls. The proposed change will also revise the Safety Committee's responsibilities for nonsafety/related procedure changes from a review function to an audit function. The Safety Committee will audit nonsafety-related procedure changes at least once per 24 months. In addition, the word "request is changed to "package" to reflect consistency in nomenclature.

Basis for proposed no significant hazards consideration determination The Commission has provided standards (10 CFR 50.92(c)) for determining whether a significant hazards consideration exists. A proposed amendment to an operating license for a facility involves no significant hazards consideration if operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in

the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety.

The proposed changes will (1) eliminate the Operations Committee review requirements of procedure changes which are determined by the Assistant Plant Superintendent not to involve safety-related equipment design bases or safety objectives of the administrative controls, (2) revise the requirement for Safety Committee review of nonsafety-related procedure or administrative control to an audit function to be performed once every 24 months, and (3) change the word "request" to "package" to achieve a consistency in the nomenclature.

Items (1) and (2) above are relaxations of the current Technical Specifications. However, since there will be no change in the review procedures for safety-related changes or any changes to administrative controls, these changes will not affect the probabilities or consequences of previously analyzed accidents, or create a possibility of a new accident, or change any margins of safety. These changes, therefore, clearly meet the Commission's standards cited above. Item (3) is a word change intended to achieve a consistency in the nomenclature. This change clearly meets the above cited Commission standards.

Therefore, the staff has made a proposed determination that the application involves no significant hazards consideration.

Local Public Document Room location: Cedar Rapids Public Library, 500 First Street, SE., Cedar Rapids, Iowa 52401.

Attorney for licensee: Jack Newman, Esquire, Harold F. Reis, Esquire, Newman and Holtzinger, 1025 Connecticut Avenue, NW., Washington, D.C. 20036.

NRC Branch Chief: Domenic B. Vassallo.

Iowa Electric Light and Power Company, Docket No. 50–331, Duane Arnold Energy Center, Linn County, Iowa

Date of amendment request: February 20, 1985.

Description of amendment request: The proposed amendment would revise the Duane Arnold Energy Center (DAEC) Facility Operating License No. DPR–49, extending the DAEC Integrated Plan (Plan) two years beyond the current expiration date of May 3, 1985. The Plan requires that the Iowa Electric Light and Power Company (IELP/the licensee) follow the schedule of the DAEC plant modifications mandated or proposed by NRC, or identified by the licensee. The proposed amendment does not involve changes to plant systems, components, or Technical Specifications.

The Integrated Plan was originally approved in Amendment No. 91, dated May 3, 1983. The objective of the Integrated Plan is to integrate all planned DAEC plant modification schedules over a period of five years to assure that individual tasks are performed in an efficient and cost/resource-effective manner.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning determination if significant hazards considerations exist, by providing certain standards (10 CFR 50.92(c)). A proposed amendment to an operating license for a facility involves no significant hazards consideration if operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated, or (2) create the possibility of a new or different kind of accident from any accident previously evaluated, or (3) involve a significant reduction in a margin of safety.

The extension of the DAEC Integrated Plan beyond its current expiration date of May 3, 1985 is intended to assure continuation of reliable and efficient plant modifications intended to enhance plant safety. Therefore, the Plan may reduce, but not increase, the probability or the consequences of an accident previously evaluated, will not create a new or different kind of accident from any previously evaluated, and will not involve any reduction in a margin of safety.

Therefore, the staff has made a proposed determination that the application involves no significant hazards consideration.

Local Public Document Room location: Cedar Rapids Public Library, 500 First Street, S.E. Cedar Rapids, Iowa 52401.

Attorney for licensee: Jqack Newman, Esquire, Horald F. Reis, Esquire, Newman and Holtzinger, 1025 Connecticut Avenue, NW., Washington, D.C. 20036.

NRC Branch Chief: Domenic B. Vassallo.

Maine Yankee Atomic Power Company, Docket No. 50–309, Maine Yankee Atomic Power Station, Wiscasset, Maine

Date of amendment request: April 25, 1984 as revised November 1, 1984.

Description of amendment request: The application modifies an earlier amendment request dated April 25, 1984. A proposed no significant hazards consideration determination was made by the staff and notice was published in the **Federal Register** on June 20, 1984 (49 FR 25350 at 25363).

This proposed amendment would reflect plant modification to improve low temperature over protection (LTOP). LTOP is required to compensate for the gradual loss of reactor vessel ductility due to neutron irradiation. The LTOP Technical Specifications assure that the reactor vessel pressure is limited when the vessel temperature is below certain precalculated limits. This amendment would provide for a variable set point system for the power operated relief valves and the use of a flow restrictor in the High Pressure Safety Injection System in the LTOP System. Use of the variable setpoint and the flow restrictor provide increased assurance that the LTOP criteria are met while meeting practical operational considerations. Two redundant systems are provided to assure against the possibility of single failure. Additionally, in his November 1, 1984 submittal, the licensee committed that the system setpoints are to be independently verified to provide additional assurance against the possibility of operator error.

Basis for proposed no significant hazards consideration determination: This proposed change does not involve a significant change in criteria used to establish safety limits, limiting safety system settings, or limiting conditions for operation. Heatup and cooldown limit curves remain unchanged. Reactor vessel material properties remain tested in accordance with Appendix G of 10 CFR Part 50. Operational limitations are retained on the reactor coolant pumps, power operated relief valves, and high pressure safety injection pumps to assure system operation meets the LTOP criteria. It also does not involve a significant unreviewed safety question. Hence, the Commission proposed a determination of no significant hazards consideration, based on a comparison with the examples given in 48 FR 14870.

Local Public Document Room location: Wiscasset Public Library, High Street, Wiscasset, Maine.

Attorney for licensee: J. A. Ritchcer, Esq., Ropes Gray, 225 Franklin Street, Boston, Massachusetts 02210.

NRC Branch Chief: James R. Miller.

Northeast Nuclear Energy Company, Docket Nos. 50–245/336, Millstone Nuclear Generating Station, Units No. 1 and 2, New London County, Connecticut

Date of amendment request: March 15, 1985.

Description of amendment request: The proposed Technical Specification change removes the Training Supervisor from the Facility Organization Charts, Figure 6.2.2 of the Millstone 1 and 2 Technical Specifications. The Training Supervisor would report to the corporate Director of Nuclear Training who in turn reports directly to the Senior Vice President instead of the Station Services Superintendent. The proposed change whereby the Training Supervisor reports to higher management is due to the implementation of a corporate Nuclear Training Department and is part of a consolidation of nuclear training responsibility under the corporate Director of Nuclear Training. This organizational change appropriately reflects the importance that a consolidated training group has in assuring the continued safe operation of the licensee's nuclear plants.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the application of standards for a no significant hazards consideration determination by providing certain examples (April 6, 1983, 48 FR 14870). One of the examples (i) of actions not likely to involve a significant hazards consideration relates to purely administrative changes to the Technical Specifications, for example, a change to achieve consistency throughout the Technical Specifications, correction of an error, or a change in nomenclature. The proposed change is an organizational change that further ensures appropriate resources for the Training Supervisor to perform his function. On this basis the staff proposes to determine that the requested action would involve a no significant hazards consideration determination.

Local Public Document Room location: Waterford Public Library, 49 Rope Ferry Road, Waterford, Connecticut 06385.

Attorney for licensee: Gerald Garfield, Esquire, Day, Berry, & Howard, Counselors at Law, City Place, Hartford, Connecticut 06103–3499.

NRC Branch Chiefs: John A. Zwolinski, Chief, ORB #5 (Unit 1); James R. Miller, Chief, ORB #3 (Unit 2)

Northeast Nuclear Energy Company et al., Docket No. 50–336, Millstone Nuclear Power Station, Unit 2, New London County, Connecticut

Date of amendment request: April 2, 1985.

Description of amendment request: The proposed changes to the Technical Specifications include changing the chlorine detection system setpoint in Technical Specification Section 3.3.3.6 from 5 ppm to 1 ppm, eliminating the date associated with Regulatory Guide 1.95 in Technical Specification Bases Section 3/4.3.6, changing the control room emergency ventilation system flow rate in Technical Specification Section 4.7.6.1 from 2000 cfm to 2500 cfm, specifying the removal efficiency of the charcoal absorber in Technical Specification Section 4.7.6.1, and inserting control room radiation monitoring information in Technical Specification Tables 3.3–6 and 4.3–3.

The proposed reduction in the chlorine concentration trip setpoint, increase to the control room emergency ventilation system air flow rate, and specification of the required efficiency of the charcoal absorbers ensure the control room remains below toxic levels during an on-site chlorine accident.

The radiation monitors are provided for isolation of the control room should a high radiation signal be detected in the HVAC air intake. This provides further protection to the control room operators. The removal of the date associated with Regulatory Guide 1.95 is proposed so as to be consistent with other Technical Specification Sections which do not show dates on their Regulatory Guides due to their constant revisions.

Basis for proposed no significant hazards consideration determination Based on the above information, we conclude that the proposed Technical Specification changes impose more stringent surveillance requirements. The proposed technical specification revisions lower the chlorine concentration trip setpoint for the chlorine detectors, increase the required control room emergency ventilation system air flow rate to 2,500 cfm, and specifies the required efficiency of the charcoal absorber. In addition, new radiation detectors on the control room HVAC air intake are provided for isolation of the control room. These radiation detectors are not presently included in the Technical Specifications The proposed revisions represent an improvement to a safety-related system. The elimination of the date associated with Regulatory Guide 1.95 is administrative and has no impact on the operation of the plant. Therefore, the proposed changes would not: (1) Involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. Accordingly, the staff proposes to determine that the proposed change does not involve a significant hazards consideration.

Local Public Document Room location: Waterford Public Library, Rope Ferry Road, Route 156, Waterford, Connecticut.

Attorney for licensee: Gerald Garfield, Esq., Day, Berry and Howard, One Constitution Plaza, Hartford, Connecticut 06103.

NRC Branch Chief: James R. Miller.

Northern States Power Company, Docket Nos. 50–282 and 50–306, Prairie Island Nuclear Generating Plant, Unit Nos. 1 and 2, Goodhue County, Minnesota

Date of amendment request: December 21, 1984 supplemented by letter dated March 14, 1985.

Description of amendment request: The licensee has proposed a technical specification change that would allow the insertion and withdrawal of a spent fuel shipping cask in Pool No. 1. This change would thereby eliminate the temporary restriction on the number of fuel assemblies that can be stored on site.

Basis for proposed no significant hazards consideration determination. The Commission has provided guidance concerning the application of the standards for making a no significant hazards consideration determination by providing certain examples (48 FR 14870). One of the examples of amendments not likely to involve significant hazards considerations is an amendment involving only "relief granted upon demonstration of acceptable operation from an operating restriction that was imposed because acceptable operation was not yet demonstrated. This assumes that the operating restriction and the criteria to be applied to a request for relief have been established in a prior review and that it is justified in a satisfactory way that the criteria have been met." The licensee states relief from the operation restriction related to the movement of a spent fuel pool shipping cask over Pool No. 1 is demonstrated by meeting the four criteria imposed in NUREG–0612 Section 5.1. The licensee submitted all of the necessary documentation to support that all of the requirements of NUREG-

0612 are met.-The criteria imposed by NUREG–0612 have been previously justified in a satisfactory manner by the staff prior to the issuance of NUREG–0612 and apply to the licensee proposed technical specification change. The staff believes that this amendment application is enveloped by example iv and that it does not involve a significant hazards consideration.

Local Public Document Room location: Environmental Conservation Library, Minneapolis Public Library, 300 Nicollet Mall, Minneapolis, Minnesota.

Attorney for licensee: Jay Silberg, Esquire, Shaw, Pittman, Potts, and Trowbridge, 1800 M Street NW., Washington, DC 20036.

NRC Branch Chief: James R. Miller.

Omaha Public Power District, Docket No. 50–285, Fort Calhoun Station, Unit No. 1, Washington County, Nebraska

Date of amendment request: March 8, 1985.

Description of amendment request: The amendment would add new technical specifications which would require the licensee to implement and maintain a program to ensure the capability to obtain and analyze a reactor coolant liquid sample and containment atmosphere sample under accident conditions.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the application of the standards in 10 CFR 50.92 by providing certain examples (48 FR 14870). One of the examples (ii) of actions not likely to involve a significant hazards consideration relates to changes that constitute additional restrictions or controls not presently included in the technical specifications. The proposal to add new technical specifications to require a program to ensure the capability to obtain and analyze a reactor coolant liquid sample and containment atmosphere sample under accident conditions comes under example ii. Based upon the above, the staff proposes to determine that the application does not involve a significant hazards consideration.

Local Public Document Room location: W. Dale Clark Library, 215 South 15th Street, Omaha, Nebraska 68102.

Attorney for licensee: Leboeuf, Lamb, Leiby, and MacRae, 1333 New Hampshire Avenue, NW., Washington, DC 20036

NRC Branch Chief: James R. Miller.

Pennsylvania Power & Light Company, Docket No. 50–387 and 388, Susquehana Steam Electric Station, Unit 1 and Unit 2, Luzerne County, Pennsylvania

Date of amendment request: February 28, 1985.

Description of amendment request: The proposed amendment to the Technical Specifications (TS) would change the onsite organization for Susquehanna Steam Electric Station (SSES) Unit 1 and Unit 2 by creating two new positions, a Health Physics/Chemistry Supervisor and a Radiological Protection Supervisor.

The current organization chart in the TS (Figure 6.2.2–1) show a Health Physics Supervisor position with supporting staff. Separately, a chemistry staff reports to a Technical Supervisor position. Under the proposed amendment change the current Health Physics Supervisor Position would be upgraded to Health Physics/Chemistry Supervisor. The Chemistry Staff, would be removed from the jurisdiction of the Technical Supervisor and report to this new position. The current staff of the Health Physics Supervisor under the current TS would report directly to this new position through a new Radiological Protection Supervisor.

The individual filling Health Physics/Chemistry Supervisor position will be qualified to the requirements of ANSI N18.1–1971 as required by Specification 6.3.1, and will be a voting member of the Plant Operations Review Committee. This individual will also have the qualifications to fulfill the requirements of Regulatory Guide 1.8, September 1975, for Radiation Protection Manager.

The individual filling the Radiological Protection Supervisor position will be responsible for administering the radiological protection programs at SSES. It is expected that this individual will also meet the qualifications of Regulatory Guide 1.8, September 1975 for Radiation Protection Manager.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the application of the standards for determining whether a significant hazards consideration exists by providing certain examples (48 FR 14870). The examples involving no consideration include: "(i) A purely administrative change to the Technical Specifications: For example, a change to achieve consistency throughout the Technical Specifications, correction of an error, or a change in nomenclature."

Because the proposed organizational change will not reduce or eliminate any functions currently covered by the Technical Specifications, is nothing more than a minor shift in the organizational structure and is not a substantive change in function, the proposed change is purely administrative in nature and is encompassed by example (i). Therefore since the proposed amendment involves changes that are similar to examples for which no significant hazards consideration exist, the staff has made the proposed determination that the application for amendment involves no significant hazards consideration.

Local Public Document Room location: Osterhout Free Library, Reference Department, 71 South Franklin Street, Wilkes-Barre, Pennsylvania 18101.

Attorney for licensee: Jay Silberg, Esquire, Shaw, Pittman, Potts & Trowbridge, 1800 M Street, NW., Washington, D.C. 20036.

NRC Branch Chief: A. Schwencer.

Philadelphia Electric Company, Docket No. 50–352, Limerick Generating Station (LGS), Unit 1, Montgomery County, Pennsylvania

Date of amendment request: March 29, 1985, supplemented April 9, 1985.

Description of amendment request: The purpose of the proposed change to condition 2.C.(8)(b) of license NPF–27 is to provide for a revision to the schedule for full implementation of the Safety Parameter Display System (SPDS).

The SPDS is in response to the requirements of Supplement 1 to NUREG–0737 (Generic Letter 82–33, December 17, 1982). As discussed in Supplement 3 to the Safety Evaluation, the SPDS is a digital computer based system which collects, processes and displays information on a cathode ray tube (CRT) to aid the plant operators in determining the safety status of the plant. The licensee has stated that all parameters to be displayed on the SPDS displays are also displayed in the control room by fully operable hardwired analog indicators. These indicators serve as a principal source of information to the operators. They are readily accessible and are highlighted by color coding. The SPDS displays do not provide any additional direction to the operator for use of the Transient Response Implementation Plan (TRIP) procedures beyond that provided by the hardwired analog indicators. Thus, the SPDS data as displayed on the CRT screen in the control room is an aid to the operator in implementing the symptom oriented TRIP procedures. The licensee has stated that the TRIP procedures include provisions for the operator's assessment of plant status to meet the functional requirements of an

SPDS when the SPDS is not operational and that the plant operators have been trained in the use of the TRIP procedures without the SPDS available.

The verification and validation tests on the software for the General Electric designed Emergency Response Information System (ERIS) were initially planned to be complete in late 1984 to permit implementation of the SPDS by April 1, 1985 in accordance with condition 2.C.(8)(b) of license NPF-27. Subsequently it was recognized that it would be necessary to finalize certain aspects of the software data base constants during the major power ascension programs in order to complete the SPDS. This results in a need to revise the scheduled implementation of the SPDS. This results in a need to revise the scheduled implementation of the SPDS to a milestone consistent with completion of the 100% power startup testing program.

Basis for proposed no significant hazard consideration determination: The Commission has provided standards (10 CFR 50.92(c)) for determining whether a significant hazards consideration exists. A proposed amendment to an operating license for a facility involves no significant hazards consideration if operation of the facility in accordance with the proposed amendment would not: (1) Involve a significant increase in the probability or consequences of an accident previously evaluated; (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety.

The licensee has evaluated the proposed license condition changes against the three standards specified in 10 CFR 50.92(c) as follows: (1) The failure or non-operation of the SPDS cannot adversely affect any of the systems which it monitors because qualified isolation devices have been used between the SPDS computer system and the monitored instrument loops.

The non-availability of the SPDS during power operation will not adversely affect the operators' response to transient operating conditions. All of the parameters presented on the SPDS displays are presently available in the Control Room for operator use via qualified, hardwired analog indicators (non-SPDS indicators). These indicators are conveniently located in the Control Room and are readily accessible to the reactor operator. The analog indicators are also highlighted with yellow lines to allow the operator to distinguish their location. These indicators provide the information that is needed to quickly and reliably assess the safety status of the plant.

The Limerick emergency operating procedures have been written so that the operator can determine the safety status of the plant in a timely manner without the SPDS being available. In addition, the operators have been trained in the simulator to respond to transient and emergency conditions without the SPDS being available.

Therefore, based on isolation of the SPDS from the monitored systems, availability of data via other non-SPDS indicators and the associated procedures to utilize this data, and the completion of the supporting operator training, the licensee concludes that the proposed change does not involve any significant increase in the probability or consequences of an accident.

(2) The requested delay in initial operability of the SPDS does not require any revision or modification to any plant systems, structures, components, technical specifications or operating procedures. As a result, the number and types of abnormal operating transients already analyzed in the FSAR will not be affected. Operator response to the transients is covered in the existing normal and emergency plant operating procedures which do not require an operable SPDS for their successful execution. Therefore, the licensee concludes that the requested delay in initial operability of the SPDS will not create a new or different kind of accident from any previously analyzed in the FSAR.

(3) The requested delay in initial operability of the SPDS does not require any revision to operating limits, setpoints, or operting procedures. Therefore, the licensee concludes that the FSAR margins of safety will not be reduced.

The NRC staff has reviewed the above licensee evaluation and agrees with the license's conclusions that the Commission's standards for a no significant hazards determination are met. The staff has, therefore, made a proposed determination that the application involves no significant hazards consideration.

Local Public Document Room location: Pottstown Public Library, 500 High Street, Pottstown, Pennsylvania 19464.

Attorney for Licensee: Troy B. Conner, Jr., Esq., 1747 Pennsylvania Avenue, NW., Washington, D.C. 20006.

NRC Branch Chief: A. Schwencer.

Power Authority of the State of New York, Docket No. 50-333, James A. FitzPatrick Nuclear Power Plant, Oswego County, New York

Date of amendment request: January 28, 1985.

Description of amendment request: The proposed amendment would revise the Technical Specifications (TS) pertaining to the weld and pipe support inservice inspection (ISI) program to comply with more recent editions of Section XI of the ASME Boiler and Pressure Vessel Code. The proposed revisions are required by 10 CFR 50.55a(g) (4)(ii) and (5)(i) and would allow the incorporation of improved examination techniques and sampling plans that may have been developed during the previous 120-month interval (i.e., first 10-year operating cycle).

Basis of proposed no significant hazards consideration determination: The ISI program provides continued assurance of structural integrity of the pressure-retaining components of critical systems that contain radioactive and/or high pressure fluids, or that provide for safe shutdown of the plant in either normal or accident conditions. The proposed changes will allow the program to reflect industry experience and increased understanding of service induced failure mechanisms and detection. This experience and knowledge is reflected in the requirements of newer editions of Section XI of the ASME Code approved for use by the NRC. The revised inspection program represents an expanded and more clearly defined sampling plan of examination or pressure retaining components and their supports.

The Commission has made a proposed determination that the amendment request involves no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. The proposed revisions would affect only an upgrading of the ISI program and therefore satisfy these three criteria.

Based on the foregoing, the Commission proposed to determine that the proposed license amendment does not involve a significant hazards consideration.

Local Public Document Room location: Penfield Library, State University College of Oswego, Oswego, New York.

Attorney for licensee: Mr. Charles M. Pratt, Assistant General Counsel, Power Authority of the State of New York, 10 Columbus Circle, New York, New York 10019.

NRC Branch Chief: Domenic B Vassallo.

Power Authority of the State of New York, Docket No. 50-333, James A FitzPatrick Nuclear Power Plant, Oswego County, New York

Date of amendment request: February 22, 1985.

Description of amendment request: The proposed change revises Specification 6.5.2 as discussed below

The Safety Review Committee membership will be changed to include the next-to-highest level management in the Nuclear Generation, Engineering and Quality Assurance and Reliability Departments. The Directors of Mechanical, Electrical, Nuclear, Civil/Structural, and Piping and Process in the Design and Analysis Section of the Engineering Department will be replaced by the Vice President—Design and Analysis. The Managers of Radiological Health and Chemistry and Operational Analysis and Training in the Nuclear Generation Department will be replaced by the Vice President—Generic Nuclear Support. The Director of Environmental Programs in the Engineering Department will no longer be a member of the Committee.

The Resident Managers for the Indian Point 3 and James A. FitzPatrick Nuclear facilities will be included as voting members of the Safety Review Committee, whereas previously, these individuals were alternate voting members.

These changes in the Committee membership reduce the Committee to nine (9) voting members.

Basis for proposed no significant hazards consideration determination: The proposed changes do not degrade the competence of the safety review committee and will assure that this aspect of plant safety management is adequate. Therefore the proposed amendment involves no significant hazards consideration because the changes will not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. Accordingly, the Commission proposes to determine that these changes do not involve a significant hazards consideration

Local Public Document Room location: Penfield Library, State University College of Oswego, Oswego, New York.

Attorney for licensee: Mr. Charles M. Pratt, Assistant General Counsel, Power Authority of the State of New York, 10 Columbus Circle, New York, New York 10019.

NRC Branch Chief: Domenic B Vassallo.

Power Authority of the State of New York, Docket No. 50-286, Indian Point Unit No. 3, Westchester County, New York

Date of amendment request: February 17, 1984.

Description of amendment request: The amendment would revise the Technical Specification to include the appropriate Limiting Conditions of Operation, Surveillance Requirements, and Administrative Controls for completed NUREG-0737 items. The proposed changes were made in response to an NRC request to provide Technical Specifications for specified NUREG-0737 items. The changes involve the post-accident sampling system, the sampling and analysis of plant effluents, the noble gas effluent monitors, the containment high range monitors, the containment pressure monitors, and inadequate core cooling determination equipment.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the application of these standards by providing examples (48 FR 14870). One of the examples of actions not likely to involve a significant hazards consideration relates to changes that constitute additional limitations or restrictions in the Technical Specifications. The proposed changes revise sections of the Technical Specifications related to the post-accident sampling system, the sampling and analysis of plant effluents, the noble gas effluent monitors, the containment high range monitors, the containment pressure monitors, and inadequate core cooling determination equipment. Since the requested changes revise the Technical Specifications to include additional Limiting Conditions of Operation, Surveillance Requirements, and Administrative Controls for these systems, the staff proposes to determine that the application does not involve a significant hazards consideration.

Local Public Document Room location: White Plains Public Library, 100 Martine Avenue, White Plains, New York 10601.

Attorney for licensee: Mr. Charles M. Pratt, 10 Columbus Circle, New York, New York 10019.

NRC Branch Chief: Steven A. Varga

Public Service Electric and Gas Company, Docket No. 50-272, Salem Nuclear Generating Station, Unit No. 1, Salem County, New Jersey

Date of amendment request: March 27, 1984.

Description of amendment request: The proposed change would revise appropriate portions of the Index, Definitions, and Administrative Controls sections of Appendix A to the Technical Specifications, as attached, to reflect recent revisions to § 50.72 and the addition of § 50.73 to Title 10 of the Code of Federal Regulations which became effective on January 1, 1984.

Specifically § 50.73 states that: "the requirements contained in this section replace all existing requirements for licensees to report 'Reportable Occurrences' as defined in individual plant Technical Specifications", the reporting requirements incorporated into the "Administrative Controls" section of the Salem technical specifications would be changed to reflect the revised reporting requirements; the definition, "Reportable Occurrence" would be replaced by a new term, "Reportable Event"; and, the Index would be updated.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the application of the standards for a no significant hazards determination by providing examples of actions not likely to involve a significant hazards consideration in the **Federal Register** (48 FR 14870). One of the examples (vii) relates to changes that make a license conform to changes in the regulations, where the license change results in very minor changes to facility operations clearly in keeping with the regulations.

Based on the above, and since the proposed change involves actions that conform to the referenced example in 48 FR 14870, we propose to determine that this application for amendment involves no Significant Hazards Consideration

Local Public Document Room location: Salem Free Library, 122 West Broadway, Salem, New Jersey 08079.

Attorney for licensee: Conner and Wetterhann, Suite 1050, 1747 Pennsylvania Avenue, NW., Washington, D.C. 20006.

NRC Branch Chief: Steven A. Varga.

Public Service Electric and Gas Company, Docket No. 50–311, Salem Nuclear Generating Station, Unit No. 2, Salem County, New Jersey

Date of amendment request: October 15, 1984.

Description of amendment request: The proposed amendment would revise Unit 2 Technical Specifications requirement 4.6.2.2.d to read "at least once per 5 years by verifying a NaOH solution flow rate of 12±3 gpm from the spray additive tank through sample valve 2CS61 with the spray additive tank at 2.5±0.5 psig." Presently, a flow of 7.3±0.7 gpm is specified.

Basis for proposed no significant hazards consideration determination: The purpose of the test, a gravity flow of NaOH solution from the spray additive tank through a sample line (valve 2CS61), is to demonstrate unobstructed flow of liquid NaOH solution out of the tank to the containment spray system eductors. Previous testing resulted in a measured flow valve of 11.9 gpm for Unit 1 and 12.5 gpm for Unit 2. These values exceeded the values of 7.3±0.7 gpm specified in the Technical Specification for each Unit. Since the larger flow rate was the more conservative, the Unit 1 Technical Specification was changed to 12±3 gpm via Amendment No. 29. The change was never implemented on Unit 2. Further, the change does not alter any system design, function or method of operation, there is no increase in the probability or consequences of any previously analyzed accident, no new accidents or malfunctions are created, and no margins of safety are decreased.

The Commission has provided guidance concerning the application of the standards for a no significant hazards determination by providing examples of actions not likely to involve a significant hazards consideration in the **Federal Register** (48 FR 14870). One of the examples (ii) relates to changes that constitute additional limitations, restrictions, or controls not presently included in the technical specifications. Since the larger flow rate would reflect a more conservative system design, it conforms to example (ii).

Based on the above, and since the proposed change involves actions that conform to the referenced example in 48 FR 14870, we propose to determine that this application for amendment involves no significant hazards consideration.

Local Public Document Room location: Salem Free Library, 122 West Broadway, Salem, New Jersey 08079.

Attorney for licensee: Conner and Wetterhann, Suite 1050, 1747 Pennsylvania Avenue, NW., Washington, D.C. 20006.

NRC Branch Chief: Steven A. Varga.

Public Service Electric and Gas Company, Docket Nos. 50–272 and 50–311, Salem Nuclear Generating Station, Unit Nos. 1 and 2, Salem County, New Jersey

Date of amendment request: December 7, 1984.

Description of amendment request: The proposed amendment request would change Technical Specification Surveillance Requirement 4.5.3.2 by adding b. to read as follows:

4.5.3.2 All Safety Injection Pumps, except the OPERABLE pump allowed above, shall be demonstrated inoperable at least once per 12 hours whenever the temperature of one or more of the RCS Cold Legs is less than or equal to 312 °F by the following:

a. By verifying that the motor circuit breakers have been removed from their electrical power supply circuits or,

b. For testing purposes, by verifying that the pump is in a recirculation flow path and that the manual discharge valve is closed.

The proposed change would permit pump testing, in accordance with Technical Specification 4.0.5, while having an operable pump aligned to the RCS as per Specification 4.5.3.2.

Basis for proposed no significant hazards consideration determination: There would be no increase in the probability or consequences of an accident scenario previously evaluated since only one pump will be aligned with the RCS. Adoption of this proposed change would not create the possibility of a new or different type of accident. Since the surveillance requirement is based on a mass addition pressure transient with a single failure of a relief valve resulting in brittle fracture of RCS components when more than one pump is injecting into the system; allowing one pump to be in a recirculation flow path would not create the possibility of a new accident. Further, the proposed change would cause no margin of safety to be reduced since the pump in the recirculation flow path would be incapable of injecting water into the RCS. As such, we have determined that the proposed amendments do not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety.

On these bases, the Commission proposes to determine that the application for amendments do not involve a significant hazards consideration.

Local Public Document Room location: Salem Free Library, 122 West Broadway, Salem, New Jersey 08079.

Attorney for licensee: Conner and Wetterhann, Suite 1050, 1747 Pennsylvania Avenue, NW., Washington, D.C. 20006.

NRC Branch Chief: Steven A. Varga.

Sacramento Municipal Utility District, Docket No. 50–312, Rancho Seco Nuclear Generating Station, Sacramento County, California

Date of amendment request: August 22, 1984, December 21, 1984, February 22, 1985, and March 14, 1985.

Description of amendment request: The proposed amendment would change the date for completion of the modifications required to resolve Control Room Habitability, NUREG–0737 Item III.D.3.4. The date would be changed from startup from the refueling outage originally estimated to begin November 1984 (now scheduled for March 1985) to the refueling outage currently estimated to begin in September 1986.

The Confirmatory Order issued March 14, 1983, and revised November 10, 1983, required that the modifications needed to resolve Control Room Habitability, Item III.D.3.4 of NUREG–0737, be completed by the end of the refueling outage originally estimated to begin November 1984 (now scheduled to begin March 1985). To provide emergency power for ongoing modifications, including the Control Room Habitability modifications, the licensee is installing two additional emergency diesel generators manufactured by Transamerica Delaval Inc. (TDI).

As a result of recent failures at other facilities of TDI diesel generators, we require that the TDI diesel qualification be verified prior to their being made operational. The licensee is participating in an owners group program to verify qualification of the TDI diesel generators. These diesel generators were originally scheduled to be operational at the end of the March 1985 refueling outage. Due to the magnitude of this program, these diesel generators will not be operational at the end of this outage. The licensee expects to complete its diesel generator qualification prior to the next refueling outage.

Therefore, the final modification to resolve Control Room Habitability will be completed during the next refueling outage estimated to start September 1986, a delay of approximately 18 months.

The purpose of the modifications is to assure that control room operators will be adequately protected against the effects of an accidental release of toxic and radioactive gases and that the nuclear power plant can be safely operated or shut down under design basis accident conditions. Modifications to the facility necessary to comply with Item III.D.3.4, Control Room Habitability requirements, included the replacing of the existing single train Control Room Heating, Ventilating and Air Conditioning (HVAC) system with a redundant two train HVAC system. The current single train HVAC system is automatically loaded onto the diesel generator on loss of offsite power

At the end of the refueling outage scheduled to start in March 1985, the installation of the redundant two train HVAC system will be completed except for final connection to the new diesel generators. The system will meet the single failure criteria of the Standard Review Plan during normal operation and for an emergency condition resulting in safety features system actuation without loss of offsite power. Because the additional diesel generator capacity will not be available at the end of the 1985 outage, only the B train can be automatically loaded onto the existing diesel generators. Therefore, during loss of offsite power, the Control Room HVAC will not meet the single failure criteria. However, the licensee stated that in the case of loss of offsite power with an associated single failure (failure of the B train), the loads on the existing diesel generator could be manipulated to allow manual loading of the A train. In addition, the licensee indicated there is ample time to manually load the A train (10 minutes) prior to its being required to maintain the Control Room environment at acceptable levels. The licensee also stated that procedures will be changed to reflect the interim installation, and the operators will be instructed on the modified procedures.

Basis for proposed no significant hazards consideration determination. The Commission has provided standards (10 CFR 50.92(c)) for determining whether a significant hazards consideration exists. A proposed amendment to an operating license for a facility involves no significant hazards consideration if operation of the facility in accordance with the proposed amendment would not: (1) Involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety.

The two train HVAC system that will be installed by the end of the current refueling outage (started March 15, 1985) is an overall improvement in the Control Room Habitability System over the current single loop system. One train of the improved system will automatically load onto the diesel generators, which is equivalent to the current system design where the single HVAC train is automatically loaded on the diesel generator. Therefore, since the two train HVAC system is an improvement of the current design and there is no change in HVAC operation, i.e. both have one train automatically loaded on the diesel, the proposed action would not: (1) Involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety.

On this basis, the Commission proposes to determine that the application involves no significant hazards consideration.

Local Public Document Room location: Sacramento City-County Library, 828 I Street, Sacramento, California.

Attorney for licensee: David S. Kaplan, Sacramento Municipal Utility District, 6201 S Street, P.O. Box 15830 Sacramento, California 95813.

NRC Branch Chief: John F. Stolz.

Sacramento Municipal Utility District, Docket No. 50–312, Rancho Seco Nuclear Generating Station, Sacramento County, California

Date of amendment request. September 20, 1984.

Description of amendment request: The amendment would modify the Technical Specifications to (1) change the name of the Reactor Building Stack Auxiliary Building Stack, Reactor Building Service Area Vent and the Radwaste Service Area Vent Particulate Monitors to Particulate Samplers, (2) change the name of the Radwaste Service Area Iodine monitor to Iodine Sampler, and (3) delete the source check, instrument channel calibration and the channel check for these instruments.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the application of the standards in 10 CFR 50.92 by providing certain examples (48 FR 14870). One of the examples of actions not likely to involve a significant hazards consideration is Example (i), a purely administrative change to the technical specification: For example, a change to achieve consistency throughout the technical specifications, correction of an error, or a change in nomenclature.

The name "sampler" more correctly describes the function and surveillance requirements for the instruments employed to assay radioactive particles and iodine in various ventilation exhaust streams. The instrument does not continuously monitor the stream but collects a sample on filter paper and charcoal filter cartridges. After a specific quantity of air has been passed through the sampler, the cartridges are removed and counted. This change is similar to the example of an administrative change in that it is a change in nomenclature.

The samplers do not have sources or channels; the cartridges are removed for counting in the laboratory using calibrated analyzers. Therefore, source checks, channel calibration and channel check requirements are not applicable to these instruments. This change is the same as the example of a purely administrative change in that it is a change to correct an error.

Therefore, the proposed changes fall within the scope of the example cited above. Accordingly, the Commission proposes to determine that these changes involve no significant hazards consideration.

Local Public Document Room location: Sacramento City-County Library, 828 I Street, Sacramento, California.

Attorney for licensee: David S. Kaplan, Sacramento Municipal Utility District, 6201 S Street, P.O. Box 15830 Sacramento, California 95813.

NRC Branch Chief: John F. Stolz

Sacramento Municipal Utility District, Docket No 50–312, Rancho Seco Nuclear Generating Station, Sacramento County, California

Date of amendment request. November 15, 1984, January 8, 1985, February 7, 1985, March 18, 1985, and March 21, 1985.

Description of amendment request. These submittals supplement and revise a previous request for amendment dated February 17, 1983, noticed in the **Federal Register** on June 23, 1983 (48 FR 28785), as supplemented by letter dated July 12 1983, noticed in the **Federal Register** on December 21 1983 (48 FR 56510). The November 15, 1984, and March 21, 1985, submittals provide additional technical information on the nuclear service bus and fire protection system added as part

of the NUREG–0737 modification to supplement the information provided in the July 12, 1983, submittal. The January 8, 1985, February 7, 1985, and March 18, 1985, submittals modify the Technical Specification changes proposed in the July 12, 1983, submittal and propose additional Technical Specification changes. The February 17, 1983, request for amendment remains unchanged.

Specifically, the modifications to the Technical Specification changes proposed in the July 12, 1983, submittal are (1) revised limiting conditions for operation (LCOs) for battery chargers, (2) revised LCOs for the inverters, (3) added sets of nuclear service buses that are included in the nuclear service bus LCO.

The additional proposed Technical Specification changes are (1) increased minimum switchyard voltage for reactor criticality, (2) increased switchyard voltage limits for positive actions, (3) an added LCO for the 480 volt switchgear interconnection, (4) an added LCO and surveillance requirements for the Nuclear Service Electrical Building emergency heating and ventilating systems, (5) added diesel generator test requirements for the verification of closing of the intertie breakers and energizing of the Control Room essential heating ventilating and air conditioning system, (6) added reporting requirements for inoperable fire protection equipment, (7) renumbered paragraphs and sections and changed table title, and (8) modified bases section of the Technical Specifications for consistency with the proposed changes to the Technical Specifications.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the application of the standards in 10 CFR 50.92 by providing certain examples (48 FR 14870). Examples of actions likely to involve no significant hazards considerations are Example (ii), a change that constitutes an additional limitation, restriction or control not presently included in the Technical Specifications: For example , a more stringent surveillance requirement; and Example (i), a purely administrative change to the Technical Specifications: For example, change to achieve consistency throughout the Technical Specifications, correction of an error, or a change in nomenclature.

The November 15, 1984, and March 21, 1985, submittals provide additional technical information to supplement the information provided in the February 17, 1983, and July 12, 1983, submittals. The supplemental information does not change the proposed Technical Specification.

In this case, the modifications in the January 8, 1985, February 7, 1985, and March 18, 1985, submissions apply only to the proposed Technical Specifications in the July 12, 1983, submittal (specifications which have not been adopted) and do not limit, restrict or control the current Rancho Seco Technical Specifications in any way. Furthermore, the eventual implementation of the proposed Technical Specifications (as set out in the July 12, 1983, submittal and modified by the January 8, 1985, February 7, 1985, and March 18, 1985, submittals) will provide additional controls and limitations not included in the current Technical Specifications. This is the same as Example (ii) of an action likely to involve no significant hazards consideration.

The additional proposed Technical Specification changes set forth in the January 8, 1985, February 7, 1985, and March 18, 1985, submittals would add additional limitations and controls by (1) increasing switchyard voltage limits for taking specific actions, (2) adding LCOs and Surveillance Requirements for the Nuclear Service Electrical Building emergency heating and ventilating systems, (3) adding diesel generator testing requirements, (4) adding an LCO for the 480 volt switchgear intertie, and (5) adding reporting requirements for inoperable fire protection equipment. Therefore, these changes are similar to Example (ii) of an action likely to involve no significant hazards consideration.

The number changes to tables and sections, the title change to one table and modifications to the bases sections of the Technical Specifications are administrative changes to achieve consistency and change nomenclature. These changes are the same as Example (i) of an action likely to involve no significant hazards consideration.

Based on the above, the Commission proposes to determine that the February 17, 1983, application, as supplemented and revised by letters dated July 12, 1983, November 15, 1984, January 8, 1985, February 7, 1985, March 18, 1985, and March 21, 1985, does not involve a significant hazards consideration.

Local Public Document Room location: Sacramento City-County Library, 828 I Street, Sacramento, California.

Attorney for licensee: David S. Kaplan, Sacramento Municipal Utility District, 6201 S Street, P.O. Box 15830, Sacramento, California 95813.

NRC Branch Chief: John F. Stolz.

Sacramento Municipal Utility District, Docket No. 50–312, Rancho Seco Nuclear Generating Station, Sacramento County, California

Date of amendment request: December 17, 1984, as supplemented March 14, 1985, and April 9, 1985.

Description of amendment request: The proposed amendment would revise the Technical Specifications (TSs) to support the operation of Rancho Seco Nuclear Generating Station (Rancho Seco) at full rated power during upcoming Cycle 7 operation. The proposed amendment request changes the following areas:

1. Safety Limits, Reactor Core (TS 2.1);
2. Limiting Safety System Settings, Protective Instrumentation (TS 2.3);
3. High Pressure Injection and Chemical Addition Systems (TS 3.2);
4. Control Rod Positions (TS 3.5.2.5); and
5. Reactor Power Imbalance (TS 3.5.2.6).

In addition, the licensee proposes to delete TS Figure 3.5.2–12 from the TSs.

To support the license amendment request for operation of Rancho Seco during Cycle 7, the licensee submitted, as an attachment to the application, Babcock and Wilcox (B&W) Report BAW–1850 dated October 1984. A summary of the Cycle 7 operating parameters and a safety analysis are included in the report. Except for the NOODLE code used for physics calculations, there are no significant changes to the analytical methods used and accepted for previous cores.

During the refueling outage, nine fuel assemblies will be reinserted into the core and 56 fuel assemblies will be discharged and replaced by new Mark BZ fuel. The Mark BZ fuel assemblies are similar to the previously used fuel except that they contain intermediate spacer grids made of Zircaloy rather than Inconel and redesigned holddown springs made from Inconel 718. The previous springs were made from Inconel 750.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the application of the standards in 10 CFR 50.92 by providing certain examples (48 FR 14870). An example of the types of amendments not likely to involve significant hazards considerations is (iii), a change resulting from a nuclear reactor core reloading, if no fuel assemblies significantly different from those found previously acceptable to the NRC for a previous core at the facility in question are involved. This assumes that no significant changes are

made to the acceptance criteria for the Technical Specifications, that the analytical methods used to demonstrate conformance with the Technical Specifications and regulations are not significantly changed, and that NRC has previously found such methods acceptable. Another example of the types of amendments not likely to involve significant hazards considerations is (i), a purely administrative change to Technical Specifications: for example, a change to achieve consistency throughout the Technical Specifications, correction of an error, or a change in nomenclature.

This reload involves the reinsertion of nine fuel assemblies of a type previously approved and used and the insertion of 56 new fuel assemblies of the Mark BZ type. The Mark BZ fuel assemblies are the same as previously approved assemblies in terms of fuel rods, end grid, end fittings, and guide tubes and differ only slightly in the use of Zircaloy spacer grids rather than Inconel Intermediate Spacer grids and the use of redesigned spacer springs of Inconel 718. The use of the Mark BZ fuel assembly has been previously reviewed and approved by the Commission's staff.

There have been no significant changes made to the acceptance criteria for the Technical Specifications. Except for the NOODLE code, there have been no significant changes to the analytical methods used and accepted for previous cores to demonstrate conformance with Technical Specifications and regulations. The NOODLE code was used to calculate reactor physics parameters. The licensee has compared the NOODLE code results and the previously used PDQ07 code results with measured data and has found the NOODLE code as accurate as the PDQ07 code. The NOODLE code has been previously reviewed and approved by the Commission's staff. Therefore, use of the NOODLE code for Cycle 7 physics calculations will not significantly reduce any safety margins. Thus, the reload and the proposed license amendment reflecting it appear to be encompassed by example (iii).

Figure 3.5.2–12 in the current TSs was utilized only as an illustration to support statements in the TS Section 3.5.2 bases discussion. The figure served no other function. In a previous license amendment, this portion of the bases description was deleted but Figure 3.5.2–12 was inadvertently not deleted. This change is similar to example (i) of a purely administrative change to the Technical Specifications.

On these bases, the Commission's staff proposes to determine that these proposed changes do not involve significant hazards considerations.

Local Public Document Room location: Sacramento City-County Library, 828 I Street, Sacramento, California.

Attorney for licensee: David S. Kaplan, Sacramento Municipal Utility District, 6201 S Street, P.O. Box 15830, Sacramento, California 95813.

NRC Branch Chief: John F. Stolz.

South Carolina Electric & Gas Company, South Carolina Public Service Authority, Docket No. 50–395, Virgil C. Summer Nuclear Station, Unit 1, Fairfield County, South Carolina

Date of amendment request: March 6, 1985.

Description of amendment request: The amendment would revise Technical Specification 3/4.1.1.2, "Shutdown Margin—Modes 3, 4 and 5." The revision would change the required shutdown margin from at least 2% for modes 3, 4 and 5 to a mode and reactor coolant system boron concentration dependent shutdown margin variable from at least 1% to at least 3.29%.

Basis for proposed no significant hazards consideration determination: As stated in the Technical Specification basis, the most limiting accident with regard to shutdown margin for modes 3, 4 and 5 is a boron dilution accident. The licensee's analysis of this event in the Final Safety Analysis Report (FSAR) was for cycle 1. That analysis showed that with a shutdown margin of at least 2% for modes 3, 4 and 5, the plant operator would have at least 13.4 minutes to halt the boron dilution. This was acceptable to the NRC staff and resulted in the current Technical Specifications. For cycle 2, the licensee performed an analysis that showed that the cycle 1 analysis was conservative for cycle 2. Hence, no Technical Specification change was required. For cycle 3, the licensee performed a bounding analysis of the boron dilution event and determined that in some cases the current Technical Specification does not ensure sufficient time for operator action.

Therefore, the licensee proposed this Technical Specification change to ensure operator action time consistent with that available at the time of licensing for cycle 1. Also, the lowest values of the revised shutdown margin requirements are consistent with the current Standard Technical Specifications.

The Commission has provided certain examples (48 FR 14870) of actions likely to involve no significant hazards considerations. The request involved in this case does not match any of those examples. However, the staff has reviewed the licensee's request for the above amendment and has determined that should this request be implemented, it will not (1) involve a significant increase in the probability or consequences of an accident previously evaluated because the resulting operator action time is consistent with that which formed the basis for licensing, or (2) create the possibility of a new or different kind of accident from any accident previously evaluated because the physical plant design is not being changed. Also, it will not (3) involve a significant reduction in a margin of safety because the shutdown margin still results in sufficient operator action time to respond to a boron dilution event, which is the limiting event in modes 3, 4 and 5. Accordingly, the Commission proposes to determine that this change does not involve significant hazards considerations.

Local Public Document Room location: Fairfield County Library, Garden and Washington Streets, Winnsboro, South Carolina 29180.

Attorney for licensee: Randolph R. Mahan, South Carolina Electric & Gas Company, P.O. Box 764, Columbia, South Carolina 29218.

NRC Branch Chief: Elinor G. Adensam.

South Carolina Electric & Gas Company, South Carolina Public Service Authority, Docket No. 50–395, Virgil C. Summer Nuclear Station, Unit 1, Fairfield County, South Carolina

Date of amendment request: March 6, 1985.

Description of amendment request: The amendment would revise Technical Specifications to reflect a 1.9% reduction in thermal design flow. This includes changing Technical Specification (T.S.) 3/4.2.3, "RCS Flow Rate and Nuclear Enthalpy Rise Hot Channel Factor," and its bases to reflect the new regions of acceptable operation. T.S. Figure 3.2–3, "RCS Flow Rate versus R," and T.S. Figure 2.1–1, "Reactor Core Safety Limit—Three Loops in Operation," are also changed to reflect the new regions of acceptable operation. Finally, T.S. Figure 3.2–4, "Rod Bow Penalty as a Function of Burnup," is deleted as a result of the new regions of acceptable operation.

Basis for proposed no significant hazards consideration determination: Final Safety Analysis Report (FSAR) accident analyses were evaluated for a 1.9% reduction in thermal design flow. Loss of coolant accident (LOCA) events were evaluated using the BART code. Non-LOCA events were evaluated using

the methods described in the FSAR. The evaluations show that the design bases continue to be met for all events with the 1.9% reduction in thermal design flow.

The Commission has provided certain examples (48 FR 14870) of actions likely to involve no significant hazards considerations. One of the examples (vi) relates to a change which may reduce in some way a safety margin, but where the results of the change are clearly within all acceptable criteria with respect to the system specified in the Standard Review Plan. The 1.9% reduction in thermal design flow is similar to this example. Accordingly, the Commission proposes to determine that this change does not involve significant hazards considerations.

Local Public Document Room location: Fairfield County Library, Garden and Washington Streets, Winnsboro, South Carolina 29180.

Attorney for licensee: Randolph R. Mahan, South Carolina Electric & Gas Company, P.O. Box 764, Columbia, South Carolina 29218.

NRC Branch Chief: Elinor G. Adensam.

Southern California Edison Company et al., Docket Nos. 50–361 and 50–362 San Onofre Nuclear Generating Station, Units 2 and 3, San Diego County, California

Date of Amendment Requests: April 2, 1984 (Reference PCN–109 and 110) and April 27, 1984 (Reference PCN–108, 119, and 125).

Description of Amendment Request: The proposed changes would revise the technical specifications as follows:

(1) PCN–108 would revise Technical Specification Table 3.8–1, "Containment Penetration Conductor Overcurrent Protective Devices," to correct equipment designations.

(2) PCN–109 would revise Technical Specification 4.2.3.c to clarify the surveillance interval for determination of the effect of burnup on the incore nuclear instrumentation system. A surveillance interval based on effective full power days of reactor operation more accurately reflects core changes due to burnup than a surveillance interval based on elapsed time.

(3) PCN–110 would revise Technical Specification 4.3.3.2.a to state that a channel check is not needed in the case of a temporary loss of the plant computer.

(4) PCN–119 would revise Technical Specification Bases 3/4.2.3, "Azimuthal Power Tilt", to state that the Core Operating Limits Supervisory System (COLSS) calculates azimuthal power tilt based on input from the fixed incore neutron detectors and does not receive input from the Core Protection Calculators (CPC's).

(5) PCN–125 would revise Technical Specification 3/4.6.2.2, "Iodine Removal System", to correct wording regarding spray chemical solution temperature requirements. Additionally, the proposed change provides percent tank levels which correspond to the minimum usable spray chemical solution volume.

Basis for Proposed No Significant Hazards Determination: The Commission has provided guidance concerning the application of standards for determining whether a significant hazards consideration exists by providing certain examples (48 FR 14870) of amendments that are considered not likely to involve significant hazards considerations. Example (i) relates to a purely administrative change to technical specifications: For example, a change to achieve consistency throughout the technical specifications, correction of an error, or a change in nomenclature. Each proposed change discussed herein is similar to example (i) of 48 FR 14870. Therefore it is proposed that these changes do not involve significant hazards considerations. A description of each proposed change to the technical specifications and a discussion of how each change is similar to example (i) of 48 FR 14870 follows:

Specific Changes Requested and Bases for Proposed No Significant Hazards Determination:

1. Proposed Change PCN–108. The proposed change would revise Table 3.8–1 of Technical Specification 3/4.8.4.1, "Electrical Equipment Protective Devices, Containment Penetration Conductor Overcurrent Protective Devices," which requires the operability of containment penetration conductor overcurrent protective devices. These devices are essentially circuit breakers which help to maintain containment integrity by preventing overcurrents from damaging electrical penetrations through the containment boundary. Table 3.8–1 provides a list of equipment located inside containment which requires electrical power and, therefore, is associated with primary and backup overcurrent protective devices. Each piece of equipment is specified by an alpha-numeric designation, several of which are currently incorrect. The following equipment designations are currently incorrect: for Unit 2, Containment Recirculation Unit E–333; for Unit 3, Standby Containment Normal Cooling Fan E–333, Containment Normal Cooling Fan E–334, and Containment Recirculation Unit E–333. The proposed change would revise these designations to read: for Unit 2, Containment Recirculation Unit A–353; for Unit 3, Standby Containment Normal Cooling Fan E–393, Containment Normal Cooling Fan E–394, and Containment Recirculation Unit A–353.

The proposed change would correct the currently incorrect designations of equipment associated with overcurrent protective devices. Because the proposed change corrects existing errors, it is similar to Example (i) of 48 FR 14870.

2. Proposed Change PCN–109. The proposed change would revise Technical Specification 3/4.2.3, "Azimuthal Power Tilt—Tq." The azimuthal power tilt is a parameter which reflects the power variation between symmetrically located fuel assemblies in the core. The core operating limit supervisory system (COLSS), a system which monitors core parameters, continuously monitors the azimuthal power tilt based on input from the incore detectors. Technical Specification 4.2.3.c requires an independent confirmation of the validity of the COLSS-calculated azimuthal power tilt at lease once per thirty-one days. This confirmation is necessary due to possible inaccuracy in the COLSS calculation resulting from changing reactor conditions as fuel is burned.

The proposed change would revise Technical Specification 4.2.3.c to require confirmation of COLSS-calculated azimuthal power tilt validity at least once per thirty-one effective full power days, rather than once per thirty-one calendar days. Thus, the proposed change reflects the fact that the COLSS-calculated azimuthal power tilt accuracy is a function of fuel burnup rather than calendar time.

The proposed change would also achieve consistency between T.S. 3/4.2.3 and other technical specifications which specify time intervals based on fuel burnup. Because the proposed change achieves consistency throughout the technical specifications it is similar to example (i) of 48 FR 14870.

3. *Proposed Change PCN–110.* The proposed change would revise surveillance requirement 4.3.3.2.a of Technical Specification 3/4.3.3.2, "Instrumentation—Incore Detectors," which requires the operability of the incore detecting system. The incore detection system monitors neutron flux distribution within the reactor core. It provides this information to the core operating limit supervisory system (COLSS) which is used by the plant computer to make various calculations relating to power distribution within the reactor. Surveillance requirement

4.3.3.2.a requires the incore detection system to be demonstrated operable by the performance of a channel check within twenty-four hours prior to its use and at least once per seven days thereafter. This wording could be misinterpreted to imply that channel check must be performed each time the plant computer is removed from service, even though this does not make the incore detection system inoperable. Because the plant computer may be removed from service several times during a week, surveillance requirement 4.3.3.2.a, if misinterpreted, could result in an incore detection system channel check to be performed several times within a week. The proposed change would amend surveillance requirement 4.3.3.2.a to require demonstration of income detection system operability by performance of a channel check within twenty-four hours prior to its use if seven or more days have elapsed since the previous channel check and at least once per seven days thereafter. This proposed change would prevent unnecessary channel checks from being performed on the incore detection system each time the plant computer is removed from and returned to service. The proposed change is similar to example (i) of 48 FR 14870 in that the proposed change is purely administrative, and is being proposed to clarify rather than change existing requirements.

4. *Proposed Change PCN–119.* The proposed change would revise Technical Specification Bases 3/4.2.3, "Azimuthal Power Tilt—Tq," which concerns the method of computing the azimuthal power tilt, a calculation which reflects the power variation in the core between symmetrically located fuel assemblies. This parameter is required to be kept within limits which ensure that design safety margins are maintained. The azimuthal power tilt is calculated by both the core operating limit supervisory system (COLSS), which monitors the reactor and provides information to the operator, and the core protection calculators (CPC's). The CPC's monitor several core parameters and are able to trip the reactor should one of these core parameters exceed its limit. The current T.S. Bases 3/4.2.3 wording could be misinterpreted to infer that the CPC's provide an input to the COLSS for azimuthal power tilt calculation and that the COLSS does not calculate azimuthal power tilt when the reactor is operating below twenty percent rated thermal power. In realty, the COLSS and the CPC's perform calculations independently of each other, and the COLSS performs calculations at all power levels, although it is inaccurate at power levels below twenty percent rated thermal power because the incore neutron detectors which provide inputs to the COLSS have a low signal-to-noise ratio during plant operation at low power levels. The proposed change to T.S. Bases 3/4.2.3 clarifies the fact that the COLSS and the CPC's perform calculations independently and explains that the COLSS azimuthal power tilt calculation is inaccurate at power levels below twenty percent rated thermal power. This is due to the incore neutron detectors' inaccuracy at low power levels. However, the CPC's assume a minimum power level of twenty percent rated thermal power which results in highly conservative calculations at low power levels and, therefore, ensures that design safety margins are maintained. The proposed change also specifically states that, because of the COLSS inaccuracy at low power levels, the Limiting Condition for Operation of T.S. 3/4.2.3 is not applicable at operation below twenty percent rated thermal power.

In summary, the proposed change would revise T.S. Bases 3/4.2.3 in order to: (1) Clarify the fact that the COLSS and the CPC's perform calculations independently; (2) explain why the COLSS azimuthal power tilt calculation is inacurrate at power levels below twenty percent rated thermal power; and (3) explain why the Limiting Condition for Operation of T.S. 3/4.2.3 is not applicable at operation below twenty percent rated thermal power. Because the proposed change corrects and clarifies T.S. Bases 3/4.2.3, it is similar to example (i) of 48 FR 14870 in that it is purely administrative.

5. *Proposed Change PCN–125.* The proposed change would revise Technical Specification 3/4.6.2.2, "Iodine Removal System," which requires that the iodine removal system be operable. This system injects a sodium hydroxide (NaOH) solution into the containment spray system (CSS) to enhance the removal of iodine from the containment atmospher when the CSS is activated. When containment pressure reaches a specified level, the containment spray actuation signal (CSAS) activates both the CSS, which reduces containment pressure by spraying a cool liquid solution into the containment area, and the iodine removal system, which injects an iodine-absorbent NaOH solution that mixes with the CSS solution and is sprayed into containment. The NaOH solution storage tank is connected to the CSS by a main valve and a bypass valve which are located at different levels on the storage tank. The proposed change to T.S. 3/4.6.2.2 consists of the following two parts:

(a) There is currently an inconsistency between T.S. 3.6.2.2 for Unit 2 and that for Unit 3. T.S. 3.6.2.2 for Unit 2 requires as a limiting condition for operation that the NaOH solution be stored with a minimum temperature between 82 °F and 88 °F. Because this wording suggests that there is no upper temperature limit, T.S. 3.6.2.2 for Unit 3, which was written at a later date, was reworded to state that the NaOH solution must be stored with a temperature between 82 °F and 104 °F Proposed change PCN–125 would correct this discrepancy in T.S. 3.6.2.2 for Unit 2 by requiring that the Unit 2 solution storage tank be maintained at a temperature between 82 °F and 104 °F.

(b) For both Units 2 and 3, T.S. 3.6.2.2 currently specifies that 1456 gallons of NaOH solution must be available. The proposed change clarifies this volume requirement by additionally specifying the percentage of the storage tank volume that the solution must fill in order for 1456 gallons of solution to be available. When the normal CSS valve is in use, the NaOH solution is required to fill 85% of the tank's indicated volume. When the bypass valve is in use, the NaOH solution is required to fill 67% of the tank's indicated volume. The values are different because the bypass valve on the storage tank is located below the normal valve.

The proposed change described in part (a), above, requires that upper temperature limit of 104 °F be required for Unit 2 NaOH solution storage. Currently, there is no upper temperature limit. Because the proposed change would correct this omission and make the Unit 2 T.S. consistent with Unit 3, it is similar to Example (i) of 48 FR 14870 in that it is an administrative change.

The proposed change described in part (b), above, clarifies the volume of NaOH solution that must be stored by specifying what the solution volume must be as a percentage of the storage tank volume. Because this change does not change the existing technical specification, it is purely administrative and, therefore, is similar to example (i) of 48 FR 14870.

Local Public Document Room location: San Clemente Library, 242 Avenida Del Mar, San Clemente, California 92672.

Attorneys for licensees: Charles R. Kocher, Esq., Southern California Edison Company, 2244 Walnut Grove Avenue, P.O. Box 800, Rosemead, California 91770, and Orrick, Herrington & Sutcliffe, Attn.: David R. Pigott, Esq., 600 Montgomery Street, San Francisco, California 94111.

NRC Branch Chief: George W. Knighton.

Southern California Edison Company et al., Docket Nos. 50–361 and 50–362 San Onofre Nuclear Generating Station, Units 2 and 3, San Diego County, California

Date of amendment request: January 23, 1985 (Reference PCN–139).

Description: The proposed change revises Technical Specification (T.S.) 3/4.7.6 "Snubbers". Technical Specification 3/4.7.6 requires that snubbers be operable to ensure the integrity of safety related systems and specifies the frequency and type of periodic inspections required to verify snubber operability. The proposed change revises T.S. 3.7.6 to more closely conform to the model technical specifications provided by NRC Generic Letter 84–13 "Technical Specifications for Snubbers" dated May 3, 1984. Specifically the following changes are proposed:

1. Delete Snubber Listings;
2. Categorize snubbers into accessible and inaccessible groups;
3. Restrict increases in the visual inspection interval;
4. Eliminate refueling outage inspections for systems which have undergone unexpected transients;
5. Revise visual test acceptance criteria to further restrict post inspection operability determinations for hydraulic snubbers;
6. Delete alternate method for functional test sample selection; and
7. Differentiate between hydraulic snubber and mechanical snubber functional test acceptance criteria.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the application of standards for determining whether a proposed license amendment involves a significant hazards consideration by providing certain examples (48FR14870) of amendments that are considered not likely to involve significant hazards consideration. Example (i) relates to a purely administrative change to the technical specifications: For example, a change to achieve consistency throughout the technical specifications, correction of an error, or change of nomenclature. Example (ii) relates to a change which is an additional requirement or restriction not currently included in the technical specifications: For example, a more stringent surveillance requirement. Example (vi) relates to a change which either may result in some increase in the probability or consequences of a previously analyzed accident or may reduce in some way a safety margin, but where the results of the change are clearly within all acceptance criteria with respect to the system or component specified in in the Standard Review Plan (SRP).

Each of the changes proposed by licensees is similar to one of the above examples, and thus it is proposed that the changes do not involve a significant hazards consideration. The following is a more detailed description of each of the specific changes proposed to T.S. 3/4.7.6 and a description of how each is similar to one of the three examples of 48FR14870 discussed above.

1. *Delete Snubber Listings.* Currently, T.S. 3.7.6 requires that all snubbers listed in Tables 3.7–4a and 3.7–4b be operable. Tables 3.7–4a and 3.7–4b identify specific numbers of snubbers by size and type associated with each safety-related system. The proposed change deletes these tables and thus would no longer identify specific numbers, size and type of snubbers. Instead, the proposed specification would require all snubbers installed on safety related systems or snubbers whose failure could affect safety related systems to be operable and defines criteria to determine if a snubber is subject to this specification.

The proposed change will continue to require all snubbers installed on safety related systems to be operable. It does not reduce any existing operability or surveillance requirement. Therefore, this proposed change is editorial and is similar to example (i) of 48 FR 14870.

2. Categorize Snubbers. The proposed change adds a new provision which allows snubbers to be categorized as either accessible or inaccessible during plant operation for the purpose of scheduling visual inspections. These two groups may be inspected at different times, but will still be required to be inspected at the specified intervals. This change does not affect the currently specified inspection interval but allows inspections of accessible and inaccessible snubbers to be scheduled independently.

This change does not reduce any existing requirement. This proposed change is editorial and similar to example (i) of 48 FR 14870.

3. Restrict Increases in Visual Inspection Interval. The visual inspection interval is determined by the number of snubbers found inoperable in the previous inspection. For example if 8 snubbers are fouhd inoperable, the next inspection would be required in 31 days. If this inspection uncovered a generic problem which is identified and corrected and the subsequent inspection found no snubbers inoperable then the existing T.S. allow the inspection interval to be increased by one step to 62 days. If the next inspection again found no snubbers inoperable then the inspection interval could be increased by two steps to 6 months. The proposed change will no longer allow two step increases in inspection intervals.

Since the proposed change will allow only one step increases in surveillance intervals, it is an additional restriction. Therefore, this change is similar to example (ii) of 48 FR 14870.

4. Eliminate Refueling Outage Inspection. Currently, in addition to the 100% visual inspection of all snubbers and functional testing of a representative sample of snubbers, the T.S. require a special refueling outage inspection of snubbers located on systems identified as having undergone unexpected, potentially damaging transients. The special inspection involves visual inspection of the affected snubbers and verification of freedom of movement (i.e., a partial functional test). The additional visual inspection is redundant to the existing visual inspection requirements. The freedom of movement testing is redundant for those snubbers which are included in the representative functional test sample. The proposed change deletes these special inspection requirements for snubbers on systems identified as having undergone unexpected, potentially damaging transients. This change may reduce the probability of discovery of a damaged snubber on a system which has experienced an unexpected transient only if both damage to the snubber was not visually evident and the affected snubber was not included in the functional test sample.

Although this reduction in the probability of discovery of a damaged snubber may in some way reduce a safety margin, the proposed change satisfies the applicable acceptance criteria of SRP Section 3.9.3 "ASME Code Class 1, 2 and 3 Components, Component Supports and Core Support Structures," which defines acceptance criteria for inspection and testing of snubbers. SRP Section 3.9.3 references the Standard Technical Specifications (STS), NUREG–0212 for Combustion Engineering PWR's, for snubbers as an acceptable snubber inspection and testing program. This proposed change is consistent with the current STS for snubbers as promulgated by Generic Letter 84–13 dated May 3, 1984. Therefore, this change meets the SRP Section 3.9.3 acceptance criteria for snubber testing and inspection and is similar to example (vi) of 48 FR 14870.

5. Revise Visual Test Acceptance Criteria. Currently, snubbers which appear to be inoperable as result of a visual inspection can be determined to be operable for the purposes of determining the next inspection interval provided that the snubber passes a functional test conducted in the as-found condition. This provision applies to both hydraulic and mechanical snubbers. The proposed change will no longer allow this provision for hydraulic snubbers found with uncovered fluid ports. Thus, hydraulic snubbers found in this condition will be considered inoperable.

This change is an additional restriction and is therefore similar to example (ii) of 48 FR 14870.

6. Delete Alternate Functional Test Sample Selection Criteria. Sample selection currently can be made by one of two methods. One method simply requires functional testing of 10% of each type of snubbers. For each type of snubber where one or more functional test failures occur, an additional 10% must be tested until no more failures are found or all snubbers of that type have been inspected. The alternate method requires testing of a representative sample of each type of snubber with retesting based on probabilistic criteria specified in T.S. Figure 4.7–1. The proposed change deletes the alternate sampling criteria since it will never be used.

Further, the proposed change specifies additional conditions on sample selection. The proposed change would require that 25% of the snubbers in the representative sample be snubbers from the following categories: (1) The first snubber from each reactor vessel nozzle; (2) snubbers within five feet of heavy equipment; or, (3) snubbers within ten feet of the discharge from a safety relief valve.

The proposed change is more restrictive in that it eliminates the alternate sampling method and requires that the sample include a percentage of snubbers from specific locations. Because this change institutes these additional restrictions it is similar to example (ii) of 48 FR 14870.

7. Revise Functional Test Acceptance Criteria. The proposed change will differentiate between the functional test acceptance criteria for mechanical and hydraulic snubbers. Currently no differentiation is made. The proposed change more accurately defines the functional requirements for each type of snubber.

Currently, functional testing requires verification that fasteners for attachment of the snubber to the component are secure. Visual inspection also requires verification that snubber attachments are secure. The proposed change deletes this redundant functional test requirement. Because the proposed change editorially improves clarity and consistency within the technical specifications it is similar to example (i) of 48 FR 14870.

Local Public Document Room Location: San Clemente Library, 242 Avenida Del Mar, San Clemente, California 912672.

Attorney for licensees: Charles R. Kocher, Esq., Southern California Edison Company, 2244 Walnut Grove Avenue, P.O. Box 800, Rosmead, California 91770 and Orrick, Herrington & Sutcliffe, Attn.: David R. Pigott, Esq., 600 Montgomery Street, San Francisco, California 94111.

NRC Branch Chief: George W. Knighton.

The Toledo Edison Company and The Cleveland Electric Illuminating Company, Docket No. 50–346, Davis-Besse Nuclear Power Station, Unit No. 1, Ottawa County, Ohio

Date of amendment request: November 20, 1984.

Description of amendment request: This amendment request modifies a previous application for amendment of the Technical Specifications which was the subject of a notice published at 49 FR 7047 on February 24, 1984. This modification clarifies the test requirements for the containment purge and vent valve leakage and specifies the allowable valve leak rates. The proposed amendment would add to the Technical Specifications a requirement to leak test the containment purge and exhaust isolation valves after each time the valves are opened if the valves have not been tested within the past six months.

Basis for proposed no significant hazards consideration determination: This modification to a previous amendment request does not affect the basis for the proposed no significant hazards consideration determination previously published at 49 FR 7047.

The proposed amendment would be an additional requirement to the Technical Specifications which currently require the containment isolation valves to be leak tested once each operating cycle during the refueling outage.

The Commission has provided guidance concerning the application of the standards in 10 CFR 50.92 by providing certain examples (48 FR 14870). One of the examples of actions involving no significant hazards consideration relates to a change that constitutes an additional limitation, restriction or control not presently included in the Technical Specification (Example (ii)).

Thus, the Commission proposes to determine that the application does not involve a significant hazards consideration.

Local Public Document Room location: University of Toledo Library Documents Department, 2801 Bancroft Avenue, Toledo, Ohio 43606.

Attorney for licensee: Gerald Charnoff, Esq., Shaw, Pittman, Potts, and Trowbridge, 1800 M Street, NW., Washington, D.C. 20036.

NRC Branch Chief: John F. Stolz.

The Toledo Edison Company and The Cleveland Electric Illuminating Company, Docket No. 50–346, Davis-Besse Nuclear Power Station, Unit No. 1, Ottawa County, Ohio

Date of amendment request: January 30, 1985.

Description of amendment request: The proposed amendment is a revision to a previously proposed amendment dated September 1, 1983. It would revise the testing requirements for hydraulic snubbers and add requirements for mechanical snubber operability and testing. The changes would also clarify inspection frequency, state certain functional testing requirments, establish the basis for sample size, and clarify test results acceptance criteria. The proposed amendment would delete the listing of safety-related snubbers.

Basis for proposed no significant hazards consideration determination The Commission has provided guidance concerning the application of the standards in 10 CFR 50.92 by providing certain examples (48 FR 14870). The examples of actions involving no significant hazards considerations include changes that constitute additional limitations or restrictions in the Technical Specifications. The proposed changes revise sections of the Technical Specifications related to hydraulic snubbers to clarify requirements and include additional testing, and incorporate both operability and testing requirements for mechanical snubbers. Since the requested changes upgrade the requirements for hydraulic snubbers and add requirements for mechanical snubbers, the staff proposes to determine that the application does not involve a significant hazards consideration.

Local Public Document Room location: University of Toledo Library Documents Department, 2801 Bancroft Avenue, Toledo, Ohio 43606.

Attorney for licensee: Gerald Charnoff, Esq., Shaw, Pittman, Potts

and Trowbridge, 1800 M Street, NW., Washington, D.C. 20036.

NRC Branch Chief: John F. Stolz.

The Toledo Edison Company and The Cleveland Electric Illuminating Company, Docket No. 50–346, Davis-Besse Nuclear Power Station, Unit No. 1, Ottawa County, Ohio

Date of amendment request: February 13, 1985.

Description of amendment request: The proposed amendment would change the required minimum reactor coolant flow rate, Technical Specification Table 3.2–1, for four reactor coolant pump operation to 389,664 gpm from 396,880 gpm and for three reactor coolant pump operation to 291,080 gpm from 297,340 gpm. The revised flows represent 108% of design flow plus an uncertainty allowance of 2.5%. The current values for minimum reactor coolant flow represent 110% of design flow plus the same uncertainty allowance of 2.5%. The amendment would also change the referenced flow developed for four pump and three pump operation as given on Figures 2.1–2 and 2.2–1 of the Technical Specifications to correspond to the reduction to 108% design flow vice 110% design flow. An editorial change, to clarify that the flow value for three pump operation given on Figure 2.2–1 represents an approximate rather than exact 25% flow reduction from four pump operation, also would be included in the amendment.

Basis for proposed no significant hazards consideration determination: The present Cycle 5 core includes 64 fuel assemblies which have lumped burnable-poison rod assemblies. Previous cores have not used such assemblies (except for Cycle 1 when both burnable poison rods and orifice rods were used). The presence of these poison rods has altered the core bypass flow path and, therefore, the split between core flow and core bypass flow. The change also reduces the total system flow slightly. Thus, the overall effect is to reduce bypass flow, reduce slightly total reactor coolant system flow and increase the core flow. Therefore, the minimum reactor coolant system flow can be reduced without changing the minimum departure-from-nucleate-boiling-ratio requirement.

The Commission has provided guidance concerning the application of the standards for determining whether a significant hazards consideration exists by providing certain examples (48 FR 14870) of amendments not likely to involve a significant hazards consideration. One of the examples (vi) relates to a change which either may result in some increase in the probability or consequences of a previously analyzed accident or may reduce in some way a safety margin, but where the results of the change are clearly within all acceptable criteria with respect to the system or component specified in the Standard Review Plan.

The proposed reduction to the minimum required reactor coolant system flow neither affects the probability or consequences of any previously analyzed accident nor reduces any safety margin. Therefore, the change clearly meets the standards as would be measured by the application of this example. The remaining changes are purely administrative to achieve consistency and therefore fit example (i) provided by the Commission.

Based on the foregoing, the Commission's staff proposes to determine that the application for amendment involves no significant hazards consideration.

Local Public Document Room location: University of Toledo Library, Documents Department, 2801 Bancroft Avenue, Toledo, Ohio 43606.

Attorney for licensee: Gerald Charnoff, Esq., Shaw, Pittman, Potts, and Trowbridge, 1800 M Street, NW., Washington, D.C. 20036.

NRC Branch Chief: John F. Stolz.

Virginia Electric and Power Company, Docket Nos. 50–338 and 50–339, North Anna Power Station, Unit Nos. 1 and 2, Louisa County, Virginia

Date of amendments request: March 11, 1985.

Description of amendments request: The proposed Technical Specification changes submitted March 11, 1985, by the licensee would reduce the boron concentration in the boron injection tank and the boric acid system. These changes would reduce maintenance problems and thus the associated personnel radiation exposure. The proposed reduction consists of a change in the minimum Boron Injection Tank (BIT) concentration and minimum Boric Acid System concentration from 11.5% to 7.4% (weight percent). The purpose of the BIT is to mitigate the reactivity addition resulting from a main steam line break.

The above reduction in BIT concentration is acceptable since analyses of the main steam line break accident at the proposed concentration meet all applicable acceptance criteria specified in Chapter 15 of the NA–1&2 Final Safety Analysis Report. The reduction in boric acid system concentration can be accomplished by increasing the minimum allowable Boric Acid Tank inventory associated with each unit from 4450 gallons to 6000 gallons, thereby preserving the capability for cold safe shutdown at any time in reactor life with the most reactive control rod assembly withdrawn from the core.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the no significant hazards consideration by providing certain examples (48 FR 14870). Example (vi) of a no signification hazards consideration involves a change which may reduce in some way a safety margin, but where the results of the change are clearly within all acceptable criteria with respect to the system as specified in the Standard Review Plan. Although the instant amendment would permit a reduction in the neutron-absorbing boron concentration, past experience with similar amendments authorizing such reductions has shown that the effects and results of such reductions are clearly within all acceptance criteria with respect to the systems as specified in the Standard Review Plan. Thus, this amendment falls within example (vi) of actions not likely to involve significant hazards considerations and, on this basis, the staff proposes to determine that the proposed amendment does not involve significant hazards considerations.

Local Public Document Room locations: Board of Supervisors Office, Louisa County Courthouse, Louisa, Virginia 23093 and the Alderman Library, Manuscripts Department, University of Virginia, Charlottesville, Virgina 22901.

Attorney for licensee: Michael W. Maupin, Esq., Hunton, Williams, Gay and Gibson, P.O. Box 1535, Richmond, Virginia 23212.

NRC Branch Chief: James R. Miller.

Virginia Electric and Power Company, Docket Nos. 50–280 and 50–281, Surry Power Station, Unit Nos. 1 and 2, Surry County, Virginia

Date of amendment requests: March 16, June 28, August 3, and August 9, 1982, June 30 and October 27, 1983, March 22 and November 2, 1984.

Description of amendment requests: The request for amendments was initially noticed on July 20, 1983 (48 FR 33092) and on July 20, 1984 (49 FR 25328). This notice includes changes requested in a subsequent submittal dated November 2, 1984. These submittals would amend the operating license and the Technical Specifications to reflect changes in the organizational structure of the license. The November 2, 1984 submittal proposed to combine the

requests of the previous submittals with the most recent reorganization.

The most recently requested reorganization within the Nuclear Operations Department would create two new management level positions: Manager-Nuclear Programs and Licensing, and Assistance Station Manager (Nuclear Safety and Licensing) The Manager-Nuclear Programs and Licensing assumes certain authorities and responsibilities previously held by the Manager-Nuclear Operations Support in the areas of emergency preparedness, licensing and independent safety reviews. The new Assistance Station Manager (Nuclear Safety and Licensing) would assume certain authorities and responsibilities currently held by both the Station Manager and the Assistance Station Manager (Operations and Maintenance) regarding the operation of the Station Nuclear Safety and Operating Committee (SNSOC), licensing, safety engineering, and emergency planning. The change would not create any new authorities or responsibilities within the Nuclear Operations Department.

Basis for proposed no significant hazards consideration determination. The proposed changes do not affect reactor operations or accident analyses and have no radiological consequences. Therefore, operation in accordance with the proposed amendment clearly involves no significant hazards consideration, because the changes will not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. Accordingly, the Commission proposes to determine that these changes do not involve a significant hazards consideration

Local Public Document Room location: Swem Library, College of William and Mary, Williamsburg, Virgina 23185.

Attorney for licensee: Mr. Michael W Maupin, Hunton and Williams, Post Office Box 1535, Richmond, Virginia 23213.

NRC Branch Chief: Steven A. Varga

PREVIOUSLY PUBLISHED NOTICES OF CONSIDERATION OF ISSUANCE OF AMENDMENTS TO OPERATING LICENSES AND PROPOSED NO SIGNIFICANT HAZARDS CONSIDERATION DETERMINATION AND OPPORTUNITY FOR HEARING

The following notices were previously published as separate individual notices. The notice content was the same as above. They were published as individual notices because time did not allow the Commission to wait for this regular monthly notice. They are repeated here because the monthly notice lists all amendments proposed to be issued involving no significant hazards consideration.

For details, see the individual notice in the **Federal Register** on the day and page cited. This notice does not extend the notice period of the original notice.

Florida Power and Light Company, Docket Nos. 50–250 and 50–251, Turkey Point Plant Units 3 and 4, Dade County, Florida

Date of amendments request: February 8, 1985 and March 6, 1985.

Description of amendments request: These amendments would revise the Technical Specifications to provide consistency in identification of the surveillance specimen capsules in the Technical Specifications and the actual surveillance specimen capsules. The surveillance specimen examination schedule is also modified to provide better information in accordance with the current regulations. The proposed changes would combine the existing Reactor Materials Surveillance Program into a single integrated program which conforms to the requirements of 10 CFR Part 50, Appendices G and H.

Date of publication of Individual notice in **Federal Register**: 50 FR 9919, March 12, 1985.

Expiration date of individual notice: April 11, 1985.

Local Public Document Room location: Environmental and Urban Affairs Library, Florida International University, Miami, Flordia 33199.

Attorney for licensee: Harold F. Reis Esquire, Newman and Holtzinger, P.C., 1650 L Street, NW., Washington, D.C 20036.

NRC Branch Chief: Steven A. Varga

Power Authority of the State of New York, Docket No. 50–333, James A. Fitzpatrick Nuclear Power Plant, Oswego County, New York

Date of amendment request: March 21, 1985.

Brief description of amendment: These proposed changes would revise surveillance and calibration requirements to support operation with the newly installed Analog Trip Transmitter System.

Date of publication of individual notice in **Federal Register**: April 4, 1985 50 FR 13434.

Expiration date of individual notice: May 6, 1985.

Local Public Document Room location: Penfield Library, State University College of Oswego, Oswego New York

NOTICE OF ISSUANCE OF AMENDMENT TO FACILITY OPERATING LICENSE

During the 30-day period since publication of the last monthly notice the Commission has issued the following amendments. The Commission has determined for each of these amendments that the application complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment.

Notice of Consideration of Issuance of Amendment to Facility Operating License and Proposed No Significant Hazards Consideration Determination and Opporutnity for Hearing in connection with these actions was published in the **Federal Register** as indicated. No request for a hearing or petition for leave to intervene was filed following this notice.

Unless otherwise indicated, the Commission has determined that these amendments satisfy the criteria for categorical exclusion in accordance with 10 CFR 51.22. Therefore, pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared for these amendments. If the Commission has prepared an environmental assessment under the special circumstances provision in 10 CFR 51.12(b) and has made a determination based on that assessment, it is so indicated.

For further details with respect to the action see (1) the applications for amendments, (2) the amendments, and (3) the Commission's related letters Safety Evaluations and/or Environmental Assessments as indicated. All of these items are available for public inspection at the Commission's Public Document Room 1717 H Street, NW., Washington, D.C., and at the local public document rooms for the particular facilities involved. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Boston Edison Company, Docket No. 50–293, Pilgrim Nuclear Power Station, Plymouth, Massachusetts

Date of application for amendment: February 1, 1985, as modified on February 15, 1985.

Brief description of amendment: This amendment revises the Technical Specifications to permit changes in the normal full power background trip level for the main steam line high radiation scram and isolation setpoints to accommodate a short-term test of operation with hydrogen injection into the reactor coolant.

Date of issuance: April 5, 1985.

Effective date: April 5, 1985.

Amendment No.: 86

Facility Operating License No. DPR–35: Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** February 26, 1985 50 FR 7980 The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated April 5, 1985. No significant hazards consideration comments received: No.

Local Public Document Room location: Plymouth Public Library, North Street, Plymouth, Massachusetts 02360.

Commonwealth Edison Company, Docket Nos. 50–237/249, Dresden Nuclear Power Station, Unit Nos. 2 and 3, Grundy County, Illinois

Date of application for amendments: February 17, 1983, as supplemented by letters dated April 27 and October 24, 1984.

Brief description of amendments: The changes to the Technical Specifications reflect: (1) Changes made to Commonwealth Edison's corporate and station organizations and (2) changes necessitated by revisions to 10 CFR 50.54 and 50.72 and the addition of a new § 50.73 which revised the mimimum staffing, immediate notification requirements and the Licensee Event Reporting system, respectively.

Date of issuance: March 20, 1985.

Effective date: March 20, 1985.

Amendment Nos. 86 and 79.

Provisional Operating License No. DPR–19 and Facility Operating License No. DPR–25. The amendments revise the Technical Specifications.

Date of initial notice in **Federal Register:** December 31, 1984 (49 FR 50800). The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated March 20, 1985. No significant hazards consideration comments received: No.

Local Public Document Room location: Morris Public Library, 604 Liberty Street, Morris, Illinois 60450.

Commonwealth Edison Company, Docket No. 50–374, La Salle County Station, Unit 2, La Salle County, Illinois

Date of application for amendment: January 8, 1985, as supplemented by letters dated January 30, 1985 and February 5, 1985.

Brief Description of amendment: This amendment revises the La Salle Unit 2 license to extend the schedular requirements of License Condition 2.C.(5) for replacement/modification and test completion equipment subject to the environmental qualification rule. The extension is from March 31, 1985 to November 30, 1985.

Date of issuance: March 28, 1985.

Effective date: March 28, 1985.

Amendment No.: 8

Facility Operating License No. NPF 18: Amendment revised the license.

Date of initial notice in **Federal Register:** February 22, 1985 (50 FR 7420) The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated March 28, 1985. No significant hazards consideration comments received: No

Local Public Document Room location: Public Library of Illinois Valley Community College, Rural Route No. 1, Oglesby, Illinois 61348.

Dairyland Power Cooperative, Docket No. 50–409, La Crosse Boiling Water Reactor, Vernon County, Wisconsin

Date of application for amendment: September 29, 1982, as supplemented on February 7, 1985.

Brief Description of amendment: The amendment modified the Appendix A Technical Specifications by restructuring certain existing requirements and changing the transition temperature curve in Section 4.2.2.4.

Date of issuance: March 22, 1985.

Effective date: March 22, 1985.

Amendment No.: 39

Provisional Operating License No. DPR–45. Amendment revised the Appendix A Technical Specifications.

Date of initial notice in **Federal Register:** October 26, 1983 (48 FR 49583). The Commission's related evaluation for the license amendment is contained in a Safety Evaluation dated March 22, 1985. No significant hazards consideration comments received: No.

Local Public Document Room location: La Crosse Public Library, 800 Main Street, La Crosse, Wisconsin 54601.

Duke Power Company, Docket Nos. 50–369 and 50–370, McGuire Nuclear Station, Units 1 and 2, Mecklenburg County, North Carolina

Date of amendment request: September 28, 1985.

Description of amendment request: The amendments change the Technical Specifications to delete the surveillance requirements relating to steam generator blowdown valves (Table 3.6–2). The valves orignially were installed to provide containment isolation with safety-grade equipment. Due to removal of non-safety-grade piping and heat exchangers, upgrading the system, this isolation function is provided by other valves.

Date of issuance: March 18, 1985.

Effective date: March 18, 1985.

Amendment Nos. 41 and 22.

Facility Operating License Nos. NPF–9 and NPF–17: Amendments revised the Technical Specifications.

Date of initial notice in **Federal Register:** December 31, 1984 (49 FR 50802) The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated March 18, 1985. No significant hazards consideration comments received: No

Local Public Document Room location: Atkins Library, University of North Carolina, Charlotte (UNCC Station), North Carolina 28223.

Duke Power Company, Docket Nos, 50–369 and 50–370, McGuire Nuclear Station, Units 1 and 2, Mecklenburg County, North Carolina

Date of application for amendment: November 16, 1984.

Brief Description of amendment: The amendments change the Technical Specifications to reflect the transition to the use of optimized fuel assemblies.

Date of issuance: March 22, 1985.

Effective date: March 22, 1985.

Amendment Nos.: 42 and 23.

Facility Operating License Nos NPF–9 and NPF–17: Amendments revised the Technical Specifications.

Date of initial notice in **Federal Register:** December 31, 1984 (49 FR 50802). The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated March 22, 1985.

No significant hazards consideration comments received: No.

Local Public Document Room location: Atkins Library, University of North Carolina, Charlotte (UNCC Station), North Carolina 28223

Duke Power Company, Dockets Nos. 50–269, 50–270, and 50–287, Oconee Nuclear Station, Units Nos. 1, 2, and 3, Oconee County, South Carolina

Date of application for amendments: August 15, 1984.

Brief description of amendments: These amendments revise the Station's common Technical Specifications (TSs) to change TS pages 6.1–6 and 6.1–6a to reflect the new requirements on minimum reactor operator staffing that became effective January 1, 1984.

Date of issuance: April 1, 1985.

Effective date: April 1, 1985.

Amendment Nos.: 136, 136, & 133.

Facility Operating License Nos. DPR–38, DPR–47 and DPR–55: Amendments revised the Technical Specifications.

Date of initial notice in **Federal Register:** October 24, 1984, 49 FR 42817 The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated April 1, 1985.

No significant hazards consideration comments received: No.

Local Public Document Room location: Oconee County Library, 501 West Southbroad Street, Walhalla, South Carolina.

Georgia Power Company, Oglethorpe Power Corporation, Municipal Electric Authority of Georgia, City of Dalton, Georgia, Dockets Nos. 50–321 and 50–366, Edwin I. Hatch Nuclear Plant, Units Nos. 1 and 2, Appling County, Georgia

Date of application for amendments: February 6, 1984, and August 7, 1984.

Brief description of amendments: The amendments revise the TSs for both Hatch Units 1 and 2 to make them consistent with the guidelines provided in the NRC's Generic Letter 83–36 concerning NUREG–0737 Items II.B.3, Post-Accident Sampling; II.F.1.1, Noble Gas Effluent Monitors; II.F.1.2, Sampling and Analysis of Plant Effluents; II.F.1.3, Containment High Range Monitor; and II.F.1.4, Containment Pressure Monitor.

Date of issuance: March 18, 1985.

Effective date: March 18, 1985.

Amendment Nos.: 108 and 45

Facility Operating License Nos. DPR–57 and NPF–5: Amendments revised the Technical Specifications.

Date of initial notice in **Federal Register:** April 25, 1984, 49 FR 17860, and October 24, 1984, 49 FR 42822.

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated March 18, 1985.

No significant hazards consideration comments received: No.

Local Public Document Room location: Appling County Public Library, 301 City Hall Drive, Baxley, Georgia

GPU Nuclear Corporation et al., Docket No. 50–289, Three Mile Island Nuclear Station, Unit No. 1, Dauphin County, Pennsylvania

Date of application for amendments: June 8, 1981, as superseded February 17, 1984.

Brief description of amendments: This amendment adds Technical Specifications covering limiting conditions for operation and surveillance requirements for the plant snubbers installed on reactor safety systems.

Date of issuance: March 21, 1985.

Effective date: March 21, 1985.

Amendment No.: 106.

Facility Operating License No.: DPR–50. Amendments revised the Technical Specifications.

Date of initial notice in **Federal Register:** September 28, 1984, 49 FR 38401. Subsequent to the initial notice in the **Federal Register**, GPU Nuclear Corporation, by letter dated March 5, 1985, submitted a supplement to the February 17, 1894, application. This amendment does not include the additional Technical Specification changes proposed by the March 5, 1985, supplement. Those changes are being handled separately.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated March 21, 1985.

No Significant hazards consideration comments received: No.

Local Public Document Room location: Government Publications Section, State Library of Pennsylvania, Education Building, Commonwealth and Walnut Streets, Harrisburg, Pennsylvania 17126.

Indiana and Michigan Electric Company, Docket Nos. 50–315 and 50–316, Donald C. Cook Nuclear Plant, Unit Nos. 1 and 2, Berrien County, Michigan.

Date of application for amendments: December 28, 1984.

Brief description of amendments: The amendments make changes to the Technical Specifications for the Donald C. Cook Nuclear Plant, Unit Nos. 1 and 2, to require ice measurements and surveillance on boron concentration and on pH at 25 °C, and to change the restriction on ice accumulation on structures from 0.38 inches to ⅜ inches. The change to Unit 1 Technical Specifications changes ice condenser surveillance from 12 to 9 months, regroups the baskets under surveillance to be like Unit 2, requires ice condenser doors be demonstrated at once per 9 months for 50% of the doors rather than at 6 months for 25% of the doors, and makes editorial changes needed for clarity.

Date of issuance: April 1, 1985.

Effective date: April 1, 1985.

Amendments No.: 83 and 66.

Facilities Operating License Nos. DPR–58 and DPR–74.: Amendments revised the Technical Specifications.

Date of initial notice in **Federal Register:** February 27, 1985 (50 FR 7992). The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated April 1, 1985.

No Significant hazards consideration comments received: None

Local Public Document Room location: Maude Reston Palenske Memorial Library, 500 Market Street, St. Joseph, Michigan 49085.

Indiana and Michigan Electric Company, Docket No. 50–316, Donald C. Cook Nuclear Plant, Unit No. 2, Berrien County, Michigan.

Date of application for amendment: August 28, 1984, supported by Exxon Nuclear letters dated July 7, 1984 and August 7, 1984.

Brief description of amendment: The amendment revises the Technical Specifications value for the nuclear enthalphy hot channel factor as a result of revised loss of coolant analyses.

Date of issuance: April 8, 1985.

Effective date: April 8, 1985.

Amendment No.: 67.

Facility Operating License No. DPR–74: Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** September 28, 1984 (49 FR 38401).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated April 8, 1985.

No Significant hazards consideration comments received: No.

Local Public Document Room location: Maude Reston Palenske Memorial Library, 500 Market Street, St. Joseph, Michigan 49085.

Indiana and Michigan Electric Company, Docket No. 50–316, Donald C. Cook Nuclear Plant, Unit No. 2, Berrien County, Michigan.

Date of application for amendment: May 19, 1978, supplemented December 18, 1979 March 28, 1980, July 8, 1983, June 1 and December 7, 1984.

Brief description of amendment: The amendment deletes license condition 2C(3)(r) which required a seismic qualification of the safety injection system front panel, hot shutdown panel, auxiliary relay panels and switchboard and switchgear components, relays and pressure switches identified in Amendment No. 6 issued on June 16, 1978.

Date of issuance: April 9, 1985.
Effective date: April 9, 1985.
Amendment No.: 68.
Facility Operating License No. DPR-74: Amendment deletes License Condition 2C(3)(r).
Date of initial notice in **Federal Register**: September 21, 1983 (48 FR 43126) and renoticed on February 27, 1985 (50 FR 7992).
The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated April 9, 1985.
No Significant hazards consideration comments received: No.
Local Public Document Room location: Maude Reston Palenske Memorial Library, 500 Market Street, St. Joseph, Michigan 49085.

Iowa Electric Light and Power Company, Docket No. 50–331, Duane Arnold Energy Center, Linn County, Iowa

Date of application for amendment: August 17, 1984.
Brief description of amendment: The amendment revises the Technical Specifications to permit an increase in the DAEC rated power from current 1593 megawatt thermal (MWt) to a maximum steady state core power level of 1658 MWt. The review of the Extended Load Line Limit analysis presented in the licensee's application will be performed as a separate action.
Date of issuance: March 27, 1985.
Effective date: March 27, 1985.
Amendment No. 115.
Facility Operating License No. DPR-49: Amendment revised the Technical Specifications.
Date of initial notice in **Federal Register:** October 24, 1984, 49 FR 42825.
The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated March 27, 1985.
No significant hazards consideration comments received: No.
Local Public Document Room location: Cedar Rapids Public Library, 500 First Street, S.E., Cedar Rapids, Iowa 52401.

Iowa Electric and Power Company, Docket No. 50–331, Duane Arnold Energy Center, Linn County, Iowa

Date of application for amendment: December 7, 1984.
Brief description of amendment: This amendment revises the Technical Specifications to incorporate changes for the new and spent fuel storage facilities in support of the Lead Test Assembly Program for Cycle 8 operation. The amendment: (1) Adds bundle $k_{infinity}$ to new fuel rack specifications, (2) replaces the axial enrichment requirement with an equivalent $k_{infinity}$, and (3) adds bases and references supporting these changes.
Date of issuance: April 11, 1985.
Effective date: April 11, 1985.
Amendment No. 116.
Facility Operating License No. DPR-49: Amendment revised the Technical Specifications.
Date of initial notice in **Federal Register:** February 27, 1985 (50 FR 7993).
The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated April 11, 1985.
No significant hazards consideration comments received: No.
Local Public Document Room location: Cedar Rapids Public Library, 500 First Street, S.E., Cedar Rapids, Iowa 52401.

Mississippi Power & Light Company, Middle South Energy, Inc., South Mississippi Electric Power Association, Docket No. 50–416, Grand Gulf Nuclear Station, Unit 1, Claiborne County, Mississippi

Date of application for amendment: January 30, 1985.
Brief description of amendment: The amendment modifies the Technical Specifications to implement a reorganization which makes plant quality personnel more independent of plant operations personnel.
Date of issuance: April 1, 1985.
Effective date: April 1, 1985.
Amendment No. 2.
Facility Operating License No. DPR-29: Amendment revised the Technical Specifications.
Date of initial notice in **Federal Register:** February 27, 1985 (50 FR 7995).
The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated April 1, 1985.
No significant hazards consideration comments received: No.
Local Public Document Room location: Hinds Junior College, McLendon Library, Raymond, Mississippi 39154.

Niagara Mohawk Power Corporation, Docket No. 50–220, Nine Mile Point Nuclear Station, Unit No. 1, Oswego County, New York

Date of application for amendment: May 1, 1984 supplemented and clarified by letter dated October 22, 1984.
Brief description of amendment: The revision to the Technical Specifications adds limiting conditions for operation, surveillance requirements and bases for the Remote Shutdown Panels.
Date of issuance: April 1, 1985.
Effective date: April 1, 1985.
Amendment No. 71.
Facility Operating License No. DPR-63: Amendment revised the Technical Specifications.
Date of initial notice in **Federal Register:** February 27, 1985 50 FR 7997.
The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated April 1, 1985.
No significant hazards consideration comments received: No.
Local Public Document Room location: State University College at Oswego, Penfield Library—Documents, Oswego, New York 13126.

Niagara Mohawk Power Corporation, Docket No. 50–220, Nine Mile Point Nuclear Station, Unit No. 1, Oswego County, New York

Date of application for amendment: June 29, 1984, as supplemented December 3, 1984.
Brief description of amendment: The revision to the Technical Specification changes the limiting conditions for operation, surveillance requirements and supporting bases for the Emergency Cooling System and Accident Monitoring Instrumentation (TMI items II.B.1, II.F.1.3, II.F.1.4, II.F.1.5 and II.F.1.6).
Date of issuance: April 1, 1985.
Effective date: April 1, 1985.
Amendment No.: 72.
Facility Operating License No. DPR-63. Amendment revised the Technical Specifications.
Date of initial notice in **Federal Register:** February 27, 1985 50 FR 7997.
The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated April 1, 1985.
No significant hazards consideration comments received: No.
Local Public Document Room location: State University College at Oswego, Penfield Library—Documents, Oswego, New York 13126.

Omaha Public Power District, Docket No. 50–285, Fort Calhoun Station, Unit No. 1, Washington County, Nebraska

Dates of application for amendment: March 21, 1978 and supplements dated March 30, 1979 and October 18, 1984.
Brief description of amendment: The amendment revised the TS to incorporate the requirements of Appendix I of 10 CFR Part 50 as the Radiological Effluent Technical Specifications (RETS). The RETS provide new TS sections defining limiting conditions of operation and surveillance requirements for radiological liquid and gaseous effluent monitoring; concentration, dose and treatment of liquid, gaseous and solid wastes; total dose; and radiological

environmental monitoring. In addition, some changes were made in administrative controls, specifically dealing with the Process Control Program (PCP) and the Offsite Dose Calculation Manual (ODCM).

Date of issuance: April 3, 1985.

Effective date: Within six months of the date of its issuance.

Amendment No.: 86.

Facility Operating License No. DPR–40. Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register**: February 27, 1985 (50 FR 7979 at 7998).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated April 3, 1985.

No significant hazards consideration comments received: No.

Local Public Document Room location: W. Dale Clark Library, 215 South 15th Street, Omaha, Nebraska 68102.

Pennsylvania Power and Light Company, Docket No. 50–387 Susquehanna Steam Electric Station, Unit 1, Luzerne County, Pennsylvania

Dates of application for amendment: May 18, 1984 as supplemented on September 20, 1984 and September 7, 1984.

Brief description of amendment: To update the Unit Technical Specifications to provide consistency between Unit 1 and Unit 2. Additionally, this amendment changes the required isolation times on the containment purge values and removes the 50% blocking requirement.

Date of issuance: April 12, 1985.

Effective date: Upon issuance except as stated. In particular cases 90 days from the date of issuance.

Amendment No.: 36.

Facility Operating License No. NPF–14: Amendment revised the Technical Specifications.

Date of initial notices in **Federal Register**: December 31, 1984 (49 FR 50808), and (49 FR 50815).

The Commission's related evaluation of this amendment is contained in a Safety Evaluation dated April 12, 1985. No comments on the proposed no significant hazards consideration determination were received.

Local Public Document Room Location: Osterhout Free Library, Reference Department, 71 South Franklin Street, Wilkes-Barre, Pennsylvania 18701.

Pennsylvania Power & Light Company, Docket No. 50-388, SSES #2, Susquehanna Steam Electric Station, Unit 2 Luzerne County, Pennsylvania

Date of application for amendment: January 30, 1985.

Brief description of amendment: This amendment revises the Susquehanna Steam Electric Station, Unit-2 license to extend the schedular requirements of License Condition 2.C.(7) for replacement/modification and test completion of equipment subject to the environmental qualification rule.

The extension is from March 31, 1985 to November 30, 1985.

Date of issuance: March 28, 1935.

Effective date: March 28, 1985.

Amendment No.: 9.

Facility Operating License No. NPF–21. Amendment revised the License.

Date of initial notice in **Federal Register**: February 22, 1985 50 FR 7423.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated March 28, 1985.

No significant hazards consideration comments received *No.*

Local Public Document Room location: Osterhout Free Library, Reference Department, 71 South Franklin Steet, Wilkes-Barre, Pennsylvania 18701.

Philadelphia Electric Company, Public Service Electric and Gas Company, Delmarva Power and Light Company, and Atlantic City Electric Company, Dockets Nos. 50–277 and 50–278, Peach Bottom Atomic Power Station, Units Nos. 2 and 3, York County, Pennsylvania

Date of application for amendments: September 14, 1984.

Brief description of amendments: These amendments delete the tabular listing (Table 3.11.D.1) of snubbers in the Peach Bottom Technical Specifications (TSs) as well as add criteria to the TSs specifying which snubbers are required to be operable and which snubbers are exempted from the snubber operability requirements.

Date of issuance: March 19, 1985.

Effective date: March 19, 1985.

Amendment Nos.: 107 and 111.

Facility Operating Licenses Nos. DPR–44 and DPR–56. Amendments revised Technical Specifications.

Date of initial notice in **Federal Register:** November 21, 1984, 49 FR 45961.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated March 19, 1985.

No significant hazards consideration comments received: No.

Local Public Document Room location: Government Publications Section, State Library of Pennsylvania, Education Building, Commonwealth and Walnut Streets, Harrisburg, Pennsylvania.

Philadelphia Electric Company, Public Service Electric and Gas Company, Delmarva Power and Light Company, and Atlantic City Electric Company, Docket Nos. 50–277, Peach Bottom Atomic Power Station, Unit No. 2, York County, Pennsylvania

Date of application for amendment: September 7, 1984.

Brief description of amendment: This amendment revises the Technical Specifications (TSs) to change the Maximum Average Planar Linear Heat Generator Rate (MAPLHGR) reduction factor to be applied during single loop operation, revises the Minimum Critical Power Ratio limits for Cycle 7 operation, provides MAPLHGR limits for two new fuel types for Cycle 7, modifies the Bases for the Standby Liquid Control System and revises the Design Features section of the TSs to permit use of Hybrid I Control Rods. This amendment permits the reloading and operation of Unit 2 for Cycle 7.

Date of issuance: March 19, 1985.

Effective date: March 19, 1985.

Amendment No.: 108.

Facility Operating License No. DPR–44. Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** January 23, 1985 50 FR 3052.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated March 19, 1985.

No significant hazards consideration comments received: No.

Local Public Document Room location: Government Publications Section, State Library of Pennsylvania, Education Building, Commonwealth and Walnut Steets, Harrisburg, Pennsylvania.

Portland General Electric Company et al., Docket No. 50–344, Trojan Nuclear Plant, Columbia County, Oregon

Date of application for amendment: January 14, 1985.

Brief description of amendment: The amendment incorporated additional technical specifications for equipment added as a result of post–TMI improvements approved by the Commission in NUREG–0737. The amendment request was submitted in response to NRC Generic Letter 83–37. Items included in this amendment are: noble gas monitors (II.F.1.1); containment high-range radiation monitors (II.F.1.3); containment water level monitors (II.F.1.5); and control

room habitability requirements (III.D.3.4) (sulfur dioxide detectors).

Date of issuance: April 4, 1985.

Effective date: April 4, 1985.

Amendment No.: 105.

Facility Operating License No. NPF-1. Amendment revised the Technical Specifications.

Date of initial Notice in **Federal Register:** February 27, 1985 (50 FR 7979 at 50 FR 8000).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated April 4, 1985.

No significant hazards consideration comments received: No comments received.

Location of Local Public Document Room: Multnomah County Library, 801 SW. 10th Avenue, Portland, Oregon.

Power Authority of The State of New York, Docket No. 50-286, Indian Point Unit No. 3, Westchester County, New York

Date of application for amendment: November 24, 1981, as supplemented August 13, 1984.

Brief description of amendment: The amendment revises the Technical Specifications related to the hydraulic snubbers by including additional operability and surveillance requirements.

Date of issuance: April 2, 1985.

Effective date: April 2, 1985.

Amendment No.: 52.

Facilities Operating License No. DPR-64: Amendment revised the Technical Specifications.

Date of initial Notice in **Federal Register:** August 23, 1983 (48 FR 38419) and February 27, 1985 (50 FR 8001).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated April 2, 1985.

Significant hazards consideration comments received: No.

Local Public Document Room location: White Plains Public Library, 100 Martine Avenue, White Plains, New York, 10610.

Power Authority of the State of New York, Docket No. 50-286, Indian Point Unit No. 3, Westchester County, New York

Date of application for amendment: July 6, 1983, as supplemented December 3, 1984.

Brief description of amendment: The amendment revises the Technical Specifications to provide for redundancy in decay heat removal capability in all modes of operation.

Date of issuance: April 8, 1985.

Effective date: April 8, 1985.

Amendment No.: 53.

Facilities Operating License No. DPR-64: Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** February 27, 1985 (50 FR 8002).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated April 8, 1985.

Significant hazards consideration comments received: No.

Local Public Document Room location: White Plains Public Library, 100 Martine Avenue, White Plains, New York 10610.

Power Authority of The State of New York, Docket No. 50-286, Indian Point Unit No. 3, Westchester County, New York

Date of application for amendment: April 13, 1982, as supplemented August 31, 1984, October 31, 1984, and January 15, 1985.

Brief description of amendment: The amendment revises the Technical Specifications related to degraded grid voltage conditions. The licensee's submittals dated October 31, 1984 and January 15, 1985 provided results of voltage verification tests and 480V motor starters transient analyses and information regarding monthly surveillance testing of the 480V loss of voltage relays, respectively. These submittals served to only clarify the previous amendment requests dated April 13, 1982, and August 31, 1984 and did not change the proposed Technical Specifications. Therefore, no substantive changes were made by the licensee's October 31, 1984, and January 15, 1985 submittals.

Date of issuance: April 9, 1985.

Effective date: April 9, 1985.

Amendment No.: 54.

Facilities Operating License No. DPR-64: Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** February 27, 1985 (50 FR 8001).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated April 9, 1985.

Significant hazards consideration comments received:

Local Public Document Room location: White Plains Public Library, 100 Martine Avenue, White Plains, New York 10610.

Public Service Electric and Gas Company, Docket Nos. 50-272 and 50-311, Salem Nuclear Generating Station, Unit Nos. 1 and 2, Salem County, New Jersey

Date of application for amendments: January 18, 1985.

Brief description of amendments: The amendments extend the implementation time for Amendments 59 and 28 for Salem Units 1 and 2, respectively, to 105 days after issuance.

Date of issuance: April 9, 1985.

Effective date: April 9, 1985.

Amendment Nos.: 61 and 32.

Facility Operating License Nos. DPR-70 and DPR-75: Amendments revised the Licenses.

Date of initial notice in **Federal Register:** February 27, 1985 (50 FR 8004).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated April 9, 1985.

No significant hazards consideration comments have been received.

Local Public Document Room location: Salem Free Library, 112 West Broadway, Salem, New Jersey 08079.

Rochester Gas and Electric Corporation, Docket No. 50-244, R. E. Ginna, Nuclear Power Plant, Wayne County, New York

Date of application for amendment: December 5, 1984.

Brief description of amendment: The amendment deletes the description of the battery charger configuration, but retains the required battery charger capacity and operability.

Date of issuance: April 1, 1985.

Effective date: April 1, 1985.

Amendment No.: 3.

Facility Operating License No. DPR-18: Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** February 27, 1985 (50 FR 8004).

The Commission's related evaluation of the amendment is contained in a letter dated April 1, 1985. No significant hazards consideration comments received: No.

Local Public Document Room location: Rochester Public Library, 115 South Avenue, Rochester, New York 14610.

Sacramento Municipal Utility District, Docket No. 50-312, Rancho Seco Nuclear Generating Station, Sacramento County, California

Date of application for amendment: March 28, 1984, as supplemented October 4, 1934 (withheld from public disclosure).

Brief description of amendment: The amendment revises the license to incorporate Amendment 12 to the Rancho Seco physical security plan.

Date of issuance: March 18, 1985.

Effective date: March 18, 1985.

Amendment No.: 64.

Facility Operating License No. DPR-54: Amendment revised the license.

Date of initial notice in **Federal Register:** December 31, 1984, 49 FR 50822.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated March 18, 1985.

Significant hazards consideration comments received: No.

Local Public Document Room location: Sacramento City-County Library, 828 I Street, Sacramento, California.

Sacramento Municipal Utility District, Docket No. 50–312, Rancho Seco Nuclear Generating Station, Sacramento County, California

Date of application for amendment: October 9, 1984.

Brief description of amendment: The amendment deleted Facility Operating License Condition 2.C.(10) relating to the US/International Atomic Energy Agency safeguards program.

Date of issuance: April 1, 1985.

Effective date: April 1, 1985.

Amendment No.: 65.

Facilities Operating License No. DPR–54: Amendment revised the license.

Date of initial notice in **Federal Register:** February 27, 1985, 50 FR 8005.

The Commission's related evaluation of the amendment is contained in the Commission's letter to the licensee dated April 1, 1985.

Significant hazards consideration comments received: No.

Local Public Document Room location: Sacramento City-County Library, 828 I Street, Sacramento, California.

South Carolina Electric & Gas Company, South Carolina Public Service Authority, Docket No. 50–395, Virgil C. Summer Nuclear Station, Unit 1, Fairfield County, South Carolina

Date of application for amendment: November 29, 1984, as supplemented January 8, 1985.

Brief description of amendment: The amendment modifies the Technical Specifications to add a new specification regarding requirements for circuit breakers for non-Class 1E cable.

Date of issuance: April 1, 1985.

Effective date: April 1, 1985.

Amendment No. 38.

Facility Operating License No. NPF–12. Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** February 27, 1985 (50 FR 8007).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated April 1, 1985.

No significant hazards consideration comments received: No.

Local Public Document Room location: Fairfield County Library, Garden and Washington Streets, Winnsboro, South Carolina 29180.

South Carolina Electric & Gas Company, South Carolina Public Service Authority, Docket No. 50–395, Virgil C. Summer Nuclear Station, Unit 1, Fairfield County, South Carolina

Date of application for amendment: November 29, 1984.

Brief description of amendment: The amendment modifies the Technical Specifications to add a note to Table 3.3–3 stating that "purge exhaust monitor not required when purge exhaust is closed."

Date of issuance: April 1, 1985.

Effective date: April 1, 1985.

Amendment No. 39.

Facility Operating License No. NPF–12. Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** February 7, 1985 (50 FR 8006).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated April 1, 1985.

No significant hazards consideration comments received: No.

Local Public Document Room location: Fairfield County Library, Garden and Washington Streets, Winnsboro, South Carolina 29180.

Tennessee Valley Authority, Docket Nos. 50–259, 50–260 and 50–296, Browns Ferry Nuclear Plant, Units 1, 2 and 3, Limestone County, Alabama

Date of application for amendment: October 19, 1984.

Brief description of amendment: The amendments change the Technical Specifications to permit removal of the secondary containment static pressure limiting system.

Date of issuance: April 5, 1985.

Effective date: April 5, 1985.

Amendment Nos.: 116, 111 and 86.

Facility Operating License Nos. DPR–33, DPR–52 and DPR–68. Amendments revised the Technical Specifications.

Date of initial notice in **Federal Register:** December 31, 1984 49 FR 50825.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated April 5, 1985.

No significant hazards consideration comments received: No.

Local Public Document Room location: Athens Public Library, South and Forrest, Athens, Alabama 35611.

Tennessee Valley Authority, Docket No. 50–296, Browns Ferry Nuclear Plant, Unit 3, Limestone County, Alabama

Date of application for amendment: September 22, 1983, as supplemented March 20, 1985.

Brief description of amendment: The amendment changes the Technical Specification to revise the curves in Firure 3.6–1 of reactor pressure versus minimum temperature for hydrostatic pressure testing, heatup and cooldown and core operations to account for potential reduction in vessel metal ductility as a result of accumulated radiation exposure. This amendment revises the curve for Browns Ferry Unit 3 for the balance of Cycle 6 operations (thru November 30, 1985) and is in partial response to the licensee's application. Final response to the application, which will include Units 1 and 2, will be the subject of future correspondence.

Date of issuance: April 12, 1985.

Effective date: April 12, 1985.

Amendment No.: 87.

Facility Operating License No. DPR–68. Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** November 22, 1983 48 FR 52831.

The March 20, 1985 submittal need not be renoticed since it only provided supplemental information requested by the staff on material compositions. The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated April 12, 1985.

No significant hazards consideration comments received: No.

Local Public Document Room location: Athens Public Library, South and Forrest, Athens, Alabama 35611.

The Toledo Edison Company and the Cleveland Electric Illuminating Company, Docket No. 50–346, Davis-Besse Nuclear Power Station, Unit No. 1, Ottawa County, Ohio

Date of application for amendment: November 20, 1984.

Brief description of amendment: The amendment adds limiting Conditions for Operation and Surveillance Requirements which relate to the reactor coolant system hot leg high point vents and presssurizer. In addition, a Bases Section for high point vents has been added.

Date of issuance: April 3, 1985.

Effective date: April 3, 1985.

Amendment No.: 85.

Facility Operating License No. NPF–3: Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** February 27, 1985, 50 FR 8009.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated April 3, 1985.

No significant hazards consideration comments received: No.

Local Public Document Room location: University of Toledo Library, Documents Department, 2801 Bancroft Avenue, Toledo, Ohio 43606.

Union Electric Company, Docket No. 50–483, Callaway Plant, Unit 1, Callaway County, Missouri.

Date of application for amendment: December 28, 1984.

Brief description of amendment: The amendment has been revised to incorporate a November 30, 1985 deadline for completion of environmental qualification of electrical equipment important to safety instead of the presently imposed deadline of March 31, 1985.

Date of issuance: March 28, 1985

Effective date: March 28, 1985.

Amendment No.: 5.

Facility Operating License No. NPF–30: Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register**: January 23, 1985 (50 FR 3056).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation, dated March 28, 1985. No significant hazards consideration comments received: No.

Local Public Document Room locations: Fulton City Library, 709 Market Street, Fulton, Missouri 65251 and Olin Library of Washington University, Skinker and Lindell Boulevard, St. Louis, Missouri 63130.

Union Electric Company, Docket No. 50–483, Callaway Plant, Unit 1, Callaway County, Missouri

Date of application for amendment: February 12, 1985.

Brief description of amendment: The technical specifications have been revised to allow for a delay of 6 months in the due dates of the first three containment vessel tendon surveillances.

Date of issuance: April 4, 1985.

Effective date: April 4, 1985.

Amendment No.: 6.

Facility Operating License No. NPF–30: Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register**: February 27, 1985 (50 FR 8024).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated April 4, 1985. No significant hazards consideration comments received: No.

Local Public Document Room locations: Fulton City Library, 709 Market Street, Fulton, Missouri 65251 and Olin Library of Washington University, Skinker and Lindell Boulevard, St. Louis, Missouri 63130.

Vermont Yankee Nuclear Power Corporation, Docket No. 50–271, Vermont Yankee Nuclear Power Station, Vernon, Vermont

Date of application for amendment: January 15, 1985.

Brief description of amendment: The amendment revises the Technical Specifications to provide alternative staffing requirements should the Operations Supervisor not possess a Senior Reactor Operator License.

Date of issuance: April 1, 1985.

Effective date: April 1, 1985.

Amendment No.: 87.

Facility Operating License No. DPR–28: Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** February 27, 1985 50 FR 8010.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated April 1, 1985.

No significant hazards consideration comments received: No.

Local Public Document Room location: Brooks Memorial Library, 224 Main Street, Brattleboro, Vermont 05301.

Washington Public Power Supply System, Docket No. 50–397, WNP–2, Richland, Washington

Date of Application for amendment: January 11 and January 17, 1985 and as supplemented on January 30 and March 8, 1985.

Brief description of amendment: This amendment revises the WNP–2 license to extend the schedular requirements of License Condition 2.C.(28) for replacement/modification and test completion of equipment subject to environmental qualification rule. The extension is from March 31, 1985 to November 30, 1985. This amendment will also change Paragraph 3.(b) of Attachment 2 to the license to extend the deadline for implementation of R.G. 1.97 requirements (installation or upgrade) for flux monitoring to the first refueling outage.

Date of issuance: March 28, 1985.

Effective date: March 28, 1985.

Amendment No.: 8.

Facility Operating License No. NPF–21. Amendment revised the License.

Date of initial notice in **Federal Register:** February 22, 1985, 50 FR 7424 and 50 FR 7426.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated March 28, 1985.

No significant hazards consideration comments received *No.*

Local Public Document Room location: Richland City Library, Swift and Northgate Streets, Richland, Washington.

Wisconsin Public Service Corporation, Docket No. 50–305, Kewaunee Nuclear Power Plant, Kewaunee County, Wisconsin

Date of Application for amendment: February 7, 1985.

Brief description of amendment: Permits testing of the main steam system while the plant is in hot shutdown conditions.

Date of issuance: April 4, 1985.

Effective date: April 4, 1985.

Amendment No. 61.

Facility Operating License No. DPR–43: Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** March 4, 1985 (50 FR 8688).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated April 4, 1985.

Significant hazards consideration comments received: No.

Local Public Document Room location: University of Wisconsin, Library Learning Center, 2420 Nicolet Drive, Green Bay, Wisconsin 54301.

Wisconsin Electric Power Company, Docket No. 50–266, Point Beach Nuclear Plant Unit No. 1, Town of Two Creeks, Manitowoc County, Wisconsin

Date of application for amendment: November 9, as modified November 14, 1984.

Brief description of amendment: The amendment incorporated additions to the "Overtemperature delta T" and "Overpower delta T" equations of Technical Specifications 15.2.3.1.B(4) and 15.2.3.1.B(5), respectively. These additions allow for the use of new time constants for temperature lag considerations associated with new resistance temperature detectors.

Date of issuance: April 4, 1985.

Effective date: 20 days from the date of issuance.

Amendment No.: 90.

Facility Operating License No. DPR–24. Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** January 23, 1985 (50 FR 3047 at 3057).

The Commission's related evaluation is contained in a Safety Evaluation dated April 4, 1985.

No Significant hazards consideration comments received: No.

Local Public Document Room location: Joseph P. Mann Library, 1516 Sixteenth Street, Two Rivers, Wisconsin.

Wisconsin Electric Power Company, Docket Nos. 50–266 and 50–301, Point Beach Nuclear Plant Unit Nos. 1 and 2, Town of Two Creeks, Manitowoc County, Wisconsin

Date of application for amendments: March 16, 1984 as modified September 25, 1984.

Brief description of amendments: The amendments revised Technical Specifications relating to control of heavy loads over spent fuel and revised the "Administrative Controls" section of the Technical Specifications to reflect position title changes and staffing upgrades. The amendments also made many editorial changes and typographical error corrections.

Date of issuance: April 8, 1985.

Effective date: 20 days from date of issuance.

Amendment Nos.: 91 and 95.

Facility Operating License Nos. DPR–24 and DPR–27: Amendments revised the Technical Specifications.

Date of initial notice in **Federal Register:** June 20, 1984 49 FR 25350 at 25381. Renoticed January 23, 1985 50 FR 3047 at 3057.

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated April 8, 1985.

No significant hazards consideration comments received: No comments were received.

Local Public Document Room location: Joseph P. Mann Public Library, 1516 Sixteenth Street, Two Rivers, Wisconsin.

Dated at Bethesda, Maryland this 17th day of April 1985.

For the Nuclear Regulatory Commission.

James R. Miller,

Chief, Operating Reactors Branch No. 3, Division of Licensing.

[FR Doc. 85–9658 Filed 4–22–85; 8:45 am]

BILLING CODE 7590–01–M

PENSION BENEFIT GUARANTY CORPORATION

Privacy Act of 1974; System of Records, Amendment

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Amendment to System PBGC–6.

SUMMARY: This document amends Privacy Act System PBGC–6 to permit disclosure of names, addresses and telephone numbers of participants and beneficiaries of certain pension plans and of information pertaining to debts of such participants and beneficiaries to private collection firms and agencies as a routine use.

EFFECTIVE DATE: This amendment to System PBGC–6 will become effective without further notice on May 23, 1985, unless comments are received on or before that date which would result in a contrary determination and a notice is published to that effect.

ADDRESSES: Send comments to the Legal Department, Code 250, Pension Benefit Guaranty Corporation, 2020 K Street, NW., Washington, D.C., 20006. Written comments will be available for public inspection at the PBGC, Suite 7000, at the same address, on weekdays between 9 a.m and 4 p.m.

FOR FURTHER INFORMATION CONTACT: Stuart E. Bernsen, Attorney, Legal Department, Code 250, Pension Benefit Guaranty Corporation, 2020 K Street, NW., Washington, D.C. 20006, 202–254–4895 (202–254–8010 for TTY and TTD). These are not toll-free numbers.

SUPPLEMENTARY INFORMATION: The Pension Benefit Guaranty Corporation ("PBGC") is establishing a new routine use of Privacy Act System PBGC–6 to allow, in certain instances, disclosure to private collection firms and agencies of names, address and telephone numbers of participants and beneficiaries and of information pertaining to debts of participants and beneficiaries of pension plans covered by Title IV of the Employee Retirement Income Security Act of 1974 ("ERISA"), 29 U.S.C. 1301 *et seq.* (1982), for which the PBGC has become trustee. The PBGC has found on occasion a need to collect claims due and owing to such pension plans. This includes situations where plan participants or beneficiaries have been overpaid benefits or have borrowed amounts from a plan and have failed to make or are delinquent in making repayment.

System PBGC–6, Plan Participant and Beneficiary Data—PBGC, contains, among other information, the name, address, telephone number, time of plan participation and participant status of participants and beneficiaries in terminated pension plans covered by Title IV of ERISA. 47 FR 58404 (December 30, 1982).

Establishment of a new routine use, number 4, of System PBGC–6 will allow the PBGC to increase the efficiency and effectiveness of its debt collection program by permitting the PBGC to utilize private collection firms and agencies. The PBGC would engage such private services, when necessary, to supplement its efforts to collect overdue plan loans and to recover overpayments made to plan participants and beneficiaries in situations where, at the discretion of the PBGC, it may recover overpayments by methods other than recoupment under 29 CFR 2623.11(a), 50 FR 3892 (January 29, 1985).

Individual privacy is protected by requiring the collection firm or agency to return the participant or beneficiary name, address, and telephone number and the name of the relevant plan at the conclusion of the debt collection effort and by requiring that the PBGC and the debt collection firm or agency contractually restrict the use of the disclosed information.

The new routine use number 4 reads as follows:

4. Disclosure of names, addresses and telephone numbers of participants and beneficiaries and of information pertaining to debts of such participants and beneficiaries may be made to a debt collection firm or agency to collect a claim. Disclosure shall be made only under a contract with the PBGC which properly binds any such contractor or employee of such contractor to the criminal penalties of the Privacy Act. The information so disclosed shall be used exclusively pursuant to the terms and conditions of such contract and shall be used solely for the purposes prescribed therein. The contract shall provide that the information so disclosed shall be returned to the PBGC at the conclusion of the debt collection effort.

Section 552a(e)(11) of the Privacy Act requires that notice of an intended routine use of records be published at least 30 days prior to the implementation of the use and that the public be given an opportunity to comment. Interested persons are invited to submit written data, views or comments on the proposed amended routine uses, which may be changed in light of the comments received. If no changes are made, and unless PBGC publishes a notice to the contrary, the proposed amended routine uses will become final 30 days after publication of this notice.

Based on the foregoing, PBGC hereby revises System PBGC–6 as follows:

PBGC–6

SYSTEM NAME:

Plan Participant and Beneficiary Data—PBGC.

SYSTEM LOCATIONS:

Pension Benefit Guaranty Corporation, 2020 K Street, NW., Washington, D.C. 20006.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Participants and beneficiaries in

terminated pension plans covered by Title IV of the Employee Retirement Income Security Act of 1974.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records contain name, address, telephone number, sex, social security number and other social security data, date of birth, date of hire, salary, marital status, time of plan participation, participant status, pay status, benefit data, health data, and insurance information where plan benefits are guaranteed by private insurers. The individual records listed herein are included only as pertinent or applicable to the individual plan participant or beneficiary.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

29 U.S.C. 1302, 1322 and 1341

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

1. Disclosed to third parties, such as banks, insurance companies and trustees, for the purpose of paying benefits to plan participants and beneficiaries.

2. Disclosure, in furtherance of proceedings under Title IV of the Employee Retirement Income Security Act of 1974, of plan participant and beneficiary data to an employer who maintained the plan, including any predecessor or successor employers and to any member of a controlled group of which the employer is a part.

3. Disclosure may be made to an official of a labor organization which is the duly recognized collective bargaining representative of the individual about whom the request is made.

4. Disclosure of names, addresses and telephone numbers of participants and beneficiaries and of information pertaining to debts of such participants and beneficiaries may be made to a debt collection firm or agency to collect a claim. Disclosure shall be made only under a contract with the PBGC which properly binds any such contractor or employee of any such contractor to the criminal penalties of the Privacy Act. The information so disclosed shall be used exclusively pursuant to the terms and conditions of such contract and shall be used solely for the purposes prescribed therein. The contract shall provide that the information so disclosed shall be returned to the PBGC at the conclusion of the debt collection effort.

POLICIES AND PRACTICE FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained manually in file folders and in machine readable form.

RETRIEVABILITY:

Indexed by plan and participant and/or beneficiary name.

SAFEGUARDS:

Manual records are maintained in lockable file cabinets which are locked after office hours, in areas of restricted access. Magnetic tapes and computer records are kept under restricted access.

RETENTION AND DISPOSAL:

Records for vested plan participants are destroyed one year after final payment to, or death of, the last participant and/or beneficiary in the plan. Records for nonvested plan participants are destroyed 7 years after written notification to the participant.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Benefit Payments Department, Pension Benefit Guaranty Corporation, 2020 K Street, NW., Washington, D.C. 20006.

NOTIFICATION PROCEDURE:

Procedures are detailed in PBGC regulations: 29 CFR Part 2607.

RECORDS ACCESS PROCEDURES:

Same as notification procedure.

CONTESTING RECORD PROCEDURES:

Same as notification procedure.

RECORD SOURCE CATEGORIES:

Plan administrators and Social Security Administration.

David M. Walker,

Acting Executive Director, Pension Benefit Guaranty Corporation.

[FR Doc. 85-9718 Filed 4-22-85; 8:45 am]

BILLING CODE 7708-01-M

RAILROAD RETIREMENT BOARD

Privacy Act of 1974; Computer Matching Program; VA Compensation and Pension Records/RRB Retirement and Survivor Benefit Records

AGENCY: Railroad Retirement Board.

ACTION: Notice.

SUMMARY: The Railroad Retirement Board (RRB) hereby gives notice that it is proposing to conduct a matching program with the Veterans Administration (VA). The match will compare the VA's compensation and pension master file with th RRB's master file of retirement and survivor beneficiaries. The purpose of the match is to provide the VA with railroad retirement and survivor benefit data for persons who are in receipt of both VA income-dependent benefits and railroad retirement or survivor benefits. The goals of the matching program are to adjust the award of VA benefits if RRB benefits were not reported or were incorrectly or incompletely reported and to recoup the amount of any overpayments resulting from payment of VA benefits in excess of entitlement.

As prescribed by the OMB Revised Guidelines for the Conduct of Matching Programs, published at 47 FR 21656-58 (May 19, 1982), the text of the matching program report follows. In accordance with these guidelines, copies of this report have been set to OMB, the Speaker of the House, and the President of the Senate.

FOR FURTHER INFORMATION CONTACT: LeRoy Blommaert, Railroad Retirement Board, 844 Rush Street, Chicago, Illinois 60611. Telephone (312) 751-4548.

Dated April 16, 1985.

By Authority of the Board.

Beatrice Ezerski,

Secretary to the Board.

Report of Matching Program: VA Compensation and Pension Records/ RRB Retirement and Survivor Benefit Records

A. Authority

38 U.S.C. 3006

B. Description of the Matching Program

1. *Organizations involved.* The involved components are the Railroad Retirement Board (RRB) and the Veterans Administration (VA).

2. *Purpose.* Veterans Administration (VA) pension benefits for veterans, surviving spouses and children of veterans and dependency and indemnity compensation benefits for parents of veterans are payable at a rate prescribed by law but subject to reduction by the amount of the annual income of the payee (38 U.S.C. 415, 521, 541, and 542). Benefits paid under the Railroad Retirement Act are considered as income for the purposes of reducing the amount of these VA benefits. The purposes of the matching program are to identify VA beneficiaries who are also receiving railroad retirement or survivor benefits and to furnish for such dual beneficiaries the amount of the RRB retirement or survivor benefits that they are entitled to receive. The goals of the matching program are to adjust the award of VA benefits if RRB benefits

were not reported or were incorrectly or incompletely reported and to recoup the amount of any overpayments resulting from payment of VA benefits in excess of entitlement.

3. *Proceedings.* The VA will furnish the RRB with an extract file from the VA Compensation and Pension (C&P) master file. An extract record will be prepared for each VA beneficiary who is receiving income-dependent benefits (Pension or Parent DIC). An extract will also be generated for dependents of VA beneficiaries if the dependent's income is a factor in determining the beneficiary's payment status and the Social Security Number (SSN) of the dependent is present. The extract file will be sorted into SSN sequence and mailed to the RRB.

The RRB will match VA's extract file against its research records of retirement and survivor benefits. The match will be on SSN solely. For each hit, the RRB will furnish VA with the total amount of RRB monthly benefits paid. In the event an individual is receiving benefits on more than one RRB account, the amount will be combined into a single amount for transmittal to VA. The RRB amount to be transmitted will be the amount paid after all permanent reductions have been made (e.g. age, SSA benefit, actuarial adjustment) but before any temporary deductions have been made (e.g. partial withholding for excess earnings, withholding for income tax, SMI premiums). The RRB benefit amount on hits will be entered in the VA extract tape, which will be returned to the designated VA processing facility.

The VA will process RRB data as follows: (a) For VA beneficiaries on whom receipt of RRB benefits is already a matter of record with the VA, the VA will enter the amount of RRB benefits on its records to reflect the amount of such benefits which the RRB has furnished; however, for each VA beneficiary whose verified RRB benefit amount differs from that on VA records, the VA will advise its beneficiary of the amount of RRB payments reported to the VA by the RRB and of any proposed award adjustment before adjusting any VA payment. If a VA beneficiary disputes the amount or effective date of RRB benefits, the VA shall contact the RRB for verification. The VA will provide the beneficiary with the exact amount of RRB benefits furnished so that the beneficiary can dispute any discrepancy. (b) for VA beneficiaries on whom receipt of RRB benefits is *not* already a matter of record with the VA, the VA shall contact the RRB for verification. With respect to any award action which the VA intends to take regarding any beneficiary covered by the procedures outlined above, the VA shall comply with due process provisions of applicable law prior to making any adjustments in VA benefits based on information furnished by the RRB.

C. Records to be Matched

RRB will match its research retirement and survivor master files with the VA extract file of its Compensation and Pension (C&P) master file. The RRB research and survivor master files are covered by Privacy Act systems of records RRB–25 and RRB–26, which were last published in their entirety at 42 FR 47483–84 dated September 20, 1977. The VA's Compensation and Pension master file is covered by VA Privacy Act systems of records Compensation, Pension, Education and Rehabilitation—58VA21/22/28, which was last published in its entirety at 47 FR 372–75 dated January 5, 1982.

D. Period of the Match

It is expected that the first match will take place before July 1, 1985. Subsequent matches will take place after each scheduled legislative increase in RRB benefits. Such increases are anticipated to occur on an annual basis; thus the matching program is expected to be an annual one; however, legislative changes could result in less or more frequent matches.

E. Security Safeguards

The RRB will maintain such administrative, technical, and physical security safeguards for the VA file while in the possession of the RRB as it does for its own files: Records are maintained in areas not accessible to the public and are not permitted to be removed from headquarters without authorization. All magnetic tapes not in use or not in security storage are housed in a tape library room that is locked during off-duty hours and to which access is restricted. Access to the computer room is also restricted and is locked during off-duty hours. These same safeguards will apply to the VA extract file while it is in the possession of the RRB.

The VA security safeguards for RRB information on "hit individuals" furnished to the VA and incorporated by the VA in its Compensation, Pension, Education and Rehabilitation Records shall be the same as for other personal information in this system of records; they are set forth at 47 FR 375, dated January 5, 1982.

F. Disposition of Records

The VA extract tape will be returned to the VA within 30 days after each match is completed. Information extracted from RRB files regarding "hits" will be incorporated into VA Privacy Act system of records Compensation, Pension, Education and Rehabilitation Records and will be disposed of according to established record retention schedules for such records.

G. Other Comments

1. *Background of the Match:* In 1982, the VA and the RRB participated in a statistical matching program; its purpose was to determine whether an ongoing data exchange would be cost justified. On the basis of the hits obtained using a 10 percent sample of VA's Compensation and Pension master file, the VA determined that an ongoing data exchange would be cost justified and requested RRB's participation.

2. *Routine Uses:* The RRB will publish in the **Federal Register** a proposed routine use for its Privacy Act systems of records RRB–25 and RRB–26 that will permit disclosure of benefit information from these systems to the VA. Likewise, the VA will publish in the **Federal Register** a proposed routine use for its Privacy Act system of records Compensation, Pension, Education, and Rehabilitation (58VA21/22/28) that will permit disclosure of identifying information from this system to the RRB. The proposed match will not begin until the Privacy Act requirements governing routine uses have been met: namely, that the public be given 30 days in which to comment on the proposed routine use before it is effective, and, if comments are received, that the agency take them into consideration before making any disclosures pursuant to the routine uses.

3. *RRB Use of VA's Extract File:* The RRB will use the VA extract file only to match with the RRB file agreed to; it will not use the VA file to extract information concerning "non-hit" individuals for any purpose; and it will not duplicate the file, produce hard copy from it, or disseminate it within or outside the agency unless specifically authorized in each instance by the VA.

[FR Doc. 85–9757 Filed 4–22–85; 8:45 am]

BILLING CODE 7905–01–M

SECURITIES AND EXCHANGE COMMISSION

[File No. 22-13779]

Application and Opportunity for Hearing; Security Pacific Corp.

April 17, 1985.

Notice is hereby given that Security Pacific Corporation, a Delaware corporation (the "Applicant"), has filed an application under clause (ii) of section 310(b)(1) of the Trust Indenture Act of 1939 (the "Act") for a finding that the trusteeship of Chemical Bank, a New York corporation ("Chemical Bank") under an indenture dated as of August 1, 1984 (the "1984 Indenture") with respect to the Floating Rate Subordinated Capital Notes Due August 15, 1996 issued thereunder (the "1984 Notes"), and an indenture of the Applicant dated as of February 15, 1985 (the "1985 Indenture"), is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify Chemical Bank from acting as Trustee under the 1984 Indenture with respect to the 1984 Notes or under the 1985 Indenture.

Section 310(b) of the Act provides in part that if a trustee under an indenture qualified under the Act has or shall acquire any conflicting interest it shall within 90 days after ascertaining that it has such conflicting interest, either eliminate such conflicting interest or resign. Subsection (1) of such Section provides, in effect, with certain exceptions, that a trustee under a qualified indenture shall be deemed to have a conflicting interest if such trustee is trustee under another indenture under which any other securities of the same issuer are outstanding. However, under clause (ii) of subsection (1), there may be excluded from the operation of this provision another indenture under which other securities of the issuer are outstanding, if the issuer shall have sustained the burden of proving, on application to the Commission and after opportunity for hearing thereon, that trusteeship under such qualified indenture and such other indenture is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify such trustee from acting as trustee under either of such indentures.

The Applicant alleges that:

(1) In 1984, the Applicant entered into the 1984 Indenture, with Chemical Bank as Trustee, providing for the issuance, from time to time, of the Company's unsecured subordinated debentures, notes or other evidences of indebtedness in one or more series (the "Securities"). The 1984 Indenture was filed as Exhibit 4(b) to a registration statement on Form S-3 (File No. 2-92559) (the "Registration Statement"), which registration statement together with a Statement of Eligibility and Qualification of the Trustee on Form T-1 (File No. 22-13219) was filed with the Securities and Exchange Commission on August 3, 1984. On August 7, 1984, the Commission declared the Registration Statement effective and the Indenture was qualified. On August 15, 1984, the Applicant issued $250,000,000 aggregate principal amount of the 1984 Notes under the 1984 Indenture. The 1984 Notes were offered by a prospectus dated August 7, 1984, as supplemented by a prospectus supplement dated as of the same date.

(2) The Applicant is not in default in any respect under the 1984 Indenture or under any other existing indenture.

(3) On February 15, 1985 and February 19, 1985, respectively, the Applicant and Chemical Bank executed the 1985 Indenture, which was then delivered. On February 21, 1985, the Applicant issued $250,000,000 aggregate principal amount of Floating Rate Subordinated Capital Notes Due 1997 (the "1985 Notes"). In view of the manner of the offer and sale contemplated by the underwriting agreement and related arrangements to restrict offers and sales thereof in the United States or to United States persons, the 1985 Notes were not registered under the Securities Act of 1933 (the "Securities Act") and the 1985 Indenture was not qualified under the Trust Indenture Act of 1939.

(4) Trusteeship under the 1984 Indenture with respect to the 1984 Notes and under the 1984 Indenture are not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify Chemical Bank from acting as Trustee under the 1984 Indenture with respect to the 1984 Notes or the 1985 Indenture.

The 1984 Notes and the 1985 Notes are both wholly unsecured. They are both subordinate and junior in right of payment to all senior indebtedness of the Applicant and rank *pari passu*. Payment of principal may not be accelerated under either Indenture except in the case of certain events of bankruptcy, insolvency, reorganization or the like.

(5) Applicant has waived notice of hearing, hearing and any and all rights to specify procedures under the Rules of Practice of the Commission in connection with this matter.

For a more detailed statement of the matters of fact and law asserted, all persons are referred to said application, which is a public document on file in the office of the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, D.C. 20549.

Notice is further given that any interested person may, not later than May 13, 1985, request in writing that a hearing be held on such matter, stating the nature of fact or law raised by said application which he desires to controvert, or he may request that he be notified if the Commission should order a hearing thereon.

Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. At any time after said date, the Commission may issue an order granting the application upon such terms and conditions as the Commission may deem necessary or appropriate in the public interest and the interest of investors, unless a hearing is ordered by the Commission.

For the Commission, by the Division of Corporation Finance, pursuant to delegated authority.

John Wheeler,

Secretary.

[FR Doc. 85-9707 Filed 4-22-85; 8:45 am]

BILLING CODE 8010-10-M

[File No. 1-6322]

Issuer Delisting; Application To Withdraw From Listing and Registration; Medalist Industries, Inc., Common Stock ($1 Par Value)

April 16, 1985.

The above named issuer has filed an application with the Securities and Exchange Commission pursuant to section 12(d) of the Securities Exchange Act of 1934 ("Act") and Rule 12d2-2(d) promulgated thereunder, to withdraw the specified security from listing and registration on the American Stock Exchange, Inc. ("Exchange").

The reasons alleged in the application for withdrawing this security from listing and registration include the following:

Medalist Industries ("Company") has determined that the listing of its shares on the National Association of Securities Dealers Automated Quotations National Market System would be of greater benefit to its shareholders than its present listing on the Exchange. The Company has complied with the rules of the Exchange and the Exchange poses no objection in this matter.

Any interested person may, on or before May 7, 1985, submit by letter to the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549, facts bearing upon whether the application has been made in accordance with the rules of the

Exchange and what terms, if any, should be imposed by the Commission for the protection of investors. The Commission, based on the information submitted to it, will issue an order granting the application after the date mentioned above, unless the Commission determines to order a hearing on the matter.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

John Wheeler,

Secretary.

[FR Doc. 85-9705 Filed 4-22-85; 8:45 am]

BILLING CODE 8010-01-M

Self-Regulatory Organizations; Applications for Unlisted Trading Privileges and of Opportunity for Hearing; Cincinnati Stock Exchange, Inc.

April 16, 1985.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the following stocks:

Bulington Coat Factory Warehouse Corporation
Common Stock, $1 Par Value (File No. 7-8389)
James Riber Corp. of Virginia
Common Stock, $.10 Par Value (File No. 7-8390)
Kenai Corp.
Common Stock, $.01 Par Value (File No. 7-8391)

These securities are listed and registered on one or more other national securities exchange and are reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before May 7, 1985, written data, views and arguments concerning the above-referenced applications. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, Washington, DC 20549. Following this opportunity for hearing, the Commission will approve the applications if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

John Wheeler,

Secretary.

[FR Doc. 85-9704 Filed 4-22-85; 8:45 am]

BILLING CODE 8010-01-M

Self-Regulatory Organizations; Applications for Unlisted Trading Privileges and of Opportunity for Hearing; Midwest Stock Exchange, Inc.

April 16, 1985.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the following stocks:

Biocraft Laboratories
Common Stock, $.01 Par Value (File No. 7-8376)
Herman's Sporting Goods, Inc.
Common Stock, $.01 Par Value (File No. 7-8377)
Dynalectron Corporation
Capital Stock, $.10 Par Value (File No. 7-8392)

These securities are listed and registered on one or more other national securities exchange and are reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before May 7, 1985, written data, views and arguments concerning the above-referenced applications. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, Washington, DC 20549. Following this opportunity for hearing, the Commission will approve the applications if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

John Wheeler,

Secretary.

[FR Doc. 85-9703 Filed 4-22-85; 8:45 am]

BILLING CODE 8010-01-M

Self-Regulatory Organizations; Applications for Unlisted Trading Privileges and of Opportunity for Hearing; Pacific Stock Exchange, Inc.

April 16, 1985.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of section 12(f)(1)(C)[1] of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the following stocks:

Damson Oil Corporation
Common Stock, $.40 Par Value (File No. 7-8378)
New York Times Company
Class A Common Stock, $.10 Par Value (File No. 7-8379)
Western Digital
Common Stock, $.10 Par Value (File No. 7-8380)
Frank B. Hall & Co., Inc.
Common Stock, $.50 Par Value (File No. 7-8381)
General Re Corporation
Common Stock, $.50 Par Value (File No. 7-8382)
Mitel Corporation
Common Stock, No Par Value (File No. 7-8383)
Noble Affiliates, Incorporated
Common Stock, $3.33 Par Value (File No. 7-8384)
Revco D.S. Incorporated
Common Stock, $1 Par Value (File No. 7-8385)
Skyline Corporation
Common Stock, $0.0277 Par Value (File No. 7-8386)
Torchmark Corporation
Common Stock, $1 Par Value (File No. 7-8387)
B.A.T. Industries, plc
Common Stock (File No. 7-8388)

These securities are listed and registered on one or more other national securities exchange and are reported in the consolidated transaction reporting system.[2]

Interested persons are invited to submit on or before May 7, 1985, written data, views and arguments concerning the above-referenced applications. Persons desiring to make written comments should file three copies thereof with the Secretary of the

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[1] Application under section 12(f)(1)(C) is made only with respect to B.A.T. Industries, plc.

[2] While B.A.T. Industries, plc is reported in the consolidated transaction reporting system, it is not currently listed on any national securities exchange B.A.T. Industries, however, is traded on the American Stock Exchange ("Amex") pursuant to unlisted trading privileges, and the application of the Pacific Stock Exchange is based on such unlisted trading on the Amex.

Securities and Exchange Commission, Washington, D.C. 20549. Following this opportunity for hearing, the Commission will approve the applications if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

John Wheeler,

Secretary.

[FR Doc. 85-9706 Filed 4-22-85; 8:45 am]

BILLING CODE 8010-01-M

Forms Under Review by Office of Management and Budget

Agency Clearance Officer: Kenenth A. Fogash, (202) 272-2142.

Upon Written Request Copy Available From: Securities and Exchange Commission Office of Consumer Affairs, Washington, D.C. 20549.

Amendment, Form TA-1, Rule 17Ac2-1(c), 270-95

New Form TA-2, Rule 17Ac2-2, 270-298

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*) the Securities and Exchange Commission has submitted amendments to Form TA-1 (17 CFR 249b.100), and Rule 17Ac2-1(c) (17 CFR 240.17Ac2-1(c)), both previously having been granted clearance, as well as new Form TA-2 and new Rule 17Ac2-2 under the Securities Exchange Act of 1934 (15 U.S.C. 78a *et seq.*). Form TA-1 is to be used by transfer agents to register with the Commission, Comptroller of the Currency, the Board of Governors of the Federal Reserve System or the Federal Deposit Insurance Corporation. Form TA-1 is also to be used by transfer agents to amend their registration. Part II of Form TA-1, which requires transfer agents to provide certain background information regarding control persons, is only to be completed by transfer agents registering directly with the Commission. Rule 17Ac2-1(c) requires a transfer agent to correct information submitted on Form TA-1 which becomes inaccurate, misleading or incomplete within sixty days following the date on which the information became inaccurate, misleading or incomplete. The prior Rule 17Ac2-1(c) required correction of such information within twenty-one days. Rule 17Ac2-2 requires registered transfer agents to file an annual report of their business activities on Form TA-2. Form TA-2 is to be filed with the transfer agent's appropriate regulatory agency, which would be either the Commission, the Comptroller of the Currency, the Board of Governors of the Federal Reserve System or the Federal Deposit Insurance Corporation. Transfer agents who satisfy the criteria set forth in 17 CFR 240.0-10(h) (restated in Rule 17Ac2-2) would only be required to complete Page One and the execution section of Form TA-2.

Submit comments on OMB Desk Officer: Katie Lewin (202) 395-7231, Office of Information and Regulatory Affairs, Room 3235, NEOB, Washington, D.C. 20503.

John Wheeler,

Secretary

April 16, 1985.

[FR Doc. 85-9774 Filed 4-22-85; 8:45 am]

BILLING CODE 8010-01-M

[Release No. IC-14474 ;812-6069]

ISFA Mortgage Funding Corp.; Application

April 16, 1985.

Notice is hereby given that ISFA Mortgage Funding Corporation ("Applicant"), 5404 Cypress Center Drive, Cypress Center One, Tampa, Florida 33609, a limited purpose corporation formed under Delaware law, filed an application on March 5, 1985, for an order of the Commission, pursuant to section 6(c) of the Investment Company Act of 1940 ("Act"), exempting Applicant from all provisions of the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below, and to the Act for the text of the applicable statutory provisions.

Applicant has recently been formed as a wholly-owned subsidiary of ISFA Holding Company, Ltd. ("ISFA Holding") of Tampa, Florida. ISFA Holding, which is primarily owned by affiliates of thrift institutions, provides a variety of specialized broker-dealer, investment advisory and financial services to thrift institutions and other entities engaged in real estate and mortgage activities. The limited purpose of Applicant's organization is to facilitate the financing of long-term residential mortgages on one-to four-family residences; it will not engage in any other unrelated business or investment activities. Applicant will be providing a source of funds to entities engaged in mortgage finance ("Thrifts") by issuing bonds collateralized by mortgages and/or mortgage-backed securities, and by entering into funding agreements with respect to such mortgages and mortgage-backed securities.

Applicant plans to issue its bonds ("Bonds") in series, each to be separately secured, primarily by "mortgage collateral." This collateral may include conventional mortgage loans, mortgage loans insured by the Federal Housing Administration ("FHA Loans"), or mortgage loans guaranteed by the Veterans' Administration ("VA Loans"), "fully-modified pass-through" mortgage-backed certificates, fully guaranteed by the Government National Mortgage Association ("GNMA Certificates"), Mortgage Participation Certificates issued and guaranteed by the Federal Home Loan Mortgage Corporation ("FHLMC Certificates"), Guaranteed Mortgage Pass-Through Certificates issued and guaranteed by the Federal National Mortgage Association ("FNMA Certificates"), and mortgage pass-through certificates, or mortgage-collateralized obligations issued by any person or entity; or other interests in mortgages ("Other Mortgage Certificates"). The Bonds may also be collateralized by certain proceeds accounts, debt service funds, reserve funds and insurance policies (thus, the term "Pledged Loans" includes conventional mortgage loans, FHA loans and VA Loans; "Mortgage Certificates" includes GNMA Certificates, FHLMC Certificates, FNMA Certificates and Other Mortgage Certificates; and "Mortgage Collateral" includes Mortgage Certificates and Pledged Loans). Each Pledged Loan will be a mortgage loan secured by a first mortgage or deed of trust of a one- to four-family residence, and each Mortgage Certificate will evidence an undivided interest in a pool of such mortgage loans.

Each series of Bonds will be issued pursuant to an indenture ("Indenture") between Applicant and an independent trustee ("Trustee"), to be supplemented by one or more indentures. The Bonds will be sold to institutional or retail investors through one or more investment banking firms; certain series of the Bonds will be registered under the Securities Act of 1933, while others will be sold in transactions exempt from such registration. Indentures for public offerings will be subject to the provisions of the Trust Indenture Act of 1939. Each series of Bonds is expected to be structured so that it will receive one of the two highest ratings from one or more nationally-recognized rating agencies.

Thrifts, and limited purpose finance subsidiaries of such Thrifts ("Finance

Subsidiaries") may either sell, or pledge, Mortgage Collateral to Applicant, or to an affiliate of Applicant ("Affiliate") in connection with the issuance of the Bonds. In the case of a sale, the Thrift may receive, in exchange for Mortgage Collateral, all or part of the net proceeds of the issuance of a related series of Bonds; where such sale is to Affiliate, Applicant will enter into a "funding agreement" with Affiliate, each such funding agreement to be secured by a pledge of the Mortgage Collateral to Applicant by Affiliate.

In the case of a pledge, all or a part of the net proceeds of the issuance of a related series of Bonds will be loaned by Applicant to Affiliate or a Finance Subsidiary as consideration for the transfer of Mortgage Collateral to Applicant. The Finance Subsidiary will re-distribute the loan proceeds to its parent Thirft, to the used to amortize indebtedness which the Thirft has incurred in funding or acquiring mortgage loans. Affiliate will use some or all of such proceeds to purchase additional Mortgage Collateral. Applicant will acquire a security interest in the pledged Mortgage Collateral, and in certain other collateral, including debt service funds, reserve funds, proceeds accounts and insurance policies (collectively referred to hereinafter as "Permitted Collateral"). Mortgage Collateral securing the Bonds will generally remain fixed for the life of the Bonds of the related series. The terms and conditions of the pledges of Permitted Collateral will be set forth in a "funding agreement" ("Funding Agreement"), between a Finance Subsidiary or Affiliate, and Applicant. Permitted Collateral will be re-pledged by Applicant to the Trustee, and produce a cash flow sufficient to service the obligation of the Finance Subsidiary or Affiliate to Applicant, and the correlative obligation of Applicant to the Bondholders.

Pledged Loans will be served by the Thrift associated with such Pledged Loan, or by another servicer acceptable to Applicant. An independent mortgage company will be the master servicer of each Pledged Loan, and each such servicer and/or master servicer will have the power and obligation to foreclose against the assets securing any delinquent Pledged Loan, liquidate those assets, pursue any mortgage insurance or quarantee claims, collect prepayments of principal and collect any insurance proceeds. Amounts so collected will be paid to the Trustee as the holder of each such Pledged Loan.

Certain series of Bonds may contain optional or special redemption provisions. A series may provide for involuntary redemptions, as well, to the extent that principal payments on Mortgage Collateral cannot be invested at a rate which will provide sufficient income to service on the Bonds. In addition, all or a portion of the Bonds of a series may be subject to redemption at the option of Applicant at any time on or after the anniversary of the original issue date for such Bonds specified in the Indentiure and disclosed in the prospectus or private placement memorandum relating to that series, or at any time after the aggregate outstanding principal amount of such series is equal to 20% or less of the aggregate original principal amount of the Bonds of such series. The terms of each offering may also provide for redemptions at the option of Bondholders to the extent that payments received on the Mortgage Collateral are available for such redemptions. Under no circumstances will Bondholders be entitled to compel the liquidation of the Mortgage Collateral in order to redeem Bonds prior to their maturity. Applicant assets that the foregoing redemption provisions notwithstanding, the Bonds should not be regarded as "redeemable securities" within the definition of such term in section 2(a)(32) of the Act.

Applicant believes that it does not fall within the definition of an investment company found in section 3(a) of the Act, even though its assets may consist principally of evidences of indebtedness of Finance Subsidiaries and Affiliate. Applicant argues that its primary activity will be the facilitation of the sale of one- to four-family homes through the financing of residential mortgages, rather than "investing, reinvesting, owning, holding or trading in securities . . ."; in any event, it wishes to remove the possibility that such evidence of indebtedness might, at a later date, be held to be "investment securities" as that term is used in section 3(a)(3) of he Act.

Applicant contends that all of the activities in which it proposes to engage could be conducted directly by Affiliate, without registration under the Act, in accordance with the exception to the definition of investment company afforded by section 3(c)(5)(C) of the Act, which removes companies which do not issue redeemable securities, face-amount certificates of the installment type, or periodic payment plan certificates and which are primarily engaged in the business of "purchasing or otherwise acquiring mortgages and other liens on and interests in real estate," from the purview of the Act. Although Applicant will not acquire legal title to Mortgage Collateral where such title is retained by a Finance Subsidiary or Affiliate, Applicant states that it will acquire a security interest in such Mortgage Collateral to secure repayment of a loan to such Finance Subsidiary or Affiliate, and will therefore hold direct or indirect liens on, and other interests in real estate.

Applicant notes, as well, that a number of large thrift institutions and home builders have issued mortgage-backed bonds through wholly-owned finance companies, and that none of these entities has been required to register under the Act. Applicant submits that there is no reason to be found in public policy which would require it to register under the Act merely because its purpose is to enhance the financing efforts of smaller thrift institutions in achieving comparable economies of scale, or because Applicant is providing medium-sized and larger thrift institutions with an opportunity to reduce their reinvestment risk and their interest-rate exposure by participating in a regular financing program with small amounts of collateral.

Accordingly, the exemption of Applicant from the Act is both necessary and appropriate in that Applicant is not an entity to which the Act was intended to apply, and Applicant's pursuits will enhance the national goal expressly articulated by Congress of expanding financing for housing.

Notice is further given that any interested person wishing to request a hearing on the application may, not later than May 13, 1985, at 5:30 p.m., do so by submitting a written request setting forth the nature of his/her interest, the reasons for the request, and the specific issues of fact or law that are disputed, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of the request should be served personally or by mail upon Applicant at the address stated above. Proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed with the request. After said date, an order disposing of the application will be issued unless the Commission orders a hearing upon request or upon its own motion.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

John Wheeler,

Secretary.

[FR Doc. 85–9772 Filed 4–22–85; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 34-21943; File No. SR-NASD-85-8]

Self-Regulatory Organizations; National Association of Securities Dealers, Inc.; Filing of Proposed Rule Change and Order Granting Accelerated Approval of Proposed Rule Change

The National Association of Securities Dealers, Inc. ("NASD"), submitted on April 1, 1985, a proposed rule change pursuant to section 19(b) of the Securities Exchange Act of 1934 ("Act") [1] and Rule 19b-4 thereunder [2] to conform the NASD's position and exercise limits for members trading in both conventional and/or exchange traded options to the recently increased limits of the options exchanges.

I. Description of the Proposal, Its Purpose and Statutory Basis

On March 29, 1985, the Commission issued an order approving increased limits for individual stock options traded on the American ("Amex"), Chicago Board Options ("CBOE"), Pacific ("PSE"), and Philadelphia ("Phlx") Stock Exchanges. The new limits are either 3,000, 5,500, or 8,000 contracts, depending on certain criteria related to the trading volume and public float of the underlying security.[3] The NASD's proposed amendments will conform the NASD's limits [4] for access firms [5] dealing in exchange traded options, and all members dealing in conventional options on securities which underlie exchange-traded options, to the new limits. In addition, the proposed amendments will raise position and exercise limits for conventional options on securities that do not underlie exchange-traded options from 2,500 to 3,000 contracts.[6]

The NASD states that the proposed rule change is consistent with section 15A(b)(6) of the Act, in that the proposed amendments, which are identical to those promulgated by the options exchanges, will reduce the potential for manipulation or disruption of the market for options and underlying securities and, at the same time, provide uniformity in the options markets.

II. Solicitation of Comments

The Commission is publishing this release to solicit comment on the proposed rule change described in section I, above. Persons interested in commenting on this proposal should submit six copies of their comments within 21 days from the date of publication of this notice in the **Federal Register**. Comments should be sent to the Secretary of the Commission, 450 Fifth Street, NW., Washington, D.C. 20549. Copies of the proposed rule change, all subequent amendments, and all documents relating to the proposed rule change, except those that may be withheld from the public pursuant to 15 U.S.C. 552, are available for inspection and copying at the Commission's Public Reference Room. Copies of the filings are also available at the NASD.

III. Approval of the Proposal

As indicated above, NASD's proposal to increase position and exercise limits for individual stock options is essentially identical to proposals by the Amex, CBOE, PSE and Phlx that the Commission recently adopted. For the reasons discussed in the order approving the proposals by the options exchanges, the Commission finds that the NASD's proposal is consistent with the requirements of the Act and the rules and regulations thereunder applicable to the NASD. The Commission finds good cause for approving the proposed rule change prior to the thirtieth day after the date of publication of notice of filing thereof in that insofar as the proposal would alter the existing NASD position and exercise limit rules applicable to transactions in conventional options and transactions in exchange-traded options by access firms, it is substantially the same as the Amex, CBOE, PSE and Phlx proposals to increase position and exercise limits that were recently published for comment, considered and approved by the Commission. In light of this fact, and to reduce the potential for confusion by providing uniform regulation of options transactions among the self-regulatory organizations, accelerated approval is appropriate.

It is therefore ordered, pursuant to section 19(b)(2) of the Act, that the proposed rule change is approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

John Wheeler,

Secretary

April 12, 1985.

[FR Doc. 85-9773 Filed 4-22-85; 8:45 am]

BILLING CODE 8010-01-M

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[1] 15 U.S.C. 78s(b)(1) (1984).

[2] 17 CFR 240.19(b)-4 (1984).

[3] *See* Securities Exchange Act Release No. 21907, March 29, 1985, 50 FR 13440, April 4, 1985.

[4] Under the NASD's current rules (and the exchange rules prior to the recent increase) limits for options on securities which underlie exchange traded options are either 2,500 or 4,000 contracts.

[5] Access firms are firms that are not members of an exchange but who are granted access to the exchange floor, without having to go through a member firm, for a certain fee in order to conduct an options transaction.

[6] Traditionally, the position and exercise limits for conventional options have been the same as those for the lowest tier of exchange-traded options.

[Release No. 34-21955; SR-NASD-85-2]

Self-Regulatory Organizations; NASD; Order Approving Proposed Rule Change

April 17, 1985.

The National Association of Securities Dealers, Inc. ("NASD"), submitted a proposed rule change on March 5, 1985, pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act") and Rule 19b-4 thereunder to amend several sections of the NASD's By-Laws and Code of Procedure. Specifically, the proposal amends the By-Laws by codifying certain Association practices relating to the expulsion and suspension of members and associated persons. In addition, the proposal amends the By-Laws by prohibiting member participation in adjudicatory proceedings in which it would have a conflict of interest and would recognize the rulemaking authority of the Municipal Securities Rulemaking Board. The proposal also amends the Code of Procedure to accommodate those sections of the By-Laws that provide a member or associated person with a right to a hearing before the NASD imposes certain sanctions.

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by the issuance of a Commission release (Securities Exchange Act Release No. 21839, March 12, 1985) and by publication in the **Federal Register** (50 FR 11041, March 19, 1985). No comments were received with respect to the proposed rule change.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to the NASD and, in particular, the requirements of Section 15A and the rules and regulations thereunder.

It is therefore ordered, pursuant to section 19(b)(2) of the Act, that the

above-mentioned proposed rule change be, and it hereby is, approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority, 17 CFR 200.30-3(a)(12).

John Wheeler,

Secretary.

[FR Doc. 85-9770 Filed 4-22-85; 8:45 am]

BILLING CODE 8010-01-M

Self-Regulatory Organizations; Applications for Unlisted Trading Privileges and of Opportunity for Hearing; Philadelphia Stock Exchange, Inc.

April 17, 1985.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the following stocks:

Capital Cities Communications, Inc.
Common Stock, $1.00 Par Value, File No. 7-8393

Johnson Controls, Inc.
Common Stock, $.50 Par Value, File No. 7-8394

TIE/Communications, Inc.
Common Stock, $.05 Par Value, File No. 7-8395

These securities are listed and registered on one or more other national securities exchange and are reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before May 8, 1985, written data, views and arguments concerning the above-referenced applications. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549. Following this opportunity for hearing, the Commission will approve the applications if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

John Wheeler,

Secretary.

[FR Doc. 85-9771 Filed 4-22-85; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

National Airspace Review Enhancement; Meeting

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Suspension of National Airspace Review Enhancement (NARE) Plan.

SUMMARY: On December 19, 1984, Revision 3 to the National Airspace Review Enhancement (NARE) was published in the Federal Register (49 FR 49402). Since that date, the program has proceeded on schedule, with only minor changes. This notice is to suspend the Plan and scheduled meetings included in the pending reestablishment of the National Airspace Review Advisory Enhancement Committee Charter. Task Group 4-3, MLS Procedures and Airspace, scheduled to begin its meeting on May 14 (50 FR 12886) is also suspended pending further notice.

EFFECTIVE DATE: April 14, 1985.

FOR FURTHER INFORMATION CONTACT: Burton L. Gifford, Manager, National Airspace Review Enhancement Staff, AMS-4, Room 639, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591, (202) 755-5623.

SUPPLEMENTARY INFORMATION: The DOT/FAA Order 1110.92 dated February 12, 1982, established and constituted the charter for the National Airspace Review Advisory Committee (NARAC) under provisions of the Federal Advisory Committee Act, Pub. L. 92-463, Title 5, U.S. Code, Appendix 1. DOT/FAA Order 1110.92A dated March 20, 1984, that reestablished and constituted the continuation of the charter through Apirl 13, 1985, has not been renewed. Consequently, the NARAC and its component committees are suspended upon the charter expiration date of April 13, 1985, pending reestablishment of the NAREAC under the requirements of the Federal Advisory Committee Act, Pub. L. 92-463.At this time, we envision no effect on the work associated with the NARE Implementation Plan and associated implementation studies planned or in progress covering recommendations cleared for processing prior to April 13, 1985.

Brooks C. Goldman,

Associate Adminstrator for Administration.

[FR Doc. 85-9677 Filed 4-22-85; 8:45 am]

BILLING CODE 4910-13-M

Maritime Administration

Essential Trade Routes; Intent To Redesignate Extension of Deadline for Comments

On March 8, 1985, Notice of the intent of the Maritime Administrator to consolidate the present essential trade routes and essential trade areas into eight essential trade areas was published in the **Federal Register** (50 FR 9532).

The deadline for submitting comments concerning this proposal is extended to 5:00 P.M. on May 15, 1985.

(Catalog of Federal Domestic Assistance Program No. 20.804 Operating-Differential Subsidies (ODS))

By order of the Maritime Administrator.

Dated: April 15, 1985.

Murray A. Bloom,

Acting Secretary.

[FR Doc. 85-9515 Filed 4-22-85; 8:45 am]

BILLING CODE 4910-81-M

DEPARTMENT OF THE TREASURY

Public Information Collection Requirements Submitted to OMB for Review

Dated: April 17, 1985.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB (listed by submitting bureau(s)), for review and clearance under the Paperwork Reduction Act of 1980, Pub. L. 96-511. Copies of these submissioins may be obtained by calling the Treasury Bureau Clearance Officer listed under each bureau. Comments regarding these information collections should be addressed to the OMB reviewer listed at the end of each bureau's listing and to the Treasury Department Clearance Officer, Room 7221, 1201 Constitution Avenue, NW., Washington, D.C. 20220.

Internal Revenue Service

OMB Number: New
Form Number: IRS Form 8390
Type of Review: New
Title: Information Return for Determination of Life Insurance Company Earnings Rate Under Section 809

OMB Number: 1545-0091
Form Number: IRS Form 1040X
Type of Review: Revision
Title: Amended U.S. Individual Income Tax Return

Clearance Officer: Garrick Shear (202) 566-6150, Room 5571, 1111 Constitution Avenue, NW., Washington, D.C. 20224

OMB Reviewer: Robert Neal (202) 395–6880, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, D.C. 20503

U.S. Customs Services

OMB Number: 1515–0072
Form Number: CF 3315
Type of Review: Extension
Title: Declaration for Fee Entry of Game Animals or Birds Killed by U.S. Residents
Clearance Officer: Vince Olive (202) 566–9181, U.S. Customs Service, Room 2130, 1301 Constitution Avenue, N.W., Washington, D.C. 20229
OMB Reviewer: Milo Sunderhauf (202) 395–6880, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, D.C. 20503

James V. Nasche, Jr.,
Departmental Reports Management Office.
[FR Doc. 85–9682 Filed 4–22–85; 8:45 am]
BILLING CODE 4810–25–M

Office of the Comptroller of the Currency

[Docket No. 85–5]

Privacy Act of 1974; Proposed New System of Record

AGENCY: Office of the Comptroller of the Currency, Treasury.

ACTION: Notice of Proposed New System or Records Concerning the Chain Banking Organization System.

SUMMARY: Pursuant to the requirements of the Privacy Act of 1974, the Office of the Comptroller of the Currency ("Office") gives notice of the establishment of a new system of records entitled The Chain Banking Organizations System ("System").

DATE: Comments must be received no later than 30 days after publication of this notice. If no comments are received, the system of records will become effective June 24, 1985.

ADDRESS: Comments should be sent to Docket No. 85–5, Communications Division, Office of the Comptroller of the Currency, Washington, D.C. 20219. Attn: Lynne Carter, (202) 447–1800.

FOR FURTHER INFORMATION CONTACT: Larry Senter, National Bank Examiner, Commercial Examinations, (202) 447–1164 or Larry Mallinger, Senior Attorney, Legal Advisory Services Division, (202) 447–1880, Office of the Comptroller of the Currency, 490 L'Enfant Plaza East, SW., Washington, D.C. 20219.

SUPPLEMENTARY INFORMATION:

Purpose of System

The Office is establishing the System to enhance its supervision of chain banks. The system will contain information useful in identifying chain banking relationships. This will facilitate internal and interagency coordination of bank examinations and related supervisory responsibilities. Moreover, the system will provide a base of assessing the consolidated condition of various chain banking groups. The System is subject to the provisions of the Privacy Act of 1974 (5 U.S.C. 552a).

Description of the System

The System will consist of word processing and microprocessing programs which perform editing, updating and reporting functions on two types of data: (1) Name of an individual (or group of individuals acting in concert) that owns or controls two or more banks or financial institutions (including at least one national bank); and (2) information concerning individual chain banks, such as: name and location, charter number, charter type, date of last examination, precentage of outstanding stock owned by controlling individual or group and, if applicable, name of intermediate holding entity and percentage of it held by controlling individual or group.

TREASURY/CC00.015

SYSTEM NAME:

Chain Banking Organizations System (Treasury CC/00.015).

SYSTEM LOCATION:

Office of the Comptroller of the Currency, 490 L'Enfant Plaza East, SW., Washington, D.C. 20219.

1211 Avenue of the Americas, Suite 4250, New York, NY 10036.

Peachtree Cain Tower, Suite 2700, 229 Peachtree St., Atlanta, GA 30303.

Sears Tower, Suite 5750, 233 South Wacker Dr., Chicago, IL 60606.

2345 Grand Avenue, Suite 700, Kansas City, MO 64108.

1201 Elm St., Suite 3800, Dallas, TX 75270.

50 Fremont Street, Suite 3900, San Francisco, CA 94105.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who directly, indirectly, or in concert with others, own and/or control a chain banking organization.

CATEGORIES OF RECORDS IN THE SYSTEM:

The Chain Banking Organizations System consists of word processing and microprocessing programs which perform editing, updating and reporting functions on two types of data: (1) Name of an individual (or group of individuals acting in concert) that owns or controls a chain banking organization and (2) information concerning individual chain banks, such as; name, location, charter number, charter type, date of last examination, percentage of outstanding stock owned by controlling individual or group and, if applicable, name of intermediate holding entity and percentage of it held by controlling individual or group.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

12 U.S.C. 1, 12 U.S.C. 481, 12 U.S.C 1817(j).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The System may be used:

(1) To disclose information about specific chain banking organizations to other financial institution supervisory authorities for: (a) Coordination of examining resources when the chain banking organization is composed of banks or financial institutions subject to multiple supervisory jurisdiction; (b) coordination of evaluations and analysis of the condition of the consolidated chain group; (c) coordination of supervisory, corrective or enforcement actions;

(2) To disclose information to the extent provided by law or regulation and as necessary to report any apparent violations of law to appropriate law enforcement agencies.

(3) To disclose pertinent information to appropriate Federal, State, or local agencies responsible for investigating or prosecuting the violation of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law.

(4) To disclose information to a Federal, State, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an employee, or issuance of a security clearance, license, contract, grant, or other benefit.

(5) To disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlemen

negotiations or in connection with criminal law proceedings.

(6) To provide information to a Congressional office in response to an inquiry made at the request of the individual to whom the record pertains.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

These records are maintained in a computer data base and on computer floppy disks or hard copy printouts stored in file cabinets.

RETRIEVABILITY:

All retrievable records are indexed by district location, state, alphabetically by surname of the individual(s) and/or entity controlling the chain banking organization.

SAFEGUARDS:

Access to records in electronic storage systems is restricted by user identification procedures and passwords which limit access to authorized employees of the Office. Computer disks and hard copy printouts will be stored in locked file cabinets when the Office is vacant.

RETENTION AND DISPOSAL:

Records are generally maintained in electronic storage disks in an on-line capacity until needed. Certain records are archived in off-line storage. All records, including those in printout form, are periodically updated to reflect changes and maintained as long as needed.

SYSTEM MANAGER(S) AND ADDRESS:

Senior Deputy Comptroller for Bank Supervision, Office of the Comptroller of the Currency, 490 L'Enfant Plaza East, S.W., Washington, D.C. 20219. District Offices—The Deputy Comptroller for each District is responsible for assuring the accuracy and routine maintenance of that portion of the System applicable to the district.

NOTIFICATION PROCEDURE:

Individuals who wish to be notified if they are named in the system shall submit a signed, written request to the appropriate District Office (or to the System Manager at the address listed). The request must contain: (1) The requestor's name and address; (2) the name of the system of records; and (2) the name and location of the bank(s) which they control individually or in concert with others.

In order to avoid excessive delay and unneeded correspondence, individuals requesting notification should simultaneously request access to records pertaining to them.

RECORD ACCESS PROCEDURES:

Portions of this system of records may be accessed under the Privacy Act for purposes of inspection by identified controlling individuals for the express purpose of verifying that their controlling relationships are accurately recorded.

CONTESTING RECORD PROCEDURE:

Individuals who wish to contest a record in the system must submit a signed written reqyest to the Senior Deputy Comptroller for Bank Supervision, Office of the Comptroller of the Currency, 490 L'Enfant Plaza East, S.W., Washington, D.C. 20219.

The requests should contain: (1) The name and address of the individual contesting the record; (2) the name of the system of records; (3) the name and location of the chain bank(s) which they reportedly control individually or in concert with others; and (4) the specific information being contested and the reason for contesting (it is believed to be inaccurate, irrelevant, incomplete, etc.).

RECORD SOURCE CATEGORIES:

Information that identifies chain banking groups primarily is gathered from: (1) Examination reports and related materials; (2) regulatory filings; and (3) Change in Bank Control Notices filed pursuant to 12 U.S.C. 1817(j).

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

Dated April 12, 1985.

D. Edward Wilson, Jr.,

Deputy Assistant Secretary for Departmental Management.

[FR Doc. 85-9781 Filed 4-22-85; 8:45 am]

BILLING CODE 4810-33-M

UNITED STATES INFORMATION AGENCY

Grants Program for Private Not-For-Profit Organizations in Support of International Educational and Cultural Activities

The United States Information Agency USIA) announces a program of selective assistance and limited grant support to non-profit activities of United States institutions and organizations in the Private Sector. The primary purpose of the program is to enhance the achievement of the Agency's international public diplomacy goals and objectives by stimulating and encouraging increased private sector commitment, activity, and resources. The information collection involved in this solicitation is covered by OMB Clearance Number 3116-0175, entitled "A Grants Program for Private Organization", expiration date January 31, 1987.

Private sector organizations interested in working cooperatively with USIA on the following concept are encouraged to so indicate:

Latin American Legislators and Political Leaders: Political Development Project: USIA is interested in supporting a series of exchange visits for legislators, party leaders, and senior political staff persons from Spanish-speaking countries of Latin America to participate in a two-week study tour dealing with one or more aspects of political development and which will serve to build mutually supportive networking among the participants in the program and between the participants and their parties and the U.S. political system. Each study tour group will represent parties affiliated with one of the political internationals (Social Democratic, Christian Democratic, Liberal, International Democratic Union). The programming for each group will be politically balanced and non-partisan. The particular political development issues to be treated in the program are subject to some variation depending on the background and expertise of the recipient organization. However, whatever the political development themes treated, the program should deal with the means of promoting internal democratic development through international linkages and effective means for promoting and maintaining such networks. Participants will be Spanish speakers. The program is scheduled to begin in early Fall 1985. Your submission of a letter indicating interest in the above project concept begins the consultative process. This letter should further explain why your organization has the substantive expertise and logistical capability to successfully design, develop and conduct the above project.

Emphasis during the preliminary consultative process will be on identifying organizations whose goals and objectives clearly complement or coincide with those of USIA. Furthermore, USIA is most interested in working with organizations that show promise for innovative and cost effective programming, and with organizations that have substantial potential for obtaining third party private sector funding in addition to USIA support. Organizations must also demonstrate a potential for designing

programs which will have a lasting impact on their participants. In your response, you may also wish to include other pertinent background information. To be eligible for consideration, organizations *must* postmark their general letter of interest within 120 days of the date of this notice.

This is not a solicitation for grant proposals. After consultation, selected organizations will be invited to prepare proposals for the limited financial assistance available.

Office of Private Sector Programs, Bureau of Educational and Cultural Affairs, (ATTN: Initiative Programs), United States Information Agency, 301 4th Street SW., Washington, D.C. 20547

Dated: April 17, 1985.

Robert Francis Smith,

Director, Office of Private Sector Programs

[FR Doc. 85-9688 Field 4-22-85; 8:45 am]

BILLING CODE 8230-01-M

Sunshine Act Meetings

Federal Register
Vol. 50, No. 78
Tuesday, April 23, 1985

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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1

FEDERAL COMMUNICATIONS COMMISSION

April 19, 1985.

The Federal Communications Commission will hold an Open Meeting on the subjects listed below on Friday, April 26, 1985, which is scheduled to commence at 9:30 A.M., in Room 856, at 1919 M Street, NW., Washington, D.C.

Agenda, Item No., and Subject

Common Carrier—1—Title: Amendment of § 43.61 of the Commission's Rules to Update and Simplify the Required Traffic Data Reports Filed by International Telecommunications Carriers. Summary: The Commission will consider whether to adopt this Report and Order amending § 43.61 of the Commission's Rules governing the reporting of traffic data by international telecommunications carriers.

Common Carrier—2—Title: Memorandum Opinion and Order in CC Docket No. 81-893, Procedures for Implementing the Detariffing of Customer Premises Equipment and Enhanced Services (Second Computer Inquiry). Summary: The Commission will consider petitions for reconsideration challenging the termination charge provisions of longterm CPE lease contracts transferred to AT&T-IS from the BOCs as a consequence of divestiture and detariffing.

Common Carrier—3—Title: American Telephone & Telegraph Company AT&T Communications Tariff F.C.C. Nos. 9, 10, and 11. (Transmittal Nos. 285, 318). Summary: The Commission will consider AT&T's proposed private line tariffs, scheduled to take effect April 12, 1985.

Common Carrier—4—Subject: Petition for Declaratory Ruling filed by Universal Payphone Corporation. Summary: The Commission will consider the petition of Universal Payphone Corporation that certain regulations concerning interconnection and use of customer owned coin-telephones are unlawful under Commission policy.

Common Carrier—5—Title: AT&T PRO America Optional Calling Plan. Summary: The Commission will consider tariff revisions filed by AT&T to implement a new optional calling plan called PRO America.

Mass Media—1—Title: Nighttime Operations on Canadian, Mexican, and Bahamian AM Clear Channels. Summary: The Commission issued a Notice of Proposed Rule Making looking toward the authorization of additional nighttime operations on AM frequencies which had been designated as clear channels under existing international agreements. The Commission will consider a Report and Order resolving the issues raised in this proceeding.

Mass Media—2—Title: In the Matter of Repeal of the "Regional Concentration of Control" Provisions of the Commission's Multiple Ownership Rules. Summary: The Commission will consider petitions for reconsideration, filed by Black Citizens for a Fair Media and by Henry Geller and Donna Lampert, of the Commission's *Report and Order* in MM Docket No. 84-19, which repealed the regional concentration of control rule.

Mass Media—3—Title: License Renewal Application of Station KTTL (FM), Dodge City, Kansas, licensed to Mr. & Mrs. Charles Babbs, d/b/a Cattle Country Broadcasting. Summary: The Commission considers petitions to deny KTTL's renewal application filed by the Dodge City Citizens for Better Broadcasting and the National Black Media Coalition; informal objections to KTTL's renewal application filed by the Attorney General of the State of Kansas, Robert T. Stephan, on behalf of the State of Kansas, the Anti-Defamation League of B'nai B'rith, the Jewish Community Relations Bureau of Kansas City, Missouri, and the Jewish War Veterans of the U.S.A.; and timely-filed application from Community-Service Broadcasting, Inc., seeking a construction permit for a new FM broadcasting station in Dodge City, Kansas, which is mutually exclusive with the renewal application of KTTL.

This meeting may be continued the following work day to allow the Commission to complete appropriate action.

Additional information concerning this meeting may be obtained from Judith Kurtich, FCC Office of Congressional and Public Affairs, telephone number (202) 254-7674.

William J. Tricarico,

Secretary, Federal Communications Commission.

[FR Doc. 85-9865 Filed 4-19-85; 2:55 pm]

BILLING CODE 6712-01-M

2

NATIONAL COUNCIL ON THE HANDICAPPED

TIME AND DATE:

8:30 a.m.-5:30 p.m.—April 29, 1985
9:00 a.m.-3:30 p.m.—April 30, 1985
8:30 a.m.-5:30 p.m.—May 1, 1985

PLACE: (Cathedral A Conference Room: Mon. & Tues., Japanese Pavilion: Wednesday), Cathedral Hill Hotel, 1101 Van Ness Avenue, San Francisco, California.

STATUS: Open Meeting.

MATTERS TO BE CONSIDERED:

General Business including, Approval of Minutes, Executive Director's Report, Legislative Briefing
Consumers' Forum: Access to Services, Employment, Disincentives, Independent Living
Research & Providers' Forum: Presentations

PLEASE NOTE: Any person requiring an interpreter or other special services, please contact NCH Staff no later than April 26, 1985.

CONTACT FOR MORE INFORMATION: Lex Frieden, Executive Director, NCH, (202) 453-3846.

Lex Frieden,

Executive Director.

[FR Doc. 85-9864 Filed 4-19-85; 2:53 pm]

BILLING CODE 6820-BS-M

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NATIONAL TRANSPORTATION SAFETY BOARD

[NM-85-7]

TIME AND DATE: 9 a.m., Tuesday, April 30, 1985

PLACE: NTSB Board Room, 8th Floor, 800 Independence Ave., SW., Washington, D.C. 20594.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. *Railroad Accident Report:* Derailment of New York City Transit Authority Subway Train in the Joralemon Street Tunnel, New York, New York, March 17, 1984.
2. *Hazardous Materials Special Investigation Report:* Derailment of Seaboard System Railroad Train Extra 8294 North and Release of Oleum During Wreckage-Clearing Operations, Clay, Kentucky, February 5, 1984.
3. *Railroad Accident Report:* Derailment of Seaboard System Railroad Freight Train

FERHL at Marshville, North Carolina, April 10, 1984.

4. *Railroad Accident Report:* Head-on Collision of Burlington Northern Freight Trains Extra 6760 West and Extra 7907 East, near Motley, Minnesota, June 14, 1984.

5. *Special Investigation Report:* Railyard Safety—Hazardous Materials and Emergency Preparedness.

CONTACT PERSON FOR MORE INFORMATION: Sharon Flemming, (202) 382–6525.

H. Ray Smith, Jr.,

Federal Register Liaison Officer.

April 19, 1985.

[FR Doc. 85–9872 Filed 4–19–85; 3:23 pm]

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Tuesday
April 23, 1985

Part II

Environmental Protection Agency

40 CFR Part 265

Hazardous Waste Management System; Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities; Final Rule

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 265

[SWH-FRL-2784-5]

Hazardous Waste Management System; Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency is today amending the interim status regulations for hazardous waste surface impoundments, land treatment units, and landfills (40 CFR Part 265, Subparts K, M, and N, respectively), issued under authority of the Resource Conservation and Recovery Act, as amended (RCRA).

Most of today's modifications to the interim status standards were proposed on July 26, 1982. However, the amendment to the land treatment rules is in response to comments received on the May 19, 1980, interim final promulgation of those rules. Today's modifications provide consistency between certain of the interim status requirements for surface impoundments, land treatment units, and landfills and those contained in the permitting rules of 40 CFR Part 264, that were also published on July 26, 1982.

Today's modifications include the following:

(1) A variance to the two-foot freeboard requirement for surface impoundments.

(2) Final cover performance requirements for landfills.

(3) An additional variance allowing placement of some ignitable or reactive wastes in surface impoundments.

(4) More definitive requirements regarding placement of containers in landfills.

(5) A clarification of the allowable treatment mechanisms at land treatment units.

EFFECTIVE DATE: These final regulations become effective on October 23, 1985, which is six months from the date of promulgation, as RCRA section 3010(b) requires.

ADDRESS: The official docket for this regulation is located in Room S212, U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC, and is available for viewing from 9:00 a.m. to 4:00 p.m., Monday through Friday, excluding holidays.

FOR FURTHER INFORMATION CONTACT: RCRA hotline at (800) 424-9346 (in Washington, D.C., call 382-3000) or Kent Anderson, Office of Solid Waste (WH-565E), U.S. Environmental Protection Agency, Washington, DC 20460, telephone (202) 382-4654.

SUPPLEMENTARY INFORMATION:

I. Authority

These regulations are issued under the authority of sections 1006, 2002(a), and 3004 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, as amended (42 U.S.C. 6905, 6912(a), and 6924).

II. Background

Subtitle C of the Resource Conservation and Recovery Act (RCRA) creates a "cradle-to-grave" management system intended to ensure that hazardous waste is safely treated, stored, or disposed. First, Subtitle C requires EPA to identify hazardous waste. Second, it creates a manifest system designed to track the movement of hazardous waste, and requires hazardous waste generators and transporters to employ appropriate management practices as well as procedures to ensure the effective operation of the manifest system. Third, owners and operators of treatment, storage, and disposal (TSD) facilities must comply with standards to protect human health and the environment that are established by EPA under section 3004 of RCRA. Ultimately, these standards for TSD facilities will be implemented through permits that are issued by authorized states or EPA to owners and operators of such facilities. However, until these permits are issued, existing facilities are controlled under the interim status regulations of 40 CFR Part 265. Under the interim status program, the owner or operator of a facility in existence on November 19, 1980, (or in existence on the effective date of statutory or regulatory changes under the Hazardous and Solid Waste Amendments of 1984 (HSWA) that render the facility subject to the requirement to have a permit under section 3005), who has complied with the notification requirements of section 3010 of RCRA, and applied for a permit (Part A application) in accordance with section 3005 of RCRA is treated as having been issued such a permit until the permit is issued or denied.

In regulations promulgated on July 26, 1982, (40 CFR Part 264, 47 FR 32274), EPA established permitting standards covering the treatment, storage, and disposal of hazardous wastes in surface impoundments, waste piles, land treatment units, and landfills. Owners and operators of such facilities must meet these standards to receive a RCRA permit. Also included in the **Federal Register** on that date were a series of changes to the interim status requirements of Part 265, which were promulgated to ensure consistency with the new Part 264 standards. There were, however, a few additional Part 265 conforming changes that the Agency believed should first be proposed for public comment because, in most cases, the public had not had sufficient opportunity to comment on the appropriateness of applying them during the interim status period. The changes that were proposed on July 26, 1982, are today being made final.

In the promulgation of the Part 264 land treatment regulations on July 26, 1982, the Agency adopted an approach that had been suggested by commenters to the Part 265 interim status standards. These commenters had stated that the Agency position in Part 265 was not clear as to whether immobilization of hazardous waste constituents was an acceptable treatment mechanism and suggested that the Agency regard immobilization as acceptable. In the Part 264 land treatment requirements, the Agency clearly states that immobilization is an acceptable treatment mechanism. Today, the Agency is making a similar clarification to the interim status land treatment requirements.

III. Discussion of Today's Amendments

A. Surface Impoundments—General Operating Requirements

Section 265.222 contains the rules designed to prevent overtopping of impoundment dikes. The interim status regulations promulgated on May 19, 1980, contain a performance requirement for the prevention of overtopping, as well as a requirement for maintenance of a minimum freeboard of two feet. The Agency received numerous comments as a result of the May 19, 1980, rulemaking claiming that the two-foot requirement is redundant in light of the performance requirement to prevent overtopping. Many claimed that the two-foot minimum is, in some cases, either underprotective or overprotective.

EPA generally agrees with these commenters and, in the Part 264 regulations, the Agency requires only that overtopping be prevented. As with most Part 264 requirements, this is implemented through the permitting process, when the applicant assesses the potential causes of overtopping (e.g., rainfall, run-on, equipment malfunctions and human error) and develops design

features and operating practices to prevent overtopping. During interim status, in the absence of Agency review provided by the permitting process, EPA is concerned that a general performance requirement, such as "prevent overtopping", may not be adequately self-implementing or readily enforced.

Therefore, the Agency is maintaining the two-foot minimum freeboard requirement in the interim status rules, but is allowing a variance if a qualified engineer certifies that alternate design features or operating procedures will prevent overtopping. Examples of alternate design features or operating procedures that may support the use of a freeboard of less than two feet include: (1) An impoundment cover to control rainfall and wind and wave action or (2) a combination of features or factors such as controls to reduce wind and wave action, level controls or emergency overflow structures, and local historic weather conditions. We believe that a qualified engineer can review a facility's characteristics that may contribute to the potential for impoundment overtopping and the impoundment's design and operating features to prevent such overtopping and adequately conclude whether overtopping is a realistic possibility. The owner or operator would also be required to maintain the certification and the basis for it at the facility for review during enforcement inspections. The Agency believes this approach to be self-implementable and to provide a degree of protection equivalent to that of the two-foot freeboard minimum. Only one comment was received on the July 26, 1982, proposal of this part 265 amendment. That comment supported the two-foot freeboard variance provision.

B. Landfill Closure and Post-Closure Care

The part 264 rules issued on July 26, 1982, for landfill closure and post-closure care are in many ways quite similar to the interim status requirements. The Part 264 rules are, however, more explicit and somewhat more environmentally protective. The Agency believes the more explicit Part 264 rules for landfills can readily be implemented during interim status as well since the existing review process for interim status closure and post-closure care plans will provide an opportunity for the Agency to review the specifics of the plans for compliance. Any problems with misinterpretation by the owner or operator would, therefore, be identified and rectified. In fact, the process during interim status is similar to the review process for closure and post-closure care plans conducted during the permitting process. Therefore, the Agency is adopting, as Part 265 interim status requirements, the Part 264 closure and post-closure care requirements for landfills (§ 264.310), except for the § 264.310 leachate management requirements because existing units at interim status landfills are not required to have leachate collection and removal systems. (The HSWA require leachate collection systems for new units and lateral expansions and replacements of existing units at interim status facilities. The issue of post-closure operation and maintenance of leachate collection systems at these units will be addressed in rules under section 3004(o)(5)(A) of RCRA, as amended by HSWA.)

The new interim status requirements promulgated today have more explicit and stringent requirements governing the final cover for landfills than do the current interim status rules. The cover must now "minimize" infiltration instead of simply "controlling" it. In order to prevent the "bathtub" effect, it must be at least as impermeable as any bottom liner or any underling subsoils that could potentially cause liquids to accumulate within the landfill. Therefore, if the bottom liner or underlying subsoil is highly impermeable, the cover will also have to be highly impereable. It must also accommodate settling and subsidence. The rationale for these requirements remains the same as that discussed in detail in the preamble to the Part 264 requirements promulgated on July 26, 1982 (47 FR 32320–32321).

The new interim status post-closure care requirements for landfills also contain some differences from the current rules. The new provisions require that erosion of the cover from precipitation be minimized. This requirement is as appropriate for interim status as for permitted units. The requirement that access be restricted to landfills during post-closure care has been dropped becaused it is redundant to § 265.117(b).

On July 26, 1982, changes to the surface impoundment closure and post-closure care requirements (§ 265.228) were also proposed. The proposed changes are related to clean-up policies being refined under the Agency's Superfund program. The Agency is currently examining the relevant issue in the context of both programs. Pending further analysis, we are not at this time making final the changes to § 265.228 that were proposed on July 26, 1982.

C. Surface Impoundments—Ignitable or Reactive Waste

The existing interim status limitations on placing ignitable or reactive waste in surface impoundments allow the practice only if the waste is treated, rendered, or mixed before or immediately after placement in the impoundment so that the resulting waste, mixture, or dissolution of material no longer meets the definition of ignitable or reactive waste, unless the surface impoundment is used solely for emergencies. The Part 264 requirements additionally allow the use of impoundments for ignitable or reactive waste if the waste is protected from conditions that could cause it to ignite or react. EPA does not expect this variance to be used much, but recognizes that protection from certain types of reactions may be practical. Design or operating practices that protect against ignition or reaction may include warning signs, fences, separation of impoundments, or covers. Since the management methods providing protection can be reviewed during permitting, we believe that the new variance provides additional flexibility to the owner or operator without sacrificing human health or environmental protection.

Adoption of the same variance during interim status, however, presents the same enforcement and self-implementation problems as adoption of the freeboard variance discussed in section A. The Agency is again addressing these difficulties by requiring that the owner or operator obtain certification from a qualified chemist or engineer that the design features of the facility or the operating practices employed will prevent ignition or reaction. EPA expects that a qualified engineer or chemist can evalute the operation and adequately determine that it is safe. Enforcement of the rule can adequately be carried out by comparing the basis for the certification kept at the facility against actual practice.

Only one comment was received on this Part 265 amendment when it was proposed on July 26, 1982. That comment was in support of the greater flexibility offered by the variance provisions.

D. Landfills—Special Requirements for Containers

The existing interim status requirements mandate that empty containers be crushed flat prior to placement in a landfill. The purpose of this requirement is to minimize differential subsidence over time due to

the collapse of empty containers. Such subsidence poses a serious threat to the continuity and proper functioning of the final cover.

Commenters on this provision when it was promulgated on May 19, 1980, made three basic suggestions:

(1) Small containers should be exempted.

(2) EPA should provide guidance on when a container is empty or full for purposes of this rule, and

(3) EPA should provide guidance on how much crushing and shredding is necessary to comply.

The Agency agreed with all of these suggestions and, in § 264.315 (promulgated on July 26, 1982), addressed these comments (1) by exempting small containers such as ampules, and (2) by requiring that all containers be at least 90% full or crushed prior to being placed in a landfill. Similarly, we are today promulgating these requirements in § 265.315. The rationale for these requirements is discussed in the preamble to the July 26, 1982, issuance (47 FR 32331–32332).

We are, however, not yet able to provide more specific guidance in response to comment (3) regarding how much shredding or crushing is necessary to comply with the rule. In the **Federal Register** on July 26, 1982, we stated that we would prefer to set a performance limit on the required effectiveness of volume reduction and had considered imposing a requirement limiting maximum remaining void space after crushing to 10 percent of the precrushed volume. However, we lacked data at that time on the practicality of such a limit and requested comments on the level of performance that may practically be required.

Two sets of comments were received on the requirements for disposal of containers in landfills. One commenter stated that only 90 percent of the containers placed in a landfill should have to comply with the 90 percent full provision. We do not agree with this comment because the remaining 10 percent of totally empty containers would still cause damaging differential settlement. We also disagree with this commenter's contention that landfills located over substantial clay deposits are not sensitive to void space. Voids in a landfill, regardless of the underlying structure, can result in cover subsidence. The underlying soil structure is not relevant to the potential for void spaces in the waste to cause damage to the cover.

A second commenter addressed the issue of setting a performance limit on the volume reduction of empty containers. The commenter contended that: (1) Requiring that containers be crushed to the "maximum practical extent" does not provide adequate guidance to landfill owners and operators, and that (2) the phrase, "maximum practical extent," suggests that factors other than absolute technological compatibility, such as cost, equipment availability, container design, and composition, can be considered in determining whether a container is crushed to the maximum practical extent. While EPA would prefer to make this requirement more specific, we do not yet have adequate information to structure a more explicit performance standard.

E. Land Treatment—Interpretation of "Treatment"

The current interim status requirements at § 265.272(a) prohibit the land treatment of hazardous waste "unless the waste can be made less hazardous or nonhazardous by biological degradation or chemical reactions occurring in or on the soil." The Agency has received some comments questioning whether immobilization of heavy metals is considered an acceptable "treatment" mechanism within the context of this provision. Several commenters expressed a concern that an overly strict interpretation of § 265.272(a) could result in the exclusion of certain wastes, such as oily wastes, from land treatment facilities, because they contain inorganic hazardous waste constituents. The intent of this amendment to § 265.272(a) is to clarify EPA's interpretation of acceptable "treatment" as it applies to land treatment under the interim status standards.

As is reflected in the Part 264 regulations (§§ 264.271(a) and 264.273(a)), the Agency believes that hazardous waste may be rendered less hazardous or nonhazardous (i.e., treated) in soils through the chemical, biological, and physical processes of degradation, transformation, and immobilization. These processes, alone or in combination, reduce the hazardousness of a waste by altering the chemical or physical state of the hazardous constituents in the soil matrix, making them unavailable or less available for environmental contamination. For example, organic constituents may be completely degraded or transformed to nonhazardous constituents, while inorganic constituents may be effectively immobilized through chemical reactions or physical attenuation processes. The Agency is today modifying the language in § 265.272(a) to clarify that degradation, transformation, and immobilization are all considered effective treatment processes. This approach is consistent with that taken in the Part 264 regulations.

Degradation, transformation, and immobilization processes all play a role in achieving effective treatment of hazardous constituents at land treatment units. As used in the regulations, degradation refers to the chemical, biological, or physical decomposition of organic waste constituents to compounds of lower molecular weight, whereas transformation pertains to reactions in which waste constituents are chemically changed to different compounds of higher molecular weight. Immobilization includes physical and chemical reactions, such as soil sorption, precipitation, and cation exchange, that result in the attenuation of waste constitutents in the soil matrix. At land treatment units, degradation and transformation are considered the primary treatment mechanisms for organic constituents, while immobilization is reserved as the primary mode of treatment only for the smaller inorganic components of the waste.

As discussed in the preamble to the July 26, 1982, regulations (47 FR 32325), the Agency does not consider dilution to be an acceptable treatment process. Dilution does not provide chemical, biological, or physical "treatment" of hazardous constituents. Rather, dilution allows wide dispersal of hazardous constituents in the soil matrix. Since they remain untreated, such constituents may eventually migrate and concentrate to unacceptable levels in ground water or surface water.

While the general philosophy of "treatment" (i.e., degradation, transformation, and immobilization) under the Part 265 and Part 264 regulations is identical, there remain two significant differences in the scope and implementation of the treatment standard. First, under Part 265, the treatment standard applies only to the *hazardous waste constituents* in the hazardous wastes being land treated. These include constituents that either cause the waste to exhibit the characteristic of EP toxicity (see Part 261, Subpart C, Table 1), or cause the waste to be listed as hazardous waste (see Part 261, Subpart, D, Appendix VII). Under the Part 264 regulations, however, the Agency has expanded this requirement to include all *hazardous constituents* (see Part 261, Subpart D, Appendix VIII) present in the waste.

This difference reflects the more comprehensive regulatory approach taken under the Part 264 regulations.

Second, the determination that the treatment objective is being met under Part 265 is achieved through the use of unsaturated-zone and ground-water monitoring data from the full-scale operational land treatment unit. Continued land treatment without successful treatment determinations via monitoring data is a violation of the interim status standards. Under Part 264, however, all land treatment units (existing and new) are required to demonstrate prior to full-scale operation under Part 264 that all hazardous constituents in the waste can be successfully treated in the proposed unit. This demonstration information is used by the permit writer to define in the Part 264 permit specific design and operating conditions to assure successful treatment when the facility is fully operational.

IV. Effective Date

Pursuant to section 3010(b) of RCRA, today's amendments will be effective six months after promulgation.

V. State Authority

A. Applicability of Rules in Authorized States

Under section 3006 of RCRA, EPA may authorize qualified States to administer and enforce the RCRA program within the State. (See 40 CFR Part 271 for the standards and requirements for authorization.) Authorization, either interim or final, may be granted to State programs that regulate the identification, generation, and transportation of hazardous waste and the operation of facilities that treat, store, or dispose of hazardous waste. Interim authorization is granted to States with programs that are "substantially equivalent" to the Federal program (Section 3006(c)). Final authorization is granted to States with programs that are equivalent to the Federal program, consistent with the Federal program and other State programs, and that provide for adequate enforcement (Section 3006(b)).

Under RCRA, prior to the Hazardous and Solid Waste Amendments of 1984 (HSWA), once EPA authorized a State program, EPA suspended administration and enforcement within the State of those parts of the Federal program for which the State was authorized. However, under section 3006(g) of HSWA, any requirement pertaining to hazardous waste promulgated pursuant to HSWA is effective in authorized States at the same time it is effective in other States. EPA will administer and enforce the requirements in each State until the State is authorized with respect to such requirement. Following authorization, EPA retains enforcement authority under sections 3008, 7003, and 3013 of RCRA, although authorized States have primary enforcement responsibility.

Today's modifications to Part 265 are not applicable in authorized States since the requirements are not being imposed pursuant to HSWA; the requirements will be applicable only in those States that do not have interim or final authorization. In authorized States, the requirements will not be applicable until the State revises its program to adopt equivalent requirements.

B. Effect on State Authorizations

As stated above, these final rules will not apply immediately in authorized States. States that have final authorization must revise their programs to include equivalent standards within a year of promulgation of these standards if only regulatory changes are necessary, or within two years of promulgation if statutory changes are necessary. These deadlines can be extended in exceptional cases (40 CFR 271.21(e)(3)).

States that submit official applications for final authorization less than 12 months after promulgation of these standards may be approved without including equivalent standards. However, once authorized, a State must revise its program to include equivalent standards within the time period discussed above. The process and schedule for revision of the State programs is described in amendments to 40 CFR 271.21 published on May 22, 1984. (See 49 FR 21678.)

It should be noted that authorized States are only required to revise their programs when EPA promulgates standards more stringent than the existing standards. Under section 3009 of RCRA, States cannot be prohibited from imposing standards that are more stringent than those in the Federal program. Some of the standards promulgated today are considered to be less stringent than the existing Federal requirements. Those less stringent provisions appear in §§ 265.222, 265.229, and 265.272(a). Authorized States are not required to revise their programs to adopt requirements equivalent to those listed above.

VI. Regulatory Impact

Under Executive Order 12291, EPA must judge whether a regulation is "major" and, therefore, subject to the requirement of a Regulatory Impact Analysis. As stated in the proposed rule on July 26, 1982, the Agency does not believe these conforming changes will result in an annual effect on the economy of $100 million or more; a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or significant adverse effects on competition, employment, investment, productivity, innovation, or in domestic or export markets. In addition, the Part 265 conforming changes do not impose any requirements beyond those required for permitting facilities under Part 264. The effect of the Part 265 conforming changes is only to impose these requirements somewhat sooner, thus the impact is not significant. Therefore, EPA does not expect today's rule to be subject to the major rule provisions of Executive Order 12291.

This regulation was submitted to the Office of Management and Budget for review as required by Executive Order 12291.

VII. Regulatory Flexibility Act

Under the Regulatory Flexibility Act, (5 U.S.C. 601 *et seq.*), EPA must prepare a regulatory flexibility analysis for all regulations that may have a significant impact on a substantial number of small entities. The Agency conducted such an analysis on the Part 264 land disposal regulations and published a summary of the results in the **Federal Register**, Vol. 48, No. 15 on January 21, 1983. The additional burdens imposed by this regulation are not considered significant. In addition they do not impose any requirements beyond those required for permitting facilities under Part 264.

VIII. Paperwork Reduction Act

The certification requirements contained in this rule have been approved by the Office of Management and Budget (OMB) under the provisions of the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.* and have been assigned OMB control number 2050–0007.

IX. Lists of Subjects in 40 CFR Part 265

Hazardous materials, Packaging and containers, Reporting and recordkeeping requirements, Security measures, Surety bonds, Waste treatment and disposal, Water supply.

Dated: April 15, 1985.

Lee M. Thomas,

Administrator.

For the reasons set out in the preamble, Part 265, Subparts K, M, and

N, of Title 40 of the Code of Federal Regulations are amended as follows:

PART 265—INTERIM STATUS STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE TREATMENT, STORAGE, AND DISPOSAL FACILITIES

1. The authority citation for Part 265 continues to read as follows:

Authority: Secs. 1006, 2002(a), and 3004 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, as amended (42 U.S.C. 6905, 6912(a), and 6924).

2. In 40 CFR Part 265, Subpart K, §§ 265.222 and 265.229 are revised to read as follows:

§ 265.222 General operating requirements.

(a) A surface impoundment must maintain enough freeboard to prevent any overtopping of the dike by overfilling, wave action, or a storm. Except as provided in paragraph (b) of this section, there must be at least 60 centimeters (two feet) of freeboard.

(b) A freeboard level less than 60 centimeters (two feet) may be maintained if the owner or operator obtains certification by a qualified engineer that alternate design features or operating plans will, to the best of his knowledge and opinion, prevent overtopping of the dike. The certification, along with a written identification of alternate design features or operating plans preventing overtopping, must be maintained at the facility.

(Approved by the Office of Management and Budget under the control number 2050–0007)

§ 265.229 Special requirements for ignitable or reactive waste.

Ignitable or reactive waste must not be placed in a surface impoundment unless:

(a) The waste is treated, rendered, or mixed before or immediately after placement in the impoundment so that:

(1) The resulting waste, mixture, or dissolution of material no longer meets the definition of ignitable or reactive waste under §§ 261.21 or 261.23 of this chapter; and

(2) Section 265.17(b) is complied with; or

(b)(1) The waste is managed in such a way that it is protected from any material or conditions which may cause it to ignite or react; and

(2) The owner or operator obtains a certification from a qualified chemist or engineer that, to the best of his knowledge and opinion, the design features or operating plans of the facility will prevent ignition or reaction; and

(3) The certification and the basis for it are maintained at the facility; or

(c) The surface impoundment is used solely for emergencies.

(Approved by the Office of Management and Budget under the control number 2050–0007)

3. In 40 CFR Part 265, Subpart M, § 265.272 is amended by revising paragraph (a) to read as follows:

§ 265.272 General operating requirements.

(a) Hazardous waste must not be placed in or on a land treatment facility unless the waste can be made less hazardous or nonhazardous by degradation, transformation, or immobilization processes occurring in or on the soil.

* * * * *

4. In 40 CFR Part 265, Subpart M, §§ 265.310 and 265.315 are revised to read as follows:

§ 265.310 Closure and post-closure care.

(a) At final closure of the landfill or upon closure of any cell, the owner or operator must cover the landfill or cell with a final cover designed and constructed to:

(1) Provide long-term minimization of migration of liquids through the closed landfill;

(2) Function with minimum maintenance;

(3) Promote drainage and minimize erosion or abrasion of the cover;

(4) Accommodate settling and subsidence so that the cover's integrity is maintained; and

(5) Have a permeability less than or equal to the permeability of any bottom liner system or natural subsoils present.

(b) After final closure, the owner or operator must comply with all post-closure requirements contained in §§ 265.117–265.120 including maintenance and monitoring throughout the post-closure care period. The owner or operator must:

(1) Maintain the integrity and effectiveness of the final cover, including making repairs to the cover as necessary to correct the effects of settling, subsidence, erosion, or other events;

(2) Maintain and monitor the ground-water monitoring system and comply with all other applicable requirements of Subpart F of this part;

(3) Prevent run-on and run-off from eroding or otherwise damaging the final cover; and

(4) Protect and maintain surveyed benchmarks used in complying with § 265.309.

§ 265.315 Special requirements for containers.

Unless they are very small, such as an ampule, containers must be either:

(a) At least 90 percent full when placed in the landfill; or

(b) Crushed, shredded, or similarly reduced in volume to the maximum practical extent before burial in the landfill.

[FR Doc. 85–9600 Filed 4–22–85; 8:45 am]
BILLING CODE 6560–50–M

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H.J. Res. 236/Pub. L. 99-25

Commemorating the twenty-fourth anniversary of the Bay of Pigs invasion to liberate Cuba from Communist tyranny (Apr. 19, 1985; 99 Stat. 51) Price: $1.00.

S.J. Res. 17/Pub. L. 99-26

To authorize and request the President to issue a proclamation designating April 21 through April 28, 1985, as "Jewish Heritage Week". (Apr. 19, 1985; 99 Stat 52) Price: $1.00

S.J. Res. 109/Pub. L. 99-27

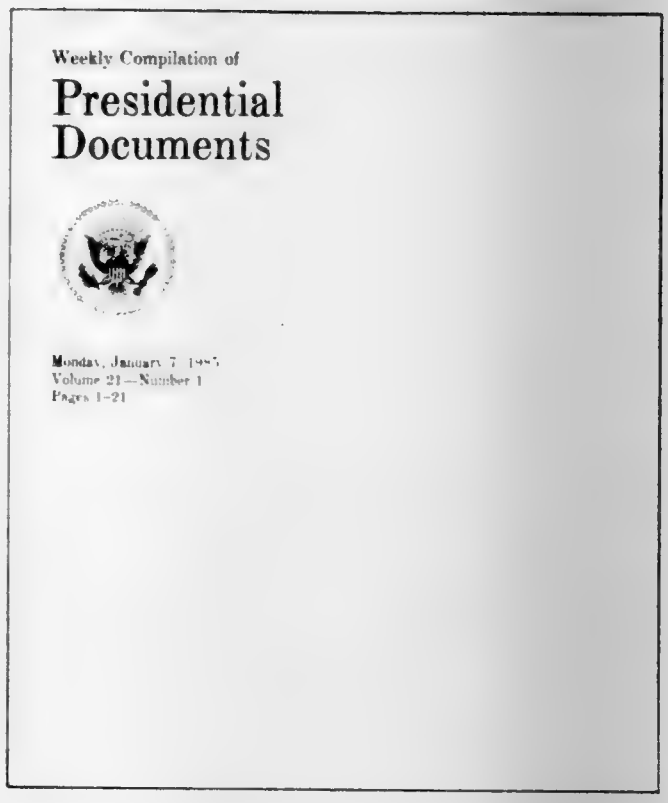
To designate the week of April 14, 1985, as "Crime Victims Week". (Apr. 19, 1985; 99 Stat. 53) Price: $1.00

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Federal Register
Vol. 50, No. 79
Wednesday, April 24, 1985

Presidential Documents

Title 3—

The President

Proclamation 5323 of April 22, 1985

World Trade Week, 1985

By the President of the United States of America

A Proclamation

Each year, through World Trade Week, we celebrate the many ways in which international trade strengthens our country and enriches our lives.

Increased trade strengthens our own economy, as well as helping to sustain and spread world economic growth. American exports help create new growth opportunities for our businesses and new opportunities for employment for our workers. To the American consumer, freer and fairer trade has meant better products in greater variety and at lower prices.

Through contact with other societies, we receive new ideas and gain a better understanding of our traditional values. We reinforce our ties of amity and peace with other countries through strong bonds of commercial interest and mutual respect.

We Americans are used to a role of responsible leadership in world affairs. It is a role we value, and it has won us the respect of other nations. We know that more jobs, greater prosperity, and dynamic economies are based on freer and fairer trade. Other countries take courage from our confidence and competitive spirit.

Despite stronger competition for world markets, record trade deficits, and a growing threat of protectionism abroad, the United States has resisted the temptation to adopt self-defeating protectionist measures of its own. We have called upon other countries to open their markets to fair competition. We are working with our trading partners to launch a new round of multilateral trade negotiations by early next year aimed at opening markets worldwide.

Americans can be proud that economic growth in the United States has helped fuel the recovery of our trading partners who can now afford to buy more of our goods and services. Americans can be proud of the U.S. commitment to policies promoting unrestricted trade and investment consistent with our security interests.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim the week beginning May 19, 1985, as World Trade Week, and I request all Federal, State, and local officials to cooperate in its observance.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-second day of April, in the year of our Lord nineteen hundred and eighty-five, and of the Independence of the United States of America the two hundred and ninth.

Ronald Reagan

[FR Doc. 85-10070
Filed 4-22-85; 4:46 pm]
Billing code 3195-01-M

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Presidential Documents

Proclamation 5324 of April 22, 1985

National Organ Donation Awareness Week, 1985

By the President of the United States of America

A Proclamation

The most precious gift that one human being can bestow upon another is the gift of life. It can be given simply by making arrangements to donate our organs or those of our loved ones after death. Donation of our corneas would give others the gift of sight; donation of our kidneys, hearts, lungs, livers, and pancreata could save the lives of many people who might otherwise die.

On several recent occasions, I have asked the American people to be aware of the opportunities to donate their organs, and I have made special pleas for young children in need of liver transplants. The response proved to be overwhelming. Tragically, however, many desperately ill persons, including young children, have died while awaiting a suitable organ.

The need for organs far surpasses the number donated each year. To increase the availability of organs for transplantation, I signed the National Organ Transplant Act on October 19, 1984. This law created an Office of Organ Transplantation in the Public Health Service and authorized a Task Force on Organ Transplantation.

It is appropriate that we as a Nation encourage organ donation and increase public awareness of the need for such donations. We also should recognize the many contributions of private organizations, including the American Council on Transplantation, to this effort. By filling out a uniform donor card and carrying it, and by making our wishes of donation known to our families, we may give the gift of life to people who so desperately need organs for transplantation.

Americans are a caring and giving people. I have heard from many Americans who have lost their loved ones in tragic accidents, but who have found solace in knowing that through their loss other lives were saved.

The Congress, by Senate Joint Resolution 35, has authorized and requested the President to issue a proclamation designating the week beginning April 21 through April 27, 1985, as "National Organ Donation Awareness Week."

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby designate April 21 through April 27, 1985, as National Organ Donation Awareness Week. I urge all health care professionals, educators, the media, public and private organizations concerned with organ donation and transplantation, and all Americans to join me in supporting this humanitarian action.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-second day of April, in the year of our Lord nineteen hundred and eighty-five, and of the Independence of the United States of America the two hundred and ninth.

Ronald Reagan

[FR Doc. 85-10113
Filed 4-23-85; 12:12 pm]
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Rules and Regulations

Federal Register
Vol. 50, No. 79
Wednesday, April 24, 1985

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

DEPARTMENT OF AGRICULTURE

Federal Crop Insurance Corporation

7 CFR Part 418

[Docket No. 2324S]

Wheat Crop Insurance Regulations

AGENCY: Federal Crop Insurance Corporation, USDA.

ACTION: Notice of extension of sales closing date.

SUMMARY: The Federal Crop Insurance Corporation (FCIC) herewith gives notice of the extension of the sales closing date for accepting applications for wheat crop insurance in three counties in Colorado, effective for the 1985 crop year only. This action is necessary because the final planting date has been changed to May 31 to accommodate the later planting in this area. Therefore, additional time for applications to be accepted is being provided accordingly. The intended effect of this notice is to advise all interested parties of the extension of the sales closing date and to comply with the provisions of the wheat crop insurance regulations with respect to the Manager's authority to extend sales closing dates.

EFFECTIVE DATE: April 24, 1985.

FOR FURTHER INFORMATION CONTACT: Peter F. Cole, Secretary, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, D.C., 20250, telephone (202) 447–3325.

SUPPLEMENTARY INFORMATION: Under the provisions contained in 7 CFR 418.7, the closing date for accepting applications for wheat crop insurance in certain counties is April 15. Because of changes in the final planting date, made to conform to local farming practices, FCIC is extending the sales closing date in Moffat, Rio Blanco, and Routt Counties, Colorado. Present insureds have received notification of the changes made by FCIC and the additional time to consider such changes. Applicants for such insurance will be advised of the changes at the time application for insurance is made.

Under the provisions of 7 CFR 418.7, the sales closing date for accepting applications may be extended by placing the extended date on file in the service office and by publishing a notice in the **Federal Register** upon determination that no adverse selectivity will result from such extension. If adverse conditions develop during such period, FCIC will immediately discontinue acceptance of applications.

Notice

Accordingly, pursuant to the authority contained in 7 CFR 418.7, the Federal Crop Insurance Corporation herewith gives notice that the closing date for accepting applications for wheat insurance in Moffat, Rio Blanco, and Routt Counties, Colorado, is hereby extended through the close of business on May 15, effective for the 1985 crop year only.

Authority: Secs. 506, 516, Pub. L. 75–430, 52 Stat. 73, 77, as amended (7 U.S.C. 1506, 1516).

Done in Washington, D.C. on April 15, 1985.

Peter F. Cole,

Secretary, Federal Crop Insurance Corporation.

Dated: April 19, 1985.

Approved by:

Edward Hews,

Acting Manager.

[FR Doc. 85–9913 Filed 4–23–85; 8:45 am]

BILLING CODE 3410–08–M

7 CFR Part 419

[Docket No. 2322S]

Barley Crop Insurance Regulations

AGENCY: Federal Crop Insurance Corporation, USDA.

ACTION: Notice of extension of sales closing date.

SUMMARY: The Federal Crop Insurance Corporation (FCIC) herewith gives notice of the extension of the sales closing date for accepting applications for barley crop insurance in three counties in Colorado, effective for the 1985 crop year only. This action is necessary because the final planting date has been changed to May 31 to accommodate the later planting in this area. Therefore, additional time for applications to be accepted is being provided accordingly. The intended effect of this notice is to advise all interested parties of the extension of the sales closing date and to comply with the provisions of the barley crop insurance regulations with respect to the Manager's authority to extend sales closing dates.

EFFECTIVE DATE: April 24, 1985.

FOR FURTHER INFORMATION CONTACT: Peter F. Cole, Secretary, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, D.C., 20250, telephone (202) 447–3325.

SUPPLEMENTARY INFORMATION: Under the provisions contained in 7 CFR 419.7, the closing date for accepting applications for barley crop insurance in certain counties is April 15. Because of changes in the final planting date, made to conform to local farming practices, FCIC is extending the sales closing date in Moffat, Rio Blanco, and Routt Counties, Colorado. Present insureds have received notification of the changes made by FCIC and the additional time to consider such changes. Applicants for such insurance will be advised of the changes at the time application for insurance is made.

Under the provisions of 7 CFR 419.7, the sales closing date for accepting applications may be extended by placing the extended date on file in the service office and by publishing a notice in the **Federal Register** upon determination that no adverse selectivity will result from such extension. If adverse conditions develop during such period, FCIC will immediately discontinue acceptance of applications.

Notice

Accordingly, pursuant to the authority contained in 7 CFR 419.7, the Federal Crop Insurance Corporation herewith gives notice that the closing date for accepting applications for barley insurance in Moffat, Rio Blanco, and Routt Counties, Colorado, is hereby extended through the close of business on May 15, effective for the 1985 crop year only.

Authority: Secs. 506, 516, Pub. L. 75–430, 52 Stat. 73, 77, as amended (7 U.S.C. 1506, 1516).

Done in Washington, D.C., on April 15, 1985.

Peter F. Cole,

Secretary, Federal Crop Insurance Corporation.

Dated: April 19, 1985.

Approved by:

Edward Hews,

Acting Manager.

[FR Doc. 85-9914 Filed 4-23-85; 8:45 am]

BILLING CODE 3410-08-M

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7 CFR Part 422

[Docket No. 2327S]

Potato Crop Insurance Regulations

AGENCY: Federal Crop Insurance Corporation, USDA.

ACTION: Notice of extension of sales closing date.

SUMMARY: Federal Crop Insurance Corporation (FCIC) herewith gives notice of the extension of the sales closing date for accepting applications for potato crop insurance in all counties in Maine, effective for the 1985 crop year only. This action is necessary because certain actuarial data being used in that area was discovered to be in error. Additional evaluations were made and corrected data was filed. This resulted in there being not enough time for producers to consider the offer of insurance. Therefore, additional time for accepting applications for insurance is provided accordingly. The intended effect of this notice is to advise all interested parties of the extention of the sales closing date and to comply with the provisions of the potato crop insurance regulations with respect to the Manager's authority to extend sales closing dates.

EFFECTIVE DATE: April 24, 1985.

FOR FURTHER INFORMATION CONTACT: Peter F. Cole, Secretary, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, D.C., 20250, telephone (202) 447-3325.

SUPPLEMENTARY INFORMATION: Under the provisions contained in 7 CFR 422.7, the closing date for accepting applications for potato crop insurance in all counties in Maine is April 15. Because of necessary corrections in the actuarial data resulting in a shortened sales period, and the need for producers to consider the insurance offer, FCIC is extending the sales closing date in all counties in Maine. Present insureds have received notification of the changes made by FCIC and the additional time to consider such changes. Applicants for such insurance will be advised of the changes at the time application for insurance is made.

Under the provisions of 7 CFR 422.7, the sales closing date for accepting applications may be extended by placing the extended date on file in the service office and by publishing a notice in the **Federal Register** upon determination that no adverse selectivity will result for such extension. If adverse conditions develop during such period, FCIC will immediately discontinue acceptance of applications.

Notice

Accordingly, pursuant to the authority contained in 7 CFR 422.7, the Federal Crop Insurance Corporation herewith gives notice that the sales closing date for accepting applications for potato insurance in all counties in Maine is hereby extended through the close of business on April 30, effective for the 1985 crop year only.

Authority: Secs. 506, 516, Pub. L. 75-430, 52 Stat. 73, 77, as amended (7 U.S.C. 1506, 1516).

Done in Washington, D.C., on April 15, 1985.

Peter F. Cole,

Secretary, Federal Crop Insurance Corporation.

Dated: April 19, 1985.

Approved by:

Edward Hews,

Acting Manager.

[FR Doc. 85-9916 Filed 4-23-85; 8:45 am]

BILLING CODE 3410-08-M

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7 CFR Part 427

[Docket No. 2323S]

Oat Crop Insurance Regulations

AGENCY: Federal Crop Insurance Corporation, USDA.

ACTION: Notice of extension of sales closing date.

SUMMARY: The Federal Crop Insurance Corporation (FCIC) herewith gives notice of the extension of the sales closing date for accepting applications for oat crop insurance in three counties in Colorado, effective for the 1985 crop year only. This action is necessary because the final planting date has been changed to May 31 to accommodate the later planting in this area. Therefore, additional time for applications to be accepted is being provided accordingly. The intended effect of this notice is to advise all interested parties of the extention of the sales closing date and to comply with the provisions of the oat crop insurance regulations with respect to the Manager's authority to extend sales closing dates.

EFFECTIVE DATE: April 24, 1985.

FOR FURTHER INFORMATION CONTACT: Peter F. Cole, Secretary, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, D.C., 20250, telephone (202) 447-3325.

SUPPLEMENTARY INFORMATION: Under the provisions contained in 7 CFR 427.7, the closing date for accepting applications for oat crop insurance in certain counties is April 15. Because of changes in the final planting date, made to conform to local farming practices, FCIC is extending the sales closing date in Moffat, Rio Blanco, and Routt Counties, Colorado. Present insureds have received notification of the changes made by FCIC and the additional time to consider such changes. Applicants for such insurance will be advised of the changes at the time application for insurance is made.

Under the provisions of 7 CFR 427.7, the sales closing date for accepting applications may be extended by placing the extended date on file in the service office and by publishing a notice in the **Federal Register** upon determination that no adverse selectivity will result from such extension. If adverse conditions develop during such period, FCIC will immediately discontinue acceptance of applications.

Notice

Accordingly, pursuant to the authority contained in 7 CFR 427.7, the Federal Crop Insurance Corporation herewith gives notice that the closing date for accepting applications for oat insurance in Moffat, Rio Blanco, and Routt Counties, Colorado, is hereby extended through the close of business on May 15, effective for the 1985 crop year only.

Authority: Secs. 506, 516, Pub. L. 75-430, 52 Stat. 73, 77, as amended (7 U.S.C. 1506, 1516).

Done in Washington, D.C., on April 15, 1985.

Peter F. Cole,

Secretary, Federal Crop Insurance Corporation.

Dated: April 19, 1985.

Approved by:

Edward Hews,

Acting Manager.

[FR Doc. 85-9915 Filed 4-23-85; 8:45 am]

BILLING CODE 3410-08-M

Farmers Home Administration

7 CFR Parts 1872, 1910, 1941, 1944, and 1945

Taxpayer's Identification Number

AGENCY: Farmers Home Administration, USDA.

ACTION: Final rule.

SUMMARY: The Farmers Home Administration (FmHA) amends its regulations regarding receiving and processing applications to require each applicant for an FmHA loan to furnish his or her taxpayer's identification number. This action is necessary because it is mandated by Pub. L. 97–365. The intended effect of this action is the identification of applicants for loan servicing purposes.

EFFECTIVE DATE: April 24, 1985.

FOR FURTHER INFORMATION CONTACT: Frank Colon, Chief Homeownership Branch, Single Family Housing Processing Division, Farmers Home Administration, USDA, Room 5336, South Agriculture Building, 14th and Independence Avenue, SW, Washington, D.C. 20250, telephone (202) 382–1482.

SUPPLEMENTARY INFORMATION: This final rule has been reviewed under USDA procedures established in Departmental Regulation 1512–1 which implements Executive Order 12291, and has been determined to be nonmajor, because there is no substantial change from practices under existing rules that would have an annual effect on the economy of $100 million or more. There is no major increase in cost or prices to consumers, individual industries, Federal, State, or local government agencies, or geographic regions, or significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of the United States-based enterprises to compete with foreign-based enterprises in domestic or export markets. It is the policy of this Department that rules relating to public property, loans, grants, benefits, or contracts shall be published for comment notwithstanding exemption in 5 U.S.C. 553, with respect to such rules. This action, however, is not published for proposed rulemaking since the statute requiring the action (Debt Collection Act of 1982, Pub. L. 97–365) and implementing regulations are mandatory with no discretion left to the Agency. In this situation, publication for comment is unnecessary.

Section 4 of the Debt Collection Act of 1982 requires each Federal agency that administers an "included Federal loan" program to require applicants to furnish their taxpayer's identification number. For individuals, that number is their Social Security number (SSN). This provision satisfies the Privacy Act's requirement (in section 7) that agencies must have an authorizing Federal statute in order to condition the provision of a benefit (in this case, the making of a loan) on the applicant providing his or her taxpayer's identification number. This rule implements that requirement and it should be noted that while applying for the benefit is a voluntary act, once an individual decides to *apply*, he or she *must* furnish the taxpayer's identification number as part of the application. The Office of Management and Budget listed FmHA as an "included Federal loan" program agency in its **Federal Register** notice of December 27, 1982 (47 FR 57595).

This action affects the following programs listed in the Catalog of Federal Domestic Assistance:

Sec.
10.404 Emergency loans
10.405 Farm labor housing loans and grants
10.406 Farm operating loans
10.407 Farm ownership loans
10.410 Low income housing loans
10.411 Rural housing site loans
10.414 Resource conservation and development loans
10.415 Rural rental housing loans
10.416 Soil and water loans
10.417 Very low income housing repair loans
10.418 Water and waste disposal systems for rural communities
10.419 Watershed protection and flood prevention loans
10.420 Rural self-help housing technical assistance
10.421 Indian tribes and tribal corporation loans
10.422 Business and industrial loans
10.423 Community facilities loans
10.427 Rural rental assistance payments

For the reasons set forth in the Final Rule related to Notice 7 CFR Part 3015, Subpart V (48 FR 29115, June 24, 1983), and FmHA Instruction 1940–J, "Intergovernmental Review of Farmers Home Administration Programs and Activities" (December 23, 1983), this activity is not subject to intergovernmental consultations with State and local officials. The information required by the action is already being furnished on a voluntary basis.

This document has been reviewed in accordance with 7 CFR Part 1940, Subpart G, Environmental Program. It is the determination of FmHA that this action does not constitute a major Federal action significantly affecting the quality of the human environment and in accordance with the National Environmental Policy Act of 1969, Pub. L. 91–190, and Environmental Impact Statement is not required.

List of Subjects

7 CFR Part 1872

Foreclosure, Loan programs—Agriculture, Rural areas.

7 CFR Part 1910

Applications, Credit, Loan programs—Agriculture, Loan programs—Housing and community development, Low- and moderate-income housing, Marital status discrimination, Sex discrimination.

7 CFR Part 1941

Crops, Livestock, Loan programs—Agriculture, Rural areas, Youth.

7 CFR Part 1944

Administrative practice and procedure, Aged, Farm labor housing, Grant programs—housing and community development, Home improvement, Loan programs—housing and community development, Low and moderate income housing—rental, Migrant labor, Mobile homes, Mortgages, Nonprofit organizations, Public housing, Rent subsidies, Rural housing, Subsidies.

7 CFR Part 1945

Agriculture, Disaster assistance, Loan programs—agriculture.

Therefore, Chapter XVIII, Title 7, Code of Federal Regulations is amended as follows:

PART 1872—REAL ESTATE SECURITY

Subpart A—Servicing and Liquidation of Real Estate Security for Loans to Individuals and Certain Note-Only Cases.

§ 1872.18 [Amended]

1. Section 1872.18 is amended by changing the fifth FmHA Form No. in the table in paragraph (g)(2)(iii), from "410–5" to "1910–5."

PART 1910—GENERAL

Subpart A—Receiving and Processing Applications

2. Section 1910.3 is amended by removing paragraph (j), redesignating paragraphs (k) through (m) as paragraphs (j) through (l) respectively, and by revising paragraphs (b) and (i) to read as follows:

§ 1910.3 Receiving applications.

* * * * *

(b) Requests by FmHA borrowers or previous borrowers for additional

assistance from FmHA will be submitted as prescribed by each loan/grant program and the following:

(1) All applicants must provide their taxpayer's identification number with their applications, except as noted in paragraph (i) of this section.

(2) Individuals (who are not business applicants) who have a current Form FmHA 431–2, "Farm and Home Plan," Form FmHA 431–3, "Household Financial Statement and Budget," or Form FmHA 410–4, and who are presently indebted to FmHA, will be required to complete only the following items of Form FmHA 410–1 or Form FmHA 410–4:

(i) Name.

(ii) Social Security number.

(iii) Loan purpose.

(iv) Planned income for next 12 months.

(v) Date and signature of applicant.

If other information about their current status is not available for adequate processing of their applications, these applicants should fully complete Form FmHA 410–1 or Form FmHA 410–4, as appropriate.

(3) Applicants for EM loans with new losses from disaster, as authorized under EM regulations, must complete Form FmHA 1945–22 in addition to the other required forms.

* * * * *

(i) For all loans and grants, the applicant *must* furnish the applicant's taxpayer's identification number with the application, except as otherwise indicated in this paragraph. The taxpayer's identification number for individuals who are not business applicants is the Social Security number (SSN). The taxpayer's identification number will be used as part of the borrower's case number, except as noted in paragraph (i)(2) of this section.

(1) For individuals who are not business applicants, the SSN preceded by the State and county code numbers will constitute the borrower's case number to be used on all FmHA forms.

(2) For Community and Business and Industry programs, T/A Self-Help and other business applicants, a temporarily assigned number will be used initially for applicant identification for the purpose of obligating funds. This number will be assigned by the State Director from the block of borrower identification numbers assigned to each State by the Finance Office. The temporary number preceded by the State and county code numbers and followed by the project number will constitute the borrower's case number to be used on all FmHA forms. The temporary number must be replaced by the taxpayer's identification number prior to loan closing/issuance of loan note guarantee, by submitting Form FmHA 450–10, "Advice of Borrower's Change of Address or Name," to the Finance Office. In replacing the temporary number, follow the format shown in Item 1 of the Forms Manual Insert (FMI) for Form FmHA 1940–1, "Request for Obligation of Funds," to complete the borrower's case number.

(3) In the case of noncitizens who are permanent residents or on indefinite parole and who do not yet have a taxpayer's identification number, their applications will be filed; however, they will not be processed until an SSN is obtained. Disposition of applications not processed for lack of the number will be as set forth in FmHA Instruction 2033–A, "Management of County Office Records" (available in any FmHA office).

* * * * *

PART 1941—OPERATING LOANS

Subpart A—Operating Loan Policies, Procedures and Authorizations

Exhibit A [Amended]

3. Exhibit A is amended by changing the second Form No. in the table in paragraph A. in "APPLICATION PROCESSING" from "410–5" to "1910–5."

PART 1944—HOUSING

Subpart A—Section 502 Rural Housing Loan Policies, Procedures, and Authorizations

§ 1944.30 [Amended]

4. Section 1944.30 is amended by changing the fourth Form No. in the table in paragraph (a) from "410–5" to "1910–5."

§ 1944.34 [Amended]

5. Section 1944.34 is amended by changing the reference "Form FmHA 410–5" to "Form FmHA 1910–5" in the third sentence of paragraph (g)(1))(i) and in the first sentence of paragraph (h)(3)(iii)(B).

6. Section 1944.34 is amended by changing the reference "Form FmHA 410–5, 'Request for Verification of Employment' " to "Form FmHA 1910–5" in the fourth sentence of paragraph (h)(3)(i).

7. Exhibit A is amended by changing the reference in part I D. from "Form FmHA 410–5" to "Form FmHA 1910–5."

Subpart D—Farm Labor Housing Loan and Grant Policies, Procedures, and Authorizations

§ 1944.182 [Amended]

8. Section 1944.182 is amended by changing the reference in the second sentence from "Form FmHA 410–5" to "Form FmHA 1910–5."

Subpart J—Section 504 Rural Housing Loans and Grants

§ 1944.467 [Amended]

9. Section 1944.467 is amended by changing the reference in the first sentence of paragraph (d) from "Form FmHA 410–5" to "Form FmHA 1910–5."

PART 1945—EMERGENCY

Subpart D—Emergency Loan Policies, Procedures, and Authorizations

Exhibit A [Amended]

10. Exhibit A is amended by changing the second Form No. in the table in paragraph III. A. 6. from "410–5" to "1910–5."

Authority: 7 U.S.C. 1989; 42 U.S.C. 1480; 5 U.S.C. 301; sec. 10 Pub. L. 93–357, 88 Stat. 392; 7 CFR 2.23; 7 CFR 2.70.

Dated: March 25, 1985.

Dwight O. Calhoun,

Acting Associate Administrator, Farmers Home Administration.

[FR Doc. 85–9830 Filed 4–23–85; 8:45 am]

BILLING CODE 3410–07–M

Office of the Secretary

7 CFR Part 3015

Proposal To Exclude Department of Agriculture Programs and Activities From Executive Order 12372

AGENCY: Department of Agriculture.

ACTION: Final rule related notice.

SUMMARY: The purpose of this Notice is to inform State and local governments and other interested persons of Farmers Home Administration's (FmHA) reexamination of three programs previously excluded under Executive Order 12372, "Intergovernmental Review of Federal Programs." For all FmHA programs originally excluded solely on the basis of "assistance to nongovernmental entities," this Notice sets forth justification to continue exclusions on the basis that the programs do not directly affect State and local governments. A full understanding of the requirements of the Order may be gained by referring to the final rules published in 7 CFR Part 3015.

Subpart V, at 48 FR 29100, dated June 24, 1983.

DATE: Comments must be received on or before June 10, 1985.

ADDRESS: Interested persons should submit comments to Ms. Lyn Zimmerman, Office of Finance and Management, USDA, Room 2117–B, Auditors Building, 201 14th Street, SW., Washington, D.C. 20250. Comments will be available for inspection at the above address from 9:00 a.m. to 5:00 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Ms. Lyn Zimmerman, Supervisory Program Analyst, Office of Finance and Management, USDA, Room 2117–B, Auditors Building, 201 14th Street, SW., Washington, D.C. 20250. (Telephone (202) 382–1553).

SUPPLEMENTARY INFORMATION: The programs listed below by Catalog of Federal Domestic Assistance Numbers are proposed for exclusion from the scope of Executive Order 12372 for the reasons stated.

10.404 Emergency Loans

No direct effect on State and local governments. Emergency loans are made available to individual farmers whose operations have been substantially affected by a natural disaster.

10.406 Farm Operating Loans

No direct effect on State and local governments. The basic objective of the loan program is to provide the credit and management assistance necessary for individual farmers and ranchers to conduct successful operations and improve their economic situation to the extent that they can obtain credit elsewhere.

10.407 Farm Ownership Loans

No direct effect on State and local governments. The basic objectives in making these loans are to assist individual applicants to become owner-operators of family farms, to make efficient use of land, labor and other resources, to carry on sound and successful operations on the farm, and to enable farm families to have a reasonable standard of living.

Following the end of the comment period, the Department will review all comments received and make a decision on whether to exclude or include the programs listed herein. A Notice will be published in the **Federal Register** announcing the determination.

Dated: April 19, 1985.

Charles L. Grizzle,

Deputy Assistant Secretary for Administration.

[FR Doc. 85–9887 Filed 4–23–85; 8:45 am]

BILLING CODE 3410–07–M

FEDERAL RESERVE SYSTEM

12 CFR Parts 208, 225 and 263

[Docket No. R–0526]

Membership of State Banking Institutions; Bank Holding Companies and Change in Bank Control; Capital Maintenance; Rules of Procedure

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Final rulemaking.

SUMMARY: The Board of Governors of the Federal Reserve System has adopted revised capital adequacy guidelines and a procedural regulation to permit the Board to enforce compliance with the revised guidelines. The amended guidelines and the procedural enforcement regulation implement section 908 of the International Lending Supervision Act of 1983 (Pub. L. 98–181, Title IX, 97 Stat. 1153, codified at 12 U.S.C. 3907), which directs the federal bank supervisory agencies, i.e., the Board, the Federal Deposit Insurance Corporation ("the FDIC") and the Comptroller of the Currency ("the Comptroller"), to establish minimum and appropriate levels of capital for federally supervised banking institutions. Pursuant to its supervisory authority, the Board is promulgating revised capital guidelines for bank holding companies and state-chartered banks that are members of the Federal Reserve System.

Capital adequacy is one of the critical factors the Board is required to analyze in taking action on various types of applications, such as mergers and acquisitions by banks and bank holding companies, and in the conduct of the Board's various supervisory activities related to the safety and soundness of individual banks and bank holding companies and to the stability of the banking system.

In amending its capital guidelines, the Board has adopted, with some changes, the proposal published for comment on July 30, 1984 (49 FR 30317). The revised guidelines: (a) Define capital and the major components of capital, (b) establish minimum capital ratios, and (c) provide for capital zones or target ranges for state member banks and bank holding companies. In addition, the final enforcement regulation establishes procedures under which the Board may require banking organizations to achieve and maintain the minimum capital levels contained in the guidelines. The regulation also provides procedures for the Board to set capital requirements for individual banking organizations at levels higher than the uniform minimum levels in the guidelines.

EFFECTIVE DATE: May 15, 1985.

FOR FURTHER INFORMATION CONTACT: Richard Spillenkothen, Assistant Director, Division of Banking Supervision and Regulation (202/452–2594), Anthony G. Cornyn, Assistant Director, Division of Banking Supervision and Regulation (202/452–3354), or James E. Scott, Senior Attorney, Legal Division (202/452–3513).

SUPPLEMENTARY INFORMATION:

1. Background

The Need for Capital Adequacy Standards

The Board, by reason of its responsibilities as a banking regulator, has historically had a critical interest in the maintenance of adequate capital in individual state member banks and bank holding companies and in the banking system in general. In the Board's view, capital provides a buffer for individual banking organizations in times of poor performance, helps to maintain public confidence in particular banking organizations and in the banking system, promotes the safety of depositors' funds, and supports the reasonable growth of banking organizations. An evaluation of capital adequacy is one of the major purposes of a bank or bank holding company examination. Capital is one component of the Uniform Financial Institutions Rating System used by the federal bank supervisory agencies.

Despite the recognition by the Board and other Federal banking regulators of the importance of capital, the period from 1960 through 1980 was marked by a gradual decline in the ratio of equity capital to total assets in the United States commerical banking system. Concern about the decline in the ratio of capital to bank assets before 1981, particularly at the nation's largest banking organizations, prompted the Board and the Comptroller in December 1981 to adopt capital adequacy guidelines for national and state member banks and bank holding companies. These guidelines established minimum capital levels and capital "zones" which defined, for well-managed banking institutions without significant financial weaknesses, those institutions that were considered

adequately capitalized and those presumed to be undercapitalized, absent clear extenuating circumstances.

The guidelines have continued to provide state member banks and bank holding companies with targets or objectives to be reached over time. The Board has noted that many banks and bank holding companies, including the nation's largest banking organizations, have improved their capital positions to comply with the guidelines. Nevertheless, several recent developments, including deregulation of interest rates on bank liabilities, weaking of loan portfolios of some banking institutions occasioned by economic shocks in certain industries or geographic areas, and increased competition in the financial services areas, have combined to place additional pressures on the profitability of banking institutions and to accentuate potential demands on the capital of those institutions. The Board has continued to stress the importance of capital to banking organizations and the importance of the capital guidelines in setting standards of capital adequacy. In June 1983, the Board amended its guidelines to set explicit minimum capital levels for multinational organizations. In December 1983, the Board republished the guidelines as Appendix A of its Regulation Y (12 CFR Part 225) (49 FR 794).

Reasons for Revision of the Guidelines

In November 1983, Congress enacted the International Lending Supervision Act of 1983 (12 U.S.C. 3901 *et seq.*) ("ILSA"), which directed that the federal banking agencies ". . . shall cause banking institutions to achieve and maintain adequate capital by establishing minimum levels of capital for such banking institutions and by such other methods as the appropriate Federal banking agency deem appropriate." (Section 908, U.S.C. 3907). Pursuant to this authority, as well as the authority of the Bank Holding Company Act, 12 U.S.C. 1844(b), the Federal Reserve Act, 12 U.S.C. 248, 324, 329, and the Financial Institutions Supervisory Act of 1966, 12 U.S.C. 1818, the Board is amending its capital adequacy guidelines to increase the required minimum primary and total capital levels for the larger regional and multinational bank holding companies and state member banks and to eliminate the disparate minimum capital levels for large and small banking organizations.

The amended guidelines, when considered in conjunction with the capital maintenance regulations of the Comptroller and the FDIC, will establish uniform minimum capital levels for all federally supervised banking organizations, including bank holding companies, regardless of size, type of charter, primary supervisor of membership in the Federal Reserve System. In addition, the guidelines have been amended to define the components of capital for state member banks more consistently with the definitions contained in the capital maintenance regulations of the Comptroller and FDIC. The Board is also adopting procedural regulations that provide a mechanism to enforce the substantive requirements of the guidelines.

The Board will continue to require bank holding companies to meet the same minimum capital ratios as state member banks. The Board has found pursuant to section 910(a)(2) of ILSA (12 U.S.C. 3909(a)(2)) that application of minimum capital levels and capital zones to bank holding companies is necessary to prevent evasions of the purposes of ILSA. It serves no purpose to increase the capital levels of a bank while allowing its parent holding company to operate with lower levels of capital. The financial condition of a bank holding company continues to be a primary factor influencing the financial condition of its subsidiary banks. The Board's revision of the capital adequacy guidelines for bank holding companies is designed to increase the required minimum primary and total capital levels for the larger regional and multinational bank holding companies, and to establish uniform capital requirements for all bank holding companies regardless of size.

2. Comments Received

The Board's proposal to amend its capital adequacy guidelines was announced on July 26, 1984, and published for comment, with the comment period ending September 24, 1984. The FDIC and Comptroller published similar capital maintenance regulations at approximately the same time, and the comment period on the Comptroller's proposed regulations expired November 5, 1984. In view of the similarity of the issues raised by these parallel proceedings and the fact that several commenters filed comments with all the federal banking agencies, the Board considered comments received after its comment period but before November 5, 1984. The Board received 89 comments from the public, including 12 from multinational banks, 27 from regional banks, 29 from smaller community banks (under $1 billion in total assests), 7 from banking associations or organizations, 2 from foreign banks, 3 from state bank supervisors, 2 from nonbank financial service organizations and 7 from other organizations and individuals. In addition, the Board received comments from 10 of its Federal Reserve Banks.

The Board requested comments on four specific issues. On the issue of whether to promulgate guidelines or a regulation dealing with maintenance of adequate capital, 92 percent of those commenting recommended that the Board continue to employ guidelines. On continued use of capital "zones" in addition to a minimum capital level, 77 percent of those commenting endorsed the zone concept. On the treatment of intangible assets, 98 percent of those commenting favored including all intangibles in the definition of primary capital for bank holding companies and 78 percent endorsed the same principle for state member banks. Finally, on the treatment of equity commitment notes, 91 percent of those commenting favored including such commitment notes as primary capital for bank holding companies and 78 percent favored the inclusion of such notes as primary capital for commercial banks.

The comments covered a range of other issues. The Board has reviewed the comments and recommendations received and has incorporated several of the suggestions and recommendations in the revising guidelines.

3. Resolution of Major Issues

Mininum Capital Ratios

The Board has revised its capital adequacy guidelines, in accordance with its July 1984 proposal, to require a minimum ratio of primary capital to total assets of 5.5 percent and a minimum ratio of total capital to total assets of 6.0 percent for all state member banks and bank holding companies. This requirement represents an increase in the minimum *primary* capital ratio from 5.0 to 5.5 percent for regional (in excess of $1 billion in total assets) and multinational banking institutions and a decrease from 6.0 to 5.5 percent in the minimum primary capital ratio for community banking organizations (less than $1 billion in total assets). It also represents an increase in the minimum *total* capital ratio of larger banking institutions 5.5 to 6.0 percent. The minimum total capital ratio for community banking institutions remains unchanged. The following table summarizes the changes from the minimum capital requirements in the Board's current capital adequacy guidelines.

	Current guidelines (percent)	Amended guidelines (percent)
Minimum primary capital:		
Multinational and regional	5.0	5.5
Community (under $1 billion in total assets)	6.0	5.5
Minimum total capital:		
Multinational and regional	5.5	6.0
Community	6.0	6.0

The Board did not receive any significantly adverse comments on its proposal to reduce the minimum primary capital levels of smaller community banking institutions. In view of the importance the Board places on maintaining a strong capital position, the Board was reluctant to accept a reduction in the minimum primary capital level of smaller banking organizations. However, the Board has made this change for the overriding reasons of achieving uniformity in the capital requirements for larger and small banking organizations, maintaining consistency with the requirements of the Comptroller and the FDIC, and adhering to the objectives of Congress in enacting ILSA. Total capital requirements for these community institutions will remain unchanged, and the Board will continue to emphasize that all banking institutions are expected to operate above the minimum capital ratios. The Board will also continue to scrutinize, particularly in the course of proposals to expand, any decline in the capital ratios of banking organizations.

The Board did receive strong objections from some larger banking institutions to the proposal to raise their minimum primary and total capital ratios. In their comments, these regional and multinational institutions questioned not only the proposed minimum capital levels, but also, in some cases, the very concept of capital ratios as a measure of a bank's stability and condition.

Some commenters argued that the emphasis on capital is misplaced and that bank regulators should be concerned with other factors such as liquidity, interest rate exposure, and the quality of the loan portfolio. They noted that use of minimum capital levels is not a suitable tool for management to risk exposure and contended that capital does not prevent bank failures. These commenters also argued that higher capital requirements would increase risk by pressuring institutions to shift assets toward higher yielding, but riskier, loans in order to maintain earnings per share. They further asserted that higher capital levels would put large domestic banking institutions at a competitive disadvantage against thrifts and foreign banking institutions. Finally, some commenters argued that an increase in minimum capital levels for larger banking organizations is inappropriate, because a 5 percent minimum primary capital level was set for multinational banking institutions in 1983 and no subsequent increase in risk justifies the increase.

The Board has long held that adequate capital is a critical factor in helping a banking institution weather financial adversity and in promoting the safety and soundness of the banking system. Other things being equal, the stronger an organization's capital position, the more likely it will be able to withstand a period of financial stress without experiencing a loss of public confidence. Supervisory experience has demonstrated that a strong capital position is a critical element of bank soundness and serves both to protect depositors and to promote the safety of the banking system. Moreover, in enacting ILSA, Congress has established the requirement of minimum capital levels by law and has generally mandated both greater uniformity in capital requirements and an increase in capital levels, particularly in view of its concern about larger banking institutions in the international arena. Finally, higher capital ratio guidelines need not mean any lessening of concern or scrutiny by the Board with respect to other risk factors. The amended guidelines state explicitly that such factors as liquidity, the degree of risk associated with a banking institution's assets, and off-balance sheet exposure will be taken into account in assessing capital adequacy and that the Board will take other relevant factors into account on a case-by-case basis in applying the capital guidelines.

Based on the most recent available data, only 17 state member banks and 61 bank holding companies with assets over $150 million have primary capital ratios (without deducting intangible assets) below the 5.5 percent minimum primary capital guideline. Thus, fewer than 2 percent of all state member banks and 8 percent of all holding companies with assets over $150 million had primary capital ratios below the minimum benchmark. With respect to total capital, 25 state member banks and 80 bank holding companies have total capital ratios (without deducting intangibles) below the 6.0 percent minimum guideline. These numbers pertaining to total capital include some of the same banking organizations whose primary capital ratios also fall below the 5.5 percent minimum primary capital guideline. The figures for the number of state member banks that fall below the guidelines do not take account of the Board's decision to deduct goodwill from the capital of state member banks.

The Continued Use of Total Capital Zones

The Board has decided, in accordance with its July 1984 proposal, to continue using "zones" in assessing the adequacy of total capital. Banking organizations with a ratio of total capital to total assets less than 6.0 percent will be considered undercapitalized, if there are no extenuating circumstances. Institutions with a total capital to total assets ratio of 6.0 to 7.0 percent may be considered to be capitalized at an acceptable level if the Federal Reserve's close scrutiny of other relevent financial and managerial factors shows them to be fully satisfactory. Finally, institutions with a total capital to total assets ratio exceeding 7.0 percent will generally be considered adequately capitalized, unless there are significantly adverse financial or managerial factors. Regardless of the level of total capital, a banking organization with a primary capital ratio below 5.5 percent will generally be considered undercapitalized.

The revised guidelines maintain the same total capital zones for smaller community banking organizations while raising the requirements 0.5 percent in each zone for regional and multinational banking organizations. This increase in the total capital zones for regional and multinational banking organizations was adopted to encourage such organizations to strengthen their total capital positions and to achieve uniformity in the zone requirements for all state member banks and bank holding companies regardless of size.

The comments on the Board's proposal to continue using total capital zones were overwhelmingly favorable. Zones were perceived as being more flexible than a single minimum capital level and as providing management with broad standards for future capital planning. The Board will continue using zones to provide guidance to the management of banking organizations, and to encourage such organizations to maintain total capital levels in excess of the minimum. Total capital zones may also encourage institutions to substitute subordinated debt for short-term borrowings, which may induce greater market discipline.

The Continued Use of Guidelines

The Board will continue its use of guidelines rather than regulations to embody its substantive capital requirements, including minimum capital ratios, capital zones, definitions of primary and secondary capital and treatment of such capital components as intangible assets and mandatory convertible instruments.

The Board's decision to use capital guidelines instead of a regulation is based on its experience with the existing guidelines. This supervisory experience has demonstrated the benefit in working with banking institutions on capital adequacy matters rather than in dealing with them on a more rigid basis under a regulation. Guidelines give the Board flexibility to adjust capital requirements and definitions to changes in the economy, in financial markets, and in banking practices. Flexible guidelines also permit the Federal Reserve to take account of the individual characteristics of a banking institution. Failure to meet the minimum capital levels should not automatically be construed as a violation of a regulation and therefore a violation of law, particularly if the Federal Reserve would have to consider capital adequacy in the context of a broad range of factors in acting upon applications.

The comments received by the Board overwhelmingly favored continued use of guidelines instead of regulations.

Treatment of Intangible Assets

(a) *State member banks.* The Board did not adopt a provision in its July 1984 proposal to require the deduction of all intangible assets in calculating primary (but not total) capital ratios. The Board has decided instead to deduct only goodwill in computing primary *and total* capital ratios of state member banks. Other intangibles, such as mortgage servicing rights and favorable leases, will generally be included in the computation of primary capital, although the guidelines provide the Board with authority and flexibility to make adjustments to capital ratios on a case-by-case basis, based on the level, quality, or nature of intangible assets in relation to the bank's overall financial condition.

Historically, the Board has required state member banks to charge off goodwill immediately (except in those instances where it was acquired in the rescue of a failing bank, in which case a 15 year write-off has been required). Aside from goodwill in the case of banks, however, the Board has made no automatic deduction of intangible assets in computing the primary or total capital ratios of banks or bank holding companies, preferring instead to take the character and level of such assets into account in assessing the capital adequacy of a particular institution.

The Board's July 1984 proposal to deduct all intangible assets from the primary capital of state member banks was designed to conform the Board's definition of primary capital to the proposals of the FDIC and the Comptroller. In taking this step, however, the Board questioned the desirability of such an approach. The overwhelming majority of those commenting opposed any deduction of intangible assets from the primary capital of banks or bank holding companies, noting that intangible assets have economic value and that generally accepted accounting principles permit intangible assets to be recorded in financial statements. Commenters also cited the fact that the deduction of all intangible assets from primary capital would fail to accord any value whatsoever to intangible assets and would not distinguish between different types of intangible assets. Some commenters suggested that concern over intangible assets could be mitigated by requiring appropriate amortization periods. In general, most public commenters viewed the deduction of intangible assets from primary capital as inhibiting sound acquisitions or business transactions involving the booking of intangible assets.

In light of the public comments received and its reservations about the deduction of all intangible assets, the Board has modified its proposal with respect to the treatment of intangibles in banks. Instead of deducting all intangibles from bank primary capital, the Board will deduct only goodwill from primary and total capital. (The Federal Reserve may permit goodwill acquired by a bank in connection with a supervisory merger with a failing institution to be included for capital purposes if it is appropriately amortized.)

Since the Board generally has required state member banks to charge off goodwill immediately, this approach represents little change from existing policy. The accounting treatment, however, will differ from the existing practice in that after the effective date of the revised guidelines, state member banks will be allowed to book and amortize goodwill rather than charge it off, in order to conform to the practice of the FDIC and the Comptroller. As a general principle, intangible assets in state member banks are to be written off over their estimated useful lives, not to exceed 15 years.

Both the FDIC and the Comptroller have amended their original proposals to include at least one kind of intangible, mortgage-servicing rights, in primary capital. Apparently both agencies have concluded that, among other things, the value of the income flow from mortgage servicing is sufficiently certain and stable to warrant treating mortgage servicing as tangible assets. In the Board's view, other intangibles (such as favorable leases) have characteristics more akin to mortgage-servicing rights than to goodwill and should thus be given similar consideration in assessing an institution's capital position.

The Board has included in the guidelines for state member banks a threshold for intangibles of 25 percent of tangible primary capital, above which any tangible assets will be subject to close supervisory scrutiny. In addition to deducting goodwill for the purpose of assessing capital adequacy, the Federal Reserve may, on a case-by-case basis, make further adjustments to a bank's capital ratios based on the amount of intangible assets (aside from goodwill) over the 25 percent threshold or on the specific character of the bank's intangible assets in relation to its overall financial condition. The Board has previously used the 25 percent threshold on a case-by-case basis. The impact of this requirement appears to be minimal. Although 48 state member banks reported intangible assets as of September 30, 1984, only four such banks (all community institutions under $1 billion in total assets) had intangible assets over 25 percent of tangible primary capital.

(b) *Bank Holding Companies.* With respect to bank holding companies, the Board has substantially adopted its July proposal. The Board will continue to take the level and character of intangible assets into account in assessing capital adequacy, but will avoid any automatic deduction of goodwill or other intangible assets from primary or total capital. Prudent banking practices and the principle of the diversification of risk suggest that banking organizations should avoid excessive balance sheet concentration in any category or related categories of intangible assets. Consistent with this concern, the guidelines state that while the Board will consider the amount and nature of all intangible assets, those holding companies with aggregate intangible assets over 25 percent of tangible primary capital or those institutions with lesser but significant amounts of goodwill will be subject to

close scrutiny. In addition, the guidelines state that the Federal Reserve may, on a case-by-case basis, make adjustments to an organization's capital ratios based on the amount of intangible assets in excess of the 25 percent threshold or on the specific character of the organization's intangible assets in relation to its overall financial condition.

Four hundred and eighty-two bank holding companies with consolidated assets in excess of $150 million reported intangible assets on their most recent reports to the Board. Of this total, however, 354 companies had intangible assets less than 15 percent of tangible primary capital. Seventy-six holding companies with assets over $150 million (20 regional institutions and 56 community institutions) had intangible assets in excess of 25 percent of tangible primary capital.

The guidelines provide that banking organizations are expected to review periodically the value at which intangible assets are carried on their balance sheets and the reasonableness of the amortization periods of such assets to determine if there has been impairment of value or if changing circumstances warrant shortening the amortization periods. Banking organizations are instructed to make appropriate reductions in carrying values and amortization periods in light of this review, and examiners will evaluate the treatment of intangible assets during inspections and examinations.

Although the amended capital guidelines for bank holding companies generally do not require a specific deduction of intangible assets for supervisory purposes, the guidelines state that banking organizations contemplating expansion proposals (including state member banks contemplating mergers) should generally ensure that pro forma capital ratios exceed the minimum capital guidelines without significant reliance on intangibles, particularly goodwill. The Board, in reviewing proposals to undertake acquisitions, will take into consideration both the stated primary capital ratio and the primary capital ratio after deducting intangibles. In acting on applications, the Board will evaluate intangible assets and will, as appropriate, adjust capital ratios to include certain intangible assets on a case-by-case basis.

The Treatment of Equity Commitment Notes

The Board has adopted the guidelines proposed in July that treat equity commitment notes as primary capital for bank holding companies but not for state member banks. The Board's current guidelines treat equity commitment notes as a form of primary capital for both bank holding companies and state member banks. In proposing to change the treatment for state member banks, the Board cited an interest in maintaining uniformity among federally regulated banks in light of the proposed exclusion of equity commitment notes by the FDIC and the Comptroller in computing the primary capital levels of State nonmember banks and national banks.

Equity commitment notes, a type of mandatory convertible security, are subordinated debt instruments that must be converted into common or perpetual preferred stock within a specified period of time not to exceed 12 years. Equity commitment notes allow for cash redemption with proceeds from the sale of newly issued common or perpetual preferred stock. Such notes are distinguished from equity contract notes, which obligate the holder to take the common or perpetual preferred stock of the issuer in lieu of cash for repayment of the notes. Under the amended guidelines, equity contract notes continue to be treated as primary capital for bank holding companies and state member banks.

The majority of those commenting on this aspect of the proposal thought that equity commitment notes should continue to be counted as primary capital for banks as well as for bank holding companies. They thought that equity commitment notes are an important vehicle for increasing equity capital and that such notes provide greater flexibility to banking organizations in meeting capital requirements. Some commenters asserted there is no reason the Board should take different positions on commitment notes for bank holding companies and for state member banks.

Several commenters, however, opposed the treatment of commitment notes as primary capital because the instruments, in their view, represent only a promise to issue equity. Moreover, the holder of the notes is not obligated to accept stock in place of the notes as is the case with equity contract notes. Some commenters expressed concern that if a banking organization encountered financial trouble before it could honor its commitment to issue equity, the banking organization would have to cope with less equity than would otherwise be the case.

While equity commitment notes serve a useful purpose by encouraging bank holding companies to make a commitment to issue common or perpetual preferred stock, there is valid concern that some institutions may not honor their commitment to issue equity. The Board believes, however, that commitment notes can be structured to provide substantial guarantees of conversion. To that end, the Board has written a pre-maturity funding requirement into its guidelines. Under this requirement, a bank holding company issuing such notes must issue new common or perpetual preferred stock sufficient to redeem or replace one-third of the amount of the typical 12-year commitment notes by the end of the fourth year, another third by the end of the eighth year, and the final third at least 60 days before the notes mature. Thus, most of the debt will have been funded before maturity.

In addition, the Board has specifically detailed other criteria for equity commitment notes, including specific sanctions and supervisory actions for failure to meet the pre-maturity funding requirements, a subordination requirement for any guarantee of commitment notes provided by a state member bank or bank holding company, and a limitation on the amount of such notes for capital purposes to 10 percent of primary capital excluding mandatory convertible securities.

The Board has also spelled out in more detail the general criteria for mandatory convertible securities, including a maximum 12-year term, limitations on amounts allowable for primary capital purposes, restrictions on redemption, a general prohibition against acceleration of payment, a subordination requirement, and dedication of stock proceeds upon issuance. These requirements for mandatory convertible securities in general and the specific limits imposed on equity commitment notes will provide adequate safeguards to permit reliance on such commitment notes as primary capital for bank holding companies.

The Board believes, however, that federally supervised banks should be treated uniformly with respect to debt and equity instruments they issue. A bank should not be encouraged to alter its status as a national bank, state bank, or member of the Federal Reserve System or to "forum shop" by structuring mergers or other transactions to permit the treatment of debt or equity instruments as primary capital. The Board believes the need for uniformity in the treatment of banks is sufficient reason to exclude equity commitment notes from the primary capital of state member banks. The Board will continue to include equity commitment notes as

primary capital for bank holding companies.

The Board has "grandfathered" any equity commitment notes issued by state member banks prior to May 15, 1985, and it will continue to include such notes in a bank's primary capital.

Issues Relating to Secondary Capital

Equity commitment notes that do not qualify for primary capital for state member banks will qualify in many cases as secondary capital. Secondary capital consists of long-term, unsecured dept (which, in the case of banks, must be subordinated to deposits) and limited-life preferred stock. In proposing to amend the guidelines in July 1984, the Board suggested no changes in the treatment of secondary capital. In particular, under current guidelines secondary capital instruments are required to have an original weighted average maturity of at least seven years. In addition, as these instruments approach maturity, the outstanding balance of the instruments included in secondary capital is discounted. The existing guidelines also limit the amount of secondary capital of a *state member bank* to 50 percent of the bank's primary capital. Several public comments addressed these conditions of secondary capital, and some commenters suggested elimination of one or more of the three conditions.

(a) *Original Weighted Maturity of Seven Years.* The Board has decided to retain the requirement that secondary capital components have an original weighted-average maturity of at least seven years. (The method for determining the weighted-average maturity of a qualifying instrument is defined in 2–419 of the Federal Reserve Regulatory Service, 1976 Federal Reserve Bulletin 603, 41 FR 26201 (June 25, 1976).) This requirement is consistent with the notion that secondary capital instruments should provide a stable source of funds with a reasonably long maturity. Also, exemption from the definition of a deposit under the Board's Regulations D and Q (12 CFR Parts 204 and 217, respectively), requires that subordinated debt have weighted-average maturity of at least seven years. Retention of this requirement is consistent with the positions of the FDIC and the Comptroller.

(b) *Discounting Requirements.* The Board has decided to eliminate the requirement in its guidelines for explicit discounting of secondary capital instruments as they approach maturity. The Board had discounted the outstanding balance of subordinated debt and limited-life preferred stock instruments 20 percent each year during the instruments' last five years before maturity. While this process has a certain analytical appeal—that is, as secondary components approach maturity they become in some respects less capital—it also complicates the calculation of secondary and total capital. Moreover, the information necessary to make this calculation is often difficult to obtain on a regular basis from bank holding companies, and the imposition of a new reporting requirement could involve a considerable burden not justified by the resulting benefits. The Comptroller and the FDIC have also elected not to incorporate this discounting requirement into their regulations. While the Board will eliminate the explicit discounting requirement, the amended guidelines make it clear that the Board will continue, on a case-by-case basis, and particularly in cases of proposed expansion, to evaluate the remaining maturity of secondary capital components in assessing the adequacy of a banking organization's total capital.

(c) *Limiting Secondary Capital to 50 Percent of Primary Capital.* The Board's current guidelines limit aggregate secondary capital in an individual state member bank to 50 percent of the bank's primary capital. The Board has not imposed a similar limitation on the amount of secondary capital components that may be included in a bank holding company's total capital.

Banking organizations should be encouraged to raise additional capital funds through the issuance of instruments subordinated to depositors. Judicious use of subordinated debt can improve a banking organization's overall funding by increasing the maturity of its liabilities. Greater reliance on subordinated debt as a funding vehicle can also enhance the role of capital markets in disciplining the activities of banking organizations, because subordinated debtholders have an incentive to monitor the risks of the banking organizations whose obligations they hold and to charge appropriate risk premiums for the funds they provide.

Nevertheless, the FDIC and Comptroller limit the use of such subordinated debt (and limited-life preferred stock) for secondary capital purposes to 50 percent of primary capital in the case of national banks and state nonmember banks. This 50 percent limitation on secondary capital arises in part from a concern to limit *total* capital, which is the base for determining a national bank's legal lending limit, and in part from a concern that high total capital ratios based on large amounts of secondary capital could be misleading. For any banking organization with a minimally acceptable level of primary capital, the 50 percent limit on secondary capital will not become operative until a bank's total capital ratio exceeds 8.25 percent, well into capital zone 1. The 50 percent requirement, therefore, has very limited impact on a determination of a bank's capital adequacy.

As of September 30, 1984, fewer than 15 banks had secondary capital of 50 percent or more of primary capital. The average ratio of secondary capital to primary capital for those banks issuing secondary capital instruments was less than 10 percent. Given the limited impact of the 50-percent-of-primary-capital rule, the need to treat banks uniformly whenever possible, and the concerns expressed by the FDIC and the Comptroller, the Board has decided to continue its present practice of limiting the secondary capital of state member banks to 50 percent of the primary capital of such banks. The Board will not impose such a limit on bank holding companies. State member banks are free to issue subordinated debt of limited-life preferred stock over the 50 percent limit, but the Board will not include such instruments in their capital.

4. Miscellaneous Issues and Considerations

A number of additional issues were raised by those commenting on the Board's proposal. The Board has considered these comments and included certain changes in the guidelines.

Use of Average Assets

In applying its captial guidelines, the Board has computed primary and total capital ratios of banks and bank holding companies on the basis of financial data available at the close of a particular quarterly reporting period. The FDIC and the Comptroller are planning to use *average* total asset figures in the denominators of their capital ratios and *period-end* capital figures in the numerators of the ratios. This approach is prompted by concerns that the use of period-end asset figures may result in inadvertent violations of the capital requirements if assets should increase at the end of a period in the normal course of business. In addition, there is also a concern that the use of period-end data encourages "reverse window dressing," a practice whereby institutions reduce holdings of liquid assets to boost capital ratios on the last day of each quarter.

While the Board believes these concerns may be dealt with a case-by-case basis, the legitimacy of the

concerns and the interest in uniformity have prompted the Board to amend its practice. The Board will use average total asset figures in computing capital ratios of state member banks. The Board is concerned, however, that some bank holding companies may not routinely keep data that permit easy compilation of quarterly average asset figures and that such a change in computing the capital ratios of bank holding companies at this time may constitute an additional reporting burden. Accordingly, the Board will continue to use period-end total asset figures for bank holding companies while studying whether the use of average total assest figures would impose any substantial new recordkeeping or reporting burdens.

Off-Balance Sheet Risk

The amended guidelines require that state member banks or bank holding companies with high or inordinate off-balance sheet exposure hold additional primary capital to compensate for this risk. The guidelines contain no explicit quantitative method for taking off-balance sheet risk into consideration in computing primary and total capital ratios. Several commenters argued that capital guidelines or regulations have the unintended and undesirable effect of encouraging banking institutions to engage in activities and to employ accounting techniques that are designed to take or to keep assets off the balance sheet. This practice, known as "off-balance sheet banking," results in higher reported capital ratios but does not reduce the risk to banking organizations.

To provide more guidance in the area of off-balance sheet risk the Board has included in the amended guidelines the following language in place of the general reference to off-balance sheet banking in the current guidelines.

> The Federal Reserve will also take into account the sale of loans or other assets with recourse and the volume and nature of all off-balance sheet risk. Particularly close attention will be directed to risks associated with standby letters of credit and participation in joint venture activities. The Federal Reserve will review the relationship of all on- and off-balance sheet risks to capital and will require those institutions with high or inordinate levels of risk to hold additional primary capital. In addition, the Federal Reserve will continue to review the need for more explicit procedures for factoring on- and off-balance sheet risks into the assessment of capital adequacy.

The Board intends to encourage banking institutions to better monitor and control risks on a voluntary basis and thus to avoid the necessity of more formal limits or controls on off-balance sheet activity. Moreover, examiners will be instructed to review carefully the nature and degree of all off-balance sheet risks and take these risks into account in assigning capital ratings under the Uniform Financial Institutions Rating System.

Risk-Based Capital Ratios

A number of commenters, particularly some large bank holding companies, indicated that a ratio of capital to risk assets would be of much greater analytical value to regulators than a capital to total assets ratio, and would be consistent with regulatory trends in other countries. These commenters argued that a risk-based capital ratio would exclude federal funds, short-term U.S. Treasury securities and other "riskless" assets from the asset base of the ratio and, therefore, avoid potentially adverse effects on liquidity. These commenters generally acknowledged, however, that the techniques and definitions needed to develop a risk-based capital ratio would have to be predicated upon considerable research and should probably include some measurement of off-balance sheet risk.

The Board has not adopted capital guidelines based on a ratio of capital to risk assets at this time. The amended guidelines indicate that the Board will take the overall degree of risk associated with an organization's assets into consideration in assessing compliance with the capital guidelines. The capital guidelines apply to sound, well-managed banking organizations operating with moderate risk in their loan and investment portfolios. Organizations operating with more risk are expected to hold additional capital to compensate for these risks. The Board recognizes that risk must be taken into consideration in assessing capital adequacy. At this time, however, it is more appropriate to do so on a case-by-case basis than with quantitative standards.

Uniformity of Capital Requirements for Banks and Thrift Institutions

Several comments emphasized the competitive disadvantage of banks vis-a-vis thrift institutions because thrifts may operate at lower capital levels. The Federal Home Loan Bank Board has recently adopted rules requiring federally insured thrift institutions undertaking significant growth to increase their net worth positions. The Board has stated its support of this proposal and has urged that the Federal Home Loan Bank Board recognize the need to move toward higher capital-to-assets ratios for thrifts as promptly as possible. While there is a significant disparity between the capital levels at which thrifts and banks are required to operate, the appropriate way to deal with this issue is to support higher ratios for the thrift industry. To that end, the establishment by the banking regulators of uniform minimum capital levels for all federally supervised banking organizations has provided a clear statement of what they view as an appropriate target for all depository institutions.

Applicability of the Guidelines to Bankers' Banks

Several commenters requested clarification on whether the capital guidelines apply to "bankers' banks." A number of commenters indicated that the bankers' banks should be exempt from the guidelines because they generally engage in "low risk" activities. However, bankers' banks are not prohibited from taking risks; consequently, the Board has taken no action to exclude bankers' banks from the uniform capital standards in its guidelines.

Treatment of Foreign Banks Under the Guidelines

A number of commenters raised the issue of the application of the capital guidelines to foreign-domiciled banking organizations with banking operations in the United States. While some commenters suggested it would be preferable for such foreign banks to be subject to the Board's capital guidelines, it was also requested that foreign banks be specifically excluded from coverage, at least until the Board has completed its discussions with foreign bank supervisors on capital and international lending issues as required by ILSA.

The Board is discussing with foreign bank supervisors appropriate capital standards for banks operating internationally. Pending completion of those discussions, the Board has decided to review the financial condition, including the capital adequacy, of foreign banks with operations in the United States on a case-by-case basis. The Board will continue to scrutinize the capital of such foreign banking organizations with special care when those institutions propose to expand operations or make additional acquisitions in the United States. The capital guidelines apply to any state member bank or bank holding company (other than a qualifying foreign banking organization as defined by Regulation K), regardless of ownership.

Technical Changes to Criteria for Mandatory Convertible Securities

The Board has made certain technical changes in the existing guidelines with respect to mandatory convertible securities. The modifications for the most part are designed to update the guidelines to reflect existing policy and to correct deficiencies in the existing criteria. The modifications are as follows:

a. The guidelines have been amended to allow specifically for the treatment of "hybrid mandatory convertibles" as primary capital. These instruments combine features of equity commitment notes with those of equity contract notes. For purposes of the guidelines, such instruments would be treated as equity contract notes.

b. The guidelines have been amended to indicate that a bank or bank holding company issuing equity generally must decide during the quarter in which the securities are issued whether or not the proceeds are to be used to satisfy the requirement to issue stock under an equity commitment or equity contract note. This dedication requirement is designed to reduce the possibility that the primary capital ratio of an institution might be overstated. An institution's primary capital would be overstated if the issuer counts both the mandatory convertible securities and the stock issued to replace those securities as primary capital at the same time. Whenever stock is issued and is dedicated to satisfy a note funding requirement, the amount of outstanding mandatory convertible debt that counts as primary capital is reduced by the amount of stock issued. In general, any dedication of the proceeds of a common or perpetual preferred stock issuance to satisfy a funding requirement must be made in the quarter in which the stock is issued. As a general rule, if the dedication is not made within the prescribed period, then the stock issued cannot later be dedicated to satisfy any funding requirement.

c. The guidelines have been amended to indicate that documentation certified by an authorized agent of the issuer showing the amount of stock issued, the dates of issue, and the amounts of such issues dedicated to the retirement or redemption of mandatory convertible securities will satisfy the dedication requirement.

d. The guidelines have been amended to state that failure to meet the funding requirements of an equity commitment note will be viewed as a breach of a regulatory commitment, will result in appropriate supervisory action, and will be taken into consideration by the Board in acting on statutory applications. This provision is designed to ensure that the issuer will honor its commitment to issue equity.

e. The guidelines have been amended to indicate that common or perpetual preferred stock issued under dividend reinvestment plans, or issued to finance acquisitions, including acquisitions of business entities, may be dedicated to satisfy any mandatory convertible note funding requirements.

Perpetual Debt

Several institutions have urged the Board to consider treating "perpetual debt" as a form of primary capital. The Board's July proposal did not make any reference to perpetual debt. Although it appears that no commercial bank or bank holding company in the United States has ever issued perpetual debt, interest in perpetual debt has increased recently as a result of a ruling by the Bank of England that would permit United Kingdom institutions to count perpetual subordinate debt as primary capital under certain conditions. The Board has decided that perpetual debt will not be afforded the status of primary capital at this time. The Board, however, will continue to study the issue to determine whether to seek public comment.

5. The Procedural Regulation

The Board has adopted, with only minor wording or technical changes, the procedural regulation it proposed in July 1984, to require compliance with the capital guidelines and, in particular, with the minimum capital ratios. The basic procedures parallel those of the FDIC and the Comptroller.

The Board has added a definitional provision to the procedural regulation to clarify that the capital directive procedures and those procedures for setting capital levels for individual institutions are intended to apply to the individual nonbank subsidiaries of bank holding companies as well as to the holding companies on a consolidated basis. While the amended guidelines have not applied substantive capital requirements to the nonbank subsidiaries of bank holding companies, the amended guidelines emphasize that "the Board is placing greater weight on the building-block approach for assessing capital requirements" and that the "nonbank subsidiaries of a banking organization should maintain levels of capital consistent with levels that have been established by industry norms or standards, by Federal or State regulatory agencies . . . or that may be established by the Board after taking into account risk factors of a particular industry." The procedural regulation will permit the Board to enforce its capital requirements for nonbank subsidiaries of bank holding companies on an industry-wide basis or in individual cases. The Report of the Senate Committee on Banking, Housing and Urban Affairs accompanying ILSA, S. Rep. 98–122, 98th Congress, 1st Session, 17 (1983), demonstrates that ILSA provides authority for extending capital requirements to nonbank affiliates of banks, stating: ". . . any of the provisions of the bill may be applied by the appropriate federal banking agency to any affiliate of any insured bank, including any bank holding company individually or on a consolidated basis for its non-bank subsidiaries. . ."

Initial Implementation

The procedural regulation requires that any state member bank or bank holding company not meeting the uniform minimum capital standards in the guidelines at the time they become effective, must submit to the Reserve Bank within 90 days a plan indicating how the banking organization intends to increase its capital to the required level within a reasonable period of time. Certain administrative and judicial enforcement procedures are outlined in the regulation for failure to submit a capital plan.

Some commenters expressed concern over the time that banking organizations will be given to meet the guidelines. In accordance with its concern for flexibility, the Board has avoided establishing a fixed rule defining a reasonable time for compliance in all cases. The Board will assess each organization's plan on a case-by-case basis. Nevertheless, the Board believes that, in general, banking organizations should comply with the minimum ratios within 12 to 18 months of the effective date of the revised guidelines.

Establishing Capital Requirements Above the Uniform Minimum

The Board may also require particular banks or bank holding companies to maintain more than the minimum level of capital if the financial condition, management, or future prospects of the institution make a higher capital level necessary and appropriate. The amended guidelines indicate the Board will pay particular attention to risk factors, including off-balance sheet risk, and to liquidity. The Board will discourage the practice of meeting capital guidelines by reducing the level of liquid assets relative to total assets of the institution. The process of

determining the adequacy of an institution's capital will begin with a qualitative evaluation of the critical variables that directly bear on its overall financial condition. These variables include the quality, type, and diversification of assets; current and historical earnings; liquidity; appropriate policies for loan charge-offs; risks arising from interest rate mismatches; the quality of management; and other activities that may expose the bank to risks, including off-balance sheet risks. Institutions with significant weaknesses in one or more of these areas will be expected to maintain higher capital levels than the minimums set forth in the guidelines. Institutions currently or prospectively under any formal administrative action, final order, or condition or agreement that sets forth a more stringent capital requirement shall continue to meet the requirement therein.

In addition to procedures now used by the Board to require a higher capital level (e.g. written agreements or memoranda between the Board and the financial institution, cease and desist orders, and conditions attached to orders issued on applications or notices), the amended regulation provides for a specific notice and comment and directive procedure. The Board may consider failure to meet the minimum capital requirement or a higher capital requirement set by the Board as bearing adversely upon applications or notices that a bank or bank holding company may file.

Directives

Section 908 of ILSA (12 U.S.C. 3907) authorizes the appropriate banking agency to issue a directive to a banking institution that fails to meet the minimum capital requirement. A directive may require a plan for achieving such requirement. A directive, including a capital adequacy plan submitted thereunder, is a final order enforceable in the same manner as a final cease and desist order issued under 12 U.S.C. 1818(b). The issuance of a directive is discretionary, and a directive may be issued in lieu of, in conjunction with, or in addition to existing enforcement tools. The Board has adopted notice and comment procedures for issuance of a directive.

6. Adoption of a Single Set of Guidelines for Member Banks and Bank Holding Companies

The Board has amended its July proposal to require separate guidelines for state member banks to be printed as an appendix to the Board's Regulation H, 12 CFR Part 208 and for bank holding companies to be printed as an appendix to the Board's Regulation Y, 12 CFR Part 225. Because they are so similar, the Board will continue to include them in one document, published as Appendix A to Regulation Y, 12 CFR Part 225. This will avoid duplication in the Code of Federal Regulations. The Board will add a section to Regulation H, 12 CFR 208.13, noting that state member bank capital requirements are in Regulation Y.

To summarize, the amended capital adequacy guidelines distinguish between state member banks and bank holding companies in four specific areas, as follows:

a. *Intangibles.* The guidelines require the automatic deduction of goodwill from primary and total capital for state member banks but not for bank holding companies.

b. *Equity Commitment notes.* The amended guidelines treat equity commitment notes as primary capital for bank holding companies but not for state member banks.

c. *Secondary capital.* The amended guidelines limit secondary capital, including subordinated debt and limited-life preferred stock, to 50 percent of primary capital for state member banks but not for bank holding companies.

d. *Average Assets.* For state member banks the Board will use average total assets of the quarterly reporting period in the denominator of primary and total capital ratios. The Board will continue to use period-end asset figures in the denominator of capital ratios for bank holding companies.

Regulatory Flexibility Analysis—Paperwork Reduction Act. The Board certified that adoption of these amended guidelines is not expected to have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). The amended guidelines may have a substantial impact on a comparatively small number of regional or multinational banking organizations, but that impact will be minimized by the extended phase-in period and the substantial advance notice of adoption of these guidelines. Moreover, the potential impact on certain organizations is outweighed by the benefits of uniform capital standards, improved safety and soundness of large banking organizations, and increased stability of the banking system.

The Board is required to consider capital in a number of situations. These include applications for acquisitions by bank holding companies, application for mergers with state member banks, applications for membership in the Federal Reserve System, and supervisory actions when necessary. In addition, 12 U.S.C. 3907(a)(1) requires the Board to "cause banking institutions to achieve and maintain adequate capital by establishing minimum levels of capital for such banking institutions and by using such other methods as the appropriate federal banking agency deems appropriate."

In carrying out its supervisory responsibilities and in approving individual mergers and acquistions, the Board has always considered capital adequacy. In December 1981, the Board issued capital adequacy guidelines to inform banks, bank holding companies, and the public of its policies on capital and capital adequacy. The Board is now amending those guidelines to establish more uniform standards for large and small banking institutions and for greater uniformity among federal banking agencies.

Historically, the Board has required higher capital ratios for small banks and bank holding companies than for larger ones. To the extent that this regulation equalizes requirements, it will lessen the burden on small banks and small bank holding companies.

In accordance with section 3507 of the Paperwork Reduction Act of 1980 and 5 CFR 1320.13, the proposed information collection requirement in the regulation was approved by the Board under authority delegated by the Office of Management and Budget.

List of Subjects

12 CFR Part 208

Banks, Banking, Federal Reserve System, Reporting and recordkeeping requirements, Securities.

12 CFR Part 225

Banks, Banking, Federal Reserve System, Holding companies, Reporting and recordkeeping requirements.

12 CFR Part 263

Administrative practice and procedure, Federal Reserve System.

Pursuant to the Board's authority under the International Lending Supervision Act of 1983, 12 U.S.C. 3907 and 3909; section 5(b) of the Bank Holding Company Act of 1956, 12 U.S.C. 1844(b); the Financial Institutions Supervisory Act of 1966, 12 U.S.C. 1818; and sections 9 and 11(a) of the Federal Reserve Act, 12 U.S.C. 248, 324 and 329, the Board hereby amends 12 CFR Parts 208, 225 and 263 as set forth below:

PART 208—MEMBERSHIP OF STATE BANKING INSTITUTIONS IN THE FEDERAL RESERVE SYSTEM

1. 12 CFR Part 208 is amended by revising the authority for the part, and by adding a new § 208.13 to read as follows:

Authority: 12 U.S.C. 248, 321–338, 486, 1814, 3907, 3909, unless otherwise noted.

§ 208.13 Capital adequacy.

The standards and guidelines by which the capital adequacy of state member banks will be evaluated by the Board are set forth in Appendix A to the Board's Regulation Y, 12 CFR Part 225.

PART 225—BANK HOLDING COMPANIES AND CHANGE IN BANK CONTROL

2. 12 CFR Part 225 is amended, under authority cited in this part including 12 U.S.C. 1844(b), 1817(j)(13), 1818(b), and Pub. L. 98–181, Title IX (12 U.S.C. 3907 and 3909), by revising Appendix A to read as follows:

Appendix A—Capital Adequacy Guidelines for Bank Holding Companies and State Member Banks

The Board of Governors of the Federal Reserve System has adopted minimum capital ratios and guidelines to provide a framework for assessing the adequacy of the capital of bank holding companies and state member banks (collectively "banking organizations"). The guidelines generally apply to all state member banks and bank holding companies regardless of size and are to be used in the examination and supervisory process as well as in the analysis of applications acted upon by the Federal Reserve. The Board of Governors will review the guidelines from time to time for possible adjustment commensurate with changes in the economy, financial markets, and banking practices.

Two principal measurements of capital are used—the primary capital ratio and the total capital ratio. The definitions of primary and total capital for banks and bank holding companies and formulas for calculating the capital ratios are set forth below in the definitional sections of these guidelines.

Capital Guidelines

The Board has established a minimum level of primary capital to total assets of 5.5 percent and a minimum level of total capital to total assets of 6.0 percent. Generally, banking organizations are expected to operate above the minimum primary and total capital levels. Those organizations whose operations involve or are exposed to high or inordinate degrees of risk will be expected to hold additional capital to compensate for these risks.

In addition, the Board has established the following three zones for total capital for banking organizations of all sizes:

TOTAL CAPITAL RATIO

(In percent)

Zone 1	Above 7.0.
Zone 2	6.0 to 7.0.
Zone 3	Below 6.0.

The capital guidelines assume adequate liquidity and a moderate amount of risk in the loan and investment portfolios and in off-balance sheet activities. The Board is concerned that some banking organizations may attempt to comply with the guidelines in ways that reduce their liquidity or increase risk. Banking organizations should avoid the practice of attempting to meet the guidelines by decreasing the level of liquid assets in relation to total assets. In assessing compliance with the guidelines, the Federal Reserve will take into account liquidity and the overall degree of risk associated with an organization's operations, including the volume of assets exposed to risk.

The Federal Reserve will also take into account the sale of loans or other assets with recourse and the volume and nature of all off-balance sheet risk. Particularly close attention will be directed to risks associated with standby letters of credit and participation in joint venture activities. The Federal Reserve will review the relationship of all on- and off-balance sheet risks to capital and will require those institutions with high or inordinate levels of risk to hold additional primary capital. In addition, the Federal Reserve will continue to review the need for more explicit procedures for factoring on- and off-balance sheet risks into the assessment of capital adequacy.

The capital guidelines apply to both banks and bank holding companies on a consolidated basis.[1] Some banking organizations are engaged in significant nonbanking activities that typically require capital ratios higher than those of commercial banks alone. The Board believes that, as a matter of both safety and soundness and competitive equity, the degree of leverage common in banking should not automatically extend to nonbanking activities. Consequently, in evaluating the consolidated capital positions of banking organizations, the Board is placing greater weight on the building-block approach for assessing capital requirements. This approach generally provides that nonbank subsidiaries of a banking organization should maintain levels of capital consistent with the levels that have been established by industry norms or standards, by Federal or State regulatory agencies for similar firms that are not affiliated with banking organizations, or that may be established by the Board after taking into account risk factors of a particular industry. The assessment of an organization's consolidated capital adequacy must take into account the amount and nature of all nonbank activities, and an institution's consolidated capital position should at least equal the sum of the capital requirements of the organization's bank and nonbank subsidiaries as well as those of the parent company.

[1] The guidelines will apply to bank holding companies with less than $150 million in consolidated assets on a bank-only basis unless (1) the holding company or any nonbank subsidiary is engaged directly or indirectly in any nonbank activity involving significant leverage or (2) the holding company or any nonbank subsidiary has outstanding significant debt held by the general public. Debt held by the general public is defined to mean debt held by parties other than financial institutions, officers, directors, and principal shareholders of the banking organization or their related interests.

Supervisory Action

The nature and intensity of supervisory action will be determined by an organization's compliance with the required minimum primary capital ratio as well as by the zone in which the company's total capital ratio falls. Banks and bank holding companies with primary capital ratios below the 5.5 percent minimum will be considered undercapitalized unless they can demonstrate clear extenuating circumstances. Such banking organizations will be required to submit an acceptable plan for achieving compliance with the capital guidelines and will be subject to denial of applications and appropriate supervisory enforcement actions.

The zone in which an organization's total capital ratio falls will normally trigger the following supervisory responses, subject to qualitative analysis:

For institutions operating in Zone 1, the Federal Reserve will:

—Consider that capital is generally adequate if the primary capital ratio is acceptable to the Federal Reserve and is above the 5.5 percent minimum.

For institutions operating in Zone 2, the Federal Reserve will:

—Pay particular attention to financial factors, such as asset quality, liquidity, off-balance sheet risk, and interest rate risk, as they relate to the adequacy of capital. If these areas are deficient and the Federal Reserve concludes capital is not fully adequate, the Federal Reserve will intensify its monitoring and take appropriate supervisory action.

For institutions operating in Zone 3, the Federal Reserve will:

—Consider that the institution is undercapitalized, absent clear extenuating circumstances;

—Require the institution to submit a comprehensive capital plan, acceptable to the Federal Reserve, that includes a program for achieving compliance with the required minimum ratios within a reasonable time period; and

—Institute appropriate supervisory and/or administrative enforcement action, which may include the issuance of a capital directive or denial of applications, unless a capital plan acceptable to the Federal Reserve has been adopted by the institution.

Treatment of Intangible Assets for the Purpose of Assessing the Capital Adequacy of Bank Holding Companies and State Member Banks

In considering the treatment of intangible assets for the purpose of assessing capital

adequacy, the Federal Reserve recognizes that the determination of the future benefits and useful lives of certain intangible assets may involve a degree of uncertainty that is not normally associated with other banking assets. Supervisory concern over intangible assets derives from this uncertainty and from the possibility that, in the event an organization experiences financial difficulties, such assets may not provide the degree of support generally associated with other assets. For this reason, the Federal Reserve will carefully review the level and specific character of intangible assets in evaluating the capital adequacy of state member banks and bank holding companies.

The Federal Reserve recognizes that intangible assets may differ with respect to predictability of any income stream directly associated with a particular asset, the existence of a market for the asset, the ability to sell the asset, or the reliability of any estimate of the asset's useful life. Certain intangible assets have predictable income streams and objectively verifiable values and may contribute to an organization's profitability and overall financial strength. The value of other intangibles, such as goodwill, may involve a number of assumptions and may be more subject to changes in general economic circumstances or to changes in an individual institution's future prospects. Consequently, the value of such intangible assets may be difficult to ascertain. Consistent with prudent banking practices and the principle of the diversification of risks, banking organizations should avoid excessive balance sheet concentration in any category or related categories of intangible assets.

Bank Holding Companies

While the Federal Reserve will consider the amount and nature of all intangible assets, those holding companies with aggregate intangible assets in excess of 25 percent of tangible primary capital (i.e., stated primary capital less all intangible assets) or those institutions with lesser, although still significant, amounts of goodwill will be subject to close scrutiny. For the purpose of assessing capital adequacy, the Federal Reserve may, on a case-by-case basis, make adjustments to an organization's capital ratios based upon the amount of intangible assets in excess of the 25 percent threshold level or upon the specific character of the organization's intangible assets in relation to its overall financial condition. Such adjustments may require some organizations to raise additional capital.

The Board expects banking organizations (including state member banks) contemplating expansion proposals to ensure that pro forma capital ratios exceed the minimum capital levels without significant reliance on intangibles, particularly goodwill. Consequently, in reviewing acquisition proposals, the Board will take into consideration both the stated primary capital ratio (that is, the ratio without any adjustment for intangible assets) and the primary capital ratio after deducting intangibles. In acting on applications, the Board will take into account the nature and amount of intangible assets and will, as appropriate, adjust capital ratios to include certain intangible assets on a case-by-case basis.

State Member Banks

State member banks with intangible assets in excess of 25 percent of intangible primary capital will be subject to close scrutiny. In addition, for the purpose of calculating capital ratios of state member banks, the Federal Reserve will deduct goodwill from primary capital and total capital. The Federal Reserve may, on a case-by-case basis, make further adjustments to a bank's capital ratios based on the amount of intangible assets (aside from goodwill) in excess of the 25 percent threshold level or on the specific character of the bank's intangible assets in relation to its overall financial condition. Such adjustments may require some banks to raise additional capital.

In addition, state member banks and bank holding companies are expected to review periodically the value at which intangible assets are carried on their balance sheets to determine whether there has been any impairment of value or whether changing circumstances warrant a shortening of amortization periods. Institutions should make appropriate reductions in carrying values and amortization periods in light of this review, and examiners will evaluate the treatment of intangible assets during on-site examinations.

Definition of Capital To Be Used in Determining Capital Adequacy of Bank Holding Companies and State Member Banks

Primary Capital Components

The components of primary capital are:

—Common stock,
—Perpetual preferred stock (preferred stock that does not have a stated maturity date and that may not be redeemed at the option of the holder),
—Surplus (excluding surplus relating to limited-life preferred stock),
—Undivided profits,
—Contingency and other capital reserves,
—Mandatory convertible instruments [2],
—Allowance for possible loan and lease losses (exclusive of allocated transfer risk reserves),
—Minority interest in equity accounts of consolidated subsidiaries.

Secondary Capital Components

The components of secondary capital are:

—Limited-life preferred stock (including related surplus) and
—Bank subordinated notes and debentures and unsecured long-term debt of the parent company and its nonbank subsidiaries.

Restrictions Relating to Capital Components

To qualify as primary or secondary capital, a capital instrument should not contain or be covered by any convenants, terms, or restrictions that are inconsistent with safe and sound banking practices. Examples of such terms are those regarded as unduly interfering with the ability of the bank or holding company to conduct normal banking operations or those resulting in significantly higher dividends or interest payments in the event of a deterioration in the financial condition of the issuer.

The secondary components must meet the following conditions to qualify as capital:

—The instrument must have an original weighted-average maturity of at least seven years.
—The instrument must be unsecured.
—The instrument must clearly state on its face that it is not a deposit and is not insured by a federal agency.
—Bank debt instruments must be subordinated to claims of depositors.
—For banks only, the aggregate amount of limited-life preferred stock and subordinate debt qualifying as capital may not exceed 50 percent of the amount of the bank's primary capital.

As secondary capital components approach maturity, the banking organization must plan to redeem or replace the instruments while maintaining an adequate overall capital position. Thus, the remaining maturity of secondary capital components will be an important consideration in assessing the adequacy of total capital.

Capital Ratios

The primary and total capital ratios for bank holding companies are computed as follows:

Primary capital ratio:

Primary capital components/Total assets + Allowance for loan and lease losses (exclusive of allocated transfer risk reserves)

Total capital ratio:

Primary capital components + Secondary capital components/Total assets + Allowance for loan and lease losses (exclusive of allocated transfer risk reserves)

The primary and total capital ratios for state member banks are computed as follows:

Primary capital ratio:

Primary capital components—Goodwill/Average total assets + Allowance for loan and lease losses (exclusive of allocated transfer risk reserves)—Goodwill

Total capital ratio:

Primary capital components + Secondary capital components—Goodwill/Average total assets + Allowance for loan and lease losses (exclusive of allocated transfer risk reserves)—Goodwill

Generally, period-end amounts will be used to calculate bank holding company ratios. However, the Federal Reserve will discourage temporary balance sheet adjustments or any other "window dressing" practices designed to achieve transitory compliance with the guidelines. Banking organizations are expected to maintain adequate capital positions at all times. Thus, the Federal Reserve will, on a case-by-case basis, use average total assets in the calculation of bank holding company capital ratios whenever this approach provides a

[2] See the definitional section below that lists the criteria for mandatory convertible instruments to qualify as primary capital.

more meaningful indication of an individual holding company's capital position.

For the calculation of bank capital ratios, "average total assets" will generally be defined as the quarterly average total assets figure reported on the bank's Report of Condition. If warranted, however, the Federal Reserve may calculate bank capital ratios based upon total assets as of period-end. All other components of the bank's capital ratios will be based upon period-end balances.

Criteria for Determining the Primary Capital Status of Mandatory Convertible Securities of Bank Holding Companies and State Member Banks

Mandatory convertible securities are subordinated debt instruments that are eventually transformed into common or perpetual preferred stock within a specified period of time, not to exceed 12 years. To be counted as primary capital, mandatory convertible securities must meet the criteria set forth below. These criteria cover the two basic types of mandatory convertible securities: "equity contract notes"—securities that obligate the holder to take common or perpetual preferred stock of the issuer in lieu of cash for repayment of principal, and "equity commitment notes"—securities that are redeemable only with the proceeds from the sale of common or perpetual preferred stock. Both equity commitment notes and equity contract notes qualify as primary capital for bank holding companies, but only equity contract notes qualify as primary capital for banks.[3]

Criteria Applicable to Both Types of Mandatory Convertible Securities

a. The securities must mature in 12 years or less.

b. The maximum amount of mandatory convertible securities that may be counted as primary capital is limited to 20 percent of primary capital, exclusive of mandatory convertible securities.[4] (Amounts outstanding in excess of the 20 percent limitation may be counted as secondary capital provided they meet the requirements of secondary capital instruments.)

c. The issuer may redeem securities prior to maturity only with the proceeds from the sale of common or perpetual preferred stock of the bank or bank holding company. Any exception to this rule must be approved by the Federal Reserve. The securities may not be redeemed with the proceeds of another issue of mandatory convertible securities. Nor may the issuer repurchase or acquire its own mandatory convertible securities for resale or reissuance.

d. Holders of the securities may not accelerate the payment of principal except in the event of bankruptcy, insolvency, or reorganization.

e. The securities must be subordinate in right of payment to all senior indebtedness of the issuer. In the event that the proceeds of the securities are reloaned to an affiliate, the loan must be subordinated to the same degree as the original issue.

f. An issuer that intends to dedicate the proceeds of an issue of common or perpetual preferred stock to satisfy the funding requirements of an issue of mandatory convertible securities (i.e. the requirement to retire or redeem the notes with the proceeds from the issuance of common or perpetual preferred stock) generally must make such a dedication during the quarter in which the new common or preferred stock is issued.[5] As a general rule, if the dedication is not made within the prescribed period, then the securities issued may not at a later date be dedicated to the retirement or redemption of the mandatory convertible securities.[6]

Additional Criteria Applicable to Equity Contract Notes

a. The note must contain a contractual provision (or must be issued with a mandatory stock purchase contract) that requires the holder of the instrument to take the common or perpetual stock of the issuer in lieu of cash in satisfaction of the claim for principal repayment. The obligation of the holder to take the common or perpetual preferred stock of the issuer may be waived if, and to the extent that, prior to the maturity date of the obligation, the issuer sells new common or perpetual preferred stock and dedicates the proceeds to the retirement or redemption of the notes. The dedication generally must be made during the quarter in which the new common or preferred stock is issued.

b. A stock purchase contract may be separated from a security only if: (1) The holder of the contract provides sufficient collateral[7] to the issuer, or to an independent trustee for the benefit of the issuer, to assure performance under the contract and (2) the stock purchase contract requires the purchase of common or perpetual preferred stock.

Additional Criteria Applicable to Equity Commitment Notes

a. The indenture or note agreement must contain the following two provisions:

1. The proceeds of the sale of common or perpetual preferred stock will be the sole source of repayment for the notes, and the issuer must dedicate the proceeds for the purpose of repaying the notes. (Documentation certified by an authorized agent of the issued showing the amount of common or perpetual preferred stock issued, the dates of issue, and amounts of such issues dedicated to the retirement or redemption of mandatory convertible securities will satisfy the dedication requirement.)

2. By the time that one-third of the life of the securities has run, the issuer must have raised and dedicated an amount equal to one-third of the original principal of the securities. By the time that two-thirds of the life of the securities has run, the issuer must have raised and dedicated an amount equal to two-thirds of the original principal of the securities. At least 60 days prior to the maturity of the securities, the issuer must have raised and dedicated an amount equal to the entire original principal of the securities. Proceeds dedicated to redemption or retirement of the notes must come only from the sale of common or perpetual preferred stock.[8]

b. If the issuer fails to meet any of these periodic funding requirements, the Federal Reserve immediately will cease to treat the unfunded securities as primary capital and will take appropriate supervisory action. In addition, failure to meet the funding requirements will be viewed as a breach of a regulatory commitment and will be taken into consideration by the Board in acting on statutory applications.

c. If a security is issued by a subsidiary of a bank or bank holding company, any guarantee of the principal by that subsidiary's parent bank or bank holding company must be subordinate to the same degree as the security issued by the subsidiary and limited to repayment of the principal amount of the security at its final maturity.

d. The maximum amount of equity commitment notes that may be counted as primary capital for a bank holding company is limited to 10 percent of primary capital exclusive of mandatory convertible securities. Amounts outstanding in excess of the 10 percent limitation may be counted as secondary capital provided they meet the requirements of secondary capital instruments.

3. 12 CFR Part 263 is amended by adding a new Subpart D, including a

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[3] Equity commitment notes that were issued by state member banks prior to May 15, 1985 will continue to be included in primary capital.

[4] The maximum amount of equity commitment notes that may be counted as primary capital is limited to 10 percent of primary capital exclusive of mandatory convertible securities.

[5] Common or perpetual preferred stock issued under dividend reinvestment plans or issued to finance acquisitions, including acquisitions of business entities, may be dedicated to the retirement or redemption of the mandatory convertible securities. Documentation certified by an authorized agent of the issuer showing the amount of common stock or perpetual preferred stock issued, the dates of issue, and amounts of such issues dedicated to the retirement or redemption of mandatory convertible securities will satisfy the dedication requirement.

[6] The dedication procedure is necessary to ensure that the primary capital of the issuer is not overstated. For each dollar of common or perpetual preferred proceeds dedicated to the retirement or redemption of the notes, there is a corresponding reduction in the amount of outstanding mandatory securities that may qualify as primary capital. *De minimis* amounts (in relation to primary capital) of common or perpetual preferred stock issued under arrangements in which the amount of stock issued is not predictable, such as dividend reinvestment plans and employee stock option plans (but excluding public stock offerings and stock issued in connection with acquisitions), should be dedicated by no later than the company's fiscal year end.

[7] Collateral is defined as: (1) Cash or certificates of deposit; (2) U.S. government securities that will mature prior to or simultaneous with the maturity of the equity contract and that have a par or maturity value at least equal to the amount of the holder's obligation under the stock purchase contract; (3) standby letters of credit issued by an insured U.S. bank that is not an affiliate of the issuer; or (4) other collateral as may be designated from time to time by the Federal Reserve.

[8] The funded portions of the securities will be deducted from primary capital to avoid double counting.

section of the authority under which the subpart is issued, to read as follows:

PART 263—RULES OF PRACTICE FOR HEARINGS

* * * * *

Subpart D—Procedures for Issuance and Enforcement of Directives To Maintain Adequate Capital

Sec.
263.35 Authority, purpose and scope.
263.36 Definitions.
263.37 Establishment of minimum capital levels.
263.38 Procedures for requiring maintenance of adequate capital.
263.39 Enforcement of directive.
263.40 Establishment of increased capital level for individual bank or bank holding company.

Authority: International Lending Supervision Act of 1983 ("ILSA"), 12 U.S.C. 3907; section 5(b), Bank Holding Company Act ("BHC Act"), 12 U.S.C. 1844(b); Financial Institutions Supervisory Act of 1966 ("FIS Act"), 12 U.S.C. 1818(b)–(n); and sections 9 and 11(i), Federal Reserve Act, 12 U.S.C. 248, 324, 329.

Subpart D—Procedures for Issuance and Enforcement of Directives To Maintain Adequate Capital

§ 263.35 Authority, purpose, and scope.

(a) *Authority.* This subpart is issued under authority of the International Lending Supervision Act of 1983 ("ILSA"), 12 U.S.C 3907, 3909; section 5(b) of the Bank Holding Company Act ("BHC Act"), 12 U.S.C. 1844(b); the Financial Institutions Supervisory Act of 1966 ("FIS Act"), 12 U.S.C. 1818(b)–(n); and sections 9 and 11(i) of the Federal Reserve Act, 12 U.S.C. 248, 324, 329.

(b) *Purpose and scope.* This subpart establishes procedures under which the Board may issue a directive or take other action to require a state member bank or a bank holding company to achieve and maintain adequate capital. The information collection requirement contained in this requlation has been approved by the Office of Management and Budget under the provisions of 44 U.S.C. Chapter 35 and has been assigned OMB No. 7100–0209.

§ 263.36 Definitions.

(a) "Bank holding company" means any company that controls a bank as defined in section 2 of the BHC Act, 12 U.S.C. 1841, and in the Board's Regulation Y (12 CFR 225.2(b)) or any direct or indirect subsidiary thereof other than a bank subsidiary as defined in section 2(c) of the BHC Act, 12 U.S.C. 1841(c), and in the Board's Regulation Y (12 CFR 225.2(a)).

(b) "Capital Adequacy Guidelines" means those guidelines for bank holding companies and state member banks contained in Appendix A to the Board's Regulation Y (12 CFR Part 225).

(c) "Directive" means a final order issued by the Board pursuant to ILSA (12 U.S.C. 3907(b)(2)) requiring a state member bank or bank holding company to increase capital to or maintain capital at the minimum level set forth in the Board's Capital Adequacy Guidelines or as otherwise established under procedures described in §263.40 of this subpart.

(d) "State member bank" means any state-chartered bank that is a member of the Federal Reserve System.

§ 263.37 Establishment of minimum capital levels.

The Board has established minimum capital levels for state member banks and bank holding companies in its Capital Adequacy Guidelines. The Board may set higher capital levels as necessary and appropriate for a particular state member bank or bank holding company based upon its financial condition, managerial resources, prospects, or similar factors, pursuant to the procedures set forth in §263.40 of this subpart.

§ 263.38 Procedures for requiring maintenance of adequate capital.

(a) *Submission of capital improvement plan.* Any state member bank or bank holding company that may not be in compliance with the Board's Capital Adequacy Guidelines on the date that this regulation becomes effective shall, within 90 days, submit to its appropriate Federal Reserve Bank for review a plan describing the means and the time schedule by which the bank or bank holding company shall achieve the required minimum level of capital.

(b) *Issuance of directive—(1) Notice of intent to issue directive.* If a state member bank or bank holding company is operating with less than the minimum level of capital established in the Board's Capital Adequacy Guidelines, or as otherwise established under the procedures described in § 263.40 of this subpart, the Board may issue and serve upon such state member bank or bank holding company written notice of the Board's intent to issue a directive to require the bank or bank holding company to achieve and maintain adequate capital within a specified time period.

(2) *Contents of notice.* The notice of intent to issue a directive shall include:

(i) The required minimum level of capital to be achieved or maintained by the institution;

(ii) Its current level of capital;

(iii) The proposed increase in capital needed to meet the minimum requirements;

(iv) The proposed date or schedule for meeting these minimum requirements;

(v) When deemed appropriate, specific details of a proposed plan for meeting the minimum capital requirements; and

(vi) The date for a written response by the bank or bank holding company to the proposed directive, which shall be at least 14 days from the date of issuance of the notice unless the Board determines a shorter period is necessary because of the financial condition of the bank or bank holding company.

(3) *Response to notice.* The bank or bank holding company may file a written response to the notice within the time period set by the Board. The response may include:

(i) An explanation why a directive should not be issued;

(ii) Any proposed modification of the terms of the directive;

(iii) Any relevant information, mitigating circumstances, documentation or other evidence in support of the institution's position regarding the proposed directive; and

(iv) The institution's plan for attaining the required level of capital.

(4) *Failure to file response.* Failure by the bank or bank holding company to file a written response to the notice of intent to issue a directive within the specified time period shall constitute a waiver of the opportunity to respond and shall constitute consent to the issuance of such directive.

(5) *Board consideration of response.* After considering the response of the bank or bank holding company, the Board may:

(i) Issue the directive as originally proposed or in modified form;

(ii) Determine not to issue a directive and so notify the bank or bank holding company; or

(iii) Seek additional information or clarification of the response by the bank or bank holding company.

(6) *Contents of directive.* Any directive issued by the Board may order the bank or bank holding company to:

(i) Achieve or maintain the minimum capital requirement established pursuant to the Board's Capital Adequacy Guidelines or the procedures in § 263.40 of this subpart by a certain date;

(ii) Adhere to a previously submitted plan or submit for approval and adhere to a plan for achieving the minimum capital requirement by a certain date;

(iii) Take other specific action as the Board directs to achieve the minimum

capital levels, including requiring a reduction of assets or asset growth or restriction on the payment of dividends; or

(iv) A combination of the above actions.

(7) *Request for reconsideration of directive.* Any state member bank or bank holding company, upon a change in circumstances, may request the Board to reconsider the terms of a directive and may propose changes in the plan under which it is operating to meet the required minimum capital level. The directive and plan continue in effect while such request is pending before the Board.

§ 263.39 Enforcement of directive.

(a) *Judicial and administrative remedies.* (1) Whenever a bank or bank holding company fails to follow a directive issued under this subpart, or to submit or adhere to a capital adequacy plan as required by such directive, the Board may seek enforcement of the directive, including the capital adequacy plan, in the appropriate United State district court, pursuant to section 908 (b)(2)(B)(ii) of ILSA (12 U.S.C. 3907(b)(2)(B)(ii) and to section 8(i) of the Federal Deposit Insurance Act (12 U.S.C. 1818(i)), in the same manner and to the same extent as if the directive were a final cease and desist order.

(2) The Board, pursuant to section 910(d) of ILSA (12 U.S.C. 3909(d)), may also assess civil money penalties for violation of the directive against any bank or bank holding company and any officer, director, employee, agent, or other person participating in the conduct of the affairs of the bank or bank holding company, in the same manner and to the same extent as if the directive were a final cease and desist order.

(b) *Other enforcement actions.* A directive may be issued separately, in conjunction with, or in addition to any other enforcement actions available to the Board, including issuance of cease and desist orders, the approval or denial of applications or notices, or any other actions authorized by law.

(c) *Consideration in application proceedings.* In acting upon any application or notice submitted to the Board pursuant to any statute administered by the Board, the Board may consider the progress of a state member bank or bank holding company or any subsidiary thereof in adhering to any directive or capital adequacy plan required by the Board pursuant to this subpart, or by any other appropriate banking supervisory agency pursuant to ILSA. The Board shall consider whether approval or a notice of intent not to disapprove would divert earnings, diminish capital, or otherwise impede the bank or bank holding company in achieving its required minimum capital level or complying with its capital adequacy plan.

§ 263.40 Establishment of increased capital level for individual bank or bank holding company.

(a) *Establishment of capital levels for individual institutions.* The Board may establish a capital level higher than that specified in the Board's Capital Adequacy Guidelines for an individual bank or bank holding company pursuant to:

(1) A written agreement or memorandum of understanding between the Board or the appropriate Federal Reserve Bank and the bank or bank holding company;

(2) A temporary or final cease and desist order issued pursuant to section 8(b) or (c) of the FIS Act (12 U.S.C. 1818(b) or (c));

(3) A condition for approval of an application or issuance of a notice of intent not to disapprove a proposal;

(4) Or other similar means; or

(5) The procedures set forth in subsection (b) of this section.

(b) *Procedure to establish higher capital requirement*—(1) *Notice.* When the Board determines that capital levels above those in the Board's Capital Adequacy Guidelines may be necessary and appropriate for a particular bank or bank holding company under the circumstances, the Board shall give the bank or bank holding company notice of the proposed higher capital requirement and shall permit the bank or bank holding company an opportunity to comment upon the proposed capital level, whether it should be required and, if so, under what time schedule. The notice shall contain the Board's reasons for proposing a higher level of capital.

(2) *Response.* The bank or bank holding company shall be allowed at least 14 days to respond, unless the Board determines that a shorter period is necessary because of the financial condition of the bank or bank holding company. Failure by the bank or bank holding company to file a written response to the notice within the time set by the Board shall constitute a waiver of the opportunity to respond and shall constitute consent to issuance of a directive containing the required minimum capital level.

(3) *Board decision.* After considering the response of the institution, the Board may issue a written directive to the bank or bank holding company setting an appropriate capital level and the date on which this capital level will become effective. The Board may require the bank or bank holding company to submit and adhere to a plan for achieving such higher captial level as the Board may set.

(4) *Enforcement of higher capital level.* The Board may enforce the capital level established pursuant to the procedures described in this section and any plan submitted to achieve that capital level through the procedures set forth in § 263.39 of this subpart.

Board of Governors of the Federal Reserve System, April 17, 1985.

William W. Wiles,

Secretary of the Board.

[FR Doc. 85-9694 Filed 4-23-85; 8:45 am]

BILLING CODE 6210-01-M

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12 CFR Part 265

[Docket No. R-0511]

Rules Regarding Delegation of Authority; Submit Capital Plan

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Final rule.

SUMMARY: The Board of Governors is amending 12 CFR Part 265, its Rules Regarding Delegation of Authority, to delegate to the Director of the Division of Banking Supervision and Regulation, with the concurrence of the General Counsel, the authority under the Board's Procedures for Issuance and Enforcement of Directives to Maintain Adequate Capital, §§ 263.38 and 263.40 of Subpart D of the Board's Rules of Practice for Hearings, to issue notices that state member banks or bank holding companies have insufficient levels of capital and that direct such banking organizations to file capital improvement plans.

EFFECTIVE DATE: May 15, 1985.

FOR FURTHER INFORMATION CONTACT: James E. Scott, Senior Attorney, Legal Division, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, (202) 452-3513.

SUPPLEMENTARY INFORMATION: (1) The Board is amending its Rules Regarding Delegation of Authority to delegate to the Director of the Division of Banking Supervision and Regulation, with the concurrence of the General Counsel, the authority to take preliminary actions to require state member banks and bank holding companies to increase and maintain adequate levels of capital as defined by the Board's revised capital guidelines or as set by the Board for an individual banking organization. In particular, the Director has the authority pursuant to procedures set forth in

§§ 263.38 and 263.40 of the Board's recently adopted Procedures for Issuance and Enforcement of Directives to Maintain Adequate Capital, 12 CFR 263.38 and 263.40, to issue a notice to a particular state member bank or bank holding company indicating that said banking organization has failed to maintain capital at the levels set forth in the Board's capital adequacy guidelines (Appendix A to the Board's Regulation Y, 12 CFR Part 225) or at such levels as may be appropriate in consideration of the financial condition of the particular banking organization. The notice of the need to increase capital may also require the banking organization to which it is directed to submit a plan to increase capital. The notice issued by the Director is a preliminary action to which the banking organizations may respond before the Board decides whether to take final action to require an increase in capital. The Board finds the delegation of its authority to screen banking organizations for compliance with uniform minimum levels of capital and to preliminarily identify those organizations that should maintain higher capital levels is necessary and appropriate because of the substantial number of banking organizations that must be systematically and repeatedly reviewed, because the notice is only a preliminary procedure, and because in its capital guidelines the Board has articulated the standards to be applied.

(2) The Board finds that the notice, opportunity to comment, and deferral of effective date procedures of 5 U.S.C. 553(b) are unnecessary in connection with this proceeding because it relates to agency procedures. For the same reasons, the expanded rulemaking procedures set forth in the Board's policy statement of January 15, 1979 (44 FR 3957), will not be followed in connection with this proceeding.

List of Subjects in 12 CFR Part 265

Authority delegations (Government agencies), Federal Reserve System.

Pursuant to the provisions of section 11(k) of the Federal Reserve Act (12 U.S.C. 248(k)), the Board hereby amends 12 CFR 265.2 by adding paragraph (c)(33) to read as follows:

PART 265—RULES REGARDING DELEGATION OF AUTHORITY

§ 265.2 Specific functions delegated to Board employees and to Federal Reserve Banks.

* * * * *

(c) * * *

(33) Under the Provisions of §§ 263.38 and 263.40 of the Board's Procedures for Issuance and Enforcement of Directives to Maintain Adequate Capital, Subpart D of the Board's Rules of Practice for Hearings (12 CFR Part 263), and with the concurrence of the general counsel, to issue a notice that a state member bank or bank holding company has insufficient capital and that directs said banking organization to file with its regional Reserve Bank a capital improvement plan.

By order of the Board of Governors of the Federal Reserve System, April 17, 1985.

William W. Wiles,

Secretary of the Board.

[FR Doc. 85-9695 Filed 4-23-85; 8:45 am]

BILLING CODE 6210-01-M

FEDERAL HOME LOAN BANK BOARD

12 CFR Parts 531, 552, 563 and 571

[No. 85-288]

Combinations Involving Federal Stock Associations; de Novo Policy Statement; and Technical Corrections

Dated: April 17, 1985.

AGENCY: Federal Home Loan Bank Board.

ACTION: Final rule; request for comments.

SUMMARY: The Federal Home Loan Bank Board ("Board") is amending its regulations relating to combinations involving federal stock associations to expand the types of entities with which federal associations may combine in certain types of transactions, to correct an omission and several typographical errors in the same regulation, to make conforming amendments to several other sections of the regulations, and to clarify that only institutions which have been operating in substantially the same form under another charter for at least three years will not be treated as a *de novo* under the Board's policies governing *de novo* institutions.

DATES: Effective April 23, 1985. Comments must be received by June 24, 1985.

ADDRESS: Send comments to Director, Information Services Section, Office of Secretariat, Federal Home Loan Bank Board, 1700 G Street, NW., Washington, D.C. 20552. Comments will be available for public inspection at that address.

FOR FURTHER INFORMATION CONTACT: David A. Permut, (202) 377-6962, Attorney, Corporate and Securities Division, Office of General Counsel, Federal Home Loan Bank Board, 1700 G Street, NW., Washington, D.C. 20552.

SUPPLEMENTARY INFORMATION:

I. Background

Various types of financial institutions have expressed interest in converting to become federally-chartered and, in most cases, FSLIC-insured, thrift institutions. For example, some banks have concluded that their business is predominantly housing- and consumer-oriented and could be conducted more efficiently consistent with the goals and purposes of a federal thrift charter. The Board has no objection to such charter conversions, provided, of course, that the converted entity will operate in a manner consistent with a commitment to economical home finance and in compliance with other applicable thrift statutes and regulations.

Charter conversions are already available for institutions located in some states. If state law permits, for example, a state-chartered bank may convert to a state-chartered savings and loan association or savings bank and then apply to convert to federal charter pursuant to section 5(i) or section 5(o) of the Home Owners' Loan Act of 1933 ("HOLA"). 12 U.S.C. 1464(o).[1] However, because few states authorize such "state-law charter conversions",[2] most institutions can accomplish the conversion only by applying for a charter for a new federal association, or entering into an agreement with an existing federal association, and then causing the new federal association, or the existing federal association, to purchase most of the assets and assume most of the liabilities of the entity (a "P&A conversion"). The entity would then surrender its charter and, in most cases, its FDIC or other account insurance, in favor of FSLIC account insurance.

There is currently a regulatory impediment to Board approval of this type of P&A conversion, however, in the form of current § 552.13(c)(1) of the Federal Regulations, which governs transactions involving combinations of Federal stock associations and provides, in relevant part, that:

[1] In the case of a national bank, the national bank could first convert to a state-chartered bank, or state law may permit both state-chartered and national banks to convert to a state-chartered savings and loan association or savings bank.

[2] The following states are believed to permit some type of conversion from commercial bank to savings and loan: California, Connecticut, Florida, Maine, Missouri (to federal savings bank), Pennsylvania (in two steps), Utah, Virginia and Washington. In addition, the Idaho and Illinois statutes are silent on the matter and may permit such conversion. Michigan would allow commercial banks to convert to state-chartered thrifts if such a conversion is permissible under federal regulation.

(c) Federal stock associations may combine with other associations [3] in the following ways: (1) Mergers or bulk purchases of assets in exchange for liabilities: *Provided*, that (i) *all constituent associations have accounts insured by the [FSLIC], except for Federal associations the deposits of which are insured by the [FDIC]* . . . *(emphasis added).*

Accordingly, the current regulations give rise to a significant difference in the ability of financial institutions located in different states to convert to a federal thrift charter. If the financial institution is located in one of the many states that does not have a state-law charter conversion process, the conversion is effectively foreclosed because the Board's current regulations prevent a federal stock association from purchasing the assets and assuming the liabilities of any institution which is not already insured by the FSLIC (with the exception of federal savings banks with FDIC insurance). The practical effect is that commercial banks and others are precluded from utilizing P&A conversions to become federal thrifts and can convert to thrifts in only the handful of states that provide for a state-law charter conversion.

II. Current Regulation

When the current version of § 552.13 was adopted in 1979, the Board expressed the view that the HOLA required that Federal associations be allowed to merge or to engage in bulk purchase transactions only with other FSLIC-insured institutions.[4] This conclusion apparently was based on the language of section 5(d)(11) of the HOLA, which states that:

> The Board shall have power to make rules and regulations [5] for the reorganization, consolidation, liquidation, and dissolution of associations, for the merger of associations with associations or with any institutions the accounts of which are insured by the Federal Savings and Loan Insurance Corporation, . . . 12 U.S.C. 1464(d)(1) [1982]

Thus, current § 552.13(c)(1) appears to have been premised on two assumptions: First, that the provisions of section 5(d)(11) authorizing the Board to make rules and regulations for the merger of Federal associations with other Federal associations and FSLIC-insured thrifts meant that those were the only types of entities with which a federal association may be permitted to merge; and second, that a bulk purchase of assets must be treated as a merger under the statute, rather than being categorized as another type of transaction. The Board has now re-examined the basis for the latter assumption and has concluded that the statute does not require bulk purchases to be treated in the same manner as a merger.

A bulk purchase of assets and assumption of liabilities where all or substantially all of the assets of one entity are acquired by another entity is, in corporate structure, a reorganization, rather than a merger. In basic terms, mergers involve two or more corporations where one corporation absorbs one or more other corporations which then cease to exist. Consolidations also involve more than one corporation and occur where a new corporation is formed to absorb one or more existing corporations which cease to exist. By contrast, reorganizations involve a single corporation and include bankruptcies, conversions (savings banks to savings and loan associations, mutual to stock, state to Federal, Federal to state) and bulk-asset purchases. Fletcher Cyc Corp (Perm Ed) section 7041, 7043, 7085, 7201, and 7205.

As a result of its reexamination of the issue, the Board believes that even if the HOLA limits the entities with which a Federal association may *merge*, the statute need not be read to place those limits on reorganizations. Since the HOLA does not compel the Board to similarly restrict reorganizations such as this type of bulk-purchase-of-assets transaction, the Board has concluded that it has the authority to amend § 552.13 to permit federal associations to engage in such transactions with entities other than those chartered by the Board or insured by the FSLIC. Further, the Board has concluded that it would be desirable to reduce the current regulatory impediment to P&A conversions to permit a wider range of entities to convert to federal thrift charters and remove the discrepancy that now exists between the ability of entities located in different states to convert to federal thrift charters.

III. Scope of Expansion of P&A Authority

There is a broad range of entities that have the potential to become federal thrifts through a P&A conversion. These include (1) FDIC-insured national banks; (2) FDIC-insured state-chartered banks; (3) other FDIC-insured depository institutions, such as industrial banks; (4) state or privately insured depository institutions; (5) uninsured depository institutions; (6) credit-furnishing entities, such as consumer finance or mortgage-banking companies; and (7) any corporation or other business entity that engages in activities permissible for a Federal association.

With entities that are not depository institutions, however, it is difficult for the Board to assess whether the entity's policies are consistent with economical home financing and whether the new thrift formed from that entity will be financially strong. Therefore, rather than permitting a Federal association to engage in a bulk P&A transaction with all types of entities, the Board has preliminarily determined to limit the types of entities eligible to engage in a bulk P&A conversion with a Federal association to depository institutions, whether or not insured by the FDIC, state insurance funds or private insurance funds. In the Board's view, these types of institutions are most likely to be able to meet the statutory criteria for Federal Home Loan Bank membership (a prerequisite to receipt of FSLIC insurance), namely, a demonstrable commitment to economical home financing, and would have operations that are capable of being examined pursuant to existing procedures in order to determine eligibility for insurance.

IV. Converting Institutions as de Novos

The conversion of banks and other financial institutions to Federal thrift charters also has raised the question whether the new Federal association, whether the product of a state-law charter conversion or created in a P&A conversion with another entity, should be subject to the Board's policies applicable to *de novo* institutions. Although the thrift would be newly created, the Board recognizes that the converted entity may have had a record as a regulated depository institution.

In 1983, the Board amended the Regulations of the Federal Savings and Loan Insurance Corporation ("Insurance Regulations") by adopting a policy statement at 12 CFR 571.6 relating to insurance of accounts of *de novo* institutions. Board Resolution No. 83–653 (48 FR 54320; December 2, 1983). That section defined "*de novo* institution" and "*de novo* applicant" to mean:

> [A]ny savings and loan association, building and loan association, homestead association, cooperative bank, or savings bank which has submitted to the appropriate Federal Home Loan Bank an application for

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[3] The term "association" is defined, for purposes of § 552.13, as: "Any building and loan, savings and loan, or homestead association, or cooperative or savings bank organized under Federal or state law, including interim Federal associations and interim state associations." 12 CFR 552.13(b)(1).

[4] Board Resolution No. 79–445, dated August 16, 1979 (44 FR 49241; August 22, 1979).

[5] The Board has adopted separate sets of regulations for each of the Corporate transactions enumerated in the HOLA: Mergers, 12 CFR 546.2, 552.13, 563.22; Consolidations, 12 CFR 546.2, 552.13, 563.22; Conversions, 12 CFR 543.8, 544.3, 546.5 (1982), 563b; Purchase of Assets, 12 CFR 552.13, 563.22; Liquidations, 12 CFR Parts 547, 548 and 549; Dissolutions, 12 CFR 546.4.

insurance of accounts, or a request for a commitment to insure accounts, or an application for permission to organize a Federal association, and *the business of which has not been conducted previously under any charter.* 12 CFR 571.6(d) (1983) (emphasis added).

The preamble to the statement of policy specifically excluded in its description of a *de novo* institution "existing, operating institutions that convert from state insurance to FSLIC insurance or FDIC to FSLIC insurance, or which for legitimate tax purposes reorganize under a new charter." (48 FR at 54322). That preamble language expressed the Board's intent at the time to allow some existing entities to become thrifts without meeting special minimum capital and other requirements for *de novo* institutions in recognition of the fact that such entities have a proven track record and could be adequately evaluated through an eligibility examination and viability analysis.

However, the Board recently has been apprised of efforts by some prospective organizers to start up state-chartered institutions, operate those institutions for a short period of time and then seek to obtain FSLIC insurance, asserting that the institution is excluded from the definition of "*de novo* institution" and "*de novo* applicant" under 12 CFR 571.6(d) because the institution's business has been conducted previously under another charter. Other organizers have argued that where a *de novo* is being formed out of a part of an existing institution, *e.g.*, a branch or group of branches, that the newly chartered institution should not be categorized as a *de novo*. The potential for evasion of the Board's *de novo* policies presented by these structures has led the Board to determine that it is necessary to amend the *de novo* policy statement to codify the Board's intent as expressed in the preamble to its 1983 amendment, that the Board's *de novo* policies will be applied where the business conducted under a previous charter has not been in existence, in substantially the form it is proposed to be conducted under its new charter, for a specified period of time. Since most of the *de novo* policies apply for three years, the Board has preliminarily determined to apply the *de novo* policies to a new association, whether the product of a state-law charter conversion or created in a P&A conversion with another entity, when the predecessor entity has operated under its present charter for fewer than three years. Entities in operation three years or more, where the predecessor entity operated in substantially the same form as the new institution, would, therefore, not be treated as *de novo*, and the Board has accordingly amended § 571.6(d) and made a conforming amendment to § 563.13(g).

V. Procedures

The Board takes this opportunity to note that in determining to grant insurance of accounts to depository institutions, the Board has looked to whether (1) the institution meets the minimum capital requirements of the FDIC, which is currently 5.5% primary capital to total assets; (2) projections indicate an ability by the institution to meet applicable net-worth requirements for savings and loan associations over a five-year period; and (3) the institution successfully undergoes an eligibility examination. Where an institution has a history of examination by the FDIC or the Comptroller of the Currency, however, the Board or its delegatee may elect to rely on the institution's examination rating where the rating indicates sufficient operating strength over recent examination periods.

These policies are not intended to supplant requirements, where applicable, for applications for bank membership, insurance of accounts, permission to organize interim Federal *de novo* stock associations, and to increase accounts of an insurable type when the P&A conversion occurs with an existing Federal association, as well as for changes in control and holding company acquisitions. In addition, until the Board has gained experience with the types of P&A conversions authorized today, it is the Board's view that these types of applications raise significant issues of law or policy and should be referred to the Board for its consideration.

VI. Miscellaneous

It has come to the Board's attention that the notice provisions of 12 CFR 552.13(i) (1984) added by Board Resolution No. 82–788, 48 FR 178, January 3, 1983, contain several typographical errors and omissions to two paragraphs pertaining to the procedures to be followed when an interim institution is merged with an existing association as part of the formation of a savings and loan holding company. That paragraph was inadvertently omitted due to another amendment, adopted on the same day, to other provisions of § 552.13. The Board is, therefore, taking this opportunity to reinsert the omitted provisions at § 552.13(i)(1) and (3) and correct the typographical errors.

In addition, the Board is taking this opportunity to amend § 531.10 and 563.18–2 to conform to the changes made in § 552.13. The Board has determined not to amend its regulations at § 546.2 since that section deals only with mergers of Federal associations and the changes in this regulation concern P&A transactions involving Federal associations. Similarly, the Board has determined not to amend § 563.22 which deals with P&A transactions, including bulk P&A transactions between FSLIC-insured institutions which are not federally chartered. Section 563.22 applies to Federal associations only in connection with P&A transactions constituting branch office purchases or sales, not a transfer of substantially all the assets or liabilities, which is the subject addressed by this regulation.

Final Regulatory Flexibility Analysis

Pursuant to section 3 of the Regulatory Flexibility Act (5 U.S.C 601 *et seq.*), the Board is providing the following regulatory flexibility analysis.

1. *Reasons, objectives, and legal basis underlying the rules.* These factors are discussed elsewhere in the supplementary information.

2. *Small entities to which the rules will apply.* The amendments will apply to all federal stock associations regardless of size.

3. *Impact of the rules on small institutions.* The amendments will not have an adverse impact on small institutions. The changes will increase the number of possible business combinations institutions may make and thus are expected to have a beneficial impact on large and small institutions alike.

4. *Overlapping or conflicting federal rules.* There are no known federal rules that may duplicate, overlap, or conflict with these policies.

5. *Alternatives to the proposed rules.* The amendments offer the best alternative to lessen restrictions on business combinations within the regulated industry without unduly increasing the risk to the FSLIC.

List of Subjects in 12 CFR Parts 531, 552, 563 and 571

Savings and Loan Associations.

The Board finds that observance of the notice and comment period prescribed in 12 U.S.C. 553(b) and 12 CFR 508.11 and the 30-day delay of the effective date as prescribed in 12 U.S.C. 553(d) and 12 CFR 508.14 is unnecessary because the amendments in part constitute interpretative rules and statements of Board policy, and generally relieve current restrictions. The Board is adopting these liberalizing amendments in final form in order to immediately provide needed flexibility for depository institutions considering

charter conversions and to gain experience with this type of transaction. However, the Board is additionally providing a 60-day public comment period.

Accordingly, the Federal Home Loan Bank Board hereby amends Part 531, Subchapter B, Part 552, Subchapter C, and Parts 563 and 571, Subchapter D, Chapter V of Title 12, *Code of Federal Regulations*, as set forth below.

Subchapter B—Federal Home Loan Bank System

PART 531—STATEMENTS OF POLICY

§ 531.10 [Amended]

1. Amend § 531.10(a) by inserting the phrase "For purposes of this section only" at the beginning of the second sentence thereof.

Subchapter C—Federal Savings and Loan System

PART 552—STOCK ASSOCIATIONS

2. Amend § 552.13 by designating paragraphs (b)(2), (b)(3), (b)(4), (b)(5), (b)(6), (b)(7), (b)(8), and (b)(9) as paragraphs (b)(3), (b)(4), (b)(6), (b)(7), (b)(8), (b)(11), (b)(9), and (b)(10); respectively; by adding new paragraphs (b)(2) and (b)(5); by revising new paragraphs (b)(6), (b)(7), and (b)(9); by revising the text of paragraph (c) preceding paragraph (c)(1), removing the text preceding the colon before the proviso in paragraph (c)(1) and substituting "Mergers" therefor, and adding a new paragraph (c)(3); by amending the second sentence in paragraph (d); by revising paragraphs (i)(1), (i)(3) and (i)(4); and by removing paragraph (j)(4); as follows:

§ 552.13 Combinations involving Federal stock associations.

* * * * *

(b) *Definitions.* * * *

(2) *Bulk purchase of assets.* A transfer of all or substantially all the assets and may include the assumption of all or substantially all the liabilities of an association or a depository institution to or from a Federal stock association.

* * * * *

(5) *Depository institution.* Any commercial bank (including a private bank), a savings bank, a trust company, a savings and loan association, a building and loan association, a homestead association, a cooperative bank, an industrial bank or a credit union, chartered in the United States and having its principal office located in the United States.

(6) *Disappearing association.* An association whose corporate existence does not continue after a merger or consolidation effected under this section.

(7) *Merger.* Uniting two or more associations by the transfer of all property rights and franchises to the resulting association, which retains its corporate identity.

* * * * *

(9) *Resulting association.* An association whose corporate existence continues after a merger, or the association resulting from a consolidation of two or more associations.

(c) *Forms of combination.* Federal stock associations may combine in the following ways:

* * * * *

(3) Bulk purchases of assets: *Provided,* That the association: (i) Meets the requirements for Federal Home Loan Bank membership and insurance of accounts; (ii) conforms, within the time prescribed by the Board, to the requirements of section 5(c) of the Home Owners' Loan Act; and (iii) the transferor is not a mutual association.

(d) *Agency approval.* * * * In determining whether to confer such approval, the Board shall apply the criteria set out in § 571.5 of this chapter and shall impose any conditions it deems necessary or appropriate to ensure compliance with those criteria and the requirements of this chapter.

* * * * *

(i) *Notice*—(1) *Notice to stockholders.* In addition to joint publication of notice by constituent associations pursuant to § 543.2(d) of this Subchapter, Federal stock associations shall mail notice of the filing of applications to stockholders within 10 days of filing. The contents of the notice shall include: (i) A statement that an application under this section has been filed with the Board; (ii) the name and address of the home or principal office of each constituent association; (iii) a brief summary of the principal terms of the combination agreement; (iv) the name and address of the home office of the resulting association; (v) a statement as to which offices of constituent associations are to be maintained as home office or branches and which are to be discontinued; (vi) a statement that any person may file written comments concerning the application which will be considered by the Board if filed with the Office of the Principal Supervisory Agent and the Office of the Secretary (with addresses disclosed) within 10 days (or within 30 days if advice is filed within the first 10 days stating that more time is needed to furnish additional information) of publication or such later date as may be permitted by the Office of the Principal Supervisory Agent; and (vii) a statement that the application and all comments filed pursuant to the notice shall be available for public inspection by any person at the above offices, except for any material exempt from disclosure pursuant to the Freedom of Information Act. Promptly after publication of the notice, the constituent associations shall jointly file with the Board two copies of the notice and publisher's affidavit of publication.

* * * * *

(3) *Procedure.* Processing of an application under this section shall follow the procedures set forth in this paragraph (i) and in §§ 543.2(e) and 543.2(f) of this subchapter unless, in the case of mergers involving an interim Federal association or an interim state institution, the merging institution is immediately acquired under § 584.4, in which case § 584.4(h)(1) of this Chapter shall apply.

(4) *Supervisory exception.* This paragraph (i) does not apply to combinations instituted for supervisory reasons.

* * * * *

SUBCHAPTER D—FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

PART 563—OPERATIONS

3. Amend § 563.13(g) by inserting before the period at the end of paragraph (7) thereof the following:

§ 563.13 Regulatory net-worth requirement.

* * * * *

(g) *Definitions.* * * *

* * * * *

(7) * * * and the business of which has not been conducted in substantially the same form as is proposed to be conducted by the *de novo* institution for a period of three years.

§ 563.18–2 [Amended]

4. Amend § 563.18–2(d)(ii) by adding the phrase "or § 552.13" after the phrase "Part 546".

PART 571—STATEMENTS OF POLICY

5. Amend § 571.6 by inserting before the period at the end of paragraph (h) the following:

§ 571.6 Policy considerations regarding "de novo" applications for insurance of accounts.

* * * * *

(h) * * * and the business of which has not been conducted in substantially the same form as is proposed to be conducted by the *de novo* institution for a period of three years.

(Sec. 17, 47 Stat. 736, as amended (12 U.S.C. 1437); sec. 5(d)(11), 48 Stat. 131 (12 U.S.C. 1464); secs. 402, 403, 407, 48 Stat. 1256, 1257, 1260, as amended (12 U.S.C. 1725, 1726, 1730); sec. 5, 48 Stat. 132, as amended (12 U.S.C. 1464); Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR 1943–48 Comp., 1071)

By the Federal Home Loan Bank Board.

Jeff Sconyers,

Secretary.

[FR Doc. 85–9619 Filed 4–23–85; 8:45 am]

BILLING CODE 6720–01–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Parts 71 and 75

[Airspace Docket No. 84–AWA–35]

Alteration of Jet Route J–174 and Associated Control Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: These actions extend Jet Route J–174 offshore from Hampton, NY, to Snow Hill, MD, and alter a control area associated with the jet route. Extension of J–174 is an integral part of a major air traffic management program to alleviate air traffic congestion and compression conditions along the east coast of the United States. In conjunction with extension of J–174, several ancillary nonrulemaking airspace actions will be taken. They include some reconfiguration of Warning Areas W–105, W–106, W–107, and W–108; and the realignment of Atlantic Routes A–20 and A–23. The associated nonrule airspace actions will be effected simultaneously with the alteration of J–174 to assure uninterrupted Department of Defense operations in the interest of national defense.

EFFECTIVE DATE: 0901 GMT, June 6, 1985.

FOR FURTHER INFORMATION CONTACT: Gene Falsetti, Airspace and Air Traffic Rules Branch (ATO–230), Airspace—Rules and Aeronautical Information Division, Air Traffic Operations Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 426–8783.

SUPPLEMENTARY INFORMATION:

History

On March 8, 1985, the FAA proposed to amend Parts 71 and 75 of the Federal Aviation Regulations (14 CFR Parts 71 and 75) to extend offshore Jet Route J–174 from Hampton, NY, to Snow Hill, MD, (50 FR 9453). The proposed extension was seen as an integral part of a major air traffic management program to alleviate air traffic congestion and compression conditions along the east coast of the United States. The overall objectives of the east coast plan are to adjust inbound/outbound routings along the east coast and the New York Metroplex areas in order to provide the optimum use of airspace and reduce departure and arrival delays between Chicago, New York, Atlanta and Miami. At present, east coast traffic flows are saturated and compressed to the extent that they restrict the movement of traffic into and out of the New York Metroplex. The magnitude of the congestion and compression problem is such that approximately 25 percent of the national total of delays occur within the New York Metroplex area.

In the proposal, it was stated that the east coast plan is designed to make optimum use of limited airspace resources. It was explained that one of the constraints to the free flow of traffic along the east coast is otherwise useable airspace designated as offshore warning areas. A warning area is a nonregulatory designation of airspace of defined dimensions over international waters that contains activity which may be hazardous to nonparticipating aircraft.

In consideration of both cilivian air commerce and national defense needs, the FAA proposed the extension offshore of Jet Route J–174. The route is expected to absorb and distribute a substantial portion of inland high altitude air traffic movements while posing minimal impact on warning area airspace. It was explained that at the point of greatest penetration, the jet route and associated control area would extend approximately 15 miles into Warning Area W–107A and 8 miles into Warning Area W–108A. In summary, the availability of Jet Route J–174 was seen as crucial to the success of overall east coast air traffic management while having minimal impact on Department of Defense activity and providing substantial benefit to all users.

Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA.

The Air Transport Association of America strongly endorsed the proposal, stating that there is a need for a comprehensive review of the airway structure within the National Airspace System. ATA stated that the initiation of the east coast plan by FAA is the first step in attaining such a goal and that accordingly the Association strongly endorsed the proposed alteration of Jet Route J–174 and the associated control area.

The Port Authority of New York endorsed the proposed extension stating that as operator of the three busiest airports in the area, it supported programs that alleviate air traffic congestion and compression along the east coast of the United States.

The initial Department of Defense response to the proposal was that the proposed route would have an unacceptable impact on DOD operations in Warning Areas W–107A and W–108A. The DOD stated it was aware of traffic management problems faced by the FAA in the New York hub area and was willing to work toward a solution. However, the Department was concerned that the FAA had not fully investigated its alternatives such as procedural changes, resectorization, or personnel manning and training as methods for solving the traffic management problem. The DOD believed that a joint DOD/FAA planning group could review current operational constraints, air traffic control routing and warning area boundary changes as a means of lessening the initially perceived unacceptable impact of the proposal. The Department stated that it sought not to delay, but to resolve the issue for the mutual benefit of military and civil aviation.

In response to the DOD concerns, the East Coast Traffic Management Plan is, in itself, an intensive effort to design the most efficient complex of air traffic routings, air traffic flows, control sector configurations, and use of available personnel to achieve system efficiencies for all airspace users, including the military. The plan entails substantial realignment of inbound, outbound, and en route flows to major east coast hubs and substantial resectorization of several air route traffic control centers. Over the past several years, the DOD and the FAA have been involved in mutual exploration of possible offshore routes but without positive results. The extension of J–174 was offered as the most feasible route having the least impact on offshore DOD activities while offering the maximum benefit to all other users and the ATC system. By virtue of its capability to absorb a substantial portion of daily inland air traffic demand along the eastern corridor, J–174 is considered to be the keystone of the entire east coast plan.

The FAA fully recognizes the DOD's mission to provide for the national defense and in particular, the need for adequately-sized offshore warning areas. The amended Federal Aviation

Act of 1958 is clear in that both air commerce and the needs of national defense must be considered. In addition, Executive Order 10854 extended application of the Act outside of U.S. jurisdiction under appropriate international agreements and consistent with the requirements of national defense.

As a result of the DOD's willingness to work toward a solution beneficial to both civil and military aviation, the DOD and FAA were able to reach an agreement on use of the offshore airspace which permits establishment of the new civil jet route. In the interest of a more efficient National Airspace System, Jet Route J–174 and its associated control area will be extended from Hampton, NY, to Snow Hill, MD, effective June 6, 1985. In the interest of maintaining the DOD's national defense capability, the FAA will simultaneously effect the nonrule airspace actions below.

Ancillary Nonrule Actions

Effective June 6, 1985, Warning Areas W–105, W–106, W–107, and W–108 will be reconfigured, and, to accomplish the reconfiguration, Atlantic Routes A–20 and A–23 will be realigned. In addition, certain fixes and a holding pattern and associated holding pattern airspace area will be established whose boundaries will not overlap into Warning Area airspace.

The nonrule action upon which all others are dependent is the reconfiguration of W–107. Essentially, W–107 will be expanded to the north to assure continued operating ability of DOD mission aircraft. The expansion of W–107 to the north will be accomplished by realigning A–20 6 degrees to the north and A–23 3 degrees to the north. The new northern edge of W–107 will be its boundary with the protected airspace of A–20. The complete reconfiguration of W–107 will result in a complex of subdivisions. Subdividing the Warning Area is accomplished to provide warning area airspace above and below the jet route and to assure, by procedural agreement, that when certain portions or altitudes are not in use by the DOD, efficient use of the available airspace may be made by ATC. For example, a subdivision of W–107 will exist below J–174 up to and including 17,000 feet MSL.

The expansion to the north of W–107 and the resultant realignment of A–20 and A–23 to the north will also require the reconfiguration of W–105 to provide necessary protected airspace on the north side of A–23. In addition, a certain amount of W–106 which underlies W–105 will be reconfigured to assure useable airspace by ATC to control and flow oceanic air traffic to and from the New York airport complex. Again, the subdivisions of W–105 and W–106 are the result of procedural agreement perceived by both agencies to be the most efficient use of airspace consistent with the needs of ATC and the DOD mission activity.

W–108 will be slightly reconfigured to assure the most efficient use and accessibility by DOD mission aircraft.

Jet Route J–174, Atlantic Routes A–20 and A–23 and the reconfigured Warning Areas W–105, W–106, W–107, and W–108 will appear on appropriate charts dated June 6, 1985. Although the decision to reconfigure and chart the warning areas has been made in accordance with FAA/DOD agreement, the FAA is circularizing the warning area reconfiguration to all interested parties to provide full user awareness of and participation in the changes being made. In this regard, the FAA will consider all comments received from the circularization of the warning areas and may make changes on the basis of comments received. Any changes made as a result of public circularization of the warning areas will be fully coordinated with the DOD. Sections 71.161 and 75.100 of Parts 71 and 75 of the Federal Aviation Regulations were republished in Handbook 7400.6A dated January 2, 1985.

The Rule

These amendments to Parts 71 and 75 of the Federal Aviation Regulations extend Jet Route J–174 offshore from Hampton, NY, to Snow Hill, MD, and alter an associated control area. The vertical limits of the jet route extend from Flight Level 180 to and including Flight Level 410 from Hampton, NY, to lat. 38°45'00" N., long. 74°44'00" W.; and from Flight Level 240 to and including Flight Level 410 from lat. 38°45'00" N., long. 74°44'00" W.; to Snow Hill, MD.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) Is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Parts 71 and 75

Control areas, Jet routes, Aviation safety.

Adoption of the Amendments

Accordingly, pursuant to the authority delegated to me, § 71.161 and § 75.100 of Parts 71 and 75 of the Federal Aviation Regulations (14 CFR Parts 71 and 75) are amended, as follows:

PART 71—[AMENDED]

§ 71.161 [Amended]

J–174 [Revised]

From Snow Hill, MD, via Hampton, NY; Hyannis, MA, to HERIN INT. Airspace below FL 240 is excluded between Snow Hill and lat. 38°45'00" N., long. 74°44'00" W. Airspace above FL 410 is excluded between Snow Hill and Hamption.

PART 75—[AMENDED]

§ 75.100 [Amended]

J–174 [Revised]

From Snow Hill, MD, via Hampton, NY; INT Hampton 069° and Hyannis, MA, 237° radials; Hyannis; to the INT of Hyannis 080° and Nantucket, MA, 066° radials. Airspace below FL 240 is excluded between Snow Hill and lat. 38°45'00" N., long. 74°44'00" W. Airspace above FL 410 is excluded between Snow Hill and Hampton.

(Secs. 307(a), 313(a), and 1110, Federal Aviation Act of 1958 (49 U.S.C. 1348(a), 1354(a), and 1510); Executive Order 10854 (24 FR 9565); (49 U.S.C. 106(g) (Revised, Pub. L. 97–449, January 12, 1983)); and 14 CFR 11.69)

Issued in Washington, D.C., on April 18, 1985.

John W. Baier,

Acting Manager, Airspace—Rules and Aeronautical Information Division.

[FR Doc. 85–9826 Filed 4–23–85; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 2

[Docket No. PL85–1–000]

Regulatory Treatment of Payments Made in Lieu of Take-or-Pay Obligations

Issued: April 10, 1985.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Statement of policy and interpretative rule.

SUMMARY: The Federal Energy Regulatory Commission (Commission) establishes a policy with regard to the buy-out of contractual take-or-pay obligations of natural gas pipelines, and how those costs are to be treated in future rate cases. The statement of general policy states that payments made by jurisdictional pipelines to first sellers of natural gas for revising or waiving take-or-pay obligations or similar minimum purchase obligations are not "purchased gas costs." Pipelines may, however, file to recover them in any non-Purchased Gas Adjustment rate filing under section 4(e) of the Natural Gas Act. The particulars of the recovery of these costs and their apportionment among the customers of the pipelines will be addressed on a case-by-case basis and pipeline customers will be afforded an opportunity to question the prudence of such payments. In any case, the Commission stated that such payments do not violate the maximum lawful price limitations of the Natural Gas Policy Act. As a general policy, the Commission intends that any certificate amendments or abandonment authorizations needed to effectuate such transactions will be expeditiously granted.

EFFECTIVE DATE: April 10, 1985.

FOR FURTHER INFORMATION CONTACT: Colette Bohatch, Federal Energy Regulatory Commission, Office of the General Counsel, Washington, D.C. 20426, (202) 357–8522.

Statement of Policy and Interpretive Rule

Before Commissioners: Raymond J. O'Connor, Chairman; Georgiana Sheldon, A.G. Sousa, Oliver G. Richard III and Charles G. Stalon.

In the matter of regulatory treatment of payments made in lieu of take-or-pay obligations, Docket No. PL 85–1–000.

I. Introduction

On March 29, 1985, the Federal Energy Regulatory Commission (FERC) concluded public proceedings in Phases I, II, and III of our Notice of Inquiry in Docket No. RM85–1–000, commenced in December of 1984.[1] In that proceeding the Commission received over 200 detailed comments from entities representing all facets of the natural gas industry as well as from members of Congress, the Department of Energy, the Federal Trade Commission, state public utility commissions and other public entities. Those comments addressed a wide range of topics and provided a wealth of information and insight to guide the Commission.

During these three months, we have also begun to observe the actual behavior of the industry—including developments in field markets, burner tip markets and capital markets—following the partial removal of wellhead price controls on January 1, 1985, in accordance with the Congressionally mandated schedule.

We have also begun to have the initial guidance of reviewing courts of appeal on some of the initiatives set in motion over the last year and a half in anticipation of partial wellhead decontrol.[2]

The time has come to begin sorting our way through the many issues raised by the commenters in response to our Inquiry in Docket No. RM85–1–000. The task will not be easy. But we assure all members of the industry, the public and the Congress that we will endeavor to take the appropriate steps at the appropriate time, with a healthy respect for the need for caution, courage and well-informed judgment.

II. Summary

The Commission is establishing a policy concerning regulatory treatment to be accorded in the future to payments made by jurisdictional pipelines to first sellers of natural gas for the purpose of waiving or revising purchase obligations under natural gas sales contracts.

As detailed below, the Commission determines that such payments are not "purchased gas costs" for purposes of our regulations under the Natural Gas Act (NGA), in particular 18 CFR 154.38(d)(4), nor do they constitute payments made for a "first sale" of natural gas for purposes of section 504(a) of the Natural Gas Policy Act (NGPA). Rather, they are expenses related to the acquisition of natural gas supply.

Accordingly, with regard to payments made as consideration for waiving or revising an agreement for the first sale of natural gas, the Commission adopts a new § 2.76 of our regulations to provide the following:

(1) A first seller of natural gas does not violate section 504(a) of the NGPA by receiving payments as consideration for waiving or amending the take-or-pay or similar minimum payment provisions of a contract for the first sale of natural gas;

(2) A pipeline which has made such payments to first sellers may file to recover them in any non-PGA section 4(e) rate filing;

(3) Questions as to such matters as how the pipeline may recover these costs and how it should apportion them among customers will be addressed on a case by case basis in the context of individual rate case filings;

(4) The customers of pipelines that seek to recover such costs will have the full opportunity contemplated by section 4 of the NGA to raise questions as to the prudence of such payments, the apportionment of costs among customers proposed by the filing pipeline and any other reasonably related matters; and

(5) With regard to natural gas the sale of which is subject to the Commission's jurisdication under the NGA, where such payments are accompanied by a change in or a termination of the first seller's contractual obligation to provide natural gas service, the Commission will, as a general policy under sections 7(c) and 7(b) of the NGA, expeditiously grant any certificate amendments or abandonment authorizations required to effectuate such contractual or service modifications.

III. Background

Contracts for the sale of natural gas in field markets have traditionally contained provisions requiring the purchaser to take, or to pay for, if tendered by the seller and not taken, some specified quantity of natural gas.[3] Typically, the contracts provided for a specified period during which gas paid for but not taken could be "made up" by the buyer. Indeed, during the 1960's following a period during which a number of pipelines experienced take-or-pay difficulties, the Commission promulgated a rule in effect requiring a five year make-up period for jurisdictional sales.[4]

In view of the fact that such gas could be made up, the payments made pursuant to such provisions constituted in effect "*pre*payments" for the gas not taken. As such, the amounts paid are treated for ratemaking purposes as an asset, similar to prepayment of a lease. Thus, they are not "purchased gas costs" as defined in our regulations, 18 CFR 154.38(d) (n. 1), but are booked to Account 165, a rate base account.

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[1] Interstate Transportation of Gas for Others, 50 FR 114 (January 2, 1985) (Phase I); Natural Gas Pipeline Ratemaking, Risk, and Financial Implications After Partial Wellhead Decontrol, 50 FR 3801 (January 28, 1985) (Phases II and III).

[2] *See Consolidated Edison Co.* v. *FERC*, No. 83–2316 (D.C. Cir., March 29, 1985) (dismissing one petition for review of blanket transportation certificate rule).

[3] 4 Williams, *Oil and Gas Law*, Section 724 (1981).

[4] Order No. 334, 32 FR 865 (January 25, 1967), (37 FPC 110 (1967)); and Order No. 334–A, 32 FR 5257 (37 FPC 587 (1967)) (*promulgating* 18 CFR 154.103 (1984)).

Under this approach, when a pipeline files a general rate change, it might include as a part of its claimed cost of service a "working capital allowance" on the appropriate Account 165 balances. When rates reflecting in part the Account 165 balances go into effect, the pipeline begins to recover from its customers the carrying charges (*i.e.*, weighted cost of debt, return on equity and associated income taxes) on those amounts. We have assumed that the prepayments were financed in the same ratios of debt and equity as were applicable to the pipelines' total capital structures.

When the prepaid gas is "made up" the pipeline credits its Account 165 in an equal amount. As the prepaid gas is delivered by the pipeline, the pipeline includes the gas purchase cost as part of its subsequent purchase gas adjustment (PGA) filing. Then, when the next general rate change is filed, the removal of the prepaid amounts from Account 165 will be reflected in the working capital portion of rate base, in effect eliminating from the pipeline's rates that portion of its claimed cost of service predicated on the former Account 165 balances.

Since the early 1980's, with the arrival of a substantial surplus of gas deliverability,[5] a number of major natural gas pipeline companies have incurred significant liability for take-or-pay prepayments. For example, according to Form 2's on file with the Commission, Account 165 balances (as of December 31, 1983) totalled approximately $1 billion.[6] According to published estimates prepared by industry trade associations, the potential liability under take-or-pay provisions is substantially greater.[7]

This state of affairs has raised a number of questions concerning such issues as: (1) Innovative arrangements for financing take-or-pay prepayments; (2) with regard to prepayments to producers which are likely to be (or are indeed) forfeited by the pipeline due to the inability to make up the prepaid gas, the implications under section 504(a) of the NGPA and under sections 4 and 7 of the NGA; and (3) ratemaking treatment for payments made to producers as consideration for revising or waiving the terms of existing gas purchase agreements.

The question of how best a pipeline can finance take-or-pay prepayments is essentially a question for pipeline management. The Commission has only been involved to the extent the pipeline has sought some innovative rate arrangement for funding the prepayments.[8]

The second question is whether prepayments to a producer for gas *not taken* but which cannot be made up by the purchaser must be added to payments made to that producer for gas *taken* by the pipeline for purposes of determining the producer's compliance with the maximum lawful prices set out in Title I of the NGPA. This forfeiting of amounts prepaid might result from a variety of causes, including e.g., the reserves having been depleted or having been drained by another seller, or the expiration of the contract prior to the end of the make-up period, or the expiration of make-up period specified in the contract. These forfeited prepayments are paid (or would be paid) *pursuant to* the contract, not as any consideration for revisions to or waivers of the contract. The present policy statement does not speak to this issue.

The final issue relates to payments made to producers, not pursuant to the terms of a gas purchase agreement, but rather as full or partial consideration for *revisions to* or waiver of the terms of a gas purchase agreement. These payments have been styled "one time non-recoupable payments," "lump sum payments" or simply take-or-pay "buy-outs." Two issues are raised:

(1) Whether such payments must be taken into account for purposes of determining a producer's compliance with the maximum lawful prices for first sales of natural gas set forth in Title I of the NGPA; and

(2) If such payments are lawful, what is the appropriate ratemaking treatment for a pipeline seeking recovery of these expenses from ratepayers.

The present policy statement addresses questions relating to such one-time non-recoupable payments only and is intended to provide guidance to producers and pipelines as they continue to seek a restructuring of existing contracts to better reflect today's market realities.

IV. Discussion

The take-or-pay provisions of gas purchase agreements have been the focus of much discussion in Phases I, II and III of our Notice of Inquiry.[9] Parties from all segments of the industry have indicated the considerable role these contract provisions continue to play in distorting market signals. A variety of views have been expressed, however, as to who should shoulder the financial consequence for some of what are now uneconomic contracts. Producers generally expressed a willingness to negotiate reasonable revisions to pipeline contracts, but noted little cooperation from pipelines. Absent such a willingness, producers insist on the sanctity of their contractual rights and assert that the Commission has no power to abrogate take-or-pay provisions. As to how the take-or-pay obligations are met, producers expressed indifference whether pipelines or their customers paid; they are willing to leave the policy decision to the Commission.[10]

Pipelines generally argued that, if the Commission does not override take-or-pay obligations, these should be paid for by the pipelines' ratepayers as a legitimate and prudent cost of business.[11]

While some distributors agreed that customers should bear the cost of all prudently incurred take-or-pay obligations,[12] Peoples Gas and Pacific Gas Lighting argued that the NGPA had already put pipelines on notice that they are responsible for their gas purchase practices; pipelines rather than customers must therefore bear take-or-pay costs.[13]

With regard to allocation of prepayment costs among customers, most distributors urged the Commission to proceed on a case-by-case basis.[14]

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[5] Energy Information Administration, Department of Energy, *Natural Gas Monthly* (January 1985) (Table 23).

[6] Energy Information Administration, Department of Energy, *Statistics of Interstate Natural Gas Pipeline Companies* (1983) (Table 20).

[7] Interstate Natural Gas Association of America, "The Gas Contracts Problem: Results of an INGAA Survey" (May 1983); Natural Gas Supply Association, "Analysis of the Take-or-Pay Problem," Prepared by Foster Associates, Inc. (March 1984).

[8] *See e.g., State of Michigan and Michigan Public Service Commission* v. *Trunkline Gas Co., et al.*, 24 FERC ¶ 61,013 (1983) (Docket Nos. RP81–103–000); *Texas Gas Transmission Corp., et al.*, 24 FERC ¶ 61,049 (1983) (Docket No. RP82–137–000); and *Columbia Gas Transmission Corp.* v. *Tennessee Gas Pipeline Co.*, —— FERC ¶ —— (1985) (Docket Nos. RP83–8–000, *et al.*) (issued April 16, 1985)

[9] *See, supra* n.1

[10] *See* the Phases II and III comments of the Designated Producers (at 11).

[11] *See* the Phases II and III comments of Natural Gas Pipe Line Co. of America (at 37); Consolidated Gas Transmission Corp. (at 22); United Gas Pipe Line Co. (at 25–26); Transcontinental Gas Pipe Line Corp. (at 24); Western Gas Interstate (at 12); and ARKLA Energy Resources (at 13).

[12] *See* the Phases II and III comments of East Tennessee Group (at 28) (current take-or-pay responsibilities should be shared between pipeline and customer) and the Wisconsin Distributors Group (at 17–19).

[13] *See* the Phases II and III comments of Peoples Gas Light and Coke (at 39–40) and Pacific Gas Lighting Corp. (at 22).

[14] *See* the Phases II and III comments of Northern Illinois Gas Co. (at 14–15) and the American Gas Association (at 27).

End users who addressed this question mostly agreed that customers ought to be responsible for take-or-pay costs, but only firm sales customers on whose behalf such costs were incurred. Thus, transportation and interruptible customers should not bear any take-or-pay related costs.[15]

The commenters frequently did not distinguish between *pre*payments made pursuant to a contract that may have been (or may be) forfeited because of the inability to make up the prepaid gas and *payments* made as full or partial consideration to revise a contract. We find that distinction significant, however, and adopt the present policy regarding the latter type of payment *only*.

New § 2.76(a) of our statement of general policy and interpretation declares:

> A first seller of natural gas that receives payments as consideration for amending or waiving the take-or-pay or similar minimum payment provisions of a contract for the first sale of natural gas is not in violation on section 504(a) of the NGPA.

This conclusion of law flows straight from the NGPA. Section 504(a) makes it unlawful for any person "to sell natural gas at a first sale price in excess of any applicable maximum lawful price under this Act." The maximum lawful prices themselves are set forth in sections 102 to 109 of the Act. In each case the maximum lawful price is imposed on the "first sale" of natural gas only. The term "sale" is defined by section 2(20) to include any "sale, exchange, or other transfer for value." The term "first sale" is defined by section 2(21) to encompass the sales of "any volume of natural gas" to or by specified entities.

It appears plain that nowhere in the NGPA did Congress establish statutory ceilings on payments which purchasers of natural gas may make to producers for the purpose of resolving past or future liability for actual or potential breaches of contract, *not* for paying a "first sale" price for "natural gas" "delivered" during a particular month.

The fact that there are no statutory ceilings under the NGPA on such payments does not mean that such payments are exempt from regulatory review. Rather, they assume the status of countless other types of expenses for unregulated goods and services which pipelines incur in the course of their business operations.

Indeed the simplest analogy would be to an electric utility which purchases coal to generate electricity and makes all its sales subject to our jurisdiction under the Federal Power Act. As to price, coal is a wholly unregulated commodity, similar to price-decontrolled natural gas supplies at the wellhead. A jurisdictional electric utility that entered into long term contracts for the purchase of coal might find itself with more coal than it could use. It might negotiate with its coal suppliers and make payments to terminate or modify its purchase obligations. The utility could file under section 205 of the FPA to recover these payments from its jurisdictional customers. The customers would have the opportunity to review and contest the prudence of the utility's action. While there is a presumption of prudence that may attach, the ultimate burden of establishing prudence is on the filing utility.[16]

The same approach applies under section 4 of the NGA. This is now spelled out in § 2.76 (b)–(d).

Finally, we note that in some instances, subsequent Commission action under section 7 of the NGA may be required to effectuate contract renegotiations. This arises from the fact that the sale of some gas remains subject to our NGA jurisdiction. For example, if a pipeline were to agree with a producer to terminate their contract so that the producer could seek alternative markets for its gas, the producer would require abandonment authorization under section 7(b) of the NGA. Similarly, if the agreement included a modification of the contract terms, the producer might be required to seek an amendment to its certificate issued under section 7(c) of the NGA.

It would appear that, as a general matter, the public interest will be furthered by expeditiously granting the required regulatory approvals under these circumstances. This policy is set forth in § 2.76(e).

V. Conclusion

The Commission is well aware of the industry's ongoing efforts to adjust the underlying wellhead contracts to better reflect current market realities. We believe that one workable approach to this problem is the payment of one-time non-recoupable amounts in exchange for contractual revision or termination. We intend the present policy statement to provide guidance to the public as efforts continue to adapt to the partial removal of wellhead price controls, pursuant to Congressional mandate.

VI. Public Procedure and Effective Date

In accordance with section 4(b) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)), the Commission finds that public notice and comment on this statement of policy and interpretive rule are unnecessary. Insofar as the amendment to Part 2 of the Commission's regulations is not merely procedural in nature, it is a statement of policy and interpretive rule that articulates the Commission's policy disposition and does not have the force and effect of law. Although the Commission is mindful that application of this policy in individual cases must be supported as if the policy had not been issued, it expects that, where appropriate, this approach to disposing of the type of payments discussed above will apply to Commission proceedings.

In accordance with section 4(d)(2) of the APA (5 U.S.C. 553(d)(2)), this statement of policy and interpretive rule is effective immediately.

List of Subjects in 18 CFR Part 2

Administrative practice and procedure, Electric power, Environmental impact statements, Natural gas pipelines, Reporting and recordkeeping requirements.

In consideration of the foregoing, Part 2, Chapter I, Title 18 of the Code of Federal Regulations, is amended as set forth below.

By the Commission.

Kenneth F. Plumb,

Secretary.

1. The authority citation for Part 2 is added to read as follows:

Department of Energy Organization Act, 42 U.S.C. 7101–7352 (1982); Exec. Order No. 12009, 3 CFR 142 (1978); Federal Power Act, 16 U.S.C. 792–825r (1982); Natural Gas Act, 15 U.S.C. 717–717w (1982); Natural Gas Policy Act of 1978, 15 U.S.C. 3301–3432 (1982); Public Utility Regulatory Policies Act of 1978, 16 U.S.C. 2601–2645 (1982); and the National Environmental Policy Act, 16 U.S.C. 432–4361 (1978), unless otherwise indicated.

2. The Table of Contents of Part 2 is amended by adding a new § 2.76, to read as follows:

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[15] *See* the Phases II and III comments of Process Gas Consumers Group and American Paper Institute.

[16] *Southern California Edison Co.*, 8 FERC ¶ 61,198 (1979), *aff'd sub nom. Cities of Anaheim, et al.*, v. *FERC*, 669 F.2d 779, 800–801 (D.C. Cir. 1981); *New England Power Co.*, 8 FERC ¶ 61,054 (1979), *aff'd sub nom. NEPCO Municipal Rate Committee* v. *FERC*, 668 F.2d 1327 (D.C. Cir. 1981), *cert. denied*, 457 U.S. 1117 (1982); *Northern States Power Co.*, Opinion No. 134, 17 FERC ¶ 61,196 (1981), *aff'd sub nom. South Dakota Public Utilities Commission* v. *FERC*, No. 82–1276 (8th Cir. Oct. 19, 1982); *Pennsylvania Power Co.*, 26 FERC ¶ 61,354 (1984); *Public Service Co. of New Hampshire*, 6 FERC ¶ 61,299 (1979); and *Minnesota Power & Light Co.*, 11 FERC ¶ 61,313 (1980).

PART 2—GENERAL POLICY AND INTERPRETATIONS

. . . . .

Statements of General Policy and Interpretations Under the Natural Gas Act

. . . . .

Sec.

2.76 Regulatory treatment of payments made in lieu of take-or-pay obligations.

. . . . .

3. Section 2.76 is added to read as follows:

§ 2.76 Regulatory treatment of payments made in lieu of take-or-pay obligations.

With respect to payments made to a first seller of natural gas as consideration for waiving or revising any agreement for the first sale of natural gas, as defined by section (2)(21) of the Natural Gas Policy Act (NGPA), the Commission sets forth the following statement of general policy and interpretation of law.

(a) *Payments in consideration.* A first seller of natural gas that receives payments as consideration for amending or waiving the take-or-pay or similar minimum payment provisions of a contract for the first sale of natural gas is not in violation of section 504(a) of the NGPA.

(b) *Recovery in rates.* A pipeline that makes any payments referred to under paragraph (a) to first sellers may file to recover such costs in any section 4(e) rate filing other than a filing to recover purchased gas costs.

(c) *Case-specific review.* A pipeline's method of recovering these costs and how it should apportion them among customers will be addressed on a case-by-case basis in the context of individual rate case filings.

(d) *Customers' rights.* When a pipeline seeks to recover payments referred to under paragraph (a) of this section, its customers will have the full opportunity contemplated by section 4 of the Natural Gas Act to raise questions as to the prudence of such payments, the apportionment of costs among customers proposed by the filing pipeline, and any other reasonably related matters.

(e) *Certificate amendments and abandonment.* With regard to natural gas the sale of which is subject to the Commission's jurisdiction under the Natural Gas Act, if any payments referred to under paragraph (a) of this section are accompanied by a change in or a termination of, the first seller's contractual obligation to provide natural gas service, the Commission will, as a general policy under sections 7(c) and (b) of the Natural Gas Act, expeditiously grant any certificate amendments or abandonment authorizations required to effectuate such contractual or service modifications.

[FR Doc. 85-9843 Filed 4-23-85; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 184

[Docket No. 78N-0281]

GRAS Status of Magnesium Carbonate, Magnesium Chloride, Magnesium Hydroxide, Magnesium Oxide, Magnesium Phosphate, Magnesium Stearate, and Magnesium Sulfate

Correction

In FR Doc. 85-8142, beginning on page 13557, in the issue of Friday, April 5, 1985, make the following corrections:

§ 184.1425 [Corrected]

1. On page 13559, first column, seventh line of § 184.1425(c)(1), "§ 180.3" should have read "§ 170.3".

§ 184.1426 [Corrected]

2. Also on page 13559, first column, third line of § 184.1426(b), "p. 117" should have read "p. 177".

BILLING CODE 1505-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[OPP-300113A; FRL-2823-2]

Pesticide Programs; Tolerances and Exemptions From Tolerances for Pesticide Chemicals in or on Raw Agricultural Commodities; Mono and Dialkyl (C_8–C_{18}) Methylated Ammonium Chloride Compounds

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule exempts mono- and dialkyl (C_8–C_{18}) methydated ammonium chloride compounds, where the alkyl group(s) are derived from coconut, cottonseed, soya, tallow, or hogfat fatty acids, from the requirement of a tolerance when used as inert ingredients (surfactants and related adjuvants of surfactants) in pesticide formulations. This regulation was requested by Akzo Chemie America.

EFFECTIVE DATE: Effective on April 24, 1985.

ADDRESS: Written objections may be submitted to the Hearing Clerk (A-110), Environmental Protection Agency, 401 M St., SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT:

By mail: N. Bhushan Mandava, Registration Support and Emergency Response Branch, Environmental Protection Agency, 401 M St., SW., Washington, D.C. 20460

Office location and telephone number: Rm. 716, CM #2, 1921 Jefferson Davis Highway, Arlington, VA 22202, 703-557-7700.

SUPPLEMENTARY INFORMATION: EPA issued a proposed rule, published in the **Federal Register** of February 13, 1985 (50 FR 6011), which announced that Akzo Chemie America, McCook, IL 60625, had requested that 40 CFR 180.1001(d) be amended by expanding the existing exemption from the requirement of a tolerance from "dialkyl (C_8–C_{18}) dimethyl ammonium chloride, (C_8–C_{18}) groups from tallow" to "mono- and dialkyl (C_8–C_{18}) methylated ammonium chloride compounds, where the alkyl group(s) (C_8–C_{18}) are derived from coconut, cottonseed, soya, tallow, or hogfat fatty acids." The existing exemption is listed for use as surfactants and related adjuvants of surfactants in pesticide formulations applied to growing crops only. The amendment would also be for use as surfactants and related adjuvants of surfactants. A separate entry is not necessary in order to reflect this change.

Inert ingredients are ingredients that are not active ingredients as defined in 40 CFR 162.3(c), and include, but are not limited to, the following types of ingredients (except when they have a pesticidal efficacy of their own): Solvents such as alcohols and hydrocarbons; surfactants such as polyoxyethylene polymers and fatty acids; carriers such as clay and diatomaceous earth; thickeners such as carrageenan and modified cellulose; wetting and spreading agents; and propellants in aerosol dispensers; and emulsifiers. The term "inert" is not intended to imply nonoxicity; the ingredient may or may not be chemically active.

In the proposed rule, EPA stated the basis for a determination that when used in accordance with good agricultural practices, these ingredients are useful and do not pose a hazard to humans or the environment.

There were no comments or requests for referral to an advisory committee

received in response to the proposed rule.

The pesticide is considered useful for the purpose for which the exemption is sought. It is concluded that the exemption for the requirement of a tolerance will protect the public health and is established as set forth below.

Any person adversely affected by this regulation may, within 30 days after publication of this notice in the **Federal Register**, file written objections with the Hearing Clerk, at the address given above. Such objections should specify the provisions of the regulation deemed objectionable and the grounds for the objections. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

List of Subjects in 40 CFR Part 180

Administrative practice and procedure, Agricultural commodities, Pesticides and pests.

(Sec. 408(e), 68 Stat. 514 (21 U.S.C. 346a(e)))

Dated: April 10, 1985.

Steven Schatzow,

Director, Office of Pesticide Programs.

PART 180—[AMENDED]

Therefore, 40 CFR 180.1001(d) is amended by removing the entity "dialkyl (C_8–C_{18}) dimethyl ammonium chloride, (C_8–C_{18}) group from tallow," and alphabetically inserting the following entry, to read as follows:

§ 180.1001 Exemptions from the requirement of a tolerance.

* * * * *

(d) * * *

Inert ingredients	Limits	Uses
* * * * *		
Dialkyl (C_8–C_{18}) dimethyl ammonium chloride, (C_8–C_{18}) group from tallow [Deleted]		Surfactants, related adjuvants of surfactants [Deleted]
* * * * *		
Mono and dialkyl (C_8–C_{18}) methylated ammonium chloride compounds, where the alkyl group(s) (C_8–C_{18}) are derived from coconut cottonseed, soya, tallow, or hogfat fatty acids		Surfactants related adjuvants of surfactants
* * * * *		

* * * * *

[FR Doc. 85–9602 Filed 4–23–85, 8:45 am]

BILLING CODE 6560–50–M

40 CFR Part 180

[OPP–300114A; FRL–2823–3]

Pesticide Programs; Tolerances and Exemptions From Tolerances for Pesticide Chemicals in or on Raw Agricultural Commodities; Sodium Benzoate

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule exempts sodium benzoate from the requirement of a tolerance when used as an inert ingredient (anticaking agent, stabilizer, preservative) in pesticide formulations. This regulation was independently requested by American Cyanamid Co. (for use as an anticaking agent) and Fairfield American Corp. (for use as a stabilizer/preservative).

EFFECTIVE DATE: Effective on April 24, 1985.

ADDRESS: Written objections may be submitted to the: Hearing Clerk (A–110), Environmental Protection Agency, 401 M St., SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT:

By mail: N. Bhushan Mandava, Registration Support and Emergency Response Branch, Environmental Protection Agency, 401 M St., SW., Washington, D.C. 20460.

Office location and telephone number: Rm. 716, CM #2, 1921 Jefferson Davis Highway, Arlington, VA 22202, 703–557–7700.

SUPPLEMENTARY INFORMATION: EPA issued a proposed rule, published in the **Federal Register** of February 13, 1985 (50 FR 6012), which announced that the American Cyanamid Co., Wayne, NJ 07470, and the Fairfield American Corp., Frenchtown, NJ 08825, had requested that 40 CFR 180.1001(e) be amended by establishing an exemption from the requirement of a tolerance for sodium benzoate when used as an anticaking agent (American Cyanamid Co.) or stabilizer/preservative (Fairfield American Corp.) in pesticide formulations applied to animals.

Inert ingredients are ingredients that are not active ingredients as defined in 40 CFR 162.3(c), and include, but are not limited to, the following types of ingredients (except when they have a pesticidal efficacy of their own): Solvents such as alcohols and hydrocarbons; surfactants such as polyoxyethylene polymers and fatty acids; carriers such as clay and diatomaceous earth; thickeners such as carrageenan and modified cellulose; wetting and spreading agents; and propellants in aerosol dispensers; and emulsifiers. The term "inert" is not intended to imply nontoxicity; the ingredient may or may not be chemically active.

In the proposed rule, EPA stated the basis for a determination that when used in accordance with good agricultural practices, this ingredient is useful and does not pose a hazard to humans or the environment.

There were no comments or requests for referral to an advisory committee received in response to the proposed rule.

The pesticide is considered useful for the purpose for which the exemption is sought. It is concluded that the exemption from the requirement of a tolerance will protect the public health and is established as set forth below.

Any person adversely affected by this regulation may, within 30 days after publication of this notice in the **Federal Register**, file written objections with the Hearing Clerk, at the address given above. Such objections should specify the provisions of the regulation deemed objectionable and the grounds for the objections. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

List of Subjects in 40 CFR Part 180

Administrative practice and procedure, Agricultural commodities, Pesticides and pests.

(Sec. 408(e), 68 Stat. 514 (21 U.S.C. 346a (e)))

Dated: March 21, 1985.

Steven Schatzow,

Director, Office of Pesticide Programs.

PART 180—[AMENDED]

Therefore, 40 CFR 180.1001(e) is amended by adding and alphabetically inserting the inert ingredient as follows:

§ 180.1001 Exemptions from the requirement of a tolerance.

* * * * *

(e) * * *

Inert ingredients	Limits	Uses
* * * * *		
Sodium benzoate (CAS Registry No. 532–32–1)		Anticaking agent; stabilizer/preservative
* * * * *		

[FR Doc. 85–9601 Filed 4–23–85; 8:45 am]

BILLING CODE 6560–50–M

40 CFR Part 180

Tolerances and Exemptions From Tolerances for Pesticide Chemicals in or on Raw Agricultural Commodities

CFR Correction

At 45 FR 36399, May 30, 1980, § 180.1001 was amended by reinstating certain chemicals in the table in paragraph (d). The entry for "polyoxyethylated sorbitolfatty acid esters" was correctly added to the July 1, 1980, CFR edition of Title 40, Parts 150–189, but inadvertently omitted from subsequent editions of the CFR. The entry, as set forth below, will be reinstated in the July 1, 1985, CFR edition.

§ 180.1001 Exemptions from the requirement of a tolerance.

* * * * *

(d) * * *

Inert ingredient	Limits	Uses
. . . . .		
Polyoxyethylated sorbitolfatty acid esters; the polyoxyethylated sorbitol solution containing 15% water is reacted with fatty acids limited to C_{12}, C_{14}, C_{16}, and C_{18}, containing minor amounts of associated fatty acids; the poly (oxyethylene) content averages 30 moles.		Surfactants, related adjuvants surfactants
. . . . .		

* * * * *

BILLING CODE 1505-02-M

GENERAL SERVICES ADMINISTRATION

41 CFR Part 101–20

[FPMR Temp. Reg. D–72]

Management of Buildings and Grounds

AGENCY: Public Buildings Service, General Services Administration.

ACTION: Temporary regulation.

SUMMARY: This General Services Administration (GSA) Temporary Regulation revises the regulations regarding the delegation of authority to tenant agencies to contract for reimbursable special space alterations. The current $10,000 limitation to contract directly for special space alterations is being revised to $25,000. The regulation is also being revised so agencies may contract directly for these alterations regardless of whether GSA indefinite quantity contracts or unit price agreements are in effect. Agencies can still order from ongoing GSA contracts or agreements. These changes are intended to improve service delivery, and amend the delegated dollar limitation consistent with the $25,000 ceiling for small purchase procedures. Agencies will have more flexibility in achieving their program requirement.

DATES: *Effective Date:* April 24, 1985.

Expiration date: Two years from effective date. (April 24, 1987).

FOR FURTHER INFORMATION CONTACT: James Marsden, General Services Administration, Office of Buildings Management, (PB), Washington, DC 20405, (202) 566–1563.

SUPPLEMENTARY INFORMATION: The General Services Administration has determined that this temporary regulation is not a major rule for the purposes of Executive Order 12291 of February 17, 1981, because it is not likely to result in an annual effect on the economy of $100 million or more; a major increase in costs to consumer or others; or significant adverse effects.

Therefore, a Regulatory Impact Analysis has not been prepared. GSA has based all administrative decisions underlying this rule on adequate information concerning the need for, and the consequence of, this rule; has determined that the potential benefits to society from this rule outweigh the potential costs and has maximized the net benefits; and has chosen the alternative approach involving the least net cost to society.

GSA, in its efforts to improve the management of the reimbursable program, will delegate greater authority to client agencies for accomplishing alterations which are not provided by Public Building Service under the Standard Level User Charge (SLUC). The increase in authority delegated to agencies to contract for their own alterations should result in elimination of a large number of smaller reimbursable work requests and allow GSA and tenant agencies to more effectively use its resoures to provide better services. Under the delegation, agenices may accomplish, within PBS guidelines and standards, alterations valued at $25,000 or less. These alterations may be ordered from ongoing indefinite quantity contracts or unit price agreements, or contracted for directly whether or not these GSA contracts are available.

List of Subjects in 41 CFR Part 101–20

Fire prevention, Blind, Safety, Concessions, Crime, Federal buildings and facilities, Government property management, Security measures.

PART 101–20—MANAGEMENT OF BUILDINGS AND GROUNDS

1. The authority citation for Part 101–20 is as follows:

Authority: Sec. 205(c), 63 Stat. 390, 40 U.S.C. 486(c).

2. In 41 CFR Chaper 101, the following temporary regulation is added to the appendix at the end of Subchapter D to read as follows:

Federal Property Management Regulations Temporary Regulation D–72

March 28, 1985.

To: Heads of Federal agencies.

Subject: Delegation of Authority to Tenant Agencies to Contract for Reimbursable Special Space Alterations.

1. *Purpoose.* This regulation amends instructions regarding the use of the provisions in Part 101–20, Management of Buildings and Grounds.

2. *Effective date.* This regulation is effective April 24, 1985.

3. *Expiration date.* This regulation expires two years from effective date (April 24, 1987), unless sooner superseded or canceled.

4. *Background.* General Services Administration (GSA), in its efforts to improve the management of the reimbursable program, will delegate greater authority to client agencies for accomplishing alterations which are not provided by Public Building Service (PBS) under the Standard Level User Charge (SLUC). Under the delegation, agencies may accomplish, within PBS guidelines and standards, alterations valued at $25,000 or less. These alterations may be ordered from ongoing indefinite quantity contracts or unit price agreements, or contracted for directly whether or not these GSA contracts are available. The increase in authority delegated to agencies to contract for their own alterations should result in elimination of a large number of smaller reimbursable work requests and allow GSA and tenant agencies to more effectively use its resources to provide better services.

5. *Effect on other directives.* Until further notice agencies are directed to take no actions pursuant to the following provisions of Part 101–20.105 is amended by revising paragraph (a) to read as follows:

(a) Special Space alterations, except for communications/security systems, required by occupant agencies above the standard level provided by GSA and prescribed in § 101-20.102.

(1) Agencies may order special space alterations in Government owned and leased buildings from GSA indefinite quantity contracts or unit price agreements, or contract directly for special space alterations within the following parameters.

(2) Where GSA has operative indefinite quantity contracts and unit price agreements for accomplishment of space alterations in Government-owned and leased buildings, respectively, agencies may order against these contracts and agreements. Agencies wishing to use this authority shall submit names and addresses of proposed ordering officials and their alternates to the GSA buildings manager, who will submit them to the GSA contracting officer. Each agency shall be limited to one designated ordering official and one alternate in any building. The contracting officer shall designate in writing the ordering official and alternate by name and will authorize the contractor to accept orders from only the designated ordering official or alternate. The GSA contracting officer will advise the agencies' ordering officials and their alternates, in writing, of their responsibilities, authorities, and limitations under these contracts and agreements. Designated agency ordering officials may, with the prior written approval of the GSA buildings manager on each order, order special space alteration services available under these contracts and agreements. The GSA buildings manager with the assistance of the GSA contracting officer, Real Estate or Buildings Management Divisions, where applicable, shall review and approve the orders and modifications thereto based on, but not limited to, the following criteria:

(i) The work is compatible with, and will not adversely affect, building structures, fire and safety systems, mechanical/electrical systems, or historically preserved building features.

(ii) The work conforms to GSA standards for safety, space utilization, fire protection, and handicapped access.

(iii) In leased buildings, the work is acceptable to the lessor, not the responsibility of the lessor, and within the Economy Act Limitations.

(iv) Whether it is feasible for Government (force account) personnel to perform the work.

(v) Whether it is feasible to combine the work with other similar scheduled work in a building.

(vi) In Government-owned buildings, the work is not already included in a prospectus.

(vii) Only scheduled items have been ordered.

(3) No individual order or combination of orders for a special space alteration project against GSA contracts or agreements shall exceed $25,000. Requirements aggregating more than $25,000 shall not be split into several orders of less than $25,000. Agencies shall use the Optional Form 347, Order for Supplies or Service or an approved agency purchase order form to order special space alteration services under these GSA contracts and agreements. Any disputes between any agency ordering official and a contractor concerning the provisions of, or performance under, an indefinite quantity contract or unit price agreement that cannot be resolved by mutual agreement shall be refered to the GSA contracting officer for appropriate action. For all orders against GSA contracts or agreements, agency ordering officials shall furnish within 10 calendar days of preparation one copy each of the ordering document and final payment document to the buildings manager and to the GSA Contracting Officer. The final payment voucher shall be supported with the following documents:

(i) Contractor's release of claims against the Government.

(ii) Contractor's certification of payments to subcontractors and suppliers.

(iii) Certification that work has been inspected and accepted and meets the provisions of the contract, and that the contractor has complied with all provisions of the contract regarding the subject delivery order.

(4) An agency may contract directly for services up to a maximum of $25,000 per project, after obtaining written approval of the GSA buildings manager, regardless of whether GSA contracts or agreements are in effect. Agencies contracting directly must provide the GSA buildings manager with complete documentation of the scope of work and contract specifications at the time of submission for approval. GSA review and approval for agency-written contracts will be based on the same criteria applied to orders aganist GSA contracts and agreements.

(5) Agencies shall be responsible for inspecting and certifying satisfactory completion of the ordered work and for contractor compliance with the provisions of all agency-ordered work, whether against GSA contracts and agreements or agency-written contracts. Agencies shall institute procedures that are adequate to ensure separation of the ordering process from the inspection and acceptance process. Where alterations will affect the classification or utilization of space, or involve special wall finishes or other nonstandard items or facilities, Real Estate Division's approval is required. The agency's initial approval submission on all alterations under this delegation of authority must include a layout of the agency's space to assist in the evaluation. The agency must identify the amount of alterations subject to the Economy Act limitation, and, if GSA advises that the 25 percent limit has been reached, the agency must prepare a Certificate of Determination before the work will be approved. As built drawing must be submitted within 30 days of completion.

Dwight Ink,

Acting Administrator of General Services.

[FR Doc. 85-9877 Filed 4-23-85; 8:45 am]

BILLING CODE 6820-23-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Parts 2550 and 2910

[Circular No. 2563]

Mining Claim Occupancy Act and Leases; Removal of Provisions Covering the Mining Claim Occupancy Act

AGENCY: Bureau of Land Management, Interior.

ACTION: Final rulemaking.

SUMMARY: This final rulemaking removes the existing regulations covering mining claim occupancy from 43 CFR Parts 2550 and 2910. These regulations are no longer needed because the Mining Claim Occupancy Act, the Act of October 23, 1962, as amended, expired on June 30, 1971. The Act authorized the Secretary of the Interior to convey to any qualified applicant occupying an unpatented mining claim that is determined to be invalid an interest, up to and including a fee simple interest, in and to an area within the claim of either title to not more than five acres or title to the acreage actually occupied by the applicant, whichever is less. The regulations have been retained to facilitate the handling of applications pending at the time the Act expired.

EFFECTIVE DATE: May 24, 1985.

ADDRESS: Inquiries or suggestions should be sent to: Director (320), Bureau of Land Management, 1800 C Street, NW., Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT: Mark D. Etchart, (202) 343-8693.

SUPPLEMENTARY INFORMATION: The final rulemaking removes from the existing regulations provisions concerning the Mining Claim Occupancy Act, the Act of October 23, 1962, as amended (30 U.S.C. 701-709), from 43 CFR Parts 2550 and 2910. The provisions are being removed because the Mining Claim Occupancy Act expired on June 30, 1971. The regulations deleted by this final rulemaking have been retained to facilitate the handling of those mining claim occupancy applications that were pending at the time the Act expired. All pending actions have been completed and the regulations are no longer needed.

The principal author of this final rulemaking is Mark D. Etchart, Division of Lands, Bureau of Land Management, assisted by the staff of the Office of Legislation, Bureau of Land Management.

The changes made by this final rulemaking are in compliance with the

provisions of the Mining Claim Occupancy Act which expired under its own provisions on June 30, 1971. The regulatory provisions removed by this final rulemaking were retained to facilitate the processing of applications pending with the Bureau of Land Management at the time the Act expired. Now that all of those actions have been completed, the provisions are no longer needed and this administrative action removes them from the Code of Federal Regulations. Even though all applications covered by the Mining Claim Occupany Act have been processed, rights, such as life estates and leases, granted under the Act may still exist. The Bureau of Land Management does not expect any issues to arise under these existing rights requiring consideration under the regulations that are being deleted by this final rulemaking. However, if such an issue should arise, it will be adjudicated under the regulations that are being deleted by this final rulemaking since they have remained unchanged, except for recodification, since originally issued.

It is hereby determined that this rulemaking does not constitute a major Federal action significantly affecting the quality of the human environment and that no detailed statement pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)) is required.

The Department of the Interior has determined that this document is not a major rule under Executive Order 12291 and that it will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 et seq.).

There are no information collection requirements contained in this final rulemaking requiring the approval of the Office of Management and Budget under 44 U.S.C. 3507.

List of Subjects

43 CFR Part 2550

Mines, Public lands, Public lands—sales.

43 CFR Part 2910

Airports, Alaska, Mines, Public lands, Recreation areas, Waste treatment and disposal.

Under the authority of the Mining Claim Occupancy Act, as amended (30 U.S.C. 701–709), Parts 2550 and 2910, Group 2000, Subchapter B, Chapter II of Title 43 of the Code of Federal Regulations is amended as set forth below.

April 17, 1985.

J. Steven Griles,

Deputy Assistant Secretary of the Interior.

PART 2550—[REMOVED]

1. Part 2550 is removed in its entirety.

PART 2910—[AMENDED]

§§ 2914.0–3—2914.0–7 [Removed]

2. Part 2910 is amended by removing Subpart 2914 (§§ 2914.0–3—2914.0–7) in its entirety.

[FR Doc. 85–9831 Filed 4–23–85; 8:45 am]

BILLING CODE 4310-84-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 84–371; RM–4682]

TV Broadcast Stations in Holly Springs, MS

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action assigns UHF television Channel 40 to Holly Springs, Mississippi, as its first commercial television assignment in response to a petition filed by North Mississippi Broadcasters.

EFFECTIVE DATE: May 24, 1985.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Montrose H. Tyree, Mass Media Bureau, (202) 634–6530.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 73

Television broadcasting.

Report and Order (Proceeding Terminated)

In the matter of amendment of § 73.606(b), table of assignments, TV broadcast stations, (Holly Springs, Mississippi); MM Docket 84–371, RM–4682.

Adopted: April 10, 1985.
Released: April 17, 1985.

By the Chief, Policy and Rules Divisions.

1. The Commission herein considers the *Notice of Proposed Rule Making*, 49 FR 17980, published April 26, 1984, which invited comments on a proposal to assign UHF television Channel 40 to Holly Springs, Mississippi. The *Notice* was issued in response to a petition filed by North Mississippi Broadcasters ("petitioner"). Supporting comments were filed by the petitioner, restating its intent to apply for the channel, if assigned.

2. Based on the petitioner's interest in operating a television station at Holly Springs, we believe that the public would benefit by the assignment of UHF television Channel 40 to Holly Springs, Mississippi, as its first television broadcast service. The channel can be assigned in compliance with the minimum distance separation requirements of §§ 73.610 and 73.698 of the Rules.

3. Accordingly, pursuant to the authority contained in sections 4(i), 5(c)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, as §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, it is ordered, That effective May 24, 1985, the TV Table of Assignments, § 73.606(b) of the Commission's Rules, is amended as follows:

City	Channel No.
Holly Springs, Mississippi	40

4. It is further ordered, That this proceeding is terminated.

5. For further information concerning the above, contact Montrose H. Tyree, Mass Media Bureau, (202) 634–6530.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Charles Schott,

Chief, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 85–9863 Filed 4–23–85; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 84–1044; RM–4820]

TV Broadcast Stations in Myrtle Beach, SC

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: Action taken herein assigns UHF TV Channel 32 to Myrtle Beach, South Carolina, as that community's second local service, at the request of Moore Broadcast Industries, Inc.

EFFECTIVE DATE: May 24, 1985.

ADDRESS: Federal Communications Commission. Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Leslie K. Shapiro, Mass Media Bureau, (202) 634–6530.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 73

Television broadcasting.

Report and Order (Proceeding Terminated)

In the matter of amendment of § 73.606(b), table of assignments, television broadcast stations, (Myrtle Beach, South Carolina); MM Docket No. 84–1044, RM–4820.

Adopted: April 10, 1985.
Released: April 17, 1985.

By the Chief, Policy and Rules Division.

1. The Commission has before it for consideration the *Notice of Proposed Rule Making*, 49 FR 46447, published November 26, 1984, requesting comments on the assignment of UHF TV Channel 32 to Myrtle Beach, South Carolina, at the request of Moore Broadcast Industries, Inc. ("petitioner"). The assignment could provide Myrtle Beach with its second local television service. Channel 32 can be assigned in compliance with the Commission's minimum distance separation requirements, with a site restriction of 14.8 miles southwest of Myrtle Beach to avoid a short-spacing to Station WUNJ–TV, Wilmington, North Carolina, and to unused Channel *32 at High Point, North Carolina.

2. Petitioner filed comments reiterating its intention to apply for the channel. Comments were also filed by Carolina Christian Broadcasting, Inc. ("Carolina Christian"), licensee of Station WGSE–TV, Channel 43, Myrtle Beach. Carolina Christian does not oppose the assignment but filed comments solely to clarify statements made by the petitioner as to the amount of local news broadcast by Station WGSE–TV.

3. We believe the public interest would be served by assigning Channel 32 to Myrtle Beach as its second local service. Accordingly, pursuant to the authority contained in sections 4(i), 5(c)(1), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, it is ordered, that effective May 24, 1985, the Television Table of Assignments § 73.606(b) of the Rules, is amended with respect to the community listed below, to read as follows:

City	Channel No.
Myrtle Beach, South Carolina	32, 43 +

4. It is further ordered, that this proceeding is terminated.

5. For further information concerning this proceeding, contact Leslie K. Shapiro, Mass Media Bureau, (202) 634–6530.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission
Charles Schott,
Chief, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 9858 Filed 4–23–85; 8:45 am]
BILLING CODE 6712-01-M

INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Agency for International Development

48 CFR Parts 702 and 750

[AIDAR Notice 85–4]

Acquisition Regulations; Miscellaneous Amendments

AGENCY: Agency for International Development, IDCA.

ACTION: Final rule.

SUMMARY: The AID Acquisition Regulation (AIDAR) is being amended to reflect the latest redelegations of contracting authority within AID.

EFFECTIVE DATE: June 1, 1985.

FOR FURTHER INFORMATION CONTACT: M/SER/CM/SOD/FSR, Mrs. Elizabeth Cordaro, Telephone (703) 235–9855.

SUPPLEMENTARY INFORMATION: The definitions of AID contracting activities, and head of the contracting activity; and the section dealing with approving authorities for extraordinary contractual actions, are being revised to reflect the most current redelegations of contracting authority within AID.

None of the changes being made by this AIDAR Notice will have any significant impact on AID contractors or the general public. Therefore, the changes are not considered "significant" under OFPP Policy Letter 83–2, or FAR 1.303(b) or 1.501, and public comments have not been solicited.

This AIDAR Notice is not a major rule and is exempt from Sections 3 and 4 of E.O. 12291 by OMB Bulletin No. 85–7, December 14, 1983.

As required by the Regulatory Flexibility Act, it is hereby certified that AIDAR Notice 85–4 will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 48 CFR Parts 702 and 750

Government procurement.

PART 702—DEFINITIONS OF WORDS AND TERMS

1. Section 702.170–3 is revised to read as follows:

702.170–3 Contracting activities.

The contracting activities within AID are:

(a) *The AID/Washington activities.* The contracting activities located in Washington are the Office of Contract Management, Office of Management Operations, Office of Commodity Management, Office of Foreign Disaster Assistance, and Office of International Training. Subject to the limitations stated in 702.170–10, these contracting activities are responsible for procurement related to programs and activities for their areas. The Office of Contract Management is responsible for procurements which do not fall within the responsibility of other contracting activities, or which are otherwise assigned to it.

(b) *The overseas field contracting activities.* Each AID Mission overseas is a contracting activity, responsible for procurement related to their programs and activities, subject to the limitations in 702.170–10. Contracting authority for Mission Directors is set forth in 702.170–10. Specified individuals in the fields may be redelegated contracting authority by the Procurement Executive or his/her designee.

2. Section 702.170–10 is revised to read as follows:

702.170–10 Head of the contracting activity.

The heads of the contracting activities within AID are:

(a) *AID/Washington.*

Position	Limitaton
Director, Office of Contract Management.	None.
Director, Office of Management Operations.	Use of small purchase procedures ($25,000) for services and supplies funded by operating expense money. Unlimited authority when ordering against GSA or other established U.S. Government ordering agreements.
Director, Office of Commodity Management	Use of small purchase procedures ($25,000) for services and supplies for the excess property program. Unlimited when ordering against GSA or other established U.S. Government ordering agreements for excess property-related procurements.
Director, Office of Foreign Disaster Assistance	Contracts for disaster relief purposes during the first 72 hours of a disaster in a total amount not to exceed $500,000 (AID Handbook 8, Chapter 5). Routine small purchase authority ($25,000).
Director, Office of International Training	Use of small purchase procedures up to $10,000. Unlimited for procuring participant training based on published catalog prices, using M/SER/CM approved forms.

Each of these Office Directors will issue warrants to qualified individuals to actually exercise the authority.

(b) *Overseas.*

Position	Limitation
Each Mission Director	Each Mission Director has the authority to execute contracts and amendments thereto up to $100,000 in the aggregate. For personal services contracts, the limit is $250,000. The Mission Director may issue a warrant for small purchase authority ($25,000) directly to individuals on his/her staff

PART 750—EXTRAORDINARY CONTRACTUAL ACTIONS

3. Section 750.7105 is revised to read as follows:

750.7105 Approving authorities.

All authority to approve actions under this subpart has been delegated to the Procurement Executive.

This AIDAR Notice is issued under the authority of Sec. 621, 75 Stat. 445 (22 U.S.C. 2381), as amended; E.O. 12163, September 29, 1979, 44 FR 56673; 3 CFR 1979 Comp., p. 435.

Dated: April 17, 1985.

Paul Spishak,

Acting AID Procurement Executive.

[FR Doc. 85-9701 Filed 4-23-85; 8:45 am]

BILLING CODE 6116-01-M

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48 CFR Parts 702, 705, 706, 714, 715, 750, and 752

[AIDAR Notice 85-5]

Acquisition Regulation Concerning Competition in Contracting and Miscellaneous Amendments

AGENCY: Agency for International Development, IDCA.

ACTION: Interim rule and request for comment.

SUMMARY: The AID Acquisition Regulation (AIDAR) is being amended to implement The Competition in Contracting Act of 1984 (CICA) in compliance with the requirements of the Federal Acquisition Regulations (FAR).

DATES: *Effective Date:* April 1, 1985.

Comment Date: Comments must be received on or before May 24, 1985. Please cite AIDAR Notice 85-5 in all correspondence.

ADDRESS: Interested parties should submit comments to: Agency for International Development, ATTN: M/SER/CM/SD/POL, Washington, D.C. 20523.

FOR FURTHER INFORMATION CONTACT: M/SER/CM/SD/POL, Mr James M. Kelly. Telephone (703) 235-9107.

SUPPLEMENTARY INFORMATION: This AIDAR Notice amends the AIDAR to conform the regulation to the requirements of the CICA, and the FAR implementation of the CICA (FAR Circular 84-5, 50 FR 1726, January 11, 1985). This AIDAR Notice is effective for all solicitations issued on or after April 1, 1985.

Subpart 715.6, Source Selection, has been revised to conform the section and paragraph numbering system with recent OFPP suggestions and to change the contracting officer's "concurrence" to "approval" in the determinations required by the educational institutions and international research center and the collaborative assistance selection procedures.

This AIDAR Notice implements the CICA and FAR Circular 84-5 with no deviations from the requirements of either document, and without significant supplementation.

This AIDAR Notice, which is not a major rule, was submitted to OMB for E.O. 12291 review as required by OMB Bulletin No. 85-7, dated December 14, 1984.

As required by the Regulatory Flexibility Act, it is hereby certified that AIDAR Notice 85-4 will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 48 CFR 702, 705, 706, 714, 715, 750, 752, and Appendices

Government procurement.

PART 702—DEFINITIONS OF WORDS AND TERMS

702.170-14 and 702.170-15 [Redesignated as 702.170-15 and 702.170-16]

1. Subsections 702.170-14 and 702.170-15 are redesignated as 702.170-15 and 702.170-16, respectively, and a new 702.170-14 is added as follows:

702.170-14 Senior Procurement Executive.

"Senior Procurement Executive" is synonymous with the term "Procurement Executive", as defined in 702.170-13 of this subpart.

PART 705—PUBLICIZING CONTRACT ACTIONS

705.001 [Redesignated as 705.002]

2. Part 705 is amended by redesignating section 705.001 as 705.002.

3. A new Part 706 is added as follows:

PART 706—COMPETITION REQUIREMENTS

Subpart 706.1—Full and Open Competition

Sec.

706.101-70 Policy.

Subpart 706.2—Full and Open Competition After the Exclusion of Sources

706.201-70 Policy.

Subpart 706.3—Other than Full and Open Competition

706.303-1 Requirements.

Authority: Sec. 621, Pub. L. 87-195, 75 Stat. 445 (22 U.S.C. 2381), as amended; E.O. 12163, Sept. 29, 1979, 44 FR 56673; 3 CFR 1979 Comp., p. 435.

Subpart 706.1—Full and Open Competition

706.101-70 Policy.

The selection procedures in 715.613-70 and 715.613-71 of this chapter meet the requirement for full and open competition when the determinations required by 715.613-70(c) and 715.613-71(b)(1)(ii) are properly made. No other justifications or approvals are required.

Subpart 706.2—Full and Open Competition After the Exclusion of Sources

706.201-70 Policy.

Since procurements by Missions overseas are generally exempt from synopsizing in the CBD by FAR 5.201(b), the requirement for full and open competition is met for such procurements when the competitive procedures prescribed in FAR 6.102 are used for those procurements where it is not practical to synopsize in the CBD, and the contracting officer follows the optional publicizing methods authorized by both FAR 5.101(a)(2) and FAR 5.101(b), as appropriate. No other justifications or approvals are required.

Subpart 706.3—Other Than Full and Open Competition

706.303-1 Requirements.

(a)-(c) [Reserved]

(d) AID project procurements are generally not subject to the Trade Agreements Acts of 1979 (see 725.403 of this chapter). To the extent procurements are made under the authority of FAR 6.302-3(a)(2)(i) or FAR 6.302-7 with Operating Expenses (OE) Funds, the Contracting Officer shall send a copy of the justification to the Office of the United States Trade Representative, 600 17th Street, NW., Washington, D.C. 20506, ATTN: Director, International Procurement Policy.

4. Part 714 is amended by revising the part title as follows:

PART 714—SEALED BIDDING

PART 715—CONTRACTING BY NEGOTIATION

5. The authority citation for Part 715 is revised to read as follows:

Authority: Sec. 621, Pub. L. 87-195, 75 Stat. 445 (22 U.S.C. 2381) as amended; E.O. 12163, Sept. 29, 1979, 44 FR 56673; 3 CFR 1979 Comp., p. 435.

Subpart 715.2—Negotiation Authorities [Removed]

6. Subpart 715.2 is removed.

715.507 [Removed]

7. Subpart 715.5 is amended by removing section 715.507.

8. Section 715.608, Proposal evaluation, is amended by redesignating it as subsection 715.608-70, and by amending paragraph (b)(1)(iii), as follows:

715.608-70 Proposal evaluation.

* * * * *

(b) * * *

(1) * * *

(iii) The contracting officer is responsible for reviewing the written evaluation results to determine that they are adequate and complete.

* * * * *

715.613, 715.613-70, 715.613-70-1, 715.613-70-2, 715.613-70-3, 715.613-70-4, 715.613-71, 715.613-71-1, 715.613-71-2, 715.613-71-3, 715.613-71-4, 715.613-71-5 [Removed]

9. Sections 715.613, 715.613-70, 715.613-70-1, 715.613-70-2, 715.613-70-3, 715.613-70-4, 715.613-70-71, 715.613-71-1, 715.613-71-2, 715.613-71-3, 715.613-71-4, and 715.613-71-5 are removed.

10. Sections 715.613, 715.613-70 and 715.613-71 are added to read as follows:

715.613 Alternative source selection procedures.

715.613-70 Educational institution and international research center selection procedure.

(a) *Scope of subsection.* This subsection prescribes policies and procedures for the selection of contractors to perform projects which have been determined to require the services of an educational institution or international research center (see paragraphs (b) and (c) of this subsection.

(b) *Definitions.* (1) An educational institution, as used in this subsection, is any non-profit corporation, foundation, trust, or state or local governmental entity operated primarily as an institution of higher learning offering a course of general studies leading to the granting of academic degrees. Consortia whose membership consists exclusively of educational institutions, as defined above, are considered to be educational institutions.

(2) An international research center is an organization formally recognized and listed as such by the Assistant Administrator, Bureau for Science and Technology.

(c) *Applicability.* The provisions of this subsection are applicable when it has been determined by the project office, with the approval of the contracting officer, that the required skills or institutional relationships are available only from educational institutions or international research centers. This subsection is not applicable to contracts for collaborative assistance (see 715.613-71 of this subpart), or for architect-engineer services (see AIDAR 736.6 and FAR 36.6).

(d) *Solicitation, evaluation, and selection procedures.* (1) A sufficient number of sources shall be solicited to ensure that competition is obtained to the maximum practicable extent; this requirement shall be deemed satisfied when a contractor is selected under the procedures of this subsection.

(2) Following the approval of the contracting officer in the decision that the required services are available only from an educational institution or international research center (see paragraph (c) of this section), the project office shall:

(i) Prepare selection criteria for evaluation of potential contractors for use in preparing the source list, determining predominantly qualified sources, and selecting the contractor;

(ii) Prepare an initial source list of institutions considered qualified to perform the proposed project;

(iii) Provide a statement providing a description of qualifications and areas of expertise considered essential, a statement of work, estimate of personnel requirements, special requirements (logistic support, government furnished property, and so forth) for the contracting officer's use in preparing the request for technical proposal (RFTP).

(iv) Send a memorandum incorporating paragraphs (d)(2) (i) through (iii) of this section, together with the "Action" copy of the PIO/T to the contracting officer, requesting him/her to prepare and distribute the RFTP from the source list provided.

(3) Upon receipt and acceptance of the project officer's request, the contracting officer shall prepare the RFTP. The RFTP shall contain sufficient information to enable an offeror to submit a responsive and complete technical proposal; this includes a definitive statement of work, an estimate of the personnel required, and special provisions (such as logistic support, government furnished equipment, and so forth), a proposed contract format, and evaluation criteria. No cost or pricing data will be requested or required by the RFTP. The RFTP will be distributed to the sources recommended by the project office, and to others, if appropriate. The RFTP will normally allow a minimum of 60 days for preparation and submission of a proposal.

(4) Upon receipt of responses to the RFTP by the contracting officer, an evaluation committee will be established as provided for in 715.608-70(a) of this subpart.

(5) The evaluation committee will evaluate all proposals in accordance with the criteria set forth in the RFTP, and will prepare a selection memorandum which shall:

(i) State the evaluation criteria;

(ii) List all of the institutions whose proposals were reviewed;

(iii) Report on the ranking and rationale therefor for all proposals;

(iv) Indicate the institution(s) considered best qualified.

(6) The evaluation committee will submit the selection memorandum to the contracting officer for review and approval.

(7) The contracting officer will either approve the selection memorandum, or return it to the evaluation committee for reconsideration for specified reasons.

(8) If the selection memorandum is approved, the contracting officer shall obtain cost, pricing, and other necessary data from the selected institution(s) and shall conduct negotiations with said institution(s). If a satisfactory contract cannot be obtained, the contracting officer will so advise the evaluation committee. The evaluation committee may then recommend alternate sources.

715.613-71 Collaborative assistance selection procedure.

(a) *Scope of section.* This subsection prescribes policies and procedures for the selection of contractors for collaborative assistance projects.

(b) *Definition.*

(1) A collaborative assistance project is any project for which it has been determined under paragraph (d) of this section that:

(i) A continuing collaborative relationship between AID, the host country, and the contractor is required from project design through completion of the project. AID, host country, and contractor participation in a continuing review and evaluation of the project is essential for its proper execution; and

(ii) The required skills or institutional relationships have been determined by the project office, with the approval of

the contracting officer to be available only from an educational institution, international research center (as defined in 714.613–70(b) of this subpart), or cooperative development organization (which are organizations recognized and listed as such by the Assistant Administrator, Bureau for Food for Peace and Voluntary Assistance).

(2) The collaborative assistance method is fully defined and discussed in AIDAR Appendix F—Use of Collaborative Assistance Method for Aid Direct Contracts for Technical Assistance.

(c) *Applicability.* The provisions of this subsection are applicable to all contracts implementing collaborative assistance projects.

(d) *Determination.* In order to prepare a contract under the collaborative assistance method, the determinations in paragraph (b)(1) of this section must be made in accordance with the following procedures:

(1) The responsible project office makes a preliminary finding that a project should be classed as collaborative assistance in accordance with paragraphs (b)(1) (i) and (ii) of this section.

(2) Based upon this preliminary finding, the project office shall establish an evaluation panel consisting of a representative of the project office as chairman; a representative of the Bureau for Science and Technology, for projects where the services of an educational institution or international research center are deemed necessary; a representative of the Bureau for Food for Peace and Voluntary Assistance, for projects where the services of a cooperative development organization are deemed necessary; a representative of the contracting office; and any other representatives considered appropriate by the chairman.

(3) The evaluation panel will review the proposed project; based on the panel's findings, the chairman will make the formal, written determinations as to whether or not the project is collaborative assistance as required by paragraphs (b)(1) (i) and (ii) of this section.

(e) *Evaluation and selection.* (1) As sufficient number of sources will be considered to ensure that competition is obtained to the maximum practicable extent; this requirement shall be deemed satisfied when a contractor is selected under the procedures of this subsection.

(2) Following determination that a project is in fact collaborative assistance, the evaluation panel shall:

(i) Prepare evaluation and selection criteria;

(ii) Prepare an initial source list including all potential sources known to have capabilities and expertise in the areas required by the proposed project; and

(iii) Evaluate the list, using the evaluation criteria previously determined, for the purpose of making a written determination of the source (or sources) considered most capable of performing the project.

(3) The chairman of the evaluation panel will prepare a memorandum to the contracting officer setting forth:

(i) The formal determination that the project is collaborative assistance,

(ii) The evaluation criteria which have been determined, and

(iii) The recommended source list and the rationale therefor, and requesting the contracting officer to prepare a request for expressions of interest from the qualified institution (or institutions).

(4) The contracting officer will prepare a request for an expression (or expressions) of interest (REI), containing sufficient information to permit an institution to determine its interest in the project, and to discuss the project with AID representatives, if appropriate. The request for expression of interest should include a concise statement of the purpose of the project, any special conditions or qualifications considered important, a brief description of the selection procedure and evaluation criteria which will be used (if expressions of interest are being requested from more than one institution), the proposed contract format, and any other information considered appropriate. The REI will be issued to the institution or institutions recommended by the panel; it will normally allow a minimum of 60 days for submission of an expression of interest. Guidelines for preparation of expressions of interest are contained in Attachment 1 to AIDAR Appendix F.

(5) The contracting officer will transmit all expressions of interest to the evaluation panel for evaluation and selection recommendation. The panel may conduct on site evaluations at its discretion, as part of the evaluation process.

(6) The chairman of the evaluation panel will prepare a written selection recommendation with supporting justification, recommending that negotiations be conducted with the prospective contractor(s) selected by the evaluation panel. The selection recommendation shall be transmitted to the contracting officer together with the complete official file on the project which was being maintained by the evaluation panel.

(7) The contracting officer will review the selection recommendation, obtain necessary cost and other data, and proceed to negotiate with the recommended source.

Subpart 715.10—Preaward and Postaward Notifications, Protests, and Mistakes [Removed]

11. Subpart 715.10 is removed.

PART 750—EXTRAORDINARY CONTRACTUAL ACTIONS

750.7107 [Amended]

12. Paragraph (a) of section 750.7107 of this part is amended by removing paragraph (a)(3), and by redesignating paragraph (a)(4) as paragraph (a)(3).

PART 752—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

752.7020 [Amended]

13. The contract clause at section 752.7020, Organizational Conflicts of Interest, is amended by changing the clause date from "(April 1984)" to "(March 1985)"; and by removing the words ". . . formally advertised . . .", as they appear in paragraph (c) of the clause, and inserting in their place ". . . sealed bidding . . .".

Appendix A—Respective Roles of Contracting and Other Personnel in the AID Procurement Process

14. Appendix A of this chapter is amended by revising paragraph 2(c) as follows:

* * * * *

2. *Planning, Competition, Negotiation, and Award.*

(a) * * *

(b) * * *

(c) One of the paramount duties of the contracting officer is to ensure full and open competition for any planned procurement. The procedures for procurement by sealed bid, or for procurement by negotiation, or for procurement by other than full and open competition differ; the contracting officer must determine the proper method of procurement and contract type, keeping the requirements for full and open competition in mind. The technical office has a continuing responsibility to assist the contracting officer in this effort to ensure full and open competition. This responsibility should be exercised through proper planning to allow sufficient lead time, and preparation of scopes of work designed to encourage full and open competition by avoiding specifications, descriptions, or work statements which could unnecessarily restrict competition.

* * * * *

Appendix F—Use of Collaborative Assistance Method for AID-Direct Contracts for Technical Assistance

15. Paragraph 1(b) of Appendix F of this Chapter is amended to delete the words "in the AID Acquisition Regulations (Subpart 736.6)" and to substitute the words "in FAR 36.6 and AIDAR 736.6".

16. Paragraph 4(c)(4), *Monitoring, joint evaluation and replanning,* is amended to delete the word "thorougly" in the third sentence of the second subparagraph, and to substitute the word "thoroughly".

This AIDAR Notice is issued under the authority of sec. 621, Pub. L. 87–195. 75 Stat. 445, (22 U.S.C. 2381) as amended; E.O. 12163, September 29, 1979, 44 FR 56673; 3 CFR 1979 Comp., p. 435).

Dated: April 15, 1985.

Paul Spishak,

Acting AID Procurement Executive.

[FR Doc. 85–9700 Filed 4–23–85; 8:45 am]

BILLING CODE 6116–01–M

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

49 CFR Part 107

[Docket No. HM–194; Amdt. No. 107–13]

Designation of Testing Agencies; United Nations Packagings; Correction

AGENCY: Materials Transportation Bureau (MTB), Research and Special Programs Administration, DOT.

ACTION: Final rule; correction.

SUMMARY: This document corrects an error of omission found under §107.402(b)(4) of a final rule published under Docket HM–194 (50 FR 10060), which amended the Hazardous Materials Regulations (49 CFR Part 107) by establishing requirements that designate third-party packaging testing agencies, for the purpose of certifying the conformance of United States (U.S.) export packaging designs with the United Nations (U.N.) standards. The final rule under HM–194 has an effective date of July 1, 1985.

EFFECTIVE DATE: July 1, 1985. However, compliance with the regulations as amended is authorized as of March 13, 1985.

FOR FURTHER INFORMATION CONTACT: Thomas J. Charlton, Chief, Standards Division, Office of Hazardous Materials Regulation, Materials Transportation Bureau, Department of Transportation, Washington, D.C. 20590. (202–426–2075).

SUPPLEMENTARY INFORMATION: This document reestablishes § 107.402(b)(4)(iv) of Title 49 CFR, Parts 100–177, which was inadvertently omitted in Docket HM–194. Due to a typographical error, this subparagraph was not republished in the **Federal Register** under Docket HM–194 on March 13, 1985.

The final rule published under HM–194 amended 49 CFR Part 107 of the Hazardous Materials Regulations in order to establish requirements that designate third-party testing agencies to certify the conformance of U.S. export packagings with the U.N. standards for packagings. The requirements are voluntary for shippers and container manufacturers.

The Materials Transportation Bureau has determined that his document will not result in a "major rule" under the terms of Executive Order 12291 or a significant regulation under DOT's regulatory policy and procedures (44 FR 11034), nor require an environmental impact statement under the National Environmental Policy Act (49 U.S.C. 4321 et seq.).

Based on limited information available concerning size and nature of entities likely to be affected by this amendment, I certify that this amendment will not have a significant economic impact on a substantial number of small entities because the overall economic impact of this amendment will be minimal. A regulatory evaluation and environmental assessment of the final rule are available for review in the docket. The economic impact of this document has been found to be so minimal that further evaluation is unnecessary.

List of Subjects in 49 CFR Part 107

Hazardous materials transportation, Administrative practice and procedure

In consideration of the forgoing, **Federal Register** document (FR Docket 85–6028), published on March 13, 1985, under Docket HM–194 is hereby amended as follows:

PART 107—HAZARDOUS MATERIALS PROGRAM PROCEDURES

1. On page 10062, at the bottom of the third column, § 107.402, paragraph (b)(4) is corrected by redesignating paragraph (iii) as paragraph (iv) and adding new paragraph (iii) to read as follows:

§ 107.402 Application for designation as an approval or certification agency.

* * * * *

(b) * * *

(4) * * *

(iii) The ability to conduct or monitor and evaluate test procedures and results; and

(iv) The ability to review and evaluate the qualifications of materials and fabrication procedures.

* * * * *

(49 U.S.C. 1804, 1805, 1808; (49 CFR 1.53 Appendix A to Part 1))

Issued in Washington, D.C. on April 18, 1985.

L.D. Santman,

Director, Materials Transportation Bureau

[FR Doc. 85–9789 Filed 4–23–85; 8:45 am]

BILLING CODE 4910–60–M

Proposed Rules

Federal Register
Vol. 50, No. 79
Wednesday, April 24, 1985

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Federal Crop Insurance Corporation

7 CFR Part 402

[Docket No. 1948S]

Raisin Corp Insurance Regulations

AGENCY: Federal Crop Insurance Corporation, USDA.

ACTION: Proposed rule.

SUMMARY: The Federal Crop Insurance Corporation (FCIC) proposes to revise and reissue the Raisin Corp Insurance Regulations (7 CFR Part 402), effective for the 1985 and succeeding crop years. The intended effect of this rule is to provide for: (1) Removing the Premium Adjustment Table; (2) insuring raisins from vineyards operated to produce table grapes by separate agreement; (3) clarifying the procedures used to arrive at the insured tonnage; (4) elimination of the experience table; (5) limiting the reconditioning allowance to wash and dry reconditioning; (6) shortening the length of time an insured has to give notice of loss from 7 days to 72 hours; (7) changing the end of the insurance period from October 25 to October 20; (8) adding definitions for the terms "loss ratio", "raisins", "net ton", "USDA inspection", and "table grapes"; and (9) deleting Appendix A. The authority for the promulgation of this rule is contained in the Federal Crop Insurance Act, as amended.

DATES: Written comments, data, and opinions on this proposed rule must be submitted not later than May 24, 1985, to be sure of consideration.

ADDRESS: Written comments on this proposed rule may be sent to the Office of the Manager, Federal Crop Insurance Corporation, Room 4096, South Building, U.S. Department of Agriculture, Washington, D.C., 20250.

FOR FURTHER INFORMATION CONTACT: Peter F. Cole, Secretary, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, D.C., 20250, telephone (202) 447-3325.

SUPPLEMENTARY INFORMATION: This action has been reviewed under USDA procedures established by Departmental Regulations No. 1512-1. This action constitutes a review as to the need, currency, clarity, and effectiveness of these regulations under those procedures. The sunset review date established for these regulatons is January 1, 1990.

Merritt W. Sprague, Manager, FCIC, has determined that this action: (1) Is not a major rule as defined by Executive Order No. 12291 because it will not result in: (a) An annual effect on the economy of $100 million or more; (b) major increases in costs or prices for consumers, individual industries, federal, State, or local governments, or a geographical region; or (c) significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of U.S.-based enterprises to compete with foreign-based enterprises in domestic or export markets; and (2) will not increase the Federal paperwork burden for individuals, small businesses, and other persons.

The title and number of the Federal Assistance Program to which this proposed rule applies are: Title—Crop Insurance; Number 10.450.

This program is not subject to the provisions of Executive Order 12372 which requires intergovernmental consultation with State and local officials. See the Notice related to 7 CFR Part 3015, Subpart V, published at 48 FR 29115 (June 24, 1983).

This action is exempt from the provisions of the Regulatory Flexibility Act; therefore, no Regulatory Flexibility Analysis was prepared.

This action is not expected to have any significant impact on the quality of the human environment, health, and safety. Therefore, neither an Environmental Assessment nor an Environmental Impact Statement is needed.

Other than minor changes in language and format, the principal changes in the raisin policy are:

1. Section 2.f.—Add a provision to not insure table grapes placed on trays in some cases.

2. Section 4.d.(2)—Change to determine the insured tonnage by delivered tonnage, plus verifiable loss of production. Tray weight will be used to establish production only if some raisins are not removed from the vineyard.

3. Section 5.—Remove the Premium Adjustment Table. Insureds with good loss experience who are now receiving a premium discount are protected since they will retain any discount under the present schedule through the 1989 crop year or until their loss experience causes them to loss the advantage, whichever is earlier. Since those insureds with goods loss ratios and premium reductions stayed in the program while those with premium increases because of poor loss ratio tended to drop out, the premium structure under the premium adjustment table made actuarial projection difficult.

Remove the provisions for transfer of insurance experience and for premium computation when insurance has not been continuous. Deletion of the Premium Adjustment Table eliminates the need for these provisions.

4. Section 7.a.—Change the insurance ending date from October 25 to October 20.

5. Section 8.—Shorten from 7 days to 72 hours the length of time the insured has to give notice of loss to better enable FCIC to adjust the loss.

6. Section 9.f.—Provide a reconditioning allowance when raisins are high moisture due to rain.

7. Section 18.—Add definitions for the terms "loss ratio", "raisins", "net ton", "USDA inspection", and table grapes."

8. In addition to the policy changes, FCIC also proposes to eliminate the codification of Appendix A. Federal Crop Insurance for raisins has been expended into almost all counties where raisins are produced. FCIC service offices will be able to advise a producer if raisin insurance is offered in a county.

FCIC is soliciting public comment on this proposed rule for 30 days after publication in the **Federal Register.** Written comments will be available for public inspection in the Office of the Manager, Federal Crop Insurance Corporation, Room 4096, South Building, U.S. Department of Agriculture, Washington, D.C. 20250, during regular business hours, Monday through Friday.

List of Subjects in 7 CFR Part 402

Crop insurance, Raisins.

Proposed Rule

Accordingly, pursuant to the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), the Federal Crop Insurance Corporation hereby proposes to revise and reissue the Raisin Crop Insurance Regulations (7 CFR Part 402), effective for the 1985 and succeeding crop years, to read as follows:

PART 402—RAISIN CROP INSURANCE REGULATIONS

Subpart—Regulations for the 1985 and Succeeding Crop Years

Sec.

402.1 Availability of raisin crop insurance.
402.2 Premium rates and amounts of insurance.
402.3 OMB control numbers.
402.4 Creditors.
402.5 Good faith reliance on misrepresentation.
402.6 The contract.
402.7 The application and policy.

Authority: Secs. 506, 516, Pub. L. 75–430, 52 Stat. 73, 77 as amended (7 U.S.C. 1506, 1516).

Subpart—Regulations for the 1985 and Succeeding Crop Years

§ 402.1 Availability of raisin crop insurance.

Insurance shall be offered under the provisions of this subpart on raisins in counties within the limits prescribed by and in accordance with the provisions of the Federal Corp Insurance Act, as amended. The counties shall be designated by the Manager of the Corporation from those approved by the Board of Directors of the Corporation.

§ 402.2 Premium rates and amounts of insurance.

(a) The Manager shall establish premium rates and amounts of insurance per ton for raisins which will be included in the actuarial table on file in applicable service offices for the county and which may be changed from year to year.

(b) At the time application for insurance is made, the applicant will elect an amount of insurance per ton from among those amounts contained in the actuarial table for the crop year.

§ 402.3 OMB control numbers.

The information collection requirements contained in these regulations (7 CFR Part 402) have been approved by the Office of Management and Budget (OMB) under the provisions of 44 U.S.C. Chapter 35 and have been assigned OMB Nos. 0563–0003 and 0563–0007.

§ 402.4 Creditors.

An interest of a person in an insured crop existing by virtue of a lien, mortgage, garnishment, levy, execution, bankruptcy, involuntary transfer or other similar interest shall not entitle the holder of the interest to any benefit under the contract.

§ 402.5 Good faith reliance on misrepresentation.

Notwithstanding any other provision of the raisin insurance contract, whenever:

(a) An insured under a contract of crop insurance entered into under these regulations, as a result of a misrepresentation or other erroneous action or advice by an agent or employee of the Corporation: (1) Is indebted to the Corporation for additional premiums; or (2) has suffered a loss to a crop which is not insured or for which the insured is not entitled to an indemnity because of failure to comply with the terms of the insurance contract, but which the insured believed to be insured, or believed the terms of the insurance contract to have been complied with or waived; and

(b) The Board of Directors of the Corporation, or the Manager in cases involving not more than $100,000.00, finds that: (1) An agent or employee of the Corporation did in fact make such misrepresentation or take other erroneous action or give erroneous advice; (2) said insured relief thereon in good faith; and (3) to require the payment of the additional premiums or to deny such insured's entitlement to the indemnity would not be fair and equitable, such insured shall be granted relief the same as if otherwise entitled thereto;

Requests for relief under this section must be submitted to the Corporation in writing.

§ 402.6 The contract.

The insurance contract shall become effective upon the acceptance by the Corporation of a duly executed application for insurance on a form prescribed by the Corporation. The contract shall cover the raisin crop as provided in the policy. The contract shall consist of the application, the policy, and the county actuarial table. Any changes made in the contract shall not affect its continuity from year to year. The forms referred to in the contract are available at the applicable service offices.

§ 402.7 The application and policy.

(a) Application for insurance on a form prescribed by the Corporation may be made by any person to cover such person's share in the raisin crop as landlord, owner-operator, or tenant. The application shall be submitted to the Corporation at the service office on or before the applicable closing date on file in the service office.

(b) The Corporation may discontinue the acceptance of applications in any country upon its determination that the insurance risk is excessive, and also, for the same reason, may reject any individual application. The Manager of the Corporation is authorized in any crop year to extend the closing date for submitting applications in any county, by placing the extended date on file in the applicable service offices and publishing a notice in the **Federal Register** upon the Manager's determination that no adverse selectivity will result during the period of such extension. However, if adverse conditions should develop during such period, the Corporation will immediately discontinue the acceptance of applications.

(c) In accordance with the provisions governing changes in the contract contained in policies issued under FCIC regulations for the 1985 and succeeding crop years, a contract in the form provided for in this subpart will come into effect as a continuation of a raisin contract issued under such prior regulations, without the filing of a new application.

(d) The application for the 1985 and succeeding crop years is found at Subpart D of Part 400—General Administrative Regulations (7 CFR 400.37, 400.38) and may be amended from time to time for subsequent crop years. The provisions of the Raisin Insurance Policy for the 1985 and succeeding crop years are as follows:

DEPARTMENT OF AGRICULTURE

Federal Crop Insurance Corporation

Raisin—Crop Insurance Policy

(This is a continuous contract. Refer to Section 16.)

AGREEMENT TO INSURE: We will provide the insurance described in this policy in return for the premium and your compliance with all applicable provisions.

Throughout this policy, "you" and "your" refer to the insured shown on the accepted Application and "we," "us," and "our" refer to the Federal Crop Insurance Corporation.

Terms and Conditions

1. Causes of loss.

a. The insurance provided is against the unavoidable loss of production resulting from rain, occuring within the insurance period, to raisins while in the vineyard, on trays, or in rolls for drying unless limited by the actuarial table.

b. We will not insure against any loss of production due to:

(1) The neglect, mismanagement, or wrongdoing by you, any member of your household, your tenants or employees;

(2) The failure to follow recognized good raisin management practices;

(3) The impoundment of water by any governmental, public, or private dam or reservoir project; or

(4) Any cause other than rain.

2. Tonnage and share insured.

a. The crop insured for each crop year will be raisins of the grape varieties for which an amount of insurance and premium rate are provided by the actuarial table.

b. The tonnage insured for each crop year will be the tonnage in which you have a share, as reported by you or as determined by us, whichever we elect.

c. Raisins laid on trays after September 20 will not be insured.

d. The insured share will be your share as landlord, owner-operator, or tenant in the insured raisins at the time insurance attaches.

e. We do not insure any raisins which are placed on trays after the date specified by the actuarial table.

f. We do not insure any raisins from table grapes (or any raisins that have had manual, mechanical, or chemical treatment to produce table grape sizing) unless we agree in writing to insure such raisins.

3. Report of tray count, tonnage, and share.

You must report on our form:

a. For all raisins which are not damaged, the net tons of insured raisins produced in the county in which you have a share and your share as soon as delivery records are available;

b. For insured raisins which are damaged:

(1) The name of the variety;

(2) The location of the vineyard;

(3) The number of trays upon which the raisins have been placed for drying; and

(4) Your share.

You must report separately any tonnage that is not insurable. You must report if you do not have a share in any insurable tonnage in the county. This report must be submitted annually on or before March 1. Indemnities may be determined on the basis of information you have submitted on this report. If you do not submit this report by the reporting date, we may determine by unit the insured tonnage and share or we may deny liability on any unit. Any report submitted by you may be revised only upon our approval.

4. Amount of insurance and coverage levels.

a. The amounts of insurance and coverage levels are contained in the actuarial table.

b. Coverage level 2 will apply if you do not elect a coverage level.

c. You may change the amount of insurance and coverage level on or before the closing date for submitting applications for the crop year as established by the actuarial table.

d. The amount of insurance for the unit will be determined by multiplying the insured tonnage times the amount of insurance per ton, times your share. Insured tonnage is determined by:

(1) For raisins not damaged by rain, the delivered tonnage; or

(2) For raisins damaged by rain, by adding delivered tonnage, if any, to any verifiable loss of production due to rain damage in the vineyard. Tray weight will be used to establish tons only if some raisins are not removed from the vineyard. Raisin tonnage damaged by rain which is reconditioned and fails and is not reconditionable or is delivered for distilling or other use will be reduced .12 percent for each .10 percent moisture in excess of 16 percent.

5. Annual premium.

a. The annual premium is earned and payable on the date insurance attaches. The amount is computed by multiplying the amount of insurance times the premium rate, times the insured tonnage, times your share on the date insurance attaches.

b. Interest will accrue at the rate of one and one-half percent (1½%) simple interest per calendar month, or any part thereof, on any unpaid premium balance starting on the first day of the month following the first premium billing date.

c. If you are eligible for a premium reduction in excess of 5 percent based on your insuring experience through the 1983 crop year under the terms of the experience table contained in the raisin policy in effect for the 1984 crop year, you will continue to receive the benefit of that reduction subject to the following conditions:

(1) No premium reduction will be retained after the 1989 crop year.

(2) The premium reduction will not increase because of favorable experience.

(3) The premium reduction will decrease because of unfavorable experience in accordance with the terms of the policy in effect for the 1984 crop year.

(4) Once the loss ratio exceeds .80, no further premium reduction will apply.

(5) Participation must be continuous.

6. Deductions for debt.

Any unpaid amount due us may be deducted from any indemnity payable to you or from any loan or payment due you under any Act of Congress or program administered by the United States Department of Agriculture or its Agencies.

7. Insurance period.

Insurance attaches at the time the raisins are placed on the trays for drying and ends the earlier of:

a. October 20; or

b. the date the raisins are boxed or removed from the vineyard.

8. Notice of damage or loss.

a. If you are going to claim an indemnity on any unit, we must be given notice within 72 hours from the time the rain fell on the raisins.

b. We may reject any claim for indemnity if such damage is not reported within 72 hours or if you fail to comply with any of the requirements of section 9.

9. Claim for indemnity.

a. Any claim for indemnity must be submitted to us on our form not later than March 31 after the calendar date for the end of the insurance period.

b. We will not pay any indemnity unless you:

(1) Establish the total production of raisins on the unit and that any loss of production was directly caused by rain during the insurance period;

(2) Authorize us in writing to examine and obtain any records pertaining to the production and/or marketing of the insured raisins under this contract from the raisin packer, raisin reconditioner and/or the Raisin Administrative Committee established under order of the United States Department of Agriculture; and

(3) Furnish all information we require concerning the loss.

c. The indemnity will be determined on each unit by:

(1) Multiplying the insured tonnage of raisins by the amount of insurance per ton;

(2) Subtracting therefrom the total value of all insured damaged and undamaged raisins; and

(3) Multiplying this result by your share.

d. Undamaged raisins or raisins damaged solely by uninsured causes will be valued at the 100 percent of the field price or the amount of insurance, whichever is higher.

e. Raisins damaged partially by rain and partially by uninsured causes will be valued at the highest prices obtainable, subject to an adjustment for any reduction in value due to uninsured causes.

f. Raisins damaged by rain, but which are reconditioned and meet Raisin Administrative Committee (RAC) standards for raisins, will be valued at 100 percent of the field price or the amount of insurance, whichever is higher. An allowance for reconditioning will be deducted from that value only with our prior written consent to reconditioning. The allowance for reconditioning will be made only when the raisins have been inspected by the USDA and due to rain damage while on the tray are found to contain mold, embedded sand, or excessive moisture, or micro-analysis in excess of RAC tolerances. For raisins which contain excessive moisture due to rain, the reconditioning allowance will be made only when the moisture is in excess of 18.0 percent as determined by us and with our consent the raisins are wash and dry reconditioned. The maximum allowance for reconditioning is contained in the acturial table, but the total reconditioning allowance will not exceed the value of the raisins after reconditioning. We may require you to recondition a representative sample of not more than 10 tons of raisins to determine if they meet RAC standards for marketable raisins. On the basis of determinations made after such sampling, we may require you to recondition all raisins, or we may value such raisins at 100 percent of the field price or the amount of insurance, whichever is higher. If the representative sample does not meet RAC standards for marketable raisins, the cost of reconditioning the sample will be deducted from the total valve of the raisins for the unit.

h. The value to count for any raisins produced on the unit and not removed from the vineyard will be the larger of the appraised salvage value of $35.00 per ton. You must box and deliver any raisins that can be removed from the vineyard.

i. We may acquire all of the right and title to your share of any raisins damaged by rain. In such event, the raisins will be valued at "zero" in determining the amount of loss and we will have the right of ingress or egress to the extent necessary to take possession of, care for, and remove such raisins.

j. Raisins destroyed without inspection or put to another use without consent will be valued at the amount of insurance.

k. You must not abandon any tonnage to us.

l. You may not sue us unless you have complied with all policy provisions. If a claim is denied, you may sue us in the United States District Court under the provisions of 7 U.S.C. 1508(c). You must bring suit within 12 months of the date notice of denial is received by you.

m. We have a policy for paying your indemnity within 30 days of our approval of your claim or entry of a final judgment against us. We will, in no instance, be liable for the payment of damages, attorney's fee, or other charges in connection with any claim for indemnity, whether we approve or disapprove such claim. We will, however, pay simple interest computed on the net indemnity ultimately found to be due by us or by a final judgment from and including the 61st day after the date you sign, date, and submit to us the properly completed claim for indemnity form, if the reason for our failure to timely pay is not due to your failure to provide information or other material necessary for the computation or payment of the indemnity. The interest rate will be that established by the Secretary of the Treasury under section 12 of the Contract Disputes Act of 1978 (41 U.S.C. 611), and published in the **Federal Register** semi-annually on or about January 1 and July 1. The interest rate to be paid on any indemnity will vary with the rate announced by the Secretary of the Treasury.

n. If you die, disappear, or are judicially declared incompetent, or if you are an entity other than an individual and such entity is dissolved after the date insurance attaches for any crop year, and indemnity will be paid to the person(s) we determine to be beneficially entitled thereto.

10. Concealment or fraud.

We may void the contract on all crops insured without affecting your liability for premiums or waiving any right, including the right to collect any amount due us if, at any time, you have concealed or misrepresented any material fact or committed any fraud relating to the contract. Such voidance will be effective as of the beginning of the crop year with respect to which such act or omission occurred.

11. Transfer of right to indemnity on insured share.

If you transfer any part of your share during the crop year, you may transfer your right to an indemnity. The transfer must be on our form and approved by us. We may collect the premium from either you or your transferee or both. The transferee will have all rights and responsibilities under the contract.

12. Assignment of indemnity.

You may assign to another party your right to an indemnity for the crop year only on our form and with our approval. The assignee will have the right to submit the loss notices and forms required by the contract.

13. Subrogation. (Recovery of loss from a third party.)

Because you may be able to recover all or a part of your loss from someone other than us, you must do all you can to preserve any such rights. If we pay you for your loss, then your right of recovery will at our option belong to us. If we recover more than we paid you plus our expenses, the excess will be paid to you.

14. Records and access to vineyard.

You must keep, for 2 years after the time of loss, records of the insured, uninsured and planted acreage in your vineyard operation. Any person designated by us will have access to such records and the vineyard for purposes related to the contract.

15. Other insurance.

If in any crop year, you obtain any other insurance on any unit against rain damage or loss, this contract will be voided for that crop year on such unit if such other insurance is obtained before insurance attaches under this contract.

16. Life of Contract: cancellation and termination.

a. This contract will be in effect for the crop year specified on the application and may not be canceled by you for such crop year. Thereafter, the contract will continue in force for each succeeding crop year unless canceled or terminated as provided in this section.

b. This contract may be canceled by either you or us for any succeeding crop year by giving written notice on or before the cancellation date preceding such crop year.

c. This contract will terminate as to any crop year if any amount due us on this or any other contract with you is not paid on or before the termination date preceding such crop year for the contract on which the amount is due. The date of payment of the amount due:

(1) If deducted from an idemnity claim will be the date you sign such claim; or

(2) If deducted from payment under another program administered by the United States Department of Agriculture will be the date such other payment was approved.

d. The cancellation and termination dates are July 31.

e. If you die or are judicially declared incompetent, or if you are an entity other than an individual and such entity is dissolved, the contract will terminate as of the date of death, judicial declaration, or dissolution. *However*, if such event occurs after insurance attaches for any crop year, the contract will continue in force through the crop year and terminate at the end thereof. Death of partner in a partnership will dissolve the partnership unless the partnership agreement provides otherwise. If two or more persons having a joint interest are insured jointly, death of one of the persons will dissolve the joint entity.

f. The contract will terminate if no premium is earned for 5 consecutive years.

17. Contract changes.

We may change any terms and provisions of the contract from year to year. If the amount of insurance you selected is no longer offered, the actuarial table will provide the amount of insurance which you will be deemed to have elected. All contract changes will be available at your service office by May 15 for the 1985 crop year and by April 30 preceding the cancellation date for succeeding crop year. Acceptance of any changes will be conclusively presumed in the absence of any notice from you to cancel the contract.

18. Meaning of terms.

For the purposes of raisin crop insurance:

a. "Actuarial table" means the forms and related material for the crop year approved by us which are available for public inspection in your service office, and which show the amounts of insurance, coverage levels, premium rates, varieties, reconditioning allowances, and related information regarding raisin insurance in the county.

b. "Contiguous land" means land which is touching at any point except that land which is separated by only a public or private right-of-way will be considered contiguous.

c. "County" means the county shown on the application and any additional land located in a local producing area bordering on the county, as shown by the actuarial table.

d. "Crop year" means the calendar year in which the raisins are placed on trays for drying.

e. "Insured" means the person who submitted the application accepted by us.

f. "Loss ratio" means the ratio of indemnity(ies) to premium(s).

g. "Net ton" means a ton of raisins delivered to and paid for by the processor.

h. "Person" means an individual, partnership, association, corporation, estate, trust, or other business enterprise or legal entity, and wherever applicable, a State, a political subdivision of a State, or any agency thereof.

i. "Raisins" means grapes of specific varieties listed in the actuarial table which are laid on trays or rolls in the vineyard to dry.

j. "Raisin tonnage report" means a form prescribed by us for annually reporting all your share of and tonnage of raisins in the county.

k. "Service office" means the office servicing your contract as shown on the application for insurance or such other approved office as may be selected by you or designated by us.

l. "Table grapes" mean grapes which are grown for commercial sales as fresh grapes on acreage on which the cultural practices to produce fresh marketable grapes were carried out.

m. "Tenant" means a person who rents land from another person for a share of the raisins or a share of the proceeds therefrom.

n. "Ton" means 2,000 pounds. Raisin tonnage may be computed on the basis of one ton of raisins insured for every four and a half tons of fresh grapes when first placed on trays for drying.

o. "Unit" means all insurable acreage of the same grape variety, located on contiguous land, on the date insurance attaches for the crop year:

(1) In which you have a 100 percent share; or

(2) Which is owned by one entity and operated by another entity on a share basis. Land rented for cash, a fixed commodity payment, or any consideration other than a share in the raisins on such land will be considered owned by the lessee. Land which would otherwise be one unit may be divided according to applicable guidelines on file in

your service office or by written agreement with us. Units as defined herein will be determined when the tonnage is reported. Errors in reporting such units may be corrected by us to conform to applicable guidelines when adjusting a loss. We may consider any tonnage and share thereof reported by or for your spouse or child or any member of your household to be your bona fide share our the bona fide share of any other person having an interest therein.

p. "USDA inspection" means the actual determination by a USDA inspector of all defects. Limited inspections are not considered inspections.

19. Descriptive headings.

The descriptive headings of the various policy terms and conditions are formulated for convenience only and are not intended to affect the construction or meaning of any of the provisions of the contract.

20. Determinations.

All determinations required by the policy will be made by us. If you disagree with our determinations, you may obtain reconsideration of or appeal those determinations in accordance with Appeal Regulations.

21. Notices.

All notices required to be given by you must be in writing and received by your service office within the designated time unless otherwise provided by the notice requirement. Notices required to be given immediately may be by telephone or in person and confirmed in writing. Time of the notice will be determined by the time of our receipt of the written notice.

Done in Washington, D.C., on February 12, 1985.

Peter F. Cole,

Secretary, Federal Crop Insurance Corporation.

Dated: April 19, 1985.

Approved by:

Edward Hews,

Acting Manager.

[FR Doc. 85-9917 Filed 4-23-85; 8:45 am]

BILLING CODE 4810-06-M

FEDERAL HOME LOAN BANK BOARD

12 CFR PART 563

[No. 85-287]

Insurance of Accounts; Distribution of ARM Information

Dated: April 17, 1985.

AGENCY: Federal Home Loan Bank Board.

ACTION: Proposed rule.

SUMMARY: The Board of Governors of the Federal Reserve System and the Federal Home Loan Bank Board, in conjunction with other federal agencies and interested parties, have published a booklet containing information for consumers about adjustable-rate mortgage loans. Because safe and sound lending requires borrower awareness, the Board is now proposing that this publication be distributed by all insured institutions in connection with such loans.

DATE: Comments must be received by June 25, 1985.

ADDRESS: Send comments to Director, Information Services Section, Office of the Secretariat, Federal Home Loan Bank Board, 1700 G Street NW., Washington, D.C. 20552. Comments will be available for inspection at this address.

FOR FURTHER INFORMATION CONTACT: Wendy B. Samuel, Deputy Director, Regulations and Legislation Division, Office of General Counsel, (202) 377-6445, Federal Home Loan Bank Board, 1700 G Street NW., Washington, D.C. 20552.

SUPPLEMENTARY INFORMATION: Pursuant to section 407 of the National Housing Act, 12 U.S.C. 1730 (1982), the Federal Home Loan Bank Board ("Board"), as operating head of the Federal Savings and Loan Insurance Corporation ("Corporation" or ("FSLIC"), has authority to ensure the sound and safe operation of institutions the accounts of which are insured by the FSLIC ("insured institutions"). The popularity and widespread availability of a variety of adjustable-rate mortgages ("ARMS") are a recent development in the home finance arena. At the same time, compared to fixed-rate mortgages, these ARMs present borrowers with unfamiliar and complicated options regarding changing payments, terms and amortization. It is the Board's belief that an integral part of safe, sound and prudent lending on adjustable-rate home mortgage loans is ensuring that the borrower has a full understanding of the type of obligation being incurred in order to make a reasonable and meaningful decision concerning ability and willingness to repay. Although a responsible lender must also make an independent determination of the borrower's ability and commitment to repay the loan, the Board believes that the borrower's informed agreement is essential to a successful loan relationship. This requires, in turn, that the borrower fully understand the current and potential obligations under the loan arrangement. While the unpredictable nature of future payments on ARMs and the prospect of unforeseen changes in the borrower's circumstances always admit the possibility that a borrower will be unable at some future date to meet such obligations, the Board believes that this result is much less likely where the borrower is fully cognizant of the terms of the mortgage at its inception. Such an understanding will do much to avoid "payment shock," and to preclude the borrower's reduced commitment to repayment based on a perception of unfair and unanticipated disadvantage.

The proposed regulation would require insured institutions to disclose to certain borrowers the general nature of the ARM device, in simple terms, including references to all the significant features of this instrument. Because this information is intended to aid the consumer in making a decision about an ARM, the proposed regulation would provide that the information must be distributed as early as possible, and in any event before acceptance of an application involving payment of a fee.

The proposal would require distribution of this information only to loan applicants who are natural persons and only in connection with applications for ARMs secured by the applicant's own home or the home of an immediate family member. Disclosure would be required only where the home is the principal residence of the borrower or a member of his immediate family, and thus would not affect applications for loans secured by second homes, vacation homes, or investment properties. While distribution would be required in conjunction with applications for loans secured by both first and junior liens, it would not apply to applications for loans secured by the home where the lender is not relying primarily on the home for repayment of the loan (i.e., consumer loans). The Board specifically requests comments as to whether it has appropriately designated loan applicants who should receive this disclosure.

The Board does not anticipate that the proposed regulation would impose a significant burden on insured institutions, primarily because the information required to be disseminated is already available to lenders for distribution in the form of the booklet titled "Consumer Handbook on Adjustable Rate Mortgages". This publication was prepared in response to consumer need for information on adjustable-rate mortgages by the Federal Reserve Board and the Federal Home Loan Bank Board, in consultation with other federal agencies, trade associations and industry and consumer representatives. This booklet defines terms commonly associated with adjustable-rate mortgage loans and provides clear guidance about the various aspects of ARMs such as payment caps and negative amortization. It also gives examples of changes in the index used to determine

interest-rate or payment adjustments, and their effect on the interest rate and payments. This guide, while not the only source available to home buyers considering an ARM, does provide sufficient information to assist them in making an informed decision as to whether an ARM is appropriate for them and whether the ARM being offered is one they want can afford, and its distribution would therefore be one method of complying with the proposed requirement. The Board also specifically requests commenters to identify other materials which may provide the necessary information. In this connection, the Board notes that the proposed disclosure requirement is not intended to be a substitute for the disclosures required under 12 CFR 545.33(f) (1984) or other applicable law of regulations.

Initial Regulatory Flexibility Analysis

Pursuant to section 3 of the Regulatory Flexibility Act, Pub. L. 96–354, 94 Stat. 1164 (1980), the Board is providing the following regulatory flexibility analysis:

1. *Reasons, objectives, and legal basis underlying the proposed rule.* These elements are incorporated above in Supplementary Information regarding the proposal.

2. *Small entities to which proposed rule would apply.* The proposed rule would apply to all institutions the accounts of which are insured by the FSLIC.

3. *Impact to the proposed rule on small institutions.* The proposed rule would benefit borrowers from insured institutions of all sizes, and would not constitute a significant regulatory burden on lenders.

4. *Overlapping or conflicting federal rules.* While Federal rules requiring instrument-specific mortgage disclosures may be somewhat duplicative with the proposal, they are distributed at a different point in the lending process and have somewhat different purpose.

5. *Alternatives to the proposed rule.* There are no alternatives which would ensure a commensurate level of borrower awareness in the adjustable-rate mortgate lending process with a lesser effect on the affairs of insured institutions.

List of Subjects in 12 CFR Part 563

Savings and loan associations, Federal Home Loan Bank Board, Federal Savings and Loan Insurance Corporation.

Accordingly, the Federal Home Loan Bank Board hereby proposes to amend Part 563, Subchapter D, Chapter V of Title 12, Code of Federal Regulations, as set forth below.

SUBCHAPTER D—REGULATIONS OF THE FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

PART 563—OPERATIONS

Add a new § 563.9–9 as follows:

§ 563.9–9 Adjustable-rate mortgage loan disclosures.

(a) *Definitions.* For purposes of this action:

(1) "Adjustable-rate mortgage loan" means a mortgage loan providing for adjustments to the interest rate, payment, balance or term to maturity;

(2) "Home" means real estate comprised of a single-family dwelling or dwelling units for four or fewer families in the aggregate, including manufactured housing, condominiums, and shares of a non-profit residential cooperative-housing association;

(3) "Applicant" means a natural person;

(4) "Receipt of an application" is the time at which the applicant becomes obligated to pay a nonrefundable fee.

(b) An insured institution shall, before receipt of an application for an adjustable-rate mortgage loan secured by a home that is or is to become the principal place of residence of the applicant or of a member of the applicant's immediate family, provide to each applicant a clear and concise description of the nature of the loan being offered. This disclosure shall be made in terms readily understandable by the layman and shall include a description of all significant loan terms.

(c) The booklet titled "Consumer Handbook on Adjustable Rate Mortgages" published by the Federal Reserve Board and the Federal Home Loan Bank Board in consultation with other government agencies and private-sector interests constitutes a disclosure in compliance with the requirements of paragraph (b) of this section.

(d) *Exception.* Disclosure is not required in connection with a consumer loan as defined in § 561.38 of this subchapter even where it is secured by a home, or in connection with any other loan where the home is not the primary security for the loan.

(Sec. 17, 47 Stat. 736, as amended (12 U.S.C. 1437); sec. 202, 96 Stat. 1469; sec. 409, 94 Stat. 160; secs. 402, 403, 407, 48 Stat. 1256, 1257, 1260, as amended (12 U.S.C. 1725, 1726, 1730); 1947 Reorg. Plan No. 3, 12 FR 4981, 3 CFR 1071 (1943–48 Comp.))

By the Federal Home Loan Bank Board.

Jeff Sconyers,

Secretary.

[FR Doc. 85–9739 Filed 4–23–85; 8:45 am]

BILLING CODE 6720–01–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 85–AWP–1]

Proposed Alterations to VOR Federal Airways; Hawaii

April 25, 1985.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to revoke two and alter 11 Federal Airways in the state of Hawaii as necessitated by the relocation of the Honolulu, HI, very high frequency omni-range and tactical air navigation (VORTAC) facility. Complementary actions to revoke and establish new Compulsory Reporting Points associated with this notice are being proposed in a separate Airspace Docket No. 85–AWP–6.

DATE: Comments must be received on or before June 10, 1985.

ADDRESSES: Send comments on the proposal in triplicate to: Director, FAA, Western-Pacific Region, Attention: Manager, Air Traffic Division, Docket No. 85–AWP–1, Federal Aviation Administration, P.O. Box 92007, Worldway Postal Center, Los Angeles, CA 90009.

The official docket may be examined in the Rules Docket, weekdays, except Federal holidays, between 8:30 a.m. and 5:00 p.m. The FAA Rules Docket is located in the Office of the Chief Counsel, Room 916, 800 Independence Avenue, SW., Washington, D.C.

An informal docket may also be examined during normal business hours at the office of the Regional Air Traffic Division.

FOR FURTHER INFORMATION CONTACT: Gene Falsetti, Airspace and Air Traffic Rules Branch (ATO–230), Airspace-Rules and Aeronautical Information Division, Air Traffic Operations Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 426–8783.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in

developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposal. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 85–AWP–1." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM's

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA–430, 800 Independence Avenue, SW., Washington, D.C. 20591, or by calling (202) 426–8058. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list of future NPRM's should also request a copy of Advisory Circular No. 11–2 which describes the application procedure.

The Proposal

The FAA is considering an amendment to §71.127 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to revoke in the state of Hawaii V–9 and V–14 and alter V–11, V–12, V–13, V–15, V–16, V–2, V–20, V–21, V–22, V–4, and V–8. For the most part, these actions are necessitated by the relocation of the Honolulu, HI, VORTAC. In some cases, they also reflect the codification of routes requested by airspace users and assigned by air traffic controllers. In addition, in the interest of standardization, the base altitude of certain airways would be lowered to the standard altitude of 1,200 feet above the surface as described in § 71.5. Associated with this proposal, certain Compulsory Reporting Points are proposed to be revoked and new ones established under Airspace Docket No. 85–AWP–6. Section 71.127 of Part 71 of the Federal Aviation Regulations was republished in Handbook 7400.6A dated January 2, 1985.

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore: (1) Is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

ICAO Considerations

As part of this proposal relates to navigable airspace outside the United States, this notice is submitted in consonance with the International Civil Aviation Organization (ICAO) International Standards and Recommended Practices.

Applicability of International Standards and Recommended Practices by the Air Traffic Operations Service, FAA, in areas outside domestic airspace of the United States is governed by Article 12 of, and Annex 11 to, the Convention on International Civil Aviation, which pertains to the establishment of air navigational facilities and services necessary to promoting the safe, orderly, and expeditious flow of civil air traffic. Their purpose is to ensure that civil flying on international air routes is carried out under uniform conditions designed to improve the safety and efficiency of air operations.

The International Standards and Recommended Practices in Annex 11 apply in those parts of the airspace under the jurisdiction of a contracting state, derived from ICAO, wherein air traffic services are provided and also whenever a contracting state accepts the responsibility of providing air traffic services over high seas or in airspace of undetermined sovereignty. A contracting state accepting such responsibility may apply the International Standards and Recommended Practices in a manner consistent with that adopted for airspace under its domestic jurisdiction.

In accordance with Article 3 of the Convention on International Civil Aviation, Chicago, 1944, state aircraft are exempt from the provisions of Annex 11 and its Standards and Recommended Practices. As a contracting state, the United States agreed by Article 3(d) that its state aircraft will be operated in international airspace with due regard for the safety of civil aircraft.

Since this action involves, in part, the designation of navigable airspace outside the United States, the Administrator is consulting with the Secretary of State and the Secretary of Defense in accordance with the provisions of Executive Order 10854.

List of Subjects in 14 CFR Part 71

VOR Federal airways, Aviation safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amended § 71.127 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as follows:

PART 71—[AMENDED]

V–11 [Revised]

From INT Kona, HI, 323°T(312°M) and Upolu Point, HI, 211°T(200°M) radials: via Upolu Point; INT Upolu Point 349°T(338°M) and Maui, HI, 080°T(069°M) radials; to Maui.

V–12 [Revised]

From INT South Kauai, HI, 245 °T(234 °M) radial and long. 161°23'22" W., via INT South Kauai 245 °T(234 °M) and Honolulu, HI, 269 °T(258 °M) radials; Honolulu; Koko Head, HI, to INT Koko Head 050 °T(039 °M) and Upolu Point, HI, 354 °T(343 °M) radials.

V–13 [Revised]

From Koko Head, HI, via INT Koko Head 050°T(039 °M) and Molokai, HI, 015 °T(004 °M) radials to INT Molokai 015 °T(004 °M) and lat. 22°46'00" N.

V–14 [Revoked]

V–15 [Revised]

From INT South Kauai, HI, 288 °T(277 °M) radial and long. 163°37'11" W., via South Kauai; Lihue, HI; INT Lihue 121 °T(110 °M) and Honolulu, HI, 269 °T(258 °M) radials; Honolulu; Koko Head, HI; Molokai, HI; Maui, HI; INT Maui 095 °T(084 °M) and Hilo, HI, 336 °T(325 °M) radials; Hilo to INT Hilo 099 °T(088 °M) radial and long. 151°53'00" W.,

V–16 [Revised]

From INT South Kaui, HI, 271 °T(260 °M) radial and long. 162°45'28" W., via South Kauai; INT South Kauai 122 °T(110 °M) and Lanai, 289 °T(278 °M) radials; Lanai; Upolu Point, HI; INT Upolu Point 108 °T(097 °M) and Hilo, HI, 336 °T(325 °M) radials; to Hilo.

V–2 [Amended]

By removing the words "South Kauai, HI, Lihue, HI, INT Lihue 130° and Honolulu, HI, 269° radials; Honolulu;" and substituting the words "Honolulu, HI, via"

V–20 [Amended]

By removing "134°" and substituting "136°"

V–21 [Revised]

From Honolulu, HI, via INT Honolulu 182 °T(171 °M) and Lanai, Hi, 289 °T(278 °M) radials; Lanai; INT Lanai 106 °T(095 °M) and Hilo, HI, 033 °T(022 °M) radials; INT Upolu Point, HI, 093 °T(082 °M) and Hilo 078 °T(067 °M radials; to INT Hilo 078 °T(067 °M) and long. 152°14'00" W. The airspace within R–3104 is excluded.

V–22 [Revised]

From Molokai, HI, via INT Molokai 082 °T(071 °M) and Maui, HI, 331 °T(320 °M) radials; Maui; INT Maui 095 °T(084 °M) and Hilo, HI, 321 °T(310 °M) radials; Hilo; to INT Hilo 078 °T(067 °M) radial and long. 152°14'00" W.

V–4 [Revised]

From Honolulu, HI, to INT Honolulu 252 °T(241° M) radial and long. 160°48'07" W.

V–8 [Revised]

From Honolulu, HI, via INT Honolulu 182 °T(171 °M) and Molokai, HI, 265 °T(254 °M) radials; Molokai; to INT Molokai 067 °T(056 °M) and Upolu Point, HI, 010 °T(359 °M) radials.

V–9 [Revoked]

(Secs. 307(a), 313(a), and 1110, Federal Aviation Act of 1958 (49 U.S.C. 1348(a), 1354(a), and 1510); Executive Order 10854 (24 FR 9565); (49 U.S.C. 106(g) (Revised, Pub. L. 97–449, January 12, 1983)); and 14 CFR 11.65)

Issued in Washington, D.C., on April 18, 1985.

John W. Baier,

Acting Manager, Airspace—Rules and Aeronautical Information Division.

[FR Doc. 85–9829 Filed 4–23–85; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 71

[Airspace Docket No. 85–AWP–6]

Proposed Revocation and Establishment of Compulsory Reporting Points; Hawaii

April 25, 1985.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to revoke seven Compulsory Reporting Points and estalish seven others over the Pacific Ocean primarily west and southwest of the state of Hawaii. This proposal is complementary to a proposal issued under Airspace Docket No. 85–AWP–1 which would revoke two and alter 11 Federal Airways. Both docket actions are necessitated by the relocation of the Honolulu, HI, very high frequency omni-range and tactical air navigation (VORTAC) facility.

DATES: Comments must be received on or before June 10, 1985.

ADDRESSES: Send comments on the proposal in triplicate to: Director, FAA, Western-Pacific Region, Attention: Manager, Air Traffic Division, Docket No. 85–AWP–6, Federal Aviation Administration, P.O. Box 92007, Worldway Postal Center, Los Angeles, CA 90009.

The official docket may be examined in the Rules Docket, weekdays, except Federal holidays, between 8:30 a.m. and 5:00 p.m. The FAA Rules Docket is located in the Office of the Chief Counsel, Room 916, 800 Independence Avenue, SW., Washington, D.C.

An informal docket may also be examined during normal business hours at the office of the Regional Air Traffic Division.

FOR FURTHER INFORMATION CONTACT: Gene Falsetti, Airspace and Air Traffic Rules Branch (ATO–230), Airspace-Rules and Aeronautical Information Division, Air Traffic Opeations Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 426–8783.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposal. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 85–AWP–6." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM's

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA–430, 800 Independence Avenue, SW., Washington, D.C. 20591, or by calling (202) 426–8058. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11–2 which describes the application procedure.

The Proposal

The FAA is considering an amendment to § 71.215 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to: (1) Revoke the following Compulsory Reporting Points: BROMS, SILLS, MAKAI, VANDA, POTEN, DOGGY, PALMS; and (2) establish seven Compulsory Reporting Points on routes which are established Oceanic Tracks or proposed as VOR Federal Airway alterations. The new Compulsory Reporting Points are: (1) CHOKO, on R–84 at 175 nautical miles southwest of the Honolulu VORTAC; (2) KATHS, on revised V–12 at 115 nautical miles southwest of the South Kauai VORTAC; (3) NONNI, on revised V–12 at 175 nautical miles west/southwest of the Honolulu VORTAC; (4) SILVA, on revised V–16 at 180 nautical miles west of the South Kauai VORTAC; (5) PADDI, on G–47 and B–75 at 181 nautical mile southwest of the Honolulu VORTAC; (6) NIEMO on A–79 at 183 nautical miles southwest of the Honolulu VORTAC; and (7) SHILA on B–74 and B–80 at 185 nautical miles southwest of the Honolulu VORTAC. Establishment of these Compulsory Reporting Points would enable air traffic controllers to automatically and accurately identify when a transfer of responsibility has taken place between Honolulu Air Route Traffic Control Center and outlying air traffic control facilities. Section 71.215 of Part 71 of the Federal Aviation Regulations was republished in Handbook 7400.6A dated January 2, 1985.

The FAA has determined that this proposed regulation only involves an established body of technical

regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore: (1) Is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

ICAO Considerations

As part of this proposal relates to navigable air space outside the United States, this notice is submitted in consonance with the International Civil Aviation Organization (ICAO) International Standards and Recommended Practices.

Applicability of International Standards and Recommended Practices by the Air Traffic Operations Service, FAA, in areas outside domestic airspace of the United States is governed by Article 12 of, and Annex 11 to, the Convention on International Civil Aviation, which pertains to the establishment of air navigational facilities and services necessary to promoting the safe, orderly, and expeditious flow of civil air traffic. Their purpose is to ensure that civil flying on international air routes is carried out under uniform conditions designed to improve the safety and efficiency of air operations.

The International Standards and Recommended Practices in Annex 11 apply in those parts of the airspace under the jurisdiction of a contracting state, derived from ICAO, wherein air traffic services are provided and also whenever a contracting state accepts the responsibility of providing air traffic services over high seas or in airspace of undetermined sovereignty. A contracting state accepting such responsibility may apply the International Standards and Recommended Practices in a manner consistent with that adopted for airspace under its domestic jurisdiction.

In accordance with Article 3 of the Convention on International Civil Aviation, Chicago, 1944, state aircraft are exempt from the provisions of Annex 11 and its Standards and Recommended Practices. As a contracting state, the United States agreed by Article 3(d) that its state aircraft will be operated in international airspace with due regard for the safety of civil aircraft.

Since this action involves, in part, the designation of navigable airspace outside the United States, the Administrator is consulting with the Secretary of State and the Secretary of Defense in accordance with the provisions of Executive Order 10854.

List of Subjects in 14 CFR Part 71

Compulsory reporting points, Aviation safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend § 71.215 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as follows:

PART 71—[AMENDED]

§ 71.215 [Amended]

BROMS [Revoked]

SILLS [Revoked]

MAKAI [Revoked]

VANDA [Revoked]

POTEN [Revoked]

DOGGY [Revoked]

PALMS [Revoked]

CHOKO: [New]

Lat. 20°22'51" N., long. 160°53'09" W.

KATHS: [New]

INT South Kauai, HI. 245 °T(234 °M) radial and long. 161°23'22" W.

NONNI: [New]

INT South Kauai, HI. 245 °T(234 °M) and Honolulu, HI. 269 °T(258 °M) radial.

SILVA: [New]

INT South Kauai, HI. 271 °T(260 °M) radial and long. 162°45'28" W.

PADDI: [New]

Lat. 18°25'43" N., long. 158°54'47" W.

NIEMO: [New]

Lat. 18°53'51" N., long. 159°54'46" W.

SHILA: [New]

Lat. 19°33'33" N., long. 160°38'22" W.

(Secs. 307(a), 313(a), and 1110, Federal Aviation Act of 1958 (49 U.S.C. 1348(a), 1354(a), and 1510); Executive Order 10854 (24 FR 9565); (49 U.S.C. 106(g) (Revised, Pub. L. 97-449, January 12, 1983)); and 14 CFR 11.65)

Issued in Washington, D.C. on April 18, 1985.

John W. Baier,

Acting Manager, Airspace—Rules and Aeronautical Information Division.

[FR Doc. 85-9827 Filed 4-23-85; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Parts 182, 184, and 186

[Docket No. 84N-0341]

Unmodified Food Starches and Acid-Modified Starches; Proposed Affirmation of GRAS Status as Direct and Indirect Human Food Ingredients

Correction

In FR Doc. 85-7624 beginning on page 12821 in the issue of Monday, April 1, 1985, make the following corrections:

1. On page 12821, in the second column, under **FOR FURTHER INFORMATION CONTACT,** in the second line, "(HHF-335)" should read "(HFF-335)".

2. On page 12822, in the first column, in the first line, insert "used in" between "are" and "foods".

BILLING CODE 1505-01-M

UNITED STATES INFORMATION AGENCY

22 CFR Part 501

Appointment of Foreign Service Personnel

AGENCY: United States Information Agency.

ACTION: Proposed rule.

SUMMARY: The United States Information Agency is amending its regulations covering the appointment of Foreign Service personnel. These amendments establish the new procedures for employment in the Foreign Service in the United States Information Agency.

DATES: Comments must be received no later than May 24, 1985.

ADDRESS: Send comments to Teresa Poyner, Personnel Management Specialist, Policies and Services Staff, Office of Personnel, 301 4th Street, SW., Washington, D.C. 20547.

FOR FURTHER INFORMATION CONTACT: Mr. Barry Ballow, Chief, Policies and Services Staff, Office of Personnel, United States Information Agency, Washington, D.C. 20547 (202) 485-2645.

SUPPLEMENTARY INFORMATION: The Foreign Service Act of 1980, enacted October 17, 1980, revised, among other provisions, the types of and requirements for Foreign Service appointment and realigned the Foreign Service salary structure. In accordance

with the new legislation which became effective February 15, 1981, 22 CFR, Chapter V, Part 501 will be amended as follows: Addition of a new section regarding the appointment of Overseas Specialists; experience requirements being substituted for minimum age for mid level entry as an FSO Candidate; and a revision of the maximum age requirement. In accordance with Pub. L. 98–164 which deleted section 102b of the Foreign Service Act of 1980, all references to Foreign Service Information Officer have been changed to Foreign Service Officer.

List of Subjects in 22 CFR Part 501

Government employees.

E.O. 12291 Federal Regulation

USIA has determined that this is not a major rule for the purposes of E.O. 12291, Federal Regulation, because it will not result in:

(1) An annual effect on the economy of $100 million or more;

(2) A major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or

(3) Significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based interprises to compete with foreign-based enterprises in domestic or export markets.

In addition, this rule relates solely to Agency personnel and falls under section I(a)(3) of E.O. 12291.

Dated: April 16, 1985.

Charles Z. Wick,

Director, United States Information Agency.

Accordingly, 22 CFR, Chapter V, part 501, is proposed to be revised as follows:

PART 501—APPOINTMENT OF FOREIGN SERVICE OFFICERS (FSOs)

Sec

501.1 Policy.
501.2 Eligibility for appointment as Foreign Service Officer
501.3 Noncompetitive Interchange Between Civil Service and Foreign Service.
501.4 Junior Level Career Candidate Program (Class 6, 5, or 4).
501.5 Mid-Level FSO Candidate Program (Class 3, 2, or 1).
501.6 Appointment of Overseas Specialists.
501.7 Appointment as Chief of Mission.
501.8 Reappointment of Foreign Service Officers and Career Overseas Specialists.
501.9 Interchange of FSOs between USIA and other Foreign Affairs Agencies.

Authority: Foreign Service Act of 1980 (22 U.S.C. 3901 et seq.)

§ 501.1 Policy.

It is the policy of the United States Information Agency that Foreign Service Officers occupy positions in which there is a need and reasonable opportunity for interchangeability of personnel between the Agency and posts abroad, and which are concerned with: (a) The conduct, observation, or analysis of information and cultural activities, or (b) the executive management of, or administrative responsibility for, the overseas operations of the Agency's program.

§ 501.2 Eligibility for appointment as Foreign Service Officer.

Cross-Reference: The regulations governing eligibility for appointment as a Foreign Service Officer are codified in Part 11 of this title, prescribed jointly by the Department of State and the United States Information Agency.

§ 501.3 Noncompetitive Interchange Between Civil Service and Foreign Service.

(a) An agreement between the Office of Personnel Management and the Agency under the provisions of Executive Order 11219 (3 CFR 1964–65 Comp. p. 303) provides for the noncompetitive appointment of present or former Foreign Service employees as career or career conditional Civil Service employees.

(b) Under this agreement former career personnel of the Agency's Foreign Service (FSCR, FSRU, FSIO, FSS, FSO, or FP) and such present personnel desiring to transfer, are eligible, under certain conditions, for noncompetitive career or career-conditional appointment in any Federal agency that desires to appoint them. The President has authorized the Office of Personnel Management by executive order to waive the requirement for competitive examination and appointment for such Agency career Foreign Service personnel.

(c) A present or former Civil Service employee may be appointed on a competitive basis in any Foreign Service class for which the employee has qualified under the provisions of section 3947 of title 22, United States Code.

§ 501.4 Junior Level Career Candidate Program (Class 6, 5, or 4).

Cross-Reference: The regulations governing the junior level Career Candidate program are codified in Part 11 of this title, prescribed jointly by the Department of State and the United States Information Agency.

§ 501.5 Mid-level FSO Candidate Program (Class 3, 2 or 1).

(a) General. The mid-level FSO Candidate program, under the provisions of section 306 of the Foreign Service Act of 1980, supplements the junior-level Career Candidate program to meet total requirements for Foreign Service Officers at the mid-level in the Foreign Service. Foreign Service limited appointments of FSO Candidates are made to Class 3, 2 or 1 for a period not to exceed five years. Occasionally, appointments may be offered at the class 4 level. The FSO Commissioning Board will determine whether FSO Candidates have performed at a satisfactory level and demonstrated the required level of growth potential and competence, and will make a recommendation on commissioning as Foreign Service Officers. FSO Candidates who are not recommended for commissioning prior to the expiration of their limited appointment will be separated from the mid-level program.

(b) Sources of applicants. (1) The United States Information Agency draws a significant number of FSO Candidates from Agency employees who apply, and are found qualified by the Board of Examiners for the Foreign Service (BEX).

(2) The Agency also draws Candidates from outside applicants who possess skills and abilities in short supply in the Foreign Service and who have capabilities, insights, techniques, experiences, and differences of outlook which would serve to enrich the Foreign Service and enable them to perform effectively in assignments both abroad and in the United States. Minority applicants are recruited for mid-level entry under the COMRAT program. Appointment from sources outside the Agency is limited and based on intake levels established in accordance with total USIA FSO workforce and functional requirements. Such appointments are based on successful completion of the examination process, and existing assignment vacancies.

(c) Eligibility requirement. (1) *USIA employees.* On the date of application, employees must have at least three years of Federal Government service in a position of responsibility in the Agency. A position of responsibility is defined as service as an Overseas Specialist at Class 4 or above or as a Domestic Specialist at GS–11 or above within the Agency. The duties and responsibilities of the position occupied by the applicant must have been similar or closely related to those of a Foreign Service Officer in terms of knowledge, skills, abilities, and overseas experience. Agency Domestic and Overseas Specialists must be no more than 58 years of age on the date of redesignation or appointment as an FSO Candidate.

(2) *Applicants under Special Recruitment Programs.* Minority and women applicants must be no more than 58 years of age, must have approximately nine years of education or experience relevant to work performed in USIA, must be knowledgeable in the social, political and cultural history of the U.S. and be able to analyze and interpret this in relation to U.S. Government policy and American life.

(3) *Outside applicants.* On the date of appointment, applicants must be no more than 58 years of age, with nine years of relevant work experience and/or education, or proficiency in a language for which the Agency has a need, or substantial management expertise. Relevant work experience is defined as public relations work, supervisory or managerial positions in communications media, program director for a museum or university-level teacher of political science, history, English or other relevant disciplines. Appointments from these sources for the limited vacancies available are made on a competitive basis to fill specific Service needs after ensuring that the vacancies cannot be filled by Foreign Service Officers already in the Foreign Service Officer Corps.

(d) Application procedures. (1) Applicants must complete Standard Form 171, Application for Federal Employment, Form DSP-34, Supplement to Application for Federal Employment, a 1,000 word autobiography, a statement affirming willingness and capacity to serve at any post worldwide, and transcripts of all graduate and undergraduate course work and forward them to the Special Recruitment Branch, Office of Personnel (M/PDSE).

(2) The filing of an application for the Foreign Service does not in itself entitle an applicant to examination. The decision to proceed with an oral examination is made by a Qualifications Evaluation Panel after determining the applicant's eligibility for appointment and reviewing the applicant's qualifications including his/her performance, and administrative files (or equivalents), claimed language proficiency and other background or factors which may be related to the work perfomed by FSOs. An oral examination is given only in those cases where the applicant is found to possess superior qualifications, proven ability, and high potential for success in the Foreign Service.

(e) Examination process. (1) *Written examination.* A written examination will not normally be required of applicants for FSO Candidate appointments. However, if the volume of applications for a given class or classes is such as to make it infeasible to examine applicants orally within a reasonable time, such applicants may be required to take an appropriate written examination prescribed by the Board of Examiners. Those who meet or exceed the passing level set by the Board of Examiners on the written examination will be eligible for selection for the oral examination.

(2) *Oral examination.* (i) Applicants approved by the Qualifications Evaluations Panel for examination will be given an oral examination by a panel of Deputy Examiners approved by the Board of Examiners. The oral examination is designed to enable the Board of Examiners to determine whether applicants are functionally qualified for work in the Foreign Service at the mid-level, whether they would be suitable representatives abroad of the United States, whether they have the potential to advance in the Foreign Service, and whether they have the background and experience to make a contribution to the Foreign Service. The oral examination is individually scheduled throughout the year and is normally given in Washington, D.C. At the discretion of the Board of Examiners, it may be given in other American cities, or at Foreign Service posts, selected by the Board.

(ii) The panel will orally examine each applicant through questioning and discussion. There will also be a writing exercise and an in-basket test. Applicants taking the oral examination will be graded according to the standards established by the Board of Examiners. The application of anyone whose score is at or above the passing level set by the Board will be continued. The application of anyone whose score is below the passing level will be terminated. The applicant may, however, reapply in 12 months by submitting a new application.

(3) *Foreign language requirement.* All applicants who pass the oral examination will be required to take a subsequent test to measure their fluency in foreign languages, or their aptitude for learning them (MLAT) for which a score of 50 points (on a scale of zero to eighty) is necessary to qualify for further processing. No applicant will be recommended for career appointment who has not demonstrated such a proficiency or aptitude. An applicant may be selected, appointed and assigned without first having demonstrated required proficiency in a foreign language, but the appointment will be subject to the condition that the employee may not receive more than one promotion and may not be commissioned as an FSO until proficiency in one foreign language is achieved.

(4) *Medical examination.* Those applicants recommended by the Board of Examiners for an FSO candidacy, and their dependents who will reside with them overseas, are required to pass a physical examination at the Department of State Medical Division.

(5) *Security and suitability considerations.* A background investigation or appropriate security clearance update will be conducted on each applicant, and no application may be continued until a security clearance has been granted.

(6) *Class of appointment.* The Board of Examiners fixes the entry level for appointment as an FSO candidate.

(7) *Certification for appointment.* After completion of all aspects of the examination, the Board of Examiners certifies to the Agency successful candidates for appointment as FSO Candidates. Determinations of duly constituted panels of examiners and deputy examiners are final, unless modified by specific action of the Board of Examiners for the Foreign Service.

(8) *FSO Candidate Registers.* (i) After approval by the Board of Examiners, and certification as to suitability and security clearance by the Agency's Director of Security, successful applicants will have their names placed on a register for the class for which they have been found qualified. Appointments to available openings will be made from the applicants entered on the register for the class of the position to be filled. Inclusion on the register does not guarantee eventual assignment and appointment as an FSO Candidate. Applicants who have qualified but have not been appointed because of lack of openings will be dropped from the register 18 months after the date of placement on it (or the completion of an inside applicant's current overseas tour, whichever is longer). Such applicants may reapply for the program, but will be required to repeat the entire application process, including BFX testing.

(ii) Any applicant on the register who refuses an assignment offer will be removed from the Register and will not be eligible to reapply for the program for seven years.

(iii) The Board of Examiners may extend the eligibility period when such extension is in its judgement justified in the interest of the Foreign Service.

(f) Appointment as an FSO Candidate. (1) An FSO Candidate will be given a four-year Foreign Service limited appointment. Agency Career Overseas Specialists will be redesignated as FSO

Candidates for a period of four years. The appointment or redesignation may be extended for one year, but must be terminated at the end of the fifth year. The purpose of the FSO Candidacy is to permit on-the-job evaluation of an individual's suitability and capacity for effective service as a Foreign Service Officer.

(2) FSO Candidates will be assigned to Generalist positions overseas, and will compete for promotion with other Generalist officers under the Annual Generalist Selection Boards. FSO Candidates at the Class 1 level may not compete for promotion into the Senior Foreign Service prior to commissioning as an FSO.

(3) The FSO Candidacy may be terminated during the four-year period for unsatisfactory performance (22 U.S.C. 4011) or for such other cause as will promote the efficiency of the Service (22 U.S.C. 4010).

(g) Commissioning as a Foreign Service Officer. (1) Upon completion of three year's service (most of which will have been overseas), the FSO Candidate will be eligible for commissioning as a Foreign Service Officer. The FSO Commissioning Board will review all FSO Candidates appointed on or after March 1, 1980 and will recommend on tenure.

(2) The criterion used for deciding whether to recommend commissioning of FSO Candidates is the Candidate's demonstrated potential to perform effectively as a Foreign Service Officer in a normal range of generalist assignments up through the Class 1 level. No quota or numerical limit is placed on the number of affirmative decisions.

(3) If recommended for commissioning, and having satisfied the language proficiency requirements, the name of the FSO Candidate will be forwarded to the President and the Senate and, upon approval, the FSO Candidate will be commissioned as an FSO.

(4) If the FSO Commissioning Board does not recommend commissioning of the FSO Candidate during its review, it may recommend extension of the FSO Candidacy to allow for a future review. Under no circumstances will an FSO Candidacy be extended to a total of more than five years.

(5) Candidates not recommended for commissioning or who have not satisified the language proficiency requirement will be separated from the Service at the expiration of their appointment. However, FSO Candidates who were appointed from within the Agency with career status as a Domestic or Overseas Specialist may exercise reappointment rights to their previous category in lieu of separation.

§ 501.6 Appointment of Overseas Specialists.

(a) General. Members of the Agency's Foreign Service appointment as Overseas Specialists serve on rotational U.S.—overseas assignments in the following types of positions: General Administration; Publication Writers and Editors; Exhibit Managers; Printing Specialists; English Teaching Specialists; Correspondents; Engineers for the Voice of America; Regional Librarian Consultants; and Secretaries. Appointees serve a trial period of service as Specialist Candidates under Foreign Service limited appointments (or redesignation) for a period not to exceed five years. Appointments are made to F.S. classes 8 through 1. Specialist Candidates are given career appointments as Overseas Specialists based on the recommendations of Specialist Selection Boards. Specialist candidates not recommended for tenuring will be separated from the Foreign Service, or reinstated in the Civil Service.

(b) Sources of applicants. Qualified USIA domestic employees comprise a significant recruitment source for Overseas Specialist appointments. Such employees will be given priority consideration over outside applicants when applying for Overseas Specialist positions, when qualifications are otherwise equal.

(c) Eligibility requirements. All applicants must be citizens of the United States, and must be at least 21 years of age and no more than 58 years of age at the time of appointment. The 21-year age requirement may be waived by the Director, Office of Personnel (M/P or VOA/P) when she or he determines that the applicant's services are urgently needed. USIA employee applicants must also have at least three years of Federal government experience and occupy a position at the GS–11 level (or equivalent) or above (GS–10 for Electronic Technicians in the Voice of America). All applicants must be available for worldwide assignment to positions in their occupational category.

(d) Application procedures. (1) Applications for all specialties except secretarial should include a current SF–171, Application for Federal Employment; a DSP–34, Supplement to Application for Federal Employment; university transcripts, a 1,000 word autobiographical statement which should include mention of the qualifications the applicant would bring to the job and reason for desiring to work for the Agency, and a statement affirming willingness and capacity to serve at any post worldwide.

(2) *Special requirements for Foreign Service Secretaries.* Secretarial applicants must submit a current SF–171 application for Federal employment; and a 250 word essay on a commonly understood subject to demonstrate grammatical competence. The following specific requirements must be met by applicants: ability to type accurately at 60 words per minute; four years of secretarial or administrative experience (business school or college training may be substituted for up to two years of required work experience); and attainment of an acceptable score in verbal ability and spelling tests. Applicants will subsequently be given a written examinations to measure administrative aptitude.

(e) Examination process—(1) *Application review.* All applications are to be sent to the Special Recruitment Staff, Office of Personnel (M/PDSE), or to the Foreign Personnel Advisor (VOA/PF) for Voice of America positions.

(2) *Qualifications Evaluation Panel.* A Qualifications Evaluation Panel will evaluate the applicant's qualifications including his/her performance and administrative files (or equivalent), claimed language proficiency and other background or factors which may be related to the work performed by an Overseas Specialist Officer in the relevant specialty

(3) *Oral Examination*—(i) Applicants who are passed on the Qualifications Evaluation Panel to the Board of Examiners will be given an oral examination to evaluate the applicant's total qualifications for service as an Overseas Specialist in the desired functional specialty.

(ii) The Board panel examining all candidates except those of the Voice of America will consist of one USIA Overseas Specialist and two BEX Deputy Examiners. For VOA candidates, the panel will consist of the Foreign Personnel Advisor, a BEX Deputy Examiner assigned to the Voice of America, and a Deputy Examiner assigned to the Board Examiners.

(iii) The panel will examine each applicant through questioning and discussion. Hypothetical problem-solving exercises, a writing exercise and an in-basket test may also be required. The panel will also recommend the F.S. entry level for appointment. If the panel's recommendation is unfavorable, the application process will be discontinued. An unsuccessful applicant may apply again in 12 months.

(4) The same medical and security requirements applicable to FSO

Candidates pertain to Specialist Candidates.

(5) Overseas Specialist Candidate Register—If an applicant is successful in the examination, and medical and security clearances have been successfully completed, his/her name will be added to the appropriate Overseas Specialist Register for a period of 18 months, or completion of an inside candidate's current tour of duty overseas, whichever is longer, at the Foreign Service class determined in the examination process and based on previous experience. Inclusion on the register does not guarantee eventual assignment and appointment as an Overseas Specialist Candidate.

(f) Appointment as a Specialist Candidate. (1) When the Office of Personnel identifies an overseas vacancy which cannot be filled from the existing ranks of Overseas Specialists, applicants on the Overseas Specialists register will be considered for the assignment. An applicant will not be appointed unless an overseas position has been identified and a need for the individual in the Foreign Service has been certified by the Director, Office of Personnel (M/P or VOA/P). Any applicant selected from the Register who refuses an assignment offer will be dropped from the Register and precluded from reapplying for a period of seven years.

(2) Applicants will be given a Foreign Service limited appointment (or redesignation) for a period of four years at the Foreign Service Class determined in the examination process. The purpose of this untenured appointment is to allow the Agency to evaluate and assess the Specialist Candidate's abilities and future potential prior to offering career appointment as an Overseas Specialist. The limited appointment may be extended for one additional year, but must be terminated at the end of the fifth year if the Candidate does not obtain career tenure.

(3) The Candidate will receive the orientation and training necessary to serve overseas and will be assigned overseas in a position in his or her speciality. USIA Civil Service employees selected as Overseas Specialist Candidates will be appointed only if the Agency element to which they are currently assigned is willing to affirm in writing that a position at the appropriate level will be made available for the employee should the candidacy end unsuccessfully. USIA Civil Service applicants will be appointed as Overseas Specialist Candidates on or about the date of their departure for post of assignment or upon assumption of an assignment (which has been identified and will follow a period of orientation in Washington). The Agency may also assign a Candidate to a U.S.-based position for an initial assignment of up to 24 months when the Candidate will spend the majority of his/her time traveling overseas and will, expect the U.S. basing, be fully functioning as an Overseas Specialist. Specialist Candidates will compete for promotion by the Annual Overseas Specialist Selection Board with other officers in the same specialty and at the same class level. Specialist Candidates at the Class 1 level are ineligible for promotion into the Senior Foreign Service.

(4) The Specialist candidacy may be terminated at any time for unsatisfactory performance (22 U.S.C. 4011) or for such cause as will promote the efficiency of the Service (22 U.S.C. 4010).

(g) Career Appointment as an Overseas Specialist. In accordance with section 3946 of Title 22 United States Code, the decision to offer a Specialist Candidate a career appointment will be based on the recommendations made by the Annual Overseas Specialist Selection Board which reviews all employees in the Candidate's occupational category and class level.

(1) *Eligibility.* Specialist Candidates who have performed at least two years of overseas service will be eligibile for review for career status at the time of the Candidate's third Board review. Candidates serving an initial tour in the U.S. but spending the majority of time working overseas will be credited with up to one year's overseas service, but no more than half of the time based in the U.S. If a Specialist Candidate is not recommended for career status during the initial review, the Candidate may be reviewed again when the next Annual Overseas Specialist Selection Board convenes if the initial Board so recommends.

(2) *Selection Board Review.* The Selection Board(s) will review the official performance file of the eligible Specialist Candidates and in accordance with established precepts, will determine whether the Candidates should be recommended for career appointment as Overseas Specialists. Recommendations by the Board will be based on the Candidate's demonstrated aptitude and fitness for a career in the Foreign Service in their occupational specialties. No quota or numerical limit is placed on the number of positive career status decisions that can be made by Selection Boards. The Specialist candidacy will be terminated if the Candidate fails to be recommended for career status after a second Board review for tenuring. Candidates may be terminated earlier than the expiration of their limited appointment if so recommended by the Board and approved by the Director, Office of Personnel (M/P or VOA/P). Specialist Candidates recommended for career status by the Selection Board will be given Foreign Service career appointments (or redesignation) as Overseas Specialist, to take effect within one-month of the Board's recommendation.

§ 501.7 Appointment As Chief of Mission.

(a) Appointment by President. Chiefs of mission are appointed by the President, by and with the advice and consent of the Senate. They may be career members of the Foreign Service or they may be appointed from outside the Service.

(b) Recommendation Of Foreign Service Career Members. On the basis of recommendations made by the Director of USIA, the Secretary of State from time to time furnishes the President with the names of Foreign Service career members qualified for appointment as chiefs of mission. The names of these officers, together with pertinent information concerning them, are given to the President to assist him in selecting qualified candidates for appointment as chiefs of mission.

(c) Status of Foreign Service Career Members Appointed As Chiefs of Mission. Foreign Service career members who are appointed as chiefs of mission retain their career status as Foreign Service career members.

§ 501.8 Reappointment of Foreign Service Officers and Career Overseas Specialists.

The President may, by and with the advice and consent of the Senate, reappoint to the Service a former Foreign Service Officer who is separated from the Service. The Director (USIA) may reappoint to the Service a former career Overseas Specialist.

(a) Requirements for reappointment. (1) On the date of application, each applicant must be a citizen of the United States.

(2) No applicant will be considered who has previously been separated from the Foreign Service pursuant to section 608 or 610 of the Foreign Service Act of 1980 (or predecessor sections 633, 635, or 637 of the Foreign Service Act of 1946, as amended); or who resigned or retired in lieu of selection out or separation for cause.

Note.—This requirement will not apply where it has been determined by the Foreign Service Grievance Board under 3 FAM 660 or by the Director, Office of Personnel, that the separation or the resignation or retirement in

lieu of selection out or separation for cause was wrongful; where reappointment is determined by the Director, Office of Personnel, as an appropriate means to settle a grievance or complaint of a former Foreign Service career member on a mutually satisfactory basis; or where reappointment is the indicated redress in a proceeding under 3 FAM 130 "Equal Employment Opportunity."

(b) Application. Apply by letter addressed to the Director, Office of Personnel. Include the standard application forms, SF–171, Application for Federal Employment, and DSP–34, Supplement to Application for Federal Employment, and a brief resume of work and other experience since resignation from the Foreign Service. Whenever the Director, Office of Personnel, finds that the reappointment of one or more former Foreign Service Career Members may be in the best interest of the Service, all application forms, along with the available personnel files, will be referred as appropriate to the Board of Examiners for the Foreign Service which will conduct an advisory evaluation of the qualifications of each applicant.

(c) Nature of evaluation. (1) The Board of Examiners' advisory qualifications evaluation of FSO applicants: (i) Will be based on a review of all pertinent information relating to the applicant's record of employment in the Foreign Service and to subsequent experience, as well, and (ii) will take into consideration among other factors, the rank of the applicant's contemporaries in the Service in recommending the class in which the applicant will be reappointed under section 308 of the Foreign Service Act of 1980.

(2) In consultation with the Foreign Service Personnel Division (M/PF or VOA/PF) and officials from the pertinent Agency elements, the Overseas Specialist applicant's total qualifications and experience will be evaluated based on the application and an interview. On the basis of this review and the recommendations of the appropriate officials, the personnel office will determine whether the application should be continued and, if so, will recommend the appointment class.

(d) Medical Examination and Security Investigation. Qualified applicants and their dependents who will accompany them overseas will be given a physical examination. A security investigation will also be conducted. The reappointment action is subject to completion of a satisfactory security investigation and satisfactory medical examination of the application and his/her dependents.

(e) Selection for reappointment. The Director, Office of Personnel (M/P or VOA/P), taking into consideration: (1) The qualifications and experience of each applicant as outlined in the qualifications evaluation performed by the Board of Examiners for the Foreign Service or the personnel office; (2) future placement and growth potential; and (3) the needs of the Service for the applicant's skills determines which applicant, or applicants, are qualified for reappointment and the appointment class that is considered to be appropriate. An Overseas Specialist may not be reappointed until and unless an overseas assignment has been identified. The Director, Office of Personnel (M/P or VOA/P) is responsible for initiating appointment action. Any voluntary applicant who refuses an offer of reappointment will not be considered for reappointment again.

§ 501.9 Interchange of FSOs Between USIA and other Foreign Affairs Agencies.

Foreign Service Officers (FSOs) desiring tranfer from one agency to another may apply under the following provisions:

(a) Applications. Applications for interchange appointments should be sent to the Board of Examiners for the Foreign Service, Department of State, Washington, D.C. 20520.

(b) Certification and Approval. (1) When a Foreign Service Officer of another Foreign Affairs Agency wishes to transfer to the U.S. Information Agency, a certification of need is required from the Director, Office of Personnel, USIA, and approval is required by the Director of Personnel for the other Agency for the officer's release to USIA.

(2) When a USIA FSO wishes to transfer to another Foreign Affairs Agency, a certification of need is required from the Director of Personnel of the other Agency, and approval is required by the Director, Office of Personnel, USIA, for the officer's release to that Agency.

(3) A review by the Board of Examiners for the Foreign Service will certify the elgibility of candidates for exchange. BEX will notify the Office of Personnel, USIA when a Foreign Service Officer of another Agency has been approved for transfer and USIA will process the necessary employment papers.

(4) A new FSO appointment for officers transferring between another Foreign Affairs Agency and USIA is not required.

[FR Doc. 85–9708 Filed 4–23–85; 8:45 am]
BILLING CODE 8230–01–M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

23 CFR Ch. I

Pavement Design Standards for Highways; Regulatory Procedures for Federal Adoption of Revisions

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice regarding rulemaking procedures.

SUMMARY: The FHWA is announcing by this notice that revisions to the guide for design of highway pavement structures being prepared by the American Association of State Highway and Transportation Officials (AASHTO) will be evaluated by the FHWA for application on Federal-aid highway projects when completed. This notice outlines the regulatory procedures that will be taken in order to effectuate Federal adoption.

FOR FURTHER INFORMATION CONTACT:
Mr. Leon M. Noel, Highway Design Divison, Office of Engineering 202/426–0327,
or
Mr. Michael J. Laska, Office of Chief Counsel, 202/426–0762, Federal Highway Administration, 400—7th Street, SW., Washington, D.C. 20590.
Office hours are from 7:45 a.m. to 4:15 p.m. ET, Monday through Friday.

SUPPLEMENTARY INFORMATION: The standards, policies, and guides that have been approved by the FHWA for application on all Federal-aid highway projects are incorporated by reference in 23 CFR Part 625. The provisions that apply to roadway design are listed in 23 CFR 625.3(a). Pavement design policy and procedures are contained in 23 CFR Part 626. Section 626.5 currently approves the procedures contained in the "AASHTO Interim Guide for Design of Pavement Structures, 1972, Chapter III Revised, 1981" (Guide) for application on Federal-aid highway projects. The AASHTO is in the process of revising those pavement procedures contained in the Guide.

Due to AASHTO's recognized expertise and representation of all State highway and transportation agencies, the FHWA has worked with the AASHTO over the years in the development of design standards.

policies, and guides pursuant to the provisions of Federal law (Title 23, U.S.C.) which direct the FHWA to consult and cooperate with the States in that regard. Revisions to standards, policies, and guides by AASHTO must be independently reviewed and adopted by the FHWA before they can be applied to Federal-aid projects.

When the new pavement guide has been formally adopted by AASHTO later this year, the FHWA will issue a notice of proposed rulemaking (NPRM) proposing to evaluate the adequacy of the revised procedures for use on Federal-aid highways. A public docket will be established in order to receive comments. The FHWA will concurrently review the revised producers. Based on this review and on an analysis of public comments received, the FHWA will issue a final rule adopting the revised guide. If at the time of issuance of the final rule, the revised guide contains materials not acceptable to the FHWA, such material would be noted and excluded, and as required, alternative criteria will be adopted for use on Federal-aid projects.

In order to encourage and promote early and full public participation in this process, the FHWA is giving notice that the revised procedures have been prepared by AASHTO and are contained in a draft document entitled: "Proposed AASHTO Guide for the Design of Pavement Structures" (Revised Guide). The Revised Guide is being developed under a National Cooperative Highway Research Program (Project #20-7/24). The AASHTO has requested that all substantive comments to the draft Revised Guide be submitted by May 15, 1985. These comments should identify, to the extent possible, any areas in which additional time will be needed for review. Additional comments and data should be submitted as soon as possible and all comments received by June 15, 1985, will be fully considered by AASHTO.

Submit written comments to Mr. Francis B. Francois, Executive Director, American Association of State Highway and Transportation Officials, 444 North Capitol Street, NW., Washington, D.C. 20001. Copies of current and proposed AASHTO publications (including the Revised Guide) are available for inspection at this same address.

Questions and comments concerning the procedures in this notice may be directed to Mr. Noel at the address provided under the heading "**FOR FURTHER INFORMATION.**"

Issued On: April 22, 1985.

R.A. Barnhart,

Federal Highway Administrator, Federal Highway Administration.

[FR Doc. 85-9974 Filed 4-23-85; 8:45 am]

BILLING CODE 4910-22-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR PART 180

[PP 5E3236/P365; PH-FRL 2825-4]

Proposed Tolerance; Herbicide Metolachlor and its Metabolites in or On Chilli Peppers

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This document proposes that a tolerance be established for the combined residues of the herbicide metolachlor and its metabolites in or on the raw agricultural commodity chilli peppers. The proposed regulation to establish a maximum permissible level for residues of the herbicide in or on the commodity was requested in a petition submitted by the Interregional Research Project No. 4 (IR-4).

DATE: Comments, identified by the document control number [PP 5E3236/P365], must be received on or before May 9, 1985.

ADDRESS: By mail, submit written comments to:

Information Services Section, Program Management and Support Division (TS-757C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, D.C. 20460.

In person, bring comments to: Rm 236, CM #2, 1921 Jefferson Davis Highway, Arlington, VA 22202.

Information submitted as a comment concerning this notice may be claimed confidential by marking any part or all of that information as "Confidential Business Information" (CBI). Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR Part 2. A copy of the comment that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice. All written comments will be available for public inspection in Rm. 236 at the address given above, from 8 a.m. to 4 p.m., Monday through Friday, excluding holidays.

FOR FURTHER INFORMATION CONTACT:

By mail:

Donald Stubbs, Emergency Response and Minor Use Section (TS-767C), Registration Division, Environmental Protection Agency, 401 M St., SW., Washington, D.C. 20460.

Office location and telephone number: Rm. 716B, CM #2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703-557-1192).

SUPPLEMENTARY INFORMATION: The Interregional Research Project No. 4 (IR-4), New Jersey Agricultural Experiment Station, P.O. Box 231, Rutgers University, New Brunswick, NJ 08903, has submitted pesticide petition 5E3236 to EPA on behalf of Dr. Robert H. Kupelian, National Director, IR-4 Project and the Agricultural Experiment Station of New Mexico.

This petition requested that the Administrator, pursuant to section 408(e) of the Federal Food, Drug, and Cosmetic Act, propose the establishment of a tolerance for combined residues of the herbicide metolachlor (2-chloro-N-(2-ethyl-6-methylphenyl)-N-(2-methoxy-1-methyl)acetamide) and its metabolites, determined as the derivatives, 2-[ethyl-6-methylphenyl)amino]-1-propanol and 4-(2-ethyl-6-methylphenyl)-2-hydroxy-5-methyl-3-morpholinone, each expressed as the parent compound in or on the raw agricultural commodity chilli peppers at 0.5 part per million (ppm).

The nature of the residues is adequately understood and an adequate analytical method, gas chromatography, is available for enforcement purposes.

Any person who has registered or submitted an application for registration of a pesticide, under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended, which contains any of the ingredients listed herein, may request within 15 days after publication of this notice in the **Federal Register** that this rulemaking proposal be referred to an Advisory Committee in accordance with section 408(e) of the Federal Food, Drug, and Cosmetic Act. As provided for in the Administrative Procedure Act [5 U.S.C. 553(d)(3)], the comment period time is shortened to less than 30 days because of the necessity to expeditiously provide a means for control of weeds infesting chilli peppers.

Interested persons are invited to submit written comments on the proposed regulation. Comments must bear a notation indicating the document control number, [PP 5E3236/P365]. All written comments filed in response to this petition will be available in the

Information Services Section, at the address given above from 8 a.m. to 4 p.m., Monday through Friday, except legal holidays.

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96–354, 94 Stat. 1164, 5 U.S.C. 601–612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this affect was published in the **Federal Register** of May 4, 1981 (46 FR 24950).

(Sec. 408(e), 68 Stat. 514 (21 U.S.C. 346a(e)))

List of Subjects in 40 CFR Part 180

Administrative practice and procedure, Agricultural commodities, Pesticides and pests.

Dated: April 17, 1985.

Robert V. Brown,

Acting Director, Registration Division, Office of Pesticide Programs.

PART 180—[AMENDED]

Therefore, it is proposed that 40 CFR 180.368 be amended by adding and alphabetically inserting the raw agricultural commodity chilli peppers, to read as follows:

§ 180.368 Metolachlor, tolerances for residues.

* * * * *

Commodities	Parts per million
* * * * *	
Peppers, chili	0.5
* * * * *	

[FR Doc. 85–9989 Filed 4–23–85; 8:45 am]

BILLING CODE 6560–50–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of Human Development Services

45 CFR Part 1340

Child Abuse and Neglect Prevention and Treatment Program

AGENCY: Office of Human Development Services, HHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: This rule proposed changes in the regulations that implement the Child Abuse Prevention and Treatment Act. Recent amendments to this Act (Pub. L. 98–457) made changes in several definitions regarding child abuse and neglect which may require State regulatory changes. These and other proposed requirements are the subject of this notice.

On December 10, 1984 (49 FR 48160), the Department published a notice of proposed rulemaking to implement the requirement for State child protective service agencis to establish programs and/or procedures for the protection and treatment of disabled infants with life-threatening conditions ("Baby Does"). These requirements were also a part of Pub. L. 98–457.

DATES: To ensure consideration, comments must be submitted on or before June 24, 1985.

ADDRESSES: Please address comment to: National Center on Child Abuse and Neglect, U.S. Children's Bureau, HHS, P.O. Box 1182, Washington, D.C. 20013.

It would be helpful if agencies and organizations submitted comments in duplicate. Comments will be available for public inspection in Room 3758, Donohoe Building, 400 Sixth Street, SW., Washington, D.C. 20201, Monday through Friday between the hours of 9:00 a.m. and 4:00 p.m.

FOR FURTHER INFORMATION CONTACT: Jay Olson, (202) 245–2859.

SUPPLEMENTARY INFORMATION:

Background

The Child Abuse Prevention and Treatment Act (Pub. L. 92–247, 42 U.S.C. 5101, et seq.) was signed into law in 1974. It established in the Department the National Center on Child Abuse and Neglect. The National Center is located organizationally within the Children's Bureau of the Administration for Children, Youth and Families in the Office of Human Development Services.

Under this Act, the National Center carries out the following responsibilities:

- Makes grants to States to implement State child abuse and neglect prevention and treatment programs.
- Funds public or nonprofit private organizations to carry out research, demonstration, and service improvement programs and projects designed to prevent, identify and treat child abuse and neglect.
- Collects, analyzes, and disseminates information, e.g., compiles and disseminates training materials, prepares an annual summary of recent and on-going research on child abuse and neglect, and maintains an information clearinghouse.
- Assists States and communities in implementing child abuse and neglect programs.
- Coordinates Federal programs and activities, in part through the Advisory Board on Child Abuse and Neglect.

The Act has been extended and amended several times since its passage. Regulations for the State grant and discretionary fund programs are found at 45 CFR Part 1340; the most recent revisions were published on January 26, 1983 (48 *FR* 3698). The fifty States, the District of Columbia, Puerto Rico, Guam, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, American Samoa, and the Trust Territory of the Pacific Islands are eligible to apply for State grants. Fifty-one of the fifty-seven eligible jurisdictions meet the requirements of the Act and the regulations and currently receive State grant funds. We will refer to these jurisdictions as "States" in this preamble discussion.

The State Child Protective Service System

The protection of children from abuse and neglect has always been a State and local responsibility. Protective services are typically the responsibility of the State's designated public child protective service agency (CPS), usually located in the State's child welfare services agency. Investigations, activities and services may be provided by CPS agency staff, law-enforcement agencies, multi-disciplinary teams, and by utilizing the services available from other public and voluntary agencies in the community.

While fifty-one of the fifty-seven States have met the requirements of the Act and 45 CFR Part 1340, all States have laws pertaining to child abuse and neglect. In general, these laws define the conditions of abuse or neglect that must be reported, mandate the reporting of both known or suspected abuse and neglect, provide penalties for failure to report, and provide immunity to reporters from legal actions associated with the report.

Over the years, the range of reportable conditions has broadened. Today, most State laws specifically include sexual abuse and emotional or mental injury as well as the traditional definition of child abuse which includes physical abuse and neglect. For specific eligibility requirements under the Act and the regulations, see sections 3 and 4(b)(2) of the Act and 45 CFR 1340.2(d) and 1340.14(b).

All States mandate that physicians must report known or suspected child abuse or neglect. In addition, some States require reporting by other groups, e.g., "associated medical personnel", "any health professional", nurses, dentists, osteopaths. Interns are also required to report in most States, as are those in frequent contact with children such as teachers and other school officials, child care professionals, and social workers.

In addition to mandated reporters, generally, anyone who knows or suspects that a child is being maltreated may report. Some States have statutory authority for permissive as well as mandatory reporting, while other States have no permissive reporting because they mandate reporting by everyone. States use either a 24 hour a day, 7 days a week, toll-free, State-wide telephone number or a local number to receive such reports. *See* section 4(b)(2)(B) and 45 CFR 1340.15(C).

While the identification of maltreated children ultimately depends on the responsiveness of a concerned community, States impose a penalty for failure to report when mandated by law to do so. This may include denial, suspension or revocation of professional licenses or certificates.

All States provide immunity from civil or criminal liability for reporters acting in good faith. This means that an individual cannot be sued for a mistaken or a later unsubstantiated report if such report was made in good faith. *See* section 4(b)(2)(A).

Procedures for investigation (fact-finding) in response to a report, and service provision, also vary from State to State. Most CPS workers have specialized training, and multidisciplinary fact-finding teams typically have some expertise in social work, medicine, law and law enforcement. Staff are usually available to respond on a 24 hour basis as many State laws require that the CPS agency respond to reports at least within 24 hours. Emergency services (e.g., emergency shelter or foster care, emergency homemakers) are also frequently available. After any critical situation has been resolved, appropriate community services and support for the child and family may be utilized as needed. *See* sections 4(b)(2) (C), (D), (F) and (J) and 45 CFR 1340.14 (d), (e), (f) and (h).

This CPS agency generally regards its contact with the family as a demonstration of community concern and evidence of its desire to be of help to both parents and the child. The ultimate aim of the agency is to protect the child, preserve the home, prevent separation of the child from the family if at all possible, prevent further abuse or neglect, and alleviate or correct the factors leading to the report.

The Child Abuse Amendments of 1984 (Pub. L. 98-457) were signed into law on October 9, 1984. They contain a major new basic State grant requirement regarding medical neglect, i.e., the State's responsibility for the protection of disabled infants ("Baby Does"). To implement these provisions the Department published an NPRM and Interim Model Guidelines for Health Care Providers to Establish Infant Care Review Committees on December 10, 1984 (49 FR 48160). The remaining provisions of the 1984 Amendments plus other proposed changes are the subject of this NPRM.

Section by Section Discussion of the Proposed Regulations

With three exceptions discussed below, the language of the proposed rule is taken from the statute.

Section 3 of the Act and § 1340.2

The Amendments made three changes in the definitions in section 3:

- The previous law defined "child abuse and neglect" to include a range of activities engaged in by a "person who is responsible for the child's welfare". The reference to a person who is responsible now specifies that such a person includes an employee of a residential facility or a staff person providing out of home care.
- The definition of "sexual abuse" was revised and relocated from section 5 to section 3. For purposes of this definition, the terms "child" and "children" now means any individual who has not attained the age of eighteen.
- Regulations pertaining to a new definition of "withholding of medically indicated treatment" were published December 10, 1984 (49 FR 48160).

These changes in the definition of child abuse and neglect are significant because they define those acts or situations of child maltreatment which are and the universe of persons whose conduct is reportable to the agency designated by State law to receive and investigate known or suspected instances of child abuse and neglect. States interested in meeting or maintaining eligibility for a State grant under section 4(b) of the Act must, at minimum, define child abuse and neglect in accordance with the Act and regulations prescribed by the Secretary. States may adopt additional requirements at their option.

We have made changes in the definitions in 45 CFR 1340.2(d) to comport with the statutory language. In the definition of "child abuse and neglect" we have added language from section 3(1) of the Act to specify first, that for purposes of the definition of child abuse and neglect, the term "child" means a "child under the age of eighteen or the age specified by the child protection law of the State"; and, second, that the phrase "person responsible for the child's welfare" includes "any employee of a residential facility or any staff person providing out of home care". The first change clarifies that, for the purpose of the overall definition of child abuse and neglect, the State's definition of the age of the child will apply. The second change broadens the scope of prevention efforts and requires reports to the CPS agency of known or suspected instances of abuse or neglect by employees of residential facilities and by staff persons providing out of home care. In responding to reports of abuse in these latter instances, the CPS agency's focus on preserving the home does not apply. Rather, the agency will investigate the report and work with law enforcement personnel to protect the child, prevent further abuse, and possibly alleviate or correct the factors leading to the report.

We propose to remove paragraphs (d)(1) and (d)(2) that currently define "sexual abuse" and "sexual exploitation" and replace them with the new statutory definition of "sexual abuse" from section 3(2) of the Act in a new paragraph (d)(1).

The new definition of "sexual abuse" describes a wide range of sexual abuses of children under the age of eighteen, including acts of sexual exploitation, in terms that are the same in substance as those in the current regulations. However, in contrast to its definition of child abuse and neglect, the Act specifically defines "child" or "children" with respect to sexual abuse as "any individual who has not attained the age of eighteen". States which meet or are in the process of meeting the definitions of sexual abuse and sexual exploitation as presently defined in 45 CFR 1340.2 will need to review their State statutes to determine if any change in these statutes is needed. As stated in § 1340.14(b), if State statutes are the "same in substance" as the definitions in the proposed rule, and apply to a child or children who have not reached age eighteen, no change will be needed. A State that met the definitions in the current rule would probably meet the definitions in the proposed rule.

Finally, we have amended § 1340.2(d)(4), the definition of "a person responsible for a child's welfare", to

comport with the change in the Act to include any staff person providing out of home care. However, we believe that the term "out of home care" should be defined in the final rule. We have proposed to define "out of home care" to mean "center-based day care provided during a portion of a 24-hour day." In evaluating the impact and usefulness of this approach, we considered the following factors: The increasingly heavy case load borne by child protective service workers at the State and local level; the primary focus of the child protective service caseworker on the family—to protect the child, preserve the home, prevent separation of the child from the family if at all possible, prevent further abuse or neglect, and alleviate or correct the factors leading to the report; and the fact that reports of abuse and neglect that fall outside a State's definition can be, and in most States are, investigated by law enforcement officials. Given the fact that all reports of abuse and neglect must be investigated, the primary questions seem to be which agency(s) should be responsible for responding to reports of abuse by "staff persons" in the various categories of out of home caregivers, and more specifically, what should be the scope, focus, and role of the State child protective service agency in investigating such reports. We look forward to receiving comments on this interpretation.

We want to emphasize that while the statutory change expands the instances of child abuse and neglect that require mandated reports of abuse to the CPS agency, this change does not mean that instances of child abuse occurring outside the limits of this definition cannot be reported. On the contrary, all persons are morally if not legally obliged to report any instance of known or suspected abuse including abuse in other types of out of home care, e.g., abuse by neighbors, friends, and other family members; or abuse of both a parent and a child. In order to be eligible for a grant under section 4(b) of the Act, State CPS agencies are not required to respond to reports of abuse that fall outside this definition of child abuse and neglect. At State option they may do so, but, in general, most of these reports are referred to the State or local law enforcement agency.

Section 3 and 4(b)(3)(A) of the Act and § 1340.13

Approval of applications

We have made several changes in § 1340.13. In paragraph (a)(1) we have made technical changes to comport with the new definition of sexual abuse in section 3(2) and § 1340.2(d)(1).

As enacted, Congress made no provision in the 1984 Amendments for an implementation period to allow States time to make the statutory changes necessary to bring their State definitions of child abuse and neglect into compliance with the new requirements. Therefore, we are proposing to add a new paragraph (a)(2) to permit States until the close of the first general legislative session following the effective date of these regulations to review and amend State statutes, if necessary, to comport with the new definition of "person responsible for a child's welfare".

We have also added a new paragraph (c) based on the waiver provision in section 4(b)(3) of the Act to explain that States not currently eligible for State grants under the Act may apply for a waiver of any requirement in section 4(b)(2) of the Act except for any requirement under section 4(b)(2)(K) and new § 1340.15 of this Part (*see* Notice of Proposed Rulemaking, December 10, 1984 (49 FR 48160)) regarding protection of disabled infants (Baby Does). This waiver applies only to the six States which did not receive State grants in FY 1984, i.e., Indiana, Pennsylvania, Arizona, Oregon, Alaska, and the Trust Territory of the Pacific Islands. In enacting this waiver provision, Congress indicated that those States making a good faith effort to comply should not be penalized while the State is attempting to meet these requirements during the period of the waiver. In any case, the waiver period may not exceed two years.

Eligibility Requirements: Access to Reports—§ 1340.14

In response to reports of sexual abuse in day care centers, recommendations from State and local governments and child welfare agencies, and inquiries from State legislatures, the Department is proposing to allow States additional flexibility in the release of confidential information from the State's child abuse registry. Currently, § 1340.14(i)(1) requires that States must provide that all records concerning reports and reports of child abuse and neglect are confidential and that their unauthorized disclosure is a criminal offense. Paragraph (i)(2), however, provides that a State may, at its option, authorize disclosure to any or all of the persons and agencies specified in paragraphs (i)(2)(i) through (xi) if such authorization is permitted by State statute and operates under any limitations and procedures determined by the State.

We are proposing to allow States to disclose certain information to three additional individuals and agencies: the director (or his or her designee) of an agency designated by the State to license and/or register child day care facilities, a director (or his or her designee) of a child day care center, and the director (or his or her designee) of an agency licensed by the State to provide foster care placement and services and/or adoptive services. The purpose of these proposals is to prevent known abusers from being placed in settings where they would have first hand contact with children or from being approved as a foster parent or an adoptive parent.

The Department recognizes, however, that these proposals may not offer due process to individuals who are the subject of reports of abuse or neglect and that States considering allowing access to these additional individuals and agencies may wish to place further restrictions or safeguards on the information released. Various recommendations for addressing this matter are being explored. One recommendation suggests that States should opt only to confirm a substantiated report on the person, but not share the entire contents of the substantiated report. (A substantiated report is a report made pursuant to State child abuse and neglect reporting law where it is determined, based on an investigation, that there is reasonable cause to believe that a child has been abused or neglected.) Another option is that States should confirm a substantiated report on a person only if the person has received a copy of the substantiating report and been allowed a fair hearing process to amend, correct, or expunge the report. Another recommendation is that such confidential information be released only if the agency making the information available determines that disclosure is appropriate to prevent child abuse and neglect.

As noted earlier, we are proposing these changes in an effort to respond to public concern and prevent sexual abuse in child day care centers and other child care situations. At the same time, States have also taken various actions in response to reports of sexual abuse in these facilities. We understand that some States, for example, have enacted, or are in the process of enacting, laws and/or regulations to permit disclosure of confidential information concerning reports and records of reports to some or all of the additional individuals and agencies proposed in this NPRM. OHDS has

looked at the current rules regarding confidentiality and, for the purpose of reviewing a State's application for a FY 1985 grant under this program, will interpret § 1340.14(i)(2)(viii) as permitting a director (or his or her designee) of a child day care center access to confidential information on the basis that he or she is a person responsible for the child's welfare. OHDS will also interpret § 1340.14(i)(2)(iv) as permitting access by designated officials of State licensing/registration agencies and licensed foster care and/or adoption agencies on the grounds that they are properly constituted authorities investigating whether there is a report of known or suspected abuse on specific individuals. We believe this is a fair interpretation of existing regulations. To the extent that some persons may consider this to be a substantive change in our regulations, we would assert that this is a desirable change in view of our efforts to assist States to protect children. We believe that such a limited expansion of access to child abuse reports and records could serve to prevent some significant number of child abuse incidents in the future.

Model Child Care Standards Act

As required by section 401(c)(1) of Pub. L. 98–473, the Department has issued a Model Child Care Standards Act—A Guidance to States to Prevent Child Abuse in Day Care Facilities. This document may be of interest to and useful in the child abuse and neglect programs. Specific subject areas include information on parent involvement; employment history, criminal record, and reference checks for staff of child care facilities; and other suggestions for State action to help prevent child abuse and/or neglect.

Impact Analysis

Executive Order 12291

E.O. 12291 requires that a regulatory impact analysis be prepared for major rules—defined in the Order as any rule that has an annual effect on the national economy of $100 million or more, or certain other specified effects. For the most part, it is the statute and not these regulations which set the basic requirements. Therefore, the Department concludes that these regulations are not major rules within the meaning of the Executive Order, because they do not have an effect on the economy of $100 million or more or otherwise meet the threshold criteria.

Regulatory Flexibility Act 1980

The Regulatory Flexibility Act (5 U.S.C. Ch. 6) requires the Federal government to anticipate and reduce the impact of rules and paperwork requirements on small businesses. For each rule with a "significant economic impact on a substantial number of small entities" an analysis must be prepared describing the rule's impact on small entities. Small entities are defined by the Act to include small businesses, small non-profit organizations, and small governmental entities. The primary impact of these regulations is on the States, which are not "small entities" within the meaning of the Act. For these reasons, the Secretary certifies that these rules will not have a significant impact on a substantial number of small entities.

Paperwork Reduction Act

Under the Paperwork Reduction Act of 1980, Pub. L. 96–511, all Departments are required to submit to the Office of Management and Budget for review and approval any reporting or recordkeeping requirement inherent in a proposed and final rule. These proposed rules do not contain information collection requirements or increase Federal paperwork burden on the public or private sector. Thus, no submission to OMB is required.

List of Subjects in 45 CFR Part 1340

Child welfare, Disabled, Family violence, Grant programs—health, Grant programs—social programs.

(Catalog of Federal Domestic Assistance Program No. 13.628, Child Abuse and Neglect Prevention and Treatment)

Dated: January 25, 1985.

Dorcas R. Hardy,

Assistant Secretary for Human Development Services.

Approved: February 20, 1985.

Margaret M. Heckler,

Secretary.

For the reasons set forth in the preamble, 45 CFR Part 1340 is proposed to be amended as follows:

PART 1340—CHILD ABUSE AND NEGLECT PREVENTION AND TREATMENT

1. The authority citation for Part 1340 is revised to read as follows:

Authority: The Child Abuse Prevention and Treatment Act, Pub. L. 93–247, 88 Stat. 4; Pub. L. 95–266, 92 Stat. 205, sections 609–610; Pub. L. 97–35, 95 Stat. 488; Pub. L. 98–457, 98 Stat. 1749 (42 U.S.C. 5101).

2. 45 CFR 1340.2(d) is revised to read as follows:

§ 1340.2 Definitions.

* * * * *

(d) "Child abuse and neglect" means the physical or mental injury, sexual abuse or exploitation, negligent treatment, or maltreatment of a child under the age of eighteen, or the age specified by the child protection law of the State, by a person including any employee of a residential facility or any staff person providing out of home care who is responsible for the child's welfare under circumstances indicating harm or threatened harm to the child's health or welfare. The term encompasses both acts and omissions on the part of a responsible person.

(1) The term "sexual abuse" includes the following activities under circumstances which indicate that the child's health or welfare is harmed or threatened with harm: The employment, use, persuasion, inducement, enticement, or coercion of any child to engage in, or having a child assist any other person to engage in, any sexually explicit conduct (or any simulation of such conduct) for the purpose of producing any visual depiction of such conduct; or the rape, molestation, prostitution, or other form of sexual exploitation of children, or incest with children. With respect to the definition of sexual abuse, the term "child" or "children" means any individual who has not attained the age of eighteen.

(2)(i) "Negligent treatment or maltreatment" includes failure to provide adequate food, clothing, shelter, or medical care.

(ii) Nothing in this part should be construed as requiring or prohibiting a finding of negilgent treatment or maltreatment when a parent practicing his or her religious beliefs does not, for that reason alone, provide medical treatment for a child; provided, however, that if such a finding is prohibited, the prohibition shall not limit the administrative or judicial authority of the State to insure that medical services are provided to the child when his health requires it.

(3) "Threatened harm to a child's health or welfare" means a substantial risk of harm to the child's health or welfare.

(4) "A person responsible for a child's welfare" includes the child's parent, guardian, foster parent, an employee of a public or private residential home or facility or other person legally responsible under State law for the child's welfare in a residential setting, or any staff person providing out of home care. For purposes of this definition, out of home care means center-based day

care provided during a portion of a 24-hour day.

3. Section 1340.13(a) is revised, and (c) is added to read as follows:

§ 1340.13 Approval of applications.

(a) The Commissioner shall approve an application for an award for funds under this subpart if he or she finds that:

(1) The State is qualified and has met all requirements of the Act and § 1340.14 of this part, except for the definitional requirement of § 1340.14(a) with regard to the definition of "sexual abuse" (see § 1340.2(d)(1)) and the definitional requirement of negligent treatment as it relates to the failure to provide adequate health care (see § 1340.2(d)(2)). The State must include these two definitional requirements in its definition of child abuse and neglect no later than the close of the second general legislative session of the State legislature following February 25, 1983;

(2) The State modifies its definition of "child abuse and neglect" to provide that the phrase "person responsible for a child's welfare" includes an employee of a residential facility or a staff person providing out of home care no later than the close of the first general legislative session of the State legislature following the effective date of these regulations;

(3) The funds are to be used to improve and expand child abuse or neglect prevention or treatment programs; and

(4) The State is otherwise in compliance with these regulations.

* * * * *

(c) Except for any requirement under section 4(b)(2)(K) of the Act and § 1340.15 of this part pertaining to medical neglect, a State which, on October 9, 1984, did not meet the eligibility requirements of section 4(b)(2) of the Act and this Part and thus did not receive a State grant in FY 1984 may apply for a waiver of any requirement. In order to apply for a waiver, the Governor of the State must submit documentation of the specific measures the State has taken and will be taking to meet the as yet unmet eligibility requirement(s).

(1) State's whose legislatures meet annually may be granted a one-year waiver if OHDS finds that the State is making a good faith effort to comply with such requirement(s). This waiver is renewable for a second year if, based on additional documentation, the Secretary finds the State is making substantial progress to achieve compliance.

(2) States whose legislatures meet biennially may be granted a waiver for a non-renewable period of not more than two years if OHDS finds, based on documentation, the State is making a good faith effort to comply with any such requirement(s).

4. Section 1340.14 is amended by addition new paragraphs (i)(2) (xii) through (xiv) as follows. Paragraph (i)(1) and the introductory text of (i)(2) are shown for the convenience of the reader and remain unchanged.

§ 1340.14 Eligibility requirements.

* * * * *

(i) *Confidentiality.* (1) The State must provide by statute that all records concerning reports and reports of child abuse and neglect are confidential and that their unauthorized disclosure is a criminal offense.

(2) If a State chooses to, it may authorize by statute disclosure to any or all of the following persons and agencies, under limitations and procedures the State determines:

* * * * *

(xii) A director (or his or her designee) of an agency designated by the State to license and/or register child day care facilities;

(xiii) A director (or his or her designee) of a child day care center; and

(xiv) A director (or his or her designee) of an agency licensed by the State to provide foster care placement and services, and/or adoptive services.

* * * * *

[FR Doc. 85-9873 Filed 4-23-85; 8:45 am]

BILLING CODE 4130-01-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 2

[Gen. Docket No. 83-113; FCC 85-188]

Implementation of the Arrangement With Canada for Use of the 406.1-430 MHz Band in the Border Areas, and Use of the 421-430 MHz Band by Land Mobile Users in Detroit, Cleveland, and Buffalo

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission has proposed rules allocating portions of the 421–430 MHz band in Detroit, Cleveland and Buffalo to land mobile services. This action is taken to provide land mobile relief in three major cities where spectrum is congested because the proximity of the Canadian border has restricted use of both the 470–512 and the 800 MHz bands. Amateur operation would be affected on a limited basis.

DATES: Comments must be submitted on or before May 28, 1985.

Reply comments must be submitted on or before June 12, 1985.

ADDRESS: Federal Communications Commission, 1919 M Street NW, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Don Precure, (202) 653-8170, Room 7314.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 2

Frequency allocations, Radio, Treaties.

Notice of Proposed Rulemaking

In the matter of amendment of Part 2 of the Commission's Rules to Permit Land Mobile Use of the Band 421–430 MHz in Detroit, Cleveland and Buffalo; Gen. Docket No. 85-113.

Adopted: April 15, 1985.
Released: April 19, 1985.

By the Commission, Commissioner Patrick concurring in the result.

Introduction

1. In Dockets 18261 and 18262, the Commission provided spectrum relief for the land mobile services. However, due to the conflict at the time with international allocation constraints, this relief could not be granted along our borders. Negotiations were undertaken with Canada to obtain relief in at least three of our largest border cities. To this end, an Arrangement[1] between the United States and Canada was entered into by exchange of diplomatic notes on April 7, 1982 allowing both nations to operate their respective primary radio services in the band 406.1–430 MHz in the border areas. This Arrangement, coupled with the cooperation of the Executive Branch, will permit land mobile use of portions of the 421–430 MHz band in Detroit, Cleveland, and Buffalo. Allocations are proposed in this Notice to permit such use.

Background

2. Prior to the 1979 World Administrative Radio Conference (1979 WARC), the 420–450 MHz band was allocated to the Radiolocation radio service on a primary basis in Region 2, which consists of North and South America and to the Amateur service on a secondary basis. In the United States,

[1] "Arrangement Between the Department of Communications of Canada and the National Telecommunications and Information Administration and the Federal Communications Commission of the United States Concerning the Use of the 406.1 to 430 MHz Band in Canada/United States Border Areas" (the Arrangement) and is to be annexed to an Agreement "Telecommunications: Coordination and Use of Radio Frequencies Above 30 Megacycles per Second" originally entered into by the United States and Canada on October 24, 1962, and later modified with respect to the Technical Annex by an exchange of Notes on June 16 and 24, 1965.

the primary use of the band was for Government radiolocation operations, with non-Government radiolocation and amateur operations permitted on a secondary basis. However, at the 1979 WARC the 420–430 and 440–450 MHz bands were reallocated in all Regions for primary use by the Fixed and Mobile radio services. The United States, intending to continue primary use by the Radiolocation service and secondary use by the Amateur radio service, achieved two footnotes to the international allocation table.

3. Footnote 651 was modified to read:

"Different category of service: In Australia, the United States, India, Japan and the United Kingdom, the allocation of the bands 420–430 and 44–450 MHz to the radiolocation service is on a primary basis."

This footnote retains Radiolocation as a primary service in the United States for the spectrum mentioned, thereby allowing Radiolocation to continue as the principal user of this band in the United States. Canada is not included in the footnote and intends to use the spectrum for Fixed and Mobile operations, consistent with the new international allocation. This difference of usage requires a cooperative effort between Canada and the United States in the border areas in order to avoid mutual interference between the involved sevices.

4. A new international footnote, 652, was added to permit continued secondary use by Amateurs:

"Additional allocation: In Australia, the United States, Jamaica and the Philippines, the bands 420–430 MHZ and 440–450 MHz are also allocated to the amateur service on a secondary basis."

Special arrangements have also been developed for Amateur operations in this country so that there will be no interference with Fixed and Mobile operations in Canada. During the proceeding to implement domestically the results of the 1979 WARC, footnote NG135 was added to the table of allocations.

"In the 420–430 MHz band the amateur service is not allocated north of Line A. All amateur radio stations shall operate north of Line A in accordance with the Agreement between the United States and Canada."[2]

5. An Arrangement has been negotiated with Canada to permit both Candian Fixed and Mobile users and United States Radiolocation users to share the spectrum with little possibility of interference. The Arrangement, although primarily drafted to allow the United States to continue Government radiolocation operations while Canada implements land mobile operations, will also allow land mobile operation by the United States within the coordination zone north of Line A (defined in § 2.1). In particular, the Arrangement provides for United States land mobile activity in a portion of the band 421–430 MHz.

Discussion

Land Mobile Operations

6. The provisions for land mobile operations within the Arrangement present an opportunity to provide for non-Government land mobile operations in Detroit, Cleveland and Buffalo, where mobile spectrum is in short supply. This is possible because Government radiolocation transmitters are not currently located near these cities and the Government intends to minimize operations in those vicinities. Radiolocation interference, if any, would be very infrequent and transient, occurring primarily from airborne sources.

7. While the spectrum demand in Detroit, Cleveland, and Buffalo is as great as that of some major cities, land mobile channels are crowded in these cities because they have had no relief at 470–512 MHz and only recently received relief at 800 MHz. The 470–512 MHz band (UHF-TV channels 14 through 20) was to be shared between land mobile and broadcasting in our ten largest cities, according to rules developed in Docket 18261. Detroit and Cleveland, which were included because of their size, actually received no relief because nearby UHF-TV stations required protection. Buffalo received no relief because of its smaller size. No border-area cities received land mobile relief at 800 MHz in Docket 18262 because, at the time, the band was allocated internationally to the broadcasting service. No land mobile use of the band could, therefore, be permitted in the coordination zone (north of Line A) because it would interfere with primary broadcast usage in Canada. Land mobile became the primary service as a result of the 1979 WARC and, following negotiation of a sharing arrangement with Canada, portions of the 800 MHz band are now available in these cities.[3]

8. The Arrangment divides the 421–430 MHz band equally between the United States and Canada for land mobile use. Within the coordination zone, each nation generally has "unrestricted geographic use" of its half of the band and each avoids any use of the remaining half. It was agreed, however, that because the United States has more spectrum demand than Canada in the border area between 81 and 85 degrees west longitude and because Canada has more demand than the United States in the border area between 71 and 81 degrees, that within these sectors the nation having more need would have more spectrum (approximately 70% of the band rather than 50%). Detroit and Cleveland, located in the sector where the United States is favored, would receive more relief than Buffalo which is located in the sector where Canada is favored.

9. Spectrum made available for use by the United States must still be shared between Government Radiolocation and non-Government land mobile users. NTIA, in discussions with the Commission, has agreed to allow the United States portion of this band to be used for Non-Government purposes in these three cities while retaining the primary United States allocation for Radiolocation. It will do this by avoiding use of these frequencies, to the extent possible and except in emergencies, within interference range of the three cities.[4]

Amateur Operations

10. Amateur operation on these bands within the coordination zone north of Line A is already limited by Footnote NG135. While this is sufficient to protect Canadian users and the proposed land mobile users in Detroit, it is insufficient to permit land mobile operation in Cleveland and Buffalo. However, substantial additional protection is provided because the amateur allocation south of Line A is secondary. We do not propose to change the amateur allocation. Amateurs would have to avoid causing any interference to land mobile because we propose to make land mobile a primary service. If land mobile systems with 30 mile operating ranges and located within 25 miles of

[2] Non-Government footnote 135 (NG135) adopted November 8, 1983, in General Docket 80–739, the amendment of Part 2 regarding implementation of the final acts of the 1979 WARC. Subsequent to this Arrangement, the Commission issued a related Notice of Proposed Rulemaking in PR Docket 84–960 proposing deletion of the 420–430 MHz band for amateurs north of Line A.

[3] Second Report and Order, PR Docket 79–191, adopted July 22, 1982, for private services. CC Docket 79–318 for common carrier (cellular).

[4] Although the U.S. Government reserves the right to operate radiolocation stations in the 420–430 MHz band on board fixed-wing aircraft, the government will minimize use of this band on flights within interference range of land mobile operations.

the center of these cities are to be practical, they must be protected from interference by a buffer of at least 45 miles. If the secondary allocation is not sufficient, we would consider prohibiting amateur operation in the 421–430 MHz band within approximately 100 miles of the centers of Buffalo and Cleveland. We specifically seek comments on this alternative.[5]

Allocation Proposal

11. Changes are proposed to the Table of Frequency Allocations, § 2.106 of the Commission's Rules. For the frequency band 420–450 MHz, footnote US230 is added. The proposed Table of Allocations is given in the Appendix.

12. The proposed footnote change describes the area where land mobile operation is permitted by naming the counties of each area. This has been done to simplify the application process, to eliminate distance calculations, and to eliminate the need for special maps on the part of the applicant. It is also more convenient administratively to the Commission.

13. These land mobile allocations are on frequencies and in areas for which the United States generally has unrestricted use. Therefore, operations need not be coordinated with Canada with one exception. Applications for land mobile licenses in Lake and Geauga counties, Ohio, north of latitude 41 degrees 34 minutes North which use the band 422.1875–423.8000 or 427.1875.8000 MHz must be coordinated with Canada prior to licensing.

Other Matters

14. Specific service rules must be adopted before land mobile operations can begin. These would be developed through further rulemakings.

15. The proposed amendments to Part 2 of the rules as set forth in the Appendix, are issued pursuant to the authority contained in sections 4(i) and 303(c), (h), and (r) of the Communications Act of 1934, as amended.

16. Pursuant to applicable procedures set forth in § 1.415 of the Commission's Rules, interested persons may file comments on or before May 28, 1985, and reply comments on or before June 12, 1985. All relevant and timely comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision, the Commission may take into consideration information and ideas not contained in the comments, provided that such information or a writing indicating the nature and source of such information is placed in the public file, and provided that the fact of the Commission's reliance on such information is noted in the Report and Order.

17. In accordance with the provisions set out in § 1.419 of the Commission's rules, formal participants shall file an original and 5 copies of their comments and other materials. Participants wishing each Commissioner to have a personal copy of their comments should file an original and 11 copies. Members of the general public who wish to express their interest by participating informally may do so by submitting 1 copy. All comments are given the same consideration, regardless of the number of copies submitted. All documents will be available for public inspection during regular business hours in the Commission's Public Reference Room at its headquarters, Room 239, 1919 M Street NW, Washington, DC. For general information on how to file comments, please contact the FCC Consumer Assistance and Small Business Division at (202) 632–7000.

18. For purposes of this non-restricted notice and comment rulemaking proceeding, members of the public are advised that *ex parte* contacts are permitted from the time the Commission adopts a notice of proposed rulemaking until the time a public notice is issued stating that a substantive disposition of the matter is to be considered at a forthcoming meeting or until a final order disposing of the matter is adopted by the Commission, whichever is earlier. In general, an *ex parte* presentation is any written or oral communication (other than formal written comments/pleadings and formal oral arguments) between a person outside the Commission and a Commissioner or a member of the Commission's staff which addresses the merits of the proceeding. Any person who submits a written *ex parte* presentation must serve a copy of that presentation on the Commission's Secretary for inclusion in the public file. Any person who makes an oral *ex parte* presentation addressing matters not fully covered in any previously-filed written comments for the proceedings must prepare a written summary of that presentation; on the day of oral presentation, that written summary must be served on the Commission's Secretary for inclusion in the public file, with a copy to the Commission official receiving the presentation. Each *ex parte* presentation described above must state on its face that the Secretary has been served, and must also state by docket number of the proceeding to which it relates. See generally, § 1.1231 of the Commission's rules, 47 CFR 1.1231. A summary of these Commission procedures governing *ex parte* presentations in informal rulemaking is available from the Commission's Consumer Assistance Office, FCC, Washington, DC 20554.

19. Pursuant to section 605 of the Regulatory Flexibility Act (Pub. L. 96–354, September 19, 1980, 94 Stat 1164; 5 U.S.C. 601 *et seq.*), the Commission certifies that the action proposed will not have a significant economic impact on a substantial number of small business entities. Immediate economic impact is confined to three cities and any perceived impact is entirely beneficial. Previous users of this spectrum, to the extent it was being used, were Government radiolocation stations and amateur radio licensees, both of which are excluded from consideration under the terms of the Regulatory Flexibility Act.

20. Accordingly, the Commission certifies that sections 603 and 604 of the Regulatory Flexibility Act do not apply to this proceeding. See U.S.C. 605(b). It is ordered that a copy of this notice shall be sent to the Chief Council for Advocacy of the Small Business Administration.

21. For further information concerning procedures to follow with respect to this rulemaking proceeding, contact Don Precure at (202) 653–8170.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission

William J. Tricarico,

Secretary.

Appendix

Part 2 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

Section 2.106 is amended by adding footnote designator US230 at columns 4 and 5 and by adding "LAND MOBILE (90 & 22)" at column 6 in the 420–450 MHz band, and by adding the text of footnote US230 in numerical sequence to

[5] If the secondary allocation is insufficient, we could prohibit amateur operation by adding the following language to footnote NG135: "In the band 421–430 MHz the amateur service is not allocated in Wyandot, Marlow, Knox, Coshocton, Guernsey, Harrison, and Jefferson Counties, Ohio, in Brooke and Hancock Counties, West Virginia, in Beaver, Butler, Venango, Forest, Elk, Cameron, and Potter Counties, Pennsylvania, in Steuben and Schuyler Counties, New York, and in the area enclosed between these counties and line A."

the list of footnotes following the Table of Frequency Allocations.

§2.106 Table of frequency allocations.

U.S table		FCC use designators	
Government	Non-Government	Rule part(s)	Special use frequencies
Allocation (MHz)	Allocation (MHz)		
(4)	(5)	(6)	(7)
420–450	420–450		
RADIOLOCATION	Amateur	LAND MOBILE	
664 668 US7	664 668 US7	(90 & 22)	
US87 US217 US228	US87 US217 US228		
US230 G2 G8	US230 NG135	Amateur (97)	
G105			

. . . . .

US230 Non-Government Land Mobile service is allocated on a primary basis in the bands 422.1875–425.4875 and 427.1875–429.9875 MHz in Macomb, Oakland, and Wayne Counties, Michigan, and in Lorain, Medina, Summit, Geauga, Lake, and Cuyahoga Counties, Ohio, and in the bands 423.8125–425.4875 and 428.8125–429.9875 MHz in Erie and Niagara Counties, New York. Non-government airborne operations are not permitted.

[FR Doc. 85–9851 Filed 4–23–85; 8:45 am]

BILLING CODE 6712–01–M

47 CFR Part 73

[MM Docket No. 84–502; RM–4766]

TV Broadcast Stations De Funiak Springs, FL

AGENCY: Federal Communications Commission.

ACTION: Proposed rule; dismissal of petition.

SUMMARY: This action dismisses a proposal to assign UHF television Channel 62 to De Funiak Spring, Florida, in response to a petition filed by Marvin Palmquist. The rule making is dismissed due to lack of interest by the petitioner or other interested parties.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Montrose H. Tyree, Mass Media Bureau, (202) 634–6530.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 73

Television broadcasting.

Report and Order Proceeding Terminated

In the matter of amendment of § 73.606(b), table of assignments, TV Broadcast Stations, (De Funiak Springs, Florida); MM Dkt. 84–502, RM–4766.

Adopted: April 10, 1985.
Released: April 17, 1985.

By the Chief, Policy and Rules Division.

1. Before the Commission is the *Notice of Proposed Rule Making*, 49 FR 24404, published June 13, 1984, proposing the assignment of UHF television Channel 62 to De Funiak Springs, Florida, in response to a request from Marvin Palmquist ("petitioner").

2. The Commission did not receive comments from the petitioner (or any other interested parties), and consistent with our policy and procedures set forth in the Appendix to the *Notice*, we have dismissed the request for lack of continuing interest.

3. In view of the foregoing, it is ordered, that the petition of Marvin Palmquist, proposing the assignment of UHF television Channel 62 to De Funiak Springs, Florida, is hereby dismissed.

4. For further information concerning this proceeding contact Montrose H. Tyree, Mass Media Bureau, (202) 634–6530.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Charles Schott,

Chief, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 85–9860 Filed 4–23–85; 8:45 am]

BILLING CODE 6712–01–M

47 CFR Part 73

[MM Docket No. 85–110; RM–4776]

FM Broadcast Stations in Willcox, AZ

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: Action taken herein proposes the substitution of Class C FM Channel 300 for Channel 252A at Willcox, Arizona, and modification of the Class A license for Station KWCX(FM), in response to a petition filed by Rex K. Jensen. The proposed allotment could provide Willcox with a first wide-coverage Class C FM station.

DATES: Comments must be filed on or before June 10, 1985, and reply comments must be filed on or before June 25, 1985.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Nancy V. Joyner, Mass Media Bureau, (202) 634–6530.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Proposed Rule Making

In the matter of amendment of § 73.202(b), table of allotments, FM broadcast stations (Willcox, Arizona); MM Docket No. 85–110, RM–4776.

Adopted: April 10, 1985.
Released: April 18, 1985.

By the Chief, Policy and Rules Division.

1. The Commission herein considers a petition for rule making filed by Rex K. Jensen ("petitioner"), licensee of FM Station KWCX(FM)[1] (Channel 252A), Willcox, Arizona, which seeks to substitute Class C FM Channel 300 for 252A, and to modify his license to specify operation on the Class C channel. Petitioner indicates that he will apply for authority to build and operate a station on Channel 300 if allotted to Willcox, as proposed.

2. In justification of the request, petitioner states that, due to terrain factors in his service area, the present Class A channel in Willcox provides only marginal service, whereas a Class C channel would enable him to provide expanded coverage not only to area residents, but also a first FM service to over 2,500 persons residing in nearby communities. Additionally, petitioner claims that the Class C channel could provide essential weather information to outlying farms and ranches, as well as to travelers along Interstate 10.

3. We believe the proposal warrants consideration in view of the expressed need for a wide coverage area FM station. A staff engineering study reveals that the proposed allotment can be accomplished in conformity with the minimum distance separation requirements of § 73.207(b) of the Commission's Rules, provided the transmitter is located at least 21.2 miles east of Willcox to avoid short-spacing to co-channel Station KMLE(FM), Chandler, Arizona.[2]

[1] Petitioner is also the licensee of co-owned Station KHIL(AM), Willcox.

[2] It is noted that the proposed allotment would limit the 16 kilometer (10 mile) buffer to Station KMLE(FM). Existing Class C stations with less than a 300 meter antenna height are now permitted a 16 kilometer buffer zone. However, the buffer zone

Continued

4. Since Willcox is located within 320 kilometers (199 miles) of the common U.S.-Mexican border, the Commission must obtain concurrence of the Mexican government in the instant proposal. Moreover, petitioner should note that since his proposal is in the vicinity of the FCC's monitoring station in Douglas, Arizona, the proposed allotment herein will be contingent upon avoiding interference to that facility.

5. In view of the above, we will propose to modify the license of Station KWCX(FM), as requested by petitioner. However, in conformity with Commission precedent, as expressed in *Cheyenne, Wyoming*, 62 FCC 2d 63 (1976), should another interest in the allotment be shown, the modification could not be made unless at least one additional equivalent channel is available in the community to accommodate any other expressions of interest. See, *Modification of FM and TV Station Licenses*, 56 RR 2d 1253 (1984).

PART 73—[AMENDED]

§ 73.202 [Amended]

6. Accordingly, we consider it appropriate to elicit comments on the proposal to amend the FM Table of Allotments, § 73.202(b) of the Commission's Rules, as follows:

City	Channel No.	
	Present	Proposed
Willcox, AZ	252A	300

7. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be allotted.

8. Interested parties may file comments on or before June 10, 1985, and reply comments on or before June 25, 1985, and are advised to read the Appendix for the proper procedures. Additionally a copy of such comments should be served on the petitioner, or his counsel, as follows:

Russell C. Powell, Esq., Southmayd, Powell, Taylor and Bowen, 1764 Church Street, NW., Washington, D.C. 20036 (Counsel for Petitioner).

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does not apply to petitions filed prior to March 1, 1984. See, *Memorandum Opinion and Order*, BC Docket No. 80-90, 94 FCC 2d 152 (1983); *recons.*, 97 FCC 2d 279 (1984).

9. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the Table of FM Allotments, § 73.202(b) of the Commission's Rules. See *Certification that sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making To Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 FR 11549, published February 9, 1981.

10. For further information concerning this proceeding, contact Nancy V. Joyner, Mass Media Bureau, (202) 634-6530. However, members of the public should note that from the time a *Notice of Proposed Rule Making* is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contracts are prohibited in Commission proceedings, such as this one, which involve channel allotments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment to which the reply is directed constitutes an *ex parte* presentation and shall not be considered in the proceeding.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303).

Federal Communications Commission.

Charles Schott,

Chief, Policy and Rules Division, Mass Media Bureau.

Appendix

1. Pursuant to authority found in sections 4(i), 5(c)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.61, 0.204(b) and 0.283 of the Commission's Rules, it is proposed to amend the FM Table of Allotments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed allotment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is alloted and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceedings itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in § 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the notice of Proposed Rule Making to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420(a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference

Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 85-9859 Filed 4-23-85; 8:45 am]
BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 85-111; RM-4857]

TV Broadcast Stations in Pearl City and Wailuku, HI

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes the assignment of VHF Television Channel 7, to Pearl City, Hawaii, and the substitution of VHF Channel 8 for Channel 7 at Wailuku, Hawaii, in response to a petition filed by Larry G. Fuss, Sr., as that community's first television assignment.

DATES: Comments must be filed on or before June 10, 1985, and reply comments on or before June 25, 1985.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: D. David Weston, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 73

Television broadcasting.

Proposed Rule Making and Order to Show Cause

In the matter of amendment of § 73.606(b), table to assignments, TV broadcast stations (Pearl City and Wailuku, Hawaii); MM Docket No. 85-111, RM-4857.

Adopted: April 10, 1985.
Released: April 18, 1985.

By the Chief, Policy and Rules Division

1. Before the Commission for consideration is a petition for rule making filed by Larry G. Fuss, Sr. ("petitioner") seeking the assignment of VHF Television Channel 7 to Pearl City, Hawaii, as that community's first commercial television facility. This can be accomplished by substituting VHF TV Channel 8 for Channel 7 in Wailuku, Hawaii.

2. Pearl City (population 42,575) [1] in Honolulu County (population 762,565) is located approximately 13 kilometers (8 miles) northwest of Honolulu. The proposed assignment of Channel 7 to Pearl City requires the substitution of Channel 8 for Channel 7 in Wailuku currently occupied by Station KAII-TV licensed to Western Sun, Inc. ("Western"). We are, therefore, issuring herein an *Order to Show Cause* to Western to comment on its willingness to have its license amended to specify Channel 8 in lieu of Channel 7.

3. Petititioner has submitted information in support of the proposal and expressed an interest in applying for the channel, if assigned. Both the assignment of VHF Television Channel 7 to Pearl City and the channel substitution at Wailuku can be made in compliance with the minimum distance separation requirements of § 73.610 of the Rules. As required by Commission policy, the successful applicant for Channel 7 at Pearl City will be required to reimburse Station KAII-TV for the reasonable costs of changing channels. Petitioner has stated his willingness to do so.

PART 73—[AMENDED]

§ 73.606 [Amended]

4. In view of the foregoing and the fact that the proposed assignment could provide a first commercial television assignment to Pearl City, the Commission believes it appropriate to propose amending the Television Table of Assignments, § 73.606(b) of the Commission's Rules as follows:

City	Channel No	
	Present	Proposed
Pearl City, HI	.....	7
Wailuku, HI	3, 7, *10, 12, 15, 21, *27, and *33	3, 8, *10, 12 15, 21, *27, and *33

5. Accordingly, it is ordered, That pursuant to § 316(a) of the Communications Act of 1934, as amended, Western Sun, shall show cause why its license should not be modified to specify operation on Channel 8 at Wailuku, Hawaii, as proposed herein instead of its present Channel 7.

6. Pursuant to § 1.87 of the Commission's Rules, Western may, not later than June 10, 1985, request that a hearing be held on the proposed modifications. If the right to request a hearing is waived, it may, not later than June 10, 1985, file a written statement showing with particularity why its license or application should not be modified as proposed in the order to show cause. In this case, the Commission may call upon Western to furnish additional information, designate the matter for hearing, or issue, without further proceedings, an *Order* modifying the license or application as provided in the *Order to show cause* and a final *Order* will be issued by the Commission, if the above-mentioned channel modifications are ultimately found to be in the public interest.

7. It is further ordered, That the Secretary shall send a copy of this *Notice of Proposed Rule Making and Order to Show Cause* by certified mail, return receipt requested to the following:

Western Sun, Inc., c/o P.O. Box 957, Des Moines, IA 50309

Station KAII-TV, c/o KHON-TV, 615 Piikoi Street, Suite 501, Honolulu, HI 96814

Marmet Professional Corp., 1822 Jefferson Place, NW., Washington, D.C. 20036 (Counsel to Western Sun, Inc.)

8. Interested parties may file comments on or before June 10, 1985, and reply comments on or before June 25, 1985, and are advised to read the Appendix for the proper procedures. Additionally, a copy of such comments should be served on the petitioner, as follows:

Larry G. Fuss, Sr., P.O. Box 3976, Jackson, GA 30233-0976

9. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

10. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the TV Table of Assignments, § 73.606(b) of the Commission's Rules. See, *Certification that sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 FR 11549, published February 9, 1981.

11. For further information concerning this proceeding, contact D. David Weston, Mass Media Bureau, (202) 634-6530. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission. Any comment which has not been served on

[1] Population figures are extracted from the 1980 U.S. Census

the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment, to which the reply is directed, constitutes an *ex parte* presentation and shall not be considered in the proceeding.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Charles Schott,

Chief, Policy and Rules Division, Mass Media Bureau.

Appendix

1. Pursuant to authority found in sections 4(i), 5(c)(1), 303(g) and (r), and 307(b) of the Communication Act of 1934, as amended, and §§0.61, 0.204(b) and 0.283 of the Commission's Rules, it is proposed to amend the TV Table of Assignments, §73.606(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See §1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompained by a certificate of service. (See § 1.420(a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 85-9861 Filed 4-23-85; 8:45 am]

BILLING CODE 6712-01-M

GENERAL SERVICES ADMINISTRATION

48 CFR Part 504

[GSAR Notice No. 5-90]

Contract Files

AGENCY: Office of Acquisition Policy, GSA.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice invites written comments on a proposed change to the General Services Administration Acquisition Regulation (GSAR) Chapter 5, which would expand Subpart 504.8 of the regulation to add procedures on the reassignment and transfer of contract files from one office to another and from one contracting officer to another. The intended effect is to improve the regulatory coverage and to provide uniform procedures for use by GSA contracting activities.

DATES: Comments are due in writing not later than May 24, 1985.

ADDRESS: Requests for a copy of the proposal and comments should be addressed to Ms. Ida M. Ustad, Office of GSA Acquisition Policy and Regulations, 18th and F Sts., NW., Room 4027, Washington, D.C. 20405.

FOR FURTHER INFORMATION CONTACT: L. Gaye Hirz-Kester, Office of GSA Acquisition Policy and Regulations, (202) 523-4763.

SUPPLEMENTARY INFORMATION:

Impact

The Director, Office of Management and Budget (OMB), by memorandum dated December 14, 1984, exempt certain agency procurement regulations from Executive Order 12291. The exemption applies to this rule. The General Services Administration (GSA) certifies that this document will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 et. seq.). This proposed rule has no impact outside the agency. It establishes procedures for transferring files within the agency from one office to another or from one contracting officer to another. Accordingly, no regulatory analysis has been prepared. The rule does not contain information collection requirements which require the approval of OMB under 44 U.S.C. 3501 et seq.

List of Subjects in 48 CFR Part 504

Government procurement.

(40 U.S.C. 486(c))

Dated: April 15, 1985.

Ida M. Ustad,

Acting Director, Office of GSA Acquisition Policy and Regulations.

[FR Doc. 85-9875 Filed 4-23-85; 8:45 am]

BILLING CODE 6820-61-M

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48 CFR Part 516

[GSAR Notice No. 5-16]

Types of Contracts

AGENCY: Office of Acquisition Policy, GSA.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice invites written comments on a proposed change to the General Services Administration Acquisition Regulations (GSAR) Chapter 5, concerning Part 516, Types of Contracts. The April 1, 1984, edition of the GSAR did not include specific instructions supplementing the Federal Acquisition Regulations with regard to

Part 16. The purposes of this change is to provide supplementary guidance on the use of economic price adjustment clauses, and to establish the approval authority for the use of various types of contracts. The intended effect is to improve the regulatory coverage and to provide uniform procedures for contracting under the regulatory system.

DATES: Comments are due in writing not later than May 24, 1985.

ADDRESS: Requests for a copy of the proposal and your comments should be addressed to Ms. Ida M. Ustad, Office of GSA Acquisition Policy and Regulations, 18th and F Sts., NW., Room 4027, Washington, DC 20405.

FOR FURTHER INFORMATION CONTACT: L. Gaye Hirz-Kester, Office of GSA Acquisition Policy and Regulations, (202)523–4763.

SUPPLEMENTARY INFORMATION:

Impact

The Director, Office of Management and Budget (OMB), by memorandum dated December 14, 1984, exempt certain agency procurement regulations from Executive Order 12291. This exemption applies to this proposed rule. The General Services Administration (GSA) certifies that this document will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 et seq.). The proposed rule has no impact outside the agency. It establishes signatory approval levels within the agency for determination and findings required to use certain types of contracts. The rule also establishes procedures for the preparation and approval of certain types of contract clauses. Accordingly, no regulatory flexibility analysis has been prepared. The rule does not contain information collection requirements which require the approval of OMB under 44 U.S.C. 3501 et seq.

List of Subjects in 48 CFR Part 516

Government procurement.

(40 U.S.C. 486(c)

Dated: April 16, 1985.

Ida M. Ustad,

Acting Director, Office of GSA Acquisition Policy and Regulations.

[FR Doc. 85–9876 Filed 4–23–85; 8.45 am]

BILLING CODE 6820–61–M

Notices

Federal Register
Vol. 50, No. 79
Wednesday, April 24, 1985

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Office of the Secretary

[Docket No. 85-326]

Declaration of Emergency Because of Mediterranean Fruit Fly

Whereas, a serious infestation of Mediterranean fruit fly exists in parts of Florida, and

Whereas, Mediterranean fruit fly is one of the most destructive pests of numerous fruits and vegetables, especially citrus fruits, and can develop rapidly and spread easily causing severe damage to entire citrus and other fruit and vegetable growing areas;

Now, Therefore, in accordance with the provisions of the Act of September 25, 1981, 95 Stat 953 (7 U.S.C. 147b), I declare that there is an emergency which threatens the citrus and other fruit and vegetable growing industries of this country and I authorize the transfer and use of such sums as may be necessary from appropriations or other funds available to the agencies or corporations of the Department of Agriculture for the conduct of a program to detect and identify Mediterranean fruit fly infested areas, to control and prevent the dissemination of Mediterranean fruit fly to noninfested areas in the United States, and to eradicate Mediterranean fruit fly wherever it may be found.

Effective date: This declaration of emergency shall become effective April 18, 1985.

John R. Block,

Secretary of Agriculture.

[FR Doc. 85-9823 Filed 4-23-85; 8:45 am]

BILLING CODE 3410-34-M

Forms Under Review by Office of Management and Budget

April 19, 1985.

The Department of Agriculture has submitted to OMB for review the following proposals for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35) since the last list was published. This list is grouped into new proposals, revisions, extensions, or reinstatements. Each entry contains the following information:

(1) Agency proposing the information collection; (2) Title of the information collection; (3) Form number(s), if applicable; (4) How often the information is requested; (5) Who will be required or asked to report; (6) An estimate of the number of responses; (7) An estimate of the total number of hours needed to provide the information; (8) An indication of whether section 3504(h) of Pub. L. 96-511 applies; (9) Name and telephone number of the agency contact person.

Questions about the items in the listing should be directed to the agency person named at the end of each entry. Copies of the proposed forms and supporting documents may be obtained from: Department Clearance Officer, USDA, OIRM, Room 404-W Admin. Bldg., Washington, D.C. 20250, (202) 447-2118.

Comments on any of the items listed should be submitted directly to: Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, D.C. 20503. ATTN: Desk Officer for USDA.

If you anticipate commenting on a submission but find that preparation time will prevent you from doing so promptly, you should advise the OMB Desk Officer of your intent as early as possible.

Extension

• Agricultural Stabilization and Conservation Service.
Application for Settlement of Indebtedness
ASCS 539
On occasion
Farms; 100 responses; 50 hours; not applicable under 3504(h) Robert Taylor (202) 447-3809

• Statistical Reporting Service.
List Sampling Frame Survey
On occasion
Farms; 114,000 responses; 9,500 hours; not applicable under 3504(h)
Lee Sandberg (202) 447-6820

New

• Economic Research Service.
The Formula Feed Manufacturing Survey, 1985
Once in a decade
Farms; Businesses or other for-profit; 4,800 responses; 4,800 hours; not applicable under 3504(h)
William W. Lin (202) 447-8444

Revision

• Agricultural Stabilization and Conservation Service.
Application for Disaster Credit
ASCS-574
On occasion, Annually
Farms; 90,000 responses; 15,000 hours; not applicable under 3504(h)
Bill Harshaw (202) 382-9878

Jane A. Benoit,

Departmental Clearance Officer.

[FR Doc. 85-9886 Filed 4-23-85; 8:45 am]

BILLING CODE 3410-01-M

DEPARTMENT OF COMMERCE

Advisory Committee; Availability of Report on Closed Meetings

AGENCY: Department of Commerce.

ACTION: Announcing public availability of report on closed meetings of advisory committees.

SUMMARY: The Department of Commerce has prepared its report on the activities of closed or partially-closed meetings of advisory committees as required by the Federal Advisory Committee Act.

ADDRESSES: Copies of the reports have been filed and are available for public inspection at two locations:
Library of Congress, Newspaper and Current Periodicals Reading Room, Room LM133, Madison Building, 1st and Independence Avenue, SE., Washington, D.C. 204540.
Department of Commerce, Central Reference and Records Inspection Facility, Room 6628, Herbert C. Hoover Building, 14th and Constitution Avenue, NW., Washington, D.C. 20230, telephone (202) 377-4217.

SUPPLEMENTARY INFORMATION: The reports cover the closed and partially-

closed meetings held in 1984 of 31 committees and their subcommittees, the names of which are listed below:

Automated Manufacturing Equipment Technical Advisory Committee (TAC)
Computer Peripherals Components and Related Test Equipment TAC
Computer Systems TAC
—Foreign Availability Subcommittee
—Hardware Subcommittee
Electronic Instrumentation TAC
Importers and Retailers' Textile Advisory Committee
Industry Functional Advisory Committee on Customs Matter for TPM
Industry Functional Advisory Committee on Standards for TPM
Industry Policy Advisory Committee for TPM
Industry Sector Advisory Committee (ISAC) on Aerospace Equipment for TPM
—Customs Procedures Subcommittee
—Government Supports Subcommittee
—Military Trade Subcommittee
—Purchase Finance Subcommittee
—Space Equipment Subcommittee
ISAC on Capital Goods for TPM
ISAC on Consumer Goods for TPM
ISAC on Electronics and Instrumentation for TPM
ISAC on Energy for TPM
ISAC on Ferrous Ores and Metals for TPM
ISAC on Footwear, Leather, and Leather Products for TPM
ISAC on Industrial and Construction Material and Supplies for TPM
ISAC on Lumber and Wood Products for TPM
ISAC on Nonferrous Ores and Metals for TPM
—Scrap Subcommittee
ISAC on Paper and Paper Products for TPM
ISAC on Services for TPM
ISAC on Small and Minority Business for TPM
ISAC on Textiles and Apparel for TPM
ISAC on Transportation, Construction, and Agricultural Equipment for TPM
ISAC on Wholesaling and Retailing for TPM
Management-Labor Textile Advisory Committee
Marine Fisheries Advisory Committee
National Advisory Committee on Oceans and Atmosphere
President's Export Council (PEC)
—Incentives/Disincentives Subcommittee
PEC Subcommittee on Export Administration
Sea Grant Review Panel
Semiconductor TAC
Telecommunications Equipment TAC

FOR FURTHER INFORMATION CONTACT: Suzette Kern, Management Analyst, Office of the Secretary, Department of Commerce, Washington, D.C. 20230, telephone (202) 377–4217.

Dated: April 11, 1985.

Jessica Rickenbach,

Information Management Division, Office of Information Resources Management.

[FR Doc. 85–9848 Filed 4–23–85; 8:45 am]

BILLING CODE 3510–CW–M

Bureau of the Census

Four Census Advisory Committees for the 1990 Census; the Black Population; the Hispanic Population, the Asian and Pacific Islander Populations; and the American Indian and Alaska Native Population; Establishment

In accordance with the provisions of the Federal Advisory Committee Act, 5 U.S.C. App. 2 and the General Services Administration Interim Rule on Federal Advisory Committee Management, 41 CFR 101–6 as amended, and after consultation with GSA, the Secretary of Commerce has determined that the establishment of the following four Census Advisory Committees is in the public interest in connection with the performance of duties imposed on the Department by law: The Census Advisory Committee on the Black Population for the 1990 Census; the Census Advisory Committee on the Hispanic Population for the 1990 Census; the Census Advisory Committee on the Asian and Pacific Islander Populations for the 1990 Census; and the Census Advisory Committee on the American Indian and Alaska Native Populations for the 1990 Census.

The committees will provide an organized and continuing channel of communication between the aforementioned populations and the Bureau of the Census on the problems and opportunities of the 1990 Decennial Census as they relate to these populations. Major efforts to improve decennial census data are necessary since such data are widely used for such critical matters as legislative apportionment, allocation of government funds, and public and private program planning.

Having an established channel of communication will be helpful to the Census Bureau in its efforts to develop the procedures and techniques that will yield the necessary improvements. To the extent that these efforts are successful, there will be direct and substantial gain to the aforementioned populations.

The committees will draw on the knowledge and expertise of their members to provide advice during the planning of the 1990 Census of Population and Housing on such elements as improving the accuracy of the population count, recommending subject content and tabulations of special use to minority populations, expanding the dissemination of census results among present and potential users of census data in minority communities, and generally improving the usefulness of the census product.

Each of the committees will consist of nine members appointed by the Secretary of Commerce from among a broad spectrum of community leaders, such as neighborhood council members, elected public officials, executives of minority organizations, and academicians. The committees will report and be responsible to the Director, Bureau of the Census.

The committees will function solely as advisory bodies in compliance with the provisions of the Federal Advisory Committee Act. The committee charters will be filed under the Act 15 days from the date of publication of this notice.

Interested persons are invited to submit comments regarding the establishment of these committees. Such comments, as well as any inquiries, may be addressed to the Chief, Outreach Coordination Staff, Decennial Planning Division, U.S. Bureau of the Census, Washington, D.C. 20333, phone: (301) 763–4358, or the Department of Commerce's Committee Management Analyst, phone (202) 377–4217.

Dated: April 17, 1985.

Katherine M. Bulow,

Assistant Secretary for Administration.

[FR Doc. 85–9824 Filed 4–23–85; 8:45 am]

BILLING CODE 3510–07–M

Foreign-Trade Zones Board

[Docket No. 6–85]

Foreign-Trade Zone 41, Application for Subzone, Ambrosia Chocolate Company Plant, Milwaukee, WI

An application has been submitted to the Foreign-Trade Zones Board (the Board) by Foreign Trade Zone of Wisconsin, Ltd., grantee of Foreign-Trade Zone 41, requesting special-purpose subzone status for the chocolate products manufacturing plant of Ambrosia Chocolate Company, a Division of W.R. Grace and Company, located in Milwaukee, Wisconsin, within the Milwaukee Customs port of entry. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended

(19 U.S.C. 81a–81u), and the regulations of the Board (15 CFR Part 400). It was formally filed on March 29, 1985. The applicant is authorized to make this proposal under Chapter 110 of the Laws of Wisconsin, 1977, approved 10/13/77.

The subzone would be located at the Ambrosia plant at 1133 No. Fifth Street, Milwaukee. The 2.8-acre facility, which employs 450 persons, is used to produce a variety of industrial chocolate products for the bakery, confectionary and dairy industries. The significant differential between domestic and foreign sugar prices and its impact on the cost of chocolate has prompted the company to begin importing some chocolate products. Imported materials used in its U.S. chocolate production include cocoa beans, chocolate liquor, cocoa butter, and sweetened and unsweetened cocoa powder. Zone procedures will allow the company to use ex-quota foreign sugar in its efforts to maintain domestic production. Foreign dairy products would be used in production for export.

Zone procedures would exempt Ambrosia from duty payment and quota requirements on the foreign material used in its exports. On its domestic sales, it would permit the company to take advantage of the same duty rates and quota treatment (sugar) applicable to foreign products. The Department of Agriculture is being consulted regarding the implications of the proposal on the sugar quota program.

In accordance with the Board's regulations, an examiners committee has been appointed to investigate the application and report to the Board. The committee consists of: Dennis Puccinelli (Chairman), Foreign-Trade Zones Staff, U.S. Department of Commerce, Washington, D.C. 20230; Clinton P. Littlefield, District Director, U.S. Customs Service, North Central Region, 628 E. Michigan Street, Milwaukee, WI 53202; and Colonel Raymond T. Beurket, District Engineer, U.S. Army Engineer District Detroit, P.O. Box 1027, Detroit, MI 48231.

Comments concerning the proposed subzone are invited in writing from interested persons and organizations. They should be addressed to the Board's Executive Secretary at the address below and postmarked on or before May 23, 1985.

A copy of the application is available for public inspection at each of the following locations:

U.S. Dept. of Commerce District Office, Federal Bldg., 517 E. Wisconsin Avenue, Milwaukee, WI 53202

Office of the Executive Secretary, Foreign-Trade Zones Board, U.S. Department of Commerce, Room 1529, 14th and Pennsylvania, NW., Washington, D.C. 20230.

Dated: April 18, 1985.

John J. Da Ponte, Jr.,

Executive Secretary.

[FR Doc. 85–9805 Filed 4–23–85; 8:45 am]

BILLING CODE 3510–DS–M

[Order No. 299]

Approval for Reorganization of Foreign-Trade Zone No. 70, Within the Detroit Customs Port of Entry

Pursuant to its authority under the Foreign-Trade Zones Act of June 18, 1934, as amended (19 U.S.C. 81a–81u), and the Foreign-Trade Zones Board Regulations (15 CFR Part 400), the Foreign-Trade Zones Board (the Board) adopts the following order:

Whereas, the Greater Detroit Foreign-Trade Zone, Inc., Grantee of Foreign-Trade Zone No. 70, has applied to the Board for authority to reorganize its general-purpose zone by deleting the Dearborn Site, expanding the Clark Street Port Site, and adding public warehouse sites in Romulus and Detroit, Michigan, within the Detroit Customs port of entry;

Whereas, the application was accepted for filing on September 4, 1984, and notice inviting public comment was given in the **Federal Register** on September 21, 1984 (Docket No. 40–84, 49 FR 37131);

Whereas, an examiners committee has investigated the application in accordance with the Board's regulations and recommends approval;

Whereas, the reorganization is necessary to improve zone services in the Detroit areas; and,

Whereas, the Board has found that the requirements of the Foreign-Trade Zones Act, as amended, and the Board's regulations are satisfied, and that approval of the application is in the public interest;

Now, Therefore, the Board hereby orders:

That the Grantee is authorized to reorganize its zone in accordance with the application filed September 4, 1984, the Grantee shall notify the Executive Secretary of the Board for approval prior to the commencement of any manufacturing operations. The authority given in this Order is subject to settlement locally by the District Director of Customs and the District Army Engineer regarding compliance with their respective requirements relating to foreign-trade zones.

Signed at Washington, D.C. this 15th day of April 1985.

William T. Archey,

Acting Assistant Secretary of Commerce for Trade Administration, Chairman, Committee of Alternates, Foreign-Trade Zones Board.

Attest:

John J. Da Ponte, Jr.,

Executive Secretary.

[FR Doc. 85–9885 Filed 4–23–85; 8:45 am]

BILLING CODE 3510–DS–M

International Trade Administration

Consolidated Decision on Applications for Duty-Free Entry of Electron Microscopes

This is a decision consolidated pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, 80 Stat. 897; 15 CFR Part 301). Related records can be viewed between 8:30 A.M. and 5:00 P.M. in Room 1523, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C.

Docket No. 85–273. Applicant: The Children's Hospital, Denver, CO 80218. Instrument: Electron Microscope, Model EM 10 C/CA/CR. Manufacturer: Carl Zeiss, West Germany. Intended use: See notice at 49 FR 41079, Instrument ordered: July 27, 1984.

Docket No. 85–027. Applicant: NIH/HHS, Atlanta, GA 30333. Instrument: Electron Microscope, Model EM 109T, with Accessories. Manufacturer: Carl Zeiss, West Germany. Intended use: See notice at 49 FR 47647. Instrument ordered: August 24, 1984.

Docket No. 85–032. Applicant: Arizona State University, Tempe, AZ 85287. Instrument: Electron Microscope, Model EM 430 ST with Accessories. Manufacturer: N.V. Philips Gloeilampenfabrieken, The Netherlands. Intended use: See notice at 49 FR 47647. Instrument ordered: May 11, 1984.

Docket No. 85–033. Applicant: Oklahoma State University, Stillwater, OK 74078. Instrument: Electron Microscope, Model JEM–100CXII. Manufacturer: JEOL, Ltd., Japan. Intended use: See notice at 49 FR 50419. Instrument ordered: September 6, 1984.

Docket No. 85–035. Applicant: Virginia Commonweath University, Richmond, VA 23298–0001. Instrument: Electron Microscope, Model JEM–1200 EX with SEG–10. Manufacturer: JEOL, Ltd. Japan. Intended use: See notice at 49 FR 50419. Instrument ordered: August 8, 1984.

Docket No. 85–036. Applicant: Harrington Arthritis Research Center at

Saint Luke's Hospital, Phoenix, AZ 85006. Instrument: Electron Microscope, Model JEM–1200 EX with Accessories. Manufacturer: JEOL, Japan. Intended use: See notice at 49 FR 50419. Instrument ordered: September 13, 1984.

Docket No. 85–037. Applicant: UCLA, Los Angeles, CA 90024. Instrument: Electron Microscope, Model JEM–100CXII with Side Entry Goniometer and Accessories. Manufacturer: JEOL, Japan. Intended use: See notice at 49 FR 50419. Instrument ordered: July 6, 1984.

Docket No. 85–043. Applicant: Microelectronics Center of North Carolina, Research Triangle Park, NC 27709. Instrument: Electron Microscope, Model EM 430T with Accessories. Manufacturer: N.V. Philips, The Netherlands. Intended use: See notice at 50 FR 986. Instrument ordered: September 18, 1984.

Comments: None received. Decision: Approved. No instrument of equivalent scientific value to the foreign instrument, for such purposes as these instruments are intended to be used, was being manufactured in the United States at the time the instruments were ordered.

Reasons: Each foreign instrument is a conventional transmission electron microscope (CTEM) and is intended for research or scientific educational uses requiring a CTEM. We know of no CTEM, or of any other instrument suited to these purposes, which was being manufactured in the United States either at the time of order of each instrument or at the time of receipt of application by the U.S. Customs Service.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 85–9812 Filed 4–23–85; 8:45 am]

BILLING CODE 3510–DS–M

Iowa State University; Decision on Application for Duty-Free Entry of Scientific Instrument

This decision is made pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, 80 Stat. 897; 15 CFR Part 301). Related records can be viewed between 8:30 AM and 5:00 PM in Room 1523, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C.

Docket No. 84–93R. Applicant: Iowa State University, Ames, IA 55011. Instrument: Mass Spectrometer System, Model MS50/DS55. Original notice of this resubmitted application was published in the **Federal Register** of March 19, 1984.

Comments: None received. Decision: Approved. No domestic manufacturer was both "able and willing" to manufacture an instrument or apparatus of equivalent scientific value to the foreign instrument for such purposes as the instrument was intended to be used, and have it available to the applicant without unreasonable delay in accordance with § 301.5(d)(2), at the time the foreign instrument was ordered (September 22, 1983).

Reasons: The foreign instrument provides: (1) A mass range of 0–2000 atomic mass units (amu) at full accelerating voltage (8000 volts), (2) a scan speed of 0.34 seconds per decade for a mass range of 500–50–500 amu, and (3) post acceleration detector of ions at 8000 volts. The National Institutes of Health advises in its memorandum dated January 23, 1985 that the capability of the foreign instrument described above is pertinent to the applicant's intended purposes. We know of no domestic manufacturer both able and willing to provide an instrument with the required features at the time the foreign instrument was ordered.

As to the domestic availability of instruments, § 301.5(d)(20 provides that, in determining whether a U.S. manufacturer is able and willing to produce an instrument, and have it available without unreasonable delay, "the normal commercial practices applicable to the production and delivery of instruments of the same general category shall be taken into account, as well as other factors which in the Director's judgment are reasonable to take into account under the circumstances of a particular case." This subsection also provides that, if "a domestic manufacturer was formally requested to bid an instrument, without reference to cost limitations and within a leadtime considered reasonable for the category of instrument involved, and the domestic manufacturer failed formally to respond to the request, for the purposes of this section the domestic manufacturer would not be considered willing to have supplied the instrument."

The regulations require that domestic manufacturers be both "able and willing" to produce an instrument for the purpose of comparison with the foreign instrument. Where an applicant, as in this case, received no response to a formal request for quotation sent to the only known domestic manufacturer of a comparable instrument (Nuclide Corporation, which manufactures magnetic sector mass spectrometers), it is apparent that the domestic manufacturer was either not able or not willing to produce an instrument of equivalent scientific value to the foreign instrument for such purposes as the foreign instrument was intended to be used at the time the foreign instrument was ordered.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 85–9811 Filed 4–23–65; 8:45 am]

BILLING CODE 3510–DS–M

Northwestern University Medical School; Decision of Application for Duty-Free Entry of Scientific Instrument

This decision is made pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, 80 Stat. 897; 15 CFR Part 301). Related records can be viewed between 8:30 AM and 5:00 PM in Room 1523, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C.

Docket No. 84–324. Applicant: Northwestern University Medical School, Chicago, IL 60611. Instrument: Three Dimensional Hydraulic Drive and K-Type Micromanipulator, Model MO–103–R & MK–2–R. Manufacturer: Narishige Scientific Instruments Laboratory, Japan. Intended use: See notice at 49 FR 42775.

Comments: None received. Decision: Approved. No instrument of equivalent scientific value to the foreign instrument, for such purposes as it is intended to be used, is being manufactured in the United States.

Reasons: The foreign instrument provides: (1) Three dimensional microdrives with 2.0 micrometer scale calibrations and (2) smooth axial movements of electrodes due to hydraulic control. The National Institutes of Health advises in its memorandum dated February 6, 1985 that: (1) The capability of the foreign instrument described above is pertinent to the applicant's intended purpose, and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign instrument for the applicant's intended use.

We know of no other instrument or apparatus of equivalent scientific value to the foreign instrument which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 85-9807 Filed 4-23-85; 8:45 am]

BILLING CODE 3510-DS-M

State University of New York; Decision on Application for Duty-Free Entry of Scientific Instrument

This decision is made pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897; 15 CFR Part 301). Related records can be viewed between 8:30 AM and 5:00 PM in Room 1523, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C.

Docket No. 84-305. Applicant: State University of New York, New York, NY 10010. Instrument: Joyce Display & Microprocessor Grating Generator w/ special interface hardware, Model GRSYS-2. Manufacturer: Joyce Electronics, Ltd., United Kingdom. Intended Use: See notice at 49 FR 40069.

Comments: None received. Decision: Approved. No instrument of equivalent scientific value to the foreign instrument, for such purposes as it is intended to be used, is being manufactured in the United States.

Reasons: The foreign instrument provides high levels of luminance in the range of 0 to 1000 candelas per square meter and raster rotation through 360 degrees. The National Institutes of Health advises in its memorandum dated February 25, 1985 that: (1) The capability of the foreign instrument described above is pertinent to the applicant's intended purpose, and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign instrument for the applicant's intended use.

We know of no other instrument or apparatus of equivalent scientific value to the foreign instrument which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 85-9809 Filed 4-23-85; 8:45 am]

BILLING CODE 3510-DS-M

University of Arizona; Decision on Application for Duty-Free Entry of Scientific Instrument

This decision is made pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897; 15 CFR Part 301). Related records can be viewed between 8:30 AM and 5:00 PM in Room 1523, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C.

Docket No. 84-315. Applicant: University of Arizona, Tucson, AZ 85721. Instrument: Rotating Anode X-ray Generator, Model GX-20 with Accessories. Manufacturer: Marconi Avionics, United Kingdom. Intended Use: See notice at 49 FR 41080.

Comments: None received. Decision: Approved. No instrument of equivalent scientific value to the foreign instrument, for such purposes as it is intended to be used, is being manufactured in the United States.

Reasons: The foreign instrument can focus an x-ray beam with a power loading of 1200 watts to an area of 1.0 × 0.1 millimeters. The National Institutes of Health advises in its memorandum dated February 6, 1985 that: (1) The capability of the foreign instrument described above is pertinent to the applicant's intended purpose, and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign instrument for the applicant's intended use.

We know of no other instrument or apparatus of equivalent scientific value to the foreign instrument which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 85-9810 Filed 4-23-85; 8:45 am]

BILLING CODE 3510-DS-M

University of Chicago; Decision on Application for Duty-Free Entry of Scientific Instrument

This decision is made pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897; 15 CFR Part 301). Related records can be viewed between 8:30 AM and 5:00 PM in Room 1523, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C.

Docket No. 84-208. Applicant: University of Chicago, Argonne, IL 60439. Instrument: Streak Camera with Delay, Model C979. Manufacturer: Hamamatsu Photonics, Japan. Intended use: See notice at 49 FR 41079.

Comments: None received. Decision: Approved. No instrument of equivalent scientific value to the foreign instrument, for such purposes as it is intended to be used, is being manufactured in the United States.

Reasons: The foreign instrument can measure rapid fluorescence emissions with a time resolution of 10.0 pico-seconds. The National Institutes of Health advises in its memorandum dated January 23, 1985 that: (1) The capability of the foreign instrument described above is pertinent to the applicant's intended purpose, and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign instrument for the applicant's intended use.

We know of no other instrument or apparatus of equivalent scientific value to the foreign instrument which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 85-9808 Filed 4-23-85; 8:45 am]

BILLING CODE 3510-DS-M

Virginia Polytechnic Institute and State University; Decision of Application for Duty-Free Entry of Scientific Instrument

This decision is made pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897; 15 CFR Part 301). Related records can be viewed between 8:30 AM and 5:00 PM in Room 1523, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C.

Docket No. 84-253R. Applicant: Virginia Polytechnic Institute and State University, Blacksburg, VA 24061. Instrument: Mass Spectrometer, Model MM7070E with 11/250 Data System. Manufacturer: VG Instruments, United Kingdom. Intended use: See Notice at 50 FR 988.

Comments: None received. Decision: Approved. No instrument of equivalent scientific value to the foreign instrument, for such purposes as it is intended to be used, is being manufactured in the United States.

Reasons: This application is a resubmission of Docket Number 84-253 which was denied without prejudice to

resubmission for informational deficiencies. The foreign instrument provides a mass range to 2,600 atomic mass units at an accelerating voltage of 6,000 volts. The National Institutes of Health advises in its memorandum dated January 23, 1985 that: (1) The capability of the foreign instrument described above is pertinent to the applicant's intended purpose, and (2) it knows of no domestic instrument or apparatus of equivalent scientic value to the foreign instrument for the applicant's intended use.

We know of no other instrument or apparatus of equivalent scientific value to the foreign instrument which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 85-9806 Filed 4-23-85; 8:45 am]

BILLING CODE 3510-DS-M

National Oceanic and Atmospheric Administration

Coastal Zone Management Programs; Federal Consistency Appeal by Gulf Oil Corp. From an Objection by the California Coastal Commission

AGENCY: National Oceanic and Atmospheric Administration, Commerce.

ACTION: Notice of appeal.

SUMMARY: On March 13, 1985, Gulf Oil Corporation (Gulf) appealed to the Secretary of Commerce (Secretary) from an objection by the California Coastal Commission (Commission) to Gulf's Plan of Exploration filed with the Minerals Management Service (MMS), U.S. Department of the Interior, on Outer Continental Shelf (OCS) lease OCS-P 0505 located in the Santa Maria Basin OCS area 4.2 miles west of Point Sal, Santa Barbara County, California. The appeal was filed pursuant to section 307(c)(3)(A) and (B) of the Coastal Zone Management Act of 1972, as amended (CZMA), 16 U.S.C. 1456(c)(3)(A) and (B) and implementing regulations at 15 CFR Part 930 Subpart H.

Gulf was granted an extension until April 22, 1985, to submit data and information in support of its appeal to the Secretary. Within 30 days from the publication date of this notice, interested persons may submit comments on the issues raised in this appeal to Robert J. McManus, General Counsel, National Oceanic and Atmospheric Administration (NOAA), Room 5814, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230. Copies of comments also should be sent to the following persons:

1. Ms. Cynthia A. Norris, Gulf Oil Exploration and Production Company, P.O. Box 1392, Bakersfield, CA 93302.
2. Mr. Tim Eichenberg, California Coastal Commission, 631 Howard Street, 4th Floor, San Francisco, CA 94105; and
3. Mr. William E. Grant, Minerals Management Service, Pacific OCS Region, 1340 West Sixth Street, Los Angeles, CA 90017

Comments should address whether Gulf's proposed exploratory drilling meets the regulatory criteria, as set forth in 15 CFR 930.121 an 930.122, to be considered by the Secretary in deciding this appeal.

Access to copies of Gulf's notice of appeal and supporting data and information, and to comments submitted by Federal and State agencies, will be available to the public for review during business hours at the California Coastal Commission and the Public Information Room of the Minerals Management Service at the above addresses and at the Office of the Assistance General Counsel for Ocean Services, NOAA, Room 270, 2001 Wisconsin Avenue, NW., Washington, D.C. 20235.

FOR FURTHER INFORMATION CONTACT: David P. Drake, Attorney-Advisor, Office of the Assistant General Counsel for Ocean Services (202) 254-7512.

SUPPLEMENTARY INFORMATION: Gulf proposes to drill a maximum of eight exploratory wells on Sale 73, tract 193, lease OCS-P 0505 located in Federal waters approximately 4 to 7 miles west of Point Sal, Santa Barbara County, California, and submitted a consistency certification to the Commission for one well, P-0505-A. The purpose of the exploration activities is to determine the presence of commercial accumulations of hydrocarbons underlying OCS-P 0505. The exploratory operations will be conducted from a drillship or a semi-submersible drilling vessel anchored in approximately 325 feet of water and will take between 30-60 days.

On February 14, 1985, the Commission objected to Gulf's proposal to drill one well on lease OCS-P 0505 as inconsistent with the California Coastal Management Program. The objection was based on the Commission's findings of a lack of infrastructure to ensure the safest and most efficient method of oil exploration, development and transportation, and the potential for cumulative impacts of offshore operations on coastal resources.

Gulf appealed this objection to the Secretary on the grounds that Gulf's Plan of Exploration is "consistent with the objectives of [the CZMA]" and "necessary in the interest of national security." 16 U.S.C. 1456(c)(3)(A). The Secretary may sustain Gulf's appeal on either of these two grounds. To sustain the appeal on the first ground, the regulatory criteria set forth at 15 CFR 930.121 must be met: (a) The activity furthers one or more of the competing national objectives or purposes contained in sections 302 or 303 of the CZMA; (b) when performed separately or when its cumulative effects are considered, the activity will not cause adverse effects on the natural resources of the coastal zone substantial enough to outweigh its contribution to the national interest; (c) the activity will not violate any requirements of the Clean Air Act, as amended, or the Clean Water Act, as amended; and (d) there is no reasonable alternative available which would permit the activity to be conducted in a manner consistent with the state management program. To meet the second ground, the Secretary must find that a national security interest would be significantly impaired if the activity were not permitted to go forward as proposed.

If the Secretary does not find that the activity meets either of these two grounds, the Federal agency shall not approve the activity.

(Federal Domestic Assistance Catalog No. 11.419 Coastal Zone Management Administration)

Dated: April 18, 1985.

Robert J. McManus,

General Counsel, National Oceanic and Atmospheric Administration.

[FR Doc. 85-9880 Filed 4-23-85; 8:45 am]

BILLING CODE 3510-08-M

DEPARTMENT OF DEFENSE

Corps of Engineers, Department of the Army

Intent To Prepare a Draft Environmental Impact Statement (DEIS) for Navigation Improvements From Gulf Intracoastal Waterway to Port Bienville, MS

AGENCY: U.S. Army Corps of Engineers, DOD.

ACTION: Notice of intent to prepare a DEIS.

1. *Proposed Action:* The proposed action is to prepare a DEIS to evaluate the environmental impact of providing navigation improvements from the Gulf

Intracoastal Waterway to Port Bienville, Mississippi.

2. *Alternatives:* The following basic alternatives will be evaluated.

a. No action—This alternative will be the "without" project conditions against which impacts will be measured.

b. Two channel alignments, one through the East Pearl River and the other through Little Lake, Louisiana.

c. Two channel depths, 10 and 12 feet.

d. Various dredged material disposal concepts including upland and shallow water areas in Little Lake.

3. *Scoping Process:*

a. The scoping process as outlined by the Council on Environmental Quality in the November 29, 1978 **Federal Register**, National Environmental Policy Act—Regulations, will be utilized to involve Federal, State, and local agencies and other interested persons. Identification of significant issues to be addressed in the EIS will be determined through the scoping process. The agencies and individuals' views and concerns will be obtained through personal, telephone, and mail contacts in lieu of a formal scoping meeting.

b. Coordination with the US Fish and Wildlife Service, as required by the Fish and Wildlife Coordination Act and the Endangered Species Act, is being undertaken. Coordination required by other laws and regulations will also be conducted.

4. *DEIS Preparation:* It is estimated that the DEIS will be available to the public in September 1985.

5. Address: Questions about the proposed action and DEIS can be answered by: Dr. Susan Ivester Rees, PD–ES, US Army Engineer District, Mobile, P.O. Box 2288, Mobile, Al. 36628–0001.

Dated: April 11, 1985

Roy A. Prince,

Lieutenant Colonel, CE, Deputy District Engineer.

[FR Doc. 85–9895 Filed 4–23–85; 8:45 am]

BILLING CODE 3710–GX–M

Intent To Prepare a Draft Supplement to the Final Environmental Impact Statement (FEIS) for the Presque Isle Peninsula, Erie, PA, Cooperative Erosion Control Project

AGENCY: U.S. Army Engineer District, Buffalo, DOD.

ACTION: Notice of intent to prepare a draft supplement to the final Environmental Impact Statement (FEIS).

SUMMARY: 1. *Description of Action.* The proposed action would involve the construction of 58 offshore rubblemound breakwaters and placement of 500,000 cubic yards of sand to provide a beach berm. The original FEIS for the project was completed in June 1980, revised in November 1980, and filed with the U.S. Environmental Protection Agency on 13 March 1981. In September 1983, a reevaluation study was initiated to reassess the Presque Isle project and analyze additional plans in order to identify that modification of the existing beach erosion control project which will be the most efficient and practicable plan for reducing the net combined beach and Erie Harbor annual costs. The purpose of the Draft Supplement to the FEIS is to address the environmental impacts associated with the redesigned project.

2. *Alternatives.* A wide range of alternatives were addressed in the original FEIS and the Final Phase I General Design Memorandum (GDM) for the project. The alternatives presently being considered include Plan 2, consisting of gravel beaches breakwaters and beach nourishment, and various other alternatives, including the "no action" alternative.

3. *Scoping Process.* Considerable agency and public coordination has been performed during preparation of the FEIS and the Final Phase I GDM. Additional coordination will be accomplished during preparation of the Draft Supplement to the FEIS. The participation of concerned Federal, State, and local agencies, and other interested private organizations and parties is invited. Significant issues to be analyzed in the Draft Supplement include the environmental impact of gravel on a 10,000-foot section of the 5½ mile shoreline, instead of sand for beach protection, and a reduction of the number of breakwaters from 58 to 38.

4. *Scoping Meeting.* No scoping meeting is currently scheduled.

5. *Availability.* The Draft Supplement is scheduled to be available for review in June.

ADDRESS: Questions about the proposed action and Draft Supplement can be addressed to the District Commander, ATTN: Mr. William F. MacDonald, U.S. Army Engineer District, Buffalo, 1776 Niagara Street, Buffalo, New York, 14207, telephone (716) 876–5454, extension 2175, or FTS 473–2175.

Dated: April 15, 1985.

Robert R. Hardiman,

Colonel, Corps of Engineers, District Commander.

[FR Doc. 85–9893 Filed 4–23–85; 8:45 am]

BILLING CODE 3710–GP–M

Department of the Navy

Final Decision; Proposed Berthing of Naval Reserve Forces (Frigate Class Ships) at Naval Station, Treasure Island, San Francisco CA

Pursuant to the provisions of the regulations implementing the National Environmental Policy Act (NEPA) (§ 1505.2 of Title 40, Code of Federal Regulations), the Department of the Navy announces its decision to berth four ships (frigate class) at the Naval Station, Treasure Island (Alternative II) in order to provide support to elements of the Naval Reserve Forces. A pier and associated shoreside support facilities will be constructed to accommodate the additional ships, associated personnel and operational requirements. The final Environmental Impact Statement filed for this project was announced in the **Federal Register**, Vol. 49, No. 251 of Friday, December 28, 1984 (49 FR 50440).

Other Alternatives also considered included the no-project alternative (Alternative I) and a thirteen ship alternative (Alternative III), which included the four Naval Reserve Force ships of Alternative II.

The decision to adopt Alternative II is consistent with the current mission of Naval Station, Treasure Island and is environmentally preferable to the other alternatives when the physical, biological and socioeconomic factors are weighed on balance. Correspondingly, any major proposed action in addition to Alternative II would be subject to additional environmental studies and scoping which would be based, in part, on the concerns that were addressed and generated by the NEPA documents supporting this decision.

Significant adverse impacts will be avoided by the proper design, construction, operation and maintenance of facilities. Direct implementation of the plan will take place April 1985.

Dated: April 18, 1985.

William F. Roos, Jr.,

Lieutenant, JAGC, U.S. Naval Reserve, Federal Register Liaison Officer.

[FR Doc. 85–9746 Filed 4–23–85; 8:45 am]

BILLING CODE 3810–AE–M

DEPARTMENT OF EDUCATION

Information Collection Requests

AGENCY: Department of Education.

ACTION: Notice of proposed information collection requests.

SUMMARY: The Deputy Under Secretary for Management invites comments on the proposed information collection requests as required by the Paperwork Reduction Act of 1980.

DATES: Interested persons are invited to submit comments on or before May 24, 1985.

ADDRESSES: Written comments should be addressed to the Office of Information and Regulatory Affairs, Attention: Desk Officer, Department of Education, Office of Management and Budget, 726 Jackson Place, NW., Room 3208, New Executive Office Building, Washington, D.C. 20503. Requests for copies of the proposed information collection requests should be addressed to Margaret B. Webster, Department of Education, 400 Maryland Avenue, SW., Room 4074, Switzer Building, Washington, D.C. 20202.

FOR FURTHER INFORMATION CONTACT: Margaret B. Webster (202) 426-7304.

SUPPLEMENTARY INFORMATION: Section 3517 of the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35) requires that the Office of Management and Budget (OBM) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations.

The Deputy Under Secretary for Management publishes this notice containing proposed information collection requests prior to the submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, e.g., new, revision, extension, existing or reinstatement; (2) Title; (3) Agency form number (if any); (4) Frequency of the collection; (5) The affected public; (6) Reporting burden; and/or (7) Recordkeeping burden; and (8) Abstract.

OMB invites public comment at the address specified above. Copies of the requests are available from Margaret Webster at the address specified above.

Dated: April 18, 1985.

Linda M. Combs,

Deputy Under Secretary for Management.

Office of Special Education & Rehabilitative Services

Type of Review Requested: New
Title: Comprehensive Evaluation of the Title VII, Part B Independent Living Program
Agency Form Number: B20-9P
Frequency: One-time
Affected Public: Individuals or households; Non-profit institutions
Reporting Burden: Responses: 1,301 Burden Hours: 859.5
Recordkeeping Burden: Recordkeepers: 0; Burden Hours: 0.

Abstract: As mandated in Pub. L. 98-221, the collection of data from Independent Living Centers, consumers, and local community agencies will be used to evaluate the Title VII, Part B program, prepare a report to Congress describing the program and its impacts, and refine the Independent Living Program evaluation standards.

Type of Review Requested: New
Title: Services for Deaf-Blind Children and Youth
Agency Form Number: B20-10P
Frequency: Annually
Affected Public: State or local governments
Reporting Burden: Responses: 22; Burden Hours: 176
Recordkeeping Burden: Recordkeepers: 22; Burden Hours: 440.

Abstract: These forms are necessary to collect data from grantees receiving funding under section 622 of the Education of the Handicapped Act as amended by Pub. L. 98-199. The data will be submitted annually to the Department, analyzed by program staff, and the results consolidated in the Annual Report to Congress.

[FR Doc. 85-9882 Filed 4-23-85; 8:45 am]

BILLING CODE 4000-1-M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

[Docket No. ERA-FC-85-006; OFP Case No. 65038-9268-20-24]

OLS—Energy-University of California, Berkeley; Acceptance of Petition for Exemption and Availability of Certification

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of acceptance of petition for exemption and availability of certification by OLS-Energy—University of California, Berkeley.

SUMMARY: On March 18, 1985, OLS-Energy—University of California, Berkeley, filed a petition with the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) requesting a permanent cogeneration exemption for a proposed electric powerplant to be located at the University of California, Berkeley, California, from the prohibitions of Title II of the Powerplant and Industrial Fuel Use Act of 1978 (42 U.S.C. 8301 *et seq.*) ("FUA" or "the Act"). Title II of FUA prohibits both the use of pertroleum and natural gas as a primary energy source in any new powerplant and the construction of any such facility without the capability to use an alternate fuel as a primary energy source. Final rules setting forth criteria and procedures for petitioning for exemptions from the prohibitions of Title II of FUA are found in 10 CFR Parts 500, 501, and 503. Final rules governing the cogeneration exemption were revised on June 25, 1982 (47 FR 29209, July 6, 1982), and are found at 10 CFR 503.37.

The proposed facility for which the petition was filed will consist of a General Electric (GE) gas turbine generator, a supplementary fired heat recovery steam generator and a stream turbine operating in combined cycle. The powerplant will produce approximately 23.5 net megawatts of electricity while providing the University of California with 125 psig saturated steam (95,000 lb/hr average) for its heating and process steam needs. The University of California, Berkeley, cogeneration facility will burn natural gas and will consume approximately 253,000,000 Btu's/hr (lower heating value) with an anticipated availability of 8,322 hr/yr (95%).

ERA has determined that the petition appears to include sufficient evidence to support an ERA determination on the exemption request and it is therefore accepted pursuant to 10 CFR 501.3. A review of the petition is provided in the **SUPPLEMENTARY INFORMATION** section below.

As provided for in sections 701(c) and (d) of FUA and 10 CFR 501.31 and 501.33, interested persons are invited to submit written comments in regard to this petition and any interested person may submit a written request that ERA convene a public hearing.

The public file containing a copy of this Notice of Acceptance and Availability of Certification as well as other documents and supporting materials on this proceeding is available upon request through DOE, Freedom of Information Reading Room, 1000 Independence Avenue, SW, Room 1E-190, Washington, D.C. 20585, from 9:00 a.m. to 4:00 p.m., Monday through Friday, except Federal holidays.

ERA will issue a final order granting or denying the petition for exemption from the prohibitions of the Act within six months after the end of the period

for public comment and hearing, unless ERA extends such period. Notice of any such extension, together with a statement of reasons therefor, would be published in the **Federal Register.**

DATES: Written comments are due on or before June 10, 1985. A request for a public hearing must be made within this same 45-day period.

ADDRESSES: Fifteen copies of written comments or a request for a public hearing shall be submitted to: Case Control Unit, Office of Fuels Programs, Room GA–007, Forrestal Building, 1000 Independence Avenue, SW, Washington, D.C. 20585.

Docket No. ERA–FC–65–006 should be printed on the outside of the envelope and the document contained therein.

FOR FURTHER INFORMATION CONTACT:

Xavier Puslowski, Office of Fuels Programs, Economic Regulatory Administration, 1000 Independence Avenue, SW, Room GA–045, Washington, D.C. 20585, Telephone (202) 252–4708

Steven E. Ferguson, Office of the General Counsel, Department of Energy, Forrestal Building, Room 6A–113, 1000 Independence Avenue, SW, Washington, D.C. 20585, Telephone (202) 252–6947

SUPPLEMENTARY INFORMATION: OLS-Energy—University of California, Berkeley, proposes to install a natural gas fired cogeneration facility at the University of California, Berkeley, California. The cogeneration facility will produce approximately 23.5 (net) megawatts of electricity and will also provide the University with steam for its heating and process steam needs (95,200 lb/hr average at 125 psig saturated). The major components of the plant will be a GE gas turbine generator, a supplementary fired waste heat recovery steam generator, a back pressure steam turbine, and associated support equipment. It is estimated by OLS-Energy—University of California, Berkeley, that the facility will save the equivalent of 235,000 barrels of oil per year. Operation is currently scheduled to begin in 1987.

Section 212(c) of the Act and 10 CFR 503.37 provide for a permanent cogeneration examption from the prohibitions of Title II of FUA. In accordance with the requirements of § 503.37(a)(1), OLS-Energy—University of California, Berkeley, has certified to ERA that:

1. The oil or gas to be consumed by the cogeneration facility will be less than that which would otherwise be consumed in the absence of the proposed powerplant, where the calculation of savings is in accordance with 10 CFR 503.37(b); and

2. The use of a mixture of petroleum or natural gas and an alternate fuel in the cogeneration facility, for which an exemption under 10 CFR 503.38 would be available, would not be economically or technically feasible.

In accordance with the evidentiary requirements of § 503.37(c) (and in addition to the certifications discussed above), OLS-Energy—University of California, Berkeley, has included as part of its petition:

1. Exhibits containing the basis for the certifications described above; and

2. An environmental impact analysis, as required under 10 CFR 503.13.

In processing this exemption request, ERA will comply with the requirements of the National Environmental Policy Act of 1969 (NEPA); the Council on Environmental Quality's implementing regulations, 40 CFR Part 1500 *et seq.*; and DOE's guidelines implementing those regulations, published at 45 FR 20694, March 28, 1980. NEPA compliance may involve the preparation of (1) an Environmental Impact Statement (EIS); (2) an Environmental Assessment; or (3) a memorandum to the file finding that the grant of the requested exemption would not be considered a major Federal action significantly affecting the quality of the environment. If an EIS is determined to the required, ERA will publish a Notice of Intent to prepare an EIS in the **Federal Register** a soon practicable. No final action will be taken on the exemption petition until ERA's NEPA compliance has been completed.

The acceptance of the petition by ERA does not constitute a determination that OLS-Energy—University of California, Berkeley, is entitled to the exemption requested. That determination will be based on the entire record of this proceeding, including any comments received during the public comment period provided for in this notice.

Issued in Washington, D.C. on April 18, 1985.

Robert L. Davies,

Director, Coal and Electricity Division, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 85–9908 Filed 4–23–85; 8:45 am]

BILLING CODE 6450–01–M

[Docket No. ERA–FC–85–010; OFP Case No. 67014–9274–21, 22, 23, 24, 25, 26–22]

Texas Utilities Electric Co.; Acceptance of Petition for Exemption and Availability of Certification (Morgan Creek Peaking Facility)

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of acceptance of petition from Texas Utilities Electric Company, Morgan Creek Peaking Facility, for exemption and availability of certification.

SUMMARY: On April 2, 1985, Texas Utilities Electric Company, (TUEC), filed a petition with the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) for an order permanently exempting a new proposed powerplant at its existing Morgan Creek Electric Generating Station (Morgan), operated by Texas Utilities Generating Company (TUGCO), a division of TUEC, from the provisions of the Powerplant and Industrial Fuel Use Act of 1978 (FUA or the Act) (42 U.S.C. 8301 *et seq.*) which (1) prohibit the use of petroleum and natural gas as a primary energy source in new electric powerplants and (2) prohibit the construction of a new powerplant without the capability to use an alternate fuel as a primary energy source. The final rule containing the criteria and procedures for petitioning for exemptions from the prohibitions of FUA was published in the **Federal Register** at 46 FR 59872 (December 7, 1981).

TUEC Morgan requested a permanent peakload exemption under 10 CFR 503.41 for a simple-cycle combustion turbine installation consisting of six 109 MW (peak output at 30 °F and plant site elevation at 2,100 feet) combustion turbine-generator systems that are exepcted to have a design Btu input of 1,417 MMBtu per hour per unit. The proposed units are to be installed at the TUEC Morgan Creek facility approximately five miles Southwest of Colorado City, Mitchell County, Texas. The powerplant will be capable of burning natural gas and petroleum.

ERA has determined that the petition and certification for the requested exemption is complete in accordance with the final rules under 10 CFR 501.3 and 501.63. ERA hereby accepts the filing of the petition for the permanent exemption as adequate for filing. ERA retains the right to request additional relevant information from TUEC Morgan at any time during these proceedings where circumstances or procedural requirements may so require. A review of the petition is provide in the **SUPPLEMENTARY INFORMATION** section below.

As provided for in section 701 (c) and (d) of FUA and 10 CFR 501.31 and 501.33 of the final rule, interested persons are invited to submit written comments in regard to this petition and any interested person may submit a written request that ERA convene a public hearing.

The public file containing a copy of this Notice of Acceptance and

Availability of Certification and other documents and supporting materials on this proceeding is available upon request from DOE, Freedom of Information Reading Room, 1000 Independence Avenue, SW., Room 1E-190, Washington, D.C. 20585, Monday thru Friday, 9:00 a.m.–4:00 p.m.

ERA will issue a final order granting or denying the petition for exemption from the prohibitions of the Act within six months after the end of the public comment period provided for in this notice, unless ERA extends such period. Notice of any extension, together with a statement of reasons for such extension will be published in the **Federal Register.**

DATES: Written comments are due on or before June 10, 1985. A request for public hearing must also be made within this 45 day public comment period.

ADDRESSES: Fifteen copies of written comments or a request for a public hearing should be submitted to the Department of Energy, Economic Regulatory Administration, Office of Fuels Programs, Case Control Unit, Room GA–007, 1000 Independence Avenue, SW., Washington D.C. 20585.

Docket No. ERA–FC–85–010 should be printed on the outside of the envelope and the document contained therein.

FOR FURTHER INFORMATION CONTACT:

John Boyd, Office of Fuels Programs, Economic Regulatory Administration, 1000 Independence Avenue, SW., Room GA–045, Washington, DC 20585, Phone (202) 252–4523

Steven E. Ferguson, Office of the General Counsel, Department of Energy, 1000 Independence Avenue, SW., Room 6A–113, Washington, DC 20585, Phone (202) 252–6947

SUPPLEMENTARY INFORMATION: FUA prohibits the use of natural gas or petroleum in certain new powerplants unless an exemption for such use has been granted by EPA. TUEC Morgan has filed a petition for a permanent peakload powerplant exemption to use petroleum or natural gas as a primary energy source in its proposed Morgan Creek, Texas facility's simple-cycle combustion turbine installation.

Under the requirements of 10 CFR 503.41(a)(2)(ii), if a petitioner proposes to use natural gas or to construct a powerplant to use a natural gas in lieu of an alternate fuel as a primary energy source, the Administrator of the Environmental Protection Agency or the director of the appropriate state air pollution control agency must certify to ERA that the use by the powerplant of any available alternate fuel as a primary energy source will cause or contribute to a concentration, in an air quality control region or any area within the region, of a pollutant for which any national air quality standard is or would be exceeded. However, since ERA has determined that there are no presently available alternate fuels which may be used by in the proposed powerplant, no such certification can be made. The certification requirement is therefore waived with respect to the TUEC Morgan petition.

TUEC Morgan submitted a certified statement by a duly authorized officer to the effect that the proposed oil and/or gas-fired combustion turbine generators will be operated solely as a peakload powerplant.

TUEC Morgan stated in its petition that the manufacturer of the proposed combustion turbines has not yet been selected. For planning purposes the maximum rating of the individual units will be 109 MW (peak output at 30 °F and plant site elevation at 2,100 feet). Based on data from potential manufacturers, the Morgan Creek combustion turbine generating units are expected to have a design Btu input of 1.417 MMBtu per hour per unit. The combustion turbine generating units will be operated as a peakload powerplant with a maximum annual capacity factor of 17.12 percent. The utilization factor is expected to be slightly higher than the capacity factor for the units.

On February 23, 1982, DOE published in the **Federal Register** (47 FR 7676) a notice of the amendment to its guidelines for compliance with the National Environmental Policy Act of 1969 (NEPA). Pursuant to the amended guidelines, the grant of delay of certain FUA permanent exemptions, including the permanent exemption for peakload powerplants, is among the classes of actions that DOE has categorically excluded from the requirement to prepare an Environmental Impact Statement or an Environmental Assessment pursuant to NEPA (categorical exclusion).

This classification raises a rebuttable presumption that the grant or denial of the exemption will not significantly effect the quality of the human environment. TUEC Morgan has certified that it will secure all applicable permits and approvals prior to commencement of operation of the new unit under exemption.

DOE's Office of Environment, in consultation with the Office of the General Counsel, will review the completed environmental checklist submitted by TUEC Morgan pursuant to 10 CFR 503.13, together with other relevant information. Unless it appears during the proceeding on TUEC Morgan's exemption that the grant or denial of the exemption will significantly affect the quality of the human environment, it is expected that no additional environmental review will be required.

As provided in 10 CFR 501.3(b)(4), the acceptance of the petition by ERA does not constitute a determination that TUEC Morgan is entitled to the exemption requested. That determination will be made on the basis of the entire record of these proceedings, including any comments received in response to this document.

Issued in Washington, D.C. on April 18, 1985.

Robert L. Davies,

Director, Coal and Electricity Division, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 85-9906 Filed 4-23-85; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ERA–FC–85–09; OFP Case No. 67014–9273–21, 22, 23, 24, 25–22]

Texas Utilities Electric Co.; Acceptance of Petition for Exemption and Availability of Certification (Permian Basin Peaking Facility)

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of acceptance of petition from Texas Utilities Electric Company, Permian Basin Peaking Facility, for exemption and availability of certification.

SUMMARY: On April 2, 1985, Texas Utilities Electric Company (TUEC) filed a petition with the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) for an order permanently exempting a new proposed powerplant at its existing Permian Basin Electric Generating Station (Permian), operated by Texas Utilities Generating Company (TUGCO), a division of TUEC, from the provisions of the Powerplant and Industrial Fuel Use Act of 1978 (FUA or the Act) (42 U.S.C. 8301 *et seq.*) which (1) prohibit the use of petroleum and natural gas as a primary energy source in new electric powerplants and (2) prohibit the construction of a new powerplant without the capability to use an alternate fuel as a primary energy source. The final rule containing the criteria and procedures for petitioning for exemptions from the prohibitions of FUA was published in the **Federal Register** at 46 FR 59872 (December 7, 1981).

TUEC Permian requested a permanent peakload exemption under 10 CFR 503.41 for a simple-cycle combustion

turbine installation consisting of five 107 MW (peak output at 30 F and plant site elevation at 2652 feet) including water treatment equipment, demineralized water injection system, water and fuel supply systems, transformers and electrical equipment. The combustion turbine generating units are expected to have a design Btu input of 1391 MMBtu per hour per unit. The proposed units are to be installed at the TUEC Permian Basin facility approximately four miles West of the intersection of U.S. Highway 80 and State Highway 18 which is in Monahans, Ward County, Texas. The powerplant will be capable of burning natural gas and petroleum.

ERA has determined that the petition and certification for the requested exemption is complete in accordance with the final rules under 10 CFR 501.3 and 501.63. ERA hereby accepts the filing of the petition for the permanent exemption as adequate for filing. ERA retains the right to request additional relevant information from TUEC Permian at any time during these proceedings where circumstances or procedural requirements may so require. A review of the petition is provided in the **SUPPLEMENTARY INFORMATION** section below.

As provided for in section 701 (c) and (d) of FUA and 10 CFR 501.31 and 501.33 of the final rule, interested persons are invited to submit written comments in regard to this petition and any interested person may submit a written request that ERA convene a public hearing.

The public file containing a copy of this Notice of Acceptance and Availability of Certification and other documents and supporting materials on this proceeding is available upon request from DOE, Freedom of Information Reading Room, 1000 Independence Ave., SW., Room 1E–190, Washington, D.C. 20585, Monday through Friday, 9:00 a.m.-4:00 p.m.

ERA will issue a final order granting or denying the petition for exemption from the prohibitions of the Act within six months after the end of the public comment period provided for in this notice, unless ERA extends such period. Notice of any extension, together with a statement of reasons for such extension, will be published in the **Federal Register.**

DATES: Written comments are due on or before June 10, 1985. A request for public hearing must also be made within this 45-day public comment period.

ADDRESSES: Fifteen copies of written comments or a request for a public hearing should be submitted to the Department of Energy, Economic Regulatory Administration, Office of Fuels Programs, Case Control Unit, Room GA–007, 1000 Independence Avenue, SW., Washington, D.C. 20585.

Docket No. ERA–FC–85–09 should be printed on the outside of the envelope and the document contained therein.

FOR FURTHER INFORMATION CONTACT:

John Boyd, Office of Fuels Programs, Economic Regulatory Administration, 1000 Independence Avenue, SW., Room GA–045, Washington, D.C. 20585, Phone (202) 252–4523.

Steven E. Ferguson, Office of the General Counsel, Department of Energy, Forrestal Building, Room 6A–113, 1000 Independence Avenue, SW., Washington, D.C. 20585, Phone (202) 252–6947.

SUPPLEMENTARY INFORMATION: FUA prohibits the use of natural gas or petroleum in certain new powerplants unless an exemption for such use has been granted by ERA. TUEC Permian filed a petition for a permanent peakload powerplant exemption to use petroleum or natural gas as a primary energy source in its proposed Permian Basin, Texas facility's simple-cycle combustion turbine installation.

Under the requirements of 10 CFR 503.31(a)(2)(ii)), if a petitioner proposes to use natural gas or to construct a powerplant to use natural gas in lieu of an alternate fuel as a primary energy source, the Administrator of the Environmental Protection Agency or the director of the appropriate state air pollution control agency must certify to ERA that the use by the powerplant of any available alternative fuel as a primary energy source will cause or contribute to a concentration, in an air quality control region or any area within the region, of a pollutant for which any national air quality standard is or would be exceeded. However, since ERA has determined that there are no presently available alternative fuels which may be used in the proposed powerplant, no such certification can be made. The certification requirements is therefore waived with respect to the TUEC Permian petition.

TUEC Permian submitted a certified statement by a duly authorized officer to the effect that the proposed oil and/or gas-fired combustion turbine generators will be operated solely as a peakload powerplant.

TUEC Permian stated in its petition that the manufacturer of its proposed combustion turbines has not yet been selected. For planning purposes the maximum rating of individual units will be 107 MW (peak output at 30 °F and plant site elevation at 2652 feet). The Permian Basin combustion turbine generating units are expected to have a design Btu input of 1391 MMBtu per hour per unit. The combustion turbine generating units will be operated as a peakload powerplant with a maximum annual capacity factor of 17.12 percent. The utilization factor is expected to be slightly higher than the capacity factor for the units.

On February 23, 1982, DOE published in the **Federal Register** (47 FR 7976) a notice of the amendment to its guidelines for compliance with the National Environmental Policy Act of 1969 (NEPA). Pursuant to the amended guidelines, the grant or denial of certain FUA permanent exemptions, including the permanent exemption for peakload powerplants, is among the classes of actions that DOE has categorically excluded from the requirement to prepare an Environmental Impact Statement or an Environmental Assessment pursuant to NEPA (categorical exclusion).

This classification raises a rebuttable presumption that the grant or denial of the exemption will not significantly affect the quality of the human environment. TUEC Permian has certified that it will secure all applicable permits and approvals prior to commencement of operation of the new unit under exemption. DOE's Office of Environment, in consultation with the Office of the General Counsel, will review the completed environmental checklist submitted by TUEC Permian pursuant to 10 CFR 503.13, together with other relevant information. Unless it appears during the proceeding on TUEC Permian's exemption that the grant or denial of the exemption will significantly affect the quality of the human environment, it is expected that no additional environmental review will be required.

As provided in 10 CFR 501.3(b)(4), the acceptance of the petition by ERA does not constitute a determination that TUEC Permian is entitled to the exemption requested. That determination will be made on the basis of the entire record of these proceedings, including any comments received in response to this document.

Issued in Washington, D.C. on April 18, 1985.

Robert L. Davies,

Director, Coal and Electricity Division, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 85–9907 Filed 4–23–85; 8:45 am]

BILLING CODE 6450–01–M

[Docket No. ERA-FC-85-08; OFP Case No. 67014-9272-21, 22, 23, 24-22]

Texas Utilities Electric Co.; Acceptance of Petition for Exemption and Availability of Certification (DeCordova Peaking Facility)

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of acceptance of petition from Texas Utilities Electric Company, DeCordova Peaking Facility, for exemption and availability of certification.

SUMMARY: On April 2, 1985, Texas Utilities Electric Company (TUEC), filed a petition with the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) for an order permanently exempting a new proposed powerplant at its existing DeCordova Electric Generating Station (DeCordova), operated by Texas Utilities Generating Company (TUGCO), a division of TUEC from the provisions of the Powerplant and Industrial Fuel Use Act of 1978 (FUA or the Act) (42 U.S.C. 8301 *et seq.*) which (1) prohibit the use of petroleum and natural gas as a primary energy source in new electric powerplants and (2) prohibit the construction of a new powerplant without the capability to use an alternate fuel as a primary energy source. The final rule containing the criteria and procedures for petitioning for exemptions from the prohibitions of FUA was published in the **Federal Register** at 46 FR 59872 (December 7, 1981).

TUEC DeCordova requested a permanent peakload exemption under 10 CFR 503.41 for a simple-cycle combustion turbine installation consisting of four 115 MW (peak output at 30 °F and plant site elevation at 704 feet) combustion turbine-generator systems that are expected to have a design heat input of 1,495 MMBTu per hour per unit. The proposed units are to be installed at the TUEC DeCordova facility located at approximately six miles southeast of Granbury, Hood County, Texas. The powerplant will be capable of burning natural gas and petroleum.

ERA has determined that the petition and certification for the requested exemption is complete in accordance with the final rules under 10 CFR 501.3 and 501.63. ERA hereby accepts the filing of the petition for the permanent exemption as adequate for filing. ERA retains the right to request additional relevant information from TUEC DeCordova at any time during these proceedings where circumstances or procedural requirements may so require. A review of the peition is provided in the **SUPPLEMENTARY INFORMATION** section below.

As provided for in section 701 (c) and (d) of FUA and 10 CFR 501.31 and 501.33 of the final rule, interested persons are invited to submit written comments in regard to this petition and any interested person may submit a written request that ERA convene a public hearing.

The public file containing a cop of this Notice of Acceptance and Availability of Certification and other documents and supporting materials on this proceeding is available upon request from DOE, Freedom of Information Reading Room, 1000 Independence Avenue, SW., Room 1E-190, Washington, D.C. 20585, Monday thru Friday, 9:00 a.m.-4-00 p.m.

ERA will issue a final order granting or denying the petition for exemption from the prohibitions of the Act within six months after the end of the public comment period provided for in this notice, unless ERA extends such period. Notice of any extension, together with a statement of reasons for such extension will be published in the Federal **Register.**

DATES: Written comments are due on or before June 10, 1985. A request for public hearing must also be made within this 45 day public comment period.

ADDRESSES: Fifteen copies of written comments or a request for a public hearing should be submitted to the Department of Energy, Economic Regulatory Administration, Office of Fuels Programs, Case Control Unit, Room GA-007, 1000 Independence Avenue, SW., Washington, D.C. 20585.

Docket No. ERA-FC-85-08 should be printed on the outside of the envelope and the document contained therein.

FOR FURTHER INFORMATION CONTACT:

John Boyd, Office of Fuels Programs, Economic Regulatory Administration, 1000 Independence Avenue, SW, Room GA-045, Washington, DC 20585, Phone (202) 252-4523

Steven E. Ferguson, Office of the General Counsel, Department of Energy, 1000 Independence Avenue, SW, Room 6A-113, Washington, DC 20585, Phone (202) 252-6947

SUPPLEMENTARY INFORMATION: FUA prohibits the use of natural gas or petroleum in certain new powerplants unless an exemption for such use has been granted by ERA. TUEC DeCordova has filed a petition for a permanent peakload powerplant exemption to use petroleum or natural gas as a primary energy source in its proposed DeCordova, Texas facility's simple-cycle combustion turbine installation.

Under the requirements of 10 CFR 503.41(a)(2)(ii), if a petitioner proposes to use natural gas or to construct a powerplant to use natural gas in lieu of an alternate fuel as a primary energy source, the Administrator of the Environmental Protection Agency or the director of the appropriate state air pollution control agency must certify to ERA that the use by the powerplant of any available alternate fuel as a primary energy source will cause or contribute to a concentration, in an air quality control region or any area within the region, of a pollutant for which any national air quality standard is or would be exceeded. However, since ERA has determined that there are no presently available alternate fuels which may be used in the proposed powerplant, no such certification can be made. The certification requirement is therefore waived with respect to the TUEC DeCordova petition.

TUEC DeCordova submitted a certified statement by a duly authorized officer to the effect that the proposed oil and/or gas-fired combustion turbine generators will be operated solely as a peakload powerplant.

TUEC DeCordova stated in its petition that the manufacturer of the proposed combustion turbines has not yet been selected. For planning purposes the maximum rating of the individual units will be 115 MW. The turbine units are expected to have a design heat input of 1,495 MMBTu per hour per unit. The combustion turbine units will be operated as a peakload powerplant with a maximum annual capacity factor of 17.12 percent. The utilization factor is expected to be slightly higher than the capacity factor for the units.

On February 23, 1982, DOE published in the **Federal Register** (47 FR 7676) a notice of the amendment to its guidelines for compliance with the National Environmental Policy Act of 1969 (NEPA). Pursuant to the amended guidelines, the grant or denial of certain FUA permanent exemptions, including the permanent exemption for peakload powerplants, is among the classes of actions that DOE has categorically excluded from the requirement to prepare an Environmental Impact Statement or an Environmental Assessment pursuant to NEPA (categorical exclusion).

This classification raises a rebuttable presumption that the grant or denial of the exemption will not significantly effect the quality of the human environment. TUEC DeCordova has certified that it will secure all applicable

permits and approvals prior to commencement of operation of the new unit under exemption.

DOE's Office of Environment, in consultation with the Office of the General Counsel, will review the completed environmental checklist submitted by TUEC DeCordova pursuant to 10 CFR 503.13, together with other relevant information. Unless it appears during the proceeding on TUEC DeCordova's exemption that the grant or denial of the exemption will significantly affect the quality of the human environment, it is expected that no additional environmental review will be required.

As provided in 10 CFR 501.3(b)(4), the acceptance of the petition by ERA does not constitute a determination that TUEC DeCordova is entitled to the exemption requested. That determination will be made on the basis of the entire record of these proceedings, including any comments received in response to this document.

Issued in Washington, D.C., on April 18, 1985.

Robert L. Davies,

Director, Coal and Electricity Division, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 85-9909 Filed 4-23-85; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket No. ER85-428-000, et al.]

Central Maine Power Company et al.; Electric Rate and Corporate Regulation Filings

April 22, 1985.

Take notice that the following filings have been made with the Commission:

1. Central Maine Power Company

[Docket No. ER85-428-000]

Take notice that Central Maine Power Company (CMP) on April 11, 1985, tendered for filing an initial rate for transmission service to be provided to Bangor Hydro-Electric Company by CMP over its Pool Transmission Facilities system.

The rate applicable to the provision of transmission service is $7.37 per KW, per year, determined pursuant to the formula contained in Attachment 2, filed by CMP and pursuant to the formula in said rate will be updated annually as provided therein.

Copies of the filing were served upon Bangor Hydro-Electric Company and the Maine Public Utilities Commission

Comment date: May 6, 1985, in accordance with Standard Paragraph E at the end of this notice.

2. Kansas Gas and Electric Company

[Docket No. ER85-432-000]

Take notice that Kansas Gas and Electric Company (KG&E) on April 12, 1985, tendered for filing initial transmission service schedules and proposed changes in its FERC Electric Service Tariff Nos. 87, 89 and 128. The new Service Schedule E would initiate transmission service to the Cities of Fredonia, Iola, and Chanute, Kansas.

KG&E states that the filing is to effectuate a settlement agreement between the Company and the affected municipal customers.

KG&E requests an effective date of March 12, 1985, and therefore requests waiver of the Commission's notice requirements.

Copies of the filing were served upon the Cities of Iola, Fredonia, and Chanute, Kansas and the Utilities Division of the Kansas Corporation Commission.

Comment date: May 6, 1985, in accordance with Standard Paragraph E at the end of this notice.

3. Northern Indiana Public Service Company

[Docket No. ER85-429-000]

Take notice that on April 11, 1985, Northern Indiana Public Service Company (NIPSCO) tendered for filing Fourth Revised Sheet No. 3 to its FERC Electric Service Tariff—Fourth Revised Volume No. 1 which has been revised to include an additional delivery point for Wabash Valley Power Association at LaGrange County Rural Electric Membership Corporation. Northern Indiana Public Service Company also tendered for filing the following:

Exhibit A, Third Supplemental Agreement dated March 18, 1985 to the Interconnection Agreement between Northern Indiana Public Service Company and the Wabash Valley Power Association, Inc., dated April 16, 1984, covering the establishment of a new delivery point located in the Howe Substation in the SE¼ SEC. 30, T38N, R10E, in Lima Township, LaGrange County, Indiana.

Copies of this filing were served upon all customers receiving electric service under NIPSCO's FERC Electric Service Tariff—Fourth Revised Volume No. 1 and the Public Service Commission of Indiana.

NIPSCO requests an effective date of May 1, 1985, and therefore requests waiver of the Commission's notice requirements.

Comment date: May 6, 1985, in accordance with Standard Paragraph E at the end of this notice

4. American Electric Power Service Corporation

[Docket No. ER85-431-000]

Take notice that American Electric Power Service Corporation (AEP) on April 12, 1985, tendered for filing on behalf of its affiliate Indiana & Michigan Electric Company (I&ME), which is an AEP affiliated operating subsidiary, Modification No. 11 dated January 30, 1985 to the Interconnection Agreement dated February 21, 1964 between Public Service Company of Indiana, Inc. (PSI) and I&ME. The Commission has previously designated the 1964 Agreement as I&ME's Rate Schedule FERC No. 24 and PSI's Rate Schedule FERC No. 49.

Modification No. 11 provides for an increase in the transmission demand rate for Short Term Power when I&ME is the supplying party to $0.46 per kilowatt per week and to $0.092 per kilowatt per day and increases the Limited Term Power transmission demand rate, when I&ME is the supplying party, to $2.00 per kilowatt per month. PSI has increased their generation demand rate to "up to $0.88" per kilowatt per week when they are the supplying party. Modification No. 11 also revises the Limited Term Power Service Schedule, Interchange Power Service Schedule, Emergency Service Schedule, "Billing and Payments" article and "Service Conditions" article to modernize the language in this agreement and to be consistent with Service Schedules that AEP has on file with the Commission with other interconnected electric utility systems. The proposed rates and service schedules included in this Modification No. 11 are similar rates to electric utility systems interconnected with AEP affiliated operating subsidiaries as established in previous AEP filings, and therefore requests waiver of the Commission's Notice requirements.

Copies of the filing were served upon Public Service Commission of Indiana and Michigan Public Service Commission.

Comment date: May 6, 1985, in accordance with Standard Paragraph E at the end of this notice.

5. Southwestern Electric Power Company

[Docket No. ER85-194-001]

Take notice that on April 15, 1985, Southwestern Electric Power Company, pursuant to the Commission's February 19, 1985 suspension order in this proceeding, submitted revised Step A and Step B rates applicable to the City of Siloam Springs, Arkansas and revised cost of service statements. As directed

by the Commission, the revised rates reflect a properly calculated synchronized interest expenses deduction for tax purposes. In addition SWEPCO submitted a revised capital structure for the revised Step A rates to correct an improper distribution of Accumulated Deferred Investment Tax Credits in the Company's originally filed Step A capital structure.

Copies of the filing have been served on Siloam Springs and on the Arkansas Public Service Commission.

Comment date: May 6, 1985, in accordance with Standard Paragraph E at the end of this notice.

6. Iowa Southern Utilities Company

[Docket No. ER85-427-000]

Take notice that Iowa Southern Utilities Company (Iowa Southern) on April 11, 1985, tendered for filing a Rate Schedule (Schedule) between Iowa Southern and Associated Electric Cooperative, Inc. (AEC), dated March 27, 1985.

The Schedule provides for an additional point of interconnection between Iowa Southern and AEC at the Henry County, Iowa, Substation. The interconnection will allow AEC's use of Iowa Southern's 161 KV transmission system in southeastern Iowa. Iowa Southern requests an effective date of June 1, 1985.

Copies of this filing were served on each affected party.

Comment date: May 6, 1985, in accordance with Standard Paragraph E at the end of this notice.

7. Central Vermont Public Service Corporation

[Docket No. ER85-433-000]

Take notice that Central Vermont Public Service Corporation on April 12, 1985, tendered for filing a proposed change in its FERC Electric Rate Schedule No. 108 for service to Connecticut Valley Electric Company, Inc. The amendment would require Central Vermont to pay interest on refunds owed to Connecticut Valley pursuant to Paragraph P-2 of the rate schedule which provides for billing on an estimated basis during the service year and for an additional charge or refund after the service year depending on whether estimated costs are greater or lesser than the actual costs. The amendment does not permit the application of interest when an additional charge must be paid by the Customer to the Company or otherwise affect Central Vermont's rates, charges, and terms and conditions of service.

Central Vermont proposes an effective date of May 15, 1985, and therefore requests waiver of the Commission's notice requirements.

Copies of the filing were served upon the New Hampshire Public Utilities Commission, the Vermont Public Service Board, and Connecticut Valley Electric Company, Inc.

Comment date: May 6, 1985, in accordance with Standard Paragraph E at the end of this notice.

8. Gulf States Utilities Company

[Docket No. EC85-13-000]

Take notice that on April 15, 1985, Gulf States Utilities Company ("Gulf States") filed an Application seeking an order pursuant to section 203 of the Federal Power Act authorizing the sale of a substation facility by Gulf States to the City of Livington, Texas (Livingston). Livingston is a member cooperative of the Sam Rayburn Municipal Power Agency ("SRMA"). Gulf States and SRMA are parties to an interconnection agreement presently on file with the Commission.

Comment date: May 15, 1985, in accordance with Standard Paragraph E at the end of this notice.

Standard Paragraphs

E. Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

FR Doc. 85-9919 Filed 4-23-85; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. OF85-331-000, et al.]

Signal Energy Systems et al.; Small Power Production and Cogeneration Facilities; Qualifying Status; Certificate Applications, Etc.

Comment date. Thirty days from publication in the **Federal Register**, in accordance with Standard Paragraph E at the end of this notice.

Take notice that the following filings have been made with the Commission.

1. Signal Energy Systems, Inc.

[Docket No. OF 85-331-000]

April 15, 1985.

On April 2, 1985, Signal Energy Systems, Inc. of Liberty Lane, Hampton, New Hampshire 03842 (Applicant) submitted for filing an application for certification of a facility as a qualifying small power production facility pursuant to § 292.207 of the Commisson's regulations. No determination has been made that the submittal constitutes a complete filing.

The small power production facility will be located near Anjean in Greenbrier County, West Virginia. The facility will consist of a steam generator utilizing refuse coal material in a fluidized-bed combustion process. The steam will be used to drive a steam-turbine generator for the production of electricity. The primary energy source for the facility will be refuse coal material, with small amounts of fossil fuel used for start-up purposes. The net electric power production capacity of the facility will be 29.9 megawatts.

2. Honeywell Farms, Inc.

[Docket No. OF85-332-000]

April 17, 1985.

On April 5, 1985, Honeywell Farms, Inc., (Applicant) of 115-25 Styler Road, Jamaica, New York 11433 submitted for filing an application for certification of a facility as a qualifying cogeneration facility pursuant to § 292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

The topping-cycle cogeneration facility is located at the Applicant's address in Jamaica, New York. The facility will contain three No. 2 fuel oil fired diesel engine generator sets. Engine exhaust is used to provide heat, steam and hot water for the processing of dairy products. The primary energy source is No. 2 fuel oil. The electric power production capacity of the facility is 2400 kW. The facility has been in operation since April 1975. No electric utility, electric utility holding company or any combination thereof has any ownership interest in the facility.

3. Babcock-Ultrapower Jonesboro

Docket No. OF85-335-000]

April 19, 1985.

On April 5, 1985, Babcock-Ultrapower Jonesboro, a joint venture c/o Ultrapower, Incorporated of 16845 Von Karman Avenue, Irvine, California 92714 (Applicant) submitted for filing an

application for certification of a facility as a qualifying small power production facility pursuant to § 292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

The small power production facility will be located near Jonesboro in Washington County, Maine. The facility will consist of a steam generator utilizing waste wood in a fluidized-bed combustion process. The steam will be used to drive a steam turbine-generator for the production of electricity. The primary energy source for the facility will be waste wood from lumber mills and in-forest lumbering operations, with small amounts of LP gas used for start-up purposes. The net electric power production capacity of the facility will be 25 megawatts.

4. Texaco Refining and Marketing, Inc.

[Docket No. OF85–342–00]

April 19, 1985.

On April 10, 1985, Texaco Refining and Marketing, Inc., (Applicant) of P.O. Box 712, North End of Houston Avenue, Port Arthur, Texas 77640, submitted for filing an application for certification of a facility as a qualifying cogeneration facility pursuant to § 292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

The Port Arthur facilities are comprised of twelve (12) topping-cycle generators, and are located at Port Arthur Refinery, Port Arthur, Texas. Three of the generators are gas fired combustion turbine generators and the remaining nine are steam turbine generators. The facilities are designed to burn primarily plant produced gas and residual fuel oil in the boilers to generate steam, and natural gas is the primary fuel for the gas turbine generators. The steam will primarily be used for thermal energy in refinery processing units. The electric power production capacity will be 163.85 MW.

5. U.S. Gypsum Company—Oakfield Plant

[Docket No. QF85–344–000]

April 19, 1985.

On April 10, 1985, U.S. Gypsum Company ((Applicant) of 101 South Wacker Drive, Chicago, Illinois 60606–4385, submitted for filing an application for certification of a facility as a qualifying cogeneration facility pursuant to §292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

The topping-cycle congeneration facility will be located at U.S. Gypsum Company's Oakfield Plant in Oakfield, New York 14125. The facility will contain a combustion turbine generator, heat recovery boiler and back pressure steam turbine-generator set. The discharge steam from turbine will be used in the paper production process. The net electric capacity of the plant will be 5,874 kW. The primary energy source will be natural gas. The installation of the facility began in April 1985 with anticipated operation date of November 1985.

6. Babcock-Ultrapower West Enfield

[Docket No. QF85–334–000]

April 19, 1985.

On April 5, 1985, Babcock-Ultrapower West Enfield, a joint venture c/o Ultrapower, Incorporated of 16845 Von Karman Avenue, Irvine, California 92714 (Applicant) submitted for filing an application for certification of a facility as a qualifying small power production facility pursuant to §292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

The small power production facility will be located near West Enfield in Penobscot County, Maine. The facility will consist of a steam generator utilizing waste wood in a fluidized-bed combustion process. The steam will be used to drive a steam turbine-generator for the production of electricity. The primary energy source for the facility will be waste wood from lumber mills and in-forest lumbering operations, with small amounts of LP gas used for start-up purposes. The net electric power production capacity of the facility will be 25 megawatts.

7. Wichita Falls Energy Co.

[Docket No. QF85–341–000]

April 19, 1985.

On April 12, 1985, Wichita Falls Energy Company, P.O. Box 9349, Fort Worth, Texas 76107 (Applicant) submitted for filing an application for certification of a facility as a qualifying cogeneration facility pursuant to § 292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

The combined-cycle cogeneration facility will be located in Wichita Falls, Texas. The facility will consist of three gas turbine-generator sets each exhausting to a separate unfired heat recovery steam generator. The combined steam output will be used to drive an extraction-condensing steam turbine-generator, with extracted steam used in industrial processes. Excess steam not so used will be condensed and the water returned to the steam generators. The primary energy source will be natural gas. The electric power production capacity will be 80 megawatts. Installation is expected to begin in the latter part of 1986.

Standard Paragraphs

E. Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 85–9918 Filed 4–23–85; 8:45 am]

BILLING CODE 6717–01–M

Office of Hearings and Appeals

Cases Filed; Week of March 22 through March 29, 1985

During the Week of March 22, through March 29, 1985, the appeals and applications for exception or other relief listed in the Appendix to this Notice were filed with the Office of Hearings and Appeals of the Department of Energy. A submission inadvertently omitted from an earlier list has also been included.

Under DOE procedural regulations, 10 CFR Part 205, any person who will be aggrieved by the DOE action sought in

these cases may file written comments on the application within ten days of service of notice, as prescribed in the procedural regulations. For purposes of the regulations, the date of service of notice is deemed to be the date of publication of this Notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first. All such comments shall be filed with the Office of Hearings and Appeals, Department of Energy, Washington, D.C. 20585.

April 17, 1985.

George B. Breznay,

Director, Office of Hearings and Appeals.

LIST OF CASES RECEIVED BY THE OFFICE OF HEARINGS AND APPEALS

[Week of Mar. 22, 1985 through Mar. 29, 1985]

Date	Name and location of applicant	Case No.	Type of Submission
Mar. 21, 1985	Getty Oil Company, Los Angeles, California	HRZ-0238	Interlocutory order. If granted: Certain DOE employees would be recused from further participation in certain Getty Oil Company proceedings pending before the Office of Hearings and Appeals (Case Nos. HCX-0091 and HRR-0074).
Mar. 26, 1985	Budny Fuel Oil Company, Trenton, New Jersey	HEE-0135	Exception to the reporting requirements. If granted: Budny Fuel Oil Company would not be required to file Form EIA-821.
Do	Cernak Fuel, Easthampton, Massachusetts	HEE-0134	Exception to the reporting requirements. If granted: Cernak Fuel would not be required to file Form EIA-782B, "Reseller/Retailers' Monthly Petroleum Product Sales Report."
Do	Oasis Petroleum, Research Fuels, Inc. and Lucky Stores, Los Angeles, California.	HEX-0118	Supplemental order. If granted: Pursuant to the February 12, 1985 Decision and Order issued to Oasis Petroleum, Research Fuels, Inc. and Lucky Stores (Case No. HEX-0110), the Office of Hearings and Appeals would designate those witnesses whose testimony will be presented at the evidentiary hearing.
Do	Spradling's Texaco, Petroleum Products, Budl, Idaho	HEE-0133	Exception to the reporting requirements. If granted: Spradling's Texaco Petroleum Products would not be required to file Form EIA-821.
Mar. 27, 1985	Darci L. Rock, Washington, D.C.	HFA-0282	Appeal of an information request denial. If granted: The March 19, 1985 Freedom of Information Request Denial issued by the Office of Hearings and Appeals would be rescinded and Darci L. Rock would receive access to documents concerning an exception proceeding brought by the Department of Interior (Case No. HEE-0051).
Mar. 28 1985	Great Lakes Electric Consumers Association, Washington, D.C.	HEG-0038	Petition for special redress. If granted: The Office of Hearings and Appeals would consider the use of consumer-owned utilities for the distribution of consent order funds in Subpart V second stage refund proceedings.
Do	Thos. P. Reidy, Inc., Washington, D.C.	HRD-0277 and HRH-0277	Motions for discovery and evidentiary hearing. If granted: Discovery would be granted and an evidentiary hearing would be convened in connection with the Statement of Objection submitted by Thos. P. Reidy, Inc. in response to a Proposed Remedial Order issued to the firm (Case No. HRO-0265).

REFUND APPLICATIONS RECEIVED

[Week of Mar. 22, to Mar. 29, 1985]

Date received	Name of refund proceeding/name of refund applicant	Case No.
3/22/85	Little America Refining Co./Lockhart.	RF112-3
3/22/85	Consolidated Gas Supply Corp./Agway Petroleum Corporation.	RF77-3
3/25/85	Parade Company/Peoples Gas Light and Coke Company.	RF74-2
3/25/85	Kansas Nebraska Natural Gasoline Company/Mobil Oil Corporation.	RF113-3
3/25/85	MAPCO, Inc./Enterprise Products Company	RF108-7
3/25/85	MAPCO, Inc./Texaco Refining & Marketing, Inc.	RF108-8
3/25/85	Mesa Petorleum Co./Koch Industries.	RF120-1
3/25/85	Mesa Petroleum Co./Mobil Oil Corp.	RF120-2
3/25/85	Arapaho Pet./Warren Petroloum, Co.	RF119-1
3/25/85	Mountain Fuel Supply Co./Petrolane, Inc.	RF118-1
3/25/85	Eagle Petroleum Co./Warren Petroleum Co.	RF121-1
3/25/85 through 3/29/85	Gulf Refund Applications	RF40-2161 through RF40-2610
3/26/85	Amoco/Iowa	RQ21-189
3/26/85	Nordstrom/Iowa	RQ22-190
3/26/85	Beindge/Iowa	RQ8-191
3/26/85	Vickers/Iowa	RQ1-192
3/26/85	Amoco/Ute Indian Tribe	RQ21-193
3/26/85	MAPCO, Inc./National Cooperative Refinery Ass'n.	RF108-9
3/26/85	Kansas Nebraska Natural Gasoline/Cities Service Oil & Gas Corp.	RF113-4
3/26/85	Consolidated Gas Supply Corp./C.M. Dining, Inc.	RF77-4
3/26/85	Little America Refining Co./A.M. Marshall Company.	RF112-4
3/26/85	Seminole Refining/White Construction Company, Inc.	RF111-4

REFUND APPLICATIONS RECEIVED—Continued

[Week of Mar. 22, to Mar. 29, 1985]

Date received	Name of refund proceeding/name of refund applicant	Case No.
3/26/85	Hertz/Allegheny International	RF76-120
3/26/85	Hertz/Cameron Iron Works	RF76-121
3/26/85	Hertz/Burroughs, SDC	RF76-122
3/26/85	Hertz/Merck & Company	RF76-123
3/26/85	Hertz/ARA Services	RF76-124
3/26/85	Hertz/Kimberly Clark Corp	RF76-125
3/26/85	Hertz/Raytheon Company	RF76-118
3/26/85	Hertz/Singer/Libascope	RF76-119
3/26/85	Hertz/Fleetwood Enterprises, Inc.	RF76-117
3/27/85	Point Landing/Canal Barge Co., Inc.	RF122-1
3/27/85	Parade Co./Gulf States Oil & Refining.	RF74-3
3/28/85	Hendel's/New London Motors, Inc.	RF79-9
3/28/85	Hendel's/Bellucci Coal Company	RF79-8
3/28/85	Hendel's/Marsters Marine Service	RF79-10
3/29/85	Grimes Gasoline Co./Sun Company, Inc.	RF123-1
3/29/85	LARCO/SAV-O-MAT, INC	RF112-5
3/29/85	Hertz Corp./Kaiser Aluminum & Chemical.	RF76-126
3/29/85	Point Landing/Central Marine Service.	RF122-2
3/29/85	Point Landing/Beker Industries, Inc.	RF122-3

NOTICES OF OBJECTION RECEIVED

[Week of Mar. 22, 1985 to Mar. 29, 1985]

Date	Name and location of applicant	Case No.
3/28/85	Ozona Gas Processing Plant, Washington, D.C.	HEE-0080

[FR Doc. 85-9905 Filed 4-23-85; 8:45 am]

BILLING CODE 6450-01-M

Implementation of Special Refund Procedures

AGENCY: Office of Hearings and Appeals, Department of Energy.

ACTION: Notice of implementation of special refund procedures and solicitation of comments.

SUMMARY: The Office of Hearings and Appeals of the Department of Energy solicits comments concerning the appropriate procedures to be followed in refunding to eligible claimants a total of $2,335,279 (plus accrued interest) obtained by the DOE under the terms of consent orders entered into with VGS Corporation, Young Refining Corporation, and Macmillan Ring-Free Oil Co., Inc. The funds are being held in escrow following settlement of all claims and disputes arising from audits by the Economic Regulatory Administration.

DATE AND ADDRESS: Comments must be filed on or before May 24, 1985 and should be addressed to the Office of Hearings and Appeals, Department of Energy, 1000 Independence Avenue, SW., Washington, D.C. 20585. All comments should conspicuously display a reference to case numbers HEF-0225, HEF-0228, and HEF-0506.

FOR FURTHER INFORMATION CONTACT: Geoffrey D. Stein, Office of Hearings

and Appeals, 1000 Independence Avenue, SW., Washington, D.C. 20585. (202) 252–6602.

SUPPLEMENTARY INFORMATION: In accordance with § 205.282(b) of the procedural regulations of the Department of Energy, 10 CFR 205.282(b), notice is hereby given of the issuance of the Proposed Decision and Order set out below. The Proposed Decision and Order tentatively establishes procedures to distribute to eligible claimants funds obtained by the DOE under the terms of consent orders entered into with VGS Corporation ($1,010,000), Young Refining Corporation ($75,000), and Macmillan Ring-Free Oil Co., Inc. ($1,250,279) (hereinafter cited collectively as the consent order firms). The funds were provided to the DOE in order to settle all claims which the Economic Regulatory Administration could have pursued under the DOE price and allocation regulations relating to transactions by the consent order firms involving the production, refining, and marketing of petroleum products during certain periods in which the regulations were in effect.

The Proposed Decision and Order sets forth the procedures and standards that the DOE has tentatively formulated to distribute the contents of the escrow accounts funded by the consent order firms. The DOE has tentatively decided that Applications for Refund should be accepted from firms and individuals who purchased refined petroleum products from the consent orders firms during the consent order periods. The Proposed Decision and Order provides that in order to be entitled to receive any portion of the settlement funds, a purchaser must furnish the DOE with evidence which demonstrates that the claimant was injured by the alleged unlawful prices for covered products charged by the consent order firms. This evidence includes specific documentation concerning the date, place, price, and volume of product purchases, whether the increased costs were absorbed by the claimant or passed through to other purchasers, and the extent of any injury alleged to have been suffered.

The Proposed Decision and Order also refers to the distribution in a second-stage proceeding of any funds remaining after all valid claims are paid. The DOE solicits comments on any proposals that claimants may suggest for this second-stage distribution.

Until final procedures are adopted, no claims for refunds will be accepted. Applications for Refund, therefore, should not be filed at this time. Appropriate public notice will be provided prior to the acceptance of claims.

Any member of the public may submit written comments regarding the proposed refund procedures. Commenting parties are requested to provide two copies of their submission. Comments should be submitted within 30 days of publication of this notice in the **Federal Register**, and should be sent to the address set forth at the beginning of this notice. All comments received in this proceeding will be available for public inspection in the Public Docket Room of the Office of Hearings and Appeals, Room 1E–234, 1000 Independence Avenue, SW., Washington, D.C., between the hours of 1:00 to 5:00 p.m., Monday through Friday, except Federal holidays.

Dated: April 17, 1985.

George B. Breznay,

Director, Office of Hearings and Appeals.

April 17, 1985.

Proposed Decision and Order of the Department of Energy

Special Refund Procedures

Names of Cases: VGS Corporation; Young Refining Corporation; and Macmillan Ring-Free Oil Co., Inc.

Dates of Filing: October 13, 1983; October 13, 1983; and July 25, 1984.

Case Numbers: HEF–0225; HEF–0228; and HEF–0506.

The procedural regulations of the Department of Energy (DOE) permit the Economic Regulatory Administration (ERA) to request that the Office of Hearings and Appeals (OHA) formulate and implement procedures for distributing funds received as a result of enforcement proceedings involving alleged violations of DOE regulations. *See* 10 CFR Part 205, Subpart V. In accordance with these regulatory provisions, the ERA filed Petitions for the Implementation of Special Refund Procedures in connection with consent orders which it entered into with VGS Corporation (VGS), Young Refining Corporation (Young), and Macmillan Ring-Free Oil Co., Inc. (Macmillan) (hereinafter referred to collectively as the consent order firms).

I. Background

The consent order firms were "refiners" of petroleum products as that term was defined in 10 CFR 212.31. During the consent order period, the firms were engaged in the production, refining, and marketing of products covered by the federal petroleum price and allocation regulations set forth in 10 CFR Parts 211 and 212. The ERA audited the consent order firms to determine their compliance with these regulations. In the course of the audit process, each firm entered into a consent order with the DOE, whereby the firm agreed to remit funds to the DOE to resolve all issues regarding the firm's application of the regulations during the consent order period.

VGS agreed to refund $1,010,000 to resolve all issues regarding its application of the price regulations during the period December 1, 1973 to January 27, 1981.[1] Notice of this proposed consent order was published for public comment at 46 FR 35963 (1981). Claims were filed by five interested parties.[2] The proposed consent order was adopted without modification as a final order of the DOE on September 1, 1981. 46 FR 43873 (1981).

Young agreed to refund $75,000 to resolve all issues regarding its application of the price regulations during the period August 19, 1973 to April 30, 1974. Notice of this proposed consent order was published for public comment at 46 FR 10976 (1981), and one claim was filed by Hercules Incorporated of Wilmington, Delaware. The consent order was subsequently adopted without modification as a final order of the DOE.

Macmillan agreed to refund $1,550,000 to resolve all issues regarding its application of the price and allocation regulations during the period August 19, 1973 to January 27, 1981. Notice of this proposed consent order was published for public comment at 47 FR 34182 (1982). Comments were received from several interested parties; however, no claims were filed. The proposed consent order was adopted without modification as a final order of the DOE on November 4, 1982. 47 FR 50081 (1982). After the consent order was finalized, the ERA determined that $299,721 should be distributed from the Macmillan consent order fund to six end-user purchasers of "general refinery products.[3] ERA's Petition in the

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[1] VGS marketed all of its petroleum products under the name Southland Oil Company.

[2] The five VGS claimants were: Miller Transporters, Inc. of Jackson, Mississippi; the Jackson, Mississippi Municipal Airport Authority; the Mississippi State Highway Department, Mrs. Jessie C. Vaughn, Jr. of Yazoo City, Mississippi; and Mr. Travis Fitts of Kosciusko, Mississippi.

[3] The "general refinery products" sold by Macmillan consisted of lube oils, residual fuel oil, naphtha, and jet fuel. The six end-user customers of these products—California-Portland, United States Defense Supply Agency, General Carbon Company, Nevada Power Company, Salt River Project, and Southern California Edison Company—will not be eligible to apply for further refunds in this proceeding based on their purchases of these general refinery products.

Macmillan proceeding covers the remaining $1,250,279.

II. Jurisdiction to Fashion Refund Procedures

The ERA filed Petitions for the Implementation of Special Refund Procedures under Subart V in connection with the funds remitted to the DOE pursuant to these three consent orders. The Subpart V process may be used in situations where the DOE is unable to readily identify the persons who may be eligible to receive refunds as a result of enforcement proceedings or to readily ascertain the amounts that such persons should receive. 10 CFR 205.280. Subpart V authorizes the OHA, upon request by an appropriate DOE enforcement official, to fashion special procedures to distribute moneys obtained as part of a settlement agreement. 10 CFR 205.281–205.282. After reviewing the record in each of the proceedings, we have determined that the implementation of Subpart V procedures is appropriate. There is a significant degree of difficulty in identifying the purchases who may have been injured by the pricing practices of the consent order firms. In each case, the alleged overcharges were associated with the price methodology of a refiner, so that any impact likely was spread throughout a broad range of customers. Furthermore, it is difficult to ascertain the proper amount of refunds to identifiable injured parties. Therefore, the provisions of Subpart V provides a very useful mechanism for refunding money to parties likely to have been injured by the alleged violations. According, the OHA has decided to exercise jurisdiction over the funds received by the DOE pursuant to these three consent orders.

III. Proposed Refund Procedures

A. Crude Oil Claims

The Macmillan consent order resolves the firm's alleged violations of both the petroleum price and allocation regulations. With regard to the allocation regulations, the consent order specifically settled alleged violations of the DOE Crude Oil Entitlements Program uncovered during the audit of Macmillan. We therefore propose to divide this consent order fund into two pools. Since the audit files indicate that 29% of Macmillan's total alleged overcharges related to alleged entitlements violations, we propose to make available a pro rata portion of the total Macmillan consent order fund—$449,500 plus accrued interest—for claims filed by participants in the Entitlements Program. *See Bayou State Oil Corporation*, 12 DOE ¶ 85,197 (1985).

We have previously considered the proper disbursement of consent order funds related to alleged crude oil entitlements violations similar to those resolved with Macmillan. *See Office of Enforcement: In the Matter of Alfred B. Alkek*, 9 DOE ¶ 82,521 (1982) (*Alkek*); *Office of Enforcement: In the Matter of Adams Resources and Energy, Inc.*, 9 DOE ¶ 82,553 (1982) (*Adams*); *A Johnson & Company, Inc.*, 12 DOE ¶ 85,102 (1984) (*Johnson*). We anticipate that we will adopt a method of granting refunds in the consolidated *Alkek*, *Adams*, and *Johnson* proceeding which is consistent with the method the OHA ultimately recommends to the District Court for distributing funds at issue in the current *Department of Energy Stripper Well Exemption Litigaiton*, No. MDL 378 (D. Kan.). *Bayou State Oil Corporation*, 12 DOE at 88,620. It is likely that the cost of Macmillan's alleged entitlements violations was spread through the Entitlements Program in a manner similar to that of the Stripper Well overcharges. We therefore propose that the Macmillan consent order funds attributable to alleged entitlements violations be distributed in the manner ultimately decided upon in the *Alkek*, *Adams*, and *Johnson* proceeding.

B. Refined Products Claims

1. Refunds to Identifiable Purchasers

The remaining $800,779 of the Macmillan consent order fund, as well as all of the VGS and Young consent order funds, relate to alleged violations of refined products pricing and allocation regulations. During the first stage in the refund process, these consent order funds should be distributed to claimants who satisfactorily demonstrate that they have been adversely affected by the consent order firms' alleged overcharges in sales of covered products. The procedures for implementing a claims process are set forth below. In addition, as in many prior special refunds cases, we will propose adoption of certain presumtions. First, we will tentatively adopt a presumtion that the alleged overcharges were dispersed equally in all sales of products made during the consent order periods. OHA has referred to this presumption in the past as a volumetric refund amount. Second, we will propose a presumption of injury with respect to small claims.

Presumtions in refund cases are specifically authorized by applicable DOE procedural regulations. Section 205.282(e) of those regulations states that:

> [i]n establishing standards and procedures for implementing refund distributions, the Office of Hearings and Appeals shall take into account the desirability of distributing the refunds in an efficient, effective and equitable manner and resolving to the maximum extent practicable all outstanding claims. In order to do so, the standards for evaluation of individual claims may be based upon appropriate presumptions.

10 CFR 205.282(e). The presumptions we propose to adopt in these cases will permit claimants to participate in the refund process without incurring disproportionate expenses, and will enable the OHA to consider refund applications in the most efficient way possible in view of the limited resources available.

A claimant will be eligible to receive a refund equal to the documented number of gallons it bought from a consent order firm during the applicable consent order period, multiplied by a volumetric percentage. This percentage is computed by dividing the amount of each consent order fund by the total number of gallons sold by each firm during the consent order period. The calculation of the volumetric percentage for the three consent order funds is presented in the following table:

Firm	Sales of covered products during consent order period (gallons)	Consent order funds for refined products claims	Volumetric refund amount
VGS	704,146,220	$1,010,000	$0.001434
Young	11,105,970	75,000	.006753
Macmillan	1,159,432,400	800,779	.000690

In addition, the interest which has accrued to the consent order funds will be applied to each paid refund on a pro rata basis. Finally, we intend to set a minimum refund amount for potential claimants. In prior refund cases, we have not granted refunds for less than $15.00 because the cost of issuing such refunds exceeds the restitutionary benefits which may be achieved. *See Office of Special Counsel*, 10 DOE ¶ 85,048 at 88,214 (1982). We will utilize the same minimum refund in the present case.

The pro rata, or volumetric, refund presumption assumes that alleged overcharges by a consent order firm were spread equally over all gallons of product marketed by that firm. In the absence of better information, this assumption is sound because the DOE price regulations generally required a regulated firm to account for increased costs on a firm-wide basis in

determining its prices. However, we also recognize that the impact on an individual purchaser may have been greater than the pro rata amount determined by the volumetric presumption. Certain purchasers may believe that they suffered disproportionate injury as a result of a firm's pricing practices during the consent order period. Any such purchaser may file a refund application for an amount greater than that calculated using the volumetric presumption, provided that the claimant documents the disproportionate impact of the alleged overcharges. *See, e.g., Sid Richardson Carbon and Gasoline Co. and Richardson Products Co./Siouxland Propane Co.*, 12 DOE ¶ 85,054 (1984) and cases cited therein at 88,164.

We propose that resellers and retailers seeking refunds totalling $5,000 or less under the volumetric presumption not be required to demonstrate further any injury resulting from the alleged overcharges. The presumption that claimants seeking smaller refunds were injured by the pricing practices settled in the consent orders is based on a number of considerations. *See, e.g., Uban Oil Co.*, 9 DOE ¶ 82,541 (1982). Firms which will be eligible for refunds were in the chains of distribution where the alleged overcharges occurred and therefore bore some impact of the alleged overcharges, at least initially. In order to support a specific claim of injury, a firm would have to compile and submit detailed factual information regarding the impact of alleged overcharges which took place many years ago. This procedure is generally time-consuming and expensive. With small claims, the cost to the firm of gathering the necessary information, and the cost to the OHA of analyzing it, may be many times the expected refund amount. Failure to allow simplified application procedures for small claims could therefore deprive injured parties of the opportunity to receive a refund. This presumption eliminates the need for a claimant to submit and the OHA to analyze detailed proof of what happened downstream of the initial impact.

Under the small-claims presumption, a claimant who is a reseller or retailer will not be required to submit any additional evidence of injury beyond purchase volumes if its refund claim is based on purchases below a certain level. Previous OHA refund decisions have expressed this threshold in terms of either purchase volumes or refund dollar amounts. In *Texas Oil & Gas Corp.*, 12 DOE ¶ 85,069 (1984), we noted that describing the threshold in terms of a dollar amount rather than a purchase volume figure would more readily facilitate disbursements to applicants seeking relatively small refunds. *Id.* at 88,210. There cases merit the same approach. Several factors determine the value of the threshold below which a claimant is not required to submit any further evidence of injury beyond volumes purchased. One of these factors is the concern that the cost to the applicant and the government of compiling and analyzing information sufficient to show injury not exceed the amount of the refund to be gained. In these cases, where the refund amounts are fairly low and the early months of the consent order periods are many years past, $5,000 is a reasonable value for the threshold. *See Texas Oil & Gas Corp.*, 12 DOE ¶ 85,069 (1984); *Office of Special Counsel: In the Matter of Conoco, Inc.*, 11 DOE ¶ 85,226 (1984) and cases cited therein.

A reseller or retailer which claims a refund in excess of $5,000 will be required to document its injury. While there are a variety of means by which a claimant can make such a showing, a firm is generally required to show that market conditions would not permit it to pass through the increased costs associated with the alleged overcharges. In addition, a reseller or retailer of petroleum products must show that it maintained a "bank" of unrecoverd costs, in order to demonstrate that it did not subsequently recover these costs by increasing its prices. *See, e.g., Triton Oil and Gas Corporation/Cities Service Company*, 12 DOE ¶ 85,107 (1984); *Tenneco Oil Co./Mid-Continent Systems, Inc.*, 10 DOE ¶ 85,009 (1982).[4]

We find that end-users or ultimate consumers whose business is unrelated to the petroleum industry were injured by the alleged overcharges settled in the consent order. Unlike regulated firms in the petroleum industry, members of this group generally were not subject to price controls during the consent order period, and they were not required to keep records which justified selling price increases by reference to cost increases. For these reasons, an analysis of the impact of the increased cost of petroleum products on the final prices of non-petroleum goods and services would be beyond the scope of this special refund proceeding. *See Office of Enforcement, Economic Regulatory Administration: In the Matter of PVM Oil Associates, Inc.*, 10 DOE ¶ 85,072 (1983); *see also Texas Oil & Gas Corp.*, 12 DOE at 88,209 and cases cited therein. We have therefore concluded that downstream end-user purchasers of a consent order firm's petroleum products need only document their purchase volumes in order to make a sufficient showing that they were injured by the alleged overcharges.[5]

In addition, refund applications from firms regulated by a governmental agency or by the terms of a cooperative agreement will not be required to demonstrate that the firm absorbed the alleged overcharges. In the case of regulated firms, *e.g.*, public utilities, any overcharges incurred as a result of the alleged violations of the DOE regulations would routinely be passed through to their customers. Similarly, any refunds received by such firms would be reflected in the rates they are allowed to charge their customers. Refunds to agricultural cooperatives will likewise directly influence the prices charged to member customers. Consequently, these firms too need only document their purchase volumes from a consent order firm to make an adequate showing of injury. *See Office of Special Counsel*, 9 DOE ¶ 82,538. However, along with their applications these firms should provide a full, detailed explanation of the manner in which refunds would be passed through to customers and how the appropriate regulatory body or membership group will be advised of the applicant's receipt of a refund.

As in previous cases, we propose that there is a class of potential claimants who may be presumed to have suffered no injury from the alleged overcharges. Those parties are firms that made spot purchases of a consent order firm's petroleum products.[6]

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[4] Resellers or retailers who claim a refund in excess of $5,000 but who cannot establish that they did not pass through the price increases will be eligible for a refund of up to the $5,000 threshold, without being required to submit further evidence of injury. Firms potentially eligible for greater refunds may choose to limit their claims to $5,000 in order to avoid having to prove their injury. *See* Office of Enforcement, 8 DOE ¶ 82,597 (1981) at 85,396.

[5] As stated, six ultimate consumers of Macmillan products have already received refunds from the Macmillan consent order fund for their purchases of general refinery products. *See* note 3 *supra*. These firms are not eligible to apply for further refunds in this proceeding based on these purchases. However, other end-users who purchased Macmillan products from resellers may be eligible to apply for refunds.

[6] We will except from this principle cooperative organizations which made spot purchases of products from a consent order firm and resold these products to their members. In the past, we have treated refund applications by cooperatives as applications made on behalf of their members, who, as ultimate customers, were not in a position to pass along increased costs. Similarly, any refund received by a cooperative would presumably be passed on to its members, in the form of either a price reduction or a distribution of surplus income. Office of Special Counsel, 9 DOE ¶ 82,538 (1982) at 85,203. *See, e.g.*, Anadarko Production Co./Cities

Continued

[T]hese customers tend to have considerable discretion in where and when to make purchases and would therefore not have made spot market purchases of Vickers motor gasoline at increased prices unless they were able to pass through the full amount of Vickers' quoted selling price at the time of purchase to their own customers.

8 DOE at 85,396–97. We believe that the same rationale applies in this case. Consequently, we propose to establish a rebuttable presumption that spot purchasers were not injured by the pricing practices resolved in the consent orders. Thus, a spot purchaser claimant will be required to submit additional evidence sufficient to establish that it was unable to recover the prices it paid to a consent order firm.

Any purchaser claiming a portion of the consent order funds should file an Application for Refund pursuant to 10 CFR 205.283. Applications should provide all relevant information necessary to establish a claim in accordance with the presumptions outlined above, including, where necessary, specific documentation concerning the date, place, price, and volume of product purchased, the retention of increased costs, and the extent of any injury alleged. Detailed precedures for filing applications will be provided in a final Decision and Order. *See Vickers.* Before disposing of any of the consent order funds, we intend to publicize widely the distribution process and to provide an opportunity for any affected party to file a claim. Purchasers of covered products who filed claims in response to the original consent order notices in the **Federal Register** will be informed of these refund procedures by mail. As a final matter, we note that refund applications filed on behalf of groups of claimants identifying themselves as adversely affected purchasers also will be considered. Such applications will be evaluated on a case-by-case basis.

C. Distribution of the Remainder of the Consent Order Fund

After all meritorious claimants have received an appropriate refund, it is possible that the consent order funds may not be exhausted. Any remaining funds should be distributed during a second stage of the refund process in furtherance of the goals set forth in the DOE's enabling legislation and implementing regulations. However, any consideration of the second-stage procedure at this point in time involves a number of uncertainties. As was noted in *Vickers:*

[Such] a step would be difficult to justify before the analysis and processing of Applications for Refund filed in the first stage of the distribution of the Consent Order funds to claimants, since the amount remaining after all meritorious claims have been paid directly affects the appropriateness of the second-stage distribution scheme.

8 DOE at 85,397. We will consider any comments received regarding second-stage alternatives and then issue a final Decision and Order establishing procedures for the first stage. In that decision, we will summarize and address briefly the comments received concerning second-stage procedures, and will solicit another round of comments on the distribution of the funds that may remain after payment of claims in the first stage. In this way, we will have adequate opportunity to consider the outstanding issues before reaching a final decision on the second stage.

It Is Therefore Ordered That: The funds remitted to the Department of Energy pursuant to the VGS Corporation, Young Refining Corporation, and Macmillan Ring-Free Oil Co., Inc. consent orders will be distributed in accordance with the foregoing Decision.

[FR. Doc. 85–9904 Filed 4–23–85; 8:45 am]

BILLING CODE 6450–01–M

Service Co., 12 DOE ¶ 85,060 (1984). Cooperative purchasers therefore will be presumed to have been injured in spot purchases of a consent order firm's products when these products were resold to members. Cooperatives in this category will be eligible to apply for refunds. These firms must explain in their refund applications the manner in which any refunds will be distributed to members. *See Office of Special Counsel,* 10 DOE ¶ 85,048 (1982); *Office of Enforcement,* 8 DOE ¶ 82,597 (1981) (hereinafter cited as *Vickers).* As we stated in *Vickers:*

ENVIRONMENTAL PROTECTION AGENCY

[OPP–180666; FRL–2822–5]

Emergency Exemptions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has granted 11 specific exemptions for the control of various pests to 8 States as listed below. Also given is information on a crisis exemption initiated by the Hawaii Department of Agriculture. These exemptions are subject to application and timing restrictions and reporting requirements designed to protect the environment to the maximum extent possible. Information on these restrictions is available from the contact persons in EPA listed below.

DATES: See each specific and crisis exemption for its effective dates.

FOR FURTHER INFORMATION CONTACT: See each specific and crisis exemption for the name of the contact person. The following information applies to all contact people.

By mail: Registration Division (TS–767C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, D.C. 20460.

Office location and telephone number: Rm. 716, CM#2, 1921 Jefferson Davis Highway, Arlington, VA (703–557–1192).

SUPPLEMENTARY INFORMATION: EPA has granted specific exemptions to the:

1. Arizona Commission of Agriculture and Horticulture for the use of sethoxydim on dry bulb onions to control emerged annual grasses; March 5, 1985 to May 15, 1985. (Libby Welch)

2. Arkansas State Plant Board for the use of propionic acid on high moisture cottonseed as a seed preservative; February 25, 1985 to July 31, 1985. Arkansas had initiated a crisis exemption for this use. (Libby Welch)

3. California Department of Food and Agriculture for the use of methiocarb on artichokes to control snails and slugs; February 25, 1985 to December 31, 1985. (Jim Tompkins)

4. California Department of Food and Agriculture for the use of triadimefon on tomatoes to control powdery mildew; March 18, 1985 to January 1, 1986. (Jim Tompkins)

5. Florida Department of Agriculture and Consumer Services for the use of avermectin B on 1,497 acres of ornamental flowers (chrysanthemum, gypsophila, gerbera, daisy and snapdragon) to control serpentine leafminers in Florida; February 26, 1985 to February 20, 1986. Avermection is an unregistered pesticide and in accordance with Agency policy public comment was solicited in a Notice of Receipt published in the **Federal Register** on August 8, 1984. No comments were received. Only the use on ornamental flowers for leafminer control was adequately supported for this emergency. The Agency granted this emergency exemption after determining:

a. There are no registered alternative pesticides which will provide adequate control of leafminers on ornamental flowers.

b. A significant economic loss would result if an effective pesticide was not made available. This loss could be as high as $26,870,000 and represent over half the net value of this crop. In addition, without adequate control many growers might be forced out of business

which could lead to loss of work for over a thousand individuals. Use is authorized for 962 lbs of active ingredient. (Libby Welch)

6. Louisiana Department of Agriculture for the use of methiocarb on rice to control depredating birds; March 11, 1985 to July 15, 1985. (Libby Welch)

7. Michigan Department of Agriculture for the use of metolachlor on dry bulb onions to control grassy weeds: March 25, 1985 to August 15, 1985. (Jim Tompkins)

8. Michigan Department of Agriculture for the use of sethoxydim on dry bulb onions grown on muck soils to control grassy weeds: March 25, 1985 to August 15, 1985. (Jim Tompkins)

9. Mississippi Department of Agriculture and Commerce for the use of propionic acid on high moisture cottonseed as a seed preservative: February 25, 1985 to July 31, 1985. Mississippi had initiated a crisis exemption for this use. (Libby Welch).

10. Texas Department of Agriculture for the use of propionic acid on high moisture cottonseed as a seed preservative in Texas; February 26, 1985 to July 31, 1985. Texas had initiated a crisis exemption for this use. (Libby Welch)

11. Texas Department of Agriculture for the use of methicarb on rice seed to control bird depredation; March 11, 1985 to July 15, 1985. (Jim Tompkins)

A crisis exemption was initiated by the Hawaii Department of Agriculture on January 31, 1985, for the use of oxamyl on succulent beans to control thrips. Since it was anticipated that this program would be needed for more than 15 days, Hawaii has requested a specific exemption to continue it. The need for this program is expected to last for 1 year. (Jack E. Housenger)

(Sec. 18, as amended, 92 Stat. 819 (7 U.S.C. 136))

Dated: April 8, 1985.

Steven Schatzow,

Director, Office of Pesticide Programs.

[FR Doc. 85-9597 Filed 4-23-85; 8:45 am]

BILLING CODE 6560-50-M

[OPP-50637; FRL-2823-8]

Issuance of Experimental Use Permits; ICI Americas, Inc. et al

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has granted experimental use permits to the following applicants. These permits are in accordance with, and subject to, the provisions of 40 CFR Part 172, which defines EPA procedures with respect to the use of pesticides for experimental purposes.

FOR FURTHER INFORMATION CONTACT: By mail, the product manager cited in each experimental use permit at the address below: Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, D.C. 20460.

In person or by telephone: Contact the product manager at the following address at the office location or telephone number cited in each experimental use permit: 1921 Jefferson Davis Highway, Arlington, VA.

SUPPLEMENTARY INFORMATION: EPA has issued the following experimental use permits:

10182-EUP-35. Extension. ICI Americas, Inc., Concord Pike and New Murphy Road, Wilmington, DE 19897. This experimental use permit allows the use of 53 pounds of the herbicide butyl (*R*)-2-[4-[[5-(trifluoromethyl)-2-pyridinyl]oxy]-phenoxy] propanoate on cotton and soybeans to evaluate the control of various weeds. A total of 212 acres are involved; the program is authorized only in the State of California. The experimental use permit is effective from March 31, 1985 to March 31, 1986. This permit is issued with the limitation that all treated crops are destroyed or used for research purposes only. (Richard Mountfort, PM 23, Rm. 253, CM=2, (703-557-1830)).

45639-EUP-28. Issuance. Nor-Am Chemical Company, 3509 Silverside Road, P.O. Box 7495, Wilmington, DE 19803. This experimental use permit allows the use of 192 pounds of the herbicide diethatyl-ethyl on cotton to evaluate the control of various weeds. The experimental use program is authorized only in the States of Arizona and California. The experimental use permit is effective from April 2, 1985, to April 2, 1986. A temporary tolerance for residues of the active ingredient in or on cottonseed has been established. (Richard Mountfort, PM 23, Rm. 253, CM=2, (703-557-1830)).

11273-EUP-41 Issuance. Zoecon Corporation, 975 California Avenue, Palo Alto, CA 94304. This experimental use permit allows the use of 540 pounds of the herbicide norflurazon on alfalfa to evaluate the control of various weeds. A total of 180 acres are involved; the program is authorized only in the States of Alabama, Georgia, Kentucky, Illinois, Indiana, Iowa, Minnesota, Mississippi, Nebraska, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, and Wisconsin. The experimental use permit is effective from April 2, 1985 to April 2, 1987. A temporary tolerance for residues of the active ingredient in or on alfalfa forage and hay has been established. (Richard Mountfort, PM 23, Rm. 253, CM=2, (703-557-1830))

11273-EUP-43. Issuance. Zoecon Corporation, 975 California Avenue, Palo Alto, CA 94304. This experimental use permit allows the use of 504 pounds of the herbicide norflurazon on alfalfa to evaluate the control of various weeds. A total of 168 acres are involved; the program is authorized only in the States of Arizona, California, Idaho, Oregon Utah, and Washington. The experimental use permit is effective from April 2, 1985 to April 2, 1987. A temporary tolerance for residues of the active ingredient in or on alfalfa forage and hay has been established. (Richard Mountfort, PM 23, Rm. CM=2, (703-557-1830)).

Persons wishing to review these experimental use permits are referred to the designated product managers. Inquiries concerning these permits should be directed to the persons cited above. It is suggested that interested persons call before visiting the EPA office, so that the appropriate file may be made available for inspection purposes from 8:00 a.m. to 4:00 p.m., Monday through Friday, excluding legal holidays.

(Sec. 5, Pub. L. 95-396, 92 Stat. 828 (7 U.S.C. 136c))

Dated: April 10, 1985

Robert V. Brown,

Acting, Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 85-9842 Filed 4-23-85; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL COMMUNICATIONS COMMISSION

Public Information Collection Requirement Submitted to Office of Management and Budget for Review

April 15, 1985

The Federal Communications Commission has submitted the following information collection requirement to OMB for review and clearance under the Paperwork Reduction Act of 1980, Pub. L. 96-511.

Copies of this submission are available from the Commission by calling Doris R. Peacock, (202) 632-7513. Persons wishing to comment on this information collection should contact David Reed, Office of Management and Budget, Room 3235 NEOB, Washington, D.C. 20503, (202) 395-7231.

OMB No.: 3060-0049

Title: Restricted Radiotelephone Operator Permit Application and Temporary Permit
Form No.: FCC 753
Action: Revision
Estimated Annual Burden: 200,000 Responses; 20,000 Hours.

William J. Tricarico,

Secretary, Federal Communications Commission.

[FR Doc. 85-9871 Filed 4-23-85; 8:45 am]

BILLING CODE 6712-01-M

[Report No. 1509]

Petitions for Reconsideration and Clarification of Actions in Rule Making Proceedings

April 16, 1985.

The following listings of petitions for reconsideration and clarification filed in Commission rulemaking proceedings is published pursuant to 47 CFR 1.429(e). Oppositions to such petitions for reconsideration and clarification must be filed within 15 days after publication of this Public Notice in the **Federal Register.** Replies to an opposition must be filed within 10 days after the time for filing oppositions has expired.

Subject: MTS and WATS Market Structure. (CC Docket No. 78-72)
Filed by: William Malone & James R. Hobson, Attorneys for GTE Service Corporation and the GTE Domestic Operating Companies on 3-29-85.
Subject: Investigation of Access and Divestiture Related Tariffs. (CC Docket No. 83-1145, Phase 1)
Filed By:
Joel Yohalem, Vice President & Deputy General Counsel for Western Union Telegraph Company on 2-26-85.
Alan Y. Naftalin & Margot Smiley Humphrey, Attorneys for Alascom, Inc., on 3-21-85.

William J. Tricarico,

Secretary, Federal Communications Commission.

[FR Doc. 85-9862 Filed 4-23-85; 8:45 am]

BILLING CODE 6712-01-M

Public Information Collection Requirement Submitted to Office of Management and Budget for Review

April 16, 1985.

The Federal Communication Commission has submitted the following information collection requirement to OMB for review and clearance under the Paperwork Reduction Act of 1980, Pub. L. 96-511.

Copies of the submission are available from Jerry Cowden, Federal Communications Commission, (202) 632-7513. Persons wishing to comment on this information collection should contact David Reed, Office of Management and Budget, Room 3235 NEOB, Washington, D.C. 20503, (202) 395-7231.

OMB Number: 3060-0298
Title: Part 61, Tariffs
Action: Revision
Respondents: Telephone companies
Estimated Annual Burden: 3,940 Responses; 349,478 Hours

William J. Tricarico,

Secretary, Federal Communications Commission.

[FR Doc. 85-9855 Filed 4-23-85; 8:45 am]

BILLING CODE 6712-01-M

Radio Advisory Committee; Meetings

May 2, 1985.

The next meeting of the Advisory Committee on Radio Broadcasting has been scheduled for 1:30 p.m., Thursday, May 2, 1985, in CEH Room 330, 1200 19th Street, NW., Washington, D.C.

The Committee will:

—Receive aural reports by the Chairmen of the Committee's Technical and Allocations Subgroups concerning proposals for the 1986 AM Expanded Band Conference and any written matter that those Subgroups may submit concerning preparations for that Conference, and consider the work of the Subgroups;
—Note the status of negotiations on revisions of international agreements:
—AM Agreement with Mexico;
—FM Agreement with Canada;
—TV Agreement with Canada; and
—Take up other business raised by participants.

The meetings of the Committee are public and are open or participation by all interested persons. The meeting scheduled for May 2, 1985 may, if the participants so decide, be recessed for resumption at such other time and place as they may designate.

For further information please consult the Committee Chairman, Louis C. Stephens, at FCC Headquarters. Tel.: (202) 632-7792.

William J. Tricarico,

Secretary Federal Communications Commission.

[FR Doc. 85-9856 Filed 4-23-85; 8:45 am]

BILLING CODE 6712-01-M

New AM and FM Stations; Banks Broadcasting Co., Inc.

In the matter of Applications of:

Banks Broadcasting Co. Inc...	MM Docket No. 85-65.
For Renewal of License of Station WWDB (FM), Philadelphia, Pennsylvania.	File No. BRH-840330ES.
For Transfer of Control of Station WWDB (FM) from Leon Goldberg, Lita Indzel Cohen and Dolly Banks Shapiro, Co-Executors of the Estate of William A. Banks, to Leon Goldberg, Lita Indzel Cohen and Dolly Banks Shapiro, Trustees Philadelphia, Pennsylvania and Independence Broadcasting Co. Inc.	File No. BTCH-840105GO (Granted).
For Renewal of License of Station WHAT (AM), Philadelphia, Pennsylvania.	File No. BR-840330VT.
For Transfer of Control of Station WHAT-AM from Leon Goldberg, Lita Indzel Cohen and Dolly Banks Shapiro, Co-Executors of the Estate of William A. Banks, to Leon Goldberg, Lita Indzel Cohen and Dolly Banks Shapiro Trustees, Philadelphia, Pennsylvania.	File No. BTC-831202EI (Granted).
For Assignment of License of Station WHAT (AM) from Independence Broadcasting Company, Inc. to Kelly Guglielmi and Reginald N. Lavong and Miller Parker d/b/a Main Line Communications.	File No. BAL-840629EM (Deferred).
Req: 1340 KHz, 0.25 kW, 1 kW-LS, U and 96.5 MHz, 17 kW (H&V), 265 meters, Channel 243B Philadelphia, Pennsylvania.	File Nos. BP-840702AT and BPH-840702IH.
For Construction Permits for New AM and FM Stations and American Minority Communications, Inc. Req: 1340 KHz, 0.25 kW, 1 kW-LS, U and 96.5 MHz, Channel 243B 17 kW (H&V), 265 meters, Philadelphia, Pennsylvania.	File Nos. BP-840702AH and BPH-840702IG.

For construction permits for New AM and FM Stations.

Memorandum Opinion and Order and Notice of Apparent Liability

Adopted: March 14, 1985.
Released: April 4, 1985.

By the Commission

1. The Commission has under consideration (i) the applications of Independence Broadcasting Company, Inc. and its wholly-owned subsidiary, Banks Broadcasting Company (hereafter collectively referred to as "Banks" or licensee) for renewal of their licenses for Stations WHAT(AM) and WWDB(FM), respectively, Philadelphia, Pennsylvania; (ii) a petition to dent the renewal applications of WHAT(AM)

and WWDB(FM) filed by the National Black Media Coalition, Tri-State Black Media Coalition and Pennsylvania State Senator T. Milton Street (hereafter collectively referred to as the "Coalition"); (iii) a petition to deny the renewal applications of WHAT(AM) and WWDB(FM) filed by the Philadelphia Lesbian and Gay Task Force (hereafter "PLGTF"); (iv) a petition to deny Banks' *pro forma* transfer of control of WHAT(AM) and WWDB(FM) filed by the Coalition;[1] (v) a petition to deny assignment of Banks' license of Station WHAT(AM) to Kelly Guglielmi filed by the Coalition;[2] (vi) Oppositions to all the above petitions filed by Banks; (vii) mutually exclusive applications filed by Reginald N. Lavong and Miller Parker d/b/a Main Line Communications (hereafter "Main Line") for construction permits for new AM and FM Stations; (vii) mutually exclusive applications filed by American Minority Communications, Inc. (hereafter "American Minority") for construction permits for new AM and FM Stations; (viii) and other related pleadings.

The Coalition's Petitions to Deny [3]

2. *Denial of Access to Public Inspection File.* The Coalition alleges that a Banks employee denied Ms. Lynette Ruffin access to the stations' public file in violation of § 73.3526 of the Commission's rules, 47 CFR 73.3526, and that this same employee forcibly removed the files from her. In opposition, Banks states that no one fitting Ms. Ruffin's description of the employee who allegedly denied her access is employed at Banks; that no station employee in a position to know about this incident has any recollection of it; and that the occurrence of the incident would be contrary to the stations' operating procedure for handling public file inspection requests. Further, Ms. Phyllis Sims, Chairperson of Tri-State Media Coalition, a petitioner in this proceeding, had no trouble gaining access to Banks' public files on several occasions subsequent to the alleged Lynette Ruffin incident.

3. In order for the Commission to take action on an allegation in a petition to deny, the allegation must, at the least, "be supported by affidavit of a person or persons with personal knowledge thereof." 47 U.S.C. 309(d)(1).[4] Although the Coalition has alleged that Ms. Ruffin was denied access to Banks' public files and stated twice that Ms. Ruffin's affidavit would be or was supplied, at no time has the Coalition actually provided either an affidavit or a signed, dated unsworn declaration from Ms. Ruffin.[5] Accordingly, further consideration of this allegation is unwarranted.[6]

4. *Failure to Maintain a Complete Public Inspection File.* The Coalition also alleges that when Ms. Phyllis Sims examined the public file on January 10 and January 27, 1984, she found that Banks had violated § 73.3526(1)(a) of the Commission's Rules by not having in its public file a notice regarding the petition to deny filed by the Coalition. In opposition, Banks states that such notice was indeed placed in the public file; that it had no knowledge that the notice was missing; and that upon discovering its absence a new notice was placed in the file.

5. The Commission's Rules state that notice of a petition to deny and related pleadings must be maintained in every licensee's public inspection file. 47 CFR 73.3526(a)(1). It is clear from the pleadings before us that Banks violated this rule. However, it is equally clear that, upon discovering the missing notice, Banks took corrective action and inserted a new notice in the public files. Moreover, the Coalition has alleged no prejudice as a result of the temporary omission of the notice. While we do not condone this violation, it is not so serious as to raise a substantial and material question of fact. *Security Broadcasting of Baton Rouge, Inc.*, 62 F.C.C. 2d 140, 144 (1977). However, Banks is admonished to maintain its public inspection file as required by the Commission's Rules.

6. *Failure of Make Pre-filing Announcement as Required by § 73.3580(d)(1) of the Commission's Rules.* The Coalition alleges that Banks failed to air a pre-filing renewal announcement on its stations on February 1, 1984. Instead, the announcement was aired ten days late. In opposition, Banks states that it discovered on its own initiative that the announcement had not aired, and that it immediately took corrective action and broadcast the announcement every day between February 10 and February 16, 1984.

7. In our view, Banks' admitted failure to broadcast the required prefiling announcement on February 1, 1984, is a *de minimis* violation of the rules. Not only did the licensee discover the omission on its own and broadcast a pre-filing announcement on February 10, 1984, but it also broadcast the announcement as required on February 16, 1984, as well as five (5) extra times (daily between February 11 and February 15) "in an effort to ensure that they were heard by as wide an audience as possible." In view of the corrective action taken by the licensee on its own initiative, Banks' failure to broadcast one pre-filing announcement does not raise a substantial and material question of fact concerning its qualifications to be a Commission licensee. *Cf. United Broadcasting Company of Eastern Md., Inc.*, 90 F.C.C. 2d 534, 537 (1982).

8. *Misrepresentation.* The Coalition alleges that in an application for assignment of WHAT(AM) to Philadelphia Broadcasting Company.

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[1] This petition seeks to block the transfer of control of WHAT(AM) and WWDB(FM) from Leon Goldberg, Lita Indzel Cohen and Dolly Banks Shapiro, co-Executors of the Estate of William A Banks to those same listed individuals in their capacity as trustees for various beneficiaries under the William A. Banks' will. The application was occasioned by the approval of the Orphan's Court of Philadelphia County to distribute the controlling interest of the stock of Independence Broadcasting Company, Inc. to the above designated trustees. Thus, these are *pro forma* transfers necessitated by a change in the legal status of the three individuals currently exercising control, with no effect on the rights of the contesting parties. Accordingly, we shall grant these transfer applications.

[2] Because of the serious questions raised about Banks' qualifications, the assignment application will be held in abeyance pending the outcome of this proceeding. *Faith Center, Inc.*, 90 F.C.C. 2d 519 (1982).

[3] Petitions to deny and related pleadings filed by the National Black Media Coalition and by the licensee include the following: (i) Petition to deny the assignment of WHAT to Philadelphia Community Broadcasting Co. filed August 29, 1983; (ii) Petition to deny the assignment of WWDB(FM) to Love 96 Limited Partnership, Inc. filed November 10, 1983; (iii) Opposition to FM assignment petition filed December 7, 1983; (iv) Petition to deny *pro forma* transfer of control of WHAT filed January 16, 1984; (v) Opposition to WHAT transfer petition; (vi) Petition to deny *pro forma* transfer of control of WWDB(FM) filed February 17, 1984; (vii) Opposition to WWDB(FM) transfer petition; (viii) Petition to deny renewal of WHAT and WWDB(FM) filed June 4, 1984; (ix) Reply to transfer opposition and Supplement to renewal petition filed June 6, 1984; (x) Opposition to renewal petition filed July 5, 1984; (xi) Reply to renewal opposition filed August 30, 1984. In order to simplify presentation of the issues, we shall note all pertinent allegations but not set forth when and how they were raised.

[4] Effective February 10, 1983, § 1.16 was added to the Commission's Rules providing that an unsworn declaration, signed and dated, could be substituted for an affidavit. 47 CFR 1.16.

[5] In its Petition to Deny the transfer of control of Banks from Leon Goldberg, Lita Indzel Cohen and Dolly Banks, Co-Executors of the Estate of William A. Banks to the same individuals as Trustees, the Coalition included an Exhibit which purported to be the statement of Ms. Ruffin. However, that "statement" was neither signed nor dated.

[6] In this regard we note that, even if the Coalition had provided an affidavit or dated, signed declaration, this allegation would not raise a substantial and material question of fact. One or two isolated incidents of denial of access to a licensee's public file do not raise a question of a licensee's fitness to be a Commission licensee, especially where the record shows that access to the station's public file is routinely available. *West Coast Media, Inc.*, 61 F.C.C. 2d 577, 584 (1976).

Inc., (BAL–830503EY,[7]) three (or four) of fourteen purported stockholders of the assignee corporation were not in fact stockholders, and that this constituted a misrepresentation on the part of the licensee/assignor. In opposition, Banks states that at the time the assignment application was filed it had no knowledge of any question as to the purported ownership of the proposed assignee.

9. The Commission has stated that "the mere existence of an inaccuracy in an [assignment] application, without any indication that the applicant meant to deceive the Commission, does not elevate such a mistake to the level of an intentional falsehood or otherwise raise a question of fact that must be resolved in an evidentiary hearing." *Chief Washakie TV*, 46 R.R. 2d 1594, 1597 (1980). However, even assuming that the proposed *assignee* did engage in misrepresentation, we cannot attribute such misrepresentation to the *assignor* absent some showing that the licensee knew or should have known that the assignee was attempting to mislead the Commission.[8] Here, there is no such showing. Accordingly, this "misrepresentation" allegation fails to raise a substantial and material question of fact regarding Banks' qualifications to be a Commission licensee.

10. *Practice of Medicine Without a License and Other Allegations.* The Coalition also makes a number of allegations concerning a program broadcast on WWDB(FM) moderated by Dr. James Corea. The Coalition alleges that on this program Dr. Corea "issues medical instructions and prescriptions over the air," and that the station and Dr. Corea are therefore "illegally . . . engaging in the practice of medicine" in violation of statutes of the States of Pennsylvania, New Jersey and Delaware. The Coalition also states that mail addressed to Dr. Corea is not kept in the station public file in violation of § 73.1202 of the Commission's Rules, 47 CFR 73.1202.[9] Finally, the Coalition states that Dr. Corea mentions the brand names of some products and argues that if he receives consideration for such mention, such consideration is not disclosed, in violation of the Commission's sponsorship identification rule, 47 CFR 73.1212.

11. In opposition, Banks states that Dr. Corea is a registered physical therapist; that his program promotes "exercises, weight programs, diet, nutrition, and vitamins"; that Dr. Corea does not purport to be a medical doctor or give medical advice; and that in the twelve years in which he has hosted such a program not one complaint has been filed by a member of the medical profession, a medical organization or a related state agency. With regard to the correspondence which Dr. Corea receives, Banks states that it is exempt from the requirements of § 73.1202(e), since it "consists entirely of request for information about exercise, diet, and nutrition or letters falling within the rubric of fan mail," and does not relate to the operation of the station. Banks further states that the allegation regarding sponsorship identification is "totally unsubstantiated."

12. This Commission does not have the jurisdiction, expertise or resources to determine whether advice concerning diet, exercise, vitamins, etc., constitutes "illegally . . . engaging in the practice of medicine" in violation of any state statute. While the Commission could take action on the basis of an adjudication by a tribunal of competent jurisdiction that the program constituted a violation of a state statute,[10] there has been no such adjudication. Indeed, the Coalition does not dispute that no complaints by doctors, medical organizations, or appropriate state agencies have been filed, much less adverse adjudications rendered, in the twelve years that the program has been broadcast.[11] With regard to the letters addressed to Dr. Corea, there is no indication in this case that they were in any way concerned with the operation of the station, nor does the Coalition provide any specific information to dispute Banks' assertion that the letters entirely consisted of requests for information or "fan mail." Such correspondence need not be maintained in a licensee's public file. *Renewal of Broadcast Licenses*, 44 F.C.C. 2d 405, 416 (1973). Finally, Banks is correct in asserting that the Coalition's sponsorship identification allegation is "totally unsubstantiated." Accordingly, the Coalition's allegations concerning Dr. Corea's program fail to raise a substantial and material question of fact.

13. *Failure to Disclose Law Suits.* The Coalition alleges that there have been five lawsuits filed or settled against Banks, which were not reported to the Commission in violation of the Commission's Rules. In opposition, Banks states that two of the suits (*Frank Ford* v. *Banks* and *Dash* v. *Banks*) involved breach of contract and were settled out of Court and that the third (*Forman* v. *Banks*), is a libel suit which is currently pending. As such, Banks argues, these suits need not be reported to the Commission. The other two suits involved a claim of sex discrimination (*Holly Webster* v. *WHAT*) and a claim of age and race discrimination (*Kae Williams* v. *WHAT*). Banks admits that these claims, which were settled by the parties, should have been reported to the Commission but were not due to inadvertence. Banks states further that it has since filed an amendment to rectify these omissions.

14. The Commission's Rules state that "[e]ach applicant is responsible for the continuing accuracy and completeness of information furnished in a pending application * * *" 47 CFR 1.65. While the licensee is not required to inform the Commission of breach of contract or libel suits,[12] Banks is required to notify the Commission of claims dealing with discrimination. Based on Banks' own admission, it did not do so twice. However, once Banks discovered its errors, it took corrective action, and there is no indication that anyone was prejudiced as a result of the omissions. While we do not condone these violations, we find that they do not raise a hearing issue. Accordingly, we shall deny the Coalition's request to add a § 1.65 issue. *See The Western Connecticut Broadcasting Co., et al.*, 47 F.C.C. 2d 142 (Rev. Bd (1974) *Gilbert Broadcasting Corp.*, 34 R.R. 2d 1673, 1679 (Rev. Bd. 1975). However, once again, we admonish the licensee.

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[7] On September 21, 1983, Banks requested withdrawal of this assignment application. On September 28, 1983, the Commission formally dismissed the application without prejudice.

[8] "It is not the Commission's function to consider sanctions against anyone other than its licensees." *Star Stations of Indiana, Inc.*, 26 R.R. 2d 1101, 1117 (1973). Conversely, the Commission cannot sanction its licensees for the misdeeds of others.

[9] In pertinent part, § 73.1202(e) requires that: "all written comments and suggestions received from the public regarding operation of the station shall be maintained in the local public inspection file. . .".

[10] *Cf. Violations by Applicants of Laws of the U.S.*, 42 F.C.C. 2d 399 (1951).

[11] The Coalition's reliance on *KFKB Broadcasting Ass'n* v. *Federal Radio Commission*, 47 F.2d 670 (D.C. Cir. 1931) is misplaced. In *KFKB*, the Commission found that Dr. J.R. Brinkley, M.D., licensee of KFKB, had operated the station solely for his personal aggrandizement and not for the public interest. Dr. Corea, on the other hand, is not the licensee of WWDB(FM), does not dictate and control the policy of the station, does not prescribe medicines and does not benefit directly from the sales of vitamins or other health paraphernalia on his program. Additionally, there has been no showing that WWDB(FM) is operated for the personal gain of Dr. Corea and in dereliction of the public interest.

[12] *See Cosmopolitan Enterprises, Inc., et al.*, 8 F.C.C. 2d 849, 851 (1967); *The Western Connecticut Broadcasting Co., et al.*, 47 F.C.C. 2d 432, 437 (Rev. Bd. 1974).

15. *Lottery broadcasts.* In the initial petition to deny filed against WHAT, [13] it was alleged that for a number of years, Banks had broadcast programs containing lottery information in contravention of §73.1211 of our rules.[14]

Accompanying the petition were transcripts for a number of programs alleged to have been broadcast over WHAT. As a result of this information, an investigation was conducted. Information obtained by the Commission's staff as a consequence of this investigation, together with teh conflicting affidavits filed by Banks and the Coalition raise serious questions as to whether Banks possesses the qualifications to remain the licensee of WHAT and WWDB(FM). Accordingly, we shall add appropriate issues to the comparative hearing and make the Coalition a party to the proceedings.

16. The information before the Commission indicates that a regular part of WHAT's Sunday programming, at least from April 1973 to June 1983, [15] included the playing of pre-recorded tapes from persons characterized as gypsies or itinerant preachers. As a general rule, these persons did not establish a permanent business address in the Philadelphia area; rather, they set up operations in a hotel for a limited period in order to meet persons enticed by their most recent broadcasts. This "religious" broadcaster, identified as Reverend, Father, Prophet, Sister or some other religious name, informed the listening audience about his or her ability to give a number of things, including a "straight blessing" or "financial blessings" to those who sent a "donation." [16] According to several station employees, these "financial blessings" included three digit number tips which were to be bet in an illegal numbers game in the Philadelphia metropolitan area.[17] [18]

17. Examples of the programming in question were supplied by both the licensee and the Coalition. The licensee's submissions included the following: [19]

Reverend Wade: "I am * * * the blessingist man on the air * * * two blessings I gave out last week * * * upset * * * Philadelphia * * * so many people was blessed off of those two blessings I gave out last week * * * two days straight * * * Meet me at 8:00 tonight at * * * West Oxford and Broad Street * * * I want to place in your hands these three hot blessings * * * bring donation of $25 for this radio ministry. * * *"[20]

Reverend Lockhart: [After giving his address in Atlanta, Georgia, and informing the audience that he could be reached by calling a toll free telephone number, Reverend Lockhart wanted listeners to send him a $12 offering in a self-addressed stamped envelope. In return, he promised to sent a "money secret."][21]

Universal Triumph (Father Abraham): "I have a special blessing to send to Philadelphia this week * * * enclose $20 * * * send a donation and Father Abraham will send you something back that will bless you by Saturday evening. * * *"[22]

Wharton Church (Prophet Samuel): "You're looking for a way out * * * there's help for you this week * * * in the City of Philadelphia * * * those that met me last Sunday are so glad they did * * * those that want to see me in private * * * I have what you need to help you and to bless you this week. I know you need * * * bills paid * * * I want you to be here because those that meet me on Monday will be blessed on Monday. Those that meet me Monday night on Tuesday God is going to do it this Tuesday just like he did last Tuesday * * * Everyone that meet me I'm going to give you one straight blessing for Tuesday. * * *"[23]

As the foregoing excerpts show, each "minister" was bragging that he had the ability to give the listener a "blessing." The modus operandi of each is almost identical to that identified in prior Commission decisions involving illegal numbers tips.[24]

18. Transcripts and tapes provided by the Coalition and identified by station employees as having been broadcast on WHAT, are even more explicit. The Committee believes the following examples are illustrative:

Sister Eva: "You have been having bad times. It is hard living on your small pay * * * I'm going to give you a sure hit. You can have a new car, you can pay all your bills * * * Our Sister Eva has the power to put you on Easy Street * * * I told you last time to make it 427 .*.*. you got it, didn't you? Well, on Tuesday * * * make it 384, use a box, and I tell you, children, you will get that new caddy. * * *"[25]

Evangelist Mae Davis: "This is Evangelist Mae Davis with the answer to your problems. Send for your one day straight special right now * * * Now last week I told you to go on Route 375. * * * Well, you there in Philadelphia, on Wednesday, 375 was the route we took and all who followed me on that highway was blessed. * * *"[26]

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[13] August 29, 1983 petition to deny against the assignment of the license of WHAT from Independence Broadcasting Co. to Philadelphia Community Broadcasting Co.

[14] *See also,* 18 U.S.C. 1304 which also proscribes the broadcasting of lottery information.

[15] The licensee had in its files a memorandum date April 5, 1973 which summarized WHAT's Sunday programming and pointed out that two of the programs either had given or were then giving numbers. Further, although the licensee claims that a screening procedure implemented after the 1973 memorandum disclosed no further questions about the content of taped religious programs, this claim is brought into question by affidavits from two station employees. According to Mary Mason, she made repeated complaints to the licensee from before 1970 to 1983. August 29, 1984 reply, Statement of Mary Mason, p. 2. Moreover, according to Walter Stewart, programs concerning illegal numbers tips have been broadcast by WHAT since his arrival as an employee in 1967. February 17, 1984 petition, Statement of Walter Stewart, p. 4.

[16] These terms are not new to the Commission. In *WIGO, Inc.*, 85 F.C.C. 2d 198, 199 (1981), it was noted that "expressions such as "straight," "box," "letter," and "financial blessing," . . . were related to the jargon of the Atlanta numbers game." Similarly, in *Gilbert Broadcasting Corporation*, 91 F.C.C. 2d 450, 454 (1982), the Commission stated that "[m]ost of the ministers, like Wade, referred to numbers tips as "blessings" and stated that a given tip had "blessed" when it won." *See also, United Television Co., Inc.*, 55 F.C.C. 2d 416, 417–18 (1975), *recon. den.*, 59 F.C.C. 2d 663 (1976), *aff'd sub nom. United Broadcasting Co., Inc.* v. *F.C.C.*, 565 F.2d 699 (D.C. Cir. 1977), *cert. den.* 434 U.S. 1046 (1978); *Friendly Broadcasting Company*, 91 F.C.C. 2d 398, 427 (I.D. 1977), *rev'd*, 90 F.C.C. 2d 225 (1982).

[17] The lottery promoted in this case is the illegal numbers game, not the legal lottery operated by the State of Pennsylvania. This fact was verified by checking the winning numbers in the state-conducted lottery against the winning numbers the preachers and gypsies claimed to have provided to clients at an earlier time. In no instance did they match.

[18] In those instances where numbers were not given in a broadcast but listeners were promised "blessings," the Commission believes that this is merely another form of lottery promotion. In the interviews with Commission investigators, one station employee, Walter Stewart, stated that he personally attended a meeting given by Reverend Wynn, who had requested during his WHAT broadcast that listeners attend the meeting. According to Stewart, meeting participants were directed to stand in a line and produce $10.00 for the "blessing" of the week. In exchange for the money, the participant received a slip of paper with a three digit number tip.

[19] According to the licensee, the following programs were broadcast on May 29 or June 5, 1983.

[20] The licensee's records indicate that Reverend Wade purchased $14,760 of air time during the period 1979–1983.

[21] The licensee's records show that Reverend Lockhart purchased $1,200 of air time in 1981 and 1983. A Reverend Lockhart is identified as a minister in the Commission's revocation proceeding in *WIGO, Inc., supra* at 199 and 203, and is acknowledged by the licensee in its March 9, 1984 opposition as "one of the worst offenders." March 9, 1984 opposition at p. 27 n.31.

[22] The licensee's records show that Father Abraham purchased $2,675 of air time in 1982 and 1983.

[23] It is unknown at this time how much air time was purchased by Prophet Samuel.

[24] *Gilbert Broadcasting, Inc., supra* at 454; *United Television Co., Inc., supra* at 418, *WIGO, Inc.*, 85 F.C.C. 2d 214, 218 (I.D. 1979).

[25] The Commission received three transcripts of Sister Eva programs. The excerpt above is alleged to be from the program broadcast on December 25, 1982. The other two, which contain similar program matter, are alleged to have been broadcast on January 2 and 9, 1983. The licensee's accounts receivable ledger sheets show that the Sister Eva shows paid for $400 of air time in 1982 and 1983.

[26] The licensee's records show that Mae Davis paid approximately $3,900 for 49–15 minute Sunday programs broadcast between February 6, 1982 and January 1, 1983.

Holy Temple of Truth:[27] "Merry Christmas * * * This is the Sister Angelina broadcast coming to you from 1430 Spruce Street in the heart of center city here in Philadelphia * * * We want you to get your pen and paper * * * so when the information comes, you won't miss out on your blessing for this week * * * Play it like I give it to you, straight, straight. The number is * * * 513 * * * Play it. Then I want you to call Sister Angelina and let her know that you have been blessed, and then take her your tithing to let her know you appreciate her blessing. * * *"[28]

19. The foregoing excerpts, viewed in the light of prior Commission decisions involving illegal numbers games, appear to indicate that the licensee repeatedly violated the federal anti-lottery statute, 18 U.S.C. 1304, and the Commission's rule, 47 CFR 73.1211, by broadcasting programs promoting a lottery. A lottery is a game of chance containing three elements—prize, chance, and consideration.[29] The lottery involved in the instant case was the illegal numbers game in Philadelphia in which participants bet money on the order of certain numbers to be determined from the mutual prices paid at a specified race track. Listeners would either play the numbers tip given or would purchase a tip from the minister or gypsy.

20. Although the licensee need not have actual knowledge of the lottery references to be held liable for violating the lottery rule (*see WIGO, Inc., supra* at 201), there is evidence indicating that Banks knew that lottery promotion broadcasts were occurring. Affidavits from Mary Mason, WHAT's major on-air personality and program supervisor, Walter Stewart, a long-time WHAT employee, and Clarence (Chris) Turner, a former WHAT program director, asserts that each told one or more principals of the licensee and/or station management, beginning as early as 1973, that some "religious" programs contained references to numbers tips.[30] Moreover, Lita Cohen, a licensee vice-president, admits that in 1980, Mary Mason asked her to listen to a particular "minister" who was giving out information about the numbers game. March 9, 1984 opposition, affidavit of Lita Cohen, pp. 2–3. Affidavits from Mary Tindle, WHAT's traffic manager since 1979, and Steve Turner, WHAT on-air personality, support allegations that information about lottery-promotion programs was transmitted to management. In his interview with Commission investigators and in filed affidavits, Walter Stewart related that tapes from gypsies who had given numbers tips were re-made with his voice or with the voices of other black persons at the direction of the general sales manager,[31] and that tapes by gypsies were even produced at the stations.[32]

21. In our view, this information of lottery broadcasts as well as apparent licensee knowledge of the broadcasts, raises a substantial and material question of fact as to whether this licensee should receive renewal of license[33] and/or benefit from licensee status by being allowed to sell the stations.[34] Further, even if it should be determined that the licensee did not know about the content of the lottery-promotion broadcasts, we believe that a substantial and material question of fact exists as to whether the licensee exercised adquate control or supervision over its Sunday programming on WHAT.[35] According to the licensee, it responded quickly in the past when informed that illegal lottery promotions were being broadcast. Affidavits from Dolly Banks Shapiro and Edward Kazanian relate that, following Mason's 1973 memorandum, a minister was hired to listen to the religious tapes. Because he is said to have found nothing wrong with the broadcasts, he left the stations after a short time, and the licensee reverted to its nonscreening policy. As a result, according to the Coalition, the gyspy and phony minister tapes returned as a regular part of WHAT's program fare, and lottery-promotion broadcasts continued to occur.[36] After Lita Cohen was apprised in 1980 that a particular minister was broadcasting lottery information, Banks claims that a screening procedure was ordered, under the responsibility of Mary Mason.[37] However, these assertions were flatly denied by Coalition[38] and were not fully supported by the licensee's management during the Bureau's investigation.[39] In the words of Edward Kazanjian, the comptroller of the stations:

> "Sunday took care of itself. We really paid no attention to it."

Thus, not until June 1983, when Banks discovered that its assignment application for WHAT was going to be challenged, did it finally stop broadcasting questionable tapes and take steps to prevent future broadcasts.[40]

22. In our view, the foregoing suggests that, at the very least, Banks, over an extended period, paid little or no attention to the programming it broadcast on WHAT on Sundays. Since it is the licensee's "primary duty and privilege to select the material to be broadcast to his audience,"[41] we believe the facts and circumstances surrounding the licensee's Sunday programming policies and practices must be fully explored in the hearing to determine whether the licensee exercised adequate control.

23. *Lowest unit charge.* The Coalition alleges that the licensee violated the Communications Act and the Commission's rules relating to lowest unit charge. It bases this allegation on the fact that the licensee refunded overcharges which occurred during the

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[27] Licensee records reflect that the Holy Temple of Truth paid for 17–15 minute broadcasts beginning February 12, 1982 and ending January 23, 1983. According to a station employee, the "Holy Temple" was not a particular edifice, but simply a name employed by one person who changed the names of the "sisters" who supposedly were giving the numbers tips. The employee also states that the Holy Temple of Truth has been on the air for many years. June 4, 1984 petition to deny, Exhibit B, Statement of Walter Stewart. The Holy Temple of Trust appears as one of the programs questioned in the April 1973 memorandum to the licensee. *See supra* note 15.

[28] This particular broadcast is alleged to have occurred on December 5, 1982.

[29] The prize is the money paid for playing a winning number; the chance is that a bet placed has no assurance of winning; and the consideration is the money wagered.

[30] Ms. Mason relates that her complaints were rejected for financial reasons. She alleges that Ms. Banks and Mr. Dash, the former general sales manager, would point out that the preachers paid for their air time and that the money was needed because Ms. Mason's was the only show that earned the station money. June 6, 1984 reply, Statement of Mary Mason, p. 2.

[31] According to Stewart, this re-making of the tapes occurred in order to have a black voice pitching the gypsy's message. Stewart's claim is supported by an affidavit from Mary Mason.

[32] This allegation is also supported by an affidavit from Mary Tindle.

[33] *United Television Company, Inc., supra.*

[34] *Peoria Community Broadcasters, Inc.* 79 F.C.C. 2d 311, 327–38 (1980).

[35] *WIGO, Inc., supra* at 202; *Trustees of University of Pennsylvania,* 69 F.C.C. 2d 1394 (1978); *Cosmopolitan Broadcasting Corp.,* 59 F.C.C. 2d 558, *recon. den.,* 61 F.C.C. 2d 257 (1976), *rev'd on other grounds,* 581 F.2d 917 (D.C. Cir. 1978). *See also, Walton Broadcasting, Inc.,* 78 F.C.C. 2d 857 *recon. den.,* 83 F.C.C. 2d 440 (1980), *aff'd without opinion,* D.C. Cir. Case No. 81–1020, decided May 28, 1982.

[36] February 17, 1984 petition, Statement of Walter Stewart; August 30, 1984 reply, Statement of Mary Mason.

[37] March 9, 1984 opposition, Affidavit of Lita Cohen, p. 3.

[38] *E.g.,* June 6, 1984 reply, Statement of Mary Mason, pp. 5–7.

[39] None of the licensee's principals nor station management could explain how the screening was to work, when it was to occur, or what guidelines were to be used to ensure that illegal programs were not broadcast.

[40] Even at the point, however, Banks neglected to preserve relevant evidence. Three months' worth of 24-hour monitoring tapes were re-used during the 90-day period following the licensee's decision to stop broadcasting religious tapes in June 1983, and all but a few of the tapes themselves were returned to the program originators.

[41] *1960 Commission En Banc Programming Inquiry,* 44 F.C.C. 2303, 2311–12 (1960). *See also, WCHS-AM-TV Corp.,* 8 F.C.C. 2d 606, 609 (1967).

1982 general election, and contends that the licensee has a duty to re-compute such charges from elections prior to 1982. The Coalition alleges that the licensee unlawfully refused requests from legally qualified candidates who had advertised on WHAT to re-compute lowest unit charges applied to them, an allegedly "simple" project,[42] and it charges the licensee destroyed evidence by not retaining commercial contracts.

24. In opposition, the licensee admits that eighteen candidates did not receive the lowest unit rate with respect to charges made during the 1982 general election. The licensee states that political advertising of WHAT-AM and WWDB (FM) was the responsibility of the stations' former sales manager, Jack Dash. Mr. Dash was supervised in this function by Lita I. Cohen, Vice-President and General Counsel of Banks. In April 1982, Mr. Dash was replaced as sales manager by Eugene Vassall, who consequently was given the responsibility for determining the lowest unit rate to be charged to political candidates during the 1982 general election campaign. The 1982 general election campaign was the first election campaign for which Mr. Vassall was responsible. Mr. Vassall was not supervised in this function by Ms. Cohen as his predecessor had been. In making the necessary calculations, he took into consideration all of the commercial contracts of which he was aware. He was, however, unaware of several low-rate, long-term commercial contracts that had been entered into by the stations years before he was hired. Had these long-term commercial contracts been taken into consideration, the effect would have been to reduce the lowest unit rates applicable during certain time periods. Although Ms. Cohen had not supervised Mr. Vassall's calculations, the charges made for the 1982 general election campaign nevertheless came to her attention. It was apparent to Ms. Cohen that the rates charged were not as low as they should have been. She thereupon notified counsel for the stations of her discovery so that appropriate action might be taken. On November 24, 1982, letters of explanation and refund checks were mailed to the eighteen candidates or the campaign committees of the candidates who had been overcharged.

25. With respect to the more recent inquiries from political candidates received by the station in April and May, 1983, the licensee acknowledges that it did not re-compute applicable lowest unit rates to determine whether those candidates were due refunds. The licensee states that the commercial time records needed to verify the lowest unit charges were not then and are not now available, and it contends that, in any event, it was not required to retain the commercial contracts used for the calculations. The licensee denies that it intentionally destroyed evidence, an action inconsistent with its having discovered and refunded overcharges entirely on its own initiative.

26. Section 315(b) of the Communications Act states:

> The charges made for the use of any broadcasting station by any person who is a legally qualified candidate for any public office in connection with his campaign for nomination for election, or election, to such office shall not exceed—
>
> (1) During the 45 days preceding the date of a primary or primary runoff election and during the 60 days preceding the date of a general or special election in which such person is a candidate, the lowest unit charge of the station for the same class and amount of time for the same time period; and
>
> (2) At any other time, the charges made for comparable use of such station by other users thereof.

27. "Lowest unit charge" means that candidates for elective office must be given all discounts, based on volume, frequency or any other factor, that are offered to the station's most favored commercial advertiser for the same class and amount of time for the same periods, regardless of how few programs or spots the candidate buys. This includes discounted rates given to commercial advertisers but not published on the rate card. A low charge to a single advertiser which is in existence during the 45- or 60-day period will control the lowest unit rate. A station may have had a contract with one single advertiser over a period of many years at a rate less than that charged to other advertisers who purchased time after the station's rates had been increased. Though only one long-time advertiser is paying the special rate, the rate becomes the station's lowest, and that charge must be made to a political candidate for the same class and amount of time.

28. Section 73.1940(d) of the Commission's rules requires broadcasting stations to keep and permit public inspection of a complete record (political file) of all requests for broadcast time made by or on behalf of candidates for public office, together with an appropriate notation showing the disposition of such requests and the charges, if the request is granted. These records must be kept for two years. However, the rules do not impose a similar reporting obligation on licensees with respect to commercial advertising contracts.

29. It is undisputed that WHAT–AM and WWDB–FM's sales manager, Eugene Vassall, inadvertently failed to take into consideration several low-rate, long-term commercial contracts when he was determining the stations' lowest unit rate for the 1982 general election campaign. It is also acknowledged that this oversight resulted in overcharges to eighteen political candidates during the campaign period. Thus, it appears that both the Communications Act and our rules were violated. However, before any complaints were made, the licensee, on its own initiative, discovered the overcharges and took prompt action to remedy the error by sending letters of explanation and refund checks to the overcharged candidates.

30. The violations, although substantial, were limited to one election and appear to have been the consequence of the new sales manager being unfamiliar with contracts executed by the previous sales manager. While such a scenario does not relieve the licensee of responsibility under this Act and our rules, there is no indication that the violations "are reflective of a continuing or extended pattern of violations to which this Commission might have to address its concern." *Campbell County Broadcasting Corporation*, 79 F.C.C. 2d 553, 559–60 (1980). Accordingly, although we admonish the licensee for its failure to comply fully with "an essential aspect of Congressionally mandated law regarding licensee political broadcast practices", *id.*, we find that no substantial and material question of fact is raised by the licensee's violations.

31. With respect to the Coalition's allegations regarding Banks' failure to re-compute lowest unit charges for other elections, we find that no violations of the Act or our rules occured. Section 73.1940(d) of the rules requires that licensees keep a complete record of political files of all requests for broadcast time made by or on behalf of candidates for public office, together with a notation of the disposition of

[42] The Coalition submits correspondence from four persons who allegedly bought commercial time subject to the lowest unit charge rules. Essentially, each asks the licensee to examine its files in order to re-compute the lowest unit charge applicable to each during one or more prior election campaigns. In the alternative, the Coalition claims that, since the licensee was able to re-compute lowest unit charges for the 1982 general election by reference to long-term contracts, it could have used those contracts for re-calculation of lowest unit rates charged in other elections. The correspondence reflects that the licensee refused the requests because it had not retained the commercial contracts containing information needed to re-compute the charge.

these requests. This section does not impose a corresponding obligation on licensees to maintain a record of all commercial contracts. Therefore, the licensee did not violate Commission rules or policy by stating that these commercial contracts were not available and consequently, it did not have to make a determination about overcharges to the four candidates in earlier campaigns. Since the Coalition has not furnished information to support its alleged lowest-unit charge violations during campaigns prior to the 1982 general election, we find that no further inquiry is warranted.

32 *EEO.* The Coalition alleges that Banks has discriminated against blacks in employment at the stations and does not have an EEO program as required by § 73.2080(b) of our rules. In support of its allegation concerning discrimination, the Coalition has supplied affidavits from twenty of its present or former black employees, each of whom claims to be a victim of discrimination.[43] In addition, the Coalition charges that reliance on the combined employment figures of WHAT and WWDB (FM) is misplaced since blacks are allegedly restricted to the less powerful, less successful AM station.[44] With respect to the stations' EEO program, the Coalition charges that the licensee does not seek out blacks for employment at WWDB(FM); that the stations' list of recruitment sources is a sham; and that Banks did not consider a black for the position of general manager

33. In our view, the information presently before us does not warrant the addition of an issue relative to Banks' employment practices. The labor force of the Philadelphia Metropolitan Statistical Area includes 44.2% women and 19.2 minorities (15.7% blacks). The stations' 1982–84 Annual Employment Reports reveal the following full-time employment profiles at WHAT/WWDB(FM):

	1982		1983		1984	
	Number	Percent	Number	Percent	Number	Percent
Overall:						
Total	53		57		60	
Women	14	26.4	18	26.1	21	35.0
Minorities [45]	16	30.2	19	33.3	21	35.0
Upper-four Jobs:						
Total	40		44		46	
Women	7	17.5	9	20.5	11	23.9
Minorities	12	30.0	14	31.8	16	34.8

[45] All of the stations' minority employees are black.

These figures reflect a steady rise in the percentages of females employed so that by 1984, Banks' figures for women are within the Commission's processing guidelines.[46] In addition, the figures show that employment of blacks has steadily increased to the point where they are now represented at the stations at more than 200% of their presence in the local labor force. Consistent with this information are the stations' hiring figures for the twelve months preceding the filing of the stations' renewal applications. Of Banks' twenty-four hires, ten were women and four were minorities. Moreover, the stations have promoted a black female air personality at WHAT from part-time to full-time a black male air personality at WWDB(FM) from part-time to full-time, and a white female from newsperson to news director.

34. The Coalition has alleged that the licensee has discriminated against black employees, both present and former, in terms of pay, receipt of employee benefits and working conditions. In addition, it has charged the licensee with harassing its black employees because of their opposition to alleged discriminatory practices. Banks, on the other hand, denies that it discriminates against its black employees and asserts that differences in compensation either do not exist or are based on factors other than race. However, all of these issues are presently before the Pennsylvania Human Relations Commission (PHRC) and the EEOC. *See supra* note 43. Based on the information before us, that does not clearly establish that differences between black and white employees are based on prohibited factors or that blacks are restricted to positions on the AM station (*See infra*, para. 35), we believe it prudent to await the final outcome of the class action complaint before determining what action, if any, is appropriate *Nondiscrimination in Employment Practices (Broadcast)*, 60 F.C.C. 2d 226, 244–47 (1976).[47]

35. With respect to the Coalition's allegation that blacks have been excluded from the FM staff,[48] we note first that, at the time the renewal application was filed, two of fifteen full-time employees and one of eight part-time employees who worked exclusively for the FM station were black. In addition, blacks are employed in positions in sales, office and maintenance positions which serve both stations. Finally, the licensee's records reflect that over a nine-year period, from March 1975 to January 1984, the FM station's on-air staff has included twelve blacks out of the approximately 110 persons who have worked either as a talk show host/commentator or as a newsperson. Based on this record and the absence of a discrimination finding with respect to the filling of positions at the FM station, we believe a substantial and material question of fact does not exist that blacks are excluded from employment at the FM station.

36. Finally, we find that addition of a hearing issue relative to the licensee's EEO program is not warranted. As the foregoing discussion makes clear, the stations have hired and employed blacks in excess of their presence in the local labor force and have employed them in positions with significant responsibility. It is therefore evident that substantial numbers of blacks have learned about and applied for positions at the stations irrespective of whether Banks regularly contacted its listed recruitment sources on a regular, formal basis. Given this record, the Coalition's allegations concerning the absence of formal recruitment and its speculations regarding the filling of the general

[43] On May 2, 1984, the Commission was informed that 17 present or former employees filed a complaint with the Pennsylvania Human Relations Commission. The complaint appears to be based entirely on the allegations of employment discrimination made by the Coalition in its February 17, 1984 pleading with us. On May 10, 1984, Banks informed us that the noted complaint had also been filed with the EEOC. Thereafter, Banks notified us that other former and current employees have joined the complaints.

[44] In this regard, the Coalition argues that Banks is a "recidivist" because it has maintained "segregated staffs" despite a Commission inquiry into Banks' employment practices in 1975. *See Independence Broadcasting Company, Inc.*, 53 F.C.C. 2d 1161 (1975); renewal granted, FCC 75–1384, Dec. 24, 1975. As our discussion makes clear, *infra*, we find no merit to this charge.

[46] *See EEO Processing Guidelines*, FCC 80–61, 46 R.R. 2d 1693 (1980).

[47] On March 6, 1984, the Coalition submitted a supplement to its petitions in which it alleges that the licensee made misrepresentations of fact before the PHRC. However, no such finding has been made by the PHRC. Accordingly, we decline to specify an issue at this time. *See Mutual Radio of Chicago, Inc.*, FCC 84–203, 55 R.R. 2d 1577, 1581–2 (1984); *Cf. Washington Radio, Inc.*, 88 F.C.C. 2d 1200, 1202 n.5 (1982).

[48] WWDB(FM) has had a news/talk format since 1975. The personal referenced in the Coalition's allegations act as talk show hosts or commentators, news persons, or talk show assistants who screen the telephone calls of the talk show hosts. In addition, the FM station has its own traffic manager.

manager's position warrant no further inquiry.

PLGTF's Petition to Deny

37. *Programming.* In its petition to deny the renewal applications of WHAT(AM) and WWDB(FM), PLGT alleges that in 1981 Mary Mason and Bob Grant, talk show hosts on WHAT(AM) and WWDB(FM) respectively, "used insulting and degrading language" in referring to homosexuals, and that Mary Mason used a derogatory word to refer to blacks; that WHAT(AM) has refused to broadcast public affairs programming with homosexual community representatives; and that WHAT(AM) has refused to broadcast any public service announcements concerning homosexuals and, "with one alleged exception, "WWDB(FM) has also failed to broadcast such PSA's. In opposition, Banks states that it has made a good faith effort to determine and meet the needs and interests of its listening audience for both WHAT(AM) and WWDB(FM); that WHAT "airs at least 20 hours of call-in, talk-show programming per week, during which a wide variety of topics of interest to the station's audience are covered"; and that WWDB(FM) has aired several programs dealing with issues of specific interest to homosexuals, including three two-hour programs on the disease A.I.D.S., and discussions on the following subjects: "Gay Pride Week," lesbian mothers and child custody, and discovery that one's spouse is gay.

38. In order to raise a substantial and material question of fact concerning a licensee's past programming, a petition must provide specific allegations of fact sufficient to show that a licensee's *overall* programming could not reasonably have met the problems, needs and interests of its service area. *RadiOhio Inc.*, 38 F.C.C. 2d 721, 728 (1973), *aff'd sub nom. Columbus Broadcasting Coalition* v. *F.C.C.*, 505 F.2d 320 (D.C. Cir. 1974). PLGTF does not allege that either station failed to meet the problems, needs and interests of its service area, nor does it make any effort to show that the programming cited in the licensee's opposition could not reasonably have met such problems, needs and interests. Instead, PLGTF argues that the stations broadcast no (or an insufficient number of) public service announcements concerning homosexuals, and that they broadcast no (or an insufficient amount of) public affairs programming concerning or involving homosexuals.[49] However, a broadcast licensee "is under no obligation to carry all PSA's submitted for broadcast since it is not a common carrier for the announcements of any organization or individuals." *KSD/KSD-TV, Inc.*, 61 F.C.C. 2d 504, 511 (1976). *See also, Columbia Broadcasting System, Inc.* v. *Democratic National Committee*, 412 U.S. 94 (1973). Therefore, even if the licensee absolutely refused to broadcast PLGTF's PSA's, such refusal would not raise a substantial and material question of fact as to whether the stations' *overall* programming served the problems, needs and interests of their service area. With regard to public affairs programming concerning or involving homosexuals, a licensee "is not required to program to meet all community problems, but may determine in good faith which community problems merit treatment by the station." *Patrick Henry*, 59 F.C.C. 2d 1204, 1212 (1976). Thus, the fact that Banks did not present as much programming as PLGTF wants on issues of interest to homosexuals does not raise a substantial and material question of fact as to whether their *overall* programming could reasonably have met the problems, needs, and interests of their service area. *RadiOhio, Inc., supra.* Finally, in accordance with *Deregulation of Radio*, 84 F.C.C. 2d 968 (1981), where an allegation is made that a station's programming has failed to serve a significant segment of the community, the station could "respond by pointing not only to its own programming . . ., but also to other radio services in the community. . . ." *Id.* at 991. In the instant case, it is unnecessary for Banks to point to other broadcast services in the Philadelphia area, inasmuch as PLGTF's own petition lists eleven broadcast outlets in the Philadelphia area which have broadcast programming of interest to homosexuals. PLGTF Petition, at p. 2. Accordingly, PLGTF's programming allegations fail to raise a substantial and material question of fact regarding Banks' qualifications.

39. PLGTF alleges that on April 16, 1981 it requested by letter access to the public files of WHAT(AM) and WWDB(FM) that was denied when the letter went unanswered. PLGTF also alleges that by telephone conversation on May 23, 1984, it requested and was denied access to Banks' public files. In opposition, Banks states that with reference to the letter of April 16, 1981, Lita Cohen, then Vice-President of Banks, informed PLGTF "that no appointment was necessary." (Opp. to Pet. Renewal, Exhibit 3, pg. 1). With regard to the May 24, 1984 phone call, Banks denies that such a request was ever made and had such a request been made PLGTF would have been informed that it "is free to review the public files at any time during the Station's regular business hours." (Opp. to Pet. Renewal, Exhibit 1, pg. 2).

40. The Commission is constantly confronted with conflicting claims regarding the availability for public inspection of a station's renewal application and related documents. Here, PLGTF claims that it was denied access to Banks public files on April 16, 1981 and May 23, 1984. Conversely, Banks claims that these allegations are absolutely false. On the basis of the information before us, we do not consider these two alleged incidents which are separated by more than three years, sufficient to warrant, if true, any action on our part. Moreover, if true, there is no indication by the PLGTF that any prejudice resulted from the unavailability of the public file. Consequently, we find that PLGTF has failed to raise a substantial and material question of fact requiring resolution at an evidentiary hearing. *West Coast Media, Inc.*, 66 F.C.C. 2d 994, 1008 (1977).

41. *Main Line.* Main Line petitioned for leave to amend its FM application on December 6, 1984. The accompanying amendment was filed after the "B" cut-off date, the last day for filing minor amendments as of right. Under § 1.65 of the Commission's Rules, the amendment is accepted for filing. However, an applicant may not improve its comparative position after the time for amendments as of right has passed. Therefore, any comparative advantage resulting from this amendment will be disallowed.

42. *American Minority.* American Minority petitioned for leave to amend its AM application on October 9, 1984. The accompanying amendment was filed after the "B" cut-off date, the last day for filing minor amendments as of right. Under § 1.65 of the Commission's Rules, the amendment is accepted for filing. However, an applicant may not improve its comparative position after the time for amendments as of right has passed. Therefore, any comparative advantage resulting from this amendment will be disallowed.

43. Except as may be indicated by any issues specified below, the applicants

[49] The allegations that PLGTF raises regarding the use of "insulting and degrading language" against homosexuals and blacks (Pet. at 2 and 3) by Mary Mason and Bob Grant are identical to those contained in a complaint against WHAT and WWDB made by PLGTF in December 1981. These allegations were fully explored and rejected in our letter of January 6, 1982, 8330-C. Therefore, these allegations fail to raise a substantial and material question of fact regarding the renewal of Banks' licenses.

are qualified to construct and operate as proposed. Since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

44. Accordingly, it is ordered, that, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

A. To determine whether, and to what extent, Station WHAT has broadcast information concerning a lottery in violation of § 73.1211 of the Commission's Rules;

B. To determine whether, in light of the evidence adduced under the preceding issue, the licensee of WHAT exercised adequate control over station operations and took reasonable measures to avoid violating § 73.1211 of the Commission's Rules;

C. To determine whether, in light of the evidence adduced under the preceding issues, Independence Broadcasting Co. possesses the requisite qualifications to be a licensee, or whether its comparative qualifications are affected;

D. To determine which of the proposals for WHAT would, on a comparative basis, better serve the public interest;

E. To determine, in light of the evidence adduced pursuant to the foregoing issues, which of the applications for WHAT should be granted.

F. To determine, with respect to Banks Broadcasting, Inc., the effect of any adverse findings made under issues A–C on its basic and/or comparative qualifications to be the licensee of WWDB(FM);

G. To determine which of the proposals for WWDB(FM) would, on a comparative basis, better serve the public interest.

H. To determine, in light of the evidence adduced pursuant to the foregoing issues, which of the applications for WWDB(FM) should be granted.

45. It is Ordered, that the petitions to deny filed by the National Black Media Coalition et al. are granted to the extent indicated above and are denied in all other respects.

46. It is further Ordered, that the National Black Media Coalition, the Tri-State Black Media Coalition and Senator T. Milton Street are made parties to this proceeding.

47. It is further ordered, that the Mass Media Bureau, the National Black Media Coalition, the Tri-State Black Media Coalition and Senator T. Milton Street proceed with the initial presentation of evidence with respect to issue A, that the burden of proceeding and the burden of proof with respect to issues A through C shall be on Independence Broadcasting Co.; that the burdens of proceeding and proof with respect to issue F shall be on Banks Broadcasting Co.

48. It is further Ordered, that if it is determined that the hearing record does not warrant an Order denying the application of Independence Broadcasting Co. for renewal of license of Station WHAT, it shall also be determined whether Independence Broadcasting Co. has willfully or repeatedly violated § 73.1211 of the Commission's Rules.

49. It is further Ordered, That as to Independence Broadcasting Co. this document constitutes a notice of apparent liability for a forfeiture of $20,000 for violation of § 73.1211 of the Commission's Rules. In so ordering, we stress that the inclusion of this notice is not to be taken as in any way indicating what the initial or final disposition of this case should be.[50]

50. It is further ordered, that the petition for leave to amend filed by Main line is granted, and its corresponding amendment is accepted for § 1.65 purposes, but no comparative advantage will accrue thereby.

51. It is Further ordered, that the petition for leave to amend filed by American Minority communications, Inc. is granted, and its corresponding amendment is ACCEPTED or § 1.65 purposes, but no comparative advantage will accrue thereby.

52. It is further ordered, that the transfer applications of WHAT (AM) and WWDB(FM) are granted.

53. It is further ordered, that in addition to the copy served on the Chief, Hearing Branch, a copy of each amendment filed in this proceeding subsequent to the date of adoption of this Order shall be served on the Chief, Data Management Staff, Audio Services Division, Mass Media Bureau, Room 350, 1919 M St., Washington, D.C. 20554.

54. It is further orderd, that, to avail themselves of the opportunity to be heard, the applicants and any party respondent herein shall, pursuant to § 1.221(c) of the Commission's Rules, in person or by attorney, within 20 days of the mailing of this Order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for hearing and to present evidence on the issues specified in this Order.

55. It is further ordered, that the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 73.3594 of the Commission's Rules, give notice of the hearing within the time and in the manner prescribed in such Rule, and shall advise the commission of the publication of such notice as required by §73.3594(g) of the Rules.

56. It is further ordered, that the assignment application of Independence Broadcasting Inc. is held in abeyance pending the outcome of its renewal of WHAT(AM).

57. It is furthered ordered, that the Secretary send by Certified Mail-Return Receipt Requested one copy of this Order to the applicants and to each of the petitioners.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 85–9854 Filed 4–23–85; 8:45 am]

BILLING CODE 6712–01–M

[50] *See Albany Radio, Inc.*, FCC 84–185, 56 R.R. 2d 633 (1984).

FEDERAL DEPOSIT INSURANCE CORPORATION

Information Collection Submitted to OMB for Review

AGENCY: Federal Deposit Insurance Corporation.

ACTION: Notice of information collection submitted to OMB for review and approval under the Paperwork Reduction Act of 1980.

Title of information collection: Consolidated Reports of Income and Condition (Savings Banks) (OMB No. 3064–0054).

Background: In accordance with requirements of the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35), the FDIC hereby gives notice that it has submitted to the Office of Management and Budget a form SF–83, "Request for OMB Review," for revising the information collection system identified above.

ADDRESS: Written comments regarding the submission should be addressed to Robert Neal, Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, D.C. 20503 and to John Keiper, Office of the Executive Secretary, Federal Deposit Insurance Corporation, Washington, D.C. 20429.

FOR FURTHER INFORMATION CONTACT: Requests for a copy of the submission should be sent to John Keiper, Office of the Executive Secretary, Federal Deposit Insurance Corporation, Washington, D.C. 20429, telephone (202) 389–4351.

SUMMARY: The FDIC is submitting for OMB approval a request to add Memorandum item 5, "Mortgage servicing rights," to the balance sheet of the savings bank Reports of Income and Condition (Call Reports) beginning as of the June 30, 1985 quarterly report date. On the balance sheet currently in use by savings banks, mortgage servicing rights are included in Item 13(a), "Intangible assets." The FDIC Board of Directors adopted a capital maintenance regulation (12 CFR Part 325) that became effective April 18, 1985 (50 FR 11128, March 19, 1985). This regulation distinguishes between mortgage servicing rights and other intangible assets when measuring bank capital ratios and has created the need to collect data on mortgage servicing rights. The addition of the item to the balance sheet is not expected to significantly affect the estimated average reporting burden of 23.5 hours per quarterly Call Report.

Dated: April 18, 1985.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 85–9852 Filed 4–23–85; 8:45 am]

BILLING CODE 6714–01–M

Information Collection Submitted to OMB for Review

AGENCY: Federal Deposit Insurance Corporation.

ACTION: Notice of information collection submitted to OMB for review and approval under the Paperwork Reduction Act of 1980.

Title of information collection: Consolidated Reports of Condition and Income (Insured State Nonmember Commercial Banks) (OMB No. 3064–0052).

Background: In accordance with requirements of the Paperwork Reduction Act of 1980 (44 U.S.C Chapter 35), The FDIC hereby gives notice that it has submitted to the Office of Management and Budget a form SF–83, "Request for OMB Review," for revising the information collection system identified above.

ADDRESS: Written comments regarding the submission should be addressed to Robert Neal, Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, D.C. 20503 and the John Keiper, Office of the Executive Secretary, Federal Deposit Insurance Corporation, Washington, D.C. 20429.

FOR FURTHER INFORMATION CONTACT: Requests for a copy of the Submission should be sent to John Keiper, Office of the Executive Secretary, Federal Deposit Insurance Corporation, Washington, D.C. 20429, telephone (202) 389–4351.

SUMMARY: The FDIC is submitting for OMB approval changes to the Consolidated Reports of Condition and Income (Call Reports) filed quarterly by insured state nonmember commercial banks. While these changes cover four specific areas, the request for their approval is being made at this time because of the recent adoption by the FDIC Board of Directors of a final rule on capital maintenance (12 CFR Part 325) that became effective April 18, 1985 (50 FR 11128, March 19, 1985).

The changes to the Call Reports that are included in this submission would become effective as of the June 30, 1985 report date and are as follows:

(1) Changes in support of the FDIC's new capital maintenance regulation:

(a) The addition to Schedule RC–M of a breakdown of Schedule RC, item 10, "Intangible assets," into mortgage servicing rights, other identifiable intangible assets, and goodwill.

(b) The relocation of Schedule RC–J, Part III, Memorandum item 1, "Mandatory convertible debt qualified for primary capital or equity capital equivalents," to Schedule RC–M, with the addition of a reconcilement of this net total into its constituent parts.

(c) The deletion of the remainder of Schedule RC–J, Part III.

(2) On Schedule RC–N of the FFIEC 034 only, the addition of a breakdown into generalized loan categories of the currently reported totals for nonaccrual loans and for renegotiated troubled debt (which all other banks already report).

(3) The addition to Schedule RC–L of a new memorandum item for interest rate swaps.

(4) On Schedule RI of the FFIEC 034 only, the relocation from the Memoranda section to the body of the income statement of the item in which tax-exempt securities income is reported.

As a result to the additions and deletions proposed in this submission, the estimated annual burden for the commercial bank Call Report collection system is expected to undergo a slight increase from its present level of 851,869 burden hours to a revised total of 853,369 burden hours. While the effect of these changes will vary from bank to bank, the revised total continues to represent an average of 24.8 hours per report for the 8,593 commercial bank respondents who prepare four reports per year.

Dated: April 18, 1985.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 85–9853 Filed 4–23–85; 8:45 am]

BILLING CODE 6714–01–M

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA–735–DR]

Amendment to a Major-Disaster Declaration; Illinois

AGENCY: Federal Emergency Management Agency.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the State of Illinois (FEMA–735–DR), dated March 29, 1985, and related determinations.

DATED: April 18, 1985.

FOR FURTHER INFORMATION CONTACT: Sewall H.E. Johnson, Disaster Assistance Programs, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 646–3616.

Notice

The notice of a major disaster for the State of Illinois, dated March 29, 1985, is hereby amended to include the following areas among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of March 29, 1985: Adams, Calhoun, Greene, Hancock, Jersey, Lee, Monroe, and Pike Counties for Public Assistance.

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance.)

Dave McLoughlin,

Acting Associate Director, State and Local Programs and Support, Federal Emergency Management Agency.

[FR Doc. 85–9804 Filed 4–23–85; 8:45 am]

BILLING CODE 6718–02–M

FEDERAL MARITIME COMMISSION

Agreement(s) Filed

The Federal Maritime Commission hereby gives notice of the filing of the following agreement(s) pursuant to section 5 of the Shipping Act of 1984.

Interested parties may inspect and obtain a copy of each agreement at the Washington, D.C. Office of the Federal Maritime Commission, 1100 L Street,

NW., Room 10325. Interested parties may submit comments on each agreement to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 15 days after the date of the **Federal Register** in which this notice appears. The requirements for comments are found in § 572.603 of Title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

Agreement No.: 202–010748.

Title: West Coast/Middle East and West Asia Rate Agreement.

Parties:

American President Lines, Ltd.
Hoegh Lines
Barber Lines A/S
Dampskibsselskabet AS 1912 Aktiesel skab Aktiesel- skabet
Dampskibsselskabet Svendborg

Synopsis: The proposed agreement would establish a conference agreement in the trade from U.S. and Canadian Pacific Coast ports (excluding Alaska and Hawaii) and ports and points within the United States and Canada served intermodally via Pacific ports to ports and points in Saudi Arabia, the United Arab Emirates, Bahrain, Oman, Qatar, Kuwait, Yemen, Iran, Iraq, Pakistan, Sri Lanka and the West Coast of India.

Dated: April 18, 1985.

By Order of the Federal Maritime Commission.

Bruce A. Dombrowski,

Acting Secretary.

[FR Doc. 85–9787 Filed 4–23–85; 8:45 am]

BILLING CODE 6730–01–M

Agreement(s) Filed

The Federal Maritime Commission hereby gives notice of the filing of the following agreement(s) pursuant to section 5 of the Shipping Act of 1984.

Interested parties may inspect and obtain a copy of each agreement at the Washington, D.C. Office of the Federal Maritime Commission, 1100 L Street, NW., Room 10325. Interested parties may submit comments on each agreement to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 10 days after the date of the **Federal Register** in which this notice appears. The requirements for comments are found in § 572.603 of Title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

Agreement No.: 224–003939–001.

Title: Long Beach Terminal Agreement.

Parties:

City of Long Beach (City)
Metropolitan Stevedore Company (Metropolitan)

Synopsis: This agreement amends the basic agreement which provides for the 10-year preferential assignment to Metropolitan of bulk loading facilities on Pier G in the Port of Long Beach. The amendment increases the term of the agreement from 10 years to 15 years, commencing on April 1, 1981. It provides a formula for reimbursement of Metropolitan for expenses related to modification of conveyors and other handling equipment in order to handle "white" bulk products as well as "black" bulk products. It also deletes 63,000 square feet from the facility in order that the premises may be leased to a third party for construction and operation of a sulfur prilling facility and silos.

Agreement No.: 202–005600–053.

Title: Philippines North America Conference.

Parties:

American President Lines, Ltd.
Hapag-Lloyd AG
Lykes Bros. Steamship Co., Inc.
A.P. Moller-Maersk Line
Sea-Land Service, Inc.

Synopsis: The proposed amendment would add a new article listing the parties to the agreement and would delete United States Lines, Inc. as a party to the agreement. The parties have requested a waiver of the format requirements of the Commission's regulations.

Agreement No.: 224–010747.

Title: Long Beach Terminal Agreement.

Parties:

City of Long Beach (City)
Sulexport Corporation (Sulexport)

Synopsis: Agreement No. 224–010747 provides for the lease by Sulexport from the City of 63,000 square feet of land area at Pier G, where Sulexport will construct and operate a sulphur prilling and storage facility in connection with the City's Pier G bulk-handling terminal. The term of the lease is for twenty years.

Agreement No.: 224–010749.

Title: Savannah Terminal Agreement.

Parties:

Georgia Ports Authority (Authority)
Yangming Marine Transport Corporation (Yangming)

Synopsis: The agreement covers the assignment of parking slots for operating a container yard to be used for the storage and handling of containers, including trailers and chassis, to be loaded or discharged from ocean-going vessels calling at the Authority's Garden City Terminal. Yangming will operate the container yard, and will have exclusive use of the premises. Yangming will pay to the Authority the applicable wharfage charges. If tonnage is generated by Yangming in excess of 50,000 short tons during the 365 day guarantee period, percentage reductions will be allowed from the payment of the full wharfage charges to the Authority. The term of the agreement is for one year with an option to extend the term for an additional two years. The parties have requested a shortened review period for the agreement.

Dated: April 18, 1985.

By Order of the Federal Maritime Commission.

Bruce A. Dombrowski,

Acting Secretary.

[FR Doc. 85–9788 Filed 4–23–85; 8:45 am]

BILLING CODE 6730–01–M

FEDERAL RESERVE SYSTEM

Bremer Financial Corporation and Otto Bremer Foundation; Acquisition of Company Engaged in Permissible Nonbanking Activities

The organization listed in this notice has applied under § 225.23 (a)(2) or (f) of the Board's Regulation Y (12 CFR 225.23 (a)(2) or (f)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act 12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to acquire or control voting securities or assets of a company engaged in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "'reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing,

identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Comments regarding the application must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than May 17, 1985.

A. **Federal Reserve Bank of Minneapolis** (Bruce J. Hedblom, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. *Bremer Financial Corporation and Otto Bremer Foundation*, both of St. Paul, Minnesota; to acquire certain general insurance agency assets from Stroh-Neameyer Insurance Agency, Inc., Lisbon, North Dakota, thereby engaging in general insurance agency activities pursuant to section 4(c)(8) of the Bank Holding Company Act.

Board of Governors of the Federal Reserve System, April 18, 1985.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 85-9802 Filed 4-23-85; 8:45 am]

BILLING CODE 6210-01-M

Mellon Bank Corp. et al; Applications To Engage de Novo in Permissible Nonbanking Activities

The companies listed in this notice have filed an application under § 225.23(a)(1) of the Board's Regulation Y (12 CFR 225.23(a)(1)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to commence or to engage *de novo*, either directly or through a subsidiary, in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in effeciency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Unless otherwise noted, comments regarding the applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than May 13, 1985.

A. **Federal Reserve Bank of Cleveland** (Lee S. Adams, Vice President) 1455 East Sixth Street, Cleveland, Ohio 44101:

1. *Mellon Bank Corporation*, Pittsburgh, Pennsylvania; to engage *de novo* through its subsidiary, Mellon Financial Services Corporation, San Francisco, California, in trust activities permissible under § 225.25(b)(3) of Regulation Y. The activities would be conducted through the San Francisco office of Mellon Financial Services Corporation which currently engages in loan origination activities.

2. *Ameritrust Corporation*, Cleveland, Ohio; to engage *de novo* through its subsidiary, Ameritrust Company of New York, New York, New York, in trust company functions and activities as prescribed under § 225.24(b)(3) of Regulation Y.

B. **Federal Reserve Bank of Dallas** (Anthony J. Montelaro, Vice President) 400 South Akard Street, Dallas, Texas 75222:

1. *Provident Bancorp, Inc.*, Dallas, Texas; to engage *de novo* through its subsidiary, Provident Credit Life Insurance Co. Inc., Phoenix, Arizona, in the activity of underwriting as reinsurer credit life and credit accident and health insurance directly related to extensions of credit. These activities are to be conducted in the State of Texas.

Board of Governors of the Federal Reserve System, April 18, 1985.

James McAfee,

Associate Secretary of the Board

[FR Doc. 85-9803 Filed 4-23-85; 8:45 am]

BILLING CODE 6210-01-M

GENERAL SERVICES ADMINISTRATION

Report on Revised System of Records Under the Privacy Act of 1974

AGENCY: General Services Administration.

ACTION: Notification of revised system of records.

SUMMARY: The purpose of this document is to give notice, under the provisions of the Privacy Act of 1974, 5 U.S.C. 552a, of intent to revise a system of records that will be maintained by GSA. The system of records, Employee Related Files, GSA/AGENCY-1, is revised to show that records can be retrieved by social security number, diskette use will be password protected, magnetic records can be purged instead of destroyed, and to eliminate collecting data on National Personnel Records Center employees.

DATES: Any interested party may submit written comments about this revised system. Comments must be received on or before the 30th day following publication of this notice. The revised system will become effective without further notice on the 30th day following publication of this notice unless comments are received that would result in a contrary decision.

ADDRESS: Address comments to General Services Administration (ATRAI), Washington, DC 20405.

FOR FURTHER INFORMATION CONTACT: Mr. William Hiebert, GSA Privacy Act Officer, telephone (202) 535-7647.

Background

The purpose of this system is to assemble information on personnel matters affecting employees and uncompensated workers.

The revised system of records is as follows:

GSA/AGENCY-1

SYSTEM NAME:

Employee Related Files.

SYSTEM LOCATION:

This system of records may be located at the supervisory or administrative office level at all General Services Administration facilities and commissions, committees, and small agencies serviced by GSA.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM.

Individuals covered by the system are current and former employees of the General Services Administration and of commissions, committees, and small agencies serviced by GSA; applicants or potential applicants for employment; employees of other agencies for employee relief bills; volunteer workers; and uncompensated workers.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records include information on individuals such as name, social security number, birth, home and emergency addresses and telephone numbers, personnel actions,

professional registration, qualifications, training, congressional employees relief bills, injuries, employment history, awards and other recognitions, counseling, warnings, reprimands, grievances, appeals, conduct, leave, pay attendance, work assignments, performance, assessments, permit and pass aplications, indebtedness complaints, travel and outside employment. This system does not include official personnel files covered by the Office of Personnel Management's systems of records OPM/GOVT–1 through 9 and CSC/GOVT–1.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Federal Property and Administrative Services Act of 1949, as amended (63 Stat. 377); Title 5 U.S.C. generally; and Title 31 U.S.C. generally.

PURPOSE:

To assemble in one system information on personnel matters affecting employees and uncompensated workers. To accomplish the above, this system starts requests for personnel actions, plans and schedules training, counsels employees on their performance, sets up a basis for proposing recommendations for disciplinary actions, and carries out general personnel management responsibilities.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

a. To disclose information to a Federal, State, local, or foreign agency responsible for investigating, prosecuting, enforcing, or carrying out a statute, rule, regulation, or order, where the General Services Administration becomes aware of a violation or potential violation of civil or criminal law or regulation.

b. To disclose information to another Federal agency or a court when the Government is party to a judicial proceeding.

c. To disclose information to a requesting Federal agency in connection with hiring or retaining an employee; issuing a security clearance; reporting an employee investigation; clarifying a job; letting a contract; or issuing a license, grant, or other benefit by the requesting agency where the information is relevant and necessary for a decision.

d. To disclose information to the Merit Systems Protection Board officials, including the Office of Special Counsel; the Federal Labor Relations Authority and its General Counsel; or the Equal Employment Opportunity Commission in performing their duties.

e. To disclose information to an appeal, grievance, or formal complaints examiner; equal employment opportunity investigator; arbitrator; exclusive representative; or other official engaged in investigating, or settling a grievance, complaint, or appeal filed by an employee.

f. To disclose information to the Office of Personnel Management under the agency's responsibility for evaluating Federal personnel management. When official personnel records in the custody of GSA are covered in systems of records published by the Office of Personnel Management as Government-wide records, they are considered part of that system. Other official personnel records covered by notices published by GSA and are separate systems of records may be transferred to the Office of Personnel Management under official personnel programs and activities as a routine use.

g. To disclose information to a Member of Congress or a congressional staff member in response to an inquiry from that congressional office made in behalf of a constituent.

h. To disclose information to an expert, a consultant, or contractor of GSA in performing a Federal duty.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders and card files; magnetic tapes and disks in cabinets.

RETRIEVABILITY:

Filed at each location by name and/or social security number.

SAFEGUARDS:

Records stored in lockable file cabinets, lockable desk drawers, and/or secured rooms. Diskette application protected by password system.

RETENTION AND DISPOSAL:

Records are reviewed annually, documents are updated, and irrelevant documents destroyed. No copies of records are kept in this system after the original or any copies are purged from the official personnel folders. When an employee leaves the agency through transfer or separation, the records are immediately forwarded to the office maintaining the official personnel folder. The records are then screened to ensure that nothing is missing in the official personnel folder and then destroyed. Purging information from electronic media meets this destruction requirement.

SYSTEM MANAGER(S) AND ADDRESSES:

Agency officials with overall responsibility under their jurisdiction, are the Heads of Services and Staff Offices for Central Office employees and the Regional Administrators for regional employees. Officials responsible for geographically dispersed systems of records are the senior official at the facility or the supervisor of current and former employees or volunteers. The addresses of the Central Office and regional offices are listed in the appendix following this notice. The addresses of the field activities are listed following the notices GSA/OIRM–8, GSA/PBS–3, GSA/FSS–12, and GSA/FPRS–2.

NOTIFICATION PROCEDURES:

Inquiries by individuals should be addressed to the supervisor or official at the address where the person worked. If not known, general inquiries should be addressed to the Head of the Service of Staff Office for Central Office employees, or to the Regional Administrator for regional office employees at the address listed in the appendix following this notice.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to the supervisor or official at the address where the person worked. If no known, general requests should be addressed to the Head of the Service or Staff Office for Central Office employees, or to the Regional Administrator for regional office employees at the address listed in the appendix following this notice. For identification requirements, refer to the agency regulations outlined in 41 CFR Part 105–64.

CONTESTING RECORD PROCEDURES:

GSA rules for contesting the contents and appealing initial decisions are issued in 41 CFR Part 105–64 of the **Federal Register.**

RECORD SOURCE CATEGORIES:

Individuals themselves, other employees, supervisors, personnel records, and third parties submitting indebtedness complaints.

Dated: April 16, 1985.

Johnny T. Young,

Acting Director, Information Management Division.

[FR Doc. 85–9878 Filed 4–23–85; 8:45 am]

BILLING CODE 6820–34–M

Agency Information Collection Under Review by the Office of Management and Budget; Uniform Tender of Rates and/or Charges for Transportation Services

AGENCY: Office of Policy and Management Systems, GSA.

ACTION: Notice.

SUMMARY: Under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35), the General Services Administration (GSA) requests the Office of Management and Budget (OMB) to extend the expiration date of a currently approved information collection.

ADDRESSES: Send comments to Franklin S. Reeder, GSA Desk Officer, Room 3235, NEOB, Washington, DC 20503, and to William W. Hiebert, GSA Clearance Officer, General Services Administration (ATRAI), Washington, DC 20405.

FOR FURTHER INFORMATION CONTACT: Raymond F. Price, Travel and Transportation Regulations Division (703–557–1256).

SUPPLEMENTARY INFORMATION:

a. *Purpose.* This information collection identifies the rates, charges, services, and limitations on which carriers base their offer to transport Government personnel and goods between specified cities and localities.

b. *Annual reporting burden.* This is estimated as follows: Respondents, responses and hours, 45,000 each.

c. *Copies of proposal.* Copies may be obtained from the Directives and Reports Management Branch (ATRAI), Room 3007, GS Building, Washington, DC 20405, telephone (202–566–0666).

Dated: April 15, 1985.

Johnny T. Young,

Acting Director, Information Management Division.

[FR Doc. 85–9874 Filed 4–23–85; 8:45 am]

BILLING CODE 6820–24–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

Advisory Committees; Meetings

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: This notice announces forthcoming meetings of public advisory committees of the Food and Drug Administration (FDA). This notice also summarizes the procedures for the meetings and methods by which interested persons may participate in open public hearings before FDA's advisory committees.

Meetings: The following advisory committee meetings are announced:

General and Plastic Surgery Devices Panel

Date, time, and place. May 9 and 10, 9 a.m., Rm. 703–727A, 200 Independence Ave. SW., Washington, D.C.

Type of meeting and contact person. Open public hearing, May 9, 9 a.m. to 10 a.m.; open committee discussion, 10 a.m. to 4 p.m.; closed committee deliberations, 4 p.m. to 5 p.m.; open public hearing, May 10, 9 a.m. to 10 a.m.; open committee discussion, 10 a.m. to 4 p.m.; closed committee deliberations, 4 p.m. to 5 p.m.; Paul F. Tilton, Center for Devices and Radiological Health (HFZ–410), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7156.

General function of the committee. The committee reviews and evaluates available data on the safety and effectiveness of devices and makes recommendations for their regulation.

Agenda—Open public hearing. Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Those desiring to make formal presentations should notify the contact person before May 1, and submit a brief statement of the general nature of the evidence or argument they wish to present, the names and addresses of proposed participants, and an indication of the approximate time required to make their comments.

Open committee discussion. The committee will discuss a premarket approval application (PMA) for a polybutester nonabsorbable suture; a PMA for a polyglyconate absorbable suture; two PMA's for collagen hemostatic agents; followup data and issues on an implantable collagen device; and if time allows, the proposed classification regulation of wound dressings.

Closed committee deliberations. The committee may review and discuss trade secret or confidential commercial information regarding a premarket approval application. This portion of the meeting will be closed to permit discussion of this information (5 U.S.C. 552b(c)(4)).

Circulatory System Devices Panel

Date, time, and place. May 13, 8:30 a.m., Rm. 503A, 200 Independence Ave. SW., Washington, DC.

Type of meeting and contact person. Open public hearing 8:30 a.m. to 9:00 a.m.; open committee discussion 10 a.m. to 2 p.m.; closed committee deliberations 2 p.m. to 4 p.m.; Keith Lusted, Center for Devices and Radiological Health (HFZ–450), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7594.

General function of the committee. The Committee reviews and evaluates available data on the safety and effectiveness of medical devices currently in use and makes recommendations for their regulation.

Agenda—Open public hearing. Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Those desiring to make formal presentations should notify the contact person before May 6, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time required to make their comments.

Open committee discussion. The committee will discuss a premarket approval application (PMA) for an automatic implantable defibrillator, and possibly a pacemaker.

Closed committee deliberations. If necessary, the committee may discuss trade secret or confidential commercial information relevant to this PMA. This portion of the meeting will be closed to permit discussion of this information (5 U.S.C. 552b(c)(4)).

Ophthalmic Devices Panel

Date, time, and place. May 13 and 14, 9 a.m., Auditorium, 200 Independence Ave. SW., Washington, DC.

Type of meeting and contact person. Open pulbic hearing, May 13, 9 a.m. to 10 a.m.; open committee discussion, 10 a.m. to 1 p.m.; closed committee deliberations, 2 p.m. to 5 p.m.; open public hearing, May 14, 9 a.m. to 10 a.m.; open committee discussion, 10 a.m. to 1 p.m.; closed committee deliberations, 2 p.m. to 3 p.m.; open committee discussion, 3 p.m. to 5 p.m.; Mary Elizabeth Jacobs, Center for Devices and Radiological Health (HFZ–460), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7940.

General function of the committee. The committee reviews and evaluates available data on the safety and effectiveness of devices currently in use and makes recommendations for their regulation. The committee also reviews data on new devices and makes recommendations regarding their safety

and effectiveness and their suitability for marketing.

Agenda—Open public hearing. Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Those desiring to make formal presentations should notify the contact person before April 29, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time required to make their comments.

Open committee discussion. On May 13 the committee will discuss general issues relating to approvals of premarket approval applications (PMA's) for intraocular (IOL's) and neodymium:Yttrium-aluminum-garnet (Nd:YAG) lasers, and may discuss specific PMA's for these devices. The committee will also discuss ultraviolet light (UV) effects on the eye and labeling issues for UV-absorbing IOL's. If discussion of all pertinent IOL or Nd:YAG laser issues is not completed, discussion will be continued the following day. On May 14 the committee will discuss PMA's for contact lenses and other ophthalmic devices and requirements for PMA approval. Comments received on the report entitled "Materials Science Basis for a Suggested Guideline Test Matrix of Soft Lens Groups" distributed at the February meeting and subsequently mailed to interested persons, will be discussed.

Closed committee deliberations. On May 13 the committee will conduct reviews of PMA's for IOL's and Nd:YAG lasers. On May 14 the committee may discuss trade secret or confidential commercial information relevant to PMA's for contact lenses or other ophthalmic devices. These portions of the meeting will be closed to permit discussion of this information (5 U.S.C. 552b(c)(4)).

Each public advisory committee meeting listed above may have as many as four separable portions: (1) An open public hearing, (2) an open committee discussion, (3) a closed presentation of data, and (4) a closed committee deliberation. Every advisory committee meeting shall have an open public hearing portion. Whether or not it also includes any of the other three portions will depend upon the specific meeting involved. The dates and times reserved for the separate portions of each committee meeting are listed above.

The open public hearing portion of each meeting shall be at least 1 hour long unless public participation does not last that long. It is emphasized, however, that the 1 hour time limit for an open public hearing represents a minimum rather than a maximum time for public participation, and an open public hearing may last for whatever longer period the committee chairman determines will facilitate the committee's work.

Public hearings are subject to FDA's guideline concerning the policy and procedures for electronic media coverage of FDA's public administrative proceedings. This guideline was published in the **Federal Register** of April 13, 1984 (49 FR 14723). These procedures are primarily intended to expedite media access to FDA's public proceedings, including hearings before a public advisory committee conducted pursuant to Part 14 of the agency's regulations. Under this guideline, representatives of the electronic media may be permitted, subject to certain limitations, to videotape, film, or otherwise record FDA's public administrative proceedings, including the presentation of participants at a public hearing. Accordingly, all interested persons are directed to the guideline, as well as the **Federal Register** notice announcing issuance of the guideline, for a more complete explanation of the guideline's effect on public hearings.

Meetings of advisory committees shall be conducted, insofar as is practical, in accordance with the agenda published in this **Federal Register** notice. Changes in the agenda will be announced at the beginning of the open portion of a meeting.

Any interested person who wishes to be assured of the right to make an oral presentation at the open public hearing portion of a meeting shall inform the contact person listed above, either orally or in writing, prior to the meeting. Any person attending the hearing who does not in advance of the meeting request an opportunity to speak will be allowed to make an oral presentation at the hearing's conclusion, if time permits, at the chairman's discretion.

Persons interested in specific agenda items to be discussed in open session may ascertain from the contact person the approximate time of discussion.

A list of committee members and summary minutes of meetings may be requested from the Dockets Management Branch (HFA–305), Rm. 4–62, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, between 9 a.m. and 4 p.m., Monday through Friday.

The Commissioner, with the concurrence of the Chief Counsel, has determined for the reasons stated that those portions of the advisory committee meetings so designated in this notice shall be closed. The Federal Advisory Committee Act (FACA), as amended by the Government in the Sunshine Act (Pub. L. 94–409), permits such closed advisory committee meetings in certain circumstances. Those portions of a meeting designated as closed, however, shall be closed for the shortest possible time, consistent with the intent of the cited statutes.

The FACA, as amended, provides that a portion of a meeting may be closed where the matter for discussion involves a trade secret; commercial or financial information that is privileged or confidential; information of a personal nature, disclosure of which would be a clearly unwarranted invasion of personal privacy; investigatory files compiled for law enforcement purposes; information the premature disclosure of which would be likely to significantly frustrate implementation of a proposed agency action; and information in certain other instances not generally relevant to FDA matters.

Examples of portions of FDA advisory committee meetings that ordinarily may be closed, where necessary and in accordance with FACA criteria, include the review, discussion, and evaluation of drafts of regulations or guidelines or similar preexisting internal agency documents, but only if their premature disclosure is likely to significantly frustrate implementation of proposed agency action; review of trade secrets and confidential commercial or financial information submitted to the agency; consideration of matters involving investigatory files compiled for law enforcement purposes; and review of matters, such as personnel records or individual patient records, where disclosure would constitute a clearly unwarranted invasion of personal privacy.

Examples of portions of FDA advisory committee meetings that ordinarily shall not be closed include the review, discussion, and evaluation of general preclinical and clinical test protocols and procedures for a class of drugs or devices; consideration of labeling requirements for a class of marketed drugs or devices; review of data and information on specific investigational or marketed drugs and devices that have previously been made public; presentation of any other data or information that is not exempt from public disclosure pursuant to the FACA, as amended; and, notably deliberative sessions to formulate advice and recommendations to the agency on matters that do not independently justify closing.

This notice is issued under section 10(a) (1) and (2) of the Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770–776 (5 U.S.C. App. I)), and FDA's regulations (21 CFR Part 14) on advisory committees.

Dated: April 17, 1985.

Frank E. Young,

Commissioner of Food and Drugs.

[FR Doc. 85–9801 Filed 4–23–85; 8:45 am]

BILLING CODE 4160–01–M

Health Care Financing Administration

Privacy Act of 1974; Report of New System

Correction

In FR Doc. 85–8778, beginning on page 14457, in the issue of Friday, April 12, 1985, on page 14458, middle column, insert the System Identification No. "09–70–2004" before the System Name.

BILLING CODE 1505–01–M

National Institutes of Health

National Institute of Allergy and Infectious Diseases; National Advisory Allergy and Infectious Diseases Council, Allergy and Immunology Subcommittee; Microbiology and Infectious Diseases Subcommittee; Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the National Advisory Allergy and Infectious Diseases Council, National Institute of Allergy and Infectious Diseases, and its subcommittees on May 20–21, 1985, at the National Institutes of Health, Building 31C, Conference Room 6, Bethesda, Maryland 20205.

The meeting will be open to the public on May 20 from approximately 9:00 a.m. to 9:30 a.m. for opening remarks of the Institute Director and again from 1:30 p.m. to approximately 5:00 p.m. for discussion of procedural matters, Council business, and a report from the Institute Director which will include a discussion of budgetary matters. The primary program discussions will be on Acquired Immunodeficiency Syndrome. On May 21 the meeting will be open to the public from approximately 8:30 a.m. to 9:30 a.m. for the reports of the Director of the Microbiology and Infectious Diseases Program and the Director of the Immunology, Allergic and Immunologic Diseases Program.

In accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code, and section 10(d) of Pub. L. 92–463, the meeting of the NAAIDC Allergy and Immunology Subcommittee and of the NAAIDC Microbiology and Infectious Diseases Subcommittee will be closed to the public for approximately three hours for the review, evaluation, and discussion of individual grant applications. It is anticipated that this will occur from 9:30 a.m. until approximately 12:30 p.m. on May 20. The meeting of the full Council will be closed from approximately 9:30 a.m. until adjourment on May 21 for the review, evaluation, and discussion of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Ms. Patricia Randall, Office of Research Reporting and Public Response, National Institute of Allergy and Infectious Diseases, Building 31, Room 7A32, National Institutes of Health, Bethesda, Maryland 20205, telephone (301) 496–5717, will provide summaries of the meetings and rosters of the Council members as requested.

Dr. John W. Diggs, Director, Extramural Activities Program, NIAID, NIH, Westwood Building, Room 703, telephone (301) 496–7291, will provide substantive program information.

(Catalog of Federal Domestic Assistance Program Nos. 13.855, Pharmacological Sciences; 13.856, Microbiology and Infectious Diseases Research, National Institutes of Health)

Dated: April 12, 1985.

Betty J. Beveridge,

NIH Committee Management Officer.

[FR Doc. 85–9837 Filed 4–23–85; 8:45 am]

BILLING CODE 4140–01–M

National Cancer Institute; President's Cancer Panel; Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the President's Cancer Panel, June 3, 1985, at the Memorial Sloan-Kettering Cancer Center, William Paul Hoffmann Auditorium, 424 East 68th Street, New York, New York 10021.

The entire meeting will be open to the public from 9:00 a.m. to adjournment. Agenda items include reports by the Chairman, President's Cancer Panel, and discussions to obtain information regarding center programs supported by the National Cancer Institute. Attendance by the public will be limited to space available.

Mrs. Winifred Lumsden, Committee Management Officer, National Cancer Institute, Building 31, Room 10A06, National Institutes of Health, Bethesda, Maryland 20205 (301/496–5708) will provide summaries of the meeting and rosters of Panel members, upon request.

Dr. Elliott Stonehill, Executive Secretary, President's Cancer Panel, National Cancer Institute, Building 31, Room 11A23, National Institutes of Health, Bethesda, Maryland 20205 (301/496–1148) will furnish substantive program information.

Dated: April 16, 1985.

Betty J. Beveridge,

Committee Management Officer, NIH.

[FR Doc. 85–9840 Filed 4–23–85; 8:45 am]

BILLING CODE 4140–01–M

National Heart, Lung, and Blood Institute; Heart, Lung, and Blood Research Review Committee A; Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Heart, Lung, and Blood Research Review Committee A, National Heart, Lung, and Blood Institute, National Institutes of Health, on June 27, 1985, in Building 31, Conference Room 7, 9000 Rockville Pike, Bethesda, Maryland 20205.

This meeting will be open to the public on June 27, 1985 from 8:30 am to approximately 9:30 am to discuss administrative details and to hear reports concerning the current status of the National Heart, Lung, and Blood Institute. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code, and section 10(d) of Pub. L. 92–463, the meeting will be closed to the public on June 27, from approximately 9:30 am until adjournment, for the review, discussion, and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Ms. Terry Bellicha, Chief, Public Inquiry Reports Branch, National Heart, Lung, and Blood Institute, Building 31, Room 4A21, National Institutes of Health, Bethesda, Maryland 20205, (301) 496–4236, will provide a summary of the meeting and a roster of the committee members.

Dr. Peter M. Spooner, Executive Secretary, Heart, Lung, and Blood Research Review Committee A,

Westwood Building, Room 554, National Institutes of Health, Bethesda, Maryland 20205, phone (301) 496–7265, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program Nos. 13.837, Heart and Vascular Diseases Research; 13.838, Lung Diseases Research; National Institutes of Health)

Dated: April 12, 1985.

Betty J. Beveridge,

NIH Committee Management Officer.

[FR Doc. 85–9834 Filed 4–23–85; 8:45 am]

BILLING CODE 4140–01–M

National Heart, Lung, and Blood Institute; Heart, Lung, and Blood Research Review Committee B; Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Heart, Lung, and Blood Research Review Committee B, National Heart, Lung, and Blood Institute, National Institutes of Health, 9000 Rockville Pike, Bethesda, Maryland 20205, on June 27, 1985, in Building 31, Conference Room 9.

This meeting will be open to the public on June 27, 1985, from 8:30 AM to approximately 10:00 AM to discuss administrative details and to hear reports concerning the current status of the National Heart, Lung, and Blood Institute. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in section 552b(c)(4) and 552(c)(6), Title 5, U.S. Code, and section 10(d) Pub. L. 92–463, the meeting will be closed to the public on June 27, 1985, from approximately 10:00 AM to adjournment for the review, discussion, and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Ms. Terry Bellicha, Chief, Public Inquiry Reports Branch, National Heart, Lung, and Blood Institute, Building 31, Room 4A21, National Institutes of Health, Bethesda, Maryland 20205, (301) 496–4236, will provide a summary of the meeting and a roster of the committee members.

Dr. Louis M. Ouellette, Executive Secretary, NHLBI, Westwood Building, Room 554, National Institutes of Health, Bethesda, Maryland 20205, phone (301) 496–7915, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.837, Heart and Vascular Diseases Research; and 13.839, Blood Diseases and Resources Research, National Institutes of Health)

Dated: April 12, 1985

Betty J. Beveridge,

NIH Committee Management Officer.

[FR Doc. 85–9833 Filed 4–23–85; 8:45 am]

BILLING CODE 4140–01–M

National Institute of Allergy and Infectious Diseases; Symposium

Notice is hereby given of a symposium at the National Institutes of Health, Building 31C, Conference Room 6, 9000 Rockville Pike, Bethesda, Maryland 20205, on June 3, 1985, from 8:30 a.m. to adjourment at approximately 5:00 p.m. This symposium will be open to the public to discuss the use of antiviral agents in retroviral diseases. Attendance by the public will be limited to space available.

Dr. George Galasso, Associate Director for Extramural Affairs, Office of the Director, National Institutes of Health, Building 1, Room 111, telephone (301) 496–5356, will provide substantive program information.

Dated: April 16, 1985.

James B. Wyngaarden,

Director, NIH.

[FR Doc. 85–9832 Filed 4–23–85; 8:45 am]

BILLING CODE 4140–01–M

National Institute of Arthritis, Diabetes, and Digestive and Kidney Diseases; Advisory Council and Its Subcommittees; Meetings

Pursuant to Pub. L. 92–463, notice is hereby given of a meeting of the National Arthritis, Diabetes, and digestive and Kidney Diseases Advisory Council and its subcommittees on May 29 and 30, 1985, in Conference Room 10, Building 31, National Institutes of Health, Bethesda, Maryland. The meeting will be open to the public May 29 from 8:30 a.m. and 12:00 p.m. to discuss administration, management, and special reports. Attendance by the public will be limited to space available.

Meeting of the full Council and its subcommittees will be closed to the public as indicated below in accordance with provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92–463, for the review, discussion and evaluation of individual grant applications. These applications and the discussion could reveal confidential trade secrets or commerical property such as patentable materials, and personal information concerning individuals associated with the applications, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

The following subcommittees will be closed to the public on May 29, 1985, from 1:00 p.m. to adjournment: Arthritis, Musculoskeletal and Skin Diseases; Diabetes, Endocrine, and Metabolic Diseases; Digestive Diseases and Nutrition; and Kidney, Urology and Hematology. The full Council meeting will be closed to the public on May 30 from 8:30 a.m. to approximately 12:00 p.m.

The full Council meeting will then be open for the reports of the Division Directors on May 30 from approximately 1:00 p.m. to adjournment at 3:30 p.m.

Further information concerning the Council meeting may be obtained from Dr. Walter Stolz, Acting Executive Secretary, National Institute of Arthritis, Diabetes, and Digestive and Kidney Diseases, Westwood Building, Room 637, Bethesda, Maryland 20205, (301) 496–7277.

A summary of the meeting and roster of the members may be obtained from the Committee Management Office, NIADDK, Building 31, Room 9A47, National Institutes of Health, Bethesda, Maryland 20205, (301) 496–5765.

(Catalog of Federal Domestic Assistance Program No. 13.846–849, Arthritis, Bone and Skin Diseases; Diabetes, Endocrine and Metabolic Diseases; Digestive Diseases and Nutrition; and Kidney Diseases, Urology and Hematology Research, National Institutes of Health)

Dated: April 12, 1985.

Betty J. Beveridge,

NIH, Committee Management Officer.

[FR Doc. 85–9836 Filed 4–23–85; 8:45 am]

BILLING CODE 4140–01–M

National Institute of Arthritis, Diabetes, and Digestive and Kidney Diseases; Board of Scientific Counselors; Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Board of Scientific Counselors, National Institute of Arthritis, Diabetes, and Digestive and Kidney Diseases (NIADDK), May 9, 10, and 11, 1985, National Institutes of Health, Building 2, Room 102, Bethesda, Maryland 20205.

This meeting will be open to the public from 8:00 p.m. to 10:10 p.m. on May 9, from 9:00 a.m. to 12:05 p.m. and from 2:05 p.m. to 4:25 p.m. on May 10, from 9:00 a.m. to 10:30 a.m. on May 11. The open portion of the meeting will be devoted to scientific presentations by various laboratories of the NIADDK Intramural Research Program.

Attendance by the public will be limited to space available.

In accordance with the provisions set forth in section 552b(c)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92–463, the meeting will be closed to the public from 7:30 p.m. to 8:00 p.m. on May 9, from 12:05 p.m. to 2:00 p.m. and 4:25 p.m. to adjournment on May 10, and from 10:30 a.m. to adjournment on May 11, for the review, discussion and evaluation of individual intramural programs and projects conducted by the NIADDK, including consideration of personnel qualifications and performance, the competence of individual investigators, and similar items, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Summaries of the meeting and rosters of the members will be provided by the Committee Management Office, National Institute of Arthritis, Diabetes, and Digestive and Kidney Diseases, Building 31, Room 9A46, Bethesda, Maryland 20205. Further information concerning the meeting may be obtained by contacting the office of Dr. Jesse Roth, Executive Secretary, Board of Scientific Counselors, National Institutes of Health, Building 10, Room 9N–222, Bethesda, Maryland 20205, (301) 496–4128.

Dated: April 16, 1985.

Betty J. Beveridge,

NIH Committee Management Officer.

[FR Doc. 85–9839 Filed 4–23–85; 8:45 am]

BILLING CODE 4140–01–M

National Institute of Child Health and Human Development; Board of Scientific Counselors; Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Board of Scientific Counselors, National Institute of Child Health and Human Development, June 7, 1985, in Building 31, Room 2A52. This meeting will be open to the public from 9:00 a.m. to 12 noon on June 7 for the review of the Intramural Research Program and scientific presentations. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in section 552b(c)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92–463, the meeting will be closed to the public on June 7 from 1:00 p.m. to 4:30 p.m. for the review, discussion, and evaluation of individual programs and projects conducted by the National Institutes of Health, NICHD, including consideration of personnel qualifications and performance, and the competence of individual investigators, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mrs. Marjorie Neff, Committee Management Officer, NICHD, Landow Building, Room 6C08, National Institutes of Health, Bethesda, Maryland, Area Code 301, 496–1485, will provide a summary of the meeting and a roster of Board members. Dr. Arthur Levine, Scientific Director, NICHD, Building 31, Room 2A50, National Institutes of Health, Bethesda, Maryland, Area Code 301, 496–2133, will furnish substantive program information.

Dated: April 16, 1985.

Betty J. Beveridge,

Committee Management Officer, NIH.

[FR Doc. 85–9838 Filed 4–23–85; 8:45 am]

BILLING CODE 4140–01–M

National Library of Medicine; Board of Regents, the Extramural Programs Subcommittee; Meetings

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Board of Regents of the National Library of Medicine on June 6–7, 1985, in the Board Room of the National Library of Medicine, 8600 Rockville Pike, Bethesda, Maryland, and the meeting of the Extramural Programs Subcommittee of the Board of Regents on June 5, 1985, from 3:00 to 5:00 p.m., in the 5th-floor Conference Room of the Lister Hill Center Building. The meeting of the Board will be open to the public from 9:00 a.m. to 5:00 p.m. on June 6 and from 9:00 a.m. to 10:45 a.m. on June 7 for administrative reports and program discussions. Attendance by the public will be limited to space available.

In accordance with provisions set forth in sections 552b(c)(4), 552b(c)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92–463, the entire meeting of the Extramural Programs Subcommittee on June 5 will be closed to the public, and the regular Board meeting on June 7 will be closed from approximately 10:45 a.m. to adjournment for the review, discussion, and evaluation of individual grant applications. These applications and the discussion could reveal confidential trade secrets or commercial property, such as patentable material and personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mr. Robert B. Mehnert, Chief, Office of Inquiries and Publications Management, National Library of Medicine, 8600 Rockville Pike, Bethesda, Maryland 20209, Telephone Number: 301–496–6308, will furnish a summary of the meeting, rosters of Board members, and other information pertaining to the meeting.

(Catalog of Federal Domestic Assistance Program No. 13.879—Medical Library Assistance, National Institutes of Health)

Dated: April 12, 1985.

Betty J. Beveridge,

NIH Committee Management Officer.

[FR Doc. 85–9835 Filed 4–23–85; 8:45 am]

BILLING CODE 4140–01–M

Public Health Service

Statement of Organization, Functions, and Delegations of Authority; Food and Drug Administration

Part H, Chapter HF (Food and Drug Administration) of the Statement of Organization, Functions, and Delegations of Authority for the Department of Health and Human Services (35 FR 3685, February 25, 1970, as amended most recently in pertinent part at 45 FR 57175, August 27, 1980) is amended to reflect organizational changes in the Food and Drug Administation (FDA) and the deletion from the Federal Register of certain FDA organizational functional statements.

FDA is establishing an Office of Research and an Office of Research Services in the National Center for Toxicological Research (NCTR). NCTR research activities and research support activities will be consolidated in these two offices. This will complete FDA's line office structure for the entire agency.

FDA is also abolishing the Office of Scientific Intelligence as part of the overall consolidation of NCTR activities.

Due to the establishment of the Office of Research and the Office of Research Services and the realignment of the NCTR substructure, FDA is deleting all functional statements currently published in the **Federal Register** for the ten NCTR divisions whose activities are being consolidated to form the two new Offices. Due to the realignment, publication of these functional statements is no longer required.

Section HF–B, Organization and Functions is amended as follows:

1. Delete subparagraph (q–3), *Office of Scientific Intelligence (HFT13)* and redesignate subparagraphs (q–4), (q–4–i),(q–4–i), (q–4–i), (q–4–ii), and (q–4–iii), as subparagraphs (q–3), (q–3–i), (q–3–ii), and (q–3–iii).

2. Insert new subparagraph (q–4), *Office of Research (HFTD).*

(q–4) *Office of Research (HFTD).* Organizes, plans, and directs Center

research programs in the areas of chemistry, biochemical toxicology, genetic toxicology, reproductive and developmental toxicology, pharmacokinetics, molecular biology, microbiology, and immunology.

Directs studies on the kinetics and metabolism of chemicals prerequisite to the implementation of carcinogenic, teratogenic, and mutagenic experiments; directs the development of protocols for safety evaluation of toxic chemicals.

Directs the development of experimental methods used to extrapolate test results accurately from animal to man.

Directs the development of *in vitro* models to serve as links in the assessment of toxic manifestations expected in mammals in general and in man in particular.

Directs research to expand comparative physiology and biochemistry to primates and other potentially applicable experimental species.

Coordinates research in responsible program areas with leading scientists in other segments of the scientific community.

Coordinates with other Center and agency components and top level officials of other agencies to provide input for long-term research planning in responsible program areas and to insure implementation of programs responsive to the Center's portion of the agency's integrated research plan.

Responsible for the management of Center research project contracts in responsible program areas.

3. Insert new subparagraph (q–5), *Office of Research Services (HFTE).*

(q–5) *Office of Research Services (HFTE).* Organizes, plans and directs Center research services programs in the areas of pathology, microbiology, diet preparation, animal husbandry, and analytical services.

Plans and coordinates the implementation of research service programs in response to the Office of Research; directs pathology support services for the Center.

Performs research services relating to chemical and physiochemical behavior of test chemicals, integrity of dosage forms, and safe use and disposal of test chemicals.

Implements analytical methods to insure nutritional integrity and absence of deleterious substances in animal diets as they affect test results.

Develops, modifies, and validates microbial testing procedures which contribute to the assessment of toxic industrial chemicals, drugs, food additives, or naturally occurring and potentially toxic materials in the environment.

Directs and implements a microbiological surveillance program, providing quality assurance for all laboratory animal operations and toxicology experiments involving animal systems.

Establishes the requirements for analysis of diets used in toxicological evaluations and directs the operation of a diet preparation facility to support Center research.

Monitors the maintenance of an animal breeding facility to support research projects at the Center; directs animal care, barrier entry procedures, equipment and holding facilities, and data collection for animals in experiments.

Responsible for the management of on-site Center service contracts in responsible program areas.

4. Delete subparagraphs (q–6) through (q–15), National Center for Toxicological Research.

Effective Date: April 16, 1985.

Dated: April 16, 1985.

James O. Mason,

Acting Assistant Secretary for Health.

[FR Doc. 85–9911 Filed 4–23–85; 8:45 am]

BILLING CODE 4160–01–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[4–20703–ILM]

Montana; Resource Management Plan/ Environmental Impact Statement for the South Dakota Resource Area

AGENCY: Bureau of Land Management, Montana State Office, Interior.

ACTION: Notice of availability of draft resource management plan/ environmental impact statement and public meetings.

SUMMARY: Pursuant to section 202(f) of the Federal Land Policy and Management Act of 1976 and section 102(c) of the National Environmental Policy Act of 1969, a draft Resource Management Plan/Environmental Impact Statement (RMP/EIS) has been prepared for the South Dakota Resource Area. The South Dakota Resource Area, Miles City District, contains 280,672 acres of public land and 5,294,122 mineral acres of public domain located in South Dakota. The emphasis of the plan centers on 278,673 surface acres of Brule, Butte, Custer, Fall River, Haakon, Harding, Jackson, Lawrence, Lyman, Meade, Pennington, Perkins, and Stanley Counties. The draft RMP/EIS examines five management plan alternatives: Preferred Alternative (a combination of the other alternatives); Alternative A (continuation of existing management or no action); and three alternatives varying from resource protection to resource production.

Public Participation

Copies of the draft RMP/EIS are available from the Miles City District Office, Garryowen Road, P.O. Box 940, Miles City, Montana 59301, phone (406) 232–4331 or from the South Dakota Resource Area Office, 510 Roundup Street, Belle Fourche, South Dakota 57717, phone (605) 892–2526. Public reading copies will be available for review at the following locations:

Office of Public Affairs, Interior Building, 18th and C Streets, NW., Washington, DC 20240

BLM, Montana State Office, Public Affairs Office, 222 N. 32nd Street, Billings, Montana 59107

Miles City District Office, Garryowen Road, P.O. Box 940, Miles City, Montana 59301

Also, public libraries within the 13 South Dakota Counties listed above.

Written comments on the draft RMP/EIS should be submitted between April 26 and July 26 (90-day comment period) to: Chris Roholt, Project Manager, BLM, P.O. Box 940, Miles City, Montana 59301 or Billy McIlvain, Area Manager, BLM, 510 Roundup Street, Belle Fourche, South Dakota 57717. Oral or written comments will be received on May 22 from 1:30 p.m. to 4:30 p.m. and 7:30 p.m. to 9:00 p.m. at the Belle Fourche Community Hall. Oral or written comments concerning the adequacy of the draft RMP/EIS will be considered in the preparation of the final RMP/EIS for the South Dakota Resource Area.

FOR FURTHER INFORMATION CONTACT: Chris Roholt, Project Manager, Miles City District Offices, P.O. Box 940, Miles City, Montana 59301, Telephone: (406) 232–4331.

Marvin LeNoue,

Acting State Director.

April 11, 1985.

[FR Doc. 85–9321 Filed 4–23–85; 8:45 am]

BILLING CODE 4310–DN–M

[F–21905–98; 5–000262–GP5–068]

Alaska Native Claims Selection

In accordance with Departmental regulation 43 CFR 2650.7(d), notice is hereby given that a decision to issue conveyance under the provisions of Section 14(e) of the Alaska Native

Claims Settlement Act of December 18, 1971 (ANCSA), 43 U.S.C. 1601, 1613(e) (1976), will be issued to Doyon, Limited for approximately 17,155 acres. The lands involved are within the Fairbanks Meridian, Alaska.

T. 30 N., R. 13 W.

A notice of the decision will be published once a week for four (4) consecutive weeks, in the Tundra Times. Copies of the decision may be obtained by contacting the Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513. ((907) 271–5960).

Any party claiming a property interest which is adversely affected by the decision shall have until May 24, 1985 to file an appeal. However, parties receiving service by certified mail shall have 30 days from the date of receipt to file an appeal. Appeals must be filed in the Bureau of Land Management, Division of Conveyance Management (960), address identified above, where the requirements for filing an appeal can be obtained. Parties who do not file an appeal in accordance with the requirements of 43 CFR Part 4, Subpart E (1983) (as amended, 49 FR 6371, February 21, 1984) shall be deemed to have waived their rights.

Helen Burleson,

Section Chief, Branch of ANCSA Adjudication.

[FR Doc. 85–9846 Filed 4–23–85; 8:45 am]

BILLING CODE 4310–JA–M

[F–19155–17; 5–000262–GP5–067]

Alaska Native Claims Selection

In accordance with Departmental regulation 43 CFR 2650.7(d), notice is hereby given that a decision to issue conveyance under the provisions of sec. 14(e) of the Alaska Native Claims Settlement Act of December 18, 1971 (ANCSA), 43 U.S.C. 1601, 1613(e) (1976), will be issued to Doyon, Limited for approximately 23,004 acres. The lands involved are in the vicinity of Tanacross, Alaska.

Copper River Meridian, Alaska

T. 17 N., R. 9 E.

A notice of the decision will be published once a week for four (4) consecutive weeks, in The Fairbanks Daily News-Miner. Copies of the decision may be obtained by contacting the Bureau of Land Management, Alaska State Office, 701 C Street, Box 13 Anchorge, Alaska 99513. ((907) 271–5960).

Any party claiming a property interest which is adversely affected by the decision shall have until May 24, 1985 to file an appeal. However, parties receiving service by certified mail shall have 30 days from the date of receipt to file an appeal. Appeals must be filed in the Bureau of Land Management, Division of Conveyance Management (960), address identified above, where the requirements of filing an appeal can be obtained. Parties who do not file an appeal in accordance with the requirements of 43 CFR Part 4, Subpart E (1983) (as amended, 49 FR 6371, February 21, 1984) shall be deemed to have waived their rights.

Helen Burleson,

Section Chief, Branch of ANCSA Adjudication.

[FR Doc. 85–9847 Filed 4–23–85; 8:45 am]

BILLING CODE 4310–JA–M

Salt Lake District, UT; Notice of Intent, Bonneville Salt Flats

AGENCY: Bureau of Land Management, Interior.

ACTION: Intention to designate the Bonneville Salt Flats as an Area of Critical Environmental Concern (ACEC).

SUMMARY: Notice is hereby given concerning designation of the Bonneville Salt Flats, Utah, as an ACEC. This decision results from the recent Tooele County Management Framework Plan completed in 1984.

The Bonneville Salt Flats Special Recreation Management Plan has identified 30,203.06 acres of public land as the most significant area of the salt flats to be managed. The same area coincides with the ACEC designation and is described as follows:

	Acres
T. 1 N., R. 16 W., SLM, Utah:	
Sec. 6, Lots 1–7, S½ NE¼, E½ NW¼, E½ SW¼	478.48
T. 2 N., R. 16 W., SLM, Utah:	
Sec. 20, All	640.00
Sec. 21, All	640.00
Sec. 28, All	640.00
Sec. 29, All	640.00
Sec. 30, All	635.76
Sec. 31, All	636.68
Sec. 33, NW¼	160.00
T. 1 N., R. 17 W., SLM, Utah	
Sec. 1, All	640.08
Sec. 3, All	640.16
Sec. 4, Lots 1, 2, S½ NE¼, S½	480.02
Sec. 8, E½, SE¼	480.00
Sec. 9, All	640.00
Sec. 10, All	640.00
Sec. 11, All	640.00
Sec. 12, All	640.00
Sec. 13, W½	320.00
Sec. 14, All	640.00
Sec. 15, All	640.00
Sec. 17, All	640.00
Sec. 18, Lots 3, 4, E½ E½ SW¼	480.10
Sec. 19, All	640.16
Sec. 20, All	640.00
Sec. 21, All	640.00
Sec. 22, All	640.00
Sec. 23, All	640.00
Sec. 26, W½	320.00
Sec. 27, All	640.00
Sec. 28, All	640.00
Sec. 29, All	640.00
Sec. 30, All	639.92
Sec. 31, All	639.92
Sec. 33, All	640.00
Sec. 34, All	640.00
Sec. 35, W½	320.00
T. 2 N., R. 17 W., SLM, Utah:	
Sec. 25, All	640.00
Sec. 26, SE¼	160.00
Sec. 34, SE¼	160.00
Sec. 35, All	640.00
T. 1 N., R. 18 W., SLM, Utah:	
Sec. 24, E½, SW¼	480.00
Sec. 25, All	640.00
Sec. 26, E½, SW¼	480.00
Sec. 34, E½, SW¼	480.00
Sec. 35, All	640.00
T. 1 S., R. 17 W., SLM, Utah:	
Sec. 3, W½	319.45
Sec. 4, All	639.80
Sec. 5, All	639.72
Sec. 6, All	611.12
Sec. 7, Lots 1, 2, NE¼, E½, NW¼	306.09
Sec. 8, N½	320.00
Sec. 9, N½	320.00
T. 1 S., R. 18 W., SLM, Utah:	
Sec. 1, Lots 1, 2, E½ SW¼ NE¼ SE¼ NE¼, NE¼, SE¼ E½ SE¼ SE¼	199.16
Sec. 3, Lots 1–4, S½ N½ NE¼, W½ SE¼ NE¼ S½ NW¼, NE¼ SW¼, W½ SW¼, W½ NW¼ SE¼	438.12
Sec. 4, All	638.32
Sec. 5, SE¼	160.00
Sec. 8, All	640.00
Sec. 9, N½ NE¼, W½ SW¼ NE¼, NW¼, W½ NE¼ SW¼, NW¼ SW¼, W½ SW¼ SW¼	340.00

The Bonneville Salt Flats are a highly unique and world known geological phenomenon. Special qualities on the salt resource accommodate high speed automobile testing and racing, coupled with scenic contrasts desired by filming groups from around the world.

A 60-day public comment period on the ACEC portion of the Special Recreation Management Plan begins upon publication of this notice and extends to June 28, 1985.

For further information contact: Gregg Morgan, Bureau of Land Management, 2370 South 2300 West, Salt Lake City, Utah 84119, (801)524–5348.

Frank W. Snell,

Salt Lake District Manager.

[FR Doc. 85–9822 Filed 4–23–85; 8:45 am]

BILLING CODE 4310–DQ–M

[5–00250–GP5–158] 4310–33

Spokane District Advisory Council; Meeting

Notice is hereby given in accordance with Pub. L. 94–579 and 43 CFR Part 1780, that a meeting of the Spokane District Advisory Council will be held on Wednesday, May 29, 1985. The meeting will being at 9:30 a.m. in the Conference Room of the BLM Spokane District Office, East 4217 Main Avenue, Spokane, Washington.

The agenda for the meeting is as follows:

1. Discussion of the proposed BLM/USFS interchange.
2. Discussion of the status of the Final RMP/EIS.
3. Discussion of land exchanges.
4. Discussion of the Juniper Dunes Wilderness Area.
5. Discussion of the 1985 Grazing Fee Review and Evaluations Draft Report.
6. Discussion of old business.
7. Public comments and statements.

Any responsible person wishing to make an oral statement should notifiy the District Manager, Bureau of Land Management, Spokane District Office, East 4217 Main Avenue, Spokane, Washington 99202, or telephone (509) 456–2570 by the close of business, 4:30 p.m., Friday, May 24, 1985. Depending on the number of persons wishing to make oral statements, a per person time limit may be established by the District Manager.

A written report of the Council meeting will be maintained at the BLM Spokane District Office and will be made available for public inspection. Reproduction of the meeting report will be made available to the public at the cost of duplication. The meeting is open to the public and news media.

Joseph K. Buesing,

District Manager.

[FR Doc. 85–9879 Filed 4–23–85; 8:45 am]

BILLING CODE 4310-33-M

[OR 38433; 5–00250–GP5–149]

Oregon; Realty Action; Lease of Public Lands in Josephine County, OR

Summary

The following described public land has been examined and identified as suitable for a five year agricultural lease under section 203 of the Federal Land Policy and Management Act of 1976 (90 Stat. 2743, 2762; 43 U.S.C. 1732) and section 14a of The Wild and Scenic Rivers Act, Pub. L. 90–542 (16 U.S.C. 1271 et seq.) as amended through Pub L. 96–580, December 23, 1980, at no less than the appraised fair market value.

Parcel I

Lot 7 in Section 14, Township 36 South, Range 7 West of the Willamette Meridian

LESS AND EXCEPTING from the above described land the following tract: Beginning at the Northeast corner of D.L.C. No. 38 in said Section 14, Twonship 36 South, Range 7 West of the Willamette Meridian, and running thence East to the center of said Section 14; thence North to Rogue River; thence in a Southwesterly direction along said river to a point due North from the point beginning; thence South to the point of beginning.

Parcel II

Beginning 858 feet West of the Northeast corner of Donation Land Claim No. 38 in Section 14, Township 36 South, Range 7 West of the Willamette Meridian; thence running North to Rogue River; thence running Easterly along Rogue River to the Northeast corner of Government Lot 8, Section 14; thence South to the Southeast corner of said Lot 8; thence West along South line of Lot 8 to the point of beginning;

LESS AND EXCEPTING from the above described land the following tract: Beginning at a point 858 feet West of the Northeast corner of Donation Land Claim No. 38, in Section 14, Township 36 South, Range 7 West of the Willamette Meridian, Oregon; thence run North, a distance of 20 feet; thence East a distance of 16 feet; thence South, a distance of 20 feet; thence West, a distance of 16 feet to the point of beginning.

ALSO, LESS AND EXCEPT, the West 16 feet from the above described tract of land.

Parcel III

Beginning at the Northeast corner of D.L.C. No. 38 Section 14, Township 36 South, Range 7 West of the Willamette Meridian, Oregon, and running thence West along the North boundary line of said D.L.C., 858 feet; thence South 1029 feet, more or less, to the North boundary of Riverbanks Road; thence following along the North boundary of said Riverbanks Road in a Southeasterly and Easterly direction to the East line of said D.L.C. No. 38, thence North 1280 feet, more less, to the point of beginning.

LESS AND EXCEPTING the West 16 feet thereof;

ALSO, LESS AND EXCEPT, the following described property:

Commencing at the Northeast corner of D.L.C. No. 38 in Section 14, Township 36 South, Range 7 West of the Willamette Meridian, and running South to a point 600 feet North of the North line of Riverbanks Road (Rogue River Loop Highway), the true point of the beginning; thence West 58 feet; thence South to the North line of said Riverbanks Road; thence East along the North line of said Riverbanks Road 58 feet; thence North to the true point of the beginning.

The parcels of land to which the above descriptions apply contain 27.50 acres, more or less.

There are no significant resource values which will be affected by this proposal. The leasing of this parcel is consistent with BLM planning for the subject land and the Public Interest will be served by offering this land for lease.

Additional Information

Additional information may be obtained from the Bureau of Land Management, Medford District Office, 3040 Biddle Road, Medford, Oregon 97504. Eric Schoblom (503) 776–3772.

Qualifications

Bidders must be United States citizens 18 years of age or over; corporations must be authorized to own real property or interest therein in the State of Oregon. Proof of meeting these requirements shall accompany bids.

Bid

Sealed bids shall be accompanied by certified check, postal money order, bank draft, or cashier's check made payment to: *Department of the Interior-BLM* for not less than $66.00. Bids will only be considered if they are made for at least the minimum rent.

Preferential Bidder

Robert M. and Betty Mae Sloan, as the immediate owners of this property prior to its acquisition by the United States, have the right to meet the highest bid.

Minimum Rent

The minimum rent for this parcel is determined to be $30,00/acre for each hayable acre, there are approximately 22.0 hayable acres. The minimum annual rent for this parcel is therefore $660.00.

Deadline for Submission

Sealed bids shall be considered only if received at the Medford District Officer prior to 1:00 p.m. the day of the opening.

The sealed bid envelope must be marked as indicated on the sample below:

Return address

Medford District Office

3040 Biddle Road

Medford, OR 97504

Agricultural lease OR _____

Bid Opening

Bids will be opened at 3:00 p.m. on June 28, 1985.

Sealed bids shall be opened and publicly declared at the state time. If two or more qualified sealed bids for the same amount are received, the apparent successful bidder will be determined by drawing. All unsuccessful bids will be returned.

The successful bidder shall submit the remainder of the first years full rental within 30 days. Failure to submit the balance of the first years full rental within the above specified time limit shall result in cancellation of the lease and the deposit shall be forfeited. The next high bid will then be honored.

The successful bidder agrees that he takes the lease subject to the following stipulations:

1. The use of herbicides is prohibited.
2. Lessee is responsible for irrigation.
3. Construction of approach may be necessary.

Before bids are submitted, full information concerning the lands, the conditions of the lease, and submision of bids should be obtained from the Medford District Office.

Dated: April 11, 1985.

Hugh R. Shera,

District Manager.

[FR Doc. 85-9896 Filed 4-23-85; 8:45 am]

BILLING CODE 4310-33-M

[CA-6956]

California; Exchange of Public and Private Lands in Lassen County

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of issuance of land exchange conveyance document.

SUMMARY: The purpose of this exchange was to acquire non-Federal lands that have significant multiple-use values; i.e., archaeological, wildlife, livestock grazing, and recreation, that outweigh the values found on Federal lands to be exchanged. The exchange will provide improved management of Federal and State land. The values of the public and private lands in the exchange were equal.

FOR FURTHER INFORMATION CONTACT: Viola Andrade, California State Office, (916) 484-4431.

SUPPLEMENTARY INFORMATION: The United States issued an exchange conveyance document to the State of California on June 29, 1984, for the following describe lands under section 206 of the Federal Land Policy and Management Act of October 21, 1976 (43 U.S.C. 1716):

Mount Diablo Meridian, California

T. 27 N., R. 15 E.,
Portions of Secs. 1, 3, 4, 9, 13, 14, 15, 23, 25, and 27;
T. 28 N., R. 15 E.,
Portions of Secs. 32, 33, 34, and 35;
T. 26 N., R. 16 E.,
Portions of Secs. 3 and 10, all of Secs. 11 and 12, and portions of Secs. 13, 14, and 20;
T. 27 N., R. 16 E.,
Portions of Secs. 8, 17, and 20;
T. 28 N., R. 16 E.,
Portions of Sec. 8
T. 26 N., R. 17 E.,
Portions of Secs. 6 and 7;
T. 27 N., R. 17 E.,
Portions of Secs. 9, 12, 13, 14, 15, 23, 25, 26, and 34;
T. 28 N., R. 17 E.,
Portions of Secs. 18 and 33;
Comprising 7,920.64 acres of public land.

In exchange for these lands, the United States acquired the following described lands from the State of California:

Mount Diablo Meridian, California

T. 35 N., R. 8 E.,
Sec. 36, All;
T. 31 N., R. 13 E.,
Sec. 36, All;
T. 32 N., R. 13 E.,
Portion of Sec. 36;
T. 31 N., R. 14 E.,
Sec. 16, All;
T. 30 N., R. 15 E.,
Portion of Sec. 36;
T. 33 N., R. 15 E.,
Sec. 36, All;
T. 29 N., R. 16 E.,
Sec. 36, All;
T. 30 N., R. 16 E.,
Sec. 16, All;
T. 31 N., R. 16 E.,
Portion of Sec. 36;
T. 36 N., R. 16 E.,
Portion of Sec. 36;
T. 25 N., R. 17 E.,
Portion of Sec. 36;
T. 29 N., R. 17 E.,
Sec. 16 and 36, All;
T. 30 N., R. 17 E.,
Sec. 16 and 36, All;
T. 31 N., R. 17 E.,
Sec. 36, All;
T. 32 N., R. 17 E.,
Sec. 16 and 36, All;
T. 33 N., R. 17 E.,
Secs. 16 and 36, All;
T. 34 N., R. 17 E.,

Secs. 16 and 36, All:
T. 35 N., R. 17 E.,
Sec. 36, All:
Comprising 12,425.29 acres of State lands.

A complete description of the above described public and private lands is available for inspection at the California State Office, 2800 Cottage Way, Sacramento, CA 95825.

Dated: April 15, 1985.

Sharon N. Janis,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 85-9892 Filed 4-23-85; 8:45 am]

BILLING CODE 4310-84-M

Fish and Wildlife Service

Availability of Detailed Map Depicting the Lands and Waters Designated as Appropriate for the Atchafalaya National Wildlife Refuge, Iberville, Point Coupee, and St. Martin Parishes, LA

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice.

SUMMARY: This notice advises the public that the detailed map depicting the lands and waters designated as appropriate for the Atchafalaya National Wildlife Refuge in Iberville, Point Coupee, and St. Martin Parishes, Louisiana, is available for public inspection in the following offices:

(1) Office of the Regional Director, Fish and Wildlife Service, 75 Spring Street, SW., Atlanta, Georgia 30303;

(2) Office of Ecological Services, Fish and Wildlife Service, 103 East Cypress Street, Room 102, Lafayette, Louisiana 70502; and

(3) Office of Information and Education, Louisiana Department of Wildlife and Fisheries, 2156 Wooddale Boulevard, Suite 900, Baton Rouge, Louisiana 70806.

FOR FURTHER INFORMATION CONTACT: Mr. Kenneth M. Butts, Chief, Branch of Planning and Coordination, Office of Wildlife Resources, U.S. Fish and Wildlife Service, 75 Spring Street, SW., Atlanta, Georgia 30303; telephone (404) 221-3543 or FTS 242-3543.

Dated: April 17, 1985.

Walter O. Steiglitz,

Acting Director.

[FR Doc. 85-9815 Filed 4-23-85; 8:45 am]

BILLING CODE 4310-55-M

National Park Service

National Register of Historic Places; National Historic Landmarks Boundary

April 10, 1985.

The National Park Service has been working to establish boundaries for all National Historic Landmarks for which no specific boundary was identified at the time of designation, and therefore, are without a clear delineation of the amount of property involved. The results of such designation make it important that specific boundaries for each landmark be defined.

In accordance with the National Historic Landmark program regulations 36 CFR Part 65, the National Park Service has notified owners, public officials and other interested parties and provided them with a 60-day opportunity to make comments on the proposed following boundary, and that boundary has now been formally established by the National Park Service. Careful consideration was given to comments received, and in some cases, the documentation or boundary has been revised if the National Park Service concurred with the comments. The property is listed on the National Register of Historic Places and is eligible for the benefits of listing. Copies of the documentation of the landmark and boundary, including maps, may be obtained from: Jerry L. Rogers, Associate Director, Cultural Resources, and Keeper of the National Register of Historic Places, National Park Service, Washington, D.C. 20240. Attention: Chief of Registration (202) 343-9536.

Boundary for Blood Run Site, located at Larchwood, Lyon County, Iowa: Point of Beginning: (Point A) A 1330 feet MSL monument at the center of Section 24, T 100 N, R 49 W. The boundary proceeds from this point of beginning 900 feet (274 m.) south to the edge of a headward eroding draw in the second terrace margin then about 250 feet (76 m.) down that draw onto the first terrace of Blood Run. It proceeds 1000 feet (305 m.) in a southeasterly direction across both first terraces as well as intervening floodplain and channel of Blood Run to the mouth of a secondary tributary and 1310 feet contour south southeast of the Chicago, Rock Island, and Pacific railroad bed (Point B). It follows the 1310 feet and the 1320 feet contours in a general southwestern vector for approximately 2000 feet (610 m.) as they constitute the toe of a northwest facing terrace slope. The boundary crosses a second northwest draining tributary to Blood Run at about 1310 feet elevation and follows that contour around the northern edge of a remnant ridge. It then proceeds 1000 feet (305 m.) south southwest up an unnamed draw to an elevation of 1350 feet south of a knoll with a midpoint elevation of 1410+ feet MSL. It then proceeds about 500 feet (152 m.) on a west northwest vector bisecting the low point of a saddle between the knoll and north facing high terrace slope south of the saddle. The boundary subsequently proceeds 600 feet (183 m.) south up a draw from 1350 to 1400 feet elevation. It then passes through a second saddle proceeding 300 feet (91 m.) southwest to a complimentary 1400 feet contour. It proceeds downslope in a southwest (area of Point C) then westerly direction for about 1200 feet (366 m.) and reaches the back of the second terrace above Big Sioux River at an elevation of 1340+ −1350-feet MSL. The boundary then swings in a southwest, west (area of Point D), and northwest direction across the second and first terraces to the Big Sioux River in an arc with a general west northwest cord distance of 3500 feet (1067 m.) Point E).

The boundary crosses the Big Sioux River and the Iowa-South Dakota State line at UTM Zone 14, 694210E, 4814170N. The boundary traverses the South Dakota floodplain and joins the first terrace at the point of initiation between a colluvial slope and laterally planed flooplain. It proceeds 1850 feet (564 m.) north northeast against the toe of the second terrace slope at a general elevation of 1270 feet to a point on tangent between that contour and the Chicago, Rock Island and Pacific Railroad bed. It follows railroad grade benching for about 400 feet (122 m.) in a northwesterly direction (to Point F) then swings north across Spring Creek at a vector distance of 1200 feet (366 m.) upstream from its confluence with Big Sioux River. The boundary ascends a steep terrace to the 1300 feet contour (Point G) and follows that elevation until the toe of the second terrace slope is defined by the 1280 and then 1270 feet contours down Spring Creek Canyon to its restricted north bank juncture with the Big Sioux River Valley. The boundary remains between 1270+ −1280-feet MSL following the Western margin of the first terrace above Big Sioux River (passing through Point H) until reaching the mouth of an unnamed draw approximately 3000 feet (914 m.) south of Springdale Cemetery. It meanders up the draw flowline for a vector distance of 2800 feet (853 m.) north (area of Point I) and emerges onto the second (i.e. high) terrace by crossing a dirt road south and east of Springdale Cemetery that has been looped

northeast around headward erosion of a minor draw. The boundary traverses that terrace in a northeasterly direction through a slight swale at an elevation of 1430+ −1440-feet MSL. It then follows the second terrace (Point J) escarpment in a dramatically meandering southeast direction for a vector distance of 1200 feet (366 m.) (area of Point K). The boundary departs the second terrace proceeding east southeast down a steep draw and crosses the Big Sioux River as well as the South Dakota-Iowa State line at UTM Zone 14, 695340E, 4815735N. It proceeds 1500 feet (457 m.) east southeast across the first terrace and then climbs east northeast onto the second terrace at an escarpment elevation of 1320 feet. The boundary then arcs up grade east northeast, east, and southeast for a cord distance of about 800 (244 m.) feet to the 1330 feet MSL monument point of beginnng (Point A).

Carol D. Shull,

Chief of Registration, National Register of Historic Places, Interagency Resources Division.

[FR Doc. 85-9818 Filed 4-23-85; 8:45 am]

BILLING CODE 4310-70-M

Aniakchak National Monument and Preserve; Availability of a Draft General Management Plan/ Environmental Assessment, Land Protection Plan, and Wilderness Suitability Review

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: This notice announces the availability of the draft general management plan/environmental assessment, land protection plan, and wilderness suitability review for Aniakchak National Monument and Preserve. The document will be available for public review and comment for 60 days, and public meetings will be held in Anchorage, King Salmon and Naknek (dates, locations and times to be announced locally).

This document proposes management actions addressing issues and problems facing Aniakchak National Monument and Preserve for the next 10 years. There are two parts within this document. The first part is the draft general management plan, which includes proposals for managing natural and cultural resources, subsistence and visitor uses, and for determining the National Park Service's staff and facility requirements. The land protection plan explains options and recommendations, priorities and methods for protection of federal lands from activities that might take place on private lands that could cause harm or threaten Aniakchak's resoruces. The wilderness suitability review evaluates the suitability of non-wilderness lands within Aniakchak for inclusion in the National Wilderness System.

The second part of the document includes a discussion of Aniakchak's resources, other alternatives considered, and the environmental consequences of the proposal and the alternatives.

Following consideration of public comments, a final general management plan, land protection plan, and wilderness suitability review will be developed.

DATES AND ADDRESSES: Comments on the draft document should be received no later than June 26, 1985, and should be submitted to: Regional Director, National Park Service, Alaska Regional Office, 2525 Gambell St., Rm 107, Anchorage, Alaska 99503-2892.

Public reading copies of the draft document will be available for review at the following locations:

Office of Public Affairs, National Park Service, Department of the Interior, 18th and C Streets, NW., Washington, D.C. 20240
National Park Service, Aniakchak National Monument/Preserve, King Salmon, Alaska 99613
Loussac Library, 524 W. 6th Avenue, Anchorage, Alaska 99502
Fairbanks Library, 1215 Cowles, Fairbanks, Alkaska 99701
Juneau Memorial Library, 114 W. 4th, Juneau, Alaska 99801
City Office, Chignik, Alaska 99564
City Office, Chignik Lake, Alaska 99564
City Office, Kodiak, Alaska 99615
City Office, Port Heiden, Alaska 99549
Alaska Regional Office, National Park Service, 2525 Gambell Street, Rm. 101, Anchorage, Alaska 99503-2892
Consortium Library, University of Alaska, 3211 Providence Ave., Anchorage, Alaska 99507
Alaska Resources Library, Federal Building, 701 C Street, Anchorage, Alaska 99513
Elmer Rasmuson Library, University of Alaska, Fiarbanks, Alaska 99701
National Park Service, Federal Building, Home, Alaska 99762
City Office, Chignik Lagoon, Alaska 99565
City Office, King Salmon, Alaska 99613
City Office, Meshik, Alaska
National Park Service, 201 First Street, Fairbanks, Alaska 99701

A limited number of copies of the full document are available upon request from:

Linda Nebel, Chief of Planning, National Park Service, Alaska Regional Office, 2525 Gambell St., Room 204, Anchorage, Alaska 99503-2892; (907) 271-4366.

Dated: April 10, 1985.

Roger J. Contro,

Regional Director, Alaska Region.

[FR Doc. 85-9813 Filed 4-23-85; 8:45 am]

BILLING CODE 4310-70-M

Arrow Rock Historic District; National Register of Historic Places; National Historic Landmark

April 10, 1985.

The National Park Service has been working to establish boundaries for all National Historic Landmarks for which no specific boundary was identified at the time of designation, and therefore, are without a clear delineation of the amount of property involved. The results of such designation make it important that specific boundaries for each landmark be defined.

In accordance with the National Historic Landmark program regulations 36 CFR Part 65, the National Park Service has notified owners, public officials and other interested parties and provided them with a 60-day opportunity to make comments on the proposed following boundary, and that boundary has now been formally established by the National Park Service. Careful consideration was given to comments received, and in some cases, the documentation or boundary has been revised if the National Park Service concurred with the comments. The property is listed on the National Register of Historic Places and is eligible for the benefit of listing. Copies of the documentation of the landmark and boundary, including maps, may be obtained from: Jerry L. Rogers, Associate Director, Cultural Resources, and Keeper of the National Register of Historic Places, National Park Service, Washington, D.C. 20240, Attention: Chief of Registration (202) 343-9536.

Boundary for Arrow Rock Historic District, located at Arrow Rock, Saline County, Missouri: The boundaries are contiguous with those for Arrow Rock State Park and the town of Arrow Rock as they join to form a single, contiguous 269-acre area. Some of the few generally unobtrusive features which do not contribute to the national significance of the landmark include: a water tower, rudimentary picnic facilities, and a few modern structures in the town of Arrow Rock.

Carol D. Shull,

Chief of Registration, National Register of Historic Places, Interagency Resources Division.

[FR Doc. 85-9816 Filed 4-23-85; 8:45 am]

BILLING CODE 4310-70-M

Cornwall Iron Furnace; National Register of Historic Places; National Historic Landmark Boundaries

April 10, 1985.

The National Park Service has been working to establish boundaries for all National Historic Landmarks for which no specific boundary was identified at the time of designation and therefore are without a clear delineation of the amount of property involved. The results of such designation make it important that we define specific boundaries for each landmark.

In accordance with the National Historic Landmark program regulations 36 CFR Part 65, the National Park Service notifies owners, public officials and other interested parties and provided them with an opportunity to make comments on the proposed boundaries.

The 60-day comment period on the attached National Historic Landmark has ended, and the boundaries have been established. Copies of the documentation of the landmark and its boundaries, including maps, may be obtained from Jerry L. Rogers, Associate Director, Cultural Resources, and Keeper of the National Register of Historic Places, National Park Service, P.O. Box 37127, Washington, D.C. 20013–7127, Attention: Chief of Registration (Phone: 202–343–9536).

Carol D. Shull,

Chief of Registration, National Register of Historic Places, Interagency Resources Division.

Cornwall Iron Furnace National Historic Landmark, Cornwall, Lebanon County, Pennsylvania

Beginning on the north side of Rexmont Road at the southeast corner of Block 19E Lot 40, then easterly along the north side of Remont Road crossing the intersection with Cornwall Road to a point on the north side of Rexmont Road due north of the northeast corner of Block 19J Lot 120 (said northeast corner being on the south side of Rexmont Road), then due south across Rexmont Road and along the west line of Block 19J Lot 120 to the north line of Block 19 Lot 500, then westerly along the north line of Block 19 Lot 500 to the east side of Boyd Street, then southeasterly along the east side of Boyd Street to the west line of Block 19J Lot 98, then along the west, north, and east lines of Block 19J Lot 98 to the north side of Gold Road, then easterly along the north line of Gold Road to a point around 145′ in the course of the west line of Block 19K Lot 28 northerly of the northwest corner of the said Block 19K Lot 28, then southerly in the course of and along the west line of Block 19K Lot 28 to the north side of Boyd Street, then easterly and southerly along the north and east sides of Boyd Street to the north line of Block 19K Lot 30 then westerly in the north line of Block 19K Lot 30 and the south side of Nickel Alley to the east side of Quartz Street, then southerly along the east side of Quartz Street to the south side of Granite Street, then westerly along the south side of Granite Street to the west side of Shirk Street, then northerly along the west side of Shirk Street to the south side of Silver Road, then westerly along the south side of Silver Road crossing the northernmost section of Block 19J Lot 100 to the east line of Block 19 Lot 180, then southerly and westerly in the east and south lines of Block 19 Lot 180 to the point where the said line of Block 19 Lot 180 angles southward away from the rim of the mine hole, then due west from said angle around 1950′ across Block 19 Lot 180 to a point around 600′ due south of the southeast corner of Block 19H Lot 35, then due north around 600′ to the southeast corner of Block 19H Lot 35, then northerly and westerly along the east and north line of Block 19H Lot 35 to the east line of the 20′ wide paper alley to the east of the east lines of the lots on the east side of Old Mine Road in the village of Burd Coleman, then northerly along the east line of said alley to a point around 3225′ due west of the most southeasterly corner of Block 19 Lot 200, then due east around 3225′ across Block 19 Lot 180 to the most southeasterly corner of Block 19 Lot 200, then northeasterly in the east line of Block 19 Lot 200, to the west side of Boyd Street, then northwesterly along the west side of Body Street to the northeasternmost corner of Block 19 Lot 200, then westerly along the north line of Block 19 Lot 200 to the west bank of Furnace Creek, then northwesterly along the several courses of the bank of Furnace Creek and into Block 19 Lot 195 to a point around 1200′ westerly of the northwest corner of the main block Cornwall Mansion, then easterly in the course of the north wall of the main block of Cornwall Mansion around 1200′ to the said northwest corner, then along the rear facade of Cornwall Mansion, including the rear wing, then easterly from the northeast corner of the main block of Cornwall Mansion to a point on the north side of the lane leading easterly from the mansion directly opposite the angle formed by the south side of the side lane and the east side of the driveway running along the east side of the fountain just east of the mansion, then southerly across the lane leading eastward from the mansion to the said angle, then continuing southerly along the east side of the driveway on the east side of the fountain to the east side of the driveway running southerly Rexmont Road, then southerly along the east side of the driveway to the northernmost corner of Block 19E Lot 40, then southeasterly along the north and east lines of Block 19E Lot 40 to the north side of Rexmont Road and the place of beginning.

[FR Doc. 85–9814 Filed 4–23–85; 8:45 am]

BILLING CODE 4310–70–M

El Cuartelejo; National Register of Historic Places; National Historic Landmark Boundary

April 10, 1985.

The National Park Service has been working to establish boundaries for all National Historic Landmarks for which no specific boundary was identified at the time of designation, and therefore, are without a clear delineation of the amount of property involved. The results of such designation make it important that specific boundaries for each landmark be defined.

In accordance with the National Historic Landmark program regulations 36 CFR Part 65, the National Park Service has notified owners, public officials and other interested parties and provided them with a 60-day opportunity to make comments on the proposed following boundary, and that boundary has now been formally established by the National Park Service. Careful consideration was given to comments received, and in some cases, the documentation or boundary has been revised if the National Park Service concurred with the comments. The property is listed on the National Register of Historic Places and is eligible for the benefits of listing. Copies of the documentation of the landmark and boundary, including maps, may be obtained from: Jerry L. Rogers, Associate Director, Cultural Resources, and Keeper of the National Register of Historic Places, National Park Service, Washington, D.C. 20240, Attention: Chief of Registration (202) 343–9536.

Boundary for El Cuartelejo National Historic Landmark is an archeological district composed of 26 discrete sites and many broader localities of artifactual remains that are continuous distributions in surface exposure. These collective remains are found with and adjacent to Ladder Creek Canyon and associated tributaries in northern Scott County, Kansas (*viz.*, Lake Scott State Park and vicinity). Physiographic context and administrative convenience facilitate establishment of the landmark

district boundary. The terrace and soil contexts within which well defined sites exist permit projecting probable limits for surface exposed localities. With the exception of sites 15 and 20 (i.e., 14SC404 and 14SC402), most sites exist within soils of T_0 through T_2 terraces above present stream grades and lake level. Other localilties in similar contexts are identified where earth disturbing activities expose upper solum horizons (e.g., roads, parking zones, camping areas). These artifact bearing units are traced laterally until (1) archeological surveys indicate no cultural material, or (2) the statigraphy is terminated by another physiographic unit such as a talus slope, terrace margin, or cap rock escarpment. These limits are not projected beyond the current State Park boundary unless a pedestrian survey reports continuation of artifactural or other salient cultural material (e.g., site 8 (14SC2) and more northerly terrace system). In no case is the landmark district extended into a second political subdivision of the state based on probability projectons (e.g., Logan County). Portions of the State Park not included within the boundary are reported free of significant cultural material (e.g., SW¼ of SW¼ of NW¼ of Section 13 T 16 S., R 33 W. (6th PM).

A practice of describing National Historic Landmark Boundaries by verbal relation to topographic contours on USGS quadrangles is of limited utility in regions demonstrating moderate to rapid geomorphological change. Mean relief changes for Ogallala escarpment, colluvial slopes, and terrace aggradation within Lake Scott State Park are calculated at 1.3 feet per year (cf., 1939 Lake McBride, Kansas 7.5 minute topographic quadrangle and 1976 Lake Scott, Kansas 7.5 minute topographic quadrangle). These changes are principle consequences of headward fluvial erosion (i.e., Ogallala escarpment) and reestablishment of stream grades by initiation and historic alteration of lake levels (i.e., terrace development). These geomorphic dynamics should initiate reevaluations of the boundary graphically illustrated herein every 5 years or until all cultural locality projections are sufficiently researched to resolve formal site status. The landmark boundary should be periodically monitored for adverse encroachment by geomorphological processes, *vis-a-vis*, Section 8 of Pub. L. 91-383 as amended by Pub. L. 94-458 (90 Stat. 1939).

Carol D. Shull,

Chief of Registration, National Register of Historic Places, Interagency Resources Division.

[FR Doc. 85-9817 Filed 4-23-85; 8:45 am]

BILLING CODE 4310-70-M

National Register of Historic Places; National Historic Landmarks Boundary; Erie Canal

April 10, 1985.

The National Park Service has been working to establish boundaries for all National Historic Landmarks for which no specific boundary was identified at the time of designation, and therefore, are without a clear delineation of the amount of property involved. The results of such designation make it important that specific boundaries for each landmark be defined.

In accordance with the National Historic Landmark program regulations 36 CFR Part 65, the National Park Service has notified owners, public officials and other interested parties and provided them with a 60-day opportunity to make comments on the proposed following boundary, and that boundary has now been formally established by the National Park Service. Careful consideration was given to comments received, and in some cases, the documentation or boundary has been revised if the National Park Service concurred with the comments. The property is listed on the National Register of Historic Places and is eligible for the benefits of listing. Copies of the documentation of the landmark and boundary, including maps, may be obtained from: Jerry L. Rogers, Associate Director, Cultural Resources, and Keeper of the National Register of Historic Places, National Park Service, Washington, D.C. 20240. Attention: Chief of Registration (202) 343-9536.

Boundary for Erie Canal Historic Landmark, located at Florida and Glen, Montgomery County, New York: Beginning at Point A, the southeasternmost corner of Section 38 Block 1 Lot 1 in the north line of the New York, West Shore, and Buffalo Railroad right-of-way, then proceeding westerly along the north line of the railroad right-of-way, crossing Queen Ann Street, to the so-called Blue Line at the west side of Queen Ann Street; then proceeding westerly along the Blue Line to Point B, the easternmost point of Section 38 Block 1 Lot 2; then proceeding westerly along the Blue Line and the north line of Section 38 Block 1 Lot 2 approximately 1300' to Point C, an angle in the said lines approximately 150' east of the eastern edge of Wemp's Basin; the proceeding due south across Section 38 Block 1 Lot 2 to the north line of the New York, West Shore and Buffalo Railroad right-of-way; then proceeding westerly in the north line of the railroad right-of-way approximately 975'; then proceeding due north across Section 38 Block 1 Lot 2 to Point D, an angle in the said north line of said lot and the Blue Line; then proceeding westerly and southerly in the Blue Line, crossing the Voorhees Culvert, to Point E, approximately 710' southwest of the Voorhees Culvert; then proceeding southeasterly, perpendicular to the Blue Line, approximately 80' to Point F; then proceeding south westerly, at right angles to the 80' line aproximately 890', to Point G; then proceeding northwesterly, perpendicular to the Blue Line, approximately 90' to Point H, on the Blue Line; then proceeding southwesterly in the Blue Line to Point I, approximately 50' northeast of the Enders house (#5) and formerly the intersection with a property line; then proceeding southeasterly, perpendicular to the blue Line, to the north side of Railroad Street, then proceeding southwesterly along and the course of the north side of Railroad Street, and the extention of this line, to the mean low water mark in the east bank of Schoharie Creek, then proceeding northwesterly along the mean low opposite a small outbuilding (identified as building #7 in the attached Description) approximately 100' southeast of the Blue Line; then proceeding southwesterly across Scholharie Creek, parallel to the Blue Line, into the Town of Glen, and through Section 53 Block 1 Lot 3 approximately 875' to Point J; then proceeding northwesterly, at a right right angle to the 875' line, through Section 53 Block 1 Lot 3 to the Blue Line; then proceeding northerly, westerly, and southerly in the Blue Line, crossing Hartley Lane, to the north line of the New York State Truway; then proceeding westerly in the north line of the Thruway to the northernmost of the two Blue Lines of the 1820 canal; then proceeding easterly and northerly in the Blue Line, again crossing Hartley Lane, to the means low water marks in the west bank of Schoharie Creek; then proceeding northeasterly across Schoharie Creek to the Blue Line at the mean low water mark in the east bank of Scholharie Creek; then proceeding northerly and easterly in the Blue Line, crossing Main Street and East Church Street, to Point K, approximately 1615' northeast of the east side of East Church Street; then

proceeding northwesterly perpendicular to tyhe mid-line of the 1820 canal approximately 75' to Point L; then proceeding northeasterly roughly parallel to the Blue Line approximately 875' to Point M; then proceeding southeasterly, perpuedicular to the Blue Line, approximately 100' to the Blue Line; then proceeding northerly and easterly in the Blue Line and partially in the mean low water mark of the south banks of a small creek and the Mohawk River to Point N, approximately 225' west of the west side of Emery's Culvert; then proceeding along the mean low water mark of the south bank of the Mohawk River to Point O, approximately 50' east of the east side of Emery's Culvert; then proceeding due south through Section 38 Block 1 Lot 1 to the Blue Line; then proceeding easterly in the Blue Line and partially along the mean low water mark of the south bank of the Mohawk River (include Putnam's Culvert) to Point P, approximately 125' due north of Point A; then proceeding due south approximately 125' to Point A, the place of beginning.

Carol D. Shull,

Chief of Registration, National Register of Historic Places, Interagency Resources Division.

[FR Doc. 85-9819 Filed 4-23-85; 8:45 am]

BILLING CODE 4310-70-M

Kathio Site; National Register of Historic Places; National Historic Landmark Boundary

April 10, 1985

The National Park Service has been working to establish boundaries for all National Historic Landmarks for which no specific boundary was identified at the time of designation, and therefore, are without a clear delineation of the amount of property involved. The results of such designation make it important that specific boundaries for each landmark be defined.

In accordance with the National Historic Landmark program regulations 36 CFR Part 65, the National Park Service has notified owners, public officials and other interested parties and provided them with a 60-day opportunity to make comments on the proposed following boundary, and that boundary has now been formally established by the National Park Service. Careful consideration was given to comments received, and in some cases, the documentation or boundary has been revised if the National Park Service concurred with the comments. The property is listed on the National Register of Historic Places and is eligible for the benefits of listing. Copies of the documentation of the landmark and boundary, including maps, may be obtained from: Jerry L. Rogers, Associate Director, Cultural Resources, and Keeper of the National Register of Historic Places, National Park Service, Washington, D.C. 20240. Attention: Chief of Registration (202) 343-9536.

Boundary for Kathio Site, located at Vineland, Mille Lacs, Minnesota: The boundary includes all of Mille Lacs-Kathio State Park plus Kathio point (the land in Secs. 27 and 28, T. 43 N., R. 27 W.) and Sec. 25 and the E½ of Sec. 26, T. 42 N., R. 27 W. The boundary encloses the 17 known sites in this vicinity. The boundary includes only those sites from early maps which are known to exist at the present. It should be mentioned that there are several other known sites of importance on the shores of Mille Lacs Lake relating to the Woodland and early historic periods in central Minnesota, but they have not been included within landmark boundaries because they are isolated examples in Garrison and Crow Wing Counties, some distances from the landmark district.

Carol D. Shull,

Chief of Registration, National Register of Historic Places, Interagency Resources Division.

[FR Doc. 85-9820 Filed 4-23-85; 8:45 am]

BILLING CODE 4310-70-M

INTERNATIONAL TRADE COMMISSION

[Investigations Nos. 701-TA-225 through 232 (Final)]

Certain Carbon Steel Products From Austria, Sweden, and Venezuela

AGENCY: United States International Trade Commission.

ACTION: Institution of final countervailing duty investigations.

SUMMARY: The Commission hereby gives notice of the institution of final counterervailing duty investigations Nos. 701-TA-225 through 232 (Final) under section 705(b) of the Tariff Act of 1930 (19 U.S.C. 1671(b)) to determine whether an industry in the United States is materially injured, or is threatened with material injury, or the establishment of an industry in the United Staes is materially retarded, by reason of imports of the following carbon steel products, which have been found by the Department of Commerce, in preliminary determinations, to be subsidized by the Governments of the respective countries:

Carbon steel plates, whether or not in coils, provided for in item 607.66 of the Tariff Schedules of the United States (TSUS), from—
- Sweden [investigation No. 701-TA-225 (Final)], and
- Venezuela [investigation No. 701-TA-226 (Final)];

Hot-rolled carbon steel sheets, provided for in TSUS items 6076.67 and 607.83, from—
- Austria [investigation No. 701-TA-227 (Final)],
- Sweden [investigation No. 701-TA-228 (Final)], and
- Venezuela [investigation No. 701-TA-229 (Final)]; and

Cold rolled carbon steel plates and sheets, provided for in TSUS item 607.83, from—
- Austria [investigation No. 701-TAS-230 (Final)],
- Sweden [investigation No. 701-TA-231 (Final)], and
- Venezuela [investigation No. 701-TA-232 (Final)].

Unless these investigations are extended, Commerce will make its final subsidy determinations by May 28, 1985, and the Commission will make its final injury determinations by July 17, 1985 (see sections 705(a) and 705(b) of the act (19 U.S.C. 1671d(a) and 1671d(b))).

For further information concerning the conduct of these investigations, hearing procedures, and rules of general application, consult the Commission's Rules of Practice and Procedure, Part 207, subparts A and C (19 CFR Part 207), and Part subparts A through E (19 CFR Part 201, as amended by 49 FR 32569, Augest 15, 1984).

EFFECTIVE DATE: March 20, 1985.

FOR FURTHER INFORMATION CONTACT: Robert Eninger (202-523-0312), Office of Investigations, U.S. International Trade Commission, 701 E Street NW., Washington, DC 20436.

SUPPLEMENTARY INFORMATION:

Background

These investigations are being instituted as a result of affirmative preliminary determinations by the Department of Commerce that certain benefits which constitute subsidies within the meaning of section 701 of the act (19 U.S.C. 1671) are being provided to manufacturers, producers, or exporters in Austria, Sweden, and Venezuela of certain carbon steel products. The investigations were requested in petitions filed on December 19, 1984, by the United States Steel Corp, Pittsburgh, PA. In response to

those petitions the Commission conducted preliminary countervailing duty investigations and, on the basis of information developed during the course of those investigations, determined that there was a reasonable indication that an industry in the United States was materially injured or threatened with material injury by reason of imports of the subject merchandise (50 FR 6070, Feburary 4, 1985).

Participation in the Investigations.

Persons wishing to participate in these investigations as parties must file an entry of appearance with the Secretary to the Commission, as provided in § 201.11 of the Commission's Rules of Practice and Procedure (19 CFR 201.11), not later than twenty-one (21) days after the publication of this notice in the **Federal Register**. Any entry of appearance filed after this date will be referred to the Chairwoman, who will determine whether to accept the late entry for good cause shown by the person desiring to file the entry.

Service list.

Pursuant to § 201.11(d) of the Commission's rules (19 CFR 201.11(d)), the Secretary will prepare a service list containing the names and addresses of all persons, or their representatives, who are parties to these investigations upon the expiration of the period for filing entries of appearance. In accordance with § 201.16(c) of the rules (19 CFR 201.16(c), as amended by 49 FR 32569, Augest 15, 1984), each document filed by a party to the investigations must be served on all other parties to the investigations (as identified by the service list), and a certificate of service must accompany the document. The Secretary will not accept a document for filing without a certificate of service.

Hearing, Staff Report and Written Submissions.

The Commission will hold a public hearing in connection with these investigations; the time and place of the hearing will be announced at a later date. A public version of the prehearing staff report in the investigations will be placed in the public record prior to the hearings, pursuant to § 207.21 of the Commission's rules (19 CFR 207.21). The dates for filing prehearing and posthearing briefs and the date for filing other written submissions will also be announced at a later date.

Authority

These investigations are being conducted under authority of the Tariff Act of 1930, title VII. This notice is published pursuant to § 207.20 of the Commission's rules (19 CFR 207.20, as amended by 49 FR 32569, August 15, 1984).

By order of the Commission.

Issued: April 15, 1985.

Kenneth R. Mason,

Secretary.

[FR Doc. 85-9932 Filed 4-23-85; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 731-TA-206 (Final)]

Fabric and Expanded Neoprene Laminate From Japan

AGENCY: United States International Trade Commission.

ACTION: Institution of a final antidumping investigation and scheduling of a hearing to be held in connection with the investigation.

SUMMARY: The Commission hereby gives notice of the institution of final antidumping investigation No. 731-TA-206 (Final) under section 735(b) of the Tariff Act of 1930 (19 U.S.C. 1673d(b)) to determine whether an industry in the United States is materially injured, or is threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports from Japan of fabric and expanded neoprene laminate, provided for in items 355.81, 355.82, 359.50, and 359.60 of the Tariff Schedules of the United States, which have been found by the Department of Commerce, in a preliminary determination, to be sold in the United States at less than fair value (LTFV). Unless the investigation is extended, Commerce will make its final LTFV determination on or before May 28, 1985, and the Commission will make its final injury determination by July 12, 1985 (see sections 735(a) and 735(b) of the act (19 U.S.C. 1673d(a) and 1673d(b))).

For further information concerning the conduct of this investigation, hearing procedures, and rules of general application, consult the Commission's Rules of Practice and Procedure, Part 207, Subparts A and C (19 CFR Part 207), and Part 201, Subparts A through E (19 CFR Part 201, as amended by 49 FR 32569, August 15, 1984).

EFFECTIVE DATE: March 15, 1985.

FOR FURTHER INFORMATION CONTACT: Lee Cook (202-523-0348), Office of Industries, U.S. International Trade Commission, 701 E Street NW., Washington, DC 20436.

SUPPLEMENTARY INFORMATION:

Background

This investigation is being instituted as a result of an affirmative preliminary determination by the Department of Commerce that imports of fabric and expanded neoprene laminate from Japan are being sold in the United States at less than fair value within the meaning of section 731 of the act (19 U.S.C. 1673). The investigation was requested in a petition filed on October 1, 1984, by Rubatex Corp., Bedford, VA. In response to that petition the Commission conducted a preliminary antidumping investigation and, on the basis of information developed during the course of that investigation, determined that there was a reasonable indication that an industry in the United States was materially injured by reason of imports of the subject merchandise (49 FR 45935, November 21, 1984).

Participation in the Investigation

Persons wishing to participate in this investigation as parties must file an entry of appearance with the Secretary to the Commission, as provided in § 201.11 of the Commission's Rules of Practice and Procedure (19 CFR 201.11), not later than twenty-one (21) days after the publication of this notice in the **Federal Register**. Any entry of appearance filed after this date will be referred to the Chairwoman, who will determine whether to accept the late entry for good cause shown by the person desiring to file the entry.

Service List

Pursuant to § 201.11(d) of the Commission's rules (19 CFR 201.11(d)), the Secretary will prepare a service list containing the names and addresses of all persons, or their representatives, who are parties to this investigation upon the expiration of the period for filing entries of appearance. In accordance with section 201.16(c) of the rules (19 CFR 201.16(c), as amended by 49 FR 32569, Aug. 15, 1984), each document filed by a party to the investigation must be served on all other parties to the investigation (as identified by the service list), and a certificate of service must accompany the document. The Secretary will not accept a document for filing without a certificate of service.

Staff Report

A public version of the prehearing staff report in this investigation will be placed in the public record on May 24, 1985, pursuant to § 207.21 of the Commission's rules (19 CFR 207.21).

Hearing

The Commission will hold a hearing in connection with this investigation beginning at 10:00 a.m. on June 11, 1985, at the U.S. International Trade Commission Building, 701 E Street NW., Washington, DC. Requests to appear at the hearing should be filed in writing with the Secretary to the Commission not later than the close of business (5:15 p.m.) on May 17, 1985. All persons desiring to appear at the hearing and make oral presentations should file prehearing briefs and attend a prehearing conference to be held at 9:30 a.m. on May 22, 1985, in room 117 of the U.S. International Trade Commission Building. The deadline for filing prehearing briefs is June 6, 1985.

Testimony at the public hearing is governed by § 207.23 of the Commission's rules (19 CFR 207.23). This rule requires that testimony be limited to a nonconfidential summary and analysis of material contained in prehearing briefs and to information not available at the time the prehearing brief was submitted. Any written materials submitted as the hearing must be filed in accordance with the procedures described below and any confidential materials must be submitted at least three (3) working days prior to the hearing (see § 201.6(b)(2) of the Commission's rules (19 CFR 201.6(b)(2), as amended by 49 FR 32569, August 15, 1984)).

Written Submissions

All legal arguments, economic analyses, and factual materials relevant to the public hearing should be included in prehearing briefs in accordance with § 207.22 of the Commission's rules (19 CFR 207.22). Posthearing briefs must conform with the provisions of § 207.24 (19 CFR 207.24) and must be submitted not later than the close of business on June 18, 1985. In addition, any person who has not entered an appearance as a party to the investigation may submit a written statement of information to the subject of the investigation on or before June 18, 1985.

A signed original and fourteen (14) copies of each submission must be filed with the Secretary to the Commission in accordance with § 201.8 of the Commission's rules (19 CFR 201.8, as amended by 49 CFR 32569, Aug. 15, 1934). All written submissions except for confidential business data will be available for public inspection during regular business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary to the Commission.

Any business information for which confidential treatment is desired must be submitted separately. The envelope and all pages of such submissions must be clearly labeled "Confidential Business Information." Confidential submissions and requests for confidential treatment must conform with the requirements of section 201.6 of the Commission's rules (19 CFR 201.6, as amended by 49 FR 32569, Aug. 15, 1984).

Authority

This investigation is being conducted under authority of the Tariff Act of 1930, title VII. This notice is published pursuant to § 207.20 of the Commission's rules (19 CFR 207.20, as amended by 49 FR 32569, Aug. 15, 1984).

By order of the Commission.

Issued: April 15, 1985.

Kenneth R. Mason,

Secretary.

[FR Doc. 85-9935 Filed 4-23-85; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 731-TA-58 (Final)]

Hot-Rolled Carbon Steel Plate From Romania

AGENCY: United States International Trade Commission.

ACTION: Continuation of a final antidumping investigation and scheduling of a hearing to be held in connection with the investigation.

SUMMARY: The Commission hereby gives notice of the continuation of final antidumping investigation No. 731-TA-58 (Final) under section 735(b) of the Tariff Act of 1930 (19 U.S.C. 1673d(b)) to determine whether an industry in the United States is materially injured, or is threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports from Romania of hot-rolled carbon steel plate, provided for in items 607.66, 607.94, 608.07, and 608.11 of the Tariff Schedules of the United States, which have been found by the Department of Commerce, in a preliminary determination, to be sold in the United States at less than fair value (LTFV). Unless the investigation is extended, Commerce will make its final LTFV determination on or before May 28, 1985, and the Commission will make its final injury determination by July 9, 1985 (see sections 735(a) and 735(b) of the act (19 U.S.C. 1673d(a) and 1673d(b)).

For fgurther information concerning the conduct of this investigation hearing procedures, and rules of general application, consult the Commission's Rules of Practice and Procedure, Part 207, Subparts A and C (19 CFR Part 207), and Part 201, Subparts A through E (19 CFR Part 201, as amended by 49 FR 32569, August 15, 1984).

EFFECTIVE DATE: March 12, 1985.

FOR FURTHER INFORMATION CONTACT: Ms. Nancy Fulcher (202-523-0290) or Ms. Nita Kavalauskas (202-523-0286), Office of Investigations, U.S. International Trade Commission, 701 E Street NW., Washington, DC 20436.

SUPPLEMENTARY INFORMATION:

Background

This investigation is being continued as a result of a decision by the U.S. Department of Commerce published in the **Federal Register** on March 12, 1985 (50 FR 9812), that the suspension agreement concerning hot-rolled carbon steel plate from Romania (which was published in the **Federal Register** on January 4, 1983 (48 FR 317)) no longer meets the requirement that the agreement be in the public interest. As a consequence, Commerce has cancelled the suspension agreement and resumed its antidumping investigation as if its affirmative preliminary determination under section 733(b) of the Tariff Act of 1930 were made on the date of the publication of its notice to resume the investigation.

The investigation was originally requested in a petition filed on January 11, 1982, by U.S. steel producers. In response to that petition, the Commission conducted a preliminary antidumping investigation and, on the basis of information developed during the course of that investigation, determined on February 25, 1982, that there was a reasonable indication that an industry in the United States was materially injured by reason of imports of the subject merchandise (47 FR 35666).

Participation in the Investigation

Persons wishing to participate in this investigation as parties must file an entry of appearance with the Secretary to the Commission, as provided in § 201.11 of the Commission's Rules of Practice and Procedure (19 CFR § 201.11), not later than twenty-one (21) days after the publication of this notice in the **Federal Register**. Any entry of appearance filed after this date will be referred to the Chairwoman, who will determine whether to accept the late entry for good cause shown by the person desiring to file the entry.

Service List

Pursuant to § 201.11(d) of the Commission's rules (19 CFR 201.11(d)), the Secretary will prepare a service list containing the names and addresses of all persons, or their representatives,

who are parties to this investigation upon the expiration of the period for filing entries of appearance. In accordance with § 201.16(c) of the rules (19 CFR 201.16(c), as amended by 49 FR 32569, August 15, 1984), each document filed by a party to the investigation must be served on all other parties to the investigation (as identified by the service list), and a certificate of service must accompany the docuemnt. The Secretary will not accept a document for filing without a certificate of service.

Staff report

A public version of the prehearing staff report in this investigation will be placed in the public record of May 22, 1985, pursuant to § 207.21 of the Commission's rules (19 CFR 207.21).

Hearing

The Commission will hold a hearing in connection with this investigation beginning at 10:00 a.m. on June 6, 1985, at the U.S. International Trade Commission Building, 701 E Street NW., Washington, DC. Requests to appear at the hearing should be filed in writing with the Secretary to the Commission not later than the close of business (5:15 p.m.) on May 22, 1985. All persons desiring to appear at the hearing and make oral presentations should file prehearing briefs and attend a prehearing conference to be held at 10 a.m. on May 24, 1985, in room 117 of the U.S. International Trade Commission Building. The deadline for filing preharing briefs is May 24, 1985.

Testimony at the public hearing is governed by § 207.23 of the Commission's rules (19 CFR 207.23). This rule requires that testimony be limited to a nonconfidential summary and analysis of material contained in prehearing briefs and to information not available at the time the prehearing brief was submitted. Any written materials submitted at the hearing must be filed in accordance with the procedures described below and any confidential materials must be submitted at least three (3) working days prior to the hearing (see § 201.6(b)(2) of the Commission's rules (19 CFR 201.6(b)(2), as amended by 49 FR 32569, August 15, 1984)).

Written submission

All legal arguments, economic analyses, and factual materials relevant to the public hearing should be included in prehearing briefs in accordance with § 207.22 of the Commission's rules (19 CFR 207.22). Posthearing briefs must conform with the provisions of § 207.24 (19 CFR 207.24) and must be submitted not later than the close of business on June 13, 1985. In addition, any person who has not entered an appearance as a party to the investigation may submit a written statement of information pertinent to the subject of the investigation on or before June 13, 1985.

A signed original and fourteen (14) copies of each submission must be filed with the Secretary to the Commission in accordance with § 201.8 of the Commission's rules (19 CFR 201.8, as amended by 49 FR 32569, August 15, 1984). All written submissions except for confidential business data will be available for public inspection during regular business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary to the Commission.

Any business information for which confidential treatment is desired must be submitted separately. The envelope and all pages of such submissions must be clearly labeled "Confidential business Information." Confidential submissions and requests for confidential treatment must conform with the requirements of § 201.6 of the Commission's rules (19 CFR 201.6, as amended by 49 FR 32569, August 15, 1984).

Authority

This investigation is being conducted under authority of the Tariff Act of 1930, title VII. This notice is published pursuant to § 207.20 of the Commission's rules (19 CFR 207.20, as amended by 43 FR 32569, August 15, 1984).

By order of the Commission.

Issued: April 15, 1985.

Kenneth R. Mason,

Secretary.

[FR Doc. 85-9931 Filed 4-23-85; 8:45 am]

BILLING CODE 7020-02-M

[Investigations Nos. 701-TA-242 (Preliminary) and 731-TA-252 and 253 (Preliminary)]

Certain Welded Carbon Steel Pipes and Tubes From Thailand and Venezuela

Determinations

On the basis of the record [1] developed in the subject investigations, the Commission determines, pursuant to section 703(a) of the Tariff Act of 1930 (19 U.S.C. 1671b(a)), that there is a reasonable indication that industries in the United States are materially injuries by reason of imports of welded carbon steel standard [2] and line pipes and tubes [3] which are allegedly subsidized by the Government of Venezuela. The Commission also determines, pursuant to section 773(a) of the Tariff Act of 1930 (19 U.S.C. 1673b(a)), that there is a reasonable indication that an industry in the United States is threatened with material injury by reason of imports of welded carbon steel standard pipes and tubes from Thailand [4] and materially injured by welded carbon steel line pipes and tubes from Venezuela, which are allegedly being sold in the United States at least than fair value (LTFV).

Background

On February 28, 1985, petitions were filed with the U.S. International Trade Commission and the U.S. Department of Commerce by counsel for the Committee on Pipe and Tube Imports alleging that an industry in the United States is materially injured and threatened with material injury by reason of imports of certain welded carbon steel pipes and tubes which are being subsidized by the Governments of Thailand and Venezuela, and which are also being sold in the United States at LTFV. On March 12 1985, counsel amended the petitions to state, among other things, that the petitions were filed by the Standard Pipe Subcommittee and the Line Pipe Subcommittee on the Committee on Pipe and Tube Imports, and by each of the individual manufacturers that are members of those subcommittees. Accordingly, affective February 28, 1985, the Commission instituted investigation No. 701-TA-242 (Perliminary), to determine whether there is a reasonable indication that an industry in the United States is materially injured, or is threatened with material injury, or the establishment of an industry in the United States is materially retarded by reason of imports

[1] The "record" is defined in § 207.2(i) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(1)).

[2] Chairwoman Stern and Vice Chairman Liebeler dissenting with respect to standard pipes and tubes.

[3] The term "welded carbon steel standard pipes and tubes" covers welded carbon steel pipes and tubes of circular cross section, 0.375 inch or more but not over 16 inches in outside diameter, provided for in items 610.3231, 610.3234, 610.3241, 610.3242, 610.3243, 610.3252, 610.3254, 610.3258, 610.3258, and 610.4925 of the Tariff Schedules of the United States Annotated (TSUSA). The term "welded carbon steel line pipes and tubes" covers welded carbon steel pipes and tubes of circular cross section, with walls not thinner than 0.065 inch, 0.375 inch or more but not over 16 inches in outside diameter, conforming to API specifications for line pipe, provided for in TSUSA items 610.3208 and 610.3209.

[4] Chairwoman Stern determines on the basis of a cumulative analysis that there is a reasonable indication that an industry in the United States is materially injured by reason of imports of welded carbon steel standard pipes and tubes from Thailand. Vice Chairman Liebeler dissenting with respect to imports from Thailand.

from Venezuela of certain welded carbon steel pipes and tubes which are allegedly subsidized by the Government of Venezula.[1] The Commission also instituted, effective February 28, 1985, investigations Nos. 731–TA–252 and 253 (Preliminary), to determine whether there is a reasonable indication that an industry in the United States is materially injured or threatened with material injury, or the establishment of an industry in the United States is materially retarded by reason of import of certain welded carbon steel pipes and tubes from Thailand and Venezuela which are alleged to be sold in the United States LTFV.

In the process os instituting these investigations, Commerce advised the petitioner that the welded carbon steel pipe and tube products covered by the petitions represented two distinct classes or kinds of products, standard pipe and line pipe. Subsequently, on March 14, 1985, the petitions involving imports from Thailand were withdrawn as they relate to line pipe because there is no known production in Thailand of line pipe to American Petroleum Institute (API) specifications. On the same date, the antidumping petition involving imports from Venezuela was withdrawn as it relates to standard pipe because the Commission, on February 1, 1985, had made an affirmative perliminary determination with respect to imports of that product form Venezuela and Commerce was in the process of conducting its antidumping investigation.

Notice of the institution of the Commission's investigations and of a public conference to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notice in the **Federal Register** of March 18, 1985 (50 FR 10866). The conference was held in Washington, DC, on March 22, 1985, and all persons who requested the opportunity to appear in person or by counsel were given the opportunity to do so. The Commission's determinations in these investigations were made in an open "Government in the Sunshine" meeting held on April 8, 1985.

The Commission transmitted its report on these investigations to the Secretary of Commerce on April 15, 1985. A public version of the Commission's report, Certain Welded Carbon Steel Pipes and Tubes from Thailand and Venezuela (investigations Nos. 701–TA–242 (Perliminary) and 731–TA–252 and 253 (Preliminary)), USITC Publication 1680, contains the views of the Commission and information developed during the investigations.

By order of the Commission.

Issued: April 15, 1985.

Kenneth R. Mason,

Secretary.

[FR Doc. 85–9928 Filed 4–23–85; 8:45 am]

BILLING CODE 7020–02–M

[1] Thailand is not a "Country under the Agreement" and therefore the Commission is not required to reach a determinaton with respect to injury from allegedly subsidized imports. Consequently, the Commission did not institute a countervailing duty investigation with respect to the allegedly subsidized imports from Thailand.

[Investigation No. 337–TA–199]

Certain Anodes for Cathodic Protection and Components Thereof; Decision Not to Review Initial Determinations Terminating Investigation as to Remaining Respondents

AGENCY: U.S. International Trade Commission.

ACTION: Nonreview of initial determinations terminating the investigation as to the remaining respondents.

SUMMARY: The Commission has determined not to review a Commission administrative law judge's initial determinations (IDs) granting motions to terminate the remaining respondents.

FOR FURTHER INFORMATION CONTACT: P.N. Smithey, Esq., Office of the General Counsel, U.S. International Trade Commission, telephone 202–523–0350.

SUPPLEMENTARY INFORMATION:

Background

Investigation No. 337–TA–199 was undertaken to determine whether there is a violation of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) in the importation or sale of certain anodes for cathodic protection of metallic structures. The investigation was instituted on the basis of a complaint filed by Duriron Co., Inc., alleging unfair acts and practices by four British and four U.S. companies in connection with the importation, distribution, or sale of the accused anodes. (See 49 FR 30023 (July 25, 1984), as amended at 49 FR 45273 (November 15, 1984).)

On February 14, 1985, complainant Duriron and respondents Harco Corp., Jennings Winch & Foundry, Ltd. (Jennings), and Hugh Jennings & Co., Ltd. (Jennings), moved for termination of the investigation insofar as it concerns Harco and Jennings (Motion No. 199–12). The motion explained that Duriron, Harco, and Jennings had signed a memorandum agreement containing licensing provisions, which settled their dispute. The agreement provided for the transfer of Duriron's anode business to Harco and a sublicense for Harco under Duriron's patents relating to tubular anodes.

Duriron also moved for termination of the remaining respondents, Met-Pro, Inc., and Richards' Foundries Ltd. (Motion No. 119–11). That motion noted that Duriron had settled with all other respondents and that Met-Pro and Richards had neither responded to the complaint and notice of investigation or moved for summary determination. In light of their failure to take such action, Duriron requested that the termination of Met-Pro and Richards be without prejudice.

The Commission investigative attorney supported the termination of all respondents. He argued, however, that Duriron and/or Harco should be prohibited from filing a second section 337 complaint against Met-Pro and Richards, except upon a showing of substantially changed circumstances.

On March 1, 1985, the presiding administrative law judge issued an ID granting the motion to terminate Harco and Jennings (Order No. 11). She also issued an ID granting the motion to terminate Met-Pro and Richards but without the conditions suggested by the Commission investigative attorney (Order No. 12).

Because Duriron sought termination of Harco and Jennings on the basis of a settlement agreement, the Commission solicited written comments on the ID concerning the proposed termination of Harco and Jennings (50 FR 10116 (March 13, 1985)). No comments were received.

The parties did not petition for review of either of the IDs, and the Commission determined that a review on the Commission's own motion was not warranted. The IDs thus became the Commission's determinations. (See 19 CFR 210.53(h), as amended at 49 FR 46123 (November 23, 1984).)

Termination of the investigation as to respondents Harco, Jennings, Met-Pro, and Richards furthers the public interest by conserving the resources of the Commission and the parties.

Public inspection

Copies of the IDs, the memorandum agreement, and all other nonconfidential documents on the record of the investigation are available for public inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, Docket Section, U.S. International Trade Commission, 701 E Street NW., Washington, DC 20436, telephone 202–523–0471.

Issued: April 19, 1985.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 85-9942 Filed 4-23-85; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-221]

Certain Apparatus for Disintegration of Urinary Calculi; Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Institution of investigation pursuant to 19 U.S.C. 1337.

SUMMARY: Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on March 15, 1985, and supplemented on April 5, 1985, under section 337 of the Tariff Act of 1930 (19 U.S.C. 1337), on behalf of Blackstone Corporation, 1111 Allen Street, Jamestown, New York 14701 and Karl Storz-Endoscopy America, Inc., 10111 W Jefferson Street, Culver City, California 90232. A motion for temporary relief was filed on March 28, 1985. The complaint, as supplemented, alleges unfair methods of competition and unfair acts in the importation of certain apparatus for disintegration of urinary calculi into the United States, or in its sale, by reason of alleged direct, induced, and contributory infringement of at least claims 1, 2, 3, and 10 of U.S. Letters Patent 3, 830,240. The complaint further alleges that the effect or tendency of the unfair methods of competition and unfair acts is to destroy or substantially injure an efficiently and economically operated domestic industry and/or to prevent the establishment of such an industry in the United States.

Complainants request that the Commission institute an investigation, conduct temporary relief proceedings, and issue a temporary exclusion order prohibiting importation of the articles in question into the United States. After a full investigation, complainants request that the Commission issue a permanent exclusion order and permanent cease and desist orders.

FOR FURTHER INFORMATION CONTACT: Gary Rinkerman, Esq., or Steven H. Schwartz, Esq., Office of Unfair Import Investigations, U.S. International Trade Commission, telephone 202-523-1273 or 202-523-4877, respectively.

Authority: The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930 and in § 210.12 of the Commission's Rules of Practice and Procedure (19 CFR 210.12).

Scope of Investigation

Having considered the complaint, the U.S. International Trade Commission, on April 15, 1985, ORDERED THAT—

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, an investigation be instituted to determine whether there is a violation of subsection (a) of section 337 in the unlawful importation of certain apparatus for disintegration of urinary calculi into the United States, or in its sale, by reason of alleged direct, induced, and contributory infringement of claims 1, 2, 3, and 10 of U.S. Letters Patent 3, 830, 240, the effect or tendency of which is to destroy or substantially injure an efficiently and economically operated domestic industry and/or to prevent the establishment of such an industry in the United States.

(2) Pursuant to § 210.54(e) of the Commission's rules, the motion for temporary relief under subsections (e) and (f) of section 337 of the Tariff Act of 1930, which was filed on March 29, 1985, shall be forwarded to the presiding administrative law judge for an initial determination pursuant to § 210.53(b) of the rules.

(3) For the purpose of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainants are—

Blackstone Corporation, 1111 Allen Street, Jamestown, New York 14701

Karl Storz-Endoscopy America, Inc., 10111 W. Jefferson Street, Culver City, California 90232

(b) The respondents are the following companies, alleged to be in violation of section 337, and are the parties upon which the complaint is to be served:

Richard Wolf GmbH, 07134 Knittlingen, Postfach 40, Federal Republic of Germany

Richard Wolf Medical Instruments Corporation, 7046 Lyndon Avenue, Rosemont, Illinois 60018

(c) Gary Rinkerman, Esq., and Steven H. Schwartz, Office of Unfair Import Investigations, U.S. International Trade Commission, 701 E Street NW., Room 128 and Room 122, respectively, Washington, D.C. 20436, shall be the Commission investigative attorneys, a party to this investigation; and

(4) For the investigation so instituted, Janet D. Saxon, Chief Administrative Law Judge, U.S. International Trade Commission, shall designate the presiding administrative law judge. Pursuant to § 210.24(e) of the Commission's Rules of Practice and Procedure, the presiding administrative law judge shall determine as expeditiously as possible whether or not temporary relief proceedings should be instituted.

Responses must be submitted by the named respondents in accordance with § 210.21 of the Commission's Rules of Practice and Procedure (19 CFR 210.21, as amended, 49 FR 46123). Pursuant to § 201.16(d) (19 CFR 201.16(d), as amended 49 FR 32571) and 210.21(a) of the rules, such responses will be considered by the Commission if received not later than 20 days after the date of service of the complaint. Responses to the motion for temporary relief may be submitted by the named respondents in accordance with § 210.24(e)(3) of the Commission's rules. Any such responses must be filed within 20 days after service of the motion. Extensions of time for submitting responses to the complaint and/or the motion for temporary relief will not be granted unless good cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and this notice, and to authorize the administrative law judge and the Commission, without further notice to the respondent, to find the facts to be as alleged in the complaint and this notice and to enter both an initial determination and a final determination containing such findings.

The complaint and the motion for temporary relief, except for any confidential information contained therein, is available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Room 156, Washington, D.C. 20436, telephone 202-523-0471.

Issued: April 17, 1985.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 85-9929 Filed 4-23-85; 8:45 am]

BILLING CODE 7020-02-M

[332-211]

Competitive Assessment of the U.S. Ball and Roller Bearing Industry

AGENCY: United States International Trade Commission.

ACTION: Institution of investigation and scheduling of public hearing.

SUMMARY: Following receipt of a request from the Subcommittee on Trade of the House Committee on Ways and Means, the Commission has instituted on its own motion investigation No. 32–211 under section 332(b) of the Tariff Act of 1930 (19 U.S.C. 1332(b)), for the purpose of gathering and presenting information on the competitive position in domestic and world markets of the U.S. industry producing antifriction balls and rollers and ball and roller bearings.

EFFECTIVE DATE: April 17, 1985.

FOR FURTHER INFORMATION CONTACT: Mr. David Slingerland (telephone 202–523–0263) or Ms. Carla Springer (telephone 202–523–0108), Machinery and Equipment Divsion, U.S. International Trade Commission, Washington, D.C. 20436.

SUPPLEMENTARY INFORMATION: In its study the Commission has been requested to deal principally with the major products produced by the industry, particularly those that are experiencing increased U.S. import competition. In addition, it was requested that the Commission's analyses cover, as fully as available data permit, the following points:

1. Current profile of the U.S. and major foreign ball and roller bearing industries;
2. A profile and current status of the U.S. and major foreign markets;
3. Conditions of competition between the U.S. and foreign industries; and
4. Future trends and markets for these products.

The Subcommittee recommended that the Commission hold a public hearing and has asked the U.S. Departments of Defense and Commerce and the Federal Trade Commission to cooperate with the Commission in the conduct of the study.

Public Hearing

A public hearing in connection with the investigation will be held at the U.S. International Trade Commission Building, 701 E Street NW., Washington, D.C., beginning at 10:00 a.m., on October 3, 1985, to be continued on October 4, 1985, if required. All persons shall have the right to appear, by counsel or in person, to present information and to be heard. Requests to appear at the public hearing should be filed with the Secretary, United States International Trade Commission, 701 E Street, NW., Washington, D.C. 20436, not later than noon, September 26, 1985.

Written Submissions

In lieu of or in addition to appearances at the public hearing, interested persons are invited to submit written statements concerning the investigation. Written statements should be received by the close of business on September 26, 1985. Commercial or financial information which a submitter desires the Commission to treat as confidential must be submitted on separate sheets of paper, each clearly marked "Confidential Business Information" at the top. All submissions requesting confidential treatment must conform with the requirements of § 201.6 of the Commission's *Rules of Practice and Procedure* (19 CFR 201.6). All written submissions, except for confidential business information, will be made available for inspection by interested persons. All submissions should be addressed to the Secretary, United States International Trade Commission, 701 E Street NW., Washington, D.C. 20436.

Issued: April 19, 1985.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 85–9944 Filed 4–23–85; 8:45 am]

BILLING CODE 7020–02–M

[Investigation No. 337–TA–204]

Certain Pull-Type Golf Carts and Wheels Therefor; Decision Not To Review Initial Determination Permitting Withdrawal of Complaint as to Respondent Ren Shyan; Termination of Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Decision not to review initial determination granting complainants' motion to withdraw the complaint with respect to a respondent; termination of investigation.

SUMMARY: The Commission has determined not to review the administrative law judge's initial determination (ID) (Order No. 11) granting complainants' motion to withdraw the complaint as to respondent Ren Shyan Enterprises Co., Ltd. (Ren Shyan), the one remaining respondent in this investigation. Termination of Ren Shyan terminates the investigation.

FOR FURTHER INFORMATION CONTACT: Carol McCue Verratti, Esq., Office of the General Counsel, U.S. International Trade Commission, telephone 202–523–0079.

SUPPLEMENTARY INFORMATION: On March 6, 1985 complainants Ajay Enterprises Corp. and Spherex Inc. moved to withdraw the complaint with respect to respondent Ren Shyan. The presiding administrative law judge issued an ID granting complainants' motion. No petitions for review or comments from Government agencies or the public were received.

Copies of the ID and all other nonconfidential documents filed in connection with this investigation are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, telephone 202–523–0161.

Issued: April 16, 1985.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 85–9934 Filed 4–23–85; 8:45 am]

BILLING CODE 7020–02–M

[Investigation No. 337–TA–201]

Certain Products With Gremlin Character Depictions; Decision To Review and Reverse an Initial Determination Suspending the Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Review and reversal of an initial determination suspending the investigation.

SUMMARY: The U.S. International Trade Commission hereby gives notice of its decision to review and reverse an initial determination (ID) suspending the above-captioned investigation.

FOR FURTHER INFORMATION CONTACT: William E. Perry, Esq., Office of the General Counsel, U.S. International Trade Commission, telephone 202–523–0499.

SUPPLEMENTARY INFORMATION: This action is taken under the authority of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) and Commission rules § 210.53(c) and (h) (19 CFR 210.53(c) and (h). No petition for review of the ID was filed, nor were any comments received from Government agencies.

Copies of the ID and all other nonconfidential documents filed in connection with this investigation are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street N.W., Washington, D.C. 20436, telephone 202–523–0161.

Issued: April 17, 1985.

By order of the Commission.

Kenneth R. Mason,

Secretary

[FR Doc. 85–9926 Filed 4–23–85; 8:45 am]

BILLING CODE 7020–01–M

[Investigation No. 337-TA-190]

Certain Softballs and Polyurethane Cores Therefor; Decision Not To Review Initial Determination

AGENCY: U.S. International Trade Commission.

ACTION: Notice is hereby given that the Commission has determined not to review the administrative law judge's (ALJ) initial determination (ID) that there is no violation of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) in the above-captioned investigation.

Authority.—The authority for the Commission disposition of this matter is contained in section 337 of the Tariff Act of 1930 and in §§ 210.53–210.56 of the Commission's Rules of Practice and Procedure (49 FR 46123 (November 23, 1984), to be codified at 19 CFR 210.53–210.56).

FOR FURTHER INFORMATION CONTACT: Jack Simmons, Esq., Office of the General Counsel, U.S. International Trade Commission, telephone 202–523–0493.

SUPPLEMENTARY INFORMATION: On February 19, 1985, the presiding administrative law judge issued an ID that there is no violation of section 337 in the importation and sale of certain softballs and polyurethane cores therefor. Complainant and the Commission investigative attorney (IA) petitioned for review of various parts of the ID pursuant to 19 CFR 210.54(a). After examining the ID, the petitions for review, and the IA's response to complainant's petition, the Commission has determined not to review the ID. The Commission has further determined to take no position with regard to the issues of "best mode" and infringement of U.S. Letters Patent 3,976,195. By taking no position on those two issues, the Commission neither affirms nor reverses the ALJ as to them. Accordingly, the ID (except for the issues of best mode and infringement) has become the determination of the Commission pursuant to 19 CFR 210.53(h).

Notice of this investigation was published in the **Federal Register** of May 11, 1984 (49 FR 20076).

Copies of the nonconfidential version of the ID and all other nonconfidential documents filed in connection with this investigation are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, telephone 202–523–0161.

Issued April 16, 1985

By order of the Commission

Kenneth R. Mason,

Secretary.

[FR Doc. 85–9927 Filed 4–23–85; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-197]

Certain Compound Action Metal Cutting Snips and Components Thereof; Initial Determination Terminating Respondent on the Basis of Settlement Agreement

AGENCY: U.S. International Trade Commission.

ACTION: Notice is hereby given that the Commission has received an initial determination from the presiding officer in the above-captioned investigation terminating the following respondent on the basis of a settlement agreement: Azco Tool, Inc.

SUPPLEMENTARY INFORMATION: This investigation is being conducted pursuant to section 337 of the Tariff Act of 1930 (19 U.S.C. 1337). Under the Commission's rules, the presiding officer's initial determination will become the determination of the Commission thirty (30) days after the date of its service upon the parties, unless the Commission orders review of the initial determination. The initial determination in this matter was served upon the parties on April 19, 1985.

Copies of the initial determination, the settlement agreement, and all other nonconfidential documents filed in connection with this investigation are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, telephone 202–523–0161.

Written Comments

Interested persons may file written comments with the Commission concerning termination of the aforementioned respondent. The original and 14 copies of all such comments must be filed with the Secretary to the Commission, 701 E Street, NW., Washington, D.C. 20436, no later than 10 days after publication of this notice in the **Federal Register**. Any person desiring to submit a document (or portion thereof) to the Commission in confidence must request confidential treatment. Such requests should be directed to the Secretary to the Commission and must include a full statement of the reason why confidential treatment should be granted. The Commission will either accept the submission in confidence or return it.

FOR FURTHER INFORMATION CONTACT: Ruby J. Dionne, Office of the Secretary, U.S. International Trade Commission, telephone 202–523–0176.

Issued, April 18, 1985.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 85–9936 Filed 4–23–85; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-213]

Certain Fluidized Bed Combustion Systems; Change of the Commission Investigative Attorney

Notice is hereby given that, as of this date, Stephen L. Sulzer, Esq. and Steven H. Schwartz, Esq., of the Office of Unfair Import Investigations will be the Commission investigative attorneys in the above-cited investigation.

The Secretary is requested to publish this Notice in the **Federal Register**.

Dated: April 16, 1985

Arthur Wineburg,

Office of Unfair Import Investigations.

[FR Doc. 85–9951 Filed 4–23–85; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-189]

Certain Optical Waveguide Fibers; Termination of Investigation Based on a Finding of No Violation of Section 337 of the Tariff Act of 1930

AGENCY: U.S. International Trade Commission.

ACTION: Termination of investigation upon a finding of no violation of section 337 of the Tariff Act of 1930.

SUMMARY: Notice is given that the U.S. International Trade Commission has determined that there is no violation of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) in the above-captioned investigation and has terminated the investigation.

FOR FURTHER INFORMATION CONTACT: Wayne W. Herrington, Esq., Office of the General Counsel, U.S. International Trade Commission, telephone (202) 523–3359.

SUPPLEMENTARY INFORMATION: On April 5, 1984, the Commission instituted the investigation in response to a complaint filed on behalf of Corning Glass Works, Corning, New York. The Commission published a notice in the **Federal Register** of April 18, 1984 (49 FR 15287), which instituted an investigation to

determine whether there is a violation of section 337 in the unauthorized importation or sale of certain optical waveguide fibers, by reason of the alleged—

(1) coverage of such fibers by claims 1 and 2 of U.S. Letters Patent 3,659,915 and (2) manufacture abroad of such fibers by a process covered by claims 1, 3 and 8 of U.S. Letters Patent 3,933,454, the effect or tendency of which is to destroy or substantially injure an industry, efficiently and economically operated, in the United States. On April 18, 1985 the Commission determined that there was no violation of section 337 in the investigation in the importation or sale of the optical waveguide fibers in question.

Copies of the Commission's Action and Order, the Opinions issued in connection therewith, and all other nonconfidential documents filed in connection with this investigation are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, telephone 202–523–0161.

Issued: April 19, 1985.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 85–9945 Filed 4–23–85; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337–TA–180]

Certain X-Ray Image Intensifier Tubes; Review and Reversal of Initial Determination; Request for Written Comments on Proposed Termination; Extension of Deadline for Concluding Investigation

AGENCY: U.S. International Trade Commission.

ACTION: (1) Review and reversal of initial determination (ID) terminating the above-captioned investigation and denying confidential treatment for the parties' settlement agreement, (2) request for written comments on the proposed termination of the investigation on the basis of the parties' settlement, and (3) extension of the administrative deadline for concluding the investigation.

SUMMARY: The Commission has reviewed and reversed the initial determination (ID) of the presiding administrative law judge (ALJ), which (1) granted a motion for termination of the investigation and (2) denied the respondents' motion for confidential treatment for a patent licensing agreement entered into by the parties.

The Commission has granted confidential treatment for the license agreement, a related letter agreement, and a related cover letter, to the extent requested by the parties in their joint petition for review. The two agreements and the cover letter shall be available for public inspection and comment as discussed below. The Commission's disposition of the motion for termination of the investigation will be deferred until after the period for filing such comments has expired.

The Commission also has extended the administrative deadline for concluding this investigation from April 12, 1985, to June 14, 1985.

FOR FURTHER INFORMATION CONTACT: P.N. Smithey, Esq., Office of the General Counsel, U.S. International Trade Commission, telephone 202–523–0350.

SUPPLEMENTARY INFORMATION:

Background

The investigation was instituted to determine whether there is a violation of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) in the importation of certain X-ray image intensifier tubes into the United States, or in their sale. The preceedings were initiated on the basis of a complaint filed by Varian Associates, Inc., alleging infringement of two U.S. patents owned by Varian. The respondents are the Dutch corporation N.V. Philips Gloeilampenfabrieken and related U.S. companies North American Philips Corp. and Philips Medical Systems, Inc. (See 49 FR 4046 (February 1, 1984), as amended at 49 FR 6416 February 21, 1984).) (The respondents will be referred to collectively as Philips.)

On January 23, 1985, complainant Varian moved to terminate the investigation, explaining that the parties had entered into a patent licensing agreement and a related letter agreement (Motion No. 180–6"C").

On January 28, 1985, Philip filed a motion requesting that the Commission withhold Varian's nonconfidential copy of the licensing agreement from public inspection and grant confident treatment to the licensing agreement in its entirely. In the alternative, Philips requested that the Commission grant confident treatment to certain portions of the licensing agreement. Varian and the Commission investigative attorney filed responses opposing Philips' motion.

On March 8, 1985, the Commission certified the motions to the ALJ for an ID. On March 11, 1985, the ALJ issued an ID granting the motion for termination and denying the motion for confidential treatment.

On March 22, 1985, Varian and Philips jointly petitioned for review of the ID, citing Commission policy and errors of law. The Commission investigative attorney did not respond to the petition. The Commission granted the petition for review and reversed the ID.

Public inspection

The motion for termination, the Commission's Action and Order reversing the ID, nonconfidential copies of the parties' licensing agreement, related letter agreement, and related cover letter (as well as all other nonconfidential documents on the record of the investigation) are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, Docket Section, U.S. International Trade Commission, 701 E Street NW., Washington, DC 20436, telephone 202–523–0471.

Written comments

Interested persons may file written comments with the Commission concerning termination of the investigation on the basis of the parties' settlement. The original and 14 copies of all such comments must be filed with the Secretary to the Commission, 701 E Street NW., Washington, DC 20436, no later than 10 days after publication of this notice in the **Federal Register.** Any person desiring to submit a document (or portion thereof) to the Commission in confidence must request confidential treatment. Such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why confidential treatment should be granted. (See CFR 201.6.) The Commission either will accept the submission in confidence or return it.

Issued: April 19, 1985.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 85–9943 Filed 4–23–85; 8:45 am]

BILLING CODE 7020-02-M

[Investigations Nos. 701-TA-240 and 241 (Preliminary) and 731-TA-249 through 251 (Preliminary)]

Oil Country Tubular Goods From Austria, Romania, and Venezuela

Determinations

On the basis of the record [1] developed in the subject investigations, the Commission determines,[2] pursuant to section 703(a) of the Tariff Act of 1930 (19 U.S.C. 1671b(a)), that there is a reasonable indication that an industry in the United States is materially injured [3] by reason of imports from Austria and Venezuela of oil country tubular goods,[4] [5] provided for in items 610.32, 610.37, 610.39, 610.40, 610.42, 610.43, 610.49, and 610.52 of the Tariff Schedules of the United States, which are alleged to be subsidized by the Governments of Austria and Venezuela.

In addition, on the basis of the record [1] developed in the subject investigations, the Commission determines,[2] pursuant to section 733(a) of the Tariff Act of 1930 (19 U.S.C. 1673b(a)), that there is a reasonable indication that an industry in the United States is materially injured [3] by reason of imports from Austria, Romania, and Venezuela of oil country tubular goods,[4] [5] provided for in items 610.32, 610.37, 610.39, 610.40, 610.42, 610.43, 610.49, and 610.52 of the Tariff Schedules of the United States, which are alleged to be sold in the United States at less than fair value (LTFV).

Background

On February 28, 1985, a petition was filed with the Commission and the Department of Commerce by U.S. Steel Corp., Pittsburgh, PA, alleging that an industry in the United States is materially injured or threatened with material injury by reason of subsidized imports of oil country tubular goods from Austria and Venezuela, and by reason of imports of LTFV imports of oil country tubular goods from Austria, Romania, and Venezuela. Accordingly, effective February 28, 1985, the Commission instituted preliminary countervailing duty investigations Nos. 701-TA-240 and 241 (Preliminary) and preliminary antidumping investigations Nos. 731-TA-249, 250, and 251 (Preliminary).

Notice of the institution of the Commission's investigations and of a public conference to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notice in the **Federal Register** of March 11, 1985 (50 FR 9723). The conference was held in Washington, DC, on March 25, 1985, and all persons who requested the opportunity were permitted to appear in person or by counsel.

The Commission transmitted its determination in this investigation to the Secretary of Commerce on April 15. The views of the Commission are contained in USITC Publication 1679 (April 1985), entitled "Oil Country Tubular Goods From Austria, Romania, and Venezuela: Determination of the Commission in Investigations Nos. 701-TA-240 and 241 (Preliminary), and Investigations Nos. 731-TA-249-251 (Preliminary) Under the Tariff Act of 1930, Together With the Information Obtained in the Investigation."

Issued: April 17, 1985.

By order of the Commission

Kenneth R. Mason,

Secretary

[FR Doc. 85-9941 Filed 4-23-85; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 701-TA-221 (Final)]

Certain Cast-Iron Pipe Fittings From Brazil

Determinations

On the basis of the record [1] developed in the subject investigation, the Commission determines, pursuant to section 703(a) of the Tariff Act of 1930 (19 U.S.C. 1671b(a)), that an industry in the United States is not materially injured or threatened with material injury, and that the establishment of an industry in the United States is not materially retarded, by reason of imports from Brazil of nonalloy, nonmalleable cast-iron pipe fittings,[2] other than for cast-iron soil pipe, provided for in items 610.62 and 610.65 of the Tariff Schedules of the United States (TSUS), which are subsidized by the Government of Brazil.

The Commission further determines that an industry in the United States is not materially injured or threatened with material injury, and that the establishment of an industry in the United States is not materially retarded, by reason of imports from Brazil of nonalloy, malleable cast-iron pipe fittings,[3] provided for in TSUS items 610.70 and 610.74, which are subsidized by the Government of Brazil.[4]

Background

The Commission instituted this investigation effective December 19, 1984, following a preliminary determination by Commerce that certain benefits which constitute subsidies within the meaning of the countervailing duty law are being provided to manufacturers, producers, or exporters in Brazil of certain cast-iron pipe fittings.

Notice of the institution of the Commission's investigation and of a public hearing to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notice in the **Federal Register** of January 16, 1985 (50 FR 2349). The hearing was held in Washington, DC, on March 18, 1985, and all persons who requested the opportunity were permitted to appear in person or by counsel.

The Commission transmitted its determinations in this investigation to the Secretary of Commerce on April 17, 1985. The views of the Commission are contained in USITC Publication 1681 (April 1985), entitled "Certain Cast-Iron Pipe Fittings from Brazil: Determinations of the Commission in Investigation No. 701-TA-221 (Final) Under the Tariff Act of 1930, Together With the Information Obtained in the Investigation."

Issued: April 17, 1985.

By order of the Commission

Kenneth R. Mason,

Secretary.

[FR Doc. 85-9948 Filed 4-23-85; 8:45 am]

BILLING CODE 7020-02-M

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[1] The record is defined in § 207.2(i) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(i)).

[2] Vice Chairman Liebeler dissenting.

[3] Chairwoman Stern finds that there is a reasonable indication that an industry in the United States is materially injured or is threatened with material injury by reason of imports of oil country tubular goods from Austria and Venezuela upon which bounties or grants are alleged to be paid, and by reason of imports of oil country tubular goods from Austria, Romania and Venezuela which are alleged to be sold at LTFV.

[4] Except drill pipe.

[5] Commissioners Eckes and Lodwick did not exclude drill pipe.

[1] The record is defined in § 207.2(i) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(i)).

[2] In accordance with an amendment to the petition for this investigation filed on Oct. 5, 1984, only nonmalleable pipe fittings that fall within standard and heavy-duty pressure ratings (125 and 250 pounds per square inch, respectively) are included within the scope of the investigation.

[3] In accordance with an amendment to the petition for this investigation filed on Oct. 5, 1984, only malleable pipe fittings that fall within standard and heavy-duty pressure ratings (150 and 300 pounds per square inch, respectively) are included within the scope of the investigation.

[4] Commissioner Eckes determines that an industry in the United States is materially injured by reason of imports of such merchandise

[Investigation No. 701-TA-235 (Final)]

Iron Ore Pellets From Brazil

AGENCY: United States International Trade Commission.

ACTION: Institution of a final countervailing duty investigation and scheduling of a hearing to be held in connection with the investigations.

SUMMARY: The Commission hereby gives notice of the institution of final countervailing duty investigation No. 701-TA-235 (Final) under section 705(b) of the Tariff Act of 1930 (19 U.S.C. 1671d(b)) to determine whether an industry in the United States is materially injured, or is threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports from Brazil of iron ore pellets,[1] provided for in item 601.24 of the Tariff Schedules of the United States, which have been found by the Department of Commerce, in a preliminary determination, to be subsidized by the Government of Brazil. Commerce will make its final subsidy determination in this investigation on or before May 29, 1985, and the Commission will make its final injury determination by July 19, 1985 (see sections 705(a) and 705(b) of the act (19 U.S.C. 1671d(a) and 1671d(b))).

For further information concerning the conduct of this investigation, hearing procedures, and rules of general application, consult the Commission's Rules of Practice and Procedure, Part 207, subparts A and C (19 CFR Part 207), and Part 201, Subparts A through E (19 CFR Part 201, as amended by 49 FR 32569, August 15, 1984).

EFFECTIVE DATE: March 22, 1985.

FOR FURTHER INFORMATION CONTACT: Cynthia Wilson (202-523-0291), Office of Investigations, U.S. International Trade Commission, 701 E Street NW., Washington, DC 20436.

SUPPLEMENTARY INFORMATION:

Background

This investigation is being instituted as a result of an affirmative preliminary determination by the department of Commerce that certain benefits which constitute subsidies within the meaning of section 701 of the act (19 U.S.C. 1671) are being provided to manufacturers, producers, or exporters in Brazil of certain types of iron ore pellets. The investigation was requested in a petition filed on Decemeber 20, 1984, by the Cleveland-Cliffs Iron Co., Oglebay Norton Co., Pickands Mather & Co., and the United Steelworkers of America. In response to that petition the Commission conducted a preliminary countervailing duty investigation and, on the basis of information developed during the course of that investigation, determined that there was a reasonable indication that an industry in the United States was materially injured or threatened with material injury by reason of imports of the subject merchandise (50 FR 6074, Feb. 13, 1985).

Participation in the Investigation

Persons wishing to participate in this investigation as parties must file an entry of appearance with the Secretary to the Commission, as provided in § 201.11 of the Commission's Rules of Practice and Procedure (19 CFR 201.11), not later than twenty-one (21) days after the publication of this notice in the **Federal Register**. Any entry of appearance filed after this date will be referred to the Chairwoman, who will determine whether to accept the late entry for good cause shown by the person desiring to file the entry.)

Service list

Pursuant to § 201.11(d) of the Commission's rules (19 CFR 201.11(d)), the Secretary will prepare a service list containing the names and addresses of all persons, or their representatives, who are parties to this investigation upon the exporation of the period for filing entries of appearance. In accordance with § 201.16(c) of the rules (19 CFR 201.16(c), as amended by 49 FR 32569, August 15, 1984), each document filed by a party to the investigation must be served on all other parties to the investigation (as identified by the service list), and a certificate of service must accompany the document. The Secretary will not accept a document for filing without a certificate of service.

Staff report

A public version of the prehearing staff report in this investigation will be placed in the public record on May 24, 1985, pursuant to § 207.21 of the Commission's rules (19 CFR 207.21).

Hearing

The Commission will hold a hearing in connection with this investigation beginning at 10:00 a.m. on June 10, 1985, at the U.S. International Trade Commission Building, 701 E Street NW., Washington, DC. Requests to appear at the hearing should be filed in writing with the Secretary to the Commission not later than the close of business (5:15 p.m.) on May 31, 1985. All persons desiring to appear at the hearing and make oral presentations should file prehearing briefs and attend a prehearing conference to be held at 9:30 a.m. on June 4, 1985, in room 117 of the U.S. International Trade Commission Building. The deadline for filing prehearing briefs is June 5, 1985.

Testimony at the public hearing is governed by § 207.23 of the Commission's rules (19 CFR 207.23). This rule requires that testimony be limited to a nonconfidential summary and analysis of material contained in prehearing briefs and to information not available at the time the prehearing brief was submitted. Any written materials submitted at the hearing must be filed in accordance with the procedures described below and any confidential materials must be submitted at least three (3) working days prior to the hearing (see § 201.6(b)(2) of the Commission's rules (19 CFR 201.6(b)(2), as amended by 49 FR 32569, August 15, 1984)).

Written submissions

All legal arguments, economic analyses, and factural materials relevant to the public hearing should be included in prehearing briefs in accordance with § 207.22 of the Commission's rules (19 CFR 207.22). Posthearing brief must conform with the provisions of § 207.24 (19 CFR 207.24) and must be submitted not later than the close of business on June 17, 1985. In addition, any person who has not entered an appearance as a party to the investigation may submit a written statement of information pertinent to the subject of the investigation on or before June 17, 1985.

A signed original and fourteen (14) copies of each submission must be filed with the Secretary to the Commission in accordance with § 201.8 of the Commission's rules (19 CFR 201.8, as amended by 49 FR 32569, August 15, 1984). All written submissions except for confidential business data will be available for public inspection during regular business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary to the Commission.)

Any business information for which confidential treatment is desired must be submitted separately. The envelope and all pages of such submissions must be clearly labeled "Confidential Business Information." Confidential submissions and requests for

[1] For purposes of this investigation, the term "iron ore pellets" covers fine particles of iron oxide, hardened by heating and formed into balls from ⅜-inch to ⅝-inch in diameter, for use in blast furnaces to obtain pig iron, provided for in item 601.2450 of the Tariff Schedules of the United States Annotated (TSUSA). The term does not include pellets for use in electric furnaces and containing not over 3 percent by weight of silica.

confidential treatment must conform with the requirements of § 201.6 of the Commission's rules (19 CFR 201.6, as amended by 49 FR 32569 August 15, 1984).

Authority

This investigation is being conducted under authority of the Tariff act of 1930, title VII. This notice is published pursuant to § 207.20 of the Commission's rules (19 CFR 207.20, as amended by 49 FR 32569, Aug. 15, 1984).

Issued: April 11, 1985.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 85-9930 Filed 4-23-85; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 701-TA-224 (Final)]

Live Swine and Pork From Canada

AGENCY: United States International Trade Commission.

ACTION: Institution of a final countervailing duty investigation and scheduling of a hearing to be held in connection with the investigation.

SUMMARY: The Commission hereby gives notice of the institution of final countervailing duty investigation No. 701-TA-224 (Final) under section 705(b) of the Tariff Act of 1930 (19 U.S.C. 1671d(b)) to determine whether an industry in the United States is materially injured, or is threatened with material injury, or the establishment of an industry, in the United States is materially retarded, by reason of imports from Canada of live swine and of fresh, chilled or frozen meat (except meat offal) of swine, provided for in items 100.85 and 106.40, respectively, of the Tariff Schedules of the United States, which have been found by the Department of Commerce, in a preliminary determination, to be subsidized by the Government of Canada. Commerce will make its final subsidy determination in this investigation on or before June 10, 1985 and the Commission will make its final injury determination by July 31, 1985 (see sections 705(a) and 705(b) of the act (19 U.S.C. 1671d(a) and 1671d(b))).

For further information concerning the conduct of this investigation, hearing procedures, and rules of general application, consult the Commission's Rules of Practice and Procedure, Part 207, Subparts A and C (19 CFR Part 207), and Part 201, Subparts A through E (19 CFR Part 201, as amended by 49 FR 32569, August 15, 1984).

EFFECTIVE DATE: April 3, 1985.

FOR FURTHER INFORMATION CONTACT: Lawrence Rausch (202-523-0286), Office of Investigations, U.S. International Trade Commission, 701 E Street, NW., Washington, DC 20436.

SUPPLEMENTARY INFORMATION:

Background

This investigation is being instituted as a result of an affirmative preliminary determinatin by the Department of Commerce that certain benefits which constitute subsidies within the meaning of section 701 of the act (19 U.S.C. 1671) are being provided to manufacturers, producers, or exporters in Canada of live swine and fresh, chilled, and frozen pork. The investigation was requested in a petition filed on November 2, 1984 by the National Pork Producers Council, Des Moines, IA. In response to that petition the Commission conducted a preliminary countervailing duty investigation and, on the basis of information developed during the course of that investigation, determined that there was a reasonable indication that an industry in the United States was materially injured by reason of imports of the subject merchandise (49 FR 50315, December 19, 1984).

Participation in the Investigation

Persons wishing to participate in this investigation as parties must file an entry of appearance with the Secretary to the Commission, as provided in § 201.11 of the Commission's Rules of Practice and Procedure (19 CFR 201.11), not later than twenty-one (21) days after the publication of this notice in the **Federal Register.** Any entry of appearance filed after this date will be referred to the Chairwoman, who will determine whether to accept the late entry for good cause shown by the person desiring to file the entry.

Service list

Pursuant to § 201.11(d) of the Commission's rules (19 CFR 201.11(d)), the Secretary will prepare a service list containing the names and addresses of all persons, or their representatives, who are parties to this investigation upon the expiration of the period for filing entries of appearance. In accordance with § 201.16(c) of the rules (19 CFR 201.16(c), as amended by 49 FR 32569, August 15, 1984), each document filed by a party to the investigation must be served on all other parties to the investigation (as identified by the service list), and a certificate of service must accompany the document. The Secretary will not accept a document for filing without a certificate of service.

Staff report

A public version of the prehearing staff report in this investigation will be placed in the public record on June 3, 1985, pursuant to § 207.21 of the Commission's rules (19 CFR 207.21).

Hearing

The Commission will hold a hearing in connection with this investigation beginning at 10:00 a.m. on June 25, 1985, at the U.S. International Trade Commission Building, 701 E Street NW., Washington, DC. Requests to appear at the hearing should be filed in writing with the Secretary to the Commission not later than the close of business (5:15 p.m.) on June 19, 1985. All persons desiring to appear at the hearing and make oral presentations should file prehearing briefs and attend a prehearing conference to be held at 9:30 a.m. on June 19, 1985 in room 117 of the U.S. International Trade Commission Building. The deadline for filing prehearing briefs is June 13, 1985.

Testimony at the public hearing is governed by § 207.23 of the Commission's rules (19 CFR 207.23). This rule requires that testimony be limited to a nonconfidential summary and analysis of material contained in prehearing briefs and to information not available at the time the prehearing brief was submitted. Any written materials submitted at the hearing must be filed in accordance with the procedures described below and any confidential materials must be submitted at least three (3) working days prior to the hearing (see § 201.6(b)(2) of the Commission's rules (19 CFR 201.6(b)(2), as amended by 49 FR 32569, Aug. 15, 1984)).

Written submissions

All legal arguments, econmic analyses, and factual materials relevant to the public hearing should be included in prehearing briefs in accordance with § 207.22 of the Commission's rules (19 CFR 207.22). Posthearing briefs must conform with the provisions of § 207.24 (19 CFR 207.24)) and must be submitted not later than the close of business on June 28, 1985. In addition, any person who has not entered an appearance as a party to the investigation may submit a written statement of information pertinent to the subject of the investigation on or before June 13, 1985.

A signed original and fourteen (14) copies of each submission must be filed with the Secretary to the Commission in accordance with § 201.8 of the Commission's rules (19 CFR 201.8, as amended 49 FR 32569, August 15, 1984). All written submissions except for

confidential business data will be available for public inspection during regular business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary to the Commission.

Any business information for which confidential treatment is desired must be submitted separately. The envelope and all pages of such submissions must be clearly labeled "Confidential Business Information." Confidential submissions and requests for confidential treatment must conform with the requirements of § 201.6 of the Commission's rules (19 CFR 201.6, as amended by 49 FR 32569, August 15, 1984).

Authority

This investigation is being conducted under authority of the Tariff Act of 1930, title VII. This notice is published pursuant to § 207.20 of the Commission's rules (19 CFR 207.20, as amended by 49 FR 32569, Aug. 15, 1984).

Issued: April 18, 1985.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 85-3949 Filed 4-23-85; 8:45 am]

BILLING CODE 7020-02-M

Request for Public Comment on Termination of Countervailing Duty Investigations Concerning Float Glass From the Federal Republic of Germany and the United Kingdom

AGENCY: U.S. International Trade Commission.

ACTION: Request for comments on proposed termination of countervailing duty investigations under section 104(b) of the Trade Agreements Act of 1979.

FOR FURTHER INFORMATION CONTACT: Ms. Vera Libeau, Office of Investigations, telephone 202-523-0368.

SUPPLEMENTARY INFORMATION: The Trade Agreements Act of 1979, subsection 104(b)(1), requires the Commission in the case of a countervailing duty order issued under section 303 of the Tariff Act of 1930, upon the request of a government or group of exporters of merchandise covered by the order, to conduct an investigation to determine whether an industry in the United States would be materially injured, or threatened with material injury, or whether the establishment of such industry would be materially retarded, if the order were to be revoked. On December 27, 1982, the Commission received requests from counsel for exporters of float glass from the Federal Republic of Germany and the United Kingdom for the review of the countervailing duty orders on float glass from the subject countries. Notice of the countervailing duty orders was published on December 27, 1982, in the **Federal Register** (47 FR 57549 and 47 FR 57550).

The Commission received letters on March 29, 1985, from counsel for ASG Industries, Inc., PPG Industries, Inc., Libbey-Owens-Ford Company, and CE Glass, the original petitioners for the countervailing duty orders, stating that the they withdraw their request for the imposition of countervailing duties under the above-referenced countervailing duty orders.

In light of the legislative history of section 704(a) of the Tariff Act of 1930 indicating Congress' expectation that the Commission will permit public comment prior to termination, the Commission requests written comments from persons concerning the proposed termination of the investigations on float glass from the Federal Republic of Germany and the United Kingdom. These written comments must be filed with the Secretary to the Commission no later than 30 days after publication of this notice in the **Federal Register**.

Issued: April 15, 1985.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 85-9933, Filed 4-23-85; 8:45 am]

BILLING CODE 7020-02-M

[Investigations Nos. 701-TA-245, 246, and 247 (Final)]

Certain Textile Mill Products and Apparel From Turkey, Indonesia, and the Philippines

AGENCY: United States International Trade Commission.

ACTION: Termination of countervailing duty investigations.

SUMMARY: On April 8, 1985, petitioners in the subject investigations filed letters with the Commission and the Department of Commerce withdrawing their petitions. Accordingly, pursuant to § 207.40(a) of the Commission's Rules of Practice and Procedure (19 CFR 207.40(a)), the following investigations are terminated:

Certain Textile Mill Products and Apparel from Turkey (investigation No. 701-TA-245 (Final));

Certain Textile Mill Products and Apparel from Indonesia (investigation No. 701-TA-246 (Final)); and

Certain Textile Mill Products and Apparel from the Philippines (investigation No. 701-TA-247 (Final)).

Specific information on the products covered by the investigations concerning imports from Turkey and Indonesia is provided in Commerce's **Federal Register** notices of March 12, 1985 (50 FR 9816 and 50 FR 9861, respectively); information on the products covered by the investigation concerning imports from the Philippines is provided in Commerce's **Federal Register** notice of March 26, 1985 (50 FR 11925).

EFFECTIVE DATE: April 8, 1985.

FOR FURTHER INFORMATION CONTACT: Ms. Vera Libeau (202-523-0368), Office of Investigations, U.S. International Trade Commission, 701 E Street NW., Washington, DC 20436.

Authority

These investigations are being terminated under authority of the Tariff Act of 1930, title VII. This notice is published pursuant to § 207.40 of the Commission's rules (19 CFR 207.40, as amended by 49 FR 32569, August 15, 1984).

Issued: April 19, 1985.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 85-9947 Filed 4-23-85; 8:45 am]

BILLING CODE 7020-02-M

[Investigations Nos. 701-TA-245, 246, and 247 (Final)

Certain Textile Mill Products and Apparel from Turkey, Indonesia, and the Philippines

AGENCY: United States International Trade Commission.

ACTION: Institution of countervailing duty investigations.

SUMMARY: The Commission hereby gives notice of the institution of the following final countervailing duty investigations under section 705(b) of the Tariff Act of 1930 (19 U.S.C. 1671d(b)) to determine whether an industry in the United States is materially injured, or is threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports from the named countries of certain textile mill products and apparel which have been found by the Department of Commerce, in preliminary determinations, to be subsidized by the Governments of those countries.

Investigation No. 701-TA-245 (Final), Certain Textile Mill Products and Apparel from Turkey:

Investigation No. 701–TA–246 (Final), Certain Textile Mill Products and Apparel from Indonesia; and

Investigation No. 701–TA–247 (Final), Certain Textile Mill Products and Apparel from the Philippines.

Specific information on the products covered by the investigations concerning imports from Turkey and Indonesia is provided in Commerce's **Federal Register** notices of March 12, 1985 (50 FR 9816 and 50 FR 9861, respectively); information on the products covered by the investigation concerning imports from the Philippines is provided in Commerce's **Federal Register** notice of March 26, 1985 (50 FR 11925).

EFFECTIVE DATES: March 8, 1985, for the investigation concerning imports from Turkey; March 12, 1985, for the investigation concerning imports from Indonesia; and March 26, 1985, for the investigation concerning imports from the Philippines.

FOR FURTHER INFORMATION CONTACT: Ms. Vera Libeau (202–523–0368), Office of Investigations, U.S. International Trade Commission, 701 E Street NW., Washington, DC 20436.

SUPPLEMENTARY INFORMATION: .

Background

On July 20, 1984, petitions were filed with the Department of Commerce by counsel for the American Textile Manufacturers Institute (ATMI), the Amalgamated Clothing and Textile Workers Union, and the International Ladies' Garment Workers Union, alleging that the Governments of Indonesia and Turkey pay or bestow, directly or indirectly, bounties or grants upon the manufacture, production, or export of certain textiles and textile products within the meaning of section 303 of the Tariff Act of 1930. On August 2, 1984, Commerce received a petition from the same petitioners alleging that the Government of the Philippines likewise pays or bestows, directly or indirectly, such bounties or grants. On December 3, 1984, all of the above mentioned petitions were amended, with respect to textile mill products, to include as individual petitioners the following ATMI member firms:

Belton Industries, Inc., Belton, SC;
Burlington Industries, Inc., Greensboro, NC;
Chatham Manufacturing Co., Elkin, NC;
Milliken & Co., Spartanburg, SC;
Mount Vernon Mills, Inc., Greensville, SC;
Shuford Mills, Inc., Hickory, NC;
J.P. Stevens & Co., Inc., New York, NY; and
West Point-Pepperell, Inc., West Point, GA.

On December 17, 1984, Commerce made preliminary determinations that the Governments of Turkey and Indonesia are providing their manufacturers, producers, and exporters of certain textile mill products and apparel with benefits which constitute bounties or grants within the meaning of the countervailing duty law. Similar preliminary determinations with respect to the Government of the Philippines were made by Commerce on December 31, 1984.

As Indonesia, Turkey, and the Philippines were not, at the time of filing of the petitions, "countries under the Agreement" within the meaning of section 701(b) of the Tariff Act of 1930, there was no requirement for the Commission to conduct preliminary material injury investigations pursuant to section 703(a). However, on February 25, 1985, the Office of the United States Trade Representative announced that Turkey had become a "country under the Agreement" (50 FR 8428); similar announcements were made regarding Indonesia on March 4, 1985, (50 FR 9342), and the Philippines on March 15, 1985 (50 FR 11471). As a result of these announcements, Title VII of the Tariff Act of 1930 applies to all countervailing duty investigations of merchandise from Turkey, Indonesia, and the Philippines. According to section 102 of the Trade Agreements Act of 1979, once Title VII becomes applicable, any pending investigation under section 303 must terminate. Where a preliminary but not a final determination has been made, the case is to be treated as if the preliminary determination were made under section 703 of the Tariff Act of 1930 as of the date Title VII first applied to the country.

On March 8, 1985, Commerce notified the Commission that it had terminated its investigations under section 303 on imports from Turkey, and that, in accordance with section 102(a)(2) of the Trade Agreements Act of 1979, it was changing the effective date of its preliminary determinations to February 25, 1985. The Commission received similar notifications on March 12, 1985, and March 26, 1985, respectively, changing the effective dates of Commerce's preliminary investigations to March 4, 1985, for Indonesia and March 15, 1985, for the Philippines. Accordingly, pursuant to § 207.20 of its rules (19 CFR 207.20), the Commission began final material injury investigations concerning imports from Turkey effective March 8, 1985; concerning imports from Indonesia effective March 12, 1985; and concerning imports from the Philippines effective March 26, 1985.

Authority

These investigations are being instituted under authority of the Tariff Act of 1930, title VII. This notice is published pursuant to § 207.20 of the Commission's rules (19 CFR 207.20, as amended by 49 FR 32569, August 15, 1984).

Issued: April 19, 1985.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 85–9950 Filed 4–23–85; 8:45 am]

BILLING CODE 7020–02–M

INTERSTATE COMMERCE COMMISSION

[Docket No. AB–247X]

Alabama Southern Railroad Co.; Abandonment; Between York and Lilita, AL; Exemption

Applicant has filed a notice of exemption under 49 CFR 1152 Subpart F—*Exempt Abandonments* to abandon its 10.3-mile line of railroad between milepost SR MP YL 0.0 near York and milepost SR MP YL 10.3 near Lilita, AL.

Applicant has certified: (1) That no local traffic has moved over the line for at least 2 years and that overhead traffic is not moved over the line or may be rerouted, and (2) that no formal complaint filed by a user of rail service on the line (or by a State or local governmental entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Commission or any U.S. District Court, or has been decided in favor of the complainant within the 2-year period. The appropriate State agency has been notified in writing at least 10 days prior to the filing of this notice.

As a condition to use of this exemption, any employee affected by the abandonment shall be protected pursuant to *Oregon Short Line R. Co.—Abandonment—Goshen*, 360 I.C.C. 91 (1979).

The exemption will be effective [30 days from service of this decision] (unless stayed pending reconsideration). Petitions to stay must be filed by [10 days after service], and petitions for reconsideration, including environmental, energy, and public use concerns, must be filed by [20 days after service] with: Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423.

A copy of any petition filed with the Commission should be sent to applicant's representative: Charles H.

White, Jr., 1000 Potomac Street, NW, Suite 501, Washington, DC 20007.

If the notice of exemption contains false or misleading information, use of the exemption is void *ab initio*.

A notice to the parties will be issued if use of the exemption is conditioned upon environmental or public use conditions.

Decided: April 18, 1985

By the Commission, Heber P. Hardy, Director, Office of Proceedings.

James H. Bayne,

Secretary.

[FR Doc. 85-3791 Filed 4-23-85; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-241X]

Arcata and Mad River Rail Road Co.; Abandonment Exemption; Humboldt County, CA

AGENCY: Interstate Commerce Commission.

ACTION: Notice of exemption.

SUMMARY: The Commission exempts from the requirement of prior approval under 49 U.S.C. 10903 *et seq.*, the abandonment by Arcata and Mad River Rail Road Company of its entire line (7.5 miles) in Humboldt County, CA, subject to a 180-day public use condition on that portion of the right-of-way within the city limits of Blue Lake, CA. No employee protective conditions are imposed.

DATES: This exemption is effective on May 24, 1985. Petitions for reconsideration must be filed by May 14, 1985. Petitions for stay must be filed by May 6, 1985.

ADDRESSES: Send pleadings referring to Docket No. AB-241X to:

(1) Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423; and

(2) Petitioner's representative: Fritz R. Kahn, Esq., Suite 1000, 1660 L Street, NW., Washington, DC 20036

FOR FURTHER INFORMATION CONTACT: Louis E. Gitomer, (202) 275-7245.

SUPPLEMENTARY INFORMATION: Additional information is contained in the Commission's decision. To purchase a copy of the full decision, write to T.S. InfoSystems, Inc., Interstate Commerce Commission, Room 2227, Washington, DC 20423, or call toll free (800) 424-5403, or 289-4357 (DC Metropolitan area).

Decided: April 9, 1985.

By the Commission, Chairman Taylor, Vice Chairman Gradison, Commissioners Sterrett, Andre, Simmons, Lamboley, and Strenio. Commissioner Lamboley dissented in part with a separate expression.

James H. Bayne,

Secretary.

[FR Doc. 85-9793 Filed 4-23-85; 8:45 am]

BILLING CODE 7035-01-M

[No. 35404 and 39380]

General American Transp. Corp. v. Indiana Harbor Belt Railroad Co., and; General American Transp. Corp., et al. v. Baltimore and Ohio Chicago Terminal Railroad Co., et al.

AGENCY: Interstate Commerce Commission.

ACTION: Extension of time to file comments.

SUMMARY: By a notice served March 15, 1985, and published in the Federal Register March 18, 1985 (50 FR 10867) the Commission requested that further comments and reply comments be filed by May 2, 1985, and June 1, 1985, respectively. The Baltimore and Ohio Chicago Terminal Railroad Company (BOCT) and six other railroads seek extension of those dates to July 1, 1985 and August 30, 1985, respectively. Complainants seek a shorter extension of time. In light of the complexity of the issues, we are granting BOCT's request.

DATES: Written comments are due by July 1, 1985; reply comments are due by August 30, 1985.

ADDRESS: Send an original and 10 copies of all documents to: Case Control Branch, Office of the Secretary, Interstate Commerce Commission, Washington, DC 20423, and serve on all parties to this proceeding.

FOR FURTHER INFORMATION CONTACT: Louis E. Gitomer, (202) 275-7245.

Decided: April 17, 1985.

By the Commission, Reese H. Taylor, Jr., Chairman.

James H. Bayne,

Secretary.

[FR Doc. 85-9792 Filed 4-23-85; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-242X]

Maryland and Pennsylvania Railroad Co., Abandonment Exemption; in York County, PA

AGENCY: Interstate Commerce Commission.

ACTION: Notice of exemption.

SUMMARY: The Interstate Commerce Commission exempts from the requirements of 49 U.S.C. 10903, *et seq.*, the abandonment by Maryland and Pennsylvania Railroad Company of 8.4 miles of railroad in York County, PA, subject to employee protective conditions.

DATES: This exemption will be effective on May 23, 1985. Petitions to stay must be filed by May 6, 1985, and petitions for reconsideration must be filed by May 14, 1985..

ADDRESS: Send pleadings referring to Docket No. AB-242X to:

(1) Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423

(2) Petitioner's representative: Alfred P. Smith, 490 East Market Street, York, PA 17403

FOR FURTHER INFORMATION CONTACT: Louis E. Gitomer, (202) 275-7245.

SUPPLEMENTARY INFORMATION: Additional information is contained in the Commission's decision. To purchase a copy of the full decision, write to T.S. InfoSystems, Inc., Room 2227, Interstate Commerce Commission, Washington, DC 20423, or call 289-4357 (DC Metropolitan area) or toll free (800) 424-5403.

Decided: April 15, 1985.

By the Commission, Chairman Taylor, Vice Chairman Gradison, Commissioners Sterrett, Andre, Simmons, Lamboley, and Strenio.

James H. Bayne,

Secretary.

[FR Doc. 85-9794 Filed 4-23-85; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-55 (Sub-144X)]

Seaboard System Railroad, Inc.; Abandonment Exemption; Richmond, VA

AGENCY: Interstate Commerce Commission.

ACTION: Notice of exemption.

SUMMARY: The Interstate Commerce Commission exempts from the requirements of prior approval under 49 U.S.C. 10903, *et seq.*, the abandonment by Seaboard System Railroad, Inc., of 6,821 feet of track on the Collier Subdivision, Raleigh Division, between milepost AR 0.63 at the James River, and milepost AR 1.92 between Hall Street and Maury Street in Richmond, VA, subject to standard labor protective conditions.

DATES: This exemption will be effective on April 24, 1985. Petitions to reopen must be filed by May 14, 1985.

ADDRESSES: Send pleadings referring to Docket No. AB-55 (Sub-No. 14AX) to:

(1) Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423
(2) Petitioner's representative: Charles M. Rosenberger, 500 Water Street, Jacksonville, Florida 32202

FOR FURTHER INFORMATION CONTACT:
Louis E. Gitomer, (202) 275–7245.

SUPPLEMENTARY INFORMATION:
Additional information is contained in the Commission's decision. To purchase a copy of the full decision, write to T.S. InfoSystems, Inc., Room 2227, Interstate Commerce Commission, Washington, DC 20423, or call 289–4357 (DC Metropolitan area) or toll free (800) 424–5403.

Decided: April 15, 1985.

By the Commission, Chairman Taylor, Vice Chairman Gradison, Commissioners Sterrett, Andre, Simmons, Lamboley, and Strenio.

James H. Bayne,

Secretary.

[FR Doc. 85–9795 Filed 4–23–85; 8:45 am]

BILLING CODE 7035–01–M

DEPARTMENT OF JUSTICE

[Civil Action Nos. 83–1640 and 83–1711]

Lodging of Consent Decree Pursuant to the Clean Water Act; Southland Crop.

In accordance with Departmental policy, 28 CFR 50.7, notice is hereby given that a proposed consent decree in *Student Public Interest Research Group* v. *Southland Corp. and United States* v. *Southland Corp.*, Civil action Nos. 83–1640; 83–1711 (consolidated), has been lodged in the United States District Court for the District of New Jersey.

The proposed consent decree concerns discharges of pollutants from Southland's plant in Great Meadows, New Jersey into the Pequest River. The proposed consent decree requires Southland to pay a civil penalty of $100,000 and to conduct bioassays to demonstrate compliance in accordance with its permit. The proposed decree requires both an initial series of bioassays and additional bioassays in the event of excessive discharges, and allows the citizen plaintiffs to seek modification of the proposed decree to seek a larger number of additional biossays in the event of excessive discharges. In addition, the proposed consent decree requires corrective action in the event that the bioassays show non-complying discharges.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the proposed consent decree. Comments should be addressed to the Assistant Attorney General for the Land and Natural Resources Division, Department of Justice, Washington, D.C. 20530, and should refer to *Student Public Interest Research Group* v. *Southland Corp., and United States* v. *Southland Corp.*, D.J. No. 90–5–1–1–1998.

The proposed consent decree may be examined at the Office of the United States Attorney, Federal Building, 970 Broad Street, Room 502, Newark, New Jersey and at the Region 2 Office of the Environmental Protection Agency, 26 Federa Plaza, Room 900, New York, New York. Copies of the proposed consent decree may be examined at the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice, Room 1515, Ninth Street and Pennsylvania Avenue, NW., Washington, D.C. 20530. A copy of the proposed consent decree may be obtained in person or by mail from the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice. In requesting a copy, please refer to the referenced cases and enclose a check in the amount of $3.00 (10 cents per page reproduction cost) made payable to the Treasurer of the United States.

F. Henry Habicht II,

Assistant Attorney General, Land and Natural Resources Division, Department of Justice, Washington, D.C. 20530.

[FR Doc. 85–9894 Filed 4–23–85; 8:45 am]

BILLING CODE 4410–01–M

NUCLEAR REGULATORY COMMISSION

Draft Regulatory Guide; Issuance, Availability

The Nuclear Regulatory Commission has issued for public comment a draft of a proposed revision to a guide in its Regulatory Guide Series together with a draft of the associated value/impact statement. This series has been developed to described and make available to the public methods acceptable to the NRC staff of implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain of the information needed by the staff in its review of applications for permits and licenses.

The draft, temporarily identified by its task number, CE 404–4 (which should be mentioned in all correspondence concerning this draft guide), is proposed Revision 2 to Regulatory Guide 3.4, "Nuclear Criticality Safety in Operations with Fissionable Materials Outside Reactors." The guide is being developed to describe procedures acceptable to the NRC staff for preventing accidental criticality in operations with fissionable materials outside reactors and for validating calculational methods used in assessing nuclear criticality safety. The guide endorses ANSI/ANS–8.1–1983, "Nuclear Criticality Safety in Operations with Fissionable Materials Outside Reactors," which was developed by the American Nuclear Society.

This draft guide and the associated value/impact statement are being issued to involve the public in the early stages of the development of a regulatory position in this area. They have not received complete staff review and do not respresent an official NRC staff position.

Public comments are being solicited on both drafts, the guide (including any implementation schedule) and the draft value/impact statement. Comments on the draft value/impact statement should be accompanied by supporting data. Comments on both drafts should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch, by June 26, 1985.

Although a time limit is given for comments on these drafts, comments and suggestions in connection with: (1) Items for inclusion in guides currently being developed or (2) improvements in all published guides are encouraged at any time.

Regulatory guides are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Requests for single copies of draft guides (which may be reproduced) or for placement on an automatic distribution list for single copies of future draft guides in specific divisions should be made in writing to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Technical Information and Document Control. Telephone requests cannot be accommodated. Regulatory guides are not copyrighted, and Commission approval is not required to reproduce them.

(5 U.S.C. 552(a))

Dated at Rockville, Maryland, this 18th day of April 1985.

For the Nuclear Regulatory Commission.

Guy A. Arlotto,

Director Division of Engineering Technology Office of Nuclear Regulatory Research.

[FR Doc. 85-9924. Filed 4-23-85; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-317]

Baltimore Gas and Electric Co. (Calvert Cliffs Nuclear Power Plant Unit No. 1; Exemption

I

The Baltimore Gas and Electric Company (BG&E) is the holder of Facility Operating License No. DPR-53 which authorizes the operation of the Calvert Cliffs Nuclear Power Plant, Unit No. 1, at a steady-state power level not in excess of 2700 megawatts thermal. The facility utilizes a pressurized water reactor located in Calvert County, Maryland.

II

10 CFR 50.55a requires that piping and components of boiling and pressurized water reactor plants be tested, examined and pressure tested to the requirements of Section XI of the ASME Code and that the examinations and tests be completed during each of four (4) ten-year intervals. These ten-year intervals are calculated from the start date of commercial opeation of the facility.

10 CFR 50.55a(g)(4) requires that licensees update their inservice inspection (ISI) and inservice testing (IST) programs to a newer edition of Section XI of the Code each ten years. Since the regulations require these updates based on the 10-year anniversary of facility commercial operation, multi-unit sites often find that each unit has an ISI and ISI program structured for a slightly different edition of the Code.

III

By letters dated March 6, 1984 and January 28, 1985, the licensee requested an exemption to the requirements of 10 CFR 50.55a(g)(4) which would allow the use of a common start date for ISI and IST for Calvert Cliffs Units 1 and 2. That common start date would be achieved by extending the termination date of the Unit 1 programs to coincide with the termination of the Unit 2 programs. The Unit 1 ISI and IST programs would be thus extended to terminate on April 1, 1987 rather than on May 8, 1985.

The Commission's staff has reviewed this request and has determined that a common ISI and IST start date for Calvert Cliffs Units 1 and 2 has inherent administrative, technical, and cost saving advantages, both for the licensee and the Commission. The staff has concluded that:

1. The same Code edition and addenda, by regulation, can be used as the basis for the ISI and IST program for Calvert Cliffs Units 1 and 2;

2. Since the units are similar in design, only one ISI and IST program would have to be written and submitted by the licensee;

3. The Commission's staff would have to review and approve only one ISI and one IST submittal instead of two of each; and

4. The change of the ISI date to April 1, 1987 will not affect the completion of examination and pressure test requirements for the inspection intervals.

Therefore, the staff concludes that the exemption request should be granted. If a common start date were not established, the ISI and IST programs would be accomplished, for some period of time, utilizing two different ASME Code editions. Although administratively possible, this situation could contribute to increased personnel errors in the performance of inspection and testing requirements to two different versions of the Code. This can create a substantial and additional administrative workload for what can be described as only nominal technical differences in the inspection and testing requirements.

IV

Accordingly, the Commission has determined that, pursuant to 10 CFR 50.12(a), the exemption requested by the licensees's letters of March 6, 1984 and January 28, 1985, is authorized by law and will not endanger life or property or the common defense and security, and is otherwise in the public interest. The Commission hereby grants to the licensee and exemption from the requirements of 10 CFR 50.55a(g)(4) as it relates to the 120-month inspection interval for inservice examination of components, inservice tests to verify operational readiness of pumps and valves, and system pressure tests.

Pursuant to 51.32, the Commission has determined that the issuance of the exemption will have no significant impact on the environment (50 FR 13893).

This Exemption is effective upon issuance.

Dated at Bethesda, Maryland, this 18th day of April, 1985.

For the Nuclear Regulatory Commission.

Frank J. Miraglia, Jr.,

Deputy Director, Office of Nuclear Reactor Regulation.

[FR Doc. 85-9923 Filed 4-23-85; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-440-OL, 50-441-OL; ASLBP No. 81-457-04 OL]

Cleveland Electric Illuminating Company, et al. (Perry Nuclear Power Plant, Units 1 & 2); Hearing Location

April 18, 1985.

Hearings in these proceedings will reconvene on Tuesday, April 30 at 9:00 a.m. on the issue of hydrogen control at the following location:

Perry Town Hall, Center Road and Main Street, Perry, Ohio 44081

Bethesda, Maryland.

For the Atomic Safety and Licensing Board.

Jerry R. Kline,

Administrative Judge.

[FR Doc. 85-9922 Filed 4-23-85; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-5]

The Pennsylvania State University; Consideration of Application for Renewal of Facility Operating License

The United States Nuclear Regulatory Commission (the Commission or NRC) is considering renewal of Facility License No. R-2, issued to the Pennsylvania State University for operation of the Pennsylvania State University Breazeale Reactor located on the University's campus in the Centre County.

The renewal would extend the expiration date of Facility License No. R-2 for twenty years from date of issuance, in accordance with the licensee's timely application for renewal dated March 1, 1985.

Prior to a decision to renew the license, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations.

By May 24, 1985, the licensee may file a request for a hearing with respect to renewal of the subject facility license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written petition for leave to intervene. Requests for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. If a request for a hearing or petition for

leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition and the Secretary of the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first prehearing conference scheduled in the proceeding but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter, and the bases for each contention set forth with reasonable specificity. Contentions shall be limited to matters within the scope of the renewal action under consideration. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

A request for a hearing or a petition for leave to intervene shall be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Station, or may be delivered to the Commission's Public Document Room, at 1717 H Street, NW., Washington, D.C. by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner or representative for the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at (800) 325–6000 (in Missouri (800) 342–6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to Cecil O. Thomas: (petitioner's name and telephone number); (date petition was mailed); (Pennsylvania State University); and (publication date and page number of this **Federal Register** notice). A copy of the petition should also be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555 and to Delbert J. McQuaide, 511 University Drive, State College, Pennsylvania 16801, attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission or the presiding officer of the Atomic Safety and Licensing Board designated to rule on the petition and/or request, that the petitioner has made a substantial showing of good cause for the granting of a late petition and/or request. That determination will be based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)–(v) and 2.714(d).

For further details with respect to this acton, see the application for renewal dated March 1, 1985; which is available for public inspection at the Commission's Public Document Room at 1717 H Street, NW., Washington, D.C. 20555.

Dated at Bethesda, Maryland, this 18th day of April 1985.

For the Nuclear Regulatory Commission.

Cecil O. Thomas,

Chief, Standardization and Special Projects Branch, Division of Licensing.

[FR Doc. 85–9921 Filed 4–23–85; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–407]

University of Utah; Renewal of Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 5 to Facility Operating License No. R–126 for the University of Utah (the licensee) which renews the license for operation of the TRIGA training and research reactor located in Salt Lake City, Utah. The facility is a non-power reactor that has been operating at power levels not in excess of 100 kilowatts (thermal). The renewed Operating License No. R–126 will expire twenty years from its date of issuance.

The amended license complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regualtions in 10 CFR Chapter I. Those findings are set forth in the license amendment. Opportunity for hearing was afforded in the notice of the proposed issuance of this renewal in the **Federal Register** on July 14, 1983 at 45 FR 32244. No request for a hearing or petition for leave to intervene was filed following notice of the proposed action.

The Commission has prepared a Safety Evaluation Report (NUREG–1096) for the renewal of Facility Operating License No. R–126 and has, based on that license, concluded that the facility can continue to be operated by the licensee without endangering the health and safety of the public.

The Commission also has prepared an Environmental Assessment, dated March 27, 1985, for the renewal of Facility Operating License No. R–126 and has concluded that this action will not have a significant effect on the quality of the human environment. The Notice of Finding of No Significant Environmental Impact was published in the **Federal Register** on April 15, 1985.

For further details with respect to this action, see: (1) The application for amendment dated March 8, 1983, as supplemented, (2) the Finding of No Significant Environmental Impact, (3) Amendment No. 5 to Operating License R–126, (4) the Commission's related Safety Evaluation Report (NUREG–1096), and (5) the Environmental Assessment. These items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, DC. 20555.

Copies of NUREG–1096 may be purchased by calling (301) 492–9530 or by writing to the Publication Services Section, Division of Technical Information and Document Control, U.S. Nuclear Regulatory Commission, Washington, DC. 20555, or purchased from the National Technical Information Service, Department of Commerce, 5285 Port Royal Road, Springfield, VA 22161.

Dated at Bethesda, Maryland, this 17th day of April 1985.

For the Nuclear Regulatory Commission.

Cecil O. Thomas,

Chief, Standardization and Special Projects Branch, Division of Licensing.

[FR Doc. 85-9920 Filed 4-23-85; 8:45 am]

BILLING CODE 7590-01-M

OFFICE OF PERSONNEL MANAGEMENT

Federal Prevailing Rate Advisory Committee; Open Committee Meeting

According to the provisions of section 10 of the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given that meetings of the Federal Prevailing Rate Advisory Committee will be held on:

Thursday, May 2, 1985
Thursday, May 9, 1985
Thursday, May 16, 1985
Thursday, May 23, 1985
Thursday, May 30, 1985

These meetings will start 10 a.m. and will be held in Room 5A06A, Office of Personnel Management Building, 1900 E Street, NW, Washington, D.C.

The Federal Prevailing Rate Advisory Committee is composed of a Chairman, representatives from five labor unions holding exclusive bargaining rights for Federal blue-collar employees, and representatives from five Federal agencies. Entitlement to membership of the Committee is provided for in 5 U.S.C. 5347.

The Committee's primary responsibility is to review the Prevailing Rate System and other matters pertinent to establishing prevailing rates under subchapter IV, chaper 53, 5 U.S.C., as amended, and from time to time advise the Office of Personnel Management.

These scheduled meetings will start in open session with both labor and management representatives attending. During the meeting either the labor members or the management members may caucus separately with the Chairman to devise strategy and formulate positions. Premature disclosure of the matters discussed in these caucuses would unacceptably impair the abililty of the Committee to reach a consensus on the matters being considered and would disrupt substantially the disposition of its business. Therefore, these caucuses will be closed to the public because of a determination made by the Director of the Office of Personnel Management under the provisions of section 10(d) of the Federal Advisory Committee Act (Pub. L. 92-463) and 5 U.S.C. 552b(c)(9)(B). These caucuses may, depending on the issues involved, constitute a substantial portion of the meeting.

Annually, the Committee publishes for the Office of Personnel Management, the President, and Congress a comprehensive report of pay issues discussed, concluded recommendations, and related activities. These reports are available to the public, upon written request to the Committee's Secretary.

The public is invited to submit material in writing to the Chairman on Federal Wage System pay matters felt to be deserving of the Committee's attention. Additional information on these meetings may be obtained by contacting the Committee's Secretary, Office of Personnel Management, Federal Prevailing Rate Advisory Committee, Room 1340, 1900 E Street, NW, Washington, D.C. 20415, (202) 632-9710.

William B. Davidson, Jr.,

Chairman, Federal Prevailing Rate Advisory Committee.

April 12, 1985.

[FR Doc. 85-9800 Filed 4-23-85; 8:45 am]

BILLING CODE 6325-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 35-23665; 70-6973]

The Connecticut Light and Power Co.; Proposal To Extend Period for the Issuance and Sale of Preferred Stock and To Continue Reservation of Jurisdiction Over First Mortgage Bonds

April 18, 1985.

The Connecticut Light and Power Company ("CL&P"), Selden Street, Berlin, Connecticut 06037, and electric utility subsidiary of Northeast Utilities, a registered holding company, has filed with this Commission a post-effective amendment to the declaration in this proceeding pursuant to section 6(a) and 7 of the Public Utility Holding Company Act of 1935 ("Act") and Rule 50 promulgated thereunder.

By order in this proceeding dated September 5, 1984 (HCAR No. 23409), CL&P was authorized to issue and sell, at any time or from time to time through March 31, 1985, up to 2,000,000 shares ($50,000,000 aggregate par value) of its Class A Preferred Stock, $25 par value, in one or more series. The filing has not been completed with respect to the proposed issuance and sale of up to $110,000,000 principal amount of first and refunding mortgage bonds, in one or more series and, accordingly, jurisdiction was reserved thereover.

It is now proposed that the period during which CL&P may issue and sell said preferred stock be extended to December 31, 1986, and that jurisdiction continue to be reserved over the proposed issuance and sale of the bonds pending completion of the record. CL&P has not issued any of the preferred stock.

The proposed preferred stock may have either a fixed dividend rate or an adjustable dividend rate, as determined at the time of issue. The dividend rate or the method of calculating the dividend rate (if a series is offered with an adjustable dividend rate), the price, exclusive of accrued dividends, if any, to be paid to CL&P (which shall not be less than $25 nor more than $25.688 per share), and the underwriters' compensation will be determined through the receipt of competitive proposals. An adjustable divident rate would be subject to a maximum rate of 16% per annum and a minimum rate of 6% per annum. CL&P has been advised that the effective dividend cost of an issue of preferred stock with an adjustable dividend rate offers the potential for savings, as compared with the effective dividend cost of a conventional fixed dividend rate issue of preferred stock. In addition, adjustable dividend rate issues bear redemption provisions that, on balance, are more favorable to the issuers than conventional issues with fixed dividend rates. CL&P is adding a sinking fund provision option for any series of the preferred stock having a fixed dividend rate.

It is stated that in issuing and selling the preferred stock, CL&P will comply with Rule 50 under the Act, as modified by the Commission's September 2, 1982, Statement of Policy with respect thereto (HCAR No. 22623), by using alternative methods to develop and procure two or more competitive offers for the purchase of such securities.

The net proceeds from the issue and sale of the preferred stock will be used to repay, in part, short-term borrowings (consisting of bank loans and commercial paper) and construction trust borrowings which were incurred or are expected to be incurred to finance CL&P's construction program and, in the case of short-term borrowings, for general working capital purposes. The net proceeds from the issue and sale of the preferred stock may also be used for temporary investments in short-term high quality securities that are exempt under section 9(c) of the Act and Rule 40 promulgated thereto. As of March 28, 1985, CL&P's short-term borrowing were approximately $4,000,000, and its

construction trust borrowings were approximately $5,700,000. Any net proceeds remaining after repayment of all outstanding short term debt and construction trust borrowings will be invested temporarily, pending the need to apply those funds to finance the company's construction program or for general working captial purposes.

The amended declaration and any further amendments thereto are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by May 13, 1985, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the declarant at the address specified above. Proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will recieve a copy of any notice or order issued in this matter. After said date, the declaration, as now amended or as it may be further amended, may be permitted to become effective.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

John Wheeler,

Secretary.

[FR Doc. 85-9889 Filed 4-23-85; 8:45 am]

BILLING CODE 8010-01-M

[Release No. IC-14476; 812-6062]

Government Investors Trust et al.; Application for an Order Permitting a Proposed Joint Account

April 17, 1985.

Notice is hereby given that Government Investors Trust, GIT Cash Trust, GIT Tax-Free Trust, GIT Income Trust, and GIT Equity Trust ("Funds"), each of which is registered under the Investment Company Act of 1940 ("Act") as an open-end, diversified management investment company, and Bankers Finance Investment Management Corp. ("BFIMC"), on behalf of itself and of each other investment company advised by BFIMC now or in the future (collectively, "Applicants"), 1655 North Fort Myer Drive, Arlington, Virginia 22209, filed an application on February 20, 1985, and an amendment thereto on April 10, 1985, requesting an order of the Commission, pursuant to section 17(d) of the Act and Rule 17d-1 thereunder, permitting the arrangement hereinafter described. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below, and to the Act for the complete text of the relevant provisions.

The application indicates that each of the Funds has as its investment advisor BFIMC. Applicants state that the Funds comprise the GIT Investment Funds group, and that those Funds which presently invest in repurchase agreements (which are all of the Funds in the GIT Investment Funds group except GIT Tax-Free Trust, which invests principally in securities exempt from federal income taxation) had as of February 15, 1985, total net assets of $337,036,000. Applicants also state that GIT Tax-Free Trust, which does not presently invest in repurchase agreements, is joining in this application in anticipation that it may wish to do so in the future. Applicants represent that all the Funds have currently effective registration statements under the Act and the Securities Act of 1933 and are currently offering their shares for sale to the public.

Applicants state that each of the Funds has, or may be expected to have, uninvested cash balances at the end of each trading day which in the normal course are or would be invested in overnight repurchase agreements with a bank or major brokerage house in order to earn additional income for each Fund. Applicants seek permission to deposit those cash balances, which are presently invested daily in individual repurchase agreements, into a single joint account in which the daily balance would be used to enter into one or more large repurchase agreements in a total amount equal to the aggregate daily balance in the account.

According to the application, the repurchase desk operated by BFIMC on behalf of the Funds currently begins at 8:30 a.m., Washington, D.C. time, negotiating the interest rate for repurchase agreements for that day and lining up the United States government obligations required as collateral, the estimated amount of the collateral being based on the figures for repurchase agreements entered into on the previous trading day. Through continuous communication with the portfolio managers of the various Funds, the trading desk is in a position to start placing definitive East Coast orders between 10:30 a.m. and 1:00 p.m., Washington, D.C. time. Since any one of the Funds may engage in portfolio trades up to the close of business in the securities markets in which the securities in which it invests are traded, in unusual circumstances an East Coast repurchase agreement may be entered into as late as 3:00 p.m., Washington, D.C. time.

The application indicates that each repurchase agreement is made by calling a United States bank or "primary" government securities dealer and indicating the rate of interest and size of the desired repurchase agreement. Particular U.S. government obligations are then identified and the Fund custodian is notified. The securities are either wired to the account of the Fund custodian at the Richmond Federal Reserve Bank, physically delivered to the Funds' custodian or segregated on the records of the bank if it is the custodian bank of the Fund entering into the repurchase agreement. This procedure occurs on almost every trading day for each of the four Funds which presently enter into repurchase agreements. Applicants state that the usual administrative charge (which is a processing fee only and not related to the size of the transaction) is $17.00 per transaction each way for each item of collateral and that this administrative charge will be imposed by the custodian bank to be effective in the immediate future. Applicants further state that during the 12 months ended December 31, 1984, the Funds invested in an aggregate 1,512 repurchase agreements and that if the administrative charge was imposed during this period, the total transaction charges that would have been imposed would be $51,408. During this same period, the average total amount invested daily in repurchase agreements by all Funds approximated $47,750,000. Applicants represent that if the proposed joint account had been in place and, assuming that daily balances in the account were invested in an average of two repurchase agreements per business day, the total transaction cost would have amounted to $17,136, an aggregate savings of $33,912 annually.

Applicants state the proposed joint account would operate as follows: (a) A separate custodian cash account would be established into which each Fund would cause its daily net cash balances to be deposited daily; (b) cash in the joint account would be invested solely in repurchase agreements collateralized by U.S. government obligations, i.e., obligations issued or guaranteed as to principal and interest by the government of the United States or by any of its agencies or instrumentalities; (c) all investments held by the joint account would be valued on an amortized cost basis; (d) each Fund that values its

portfolio on the basis of amortized cost or "penny rounding" would use the average maturity of the joint account for the purpose of computing the Fund's average portfolio maturity; (e) in order to assure that there would be no opportunity for one Fund to use any part of a balance of the joint account credited to another Fund, no Fund would be allowed to create a negative balance in the joint for any reason, although it would be permitted to draw down its entire balance at any time; (f) each Fund would participate in the income earned or accrued in the joint account on the basis of the percentage of the total amount in the account on any day represented by its share of the account; (g) BFIMC would administer the investment of the cash balances in, and operation of, the joint account as part of its duties under its existing investment advisory agreement with each Fund and the administration of the joint account would be within the fidelity bond coverage required by section 17(g) of the Act.

Applicants state that the proposed joint trading account, which Applicants represent is indistinguishable from any other Fund custodian account except that Fund deposits can be commingled, will not have any separate existence which would have the indicia of a separate legal entity. Applicants further state that each Fund would automatically transfer its uninvested cash remaining after the conclusion of its daily trading activity into the account, and that the sole function of this account would be to provide a convenient way of aggregating what otherwise would be one or more individual daily transactions for each Fund necessary to manage the daily uninvested cash balances of the Fund. According to the application, each Fund would participate in the joint trading account on the same basis as every other Fund, and BFIMC would have no monetary participation in the joint account, but would be responsible for investing amounts in the account, establishing accounting and control procedures and ensuring the equal treatment of each Fund.

Applicants state that it is difficult to predict (i) the average size of the joint account, since the daily needs of each Fund will fluctuate, (ii) the average percent of the joint account which any single Fund's participation would represent, since fluctuations in both the size of the joint account and a particular Fund's needs are likely to be substantial, or (iii) the average percent of a Fund's assets that may be deposited into the joint account, since the assets remaining uninvested on any given day can fluctuate widely as the result of, for example, sales of portfolio securities required by unexpectedly large redemptions, failure of a sizable purchase transaction to settle at the anticipated time or scarcity of appropriate portfolio securities for investment on any given day.

Applicants state that each Fund, by participating in the proposed joint account, and BFIMC, by administering the proposed joint account, could be deemed to be "a joint participant" in a transaction which is a "joint enterprise or other joint arrangement" within the meaning of Rule 17d–1 under the Act. Applicants, however, represent that the board of trustees of each of the Funds has determined that (i) the proposed joint account would be fair, economically desirable and beneficial for that Fund; (ii) the proposed method of operating the joint account would not result in any conflicts of interest between any of the Funds or between a Fund and BFIMC; and (iii) there is no basis on which to predicate greater benefit to one Fund than to another. They further determined that future participation in such joint trading account by one or more Funds which do not presently exist would not change their conclusions with respect to participation by the present Funds and that it would be desirable to permit such future participation without the necessity of applying for an amended order.

Applicants submit that the criteria of Rule 17d–1 for issuance of an order under section 17(d) of the Act and Rule 17d–1 thereunder to allow the Funds to use the proposed joint trading account have been met. Specifically, Applicants assert that participation in the proposed joint account by each Fund would not be on a basis less advantageous than that of other Fund participants, and that participation by BFIMC in such account would be ministerial only. Finally, Applicants state that, by joining in this application any investment company which is now or in the future may be advised by BFIMC, it is understood that all representatives which are applicable to those Funds presently investing in repurchase agreements will apply equally to any Fund which may be so in the future.

Notice is further given that any interested person wishing to request a hearing on the application may, not later than May 13, 1985, at 5:30 p.m., do so by submitting a written request setting forth the nature of his/her interest, the reasons for the request, and the specific issues of fact or law that are disputed, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of the request should be served personally or by mail upon Applicant at the address stated above. Proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed with the request. After said date, an order disposing of the application will be issued unless the Commission orders a hearing upon request or upon its own motion.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

John Wheeler,

Secretary.

[FR Doc. 85–9890 Filed 4–23–85; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 21948; File Nos. SR–PSDTC–84–15; SR–PCC–84–13]

Self-Regulatory Organizations; Order Approving Proposed Rule Changes of Pacific Clearing Corp. and Pacific Securities Depository Trust Co.

On December 14, 1984, the Pacific Clearing Corporation ("PCC") and Pacific Securities Depository Trust Company ("PSDTC") filed with the Securities and Exchange Commission proposed rule changes under section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"). Notice of the proposals was published in Securities Exchange Act Release No. 21807 (March 4, 1985), 50 FR 9530 (March 8, 1985). No comments were received. As discussed below, the Commission is approving the proposed rule changes.

The proposed rule changes amend PSDTC's and PCC's Rules [1] to enable PCC and PSDTC staff to admit applicants for membership on a temporary basis pending review by PCC's or PSDTC's board of directors. [2] To be eligible for temporary membership, applicants are required to have excess net capital of at least $100,000 and must make a participant's fund deposit of at least $50,000. [3]

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[1] *See* PSDTC Rule 2, section 2(b); PCC Rule II, section 2(b)

[2] PSDTC and PCC Rules currently require all applicants to be approved only by PSDTC's or PCC's board of directors.

[3] In conversations with Division of Market Regulation staff, PCC and PSDTC stated that candidates for temporary membership status would be required to meet all of PCC's and PSDTC's membership standards in addition to the proposed standards. *See* PCC Rule II, PSDTC Rule 2, and PCC/PSDTC's Standards of Financial Responsibility and Operational Capability.

Temporary approval can be made by two senior officers [4] of PCC or PSDTC of one such senior officer plus an officer from the Internal Audit Department of the Pacific Stock Exchange Inc., PCC's and PSDTC's parent corporation. In addition, temporary membership status will be effective only until the applicant is reviewed by PCC's or PSDTC's board of directors. Under the proposals, that board review must occur within 60 days after the applicant's first use of PCC or PSDTC services. Finally, PCC and PSDTC state in their filings that trading activity of temporary members will be monitored daily.

PCC and PSDTC state in their filings that the proposals are consistent with sections 17A(b)(3) (B) and (F) of the Act because they will facilitate the admission of qualified applicants for membership and promote the use of PCC and PSDTC facilities for the clearance and settlement of securities transactions and the safeguarding of securities and funds.

For the following reasons, the Commission believes that PCC's and PSDTC's proposals are consistent with the Act and, in particular, section 17A(b)(3) regarding the safeguarding of securities and funds in the possession of PCC and PSDTC, or for which they are responsible. Thus, the Commission is approving the proposals. First, the proposals require applicants for temporary membership status to meet PCC's and PSDTC's Standards of Financial Responsibility and Operational Capability, which have been approved previously by the Commission. [5] Those Standards require applicants for membership and continuing members, among other things, to maintain certain minimum or excess net capital, demonstrate sufficient financial ability to meet their anticipated obligations to PCC or PSDTC, and demonstrate adequate personnel and operational abilities.

Second, the proposals impose on temporary members further assurances of financial responsibility. The proposals provide that a temporary member must have $100,000 excess net capital and make a participant's fund deposit of at least $50,000 (most of that deposit can be in the form of non-cash assets, such as letters of credit and certain high-grade investment securities). In addition, PCC/PSDTC will monitor temporary members daily. The Commission believes these provisions should help to protect PCC and PSDTC and their participant's from potential financial exposure from temporary members.

Finally, the proposals should discipline senior officers' decisions to admit temporary members. That discipline is provided by PCC and PSDTC board of director review of those decisions within 60 days after the temporary member's first use of PCC or PSDTC services. The Commission believes that such board review also will provide a timely and important supplement to the initial staff review of temporary members. If, for example, the operational or financial condition of the temporary member changes after initial staff approval, PCC's or PSDTC's board will be unable to reassess the applicant's qualifications for full membership status.

It is therefore ordered, under section 19(b)(2) of the Act, that the proposed rule changes be, and hereby are, approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

Dated: April 18, 1985.

John Wheeler,

Secretary.

[FR Doc. 85-9888 Filed 4-23-85; 8:45 am]

BILLING CODE 8010-01-M

[4] PCC and PSDTC stated that "senior officers" under the proposals would be PCC's and PSDTC's President and Executive Vice President.

[5] *See* Securities Exchange Act Release No. 20286 (October 14, 1983) 48 FR 48732 (October 20, 1983). For net capital requirements and participant fund deposits, the proposals provide stricter standards for temporary member applicants.

[Release No. 34-21960; SR-Phlx-85-3]

Self-Regulatory Organizations; Philadelphia Stock Exchange, Inc.; Order Approving Proposed Rule Change

The Philadelphia Stock Exchange, Inc., ("Phlx") submitted a proposed rule change pursuant to section 19(b) of the Securities Exchange Act of 1934 ("Act")[1] and Rule 19b-4 thereunder,[2] to amend subparagraph (c)(1)(A) of Rule 1014 concerning bid-ask differentials for options with expiration periods of nine months or longer. The Commission solicited comment on the proposal, but received none.[3]

Specifically, the proposed rule change amends the language in subparagraph (c)(1)(A) of Rule 1014 to indicate that the bid-ask differentials set forth in that subparagraph shall apply to series of less than nine months, and that for all other series, the bid-ask differentials shall be twice those set forth in this subparagraph. Previously, the language in the rule did not define the options series to which the bid-ask differentials were applicable by the number of months to expiration. Rather, subparagraph (c)(1)(A) stated that, "[t]he bid-ask differentials as stated above shall apply to all but the longest terms series of options open for trading in each class."

In its filing, Phlx indicates that since it amended Rule 1012 to permit the listing of series of foreign currency options that expire in twelve months,[4] a corresponding amendment to Rule 1014(c)(1)(A) became necessary to clarify that the bid-ask differential appropriate for foreign currency options series (with twelve month expirations) is the same as the bid-ask differential for options series with nine month expirations—*i.e.*, twice that which is applicable to all other series, as stated in the Rule. In addition, Phlx states that it believes that the proposal is consistent with section 6(b)(5) of the Act, in that the rules of the Exchange are designed to facilitate transactions in securities and to protect investors and the public interest.

By establishing different bid-ask differentials for options series with near-term (less than nine months) expirations and those with far-term (greater than nine months) expirations, the Commission believes the rule should enhance efficiency and liquidity in the marketplace, in a manner consistent with the demand for a particular options series (which is usually greater for those options series with near-term expirations, and less for those options series with far-term expirations).

Accordingly, the Commission finds that the Phlx proposal is consistent with the requirements of the Act and the rules and regulations thereunder applicable to national securities exchanges. In particular, the Commission finds that the proposal is consistent with section 6 of the Act.

It is therefore ordered, pursuant to section 19(b)(2) of the Act, that the above-mentioned proposed rule change be, and hereby is, approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

[1] 15 U.S.C. 78s(b)(1) (1984).

[2] 17 CFR 240.19b-4 (1984).

[3] The proposed rule change was noticed in Securities Exchange Act Release No. 21833 (March 11, 1985), 50 FR 10335 (March 14, 1985).

[4] *See* Securities Exchange Act Release No. 21512 (November 21, 1984), 49 FR 46858 (November 28, 1984).

Dated: April 19, 1985.
John Wheeler,
Secretary.
[FR Doc. 85-9891 Filed 4-23-85; 8:45 am]
BILLING CODE 8010-01-M

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

Privacy Act of 1974; Changes to Notices of Systems of Records

The Department of Transportation herewith publishes proposed changes to the Storage, Safeguards, and Retention and Disposal sections of DOT/FAA 845, Correspondence Control and Information Systems; and changes to the Categories of Individuals, and Categories of Records in the Systems sections of DOT/OST 008, Departmental Advisory Committee Files.

Any person or agency may submit written comments on the proposed changes of systems to the Acting Privacy Officer (M-34) Room 7109, U.S. Department of Transportation, 400 Seventh Street, SW., Washington, D.C. 20590. Comments must be received by May 12, 1985, to be considered.

If no comments are received, the proposed changes will become effective on May 12, 1985. If comments are received, the comments will be considered and where adopted, the documents will be republished with the changes.

Issued in Washington, D.C. April 18, 1985
Jon H. Seymour,
Acting Assistant Secretary for Administration.

DOT/FAA 845

SYSTEM NAME:

Correspondence Control and Information System, DOT/FAA.

SYSTEM LOCATION:

Fedral Aviation Administration. Office of the Administrator, 800 Independence Ave., SW., Washington, D.C. 20591.

SECURITY CLASSIFICATION:

None.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who write, call (including HOTLINE calls), or are referred in writing by a second party, to the Administrator, to the Deputy Administrator, and their immediate offices; individuals who write, call, or are referred in writing by a second party to the Secretary, to the Deputy Secretary, and their immediate offices and the correspondence which has been referred to the Federal Aviation Administration; individuals who are the subject of an action requiring approval or action by one of the forenamed, such as appeals, actions, training, awards, foreign travel, promotions, selections, grievances, delegations, application of waivers from the Federal Aviation Administration, etc.

CATEGORIES OF RECORDS IN THE SYSTEM:

Correspondence and/or records of calls submitted by, or on behalf of, an individual including resumes, letters of reference, etc; responses to such correspondence and calls, staff recommendations on actions requiring approval or action by the Administrator, the Deputy Administrator, the Secretary, and the Deputy Secretary.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Referral to the appropriate action office within or outside the Department or agency for preparation of a response. Referral, to the appropriate agency for actions involving matters or law, of regulations beyond the responsibility of the agency or Department, such as the Department of Justice in matters of law enforcement. As a data source for management information, such as briefing material on hearings, trend analysis, responsiveness, etc.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Computer Magnetic disk, microfilm, and hardcopy. Access to the records will be by means of identification numbers and passwords known only to the user and the System Manager.

RETRIEVABILITY:

Records will be retrieved by control number, suspense date, correspondence date, subject matter, last name and location of originator and addressee, constituent's name, action office, and type.

SAFEGUARDS:

Terminal access through the system's software is limited to the Office of the Administrator.

RETENTION AND DISPOSAL:

Hard copies are destroyed after material is microfilmed.

SYSTEM MANAGER(S) AND ADDRESS:

Manager, Administrative Staff, Office of the Administrator, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591.

NOTIFICATION PROCEDURE:

Notification Procedure: Individuals wishing to know if their records appear in this system of records may inquire in person or in writing to the System Manager

RECORD ACCESS PROCEDURES:

Individuals who desire access to the information about themselves in this system of records should contact or address their inquiries to the System Manager.

CONTESTING RECORD PROCEDURES:

Individuals who desire to contest information about themselves contained in this system of records should contact or address their inquiries to the Administrator, or his delegate, at the following address:

Federal Aviation Administration, Office of the Administrator, 800 Independence Avenue, SW., Washington, D.C. 20591.

RECORD SOURCE CATEGORIES:

Correspondence, records of calls from individuals, their representatives, or sponsors. Response to incoming correspondence and records of calls. Related material for background as appropriate.

DOT/OST 008

SYSTEM NAME:

Departmental Advisory Committee Files, DOT/OST.

SYSTEM LOCATION:

Department of Transportation (DOT), Office of the Secretary (OST), Office of the Executive Secretary (S-10), 400 7th Street, SW., Room 10203, Washington, D.C. 20590.

SECURITY CLASSIFICATION:

None.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Present and former members of Departmental advisory committees and candidates applying for a position on an advisory committee.

CATEGORIES OF RECORDS IN THE SYSTEM:

Membership file listing name, address, occupation, committee name, and term of appointment. Biographical information on committee members and applicants.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To maintain records in accordance with the requirements of the Federal Advisory Committee Act and GSA's

Interim Rule on Advisory Committee Management. To prepare required reports to GSA and to the Congress. To answer membership inquiries from Departmental elements, from the Congress, from public and private organizations and individuals. To provide a current list of qualified applicants for vacancies which occur on the advisory committees.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE.

All data is stored on a disk which is located inside the processor, with magnetic tape backup. The hard copies will be stored in the Executive Secretariat and will be secured at all times. Access to the records will be by means of identification number and password known only to the user and the system manager.

RETRIEVABILITY:

Records will be retrievable by name or by any of the categories listed under "Categories of Records".

SAFEGUARDS:

The records are safeguarded by (1) user identification and password; (2) establishment of permission to view the file by the system or owner of the record; and (3) encryption of documents, records and data elements. All hard copies are stored in a locked storage area and are only accessible by permission of the Committee Management Coordinator.

RETENTION AND DISPOSAL:

Hardcopies will be sent to the Archives, until such time as we receive instruction from the Archives regarding the permanent retention of discs or magnetic tapes. Discs and tapes will be destroyed. Records are retired to the Federal Records Center within five years after a committee becomes inactive. All records over five years old may be retired to the Federal Records Center.

SYSTEM MANAGER AND ADDRESS:

Executive Secretary and DOT Committee Management Officer, Office of the Secretary (OST), Department of Transportation (DOT), 400 7th Street, SW., Room 10205, Washington, D.C. 20590.

NOTIFICATION PROCEDURE:

Any individual who wishes to be notified if the system of records contains a record pertaining to him may apply in writing to the System Manager at the above address.

RECORD ACCESS PROCEDURES:

Any individual who wishes to review the contents of a record pertaining to him may apply in writing to the System Manager.

CONTESTING RECORD PROCEDURES:

Same as "Record Access Procedures". Appeals should be directed to the Secretary of Transportation, if request for modification or deletion is denied.

RECORD SOURCE CATEGORIES:

Information contained in the system is obtained from (1) committee sponsor; (2) individuals who apply for advisory committee appointments; and (3) persons who recommend them for appointment. Each applicant must complete a Candidate Biographical Information Request form which contains all of the data to be stored in the "Categories of Records", and the individual signs a permission statement authorizing the Department of Transportation to retain such records.

[FR Doc. 85-9937 Filed 4-23-85; 8:45 am]

BILLING CODE 4910-62-M

Office of Hearings

[Docket 43006]

Pan Aviation Fitness Investigation; Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on April 23, 1985, at 10:00 a.m. (local time) in Room 5332, Nassif Building, 400 7th Street, SW., Washington, D.C. 20590, before the undersigned administrative law judge.

Dated at Washington, D.C., April 16, 1985.

Ronnie A. Yoder,

Administrative Law Judge.

[FR Doc. 85-9845 Filed 4-23-85; 8:45 am]

BILLING CODE 4910-32-M

Federal Aviation Administration

Seattle-Tacoma International Airport, Seattle, WA; Noise Compatibility Program and Request for Review

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice.

SUMMARY: The Federal Aviation Administration (FAA) announces its determination that the noise exposure maps submitted by the Port of Seattle for Seattle-Tacoma International Airport (SEA) under the provisions of Title I of the Aviation Safety and Noise Abatement Act of 1979 (Pub. L. 96-193) and 14 CFR Part 150 are in compliance with applicable requirements. The FAA also announces that it is reviewing a proposed noise compatibility program that was submitted for SEA under Part 150 in conjunction with the noise exposure maps, and that this program will be approved or disapproved on or before October 8, 1985.

DATES: The effective date of the FAA's determination on the SEA noise exposure maps and of the start of its review of the associated noise compatibility program is April 11, 1985. The public comment period ends May 17, 1985.

FOR FURTHER INFORMATION CONTACT: Dennis Ossenkop, FAA, Airports Division, ANM-611, 17900 Pacific Hwy S., C-68986, Seattle, WA 98168.

Comments on the proposed noise compatibility program should also be submitted to the above office.

SUPPLEMENTARY INFORMATION: This notice announces that the FAA finds that the noise exposure maps for SEA are in compliance with applicable requirements of Part 150, effective April 11, 1985. Further, FAA is reviewing a proposed noise compatibility program for that airport which will be approved or disapproved on or before October 8, 1985. This notice also announces the availability of this program for public review and comment.

Under section 103 on Title I of the Aviation Safety and Noise Abatement Act of 1979 (hereinafter referred to as "the Act"), an airport operator may submit to the FAA a noise exposure map which meets applicable regulations and which depicts noncompatible land uses as of the date of submission of such map, a description of projected aircraft operations, and the ways in which such operations will affect such map. The Act requires such maps to be developed in consultation with interested and affected parties in the local community, government agencies and persons using the airport.

An airport operator who has submitted a noise exposure map that has been found by FAA to be in compliance with the requirements of Federal Aviation Regulation Part 150, promulgated pursuant to Title I of the Act, may submit a noise compatibility program for FAA approval which sets forth the measures the operator has taken or proposes for the reduction of existing noncompatible uses and for the prevention of the introduction of additional noncompatible uses.

SEA submitted to the FAA on February 8, 1985, noise exposure maps, descriptions and other documentation

which were produced during an airport Noise Exposure Update Study. It was requested that the FAA review this material as the noise exposure maps, as described in section 103(a)(1) of the Act, and that the noise mitigation measures, to be implemented jointly by the airport and surrounding communities, be approved as a noise compatibility program under section 104(b) of the Act.

The FAA has completed its review of the noise exposure maps and related descriptions submitted by SEA. The specific maps under consideration are Exhibits 4–1, 4–2, 4–3, 4–6, 4–7, and 4–8 in the submission. The FAA has determined that these maps for SEA are in compliance with applicable requirements. The determination is effective on April 11, 1985. FAA's determination on an airport operator's noise exposure maps is limited to the determination that the maps were developed in accordance with the procedures contained in Appendix A of FAR Part 150. Such acceptance does not constitute approval of the applicant's data, information or plans, or a commitment to approve a noise compatibility program or to fund the implementation of that program.

If questions arise concerning the precise relationship of specific properties to noise exposure contours depicted on a noise exposure maps submitted under section 103 of the Act, it should be noted that the FAA is not involved in any way in determining the relative locations of specific properties with regard to the depicted noise contours, or in interpreting the noise exposure maps to resolve questions concerning, for example, which properties should be covered by the provisions of section 107 of the Act. These functions are inseparable from the ultimate land use control and planning responsibilities of local government. These local responsibilities are not changed in any way under Part 150 or through FAA's review of noise exposure maps. Therefore, the responsibility for the detailed overlaying of noise exposure contours onto the maps of depicting properties on the surface rests exclusively with the airport operator which submitted those maps, or with those public agencies and planning agencies with which consultation is required under section 103 of the Act. The FAA has relied on the certification by the airport operator, under § 150.21 of FAR Part 150, that the statutorily required consultation has been accomplished.

The FAA has formally received the noise compatibility program for SEA, also effective on April 11, 1985. Preliminary review of the submitted material indicates that it conforms to the requirements for the submittal of noise compatibility programs, but that further review will be necessary prior to approval or disapproval of the program. The formal review period, limited by law to a maximum of 180 days, will be completed on or before October 8, 1985.

The FAA's detailed evaluation will be conducted under the provisions of 14 CFR 150.33. The Primary considerations in the evaluation process are whether the proposed measures may reduce the level of aviation safety, create an undue burden on interstate or foreign commerce, or be reasonably consistent with obtaining the goal of reducing existing noncompatible land uses and preventing the introduction of additional noncompatible land uses.

Interested persons are invited to comment on the proposed program with specific reference to these factors. All comments, other than those properly addressed to local land use authorities, will be considered by the FAA to the extent practicable. Copies of the noise exposure maps, the FAA's evaluation of the maps, and the proposed noise compatibility program are available for examination at the following locations:

Federal Aviation Administration, Independence Avenue, SW, Room 615, Washington, D.C.

Federal Aviation Administration, Airports Division, ANM–600, 17900 Pacific Hwy S. C–68966, Seattle, Washington 98168

Port of Seattle, Planning and Research Dept., Pier 66, Seattle, Washington

Questions may be directed to the individual named above under the heading, **FOR FURTHER INFORMATION CONTACT.**

Issued in Seattle, Washington, April 11, 1985.

Edward G. Tatum,

Manager, Airports Division Northwest Mountain Region.

[FR Doc. 85–9828 Filed 4–23–85; 8:45 am]

BILLING CODE 4910–13–M

National Highway Traffic Safety Administration

[Docket No. IP84–16; Notice 2]

American Honda Motor Co., Inc.; Denial of Petition for Inconsequential Noncompliance

This notice denies the petition by American Honda Motor Co., Inc., of Gardena, California, to be exempted from the notification and remedy requriements of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1381 *et seq.*) for an apparent noncompliance with 49 CFR 571.218, Motor Vehicle Safety Standard No. 218, *Motorcycle Helmets*, on the basis that it is inconsequential as it related to vehicle safety.

Notice of the petition was published on October 31, 1984, and an opportunity afforded for comment (49 FR 43829).

Paragraph S5.5, *Projections*, of Safety Standard No. 218 states in pertinent part that "A helmet shall not have any rigid projections inside its shell." Honda has distributed "less than 20,000" helmets in the model years 1982–84 with provision for installation of audio headsets which are ellipsoidal in shape, about 1½ inches at the longest point, and which project inwards from the liner surface approximately 1 inch. Petitioner stated that it is aware of no comments from purchasers concerning the noncompliance. Further, the headset mounting points are below the impact test areas designated in Standard No. 218.

In order to obtain an expert opinion as to the likelihood of an internally mounted audio headset becoming a significant causative factor of injury, the petitioner consulted Dr. Irving Rehman, Emeritus Professor of Anatomy, University of Southern California School of Medicine, who had performed over 300 autopsies on motorcycle accident victims, with particular attention to the head and neck region. Dr. Rehman submitted a preliminary report which has been placed in the docket with the petition. Dr. Rehman's report indicates that he had examined a sample "to determine whether and placement of the two car speakers over the mastoid area had any potential to produce inuury, skull fracture, and/or brain damage." He concluded that he saw "no probability" for the speaker "to produce trauma in an impact to the mastoid area of the head."

No comments were received on the petition.

The speakers in question extend inwards from the helmet shell about one inch and are constructed of hard plastic. They are therefore "rigid projections" within the meaning of the prohibition of paragraph S5.5. They are not protected or covered by padding or any other effective protective materials. The comfort padding in the area surrounding the speaker does not appear capable of providing useful load-carrying capacity. The helmet as designed will not prevent contacts between the speakers and the helmet user's head during an impact, and therefore, the speakers present a potential safety problem.

The petitioner claimed that accident data shows low injury frequency in the

ear area, specifically only 4 to 8% of all injuries, and that no accident data show injury attributable to speakers in helmets. Honda and Dr. Rehman did not identify the source of the data. However, NHTSA believes that a DOT-sponsored study by Professor H. Hurt of the University of Southern California may have been its source. This data covered the years 1975–80, at a time that helmet speakers were scarce if indeed furnished at all and it is therefore irrelevant that the data showed no speaker-head injuries.

The petitioner also claimed that the speakers would not cause injuries in the head area, citing the strength of the mastoid bone as demonstrated through scientific studies. NHTSA does not dispute the fact that the mastoid bone is the most likely one to be contacted by the speaker in an accident, or the studies demonstrating the strength of that bone. However, there are other bones in the ear area with a lesser fracture load which could be contacted in an accident. Dr. Rehman cites a report that the energy required to fracture the mastoid bone is 615 inch-pounds, but he also referenced another study showing that the fracture load of the bone in the temporo-parietal area is 550 pounds as demonstrated by drop-tower impacts through a 1-square inch contact area. The Society of Automotive Engineers, however, has ascribed a force range beginning at 400 pounds for temporo-parietal fracture in SAE J585 *Human Tolerance to Impact Conditions as Related to Motor Vehicle Design*. The NHTSA has examined how these loads relate to those experienced in tests of helmets to Standard No. 218 in judging the injury potential of the speakers. To judge impact attenuation, the standard specifies that a helmet mounted on a headform shall be dropped in guided free fall upon fixed flat and hemispherical steel anvils (paragraph S7.1). The total drop weight is the 11 pounds of the instrumented headform plus the weight of the helmet tested. The Honda helmet weighs roughly 3.5 pounds. The impact energy for the 72-inch drop would therefore be 1,044 inch-pounds, and for the 45.5 inch drop, 790.25 inch-pounds. Either figure is larger than the fracture energy of the mastoid bone, by 70% for the higher drop, and 29% for the lower one. NHTSA assumes that almost all the impact energy of the hemispherical drop would be transmitted through the rigid speaker to the head with the potential for mastoid and temporo-parietal bone fracture.

For the foregoing reasons, NHTSA has determined that petitioner has not met its burden of persuasion that the noncompliance herein described is inconsequential as it relates to motor vehicle safety, and its petition is denied.

(Sec. 102, Pub. L. 93–492, 88 Stat. 1470 (15 U.S.C. 1417); delegations of authority at 49 CFR 1.50 and 49 CFR 501.8)

Issued on April 19, 1985.

Barry Felrice,

Associate Administrator for Rulemaking.

[FR Doc. 85–9844 Filed 4–23–85, 8:45 am]

BILLING CODE 4910-59-M

International Harmonization of Safety Standards; Calendar of Meetings

The National Highway Traffic Safety Administration (NHTSA) will continue its participation during this year in the international meetings to harmonize U.S. and foreign motor vehicle safety standards. These meetings will be conducted by the Group of Experts on the Construction of Vehicles (WP29) under the Inland Transport Committee of the United Nations' Economic Commission for Europe (ECE) and the eight groups of Rapporteurs of the WP29. The NHTSA currently represents the United States in all of the rapporteur meetings except those on Pollution and on Noise.

This calendar consists of those ECE meetings currently scheduled. It is published for information and planning purposes and the meeting dates and places are subject to change. NHTSA attendance at these meetings will be affected by agenda content, priorities and availability of travel funds. Inquiries or comments relating to specific meetings should be made at least two weeks preceding that meeting.

FOR FURTHER INFORMATION CONTACT:

Francis J. Turpin, Office of Vehicle Safety Standards (NRM–10), National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, D.C. 20590, (202) 426–2212.

April 9–12, 1985
- Group of Rapporteurs on Noise (GRB), Thirteenth Session—Geneva, Switzerland.

April 29–May 3, 1985
- Group of Rapporteurs on Protective Devices (GRDP), Fifteenth Session—Geneva, Switzerland.

May 6–10, 1985
- Group of Rapporteurs on Brakes and Running Gear (GRRF), Seventeenth Session—London, England.

May 28–31, 1985
- Group of Rapporteurs on Safety Provisions on Motorcoaches and Buses (GRSA) Thirty-first Session—Geneva, Switzerland.

June 13–14, 1985
- Ad Hoc Meeting on the Program of Work of WP29, Twenty-eighth Session—Geneva, Switzerland.

June 17–21, 1985
- Group of Experts on the Construction of Vehicles (WP29), Seventy-sixth Session—Geneva, Switzerland.

July 9–12, 1985
- Group of Rapporteurs on Lighting and Light-Signalling (GRE), Thirteenth Session—Lipstadt, Federal Republic of Germany.

July 23–26, 1985
- Group of Rapporteurs on General Safety Provisions (GRSG), Forty-sixth Session—Geneva, Switzerland.

August 27–30, 1985
- Group of Rapporteurs on Pollution and Energy (GRPE), Twelfth Session—Geneva, Switzerland.

September 2–4, 1985
- Group of Rapporteurs on Crashworthiness (GRCS), Seventeenth Session—Geneva, Switzerland.

October 7–11, 1985
- Group of Rapporteurs on Protective Devices (GRD), Sixteenth Session—Geneva, Switzerland.

October 17–18, 1985
- Ad Hoc Meeting on the Program of Work of WP29, Twenty-ninth Session—Geneva, Switzerland.

October 21–25, 1985
- Group of Experts on the Construction of Vehicles (WP29) Seventy-seventh Session—Geneva, Switzerland.

November 5–8, 1985
- Group of Rapporteurs on Lighting and Light-Signalling (GRE), Fourteenth Session—Tokyo, Japan.

November 11–15, 1985
- Group of Rapporteurs on General Safety Provisions (GRSG), Forty-seventh Session—Geneva, Switzerland.

November 19–22, 1985
- Group of Rapporteurs on Brakes and Running Gear (GRRF), Eighteenth Session—Geneva, Switzerland.

January 14–17, 1986
- Group of Rapporteurs on Noise (GRB), Fourteenth Session—Geneva, Switzerland.

January 22–24, 1986
- Group of Rapporteurs on Crashworthiness (GRCS), Eighteenth Session—Geneva, Switzerland.

February 4–7, 1986
- Group of Rapporteurs on Pollution and Energy (GRPE), Thirteenth Session—Geneva, Switzerland.

February 18–21, 1986
- Group of Rapporteurs on Safety Provisions on Motorcoaches and Buses (GRSA), Thirty-second

Session—Geneva, Switzerland.
March 6–7, 1986
Ad Hoc Meeting on the Program of Work of WP29, Thirtieth Session—Geneva, Switzerland.
March 10–14, 1986
Group of Experts on the Construction of Vehicles (WP29) Seventy-eighth Session—Geneva, Switzerland.

The following meetings took place earlier this year.
January 29–31, 1985
Group of Rapporteurs on Crashworthiness (GRCS), Sixteenth Session—Geneva, Switzerland.
February 11–14, 1985
Group of Rapporteurs on Pollution and Energy (GRPE), Eleventh Session—Geneva, Switzerland.
March 7–8, 1985
Ad Hoc Meeting on the Program of Work of WP29, Twenty-seventh Session—Geneva, Switzerland.
March 11–15, 1985
Group of Experts on the Construction of Vehicles (WP29) Seventy-fifth Session, Geneva, Switzerland.

Issued on April 19, 1985.

Barry Felrice,

Associate Administrator for Rulemaking.

[FR Doc. 85–9901 Filed 4–23–85; 8:45 am]

BILLING CODE 4910–59–M

Research and Special Programs Administration

National Hazardous Materials Transportation Advisory Committee; Public Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463, 5 U.S.C. App. 1), notice is hereby given of a meeting of the National Hazardous Materials Transportation Advisory Committee (NHMTAC) on May 9 and 10, 1985, at 9:00 a.m. at the Peabody Hotel, 149 Union Avenue, Memphis, TN 38103.

The purpose of the meeting is to receive reports from the Emergency Response, Prevention, and Information Exchange Working Groups and discuss their content.

Attendance is open to the public but limited to the space available. With approval of the chair of the Committee, and availability of time, members of the public may present oral statements on any items scheduled for discussion. Due to the limited time available, each person who wants to make an oral statement is requested to notify Ms. Cecy Ivie, Materials Transportation Bureau (DMT–60), Room 8432, 400 Seventh Street, S.W., Washington, DC 20590, telephone (202) 472–2698, of the topics to be addressed and the time requested to address each topic. Members of the public may present written statements to the Committee before or after any meeting of the Committee. Such statements should be sent to: National Hazardous Materials Transportation Advisory Committee, ATTN: Ms. Cecy Ivie, Materials Transportation Bureau (DMT–60), Room 8432, Nassif Building, 400 Seventh Street, S.W., Washington, D.C. 20590.

Dated: April 23, 1985.

Sherwood C. Chu,

Associate Director for Regulatory Planning and Analysis, Materials Transportation Bureau.

[FR Doc. 85–10094 Filed 4–23–85; 11:05 am]

BILLING CODE 4910–60–M

DEPARTMENT OF THE TREASURY

Public Information Collection Requirements Submitted to OMB for Review

Dated: April 18, 1985.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB (listed by submitting bureau(s)), for review and clearance under the Paperwork Reduction Act of 1980, Pub. L. 96–511. Copies of these submissions may be obtained by calling the Treasury Bureau Clearance Officer listed under each bureau. Comments regarding these information collections should be addressed to the OMB reviewer listed at the end of each bureau's listing and to the Treasury Department Clearance Officer, Room 7221, 1201 Constitution Avenue, NW., Washington, D.C. 20220.

Comptroller of the Currency

OMB Number: 1557–0081
Form Number: FFIEC 031–034
Type of Review: Revision
Title: Reports of Condition and Income (Interagency Call Report)
Clearance Officer: Eric Thompson, (202) 447–1177, Comptroller of the Currency, 6th Floor, L'Enfant Plaza, Washington, D.C. 20219
OMB Reviewer: Robert Neal, (202) 395–6880, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, D.C. 20503

James V. Nasche, Jr.,

Departmental Reports, Management Office.

[FR Doc. 85–9903 Filed 4–23–85; 8:45 am]

BILLING CODE 4810–25–M

Sunshine Act Meetings

Federal Register
Vol. 50, No. 79
Wednesday, April 24, 1985

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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1

FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Meeting

Pursuant to the provisions of the "Goverment in the Sunshine Act" (5 U.S.C. 552b), notice is herby given that at 6:00 p.m. on Thursday, April 18, 1985, the Board of Directors of the Federal Deposity Insurance Corporation met in closed session, by telephone conference call, to:

(A) (1) receive bids for the purchase of certain assets of and the assumption of the liability to pay deposits made in The Peoples National Bank of Lampasas, Lampasas, Texas, which was closed by the Senior Deputy Comptroller for Bank Supervision, Office of the Comptroller of the Currency, on Thursday, April 18, 1985; (2) accept the bid for the transaction submitted by United Peoples Bank, Lampasas, Texas, a newly-chartered State nonmember bank subsidiary of Capital Peoples Bancshares, Inc.; (3) approve the applications of United Peoples Bank, Lampasas, Texas, for Federal deposit insurance and for consent to purchase certain assets of and assume the liability to pay deposits made in The Peoples National Bank of Lampasas, Lampasas, Texas; and (4) provide such financial assistance, pursuant to section 13(c)(2) of the Federal Deposit Insurance Act (12 U.S.C. 1823(c)(2)), as was necessary to facilitate the purchase and assumption transaction;

(B) (1) receive bids for the purchase of certain assets of and the assumption of the liability to pay deposits made in The First National Bank of Springfield, Springfield, Colorado, which was closed by the Senior Deputy Comptroller for Bank Supervision, Office of the Comptroller of the Currency, on Thursday, April 18, 1985; (2) accept the bid for the transaction submitted by Baca State Bank, Springfield, Colorado, an insured State nonmember bank; (3) approve the applicaiton of Baca State Bank, Springfield, Colorado, for consent to purchase certain assets of and assume the liability to pay deposits made in The First National Bank of Springfield, Springfield, Colorade, and to establish the sole office of The First National Bank of Springfield as a branch of Baca State Bank; and (4) provide such financial assistance, pursuant to section 13(c)(2) of the Federal Deposit Insurance Act (12 U.S.C. 1823(c)(2)), as was necessary to facilitate the purchase and assumption transaction;

(C) consider a recommendation, pursuant to section 10(b) of the Federal Deposit Insurance Act, that the Corporation examine a certain State member bank (name and location of bank authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(8) and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(8) and (c)(9)(A)(ii))); and

(D) consider the application of LTCB Trust Company, an operating noninsured trust company located at 140 Broadway, New York, New York, for Federal deposit insurance and for consent to exercise full trust powers.

In calling the meeting, the Board determined, on motion of Chairman William M. Isaac, seconded by Director Irvine H. Sprague (Appointive), concurred in by Mr. H. Joe Selby, acting in the place and stead of Director C. T. Conover (Comptroller of the Currency), that Corporation business required its consideration of the matters on less than seven days' notice to the public; that not earlier notice of the meeting was practicable; that the public interest did not require consideration of the matters in a meeting open to public observation; and that the matters could be considered in a closed meeting pursuant to subsections (c)(6), (c)(8), (c)(9)(A)(ii), and (c)(9)(B) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(6), (c)(8), (c)(9)(A)(ii), and (c)(9)(B)).

Dated: April 19, 1985.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 85-10014 Filed 4-22-85; 2:55 pm]

BILLING CODE 6714-01-M

2

FEDERAL RESERVE SYSTEM

TIME AND DATE: 11:00 a.m., Monday, April 29, 1985.

PLACE: Marriner S. Eccles Federal Reserve Board Building, C Street entrance between 20th and 21st Streets, NW., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Proposed Federal Reserve Bank salary structure adjustments made under Delegation of Authority.
2. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.
3. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board; (202) 452-3204. You may call (202) 452-3207, beginning at approximately 5 p.m. two business days before this meeting, for a recorded announcement of bank and bank holding company applications scheduled for the meeting.

Dated: April 19, 1985.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 85-9912 Filed 4-19-85; 4:47 pm]

BILLING CODE 6210-01-M

3

INTERNATIONAL TRADE COMMISSION

TIME AND DATE: Wednesday, April 24, 1985 at 2:00 p.m.

PLACE: Room 117, 701 E Street, NW., Washington, D.C. 20436.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Agenda.
2. Minutes.
3. Ratification List.
4. Petitions and Complaints.
   (a) Liquid support for human bodies (Docket No. 1185).
5. Any items left over from previous agenda.

CONTACT PERSON FOR MORE INFORMATION: Kenneth R. Mason, *Secretary*, (202) 523-0161.

Kenneth R. Mason,

Secretary.

[FR Doc. 85-9936 Filed 4-22-85; 9:42 am]

BILLING CODE 7020-02-M

4

NATIONAL MEDIATION BOARD

TIME AND DATE: 2:00 P.M., Wednesday, May 1, 1985.

PLACE: Board Hearing Room 8th Floor, 1425 K Street, NW., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Ratification of the Board actions taken by notation voting during the month of April, 1985.

2. Other priority matters which may come before the Board for which notice will be given at the earliest practicable time.

SUPPLEMENTARY INFORMATION: Copies of the montly report of the Board's notation voting actions will be available from the Executive Secretary's office following the meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Rowland K. Quinn, Jr., Executive Secretary, Tel: (202) 523-5920.

Date of notice: April 18, 1985.

Mr. Rowland K. Quinn, Jr.,

Executive Secretary, National Mediation Board.

[FR Doc. 85-9983 Filed 4-22-85; 1:47pm]

BILLING CODE 7550-01-M

5

NUCLEAR REGULATORY COMMISSION

DATE: Weeks of April 22, 29, May 6, and 13, 1985.

PLACE: Commissioners' Conference Room, 1717 H Street, NW., Washington, D.C.

STATUS: Open and Closed.

MATTERS TO BE CONSIDERED:

Week of April 22

Tuesday, April 23

9:30 a.m.
Discussion of Pending Investigations (Closed—Ex. 5 & 7)

11:00 a.m.
Discussion of Diablo Canyon-2 Contested Issues (Closed—EX. 10) (tentative)

2:30 p.m.
Discussion/Possible Vote on Diablo Canyon-2 Low Power License (Public Meeting)

Thursday, April 25

2:00 p.m.
Affirmation/Discussion and Vote (Public Meeting)
a. Indian Point Order (Tentative) (Postponed from April 18)

Week of April 29—Tentative

Wednesday, May 1

10:00 a.m.
Discussion of Low Level Waste Issues (Public Meeting)

2:00 p.m.
Periodic Briefing on NTOLs (Open/Portion may be Closed—Ex. 5 & 7)

4:00 p.m.
Affirmation Meeting (Public Meeting) (if needed)

Thursday, May 2

10:00 a.m.
Discussion of Modified Rule on Material False Statements (Public Meeting)

Week of May 6—Tentative

Wednesday, May 8

10:30 a.m.
Briefing by AIF on State of the Industry (Public Meeting)

Thursday, May 9

10:00 a.m.
Briefing on Brookhaven Report on Independent Safety Organization (Public Meeting)

2:00 p.m.
Executive Branch Briefing (Closed—Ex. 1)

3:30 p.m.
Affirmation Meeting (Public Meeting) (if needed)

Friday, May 10

2:00 p.m.
Periodic Meeting with Advisory Committee on Reactor Safeguards (Public Meeting)

Week of May 13

Wednesday, May 15

10:00 a.m.
Briefing on Final Rule on Backfitting (Public Meeting)

Thursday, May 16

10:00 a.m.
Mid-Year Budget and Program Review (Public Meeting)

ADDITIONAL INFORMATION: Affirmation of "*UCS* v. *NRC* (Emergency Preparedness Exercises May Not be Excluded by Rule from OL Hearings)" (Public Meeting) was held on April 18.

TO VERIFY THE STATUS OF MEETINGS CALL (RECORDING): (202) 634-1498.

CONTACT PERSON FOR MORE INFORMATION: Julia Corrado (202) 634-1410.

Julia Corrado,

Office of the Secretary.

April 19, 1985.

[FR Doc. 85-9902 Filed 4-19-85; 4:44 pm]

BILLING CODE 7590-01-M

Federal Register

Wednesday
April 24, 1985

Part II

Department of the Interior

Office of Surface Mining Reclamation and Enforcement

30 CFR Parts 779, 780, 783, 784, 816 and 817

Surface Coal Mining and Reclamation Operations; Permanent Regulatory Program; Preparation and Certification of Cross Sections, Maps and Plans by Land Surveyors; Certification of the Design of Impoundments; Final Rule

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Parts 779, 780, 783, 784, 816 and 817

Surface Coal Mining and Reclamation Operations; Permanent Regulatory Program; Preparation and Certification of Cross Sections, Maps and Plans by Land Surveyors; Certification of the Design of Impoundments

AGENCY: Office of Surface Mining Reclamation and Enforcement, Interior.

ACTION: Final rule.

SUMMARY: The Office of Surface Mining Reclamation and Enforcement (OSM) of the U.S. Department of the Interior (DOI) is amending its rules governing: (1) Preparation and certification of cross sections, maps and plans required in permit applications for surface and underground coal mining; (2) preparation and certification of general and detailed design plans for sedimentation ponds, water impoundments, and coal processing waste banks, dams and embankments; and (3) certification of the design of impoundments.

This final rule implements a November 4, 1983, amendment to the Surface Mining Control and Reclamation Act of 1977, and authorizes qualified, registered, professional, land surveyors to prepare and certify the cross sections, maps and plans required in an application for a surface coal mining and reclamation permit in any State which authorizes land surveyors to prepare and certify such documents. In addition, it increases the qualifications a land surveyor must have to prepare and certify detailed design plans for small structures. It also eliminates an inconsistency in the previous rules regarding the authority of land surveyors to certify the design of small impoundments.

EFFECTIVE DATE: May 24, 1985.

FOR FURTHER INFORMATION CONTACT: Stanford J. Zeccolo, Office of Surface Mining Reclamation and Enforcement, U.S. Department of the Interior, 1951 Constitution Avenue, NW., Washington, D.C. 20240; Telephone: 202–343–5955 (Commercial or FTS).

SUPPLEMENTARY INFORMATION:

I. Background
II. Final Rule and Responses to Public Comments on Proposed Rule
III. Procedural Matters

I. Background

A. Amendment to Section 507(b)(14) of the Act

As originally enacted, section 507(b)(14) of the Surface Mining Control and Reclamation Act of 1977 (the Act), 30 U.S.C. 1257(b)(14), required that certain cross sections, maps and plans in an application for a surface coal mining reclamation permit be

> prepared by or under the direction of and certified by a qualified registered professional engineer, or professional geologist with assistance from experts in related fields such as land surveying and landscape architecture . . . .

This requirement was implemented in the previous OSM rules at 30 CFR 779.25, 780.14, 780.25, 783.25, 784.16 and 784.23.

Prior to the Act, land surveyors in a number of States had been authorized by State law to prepare and certify the cross sections, maps and plans required in an application for a surface coal mining and reclamation permit. Under the Act, however, only an engineer or geologist could certify these documents.

To resolve this conflict with State law, the U.S. Congress on November 4, 1983, amended the Act to authorize land surveyors to prepare and certify cross sections, maps and plans (Sec. 115, Pub. L. 98–146, 97 Stat. 938 (1983)). The amendment provides that

> [n]otwithstanding section 507(b)(14) of the Surface Mining Control and Reclamation Act of 1977 (Pub. L. 95–87), cross-sections, maps or plans of land to be affected by an application for a surface mining and reclamation permit shall be prepared by or under the direction of a qualified registered professional engineer or geologist, or qualified registered professional land surveyor in any State which authorizes land surveyors to prepare and certify such maps or plans.

On October 2, 1984 (49 FR 38958), OSM proposed a rule to implement this statutory amendment, and give qualified, registered, professional, land surveyors authority to prepare and certify cross sections, maps and plans in any State which authorizes land surveyors to prepare and certify such documents. This final rule is based on that proposal.

B. Inconsistent Rules

The previous permanent program rules contained inconsistent provisions concerning the authority of land surveyors to certify the design of small impoundments. The rules at 30 CFR 816.49(a)(2) and 817.49(a)(2), which were adopted in 1983 (48 FR 43994), did not authorize land surveyors to certify the design of any impoundments. However, the rules at 30 CFR 780.25(a)(3) and 784.16(a)(3), which were adopted in March 1979 (44 FR 15357), authorized registered land surveyors to prepare and certify detailed design plans for small impoundments not meeting the size or other criteria of 30 CFR 77.216(a). (The rule at 30 CFR 77.216(a) specifies Mine Safety and Health Administration criteria concerning the elevation, storage volume, and hazard potential of an impounding structure.)

The rule proposed by OSM on October 2, 1984, resolved this inconsistency by revising §§ 816.49(a)(2) and 817.49(a)(2) to require certification of the design of impoundments in accordance with 30 CFR 780.25(a) and 784.16(a), respectively. These cross-references to §§ 780.25(a) and 784.16(a) were intended to preserve the authority for certifying small impoundments that already had been given to land surveyors in 1979 by the referenced sections. In addition, OSM proposed to increase the qualifications required of a land surveyor in §§ 780.25(a)(3) and 784.16(a)(3) by inserting the words "qualified" and "professional" before the term "land surveyor," to correspond with the qualifications required of an engineer in the same circumstances.

C. Public Comment Period

A thirty day public comment period was announced in the proposed rule, to close on November 1, 1984. Because the affected provisions of 30 CFR Chapter VII are referenced by Federal programs, on October 29, 1984 (49 FR 43479), the comment period was extended to December 3, 1984, to provide the 60 days public notice required by 30 CFR 736.12 for revision of a Federal program. Also in accordance with 30 CFR 736.12, public notice of the proposed rule was published in newspapers in the ten Federal program states of Tennessee, North Carolina, Georgia, Massachusetts, Rhode Island, Idaho, Oregon, Washington, South Dakota and Mississippi.

OSM received pubic comments on the proposed rule from a total of fourteen individuals and organizations. Public reaction to the proposed rule overall was favorable by a margin of approximately two-to-one. No request was received for a public hearing or meeting, and none was held.

II. Final Rule and Responses to Public Comments on Proposed Rule

A. Technical Revisions

Throughout this final rule, minor technical revisions are made in spelling, punctuation and grammar. These

revisions improve the clarity of the rule, but have no effect on its substantive requirements. Because of their limited effect, these technical revisions are not discussed in specific detail.

B. Section-by-Section Analysis

PART 779—SURFACE MINING PERMIT APPLICATIONS—MINIMUM REQUIREMENTS FOR INFORMATION ON ENVIRONMENTAL RESOURCES

Section 779.25 Cross sections, maps and plans—Renumbering of Paragraphs. In § 779.25, the previous numbering of the paragraphs was incorrect. The introductory language related to paragraphs (a) through (k), but not to paragraph (l). Therefore, this rule amends § 779.25 by redesignating the introductory language as paragraph (a), redesignating paragraphs (a) through (k) as paragraphs (a)(1) through (a)(11), redesignating paragraphs (k)(1) through (k)(3) as paragraph (a)(11)(i) through (a)(11)(iii) and redesignating paragraph (1), the last paragraph, as paragraph (b).

Increased Authority of Land Surveyors. This rule revises new § 779.25(b) to authorize qualified, registered, professional, land surveyors to prepare and certify the cross sections, maps and plans required in a permit application pursuant to this section. In any State which authorizes land surveyors to prepare and certify such cross sections, maps and plans, this rule authorizes qualified, registered, professional, land surveyors to prepare and certify these documents.

In any such State, this rule gives qualified, registered, professional, land surveyors the same authority to prepare and certify cross sections, maps and plans as they are given by State law. Although the preamble to the proposed rule stated that the rule would give land surveyors the same authority as previously had been granted to engineers and geologists, this is true only to the extent such authority is given to land surveyors by State law.

The State of West Virginia, in its comments on the proposed rule, stated that it has authorized licensed land surveyors to design and certify cross sections, maps and plans since 1971, with entirely satisfactory results. Another commenter pointed out that the State of Pennsylvania currently authorizes land surveyors to prepare and certify cross sections, maps and plans.

One commenter thought the proposed rule gave equal status to engineers, geologists, and landscape architects, and thus tended to degrade professional land surveyors. Another thought it discriminated against professional land surveyors, and that it considered an engineer, geologist or landscape architect to be more competent than a land surveyor.

OSM does not intend this rule to reflect adversely on the status of any of these professions to do the work for which they are authorized by State and Federal law. This rule does not affect the authority previously granted to professional geologists. Nor does it authorize landscape architects to prepare independently or to certify cross sections, maps and plans, but limits them to assisting engineers, geologists or land surveyors as authorized by the previous rule.

Another commenter thought OSM had construed the amendment to section 507(b)(14) of the Act too broadly in proposing to authorize land surveyors to prepare and certify all of the cross sections, maps and plans covered by that section of the Act, thereby posing a threat to the public health and safety, as well as to the safety of underground miners. This commenter thought that while the wording of the amendment to the Act ostensibly went further than merely allowing land surveyors to certify maps and plans of surface features, topography and land boundaries, the intent of the Congress was more limited than a literal reading of the amendment would indicate.

This commenter wanted OSM further to limit the rule to authorize land surveyors to engage in only those activities "properly within that professional field," rather than "merely recanting the statutory amendment and leaving the individual states without guidance in the area." Notwithstanding this commenter's concerns, however, there is nothing in either the amendment to the Act or its legislative history, and the commenter cited nothing, to support additional restrictions on land surveyors who meet the requirements of § 779.25(b).

Moreover, although this commenter alluded to activities properly within the field of surveying, such activities may vary among the States. This rule authorizes surveyors only to perform those functions in a particular State for which they have authority under State law. For these reasons, OSM has declined to impose any further restrictions on properly authorized land surveyors.

One commenter noted that in many of the areas affected by this rule the hourly rate of a land surveyor is approximately fifty percent of that of an engineer, which may result in substantial savings to operators, and particularly small operators, who employ surveyors. Such savings, the commenter believed, may lead to lower coal prices and stimulate competition in the market.

Although operators may derive economic benefits from this rule, such benefits would not justify the rule if adequate environmental protection were not also assured. Because only qualified professionals are authorized to certify cross sections, maps and plans, this rule will not decrease the environmental protection provided by the Act.

Rule Authorizes Both Preparation and Certification. As was explained in the preamble to the proposed rule, while a literal reading of the amendment to section 507(b)(14) of the Act might appear to authorize land surveyors only to *prepare* cross sections, maps and plans, revised § 779.25(b) also authorizes land surveyors to *certify* these documents. In view of the legislative history of the amendment to the Act, OSM has concluded that the Congress intended the term "prepared by" in the amendment to include authority for certification.

As discussed by Senator Byrd on the floor of the Senate, 129 Cong. Rec. S12411 (daily ed. Sept. 19, 1983) (emphasis added), the purpose of the amendment was to remedy

> conflicts with State laws [where the Act] preempts registered land surveyors from a lead role in the *preparation and certification* of maps, plans, and cross-sections . . . .
> • • • • •
> The Surface Mining Control and Reclamation Act of 1977 authorizes registered professional engineers and geologists to perform design and planning work for mining projects. The act does not permit professional land surveyors to take the lead role in *preparing and certifying* mine maps and plans.

These and other references in the legislative history to both preparing and certifying strongly infer that the Congress intended to authorize qualified, registered, professional, land surveyors to perform both of these functions as lead professionals. If land surveyors were authorized merely to prepare, but not to certify, cross sections, maps and plans, their status as lead professionals would be seriously impaired, if not entirely negated. Thus, this rule authorizes qualified, registered, professional, land surveyors both to prepare and to certify these documents.

A number of commenters expressed agreement with this interpretation of the amendment to section 507(b)(14) of the Act. One pointed out that the rules in effect prior to the amendment had authorized land surveyors to prepare cross sections, maps and plans under the direction of professional engineers, but not to certify them. If the

amendment and this rule did not authorize land surveyors to certify these documents, there would be no change from their previous status. OSM concurs with this observation, and concludes that in enacting the amendment the Congress intended to authorize land surveyors both to prepare and to certify cross sections, maps and plans.

Qualifications of Professional Geologist. The proposed rule would have added the words "qualified" and "registered" to modify the term "professional geologist" in § 779.25(b), to correspond with the qualifications required of an engineer. A commenter pointed out that some States do not have a registration process for professional geologists, and thus the rule would be inconsistent with current procedures in those States. This commenter noted that in the State of Wyoming, for example, there is no registration process for geologists. To qualify as a "professional geologist" under Wyoming law a person need only have a certain level of education and experience.

This comment is consistent with the text of section 507(b)(14) of the Act, which speaks only in terms of a "professional geologist," without the added qualifications required of a professional engineer. Accordingly, in this final rule the less restrictive language of the Act is retained in § 779.25(b), and the words "qualified" and "registered" have not been added to modify the term "professional geologist." In determining whether a person qualifies as a professional geologist under this provision, OSM will apply whatever standard is used in the State where the proposed surface coal mining operation would take place.

PART 780—SURFACE MINING PERMIT APPLICATIONS—MINIMUM REQUIREMENTS FOR RECLAMATION AND OPERATION PLAN

Section 780.14 Operation plan: Cross sections, maps and plans.—Increased Authority of Land Surveyors. Previous § 780.14 required that each surface mining permit application contain specified maps and plans, some of which must be certified. This rule revises § 780.14(c) to authorize qualified, registered, professional, land surveyors to prepare and certify these maps and plans in any State which grants land surveyors such authority. The effect of this revision is the same as discussed previously for § 779.25(b).

References to Exceptions and Pertinent Paragraphs. For increased specificity, the exceptions previously described verbally in § 780.14 (c)(1) and (c)(2) now are referenced by section number at the beginning of paragraph (c). The referenced provisions, 30 CFR 780.25(a)(2), 780.25(a)(3), 780.35(a), 816.71(b), 816.73(c) and 816.81(c), restrict land surveyors from preparing and certifying cross sections, maps and plans in certain situations. Although referenced § 780.35(a) does not itself contain an independent certification requirement, it does incorporate by reference the requirements of 30 CFR 816.71(b) and 816.73(c). The explicit reference to § 816.73(c) in the final rule inadvertently was omitted from the proposed rule. However, § 816.73(c) was referenced indirectly in the proposed rule through the reference to § 780.35(a).

To correct an omission from the references to paragraph (b) in the previous rule, a reference to paragraph (b)(6) is added to the previous references to paragraphs (b) (4), (5), (10) and (11). As noted in the preamble to the proposed rule, the water diversion, collection, conveyance, treatment, storage and discharge facilities covered by paragraph (b)(6) clearly are within the purview of "any settling or water treatment facility . . . constructed or natural drainways and the location of any discharges to any surface body of water," as recited in section 507(b)(14) of the Act, and thus are within the purview of § 780.14(c).

Section 780.25 Reclamation plan: Impoundments and coal processing waste impounding structures.—Increased Authority of Land Surveyors. Previous § 780.25 required that each application for a surface coal mining and reclamation permit include a general plan for each proposed sedimentation pond, water impoundment, and coal processing waste bank, dam or embankment within the proposed permit area. This rule revises § 780.25(a)(1)(i) to authorize qualified, registered, professional, land surveryors to prepare and certify this general plan in any State which authorizes land surveyors to prepare and certify such plans. The effect of this revision is the same as discussed previously for § 779.25(b).

Proposed § 780.25(a)(1)(i) incorrectly specified cross sections and maps as documents which a State must authorize a land surveyor covered by this section to prepare. This reference to cross sections and maps has been deleted from the final rule, which requires only that a State authorize land surveyors to prepare and certify general plans.

Additional Qualifications for Land Surveyors. Previous § 780.25(a)(3)(i) authorized a registered land surveyor to prepare and certify a detailed design plan for a structure that does not meet the size or other criteria of 30 CFR 77.216(a). This rule revises § 780.25(a)(3)(i) to increase the qualifications a land surveyor must have to prepare such plans. To correspond with what is required of an engineer, the words "qualified" and "professional" are added to modify the term "land surveyor." As stated in the preamble to the proposed rule, these increased qualifications are in keeping with the intent of the Congress in the amendment to section 507(b)(14) of the Act.

While the discussion of § 780.25 in the preamble to the proposed rule inadvertently stated only that additional qualifications would be added to the term "professional geologist," but failed to include the term "land surveyor," it is clear from the context of that discussion and from the text of the proposed rule that similar modifications of the term "land surveyor" also was intended. The preamble not only cited § 780.25(a)(3), which concerns land surveyors and not geologists, as subject to the proposed revision, but also the proposed rule itself included the increased qualifications for land surveyors.

While proposed § 780.25(a)(3)(i) conditioned the authority granted to land surveyors on a requirement that a State grant to land surveyors corresponding authority to prepare detailed design plans, it inadvertently omitted a similar condition that a State grant to land surveyors authority to certify these plans. This rule corrects this omission and requires State authorization of land surveyors both to prepare and to certify such plans. This additional condition is in keeping with similar requirements elsewhere in this rule.

PART 783—UNDERGROUND MINING PERMIT APPLICATIONS—MINIMUM REQUIREMENTS FOR INFORMATION ON ENVIRONMENTAL RESOURCES

Section 783.25 Cross sections, maps and plans.—Section 783.25 is revised in the same way and for the same reasons as discussed previously for § 779.25. The editorial note following § 783.25 is revised to reflect the renumbering of previous paragraphs (c), (h) and (i) as new paragraphs (a)(3), (a)(8) and (a)(9), respectively.

PART 784—UNDERGROUND MINING PERMIT APPLICATIONS—MINIMUM REQUIREMENTS FOR RECLAMATION AND OPERATION PLAN

Section 784.16 Reclamation plan: Ponds, impoundments, banks, dams and embankments.—Except for substituting references to the corresponding rules for underground mining activities in 30 CFR 817.81 and 817.84, § 784.16 is revised in

the same way and for the same reasons as discussed previously for § 780.25.

Section 784.23 Operation plan: Cross sections, maps and plans.—Except for substituting references to the corresponding rules for underground mining activities in 30 CFR 784.16(a)(2), 784.16(a)(3), 784.19, 817.71(b), 817.73(c) and 817.81(c), § 784.23 is revised in the same way and for the same reasons as discussed previously for § 780.14.

PART 816—PERMANENT PROGRAM PERFORMANCE STANDARDS—SURFACE MINING ACTIVITIES

Section 816.49 Impoundments.—Certification of Small Impoundments by Land Surveyors. This rule revises § 816.49(a)(2) to require the certification of impoundment designs in accordance with 30 CFR 780.25(a). Previous § 816.49(a)(2) was inconsistent with § 780.25(a)(3)(i), which authorizes land surveyors to prepare and certify the design of small impoundments that do not meet the size or other criteria of 30 CFR 77.216(a). The revision eliminates this inconsistency and preserves the certification authority previously granted to land surveyors by § 780.25(a)(3)(i), subject however to the increased qualifications for land surveyors added to § 780.25(a)(3)(i) elsewhere in this rule.

The added reference to § 780.25(a) in § 816.49(a)(2) will promote consistent interpretation and enforcement of these two related provisions. As provided in § 780.25(a)(2), only a qualified, registered, professional, engineer is authorized to certify the design of impoundments that meet or exceed the size or other criteria of 30 CFR 77.216(a). For impoundments that do not meet the size or other criteria of § 77.216(a), a qualified, registered, professional, land surveyor is authorized to certify the design in any State where land surveyors are authorized by State law to certify such designs.

One commenter maintained that registered professional engineers should be required to design and certify all impoundments and retention ponds. Another characterized "OSM's proposal to allow land surveyors to design small impoundments [as] dangerous and reckless," citing the collapse on an impoundment in Ages Creek, Kentucky in December 1981 as evidence for this concern. Another commenter cited the Ages Creek structure as the type of impoundment the proposed rule would authorize land surveyors to design and certify, and concluded that land surveyors lack the technical training and experience necessary to do such work.

OSM disagrees with these comments for several reasons. One, this rule does not increase the authority of land surveyors with respect to small impoundment design, but only with respect to certification. Two, the Ages Creek structures was a coal waste refuse dam, and significant factors other than its design contributed to the failure and resulting damage. Finally, 30 CFR 816.71(b) and 816.81(c) continue to require certification by an engineer for all excess spoil fills and mine waste disposal facilities, respectively, regardless of size.

Furthermore, the Act provides many levels of protection, of which design certification is only one. Section 816.49(a)(2) itself requires that the certifying land surveyor have previous experience in impoundment design and construction. Any design which is certified by a land surveyor must conform to the performance standards of the regulatory program and be submitted to the regulatory authority for review as part of a permit application package. Under 30 CFR 816.46(b)(3) an engineer must certify all siltation structures during construction as conforming to the approved design and to the requirements of Part 816. Under § 816.49(a)(10) impoundments are given frequent inspections. And under § 816.49(a)(11) all small impoundments are examined for structural weakness and hazardous conditions at least annually.

Thus, OSM concludes that qualified, registered, professional, land surveyors properly may be given responsibility for certifying the design of small impoundments.

Post-Construction Certification and Inspection of Impoundments. As was noted in the preamble to the proposed rule, this final rule does not affect 30 CFR 816.46(b)(3), which requires that "[s]iltation structures . . . upon construction, shall be certified by a qualified registered professional engineer to be constructed as designed and as approved in the reclamation plan." It also does not affect 30 CFR 816.49(a)(10), which requires the inspection of impoundments by a qualified, registered, professional engineer or other qualified professional specialist.

A number of commenters disagreed with OSM's interpretation that the November 4, 1983, amendment to the Act did not authorize land surveyors to certify the construction of siltation structures or to inspect impoundments, and thus did not affect the requirements of 30 CFR 816.46(b)(3) and 816.49(a)(10). They believed that the Congress intended the amendment to cover the post-construction certification and inspection of small impoundments, and found it anomalous that land surveyors were authorized to certify the designs of these structures, but not to do post-construction certification and inspection.

One commenter stated that OSM's interpretation of the amendment to the Act was "an arbitrary determination based solely upon the awkward division of SMCRA and the regulations issued thereunder into application-related sections and performance standard sections." This commenter also maintained that from the standpoint of environmental protection it is safer to allow the person who designs a small impoundment to inspect it during and after construction to determine whether it complies with the original design, than to rely on another person who is unfamiliar with the original design.

Another commenter concluded that certification of such structures during and after construction is only a matter of reading plans, performing measurements, ensuring correct construction procedures and certifying the results, and that these functions are well within the scope of professionalism of a registered professional land surveyor.

A land surveyor licensed in the State of West Virginia noted that during the past eight years he has designed numerous siltation structures, and had directly supervised and then certified their construction. This land surveyor felt that the person who designs and supervises the construction of a structure is the most qualified individual to certify its construction, and that the intent of the amendment to the Act was to reinstate the land surveyor in this capacity.

Several commenters pointed out that in the State of West Virginia licensed land surveyors have had post-construction certification authority for these structures for the past fourteen years. One of these commenters reasoned that by denying land surveyors the authority for post-construction certification and inspection of small impoundments, OSM has, in effect, declared land surveyors incompetent to design such structures. This commenter believed that OSM's interpretation of the amendment to the Act was contrary to all recognized construction policies, and evidence of obvious resistance to recognizing the abilities of land surveyors.

While OSM acknowledges that these comments have some technical merit, OSM disagrees with them as they relate to § 816.49(b)(3) because the post-construction certification requirements in § 816.46(b)(3) derive from section

515(b)(10)(B)(ii) of the Act. None of these commenters provided any evidence that the Congress in amending section 507(b)(14) of the Act also intended to amend section 515(b)(10)(B)(ii). Absent such evidence, OSM is constrained by the explicit language of section 515(b)(10)(B)(ii) to keep the existing certification requirements of § 816.46(b)(3). OSM does not intend this interpretation to reflect in any way upon the competence of qualified, registered, professional, land surveyors to prepare and certify the designs of small impoundments.

OSM agrees in principle with these comments as they relate to § 816.49(a)(10). Contrary to an incorrect statement in the proposed rule (49 FR 38959; October 2, 1984), this section is not based on section 515(b)(10)(B)(ii)) of the Act. And while section 816.49(a)(10) is not governed by the amendment to section 507(b)(14), there is nothing in the Act to preclude OSM from amending section 816.49(a)(10) to authorize qualified, registered, professional, land surveyors to inspect small impoundments. This authority for small impoundments was given to land surveyors in previous section 816.49(h) (44 FR 15395; March 13, 1979). Based on these comments OSM is considering whether to propose an amendment to section 816.49(a)(10) to restore this authority to land surveyors. With respect to amending section 816.49(a)(10) in this final rule, OSM has concluded that the proposed rule did not provide sufficient notice for such an amendment.

PART 817—PERMANENT PROGRAM PERFORMANCE STANDARDS—UNDERGROUND MINING ACTIVITIES

Section 817.49 Impoundments.—Except for substituting a reference to the corresponding rule for underground mining activities in 30 CFR 784.16(a), section 817.49 is revised in the same way and for the same reasons as discussed previously for section 816.49.

A commenter pointed out that proposed section 817.49(a)(2) incorrectly referenced section 784.25(a). The final rule includes the correct reference to section 784.16(a).

III. Procedural Matters

Federal Paperwork Reduction Act

This rule contains no new information collection requirements. The information collection requirements in the affected sections of the previous rules were submitted to the Office of Management and Budget under 44 U.S.C. 3507 and assigned clearance numbers 1029–0035 (§ 779.25), 1029–0036 (§§ 780.14 and 780.25), 1029–0038 (§ 783.25), 1029–0039 (§§ 784.16 and 784.23).

Executive Order 12291

The DOI has examined this rule according to the criteria of Executive Order 12291 (February 17, 1981) and has determined that it is not major and does not require a regulatory impact analysis. Any negative economic impact on professional engineers or geologists will be offset by a corresponding positive impact on land surveyors. The estimated number of directly affected surveyors is 500, with a potential shift in income of $700,000 to $3.5 million annually. OSM disagrees with the commenter on the proposed rule who, without providing any evidence, suggested that this estimated number of surveyors was too low.

Regulatory Flexibility Act

The DOI also has determined, pursuant to the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, that this rule will not have a significant econonic impact on a substantial number of small entities. While under the rule some registered professional engineers or geologists who work in small business or are self-employed may lose work to professional land surveyors, any negative economic impact on engineers or geologists should be offset by a corresponding positive impact on surveyors who are similarly employed.

National Environmental Policy Act

OSM has prepared an environmental assessment (EA) on this rule, and has made a finding that it would not significantly affect the quality of the human environment under section 102(2)(C) of the National Environmental Policy Act of 1969, 42 U.S.C. 4332(2)(C). The EA and finding of no significant impact are on file in the administrative record for this rule in the OSM Administrative Record Room at 1100 L Street, NW., Washington, D.C.

List of Subjects

30 CFR Part 779

Coal mining, Environmental protection, Reporting and recordkeeping requirements, Surface mining.

30 CFR Part 780

Coal mining, Reporting and recordkeeping requirements, Surface mining.

30 CFR Part 783

Coal mining, Environmental protection, Reporting and recordkeeping requirements, Underground mining.

30 CFR Part 784

Coal mining, Reporting and recordkeeping requirements, Underground mining.

30 CFR Part 816

Coal mining, Environmental protection, Reporting and recordkeeping requirements, Surface mining.

30 CFR Part 817

Coal mining, Environmental protection, Reporting and recordkeeping requirements, Underground mining.

Accordingly, 30 CFR Parts 779, 780, 783, 784, 816 and 817 are amended as follows:

Dated: March 28, 1985.

J. Steven Griles,

Deputy Assistant Secretary for Land and Minerals Management.

PART 779—SURFACE MINING PERMIT APPLICATIONS—MINIMUM REQUIREMENTS FOR INFORMATION ON ENVIRONMENTAL RESOURCES

1. The authority citation for Part 779 is revised to read as follows:

Authority: Pub. L. 95–87, 91 Stat. 445 (30 U.S.C. 1201 *et seq.*) and sec. 115, Pub. L. 98–146, 97 Stat. 938 (30 U.S.C. 1257), unless otherwise noted.

2. Section 779.25 is amended by redesignating the introductory language as paragraph (a), redesignating paragraphs (a) through (k) as paragraphs (a)(1) through (a)(11), redesignating paragraphs (k)(1) through (k)(3) as paragraphs (a)(11)(i) through (a)(11)(iii), and redesignating paragraph (l), the last paragraph, as paragraph (b).

3. In § 779.25, new paragraph (b) is revised to read as follows:

§ 779.25 Cross sections, maps and plans.

* * * * *

(b) Cross sections, maps and plans included in a permit application as required by this section shall be prepared by, or under the direction of, and certified by a qualified, registered, professional engineer, a professional geologist, or in any State which authorizes land surveyors to prepare and certify such cross sections, maps and plans, a qualified, registered, professional, land surveyor, with assistance from experts in related fields such as landscape architecture, and shall be updated as required by the regulatory authority.

PART 780—SURFACE MINING PERMIT APPLICATIONS—MINIMUM REQUIREMENTS FOR RECLAMATION AND OPERATION PLAN

4. The authority citation for Part 780 is revised to read as follows:

Authority: Pub. L. 95–87, 91 Stat. 445 (30 U.S.C. 1201 *et seq.*) and sec. 115, Pub. L. 98–146, 97 Stat. 938 (30 U.S.C. 1257), unless otherwise noted.

5. In § 708.14, paragraph (c) is revised to read as follows:

§ 780.14 Operation plan: Cross sections, maps and plans.

* * * * *

(c) Except as provided in §§ 780.25(a)(2), 780.25(a)(3), 780.35(a), 816.71(b), 816.73(c) and 816.81(c) of this chapter, cross sections, maps and plans required under paragraphs (b)(4), (5), (6), (10) and (11) of this section shall be prepared by, or under the direction of, and certified by a qualified registered professional engineer, a professional geologist, or in any State which authorizes land surveyors to prepare and certify such cross sections, maps and plans, a qualified, registered, professional, land surveyor, with assistance from experts in related fields such as landscape architecture.

6. In § 780.25, paragraphs (a)(1)(i) and (a)(3)(i) are revised to read as follows:

§ 780.25 Reclamation plan: Ponds, impoundments, banks, dams and embankments.

(a) *General.* Each application shall include a general plan for each proposed sedimentation pond, water impoundment, and coal processing waste bank, dam or embankment within the proposed permit area.

(1) Each general plan shall—

(i) Be prepared by, or under the direction of, and certified by a qualified, registered, professional engineer, a professional geologist, or in any State which authorizes land surveyors to prepare and certify such plans, a qualified, registered, professional, land surveyor, with assistance from experts in related fields such as landscape architecture;

* * * * *

(3) Each detailed design plan for a structure that does not meet the size or other criteria of § 77.216(a) of this title shall—

(i) Be prepared by, or under the direction of, and certified by a qualified, registered, professional engineer, or in any State which authorizes land surveyors to prepare and certify such plans, a qualified, registered, professional, land surveyor, except that all coal processing waste dams and embankments covered by §§ 816.81–816.84 of this chapter shall be certified by a qualified, registered, professional engineer;

* * * * *

PART 783—UNDERGROUND MINING PERMIT APPLICATIONS—MINIMUM REQUIREMENTS FOR INFORMATION ON ENVIRONMENTAL RESOURCES

7. The authority citation of Part 783 is revised to read as follows:

Authority: Pub. L. 95–87, 91 Stat. 445 (30 U.S.C. 1201 *et seq.*) and sec. 115, Pub. L. 98–146, 97 Stat. 938 (30 U.S.C. 1257), unless otherwise noted.

8. Section 783.25 is amended by redesignating the introductory language as paragraph (a), redesignating paragraphs (a) through (k) as paragraphs (a)(1) through (a)(11), redesignating paragraphs (k)(1) through (k)(3) as paragraphs (a)(11)(i) through (a)(11)(iii), and redesignating paragraph (l), the last paragraph, as paragraph (b).

9. In 783.25, new paragraph (b) is revised to read as follows:

§ 783.25 Cross sections, maps and plans.

* * * * *

(b) Cross-sections, maps and plans included in a permit application as required by this section shall be prepared by, or under the direction of, and certified by a qualified, registered, professional engineer, a professional geologist, or in any State which authorizes land surveyors to prepare and certify such cross sections, maps and plans, a qualified, registered, professional, land surveyor, with assistance from experts in related fields such as landscape architecture, and shall be updated as required by the regulatory authority.

PART 784—UNDERGROUND MINING PERMIT APPLICATIONS—MINIMUM REQUIREMENTS FOR RECLAMATION AND OPERATION PLAN

10. The authority citation for Part 784 is revised to read as follows:

Authority: Pub. L. 95–87, 91 Stat. 445 (30 U.S.C. 1201 *et seq.*) and sec. 115, Pub. L. 98–146, 97 Stat. 938 (30 U.S.C. 1257), unless otherwise noted.

11. Section 784.16 is revised to read as follows:

§ 784.16 Reclamation plan: Ponds, impoundments, banks, dams and embankments.

(a) *General.* Each application shall include a general plan for each proposed sedimentation pond, water impoundment, and coal processing waste bank, dam or embankment within the proposed permit area.

(1) Each general plan shall—

(i) Be prepared by, or under the direction of, and certified by a qualified, registered, professional engineer, a professional geologist, or in any State which authorizes land surveyors to prepare and certify such plans, a qualified, registered, professional, land surveyor with assistance from experts in related fields such as landscape architecture;

* * * * *

(3) Each detailed design plan for a structure that does not meet the size or other criteria of § 77.216(a) of this title shall—

(i) Be prepared by, or under the direction of, and certified by a qualified, registered, professional engineer, or in any State which authorizes land surveyors to prepare and certify such plans, a qualified, registered, professional, land surveyor, except that all coal processing waste dams and embankments covered by §§ 817.81–817.84 of this chapter shall be certified by a qualified, registered, professional engineer;

* * * * *

12. In § 784.23, paragraph (c) is revised to read as follows:

§ 784.23 Operation plan: Cross sections, maps and plans.

* * * * *

(c) Except as provided in §§ 784.16(a)(2), 784.16(a)(3), 784.19, 817.71(b), 817.73(c) and 817.81(c) of this chapter, cross sections, maps and plans required under paragraphs (b)(4), (5), (6), (10) and (11) of this section shall be prepared by, or under the direction of, and certified by a qualified, registered, professional engineer, a professional geologist, or in any State which authorizes land surveyors to prepare and certify such cross sections, maps and plans, a qualified, registered, professional, land surveyor, with assistance from experts in related fields such as landscape architecture.

PART 816—PERMANENT PROGRAM PERFORMANCE STANDARDS—SURFACE MINING ACTIVITIES

13. The authority citation for Part 816 is revised to read as follows:

Authority: Pub. L. 95–87, 91 Stat. 445 (30 U.S.C. 1201 *et seq.*) and sec. 115, Pub. L. 98–146, 97 Stat. 938 (30 U.S.C. 1257), unless otherwise noted.

14. In § 816.49, paragraph (a)(2) is revised to read as follows:

§ 816.49 Impoundments.

(a) * * *

(2) *Design certification.* The design of impoundments shall be certified in accordance with § 780.25(a) of this chapter as designed to meet the requirements of this part using current, prudent, engineering practices and any design criteria established by the regulatory authority. The qualified, registered, professional engineer or qualified, registered, professional, land surveyor shall be experienced in the design and construction of impoundments.

* * * * *

PART 817—PERMANENT PROGRAM PERFORMANCE STANDARDS—UNDERGROUND MINING ACTIVITIES

15. The authority citation for Part 817 is revised to read as follows:

Authority: Pub. L. 95–87, 91 Stat. 445 (30 U.S.C. 1201 *et seq.*) and sec. 115, Pub. L. 98–146, 97 Stat. 938 (30 U.S.C. 1257), unless otherwise noted.

16. In § 817.49, paragraph (a)(2) is revised to read as follows:

§ 817.49 Impoundments.

(a) * * *

(2) *Design certification.* The design of impoundments shall be certified in accordance with § 784.16(a) of this chapter as designed to meet the requirements of this part using current, prudent, engineering practices and any design criteria established by the regulatory authority. The qualified, registered, professional engineer or qualified, registered, professional, land surveyor shall be experienced in the design and construction or impoundments.

* * * * *

[FR Doc. 85–9736 Filed 4–23–85; 8:45 am]
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federal register

Wednesday
April 24, 1985

Part III

Department of Education

Office of Special Education and Rehabilitative Services

Centers for Independent Living; Fiscal Year 1985 Funding Priorities and Application Notice

DEPARTMENT OF EDUCATION

Office of Special Education and Rehabilitative Services

Centers for Independent Living; Fiscal Year 1985 Funding Priorities

AGENCY: Office of Special Education and Rehabilitative Services, Department of Education.

ACTION: Final funding priorities for Fiscal Year 1985.

SUMMARY: The Secretary announces final funding priorities for new projects to be funded in Fiscal Year 1985 under the Centers for Independent Living program, authorized under Section 711 of the Rehabilitation Act of 1973, as amended. These final funding priorities inform potential applicants for grants and other persons interested in vocational rehabilitation services of the areas in which competition for grants will be held in Fiscal Year 1985. These funding priorities will ensure effective use of Fiscal Year 1985 program funds.

EFFECTIVE DATE: These priorities will take effect either 45 days after publication in the **Federal Register** or later if Congress takes certain adjournments. If you want to know the effective date of these priorities, call or write the Department of Education contact person.

FOR FURTHER INFORMATION CONTACT: Harold F. Shay, Director, Division of Special Projects, Rehabilitation Services Administration, Office of Special Education and Rehabilitative Services, 400 Maryland Avenue, SW., Washington, D.C. 20202. Telephone: (202) 732–1325.

SUPPLEMENTARY INFORMATION: Grants for Centers for Independent Living are authorized by Title VII, Part B of the Rehabilitation Act of 1973, as amended (29 U.S.C. 796e). Program regulations are established at 34 CFR Part 366. The purpose of the Centers for Independent Living Program is to establish and operate Centers designed to provide a combination of services to severely handicapped individuals to enable them to live more independently in family and community or to secure and maintain appropriate employment. The Act requires that handicapped individuals be substantially involved in policy direction and management of each Center established and operated under this authority.

Two Fiscal Year 1985 priorities were proposed for public comment in the **Federal Register** on December 6, 1984 (49 FR 47650). The priorities will extend independent living services to additional groups of disabled persons and will assist severely handicapped person in making the transition from school or institution to community living or employment.

Interested persons were invited to submit comments or suggestions regarding the proposed priorities on or before January 7, 1985. Thirty-three letters were received in response to this invitation.

Summary of Comments and Responses

The comments received in response to the Notice of Proposed Funding Priorities published in the **Federal Register** on December 6, 1984 (49 FR 47650) and the Secretary's responses to these comments are summarized below:

Priority 1: Expanding Services to Additional Groups of Disabled Persons

Comment: A number of commenters suggested that more program emphasis be given to older blind persons and persons with low vision.

Response: No change has been made. Older blind persons and low vision persons constitute a sizeable segment of our disabled population. Priority 1 addresses expansion of services to additional groups of disabled persons. This priority will provide an opportunity for those Centers that have not been serving older blind persons or low vision persons in the past or who have not been emphasizing services to these groups to develop a special program focus at this time.

Comment: A number of commenters suggested certain additional groups of disabled persons for identification in the list of examples under Priority 1. These suggested groups included racial and ethnic minorities and persons residing in rural areas.

Response: No change has been made. Priority 1, as proposed, listed several examples of the types of program expansion possible under this priority. It is important to remember that these were only examples, and there was no intent to make the list all inclusive or to give preference to any listed area of program expansion. The key point to remember, when addressing this priority, is the extent to which there is a demonstrated need for expansion from a limited population served to a described broader population.

Comment: Several commenters suggested that transportation and housing services should receive special emphasis.

Response: No change has been made. One of the significant characteristics of the Centers for Independent Living Program is that the services provided are, for the most part, those services that are selected by the Centers. Centers have had, and will continue to have, an opportunity to make their own decisions on what services they feel are most needed as well as most compatible with their financial resources and staff expertise.

Comment: A commenter suggested that special funding be put aside to train center staff in servicing the needs of the additional groups of disabled persons addressed in Priority 1.

Response: No change has been made. Centers have over the years identified monies in their budgets for staff training. Title VII, Part B authorizes monies solely for the purpose of establishing Centers and does not address separate funding for staff training. Section 304 of the Rehabilitation Act of 1973, as amended, authorizes grants and contracts with States and public or non-profit agencies and organizations to pay part of the cost of projects for training, traineeships, and related activities designed to assist in increasing the number of personnel trained in providing services to handicapped individuals.

Comment: A commenter suggested that the term "deaf/blind" under Priority 1 be expanded to make clear that the priority is not restricted to those individuals who are both deaf and blind.

Response: A change has been made. The priority now cites the deaf, the blind and the deaf/blind. Again the list in Priority 1 is intended to include examples only and the reference to deaf and/or blind individuals may also include those persons with visual impairments as well as those persons with other sensory impairments.

Comment: A commenter suggested that attendant care services be included as a separate funding priority for Fiscal Year 1985.

Response: No change has been made. Attendant care services are recognized as a major element in the provision of independent living services. At the present time, however, the Medicaid Program administered by the Health Care Financing Administration, Department of Health and Human Services, has issued regulations (42 CFR 440.170f) giving States the option of covering personal care services as a separate benefit under The Medicaid Program. Since States also have the option of covering personal care services as part of a home and community-based services waiver (42 CFR 440.180), the identification of attendant care services as a separate funding priority does not appear to be appropriate under the Centers for Independent Living Program.

Priority 2: Transition From School or Institution to Community Living or Employment.

Comment: A Commenter suggested that Priority 2 Transition from School or Institution to Community Living or Employment, be redesignated as Priority 1, and Expanding Services to Additional Groups of Disabled Persons be designated Priority 2.

Response: No change has been made. There is no intent to give preference to either priority. The priorities were numbered for identification purposes only. Each priority has equal weight with respect to funding.

General Comments

Comment: A commenter suggested that local, public or private, non-profit agencies be allowed to apply directly in competition with State agencies.

Response: No change has been made. Title VII, Part B, section 711 of the Rehabilitation Act of 1973, as amended, requires the Commissioner to make grants to any designated State unit that administers the State plan under section 705 to provide for the establishment and operation of Independent Living Centers. Section 711(d) states that if, within six months after the date in each fiscal year on which the Commissioner begins to accept applications from designated State units under this section, a designated State unit in a State has not submitted an application, the Commissioner may accept applications for grants under this section from local, public agencies or private, non-profit organizations within the State.

Comment: One commenter suggested that $500,000 be earmarked for regional training workshops to be conducted by the National Council for Independent Living Programs. Additionally, this commenter suggested that small amounts of money be allocated to fund community-based, consumer controlled, non-profit organizations as seed money, and that these monies flow through the National Council for Independent Living Programs.

Response: No change has been made. Title VII, Part B authorizes grants to establish and operate Independent Living Centers; separate funding for training workshops is not authorized. Additionally, all Title VII, Part B funds must be awarded to a designated State unit or to a local, public or private, non-profit agency or organization, should the designated State unit not submit an application.

In addition, Department of Education discretionary grant programs are subject to competitive selection procedures described in the Education Department General Administrative Regulations (34 CFR Part 75).

Comment: A commenter suggested that Centers be encouraged or directed to work out cooperative arrangements through sub-contracts to existing agencies with the experience, expertise and specialized staff to meet the service needs of the additional disability populations.

Response: No change has been made. An important element of the Title VII, Part B, Independent Living Program has always been the development of cooperative relationships with other public and private non-profit community agencies to ensure that maximum use is made of available resources and to avoid duplication. Centers have accomplished this by both formal agreements (contracts) and informal agreements.

Final Priorities

The Secretary establishes the following final funding priorities for the Centers for Independent Living Program for Fiscal Year 1985. Available program funds will be divided equally between the two priority areas.

Priority 1: Expanding Services to Additional Groups of Disabled Persons

This priority is intended to enable those existing Centers for Independent Living that have focused in the past on a limited number of disabilities because of tradition, lack of resources, or lack of specially trained staff to expand services to additional disability populations with service needs which require specialized staff, techniques, equipment or other resources.

Examples of the type of program expansion to which this priority is addressed are: Programs currently serving mobility impaired persons that wish to expand coverage to persons with mental handicaps; programs currently serving orthopedically or neurologically impaired persons that wish to expand to serve persons with sensory impairments, including the deaf, the blind or the deaf/blind; programs currently serving persons with mental handicaps that wish to expand to serve physically disabled individuals; programs currently serving children that wish to expand to serve youths and adults; or programs currently serving younger populations that wish to expand to serve older persons, especially older blind persons.

Services to be developed under this priority will enable additional numbers of severely handicapped persons to live more independently in family and community or to secure and maintain employment.

Priority 2: Transition From School or Institution to Community Living or Employment

Priority will be given to proposals that will enable existing Centers for Independent Living to provide independent living services cooperatively with services of other community programs so as to enhance the abilities of severely disabled persons leaving school or institution to live more independently in the community or to seek and maintain employment. Examples of other community services which should be effectively integrated into a comprehensive approach are: Local housing and transportation authorities; State or county Medicaid agencies that can assist in the provision of personal care attendant or home based services; State vocational rehabilitation agencies; technical or vocational schools and community colleges; agricultural extension services in rural areas; as well as any other service or income maintenance program which individuals need and are eligible to receive.

Projects supported under this priority must include cooperative arrangements with existing community resources that will facilitate the transition of severely handicapped persons from school or institution to community living or employment.

It is not necessary that the cooperating community agencies support the direct costs of the project, but it is expected that they will cooperatively participate to the fullest extent possible to ensure that severely disabled persons leaving school or institution achieve their maximum independence.

Intergovernmental Review

This program is subject to the requirements of Executive Order 12372 and the regulations in 34 CFR Part 79 (48 FR 29158, June 24, 1983). The objective of the Executive Order is to foster an intergovernmental partnership and a strengthened federalism by relying on State and local processes for State and local government coordination and review of proposed Federal financial assistance.

In accordance with the Order, this document is intended to provide early notification of the Department's specific plans and actions for this program.

(29 U.S.C. 796e)

(Catalog of Federal Domestic Assistance No 84.132, Centers for Independent Living)

Dated: April 19, 1985.

William J. Bennett,

Secretary of Education.

[FR Doc. 85-9883 Filed 4-23-85; 8:45am]

BILLING CODE 4000-01-M

Centers for Independent Living

AGENCY: Office of Special Education and Rehabilitation Services, Department of Education.

ACTION: Application Notice Establishing Closing Date for Transmittal of Fiscal Year 1985 New Awards.

Applications are invited for new projects under the Centers for Independent Living program.

Authorization for this program is contained in section 711 of the Rehabilitation Act of 1973, as amended. (29 U.S.C. 796e).

Applications may be submitted by designated State vocational rehabilitation units. Applications may also be submitted by local public agencies or private nonprofit organizations within a State, if the designated State unit has not submitted an application within six months after the Secretary begins accepting new applications in any fiscal year. October 1, 1984 has been established as the date in Fiscal Year 1985 on which the Secretary began to accept new applications.

The purpose of this program is to establish and operate Centers for Independent Living which offer a combination of independent living services for severely handicapped individuals so that they may live more independently in family and community, or secure and maintain employment, with the maximum degree of self-direction.

Closing date for transmittal of applications: Applications for grant awards must be mailed or hand delivered by July 10, 1985.

Applications delivered by mail: An application sent by mail must be addressed to the U.S. Department of Education, Application Control Center, Attention: 84.132, Washington, D.C. 20202.

An applicant must show proof of mailing consisting of one of the following:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the U.S. Secretary of Education.

If an application is sent through the U.S. Postal Service, the Secretary does not accept either of the following as proof of mailing: (1) A private metered postmark, or (2) a mail receipt that is not dated by the U.S. Postal Service.

An applicant should note that the U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an applicant should check with its local post office.

An applicant is encouraged to use registered or at least first class mail.

Applications delivered by hand: An application that is hand delivered must be taken to the U.S. Department of Education, Application Control Center, Room 5673, Regional Office Building #3, 7th and D Streets, SW., Washington, D.C.

The Application Control Center will accept hand delivered applications between 8:00 a.m. and 4:30 p.m. (Washington, D.C. time) daily, except Saturdays, Sundays, and Federal holidays.

Intergovernmental review: On June 24, 1983, the Secretary published in the **Federal Register** final regulations (34 CFR Part 79, published at 48 FR 29158 *et seq.*) implementing Executive Order 12372, entitled: "Intergovernmental Review of Federal Programs." The regulations took effect September 30, 1983.

The program in this notice is subject to the requirements of the Executive Order and the regulations in 34 CFR Part 79. The objective of Executive Order 12372 is to foster an intergovernmental partnership and a strengthened federalism by relying on State and local processes for State and local government coordination and review of proposed Federal financial assistance.

The Executive Order—

- Allows States, after consultation with local officials, to establish their own process for review and comment on proposed Federal financial assistance;
- Increases Federal responsiveness to State and local officials by requiring Federal agencies to accommodate State and local views or explain why those views will not be accommodated; and
- Revokes OMB Circular A-95.

Transactions with nongovernmental entities, including State post-secondary educational institutions and federally recognized Indian tribal governments, are not covered by Executive Order 12372. Also excluded from coverage are research, development, or demonstration projects that do not have a unique geographic focus and are not directly relevant to the governmental responsibilities of a State or local government within the geographic area.

The following is the current list of States which have established a process, designated a single point of contact, and have selected this program for review:

Alabama	New Jersey
Arizona	New Mexico
Arkansas	New York
California	North Carolina
Colorado	North Dakota
Connecticut	Ohio
Delaware	Oklahoma
District of Columbia	Oregon
Florida	Pennsylvania
Hawaii	Rhode Island
Illinois	South Carolina
Indiana	South Dakota
Iowa	Texas
Kansas	Utah
Kentucky	Vermont
Louisiana	Virginia
Maine	Washington
Maryland	West Virginia
Massachusetts	Wisconsin
Michigan	Wyoming
Mississippi	Guam
Missouri	Northern Mariana Islands
Montana	Puerto Rico
Nebraska	Trust Territory
Nevada	Virgin Islands
New Hampshire	

Immediately upon receipt of this notice, applicants which are governmental entities, including local educational agencies, must contact the appropriate State single point of contact to find out that, and to comply with, the State's process under the Executive Order. Applicants proposing to perform activities in more than one State should, immediately upon receipt of this notice, contact the single point of contact for each State and follow the procedures established in those States under the Executive Order. A list containing the single point of contact for each State is included in the application package for this program.

In States that have not established a process or chosen this program for review, State, areawide, regional, and local entities may submit comments directly to the Department.

All comments from State single points of contact and all comments from State, areawide, regional, and local entities must be mailed or hand delivered by September 9, 1985, to the following address: The Secretary, U.S. Department of Education, Room 4181 (CFDA No. 84.132), 400 Maryland Avenue, SW., Washington, D.C. 20202. (Proof of mailing will be determined on the same basis as applications.)

PLEASE NOTE THAT THE ABOVE ADDRESS IS NOT THE SAME ADDRESS AS THE ONE TO WHICH THE APPLICANT SUBMITS ITS APPLICATION. DO NOT SEND

APPLICATIONS TO THE ABOVE ADDRESS.

Program Information: Awards are made under this program to designated State vocational rehabilitation units. Awards may also be made to local public agencies or private nonprofit organizations within a State, if the designated State unit has not submitted an application within six months after the Secretary begins accepting new applications in any fiscal year.

Section 711(a) of the Rehabilitation Act of 1973, as amended, authorizes the award of grants to "any designated State unit which administers the State plan under section 705," which by definition is the same unit which administers the State plan under section 110 of the Title I State Vocational Rehabilitation Services Program. The Act states in section 711(d), however, that "If, within six months after the date in each fiscal year on which the Secretary begins to accept new applications from designated State units under this section, a designated State unit has not submitted such an application, the Secretary may accept applications for grants under this Section from local public agencies or private nonprofit organizations within the State."

The effect of section 711(d) is give a designated State unit priority in applying for funds under this program in any fiscal year, if that State unit elects to apply.

In those States with two designated State units, one serving the visually impaired or blind, and another State unit serving all other disabilities, if either or both fail to apply within six months after the Secretary begins to accept new applications, the Secretary may accept aplications from local public agencies or private nonprofit organizations within that State. In order to be advised of the possibility of participation in a timely manner, interested public agencies or private nonprofit organizations should contact the State rehabilitation unit(s) in their respective State to determine if the State unit(s) intends to apply during Fiscal Year 1985.

If any designated State unit submits an application after June 10, 1985, but before the closing date of July 10, 1985, the application will not preempt applications from local public agencies or private nonprofit organizations within the respective State.

Section 711(f) of the Rehabilitation Act of 1973, as added by Pub. L. 98–211, the Rehabilitation Amendments of 1984, requires the continued funding of all current grantees under this program through September 30, 1986 unless the Commissioner of the Rehabilitation Services Administration determines that there is a substantial failure to comply with the provisions of the grantee's approved application. In order to ensure full uniformity within the Title VII, Part B Centers for Independent Living program, any new projects funded in Fiscal Year 1985 under this competition will also be funded through September 30, 1986.

All new Fiscal Year 1985 projects funded under this program must support one of the two Fiscal Year 1985 Funding Priorities established by the Secretary. These Funding Priorities are designed to expand or improve services within existing Centers for Independent Living. Section 711 of the Rehabilitation Act of 1973, as amended, gives priority to the designated State vocational rehabilitation unit in applying for new awards under this program. A designated State vocational rehabilitation unit continues to have priority in applying for funds under this notice regardless of whether the designated State unit has submitted an application in the past and is currently administering a project under this program. Any designated State unit submitting a Fiscal Year 1985 application under this notice must, however, focus project activities on existing Centers for Independent Living within the State in line with the Fiscal Year 1985 Funding Priorities. If a designated State unit does not elect to submit a Fiscal Year 1985 application under this notice, local public agencies or private nonprofit organizations within that State may apply, provided that their applications focus project activities on expanding or improving services within existing Centers for Independent Living.

An applicant wishing to apply for funds under both of the Fiscal Year 1985 Funding Priorities must submit separate applications.

Available funds: The total amount of funds available under the program in Fiscal Year 1985 is $22,000,000. Of this amount approximately $1,900,000 will be available for the support of new projects. These funds will be divided equally between the two funding priority areas that have been established by the Secretary for this program in Fiscal Year 1985. These funding priorities are: Priority 1: Expanding Services to Additional Groups of Disabled Persons, and Priority 2: Transition from School or Institution to Community Living or Employment. A full description of each priority is contained in the Notice of Final Funding Priorities for Fiscal Year 1985 which is published in this issue of the **Federal Register**. Based on an estimated average grant amount of approximately $50,000, is is expected that 38 new grants will be awarded.

Application forms: Application forms and program information packages are available and may be obtained by writing to the Office of Developmental Programs, Rehabilitation Services Administration, U.S. Department of Education, 400 Maryland Avenue, SW., Room 3329, Mary E. Switzer Building, Washington, D.C. 20202.

Each applicant is responsible for designating which of the two priority areas applies to the proposed project.

Applications must be prepared and submitted in accordance with the regulations, instructions, and forms included in the program information package. However, the program information is only intended to aid applicants in applying for assistance. Nothing in the program information package is intended to impose any paperwork, application content, reporting, or grantee performance requirement beyond those imposed under the statute and regulations.

The Secretary strongly urges that the narrative portion of the application not exceed 25 pages in length. The Secretary further urges that applicants not submit information that is not requested. (Approved by the Office of Management and Budget under control number 1820–0018).

Applicable regulations: Regulations applicable to this program include the following:

(a) Regulations governing the Centers for Independent Living Program (34 CFR Part 366); and

(b) Education Department General Administrative Regulations (EDGAR) (34 CFR Parts 74, 75, 77, 78 and 79).

FOR FURTHER INFORMATION CONTACT: Harold F. Shay, Division of Special Projects, Rehabilitation Services Administration, Office of Special Education and Rehabilitative Services, U.S. Department of Education, Room 3317, Mary E. Switzer Building, 400 Maryland Avenue, SW., Washington, D.C. 20202, (MS 2312) 732–1325.

(29 U.S.C. 796e)

(Catalog of Federal Domestic Assistance No. 84.132 Centers for Independent Living)

Dated: April 19, 1985.

William J. Bennett,

Secretary of Education.

[FR Doc. 85–9884 Filed 4–23–85; 8.45 am]

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FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Administration, Washington, DC 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402.

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Questions and requests for specific information may be directed to the telephone numbers listed under INFORMATION AND ASSISTANCE in the READER AIDS section of this issue.

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Title 3—

The President

Proclamation 5325 of April 22, 1985

Asian/Pacific American Heritage Week, 1985

By the President of the United States of America

A Proclamation

The Pacific Ocean today is ringed by a large number of successful developed and developing nations. So rapid has the progress of this area been that many scholars are beginning to speak of an emerging Pacific Civilization similar to the Mediterranean Civilization of the ancient world or the Atlantic Civilization of modern times. America is well-placed to play a major role in this emerging civilization not only because of its geographic position but also because many of its citizens are themselves of Asian and Pacific ancestry.

Americans of Asian and Pacific ancestry are a diverse group, representing as many different ethnic allegiances as Americans of European ancestry, but certain common values characterize them all. Whether as immigrants to our country or as native inhabitants in the islands of the Pacific Ocean, they have retained a strong sense of traditional values emphasizing vital family and communal bonds. These values remain strong today and play an important role in the success achieved by these proud Americans.

Asian and Pacific Americans have been successful in virtually every field of endeavor. Through their achievements in many areas, they have enriched the lives of all Americans. By sharing their cultures with other Americans, they have increased our Nation's rich cultural vitality. Asian and Pacific Americans have truly helped the United States to fulfill its most cherished ideals.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim the week beginning May 5, 1985, as Asian/Pacific American Heritage Week and call upon all Americans to observe this week with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-second day of April, in the year of our Lord nineteen hundred and eighty-five, and of the Independence of the United States of America the two hundred and ninth.

Ronald Reagan

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Rules and Regulations

Federal Register
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This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

7 CFR Part 301

[Docket No. 85-315]

Witchweed Regulated Areas

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Interim rule.

SUMMARY: This document amends the list of suppressive areas under the witchweed quarantine and regulations by adding areas in 7 counties in North Carolina to the list of suppressive areas, and by deleting 1 county and areas in 12 counties in North Carolina, and areas in 2 counties in South Carolina from the list of suppressive areas. In addition, this document makes certain other nonsubstantive, editorial changes. This action is necessary as an emergency measure in order to prevent the artificial spread of witchweed and to delete unnecessary restrictions on the interstate movement of regulated articles.

DATES: Effective date of this interim rule April 25, 1985. Written comments concerning this rule must be received on or before June 24, 1985.

ADDRESSES: Written comments should be submitted to Thomas O. Gessel, Director, Regulatory Coordination Staff, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Room 728 Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782. Written comments received may be inspected in Room 728 of the Federal Building between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays.

FOR FURTHER INFORMATION CONTACT: Charles H. Bare, Staff Officer, Field Operations Support Staff, Plant Protection and Quarantine, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Room 663, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, 301-436-8295.

SUPPLEMENTARY INFORMATION:

Emergency Action

Harvey L. Ford, Deputy Administrator of the Animal and Plant Health Inspection Service for Plant Protection and Quarantine, has determined that an emergency situation exists which warrants publication without opportunity for a public comment period on this interim action. Due to the possibility that witchweed could be artificially spread interstate to noninfested areas of the United States, a situation exists requiring immediate action to better control the spread of this pest. Also, where witchweed no longer occurs, immediate action is needed to delete unnecessary restrictions on the interstate movement of regulated articles.

Further, pursuant to the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that prior notice and other public procedure with respect to this interim rule are impracticable and contrary to the public interest and good cause is found for making this action effective less than 30 days after publication of this document in the **Federal Register**. Comments will be solicited for 60 days after publication of this document, and a final document discussing comments received and any amendments required will be published in the **Federal Register** as soon as possible.

Background

Witchweed is a parasitic plant which causes the degeneration of corn, sorghum, and other grassy crops. It has been found in the United States only in parts of North Carolina and South Carolina. The Witchweed Quarantine and Regulations (7 CFR 301.80 through 301.80-10) quarantine the States of North Carolina and South Carolina and restrict the interstate movement of certain witchweed hosts from regulated areas in the quarantined States for the purpose of preventing the artificial spread of witchweed.

Regulated areas are divided into suppressive areas and generally infested areas. Suppressive areas are regulated areas where eradication of witchweed is undertaken as an objective. Generally infested areas are regulated areas not designated as suppressive areas. Restrictions are imposed on the interstate movement of regulated articles from generally infested areas and suppressive areas in order to prevent the artificial movement of witchweed to noninfested areas and to prevent the reinfestation of suppressive areas where the witchweed no longer occurs.

Designation of Areas as Suppressive Areas

Surveys conducted by the United States Department of Agriculture and State agencies of North Carolina and South Carolina establish that witchweed has spread or is likely to spread to certain areas beyond the outer perimeter of areas previously designated as suppressive area. Therefore, as an emergency measure, the following areas in Craven, Duplin, Hoke, Lenoir, Pitt, Richmond, and Wayne Counties in North Carolina which were previously nonregulated areas are designated as witchweed suppressive areas. These additional areas are areas where eradication of witchweed is undertaken as an objective. This action is necessary in order to prevent the spread of witchweed and to facilitate its ultimate eradication. The areas in North Carolina and South Carolina that are being designated as suppressive areas by this action are described as follows:

North Carolina

Craven County. The Bellamy, Willie, farm located on the north side of State Secondary Road 1444 and 0.9 mile southwest of its junction with State Secondary Road 1440.

The Jolley, Albert, farm located on the south side of State Highway 55 and 0.3 mile west of its junction with State Secondary Road 1258.

The Faison, Moses, farm located 1.1 miles south of State Secondary Road 1307 and 1.5 miles east of the junction of said road with State Secondary Road 1352.

The Tripp, Dudley, farm located on the north side of State Secondary Road 1444 and 1.1 miles southwest of its junction with State Secondary Road 1440.

Duplin County. The Dobson, Elizabeth S., farm located on the north side of State Highway 24 and 0.2 mile east of its

intersection with State Secondary Road 1737.

The Lee, Daphne, farm located on the south side of State Highway 24 and 0.3 mile east of its intersection with State Secondary Road 1737.

The Tyner, J.R., farm located on the south side of State Highway 24 and the east side of State Secondary Road 1737 at the intersection of said roads.

Hoke County. The McGregor, Gilbert, farm located on the south side of State Secondary Road 1219 and 0.4 mile east of the junction of said road with State Secondary Road 1218.

Lenoir County. The Pelletier, Roger, farm located on the northeast side of State Secondary Road 1316 and 0.3 mile northwest of its junction with State Secondary Road 1318.

Pitt County. The Cannon, James, farm located on the west side of State Secondary Road 1918 and 0.1 mile north of its junction with State Secondary Road 1917.

The Couch, Ruth, farm located on the east side of State Secondary Road 1918 and 0.3 mile north of its junction with State Secondary Road 1917.

The Stancill, Wiley, farm located on the west side of State Secondary Road 1918 and 0.1 mile south of its junction with State Secondary Road 1919.

Richmond County. The Autry, John, farm located on the north side of State Secondary Road 1803 and 0.4 mile east of Osborne.

The Covington, Tally, farm located on private road 0.1 mile north off of State Secondary Road 1433 and 0.6 mile east of U.S. Highway 220.

The Jackson, James, farm located on private road 0.2 mile north off of State Secondary Road 1433 and 0.6 mile east of U.S. Highway 220.

The Terry, Elijah, farm located on the northwest side of State Secondary Road 1442 and 0.2 mile northwest of its junction with State Secondary Road 1477.

Wayne County. That area bounded by a line beginning at a point where State Highway 111 and State Secondary Road 1913 junction; then southwesterly along State Secondary Road 1913 to its junction with State Secondary Road 1744; then easterly along said road to its junction with State Secondary Road 1948; then southerly along said road to its intersection with State Secondary Road 1745; then westerly along said road to its junction with State Secondary Road 1915; then northerly along said road to its intersection with State Secondary Road 1744; then westerly along said road to its junction with State Secondary Road 1933; then northwesterly along said road to its junction with State Secondary Road 1120; then easterly along said road to its junction with State Secondary Road 1915; then easterly from said junction along an imaginary line to the junction of Sleepy Creek and the Neuse River; then easterly along said river to its intersection with State Highway 111; then southerly along said highway to the point of beginning.

The Barwick, Jack, farm located on the west side of State Secondary Road 1932 and 0.6 mile south of the junction of said road and State Secondary Road 1934.

The Brooks, Leonard, farm located 0.2 miles west of State Secondary Road 1934 and 1 mile south of the junction of said road and State Secondary Road 1932.

The Exum, Molly, farm located on the east side of State Secondary Road 1739 and 0.1 mile south of the junction of said road and State Highway 55.

The Georgia-Pacific Corp., farm located on the north side of State Secondary Road 2010 at the junction of said road and State Secondary Road 1938.

The Grady, Zeb, farm located on the east side of State Secondary Road 1932 and 1 mile north of the junction of said road and State Secondary Road 1744.

The Hines, Lucy, farm located on the west side of State Secondary Road 1933 and 1.5 miles south of the junction of said road and State Secondary Road 1120.

The Hines, Viola, farm located on the southwest side of State Secondary Road 1932 and 0.8 miles northwest of the intersection of said road and State Secondary Road 1744.

The Lewis, Ben H., farm located on the northeast corner of the intersection of State Secondary Roads 1744 and 1932.

The Simmons, James, farm located on the southwest side of State Secondary Road 1932 and 0.2 mile northwest of the junction of said road and State Secondary Road 1934.

The Smith, Allen J., farm located on both sides of State Secondary Road 1953 and 0.5 mile north of State Highway 55.

Deletion of Areas From List of Regulated Areas

In addition to designating certain areas that were previously nonregulated as suppressive areas, this action deletes certain areas in North Carolina and South Carolina from the list of suppressive areas. This action has been taken because it has been determined that the witchweed no longer occurs in these areas and there is no longer a basis to continue listing these areas as suppressive areas for the purpose of preventing the artificial spread of witchweed. Therefore, as an emergency measure, this document deletes Brunswick County in North Carolina, and the following parts of the counties of Craven, Cumberland, Duplin, Greene, Hoke, Johnston, Lenoir, Onslow, Pitt, Richmond, Scotland, and Wayne in North Carolina, and the following parts of the counties of Florence and Marlboro in South Carolina from the list of suppressive areas in order to remove unnecessary restrictions on the movement of articles designated as witchweed regulated articles:

North Carolina

Brunswick County. The Bryant, Ottice, farm No. 1 located at the end of a farm road 1 mile west of State Secondary Road 1342, 2.5 miles northwest of said State Secondary Road and its junction with State Highway 211.

The Bryant, Ottice, farm No. 2 located on both sides of State Secondary Road 1342, 2.3 miles northwest of said road and its junction with State Secondary Road 211.

The Hewett, Patricia J., farm located on the west side of State Secondary Road 1151 and 0.4 mile south of its junction of State Secondary Road 1147.

The Hewett, Jr., R.B., farm located at the end of a farm road on the northeast side of State Secondary Road 1132, 0.4 mile northeast of said road and its intersection with North Carolina Highway 130.

Craven County. The Hawkins, Mattie, farm located on the west side of State Secondary Road 1263 and 1.2 miles east and north of its southern junction with State Secondary Road 1262.

Cumberland County. The Geddie, W.H., farm located on the east side of State Secondary Road 1714 and 0.2 mile north of its junction with State Secondary Road 1722.

The McLaurin, Henry, farm located on the south side of State Secondary Road 1722 and 0.4 mile west of its junction with U.S. Highway 301.

The Smith, Gilbert, farm located on the west side of State Secondary Road 1714 and 0.2 mile south of its junction with State Secondary Road 1724.

The Smith, J.B., farm located on the north side of State Secondary Road 1719 and 1.1 miles east of its intersection with State Secondary Road 1720.

The Vann, J.R., farm located on the north side of State Secondary Road 1813 and 0.5 mile east of its intersection with State Secondary Road 1005.

The Vann, W.E., farm located on the both sides of State Secondary Road 1813 at its junction with State Secondary Road 1819.

The Williams, Robert F., farm located on the west side of State Secondary

Road 1728 and 0.6 mile north of its junction with State Secondary Road 1714.

Duplin County. The Brown, George, farm located on the west side of State Secondary Road 1004 and 0.8 mile north of its junction with State Secondary Road 1504.

The Goodson, Emma, farm located on the south side of State Secondary Road 1501 and 0.3 mile west of the junction of said road and State Secondary Road 1505.

The Ivey, Foy, No. 2, farm located on both sides of State Secondary Road 1004 and 0.1 mile south of its junction with State Secondary Road 1561.

The Jernigan, Cornelia, farm located on the west side of State Secondary Road 1360 and 0.4 mile south of its junction with State Secondary Road 1004.

The Johnson, Eldora, farm located on both sides of State Secondary Road 1123 and 1.2 miles west of the junction of said road and State Secondary Road 1103.

The Rouse, Beatrice S., farm located on both sides of State Secondary Road 1980 and at the west end of said road.

The Whitman, Herman E., farm located on the north side of State Secondary Road 1300 and 0.8 mile east of the intersection of said road and State Secondary Road 1301.

Greene County. The Dixon, John, farm located on the east side of State Secondary Road 1004 at the junction on State Secondary Road 1405.

The Murphrey, Edward, farm located on the east side of State Secondary Road 1004 and 0.3 mile south of its junction with State Highway 903.

The Whitaker, J.H., farm located on the east side of State Secondary Road 1004 and 0.6 mile south of its junction with State Highway 903.

Hoke County. The McDuffie, Cleo, farm located on the south side of State Secondary Road 1203 and 0.1 mile northeast of the junction of said road with State Secondary Road 1202.

The Pandure, Ralph, farm located on the north side of State Secondary Road 1211 and 0.5 mile south of the junction of said road with State Secondary Road 1212.

Johnston County. The Holt, Dorothy C., farm located on the west side of State Secondary Road 2542 and 0.1 mile south of its junction with State Secondary Road 1007.

The Johnson, Wade, farm located on both sides of State Secondary Road 1144 and 0.2 mile west of the junction of said road with State Secondary Road 1138.

The Martin, John L., farm located on the west side of State Secondary Road 1201 and 0.3 mile north of the junction of said road with State Secondary Road 1200.

The Massengill, R.T., farm located on the south side of State Secondary Road 1145 and 0.2 mile west of its junction with State Secondary Road 1144.

Lenoir County. The Foss, Reginal D., farm located on the north side of State Secondary Road 1316 and 0.6 mile northwest of its junction with State Secondary Road 1318.

The Sutton, Robert H., farm located on the south side of State Secondary Road 1324 and 0.2 mile east of its junction with State Secondary Road 1327.

Onslow County. The Lanier, Larry, farm located on the north side of State Secondary Road 1223 and 0.5 mile east from the junction of said road and State Secondary Road 1222. Said junction being located 1.2 miles north of junction of State Secondary Roads 1222 and 1001.

The Marshburn, James B., farm located on the southeast side of State Secondary Road 1224, and 0.8 mile from the junction of said road and State Secondary Road 1222.

Pitt County. That area bounded by a line beginning at a point where State Secondary Road 1919 intersects the Pitt-Craven County line, then southwest along said county line to its intersection with State Highway 118, then westward along said highway to its intersection with State Secondary Road 1753, then northward along said road to its junction with State Secondary Road 1919, then eastward to the point of the beginning.

Richmond County. The David, Ethel, farm located on both sides of State Secondary 1803, on the west side of the intersection of said road with State Secondary Road 1825.

The Sorenzen, Gladys, farm located on the southwest side of State Secondary Road 1803 and 0.4 mile northwest of the intersection of said road and State Highway 38.

Scotland County. The Butler, Luther, farm located on the south side of State Secondary Road 1154 and 0.2 mile east of the junction of said road with State Secondary Road 1155.

The Cagle, Richard, farm located on the east side of State Secondary Road 1407 and 0.2 mile north of its junction with State Secondary Road 1427.

The Cauldwell, V.S., farm located on the northeast side of State Secondary Road 1416 and 0.3 mile southeast of the intersection of said road and U.S. Highway 401.

The Hasty, W.H., farm located on the southwest side of State Secondary Road 1407 and 0.5 mile northwest of its junction with North Carolina Highway 71.

The Jackson, Lula, farm located on the west side of State Secondary Road 1407 and 0.2 mile northwest of its junction with State Secondary Road 1427.

The Lowry, Lula, farm located on the west side of State Secondary Road 1433 and 1.5 southwest of its junction with State Secondary Road 1407.

The McGirt, Tommy P., farm located on the northwest side of State Secondary Road 1403 at its junction with State Secondary Road 1407.

The McLaughlin, A.M., farm located on the north side of State Secondary Road 1403 and 0.1 mile east of Wagram, North Carolina.

The McLean Brothers, farm located on both sides of State Secondary Road 1425 and 0.5 mile north of its junction with State Secondary Road 1424.

The McMillan, Polly, farm located on both sides of State Secondary Road 1331 and 0.5 mile northwest of its junction with State Secondary Road 1324.

The Morgan, J.D., farm located on both sides of State Secondary Road 1345 and 0.1 mile northwest of its junction with State Secondary Road 1342.

The Robinson, Estate, farm located on the southeast side of State Secondary Road 1324 and 0.8 mile southwest of its junction with State Secondary Road 1329.

The Snead, Jessie, farm located on the north side of State Secondary Road 1319 and 0.2 mile west of its junction with State Secondary Road 1323.

Wayne County. The Grady, Gertrude W., farm located on the south side of State Secondary Road 1741 and 0.7 mile east of its junction with State Secondary Road 1740.

The Grant, Maggie, Estate located on the west side of State Highway 111 and 1.9 miles south of the junction of State Secondary Road 1730 with said highway.

The Green Bessey, farm located at the southern end of the State Secondary Road 1741 and 1.3 miles east of its junction with State Secondary Road 1740.

The Herring, Charles F., farm located on the south side of State Secondary Road 1741 and 0.3 mile east of its junction with State Secondary Road 1740.

The Lofton, Burt & Davis, King, farm located on the east side of State Secondary Road 1739 and 0.3 mile south of its junction with State Highway 55.

The Parks, Robert, farm located on the southeast side of State Secondary Road 1932 and 0.5 mile northeast of its intersection with State Secondary Road 1120.

The Price, James, farm located in the southeastern intersection of State

Highway 111 and State Secondary Road 1745.

The Sasser, Rosa, farm located on both sides of State Highway 111 and 0.1 mile south of its junction with State Secondary Road 1912.

The Smith, Arnold, farm located on the southeast side of State Secondary Road 1932 and 0.5 mile northeast of its intersection with State Secondary Road 1120.

South Carolina

Florence County. The Georgia Pacific Paper Company, farm located on the south side of the junction of two dirt roads, said junction being 0.8 mile east of its junction with State Secondary Highway 461, said junction being 0.8 mile north of the intersection of said highway and State Secondary Highway 85.

The Lyde, Mamie farm located on the east side of State Secondary Highway 72 and 0.5 mile south of its junction with State Secondary Highway 794.

Marlboro County. The Quick, B.F., farm located on the south side of a dirt road 1 mile southwest of its junction with State Secondary Highway 257, said junction being 1.75 miles northeast of the intersection of said highway and State Secondary Highway 165.

As a result of this action, the only areas presently regulated as suppressive areas in North Carolina and South Carolina are those areas listed in this document in § 301.80–2a as suppressive areas.

Executive Order 12291 and Regulatory Flexibility Act

This interim rule is issued in conformance with Executive Order 12291 and Secretary's Memorandum No. 1512–1, and has been determined to be not a "major rule." Based on information compiled by the Department, it has been determined that this interim rule will have an annual effect on the economy of approximately $300; will not cause a major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies, or geographic regions; and will not cause significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

For this rulemaking action, the Office of Management and Budget has waived the review process required by Executive Order 12291.

The Administrator of the Animal and Plant Health Inspection Service has determined that this action will not have a significant economic impact on a substantial number of small entities. This action affects the interstate movement of regulated articles from specified areas in North Carolina and South Carolina. Based on information compiled by the Department, it has been determined that there are approximately 290,000 small entities that move regulated articles interstate from North Carolina and South Carolina, and many hundreds of thousands of small entities that move such articles interstate from other States. However, it has been determined that only 20 entities in North Carolina and South Carolina move regulated articles interstate from the areas that will be affected by this action. Further, the overall economic impact from this action is estimated to be only about $300.

Paperwork Reduction Act

The regulations in this subpart contain no information collection or recordkeeping requirements under the Paperwork Reduction Act of 1980 (44 U.S.C. 3507 *et seq.*).

List of Subjects in 7 CFR Part 301

Agricultural commodities, Plant pests, Quarantine, Transportation, Witchweed.

PART 301—DOMESTIC QUARANTINE NOTICES

Under the circumstances referred to above, § 301.80–2a of the witchweed quarantine and regulations (7 CFR 301.80–2a) is revised to read as follows:

§ 301.80–2a Regulated areas; suppressive and generally infested areas.

The civil divisions and parts of civil divisions described below are designated as witchweed regulated areas within the meaning of the provisions of this subpart; and such regulated areas are hereby divided into generally infested areas or suppressive areas as indicated below:

North Carolina

(1) *Generally infested areas.* None.

(2) *Suppressive areas.*

Beaufort County. The Jefferson, Russell M., farm located on the southwest side of State Secondary Road 1609 and 0.6 mile southeast of the junction of said road and State Highway 32.

The Osborne, H.R., farm located on both sides of State Secondary Road 1609 and 0.5 mile southeast of the junction of said road and State Highway 32.

Bladen County. The entire county.

Columbus County. The part of the county lying north and west of a line that begins at a point where State Secondary Road 1730 and State Secondary Road 1708 meet at the Columbus-Bladen County line; then south and southwest along State Secondary Road 1730 to its junction with State Secondary Road 1001; then south along said road to a point where it is intersected by State Secondary Road 1714; then west along said road to its junction with U.S. Highway 74; then west along said highway to U.S. Highway 701 Bypass; then south and west along said highway to its intersection with State Secondary Road 1314; then west along said road to its junction with State Secondary Road 1346; then southwest along said road to its junction with the North Carolina-South Carolina State border where the line ends.

The Brown, Annie, farm located on the west side of State Highway 11 and 0.6 mile south of the junction of said road with State Highway 87.

The Jacobs, Thomas, farm located 0.2 mile north of State Secondary Road 1847 and 1 mile northeast of the junction of said road 1847 with State Secondary Road 1740.

Craven County. The Bellamy, Willie, farm located on the north side of State Secondary Road 1444 and 0.9 mile southwest of its junction with State Secondary Road 1440.

The Chapman, Idel M., farm located on the west side of State Secondary Road 1459 and 0.1 mile north of junction of State Secondary Road 1463 with said road 1459 and 0.3 mile off west side of State Secondary Road 1459.

The Hawkins, Annie A., farm located on both sides of State Secondary Road 1263 and 1 mile east of the junction of said road 1263 with State Secondary Road 1262.

The Jolley, Albert, farm located on the south side of State Highway 55 and 0.3 mile west of its junction with State Secondary Road 1258.

The Jones, Vann, farm located on the west side of State Secondary Road 1459 and 0.1 mile north of junction of State Secondary Road 1463 with said road and 0.4 mile off of west side of State Secondary Road 1459.

The Morris, Gerald K., farm located on the north side of State Secondary Road 1444 and 1.4 miles northwest of the junction of State Secondary Road 1447 with said road.

The Nelson Estate, Joseph, located on both sides of State Secondary Road 1450 and located 0.1 mile northeast of intersection of State Secondary Road 1454.

The Nobles, Jr., Jack, farm located on both sides of State Secondary Road 1262 and located 0.7 mile south of the junction of State Secondary Road 1258 and State Secondary Road 1262.

The Register, Keith, farm located 0.3 mile west of the junction of State State Secondary Road 1251 with Highway 55 and on the north side of Highway 55.

The Tripp, Dudley, farm located on the north side of State Secondary Road 1444 and 1.1 miles southwest of its junction with State Secondary Road 1440.

The West, Gladys W., farm located on both sides of State Secondary Road 1263 and 1.4 miles east of its southern junction with State Secondary Road 1262.

The White, Raymond E., farm located on both sides of State Secondary Road 1263 and 0.2 mile east of its northern junction with State Secondary Road 1262.

Cumberland County. That area bounded by a line beginning at a point where U.S. Highway 401 intersects the Cumberland-Hoke County line, then east along said highway to

its intersection with the Fayetteville city limits, then south, east, and northeast along said city limits to its junction with U.S. Highway 301 north, then northeast along said highway to its junction with U.S. Interstate 95, then northeast along said interstate to its junction with U.S. Highway 13, then east and northeast along said highway to its intersection with the Cumberland-Sampson County line, then southerly along said county line to its junction with the Bladen-Cumberland County line, then westerly along said county line to its junction with the Cumberland-Robeson County line, then northwesterly along said county line to its junction with the Cumberland-Hoke County line, then northwesterly along said county line to the point of beginning.

The Autry, J.G., farm located on the east side of U.S. Highway 301 and 0.1 mile north of its junction with State Secondary Road 1722.

The Barefoot, William, farm located on the east side of State Secondary Road 1005 and 1.1 miles northeast of its junction with State Secondary Road 1813.

The Bullock, Burline, farm located on the northeast side of State Secondary Road 1722 and 0.4 mile west of its junction with U.S. Highway 301.

The Bunce, Mrs. John, farm located on the north side of State Secondary Road 1814 and 0.3 mile west of its junction with State Secondary Road 1813.

The Contrell, C.T., farm located on the west side of State Secondary Road 1400 at its junction with State Secondary Road 1401.

The Elliott, Lattie, farm located on the north side of State Secondary Road 1722 and 0.4 mile east of its junction with State Secondary Road 1714.

The Elliott, W.H., farm located on the south side of State Secondary Road 1609 and 0.5 mile east of its junction with State Secondary Road 1710.

The Gerald, Rufus, farm located on the east side of State Secondary Road 1818 and 0.5 mile north of its intersection with U.S. Highway 13.

The Grimble, A.L., farm located on the east side of State Secondary Road 1608 and 0.5 mile north of its junction with U.S. Highway 401.

The Holiday, Waddell, farm located on the south side of State Secondary Road 3122 and its junction with State Secondary Road 1402.

The Jackson, J.T., farm located on the west side of State Secondary Road 1403 and 0.7 mile north of its junction with U.S. Highway 401.

The Lambert, Jack, farm located on the west side of State Secondary Road 1716 and 0.2 mile north of its junction with State Secondary Road 1717.

The Lee, Jack, farm located on the west side of State Secondary Road 1716 and 0.1 mile north of its junction with State Secondary Road 1717.

The Lovick, Eugene, farm located on the north side of State Secondary Road 1732 and 0.9 mile west of its junction with U.S. Highway 301.

The Lovick, Grady, farm located on the west side of State Secondary Road 1716 and 0.2 mile north of its junction with State Secondary Road 1717.

The Matthews, Ada H., farm located on the east side of State Secondary Road 1818 and 0.7 mile north of its intersection with U.S. Highway 13.

The Matthews, E.M., farm located on the east side of State Secondary Road 1005 and at its north intersection with State Secondary Road 1813.

The Matthews, Isiah, farm located on a private road off the east side of U.S. Highway 301 and 0.1 mile north of its junction with State Secondary Road 1722.

The McKeithan, Sarah E., farm located on the west side of U.S. Highway 301 and 0.3 mile north of its junction with State Secondary Road 1815.

The McLaurin, Burnice, farm located on the north side of State Secondary Road 1720 and 0.7 mile east of its intersection with State Secondary Road 1719.

The McLaurin, Elwood, farm located on the west side of U.S. Highway 301 and 0.2 mile north of its junction with State Secondary Road 1828.

The McLaurin, George, farm located on the north side of State Secondary Road 1722 and 0.4 mile west of its junction with U.S. Highway 301.

The McLaurin, Greg, farm located on the south side of State Secondary Road 1722 and 0.3 mile west of its junction with U.S. Highway 301.

The McLaurin, H.A., farm located on the south side of State Secondary Road 1722 and 0.41 mile west of its junction with U.S. Highway 301.

The McLaurin, McLaurin, farm located on the north side of State Secondary Road 1722 and 0.5 mile west of its junction with U.S. Highway 301.

The McLaurin, Octavious, farm located on the north side of State Secondary Road 1722 and 0.51 mile west of its junction with U.S. Highway 301.

The McLaurin, W.A., farm located on the south side of State Secondary Road 1722 and 0.43 mile west of its junction with U.S. Highway 301.

The McMillan, Vander, farm located on the west side of U.S. Highway 301 and 0.5 mile north of its junction with State Secondary Road 1722.

The McNeill, Mattie J., farm located on the west side of State Secondary Road 1593 and 0.8 mile north of its junction with U.S. Highway 401.

The Melvin, Edith, farm located on the east side of State Secondary Road 1600 and 1.7 miles north of its intersection with State Secondary Road 1615.

The Odums, Marshal, farm located on the north side of State Secondary Road 1722 and 0.2 mile west of its junction with U.S. Highway 301.

The Powell, William Clinton, farm located on the south side of State Secondary Road 1722 and 0.3 mile east of its junction with State Secondary Road 1714.

The Pruitt, K.D., farm located on the west side of U.S. Highway 13 and 0.6 mile north of its intersection with State Secondary Road 1818.

The Roberts, Christine Dawson, farm located on the south side of State Secondary Road 1714 and 0.5 mile west of its junction with State Secondary Road 1716.

The Shirman, Harry, farm located on the west side of State Secondary Road 1400 and 0.1 mile south of its junction with State Secondary Road 1401.

The Smith, Agnes, farm located on the south side of State Secondary Road 1720 and 0.7 mile east of its intersection with State Secondary Road 1719.

The Smith, J.B., farm located on the south side of State Secondary Road 1722 and 0.6 mile west of its junction with State Secondary Road 1721.

The Smith, Larry Don, farm located on a private road off the west side of U.S. Highway 301 and 0.2 mile south of its junction with State Secondary Road 1722.

The Thompson, Mrs. Paul, farm located on the west side of Highway 301 and 0.4 mile south of its junction with State Secondary Road 1863.

The Turner, W.E., farm located on a private road off the east side of U.S. Highway 301 and 0.2 mile north of its junction with State Secondary Road 1722.

The Underwood, George, farm located on the south side of State Secondary Road 1730 and 0.5 mile east of its junction with State Secondary Road 1723.

The Underwood, Olive T., farm located on the east side of State Secondary Road 1723 and 0.8 mile south of its junction with State Secondary Road 1722.

The Valentine, Ike, farm located on the west side of State Secondary Road 1402 and 0.9 mile south of its junction with State Secondary Road 1400.

The Williams, C.D., farm located on the north side of State Secondary Road 1719 and 1.21 miles north of its intersection with State Secondary Road 1720.

The Williams, Maggie, farm located on the north side of State Secondary Road 1719 and 1.2 miles north of its intersection with State Secondary Road 1720.

The Williams, M.C., farm located on the south side of State Secondary Road 1728 and its east intersection with State Secondary Road 1725.

The Williams, Robert, farm located on the east side of State Secondary Road 1813 and at its intersection with Interstate 95.

Duplin County. The Beard, Mary Lou, farm located on both sides of State Secondary Road 1961 and 0.6 mile west of its intersection of said road and the Northeast Cape Fear River.

The Boykins, Charles B., farm located 1 mile northwest of State Secondary Road 1304 and 0.3 mile southeast of the junction of said road with State Secondary Road 1354.

The Bradshaw, Milton J., farm located at the northwest end of State Secondary Road 1980.

The Branch, Hall, farm located 0.3 mile northwest of State Highway 11 and 1 mile northeast of junction of highway and State Secondary Road 1378.

The Carlton, Rivers, farm located 1 mile south of State Secondary Road 1307 and 1.5 miles east of its junction of said road with State Secondary Road 1352.

The Chambers, D.F., farm located on the south side of State Secondary Road 1700 and 0.6 mile west of its intersection with the Northeast Cape Fear River.

The Dodson, Elizabeth S., farm located on the north side of State Highway 24 and 0.2 mile east of its intersection with State Secondary Road 1737.

The Dobson, Twillie, farm located on the south side of State Secondary Road 1912 and 0.7 mile west of its junction of said road and State Highway 11.

The Faison, Moses, farm located 1.1 miles south of State Secondary Road 1307 and 1.5 miles east of the junction of said road with State Secondary Road 1352.

The Frederick, William, farm located on the north side of State Secondary Road 1114 and 0.1 mile west of the intersection of said road with State Secondary Road 1107.

The Grady, E.C., farm located on both sides of State Secondary Road 1700 and 0.7 mile west of the intersection of said road and the Northeast Cape Fear River.

The Holland, William, farm located on the west side of U.S. Highway 117 at the junction of State Secondary Road 1909.

The Hoover, Annie, farm located on the west side of U.S. Highway 117 and 0.2 mile north of the intersection of said highway with State Secondary Road 1909.

The Jones, H.A., No. 2, farm located on both sides of State Secondary Road 1700 and 0.6 mile west of its intersection with the Northeast Cape Fear River.

The King, W.R., farm located on the east side of State Secondary Road 1302 and 0.1 mile south of the junction of said road and State Secondary Road 1308.

The Kornegay, Cecil, farm located on the northwest side of State Secondary Road 1306 and 1 mile southwest of its intersection with State Secondary Road 1500.

The Lee, Daphne, farm located on the south side of State Highway 24 and 0.3 mile east of its intersection with State Secondary Road 1737.

The McGowan, Henry C., Heirs, farm located 0.6 mile south of State Secondary Road 1700 and 0.7 mile east of its junction with State Highway 11.

The Miller, O'Berry, farm located on the north side of State Secondary Road 1700, and 0.1 mile east of its junction with State Highway 11.

The Miller, Willie Mae, farm located on the south side of State Secondary Road 1961 and 1.1 miles west of the intersection of said road and State Secondary Road 1962.

The Monk, E.D., farm located 0.2 mile east of State Secondary Road 1923 and 0.5 mile north of the junction of said road with State Secondary Road 1922.

The Monk, Johnny, farm located on the north side of State Secondary Road 1104 and 0.1 mile west of the junction of said road with State Secondary Road 1003.

The Moore, Macy J., farm located on the south side of State Secondary Road 1301 at the junction of said road with State Secondary Road 1353.

The Outlaw, Oliver, farm located on both sides of State Secondary Road 1300 and the east side of State Secondary Road 1301 where these roads intersect.

The Pate, Robert Lee, farm located on both sides of State Secondary Road 1357 and 0.9 mile southwest of the junction of said road and State Secondary Road 1306.

The Phillips, Hubert, farm located on the east side of State Secondary Road 1375 and 0.7 mile northwest of its junction with State Highway 24.

The Pigford, P.H., farm located on the south side of State Secondary Road 1980 and 0.2 mile east of the dead end of said road.

The Quinn, Joseph, farm located on both sides of State Secondary Road 1126 and 1.8 miles west of the intersection of said road with State Secondary Road 1100.

The Raiford, P.B., farm located on the west side of State Secondary Road 1900 and 0.1 mile south of the junction of said road with State Secondary Road 1903.

The Stokes, Fred, farm located on the south side of State Secondary Road 1980 and 2.4 miles west of the junction of said road and State Secondary Road 1979.

The Stokes, J.D., Jr., farm located on both sides of State Secondary Road 1980 and 0.3 mile east of the dead end of said road.

The Stokes, William C., farm located at the southwest end of State Secondary Road 1980.

The Thomas, Douglas M., farm located on the southwest side of State Secondary Road 1700 and 0.4 mile northwest of the intersection of said road with State Secondary Road 1728.

The Thomas, J.R., farm located on the south side of State Secondary Road 1700 and 1.8 miles east of intersection of said road and State Secondary Road 1701.

The Tyner, J.R., farm located on the south side of State Highway 24 and the east side of State Secondary Road 1737 at the intersection of said roads.

The Williams, Jasper, farm located on the east side of State Secondary Road 1323 and 0.2 mile south of its junction with State Highway 403.

The Williams, McArthur, farm located on the south side of State Secondary Road 1961 and 1 mile west of the intersection of said road and State Secondary Road 1962.

The Wilson, Mammie, farm located on the east side of State Highway 111 and 1 mile south of the intersection of said highway and State Secondary Road 1700.

Greene County. That area bounded by a line beginning at a point where State Highway 903 intersects State Highway 123 and extending southerly along State Highway 123 to its intersection with Contentnea Creek, then northwest along said creek to its junction with Panther Swamp, then northerly along said swamp to its intersection with U.S. Highway 258–13, then northeasterly to its intersection with State Highway 903; then easterly along said highway to the point of beginning.

The Carmon, James E., farm located on the east side of State Secondary Road 1004 and 0.4 mile south of its junction with State Highway 903.

Harnett County. That area bounded by a line beginning at a point on the Harnett-Lee County line due west of the head of Barbecue Swamp and extending east to the head of said swamp, then south and east along Barbecue Swamp to its intersection on State Secondary Road 1201, then south and southeast along said road to its junction with State Highway 27, then southeast along said highway to its junction with State Highway 24, then southeast along said highway to its junction with State Secondary Road 1111, then southwest along said road to its intersection with Harnett-Moore County line, then northwest along the Harnett-Moore County line to its junction with the Moore-Harnett-Lee County line, then northeast along the Harnett-Lee County line to the point of beginning.

That area bounded by a line beginning at a point where the Harnett-Cumberland County line and McLeod Creek intersect and extending northwest along said creek to its intersection with State Secondary Road 1117, then northeast, northwest and north along said road to its intersection with Anderson Creek, then southeast along said creek to its intersection with the State Highway 210, then northeast along said highway to its junction with State Secondary Road 2030, then southeast along said road to its junction with State Secondary Road 2031, then southwest along said road to its intersection with the Harnett-Cumberland County line, then southwest and west along said county line to the point of beginning.

The Forthberry, Bennett, farm located on the south side of State Secondary Road 1141 and 0.4 mile east of the junction of said road with State Secondary Road 1139.

The Frizzelle, Roscoe, farm located on the south side of State Secondary Road 1141 and 0.3 mile east of the junction of said road with State Secondary Road 1139.

The Gilchrist, Leonard W., farm located on the southeast side of State Secondary Road 1111, 0.4 mile north of the junction of said road with State Secondary Road 1110.

The McNeil, Raymond F., farm located on the east side of State Secondary Road 1201 and north of the junction of said road with State Secondary Road 1202.

The Pulley, Clarence E., farm located on the north side of State Secondary Road 1141 and 0.4 mile east of the junction of said road with State Secondary Road 1139.

The Serina, David, farm located on the south side of State Secondary Road 1141 and 0.4 mile east of the junction of said road with State Secondary Road 1139.

The Spaulding, James, farm located on north side of State Secondary Road 1141 and 1.3 miles east of the junction of said road with State Secondary Road 1139.

The Thomas, Floyd E., farm located on the northeast side of State Secondary Road 1146 and 0.2 mile north of the junction of said road with State Secondary Road 1117.

The Womack, E. H., farm located on the east side of State Highway 27, and 1 mile north of the junction of said highway with State Highway 24.

Hoke County. That area bounded by a line beginning at a point where U.S. Highway 401 intersects with Hoke-Scotland County line, then northeasterly along said highway to its junction with the Raeford city limits, then southeast and north along said city limits to its junction with Business Highway 401, then east and northeast along said highway to its junction with U.S. Highway 401, then easterly along said highway to its intersection with the Cumberland-Hoke County line, then southeast along said county line to its junction with the Hoke-Robeson County line, then southwest and west along said county line to its junction with the Hoke-Scotland

County line, then northerly along said county line to the point of beginning.

The Bronson, Amos, farm located on the north side of State Secondary Road 1302 and 0.8 mile west of the junction of said road with State Secondary Road 1303.

The Burke, Will, Estate farm located to the southeast of State Secondary Road 1233 and 0.2 mile south of the junction of said road with State Secondary Road 1218

The Cameron, Hermon, farm located on the east side of State Secondary Road 1212 and 0.1 mile south of the junction of said road with State Secondary Road 1211.

The Flowers, Effie Lee, farm located on the north side of State Secondary Road 1203 and 0.1 mile northeast of the junction of said road with State Secondary Road 1207.

The Flynn, Charlie, farm located on the east side of State Secondary Road 1218 and 1 mile south of the junction of said road with State Secondary Road 1219.

The Fowler, Arne, farm located on the north side of State Secondary Road 1203 and 0.2 mile northeast of the junction of said road with State Secondary Road 1207.

The Graham, William, farm located on the north side of State Secondary Road 1316 and 0.5 mile east of the junction of said road with State Highway 211.

The Johnson, George, farm located on the south side of State Secondary Road 1219 and 0.3 mile east of the junction of said road with State Secondary Road 1218.

The Leslie, Dora N., farm located north of the junction of State Secondary Roads 1200 and 1203.

The McGregor, Gilbert, farm located on the south side of State Secondary Road 1219 and 0.4 mile east of the junction of said road with State Secondary Road 1218.

The McPhatter, Tom, farm located on the east side of State Secondary Road 1202 and 0.1 mile south of the junction of said road with State Secondary Road 1203.

The McRae, Annie, farm located on the west side of State Secondary Road 1302 and 0.1 mile north of the junction of said road with U.S. Highway 401 bypass.

The McRae, Ervin, farm located on the north side of State Secondary Road 1302 and 1 mile west of the junction of said road with State Secondary Road 1303.

The Moon, Leonard, farm located on the west side of State Highway 211 and 0.3 mile north of the junction of said highway with State Secondary Road 1228.

The Ray, Howard, farm located on the north side of State Secondary Road 1203 and 0.1 mile west of the junction of said road with State Secondary Road 1240.

The Ray, Neil, farm located on the west side of State Secondary Road 1320 and 0.1 mile west of the junction of said road with State Secondary Road 1304.

The Williams, Alex, farm located in the southeast junction of State Secondary Roads 1202 and 1203.

The Winecroff, Lee, farm located on both sides of State Secondary Road 1215 and 0.4 mile east of the junction of said road with State Secondary Road 1216.

Johnston County. The McArthur, Margaret, farm located 1.4 miles north of State Secondary Road 1199 and 0.9 mile west of the junction of said road and State Secondary Road 1008.

Lenoir County. The Barwick, Charles H. and Evelyn Sutton, farm located on the north side of State Secondary Road 1324 and 0.1 mile east of its junction with State Road 1308.

The Braxton, Clyde, Estate located on both sides of State Secondary Road 1802 and 0.9 mile northeast of the junction of State Secondary Road 1802 and State Highway 11.

The Carey, Jack, farm located on both sides of State Secondary Road 1906 and 1 mile east of its junction with U.S. Highway 285.

The Dawson, Wayne, farm located on State Secondary Road 1318 and 0.3 mile north of its junction with State Secondary Road 1316.

The Faulkner, Isabelle, farm located on both sides of State Secondary Road 1809 and 0.5 mile east of its junction with State Secondary Road 1720.

The Herring, Ben D., No. 2, farm located on the west side of State Secondary Road 1310 and 0.3 mile south of its junction with State Secondary Road 1311.

The Herring, Frances F., farm located on the west side of State Secondary Road 1310 and 0.6 mile south if its junction with State Secondary Road 1311.

The Herring, Jack A., farm located on both sides of State Secondary Road 1310 and 0.4 miles south of its junction with State Secondary Road 1311.

The Herring, Robert, farm located in the northwest junction of State Secondary Roads 1318 and 1316.

The Jarman, F. R., farm located on the southeast side of State Secondary Road 1311 and 0.7 mile southwest of its junction with State Secondary Road 1318.

The Pelletier, Roger, farm located on the northeast side of State Secondary Road 1316 and 0.3 mile northwest of its junction with State Secondary Road 1318.

The Rouse, Forrest, farm located on the northeast side of State Secondary Road 1143 and 2.9 miles northwest of its intersection with State Secondary Road 1154.

The Rouse, James, farm located on the southeast side of State Secondary Road 1307 and 0.4 mile southwest of the junction of said road and State Secondary Road 1324.

The Sutton, Curtis, Estate located on the west side of State Secondary Road 1324 and 0.5 mile north of its junction with State Secondary Road 1309.

The Sutton, Harvey, farm located on the west side of State Secondary Road 1331 and 0.2 mile south of its junction with State Secondary Road 1330.

The Sutton, John W., farm located in the southwest junction of State Secondary Road 1333 and State Secondary Road 1330.

The Sutton, Nancy, farm located on the south side of State Secondary Road 1330 and 0.5 mile east of its junction with State Secondary Road 1331.

The Sutton, Nathan, farm located on the southeast side of State Secondary Road 1311 and 0.6 mile southwest of its junction with State Secondary Road 1318.

The Sutton, W. Edward, farm located on the east side of State Secondary Road 1333 and 0.4 mile south of State Secondary Road 1330.

The Taylor, Heber, farm located on the north side of State Secondary Road 1161 and 0.3 mile east of its junction with State Highway 55.

The Walters, H. F., farm located on both sides of State Secondary Road 1335 and 0.4 mile north of its junction with State Secondary Road 1324.

Onslow County. The Henderson, Charlie, farm located on the east side of State Secondary Road 1528, and 0.2 mile north of the junction of said road with State Secondary Road 1518.

The Lanier, Marion, farm located on the southeast side of State Secondary Road 1224, and 0.7 mile northeast from the junction of said road and State Secondary Road 1222.

Pender County. That area bounded by a line beginning at a point where State Secondary Road 1104 intersects the Pender-Bladen County line, and extending northeast along said county line to its junction with Black River, then southeast along said river to its intersection with State Highway 210, then southwest along said highway to its junction with State Secondary Road 1103, then southeast along said road to its junction with State Secondary Road 1104, then southwest and northwest along said road to the point of beginning.

That area bounded by a line beginning at a point where State Secondary Road 1517, junctions with U.S. Highway 117, and extending northwest along said highway to its intersection with Walker Swamp, then northeast along said swamp to its junction with Pike Creek, then southeast along said creek to its junction with the Northeast Cape Fear River, then south along said river to its intersection with State Highway 210, then southwest along said highway to its junction with State Secondary Road 1518, then southeast along said road to its junction with State Secondary Road 1517, then westerly along said road to the point of beginning.

The Anderson, Julian W., farm located on both sides of State Secondary Road 1108 and 0.9 mile northwest of the junction of said road and State Secondary Road 1107.

The Batson, Arthur, farm located on the east side of State Secondary Road 1411 and 1.5 miles east of its intersection with U.S. Highway 117.

The Corbett, W.M., farm located on both sides of State Secondary Road 1201 at its junction with State Secondary Road 11200.

The Dees, Betty B., farm located 0.6 mile east of State Secondary Road 1411 and 1.5 miles east of its intersection with U.S. Highway 117.

The Fensel, F. P., farm located on the north side of State Secondary Road 1103 and 0.6 mile west of its junction with State Secondary Road 1133.

The Hardie, George, farm located on the north side of a field road 0.4 mile east of State Secondary Road 1104 and 0.2 mile northeast of its intersection with Lyon Canal.

The Kea, Leo, farm located 0.5 mile east of State Secondary Road 1105 and 1 mile southwest of the junction of said road and State Secondary Road 1104.

The Hutcheson, Katie, farm located on field road 1.7 miles east of U.S. Highway 117 and 0.3 mile south of its intersection with State Secondary Road 1411.

The Lanier, Admah, farm located on the southeast side of State Secondary Road 1411

and 1.4 miles east of its intersection with U.S. Highway 117.

The Marshall, Crawford, farm located on the north side of State Secondary Road 1103 and 0.6 mile west of its junction with State Secondary Road 1133.

The Marshall, Milvin, farm located on the north side of State Secondary Road 1103 and 0.6 mile east of the southern junction of said road and State Secondary Road 1104.

The McCallister, Mary K., farm located 0.2 mile east of State Secondary Road 1105 and 1 mile southwest of the junction of said road and State Secondary Road 1104.

The Terrell, Nancy, farm located on a field road 2.8 miles east of U.S. Highway 117 and 0.3 mile south of its intersection with State Secondary Road 1411.

The Thompson, Dick, farm located on the southwest side of State Secondary Road 1108 and 0.5 mile northwest of its junction with State Secondary Road 1107.

The Ward, Mary Alice, farm located on a field road 0.9 mile east of State Secondary Road 1411 and 1.5 miles east of its intersection with U.S. Highway 117.

Pitt County. The Cannon, James, farm located on the west side of State Secondary Road 1918 and 0.1 mile north of its junction with State Secondary Road 1917.

The Couch, Ruth, farm located on the east side of State Secondary Road 1918 and 0.3 mile north of its junction with State Secondary Road 1917.

The Gardner, Charlie D., farm located on both sides of State Secondary Road 1910 at junction of said road and State Highway 118.

The Garris, Bruce E., farm located in the south junction of State Highway 118 and State Secondary Road 1916.

The Hodges, M. B., farm located on the east side of State Secondary Road 1907 and 1.1 miles north of State Highway 118.

The Stancill, Wiley, farm located on the west side of State Secondary Road 1918 and 0.1 mile south of its junction with State Secondary Road 1919.

Richmond County. The Autry, John, farm located on the north side of State Secondary Road 1803 and 0.4 mile east of Osborne.

The Covington, Tally, farm located on private road 0.1 mile north off of State Secondary Road 1433 and 0.6 mile east of U.S. Highway 220.

The Dumas, Reba, farm located on the northeast side of State Secondary Road 1083 and 0.3 mile northwest of said intersection of State Highway 38.

The Fisher, George, farm located on the north side of State Secondary Road 1827 and 0.1 mile southeast of its junction with State Secondary Road 1825.

The Jackson, James, farm located on private road 0.2 mile north off of State Secondary Road 1433 and 0.6 mile east of U.S. Highway 220.

The Poe, William, farm located 0.6 mile on unnumbered road off State Road 1475 and 0.2 mile southeast of its junction with State Road 1480.

The Steele, Thomas, farm located on the northwest side of State Road 1442 and 0.4 mile southwest of its junction with State Road 1489.

The Terry, Elijah, farm located on the northwest side of State Secondary Road 1442 and 0.2 mile northwest of its junction with State Secondary Road 1477.

The Thomas, Walter, farm located on both sides of U.S. Highway 220 and 0.4 mile northeast of its junction with State Secondary Road 1433.

The Watkins, John Q., farm located on the southeast side of State Secondary Road 1476 and 0.3 mile northeast of its junction with State Secondary Road 1442.

The Watkins, Mosby, farm located on both sides of State Secondary Road 1476 and 0.2 mile northeast of its junction with State Secondary Road 1442.

Robeson County. The entire county.

Sampson County. The entire county.

Scotland County. That area bounded by a line beginning at a point where U.S. Highway 401 intersects the Hoke-Scotland County line; then southwest along said highway to its junction with the Laurinburg city limits; then southwest along the Laurinburg city limits to its junction with U.S. Highway 501, then northerly on U.S. Highway 501 to its intersection with Hoke-Scotland County line; then southeasterly along said line to the point of beginning.

The Carmichael, John, farm located on both sides of State Secondary Road 1612 and 0.2 mile southwest of its junction with State Secondary Road 1611.

The Creed, George O., farm located on both sides of State Secondary Road 1426 and 0.6 mile north of its junction with State Secondary Road 1427.

The Gibson, J. C., farm located on the south side of State Secondary Road 1341 and 0.5 mile southwest of its junction with State Secondary Road 1328.

The Jones, R. D., farm located on the northeast side of State Secondary Road 1601 and 0.2 mile northwest of its junction with State Secondary Road 1609.

The Morgan, J. D., farm located on the east side of State Secondary Road 1346 and 0.5 mile north of the junction of said road with State Secondary Road 1343.

The Stewart, Claude, farm located on the northwest side of State Secondary Road 1612 and 0.7 mile northeast of the junction of said road with State Secondary Road 1619.

Wayne County. That area bounded by a line beginning at a point where State Highway 111 and State Secondary Road 1913 junction; then southwesterly along State Secondary Road 1913 to its junction with State Secondary Road 1744; then easterly along said road to its junction with State Secondary Road 1948; then southerly along said road to its intersection with State Secondary Road 1745; then westerly along said road to its junction with State Secondary Road 1915; then northerly along said road to its intersection with State Secondary Road 1744; then westerly along said road to its junction with State Secondary Road 1933; then northwesterly along said road to its junction with State Secondary Road 1120; then easterly along said road to its junction with State Secondary Road 1915; then easterly from said junction along an imaginary line to the junction of Sleepy Creek and the Neuse River; then easterly along said river to its intersection with State Highway 111; then south along said highway to the point of beginning.

The Barwick, Jack, farm located on the west side of State Secondary Road 1932 and 0.6 mile south of the junction of said road and State Secondary Road 1934.

The Bowden, B. J., farm located on the west side of State Secondary Road 1931 and 0.2 mile south of intersection of said road and State Secondary Road 1120.

The Brooks, Leonard, farm located 0.2 mile west of State Secondary Road 1934 and 1 mile south of the junction of said road and State Secondary Road 1932.

The Carraway, Ethel, farm located on the east side of State Secondary Road 1915 and 0.1 mile north of the junction of said road and State Secondary Road 1120.

The Dawson, L. A., farm located on the west side of State Highway 111 and 0.5 mile south of the junction of said highway and State Secondary Road 1730.

The Exum, Molly, farm located on the east side of State Secondary Road 1739 and 0.1 mile south of the junction of said road and State Highway 55.

The Georgia-Pacific Corp., farm located on the north side of State Secondary Road 2010 at the junction of said road and State Secondary Road 1938.

The Grady, Zeb, farm located on the east side of State Secondary Road 1932 and 1 mile north of the junction of said road and State Secondary Road 1744.

The Grant, Charlie, farm located on the south side of State Secondary Road 1745 and 0.4 mile west of its junction with State Secondary Road 1952.

The Haggin, Joe, No. 2, farm located on the east side of State Secondary Road 1931 and 1.1 miles northeast of its intersection with State Secondary Road 1120.

The Herring, Harmon, farm located on the south side of State Secondary Road 1734 and 0.4 mile east of its junction with State Secondary Road 1731.

The Herring, Thel, farm located on the west side of State Secondary Road 1711 and 0.4 mile north of its junction with U.S. Highway 70A.

The Hines, Lucy, farm located on the west side of State Secondary Road 1933 and 1.5 miles south of the junction of said road and State Secondary Road 1120.

The Hines, Viola, farm located on the southwest side of State Secondary Road 1932 and 0.8 mile northwest of the intersection of said road and State Secondary Road 1744.

The Humphrey, Josephine, farm located on the east side of State Secondary Road 1932 and 0.2 mile north of its intersection with State Secondary Road 1120.

The Ivey, W. H., farm located on the south side of State Secondary Road 1734 and 0.3 mile east of its junction with State Secondary Road 1731.

The Jackson, Major, farm located on the east side of State Secondary Road 1731 and 0.6 mile north of the Neuse River.

The Jones, Mary, farm located on both sides of State Secondary Road 1730 and its junction with State Secondary Road 1731.

The Lane, Alfred, farm located on the south side of State Secondary Road 1730 and 0.4 mile east of its junction with State Highway 111.

The Lewis, Ben H., farm located on the northeast corner of the intersection of State Secondary Roads 1744 and 1932.

The Lofton, Mary F., farm located on the south side of State Secondary Road 1745 and 0.1 mile west of its junction with State Secondary Road 1952.

The McClenny, G. A., farm located on the south side of State Secondary Road 1007 and 0.1 mile west of the junction of said road with State Highway 581.

The Price, Jessie W., farm located on the east side of State Secondary Road 1948 and 0.7 mile south of the junction of said road and State Secondary Road 1744.

The Ray, Cora Pate, farm located on both sides of State Secondary Road 1730 and 0.8 mile west of its junction of State Secondary Road 1731.

The Raynor, Early, No. 1, farm located on the south side of U.S. Highway 13 and 0.3 mile east of its junction with State Secondary Road 1207.

The Raynor, Early, No. 2, farm located on the north side of State Secondary Road 1101 and 0.7 mile east of its intersection with State Secondary Road 1105.

The Raynor, Elester, farm located on the east side of State Secondary Road 1105 and 0.8 mile south of its intersection with U.S. Highway 13.

The Sasser, Johnny, farm located on the west side of State Secondary Road 1931 and 0.3 mile south of its junction with State Secondary Road 1930.

The Simmons, James, farm located on the southwest side of State Secondary Road 1932 and 0.2 mile northwest of the junction of said road and State Secondary Road 1934.

The Smith, Alfred, farm located on the north side of State Secondary Road 1330 and 0.9 mile west of the junction of said road and North Carolina Highway 581.

The Smith, Allen J., farm located on both sides of State Secondary Road 1953 and 0.5 mile north of State Highway 55.

The Smith, M. G., farm located on the west side of State Secondary Road 1952 and 0.3 mile south of its junction with State Secondary Road 1745.

The Smith, W. H., farm located on the east side of State Secondary Road 1932 and 1.5 miles southeast of intersection of said road and State Secondary Road 1744.

The Talton, Lillian D., farm located on the south side of State Secondary Road 1730 and 0.6 mile east of its junction with State Highway 111.

The Whitfield, Herman, farm located at the end of State Secondary Road 1729.

The Williams, Eddie, farm located on the north side of State Highway 581 and the east side of State Secondary Road 1236 at the junction of said roads.

South Carolina

(1) *Generally infested area.* None.

(2) *Suppressive areas.*

Darlington County. The Atkinson Farms located on both sides of State Secondary Highway 173 and 0.5 mile west of its intersection with State Secondary Highway 35.

The Flowers, William M., farm located on the north side of State Secondary Highway 14 and 1.4 miles east of its intersection with State Secondary Highway 13.

The Green, M.L., farm located on the east side of State Secondary Highway 133 and 0.75 mile north of junction of said highway 133 with State Secondary Highway 29.

The Johnson, William, farm located on the north side of a dirt road and 0.6 mile northwest of its junction with State Secondary Highway 133, said junction being 2 miles south of the intersection of said highway and State Secondary Highway 41.

Dillon County. The entire county.

Florence County. That area bounded by a line beginning at a point where State Secondary Highway 925 and State Secondary Highway 24 junction and extending east and southeast along State Secondary Highway 24 to its junction with State Secondary Highway 13, then along a line projected due east from said junction to its intersection with the Great Pee Dee River, then south along said river to its junction with Barfield's Old Mill Creek, then northwest along said creek to its intersection with State Secondary Highway 57, then north along said highway to its junction with State Secondary Highway 893, then west and southwest along State Secondary Highway 893 to its junction with State Secondary Highway 70, then northwest along said highway to its junction with State Secondary Highway 897, then southwest and south along said highway to its junction with State Primary Highway 51, then west and northwest along said highway to its intersection with State Primary Highway 327, then northwest and west along said highway to its junction with State Secondary Highway 552, then north along said highway to its junction with State Secondary Highway 551, then northwest along a dirt road to its junction with a second dirt road, said junction being 0.1 mile east of Goodland School, then northeast along said second dirt road to its junction with State Secondary Highway 57, then southeast along said highway to its intersection with the Seaboard Coast Line Railroad, then northwest along said railroad to its intersection with State Secondary Highway 13, then east along said highway to its junction with State Secondary Highway 918, then north and northeast along said highway to its junction with State Primary Highway 327, then north along said highway to its intersection with U.S. Highway 76, then west along said highway to its junction with State Secondary Highway 925, then north along said highway to the point of beginning, excluding the area within the unincorporated limits of the town of Hyman.

That area bounded by a line beginning at a point where State Secondary Highway 794 and State Secondary Highway 72 junction and extending south along State Secondary Highway 72 to its intersection with State Secondary Highway 46, then northeast along said highway to its intersection with State Secondary Highway 34, then southeast along said highway to its junction with State Secondary Highway 360, then northeast along said highway to its junction with a dirt road, said junction being 1.6 miles northeast of the junction of State Secondary Highways 34 and 360, then southeast along said dirt road for a distance of 1.2 miles to its junction with a second dirt road, then southwest along said dirt road to its junction with State Secondary Highway 34, then south along said highway to its junction with U.S. Highway 378, then west along said highway to its junction with State Secondary Highway 47, then northwest and west along said highway to the corporate limits of the town of Scranton, then north and west along the east and north perimeter of said corporate limits to its intersection with the Seaboard Coast Line Railroad, then north along said railroad to the corporate limits of the town of Coward, then north along the east perimeter of the town of Coward to its intersection with State Secondary Highway 794, then northeast along said highway to the point of the beginning.

That area bounded by a line beginning at a point where State Secondary Highway 66 and the Seaboard Coast Line Railroad intersect and extending southeast along said railroad to its intersection with State Secondary Highway 57, then south along said highway to its junction with U.S. Highway 378, then west along said highway to its intersection with Deep Creek, then southwest along said creek to its junctions with Lynches River, then west along said river to its junction with Little Swamp, then north along said swamp to its intersection with State Secondary Highway 66, then east along said highway to the point of the beginning.

The McAllister, Armstrong, farm located at the end of a dirt road and 0.4 mile northwest of its junction with another dirt road, then south along said dirt road to its junction with another dirt road, then westerly along said dirt road to its junction with State Secondary Highway 34, said junction being 1.1 miles southeast of the junction of State Secondary Highway 149 with State Secondary Highway 34.

Horry County. That area bounded by a line beginning at a point where State Secondary Highway 33 intersects the South Carolina-North Carolina State line and extending south along said highway to its intersection with State Secondary Highway 306, then west along said highway to its intersection with State Secondary Highway 142, then south along said highway to its junction with State Primary Highway 9, then northwest along said highway to its intersection with State Secondary Highway 59, then southwest and south along said highway to its junction with State Primary Highway 917, then southwest along said highway to its intersection with State Secondary Highway 19, then south and southeast along said highway 19 to its intersection with U.S Highway 701 at Allsbrook, then northeast along said highway to its intersection with State Primary Highway 9, then southeast and south along said highway to its intersection with the Waccamaw River, then northeast along said river to its intersection with South Carolina-North Carolina State line, then southeast along said State line to its intersection with U.S. Highway 17, then southwest along said highway to its junction with State Primary Highway 90, then west along said highway to its intersection with a dirt road known as Telephone Road, said intersection being 1.3 miles west of Wampee, then southwest and south along Telephone Road to its end, then northwest along a projected line for 1.9 miles to its junction with Jones Big Swamp, then northwest along said swamp to its junction

with the Waccamaw River, then west along said river to its intersection with Stanley Creek, then north along said creek 1.6 miles, then northwest along said creek 2.8 miles, then north along a line projected from a point beginning at the end of the main run of said creek, and extending north to the junction of said line with State Primary Highway 905, then southwest along said highway to its junction with State Secondary Highway 19, then north along said highway 2.4 miles to its junction with a dirt road.

Then southwest along said road to its intersection with Maple Swamp, then north along said swamp to its intersection with State Secondary Highway 65, then southwest along said highway to its junction with U.S. Highway 701, then south along said highway to its intersection with U.S. Highway 501, then northwest along said highway to its intersection with State Secondary Highway 548, then west along said highway to its junction with a dirt road, then west along said dirt road to its junction with State Secondary Highway 78, then north along said highway to its junction with State Secondary Highway 391, then northeast along said highway to its junction with U.S. Highway 501, then southeast along said highway to its junction with State Secondary Highway 591, then north along said highway to its intersection with State Secondary Highway 97, then east 0.2 mile to its intersection with a dirt road, then north along said dirt road to its junction with State Primary Highway 319, then northwest along said highway to its junction with State Secondary Highway 131, then east and north along said highway to its intersection with Loosing Swamp, then west and northwest along said swamp to its intersection with State Secondary Highway 45, then southwest along said highway to its junction with State Secondary Highway 129, then northwest along said highway to its junction with U.S. Highway 501, then northwest along the latter highway to its intersection with Little Pee Dee River, then northwest along said river to its junction with the Lumber River, then northeast along said river to its intersection with the South Carolina-North Carolina State line, then southeast along said State line to the point of beginning, excluding the area within the corporate limits of the towns of Conway and Loris.

The Alford, Alex, farm located on the south side of a dirt road and being 2 miles southwest and west of the junction of said dirt road and State Secondary Highway 99, said junction being 1.75 miles north of the junction of said highway and State Secondary Highway 97.

The Barnhill, Edgar, farm located on both sides of a dirt road and 0.4 mile east of its junction with State Primary Highway 90, said junction being 0.1 mile northeast of the junction of said highway and State Secondary Highway 377.

The Cooper, Thomas B., farm located northeast of a dirt road and 0.75 miles northwest of the intersection of said dirt road with rural paved road No. 109, said intersection being 2.25 miles northeast of the junction of said rural paved road No. 109 with rural paved road No. 79.

The Edge, Nina L., farm located on the west side of a dirt road and 0.8 mile southeast of its junction with a second dirt road, said junction being 0.5 mile south of the junction of the second dirt road and State Primary Highway 90, said second junction being 0.8 mile southwest of the junction of said highway and State Secondary Highway 31.

The Gore, Sumpter, farm located on both sides of a dirt road and 0.75 mile north of the intersection of said dirt road and State Primary Highway 9, said intersection being at Goretown.

The Hucks, Edd, farm located on the north side of a dirt road and 1 mile west of its junction with State Secondary Highway 109, said junction being 1.5 miles northeast of the junction of said highway and State Secondary Highway 79.

The Martin, Daniele E., farm located on the east side of State Primary Highway 90 and 0.9 mile northeast of the junction of said highway and State Secondary Highway 377.

The Page, Cordie, farm located on the north side of State Secondary Highway 128 and 0.4 mile west of the junction of said highway and U.S. Highway 501, said junction being at Aynor.

The Richardson, Talmage, farm located on the north side of a dirt road and 1 mile southwest of the junction of said dirt road and State Secondary Highway 99, said junction being 1.75 miles north of the junction of said highway and State Secondary Highway 97.

The Williamson, Vide, farm located on both sides of a dirt road and 0.4 mile from the junction of said dirt road and State Primary Highway 410, said junction being 0.7 mile northeast of the intersection of State Primary Highway 410 and State Secondary Highway 19.

Marion County. The entire county.

Marlboro County. That portion of the county lying south and east of U.S. Highway 15, excluding the area within the corporate limits of the towns of Bennettsville, McColl, and Tatum.

The Bowman, Cecil, farm located on both sides of a dirt road and 0.5 mile northeast of junction of said dirt road and State Secondary Highway 257, said junction being 0.4 mile north of junction of said highway and State Secondary Highway 165.

Authority: 7 U.S.C. 150ee, 161, 162; 7 CFR 2.17, 2.51, and 371.2(c).

Done at Washington, D.C., this 22nd day of April 1985.

William F. Helms,

Acting Deputy Administrator, Plant Protection and Quarantine, Animal and Plant Health Inspection Service.

[FR Doc. 85-9967 Filed 4-24-85; 8:45 am]

BILLING CODE 3410-34-M

Federal Crop Insurance Corporation

7 CFR Part 400

[Docket No. 2134S]

General Administrative Regulations; Late Planting Agreement Option Regulations

AGENCY: Federal Crop Insurance Corporation, USDA.

ACTION: Final rule.

SUMMARY: The Federal Crop Insurance Corporation (FCIC) hereby revises and reissues the Late Planting Agreement Option (7 CFR Part 400, Subpart A), effective with the 1985 and succeeding crop years to: (1) Change the cause of loss from excessive moisture to adverse weather conditions; and (2) publish a corrected list of crop insurance regulations to which the Late Planting Agreement Option applies. The intended effect of this rule is to broaden the cause of loss and to update the regulations authorized to include the provisions of the Late Planting Agreement Option. The authority for the promulgation of this rule is contained in the Federal Crop Insurance Act, as amended.

EFFECTIVE DATE: May 28, 1985.

FOR FURTHER INFORMATION CONTACT: Peter F. Cole, Secretary, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, D.C., 20250, telephone (202) 447-3325.

SUPPLEMENTARY INFORMATION: This action has been reviewed under USDA procedures established by Departmental Regulation No. 1512-1. This action constitutes a review as to the need, currency, clarity, and effectiveness of these regulations under those procedures. The sunset review date established for these regulations is October 1, 1989.

Merritt W. Sprague, Manager, FCIC, has determined that this action (1) is not a major rule as defined by Executive Order No. 12291 because it will not result in: (a) An annual effect on the economy of $100 million or more; (b) major increases in costs or prices for consumers, individual industries, federal, State, or local governments, or a geographical region; or (c) significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of U.S.-based enterprises to compete with foreign-based enterprises in domestic or export markets; and (2) will not increase the Federal paperwork burden for individuals, small businesses, and other persons.

This action is not expected to have any significant impact on the equality of the human environment, health, and safety. Therefore, neither an Environmental Assessment nor an Environmental Impact Statement is needed.

The title and number of the Federal Assistance Program to which this final rule applies are: Title—Crop Insurance; Number 10.450.

This program is not subject to the provisions of Executive Order 12372 which requires intergovernmental consultation with State and local officials. See the Notice related to 7 CFR Part 3015, Subpart V, published at 48 FR 29115 (June 24, 1983).

This action is exempt from the provisions of the Regulatory Flexibility Act; therefore, no Regulatory Flexibility Analysis was prepared.

On Friday, November 16, 1984, FCIC published a notice of proposed rulemaking in the **Federal Register** at 49 FR 45444, amending the Late Planting Agreement Option of insurance on certain crops to broaden the cause of loss from "excess moisture" to include all elements of "adverse weather conditions", and to publish a correct list of crops to which the Late Planting Agreement Option applied.

Written comments were solicited by FCIC for 60 days on this rule, but none were received. Therefore, the proposed rule as published is hereby adopted as final.

List of Subjects in 7 CFR Part 400

Crop insurance, Late planting agreement option.

Final Rule

Accordingly, pursuant to the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), the Federal Crop Insurance Corporation hereby revises and reissues the Late Planting Agreement Option, Subpart A of Part 400 of Title 7 of the Code of Federal Regulations, effective for the 1985 and succeeding crop years, as set forth below:

PART 400—GENERAL ADMINISTRATIVE REGULATIONS

Subpart A—Late Planting Agreement Option; Regulations for the 1985 and Succeeding Crop Years

Sec.

400.1 Availability of the Late Planting Agreement Option.
400.2 Definitions.
400.3 Responsibilities of the insured.
400.4 Applicability to crops insured.
400.5 The Late Planting Agreement Option.

Authority: Secs. 506, 516, Pub. L. 75–430, 52 Stat. 73, 77 as amended (7 U.S.C. 1506, 1516).

Subpart A—Late Planting Agreement Option; Regulations for the 1985 and Succeeding Crop Year

§ 400.1 Availability of the Late Planting Agreement Option.

The Late Planting Agreement Option shall be offered under the provisions contained in 7 CFR Parts 402 through 499 within limits prescribed by and in accordance with the provisions of the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), only on those crops identified in Section § 400.4 of this subpart. All provisions of the applicable contract for the insured crop apply, except those provisions which are in conflict with this part.

§ 400.2 Definitions.

For the purposes of the Late Planting Agreement Option:

(a) "Final planting date" means the final planting date for the insured crop contained in the actuarial table on file in the service office.

(b) "Late Planting Agreement Option" means that agreement between the FCIC and the insured whereby the insured elects, and FCIC provides, insurance on acreage planted for up to 20 days after the applicable final planting date. The production guarantee applicable on the final planting date will be reduced on the acreage planted after the final planting date by 10 percent for each 5 days that the acreage is planted after the final planting date.

(c) "Production guarantee" means the guaranteed level of production under the provisions of the applicable contract for crop insurance (sometimes expressed in amounts of insurance).

§ 400.3 Responsibilities of the insured.

The insured is solely responsible for the completion of the Late Planting Agreement Option Form and for the accuracy of the data provided on that form. The provisions of this subsection shall not relieve the insured of its responsibilities under the provisions of the insurance contract.

§ 400.4 Availability to crops insured.

The provisions of this subpart shall be applicable to the provisions of FCIC policies issued under the following regulations for insuring crops:

7 CFR Part 418 Wheat
7 CFR Part 419 Barley
7 CFR Part 420 Grain Sorghum
7 CFR Part 421 Cotton
7 CFR Part 422 Potatoes
7 CFR Part 423 Flax
7 CFR Part 424 Rice
7 CFR Part 425 Peanuts
7 CFR Part 427 Oats
7 CFR Part 428 Sunflowers
7 CFR Part 429 Rye
7 CFR Part 430 Sugar Beets
7 CFR Part 431 Soybeans
7 CFR Part 432 Corn
7 CFR Part 433 Dry Beans
7 CFR Part 434 Tobacco (Dollar Plan)
7 CFR Part 435 Tobacco (Quota Plan)
7 CFR Part 436 Tobacco (Guaranteed Production Plan)
7 CFR Part 438 Tomatoes
7 CFR Part 443 Hybrid Seed
7 CFR Part 447 Popcorn

The Late Planting Option shall be available in all counties in which the Corporation offers insurance on these crops.

§ 400.5 The Late Planting Agreement Option.

The provisions of the Late Planting Agreement Option are as follows:

U.S. DEPARTMENT OF AGRICULTURE

Federal Crop Insurance Corporation

Late Planting Agreement Option

Insured's Name _____
Contract No. _____
Address _____
Crop Year _____
Crop _____

Notwithstanding the provisions of Section 2 of the policy regarding the insurability of crop acreage initially planted after the final planting date on file in the service office, I elect to have insurance provided on acreage planted for 20 days after such date which delay in planting was caused by adverse weather conditions. Upon my making this election, the production guarantee or amount of insurance, whichever is applicable, will be reduced 10 percent for each five days or portion thereof that the acreage is planted after the final planting date. Each 10 percent reduction will be applied to the production guarantee or amount of insurance applicable on the final planting date. The premium will be computed based on the guarantee or amount of insurance applicable on the final planting date; therefore, no reduction in premium will occur as a result of my election to exercise this option. If planting continues under this Agreement after the acreage reporting date on file in the service office the acreage reporting date will be extended to 5 days after the completion of planting the acreage to which insurance will attach under this option.

Insured's Signature _____
Date _____
Corporation Representative's Signature and Code Number

_____
Date _____

Collection of Information and Data (Privacy Act)

The following statements are made in accordance with the Privacy Act of 1974 (5 U.S.C. 552(a)).

The authority for requesting the information to be supplied on this form is the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), and

regulations promulgated thereunder (7 CFR Part 400 *et seq.*). The information requested is necessary for FCIC to institute the Late Planting Agreement Option. The information may be furnished to FCIC contract agencies and contract loss adjusters, reinsured companies, processors, other U.S. Department of Agriculture agencies, the Internal Revenue Service, Department of Justice, or other State and Federal law enforcement agencies, and in response to orders of a court, magistrate, or administrative tribunal. Furnishing the information requested on this form is voluntary. However, failure to furnish the complete requested information may result in the Late Planting Agreement Option not being accepted by the Corporation.

Done in Washington, D.C., on March 11, 1985.

Peter F. Cole,

Secretary, Federal Crop Insurance Corporation.

Dated: April 22, 1985.

Approved by:

Edward Hews,

Acting Manager.

[FR Doc. 85-10081 Filed 4-24-85; 8:45 am]

BILLING CODE 3410-08-M

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7 CFR Part 413

[Doc. No. 2133S; Amdt. No. 3]

Texas Citrus Crop Insurance Regulations

AGENCY: Federal Crop Insurance Corporation, USDA.

ACTION: Final rule.

SUMMARY: The purpose of this rule is to adopt, as a final rule, an interim rule which was published in the **Federal Register** on December 6, 1984 (49 FR 47589). The interim rule amended the Texas Citrus Crop Insurance Regulations (7 CFR Part 413) effective for the 1986 and succeeding crop years to provide procedures for an insurance offer at a given production guarantee, after inspection, on production potential of less than 3 tons for a crop year following a crop year in which substantial damage has occurred. The intended effect of this action is to remove a restriction affecting policyholders relative to availability of insurance on low production acreage due to previous severe crop damage.

This action is taken under the authority contained in the Federal Crop Insurance Act, as amended.

EFFECTIVE DATE: May 28, 1985.

FOR FURTHER INFORMATION CONTACT: Peter F. Cole, Secretary, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, D.C., 20250, telephone (202) 447-3325.

SUPPLEMENTARY INFORMATION: This action has been reviewed under USDA procedures etablished by Departmental Regulation No. 1512-1. This action does not constitute a review as to the need, currency, clarity, and effectiveness of these regulations. The sunset review date established for these regulations is April 1, 1988.

Merritt W. Sprague, Manager, FCIC, has determined that this action (1) is not a major rule as defined by Executive Order No. 12291 because it will not result in: (a) An annual effect on the economy of $100 million or more; (b) major increases in costs or prices for consumers, individual industries, federal, State, or local governments, or a geographical region; or (c) significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of U.S.-based enterprises to compete with foreign-based enterprises in the domestic or export markets; and (2) will not increase the Federal paperwork burden for individuals, small businesses, and other persons.

The title and number of the Federal Assistance Program to which this final rule applies are: Title-Crop Insurance; Number 10.450.

This program is not subject to the provisions of Executive Order 12372 which requires intergovernmental consultation with State and local officials. See the Notice related to 7 CFR Part 3015, Subpart V, published at 48 FR 29115 (June 24, 1983).

This action is exempt from the provisions of the Regulatory Flexibility Act; therefore, no Regulatory Flexibility Analysis was prepared.

This action is not expected to have any significant impact on the quality of the human environment, health, and safety. Therefore, neither an Environmental Assessment nor an Environmental Impact Statement is needed.

On Thursday, December 6, 1984, FCIC published an interim rule in the **Federal Register** at 49 FR 47589, amending the Texas Citrus Crop Insurance Regulations (7 CFR Part 413) to provide procedures for an insurance offer at a given production guarantee, after inspection, on production potential of less than 3 tons for a crop year following a crop year in which substantial damage has occurred.

During a severe freeze on December 24, 1983, most Texas citrus trees were damaged to the extent that orange and grapefruit production was expected to be below 3 tons per acre for the 1985 crop year, placing many citrus policyholders in the position of having no insurance protection for the 1986 crop year under the provisions of the regulations for insuring citrus. It was therefore necessary to remove a restriction affecting policyholders relative to availability of insurance on low production acreage due to previous years severe crop damage.

FCIC, therefore, changed the provisions found in subsection 2.d.(2) of the policy to provide that, if such acreage is inspected by FCIC and considered acceptable and we agree in writing to insure such acreage, insurance will be available. A change in subsection 7.a. of the policy also allows FCIC to make an offer to insure the grove at a given production guarantee after inspeciton of groves that have had severe damage and have not produced 3 tons of oranges or grapefruit the previous crop year.

Written comments on the interim rule were solicited by FCIC for 60 days after publication of the rule in the **Federal Register**, and the rule was scheduled for review so that any amendments made necessary by public comment may be published in the **Federal Register** as quickly as possible.

No comments were received, therefore, the interim rule is hereby adopted as final.

List of Subjects in 7 CFR Part 413

Crop insurance, Texas citrus.

Final Rule

PART 413—[AMENDED]

Accordingly, the interim rule published at 49 FR 47589, December 6, 1984 is adopted as a final rule without change.

Authority: Secs. 506, 516, Pub.L. 75-430, 52 Stat. 73, 77 as amended (7 U.S.C. 1506, 1516).

Done in Washington, D.C., on March 11, 1985.

Dated: April 22, 1985.

Peter F. Cole,

Secretary, Federal Crop Insurance Corporation.

Approved by:

Edward Hews,

Acting Manager.

[FR Doc. 85-10080 Filed 4-24-85; 8:45 am]

BILLING CODE 3410-08-M

Commodity Credit Corporation

7 CFR Part 1421

Special Producer Storage Loan Program

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Interim rule.

SUMMARY: This interim rule establishes a Special Producer Storage Loan Program for wheat, corn, barley, sorghum, and oats. Under the program, a producer may pledge as collateral for such loans that collateral which is presently securing a matured Commodity Credit Corporation (CCC) farmer-owned grain reserve loan. This interim rule sets forth the terms and conditions of the program.

DATES: This interim rule shall become effective on April 25, 1985. Comments must be received on or before May 28, 1985 to be assured of consideration.

ADDRESSES: Interested persons may send comments to Director, Cotton, Grain, and Rice Price Support Division, Agricultural Stabilization and Conservation Service (ASCS), U.S. Department of Agriculture, P.O. Box 2415, Washington, D.C. 20013.

FOR FURTHER INFORMATION CONTACT: Steve Gill, Cotton, Grain, and Rice Price Support Division, ASCS, U.S. Department of Agriculture, P.O. Box 2415, Washington, D.C. 20013. Phone: (202) 447–8480.

SUPPLEMENTARY INFORMATION: Information collection requirements contained in this regulation (7 CFR Part 1421) have been approved by the Office of Management and Budget in accordance with the provisions of 44 U.S.C. Chapter 35 and have been assigned OMB Number 0560–0087.

This interim rule has been reviewed under USDA procedures established in accordance with provisions of Departmental Regulation 1512–1 and Executive Order 12291 and has been classified "not major". It has been determined that these program provisions will not result in: (1) An annual effect on the economy of $100 million or more; (2) major increases in costs or prices for consumers, individual industries, Federal, State, or local government agencies or geographic regions; or (3) significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of U.S. based enterprises to compete with foreign-based enterprises in domestic or export markets.

The title and number of the Federal Assistance Program to which this interim rule applies are: Title—Commodity Loans and Purchases, Number 10.051 as found in the Catalog of Federal Domestic Assistance.

It has been determined that the Regulatory Flexibility Act is not applicable to this interim rule because the Commodity Credit Corporation (CCC) is not required by 5 U.S.C. 553 or any other provision of law to publish a notice of proposed rulemaking with respect to the subject matter of this rule.

An Environmental Evaluation with respect to the Special Producer Storage Loan Program has been completed. It has been determined that this action is not expected to have any significant impact on the quality of the human environment. In addition, it has been determined this action will not adversely affect environmental factors such as wildlife habitat, water quality, and land use and appearance. Accordingly, neither an Environmental Assessment nor an Environmental Impact Statement is needed.

This program/activity is not subject to the provisions of Executive Order 12372 which requires intergovernmental consultation with State and local officials. See the Notice related to 7 CFR Part 3015, Subpart V, published at 48 FR 29115 (June 24, 1983).

Statutory Authority

The program will be conducted pursuant to the Commodity Credit Corporation Charter Act, as amended. The Charter Act gives the Corporation broad authority to support the price of agricultural commodities through loans, purchases, or other operations, stabilize agricultural commodity markets and remove and dispose of surplus agricultural commodities.

Need For Program

The Farmer-Owned Grain Reserve Program has been implemented for wheat, corn, barley, sorghum, and oats in accordance with the provisions of section 110 of the Agricultural Act of 1949, as amended. Producers with matured grain reserve loans will have utilized the entire period of their reserve loan agreement which is available for the commodity. Normally, producers with matured grain reserve loans would be required to redeem the loan collateral or forfeit the collateral to CCC in full satisfaction of the loan obligation. However, under the Special Producer Storage Loan Program, producers will be given the opportunity to pledge the collateral securing a matured grain reserve loan as collateral for a loan obtained under the new program.

Need for Immediate Action

Grain reserve loans are maturing monthly. Due to the need for prompt action, it has been determined that prior notice and opportunity for public comment on the subject matter of this rule is impracticable and contrary to the public interest. Therefore, this interim shall become effective April 25, 1985. However, comments with respect to this regulation are requested and should be submitted on or before May 28, 1985, in order to be assured of consideration. This interim rule will be scheduled for review so that a final document discussing comments received and any amendments required can be published in the **Federal Register** as soon as possible.

Major Program Provisions

Special Producer Storage Loan Agreements. CCC will enter into agreements under the Special Producer Storage Loan Program with producers under which producers who have matured grain reserve loans may pledge the collateral securing grain reserve loans as collateral for a loan obtained under the provisions of that program.

Length of Agreement. Special producer storage loan agreements shall be for a 12-month period. However, the Secretary may accelerate the maturity date specified in the agreements or offer to extend the maturity date specified in the agreements if it is determined that such action is necessary to meet domestic or international needs. If the maturity date in the agreements is accelerated, producers will be required to either repay the loan principal together with any accrued interest, or forfeit the loan collateral to CCC.

Program availability. Producers with matured grain reserve loans may participate in the Special Producer Storage Loan Program whenever the program is in effect and is available for their commodity. The program will be available when announced by the Secretary for a specified crop under such terms and conditions as may be deemed to be appropriate by the Secretary.

Quantity eligible for loan. The quantity of a commodity which is eligible to be pledged as collateral for a special producer storage loan may not exceed the outstanding loan quantity of the matured grain reserve loan.

Advance storage payments. An annual advance storage payment will be paid to producers. Producers will receive storage payments at the rate of 26.5 cents per bushel for wheat, barley, and corn; 20 cents per bushel for oats;

and 47.32 cents per hundredweight for sorghum.

Interest charges. Each special producer storage loan shall bear interest during the loan period at the interest rate which is applicable to CCC price support loans in effect when the special producer storage loan is approved. The rate of interest applicable to a special producer storage loan may subsequently be increased or decreased as determined and announced by the Secretary.

Redeeming loans. Producers may redeem the commodity pledged as collateral for the loan at any time during the loan period. If the commodity is redeemed, producers will be required to repay the applicable loan principal and interest which have accrued under the Special Producer Storage Loan Program together with all outstanding interest which has accrued under prior regular price support or grain reserve loan agreements which were applicable to the same loan collateral. In addition, the producer will be required to refund any unearned storage payments which have been made by CCC with respect to the loan collateral.

List of Subjects in 7 CFR Part 1421

Grains, Loan programs/agriculture, Price support programs, Warehouses.

Interim Rule

PART 1421—[AMENDED]

Accordingly, a new subpart is added to 7 CFR Part 1421 as follows:

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

* * * * *

Subpart—Regulations Governing the Special Producer Storage Loan Program

Sec.

1421.900 General statement.
1421.901 Administration.
1421.902 Length of special producer storage loan agreements.
1421.903 Program availability.
1421.904 Eligibility requirements.
1421.905 Applicability of the general regulations governing price support for the 1978 and subsequent crops.
1421.906 Fees and charges.
1421.907 Warehouse receipts.
1421.908 Quantity eligible for special producer storage loans.
1421.909 Quality eligibility requirements of special producer storage loans.
1421.910 Storage rates.
1421.911 Storage payments.
1421.912 Interest rates.
1421.913 Commingling and replacement of grain.
1421.914 Redemption and acceleration of loan maturity date.
1421.915 Maturity.
1421.916 Miscellaneous provisions.
1421.917 Paperwork Reduction Act assigned numbers.

Authority: Secs. 4 and 5 of the Commodity Credit Corporation Charter Act, as amended. (15 U.S.C. 714b and 714c).

Subpart—Regulations Governing the Special Producer Storage Loan Program

§ 1421.900 General statement.

(a) The regulations in this subpart set forth the terms and conditions for the Special Producer Storage Loan Program which provides for farm storage and warehouse storage loans with respect to eligible commodities as provided in § 1421.904. Farm storage loans will be evidenced by notes, security agreements, and chattel mortgages or financing statements. Warehouse storage loans will be evidenced by notes, security agreements, and will be secured by the pledge of warehouse receipts representing eligible commodities in approved warehouse storage. As used in the regulations in this subpart, "CCC" means the Commodity Credit Corporation and "ASCS" means the Agricultural Stabilization and Conservation Service of the U.S. Department of Agriculture.

(b) To participate in the Special Producer Storage Loan Program, a producer must request and enter into a contract with CCC at the local county ASCS office. Such contract shall be for a period of time as specified in § 1421.902. Storage payments will be paid to the producer annually during the loan period for the time such commodity is serving as collateral for a loan under the Special Producer Storage Loan Program. Producers may redeem at any time during the loan period commodities pledged as collateral under the Special Producer Loan Program without repaying earned storage payments. Unearned storage payments must be repaid when the loan collateral is redeemed.

§ 1421.901 Administration.

(a) The program will be administered under the general supervision of the Administrator, ASCS, and shall be carried out in the field by ASC State and county committees (herein called "State and county committees") and the ASCS Kansas City Management Field Office (KCMO).

(b) State and county committees, the KCMO, and representatives and employees thereof do not have authority to modify or waive any of the provisions of the regulations in this subpart, as amended or supplemented.

(c) The State committee shall take any action required by these regulations which has not been taken by the county committee. The State committee shall also:

(1) Correct, or require a county committee to correct, any action taken by such county committee which is not in accordance with this subpart, or

(2) Require a county committee to withhold taking any action which is not in accordance with this subpart.

(d) No delegation herein to a State or county committee shall preclude the Administrator, ASCS, or the Administrator's designee, from determining any question arising under the program or from reversing or modifying any determination made by a State or county committee.

§ 1421.902 Length of Special Producer Storage Loan Agreements.

Except as provided § 1421.914, the loan agreement shall be for a 12-month period. The loan agreement may be extended for an additional 12-month period if authorized and announced by the Secretary.

§ 1421.903 Program Availability.

Producers with matured grain reserve loans may participate in the Special Producer Loan Program whenever the program is available for their commodity. The program will be available when announced by the Secretary for a specified crop of wheat and feed grains for such period of time and under such terms and conditions as may be deemed to be appropriate by the Secretary. In addition whenever the loan maturity dates have been accelerated under the provision of § 1421.914, any outstanding special producer storage loan agreements will be terminated and producers of eligible commodities will not be permitted to pledge their commodities as collateral for a loan under this subpart. A producer desiring to participate in the Special Producer Loan Program shall file a request to participate in the program at the county ASCS office which approved the producer's matured grain reserve loan. An approved cooperative marketing association shall request a special producer storage loan at the county ASCS office which approved the association's matured grain reserve loan.

§ 1421.904 Eligibility Requirements.

(a) *Producer.* Whenever the Secretary has announced under the provisions of § 1421.903 that the Special Producer Loan Program is available for a specified crop of wheat or feed grains, a

producer may, upon maturity of a grain reserve loan, pledge the eligible commodity serving as collateral for the grain reserve loan as collateral for a loan offered in accordance with the Special Producer Loan Program as authorized by this subpart.

(b) *Commodities.* Wheat or feed grains serving as collateral for special producer storage loans must meet the quantity and quality requirements as set forth in § 1421.909 of this subpart.

§ 1421.905 Applicability of the General Regulations Governing Price Support for the 1978 and Subsequent Crops.

The provisions of the General Regulations Governing Price Support for the 1978 and Subsequent Crops, published at 44 FR 2353, and corrected at 44 FR 6351, and any amendments thereto (hereinafter referred to as "General Regulations"), which are not inconsistent with provisions of this subpart, shall also be applicable to loan note and security agreements entered into in accordance with the terms and conditions of this subpart.

§ 1421.906 Fees and Charges.

The producer shall pay a loan service fee and delivery charge as specified in § 1421.11.

§ 1421.907 Warehouse Receipts.

(a) *General.* Warehouse receipts tendered to CCC under this Special Producer Loan Program must meet all of the requirements of this section and any other requirements contained in this subpart, the general regulations, and the regulations governing the loan and purchase program for the applicable commodity.

(b) *Manner of issuance and endorsement.* Warehouse receipts must be issued in the name of the eligible producer or CCC. If issued in the name of the eligible producer, the receipts must be properly endorsed in blank so as to vest title in the holder of such receipts.

(c) *Requirements.* Warehouse receipts must: (1) Be issued by an approved warehouse; (2) represent a commodity which is deemed to be stored commingled; (3) be negotiable; (4) cover the eligible commodity actually in storage in the warehouse of original deposit, except that warehouse receipts may be issued by another warehouse if the eligible commodity was reconcentrated under a "Reconcentration Agreement and Trust Receipt" approved by CCC; (5) be registered or recorded with appropriate State or local officials when required by State law; and (6) show that storage charges have been paid through the loan period, except that a producer will otherwise be permitted to provide evidence satisfactory to CCC that storage charges have been paid or have otherwise been provided for through the loan period.

(d) *Where a warehouseman is also owner.* If the warehouse receipt is issued for a commodity which is owned by the warehouseman, either solely, jointly, or in common with others, the fact of such ownership shall be stated on the receipt. In States where the pledge of warehouse receipts issued by warehousemen on their own commodity is invalid, the warehousemen may pledge such commodity as loan collateral to CCC only if such warehouse is licensed and operating under the U.S. Warehouse Act.

§ 1421.908 Quantity Eligible for Special Producer Storage Loans.

The quantity of a commodity which is eligible to be pledged as collateral for a special producer storage loan may not exceed the outstanding loan quantity of the commodity which is pledged as collateral for the matured grain reserve loan.

§ 1421.909 Quality Eligibility Requirements of Special Producer Storage Loans.

(a) *General.* Quality will be determined according to the Official United States Standards for Grain, Federal Grain Inspection Service (FGIS), U.S. Department of Agriculture.

(b) *Wheat.* Wheat which is pledged as collateral for a loan made in accordance with the Special Producer Storage Loan Program must meet the quality requirements which were applicable to the collateral which secured the grain reserve loan and, in addition, may not be "Sample Grade".

(c) *Feed grains.* Feed grains which are pledged as collateral for a loan made in accordance with the Special Producer Storage Loan Program must meet the quality requirements which were applicable to the collateral which secured the grain reserve loan and, in addition, may not be "Sample Grade".

(d) *Farm-stored grain.* (1) Prior to approval of a farm-stored loan, the commodity will be inspected by a representative of the county committee and the agreement will not be approved unless it is determined on the basis of such inspection that: (i) The commodity is such that it can reasonably be expected to be stored with safety until maturity of the loan; and (ii) the commodity meets the quality eligibility requirements in accordance with the provisions of paragraphs (b) and (c) of this section.

(2) The producer is responsible for maintaining the quality and quantity of the farm-stored grain. Farm-stored grain which is delivered to CCC must meet the quality eligibility requirements specified in paragraphs (b) and (c) of this section. CCC may reject the delivery of farm-stored grain which does not meet the quality eligibility requirements, in which case the producer shall repay to CCC the applicable loan principal and interest which have accrued under the Special Producer Storage Loan Program together with all outstanding interest which has accrued under prior regular price support or grain reserve loan agreements which were applicable to the same loan collateral, plus any unearned storage payments. If CCC accepts the delivery of the ineligible commodity, the producer shall repay to CCC the applicable loan principal and interest which have accrued under the Special Producer Storage Loan Program together with all outstanding interest which has accrued under prior regular price support or grain reserve loan agreements which were applicable to the same loan collateral, plus any unearned storage payments, less the settlement value of the commodity as determined in accordance with the settlement procedures set forth in § 1421.22.

§ 1421.910 Storage Rates.

(a) Producers will be paid per annum storage payments at the initial rate of 26.5 cents per bushel for wheat, barley, and corn; 20 cents per bushel for oats; and 47.32 cents per hundredweight for sorghum. These rates may be changed from time to time as determined and announced by the Secretary.

(b) Appropriate daily rates will be used when storage is computed for less than one year. The daily rates will not be less than: (1) .0726 cents per bushel for wheat, barley and corn; (2) .1296 cents per hundredweight for sorghum; and (3) .0548 cents per bushel for oats. Annual storage payments shall be adjusted and paid in accordance with the provisions set forth in § 1421.911.

§ 1421.911 Storage Payments.

(a) *Advance storage payments.* An annual advance storage payment shall be paid to the producer.

(b) *Storage payment units.* Storage payments for special producer storage loans shall be based upon the quantity of the commodity which is available as loan collateral for the grain reserve loan on the date the grain reserve loan matured.

(c) *Storage credit.* Storage credit for less than one year will be computed on a daily basis.

(d) *Eligible storage credit.* Storage credit shall be allowed for the duration of the loan period. However, storage credit shall stop on the date the loan matures under the provisions of § 1421.914. Any unearned advance storage payments will be collected when the loan collateral is redeemed by the producer or forfeited to CCC before maturity of the agreement.

(e) *Unearned storage credit.* No storage payment shall be earned if the producer: (1) Has made any false representation in the loan documents in obtaining the loan or in settlement of the loan; (2) makes an unauthorized disposition of the commodity with intent to defraud CCC; (3) abandons the commodity; or (4) negligently or otherwise impairs the commodity.

§ 1421.912 Interest Rates.

(a) As provided for in the note and security agreement which is signed by the producer, each special producer storage loan shall bear interest during the loan period at the rate applicable to CCC price support loans in effect on the first day of the loan period together with any subsequent increased or decreased rate of interest which may be determined and announced by the Secretary.

(b) Special producer storage loans which have not been repaid by the maturity date or the original required settlement date for loans which mature in accordance with the provisions of § 1421.914 shall bear interest at the same rate of interest which is determined by CCC for the purpose of applying late payment charges to delinquent debts as specified in 7 CFR Part 1403. Until the loan is settled, such interest will be assessed beginning on the date immediately following the loan maturity date or the original required settlement date for matured loans, whichever is applicable.

§ 1421.913 Commingling and Replacement of Grain.

(a) In the case of farm storage, grain in the Special Producer Storage Loan Program may be commingled with other eligible or ineligible grain which is from the same or any other crop year and which is of the same class if: (1) The county committee gives prior written approval of such commingling, and (2) the county ASCS office inspects and measures the grain at the producer's expense prior to commingling.

(b) *Repacement.* Farm-stored grain placed in the Special Producer Storage Loan Program may be replaced with other grain of the same kind which is of equal or better quality and which is produced by the borrower if: (1) The county committee gives prior written approval of such replacement; (2) the quantity of grain to be used for replacement is in storage on the farm or the county committee has authorized removal of the grain to CCC-approved warehouse storage before replacement in accordance with this section; (3) the county committee inspects and measures, at the producer's expense, the quantity of grain which is to replace the grain before removal of the grain; and (4) the county committee determines that the quality of grain in equal to or better than the quality of grain serving as collateral for a special producer storage loan. Disposition of farm-stored grain in the Special Producer Storage Loan Program without prior written approval from the county committee will be considered to be an unauthorized disposition.

(c) *Release for sale or livestock feed.* To assist the producer in maintaining quality of the loan collateral, the producer may be authorized to move farm-stored grain which is pledged as loan collateral under the Special Producer Storage Loan Program for delivery to a buyer for sale or for livestock feed thirty days before the producer intends to have replacement stocks in place if, prior to the movement of the grain, the following conditions are met: (1) A written request to do so is filed in the county ASCS office; (2) approval of the county committee is granted in writing; (3) the county ASCS office inspects and measures the grain, at the producer's expense, prior to removal; (4) the grain released for livestock feed will be fed to the producer's own livestock; and (5) an inspection of the unharvested grain, which is made at the producer's expense, indicates that there will be sufficient eligible unencumbered production of equal or better quality to replace the grain in the Special Producer Storage Loan Program.

§ 1421.914 Redemption and Acceleration of Loan Maturity Date.

(a) *Redemption.* Producers may redeem the commodity pledged as collateral for the loan at any time during the loan period. Producers will be required to repay the applicable loan principal and interest which have accrued under the Special Producer Storage Loan Program together with all outstanding interest which has accrued under prior regular price support or grain reserve loan agreements which were applicable to the same loan collateral. In addition, the producer will be required to refund any unearned storage payments made in accordance with the provisions of § 1421.911.

(b) *Acceleration of loan maturity date.* Notwithstanding any other provision of this subpart, the Secretary may accelerate the maturity date of special producer storage loans if the Secretary determines that conditions exist which require that the commodity which is serving as collateral for the loan be made available in the market to meet domestic or international needs. Repayment shall be in accordance with paragraph (a) of this section. If the collateral for the matured loan is not redeemed within the time prescribed by the Secretary, CCC may take title to the commodity.

§ 1421.915 Maturity.

Except as otherwise provided in § 1421.914, special producer storage loans mature and are due and payable on the last day of the 12th calendar month after the maturity date of the matured grain reserve loan.

§ 1421.916 Miscellaneous Provisions.

(a) The contract between CCC and the producer shall contain such other provisions as CCC determines appropriate to carry out the program established by this subpart.

(b) The following provisions of this title concerning general program administration also apply to the program established by this subpart:

(1) Part 13, Setoffs and Withholding.

(2) Part 707, Payments Due Persons Who Have Died, Disappeared, or Been Declared Incompetent.

(3) Part 780, Appeal Regulations.

(4) Part 1403, Interest on Delinquent Debts.

§ 1421.917 Paperwork Reduction Act Assigned Numbers.

The Office of Management and Budget has approved the information collection requirements contained in these regulations in accordance with 44 U.S.C. Chapter 35 and OMB Number 0560–0087 has been assigned.

Signed at Washington, D.C., on April 22, 1985.

John R. Block,

Secretary.

[FR Doc. 85–9965 Filed 4–24–85; 8:45 am]

BILLING CODE 3410–05–M

Farmers Home Administration

7 CFR Parts 1872, 1945, 1951, and 1962

Process Change in Account Terms

AGENCY: Farmers Home Administration, USDA.

ACTION: Final rule.

SUMMARY: The Farmers Home Administration (FmHA) has developed new forms to facilitate processing of assumptions, rescheduling, consolidation, reamortization and debt set-aside of farmer program loans. This document amends several regulations to prescribe internal usage of the new forms. This is necessary to accommodate the accounting system in the Finance Office. The intended effect is to enable the Finance Office to process the expected increased volume of changes in account terms in a more efficient and timely manner.

EFFECTIVE DATE: April 25, 1985.

FOR FURTHER INFORMATION CONTACT: David Villano, Realty Specialist, Property Management Branch, Single Family Housing Servicing and Property Management Division, Farmers Home Administration, USDA, Room 5309, South Agriculture Building, Washington, D.C. 20250, telephone (202) 382–1452.

SUPPLEMENTARY INFORMATION: This final action has been reviewed under USDA procedures established in Departmental Regulation 1512–1 which implements Executive Order 12291 and has been determined to be exempt from those requirements because it involves only internal Agency management in that it does not affect either FmHA borrowers or the public. Due to the Presidential initiative in farmer programs, there is an expected increase in the volume of changes in account terms. The new forms will provide greater efficiency in processing changes in account terms since they will accommodate the accounting system in the Finance Office.

It is the policy of this Department to publish for comment rules relating to public property, loans, grants, benefits, or contracts notwithstanding the exemption in 5 U.S.C. 553 with respect to such rules. This action, however, is not published for proposed rulemaking since it involves only internal Agency management, and publication for comments is unnecessary.

This action does not directly affect any FmHA programs nor projects which are subject to review under Executive Order 12372, Intergovernmental Review of Federal Programs.

This document has been reviewed in accordance with FmHA Instruction 1940–G, "Environmental Program." It is the determination of FmHA that this action does not constitute a major federal action significantly affecting the quality of the human environment, and, in accordance with the National Environmental Policy Act of 1969, Pub. L. 91–190, an Environmental Impact Statement is not required.

Catalog of Federal Domestic Assistance Titles and Numbers:

10.404 Emergency Loans
10.405 Farm Labor Housing Loans and Grants
10.406 Farm Operating Loans
10.407 Farm Ownership Loans
10.410 Low-Income Housing Loans
10.414 Resource Conservation and Development Loans
10.416 Soil and Water Loans
10.417 Very Low-Income Housing Repair Loans and Grants.

List of Subjects

7 CFR Part 1872

Foreclosure, Loan programs—agriculture, Rural areas.

7 CFR Part 1945

Disaster assistance, Loan programs—agriculture.

7 CFR Part 1951

Account servicing, Credit, Loan programs—agriculture.

7 CFR Part 1962

Crops, Government property, Livestock, Loan programs—agriculture, Rural areas.

Therefore, Title 7, Chapter XVIII, Code of Federal Regulations is amended as follows:

PART 1872—REAL ESTATE SECURITY

Subpart A—Servicing and Liquidation of Real Estate Security for Loans to Individuals and Certain Note-Only Cases

1. Section 1872.18 is amended by revising the entry for the last form of the table and adding two additional forms to the end of the table in paragraph (g)(2)(iii) to read as follows:

§ 1872.18 Transfer of real estate security.

* * * * *

(g) * * *
(2) * * *
(iii) * * *

FmHA form No	Name of form	Total No. of copies	Signed by transferee	Transfer docket	Copy for transferee
*	* * * * *		*	*	
*1960–6	Assumption Agreement (Information)	2(9)		1–C	
*1965–22	Information on Assumption on New Terms or Other Change of Terms	2		1–0	
*1965–23	Supplemental Information on Assumption and/or Change of Terms	2		1–0	

* * * * *

2. Section 1872.18 is further amended by removing the last sentence of paragraph (g)(9), removing paragraph (g)(11), and renumbering paragraph (g)(12) to (g)(11).

PART 1945—EMERGENCY

Subpart D—Emergency Loan Policies, Procedures and Authorizations

3. Exhibit A to Subpart D, paragraph V B 2, is amended by removing the entry for Form FmHA 1951–4, "Change in Rates and Terms," at the end of the table and adding two additional forms to the end of the table to read as follows:

Exhibit A—Processing Guide—Insured Emergency (EM) Loans

* * * * *

V * * *
B * * *
2 * * *

Form No	Name	Use
*	* * * * *	
1965–22	Information on Assumption on New Terms or other Change of Terms	
1965–23	Supplemental Information on Assumption and/or Change of Terms	

PART 1951—SERVICING AND COLLECTIONS

Subpart A—Account Servicing Policies

4. Section 1951.25 is amended by revising the first sentence in paragraph (c)(2) to read as follows:

§ 1951.25 Review of Limited Resource FO and OL Loans.

* * * * *

(c) * * *

(2) If the interest rate is to be increased, Form FmHA 1965–22, "Information on Assumption on New Terms or Other Change of Terms," and

Form FmHA 1965–23, "Supplemental Information on Assumption and/or Change of terms," will be completed and sent to the Finance Office 30 days prior to the effective date of the change.

* * * * *

5. Section 1951.33 is amended by revising the last sentence in paragraph (e)(1) to read as follows:

§ 1951.33 Deferral, consolidation and rescheduling of OL, EM and EE loans made for Subtitle B purposes.

* * * * *

(e) * * *

(1) * * * Forms FmHA 1965–22 and 1965–23 will be completed and sent to the Finance Office in accordance with the provisions of the FMI.

* * * * *

6. Section 1951.40 is amended by revising paragraph (e)(3) to read as follows:

§ 1951.40 Deferment and reamortization of FO, SW, RL, EE, or EM loans made for real estate purposes.

* * * * *

(e) * * *

(3) Forms FmHA 1965–22 and 1965–23 will be completed, signed and distributed as provided in the FMI.

* * * * *

7. Section 1951.41 is amended by revising the fourth sentence in paragraph (h)(2) to read as follow:

§ 1951.41 Special debt set-aside of a portion of the insured loan indebtedness of farmer program borrowers.

* * * * *

(h) * * *

(2) * * * The county office will forward to the Finance Office Forms FmHA 1965–22 and 1965–23 any time the interest rate is changed on a note during the set-aside period. * * *

* * * * *

PART 1962—PERSONAL PROPERTY

Subpart A—Servicing and Liquidation of Chattel Security

8. Section 1962.34 is amended by adding paragraph (f)(12) and revising paragraph (g)(1) to read as follows:

§1962.34 Transfer of chattel security and EO property and assumption of debts.

* * * * *

(f) * * *

(12) Form FmHA 1960–6 "Assumption Agreement (Information)" or Form FmHA 1965–22 "Information on Assumption on New Terms or Other Change of Terms", as appropriate, and Form FmHA 1965–23 "Supplemental Information on Assumption and/or Change of Terms."

(g) * * *

(1) Upon receipt of Form FmHA 1960–6 or Form FmHA 1965–22, and Form FmHA 1965–23, the Finance Office will establish an account in the name of the assuming transferee and will notify the County Supervisor.

* * * * *

Authorities: (7 U.S.C. 1989; 42 U.S.C. 1480; 42 U.S.C. 2942; 5 U.S.C. 301, Sec. 10 Pub. L. 93–357, 88 Stat. 392; 7 CFR 2.23; 7 CFR 2.70; 29 FR 14764, 33 FR 9850).

Dated: April 5, 1985.

Neal Sox Johnson,

Acting Associate Administrator, Farmers Home Administration.

[FR Doc. 85–9966 Filed 4–24–85; 8:45 am]

BILLING CODE 3410–07–M

FEDERAL TRADE COMMISSION

16 CFR Part 13

[Docket No. 9160]

Ward Corporation, et al.; Prohibited Trade Practices and Affirmative Corrective Actions [1]

AGENCY: Federal Trade Commission.

ACTION: Consent Order.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent order requires, among other things, that five Rockville, Maryland builders and sellers of residential housing, together with a corporate officer, cease failing to fully honor valid warranty claims within a reasonable period of time; representing that materials are defect-free, unless defects due to faulty material, workmanship or design are corrected or remedied within a reasonable period of time; failing to provide purchasers with building lots substantially conforming to the physical characteristics represented by the sellers; and failing to disclose prior to the signing of a sales contract, all disclaimers or limitations of the firms' responsibilities with regard to the physical condition of the lot. The text of all written warranties must be clearly and conspicuously displayed in sales offices and model homes, and a copy of such warranties must be provided to prospective buyers if requested. In addition, the firms are required to provide future purchasers with an opportunity to a arbitrate warranty disputes; provide arbitration to homeowners who had purchased their homes in the year preceding the effective date of the order; and, subject to conditions set forth in the order, provide repairs and/or cash payments to qualified homeowners who had purchased their homes between March 10, 1978 and a date one year prior to the effective date of the order, and who still own these homes.

DATES: Complaint issued March 9, 1982. Decision and Order issued April 5, 1985.

FOR FURTHER INFORMATION CONTACT: Miriam W. Daniel, FTC/H 232, Washington, D.C. 20580. (202) 523–1670.

SUPPLEMENTARY INFORMATION: On Thursday, November 29, 1984, there was published in the **Federal Register,** 49 FR 46911, a proposed consent agreement with analysis In the Matter of Ward Corporation, Ward Development Company, Inc., Ward Component Systems, Inc., Richlynn Development, Inc., Richlynn Land Developers, Inc., corporations, and Richard E. Ward, individually and as an officer of said corporations, for the purpose of soliciting public comment. Interested parties were given sixty (60) days in which to submit comments, suggestions of objections regarding the proposed form of order.

Comments were filed and considered by the Commission. The Commission has ordered the issuance of the complaint in the form contemplated by the agreement, made its jurisdictional findings and entered its order to cease and desist as set forth in the proposed consent agreement, in disposition of this proceeding.

The prohibited trade practices and/or corrective actions, as codified under 16 CFR Part 13, are as follows: Subpart—Advertising, Falsely or Misleadingly; § 13.10 Advertising falsely or misleadingly; § 13.170 Qualities or properties of product or service; § 13.175 Quality of product or service; § 13.185 Refunds, repairs, and replacements; § 13.205 Scientific or other relevant facts; § 13.260 Terms and conditions. Subpart—Corrective Actions and/or Requirements: § 13.533 Corrective actions and/or requirements; § 13.533–20 Disclosures; § 13.533–25 Displays, in-house; § 13.533–35 Employment of independent agencies; § 13.533–45 Maintain records; § 13.533–55 Refunds, rebates and/or credits; § 13.533–75 Warranties. Subpart—Delaying or Withholding Corrections, Adjustments or Action Owed: § 13.675 Delaying or withholding corrections, adjustments or action owed. Subpart—Misrepresenting Oneself and Goods—Goods: § 13.1595 Condition of goods; § 13.1647 Guarantees; § 13.1710 Qualities or properties; § 13.1715 Quality; § 13.1740

[1] Copies of the Complaint and the Decision and Order filed with the original document.

Scientific or other relevant facts; § 13.1760 Terms and conditions. Subpart—Neglecting, Unfairly or Deceptively, To Make Material Disclosure: § 13.1863 Limitations of product; § 13.1885 Qualities and Properties; § 13.1886 Quality, grade or type; § 13.1895 Scientific or other relevant facts; § 13.1905 Terms and conditions.

List of Subjects on 16 CFR Part 13

Residential housing builders and sellers, Trade practices.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45)

Emily H. Rock,

Secretary.

[FR Doc. 85-9958 Filed 4-24-85; 8:45 am]

BILLING CODE 6750-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 74

[Docket No. 84C-0223]

[Phthalocyaninato(2-)]Copper; Listing as a Color Additive for Coloring Polybutester Nonabsorbable Sutures

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the color additive regulations to provide for the safe use of [phthalocyaninato(2-)]copper in coloring polybutester nonabsorbable sutures that are used in general and ophthalmic surgery. This action responds to a petition filed by Davis and Geck, American Cyanamid Co. Elsewhere in this issue of the **Federal Register**, FDA is proposing to remove the restriction that prohibits the migration of [phthalocyaninato(2-)]copper from a suture to surrounding tissues.

DATES: Effective May 29, 1985; objections by May 28, 1985.

ADDRESS: Written objections may be sent to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Michael E. Kashtock, Center for Food Safety and Applied Nutrition (HFF-334), Food and Drug Administration, 200 C Street SW., Washington, DC 20204, 202-472-5690

SUPPLEMENTARY INFORMATION: In a notice published in the **Federal Register** of August 6, 1984 (49 FR 31340), FDA announced that a color additive petition (CAP 4C0181) had been filed by Davis and Geck, American Cyanamid Co., Danbury, CT 06810, proposing that the color additive regulations be amended to provide for the safe use of [phthalocyaninato(2-)]copper for coloring polybutester nonabsorbable sutures for general and ophthalmic surgery. The petition was filed under section 706 of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 376).

Polybutester is the generic designation for the suture material fabricated from 1,4-benzenedicarboxylic acid polymer with 1,4-butanediol and α-hydro-*omega*-hydroxypoly(oxy-1,4-butanediyl), CAS Reg. No. 37282-12-5.

With the passage of the Medical Device Amendments of 1976 (Pub. L. 94-295), Congress mandated the listing of color additives for use in medical devices where the color additive comes in direct contact with the body for a significant period of time (section 706(a) of the act). [Phthalocyaninato(2-)]copper is added to polybutester sutures that are placed in the body and that remain there at least until healing is complete. Consequently, this use of the color additive will bring it into direct contact with the body for a significant period of time and is subject to the listing requirement.

The existing regulation for this color additive, 21 CFR 74.3045, authorizes its use for coloring contact lenses and for coloring polypropylene sutures (nonabsorbable sutures), at levels of up to 0.5 percent by weight, for use in general and ophthalmic surgery. This regulation contains a restriction in § 74.3045(c)(1)(iii) that requires that there be no migration of the color additive from the suture to the surrounding tissue. Elsewhere in this issue of the **Federal Register**, FDA is proposing to remove this restriction.

FDA has evaluated data in the petition, data supporting previous petitions involving this color additive, and other relevant material. The present petition includes data from 180-day muscle implantation studies in the dog and rat, experimental cardiovascular surgical studies in the dog, experimental ophthalmic surgical studies in the rabbit, and reproduction and teratology studies in the rabbit and rat respectively, all using polybutester nonabsorbable sutures with 0.5 percent of the color additive. Additionally, the agency has considered data from skin sensitization, antigenicity, genotoxicity, and cytotoxicity tests using sutures containing this color additive and or extracts of these sutures. A cytotoxicity study on the color additive itself was also reviewed. No significant compound-related effects were found in any of these studies. Collectively, these studies demonstrate that the color additive may be safely used in polybutester nonabsorbable sutures that are used in general and ophthalmic surgery.

In addition, the data in the petition demonstrate that [phthalocyaninato(2-)] copper is suitable for use in polybutester nonabsorbable sutures. These data show that sutures colored with this additive retain enough of their color to be visible for removal after the sutured area has healed.

Consequently, FDA is amending § 74.3045(c)(1) to provide for the use of the color additive in polybutester nonabsorbable sutures.

In accordance with § 71.15 (21 CFR 71.15), the color additive petition and the documents that FDA considered and relied upon in reaching its decision to approve the petition are available for inspection at the Center for Food Safety and Applied Nutrition (address above) by appointment with the information contact person listed above. As provided also in 21 CFR 71.15, the agency will delete from the documents any materials that are not available for public disclosure before making the documents available for inspection.

The agency has previously concluded that this action will not have a significant impact on the human environment, and that an environmental impact statement is not required. No new information or comments have been received that would alter this determination. The evidence supporting this finding may be seen in the Dockets Management Branch (address above) between 9 a.m. and 4 p.m., Monday through Friday.

List of Subjects in 21 CFR Part 74

Color additives, Cosmetics, Drugs, Medical devices.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 701(e), 706, 70 Stat. 919 as amended, 74 Stat. 399-407 as amended (21 U.S.C. 371(e), 376)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10), Part 74 is amended in § 74.3045 by revising the introductory text of paragraph (c)(1) to read as follows:

PART 74—LISTING OF COLOR ADDITIVES SUBJECT TO CERTIFICATION

§ 74.3045 [Phthalocyaninato(2-)] copper.

* * * * *

(c) *Uses and restrictions.* (1) The color additive [phthalocyaninato(2-)] copper may be safely used to color polypropylene sutures and polybutester (the generic designation for the suture fabricated from 1,4-benzenedicarboxylic acid, polymer with 1,4-butanediol and α-hydro-*omega*-hydroxypoly(oxy-1,4-butanediyl). CAS Reg. No. 37282-12-5) nonabsorbable sutures for use in general and ophthalmic surgery subject to the following restrictions:

* * * * *

Any person who will be adversely affected by the foregoing regulation may at any time, on or before May 28, 1985, file with the Dockets Management Branch (address above) written objections thereto. Objections shall show how the person filing will be adversely affected by the regulation, specify with particularity the provisions of the regulation deemed objectionable, and state the grounds for the objections. Objections shall be filed in accordance with the requirements of 21 CFR 71.30. If a hearing is requested, the objections shall state the issues for the hearing and shall be supported by grounds factually and legally sufficient to justify the relief sought, and shall include a detailed description and analysis of the factual information intended to be presented in support of the objections in the event that a hearing is held. Three copies of all documents shall be filed and shall be identified with the docket number found in brackets in the heading of this document. Any objections received in response to the regulation may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

Effective date. This regulation shall become effective May 29, 1985, except as to any provisions that may be stayed by the filing of proper objections. Notice of filing of objections or lack thereof will be announced by publication in the **Federal Register**.

(Secs. 701(e), 706, 70 Stat. 919 as amended, 74 Stat. 399-407 as amended (21 U.S.C. 371(e), 376))

Dated: April 18, 1985.

Joseph P. Hile

Associate Commissioner for Regulatory Affairs.

[FR Doc. 85-9956 Filed 4-22-85; 12:22 pm]

BILLING CODE 4160-01-M

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21 CFR Part 558

New Animal Drugs For Use in Animal Feeds; Melengestrol Acetate With Monensin

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration is amending the animal drug regulations to reflect approval of a supplemental new animal drug application filed by the Upjohn Co., providing for a cattle feed supplement containing both melengestrol acetate (MGA) and monensin sodium. The combination drug supplement is intended for administration to feedlot heifers via complete feed.

EFFECTIVE DATE: April 25, 1985.

FOR FURTHER INFORMATION CONTACT: Jack C. Taylor, Center for Veterinary Medicine (HFV-126), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-5247.

SUPPLEMENTARY INFORMATION: The Upjohn Co., Kalamazoo, MI 49001, is sponsor of approved NADA 124-309 (MGA dry supplement and monensin). The NADA provides for co-administration to heifers of MGA and monensin sodium by (1) adding to finished feed separate feed supplements containing MGA and monensin sodium, or (2) adding a MGA supplement to a complete feed containing monensin sodium. Upjohn has filed a supplement to the subject NADA to provide for a third co-administration option, the use of a supplement containing both MGA and monensin sodium for addition to a complete feed. The medicated complete feed is indicated for increased rate of weight gain, improved feed efficiency, and suppression of estrus in heifers fed in confinement for slaughter. The firm has submitted labeling and stability data supporting use of the MGA/monensin supplement. The supplemental NADA is approved and the regulations are amended to reflect the approval.

Allowing use of the combination MGA/monensin supplement does not change the approved conditions of use of the drugs in the finished feed. Accordingly, under the Center for Veterinary Medicine's supplemental approval policy (42 FR 64367; December 23, 1977), this is a Category II supplemental approval which does not require reevaluation of the underlying safety and effectiveness data.

Approval of the supplemental NADA did not require generation of new safety or effectiveness data. Therefore, a freedom of information summary is not required for this action.

The Center for Veterinary Medicine has determined pursuant to 21 CFR 25.24(d)(1)(ii) (proposed December 11, 1979; 44 FR 71742) that this action is of a type that does not individually or cumulatively have a significant impact on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

List of Subjects in 21 CFR Part 558

Animal drugs, Animal feeds.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i) 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Center for Veterinary Medicine (21 CFR 5.83), Part 558 is amended as follows:

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

1. In § 558.342 by revising the introductory text of paragraph (e)(2) and by revising paragraph (e)(2)(ii), to read as follows:

§ 558.342 Melengestrol acetate.

* * * * *

(e) * * *

(2) *Amount.* Melengestrol acetate, 0.25 to 1.6 grams per ton (to provide 0.25 to 0.40 milligram per head per day), plus monensin, 5 to 30 grams per ton (to provide 50 to 360 milligrams per head per day), see § 558.335(f)(3)(iv).

* * * * *

(ii) *Limitations.* Heifers being fed in confinement for slaughter: Administer melengestrol acetate and monensin by (*a*) adding melengestrol acetate from a separate supplement containing 0.125 to 0.8 milligram per pound to complete feeds containing monensin at 5 to 30 grams per ton, (*b*) adding melengestrol acetate from a separate supplement containing 0.125 to 0.8 milligram per pound and monensin from a separate supplement containing 50 to 1,200 grams per ton to complete feeds, or (*c*) adding melengestrol acetate and monensin which are contained in the same dry supplement at the ranges in paragraph (e)(2)(ii) (*a*) and (*b*) of this section to complete feeds. Administer monensin in accordance with paragraph (f)(3)(i)(*b*) of § 558.355. Withdraw melengestrol acetate 48 hours prior to slaughter.

2. In § 558.355 by revising the introductory text of paragraph (f)(3)(iv) and by revising paragraph (f)(3)(iv)(*b*), to read as follows:

§ 558.355 Monensin.

* * * * *

(f) * * *

(3) * * *

(iv) *Amount per ton.* Monensin, 5 to 30 grams per ton (to provide 50 to 360 milligrams per head per day), plus melengestrol acetate, 0.25 to 1.6 grams

per ton (to provide 0.25 to 0.40 milligram per head per day).

* * * * *

(*b*) *Limitations.* Heifers being fed in confinement for slaughter: Administer melengestrol acetate and monensin by (*1*) adding melengestrol acetate from a separate supplement containing 0.125 to 0.8 milligram per pound to complete feeds containing monensin at 5 to 30 grams per ton, (*2*) adding melengestrol acetate from a separate supplement containing 0.125 to 0.8 milligram per pound and monensin from a separate supplement containing 50 to 1,200 grams per ton to complete feeds, or (*3*) adding melengestrol acetate and monensin which are contained in the same dry supplement at the ranges in paragraph (f)(3)(iv)(*b*)(*1*) and (*2*) of this section to complete feeds. Administer monensin in accordance with paragraph (f)(3)(i)(*b*) of this section. Withdraw melengestrol acetate 48 hours prior to slaughter.

* * * * *

Effective date. April 25, 1985.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360(i)))

Dated: April 17, 1985.

Marvin A. Norcross,

Acting Associate Director for Scientific Evaluation.

[FR Doc. 85–9952 Filed 4–24–85; 8:45 am]

BILLING CODE 4160–01–M

21 CFR Part 630

[Docket No. 80N–0053]

Changes in Proper Names of Certain Biological Products; Correction

AGENCY: Food and Drug Administration.

ACTION: Final rule; correction.

SUMMARY: The Food and Drug Administration (FDA) is correcting the final rule that amended the biologics regulations by changing the proper names of certain biological products; updating all applicable regulations to reflect these new names; and updating, clarifying, and reorganizing certain regulations (50 FR 4128; January 29, 1985). A name change in 21 CFR 630.4(a)(3) was inadvertently omitted. This document corrects that error.

EFFECTIVE DATE: January 29, 1986.

FOR FURTHER INFORMATION CONTACT: Warren Howard, Division of Regulations Policy (HFC–221), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–3480.

SUPPLEMENTARY INFORMATION: In FR Doc. 85–2001, appearing on page 4128 in the **Federal Register** of Tuesday, January 29, 1985, the following correction is made: On page 4137, second column, in amendment 5.e to § 630.4 *Tests for safety*, the phrase in paragraph (b)(1) by revising "poliomyelitis vaccine" to read "poliovirus vaccine" is changed to read "in paragraphs (a)(3) and (b)(1) by revising "poliomyelitis vaccine" to read "poliovirus vaccine".

Dated: April 19, 1985.

Mervin H. Shumate,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 85–10091 Filed 4–24–85; 8:45 am]

BILLING CODE 4160–01–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Housing—Federal Housing Commissioner

24 CFR Part 888

[Docket No. R–85–1154; FR–1904]

Section 8 Housing Assistance Payments Program; Fair Market Rent Schedules for Existing Housing and Moderate Rehabilitation

Correction

In FR Doc. 85–9159 beginning on page 14922, in the issue of Tuesday, April 16, 1985, on page 14924, in Schedule B table, the entries under the heading, "Region 3, Baltimore, Maryland Office" were incorrectly printed and should read as set forth below.

SCHEDULE B.—FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM) 022585 FMR AREA BY HUD JURISDICTION

[See notes at end of schedule]

	0 bedrooms	1 bedroom	2 bedrooms	3 bedrooms	4 bedrooms
• • • •	•	•	•	•	
Region 3, Baltimore, Maryland Office					
MSA Washington, DC–MD–VA	340	415	485	595	650
Columbia (U) MD	400	485	570	690	765
• • • •	•	•	•	•	

BILLING CODE 1505–01–M

DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Part 242b

General Procedures and Delegations of the Board of Regents of the Uniformed Services University of the Health Sciences

AGENCY: Uniformed Services University of the Health Sciences, DOD.

ACTION: Final rule.

SUMMARY: The Board of Regents of the Uniformed Services University of the Health Sciences is amending its regulations to add one officer reporting to the President, F. Edward Hebert School of Medicine. The rule adds the position of Associate Dean for Continuing Education.

EFFECTIVE DATE: April 15, 1985.

ADDRESS: General Counsel, Uniformed Services University of the Health Sciences, 4301 Jones Bridge Road, Bethesda, Maryland 20814–4799.

FOR FURTHER INFORMATION CONTACT: Merel P. Glaubiger, General Counsel, Uniformed Services University of the Health Sciences. Phone Number: (202) 295–3028.

SUPPLEMENTARY INFORMATION: In FR Doc. 77–36169 published in the **Federal Register** on December 20, 1977 (42 FR 63775) the Uniformed Services

University of the Health Sciences published General Procedures and Delegations of the Board of Regents of the Uniformed Services University of the Health Sciences. This was amended: (1) FR Doc. 78–28367 published in the **Federal Register** on October 10, 1978 (43 FR 46531) to alter the number and responsibilities of officers reporting to the Dean of the University, (2) FR Doc. 81–8774 published in the **Federal Register** on March 23, 1981 (46 FR 18024) to realign certain functions of officers reporting to the President, (3) FR Doc. 82–15200 published in the **Federal Register** on June 4, 1982 (47 FR 24297) to add one officer reporting to the President, (4) FR Doc. 83–15363 published in the **Federal Register** on June 8, 1983 (48 FR 26451) to change the structure of the Administrative Affairs and Educational Affairs Committees of the Board of Regents, and (5) FR Doc. 84–27853 published in the **Federal Register** on October 25, 1984 (49 FR 42927) to alter the responsibilities of the officers reporting to the President.

Because this rule relates soley to matters of University organization and procedure, notice of proposed rulemaking and public participation in the rulemaking are not required by section 553 of Title 5 of the United States Code.

List of Subjects in 32 CFR Part 242b

Medical and dental schools, Uniformed services, Organization and functions (government agencies).

PART 242b—GENERAL PROCEDURES AND DELEGATIONS OF THE BOARD OF REGENTS OF THE UNIFORMED SERVICES UNIVERSITY OF THE HEALTH SCIENCES

Accordingly, pursuant to the Uniformed Services Health Professions Revitalization Act, sections 552 and 553 of Title 5 of the United States Code, and § 242b.8(a) of Title 32, Code of Federal Regulations, the Board of Regents of the Uniformed Services University of the Health Sciences amends § 242b.7, Chapter I, Title 32, Code of Federal Regulations by revising paragraphs (a)(7) and (b)(5) and adding paragraph (b)(6) to read as follows:

§ 242b.7 Officers of the University.

(a) * * *

(7) To assist in the performance of his or her duties, the President with the approval of the Board, shall appoint, to act under the President's authority and direction, officers as follows:

(i) Vice President of the University.

(ii) Dean of the School of Medicine.

(iii) Associate Dean for Academic Affairs.

(iv) Associate Dean for Operations.

(v) Associate Dean for Continuing Education.

(vi) Commandant.

* * * * *

(b) * * *

(5) *Associate Dean for Continuing Education.*

(i) The Associate Dean for Continuing Education shall be responsible for all continuing education at the University to include its accreditation.

(ii) The Associate Dean for Continuing Education shall report to the Dean, School of Medicine, or to the individual acting on behalf of the Dean.

(6) *Commandant.*

(i) The Commandant shall assist the Dean of the School of Medicine in planning, developing, and directing the military activities and functions of the School of Medicine.

(ii) In the absence of the Dean, Associate Dean for Academic Affairs, and Associate Dean for Operations, he or she shall act for the Dean.

(Uniformed Services Health Professions Revitalization Act (10 U.S.C. 2112–17))

Patricia H. Means,

OSD Federal Register Liaison Officer, Department of Defense.

April 22, 1985.

[FR Doc. 85–10025 Filed 4–24–85; 8:45 am]

BILLING CODE 3810–01–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 100

[CGD 85–028]

Authority Citation—Update

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: This rule revises the authority citation for Part 100 of Title 33, Code of Federal Regulations (CFR) to conform to recently adopted **Federal Register** standards. Due to later codification, reorganization or revision, the statutes which authorize the regulations in this part are not readily located by reference to the United States Code sections currently cited. This rule amends the authority citation to provide a direct reference to the section(s) of the current United States Code where the statutes are set out. In addition, the authority citation provides reference to regulations delegating Secretarial authority to the Commandant and further delegations to Commanders of Coast Guard Districts.

EFFECTIVE DATE: April 25, 1935.

FOR FURTHER INFORMATION CONTACT: LT Dave Shippert, Office of Chief Counsel, U.S. Coast Guard Headquarters, 2100 Second Street, SW., Washington, D.C. 20593. Telephone (202) 426–1534.

SUPPLEMENTARY INFORMATION: This final rule was not preceded by a notice of proposed rulemaking and it is being made effective in less than 30 days. This rule merely updates the authority citation for 33 CFR Part 100 to reflect the current location of statutory authority within the United States Code and to reference the relevant delegations of authority. Therefore, notice and comment are unnecessary in accord with 5 U.S.C. 553(b)(B). This rule will benefit the public by providing a more direct reference to statutory authority as found in the United States Code. Therefore, the Coast Guard has determined that good cause exists to make this rule effective in less than 30 days after publication in the **Federal Register** in accord with 5 U.S.C. 553(d)(3).

Regulatory Evaluation

This rule is considered to be non-major under Executive Order 12291 and non-significant under Department of Transportation regulatory policies and procedures (44 FR 11034; February 26, 1979). The economic impact of this rule is expected to be so minimal that further evaluation is unnecessary. This rule merely updates the citation to statutory and regulatory authority for regulations within 33 CFR Part 100 to facilitate public review.

List of Subjects in 33 CFR Part 100

Marine safety, Navigation (water).

In consideration of the foregoing, the Coast Guard is amending Part 100 of Title 33, Code of Federal Regulations as follows:

PART 100—[AMENDED]

1. The authority citation for Part 100 is revised to read as follows:

Authority: 33 U.S.C. 1233; 49 CFR 1.46 and 33 CFR 100.35.

§ 100.1201 [Amended]

2. The authority citation following § 100.1201 is removed.

Edwin H. Daniels,

Chief Counsel.

[FR Doc. 85–10018 Filed 4–24–85; 8:45 am]

BILLING CODE 4910–14–M

DEPARTMENT OF AGRICULTURE

Forest Service

36 CFR Parts 261, 293, and 294

Boundary Waters Canoe Area Wilderness

AGENCY: Forest Service, USDA.

ACTION: Final rule.

SUMMARY: This rule updates the existing regulations governing use of the Boundary Waters Canoe Area Wilderness. The rule implements the Boundary Waters Canoe Area Wilderness Act of October 21, 1978 (92 Stat. 1650; 16 U.S.C. 472). These changes in the regulation reflect the reduction of motorboat and snowmobile use within the Wilderness required under the 1978 Act and delete obsolete administrative regulations.

DATE: Effective on May 28, 1985.

FOR FURTHER INFORMATION CONTACT: W.T. Svensen, Recreation Staff, Forest Service, USDA, (202) 382–9407.

SUPPMENTARY INFORMATION: The Forest Service has responsibility for management of the Boundary Waters Canoe Area (BWCA) Wilderness, located in the Superior National Forest, Minnesota. The Chief of the Forest Service through the Regional Forester, Forest Supervisor, and District Rangers, manages the surface resources and, in some instances, the subsurface resources of these lands.

Existing rules at 36 CFR Parts 261, 293, and 294 specify and guide the management of the wilderness and provide for enforcement of rules for the benefit of public health, safety, and welfare and the protection of wilderness resources.

The October 21, 1978, Boundary Waters Canoe Area Wilderness Act updated and provided for changes in the way the wilderness is to be managed. Among other things, the legislation expanded the boundaries of the wilderness, created a Mining Protection Area outside the wilderness, eliminated harvesting of timber within the wilderness, reduced motorized snowmobile and motorboat use, provided economic incentives to businesses affected by the legislation, and increased recreation management emphasis outside the wilderness.

36 CFR Part 261 contains general prohibitions affecting behavior of visitors to the National Forests. Specific prohibited activities in National Forest wilderness are set forth at 36 CFR 261.16. This rule changes the prohibiton against possessing or using a motor vehicle, motorboat or motorized equipment in wilderness by allowing such use when it is authorized by Federal law or regulation.

The administrative rules governing management of the BWCA Wilderness are found at 36 CFR 293.16. This section is obsolete because of the numerous changes in management prescribed by the 1978 Act. This rule specifies the lakes and portions of lakes where use of motors is permitted; size of permitted motors; portages where mechanical and mechanized devices may be permitted; snowmobile routes.

36 CFR 294.2 provides for the navigation of aircraft within an airspace reservation over major portions of the BWCA wilderness. Executive Order 10092 is the basis for this rule. The 1978 BWCA Wilderness Act incorporated this order into the Act. This rule removes those obsolete provisions which allowed permits for navigation within the airspace reservation until January 1, 1952.

This action has been reviewed pursuant to Executive Order 12291. It has been determined that this action is not a major rule and does not require a regulatory impact analysis. This rule will have a minor impact on the economy and will result in no increase in cost or prices for consumers, individual industries, Federal, State or local Government agencies, or geographic regions. This rule will have no effect on competition, employment, investment productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The Assistant Secretary for Natural Resources and Environment has determined that this action does not require a regulatory flexibility analysis under the Regulatory Fexibility Act (5 U.S.C. 601 et seq) because the action will not have a significant economic impact on a substantial number of small entities; it imposes no paper work or record keeping requirements on small entities; it does not affect the competitive position of small entities in relation to large entities; and it does not affect cash flow, liquidity, or ability to remain in the market for small entities.

There are no new paperwork or information collection requirements contained in this rule.

Pursuant to 40 CFR 1501.4(a)(2), 40 CFR 1508.27(b) and Forest Service Manual Section 1951.2, this regulation has been administratively determined to be categorically excluded from analysis required by NEPA. Therefore, neither an environmental assessment nor an environmental impact statement was prepared.

On December 5, 1984, a proposed rule and request for comments was published in the **Federal Register** (49 FR 47505). No written comments were received on the proposed rule. Accordingly, this final rule remains unchanged from the proposed rule published on December 5, 1984.

List of Subjects in Parts 261, 293, and 294

Law enforcement—prohibitions, National forest, Navigation (air), Recreation and recreation areas, Wilderness area.

Therefore, for the reasons set forth in the preamble, Parts 261, 293, and 294 of Title 36 of the Code of Federal Regulations are amended as follows:

PART 261—PROHIBITIONS

1. Revise the authority citation for 36 CFR Part 261 to read as follows:

Authority: 30 Stat. 35, as amended (16 U.S.C. 551); Sec. 1, 33 Stat. 628 (16 U.S.C. 472); 50 Stat. 526, as amended (7 U.S.C. 101, (f)); 82 Stat. 918 (16 U.S.C. 1246, (i)); 92 Stat. 1650 as amended (16 U.S.C. 1133 (c)–(d)(1)), unless otherwise noted.

2. In 36 CFR 261.16, revise paragraph (a) to read as follows:

§ 261.16 National Forest Wilderness.

The following are prohibited in a National Forest Wilderness:

(a) Possessing or using a motor vehicle, motorboat or motorized equipment except as authorized by Federal Law or regulation.

* * * * *

3. In 36 CFR 261.17, revise the heading and introductory sentence to read as follows:

§ 261.17 Boundary Waters Canoe Area Wilderness.

The following are prohibited in the Boundary Waters Canoe Area Wilderness:

* * * * *

PART 293—WILDERNESS—PRIMITIVE AREAS

4. Revise the authority citation for 36 CFR Part 293 to read as follows:

Authority: Secs. 4–6, 92 Stat. 1650, as amended (16 U.S.C. 113–136); 74 Stat. 215 (16 U.S.C. 528–531); 46 Stat. 1020 (16 U.S.C. 577–577c).

5. Revise 36 CFR 293.16 to read as follows:

§ 293.16 Special provisions governing the Boundary Waters Canoe Area Wilderness, Superior National Forest, Minnesota.

(a) Motorboat Use. (1) For purposes of this section, motorboats permitted to operate in the BWCA Wilderness are

defined as watercraft propelled by a gasoline or electric powered motor with the propeller below the waterline.

(2) Motorboats may operate without restrictions on motor size or number of motors on Sand Point Lake, Little Vermilion Lake, Loon Lake, Loon River, and that portion of Lac La Croix which lies south of Snow Bay and east of Wilkins Bay, all in Saint Louis County.

(3) Motorboats with a motor or combination of motors totaling no more than 25 horsepower may operate on Trout Lake in Saint Louis County, Fall Lake, Moose Lake, Newfound Lake, Newton Lake, Sucker Lake, Snowbank Lake, South Farm Lake, and Basswood Lake, except that portion of Basswood Lake generally north of the narrows at the north end of Jackfish Bay and north of a point on the International Boundary between Ottawa Island and Washington Island, all in Lake County, and East Bearskin Lake and Saganaga Lake, except that portion west of American Point in Cook County.

(4) Motorboats with a motor or combination of motors totaling no more than 10 horsepower may operate on Clearwater Lake, North Fowl Lake, South Fowl Lake, Alder Lake, Canoe Lake, Sea Gull Lake, and Island River east of Lake Isabella, all in Lake County, except that motorboats may not operate (i) after January 1, 1999 on that portion of Sea Gull Lake west of Threemile Island, and (ii) after January 1, 1994, on Brule Lake in Cook County or until the termination of the operation of the resort adjacent to Brule Lake in operation as of 1977, whichever occurs first.

(5) Motorboats with a combination of motors that exceed 25 horsepower may travel on that portion of Saganaga Lake in Cook County described as the Saganaga Corridor extending from the Saganaga Narrows north to the International Boundary east of Campers, Clark and Horseshoe Islands and west of Oskenonton Island; provided that the motor or motors in operation at one time do not exceed 25 horsepower.

(b) Mechanical and Mechanized Portages. (1) BWCA visitors may use portage wheels and other non-motorized devices to transport watercraft over the following routes:

(i) The portages along the International Boundary

(ii) Four Mile Portage from Fall Lake to Hoist Bay of Basswood Lake.

(iii) The portage from Back Bay to Pipestone Bay of Basswood Lake.

(iv) The portages from Fall Lake to Newton Lake to Pipestone Bay of Basswood Lake.

(v) The portage from Vermilion Lake to Trout Lake.

(2) The Forest Service may authorize, by special use permit, the use of motor vehicles to transport watercraft over the following portages:

(i) Four Mile Portage From Fall Lake to Hoist Bay of Basswood Lake.

(ii) Vermilion Lake to Trout Lake.

(iii) Prairie Portage from Sucker Lake to Basswood Lake

(iv) Loon River to Loon Lake and from Loon Lake to Lac La Croix.

(c) Snowmobile Use. (1) A snowmobile is defined as a self-propelled, motorized vehicle not exceeding forty inches in width designed to operate on ice and snow, having a ski or skiis in contact with the snow and driven by a track or tracks.

(2) The Forest Service permits use of snowmobiles only on the following routes:

(i) The overland portages in Saint Louis County from Crane Lake to Little Vermilion Lake in Canada.

(ii) The route in Cook County from Sea Gull River along the eastern portion of Saganage Lake to Canada.

(3) The Forest Service may issue special-use authorizations to use snowmobiles for the grooming of specified cross-country ski trails near existing resorts.

PART 294—SPECIAL AREAS

6. Revise the heading of 36 CFR 294.2 to read as follows:

§ 294.2 Navigation of aircraft within airspace reservation over the Boundary Waters Canoe Area Wilderness, Superior National Forest, Minnesota.

7. Amend 36 CFR 294.2, by revising the heading by removing paragraph (d) in its entirety, by redesignating existing paragraphs (e) and (f) as paragraphs (d) and (e), and by revising the text of new paragraph (d) to read as follows:

§ 294.2 Navigation of aircraft within airspace reservation over the Boundary Waters Canoe Area Wilderness, Superior National Forest, Minnesota.

* * * * *

(d) *Official flights.* The provisions of §§ 294.2(b) and 294.2(c) do not apply to flights made for conducting or assisting in the conduct of official business of the United States, of the State of Minnesota or of Cook, St. Louis, or Lake Counties, Minnesota.

8. Revise the authority citation which follows §294.2 to read as follows:

(16 U.S.C. 1131; 16 U.S.C. 472)

Dated: April 2, 1985.

Douglas W. MacCleery,

Deputy Assistant Secretary for U.S. Department of Agriculture.

[FR Doc. 85-9825 Filed 4-24-85; 8:45 am]

BILLING CODE 3410-11-M

VETERANS ADMINISTRATION

38 CFR Part 36

Decrease in Maximum Permissible Interest Rates on Guaranteed Manufactured Home Loans, Home and Condominium Loans, and Home Improvement Loans

AGENCY: Veterans Administration.

ACTION: Final regulations.

SUMMARY: The VA (Veterans Administration) is decreasing the maximum interest rates on guaranteed manufactured home unit loans, lot loans, and combination manufactured home unit and lot loans. In addition, the maximum interest rates applicable to fixed payment and graduated payment home and condominium loans, and to home improvement and energy conservation loans are also decreased. These decreases in interest rates are possible because of recent improvements in the availability of funds in various credit markets. The decrease in the interest rates will allow eligible veterans to obtain loans at a lower monthly costs.

EFFECTIVE DATE: April 19, 1985.

FOR FURTHER INFORMATION CONTACT: Mr. George D. Moerman, Loan Guaranty Service (264), Department of Veterans Benefits, Veterans Administration, 810 Vermont Avenue, NW., Washington, D.C. 20420 (202-389-3042).

SUPPLEMENTARY INFORMATION: The Administrator is required by section 1819(f), Title 38, United States Code, to establish maximum interest rates for manufactured home loans guaranteed by the VA as he finds the manufactured home loan capital markets demand. Recent market indicators—including the prime rate, the general decrease in interest rates charged on conventional manufactured home loans, and the decrease of other short-term and long-term interest rates—have shown that the manufactured home capital markets have improved. It is now possible to decrease the interest rates on manufactured home unit loans, lot loans, and combination manufactured home unit and lot loans while still assuring an adequate supply of funds from lenders and investors to make these types of VA loans.

The Administrator is also required by section 1803(c), Title 38, United States Code, to establish maximum interest rates for home and condominium loans including graduated payment mortgage loans, and loans for home improvement purposes. Market indicators similarly favor reductions in the maximum

interest rates for these types of loans. These lower interest rates should assist more veterans in the purchase of homes and condominiums or to obtain improvement loans because of the decrease in the monthly loan payments for principal and interest.

Regulatory Flexibility Act/Executive Order 12291

For the reasons discussed in the May 7, 1981 **Federal Register**, (46 FR 25443), it has previously been determined that final regulations of this type which change the maximum interest rates for loans guaranteed, insured, or made pursuant to Ch. 37 of Title 38, United States Code, are not subject to the provisions of the Regulatory Flexibility Act, 5 U.S.C. 601–612.

These regulatory amendments have also been reviewed under the provisions of Executive Order 12291. The VA finds that they are not "major rules" as defined in that Order. The existing process of informal consultation among representatives within the Executive Office of the President, OMB, the VA and the Department of Housing and Urban Development has been determined to be adequate to satisfy the intent of this Executive Order for this category of regulations. This alternative consultation process permits timely rate adjustments with minimal risk of premature disclosure. In summary, this consultation process will fufill the intent of the Executive Order while still permitting compliance with statutory responsibilities for timely rate adjustments and a stable flow of mortgage credit at rates consistent with the market.

These final regulations come within exceptions to the general VA policy of prior publication of proposed rules as contained in 38 CFR 1.12. The publication of notice of a regulatory change in the VA maximum interest rates for VA guaranteed, insured or direct loans would deny veterans the benefit of lower interest rates pending the final rule publication date which would necessarily be more than 30 days after publication in proposed form. Accordingly, it has been determined that publication of proposed regulations prior to publication of final regulations is impracticable, unnecessary, and contrary to the public interest.

(Catalog of Federal Domestic Assistance Program numbers, 64.113, 64.114, and 64.119)

These regulations are adopted under authority granted to the Administrator by Secs. 210(c), 1803(c)(1), 1811(d)(1) and 1819 (f) and (g) of Title 38, United States Code.

These decreases are accomplished by amending §§ 36.4212(a) (1), (2), and (3), and 36.4311 (a), (b), and (c) and 36.4503(a), Title 38, Code of Federal Regulations.

List of Subjects in 38 CFR Part 36

Condominiums, Handicapped, Housing, Loan programs—housing and community development, Manufactured homes, Veterans.

Approved: April 18, 1985.

By direction of the Administrator.

Everett Alvarez, Jr.,

Deputy Administrator.

PART 36—LOAN GUARANTY

The Veterans Administration is amending 38 CFR Part 36 as follows:

1. In § 36.4212, paragraph (a) is revised as follows:

§ 36.4212 Interest rates and late charges.

(a) The interest rate charged the borrower on a loan guaranteed or insured pursuant to 38 U.S.C. 1819 may not exceed the following maxima except on loans guaranteed or insured pursuant to guaranty or insurance commitments issued by the Veterans Administration prior to the respective effective date.

(38 U.S.C. 1819(f))

(1) Effective April 19, 1985, 15 percent simple interest per annum for a loan which finances the purchase of a manufactured home unit only.

(2) Effective April 19, 1985, 14½ percent simple interest per annum for a loan which finances the purchase of a lot only and the cost of necessary site preparation, if any.

(3) Effective April 19, 1985, 14½ percent simple interest per annum for a loan which will finance the simultaneous acquisition of a manufactured home and a lot and/or the site preparation necessary to make a lot acceptable as the site for the manufactured home.

* * * * *

2. In § 36.4311, paragraphs (a), (b), and (c) are revised as follows:

§ 36.4311 Interest rates.

(a) Excepting loans guaranteed or insured pursuant to guaranty or insurance commitments issued by the VA which specify an interest rate in excess of 12½ per centum per annum, effective April 19, 1985, the interest rate on any home or condominium loan, other than a graduated payment mortgage loan, guaranteed or insured wholly or in part on or after such date may not exceed 12½ per centum per annum on the unpaid principal balance.

(38 U.S.C. 1803(c)(1))

(b) Excepting loans guaranteed or insured pursuant to guaranty or insurance commitments issued by the VA which specify an interest rate in excess of 12¾ per centum per annum, effective April 19, 1985, the interest rate of any graduated payment mortgage loan guaranteed or insured wholly or in part on or after such date may not exceed 12¾ per centum per annum.

(38 U.S.C. 1803(c)(1))

(c) Effective April 19, 1985, the interest rate on any loan solely for energy conservation improvements or other alterations, improvements or repairs, which is guaranteed or insured wholly or in part on or after such date may not exceed 14 per centum per annum on the unpaid principal balance.

(38 U.S.C. 1803(c)(1))

* * * * *

3. In § 36.4503, paragraph (a) is revised as follows:

§ 36.4503 Amount and amortization.

(a) The original principal amount of any loan made on or after October 1, 1980, shall not exceed an amount which bears the same ratio to $33,000 as the amount of the guaranty to which the veteran is entitled under 38 U.S.C. 1810 at the time the loan is made bears to $27,500. This limitation shall not preclude the making of advances, otherwise proper, subsequent to the making of the loan pursuant to the provisions of § 36.4511. Except as to home improvement loans, loans made by the VA shall bear interest at the rate of 12½ percent per annum. Loans solely for the purpose of energy conservation improvements or other alterations, improvements, or repairs shall bear interest at the rate of 14 percent per annum.

(38 U.S.C. 1811(d)(1) and (2)(A))

* * * * *

[FR Doc. 85–10012 Filed 4–24–85; 8:45 am]

BILLING CODE 8320-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 152 and 162

[OPP–30076A; PH–FRL 2825–5]

Effective Date for Application Procedures To Ensure Protection for Data Submitters' Rights

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule; effective date.

SUMMARY: As required by section 25(a)(4) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), EPA submitted a final regulation establishing procedures intended to protect the economic interests of pesticide data submitters under FIFRA to both Houses of Congress for review prior to the regulation taking effect. This regulation was published in the **Federal Register** of August 1, 1984 (49 FR 30884). The minimum 60-day period for Congressional review has ended.

EFFECTIVE DATE: The regulation is effective on April 25, 1985.

FOR FURTHER INFORMATION CONTACT:
By mail: Jean M. Frane, Registration Division (TS–767C), Office of Pesticides and Toxic Substances, Environmental Protection Agency, 401 M St., SW., Washington, D.C. 20460.
Office location and telephone number: Rm. 1114, CM#2, 1921 Jefferson Davis Highway, Arlington, VA. (703–557–0592).

SUPPLEMENTARY INFORMATION: EPA issued a final regulation, which was published in the **Federal Register** of August 1, 1984 (49 FR 30884), under sections 3 and 25(a) (1) and (3) of FIFRA, as amended, 7 U.S.C. 136 through 136y. The regulation establishes procedures intended to protect the economic interests of pesticide data submitters. At the same time, the rule gives applicants a wide choice of ways in which to comply with FIFRA section 3(c)(1)(D). However, as required by section 25(A)(4) of FIFRA, the regulation could not take effect until it had been submitted to both Houses of Congress for a period of 60 days of continuous Congressional session, as defined by section 25(a)(4). Since it was not possible to predict an exact date on which the Congressional review period would end, the preamble to the final regulation stated that EPA would issue a separate **Federal Register** notice after the review period was over announcing the effective date of the regulation. The period of 60 days of continuous Congressional session has now elapsed.

Accordingly, the final regulation promulgated on August 1, 1984, is effective on April 25, 1985.

List of Subjects in 40 CFR Parts 152 and 162

Administrative practice and procedure, Intergovernmental relations, Labeling, Packaging and containers, Pesticides and pests.

(Sec. 25, as amended, 94 Stat. 3195 (7 U.S.C. 136w))

Dated: April 17, 1985.

J.A. Moore,

Assistant Administrator for Pesticides and Toxic Substances.

[FR Doc. 85–9988 Filed 4–24–85; 8:45 am]

BILLING CODE 6560–50–M

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40 CFR Part 158

[OPP–30063B; PH FRL #2825–6]

Data Requirements for Pesticide Registration; Effective Date for Data and Information Requirements To Support Pesticide Registration

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final Rule; Effective Date.

SUMMARY: As required by section 25(a)(4) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), EPA submitted a final regulation specifying the kind of data and information that must be submitted to EPA to support pesticide registration under FIFRA to both Houses of Congress for review prior to the regulation taking effect. This regulation was published in the **Federal Register** of October 24, 1984 (49 FR 42856). The minimum 60-day period for Congressional review has ended.

EFFECTIVE DATE: The regulation is effective on April 25, 1985.

FOR FURTHER INFORMATION CONTACT:
By mail: Fred S. Betz, Hazard Evaluation Division (TS–769), Office of Pesticides and Toxic Substances, Environmental Protection Agency, 401 M St., SW., Washington, D.C. 20460.
Office location and telephone number: Rm. 821A, CM#2, 1921 Jefferson Davis Highway, Arlington, VA. (703–557–9307).

SUPPLEMENTARY INFORMATION: EPA issued a final regulation, which was published in the **Federal Register** of October 24, 1984 (49 FR 42856), under sections 3 and 25(a)(1) and (3) of FIFRA, as amended, 7 U.S.C. 136 through 136y. The regulation outlines the full range of data requirements pertaining to the registration/reregistration or experimental use of each product under FIFRA, specifies the types of data and information EPA requires to make regulatory judgments with respect to the safety of each pesticide proposed for registration or experimental use and the test substance to be used in test conducted to fulfill the data requirements.

However, as required by section 25(a)(4) of FIFRA, the regulation could not take effect until it had been submitted to both Houses of Congress for a period of 60 days of continuous Congressional session, as defined by section 25(a)(4).

Since it was not possible to predict an exact date on which the Congressional review period would end, the preamble to the final regulation stated that EPA would issue a separate **Federal Register** notice after the review period was over announcing the effective date of the regulation. The period of 60 days of continuous Congressional session has now elapsed.

Accordingly, the final regulation promulgated on October 24, 1984 is effective on April 25, 1985.

List of Subjects in 40 CFR Part 158

Administrative practice and procedure, Pesticides and pests, Data requirements.

(Sec. 25, as amended, 94 Stat. 3195 (7 U.S.C. 136w))

Dated: April 19, 1985.

J.A. Moore,

Assistant Administrator for Pesticides and Toxic Substances.

[FR Doc. 85–9987 Filed 4–24–85; 8:45 am]

BILLING CODE 6560–50–M

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40 CFR Part 716

[OPTS–84018; FRL–2824–3]

Health and Safety Data Reporting; Establishment of Termination Date

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This **Federal Register** document establishes October 4, 1985, as the termination date for reporting unpublished health and safety data studies on the substances listed in 40 CFR 716.17(a)(1). The October 4, 1985, termination date will allow for a full 3 years of reporting on these substances, an event provided for in § 716.19. However, failure to publish this **Federal Register** document would allow an automatic termination provision in § 716.19 to cut short the reporting period by 5 months.

DATES: In accordance with 40 CFR 23.5 (50 FR 7271), this rule shall be promulgated for purposes of judicial review at 1 p.m. eastern standard time on May 9, 1985. This rule shall become effective on April 25, 1985.

FOR FURTHER INFORMATION CONTACT:
Edward A. Klein, Director, TSCA Assistance Office (TS–799), Office of Toxic Substances, Environmental Protection Agency, Rm. E–543, 401 M

Street, SW., Washington, D.C. 20460.
Toll free: (800–424–9065),
In Washington, D.C.: (554–1404),
Outside the USA: (Operator–202–554–1404).

SUPPLEMENTARY INFORMATION: OMB Control Number 2070–0004.

I. Background

Pursuant to section 8(d) of the Toxic Substances Control Act (TSCA), EPA promulgated a model Health and Safety Data Reporting Rule (40 CFR Part 716). The section 8(d) model rule requires manufacturers, importers, and processors of listed chemical substances and mixtures (henceforth referred to as substances) to submit to EPA copies and lists of unpublished health and safety studies on the listed substances that they manufacture, import, or process. These studies provide EPA with useful information and have provided significant support for EPA's decisionmaking under TSCA sections 4, 5, 6, and 8. Since promulgation of the model rule, EPA has amended the rule 7 times to list approximately 117 substances.

On the same date that EPA promulgated the section 8(d) model rule, EPA listed the substances found at § 716.17(a)(1). The reporting period for these substances began on October 4, 1982. Section 716.19, the sunset provision, provides that the reporting period shall last 3 years, in this instance until October 4, 1985. However, in order to provide for a full three years of reporting, EPA must publish in the **Federal Register** a document that establishes October 4, 1985 as the termination date. Failure to publish such a **Federal Register** document, would allow an automatic termination provision in § 716.19 to cut short the reporting period by up to 6 months (in this instance 5 months, May 1, 1985). Hence this **Federal Register** document sets the termination date for the reporting period on the substances listed at 40 CFR 716.17(a)(1) as October 4, 1985.

In a separate and future **Federal Register** document, EPA will propose to amend the section 8(d) Health and Safety Data Reporting Rule by: Revising the rule's sunset provision, limiting two reporting exemptions, and clarifying the rule's confidentiality provisions. EPA believes that these three amendments will increase the number and usefulness of the health and safety data reports submitted to EPA, and will provide these reports during the same time period that EPA performs its chemical testing, hazard/risk assessment, and risk management determinations.

II. Regulatory Assessment Requirements

A. Executive Order 12291

Under Executive Order 12291, EPA must judge whether a regulation is "major" and therefore requires a Regulatory Impact Analysis. EPA has determined that this regulation is not major because it will not have an effect of $100 million or more on the economy. It is not anticipated to have a significant effect on competition, costs, or prices.

This final rule was not submitted to the Office of Management and Budget (OMB) for review, because a 3-year reporting period is provided for in 40 CFR 716.19. Both the proposed and final rule which developed § 716.19 were previously reviewed by OMB as required by Executive Order 12291.

B. Regulatory Flexibility Act

This proposed rule will not have a significant economic impact on a substantial number of small entities. In a study of submitters reporting under the section 8(d) model rule, EPA found that only 1 of 69 submitters had less than $100 million in sales. EPA does not expect this action to affect this distribution. Therefore, in accordance with the Regulatory Flexibility Act (Pub. L. 95–354), EPA has determined that this rule will not have a significant economic impact on a substantial number of small entities.

C. Paperwork Reduction Act

The information collection requirements contained in this rule have been approved by OMB under the provisions of the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.* and have been assigned OMB control number 2070–0004.

List of Subjects in 40 CFR Part 716

Chemicals, Environmental protection, Hazardous substances, Health and safety, Recordkeeping and reporting.

(Sec. 8, 90 Stat. 2029 (15 U.S.C. 2607(d))

Dated: April 18, 1985.

John A. Moore,

Assistant Administrator for Pesticides and Toxic Substances.

PART 716—[AMENDED]

Therefore, Chapter I of Title 40, is amended by revising the introductory text of § 716.17(a)(1) to read as follows:

§ 716.17 Substances and designated mixtures to which this subpart applies.

(a)(1) *Substances.* The following substances are subject to this subpart as of October 4, 1982. Unless extended by rule, the reporting period for these substances will terminate on October 4, 1985.

* * * * *

[FR Doc. 85–9994 Filed 4–24–85; 8:45 am]

BILLING CODE 6560–50–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Public Land Order 6601

[ES–27765]

Florida; Transfer of Jurisdiction From the Department of Defense to the Forest Service

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order transfers jurisdiction of 281.97 acres of lands from the Department of Defense to the Forest Service to be restored to the Choctawahtchee National Forest. The lands have been and remain open to surface entry, mining and mineral leasing.

EFFECTIVE DATE: April 25, 1985.

FOR FURTHER INFORMATION CONTACT: Mary Weaver, BLM Eastern States Office, 350 South Pickett Street, Alexandria, VA 22304, 703–274–0121.

SUPPLEMENTARY INFORMATION: By virtue of the authority vested in the President pursuant to Executive Order 10335 of May 26, 1952 (17 FR 4831), it is ordered as follows:

1. The following described lands which were transferred from the Department of Agriculture to the Department of Defense under Pub. L. 76–668 (54 Stat. 655), dated June 27, 1940, are hereby returned to the jurisdiction of the Department of Agriculture for management by the Forest Service:

Tallahassee Meridian, Florida

T. 2 N., R. 23 W.,
Sec. 2: NW¼NE¼ and NE¼NW¼; approx. 79.90 acres.
T. 2 N., R. 23 W.,
Sec. 4: NW¼NE¼; approx. 40.85 acres.
T. 3 N., R. 20 W.,
Sec. 22: NE¼; approx. 160.00 acres.
T. 3 N., R. 21 W.,
Sec. 22: Lot 2 Mossy Head Tract; approx. 1.22 acres.

The areas described aggregate 281.97 acres in Walton and Okaloosa Counties, Florida.

2. This transfer is effective immediately. The lands have been and remain open to such forms of disposition as may by law be made of national forest lands, including mineral location

and entry under the United States mining laws, and applications and offers under the mineral leasing laws, subject to valid existing rights and the requirements of applicable regulations.

Robert N. Broadbent,

Assistant Secretary of the Interior.

April 16, 1985.

[FR Doc. 85-10045 Filed 4-24-85; 8:45 am]

BILLING CODE 4310-84-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Parts 61 and 62

[Docket No. FEMA-FIA]

National Flood Insurance Program; Assistance to Private Sector Property Insurers

AGENCY: Federal Insurance Administration (FIA), Federal Emergency Management Agency (FEMA).

ACTION: Final rule.

SUMMARY: This rule revises the National Flood Insurance Program (NFIP) regulations dealing with the issuance of flood insurance policies and the adjustment of claims arising under such contracts of insurance and sets forth pertinent detail relative to the underwriting, claims adjustment and financial control operational procedures established by the Federal Insurance Administrator in connection with the Financial Assistance/Subsidy Arrangements (the Arrangement) which may be entered into by and between the Administrator and private sector insurers under the "Write-Your-Own" (WYO) program authorized pursuant to Subpart C, Part 62 of these regulations and section 1310 of the National Flood Insurance Act of 1968, as amended (Pub. L. 90-448, 42 U.S.C. 4001 et seq.).

Under the WYO Program, the Standard Flood Insurance Policy (the form and substance of which is approved by the administrator) may be issued by insurers signatory to the Arrangement in their own names. Insurers are then responsible for all aspects of service, including policy issuance to new policyholders and to those policyholders insured by them under other lines of property insurance; endorsements to and renewals of policies; and the adjustment of claims brought under the policies. The insurers pay losses and loss adjustment expenses, as well as the commissions of agents, out of written premiums. Under the Arrangement, the Government backs the policies. Thus, insurers are able to offer flood insurance in the private insurance market, the NFIP will increase its policy-in-force base by reason of WYO Companies' marketing efforts, and policyholders will benefit from an infusion into the NFIP of considerable private sector insurance expertise and service.

EFFECTIVE DATE: June 1, 1985.

FOR FURTHER INFORMATION CONTACT: Donald L. Collins, Federal Emergency Management Agency, Federal Insurance Administration, Room 429, 500 C Street, SW., Washington, D.C. 20472, Telephone number (202) 646-3419.

SUPPLEMENTARY INFORMATION: These amendments more fully effectuate the propose of the National Flood Insurance Act of 1968, as amended (Pub. L. 90-448, 42 U.S.C. 4001), while providing a direct and tangible benefit to persons insured against property insurance perils, other than flood, by setting forth the general parameters of the procedural approach being taken in respect to the WYO program by the Administrator and the WYO Companies engaged in this program in the provision of NFIP flood insurance coverage to policyholders insured by these companies for other lines of property insurance business.

Regarding the purposes of the 1968 Act, the NFIP enabling legislation establishes the direction of having the program "carried out to the maximum extent practicable by the private insurance industry" (42 U.S.C. 4011) and authorizes the Director, FEMA, to "encourage and arrange for . . . appropriate financial participation and risk sharing in the program by insurance companies" (42 U.S.C. 4011). The rationale for the enabling legislation recognizes the benefits to be derived from the operation of a national program of flood insurance by private sector property insurers, who are the traditional providers of insurance to the public. In this connection, the Act declares, as its purpose, that there be "a flood insurance program by means of which flood insurance, over a period of time, can be made available on a nationwide basis through the cooperative efforts of the Federal Government and the private insurance industry" (42 U.S.C. 4001).

Against this background, FEMA published a final rule, on October 14, 1983, entitled "National Flood Insurance Program; Assistance to Private Sector Property Insurers" (48 FR 46789), which established the WYO program authorized under Pub. L. 90-448 under the rulemaking procedures of the Administrative Procedure Act, following notice of proposed rulemaking (48 FR 34482, July 29, 1983) and receipt of public comment. During the first year of operation, forty-eight private sector insurers were signatory to WYO arrangements with the Administrator and twelve of these commenced the underwriting of over 131,000 flood insurance policies. On May 29, 1984, the Administrator published an "Offer to Assist Insurers in Underwriting Flood Insurance Using the Standard Flood Insurance Policy" (49 FR 22438), inviting private sector property insurers to enter into similar arrangements for WYO program year October 1, 1984 to September 30, 1985. As of this writing, over two hundred and fifteen (215) insurance companies have become signatory to the Arrangement for the current year.

It is the intention of the regulation to publish pertinent procedural details of the WYO program regarding its operations in the areas of under writing, claims adjustment, and the financial controls which have been and will continue to be exercised with respect to the program and to normalize the business of issuing flood insurance policies by WYO Companies along the lines of the customary business practices engaged in by these insurers in their other lines of property insurance business. In this way, persons insured by WYO Companies against the peril of flood under the WYO program and against the usual property insurance peril under their traditional policies of insurance with the companies (e.g., Homeowners insurance) will not be discriminated against as to the effective date of their coverage, for example, by the flood insurance policy issued under the Arrangement.

Toward these ends, on December 13, 1984 (49 FR 48652), FEMA published a proposed rule, which proposed that both the Arrangement and the WYO financial control plan be included in the program's rules, as Appendices to Subpart C.

Publication of the Arrangement in this rule also constitutes, for the WYO Program Arrangement year of October 1, 1985–September 30, 1986, the Administrator's "Offer to Assist Insurers in Underwriting Flood Insurance Using the Standard Flood Insurance Policy" (see last year's offer, at 49 FR 22438, published on May 29, 1984).

It was also proposed that the Arrangement should be amended to set forth a constant formula for the reimbursement of operating and administrative expenses (at Article III [B] and to recognize, as a "Loss Cost" or expense of doing business under the Arrangement, an award or judgment of punitive damages arising out of the

scope of the Arrangement, assuming timely notice of any claim for such damage being given to FEMA, (at Article III [D]). Rules were proposed, as well, to conform, to the extent practicable, the policy issuance, premium payment and claims adjustment procedures of the flood insurance contract with the procedures employed by WYO Companies in their other lines of property insurance business. The Agency received seven (7) comments, including two from FEMA regional offices seeking clarification of the WYO program and offering advice, one from a national association of mortgage lenders supporting the proposed rule as a benefit to policyholders by reason of the infusion of private sector experience and expertise into the flood program, and four from private sector property insurers providing input and raising issues for clarification. One of these, from an Assistant Counsel of one of the leading property insurers, provided technical suggestions and viewed the proposed rulemaking "as a sincere effort to deliver flood insurance coverage on a comprehensive national basis through the active efforts of the private insurance industry in cooperation with the Federal Government".

Regarding the comments from FEMA's regional offices, a Regional Counsel pointed out that the operational procedures did not specifically reference that WYO companies would cooperate with FEMA's Office of General Counsel in matters pertaining to litigation and subrogation and report claims litigation to the Agency. These matters have been addressed in the final rule at § 62.23(i)(6) and (11). The other Agency comments, from a Regional Director, were extensive. What follows, repeated in their entirety, are the Regional Director's comments followed, in each case, by FIA's response:

49 FR 48653 (of the Proposed Rule)

Part 61—Insurance Coverage and Rates

at f(1) Does this waive the waiting period for WYO applicants?—Amend the "cancellation" rules for the WYO insureds?

Response: Yes, as to both questions, but only in cases in which the WYO Company's flood insurance policy is underwritten with an effective date identical with the effective date of a companion policy, e.g., Homeowners, to be issued to the same named insured. To allow the placing in effect of a flood insurance contract at the same time as companion Homeowners business without regard to the waiting period, in addition to normalizing the provision of flood insurance coverage with other private sector lines of property insurance business, is somewhat analogous to the waiver of the waiting period, at §61.11, in cases in which flood insurance becomes effective, at a real property closing or settlement, at transfer of title, without regard to any waiting period. Concerning cancellation mid-term with premium refund, it would be impermissible unless the companion policy was also cancelled. Also, as to any installment plan for the payment of premiums covering both a flood insurance policy and a companion policy, in case of default, the WYO Company will remain liable for the premium under the flood insurance policy until it has effected cancellation as to both the companion policy and the WYO Policy (see § 61.11(f)(1) of the final rule and discussion, below).

at f(2) Are envelopes retained by NFIP and does NFIP use "postmark" or is WYO operating differently?

Response: No, envelopes are not retained by the NFIP. The retention of envelopes and utilization of the "postmark" date was, as the rule states, intended to relate to the operations of insurers which underwrite their business directly with the policyholders, and not through an agent. In the final rule, as the discussion below indicates, care has been taken to assure that policyholders insured by WYO Companies are subject to the same effective date rules as are applicable to NFIP business, so long as the flood insurance policy has the same effective date and named insured as a companion policy issued by the WYO Company on the property.

49 FR 48654

at h(5) Why is WYO Company permitted to reject or decline flood insurance, if risk is eligible under NFIP? Will NFIP use original submission date to WYO Company for "effective date"?

Response: The WYO Company is acting in its capacity as an insurer which, under State law, has the right to reject or decline insurance business. In this case, it is not in the best interests of the program for the NFIP to seek to impose a different set of rules on insurers in the States in which they do business, particularly since a flood insurance risk rejected by a WYO Company can readily be insured under the NFIP. The acceptance of such a risk by the NFIP would be governed by the effective date rule, at §61.11. As a matter of practice, the "rejection" would, typically, occur in the office of the WYO Company's agent, who would place the business, instead, with the NFIP. In such a case, so long as the application and premium are timely received, the effective date will be the same as it would have been had the WYO Company underwritten the risk.

at (1) Why is WYO adjustment binding on FIA, while CSC adjustments (independent adjustors) are not until accepted/approved by FIA?

Response: In the case of the WYO adjustment, the WYO Company, having issued the policy in its own name, is the insurer, adjusting a loss sustained by one of its policyholders. The NFIP servicing agent is not the insurer under NFIP business, in which case the policy is issued by the Federal Government.

at i(2) Do staff adjustors of WYO Company have to be approved by FIA? Why not? What effect of fee schedule in multi-peril adjustments—How is entire loss adjustment cost allocated—% to flood and % to other peril(s)?

Response: Basic to an understanding of the WYO Program is the concept that "Write-Your-Own" describes the undertaking between the government and the insurer. In exchange for the provision of marketing and property insurance skills to the benefit of the government and the taxpayer, the WYO Company, when it issues its flood insurance policy, becomes the insurer of its own policyholder and is responsible for the adjustment of claims brought under that policy. It is responsible, under the program's financial controls, for the premium income derived from its policyholders and responds to government operational reviews of its underwriting, claims and financial practices. These responsibilities, however, do not detract from the WYO Company's essential role as the *insurer* of flood insurance coverage. As such, it would be an unnecessary exercise for the government to approve or disapprove of the use or hiring of staff adjusters by WYO Companies. As a practical matter, if these adjusters are qualified to adjust claims arising under the Company's other lines of business, they should be able to adjust flood insurance losses, as well. To assure this result, FIA has provided companies with specialized claims adjustment information, through documentary matter and training sessions conducted by the NFIP servicing agent.

The fee schedule only relates to the flood portion of a combined wind and flood loss and each loss would be allocated, depending upon the degree of flood and wind damage involved in the total damages.

at i(9) What is ". . . above normal adjustment practices"?

Response: A special investigation fee, for example, the use of a real estate appraiser to determine the value of a building totally damaged by flood, based on comparable values in the neighborhood, would be "above normal adjustment practices".

49 FR 48655

Article II—Undertaking of the Company

at 2.0 2nd sentence—Why not require the use of FIA developed materials?

Response: There is nothing to be gained by the imposition of a number of requirements to use FIA developed materials when the provision of these documents as guides serves the same purpose. The WYO Arrangement is not an undertaking in which the parties impose requirements on each other. It is a cooperative Arrangement and, to repeat the words to the Rules Docket of the Assistant Counsel from one of the companies, is "a sincere effort to deliver flood insurance coverage on a comprehensive national basis through the active efforts of the private insurance industry in cooperation with the Federal Government".

49 FR 48656

at 4.0 Why reserved to "licensed" companies only?

Response: The several States do not normally permit one to engage in the business of insurance without being licensed by the State in which the business is to be conducted. Through the licensure procedures, the States can monitor the insurer's operations and solvency. FIA, which does not license or regulate insurers, believes it best for flood insurance coverage to be issued by licensed insurers.

at F. See comment on P. 48654 [i(1)]

Response: See response to "P. 48654, at i(1)."

Article III—Loss Costs, Expenses, etc.

at B. "taxes"—What taxes does the Federal government pay? NFIP is a "federal" program whether direct or as "re-insurer"—all "premium" are taxpayers monies.

15.0% commission—Why no mention of max/min commission to agents? Why doesn't graduated commission scale apply to WYO Company's (see P. GR22 of Flood Insurance Manual)?

Response: Regarding the reference to taxes, the Federal government is not paying any taxes. The reference is part of a formula or convention used to establish a reasonable level of company operating and administrative expense reimbursement, in connection with WYO business, which level is keyed to the average of what property insurers report to the several States as to their operating and administrative expense ratios for other aquisition, general expenses and company taxes. Concerning the commission allowance, it is intended that the companies pay commissions to their agents "pursuant to their customary business practices" (see § 62.23[a]. Again, the idea is to normalize the flood insurance business with other lines of property insurance engaged in by WYO Companies.

at D. Does this include the "agent" of WYO Company who have been ajudged guilty of "wrong doing/unfair claims practices, etc." and the awards and/or judgments against them? If not, why?

Response: No, because the provision relates to loss payments, via award or judgment, including punitive damages, arising under policies of flood insurance and the Arrangement. Agents are not insurers nor are they parties to the Arrangement.

Article IV—Undertakings of the Government

at C. What if WYO Company cancels its "agent" for any reason—what happens to "agents book of flood business"?

Response: The handling of the "agents book of flood business" would be a contractual matter between the company and the agent.

49 FR 48657

Article IX—Errors and Omissions

at 1st paragraph—Is the NFIP liable? If not, why?

Article XIII—Restriction on Other Flood Insurances

at 2nd paragraph—Why? Max limits available from NFIP should be required to be placed with the NFIP and all other coverage written as "excess of NFIP available limits".

Response: Regarding liability of the parties to the Arrangement, as a negotiated provision, neither is liable to the other for acts or omissions of ordinary negligence. As to the comment regarding the "Restriction on other Flood Insurance", the provision relates to flood insurance coverage provided by a WYO Company as part of a multi-peril policy or excess flood insurance coverage issued by the company under conditions whereby the company has assumed the entire financial underwriting risk. The NFIP would not discourage the private sector from offering flood insurance coverage under such circumstances.

49 FR 48658

Exhibit A—G Schedule

Why is "fee" limited to the "amount of insurance purchased"?

Response: The NFIP does not pay losses in excess of policy limits and, consistent with this, the fee is limited by the amount of insurance purchased. See the reference to "Range (by covered loss)".

Appendix E—NFIP

A Plan to Maintain Financial, etc.,

at 1st paragraph—What/whose definition of "eligible property"?

Response: The Arrangement is subject to the National Flood Insurance Act of 1968 and regulations issued pursuant thereto. Accordingly, only properties eligible under the NFIP's enabling legislation and implementing rules are eligible under the WYO program.

at 2nd paragraph—Who pays for State examinations of WYO flood business? Max/Min? Have "States" agreed to audit "NFIP" business?

Response: The extent to which States may review WYO Program business will evolve through efforts of the State insurance departments and the individual insurers signatory to the Arrangement.

at 3rd paragraph—Who pays auditing fees? Which re-insurance markets have access to State, NAIC Zone exams and independent CPA audits?

Response: Audits of insurers by independent CPA firms are paid for by the insurers. The relevance of the second question is unclear. The Arrangement is not a re-insurance policy.

at 5th paragraph, 9.—restricted to "fraud"—Why? How about OGC?

Response: As indicated, above, this suggestion has been accommodated, at § 62.23(i)(11).

49 FR 48659

Underwriting Audit Outline

at 3. Verify compliance only to WYO Company procedures? What about NFIP procedures?

Response: WYO Company procedures may not be the same as NFIP procedures or, for that matter, the procedures of other insurers. As long as the business is written in accordance with NFIP regulations, company procedures may differ from NFIP operational procedures.

at 4. a. Policies are issued *on* eligible risks?

b. Whose rates? Government/or WYO

Company?
f. Any "Guides" authorizations given to anyone? If so, should be listed.
k. all material S/B in one file
l. Example?

Response: a. No, policies are issued *for* the insuring of eligible risks.

b. The rates utilized by WYO Companies are established by the Federal Insurance Administrator for both NFIP and WYO Program policyholders.

f. The NFIP regulations, which are adhered to by WYO Companies, adequately cover the subject of risk binding authority.

k. This is a procedural matter for companies to handle in such way as to assure availability of these documents for FIA operational review.

l. An example of an unavailable file will not be available until the occurrence of such an event.

49 FR 48662

at 6. Rating Data Verification
"Phone calls or on-site * * * of the WYO Company *and* should be 'or' the FIA * * *"

Response: The substitution of the disjunctive would provide a less efficient method of reviewing risks. As written, the system allows for *both* the WYO Company and the FIA to undertake review of the individual risk.

49 FR 48665

as Part 6 Financial Audits and State Insurance Department Examinations
1st paragraph—Why is it expected? Who pays for?

Response: As indicated above, the extent to which these audits will occur will evolve from the normal activities of State insurance departments and insurers and be paid for in the manner customary as to each state. FIA cannot view such State insurer interaction involving WYO policies of flood insurance as being anything but beneficial to the NFIP.

With respect to comments from the private sector, a national association of mortgage bankers viewed the WYO program as a benefit to flood insurance policyholders and expressed the belief "that the rule will make clear the processes, requirements, and benefits of WYO participation to private insurance companies.

The Assistant Counsel for one private sector property insurer viewed as unfair to policyholders the proposed rule, at § 61.11(f)(2), which would permit insurers who deal directly with their applicants for insurance and policyholder (rather than through an insurance agent or broker), to calculate the waiting period under the effective date rule from the postmark date on the envelope transmitting the premium payment. Under the example given, it is conceivable that an applicant for flood insurance to be purchased from a direct writer, by inadvertently delaying the posting of premium several days, would be unable to place the insurance in effect as early as an applicant could who dealt directly with an insurance agent. For example, if an applicant were to order flood insurance on the telephone on April 1, 1985 from a direct writer (the application form being completed by the WYO Company), then, fail to post the premium payment until April 8, 1985, the proposed effective date rule would, normally, provide for the inception of flood insurance coverage as of April 13, 1985 (five days from the postmark date). Further, if the envelope did not bear a postmark date, the waiting period, under the rule as proposed, would not commence until 12:01 A.M. on the day prior to the actual receipt date by the WYO Company. Thus, in the example given, if there was no discernable postmark on the evelope and the insurer received the premium on April 11, 1985, the earliest date on which coverage could be effectuated would be April 15, 1985 (five-day waiting period calculated from 12:01 A.M. of the day prior to receipt).

On the other hand, applicants for flood insurance who request their coverage from the NFIP through their insurance agent will always have the effective date of the policy calculated from the date of the application, provided the premium payment is received by the NFIP within ten (10) days of the date of the application. In the example given, above, the effective date of the coverage, if placed with the NFIP or a WYO Company which operates through insurance agents, brokers or other producers, such as employees, would be April 6, 1985, even if the postmark was April 8, 1985 and provided that the premium payment was received on or before April 11, 1985. To alleviate the unfairness to applicants of direct writers which the proposed "postmark" rule engenders, the final rule provides for uniform effective date treatment to be accorded all applicants for NFIP flood insurance coverage, whether the coverage is being applied for from the NFIP, or a WYO "Agency" company or direct writer. Similarly, the effective date rules as to renewals of in-force policies and endorsements to existing policies, which add coverage or increase the limits of coverage, are being made uniform for all NFIP insurance business.

In connection with these changes, the Financial Control Plan (Appendix E) self-audit procedures and FIA's Underwriting operational review procedures are being expanded to facilitate adherence to the Section 61.11 effective date rules by WYO Companies and the review of effective date procedures by FIA's underwriting examining staff. In so doing, the Financial Control Plan recognizes that normal company procedures in this regard may differ from company to company, yet produce the same documented result in respect to premium receipt dates, application dates and the like. For this reason, specific procedures, such as use of postmark date and envelope retention; date-stamping of documents and checks received in payment of premium; computer input of financial receipt transactions; and other reasonable insurer methods of verifying requests for coverage and receipts of premium will be acceptable in this regard.

Recognition of these alternative methods of policy effective date/premium receipt verification has additional merit in that it removes the paperwork burden of retaining envelopes, as a requirement, leaving verification to the insurer's customary practices and procedures. It should be noted that the Assistant Counsel for the major insurer, in this regard, commented that the retention of envelopes, as a requirement, "is unduly burdensome" to his company "in this 'paper-less' age of processing information." This particular company inputs premium receipt dates into its computer system on date of receipt and the system cannot be adjusted to back-date a premium receipt.

Another recommendation made by this gentleman concerns the underwriting procedures (proposed at § 62.23[h]) to be utilized by WYO Companies. The recommendation was made that the final rule expressly recognize that, when a NFIP policy of insurance is converted to the WYO Company, at the request of the agent of record, who signs a specific document authorizing the transaction, State countersignature laws should not apply to the issuance of a new policy, at renewal time, insuring the same property.

The countersignature laws generally require that all insurance contracts covering persons or property in a State be countersigned by a representative of the insurer in that State, usually a licensed resident insurance agent, the rationale for concluding that the countersignature procedure is satisfied

by the insurance company's representative's signed request for conversion of the policy to the WYO Company's book of business and, thereby, creating a limited exception to the State countersignature procedure by a preemptive federal rule is that it would "reduce the unnecessary administrative burden upon both producers and WYO insurers in beginning the WYO program * * * [and] * * * facilitate the introduction of the WYO program by agents and brokers in states with high concentrations of flood insurance policies". It is noted, further, that these NFIP policies designated by the agent or record for conversion to his WYO Company's book of business, as issued by the Administrator, are not now subject to State countersignature laws.

In view of the statutory framework within which the National Flood Insurance Program is administered, to pre-empt State countersignature laws by rule in the case of Administrator-issued policies of flood insurance (which are not subject to countersignature provisions), which are assumed by WYO Companies, is a reasonable accommodation of the Congressional policy that the Administrator exercise the basic authority to "carry out a national flood insurance program" under which the Administrator "shall to the maximum extent practicable, encourage and arrange for * * * appropriate participation on other than a risk-sharing basis, by insurance companies and other insurers, insurance agents and brokers, and insurance adjustment organization * * *" To submit WYO Company issuances of policies, which have been issued and renewed by the Administrator, to a countersignature process would place an impracticable and expensive burden on the WYO Companies, but, more important, from the NFIP standpoint, the added process would put a strain on a smooth policy conversion process and create an obstacle to the successful implementation of the WYO Program. The logistics of accommodating countersignature laws as to NFIP policies being converted to WYO status, since the Administrator issued contracts were not countersigned by federal representatives in the several States, would most likely require the new insurer to copy the policy and send it to its agent (who, as NFIP agent of record, has already authorized the NFIP to send the policy to the WYO company at the outset of the conversion process) whereupon, the agency would be required to formally countersign the policy he or she authorized to be sent to the insurer in the first place, and mail it back to the insurer. What follows is the form of Authorization the agent of record executes to start the conversion process:

BILLING CODE 6718-01-M

EXHIBIT #1

REPRODUCE THIS FORM ON YOUR LETTERHEAD

AUTHORIZATION TO RELEASE POLICY INFORMATION AND/OR CHANGE PAYOR ADDRESS FOR BOOK OF BUSINESS

NAIC # ☐☐☐☐☐

REGION # ☐☐

The undersigned, having determined to place flood insurance policies with one or more participating Write Your Own (WYO) companies, effective the _____ day of _____, 19 _____, authorizes the National Flood Insurance Program (NFIP) to do the following: (Check the appropriate item(s) and provide the requested information.)

☐ Release policy data for the entire book of business currently written with the NFIP for the tax identification numbers shown, and forward it to the address shown below. Identify ☐ Company ☐ Agent ☐ Region ☐ Other

(NOTE: Information can only be sent to ONE recipient.)

_____
Name

_____
Address

_____
City State Zip Code

☐ Change the payor (section 2 of the flood insurance application) on the entire book of NFIP business for tax identification numbers shown to "Bill Other" [5] at the following address: Identify ☐ Company ☐ Agent ☐ Region ☐ Other

_____
Name

_____
Address

_____
City State Zip Code

Tax Identification No.'s

As agent(s) of record for these policies, I (we) assume responsibility to notify the insured and other interested parties of the change of insurer, and to assure that continuity of coverage is not affected by this authorization.

NOTARY ACKNOWLEDGEMENT

Subscribed and sworn to me this _____ day of, _____, 19_____ A Notary Public in and for the State of _____

_____
Signature

My commission expires _____
(SEAL)

_____
Name (Agent-Agency-Broker)

_____
Authorized Signature

_____
Print Name and Title

The NFIP's enabling legislative does not require that impractical, expensive, and vain acts be undertaken to effectuate its purpose. The initiating of the conversion process by the agent, in a real sense, is the equivalent of and complies with the spirit of the countersignature process and vitiates the need for the more formalized procedure, expecially since the latter is not in the best interests of the NFIP WYO Program.

Therefore, the final rule, at § 62.23(h)(8), provides a limited exemption from the countersignature process for only the issuance of policies, which were formerly issued by the Administrator by a WYO Company where the NFIP policy has been converted to the WYO Company at the written and signed request of a licensed agent acting in the capacity of an agent of that company and under contract to the company, or an employee of the company. All other WYO Company policies of flood insurance may be subject to the countersignature process, depending upon the requirements of the several States.

Another major insurer, commenting on the self-audit standards in the "Plan to Maintain Financial Control for Business Written Under the Write-Your-Own Program", expressed the view that these standards "may be adopted so as to conform to the company's usual and customary audit procedures . . ." and inquired whether claims reinspection costs are part of the operating and administrative expense allowance. As to the first inquiry, as long as "Part 1—Model Self—Audit Program's Minimum Standards" (p. 48659 of the proposed rule) are complied with, the company could follow its usual and customary audit procedures. With respect to the expense of claims reinspections, these are subsumed under the 3.3% allowance for unallocated loss adjustment expenses [Article III, Section C [1] of the Arrangement, at p. 48656 of the proposed rule).

Representatives of another major property insurer recommended technical changes to the Arrangement from an accounting standpoint and suggested changes to the proposed rule dealing with the effective date rule and premium collection, which would further normalize the issuance of flood insurance coverage by private sector property insurers by making the procedures compatible with the practices of insurers as to its companion lines of property insurance business.

The accounting changes include amendments to Article III, Sections D and E of the Arrangement to make clear that loss payments and premium refunds made to policyholders are to be reimbursed to the WYO Company from bank account funds containing collected premium funds and, if depleted, from the letter of credit established with the United States Treasury. In addition, an editorial misprint (Article VII, Section C) was pointed out, as well as a redundancy in the reporting requirements relative to loss reserves, at Part 2, Exhibit A of the financial control plan (the plan calls for the production of the same data, both monthly and quarterly and the suggestion is to delete the quarterly reporting requirement in favor of the monthly requirement). The final rule incorporates these changes.

In addition, regarding policy effective date and premium collection, the final rule makes clear what was intended in the proposed rule, at proposed § 61.11(f)(1), at page 48653, which proposed that the procedures for the submission of an application or renewal with the proper premium in the case of a flood insurance policy issued be a WYO Company in tandem with a "companion policy" (Homeowners, Farmowners, or Standard Fire Insurance Policy) should be the same as the company's procedures for issuance of the companion policy. To clearly effectuate this purpose, the final rule provides additional language at § 61.11(f)(1) acknowledging that, while a WYO Company may collect flood insurance premium on the same installment payment basis as it uses in respect to a companion policy, in the event of default as to any installment by the policyholder, the WYO Company will remain liable to the Administrator for the premium until it has effected cancellation for nonpayment of premium of both the companion policy or policies and the flood insurance policy. By providing for installment payments of premiums in this manner, the insurance consumer benefits and the NFIP also benefits, in terms of the marketing advantages inherent in premium installment plans. Also, with regard to cancellation, the final rule will include, at § 61.11(f)(1), the recommended provision that, should a policyholder cancel a companion policy before its expiration, but not the flood insurance policy, to facilitate the insurer's accounting and computer system practices, the flood insurace policy may be continued in effect to the end of its term or may be cancelled, with retention of the premium for the remainder of the term, which premium will be applied to a re-issue, with no lapse in coverage, of a new policy to the policyholder having the same expiration date as the cancelled policy. Renewal of the new policy will be offered by the WYO Company for, at least, a term of one year.

FEMA has determined, based upon an Environmental Assessment, that this rule does not have signficant impact upon the quality of the human environment. A finding of no significant impact is included in the formal docket file and is available for public inspection and copying at the Rules Docket Clerk, Office of General Counsel, Federal Emergency Management Agency, 500 "C" Street SW., Washington, D.C. 20472.

These regulations do not have a significant economic impact on a substantial number of small entities and have not undergone regulatory flexibility analysis.

The rule is not a "major rule" as defined in Executive Order 12291, dated February 17, 1981 and, hence, no regulatory analysis has been prepared.

FEMA has determined that the rule does not contain a collection of information requirement as described in section 3504(h) of the Paperwork Reduction Act.

List of Subjects in 44 CFR Parts 61 and 62

Flood insurance.

Accordingly, Parts 61 and 62 of Subchapter B of Chapter 1 of Title 44 are amended as follows:

PART 61—INSURANCE COVERAGE AND RATES

1. Section 61.11 (e) is amended by the removal of its last sentence.

2. Section 61.11 is amended by the addition of a new paragraph (f) to read as follows:

§ 61.11 Effective date and time of coverage under the Standard Flood Insurance Policy—New Business Applications and Endorsements.

* * * * *

(f) With respect to the submission of an application in connection with new business, a renewal of a policy in effect and an endorsement to a policy in effect, the payment by an insured to an agent or the issuance of premium payment to a Write-Your-Own (WYO) Company by the agent, accompanied by a properly completed application, renewal or endorsement form, as appropriate, shall commence the calculation of any applicable waiting period under this section, provided that the agent is acting in the capacity of an agent of a Write-Your-Own (WYO) Company authorized by 44 CFR 62.23, is under written contract to or is an employee of such Company, and such WYO Company is, at the time of such submission of an

application in connection with new business or a renewal of or endorsement to flood insurance coverage, engaged in WYO business under an arrangement entered into by the Administrator and the WYO Company pursuant to § 62.23.

(1) It is further provided that:

(i) With respect to any submission of an application with the proper premium in connection with new flood insurance business to a WYO Company and a renewal, with the proper premium of a flood insurance policy in effect by a WYO Company, which flood insurance policy is to be issued with an effective date identical to the effective date of a Homeowners, Farmowners, or Standard Fire Insurance Policy ("companion policy") to be issued to the same named insured and insuring the same property, the flood insurance policy may be issued in accordance with the WYO Company's customary business practices, as are used in the case of the companion policy, including premium receipt practices, and may have the same effective date as the companion policy, anything to the contrary in this section notwithstanding; provided, the flood insurance policy may not be cancelled by the named insured with a return of premium during its term unless the companion policy, or policies, is also cancelled by the named insured, effective the same date of cancellation as the flood insurance policy.

(ii) Provided, further, if the premium payments in repect to a companion policy, or policies, are being made on an installment basis, the premium payments in respect to the flood insurance policy may be made by the insured on the same basis; however, should the insured default in the payment of any installment of flood insurance premium when it is due, the WYO Company shall remain liable to the Administrator for any uncollected flood insurance premium until it effects cancellation of both the companion policy, or policies, and the flood insurance policy.

(iii) Provided, further, in the event the named insured of a flood insurance policy cancels a companion policy before its expiration, but does not cancel the flood insurance policy, the WYO Company may continue the flood insurance policy in effect to the end of its term or may cancel the flood insurance policy and, effective upon its cancellation, issue a new flood insurance policy with the same expiration date as the cancelled policy, which policy, if renewed by the named insured, will be renewed for a term of, at least, one (1) year.

(2) With respect to any renewal of an NFIP policy in effect by a WYO Company, or any renewal of a flood insurance policy issued by a WYO Company, where payment of premium is not tendered to an agent under written contract to the WYO Company or to an employee of such WYO Company but, instead, is mailed by the policyholder directly to the WYO Company, the renewal premium payment shall be deemed to be received by the WYO Company prior to the expiration date of the policy if the renewal premium payment is mailed to the WYO Company prior to the expiration date and is received by the WYO Company prior to or within five (5) days following the expiration date.

(3) Subject to the provisions of this paragraph (f), the rules set forth in paragraphs (a), (b), (c), (d) and (e) of this section apply to WYO Companies, except that premium payments and accompanying applications and endorsements shall be mailed to and received by the WYO Company, rather than the NFIP.

PART 62—SALE OF INSURANCE AND ADJUSTMENT OF CLAIMS

Subpart C—Write-Your-Own (WYO) Companies

3. Section 62.63 is redesignated as § 62.23 (and will remain in Subpart C).

* * * * *

4. Newly designated § 62.23 (a) is amended by the addition of the following at the end thereof:

§ 62.23 WYO Companies authorized.

(a)* * * Arrangements entered into by WYO Companies under this Subpart shall be in the form and substance of the standard arrangement, entitled "Financial Assistance/Subsidy Arrangement", a copy of which is included in Appendix A of this part and made a part of these regulations.

* * * * *

5. Newly designated § 62.23(f) is amended by the addition of the following at the end thereof:

§ 62.23 WYO Companies authorized.

* * * * *

(f)* * * In furtherance of this end, the Administrator has established "A Plan to Maintain Financial Control for Business Written Under the Write-Your-Own Program", a copy of which is included in Appendix B of this part and made a part of these regulations.

* * * * *

6. Newly designated § 62.23 is amended by the addition of new paragraphs (h), (i), (j), and (k) and of an OMB control number at the end of the section to read as follows:

§ 62.23 WYO Companies authorized.

* * * * *

(h) To facilitate the underwriting of flood insurance coverage by WYO Companies, the following procedures will be utilized by WYO Companies:

(1) To expedite business growth, the WYO Company will encourage its present property insurance policyholders to purchase flood insurance and to transfer to the WYO Company, at the time of policy renewal, business placed by its producers with the NFIP Servicing Agent.

(2) To conform its underwriting practices to the underwriting rules and rates in effect as to the NFIP, the WYO Company will establish procedures to carry out the NFIP rating system and to provide its policyholders with the same coverage as is afforded under the NFIP.

(3) The WYO Company may follow its customary billing practices to meet the Federal rules on the presentment of premium and net premium deposits to a Letter of Credit bank account authorized by the Administrator and reduction of coverage when an underpayment is discovered.

(4) The WYO Company is expected to meet the recording and reporting requirements of the WYO Statistical Plan. Transactions reported by the WYO Company under the WYO Statistical Plan will be analyzed by the NFIP Servicing Agent. A monthly report will be submitted to the WYO Company and the FIA. The analysis will cover the timeliness of WYO Company submissions, the disposition of transactions which have not passed systems edits and the reconciliation of the totals generated from transaction reports with those submitted on the WYO Company's reconciliation reports.

(5) If a WYO Company rejects an application from a producer, the producer should be notified so that the business can be placed through the NFIP Servicing Agent, or another WYO Company.

(6) Flood insurance coverage will be issued by the WYO Company on a separate policy form and will not be added, by endorsement, to the Company's other property insurance forms.

(7) Premium payment plans can be offered by the WYO Company so long as the net premium depository requirements specified under the NFIP/WYO Program accounting procedures are met. A cancellation by the WYO Company for non-payment of premium will not produce a pro-rata return of the net premium deposit to the WYO Company.

(8) NFIP business will not be assumed by the WYO Companies at any time other than at renewal time, at which time the insurance producer may submit the business to the WYO Company as new business. However, it is permissible to cancel and rewrite flood policies to obtain concurrency of expiration dates with other policies covering the property. Where the insurance agent or producer of record of a flood insurance policy issued by the Administrator has authorized the NFIP, in writing, to release policy information for the conversion of the NFIP coverage to a designated WYO Company represented by the agent or producer of record, in order to facilitate policy issuance and reduce administrative burdens upon the NFIP and WYO Companies and their agents and producers, countersignature requirements in the several States shall not apply.

(i) To facilitate the adjustment of flood insurance claims by WYO Companies, the following procedures will be utilized by WYO Companies.

(1) Under the terms of the Arrangement set forth at Appendix A of this part, WYO Companies will adjust claims in accordance with general Company standards, guided by NFIP Claims manuals. The Arrangement also provides that claim adjustments shall be binding upon the FIA. For example, the entire responsibility for providing a proper adjustment for both combined wind and water claims and flood-alone claims its the responsibility of the WYO Company.

(2) The WYO Company may use its staff adjusters and/or independent adjusters. It is important that the Company's Claims Department verifies the correctness of the coverage interpretations and reasonableness of the payments recommended by the adjusters.

(3) An established loss adjustment Fee Schedule is part of the Arrangement and cannot be changed during an Arrangement year. This is the expense allowance to cover costs of independent or WYO Company adjusters.

(4) The normal catastrophe claims procedure currently operated by a WYO Company should be implemented in the event of a claim catastrophe situation. Flood claims will be handled along with other catastrophe claims.

(5) It will be the WYO Company's responsibility to try to detect fraud (as it does in the case of property insurance) and coordinate its findings with FIA.

(6) Pursuant to the Arrangement, the responsibility of defending claims will be upon the Write-Your-Own Company and defense costs will be part of the unallocated or allocated claim expense allowance, depending on whether a staff counsel or an outside attorney handles the defense of the matter. Claims in litigation will be reported by WYO Companies to FIA upon joinder of issue and FIA may inquire and be advised of the disposition of such litigation.

(7) The claim reserving procedures of the individual WYO Company can be utilized.

(8) Regarding the handling of subrogation, if a WYO Company prefers to forego pursuit of subrogation recovery, it may do so by referring the matter, with a complete copy of the claim file, to FIA. Subrogation initiatives may be truncated at any time before suit is commenced (after commencing an action, special arrangement must be made). FIA, after consultation with FEMA's Office of General Counsel (OGC), will forward the cause of action to OGC or to the NFIP Servicing Agent for prosecution. Any funds received will be deposited, less expenses, in the National Flood Insurance Fund.

(9) Special allocated loss adjustment expenses will include such items as: nonstaff attorney fees, engineering fees and special investigation fees over and above normal adjustment practices.

(10) The customary content of claim files will include coverage verification, normal adjuster investigations, including statements where necessary, police reports, building reports and investigations, damage verification and other documentation relevant to the adjustment of claims under the NFIP's and the WYO Company's traditional claim adjustment practices and procedures. The WYO Company's claim examiners and managers will supervise the adjustment of flood insurance claims by staff and independent claims adjusters.

(11) The WYO Company will extend reasonable cooperation to FEMA's Office of General Counsel on matters pertaining to litigation and subrogation, under paragraph (i)(8) of this section.

(j) To facilitate establishment of financial controls under the WYO Program, the WYO Company will:

(1) Conduct an annual self-audit of flood insurance business in respect to which the audit standards, level and frequency of financial, claims and underwriting audits are set forth at Appendix B of this part.

(2) Submit an annual report of the WYO Company self-audit activities to the Standards Committee established pursuant to Appendix B of this part.

(3) Participate in an evaluation of the WYO Company self-audit plan on at least a triennial basis. The evaluation will be conducted by FIA and the WYO Company internal audit manager. A report of the evaluation will be filed with the Standards Committee and the Administrator.

(4) Participate in WYO Company/FIA Operational Reviews. The FIA Claims Director and the FIA Underwriting Director will conduct a review of the WYO Company flood insurance activities at least once every three (3) years. These reviews, like the internal audit evaluation, will be conducted at the offices of the WYO Company. As a part of these reviews, actual files (up to fifty (50)) will be reconciled with a listing of transactions submitted by the Company under the WYO Statistical Plan. A report of the Operational Review will be filed with the Standards Committee.

(5) Meet the recording and reporting requirements of the WYO Statistical Plan. Transactions reported to the National Flood Insurance Program's (NFIP's) Servicing Agent by the WYO Company under the WYO Statistical Plan will be analyzed by the Servicing Agent and a monthly report will be submitted to the WYO Company and the FIA. The analysis will cover the timeliness of the WYO Company submissions, the disposition of transactions which do not pass systems edits and the reconciliation of the total generated from transaction reports with those submitted on WYO Company reports.

(6) Cooperate with FEMA's Office of the Comptroller on Letter of Credit matters.

(7) Cooperation with FIA's Claims Director in the implementation of a claims reinspection program.

(8) Cooperation with FIA's Underwriting Director in the verification of risk rating information.

(9) Cooperate with FEMA's Office of the Inspector General on matters pertaining to fraud.

(k) To facilitate the operation of the WYO Program and in order that a WYO Company can utilize its own customary standards, staff and independent contractor resources, as it would in the ordinary and necessary conduct of its own business affairs, subject to the Act the Administrator, for good cause shown, may grant exceptions to and waivers of the regulations contained in this Title relative to the administration of the NFIP.

(Information collection requirements contained in this section approved by Office of Management and Budget under Control No. 3067–0169)

Appendices A and B are added to Part 62 to read as follows:

Appendix A to Part 62

Federal Emergency Management Agency—Federal Insurance Administration

Financial Assistance/Subsidy Arrangement

Purpose: TO ASSIST THE COMPANY IN UNDERWRITING FLOOD INSURANCE USING THE STANDARD FLOOD INSURANCE POLICY

Accounting Data: Pursuant to section 1310 of the Act, a Letter of Credit shall be issued under Treasury Department Circular No. 1075, Revised, for payment as provided for herein from the National Flood Insurance Fund.

Effective Date: October 1, 1985.

Issued by: Federal Emergency Management Agency, Federal Insurance Administration, Washington, D.C. 20472.

Article I—Findings, Purpose, and Authority

Whereas, the Congress in its "Finding and Declaration of Purpose" in the National Flood Insurance Act of 1968, as amended, ("the Act") recognized the benefit of having the National Flood Insurance Program (the Program) "carried out to the maximum extent practicable by the private insurance industry"; and

Whereas, the Federal Insurance Administration (FIA) recognizes this Arrangement as coming under the provisions of section 1310 of the Act; and

Whereas, the goal of the FIA is to develop a program with the insurance industry where, over time, some risk-bearing role for the industry will evolve as intended by the Congress (section 1304 of the Act); and

Whereas, the Program, as presently constituted and implemented, is subsidized, and the insurer (hereinafter the "Company") under this Arrangement shall charge rates established by the FIA; and

Whereas, this Arrangement will subsidize all flood policy losses by the Company; and

Whereas, this Financial Assistance/Subsidy Arrangement has been developed to involve individual Companies in the Program, the initial step of which is to explore ways in which any interested insurer may be able to write flood insurance under its own name; and

Whereas, one of the primary objectives of the Program is to provide coverage to the maximum number of structures at risk and because the insurance industry has marketing access through its existing facilities not directly available to the FIA, it has been concluded that coverage will be extended to those who would not otherwise be insured under the Program; and

Whereas, flood insurance policies issued subject to this Arrangement shall be only that insurance written by the Company in its own name pursuant to the Act; and

Whereas, over time, the Program is designed to increase industry participation, and, accordingly, reduce or eliminate Government as the principal vehicle for delivering flood insurance to the public; and

Whereas, the direct beneficiaries of this Arrangement will be those Company policyholders and applicants for flood insurance who otherwise would not be covered against the peril of flood.

Now, therefore, the parties hereto mutually undertake the following:

Article II—Undertakings of the Company

A. In order to be eligible for assistance under this Arrangement the Company shall be responsible for:

1.0 Policy Administration, including

1.1 Community Eligibility/Rating Criteria
1.2 Policyholder Eligibility Determination
1.3 Policy Issuance
1.4 Policy Endorsements
1.5 Policy Cancellations
1.6 Policy Correspondence
1.7 Payment of Agents Commissions

The receipt, recording, control, timely deposit and disbursement of funds in connection with all the foregoing, and correspondence relating to the above in accordance with the Financial Control Plan requirements.

2.0 Claims processing in accordance with general Company standards. The FIA Claims Manual and Adjuster Management Outline, and Adjuster handbook can be used as guides by the Company, along with the National Flood Insurance Program (NFIP) Write-Your-Own (WYO) Financial Control Plan, Claims Questions and Answers Manual, the Flood Insurance Claims Office (FICO) Manual and other instructional materials.

3.0 Reports.

3.1 Monthly Financial Reporting and Statistical Transaction Reporting shall be in accordance with the requirements of Natonal Flood Insurance Program Statistical Plan for the Write-Your-Own (WYO) program and the Financial Control Plan for business written under the WYO Program. These data shall be validated/edited/audited in detail and shall be compared and balanced against Company financial reports.

3.2 Monthly financial reporting shall be prepared in accordance with the WYO Accounting Procedures.

3.3 The Company shall establish a program of self audit acceptable to the FIA or comply with the self audit program contained in the Financial Control Plan for business written under the WYO Program. The Company shall report the results of this self-audit to the FIA annually.

B. The Company shall use the following time standards of performance as a guide:

1.0 Application Processing—15 days (Note: If the policy cannot be mailed due to insufficient or erroneous information or insufficient funds, a request for correction or added monies shall be mailed within 10 days);

1.1 Renewal Processing—7 days;
1.2 Endorsement Processing—7 days;
1.3 Cancellation Processing—15 days;
1.4 Correspondence, Simple and/or Status Inquiries—7 days;
1.5 Correspondence, Complex Inquiries—20 days;
1.6 Supply, Materials, and Manual Requests—7 days;
1.7 Claims Draft Processing—7 days from completion of file examination;
1.8 Claims Adjustment—45 days average from receipt of Notice of Loss (or equivalent) through completion of examination.
1.9 For the elements of work enumerated above, the elapsed time shown is from date of receipt through date of mail out. Days means working, *not* calendar days.

In addition to the standards for timely performance set forth above, all functions performed by the Company shall be in accordance with the highest reasonably attainable quality standards generally utilized in the insurance and data processing industries.

These standards are for guidance. Although no immediate remedy for failure to meet them is provided under this Arrangement, nevertheless, performance under these standards can be a factor considered by the Federal Insurance Administrator (the Administrator) in determining the continuing participation of the Company in the Program.

C. The Company shall coordinate activities and provide information to the FIA or its designee on those occasions when a Flood Insurance Catastrophe Office is established.

D. Policy Issuance

1.0 The Flood insurance subject to this Arrangement shall be only that insurance written by the Company in its own name pursuant to the Act.

2.0 The Company shall issue policies under the regulations prescribed by the Administrator in accordance with the Act;

3.0 All such policies of insurance shall conform to the regulations prescribed by the Administrator pursuant to the Act, and be issued on a form approved by the Administrator;

4.0 All policies shall be issued in consideration of such premiums and upon such terms and conditions and in such States or areas or subdivisions thereof as may be designated by the Administrator and only where the Company is licensed by State law to engage in the property insurance business;

5.0 The Administrator may require the Company to immediately discontinue issuing policies subject to this Arrangement in the event Congressional authorization or appropriation for the National Flood Insurance Program is withdrawn.

E. The Company shall establish a bank account, separate and apart from all other Company accounts, at a bank of its choosing for the collection, retention and disbursement of funds relating to its obligation under this Arrangement, less the Company's expenses as set forth in Article III, and the operation of the Letter of Credit established pursuant to Article IV. (Reference: Article IV, Section A). The Company shall invest all funds held in the accounts established pursuant hereto, which funds are not necessary to meet current expenditures, in obligations of the United States Government. Such income as is derived from these investments shall be utilized to meet the obligations of the Company pursuant to flood insurance policies issued hereunder.

F. The Company shall investigate, adjust, settle and defend all claims or losses arising from policies issued under this Arrangement. Payment of flood insurance claims by the Company shall be binding upon the FIA.

G. The Company may market flood insurance policies in any manner consistent with its customary method of operation.

Article III—Loss Costs, Expenses, Expense Reimbursement, and Premium Refunds

A. The Company shall be liable for operating, administrative and production expenses, including any taxes, dividends, agent's commissions or any board, exchange or bureau assessments, or any other expense of whatever nature incurred by the Company in the performance of its obligations under this Arrangement.

B. The Company shall be entitled to withhold as operating and administrative expenses, other than agents or brokers commissions, an amount from the Company's written premium on the policies covered by this Arrangement in reimbursement of all of the Company's operating and administrative expenses, except for allocated and unallocated loss adjustment expenses described in C. below, which amount shall equal the average of industry expense ratios for "Other Acq." "Gen. Exp." and "Taxes" as published in the latest available (as of March 15 of the prior Arrangement year) "Best's" Aggregates and Averages Property Casualty, Industry Underwriting—by Lines (1982) for Fire, Allied Lines, Farmowners Multiple Peril, Homeowners Multiple Peril, and Commercial Multiple Peril combined (weighted average using premiums earned as weights) calculated and promulgated by the Administrator. Premium income net of reimbursement (net premium income) shall be deposited in a special account for the payment of losses and loss adjustment expenses (see Article II, Section E).

The Company shall be entitled to withhold 15.0% of the Company's written premium on the policies covered by this Arrangement as the commission allowance to meet commissions and/or salaries of their insurance agents, brokers, or other entities producing qualified flood insurance applications and other marketing expense.

With the agreement of the Administrator, the company may pay 3% of the company's written premium on the policies covered by this Arrangement for the right to obtain a reimbursement of state or municipal tax paid on the policies covered by this Arrangement.

C. Loss Adjustment Expenses shall be reimbursed as follows:

1. Unallocated loss adjustment shall be an expense reimbursement of 3.3% of the incurred loss (except that it does not include "incurred but not reported").

2. Allocated loss adjustment expense shall be reimbursed to the Company pursuant to Exhibit A, entitled "Fee Schedule."

3. Special allocated loss expenses shall be reimbursed to the Company for only those expenses the Company has obtained prior approval of the Administrator to incur.

D. Loss payments under policies of flood insurance shall be made by the Company from funds retained in the bank account established under Article II, Section E and, if such funds are depleted, from funds derived by drawing against the Letter of Credit established pursuant to Article IV.

Loss payments may include payments as a result of awards or judgments for punitive damages arising under the scope of this Arrangement and policies of flood insurance issued pursuant to this Arrangement provided that prompt notice of any claim for punitive damages is received by the Assistant Administrator of the FIA's Office of Insurance Policy Analysis and Technical Services, along with a copy of any material pertinent to the claim for punitive damages.

E. Premium refunds to applicants and policyholders required pursuant to rules contained in the National Flood Insurance Program (NFIP) "Flood Insurance Manual" shall be made by the Company from funds retained in the bank account established under Article II, Section E and, if such funds are depleted, from funds derived by drawing against the Letter of Credit established pursuant to Article IV.

Article IV—Undertakings of the Government

A. A Treasury Financial Communication System Letter(s) of Credit shall be established by the Federal Emergency Management Agency (FEMA) against which the Company may withdraw funds daily, if needed, pursuant to prescribed Federal Reserve Letter of Credit procedures as implemented by FEMA. The amounts of the authorizations will be increased as necessary to meet the obligations of the Company under Article III, Sections (C), (D), and (E). Request for funds shall be only when net premium income and income derived from investments and disinvestments have been depleted. The timing and amount of cash advances shall be as close as is administratively feasible to the actual disbursements by the recipient organization for allowable Letter of Credit costs.

Request for payment on Letters of Credit shall not ordinarily be drawn more frequently than daily nor in amounts less than $5,000, and in no case more than $5,000,000 unless so stated on the Letter of Credit. This Letter of Credit may be drawn against the Company for any of the following reasons:

1. payment of claim as described in Article III, Section D; and

2. refunds to applicants and policyholders for insurance premium overpayment, or if the application for insurance is rejected or when cancellation or endorsement of a policy results in a premium refund as described in Article III, Section E; and

3. allocated and unallocated Loss Adjustment Expenses as described in Article III, Section C.

B. The FIA shall provide technical assistance to the Company as follows:

1. The FIA's policy and history concerning underwriting and claims handling.

2. A mechanism to assist in clarification of coverage and claims questions.

3. Other assistance as needed.

Article V—Commencement and Termination

A. Upon signature of authorized officials for both the Company and the FIA, this Arrangement shall be effective for the period October 1 through September 30. The FIA shall provide financial assistance only for policy applications and endorsements accepted by the Company during this period pursuant to the Program's effective date, underwriting and eligibility rules.

B. By June 1, of each year, the FIA shall publish in the **Federal Register** and make available to the Company the terms for the re-subscription of this Financial Assistance/Subsidy Arrangement. In the event the Company chooses not to re-subscribe, it shall notify the FIA to that effect by the following July 1.

C. In the event the Company elects not to participate in the Program in any subsequent fiscal year, or the FIA chooses not to renew the Company's participation, the FIA, at its option, may require (1) the continued performance of this entire Arrangement for one (1) year following the effective expiration date only for those policies issued during the original term of this Arrangement, or any renewal thereof, (2) the transfer to the FIA of:

a. All data received, produced, and maintained through the life of the Company's participation in the Program; and

b. A plan for the orderly transfer to the FIA of any continuing responsibilities in administering the policies issued by the Company under the Program including provisions for coordination assistance; and

c. All claims and policy files, including those pertaining to receipts and disbursements which have occurred during the life of each policy. In the event of a transfer of the services provided, the Company shall provide the FIA with a report showing, on a policy basis, any amounts due from or payable to insureds, agents, brokers, and others as of the transition date.

D. Financial assistance under this Arrangement may be cancelled by the FIA in its entirety upon 30 days written notice to the Company by certified mail stating one of the following reasons for such cancellation: (1) Fraud or misrepresentation by the Company subsequent to the inception of the contract, or (2) nonpayment to the FIA of any amount due the FIA. Under these very specific conditions, the FIA may require the transfer of data as shown in Section C., above. If transfer is required, the unearned expenses retained by the Company shall be remitted to the FIA.

E. In the event the Act is amended, or repealed, or expires, or if the FIA is otherwise without authority to continue the Program, financial assistance under this Arrangement may be cancelled for any new or renewal business, but the Arrangement shall continue for policies in force which shall be allowed to run their their term under the Arrangement.

F. In the event that the Company is unable to, or otherwise fails to, carry out its obligations under this Arrangement by reason of any order or directive duly issued by the Department of Insurance of any Jurisdiction to which the Company is subject, the Company agrees to transfer, and the Government will accept, any and all WYO policies issued by the Company and in force as of the date of such inability or failure to perform. In such event the Government will assume all obligations and liabilities owed to policyholders under such policies arising before and after the date of transfer and the Company will immediately transfer to the Government all funds in its possession with respect to all such policies transferred and the unearned portion of the Company expenses for operating, administrative and loss adjustment on all such policies.

Article VI—Information and Annual Statements

The Company shall furnish to the FIA such summaries and analyses of information in its records as may be necessary to carry out the purposes of the National Flood Insurance Act of 1968, as amended, in such form as the FIA, in cooperation with the Company, shall prescribe. The Company shall be a property/casualty insurer domiciled in a State or territory of the United States. Upon request, the Company shall file with the FIA a true and correct copy of the Company's Fire and Casualty Annual Statement, and Insurance Expense Exhibit or amendments thereof, as filed with the State Insurance Authority of the Company's domiciliary State.

Article VII—Cash Management and Accounting

A. The FEMA shall make available to the Company during the entire term of this Arrangement and any continuation period required by FIA pursuant to Article V, Section C., the Letter of Credit provided for in Article IV drawn on a repository bank within the Federal Reserve System upon which the Company may draw for reimbursement of its expenses as set forth in Article IV which exceed net written premiums and interest income collected by the Company from the effective date of this Arrangement or continuation period to the date of the draw.

B. At the end of each fiscal year, the Company shall remit to the FIA any funds in excess of those required to meet expenses for loss and loss adjustment. Such liabilities shall be defined as liabilities established for case reserves and reserves established for losses incurred but not reported, plus $5,000.

C. In the event the Company elects not to participate in the Program in any subsequent fiscal year, the Company and FIA shall make a provisional settlement of all amounts due or owing within three months of the termination of this Arrangement. This settlement shall include net premiums collected, funds drawn on the Letter of Credit, and reserves for outstanding claims. The Company and FIA agree to make a final settlement of accounts for all obligations arising from this Arrangement within 18 months of its expiration or termination, except for contingent liabilities which shall be listed by the Company. At the time of final settlement, the balance, if any, due the FIA or the Company shall be remitted by the other immediately and the operating year under this Arrangement shall be closed.

Article VIII—Arbitration

A. If any misunderstanding or dispute arises between the Company and the FIA with reference to any factual issue under any provisions of this Arrangement or with respect to the FIA's non-renewal of the Company's participation, other than as to legal liability under or interpretation of the standard flood insurance policy, such misunderstanding or dispute may be submitted to arbitration for a determination which shall be binding upon approval by the FIA. The Company and the FIA may agree on and appoint an arbitrator who shall investigate the subject of the misunderstanding or dispute and make a determination. If the Company and the FIA cannot agree on the appointment of an arbitrator, then two arbitrators shall be appointed, one to be chosen by the Company and one by the FIA.

The two arbitrators so chosen, if they are unable to reach an agreement, shall select a third arbitrator who shall act as umpire, and such umpire's determination shall become final only upon approval by the FIA.

The Company and the FIA shall bear in equal shares all expenses of the arbitration. Findings, proposed awards, and determinations resulting from arbitration proceedings carried out under this section, upon objection by FIA or the Company, shall be inadmissible as evidence in any subsequent proceedings in any court of competent jurisdiction.

This Article shall indefinitely succeed the term of this Arrangement.

Article IX—Errors and Omissions

The parties shall not be liable to each other for damages caused by ordinary negligence arising out of any transaction or other performance under this Arrangement, nor for any inadvertent delay, error, or omission made in connection with any transaction under this Arrangement, provided that such delay, error, or omission is rectified by the responsible party as soon as possible after discovery.

Article X—Officials Not to Benefit

No Member or Delegate to Congress, or Resident Commissioner shall be admitted to any share or part of this Arrangement, or to any benefit that may arise therefrom; but this provision shall not be construed to extend to this Arrangement if made with a corporation for its general benefit.

Article XI—Offset

At the settlement of accounts the Company and the FIA shall have, and may exercise, the right to offset any balance or balances, whether on account of premiums, commissions, losses, loss adjustment expenses, salvage, or otherwise due one party to the other, its successors or assigns, hereunder or under any other Arrangements heretofore or hereafter entered into between the Company and the FIA. This right of offset shall not be affected or diminished because or insolvency of the Company.

All debt of credits of the same class, whether liquidated or unliquidated, in favor of or against either party to this Arrangement on the date of entry, or any order of conservation, receivership, or liquidation, shall be deemed to be mutual debts and credits and shall be offset with the balance only to be allowed or paid. No offset shall be allowed where a conservator, receiver, or liquidator has been appointed and where an obligation was purchased by or transferred to a party hereunder to be used as an offset. Although a claim on the part of either party against the other may be unliquidated or undetermined in amount on the date of the entry of the order, such claim will be regarded as being in existence as of the date of such order and any credits or claims of the same class then in existence and held by the other party may be offset against it.

Article XII—Equal Opportunity

The Company shall not discriminate against any applicant for insurance because of race, color, religion, sex, age, handicap, marital status, or national origin.

Article XIII—Restriction on Other Flood Insurance

As a condition of entering into this Arrangement the Company agrees that in any area in which the Administrator authorizes the purchase of flood insurance pursuant to the Program, all flood insurance offered and sold by the Company to persons eligible to buy pursuant to the Program for coverages available under the Program shall be written pursuant to this Arrangement.

However, this restriction applies solely to policies providing only flood insurance. It does not apply to policies provided by the Company of which flood is one of the several perils covered, or where the flood insurance coverage amount is over and above the limits of liability available to the insured under the Program.

Article XIV—Access to Books and Records

The FIA and the Comptroller General of the United States, or their duly authorized representatives, for the purpose of investigation, audit, and examination shall have access to any books, documents, papers and records of the Company that are pertinent to this Arrangement. The Company shall keep records which fully disclose all matters pertinent to this Arrangement, including premiums and claims paid or payable under policies issued pursuant to this Arrangement. Records of accounts and records relating to financial assistance shall be retained and available for three (3) years after final settlement of accounts, and to financial assistance, three (3) years after final adjustment of such claims. The FIA shall have access to policyholder and claim records at all times for purposes of the review, defense, examination, adjustment, or investigation of any claim under a flood insurance policy subject to this Arrangement.

Article XV—Compliance With Act and Regulations

This Arrangement and all policies of insurance issued pursuant thereto shall be subject to the provisions of the National Flood Insurance Act of 1968, as amended, the Flood Disaster Protection Act of 1973, as amended, and Regulations issued pursuant thereto and all Regulations affecting the work that are issued pursuant thereto, during the term hereof.

Article XVI—Relationship Between the Parties (Federal Government and Company) and the Insured

Inasmuch as the Federal Government is a guarantor hereunder, the primary relationship between the Company and the Federal Government is one of a fiduciary nature, i.e., to assure that any taxpayer funds are accounted for and appropriately expended.

The Company is not the agent of the Federal Government. The Company is solely responsible for its obligations to its insured

under any flood policy issued pursuant hereto.

In witness whereof, the parties hereto have accepted this Arrangement on this——day of————. 1985.

Company
The United States of America Federal Emergency Management Agency
By _____
(Title)
By _____
(Title)

Exhibit A

FEE SCHEDULE

Range (by covered loss)	Fee
Erroneous assignment	$40.00
CWP	70.00
$0.01 to $200.00	70.00
$200.01 to $400.00	90.00
$400.01 to $600.00	110.00
$600.01 to $800.00	130.00
$800.01 to $1,000.00	150.00
$1,000.01 to $1,500.00	180.00
$1,500.01 to $2,000.00	200.00
$2,000.01 to $2,500.00	220.00
$2,500.01 to $3,000.00	240.00
$3,000.01 to $3,500.00	260.00
$3,500.01 to $4,000.00	280.00
$4,000.01 to $4,500.00	300.00
$4,500.01 to $5,000.00	320.00
$5,000.01 to $6,000.00	350.00
$6,000.01 to $7,000.00	370.00
$7,000.01 to $8,000.00	380.00
$8,000.01 to $9,000.00	400.00
$9,000.01 to $10,000.00	420.00
$10,000.01 to $15,000.00	460.00
$15,000.01 to $20,000.00	490.00
$20,000.01 to $25,000.00	520.00
$25,000.01 to $30,000.00	550.00
$30,000.01 to $35,000.00	580.00
$35,000.01 to $40,000.00	610.00
$40,000.01 to $45,000.00	640.00
$45,000.01 to $50,000.00	670.00
$50,000.01 to $75,000.00	800.00
$75,000.01 to $100,000.00	950.00
$100,000.01 to $125,000.00	1,100.00
$125,000.01 to $150,000.00	1,250.00
$150,000.01 to $175,000.00	1,400.00
$175,000.01 to $200,000.00	1,550.00
$200,000.01 to limits	1,700.00

Allocated fee schedule entry value is the covered loss under the policy based on the standard deductibles ($500 and $50) and limited to the amounts of insurance purchased.

Appendix B to Part 62

National Flood Insurance Program

A Plan to Maintain Financial Control for Business Written Under the Write-Your-Own Program

Under the Write-Your-Own (WYO) Program, the Federal Insurance Administrator (Administrator) may enter into arrangements with individual private sector insurance companies that are licensed to engage in the business of property insurance, whereby these companies may offer flood insurance coverage to eligible property owners utilizing their customary business practices. To facilitate the marketing of flood insurance coverage, the Federal Government will be a guarantor of flood insurance coverage for WYO Company policies issued under the WYO Arrangement. To ensure that any taxpayer funds are accounted for and appropriately expended, the Federal Insurance Administration (FIA) and WYO Companies will implement this Financial Control Plan. Any departures from the requirements of this Plan must be approved by the Administrator. The authority for the WYO Program is contained in 44 CFR Parts 61 and 62. §§ 61.13 and 62.63. The WYO Financial Assistance/Subsidy Arrangement (Arrangement) is hereby made a part of this Plan, and a copy is contained in Part 8 of this Plan.

WYO Companies are subject to audit, examination, and regulatory controls of the various states. Additionally, insurance company operating departments are customarily subject to examinations and audits performed by Company internal audit (and/or quality control) departments and independent CPA firms. It is intended that this Plan utilize to the extent possible, the findings of these examinations and audits as they pertain to business written under the WYO Program (Parts 6 and 7).

The WYO Financial Control Plan contains several checks and balances which can, if properly implemented by the WYO Company, significantly reduce the need for extensive on-site reviews of Company files by the FIA staff or their designee. Furthermore, we believe that this process is consistent with customary reinsurance practices and avoids duplication of examinations performed under the auspices of individual State Insurance Departments, NAIC Zone examinations, and independent CPA firms.

The WYO Financial Control Plan requires the WYO Company to meet the minimum requirements established by the Standards Committee. The Standards Committee consists of three (3) members from FIA, one (1) member from the Federal Emergency Management Agency's (FEMA's) Office of the Inspector General, one (1) member from FEMA's Office of the Comptroller, and one (1) member from each of five (5) designated WYO Companies, pools or other entities.

The WYO Financial Control Plan must require the WYO Company to:

1. Conduct self-audit programs to meet the minimum requirements established by the Standards Committee and the AICPA Insurance Industry Audit Guide.

2. Submit an annual report of the WYO Company self-audit activities to the Standards Committee.

3. Participate in an evaluation of the WYO Company self-audit plan on at least a triennial basis. The evaluation will be conducted by the FIA Examination Division and the WYO Company's internal audit manager. A report of the evaluation will be filed with the Standards Committee and the Administrator.

4. Participate in a WYO Company/FIA Operation Review. The FIA Claims Director or designee and the FIA Underwriting Director or designee will conduct a review of the WYO Company's flood insurance activities at least once every three (3) years. These reviews, like the internal audit evaluation, will be conducted at the offices of the WYO Company. As a part of these reviews, actual files (up to fifty [50]) will be reconciled with a listing of transactions submitted by the Company under the WYO Statistical Plan. A report of the Operation Review will be filed with the Standards Committee (Parts 3 and 4).

5. Meet the recording and reporting requirements of the WYO Statistical Plan. Transactions reported to the National Flood Insurance Program's (NFIP's) Servicing Facility by the WYO Company under the WYO Statistical Plan will be analyzed by the Servicing Facility and a monthly report will be submitted to the WYO Company and the FIA. The analysis will cover the timeliness of the WYO Company's submissions, the disposition of transactions which do not pass systems edits, and the reconciliation of the total generated from transaction reports with those submitted on the WYO Company's reports (Part 2).

6. Cooperate with FEMA's Office of the Comptroller on Letter of Credit matters.

7. Cooperate with FIA's Claims Director or designee in the implementation of a claims reinspection program (Part 5).

8. Cooperate with FIA's Underwriting Director or designee in the verification of risk rating information.

9. Cooperate with FEMA's Office of the Inspector General on matters pertaining to fraud.

The Standards Committee will review and make a recommendation to the Administrator concerning any adverse action arising from the implementation of the Financial Control Plan. Adverse actions include, but are not limited to:

1. FIA Examination Division's recommendation to perform extensive on-site audits of WYO Company files. On-site audits will be conducted by third-party, independent firms as selected by FEMA.

2. FIA Examination Division's recommendation to not renew a particular Company's WYO arrangement.

3. Complaints by the WYO Company of unprofessional and/or uncooperative actions of FIA staff and/or the NFIP Servicing Facility.

This Plan includes the following guidelines:

Part 1—Model Self-Audit Program's Minimum Standards
Part 2—Statistical Plan Reconciliation Procedures
Part 3—Underwriting Operation Review Procedures
Part 4—Claims Operation Review Procedures
Part 5—Claims Reinspection Program
Part 6—Financial Audits and State Insurance Department Examinations
Part 7—Reports Certifications
Part 8—WYO Financial Assistance/Subsidy Arrangement (Incorporated by Reference)
Part 9—Statistical Plan (Incorporated by Reference)
Part 10—Write-Your-Own (WYO) Accounting Procedures (Manual)

Part 1—Model Self-Audit Program's Minimum Standards

Self-Audit Program Objectives

The objectives are to establish minimum requirements by which all WYO Companies will conduct annual self-audits in the areas of

underwriting, claims, financial control and statistical reporting. These requirements are consistent with guidelines established by the Standards Committee and the AICPA Insurance Industry Audit Guide.

These self-audits should:

1. Evaluate individual risk underwriting and claims handling based on the underwriting and claims examination process.

2. Ensure that standard underwriting and claims programs, systems and procedures are being utilized in an effective and proper manner.

3. Ensure that all financial and statistical reporting is reconcilable and conforms with established goverment procedures.

4. Review the quality of service and identify reasons for problems where applicable.

5. Provide recommendations to correct deficiencies and follow progress until deficiencies have been corrected.

6. Departures from these minimum standards require the written approval of the Federal Insurance Administrator

Types of Samples

The use of any of the following samples is suitable in meeting the minimum standards of this self-audit program:

1. Judgment Sample—a sample based upon the judgment of the auditor.

2. Block Sample—a sample selected on the basis of consecutive time, with a 100% verification of all items in the "block".

3. Random Sample—a sample based on the concept that each item in the population has an equal chance of being in the sample.

4. Stratified random sample—a sample based on a specific portion of the population (i.e., A Zones, structures with basements, etc.) and random within that portion.

The sample size is adequate if it contains a sufficient number of items to show the same results as would be found in another sample of the same size from the same population. The sample should be a systematic representation of files selected based on a profile amount of premium represented in policy size groups. By using this method, a more meaningful file review could be made approaching 90% accuracy. The following sample sizes are suggested with the random sample or stratified random sample:

Population size	Sample size
0 to 99	27
100 to 149	36
150 to 249	40
250 to 399	45
400 to 599	48
600 to 1499	50
1,500 to 3,499	52
3,500 and up	54

Any other reviews which are conducted such as special ratings, large losses, repetitive losses should be specified and labeled as "special reviews"

Underwriting Audit Outline

1. Review of the Underwriting Department's responsibilities, authorities and composition.

2. Personal interviews with management and key clerical personnel to determine current processing activities, planned changes and problems.

3. Administrative review to verify compliance with company procedures.

4. Through examination of a random sample of underwriting files to measure the quality of work. At a minimum, files should be reviewed to verify the following:

Application Processing

a. Policies are issued for eligible risks.

b. Rates are correct and consistent with the amount of insurance requested on the application.

c. Waiting period for new business is consistent with government regulations.

d. Elevation certification or difference is correctly shown on application.

e. The coverage does not include more than one principal building and/or its contents per policy.

f. No binder is effective unless issued with the authorization of FIA.

g. The FIRM zone shown on the application is applicable to the community in which the property is located.

h. Community shown on application is eligible to purchase insurance under the NFIP.

i. Information on type of building, etc. is fully completed.

j. Applicable deductibles are recorded.

k. A new, fully completed application or a photocopy of the most recent application, or similar documentation, with appropriate updates to reflect current information is on file for each risk, including those formerly written by the NFIP Servicing Facility.

l. If any files to be audited are unavailable, determine the reason for their absence.

Endorsement Processing

a. Complete tasks above as applicable.

b. Review requests for additional coverage to ensure that they are subject to the waiting period rule.

c. Review controls established to ensure that no risk is insured under endorsement provisions that is not acceptable as a new business risk (i.e., a property located in a suspended community).

Cancellation Processing

Verify controls to ensure that one of the necessary reasons for cancellation exists and that the transaction is accompanied by proper documentation.

Renewal Processing

Determine controls to ensure that all necessary information needed to complete the transaction is provided.

Expired Policies

Determine controls to ensure that each step is carried out at the proper time.

Observance of Waiting Period

Establish procedures to document, as a matter of WYO Company business record and in each transaction involving a new application, renewal, and endorsement, that any applicable effective date and premium receipt rules have been observed (44 CFR 61.11). Documentation reasonably suitable for the purpose includes retention of postmarked envelopes (for three (3) years from date, or until the performance of an operational underwriting review, whichever is sooner); date-stamping and retention (via hard-copy or microfilm process) of application, renewal, and endorsement documents and checks received in payment of premium; computer input of document and premium receipt transactions and retention of such records in the computer system; and other reasonable insurer methods of verifying transactions involving requests for coverage and receipts of premium.

Claims Audit Outline

1. Review of the Claims Department's responsibilities, authorities and composition

2. Personal interviews with management and key clerical personnel to determine current processing activities, planned changes and problems.

3. Administrative review to verify compliance with company procedures.

4. Thorough examination of a random sample of claims files to measure the quality of work. At a minimum, the files should be reviewed to verify the following:

a. Verify controls to ensure that a file is set up for each Notice of Loss received.

b. Review adjuster reports to determine whether they contain adequate evidence to substantiate the payment or denial of claims, including amount of losses claimed, any salvage proceeds, depreciation and potential subrogation.

c. Ascertain that building and contents allocations are correct.

d. Determine whether file contains evidence identifying subrogation possibilities.

e. Verify that partial payments were properly considered in processing the final draft or check.

f. Verify that loss payees are listed correctly (consider insured and mortgagee).

g. Verify that the total amount of the drafts or checks is within the policy limits.

h. Ascertain the relevance and validity of the criteria used by the carrier to judge effectiveness of its claim servicing operation.

i. Confirm that when information is received from an independent adjuster, the examiner either acts promptly to give proper feedback with instructions or takes action to pay or deny the loss.

j. Determine whether the Claims Department is using an "impression of risk" program in reporting misrated policies, etc.

k. Where attempts at fraud occur verify that these instances are being reported to FIA's Assistant Administrator for Insurance Policy Analysis and Technical Services for referral to FEMA's Inspector General.

l. If any files to be audited are unavailable, determine the reason for their absence.

Statistical Plan Audit Outline

1. Review of the Accounting and Statistical/Data Processing Departments' responsibilities, authorities and composition.

2. Personal interviews with management and key clerical personnel to determine current processing activities, planned changes and problems.

3. Administrative review to verify compliance with company procedures.

4. Review general controls in data processing system to determine whether (1) the controls have been designed according to management direction and known requirements of the Arrangement, (2) the controls are operating effectively to provide reliability of and security over the data being processed, (3) the reporting is made timely and (4) error resubmissions receive appropriate priorities.

Financial Audit Outline

1. Review of the Accounting Department's responsibilities, authorities and composition.

2. Personal interviews with management and key clerical personnel to determine current processing activities, planned changes and problems.

3. Administrative review to verify compliance with company procedures.

4. The reviewer shall test the transactions and operations of the WYO Company to determine whether the program is in conformity with compliance requirements that have a material effect upon the NFIP financial position. Specifically, the auditor shall establish whether the carrier has incurred any unrecorded liabilities—contingent or actual—through failure to comply with, or through violation of, pertinent laws and regulations.

5. The reviewer shall determine whether the carrier is: (1) maintaining an effective control on revenues, expenditures, assets and liabilities; (2) properly accounting for resources, liabilities and operations; (3) submitting external financial reports that contain accurate, reliable, and useful financial data and that they are fairly presented including proper statistical reconciliation procedures; and (4) expending federal funds for authorized purposes.

6. The review of the financial system will be used to determine whether:

a. Accounting is fully responsive to the reporting requirements of FEMA.

b. Financial transactions are executed as authorized and properly recorded.

c. Effective cash management is exercised. The management of cash includes the areas of accounts' receivable and payable and the custodial responsibilities and control systems over cash and the use of Letters of Credit cash advances.

d. Retention of various allowances and/or reimbursements are in conformity with the "Financial Assistance/Subsidy Arrangement".

Part 2—Statistical Plan Reconciliation Procedures

Statistical Plan Reconciliation Objectives

The objectives are: to reconcile transaction detail with monthly financial statements submitted by the WYO Companies; to assess the quality and timeliness of submitted data; and to provide for the identification and resolution of discrepancies in the data. The reliance on computer processing to perform the review of submitted data will help minimize the necessity for on-site audits of WYO Companies. Reconciliation of the statistical reports submitted will be performed by the WYO Companies and independently by CSC (Computer Sciences Corporation), the NFIP servicing contractor.

The review of monthly financial statements and transaction level detail will involve five areas:

1. Financial control;
2. Quality control (audit trails);
3. Quality review of submitted data;
4. Policy rating; and
5. Timeliness of reporting.

Financial Control

1. WYO Companies are required to submit a reconciliation report (Exhibit "A") with the submission of transaction level detail. This report will reconcile the transaction records data to the financial report, explaining any discrepancies.

2. The NFIP will review, at a minimum, the categories on the attached format and produce a similar report reconciling the transaction data to the monthly financial statement submitted by each WYO Company.

3. To facilitate financial reconciliation, transaction records which do not pass various edits employed by the NFIP to review the quality of submitted data will be so identified, but still maintained until the error is corrected by the company in order to reconcile all financial data submitted to the NFIP.

Quality Control

Transaction level detail will be maintained in policy and claim history files for recordkeeping and audit purposes.

Quality Review of Submitted Data

1. Transaction records will be edited for correct format and values.

2. Relational edits will be performed on individual transactions as well as between policy and claim transactions submitted against those policies.

3. Record validation will be performed to check that the transaction type is allowable for the type of policy or claim indicated.

4. Errors will be categorized as critical or non-critical. The rate of critical errors in the submission of statistical data will be the basis by which company performance is reported to the Standards Committee. Critical errors include those made in required data elements (Type A record transactions). Non-critical errors are those made in data elements reported by the WYO Companies at their option (Type B record transactions).

Policy Rating

The rating will be validated by the NFIP for all policies for which the following transactions have been submitted:

1. New Business;
2. Renewals;
3. Endorsements involving type A transaction records; and
4. Corrections of type A transaction records previously submitted for premium transactions.

Incorrect rating will be considered a critical error.

Timeliness of Reporting

WYO Companies will be expected to submit monthly statistical and financial reports within thirty days of the end of the month of record.

The NFIP will produce reports based on review of submitted data within thirty days after the due date or receipt date of WYO Company submissions, whichever is later.

Monthly Reports

Reports for each WYO Company's data submission will be sent to the respective WYO Company and the FIA explaining any discrepancies found by the NFIP review.

Report to WYO Companies:

1. Transaction records that fail to pass the quality review or policy rating edits will be reported to the appropriate Company in transaction detail with error codes, classification of errors as either critical or non-critical and any codes used by the Company to identify the source of the transaction data.

Reports to WYO Companies and the FIA:

2. Summary statistics will be generated for each monthly submission of transaction data, separately for initial and correction transactions. These will include:

a. Absolute numbers of transactions read, transactions accepted and transactions in error, separately for Type A and Type B transactions.

b. Relative values for the number of Type A transactions containing errors stated as percentages of total Type A transactions read.

c. Absolute numbers of critical and non-critical errors.

3. Summary statistics for all policy and claim records submitted to date (which may each be the result of multiple transactions) will be generated, separately for critical and non-critical errors. These will include:

a. Absolute number of policy and claim records on file and those containing errors.

b. Relative values for the number of records containing critical errors.

4. Control totals will be generated for tapes submitted to and processed by the NFIP. These will include:

a. Number of records submitted according to the WYO Company.

b. Number of records actually submitted according to NFIP.

5. In cases where the NFIP reconciliation of transaction level detail with the financial statements does not agree with the reconciliation report submitted by the WYO Company, a separate report will be generated and transmitted to the Company for resolution and to the FIA.

Reporting of Company Rating to the Standards Committee and the Administrator

Satisfactory Rating

An annual end of the year report will be submitted to convey the satisfactory rating of WYO Companies' submission of transaction

data and the reconciliation of this data with financial reports.

Unsatisfactory Rating

The report of an unsatisfactory rating will be submitted as soon as errors and problems reach critical threshold levels. This rating will be based on: continuing problems in reconciling transaction data with financial reports; statistics on the percentage of transactions submitted with critical errors; the percentage of policy and claim records on file that contain critical errors; and, late submission of statistical and financial reports.

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EXHIBIT "A"

MONTHLY RECONCILIATION - NET WRITTEN PREMIUMS

COMPANY NAME _____ COMPANY NUMBER _____

MONTH/YEAR ENDING _____ DATE SUBMITTED _____

PREPARER'S NAME _____ TELEPHONE NO. _____

	MONTHLY FINANCIAL REPORT	MONTHLY STATISTICAL TRANSACTION REPORT
NET WRITTEN PREMIUMS	(Income Statement-Line 100)	Total of Pre-Paid premium transactions (11, 17, 20, 23, 26, 29).
UNPROCESSED STATISTICAL:		
+ Prior Month		
- Current Month		
OTHER - EXPLAIN		
(1)		
(2)		
TOTAL ABOVE		

COMMENTS:

EXHIBIT "A" (CONT.)

MONTHLY RECONCILIATION - NET PAID LOSSES

COMPANY NAME _____ COMPANY NUMBER _____

MONTH/YEAR ENDING _____ DATE SUBMITTED _____

		MONTHLY FINANCIAL REPORT	MONTHLY STATISTICAL TRANSACTION REPORT
100	NET PAID LOSSES	(Income Statement-Line 115)	Total of loss paid transactions (31, 34, 40, 43, 49, 64). (Extract from transactions 31 and 34 only claim payments)
110	NET SALVAGE RECOVERY		Transactions 52, 67 (Salvage only)
120	NET SUBROGATION RECOVERY		Transactions 52, 67 (Subrogation only)
130	CLAIM PAYMENT RECOVERY		Transactions 52, 67 (Extract claim payment recoveries only.)
	UNPROCESSED STATISTICAL:		
140	+ PRIOR MONTH		
150	- CURRENT MONTH		
160	SALVAGE NOT TO BE REPORTED BY TRANSACTION (Explain)		
170	OTHER - EXPLAIN		
	(1)		
180	TOTAL ABOVE	(Sum of lines 100, 140, 160, 170 minus line 150)	(Line 100 minus sum of lines 110, 120, 130)

COMMENTS:

EXHIBIT "A"

MONTHLY RECONCILIATION - SPECIAL ALLOCATED LAE

COMPANY NAME _____ COMPANY NUMBER _____

MONTH/YEAR ENDING _____ DATE SUBMITTED _____

	MONTHLY FINANCIAL REPORT	MONTHLY STATISTICAL TRANSACTION REPORT
SPECIAL ALLOCATED LOSS ADJUSTMENT EXPENSES	(Other Loss & LAE Calculation-Line 655)	Transactions 71, 74
UNPROCESSED STATISTICAL		
+ Prior Month		
- Current Month		
OTHER - EXPLAIN		
(1)		
(2)		
TOTAL ABOVE		

COMMENTS:

BILLING CODE 6718-01-C

EXHIBIT "A" (CONT.)

MONTHLY LOSS RESERVE DOCUMENTATION

COMPANY NAME _____ COMPANY NUMBER _____

MONTH/YEAR ENDING _____ DATE SUBMITTED _____

NUMBER OF OPEN CLAIM CASES WITH RESERVES _____

TOTAL AMOUNT OF RESERVES _____

Part 3—Underwriting/Policy Administration Operation Review Procedures

The objectives are to establish procedures by which the FIA underwriter or designee will conduct at least a triennial review of a WYO Company's flood insurance policy administration/underwriting activities.

Notice

The WYO Company's representative would be notified in writing of the FIA underwriter's plan to conduct an Operation Review. This notice would profide the WYO Company at least 30 days to prepare for the Operation Review.

These Operation Reviews should:

1. Evaluate with the WYO Company's representative the underwriting/policy administration processes used to write flood insurance, furnishing financial and statistical data to the NFIP and ensuring accuracy and service in the issuance of policies.

2. Evaluate the timeliness and accuracy of actual transactions submitted in accordance with the Statistical Plan instructions. Up to 50 policy files should be matched with printed transaction data extracted from NFIP statistical records. FIA may select policies which would be beneficial to the WYO Company's understanding of the underwriting and rating procedures.

3. Provide the WYO Company's representative a briefing on the results of the evaluation under (1) and (2) to facilitate improvements in the underwriting/policy administration process.

4. Provide the WYO Company's representative an opportunity to respond to the evaluation and resolve outstanding matters.

5. Establish a schedule under which the FIA and/or the WYO Company's representative should provide additional information on matters still outstanding at the conclusion of the on-site visit.

6. Provide the WYO Company's representative with a copy of the draft report. The WYO Company's underwriter should be provided with a reasonable amount of time to respond in writing. The WYO Company's written response is to be made part of the Operation Review Report.

7. Provide the Standards Committee with a report on the results of the Operation Review.

Note.—The following information is presented solely as a suggested Underwriting/Policy Administration Operation Review outline. The precise review format and the techniques employed to fulfill review objectives for a specific WYO Company would be based on that Company's processing environment and organizational configuration. In addition, the following information could be used as a guideline for a WYO Company's annual self-audit Program.

Underwriting/Policy Administration Operation Review Outline

1. *WYO Company Summary Report.*

An overview would be provided by the WYO Company to the FIA underwriter prior to the on-site review. See Exhibit "A".

2. *Administrative Review.*

The review provides for the identification of and compliance with existent administrative, technical and functional policies or procedures. See Exhibit "B".

3. *Operational Activity (Applications, Policy and Endorsement Issuance, Cancellations).*

The review provides for a three-year analysis of operational activities as follows:

a. Analysis of policies in force, applications entered, declinations and cancellations.

b. Analysis of type of business (Dwelling, General Property business).

c. Renewal processing systems.

d. Endorsement processing.

e. Analysis of observance of effective date rules relative to the above, as detailed in Part 1, under "Underwriting Audit Outline", at "Observance of Waiting Periods."

4. *File Review.*

The review provides for a sampling of policy files. The general details to be covered in the individual files are in the "Specific Risk Review Checklist" (Exhibit "C"). Also, an "Underwriting Review Summary" (Exhibit "D") would be compiled for the Risk Review portion of the report.

5. *Rating.*

A review of rating activity would cover the following areas:

a. Internal review of rating accuracy.

b. Use of specific rates.

c. Correction procedure.

d. Timeliness of service.

e. Training procedures for staff and/or agents.

6. *Rating Data Verification.*

A sampling of risks would be reviewed. A check would be made to determine:

a. Type of occupancy.

b. Type of structure.

c. Number of floors.

d. Basement type.

e. Elevated with enclosures.

f. Contents location.

g. Program.

h. Community.

i. Zone.

j. Elevation from elevation certificate.

k. Floodproofing.

l. Mortgagee.

m. Deductible.

n. Condominium.

Phone calls or on-site physical inspections of selected risks may be undertaken at the discretion of the WYO Company and the FIA Underwriting Division.

7. *Review of Appeals and/or Complaints (Those to the Insurance Department and those filed directly with the WYO Company).*

The review would include the following:

a. Analysis of actions.

b. Analysis of average time frame required to resolve these cases.

8. *Reports.*

The FIA underwriter or designee would file a report of the Operation Review with the WYO Company representative, the Standards Committee and the Administrator. The minimum level of detail in the report would be as follows:

a. *Satisfactory Rating.* The report would contain the time, place, and a list of participants in the review process. It would also contain the number of files examined along with any comments on their accuracy and condition that would be appropriate.

b. *Unsatisfactory Rating.* The report would be written as specifically as possible. Each unsatisfactory condition would be described and documented. Recommendations to the WYO Company's representative on steps to be taken to rectify any delay, error, or omission would be clearly stated with a time frame in which the corrective action would be accomplished. Follow up procedures would be worked out with the WYO Company's representative which would indicate the dates any progress reports would be filed with the Standards Committee and the Administrator.

Note.—A suggested rating criteria would be the use of an overall error percentage. The overall error percentage would be applied to a standard and a rating would be developed. For instance, an overall error percentage of 20% or higher would be a basis for an unsatisfactory rating until a baseline developed from actual experience is determined. The overall percentage would be developed from the results of the file review. The errors on a file would be categorized as either critical or non-critical. One or more critical errors or three or more non-critical errors identified in a file would be considered as only one error when developing the overall error percentage.

The determination of what constitutes a critical or non-critical error would be based on established significant conditions. For example, critical error conditions would be as follows:

(1) Any error which impacted the correct rating of the policy (coverage amount, zone).

(2) The insuring of an ineligible risk.

Exhibit "A"—WYO Company

Summary Report

The WYO Company would prepare a report summarizing the flood insurance operation within the Company including the following items:

1. A general statement describing the nature of the operational setup, whether in-house or through a vendor.

2. If in-house, the number of processing locations, person in charge of operations, staffing arrangement as appropriate, and operating relationships to other insurance activities.

3. If through a vendor, name and address, number of states involved, WYO Company representative responsible for dealing with vendor.

4. Optionally, exhibits and flow charts as appropriate.

Exhibit "B"—Administrative Review Report

A report would be prepared covering the following points, summarizing the activity in each area, giving examples and identifying those areas in need of attention.

1. *Policywriting, Rating and Endorsements:*

a. Prompt within service guidelines?

b. Is policy writing audited?

c. Are policy writing errors held to a minimum?

d. Is satisfactory action normally taken to ensure established eligibility standards are met?

e. Are there adequate procedures for handing specifically rated property?

2. *Bulletins, Guidelines and Manuals:*

a. Does each underwriter, policywriter rater and coder have proper manuals available for their use?

b. Is there a procedure for maintaining manuals?

3. *Correspondence Files.*

a. In good order?

b. Procedures for destruction?

4. *Cancellation and Declination:*

a. Are procedures understood and requirements knowledgeably attended to?

5. *New Business:*

a. Are applications being properly checked?

6. *Specific Risk Review:*

Review areas that need attention from "Specific Risk Review Checklist" giving examples and recommendations for improvement.

7. *Renewal Procedures:*

a. Are they satisfactory?

b. Are non-renewal procedures satisfactory?

8. *Mortgagee Procedures:*

a. Are they satisfactory?

Exhibit "C".—Specific Risk Review Checklist

Date: _____

Audit for:
( ) Single Family Dwelling
( ) 2–4 Family Dwelling
( ) Other Residential
( ) Non Residential

File No. _____
Amount of Ins. _____
Bldg. _____
Cts. _____
Occupancy: _____

	Yes	No	Comment if checked "No"
Application			
Properly completed?			
Met eligibility—location requirements?			
Policy			
Properly issued?			
Required Premium Received?			
Limits of Insurance			
Are limits within the NFIP statutory allowances?			
Comment on conditions below that are unsatisfactory			
(a) Obstruction below elevated floor of an elevated building			
(b) Property in violation of building codes			
(c) Other			

	Yes	No	Comment if checked "No"
Timeliness of service satisfactory within established time standards			
(a) Application?			
(b) Policy issuance?			
(c) Notice of declination?			
(d) Renewal or cancellation?			
(e) Premium notices?			
(f) Waiting period observed?			
File satisfactory for			
(a) Documentation?			
(b) Rate verification?			
(c) Other?			

WYO Company Underwriter Comments

Answered by _____
Date _____

Resolution

_____

Exhibit "D".—Underwriting Review Summary

Type of file or item	Total number reviewed	Total number held for manager
1 General property (commercial) files		
2 Single-family and 2–4 family dwelling files		
3 Multi-family dwelling and other general property files		
4 Quote files		
5 Declination files		
Community not eligible		
Incomplete application (unable to rate)		
Risk not eligible		
Premium not submitted		
Premium not sufficient		
6 Other (designate type)		
7		
8		
9		

Part 4—Claims Operation Review Procedures

Claims Operation Review Objectives

The objectives are to establish procedures by which the FIA examiner or designee will conduct at least a triennial review of a WYO Company's flood insurance claims administration activities.

These Claims Operation Reviews should:

1. Evaluate with the WYO Company's claims manager or designee the claims administration processes used to: settle flood insurance claims; provide financial and statistical data to the NFIP; and ensure accuracy and service in the handling of claims.

2. Evaluate the timeliness and accuracy of actual transactions submitted in accordance with the Statistical Plan instructions. Up to 50 policy files should be matched with printed transaction data extracted from NFIP statistical records.

3. Provide the WYO Company's claims manager a briefing on the results of the evaluation under (1) and (2) to facilitate improvements in the claims administration processes.

4. Provide the WYO Company's claims manager an opportunity to respond to the evaluation and resolve outstanding matters.

5. Establish a schedule under which the FIA examiner and/or the WYO Company's claims manager should provide additional information on matters still outstanding at the conclusion of the on-site visit.

6. Provide the WYO Company's claims manager with a copy of the draft report. The WYO Company's claims manager should be provided with a reasonable amount of time to respond in writing. The WYO Company's written response is to be made part of the Operation Review Report.

7. Provide the Standards Committee with a report on the Operation Review.

Notice

The WYO Company's claims manager would be notified in writing of the FIA examiner's plans to conduct and Operation Review. This notice would provide the WYO Company at least 30 days to prepare for the Operation Review.

Note.—The following information is presented solely as a suggested Claims Operation Review Outline. The precise review format and the techniques employed to fulfill review objectives for a specific WYO Company would be based upon the Company's processing environment and organizational configuration. In addition, the following information could be used as a guideline for a WYO Company's annual self-audit Program.

WYO–FIA Claims Operation Review Outline

1. *Claim Department's Responsibilities, Authorities, and Composition.* An overview of the Department's responsibilities, authorities and staffing composition (managerial, technical and clerical) would be provided by the WYO Company to the FIA examiner (Exhibit "A") prior to the on-site review. The overview would contain the following information:

a. Statement of Primary Function(s).

b. Relationship:

(1) WYO Company Management;

(2) Claim Division (FIA);

c. Responsibilities and Authorities; and

d. Staffing Composition.

2. *Administrative Review.* The review provides for the identification of and compliance with existent administrative, technical and functional policies or procedures. It examines relationships with other WYO Company Departments (Executive, Accounting, Underwriting and Data Processing) and inquiries as to the adequacy of controls and security.

a. Administrative Policies and/or Procedures.

b. Technical Procedures.

c. Functional (Clerical) Procedures.

In undertaking this portion of the examination, the "Administrative Review Checklist" (Exhibit "B") would be utilized.

3. *Claim Volumes—Payment (Loss and Expense) Review.* It provides for a three-year analyses of claim frequency and payment (loss and allocated expense) figures. Also, it would inquire into distribution of losses by size of loss and examine unallocated expenses. The analyses would be as follows:

a. Analysis of Claim Volumes and Payments (Exhibit "C").

b. Analysis of Special Allocated Claims Expenses ("Exhibit "C").

c. Analysis of Salvage and Subrogation Recoveries (Exhibit "C").

d. Analysis of Recovery Results (Exhibit "C").

e. Analysis of Losses by Size of Loss (Exhibit "D").

4. *Review of Appeals and/or Complaints (Those to the Insurance Department and those filed directly with the WYO Company.)*

The review would include the following:

a. Analysis of actions.

b. Analysis of average time frame required to resolve these cases.

5. *File Review.* It provides for a thorough examination of a random sampling of claim files (open and closed) to measure the quality of investigations, adjustments and supervision. Claim Review Summary Worksheets (Exhibit "E") will be completed on each file examined. Specific comments on

the file would be indicated on the worksheet. Further audit letters (Exhibit "F" and "G") would be sent on a representative number of closed cases.

Any circumstances indicating a substantive variance from existing Underwriting Rules would be communicated to the Underwriting Review Team (if present) and to the WYO Company's Underwriting Department.

6. *Worksheet Files.* The FIA claims examiner or designee would maintain separate operation review files for each Company. These files and any draft report written that relies on these files would include the WYO Company's responses. At the WYO Company's request, the FIA claims examiner would provide a copy of these files to the WYO Company's claims manager.

7. *Reports.* The FIA claims examiner or designee would file a report of the Operation Review with the WYO Company (Claims Manager and Internal Audit Manager), the Standards Committee and the Administrator. The minimum level of detail in the report would be as follows:

a. *Satisfactory Rating.* The report would contain the time, place, and a list of participants in the review process. It would contain the number of files examined with any comments on their accuracy and condition that would be appropriate.

b. *Unsatisfactory Rating.* The report would be written as specifically as possible. Each unsatisfactory condition would be described and supported by documentation. Recommendations to the WYO Company's claims manager on steps to be taken to rectify any delay, error, or omission would be clearly stated with a time frame in which the corrective action would be accomplished. Follow up procedures would be worked out with the WYO Company's claims manager which would indicate the dates progress reports would be filed with the Standards Committee and the Administrator.

Note.—A suggested rating criteria would be the use of an overall error percentage. The overall error percentage would be applied to a standard and a rating would be developed. For instance, an overall error percentage of 20% or higher would be a basis for an unsatisfactory rating until a baseline developed from actual experience is determined. The overall percentage would be developed from the results of the file review. The errors on a file would be categorized as either critical or non-critical. One or more critical errors or three or more non-critical errors identified in a file would be considered as only one error when developing the overall error percentage.

The determination of what constitutes a critical or non-critical error would be based on established significant conditions. For example, critical error conditions would be as follows:

(1) An error which resulted in a claim payment where no coverage was present.

(2) An error which resulted in an incorrect payment amount.

(3) Failure to process a claim in accordance with established procedures which caused significant delay in closing.

Exhibit "A"—Claim Department Responsibilities, Authorities, and Composition

The WYO Company would prepare a report summarizing the flood insurance Claim Department's organizational position within the Company and the resources available to perform the claims settlement function.

1. *Attach Organization Chart.*

a. Indicate lines of authority and functional dependencies for only those departments involved in the WYO Company's flood insurance activities.

b. Show the names of key personnel involved in the WYO Company's flood insurance activities.

2. Attach exhibits and the written description of the information required under Item 1. of the WYO–FIA Claims Operations Review Outline.

Exhibit "B".—Administrative Review Checklist

1. *Investigation and Adjustments.*

a. Application of Coverage.

	Yes	No	N/A
(1) Insurable interest?	[ ]	[ ]	[ ]
(2) Is loss from the flood peril?	[ ]	[ ]	[ ]
(3) Did loss occur within policy term?	[ ]	[ ]	[ ]
(4) Does location and description of risk coincide with policy information?	[ ]	[ ]	[ ]
(5) Were proper deductibles applied?	[ ]	[ ]	[ ]
(6) Other insurance considered?	[ ]	[ ]	[ ]
(7) Other losses?	[ ]	[ ]	[ ]

b. Application of Sound Adjusting Practices.

	Yes	No	N/A
(1) Was adjuster's report accurate/ complete?	[ ]	[ ]	[ ]
(2) Was an attorney used in the settlement?	[ ]	[ ]	[ ]
(3) Was a technical expert used in the settlement?	[ ]	[ ]	[ ]

c. Documentation.

	Yes	No	N/A
(1) Are damages clearly identified?	[ ]	[ ]	[ ]
(2) Are damages flood related?	[ ]	[ ]	[ ]
(3) Are damages clearly and completely itemized and documented by the adjuster?	[ ]	[ ]	[ ]
(4) Was depreciation considered?	[ ]	[ ]	[ ]
(5) Has subrogation been considered?	[ ]	[ ]	[ ]
(6) Has salvage been properly handled?	[ ]	[ ]	[ ]
(7) Was salvage timely?	[ ]	[ ]	[ ]

2. *Supervision.*

a. Assignments.

	Yes	No	N/A
(1) Are assignments made promptly?	[ ]	[ ]	[ ]
(2) Is insured contacted promptly?	[ ]	[ ]	[ ]

b. Reserves.

	Yes	No	N/A
(1) Are initial reserves indicated on the first report?	[ ]	[ ]	[ ]
(2) Are they adequate?	[ ]	[ ]	[ ]
(3) Does final settlement compare favorably with last reserve established?	[ ]	[ ]	[ ]

c. Diary Control.

	Yes	No	N/A
(1) Automatic?	[ ]	[ ]	[ ]
(2) Timely?	[ ]	[ ]	[ ]
(3) Is file reviewed at diary date with examiner's comments?	[ ]	[ ]	[ ]

d. Examiner Evaluation and Settlement Performances.

	Yes	No	N/A
(1) Is examiner directing adjuster when needed?	[ ]	[ ]	[ ]
(2) Are files documented?	[ ]	[ ]	[ ]
(3) Is adequate control maintained over in-house adjuster?	[ ]	[ ]	[ ]
(4) Is adequate control maintained over outside adjuster?	[ ]	[ ]	[ ]

e. Salvage and subrogation.

	Yes	No	N/A
(1) Is salvage evaluated by salvors?	[ ]	[ ]	[ ]

	Yes	No	N/A
(2) Is salvage disposed of promptly?	[ ]	[ ]	[ ]
(3) Are salvage returns adequate?	[ ]	[ ]	[ ]
(4) Is potential subrogation being promptly and properly investigated?	[ ]	[ ]	[ ]
(5) Are proper subrogation forms used?	[ ]	[ ]	[ ]
(6) Are subrogation and salvage files properly opened, diaried, and referred (if appropriate)?	[ ]	[ ]	[ ]
(7) Are recovery funds for subrogation and salvage being properly handled?	[ ]	[ ]	[ ]

f. Suits.

	Yes	No	N/A
(1) Are suits properly identified?	[ ]	[ ]	[ ]
(2) Are suits being properly evaluated	[ ]	[ ]	[ ]
(3) Are suits being referred to attorneys promptly?	[ ]	[ ]	[ ]
(4) Are attorneys being advised as to handling settlement or compromise?	[ ]	[ ]	[ ]
(5) Are suits being properly controlled?	[ ]	[ ]	[ ]
(6) Are suits files properly diaried?	[ ]	[ ]	[ ]

g. Other.

	Yes	No	N/A
(1) Was there other coverage by the WYO Company?	[ ]	[ ]	[ ]
(2) Were damages correctly apportioned?	[ ]	[ ]	[ ]
(3) Was a solo adjuster used?	[ ]	[ ]	[ ]
(4) Were there prior flood claims?	[ ]	[ ]	[ ]
(5) Were prior damages repaired?	[ ]	[ ]	[ ]
(6) Were prior claim files reviewed?	[ ]	[ ]	[ ]
(7) Was a congressional complaint letter in file?	[ ]	[ ]	[ ]
(8) Was it responded to promptly?	[ ]	[ ]	[ ]

EXHIBIT "C"—Analysis of Claim Volumes and Payments

CLAIM VOLUME

Line	Number of claims CAT#	Number of claims CAT#	Number of claims CAT#	Number of claims CAT#	Total Number of claims non CAT#
Dwelling form					
General prop.					
Totals					

LOSS PAYMENTS

Line	Payments	Payments	Payments	Payments	Payments
Dwelling form					
General prop					
Totals					

SPECIAL ALLOCATED EXPENSE PAYMENTS

Line	Payments	Payments	Payments	Payments	Payments
Dwelling form					
General prop.					
Totals					

SALVAGE RECOVERY

Line	Number of claims affected	Number of claims affected	Number of claims affected	Number of claims affected	Number of claims affected
Dwelling form					
General prop					
Totals					

SUBROGATION CASES

Line	Number of claims affected	Number of claims affected	Number of claims affected	Number of claims affected	Number of claims affected
Dwelling form					
General prop					
Totals					

RECOVERY RESULTS ANALYSIS

	19—recoveries				Pct to payments			
	Subrogation		Salvage		Subrogation		Salvage	
	Gross	Net	Gross	Net	Gross	Net	Gross	Net
1st Quarter								
2d Quarter								
3d Quarter								
4th Quarter								
Year totals								

Note.—Gross means the total amount recovered. Net means the "gross" less expenses of recovery.

EXHIBIT "D"

ANALYSIS OF LOSSES BY SIZE OF LOSS

Size	Building coverage		Contents coverage	
	WYO Company number of claims	Total NFIP number of claims	WYO Company number of claims	Total NFIP number of losses
$1 to $2,000				
$2,001 to $5,000				
$5,001 to $10,000				
$10,001 to $15,000				
$15,001 to $20,000				
$20,001 to $50,000				
$50,001 and Up				
Total				
Average Claim Cost	$	$	$	$

ANALYSIS OF LOSS RESERVES

Size	Building coverage		Contents coverage	
	WYO Company number of claims	Total NFIP number of claims	WYO Company number of claims	Total NFIP number of losses
$1 to $2,000				
$2,001 to $5,000				
$5,001 to $10,000				
$10,001 to $15,000				
$15,001 to $20,000				
$20,001 to $50,000				
$50,001 and Up				
Total				
Average Claim Cost	$	$	$	$

Note.—These exhibits will be developed by the NFIP for review with the WYO Company's claims manager.

BILLING CODE 6718-01-M

EXHIBIT "E"

CLAIM REVIEW SUMMARY WORKSHEET

NCPI

Company _____ Examiner _____ Date _____

FILE NUMBER	INSURED	DATE				POLICY FORM	CAUSE OF LOSS	ADJUSTER	CLAIM PAYMENT	TIMELINESS			ESTIMATE			INVESTIGATION					VERIFY LOSS		ADJUST CLAIM			MISCELLANEOUS							COMMENTS
		DT OF LOSS	NOTICE REC.	PAID	CLOSED					CONTACT	CLAIM CONTROL	TIMELY ADEQ. RESERVES		COVERED HAZARD	COVERED PROPERTY	DESCRIPTION OF LOSS	POLICE/FIRE DPT SECURED	SALVAGE	SUBROGATION	INSURABILITY QUESTION RESOLV	HOW WAS AMOUNT OF LOSS VERIFIED	IS VERIFICATION ADEQUATE	DEDUCTIBLE APPLIED	CO-INS CONSIDERED	DEPRECIATION TAKEN	STATEMENT OF LOSS	AIA REPORT	CLAIMANT RECORDS ADD	DRAFT ISSUED CORRECTLY	SETTLEMENT AUTHORITY	WAS SUPERVISION ADEQUATE	

FIA-WYO Program

Part 4 - Second Printing

4-14

June 1 , 1984

BILLING CODE 6718-01-C

Exhibit "F".—NCPI

Suggested Letter Where Photocopy of Claim Payment Draft Is Available

Dear _____
Claim # _____
Date of Loss: _____

Our auditors are conducting a routine examination of our operations, one phase of which is a review of claim payments. Will you be good enough to confirm a payment made to you? To provide you with what we believe is sufficient information, a copy of the claim payment draft is enclosed.

Is the information shown on draft #_____(as enclosed) correct? (Yes or No)

Your Signature

_____

If you find the enclosed information to be accurate, please sign in the space provided above. If the information is incorrect in any way, please indicate the discrepancy on the reverse side of this letter. In either event, we would appreciate your returning this letter in the enclosed business reply envelope.

Thank you for your cooperation.

Very truly yours,

Exhibit "G".—NCPI

Suggested Letter Where Photocopy of Claim Payment Draft Is Not Available

Dear _____

Our auditors are conducting a routine examination of our operations, one phase of which is a review of claim payments.

If you find the following record to be accurate, please sign in the space provided. If this information is incorrect in any way, please indicate the discrepancy on the reverse side. In either event, we would appreciate your returning this letter to our auditors in the enclosed business reply envelope.

Thank you for your cooperation.

Very truly yours,

_____

Claim No. Date of Loss Policy Number

_____

Date Claim Paid Amount Paid

_____

Name of Insured Payment Made to

_____

The Information is Correct? (Yes or No)
Your Signature _____

Part 5—Claims Reinspection Program

WYO—NFIP Claims Reinspection Program

To keep WYO–NFIP Claims Management informed, to assist in the overall claims operation, and to provide necessary assurances and documentation for dealing with GAO, Congressional Oversight Committees, and the public, the FIA and WYO Companies have established a Claims Reinspection Program. The Program is comprised of the following major elements:

1. All files are subject to reinspection.

2. Files for reinspection may be randomly selected by flood event, or size of loss, class of business, as determined by WYO–NFIP Claims Management.

3. Ten percent of open files will be reinspected prior to payment unless WYO–NFIP Claims Management determines that a larger or smaller sample is in order (e.g., due to the size of the catastrophe).

4. An agreed upon sample of closed files, by event, will be subjected to reinspection as well.

5. A WYO representative will conduct the reinspection, accompanied by an NFIP General Adjuster.

6. A joint, single report will be issued by the WYO Company representative and the NFIP General Adjuster.

7. Copies of reinspection reports will be forwarded to the Claims Management of both the WYO Company and the NFIP.

8. The reinspection report, adapted for flood insurance business, may be in the format of the "Property Reinspection Report" developed by the Functional Audit Task Force of the National Committee on Property Insurance (EXHIBIT "A").

EXHIBIT "A"

NCPI

PROPERTY REINSPECTION REPORT

INSURED'S NAME _____ FILE # _____ TELEPHONE # _____
INSURED'S ADDRESS _____
ADJUSTER'S NAME _____ OFFICE OR ADDRESS _____
TYPE OF LOSS _____ DATE OF LOSS _____
AMOUNT PAID _____ DATE PAID _____
DATE ASSIGNED _____ DATE INSURED CONTACTED _____ DATE OF INSPECTION _____

REFERENCE IN SCOPE OF DAMAGE YES NO
IF YES - EXPLAIN _____

ADJUSTER USED CORRECT AMOUNTS FOR LABOR/MATERIALS? YES NO
IF NO - EXPLAIN _____

COMBINED WIND AND FLOOD LOSS? Yes No

ADJUSTER APPLIED POLICY PROVISIONS? YES NO
IF NO - EXPLAIN _____

INSURED'S COMMENTS ON HANDLING
DID ADJUSTER VISIT INSURED/LOSS PERSONALLY? YES NO
DID ADJUSTER SUGGEST ANY REPAIRERS, ETC.? YES NO

INSURED'S COMMENTS _____

GENERAL COMMENTS _____

DATE OF REINSPECTION REINSPECTOR SIGNATURE

Part 6—Financial Audits and State Insurance Department Examinations

It is expected that audits of WYO Companies by independent accountants and/or state insurance departments, aside from those conducted by the FIA or its designee, will include flood insurance activity. When such audits occur, a financial officer for the WYO Company will notify the FIA, identifying the auditing entity and a brief statement of the overall conclusions that relate to flood insurance and the insurer's financial condition when available. In the case of an audit in progress, a brief statement on the scope of the audit should be provided the FIA. A checklist will be utilized for this reporting and will be provided to WYO Companies by the FIA.

The WYO Companies will maintain on file the reports resulting from audits, subject to on-site inspection by the FIA or its designee. At the FIA's request, the WYO Company will submit a copy of the auditor's opinion, should one be available, summarizing the audit conclusions.

Part 7–Reports Certifications

A. Certification Statement for Monthly Financial and Statistical Reconciliation Reports

I have reviewed the accompaning financial and statistical reconciliation reports of XYZ Company as of _____. All information included in these statements is the representation of the XYZ Company.

Based on my review (with the exception of the matter(s) described in the following paragraphs, if applicable), I certify that I am not aware of any material modifications that should be made to the accompanying reports.

Signed _____

(Responsible Financial Officer)

Date _____

B. Certification Statement for Monthly Statistical Transaction Report

I have reviewed the accompanying statistical transaction report control totals in conjunction with appropriate statistical reconciliation reports. All information included in these reports is the representation of the XYZ Company.

Signed _____

(Responsible Reporting Officer)

Date _____

(National Flood Insurance Act of 1968, as amended (Title XIII of the Housing and Urban Development Act of 1968), 42 U.S.C. 4001–4128; Reorganization Plan No. 3 of 1978 (43 FR 4193), E. O. 12127, dated March 31, 1979 (44 FR 19367), E. O. 11988, dated May 24, 1977 and 44 CFR Part 8, Delegation of Authority to Federal Insurance Administrator)

Issued at: Washington, D.C.

Jeffrey S. Bragg,

Federal Insurance Administration.

[FR Doc. 85–9747 Filed 4–24–85; 8:45 am]

BILLING CODE 6718–01–M

COMMISSION ON CIVIL RIGHTS

45 CFR Part 701

Statement of Organization and Functions of the Commission

AGENCY: United States Commission on Civil Rights.

ACTION: Final rule.

SUMMARY: This rule summarizes the statutory functions of the Commission and describes the organization of the Commission. Publication of this rule is appropriate in view of the enactment of a new statute and reorganization of the Commission staff.

EFFECTIVE DATE: April 25, 1985.

FOR FURTHER INFORMATION CONTACT: Lawrence B. Glick, Solicitor, U.S. Commission on Civil Rights, Washington, D.C. 20425, (202) 376–8339

SUPPLEMENTARY INFORMATION: Pursuant to 42 U.S.C. 1975a(1), the United States Commission on Civil Rights is required to Separately state and currently publish in the **Federal Register**: (1) Descriptions of its central and field organization including the established places at which, and methods whereby, the public may secure information or make requests; (2) statements of the general course and methods by which its functions are channeled and determined, and (3) rules adopted as authorized by law.

In view of the re-establishment of the Commission by Pub. L. 98–183 of November 30, 1983, and recent staff reorganization, it is appropriate to amend and republish the Commission's statement of organization and functions.

Since these amendments to the Commission's regulations constitute only an informational statement of Commission jurisdiction and its staff structure and does not directly affect the public, it is deemed unnecessary to provide an opportunity for public participation in the rulemaking process.

List of Subjects in 45 CFR Part 701

Organization and functions (government agencies).

45 CFR Chapter VII is amended as set forth below:

Part 701 is revised to read as follows:

PART 701—ORGANIZATION AND FUNCTIONS OF THE COMMISSION

Subpart A—Operations and Functions

Sec.

701.1 Establishment.
701.2 Responsibilities.

Subpart B—Organization Statement

701.10 Membership of the Commission.
701.11 Commission meeting—duties of the Chairman.
701.12 Staff Director.
701.13 Staff Organization and Functions.

Authority: Secs. 2–8, 97 Stat. 1301–1307 (42 U.S.C. 1975–1975f).

Subpart A—Organizations and Functions

§ 701.1 Establishment.

The United States Commission on Civil Rights (hereinafter referred to as the "Commission") is a bipartisan agency of the executive branch of the Government. The predecessor agency to the present Commission was established by the Civil Rights Act of 1957, 71 Stat. 634. This Act was amended by the Civil Rights Act of 1960, 74 Stat. 86; the Civil Rights Act of 1964, 78 Stat. 241; by 81 Stat. 582 (1967); by 84 Stat. 1356 (1970); by 86 Stat. 813 (1972); and by the Civil Rights Act of 1978, 92 Stat. 1067. The present Commission was established by the United States Commission on Civil Rights Act of 1983, 97 Stat. 1301. The statutes are codified in 42 U.S.C. 1975–1975f. (Hereinafter, the 1983 Act will be referred to as "the Act.")

§ 701.2 Responsibilities.

(a) The Commission's authority under section 5 of the Act may be summarized as follows:

(1) To investigate allegations in writing under oath or affirmation that certain citizens of the United States are being deprived of their right to vote and have that vote counted by reason of color, race, religion, sex, age, handicap, or national origin;

(2) To study and collect information concerning legal developments constituting discrimination or a denial of equal protection of the laws under the Constitution because of race, color, religion, sex, age, handicap or national origin or in the administration of justice;

(3) To appraise the laws and policies of the Federal Government with respect to discrimination or denials of equal protection of the laws under the Constitution because of race, color, religion, sex, age, handicap, or national origin or in the administration of justice;

(4) To serve as a national clearinghouse for information in respect to discrimination or denials of equal protection of the laws because of race, color, religion, sex, age, handicap, or national origin;

(5) To investigate sworn allegations that citizens are being accorded or denied the right to vote in Federal elections as a result of patterns or practices of fraud or discrimination;

(6) To appraise the laws and policies of the Federal Government with respect to denials of equal protection of the laws under the Constitution involving Americans who are of eastern and southern European ethnic groups and report its findings to the Congress.

(b) Under section 5(c) of the Act, the Commission is required to submit reports to the President and to the Congress at such times as the Commission, the Congress or the President shall deem desirable.

(c) In fulfilling these responsibilities the Commission is authorized by the Act to hold hearings and to issue subpenas for the production of documents and the attendance of witnesses; to consult with governors, attorneys general, other representatives of State and local governments, and private organizations; and is required to establish an advisory committee in each State. The Act also provides that all Federal agencies shall cooperate fully with the Commission so that it may effectively carry out its functions and duties.

Subpart B—Organization Statement

§ 701.10 Membership of the Commission.

(a) The Commission is composed of eight members, not more than four of whom may be of the same political party. Four members are appointed by the President: Two members are appointed by the President pro tempore of the Senate and two members are

appointed by the Speaker of the House of Representatives.

(b) The Chairman and Vice Chairman of the Commission are designated by the President with the concurrence of a majority of the Commission's members. The Vice Chairman acts as Chairman in the absence or disability of the Chairman or in the event of a vacancy in that office.

(c) No vacancy in the Commission affects its powers and any vacancy is filled in the same manner and is subject to the same limitations with respect to party affiliations as previous appointments.

(d) Five members of the Commission constitute a quorum.

§ 701.11 Commission meetings—Duties of the Chairman.

(a) At a meeting of the Commission in each calendar year, the Commission shall, by vote of the majority, adopt a schedule of Commission meetings for the following calendar year.

(b) In addition to the regularly scheduled meetings, it is the responsibility of the Chairman to call the Commission to meet in a special open meeting at such time and place as he or she shall deem appropriate; *provided however,* that upon the motion of a member, and a favorable vote by a majority of Commission members, a special meeting of the Commission may be held in the absence of a call by the Chairman.

(c) The Chairman, after consulting with the Staff Director, shall establish the agenda for each meeting; *provided however,* that at the meeting of the Commission such agenda may be modified by the addition or deletion of specific items pursuant to the motion of a member and a favorable vote by a majority of the members.

(d) In the event that after consulting with the members of the Commission and consideration of the views of the members, the Chairman determines that there are insufficient substantive items on a proposed meeting agenda to warrant holding a scheduled meeting, the Chairman may cancel such meeting.

§ 701.12 Staff Director.

A Staff Director for the Commission is appointed by the President with the concurrence of a majority of the Commissioners. The Staff Director is the Chief Executive Officer of the agency.

§ 701.13 Staff organization and functions.

The Commission staff organization and function are as follows:

(2) *Office of the Staff Director.* Under the direction of the Staff Director, this Office defines and disseminates to staff, policies established by the Commissioners; develops program plans for presentation to the Commissioners; evaluates program results; supervises and coordinates the work of other agency offices; manages the administrative affairs of the agency and conducts agency liaison with the Executive Office of the President, the Congress and other Federal agencies.

(b) *Office of the Deputy Staff Director.* Under the direction of the Deputy Staff Director, this Office is responsible for the day-to-day administration of the agency; evaluation of quantity and quality of program efforts; personnel administration and the supervision of Office Directors who do not report directly to the Staff Director. Units reporting directly to the Office of Deputy Staff Director are:

(1) *Equal Employment Opportunity Unit.* Under the direction of the Equal Employment Opportunity Officer, this Unit is responsible for the conduct of the agency's inhouse Equal Employment Opportunity Program.

(2) *Solicitor's Office.* Under the direction of the Solicitor, this Office is responsible for administrative law matters, including contracts, openness in government and government ethics, and the legal aspects of personnel, and labor relations issues.

(3) *Planning and Coordination Unit.* Under its Director, this unit is responsible for: coordinating the presentation of project proposals and coordinating the assignment of resources to approved projects: developing goals and priorities for projects and evaluating their implementation and coordinating periodic program reports.

(c) *Office of the General Counsel.* Under the direction of the General Counsel, who reports directly to the Staff Director, this Office serves as legal counsel to the Commissioners and to the agency; plans and conducts hearings and consultations for the Commission; conducts legal studies; prepares reports of legal studies and hearings; drafts or review proposals for legislative and executive action and reviews all agency publications and congressional testimony for legal sufficiency.

(d) *Office of Program and Policy.* Under the direction of an Assistant Staff Director, who reports directly to the Staff Director, this Office is responsible for the development of concepts for programs, projects and policies directed toward the achievement of Commission goals; program management and the preparation of the publication *New Perspectives.*

(e) *Office of Management.* Under the direction of an Assistant Staff Director, this Office is responsible for all administrative, management and facilitative services necessary for the efficient operation of the agency, including financial management, personnel, publications and the National Clearing House Library.

(f) *Office of Federal Civil Rights Evaluation.* Under the direction of an Assistant Staff Director, this Office is responsible for: monitoring, evaluating and reporting on the civil rights enforcement effort of the Federal Government; preparing documents which articulate the Commission's views and concerns regarding Federal civil rights to Federal agencies having appropriate jurisdiction.

(g) *Office of Research.* Under the direction of an Assistant Staff Director, this Office is responsible for: conducting or stimulating studies to advance basic knowledge of the extent, causes and consequences of civil rights denials; preparing monographs dealing with subjects which are current national civil rights issues; monitoring, planning and conducting consultations on the civil rights implications of Federal programs and policies and current civil rights issues.

(h) *Office of Congressional and Public Affairs.* Under the direction of an Assistant Staff Director, this Office is responsible for liaison with the news media and the preparation of periodical publications on civil rights issues; liaison with committees and members of Congress, monitoring legislative activities relating to civil rights and preparing testimony for presentation before committees of Congress when such testimony has been requested by a committee; planning and managing conferences at which the Commission receives information regarding civil rights issues; establishing and maintaining liaison with government and private civil rights agencies; representing the Commission at government and private organization conferences and conventions; managing the Commissions consumer affairs program.

(i) *Office of Regional Programs.* Under the direction of an Assistant Staff Director, this Office is responsible for: Directing and coordinating the programs and work of the regional offices and State Advisory Committees to the Commission on Civil Rights and maintaining liaison between the regional offices and the various headquarters offices of the Commission.

(j) *Regional Offices.* The addresses of the Regional Offices of the Commission and the States which they serve are:

Region I

New England Regional Office, 55 Summer Street, Eighth Floor, Boston, Massachusetts 02110, (617) 223–4671
Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont

Region II

Eastern Regional Office, Jacob K. Javits Building, 26 Federal Plaza, Room 1639, New York, N.Y. 10278, (212) 264–0400
New Jersey and New York

Region III

Mid-Atlantic Regional Office, 2120 L Street NW., Room 510, Washington, D.C. 20037, (202) 254–67177
Delaware, District of Columbia, Maryland, Pennsylvania, Virginia, and West Virginia

Region IV

Southern Regional Office, Citizens Trust Bank Building, 75 Piedmont Avenue NE., Room 362, Atlanta, Georgia 30303, (404) 221–4391
Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee

Region V

Midwestern Regional Office, 230 South Dearborn Street, 32nd Floor, Chicago, Illinois 60604, (312) 353–7371
Illinois, Indiana, Michigan, Minnesota, Ohio, and Wisconsin

Region VI

Southwestern Regional Office, Heritage Plaza, 418 South Main, First Floor, San Antonio, Texas 78204, (512) 229–5570
Arkansas, Louisiana, Oklahoma, Texas, and New Mexico

Region VII

Central States Regional Office, 911 Walnut Street, Room 3103, Kansas City, Missouri 64106, (816) 374–5253
Iowa, Kansas, Missouri, and Nebraska

Region VIII

Rocky Mountain Regional Office, The Executive Tower Building, 1405 Curtis Street, Suite 2950, Denver, Colorado 80202, (303) 844–2211
Colorado, Montana, North Dakota, South Dakota, Utah, and Wyoming

Region IX

Western Regional Office, 3660 Wilshire Boulevard, Suite 810, Los Angeles, California 90010, (213) 688–3437
Arizona, California, Hawaii, and Nevada

Region X

Northwestern Regional Office, 915 Second Avenue, Room 2854, Seattle, Washington 98174, (206) 442–1246
Alaska, Idaho, Oregon, and Washington.

Dated: April 18, 1985.

Linda Chavez,

Staff Director.

[FR Doc. 85–9866 Filed 4–24–85; 8:45 am]
BILLING CODE 6335–01–M

Proposed Rules

Federal Register
Vol. 50, No. 80
Thursday, April 25, 1985

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 28

Revised Grade Standards for American Pima Cotton

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule and notice of meeting.

SUMMARY: The Agricultural Marketing Service (AMS) is proposing to reduce the number of physical grade standards for American Pima cotton from nine to six. There would also be a wider range of color included within each of the proposed standards.

This action is proposed because the color of American Pima cotton has changed since the standards were last revised in 1970. The changing color is due to the introduction and cultivation of new varieties since that time.

The proposed standards are intended to provided a more meaningful and accurate description of the qualities found in the American Pima cotton crop. The proposed physical standards will be available for inspection at the American Pima Standards Conference. Interested persons may also examine supporting data and offer comments and suggestions for the record.

DATES: Comments must be received on or before May 28, 1985. The meeting will be held on May 15, 1985, in Memphis, Tenn.

ADDRESSES: Written comments may be sent to H.H. Ramey, Jr., Chief, Standards and Testing Branch, Cotton Division, AMS, USDA, Washington, D.C. 20250, (202) 447–2167. The meeting will be held at the Cotton Division AMS Office, 4841 Summer Ave., Memphis, Tenn. 38122.

SUPPLEMENTARY INFORMATION: This proposed rule has been reviewed in accordance with Executive Order 12291 and Departmental Regulation 1512–1 and has been determined not be be a"major rule" since it does not meet the criteria for a major regulatory as stated in the Order.

William T. Manley, Deputy Administrator, AMS, has certified that this action would not have a significant economic impact on a substantial number of small entities as defined by the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). Because American Pima cotton accounts for less than one percent of the annual total U.S. cotton production, the revised standards would not have the requisite economic impact. The proposed changes do not impose any additional costs or duties upon users of the service or any other segment of the cotton industry. Further, the standards are applied equally to all size entities by employees of the Department and would be revised to reflect current industry practices.

Pursuant to the United States Cotton Standards Act (7 U.S.C. 51 *et seq.*), any standard or change or replacement to the standards shall become effective not less than one year after publication of a final rule establishing the changes (7 U.S.C. 56). It is anticipated that if adopted these proposed changes would be implemented on July 1, 1986, to coincide with the beginning of the crop year.

Background

Pursuant to the authority contained in the United States Cotton Standards Act (7 U.S.C. 51), the Secretary of Agriculture has established the official cotton standards of the United States for the grades of American Pima cotton which provide a basis for the determination of value and quality for commercial purposes.

The existing official cotton standards for the grades of American Pima cotton are listed and described in the regulations at 7 CFR 28.501–28.510. There are nine physical standards represented by practical forms, and one descriptive standard for which a practical form is not made.

The first grade standards for American Pima cotton were promulgated by USDA in 1918. They have been revised several times since, mainly because of changing varietal characteristics and harvesting practices.

The last complete revision of the grade standards became effective in 1970 (34 FR 9847). The changes included permitting a wider color range within the standards from white to yellow, reducing the size of leaf particles, reducing the bark in quantity and size in the lower grades, and changing the name of the cotton from American Egyptian to American Pima.

Need for Revising Standards

Color

The Cotton Division of AMS annually conducts a Color and Trash Survey of the American Pima cotton crop. Cotton samples, randomly selected from those submitted for classification, are measured on the Nickerson-Hunter cotton colorimeter. The color readings taken from the annual surveys show that over the past several years there has been a slight but perceptible shift in the overall color of the American Pima cotton crop. The color shift has been from white to a creamy color which tends toward yellow as the color deepens.

This gradual shift in color results from a genetic characteristic of new American Pima cotton varieties developed since the current standards went into effect, and it mirrors the cultivation of these new varieties.

In 1970, Pima S–4 was the predominent variety planted. The Pima S–5 variety was introduced in 1975 and by 1980 was the only variety grown. Starting in 1981, Pima S–5 has gradually been replaced by Pima S–6. By 1984, 93 percent of the American Pima cotton harvested was Pima S–6.

The color shift generally corresponds with these varietal changes, and was especially pronounced in 1983 when the amount of Pima S–6 harvested increased to 31 percent over 9 percent in 1982. The 1984–85 color readings show that the trend continued strongly last season.

A significant amount of American Pima cotton now tends to fall outside the color range of the grade standards. Since the grade standards exist to help describe the quality of the cotton accurately, it appears that the color range of each grade standard should be widened to include more of the creamy-yellow that is a natural characteristic of the Pima S–6 variety.

Number of Standards

Nearly all the cotton in recent years has been graded into only three of the 10 grades. Grade Nos. 3, 4, and 5 included 89.3 percent of the 1982 crop, 91.1 percent of the 1983 crop, and 91.3

percent of the 1984 crop. The remaining cotton has been more evenly distributed among the other grades.

Aside from this concentration of cotton into a few grades, informed comments from the trade have been received which assert that the grade standards are too close together and not easily differentiated, especially Grade Nos. 6 through 9. As measured on the colorimeter, the color range of the nine physical American Pima standards covers a reflectance area equivalent to only 3½ Upland cotton grades.

The closeness of the grades is emphasized by the Cotton Division's measurement of color within bales of American Pima cotton purchased for use in standards work. Samples from bales in the lower grades often show a color variability of up to 3 grades within the same bale of cotton, and sometimes 4 grades.

In addition, the narrow color tolerances in the lower grades of the present standards are not justified by marketing data. The volume of cotton falling into the low grades is very small and the price differences are insignificant. This is largely attributable to the fact that the spinning performance of American Pima cotton is not easily differentiated among the lower grades.

On the basis of the above information, a reduced number of American Pima cotton grade standards would provide a more meaningful description of the range of quality found in the crop than do the current standards.

Public Meetings

AMS has held a series of informal open meetings with interested members of the public to discuss the need to revise the standards and the anticipated revisions. These meetings took place in El Paso, Texas on September 10, 1984; Phoenix, Arizona on September 11, 1984; and San Antonio, Texas on January 25, 1985. All segments of the U.S. cotton industry that would be affected by changes in the standards were represented at these meetings. Comments were solicited and questions answered. All of those voicing an opinion were in favor of the revisions proposed herein.

The proposed physical standards will be presented at a formal American Pima Standards Conference to be held by the Cotton Division, AMS, in Memphis, Tennessee, May 15, 1985. Participants will be afforded the opportunity to inspect the proposed standards, examine the supporting data, and offer comments and suggestions for the record.

Proposed Revisions

In consideration of the foregoing, AMS proposes to reduce the number of physical grade standards for American Pima cotton from 9 to 6. This revision would involve consolidating some of the existing grades and adjusting the amount of trash in each of the revised grades. Concurrently, each of the physical grade standards would be revised to include more color. The color quadrants of the physical standards would be extended to include more creamy yellow as determined by the colorimeter, thus encompassing a larger portion of the crop.

The proposed grade standards can be roughly compared to the current grade standards as follows:

Proposed Standards	Current standards	
	Color reading	Approximately leaf and/or bark levels
Grade 1	Grade 1 & 2	Grade 2.
Grade 2	Grade 3	Grade 3.
Grade 3	Grade 4	Grade 4.
Grade 4	Grade 5	Grade 5.
Grade 5	Grade 6 & 7	Grade 7
Grade 6	Grade 8 & 9	Grade 9.
Grade 7	Grade 10	Grade 10.

These proposed revisions would be effected by revising § 28.507 to designate Grade No. 7 as the descriptive standard for all cotton inferior in grade to Grade No. 6. Grade Nos. 8, 9, and 10 would be removed by deleting §§ 28.508, 28.509, and 28.510.

The table of symbols and code numbers for grades of American Pima cotton contained in § 28.525 would also be amended to conform with the proposed revisions to the standards.

The physical standards are represented by practical forms which are available for purchase pursuant to section 28.123 of the regulations. If the proposed changes are adopted, the fees charged for practical forms will be reviewed and changed if necessary and appropriate.

List of Subjects in 7 CFR Part 28

Cotton, Samples, Standards, Cotton linters, Grades, Staples, Market News, Testing.

PART 28—[AMENDED]

Accordingly, it is proposed to amend Subpart C, Part 28, Chapter I, Title 7 of the Code of Federal Regulations as shown. The Table of Contents would be amended accordingly.

1. The authority citation for Part 28, Subpart C reads as follows:

Authority: Secs. 28.501 to 28.525 issued under Sec. 10, 42 Stat. 1519, 7 U.S.C. 61. Interpret or apply Sec. 6, 42 Stat. 1518, as amended; 7 U.S.C. 56.

§§ 28.501, 28.502, 28.503, 28.504, 28.505, 28.506 [Amended]

2. In all of the following sections it is proposed to remove the date "1970" and replace it with "1986": Sections 28.501, 28.502, 28.503, 28.504, 28.505, 28.506.

3. Section 28.507 would be amended by revising it to read as follows:

§ 28.507 Grade No. 7.

American Pima cotton which in grade is inferior to Grade No. 6 shall be designated as "Grade No. 7."

§§ 28.508, 28.509, and 28.510 [Removed]

4. Sections 28.508, 28.509, and 28.510 would be removed.

5. Paragraph (b) of § 28.525 would be amended by revising it to read as follows:

§ 28.525 Symbols and code numbers.

* * * * *

(b) *Symbols and Code Numbers for Grades of American Pima Cotton.*

Full grade name	Symbol	Code No.
Grade No. 1	AP 1	01
Grade No. 2	AP 2	02
Grade No. 3	AP 3	03
Grade No. 4	AP 4	04
Grade No. 5	AP 5	05
Grade No. 6	AP 6	06
Grade No. 7	AP 7	07

* * * * *

Dated: April 19, 1985.

William T. Manley,

Deputy Administrator Marketing Programs.

[FR Doc. 85-9968 Filed 4-24-85; 8:45 am]

BILLING CODE 3410-02-M

Federal Crop Insurance Corporation

7 CFR Part 430

[Doc. No. 1972S]

Sugar Beet Crop Insurance Regulations

AGENCY: Federal Crop Insurance Corporation, USDA.

ACTION: Proposed rule.

SUMMARY: The Federal Crop Insurance Corporation (FCIC) proposes to revise and reissue the Sugar Beet Crop Insurance Regulations (7 CFR Part 430), effective for the 1986 and succeeding crop years. The intended effect of this rule is provide for: (1) Changing to a mandatory "Actual Production History" (APH) basis by removing the Premium Adjustment Table and providing for cancellation for not furnishing records;

(2) changing the method of computing indemnities when acreage, share or practice is underreported; (3) changing the method of crediting the replanting payments; (4) changing the stage guarantees; (5) allowing inspection of harvested sugar beets within 72 hours after harvest; (6) changing the cancellation and termination dates in certain counties; (7) defining total production to count when an inspection is not made within 48 hours after harvest; (8) defining at what stage of guarantee a replanting payment will be determined; (9) adding a definition for "Loss ratio"; (10) amending definitions for the terms "Crop year" and "Harvest"; and (11) deleting Appendix A. The authority for the promulgation of this rule is contained in the Federal Crop Insurance Act, as amended.

DATE: Written comments, data, and opinions on this proposed rule must be submitted not later than May 28, 1985, to be sure of consideration.

ADDRESS: Written coments on this proposed rule should be sent to the Office of the Manager, Federal Crop Insurance Corporation, Room 4096, South Building, U.S. Department of Agriculture, Washington, D.C., 20250.

FOR FURTHER INFORMATION CONTACT: Peter F. Cole, Secretary, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, D.C., 20250, telephone (202) 447–3325.

SUPPLEMENTARY INFORMATION: This action has been reviewed under USDA procedures establishes by Departmental Regulation No. 1512–1. This action constitutes a review as to the need, currency, clarity, and effectiveness of these regulations under the procedures. The sunset review date established for these regulations is January 1, 1990.

Merritt W. Sprague, Manager, FCIC, has determined that this action (1) is not a major rule as defined by Executive Order No. 12291 because it will not result in: (a) An annual effect on the economy of $100 million or more; (b) major increases in costs of prices for consumers, individual industries, federal, State, or local governments, or a geographic region; or (c) significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign-based enterprises in domestic or export markets; and (2) will not increase the federal paperwork burden for individuals, small businesses, and other persons.

The title and number of the Federal Assistance Program to which this proposed rule applies are: Title—Crop Insurance; Number 10.450.

This program is not subject to the provisions of Executive Order 12372 which requires intergovernmental consultation with State and local officials. See the Notice related to 7 CFR 3015, Subpart V, published at 48 FR 29115, June 24, 1983.

This action is exempt from the provisions of the Regulatory Flexibility Act; therefore, no Regulatory Flexibility Analysis was prepared.

This action is not expected to have any significant impact on the quality of the human environment, health, and safety. Therefore, neither an Environmental Assessment not an Environmental Impact Statement is needed.

Other than minor changes in language and format, the principal changes in the sugar beet policy are:

1. Section 4.b.—Eliminate the current second stage guarantee and make the current third stage guarantee the second stage gurantee to provide protection which more closely reflects the investment cost of producing sugar beets after the first stage. Sugar beets which are destroyed in the second stage will now receive a full indemnity.

2. Section 5.—Remove the Premium Adjustment Table. The crop will be insured on an acutal production history (APH) basis. Coverages will, therefore, reflect the actual production history of the crop on the unit. Insureds with good loss experience who are now receiving a premium discount are protected since they will retain any discount under the present schedule through the 1990 crop year until their loss experience causes them to loss the advantage, whichever is earlier.

Remove the provisions for the transfer of insurance experience and for premium computation when participation has been continuous. Deletion of the premium adjustment table eliminates the need for these provisions.

3. *Section 6.*—Specify that the replanting payment will only be applied to payment of the premium if the billing date has passed, in cases when the billing date for a crop has passed on the date the replanting payment is made it will be deducted and applied to payment of the billed premium. This is a change from the current practice of applying the replanting payment to the outstanding premium in all cases.

4. Section 8.b.—Add a new section to provide FCIC the right to inspect any harvested sugar beets which are not delivered to or acceptable under the contract within 72 hours after harvest. This inspection will give us the opportunity to appraise the sugar beets closer to the time of damage.

5. Section 9.d.—Allow the guarantee only on the acreage, share or practice reported but credit production on the acreage, share or practice reported results in a premium less than the acreage, share or practice actually planted if the acreage, share or practice actually planted. When acres are underreported, the production from all acres will be applied against the reported acres in calculating indemnities. This change will reduce the complexity of calculations.

6. Section 9.e.—Add a new provision to give FCIC the right to count 90 percent of the appraised gross weight of production harvested if the producer does not notify us within 48 hours.

7. Section 9.f.—Delete the requirement that a replanting payment be considered an indemnity. This change allows an insured to collect a replanting payment in addition to an indemnity equal to the total liability for the unit in the event of a total loss. Currently, the total of any replanting payment and indemnity cannot exceed the FCIC liability on the unit in the event of partial loss.

8. Section 9.f.(1)(a)—Clarify the stage guarantee in determining a replanting payment.

9. Section 15.c.—Add a clause to cancel the contract if production history is not furnished by the cancellation date. An exception will be allowed if the insured can show, prior to the cancellation date, that records are unavailable due to conditions beyond the insured's control. This clause is required by the proposed change to mandatory APH.

10. Section 15.e.—Change cancellation date from July 15 to August 31 in Arizona and Imperial County, California. Add a November 30 termination date for all other California counties. These changes are made to have a uniform billing date in California.

11. Section 17.—Add a definition for "Loss ratio." Redefine "Crop year" and "Harvest."

12. In addition to the policy changes, FCIC also proposes to eliminate the codification of Appendix A. The FCIC service offices will be able to advise a producer if insurance is offered in any county.

FCIC is soliciting public comment on this proposed rule for 30 days after publication in the **Federal Register.** Written comments will be available for public inspection in the Office of the Manager during regular business hours, Monday through Friday.

List of Subjects in 7 CFR Part 430

Crop Insurance, Sugar beets.

Proposed Rule

Accordingly, pursuant to the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), the Federal Crop Insurance Corporation hereby proposes to revise and reissue the Sugar Beet Crop Insurance Regulations (7 CFR Part 430), effective for the 1986 and succeeding crop years, to read as follows:

PART 430—SUGAR BEET CROP INSURANCE REGULATIONS

Subpart—Regulations for the 1986 and Succeeding Crop Years

Sec.

430.1 Availability of sugar beet crop insurance.
430.2 Premium rates, production guarantees, coverage levels, and prices at which indemnities shall be computed.
430.3 OMB control numbers.
430.4 Creditors.
430.5 Good faith reliance on misrepresentation.
430.6 The contract.
430.7 The application and policy.

Authority: Secs. 506, 516, Pub. L. 75–430, 52 Stat. 73, 77 as amended (7 U.S.C. 1506, 1516).

Subpart—Regulations for the 1986 and Succeeding Crop Year

§ 430.1 Availability of sugar beet crop insurance.

Insurance shall be offered under the provisions of this subpart on sugar beets in counties within the limits prescribed by and in accordance with the provisions of the Federal Crop Insurance Act, as amended. The counties shall be designated by the Manager of the Corporation from those approved by the Board of Directors of the Corporation.

§ 430.2 Premium rates, production guarantees, coverage levels, and prices at which indemnities shall be computed.

(a) The Manager shall establish premium rates, production guarantees, coverage levels, and prices at which indemnities shall be computed for sugar beets which will be included in the actuarial table on file in applicable service offices for the county and which may be changed from year to year.

(b) At the time the application for insurance is made, the applicant will elect a coverage level and price at which indemnities will be computed from among those levels and prices contained in the actuarial table for the crop year.

§ 430.3 OMB control numbers.

The information collection requirements contained in these regulations (7 CFR Part 430) have been approved by the Office of Management and Budget (OMB) under the provisions of 44 U.S.C. Chapter 35 and have been assigned OMB Nos. 0563–0003 and 0563–0007.

§ 430.4 Creditors.

An interest of a person in an insured crop existing by virtue of a lien, mortgage, garnishment, levy, execution, bankruptcy, involuntary transfer or other similar interest shall not entitle the holder of the interest to any benefit under the Contract.

§ 430.5 Good faith reliance on misrepresentation

Notwithstanding any other provision of the sugar beet insurance contract, whenever: (a) An insured under a contract of crop insurance entered into under these regulations, as a result of a misrepresentation or other erroneous action or advice by an agent or employee of the Corporation: (1) Is indebted to the Corporation for additional premiums; or (2) has suffered a loss to a crop which is not insured or for which the insured is not entitled to an indemnity because of failure to comply with the terms of the insurance contract, but which the insured believed to be insured, or believed the terms of the insurance contract to have been complied with or waived; and (b) the Board of Directors of the Corporation, or the Manager in cases involving not more than $100,000.00, finds that: (1) An agent or employee of the Corporation did in fact make such misrepresentation or take other erroneous action or give erroneous advice; (2) said insured relied thereon in good faith; and (3) to require the payment of the additional premiums or to deny such insured's entitlement to the indemnity would not be fair and equitable, such insured shall be granted relief the same as if otherwise entitled thereto. Requests for relief under this section must be submitted to the Corporation in writing.

§ 430.6 The contract.

The insurance contract shall become effective upon the acceptance by the Corporation of a duly executed application for insurance on a form prescribed by the Corporation. The contract shall cover the sugar beet crop as provided in the policy. The contract shall consist of the application, the policy, and the county actuarial table. Any changes made in the contract shall not affect its continuity from year to year. The forms referred to in the contract are available at the applicable service offices.

§ 430.7 The application and policy.

(a) Application for insurance on a form prescribed by the Corporation may be made by any person to cover such person's share in the sugar beet crop as landlord, owner-operator, or tenant. The application shall be submitted to the Corporation at the service office on or before the applicable closing date on file in the service office

(b) The Corporation may discontinue the acceptance of applications in any county upon its determination that the insurance risk is excessive, and also, for the same reason, may reject any individual application. The Manager of the Corporation is authorized in any crop year to extend the closing date for submitting applications in any county, by placing the extended date on file in the applicable service offices and publishing a notice in the **Federal Register** upon the Manager's determination that no adverse selectivity will result during the period of such extension. However, if adverse conditions should develop during such period, the Corporation will immediately discountinue the acceptance of applications.

(c) In accordance with the provisions governing changes in the contract contained in policies issued under FCIC regulations for the 1986 and succeeding crop years, a contract in the form provided for in this subpart will come into effect as a continuation of a sugar beet contract issued under such prior regulations, without the filing of a new application.

(d) The application for the 1986 and succeeding crop years is found at Subpart D of Part 400—General Administrative Regulations (7 CFR 400.37, 400.38) and may be amended from time to time for subsequent crop years. The provisions of the Sugar Beet Insurance Policy for the 1986 and succeeding crop years are as follows:

DEPARTMENT OF AGRICULTURE

Federal Crop Insurance Corporation

Sugar Beet—Crop Insurance Policy

(This is a continuous contract. Refer to section 15.)

AGREEMENT TO INSURE: We will provide the insurance described in this policy in return for the premium and your compliance with all applicable provisions.

Throughout this policy, "you" and "your" refer to the insured to the insured shown on the accepted Application and "we," "us," and "our" refer to the Federal Crop Insurance Corporation.

Terms and Conditions

1. Causes of loss.

a. The insurance provided is against unavoidable loss of production resulting from the following causes occurring within the insurance period:

(1) Adverse weather conditions;

(2) Fire;

(3) Insects;

(4) Plant disease;

(5) Wildlife;
(6) Earthquake;
(7) Volcanic eruption; or
(8) Failure of the irrigation water supply due to an unavoidable cause occurring after the beginning of planting;
unless those causes are excepted, excluded, or limited by the actuarial table or section 9e(8).

b. We will not insure against any loss of production due to:
(1) The neglect, mismanagement, or wrongdoing of you, any member of your household, your tenants, or employees;
(2) The failure to follow recognized good sugar beet farming practices;
(3) The impoundment of water by any governmental, public, or private dam or reservoir project; or
(4) Any cause not specified in section 1a as an insured loss.

2. Crop, acreage, and share insured.

a. The crop insured will be sugar beets grown under a contract with a processor for processing as sugar, which are grown on insured acreage and for which a guarantee and premium rate are provided by the actuarial table.

b. The acreage insured for each crop year will be sugar beets planted on insurable acreage as designated by the actuarial table and in which you have a share, as reported by you or as determined by us, whichever we elect.

c. The insured share will be your share as landlord, owner-operator, or tenant in the insured sugar beets at the time of planting.

d. We do not insure any acreage:
(1) If the farming practices carried out are not in accordance with the farming practices for which the premium rates have been established;
(2) Which is irrigated and an irrigated practice is not provided for in the actuarial table unless you elect to insure the acreage as nonirrigated by reporting it as insurable under section 3;
(3) Which is destroyed, it is practical to replant to sugar beets and such acreage is not replanted;
(4) Initally planted after the final planting date contained in the actuarial table, unless you agree, in writing, on our form to coverage reduction;
(5) Of sugar beets not grown under a contract executed with a processor or excluded from the processor contract for, or during, the crop year (the Contract must be executed and effective before you report your acreage.);
(6) Planted to a type of variety of sugar beets not established as adapted to the area or excluded by the actuarial table;
(7) Planted to sugar beets:
(a) The preceding crop year in Michigan, Minnesota, North Dakota and Ohio unless the acreage is designated as insurable by the actuarial table; or
(b) The two preceding crop years in all other states unless the acreage is designated as insurable by the actuarial table;
(8) In California, except Imperial county, planted before filing of the application until a normal stand is obtained;
(9) Of volunteer sugar beets; or
(10) Planted with another crop.

e. If insurance is provided for an irrigated practice:
(1) You must report as irrigated only the acreage for which you have adequate facilities and water, at the time of planting, to carry out a good sugar beet irrigation practice; and
(2) Any loss of production caused by failure to carry out a good sugar beet irrigation practice, except failure of the water suppy from an unavoidable cause occurring after the beginning of planting, will be considered as due to an uninsured cause. The failure or breakdown of irrigation equipment or facilities will not be considered as a failure of the water supply from an unavoidable cause.

f. Acreage which is planted for the development or production of hybrid seed or for experimental purposes is not insured unless we agree in writing to insure such acreage.

g. We may limit the insured acreage to any acreage limitation established under any Act of Congress if we advise you of the limit prior to planting.

3. Report of acreage, share, and practice
You must report on our form:
a. all the acreage of sugar beets in the county in which you have a share;
b. The practice; and
c. Your share at the time of planting.
You must designate separately any acreage that is not insurable. You must report if you do not have a share in any sugar beets planted in the county. This report must be submitted annually on or before the reporting date established by the actuarial table. All indemnities may be determined on the basis of information you submit on this report. If you do not submit this report by the reporting date, we may elect to determine by unit the insured acreage, share, and practice or we may deny liability on any unit. Any report submitted by you may be revised only upon our approval.

4. Production guarantees, coverage levels, and prices for computing indemnities.

a. The production guarantees, coverage levels, and prices for computing indemnities are contained in the actuarial table.

b. The production guarantees in the actuarial table are the second stage guarantees. The first stage guarantee is 60 percent of the second stage guarantee. The stages are:
(1) First stage applies from planting until July 1 except in California and Arizona where the first stage is from planting until the earlier of thinning or 90 days after planting. The first stage also applies to any acreage damaged in the first stage to the extent that growers in the area generally would not further care for the sugar beets.
(2) Second stage applies to all insured sugar beets after the first stage.
The production guarantee applicable to any acreage within a unit will be that established for the stage reached by the sugar beets on such acreage.

c. Coverage level 2 will apply if you have not elected a coverage level.

d. You may change the coverage level and price election on or before the closing date for submitting applications for the crop year as established by the actuarial table.

5. Annual premium.

a. The annual premium is earned and payable at the time of planting. The amount is computed by multiplying the production guarantee times the price election, times the premium rate, times the insured acreage, times your share at the time of planting.

b. Interest will accrue at the rate of one and one-half percent (1-½%) simple interest per calendar month, or any part thereof, on any unpaid premium balance starting on the first day of the month following the first premium billing date.

c. If you are eligible for a premium reduction in excess of 5 percent based on your insuring experience through the 1984 crop year under the terms of the experience table contained in the sugar beet policy in effect for the 1985 crop year, you will continue to receive the benefit of that reduction subject to the following conditions:
(1) No premium reduction will be retained after the 1990 crop year.
(2) The premium reduction will not increase because of favorable experience.
(3) The premium reduction will decrease because of unfavorable experience in accordance with the terms of the policy in effect for the 1985 crop year.
(4) Once the loss ratio exceeds .80, no further premium reduction will apply.
(5) Participation must be continuous.

6. Deductions for debt.

Any unpaid amount due us may be deducted from any indemnity payable to you, or from a replanting payment if the billing date has passed on the date you are paid the replanting payment, or from any loan or payment due you under any Act of Congress or program administered by the United States Department of Agriculture or its Agencies.

7. Insurance period.

Insurance attaches when the sugar beets are planted and ends at the earliest of:
a. Total destruction of the sugar beets;
b. Harvest of the unit;
c. Final adjustment of a loss; or
d. The following calendar date in which the sugar beets are normally harvested:
(1) July 15 for Arizona and Imperial County, California;
(2) The last day of the 12th calendar month after the date of planting on the unit in all other California counties, unless a request for extension of the insurance period is received before such date and we approved the request;
(3) November 25 in Ohio; and
(4) November 15 in all other states.

8. Notice of damage or loss.

a. In case of damage or probable loss:
(1) You must give us written notice if:
(a) You want our consent to replant sugar beets damaged due to any insured cause (To qualify for a replanting payment, the acreage replanted must be at least the lesser of 10 acres or 10 percent of the insured acreage on the unit.);
(b) During the period before harvest, the sugar beets on any unit are damaged and you decide not to further care for or harvest any part of them;
(c) You want our consent to put the acreage to another use; or

(d) After consent to put acreage to another use is given, additional damage occurs.

Insured acreage may not be put to another use until we have appraised the sugar beets and given written consent. We will not consent to another use until it is too late to replant. You must notify us when such acreage is replanted or put to another use.

(2) You must give us notice of probable loss at least 15 days before the beginning of harvest if you anticipate a loss on any unit.

(3) If probable loss is later determined, immediate notice must be given. A representative sample of the unharvested sugar beets (at least 10 feet wide and the entire length of the field) must remain unharvested for a period of 15 days from the date of notice, unless we give you written consent to harvest the sample.

(4) In addition to the notices required by this section, if you are going to claim an indemnity on any unit, we must be given notice not later than 30 days after the earliest of:

(a) Total destruction of the sugar beets on the unit;

(b) Harvest of the unit; or

(c) The calendar date for the end of the insurance period.

b. We must be given the opportunity to inspect within 72 hours after harvest any harvested sugar beet production on any unit for which you have given notice of probable loss, if such production is not acceptable under the contract with the processor due to insurable causes.

c. You may not destroy or replant any of the sugar beets on which a replanting payment will be claimed until we give consent.

d. You must obtain written consent from us before you destroy any of the sugar beets which are not to be harvested.

e. We may reject any claim for indemnity if any of the requirements of this section or section 9 are not complied with.

9. Claim for Indemnity.

a. Any claim for indemnity on a unit must be submitted to us on our form not later than 60 days after the earliest of:

(1) Total destruction of the sugar beets on the unit;

(2) Harvest of the unit; or

(3) The calendar date for the end of the insurance period.

b. We will not pay any indemnity unless you:

(1) Establish the total production of sugar beets on the unit and that any loss of production has been directly caused by one or more of the insured causes during the insurance period; and

(2) Furnish all information we require concerning the loss.

c. The indemnity will be determined on each unit by:

(1) Multiplying the insured acreage by the production guarantee;

(2) Subtracting therefrom the total production of sugar beets to be counted (see section 9e);

(3) Multiplying the remainder by the price election; and

(4) Multiplying this result by your share.

d. If the information reported by you under section 3 of the policy results in a lower premium than the actual premium determined to be due, the production guarantee on the unit will be computed on the information reported and not on the actual information determined. All production from insurable acreage, whether or not reported as insurable, will count against the production guarantee.

e. The total production (tons) to be counted for a unit will include all harvested and appraised production.

(1) The production to count for any harvested production which is not acceptable under the contract with the processor and upon which we were not given the opportunity to make an inspection within 72 hours after harvest, will be 90 percent of the appraised gross weight of such production.

(2) Any harvested production of sugar beets will be adjusted by:

(a) Dividing the average percentage of sugar in such sugar beets, by the percentage of sugar shown in the actuarial table; and

(b) Multiplying the results (round to three places) by the number of tons of such sugar beets.

The average percentage of sugar will be determined by the processor from individual tests taken at the time of delivery. If individual tests of sugar content are not made at the time of delivery, the factor will be 1.000.

(3) Any harvested sugar beets which are damaged due to insurable causes and are not acceptable under the contract with the processor will be adjusted by:

(a) Dividing the value of such sugar beets by the value of undamaged sugar beets containing the percentage of sugar shown in the actuarial table; and

(b) Multiplying the results by the number of tons of such sugar beets.

(4) Appraised production to be counted will include:

(a) Unharvested production on harvested acreage and potential production lost due to uninsured causes and failure to follow recognized good sugar beet farming practices;

(b) Not less than the guarantee for any acreage which is abandoned or put to another use without our prior written consent or damaged solely by an uninsured cause;

(c) Only the appraised production in excess of the difference between the first and second stage production guarantee for acreage not covered by (a) and (b) above and which does not qualify for the second stage guarantee will be counted except as provided in (d) below; and

(d) The entire appraisal for uninsured causes.

(5) There will be no adjustment for quality on any appraisal.

(6) Any appraisal we have made on insured acreage for which we have given written consent to be put to another use will be considered production unless such acreage is:

(a) Not put to another use before harvest of sugar beets becomes general in the county;

(b) Harvested; or

(c) Further damaged by an insured cause before the acreage is put to another use.

(7) The amount of production of any harvested or unharvested sugar beets may be determined on the basis of field appraisals or inspections conducted after the end of the insurance period.

(8) If you elect to exclude hail and fire as insured causes of loss and the sugar beets are damaged by hail or fire, appraisals will be made in accordance with Form FCI–78, "Request to Exclude Hail and Fire."

(9) The commingled production of units will be allocated to such units in proportion to our liability on the harvested acreage of each unit.

f. A replanting payment may be made on any insured sugar beets replanted after we have given consent and the acreage replanted is at least the lesser of 10 acres or 10 percent of the insured acreage for the unit as determined on the final planting date.

(1) No replanting payment will be made on acreage:

(a) On which our appraisal exceeds 90 percent of the second stage guarantee;

(b) Initially planted prior to the date we determine reasonable; or

(c) On which a replanting payment has been made during the current crop year.

(2) The replanting payment per acre will be your actual cost per acre for replanting, but will not exceed the price election for one ton times your share.

If the information reported by you results in a lower premium than the actual premium determined to be due, the replanting payment will be reduced proportionately.

g. You must not abandon any acreage to us.

h. You may not sue us unless you have complied with all policy provisions. If a claim is denied, you may sue us in the United States District Court under the provisions of 7 U.S.C. 1508(c). You must bring suit within 12 months of the date notice of denial is received by you.

i. We have a policy for paying your indemnity within 30 days of our approval of your claim, or entry of a final judgment against us. We will, in no instance, be liable for the payment of damages, attorney's fee, or other charges in connection with any claim for indemnity, whether we approve or disapprove such claim. We will, however, pay simple interest computed on the net indemnity ultimately found to be due by us or by a final judgment from and including the 61st day after the date you sign, date, and submit to us the properly completed claim for indemnity form, if the reason for our failure to timely pay is not due to your failure to provide information or other material necessary for the computation or payment of the indemnity. The interest rate will be that established by the Secretary of the Treasury under section 12 of the Contract Disputes Act of 1978 (41 U.S.C. 611), and published in the **Federal Register** semi-annually on or about January 1 and July 1. The interest rate to be paid on any indemnity will vary with the rate announced by the Secretary of the Treasury.

j. If you die, disappear, or are judicially declared incompetent, or if you are an entity other than an individual and such entity is dissolved after the sugar beets are planted for any crop year, any indemnity will be paid to the person(s) we determine to be beneficially entitled thereto.

k. If you have other fire insurance, fire damage occurs during the insurance period, and you have not elected to exclude fire

insurance from this policy, we will be liable for loss due to fire only for the smaller of:

(1) The amount of indemnity determined pursuant to this contract without regard to any other insurance; or

(2) The amount by which the loss from fire exceeds the indemnity paid or payable under such other insurance. For the purpose of this section, the amount of loss from fire will be the difference between the fair market value of the production on the unit before the fire and after the fire.

10. Concealment or Fraud.

We may void the contract on all crops insured without affecting your liability for preminums or waiving any right, including the right to collect any amount due us if, at any time, you have concealed or misrepresented any material fact or committed any fraud relating to the contract. Such voidance will be effective as of the beginning of the crop year with respect to which such act or omission occurred.

11. Transfer of Right to Indemnity on Insured Share.

If you transfer any part of your share during the crop year, you may transfer your right to an indemnity. The transfer must be made on our form and approved by us. We may collect the premium from either you or your transferee or both. The transferee will have all rights and responsibilities under the contract.

12. Assignment of Indemnity.

You may assign to another party your right to an indemnity for the crop year, only on our form and with our approval. The assignee will have the right to submit the loss notices and forms required by the contract.

13. Subrogation. (Recovery of loss from a third party).

Because you may be able to recover all or a part of your loss from someone other than us, you must do all you can to preserve any such rights. If we pay for your loss, then your right of recovery will at our option belong to us. If we recover more than we paid you plus our expenses, the excess will be paid to you.

14. Records and Access to Farm.

You must keep, for two years after the time of loss, records of the harvesting, storage, shipment, sale, or other disposition of all sugar beets produced on each unit including separate records showing the same information for production from any uninsured acreage. Any person designated by us will have access to such records and the farm for purposes related to the contract.

15. Life of Contract: Cancellaton and Termination.

a. This contract will be in effect for the crop year specified on the application and may not be canceled by you for such crop year. Thereafter, the contract will continue in force for each succeeding crop year unless canceled or terminated as provided in this section.

b. This contract may be canceled by either you or us for any succeeding crop year by giving written notice on or before the cancellation date preceding such crop year.

c. This contract will be canceled if you do not furnish us, satisfactory records of acreage and production for:

(1) The previous crop year by the cancellation date for Imperial County California and all other states:

(2) The corp year prior to the previous crop year in all other California counties.

If you show, prior to the cancellation date, to our satisfaction, that records are unavailable due to conditions beyond your control, such as fire, flood, or other natural disaster, the Field Actuarial Office may assign a yield for that year. The assigned yield will not exceed the 10-year average yield computed from records for the 10 years immediately preceding the current crop year.

d. This contract will terminate as to any crop year if any amount due us on this or any contract with you is not paid on or before the termination date preceding such crop year for the contract on which the amount is due. The date of payment of the amount due:

(1) If deducted from an indemnity claim will be the date you sign the claim; or

(2) If deducted from payment under another program administered by the United States Department of Agriculture will be the date both such other payment and setoff are approved.

e. The cancellation and termination dates are:

State and county	Cancellation date	Termination date
Imperial County, California and Arizona	Aug. 31	Aug. 31
All other California counties	July 15	Nov. 31.
All other states	Apr. 15	Apr. 15.

f. If you die or are judically declared incompetent, or if you are an entity other than an individual and such entity is dissolved, the contract will terminate as of the date of death, judicial declaration, or dissolution. If such event occurs after insurance attaches for any crop year, the contract will continue in force through the crop year and terminate at the end thereof. Death of a partner in a partnership will dissolve the partnership unless the partnership agreement provides otherwise. If two or more persons having a joint interest are insured jointly, death of one of the persons will dissolve the joint entity.

g. The contract will terminate if no premium is earned for five consecutive years.

16. Contract changes.

We may change any terms and provisions of the contract from year to year. If your price election at which indemnities are computed is no longer offered, the actuarial table will provide the price election which you are deemed to have elected. All contract changes will be available at your service office by:

a. December 31 preceding the cancellation date for counties with an April 15 cancellation date;

b. April 30 preceding the cancellation date for all other counties. Acceptance of any changes will be conclusively presumed in the absence of any notice from you to cancel the contract.

17. Meaning of Terms.

For the purposes of sugar beet crop insurance:

a. "Actuarial table" means the forms and related material for the crop year approved by us which are available for public inspection in your service office, and which show the production guarantees, coverage levels, premium rates, prices for computing indemnities, practices, insurable and uninsurable acreage, and related information regarding sugar beet insurance in the county.

b. "County" means the county shown on the application and any additional land located in a local producing area bordering on the county as shown by the actuarial table.

c. "Crop year" means the period within which the sugar beets are normally grown and will be designated by the calendar year in which the sugar beets are normally harvested; however, in California and Arizona, it will be the period from planting until the applicable date in the end of the insurance period and will be designated by: (1) The calendar year in which planted if planted on or before July 15, or (2) the next calendar year if planted after July 15.

d. "Harvest" means the completion of topping and lifting of sugar beets on an acreage for delivery to a processor.

e. "Insurable acreage" means the land classified as insurable by us and shown as such by the actuarial table.

f. "Insured" means the person who submitted the application accepted by us.

g. "Loss ratio" means the ratio of indemnity(ies) to premium(s).

h. "Normal stand" means the number of live plants after thinning, required to produce an average yield per acre for the area.

i. "Person" means an individual, partnership, association, corporation, estate, trust, or other business enterprise or legal entity, and wherever applicable, a State, a political subdivision of a State, or any agency thereof.

j. "Replanting" means performing the cultural practices necessary to replant insured acreage to sugar beets.

k. "Service office" means the office servicing your contract as shown on the application for insurance or such other approved office as may be selected by you or designated by us.

l. "Tenant" means a person who rents land from another person for a share of the sugar beets or a share of the proceeds therefrom.

m. "Unit" means all insurable acreage of sugar beets in the county on the date of planting for the crop year:

(1) In which you have a 100 percent share; or

(2) Which is owned by one entity and operated by another entity on a share basis.

Land rented for cash, a fixed commodity payment, or any consideration other than a share in the sugar beets on such land will be considered as owned by the lessee. Land which would otherwise be one unit may be divided according to applicable guidelines on file in your service office or by written agreement with us. Units will be determined when the acreage is reported. Errors in reporting units may be corrected by us to conform to applicable guidelines when adjusting a loss. We may consider any acreage and share thereof reported by or for your spouse or child or any member of your household to be your bona fide share or the bona fide share of any other person having an interest therein.

18. Descritive Headings.

The descriptive headings of the various policy terms and conditions are formulated for convenience only and are not intended to affect the construction or meaning of any of the provisions of the contract.

19. Determinations.

All determinations required by the policy will be made by us. If you disagree with our determinations, you may obtain reconsideration of or appeal those determinations in accordance with Appeal Regulations.

20. Notices.

All notices required to be given by you must be in writing and received by your service office within the designated time unless otherwise provided by the notice requirement. Notices required to be given immediately may be by telephone or in person and confirmed in writing. Time of the notice will be determined by the time of our receipt of the written notice.

Done in Washington, D.C., on February 27, 1985.

Date: April 22, 1985.

Peter F. Cole,

Secretary, Federal Crop Insurance Corporation.

Approved by:

Edward Hews,

Acting Manager.

[FR Doc. 85-10082 Filed 4-24-85; 8:45 am]

BILLING CODE 3410-08-M

FEDERAL HOME LOAN BANK BOARD

12 CFR Parts 546, 552, and 563

[No. 85-289b]

Delegated Merger Approvals

Dated: April 17, 1985.

AGENCY: Federal Home Loan Bank Board.

ACTION: Proposed rule.

SUMMARY: The Federal Home Loan Bank Board is proposing revisions to the criteria delineating the authority of its Principal Supervisory Agents to approve mergers of thrift institutions whose deposits are insured by the Federal Savings and Loan Insurance Corporation and federally-chartered savings banks whose deposits are insured by the Federal Deposit Insurance Corporation. The new criteria would simplify and expand the authority delegated to the Principal Supervisory Agents to approve as well as to deny merger application. In addition, the Board proposes to amend and simplify its rules regarding the rights of shareholders to an appraisal of their shares in connection with certain types of mergers.

DATE: Comments must be received by June 24, 1985.

ADDRESS: Send comments to the Director, Public Information Services Section, Office of the Secretariat, Federal Home Loan Bank Board, 1700 G Street, NW., Washington, D.C., 20552. Comments will be available for public inspection at the above address.

FOR FURTHER INFORMATION CONTACT: R. Penfield Starke, Attorney (202-377-6453); James C. Stewart, Senior Attorney, (202-377-6457); Laura Patriarca, Deputy Director (202-377-6411); Julie L. Williams, Associate General Counsel, Director (202-377-6459); Corporate and Securities Division, Office of General Counsel, at the above address.

SUPPLEMENTARY INFORMATION: Mergers involving federally-chartered savings and loan associations and savings banks ("federal associations") are subject to approval by the Federal Home Loan Bank Board ("Board"). 12 CFR 546.2 (1985). Mergers that result in an increase in the insurable accounts of an institution whose deposits are insured by the Federal Savings and Loan Insurance Corporation ("Corporation") ("insured institutions") are also subject to approval by the Board, as operating head of the Corporation. 12 CFR 563.22 (1985).

Under these regulations, certain mergers are deemed approved if no objection has been raised by the Principal Supervisory Agent (*i.e.*, the president of the Federal Home Loan Bank of which the institution is a member) within 30 days after filing a completed merger application. A merger application qualifies for this treatment unless any of the following circumstances is present:

(1) The resulting association requests the granting of supervisory forbearances;

(2) The Principal Supervisory Agent recommends the imposition of nonstandard conditions prior to approving the merger;

(3) The application has been substantially protested;

(4) The Principal Supervisory Agent raises objections to the merger;

(5) The resulting association would be one of the 3 largest depository institutions competing in the relevant geographic area where before the merger there were 5 or fewer depository institutions, the resulting association would have 25 percent or more of the total deposits held by depository institutions in the relevant geographic area, and the share of total deposits would have increased by 5 percent or more;

(6) The resulting association would be one of the 2 largest depository institutions competing in the relevant geographic area where before the merger there were 6 to 11 depository institutions, the resulting association would have 30 percent or more of the total deposits held by depository institutions in the relevant geographic area, and the share of total deposits would have increased by 10 perent or more;

(7) The resulting association would be one of the 2 largest depository institutions competing in the relevant geographic area where before the merger there were 12 or more depository institutions, the resulting association would have 35 percent or more of the total deposits held by depository institutions in the relevant geographic area, and the share of total deposits would have increased by 15 percent or more;

(8) The Herfindahl-Hirschman Index ("HHI") in the relevant geographic area is more than 1800 before the merger, and the increase in the HHI caused by the merger would be 50 or more;

(9) In a merger involving potential competition, the Principal Supervisory Agent determines that the acquiring association is one of 3 or fewer potential entrants into the relevant geographic area;

(10) Both the acquiring and an acquired association have assets of $1 billion or more;

(11) The association that will be the resulting association (other than an association that is neither insured by the Corporation nor chartered by the Board) in the merger has a composite Community Reinvestment Act rating of less than satisfactory, or is otherwise seriously deficient with respect to the Board's nondiscrimination regulations and the deficiencies have not been resolved to the satisfaction of the Principal Supervisory Agent;

(12) The resulting association's (other than an association that is neither insured by the Federal Savings and Loan Insurance Corporation nor chartered by the Board) net-worth would not at least equal the Board's regulatory net worth requirements. Where goodwill has been included in the resulting association's assets, the applicant must submit an opinion of a certified public accountant, satisfactory to the Principal Supervisory Agent, that its use and value are appropriate under, and accounted for, by generally accepted accounting principles. For purposes of this provision, in calculating whether the net worth of the resulting association will at least equal the amount required under § 563.13(b), the Principal Supervisory Agent may exclude scheduled items

which will be acquired in the merger and the amount of either: (A) The net worth deficiency or (B) the liabilities, including averaged liabilities, of the acquired association at the date of merger;

(13) The merger involves any agreement with the Federal Savings and Loan Insurance Corporation;

(14) The merger would result in the conversion of a mutual association to a stock association;

(15) The Principal Supervisory Agent determines that the financial condition of the resulting association would not satisfy minimum financial standards as determined from time to time by the Board's Office of Examinations and Supervision;

(16) The merger includes an association that has a class of voting securities registered with the Board under the Securities Exchange Act of 1934 (15 U.S.C. 78a–78jj); or

(17) The merger application involves unusual circumstances or policy questions.

See 12 CFR 546.2(h); 563.22(e) (1985).

Under §§ 546.2(i) and 563.22(f), merger applications that do not meet the criteria for automatic approval may still be approved by the Principal Supervisory Agent if the reason for the ineligibility is the necessity for supervisory forbearances or the imposition of non-standard conditions. The Principal Supervisory Agent may approve mergers that do not satisfy the antitrust criteria of paragraphs (5) through (10) if the Supervisory Agent determines that, but for the merger, one of the participating associations would not satisfy minimum financial standards as determined from time to time by the Office of Examinations and Supervision.

The Board continues to seek means by which the processing of applications can be facilitated and believes that decentralized processing offers a valuable means of achieving this goal. Rather than expanding the use of automatic-approvals, however, the Board proposes to retain the current automatic approval provisions and broaden the use of delegated authority. The proposed amendments would use more inclusive standards in delegating authority to the Principal Supervisory Agents to pass upon applications not subject to automatic approval and would include the power to deny applications. By expanding the authority of the Principal Supervisory Agents, more applications could be processed in the field with resultant reductions in processing time.

The power of the Principal Supervisory Agents to approve or deny mergers would only be circumscribed when:

(1) Neither the acquiror or the insured institution to be acquired is required under the Securities Exchange Act of 1934, 15 U.S.C. 78a–78jj, and 12 CFR Part 536d to make a filing under any of the following rules or regulations in connection with the acquisition:

(a) Rule 13e–3, 17 CFR 240.e–3 (for "going private" transactions);

(b) Rule 13e–4, 17 CFR 240.13e–4 (for tender offers by an issuer for its own stock);

(c) Regulations 14A, 17 CFR 240.14a–1 through .14a–101 (for solicitation of proxies);

(d) Regulation 14C, 17 CFR 240.14c–1 through .14c–101 (for distribution of information statements); or

(e) Regulations 14D or 14E, 17 CFR 240.14d–1 through .14f–1 (for tender offers).

(2) Either institution has notified the Supervisory Agent in writing, within 10 days of the date of publication of the application under § 543.2(d), of its opposition to the proposed transaction;

(3) The merger would entail the merger of a mutual association into a stock association, with a stock association as the resulting association;

(4) The acquisition raises significant issues of law or policy on which the Board has not taken a formal position.

Under the new criteria, the Principal Supervisory Agents would be required to make determinations as to the antitrust, Community Reinvestment Act, and other supervisory ramifications of mergers not covered by the automatic-approval provisions. The Board would retain authority over applications by institutions making the specified types of filings under the Securities Exchange Act, since processing of such applications can be coordinated with review of the required securities filings. Authority over mergers resulting in the conversion of a mutual association to the stock form of organization would be retained, since such mergers involve conversion applications under 12 CFR 563b.10 (1985) which also must be processed in Washington. The criteria relating to unfriendly merger applications and major policy issues are intended to ensure full Board review of sensitive applications. The Board expects the Supervisory Agents to work closely with its Washington staff and regularly report features of transactions that may signal new or unusual issues in much the same way as accounting issues in mergers are coordinated now with the Office of Chief Accountant. In this regard, the involvement of an interim association will not in and of itself raise a policy issue requiring referral of a merger application to the Board, even though the charter for the interim association must be approved by the Board. The presence of other factors in such a merger (for example, a freezeout of minority interests) is needed to justify referral. However, it should be noted that where stockholders of an institution must vote on the merger with the interim and the institution's stock is registered under the Securities Exchange Act, a proxy statement would be required pursuant to Regulation 14A and thus approval authority for the merger would not be delegated under the proposal. The Board would be considered to have taken a formal position on an issue if it has taken final action on another merger application with the same issue on substantially similar facts.

All the above criteria except the contested-takeover limitation are currently reflected in the automatic-approval provisions of §§ 546.2(h) and 563.22(e). The Board proposes to add this criterion to §§ 546.2(h) and 563.22(e) to avoid automatic approval of applications in which these matters arise. In this regard, the Board requests comment on whether a general delegation of authority to the Principal Supervisory Agents would be preferable to the current provision for automatic approvals and whether the automatic-approval feature of the rule should be retained.

Because the proposed delegation would permit denials of applications, the Board is proposing to amend the merger regulations to provide a procedure for appeal of adverse decisions to the Board. Under the proposal, an applicant would have 20 days following notification of a decision in which to file an appeal with the Board's Office of the Secretariat. Copies of the appeal would be marked to the attention of the Director of the Office of Examinations and Supervision and the General Counsel. Appeals would be required to indicate with specificity why the Principal Supervisory Agents denial should be overturned.

In addition to the foregoing, the Board is proposing to amend its regulations governing the appraisal rights of shareholders in federal associations who dissent from a merger. Like most state corporate codes, the Board's regulations governing the internal operations of federal stock associations allow shareholders who vote against a merger to demand payment for their shares in an amount equal to their appraised value. 12 CFR 552.14(a) (1985). Under the current regulations, these appraisal rights are inapplicable when

the shares in question are listed on a national securities exchange on the date of the shareholders' meeting at which the merger proposal is considered. 12 CFR 552.14(b) (1985). Such exchange-traded shares were exempted from the appraisal remedy because dissenting shareholders in these institutions would have adequate opportunity to dispose of their shares without the necessity of an appraisal procedure. *Stock Associations; Mergers and Consolidations,* Resolution No. 79–445, 44 FR 49241, 49242 (Aug. 22, 1979). In view of the development of the National Association of Securities Dealers Automated Quotation (NASDAQ) System as an alternative to the national exchanges for marketing stock, the Board believes it appropriate to expand the appraisal exemption to reference this sytem as well. In other recent regulations, the Board has considered a NASDAQ listing as indicative of a developed trading market, *see* 12 CFR 563.18–2(b) (5) (1985), and considers this an appropriate standard for the appraisal remedy. *See also Regulation of Direct Investment by Insured Institutions,* Resolution No. 85–779–A, 50 FR 6912 (Feb. 19, 1985); Resolution No. 84–715, 49 FR 48743, 48754 (Dec. 14, 1984). NASDAQ listing also provides shareholders with a readily ascertainable standard for determining when the appraisal remedy will apply.

Initial Regulatory Flexibility Analysis

Pursuant to Section 3 of the Regulatory Flexibility Act, 5 U.S.C. 603 (1982), the Board is providing the following initial regulatory flexibility analysis:

1. *Reasons, objectives, and legal bases underlying the proposed rules.* These elements have been discussed elsewhere in the supplementary information regarding the proposal.

2. *Small entities to which the proposed rules would apply.* The rule would apply to all insured institutions.

3. *Impact of the proposed rules on small institutions.* Proposed delegations would benefit primarily smaller institutions since it would result in expedited processing of their applications. Appraisal procedure amendments would impose no new requirements on smaller institutions.

4. *Overlapping or conflicting federal rules.* There are no federal rules which duplicate, overlap, or conflict with the proposed rules.

5. *Alternatives to the proposed rule.* No other alternatives would better simplify the application process while retaining essential supervisory safeguards.

List of Subjects in 12 CFR Parts 546, 552, and 563

Federal Savings and Loan Insurance Corporation, Mergers, Securities, Savings and Loan Associations, Savings and loan holding companies.

Accordingly, the Board hereby proposes to amend Parts 546 and 552 of Subchapter C and Part 563 of Subchapter D, Chapter V of Title 12, Code of Federal Regulations, as set forth below.

SUBCHAPTER C—FEDERAL SAVINGS AND LOAN SYSTEM

PART 546—MERGER, DISSOLUTION, REORGANIZATION, AND CONVERSION

1. Amend § 546.2 by adding new paragraph (h)(1)(xviii) and by revising paragraph (i), as follows:

§ 546.2 Procedure; effective date.

* * * * *

(h)(1) * * *

(xviii) Neither institution has informed the Supervisory Agent in writing, within 20 days of the date of publication under § 543.2(d) of this Subchapter, that it opposes the proposed transaction;

(i)(1) The authority of the Board (including recommending modification of a plan of merger, consolidation, or purchase of bulk assets or denial of an application) under paragraph (c) of this section may be exercised by the Principal Supervisory Agent (as defined in § 541.18 of this Subchapter) *Provided:*

(i) Neither the acquiror nor the insured institution to be acquired is required under the Securities Exchange Act of 1934, 15 U.S.C. 78a–78jj, and Part 563d of this Chapter to make a filing under any of the following rules or regulations in connection with the acquisition:

(*a*) Rule 13e–3, 17 CFR 240.13e–3 (for "going private" transactions);

(*b*) Rule 13e–4, 17 CFR 240.13e–4 (for tender offers by an issuer for its own stock);

(*c*) Regulation 14A, 17 CFR 240.14a–1 through .14a–101 (for solicitation of proxies);

(*d*) Regulation 14C, 17 CFR 240.14c–1 through .14c–101 (for distribution of information statements); or

(*e*) Regulations 14D or 14E, 17 CFR 240.14d–1 through .14f–1 (for tender offers).

(ii) Neither institution has notified the Principal Supervisory Agent in writing, within 10 days of the date of publication under § 543.2(d) of this Subchapter, that it opposes the proposed transaction;

(iii) The merger would not entail the merger of a mutual association into a stock association with a stock association as the resulting association;

(iv) The acquisition does not raise any significant issues of law or policy on which the Corporation has not taken a formal position.

(2) Denial of an application pursuant to delegated authority under this section may be appealed to the Corporation under the following procedures: Within 20 days after notification of the Principal Supervisory Agent's decision, the applicant may notify the Office of the Secretariat of the applicant's desire to appeal the Principal Supervisory Agent's decision. Three copies of such request for review must be submitted to the Office of the Secretariat, Federal Home Loan Bank Board, Washington, D.C. 20552, with two of such copies addressed, respectively, to the attention of the Director, Office of Examinations and Supervision, and the General Counsel. The request for review must identify the party seeking review and describe with specficity the action taken for which review is sought and the reasons why the Principal Supervisory Agent's denial is contended to be erroneous.

PART 552—INCORPORATION, ORGANIZATION, CONVERSION, AND GOVERNANCE OF FEDERAL STOCK ASSOCIATIONS

2. Amend § 552.14 by revising paragraph (b)(1) and the second sentence of (b) as follows:

§ 552.14 Dissenter and appraisal rights.

* * * * *

(b) *Exceptions.* * * * (1) Such stock was listed on a national securities exchange or quoted on the National Association of Securities Dealers Automatic Quotation System ("NASDAQ") on the date of the meeting at which the combination was acted upon; or * * * "Qualified consideration" means cash, shares of stock of any association or corporation which at the effective date of the combination will be listed on a national securities exchange or on the NASDAQ, or any combination of shares of stock and cash described above.

* * * * *

SUBCHAPTER D—FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

PART 563—OPERATIONS

3. Amend § 563.22 by adding new paragraph (e)(1)(xviii) and by revising paragraph (f), as follows:

§ 563.22 Merger, consolidation, purchase or sale of assets, or assumption of liabilities.

* * * * *

(e)(1) * * *

(xviii) Neither institution has informed the Supervisory Agent in writing, within 20 days of the date of publication under § 543.2(d) of this Chapter that it opposes the proposed transaction;

* * * * *

(f)(1) The authority of the Corporation (including recommending modification of a plan of merger, consolidation, or purchase of bulk assets or denial of an application) under paragraph (a) of this Section may be exercised by the Principal Supervisory Agent (as defined in § 561.25 of this Chapter) *Provided:*

(i) Neither the acquiror or the insured institution to be acquired is required under the Securities Exchange Act of 1934, 15 U.S.C. 78a–78jj, and Part 563d of this Chapter to make a filing under any of the following rules or regulations in connection with the acquisition:

(*a*) Rule 13e–3, 17 CFR 240.13e–3 (for "going private" transactions);

(*b*) Rule 13e–4, 17 CFR 240.13e–4 (for tender offers by an issuer for its own stock);

(*c*) Regulation 14A, 17 CFR 240.14a–1 through .14a–101 (for solicitation of proxies);

(*d*) Regulation 14C, 17 CFR 240.14c–1 through .14c–101 (for distribution of information statements); or

(*e*) Regulations 14D or 14E, 17 CFR 240.14d–1 through .14f–1 (for tender offers).

(ii) Neither institution has notified the Principal Supervisory Agent in writing, within 10 days of the date of publication under § 543.2(d) of this Chapter, that it opposes the proposed transaction;

(iii) The merger would not entail the merger of a mutual association into a stock association, with a stock association as the resulting association;

(iv) The acquisition does not raise any significant issues of law or policy on which the Corporation has not taken a formal position.

(2) Denial of an application pursuant to delegated authority under this section may be appealed to the Corporation under the following procedures: Within 20 days after notification of the Principal Supervisory Agent's decision, the applicant may notify the Office of the Secretariat of the applicant's desire to appeal the Principal Supervisory Agent's decision. Three copies of such request for review must be submitted to the Office of the Secretariat, Federal Home Loan Bank Board, Washington, D.C. 20552, with two of such copies addressed, respectively, to the attention of the Director, Office of Examinations and Supervision, and the General Counsel. The request for review must identify the party seeking review and describe with specificity the action taken for which review is sought and the reasons why the Principal Supervisory Agent's denial is contended to be erroneous.

* * * * *

(Secs 5 of the Home Owners' Loan Act, 12 U.S.C. 1464; Section 17(a) of the Federal Home Loan Bank Act, 12 U.S.C. 1437(a); Sec. 402, 403, and 407 of the National Housing Act, 12 U.S.C. §§ 1725, 1726 and 1730; Reorg. Plan No. 3 of 1947, 3 CFR 1071 (1943–48 Comp.))

By the Federal Home Loan Bank Board.

Jeff Sconyers,

Secretary.

[FR Doc. 85–9870 Filed 4–24–85; 8:45 am]

BILLING CODE 6720–01–M

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12 CFR Parts 563, 574, 584 and 589

[No. 85–209a]

Acquisitions of Control of Insured Institutions

Date: April 17, 1985.

AGENCY: Federal Home Loan Bank Board.

ACTION: Proposed rule.

SUMMARY: The Federal Home Loan Bank Board is proposing extensive revisions to its regulations implementing the statutory restrictions on the acquisition of control of thrift institutions chartered by the Federal Home Loan Bank Board or whose accounts are insured by the Federal Savings and Loan Insurance Corporation. These revisions would collect such regulations in one part of the Code of Federal Regulations and would better coordinate the provisions of the Change in Savings and Loan Control Act, 12 U.S.C. 1730(q) (1982), and the Savings and Loan Holding Company Act, 12 U.S.C. 1730a (1982). The proposed regulations would:

—Eliminate the overlap in the application of the Savings and Loan Holding Company Act and the Change in Savings and Loan Control Act and clarify the types of acquisitions covered by each statute;

—Clarify and provide consistent definitions under both statutes for key terms such as "control," "company," "acting in concert," "person," and "voting stock;"

—Define specifically what constitutes the acquisition of control and minimize uncertainty as to when an application or notice is required;

—State situations which will give rise to rebuttable determinations of control and how an acquiror may attempt to rebut these determinations;

—Establish specific presumptions for when persons will be considered to be acting in concert to acquire control of an insured institution, in order to enable the Board to better address acquisitions by groups acting in concert;

—Describe a type of "safe harbor" for investors not interested in control and thereby encourage investment in insured institutions;

—Require certifications regarding 10 percent ownership of insured institution stock, so the Board and its staff will be able to examine who are the ultimate owners of insured institutions;

—Clarify and streamline applications procedures;

—Provide a uniform type of public notice for holding company applications and change in control notices, including an opportunity for target institutions to register their objections, if any, to the acquisition, as part of the Board's application review process, thereby providing the Board with more information concerning potential acquirors;

—Specify "presumptive disqualifiers" that would put prospective acquirors on notice of factors the Board would consider indicative that an acquiror may not be found qualified to acquire control of an insured institution;

—Implement an enhanced system of delegations to the Supervisory Agents, including the ability to deny the applications that the Banks have delegated authority to approve; thereby speeding up the application process; and

—Provide, overall, a regulation that furnishes the specific guidance on key issues which is necessary in order to fairly and effectively implement increased use of delegations and promote efficient utilization of the Board's resources.

DATE: Comments must be received by June 24, 1985.

ADDRESS: Send comments to the Director, Public Information Services Section, Office of the Secretariat, Federal Home Loan Bank Board, 1700 G Street, NW., Washingto, D.C., 20552. Comments will be available for public inspection at the above address.

FOR FURTHER INFORMATION CONTACT: R. Penfield Starke, Attorney (202–377–6453); James C. Stewart, Senior Attorney (202–377–6457); Laura Patriarca, Deputy Director for Corporate (202–377–6411); or Julie L. Williams, Associate General Counsel, Director (202–377–6459); Corporate and Securities Division, Office of General Counsel, at the above address.

SUPPLEMENTARY INFORMATION:

I. Introduction

The Federal Home Loan Bank Board ("Board"), as operating head of the Federal Savings and Loan Insurance Corporation ("Corporation"), is proposing extensive revisions to its regulations implementing the Change in Savings and Loan Control Act, 12 U.S.C. 1730(q) (1982) (the "Control Act"), and the Savings and Loan Holding Company Act, 12 U.S.C. 1730a (1982) (the "Holding Company Act"). The purpose of these revisions is to more efficiently coordinate the regulations implementing these statutes in order to effectuate the purposes of both Acts, to better adapt the Board's rules to the acquisition practices that have become prevalent in the industry, and to provide regulations that will coordinate the enhanced use of delegated authority and thereby eliminate unnecessary delays in the acquisition approval process.

Acquisitions of control of stock form insitutions chartered by the Board or whose deposits are insured by the Corporation are generally governed by either the Control Act or the Holding Company Act.[1] Both of these statutes specifically authorize the Board to issue rules and regulations to carry out their purposes. 12 U.S.C. 1730(q)(14); 1730a(h)(1) (1982). The Holding Company Act prohibits any "company," directly or indirectly or acting in concert with one or more other persons, or through one or more subsidiaries, or through one or more transactions, from acquiring control of one or more insured institutions without the prior written approval of the Corporation. 12 U.S.C. 1730a(e)(1)(B) (1982). For purposes of this restriction, the term "company" is broadly defined to include any corporation, partnership, trust, joint-stock company or similar organization, except those controlled by the United States or any State or an officer or instrumentality thereof. *Id.* at 1730a(a)(1)(c). The Control Act applies to acquisitions that are not subject to the Holding Company Act. 12 U.S.C. 1730(q)(17) (1982). It prohibits any "person," acting directly or indirectly or through or in concert with one or more persons, from acquiring control of an insured institution through a purchase, assignment, transfer, pledge, or other disposition of the voting stock of the institution unless the Corporation has been given sixty days' prior notice and has not objected. *Id.* at 1730(q)(1). Under both Acts, insured institutions include state and federally chartered thrift institutions whose accounts are insured by the Corporation and federally chartered savings banks whose accounts are insured by the Federal Deposit Insurance Corporation. 12 U.S.C. 1730(q)(13)(B); 1730a(a)(1)(A) (1982), and holding companies thereof.

Both statutes employ expansive definitions of control. In the Control Act, the term connotes the power, directly or indirectly, to direct the management or policies of an insured institution. 12 U.S.C. 1730(q)(8)(B) (1982). The Holding Company Act provides that the term includes control in any manner of the election of the majority of the directors of an insured institution. 12 U.S.C. 1730a(a)(2)(A) (1982). Control may also be found under the Holding Company Act if the Corporation determines that a person, directly or indirectly, exercises a controlling influence over the management or policies of an insured institution. *Id.* at 1730a(a)(2)(D). And under either statute, control is conclusively determined to exist upon the acquisition of the power to vote more than 25 percent of the voting shares or securities of an insured institution. 12 U.S.C. 1730(q)(8)(B); 1730a(a)(2)(A) (1982).

The Holding Company Act gave the Board comprehensive authority over savings and loan holding companies and their subsidiaries and was intended to guard against the potential conflicts of interest that can occur in the holding company structure. S. Rep. No. 354 90th Cong., 1st Sess. 1–2 (1967). The holding company regulatory system involves registration and examination of holding companies, and limitations on transactions between an insured institution and its affiliates in a holding company structure, in addition to the prior approval of acquisitions of insured institutions by companies.

The Control Act is more limited in scope, having been adopted to close a "glaring gap" in the jurisdiction of the federal agencies regulating financial institutions,[2] namely, the uncertain applicability of the Holding Company Act to acquisitions by individuals and groups of individuals that did not constitute a "company." H.R. Rep. No. 1382, 95th Cong, 1st Sess. 19 (1978), *reprinted in* 1978 U.S. Code Cong. & Ad. News 9291. Its primary purpose was to give the agencies more authority to scrutinize the qualifications of the individuals seeking to acquire control of existing financial institutions. As noted in the resolution in which the Control Act regulations were first promulgated, the Corporation's objectives in administering the Control Act "are to enhance and maintain public confidence in the savings and loan industry by preventing serious adverse effects resulting from anticompetitive combinations of interests, inadequate financial support, or unsuitable management of these institutions." *Amendments Relating to the Change in Savings and Loan Control Act of 1978.* Resolution No. 79–121, 44 FR 10500, 10500–01 (Feb. 21, 1979).

Notwithstanding their differences, both statutes reflect a congressional concern with the qualifications of acquirors of insured institutions and serve the same goal of preventing the acquisition of influence over the management and policies of insured institutions in circumstances that might result in injury to the institution. Accordingly, the statutes interact to form a comprehensive regulatory framework for acquisitions of control of insured institutions. If the acquiror is a "company," as defined, the acquisition of control is subject primarily to the Holding Company Act. All other control acquisitions would involve the Control Act.

Notwithstanding the commonality of provisions and purpose between the Acts, the Board's implementing regulations have developed along separate paths. The Regulations for Savings and Loan Holding Companies.

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[1] Acquisition of control by a company of a mutual form institution also is subject to the Holding Company Act. However, the Holding Company Act prohibits a savings and loan holding company from holding, soliciting, or exercising any proxies in respect to any voting rights in an insured institution which is a mutual institution. 12 U.S.C. 1730a(i)(1) (1982). The Board's Office of General Counsel has interpreted this provision as having the effect or prohibiting any company from acquiring control of a mutual insured institution. *See* Op. G.C. July 20, 1970. Also, in this regard, the Board's other regulations prohibit the designation of "any corporation or partnership (including any person acting on behalf of a partnership)" as the holder of a proxy of a mutual insured institution. *See* 12 CFR 569.3(b) (1985). Because a company is precluded from acquiring control of a mutual institution, the provisions of the Holding Company Act and the regulations proposed herein would not be applicable to a mutual insured institution.

An individual is not prohibited from acquiring control of mutual insured institution under the Control Act. The Board has provided regulations which govern the acquisition of control of a mutual insured institution at 12 CFR 583.18–1 (1985). Thus, the regulations proposed to implement the Control Act also are not applicable to the acquisition of control of a mutual insured institution by an individual. The Board specifically requests comments as to whether it is necessary or advisable to further address acquisitions of control of insured institutions in mutual form.

[2] The Change in Savings and Loan Control Act was enacted as Title VII of the Financial Institutions Regulatory and Interest Rate Control Act of 1978, Pub. L. No. 95–630, 92 Stat. 3641, 3687, which included the substantially similar Change in Bank Control Act at Title VI, *id.* at 3683 (codified at 12 U.S.C. 1817(j) (1982)). Jurisdiction under the Change in Bank Control Act is shared by the three federal banking regulators. 12 U.S.C. 1817(j)(1); 1813(q) (1982).

12 CFR Parts 583–589 (1985), originally were promulgated in Board Resolution No. 21,400, 33 FR 3322 (Feb. 22, 1968), immediately following the adoption of the Holding Company Act in its current form in the Savings and Loan Holding Company Amendments of 1967, Pub. L. No. 90–255, 82 Stat 6 (1968) (codified as amended at 12 U.S.C. 1730a (1982)). The provisions of the holding company regulations relating to acquisitions, 12 CFR 584.4, (1985), and the supporting definitions, *id.* at Part 583, essentially codify the statutory provisions. The regulations implementing the Control Act, however, implement one aspect of the control definition of that statute, establishing a presumption of control upon the acquisition of more than 10 percent of the voting stock of an insured institution when its shares are traded on an exchnage or the NASDAQ System. 12 CFR 563.18–2(c)(2) (1985).

Recent developments in the financial services industry and the general area of acquisitions and takeovers have focused increased attention upon the Control and Holding Company Acts and their implementing regulations. The shift to the stock form of ownership in the thrift industry also has made more institutions at least theoretically available for acquisition.[3] Thrift institutions additionally have become more attractive acquisition targets since their investment powers were enhanced in the Garn-St Germain Act of 1982, Pub. L. No. 97–320, 96 Stat. 1469 (1982), and under the laws of many states. This increased attractiveness comes at the time when acquisitions in general have risen numerically and the techniques used for various types of acquisitions have become increasingly sophisticated. Moreover, the preceived attractiveness of thrifts unfortunately also has led to efforts by financially weak or unstable companies and unqualified and dishonest individuals to acquire and exploit thrift institutions. As a result, substantive as well as procedural inadequacies in the regulations implementing the Holding Company and Control Acts have been too often spotlighted and misused, in some cases ultimately leaving the FSLIC to pay the price for such shortcomings.

[3] Although the insured thrift industry remains primarily mutual (934 stock associations vs. 2201 mutuals as of December 31, 1984), nearly 52 percent of the industry's assets are in stock institutions. Conversions to stock form have taken place at an accelerated pace. There were 108 such conversions approved by the Board in 1983. In applications for federal *de novo* institutions have involved stock associations since these procedures were adopted in Board Resoultion No. 83–127, 48 FR 10612 (Mar. 14, 1983).

After extensive study, the Board is proposing to substantially revise the regulations in order to address these concerns and others. Under the proposal, the regulatory provisions implementing the Holding Company and Control Act restrictions on acquisitions would be relocated in a single new Part 574 for ease of reference and coordination and to eliminate overlapping and potentially inconsistent requirements. Regulations under the Holding Company Act relating to operations of subsidiary institutions would remain in Part 584. To the extent feasible, the implementing regulations would use common definitions of terms. The prosposed revisions would establish a coordinated procedure for providing public notice of filings under the Acts without sacrificing the confidentiality of their contents, thereby enhancing the opportunity for comment on a propective acquiror and increasing the Board's sources of information in connection with its review of acquisitions and changes in control. The new Part also would expand and clarify the use of rebuttable determinations of "control" to provide guidance to acquirors regarding the Board's interpretation of this term. Similarly, the proposal would introduce "presumptive disqualifiers" to put applicants on notice of factors that the Board would find particularly meaningful in an application or notice and that may be deemed to disqualify a potential acquiror if not adequately rebutted. Finally, the revisions are designed to coordinate with expansion of the authority delegated to Principal Supervisory Agents to approve and deny applications and notices and thus to expedite the processing of applications by eliminating unnecessary delays in the applications approval process. The Board believes that by codifying past interpretations of the regulations and statutes, compliance with their requirements will be facilitated, applications processing will be expedited, and overall investment in the thrift industry will be encouraged as a result of the existence of clear and consistent ground rules. Moreover, the Board views such a reexamination of the regulations as a necessary part of its general statutory responsibility to implement the objectives of both Acts, 12 U.S.C. 1730(g)(14), 1730a(h) (1982), and particularly its duty to prevent evasions or the Holding Company Act. *Id.* at 1730a(h)(1).

II. Section 574.2—Definitions

A. Person

"Person" is defined in the Holding Company Act to include either an individual or a company. 12 U.S.C. 1730a(a)(1)(G) (1982). The Control Act defines "person" as "an individual or a corporationt, partnership, trust, association, joint venture, pool, syndicate, sole proprietorship, unincorporated organization, or any other from of entity not specifically listed herein."12 U.S.C. 1730(q)(8)(A) (1982). Since the Control Act regulates acquisitions by a "person," which can include a corporation, there are currently instances in which an acquisition by a corporation may be subject to the Control Act rather than the Holding Company Act. For example, if a company that is not a saving and loan holding company acquires 10 percent of the stock of an insured institution whose shares are "actively-traded," the company would be presumed to have acquired control of that institution under the Board's current Control Act regulations. *See* 12 CFR 563.18–2(c)(2) (1985). The acquisition would not now he subject to the Holding Company Act, however, since it involves less than 25 percent of the institution's outstanding stock. Accordingly, the statutory exemption from the Control Act for acquisitions subject to the Holding Company Act would not come into play. *See* 12 U.S.C. 1730(q)(17) (1982).

The cause of these inconsistencies is the differing approaches of the implementing regulations to the concept of control under the respective statutes. Where the requirements of the Holding Company Act and its implementing regulations only govern a transaction involving more than 25 percent of an insured institution's stock or voting rights unless control is found pursuant to the Act's more general provisions, control is presumed to exist under the Contol Act regulations upon the acquisition of 10 percent of certain institutions' stock. A by-product of this dichotomy is that in a multi-step acquisition, a company may be required to file *both* a Control Act notice and a Holding Company application. The current situation creates the additional paradox that a company which is deemed in control of an insured institution under the Control Act may not be subject to the safeguards on transactions with affiliates and other provisions that Congress sought to impose on companies controlling insured institutions under the Holding

Company Act. *See, e.g.*, 12 U.S.C. 1730a(d) (1982).

One of the Board's goals in these proposed revisions is to reduce or eliminate these overlaps and inconsistencies and restore the Control Act to its original interstitial role of covering transactions not governed by the Holding Company Act. Under the proposed revisions, the concept of control would be uniform for both statutes. As a consequence, the proposed definition of "person" for purposes of Part 574 has been drafted to exclude entities that would be considered "companies" under the Holding Company Act.

B. Company

As noted previously, the Holding Company Act applies only to acquisitions of control by a "company" which is defined as:

> any corporation, partnership, trust, joint-stock company, or similar organization, but does not include the Federal Savings and Loan Insurance Corporation, any Federal Home Loan Bank, or any company the majority of the shares of which is owned by the United States or any State, or by an officer of the United States or any State in his official capacity, or by an instrumentality of the United States or any State.

12 U.S.C. 1730a(a)(1)(c) (1982); 12 CFR 583.9 (1985). As explained in the House Report on the Savings and Loan Holding Company Amendments of 1967, the term "company:"

> [encompasses] the types of entities which, because of their capacity to bring together diverse stockholdings and exercise their voting power under single control for substantial periods, would be most likely to be able to raise the necessary capital to finance the acquisition of savings and loan associations and to engage in holding company operations.

H.R. Rep. No. 997, 90th Cong., 1st Sess. 6–7 (1967), *reprinted in* 1968 U.S. Code Cong. & Ad. News 1607. At various times, the Boards' staff has interpreted this definition to cover groups of individuals acting together pursuant to arrangements or understandings but not constituting a specific legal entity. The Board believes such interpretations to be consistent with the scope and purpose of the term "company," and now proposes to amend the regulatory definition of "company" to better reflect the type of entity intended to be covered by the Holding Company Act, which would include the types of groups covered by previous interpretations of the "company" definition. The basic definition would reference any "association, joint venture, pool, syndicate, or unincorporated organization" in addition to the broad "similar organization" language in order to stress that a formalized business organization is not required in order to constitute a "company." To reflect past interpretations of the term, the definition would presume that a group of persons and/or companies acting in concert would constitute a "company" if the members of the group were party to arrangements which provided for the shared economic benefits and risks of their ownership of stock in an insured institution over a period of time. Such arrangements might take the form of an agreement that allocates profits, losses, or expenses, concerns voting of the institution's stock or affects the disposition of ownership interests. Specific questions as to whether a group constitutes a "company" could be resolved by requesting an opinion from the Board's Office of General Counsel on the basis of the particular facts presented by a given situation.

In the manner, the definition of "company" would better address the issues raised when individuals or entities acting as an economic unit acquire sufficient control over an insured institution that they would be otherwise able to engage in the type of activities that the Holding Company Act was designed to regulate. The Board specifically invites comment on other factors that should be considered indicative of status as a "company."

C. Acting in Concert

Both the Holding Company Act and the Control Act employ the term "acting in concert." The Control Act regulates acquisitions of control by a "person, acting directly or indirectly or through or in concert with one or more other persons." 12 U.S.C. 1730(q)(1) (1982). The Holding Company Act provides that "a person shall be deemed to have control of . . . an insured institution if the person . . . acting in concert with one or more persons" controls more than 25 percent of the institution's voting stock. 12 U.S.C. 1730a(a)(2)(A) (1982). Taken on its face, the term "acting in concert" is susceptible to a broad interpretation, potentially taking in coordinated action without an agreement among the actors or perhaps even mutual awareness. There is no explanatory discussion of the term in the legislative history of the Control Act. The congressional reports on the Holding Company Act, however, indicates the term "presupposes an agreement or understanding, written or tacit, of the parties." S. Rep. No. 997, 90th Cong., 1st Sess. 7 (1967); S. Rep. No. 354, 90th Cong., 1st Sess. 10 (1967). In proposing its recent revisions to the Change in Bank Control provisions found in Regulation Y, 12 CFR Part 225 (1985), for example, the Federal Reserve Board indicated that it would consider persons acting in concert if they "joined together informally through parallel action or intention for the purpose of acquiring voting securities of a bank or a bank holding company." *Bank Holding Companies and Change in Bank Control, Proposed Revision of Regulation Y;* Docket No. R–0470, 48 FR 23520, 23536 (May 25, 1983).

In the Board's view, a relatively broad reading of the term is necessary to effectuate the purposes of the statutes. It has been the Board's experience that some parties intent on acquiring insured institutions may not fully disclose their arrangements until they have accomplished their purposes. Even after a group acting in concert has acquired control, there can be great difficulty in proving that a prior plan or arrangement existed. Consequently, the issues raised in proving secret acquisitions of control are similar to those raised in proving the existence of conspiracies, agreements in restraint of trade, or other clandestine arrangements. While the term should not be open-ended, the Board believes that the proper effectuation of statutory purposes argues for an interpretation of the phrase that brings in conscious concerted activity resulting in acquisition of effective joint control by the actors involved. When such joint activity is present and there is an awareness of the part of each actor that his or her efforts contribute to and are a part of a plan of acquisition of control, it should be presumed that all the actors are acting pursuant to at least a tacit agreement. The Board proposes to adopt a definition of acting in concert that better states this viewpoint by indicating that the term includes "knowing participation in a joint activity or conscious parallel action towards a common goal whether or not pursuant to an express agreement, or any combination or pooling of voting or other interests in the securities of an issuer for a common purpose, pursuant to any contract, understanding, relationship, agreement, or other arrangement, whether written or otherwise." The Board currently employs the same definition in a closely related context in § 563b.3(i) to regulate the activities of groups in acquiring the stock of recently-converted insured institutions. *See Conversion from Mutual to Stock Form*, Resolution No. 84–400, 49 FR 32340 (Aug. 14, 1984) (codified at 12 CFR 563b.3(i)(8)(iv) (1985)).

To provide further guidance to acquirors in this area, the Board proposes to establish several rebuttable

presumptions regarding action in concert. These presumptions are derived both from long standing precedents interpreting the term and from the Board's practical experience and would be codified with the rebuttable control determinations contained in proposed § 574.4. Particular questions have arisen in this area, for example, regarding the extent to which a company may be deemed to be acting in concert with its management officials or controlling shareholders. The Board has confronted a variety of situations in which persons owning voting stock in an insured institution also controlled companies that had invested in securities of the same institutions or had otherwise taken actions which would result in the acquisition of influence over the affairs of the institution. Consequently, the influence of the management official or controlling shareholder was enhanced by the actions of this controlled corporation. Such arrangements can also lead to the types of unfair affiliated transactions that are a major concern of the Holding Company Act.

In the Board's view, when a person acquiring shares in an insured institution is a controlling shareholder or management official of a company that has made similar investments or has otherwise facilitated his acquisition, it is reasonable to assume that investments or actions of the corporation are the result of a common design. A coordination of action may result either from the controlling influence of the shareholder over the corporation or the fiduciary duty of the controlling shareholder or management official not to act against the interests of the corporation and its other shareholders.[4] To embody this principle in the regulations, the Board proposes to establish a presumption in § 574.4 that a company is acting in concert with a controlling shareholder or management official of such company where both the person and the company have certain specified relationships with the institution or have interests in the institution's stock. Such relationships would include but not be limited to: (1) Dual ownership of the insured institution's stock; (2) provision of credit by the company to the person to purchase the insured institution's stock on other than an arm's-length basis or on terms and conditions other than those required or available in transactions in the ordinary course of business with unaffiliated parties; or (3) pledging of the company's assets to secure financing for the person's acquisition of stock of the insured institution. If these relationships exist between an institution, a company and a controlling shareholder or management official of the company, the person will be presumed to be acting in concert with the company and the acquisition would be subject to the Holding Company Act. The Board notes in this regard that, in practice, this presumption would be significant where it results in an aggregation of stock that exceeds a threshold established as a rebuttable determination of control or a statutory conclusive control level. In either case, the affected company would be permitted to attempt to rebut the presumptions of concerted action through the rebuttal process, also contained in proposed § 574.4 and described in detail, below.

The Board also proposes to establish presumptions regarding other relationships which the Board regards as indicative of action in concert. These include purchases by a company and a controlling or controlled company or another company under common control, purchases by persons who are management officials or controlling shareholders of the same company, and purchases by a person and members of the person's immediate family. In addition, action in concert would be presumed to exist where parties constitute a group for purposes of the federal securities laws under 17 CFR 240.13d–5(b)(1) or 240.14a–11(b) (excluding the issuer and directors of the issuer). These also would be contained in proposed § 574.4.

The Board wishes to note another acquisition pattern which has recently appeared and which raises concerns not dissimilar from those associated with purchases by a corporation and its management officials, namely the acquisition of shares by an employee stock ownership plan ("ESOP") for which directors or officers act as trustees, or in a similar fiduciary capacity. The Board notes that ESOPs and similar plans generally are trusts, and thus independently may become subject to the Holding Company Act as companies. 12 U.S.C. 1730a(a)(1)(C) (1982). Where a company and a plan that is administered by non-independent trustees both own stock of an institution, however, it is the Board's view that in such an arrangement the company and the plan may, under certain circumstances, be considered to be acting in concert. Moreover, the Board notes that while it would not generally consider directors a group to be acting in concert solely because of their positions on the board, management can become a group if it takes actions designed to vest control in themselves personally. The Board recognizes that retirement plans that hold a company's stock may take many forms and that issues in this area are significant and deserve more study. The Board is therefore not at this time proposing to establish presumptions in this area; however, on this issue as well as the general subject of action in concert, the Board specifically invites comments on situations and factors that shoud be considered in evaluating activities which may constitute acting in concert.

D. Acquire

Both statutes refer to acquisitions of control in their operative provisions. 12 U.S.C. 1730(q)(1); 1730a(e)(1)(B) (1982). In the majority of cases, an acquisition of control will involve the acquisition or ownership of a security of the insured institution. *See* 12 U.S.C. at 1730(q)(1); 1730a(a)(2)(A). The acquisition of securities is particularly emphasized in the Control Act which deals with acquisitions of control through "a purchase, assignment, transfer, pledge, or other disposition of voting stock". 12 U.S.C. 1730(q)(1) (1982). In administering the statutes, the Board and its staff have scrutinized a variety of arrangements which, while not characterized as outright sales, served to vest another person with the operative attributes of ownership or control of the security.

The Board proposes to clarify the applicability of the term "acquire" to specific situations in which control of securities is passed. First, the proposed definition would address an acquisition of a control percentage by a reduction in the percentage holdings of other shareholders as might occur in a selective redemption or a high-ratio reverse stock split in which fractional shares are cashed out. The implementing regulations of other banking agencies provide that such an increase in proportionate ownership will be deemed an acquisition of voting securities for purposes of the Control Act. *See, e.g.*, 12 CFR 225.41(a)(2) (1984) (Federal Reserve Board). The Board views this as an appropriate interpretation of the term acquisition and proposes to incorporate a similar

[4] The proposition that a corporation and its controlling persons should be considered to act in concert finds further support in the Holding Company Act which prohibits officers, directors, and 25 percent shareholders in a savings and loan holding company from acquiring control of other insured institutions. 12 U.S.C. 1730a(i)(2) (1982). This restriction was characterized as a complement to the Act's other curbs on holding company expansion rather than a limitation on directors, officers and 25 percent shareholders. H.R. No. 997, 90th Cong., 1st Sess. 14 (1967), *reprinted in* 1968 U.S. Code Cong. & Ad. News 1601, 1614.

provision in its regulations. *Pro rata* redemptions or stock splits in which the percentage ownership of shareholders remains substantially unchanged would not be considered the acquisition of shares by virtue of the exemption contained in proposed § 574.3(c)(1)(v) and in the current Control Act regulations at 12 CFR 563.18–2(d)(v) (1985). Consequently, a stock transaction that causes a material realignment of ownership interests would be deemed an acquisition of control for any person or company whose holdings exceed a control threshold as a result of the transaction. However, a person or company whose holdings exceeded a control threshold as a result of a stock transaction that was essentially *pro rata* in nature would not be required to make a filing. In addition, where a stock transaction that is not essentially *pro rata* caused a person or company to exceed a control threshold, and the person or company did not control the stock transaction that resulted in the increase in ownership, the person or company would have 30 days after the effective date of the stock transaction to submit the appropriate notice, application or rebuttal under proposed § 574.3(d). A rebuttal application or notice submitted under these circumstances would *not* be treated as an after-the-fact rebuttal, application or notice, as the case may be, submitted by a party holding stock in violation of the Board's rules, which would constitute a "presumptive disqualifer" under this proposal. Where the person or company had the ability to the timing of the stock transaction, or had adequate advance notice thereof, however, the Board would expect that an appropriate application, notice, or a rebuttal would be filed *prior* to the acquisition.

Issues also have arisen in respect to the formation of groups after the acquisition of shares. In a not unusual sequence of events, individuals who have previously acquired shares in an insured institution will form a group whose entire holdings exceed the notice threshold of the Control Act or the implementing regulations. It has been contended that if no additional stock is acquired, the group formation would not come within the proscriptions of the Control Act because the control percentage was not acquired through a purchase, assignment, transfer, pledge, or other disposition of voting stock. The Board is concerned about such transactions since the obvious inference to be drawn from such a sequence of events is that the participants in the group have been acting in concert from the beginning and thus became subject to the Control Act as soon as their aggregate purchases exceeded the reporting threshold. Regardless of the existence of prearrangement, however, the Board believes that formation of a group or other decision to pursue concerted action should be deemed an "acquisition" of the participants' stock—particularly the voting power represented thereby—by the group formed. The Board notes that the Securities and Exchange Commission ("SEC") uses a similar interpretation of the term acquisition in the rules promulgated under Securities Exchange Act ("Exchange Act") Section 13(d), 15 U.S.C. 78m(d) (1982); Exchange Act Rule 13d-5(b), 17 CFR 240.13d-5(b) (1984). The Board is therefore proposing to specify by regulation that when two or more persons act in concert for the purpose of influencing the management or policies or an insured institution, the group formed thereby shall be deemed to acquire the voting stock of such persons. Such and approach is already employed in the Board's regulations governing mutual-to-stock conversions. *See Conversions from Mutual to Stock Form.* Resolution No. 84–400, 49 Fr 32340 (Aug. 14, 1984) (codified at 12 CFR 563b.3(i)(8)(iv) (1985)).

E. Stock and Voting Stock

Voting stock plays a critical role in both statutes since acquisition or ownership of voting stock is the primary determinant of control. Both statutes include conclusive determinations that control exists upon the ownerships or acquisition of more than 25 percent of an insured institution's voting shares or securities.[5] *See* 12 U.S.C. 1730(q)(8)(B); 1730a(2)(A) (1982). The term "voting stock", however, is not defined in either statute. While the Control Act offers a definition of "stock" as "such stock or other equity securities or equity interests in an insured institution which is a stock company, or rights, interests, or powers with respect thereto", 12 U.S.C. 1730(q)(13) (1982), the Holding Company Act is silent.

The Board notes that a similar situation had existed under the Bank Holding Company Act of 1956, which contains no definition of the term "voting security" even though the term is used in that statute's operative provisions. *See* 12 U.S.C. 1841–50 (1982). In its recent revisions to Regulation Y, however, the Federal Reserve Board promulgated a definition of voting security as:

> shares of common or preferred stock, general or limited partnership shares or interests, or similar insterests if the shares of interests, by statute, charter, or in any manner, entitle the holder:
>
> (i) To vote for or to select directors, trustees, or partners (or persons exercising similar functions of the issuing company); or
>
> (ii) To vote on or to direct the conduct of the operations or other significant policies of the issuing company.

12 CFR 225.2(*l*)(1) (1984). The Federal Reserve Board definition further provides that preferred shares will not be considered voting securities if their voting rights are limited to those necessary to protect the investment and do not otherwise provide the holder with control. *See Bank Holding Companies and Change in Bank Control: Revision of Regulation Y,* Docket No. R–0470, 49 FR 794, 796 (Jan. 5, 1984); 12 CFR 225.(*l*)(2)(1984).

The Board proposes to incorporate the Control Act definition of stock into its regulations and further to adopt a definition of the term "voting stock" similar to that of the Federal Reserve Board. "Voting stock" would be the term used in place of "voting shares" to avoid confusion with share interests in a mutual institution. In addition, the scope of the term "voting stock" would be clarified with respect to options and rights to acquire stock and securities convertible into stock. It is noted that the phrase in the Control Act definition of stock by which "rights, interests, or powers with respect to" stock are deemed to be stock is broad enough to encompass virtually all options, warrants and convertible securities. However, in the Board's view, the definition should be tailored so as only to include instruments where the holder is subject to the preponderant economic risk with respect to the underlying stock. Thus, the definition of "voting stock" would include securities that are convertible into voting stock or exercisable to acquire voting stock at the direction or option of the holder, where the preponderant economic risk of ownership of the underlying stock has shifted to the holder of the convertible security or right to acquire voting stock.

In the case of securities immediately convertible into voting stock, at the option of the holder, without payment of additional consideration, the Board regards the holder as possessing the preponderant economic risk with respect to the underlying voting stock and therefore such securities will be treated as the equivalent of the voting

[5] Although the Control Act restricts acquisitions of control through acquisitions of "voting stock" 12 U.S.C. 1730(q)(1) (1982), the control presumption in that statute references "voting securities". *Id.* at 1730(q)(8). The Holding Company Act refers to "voting shares". *Id.* at 1730a(a)(2).

stock into which they are convertible. In this regard, a security would not be treated as not immediately convertible if its conversion were subject only to regulatory approval by the Board which would be required in any event. *See* FRB Staff Op. (May 14, 1984), 1 Fed. Res. Reg. Serv. § 4–397.2. In the case of other securities convertible into voting stock in different circumstances and of rights to acquire voting stock such as options or warrants, the question of whether the holder possesses the preponderant economic risk in the underlying stock must be resolved on the basis of the particular facts of each case.

For example, a party may enter into an option agreement in which a substantial portion of the purchase price is paid prior to conversion or exercise. Arrangements may also provide additional economic interest in the shares such as a provision that if the option goes unexercised, the optionee has the right to share in profits upon sale of the security. Although record ownership has not passed, the arrangement gives the optionholder an economic interest in the shares equivalent to ownership and raises serious questions regarding actual control of the optioned shares. For such reasons, for example, an arrangement having such attributes was deemed the sale of a security to the optionee for purposes of section 16(b) of the Exchange Act, 15 U.S.C. 78p(b) (1982). *See Bershad* v. *McDonough*, 428 F.2d 693 (7th Cir. 1970), *cert. denied*, 400 U.S. 992 (1971). The Board generally would consider the holder of a security convertible into voting stock or of rights to acquire voting stock *not* to possess the preponderant economic risk of ownership of the underlying stock where the holder has paid less than 50 percent of the consideration required to directly acquire the stock and has no other economic interest in the underlying stock. In other situations where the holder's economic stake in the underlying voting stock exceeds this level, or is less than 50 percent but is coupled with another interest in the underlying stock, the Board expects that specific questions as to whether a security constitutes "voting stock" will be resolved by consulting the Board's Office of General Counsel.

The Board believes that the foregoing treatment of convertible securities and rights to acquire voting stock reflects a realistic assessment of the actual control that may be exercised by parties owning or holding such securities or rights. In particular, the Board believes that the definition of "voting stock" is appropriate in view of the various non-traditional means for achieving control that have developed in the modern financial markets, in order to enable the Board to carry out its responsibilities to scrutinize acquisitions and changes of control of insured institutions *before* effective control has changed hands. The Board notes further that the definition of "voting stock" as structured in the proposal should not include a customary stock purchase agreement and thus *bona fide* negotiated transactions should not be hampered by the application of the rule. The Board invites comments on this aspect of the definition of "voting stock" and on any other elements of the "voting stock" definition as proposed.

Finally, the definition of "voting stock" would also include securities that, upon transfer or any other event within the control of the holder, would become "voting stock," unless the securities also require that they can only be transferred in a widely dispersed sale or public offering. This provision of the definition is necessary to address arrangements in which an institution issues to a prospective acquiror a security which converts to voting stock upon transfer to a third party. Such securities have been used in stakeout agreements to give the prospective acquiror assurance that the target will not become the subject of another takeover. Since these arrangements give the prospective acquiror substantial control over a large block of stock, including the ability to transfer control to a third party, the Board is of the view that such a security is tantamount to acquisition of the block itself. The Board notes that the Federal Reserve Board has taken a similar position with respect to such arrangements under the Bank Holding Company Act. *See Policy Statement on Nonvoting Equity Investments by Bank Holding Companies*, 12 CFR 225.143(c)(6) (1984).

F. Insured Institution

For purposes of Holding Company regulations, "insured institution" is currently defined to include institutions whose accounts are insured by the Corporation, federal associations whose accounts are insured by the Federal Deposit Insurance Corporation, and institutions that retain insurance of accounts pursuant to § 563.29–1. This is also the general definition of insured institution found at 12 CFR 561.1 (1985). The current Control Act regulation expands on this definition to include savings and loan holding companies, 12 CFR 563.18–2(b)(4) (1985), implementing the last sentence of 12 U.S.C. 1730(q)(1) (1982). The Board proposes to include all these elements in the definition of "insured institution" for purposes of Part 574.

G. Savings and Loan Holding Company

The definitional provisions of Part 574 would include the same definition of "savings and loan holding company" now found in 12 CFR 583.11 (1985).

H. Actively Traded and NASDAQ

The Board proposes to retain the definition of "actively traded" now found in the Control Act regulations at 12 CFR 563.18–2(b)(5) (1985). The term is an element of the control determinations discussed below and refers to securities either traded on an exchange or traded "over the counter" and quoted on the NASDAQ system. The proposed regulations would also retain the definition of NASDAQ currently set forth in 12 CFR 563.18–2(b)(6) (1985).

I. Acquiror

For purposes of Part 574, the proposed regulations use the term "acquiror" to include either a person or a company.

J. Controlling Shareholder

For purposes of the definition of "acting in concert," discussed above, the term "controlling shareholder" of a company means a person who, directly or indirectly or acting in concert with one or more other persons or entities, owns, controls, or holds with power to vote 10 percent or more of the voting stock of a company or controls in any manner the election or appointment of a majority of the company's board of directors. This definition is derived from the definition of "controlling person" already used in the Insurance Regulations, 12 CFR 561.28 (1985). For purposes of Part 574, a person's holdings would be aggregated with those of members of his or her immediate family, as defined below.

K. Immediate Family

The definition of the term "immediate family" is also taken from the Insurance Regulations and includes: a person's spouse, father, mother, children, brothers, sisters and grandchildren; the father, mother, brothers, and sisters of the person's spouse; and the spouse of the person's child, brother or sister. *See* 12 CFR 561.30 (1985).

L. Management Official

"Management official" as used in the proposal means any executive officer, director, partner, or trustee or any other person who performs similar policy-making functions for an insured institution or company, whether incorporated or not. The term would

include executive officers of subsidiaries if they perform policy-making functions for the parent and would include any person who has a representative or nominees performing such functions. The definition combines elements of Exchange Act Rule 3b–7, 17 CFR 240.3b–7 (1984), and section 201(4) of the Depository Institution Management Interlocks Act, 12 U.S.C. 3201(4) (1982).

III. Section 574.3—Acquisitions of Control

Proposed § 574.3 would set forth the basic acquisition provisions now found at 12 CFR 563.18–2(c) and 584.4(b) (1985). Section 574.3(a) would restate the Holding Company Act acquisition limitation while paragraph (b) of the section applies the Control Act restriction. Both paragraphs, however, would be essentially the same in wording, prohibiting an acquisition of control of an insured institution by a "person" if there has not been the required period of prior notice, or by a "company" if there has not been prior written approval by the Corporation. The paragraph implementing the Control Act restriction does not restate the statutory qualification "through a purchase, assignment, transfer, pledge, or other disposition of voting stock," 12 U.S.C. 1730(q)(1) (1982), since the definitions of "acquire" and "control" would provide the voting stock disposition nexus required by the statute.

Paragraph (c) of proposed §574.3 sets forth the exemptions to the acquisition approval requirements now found in §563.18–2(d) of the Control Act regulations and §584.4(b) of the Holding Company Act regulations. 12 CFR 563.18–2(d); 584.4(b) (1985). These exemptions specify transactions that are exempt from the approval process of the Holding Company Act. Paragraph (d) lists transactions which are exempt from *prior* approval or notice under either Act, but which require subsequent filing of an application or notice and review thereof.

Exemptions from the Holding Company Act approval process under paragraph (c) include the statutory exceptions for control acquired under the terms of testamentary trusts exempt from the definition of a "savings and loan holding company" or acquired by a newly-formed holding company in a reorganization which involves solely the acquisition of control of an insured institution by a company, which is controlled by a person who has controlled, or group of persons that have controlled the institution for more than three years prior. 12 U.S.C. 1730a(e)(1)(B)(i) and (ii) (1982). It should be noted that, pursuant to the statutory language of the Holding Company Act and past interpretations of this provision, the Board would regard this reorganization exemption as applicable only where the controlling person or persons have remained unchanged for the entire three-year period and group members have acted together to exercise control of the institution. *See, e.g.*, Op. G.C. Mar. 12, 1970. In order to take advantage of this exemption, the acquirors would be required to file a Form H–(e)4 demonstrating their qualification. The Board's General Counsel would be delegated authority to consider the filing and would be obliged to indicate any disapproval of the claim of qualification for the reorganization exemption within 30 days of receipt, or the reorganization would be deemed to be approved.

The Holding Company Act approval-process exemptions also would include an exemption for certain acquirors in connection with the acquisition of "control", as defined, pursuant to a pledge or hypothecation of stock contracted in good faith to secure a loan or through liquidation of a loan contracted in good faith, and, in both cases, in the ordinary course of the lender's business. Control so acquired cannot be retained for more than one year unless the Corporation extends the period. 12 U.S.C. 1730a(e)(4) (1982). No extension, however, can allow the retention of such control beyond an additional three years. Acquisitions of control by lenders in connection with debts contracted in good faith that do not fit within the foregoing exemption would not be exempt transactions but would be exempt from the requirement of prior approval under proposed paragraph (d). In addition, it should be noted that this exemption would not relieve an insured institution or insured bank from its obligation to report a loan secured by stock of an insured institution under § 574.5(b), discussed below.

The proposal also includes an exemption for acquisitions of control through testate or interstate succession provided that the Board is advised in writing within 30 days of such acquisition of control. The exemption is currently contained in the Control Act regulations at 12 CFR 563.18–2(d)(2)(ii) (1985) as an exemption from the prior-notice requirement. The proposal also exempts acquisitions of additional voting stock after approval of an acquisition of control has been given under either paragraph (a) or (b). However, this exemption would not be available for acquisitions in violation of conditions imposed by the Board in connection with the prior approval or acquisitions made on terms materially different from those set forth in the application or notice.

Exemption from the Control Act provisions governing acquisitions of control would be separately listed in subparagraph (2) of paragraph (c) and would include by reference all the enumerated exemptions from the Holding Company Act approval requirements. In addition, subparagraph (2) would exempt transactions subject to Board approval under the regulations applicable to mergers or holding company acquisitions. This exemption covers transactions for which the Board receives applications providing information similar to that contained in Holding Company applications and Control Act notices and clarifies the exemption currently at 12 CFR 563.18–2(d)(1)(i) and (ii) (1985) by referring to § 552.13 of the Federal Regulations governing mergers involving federal stock associations. This exemption is only available, however, as long as control of an insured institution is not acquired by an acquiror not in control of an institution prior to the transaction. The Control Act exemptions also would include the regulatory exemption for acquisitions by a person who has continuously held more than twenty-five percent of an institution's voting stock since the effective date of the statute, March 9, 1979. *See* 12 CFR 568.18–2(d)(1)(iii) (1985). Proposed § 574.3(c) would provide a similar exemption for persons that would have been deemed to control an insured institution on the basis of the proposed control presumptions prior to the effective date of any final regulation resulting from this proposal. Finally, the Control Act exemptions would cover acquisitions after notice of the Corporation's intent not to disapprove provided the acquisition is made on the terms specified in the notice.

Proposed paragraph (d) specifies exemptions from the requirements of prior approval or prior notice under the Holding Company and Control Acts, respectively. Similar exemptions, for stock acquired through a *bona fide* gift or in satisfaction of a debt contracted in good faith, currently appear as exemptions from prior notice under the Control Act regulations at 12 CFR 563.18–2(d)(2)(i) and (ii) (1985). These exemptions, however, would be subject to the following conditions. First, an acquiror receiving stock under circumstances covered by an exemption from prior approval or prior notice must

file an application or notice with the Corporation within 90 days of acquisition of the stock. Second, during the pendency of the Corporation's review, the acquiror may not take any actions designed to effect a change in control of the insured institution in question. Third, if the Board disapproves the acquiror's application or notice, the acquiror will be required to divest the stock acquired within one year of the Board's action, or such shorter period as the Board may order in rendering its decision.

With respect to all of the foregoing exemptions, acquirors also should be aware that the presence of an exemption from the approval process or an exemption from the requirement of prior approval under the Holding Company Act does not necessarily mean that the acquiror is exempt from other provisions of the Holding Company Act. For example, certain trusts are specifically excluded from the definition of a savings and loan holding company and thus would be entirely exempt under the Act. However, a company that acquires control of an insured institution in connection with a foreclosure that is exempt from the approval process is exempted only from sections 408(c)(2) and 408(g) of the Holding Company Act, 12 U.S.C. 1730a(c)(2) and (g) (1982). Other types of exempt acquisitions of control, such as an exempt reorganization, also leave the acquiring company fully subject to all other provisions of the Holding Company Act.

Proposed paragraph (e) sets forth the Holding Company Act's prohibitions against certain acquisitions that would result in the formation of interstate holding companies. *See* 12 U.S.C. 1730a(e)(3) (1982). Such acquisitions may be approved, however, in accordance with the emergency thrift-acquisition provisions of 12 U.S.C. 1730a(m) (1982). In addition, the Board may arrange interestate supervisory mergers involving federally-chartered subsidiaries of holding companies pursuant to its branching policy statement for federal associations. 12 CFR 556.5(a)(3) (1984). *See Independent Bankers Association of America v. Federal Home Loan Bank Board*, 557 F. Supp. 23 (D.D.C. 1982).

IV. Section 574.4—Control

A. Control

The proposed regulation also seeks to clarify and specify the situations that the Board regards as constituting control. As noted above, both the Control Act and the Holding Company Act employ broad definitions of the term "control". The control Act describes control as the power, directly or indirectly, to direct the management or policies of an insured institution. 12 U.S.C. 1730(q)(8)(B) (1982). The Holding Company Act provides that the term includes control in any manner of the election of the majority of the directors of an insured institution. *Id.* at 1730a(a)(2)(A). Control also may be found under the Holding Company Act if the Corporation determines that a person, directly or indirectly, exercises a controlling influence over the management or policies of an insured institution. *Id.* at 1730a(2)(D). Under either statute, the acquisition of more than twenty-five percent of an insured institution's voting stock conclusively is deemed the acquisition of control. 12 U.S.C. 1730(q)(8)(B); 1730a(a)(2)(A) (1982). While the current Holding Company Act regulations simply restate the statutory indicia of control, 12 CFR 583.26 (1985), the Control Act regulations, like those of the other federal financial institutions regulatory agencies, set forth an additional presumption of control at 12 CFR 563.18–2(c)(2) (1985). This presumption arises when a person acquires the power to vote more than ten percent of any class of voting securities of an insured institution that has a class of voting securities registered under section 12 of the Exchange Act, 15 U.S.C. 781 (1982), and such shares are "actively traded."[6]

With the increase in acquisition activity in recent years, the Board and its staff have regularly been confronted with a variety of investments in securities of insured institutions which raise control concerns under the statutes but which may not be precisely covered by the control criteria set forth in the regulations. To deal with these situations, the Board has resorted to the generalized formulations of control in the statutes to compel compliance. The variety of the Board's experience in administering the Control Act and Holding Company Act has allowed it to identify certain factors that raise questions as to whether the investor has the power to control the association or is in fact exerting a controlling influence in the institution. To facilitate compliance with the Acts, and to expedite resolution of the issues, The Board is proposing to incorporate these factors in its Control and Holding Company Act Regulations as part of a more comprehensive and realistic series of control determinations. When such factors are present at the same time an investor has a certain level of securities ownership, the investor would be determined, subject to rebuttal, to have acquired control. This revised system should not only serve the Board's goal of increased compliance but should also benefit acquirors and investors by giving them advance notice of how the Board will examine their investments.

B. Conclusive Control Determinations

Control determinations for both statutes would be set forth in § 574.4. In accordance with the statutes, paragraph (a) would set forth circumstances in which control is conclusively presumed to exist. These factors would be treated as conclusive determinations of control.

Paragraph (a) would follow the statutory criteria and establish a conclusive determination of control when an acquiror, directly or indirectly, or acting in concert with others, acquires more than 25 percent of a class of voting stock of an insured institution. The provision integrates the control determinations of the two statutes. Although the Holding Company Act speaks of a person who "owns, controls, or holds with power to vote, or holds proxies representing" stock while the Control Act refers to a person who "acquires" the stock, the two statutory provisions have been interpreted in a manner that covers essentially the same transactions. As a rule, an acquisition of stock results in control of that stock. The proposed implementing regulations would also specify that control is achieved upon the acquisition of more than 25 percent of a class of voting stock, which is the language used in the Control Act. The Holding Company Act provides that control is present upon ownership or control of more than 25 percent of an institution's voting "shares" rather than a difference since insured institutions generally only have

[6] As originally promulgated, the Control Act regulations established two control presumptions deeming a person to acquire control if he or she acquired more than ten percent of an insured institution's stock and either: (1) The institution had a class of stock registered under the Exchange Act; or (2) the acquiror was the institution's largest shareholder following the acquisition. *Amendments Relating to Change in Savings and Loan Control Act*, Resolution No. 79–121, 44 FR 10500 (Feb. 21, 1979). These presumptions were the same ones that are currently found in the regulations of the other federal financial institutions regulatory agencies. *see* 12 CFR 5.50(e); 225.41(b)(2); 303.15(a) (1984). Subsequently, the control presumption with respect to institutions with a registered class of voting securities was limited to institutions that had more than 1200 shareholders and $250 million in assets *See Federal Savings and Loan Institutions, Change in Control*, resolution No. 80–491, 45 FR 55693 (Aug. 21, 1980). Finally, in 1982, the presumption regarding largest shareholders was eliminated and the presumption with respect to institutions with a registered class of voting securities was revised to require active trading in the stock, rather than 1200 shareholders and $250 million in assets. *Amendments Relating to Change in Control*, Resolution No. 82–507, 47 FR 34120 (Aug. 6, 1982).

one class of voting securities. The Board has noted, however, that there are institutions that have begun using different classes of common stock to limit or structure control of the institution. In the Board's view, the acquisition of 25 percent of such a class would raise Holding Company Act concerns and should be subject to its requirements.

Paragraph (a) lists other conclusive control determinations, including, with respect to both an insured institution and a company, holding general irrevocable proxies representing 25 percent or more of any class of voting stock of the institution or company; control in any manner of the election of a majority of the institution's or company's directors; and, with respect to determining control of a company only, control of the election of a majority of the company's trustees, a position as general partner, contribution of more than twenty-five percent of capital, or a position as trustee with respect to control of a trust.

Finally, paragraph (a) would state a general definition of actual control for both statutes. The Board proposes to use a formulation that defines control as the power, directly or indirectly, to direct the management or policies of an insured institution, as phrased in the Control Act. 12 U.S.C. 1730(q)(8)(B) (1982). Although the wording of the Control Act control definition differs slightly from that contained in the Holding Company Act at 12 U.S.C. 1730a(2)(D) (1982), the Board believes that the differences in formulation are not of substance and that both statutes were designed to address the same general type of controlling influence over the affairs of an insured institution. In the Board's view, it is appropriate that control determinations under both the Control Act and the Holding Company Act be made in advance of an actual exercise of controlling influence. Advance determinations are necessary in order to avoid consummation of transactions that would frustrate the purposes of the Acts and to save acquirors from substantial expenditures that may be ultimately deemed unlawful under the Holding Company Act's "controlling influence" standard. The Board notes that the Federal Reserve Board has adopted a similar position under the Bank Holding Company Act in its revisions of Regulation Y. *See* 12 CFR 225.2(d)(1)(iii) (1984). *Bank Holding Companies and Change in Bank Control; Revision of Regulation Y*, Docket No. R–0470, 49 FR 794, 799 (Jan. 5, 1984).

C. Rebuttable Control Determinations

Rebuttable determinations of control would be collected in § 574.4(b) and presumptions of concerted action would be set forth in § 574.4(d). The rebuttable determinations of control reflect the experience of the Board and its staff in reviewing investments in insured institutions and are intended to put acquirors on notice of the Board's position regarding control under both statutes and to expedite the process of resolving questions of control. The Board wishes to point out that these rebuttable control determinations do not operate as presumptions, as under the current Control Act regulations. Rather, they present determinations of control which are subject to rebuttal pursuant to specified requirements and procedures. If such procedures are not followed (or specifically waived by the Board), the control determination is not rebutted and the acquiror in question would be deemed to be in control.

In the context of the Holding Company Act, the rebuttable determinations of control are based on the "controlling influence" criterion which requires that the Board provide reasonable notice and an opportunity for a hearing on such a determination, 12 U.S.C. 1730a(a)(2)(D) (1982), and are derived from the Board's experience with situations where a company exerts actual control over an insured institution. The proposal provides that a prospective acquiring company whose planned acquisition would come within the scope of one or more of the rebuttable determinations of control must either seek to rebut the determination of control or file the appropriate application before proceeding with the acquisition. A failure to follow the rebuttal procedure would be a violation of the Board's rules and could form the basis of enforcement action against the acquiror. If the company proceeded with a rebuttal, it would make a rebuttal submission in the manner described in the rule. In order to avoid delays in considering rebuttals, authority to consider rebuttals would continue to be delegated jointly to the Board's Office of Examinations and Supervision and Office of General Counsel and would be considered under criteria, procedures and deadlines that are also part of this proposal and are discussed below. If the rebuttal submission did not meet the rebuttal criteria, the acquiror would be notified that its rebuttal was not accepted. If the acquiror were a company and the company were then to proceed with the acquisition, rather than file the appropriate application, the facts presented in the acquiror's rebuttal effort could be the basis upon which a notice, with opportunity for hearing, would issue.

The Control Act does not present the procedural complexity in the use of rebuttable determinations that is presented by the "controlling influence" standard of the Holding Company Act. The Control Act defines "control" as the power, directly or indirectly, to direct the management or policies of an insured institution *or* to vote 25 percent or more of any class of voting securities of the insured institution. 12 U.S.C. 1730(q)(8)(B) (1982). The proposed rebuttable determinations of control again are based upon the Board's experience in observing actual control situations and implement the first part of this definition. Application of the rebuttable determinations as a basis for a finding of control under the Control Act does *not* require a prior hearing before a violation of the acquisition restrictions may be found. The rebuttal process would be available under the Control Act and again the rule would provide that a prospective acquiring person whose acquisition would be within the scope of one of the rebuttable determinations of control would either seek to rebut the determination or file the requisite notice and obtain clearance before proceeding with the acquisition. Failure to do so would constitute both a violation of the rules requiring resort to the rebuttal process in the first instance as well as a violation of the regulations requiring prior clearance of the acquisition.

As is currently the case with presumptions of control under the Control Act regulations, distinctions would be drawn for purposes of the rebuttable control determinations under both statutes between institutions whose stock is "actively traded" and all other institutions. If the institution has voting stock that is actively traded, the acquisition of more than 10 percent of any class of that institution's voting stock will be deemed, subject to rebuttal, to constitute control if any "primary" or "secondary" control factor, as enumerated in § 574.4(d), exists. This determination is *less* sweeping than the presumption contained in the current regulation, which presumes control based upon the acquisition of more than 10 percent of an actively traded institution's voting stock in all events. For institutions whose stock is actively traded, the acquisition of 25 percent or more of any class of stock, whether voting or non-voting stock, also would be determined, subject to rebuttal, to be control if any primary factor is present.

Finally, for such institutions with actively traded stock, the acquisition of 35 percent or more of any class of voting or non-voting stock would be deemed to constitute control if any primary or secondary factor is found.

The standards for rebuttable determinations of control of institutions whose stock is not actively traded would include acquisition of 10 percent of any class of voting stock only when a primary factor is present; the acquisition of more than 20 percent of any class of voting stock when any primary or secondary control factor exists, and the acquisition of more than 25 percent of any class of stock, voting or non-voting, if any primary or secondary factor exists. The differing standards for actively traded and non-actively-traded stock reflect the fact that the widespread ownership of actively-traded stock allows an acquiror to gain working control of an institution with a much smaller block of stock than would be the case in institutions whose stock ownership is more concentrated.

Primary control factors would appear in § 574.4(c)(1) and would include circumstances that, in conjunction with a substantial investment, strongly indicate the power effectively to direct the management and policies of an insured institution. Such primary factors would include situations in which, at the time of acquisition or as a result of the acquiror's actions: (1) The acquiror would be the largest holder of voting stock in the institution; (2) the acquiror would hold 25 percent or more of the institution's total stockholders' equity or 35 percent or more of its combined debt securities and stockholders' equity; (3) the acquiror would have the power to dispose of 25 percent or more of the institution's voting stock otherwise than in a widely dispersed offering; (4) the acquiror is party to an agreement that gives the acquiror the ability to direct or control the management or policies of the institution, provided, however, that this factor does not include an agreement to which the insured institution is a party where (i) such restrictions apply only during the period where the acquiror is seeking Board approval for the acquisition, (ii) the agreement prohibits transactions between the acquiror and the insured institution and their respective affiliates without Supervisory Agent approval during the pendency of the approval process, and (iii) the agreement contains no material forfeiture provisions applicable to the insured institution in the event the acquisition is not approved by the Board or other regulatory authorities or is not approved by a specified date; (5) the acquiror has the ability to direct the vote of more than 25 percent of the institution's voting stock, or to direct the vote of more than 25 percent of the institution's voting stock upon the occurrence of a future event; or (6) the acquiror's nominees comprise 25 percent or more of the insured institution's board of directors.

It has been the Board's experience that the presence of any of the above factors coupled with ownership of a substantial block of stock is strongly indicative that the acquiror has the power to exert control over management if such influence is not already being exerted. For this reason, the first factor, status as the largest shareholder, constitutes a control presumption for a 10 percent owner under the Change in Bank Control regulations of the Federal banking agencies. *See* 12 CFR 5.50(e); 225.4(b)(2); 303.15(a) (1984).

The Board also regards substantial equity investments in the same manner. When an investor supplies an institution with a substantial portion of its equity capital or otherwise provides it with substantial funds, it is difficult to avoid the conclusion that the institution will be greatly influenced by the investor. With very sizeable investments, such influence need not depend on express contractual arrangements or legal rights. Similar concerns have prompted the Federal Reserve Board to adopt a guideline of 25 percent for non-voting equity investments in banks to avoid control issues under the Bank Holding Company Act. *See Policy Statement on Non-Voting Equity Investments by Bank Holding Companies*, 12 CFR 225.143(d)(5) (1984). The Board considers 25 percent of shareholders' equity a reasonable threshold for total equity investments in insured institutions in light of the 25 percent control criterion employed with respect to companies under the Holding Company Act. Similarly, a 35 percent investment in the combined debt securities and shareholders' equity in an institution would raise similar assumptions of control.

The ability to direct disposition of more than 25 percent of the voting stock of an insured institution was also cited as a factor indicative of control in the Federal Reserve Board's policy statement on non-voting equity investments. 12 CFR 225.143(c)(6) (1984). Such an arrangement gives the acquiror the ability to transfer control of an insured institution and clearly signals that the acquiror has the ability to effect radical changes in the operations of the institution. For these reasons, such arrangements would constitute a primary control factor unless the acquiror is also subject to a restriction that the stock may not be sold other than in a widely dispersed or public offering. Similarly, the ability to direct voting of more than 25 percent of an institution's stock upon the occurrence of a future event signals the ability to control and should be subject to a prior review.

The primary control factors also would reflect the Board's concern with the various standstill-type agreements used by potential acquirors in stake-out arrangements. In the usual case, the acquiror will make a substantial non-voting equity investment in a target institution and enter into an agreement designed to ensure that the target does not engage in activities inimical to the investor's interests. Often these agreements take the form of covenants by the target not to enter into new lines of business or otherwise vary its operations from present patterns. Other agreements are more interventionist, requiring consultation with the acquiror on policy questions or enabling the acquiror to direct the voting of certain shares. Many agreements provide that the acquiror's investment will convert to voting stock upon the occurrence of a future event such as the relaxation of current legal barriers to a business combination between the acquiror and the target.

Many of the above agreements supply the acquiror with substantial potential, if not actual, control over the affairs of the institution. This is clearly the case when a contract requires consultation and clearance on major business matters, but control can also arise from agreements requiring adherence to current business practices. The surrender of new business opportunities at the behest of the acquiror at least raises questions of control. Agreements allowing the acquiror to direct voting of stock or transforming its current investment to voting stock in the future may be regarded as endowing the acquiror with some of the benefits of that stock. If the amount of voting stock involved is equivalent to 25 percent of the institution's outstanding shares, control concerns will arise under either statute.

The Board proposes to establish as a primary control factor agreements that raise the above concerns. The Board recognizes, however, that restrictive covenants may serve legitimate ends in merger or credit agreements or in investments that infuse additional capital into an institution, and does not wish to unduly restrict these uses. The proposed regulations therefore would

provide that agreements imposing covenants, restrictions or requirements affecting the management policies or operations of the institution would not constitute a primary factor if (1) the institution is a party of the agreement, (2) the restrictions are customary under the circumstances, (3) in the case of an acquisition agreement, the restrictions apply only during the period when the acquiror is seeking regulatory approval for the acquisition, (4) the agreement prohibits transactions between the parties or between a party or its affiliates and affiliates of the other party without the approval of the Supervisory Agent, and (5) the agreement prohibits material forfeiture payments by the insured institution in the event of default if approval of the acquisition is not obtained or is not obtained by a specified date. The Board requests comments on other standards that would be appropriate to distinguish such acquisition agreements in defining control factors.

Secondary control factors include facts and circumstances which, standing alone, may not be strong indicators of control but in combination with a very substantial equity investment are indicative of the power to direct the management or policies of an insured institution. Grouped among the secondary control factors would be: (1) The acquiror or its representative seeks or accepts nomination on the institution's board of directors; (2) the acquiror, or a management official of the acquiror is a management official of the insured institution; (3) the acquiror holds more than 10 percent of the institution's outstanding debt securities; (4) the acquiror or an affiliate were participants (within the meaning of 17 CFR 240.14a–11(b) (1984)) in a proxy solicitation with respect to any class of voting securities of the institution within the preceding three years other than a solicitation on behalf of management of the institution; (5) the acquiror is one of the two largest shareholders in the institution; (6) the acquiror has assumed an economic stake in the institution in addition to that derived from the ownership of stock or debt securities, such as by being party to a profit sharing arrangement with the institution or the acquiror has established ties to the institution which indicate that the institution's activities are being sponsored by the acquiror, such as use of common facilities or personnel, use of common names, provision of advertising for or integral services to, or solicitation of business for the institution; (7) the acquiror extends credit to the institution other than on an arm's-length basis or on terms and conditions other than those would be required in transactions in the ordinary course of business with totally unaffiliated firms.

Secondary control factors would show either that the acquiror has established a substantial relationship with the institution as would be the case if it were a director or management official or that the acquiror has previously attempted to determine management policies of the institution through a proxy solicitation. When a substantial investor has established such relationships or attempted such influence and managed to assume a larger role in the institution's operations, it is resonable to presume that the investor has assumed actual influence in the institution's affairs. As the size of the acquiror's investment grows, these secondary factors assume greater importance.

In the application of the foregoing control factors, it is noted that under the Control Act, notice is only required for acquisitions of control through acquisitions of voting stock. 12 U.S.C. 1730(q)(1) (1982). When control factors are present prior to the acquisition of voting stock, it is generally the Board's view that the acquisition of stock triggers the control presumption. It is foreseeable, however, that for certain persons subject to the Control Act, control factors may come into existence *after* the acquisition of stock, and it could be asserted that the control factor only a rose because of the degree of influence gained through the investment. The Board notes that the language of the Holding Company Act does not present this timing issue. However, the Board solicits comments on whether a time limit should be established to determine whether a control factor is attributable to an investment in voting stock. For example, appearance of a factor within 60 days of an acquisition of voting stock could be viewed as a combined event. In any event, after critical control factors were present, any *additional* acquisition of stock would trigger the control determination.

Issues may also arise with respect to the use of non-voting equity investments as a measure of control. It is the Board's view, however, that when a substantial portion of an institution's capital can be attributed to a single investor, the investor acquires a substantial voice in the affairs of the institution on whether or not this is a legal attribute of the securities held. It is noted that the proposed definition of voting stock in § 574.2(a)(6) covers not only securities that confer the right to vote but also securities that in *any* manner entitle the holder to select directors or direct the operations or policies or an entity. In the Board's view, such power can be presumed to arise with a sufficiently large equity investment.

Finally, the rebuttable control determinations address a type of potential control that is prompting increasing questions with respect to the application of the Holding Company Act and the Control Act, namely, the application of the Acts to proxy contents and the shareholder proposals where parties may obtain revocable proxies, but which nevertheless may effectively result in a change in control of an insured institution or otherwise enable the proxy holder to exert a continuing controlling influence on the management and policies of an insured institution. Such circumstances would arise when a proxy solicitation could result in a change in the composition of the board of directors or a major corporate transaction. The Board has therefore included among the rebuttable determinations of control the possession of revocable proxies representing 25 percent or more of any class of voting stock of an insured institution where such proxies (1) pertain to the election of a majority of the insured institution's board of directors; (2) pertain to acquisition or corporate reorganization of the insured institution; or (3) would enable the proxy holder to exert a continuing influence on a material aspect of the business operations of the insured institution. The Board recognizes that questions may arise in connection with shareholder proposals, or in the case of proxy solicitations for less than a majority of an insured institution's board of directors, where the purpose of seeking board representation is to direct the future course of an insured institution in a specified manner, as to whether such action constitutes the acquisition of control. The Board also notes that the literal language of both the Holding Company Act and the Control Act, could cover the holding of proxies representing 25 percent or more of an insured institution's voting stock, regardless of the purpose of the proxy. *See* 12 U.S.C. 1730a(a) (2) (A) and (B), 12 U.S.C. 1730(q), (1), (8)(B) and (13). Rather than apply the statutes in that manner, however, the Board has elected to treat the holding of proxies representing 25 percent or more of a class of voting stock, not as conclusive control, but as giving rise to a rebuttable determination of control, and only so when the proxies relate to specified matters that are indicative of the proxy holder's ability to acquire or exercise effective control.

By placing this factor in the rebuttable rather than conclusive control category, and by specifying only certain matters that could be the subject of proxies, the Board intends not to unduly interfere in the corporate governance procedures of insured institutions, while at the same time protecting the Board's interest in scrutinizing changes of control before, rather than after, they occur. Moreover, it is not the Board's intention that the rebuttable control determination cover the possession of proxies cast in opposition to a proposal submitted to stockholders by management. Where proxies will be held in connection with a matter that is within the scope of the rebuttable determination, however, by placing such situations in the rebuttable category, it is the Board's intention to make use of the expedited rebuttal process in order speedily to resolve whether an application or notice would be required. The Board recognizes that market developments and innovations in the area of proxy contests for control present novel issues for the Board's administration of the Holding Company Act and the Control Act, and the Board requests comments on other factors that would be appropriate for this control element and other ways in which control through proxies could be addressed in the final regulation.

D. Presumptions of Concerted Action

In order to clarify the question of when persons or companies will be deemed to be acting in concert, the regulation also specifies several situations which, in the Board's experience, are strongly indicative of the existence of action in concert. As discussed above in Section II. C., these situations include certain relationships between a company and a controlling shareholder or management official of such company where both have certain interests in or relationships with the insured institution or its stock; a person and members of his immediate family; persons with certain business affiliations; companies under common control; and persons or companies that constitute a group under certain provisions of the rules under the Securities Exchange Act of 1934 regarding beneficial ownership reporting and proxy contents. These presumptions are not conclusive and a person or company may, as described below, seek to rebut a presumption of acting in concert.

E. Rebuttal Procedures

Section 574.4(e) would establish specific procedures for efforts to rebut the control determinations set forth in § 574.4(b) and the concerted-action presumptions set forth in § 574.4(d). In any instance in which a proposed acquisition would give rise to a rebuttable determination of control, the regulations would require that the acquiror either file the appropriate application or notice or submit a written rebuttal attempting to rebut the determination of control before proceeding with the acquisition. A rebuttal, as outlined in § 574.4(d)(1), would set forth facts and circumstances supporting the absence of control. A control rebuttal submission also would separately include an agreement entered into by the acquiror with respect to certain types of activities. This submission would be required to include specific undertaking not to:

(a) Seek or accept any additional representation on the institution's board of directors;

(b) Have or seek to have any representatives serve on an executive or similar committee of the institution's board of directors;

(c) Engage in any intercompany transactions with the institution;

(d) Influence or attempt to influence in any respect the loan and credit decisions or policies of the institution, the pricing or services, and personnel decisions, the location of any offices, branching or similar activitities of the institution;

(e) Influence or attempt to influence the institution's dividend policies and practices or any decisions or policies of the institution as to the offering or exchange of any securities;

(f) Have or seek to have any representative serve as an officer, agent or employee of the institution;

(g) Propose a director or slate of directors in opposition to a nominee or slate of nominees proposed by the institution's management or board of directors;

(h) Solicit proxies or participate in any solicitation of proxies with respect to any matter presented to the institution's shareholders other than in support of a solicitation on behalf of management of the institution;

(i) Seek to amend, or otherwise take action to change, the institution's bylaws, articles of incorporation, or charter,

(j) Exercise, or attempt to exercise, directly or indirectly, control or a controlling influence over the institution's management, policies or business operations; or

(k) Vote stock owned or controlled with power to vote other than on a *pro rata* basis in accordance with the vote of other stockholders on matters presented to the stockholders; or

(l) Seek or accept access to any non-public information concerning the institution except when the acquiror is already represented on the board of directors.

These undertakings have been contained in rebuttal agreements previously approved by the Corporation under the current Control Act regulations and are designed to ensure that the acquiror does not attempt to exert additional control over the institution or engage in practices that the Control and Holding Company Acts were designed to prevent, absent Board approval of an acquiror. Rebuttals would be required to be submitted prior to any acquisition, and the Board wishes to take this opportunity to emphasize that it is unlikely that the Board would entertain a rebuttal submission while an acquiror is in violation of either the Acts or regulations unless it could be demonstrated that the acquiror's stock holdings were the result of events beyond the acquiror's control, *e.g.*, non-pro-rata stock redemptions. In order to ensure enforceability, the rebuttal undertaking also must specifically state that it constitutes an agreement entered into with the Corporation and that violation of the terms of the undertakings shall be subject to such additional penalties, remedies and procedures as are provided under any other applicable statutes or regulations for violations, willful or otherwise, of agreements with the Corporation.

The Board recognizes that the rebuttal process would be somewhat different in connection with a determination of control that would arise as a result of holding certain types of proxies. Therefore, in the case of a rebuttal of a determination of control of such type, the prospective proxy holder would be required to furnish such information as requested by the Corporation, potentially including a rebuttal agreement that would contain some but not necessarily all of the foregoing conditions.

Similarly, a person or company could seek to rebut a presumption of acting in concert by filing a statement setting forth the facts and circumstances that support the assertion that no action in concert exists. Such a statement would be required to be accompanied by an affidavit from each person or company seeking to rebut, stating that such person or company has no agreements or understandings, written or tacit, with respect to exerting control, directly or indirectly, over the management or policies of the insured institution, including arrangements with respect to voting, acquisition or disposition of the

insured institution's stock. As with attempts to rebut a determination of control, the rebuttal would state that a violation of its terms would be subject to such additional penalties, remedies and procedures as provided under applicable statutes or regulations for violations, willful or otherwise, of agreements with the Corporation. The Board notes that execution of a false affidavit submitted to the Corporation may subject the person filing such an affidavit to criminal sanctions. *See, e.g.*, 18 U.S.C. 1001 (1982).

Rebuttal submissions would be submitted jointly to the Board's Office of Examinations and Supervision and Office of General Counsel, and those Offices jointly would have delegated authority to enter into control rebuttal undertaking agreements and to accept acting-in-concert rebuttal submissions on behalf of the Corporation. No rebuttal inconsistent with facts known to those Offices would be required to be accepted.

F. Safe Harbor

In order to provide investors with guidance on investments that do not raise control presumptions, the proposed regulation also would specify a "safe harbor," distinct from the rebuttal process, for "passive investors." By providing a regulatory endorsement of certain arrangements, the Board hopes to encourage investments in insured institutions. The safe harbor would be available where an acquiror owns less than 25 percent of an institution's voting stock, no control factors are present, and the acquiror agrees to abstain from soliciting proxies from others, although the acquiror could vote freely and dissent with respect to its own stock. In order to avail itself of the safe harbor, an acquiror would simply certify to the Board that its ownership status met the requirements of the safe harbor and that, before changing that status, the acquiror would either file a rebuttal or file the appropriate notice or application. In order to simplify this filing, the specific text of the safe harbor certification would be contained in the regulation. The Board solicits comments on the elements of a safe harbor and whether the safe harbor process should be available with respect to all insured institutions, or only a subcategory thereof, such as institutions with stock registered under the Exchange Act.

V. Section 574.5—Certifications of Ownership and Other Reports

The proposed revisions to the Control Act and Holding Company Act regulations would include provisions designed to better coordinate the reporting and filing obligations under the statutes. Some of the current differences in the regulations governing these aspects of the statutes are dictated by the differences in the statutes themselves. Where the Holding Company Act requires an application and written approval of the Corporation prior to an acquisition of control, 12 U.S.C. 1730a(e)(1)(B) (1982), the Control Act provides a notice period after which the potential acquiror is free to proceed with his or her plans. Notwithstanding these statutory differences, the Board believes that a more uniform approach to filings is feasible and desirable. Moreover, this element of the proposal would facilitate the Board's efforts to monitor compliance with both Acts by investors and avoid violations of the statutes. As a first step toward this unformity, the Board proposes to adopt a requirement that any person or company must file a brief certification upon the acquisition of 10 percent or more of any class of voting stock of any insured institution. Such a certification would be required from the beneficial, not merely the record, owner of the stock and would simply identify the insured institution and recite that the acquiror owns 10 percent or more of any class of voting stock of the institution, that the acquiror is not subject to a presumption of control and that the acquiror will not take actions that would give rise to a rebuttable determination of control under § 574.4(b) or a conclusive determination of control under § 574.4(a) without first filing and obtaining approval of a rebuttal or an application or notice, as appropriate. To make this filing as easy as possible, the specific text of the certification would be set forth in the regulation.

The certification would not be a public document. The purpose of the certification is to provide the Corporation with notice of persons and companies that have amassed substantial amounts of the stock of an insured institution and thus are capable of acquiring control under the Board's regulations. The certification additionally allows the Board to obtain a commitment from such persons or companies that in the future they will observe the requirements of the regulations. The Board would not review the qualifications or resources of a person or company upon the filing of such a report and the report would not be treated as an application or notice for purposes of commencing statutory or regulatory time periods. The Board, however, would consider the report in connection with any Control Act notice or Holding Company Act application which would be required if the acquiror proceeds to acquire more stock or takes on more indicia of control. Accordingly, failure to file the notice or the filing of an inadequate notice could be taken into consideration should the acquiror be required to file a full notice or application. *See* 12 U.S.C. 1730(q)(7)(E) (Corporation may disapprove Control Act notice for failure to file required information); 1730a(e)(1)(B) (Corporation need not render decision on application until 90 days after submission of complete record to Board) (1984).

Paragraph (b) of § 574.5 would implement the Control Act requirements of notice to the Corporation whenever an insured institution or insured bank makes a loan secured or to be secured by 25 percent or more of the stock of an insured institution.[7] 12 U.S.C. 1730(q)(9) (1982). An analogous provision appears in the current regulations at 12 CFR 563.18–3(c) (1985). Paragraph (c) would contain the statutory exceptions for loans where the borrower has been the owner of record for more than one year or where the stock is that of a newly organized institution prior to its opening. The notice required by this paragraph also would be confidential and would consist of a statement identifying the insured institution, the amount of stock involved, the date of the loan, and the name of the borrower.

VI. Section 574.6—Procedural Requirements

A. Applications and Notices

Proposed § 574.6 would set out the procedures applicable to submissions of applications or notices, rebuttals of control presumptions, safe-harbor filings, and certifications of ownership. These provisions are designed to implement the substantive revisions to the regulations previously discussed and to coordinate and facilitate the increased use of delegated authority in the application process.

Section 574.6(a) would identify the form to be used by particular acquirors for an acquisition. As is currently provided in 12 CFR 584.10 (1985), and now proposed to be contained in Part 574, the type of application filed by a company will depend on whether the acquiror is already a savings and loan holding company with respect to another insured institution and whether

[7] Although the Control Act deems a pledge of stock to be an acquisition, the legislative history of the Act indicates that pledges would only become acquisitions in the event of possession of voting control. H.R. Rep. No. 1383, 95th Cong. 2d Sess. 21 (1978), *reprinted in* 1978 U.S.C Code Cong. & Ad. News 9293.

the acquisition involves more than one institution. The proposal would entail no substantive revisions to the applications themselves at this time, although the Board intends to rearrange certain portions of the applications and notice forms in the future in order to facilitate the proposed new public-notice procedures. Companies other than current savings and loan holding companies would file Form H–(e)1 for acquisitions of single insured institutions. Acquisitions of more than one insured institution by any type of company would require use of Form H–(e)2. Acquisitions involving the merger of an institution or an existing savings and loan holding company would require Form H–(e)3, and exempt reorganizations under the Holding Company Act would be submitted for review under Form H–(e)4. Persons seeking to acquire control of an insured institution would continue to use the Change in Savings and Loan Control Act Notice Form 1173, Parts A and B. The proposed regulations also would reduce the required number of copies of three.

Section 574.6(b) (1) and (2) would describe the procedures for filing a Control Act notice or Holding Company Act application. Paragraph (3) would list the appropriate addresses for filing and the number of copies required. Control Act notices generally would be filed in the same manner as is now specified in the current regulations at 12 CFR 563.18–2(j) (1985), with appropriate modifications to account for delegated and non-delegated notices. Section 574.6(b) would also set forth procedures for amendment of applications and notices. Amendments could not be filed after notice has been published pursuant to paragraph (d) unless the amendment was required by the Corporation. This requirement ensures that acquirors do not make material changes to their notices and applications after notice has been given.

Using the procedure currently set forth in the Control Act regulations, § 574.6(c) would specify that an application or notice will not be deemed sufficient unless it includes all the information called for in the appropriate form and any additional information the Corporation or its delegate may require by specific request in connection with a particular application or notice. 12 CFR 563.18–2(e) (1985). The proposal would also require a complete description of all proposed acquisitions. In many instances, the responses to the items in the Forms raise additional issues on which the Board needs information before it can properly evaluate an application. The reservation of the power to make additional inquiries enhances the Board's ability to conduct thorough investigations of acquirors. Under the proposal, no further information could be requested with respect to a notice deemed sufficient unless the request was derived from or prompted by information already furnished or involved material information previously concealed or otherwise unavailable. Section 574.6(c) would additionally reserve the right of the Corporation to waive information requirements in supervisory or other appropriate cases. In order to expedite the application and notice review process, the Board has already implemented a new internal application tracking system which, among other things, contains deadlines for completion of certain review functions by the Board's staff. However, the Board also believes that applicants have a responsibility to respond expeditiously to requests for additional information in connection with their submissions and that undue delay in this respect unfairly burdens the Board's resources. Therefore, the regulations also specify that a failure to respond to a request for additional information will, after 30 days, be deemed to constitute withdrawal of the application or notice.

Section 574.6(d) would provide for public notice and public availability of portions of Holding Company Act applications and Control Act notices. The proposed regulation seeks to reconcile the substantially different approaches to confidentiality in the current implementing regulations. The Holding Company Act regulations now require applicants to publish notice of their filing within 10 days after being notified by the Supervisory Agent that the application is complete. 12 CFR 584.4(e) (1985) (incorporating by reference procedures of 12 CFR 543.2(d)). Upon publication, the application and related communications become publicly available except to the extent disclosure is exempted by the Freedom of Information Act, 5 U.S.C. 552 (1982). *See* 12 CFR 543.2(d)(4) (1985). On the other hand, the Control Act regulations specify that notices are for the use of the Corporation and appropriate state supervisors and cannot otherwise be disclosed except in accordance with the Board's regulations implementing the Freedom of Information Act, 5 U.S.C. 552 (1982), and the Privacy Act, 5 U.S.C. 553a (1982). *See* 12 CFR 563.18–2(f) (1985).

As originally promulgated, the Control Act regulations were silent as to the public availability of notices. *See Amendments Relating to the Change in Savings and Loan Control Act of 1978*, Resolution No. 79–121, 44 FR 10500 (Feb. 21, 1979). In 1980, the Board amended the regulations to provide that, except for confidential portions, notices would be available for public viewing. *Federal Savings and Loan Institutions; Change in Control*, Resolution No. 84–491, 45 FR 55693, 55696 (Aug. 21, 1980) (*See* former § 563.18–2(e)(4)). In addition, the target institution was given special notice on the filing of a Control Act notice or a rebuttal of a control presumption and a period of 10 or 20 days (depending on the type of filing) in which to submit its views regarding the acquiror. 45 FR at 55695–96 (former § 563.18–2 (c)(3) and (f)).

In Resolution No. 82–507, dated July 29, 1982, however, the Board determined to delete the provisions for special notice to the target institution and to further specify that notices would be kept confidential. *Amendments Relating to Change in Control*, Resolution No. 82–507, 47 FR 34120 (Aug. 6, 1982). This change in approach was prompted by concerns that disclosure of notices could prematurely and materially affect the public trading price of the institution's securities and thus complicate acquisitions of insured institutions. 47 FR at 34122. It was also noted that in the case of a proposed tender offer, public disclosure of certain terms of the offer may subject the potential acquiror to extensive SEC disclosure requirements. *Id. See* Exchange Act Rule 14d–2, 17 CFR 240.14d–2 (1984) (Public disclosure of identity of bidder and target, amount of securities sought, and price to be paid deemed commencement of tender offer); *Interpretative Release Relating to Tender Offer Rules*, Release No. 34–16623, 45 FR 15521 (Mar. 11, 1980); 3 Fed. Sec. L. Rep. (CCH) ¶ 24,2184I (Mar. 5, 1980) (Public disclosure of critical terms in public filing with federal agency can trigger tender offer).

Although the Board continues to acknowledge these concerns, it is also of the view that a better balance can be struck between the needs of acquirors for confidentiality and the Board's interest in obtaining all information that may be of value in its review process. The Board finds that public participation in the applications process can be helpful in the execution of its duties, particularly in bringing to its attention information that would prevent acquisitions of control of insured institutions by unqualified or dishonest acquirors. Moreover, the Board notes that in adopting the Change in Control Act, Congress compared control acquisitions review to that exercised over charter applications, mergers,

branching and other tansactions in which public notice has long been a feature. *See* H.R. Rep. No. 1383, 85th Cong. 2d. Sess. 19 (1978), *reprinted in* 1978 U.S. Code Cong. & Ad. News 9291.

The proposal seeks to reconcile these concerns by instituting a uniform, modified public notice and availability procedure for both Holding Company Act applications and Control Act notices. Under proposed § 574.6(d)(1), acquirors would be directed to follow public notice and comment procedures similar to those of 12 CFR 543.2(d). Upon filing an application or notice, the acquiror would be required to publish a prescribed form of notice in the business section of a newspaper having general circulation in the community in which the institution's home office is located. The notice would contain only the basic information on the name of the prospective acquiror, the institution whose stock is sought to be acquired, and the date of filing of the acquiror's application or notice. The notice also would inform the public of the procedures and deadlines for commenting upon the filing and where the application may be reviewed. Applicants also would be required to mail a copy of the notice to the institution whose stock is sought to be acquired. Copies of the notice and the publisher's affidavit of publication would be filed promptly after publication. Upon publication, non-confidential portions of an application or notice would become publicly available. An acquiror also could claim confidentiality for portions of an application or notice that the acquiror asserts would trigger the commencement of a tender offer under Exchange Act Rule 14d–2. In order the ensure that the application review process was not unduly delayed, comments on the acquisition would have to be submitted within 20 days of publication in order to be considered as part of the review of the application for notice. The other protest and oral argument procedures of 12 CFR 543.2(e)(1) (1985) would not be applicable.

In the Board's view, the disclosure required by the proposal should not upset trading or disadvantage acquirors and should not, of itself, be deemed to trigger the commencement of a tender offer under Exchange Act Rule 14d–2. Price and other terms of a proposed acquisition can and would be accorded confidential treatment if requested by an acquiror in accordance with the procedures described in the rule. Personal financial information could also be exempt from disclosure. In any event, however, the proposal would require disclosure of information that may now be obtained by any party through requests under the Freedom of Information Act, namely, the identity of the applicant, date of filing and name of the institution sought to be acquired. Comments submitted in connection with an application or notice would be considered part of the filing and release of information contained in comments would be subject to the same procedures and standards as would be applied to release of information contained in the application or notice. The Board specifically requests comments on these and other measures that would be appropriate to facilitate public notice and input regarding acquisition applications, without producing undue delay or conflicts with securities law requirements.

The Board sees no threat to its administration of the statutes in this type of increased public involvement. It is noted that in evaluating the availability of implied rights of action under the Holding Company and Control Acts and the substantially similar Change in Bank Control and Bank Holding Company Acts, courts have rejected suits by targets because it was felt that the statutes looked solely to the relevant federal agency to make the determinations of whether acquirors were qualified to obtain control under the applicable statutory criteria. *See Financial Corporation* v. *Dayco Corp.*, No. CV 80–2918–RVK, slip op. at 10, 12 (C.D. Cal. Sept. 26, 1980); *see also Quaker City National Bank* v. *Hartley*, 533 F. Supp. 126 (S.D. Ohio 1981) (interpreting Change in Bank Control and Bank Holding Company Acts). Under the proposal, the suitability of acquirors would remain, as the Board strongly believes appropriate, the sole judgment of the Corporation, subject to such judicial review as is available after the fact.[8] The public notice and public participation procedures are designed to provide the Board with more information regarding potential acquirors. Moreover, the speed of consideration of applications under either statute should be enhanced since the proposed regulatory procedures would place time limits on public comment.

In addition, by generally setting forth more precise standards in the areas of acquisitions, the proposed rules may create further opportunities for private participation in the enforcement of statutes. For example, an institution might bring suit to force a company, person or group to file the appropriate application or notice. The Board believes that limited private actions of this type to compel compliance with the Acts would not be inappropriate. Although the Board intends to continue vigorous enforcement of the statutes, it must also recognize the limitations on its own resources. Moreover, insured institutions may be in the best position to detect concerted activity in the acquisition of their stock, or the existence of other holders of substantial amounts of its stock who may be subject to one of the Acts. Finally, private actions to cause an application or notice to be filed, as distinct from an effort to second-guess the Board's judgment on the merits of the application, would appear consistent with the congressional purpose of bringing a broad range of control acquisitions under the Board's scrutiny.

VII. Section 574.7—Determination by the Corporation

Proposed § 574.7 would provide additional details regarding the criteria to be used in evaluating applications and notices submitted under this Part. These provisions are designed to facilitate expanded use of delegated authority and to expedite the overall application process by clarifying standards that will be applicable in review of applications and notices. The proposed regulation would restate the statutory criteria for individuals applying under the Control Act and companies applying under the Holding Company Act. As outlined in paragraphs (a), (b), and (c), applications of companies to acquire control of an insured institution would be judged by the criteria listed in the Holding Company Act at 12 U.S.C. 1730a(e)(2) (1982) and in the current Holding Company Act regulations at 12 CFR 584.4(c) (1985). The focus of the Board's inquiry regarding company acquisitions would continue to be whether the financial and managerial resources and future prospects of the company and institution involved are detrimental to the institution or the insurance risk of the Corporation, and in an H–(e)2 or H–(e)3 application, the convenience and needs of the community to be served. As provided in the Holding Company Act, however, the Board's discretion would be limited to the extent that it could not approve control acquisitions with monopolistic tendencies. 12 U.S.C. 1730a(e)(2)(A) (1982). Nor could the Board approve a proposed holding company acquisition which served to substantially lessen competition unless

[8] *See* 12 U.S.C. 1730(q)(5); 1730a(k) (1982). *See also* 5 U.S.C. 702 (1982).

the anticompetitive effects of the transaction are clearly outweighed by a greater service to the convenience and needs of the community. *Id.* at 1730a(e)(2)(B). The Board's discretion would continue to be limited by the statutory prohibition against the creation of new multi-state savings and loan holding company networks and the expansion of existing multi-state holding companies into new states, except, in both cases, in accordance with the conditions set forth in 12 U.S.C. 1730a(m) (1982). *Id.* at 1730a(e)(3). Section 574.7(b), pretaining to applications for acquisitions of control of insured institutions by existing savings and loan holding companies or acquisitions of more than one institution by any company, also would codify the statutory requirement to seek the views of the Attorney General on the competitive factors in such combinations and to consider any report rendered within thirty days. 12 U.S.C. 1730a(e)(2) (1982).

Paragraphs (d) through (f) of § 574.7 would set forth the procedures for consideration of notices submitted under the Control Act now found in 12 CFR 563.18–2 (e)(3), (g), (h), and (i) (1985). These provisions, however, have been rephrased for consistency with the format of proposed Part 574. The proposal specifies the effect of both a failure to disapprove transaction within the 60-day review period or a notice of disapproval. A notice of disapproval would be issued within three days of the decision by the Board or its delegate and would apprise the acquiring person of its right to request an administrative hearing on the proposed acquisition. Any notice of an intent not to disapprove would be contingent on consummation of the transaction within a year in accordance with the terms and representations in the notice and assuming no material change in circumstances of the acquiror prior to the acquisition. *See* 12 CFR 563.18–2(g) (1985). Any deviation from the terms of the notice would require a post-approval amendment to the notice.

The Corporation may either extend the review period for another thirty days as permitted by the Control Act. 12 U.S.C. 1730(q)(1) (1982), or it may fail to disapprove the acquisition during the sixty-day review period or any extension thereof. *See* 12 CFR 563.18–2(h) (1985). If the Corporation fails to disapprove, the acquisition may proceed if it takes place within one year in accordance with the terms and representations in the notice and again involves no material change in circumstances. *See* 12 CFR 563.18–2(h) (1985).

Section 574.7(d) would set forth the Control Act criteria for considering acquisitions. These would allow the Corporation to disapprove any proposed acquisition if the proposed acquisition: (1) Would result in a monopoly or promote a conspiracy to cause such a result; (2) would tend to lessen competition in any area of the country with no countervailing benefit to the public in better service to community needs and convenience; (3) might jeopardize the financial stability of the institution or prejudice the interests of depositors because of the acquiror's financial condition; (4) would not be in the interest of the public or depositors because of the competence, integrity, or experience of the acquiror; or (5) involves an acquiring person who fails or refuses to furnish the information required by the Corporation. *See* 12 U.S.C. 1730(q)(7) (1982).

To provide more guidance to prospective acquirors, the proposed regulation would set forth a list of "presumptive disqualifiers" which would indicate factors that in the past have led the Board to object to the financial and managerial resources of a proposed acquiror under the Holding Company Act [9] or the financial status or integrity of an acquiror under the Control Act. With respect to the managerial resources/integrity standard, these events would include convictions, civil judgments, administrative sanctions, consents to sanctions, and investigations conducted by a federal or state agency or self-regulatory trade or professional organization against an acquiror or affiliates of an acquiror involving: (1) Fraud, moral turpitude, dishonesty, breach of trust or of fiduciary duties, or organized crime or racketeering; (2) violations of securities or commodities laws or regulations; (3) violations of depository institutions laws or regulations; (4) violations of housing authority laws or regulations; or (5) violations of the ethical codes of a self-regulatory trade or professional organization. Such events would be relevant for an acquiror that is a company if the events in question occurred during the preceding 10 years or during any period while a person currently a controlling shareholder or management official of the company was either a controlling shareholder or management official. For acquirors who are natural persons, such an occurrence would be relevant if it took place after he or she reached majority.

Other presumptive disqualifiers would include denial of an application or withdrawal of an application after notice of intent to deny an application relating to the organization or acquisition of control of a financial institution, the liquidation, conservatorship, or receivership of any depository institution of which the acquiror was a controlling shareholder or management official, or conviction of a felony by the acquiror or any affiliated person or affiliate. Finally, applicants would be subject to presumptive disqualification if they submit applications while they are in violation of either Act or the Board's regulations thereunder, unless the violation arises as a result of acquisition of an amount of stock in the insured institution where the acquisition of such amount of stock was beyond the control of the applicant.

With respect to financial resources factors, presumptive disqualifiers would include (1) with respect to a company, failure to agree in writing that the company will insure that its subsidiary insured institution shall have at the end of each calendar quarter, net worth at least equal to three percent of liabilities, plus the growth and contingency factors as determined in § 563.13 or such greater amount that may be required pursuant to § 563.13, and that, where necessary, the company will infuse additional equity capital in a form satisfactory to the Supervisory Agent and sufficient to effect compliance with its net worth maintenance undertaking; (2) liability for amounts of debt which, in the opinion of the Corporation, create excessive risks of default and pressure on the insured institution; or (3) a business plan projecting activities that are inconsistent with economical home financing. In particular, in the case of an acquisition by a company, the Board believes that a holding company should serve as a source of financial and managerial strength to its subsidiary insured institution. *See Kaneb Services, Inc.* v. *Federal Savings and Loan Insurance Corporation*, 650 F.2d 78 (5th Cir. 1981). The Board intends that the condition of applicants be closely examined with this objective in mind. For example, the Board has concerns regarding the assumption of substantial amounts of debt by a holding company because of the risk that the holding company may not have the financial flexibility needed to meet problems that

[9] As used in the Holding Company Act, the term "management resources" would relate not only to management's competence but its integrity as well. *See* H.R. Rep. No. 997, 90th Cong., 1st Sess. 6 (1967), *reprinted in* 1968 U.S. Code Cong. & Ad. News 1601, 1606 ("Companies with management of doubtful . . . integrity would be barred from gaining control of an insured insititution".)

may arise with its subsidiary institution, including maintenance of the insured institution's net worth are regulatorily required levels, and the danger that the holding company could be forced to place substantial demands on the insured institution to meet debt service requirements, leading to transactions that may be detrimental to the interests of the institution and the Corporation. For these reasons, standard conditions in approvals of holding company applications have included requirements for a holding company to maintain the net worth of the holding company's insured institution subsidiary at regulatorily required levels and limits on the amount of dividends payable by the insured institution to its holding company parent.[10] The regulation reflects this concern by providing that failure to agree to a specified commitment to maintain an insured institution's net worth would constitute a presumptive disqualifier. Because the Board would have serious concerns with any acquiror that refused to agree to conditions designed to safeguard the financial well-being of an insured institution, the Board wishes to note that it would regard such an application as presenting a policy issue that should be referred to the Board for decision.

The Board believes all of the foregoing are fully consistent with the congressional intent that "[c]orporations that are under-capitalized or financially strained or in the hands of management of doubtful competence or integrity would be barred from gaining control of an insured institution." H.R. Rep. No. 997, 90th Cong., 1st Sess. 6 (1967), *reprinted in* 1968 U.S. Code Cong. & Ad. News 1601, 1606. Obviously, many of these concerns are equally pertinent in the case of prospective acquirors that are "persons" rather than "companies." *See* H.R. Rep. 1383, 95th Cong., 2nd Sess. 19 (1978), *reprinted in* 1978 U.S. Code Cong. & Ad. News 9291.

The existence of any of the above considerations in the case of any acquiror or affiliate of the acquiror may constitute grounds for denying a proposed acquisition if not adequately addressed by an applicant. The Board intends that the burden be on the applicant when a presumptive disqualifier is present, and a potential acquiror must specifically address these factors by submitting materials that indicate that, in the case of integrity-related factors, the conduct has ceased or has become irrelevant or should otherwise not be taken into consideration. A rebuttal in such situations should indicate, if appropriate, that the conduct has ceased, that steps have been taken to prevent a reoccurrence, and that there is a reliable indication that those steps have been effective, such as, for example, the passage of a meaningful period of time without repetition of the conduct. With respect to financial resource-related factors, the submission of a viable business plan and conditions providing for net-worth maintenance and dividend limitations, among others, would assist in making the requisite showing to overcome a presumption of disqualification.

VIII. Section 574.8—Delegations

Section 574.8 of the proposal would seek to implement the Board's desire to increase the speed of applications processing by providing uniform delegations of authority for approving as well as denying acquisitions under both statutes. The current implementing regulations delegate certain approvals by the Principal Supervisory Agent but the standards for delegations under the two Acts are not coordinated. The Control Act regulations break the notice consideration process into several functional components, delegating some but not others. Only the Corporation can disapprove a proposed acquisition under the Control Act or approve an acquisition after a state supervisory agency recommends disapproval. 12 CFR 563.18–2(k) (1) and (2) (1985). In addition, only the Corporation can assess a monetary penalty under the Act. *Id.* at 563.18–2(k)(3). The level at which other functions are performed depends on whether the institution has a class of voting securities registered under § 12 of the Exchange Act. For non-registered instutitions, the Principal Supervisory Agent[11] in the district in which the insured institution is located may generally act on behalf of the Corporation with respect to the exercise of any authority not specifically reserved to the Corporation itself. 12 CFR 563.18–2(*l*)(2) (1985). If the subject institution has a class of voting securities registered under the Exchange Act, however, these functions are delegated to the Director of the Office of Examinations and Supervision with the concurrence of the Board's General Counsel. 12 CFR 563.18–2(*l*)(1) (1985).

The regulations implementing the Holding Company Act currently delegate to the Supervisory Agent[12] the authority to approve proposed acquisition by a company if certain detailed conditions are satisfied. 12 CFR 584.4(g) (1985). Generally, these conditions require that: (1) The acquiring company is solvent and its debt-to-equity ratio compares favorably with those of similar companies; (2) any acquisition debt can be serviced without relying on more than half of the institution's net income; (3) the acquiror agrees to maintain the net worth of the institution at regulatorily required levels; (4) the acquisition would not be detrimental to the institution or the Insurance Fund because of the managerial and financial resources of either the institution or the acquiror; (5) other insured institution subsidiaries of the acquiror have received favorable Community Reinvestment Act ratings; and (6) the acquisition is not substantially protested and does not raise significant questions of law or policy. *Id.* at 584.4(g)(1). The debt-service and net-worth maintenance conditions may be waived in supervisory cases or when the proposed acquisition represents less than five percent of the acquiring company's holdings in insured institutions. *Id.* at 584.4(g)(1) (iii) and (iv).

In addition to the criteria applicable to a control acquisition by any company, the Supervisory Agent's ability to act on behalf of the Corporation is further circumscribed when the acquiring company is already a savings and loan holding company. *Id.* at 584.4(g)(2). These additional considerations include the competitive criteria governing automatic approvals of mergers of federal associations or increases in the insurable accounts of state-chartered insured institutions. *See* 12 546.2(h); 563.22(e) 1985).

The Board proposes to adopt a uniform system of delegations for determinations under both statutes. This uniformity should make the internal procedures more understandable to the public and are further intended to

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[10] In *Koneb Services, Inc.* v. *Federal Savings and Loan Insurance Co.*, 650 F.2d 78 (5th Cir. 1981), the court of appeals recognized that the approval standards under the Holding Company Act permitted the Board to require that a company be a "source of strength" to its insured institution subsidiary. The court also recognized the intent of Congress that the Board have the authority to impose conditions upon holding company acquisitions, noting that this would be "a proper course of action in lieu of the FSLIC's express authority to deny an application and is consistent with the overall authority to regulate holding companies as codified in 12 U.S.C. § 1730a." *Id.* at 83.

[11] The Principal Supervisory Agent is the President of the Federal Home Loan Bank of the district in which the principal office of an insured institution is located or any other person so designated by the Board. 12 CFR 561.35 (1985).

[12] Under 12 CFR 583.5 (1985), the term "Supervisory Agent" is defined in approximately the same manner as "Principal Supervisory Agent" in 12 CFR 561.35 (1985). *See* Note 11, *supra*.

facilitate decentralized processing of applications and notices. The proposal would delegate to the Principal Supervisory Agents the authority to deny as well as approve Holding Company Act applications and to issue notices of intent not to disapprove as well as denials of proposed acquisitions under the Control Act. All such applications and notices could be handled under delegated authority, *except* applications and notices (1) with respect to insured institutions with securities registered under the Securities Exchange Act of 1934 where certain filings under section 13 or section 14 of that statute are requred in a transaction by or in connection with which the acquisition is to be accomplished; (2) with respect to an acquisition in which the target insured institution has timely notified the Principal Supervisory Agent of its opposition, and (3) acquisitions raising a significant inssue of law or policy upon which the Board has not expressed a view. The Board wishes to emphasize, however, the use of the new delegation standards is not intended to indicate that Principal Supervisory Agents may not impose conditions that they deem necessary and appropriate in connection with approvals under delegated authority. In addition, although the Principal Supervisory Agents' discretion would not be limited by guidelines similar to those currently used in § 584.4(g), the Board expects that the Principal Supervisory Agents would carefully consider applications that do not meet the current regulatory approval profile.

Matters currently delegated to the Office of Examinations and Suppervision with the concurrence of the Office of General Counsel would continue to be so delegated. In addition, the authority of the two Offices to act under delegated authority would be expanded to include authority to approve holding company applications, except applications raising a significant issue of law or policy upon which the Board has not expresased a view. This proposed new revised delegation formula should increase the number of applications processed in the filed and would be intended by the Board to operate in conjunction with the other proposed substantive revisions to increase the overall efficiency of the acquisition processing system. The Board has already implemented internal processing deadlines to aid in achieving this result. Further, the Board would expect to actively review the functioning of the expanded delegation process through the use of post-audits to ensure that delegation accomplishes the Board's goal of expediting the acquisition process without sacrificing the quality of review that must remain crucial to fulfillment of the Board's statutory responsibilities under the two Acts.

The proposed reservation of authority regarding notices and applications where the acquisition is proposed to be accomplished in connection with a transaction where certain disclosure documents are required to be filed under section 13 or section 14 of the Exchange Act reflects the fact that a disclosure document requiring review will be filed in connection with the transaction and that many such institutions are likely to present special concerns because they are recently converted. Under such circumstances, an acquisition may raise particular concerns that should be addressed by the Board and its Washington staff. In addition, review of such acquisistions can be done more efficiently in the same office where the Exchange Act filings of such institutions are reviewed.

The reservation of authority over hostile acquisitions is proposed because of the potential complexity of such transactions and to allow better coordination of any enforcement or litigation issues that could arise during the course of the review. The last area reserved from delegated authority represents situations and issues that the Board should have an opportunity to consider. The Board wishes to emphasize that it expects that staff of the Federal Home Loan Banks would be in close contact with the Board's Washington, D.C. staff to assess whether an application or notice presents a legal or policy issue upon which the Board has not expressed a view.

Denials of applications and notices delegated to the Principal Supervisory Agent could be appealed to the Corporation. A request for Corporation review of a denial would be required to be submitted to the Secretariat to the Board, with copies addressed to the attention of the Director, Office of Examinations and Supervision and to the General Counsel. The request for review would be required to identify the party seeking review and specifically describe the action taken of which review is sought and the reasons why the denial by the Principal Supervisory Agent is believed to be erroneous, and would be required to be submitted within 20 days of the date of the action taken for which review is sought.

Finally, as an additional step to expedite the approval process, the proposal would delegate to the Principal Supervisory Agents the authority to waive the requirement for audited financial statements in connection with filings under the Control Act, provided that specified substitute information were provided instead. If such information were not furnished, the Principal Supervisory Agent would not have delegated authority to waive the requirement. In this regard, difficulties have often arisen with respect to financial statements for sole proprietors and closely held companies. Generally, certain substitute information has been considered acceptable. This information has included, with respect to each acquiring person or company, a statement as to the percentage of his or her net worth that the acquisition represents, the percentage of net worth, assets and income attributable to proprietary interests, and such alternative financial statements regarding proprietary interests as are available. In the past, the Board has allowed the submission of tax returns and unaudited financial statements when the preparation of audited financials would prove a hardship.

Comment Period and Effective Dates

The Board is soliciting comments on the proposal for a period of 60 days. The Board is further notifying the public that if the proposal is adopted substantially as proposed, persons or companies who might be deemed to have control or be determined subject to rebuttal to be in control of an insured institutions would not be required to file applications or notices if the factors that create the control determinations existed prior to the effective date of final rules adopted by the Board. This exemption, however, would not insulate future acquisitions. It is the Board's view that where a person or company in such a position proposes to acquire additional stock or an additional control factor, such company or person would be subject to the rule and would be required to file the appropriate application or notice beforehand.

Initial Regulatory Flexibility Analysis

Pursuant to section 3 of the Regulatory Flexibility Act, 5 U.S.C. 603 (1982), the Board is providing the following initial regulatory flexibility analysis:

1. *Reasons, objectives, and legal bases underlying the proposed rules.* These elements have been discussed elsewhere in the supplementary information regarding the proposal.

2. *Small entitles to which the proposed rules would apply.* The rule would apply to all acquirors of insured institutions.

3. *Impact of the proposed rules on small institutions.* To the extent that rules would affect small institutions, this has been discussed elsewhere in the proposal.

4. *Overlapping or conflicting federal rules.* There are not federal rules which duplicate, overlap, or conflict with the proposed rules.

5. *Description of reporting and recordkeeping requirements.* Discussed elsewhere.

List of Subjects 12 CFR Parts 563, 574, 584 and 589

Securities, Savings and loan associations, Savings and loan holding companies.

Accordingly, the Board hereby proposes to amend Part 563 and to add Part 574 to Subchapter D and amend Parts 584 and 589 of Subchapter F, Chapter V of Title 12 of the Code of Federal Regulations, as set forth below.

SUBCHAPTER D—FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

PART 563—OPERATIONS

§ 563.18–2 [Removed]

1. Remove § 563.18–2.

§ 563.18–3 [Amended]

2. Amend § 563.18–3 by removing paragraph (c) and redesignating paragraphs (d), (e) and (f) as paragraphs (c), (d) and (e), respectively; and by amending paragraph (d)(1) by substituting the phrase "this § 563.18–3" for the phrase "paragraphs (b) or (c) of this section".

3. Add a new Part 574 as follows:

PART 574—ACQUISITIONS OF CONTROL OF INSURED INSTITUTIONS

Sec.

574.1 Scope of part.
574.2 Definitions.
574.3 Acquisition of control of insured institutions.
574.4 Control.
574.5 Certifications of ownership and other reports.
574.6 Procedural requirements.
574.7 Determination by the Corporation.
574.8 Delegations of authority.

§ 574.1 Scope of part.

The purpose of this part is to implement the provisions of the Change in Savings and Loan Control Act, 12 U.S.C. 1730(q) ("Control Act") and the Savings and Loan Holding Company Act, 12 U.S.C. 1730a ("Holding Company Act"), relating to acquisitions and changes in control of insured institutions that are organized in stock form and holding companies thereof.

§ 574.2 Definitions.

As used in this Part and in the forms under this Part, the following definitions apply, unless the context otherwise requires:

(a) *Acquire* when used in connection with the acquisition of stock of an insured institution means obtaining ownership, control, power to vote, or sole power of disposal of stock, directly or indirectly or through one or more transactions or subsidiaries, through purchase, assignment, transfer, or other means, including an increase in percentage ownership resulting from a redemption, repurchase, reverse stock split or a similar transaction involving other securities of the same class. When persons and/or companies act in concert, the group formed thereby shall be deemed to have acquired the securities held by its members upon formation of such group.

(b) *Acquiror* means a person or company.

(c) *Acting in concert* means (1) knowing participation in a joint activity or conscious parallel action towards a common goal whether or not pursuant to an express agreement, or (2) a combination or pooling of voting or other interests in the securities of an issuer for a common purpose pursuant to any contract, understanding, relationship, agreement or other arrangement, whether written or otherwise.

(d) *Actively traded* means securities that are traded either on a securities exchange or over the counter and quoted on NASDAQ.

(e) *Affiliate* means any person or company which controls, is controlled by or is under common control with a person, insured institution or company.

(f) *Company* means any corporation, partnership, trust, association, joint venture, pool, syndicate, unincorporated organization, joint-stock company or similar organization, and includes a group acting in concert where arrangements exist among the participants that provide for allocation of profits, losses or expenses arising in connection with their ownership of stock of an insured institution and for the disposition of their ownership interests, or which provide for either of the foregoing and also provide for the manner of voting of the stock of the insured institution held by the participants; but a company does not include (1) the Corporation, or (2) any company the majority of shares of which is owned by (i) the United States or any State, (ii) an officer of the United States or any State in his official capacity, or (iii) an instrumentality of the United States or any State.

(g) *Controlling shareholder* means any person who directly or indirectly or acting in concert with one or more persons or companies, or together with members of his immediate family owns, controls, or holds with power to vote 10 percent or more of the voting stock of a company or controls in any manner the election or appointment of a majority of the company's board of directors.

(h) *Immediate family* means a person's spouse, father, mother, children, brothers, sisters and grandchildren; the father, mother, brothers, and sisters of the person's spouse; and the spouse of the person's child, brother or sister.

(i) *Insured institution* means a Federal association, or interim Federal association, a building and loan, savings and loan, or homestead association or a cooperative bank, or an interim state savings and loan association the accounts of which are insured by the Corporation; any Federal association the deposits of which are insured by the Federal Deposit Insurance Corporation; an institution that retains insurance of accounts by the Corporation pursuant to § 563.29–1 of this chapter; and any savings and loan holding company as defined in paragraph (m).

(j) *Management official* means any executive officer, director, partner, or a trustee, or any other person who performs or has a representative or nominee performing similar policy-making functions, including executive officers of principal business units or divisions or subsidiaries who perform policy-making functions, for an insured institution or a company, whether incorporated or not.

(k) *NASDAQ* means the electronic inter-dealer quotation system owned and operated by NASDAQ, Inc., a subsidiary of the National Association of Securities Dealers, Inc.

(l) *Person* means an individual or a group of individuals acting in concert that do not constitute a "company" as defined in paragraph (b) of this section.

(m) *Savings and loan holding company* means any company which directly or indirectly controls an insured institution, but does not include: (1) Any company by virtue of its ownership or control of voting shares of an insured institution acquired in connection with the underwriting of securities if such shares are held only for such period of time (not exceeding 120 days unless extended by the Corporation) as will permit the sale thereof on a reasonable basis; and (2) Any trust (other than a pension, profit-sharing, shareholders', voting, or business trust) which controls an insured institution if such trust by its

terms must terminate within 25 years or not later than 21 years and 10 months after the death of individuals living on the effective date of the trust, and (i) was in existence and in control of an insured institution on June 26, 1967, or (ii) is a testamentary trust.

(n) *Stock* means common or preferred stock.

(o) *Voting stock* means common or preferred stock, general or limited partnership shares or interests, or similar interests if the shares or interests, by statute, charter or in any manner, entitle the holder:

(1) To vote for or to select directors, trustees, or partners (or persons exercising similar functions of the issuing insured institution or company);

(2) To vote or to direct the conduct of the operations or other significant policies of the issuer: *Provided* that preferred stock, limited partnership shares or interests, or similar interests are not "voting stock" if: (i) Voting rights associated with the stock, shares or interests are limited solely to the type customarily provided by statute with regard to matters that would significantly and adversely affect the rights or preference of the stock, security or other interest, such as the issuance of additional amounts or classes of senior securities, the modification of the terms of the stock, security or interest, the dissolution of the issuer, or the payment of dividends by the issuer when preferred dividends are in arrears; (ii) the stock, shares or interests represent an essentially passive investment or financing device and do not otherwise provide the holder with control over the issuer; and (iii) the stock, shares or interests do not entitle the holder, by statute, charter, or otherwise, to select or to vote for the selection of directors, trustees, or partners (or persons exercising similar functions) of the issuer: *Provided* further, that notwithstanding the foregoing, "voting stock" shall include stock and other securities that, upon transfer or otherwise, are convertible into voting stock or exercisable to acquire voting stock where the holder of the stock, convertible security or right to acquire voting stock has the preponderant economic risk in the underlying voting stock. Securities immediately convertible into voting stock at the option of the holder without payment of additional consideration shall be deemed to constitute the voting stock into which they are convertible; other convertible securities and rights to acquire stock shall not be deemed to vest the holder with the preponderant economic risk in the underlying voting stock if the holder has paid less than 50 percent of the consideration required to directly acquire the voting stock and has no other economic interest in the underlying voting stock.

§ 574.3 Acquisition of control of insured institutions.

(a) *Acquisition by a company.* Unless a transaction is exempt under paragraph (c) of this section, or exempt from prior approval under paragraph (d) of this section, no company shall acquire control, as defined in § 574.4 (a) and (b), of an insured institution except upon receipt of the written approval of the Corporation or its designee.

(b) *Acquisition by a person.* Unless a transaction is exempt under paragraph (c) of this section, or exempt from prior notice under paragraph (d) of this section, no person shall acquire control, as defined in § 574.4 (a) and (b), of an insured institution until written notice has been provided to the Corporation and (1) the Corporation or its designee indicates in writing its intent not to disapprove the proposed acquisition or (2) 60 days (or such period of time as the Corporation or its delegate may specify if the review period has been extended under § 574.6(c)(2)) have passed since receipt of a notice deemed sufficient under 574.6(c)(3).

(c) *Exempt transactions.* (1) The following transactions are exempt from the application requirements of paragraph (a) of this section:

(i) Control of an insured institution acquired by devise under the terms of a will creating a trust which is excluded from the definition of savings and loan holding company under § 574.2(m) of this part;

(ii) Control of an insured institution acquired in connection with a reorganization which involves solely the acquisition of control of that institution by a newly formed company which is controlled by the same person who controlled, or group of persons who have controlled the insured institution for the immediately preceding three years: *Provided* that such persons have filed an H-(e) 4 notification as provided in § 574.6 of this Part and the General Counsel or his delegate does not object to the acquisition within 30 days of the filing date;

(iii) Control of an insured institution acquired pursuant to (A) pledge or hypothecation of stock to secure a loan contracted for in good faith or (B) the liquidation of a loan contracted for in good faith, made in the ordinary course of the business of the lender, *Provided* that acquisition of control pursuant to such pledge, hypothecation or liquidation is reported to the Corporation within 30 days and *Provided*, further, that the acquiror shall not retain such control for more than one year from the date on which such control was acquired; however, the Corporation may, upon application by an acquiror, extend such one year period from year to year, for an additional period of time not exceeding three years, if the Corporation finds such extension is warranted and would not be detrimental to the public interest;

(iv) Control of an insured institution acquired through a percentage increase in stock ownership following a *pro rata* stock dividend or stock split, if the proportional interests of the recipients remain substantially the same;

(iv) Acquisition of additional stock after approval under § 574.7, or any predecessor provision, has been received, *Provided* such acquisition is consistent with any conditions imposed in connection with such approval and with the representations made by the acquiror in its application;

(2) The following transactions are exempt from the notice requirements of paragraph (b) of this section:

(i) Transactions which are exempt by paragraph (c)(1) of this section;

(ii) Transactions for which approval is required under paragraph (a) of this section;

(iii) Transactions for which approval is required under §§ 546, 552.13 or 563.22 of this Chapter: *Provided* that no acquiror who currently does not control an insured institution, would acquire control of any insured institution as a result of such transaction;

(iv) Acquisition of additional stock of an insured institution by any person who:

(A) Has held power to vote 25 percent or more of any class of voting stock in such institution continuously since March 9, 1979;

(B) Has maintained control of the insured institution continuously since acquiring control in compliance with the Control Act and the Corporation's regulations thereunder them in effect, provided such acquisition of control stock is consistent with any conditions imposed in connection with such acquisition of control and with any representations made in any notice, or

(C) Has filed a notice under the Control Act and regulations thereunder, if such person receives written notice of the Corporation's intent not to disapproved or 60 days have passed since the filing of a substantially complete notice (or such period of time specified by the Corporation or its delegate if the review period has been extended under § 574.6(c)(2)), *Provided* such acquisition of voting stock is

consistent with any conditions imposed in connection with such acquisition of control and with any representations made in the notice.

(3) No acquiror will be deemed to have acquired control of an insured institution solely on the basis of actions taken prior to [effectve date of regulation], if such acquisition was made in compliance with the Holding Company Act and the Control Act and the regulations thereunder in effect as of that date.

(d) *Transactions exempt from prior approval or notice.*—(1) Subject to the conditions set forth in paragraph (d)(2) of this section, the following transactions are exempt from prior approval and prior notice under § 574.3.

(i) Control of an insured institution acquired through *bona fide* gift;

(ii) Control of an insured institution acquired through liquidation of a loan contracted in good faith;

(iii) Control of an insured institution acquired through a percentage increase in ownership following a stock split redemption that was not *pro rata: Provided,* that the timing of the transaction that created the increase was not within the control of the acquiror;

(iv) Control of an insured institution acquired through testate or intestate sucession, *Provided,* that the acquiror transmits written notification of the acquisition of the Corporation within 30 days of the acquisition and provides such additional information as the Corporation may specifically request.

(2) The exemptions provided by paragraphs (1)(i) through (1)(iii) of this section are subject to the following conditions:

(i) The acquiror shall file an application of notice with the Corporation within 90 days of acquisition of control;

(ii) The acquiror shall not take any action designed to effect a change in the business plan of the insured institution other than voting on matters presented to stockholders by the insured institution until the Corporation has acted upon the acquiror's application or notice; and

(iii) If the Corporation disapproves the acquiror's application or notice, the acquiror shall divest such portion of the stock held by the acquiror so as to cause the acquiror not to be determined to be in control of the insured institution under § 574.4 of this Part, within one year or such shorter period as the Corporation may order.

(e) *Prohibited acquisitions.* No acquisition shall be approved by the Corporation, other than an acquisiton authorized pursuant to 12 U.S.C. 1730a(m) or specific order of the Board in a supervisory case, which would:

(1) Result in the formation by any company, through one or more subsidiaries or through one or more transactions, of a new multiple savings and loan holding company network controlling insured institutions in more than one State; or

(2) Enable an existing multiple savings and loan holding company to acquire an insured institution the principal office of which is located in a State other than the State which such savings and loan holding company has designated pursuant to paragraph (e) of § 584.1 of this chapter.

§ 574.4 Control.

(a) *Conclusive control.* (1) An acquiror shall be deemed to have acquired control of an insured institution if the acquiror directly or indirectly, or through one or more subsidiaries or through one or more transactions or acting in concert with one or more persons or companies:

(i) Owns, controls or holds with power to vote, 25 percent or more of any class of voting stock of the insured institution;

(ii) Holds general, irrevocable proxies representing 25 percent or more of any class of voting stock of the insured institution; or

(iii) Controls in any manner the election of a majority of the directors of the insured institution.

(2) An acquiror shall be deemed to have acquired control of a company, including a savings and loan holding company, if the acquiror directly or indirectly, or through one or more subsidiaries or through one or more transactions or acting in concert with one or more persons or companies:

(i) Owns, controls or holds with power to vote 25 percent or more of any class of voting stock of the company;

(ii) Holds general, irrevocable proxies representing 25 percent or more of any class of voting stock of the company;

(iii) Controls in any manner the election of a majority of the directors or trustees of a company;

(iv) Is a general partner in a company;

(v) Has contributed more than 25 percent of the capital of the company; or

(vi) Is a trustee of a trust.

(3) A company shall be deemed to control an insured institution if the Corporation finds, after notice and opportunity for hearing, that the acquiror has the power directly or indirectly, to exercise a controlling influence over the management or policies of the insured institution.

(4) A person shall be deemed to control an insured institution if the Corporation determines that such person has the power to direct the management or policies of the insured institution.

(b) *Rebuttable control determinations.* An acquiror shall be determined, subject to rebuttal, to have acquired control of an insured institution, in the following circumstances:

(1) An acquiror shall be determined, subject to rebuttal, to have acquired control of an insured institution which has a class of voting stock registered under section 12 of the Securities Exchange Act of 1934, 15 U.S.C. 781, which is actively traded, if the acquiror directly or indirectly, or through one or more subsidiaries or acting in concert with one or more persons or companies, acquires:

(i) 10 percent or more of any class of voting stock of the insured institution and any primary or secondary control factor, as defined in paragraph (c) of this section is present;

(ii) 25 percent or more of any class of stock of the insured institution and any primary control factor, as defined in paragraph (c) of this section in present; or

(iii) 35 percent of more of any class of stock of the insured institution and any primary or secondary control factor, as defined in paragraph (c) of this section is present.

(2) An acquiror shall be determined, subject to rebuttal, to have acquired control of an insured institution which does not have a class of voting stock registered under section 12 of the Securities Exchange Act of 1934, which is actively traded, if the acquiror directly or indirectly, through one or more subsidiaries or acting in concert with one or more persons or companies acquires:

(i) 10 percent or more of any class of voting stock of the insured institution and any primary control factor, as defined in paragraph (c) of this section is present;

(ii) 20 percent or more of any class of voting stock of the insured institution and any primary or secondary control factor, as defined in paragraph (c) of this section is present;

(iii) 35 percent or more of any class of stock of the insured institution and any primary or secondary control factor, as defined in paragraph (c) of this section is present.

(3) An acquiror shall be determined, subject to rebuttal, to have acquired control of an insured institution if the acquiror directly or indirectly, or through one or more subsidiaries or through one or more transactions or acting in concert with one or more persons or companies, holds revocable

proxies representing 25 percent or more of any class of voting stock of an insured institution and such proxies:

(i) Pertain to the election of a majority of the insured institution's board of directors;

(ii) Pertain to the acquisition or corporate reorganization of the insured institution; or

(iii) Would enable the acquiror to exert a continuing influence on a material aspect of the business operations of the insured institution.

(c) *Control factors.*—(1) *Primary factors.* For purposes of paragraph (b) of this section, the following constitute primary control factors:

(i) The acquiror would be the largest holder of any class of voting stock of the insured institution;

(ii) The acquiror would hold 25 percent or more of the total shareholders' equity of the insured institution;

(iii) The acquiror would hold 35 percent or more of the combined debt securities and shareholders' equity of the insured institution;

(iv) The acquiror is party to any agreement which enables the acquiror to influence the management or policies of the insured institution, other than agreements to which the insured institution is a party where the restrictions are customary under the circumstances, the restrictions apply only during the period when the acquiror is seeking Corporation approval to acquire the insured institution, the agreement prohibits transactions between the acquiror and the insured institution and their respective affiliates without Supervisory Agent approval during the pendency of the application process, and the agreement contains no material forfeiture provisions applicable to the insured institution in the event the acquisition is not approved or not approved by a specified date;

(v) The acquiror would have the ability to direct the votes of 25 percent or more of the insured institution's voting stock or to vote 25 percent or more of an insured institution's voting stock in the future upon the occurrence of a future event;

(vi) The acquiror has the power to direct the disposition of 25 percent or more of the insured institution's voting stock in a manner other than a widely dispersed or public offering;

(vii) The acquiror and/or the acquiror's nominees comprise 25 percent or more of the insured institution's board of directors;

(2) *Secondary factors.* For purposes of paragraph (b) of this section, the following constitute secondary control factors:

(i) The acquiror or a nominee thereof currently seeks or has representation on the insured institution's board of directors, including proposing a director or slate of directors in opposition to the slate of nominees for director proposed by management of the insured institution;

(ii) The acquiror or a nominee or management official of the acquiror is a management official of the insured institution;

(iii) The acquiror holds 10 percent or more of the insured institution's outstanding debt securities;

(iv) The acquiror or an affiliate were, during any of the preceding three years, "participants" in a solicitation of proxies within the meaning of 17 CFR 240.14a–11(b) other than a solicitation on behalf of management of the insured institution, with respect to any class of voting stock of the insured institution;

(v) The acquiror would be one of the two largest holders of any class of voting stock of the insured institution;

(vi) The acquiror possesses an economic stake in the insured institution derived other than from the ownership of the insured institution's stock resulting from:

(A) A profit-sharing arrangement,

(B) The use of common names, facilities, personnel or advertising, or

(C) The provision of integral services including solicitation of business;

(vii) The acquiror has received an extension of credit or investment from the insured institution on terms and conditions other than those that would be required by the insured institution in transactions in the ordinary course of business with unaffiliated firms.

(d) *Rebuttable determinations of concerted action.* An acquiror will be presumed to be acting in concert with the following persons and companies:

(1) A company will be presumed to be acting in concert with a controlling shareholder or management official of such company with respect to the acquisition of stock of an insured institution if:

(i) Both the company and the person own stock in the insured institution,

(ii) The company provides credit to the person to purchase the insured institution's stock on other than an arm's length basis or on terms and conditions other than those required or available in transactions in the ordinary course of business with unaffiliated parties, or

(iii) The company pledges its assets or otherwise is instrumental in obtaining financing for the person to acquire stock of an insured institution;

(2) A person will be presumed to be acting in concert with members of the person's immediate family;

(3) Persons will be presumed to be acting in concert with each other where both own stock in an insured institution and both are also management officials, controlling shareholders, partners, or trustees of another company;

(4) A company controlling or controlled by another company and companies under common control will be presumed to be acting in concert;

(5) Persons or companies will be presumed to be acting in concert where they constitute a group under 17 CFR 240.13d–5(b)(1) or 240.14a–11(b) (excluding the issuer or directors of the issuer).

(e) *Procedures for rebuttal.*—(1) *Rebuttal of control.* An acquiror attempting to rebut a determination of control shall file a submission with the Corporation setting forth the facts and circumstances which support the acquiror's contention that no control relationship exists. An acquiror shall also submit to the Corporation an agreement setting forth the undertakings specified in paragraphs (e)(1) (i) through (vii) of this section. Unless agreed to by the Corporation or its delegate in writing, no undertaking shall be deemed to rebut the determination of control arising under paragraph (b) of this section. In the case of a rebuttal of a presumption of control arising under paragraph (b) (1) or (2) of this section, such agreement shall be in form and content satisfactory to the Corporation, executed by the acquiror and to be executed on behalf of the Corporation, and shall specifically state that violation of the terms of the agreement shall be subject to such penalties, remedies and procedures as are provided for violations, willful or otherwise, of agreements with the Corporation, and undertake that the acquiror and its nominees and affiliates will not:

(i) Seek or accept any additional representation on the insured institution's board of directors;

(ii) Have or seek to have any representative serve on an executive or similar committee of the insured institution's board of directors;

(iii) Engage in any inter-company transactions with the insured institution and its affiliates;

(iv) Have or seek to have any representative serve as an officer, agent or employee of the insured institution;

(v) Propose a director or slate of directors in opposition to a nominee or slate of nominees proposed by management for the insured institution's board of directors;

(vi) Vote stock owned or held with power to vote other than on a *pro rata* basis in accordance with the vote of other stockholders on matters presented to the stockholders for a vote;

(vii) Do any of the following, except as is necessary solely in connection with performance of duties as a current member of the insured institution's board of directors:

(A) Influence or attempt to influence in any respect the loan and credit decisions or policies of the insured institution, the pricing of services, any personnel decisions, the location of any offices, branching, or similar activities of the insured institution;

(B) Influence or attempt to influence the insured institution's dividend policies and practices or any decisions or policies of the insured institution as to the offering or exchange of any securities;

(C) Propose a director or slate of directors in opposition to a nominee or slate of nominees proposed by the management for the insured institution's board of directors;

(D) Solicit proxies or participate in any solicitation of proxies with respect to any matter presented to the insured institution's shareholders other than in support of a solicitation on behalf of management of the institution;

(E) Seek to amend, or otherwise take action to change, the insured institution's bylaws, articles of incorporation, or charter;

(F) Exercise, or attempt to exercise, directly or indirectly, control or a controlling influence over the insured institution's management policies or business operations; or

(G) Seek or accept access to any non-public information concerning the insured institution except when the acquiror is already represented on the board of directors.

In the case of a rebuttal of the presumption of control arising under paragraph (b)(3) of this section, the Corporation may require the acquiror to furnish information in response to a specific request for information and to provide a rebuttal agreement which may contain some, but not necessarily all of, the foregoing undertakings.

(2) *Presumptions of concerted action.* An acquiror attempting to rebut the presumption of concerted action shall file a submission with the Corporation setting forth the facts and circumstances which support the acquiror's contention that no action in concert exists. Such a statement must be accompanied by an affidavit, in form and content satisfactory to the Corporation, executed by each person or company presumed to be acting in concert, stating that such person or company does not and shall not have any agreements or understandings, written or tacit, with respect to the exercise of control, directly or indirectly, over the management or policies of the insured institution, including agreements relating to voting, acquisition or disposition of the insured institution's stock.

(3) *Determination.* The Office of Examinations and Supervision, with the concurrence of the Office of General Counsel, will provide notification of its determination within 20 days of the date of filing of a complete rebuttal submission: *Provided,* that the acquiror attempts to rebut the determination of control through undertakings specified herein. The Corporation and its delegates are not required to accept any rebuttal which is inconsistent with facts known to them.

(f) *Safe harbor.* Notwithstanding any other provision of this section, any acquiror may claim to qualify for a safe harbor with respect to its ownership of stock of an insured institution. In order to quality for the safe harbor, an acquiror must submit a certification stating that (1) it owns less than 25 percent of any class of the institution's voting stock, (2) no control factors enumerated in paragraph (b) of this section exists, (3) the acquiror will abstain from soliciting proxies from others, and (4) before any change in status occurs that would bring the acquiror within the scope of the control determinations or rebuttable control determinations, the acquiror will file a rebuttal, notice or application, as appropriate. An acquiror claiming safe-harbor status may vote freely and dissent with respect to its own stock. Certifications provided for in this paragraph shall be submitted to the Corporation in accordance with § 574.6(b)(5).

§ 574.5 Certifications of ownership and other reports.

(a) *Acquisition of stock.* (1) Upon the acquisition of beneficial ownership or more than 10 percent or additional stock in excess of 10 percent of the voting stock of an insured institution occurring after [effective date of Part 574], an acquiror shall file in accordance with § 574.6(b)(6) a certification with the Corporation as described below.

(2) The certification filed pursuant to this section shall be signed by the acquiror or an authorized representative thereof and shall read as follows:

The undersigned is the owner of 10 percent or more of the outstanding voting stock of [*name of insured institution or holding company*]. The undersigned is not in control of such institution, as defined in 12 CFR 574.4(a), and is not subject to a rebuttable determination of control under § 574.4(b), and will take no action that would result in a determination of control or a rebuttable determination of control without first filing and obtaining approval of an application under the Savings and Loan Holding Company Act or notice under the Change in Savings and Loan Control Act or filing and obtaining acceptance by the Corporation of a rebuttal of the rebuttable determination of control.

(3) Notwithstanding anything contained in this paragraph (a), an acquiror is not required to file a certification if (i) the Board has approved the acquisition of the insured institution or (ii) the acquiror has filed a materially complete application or notice pursuant to § 574.3 of this Part.

(b) *Reports of loan secured by voting stock.* (1) Whenever an insured institution or a bank which has accounts insured by the FDIC makes a loan, or loans, secured (or to be secured) by 25 percent or more of the voting stock of an insured institution, unless the borrower has been the owner of record of such stock for a period of one year or more, or the stock is of a newly organized institution prior to its opening, a report shall be filed with the Corporation containing the following information:

(i) The name of the borrower;

(ii) The date and amount of the loan;

(iii) The name of the insured institution which has issued or is to issue the stock securing the loan; and

(iv) The number of shares securing the loan.

(c) *Privacy.* Reports and certifications filed under this section shall be for the information of the Corporation in connection with its examination functions and shall be provided confidential treatment by the Corporation.

§ 574.6 Procedural requirements.

(a) *Form of application or notice.* An application or notice required by § 574.3 shall be filed in the form prescribed by the Corporation as follows: *Provided* that an acquiror may request confidential treatment of portions of an application or notice by complying with the requirements of paragraph (f) of this section.

(1) *H–(e)1.* This application shall be used for all applications filed under § 574.3(a) by a company, other than a savings and loan holding company, for approval of acquisitions of one insured institution, directly or indirectly, or through one or more subsidiaries or through one or more transactions.

(2) *H–(e)2.* This application shall be used for all applications filed under § 574.3(a) for approval of acquisitions, directly or indirectly, or through one or more subsidiaries or through one or more transactions of: (i) One or more insured institutions by a savings and loan holding company or (ii) more than one insured institution by any other company.

(3) *H–(e)3.* This application shall be used for all applications filed under § 574.3(a): (i) By a savings and loan holding company for approval of acquisitions by a merger, consolidation, or purchase of assets of an insured or uninsured institution or a savings and loan holding company, or (ii) by any company for approval of acquisitions by a merger, consolidation, or purchase of assets of two or more insured institutions, and shall be used also for approval under §§ 563.22 and 571.5 of this Chapter.

(4) *H–(e)4.* This information filing shall be used to claim that a reorganization is exempt from prior written approval of the Corporation under § 574.3(c)(1)(ii).

(5) *Notice Form 1173, Parts A and B.* This form shall be used for all notices filed under § 574.3(b) regarding the acquisition of control of an insured institution by any person or persons not constituting a company.

(b) *Filing requirements.*—(1) *Applications.* Any application required or provided for by a company shall be filed with the Corporation by transmitting one complete copy including exhibits and other pertinent papers and documents to the Office of the Secretariat, Fedeal Home Loan Bank Board, Washington, D.C. 20552, Attention: Office of Examinations and Supervision, and two complete copies including exhibits and other pertinent papers and documents to the Principal Supervisory Agent of the district in which the insured institutions involved in the acquisitions have their home offices. At least one copy of the application filed with each noted office shall be manually signed. Unsigned copies shall be conformed. A company shall also transmit, together with its application, a brief statement as to whether, to the best knowledge of such company, the application is eligible for processing pursuant to delegated authority under § 574.8(a), and the reasons therefor. An applicant shall also comply with sections 7A of the Clayton Act (15 U.S.C. 18A) and regulations issued thereunder (16 CFR Parts 801, 802, and 803).

(2) *Notice.* One complete copy of the notice, including exhibits and other pertinent papers and documents, shall be filed with the Office of the Secretariat, Federal Home Loan Bank Board, Washington, D.C. 20552, Attention: Office of Examination and Supervision, and two complete copies of the application and exhibits filed with the appropriate Principal Supervisory Agent. At least one copy of the notice filed with each noted office shall be manually signed. A person shall also transmit, together with the notice, a brief statement as to whether, to the best knowledge of such person, the notice is eligible for processing pursuant to delegated authority under § 574.8(a), and the reasons therefor.

(3) *Amendment.* Any acquiror may amend an application or notice or file additional supporting information until publication under paragraph (d) of this section, unless otherwise requested to do so by the Supervisory Agent or the Corporation.

(4) *Rebuttal filing.* In order to apply to rebut a presumption pursuant to § 574.4(d)(3), two copies, one of which shall be manually signed, shall be submitted to the Office of the Secretariat: Federal Home Loan Bank Board, Washington, D.C. 20552, addressed respectively, to the attention of the Office of Examination and Supervision and the Office of General Counsel, with one copy to the appropriate Principal Supervisory Agent.

(5) *Safe-harbor filing.* In order to qualify for the safe harbor under § 574.4(f), a certification must be filed setting forth the information required by § 574.4(d)(3). Two copies, one of which shall be manually signed, shall be submitted to the Office of the Secretariat, Federal Home Loan Bank Board, Washington, D.C. 20552, addressed, respectively, to the Office of General Counsel and the Office of Examinations and Supervision, with one copy to the appropriate Principal Supervisory Agent.

(6) *Certification.* Certifications required by § 574.5(a)(2) shall be filed in the same manner as a safe-harbor filing under paragraph (c)(5) of this section.

(c) *Sufficiency and waiver.* (1) An application or notice filed pursuant to §§ 574.3(a) or 574.3(b) shall not be deemed sufficient unless it includes all of the information required by the form prescribed by the Corporation, including a complete description of the acquiror's proposed plan for acquisition of control whether pursuant to one or more transactions, and any additional relevant information as the Corporation may require by written request to the applicant. Failure by an applicant to respond completely to a written request for additional information within 30 calendar days of the date of such request may be deemed to constitute withdrawal of the application or notice, or may constitute ground for denial of an application or issuance of a notice of disapproval of a notice.

(2) The period for Corporation review of any proposed acquisition will commence upon receipt by the Corporation of a notice or application deemed sufficent under paragraph (c)(1) of this section. The Corporation shall notify an acquiror within 10 business days of the publication of the acquiror's notification pursuant to paragraph (d) of this section, of whether an application or notice is deemed sufficient. After the Corporation notifies an acquiror that an application or notice is sufficient, the Corporation may request additional information only with respect to matters derived from or prompted by information already furnished by an acquiror, or where the request for additional information is based upon information of a material nature that was not available to the Corporation or was concealed, at the time an application or notice was deemed to be sufficient.

(i) In the case of a request for additional information after a notice has been deemed sufficient, the period for Corporation review pursuant to § 574.3(b) shall be suspended and shall not resume until the acquiror has responded completely to the request for information.

(ii) The 60-day period for Corporation review also may be extended by the Corporation for up to 30 days for any reason.

(3) With respect to an H–(e)4 information filing, the General Counsel shall have 30 days after receipt of a filing deemed sufficient, to disapprove the assertion that the company qualifies for the exemption provided in § 574.3(c)(1)(ii). After the expiration of such 30-day period without response from the General Counsel, the filing shall be deemed to be approved.

(4) The Corporation may waive any requirements of this section or any required information: (i) Determined to be unnecessary by the Corporation, upon the written request of an acquiring person; or (ii) in a supervisory case.

(d) *Publication.* (1) An acquiror shall publish a notification as provided in this section within 10 days after filing an application under § 574.3(a) or notice under § 574.3(b). Publication shall be made in the business section of a newspaper printed in the English language in: (i) the community in which the home office of the insured institution is located; and (ii) if applicable, the

community in which the home office of the largest subsidiary insured institution of the acquiror is located. If it is determined that the primary language of a significant number of adult residents of either community is a language other than English, the acquiror may be required to publish the notification simultaneously in the appropriate language(s).

(2) Notice published pursuant to this paragraph shall be published in a manner that is conspicuous to the average reader and shall be made substantially in the following form:

Notice of Filing of Application or Notice for Acquisition of an Insured Institution

"This is to inform the public that under section 574.3 of the Federal Home Loan Bank Board Regulations for Acquisitions of Insured Institutions [*Acquiror*] has filed an [application/notice] with the Federal Savings and Loan Insurance Corporation for permission to acquire [insured institution], located in [*location*], on [*date of filing*].

"Anyone may write in favor of or protest against the application. Three copies of all submissions must be sent to the Supervisory Agent, Federal Home Loan Bank of ———, ———, ———, within 20 day of the publication of this notification. An additional 10 days to submit comments may be obtained upon a showing of good cause if a written request is received by the Supervisory Agent within the 20-day period."

"You may inspect the non-confidential portion of the application/notice and non-confidential portions of all comments filed at the Federal Home Loan Bank of ———. If you have any questions concerning these procedures, contact the Federal Home Loan Bank of ———, at ( ) ———."

(3) Promptly after publication, the acquiror shall transmit copies of each notice and a publisher's affidavit of publication to the Office of Examinations and Supervision and to the Principal Supervisory Agent of the district in which the insured institutions involved in the acquisition have their home offices. In addition, where an insured institution to be acquired has securities registered under the Securities Exchange Act of 1934, one copy of the notice shall also be transmitted to the Office of General Counsel, Corporate and Securities Division.

(4) Notice shall be provided to the appropriate state supervisor and to persons whose request for announcements under § 563e.6 of this subchapter have been received in time for such notification; these notices shall be in addition to legal notification as set forth in paragraph (d)(1) of this section. Any other persons who might have an interest in the application or notice may also be notified.

(5) Disclosure of any part of an application of notice shall be made only in compliance with paragraph (f) of this section.

(e) *Public comment.* Comments by the public shall be submitted only as provided in this paragraph or as requested by the Corporation. Within 20 days of the date of publication (or 30 days after such date if an extension is requested in writing within the 20-day period), anyone may file comments in favor or in protest of the application or notice. Comments received after the comment period need not be considered by the Corporation.

(f) *Disclosure.* (1) Public disclosure shall be made of any non-confidential portion of an application or notice, other filing or public comment made under this section and shall be made of other portions of an application, notice, other filing or public comment in accordance with paragraph (f)(2) of this section, the provisions of the Freedom of Information Act (5 U.S.C. 552a) and Parts 505 and 505a of this Chapter.

(2) Any person who submits any information or causes or permits any information to be submitted to the Corporation, pursuant to this Part may request that the Corporation afford confidential treatment under the Freedom of Information Act to such information for reasons of personal privacy or business confidentiality, (which shall be deemed to include such information that would be deemed to result in the commencement of a tender offer under 17 CFR 240.14d–2), or for any other reason permitted by federal law, and should take all steps reasonably necessary to ensure, as nearly as practicable, that at the time the information is first received by the Corporation (i) it is supplied segregated from information for which confidential treatment is not being requested, (ii) it is appropriately marked as confidential, and (iii) it is accompanied by a written request for confidential treatment which specifies the information as to which confidential treatment is requested.

(3) All documents which contain information for which a request for confidential treatment is made or the appropriate segregable portions thereof should be marked by the person submitting the records with a prominent stamp, typed legend, or other suitable form of notice on each page or segregable portion of each page, stating "Confidential Treatment Requested by [name]." If such marking is impractical under the circumstances, a cover sheet prominently marked "Confidential Treatment Requested by [name]" should be securely attached to each group of records submitted for which confidential treatment is requested. Each of the records transmitted in this manner should be individually marked with an identifying number and code so that they are separately identifiable.

(4) No determination as to the validity of any request for confidential treatment will be made until a request for disclosure of the information under the Freedom of Information Act is received.

(5) If it is determined that records which are the subject of a request for access under the Freedom of Information Act are also the subject of a request for confidential treatment under this rule and no other grounds appear to exist which would justify the withholding of the records of Office of the Secretariat promptly shall so inform the person requesting confidential treatment or, in the case of a request made on behalf of a person other than the submitter, the person identified as able to provide substantiation, by telephone, telegram or express mail and require that substantiation of the request for confidential treatment be submitted in ten days.

(6) Substantiation of a request for confidential treatment shall consist of a statement setting forth, to the extent appropriate or necessary for the determination of the request for confidential treatment, the following information regarding the request:

(i) The reasons, concisely stated and referring to specific exemptive provisions of the Freedom of Information Act, why the information should be withheld from access under the Freedom of Information Act;

(ii) The applicability of any specific statutory or regulatory provisions which govern or may govern the treatment of the information;

(iii) The existence and applicability of any prior determination by the Corporation, other federal agencies, or a court, concerning confidential treatment of the information;

(iv) The adverse consequences to a business enterprise, financial or otherwise, that would result from disclosure of confidential commercial or financial information, including any adverse effect on the business' competitive position;

(v) The measures taken by the business to protect the confidentiality of the commercial or financial information in question and of similar information, prior to, and after, its submission to the Corporation;

(vi) The ease of difficulty of a competitor's obtaining or compiling the commercial or financial information;

(vii) Whether the commercial or financial information was voluntarily submitted to the Corporation, and, if so, whether and how disclosure of the

information would tend to impede the availability of similar information to the Corporation;

(viii) The extent, if any, to which portion of the substantiation of the request for confidential treatment should be afforded confidential treatment; and

(ix) Such additional facts and such legal and other authorities as the requesting person may consider appropriate.

(g) *Supervisory cases.* The provisions of paragraphs (d), (e) and (f) of this section may be waived in acquisitions in supervisory cases.

§ 574.7 Determination by the Corporation.

(a) *Acquisition by a company.* The Corporation shall approve an application by any company other than a savings and loan holding company to acquire control of one insured institution unless it determines that the criteria set forth in paragraph (c) of this section are not met.

(b) *Acquisition by a savings and loan holding company.* The Corporation shall not approve an acquisition by a savings and loan holding company to acquire control of an insured institution, or by any other company to acquire control of more that one insure institution, except in accordance with paragraph (c) of this section. Before approving any such acquisition, the Corporation or its delegate shall request from the Attorney General and consider any report rendered within 30 days of such request on the competitive factors involved.

(c) *Application criteria.* The Corporation may deny an application by a company to acquire an insured institution if the Corporation finds that the financial and managerial resources and future prospects of the company and institution involved would be detrimental to the institution or the insurance risk of the Corporation, or if the acquiror fails or refuses to furnish information requested by the Corporation or its delegate. In connection with applications filed pursuant to § 574.6(a) (2) and (3) the Corporation will also consider the convenience and needs of the community to be served. Moreover, the Corporation shall not approve any proposed acquisition:

(1) Which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the savings and loan business in any part of the United States, or

(2) The effect of which on any section of the country may be substantially to lessen competition, or tend to create a monopoly, or which in any other manner would be in restraint of trade, unless the Corporation finds that the anticompetitive effects of the proposed acquisition are clearly outweighed in the public interest by the probable effect of the acquisition in meeting the convenience and needs of the community to be serve.

(d) *Notice criteria.* In making its determination whether to disapprove a notice, the Corporation shall disapprove any proposed acquisition, if:

(1) The proposed acquisition of control would result in a monopoly or would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the savings and loan business in any part of the United States;

(2) The effect of proposed acquisition of control in any section of the country may be substantially to lessen competition or to tend to create a monopoly or the proposed acquisition of control would in any other manner be in restraint of trade, and the anticompetitive effects of the proposed acquisition of control are not clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served;

(3) The financial condition of the acquiring person is such as might jeopardize the financial stability of the institution or prejudice the interests of the depositors of the institutions;

(4) The competence, experience, or integrity of the acquiring person or any of the proposed management personnel indicates that it would not be in the interests of the depositors of the institution, the Corporation, or the public to permit such person to control the institution; or

(5) The acquiring person fails or refuses to furnish information requested by the Corporation or its delegate.

(e) *Failure to disapprove a notice.* If, upon expiration of the 60-day review period of any notice deemed to be sufficient filed pursuant to § 574.6(c), or extension thereof, the Corporation has failed to disapprove a proposed acquisition, such acquisition may take place, provided that it is consummated within one year in accordance with the terms and representations in the notice and that there is no material change in circumstances prior to the acquisition.

(f) *Disapproval of a notice.* Within three days after its decision to disapprove a notice, the Corporation or its delegate shall notify the acquiror in writing of the disapproval. Such notification shall include a statement of the grounds therefor and a statement that the acquiror within 20 days of the receipt of such notice of disapproval may, if the disapproval was issued by the Principal Supervisory Agent pursuant to delegated authority, request review of such disapproval by the Corporation pursuant to § 574.8(a)(4), or, if such review is denied, or the disapproval issued by the Corporation, may within 10 days of receipt of the notice of disapproval, notice of the Corporation's decision not to review the denial, request an administration hearing under paragraph (4) of the Control Act.

(g) *Presumptive disqualifiers.*—(1) *Integrity factors.* An acquiror shall be presumed, subject to rebuttal, to have failed to satisfy the managerial resources test of paragraph (c) of this section or the integrity test of paragraph (d)(4) of this section based on the following:

(i) Criminal, civil or administrative judgments, consents or orders, and any indictments, formal investigations, examinations, or civil or administrative proceedings (excluding routine or customary audits, inspections and investigations) that terminated in any agreements, undertakings, consents or orders, issued against, entered into by, or involving the acquiror or affiliates of the acquiror by any federal or state court, any department, agency, or commission of the U.S. Government, any state or municipality, any self-regulatory trade or professional organization, or any foreign government or governmental entity, which involve:

(A) Fraud, moral turpitude, dishonesty, breach of trust or fiduciary duties, organized crime or racketeering;

(B) Violation of securities or commodities laws or regulations;

(C) Violation of depository institution laws or regulations.

(D) Violation of housing authority laws or regulations;

(E) Violation of the rules, regulations, codes of conduct or ethics of a self-regulatory trade or professional organization.

Provided, that with respect to an acquiror that is a company, the relevant time period shall be the period during which any person currently controlling person of the acquiror, if any, was a controlling person, and during which any person currently a management official of the acquiror was a management official of the acquiror. With respect to an acquiror that is a natural person, the relevant time period shall be the period beginning with such person's majority;

(ii) Denial, or withdrawal after receipt of formal or informal notice of an intent to deny, by the acquiror or affiliates of the acquiror, or (A) any application

relating to the organization of a financial institution (B) an application to acquire any financial institution or holding company thereof under the Savings and Loan Holding Company Act or the Bank Holding Company Act or otherwise, or (C) a notice relating to a change in control of any of the foregoing under the Change in Savings and Loan Control Act or the Change in Bank Control Act;

(iii) The acquiror or affiliates of the acquiror were placed in receivership or conservatorship during the preceding 10 years or any management official of the acquiror was an officer or director of a company which entered receivership or conservatorship during his tenure or within two years thereafter;

(iv) Felony conviction of the acquiror, an affiliate of the acquiror or a management official of the acquiror or an affiliate of the acquiror.

(v) Acquisition and retention at the time of submission of an application or notice, of stock in the insured institution by the acquiror in violation of § 574.3 or its predecessors.

(2) *Financial factors.* An acquiror shall be presumed, subject to rebuttal, to have failed to satisfy the financial resources test of paragraph (c) of this section, or the financial condition test of paragraph (e)(3) of this section, based upon the following:

(i) Where the acquiror is a company, failure to agree in writing that the company will ensure that its subsidiary insured institution shall have at the end of each calendar quarter, either net worth at least equal to three percent of all liabilities, plus the growth and contingency factors as determined in § 563.13 of this Chapter, or such greater amount that may be required pursuant to § 563.13 of this Chapter, and that where necessary, the company will infuse additional equity capital in a form satisfactory to the Supervisory Agent and sufficient to effect compliance with such undertaking.

(ii) Liability for amounts of debt which in the opinion of the Corporation, create excessive risks of default and pressure on the insured institution to be acquired.

(iii) A business plan projecting activities which are inconsistent with economical home financing.

§ 574.8 Delegations of authority.

(a) *Actions by the Principal Supervisory Agent.*—(1) *Approval.* The Principal Supervisory Agent is authorized to grant approval of any application filed under § 574.3 (a) or issue a statement of intent not to disapprove a notice filed under § 574.3(b): *Provided,* that the following conditions are met:

(i) Neither the acquiror or the insured institution to be acquired is required under the Securities Exchange Act of 1934, 15 U.S.C. 78a–78jj, and Part 563d of this Subchapter, to make a filing under any of the following regulations in connection with the acquisition:

(A) Rule 13e–3, 17 CFR 240.13e–3 (for "going private" transactions);

(B) Rule 13e–4, 17 CFR 240.133e–4 (for tender offers by an issuer for its own stock);

(C) Regulation 14A, 17 CFR 240.14a–1 through .14a–101 (for solicitation of proxies);

(D) Regulation 14C, 17 CFR 240.14c–1 through .14c–101 (for distribution of information statements); or

(E) Regulations 14D or 14E, 17 CFR 240.14d–1 through .14f–1 (for tender offers);

(ii) The institution to be acquired has not notified the Principal Supervisory Agent within the comment period specified in § 574.6(e) of its opposition to the proposed acquisition; and

(iii) The acquisition does not raise any significant issues of law or policy on which the Corporation has not taken a formal position.

(2) *Denial.* The Principal Supervisory Agent is authorized to disapprove any application or notice that he is authorized to approve or for which he is authorized to issue a statement of intent not to disapprove under paragraph (a)(1) of this section.

(3) *Other actions.* For notices filed pursuant to § 574.3(b), and applications filed pursuant § 574.3(a), which may be approved under paragraph (a) of this section, Supervisory Agent may take the following actions:

(i) Any action regarding publication provided for in § 574.6(d);

(ii) A determination that an application or notice is sufficient or requiring additional information under § 574.6(c)(1);

(iii) Extension of the review period under § 574.6(c)(2)(ii);

(iv) A grant or denial of any waivers of certified financial statements requested in connection with notices filed under § 574.3(b): *Provided,* that the acquiror provides the following substitute information: (A) A statement supporting the acquiror's contention that production of such certified financial statements is unduly burdensome; (B) tables setting forth (*1*) the acquiror's percent of interest in the insured institution to be acquired, the amount of investment in the insured institution and the investment as a percentage of the acquiror's net worth and (*2*) the amount of each entry as a percentage of the acquiror's total assets, net worth and gross income; (*3*) available unaudited financial statements for each entity for which a waiver has been requested which include at least three years of statements of operations and interim statements within 90 days of the most recently filed amendment, and 2 years of statements of condition and interim statements within 90 days of the most recently filed amendments; (*4*) a letter from an independent accountant indicating changes which would be required to reconcile the financial statements with ones prepared on a basis which would be consistent with generally accepted accounting principles; (*5*) an opinion of independent counsel stating that the counsel has made inquiry into the extent of undisclosed or contingent liabilities and setting forth, to the best of his knowledge, any disclosed or contingent liabilities relating to each entity; and (*6*) the latest available Federal income tax returns for each entity for the immediately proceding two taxable years.

(4) *Appeal.* Denial of an application or notice by a Principal Supervisory Agent pursuant to paragraph (a) of this section may be appealed to the Corporation under the following procedures: Within 20 days after notification of the Principal Supervisory Agent's decision, the acquiror must notify the Office of the Secretariat of the acquiror's desire to appeal the Principal Supervisory Agent's decision. Two copies of such request for review must be submitted to the Office of the Secretariat, Federal Home Loan Bank Board, Washington, D.C. 20552, addressed, respectively, to the attention of the Director, Office of Examinations and Supervision and the General Counsel, with one copy to the appropriate Principal Supervisory Agent. The request for review must identify the party seeking review and describe with specificity the action taken for which review is sought and the reasons why the Principal Supervisory Agent's denial or notice of disapproval is contended to be erroneous.

(b) *Actions by the Director of the Office of Examinations and Supervision and the General Counsel.* The Director of the Office of Examination and Supervision with the concurrence of the General Counsel or their respective designees are authorized to take the following actions:

(1) Approve any application or issue notice of intent not to disapprove any notice which does not raise a significant issue of law or policy upon which the Corporation has not taken a formal position;

(2) Determine whether a presumption of control under § 574.4(b) or acting in

concert under § 574.4(d) has been rebutted;

(3) With regard to notices filed under § 574.3(b), to acquire control of insured institutions which cannot be approved under paragraph (a) of this section:

(i) All actions regarding publication required or permitted by § 574.6(d).

(ii) Any other action which would otherwise be delegated to the Principal Supervisory Agent pursuant to paragraph (a) of this section.

(c) *Sole authority in the Corporation.* The Corporation alone may:

(1) Approve or deny any applications or notices which are not delegated;

(2) In addition to any other remedies available to the Corporation, assess a civil penalty under paragraph (16) of the Control Act for any person who willfully violates any provision of the Control Act, or any regulation or order issued by the Corporation pursuant thereto, of not more then $10,000 per day for each day during which the violation continues:

(i) By giving written notice of the basis for the violation, the amount of the proposed civil penalty, and an opportunity for the person to submit data, views, and arguments within 20 days; and

(ii) By giving due consideration to the appropriateness of the penalty with respect to each of the factors specified in paragraph (16) of the Control Act, 12 U.S.C. 1730(q)(16), and issuing to the person, within 30 days of the expiration of the period provided to make a submission, a written notice of the Corporation's order of assessment which must be paid within 10 days, unless otherwise agreed to, or the Corporation may bring an action to collect the assessed penalty.

(3) In addition to any other remedies available to the Corporation, assess a civil penalty of not more than $1,000 per day for each day during which the violation continues under section 408(j) of the Holding Company Act, 12 U.S.C. 1730a(j), for any company that violates or any person who participates in a violation of the Holding Company Act or any regulation or order issued pursuant thereto. As used in this paragraph, the term "violates" includes, without limitation, any action (alone or with another or others) for or toward causing, bringing about, participating in, counseling, or aiding and abetting a violation.

SUBCHAPTER F—SAVINGS AND LOAN HOLDING COMPANIES

PART 584—REGULATED ACTIVITIES

4. Revise § 584.4 as follows:

§ 584.4 Prohibited acquisitions.

No savings and loan holding company, directly or indirectly, or through one or more transactions, shall:

(a) Acquire by purchase or otherwise any of the voting shares of an insured institution not a subsidiary, or of a savings and loan holding company not a subsidiary, or, in the case of a multiple savings and loan holding company, so acquire or retain more than five percent of the voting shares of any company that is not a subsidiary and that is engaged in any business activity other than those specified in paragraphs (b) of § 584.2 or § 584.2–1; or

(b) Acquire control of an uninsured institution or retain, for more than one year after the date any insured institution becomes uninsured, control of such institution.

§ 584.4–1 [Removed]

5. Remove § 584.4–1.

§ 584.10 [Amended]

6. Revise § 584.10 by removing paragraph (d) thereof and redesignating paragraph (e) as (d).

PART 589—BOARD RULINGS

§ 589.1 [Removed]

7. Remove § 589.1.

(Change in Savings and Loan Control Act, 12 U.S.C. 1730(a); Savings and Loan Holding Company Act, 12 U.S.C. 1730a; Section 17(a) of the Federal Home Loan Bank Act, 12 U.S.C. 1437(a); Reorg. Plan No. 3 of 1947, 3 CFR 1071 (1943–48 Comp.))

By the Federal Home Loan Bank Board.

Jeff Sconyers,

Secretary.

[FR Doc. 85–9869 Filed 4–24–85; 8:45 am]

BILLING CODE 6720–01–M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 240

[Release No. 34–21958; File No. S7–16–85]

Request for Comments on Issues Concerning Internationalization of the World Securities Markets

AGENCY: Securities and Exchange Commission.

ACTION: Request for Comments.

SUMMARY: The Commission solicits comment on issues concerning the increasing internationalization of the world's securities markets. In light of the accelerating movement towards global trading markets for certain securities and the increasing flow of investments across national borders, the Commission believes that it now is appropriate to review these developments and to consider ways of attaining the fairest and most efficient global markets possible.

DATES: Comments to be received by June 30, 1985.

ADDRESS: Persons wishing to submit comments should file three copies with John Wheeler, Secretary, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549. All comments should refer to File No. S7–16–85 and will be available for inspection at the Commission's Public Reference Room.

FOR FURTHER INFORMATION CONTACT: Andrew E. Feldman, Esq., (202) 272–2388, Division of Market Regulation, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549.

SUPPLEMENTARY INFORMATION:

I. Introduction

A. Background

The Commission is requesting comment on a number of issues concerning the growing internationalization of the securities trading markets.[1] In recent years there has been an increasing tendency for major securities to be traded not only in the capital market of their country of origin, but also in other financial centers around the world. The future direction of this international trading and its implications for existing markets, however, remains largely unknown.

The Commission is publishing this request for comment with the aim of providing a forum for consideration of the issues raised by internationalization and for discussion of the manner in which global trading markets should develop. The Commission believes that forethought and cooperation between the securities industry and national regulatory bodies can help make the evolving global markets more fair, efficient, and accessible.

B. Market Developments

There has been an increasing tendency for securities to become traded internationally. The emergence of the Eurobond market in 1963 was the vanguard of this internationalization process, and debt has continued to be the most prominent element in the

[1] The Commission recently also requested comment on issues regarding the internationalization of the process of public offering of securities. Securites Act Release No. 6568 (March 1, 1985), 50 FR 9281 ("Multinational Offerings Release").

international markets. In recent years, the growth in this market has accelerated markedly. Total new issues of Eurobonds rose from $45 billion in 1983 to $180.3 billion in the first 11 months of 1984.[2] United States issuers raised $6.2 billion in Eurobonds in 1983 and $6.8 billion in the first half of 1984.[3] In addition, the United States government [4] and several quasi-governmental entities [5] have made direct offerings to foreign investors totaling over $14.35 billion since the repeal of the withholding tax on interest paid to foreign holders of such debt securities.

At the same time, foreign issuers and investors have increasingly tapped United States capital markets. Nineteen foreign private issuers raised $2.3 billion through debt offerings in the United States in 1983,[6] and foreign government issuers offered $3.1 billion in debt in the United States in 1984.[7]

Although the growth of the Eurobond market and cross-national issuances of debt in recent years have tended to overshadow development in the equities markets, global currents also have begun to touch the equities markets. Eighteen foreign companies (excluding Canadian issuers) raised approximately $1 billion in equity in the United States in 1983.[8] In addition, foreign purchases of United States stocks have increased year by year. Net foreign purchases of United States equities increased from $3.9 billion in 1982 to $5.2 billion in 1983;[9] total transactions by foreign investors in United States equities totaled $134.3 billion in 1983.[10] United States investment in foreign equities has also increased through the years.[11] It has been estimated that United States institutions now hold $10–$13 billion[12] in foreign stocks, compared to $1–2 billion five to ten years ago.[13] Surveys indicate that 19% of United States pension funds invested overseas in 1983, and another 9% were expected to begin in 1984.[14] Many foreign institutions also are investing substantial amounts in other countries.[15]

Several factors have been instrumental in fostering this global investment in equities.[16] In particular, investors have sought to diversify investments across national lines to take advantage of periods in which foreign markets have experienced rates of growth unmatched by domestic markets. This tendency was particularly pronounced during 1984, when the European, Australia, Far East ("EAFE") Index substantially outperformed the United States markets whether measured in local currencies or dollars.[17]

Increased familiarity with multinational companies and a desire to diversify investments globally also has generated interest in international investment among individual investors. Individuals invest both directly in foreign stocks[18] and through internationally-oriented investment companies.[19] Direct investment in foreign stocks has been made considerably simpler for United States investors as a result of the increased listing and trading of foreign stocks (or American Depository Receipts ("ADRs") on foreign stocks) on United States markets. As of the beginning of 1984, 46 foreign securities or ADRs were listed on the New York Stock Exchange ("NYSE"), 52 were listed on the American Stock Exchange ("Amex"), and 294 were quoted in NASDAQ.[20] In 1984, the trading volume of foreign securities and ADRs exceeded 817 million shares on the NYSE, 197 million shares on the Amex, and 906 million shares on NASDAQ.[21]

United States stocks also increasingly are being traded overseas, either through official listings on foreign exchanges or in over-the-counter ("OTC") trading by securities firms. As of January 1, 1985, approximately 200 domestic NYSE-listed companies were listed also on the London Stock Exchange ("LSE"), 43 on the Paris Bourse, and 6 on the Tokyo Stock Exchange.[22] A company may seek a listing on an overseas exchange to obtain greater exposure in that country in the hope of eventually raising capital there.

In addition, OTC trading has been initiated overseas in major stocks to accommodate trading interest in multinational companies among dealers and foreign institutions. An element of this OTC trading has been the development of the ability for broker-dealers to trade continuously around-the-clock by passing their trading positions on to traders located in branch offices in later time zones.

The desire to accommodate international trading interest has motivated the securities markets to

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[2] Kristoff, *World Financial Curbs Eased by Technology and Ideology*, New York Times, January 26, 1985, at 1 ("Kristoff").

[3] *The One World Capital Market*, Euromoney, October 1984, at 106. In recent months a Euroyen market also has begun to emerge.

[4] The Treasury has made a $1 billion offering of foreign targeted debt. Based on information obtained from the Treasury.

[5] The Federal National Mortgage Association ("Fannie Mae") and the Student Loan Marketing Association ("Sallie Mae") have made foreign offerings totaling approximately $13.25 billion and $100 million respectively. Based on information obtained from Fannie Mae and Sallie Mae.

[6] Soloman, *An SEC Survival Kit*, Institutional Investor, May 1984, at 119.

[7] SEC Monthly Statistical Review, v. 44 No. 2, February 1985, at 14.

[8] *Investors in the United States are Putting a Damper on Stocks offerings by Foreign Concerns*, Wall Street Journal, November 11, 1984, at 2. Major foreign offerings in the United States in 1983 included offerings by Ericsson, Alcan Aluminum, and Bell Canada. In 1984, Reuters Ltd. offered $310 million and British Telecom offered approximately $4.7 billion in equity simultaneously in the United States and other countries.

[9] SIA *Securities Industry Yearbook 1984–85* 594 (1984).

[10] *Id.*

[11] The pace of foreign investment slowed somewhat in 1984, however. *See U.S. Investors Slash Foreign Portfolios as Domestic Vigor Lures Back Dollars*, Wall Street Journal, February 25, 1985, at 58.

[12] Kristoff, *supra* note 2, at 1; *The Great Deregulation Explosion*, Euromoney, October 1984, at 61.

[13] Kristoff, *supra* note 2, at 1.

[14] *The Rise of the International Explosion*, Euromoney, May 1984, at 64.

[15] *The Great Deregulation Explosion*, Euromoney, October 1984, at 61

[16] These factors include the recent peace and prosperity of the developed countries, new transportation and communications technology, the advent of floating exchange rates, and the relaxation of foreign exchange controls. *See* Multinational Offerings Release, *supra* note 1, at 9281.

[17] DuBois, *The Year Eight Foreign Markets Outpaced Wall Street*, Barrons January 7, 1985, at 63 (based on Capital International S.A. data). Eight individual foreign markets outperformed the U.S. last year as measured in dollars, while 13 markets outpaced the U.S. as measured in local currencies.

[18] Foreign markets increasingly are being made more accessible to facilitate investment in the securities of such countries. For instance, Sweden and Finland recently established free share registers to allow foreigners to trade more freely in domestic equities.

[19] The number of international and global-oriented investment companies has increased in recent years. By April 1984 there were 16 globally oriented mutual funds (funds that invest both in the United States and overseas), with $4.5 billion in assets. Chesser, *American Money Managers Learn a Lesson*, Institutional Investor (Int. Ed.), April 1984, at 173.

[20] *NYSE 1984 Fact Book*, 40; *Amex 1983 Fact Book*, 10; *NASDAQ 1983 Fact Book*, 90.

[21] Based on information obtained from the NYSE, Amex, and NASD. These figures represent 3.5%, 12.8% and 5.9% respectively of the overall trading volume on these markets.

[22] Based on information obtained from the NYSE. Approximately 900 companies, including both U.S. and foreign companies, have officially listed on overseas stock exchanges. Of these, it has been estimated that 236 multinational companies are actively traded in international markets on a daily basis, of which 84 are United States corporations. *The Corporate List*, Euromoney, May 1984, at 71.

consider ways of extending their trading hours, as well as ways of cooperating with other markets through linkages and coordination of market information.[23] For instance, the Boston Stock Exchange ("BSE") and the Montreal Exchange ("ME") currently operate a link between their markets. In the first phase of the linkage, now operational, ME specialists can send orders in a small number of Canadian national issues also listed in the United States for execution by BSE specialists. This provides a means for ME specialists to offer additional markets to Canadian customers and provides the BSE access to an additional source of possible order flow. In subsequent phases, the two markets will connect BSE specialists to the ME's automated small order execution system ("MORRE")[24] and may provide access for United States broker-dealers and investors to the MORRE system.[25] In addition to linkage has been proposed between the Toronto Stock Exchange and the Amex.[26]

In addition, the NYSE recently has explored the idea of developing some form of twenty-four hour trading mechanism, and it appears to be considering an incremental extension of trading hours in the near future.[27] It also has engaged in discussions concerning a possible merger with the Pacific Stock Exchange ("PSE"), reportedly designed in part to take advantage of the PSE's location in a later time zone.[28] Informal discussions are also reported to have taken place between the NYSE and the LSE concerning coordinated trade reporting systems for dually listed stocks.[29]

Broker-dealers and banks from various countries also have expanded their international securities activities. This has been facilitated by initial steps taken by foreign regulators and markets to reduce restrictions on the involvement of foreign broker-dealers in their markets.[30] For example, as restrictions on foreign ownership of LSE members have been reduced, a number of banks and investment bankers have purchased interests in London brokerage firms with the intent of expanding these interests when greater foreign ownership of LSE member firms is allowed.[31] Foreign banks and investment bankers also have increased their activity in Japan, and one firm recently sought unsuccessfully to become the first foreign member of the Tokyo Stock Exchange.[32] In addition, certain Canadian regulators have signalled a willingness to loosen restrictions on the ability of foreign brokerage firms to register.[33]

Moreover, in the area of securities processing, United States clearing agencies since 1980 have been developing links with foreign clearing agencies to more efficiently and safely process international securities transactions.[34] Typically, the links involve a foreign clearing agency becoming a member of a United States clearing agency and participating on behalf of the foreign clearing agency's members. The foreign clearing agency is liable as principal for the transactions of its members and is subject to the United States clearing agency's rules. For example, the Candian Depository for Securities Limited, a Canadian clearing agency operating in Montreal and Toronto, has become a member of the National Securities Clearing Corporation in New York City.[35] That link processes over-the-counter transactions between United States and Canadian broker-dealers and transactions that occur on the BSE/ME trading floor link. Similarly, the Vancouver Stock Exchange Service Corporation has become a member of the Midwest Clearing Corporation. That link also processes over-the-counter trades between United States and Canadian broker-dealers. Other processing links not involving foreign clearing agency membership in a United States clearing agency have been developed between the Amsterdam Stock Exchange and the Depository Trust Company in New York City,[36] between Trans Canada Options, Inc. and the Options Clearing Corporation in Chicago,[37] and between Trans Canada Options, Inc. and the National Securities Clearing Corporation.[38] Only those links

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[23] Formal links with foreign markets also have been developed or proposed by a number of United States futures exchanges. The most sophisticated linkage to date involves the Chicago Mercantile Exchange and the Singapore International Monetary Exchange. These two markets have implemented a linkage in which fungible Eurodollar and Deutsche mark futures contracts are traded on both exchanges. An international mechanism allows a futures position established on one exchange to be offset on the other exchange. *See* Memorandum from the Division of Trading and Markets and the Division of Economic Analysis to the Commodity Futures Trading Commission, Re Proposed Rules and Rule Amendments of the Chicago Mercantile Exchange Relating to the Establishment of a Proposed Mutual Offset System with the Singapore International Monetary Exchange, Ltd. (August 22, 1985) ("CFTC CME-Simex Memorandum"). A similar link has been proposed by the Commodities Exchange and the Sydney Futures Exchange. *Wall Street Letter*, December 10, 1984, at 4. A number of United States and foreign exchanges also have discussed the possibility of introducing futures on foreign stock indices in the United States. *Wall Street Letter*, February 18, 1985, at 1, 9. In addition, various European exchanges have developed a pilot system to link their market information systems together. *Trading Across Frontiers*, Euromoney, May 1984, at 110.

[24] Securities Exchange Act Release No. 21925 (April 8, 1985). On April 8, 1985, the Commission approved the implementation of Phase II of the linkage, which will, in the summer of 1985, expand the list of securities eligible to trade through the linkage to include approximately 200 limited United States-listed securities available for trading through the Intermarket Trading System ("ITS"). *Id.*

[25] *See* Letter from Michael R. Lindburg, Vice President and General Counsel, BSE, to Richard Chase, Assistant Director, Division of Market Regulation (July 30, 1984).

[26] SR–Amex–85–8. The proposed linkage initially would be limited to trading on a one-way basis between the Toronto Stock Exchange and Amex in a limited number of dually listed stocks, and subsequently would be expanded to a two-way linkage in all dually listed stocks. *Id.*

[27] *Around the Clock Trading in Securities Ahead? Interview with John Phelan, Chairman, New York Stock Exchange*, U.S. News & World Report, January 14, 1985, at 73.

[28] *Big Board Hours Would Be Extended Under a Merger With Pacific Exchange*, Wall Street Journal, February 25, 1985, at 17.

[29] *Big Board, London Exchange Discuss Trading, Data Reporting Joint Ventures*, Wall Street Journal, January 7, 1985, at 3.

[30] The United States does not limit access by foreign broker-dealers to its securities markets. Foreign broker-dealers, moreover, can be members of United States exchanges. In many foreign countries, however, United States securities firms are restricted from selling and underwriting securities by regulations which do not apply to domestic firms. Although some of these restrictions have been reduced, restrictions still remain. *See infra* notes 61–63 and accompanying text.

[31] *See, e.g., United States Financial Firms Grab Growing Share of European Markets*, Wall Street Journal, February 25, 1985 at 1; *Citicorp to Buy London Dealer*, Wall Street Journal, February 23, 1985, at 32; *British Deal by Shearson*, New York Times, July 27, 1984, at D8.

[32] *Rebuff to Merrill in Tokyo Criticized*, New York Times, December 28, 1984, at D3.

[33] *A Regulatory Framework for Entry Into and Ownership Of The Ontario Securities Industry* (February 1985), A Report of the Ontario Securities Commission to the Minister of Consumer and Commercial Relations.

[34] The Commission's staff has analyzed the safety and efficiency of these proposed links and issued "no-action" letters under Section 17A of the Exchange Act. Those letters advise that, under the terms and conditions set forth in the private agreement between the United States and foreign clearing agencies, the Commission staff will not recommend that the Commission take enforcement action if the foreign clearing agencies do not register as clearing agencies in the United States on account of their activities.

[35] *See* Letters from Dan W. Schneider, Deputy Associate Director, Division of Market Regulation, to Karen L. Saperstein, Assistant General Counsel, National Securities Clearing Corporation (October 24 and November 26, 1984).

[36] *See* Letter from Jerry R. Marlatt, Staff Attorney, Division of Market Regulation, to Alan H. Paley, Debevoise, Plimpton, Lyons and Gates (July 25, 1980).

[37] *See* Letter from Dan W. Schneider, Assistant Director, Division of Market Regulation, to Andrew M. Klein, Schiff, Hardin and Waite (March 25, 1982).

[38] *See* Letter from Richard G. Ketchum, Associate Director, Division of Market Regulation, to Robert Woldow, Vice President and General Counsel, National Securities Clearing Corporation (August 18, 1982).

in which the foreign clearing agency has became a member of a United States clearing agency, however, have enjoyed significant use to date.

These actions by broker-dealers, banks, securities markets, clearing agencies, and regulators represent initial steps to respond to the emergence of international trading and to anticipate further developments. In many respects, however, the dimensions of this increased international trading remain unclear. As a result, industry participants, securities markets, and regulatory bodies find it difficult to prepare for future developments in this area. This is a result in part of the absence of a central forum for discussion of these trends, and the issues raised by global trading of securities. By issuing this request for comment, the Commission hopes to provide that central forum to promote better coordination as international markets continue to develop.

II. Issues

While the speed and growth of international trading is difficult to predict, the trend towards increased trading before or after NYSE trading hours in United States securities does appear to be clear. However, this trading, involving primarily market professionals and institutional firms, may not raise substantial investor protection or market efficiency concerns for the United States securities markets. Simultaneous trading on an international basis raises substantially more complex questions. Similarly, more coordinated trading involving passing public investor orders from marketplace to marketplace throughout the twenty-four hour day raises a number of difficult issues. While it is far less clear that the amount of simultaneous or coordinated trading of shares of stock on an international basis will increase substantially, domestic exchanges and the NASD have indicated an increasing interest in exploring such arrangements with foreign markets.

Nevertheless, the Commission believes that it is important for the United States and foreign securities industries, markets, and regulators to consider ways of ensuring that where a global marketplace does develop, it is fair, efficient, and accessible to investors.[39] Accordingly, the Commission is soliciting comment on a number of significant issues raised by the growing internationalization of the securities trading markets. The Commission is also interested in receiving comment on any additional investor protection, competitive, or market efficiency concerns raised by the internationalization of secondary market trading.[40] Comments received will enable the Commission to consider what, if any, international negotiations or regulatory initiatives may be necessary to facilitate the increasing internationalization of the markets. In addition, the Commission anticipates that the comments will contribute to the consideration of these issues by the self-regulatory organizations, the securities industry, and investors, and will provide a forum for further discussion of these matters.

A. International Trading

As stocks increasingly are held outside of their country of origin, a number of initial steps have been taken to provide international trading opportunities for these stocks.[41] Yet the demand for this extended trading is unclear. Accordingly, the Commission, as a preliminary matter, requests comment generally on the need for actions to facilitate international trading. Specifically, the Commission requests comment on the extent to which extended trading opportunities are sought and used by investors at present. To what extent is this trading institutional, proprietary, or retail, and how does that effect the need for regulators to take actions to accommodate such trading? In addition, what use of these services is expected in the future? Is the demand for extended trading opportunities primarily based on a desire for liquidity during crisis conditions or during a rapidly moving market, or for ease in executing routine transactions? Finally, will extending trading opportunities result in spreading out existing trading over longer hours, or will greater trading volume result?

Assuming that conditions support increased international trading, the Commission requests comment on what conditions and structures should characterize international trading markets. Areas of discussion include market structure, clearance and settlement arrangements, and broker-dealer access to markets.

1. Market Structure

Several types of extended trading arrangements have been suggested as ways in which the international markets might develop. One possibility is that simultaneous trading in stocks by markets located in different countries could develop for at least part of the trading day.[42] As stocks increasingly list on exchanges in more than one country, these exchange markets may seek to attract order flow from foreign investors by extending their trading hours. As a result, trading of these stocks in markets in different countries could increasingly overlap.

Another possibility is increased coordination between domestic and foreign markets in the trading of multiply-traded stocks. This could occur through exchanges arranging for consecutive trading in stocks rather than simultaneous trading, possibly involving the passing of positions or open orders from exchange to exchange when trading ends in the earlier time zone. A further possibility is the rise of around-the-clock in-house trading by securities firms, as they expand their in-house trading capacity in foreign countries to accommodate the interest of foreign or United States clients that wish to trade outside normal business hours.[43] This could involve shifting their market making function and trading positions from office to office as working hours end in earlier time zones.

The use of these differing approaches would appear to have a number of consequences. For example, expansion of firm in-house trading capabilities to international dimensions would appear to require less time and capital to establish; indeed, a number of United States broker-dealers already have a substantial international presence.[44] At the same time, such an expanded upstairs trading capability, while useful in facilitating around-the-clock trading by institutional investors, probably would not provide opportunities for the same degree of retail market participation as exchange linkages. In addition, such upstairs trading would be much more difficult to monitor than expanded exchange activity.

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[39] *See* Commissioner Aulana L. Peters, *"The Securities Industry in 1985: Excellence Amidst Challenges,"* Address to the Securities Industry Association 1985 Annual Convention (November 29, 1984).

[40] The Commission recently requested comment on the steps that it should take to accommodate disclosure requirements for secondary trading subsequent to the public offering of securities in the United States by a foreign issuer. Multi-national Offerings Release, *supra* note 1, at 9284.

[41] *See supra* text accompanying notes 23–29.

[42] *See big Board Pacific Tie Progresses*, New York Times, February 25, 1985, at D1. *See also supra* text accompanying notes 23–29.

[43] Third market makers such as Jefferies & Co., Inc. already provide their customers with the ability to execute trades in listed securities when United States stock exchanges are closed or have halted trading in a particular security. *See Jefferies' 'Third-Market' Trading often Steals Show from Exchanges*, Wall Street Journal, July 14, 1984, at 79.

[44] *See supra* text accompanying notes 31–33.

The Commission requests comment on the advantages and disadvantages of each approach. To the extent that commentators prefer one arrangement, the Commission requests commentators to discuss how such arrangements would operate, especially with reference to the handling of customer market and limit orders, and what structures are necessary for these arrangements to function effectively. In addition, the Commission requests commentators to address the specific market structure areas discussed below.

a. *Consolidated Reporting.* In the United States securities markets, member firms executing transactions in reported securities [45] during normal trading hours are required to report the trade price and size of transactions to a consolidated reporting system. These last sale reports from exchange and over-the-counter markets nationwide are collected in a central repository, updated continuously during regular trading hours, and publicly disseminated. The United States consolidated transaction reporting systems currently capture on a real-time basis the vast majority of the trading volume in reported securities.[46]

If the trading of reported securities becomes more international, the volume of transactions not captured in a consolidated system could increase. The Commission, therefore, solicits comment on whether transaction reporting requirements for participants in the United States securities markets should be expanded. In this connection, commentators are requested to discuss the volume of international trading currently occurring in United States stocks and the usefulness of making last sale information available for those transactions. Should member firms be required to report such trades to a consolidated system? If so, should they do so on a real-time basis even if those trades occurred outside of United States trading hours?

The Commission understands that, at this time, a substantial portion of foreign trading in United States stocks continues to occur in the OTC market and involves United States broker-dealers. In the future, however, more activity may occur in United States stocks either on foreign exchanges or in OTC transactions involving only foreign participants. The Commission requests comment on the desirability and practicability of developing an international consolidated reporting system for stocks traded globally on an active basis. The Commission recognizes that perhaps the principal obstacle to international transaction reporting is the lack of uniformity in reporting requirements. The Commission notes that, while some securities markets (*e.g.*, the NYSE) require that transactions be reported on a real-time basis, other (*e.g.*, the LSE) compile neither transaction nor volume reports for individual stocks.[47] Accordingly, the Commission solicits comments on whether uniform reporting requirements for securities traded internationally could be devised.[48] Comment is also requested on what level of international trading activity would be necessary before the cost of such a system is justified.[49]

b. *Consolidated Quotations.* In the United States securities markets, quotations in reported securities are collected during trading hours from exchanges and OTC market makers in reported stocks. These quotations are consolidated into a single quotation stream and disseminated to market participants. By referring to these consolidated quotations, market participants are able to direct their customer orders to the best market for execution.

The Commission requests comment on whether a consolidated quotation system is or will be needed internationally. The need for a consolidated quotation system is directly related to the amount of simultaneous trading occurring on an international basis. How active would simultaneous trading have to be for the consolidated quotations to be justified? How could the differing requirements concerning display of quotations be accommodated in a consolidated quotations system?

The Commission notes that major United States broker-dealers are presently disseminating quotations through foreign vendor systems before or after United States trading hours. In the future, United States information vendors may wish to disseminate those quotations in the United States. Comment is requested on whether domestic dissemination of foreign quotations will increase international after-hours trading by United States institutional or public investors. Comment is also requested on whether present quotation and vendor display regulatory requirements should be applicable to such dissemination.

The Commission also notes that the quotation reporting systems established for debt securities are considerably less developed than for reported equity securities. For the most part, information with respect to government and corporate debt securities in the United States is available only through privately sponsored wire or other communications systems. The principal information displayed is indications of interest (as opposed to firm bids or offers or reports of actual transactions), although some "brokers' brokers" disseminate firm quotations anonymously on behalf of dealers in debt securities.[50] Given that much of the expansion of activity in the international securities markets has involved the trading of debt securities,[51] comment is requested on whether the market information presently available in the international markets for debt is sufficient to ensure efficient pricing.

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[45] The term "reported security" means any listed or OTC equity security subject to an effective transaction reporting plan filed with the Commission pursuant to Rule 11Aa3–1 under the Securities Exchange Act of 1934 ("Exchange Act"). In the market for securities listed on an exchange, this central reporting is effected through the facilities of the exchange. In the market for securities traded solely OTC, this reporting takes place through NASDAQ terminals or by communicating with the NASDAQ headquarters.

[46] The Commission believes that National Association of Securities Dealers, Inc. ("NASD") rules require that OTC transactions in reported securities executed overseas during normal trading hours by NASD members be reported on a real-time basis. *See* NASD By-Laws, Article XVI, Schedule D, XIV, Section 2(a)(4); NASD By-Laws, Article XVIII, Schedule G, Section 2(a)(4). OTC trades executed outside of normal trading hours by member firms are required to be reported weekly rather than on a real-time basis. *Id.*

[47] *Big Board, London Exchange Discuss Trading, Data Reporting Joint Ventures,* Wall Street Journal, January 7, 1985, at 3.

[48] The Commission also requests commentators to address the application of the Commission's short sale rule, Rule 10a–1 under the Exchange Act. The rule places certain restrictions on short sales in securities which are traded on a national securities exchange if transactions in such securities are reported pursuant to an "effective transaction reporting plan" under Rule 11Aa3–1 under the Act and information on such trades is made available on a real-time basis to vendors of securities information. The rule is intended to prevent the use of short sales to depress, or accelerate the depression of, a market for a security. Rule 10a–1 does not contain any exemption for short sales effected in international markets. The Commission requests commentators to address whether and under what circumstances an exemption would be appropriate.

[49] As an interim measure, the Commission solicits comment on whether it would be feasible to have an international consolidated reporting system that disseminates real-time last sale information for those markets that provide such data, while also compiling periodic volume data from markets lacking real-time last sale reporting.

[50] The NYSE and Amex maintain an odd-lot market for corporate and zero coupon government debt securities, and disseminate both quotation and transaction information on those securities. The transactions effected on the NYSE and Amex, however, constitute only a small portion of the overall market in debt securities and the quotes and sales reported are not necessarily reflective of the market as a whole.

[51] *See supra* text accompanying notes 1–7.

c. *Intermarket Linkages.* United States securities exchanges have developed an electronic system called ITS that links the participating exchange floors and the OTC market for multiply-traded listed securities.[52] Before ITS was developed in 1978, multiply-traded securities often were traded on different exchanges at disparate prices; these disparities often were not corrected by arbitrage activity. The establishment of ITS, coupled with consolidated last sale and quotation reporting, allowed orders to be routed from one market center to another so that transactions could be executed in the market that provided the best price.

With respect to the international marketplace, a number of securities already are being traded simultaneously in the securities markets of more than one country. For example, the securities of the issuers listed on both the NYSE and the LSE trade simultaneously during their overlapping trading hours. Presently, this trading presents few issues because activity in NYSE listed securities on the LSE is slight. As the international capital markets continue to develop, however, simultaneous international trading may become more commonplace, possible giving rise to disparities in prices in different markets, particularly if the same securities are traded in different currencies in each of those markets.

Assuming that this trading environment does develop, the Commission requests comment on whether pricing disparities are likely to result from this international multiple trading, and if so, whether arbitrage activity will bring the markets into line.[53] If commentators do not believe arbitrage will be sufficient, they are asked to address whether there should be mechanisms such as intermarket linkages to permit orders to be routed to the market with the best price.[54] Moreover, if public orders were routed through any such linkage, should there be more detailed disputeresolution systems in place and greater scrutiny of the investor protections provided by the rules of foreign markets?[55]

The Commission notes that much of the activity in United States securities now appears to occur away from foreign exchanges in the OTC market.[56] Commentators may wish to discuss the feasibility or desirability of any links between this foreign OTC trading and trading in United States securities market. Commentators are also requested to discuss whether any linkages developed are likely to involve exclusive agreements between a national securities exchange and a foreign market, and if so, whether that exclusivity would impose a burden on competition inconsistent with the provisions of the Exchange Act.

2. Securities Processing

In the United States, most securities transactions between broker-dealers are compared, cleared, and settled through systems operated by clearing agencies registered with the Commission under section 17A of the Exchange Act. The registered clearing agencies are the central components of the National Clearance and Settlement System. Generally, clearing agenices use automated systems to match trade data, compute net money and securities settlement obligations, and move securities between members' book-entry accounts to settle trades. In addition, clearing corporations, a type of clearing agency, guarantee their members' trade settlement obligations after securities netting. To ensure the financial integrity of the clearing agencies and to support clearing corporation guarantees, each clearing agency, among other safeguards, maintains a reserve fund of contributions from its members.

In foreign securities markets, securities clearance and settlement operations vary in function and efficiency. Some foreign securities markets have developed entities that are similar in function and regulatory authority to the United States clearing agency model, *e.g.*, the Canadian Depository for Securities Limited. Other foreign securities markets are in the process of developing modern, automated clearing agency facilities. In those cases, foreign securities market participants, and even foreign governments, depending on the country's securities regulatory scheme, will need to expend considerable time and capital to develop those facilities. Nevertheless, as the trend toward international trading increases, it will become increasingly important for foreign trading markets to establish efficient, safe, and accurate comparison, clearance, and settlement systems especially if they seek to link with United States securities markets and their respective clearing agencies.

The Commission requests comment on whether international links between United States and foreign clearing agencies are necessary for further expansion of international trading markets, and if so, what form future clearing links should take. For example, should these links be developed on an incremental basis, or should all concerned parties consider the creation of a centralized, internationally-governed clearing or depository entity for international trades? The Commission also requests comment on whether specific standards should be developed, as more international clearing links are proposed, to determine whether foreign clearing agencies should be permitted to participate in a link with a United States clearing agency or required to register as a clearing agency in the United States under Section 17A of the Exchange Act. This question could become crucial when a foreign clearing agency is not registered with the Commission and participates in the clearance and settlement of a high volume of transactions.[57]

Commentators should consider whether United States clearing agencies' normal safeguarding mechanisms will adequately protect the financial integrity of United States clearing agencies that accept such foreign clearing agencies as members.[58]

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[52] Rule 19c–3 securities, *i.e.*, listed securities not subject to exchange off-board trading restrictions, are the only securities in which the OTC market is linked to ITS.

[53] A number of securities are inter-listed on the major Canadian exchanges and in the United States on NASDAQ. For many of these inter-listed securities, it is our understanding that active markets exist in both the United States and Canada. The Commission would appreciate comments on trading experience in these inter-listed securities and, in particular, on whether arbitrage has been successful in preventing serious pricing disparities between the various markets for these securities.

[54] In this connection, commentators are requested to discuss whether use of such a linkage by public investors is feasible or desirable in light of the added currency risk and conversion expense generally involved in trading in a foreign market

[55] The Commission understands that prior to implementing a linkage, the Chicago Mercantile Exchange and the Singapore International Monetary Exchange, Ltd. established procedures for the arbitration of disputes between customers and clearing members, between clearing members, and between the two exchanges. *See* CFTC CME-Simex Memorandum, *supra* note 23, at 44–48.

[56] This trend may not continue if the United States and foreign exchanges that are currently negotiating or contemplating links are successful in establishing these connections. On the other hand, this trend may increase as a result of the greater emphasis on OTC trading which appears to be anticipated by the British Government's white paper on the securities markets. *See* The [London] Stock Exchange, *A discussion Paper (April 1984).*

[57] The Commission also requests comment on the extent of the conditions required by the Division of Market Regulation in its existing no-action letters. *See supra* text accompanying notes 35–38. Are these conditions too extensive or not extensive enough to ensure prompt, accurate, efficient, and safe securities processing?

[58] These mechanisms protect the clearing agencies from financial loss by, among other things, requiring

Continued

Similarly, comment is requested on whether United States clearing agencies should develop special admission standards for foreign clearing agencies that seek to link with United States clearing agencies through membership.

The Commission finally requests comment on the issues that arise when a United States clearing agency and a foreign clearing agency create a two-way link, *i.e.*, an interface. Although all approved links to date have been one-way,[59] the Commission believes that development of two-way interfaces reasonably can be anticipated. How can the Commission and United States clearing agencies ensure both the safeguarding of securities and funds in the United States National Clearance and Settlement System, and ultimately the protection of United States investors, when one or more United States clearing agencies is exposed to regulatory requirements and financial risks that could be very different from those encountered in this country?

3. Barriers to Entry

As the world capital markets become internationalized, securities trading and distributions increasingly are transcending national barriers. As discussed previously, the spread of trading in domestic stocks in other countries has led securities firms of many nations to establish branch offices or affiliates overseas. This international expansion is not limited to United States firms; foreign securities firms also are expanding both into the United States and into other countries as well. The Commission notes that, while foreign broker-dealers can easily register with the Commission as broker-dealers, and the United States securities exchanges and the NASD generally provide foreign firms with ready access to their markets, other nations and securities markets have erected explicit barriers to entry that prevent or restrict foreign firms from trading directly. Barriers of this nature, for example, are found in Canada,[60] Switzerland,[61] Great Britain,[62] and Japan.[63] The Commission requests comment on the effect of these barriers to international trading of securities and what actions, if any, should be taken to reduce these barriers.

The Commission also recognizes that, to the extent that national schemes for broker-dealer regulation differ substantially, they could constitute *de facto* barriers to entry by making it difficult for one nation's broker-dealers to qualify to trade in another country.[64] Accordingly, the Commission solicits comment on what barriers, if any, result from the broker-dealer regulation of various countries and whether this regulation significantly limits broker-dealers from one country from entering the markets of another.

B. Multinational Distributions of Securities

A recent release discussed various issues and concerns related to the distribution of securities in the context of the Securities Act.[65] A multinational distribution of securities also raises a number of issues under the Exchange Act, which regulates certain activities on the part of persons engaged in a distribution of securities.

For example, Rule 10b–6 under the Exchange Act is an antimanipulative provision that, subject to certain exceptions, prohibits persons who are engaged in a distribution [66] of securities from bidding for or purchasing, or inducing others to bid for or purchase, such securities (or certain related securities) until they have completed their participation in the distribution. The purpose of the rule is to prevent participants in a distribution from artificially conditioning the market for the securities in order to facilitate the distribution. The rule is designed to protect the integrity of the auction market as an independent pricing mechanism and thereby enhance investor confidence in the marketplace. Where the activities of non-United States distribution participants, or foreign affiliates of United States distribution participants, may have an impact on the United States securities markets, the Commission has taken the position that Rule 10b–6 applies to all of

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contributions to reserve funds, monitoring member activity, and requiring mark-to-the-market payments.

[59] That is, only the foreign clearing agencies have become members in the United States clearing agency; the United States clearing agency has not become a member of the foreign clearing agency.

[60] In Canada, any foreign broker-dealer wishing to do business must register with the relevant provincial securities regulator unless it is doing business in exempted securities. In Ontario, for example, new broker-dealer registrations are limited to applicants that are no more than twenty-five percent owned by non-residents with no single non-resident having more than a ten percent interest. The Ontario Securities Commission, however, has proposed a new, limited category of registration for firms with more than thirty percent ownership by non-residents. *See supra* note 33 and accompanying text. In Quebec, foreign broker-dealers may register without meeting similar requirements.

[61] In Switzerland, United States brokerage firms are precluded from becoming members of the Zurich Stock Exchange. United States firms, however, are allowed a fifty percent discount on commissions paid to a member firm of the Zurich Exchange. In addition, there is an informal understanding between the Swiss Banking Association and the foreign brokerage community restricting the solicitation of Swiss residents other than through Swiss banking intermediaries. The United States firms are understood to be able to service the accounts of United States citizens residing in Switzerland.

[62] Branches of United States firms are permitted to trade and underwrite securities in Great Britain. To date, however, no foreign brokerage firms have been admitted to membership on the LSE. Foreign entities currently are also precluded from owning an interest larger than 29.9% in an LSE member firm. These restrictions on foreign brokerage firms require them to trade British securities listed on the LSE through a member firm, thereby increasing their costs of doing business in Great Britian.

The LSE is preparing for two major deregulatory changes that will occur in 1986. As part of these developments, it is expected that foreign firms will be allowed to join the LSE. These changes will involve the elimination of fixed brokerage commissions and the terminaiton of the "single capacity" system whereby an LSE member firm is prohibited from engaging in more than one line of securities business.

[63] In Japan, although the Tokyo Stock Exchange has amended its rules to permit membership by foreign firms, no foreign firm has been able to acquire an exchange seat. *See supra* note 32 and accompanying text. On listed business, therefore, the foreign branches of United States securities firms must go through exchange members. As a partial accommodation, however, the foreign branches get a seventy-three percent discount from the standard commission. Nonetheless, foreign securities firms' participation in local markets is limited largely to the over-the-counter bond market, since by law all trades in listed securities must be "exchange transactions."

[64] The Commission also notes that continuous disclosure requirements for issuers under a country's securities laws may constitute a barrier to entry in that the cost of compliance may dissuade foreign companies from having their securities traded in another country's market. In this regard, section 12(b) of the Exchange Act requires foreign issuers traded on a national securities exchange to register with the Commission and file periodic reports similar to those filed by registered domestic companies. In addition, section 12(g) of the Exchange Act and Rules 12g–1 and 12g3–2 thereunder together require certain foreign issuers whose securities are traded on NASDAQ and who have over $3 million in assets and 300 United States shareholders to register with the Commission and file periodic reports. The Commission solicits comment on the effects, if any, which these requirements, and any other comparable requirements in foreign markets, have on the development of international trading markets.

[65] *See* Multinational Offerings Release, *supra* note 1.

[66] The term "distribution" is flexibly defined in Rule 10b–6 to distinguish transactions covered by the rule from ordinary trading transactions on the basis of the magnitude of the offering and the presence of special selling efforts and selling methods. The rule applies to primary and secondary distributions whether they are registered under the Securities Act or not.

the distribution participants and their affiliates.[67]

The Commission believes that the maintenance of investor confidence is critical to the continued strength of the securities markets, both in the United States and globally. Commentators are asked to address the extent to which the investor protections afforded by the Exchange Act can be maintained and coordinated with those of other countries, particularly in the context of distribution of securities on a multinational basis.[68]

C. International Enforcement Problems

The Commission and United States securities market regulators, such as the self-regulatory organizations and state regulators, are responsible for ensuring the fairness and safety of the United States capital markets. To fulfill their responsibilities, the Commission and market regulators have implemented comprehensive surveillance mechanisms, and have worked together to enforce the securities laws. Through their combined efforts, the Commission and market regulators generally have been able to exercise effective oversight over trading in the United States securities markets by United States registered broker-dealers.

The Commission notes that the growing internationalization of the United States capital markets has made market surveillance and enforcement more difficult. Because the Commission's investigative subpoena authority is limited to United States citizens and persons within the United States, it cannot compel testimony from non-United States citizens located abroad. Further, because foreign law often does not allow for any investigative or pretrial discovery, Commission efforts to develop facts necessary to file a case where suspicious circumstances exist are often frustrated. Finally, the Commission has been required to engage in lengthy proceedings and negotiations to obtain information regarding transactions effected through banks or securities firms located in countries with secrecy or blocking laws.[69]

There are few surveillance or enforcement mechanisms in place to safeguard the integrity of securities trading conducted simultaneously in multiple international markets. This is a matter of concern to the Commission; as the global market becomes more developed, fraud or manipulation in multiply-listed securities may affect adversely the markets for those securities in the United States as well as other nations. Moreover, the efficacy of trading halts imposed by the Commission or a securities market could be impaired as more trading in United States stocks occurs abroad. The Commission seeks comment regarding the surveillance mechanisms which could be developed to scrutinize trading in multiple international markets as well as measures which could be taken to address the possible erosion of trading halts that could affect the integrity of the United States securities markets.

The Commission solicits public comment on the steps that should be taken to assure that both the United States capital markets and the developing global securities market operate fairly and safely. Specifically, the Commission asks commentators to address how systems to monitor international trading might be developed. In approving the BSE/ME linkage, the Commission noted that the exchanges had agreed to "cooperate fully" in the investigation of any questioned trade, including requiring member firms to provide information about the circumstances of such trades.[70] It also noted that the ME has rules that are comparable to those of the United States securities exchanges in a variety of areas, including manipulative trading practices, sales practices, and firm financial responsibility.

As other markets consider additional linkage, the Commission seeks comment on whether similar agreements to share exchange market surveillance data will be feasible, particularly if the regulatory environments of these markets have less in common than the United States and Canadian securities markets. The Commission also seeks comment on whether such informal written undertakings are or will continue to be sufficient to ensure meaningful cooperation on surveillance matters.

The Commission also asks commentators to address more generally how nations and securities markets might cooperate to ensure equivalent regulatory treatment and expedite enforcement of fraudulent or illegal securities transactions of an international scope. In particular, would it be practicable to reach bilateral or multinational agreements on securities law enforcement, possibly through the aegis of a coordinating body of national regulatory entities.?[71]

C. Conclusion

In view of the increasing internationalization of the securities trading markets, the Commission is seeking comment on the future direction of those markets and a variety of issues relating to the operation of those trading markets on an international basis. The Commission solicits comment on the extent of international trading that is expected to develop, the need for structures such as consolidated reporting and quotation systems and order routing devices, clearance and settlement requirements, rules regulating multinational distributions of securities, and ways of improving international surveillance and regulatory mechanisms. The Commission also solicits comment on any other issues not addressed directly in the release that could be of importance in the developing world equity markets.

List of Subjects in 17 CFR Part 240

Reporting and recordkeeping requirements, Securities.

Dated: April 18, 1985.

By the Commission.

John Wheeler,

Secretary.

[FR Doc. 85-9972 Filed 4-24-85; 8:45 am]

BILLING CODE 8010-01-M

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[67] *See, e.g.*, Louis Vuitton S.A. (June 21, 1984) (French bank affiliate of U.S. underwriter of American Depositary Receipts); British Petroleum Company Limited (October 31, 1979) (secondary offering by United Kingdom distribution participants).

[68] Commentators may wish to focus, for example, on the extent to which to Commission's prior approach to international stabilization should be continued or refined. In this regard, underwriting syndicates in multinational firm commitment offerings have been permitted to adjust their stabilizing bids in compliance with Rule 10b-7 under the Exchange Act to account for fluctuations in the currencies of other countries in relation to the dollar during the period of the distribution. *See, e.g.*, Tricentrol Limited (July 2, 1980) (simultaneous offering in the United States, Great Britain and Canada).

[69] The Commission's recent waiver by conduct proposal was intended to stimulate discussion on how this enforcement problem might be addressed. *See* Securities Exchange Act Release No. 21186 (July 30, 1984). *See also* Multinational Offerings Release, *supra* note 1, at 9284.

[70] *See* Securities Exchange Act Release No. 21449 (November 1, 1984). In making this commitment, the ME noted that its rules allow it to furnish investigatory information to any other exchange regarding the activities of any of its members, a provision the ME indicated it deemed to encompass exchanging information with the BSE.

[71] *See* Commissioner Charles L. Marinaccio, *"Public Policy Issues Concerning the Subject of Tender Offers and the Developing International Equities Market,"* Address to the Chicago Regional Group of the American Society of Corporate Securities (January 9, 1985).

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 74

[Docket No. 83C-0130]

[Phthalocyaninato(2-)]Copper; Migration From Nonabsorbable Sutures

AGENCY: Food and Drug Administration.

ACTION: Proposed rule.

SUMMARY: The Food and Drug Administration (FDA) is proposing to amend the color additive regulations by removing the restriction that prohibits themigration of [phthalocyaninato(2-)] copper from nonabsorbable sutures to the surrounding tissues when the sutures are used for the purposes specified in their labeling. FDA is taking this action because the restriction is impractical and is not necessary to assure the safety or suitability of the use of [phthalocyaninato(2-)]copper in nonabsorbable sutures. Elsewhere in this issue of the **Federal Register**, FDA is issuing a final rule that lists [phthalocyaninato(2-)]copper for use in coloring polybutester nonabsorbable sutures.

DATE: Comments by June 24, 1985.

ADDRESS: Written comments may be sent to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Michael E. Kashtock, Center for Food Safety and Applied Nutrition (HFF-334), Food and Drug Administration, 200 C Street SW., Washington, DC 20204, 202-472-5690.

SUPPLEMENTARY INFORMATION: The color additive [phthalocyaninato(2-)] copper is permanently listed under § 74.3045 (21 CFR 74.3045) for use in coloring contact lenses and for use in coloring polypropylene sutures (nonabsorbable sutures) for use in general and ophthalmic surgery. In a final rule published elsewhere in this issue of the **Federal Register**, FDA is amending § 74.3045(c) to provide for the safe use of [phthalocyaninato(2-)]copper in coloring polybutester nonabsorbable sutures for use in general and ophthalmic surgery.

At the time the color additive was listed for use in coloring contact lenses, FDA recodified the regulation for this color additive by removing § 74.1045, where the additive has been listed for use in coloring sutures, and by adding § 74.3045, which is codified in a subpart that the agency established for color additives used in or on medical devices (48 FR 34946; August 2, 1983).

Based on the original regulation, § 74.3045 contains, in paragraph (c)(1)(iii), a restriction on the use of [phthalocyaninato(2-)]copper: "When the sutures are used for the purposes specified in their labeling, there is no migration of the color additive to the surrounding tissue." FDA is proposing to remove § 74.3045(c)(1)(iii) because this restriction is not practical and is not necessary to assure the suitability or safety of the use of [phthalocyaninato(2-)]copper in coloring nonabsorable sutures.

As the agency explained in a similar proposal recently published pertaining to the use of D&C Blue No. 6 for coloring sutures (49 FR 29970; July 25, 1984), color additives are added to sutures to facilitate their visibility both during surgery and, depending on the application, during removal of the suture after the sutured area has healed. Under section 706(b) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 376(b)), FDA imposes restrictions on the use of color additives that are necessary to assure their safety and suitability for the proposed use.

The agency originally imposed the restriction on migration to the surrounding tissue as a suitability requirement for polypropylene nonabsorbable sutures containing [phthalocyaninato(2-)]copper, to ensure that the sutures would retain enough of their color to be visible for removal after the sutured area has headed. At that time, FDA believed that no migration of the color additive from the nonabsorbable suture to tissue took place. However, because analytical methods have become more sensitive over the last decade, FDA now recognizes that low levels of migration may occur that have no bearing on the suitability of the use of color additives in nonabsorbable sutures. Such is the case when [phthalocyaninato(2-)]copper is used to color polypropylene and polybutester nonabsorbable sutures.

On the basis of evidence presented in the petition submitted in 1966 (CAP 6C0045) and in the current petition (CAP 4C0181), FDA finds that the use of [phthalocyaninato(2-)]copper in polypropylene and polybutester nonabsorbable sutures meets the suitability criteria: This evidence shows that sutures to which [phthalocyaninato(2-)]copper is added will retain enough color to remain visible.

FDA further finds that the restriction against migration of the color additive is not necessary to assure the safety of the use of [phthalocyaninato(2-)]copper in the listed sutures. The agency's evaluation of the safety of these uses was not based on an assumption of no migration. The agency recognized that there would be low levels of migration of the color additive but still found on the basis of the extensive data on [phthalocyaninato(2-)]copper, developed in appropriate testing, that these uses would be safe. Thus, the safety of the use of this color additive in polyropylene and polybutester sutures is not dependent on the requirement that none of the color additive migrate.

Therefore, for the reasons above, the agency tentatively concludes that the restriction on migration is no longer necessary to assure the safety or the suitability of [phthalocyaninato(2-)]copper for use in nonabsorbable sutures. FDA consequently is proposing to remove 21 CFR 74.3045(c)(1)(iii).

The agency has determined pursuant to 21 CFR 25.24(b)(22) (proposed December 11, 1979; 44 FR 71742) that this proposed action is of a type that does not individually or cumulatively have a significant impact on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

FDA, in accordance with the Regulatory Flexibilty Act, has considered the effect that this proposal would have on small entities including small businesses and has determined that the effect of this proposal results in no cost associated with the change. Therefore, FDA certifies in accordance with section 605(b) of the Regulatory Flexibility Act that no significant economic impact on a substantial number of small entities will derive from this action.

List of Subjects in 21 CFR Part 74

Color additives, Cosmetics, Drugs, Medical devices.

PART 74—LISTING OF COLOR ADDITIVES SUBJECT TO CERTIFICATION

§ 74.3045 [Amended]

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 701(e), 706, 70 Stat. 919 as amended, 74 Stat. 399-407 as amended (21 U.S.C. 371(e), (376)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10), it is proposed that Part 74 be amended in § 74.3045 *[Phthalocyaninato(2-)] copper* by removing paragraph (c)(1)(iii).

Interested persons may, on or before June 24, 1985, submit to the Dockets

Management Branch (address above) written comments regarding this proposal. Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Dated: April 18, 1985.

Joseph P. Hile,

Associate Commissioner for Regulatory Affairs.

[FR Doc. 85-9955 Filed 4-22-85; 12:22 pm]

BILLING CODE 4160-01-M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Parts 701, 736, 740, 746, 750, and 772

Surface Coal Mining and Reclamation Operations; Permanent Regulatory Program; Application Fee for Permit to Conduct Coal Mining and Reclamation Operations; Application Fee for Coal Exploration Permit; Fee for Processing Mining Plan; Fee for Mid-Term Review of Surface Coal Mining and Reclamation Permit

AGENCY: Office of Surface Mining Reclamation and Enforcement, Interior.

ACTION: Change of location of public hearing on proposed rule concerning permit fees.

SUMMARY: The Office of Surface Mining (OSM) is changing the location of the public hearing on the proposed permit fee rule that was announced in the **Federal Register** on February 22, 1985 (50 FR 7522). The new location for the hearing in Denver, Colorado is listed under **ADDRESSES BELOW.**

DATES: Written Comments: OSM will accept written comments on the proposed rule until 5 p.m. eastern time on May 3, 1985.

Public Hearings: OSM will hold public hearings on the proposed rule in Washington, D.C., Denver, Colorado; and Olympia, Washington, at 9:30 a.m. local time on April 26, 1985.

ADDRESSES: Written Comments: Hand-deliver to the Office of Surface Mining, Administration Record, Room 5313, 1100 L Street, NW., Washington, D.C. 20240.

Public Hearings: Department of the Interior Auditorium, 18th & C Streets NW., Washington, D.C.; Executive Tower Inn Building, 28th Floor Conference Room, 1405 Curtis Street, Denver, Colorado; and Capitol Complex, Office Building No. 2, 12th and Franklin, Room 47, Olympia, Washington.

FOR FURTHER INFORMATION CONTACT: Murray Newton, Chief, Branch of Regulatory Programs, Office of Surface Mining, U.S. Department of the Interior, 1951 Constitution Avenue, NW., Washington, D.C. 20240; Telephone: (202) 343-5866.

Dated: April 19, 1985.

Richard G. Bryson,

Assistant Director, Program Operations.

[FR Doc. 85-9964 Filed 4-24-85; 8:45 am]

BILLING CODE 4310-05-M

30 CFR Part 906

Public Comment and Opportunity for Public Hearing on Proposed Modifications of the Colorado Permanent Regulatory Program

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

ACTION: Proposed rule. Notice of receipt of permanent program modifications; Public comment period and opportunity for public hearing.

SUMMARY: OSM is announcing procedures for the public comment period and for a public hearing on the adequacy of proposed amendments to the Colorado Permanent Regulatory Program under the Surface Mining Control and Reclamation Act of 1977 (SMCRA) which were submitted to OSM by Colorado for the Director's approval on March 12, 1985. The amendments pertain to definitions; permit application requirements; performance standards pertaining to roads, revegetation, postmining land use, and fish and wildlife; declaratory orders; inspections; cessations orders and notices of violation; and penalty assessments.

This notice sets forth the times and locations that the Colorado program and proposed amendments are available for public inspection, the comment period during which interested persons may submit written comments on the proposed program elements, and the procedures that will be followed at the public hearing.

DATES: Written comments from members of the public not received by 4:30 p.m., on May 28, 1985, will not necessarily be considered in the Director's decision on whether the proposed amendments satisfy the criteria for approval.

A public hearing on the proposed amendments has been scheduled for May 20, 1985. Any person interested in making an oral or written presentation at the hearing should contact Mr. Robert Hagen at the address and telephone number listed below by May 15, 1985. If no person has contacted Mr. Hagen by this date to express an interest to participate in this hearing, the hearing will not be held.

ADDRESSES: The public hearing will be held between 9:00 a.m. and 12:00 noon in room 2010, Technical Center West, Brooks Towers, 1020 15th Street, Denver, Colorado. Written comments and requests for an opportunity to speak at the public hearing should be sent to Mr. Robert Hagen, Director, Albuquerque Field Office, Office of Surface Mining Reclamation and Enforcement, 219 Central Avenue NW., Albuquerque, New Mexico 87102.

Copies of the Colorado program, the proposed modifications to the program and all written comments received in response to this notice will be available for public review at the OSM Field Office above and the OSM Headquarters office and the Office of the State Regulatory Authority listed below, Monday through Friday, 8:00 a.m. to 4:00 p.m., excluding holidays. Each requester may receive, free of charge one single copy of the amendments by contacting the OSM Albuquerque Field Office listed above.

Colorado Mined Land Reclamation Division, Department of Natural Resources, 1313 Sherman Street, Denver, Colorado 80203

Office of Surface Mining, 1100 L. Street NW., Room 5124, Washington, D.C. 20240, Telephone: (202) 343-4855.

SUPPLEMENTARY INFORMATION: Mr. Arthur W. Abbs, Chief, Division of State Program Assistance, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Avenue NW., Washington, D.C. 20240, Telephone: (202) 343-5351.

SUPPLEMENTARY INFORMATION: On February 29, 1980, OSM received a proposed regulatory program from the State of Colorado. On December 15, 1980, following a review of the proposed program as outlined in 30 CFR Part 732, the Secretary approved the program subject to the correction of 45 minor deficiencies. The approval was effective upon publication of the notice of conditional approval in the December 15, 1980 **Federal Register** (45 FR 82173-82214).

Information pertinent to the general background, revisions, modifications, and amendments to the proposed permanent program submission, as well as the Secretary's findings, the disposition of comments, and a detailed

explanation of the conditions of approval of the Colorado program can be found in the December 15, 1980 **Federal Register** (45 FR 82173–82214).

On March 12, 1985, the Colorado Mined Land Reclamation Division (MLRD) submitted proposed program amendments for OSM's approval (Administrative Record No. 218). The amendments include proposed changes to the regulations listed below:

State Rule

1.04(95)—Definition of "prime farmland"
1.04(111)—Definition of "road"
1.15—Guidelines (new section added)
2.03.5(3)—Compliance Information
2.03.9(1)—Personal Injury and Property Damage Insurance Information
2.04.4—Cultural and Historic Resources Information
2.04.8(1)—Climatological Information
2.04.10(4)—Vegetation Information
2.04.12(1)—Prime Farmland Investigation
2.04.12(2)(a)–(f)—Prime Farmland Investigation
2.04.12(4)(a)–(b)—Prime Farmland Investigation
2.05.3(4)(a)(i)(A)—Operation Plan—Permit Area
2.05.3(4)(l)(ii)(A)—Operation Plan—Permit Area
2.05.5(1)(a)(iv)—Postmining Land Uses
2.07.5(1)(b)—Public Availability of Information in Permit Applications
2.10.1(1)–(3)—Maps and Plans—General Requirements
2.10.2(4)—Maps and Plans—Permit and Adjacent areas
2.10.3(1)(j)(i)–(iii)—Maps and Plans—Specific Information Requirements
2.10.3(1)(l)—Maps and Plans—Specific Information Requirements
4.03.1(1)(c)—Haul Roads
4.03.1(1)(d)—Haul Roads
4.03.1(1)(e)—Haul Roads
4.03.1(3)—Haul Roads
4.03.1(3)(d)(vi)—Haul Roads
4.03.1(d)(vii)—Haul Roads
4.03.1(d)(ix)—Haul Roads
4.03.1(4)(c)—Haul Roads
4.03.1(4)(d)—Haul Roads
4.03.1(4)(e)(vi)—Haul Roads
4.03.1(6)(a)—Haul Roads
4.03.2(1)(c)—Access Roads
4.03.2(1)(e)—Access Roads
4.03.2(2)(b)—Access Roads
4.03.2(2)(c)—Access Roads
4.03.2(3)—Access Roads
4.03.2(3)(d)(v)—Access Roads
4.03.2(3)(d)(vi)—Access Roads
4.03.2(3)(d)(ix)—Access Roads
4.03.2(4)(v)(A)–(E)—Access Roads
4.03.2(6)(a)—Access Roads
4.03.2(6)(b)—Access Roads
4.03.3(2)(b)—Light Use Roads
4.03.3(2)(c)—Light Use Roads
4.03.3(2)(g)—Light Use Roads
4.03.3(3)(a)—Light Use Roads
4.03.3(7)—Light Use Roads
4.15.1(2)(a)—Revegetation—General Requirements
4.15.1(2)(d)—Revegetation—General Requirements
4.15.2—Revegetation—Use of Introduced Species
4.15.4(1)—Mulching and Other Soil Stabilizing Practices
4.15.4(3)—Mulching and Other Soil Stabilizing Practices
4.15.4(5)—Mulching and Other Soil Stabilizing Practices
4.15.5(1)–(3)—Grazing
4.15.6(3)—Field Trips
4.15.7(2)(c)—Determining Revegetation Success
4.15.7(2)(d)—Determining Revegetation Success
4.15.8(2)—Revegetation Success Criteria: General Requirements and Standards
4.15.8(3)–(4)—Revegetation Success Criteria: General Requirements and Standards
4.15.8(7)—Revegetation Success Criteria: General Requirements and Standards
4.15.8(8)—Revegetation Success Criteria: General Requirements and Standards
4.15.9—Revegetation Success Criteria: Cropland
4.16.2—Determining Premining Land Use
4.16.2(1)—Determining Premining Land Use
4.16.2(3)—Determining Premining Land Use
4.16.3—Postmining Land Use—Prior to the Release of Lands from the Permit Area
4.16.3(1)—Postmining Land Use—Prior to the Release of Lands from the Permit Area
4.16.3(2)—Postmining Land Use—Prior to the Release of Lands from the Permit Area
4.16.3(3)–(5)—Postmining Land Use—Prior to the Release of Lands from the Permit Area
4.16.3(6)—Postmining Land Use—Prior to the Release of Lands from the Permit Area
4.18(3)—Protection of Fish, Wildlife, and Related Environmental Values
4.18(4)(e)—Protection of Fish, Wildlife, and Related Environmental Values
4.18(4)(i)—Protection of Fish, Wildlife, and Related Environmental Values
4.15.1(4)—Revegetation—General Requirements
1.14—Declaratory Orders (new section added)
5.02.2—Frequency, Time and Manner of Inspections
5.02.2(1)—Frequency, Time and Manner of Inspections
5.03.2(2)—Cessation Orders and Notices of Violation
5.04.6(4)—Assessment of Separate Violations for Each Day.

The proposed amendments are available for review, in full text, at the addresses listed above. The Director seeks public comment on whether the proposed modifications to the Colorado permanent program listed above satisfy the criteria for approval of State program amendments at 30 CFR 732.15 and 732.17. With respect to Colorado's penalty provisions, OSM must find that the State program, as proposed to be amended, incorporates penalties no less stringent than those set forth under the Federal requirements and contains the same or similar procedural requirements. With respect to Colorado's enforcement provisions, OSM must find that the State program, as proposed to be amended, incorporates sanctions no less stringent than those set forth in the Federal requirements and contains the same or similar procedural requirements. If the Director determines the proposed modifications satisfy the criteria, the amendments will be approved, and 30 CFR Part 906 modified accordingly.

Additional Determinations

1. Compliance with the National Environmental Policy Act

The Secretary has determined that, pursuant to section 702(d) of SMCRA, 30 U.S.C. 1292(d), no environmental impact statement need be prepared on this rulemaking.

2. Executive Order No. 12291 and the Regulatory Flexibility Act

On August 28, 1981, the Office of Management and Budget (OMB) granted OSM an exemption from sections 3, 4, 7, and 8 of Executive Order 12291 for actions directly related to approval or conditional approval of State regulatory programs. Therefore, this action is exempt from preparation of a Regulatory Impact Analysis and regualtory review by OMB.

The Department of the Interior has determined that this rule would not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). This rule would not impose any new requirements; rather, it would ensure that existing requirements established by SMCRA and the Federal rules woud be met by the State.

3. Paperwork Reduction Act

This rule does not contain information collection requirements which require approval by the Office of Management and Budget under 44 U.S.C. 3507.

List of Subjects in 30 CFR Part 906

Coal mining, Intergovernmental relations, Surface mining, Underground mining.

Authority: Pub. L. 95–87, Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201 et seq.).

Dated: April 19, 1985.

Brent W. Blauch,

Acting Director, Office of Surface Mining.

[FR Doc. 85–10024 Filed 4–24–85; 8:45 am]

BILLING CODE 4310–05–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 100

[CGD3 85-06]

Regatta; Barnegat Bay Air Brook Classic, Toms River, NJ

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rule making.

SUMMARY: The Coast Guard is considering a proposal to establish Special Local Regulations for the Annual Barnegat Bay Air Brook Classic sponsored by the Barnegat Bay Power Boat Racing Association of Bricktown, NJ. The purpose of this regulation is to provide for the safety of participants and spectators on navigable waters during this powerboat race event.

DATES: Comments must be received on or before June 10, 1985.

ADDRESSES: Comments should be mailed to Commander (b), Third Coast Guard District, Governors Island, New York, NY 10004. The comments will be available for inspection and copying at the Boating Safety Office, Building 110, Governors Island, New York, NY. Normal office hours are between 8:00 a.m. and 4:30 p.m., Monday through Friday, except holidays. Comments may also be hand-delivered to this address.

FOR FURTHER INFORMATION CONTACT: Lt . D.R. Cilley, (212) 668-7974.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in this proposed rulemaking by submitting written views, data, or arguments. Persons submitting comments should include their names and addresses, identify this notice (CGD3 85-06) and the specific section of the proposal to which their comments apply, and give reasons for each comment. Receipt of comments will be acknowledged if a stamped, self-addressed postcard or envelope is enclosed. The rules may be changed in light of comments received. All comments received before the expiration of the comment period will be considered before final action is taken on this proposal. No public hearing is planned, but one may be held if written requests for a hearing are received and it is determined that the opportunity to make oral presentations will aid the rule making process.

Drafting Information

The drafters of this notice are Lt. D.R. Cilley, Project Officer, Boating Safety Office, and Ms. MaryAnn Arisman, Project Attorney, Third Coast Guard District Legal Office.

Discussion of Regulations

The Annual Barnegat Bay Air Brook Classic is a powerboat race sponsored by the Barnegat Bay Power Boat Racing Association of Bricktown, NJ. This event is traditionally held each year on the fourth Saturday in August. Because of the annual nature of this event, the Coast Guard proposes to promulgate a permanent amendment to Part 100 of Title 33, U.S. Code of Federal Regulations and thereafter provide the public with full and adequate notice of this annual powerboat race by publication in the Third District Local Notice to Mariners. This event is well known to the residents of the communities surrounding Tom's River and Barnegat Bay. There will be one (1) 80 mile race sanctioned by the National Power Boat Association. Between 45-60 powerboats will compete during the day reaching speeds of 65-80 mph. The oval track has been laid out so that there should be little or no interference with vessel traffic in the Intercoastal Waterway (I.C.W.). Access to and from any section of Tom's River and Barnegat Bay will not be restricted. The sponsor is providing in excess of 40 patrol vessels in conjunction with Coast Guard and local resources to patrol this event. In order to provide for the safety of life and property, the Coast Guard will restrict vessel movement in the race course area and will establish spectator anchorages for what is expected to be a large spectator fleet. Mariners are urged to use extreme caution when transiting the area due to the large number of spectators, and should adhere closely to the charted I.C.W. The Coast Guard will issue a safety voice broadcast to advise the general public of this event.

Economic Assessment And Certification

This proposed regulation is considered to be non-major under Executive Order 12291 on Federal Regulation and nonsignificant under Department of Transportation regulatory policies and procedures (44 FR 11034; February 26, 1979). The economic impact of this proposal is expected to be so minimal that a full regulatory evaluation is unnecessary. This event will draw a large number of spectator craft into the area for the duration of the race. This should have a favorable impact on commercial facilities providing services to the spectators. This area is used primarily by recreational boaters; any impact on commercial traffic in the area will be negligible.

Since the impact of this regulation is expected to be minimal, the Coast Guard certifies that it will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 33 CFR Part 100

Marine Safety, Navigation (water).

PART 100—[AMENDED]

Proposed Regulation

In consideration of the foregoing, the Coast Guard proposes to amend Part 100 of Title 33, Code of Federal Regulations by adding § 100.302 to read as follows:

§ 100.302 Barnegat Bay Air Brook Classic, Toms River, NJ.

(a) *Regulated Area.* Barnegat Bay, New Jersey in the area bounded by 39 degrees 55 minutes north latitude on the north, 39 degrees 50 minutes north latitude on the south, the Intercoastal Waterway (I.C.W.) on the west and Island Beach on the east.

(b) *Effective Period.* This regulation will be effective from 10:00 a.m. to 3:00 p.m. on August 17, 1985 and thereafter annually on the fourth Saturday in August unless otherwise specified in the Third District Local Notice to Mariners and **Federal Register** notice.

(c) *Special Local Regulations.* (1) All persons or vessels not registered with the sponsor as participants or not part of the regatta patrol are considered spectators.

(2) No spectator or press boats shall be allowed out onto or across the race course without Coast Guard escort.

(3) The sponsor shall anchor race committee boats on each turn. Checkpoints shall be positioned so that race participants will pass no closer than 200 feet from the I.C.W. A line of committee boats shall be positioned to separate the race course from the I.C.W.

(4) Spectator vessels must be at anchor within a designated spectator area or moored to a waterfront facility within the regulated area in such a way that they shall not interfere with mariners transiting the I.C.W. The spectator fleet shall be held behind buoys or committee boats provided by the sponsor in the following areas:

(i) Between the race course and the I.C.W. in the area to the west of the race course.

(ii) Between the race course and Island Beach State Park in the area north of Tices Shoal.

(5) All persons and vessels shall comply with the instruction of U.S. Coast Guard patrol personnel. Upon hearing five or more blasts from a U.S. Guard patrol personnel. Upon hearing five or more blasts from a U.S. Coast Guard vessel, the operator of a vessel

shall stop immediately and proceed as directed. U.S. Coast Guard patrol personnel include commissioned, warrant and petty officers of the Coast Guard. Members of the Coast Guard Auxiliary may be present to inform vessel operators of this regulation and other applicable laws.

(6) For any violation of this regulation, the following maximum penalties are authorized by law:

(i) $500 for any person in charge of the navigation of a vessel.

(ii) $500 for the owner of a vessel actually on board.

(iii) $250 for any other person.

(iv) Suspension or revocation of a license for a licensed officer.

(33 U.S.C. 1233; 49 U.S.C. 108; 49 CFR 1.46(b) and 33 CFR 100.35)

Dated: April 15, 1985.

P.A. Yost,

Vice Admiral, U.S. Coast Guard, Commander, Third Coast Guard District.

[FR Doc. 85-10016 Filed 4-24-85; 8:45 am]

BILLING CODE 4910-14-M

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33 CFR Part 100

[CGD3 85-16]

Regatta; Harvard-Yale Regatta, Thames River, New London, CT

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rule making.

SUMMARY: The Coast Guard is considering a proposal to establish Special Local Regulations for the Annual Harvard-Yale Regatta being sponsored by the Harvard-Yale Regatta Committee of Needham, Massachusetts. The purpose of this regulation is to provide for the safety of participants and spectators on navigable waters during the event.

DATES: Comments must be received on or before May 28, 1985.

ADDRESSES: Comments should be mailed to Commander (b), Third Coast Guard District, Governors Island, New York, NY 10004. The comments will be available for inspection and copying at the Boating Safety Office, Building 110, Governors Island, New York, NY. Normal office hours are between 8:00 a.m. and 4:30 p.m., Monday through Friday, except holidays. Comments may also be hand-delivered to this address.

FOR FURTHER INFORMATION CONTACT: LT D.R. Cilley, (212) 668-7974.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in this proposed rulemaking by submitting written views, data, or arguments. Persons submitting comments should include their names and addresses, identify this notice (CGD3 85-16) and the specific section of the proposal to which their comments apply, and give reasons for each comment. Receipt of comments will be acknowledged if a stamped, self-addressed postcard or envelope is enclosed. The rules may be changed in light of comments received. All comments received before the expiration of the comment period will be considered before final action is taken on this proposal. No public hearing is planned, but one may be held if written requests for a hearing are received and it is determined that the opportunity to make oral presentations will aid the rulemaking process. The comment period for this proposed rulemaking is less than the normal 45 days because of the time constraints involved. Due to the shortened comment period, verbal comments submitted by telephone are acceptable.

Drafting Information

The drafters of this notice are LT D.R. Cilley, Project Officer, Third Coast Guard District Boating Safety Division, and Ms. MaryAnn Arisman, Project Attorney, Third Coast Guard District Legal Office.

Discussion of Proposed Regulations:

The Annual Harvard-Yale Regatta is a crew race event to be held on the Thames River in New London, Connecticut. It is sponsored by the Harvard-Yale Regatta Committee and is well known to the boaters and residents of this area. This event is traditionally held each year on the first or second Saturday in June. Because of the annual nature of this event, the Coast Guard proposes to promulgate a permanent amendment to Part 100 of Title 33, Code of Federal Regulations and thereafter provide the public with full and adequate notice of this annual crew race by publication in the Third District Local Notice to Mariners. Due to the large number of spectator boats present on the river for the purpose of watching this crew race it is anticipated that there will be considerable congestion in the area. In order to provide for the safety of life and property, the Coast Guard will restrict vessel movement in the area prior to, during, and after the races. The crew shells will race upriver again this year. This helped to reduce congestion at the Penn Central Draw Bridge at the conclusion of the races last year and ensured the safe movement of the spectator fleet down the Thames River after the races. Any races not held will be postponed until the next day. Three races are scheduled, starting with a 2 mile freshman race followed by the junior varsity's 3 mile race and the 4 mile varsity race. The sponsor is providing patrol vessels in conjunction with Coast Guard and local resources to patrol this event. In order to provide for the safety of life and property, the Coast Guard will restrict vessel movement in the race course area and will establish special anchorages for what is expected to be a large spectator fleet.

Economic Assessment and Certification

This proposed regulation is considered to be non-major under Executive Order 12291 on Federal Regulation and nonsignificant under Department of Transportation regulatory policies and procedures (44 FR 11034; February 26, 1979). The economic impact of this proposal is expected to be so minimal that a full regulatory evaluation is unnecessary. This event will draw a large number of spectator craft into the area early in the boating season for the duration of the races. This should have a favorable impact on commercial facilities by recreational boaters; any impact on commercial traffic in the area will be negligible.

Since the impact of this regulation is expected to be minimal, the Coast Guard certifies that it will not have a significant impact on a substantial number of small entities.

List of Subjects in 33 CFR Part 100

Marine safety, Navigation (water).

PART 100—[AMENDED]

Proposed Regulation

In consideration of the foregoing, the Coast Guard proposes to amend Part 100 of Title 33, Code of Federal Regulations as follows:

1. The authority citation for Part 100 continues to read as follows:

Authority: 33 U.S.C. 1233; 49 U.S.C. 108; 49 CFR 1.46(b) and 33 CFR 100.35.

2. Part 100 is amended by adding § 100.304 to read as follows:

§ 100.304 Harvard-Yale Regatta, Thames River, New London, CT.

(a) *Regulated Area.* The Thames River at New London, Connecticut, from the Penn Central Draw Bridge to Bartlett Cove.

(b) *Effective Period.* This regulation will be effective from 10:00 a.m. to 1:30 p.m. on June 8, 1985, and thereafter annually on the first or second Saturday in June as published in the Third District Local Notice to Mariners. In case of postponement due to weather, this regulation will be in effect the following day.

(c) *Special Local Regulations.* (1) All persons or vessels not registered with sponsor as participants or not part of the regatta patrol are considered spectators.

(2) No spectator or press boats shall be allowed out onto or across the race course without Coast Guard escort.

(3) No person or vessel may transit through the regulated area during the effective period unless participating in the event, or as authorized by the sponsor or Coast Guard Patrol personnel. The Patrol Commander may open up the regulated area to allow for vessel movement between scheduled races.

(4) Spectator vessels must be at anchor within a designated spectator area or moored to a waterfront facility within the regulated area in such a way that they shall not interfere with the progress of the event at least 30 minutes prior to the start of the races. They must remain moored or at anchor until the men's varsity have passed their positions. At that time, spectator vessels located south of the Harvard Boathouse may proceed downriver at a reasonable speed. Vessel's situated between the Harvard Boathouse and the finish line must remain stationary until both crews return safely to their boathouses. If for any reason the men's varsity crew race is postponed, spectator vessels will remain in position until notified by Coast Guard or regatta patrol personnel.

(5) The last 1000 feet of the race course near the finish line will be delineated by four (4) temporary white buoys provided by the sponsor. All spectator craft shall remain behind these buoys during the event.

(6) Spectator craft shall not anchor:

(i) To the west of the race course, between Monocoke Hill and Bartlett Point Light.

(ii) Within the race course boundaries or in such a manner that would allow their vessel to drift or swing into the race course.

(7) During the effective period all vessels shall proceed at a speed not to exceed six (6) knots in the regulated area.

(8) Spectator vessels shall not follow the crews during the races.

(9) Swimming is prohibited in the vicinity of the race course during the races.

(10) A vessel operating in the vicinity of the Submarine Base may not cause waves which result in damage to submarines or other vessels in the floating drydocks.

(11) All persons and vessels shall comply with the instructions of U.S. Coast Guard patrol personnel. Upon hearing five or more blasts from a U.S. Coast Guard vessel, the operator of a vessel shall stop immediately and proceed as directed. U.S. Coast Guard patrol personnel include commissioned, warrant and petty officers of the Coast Guard. Members of the Coast Guard Auxiliary may be present to inform vessel operators of this regulation and other applicable laws.

(12) For any violation of this regulation, the following maximum penalties are authorized by law:

(i) $500 for any person in charge of the navgiation of a vessel.

(ii) $500 for the owner of a vessel actually on board.

(iii) $250 for any other person

(iv) Supension or revocation of a license for a licensed officer.

Dated: April 18, 1985.

P.A. Yost,

Vice Admiral, U.S. Coast Guard, Commander, Third Coast Guard District.

[FR Doc. 85-10019 Filed 4-24-85; 8:45 am]

BILLING CODE 4910-14-M

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33 CFR Part 100

[CGD3 85-08]

Regatta; Night in Venice, Great Egg Harbor Bay, Ocean City, NJ

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rule making.

SUMMARY: The Coast Guard is considering a proposal to establish Special Local Regulations for the Annual Night in Venice Boat Parade sponsored by the City of Ocean City, New Jersey. The purpose of this regulation is to provide for the safety of participants and spectators on navigable waters during this event.

DATES: Comments must be received on or before June 10, 1985.

ADDRESSES: Comments should be mailed to Commander (b), Third Coast Guard District, Governors Island, New York, NY 10004. The comments will be available for inspection and copying at the Boating Safety Office, Building 110, Governors Island, New York, NY. Normal office hours are between 8:00 a.m. and 4:30 p.m., Monday through Friday, except holidays. Comments may also be hand-delivered to this address.

FOR FURTHER INFORMATION CONTACT: Lt. D.R. Cilley, (212) 668-7974.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in this proposed rulemaking by submitting written views, data, or arguments. Persons submitting comments should include their names and addresses, identify this notice (CGD3 85-08) and the specific section of the proposal to which their comments apply, and give reasons for each comment. Receipt of comments will be acknowledged if a stamped, self-addressed postcard or envelope is enclosed. The rules may be changed in light of comments received. All comments received before the expiration of the comment period will be considered before final action is taken on this proposal. No public hearing is planned, but one may be held if written requests for a hearing are received and it is determined that the opportunity to make oral presentations will aid the rulemaking process.

Drafting Information:

The drafters of this notice are Lt. D.R. Cilley, Project Officer, Boating Safety Officer, Boating Safety Office, and Ms. MaryAnn Arisman, Project Attorney, Third Coast Guard District Legal Office.

Discussion of Proposed Reguations

The Annual Night in Venice Boat Parade is a Marine Parade to be held on Great Egg Harbor Bay. It is sponsored by the City of Ocean City, New Jersey and is well known to the boaters and residents of this area. This event is traditionally held each year on the fourth Saturday in July. Because of the annual nature of this event, the Coast Guard proposes to promulgate a permanent amendment to Part 100 of Title 33, Code of Federal Regulations and thereafter provide the public with full and adequate notice of this Annual Boat Parade by publication in the Third District Local Notice to Mariners. Approximately 800 spectator craft are expected to watch the 125 participating vessels in the boat parade. The sponsor is providing in excess of 6 patrol vessels in conjunction with Coast Guard and local resources to patrol this event. In order to provide for the safety of life and property, the Coast Guard will restrict vessel movement in the marine parade area and will establish spectator anchorages for what is expected to be a large spectator fleet.

Economic Assessment and Certification

This proposed regulation is considered to be non-major under Executive Order 12291 on Federal Regulation and nonsignificant under Department of Transportation regulatory policies and procedures (44 FR 11034; February 26, 1979). The economic impact of this proposal is expected to be so minimal that a full regulatory evaluation is unnecessary. This event will draw a large number of spectator craft into the area for the duration of the race. This should have a favorable impact on commercial facilities providing services

to the spectators. The area is used primarily by recreational boaters; any impact on commercial traffic in the area will be negligible.

Since the impact of this regulation is expected to be minimal, the Coast Guard certifies that it will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 33 CFR Part 100

Marine Safety, Navigation (water)

PART 100—[AMENDED]

Proposed Regulation

In consideration of the foregoing, the Coast Guard proposes to amend Part 100 of Title 33, Code of Federal Regulations as follows:

1. The authority citation for Part 100 continues to read as follows:

Authority: 33 U.S.C. 1233; 49 CFR 1.46 and 33 CFR 100.35.

2. Part 100 is amended by adding § 100.303 to read as follows:

§ 100.303 Night in Venice, Great Egg Harbor Bay, City of Ocean City, NJ.

(a) *Regulated Area.* The southwest side of Ship Channel from Buoy C, seaward to Broad Thorofare Buoy No. 17 (black can) to Ocean City Longport Bridge, thence south to Great Egg Waterway Daybeacon 28.

(b) *Effective Period.* This regulation will be effective from 4:30 p.m. to 11:45 p.m. on July 27, 1985 and thereafter annually on the fourth Saturday in July unless otherwise specified in the Third District Local Notice to Mariners and **Federal Register** notice.

(c) *Special Local Regulations.* (1) All persons or vessels not registered with sponsor as participants or not part of the regatta patrol are considered spectators.

(2) No person or vessel may enter or remain in the regulated area unless participating in the event, or authorized to be there by the sponsor or Coast Guard patrol personnel.

(3) Spectator vessels must be at anchor within a designated spectator area or moored to a waterfront facility within the regulated area prior to the start of the parade in such a way that they shall not interfere with mariners transiting Great Egg Harbor Bay. The spectator fleet shall be held behind buoys or committee boats provided by the sponsor in the following areas:

(i) Northwestward of a line marked by a patrol vessel in position 39 degrees 17 minutes 45 second N latitude; 074 degrees 33 minutes 45 seconds W longitude to the 9th Street Route 52 Bridge in Ocean City, New Jersey, including Great Egg Waterway Red Buoy No. 2, but shall not extend northwestward of the Great Egg Waterway Point Buoy.

(ii) Westward of a line of buoys between Great Egg Waterway Buoys 10 and 14.

(iii) Within the area around the shoals and islands in Beach Thorofare between Great Egg Waterway Buoys 15 and 21 This area shall at no point be closer than 150 yards from the line of bulkheads and lagoon entrances in Ocean City, New Jersey.

(4) All persons and vessels shall comply with the instructions of U.S. Coast Guard patrol personnel. Upon hearing five or more blasts from a U.S Coast Guard vessel, the operator of a vessel shall stop immediately and proceed as directed. U.S. Coast Guard patrol personnel include commissioned, warrant and petty officers of the Coast Guard. Members of the Coast Guard Auxiliary may be present to inform vessel operators of this regulation and other applicable laws.

(5) For any violation of this regulation, the following maximum penalties are authorized by law:

(i) $500 for any person in charge of the navigation of a vessel.

(ii) $500 for the owner of a vessel actually on board.

(iii) $250 for any other person.

(iv) Suspension or revocation of a license for a licensed officer.

Dated: April 16, 1985.

P.A. Yost,

Vice Admiral, U.S. Coast Guard, Commander, Third Coast Guard District.

[FR Doc. 85-10017 Filed 4-24-85; 8:45 am]

BILLING CODE 4910-14-M

GENERAL SERVICES ADMINISTRATION

41 CFR Part 101-41

Transportation Disbursement Procedures

AGENCY: Office of the Comptroller, GSA.

ACTION: Proposed rule.

SUMMARY: The General Services Administration (GSA) proposes to amend the Federal Property Management Regulations (FPMR) by requiring that appropriate accounting information accompanies payment checks sent to carriers by the Department of the Treasury. Air carriers consistently complain that Treasury checks used to pay for passenger transportation often lack sufficient information to reconcile payments. This problem is attributed to improper carrier preparation of vouchers, improper or inadequate preparation of voucher-schedules by the paying agencies, and inadequate payment procedures at the disbursing facilities. The proposed revisions will provide explicit instruction for handling voucher-schedules and minimize the payment accounting problems by ensuring that proper payment information accompanies payment checks to carriers.

DATE: Written comments must be received by no later than 4 p.m., May 28, 1985.

ADDRESS: Comments should be sent to the General Services Administration (BWCP), Washington, DC 20405.

FOR FURTHER INFORMATION CONTACT: John W. Sandfort, Chief, Regulations, Procedures, and Review Branch, Office of Transportation Audits (202-786-3014)

SUPPLEMENTARY INFORMATION: Section 101-41.806-3 is revised to allow the disbursing office to retain the original voucher-schedules, forwarding copies of the voucher-schedules to the issuing office. This change is necessary to correspond with the requirements of the Treasury Fiscal Requirements Manual (TFRM) Transmittal Letter Number 422. The revisions also update Standard form (SF) 1166 citations to conform with the current TFRM. The GSA has determined that this rule is not a major rule for the purposes of Executive Order 12291 of February 17, 1981, because it is not likely to result in an annual effect on the economy of $100 million or more; a major increase in costs to consumers or others; or significant adverse effects. Therefore, a Regulatory Impact Analysis has not been prepared. The GSA has based all administrative decisions underlying this rule on adequate information concerning the need for, and consequences of, this rule; has determined that the potential benefits to society from this rule outweigh the potential costs and has maximized the net benefits; and has chosen the alternative approach involving the least net cost to society.

The reporting forms required by this regulation are not subject to the provisions of Pub. L. 96-511, the Paperwork Reduction Act of 1980, and FPMR 101-11.11.

List of Subjects in 41 CFR Part 101-41

Air carriers, Accounting, Freight forwarders, Government property management, Moving of household goods, Passenger services, Railroads, Transportation.

GSA proposes to amend Part 101-41 as follows:

PART 101-41—TRANSPORTATION DOCUMENTATION AND AUDIT

1. The authority citation for 41 CFR Part 101–41 is:

Authority: 31 U.S.C. 3726, and 40 U.S.C. 486(c).

2. The table of contents for Part 101–41 is amended by revising the following entries:

Sec.
101–41.804 Preparation of SF 1166 OCR, Voucher and Schedule of Payments.
101–41.804–2 Listing of items of SF 1166 OCR.
101–41.806 Processing of SF 1166 OCR

Subpart 101–41.8—Transportation Disbursement Procedures

3. Section 101–41.802 is amended by revising paragraphs (a)(2) through (a)(6), by adding paragraph (a)(7), and by revising paragraph (b) to read as follows:

§ 101–41.802 Standard forms for scheduling transportation vouchers for payment.

(a) * * *

(2) SF 1166 OCR (Optical Character Recognition—Readable Format), Voucher and Schedule of Payments (Original) (white paper).

(3) SF 1166–A OCR, Voucher and Schedule of Payments (Memorandum) (yellow paper).

(4) SF 1166–EDP (Electronic Data Processing), Voucher and Schedule of Payments (Computer-generated).

(5) SF 1167, Voucher and Schedule of Payments (Continuation Sheet) (Original) (white paper).

(6) SF 1167–A, Voucher and Schedule of Payments (Continuation Sheet) (Memorandum) (yellow paper).

(7) SF 1186, Transmittal for Transportation Schedules and Related Basic Documents.

(b) The procedures prescribed for preparation of SF 1166 OCR, Voucher and Schedule of Payments (voucher-schedule), are applicable to all Federal agencies using the disbursing facilities of the Department of the Treasury. Other agencies may adopt these procedures following notification to General Services Administration (BWA), Washington, DC 20405. The procedures prescribed for the use of SF 1166 OCR apply also to SF 1166–A OCR, SF 1167, and SF 1167–A.

* * * * *

4. Section 101–41.803 is revised to read as follows:

§ 101–41.803 Scheduling procedures.

(a) Agencies shall prepare a voucher-schedule (SF 1166 OCR) for all basic vouchers covering transportation services furnished for the account of the United States submitted by carriers in accordance with §§ 101–41.214 and 101–41.310 of this part. Transportation vouchers (SF 1113) shall be listed separately from all other types of payment vouchers. All information required for check issuance purposes must be included on the SF 1166 OCR. After certification by the authorized certifying officer, the voucher-schedule shall be transmitted to the appropriate disbursing office. The transportation vouchers shall be retained by the agency for later transmittal to GSA (BWAA/C) in accordance with § 101–41.807 of this subpart.

(b) The tear-off slips from the related basic SF 1113 must also be sent to the disbursing office for forwarding to the carrier-payees with the payment checks. However, agencies using the Department of the Treasury disbursing facility may arrange with that facility for the production of punched cards, SF 1166 OCR, or SF 1166–EDP voucher-schedule bearing all information shown on the tear-off slips, which must be sent to carrier-payees with the payment checks instead of the tear-off slips.

(c) Paid amounts must be clearly identified against individual carrier bills. Each carrier bill number and related payment amount for transportation charges and payment amount for interest, if any, for that bill number must be included in each check issue entry if the agency certifies on SF 1166 OCR, or it must be included as magnetic tape payment data if the agency certifies on SF 1166–EDP.

5. Section 101–41.803–1 is amended by revising the introductory text of paragraph (a) to read as follows:

§ 101–41.803–1 Classification of basic transportation vouchers for purposes of separate scheduling.

(a) Basic transportation vouchers shall be sorted into three general classifications for separate listing on SF 1166 OCR:

* * * * *

6. Sections 101–41.804, 101–41.804–1, and 101–41.804–2 are revised to read as follows:

§ 101–41.804 Preparation of SF 1166 OCR, Voucher and Schedule of Payments.

§ 101–41.804–1 Assignment of schedule numbers.

Each SF 1166 OCR covering transportation vouchers shall be assigned a schedule number, prefixed by the letter "T" and taken from a series of numbers running consecutively for each fiscal year. The "T" numbers assigned to transportation voucher-schedules shall be taken from a series of numbers separate from the series assigned to voucher-schedules covering nontransportation charges.

§ 101–41.804–2 Listing of items on SF 1166 OCR.

Each basic voucher shall be listed on a voucher-schedule with all information required for check issuance purposes, and paid amounts must be clearly identified against individual carrier bills (see § 101–41.803 (a) and (c)). The maximum practical number of check issue entries, consistent with normal spacing requirements, shall be listed on each voucher-schedule page.

7. Sections 101–41.804–4 and 101–41.804–5 are revised to read as follows:

§ 101–41.804–4 Name and address space.

Generally, the disbursing office draws checks only from information recorded on the SF 1166 OCR. Thus, except as provided in § 101–41.805, the information shown in the name and address column shall be complete (including ZIP codes) but shall be restricted to the information to be shown on the face of the check. Long addresses shall be avoided unless necessary for postal identification. The format and State abbreviations developed by the U.S. Postal Service for addressing envelopes shall be used.

§ 101–41.804–5 Amount column.

The amount for which the check is to be drawn shall be imprinted in the amount column on the same line as the payee's name. The total of the amount column on the SF 1166 OCR must include all items listed on the continuation sheets and must agree with the aggregate of amounts classified by appropriation or fund in the appropriation summary block.

8. Section 101–41.805–1 is amended by revising paragraph (a) to read as follows:

§ 101–41.805–1 No-check vouchers.

* * * * *

(a) Vouchers requiring the processing of an accounting transaction for inclusion in the agency's SF 1220, Statement of Transactions According to Appropriations, Funds, and Receipt Accounts, or SF 1221, Statement of Transactions According to Appropriations, Funds, and Receipt Accounts (Foreign Service Account), or other approved reporting form, by transfer or without the issuance of a check shall be listed on SF 1166 OCR covering transportation vouchers for which checks are to be issued. Show the

words "NO CHECK" in the amount column of SF 1166 OCR opposite the payee's name and address. The amount shall be shown on SF 1096, Schedule of Voucher Deductions, as provided in § 101–41.805–2.

• • • • •

9. Section 101–41.805–2 is amended by revising the introductory text of paragraph (c), (c)(1), and (c)(2) to read as follows:

§ 101–41.805–2 Deductions from disbursement vouchers.

• • • • •

(c) When an amount is deducted from more than one basic voucher listed on an SF 1166 OCR, the agency shall take action as follows:

(1) Show the net amount payable to each payee in the amount column of the SF 1166 OCR;

(2) Record the total amount deducted as the last item in the address column of the SF 1166 OCR: "See attached SF 1096 No. —— $——";

• • • • •

10. Sections 101–41.806, 101–41.806–1, 101–41.806–2, and 101–41.806–3 are revised to read as follows:

§ 101–41.806 Processing of SF 1166 OCR.

§ 101–41.806–1 Makeup and initial distribution of forms.

Agencies shall prepare an original SF 1166 OCR and at least four copies of the SF 1166–A OCR. The original and three copies shall be forwarded to the appropriate disbursing office for payment processing.

§ 101–41.806–2 Information to be furnished by the disbursing office.

The disbursing office (D.O.) shall insert the D.O. voucher number in the upper right corner of each voucher-schedule (SF 1166 OCR) and clearly imprint within the PAID BY block the word "Paid"; the month, day, and year of payment; and the D.O. (station) symbol number. The disbursing office shall also list in the appropriate column opposite each payee's name the serial numbers of any checks issued in payment of the voucher.

§ 101–41.806–3 Disposition of forms after payment.

The disbursing officer shall forward the payment check to the carrier-payee with pertinent tear-off slips (or punched cards bearing all information shown on the tear-off slips), return three copies of the voucher-schedule to the issuing agency, and retain the original voucher-schedule to support its statements of accountability. If neither a tear-off slip nor a punched card is prepared, the carrier's bill number and related payment amount for transportation charges, and payment amount for interest, if any, for that bill number must appear on the check. In distributing the accomplished voucher-schedule, the issuing agency shall use one copy to support its statement of transactions (SF 1220 or SF 1221), retain a copy in its files, and forward a copy to GSA (BWAA/C) with the related basic transportation vouchers. (See § 101–41.807 of this subpart.)

11. Section 101–41.807–1 is amended by revising the introductory paragraph to read as follows:

§ 101–41.807–1 Identification of basic transportation payment documents.

Each basic transportation voucher (SF 1113) and its related voucher-schedule (SF 116 OCR) shall be cross-referenced by voucher number in a manner which enables positive association of one with the other.

• • • • •

Dated: April 4, 1985.

Raymond A. Fontaine,

Comptroller.

[FR Doc. 85–10050 Filed 4–24–85; 8:45 am]

BILLING CODE 6820–AM–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

46 CFR Parts 159 and 160

[CGD 83–030]

Lifesaving Equipment

AGENCY: Coast Guard, DOT.

ACTION: Proposed rule; extension of comment period.

SUMMARY: This notice extends the comment period on the notice of proposed rulemaking that would substitute independent laboratory inspection for Coast Guard factory inspection of approved inflatable liferafts, lifeboats including disengaging apparatus and hand propelling gear, lifeboat davits and winches. The extension was requested by the United States Lifesaving Manufacturers Association in order to gather information concerning the cost of the proposed rules and the effect that the proposed rules might have on the competitive position of U.S. manufacturers. Since these issues must be considered in the development of the final rules and the final evaluation, the request for an extension of 90 days from the Association's March 6, 1985 request is granted.

DATE: The comment period on the notice of proposed rulemaking is extended to June 4, 1985.

ADDRESS: Comments should be mailed to the Commandant (G–CMC/21) [CGD 83–030], U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593. Between the hours of 8:00 a.m. and 4:00 p.m. Monday through Friday, except holidays, comments may be delivered to, and are available for inspection and copying at, the Marine Safety Council (G–CMC/21) Room 2110, U.S. Coast Guard Headquarters, 2100 Second Street SW., Washington, DC, (202) 426–1477.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Markle, Office of Merchant Marine Safety (G–MVI–3), U.S. Coast Guard Headquarters, 2100 Second Street SW., Washington, DC 20593, (202) 426–1444.

SUPPLEMENTARY INFORMATION: This notice of proposed rulemaking was published on September 27, 1984 in the **Federal Register** (49 FR 38151). The original comment period closed on December 26, 1984. This comment period was extended to March 21, 1985 by a notice in the **Federal Register** (January 31, 1985; 50 FR 4544) to provide interested persons an opportunity to submit written comments on issues raised at the public hearing in Washington, DC on February 19, 1985.

Dated: April 22, 1985.

Clyde T. Lusk, Jr.,

Rear Admiral, U.S. Coast Guard, Chief, Office of Merchant Marine Safety.

[FR Doc. 85–10020 Filed 4–24–85; 8:45 am]

BILLING CODE 4910–14–M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 63

[CC Docket No. 85–107; FCC 85–177]

International Competitive Carrier Policies

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission is issuing for public comment a Notice of Proposed Rulemaking to apply competitive carrier policies to international common carriers found to be non-dominant. If finally adopted, these policies will reduce the tariff and facility authorization requirements for those international carriers that are subject to competitive forces.

DATES: Comments must be received on or before May 24, 1985, and Reply Comments must be received on or before June 14, 1985.

ADDRESS: Comments on these proposed rules should be submitted to: The Secretary, Federal Communications

Commission, 1919 M Street, NW., Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Steven Goldman, International Policy Division, Common Carrier Bureau, Federal Communications Commission, Washington, D.C. 20554, (202) 632–4047.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 63

Communications common carriers.

Notice of Proposed Rulemaking

In the matter of international competitive carrier policies; CC Docket No. 85–107.

Adopted: April 11, 1985.
Released: April 19, 1985.

By the Commission.

I. Introduction

1. Over the last several years the international telecommunications marketplace has undergone dramatic change. The rigid carrier and service dichotomies which limited carriers' operations and offerings have been abandoned in favor of a more competitive marketplace. The elimination of these restrictive policies and technological developments have led to the entry of a variety of new carriers in the international market including The Western Union Telegraph Company (Western Union), International Relay Inc. (IRI), Satellite Business Systems (SBS), MCI and GTE Sprint as well as a number of resellers and enhanced service providers offering a range of varying international services.[1] We also expect that our recent *Authorized User*[2] and *Earth Station Ownership*[3] decisions will further spur expansion in the number of service providers. In addition, we presently have under consideration private fiber optic cable and satellite system proposals. In light of the many developments we have seen over the last several years, we believe it is time to review the efficacy of tariff and facility licensing practices as they apply to international common carrier service providers.

2. We tentatively propose to reduce out international common carrier tariff and facility authorization regulations by streamlining the procedures that non-dominant carriers must follow. In addition, we are asking affected carriers, interested parties and the public to comment on the benefits of reducing regulation for non-dominant carriers as well as on our proposed findings. We also seek comment on the extent to which differences in the international market should be reflected in the extension of our competitive carrier policies to that market. In particular, would competition among U.S. international carriers be sufficient to make the international telecommunications market competitive given the presence of foreign PTT's in the provision of all international telecommunications services? Below we briefly examined the history of our *Competitive Carrier Rulemaking*[4] in the domestic market which has greatly reduced regulatory requirements for domestic carriers without market power. We also examine the legal authority for reducing regulation for such carriers. We then look at international services and classify them into market groupings to determine the dominance or non-dominance of the service provider's various offerings. Finally we discuss the changes in the tariff and facilities licensing requirements that we are proposing for those firms found to be non-dominant.

II. Background

A. Domestic History

3. The actions we now propose are not being drawn on a clean slate. Our *Competitive Carrier Rulemaking* proceeding greatly modified the applicability of our tariff and licensing practices as they apply to certain providers of domestic interstate common carrier telecommunications services. We initiated the *Competitive Carrier* proceeding in 1979 in the aftermath of a number of Commission decisions which permitted entry into the domestic market by new service providers.[5] This docket began the process of eliminating unnecessary regulatory burdens applicable to service providers operating in the domestic interstate service market. The foundation in *Competitive Carrier* was our finding that, in a competitive environment, market forces could provide the public the statutorily mandated protection against unreasonably high rates and undue discrimination. That is, marketplace forces could replace regulation and make unnecessary burdensome regulatory requirements for both carriers and the Commission.

4. The *First Report and Order* implemented our policy objectives of limiting unnecessary regulatory burdens in a limited segment of the marketplace. There, we analyzed carriers' market power and classified those carriers with market power and the ability to exercise that power as dominant while carriers without market power were classified as non-dominant. Carriers which we found to be dominant remained subject to the full panoply of regulatory tools because market forces could not be expected to exert the necessary restraint on carrier facility decisions and pricing practices. We found, however, that non-dominant carriers did not have market power or the ability to set price and, therefore, we streamlined the regulation of these carriers.[6] In the *First Report and Order*, we found AT&T and the independent telephone companies to be dominant. Due to certain transitional factors like facility shortages relative to the demand, we also found Western Union, domestic satellite carriers, resellers and miscellaneous common carriers to be dominant. All other service providers

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[1] Resellers use IMTS to provide telex-like and other record services. Enhanced service providers offer transmission services which are in some way processed by computer. We determined that enhanced service providers are not subject to Title II regulation in our *Computer II Rulemaking*. *See*, In The Matter of GTE Telenet Communications Corp., FCC 85–29, released February 22, 1985. In addition, there are refilers and others that use IMTS for their own private non-IMTS use.

[2] Proposed Modification of the Commission's Authorized User Policy Concerning Access to the International Satellite Service of the Communications Satellite Corporation, FCC 84–633, —— FCC 2d ——, released January 11, 1985, 50 FR 2552 (January 17, 1985) [Authorized User II].

[3] Modification of Policy on Ownership and Operation of U.S. Earth Stations that Operate with the INTELSAT Global Communications Satellite System, FCC 84–605, —— FCC 2d ——, released December 18, 1984.

[4] Policy and Rules Concerning Rates and Facilities Authorizations for Competitive Carrier Services (CC Docket No. 79–252), Notice of Inquiry and Proposed Rulemaking, 77 FCC 2d 308 (1979); First Report and Order, 85 FCC 2d 1 (1980); Further Notice of Proposed Rulemaking, 84 FCC 2d 445 (1981); Second Report and Order, 91 FCC 2d 59 (1982), *recon.* FCC No. 83–69, released March 21, 1983; Second Further Notice of Proposed Rulemaking, FCC No. 82–187, released April 21, 1982; Third Further Notice of Proposed Rulemaking, Mimeo No. 33547, released June 14, 1983, 48 FR 28292 (June 21, 1983); Third Report and Order, Mimeo No. 012, released October 6, 1983, 48 FR 46791 (October 15, 1983); Fourth Report and Order, 95 FCC 2d 554 (1983); Fourth Further Notice of Proposed Rulemaking, FCC No. 84–82, released March 22, 1984, 49 FR 11856 (March 28, 1984); Fifth Report and Order, FCC No. 84–394, released August 27, 1984, 49 FR 34824, September 4, 1984; Sixth Report and Order, FCC No. 84–566, released January 4, 1985, 50 FR 1215 (January 10, 1985).

[5] These decisions include MCI, 118 FCC 2d 953 (1969), *recon. denied*, 21 FCC 2d 190 (1970); Specialized Common Carrier Services, 29 FCC 2d 870 (1971), *recon.* 31 FCC 2d 1106 (1971), *aff'd sub nom.* Washington Utilities and Transportation Commission v. FCC 513 F.2d 1142 (9th Cir. 1975), *cert. denied*, 423 U.S. 836 (1975); MCI Telecommunications Corp., 60 FCC 2d 25 (1976), *rev'd* MCI Telecommunications Corp. v. FCC, 561 F.2d 365 (1977) (Execunet); Domestic Satellite Facilities, 35 FCC 2d 844 (1972), *recon.*, 38 FCC 2d 665 (1972); Resale and Shared Use, 60 FCC 2d 261 (1976), *recon.*, 62 FCC 2d 588 (1977), *aff'd sub nom.*, AT&T v. FCC, 572 F.2d 17 (2d Cir. 1978), *cert. denied*, 99 S. Ct. 213 (1978); Customer Interconnection, 61 FCC 2d 768 (1976).

[6] 85 FCC 2d at 20.

considered in that proceeding were found to be non-dominant.

5. After discussing several theories for further reduction of Title II regulation we settled, in the *Second Report and Order*, on a forbearance approach. Under this approach we forbore from applying certain filing requirements. Specifically, in the *Second Report and Order* we determined that the burdens outweighed the benefits in requiring tariff filings and facilities applications with respect to terrestrial resellers. The *Third Report and Order* extended the scope of the *Competitive Carrier Rulemaking* to include services provided to all domestic points outside the continental United States such as Hawaii, Guam and Puerto Rico.

6. The *Fourth Report and Order* extended forbearance to all domestic resellers and specialized common carriers. In addition, we extended streamlined regulation to all domestic satellite carriers, miscellaneous common carriers and facilities-owning interexchange carriers affiliated with exchange telephone companies. More importantly, the *Fourth Report and Order* clearly developed an analytical framework for applying the competitive carrier policies. This approach, which stresses antitrust law considerations and relies on marketplace regulation in suitable circumstances, will be discussed in Section III.

7. The *Fifth Report and Order* extended forbearance to domestic satellite carriers providing interstate service, miscellaneous common carriers, carriers providing DEMS systems and affiliates of exchange carriers providing interstate, interexchange services. Finally, *The Sixth Report and Order* took a further step by requiring non-dominant carriers to detariff their service offerings. In effect, our five years of experience with the *Competitive Carrier* line of decisions has demonstrated that in the presence of competition, it is possible to lessen or eliminate certain regulatory practices, thereby reducing carrier and Commission costs without harm to the public.

B. Legal Basis For Reducing Regulation

8. The legal basis for what we propose to do here, streamlining Title II facility and tariff requirements for non-dominant carriers, was set forth in great detail in the *First Report & Order*.[7] In administering the Communications Act, 47 U.S.C. 151 *et seq.*, the Commissions's goal is to ensure the availability to United States users of "rapid, efficient, nation-wide, and world-wide wire and radio communication services with adequate facilities at reasonable charges. . . ."[8] In order to achieve these goals the Commission has "broad discretion in choosing how to regulate."[9] In regulating in the public interest, competition in the telecommunications industry is clearly a relevant factor.[10] Where we used to rely on regulation to ensure that carriers operated in the public interest, we now rely on the marketplace when possible.[11] A further basis for what we propose is found in the Record Carrier Competition Act of 1981 (RCCA).[12] The RCCA directs the Commission to forbear from exercising its authority as the development of competition among record carriers reduces the degree of regulation necessary to protect the public. We emphasize, however, that our increased reliance on marketplace regulation does not mean that we are abandoning our duties as set forth in the Communications Act. We will retain our power to investigate non-dominant carriers based upon complaints or upon our initiative to ensure that rates and practices are just and reasonable.

9. Our experience in the domestic *Competitive Carrier* proceeding gives us confidence that when a competitive environment exists the goals of the Communications Act are best satisfied by reducing, to the extent possible, entry, exit, and pricing burdens for non-dominant carriers. Less regulation, moreover, allows carriers to better respond to consumer desires at the lowest price on a timely basis.

III. Discussion

10. Changes in the structure and composition of the international component of the U.S. telecommunications industry suggest that the time is ripe to reconsider the usefulness of full fledged rate and facilities regulation. Today, we tentatively conclude that there are adequate reasons for reducing regulation for some international service providers. Specifically, we propose lessening regulation for those carriers that are found to lack market power (*i.e.*, are non-dominant) and whose behavior and conduct are effectively controlled by market forces.[13] As we see it, the carriers we tentatively conclude to be non-dominant need not be burdened with excessive regulation in order to ensure that their charges and practices are just and reasonable or that their facility investment decisions are warranted. This is consistent with our domestic experience which has shown that the existence of competition permits some carriers to be substantially freed from rate and facility regulation.

11. Any such decision would only be proper after a careful analysis of the particulars of the market, and the degree of market power possessed by service providers. In order to determine the market power of a given firm, we must first define the relevant market.[14] Generally, in antitrust cases and legal and economic literature, a market has two dimensions to it—geographic location and product substitutability. If a product can be shipped from one location to another to prevent a price rise, the relevant geographic market includes both locations. Similarly, if two products are functionally similar, they are both part of the same product market. Among the factors which are used to define the relevant product market are custom and usage patterns, substitutability in production, and substitutability in use.[15] The *Fourth Report and Order* examined service characteristics and geographic scope to define the relevant market in domestic communications.[16] We propose to define the relevant markets for international communications service by examining the same two market dimensions.

A. Product Market

12. A wide variety of telecommunication services are available from a number of firms in the

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[7] 85 FCC 2d at 12–20, 40–44.

[8] 47 U.S.C. 151.

[9] *AT&T* v. *FCC* 572 F.2d 17, 26, *cert. denied*, 439 U.S. 875 (1978).

[10] *FCC* v. *RCA Communications, Inc.*, 346 U.S. 86 (1953); *Hawaiian Telephone Co.* v. *FCC*, 589 F.2d 647 (D.C. Cir. 1978).

[11] As the court said in *World Communications, Inc.* v. *FCC*, 735 F.2d 1465, 1475 (D.C. Cir. 1984), "the public interest touchstone of the Communications Act, beyond question, permits the FCC to allow the marketplace to substitute for direct Commission regulation in Appropriate circumstances."

[12] 47 U.S.C. 222(b)(1).

[13] To the extent that behavior and conduct may not be effectively controlled by market forces, we retain the ability to appropriately respond. For example, control of bottleneck facilities by PTTs, which may encourage whipsawing of U.S. carriers, will be countered through the application of our uniform settlements policy.

[14] 95 FCC 2d at 502; *United States* v. *E.I. du Pont de Nemours & Co.*, 351 U.S. 377, 395 (1956).

[15] Cross-elasticity of demand can be used to determine substitutability in use. It is a measure of the percentage change in the quantity demanded of one product that results from a percentage change in the price of another product. Direct application and use of this concept in actual cases has been limited due to difficulties in gathering appropriate data as well as difficulties in interpretation of the results. Thus, most cases have relied on practical indicia of this concept such as peculiar characteristics and uses and reasonable interchangeability. *See, U.S.* v. *Brown Shoe Co.*, 370 U.S. 294 (1962).

[16] 95 FCC 2d at 562–63.

international marketplace. This includes International Message Telecommucation Service (IMTS), telegram, telex, high and low speed data, private line and video.[17] Our definition of the relevant product markets must meet the test established in the *Fourth Report and Order, i.e.* that services in a single market be substitutable in demand or in supply.[18] The *Fourth Report and Order*, due to interchangeability of use and supply of services, defined domestic interstate telecommunications as a single market.[19] Our analysis of customer usage and carrier ability to provide varying services leads us to conclude tentatively that international telecommunications is markedly different from domestic telecommunications and consists of two separate and distinct markets—IMTS and non-IMTS.[20]

1. Demand Substitutability

13. Demand substitutability refers to a subscriber's ability and willingness to switch among and between various services.[21] The cornerstone of demand substitutability is customer perception of the services in question and includes factors such as service quality, relative prices, availability, and geographic coverage as well as the marketing of the services.

14. In effect, the key aspects of demand substitutability are the interchangeability of use and the relative prices of the services. For example, in the relevant price range, two products which have similar characteristics are said to be substitutes if a rise in the price of product A causes consumers to switch to product B. The smaller the price increase and the larger the consumer switch, the closer substitutes the two services are. A and B are perfect substitutes if a very small increase in the price of A caused all of A's customers to switch to B. Similarly, if A and B are close substitutes then a drop in A's price would cause B's customers to switch to A.

15. IMTS is the major international telecommunications service in terms of revenues (approximately 70%) and circuit requirements (over 80%) and continues to have a healthy growth rate.[22] The major non-IMTS service is telex, a relatively mature low speed data service, which has a declining growth rate.[23] While telex's declining rate of growth may be partially attributable to declining IMTS prices, we believe that there are other significant factors influencing it's slower growth. These factors include the rapid expansion of high speed data, facsimile, private line and other services. Also, as telex is almost exclusively a business service, one would expect the recent world economic downturn to have depressed its growth.

16. Empirical analysis suggests that demand for IMTS is not greatly influenced by the rates of other services and vice versa. Our own review of relative usage and rate fluctuations also indicates that demand for IMTS and non-IMTS services seems to be relatively unaffected by the cost of the other service. For example, despite declines of 50% and more in international telephone rates and stable telex rates over the last few years the number of telex messages has continued to increase.[24] If IMTS and telex were substitutable then an increase in telex demand would not be expected in light of the changing IMTS-telex price relationship. On the contrary, we would expect telex demand to decline as these customers shifted their use to IMTS.

17. A study by Rea and Lage found that changes in telex rates do not affect IMTS demand, that IMTS prices are not related to the demand for telex service and that telegraph rates are inversely related to IMTS demand.[25] While the results of this study are not conclusive, they suggest that high rates for voice service will not lead IMTS users to shift to record services. Similarly, the study seems to indicate that high rates for record services (or lower charges for voice services) will not cause a shift to IMTS.

18. Thus, the data tend to show that, unlike the domestic market, IMTS and various non-IMTS services are not substitutes in the international communications market. A number of factors support this conclusion. Foremost are the language and significant time zone differences which exist in the international marketplace. It is much less useful, for example, to make a telephone call to a nation in which a foreign language is spoken since the caller and recipient must share a common language in order to communicate effectively. Also, in many instances the nation being called is six or more hours ahead or behind U.S. time so that business hours barely overlap if they do at all.[26]

19. These international marketplace realities have a greater impact on the use of IMTS as opposed to the use of other telecommunications services and lead us to conclude that IMTS and non-IMTS services are not substitutable. For example, a service like telex which produces a hard copy, can be translated, can provide a record of the communication, and can be sent regardless of the time in the receiving country. Likewise, other non-IMTS services, such as high speed data and video can also be transmitted without regard to time or language. Indeed, telex and other non-IMTS services are the preferred way of handling international business transactions because non-voice information can be transmitted without regard to time of language and can be processed by computers immediately or stored for later use. Also, whereas non-IMTS services are used almost exclusively by business customers, a substantial proportion of IMTS users are residential customers. For residential users IMTS and non-IMTS services are even weaker substitutes than they are for business customers.

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[17] IMTS is standard telephone voice service

[18] 95 FCC 2d at 563–64.

[19] 95 FCC 2d at 573.

[20] Historically, the international telecommunications service market has been divided into two broad product groupings—voice and record. For the most part, AT&T provided IMTS and the international record carriers provided a variety of record services. Even though now permitted to provide any service on the U.S. end, a variety of factors, especially the need to obtain the agreement of a foreign correspondents before offering any service to a particular foreign point, continues to restrict international carriers' freedom to provide any service to any foreign point.

[21] 84 FCC 2d at 501; 351 U.S. at 404; II Areeda & Turner, Antitrust Law 370 (1978) (Areeda & Turner).

[22] From 1980 to 1983 IMTS has experienced a yearly growth rate ranging from 39.7% in 1981 to 18.5% in 1983.

[23] The growth in telex traffic has slowed from 15.2% in 1980 to 6.3%

[24] For example, from 1980 to 1983 the price of peak period IMTS Direct Dial to the United Kingdom dropped from $4.80 for the first minute and $1.60 for additional minutes to $2.08 and $1.26 respectively. Telex rates to the United Kingdom have only dropped from $1.43 to $1.41 over the same time period. During that time the number of telex messages to the United Kingdom increased from 7,254,783 to 8,974,061. IMTS and telex rates and traffic for other countries have shown similar trends.

[25] Rea, John D. and Gerald M. Lage, "Estimates of Demand Elasticities for International Telecommunications Services." *The Journal of Industrial Economics* 363–381 (June 1978). The study presents estimates of demand elasticities for telecommunications services that originate in the United States. Data for 37 major routes were combined for the 1964–1973 period to estimate the elasticities. Separate equations were postulated for telephone, telegraph and telex. The independent variables that are included in the equations are price indices for telephone, telegraph, and telex messages; international trade between the United States and the foreign countries in the sample; and nominal household disposable income. Two statistical models are used, the covariance model and the error components model.

[26] We note that because of more significant language and time zone differences a higher percentage of traffic between the United States and the Pacific Basin is non-IMTS than between the United States and Europe.

20. We view various non-IMTS services such as telex, high speed data, and private line as generally substitutable for each other.[27] For the most part, all of these services are used for transmitting data and other information of a business nature. In addition, all of these services are generally used without regard to language and time zone differences between countries. Thus, based on factors such as price and speed requirements customers are able to use these services interchangeably. Some evidence of this may be found by examing growth trends for the various non-IMTS services. For example, while yearly growth of telex traffic slowed from 15.2% to 6.3% and yearly growth of telex revenue slowed from 8.0% to 3.9% from 1980 to 1983, private line revenues grew at an increasing pace over the same period up from 3.8% in 1980 to 11.7% in 1983.[28] Growth in the number of circuits used for private line service has shown similar growth with the number of private line circuits worldwide increasing from 1497 in 1980 to 2216 in 1983. Thus, we believe that customers view various non-IMTS services as generally substitutable with each other but not with IMTS.

2. Supply Substitutability

21. As we have indicated, market definition rests not only upon demand, but supply substitutability as well. We have defined supply substitutability as the ability of a service provider to shift its resources from the manufacture or provision of one product or service to another product or service.[29] Typically, such a shift would be in response to changes in market conditions or in the pursuit of profits that exceed the opportunity costs of capital. Products are said to be substitutable on the supply side if barriers to entry are low so that a firm may easily shift facilities and resources from the provision of one service to the provision of a second service in the short-run.[30]

22. Traditionally, supply substitutability hinges on issues such as the technical and cost obstacles faced in shifting resources from one use to another. Carriers in the domestic market, for example, are generally free to respond to customer demand by redeploying their existing facilities so that almost all services are substitutable from the producer's viewpoint. However, there seem to be substantial non-technological obstacles internationally which impede the alternative use of plant and facilities. An international carrier, for example, must obtain the agreement of a foreign administration in order to provide a specified service to a particular overseas point, to place additional circuits in operation or to provide any new service offerings. An IRC may have an operating agreement to provide specific record services but if it wishes to provide IMTS it must negotiate a new operating agreement with the foreign administration. Thus, while it may be technically possible to convert facilities that are used to provide non-IMTS services to IMTS service, institutional limitations make the conversion more difficult in the international arena than in the domestic arena of communications. This is true both for companies trying to enter a market for the first time as well as established carriers trying to offer new or expanded service.

23. Our experience is that carriers can more easily shift their facilities from the provision of one non-IMTS sevice to the provision of another non-IMTS service than they can shift non-IMTS facilities to provide IMTS service. Most IRCs' operating agreements reflect the ability to provide a variety on non-IMTS services and it appears to be relatively easy for these carriers to gain approval from foreign governments to alter their operating agreements to provide varying non-IMTS services. At the same time it appears more difficult for these carriers to gain the necessary approval to shift their facilities to IMTS use.

24. While a few countries, notably Canada, Australia, Belgium and the United Kingdom are beginning to offer increased opportunities for entry, the global prospects are still limited. Our experience is that it is particularly difficult for the IRCs or new entrants to gain operating agreements for the provisions of IMTS.

25. Another factor limiting the degree of supply substitutability for those international carriers with customer requirements for private line cable services stems from the limited number of cable facilities available for the provisions of international services. The provision for international services over a few high capacity cable facilites introduces the possibility of a significant time lag in these carriers' ability to respond quickly to a user's demand for additional capacity. Thus, while excess capacity generally exists internationally, it is not impossible that a customer's need for a particular type of facility to a particular overseas point may go unmet until the next transatlantic, transpacific, Caribbean or other cable is introduced, this limitation generally is not present in the domestic market where carriers have greater control over their facilities, facilities are generally less expensive and carriers are better able to switch service offerings or add new facilities to respond quickly and economically to meet customer demand. It is also generally not present in the international satellite arena.

26. The existence of resellers, refilers, and others, may be evidence of some limited supply substitutability from IMTS to record and data services. It seems, however, that if there is supply substitutability between the IMTS and non-IMTS markets it presently works in only one direction—from IMTS to non-IMTS. The use of non-IMTS facilities for the provision of voice service is extremely limited, as reflected in the IRCs' inability to gain a foothold with their Datel services which have been authorized since 1979. Given that total revenues in the IMTS market exceeded $1.7 billion in 1983 and that AT&T, the major provider of IMTS service, has an attractive rate of return [31] as well as the declining profitability of the international record market, logic compels us to conclude that international record service providers would have an incentive to shift their facilites from non-IMTS to IMTS use, and would presumably do so, if such a shift were feasible. We have seen no evidence of this transfer of facilities occurring, however.

27. Thus, in contrast with our demand and supply substitutablity analysis of the domestic market which led us to find substantial substitutability and one product market, our analysis of the international market, particularly time zone, language, business practices and the need to obtain operating agreements, appears to support a finding of two products. Accordingly, we tentatively conclude that the international telecommunications marketplace is

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[27] There may be a number of limited services such as television transmission service that are not highly substitutable with other non-IMTS services from the customer's point of view. They are, however, substitutable on the supply side and properly placed in the non-IMTS market.

[28] While there may be some substitutable between IMTS and private line services, we believe that the usage and pricing of private line services indicates that there is a greater substitutability between private line services and non-IMTS than between private line services and IMTS.

[29] 95 FCC 2d at 565. *See*, Areeda & Turner at 374.

[30] Barriers to entry are generally technological or economic, for example, a patented process that is unavailable to new entrants or the extremely high capital costs required to enter a given market. Due to the unique nature of international telecommunications, there are also substantial regulatory barriers which confront U.S. service providers on the foreign end.

[31] *See infra*, footnote 35.

made up of two products, IMTS and non-IMTS for purposes of this proceeding.

B. International Geographic Market

28. In addition to supply and demand characteristics, markets are defined in terms of their geographic scope. The dimensions of the geographic market are based upon a supplier's ability to provide service to a given area or upon a subscriber's ability to receive service from a supplier in a given area.[32] Domestic carriers, for instance, are able to provide interstate service throughout the United States. Thus, if a price differential unrelated to the quality or cost of the service develops in a particular location, some competitor can enter that market and reduce or eliminate the price differential. Similarly, the existence of several carriers supplying service to a particular geographic market prevents a disparity in prices from developing. Thus, we found that all domestic services operate in a single geographic market.[33]

29. It appears to us that in the international market, due to the need to obtain operating agreements, a carrier cannot freely provide service to a given country merely if it wishes to do so. It is also difficult for a carrier to shift its facilities from serving one country to serving another based upon market conditions. This is due in part to the use of a relatively few cable and satellite facilities which give less flexibility then the broader based domestic facilities. In addition, before reducing or adding facilities, a carrier must obtain the acquiescence of the foreign correspondent in both the country in which facilities are being reduced and in which they are being increased. In light of these substantial restraints which limit the provision of service to a country-by-country basis we tenatively conclude that each county is a separate geographic market. We realize that alternative formulations are possible and, therefore, are interested in commenters' views on our proposed country-by-country geographic market definition. In addition we request comments on the ease with which carriers can enter and exit foreign markets.

C. Market Power

30. Given our tentative findings that each nation constitutes a separate geographic market and that the product markets are defined as IMTS and non-IMTS services, we now consider whether any firm is dominant in a given market. A finding of dominance for any firm would lead us to conclude that the marketplace would not operate to ensure either that it would price its services competitively or employ practices consistent with the Communications Act. Consequently, a finding of dominance would justify the continued application of full Title II regulation.

31. Under traditional antitrust analysis dominance is defined as "the power to control prices or exclude competiton."[34] As we discussed earlier, our *Competitive Carrier* decisions found that firms lacking market power do not have the ability to maintain prices unreasonably above or below cost. We also concluded that a firm's ability to price above marginal cost without encountering entry may be evidence of a noncompetitive market. A firm with the ability to maintain prices below marginal costs could drive competitors out of the market and subsequently permit that firm to raise its prices and earn monopoly profits. Firms lacking market power, however, do not have the ability to raise price above the competitive level because other firms would enter and force price down to the competitive level. Thus, we found that a non-dominant firm is effectively regulated by maketplace forces so that the imposition of more than minimal regulation is unnecessary. Rather, our ability to intervene based upon complaints or upon our own initiative is sufficent.

32. While any determination of a carrier's dominance or non-dominance is not scientifically precise, we tentatively conclude that the factors discussed below give an adequate indication of maket power. They include market share, control of bottleneck facilities, rate of return as well as the existence of actual or potential competition. Rather than make any single factor central to our analysis, it is necessary to look at them as a whole.[35]

1. The IMTS Market

33. In view of our tentative finding that demand and supply substitutability factors warrant treating IMTS as a separate service, we will not analyze whether any provider of this service is dominant. AT&T is the only IMTS service provider to most countries. In those countries where there are other carriers offering IMTS, AT&T is the overwhelming service provider.[36] In addition, AT&T is the major owner of submarine cables which are one of the two basic means of providing service between the United States and most of the rest of the world. This creates a bottleneck which may make it more difficult and expensive for new firms to enter the market. The existence of satellite facilities is not enough to completely eliminate this bottleneck because intermodal (cable v. satellite) competition is not yet fully developed.[37] Thus, for the IMTS maket, we believe that AT&T possesses market power as well as the ability to exercise that power. We therefore tentatively conclude that AT&T is dominant.[38]

34. We also tentatively conclude that in addition to AT&T, certain carriers providing service between domestic, non-contiguous points and foreign points on a monopoly or near monopoly basis also possess market power and should be considered dominant. These points include Hawaii which is served by The Hawaiian Telephone Company; Alaska served by Alascom; Puerto Rico served by All American Cables & Radio; the U.S. Virgin Islands served by ITT-CIVI and Guam served by RCA Globcom.[39] These service providers appear to be in a position similar to AT&T's. While they do not have the same control of facilities, they do seem to have the ability, absent regulation, to raise or lower prices at will as they are the only provider of IMTS service to these points. Thus, we tentatively conclude that they too are dominant and should remain subject to full regulation.

35. We tentatively conclude that all other IMTS carriers are non-dominant for that service. For the most part, these carriers, (*e.g.*, MCI, GTE Sprint, SBS)

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[32] 95 FCC 2d 573.

[33] *Id.*

[34] 351 U.S. at 391; *Areedu & Turner* at 322.

[35] While we recognize that foreign owned carriers may not have maket power, they may, in concert with their parent organizations, distort the market and give rise to questions relating to equal interconnection, discrimination and reciprocity. We also note the control of facilities and entry by the parent organization. Therefore, we tentatively conclude that foreign owned carriers and should be subject to full tariff and facility regulation. For purposes of this proceeding we would define a foreign owned carrier as any entity that would be unable to hold a station license under section 310 of the Communications Act.

[36] MCI and GTE Sprint have recently begun offering IMTS service to selected overseas points To date their market shares are negligible.

[37] *See supra*, paragraph 25; Authorized User II at paragraphs 39–40.

[38] Our tentative finding that AT&T possesses market power in the IMTS market is also supported by its reported rates of return of 36% in 1979, 23% in 1978 and 15% in 1977. Data on AT&T's specific IMTs rate of return has not been collected since 1979. However, from available aggregated data it appears that AT&T's rate of return for IMTS since 1979 has exceeded its overall authorized rate of return.

[39] This rulemaking does not affect the provision of service between these noncontiguous domestic points and the continental United States. These services were streamlined in the domestic *Competitive Carrier* proceeding. *See*, Third Report and Order, 48 FR 46791.

have only recently begun offering IMTS. They have minimal market shares and clearly face competitive pressures given the presence of AT&T in the marketplace. Thus, they cannot raise price above or lower price below marginal costs and remain in business. In this regard, these carriers are analogous to the OCCs which we streamlined and later forbore from regulating in the *Competitive Carrier* decisions because their presence could not dictate operation of the market.

2. The Non-IMTS Market

36. Our proposed findings for the non-IMTS market are that no carrier is dominant in any given geographic market. The primary focus of our analysis in the non-IMTS market are the IRCs (and Western Union) and their major services—telex and private line services. While there are other firms operating in this market, their market shares are small and they are subject to competition from the IRCs, Western Union and other service providers.

37. Our analysis of the non-IMTS market leads us tentatively to conclude that any IRC or other carrier attempting to price uncompetitively will be met by a variety of forces operating to make such action difficult, if not impossible. Thus, if a carrier attempts to raise prices it will lose customers to other service providers.

38. In all of the major geographic markets there are at least three carriers which split telex traffic between them fairly evenly. For example, in the United Kingdom and West Germany, ITT World Communications Inc., RCA Global Communications, Inc. and Western Union International, Inc. (WUI) each have 22% to 26% of the telex traffic while in Japan they each have 18% to 32% of the telex traffic. Similarly, there are multiple carriers providing private line service in all of the major geographic markets. For example, six carriers provide private line service to the United Kingdom. WUI with 207 out of the 770 private line circuits to the United Kingdom, has the largest share, and AT%T, with 50, has the smallest share. In addition, there are a number of other record carriers such as FTCC, TRT, Western Union, Graphnet, IRI and SBS and resale and enhanced service providers such as CCI and GTE Telenet in these markets.

39. Another factor which supports the proposed finding of non-dominance for all non-IMTS service providers in the practice of regional pricing by the IRCs. Under this type of pricing approach a particular country in which one IRC has a large market share is not priced to reflect this apparent market power. Thus, when one looks at the non-IMTS market as a whole, we believe that no one carrier is dominant with respect to any particular geographic market.[40]

40. Due to AT&T's very limited entry into and small share of the non-IMTS market, we tentatively conclude to classify it as non-dominant in the non-IMTS market. First, AT&T does not provided telex service. Second, the major non-IMTS service AT&T provides is private line and its provision of this service is on a very small scale. For example, it has only ninety out of a total of 1441.5 private line circuits to all of Europe and fifty of those are to the United Kingdom. Since 1982, when this Commission allowed AT&T to begin non-voice service in the international market, AT&T has achieved a market share of less than 10% in private line. Therefore, we tentatively plan to streamline regulation of AT&T's operations in this market. However, given the disparity of resources between AT&T and other international carriers, we are concerned about the possibility of anticompetitive pricing and therefore invite interested parties to comment on any danger presented by streamlining AT&T's international non-IMTS services.

3. Comsat

41. Comsat's position in the international marketplace is unique and its classification under a competitive carrier approach warrants special attention. Comsat's provision of INTELSAT space segment services through its World Systems Division is presently a monopoly offering. Further, excluding certain transborder satellite transmissions, Comsat is the sole provider of international space segment capacity to U.S. carriers and users. Additionally, we note that Comsat is the sole U.S. investor in INTELSAT, that Comsat has a guaranteed market share under the present traffic loading guidelines, and that intermodal (cable v. satellite) competition is not yet fully developed. In view of all these factors, we tentatively conclude that Comsat's World System Division is dominant for these Title II services. Any Comsat subsidiary providing end-to-end or other competitive services would be classified as non-dominant. The only exception to this non-dominant treatment of Comsat's competitive activities woud be Comsat's provision of earth station services other than IBS or television.[41] We tentatively conclude that these earth station services (*i.e.*, earth station services other than IBS and television) should remain subject to full-scale regulation as Comsat apparently will remain the primary earth station service provider at least for the near future since the Earth Station Ownership Consortium (ESOC) is continuing with Comsat being the sole provider of earth station services from ESOC earth stations. Once the structure of the earth station market becomes more clear we will consider applying *Competitive Carrier* to Comsat's remaining earth station offerings as well.

IV. Implementation of International Competitive Carrier

42. The *Competitive Carrier* decisions and our proposals here impact carriers' tariff and facilities licensing requirements. In the domestic market we have forborne from regulating all non-dominant carriers. Here, we proposed only to streamline international non-dominant carriers. We feel that streamlining is an appropriate first step in an environment now undergoing dynamic changes. As the new structure of the international market evolves we will be in a better position to consider and evaluate further streamlining and forbearance options.

A. Tariff Requirements

43. We tentatively propose to subject the tariffs of non-dominant firms to the streamlined rules developed in the *Competitive Carrier* proceedings. Under streamlining, tariffs filed by non-dominant carriers for the provision of services under the Commission's rules are presumptively lawful. Only fourteen days advance notice is required before non-dominant carrier tariffs take effect, 47 CFR 61.58(b). In addition § 61.38 economic and cost data is not required.

44. The standard of review we propose for petitions to suspend tariffs of non-dominant carriers is whether the injury to competition which would result if the tariff were allowed to take effect is greater than the harm to the public

[40] There are a number of very small countries such as Albania and the Ascension Islands in which one carrier handles over 50% of the originating (*i.e.*, outbound from the U.S.) telex traffic. These figures, however, do not conclusively prove market power. Market share by itself does not prove dominance. Carriers with large market shares face competition from resellers, refilers and other service providers. Additionally, foreign administrations are very much aware that their total revenues are affected by their U.S. correspondents' collection rates. Therefore, foreign correspondents may inhibit U.S. carriers which appear to have market power from exercising that power. Thus, even if a carrier has a very large market share in one of these small markets, there is no evidence that they have the ability to exercise or have exercised market power.

[41] We intend to monitor the competitive development of the provision of IBS and television earth station services over the next several months to determine whether this tentative conclusion accurately reflects the realities of the marketplace.

from not allowing the tariff to take effect. The burden of proof will be on the party asking that the tariff be suspended.

B. Facilities Licensing

45. We also propose to apply streamlined regulation to non-dominant carriers for section 214 facilities licensing. On the domestic side, streamlined carriers are given blanket authority for unlimited expansion of circuits anywhere in the United States. A reporting requirement noting any addition of circuits within thirty days of their placement in service is required. Discontinuance of service is allowed provided that thirty days notice is given to customers and no showing is made that a reasonable substitute is not available.

46. Because international carriers participate in the facilities planning process and submit circuit status reports and activation/usage plans, it would appear that streamlining the section 214 facility authorization process would not adversely affect our oversight, monitoring or facilities planning responsibilities. Additional information is filed under §§ 43.61 (*e.g.*, revenues, messages, minutes, etc.) and 43.52 (*e.g.*, contracts and operating agreements). We do not propose any changes in these reporting requirements in this proceeding. In addition, the granting of applications filed by the IRCs and other non-dominant carriers has over the last several years become routine.

47. Specifically, we propose that those carriers found to be non-dominant be required to file an initial application under § 63.01 in order to provide service to a specific country. Once the initial grant is given, a carrier will not have to file any additional applications for adding circuits or changing facilities. We tentatively conclude, however, that even non-dominant carriers will be required to file applications to construct, acquire or operate lines in all major facility projects (such as the transatlantic cables) or to acquire capacity from any future private cable or satellite sources. (See Appendix A). Authorizations on these projects are necessary for our long-range facilities planning as well as the consultative process and is consistent with our recent policy statement concerning private submarine cables. *See*, Tel-Optik, Ltd., FCC 85-99 released April 5, 1985. Domestic non-dominant carriers are required to submit § 63.07 reports noting circuit additions on a semi-annual basis. In the international sector we believe a separate report is unnecessary and that will be sufficient for carriers to note circuit additions in their circuit status reports on a semi-annual basis (December and June).[42]

V. Conclusion

48. We remain committed to the elimination of unnecessary and burdensome regulation where possible. Our *Competitive Carrier* decisions have shown that when there is competition in a given market it is possible to streamline tariff and facility regulations for non-dominant carriers. The marketplace will ensure that those carriers act in the public interest. Any non-dominant carrier attempting to charge unreasonable rates or carry out unreasonable policies will be met by competition from new or existing service providers, forcing them to yield to the demands of the marketplace. In addition, we emphasize that we are in no way abandoning our oversight duties and will remain ready to intercede upon complaint or whenever the need develops. We believe that implementation of an international competitive carrier policy will allow carriers to operate more efficiently and innovatively and will allow our recent decisions allowing more competition in the international service markets to have a greater effect.

49. Above, we tentatively concluded that there is now sufficient competition in the international telecommunications market to allow implementation of competitive carrier policies. Our analysis of international telecommunications services leads us tentatively to find two product markets—IMTS and non-IMTS for purposes of this notice. Further, we tentatively find that each country represents a separate geographic market. Based upon these market definitions we tentatively find that only AT&T, those companies that are the primary service providers of IMTS for non-contiguous domestic points and Comsat's provision of space segment and earth station services are dominant. All other providers of IMTS are non-dominant. In addition, we tentatively find that all carriers providing non-IMTS services are non-dominant and subject to streamlined regulation. We invite all interested parties to comment upon our tentative conclusions as well as any other issues applicable to this rulemaking.

VI. Ordering Clauses

50. Accordingly, pursuant to section 4(i), 4(j), 201–205, 214 and 403 of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 154(j), 201–205, 214, 403 (1976), it is ordered that a rulemaking is hereby instituted into the above-described issues.

51. It is further ordered, pursuant to applicable procedures set forth in § 1.410 and 1.415 of the Commission's Rules, that, on or before May 24, 1985, and on or before June 14, 1985, all interested persons may file comments and reply comments, respectively. Before final action is taken in this proceeding we shall consider all relevant and timely comments filed. In reaching a decision on this matter we may take into consideration information and ideas not contained in the comments, provided that such information or a writing indicating the nature and source of such information is placed in the public file, and provided that the fact of our reliance upon such information is noted in the Report and Order. Participants must file an orginal and five copies of all comments. If participants wish each Commissioner to receive a personal copy of their comments, they must file an original plus nine copies. They should serve reply comments upon all those who file comments in this rulemaking. Comments and reply comments should be sent to Office of the Secretary, Federal Communications Commission, Washington, D.C. 20554. Comments and reply comments will be available for public inspection during regular business hours in the Dockets Reference Room (Room 239) of the Federal Communications Commission, 1919 M Street NW., Washington, D.C. 20554.

52. It is further ordered, that for purposes of this non-restricted notice and comment rulemaking proceeding, members of the public are advised that *ex parte* contacts are permitted from the time the Commission adopts a notice of proposed rulemaking until the time public notice is issued stating that substantive disposition of the matter is to be considered at a forthcoming meeting. In general, and *ex parte* presentation is any written or oral communication (other than formal written comments/pleadings and formal oral arguments) between a person outside the Commission and a Commissioner or member of the Commission's staff which addresses the merits of the proceeding. Any person who submits a written *ex parte* presentation must serve a copy of that presentation on the Commission's

[42] At the present time the circuit status reports of some carriers, at the request of those carriers, are treated as confidential for several months. Since we believe circuit additions should be public (and are public for non-dominant domestic carriers pursuant to § 63.07 of our Rules), non-dominant international carriers may desire not to combine circuit additions data with their circuit status reports. Carrier comment in this reporting process is encouraged.

Secretary for inclusion in the public file. Any person who makes an oral *ex parte* presentation addressing matters not fully covered in any previously-filed written comments for the proceeding must prepare a written summary of that presentation; on the day of oral presentation, that written summary must be served on the Commission's Secretary for inclusion in the public file, with a copy to the Commission official receiving the oral presentation. Each *ex parte* presentation described above must state on its face that the Secretary has been served, and must also state by docket number the proceeding to which it relates. See generally, § 1.1231 of the Commission's rules, 47 CFR 1.1231.

53. Pursuant to section 605(b) of the Regulatory Flexibility Act (Pub. L. 96-354), it is certified, that sections 603 and 604 of the Act do not apply because these rule changes will not, if promulgated, have a significant economic impact on a substantial number of small entities. See 5 U.S.C. 603, 604, 605(b). Provision of international telecommunications services requires the commitment of amounts of capital in excess of those that characterize a small entity.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

William J. Tricarico,

Secretary.

Appendix

PART 63—[AMENDED]

47 CFR Part 63 is proposed to be amended as follows:

Section 63.09 is proposed to be added as follows:

§ 63.09 Special procedures for non-dominant international carriers.

(a) Any party that would be a non-dominant international communications common carrier must file an application pursuant to § 63.01 for certification to initiate a service to any point or to construct, acquire or operate lines in any major common carrier facility project or any facility offering capacity on a non-common carrier basis.

(b) Any non-dominant international carrier certified to provide a service to a particular point is authorized to construct, acquire or operate any transmission line to that point except as provided in paragraph (a) of this section.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 652

Atlantic Surf Clam and Ocean Quahog Fisheries

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Notice of availability of a fishery management plan amendment and request for comments.

SUMMARY: NOAA issues this notice that the Mid-Atlantic Fishery Management Council has submitted an amendment to the Fishery Management Plan for the Atlantic Surf Clam and Ocean Quahog Fisheries for Secretarial review, and is requesting comments from the public. The amendment proposes measures for (1) dividing the New England Area into the Nantucket Shoals and Georges Bank Areas, (2) revising the optimum yield (OY) and management regime for the Nantucket Shoals Area, (3) establishing an OY and management regime for the Georges Bank Area, and (4) revising the effort limitation provisions regulating the Mid-Atlantic Area surf clam fishery. Copies of the amendment may be obtained from the address below.

DATE: Comments on the plan should be submitted on or before July 5, 1985.

ADDRESS: All comments should be sent to Mr. Richard Schaefer, Acting Regional Director, National Marine Fisheries Service, Northeast Regional Office, 14 Elm Street, Gloucester, MA 01930. Clearly mark, "Comments for Surf Clam and Ocean Quahog Plan Amendment 6" on the envelope.

Copies of the amendment are available upon request from Mr. John C. Bryson, Executive Director, Mid-Atlantic Fishery Management Council, Room 2115, Federal Building, 300 South New Street, Dover, DE 11901.

FOR FURTHER INFORMATION CONTACT: Monique Rutledge, Plan Coordinator, 617-281-3600, ext. 273.

SUPPLEMENTARY INFORMATION: The Magnuson Fishery Conservation and Management Act, as amended (16 U.S.C. 1801 *et seq.*), requires that each regional fishery management council submit any fishery management plan or plan amendment it prepares to the Secretary of Commerce (Secretary) for review and approval or disapproval. This act also requires that the Secretary, upon receiving the plan or amendment, must immediately publish a notice that the plan or amendment is available for public review and comment. The Secretary will consider the public comments in determining whether to approve the plan, or amendment.

The proposed Amendment 6 divides the New England Area into the Nantucket Shoals and Georges Bank Areas and establishes quote ranges and management measures for those areas. The amendment adds a requirement in the Mid-Atlantic Area Surf clam fishery that surf clams may be landed only one time during an authorized fishing period, prohibits the Regional Director from authorizing fishing periods less than the allowed hours when the allowed hours are set at twelve hours or less, and adds a requirement that surf clam vessel or operators must notify NMFS in advance if they intend to fish in a Notification Area.

Regulations proposed by the Council and based on this amendment are scheduled to be published within 30 days.

(16 U.S.C. 1801 et seq.)

Dated: April 22, 1985.

Richard B. Roe,

Director, Office of Protected Species, National Marine Fisheries Service.

[FR Doc. 85-10072 Filed 4-23-85; 8:45 am]

BILLING CODE 3510-22-M

Notices

Federal Register
Vol. 50, No. 80
Thursday, April 25, 1985

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Forest Service

Hells Canyon National Recreation Area; Wallowa-Whitman National Forest, Adams and Idaho Counties, ID; Intent To Supplement an Environmental Impact Statement

The Department of Agriculture, Forest Service, will prepare a Supplement to the Final Environmental Impact Statement for the Comprehensive Management Plan for Hells Canyon National Recreation Area.

The purpose of the analysis will be to determine whether to construct a trail on the east side of the Snake River immediately downstream from Hells Canyon Dam for fishing and other recreation access to the river. The May 28, 1981, decision by R. Max Peterson, Chief of the Forest Service, to implement the Comprehensive Management Plan, determined there would not be a trail constructed at this location. Since that time, steelhead runs have increased to levels not anticipated in the original analysis. If current enhancement programs are successful, salmon runs will also increase significantly.

A range of alternatives will be considered, one of which will be nondevelopment of the trail. Others will consider different lengths of trail. The primary decisions to be made are whether to build a trail and, if it is to be built, where it should terminate. If it is determined that the trail will be constructed, the precise location and standards will be determined through subsequent analysis.

Federal, State, and local agencies, and other individuals or organizations who may be interested in or affected by the decision will be invited to participate in the scoping process. This process will include:

1. Identification of those issues to be addressed.

2. Identification of issues to be analyzed in depth.

3. Elimination of insignificant issues or those which have been covered by the previous environmental analysis.

4. Determination of potential cooperating agencies and corporations and assignment of responsibilities.

The Fish and Wildlife Service of the Department of the Interior will be invited to participate as a cooperating agency to evaluate potential impacts on threatened and endangered species habitat if any species are found to exist along the potential trail location.

Jeff M. Sirmon, Regional Forester, Pacific Northwest Region, Portland Oregon, is the responsible official.

The analysis is expected to take about five months. The Draft Supplement should be available for public review by August 15, 1985. The Final is expected to be completed no later than January 1986.

Written comments and suggestions concerning the analysis should be sent to Jerry Allen, Forest Supervisor, Wallowa-Whitman National Forest, Federal Building, Baker, Oregon 97814, by June 15, 1985.

Questions about the proposed action and environmental analysis should be directed to Bill Fessel, Recreation Staff Officer, Wallowa-Whitman National Forest, phone 503–523–6391.

Dated: April 17, 1985.

Richard A. Ferraro,

Acting Regional Forester.

[FR Doc. 85–10036 Filed 4–24–85; 8:45 am]

BILLING CODE 3410–11–M

Soil Conservation Service

Bethlehem Kasson Grove Community Flood Control and Land Drainage RC&D and Measure, CT

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of a finding of no significant impact.

FOR FURTHER INFORMATION CONTACT: Philip H. Christensen, State Conservationist, Soil Conservation Service, 16 Professional Park Road, Storrs, Connecticut 06268, telephone (203) 429–9361.

Notice: Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an Environmental Impact Statement is not being prepared for the Bethlehem, Kasson Grove Community Flood Control and Land Drainage RC&D Measure, Litchfield County, Connecticut.

The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Philip H. Christensen, State Conservationist, has determined the preparation and review of an Environmental Impact Statement is not needed for this project.

The measure concerns a plan to remove excess surface and groundwater from the Kasson Grove Development. The planned action includes construction of three grassed, earthen diversions totaling 3,000 feet in length. Two stone lined (riprap) waterways will be constructed totaling 1,700 feet, 6 culvert crossings, and seeding of approximately 2.0 acres will be required.

The diversions will intercept and collect surface runoff and the waterways will safely convey the runoff to Long Meadow Pond. The culverts are necesary to convey runoff under interior roads.

The Notice of Finding of No Significant Impact (FONSI) has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Philip H. Christensen. The Environmental Assessment has been sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the Environmental Assessment are available to fill single copy requests at the above address.

Implementation of the proposal will not be initiated until 30 days after the date of this publication in the **Federal Register.**

Dated: April 15, 1985.

Philip H. Christensen,

State Conservationist.

(Catalog of Federal Domestic Assistance Progrm No. 10.901, Resource Conservation and Development Program)

[FR Doc. 85–10037 Filed 4–24–85; 8:45 am]

BILLING CODE 3410–16–M

Roadside and Streambank Critical Area Treatment RC&D Measures, OH; Finding of No Significant Impact

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of finding of no significant impact.

SUMMARY: Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the following RC&D Measures in Ohio:
Belmont County Road 4, Belmont County, Ohio
Brown County Roadbanks, Brown County, Ohio
Gallia County Roadbanks, Gallia County, Ohio
Gares Road, Defiance County, Ohio
Hocking County Roadsides, Hocking County, Ohio
Lawrence County Roadsides, Lawrence County, Ohio
Pike County Roadsides, Pike County, Ohio
Plum Run, Ross County, Ohio.

FOR FURTHER INFORMATION CONTACT: Harry W. Oneth, State Conservationist, Soil Conservation Service, Federal Building, 200 North High Street, Room 522, Columbus, Ohio 43215, telephone: (614)–469–6962.

SUPPLEMENTARY INFORMATION: The environmental assessment of this federally assisted action indicates that the projects will not cause significant local, regional, or national impact on the environment. As a result of these findings, Harry W. Oneth, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for these projects.

These measures address critical area treatment problems along county and township roads in eight Ohio counties. Areas planned for treatment include eroding roadsides, unstable streambanks and landslips that are causing excessive maintenance costs and creating safety hazards for motorists. Planned works of improvement include diversions, rock-lined waterways, grade stabilization structures, subsurface drains, streambank protection and critical area seeding. The improvements will stabilize 32 landslips, along with 130,000 feet of streambank, and control erosion on 68 acres.

The Notice of Finding of No Significant Impact (FONSI) has been forwarded to the Environmental Protection Agency and to various federal, state, and local agencies and interested parties. A limited number of copies of the FONSI are available to fill single copy requests at the above address. Basic data developed during the environmental assessment are on file and may be reviewed by contacting Harry W. Oneth.

No administrative action on implementation of the proposals will be taken until 30 days after the date of this publication.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program. Office of Management and Budget Circular A-95 regarding state and local clearinghouse review of federal and federally assisted programs and projects is applicable)

Harry W. Oneth,

State Conservationist.

April 17, 1985.

[FR Doc. 85–10044 Filed 4–24–85; 8:45 am]

BILLING CODE 3410-16-M

DEPARTMENT OF COMMERCE

Office of the Secretary

Agency Forms Under Review by the Office of Management and Budget (OMB)

DOC has submitted to OMB for clearance the following proposals for collections of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: Bureau of the Census
Title: Survey of Income and Program Participation 1985 Panel Wave 3
Form No.: Agency—SIPP—5300, 5303, and 5305; OMB 0607–0425
Type of request: Revision of a currently approved collection
Burden: 29,400 respondents; 14,700 reporting hours
Needs and uses: This survey will be used to provide the executive and legislative branches with improved statistics on income distribution and data not previously available on eligibility for and participation in government programs. In addition to the core questions on the labor force and income, wave 3 contains sections on assets and liabilities.
Affected public: Individuals or households
Frequency: One time
Respondent's obligation: Voluntary
OMB desk officer: Timothy Sprehe, 395–4814.

Agency: Bureau of the Census
Title: Special Population Census Address Register and Enumeration Book-Supplement
Form No.: Agency—SC-19A; OMB—NA
Type of request: New collection
Burden: 41,800 respondents; 3,470 reporting hours
Needs and uses: The data obtained in this experiment will be useful in planning sample survey redesign following the 1990 Census. The data is needed for decisions on size and compactness of clusters in the surveys.
Affected public: Individuals or households
Frequency: One time
Respondent's obligation: Voluntary
OMB desk officer: Timothy Sprehe, 395–4814.

Agency: Bureau of the Census
Title: 1985 Special Survey
Form No.: Agency—DD–1, 2, and 3; OMB—NA
Type of request: New collection
Burden: 2,000 respondents; 433 reporting hours
Needs and uses: This special survey is needed to determine if other versions of the questions can be developed for the 1990 Census that would yield improved data. The survey will be used to test alternative wording versions of the race and Spanish origin questionnaire.
Affected public: Individuals or households
Frequency: One time
Respondent's obligation: Voluntary
OMB desk officer: Timothy Sprehe, 395–4814.

Agency: Bureau of the Census
Title: Survey of Income and Program Participation—Wave 7
Form No.: Agency—SIPP–4700, 4703, 4705; OMB—0607–0425
Type of request: Revision of a currently approved collection
Burden: 32,760 respondents; 16,380 reporting hours
Needs and uses: This survey is used to provide the executive and legislative branches with improved statistics on income distribution and data not previously available on eligibility for and participation in government programs. In addition to the core questions on the labor force and income, wave 7 contains sections on assets and liabilities, and pension plan coverage.
Affected public: Individuals or households
Frequency: One time
Respondent's obligation: Voluntary
OMB desk officer: Timothy Sprehe, 395–4814.

Agency: Bureau of the Census
Title: Current Population Survey/ Computer Assisted Telephone Interviewing (CPS/CATI)
Form No.: Agency—CPS-1 and 260; OMB—NA
Type of request: New collection
Burden: 6,695 respondents; 4,285 reporting hours
Needs and uses: The CPS/CATI project will provide data on feasibility of conducting CPS interviews by telephone from a centralized facility, following an initial visit by a field interviewer.
Affected public: Individuals or households
Frequency: Monthly
Respondent's obligation: Voluntary
OMB desk officer: Timothy Sprehe, 395-4814.

Agency: Bureau of the Census
Title: Shipper's Export Declaration for In-Transit Goods
Form No.: Agency—7513; OMB—0607-0001
Type of request: Revision of a currently approved collection
Burden: Unknown respondents; 19,500 reporting hours
Needs and uses: Exporters use this form to report shipments of merchandise from one foreign country to another through the United States. This form serves as the basic source document from which Census compiles the U.S. statistics on outbound in-transit shipments.
Affected public: Individuals or households; businesses or other for profit institutions; Federal agencies or employees; non-profit institutions; Small businesses or organizations
Frequency: On occasion
Respondent's obligation: Mandatory
OMB desk officer: Timothy Sprehe, 395-4814.

Copies of the above information collection proposals can be obtained by calling or writing DOC Clearance Officer, Edward Michals, (202) 377-4217, Department of Commerce, Room 6622, 14th and Constitution Avenue, Washington, D.C. 20230.

Written comments and recommendations for the proposed information collection should be sent to Timothy Sprehe, OMB Desk Officer, Room 3235, New Executive Office Building, Washington, D.C. 20503.

Dated: April 22, 1985.

Edward Michals,

Departmental Clearance Officer.

[FR Doc. 85-10001 Filed 4-24-85; 8:45 am]

BILLING CODE 3510-07-M

Bureau of the Census

1990 Census: Block Boundary Suggestion Project; Establishment

Before establishing the full criteria specified under Pub. L. 94-171 (13 U.S.C. 141), the Director of the Bureau of the Census is announcing the Block Boundary Suggestion Project (BBSP), one component of the 1990 census Pub. L. 94-171 program. This announcement provides information for the ". . . officers or public bodies having initial responsibility for legislative apportionment or districting of each state . . ." (or their designee) who wish to participate in the BBSP.

These guidelines for state participation in the BBSP have been provided to the Governor, Secretary of State, and legislative leaders of each state. Copies of these guidelines are available on request from the Director, Bureau of the Census, Washington, D.C. 20233.

Under the provisions of Pub. L. 94-171, the Census Bureau must provide each state with 1990 census population counts for legislative reapportionment/ redistricting. In addition to counts by standard geographic areas (counties, minor civil or census county divisions, places, census tracts, and census blocks nationwide), the Census Bureau will provide population counts for voting districts by aggregating data for census blocks for those participating states that meet the criteria issued by the Census Bureau for the 1990 census Pub. L. 94-171 program. The BBSP component of this program gives states the opportunity to suggest certain visible features for the Census Bureau to use as block boundaries for the 1990 census if such features meet the guidelines issued by the Census Bureau.

If a state plans to participate in the BBSP, we are asking the Governor, Secretary of State, and legislative leadership to designate jointly a contact person with whom Census Bureau staff will communicate for this Project. The final deadline for participation in the BBSP is July 31, 1985.

In early 1986 we will announce the full set of criteria for the 1990 census Pub. L. 94-171 program. Participation in the BBSP is not a prerequisite for participation in the other elements of the Pub. L. 94-171 program. An outline of the tentative elements of the 1990 census Pub. L. 94-171 program follows:

1. Through the BBSP, in 1985 and 1986 the state can suggest features to be held as 1990 census block boundaries that will increase the coincidence of 1990 census blocks with state voting districts (VTDs). The state need take no further action until 1991. At that time, the Census Bureau will provide the state with redistricting counts for standard census tabulation areas, including census blocks [1] statewide.

2. During 1985 and 1986 the state can participate in the BBSP. During late 1988 and 1989 the state can delineate boundaries around groups of whole census blocks [1] comprising its VTDs on Census Bureau block-numbered maps. The Census Bureau then includes these VTD lines in its 1990 geographic system and provides the state with redistricting counts for VTDs, VTD equivalents, other standard census tabulation areas, and census blocks [1] statewide in 1991.

3. The state may decide not to participate in the BBSP but to submit VTD boundaries bounding groups of whole census blocks [1] on block-numbered maps in 1988-1989. In 1991 the Census Bureau furnishes the state with redistricting counts for VTDs, VTD equivalents, other standard census tabulation areas, and census blocks [1] statewide.

4. The state takes no part in the 1990 Pub. L. 94-171 program and, in 1991, the Census Bureau provides redistricting counts for standard census tabulation areas and census blocks [1] state-wide.

Both the BBSP component and the full Pub. L. 94-171 program are voluntary, and a state may choose to limit its participation to only selected counties. Address questions concerning the Pub. L. 94-171 program or the BBSP to the Director, U.S. Bureau of the Census, Washington, D.C. 20233.

Dated: April 22, 1985.

John G. Keane,

Director, Bureau of the Census.

[FR Doc. 85-10022 Filed 4-24-85; 8:45 am]

BILLING CODE 3510-07-M

Foreign-Trade Zones Board

[Docket No. 7-85]

Foreign-Trade Zone 29, Louisville, KY; Application for Subzone IBM Typewriter & Printer Plant, Lexington

An application has been submitted to the Foreign-Trade Zones Board (the Board) by the Louisville and Jefferson County Riverport Authority, grantee of Foreign-Trade Zone 29, requesting special-purpose subzone status for the typewriter and printer manufacturing plant of International Business Machines Corporation (IBM) in Lexington, Kentucky, some 75 miles east

[1] Plus parts of blocks split by standard census tabulation areas

of Louisville. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a–81u), and the regulations of the Board (15 CFR Part 400). It was formally filed on April 2, 1985. The applicant is authorized to make this proposal under section 65.530(b) of the Kentucky Revised Statutes. The adjacency requirement will be considered by Customs.

The subzone would be located at IBM's plant at New Circle and Newton Roads, Lexington, Kentucky. The 407-acre facility, which employs 6,000 persons, is used to produce home and office-use typewriters, keyboards, printers and supplies. Up to 5 percent of the plant's components are purchased from abroad, including motors, power supplies, electronic components, and a variety of mechanical parts. Some 19 percent of the finished products are expected to be exported in the current year.

Zone procedures would allow IBM to avoid duty payment on the foreign components it uses in its exports. On its domestic sales, the company will be able to take advantage of the same duty rate available to importers. The duty rates on the parts IBM uses ranges from 4.1 to 11.9 percent (average 5.3 percent). Typewriters are duty-free. Keyboards and printers are dutiable at 4.0 and 3.0 percent, respectively. Zone procedures will thus help the plant become more competitive with manufacturing facilities abroad.

In accordance with the Board's regulations, an examiners committee has been appointed to investigate the application and report to the Board. The committee consists of: Dennis Puccinelli (Chairman), Foreign-Trade Zones Staff, U.S. Department of Commerce, Washington, DC 20230; John F. Nelson, District Director, U.S. Customs Service, North Central Region, Plaza Nine Bldg., 6th Floor, 55 Erieview Plaza, Cleveland, OH 44114; and Colonel Dwayne G. Lee, District Engineer, U.S. Army Engineer District Louisville, P.O. Box 59, Louisville, KY 40201.

Comments concerning the proposed subzone are invited in writing from interested persons and organizations. They should be addressed to the Board's Executive Secretary at the address below and postmarked on or before May 23, 1985.

A copy of the application is available for public inspection at each of the following locations:

U.S. Dept. of Commerce District Office, U.S. Post Office and Courthouse Bldg., Room 636B, Louisville, KY 40202

Office of the Executive Secretary, Foreign-Trade Zones Board, U.S. Department of Commerce, Room 1529, 14th and Pennsylvania, NW., Washington, DC 20230

Dated: April 19, 1985.

John J. Da Ponte, Jr.,

Executive Secretary.

[FR Doc. 85–10002 Filed 4–24–85, 8:45 am]

BILLING CODE 3510–25–M

International Trade Administration

[A–428–061]

Precipitated Barium Carbonate From the Federal Republic of Germany; Final Results of Administrative Review of Antidumping Duty Order

AGENCY: International Trade Administration/Import Administration, Department of Commerce.

ACTION: Notice of Final Results of Administrative Review of Antidumping Duty Order.

SUMMARY: On October 31, 1984, the Department of Commerce published the preliminary results of its administrative review of the antidumping duty order on precipitated barium carbonate from the Federal Republic of Germany. The review covers the two known manufacturers and/or exporters of this merchandise to the United States and the period July 1, 1982, through June 30, 1983.

We gave interested parties an opportunity to comment on the preliminary results. We received no comments. Based on our analysis, the final results of review are unchanged from those presented in the preliminary results of review.

EFFECTIVE DATE: April 25, 1985.

FOR FURTHER INFORMATION CONTACT: Arthur N. DuBois or Linnea Bucher, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230; telephone: (202) 377–1130.

SUPPLEMENTARY INFORMATION:

Background

On October 31, 1984, the Department of Commerce ("the Department") published in the **Federal Register** (49 FR 43738) the preliminary results of its administrative review of the antidumping duty order on precipitated barium carbonate from the Federal Republic of Germany (46 FR 32864, June 25, 1981). The Department has now completed that administrative review in accordance with section 751 of the Tariff Act of 1930 ("the Tariff Act").

Scope of the Review

Imports covered by the review are shipments of precipitated barium carbonate, a chemical compound ($BaCO_3$), currently classifiable under item 472.0600 of the Tariff Schedules of the United States Annotated.

The review covers the two known manufacturers and/or exporters of West German precipitated barium carbonate to the United States, Kali-Chemie AG and E. Merck, and the period July 1, 1982, through July 30, 1983.

Final Results of Review

We gave interested parties an opportunity to comment on the preliminary results. The Department received no written comments or requests for a hearing. Based on our analysis, the final results of our review remain unchanged from the preliminary results of review, and we determine that no dumping margins exist for Kali-Chemie AG and E. Merck for the period July 1, 1982, through June 30, 1983.

The Department shall instruct the Customs Service not to assess antidumping duties on all appropriate entries. Further, the Department shall not require a cash deposit of estimated antidumping duties, as provided for in § 353.48(b) of the Commerce Regulations, on any shipments of West German precipitated barium carbonate entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice. This deposit requirement shall remain in effect until publication of the final results of the next administrative review.

The Department encourages interested parties to review the public record and submit applications for protective orders as early as possible.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and § 353.53 of the Commerce Regulations (19 CFR 353.53).

Alan F. Holmer,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 85–9998 Filed 4–24–85; 8:45 am]

BILLING CODE 3510–DS–M

[A–461–008]

Titanium Sponge From the U.S.S.R.; Final Results of Administrative Review of Antidumping Finding

AGENCY: International Trade Administration/Import Administration, Department of Commerce.

ACTION: Notice of Final Results of Administrative Review of Antidumping Finding.

SUMMARY: On January 25, 1985, the Department of Commerce published the preliminary results of its administrative review of the antidumping finding on titanium sponge from the U.S.S.R. The review covers the one known exporter of this merchandise to the United States, Techsnabexport, and the period August 1, 1982, through July 31, 1983.

We gave interested parties an opportunity to submit oral or written comments on the preliminary results. We received no comments or requests for a hearing. However, based on our correction of certain mathematical errors, we have changed the final results of reveiw from those presented in the preliminary results.

EFFECTIVE DATE: April 25, 1985.

FOR FURTHER INFORMATION CONTACT: C. Leon McNeill or John R. Kugelman, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230; telephone: (202) 377–3601.

SUPPLEMENTARY INFORMATION:

Background

On January 25, 1985, the Department of Commerce ("the Department") published in the **Federal Register** (50 FR 3584) the preliminary results of its administrative review of the antidumping finding on titanium sponge from the U.S.S.R. (33 FR 12138, August 28, 1968). The Department has now completed that administrative review.

Scope of the Review

Imports covered by the review are shipments of titanium sponge, currently classifiable under item 629.1420 of the Tariff Schedules of the United States Annotated.

Titanium sponge is chiefly used for aerospace vehicles, specifically in the construction of compressor blades and wheels, stator blades, rotors, and other parts in aircraft gas turbine engines.

The review covers the one known exporter of Soviet titanium sponge to the United States, Techsnabexport, and the period August 1, 1982, through July 31, 1983.

Final Results of the Review

We invited interested parties to comment on the preliminary results. We received no written comments or requests for a hearing. Based on our correction of certain mathematical errors, we have changed the margin from that presented in our preliminary results of review, and we determine that a margin of 83.96 percent exists for Techsnabexport for the period August 1, 1982, through July 31, 1983.

The Department shall determine, and the Customs Service shall assess, dumping duties on all appropriate entries. Individual differences between United States price and foreign market value may vary from the percentage stated above. The Department will issue appraisement instructions directly to the Customs Service.

Further, as provided for by § 353.48(b) of the Commerce Regulations, a cash deposit of estimated antidumping duties of 83.96 percent shall be required on all shipments of Soviet titanium sponge entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice. This deposit requirement shall remain in effect until publication of the final results of the next administrative review.

The Department encourages interested parties to review the public record and submit applications for protective orders as early as possible.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act of 1930 (19 U.S.C. 1675(a)(1)) and § 353.53 of the Commerce Regulations (19 CFR 353.53).

Alan F. Holmer,

Deputy Assistant Secretary for Import Administration.

April 17, 1985.

[FR Doc. 85–9999 Filed 4–24–85; 8:45 am]

BILLING CODE 3510-DS-M

University of Minnesota; Decision on Application for Duty-Free Entry of Scientific Instrument

This decision is made pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, 80 Stat. 897; 15 CFR Part 301). Related records can be viewed between 8:30 AM and 5:00 PM in Room 1523, U.S. Department of Commerce, 14th and Constitution Avenue, N.W., Washington, D.C.

Docket No. 84–327. Applicant: University of Minnesota, Minneapolis, MN 55455. Instrument: Electrophoresis Separator with 90 Fractions Capability, Model VAP II and Accessories. Manufacturer: Bender & Hobein, West Germany. Intended use: See notice at 49 FR 42774.

Comments: None received.

Decision: Approved. No instrument of equivalent scientific value to the foreign instrument, for such purposes as it is intended to be used, is being manufactured in the United States.

Reasons: The foreign instrument separates human cells into types and subtypes based on their surface charge without causing serious biological modification. The National Institutes of Health advises in its memorandum dated February 6, 1985 that (1) the capability of the foreign instrument described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign instrument for the applicant's intended use.

We know of no other instrument or apparatus of equivalent scientific value to the foreign instrument which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 85–10000 Filed 4–24–85; 8:45 am]

BILLING CODE 3510-DS-M

[A-580-405]

Grand and Upright Pianos From the Republic of Korea; Preliminary Determination of Sales at Not Less Than Fair Value

AGENCY: International Trade Administration/Import Administration/ Commerce.

ACTION: Notice.

SUMMARY: We have preliminarily determined that grand and upright pianos (pianos) from the Republic of Korea are not being, nor are likely to be, sold in the United States at less than fair value.

EFFECTIVE DATE: April 25, 1985.

FOR FURTHER INFORMATION CONTACT: Francis R. Crowe, Office of Investigations, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230; telephone: (202) 377–4087.

SUPPLEMENTARY DETERMINATION:

Preliminary Determination

We have preliminary determined that pianos from the Republic of Korea are not being, nor are likely to be, sold in the United States at less than fair value, as provided in section 733(b) of the Tariff act of 1930, as amended (19 U.S.C. 1673b(b)) (the Act). We have preliminarily found that the margins for all companies investigated are *de minimis*.

If this investigation proceeds normally, we will make our final determination by July 3, 1985.

Case History

On September 21, 1984, we received a petition from counsel for Aeolian Pianos, Inc., Baldwin Piano & Organ Co., Kohler & Campbell, Inc. and Sohmer & Co,. Inc., on behalf of the U.S. piano industry. In accordance with the filing requirements of § 353.36 of the Commerce Regulations (19 CFR 353.36), the petition alleged that pianos from the Republic of Korea are being, or are likely to be, sold in the United States at less than fair value within the meaning of section 731 of the Act, and that these imports are materially injuring, or are threatening material injury to, a U.S. industry.

After reviewing the petition, we determined it contained sufficient grounds to initiate an antidumping investigation. We notified the U.S. International Trade Commission (ITC) of our action and initiated such an investigation on October 11, 1984 (49 FR 40627). The ITC subsequently found, on November 5, 1984, that there is a reasonable indication that imports of pianos from the Republic of Korea are materially injuring a United States industry. On January 31, 1985, counsel for the petitioners requested the Department to extend the preliminary determination until not later than April 19, 1985. On February 8, 1985, we granted the request (50 FR 6226).

Scope of Investigation

The products covered by this investigation are grand and upright pianos as currently provided for under item numbers 725.0320 and 725.0100, respectively, of the *Tariff Schedules of the United States, Annotated*. We investigated sales of these pianos which were made by three Korean producers and sold to the United States during the period of investigation, April 1, 1984, through September 30, 1984. The firms investigated were Samick Musical Instruments Mfg. Co., Ltd. (Samick), the Korean American Music Instrument Corp. (KAMIC), and Young Chang Akki Co., Ltd. (Young Chang). Sales by the above firms accounted for approximately 90 percent of all Korean pianos sold to the United States during the period of investigation.

Fair Value Comparison

To determine whether sales of the subject merchandise in the United States were made at less than fair value, we compared the United States price with the foreign market value. For Samick and Young Chang we compared United States price based both on purchase price and exporter's sales price with foreign market value based on home market sales. We did not use sales of certain KAMIC pianos assembled from U.S. parts in making our fair value comparisons because of difficulties in determining comparable merchandise for comparison. For the remainder of the sales of KAMIC pianos, we received insufficient data to consider them for this determination. We have requested supplemental information concerning these sales. If such information is not received in time to allow analysis and verification prior to the final determinaton, we may make our final determination with respect to these sales on the basis of the best information available, including information from the petitioners.

United States Price

For a portion of the Young Chang and Samick sales, we used the purchase price of the subject merchandise to represent the United States price, as provided in section 772(b) of the Act, because the merchandise was sold to unrelated purchasers prior to its importation into the United States. We calculated the purchase price on the f.o.b., c.i.f. or c. & f. price to unrelated purchasers in the United States or to unrelated trading companies for sale to the United States. We made deductions, where appropriate, for inland freight, ocean freight, marine insurance and brokerage charges. For the remainder of the Young Chang and Samick sales we used exporter's sales price to represent the United States price because the merchandise was sold to unrelated purchasers after importation into the United States. For these sales we made additional deductions, where appropriate, for U.S. brokerage, U.S. customs duties, U.S. inland freight and insurance, commissions, credit expenses, discounts, advertising and warranty expenses and other selling expenses incurred in the United States.

We made additions to purchase price and exporter's sales price for import duties which were rebated, or not collected, by reason of the exportation of the merchandise to the United States, pursuant to section 772(d)(1)(B) of the Act. Section 772(d)(1)(C) of the Act requires that indirect taxes imposed upon home market merchandise, but which have not been collected upon exported merchandise by reason of its exportation to the United States, be added to the United States price, "but only to the extent that such taxes are added to or included in the price of such or similar merchandise when sold in the country of exportation". As in previous cases involving such taxes, we have deducted the taxes, in full, from the foreign market value. Counsel for the petitioners has argued that these taxes should be added to the U.S. price and, furthermore, that the Department should limit the amount of the adjustment to the amount of the taxes actually passed through to home market purchasers. We are currently examining these issues and will make the results known in the final determination after comments are received from all parties.

Foreign Market Value

Sales of such or similar merchandise in the home market were used to represent foreign market value, as provided for in section 773(a)(1)(A) of the Act. We made comparisons between pianos of the same type (grand or upright) and size. Comparisons were made using sales to the same level of trade as the U.S. sales. Calculations for foreign market value were based on delivered or ex-factory, unpacked prices to unrelated purchasers in the home market. Deductions were made, as appropriate, for inland freight. We also made adjustments for differences in commissions, credit, warranty and advertising expenses, as appropriate. For some home market sales used for comparison to U.S. purchase price, sales commissions were paid in one market and not the other. In these cases we made adjustments for the differences between commissions in the applicable market and indirect selling expenses in the other market, used as an offset to the commissions, in accordance with § 353.15(c) of our regulations. Where we used exporter's sales price, we deducted home market indirect selling expenses to offset U.S. selling expenses. U.S. export packing was added to all home market prices. We also adjusted for physical differences in the merchandise in accordance with § 353.16 of the Commerce Regulations.

In calculating foreign market value, we made currency conversions from Korean Won to United States dollars in accordance with § 353.36(a)(1) of our regulations, using certified daily exchange rates as furnished by the Federal Reserve Bank of New York.

Verification

We have verified the data used in reaching the preliminary determination in this investigation, by using standard verification procedures, including on-site inspection of the manufacturers' operations and examination of accounting records and randomly selected documents. We will verify all

data used in reaching a final determination.

Preliminary Results

The preliminary results of our investigation are as follows:

Manufacturer/seller/exporter	Weighted-average margin percentage
Young Chang	0.0013
Samick	0.1077

ITC Notification

In accordance with section 733(f) of the Act, we will notify the ITC of our determination.

Public Comment

In accordance with § 353.47 of the Commerce Regulations, if requested, we will hold a public hearing to afford interested parties an opportunity to comment on these preliminary determinations at 10:00 a.m. on May 16, 1985, at the U.S. Department of Commerce, room 3708, 14th Street & Constitution Avenue, NW., Washington, D.C. 20230. Individuals who wish to participate in the hearing must submit a request to the Deputy Assistant Secretary for Import Administration, Room 3099B, at the above address within ten days of this notice's publication. Requests should contain: (1) The party's name, address, and telephone number; (2) the number of participants; (3) the reason for attending; and (4) a list of the issues to be discussed. In addition, prehearing briefs in at least ten copies must be submitted to the Deputy Assistant Secretary by May 9, 1985. Oral presentations will be limited to issues raised in the briefs. All written views should be filed in accordance with 19 CFR 353.46, within thirty days of publication of this notice, at the above address in at least 10 copies.

Alan F. Holmer,

Deputy Assistant Secretary for Import Administration.

April 19, 1985.

[FR Doc. 85-10075 Filed 4-24-85; 8:45 am]

BILLING CODE 3510-DS-M

National Bureau of Standards

National Bureau of Standards' Visiting Committee; Meeting

Pursuant to the Federal Advisory Committee Act, 5 U.S.C. App., notice is hereby given that the National Bureau of Standards' Visiting Committee will meet Tuesday, June 25, 1985, from 9:00 a.m. to 5:15 p.m. and Wednesday, June 26, 1985, from 8:30 a.m. to 11:30 a.m., in Lecture Rm. A, Administration Building, National Bureau of Standards, Gaithersburg, MD, from 2:00 p.m. to 3:00 p.m. in Rm. 5854, Department of Commerce, Washington, D.C.

The NBS Visiting Committee is composed of five members prominent in the fields of science and technology and appointed by the Secretary of Commerce.

The purpose of the meeting is to review the efficiency of the Bureau's scientific work and the condition of its equipment in order to assist the Committee in reporting to the Secretary of Commerce as required by law.

The public is invited to attend, and the Chairman will entertain comments or questions at an appropriate time during the meeting. Any person wishing to attend the meeting should inform Peggy Webb, Office of the Director, National Bureau of Standards, Gaithersburg, Maryland 20899, telephone (301) 921-2411.

Dated: April 22, 1985.

Ernest Ambler,

Director.

[FR Doc. 85-9973 Filed 4-27-85; 8:45 am]

BILLING CODE 3510-13-M

National Oceanic and Atmospheric Administration

North Pacific Fishery Management Council; Public Meeting

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

The North Pacific Fishery Management Council will convene a public meeting in Anchorage, AK, May 21-24, 1985, with the possibility of continuing on Saturday, May 21, at the Sheraton Hotel, for a review of public comments received on proposed amendments to the Bering Sea and Gulf of Alaska groundfish management plans and supporting environmental and regulatory analyses, and decide which proposals will be sent to the Secretary of Commerce for implementation.

The Council also will consider emergency action to minimize joint venture interception of salmon in the Gulf of Alaska and Bering Sea and review any foreign permit applications received.

The Council's Scientific and Statistical Committee will convene a public meeting on Sunday, May 19, at 1:30 p.m. at the Sheraton Hotel. The Council's Advisory Panel also will convene a public meeting at 8 a.m. on May 20 at the same location. The Council's Finance Committee is scheduled to convene a public meeting at 1:30 p.m. on Monday, May 20, and the Council's Permit Review Committee will convene a public meeting at 3:30 p.m. on the same day. Other plan teams and workgroups meetings may be held on short notice during the week.

For further information contact Jim H. Branson, Executive Director, North Pacific Fishery Management Council, P.O. Box 103136, Anchorage, AK 99510; telephone: (907) 274-4563.

Dated: April 19, 1985.

Richard B. Roe,

Director, Office of Protected Species and Habitat Conservation.

[FR Doc. 85-9867 Filed 4-24-85; 8:45 am]

BILLING CODE 3510-22-M

Western Pacific Fishery Management Council; Public Meeting

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

The Western Pacific Fishery Management Council will convene a public meeting, May 6-7, 1985, at the CNMI Convention Center, Capitol Hill, Saipan, CNMI, and May 8-9, 1985, at the Hilton International Guam, Marianas Ballroom II, Agana, Guam, to discuss final approval for the draft Bottomfish Fishery Management Plan (FMP); final approval for the draft revised Pelagics FMP; continuing development of a draft Shrimp FMP; status of the Spiny Lobster FMP emergency regulations currently in effect, as well as other Council business.

The Council's Scientific and Statistical Committee also will convene a public meeting, May 2-3, at the National Marine Fisheries Service Honolulu Laboratory Conference Room, 2570 Dole Street, Honolulu, HI, to discuss the same subjects as above.

For a detailed agenda for either meeting and/or further information, contact Kitty Simonds, Executive Director, Western Pacific Fishery Management Council, 1164 Bisnop Street, Room 1405, Honolulu, HI 96813; telephone: (808) 546-8923.

Dated: April 19, 1985.

Richard B. Roe,

Director, Office of Protected Species and Habitat Conservation, National Marine Fisheries Service.

[FR Doc. 85-9868 Filed 4-24-85; 8:45 am]

BILLING CODE 3510-22-M

CONSUMER PRODUCT SAFETY COMMISSION

Chronic Hazard Advisory Panel on Di(2-Ethylhexyl)Phthalate; Meeting

AGENCY: Consumer Product Safety Commission.

ACTION: Notice of meeting.

SUMMARY: A Chronic Hazard Advisory Panel, established by the Commission to provide advice about the potential chronic hazards presented by Di(2-ethylhexyl)phthalate (DEHP) in consumer products, has scheduled a meeting to hear invited speakers on this subject. On the day following that meeting, the Panel will meet in open session to continue its review of draft working papers.

DATES: The meeting to hear invited speakers will begin at 9:00 am on May 9, 1985 and is expected to conclude by 5:00 pm. The Panel also will meet in open session on May 10, 1985; this meeting also will start at 9:00 am and is expected to conclude by 5:00 pm.

ADDRESS: The meeting will be at 5401 Westbard Avenue, Bethesda, Maryland, in room 456.

FOR FURTHER INFORMATION CONTACT: Colin B. Church, Directorate for Health Sciences, Consumer Product Safety Commission, Washington, D.C. 20207; (301) 492–6957.

SUPPLEMENTARY INFORMATION: The Chronic Hazard Advisory Panel on DEHP is a seven-member group which has been established to advise the Commission concerning the potential chronic hazard of cancer associated with the use of consumer products containing DEHP. The Panel, convened in January, 1985, is addressing the concern that the presence of DEHP as a plasticizer in children's products may result in a substantial exposure of children to a substance that is known to cause cancer in animals.

At its meeting on May 9, the Panel will hear invited speakers on matters related to its work.

On May 10, the Panel will meet in open session to continue its review of draft working papers.

Dated: April 22, 1985.

Sadye E. Dunn,

Secretary, Consumer Product Safety Commission.

[FR Doc. 85–10023 Filed 4–24–85; 8:45 am]

BILLING CODE 6355-01-M

DEPARTMENT OF DEFENSE

Office of the Secretary

Blue Ribbon Panel on Sizing DoD Medical Treatment Facilities

AGENCY: Blue Ribbon Panel on Sizing DoD Medical Treatment Facilities.

ACTION: Notice of Open Meeting.

SUMMARY: Pursuant to the provisions of subsection (a) of section 10 of Pub. L. 92–463, as amended by section 5 of Pub. L. 94–409, notice is hereby given that an open meeting of the Blue Ribbon Panel on Sizing DoD Medical Treatment Facilities has been scheduled as follows:

DATE: May 9, 1985, 8:30 a.m. to 5:00 p.m.

ADDRESS: The Pentagon, Room 5C1042, Washington, D.C.

FOR FURTHER INFORMATION CONTACT: LTC Michael Averbuch, Deputy Staff Director, Blue Ribbon Panel on Sizing DoD MTF c/o ASD (HA), Room 3E349, The Pentagon, Washington, D.C. 20301 [(202) 653–0080/0081].

SUPPLEMENTARY INFORMATION: This meeting of the Panel will continue discussion of issues relevant to sizing to include presentations by CHAMPUS and the GAO. The meeting is open to the public; however, to obtain access to the room where the meeting is being held, members of the public must call 653–0080, by 2:00 p.m. on May 9, 1985 to arrange for an escort.

Patricia H. Means,

OSD Federal Register Liaison Officer, Department of Defense.

April 22, 1985.

[FR Doc. 85–10026 Filed 4–24–85; 8:45 am]

BILLING CODE 3810-01-M

DEPARTMENT OF EDUCATION

Fund for the Improvement of Postsecondary Education

AGENCY: Department of Education.

ACTION: Application Notice for the Comprehensive Program Final Year Dissemination Competition for Fiscal Year 1985.

Applications are invited for new awards to be made in fiscal year 1985 under the Comprehensive Program Final Year Dissemination Competition conducted by the Fund for the Improvement of Postsecondary Education (the Fund).

Under this competition, the Secretary of Education makes awards to institutions of postsecondary education and other public and private educational institutions and agencies. The purpose of the awards is to improve postsecondary education by supporting the efforts of current grantees to disseminate project ideas and results.

Authority for this program is contained in Part A of Title X of the Higher Education Act, as amended.

(20 U.S.C. 1135)

Closing Date for Transmittal of Applications

An application for a Final Year Dissemination award must be mailed or hand delivered by *June 10, 1985.*

Applications Delivered by Mail

An application sent by mail must be addressed to the U.S. Department of Education, Application Control Center, Attention: 84.116D, 400 Maryland Avenue SW., Washington, D.C. 20202.

To establish proof of mailing, an applicant must show one of the following:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the U.S. Secretary of Education.

If an application is sent through the U.S. Postal Service, the Secretary does not accept a private metered postmark or a mail receipt that is not dated by the U.S. Postal Service as proof of mailing. An applicant should note that the U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an applicant should check with its local post office.

An applicant is encouraged to use registered or at least first class mail. Each late applicant will be notified that its application will not be considered.

Applications Delivered by Hand

An application that is hand delivered must be taken to the U.S. Department of Education, Application Control Center, Attention: 84.116D, 7th and D Streets SW., Regional Office Building 3, Room 5673, Washington, D.C.

The Application Control Center will accept hand delivered applications between 8:00 a.m. and 4:30 p.m. (Washington, D.C. time) daily, except Saturdays, Sundays, and Federal holidays. An application that is hand delivered will not be accepted after 4:30 p.m. on June 10, 1985.

Program Information

Type of Competition: Applications under the Final Year Dissemination competitions are limited to grantees of

the Fund whose projects are in their final year of funding, except that a recipient of a single-year grant may apply for assistance under this Competition within one year following the termination of its project.

Selection Criteria: The following selection criteria apply to the fiscal year 1985 competition:

(a) *Significance for Postsecondary Education.* The Secretary reviews each proposed project for its significance in improving postsecondary education by determining the extent to which it would—

(1) Achieve the purposes of the Final Year Dissemination Competition;

(2) Address an important problem or need;

(3) Involve learner-centered improvements;

(4) Achieve far-reaching impact through improvements that will be useful in a variety of ways and in a variety of settings; and

(5) Increase the cost-effectiveness of services.

(b) *Feasibility.* The Secretary reviews each proposed project for its feasibility by determining the extent to which—

(1) The project represents an appropriate response to the problem or need addressed;

(2) The applicant is capable of carrying out the project, as evidenced by the quality of the dissemination project design;

(3) The applicant is capable of carrying out the project, as evidenced by the adequacy of resources, including money, personnel, facilities, equipment, and supplies;

(4) The applicant is capable of carrying out the dissemination project, as evidenced by the applicant's qualifications and relevant prior experience; and

(5) The applicant and any other participating organizations are committed to the success of the dissemination project, as evidenced by contributions of resources and prior work in the area.

(c) *Appropriateness of funding projects.* The Secretary reviews each application to determine whether support of the proposed project by the Fund is appropriate in terms of the availabiltiy of other funding sources for the proposed dissemination activities.

(20 U.S.C. 1135)

The selection criteria (a)(1), (a)(2), (a)(3), (a)(4), (a)(5), (b)(1), (b)(2), (b)(3), (b)(4), (b)(5), and (c) are of equal importance. In applying the criteria, the Secretary first analyzes an application in terms of each individual criterion. The Secretary then bases the final judgment of an application on an overall assessment of the degree to which the applicant addresses all selection criteria.

Other Information To Be Requested From Applicants

During the final stages of the selection process, the Secretary will contact by telephone all applicants being considered for funding in order to clarify or verify information relevant to their applications.

Available Funds

The Department of Education Appropriation Act, 1985, appropriated $12,710,000 for the Fund for the Improvement of Postsecondary Education for fiscal year 1985. Of this amount, approximately $100,000 will be available for Final Year Dissemination awards under the Comprehensive program. These funds could support approximately 12 new awards. The estimated size of the final awards is $8,000 for a 12-month period. These estimates do not bind the U.S. Department of Education to a specific number of grants, or to the amount of any grant, unless that amount is otherwise specified by statute or regulations.

Application Forms

Application forms included in the program information packages will be sent directly to all potential applicants that are eligible for a Final Year Dissemination award. Applications must be prepared and submitted in accordance with the regulations, instructions, and forms included in the program informatin package. However, the program package is intended only to aid applicants in applying for assistance under this competition. Nothing in the program information package is intended to impose any paperwork, application content, reporting, or grantee performance requirements beyond those specifically imposed under the statute and regulations governing the competition.

(Approved by the Office of Management and Budget under control number 1840–0117)

Applicable Regulations

The regulations governing awards made by the Fund for the Improvement of Postsecondary Education are contained in:

(1) The Education Department General Administrative Regulations (EDGAR) in 34 CFR Parts 74, 75, 77, and 78, with the exceptions noted in the regulations referred to below.

(2) The regulations in 34 CFR Part 630.

Further Information: For further information contact the Fund for the Improvement of Postsecondary Education regarding the Comprehensive Program Final Program Year Dissemination Competition (84.116D), telephone (202) 245–8091.

(20 U.S.C. 1135)

(Catalog of Federal Domestic Assistance No. 84.116D, Fund for the Improvement of Postsecondary Educaton—Comprehensive Program Final Year Dissemination Competition)

Dated: April 22, 1985

William J. Bennett,

Secretary of Education.

[FR Doc. 85-10027 Filed 4-24-85; 3:45 am]

BILLING CODE 4000-01-M

Office of Elementary and Secondary Education

Chapter 1, Education Consolidation and Improvement Act of 1981; Intent To Repay to the Nebraska State Department of Education Funds Recovered as a Result of a Final Audit Determination (ACN: 07-20000)

AGENCY: Department of Education.

ACTION: Notice of intent to award grantback funds.

SUMMARY: Notice is given that, under section 456 of the General Education Provisions Act (GEPA), the U.S. Secretary of Education (Secretary) intends to repay under a grantback arrangement to the Nebraska State Department of Education an amount equal to 75 percent of the funds recovered by the U.S. Department of Education (Department) as a result of a final audit determination issued on June 17, 1982 by the Acting Assistant Secretary for Elementary and Secondary Education. This notice describes the State educational agency's (SEA's) plan, submitted on behalf of the Falls City Public School, for the use of the repaid funds and the terms and conditions under which the Secretary intends to make these funds available.

DATE: All written comments must be received on or before May 28, 1985.

ADDRESS: All written comments should be submitted to Dr. A. Bruce Gaarder, Director, Division of Program Support, Compensatory Education Programs, U.S. Department of Education, 400 Maryland Avenue SW. (Room 3616, ROB–3), Washington, D.C. 20202.

FOR FURTHER INFORMATION CONTACT: Dr. A. Bruce Gaarder. Telephone: (202) 245–9846.

SUPPLEMENTAL INFORMATION:

A. Background

On June 17, 1982, the Acting Assistant Secretary for Elementary and Secondary Education issued a final audit determination against the SEA, finding that the Falls City Public Schools had improperly spent $8.533 in funds provided under Title I of the Elementary and Secondary Education Act of 1965 (Title I). This final audit determination was based on an audit of the Title I program in the SEA during Fiscal Years 1980 and 1981 conducted by the Department's Inspector General Audit Agency in response to a citizen's allegation of irregularities in the local educational agency's (LEA's) Title I program.

The Acting Assistant Secretary concluded in her final audit determination that an amount of $8.533 was expended improperly by the LEA for salaries and benefits for two teacher aides who assisted two teachers in special education programs. The students served by the two special education teachers were not selected in accordance with a proper needs assessment under section 124(b) of Title I (20 U.S.C. 2734(b)), and were not eligible for Title I services. The auditors found that the LEA corrected the situation for school year 1980–81.

The SEA challenged the final audit determination in an application for review filed with the Education Appeal Board on July 16, 1982. The Appeal document did not contain the information required by 34 CFR 78.13, however, and the SEA was given the opportunity to submit a revised application for review within 20 days. *See* 34 CFR 78.15(b). The SEA failed to file a revised application within the required 20 day period..

On June 22, 1984, and SEA submitted a check for $9,142.40 to the Department. This amount represented $8.533 owed as a result of the final audit determination and $609.40 for accured interest.

B. Authority for Awarding a Grantback

Section 456(a) of GEPA (20 U.S.C. 1234e(a)) provides that whenever the Secretary has recovered funds following a final audit determination with respect to an applicable program, the Secretary may consider those funds to be additional funds available to that program and may arrange to repay to the SEA or LEA affected by that determination and amount not to exceed 75 percent of the recovered funds. The Secretary may enter into this "grantback" arrangement if the Secretary determines that—

(1) The practices and procedures of the SEA or LEA that resulted in the audit determination have been corrected, and that the SEA or LEA is in all other respects in compliance with the requirements of the applicable program;

(2) The SEA has submitted to the Secretary a plan for the use of the funds to be awarded under the grantback arrangement which meets the requirements of the applicable program and, to the extent possible, benefits the population that was affected by the misexpenditures that resulted in the audit exceptions; and

(3) The funds to be awarded under the grantback arrangement, if used in accordance with the SEA's plan, would serve to achieve the purposes of the program under which the funds were originally granted.

C. Request for Repayment of Funds Awarded Under a Grantback Arrangement

On October 1, 1984 the SEA formally requested in writing repayment of $6,399 (75 percent of the $8.533 returned to the Department as a result of the final audit determination) under a grantback arrangement. With its request, the SEA provided assurances that the practices and procedures of the LEA that resulted in the final audit determination have been corrected and that the LEA is in all other respects in compliance with the requirements of the program. Also included with the SEA's request was a detailed budget prepared by the LEA for the expenditure of the funds to be awarded under the grantback arrangement.

D. Plan for Use of Funds Awarded Under a Grantback Arrangement

In accordance with section 456(a)(2) of GEPA, the SEA, in its October 1, 1984 request, submitted a plan on behalf of the LEA outlining the LEA's intent to use the grantback funds to meet the special educational needs of educationally deprived children in programs administered under Chapter 1 of the Education Consolidation and Improvement Act of 1981 (Chapter 1).

The final audit determination against the SEA resulted from improper expenditures of Title I funds. However, since Chapter 1 supersedes Title I, the SEA's proposal reflects the requirements in Chapter 1—a program, similar to Title I, designed to serve educationally deprived children in low-income areas.

The plan demonstrates that the LEA proposes to use the grantback funds to augment the regular Chapter 1 program during school year 1984–85. In the regular program, supplemental reading and math activities are provided for eligible public and private school students in grades 1–6. Because of insufficient funds, the LEA has reduced instructional staff to four days a week as opposed to five days. The grantback funds will be used for salaries and social security payments for instructional staff and will allow the LEA to increase the number of hours of supplementary instruction provided for Chapter 1 students. Services will be provided, to the extent possible, to those eligible children who were affected by the misexpenditures that resulted in the final audit determinaton.

Equitable math and reading services will be provided with the grantback funds to approximately 22 children in private schools.

E. The Secretary's Determinations

Based upon a thorough review of the SEA's request for the repayment of funds under section 456 of GEPA, including the SEA's discharge of its payment obligation to the Department in June 1984, the SEA's assurances described in Part C of this notice, and the SEA's plan and budget, the Secretary makes the following determinations:

(1) The LEA has corrected the practices and procedures that resulted in the final audit determination, and the LEA is in all other respects in compliance with the requirements of the Chapter 1 program;

(2) The SEA has submitted a plan on behalf of the LEA for the use of the funds to be awarded under the grantback arrangement that meets the requirements of the Chapter 1 program and, to the extent possible, benefits the children who were affected by the misexpenditures that resulted in the audit exception; and

(3) The funds to be awarded under the grantback arrangement, if used in accordance with the SEA's plan, would serve to achieve the purposes of the Chapter 1 program.

These determinations are based upon the best information available to the Secretary at the present time. If this information is not accurate or complete, the Secretray is not precluded from taking appropriate administrative action.

F. Notice of the Secretary's Intent To Enter Into a Grantback Arrangement

Section 456(d) of GEPA requires, at least 30 days prior to entering into an arrangement to award funds under a grantback, that the Secretary publish in the **Federal Register** a notice of his intent to do so, and the terms and conditions under which the payment will be made.

In accordance with this requirement, notice is given that the Secretary intends to make available under a grantback arrangement to the SEA an amount of $6,399, which is 75 percent of the funds the Department has recovered as a result of the Acting Assistant Secretary's final audit determination. The Secretary bases his intention to enter into a grantback arrangement under section 456 of GEPA on his determinations outlined in Part E of this notice, and payment by the SEA of all funds owed to the Department as a result of the final audit determination.

G. Terms and Conditions Under Which Payment Under the Grantback Arrangement Will Be Made

Section 456(b) of GEPA provides that any payments made under a grantback arrangement shall be subject to the terms and conditions that the Secretary deems necessary to accomplish the purposes of the affected program. The SEA agrees to comply with the following terms and conditions under which payment under the grantback arrangement will be made:

(1) The SEA will spend the funds awarded under the grantback in accordance with—

(a) All applicable statutory and regulatory requirements;

(b) The plan that the SEA submitted and any amendments to that plan are approved by the Secretary; and

(c) The budget that was submitted with the plan and any amendments to the budget that are approved by the Secretary.

(2) In accordance with section 456(c) of GEPA and the SEA's plan, all funds received under the grantback arrangement will be expended by June 30, 1985.

(3) The SEA, on behalf of the LEA, must, not later than January 1, 1986, submit a report to the Secretary which indicates that the funds awarded under the grantback have been spent in accordance with the SEA's proposed plan and approved budget.

(4) Separate accounting records must be maintained documenting the expenditures of funds awarded under the grantback arrangement.

Invitation to Comment

The Secretary invites public comments on this notice of intent to award funds under a grantback arrangement to the Nebraska SEA on behalf of the Falls City Public Schools. Interested persons may send written comments to Dr. A Bruce Gaarder at the address at the beginning of this notice. All comments must be received on or before May 28, 1985.

(Catalog of Federal Domestic Assistance No 84.010—Educationally Deprived Children—Local Educational Agencies)

Dated: April 22, 1985

William J. Bennett,

Secretary of Education.

[FR Doc. 85-10029 Filed 4-24-85, 8:45 am]

BILLING CODE 4000-01-M

Chapter 1, Education Consolidation and Improvement Act of 1981; Intent To Repay to the Tennessee State Department of Education Funds Recovered as a Result of Final Audit Determinations

AGENCY: Department of Education

ACTION: Notice of intent to award grantback funds.

SUMMARY: Notice is given that, under section 456 of the General Education Provisions Act (GEPA), the U.S. Secretary of Education (Secretary) intends to repay under a grantback arrangement to the Tennessee State Department of Education (SEA) an amount equal to 75 percent of the funds recovered by the U.S. Department of Education (Department) as a result of final audit determinations issued by the SEA on December 14 and 28, 1983. This notice describes the SEA's plans, submitted on behalf of two local educational agencies (LEAs), for the use of the repaid funds and the terms and conditions under which the Secretary intends to make these funds available.

DATE: All written comments must be received on or before May 28, 1985.

ADDRESS: All written comments should be submitted to Dr. A. Bruce Gaarder, Director, Division of Program Support, Compensatory Education Programs, U.S. Department of Education, 400 Maryland Avenue SW. (Room 3616, ROB-3), Washington, D.C. 20202.

FOR FURTHER INFORMATION CONTACT: Dr. A. Bruce Gaarder. Telephone: (202) 245-9846.

SUPPLEMENTARY INFORMATION:

A. Background

The SEA issued final audit determinations based on its audits of the operations and administration of the Title I, Elementary and Secondary Education Act programs in Anderson Public Schools and Dyersburg City Schools.

Anderson Public Schools

The SEA audit of the Title I program in Anderson Public Schools covered the period of July 1, 1978 to June 30, 1980. In the final audit determination issued on December 28, 1983, the SEA sought a refund of $25,601.75 on the basis that Title I funds had been used in violation of §§ 116.40(b) and 116a.22(b)(7) of the Title I regulations (45 CFR 116.40(b), 116a.22(b)(7) (1976)).

Title I funds must be used to supplement, and not supplant, State and local funds. Section 116.40(b) provided that Title I funds could not be used to provide services which the LEA was required to provide by State law. The State auditors found that Title I funds were used to pay the salaries of three special education teachers for conducting classes that were the responsibility of the special education department of the LEA. The handicapped students served by these teachers were provided services required by State law. Based on this violation of the Title I regulations, the SEA determined that the LEA had misspent $25,458.37 of Title I funds.

The LEA also was required to refund $143.38 for violating § 116a.22(b)(7) of the Title I regulations, which required that Title I services be offered only to those children who were selected to participate in the Title I project in accordance with the required needs assessment. The SEA found that a Title I nurse had provided screening-type services to non-Title I children in violation of this requirement.

Dyersburg City Schools

The SEA audit of the Title I program in Dyersburg City Schools covered the period of July 1, 1980 to June 30, 1981. The SEA issued a final audit determination on December 14, 1983 requiring the LEA to refund a total amount of $41,360.91.

The LEA was found to be in violation of § 201.139(a)(1) of the Title I regulations (34 CFR 201.139(a)(1) (1981)), which prohibited an LEA from using Title I funds to provide services that the LEA is otherwise required to make available under Federal, State, or local law. The auditors found that Title I funds were used to provide required special education services and, accordingly, the LEA was required to refund $39,959.21.

The SEA also determined that the LEA violated 34 CFR 200.52(b) (1981), which required that an LEA receiving Title I assistance could not use Title I funds for purposes designed to meet, or that would have the effect of meeting, the general needs of a school, the LEA, an entire grade, or the student body at large in a school. Specifically, the SEA found that Title I funds had been used to pay one-third of the salary of a clerk, who was not spending one-third of her time on Title I activities. As a result, the LEA was required to refund $1,401.70.

On August 24, 1984, the Department received a check in the amount of $66,962.66, the full amount owed by the two LEAs as a result of the SEA's final audit determinations.

B. Authority for Awarding a Grantback

Section 456(a) of GEPA (20 U.S.C. 1234e(a)) provides that whenever the Secretary has recovered funds following a final audit determination with respect to an applicable program, the Secretary may consider those funds to be additional funds available to that program and may arrange to repay to the SEA or LEA affecated by that determination an amount not to exceed 75 percent of the recovered funds. The Secretary may enter into this "grantback" arrangement if the Secretary determines that—

(1) The practices and procedures of the SEA or LEA that resulted in the audit determination have been corrected, and that the SEA or LEA is in all other respects in compliance with the requirements of the applicable program;

(2) The SEA has submitted to the Secretary a plan for the use of the funds to be awarded under the grantback arrangement which meets the requirements of the applicable program and, to the extent possible, benefits the population that was affected by the misexpenditures that resulted in the audit exception; and

(3) The funds to be awarded under the grantback arrangement, if used in accordance with the SEA's plan, would serve to achieve the purposes of the program under which the funds were originally granted.

C. Request for Repayment of Funds Awarded Under a Grantback Arrangement

On October 11, 1984, the SEA formally requested in writing repayment of $50,221.99 (75 percent of the $66,962.66 returned to the Department as a result of the final audit determinations) under a grantback arrangement. With its request, the SEA provided assurances that the practices and procedures of the LEAs that resulted in the final audit determination have been corrected and that the LEAs are in all other respects in compliance with the requirements of the program. Also included with the SEA's request were detailed budgets prepared by the LEAs for the expenditure of the funds to be awarded under the grantback arrangement.

D. Plan for Use of Funds Awarded Under a Grantback Arrangement

In accordance with section 456(a)(2) of GEPA, the SEA submitted plans on behalf of the LEAs outlining the LEAs' intent to use the grantback funds to meet the special educational needs of educationally deprived children in programs administered under Chapter 1 of the Education Consolidation and Improvement Act of 1981 (Chapter 1).

The final audit determinations against the LEAs resulted from improper expenditures of Title I funds. However, since Chapter 1 supersedes Title I, the SEA's proposals reflect the requirements in Chapter 1—a program, similar to Title I, designed to serve educationally deprived children in low-income areas.

Anderson Public Schools

In the regular Chapter 1 program for school year 1984–85, the LEA is providing services to approximately 1,350 children. The objective of the program is to improve educational opportunities for children with educational deficiencies in reading.

The LEA's plan demonstrates that the grantback funds will be used to supplement the regular Chapter 1 program. A Learning Unlimited Computer-assisted reading program for Chapter 1 children is currently being leased. The LEA plans to purchase this system and the grantback funds will be used to make partial payment on this purchase. Regular Chapter 1 funds will be used for the remaining costs.

Dyersburg City Schools

According to the LEA's plan, the grantback funds will be used to supplement the regular Chapter 1 program during school year 1984–85. The funds will provide partial payment for teachers' salaries and indirect costs, thereby enabling the LEA to serve additional childern who are eligible for Chapter 1 services. The Chapter 1 program consists of remedial instruction in reading, math, and the language arts. Services will be provided in four schools and approximately 45 additional childeren will be able to participate in Chapter 1 programs.

There are no children who are eligible for Chapter 1 services in private schools in either of the two LEAs.

Services will be provided in both LEAs, to the extent possible, to those eligible Chapter 1 children who were affected by the misexpenditures that resulted in the final audit determinations.

E. The Secretary's Determinations

Based upon a thorough review of the SEA/s request for the repayment of funds under section 456 of GEPA, including the SEA's discharge of its payment obligations to the Department in August 1984, the SEA's assurances described in Part C of this notice, and the LEAs' plans and budgets, the Secretary makes the following determinations:

(1) The LEAs have corrected the practices and procedures that resulted in the final audit determinations, and the LEAs are in all other respects in compliance with the requirements of the Chapter 1 program;

(2) The SEA has submitted plans on behalf of the LEAs for the use of the funds to be awarded under the grantback arrangement that meet the requirements of the Chapter 1 program and, to the extent possible, benefit the eligible children who were affected by the misexpenditures that resulted in the audit exceptions; and

(3) The funds to be awarded under the grantback arrangement, if used in accordance with the SEA's plan, would serve to achieve the purposes of the Chapter 1 program.

These determinations are based upon the best information available to the Secretary at the present time. If this information is not accurate or complete, the Secretary is not precluded from taking appropriate administrative action.

F. Notice of the Secretary's Intent To Enter Into a Grantback Arrangement

Section 456(d) of GEPA requires, at least 30 days prior to entering into an arrangement to award funds under a grantback, that the Secretary publish in the **Federal Register** a notice of his intent to do so, and the terms and conditions under which the payment will be made.

In accordance with this requirement, notice is given that the Secretary intends to make available under a grantback arrangement to the SEA an amount of $50,221.99, which is 75 percent of the funds the Department has recovered as a result of the SEA's final audit determinations. The Secretary bases his intention to enter into a grantback arrangement under section 456 of GEPA on his determinations outlined in Part E of this notice, and payment by the SEA of all funds owed to the Department as a result of the final audit determinations.

G. Terms and Conditions Under Which Payment Under the Grantback Arrangement Will Be Made

Section 456(b) of GEPA provides that any payments made under a grantback arrangement shall be subject to the terms and conditions that the Secretary deems necessary to accomplish the purposes of the affected program. The SEA agrees to comply with the following terms and conditions under which

payment under the grantback arrangement will be made:

(1) The SEA will spend the funds awarded under the grantback in accordance with—

(a) All applicable statutory and regulatory requirements;

(b) The plans that the SEA submitted and any amendments to those plans that are approved by the Secretary; and

(c) The budgets that were submitted with the plans and any amendments to the budgets that are approved by the Secretary.

(2) In accordance with section 456(c) of GEPA and the SEA's plans, all funds received under the grantback arrangement will be expended by August 31, 1985.

(3) The SEA, on behalf of the LEAs, must, not later than January 1, 1986, submit a report to the Secretary which indicates that the funds awarded under the grantback have been spent in accordance with the approved budgets.

(4) Separate accounting records must be maintained documenting the expenditures of funds awarded under the grantback arrangement.

Invitation To Comment

The Secretary invites public comments on this notice of intent to award funds under a grantback arrangement to the Tennessee SEA on behalf of the Anderson Public Schools and Dyersburg City Schools. Interested persons may send written comments to Dr. A. Bruce Gaarder at the address at the beginning of this notice. All comments must be received on or before May 28, 1985.

(Catalog of Federal Domestic Assistance No: 84.010—Educationally Deprived Children—Local Educational Agencies)

Dated: April 22, 1985.

[FR Doc. 85–10028 Filed 4–24–85; 8:45 am]

BILLING CODE 4000–01–M

National Board of the Fund for the Improvement of Postsecondary Education; Meeting

AGENCY: National Board of the Fund for the Improvement of Postsecondary Education.

ACTION: Notice of Closed Meeting.

SUMMARY: This notice sets forth the proposed agenda of a forthcoming meeting of the National Board of the Fund for the Improvement of Postsecondary Education. This notice also describes the functions of the Board. Notice of this meeting is required under section 10(a) of the Federal Advisory Committee Act.

DATES: May 19, 1985 at 12:00 p.m. through May 21, 1985 at 2:00 p.m.

ADDRESS: Airlie House, Airlie, Virginia.

FOR FURTHER INFORMATION CONTACT: Sven Groennings, Director, Fund for the Improvement of Postsecondary Education, 7th and D Streets, S.W., Washington, D.C. 20202 (202–245–8091).

SUPPLEMENTARY INFORMATION: The National Board of the Fund for the Improvement of Postsecondary Education is established under section 1001 of the Higher Education Amendments of 1980, Title X (20 U.S.C. 1135a–1). The National Board of the Fund is established to "advise the Secretary and the Director of the Fund for the Improvement of Postsecondary Education . . . on the selection of projects under consideration for support by the Fund in its competitions."

The meeting of the National Board is closed to the public. The meeting is for the sole purpose of reviewing and evaluating grant applications submitted to the Fund under the Comprehensive Program.

The meeting of the National Board of the Fund will be closed to the public from 12:00 p.m., May 19 until the conclusion of the agenda, approximately 2:00 p.m., May 21 for review, discussion or consideration of proposals submitted to the Fund for grant awards. The meeting will be closed under the authority of section 10(d) of the Federal Advisory Committee Act (Pub. L. 92–463; 5 U.S.C. Appendix 2) and under subsections (4) and (6) of 5 U.S.C. Appendix 2) and under subsections (4) and (6) of 5 U.S.C. 552b(c) (Pub. L. 94–409). Discussions of the applications and the qualifications of proposed staff may disclose commercial or financial information which is privileged or confidential and will tuch upon matters that would constitute a clearly unwarranted invasion of personal privacy if conducted in open session.

A summary of the activities at the closed session and related matters which are informative to the public consistent with the policy of Title 5 U.S.C. 552b will be available to the public within fourteen days of the meeting.

Records are kept of all Board proceedings, and are available for public inspection at the office of the Fund for the Improvement of Postsecondary Education, Room 3100, Regional Office Building, 7th and D Streets, S.W., Washington, D.C. 20202 from the hours of 8:00 a.m. to 4:30 p.m.

Dated: April 18, 1985.

Edward M. Elmendorf,

Assistant Secretary for Postsecondary Education.

[FR Doc. 85–10013 Filed 4–24–85; 8:45 am]

BILLING CODE 4000–01–M

DEPARTMENT OF ENERGY

Cooperative Agreement; Combustion/Emissions Research (Pittsfield Facility) New York State Energy Research and Development Authority (NYSERDA)

Summary

The Department of Energy announces that, pursuant to 10 CFR 600.7(b), eligibility for a cooperative agreement has been restricted to NYSERDA to perform research to determine the generalized relationships between municipal solid waste (MSW) combustion variables, MSW properties (moisture and organic/inorganic chlorine content) and specific products of the MSW Combustion process (CO, CO_2, O_2, PCDD, PCDF, SO_x, NO_x, THC, HCl, etc.).

Background

Airborne emissions of polychlorinated dibenzo-dioxins (PCDD) and furans (PCDF) are one of the most controversial environmental issues associated with municipal solid waste (MSW) incineration, and represent a significant potential barrier to implementation of incineration technology. PCDD and PCDF can be produced as a result of incomplete combustion of MSW, but little is known about the incinerator design and operating conditions which cause these compounds to be formed and which minimize or eliminate their discharge. The project focuses on determining the generalized relationships between the incinerator combustion variables, refuse quality (moisture and inorganic/organic chlorine content) and the products of combustion (including PCDD and PCDF).

This project is being conducted under the auspices of the ASME Dioxin Committee, and is being sponsored by a number of different States, a Federal agency (DOE) and various other governmental organizations. VICON management has agreed to allow all necessary testing for environmental emissions to be conducted at their Pittsfield, Massachusetts facility. Thus, major *planning* decisions regarding the project will be made by a group comprised of the American Society of Mechanical Engineers (ASME) Dioxin Test Sub-Committee (designated by the ASME Dioxin Committee), the co-

funding organizations, and VICON management.

The funding provided by DOE will be used to co-sponsor an RFP (with various other organizations) that will be issued by NYSERDA. The process for selection of the contractor to perform the required research will be done under NYSERDA competitive procurement guidelines which are similar to DOE's.

Solicitation Number: DE–FC01–85CE30838.

Scope of Project

The proposed research program provides a reasoned approach towards the resolution of major environmental questions regarding resource recovery mass-burning technology.

The proposed research is intended to be completed by November, 1985. Since environmental emissions from resource recovery facilities have recently come under public scrutiny, the acquisition of useful research data in this area is of utmost importance to the industry at this time.

For further information contact: Christopher A. Kouts, CE–323, U.S. Department of Energy, Room 5H078, 1000 Independence Avenue SW., Forrestal Building, Washington, D.C. 20585, (202) 252–1697.

Issued in Washington, D.C. on April 18, 1985.

James R. Higgins,

Director, Contract Operations Division B–1, Office of Procurement Operations.

[FR Doc. 85–10079 Filed 4–24–85; 8:45 am]

BILLING CODE 6450–01–M

Office of the Secretary

National Petroleum Council; Open Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770), notice is hereby given of the following meeting:

Name: National Petroleum Council.

Date and time: Wednesday, May 22, 1985, starting at 9:30 a.m.

Place: Madison Hotel, Dolley Madison Ballroom, Fifteenth and M Street N.W., Washington, D.C.

Contact: Carolyn B. Klym, U.S. Department of Energy, Office of Oil, Gas, Shale and Coal Liquids, Mail Stop F–31, D–122, GTN, Washington, D.C. 20545, Telephone: 301–353–2709.

Purpose of The National Petroleum Council: To provide advice, information, and recommendations to the Secretary of Energy on matters relating to oil and gas or the oil and gas industries.

Tenative Agenda

—Call to Order by Robert A. Mosbacher, Chairman, National Petroleum Council.
—Remarks by the Honorable John S. Herrington, Secetary of Energy.
—Reports of Study Committees of the National Petroleum Council:
—Progress report of the Committee on U.S. Petroleum Refining, John K. McKinley, Chairman.
—Consideration of Administrative Matters.
—Discussion of Any Other Business Brought Before the National Petroleum Council.
—Public Comment—10 minute rule.
—Adjournment.

Public Participation

The meeting is open to the public. The Chairperson of the Committee is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Committee will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements pertaining to agenda items should contact Carolyn B. Klym at the address or telephone number listed above. Requests must be received at least 5 days prior to the meeting and reasonable provision will be made to include the presentation on the agenda.

Transcripts

Available for public review and copying at the Public Reading Room, Room 1E–190, Forrestal Building, 1000 Independence Avenue SW., Washington, D.C., between 9:00 a.m. and 4:00 p.m., Monday through Friday, except Federal holidays.

Issued at Washington, D.C. on April 19, 1985.

J. Robert Franklin,

Deputy Advisory Committee Management Officer.

[FR Doc. 85–9978 Filed 4–24–85; 8:45 am]

BILLING CODE 6450–01–M

Procurement and Assistance Management Directorate

AGENCY: U.S. Department of Energy (DOE).

ACTION: Notice of restriction of eligibility for grant award.

SUMMARY: DOE announces that, pursuant to 10 CFR 600.7(b), it intends to award on a restricted eligibility basis a continuation grant to the National Academy of Sciences in support of the National Research Council, Commission on Physical Sciences, Mathematics and Resources Geophysics Research Forum.

Project Scope—The National Academy of Sciences, through the Commission of Physical Sciences, Mathematics and Resources Geophysics Research Forum, is to continue to provide guidance to ensure scientific integrity of a geophysics film series being produced. Eligibility for this continuation award is restricted to the National Academy of Sciences, charted by Congress to conduct scientific research for the Government, to permit continuance of efforts initiated several years ago.

FOR FURTHER INFORMATION CONTACT: James P. Beiriger, MA–452.1, U.S. Department of Energy, Office of Procurement Operations, 1000 Independence Avenue SW., Washington, D.C. 20585, Telephone (202) 252–1024.

Issued in Washington, D.C. on April 19, 1985.

Ben Goldman,

Director, Contract Operations, Division "A", Office of Procurement Operations.

[FR Doc. 85–9976 Filed 4–24–85; 8:45 am]

BILLING CODE 6450–01–M

Economic Regulatory Administration

[ERA Docket No. 81–32–NG]

Midwestern Gas Transmission Co.; Final Order Granting Amendments to Authorization To Import Natural Gas From Canada

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of Issuance of Opinion and Order.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) gives notice that on April 18, 1985, the ERA Administrator issued an opinion and order amending Midwestern Gas Transmission Company's (Midwestern) authorization to import natural gas from Canada for its northern marketing area. The order extends the term of Midwestern's import authorization through October 31, 1992, with an additional year to take quantities of gas paid for but not delivered during the term of the authorization. The order amends the maximum daily and annual volumes of gas that can be imported. The order also approves the amended pricing and take provisions Midwestern negotiated with its Canadian supplier, TransCanada PipeLines Limited.

The text of the opinion and order follows.

FOR FURTHER INFORMATION CONTACT:

Edward J. Peters, Jr. (Natural Gas Division, Office of Fuels Programs), Economic Regulatory Administration, Forrestal Building, Room GA–007, 1000 Independence Avenue SW., Washington, D.C. 20585, (202) 252–8162.

Diane J. Stubbs (Office of General Counsel, Natural Gas and Mineral Leasing), U.S. Department of Energy, Forrestal Building, Room 6E–042, 1000 Independence Avenue SW., Washington, D.C. 20585, (202) 252–6667.

Issued in Washington, D.C., on April 19, 1985.

James W. Workman,

Director, Office of Fuels Program, Economic Regulatory Administration.

In the matter of Midwestern Gas Transmission Company, ERA Docket No. 81–32–NG, Final Order Granting Amendments to Authorization to Import Natural Gas From Canada, DOE/ERA Opinion and Order No. *57A*.

April 18, 1985.

I. Background

On July 12, 1984, in DOE/ERA Opinion and Order No. 57 (Order No. 57), the Economic Regulatory Administration (ERA) conditionally extended the term of the Midwestern Gas Transmission Company's (Midwestern) existing authorization to import Canadian natural gas from TransCanada PipeLines Limited (TransCanada) subject to submission of an amendment by June 1, 1985, demonstrating that the import arrangement is competitive and not inconsistent with the public interest.[1]

In Order No. 57, the ERA amended Midwestern's existing import authorization to extend the term of the authorization to October 31, 1992, and allowed an additional year, until October 31, 1993, to import any quantities of gas paid for but not taken during the term. Order No. 57 also amended Midwestern's existing gas import volume authorization to permit Midwestern to import from Canada a maximum of 222,360 Mcf per day through October 31, 1990, a maximum of 148,518 Mcf per day for the contract year commencing November 1, 1990, and a maximum of 74,259 Mcf per day for the contract year commencing November 1, 1991, in accordance with the provisions of its contract No. 1, as amended.[2] The order established as maximum annual contract quantities 74,000 MMcf through October 31, 1990, 49,284 MMcf from November 1, 1990, through October 31, 1991, and 24,644 MMcf from November 1, 1991, through October 31, 1992.

The contract amendments authorized in Order No. 57 gave Midwestern the right, subject to certain notice provisions, to reduce the daily contract quantity by as much as 51,945 Mcf effective November 1, 1984, 50,590 Mcf effective November 1, 1985, and up to the outstanding contract quantity effective December 15, 1985. Further, the amendments allowed Midwestern to reduce its current obligation to purchase minimum volumes from a minimum annual quantity equal to 75 percent of the daily contract quantity to 50 percent of the annual contract quantity for each of the three consecutive contract years for the three contracts (Nos. 1, 2 and 3) ending October 31, 1985. Also, effective November 1, 1983, the payment obligation would be 50 percent of the minimum annual quantity at contract prices. Take-or-pay payments by Midwestern may be deferred for four years upon payment of interest on the amount due and Midwestern has make-up rights concerning the take-or-pay volumes of gas.

These amendments, preserved by the conditional order, contribute to greater flexibility in Midwestern's import arrangement. However, since negotiations on the import price and pricing provisions had not been completed, Order No. 57 was conditioned, at Midwestern's request, on Midwestern furnishing to the ERA by June 1, 1985, an acceptable demonstration that its import arrangement had been amended so as to be competitive and market-responsive within the meaning of the Department of energy's gas import policy guidelines.[3]

On January 25, 1985, Midwestern filed an application to remove the condition from Order No. 57 based upon the provisions of agreements executed on October 31, 1984 (the October agreement) and on November 16, 1984 (the November agreement) amending contract No. 1 with TransCanada. Midwestern stated that the October agreement mirrors the contract amendment submitted with its second amendment to its import applications filed on February 21, 1984, and incorporates into contract No. 1 all the provisions approved by the ERA in Order No. 57.

The November agreement became effective November 1, 1984, and supercedes those provisions in the October agreement pertaining to pricing and minimum takes which were operative only for the period between November 1, 1982, and October 31, 1984. In the November agreement Midwestern and TransCanada agreed to restructure their contract price as permitted by Canada's new export pricing policy. Midwestern now has a two-part demand-commodity pricing formula.

The monthly demand charge will be $15.20834 (U.S.) per Mcf of the daily contract quantity. This represents about $.50 (U.S.) of the price for each Mcf of purchased gas at 100 percent of daily contract quantity and about $.71 per Mcf at 70 percent of daily contract quantity. This demand charge will be adjusted on a monthly basis for contract years starting November 1, 1985, and thereafter, to reflect changes in allowable transportation costs of the gas to the Canadian border which comprise the demand charge.

The following table shows the commodity charge which varies seasonally based on load factor and differentiation between volumes of gas purchased for resale to ANR Pipeline Company (ANR), Midwestern's largest customer which has other sources of gas, and gas purchased to meet Midwestern's other requirements.

Daily takes as percent of daily contract quantity	Summer commodity charge (per MMBtu)	Winter commodity charge (per MMBtu)
For Gas Purchased for Resale to ANR Under Rate Schedule CD–2		
Up to 70 percent	$2.63	$2.63
70 to 80	2.80	3.34
80 to 100	2.80	4.25
For Gas Purchased for Other Requirements		
Up to 70 percent	$2.63	$2.63
70 to 100	2.80	3.34
Supplemental daily volumes		4.25

Combining the commodity charge of $2.63 with $.71 (the demand charge at 70 percent load factor) produces a 70 percent load factor price of $3.34 per Mcf for gas purchased after November 1, 1984, compared to $4.40 per Mcf prior to the November agreement. The new commodity charges are subject to adjustment to the extent that the contractually defined Alternate Fuels Price Index (based on gas and fuel oil

[1] *Midwestern Gas Transmission Company*, DOE/ERA Opinion and Order No. 57, issued July 12, 1984 (1 ERA ¶ 70.568).

[2] Contract No. 1 is Midwestern's underlying supply contract. Without extension, it will expire December 15, 1985. Midwestern also imports, under separate authorizations lesser volumes of gas from TransCanada under Contract Nos. 2, 3 and 4, which extend further in time and involve different terms. Contracts 1, 2 and 3 are affected by the instant application and contract amendments.

[3] 49 FR 6684, February 22, 1984.

prices in Midwestern's marketing area) varies by more than five percent from a base price for October 1984.

In addition to the change in the pricing provisions, Midwestern cites the following contract changes which help make the amended import arrangement more market-competitive and flexible:

1. Either party may require that the pricing and price adjustment provisions (except for certain components of the demand charge factor) for any contract year be determined by renegotiation or, failing agreement, by arbitration.

2. Commencing November 1, 1984, there are no take-and-pay or take-or-pay provisions.

3. Midwestern can apply over 50 percent of the annual contract quantity to make up presently accumulated take-or-pay obligations, and additionally is allowed a two-for-one makeup for takes in excess of 70 percent.

On February 26, 1985, the ERA issued a procedural order providing all parties the opportunity to comment and request additional procedures on all aspects of the amended import arrangement with respect to the competitiveness of the new pricing provisions and conformance with the other criteria in the Department of Energy's import policy guidelines.

II. Response to Procedural Order

One response was received. It was from Inter-City Gas Corporation (Inter-City). Inter-City stated that Midwestern's pricing amendments will be beneficial and effect a fairly substantial price reduction for gas supplies it purchases from Midwestern. Although Inter-City urged even more effective price competition between Canadian natural gas and the mix of fuels available in its market area, it concluded that the amended pricing provisions represent a positive step in the positive step in the right direction and bring Midwestern's price closer to those of alternative fuels in the area. Inter-City urged the ERA to approve Midwestern's application.

III. Decision

Midwestern's application to remove the condition from Order No. 57 has been evaluated to determine if the import arrangement as amended meets the public interest requirements of section 3 of the Natural Gas Act. Under section 3, an import is to be authorized unless there is a finding that it "will not be consistent with the public interest." [4] The Administrator is guided by the Department of Energy's stated policy relating to the regulation of natural gas imports.[5] The guidelines prescribed in the policy statement emphasize that the competitiveness of an import arrangement in the markets served is the primary consideration for meeting the public interest test.

The pricing provisions negotiated by Midwestern in its contracts with TransCanada substantially reduce the price of the imported gas and provide a mechanism for scheduled review and adjustment of the two-part, demand-commodity pricing structure. These conform to the intent of the competitiveness requirement of the guidelines. The renegotiated pricing provisions coupled with the amendments approved in Order No. 57 give Midwestern a competitive and market-responsive long-term import arrangement.

Furthermore, only one response to ERA's request for comments was filed. This was by Inter-City, a customer of Midwestern, who actively supports the amendment. The fact that no unfavorable comments were received from any party indicates that the parties are satisfied with the proposed extension of the amended import arrangement.

After taking into consideration all information in the record of this proceeding, it is concluded that the condition in Order No. 57 has been met—that Midwestern has demonstrated that its import arrangement, as now structured, is competitive and market-responsive and should continue so over the term. Therefore, granting the extension as amended is not inconsistent with the public interest.

Order

For the reason set forth above, pursuant to section 3 of the Natural Gas Act, it is ordered that:

A. The import authorization previously issued by the Federal Power Commission to Midwestern Gas Transmission Company (Midwestern) under consolidated Docket Nos. G–18313, G–18314, G–18315, and G–18316 on October 31, 1959 (22 FPC 775), is hereby amended to extend the authorization to October 31, 1992. Additional authority is granted, commencing on November 1, 1992, and ending on October 31, 1993, to import quantities of gas paid for but not taken during the term of this authorization.

B. The authorization issued to Midwestern under Docket No. G–18314, on August 10, 1965 (34 FPC 457), is hereby amended to permit Midwestern to import from Canada a maximum of 222,360 Mcf per day through October 31, 1990; a maximum of 148,518 Mcf per day for the contract year commencing November 1, 1990, and a maximum of 74,259 Mcf per day for the contract year commencing November 1, 1991, in accordance with the provisions of its contract No. 1, as amended. The maximum annual contract quantity shall be 74,000 MMcf through October 31, 1990, 49,284 MMcf from November 1, 1990, through October 31, 1991, and 24,644 MMcf from November 1, 1991, through October 31, 1992.

C. The orders referenced in ordering paragraphs A and B above are further amended to incorporate Midwestern's October 31, 1984, and November 16, 1984, agreements revising its gas purchase contract Nos. 1, 2, and 3 with TransCanada PipeLines Limited.

D. With respect to the natural gas authorized to be imported, Midwestern shall file with the ERA in the month following each calendar quarter, quarterly reports showing, by month, the quantities of gas imported and the average price paid per MMBtu for both the demand and commodity components.

Issued in Washington, D.C., April 18, 1985.

Rayburn Hanzlik,

Administrator, Economic Regulatory Administration.

[FR Doc. 85–9979 Filed 4–24–85; 8:45 am]

BILLING CODE 6450–01–M

[Docket No. ERA–FC–85–005; OFP Case No. 61052–9267–21, 22, 23–22]

Cogeneration Technology and Development Co.; Acceptance of Petition for Exemption and Availability of Certification

AGENCY: Economic Regulatory Administration, Energy.

ACTION: Notice of Acceptance of Petition for Exemption and Availability of Certification by Cogeneration Technology and Development Company.

SUMMARY: On March 11, 1985, Cogeneration Technology and Development Company (CTDC), filed a petition with the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) requesting a permanent exemption for a proposed electric powerplant to be located in Rifle (Garfield County), Colorado, from the prohibitions of Title II of the Powerplant

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[4] 15 U.S.C. 717b.

[5] *See supra* note 3.

and Industrial Fuel Use of 1978 (42 U.S.C. 8301 *et seq.*) ("FUA" or "the Act"). Title II of FUA prohibits both the use of petroleum and natural gas as a primary energy source in any new powerplant and the construction of any such facility without the capability to use an alternate fuel as a primary energy source. Final rules setting forth criteria and procedures for petitioning for exemptions from the prohibitions of Title II of FUA are found in 10 CFR Parts 500, 501, and 503. Final rules governing the exemption were revised on June 25, 1982 (47 FR 29209, July 6, 1982).

The proposed powerplant for which the petition was filed will be three natural-gas-fired combustion turbine generators, one condensing steam turbine-generator and a dual fuel engine, which together will produce 76 megawatts (76 MW) net of electricity. Using exhaust from the gas turbines, the waste heat boilers will generate both the high pressure steam for the condensing steam turbine and the hot water for the year-round heating of a greenhouse complex for the production of greenhouse crops. The greenhouse complex will be owned and operated by CTDC or leased to another entity. It will be on the same site as the powerplant. The electricity produced will be sold to the Public Service Company of Colorado.

The proposed facility is a qualifying cogeneration facility within the terms of section 210 of the Public Utility Regulatory Policies Act of 1978 ("PURPA"), 16 U.S.C. 824a–3 and is a "powerplant" within the terms of the regulations promulgated under the Powerplant and Industrial Fuel Use Act of 1978 (10 CFR 500.2). However, CTDC is petitioning for an exemption based on 10 CFR 503.32 "Lack of alternative fuel supply at a cost which does not substantially exceed the cost of using imported petroleum."

ERA has determined that the petition appears to include sufficient evidence to support an ERA determination on the exemption request and it is therefore accepted pursuant to 10 CFR 501.3. A review of the petition is provided in the **SUPPLEMENTARY INFORMATION** section below.

As provided for in sections 701 (c) and (d) of FUA and 10 CFR 501.31 and 501.33, interested persons are invited to submit written comments in regard to this petition and any interested person may submit a written request that ERA convene a public hearing.

The public file containing a copy of this Notice of Acceptance and Availability of Certification as well as other documents and supporting materials on this proceeding is available upon request through DOE, Freedom of Information Reading Room, 1000 Independence Avenue, SW., Room 1E–190, Washington, D.C. 20585, from 9:00 a.m. to 4:00 p.m., Monday through Friday, except Federal holidays.

ERA will issue a final order granting or denying the petition for exemption from the prohibitions of the Act within six months after the end of the period for public comment and hearing, unless ERA extends such period. Notice of any such extension, together with a statement of reasons therefor, would be published in the **Federal Register.**

DATES: Written comments are due on or before June 10, 1985. A request for a public hearing must be made within this same 45-day period.

ADDRESSES: Fifteen copies of written comments or a request for a public hearing shall be submitted to: Case Control Unit, Office of Fuels Programs, Room GA–007, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C. 20585. Docket No. ERA–FC–85–005 should be printed on the outside of the envelope and the document contained therein.

FOR FURTHER INFORMATION CONTACT:

George G. Blackmore, Office of Fuels Programs, Economic Regulatory Administration, Room GA–045, 1000 Independence Avenue, SW., Washington, D.C. 20585, Telephone (202)252–1251

Steven E. Ferguson, Office of the General Counsel, Department of Energy, Forrestal Building, Room 6A–113, 1000 Independence Avenue, SW., Washington, D.C. 20585, Telephone (202)252–6947.

SUPPLEMENTARY INFORMATION: Section 212(a)(1)(A)(ii) of the Act provides for a permanent exemption due to lack of an alternate fuel supply at a cost which does not substantially exceed the cost of using imported petroleum. To qualify the petitioner must certify that:

(1) A good faith effort has been made to obtain an adequate and reliable supply of an alternate fuel for use as a primary energy source of the quality and quantity necessary to conform with the design and operational requirements of the proposed unit;

(2) The cost of using such a supply would substantially exceed the cost of using imported petroleum as a primary energy source during the useful life of the proposed unit as defined in § 503.6 (cost calculation) of the regulations;

(3) No alternate power supply exists, as required under § 503.8 of the regulations;

(4) Use of mixtures is not feasible, as required under § 503.9 of the regulations; and

(5) Alternative sites are not available, as required under § 503.11 of the regulations.

In accordance with the evidentiary requirements of § 503.32(b) (and in addition to the certifications discussed above), CTDC has included as part of its petition:

1. Exhibits containing the basis for the certifications described above; and

2. An environmental impact analysis, as required under 10 CFR 503.13.

In processing this exemption request, ERA will comply with the requirements of the National Environmental Policy Act of 1969 (NEPA); the Council on Environmental Quality's implementing regulations, 40 CFR Part 1500 *et seq.*; and DOE's guidelines implementing those regulations, published at 45 FR 20694, March 28, 1980. NEPA compliance may involve the preparation of (1) an Environmental Impact Statement (EIS); (2) an Environmental Assessment; or (3) a memorandum to the file finding that the grant of the requested exemption would not be considered a major Federal action significantly affecting the quality of the environment. If an EIS is determined to be required, ERA will publish a Notice of Intent to prepare an EIS in the **Federal Register** as soon as practicable. No final action will be taken on the exemption petition until ERA's NEPA compliance has been completed.

The acceptance of the petition by ERA does not constitute a determination that CTDC is entitled to the exemption requested. That determination will be based on the entire record of this proceeding, including any comments received during the public comment period provided for in this notice.

Issued in Washington, D.C. on April 18, 1985.

Robert L. Davies,

Director, Coal and Electricity Division, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 85–9984 Filed 4–24–85; 8:45 am]

BILLING CODE 6450–01–M

Energy Information Administration

Agency Forms Under Review by the Office of Management and Budget

AGENCY: Energy Information Administration, Energy.

ACTION: Notice of submission of request for clearance to the Office of Management and Budget.

SUMMARY: The Department of Energy (DOE) has submitted the following collections to the Office of Management and Budget (OMB) for approval under provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

The listing does not contain information collection requirements contained in regulations which are to be submitted under 3504(h) of the Paperwork Reduction Act, nor management and procurement assistance requirements collected by DOE.

Each entry contains the following information and is listed by the DOE sponsoring office: (1) The form number; (2) Form title; (3) Type of request, e.g., new, revision, or extension; (4) Frequency of collection; (5) Response obligation, i.e., mandatory, voluntary, or required to obtain or retain benefits; (6) Type of respondent; (7) An estimate of the number of respondents; (8) Annual respondent burden, i.e., an estimate of the total number of hours needed to fill out the forms; and (9) A brief abstract describing the proposed collection.

DATE: Last Notice published Friday, April 5, 1985 (50 FR 13649).

FOR FURTHER INFORMATION CONTACT:

John Gross, Director, Data Collection Servcies Division, (DCSD), Energy Information Administration, M.S. 1H-023, Forrestal Building, 1000 Independence Ave., SW, Washington, DC 20585, (202) 252-2308

Vartkes Broussalian, Deparment of Energy Desk Officer, Office of Management and Budget, 726 Jackson Place, NW, Washington, DC 20503, (202) 395-7313.

SUPPLEMENTARY INFORMATION: Copies of proposed collections and supporting documents may be obtained from Mr. Gross. Comments and questions about the items on this list should be directed to the OMB reviewer for the appropriate agency as shown above.

If you anticipate commenting on a form, but find that time to prepare these comments will prevent you from submitting comments promptly, you should advise the OMB reviewer of your intent as early as possible.

Issued in Washington, D.C. April 19, 1985.

Yvonne M. Bishop,

Director, Statistical Standards, Energy Information Administration.

DOE FORMS UNDER REVIEW BY OMB

Form No. (1)	Form title (2)	Type of request (3)	Response frequency (4)	Response obligation (5)	Respondent description (6)	Estimated number of respondents (7)	Annual respondent burden (8)	Abstract (9)
FERC-510	Application for the Surrender of Electric License.	Extension	On occasion	Mandatory	Holders of Hydroelectric Licenses.	10	100	To carry out the requirements of Part 1, Sections 4(e), and 13 of the Federal Power Act. This section directs that a preliminary permit license may be surrendered or terminated upon application and where agreement exists between the FERC and the licensees.
FERC-537	Gas Pipeline Certificates.	do	do	do	Interstate Pipelines	50	147,300	Information collection is required to obtain Commission Certification of interstate pipelines engaged in the transportation and sale of natural gas and the construction and operations of facilities to be used in these activities, as well as authorization for abandonment of facilities and service.
FERC-549	NGPA Title III Transactions	do	do	do	Natural Gas Pipeline Companies	253	14,572.8	The purpose of this application filing requirement is to ensure that fair and equitable rates are charged for certain transportation and sales transactions in accordance with Title III of the Natural Gas Policy Act.
FERC-556	Cogeneration and Small Power Production	do	do	Required to obtain or retain a benefit	Owner/operators of small power cogeneration facilities.	530	4,240	The information is required from owners or operators of small power production or cogeneration facilities in order to (a) furnish notice of self-certification, or (b) make application for FERC certification that their facility is a qualifying facility under PURPA.
CE-189P, C and S	Industrial Energy Conservation Program for Energy Efficiency Improvement and Recovered Matenals Utilization	Reinstatement	Annually	Mandatory	Corporations using at least one trillion Btu's of energy	15,204	157,760	CE-189P, C and S collect data on energy efficiency improvement and on recovered materials utilization. Data are aggregated, analyzed and organized into the Annual Report to Congress and the President.

[FR Doc. 85-9985 Filed 4-24-85; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket No. ER 85-341-000]

Vermont Yankee Nuclear Power Corp.; Filing

April 23, 1985

Take notice that on March 5, 1985, Vermont Yankee Nuclear Power Corporation (Vermont Yankee) tendered for filing, pursuant to the terms of a settlement approved by the Commission in Docket Nos. ER83-342-000 and ER83-343-000, a revised schedule for collections of charges relating to the decommissioning of the Vermont Yankee nuclear facility.

Vermont Yankee states that under the terms of the settlement it proposes to adjust its schedule of annual collections to accumulate a fund to cover the expenses of decommissioning the Vermont Yankee nuclear generating facility. Vermont Yankee states that the revised schedule is based upon differences in inflation and fund earnings from those projected at the time the level of annual collections was established. Vermont Yankee states that

under the revised schedule annual collections from its customers will be reduced by $185,000.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before May 1, 1985. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 85-10193 Filed 4-24-85; 8:45 am]

BILLING CODE 6717-01-M

ENVIRONMENTAL PROTECTION AGENCY

[OPP-180674; FRL-2824-4]

Arkansas and Tennessee; Receipt of Applications for Specific Exemptions To Use Imazaquin To Control Sicklepod on Soybeans; Solicitation of Public Comment

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has received specific exemption requests from the Arkansas State Plant Board and the Tennessee Department of Agriculture (hereafter referred to individually by state name or collectively as "Applicants") for use of the unregistered product Scepter to control sicklepod in soybeans. Scepter, manufactured by the American Cyanamid Company, contains the unregistered active ingredient imazaquin. EPA is soliciting comment before making the decision whether or not to grant these specific exemptions.

DATE: Comments must be received on or before April 29, 1985.

ADDRESS: Three copies of written comments, bearing the identifying notation "OPP-180674," should be submitted by mail to:

Information Services Section, Program Management and Support Division (TS-757C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, D.C. 20460.

In person, bring comments to: Rm. 236, CM#2, 1921 Jefferson Davis Highway, Arlington, VA.

Information submitted in any comment concerning this notice may be claimed confidential by marking any part or all of that information as "Confidential Business Information (CBI)." Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR Part 2. A copy of the comment that does contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice to the submitter. All written comments will be available for inspection in Rm. 236 at the address given above from 8 a.m. to 4 p.m., Monday through Friday excluding legal holidays.

FOR FURTHER INFORMATION:

By mail: Jack E. Housenger, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, D.C. 20460.

Office location and telephone number: Rm. 716C, CM#2, 1921 Jefferson Davis Highway, Arlington, VA, (703-557-1192).

SUPPLEMENTARY INFORMATION: Pursuant to section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) (7 U.S.C. 136p), the Administrator may, at his discretion, exempt a State agency from any registration provision of FIFRA if he determines that emergency conditions exist which require such exemption.

The Applicants have requested the Administrator to issue specific exemptions to permit the use of unregistered herbicide, imazaquin, manufactured as Sceptor, to control sicklepod in soybeans. Information in accordance with 40 CFR Part 166 was submitted as part of these requests.

The Applicants have requested a maximum of two applications of Sceptor; one as a preplant incorporated or preemergence treatment and one as an early post-emergence over-the-top treatment. A maximum of 0.125 pound of active ingredient is proposed to be applied per acre per application. A 90-day pre-harvest interval is proposed and no treated plants or straw will be fed to livestock. Applications are proposed to commence immediately continue through July.

Arkansas has requested authorization to treat a maximum of 400,000 acres of soybeans with a maximum of 66,600 gallons of Sceptor. Tennessee expects that no more than 150,000 acres of soybeans will require treatment. Applications are proposed to be made using either air or ground equipment.

The Applicants anticipate yield losses averaging 20 to 30 percent due to sicklepod infestations. Losses as high as 50 percent were reported in some research trials. Both of the Applicants anticipate substantial yield losses resulting in significant economic losses without the proposed use of Scepter.

Arkansas and Tennessee claim that emergency conditions will exist due to the unavailability of a registered pesticide which will adequately control sicklepod in soybeans. Although a number of registered herbicides are currently available (including metribuzin, vernolate, alachlor, norflurazon, 2,4-DB and linuron) for this use, the Applicants claim that they are not effective on certain soil types, are dependent on adequate moisture for activation, or cannot be applied when no-till or conservation tillage is employed or when fields are solid-seeded. Toxaphene is effective for this use on these soil types and has been used in the past to control sicklepod under section 24(c) registrations. However, stocks of toxaphene are not adequate to deal with the situation this year. [The use of toxaphene on soybeans for sicklepod control was cancelled, however, an existing stock provision allows use to continue until December 31, 1986. However, stocks have already been depleted.] If there were adequate supplies of toxaphene, the use of Scepter would not be necessary.

This notice does not constitute a decision by EPA on the application itself. It is the Agency's policy to solicit public comment on applications involving unregistered active ingredients. Accordingly, interested persons may submit written views on this subject to the Program Management and Support Division at the address above. The comments must be received on or before April 29, 1985 and should bear the identifying notation "OPP-180674." All written comments filed pursuant to this will be available for public inspection in Rm. 236, Crystal Mall No. 2, 1921 Jefferson Davis Highway, Arlington, VA, from 8 a.m. to 4 p.m., Monday through Friday, except legal holidays.

The comment period has been shortened in order to allow the Agency to make a decision regarding the applications prior to the time use of Scepter is needed to commence (May 1).

The Agency, accordingly, will review and consider all comments received during the comment period in determining whether to issue the emergency exemptions requested by the Arkansas State Plant Board and the Tennessee Department of Agriculture.

Dated: April 17, 1985.

Robert V. Brown,

Acting Director, Registration Division.

[FR Doc. 85-9995 Filed 4-24-85; 8:45 am]

BILLING CODE 6560-50-M

[OPTS-59187A; FRL-2824-2]

Certain Chemicals; Approval of Test Marketing Exemption

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces EPA's approval of an application for a test marketing exemption (TME) under section 5(h)(6) of the Toxic Substances Control Act (TSCA), TME-85-29. The test marketing conditions are described below.

EFFECTIVE DATE: April 17, 1985.

FOR FURTHER INFORMATION CONTACT: Eileen Gibson, Premanufacture Notice Management Branch, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm. E-613B, 401 M St., SW., Washington, DC. 20460, (202-382-2260).

SUPPLEMENTARY INFORMATION: Section 5(h)(1) of TSCA authorizes EPA to exempt persons from premanufacture notification (PMN) requirements and permit them to manufacture or import a new chemical substances for test purposes if the Agency finds that the manufacture, processing, distribution in commerce, use, and disposal of the substance for test marketing purposes will not present any unreasonable risk of injury to health or the environment. EPA may impose restrictions on test marketing activities and may modify or revoke a test marketing exemption upon receipt of new information which casts significant doubt on its finding that the test marketing activities will not present any unreasonable risk of injury.

EPA hereby approves TME-85-29. EPA has determined that test marketing of the new chemical substance described below, under the conditions set out in the TME application, and for the time period and restrictions (if any) specified below, will not present any unreasonable risk of injury to health or the environment. Production volume, use, and the number of customers must not exceed that specified in the application. All other conditions and restrictions described in the application and in this notice must be met.

The following additional restrictions apply to TME-85-29. A bill of lading accompanying each shipment must state that use of the substance is restricted to that approved in the TME. In addition, the Company shall maintain the following records until five years after the dates they are created, and shall make them available for inspection or copying in accordance with section 11 of TSCA:

1. The applicant must maintain records of the quantity of the TME substance produced and must make these records available to EPA upon request.

2. The applicant must maintain records of the dates of shipment to each customer and the quantities supplied in each shipment, and must make these records available to EPA upon request.

3. The applicant must maintain a copy of the bill of lading that accompanies each shipment of the TME substance.

T85-29

Date of Receipt: March 8, 1985.

Notice of Receipt: March 22, 1985 (50 FR 11559).

Applicant: Confidential.

Chemical: (G) Sodium salt of a lower alkynol sulfonic acid.

Use: (G) Metal finishing.

Production Volume: 1000 kg/yr.

Number of Customers: Confidential.

Worker Exposure: Confidential.

Test Marketing Period: One year.

Commencing on: April 17, 1985.

Risk Assessment: EPA identified no significant health or environmental concerns. Therefore, the test market substance will not present any unreasonable risk of injury to health or the environment.

Public Comments: None.

The Agency reserves the right to rescind approval or modify the conditions and restrictions of an exemption should any new information come to its attention which casts significant doubt on its findings that the marketing activities will not present any unreasonable risk of injury to health or the environment.

Dated: April 17, 1985.

Don R. Clay,

Director, Office of Toxic Substances.

[FR Doc. 85-9996 Filed 4-24-85; 8:45 am]

BILLING CODE 6560-50-M

[OPP-180675; FRL-2824-5]

South Dakota Department of Agriculture; Receipt of Application for Emergency Exemption To Use 2-Methoxy-N-(2-Oxo-1,3-Oxazolin-3-Yl)-Acet-2',6'-Xylidine; Solicitation of Public Comment

AGENCY: Environmental Protection Agency.

ACTION: Notice.

SUMMARY: EPA has received a request for an emergency exemption from the South Dakota Department of Agriculture (hereafter referred to as the "Applicant") to use the active ingredient 2-methoxy-N-(2-oxo-1,3-oxazolin-3-yl)-acet-2',6'-xylidine, (Oxadixyl, ISO Approved; formulated by Gustafson Corp. as Anchor 25% Dust Fungicide) to control downy mildew on 140,000 acres of sunflowers in South Dakota. It is the Agency's poilicy to solicit public comment on applications involving active ingredients which have no registered end uses. Accordingly, EPA is soliciting comment before making the decision whether or not to grant the exemption.

DATE: Comments must be received on or before May 9, 1985.

ADDRESS: Three copies of written comments, bearing the identifying notation "OPP-180675," should be submitted by mail to:

Information Services Section, Program Management and Support Division (TS-757C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, D.C. 20460

In person, bring comments to: Rm. 236, CM#2, 1921 Jefferson Davis Highway, Arlington, VA

Information submitted in any comment concerning this notice may be claimed confidential by marking any part or all of that information as "Confidential Business Information (CBI)." Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR Part 2. A copy of the comment that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice to the submitter. All written comments will be available for inspection in Rm. 236 at the address given above from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays.

FOR FURTHER INFORMATION CONTACT: By mail:

Libby Welch, Registration Division (TS–767C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, D.C. 20460.
Office location and telephone number: Rm. 716A, Crystal Mall 2, 1921 Jefferson Davis Highway, Arlington, VA, (703–557–1192).

SUPPLEMENTARY INFORMATION: Pursuant to section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) (17 U.S.C. 136p), the Administrator may, at his discretion, except a State agency from any provision of FIFRA if he determines that emergency conditions exist which require such exemption.

The Applicant has requested the Administrator to issue a specific exemption to permit the use of 2-methoxy-N-(2-oxo-1,3-oxazolin-3-yl)-acet-2', 6'-xylidine), available as Anchor 25% Dust Fungicide from Gustafson Corp., to control downy mildew caused by the *Plasmopara halstedii* on 140,000 acres of sunflowers grown in South Dakota. Information in accordance with 40 CFR Part 166 was submitted as part of this request.

The Applicant indicates that downy mildew is not adequately controlled by existing cultural methods or registered pesticides, and all commercial sunflower hybrids are susceptible to the new races of downy mildew.

The Applicant indicates that the only two fungicides which are curently registered for use on sunflowers, Maneb and Captan, are not effective as downy mildew control agents. The Applicant estimates the crop value of 140,000 acres of sunflowers to be $18,480,000. The Applicant states that yield reductions caused by downy mildew will reach 0.5%. Thus the economic benefit, based on information provided by the Applicant, from the use of Anchor would be a total of $924,000.

Anchor will be applied at a maximum rate of 1.0 ounce of active ingredient per hundred weight of seed. A maximum of one application will be made. A total of 96,250 pounds of active ingredient will be required to treat the seed necessary to plant 140,000 acres of sunflowers. Anchor will be applied primarily by individual growers at time of planting. Applications would be made from May 1 through July 1, 1985.

This notice does not constitute a decision by EPA on the application itself. Interested persons may submit written views on this subject to the Program Management and Support Division at the address above. The comments must be received on or before May 9, 1985 and should bear the identifying notation "OPP/80675." All written comments filed pursuant to this notice will be available for public inspection in Rm. 236, Crystal Mall No. 2 at the address given above, from 8 a.m. to 4 p.m., Monday through Firday, except legal holidays.

The Agency, accordingly, will review and consider all comments received during the comment period in determining whether to issue the emergency exemption requested by South Dakota.

Dated: April 16, 1985.

Robert V. Brown,

Acting Director, Registration Division.

[FR Doc. 85–9993 Filed 4–24–85; 8:45 am]

BILLING CODE 6560–50–M

FEDERAL MARITIME COMMISSION

[Docket No. 85–12]

Application of the Loyalty Contract Provisions of the Shipping Act of 1984 to a Proposed Tariff Rule on Refunds; Filing of Petition for Declaratory Order

Notice is given that a petition for declaratory order has been filed by the Trans-Pacific Freight Conference of Japan/Korea and Japan/Korea-Atlantic & Gulf Freight Conference, and their member lines, seeking that the Commission determine that a rule for tariff refunds as described in their petition, would not constitute a "loyalty contract" within the meaning of section 3(14) of the Shipping Act of 1984.

Interested persons may inspect and obtain a copy of the petition at the Washington Office of the Federal Maritime Commission, 1100 L Street, NW., Room 11101. Interested persons may submit replies to the Acting Secretary, Federal Maritime Commission, Washington, D.C. 20573 on or before May 24, 1985. An original and fifteen copies of such replies shall be submitted and a copy thereof served on the filing party, Charles F. Warren, Warren & Associates, P.C., Suite 525, 1100 Connecticut Avenue, NW., Washington, D.C. 20573. Replies shall contain the complete factual and legal presentation of the replying party as to the desired resolution of the petition.

Bruce A. Dombrowski,

Acting Secretary.

[FR Doc. 85–9982 Filed 4–24–85; 8:45 am]

BILLING CODE 6730–01–M

Irish Shipping, Ltd. and Reardon Smith Line, Ltd.; Notice of Cancellation

Agreement No.: 207–010035.

Title: Celtic Bulk Carriers Joint Service Agreement.

Parties: Irish Shipping, Ltd.

Reardon Smith Line, Ltd.

Synopsis: The parties to the referenced agreement have provided notice of the cancellation of the agreement. Therefore, the Commission gives notice that it will terminate its prior approval of Agreement No. 207–010035 effective April 3, 1985, the date the parties' cancellation notice was received.

Dated: April 22, 1985.

By Order of the Federal Maritime Commission.

Bruce A. Dombrowski,

Acting Secretary.

[FR Doc. 85–9980 Filed 4–24–85; 8:45 am]

BILLING CODE 6730–01–M

Compagnie Generale Maritime and Intercontinental Transport Joint Marketing Agreement; Intent To Terminate Approval of Agreement

Agreement No.: 203–010266.

Title: Compagnie Generale Maritime and Intercontinental Transport Joint Marketing Agreement.

Parties:

Compagnie Generale Maritime

Intercontinental Transport

Synopsis: By letter dated March 29, 1985, the Commission was advised that Agreement No. 203–010266 has been superseded by Agreement No. 217–010635, which became effective on October 11, 1984. Therefore, the Commission gives notice that it will terminate its prior approval of Agreement No. 203–010266 effective October 11, 1984, the date Agreement No. 217–010635 became effective.

Dated: April 22, 1985.

By Order of the Federal Maritime Commission.

Bruce A. Dombrowski,

Acting Secretary.

[FR Doc. 85–9981 Filed 4–24–85; 8:45 am]

BILLING CODE 6730–01–M

FEDERAL RESERVE SYSTEM

Agency Forms Under Review

April 19, 1985.

Background

Notice is hereby given of final approval of proposed information collection(s) by the Board of Governors of the Federal Reserve System (Board) under OMB delegated authority, as per 5 CFR 1320.9 (OMB Regulations on Controlling Paperwork Burdens on the Public).

FOR FURTHER INFORMATION CONTACT:

Federal Reserve Board Clearance Officer—Cynthia Glassman—Division of Research and Statistics, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 (202–452–3829)

OMB Desk Officer—Robert Neal—Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 3208, Washington, D.C. 20503 (202–395–6880).

Proposal to approve under OMB delegated authority the extension with revision of the following reports:

1. Report title: Regulations K reporting requirements

Agency form number: FR K–1

OMB Docket number: 7100–0107

Frequency: On occasion

Reporters: Member banks, bank holding companies, Edge corporations

Small businesses are not affected.

General description of report:

This information collection is mandatory (12 U.S.C. 601–604(a); 611–631; 1843(c)(13); 1843(c)(14); and 1844(c)) and is given confidential treatment if the applying organization believes the information will qualify for a FOIA exemption.

The FR K–1 is a compilation of all the applications and prior notification requirements in Regulation K that pertain to the formation of Edge and Agreement Corporations and the international and foreign activities of U.S. banking organizations, including those of national banks, Agreement Corporations, Edge Corporations and bank holding companies.

Board of Governors of the Federal Reserve System, April 19, 1985.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 85–9938 Filed 4–24–85; 8:45 am]

BILLING CODE 6210–01–M

Bankers Trust New York Corp.; Application To Engage de Novo in Permissible Nonbanking Activities

The company listed in this notice has filed an application under § 225.23(a)(1) of the Board's Regulation Y (12 CFR 225.23(a)(1)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21.(a) of Regulation Y (12 CFR 225.21(a)) to commence or to engage *de novo*, either directly or through a subsidiary, in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

The application is available for immediately inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Unless otherwise noted, comments regarding the application must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than May 16, 1985.

A. **Federal Reserve Bank of New York** (A. Marshall Puckett, Vice President) 33 Liberty Street, New York, New York 10045:

1. *Bankers Trust New York Corporation*, New York, New York; to engage *de novo* through its subsidiary, BT USA, Inc., New York, New York, in making or acquiring, for its own account or for the account others, loans and other extensions of credit, secured and unsecured, to individuals and businesses including but not limited to consumer lending, residential and non-residential real estate lending and commercial lending; servicing loans and other extensions of credits; and the sale of credit-related life and accident and health insurance by licensed agents or brokers, as required, and the sale of mortgage life and mortgage disability insurance directly related to the extension of mortgage loans.

Board of Governors of the Federal Reserve System, April 19, 1985.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 85–9939 Filed 4–24–85; 8:45 am]

BILLING CODE 6210–01–M

Vernon Bank Corp., et al.; Formations of; Acquisitions by; and Mergers of Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) and § 225.14 of the Board's Regulation Y (12 CFR 225.14) to become a bank holding company or to acquire a bank or bank holding company. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank or to the offices of the Board of Governors. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Unless otherwise noted, comments regarding each of these applications must be received not later than May 17, 1985.

A. **Federal Reserve Bank of New York** (A. Marshall Puckett, Vice President) 33 Liberty Street, New York, New York 10045:

1. *Vernon Bank Corporation*, Vernon, New York; to become a bank holding company by acquiring 100 percent of the voting shares of The National Bank of Vernon, Vernon, New York. Comments on this application must be received not later than May 15, 1985.

B. **Federal Reserve Bank of Atlanta** (Robert E. Heck, Vice President) 104 Marietta Street, N.W. Atlanta, Georgia 30303:

1. *St. Martin Bancshares, Inc.*, St. Martinville, Louisiana; to become a bank holding company by acquiring 80 percent of the voting shares of St. Martin Bank and Trust Company, St. Martinville, Louisiana.

C. **Federal Reserve Bank of Minneapolis** (Bruce J. Hedblom, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. *St. Charles Bancshares, Inc.*, St. Charles, Minnesota; to acquire 99.5 percent of the voting shares of First National Bank of Blooming Prairie, Blooming Prairie, Minnesota.

D. **Federal Reserve Bank of Dallas** (Anthony J. Montelaro, Vice President)

400 South Akard Street, Dallas, Texas 75222:

1. *Lee County Bancshares, Inc.*, Giddings, Texas; to become a bank holding company by acquiring 80 percent of the voting shares of Lee County National Bank, Giddings, Texas.

2. *The Plains Corporation*, Lubbock, Texas; to acquire 100 percent of the voting shares of Lockney Bancshares, Inc., Lockney, Texas, thereby indirectly acquiring First National Bank in Lockney, Lockney, Texas.

Board of Governors of the Federal Reserve System, April 19 1985.

William W. Wiles,

Secretary of the Board.

[FR Doc. 85-9940 Filed 4-24-85; 8:45 am]

BILLING CODE 6210-01-M

CBT Corp.; Application To Engage de Novo in Permissible Nonbanking Activities

The company listed in this notice has filed an application under § 225.23(a)(1) of the Board's Regulation Y (12 CFR 225.23(a)(1)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to commence or to engage *de novo*, either directly or through a subsidiary, in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Unless otherwise noted, comments regarding the application must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than May 17, 1985.

A. **Federal Reserve Bank of Boston** (Richard E. Randall, Vice President) 600 Atlantic Avenue, Boston, Massachusetts 02106:

1. *CBT Corporation*, Hartford, Connecticut; to engage *de novo* through its subsidiary, Constitution Capital Management Co., Hartford, Connecticut, in providing portfolio investment advice to others, furnishing general economic information and advice, general economic statistical forecasting services and industry studies and serving as investment advisor as defined in section 2(a)(20) of the Investment Company Act of 1940 to investment companies registered under the Act, but not as sponsor, organizer or manager of open-end investment companies.

Board of Governors of the Federal Reserve System, April 22, 1985.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 85-10068 Filed 4-24-85; 8:45 am]

BILLING CODE 6210-01-M

Elston Corp., et al.; Formations of; Acquisitions by; and Mergers of Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) and § 225.14 of the Board's Regulation Y (12 CFR 225.14) to become a bank holding company or to acquire a bank or bank holding company. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank or to the offices of the Board of Governors. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Unless otherwise noted, comments regarding each of these applications must be received not later than May 20, 1985.

A. **Federal Reserve Bank of Chicago** (Franklin D. Dreyer, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *Elston Corporation*, Crawfordsville, Indiana; to acquire 24.9 percent of the voting shares or assets of Lizton Financial Corporation, Lizton, Indiana, thereby indirectly acquiring State Bank of Lizton, Lizton, Indiana.

B. **Federal Reserve Bank of St. Louis** (Delmer P. Weisz, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

1. *Salem Community Bancorp, Inc.*, Salem, Illinois; to become a bank holding company by acquiring 80 percent of the voting shares of Community State Bank, Salem, Illinois.

Board of Governors of the Federal Reserve System, April 22, 1985.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 85-10067 Filed 4-24-85; 8:45 am]

BILLING CODE 6210-01-M

FEDERAL TRADE COMMISSION

Information Collection Trade Practices; Advertising Automobiles

AGENCY: Federal Trade Commission.

ACTION: Application to OMB under the Paperwork Reduction Act, (44 U.S.C. 3501 *et seq.*) for review of a voluntary consumer survey.

SUMMARY: The FTC is requesting OMB review under 5 CFR 1320.14 of a questionnaire to be used to obtain information about consumers' interpretation of certan advertising and promotional materials. After preliminary screening, 600 consumers will be asked to review and respond to questions about a portfolio of six print ads.

DATES: Comments on this request for OMB review must be submitted on or before May 28, 1985.

ADDRESSES: Send comments to Mr. Don Arbuckle, Office of Information Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 3228, Washington, D.C. Copies of the application may be obtained from: Public Reference Branch, Room 130, Federal Trade Commission, Washington, D.C. 20580.

FOR FURTHER INFORMATION CONTACT: Thomas J. Maronick, Bureau of Consumer Protection, Federal Trade Commission, Washington, D.C. 20580 (202) 523-4810.

Dated: April 19, 1985.

John H. Carley,

General Counsel.

[FR Doc. 85-9959 Filed 4-24-85; 8:45 am]

BILLING CODE 6750-21-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 85D-0108]

Draft Guideline for Submitting Supporting Documentation in Drug Applications for the Manufacture of Drug Substances

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the availability of a draft guideline for the submission of supporting documentation in drug applications for the manufacture of drug substances. FDA is making the draft guideline available for public comment to assist it in developing a final guideline. The draft guideline is intended to furnish pharmaceutical manufacturers with guidance in submitting to FDA adequate information on the production and control of new drug substances.

The guideline, when issued in final form, may be relied on by pharmaceutical manufacturers when submitting supporting documentation on the preparation of the new drug substance in investigational new drug applications (IND's), abbreviated new drug applications (ANDA's), and new drug applications (NDA's). The draft guideline was prepared by FDA's Center for Drugs and Biologics.

DATE: Comments by July 24, 1985.

ADDRESSES: Requests for a copy of the draft guideline and written comments regarding the draft guideline to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Buford L. Poet, Center for Drugs and Biologics (HFN-102), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4330.

SUPPLEMENTARY INFORMATION: In the final rule revising the procedures governing the review and approval of new drug and antibiotic marketing applications, published in the **Federal Register** of February 22, 1985 (50 FR 7452), and in the proposed revisions of the investigational new drug regulations, published in the **Federal Register** of June 9, 1983 (48 FR 26720), FDA stated that it intended to expand the use of guidelines to provide assistance in implementing those regulations.

In this notice, FDA is announcing the availability of the fifth of the new draft guidelines. The notice of availability for the first draft guideline, the submission of supporting documentation for packaging of human drugs and biologics, was published in the **Federal Register** of February 1, 1984 (49 FR 4040). The notices of availability of the second and third draft guidelines, the submission of supporting documentation for stability studies of human drugs and biologics and the submission of supportive analytical data for methods validation in new drug applications, were published in the **Federal Register** of May 7, 1984 (49 FR 19412, 19413). The notice of availability of the fourth draft guideline, the submission of supportive documentation for the manufacture of finished dosage forms is published elsewhere in this issue of the **Federal Register**.

This draft guideline is intended to provide pharmaceutical manufacturers with guidance in submitting supporting documentation in drug applications on the method of preparation of the drug substance and on the control testing used to monitor the drug substance's identity, strength, quality, and purity. A description of the methods of preparation and process controls is required to be included in IND's, ANDA's, and NDA's.

FDA is making this draft guideline available for public comment before making it the formal position of the agency. If, following the receipt of comments, the agency concludes that the draft guideline, as revised, reflects acceptable criteria for use in submitting supporting documentation in drug applications for the manufacture of drug substances, the guideline will be made final, and FDA will announce its availability under 21 CFR 10.90(b).

Section 10.90(b) provides for the use of guidelines to establish procedures of general applicability that are not legal requirements but are acceptable to the agency. A person who follows a guideline can be assured that his or her conduct will be acceptable to the agency. A person may also choose to use alternative procedures even though they are not provided for in the guideline. A person who chooses to do so may discuss the matter further with the agency to prevent an expenditure of money and effort for work that the agency may later determine to be unacceptable. Therefore, interested persons are encouraged to use this opportunity to submit comments on the draft guideline if they have suggestions for its revision.

The proposed investigational new drug regulations incorporated the policy objective of limiting FDA regulation of Phase 1 investigations primarily to safety concerns to ensure that research subjects are not exposed to unreasonable risk. In the proposal, the agency stated that it intended to limit the scope of chemistry-related submissions to that which is necessary to support the scope and duration of the proposed human testing. In keeping with these goals, FDA specifically solicits comments on the nature and extent of supportive documentation for the manufacture of drug substances needed to support Phase 1 investigations.

Interested persons may, on or before July 24, 1985, submit written comments on the draft guideline to the Dockets Management Branch (address above). These comments will be considered in determining whether amendments to, or revisions of, the draft guideline are warranted. Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. The draft guideline and received comments may be seen in the Dockets Management Branch Between 9 a.m. and 4 p.m., Monday through Friday. Requests for a single copy of the draft guideline should be sent to the Dockets Management Branch.

Dated: April 19, 1985.

Joseph P. Hile,

Associate Commissioner for Regulatory Affairs

[FR Doc. 85-9953 Filed 4-24-85; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 85D-0078]

Draft Guideline for Submitting Supporting Documentation for the Manufacture of Finished Dosage Forms

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the availability of a draft guideline for the submission of supporting documentation for the manufacture of finished dosage forms. FDA is making the draft guideline available for public comment to assist it in developing a final guideline. The guideline is intended to furnish pharmaceutical manufacturers with guidance in submitting to FDA

supporting documentation on the manufacturing and testing of finished dosage forms. The guideline, when issued in final form, may be relied on by manufacturers when submitting supporting documentation for the manufacture of finished dosage forms in investigational and new drug applications. The draft guideline was prepared by FDA's Center for Drugs and Biologics.

DATE: Comments by July 23, 1985.

ADDRESS: Requests for a copy of the draft guideline and written comments regarding the draft guideline to the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Buford L. Poet, Center for Drugs and Biologics (HFN–102), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–4330.

SUPPLEMENTARY INFORMATION: In the revisions of the new drug and antibiotic regulations, published in the **Federal Register** of February 22, 1985 (50 FR 7452), and in the proposed revisions of the investigational new drug regulations, published in the **Federal Register** of June 9, 1983 (48 FR 26720), FDA stated that it intended to expand the use of guidelines to provide assistance in implementing those regulations.

In this notice, FDA is announcing the availability of the fourth of the new draft guidelines. The notice of availability for the first draft guideline, the submission of supporting documentation for packaging of human drugs and biologics, was published in the **Federal Register** on February 1, 1984 (49 FR 4040). The notices of availability of the second and third draft guidelines, the submission of supporting documentation for stability studies of human drugs and biologics and the submission of supportive analytical data for methods validation in new drug application, were published in the **Federal Register** of May 7, 1984 (49 FR 19412, 19413). A notice of availability of a fifth draft guideline, submitting supporting documentation in drug application for the manufacture of drug substances, is published elsewhere in this issue of the **Federal Register**.

This draft guideline is intended to provide pharmaceutical manufacturers with guidance in submitting to FDA supporting documentation on the manufacturing process and the accompanying quality control system for raw materials, in-process materials, and the finished dosage form suitable for administration. The supporting documentation relates to the identity, strength, quality, and purity of the dosage form and the procedures for assuring that all batches manufactured conform to the appropriate specifications.

FDA is making the draft guideline available for public comment before making it the formal position of the agency. If, following the receipt of comments, the agency concludes that the draft guideline, as revised, reflects acceptable criteria for use in submitting supporting documentation for the manufacture of finished dosage forms, the guideline will be made final, and FDA will announce its availability under 21 CFR 10.90(b).

Section 10.90(b) provides for the use of guidelines to establish procedures of general applicability that are not legal requirements but are acceptable to the agency. A person who follows a guideline can be assured that his or her conduct will be acceptable to the agency. A person may also choose to use alternative procedures even though they are not provided for in the guideline. A person who chooses to do so may discuss the matter further with the agency to prevent expenditures of money and effort for work that the agency may later determine to be unacceptable.

The proposed investigational new drug regulations incorporated the policy objective of limiting FDA regulations of Phase 1 investigations primarily to safety concerns to ensure that research subjects are not exposed to unreasonable risk. In the proposal, the agency stated that it intended to limit the scope of chemistry related submissions to that which is necessary to support the scope and duration of the proposed human testing. In keeping with these goals, FDA specifically solicits comments on the nature and extent of supporting documentation for the manufacture of finished dosage forms needed to support Phase 1 investigations.

Interested persons may, on or before (July 23, 1985, submit written comments on the draft guidelines to the Dockets Management Branch (address above). These comments will be considered in determining whether amendments to, or revisions of, the draft guideline are warranted. Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. The draft guideline and received comments may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday. Requests for a single copy of the draft guideline should be sent to the Dockets Management Branch.

Dated: April 19, 1985.

Joseph P. Hile,

Associate Commissioner for Regulatory Affairs.

[FR Doc. 85–9954 Filed 4–24–85; 8:45 am]

BILLING CODE 4160–01–M

[Docket No. 84N–0368]

Preservative-Free Morphine Preparation for Epidural Use for Treatment of Severe Chronic Pain; Invitation To Submit a New Drug Application

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) has established the Office of Orphan Products Development to identify and facilitate the availability of products useful in treating or diagnosing uncommon diseases. This office promotes the availability of products for common diseases where commercial sponsorship of the products is either lacking or is not totally committed to obtaining marketing approval. By this notice, the Office of Orphan Products Development invites submission of a new drug application (NDA) for a preservative-free morphine preparation in a concentration of 50 milligrams per milliliter (mg/mL) for epidural use for treatment of severe chronic pain which responds inadequately to systemic analgesic therapy or when epidural administration is considered preferable to systemic administration.

FOR FURTHER INFORMATION CONTACT: Roger Gregorio, Office of Orphan Products Development (HF–35), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–4903.

SUPPLEMENTARY INFORMATION:

Preservative-Free Morphine for Intraspinal Use

The doses of systemically administered analgesics required for amelioration of severe chronic pain frequently leave the patient somnolent and unable to interact with the environment; moreover, the development of tolerance may result in inadequate pain relief even with very high dose levels.

In the past decade the presence of spinal cord opiate receptors was demonstrated in animals, and microgram doses of intraspinally administered morphine were shown to

inhibit nociceptive neurons, increase the pain threshold, and produce spinal segmental analgesia. Clinical investigations have demonstrated that intraspinal (epidural or intrathecal) administration of morphine produces marked and long lasting relief in patients suffering from severe chronic pain, and at much smaller dosage than that required for systemic use. Additional advantages of the intraspinal route are lack of depression of cognitive, sensory, and motor functions, so that the patients were frequently able to live independently with minimal health care supervision and to participate in normal activities within the limits of their underlying disease. Pharmacokinetic studies and dose-response studies in normal subjects with experimental pain and in patients with acute and chronic pain have provided a scientific approach to individual dosing needs and to avoidance of adverse respiratory, cardiovascular, and neurological effects of morphine.

Several medication systems involving partially or completely implanted intraspinal catheters with or without attachment to reservoirs or microinfusion pumps have been developed to facilitate optimum intermittent or continuous intraspinal infusion of morphine. FDA believes that preservative-free high concentration morphine preparations suitable for long-term intraspinal infusion may be beneficial for certain patients with severe chronic pain. FDA has also been requested by clinical investigators and medical device manufacturers to facilitate the development and marketing of such morphine preparations.

The proposed morphine 50 mg/mL for epidural use in severe chronic pain is considered a product for treatment of an uncommon condition: There were 440,620 total deaths due to cancer in 1983 in the United States, of which 179,100 were due to types of cancer most commonly associated with pain below the diaphragm (cancer of digestive organs, peritoneum—112,910; cancer of reproductive organs—47,880; urinary tract cancers—18,310)—NCHS, Monthly Vital Statistics Report 32, September 21, 1984. Available published and unpublished data indicate that the target subpopulation of patients with chronic pain expected to benefit from epidural morphine is primarily patients with malignancies in these areas. Patients with chronic pain of nonmalignant origin would comprise only a small additional fraction of the target population. Of the approximately 200,000 patients with lower region chronic pain, only a fraction would be candidates for continuous administration of morphine by the intraspinal route.

FDA advises that if orphan drug designation for the specific indication described in this notice is requested by a sponsor and granted under section 526 of the Orphan Drug Act, the sponsor would be eligible for benefits under the Act. Interim guidelines concerning requesting orphan designation are available from Roger Gregorio at the Office of Orphan Products Development (address above).

Morphine for Intrathecal Administration

FDA's Anesthetic and Life Support Drugs Advisory Committee met on April 10, 1985, to consider use of intrathecal administration of morphine in concentrations greater than the currently marketed 1 mg/mL preservative-free morphine. Based upon the results of clinical experience presented by several experts in the field, the Committee recommended that an NDA be considered for a 25 mg/mL concentration for intrathecal use in patients with refractory pain due to malignancy. FDA will entertain submission of such an NDA but it has not itself had an opportunity to review the data supporting the aforementioned concentration and use.

Morphine for Epidural Administration

FDA finds that there are sufficient data available in the published literature to invite submission of an NDA for preservative-free morphine in a concentration of 50 mg/mL (2 mL/ampule and 10 mL/ampule) for epidural use for treatment of severe chronic pain. It should be noted that the proposed 50 mg/mL morphine preparation should not be injected directly into the epidural space. The preparation is intended for dilution prior to administration, in accord with the patient's dosage requirement and the nature of the delivery system to be used. Direct clinical administration of a 50 mg/mL concentration in the epidural space would be considered investigational, and would require submission of an investigational exemption to assess its safety, including the reliability and chemical compatibility of any delivery system that might be designed for use with this high concentration of morphine.

The effectiveness of morphine for relief of pain is well known. The purpose of the requested NDA submission is to provide (1) data on appropriate dosage for safe and effective use by the epidural route in treatment of chronic pain and (2) manufacturing information on the dosage form intended for marketing.

Examples of published preclinical data that would support approval of an NDA for preservative-free morphine for epidural administration in treatment of chronic pain are as follows:

Yaksh (Ref. 1) published a comprehensive review of the principles of drug action involved in spinal opiate analgesia. In addition to reports of basic research in opiate receptors, the 230 published references listed in this paper include extensive data on pharmacology and toxicology of intraspinal morphine as well as interaction with opiate antagonists in several species including primates. Review and analysis of pertinent individual reports of such data would help support an NDA for use of epidural morphine in chronic pain.

Examples of published clinical data that would help support approval of an NDA for preservative-free morphine for epidural administration in treatment of severe chronic pain are as follows:

Effective Dosage

Behar et al. (Ref. 2) treated 10 patients (6 chronic, 4 acute pain) with epidural morphine 2 mg given one to three times daily for 2 to 3 days, interspersed with injections of bupivacaine or saline placebo. All patients experienced decreased pain within 2 to 3 minutes, maximum relief in 1 to 15 minutes, and duration of relief of 6 to 24 hours following morphine injection. Of the six patients with chronic pain, three reported 100 percent pain relief and three 50 percent relief. Two of three patients had slight pain relief, only at rest, after saline injection. Magora et al. (Ref. 3) treated 98 patients with severe pain (medical, surgical, obstetrical), including 16 cancer patients, with morphine 2 mg by repeat epidural injection (30 patients) and by indwelling epidural catheter (68 patients) for periods up to 8 days. Onset of effect occurred in 8 to 10 minutes, became maximal in 15 to 20 minutes and persisted 4 to 36 (average 8) hours. Overall effect was good in 56 percent (complete pain relief); fair in 23.5 percent (partial relief); poor in 20 percent (little or no relief). Twelve good and 4 fair results occurred in the 16 cancer patients. Effects were similar in patients with similar pain disorders, but differed widely between groups with different disorders. Coombs et al. (Ref. 4) treated seven cancer patients with refractory pain with morphine via implanted epidural catheter and microinfusion pump. Results included a trend toward increasing doses for adequate pain relief, e.g., mean 4 ±4.3

mg/day at 6 weeks increased to 8.9 ±10.8 mg/day at 12 weeks, with two of seven patients requiring 30 mg/day. There were no adverse effects reported. The patients characteristically slept and ate better. Crawford et al. (Ref. 5) reported the results of a retrospective survey of 105 patients with chronic pain in 8 major anesthesia departments in Denmark. The patients were treated with extradural opiates (morphine in 90; buprenorphine in 12; both drugs in 3) for 7 to 283 (mean 65) days, primarily as outpatients. Morphine 4 to 30 mg (mean 12.6 ±4.8 mg) per day, usually in 3 divided doses, was administered via implanted epidural catheter to 90 patients. Satisfactory pain relief with epidural opiates alone was reported by 70 patients; and an additional 21 patients required supplementary analgesics. Transient side effects in 62 patients receiving only epidural morphine included: Urinary retention in 3, nausea and vomiting in 6, dizziness in 2, constipation in 2, tolerance in 11. Postmortem histopathology of the dura mater in 10 patients treated for 14 to 182 days showed no treatment-related abnormalities.

Examples of studies providing supportive evidence of appropriate dosage include: Howard et al. (Ref. 6), Findler et al. (Ref. 7), Poletti et al. (Ref. 8), Zenz et al. (Ref. 9), Chrubasik (Ref 10), and Delhaas (Ref. 11).

Adverse Effects

The papers listed under *Effective Dosage* (above) and *Pharmacokinetics* (below) contain information about side effects experienced by some patients. The following papers primarily involve reports of severe adverse reactions that emphasize the need for careful dosage adjustment and prolonged monitoring; in addition, they describe treatment of these reactions. The most serious side effects have included respiratory depression (Christensen (Ref. 12)) and urinary retention (Peterson (Ref. 13)). The incidence of these and other adverse effects has been described in Reiz et al. (Ref. 14) and Gustafson et al. (Ref. 15). In addition, Reiz et al. compared the incidence of adverse effects following epidural and intravenous morphine.

Pharmacokinetics/Clinical Pharmacology

Bromage et al. (Ref. 16) compared effects of morphine, 10 mg I.V. and epidurally, in six male volunteers. Nordberg et al. (Ref. 17) compared dose-response effects and plasma and CSF pharmacokinetics of epidural morphine, 2, 4, and 6 mg in 20 postoperative patients. Jorgensen et al. (Ref. 18) compared cerebrospinal fluid and plasma levels of epidural and intrathecal morphine in six surgical patients. Useful supportive information may be found in Chauvin et al. (Ref. 19), Thompson et al. (Ref. 20), and Torda et al. (Ref. 21).

The following information should be submitted in an NDA:

1. Manufacturing controls information.

2. Pertinent published or unpublished reports of the effects of epidural morphine in animals.

3. Pertinent published and unpublished reports, with appropriate summary and analysis, of the effects of epidural morphine in patients with severe chronic pain. Published and unpublished reports concerning pharmacokinetic studies and dose-response effects should be included.

4. Draft labeling to include appropriate warning information, methods of treatment of adverse effects, detailed information on the technique of epidural administration, and appropriate dilution methods.

5. For purposes of providing adequate labeling, information on the chemical and functional compatibility and appropriateness of the NDA sponsor's morphine preparation with various solutions used for dilution and with several pumps and catheters available for epidural administration.

Pharmacokinetic studies of the applicant's drug are not required if the drug is labeled with instructions for appropriate dilution for bolus use and use by continuous epidural infusion when such instructions are based upon published and unpublished data supporting safe and effective use at the recommended concentrations. Use of the product at higher concentrations for treatment of chronic pain would be considered investigational and may require appropriate studies to establish both plasma and CSF profiles of morphine in conjunction with the specific delivery system to be used.

Bioavailability studies of the applicant's drug are not required for the following reasons:

Dosage titration is used in each patient to obtain optimum analgesia.

Under 21 CFR 320.22(e) FDA may waive a requirement for submission of in vivo bioavailability data when such action is compatible with the public health. The product to be marketed must meet existing manufacturing standards, and products of this nature have been tested in patients with severe chronic pain and found to be sufficiently bioavailable to provide effective pain relief. This relief occurs with doses that are lower when given epidurally than when given parenterally.

Special Packaging Requirement

Because of the potential dangers of administration of the 50 mg/mL product undiluted, FDA will require that the product be packaged in such a way as to emphasize the need for dilution.

FDA will be pleased to meet with potential sponsors to discuss the data and requirements. Manufacturers interested in submitting an NDA should contact Roger Gregorio (address above).

References

Copies of references cited above are on display in the Documents Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857, and may be seen between 9 a.m. and 4 p.m., Monday through Friday.

Pharmacology

1. Yaksh, T. L., *Pain*, 11:293–346, 1981.

Effective Dosage

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Dated: April 19, 1985.

Marion J. Finkel,

Director, Orphan Products Development.

[FR Doc. 85–9957 Filed 4–24–85; 8:45 am]

BILLING CODE 4160-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

Availability of Public Lands in Lake County, OR

Correction

In FR Doc. 85–8359 beginning on page 13882 in the issue of Monday, April 8, 1985, make the following correction:

The table appearing on page 13882 and on the top of page 13883 was inaccurate and is corrected and set forth in its entirety below:

Serial and parcel No.	Legal description/acreage, Willamette Meridian, OR	Acres	Minimum bid	Bid deposit
OR 34957C	T 27S., R 17E			
Parcel #1	Sec. 15 $SW\frac{1}{4}$ $SW\frac{1}{4}$	40	$3,400	$1,020
OR 34957D	T 27S., R 17E			
Parcel #2	Sec. 14 $SE\frac{1}{4}$ $SW\frac{1}{4}$			
	Sec. 23 $NE\frac{1}{4}$ $NW\frac{1}{4}$, $S\frac{1}{2}NW\frac{1}{4}NW\frac{1}{4}$	100	8,500	2,550
OR 34957E	T 27S., R 17E			
Parcel #3	Sec. 23 $S\frac{1}{2}$ $NW\frac{1}{4}$, $N\frac{1}{2}$ $SW\frac{1}{4}$	160	13,600	2,720
OR 36015	T. 25S., R 18E			
Parcel #4	Sec. 5 $SE\frac{1}{4}$ $SE\frac{1}{4}$.	40	3,200	960
OR 36016	T 25S., R 18E			
Parcel #5	Sec. 17 $NE\frac{1}{4}$ $NE\frac{1}{4}$	40	3,200	960
OR 36017	T 26S., R 19E			
Parcel #6	Sec. 6 Lot 5	34.52	3,000	900
OR 36018	T 26S., R 18E			
Parcel #7	Sec. 25 $SW\frac{1}{4}$	160	13,600	2,720
OR 36019	T 27S., R 17E			
Parcel #8	Sec. 31 $SE\frac{1}{4}$ $NE\frac{1}{4}$, $E\frac{1}{2}SE\frac{1}{4}$, Sec. 32: $S\frac{1}{2}$ $NW\frac{1}{4}$			
	T 28S., R 17E			
	Sec. 6, Lot 1	237.46	19,000	3,800
OR 36020	T 28S., R 16E			
Parcel #9	Sec. 11, $SW\frac{1}{4}$, $NW\frac{1}{4}$, $NW\frac{1}{4}$ $SW\frac{1}{4}$	80	6,400	1,920
OR 36283	T 25S., R 19E			
Parcel #10	Sec. 29 $SW\frac{1}{4}$ $SW\frac{1}{4}$	40	3,200	960
OR 36284	T 25S., R 19E			
Parcel #11	Sec. 29 $E\frac{1}{2}$ $SE\frac{1}{4}$ $SW\frac{1}{4}SE\frac{1}{4}$	120	9,600	2,880
OR 36285	T 25S., R 19E			
Parcel #12	Sec. 28 $NE\frac{1}{4}$	160	12,800	2,560
OR 36286	T 26S., R 18E			
Parcel #13	Sec. 13 $S\frac{1}{2}$	320	27,200	5,440
OR 36287	T 28S., R 16E			
Parcel #14	Sec. 1 lots 1 thru 4, $SW\frac{1}{4}$ $NE\frac{1}{4}$ $S\frac{1}{2}$ $NW\frac{1}{4}$			
	Sec. 2, lot 1	199.49	16,000	3,200
OR 36857B	T 27S., R 17E			
Parcel #15	Sec. 27, $SW\frac{1}{4}$ $SW\frac{1}{4}$			
	Sec. 28 $SE\frac{1}{4}$ $SE\frac{1}{4}$	80	6,000	1,800

BILLING CODE 1505-01-M

Arizona Strip District Grazing Advisory Board Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of meeting.

SUMMARY: A meeting of the Arizona Strip District Grazing Advisory Board will be held at 9 a.m. on Monday, May 13, 1985 at the Sugar Loaf Restaurant, 290 East St. George Blvd., St. George, Utah.

FOR FURTHER INFORMATION CONTACT: G. William Lamb, District Manager, Arizona Strip District, 196 East Tabernacle, St. George, Utah 84770 (801/673–3545).

SUPPLEMENTARY INFORMATION: Primary topics on the agenda will be rangeland projects, implementation, and project maintenance. The meeting is open to the public. Interested persons may make oral statements at 3 p.m. or file written statements for the Board's consideration. Those wishing to make statements should contact the district manager by May 10, 1985.

Raymond D. Mapston,

Acting Arizona Strip District Manager.

April 18, 1985.

[FR Doc. 85–10042 Filed 4–24–85; 8:45 am]

BILLING CODE 4310-84-M

Arizona; Yuma District Advisory Council Public Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Yuma (Arizona) District Advisory Council Meeting.

SUMMARY: The Bureau of Land Management, Yuma District Advisory Council will meet from 9:00 a.m. to 3:00 p.m., May 17, 1985, at the City Council Chambers, 1314 11th Street, Parker, Arizona.

The agenda for the meeting includes:

1. District Manager's Update
2. Resource Management Plan
3. Concession Management
4. Advisory Council Initiated Topics

The public is invited to attend. Public comments will be received by the Council at 2:00 p.m. and at appropriate times during the meeting. Individuals wishing to make statements should advise the District Manager by 4:00 p.m., May 16, 1985, so that time may be reserved.

Minutes of the meeting will be made available for review and reproduction with in 30 days following the meeting.

Dated: April 18, 1985.

J. Darwin Snell,

District Manager.

[FR Doc. 85–10043 Filed 4–24–85; 8:45 am]

BILLING CODE 4310-32-M

[Group 811]

California; Filing of Plat of Survey

April 19, 1985.

1. These plats of survey of the following described land will be officially filed in the California State Office, Sacramento, California immediately:

Mount Diablo Meridian, Shasta County

T. 37 N., R. 3 W.
T. 38 N., R. 3 W.

2. These plats, representing the dependent resurvey of a portion of the west and north boundaries, of Township 36 North, Range 2 West, the dependent resurvey of the east boundary, and a portion of the north boundary, of Township 36 North, Range 4 West, the dependent resurvey of the south, east, and west boundaries, of Township 37 North, Range 3 West, and the dependent resurvey of the south boundary and a portion of the east boundary, of Township 38 North, Range 3 West, Mount Diablo Meridian, under Group No. 811, California, were accepted March 11, 1985.

3. These plats will immediately become the basic record for describing the land for all authorized purposes. These plats have been placed in the open files and are available to the public for information only.

4. These plats were executed to meet certain administrative needs of the Bureau of Land Management, Department of Agriculture, U.S. Forest Service, and the Southern Pacific Land Company.

5. All inquiries relating to this land should be sent to the California State Office, Bureau of Land Management, Federal Office Building, 2800 Cottage Way, Room E-2841 Sacramento, California 95825.

Celia Anderson,

Acting Chief, Records & Information Section.

[FR Doc. 85-10054 Filed 4-24-85; 8:45 am]

BILLING CODE 4310-40-M

[Group 831]

California; Filing of Plat of Survey

April 18, 1985

1. This plat of survey of the following described land will be officially filed in the California State Office, Sacramento, California, immediately:

Mount Diablo Meridian, Inyo County

T. 14 S., R. 38 E.

2. This plat, representing the dependent resurvey of portions of the east boundary and subdivisional lines, and the survey of the subdivision of sections 11, 13, 14, 15, 16, 22, 23, 26, and 27, Township 14 South, Range 38 East, Mount Diablo Meridian, under Group No. 831, California, was accepted March 12, 1895.

3. This plat will immediately become the basic record for describing the land for all authorized purposes. This plat has been placed in the open files and is available to the public for information only.

4. This plat was executed to meet certain administrative needs of the Bureau of Land Management.

5. All inquiries relating to this land should be sent to the California State Office, Bureau of Land Management, Federal Office Building, 2800 Cottage Way, Room E-2841, Sacramento, California 95825.

Herman J. Lyttge,

Chief, Records & Information Section.

[FR Doc. 85-10062 Filed 4-24-85; 8:45 am]

BILLING CODE 4310-40-M

[Group 762]

California; Filing of Plat of Survey

April 18, 1985.

1. These plats of survey of the following described land will be officially filed in the California State Office, Sacramento, California, immediately:

Humboldt Meridian, Siskiyou County

T. 15 N., R. 6 E.
T. 15 N., R. 7 E.
T. 15 N., R. 8 E.
T. 16 N., R. 6 E.
T. 16 N., R. 7 E.

2. These plats, representing the dependent resurvey of a portion of the west boundary, subdivisional lines, subdivision of section 7, certain Mineral Surveys, Homestead Entry Surveys and Indian Allotment Surveys, the survey of the subdivision of section 7, and the metes-and-bounds survey of Tracts 43-52, Township 15 North, Range 7 East, in six (6) sheets, the metes-and-bounds survey of Tracts 37A, 37B, 38, and 39, Township 15 North, Range 6 East, the dependent resurvey of Homestead Entry Survey Nos. 156 and 222, and the metes-and-bounds survey of Tract 37, Township 15 North, Range 8 East, and the dependent resurvey of the Third Standard Parallel North, on a portion of the south boundaries of Tps. 16 N., Rs. 6 and 7 E., and the metes-and-bounds survey of Tract 61, Township 16 North, Range 7 East, Humboldt Meridian, under Group No. 762, California, were accepted March 29, 1985.

3. These plats will immediately become the basic record for describing the land for all authorized purposes. These plats have been placed in the open files and are available to the public for information only.

4. These plats were executed to meet certain administrative needs of the Bureau of Land Management and the Department of Agriculture, U.S. Forest Service.

5. All inquiries relating to this land should be sent to the California State Office, Bureau of Land Management, Federal Office Building, 2800 Cottage Way, Room E-2841, Sacramento, California 95825.

Herman J. Lyttge,

Chief, Records & Information Section.

[FR Doc. 85-10063 Filed 4-24-85; 8:45 am]

BILLING CODE 4310-40-M

[Group 890]

California; Filing of Plat of Survey

April 18, 1985.

1. This plat of survey of the following described land will be officially filed in the California State Office, Sacramento, California, immediately:

Mount Diablo Meridian, Inyo County

T. 5 S., R. 37 E.

2. This plat, representing the dependent resurvey of a portion of the subdivisional lines, and the survey of the subdivision of section 28, Township 5 South, Range 37 East, Mount Diablo Meridian, under Group No. 890, California, was accepted March 20, 1985.

3. This plat will immediately become the basic record for describing the land for all authorized purposes. This plat has been placed in the open files and is available to the public for information only.

4. This plat was executed to meet certain administrative needs of the Bureau of Land Management.

5. All inquiries relating to this land should be sent to the California State Office, Bureau of Land Management, Federal Office Building, 2800 Cottage Way, Room E-2841, Sacramento, California 95825.

Herman J. Lyttge,

Chief, Records & Information Section.

[FR Doc. 85-10064 Filed 4-24-85; 8:45 am]

BILLING CODE 4310-40-M

Colorado; Craig District Grazing Advisory Board Meeting

Notice is hereby given in accordance with Pub. L. 92-463, that a meeting of the Craig District Grazing Advisory Board will be held June 13 and 14, 1985 at the White River Resource Area office of the Bureau of Land Management, P.O. Box 928, Highway 64, Meeker, Colorado. The meeting will convene at 10:00 a.m.

The meeting will consist of a short discussion of old business and any other concerns brought forth by the public, followed by a tour of range improvement work in the White River Resource Area.

The meeting is open to the public. Interested persons may make oral statements to the board between 10:00 a.m. and 11:00 a.m., June 13, 1985, or file written statements for the board's consideration. Depending on the number of persons wishing to make oral statements, a per person time limit may be established by the District Manager.

Dated: April 16, 1985.

William J. Pulford,

District Manager.

[FR Doc. 10059 Filed 4–24–85; 8:45 am]

BILLING CODE 4310-30-M

Montana; Proposed Reinstatement of Terminated Oil and Gas Lease

Under the provisions of Pub.L. 97–451, a petition for reinstatement of oil and gas lease M 44406, Lewis & Clark County, Montana was timely filed and accompanied by the required rental accruing from the date of termination.

No valid lease has been issued affecting the lands. The lessee has agreed to new lease terms for rentals and royalties at rates of $5 per acre and 16⅔% respectively. Payment of a $500 administration fee has been made.

Having met all the requirements for reinstatement of the lease as set out in Sec. 31 (d) and (e) of the Mineral Lands Leasing Act of 1920 (30 U.S.C. 188), the Bureau of Land Management is proposing to reinstate the lease, effective as of the date of termination, subject to the original terms and conditions of the lease, the increased rental and royalty rates cited above, and reimbursement for cost of publication of this Notice.

Dated: April 12, 1985.

Judith I. Reed,

Acting Chief, Fluids Adjudication Section.

[FR Doc. 85–10041 Filed 4–24–85; 8:45 am]

BILLING CODE 4310-85-M

Wyoming; Rawlins District Advisory Council Meeting

AGENCY: Bureau of Land Management, Interior, Rawlins District Office, Rawlins, Wyoming.

ACTION: Notice of Meeting of the Rawlins District Advisory Council.

SUMMARY: Notice is hereby given in accordance with Pub. L. 94–579 that a meeting of the Rawlins District Advisory Council will be held.

DATE: May 23, 1985.

ADDRESS: The Bel Air Inn, 23rd and Spruce Streets, Rawlins, Wyoming.

FOR FURTHER INFORMATION CONTACT: Beverly Kolkman, Public Information Officer, or Mike Karbs, Associate District Manager, Rawlins District, Bureau of Land Management, P.O. Box 670, Rawlins, Wyoming 82301 (307) 324–7171.

SUPPLEMENTARY INFORMATION: The meeting will begin at 10 a.m. at the Bel Air. The agenda for this meeting will include:

1. BLM/Forest Service Interchange Program.
2. Lander Resource Management Plan.
3. Operation Respect and Hunter Access Program.
4. Cooperative Management Agreement.
5. Update on Wild Horse Program.
6. Election of Officers.

The meeting is open to the public. Interested persons may make oral statements to the council at 2:00 p.m. or file wirtten statements for the council's consideration. Anyone wishing to make an oral statement should notify the District Manager on or before May 16, 1985. Depending on the number of persons who want to make a statement, a time limit may be established.

Summary minutes will be available for review within 30 days after the meeting at the Rawlins District office. Copies of the minutes may be obtained for the cost of duplication.

Richard Bastin,

District Manager.

[FR Doc. 85–10040 Filed 4–24–85; 8:45 am]

BILLING CODE 4310-22-M

Planning Activity; Amendment to Great Falls Resource Area

AGENCY: Lewistown District Office, Great Falls Resource Area Office.

ACTION: Notice of Planning Activity—Amendment to Great Falls Resource Area Portion of the Headwaters Resource Area Resource Management Plan.

SUMMARY: 1. The proposed planning action will pursue a category 1 planning amendment to the Great Falls Resource Area portion of the Headwaters Resource Management Plan (RMP). This amendment is for the purpose of considering a special designation for an area of critical environmental concern (ACEC) for approximately 1,000 acres of public land obtained through a land exchange (Realty Action M–59763) which was consummated after completion of the final Headwaters RMP (October, 1983) and subsequent Record of Decision (July, 1984). This amendment is modest in nature as it will involve only one issue and will address only a portion of the resource area.

The acreage acquired through this land exchange contains significant scenic, recreational, and wildlife resources that are of special worth and involve more than local significance. The criteria for an ACEC designation specifies (1) *relevance* and (2) *importance* as found in 43 CFR 1610.7–2 appears to be met.

2. The geographic area to be planned is located on the Rocky Mountain Front, Teton County, Montana. Specifically, the land under consideration is located in PMM T. 24 N., R. 8 W., Section 5, 6, 7, and 8 in management unit 01 of the existing resource management plan.

3. The main issue involved in this amendment is related to special designations and how the land should be managed with regard to a special designation. Principal considerations include the effects that a special designation would have in providing additional management emphasis for the protection of important surface resources (principally wildlife and recreation) and resource development opportunities. The decisions needed include:

a. Should all, portions, or none of the acquired acreage receive special designation?

b. How should the area be managed once given special designation of if given special designation?

c. Given the special designations available to the BLM, which type of special designation would be most appropriate under the ACEC concept?

4. The disciplines to be represented on the interdisciplinary team for the environmental analysis are:

a. Wildlife Biologist
b. Range Conservationist
c. Recreation/Cultural Specialists
d. Geologist

5. The public will be invited to participate in selection of planning criteria, scoping, defining alternatives, and reviewing the environmental assessment.

6. No meetings are scheduled at this time, as meetings are set, they will be announced in the local media.

7. For further information on this planning action contact: Nancy Cotner, Area Manager, USDI Bureau of Land Management, Great Falls Resource Area, P.O. Box 2865, Great Falls, MT 59403.

8. All relevant planning documents are located at the above address and are available for public inspection and information at the same address during normal working hours (7:45 a.m.–4:30 p.m.).

Dated: April 18, 1985.

Glenn W. Freeman,

District Manager.

[FR Doc. 85–10061 Filed 4–24–85; 8:45 am]

BILLING CODE 4310-85-M

[A-20347]

Realty Action; Designation of Public Lands To Be Included in State Exchange in Cochise, Graham, and Greenlee Counties, AZ

AGENCY: Bureau of Land Management, Safford District, Interior.

ACTION: Designation of public lands for transfer out of federal ownership in exchange for lands owned by the State of Arizona.

SUMMARY: BLM proposes to exchange public land with the State of Arizona in order to achieve more efficient management of the public land through consolidation of ownership.

The following public land is being considered for disposal by exchange pursuant to section 206 of the Federal Land Policy and Management Act of October 21, 1976, 43 U.S.C. 1716.

Gila and Salt River Meridian

(Gila Box Group)

T. 4 S., R. 30 E.
Sec. 33: Lots 4, 5.
T. 5 S., R. 30 E.
Sec. 1: lots 1–4, S½N½, S½;
Sec. 3: lots 1–4, S½N½, S½;
Sec. 4: lots 1, 2, 5–10, S½NE¼, SW¼SW¼, SE¼;
Sec. 5: lots 1–4, SE¼NE¼, SW¼NW¼, W½SW¼, SE¼SW¼, SE¼;
Sec. 8: NW¼, NE¼SW¼;
Sec. 10: E½.
T. 5 S., R. 31 E.
Sec. 7: lot 8, SW¼NE¼.

The lands described above comprise 3060.68 acres, more or less, in Greenlee County.

(Hackberry Group)

T. 6 S., R. 29 E.
Sec. 22: S½N½, S½;
Sec. 23: S½N½, S½;
Sec. 24: S½N½, S½;
Sec. 25: all;
Sec. 26: all;
Sec. 27: all;
Sec. 34: all;
Sec. 35: all.
T. 9 S., R. 29 E.
Sec. 4: lot 1, SE¼NE¼, E½SE¼;
Sec. 9: all;
Sec. 21: N½, N½S½.
T. 10 S., R. 29 E.
Sec. 1: lots 1–4, S½N½, S½;
Sec. 2: lots 1–4, S½N½, S½ (no U.S minerals);
Sec. 3: SE¼NE¼, NE¼SW¼, S½SW¼, SE¼;
Sec. 9: E½NE¼;
Sec. 10: all;
Sec. 11: all;
Sec. 12: all;
Sec. 13: N½;
Sec. 14: N½, SW¼;
Sec. 15: E½;
Sec. 23: W½;
Sec. 25: all;
Sec. 26: all;
Sec. 34: SE¼;
Sec. 35: all;
Sec. 36: lots 1–4, W½NE¼, NW¼, N½SW¼, W½SE¼.
T. 8 S., R. 30 E.
Sec. 20: S½SW¼, SW¼SE¼;
Sec. 27: SW¼SW¼;
Sec. 30: lots 1–4, E½W½, SE¼.
T. 9 S., R. 30 E.
Sec. 1: lots 3, 4, SW¼NW¼, SW¼, S½SE¼;
Sec. 12: all;
Sec. 13: all;
Sec. 14: all;
Sec. 23: all;
Sec. 24: all;
Sec. 25: all;
Sec. 26: all;
Sec. 35: all.
T. 10 S., R. 30 E.
Sec. 11: all;
Sec. 13: SE¼NE¼, NW¼, NW¼SW¼, E½SE¼;
Sec. 14: all;
Sec. 22: S½S½;
Sec. 23: all;
Sec. 24: N½N½, SW¼NW¼, W½SW¼;
Sec. 26: N½N½, SW¼NW¼, SW¼;
Sec. 27: NW¼.
T. 9 S., R. 31 E.
Sec. 7: lots 1–4;
Sec. 18: lots 1–4, E½W½;
Sec. 19: lots 1–4, W½NE¼, E½W½, NW¼SE¼;
Sec. 30: lots 1–4;
Sec. 31: lots 1, 4.
T. 10 S., R. 31 E.
Sec. 6: lots 4–7, E½SW¼;
Sec. 7: lots 1–4, E½W½;
Sec. 18: lots 1, 2.
T. 11 S., R. 31 E.
Sec. 6: lots 3, 4.

The lands described above comprise 184 acres, more or less, in Greenlee County and 24,576.81 acres, more or less, in Graham County.

(Pima/Thatcher Group)

T. 6 S., R. 24 E.
Sec. 20: E½, E½W½;
Sec. 21: N½NW¼, SW¼NW¼, NW¼SW¼;
Sec. 25: NW¼NW¼;
Sec. 26: SW¼, NW¼SE¼;
Sec. 27: all;
Sec. 28: all;
Sec. 29: E½, E½W½;
Sec. 30: lot 2;
Sec. 31: lots 2–4, S½NE¼, SE¼NW¼, SE¼;
Sec. 32: W½, E½NE¼ (no U.S. minerals);
Sec. 33: all;
Sec. 34: NE¼, W½, N½SE¼, SW¼SE¼;
Sec. 35: E½NE¼, NW¼, N½SW¼, NE¼SE¼, S½NE¼.
T. 7 S., R. 24 E.
Sec. 1: lots 3, 4;
Sec. 2: lots 1–3, S½N½, S½;
Sec. 3: lot 4, SW¼NW¼;
Sec. 4: lots 1–4, SE¼NE¼, SW¼NW¼, NW¼SW¼;
Sec. 5: lots 1–4, S½NE¼, S½NW¼, N½SW¼, SW¼SW¼, S½SE¼;
Sec. 6: lots 1–6, S½NE¼, SE¼NW¼, E½SW¼, SE¼;
Sec. 7: lots 1–4, N½NE¼, SW¼NE¼, E½W½, S½SE¼;
Sec. 8: NW¼NW¼, W½SW¼, S½SE¼;
Sec. 9: S½NE¼, W½;
Sec. 10: S½NE¼, NW¼, N½SW¼, SW¼SW¼, N½SE¼;
Sec. 11: all;
Sec. 12: W½SW¼;
Sec. 13: NW¼NW¼;
Sec. 14: N½N½, S½NW¼, N½SW¼, SW¼SW¼, NW¼SE¼;
Sec. 15: N½, SW¼, N½SE¼, SW¼SE¼;
Sec. 17: NE¼, SE¼;
Sec. 19: lots 2–4, W½NE¼, E½W½, SE¼;
Sec. 20: NW¼SW¼;
Sec. 22: all;
Sec. 23: lots 1, 2, W½NW¼.
T. 7 S., R. 25 E.
Sec. 5: lots 1, 4, SE¼NE¼, E½SW¼, N½SE¼;
Sec. 7: SW¼SE¼;
Sec. 8: E½NE¼, E½NW¼, SW¼NW¼, E½SW¼, SE¼;
Sec. 17: all;
Sec. 18: SE¼NE¼;
Sec. 19: lots 1–4, E½, E½W½;
Sec. 20: W½NE¼, NW¼, N½SW¼, SW¼SW¼;
Sec. 30: lots 1–4, N½NE¼, E½W½.

The lands described above comprise 15,041.24 acres, more or less, in Graham County.

(Cochise Group)

T. 17 S., R. 20 E.
Sec. 21: SE¼NW¼, SE¼SE¼;
Sec. 22: NE¼NW¼, NW¼SW¼.
T. 18 S., R. 20 E.
Sec. 13: lot 1, W½NE¼, S½NE¼, SW¼, NW¼SE¼;
Sec. 23: NE¼, E½NW¼;
Sec. 24: lots 1, 2, W½NE¼, NW¼.
T. 19 S., R. 20 E.
Sec. 5: lots 1–4, S½N½, N½S½, S½SW¼, SW¼SE¼.
T. 20 S., R. 20 E.
Sec. 13: NE¼, NE¼SW¼, NW¼SE¼;
Sec. 22: lot 2;
Sec. 23: NW¼NE¼;
Sec. 24: E½NE¼, SW¼NE¼, E½SW¼, SE¼.
Sec. 26: SE¼NW¼;
T. 17 S., R. 21 E.
Sec. 13, all.
T. 18 S., R. 21 E.
Sec. 32: lots 5, 6.
T. 19 S., R. 21 E.
Sec. 14: W½NE¼, NW¼;
Sec. 15: N½.
T. 20 S., R. 21 E.
Sec. 18: SE¼SE¼, S½NE¼, NE¼SW¼, W½NW¼.
T. 19 S., R. 22 E.
Sec. 5: lots 1–4, S½N½, S½;
Sec. 6: lots 1–7, S½NE¼, SE¼NW¼, E½SW¼, SE¼;
Sec. 9: NE¼, NE¼NW¼, N½SE¼, SE¼SE¼;
Sec. 19: Lots 1–4, S½SE¼, E½NE¼, E½W½, SE¼;
Sec. 21: S½S½;
Sec. 22: all;
Sec. 23: N½, N½SW¼, NW¼SE¼;
Sec. 25: SE¼NE¼;
Sec. 26: NW¼SW¼;
Sec. 27: N½N½;
Sec. 28: N½N½.

T. 19 S., R. 23 E.
Sec. 30: Lots 2–4, E½, E½, E½W½.
T. 21 S., R. 23 E.
Sec. 22: all;
Sec. 23: SW¼NE¼, W½, E½SE¼;
Sec. 26: W½NE¼, NW¼, N½SW¼, NW¼SE¼;
Sec. 27: E½.
T. 22 S., R. 24 E.
Sec. 20: NE¼, E½NW¼, NW¼NW¼, NW¼SE¼;
Sec. 22: N½NW¼, SE¼NW¼;
Sec. 24: lot 1, NW¼NE¼, NE¼NW¼;
Sec. 25: lots 2–4, SW¼NE¼, W½NW¼, SE¼NW¼, SW¼, W½SE¼.
T. 21 S., R. 25 E.
Sec. 29: all;
Sec. 31: Lots 1–7, NE¼, E½NW¼, NE¼SW¼, N½SE¼;
Sec. 33: Lots 1–4, N½, W½SW¼
T. 22 S., R. 25 E.
Sec. 5: lots 1–4, S½N½, S½;
Sec. 19: E½E½;
Sec. 28: S½SW¼, W½SE¼;
Sec. 29: W½, W½E½;
Sec. 30: Lots 1, 2, E½NW¼.
T. 19 S., R. 26 E.
Sec. 16: S½ (no U.S. minerals).
T. 21 S., R. 26 E.
Sec. 31: Lot 4, SE¼SW¼.
T. 19 S., R. 27 E.
Sec. 17: SW¼SW¼.
T. 20 S., R. 27 E.
Sec. 24: S½N½, NW¼NW¼, S½;
Sec. 25: N½, SE¼;
Sec. 22: SE¼SE¼;
Sec. 27: NE¼, E½NW¼, SW¼NW¼, S½;
Sec. 28: S½;
Sec. 34: N½, SW¼.
T. 13 S., R. 28 E.
Sec. 1: lots 1–4, S½N½, S½;
Sec. 5: SW¼, W½SE¼ (those portions south of old State Highway 86);
Sec. 6: SE¼SE¼;
Sec. 8: E½NW¼NE¼, SW¼NW¼NE¼, SE¼NE¼NW¼, NW¼NW¼;
Sec. 12: N½.
T. 20 S., R. 28 E.
Sec. 6: lot 1;
Sec. 7: lot 4;
Sec. 18: lot 1;
Sec. 19: lot 4, SE¼SW¼;
Sec. 30: lot 1, NW¼NW¼;
Sec. 31: lot 4, SE¼SW¼.
T. 21 S., R. 28 E.
Sec. 5: lots 1–4, S½N½;
Sec. 6: lots 1–11, S½NE¼, SE¼NW¼, E½SW¼;
Sec. 7: N½NE¼, SE¼NE¼;
Sec. 8: N½NW¼, SW¼NW¼, SE¼SW¼, S½SE¼, NE¼SE¼;
Sec. 18: NW¼NE¼, NE¼NW¼, NE¼SE¼;
Sec. 19: lot 2, NE¼, E½NW¼, N½SE¼;
Sec. 20: NW¼SW¼;
Sec. 30: Lots 1, 2, NE¼NW¼, S½SE¼;
Sec. 35: NE¼, E½SE¼.
T. 22 S., R. 28 E.
Sec. 6: lots 1–5, S½SE¼;
Sec. 7: W½E½;
Sec. 18: NW¼NE¼;
Sec. 23: SW¼NW¼;
Sec. 30: lot 5;
Sec. 34: S½S½.
T. 23 S., R. 28 E.
Sec. 3: lots 1, 2, 4, SW¼NW¼, NW¼SW¼;
Sec. 10: SE¼NE¼.
Sec. 11: N½NW¼.
T. 24 S., R. 28 E.
Sec. 11: SE¼NE¼, N½NW¼NW¼, W½SW¼;
Sec. 13: E½NW¼.
T. 13 S., R. 29 E.
Sec. 7: lots 1, 2, E½NW¼
T. 22 S., R. 29 E.
Sec. 15: W½E½, E½SW¼;
Sec. 24: NW¼NE¼;
Sec. 25: SW¼SE¼NE¼, SE¼SW¼NE¼, NE¼NW¼SE¼, NW¼NE¼SE¼;
Sec. 31: SE¼SE¼
T. 24 S., R. 29 E.
Sec. 1: SW¼NE¼;
Sec. 5: SE¼SW¼, SE¼SE¼;
Sec. 6: E½NE¼;
Sec. 15: W½;
Sec. 17: E½SW¼, SE¼.
T. 15 S., R. 30 E.
Sec. 1: lots 1–7, SW¼NE¼, S½NW¼, SW¼, W½NE¼;
Sec. 12: lots 1–4, W½E½, W½;
Sec. 25: N½SW¼.
T. 16 S., R. 30 E.
Sec. 1: lots 1–11, SW¼NE¼, S½NW¼, SW¼, W½SE¼;
Sec. 11: NE¼, N¼SE¼;
Sec. 12: lots 1–4, W½E½, E½NW¼, NE¼SW¼;
Sec. 13: lots 1–4, W½E½;
Sec. 14: SW¼NE¼;
Sec. 23: S½SE¼;
Sec. 24: lots 1–4, W½E½, SE¼NE¼, NE¼SW¼, S½SW¼;
Sec. 25: lots 1, 2, W½NE¼, NE¼NW¼.
T. 21 S., R. 30 E.
Sec. 18: lots 3, E½SW¼, SE¼;
Sec. 19: NE¼, NE¼NW¼ E½SE¼;
Sec. 30: E½.
T. 15 S., R. 31 E.
Sec. 1: SW¼;
Sec. 3: Lots 3, 4, SW¼ NE¼, S½ NW¼, SW¼, W½ SE¼;
Sec. 4: Lots 1–4, S½ N½, S½;
Sec. 8: all;
Sec. 9: all;
Sec. 10: W½ NE¼, W½;
Sec. 13: all; (E½ no U.S. minerals);
Sec. 15: W½, W½ SE¼;
Sec. 16: all;
Sec. 17: all;
Sec. 20: all;
Sec. 21: all;
Sec. 22: all;
Sec. 23: all;
Sec. 25: all;
Sec. 26: E½, NW¼, N½ SW¼;
Sec. 27: all;
T. 16 S., R. 31 E.
Sec. 1: S½;
Sec. 4: Lots 5–9, SW¼ NE¼, S½ NW¼, NW¼ SE¼;
Sec. 5: Lots 1–4, S½ N½, S½;
Sec. 6: Lots 1–3, 8–20;
Sec. 7: Lots 5–18, S½ SE¼;
Sec. 8: all;
Sec. 11: all;
Sec. 12: all;
Sec. 13: all;
Sec. 17: lots 1–5, NW¼ NW¼, SW¼;
Sec. 18: lots 4–11, E½;
Sec. 19: lots 1,–3, 5–13, N½ NE¼, E½ NW¼;
Sec. 20: Lots 1–10, N½ NE¼, S½ SW¼, E½ SE¼;
Sec. 21: W½ NW¼;
Sec. 28: lots 1–4;
Sec. 29: lots 5, 6;
Sec. 30: lots 5, 6, W½ NE¼, S½ NW¼ (outside mineral survey);
Sec. 33: lots 3–6;
Sec. 34: NW¼ SE¼.
T. 17 S., R. 31 E.
Sec. 22: Lots 4, 5, 8–14.
T. 15 S., R. 32 E.
Sec. 3: lots 1–4, S½ N½, S½
Sec. 4: lots 1, 2, S½ NE¼, E½ SW¼, SE¼
Sec. 5: lots 1, 2, S½ NE¼ (No U.S. Minerals) SW¼, W½ SE¼;
Sec. 6: lots 6, 7, E½ SW¼;
Sec. 7: lots 1, 2, NE¼, E½ NW¼, SE¼ SW¼, SE¼;
Sec. 8: NW¼, SE¼;
Sec. 9: lots 1–4, N½ N½, NE¼ NE¼, SW¼ NW¼, NW¼ SW¼, NE¼ SE¼;
Sec. 10: lot 1, N½, SW¼, N½ SE¼, SW¼ SE¼;
Sec. 11: lots 5–8;
Sec. 14: lot 1;
Sec. 15: lots 1–3, NW¼ NW¼;
Sec. 17: N½;
Sec. 18: lots 1–4, E½W½, E½;
Sec. 19: lots 1–4, E½ W½, E½;
Sec. 30: lots 1–3, 5, E½ W½, E½;
Sec. 31: lots 3–8, E½, E½ SW¼;
T. 17 S., R. 32 E.
Sec. 6: NW¼ NE¼;
Sec. 10: S½ NE¼, NW¼ SE¼;
Sec. 11: lots 1, 2;
Sec. 15: NW¼ NW¼, S½ N½, W½ SW¼;
Sec. 21: N½, N½ SE¼;
Sec. 22: N½ NE¼, W½ NW¼, SW¼, S½ SE¼;
Sec. 23: lots 1, 2, 4;
Sec. 26: lots 1–4;
Sec. 27: E½, E½ W½.
T. 18 S., R. 32 E.
Sec. 8: SW¼ NW¼.
T. 22 S., R. 32 E.
Sec. 17: NW¼, N½ SW¼, SE¼ SW¼;
Sec. 20: NE¼ NW¼, S½ NW¼, SW¼.
The lands described above comprise 58,680.27 acres, more or less, in Cochise County

The above described lands will be segregated from entry under the mining laws, except the mineral leasing laws, effective upon publication of this notice in the **Federal Register.** The segregative effect will terminate upon issuance of patent to the State of Arizona or upon expiration of two years from the effective date, or by publiction of a Notice of Termination by the Authorized Officer, whichever comes first.

Final determination on disposal will await completion of an environmental analysis.

DATE: For a period of 45 days from date of publiction in the **Federal Register** interested parties may submit comments to the Safford District Manager, 425 E. 4th Street, Safford, Arizona 85546.

SUPPLEMENTARY INFORMATION: Detailed informtion concerning the exchange is available at the Safford District Office.

Dated: April 16, 1985.

Lester K. Rosenkrance,

Distict Manager;

[FR Doc. 85-10046 Filed 4-24-85; 8:45 am]

BILLING CODE 4310-32-M

[A-9272]

Realty Action, Public Land Sale; Coconino County, AZ

AGENCY: Bureau of Land Management (BLM), Interior.

ACTION: Notice of Realty Action—Sale, Public Lands in Coconino County, Arizona.

SUMMARY: The following described public land has been identified as suitable for disposal under sections 203(a) and 209(a) of the Federal Land Policy and Management Act of October 21, 1976 (90 Stat. 2750, 43 U.S.C. 1713 and 90 Stat. 2757, 43 U.S.C. 1719). The land will be offered for sale at not less than the appraised fair market value indicated below.

Gila and Salt River Meridian, Coconino County, Arizona

T. 27 N., R. 9 E.,
Sec. 6, lots 3 thru 10, inclusive, SE¼NW¼, E½SW¼, N½SE¼, and SE¼SE¼.

Containing 463.46 acres, more or less, at a Fair Market Value of $93,000.00.

A mineral report has indicated that the federal minerals, with the exception of oil and gas, have no known mineral value. The declared high bidder will therefore be required to submit a $50.00 non-returnable filing fee for the acquisition of the mineral estate. Oil and gas will be reserved to the United States.

The method of sale will be by sealed bid. Sealed bids must be received in the BLM Kingman Resource Area Office, 2475 Beverly Avenue, Kingman, Arizona 86401, not later than 4:30 p.m. on Monday, June 24, 1985. Bids must be accompanied by not less than ten percent (10%) of the bid price. Should the land not be sold by close of business June 24, 1985, it will be available for purchase over-the-counter at the above location and at the BLM Phoenix District Office, 2015 West Deer Valley Road, Phoenix, Arizona 85027.

The land will be patented subject to the following terms and conditions:

1. Reserving to the United States a right-of-way thereon for ditches and canals constructed by the authority of the United States, pursuant to the Act of August 30, 1890 (26 Stat. 391; U.S.C. 945).

2. Reserving to the United States all the oil and gas in the land, and to it or persons authorized by it, the right to prospect for, mine, and remove the same.

3. Reserving to the United States a right-of-way for highway purposes as provided under the authority of the Act of November 9, 1921 (PHX-086841).

4. Reserving to the United States a right-of-way for electric transmission line purposes as provided under the authority of the Act of October 21, 1976 (AR-012874).

5. Subject to such rights for road right-of-way purposes as provided under the authority of the Act of October 21, 1976 (A-17505).

6. Subject to such rights for electric line right-of-way purposes as provided under the authority of the Act of October 21, 1976 (AR-032475).

7. Subject to such rights for telephone line right-of-way purposes as provided under the authority of the Act of October 21, 1976 (AR-034623).

8. Subject to such rights for pipeline and oxidation pond right-of-ways as provided under the authority of the Act of October 21, 1976 (A-10861).

As provided in 43 CFR 2711.1-2(d), the public lands described herein shall be segregated to the extent that they will not be subject to appropriation under the public land laws, including the mining laws, but not the mineral leasing laws. Any subsequent application shall not be accepted, shall not be considered as filed and shall be returned to the applicant. This segregative effect shall terminate upon issuance of patent or other document of conveyance to such lands, upon publication in the **Federal Register** of a termination of the segregation or 270 days from the date of this publication, whichever occurs first.

Additional information concerning these parcels, terms and conditions of the sale, and bidding instructions may be obtained by calling the Kingman Resource Area Manager at (602) 757-3161, or by writing the BLM Kingman Resource Area Office, 2475 Beverly Avenue, Kingman, Arizona 86401.

For a period of forty-five (45) days from the date of this Notice, interested parties may submit comments regarding the proposed action to the Phoenix District Manager, 2015 West Deer Valley Road, Phoenix, Arizona 85027. Objections will be reviewed by the District Manager who may sustain, vacate, or modify this Realty Action. In the absence of any objections, this Realty Action will become the final determination of the Department of Interior.

Dated: April 19, 1985.

Marlyn V. Jones,

District Manager.

[FR Doc. 85-10053 Filed 4-24-85; 8:45 am]

BILLING CODE 4310-32-M

Carson City District Advisory Council; Cancellation of Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Cancellation of meeting.

SUMMARY: The Carson City District Advisory Council meeting scheduled for May 2, 1985, has been cancelled.

FOR FURTHER INFORMATION CONTACT: Steve Weiss, Public Affairs Officer, Bureau of Land Management, 1050 E. William St., Suite 335, Carson City, NV 89701, (702) 882-1631.

Dated: April 17, 1985.

Thomas J. Owen,

District Manager.

[FR Doc. 85-10048 Filed 4-24-85; 8:45 am]

BILLING CODE 4310-HC-M

Realty Action; Recreation and Public Purpose Sale; Public Land In Gulf County, FL

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Realty Action—R & PP Sale; Public Lands Gulf County, Florida.

SUMMARY: The following described lands have been examined and are classified as suitable for sale under the Recreation and Public Purpose Act of 1926 (44 Stat. 741), as amended.

Tallahassee Meridian, Florida

T. 6 S., R. 11 W.,
Sec. 31: Lot 10 (40.00).

The Gulf County, Board of County Commissioners proposes to use this 40-acre tract for a recreational park and historic memorial. They will construct a fishing pier, parking lot, restrooms, picnic pavillion, hiking trail and a memorial to Le Moyn de Chateauque and Fort Creve Coeur, the southernmost outpost of New France.

It has been determined that the proposed use is in the public's best interest, and is consistent with the policy of the Bureau of Land Management.

The patent will be subject to all valid existing rights and reservation of record.

Publication of this Notice will segregate the subject land from all appropriation under the public land laws; but not the mineral leasing laws. This segregation will terminate upon

issuance of patent, or 270 days from the date of this Notice or upon publication of a Notice of Termination. Detailed information concerning the sale including the environmental assessment and land report, is available for review at the BLM office listed below.

For a period of 45 days after the date of issuance of this notice, the public and interested parties may submit comments to the District Manager, Jackson District Office, P.O. Box 1148, Jackson, Mississippi 39213. Comments will be evaluated by the District Manager, who may vacate or modify this Realty Action. In the absence of any action by the District Manager, this Realty Action will become the final determination of the Department of the Interior.

FOR FURTHER INFORMATION CONTACT: Douglas Jones (601) 960–4405.

Donald L. Libbey,

District Manager

[FR Doc. 85–10049 Filed 4–24–85; 8:45 am]

BILLING CODE 4310–GJ–M

[W–8465]

Wyoming; Proposed Reinstatement of Terminated Oil and Gas Lease

Pursuant to the provisions of Pub. L. 97–451, 96 Stat. 2462–2466, and Regulation 43 CFR 3108.2–3(a)(b)(1), a petition for reinstatement of oil and gas lease W–48465 for lands in Sweetwater County, Wyoming was timely filed and was accompanied by all the required rentals accruing from the date of termination.

The lessee has agreed to the amended lease terms for rentals and royalties at rates of $5.00 per acre, or fraction thereof, per year and 16⅔ percent, respectively.

The lessee has paid the required $500.00 administrative fee and $106.25 to reimburse the Department for the cost of this **Federal Register** notice. The lessee has met all the requirements for reinstatement of the lease as set out in section 31 (d) and (e) of the Mineral Lands Leasing Act of 1920 (30 U.S.C. 188), and the Bureau of Land Management is proposing to reinstate lease W–48465 effective January 1, 1985, subject to the original terms and conditions of the lease and the increased rental and royalty rates cited above.

Andrew L. Tarshis,

Chief, Leasing Section.

[FR Doc. 85–10047 Filed 4–24–85; 8:45 am]

BILLING CODE 4310–22–M

[A–20346–D]

Realty Action; Exchange of Public Lands, Apache County, AZ

BLM proposes to exchange public land with the State of Arizona in order to achieve more efficient management of the public land through consolidation of ownership.

The following public land is being considered for disposal by exchange pursuant to the Federal Land Policy and Management Act of 1976; surface conveyance according to section 206(a) (90 Stat. 2756, 43 U.S.C. 1716) and mineral conveyance per section 209(b) (90 Stat. 2757, 43 U.S.C. 1719).

Gila and Salt River Meridian, Arizona

T. 10 N., R. 29 E.,
  Sec. 18, E½.
T. 11 N., R. 25 E.,
  Sec. 12, W½E½, SW¼.
T. 11 N., R. 26 E.,
  Sec. 4, lots 1–4, S½N½, S½;
  Sec. 8, all;
  Sec. 10, all;
  Sec. 12, all;
  Sec. 14, all;
  Sec. 18, lots 2–4, E½, E½W½;
  Sec. 20, all;
  Sec. 22, all;
  Sec. 24, all;
  Sec. 25, all;
T. 11 N., R. 27 E.,
  Sec. 4, lots 1–3, S½NE¼, SE¼;
  Sec. 24, N½;
  Sec. 26, S½NW¼, SW¼, W½SE¼, SE¼SE¼;
  Sec. 27, all;
  Sec. 29, lots 1–4, NE¼, S½;
  Sec. 30, lots 1–8, NE¼, E½W½;
  Sec. 33, W½E½, W¼;
  Sec. 34, E½;
  Sec. 35, lots 1–4, NE¼, W½.
T. 11 N., R. 28 E.,
  Sec. 17, all;
  Sec. 18, lots 3, NW¼SW¼, N½SE¼;
  Sec. 19, lot 1, NE¼, E½NW¼, E½SE¼;
  Sec. 20, all;
  Sec. 26, W½NE¼, NW¼, E½SE¼, SW¼SE¼;
  Sec. 27, NW¼NE¼, W½, SW¼SE¼;
  Sec. 28, all;
  Sec. 29, E½, W½W½;
  Sec. 33, all;
  Sec. 34, NW¼NW¼, S½SW¼, SW¼SE¼.
T. 12 N., R. 27 E.,
  Sec. 28, SW¼NW¼, N½SW¼, SW¼SW¼.
T. 12 N., 28 E.,
  Sec. 10, NW¼SE¼;
  Sec. 12, NW¼NE¼, NE¼NW¼, W½SW¼;
  Sec. 14, N½NE¼, SE¼NE¼, W½NW¼, NW¼SW¼, E½SE¼, SE¼SE¼;
  Sec. 30, lots 1 and 2, SE¼NW¼, NE¼SW¼.
T. 12 N., R., 29 E.
  Sec. 4, lots 4, 5, 12, 13, SW¼;
  Sec. 12, N½NE¼, SW¼NE¼, W½NW¼, SE¼SE¼, S½SE¼;
  Sec. 18, lots 2–4, SW¼NE¼, E½SW¼, SE¼;
  Sec. 20, SE¼SE¼;
  Sec. 21, E½, E½W½, NW¼NW¼, W½SE¼;
  Sec. 27, all;
  Sec. 28, all;
  Sec. 32, E½E½.
T. 12 N., R. 30 E.,
  Sec. 1, lots 1–16, SW¼;
  Sec. 3, lots 1–12;
  Sec. 4, lots 1–12;
  Sec. 5, lots 1, 2, 5, 6, 7, 8;
  Sec. 8, S½S½;
  Sec. 9, E½;
  Sec. 10, all;
  Sec. 11, lots 1–16;
  Sec. 12, NW¼;
  Sec. 13, S½;
  Sec. 14, all;
  Sec. 17, N½N½;
  Sec. 18, lot 1, N½NE¼, NE¼NW¼;
  Sec. 21, all;
  Sec. 23, all;
  Sec. 26, NE¼, N½NW¼, S½SW¼;
  Sec. 28, all;
  Sec. 29, all;
  Sec. 34, all;
  Sec. 35, W½, SE¼.
T. 12 N. R. 31 E.,
  Sec. 3, lots 1–18, W½SE¼, SW¼;
  Sec. 10, lots 1–4, W½E½, W½;
  Sec. 15, lots 1–4, W½E½, W½;
  Sec. 21, all;
  Sec. 22, lots 1–4, W½E½, W½;
  Sec. 27, lots 1–4, W½E½, W½;
  Sec. 28, all;
  Sec. 33, all;
  Sec. 34, lots 1–4, W½E½, W½.
T. 13 N. R. 30 E.,
  Sec. 6, lots 1–7, S½NE¼, SE¼SW¼, SE¼;
  Sec. 8, all;
  Sec. 10, all;
  Sec. 12, W½;
  Sec. 14, all;
  Sec. 18, lots 1–4, E½W½, E½;
  Sec. 20, all;
  Sec. 22, E½NE¼, SE¼;
  Sec. 24, E½;
  Sec. 26, all;
  Sec. 30, lots 1–4, E½, E½W½;
  Sec. 34, all.
T. 13 N. R. 31 E.,
  Sec. 4, lots 1–4, S½N½, S½;
  Sec. 6, lots 1–7, S½NE¼, SE¼NW¼, E½SW¼, SE¼;
  Sec. 8, NE¼, E½NW¼;
  Sec. 10, lots 1–4;
  Sec. 19, lots 1 and 2, NE¼, E½NW¼;
  Sec. 21, N½NE¼;
  Sec. 27, lot 4;
  Sec. 28, S½S½;
  Sec. 29, S½N½, S½;
  Sec. 30, lots 1–4, E½, E½W½;
  Sec. 33, all;
  Sec. 34, lots 1–4.
T. 14 N. R. 27 E.,
  Sec. 34, E½E½, NW¼NE¼.
T. 14 N. R. 31 E.,
  Sec. 18, lots 1–4, E½, E½W½;
  Sec. 20, all;
  Sec. 22, lots 1–4;
  Sec. 28, all;
  Sec. 30, lots 1–4, NE¼, E½W½, N½SE¼;
  Sec. 34, lots 1–4.

Containing 48,459.51 acres, more or less.

Final determination on disposal will await completion of an environmental analysis.

In exchange for these lands the United States will acquire presently undescribed lands throughout the State.

In accordance with the regulations of 43 CFR 2201.1(b) publication of this Notice will segregate the public lands, as described in this Notice, from appropriation under the public land laws, including the mining laws, but not the mineral leasing laws or Geothermal Steam Act.

The segregation of the above-described lands shall terminate upon issuance of a document conveying such lands or upon publication in the **Federal Register** of a notice of termination of the segregation; or the expiration of two years from the date of publication, whichever occurs first.

For a period of forty-five (45) days from the date shown below interested parties may submit comments to the District Manager, Phoenix District Office, 2015 West Deer Valley Road, Phoenix, Arizona 85027.

Dated: April 19, 1985.

Marlyn V. Jones,

District Manager.

[FR Doc. 85-10051 Filed 4-24-85; 8:45 am]

BILLING CODE 4310-32-M

[A-20346-E]

Realty Action: Exchange of Public Lands, Pinal County, AZ

BLM proposes to exchange public land with State of Arizona in order to achieve more efficient management of the public land through consolidation of ownership.

The following public land is being considered for disposal by exchange pursuant to the Federal Land Policy and Management Act of 1976, surface conveyance according to section 206(a) (90 Stat. 2756, 43 U.S.C. 1716) and mineral conveyance per section 209(b) (90 Stat. 2757, 43 U.S.C. 1719).

Gila and Salt River Meridian, Arizona

T. 4 S., R. 10 E.,
- Sec. 8, SE¼;
- Sec. 9, all;
- Sec. 17, NE¼NE¼, W½NE¼, NW¼;
- Sec. 18, SE¼;
- Sec. 19, lots 2, 3, N½NE¼, E½NW¼, NE¼SW¼;
- Sec. 33, SE¼SW¼, SW¼SE¼, E½SE¼;

T. 5 S., R. 10 E.,
- Sec. 3, Lots 1–4, S½N½, S½;
- Sec. 4, lots 1–4, S½N½, S½;
- Sec. 6, NE¼;
- Sec. 8, NE¼;
- Sec. 9, N½, SE¼;
- Sec. 10, W½NE¼, NW¼, S½;
- Sec. 11, N½NW¼, S½S½;
- Sec. 13, NW¼;
- Sec. 14, all;
- Sec. 15, NW¼, S½;
- Sec. 20, E½;
- Sec. 21, E½, SW¼;
- Sec. 22, SE¼;
- Sec. 23, E½, SW¼;
- Sec. 25, NW¼, SE¼;
- Sec. 26, N½NE¼, SW¼NE¼, NW¼.

T. 5 S., R. 11 E.,
- Sec. 1, lots 1–4, S½N½, S½;
- Sec. 3, lots 1–4, S½N½, S½;
- Sec. 4, lots 1–4, S½N½, S½;
- Sec. 5, lots 1–4, S½N½, S½;
- Sec. 6, lots 1–6, S½NE¼, SE¼;
- Sec. 7, lots 1–4, E½;
- Sec. 8, all;
- Sec. 9, all;
- Sec. 10, all;
- Sec. 11, all;
- Sec. 12, all;
- Sec. 13, all;
- Sec. 14, all;
- Sec. 15, all;
- Sec. 16, SW¼;
- Sec. 17, all;
- Sec. 18, lots 1–4, E½;
- Sec. 19, lots 1–4, E½;
- Sec. 20, all;
- Sec. 21, all;
- Sec. 22, all;
- Sec. 23, all;
- Sec. 24, all;
- Sec. 25, all;
- Sec. 26, all;
- Sec. 27, all;
- Sec. 28, all;
- Sec. 29, all;
- Sec. 30, lots 1–4, E½;
- Sec. 31, lots 1–4, E½;
- Sec. 33, all;
- Sec. 34, all;
- Sec. 35, all.

Containing 27,465.72 acres, more or less.

Final determination on disposal will await completion of an environmental analysis.

In exchange for these lands the United States will acquire presently undescribed lands throughout the State.

In accordance with the regulations of 43 CFR 2201.1(b), publication of this Notice will segregate the public lands, as described in this Notice, from appropriation under the public land laws, including the mining laws, but not the mineral leasing laws or Geothermal Steam Act.

The segregation of the above-described lands shall terminate upon issuance of a document conveying such lands or upon publication in the **Federal Register** of a notice of termination of the segregation; or the expiration of two years from the date of publication, whichever occurs first.

For a period of forty-five (45) days from the date shown below interested parties may submit comments to the District Manager, Phoenix District Office, 2015 West Deer Valley Road, Phoenix, Arizona 85027.

Dated: April 19, 1985.

Marlyn V. Jones,

District Manager.

[FR Doc. 85-10052 Filed 4-24-85; 8:45 am]

BILLING CODE 4310-32-M

Bureau of Reclamation

Quarterly Status Tabulation of Water Service and Repayment Contract Negotiations; Proposed Contractual Actions Pending Through June 1985

Pursuant to section 226 of the Reclamation Reform Act of 1982 (96 Stat. 1273), and to § 426.20 of the rules and regulations published in the **Federal Register** December 6, 1983, Vol. 48, page 54785, the Bureau of Reclamation will publish notice of proposed or amendatory repayment contract actions or any contract for the delivery of irrigation water in newspapers of general circulation in the affected area at least 60 days prior to contract execution. The Bureau of Reclamation announcements of irrigation contract actions will be published in newspapers of general circulation in the areas determined by the Bureau of Reclamation to be affected by the proposed action. Announcements may be in the form of news releases, legal notices, official letters, memorandums, or other forms of written material. Meetings, workshops, and/or hearings may also be used, as appropriate, to provide local publicity. The public participation requirements do not apply to proposed contracts for the sale of surplus or interim irrigation water for a term of 1 year or less. The Secretary or the district may invite the public to observe any contract proceedings. All public participation procedures will be coordinated with those involved in complying with the National Environmental Policy Act if the Bureau determines that the contract action may or will have "significant" environmental effects.

Pursuant to the "Final Revised Public Participation Procedures" for water service and repayment contract negotiations, published in the **Federal Register** February 22, 1982, Vol. 47, page 7763, a tabulation is provided below of all proposed contractual actions in each of the seven Reclamation regions. Each proposed action listed is, or is expected to be, in some stage of the contract negotiation process during April, May, or June of 1985. When contract negotiations are completed, and prior to execution, each proposed contract form must be approved by the Secretary, or pursuant to delegated or redelegated

authority, the Commissioner of Reclamation or one of the Regional Directors. In some instances, congressional review and approval of a report, water rate, or other terms and conditions of the contract may be involved. The identity of the approving officer and other information pertaining to a specified contract proposed may be obtained by calling or writing the appropriate regional office at the addresses and telephone numbers given for each region.

This notice is one of a variety of means being used to inform the public about proposed contractual actions. Individual notice of intent to negotiate, and other appropriate announcements, are made in the **Federal Register** for those actions found to have widespread public interest. When this is the case, the date of publication is given.

Acronym Definitions Used Herein

(FR) **Federal Register**
(ID) Irrigation District
(IDD) Irrigation and Drainage District
(M&I) Municipal and Industrial
(D&MC) Drainage and Minor Construction
(R&B) Rehabilitation and Betterment
(O&M) Operation and Maintenance
(CAP) Central Arizona Project
(CVP) Central Valley Project
(P–SMBP) Pick-Sloan Missouri Basin Program
(CRSP) Colorado River Storage Project
(SRPA) Small Reclamation Projects Act

PACIFIC NORTHWEST REGION: Bureau of Reclamation, 550 West Fort Street, Box 043, Boise, ID 83724, telephone (208) 334–9011.

1. Boise Cascade Corporation, Columbia Basin Project, Washington; Industrial water service contract; 250 acre-feet; FR notice published April 7, 1980, Vol. 45, page 23531.

2. Boise Project Board of Control, Boise Project, Idaho-Oregon; Irrigation repayment contract; 22,800 acre-feet of stored water in Arrowrock Reservoir.

3. Brewster Flat ID, Chief Joseph Dam Project, Washington; Amendatory repayment contract; Land reclassification of approximately 360 acres to irrigable; Repayment obligation to increase by $189,000.

4. Individual irrigators, M&I, and miscellaneous water users, Pacific Northwest Region, Idaho, Oregon and Washington; Temporary (interim) water service contracts for surplus project water for irrigation or M&I use to provide up to 10,000 acre-feet of water annually for terms up to 5 years; Long-term contracts for similar service for up to 1,000 acre-feet of water annually.

5. Rogue River Basin water users, Rogue River Basin Project, Oregon; Water service contracts; $5 per acre-foot or $20 minimum per annum, not to exceed 320 acres or 1,000 acre-feet of water per contractor for terms up to 40 years.

6. Willamette Basin water users, Willamette Basin Project, Oregon; Water service contracts; $1.25 per acre-foot or $20 minimum per annum, not to exceed 320 acres or 1,000 acre-feet of water annually per contractor for terms up to 40 years.

7. Washington Water Power Company, Inc., Columbia Basin Project, Washington; Industrial water service contract; 32,000 acre-feet of water per year from Franklin D. Roosevelt Lake for the proposed Creston Powerplant; FR notice published December 11, 1982, Vol. 46, page 60658.

8. Cascade Reservoir water users, Boise Project, Idaho; Irrigation repayment contracts; 57,251 acre-feet of stored water in Cascade Reservoir.

9. Boise Water Corporation, Boise Project, Idaho; Short-term (2 years) M&I water service contract; up to 5,000 acre-feet annually from stored water in Lucky Peak Reservoir.

10. Thirty-one Jackson Lake Dam Spaceholders, Minidoka Project, Idaho-Wyoming; Repayment of costs associated with Safety-of-Dams modifications to Jackson Lake Dam.

11. ID's and similar water user entities; Amendatory repayment and water service contracts; Purpose is to conform to the Reclamation Reform Act of 1982 (Pub. L. 97–293).

12. Greater Wenatchee ID, Chief Joseph Dam Project Washington; SRPA loan repayment contract; $6,669,000 proposed obligation.

MID-PACIFIC REGION: Bureau of Reclamation, (Federal Office Building) 2800 Cottage Way, Sacramento, CA 95825, telephone (916) 484–4680.

1. 2047 Drain Water Users Association, CVP, California; Water right settlement contract.

2. Tuolumne Regional Water District, CVP, California; Water service contract; 3,200 acre-feet from New Melones Reservoir.

3. Calaveras County Water District, CVP, California; Water service contract; 500 acre-feet from New Melones Reservoir; FR notice published February 5, 1982, Vol. 47, page 5473.

4. Individual irrigators, M&I, and miscellaneous water users, Mid-Pacific Region, California, Oregon, and Nevada; Temporary (interim) water service contracts for surplus project water for irrigation or M&I use to provide up to 10,000 acre-feet of water annually for terms up to 5 years; Long-term contracts for similar service for up to 1,000 acre-feet of water annually.

5. Mountain Gate Community Services District, CVP, California; Amendatory water service contract providing for increased M&I use to the community of Mountain Gate.

6. Pacheco Water District, CVP, California; Amendatory water service contract providing for a change in point of delivery from Delta-Mendota Canal to the San Luis Canal.

7. El Dorado ID, Sly Park Unit, CVP, California; D&MC contract to allow the District to accomplish the construction work with the remaining funds from the distribution system contract.

8. South San Joaquin ID and Oakdale ID, CVP, California; Operating agreement for conjunctive operation of New Melones Dam and Reservoir on the Stanislaus River; FR notice published June 6, 1979, Vol. 44 page 32483.

9. San Luis Water District, CVP, California; Amendatory water service contract providing for a change in point of delivery from Delta-Mendota Canal to the San Luis Canal.

10. Mid-Valley Water Authority, CVP, California; Temporary water supplies up to 100,000 acre-feet.

11. Solano ID, Solano Project, California; Amendatory loan repayment contract providing for reconveyance and M&I water supply delivery.

12. City of Avenal, CVP, California; Amendment of existing water service contract to provide for furnishing project power to city canalside relift facilities and change the point of diversion.

13. Yuba County Water Agency, South County Irrigation Project, SRPA, California; Loan repayment contract, $18,500,000 proposed obligation.

14. ID's and similar water user entities; Amendatory repayment and water service contracts, including the amending of approximately ten SRPA contracts; Purpose is to conform to the Reclamation Reform Act of 1982 (Pub. L. 97–293).

15. United Water Conservation District, SRPA, California; Loan repayment contract, $18,730,000 proposed obligation.

16. State of Hawaii, Molokai Project, SRPA; Contract amendment to provide for use of facilities for M&I purposes.

17. Shasta Dam Area Public Utility District, CVP, California; Amendatory water service contract providing for increased M&I use to the district.

18. State of California, CVP, California, contract(s) for, (1) sale of interim water to the Department of Water Resources for use by the State Water Project Contractors, and (2) acquisition of conveyance capacity in the California Aqueduct for use by the CVP, as comtemplated in the current

draft of the Coordinated Operations Agreement.

19. City of Lindsay, Friant Division, CVP, California; M&I water service contract for 2,500 acre-feet of class 1 water.

20. Pixley ID, SRPA, California; Loan repayment contract, $12,300,000 proposed obligation.

21. Century Ranch Water Company, Inc., CVP, California; Orland exchange, M&I, and water right settlement contract.

22. Kaiser Development Company, CVP, California; Sacramento River water right contract; Suspension of agricultural contract and execution of M&I contract.

23. El Dorado ID, Sly Park Unit, CVP, California; Amend the Unit 4 portion of its existing repayment contract to pay interest on actual M&I use.

UPPER COLORADO REGION: Bureau of Reclamation, P.O. Box 11568 (125 South State Street), Salt Lake City, UT 84147, telephone (801) 524–5435.

1. Individual irrigators, M&I, and miscellaneous water users, Upper Colorado Region, Utah, Wyoming, Colorado, and New Mexico; Temporary (interim) water service contracts for surplus project water for irrigation or M&I use to provide up to 10,000 acre-feet of water annually for terms up to 5 years; Long-term contracts for similar service for up to 1,000 acre-feet of water annually.

2. Fontenelle Dam (Chevron) State of Wyoming, Seedskadee Project, Wyoming; Water sales contract for 22,500 acre-feet per year for industrial use. Environmental Impact Statement under preparation; approval pending outcome and compliance with Section 7, Endangered Species Act.

3. Animas-La Plata Conservancy District, Animas-La Plata Project, Colorado; Water service contract; 9,200 acre-feet per year for M&I use; 72,200 acre-feet per year for irrigation.

4. La Plata Conservancy District, Animas-La Plata Project, New Mexico; Water service contract; 16,000 acre-feet per year for irrigation.

5. City of Farmington, Animas-La Plata Project, New Mexico; M&I water service contract; 19,700 acre-feet per year.

6. City of Aztec, Animas-La Plata Project, New Mexico; M&I water service contract; 5,800 acre-feet per year.

7. City of Bloomfield, Animas-La Plata Project, New Mexico; M&I water service contract; 5,300 acre-feet per year.

8. Central Utah Project, Bonneville Unit, Utah; Supplemental M&I repayment contract for 94,100 acre-feet per year; FR notice published August 22, 1980, Vol. 45, No. 165, page 56199.

9. Central Utah Project, Bonneville Unit, Utah; $34,000,000 D&MC Contract—Duchesne River Area Canals rehabilitation to meet 1987 construction commitment. Repayment covered under executed repayment contract and by CRSP power revenues.

10. Dorchester Coal Company, Blue Mesa Reservoir, Colorado, Colorado River Storage Project; M&I water service contract, 400 acre-feet per year, for 40 years.

11. South Weber Water Improvement District, Weber Basin Project, Utah; Amendatory SRPA contract to extend payout period from 21 years to 40 years.

12. State of Wyoming, Seedskadee Project, Wyoming; Contract for repayment of reimbursable cost associated with the modification of Fontenelle Dam pursuant to the Reclamation Safety of Dams Amendments of 1984 (Pub. L. 98–404).

13. Miscellaneous water users, Upper Colorado Region, Blue Mesa Reservoir, Colorado River Storage Project, Colorado, M&I uses, 20-acre feet and less for 20–40 years.

14. ID's and similar water user entities; Amendatory repayment and water service contracts; Purpose is to conform to the Reclamation Reform Act of 1982 (Pub. L. 97–293).

15. M&I water users, Navajo Unit, Colorado River Storage Project, New Mexico; Negotiable repayment of reimbursable costs associated with the modification of Navajo Dam pursuant to the Reclamation Safety of Dam Act Amendment of 1984 (Pub. L. 98–404).

16. Bonneville Unit, Central Utah Project, Utah; Two repayment contracts for repayment of Jordan Aqueduct with Salt Lake County Water Conservancy District and the Metropolitan Water District.

LOWER COLORADO REGION: Bureau of Reclamation, P.O. Box 427 (Nevada Highway and Park Street), Boulder City, NV 89005, telephone (702) 293–8536.

1. Wellton-Mohawk Irrigation and Drainage District, Gila Project, Arizona; Amendatory D&MC contract for improvement for the Gila River within the district's boundaries; $6,000,000 of Federal funds to be utilized on a nonreimbursable basis pursuant to Pub. L. 98–396, August 21, 1984.

2. Agricultural and M&I water users, CAP, Arizona; Water service subcontracts; A certain percent of available supply for irrigation entities and up to 640,000 acre-feet per year for M&I use.

3. Elsinore Valley Municipal Water District, Elsinore, California; Contract for the repayment of a $7,158,000 SRPA loan.

4. Agricultural and M&I water users, CAP, Arizona; Contracts for repayment of Federal expenditures for construciton of distribution systems.

5. Contracts with 5 agricultural entities located near the Colorado River in Arizona; Boulder Canyon Project; Water service contracts for up to 1,920 acre-feet per year total.

6. Gila River Indian Community, CAP, Arizona; Water service contract; Contract for delivery of up to 173,100 acre-feet per year.

7. Yuma-Mesa IDD, North Gila Valley ID, and Yuma ID, Gila Project, Arizona; Amendatory and supplemental contracts to conform to the provisions of Pub. L. 98–530.

8. Hillander "C" ID, Colorado River Basin Salinity Control Project, Yuma, Arizona; 5-year contract for 4,000 acre-feet per year from the Protective and Regulatory Pumping Unit.

9. Sunset Mobile Home Park, Boulder Canyon Project, Arizona; M&I water service contract for delivery of 30 acre-feet of water per year pursuant to recommendation of Arizona Department of Water Resources.

10. ID's and similar water user entities; Amendatory repayment and water service contracts; Purpose is to conform to the Reclamation Reform Act of 1982 (Pub. L. 97–293).

11. Rancho California Water District, Temecula, California; Contract for the repayment of a $20,940,000 SRPA loan.

12. Yuma County Water Users' Association, Valley Division, Yuma Project, Arizona; Amendatory contract for the advancement of $1,500,000 to the association by the United States on a nonreimbursement basis for the construction of new headquarters facilities and accompanying relocation costs.

13. Ak-Chin Indian Community, Maricopa, Arizona; Supplemental contract in accordance with the provisions of Pub. L. 98–530.

14. City of Needles, Needles, California; Contract for up to 2,000 acre-feet per year of surplus water from the Colorado River, permanent contract to be activated only during periods when surplus flows are available.

SOUTHWEST REGION: Bureau of Reclamation, Commerce Building, Suite 201, 714 South Tyler, Amarillo, TX 79101, telephone (806) 378–5430.

1. Fort Cobb Reservoir Master Conservancy District, Washita Basin Project, Oklahoma; Amendatory repayment contract to convert 4,700 acre-feet of irrigation water to M&I use.

2. Foss Reservoir Master Conservancy District, Washita Basin Project,

Oklahoma; Amendatory repayment contract for remedial work.

3. Vermejo Conservancy District, Vermejo Project, New Mexico; Amendatory contract to relieve the district of further repayment obligation, presently exceeding $2 million, pursuant to Pub. L. 96–550).

4. Lavaca-Navidad River Authority, Palmetto Bend Project, Texas; Amendatory repayment contract to provide for increased payment for recreation.

5. Tom Green County Water Improvement District No. 1, San Angelo Project, Texas; Amendatory repayment contract to defer payment of construction charges associated with the 1984 crop year due to the nonavailability of irrigation water for use by the District's water users.

6. Hidalgo County Irrigation District No. 1, Lower Rio Grande Valley, Texas; Supplemental SRPA loan contract for approximately $13,205,000. The contracting process is dependent upon final approval of the supplemental loan report.

7. ID's and similar water user entities; Amendatory repayment and water service contracts; Purpose is to conform with the Reclamation Reform Act of 1982 (Pub. L. 97–293).

UPPER MISSOURI REGION: Bureau of Reclamation, P.O. Box 2553, Federal Building, 316 North 26th Street, Billings, Montana 59103, Telephone (406) 657–6413.

1. Individual irrigators, M&I, and miscellaneous water users, Upper Missouri Region, Montana, Wyoming, North Dakota, and South Dakota; Temporary (interim) water service contracts for surplus project water for irrigation or M&I use to provide up to 10,000 acre-feet of water annually for terms up to 5 years; Long-term contracts for similar service for up to 1,000 acre-feet of water annually.

2. Nokota Company, Lake Sakakawea, P-SMBP, North Dakota; Industrial water service contract; Up to 16,800 acre-feet of water annually; FR notice published May 5, 1982,Vol. 47, Page 19472.

3. Fort Shaw ID, Sun River Project, Montana; R&B loan repayment contract; Up to $1.5 million.

4. ID's and similar water user entities; Amendatory repayment and water service contracts; Purpose is to conform to the Reclamation Reform Act of 1982 (Pub. L. 97–293).

5. Oahe Unit, P-SMBP, South Dakota; Cancellation of master contract and participating and security contracts in accordance with Pub. L. 97–273 with South Dakota Board of Water and Natural Resources, Spink County and West Brown Irrigation Districts.

LOWER MISSOURI REGION: Bureau of Reclamation, P.O. Box 25247 (Building 20, Denver Federal Center), Denver, Colorado 80225, telephone (303) 234–3327.

1. H&RW ID, Frenchman-Cambridge Unit, P–SMBP, Nebraska; Amendatory water service contract; $1,200,000 outstanding.

2. Almena ID No. 5, Almena Unit, P–SMBP, Kansas; Deferment of repayment obligation for 1985.

3. Purgatoire River Water Conservancy District, Trinidad Project, Colorado; Amendatory repayment contract for extension of the development period and revision of the repayment determination methodology; FR notice published August 6, 1982, Vol. 47, page 34206.

4. Corn Creek ID, Earl Michael, Glendo Unit, P–SMBP Wyoming, and Nebraska; Irrigation water service contracts.

5. Webster ID No. 4, Webster Unit, P–SMBP, Kansas; Irrigation water service and repayment contract amendment to adjust payment due to reduced water supply, $970,816 outstanding.

6. Green Mountain Reservoir, Colorado-Big Thompson Project; Proposed contract negotiations for sale of water from the marketable yield to water users within the Colorado River drainage of western Colorado.

7. Individual irrigators, M&I, and miscellaneous water users, Lower Missouri Region, Southeastern Wyoming, Colorado, Nebraska, and northern Kansas; Temporary (interim) water service contracts for surplus project water for irrigation or M&I use to provide up to 10,000 acre-feet of water annually for terms up to 5 years; Long-term contracts for similar service for up to 1,000 acre-feet of water annually.

8. Ruedi Reservoir, Fryingpan-Arkansas Project, Colorado; Second round of proposed contract negotiations for sale of water from the regulatory capacity of Ruedi Reservoir.

9. ID's similar water user entities; Amendatory repayment and water service contracts; Purpose is to conform to the Reclamation Reform Act of 1982 (Pub. L. 97–293).

10. Lower South Platte Water Conservancy District, Central Colorado Water Conservancy District, and the Colorado Water Resources and Power Development Authority, P–SMBP, Narrows Unit, Colorado; Water service contracts for repayment of costs and cost sharing agreement.

11. Kirwin ID No. 1, Kirwin Unit, P–SMBP, Kansas; Deferment of repayment obligation for 1985.

12. Amity Mutual Irrigation Company, Colorado; SRPA loan repayment contract; $4,223,000 proposed loan obligation.

13. Kirwin ID No. 1, Kirwin Unit, P–SMBP, Kansas; Irrigation water service and repayment contract and Emergency Drought Act loan contract amendment to adjust payments due to reduced water supply, $866,231 outstanding.

14. Cedar Bluff ID No. 6, Cedar Bluff Unit, P–SMBP, Kansas; Deferment of repayment obligation for 1985.

15. Webster ID No. 4, Webster Unit, P–SMBP, Kansas; Deferment of repayment obligation for 1985.

16. Fryingpan-Arkansas Project, Colorado; East Slope Storage system consisting of Pueblo, Twin Lakes, and Turquoise Reservoir; Contract negotiations for long term storage contracts.

17. Twin Loups Reclamation District, P–SMBP; D&MC contract for correction of initial construction deficiencies and monitoring during initial filling, priming and puddling activities of the project. Proposed contract to be $500,000.

18. Farwell Irrigation District, Nebraska; Request for deferment of repayment obligation for 1985.

Opportunity for public participation and receipt of comments on contract proposals will be facilitated by a adherence to the following procedures:

(1) Only persons authorized to act on behalf of the contracting entities may negotiate the terms and conditions of a specific contract proposal.

(2) Advance notice of meetings or hearings will be furnished to those parties that have made a timely written request for such notice to the appropriate regional or project office of the Bureau of Reclamation.

(3) All written correspondence regarding proposed contracts will be made available to the general public pursuant to the terms and procedures of the Freedom of Information Act (80 Stat. 383) as amended.

(4) Written comments on a proposed contract or contract action must be submitted to the appropriate Bureau of Reclamation officials at locations and within time limits set forth in the advance public notices.

(5) All written comments received and testimony presented at any public hearings will be reviewed and summarized by the appropriate regional office for use by the contract approving authority.

(6) Copies of specific proposed contracts may be obtained from the appropriate Regional Director or his designated public contact as they become available for review and comment.

(7) In the event modifications are made in the form of proposed contract, the appropriate Regional Director shall determine whether republication of the notice and/or extension of the 60-day comment period is necessary.

Factors which shall be considered in making such a determination shall include, but are not limited to: (i) The significance of the impact(s) of the modification and (ii) the public interest which has been expressed over the course of the negotiations. As a minimum, the Regional Director shall furnish revised contracts to all parties which requested the contract in response to the initial public notice.

Dated: April 19, 1985.

Robert A. Olson,

Acting Commissioner of Reclamation.

[FR Doc. 85-9975 Filed 4-24-85; 8:45 am]

BILLING CODE 4310-09-M

Fish and Wildlife Service

Receipt of Application for Permit

The following applicants have applied for permits to conduct certain activities with endangered species. This notice is provided pursuant to Section 10(c) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531, *et seq.*):

Applicant: Harold D. Taylor, Norman, OK, PRT-692109.

The applicant requests a permit to import the personal sport-hunted trophy of a bontebok (*Damaliscus dorcas dorcas*) culled from a ranch in South Africa for the purpose of enhancement of propagation of the herd.

Applicant: Joe Bills Reynolds, Oklahoma City, OK, PRT-692113.

The applicant requests a permit to import the personal sport-hunted trophy or a bontebok (*Damaliscus dorcas dorcas*) culled from a ranch in South Africa for the purpose of enhancement of propagation of the herd.

Applicant: Francisco Jose Vilella, Baton Rouge, LA, PRT-692143.

The applicant requests a permit to take (capture, handle, mark, radio-tag and release) up to 24 adults and eggs from up to 40 nests of the Puerto Rican whip-poor-will (*Caprimulgus noctitherius*) for the purpose of scientific research.

Applicant: Horst Schmudde, Colt's Neck, NJ, PRT-692139.

The applicant requests a permit to purchase in interstate commerce one pair of Hawaiian geese [*Nesochen (=Branta) sandvicensis*] from Charles Nugent, Kimbolton, OH, for the purpose of enhancement of propagation.

Applicant: Ken Wilson, Tarzana, CA, PRT-692303.

The applicant requests a permit to import the personal sport-hunted trophy of a bontebok (*Damaliscus dorcas dorcas*) culled from a ranch in South Africa for the purpose of enhancement of propagation of the herd.

Applicant: Pohnpei Marine Resources Department, Pohnpei, Micronesia, PRT-692627.

The applicant requests a permit to tag 50 adult female hawksbill turtles (*Eretmochelys imbricata*) on Oroluk Atoll, for the purpose of scientific research.

Applicant: San Diego Zoo, San Diego, CA, PRT-692596.

The applicant requests a permit to import a captive-born male Przewalski's horse (*Equus przewalskii*) from the Tierpark Hellabrumm, Munich, West Germany, for the purpose of enhancement of propagation.

Applicant: International Animal Exchange, Ferndale, MI, PRT-692775.

The applicant requests a permits to purchase in interstate commerce 2 captive-born Siamese crocodiles (*Crocodylus siamensis*) from the Sedgwick County Zoo, Wichita, KS and export them to Seoul Grand Park Zoo, Seoul, Korea, for enhancement of propagation.

Applicant: International Animal Exchange, Ferndale, MI, PRT-692717.

The applicant requests a permit to purchase in interstate commerce one pair of captive-born ocelots (*Felis pardalis*) from the Central Florida Zoological Park, Lake Monroe, FL and export them to the Chiba Zoological Park, Japan, for enhancement of propagation.

Documents and other information submitted with these applications are available to the public during normal business hours (7:45 am to 4:15 pm) Room 611, 1000 North Glebe Road, Arlington, Virginia 22201, or by writing to the Director, U.S. Fish and Wildlife Service of the above address.

Interested persons may comment on any of these applications within 30 days of the date of this publication by submitting written views, arguments, or data to the Director at the above address. Please refer to the appropriate PRT number when submitting comments.

Dated: April 19, 1985.

R.K. Robinson,

Chief, Branch of Permits, Federal Wildlife Permit Office.

[FR Doc. 85-10006 Filed 4-24-85; 8:45 am]

BILLING CODE 4310-55-M

Geological Survey

Advisory Committee on Water Data for Public Use; Renewal

The Secretary of the Interior has approved the renewal of the Charter of the Advisory Committee on Water Data for Public Use.

The Committee, representing the interests of the non-Federal community, advises the Department of the Interior, through the Geological Survey, on (a) plans, policies, and procedures related to water data acquisition activities and related programs, on (b) the effectiveness of those programs in meeting the national water data needs, and on (c) activities pursuant to the implementation of Office of Management and Budget Circular A-67.

Further information regarding this renewal may be obtained from Porter Ward, Chief, Office of Water Data Coordination, Reston, Virginia 22092, (703) 860-6931.

Dated: April 17, 1984.

Dallas L. Peck,

Director.

[FR. Doc. 85-10035 Filed 4-24-85; 8:45 am]

BILLING CODE 4310-31-M

Minerals Management Service

Development Operations Coordination Document, ODECO Oil and Gas Co.

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the Receipt of a Proposed Development Operations Coordination Document (DOCD).

SUMMARY: Notice is hereby given that ODECO Oil and Gas Company has submitted a DOCD describing the activities it proposes to conduct on Lease OCS 074, Block 20, South Pelto Area, offshore Louisiana. Proposed plans for the above area provide for the development and production of hydrocarbons with support activities to be conducted from an onshore base located at Dulac, Louisiana.

DATE: The subject DOCD was deemed submitted on April 15, 1985.

ADDRESS: A copy of the subject DOCD is available for public review at the Office of the Regional Director, Gulf of Mexico OCS Region, Minerals Management Service, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana (Office Hours: 9 a.m. to 3:30 p.m., Monday through Friday).

FOR FURTHER INFORMATION CONTACT: Ms. Angie D. Gobert; Minerals Management Service; Gulf of Mexico

OCS Region; Rules and Production; Plans, Platform and Pipeline Section; Exploration/Development Plans Units; Phone (504) 838–0876.

SUPPLEMENTARY INFORMATION: The purpose of this Notice is to inform the public, pursuant to section 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the DOCD and that it is available for public review.

Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in DOCDs available to affected states, executives of affected local governments, and other interested parties became effective December 13, 1979 (44 FR 53685). Those practices and procedures are set out in revised § 250.34 of Title 30 of the CFR.

Dated: April 15, 1985.

John L. Rankin,

Regional Director, Gulf of Mexico OCS Region.

[FR Doc. 85–10034 Filed 4–24–85; 8:45 am]

BILLING CODE 4310-MR-M

Development Operations Coordination Document; Sonat Exploration Co.

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the Receipt of a Proposed Development Operations Coordination Document (DOCD).

SUMMARY: Notice is hereby given that Sonat Exploration Company has submitted a DOCD describing the activities it proposes to conduct on Lease OCS–G 4064, Block 739, Mustang Island Area, offshore Texas. Proposed plans for the above area provide for the development and production of hydrocarbons with support activities to be conducted from an onshore base located at Harbor Island, Texas.

DATE: The subject DOCD was deemed submitted on April 19, 1985.

ADDRESSES: A copy of the subject DOCD is available for public review at the Office of the Regional Director, Gulf of Mexico OCS Region, Minerals Management Service, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana (Office Hours: 9 a.m. to 3:30 p.m., Monday through Friday).

FOR FURTHER INFORMATION CONTACT: Michael J. Tolbert; Minerals Management Service; Gulf of Mexico OCS Region; Rules and Production; Plans, Platform and Pipeline Section; Exploration/Development Plans Unit; Phone (504) 838–0875.

SUPPLEMENTARY INFORMATION: The purpose of this Notice is to inform the public, pursuant to section 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the DOCD and that it is available for public review.

Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in DOCDs available to affected states, executives of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in revised § 250.34 of Title 30 of the CFR.

Dated: April 19, 1985.

John L. Rankin,

Regional Director, Gulf of Mexico OCS Region.

[FR Doc. 85–10071 Filed 4–24–85; 8:45 am]

BILLING CODE 4310-MR-M

Development Operations Coordination Document; Tenneco Oil Exploration and Production

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the Receipt of a Proposed Development Operations Coordination Document (DOCD).

SUMMARY: Notice is hereby given that Tenneco Oil Exploration and Production has submitted a DOCD describing the activities it proposes to conduct on Leases OCS–G 6006, 6007, 6010, and 6011, Blocks 834, 835, 846, and 847, respectively, Mustang Island Area, offshore Texas. Proposed plans for the above area provide for the development and production of hydrocarbons with support activities to be conducted from an onshore base located at Harbor Island, Texas.

DATE: The subject DOCD was deemed submitted on April 18, 1985.

ADDRESSES: A copy of the subject DOCD is available for public review at the Office of the Regional Director, Gulf of Mexico OCS Region, Minerals Management Service, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana (Office Hours: 9 a.m. to 3:30 p.m., Monday through Friday).

FOR FURTHER INFORMATION CONTACT: Michael J. Tolbert; Minerals Management Service; Gulf of Mexico OCS Region; Rules and Production; Plans, Platform and Pipeline Section; Exploration/Development Plans Unit; Phone (504) 838–0875.

SUPPLEMENTARY INFORMATION: The purpose of this Notice is to inform the public, pursuant to section 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the DOCD and that it is available for public review.

Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in DOCDs available to affected states, executives of affected local governments, and other interested parties became effective December 13, 1979 (44 FR 53685). Those practices and procedures are set out in revised § 250.34 of Title 30 of the CFR.

Dated: April 18, 1985.

John L. Rankin,

Regional Director, Gulf of Mexico OCS Region.

[FR Doc. 85–10033 Filed 4–24–85; 8:45 am]

BILLING CODE 4310-MR-M

Environmental Documents Prepared for Proposed Oil and Gas Operations on the Alaska Outer Continental Shelf

ACTION: Notice of availability of environmental documents prepared for Outer Continental Shelf (OCS) mineral prelease and exploration proposals on the Alaska OCS.

SUMMARY: The Minerals Management Service (MMS), in accordance with Federal regulations (40 CFR 1501.4 and 1506.6) that implement the National Environmental Policy Act (NEPA), announces the availability of NEPA-related environmental assessments (EA's) and findings of no significant impact (FONSI's) prepared by the MMS for the following oil and gas prelease and exploration activities proposed on the Alaska OCS. The listing includes all proposals for which environmental documents were prepared by the Alaska OCS Region in the 3-month period preceding this notice.

Activity/Operator

Exploration Drilling Program for Bering Sea, Navarin Basin (Sale 83 area) ARCO Alaska, Inc. as operator for itself and others.

Location

ARCO is proposing to drill up to 23 exploratory wells. Subsequent wells will depend upon the results of drilling, testing, and evaluation of the initial well. The location of ARCO's leases is described as follows:

LEASE AND BLOCK NUMBERS

Lease	Block
0578	594
0586	637
0587	638
0588	639
0596	681
0597	682
0608	959

LEASE AND BLOCK NUMBERS—Continued

Lease	Block
0621	145
0631	188
0632	189
0643	232
0644	233
0654	491
0655	492
0712	460
0656	493
0661	882
0663	925
0664	926
0666	969
0667	970
0689	2
0690	3
0696	332
0697	333
0704	376
0705	377
0710	458
0711	459

Environmental Assessment

No. AK 85–01.

FONSI Date

January 23, 1985.

Activity/Operator

Exploration Drilling Program for Beaufort Sea, Diapir Field (Sales 71 and 87) Tenneco Oil Company, as operator for itself and others.

Location

Tenneco is proposing to drill up to 13 exploratory wells. Subsequent wells will depend upon the results of drilling, testing, and evaluation of the initial well. The location of Tenneco's leases is described as follows:

LEASE AND BLOCK NUMBERS

Lease	Block	Sale No
Y0315	189	71
0338	284	71
0339	285	71
0348	329	71
0349	330	71
0811	232	87
0812	238	87
0813	241	87
0814	242	87
0815	286	87
0816	287	87
0817	374	87

Environmental Assessment

No. AK 85–02.

FONSI Date

March 6, 1985.

Activity/Operator

Exploration Drilling Program for Bering Sea, St. George Basin (Sale 70) Marathon Oil Company, as operator for itself and others.

Location

Marathon is proposing to drill up to 15 exploratory wells. Subsequent wells will depend upon the results of drilling, testing, and evaluation of the initial well. The location of Marathon's leases is described as follows:

LEASE AND BLOCK NUMBERS

Lease	Block
Y 0486	386
0488	431
0498	535
0499	536
0521	721
0525	760

Environmental Assessment

No. AK 85–03.

Fonsi Date

March 21, 1985.

SUPPLEMENTARY INFORMATION: The MMS prepares Environmental Assessments (EA's) and FONSI's for proposals which related to exploration for oil and gas resources on the Alaska Outer Continental Shelf (OCS).

The EA's examine the potential environmental effects of activities described in the proposals and present MMS conclusions regarding the significance of those effects. The EA's are used as a basis for determining whether or not approval of the proposals constitute major Federal actions that significantly affect the quality of the human environment in the sense of NEPA section 102(2)(C). A FONSI is prepared in those instances where the MMS finds that approval will not result in significant effects on the quality of the human environment. The FONSI briefly presents the basis of that finding and includes a summary or copy of the EA.

The FONSI and associated EA for the activity listed above are available for public inspection between the hours of 7:30 a.m. and 4:30 p.m., Monday through Friday at: Minerals Management Service, Alaska OCS Region Library, 949 East 36th Avenue, Room 502, Anchorage, Alaska 99508, Phone: (907) 261–4435.

Persons interested in reviwing specific environmental documents, or obtaining information about EA's and FONSI's prepared for activities on the Alaska OCS, are encouraged to contact the above listed MMS office.

This notice constitutes the public notice of availability of environmental document required under the NEPA regulations.

Rodney A. Smith,

Acting Regional Director, Alaska OCS Region.

[FR Doc. 85–10055 Filed 4–24–85; 8:45 am]

BILLING CODE 4310-MR-M

Oil and Gas and Sulphur Operations in the Outer Continental Shelf; Chevron U.S.A. Inc.

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the Receipt of a Proposed Development Operations Coordination Document.

SUMMARY: This Notice announces that Chevron U.S.A. Inc., Unit Operator of the South Bay Marchand Federal Unit Agreement No. 14–08–001–3915, submitted on March 28, 1985, a proposed Development Operations Coordination Document describing the activities it proposes to conduct on the South Bay Marchand Federal unit.

The purpose of this Notice is to inform the public, pursuant to section 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the plan and that it is available for public review at the offices of the Regional Director, Gulf of Mexico OCS Region, Minerals Management Service, 3301 N. Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: Minerals Management Service, Records Management Section, Room 143, open weekdays 9:00 a.m. to 3:30 p.m., 3301 N. Causeway Blvd., Metairie, Louisiana 70002, phone (504) 838–0519.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in the proposed development operations coordination document available to affected States, executives of affected local governments, and other interested parties became effective on December 13, 1979 (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: April 18, 1985.

John L. Rankin,

Regional Director, Gulf of Mexico OCS Region.

[FR Doc. 85–10060 Filed 4–24–85; 8:45 am]

BILLING CODE 4310-MR-M

Oil and Gas and Sulfur Operations on the Outer Continental Shelf; Receipt of Proposed Development and Production Plan; Cities Service Oil and Gas Corp.

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of receipt of a proposed development and production plan.

SUMMARY: Notice is hereby given that Cities Service Oil and Gas Corporation has submitted a Development and Production Plan describing the activities it proposes to conduct as operator of Lease OCS–P 0409, offshore California. The purpose of this Notice is to inform the public that the Minerals Management Service (MMS) is considering approval of the plan and that it is available for public review and comment.

DATES: The plan may be reviewed weekdays, 8:00 a.m. to 3:00 p.m. Written comments must be received or postmarked by June 21, 1985.

ADDRESSES: The plan is available for public review at the Office of the Regional Director, Pacific OCS Region, Minerals Management Service, Room 160, 1340 West Sixth Street, Los Angeles, California 90017. Written comments may be mailed or hand-delivered to the same address.

FOR FURTHER INFORMATION CONTACT: Mr. Thomas W. Dunaway, Regional Supervisor, Office of Field Operations, Pacific OCS Region, (213) 688–2083.

SUPPLEMENTARY INFORMATION: Section 25 of the Outer Continental Shelf Lands Act, 43 U.S.C. 1351, requires the MMS to make any development and production plans available for public review. Regulation 30 CFR 250.34 provides for the publication of a Notice that such a plan is available for review.

William E. Grant,

Regional Director, Pacific OSC Region.

[FR Doc. 85–10065 Filed 4–24–85; 8:45 am]

BILLING CODE 4310–MR–M

National Park Service

Upper Delaware Citizens Advisory Council; Meeting

AGENCY: National Park Service; Upper Delaware Citizens Advisory Council, Interior.

ACTION: Notice of Meeting.

SUMMARY: This notice sets forth the date of the forthcoming meeting of the Upper Delaware Citizens Advisory Council. Notice of this meeting is required under the Federal Advisory Committee Act.

DATE: April 26, 1985, 7:00 p.m.

ADDRESS: Town of Tusten, Narrowsburg, New York.

FOR FURTHER INFORMATION CONTACT: John T. Hutzky, Superintendent, Upper Delaware National Scenic and Recreational River, Drawer C, Narrowsburg, N.Y. 12764–0159, (717) 729–7135.

SUPPLEMENTARY INFORMATION: The Advisory Council was established under section 704(f) of the National Parks and Recreation Act of 1978, Pub. L. 95–625, 16 U.S.C. 1274 note, to encourage maximum public involvement in the development and implementation of the plans and programs authorized by the Act. The Council is to meet and report to the Delaware River Basin Commission, the Secretary of the Interior, and the Governors of New York and Pennsylvania in the preparation of a management plan and on programs which relate to land and water use in the Upper Delaware region. The agenda for the meeting will include items regarding continuance of discussion of requirements for a river management plan. The meeting will be open to the public. Any member of the public may file with the Council a written statement concerning agenda items. The statement should be addressed to the Council c/o Upper Delaware National Scenic and Recreational River, Drawer C, Narrowsburg, N.Y. 12764–0159. Minutes of meeting will be available for inspection four weeks after the meeting at the permanent headquarters of the Upper Delaware National and Recreational River, River Road, 1¾ miles north of Narrowsburg, N.Y., Damascus Township, Pennsylvania.

Dated: April 18, 1985.

Anthony M. Corbisiero,

Acting Regional Director, Mid-Atlantic Region.

[FR Doc. 85–10086 Filed 4–24–85; 8:45 am]

BILLING CODE 4310–70–M

DEPARTMENT OF LABOR

Office of Pension and Welfare Benefit Programs

[Application No. D–5108 et al.]

Proposed Exemptions; Bartlemay & Associates, Inc., Money Purchase Pension Plan and Trust, et al.

AGENCY: Pension and Welfare Benefit Programs, Labor.

ACTION: Notice of proposed exemptions.

SUMMARY: This document contains notices of pendency before the Department of Labor (the Department) of proposed exemptions from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and/or the Internal Revenue Code of 1954 (the Code).

Written Comments and Hearing Requests

All interested persons are invited to submit written comments or requests for a hearing on the pending exemptions, unless otherwise stated in the Notice of Pendency, within 45 days from the date of publication of this **Federal Register** Notice. Comments and requests for a hearing should state the reasons for the writer's interest in the pending exemption.

ADDRESSES: All written comments and requests for a hearing (at least three copies) should be sent to the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C–4526, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20216. Attention: Application No. stated in each Notice of Pendency. The applications for exemption and the comments received will be available for public inspection in the Public Documents Room of Pension and Welfare Benefit Programs, U.S. Department of Labor, Room N–4677, 200 Constitution Avenue, NW., Washington, D.C. 20216.

Notice to Interested Persons

Notice of the proposed exemptions will be provided to all interested persons in the manner agreed upon by the applicant and the Department within 15 days of the date of publication in the **Federal Register**. Such notice shall include a copy of the notice of pendency of the exemption as published in the **Federal Register** and shall inform interested persons of their right to comment and to request a hearing (where appropriate).

SUPPLEMENTARY INFORMATION: The proposed exemptions were requested in applications filed pursuant to section 408(a) of the Act and/or section 4975(c)(2) of the Code, and in accordance with procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 26, 1975). Effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type requested to the Secretary of Labor. Therefore, these notices of pendency are issued solely by the Department.

The applications contain representations with regard to the

proposed exemptions which are summarized below. Interested persons are referred to the applications on file with the Department for a complete statement of the facts and representations.

Bartlemay & Associates, Inc., Money Purchase Pension Plan and Trust (the Plan) Located in Richmond, Indiana

[Application Nos. D–5108 and D–5968]

Proposed Exemption

The Department is considering granting an exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975). If the exemption is granted the restrictions of section 406(a) and 406(b) (1) and (2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code shall not apply, effective January 13, 1975, to the purchase by the Plan of an interest in a land holding real estate partnership (BCJ Realty Interest) from Louis M. Jaffe (Jaffe) for $39,000 and the sale of the BCJ Realty Interest to I.V. Bartlemay (Bartlemay) on December 29, 1984 for $69,340 in cash, provided that the amounts paid and received by the Plan were not greater than or less than (respectively) the fair market values on the respective dates of acquisition and sale.

Effective Date: If the exemption is granted, the effective date will be January 13, 1975.

Summary of Facts and Representations

1. The Plan is a money purchase pension plan established by Bartlemay & Associates Inc. (the Employer) effective December 31, 1969. The Second National Bank of Richmond, Indiana (Second National) was designated as trustee. Second National served as trustee of the Plan until January 13, 1975, at which time the assets were transferred to the First National Bank of Richmond, Indiana (First National). First National served as trustee of the Plan until October 15, 1980, at which time it was succeeded by Robbin Myers an employee and stockholder of the Employer. The Plan was terminated effective December 31, 1981; however, the trust continues to exist for the payment of benefits. No plan presently exists to terminate the trust. The Plan has three participants: Bartlemay, the principal shareholder of the Employer, his brother and son-in-law. Since the Plan has been terminated there will be no additional participants.

2. From the Plan's inception investments had been made in equity securities in which the investment performance had been less than satisfactory. Accordingly, it was decided in the fall of 1974 that the Plan should seek out alternative forms of investment. During September of 1974 the Plan agreed to purchase a 50% interest in a parcel of developed real estate, which was subject to a long term commercial lease, from Jaffe an unrelated party. Second National analyzed the investment and purchased it on behalf of the Plan on October 4, 1974. At about the same time Jaffe approached the Plan about the purchase of another real estate investment, namely the BCJ Realty Interest which was currently on the market for $39,000. Jaffe had first offered to sell the BCJ Realty Interest to his partners who declined to accept his offer. While the Plan was considering Jaffe's offer, the Board of Directors of the Employer decided to change the trustee of the Plan and contacted First National about assuming that responsibility. Investment in the BCJ Realty Interest was presented to First National who advised that it appeared to be a prudent investment for the Plan. First National agreed that, when formally appointed, it would purchase the BCJ Realty Interest for the Plan.

3. BCJ Realty, an Indiana general partnership, was established for the purpose of acquiring real estate, constructing improvements thereon and leasing the same. The partnership agreement was executed June 25, 1971 and its assets on the date of sale consisted of a parcel of real estate, located in Richmond, Indiana, subject to long term net commercial leases with Goodyear Tire and Rubber Co. and a franchise of Long John Silver restaurants. Both tenants were deemed to be stable and both were unrelated to Jaffe, the Employer or any shareholder of the Employer. The purchase price of $39,000 was determined to be reasonable on the basis of several generally recognized economic indicators: (a) Projected cash return on investment after debt service and expenses, using an anticipated 8.7% return as being an acceptable rate of return at the time of purchase; (b) equity in the underlying real estate by referencing the original construction costs less mortgage debt at the time of purchase and by capitalizing anticipated rents; and (c) residual values of the properties through 1989 when the mortgage debt will be retired. In conjunction with the transfer of assets to the successor trustee, First National, counsel was employed to draft a memorandum of agreement (the Agreement) evidencing the deal that had been struck between Jaffe and the Plan. A draft of the Agreement was completed on December 8, 1974. Jaffe signed the Agreement and obtained the approval of his partners in BCJ Realty but administrative delays in the transfer of plan assets to the successor trustee-First National delayed the execution of the Agreement by First National on behalf of the Plan until January 13, 1975 (the 1975 Transaction).

4. Between the date that the parties reached an understanding as to the terms of the sale of BCJ Realty Interest and the final execution of the Agreement, two events intervened which resulted in the need to file the subject application for administrative relief. On November 16, 1974, Jaffe married Bartlemay's daughter and thus became a party in interest with respect to the Plan on January 1, 1975, the effective date of the prohibited transaction provisions of the Act. Jaffe, although a son-in-law of Bartlemay (and a party in interest under section 3(14)(F) of the Act), was an independent businessman who dealt with the Plan in an arm's-length manner. The price paid by the Plan for the BCJ Realty Interest was the same price at which the investment had been offered to third parties. None of the parties to the transaction had any reason to believe that such transaction was a violation of any federal or state statute. The Employer is a manufacturer's representative and looked to its attorneys, CPA's and bank trust departments to handle the legal and tax implications of operating its retirement plans.

5. On March 2, 1982, an application for determination with respect to the termination of the Plan was filed with the Internal Revenue Service (the IRS) in Cincinnati, Ohio. After an exchange of correspondence between the IRS and the Employer involving the real estate holdings of the Plan, the IRS notified the Employer by a letter dated August 10, 1983, indicating that the 1975 Transaction ". . . appears to be a prohibited transaction." The Employer retained counsel to develop an exemption application which was submitted to the Department on December 29, 1983.

6. In December of 1984, fiduciaries of the Plan determined it in the best interests of the participants to diversify the assets of the Plan by selling some of its existing real estate holdings. Because of the current problems surrounding the acquisition of the BCJ Realty Interest,

the unsettled outcome of the pending exemption application and the potential tax liability to Jaffe, the BCJ Realty Interest was selected as the most appropriate asset to be disposed of. An appraisal of BCJ Realty was made by Mr. Jay Allardt (Allardt) of the American United Appraisal Company. Allardt, who represents himself to be independent of and unrelated to Bartlemay, the Employer or the Plan, has given an opinion that as of December 26, 1984 BCJ Realty had a market value of $290,000 subject to an outstanding mortgage of $81,981. Based on this valuation the BCJ Realty Interest was determined to have a fair market value of $69,340. In that the BCJ Realty Interest was a minority interest, it was first offered to the other partners in BCJ Realty who declined to purchase the Plan's interest at the appraised price but agreed to consent to the sale if a purchaser could be found. It was the opinion of the Plan fiduciaries that seeking a prospective purchaser on the open market would be a time consuming process. To resolve the Plan's dilemma Bartlemay offered to purchase the BCJ Realty Interest for cash. The Plan accepted the offer and sold the BCJ Realty Interest to Bartlemay on December 29, 1984 (the 1984 Transaction) for $69,340 cash.

7. In summary, the applicant represents that the subject transaction meet the criteria of section 408(a) of the Act because: (a)(1) The 1975 Transaction was a written affirmation of an agreement reached between unrelated parties in 1974 and based on a price represented to be fair market value. (2) First National, a fiduciary of the Plan and not subject to influence by any party to the sale, reviewed the proposed transaction and agreed to execute the required documents on behalf of the Plan. (3) BCJ Realty has as assets two long-term commercial leases with unrelated parties which produced a positive income stream for any investor; and (b) the 1984 Transaction was a sale transaction for cash based on an independent appraisal intended to provide the Plan with a better diversified portfolio and permit a final resolution of the problems created by the Plan acquisition of the BCJ Realty Interest by the 1975 Transaction.

For Further Information Contact: Mr. Paul Antsen of the Department, telephone (202) 523-8753. (This is not a toll-free number.)

Ted McWilliams, Inc., Profit Sharing Plan (the Plan) Located in Pittsburgh, Pennsylvania

[Application No. D-5236]

Proposed Exemption

The Department is considering granting an exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). If the exemption is granted the restrictions of section 406(a) and 406(b) (1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of sections 4975(c)(1) (A) through (E) of the Code shall not apply to the lease of certain real property by the Plan to Ted McWilliams, Inc. (the Plan Sponsor) for a ten-year period beginning July 1, 1984, provided that the terms of the lease are as favorable to the Plan as those the Plan could obtain in a similar transaction with an unrelated party.

Effective Date: If the proposed exemption is granted, it will be effective on July 1, 1984.

Summary of Facts and Representations

1. The Plan is a profit sharing plan with 76 participants. The Plan had total assets of $8,675,216 as of December 31, 1983. The trustees of the Plan (the Trustees) are Theodore McWilliams (McWilliams) the principal stockholder, director and officer of the Plan Sponsor, and Eugene F.P. Kelly, a director and officer of the Plan Sponsor. The Plan Sponsor is an automobile dealership.

2. There are three parcels of real property involved in the proposed exemption:

Parcel I—Parcel I is owned by the Plan. It is located at 3475 Penn Highway, Pittsburgh, Pennsylvania. Parcel I was purchased by McWilliams on February 21, 1963 from Mr. and Mrs. George Beech (the Beeches), who are unrelated parties. Parcel I was then subleased to the Plan Sponsor. On June 27, 1967, McWilliams conveyed Parcel I to Potter Investment Company (Potter), a Pennsylvania corporation whose sole shareholder was the Plan. Potter leased Parcel I to the Plan Sponsor by lease dated December 31, 1969 for a 12-year period beginning on January 1, 1970 and ending on December 31, 1982. Potter then liquidated and pursuant to the Plan of Liquidation, conveyed Parcel I to its sole shareholder, the Plan on June 1, 1976. Parcel I continues to be leased to the Plan Sponsor pursuant to a lease renewal which became effective on January 1, 1983 between the Plan and the Plan Sponsor.

Parcel II—Parcel II is located at 3499 Penn Highway, Pittsburgh, Pennsylvania and consists of approximately 12 acres. Parcel II is improved with a showroom, a trailer and garage. It was leased to McWilliams from the Beeches pursuant to a lease which was dated May 13, 1964. The original term of this lease was ten years, but it has subsequently been renewed. This lease has been assigned by McWilliams to the Plan pursuant to an assignment which was dated November 29, 1968. Under the terms of the assignment, McWilliams assigned all of his rights, title and interest in Parcel II to the Plan. Rental payments are made from the Plan directly to the Beeches. The Plan then subleased Parcel II to the Plan Sponsor pursuant to a sublease which became effective January 1, 1970.

Parcel III—Parcel III is located at 3601 Penn Highway, Pittsburgh, Pennsylvania, and consists of approximately 1½ acres. It was leased to McWilliams from the Beeches on September 15, 1965. Parcel III was then assigned to the Plan pursuant to an assignment dated November 29, 1968. The Plan subleased Parcel III to the Plan Sponsor pursuant to a lease which became effective on January 1, 1970. The original term of this lease was 9½ years, but has been subsequently renewed.

The applicant represents the leases of Parcels I, II, and III were covered by the statutory exemption contained in section 414 of the Act.[1]

3. Parcels I, II, and III (collectively, the Property) are now being used by the Plan Sponsor for its business operations. An independent appraisal of the Property performed by Kelly-Reilly Associates (the Appraiser), an independent real estate appraisal firm located in Monroeville, Pennsylvania, has established the fair market value of the Property at $2,700,000 as of December 31, 1983. The appraiser has determined that the fair market rental value of the Property is $283,000 per annum as of December 31, 1983. The Property represents approximately 31 percent of the total assets of the Plan. The applicant represents that before June 30, 1987, the value of the Property will equal 25 percent or less of the Plan's total investment portfolio.

4. The applicant proposes that the Plan lease the Property to the Plan Sponsor (the Lease) for a term of 10 years, beginning July 1, 1984, with rental adjustments every two years to reflect the then fair market rental value of the

[1] The Department expresses no opinion as to the applicability of section 414 in this instance.

Property. The proposed rental rate for the Property is $300,000 per annum. This proposed rental rate exceeds the fair market rental value of the Property as determined by the Appraiser. The Plan Sponsor will pay all utilities and services related to the Property during the term of the Lease. The Plan Sponsor will also maintain policies of public liability insurance against claims for personal injury, death or property damage for the Property during the Lease term.

5. In May of 1984 Commercial Realty Marketing, Inc. (Commercial Realty) was appointed as the independent Fiduciary for one Plan. Commercial Realty, a corporation which has no association with the Plan Sponsor, reviewed the Lease and the Plan's investment portfolio and determined that it was in the best interests of the Plan and its participants and beneficiaries. On December 6, 1984, Richard R. Carr, Esquire, was appointed to serve as the independent fiduciary for the Lease (the Independent Fiduciary), replacing Commercial Realty. The Independent Fiduciary represents that he is not associated in any manner with the Plan or the Plan Sponsor. He is licensed as a real estate broker and is licensed to practice law in the Commonwealth of Pennsylvania. He represents that he has specialized in pension matters and is familiar with the fiduciary standards set forth in the Act. The Independent Fiduciary represents that he has reviewed the Lease and the Plan's investment portfolio and that as a result of his review, has determined that the Lease is in the best interests of the Plan and compliments the Plan's investment portfolio.

6. The Independent Fiduciary represents that the Lease is in the best interests of the Plan because:

(a) The Lease generates an 11 percent return each year for the Plan, with a small risk factor involved;

(b) There is enough cash in the Plan to pay any reasonably anticipated distribution for the next five years; and

(c) The rent to be received by the Plan is in excess of the fair market rental value of the Property.

7. The Independent Fiduciary further represents that he will enforce all of the terms of the Lease including the rental adjustments every two years to reflect the fair market value of the Property. He will also assure the collection of all the rents and the enforcement of all of the convenants and conditions as set forth in the Lease.

8. In summary, the applicant represents that the proposed transaction meets the statutory criteria of section 408(a) of the Act because:

(1) The fair market rental value of the Property has been established by an independent appraisal;

(2) The Plan will receive in excess of the fair market rental value of the Property during the Lease;

(3) The Independent Fiduciary will collect rents and enforce the covenants and conditions of the Lease; and

(4) The Independent Fiduciary has determined that all of the terms of the Lease are in the interests of and protective of the Plan and its participants and beneficiaries.

Tax Consequences of Transaction

The Department of the Treasury has determined that if a transaction between a qualified employee benefit plan and its sponsoring employer (or affiliate thereof) results in the plan either paying less than or receiving more than fair market value such excess may be considered to be a contribution by the sponsoring employer to the plan and therefore must be examined under applicable provisions of the Internal Revenue Code, including sections 401(a)(4), 404 and 415.

For Further Information Contact: Ms. Linda Hamilton of the Department, telephone (202) 523–8881. (This is not a toll-free number.)

Neurosurgical Associates of Roanoke, Inc. Defined Benefit Plan A (the Plan) Located in Roanoke, Virginia

[Application No. D–5702]

Proposed Exemption

The Department is considering granting an exemption under the authority of section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975). If the exemption is granted the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code shall not apply to the proposed sale by the Plan of a certain parcel of improved real property and personal property (the Property) to Dr. Ward W. Stevens (Dr. Stevens), a disqualified person with respect to the Plan, for cash in the amount of $232,587.39 provided that this amount is the fair market value of the Property at the time of sale.[2]

[2] Since Dr. Stevens owns 100% of the beneficial interest of the sponsor of the Plan and is the only Plan participant there is no jurisdiction under Title I of the Act pursuant to 29 CFR 2510 3–3(b). However, there is jurisdiction under Title II of the Act pursuant to section 4975 of the Code.

For Further Information Contact: Ms. Linda Hamilton of the Department, telephone (202) 523–8881. (This is not a toll-free number.)

Summary of Facts and Representations

1. The Plan is a defined benefit plan which as of November 30, 1984, had total assets of approximately $677,945. The trustees of the Plan are Dr. Stevens and his wife, Mrs. Stevens. As a part of its assets, the Plan owns the Property which consists of a mountain resort home and the fixtures and furnishings therein.

2. Dr. Stevens is requesting an exemption which will permit the sale of the Property by the Plan to himself for cash in the amount of $232,587.39. It is represented that the Plan purchased the improved real property on March 31, 1983, at an original cost of $199,540.79. Mr. Samuel B. Wells, an independent appraiser with twenty years experience and with no connections to either Dr. Stevens, Neurosurgical Associates of Roanoke, Inc., the sponsor of the Plan, the Wintergreen Company, or the Plan, represents that as of February 8, 1984, the improved real property had a fair market value of $212,500. In addition, the applicant states that Dr. Stevens will pay an additional amount of $20,087.39 which represents the original cost to the Plan for the fixtures and furnishings. It is represented that the sale of the Property to Dr. Stevens will permit the Plan to diversify its investments and allow the Plan to liquidate the real property holding of the Plan which comprises approximately 40% of the Plan's assets. All closing costs and fees will be paid by the purchaser. In addition, the applicant asserts that denial of the request for exemption would result in the Plan's suffering an economic loss because of the "soft" rental market existing in the area. The applicant indicates that since the Property was placed in service, the Property has generated approximately $800 to $1,000 per month of net rental income which represents a 5% per annum return on the Plan's ownership interest in the Property.[3]

[3] There have been only two weekends in 1984 of personal use by Dr. Stevens since the Property was placed in service. Dr. Stevens represents both trips were mainly for the purpose of checking on the condition of the Property. Dr. Stevens did not pay rent to the Plan on those two occasions. Dr. Stevens represents that as a condition of this exemption he will file the applicable 5330 forms with the Internal Revenue Service and will pay all applicable excise tax, fair market rent, and interest on such rent with regard to Dr. Stevens' use of the Property on the two weekends in 1984.

3. In summary, the applicant represents that the transaction satisfies the criteria of section 4975(c)(2) of the Code as follows: (1) The sales price of the Property consists of the greater of the actual construction cost of the Property or the appraised value on the date of sale as established by an independent appraiser plus the original cost to the Plan of the fixtures and furnishings; (2) the Plan will be able to diversify its investments and liquidate its real estate holdings; (3) the Plan will pay no commission on the sale of the Property; (4) Dr. Stevens is the only participant in the Plan.

For Further Information Contact: Ms. Angelena C. Le Blanc of the Department, telephone (202) 523-8881. (This is not a toll-free number.)

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and/or section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions of the Act and/or the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) Before an exemption may be granted under section 408(a) of the Act and/or section 4975(c)(2) of the Code, the Department must find that the exemption is administratively feasible, in the interests of the plan and of its participants and beneficiaries and protective of the rights of participants and beneficiaries of the plan; and

(3) The proposed exemptions, if granted, will be supplemental to, and not in derogation of, any other provisions of the Act and/or the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

(4) The proposed exemptions, if granted, will be subject to the express condition that the material facts and representations contained in each application are true and complete, and that each application accurately describes all material terms of the transaction which is the subject of the exemption.

Signed at Washington, D.C., this 19th day of April, 1985.

Elliot I. Daniel,

Acting Assistant Administrator for Regulations and Interpretations, Office of Pension and Welfare Benefit Programs, U.S. Department of Labor.

[FR Doc. 85-9925 Filed 4-24-85; 8:45 am]

BILLING CODE 4510-29-M

LIBRARY OF CONGRESS

American Folklife Center, Board of Trustees; Meeting

In accordance with Pub. L. 94-463, the Board of Trustees of the American Folklife Center announces its meeting to be held in Washington, D.C. on Wednesday, May 29, from 9:30 a.m. to 4:30 p.m. in the Whittall Room of the Library of Congress. The meeting will be open to the public. It is suggested that persons planning to attend this meeting as observers contact Ray Dockstader, American Folklife Center (202) 287-6590.

The American Folklife Center was created by the U.S. Congress with passage of Pub. L 94-201, the American Folklife Preservation Act, in 1976. The Center is directed to "Preserve and present American folklife" through programs of research, documentation, archival preservation, live presentation, exhibition, publications, dissemination, training, and other activities involving the many folk cultural traditions of the United States. The Center is under the general guidance of a Board of Trustees composed of members from Federal agencies and private life widely recognized for their interest in American folk traditions and arts.

The Center is structured with a small core group of versatile professionals who both carry out programs themselves and oversee projects done by contract by others. In the brief period of the Center's operation it has energetically carried out its mandate with programs that provide coordination, assistance, and model projects for the field of American folklife.

Raymond L. Dockstader,

Deputy Director, American Folklife Center.

[FR Doc. 85-10031 Filed 4-24-85; 8:45 am]

BILLING CODE 1410-01-M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Agency Information Collection Activities Under OMB Review

AGENCY: National Endowment for the Humanities.

ACTION: Notice.

SUMMARY: The National Endowment for the Humanities (NEH) has sent to the Office of Management and Budget (OMB) the following proposals for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

DATES: Comments on this information collection must be submitted 30 days after date of this notice.

ADDRESSES: Send comments to Ms. Ingrid Foreman, Management Assistant, National Endowment for the Humanities, Administrative Services Office, Room 202, 1100 Pennsylvania Avenue NW., Washington, D.C. 20506, (202) 786-0233 or Mr. Joseph Lackey, Office of Management and Budget, New Executive Office Building, 726 Jackson Place NW., Room 3208, Washington, D.C. 20503, (202) 395-6880.

FOR FURTHER INFORMATION CONTACT: Ms. Ingrid Foreman, National Endowment for the Humanities, Administrative Services Office, Room 202, 1100 Pennsylvania Avenue NW., Washington, D.C. 20506, (202) 786-0233, from whom copies of forms and supporting documents are available.

SUPPLEMENTARY INFORMATION: All of the entries are grouped into new forms, revisions, or extensions. Each entry is issued by NEH and contains the following information: (1) The title of the form; (2) the agency form number, if applicable; (3) how often the form must be filled out; (4) who will be required or asked to report; (5) what form will be used for; (6) an estimate of the number of responses; (7) an estimate of the total number of hours needed to fill out the form. None of these entries is subject to 44 U.S.C. 3504(h).

Category: Revision of currently approved collection

Title: NEH Standard Project Budget Form and Instructions

Form Number: 3136-0071

Frequency of Collection: Occasional, with each NEH Grant Application

Respondents: All NEH applicants

Use: Provide financial plan for expenditure of funds for projected activities

Estimated Number of Respondents: 2,700

Estimated Hours of Respondents to Provide Information: 3.

Bruce Carnes,

Acting Director of Administration.

[FR Doc. 85-9969 Filed 4-24-85; 8:45 am]

BILLING CODE 7536-01-M

NUCLEAR REGULATORY COMMISSION

Applications for Licenses to Export Nuclear Facilities or Materials

Pursuant to 10 CFR 110.70 (b) "Public notice of receipt of an application" please take notice that the Nuclear Regulatory Commission has received the following applications for export licenses. Copies of the applications are on file in the Nuclear Regulatory Commission's Public Document Room located at 1717 H Street, N.W., Washington, D.C.

A request for a hearing or petition for leave to intervene may be filed within 30 days after publication of this notice in the **Federal Register.** Any request for hearing or petition for leave to intervene shall be served by the requestor or petitioner upon the applicant, the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, the Secretary, U.S. Nuclear Regulatory Commission, and the Executive Secretary, U.S. Department of State, Washington, D.C. 20520.

In its review of applications for licenses to export production or utilization facilities, special nuclear materials or source material, noticed herein, the Commission does not evaluate the health, safety or environmental effects in the recipient nation of the facility or material to be exported. The table below lists all new major applications.

Dated this 18th day of April 1985 at Bethesda, Maryland.

For the Nuclear Regulatory Commission.

James Y. Zimmerman,

Assistant Director, Export/Import and International Safeguards, Office of International programs.

NRC EXPORT APPLICATIONS

Name of applicant, date of application, date received, application number	Material type	Material in kilograms		End-use	Country of destination
		Total element	Total isotope		
Transnuclear, Inc., Mar. 25, 1985, Mar. 25, 1985, XSNM02204.	93 percent enriched uranium	32.6	30.3	HEU for use as fuel in Orphee Reactor	France.
Transnuclear, Inc., Mar. 25, 1985, Mar. 25, 1985, XSNM02205.	do	59.1	55.0	HEU for use as fuel in Siloe Reactor	Do.

[FR Doc. 85-10066 Filed 4-24-85; 8:45 am]

BILLING CODE 7590-01-M

PACIFIC NORTHWEST ELECTRIC POWER AND CONSERVATION PLANNING COUNCIL

Resident Fish Substitutions Advisory Committee; Meeting

AGENCY: Resident Fish Substitutions Advisory Committee of the Pacific Northwest Electric Power and Conservation Planning Council (Northwest Power Planning Council).

ACTION: Notice of meeting to be held pursuant to the Federal Advisory Committee Act, 5 U.S.C. Appendix I, 1-4. Activities will include:

- Summary of losses and goals work plan.
- Role of committee, format, minutes.
- Resident fish productivity information.
- Other.
- Public comment.

Status: Open.

SUMMARY: The Northwest Power Planning Council hereby announces a forthcoming meeting of its Resident Fish Substitutions Advisory Committee.

DATE: May 1, 1985, 9:00 a.m.

ADDRESS: The meeting will be held at the Council Hearing Room in Portland, Oregon.

FOR FURTHER INFORMATION CONTACT: John Marsh, 503-222-5161.

Edward Sheets,

Executive Director.

[FR Doc. 85-10038 Filed 4-24-85; 8:45 am]

BILLING CODE 0000-00-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 35-23666; 70-7098]

Columbus and Southern Ohio Electric Co.; Proposed Issuance and Sale of First Mortgage Bonds

April 19, 1985.

Columbus and Southern Ohio Electric Company ("CSO"), a subsidiary of American Electric Power Company, Inc. ("AEP"), a registered holding company, has filed a declaration with this Commission pursuant to sections 6(a) and 7 of the Public Utility Holding Company Act of 1935 ("Act") and Rule 50 thereunder.

CSO proposes to issue and sell prior to December 31, 1985, up to $60 million aggregate principal amount of its First Mortgage Bonds ("Bonds"), in one or more new series, each such series having a maturity of not less than 5 years and not more than 30 years. The interest rate and the price to be paid to CSO for the Bonds (which shall not be less than 99 percent, and not more than 102.75 percent of the principal amount) will be determined at the time of the sale or sales by competitive bidding in accordance with Rule 50 of the Act. CSO may employ alternative competitive bidding procedures in accordance with the Commission's statement of policy set forth in HCAR No. 22623, September 2, 1982.

If market conditions should not be propitious for the sale of the Bonds on a competitive bidding basis, CSO proposes, subject to further authorization by the Commission, either to place the Bonds privately with institutional investors or to negotiate with underwriters for the sale of the Bonds. The interest rate and price, if authorized by the Commission, would be determined by negotiation in each such instance with institutional investors or with underwriters for the sale of the Bonds. If CSO determines to issue the Bonds in more than one series, CSO may wish to sell one or more series on a competitive bidding basis and one or more series on a negotiated basis, with variable maturity dates to be determined at that time.

It is expected that the terms of the Bonds will preclude CSO from redeeming any such Bond at a regular redemption price prior to five years subsequent to the first day of the month in which the Bonds of that series are first authenticated and delivered, if such redemption is for the purpose of refunding such Bond through the use, directly or indirectly, of borrowed funds

at an effective interest cost of less than the effective interest cost to the Company of such Bonds.

The proceeds from the sale of the Bonds will be deposited with the Trustee under the Mortgage, to be used to repay, on July 1, 1985, CSO's maturing $45 million principal amount of First Morgage Bonds, 7⅝% Series, and to repay short term indebtedness.

The declaration and any further amendments thereto are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by May 15, 1985, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the declarant at the address specified above. Proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date, the proposal, as filed or as it may be amended, may be authorized.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

John Wheeler,

Secretary.

[FR Doc. 85-9970 Filed 4-24-85; 8:45 am]

BILLING CODE 8010-01-M

[Release No. IC-14477; 812-6057]

Gotabanken and Gotabanken Inc.; Application

April 19, 1985.

Notice is hereby given that Gotabanken ("Bank"), a commercial bank organized under the laws of Sweden, and its wholly-owned subsidiary Gotabanken Inc. ("Issuer") (collectively, "Applicants"), Milbank, Tweed, Hadely & McCloy, One Chase Manhattan Plaza, New York, New York 10005, filed an application on February 12, 1985, for an order of the Commission, pursuant to section 6(c) of the Investment Company Act of 1940 ("Act"), exempting Applicants from all provisions of the Act in connection with the proposed issuance and sale of commercial paper in the United States. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below, and to the Act for the text of the pertinent statutory provisions.

Applicants state that the Bank's registered office is located at Ostra Hamngatan 16, Goteburg, Sweden, and that it is one of the larger commercial banks in Sweden. The Bank operates on an international scale: it maintains 166 branches in Sweden, has representative offices in Hong Kong and Singapore, and has subsidiary banks in Luxembourg and London and an ownership interest in a bank in Paris. The Bank is a privately-owned banking institution with its capital shares distributed among 16,000 shareholders. At December 31, 1983, total consolidated assets of the Bank were just over $4.1 billion; deposits, certificates of deposit and amounts due to Swedish and foreign banks were $2.84 billion, and shareholder equity was $70.6 million.

As a commercial bank, the Bank is active in corporate business domestically and overseas while also extensively involved in retail banking at home. The Bank's principal business consists of making loans and receiving deposits, but through subsidiaries it also engages in real estate financing and provides factoring and leasing services.

The Bank represents that it is subject to detailed regulation by Swedish banking authorities pursuant to a regulatory framework that is comparable in many respects to the regulation of United States commercial banks. In general, Swedish bank regulation is primarily supervised by the Bank Inspection Board ("Board") pursuant to the Swedish Banking Companies Act (1955), and regulated by Sveriges Riksbank (the "Riksbank"), the Central Bank of Sweden. Among other things, the Swedish Banking Act imposes minimal capital requirements and prohibits subordinated loans and unsecured investments in real estate. Compliance with the Swedish Banking Act is supervised by the Board, which prescribes accounting principles to be followed by banks, requires them to submit monthly statements of financial condition, and conduct periodic inspections. Further, under the Swedish Banking Act, the Board is granted various enforcement powers and may in exceptional cases actively intervene in management decisions if deemed necessary to enforce the Swedish Banking Act or to preserve the solvency of a bank. The Riksbank supervises banking activities in Sweden; it determines liquidity and cash-reserve requirements, imposes restrictions on interest rates charged, establishes general and specific investment requirements, and imposes limitations on the issuance of securities.

Applicants further state that the Issuer was organized under the laws of Delaware on January 28, 1985, to serve as a financial vehicle for the Bank and will issue commercial paper guaranteed by the Bank. It is represented that the only business to be conducted by the Issuer will be the issuance of commercial paper notes, the proceeds of which will be placed on short-term deposit with, or loaned to, the Bank and its other subsidiaries. These deposits, or loans, with interest, would be withdrawn by, or repaid to, the Issuer, as the case may be, to the extent necessary to pay maturing commercial paper notes. Payment of principal and interest on these securities will be guaranteed by the Bank. Since the sole business of the Issuer will be the issuance of commercial paper and the making of loans to the Bank and its other subsidiaries, substantially all of the Issuer's assets will consist of bank deposits with, or amounts receivable from, the Bank.

The Issuer proposes to offer, issue and sell in the United States guaranteed commercial paper ("Notes") in bearer form and denominated in United States dollars. It is intended that the Notes will be sold without registration under the Securities Act of 1933 ("Securities Act") in reliance upon an opinion of the Bank's United States counsel that the Notes and guarantees will qualify for the exemption from the registration requirements of the Securities Act provided for certain short-term commercial paper by section 3(a)(3) thereof. The Notes will not be issued or sold until the Bank has received such an opinion letter. The Bank does not request Commission review or approval of the aforementioned opinion letter. The Notes will be issued in minimum denominations of $100,000, will mature not more than 270 days from the date of issuance, and will not be payable on demand or include any provisions for extensions, renewal, or automatic "roll-over" at the option of either the holders, the Issuer, or the Bank. The Notes will rank *pari passu* among themselves and equally with all other unsecured indebtedness of the Issuer and superior to the rights of shareholders. The Notes are intended to be of prime quality and of the type eligible for discounting by a Federal Reserve Bank. The presently proposed, and any future, issuance of Notes by the Issuer will be conditioned upon the receipt of, prior to issuance, of one of the three highest investment grade ratings from at least one of the nationally-recognized statistical rating organizations, and the Bank's United

States counsel will have certified that such a rating has been received.

It is further stated that the Notes will have the unconditional guarantee of the Bank, endorsed on the Notes. As a result, a holder or the Notes of the Issuer will be the holder of obligations of the Bank, i.e., guarantees which will rank *pari passu* with all other unsecured indebtedness of the Bank, including liability to depositors, and ahead of shareholders and holders of subordinated debt. The proceeds of the sale of the Notes (to the extent not applied to the repayment of maturing Notes or to the payment of current expenses) will be placed on short-term deposit with, or loaned to the Bank and its subsidiaries, and will thus be made available to the Bank and its subsidiaries to be used for "current transactions" within the meaning of section 3(a)(3) of the Securities Act. These deposits, or loans, with interest, would be withdrawn by, or repaid to, the Issuer, as the case may be, as required to make timely payment on maturing Notes.

The Notes will be placed by one or more dealers, or placement agents, in the above minimum denominations, with institutional investors and other entities and individuals in the United States who regularly purchase commercial paper. While an announcement of the issuance of the Notes may be made as a matter of public record, the Notes will not be advertised or otherwise offered for sale to the general public. The Bank represents that the aggregate principal amount of the Notes to be outstanding at any time is not expected to exceed $150,000,000.

The Bank agrees to secure an undertaking from the dealer, or dealers, or placement agent, or agents that it will provide each offeree who has indicated an interest in the Notes then being offered, and prior to any sale of such Notes to such offeree, with (i) a memorandum describing the business of the Bank and the Issuer, and (ii) the most recent publicly available fiscal year-end balance sheet and income statement. Such memoranda will be updated as promptly as practicable to reflect material changes in the Bank's and the Issuer's financial status, and will be at least as comprehensive as those customarily used in offering prime quality commercial paper in the United States.

The Bank further represents that any future offerings of the Issuer's or the Bank's securities in the United States will be done on the basis of disclosure documents at least as comprehensive in their description of the Bank and the Issuer as those used in the presently proposed offering. The Bank consents to any order granting the relief requested being expressly conditioned upon the Bank's compliance with the above undertakings regarding disclosure documents. The Bank further represents that any such future offering in the United States will be made pursuant to either a registration statement under the Securities Act, or an applicable exemption from registration under the Securities Act. In any such offering for which no registration is required pursuant to the Securities Act, disclosure documents will be provided to each offeree who has indicated an interest in the securities then being offered prior to any sale of such securities to such offeree.

The Bank states that it will appoint, and will cause the Issue to appoint, one or more banks in the United States as authorized agent for itself and the Issuer, to issuer and pay the Notes from time to time on behalf of the Bank and the Issuer. The Bank will also appoint an agent to accept any process which may be served in any action based on the Notes, or the guarantee, and instituted in any state or federal court in New York City by the holder of any Notes. The Bank represents that it will expressly accept and cause the Issuer to expressly accept the jurisdiction of any state or federal court in the City and State of New York in respect of any such action. Such appointment of an authorized agent to accept service of process and such consent to jurisdiction will be irrevocable until all amounts due and to become due in repect of the Notes have been paid by the Issuer or the Bank.

The Bank represents that it will similarly consent, and will cause the Issuer to consent, to jurisdiction of state and federal courts in New York City and the Bank will appoint, and will cause the Issuer to appoint, an agent for service of process in suits arising from any future offerings of securities that it or the Issuer may make in the United States, which offerings the Bank states will be limited to debt securities. The Bank represents that it and the Issuer will be subject to suit in any other court in the United States which would have jurisdiction because of the manner of the offering of the Notes or otherwise. In such instances, the authorized agent will neither be a trustee for the Noteholders, nor will it have any responsibility or duty to act for such holders as would a trustee.

The Bank and the Issuer further represent that prior to any future offering of their debt securities, such securities will have received one of the three highest investment grade ratings from at lease one nationally-recognized United States firm engaging in statistical rating and that the United States counsel to such offeror of debt securities shall have certified that such rating has been so received; provided, however, that no such rating shall be required to be obtained if in the opinion of such counsel, after taking into account the doctrine of integration for the purpose thereof, an exemption from registration is available with respect to such issue under section 4(2) of the Securities Act.

Applicants state that absent an exemption the Bank would be denied ready access to the credit markets in the United States, a result both inequitable and indirect conflict with the objectives of the International Banking Act of 1978. The Bank asserts that an exemptive order is both necessary and appropriate because it would afford foreign banks access to a source of U.S. dollars which is necessary in view of their activities in the Eurodollar market, and because it would benefit U.S. investors by making available additional opportunities for investment in short-term, prime quality securities.

Applicants further assert that the rationale for granting an exemptive order pursuant to section 6(c) of the Act to the Bank extends to the Issuer as well because of the direct-subsidiary relationship between them. It is stated that the purchase of the Issuer's Notes will be the equivalent of the purchase of obligations of the Bank because of the Bank's unconditional guarantee.

Notice is further given that any interested person wishing to request a hearing on the application may, not later than May 13, 1985, at 5:30 p.m., do so by submitting a written request setting forth the nature of his/her interest, the reasons for the request, and the specific issues of fact or law that are disputed, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of the request should be served personally or by mail upon Applicant at the address stated above. Proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed with the request. After said date, an order disposing of the application will be issued unless the Commission orders a hearing upon request or upon its own motion.

For the Commission, by the Divisio of Investment Management, pursuant to delegated authority.

John Wheeler,

Secretary.

[FR Doc. 85-9971 Filed 4-24-85; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-21963; File No. S7-820]

Options Price Reporting Plan; Immediate Effectiveness of Amendment

On April 1, 1985, the participants in the "Options Price Reporting Authority" ("OPRA") submitted to the Commission, pursuant to Rule 11Aa3-2 under the Securities Exchange Act of 1934 ("Act"), an amendment to the "Plan for Reporting for Consolidated Options Last Sale Reports and Quotation Information,"[1] which was submitted to the Commission pursuant to section 11A(a)(3)(B) of the Act ("OPRA Plan").[2]

I. Description of the Amendment

OPRA proposes to establish a non-professional subscriber information fee which will permit individual investors to receive current options last sale and quotation information via vendor-provided information services at a much lower access charge than the current OPRA subscriber fee. OPRA indicates that the new fee will be available only to individual investors who use the information for personal, non-business, investment activities and who are not employed in securities or commodities-related businesses. OPRA indicates that subscribers who do not qualify for the non-professional subscriber fee will continue to have access to current options information upon payment of OPRA's regular Subscriber Fee. The proposed non-professional subscriber fee is a flat monthly rate of $2.00. Although the Amendment is intended to become effective upon filing, OPRA does not intend to implement its non-professional subscriber arrangements until May 1, 1985, with the intervening time period to be devoted to obtaining signatures of vendors on revised forms of vendor agreements, and distributing the new non-professional subscriber agreements.

II Purpose of the Amendment

OPRA indicates that the purpose of the proposed Non-professional Subscriber Information Fee is to broaden the dissemination of current options last sale and quotation information by permitting individual investors to become OPRA subscribers at a special, low monthly charge. Further, OPRA states that the new fee is available only to those who qualify, as described above, in order to protect the revenues that OPRA collects from its professional subscribers and that are necessary to defray a portion of the exchanges' costs of collecting, consolidating, processing, and disseminating options information.

III. Manner of Implementation of the Amendment

The proposed new fee will be implemented by adopting a new Non-professional Subscriber Application and Agreement,[3] and by amending the OPRA Vendor Agreement to permit Vendors to provide current options information to approve non-professional subscribers.[4] The amendments to the Vendor Agreement also impose upon vendors responsibility for obtaining and approving completed Non-professional Subcriber Applications and Agreements and for paying the Non-professional Subscriber Information Fee to OPRA on behalf of their customers who qualify for this fee. Billing and collection of the new fee from individual investors will also be the responsibility of vendors.

IV. Request for Comment

Pursuant to Rule 11Aa3-2(c)(3) under the Act, the amendment became effective upon filing with the Commission. The Commission, however, may summarily abrogate the amendment within 60 days of its filing and require refiling and approval of the amendment by Commission order pursuant to Rule 11Aa3-2(c)(2), if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors and the maintenance of fair and orderly markets, to remove impediments to, perfect the mechanisms of, a national market system, or otherwise in furtherance of the purposes of the Act. In order to assist the Commission in determining whether to abrogate the amendment and to require refiling and further review, interested persons are invited to submit their comments to John Wheeler, Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, D.C. 20549, within 21 days from the date of publication of this notice in the **Federal Register**. All communications should refer to File No. S7-820.

For the Commission, by the Division of Market Regulation pursuant to delegated authority, 17 CFR 200.30-3(a)(27).

Dated: April 19, 1985.

John Wheeler,

Secretary.

[FR Doc. 85-10074 Filed 4-24-85; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-21966; SR-NYSE-85-16]

Self-Regulatory Organizations; New York Stock Exchange, Inc., Filing of and Order Approving Proposed Rule Change on an Accelerated Basis; Relating to Proposed Changes in NYSE Rules 451 and 455 Concerning a Surcharge, Which May Be Charged by Member Organizations of Issuers, in Connection With Proxy Solicitations, for the Purpose of Recouping Direct and Indirect Expenses Associated With Start-up Costs.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on April 18, 1985, the New York Stock Exchange, Inc. ("NYSE") filed with the Securities and Exchange Commission the proposed rules changes described in Items I and II below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rules changes from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rules Changes

The proposed rules changes amend Supplementary Material to Rule 451 and Supplementary Material to Rule 465 of the Exchange Rules concerning a proxy solicitation surcharge payable by issuers in connection with Rules 14b-1(c) and 17a-3(a)(9)(ii) under the Securities Exchange Act of 1934. The surcharge will be 20¢ for each set of proxy material, i.e., proxy statement and form of proxy (not including follow-up mailings), mailed in connection with the issuer's next annual meeting held after March 28, 1985.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rules Changes

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rules and discussed any comments it received on the proposed rules changes. The text of these statements may be examined at

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[1] *See Securities Exchange Act Release No. 17638 (March 18, 1981).*

[2] The Commission previously, by order, granted registration to OPRA as a securities information processor. At that time, OPRA's functions were limited to the collection and dissemination of options last sale reports. *See* Securities Exchange Act Release No. 12035 (January 22, 1976), 41 FR 4369. In order to comply with the procedures of Rule 11Aa3-2 applicable to the establishment of fees of exclusive securities processors, OPRA has filed this fee as a Plan amendment under the Rule.

[3] *See* Exhibit A of OPRA's submission filed April 1, 1985, ("Plan Amendment").

[4] *Id.* Exhibit B.

the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant of such statements.

(A) Self-regulatory Organization's Statement of the Purpose of and, Statutory Basis for, the Proposed Rules Changes

(1) Purpose

The purpose of this rules filing is to revise the text of the Supplementary Material to Rule 451 and the Supplementary Material to Rule 465 to: (a) Conform to the rules changes establishing the proxy surcharge as approved by the Commission on March 28, 1985 (see Release No. 34-21900); and (b) clarify the date of applicability of the proxy surcharge.

The Board of Directors of the Exchange at its January 3, 1985 meeting approved the proposed rules changes to establish a proxy surcharge of $.20 per proxy to be charged for ". . . each of the next two annual meeting proxy solicitations. . .", subject to approval by the Commission. The amendments were intended to recoup direct and indirect expenses associated with start-up costs to be incurred by member organizations to comply with Rules 14b–1(c) and 17a–3(a)(9)(ii) under the Securities Exchange Act of 1934. Further, the recouping of member organizations' costs is a primary consideration in the establishment and implementation of the new system to improve the process by which issuers may identify and communicate with their security holders whose securities are held in nominee name through broker-dealers envisioned by Rule 14b–1(C). At the time the Board acted, January 3, 1985, the annual meeting proxy season had not actively commenced and it was anticipated that the proposed rules changes would receive approval by the Commission in time to apply to the millions of proxies traditionally forwarded during March for annual meetings to be held during the peak of the proxy season, April and May. On January 17, 1985, the Exchange Filed a Form 19b–4 (File No. SR–NYSE–85–2) concerning those rules changes.

On March 14, 1985, as the result of a request from the staff of the Securities and Exchange Commission for further supporting evidence of anticipated start-up costs required before acting upon the second stage of the proposed surcharge and in view of the need to begin instituting the surcharge as soon as possible, the Exchange urged that the Commission approve the first stage of the surcharge and agreed to amend Rules 451 and 465 as necessary prior to the implementation of the second stage in order to reflect the Commission's final decision.[1]

By March 28, 1985, the date the Commission approved the rules changes to cover the first stage $.20 surcharge, broker-dealers had already passed a peak mailing period, the latter two weeks of March. As a result, the amount reimbursed to broker-dealers would be significantly reduced unless the surcharge is assessed on the basis of annual meetings held after March 28, 1985, rather than on the basis of proxies mailed after that date. Representatives of both the issuer group and the broker-dealer community agree that the annual meeting date was intended to govern the billing of the surcharge.

(2) Basis

The statutory basis for the proposed rules changes is section 6(b)(5) of the Securities Exchange Act of 1934 as amended ("the Act") which, among other things, requires Exchange rules to be designed to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest; and are not designed to permit unfair discrimination between customers, issuers, brokers, or dealers, or to regulate by virtue of any authority conferred by this title matters not related to the purposes of this title or the administration of the Exchange.

In addition, the rules changes are intended to enhance the requirements of Rules 17a–3(a)(9)(ii) and 14b–1(c) under the Securities Exchange Act of 1934 concerning the reimbursement to brokers of costs associated with those rules, including start-up and overhead costs.

(B) Self-Regulatory Organization's Statement on Burden on Competition

The proposed rules changes will not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. Any burden on competition is offset by the benefits of making available information as to non-objecting beneficial owners in compliance with SEC Rules.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rules Changes Received From Members, Participants, or Others

The Exchange has neither solicited nor received written comments concerning these rules changes.

III. Date of Effectiveness of the Proposed Rule Changes and Timing for Commission Action

The NYSE has requested that the proposed rule change be given accelerated effectiveness pursuant to section 19(b)(2) of the Act because the peak of the annual meeting season commences in April and accelerated approval will allow orderly billing and collection of the surcharge.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange and in particular, the requirements of Section 6 and the rules and regulations thereunder.

The Commission finds good cause for approving the proposed rule change prior to the thirtieth day after the date of publication of notice of filing thereof, in that the purpose of the proposed rule change is to permit broker-dealers to recoup expenses associated with start-up costs incurred by NYSE member organizations to comply with Rules 14b–1(c) and 17a–3(a)(9)(ii) under the Act, and that such recoupment for the 1985 "proxy season" would be significantly reduced if broker-dealers could not impose the $.20 surcharge for proxy materials mailed prior to March 28, 1985 (the date of Commission approval of the proxy surcharge)[2] for meetings to be held after March 28, 1985. The proposed rule change is primarily technical in nature, and would permit NYSE member organizations to more fully recoup expenses incurred in connection with 1985 proxy solicitations. In addition, accelerated approval of the proposed rule change will permit more timely billing and collection procedures by NYSE member organizations with respect to the proxy surcharge.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 5th Street NW.,

[1] *See* letter from James E. Buck, Secretary, NYSE, to Michael Cavalier, Branch Chief, Division of Market Regulation, SEC, dated March 14, 1985

[2] Securities Exchange Act Release No. 21900, March 28, 1985; 50 FR 13297, April 3, 1985 (File No. SR–NYSE–85–2)

Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rules changes that are filed with the Commission, and all written communication relating to the proposed rules changes between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Branch, 450 5th Street NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the NYSE.

All submissions should refer to the file number in the caption above and should be submitted by May 16, 1985.

It is therefore ordered, pursuant to section 19(b)(2) of the Act, that the proposed rule change referenced above be, and hereby is, approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Dated: April 19, 1985.

John Wheeler,

Secretary.

[FR Doc. 85-10073 Filed 4-24-85; 8:45 am]

BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

[License No. 02/02-5484]

Capital Circulation Corp.; Issuance of License To Operate as a Small Business Investment Company

On December 12, 1984 a notice was published in the **Federal Register** (49 FR 48405) stating that an application had been filed by Capital Circulation Corporation, with the Small Business Administration (SBA), pursuant to § 107.102 of the Regulations governing small business investment companies [13 CFR 107.102 (1985)] for a license as a small business investment company (SBIC) under section 301(d) of the Act.

Interested parties were given until the close of business January 12, 1985 to submit their comments to the SBA. No comments were received.

Notice is hereby given that, pursuant to section 301(d) of the Small Business Investment Act of 1958, as amended, after having considered the application and all other pertinent information, SBA issued License No. 02/02-5484 to Capital Circulation. Corporation to operate as a SBIC.

Dated: April 12, 1985.

Robert G. Lineberry,

Deputy Associate Administrator for Investment.

[FR Doc. 85-9962 Filed 4-24-85; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF STATE

[CM-8/847]

OES Advisory Committee; Partially Closed Meeting

The OES Advisory Committee will meet on May 15, 1985 at the National Academy of Sciences, 2101 Constitution Ave., NW., from 9:00 a.m. until 3:30 p.m. to discuss the Vienna Ozone Convention, acid rain studies, early warning systems for famine, international health strategies, the OES Action Plan, funding for UNFPA, the U.S. MAB program, and foreign policy implications of the space station. The sessions from 9:00 a.m. to 10:30 a.m. and from 1:30 p.m. to 3:30 p.m. will be open to the public.

That portion of the OES Advisory Committee meeting from 10:45 a.m. to 11:45 a.m. will not be open to the public inasmuch as the discussion will involve classified material. Accordingly, the determination has been made to close this session pursuant to section 10(d) of the Federal Advisory Committee Act, 5 U.S.C. App. I, S10(d) and 5 U.S.C. 552b (c)(1) and (c)(9).

Requests for further information on the meeting should be directed to Mr. Clement, U.S. Department of State, Washington, D.C. 20520. Mr. Clement can be reached by telephone on (202) 632-2764.

Dated: April 19, 1985.

Harry R. Marshall, Jr.,

Deputy Assistant Secretary for Oceans and International Environmental and Scientific Affairs.

[FR Doc. 85-10007 Filed 4-24-85; 8:45 am]

BILLING CODE 4710-08-M

[CM-8/844]

Shipping Coordinating Committee; Meeting

The Shipping Coordinating Committee (SHC) will conduct an open meeting at 9:30 am on June 19, 1985, in room 2415, U.S. Coast Guard Headquarters, 2100 Second Street, SW., Washington, D.C.

The purpose of the meeting is to finalize preparations for the 54th Session of the Council of the International Maritime Organization (IMO) which is scheduled for 24-28 June 1985 in London. In particular, the SHC will discuss the development of the U.S. position dealing with, among others, the following topics:

—Reports of the various Committees
—Financial and Personnel Matters
—1986/87 Work program and budget

Members of the public may attend up to the seating capacity of the room.

Intersted persons may seek information by writing: Mr. G. P. Yoest, U.S. Coast Guard Headquarters (G-CPI), 2100 Second Street, S.W., Washington, D.C. 20593, or by calling: 202-426-2280.

Dated: April 11, 1985.

Samuel V. Smith,

Executive Secretary, Shipping Coordinating Committee.

[FR Doc. 85-10008 Filed 4-24-85; 8:45 am]

BILLING CODE 4710-07-M

[CM-8/845]

Study Group 4 of the U.S. Organization for the International Radio Consultative Committee (CCIR); Meeting

The Department of State announces that Study Group 4 of the U.S. Organization for the International Radio Consultative Committee (CCIR) will meet on May 14, 1985 at 9:30 a.m. in the first floor Theater, Communications Satellite Corporation, 950 L'Enfant Plaza, SW., Washington, D.C.

Study Group 4 deals with matters relating to systems of radiocommunications for the fixed service using satellites. The purpose of the meeting will be to discuss preparations for the international meeting of Study Group 4 in September/October, 1985.

Members of the general public may attend the meeting and join in the discussions subject to instructions of the Chairman. Requests for further information should be directed to Mr. Richard Shrum, State Department, Washington, D.C. 20520, telephone (202) 632-2592.

Dated: April 16, 1985.

Richard E. Shrum,

Chairman, U.S. CCIR National Committee.

[FR Doc. 56-10009 Filed 4-24-85; 8:45 am]

BILLING CODE 4710-07-M

[CM-8/846]

Study Group 1 of the U.S. Organization for the International Radio Consultative Committee (CCIR); Meeting

The Department of State announces that Study Group 1 of the U.S.

Organization for the International Radio Consultative Committee (CCIR) will meet on May 16, 1985 at 9:30 a.m. in Conference Room B841, Department of Commerce, 14th and Constitution Avenue NW., Washington, D.C.

Study Group 1 deals with matters relating to efficient use of the radio frequency spectrum, and in particular, with problems of frequency sharing, taking into account the attainable characteristics of radio equipment and systems; principles for classifying emissions; and the measurement of emission characteristics and spectrum occupancy. The purpose of the meeting is to review progress to date in the preparations for the meeting of international Study Group 1 November 4–15, 1985.

Members of the general public may attend the meeting and join in the discussion subject to instructions of the Chairman. Requests for further information should be directed to Mr. Richard Shrum, State Department, Washington, D.C. 20520; telephone (202) 632–2592.

Dated: April 17, 1985.

Richard E. Shrum,

Chairman, U.S. CCIR National Committee.

[FR Doc. 85–10010 Filed 4–24–85; 8.45 am]

BILLING CODE 4710–07–M

TENNESSEE VALLEY AUTHORITY

Paperwork Reduction Act of 1980; Forms Under Review by the Office of Management and Budget

AGENCY: Tennessee Valley Authority.

ACTION: Forms under review by the Office of Management and Budget.

SUMMARY: The Tennesee Valley Authority (TVA) has sent to OMB the following proposal for the collection of information under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35).

Requests for information, including copies of the forms proposed and supporting documentation, should be directed to the Agency Clearance Officer whose name, address, and telephone number appear below. Questions or comments should be directed to the Agency Clearance Officer and also to the Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503, Attention: Desk Officer for Tennessee Valley Authority, 395–7313.

Agency Clearance Officer: Mark R. Winter, Tennessee Valley Authority, 100 Lupton Building, Chattanooga, TN 37401; (615) 751–2524, FTS 858–2524.

Type of Request: Regular Submission
Title of Information Collection: Storage Water Heater Program Specification and Work Completion Form
Frequency of Use: On Occasion
Type of Affected Public: Individuals
Small Businesses or Organizations Affected: No
Federal Budget Functional Category Code: 271
Estimated Number of Annual Responses: 1,000
Estimated Total Annual Burden Hours: 217
Need For and Use of Information:

The Storage Water Heater Program is designed to encourage installation of storage water heaters to reduce TVA's future peak demand for electricity.

This collection is the minimum information required to administer the Storage Water Heater Program, provide for quality assurance, develop marketing data and strategy, and maintain program checks and balances.

Dated: April 15, 1985.

John W. Thompson,

Manager of Corporate Services, Senior Agency Official.

[FR Doc. 85–10057 Filed 4–24–84; 8.45 am]

BILLING CODE 8120–01–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD 85–031]

Rules of the Road Advisory Council; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463; 5 U.S.C. App. I) notice is hereby given of a meeting of the Rules of the Road Advisory Council. The meeting will be held on Thursday and Friday, June 6 and 7, 1985, at the Marriot Copley Hotel/Copley Place, 110 Huntington Avenue, Boston, Massachusetts. On both days the meeting is scheduled to begin at 8:30 a.m. and end at 4:30 p.m. The agenda for the meeting consists of the following items:

1. International Maritime Organization and COLREG Matters.
2. Coast Guard Status Reports and Information Items:

(a) Amendment of Inland Rule 24(i) and Rule 14.

(b) Bridge-to-Bridge Radiotelephone on the Great Lakes, exemption to the Bridge-to-Bridge Radiotelephone Act and amendment to the U.S./Canadian Great Lakes Agreement.

(c) Divers Flag.

(d) Enforcement of Channel 16 Requirements and FCC changes.

(e) Operation of Channel 22 in U.S. ports.

(f) Amendment of Rule 3(g)(v), 27(b) and 27(f).

(g) Demarcation Line update.

(h) Written warnings for violation of 33 CFR 88.05.

(i) Fishing Vessel Safety Guide.

3. Discussion of the term "efficient sound signal" (Rule 33(b)).
4. Revision of Inlkand Rule 24.
5. Warning signals for vessels leaking dangerous substances.
6. Vertical sector light requirements for unmanned barges.
7. Western Rivers/Specificed waters by the Secretary—

(a) To include rew Rule 14(d) on specified waters as published in 33 CFR 89.25.

(b) Discussion on amending the definition of "Western Rivers" to include the waters specified in 33 CFR 89.25.

Attendance is open to the public. With advance notice, members of the public may present oral statements at the meeting. Persons wishing to present oral statements should notify the Acting Executive Director no later than the day before the meeting. Any member of the public may present a written statement to the council at any time.

Additional information may be obtained from: Lieutenant Commander Charles K. Bell, Acting Executive Director, Rules of the Road Advisory Council, U.S. Coast Guard (G–NSR–3/14), Washington, D.C. 20593. Telephone (202) 245–0108.

Dated: April 17, 1985

H.H. Kothe,

Acting Chief, Office of Navigation.

[FR Doc. 85–10015 Filed 4–24–85; 8:45 am]

BILLING CODE 4910–14–M

Federal Highway Administration

Environmental Impact Statement; Fulton-DeKalb Counties, Georgia

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of Intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an environmental impact statement will be prepared for a proposed highway project in Fulton and DeKalb Counties, Georgia.

FOR FURTHER INFORMATION CONTACT: David H. Densmore, Development Engineer, Federal Highway Administration, Suite 300, 1720 Peachtree Street NW., Atlanta, Georgia 30367, telephone (404) 881–4750, or Peter Malphurs, State Environmental/

Location Engineer, Georgia Department of Transportation, 65 Aviation Circle, Atlanta, Georgia 30336, telephone (404) 696-4634.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the Georgia Department of Transportation (Georgia DOT) will prepare an environmental impact statement (EIS) on a proposal to widen the existing I-20 in Atlanta from Hill Street eastward through the Columbia Drive interchange, for an approximate distance of 8.7 miles.

Presently I-20 within the project limits has three travel lanes in each direction. The median consists of concrete curb and gutter with guardrail down the center. All of the cross streets pass over I-20. There are interchanges at Hill Street, Boulevard, Moreland Avenue, Maynard Terrace, Glenwood Avenue, Flat Shoals Road (2), Gresham Road, Candler Road, and Columbia Drive. There are overpasses for Cherokee Avenue, A & WP Railroad and Lloyd Road.

The proposed project would add two 12-foot concrete travel lanes, paved shoulders and median barrier in each direction for the entire lenth of the projet. All overpass bridges would have to be replaced to provide minimum clearance.

Alternatives under consideration include: (1) Taking no action; and (2) constructing the two additional 12-foot travel lanes and shoulders in each direction for the length of the project area.

Letter describing the proposed action and soliciting comments have been sent to appropriate Federal, State and local agencies, and to private organizations and citizens who have previously expressed interest in this proposal. Formal scoping meetings on the proposed project have been held by Georgia DOT for input on the local level. These meetings will be on-going throughout project development. Additional scoping for input from State and Federal agencies is not planned at this time. A public hearing will be held after preparation of a draft EIS. Public notice will be given of the time and place of the hearing.

To ensure that the full range of issues related to this proposed project are addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments or questions concerning this proposed action and the EIS should be directed to the FHWA at the address provided above.

The Catalog of Federal Domestic Assistance Program Number is 20.205, *Highway Research, Planning and Construction.* The provisions of OMB Circular No. A-95 regarding State and local clearinghouse review of Federal and Federally assisted programs and projects apply to this program.

Issued on: April 17, 1985.

David H. Densmore,

Development Engineer.

[FR Doc. 85-10056 Filed 4-24-84; 8:45 am]

BILLING CODE 4910-22-M

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Dept. Circ. Public Debt Series—No. 11-85]

Treasury Notes of April 30, 1987, Series U-1987

April 18, 1985.

1. Invitation for Tenders

1.1. The Secretary of the Treasury, under the authority of Chapter 31 of Title 31, United States Code, invites tenders for approximately $9,000,000,000 of United States securities, designated Treasury Notes of April 30, 1987, Series U-1987 (CUSIP No. 912827 SC 7), hereafter referred to as Notes. The Notes will be sold at auction, with bidding on the basis of yield. Payment will be required at the price equivalent of the yield of each accepted bid. The interest rate on the Notes and the price equivalent of each accepted bid will be determined in the manner described below. Additional amounts of the Notes may be issued to Government accounts and Federal Reserve Banks for their own account in exchange for maturing Treasury securities. Additional amounts of the Notes may also be issued at the average price to Federal Reserve Banks, as agents for foreign and international monetary authorities.

2. Description of Securities

2.1. The Notes will be dated April 30, 1985, and will accrue interest from that date, payable on a semiannual basis on October 31, 1985, and each subsequent 6 months on April 30 and October 31 through the date that the principal becomes payable. They will mature April 30, 1987, and will not be subject to call for redemption prior to maturity. In the event any payment date is a Saturday, Sunday, or other nonbusiness day, the amount due will be payable (without additional interest) on the next-succeeding business day.

2.2. The Notes are subject to all taxes imposed under the Internal Revenue Code of 1954. The Notes are exempt from all taxation now or hereafter imposed on the obligation or interest thereof by any State, any possession of the United States, or any local taxing authority, except as provided in 31 U.S.C. 3124.

2.3. The Notes will be acceptable to secure deposits of Federal public monies. They will not be acceptable in payment of Federal taxes.

2.4. Notes in registered definitive form will be issued in denominations of $5,000, $10,000, $100,000, and $1,000,000. Notes in book-entry form will be issued in multiples of those amounts. Notes will not be issued in bearer form.

2.5. Denominational exchanges of registered definitive Notes, exchanges of Notes between registered definitive and book-entry forms, and transfer will be permitted.

2.6. The Department of the Treasury's general regulations governing United States securities apply to the Notes offered in this circular. These general regulations include those currently in effect, as well as those that may be issued at a later date.

3. Sale Procedures

3.1. Tenders will be received at Federal Reserve Banks and Branches and at the Bureau of the Public Debt, Washington, D.C. 20239, prior to 1:00 p.m., Eastern Standard time, Wednesday, April 24, 1985. Noncompetitive tenders as defined below will be considered timely if postmarked no later than Tuesday, April 23, 1985, and received no later than Tuesday, April 30, 1985.

3.2. The par amount of Notes bid for must be stated on each tender. The minimum bid is $5,000, and larger bids must be in multiples of that amount. Competitive tenders must also show the yield desired, expressed in terms of an annual yield with two decimals, e.g., 7.10%. Fractions may not be used. Noncompetitive tenders must show the term "noncompetitive" on the tender form in lieu of a specified yield.

3.3. A single bidder, as defined in Treasury's single bidder guidelines, shall not submit noncompetitive tenders totaling more than $1,000,000. A noncompetitive bidder may not have entered into an agreement, nor make an agreement to purchase or sell or otherwise dispose of any noncompetitive awards of this issue prior to the deadline for receipt of tenders.

3.4. Commercial banks, which for this purpose are defined as banks accepting demand deposits, and primary dealers, which for this purpose are defined as dealers who make primary markets in Government securities and are on the list of reporting dealers published by the

Federal Reserve Bank of New York, may submit tenders for accounts of customers if the names of the customers and the amount for each customer are furnished. Others are permitted to submit tenders only for their own account.

3.5. Tenders for their own account will be received without deposit from commercial banks and other banking institutions; primary dealers, as defined above; Federally-insured savings and loan associations; States, and their political subdivisions or instrumentalities; public pension and retirement and other public funds; international organizations in which the United States holds membership; foreign central banks and foreign states; Federal Reserve Banks; and Government accounts. Tenders from all others must be accompanied by full payment for the amount of Notes applied for, or by a guarantee from a commercial bank or a primary dealer of 5 percent of the par amount applied for.

3.6. Immediately after the deadline for receipt of tenders, tenders will be opened, followed by a public announcement of the amount and yield range of accepted bids. Subject to the reservations expressed in Section 4, noncompetitive tenders will be accepted in full, and then competitive tenders will be accepted, starting with those at the lowest yields, through successively higher yields to the extent required to attain the amount offered. Tenders at the highest accepted yield will be prorated if necessary. After the determination is made as to which tenders are accepted, an interest rate will be established, at a ⅛ of one percent increment, which results in an equivalent average accepted price close to 100.000 and a lowest accepted price above the original issue discount limit of 99.500. That stated rate of interest will be paid on all of the Notes. Based on such interest rate, the price on each competitive tender allotted will be determined and each successful competitive bidder will be required to pay the price equivalent to the yield bid. Those submitting noncompetitive tenders will pay the price equivalent to the weighted average yield of accepted competitive tenders. Price calculations will be carried to three decimal places on the basis of prices per hundred, e.g., 99.923, and the determinations of the Secretary of the Treasury shall be final. If the amount of noncompetitive tenders received would absorb all or most of the offering, competitive tenders will be accepted in an amount sufficient to provide a fair determination of the yield. Tenders received from Government accounts and Federal Reserve Banks will be accepted at the price equivalent to the weighted average yield of accepted competitive tenders.

3.7. Competitive bidders will be advised of the acceptance of their bids. Those submitting noncompetitive tenders will be notified only if the tender is not accepted in full, or when the price at the average yield is over par.

4. Reservations

4.1. The Secretary of the Treasury expressly reserves the right to accept or reject any or all tenders in whole or in part, to allot more or less than the amount of Notes specified in Section 1, and to make different percentage allotments to various classes of applicants when the Secretary considers it in the public interest. The Secretary's action under this Section is final.

5. Payment and Delivery

5.1. Settlement for the Notes allotted must be made at the Federal Reserve Bank or Branch or at the Bureau of the Public Debt, wherever the tender was submitted. Settlement on Notes allotted to institutional investors and to others whose tenders are accompanied by a guarantee as provided in section 3.5 must be made or completed on or before Tuesday, April 30, 1985. Payment in full must accompany tenders submitted by all other investors. Payment must be in cash; in other funds immediately available to the Treasury; in Treasury bills, notes, or bonds maturing on or before the settlement date but which are not overdue as defined in the general regulations governing United States securities; or by check drawn to the order of the institution to which the tender was submitted, which must be received from institutional investors no later than Friday, April 26, 1985. In addition, Treasury Tax and Loan Note Option Depositaries may make payment for the Notes allotted for their own accounts and for accounts of customers by credit to their Treasury Tax and Loan Note Accounts on or before Tuesday, April 30, 1985. When payment has been submitted with the tender and the purchase price of the Notes allotted is over par, settlement for the premium must be completed timely, as specified above. When payment has been submitted with the tender and the purchase price is under par, the discount will be remitted to the bidder.

5.2. In every case where full payment has not been completed on time, an amount of up to 5 percent of the par amount of Notes allotted shall, at the discretion of the Secretary of the Treasury, be forfeited to the United States.

5.3. Registered definitive securities tendered in payment for the Notes allotted are not required to be assigned if the new Notes are to be registered in the same names and forms as appear in the registrations or assignments of the securities surrendered. When the new Notes are to be registered in names and forms different from those in the inscriptions or assignments of the securities presented, the assignment should be to "The Secretary of the Treasury for (Notes offered by this circular) in the name of (name and taxpayer identifying number)". Specific instructions for the issuance and delivery of the new Notes, signed by the owner or authorized representative, must accompany the securities presented. Securities tendered in payment must be delivered at the expense and risk of the holder.

5.4. Registered definitive Notes will not be issued if the appropriate identifying number as required on tax returns and other documents submitted to the Internal Revenue Service (e.g., an individual's social security number or an employer identification number) is not furnished. Delivery of the Notes in registered definitive form will be made after the requested form of registration has been validated, the registered interest account has been established, and the Notes have been inscribed.

6. General Provisions

6.1. As fiscal agents of the United States, Federal Reserve Banks are authorized, as directed by the Secretary of the Treasury, to receive tenders, to make allotments, to issue such notices as may be necessary, to receive payment for, to issue and deliver the Notes on full-paid allotments, and to maintain, service, and make payment on the Notes.

6.2. The Secretary of the Treasury may at any time supplement or amend provisions of this circular if such supplements or amendments do not adversely affect existing rights of holders of the Notes. Public announcement of such changes will be promptly provided.

6.3. The Notes issued under this circular shall be obligations of the United States, and, therefore, the faith of the United States Government is pledged to pay, in legal tender, principal and interest on the Notes.

Carole Jones Dineen,

Fiscal Assistant Secretary.

[FR Doc. 85-9960 Filed 4-22-85; 11:53 am]

BILLING CODE 4810-40-M

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Implementation of Modifications in Specialty Steel Import Relief

AGENCY: Notice.

SUMMARY: This notice establishes country allocations of the quotas presently applicable to imports of certain specialty steel and makes modifications in the Tariff Schedules of the United States to implement changes in the import relief. The notice provides separate allocations within the stainless steel bar, stainless steel wire rod, and alloy tool steel categories for Brazil, and within the stainless steel bar category for the Republic of Korea.

EFFECTIVE DATE: April 20, 1985.

FOR FURTHER INFORMATION CONTACT: Maria T. Springer, United States Trade Representative, (202) 395–4946.

SUPPLEMENTARY INFORMATION: Presidential Proclamation 5074 of July 19, 1983 (48 FR 33233), provided for the temporary imposition of increased tariffs and quantitative restrictions on certain stainless steel and alloy tool steel imported into the United States, pursuant to section 203 of the Trade Act of 1974.

Proclamation 5074 authorizes the U.S. Trade Representative to take such actions and perform such functions for the United States as may be necessary to administer and implement the relief, including negotiating orderly marketing agreements and allocating quota quantities on a country-by-country basis. The U.S. Trade Representative is also authorized to make modifications in the Tariff Schedules of the United States (TSUS) headnote or items proclaimed by the President in order to implement such actions.

Pursuant to the above authority, the U.S. Trade Representative has determined that the quota quantity should be reallocated to provide country allocations for certain steel products for Brazil and the Republic of Korea.

In conformity with the above, subpart A, part 2 of the Appendix to the TSUS is modified as follows:

(1) Item 926.11 is modified to add to the country allocations, in alphabetical order, "Brazil" and the "Republic of Korea", and also to add corresponding quota quantities of "850" short tons and "730" short tons, respectively, for the period April 20, 1985 through July 19, 1985. Item 925.11 is further modified by changing the quota quantity for "Other" countries to "541" short tons for that same restraint period.

(2) Item 926.16 is modified to add "Brazil" to the country allocations, and also to add a corresponding quota quantity of "550" short tons for the period April 20, 1985 through July 19, 1985. Item 926.16 is further modified by changing the quota quantity for "Other" countries to "1,610" short tons for that same restraint period.

(3) Item 926.21 is modified to add "Brazil" to the country allocations, and also to add a corresponding quota quantity of "550" short tons for the period April 20, 1985 through July 19, 1985. Item 926.21 is further modified by changing the quota quantity for "Other" countries to "1,337" for that same restaint period.

William E. Brock,

United States Trade Representative.

[FR Doc. 85–10021 Filed 4–24–85; 8:45 am]

BILLING CODE 3190-01-M

VETERANS ADMINISTRATION

Advisory Committee on Former Prisoners of War; Meeting

The Veterans Administration gives notice under Pub. L. 92–463, section 10(a)(2) that a meeting of the Advisory Committee on Former Prisoners of War will be held at the Veterans Administration Central Ofice, 810 Vermont Avenue, NW, Washington, DC 20420, on June 17 and 18, 1985. The purpose of the Committee is to consult with and advise the Administrator of Veterans' Affairs on the administration of benefits under title 38, United States Code, for veterans who are former prisoners of war and on the need of such veterans for compensation, health care, and rehabilitation.

The meeting will convene at 9 a.m. both days in the Omar N. Bradley Conference Room. This meeting will be open to the public up to the seating capacity of the room. Because this capacity is limited, it will be necessary for those wishing to attend to contact Miss Linda Gardner, Administrative Assistant to the Chief Benefits Director, Veterans Administration Central Office (phone 202/389–2455) prior to June 7, 1985.

Members of the public may direct questions or submit prepared statemenis for review by the Committee in advance of the meeting, in writing only, to Mr. H.B. Mars, Deputy Director, Compensation and Pension Service, Department of Veterans Benefits, Room 400, Veterans Administration Central Office. Submitted material must be received at least five days prior to the meeting. Such members of the public may be asked to clarify submitted material prior to consideration by the Committee.

Summary minutes of the meeting and rosters of the Committee members may be obtained from Miss Linda Gardner at the aforementioned address.

Dated: April 17, 1985.

By direction of the Administrator.

Rosa Maria Fontanez,

Committee Management Officer.

[FR Doc. 85–10011 Filed 4–24–85; 8:45 am]

BILLING CODE 8320-01-M

Career Development Committee; Availability of Annual Report

Under section 10(d) of Pub. L. 92–463 (Federal Advisory Committee Act) notice is hereby given that the Annual Report for the calendar year 1984 has been issued for the Veterans Administration, Medical Research Service, Career Development Committee.

The report summarizes the activities of the committee on matters related to the review and evaluation of Career Development applications. It is available for public inspection at two locations:

Library of Congress, Serial and Government Publications Reading Room LM 133, Madison Building, Washington, DC 20540

and

Veterans Administration, Medical Research Service, Career Development Program, Room 757, 810 Vermont Avenue, NW, Washington, DC 20420.

Dated: April 17, 1985.

By direction of the Administrator.

Rosa Maria Fontanez,

Committee Management Officer.

[FR Doc. 85–10004 Filed 4–24–85; 8:45 am]

BILLING CODE 8320-01-M

Cooperative Studies Evaluation Committee; Meeting

The Veterans Administration gives notice under Public law 92–463 that a meeting of the Cooperative Studies Evaluation Committee, authorized by 38 U.S.C. 4101, will be held at the Holiday Inn Thomas Circle, Massachusetts Ave., at Thomas Circle, NW, Washington, DC 20005, on June 4, 1985. The meeting will be for the purpose of reviewing proposed cooperative studies and advising the Veterans Administration on the relevance and feasibility of the studies, the adequacy of the protocols, and the scientific validity and propriety of technical details, including protection of human subjects. The Committee advises the Director, Medical Research

Service, through the Chief of the Cooperative Studies Program, on its findings.

The meeting will be open to the public up to the seating capacity of the room from 7:30 to 8:00 a.m., on June 4, to discuss the general status of the program. To assure adequate accommodations, those who plan to attend should contact Dr. Ping C. Huang, Coordinator, Cooperative Studies Evaluation Committee, Veterans Administration Central Office, Washington, DC (202–389–3702), prior to May 24, 1985.

The meeting will be closed from 8:00 a.m. to 5:30 p.m. on June 4, for consideration of specific proposals in accordance with provisions set forth in subsection 10(d) of Pub. L. 92–463, as amended by section 5(c) of Pub. L. 94–409, and subsection (c)(6) and (c)(9)(B) of section 552b, title 5, United States Code. During this portion of the meeting, discussions and decisions will deal with qualifications of personnel conducting the studies and the medical records of patients who are study subjects, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy. Additionally, premature disclosure of the Committee's recommendations would likely frustrate implementation of final proposed actions.

Dated: April 17, 1985.
By direction of the Administrator.

Rosa Maria Fontanez,
Committee Management Officer.
[FR Doc. 85–10003 Filed 4–24–85; 8:45 am]
BILLING CODE 8320–01–M

Scientific Review and Evaluation Board for Rehabilitation Research and Development; Meeting

In accordance with Pub. L. 92–463, the Veterans Administration gives notice of a meeting of the Scientific Review and Evaluation Board for Rehabilitation Research and Development. This meeting will convene at the Dupont Plaza Hotel, 1500 New Hampshire Avenue, NW, Washington, DC 20036, July 8 through 10, 1985, beginning at 9 a.m. on Monday. The propose of the meeting is to review rehabilitation research and development applications for scientific and technical merit and to make recommendations to the Director, Rehabilitation Research and Development Service regarding their funding.

The meeting will be open to the public (to the seating capacity of the room) at the start of the July 8th session for approximately one hour to cover administrative matters and to discuss the general status of the program and the administrative details of the review process. During the closed session, the Board will be reviewing research and development applications. This review involves oral comments, discussion of site visits, staff and consultant critiques of research protocols, and similar analytical documents that necessitate the consideration of the personal qualifications, performance and competence of individual research investigators. Disclosure of such information would constitute a clearly unwarranted invasion of personal privacy. Proprietary data from contractors and private firms will also be presented and this information should not be disclosed in a public session. Premature disclosure of Board recommendations would be likely to significantly frustrate implementation of final proposed actions. Thus, the closing is in accordance with section 552b, Subsections (c)(4), (c)(6), and (c)(9)(B), Title 5, United States Code and the determination of the Administrator of Veterans Affairs under Section 10(d) of Public Law 92–463 as amended by Section 5(c) of Pub. L. 94–409.

Due to the limited seating capacity of the room those who plan to attend the open session should contract Dr. Larry P. Turner, Administrative Officer, Rehabilitation Research and Development Service, Veterans Administration Central Office, 810 Vermont Avenue, NW, Washington, DC 20420 (Phone: (202) 389–5177) at least 5 days before the meeting.

Dated: April 17, 1985.
By Direction of the Administrator.

Rosa Maria Fontanez,
Committee Management Officer.
[FR Doc. 85–10005 Filed 4–24–85; 8:45 am]
BILLING CODE 8320–01–M

Sunshine Act Meetings

Federal Register
Vol. 50, No. 80
Thursday, April 25, 1985

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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1

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 50 FR 15699.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 2:00 AM (Eastern Time), Monday, April 29, 1985.

CHANGES IN MEETING: The following items were postponed at the April 15, 1985, meeting and rescheduled for the April 29, 1985 Commission meeting:

1. Litigation Authorization: General Counsel Recommendations.
2. Proposed Commission Decision.

CONTACT PERSON FOR MORE INFORMATION: Cynthia C. Matthews, Executive Officer Executive Secretariat, at (202) 634–6748.

Dated: April 22, 1985.

Cynthia C. Matthews,

Executive Officer Executive Secretariat.

This Notice Issued April 22, 1985.

[FR Doc. 85–10076 Filed 4–23–85; 9:01 am]

BILLING CODE 6750-06-M

2

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 50 FR 15699.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 9:30 AM (Eastern Time), Tuesday, April 30, 1985.

CHANGE IN THE MEETING: The following matter was added to the agenda for the open portion of the meeting:

"Proposed Contract for Expert Services in Connection with a Court Case."

CONTACT PERSON FOR MORE INFORMATION: Cynthia C. Matthews, Executive Officer, Executive Secretariat, at (202) 634–6748.

Dated: April 22, 1985.

Cynthia C. Matthews,

Executive Officer, Executive Secretariat.

This Notice Issued April 22, 1985.

[FR Doc. 85–10077 Filed 4–23–85; 9:01 am]

BILLING CODE 6750-06-M

3

FEDERAL DEPOSIT INSURANCE CORPORATION

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that the Federal Deposit Insurance Corporation's Board of Directors will meet in open session at 2:00 p.m. on Tuesday, April 30, 1985, to consider the following matters:

Summary Agenda: No substantive discussion of the following items is anticipated. These matters will be resolved with a single vote unless a member of the Board of Directors requests that an item be moved to the discussion agenda.

Disposition of minutes of previous meetings.

Application for consent to merge, establish four branches and redesignate the main office:

SouthTrust Bank of Coosa County, Goodwater, Alabama, an insured State nonmember bank, for consent to merge, under its charter and with the title "SouthTrust Bank of Central Alabama," with Alexander City Bank, Alexander City, Alabama, to establish the four offices of Alexander City Bank as branches of the resultant bank, and to redesignate the present main office of Alexander City Bank as the main office of the resultant bank.

Recommendations regarding the liquidation of a bank's assets acquired by the Corporation in its capacity as receiver, liquidator, or liquidating agent of those assets:

Case No. 461,212-SR—Citizens Bank, Tillar, Arkansas
Case No. 46,213-NR—Ranchlander National Bank, Melvin, Texas

Reports of committees and officers:

Minutes of actions approved by the standing committees of the Corporation pursuant to authority delegated by the Board of Directors.

Reports of the Division of Bank Supervision with respect to applications, requests, or actions involving administrative enforcement proceedings approved by the Director or an Associate Director of the Division of Bank Supervision and the various Regional Directors pursuant to authority delegated by the Board of Directors.

Report of the Director, Division of Liquidation:

Memorandum re: Quarterly Report of Actions Approved Under Delegated Authority as of September 30, 1984.

Discussion Agenda:

Memorandum and resolution re: Proposed amendments to Part 332 of the Corporation's rules and regulations, entitled "Powers Inconsistent with Purposes of Federal Deposit Insurance Law," which amendments will govern insured banks' direct and indirect involvement in insurance, real estate, and guarantor or surety activities.

Memorandum and resolution re: Petition for Public hearing on proposed amendments to Part 332.

Memorandum and resolution re: Issurance of a Statement of Policy Regarding Disclosure by the FDIC of Statutory Enforcement Actions which policy provides for disclosure and publication of all final orders issued by the Corporation under its statutory enforcement authority.

Memorandum and resolution re: Solicitation of comment on two proposed alternatives for increasing market discipline for FDIC-insured banks and thereby increasing the safe and sound operation of banks and decreasing the risk to the deposit insurance fund: (1) modification of the deposit payoff procedures and (2) increased capital requirements.

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550—17th Street, NW., Washington, D.C.

Request for further information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation, at (202) 389–4425.

Dated: April 23, 1985.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary

[FR Doc. 85–10155 Filed 4–23–85; 3:06 pm]

BILLING CODE 6714-01-M

4

FEDERAL DEPOSIT INSURANCE CORPORATION

Pursuant to the provisions of the "Government in the Sunshine Act" (5

U.S.C. 552b), notice is hereby given that at 2:30 p.m. on Tuesday, April 30, 1985, the Federal Deposit Insurance Corporation's Board of Directors will meet in closed session, by vote of the Board of Directors, pursuant to sections 552b(c)(2), (c)(4), (c)(6), (c)(8), and (c)(9)(A)(ii) of Title 5, United States Code, to consider the following matters:

Summary Agenda: No substantive discussion of the following items is anticipated. These matters will be resolved with a single vote unless a member of the Board of Directors requests that an item be moved to the discussion agenda.

Recommendations with respect to the initiation, termination, or conduct of administrative enforcement proceedings (cease-and-desist proceedings, termination-of-insurance proceedings, suspension or removal proceedings, or assessment of civil money penalties) against certain insured banks or officers, directors, employees, agents or other persons participating in the conduct of the affairs thereof:

Names of persons and names and locations of banks authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(6), (c)(8), and (c)(9)(ii)).

Note.—Some matters falling within this category may be placed on the discussion agenda without further public notice if it becomes likely that substantive discussion of those matters will occur at the meeting.

Discussion Agenda:

Application for Federal deposit insurance:

Utah Financial Thrift and Loan, an operating noninsured industrial loan company located at 4626 Highland Drive, Salt Lake City, Utah.

Application for consent to convert into a non-FDIC-insured institution:

First American Bank and Trust, North Palm Beach, Florida.

Request for financial assistance pursuant to section 13(c) of the Federal Deposit Insurance Act:

Name and location of bank authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(4), (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(4), (c)(6), (c)(8), and (c)(9)(A)(ii)).

Memorandum regarding the Corporation's assistance agreement with an insured bank under section 13 of the Federal Deposit Insurance Act.

Personnel actions regarding appointments, promotions, administrative pay increases, reassignments, retirements, separations, removals, etc.:

Names of employees authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(2) and (c)(6) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(2) and (c)(6)).

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550—17th Street NW., Washington, D.C.

Requests for further information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation, at (202) 389–4425.

Dated: April 23, 1985.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 85–10156 Filed 4–23–85; 3:06 pm]

BILLING CODE 6714–01–M

5

FEDERAL DEPOSIT INSURANCE CORPORATION

Changes in Subject Matter of Agency Meeting

Pursuant to the provisions of subsection (e)(2) of the "Government in the Sunshine Act", (5 U.S.C. 552b(e)(2)), notice is hereby given that at its closed meeting held at 2:30 p.m. on Monday, April 22, 1985, the Corporation's Board of Directors determined, on motion of Chairman William M. Isaac, seconded by Mr. John F. Downey, acting in the place and stead of Director C.T. Conover (Comptroller of the Currency), that Corporation business required the addition to the agenda for consideration at the meeting, on less than seven days' notice to the public, of the following matters:

Application of First Community Bank, Whitehall, Ohio, an insured State nonmember bank, for consent to acquire certain assets of and assume the liability to pay certain deposits made in the East Broad Street office of First State Savings & Loan Company, Whitehall, Ohio, a non-federally-insured institution.

Application of Capital Bank, North Bay Village, Florida, an insured State nonmember bank, for consent to merge, under its charter and title, with Central Bank, Delray Beach, Florida, and for consent to establish the sole office of Central Bank as a branch of the resultant bank.

Notice of acquisition of control: First Beverly Bank, Beverly Hills, California.

The Board further determined, by the same majority vote, that no earlier notice of these changes in the subject matter of the meeting was practicable; that the public interest did not require consideration of the matters in a meeting open to public observation; and that the matters could be considered in a closed meeting by authority of subsections (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(6), (c)(8), and (c)(9)(A)(ii)).

Dated: April 23, 1985

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 85–10157 Filed 4–23–85; 3:06 p m.]

BILLING CODE 6714–01–M

6

FEDERAL ELECTION COMMISSION

[Federal Register No. 85-9514]

PREVIOUSLY ANNOUNCED DATE AND TIME: Thursday, April 25, 1985, 10:00 a.m.

THE FOLLOWING ITEM HAS BEEN WITHDRAWN FROM THE AGENDA: Net outstanding campaign obligations (NOCO), Determination—Mondale for President Committee, Inc.

DATE AND TIME: Tuesday, April 30, 1985, 10:00 a.m.

PLACE: 1325 K Street, NW., Washington, D.C.

STATUS: This meeting will be closed to the public

ITEMS TO BE DISCUSSED: Compliance, Litigation, Audits, Personnel.

The meeting scheduled for the date of May 2, 1985, has been cancelled.

PERSON TO CONTACT FOR INFORMATION: Mr. Fred Eiland, Information Officer, 202–523–4065.

Marjorie W. Emmons,

Secretary of the Commission.

[FR Doc. 85–10172 Filed 4–23–85; 3:47 p]

BILLING CODE 6715–01–M

7

FEDERAL HOME LOAN BANK BOARD

TIME AND DATE: 10:00 a.m., Tuesday, April 30, 1985.

PLACE: In the Board Room, 6th Floor, 1700 G St., NW., Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION: Ms. Gravlee, (202–377–6677).

MATTERS TO BE CONSIDERED:

Conversion proxy solicitations.
Modified conversions.
Finance subsidiaries.
Unfair or deceptive credit practices.
Loans-to-one-borrower regulations.
Industry conflicts-of-interest regulations

Holding company indebtness.

Jeff Sconyers,

Secretary.

[FR Doc. 85-10128 Filed 4-23-85; 1:16 pm]

BILLING CODE 6720-01-M

8

FEDERAL HOME LOAN MORTGAGE CORPORATION

DATE AND TIME: Monday, April 29, 1985, 2:00 p.m.

PLACE: 1769 Business Center Drive, Reston, Virginia, Main Conference Room.

STATUS: Closed.

CONTACT PERSON FOR MORE INFORMATION: Alan B. Hausman, 1776 G Street, NW., P.O. Box 37248, Washington, D.C. 20013, (202) 789-4763.

MATTERS TO BE CONSIDERED:

Closed

Minutes of February 27, 1985, Board of Directors' Meeting
President's Report
Second Mortgages
Financial Report

Date sent to **Federal Register:** April 23, 1985.

Maud Mater,

Secretary.

[FR Doc. 85-10132 Filed 4-23-85 1:37 pm]

BILLING CODE 6720-02-M

9

FEDERAL RESERVE SYSTEM BOARD OF GOVERNORS

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: Notice forwarded to **Federal Register** on April 12, 1985.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: Approximately 10:45 a.m., Monday, April 22, 1985, following a recess at the conclusion of the open meeting.

CHANGES IN THE MEETING: Addition of the following closed item(s) to the meeting: Proposals regarding structure of the academic consultant program.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board; (202) 452-3204.

Dated: April 22, 1985.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 85-10069 Filed 4-22-85; 4:37 pm]

BILLING CODE 6210-01-M

10

NATIONAL TRANSPORTATION SAFETY BOARD.

[NM-85-8]

TIME AND DATE: 9 a.m., Thursday, May 2, 1985.

PLACE: NTSB Board Room, 8th Floor, 800 Independence Ave., SW., Washington, D.C. 20594.

STATUS: The first three items are open to the public; the last item is closed under Exemption 10 of the Government in the Sunshine Act.

MATTERS TO BE CONSIDERED:

1. *Response to Petition for Reconsideration* from Massachusetts Port Authority regarding the World Airways Accident at Boston-Logan International Airport, Boston, Massachusetts, January 23, 1982.
2. *Highway Accident Report:* Schoolbus Loss of Control Accidents in Miami, Florida, on September 28, 1983, and in Birmingham Alabama, on April 12, 1984.
3. *Marine Accident Report:* Collision of Towboat ANN BRENT and Tow with the Greek Tankship MANTINA, Mile 150, Lower Mississippi River, June 11, 1984.
4. *Opinion and Order.* Administrator v. Johnson, Docket SE-5969; disposition of respondent's appeal.

CONTACT PERSON FOR MORE INFORMATION: Sharon Flemming, (202) 382-6525.

H. Ray Smith, Jr.,

Federal Register Liaison Officer.

April 23, 1985.

[FR. Doc. 85-10130 Filed 4-23-85; 1:16 pm]

BILLING CODE 7533-01-M

11

RAILROAD RETIREMENT BOARD

Notice is hereby given that the Railroad Retirement Board will hold a meeting on May 2, 1985, 9:00 a.m., at the Board's meeting room on the 8th floor of its headquarters building, 844 North Rush Street, Chicago, Illinois, 60611. The agenda for this meeting follows:

Portion Open to the Public

(1) Proposed Changes in the RUIA Regulations
(2) Relinquishment of Rights in Cases Where a Discharge is Claimed to Have Been Wrongful
(3) Centralization of Control Over Criminal Investigations and the Decision to Refer Cases for Prosecution
(4) Canadian Service
(5) Delayed Registrations Made by Terrel D. Godfrey

Portion Closed to the Public

(A) Appeal from Referee's Denial of Disability Annuity, M.R. West.

The person to contact for more information is Beatrice Ezerski, Secretary to the Board, COM No. 312-751-4920, FTS No. 387-4920.

Dated: April 22, 1985.

Beatrice Ezerski,

Secretary to the Board.

[FR. Doc. 85-10129 Filed 4-23-85; 1:16 pm]

BILLING CODE 7905-01-M

federal register

Thursday
April 25, 1985

Part II

Department of the Treasury

Internal Revenue Service

26 CFR Parts 1 and 602

Income Taxes; Questions and Answers Relating to Domestic Matters Under Section 338 of the Internal Revenue Code of 1954; Temporary Regulations and Proposed Rule

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Parts 1 and 602

[T.D. 8021]

Income Taxes; Questions and Answers Relating to Domestic Matters Under Section 338 of the Internal Revenue Code of 1954; Temporary Regulations

AGENCY: Internal Revenue Service, Treasury.

ACTION: Temporary regulations.

SUMMARY: This document contains temporary regulations relating to miscellaneous domestic matters under section 338 of the Internal Revenue Code of 1954 ("Code"), as added by the Tax Equity and Fiscal Responsibility Act of 1982 ("TEFRA") and as amended by the Technical Corrections Act of 1982 ("TCA") and the Tax Reform Act of 1984 ("TRA"). The temporary regulations provide guidance to domestic taxpayers subject to the provisions of section 338. The text of the temporary regulations set forth in this document also serves as the text of the proposed regulations cross-referenced in the notice of proposed rulemaking in the proposed rules section of this issue of the **Federal Register**.

DATE: These regulations are effective April 25, 1985. These temporary regulations generally apply to stock acquisitions made after August 31, 1982.

FOR FURTHER INFORMATION CONTACT: Duane H. Pellervo of the Legislation and Regulations Division, Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, D.C. 20224 (Attention: CC:LR:T) (202-566-3458, not a toll-free call).

SUPPLEMENTARY INFORMATION:

Background

This document adds new temporary regulations § 1.338–4T to Part 1 of Title 26 of the Code of Federal Regulations ("CFR"). This document also amends temporary regulations §§ 1.338–1T and 1.338–2T, which were published as T.D. 7942 in the **Federal Register** on February 8, 1984 (49 FR 4722), and which were amended and redesignated (as §§ 1.338–1TR and 1.338–2T) by temporary regulations published as T.D. 7975 in the **Federal Register** on September 6, 1984 (49 FR 35086). Finally, this document amends the table of OMB control numbers in Part 602 of Title 26 of the CFR to reflect the OMB control number assigned to § 1.338–4T.

Substantially all of new § 1.338–4T is in the form of questions and answers, and provides guidance on a broad range of domestic issues under section 338 of the Code, as added by section 224 of TEFRA (Pub. L. No. 97–248; 96 Stat. 485) and as amended by section 306(a)(8) of the TCA (Pub. L. No. 97–448; 96 Stat. 2402) and section 712(k) of the TRA (Pub. L. No. 98–369; 98 Stat. 946). The temporary regulations added and amended by this document will remain in effect until superseded by later temporary or final regulations relating to these matters.

Temporary Extension of Time To Make Section 338, Election Expires on August 23, 1985

Temporary regulations under section 338 were published as T.D. 7942 in the **Federal Register** on February 8, 1984 (49 FR 4722), and were amended and redesignated by temporary regulations published as T.D. 7975 in the **Federal Register** on September 6, 1984 (49 FR 35086). Temporary regulations §§ 1.338–1T through 1.338–3T. Temporary regulations § 1.338–1T provides that elections under section 338 for acquisitions occurring after August 31, 1982, need not be filed before the later of (1) the 60th day after the date of publication of temporary regulations § 1.338–4T or (2) the otherwise applicable due date. Section 1.338–1T(c). The extension also applies to the following provisions in those temporary regulations: Sections 1.338–1T(f)(7)(ii) and 1.338–2T(e)(6) (time to select taxable year of new target); §§ 1.338–1T(h) and 1.338–2T(h) (waiver of certain additions to tax and times to act); and § 1.338–1T(j)(2) (perfecting declaration relating to elections under section 338 made notwithstanding suspension applicable to certain corporations). This document contains temporary regulations § 1.338–4T. Because of the length and complexity of temporary regulations § 1.339–4T, however, the due dates specified above are extended by this document to a date not earlier than the 120th day after the date of publication of this document, *i.e.*, August 23, 1985. A special suspension of time to make an election under section 338 for foreign targets and certain other corporations that may be affected by future regulations under section 338(h)(6)(B) remains in affect. See § 1.338–1T(j)(1).

Operation of Section 338

Section 338 generally provides that, if a corporation ("target") is acquired by another corporation ("purchasing corporation") in a qualified stock purchase, the purchasing corporation may elect (or may be deemed to elect under certain consistency rules) to have the target treated as if it: (1) Sold all of its assets (as "old target") at fair market value at the close of the day on which the qualified stock purchase occurred ("acquisition date") and (2) purchased those assets as a new corporation ("new target") at the beginning of the following day for an amount generally equal to the price paid by the purchasing corporation for target stock plus liabilities of target and other relevant items. Section 338 (a) and (b). The deemed sale of assets by old target generally is governed by the nonrecognition rule of section 337. The application of section 337 is limited by section 338(c)(1), however, if the maximum percentage (by value) of target stock held by the purchasing corporation during a one-year period beginning on the acquisition date is less than 100 percent. In general, the tax attributes of old target are not available to new target. The net effect of a section 338 election is that the purchasing corporation obtains a basis in target assets that generally reflects the price it paid for target stock. Under former section 334(b)(2), which was repealed when section 338 was enacted, it was necessary to liquidate target in order to obtain similar treatment.

In order to prevent certain abuses, section 338 contains elaborate consistency rules that operate to force, or prohibit, the application of section 338 to certain acquisitions. Section 338 (e) and (f). In order to prevent a corporation from selectively obtaining, from the same affiliated group, both assets at a cost basis and tax attributes, the asset consistency rule of section 338(e) may require a deemed section 338 election to be made for a target if the purchasing corporation acquires, at any time during the consistency period (as defined in section 338(h)(4)) applicable to target, assets of target or its target affiliate (as defined in section 338(h)(6)). Exceptions to the asset consistency rule are contained in section 338(e)(2), which excepts sales in the ordinary course of the transferor's trade or business, acquisitions in which the transferee's basis is measured wholly by reference to the transferor's basis, and acquisitions occurring before September 1, 1982. Authority is provided in section 338(e)(2)(D) for regulations to permit exceptions for other asset acquisitions that meet "such conditions as such regulations may provide."

Under the stock consistency rules of section 338(f), a corporation that, within a specified period, makes qualified stock purchases of two or more corporations from, generally, the same affiliated group will be subject to section 338 treatment for all such corporations or for none of them. Section 338(i) grants the

Secretary broad authority to prevent circumvention of the consistency rules.

Overview of Temporary Regulations § 1.338–4T

These temporary regulations provide guidance on a broad range of issues under section 338. These temporary regulations deal principally with domestic aspects of section 338. Regulations dealing with international aspects of section 338 are the topic of a separate regulations project to be published in the near future.

Section 1.338–4T(c) of the temporary regulations contains questions and answers relating primarily to the qualified stock purchase requirement. Section 1.338–4T(d) deals with the effect of post-acquisition events (*e.g.*, a disposition of purchasing corporation or target) on the eligibility of target for a section 338 election and with the requirement for a corporate purchaser.

Section 1.338–4T(e) provides guidance on the application of the stock consistency rules of section 338(f).

Section 1.338–4T(f) provides guidance on the application of the asset consistency rule of section 338(e)(1). Rules are provided in § 1.338–4T for the application of a number of exceptions to the asset consistency rule, including an exception for sales in the ordinary course of the transferor's trade or business (section 338(e)(2)(A)) and an exception for acquisitions in which the transferee's basis is determined wholly by reference to the transferor's basis (section 338(e)(2)(B)). A number of exceptions also are provided under the regulatory authority granted in section 338(e)(2)(D), including an exception for *de minimis* asset acquisitions. Also under the authority of section 338(e)(2)(D), § 1.338–4T(f) provides rules for making a protective carryover basis election ("protective carryover election"), pursuant to which a deemed election under section 338(e)(1) may be avoided. Section 1.338–4T(f) also describes the circumstances under which a carryover basis election by affirmative action ("affirmative action carryover election") is made. The rules relating to the carryover basis election exception are described in more detail later in this preamble.

Special consistency rules are provided in § 1.338–4T(g). Pursuant to § 1.338–4T(g)(1), the consistency period specified in section 338(h)(4)(A) and the 12-month acquisition period specified in section 338(h)(1) will be extended in certain cases. Section 1.338–4T(g)(2) contains detailed rules designed to prevent avoidance of the consistency rules through the device of causing third parties not included in the P group to buy assets of target or a target affiliate (or stock in target or a target affiliate).

Guidance on the calculation of the aggregate price at which old target is deemed to sell all of its assets in the deemed sale under section 338 is provided in § 1.338–4T(h). The deemed sale price is significant because it is used to measure certain tax liabilities of target that result from the deemed sale and that are included in the total amount that is allocated as basis among the assets of new target. Regulatory authority is provided in section 338(h)(11) to devise an elective formula for determining the deemed sale price that takes into account liabilities of target and other relevant items. The sample formula is provided in § 1.338–4T(h).

Section 1.338–4T(j) provides general guidance on the calculation of the total amount to be allocated as basis among the assets of new target. Among other matters, guidance on making the election described in section 338(b)(3) (relating to an election to adjust the basis of nonrecently purchased target stock) is provided in § 1.338–4T(j). Although section 338(b)(5) grants regulatory authority for determining how the aggregate deemed purchase amount is to be allocated among the assets of the target, these temporary regulations generally do not address that issue. That issue is the topic of a separate regulations project to be published in the near future.

Section 1.338–4T(k) provides guidance on miscellaneous matters affecting old T. Among other matters, basic guidance on the operation of section 338(h) (10), (12), and (15) is provided here. Section 338(h)(10) provides an elective procedure whereby the seller of target in certain cases may treat the stock sale as an asset sale. Section 338(h)(12) permits the nonrecognition rule of section 337 to apply in certain cases to actual asset sales made by the target before its acquisition date. Section 338(h)(15) permits several targets acquired from the same consolidated return group on the same acquisition date to file a combined deemed sale return.

Section 1.338–4T(l) provides guidance on miscellaneous matters affecting new T, including the effect of a section 338 election on employment taxes and employee plans.

Carryover Basis Election and Deemed Election

Relationship Between Carryover Basis Election and Deemed Election Under Section 338(e)(1)

The purchasing corporation ("P") generally may make an election under section 338(g) ("express election") with respect to its qualified stock purchase of the stock of target ("T") at any time during the period ending on the 15th day of the 9th month beginning after the month in which the acquisition date occurs. If, however, P wishes to avoid making a section 338 election for T, that objective can be achieved with certainty under the temporary regulations by filing a protective carryover election for T under § 1.338–4T(f)(6) before the close of the period within which to make an express election for T. In no case will a deemed election under section 338(e)(1) be imposed if the protective carryover election is made.

If the P group makes a tainted asset acquisition and neither a section 338 election nor a protective carryover election is made for T, then the tainted asset acquisition by a member of the P group will cause an affirmative action carryover election for T under the temporary regulations. An asset acquisition is a tainted asset acquisition if it is described in section 338(e)(1) and is not subject to an exception (other than the carryover basis election exception) to section 338(e)(1). The District Director may override the affirmative action carryover election and cause a deemed election under section 338(e)(1) for T, however, if that result is appropriate to carry out the purposes of the consistency rules of section 338 (e), (f), or (i). These rules were designed to encourage timely elections (either protective carryover elections or express elections) and to minimize or eliminate plans to circumvent the consistency rules.

Effect of Carryover Basis Election

A purchasing corporation that makes a carryover basis election (either a protective or an affirmative action carryover election) is bound by all of the terms and conditions imposed by these temporary regulations with respect to tainted asset acquisitions, as are all of the corporations that are members of the purchasing corporation's affiliated group. The terms and conditions generally are designed to eliminate circumvention of the consistency rules of section 338 (e), (f), or (i) that otherwise could result from a tainted asset acquisition. The basic consequence of a carryover basis election is that the P group member acquiring an asset in a tainted asset acquisition takes a carryover basis in that asset. This consequence was specifically contemplated in the legislative history of the Tax Reform Act of 1984, which expanded the grant of regulatory authority provided in sections

338(e)(2)(D) and (i). See H.R. Rep. No. 861, 98th Cong., 2d Sess. 1221 (1984) (Conference Report).

The most significant effect of a carryover basis in the transferred asset is that the same increment of gain with respect to that asset potentially will be taxed twice, *i.e.*, once to the corporation selling the asset to the P group member and again to the P group member upon a subsequent disposition of the asset. In order to ameliorate this result, yet without permitting circumvention of the consistency rules, the temporary regulations provide limited relief (depending upon the fact situation) from the carryover basis consequence in the three basic fact situations in which a tainted asset acquisition occurs.

First, if the transferor of the asset in a tainted asset acquisition is not a member of the P group at the time of the tainted asset acquisition, then relief is provided if, within a specified period, the transferee P group member ("P") transfers the asset in a qualifying transaction to another P group member ("P1") in which P holds stock. The relief in such a case takes the form of an increase in P's basis in P1 stock, generally in an amount equal to the excess of P's basis in the transferred asset absent the carryover basis election over P's carryover basis in that asset. Such excess is only added on the first transfer; subsequent transfers of the tainted asset do not result in similar relief. This relief in the form of stock basis is available only in connection with a *protective* carryover election.

Second, if the transferor of the asset in a tainted asset acquisition is a member of the P group at the time of the tainted asset acquisition but does not join in a consolidated return with the transferee P group member for the year of the asset acquisition, then relief is provided if an offset prohibition election is made. The principal consequences of an offset prohibition election are that: (1) The transferee P group member takes a basis in the asset that is determined without regard to the carryover basis election and (2) the transferor's gain on the transfer cannot be offset by any deductions of the transferor and the tax attributable to that gain cannot be offset by certain credits of the transferor. Several other special rules also apply. The offset prohibition election can be made only in connection with a *protective* carryover election.

Third, if the transferor of the asset in a tainted asset acquisition is a member of the P group at the time of the asset acquisition and also joins in a consolidated return with the transferee P group member for the year of the asset acquisition, then relief is provided in the form of a general adherence to the principles of the consolidated return regulations governing deferred intercompany transactions. Although, under the consolidated return regulations, the transferee P group member therefore may obtain a cost basis in the transferred asset, the rules governing deferral and restoration of the transferor P group member's gain in the acquisition generally ensure that the P group as a whole obtains no benefit from the cost basis. The principal exception provided by these temporary regulations to the consolidated return regulations applies if deferred gain in the tainted asset acquisition is restored because the transferor ceases to be a member of the P group. In such a case, the consolidiated return restoration rules may not operate effectively to ensure that the principles of the consistency rules are not avoided. Thus, these temporary regulations alter these rules. The transferee P group member's basis in the acquired asset is reduced by the amount of the restored deferred gain unless an offset prohibition election applies to the acquisition. Again, such offset prohibition election can be made only in connection with a protective carryover election. The principal consequences of an offset prohibition election in the consolidated return context are that: (1) The basis in the acquired asset is not reduced and (2) the restored deferred gain that otherwise is the measure of the step-down cannot be offset by any deductions of the P group and the tax attributable to that gain cannot be offset by certain credits of the P group. Several other special rules also apply.

Comments Requested Regarding Effect of Contingent Payments and Liabilities

This document does not deal with the effect of contingent payments and liabilities on the calculation of either the deemed sale price or the total amount to be allocated as basis among the assets of new target. No inference as to the Treasury's position on these matters should be drawn from the contents of these temporary regulations. Comments are invited as to the appropriate treatment of such payments and liabilities.

Appropriate Amendments to Regulations Under Affected Sections To Be Made

If the rules in these temporary regulations that relate to sections of the Code other than section 338 are issued in the form of final regulations, the appropriate regulations sections will be amended to reflect those rules (see, *e.g.*, the regulations under sections 48, 79, 83, 168, and 304).

Amendments to §§ 1.338–1T and 1.338–2T

Section 1.338–1T is amended by this document to reflect the fact that the due date for making a section 338 election is a date no earlier than August 23, 1985. (A special suspension of time to make an election under section 338 for foreign targets and certain other corporations that may be affected by future regulations under section 338(h)(6)(B) remains in effect. See § 1.338–1T(j)(1). In addition, § 1.338–1T(e) is amended to reflect new procedure requirements and to provided additional time within which to satisfy the requirements specified therein. Finally, several additional amendments are made to conform §§ 1.338–1T and 1.338–2T with the provisions of § 1.338–4T.

Question and Answer Format

As noted above, substantially all of new § 1.338–4T is presented in the form of questions and answers. The questions and answers are not intended to address comprehensively all of the issues raised by section 338. Taxpayers may rely on these questions and answers, which the Internal Revenue Service will follow in resolving issues arising under section 338. No inference should be drawn, however, regarding questions not expressly raised and answered.

Regulatory Flexibility Act; Executive Order 12291; and Paperwork Reduction Act of 1980

A general notice of proposed rulemaking is not required by 5 U.S.C. 553 for temporary regulations. Accordingly, these temporary regulations do not constitute regulations subject to the Regulatory Flexibility Act (5 U.S.C. chapter 6). The Commissioner of Internal Revenue has determined that this temporary rule is not a major rule as defined in Executive Order 12291 and that regulatory impact analysis therefore is not required. The collection of information contained in these regulations has been submitted to the Office of Management and Budget in accordance with the requirements of the Paperwork Reduction Act of 1980. These requirements have been approved by OMB (Control number 1545–0702).

Drafting Information

The principal author of these temporary regulations is Duane H. Pellervo of the Legislation and Regulations Division of the Office of Chief Counsel, Internal Revenue Service. However, personnel from other

offices of the Internal Revenue Service and Treasury Department participated in developing the regulations, both on matters of substance and style.

List of Subjects

26 CFR 1.301–1–1.383–3

Income taxes, Corporations, Corporate distributions, Corporate adjustments, Reorganizations.

26 CFR Part 602

Reporting and record keeping requirements.

Adoption of Amendments to the Regulations

Accordingly, Part 1 and 602 of Title 26 of the Code of Federal Regulations are amended as follows:

Paragraph 1. A new § 1.338–4T is added immediately after § 1.338–3T to read as follows:

§ 1.338–4T Questions and answers relating to miscellaneous issues under section 338 (temporary).

(a) *Introduction*—(1) *Effective date.* Except as otherwise provided in this section, this section applies to stock acquisitions for which the acquisition date (determined without section 224 (d)(5) of TEFRA) occurs after August 31, 1982.

(2) *Scope of regulations.* This section provides guidance on a broad range of issues under section 338. This section deals principally with domestic aspects of section 338. For foreign aspects, see § 1.338–5T (to be published).

(3) *Outline of topics.* In order to facilitate the use of this section, this paragraph (a) (3) lists the paragraphs, subparagraphs, and subdivisions contained in this section.

(a) Introduction.
- (1) Effective date.
- (2) Scope of regulations.
- (3) Outline of topics.
- (4) Cross-reference of Code provisions to provisions in this section.

(b) Nomenclature and definitions.
- (1) Nomenclature.
- (2) Definitions in section 338(h) and § 1.338–1T.
- (3) Affected target.
- (4) Original target.
- (5) Consistency period.
- (6) Domestic corporation.
- (7) Section 338 election.
- (8) Express election.
- (9) Deemed election.
- (10) Related persons.

(c) Qualified stock purchase and miscellaneous related rules.
- (1) Purchase requirement of section 338(h)(3).
- (2) Date of purchase from certain related persons.
- (3) Qualified stock purchase, deemed election, and acquisition date for tiered targets.
- (4) Effect of redemptions.
- (5) Effect of section 304.

(d) Effect of post-acquisition events on eligiblility of T for section 338 election; requirement of purchasing corporation.

(e) Application of the stock consistency rules of section 338(f).

(f) Application of the asset consistency rule of section 338(e).
- (1) Introduction and general operating rules.
  - (i) Introduction.
  - (ii) General operating rules.
- (3) Exception of section 338(e)(2)(A) for acquisitions in ordinary course of trade or business.
- (4) Exception of section 338(e)(2)(B) for acquisitions in which transferee's basis in acquired assets is measured wholly by reference to transferor's basis.
- (5) Certain transactions excepted under section 338(e)(2)(D).
- (6) Carryover basis election exception under section 338(e)(2)(D) and (i).
  - (i) Introduction.
  - (A) Overview.
  - (B) Cross-reference.
  - (ii) Procedure for making protective carryover election and affirmative action carryover election.
  - (iii) Corporations and acquistions subject to protective or affirmative action carryover election.
  - (iv) Consequences of protective or affirmative action carryover election.
- (7) De minimis exception under section 338 (e)(2)(D).

(g) Special consistency rules.
- (1) Extension of consistency period and 12-month acquisition period in certain cases.
- (2) Asset or stock acquisition by non-P group member considered an acquisition by P group member in certain cases.

(h) Determination of section 338(a)(1) deemed sale price.
- (1) Introduction.
- (2) Definitions.
  - (i) ADSP.
  - (ii) Elective ADSP formula.
  - (iii) Allocable ADSP amount.
  - (iv) Recapture gain.
  - (v) Section 338(c)(1) percentage.
- (3) Determination of ADSP.

(i) [Reserved]

(j) Determination of basis of target assets after section 338 election.
- (1) Introduction.
- (2) Determination of adjusted grossed-up basis.

(k) Miscellaneous matters affecting the final return of old T.
- (1) Application of section 337 to deemed sale of assets.
- (2) Application of section 338(h)(10).
- (3) Effect of sections 382(a) and 168(d)(92)(B) on old T's final return.
- (4) Application of § 1.1502–76(c) to old T's final return.
- (5) Effect on old T's final return of plan to abate section 338(c)(1) amounts.
- (6) (Combined deemed sale return under section 338 (h)(15).

(l) Miscellaneous matters affecting new T.
- (1) Effect of old T liabilities.
- (2) Availability of investment tax credit; recovery deductions.
- (3) Effect of acquisition of partnership interest in deemed purchase under section 338(a)(2).
- (4) Employment taxes; employee plans.

(4) *Cross-reference of Code provisions to provisions in this section.* The following tables cross-reference provisions of the Code to subunits of this section in which those Code provisions are dealt with in a significant manner. A Code provision may be cross-referenced to a subunit of this section even though that Code provision is not specifically cited in the section subunit. These tables are not intended to provide an exhaustive cross-reference of Code provisions.

Subunits of section 338	Subunits of § 1.338–4T
(a)(1)	(h)(1), (k)(1) *A. 1*
(a)(2)	(h)(3) *A. 3*; (*l*)(*3*)
(b)	(h)(3) *A. 2*; (j)
(b)(3)	(j)(2)
(b)(5)	(j)(1)
(c)(1)	(h); (j)(2) *A. 4 Ex.*, (k)(1) *A. 3*; (k)(5)
(d)	(d)
(d)(3)	(c)(2)-(4), (d) *A. 4*
(e)	(b)(9); (f), (g)
(e)(2)(A)	(f)(3)
(e)(2)(B)	(f)(4)
(e)(2)(D)	(f)(1)(ii), (f)(4) *A. 3* (ii)(A), (f)(5)–(7)
(e)(3)	(g)(1) *A. 2*
(f)	(b)(9), (d) *A. 1 Ex* (*2*), (e); (f) (7) *A. 2 Ex* (*1*) (ii)(g)
(f)(1)	(b)(4); (c)(3), (c)(4) *A. Ex.* (*3*); (*f*)(*6*)(*iii*) *A 1 Ex.*; (*h*)(*3*) *A. 3 Ex*
(f)(2)	(f)(1)(ii)
(h)	(b)(2)
(h)(1)	(c)(2); (c)(4) *A.* (ii)(B); (c)(4) *A. Ex* (*7*) (*g*)(*1*) *A. 2*
(h)(2)	(c)(3) *A. 2*; (*c*)(*4*)
(h)(3)(A)(i)	(c)(5)
(h)(3)(A)(ii)	(c)(1)
(h)(3)(A)(iii)	(c)(2)
(h)(3)(B)	(c)(3)
(h)(3)(C)	(c)(2); (c)(4) *A.* (ii)(B), (c)(4) *A. Ex.* (*7*)
(h)(4)	(b)(5); (e), (f)
(h)(4)(B)	(g)(1)–(2)
(h)(5)	(b)(1)(iv)
(h)(8)	(c)(3); (f)(2); (h)(1), (j)(1)
(h)(10)	(h)(1), (k)(2)
(h)(11)	(h), (j)
(h)(12)	(k)(1)
(h)(15)	(k)(6)
(i)	(b)(9), (f); (g)

Code provisions other than 338	Subunits of § 1.338–4T
27–30	(f)(6)(iv) *A. 2* (ii)(B) and *A. 3* (iv)(D)
38–41	(f)(6)(iv) *A. 2* (ii)(B) and *A. 3* (iv)(D)
48(c)	(l)(2) *A. 1*
79	(l)(4)
104–105	(l)(4)
120	(l)(4)
124–125	(l)(4)
127	(l)(4)
129	(l)(4)
168	(l)(2) *A. 2*
168(d)(2)(B)	(k)(3) *A. 2*
168(e)(4)	(l)(2) *A. 2*
168(f)(10)	(l)(2) *A. 2*
179(d)(2)(B)	(l)(2) *A. 1*
301–307	(c)(1) *A. 4*
304(c)(2)(B)	(c)(5)
311(b)	(f)(4) *A. 3*
311(c)	(f)(4) *A. 3*
311(d)(1)	(c)(1) *A. 4*; (*f*)(*4*) *A. 3*
318	(b)(10)
334(b)(1)	(f)(4) *A. 2*

Code provisions other than 338	Subunits of § 1.338–4T
336(b)	(k)(1) *Q. 2*
337	(c)(1), (h)
337(c)	(k)(1)
337(f)	(k)(1) *Q. 2*
341(e)	(k)(1) *A. 4*
341(f)	(k)(1) *A. 1*
351	(f)(6)(iv) *A. 1* (d)(B)
362	(f)(4) *A. 1*
368	(d); (f)(4) *Q. 1*
382(a)	(k)(3) *Q. 1*
401(A)	(l)(4)
403(a)	(l)(4)
408(k)	(l)(4)
422A	(l)(4)
423	(l)(4)
453	(l)(5)(iv) *A. 2* (a)(B)
453(h)	(k)(1) *Q. 5*
453B(d)(2)	(k)(1) *Q. 5*
743(b)	(i)(3)
754	(i)(3)
897(d)(2)	(k)(1) *A. 2*
934(b)	(b)(6)
936	(b)(6)
1031(d)	(f)(4) *Q. 4*
1248(e)	(b)(6)
1563(b)	(i)(2) *A. 1*
3101	(l)(4)
3111	(l)(4)
3301	(l)(4)

(b) *Nomenclature and definitions.* For purposes of this section (and except as otherwise provided in this section)—

(1) *Nomenclature*—(i) P is a domestic corporation that directly purchases all of the outstanding stock in a second domestic corporation.

(ii) T is the domestic corporation the stock of which is purchased by P. T has only one class of stock outstanding.

(iii) P1, P2, etc., are domestic corporations that are members of the P group.

(iv) The P group is an affiliated group (as defined in section 338(h)(5)) that includes one or more P corporations as members.

(v) T1, T2, etc., are domestic corporations that are target affiliates of T. Those corporations (T1, T2, etc.) have only one class of stock outstanding, and also may be targets. None of the stock of those corporations is owned by T.

(vi) S is a domestic corporation (unrelated to P and B) that owns all of the outstanding stock of T prior to the purchase of T stock by P. (S is referred to in cases in which it is appropriate to consider the effects of having all of the outstanding stock of T owned by a domestic corporation.)

(vii) A is an individual (unrelated to P and B) who is a U.S. resident or citizen and who owns all of the outstanding stock of T prior to the purchase of T stock by P. (A is referred to in cases in which it is appropriate to consider the effects of having all of the outstanding stock of T owned by an individual who is a U.S. resident or citizen. Ownership of the stock of T by A and ownership of the stock of T by S are mutually exclusive circumstances.)

(viii) B is an individual (unrelated to T, S, and A) who is a U.S. resident or citizen and who owns all of the outstanding stock of P.

(2) *Definitions in section 338(h) and § 1.338–1T.* The definitions in section 338 (h) and § 1.338–1T also apply to this section.

(3) *Affected target.* A corporation is an "affected target" if a deemed election would occur for that corporation in the event of a section 338 election for T.

(4) *Original target.* A corporation ("X") is an "original target" if there exists no previously acquired target as to which a section 338 election would cause a deemed election under section 338(f)(1) for X. If two corporations are acquired at the same time, either corporation (but not both) may be considered by the purchasing corporation as the original target.

(5) *Consistency period.* The "consistency period" is the period described in section 338(h)(4)(A) unless extended pursuant to paragraph (g)(1) *Answer 1* of this section.

(6) *Domestic corporation.* A "domestic corporation" is a corporation (i) that is created or organized in the United States or under the law of the United States or of any State and (ii) that is not a DISC, a corporation described in section 934(b) or 1248(e), or a corporation to which an election under section 936 applies.

(7) *Section 338 election.* A "section 338 election" is an election to apply section 338(a) to a target. A section 338 election is either an express election or a deemed election.

(8) *Express election.* An "express election" is a section 338 election made for the original target by filing a statement of section 338 election (Form 8023) pursuant to § 1.338–1T(c).

(9) *Deemed election.* A "deemed election" is a section 338 election that is not an express election. A deemed election is made under the authority of section 338 (e), (f), or (i) or under the authority of more than one of those provisions. If an express election for the original target causes a section 338 election by reason of section 338(f)(1) for another target, that other target is considered subject to a deemed election. A statement of section 338 election (Form 8023) need not be filed for that other target, but that other target may be required to be included in a schedule attached to the statement of section 338 election filed for the original target. See § 1.338–1T (c) and (e).

(10) *Related persons.* Two persons are related to each other if stock in a corporation owned by one such person would be attributed under section 318(a) (other than paragraph (4) thereof) to the other, or vice versa.

(c) *Qualified stock purchase and miscellaneous related rules*—(1) *Purchase requirement of section 338(h)(3).* The purpose of this paragraph (c)(1) is to provide guidance on whether particular stock acquisitions qualify as purchases under section 338(h)(3). It is assumed in each question and answer that no exception to the purchase requirement is potentially applicable other than the exception discussed in the particular question and answer.

Question 1: If P acquires T stock from S solely for cash in a transaction with respect to which S does not recognize gain or loss pursuant to section 337, has P acquired that T stock by purchase?

Answer 1: Yes. Such an acquisition of stock is not excepted from the definition of purchase under the regulatory authority in section 338(h)(3)(A)(ii).

Question 2: If P acquires T stock from S solely for cash in a transaction with respect to which S recognizes its income under the installment method, has P acquired that T stock by purchase?

Answer 2: Yes. Such an acquisition of stock is not excepted from the definition of purchase under the regulatory authority in section 338(h)(3)A)(ii).

Question 3: If P acquires T stock from S solely for cash and if S is a foreign person that is not required to pay United States income tax on the disposition of the T stock, has P acquired that T stock by purchase?

Answer 3: Yes. Such an acquisition of stock is not excepted from the definition of purchase under the regulatory authority in section 338(h)(3)(A)(ii).

Question 4: Assume that P owns less than 50 percent in value of the stock of S and that S owns 100 percent of the only class of T stock. If P acquires all of the T stock from S in a distribution with respect to P's S stock or in a redemption of P's S stock, has P acquired that T stock by purchase?

Answer 4: (i) *Distribution with respect to which section 311(d)(1) applies.* If P acquires the T stock in a distribution with respect to which S recognizes gain under section 311(d)(1), then P has acquired that T stock by purchase.

(ii) *Distributions with respect to which section 311(d)(1) does not apply*—(A) *Fair market value of T stock does not exceed its adjusted basis in the hands of S.* If P acquires the T stock in a distribution to which sections 301–307 apply and if the fair market value of the T stock does not exceed its adjusted basis in the hands of S (so that section 311(d)(1) does not apply to the distribution), then P has acquired that T stock by purchase. This result applies

even though S realizes but does not recognize a loss, since such an acquisition of stock is not excepted from the definition of purchase under the regulatory authority in section 338(h)(3)(A)(ii).

(B) *Fair market value of T stock exceeds its adjusted basis in the hands of S.* Under the authority of section 338(h)(3)(A)(ii), if (*1*) P acquires the T stock in a distribution to which sections 301–307 apply, (*2*) the fair market value of the T stock exceeds its adjusted basis in the hands of S, and (*3*) section 311(d)(1) does not apply to the distribution, then P has not acquired that T stock by purchase.

Example (1). P owns less than 50 percent in value of the stock of S, and S owns all of the stock of T. The stock of T has a fair market value of $1,000, and S's basis in that stock is $400. On November 1, 1986, S distributes all of the stock of T to P in a redemption qualifying under section 302(a) of the S stock held by P. S recognizes a gain of $600 on the distribution pursuant to section 311(d)(1). Accordingly, P has acquired the T stock by purchase under section 338(h)(3).

Example (2). Assume the same facts as in *Example (1),* except that S's basis in the T stock is $1,400. The result is the same.

Example (3). Assume the same facts as in *Example (1),* except that the distribution is a dividend distribution rather than a distribution in redemption of S stock. S recognizes a gain of $600 on the distribution pursuant to section 311(d)(1). Accordingly, P has acquired the T stock by purchase under section 338(h)(3).

Example (4). Assume the same facts as in *Example (3),* except that the distribution occurs on January 1, 1984. S does not recognize a gain on the distribution under section 311(d)(1). P has not acquired the T stock by purchase under section 338(h)3).

(2) *Date of purchase from certain related persons.*

Question: If T stock acquired by P from a related corporation is treated as purchased stock by reason of section 338(h)(3)(C) (relating to certain stock acquisitions from related corporations), what is the date on which P is considered to have acquired that stock for purposes of satisfying the requirement of section 388(d)(3) that stock included in the qualified stock purchase must be acquired during the 12-month acquisition period?

Answer: If T stock acquired by P from a related corporation ("R") is treated as purchased by P by reason of section 338(h)(3)(C), then, solely for purposes of determining whether the 12-month acquistion period requirement for a qualified stock purchase is satisfied, to the extent such T stock is considered owned by P under section 318(a) (other than paragraph (4) thereof) immediately before the acquisition from R by reason of P's ownership of stock in R ("attributed T stock"), that attributed T stock is considered to have been acquired by P on the day on which P is first considered to own that stock rather than on the day on which P actually acquires that stock from R. If the date on which that T stock is considered to have been acquired by P precedes the date of P's actual purchase by more than 12 months, that stock cannot be taken into account for purposes of determining whether a qualified stock purchase has occurred unless, in the particular case, the 12-month acquisition period is extended pursuant to paragraph (g)(1) *Answer 2* of this section. If shares of attributed T stock owned by R are first considered to be owned by P on more than one date, then the attributed T shares purchased by P are deemed to be the T shares that are considered owned by P on the earliest date first, to the extent thereof, and then on the next earliest date.

Example (1). (i) On January 1, 1984, P purchases 75 percent in value of the stock of S. On that date, S owns 4 of the 100 shares of T's only class of outstanding stock. On June 1, 1984, S acquires an additional 16 shares of T stock. On December 1, 1984, P purchases 70 shares of T stock from an unrelated person and 12 of the 20 shares of T stock held by S.

(ii) Of the 12 shares of T stock purchased by P from S on December 1, 1984, 3 of those shares are deemed to have been acquired by P on January 1, 1984, the date on which 3 of the 4 shares of T stock held by S on that date were first considered owned by P under section 318(a) (other than paragraph (4) thereof), *i.e.*, 4×.75. Section 338(h) (1) and (3)(C)(i). The remaining 9 shares of T stock purchased by P from S on December 1, 1984, are deemed to have been acquired by P on June 1, 1984, the date on which an additional 12 of the 20 shares of T stock owned by S on that date were first considered owned by P under section 318 (a) (other than paragraph (4) thereof), *i.e.*, (20×.75)−3. Because stock acquisitions by P sufficient for a qualified stock purchase of T occur within a 12-month period (*i.e.*, 3 shares constructively on January 1, 1984, 9 shares constructively on June 1, 1984, and 70 shares actually on December 1, 1984), a qualified stock purchase is made on December 1, 1984.

Example (2). (i) On February 1, 1983, P acquires 25 percent in value of the stock of S from B (the sole shareholder of P). That S stock is not acquired by purchase. See section 338(h)(3)(A)(iii). On that date, S owns 4 of the 100 shares of T's only class of outstanding stock. On June 1, 1983, P purchases an additional 25 percent in value of the stock of S, and on January 1, 1984, P purchases another 25 percent in value of the stock of S. On June 1, 1984, S acquires an additional 16 shares of T stock. On December 1, 1984, P purchases 68 shares of T stock from an unrelated person and 12 of the 20 shares of T stock held by S.

(ii) Of the 12 shares of T stock purchased by P from S on December 1, 1984, 2 of those shares are deemed to have been acquired by P on June 1, 1983, the date on which 2 of the 4 shares of T stock held by S on that date were first considered owned by P under section 318(a) (other than paragraph (4) thereof), *i.e.*, 4×.5. For purposes of this attribution, the S stock need not be acquired by P by purchase. See section 338(h)(1). (By contrast, the acquisition of T stock by P from S will not qualify as a purchase unless P has acquired at least 50 percent in value of S stock by purchase. Section 338(h)(3)(C)(ii).) Of the remaining 10 shares of T stock purchased by P from S on December 1, 1984, 1 of those shares is deemed to have been acquired by P on January 1, 1984, the date on which an additional 1 share of the 4 shares of T stock held by S on that date was first considered owned by P under section 318(a) (other than paragraph (4) thereof), *i.e.*, (4×.75)−2. The remaining 9 shares of T stock purchased by P from S on December 1, 1984, are deemed to have been acquired by P on June 1, 1984, the date on which an additional 12 shares of T stock held by S on that date were first considered owned by P under section 318(a) (other than paragraph (4) thereof), *i.e.*, (20×.75)−3. Because a qualified stock purchase of T by P is made on December 1, 1984, only if all 12 shares of T stock purchased by P from S on that date are considered acquired during a 12-month period ending on that date (so that, in conjunction with the 68 shares of T stock P purchased on that date from the unrelated person, 80 of T's 100 shares are acquired by P during a 12-month period) and because 2 of those 12 shares are considered to have been acquired by P more than 12 months before December 1, 1984 (*i.e.*, on June 1, 1983), a qualified stock purchase is not made. (In appropriate cases, however, the 12-month period within which the qualified stock purchase must be made will be extended pursuant to paragraph (g)(1) *Answer 2* of this section.)

Example (3). Assume the same facts as in *Example (2),* except that on February 1, 1983, P acquires 25 percent in value of the stock of S by purchase. The result is the same as in *Example (2).*

(3) *Qualified stock purchase, deemed election, and acquisition date for tiered targets.*

Question 1: Assuming that T owns 80 percent of the only class of outstanding T1 stock, and that P purchases 80 percent of the only class of outstanding T stock in a qualified stock purchase, will T have made both a qualified stock purchase of T1 stock and a deemed election for T1 if P makes a valid express election for T?

Answer 1: Yes. By reason of P's express election for T, old T is deemed to sell T's assets and new T is deemed to purchase those assets. Under section 338(h)(3)(B), this deemed purchase of 80 percent of the T1 stock by new T is a purchase by new T for purposes of section 338(d)(3), and thus constitutes a qualified stock purchase of T1 stock. Accordingly, the express election for T

also causes a deemed election for T1 (a target affiliate of T) under section 338(f)(1) since, under section 338(h)(8), purchases by members of the same affiliated group (here P and new T) are treated as if made by one corporation. For guidance in a case in which a qualified stock purchase of T stock is effected in part by a redemption by T (on the acquisition date of T) in which T distributes the stock of its subsidiary, see paragraph (c)(4) *Answer Example (3)* of this section.

Question 2: Under the facts of *Question 1* of this paragraph (c)(3), what is the acquisition date of T1?

Answer 2: Under the authority of section 338(h)(3)(B), the acquisition date of T1 is the same day as the acquisition date of T, the corporation the stock of which is actually purchased (rather than deemed purchased pursuant to section 338(h)(3)(B)). However, the deemed sale and purchase of T1's assets is considered to take place instantaneously after the deemed sale and purchase of T's assets.

Question 3: Assume the facts of *Question 1* of this paragraph (c)(3). Assume in addition that T1 owns 80 percent of the only class of T2 stock. What is the acquisition date of T2?

Answer 3: Under the principles of *Answer 1* of this paragraph (c)(3), T1 is deemed to make a qualified stock purchase of T2 stock and the deemed election for T1 under section 338(f)(1) causes a deemed election for T2 (also under section 338(f)(1)). The acquisition date of T2 is the same day as the acquisition date of T, the corporation the stock of which is actually purchased (rather than deemed purchased pursuant to section 338(h)(3)(B)). However, the deemed sale and purchase of T2's assets is considered to take place instantaneously after the deemed sale and purchase of T1's assets.

Example (1). T is the common parent of an affiliated group that files consolidated returns. The group consists of T, T1, and T2. T owns 80 percent of the only class of outstanding T1 stock and T1 owns 80 percent of the only class of outstanding T2 stock. On September 10, 1984, P purchases all of the outstanding T stock and makes an express election for T. Pursuant to *Answer (1)* of this paragraph (c)(3), new T's deemed purchase of the stock of T1 constitutes a qualified stock purchase of T1 stock by new T, and the section 338 election for T also applies to T1 by reason of section 338(f)(1). Similarly, new T1 is deemed to have made a qualified stock purchase of T2 stock, for which a deemed election also is made. The acquisition date of T1 and T2 is September 10, 1984, *i.e.*, the acquisition date of T, the stock of which was actually purchased. The T group's final consolidated return for the period ending at the close of September 10, 1984, will include any items resulting from the deemed asset sales of old T, old T1, and old T2 (all of the deemed sales of which are treated as occurring on that date). See § 1.338-1T(f)(2)(ii).

Example (2). A owns all 100 shares of T's only class of outstanding stock. T owns 50 of the 100 shares of X's only class of outstanding stock. The other 50 shares of X stock are owned by corporation Y, which is unrelated to A, T, or P. On January 1, 1985, P acquires all of the stock of T in a qualified stock purchase and makes an express election for T. On December 1, 1985, P acquires by purchase the 50 shares of X stock held by Y. A qualified stock purchase of X stock is made on December 1, 1985, since the deemed purchase of 50 shares of X stock by new T by reason of the express election for T and the actual purchase of 50 shares of X stock by P are treated as purchases made by one corporation. Section 338(h)(8). For purposes of determining whether those purchases occur within a 12-month acquisition period as required by section 338(d)(3), the X stock T is deemed to purchase is deemed purchased on the acquisition date of T, *i.e.*, January 1, 1985.

(4) *Effect of redemptions.*

Question: May the requirements for a qualified stock purchase under section 338(d)(3) be satisfied through a combination of T stock purchases by P and redemptions by T?

Answer: Yes. (i) *Redemptions from persons unrelated to P.* A qualified stock purchase is made on the first day on which the percentage ownership requirements of section 338(d)(3) are satisfied by reference to T stock that is both (A) held on that day by P and (B) purchased by P during the 12-month acquisition period ending on that day ("qualifying target stock"). That day is the "acquisition date" within the meaning of section 338(h)(2). T stock redemptions from persons unrelated to P that occur at any time before the close of the 12-month acquisition period (whether before or after the beginning of that period and whether before or after the purchase of any T stock by P) are taken into account as reductions in T's outstanding stock for purposes of determining whether T stock purchased by P in the 12-month acquisition period satisfies the percentage ownership requirements of section 338(d)(3).

(ii) *Redemptions from P or related persons during 12-month acquisition period*—(A) *General rule.* For purposes of the percentage ownership requirements of section 338(d)(3), a redemption of T stock during the 12-month acquisition period from P or from any person related to P is not taken into account as a reduction in T's outstanding stock.

(B) *Exception for certain redemptions from related persons.* A redemption of T stock during the 12-month acquisition period from a person related to P will be taken into account as a reduction in T's outstanding stock to the extent of the purchased stock amount. The "purchased stock amount" is the portion of the redeemed stock that could have been purchased by P from the related person on the day of the redemption (by reason of section 338(h)(3)(C)) and that, in the event of such a purchase, would have been qualifying target stock with respect to the 12-month acquisition period. See paragraph (c)(2) of this section.

Example (1). A owns all 100 shares of T's only class of outstanding stock. On January 1, 1984, P purchases 40 shares of T stock from A. On July 1, 1984, T redeems 25 shares from A. On December 1, 1984, P purchases 20 shares of T stock from A. A qualified stock purchase is made by P on December 1, 1984, since, within a 12-month period ending on that date, the 60 shares of T stock purchased by P satisfy the percentage ownership requirements of section 338(d)(3), *i.e.*, 80 percent, 60/75 shares, determined by taking into account the redemption of 25 shares.

Example (2). Assume the same facts as in *Example (1)*, except that P purchases 60 shares on January 1, 1984, and none on December 1, 1984. A qualified stock purchase is made by P on July 1, 1984, since that is the first day on which T stock purchased by P within the preceding 12-month period satisfies the percentage ownership requirements of section 338(d)(3), *i.e.*, 80 percent, 60/75 shares, determined by taking into account the redemption of 25 shares.

Example (3). Assume the same facts as in *Example (2).* Assume further that T distributes to A all of the stock of T's wholly-owned subsidiary, T1, in the redemption on July 1, 1984, and that P makes an express election with respect to its qualified stock purchase of T stock. The acquisition date of T is July 1, 1984. Although T held all of the stock of T1 on that date a qualified stock purchase and deemed election are not considered made for T1 by reason of the express election for T. In order for a deemed election to be made for T1, T must hold the T1 stock when T's deemed sale of assets occurs pursuant to section 338(a). The deemed sale of assets is considered that last transaction of old T at the close of the acquisition date. Accordingly, T1 stock actually disposed of by T on the acquisition date is not included in the deemed sale and purchase of assets pursuant to section 338(a). Thus, as qualified stock purchase and deemed election are not made for T1. See paragraph (c)(3) *Answer 1* of this section and § 1.338-1T(f).

Example (4). A owns all 100 shares of T's only class of outstanding stock. On January 1, 1984, T redeems 25 of those shares. On February 1, 1984, P purchases 30 shares of T stock from A, and on January 15, 1985, P purchases another 30 shares. A qualified stock purchase is made by P on January 15, 1985, since T stock held by P on that date that was purchased during the preceding 12 months satisfies, on that date, the percentage

ownership requirements of section 338(d)(3), *i.e.*, 80 percent, 60/75 shares, determined by taking into account the redemption of 25 shares. It is irrelevant that the redemption necessary for this result occurred before the 12-month acquisition period.

Example (5). Assume the same facts as in *Example (4)*, except that the redemption occurs on April 1, 1985. Assume further that the 12-month acquisition period is not extended. A qualified stock purchase is not made by P on April 1, 1985. This result obtains because the percentage ownership requirements of section 338(d)(3) are not satisfied on that date by reference to T stock held on that date that was purchased during the preceding 12 months, since such stock represents only 40 percent of the T stock, *i.e.*, 30/75 shares, determined by taking into account the redemption of 25 shares.

Example (6). On December 15, 1983, T redeems 30 percent of its only class of outstanding stock from P. The redeemed stock was held by P for several years and constituted the total interest of P in T. On December 1, 1984, P purchases the remaining outstanding stock of T from A. A qualified stock purchase is not made by P on December 1, 1984, since, for purposes of the percentage ownership requirements of section 338(d)(3), the redemption on December 15, 1983, is not taken into account as a reduction in T's outstanding stock.

Example (7). (i) X and T each have outstanding 100 shares of a single class of stock. On January 1, 1985, P purchases 60 shares of X stock. On that date, X owns 40 shares of T stock. On April 1, 1985, T redeems the 40 shares of T stock held by X and P purchases the remaining 60 shares of T stock from an unrelated person. Assume that the 12-month acquisition period is not extended.

(ii) For purposes of the percentage ownership requirements of section 338(d)(3), the redemption of T stock from X (a person related to P) is taken into account as a reduction in T's outstanding stock to the extent of the purchased stock amount. Under these facts, all 40 of the redeemed shares contitute the purchased stock amount since (A) P could have acquired those 40 shares from X on the day of the redemption by purchase (by reason of section 338(h)(3)(C)(i)), and (B) those 40 shares, in the event of such a purchase, would have been qualifying target stock with respect to the 12-month period ending on April 1, 1985. If P had acquired the 40 shares of T stock from X by purchase on the day of the redemption, April 1, 1985, then, for purposes of the 12-month acquisition period, 24 of those 40 shares of T stock would have been considered purchased by P on January 1, 1985, and the remaining 16 shares would have been considered purchased by P on April 1, 1985. See paragraph (c)(2) of this section. Accordingly, a qualified stock purchase is made by P on April 1, 1985, since the 60 shares of T stock purchased by P on that date satisfy, as of that date, the percentage ownership requirements of section 338(d)(3), *i.e.*, 100 percent, 60/60 shares, determined by taking into account the redemption of 40 shares.

(5) *Effect of section 304.*

Question: If A, the owner of 20 percent of T's only class of outstanding stock, transfers that stock to P solely in exchange for all the stock of P, and if, pursuant to the same transaction, P, solely in exchange for cash, acquires the remaining 80 percent of T's stock from the other T shareholder, B, that is unrelated to A, will section 304(a)(1) apply to preclude a qualified stock purchase of T stock by P?

Answer: No. (i) *Background*—(A) *Operation of section 304(a)(1).* Under section 304(a)(1), if one or more persons that control each of two corporations transfer stock in one of those corporations ("issuing corporation") to the other of those corporation ("acquiring corporation") in return for property, then those persons will be treated as having received that property as a distribution in redemption of the acquiring corporation's stock. If section 304(a)(1) applies to a person's transfer of issuing corporation's stock, the acquiring corporation is treated as receiving that person's issuing corporation stock as a contribution to the acquiring corporation's capital and, because the acquiring corporation's basis in the issuing corporation's stock is determined by reference to the transferor's basis under section 362(a) and § 1.304–2(a), the issuing corporation's stock is not considered purchased (within the meaning of section 338(h)(3)) by the acquiring corporation. See section 338(h)(3)(A)(i). This result obtains whether or not section 302 (a) or (d) applies to the person's section 304(a)(1) deemed distribution in redemption of the acquiring corporation's stock.

(B) *Control requirement in general.* Section 304(c)(1) provides that, for purposes of section 304, control means the ownership of stock possessing at least 50 percent of the total combined voting power of all classes of stock entitled to vote or at least 50 percent of the total value of shares of all classes of stock. Section 304(c)(3) makes section 318(a) (relating to constructive ownership of stock), as modified by section 304(c)(3)(B), applicable to section 304 for purposes of determining control under section 304(c)(1).

(ii) *Effect of section 304(c)(2)(B)*—(A) *In general.* In determining whether the control test with respect to both the issuing and acquiring corporations is satisfied, section 304(a)(1) considers only the person or persons that (*1*) control the issuing corporation before the transaction, (*2*) transfer issuing corporation stock to the acquiring corporation for property, and (*3*) control the acquiring corporation thereafter. Section 317 defines property to include money, securities, and any other property except stock (or stock rights) in the distributing corporation. However, section 304(c)(2)(B) provides a special rule to extend the relevant group of persons to be tested for control of both the issuing and acquiring corporations to include the person or persons that do not acquire property, but rather solely stock from the acquiring corporation in the transaction. Section 304(c)(2)(B) provides that if two or more persons in control of the issuing corporation transfer stock of such corporation to the acquiring corporation, and if the transferors are in control of the acquiring corporation after the transfer, then the person or persons in control of each corporation will include each of those transferors. Because the purpose of section 304(c)(2)(B) was to include in the relevant control group the person or persons that retain or acquire in the transaction acquiring corporation stock, only the person or persons transferring stock of the issuing corporation that retain or acquire any proprietary interest in the acquiring corporation will be taken into account for purposes of applying section 304(c)(2)(B).

(B) *Application of section 304(c)(2)(B) to facts in question.* Under the facts set forth in the question in this paragraph (c)(5), while both A and B were in control of T (the issuing corporation) before the transaction and both A and B transferred T stock to P (the acquiring corporation), section 304 (c)(2)(B) and (a)(1) will not apply to B since B did not retain or acquire any proprietary interest in P in the transaction. Section 304(a)(1) also does not apply to A since A (or a control group of P and T of which A was a member) did not control T before the transaction. Accordingly, the acquisition by P of the 80 percent stock interest in T constitutes a qualified stock purchase.

(d) *Effect of post-acquisition events on eligibility of T for section 338 election; requirement of purchasing corporation.*

Question 1: May P make an express or deemed election for T after T is liquidated, merged into another corporation, or otherwise disposed of by P?

Answer 1: Yes, provided that, under the facts and circumstances, P is considered for tax purposes as the purchaser of the T stock.

Example (1). On January 1, 1985, P purchases all of the stock of T in a qualified stock purchase. On June 1, 1985, P sells all of the stock of T to an unrelated person. Assuming that P is considered for tax purposes as the purchaser of the T stock, P remains eligible, after June 1, 1985, to make a section 338 election for T.

Example (2). On January 1, 1985, P purchases all of the stock of T in a qualified stock purchase. On that date, T owns all of the stock of T1. On March 1, 1985, T sells all of the stock of T1 to an unrelated person. On April 1, 1985, P makes an express election for T. Notwithstanding that the stock of T1 previously was sold on March 1, 1985, the express election for T on April 1, 1985, results in a qualified stock purchase by T of T1 on January 1, 1985, and a deemed election is made for T1 under section 338(f)(1) as a result of P's express election for T. See paragraph (c)(3) *Answer 1* of this section. The result is the same if P transfers both T and T1 on February 1, 1985, and whether or not the transfer is characterized as a dividend, a reorganization under section 368, or a taxable sale, provided that P is considered for tax purposes as the purchaser of the T stock.

Question 2: May an express or deemed election be made for T after P is liquidated or merged into another corporation in a transaction described in section 381(a)?

Answer 2: Yes, provided that, under the facts and circumstances, P is considered for tax purposes as the purchaser of the T stock. The acquiring corporation in the section 381(a) transaction may make a section 338 election for T.

Question 3: Assume that P exchanges cash for all of the stock of new subsidiary N. N thereafter merges with and into T, and pursuant to the merger T shareholders receive cash in exchange for all of their T stock. If, under the circumstances, the step-transaction doctrine properly is applied to disregard the existence of N for tax purposes, will P be considered to have made a qualified stock purchase of T stock?

Answer 3: Yes. If the existence of N properly is disregarded for tax purposes under these circumstances, then P is deemed to have acquired the T stock directly from the T shareholders for cash. The acquisition described in this *Question 3* and *Answer 3*, commonly called a "reverse subsidiary cash merger," will be a qualified stock purchase by P if all of the requirements of a qualified stock purchase are satisfied. The result would be the same if P contributed other property (such as P stock) as well as cash to N, provided that the use of such other property in the acquisition would not cause the acquisition to qualify as a reorganization under section 368.

Question 4: May an individual make a qualified stock purchase of T stock?

Answer 4: No. Section 338(d)(3) requires, as a condition of a qualified stock purchase, that there be a corporate purchaser of the stock of T.

Question 5: Assume that individual B contributes cash for all of the stock of new corporation P and that P thereafter transfers cash to the shareholders of T for all of the stock of T. If P either merges downstream into T or liquidates, has a qualified stock purchase of T stock been made?

Answer 5: Yes, provided that, under the facts and circumstances, P is considered for tax purposes as the purchaser of the T stock.

(e) *Application of the stock consistency rules of section 338(f).* This paragraph (e) provides general guidance on the operation of section 338(f). For special consistency rules issued under the authority of section 338 (e)(3), (h)(4)(B), and (i), see paragraph (g) of this section.

Question 1: Assume that S owns directly all of the stock of T and T1, that P makes a qualified stock purchase of T stock, and that, after the acquisition date of T but within T's consistency period, P makes a qualified stock purchase of T1 stock. If no section 338 election has been made for T so that T1 is not already subject to a deemed election under section 338(f)(1), may P make an express election for T1?

Answer 1: No. Under section 338(f)(2), the express election must be made for T, the original target. An express election made for T will cause a deemed election under section 338(f)(1) for T1. If P makes qualified stock purchases of the stock of T and T1 at the same time, the express election may be made for either target (but not both), and that election will cause a deemed election under section 338(f)(1) for the other target. For guidance on making the express election and complying with related requirements (*e.g.*, inclusion of schedule of corporations subject to the express election by reason of section 338(f)(1), attachments to T returns, etc.), see § 1.338–1T.

Question 2: If P makes qualified stock purchases of the stock of T and T1 on January 1, 1985, and November 1, 1986, respectively, will T1 be affected by a section 338 election for T (or by the absence of such an election for T)?

Answer 2: No. The acquisition date of T1 must occur during T's consistency period in order for T1 to be subject to section 338(f) (1) and (2) by reason of the status of T. Under section 338(h)(4)(A)(iii), T's consistency period normally will end at the close of the one-year period beginning on January 2, 1985 (the day after the acquisition date of T). It is irrelevent that the beginning of T1's consistency period overlaps with the end of T's consistency period. Thus, assuming that T's consistency period is not extended, the section 338 election for T will not cause a deemed election under section 338(f)(1) for T1, and the absence of a section 338 election for T will not bar an express election for T1 by reason of section 338(f)(2).

Question 3: Would the answer to *Question 2* of this paragraph (e) be different if (i) P also makes a qualified stock purchase of T2 stock on December 15, 1985, (ii) T2 is a target affiliate of T, and (iii) T1 is a target affiliate of T2?

Answer 3: Yes. T1 will be affected by a section 338 election for T (or by the absence of such an election for T). This result follows because T2 is a target affiliate of T and is acquired by P during T's consistency period. Similarly, T1 is a target affiliate of T2 and is acquired by P during T2's consistency period. Thus, a section 338 election for T causes a deemed election under section 338(f)(1) for T2, which in turn causes a deemed election under section 338(f)(1) for T1. Similarly, under section 338(f)(2), the absence of a section 338 election for T bars an express election for T2, which in turn bars an express election for T1.

Question 4: Assume that P makes a qualified stock purchase of all of the stock of T from S and thereafter, within one year, also makes a qualified stock purchase of all of the stock of X from Y. Assume further that S and Y are and always have been unrelated corporations that respectively have held all of the stock of T and X since those corporations were organized. If P makes a valid section 338 election for T, is a deemed election under section 338(f)(1) made for X?

Answer 4: No. A deemed election is made for X only if X is a target affiliate of T. Under section 338(h)(6)(A), X is a target affiliate of T only if, at any time during so much of T's consistency period as ends on the acquisition date of T, X and T were members of an affiliated group that had the same common parent. Even though X and T are both members of the P group after the acquisition date of X, X is not a target affiliate of T because X was not a member of the P group during so much of T's consistency period as ends on the acquisition date of T. Even if the acquisition date of X were the same as the acquisition date of T, X would not be a target affiliate of T and T would not be a target affiliate of X under these facts.

(f) *Application of the asset consistency rule of section 338(e)*—(1) *Introduction and general operating rules*—(i) *Introduction.* This paragraph (f) provides general guidance on the operation of section 338(e). For special consistency rules issued under the authority of section 338(e)(3), (h)(4)(B), and (i), see paragraph (g) of this section.

(ii) *General operating rules.*

Question 1: Under what circumstances will a deemed election

under section 338(e)(1) be made by P with respect to its qualified stock purchase of T stock?

Answer 1: Under the authority of section 338 (e)(2)(D) and (i), a deemed election under section 338(e)(1) will be made by P with respect to its qualified stock purchase of T stock *only* if the District Director determines, in connection with the examination of a return that would be affected by a deemed election for T, that—

(i) P (or another member of the P group) has acquired an asset of T (or a target affiliate of T) during T's consistency period in an acquisition that is described in section 338(e)(1) and that is not subject to an exception (other than the carryover basis election exception of paragraph (f)(6) of this section) to section 338(e)(1),

(ii) Neither a section 338 election nor a protective carryover election under paragraph (f)(6)(ii) *Answer 1* of this section is made by P with respect to T, and

(iii) A deemed election for T, in lieu of the affirmative action carryover election for T under paragraph (f)(6)(ii) *Answer 3* of this section, is appropriate to carry out the purposes of the consistency rules of section 338(e), (f), or (i) (see paragraph (f)(6)(i)(A) and (ii) *Answer 3 Example (1)).*

Question 2: Will section 338(f)(2) apply to bar the District Director's determination of a deemed election under section 338(e)(1) for T1 if—

(i) P makes a qualified stock purchase of T stock,

(ii) After the acquisition date of T but within T's consistency period, P makes a qualified stock purchase of the stock of T1, target affiliate of T,

(iii) No section 338 election has been made for T so that T1 is not already subject to a deemed election under section 338(f)(1), and

(iv) P acquires an asset from T1 during T1's consistency period but after the close of T's consistency period in an acquisition that is described in section 338(e)(1) and that is not subject to an exception (other than the carryover basis election exception of paragraph: (f)(6) of this section) to section 338(e)(1)?

Answer 2: No. Section 338(f)(2) will not bar the District Director's determination of a deemed election under section 338(e)(1) for T1.

Question 3: Will the District Director's determination of a deemed election under section 338(e)(1) for T1 under the facts described in *Question 2* of this paragraph (f)(1)(ii) cause a deemed election for T?

Answer 3: Yes. Under the authority of section 338 (f)(1) and (i), T will be subject to a deemed election whenever the District Director determines that a deemed election under section 338(e)(1) is made for a later-acquired target (*i.e.*, a target acquired by the P group subsequent to the P group's acquisition of T), provided that a deemed election under section 338(f)(1) would be considered made for the later-acquired target if a section 338 election were made for T. It is irrelevant, for purposes of this *Answer 3*, whether the asset acquisition occurs before or after the period within which to make an express election for T or before or after the close of T's consistency period.

(2) *Asset acquisition by P (or another member of the P group) from T or T's target affiliate.*

Question 1: Is an asset acquisition by a future or a former member of the P group considered an asset acquisition by a member of the P group for purposes of section 338(e)(1)?

Answer 1: No, provided that the acquisition is not treated as made by a member of the P group under paragraph (g)(2) of this section.

Question 2: Is an asset acquisition by T after the acquisition date of T and while T is a member of the P group considered an asset acquisition by a member of the P group for purposes of section 338(e)(1)?

Answer 2: Yes. For purposes of determining whether an asset acquisition is made by a P group member, T is treated like any other P group member once it joins that group.

(3) *Exception of section 338(e)(2)(A) for acquisitions in ordinary course of trade or business.*

Question: Under what circumstances will an asset sale by T (or a target affiliate of T) ("selling corporation") to P (or another member of the P group) be subject to the exception to section 338(e)(1) provided by section 338(e)(2)(A) (relating to sales in the ordinary course of the selling corporation's trade or business)?

Answer: (i) *General rule.* An asset sale will be subject to the exception of section 338(e)(2)(A) if the sale is either customary for the selling corporation or a normal incident to the conduct of the trade or business in which that selling corporation is engaged. For purposes of applying this exception, all sales made by a selling corporation to members of the P group during T's consistency period will be aggregated and treated as a single sale by that selling corporation if, on the basis of all of the facts and circumstances, it appears that such sales were separated for the purpose of satisfying the ordinary course of trade or business exception. In addition, all sales by all of the selling corporations to members of the P group during the consistency period will be aggregated and treated as a single sale by each selling corporation for purposes of applying the ordinary course of trade or business exception to each such selling corporation if, on the basis of all of the facts and circumstances, it appears that some or all of the assets sold were dispersed among T and its target affiliates for the purpose of satisfying the ordinary course of trade or business exception.

(ii) *Customary for selling corporation.* The determination whether the sale is customary for the selling corporation is based on all of the facts and circumstances of the particular sale in light of the selling corporation's customary practice. Factors that must be considered in determining customary practice include the frequency and magnitude (both in terms of quantity and value) of prior sales of such property as well as the circumstances under which such prior sales occurred.

(iii) *Normal incident to trade or business.* In general, a sale is considered a normal incident to the conduct of the trade or business in which the selling corporation is engaged if, taking into consideration all of the facts and circumstances of the particular sale, it is one that reasonably would occur in the context of the ongoing business operations of a similarly situated company engaged in the same trade or business as the selling corporation.

Example (1). On January 1, 1985, P acquires all of the stock of T in a qualified stock purchase. T is a corporation engaged in the manufacture and sale of steel products. On April 1, 1985, P purchases steel girders from T for use in P's construction business. P makes no additional purchases from T (or from a target affiliate of T) during T's consistency period. T customarily sells girders in its business, and the magnitude of P's purchase is not unusual. The ordinary course of trade or business exception applies.

Example (2). (i) Assume the same facts as in *Example (1).* Assume in addition that T owns several tractor-trailers used to deliver its steel products. T has owned and operated these vehicles for four years. It is a general practice in T's industry to replace such vehicles after three or four years. T sells the tractor-trailers to P1 pursuant to T's standard procedure for disposing of and replacing used equipment. T promptly purchases new tractor-trailers and continues in the business of delivering steel products. In terms of both the sales price of the used equipment and the quantity, the sale to P1 is unexceptional.

(ii) While T may not be engaged in the business of selling tractor-trailers, the sale of the tractor-trailers to P1 is customary in its business. Accordingly, the ordinary course of trade or business exception applies.

Example (3). Assume the same facts as in Example (1). Assume in addition that a fire at one of T's plants destroys uninsured

machinery used in T's business, and that T sells the machinery to P as scrap for cash in an amount that exceeds T's adjusted basis in the machinery. Such a sale reasonably would occur in T's industry in the context of ongoing business operations in the event of a fire. Accordingly, the ordinary course of trade of business exception applies.

(4) *Exception of section 338(e)(2)(B) for acquisitions in which transferee's basis in acquired assets is measured wholly by reference to transferor's basis.*

Question 1: Does the exception to section 338 (e) (1) provided by section 338(e)(2)(B) apply if P (or any other member of the P group) acquires assets from T (or a target affiliate of T) in a reorganization as defined in section 368 under which the transferee P group member's basis in the transferred assets is governed by section 362(b)?

Answer 1: Yes, provided that the transferee's basis under section 362(b) in the transferred assets is determined wholly by reference to the adjusted basis of that property in the hands of the transferor. Thus, if the transferor recognizes gain on the transfer by reason of the receipt of property not permitted to be received without recognition of gain, the exception of section 338(e)(2)(B) will not apply to the acquisition.

Question 2: Does the exception to section 338(e)(1) provided by section 338(e)(2)(B) apply if P (or any other member of the P group) acquires assets from T (or a target affiliate of T) in a liquidation to which section 334(b)(1) applies?

Answer 2: Yes. The transferee of assets in a liquidation subject to section 334(b)(1) takes as its basis in the transferred assets the transferor's basis in those assets. Accordingly, the exception of section 338(e)(2)(B) applies.

Question 3: Does the exception to section 338(e)(1) provided by section 338(e)(2)(B) apply if P (or any other member of the P group) receives money or other property as a dividend distribution from T (or a target affiliate of T)?

Answer 3: (i) *Receipt of money in dividend distribution.* The exception of section 338(e)(2)(B) applies to the receipt of money (not including foreign currency) in a dividend distribution from T (or a target affiliate of T).

(ii) *Receipt of other property in dividend distribution*—(A) *Fair market value not greater than distributor's basis.* Although the exception of section 338(e)(2)(B) may not apply, an exception to section 338(e)(1) applies under the authority of section 338(e)(2)(D) to the receipt of property in a dividend distribution if the fair market value of that property is not greater than the distributing corporation's basis in that property.

(B) *Fair market value exceeds distributor's basis.* The exception of section 338(e)(2)(B) does not apply if the distributee's basis in property received in a dividend distribution exceeds the distributing corporation's basis in that property immediately before the distribution. The distributing corporation's basis will be exceeded, for example, if (*1*) section 311(d)(1), as amended by the Tax Reform Act of 1984 (Pub. L. No. 98–369; 96 Stat. 568), applies to the distribution or (*2*) the distributing corporation otherwise recognizes gain on the distribution (*e.g.*, under section 311 (b) or (c)). On the other hand, the distributee corporation's basis will not exceed the distributing corporation's basis, for example, if section 311(d)(1), as amended by the Tax Reform Act of 1984, does not apply to the distribution and the distributing corporation does not otherwise recognize gain on the distribution. In such a case, the exception of section 338(e)(2)(B) applies to the distribution.

Example. On January 1, 1985, P acquires all of the stock of T in a qualified stock purchase. P and T, which are calendar year taxpayers, do not join in a consolidated return for calendar year 1985. On June 1, 1985, T makes a divided distribution to P of raw land (held for investment) with a fair market value of $100,000 and a basis to T of $10,000. T recognizes a gain of $90,000 on the distribution pursuant to section 311(d)(1), as amended by the Tax Reform Act of 1984. Pursuant to section 301(d)(2), P's basis in the land is $100,000. Because P's basis exceeds T's basis in the land immediately before the distribution, the exception of section 338(e)(2)(B) does not apply.

Question 4: Does the exception to section 338(e)(1) provided by section 338(e)(2)(B) apply if (i) P (or any other member of the P group) ("acquiring member") acquires an asset from T (or a target affiliate of T) in exchange for an asset of that acquiring member ("exchange asset") and (ii) pursuant to section 1031(d), the acquiring member's basis in the acquired asset is determined by reference to that acquiring member's basis in the exchanged asset?

Answer 4: No. Section 338(e)(2)(B) requires that the acquiring P group member's basis in the asset acquired from T (or a target affiliate of T) be determined wholly by reference to the adjusted basis of that asset in the hands of the transferor.

(5) *Certain transactions excepted under section 338(e)(2)(D).*

Question: What acquisitions by P (or any other member of the P group) from T (or a target affiliate of T) or what arrangements between P (or any other member of the P group) and T (or a target affiliate of T) are subject to an exception to section 338(e)(1) under the authority of section 338(e)(2)(D)?

Answer: (i) *No step-up property.* The acquisition of property is subject to an exception to section 338(e)(1) under the authority of section 338(e)(2)(D) if the transferee's basis in that property is not greater than the transferor's basis immediately before the transfer.

(ii) *Target affiliate stock.* The acquisition of stock in a target affiliate of T is subject to an exception to section 338(e)(1) under the authority of section 338(e)(2)(D).

(iii) *T or target affiliate debt or other instruments.* The acquisition of debt of T or a target affiliate of T or the acquisition of a call option or warrant to acquire the stock or debt of T or a target affiliate of T is subject to an exception to section 338(e)(1) under the authority of section 338(e)(2)(D).

(iv) *Covenant not to compete.* A covenant not to compete that is separately allocable from other assets is subject to an exception to section 338(e)(1) under the authority of section 338(e)(2)(D).

(v) *Lease or license of tangible or intangible property.* The lease or license of tangible or intangible property is subject to an exception to section 338(e)(1) under the authority of section 338(e)(2)(D), provided that the transaction is not actually a sale for tax purposes of either the underlying property or the leasehold or license interest with respect to the property.

(vi) *Property by T after T's acquisition date.* The acquisition by P of property from T is subject to an exception to section 338(e)(1) under the authority of section 338(e)(2)(D) if (A) T acquired that property after T's acquisition date from a person other than a target affiliate of T and (B) T's basis in that property was not determined in whole or in part by reference to the adjusted basis of an asset held by T (or a target affiliate of T) on T's acquisition date.

Example (1). On January 1, 1985, P purchases all of the stock of T in a qualified stock purchase. On January 15, 1985, T purchases, for $60,000 in cash, a machine for use in its trade or business. On December 1, 1985, P purchases that machine from T for $65,000 in cash. P's acquisition of the machine from T is subject to the exception to section 338(e)(1) provided in this *Answer* (vi) under the authority of section 338(e)(2)(D).

Example (2). On January 1, 1985, P purchases all of the stock of T in a qualified stock purchase. On December 1, 1985, P purchases a storage tank from T for $65,000 in cash. The cost of the storage tank to T was $50,000. Of that $50,000, $32,000 represented

the price paid by T for raw materials used in constructing the storage tank. Those raw materials were held by T on T's acquisition date. The remaining $28,000 of T's $50,000 cost in the storage tank represented labor and other production costs. Assume that the exception of section 338(e)(2)(A), relating to sales in the ordinary course of the selling corporation's trade or business, does not apply. P's acquisition of the storage tank is not subject to the exception to section 338(e)(1) provided in the *Answer* (vi) under the authority of section 338(e)(2)(D), since T's basis in the property was determined in part by reference to the adjusted basis of assets (*i.e.*, the raw materials) held by T on T's acquisition date.

(vii) *Property subject to timely disposition.* The acquisition of property is subject to an exception to section 338(e)(1) under the authority of section 338(e)(2)(D) if the P group disposes of that property to an unrelated person that is not a target affiliate of T on or before the latest of the following three dates: (A) [120th day after date of publication of these regulations in the **Federal Register**], (B) the 90th day after the date on which the P group member acquires the property, or (C) the 90th day after the acquisition date of the original target.

(viii) *Other transactions.* The Internal Revenue Service may treat other transactions as subject to an exception 338(e)(1) under the authority of section 338(e)(2)(D).

(6) *Carryover basis election exception under section 338 (e)(2)(D) and (i)*—(i) *Introduction*—(A) *Overview.* If P makes a protective carryover basis election under this paragraph (f)(6) ("protective carryover election") with respect to its qualified stock purchase of T stock, then a tainted asset acquisition will in no case cause a deemed election under section 338(e)(1) for T. A "tainted asset acquisition" occurs if, during T's consistency period, a P group member acquires an asset of T (or a target affiliate of T) in an acquisition that is described in section 338(e)(1) and that is not subject to an exception (other than the carryover basis election exception of this paragraph (f)(6)) to section 338(e)(1). If the P group makes a tainted asset acquisition and neither a section 338 election nor a protective carryover election is made for T, then a tainted asset acquisition will cause a carryover basis election by affirmative action ("affirmative action carryover election") as of the later of the day of the tainted asset acquisition or the expiration of the period within which to make the protective carryover election for T. Pursuant to paragraph (f)(1)(ii) *Answer 1* of this section, however, the District Director in appropriate cases may cause T to be subject to a deemed election under section 338(e)(1) in lieu of the otherwise applicable affirmative action carryover election. Thus, the only certain way for the P group to avoid a deemed election under section 338(e)(1) for T in the event of a tainted asset acquisition is to make a timely protective carryover election. Apart from the District Director's authority to override an affirmative action carryover election and impose a deemed election under section 338(e)(1) in lieu thereof, the consequences of a protective carryover election and an affirmative action carryover election are identical, except that an offset prohibition election under this paragraph (f)(6) and the special increase in basis of transferee member stock under this paragraph (f)(6)(iv) *Answer 1* (i)(B) are available only if a *protective* carryover election is made. Unless otherwise indicated, any reference in this section to the carryover basis election exception of this paragraph (f)(6) is a reference to either the protective carryover election or the affirmative action carryover election.

(B) *Cross-references.* Subdivision (ii) of this paragraph (f)(6) explains how the protective carryover election and the affirmative action carryover election are made, subdivision (iii) of this paragraph (f)(6) describes the corporations and acquisitions to which those elections apply, and subdivision (iv) of this paragraph (f)(6) describes the consequences of those elections.

(ii) *Procedure for making protective carryover election and affirmative action carryover election.*

Question 1: How is the protective carryover election made for T?

Answer 1: (i) *Filing procedure.* The protective carryover election is made in the form of a statement of protective carryover election ("protective carryover election statement") filed with each Internal Revenue Service Center with which each corporation required to join in making the protective carryover election files its annual income tax return. The protective carryover election statement must be filed within the period during which an express election may be made for T.

(ii) *Corporations required to join in making protective carryover election.* Each corporation included in the P group at any time during so much of T's consistency period as ends on the day the protective carryover election statement is filed is required to join in making the protective election.

(iii) *Contents of protective carryover election statement*—(A) *General rule.* The protective carryover election statement must be identified prominently as a protective carryover election under § 1.338–4T(f)(6) and must contain the name, address, and employer identification number of T and of each other corporation required to join in making the election. In addition, the protective carryover election statement must contain the following declaration (or a substantially similar declaration): "EACH CORPORATION MAKING THIS ELECTION AGREES, WITH RESPECT TO ASSET ACQUISITIONS SUBJECT TO THE PROTECTIVE CARRYOVER ELECTION, TO BE BOUND BY THE TERMS AND CONDITIONS IMPOSED BY § 1.338–4T(f)(6) NOTWITHSTANDING ANY OTHER PROVISION OF THE INTERNAL REVENUE CODE (OR OTHER APPLICABLE STATUTE) OR THE REGULATIONS ISSUED THEREUNDER. EACH SUCH CORPORATION FURTHER AGREES TO CAUSE SUBSEQUENT P GROUP MEMBERS ACQUIRED DURING THE CONSISTENCY PERIOD OF ANY AFFECTED TARGET TO FILE A SUPPLEMENTAL STATEMENT." Finally, the protective carryover election statement must be signed, in the manner prescribed in § 1.338–1T(d)(1)(v) (for a statement of section 338 election), by a person authorized to make the protective carryover election on behalf of each corporation required to join in making the election.

(B) *Additional contents required for offset prohibition election.* If the P group wishes to make an offset prohibition election for T, the protective carryover election statement must contain, in addition to the material described in subdivision (iii)(A) of this *Answer 1*, a statement indicating that an offset prohibition election is made for T. For the consequences of an offset prohibition election, see *Answer 2* (ii) and *Answer 3* (iv) of paragraph (f)(6)(iv) of this section.

(C) *Schedule of information relating to targets subject to protective carryover election.* A schedule providing the information specified in this subdivision (C) ("required data") must be attached to the protective carryover election statement. Failure to attach the schedule, however, will not invalidate the protective carryover election. The schedule must contain the name, address, and employer identification number of each corporation that is an affected target as of the day the protective carryover election statement is filed. In addition, the schedule must—

(*1*) Disclose the fair market value of the consideration paid by the purchasing corporation for the stock T and each such affected target,

(*2*) Identify the portion of that consideration represented by the following components: (*i*) cash, (*ii*) purchase money debt, and (*iii*) other components of consideration (with each such other component separately stated), and

(*3*) Disclose the liabilities of T and each such affected target (as of the close of the particular target's acquisition date).

Question 2: What is the procedure for filing the supplemental statement referred to in *Answer 1* (iii)(A) of this paragraph (f)(6)(ii)?

Answer 2: (i) *Who must file.* The supplemental statement must be filed for any P group member that becomes a member during the consistency period of any affected target and after a protective carryover election statement for the P group has been filed. Failure to file the supplemental statement, however, will not invalidate the protective carryover election.

(ii) *Filing procedure.* The supplemental statement is filed with the Internal Revenue Service Center with which the P group member for which the supplemental statement is made files its annual income tax return and with each other Service Center with the protective carryover election statement was filed. The supplemental statement must be filed on or before the 15th day of the 9th calendar month beginning after the month in which the P group member for which the supplemental statement is made joined the P group.

(iii) *Contents of supplemental statement.* The supplemental statement must be identified prominently as a supplemental statement under § 1.338–4T(f)(6) and must contain the name, address, and employer identification number of the target for which the protective carryover election was made and of the P group member for which the supplemental statement is made. In addition, the supplemental statement must contain the declaration described in *Answer 1* (iii)(A) of this paragraph (f)(6)(ii) and must indicate that a copy of the previously filed protective carryover election statement is attached to and incorporated by reference as a part of the supplemental statement. Finally, the supplemental statement must be signed, in the manner prescribed in § 1.338–1T(d)(1)(v) (for a statement of section 338 election), by a person authorized to make the supplemental statement for the P group member for which the supplemental statement is made. A copy of the protective carryover election statement (and, if applicable, the schedule described in subdivision (iv) of this *Answer 2*) must be attached to the supplemental statement.

(iv) *Schedule of information relating to targets subject to protective carryover election.* The schedule described in *Answer 1* (iii)(C) of this paragraph (f)(6)(ii) must be attached to the supplemental statement. That schedule must include the required data for T and for each corporation that is an affected target as of the day the supplemental statement is filed. The schedule need not be attached to the supplemental statement if it would be identical to a schedule already received by each Service Center with which the supplemental statement is required to be filed.

Question 3: Under what circumstances is the affirmative action carryover election made for T?

Answer 3: (i) *General rule.* An affirmative action carryover election is made for T on the first day on which all of the following three requirements are satisfied:

(A) A P group member made a tainted asset acquisition.

(B) Neither a section 338 election nor a protective carryover election is made by P with respect to T.

(C) The time to make a protective carryover election for T has expired.

(ii) *Offset prohibition election and special increase in basis of transferee member stock inapplicable.* An offset prohibition election under this paragraph (f)(6) cannot be made and the special increase in basis of transferee member stock under this paragraph (f)(6)(iv) *Answer 1* (i)(B) is not available in connection with an affirmative action carryover election.

(iii) *Discretion of District Director to impose deemed election under section 338(e)(1) in lieu of affirmative action carryover election.* Under the circumstances described in paragraph (f)(1)(ii) *Answer 1* of this section, the District Director may override the affirmative action carryover election and impose a deemed election under section 338(e)(1) in lieu of that affirmative action carryover election.

Example (1). On January 1, 1985, P purchases all of the stock of T in a qualified stock purchase. P makes neither a section 338 election nor a protective carryover election for T. On December 15, 1985, P purchases an asset from T for cash in a tainted asset acquisition. Accordingly, an affirmative action carryover election is made for T on December 15, 1985. Under the circumstances described in paragraph (f)(1)(ii) *Answer 1* of this section, however, a deemed election under section 338(e)(1) will be made for T in lieu of the affirmative action carryover election if the District Director determines that such a deemed election is appropriate to carry out the purposes of the consistency rules of section 338 (e), (f), or (i).

Example (2). Assume the same facts as in *Example (1)*, except that the asset acquisition on December 15, 1985, is subject to an exception (other than the carryover basis election exception of this paragraph (f)(6)) to section 338(e)(1) (*e.g.*, the *de minimis* exception of paragraph (f)(7) of this section). An affirmative action carryover election is not made for T on December 15, 1985.

(iii) *Corporations and acquisitions subject to protective or affirmative action carryover election.*

Question 1: What targets and other P group members are subject to a protective or an affirmative action carryover election for T?

Answer 1: (i) *Targets subject to protective or affirmative action carryover election.* A protective or an affirmative action carryover election for T also applies to all affected targets.

(ii) *Other P group members subject to protective or affirmative action carryover election.* All other members of the P group, including members that join the group after the protective or affirmative action carryover election is made, are subject to the election.

Example. (i) T, T1, and T2 are wholly-owned, first-tier subsidiaries of S. On January 1, 1985, P purchases all of the stock of T in a qualified stock purchase. On April 1, 1985, S acquires a new wholly-owned subsidiary, Z. On June 15, 1985, P purchases all of the stock of T1 in a qualified stock purchase. On July 15, 1985, P purchases all of the stock of Z in a qualified stock purchase. On September 1, 1985, a protective carryover election is made for T. On August 1, 1986, P purchases all of the stock of T2 in a qualified stock purchase. All members of the P group are included in a single consolidated return.

(ii) The protective carryover election made for T also applies to T1 and Z, since T1 and Z are affected targets. Although Z is not a target affiliate of T and therefore would not directly be subject to a deemed election under section 338(f)(1) in the event of a section 338 election for T, Z is subject to the protective carryover election because a section 338 election for T indirectly would cause a deemed election for Z: A section 338 election for T would cause a deemed election under section 338(f)(1) for T1, and, since Z is a target affiliate of T1 and was acquired during T1's consistency period, the deemed election for T1 would cause a deemed election for Z. Assuming that the consistency periods for the targets are not extended pursuant to paragraph (g)(1) of this section, T2 is not subject to the protective carryover election, since a section 338 election for T would not cause a deemed election for T2.

Question 2: What asset acquisitions are subject to a protective or an affirmative action carryover election for T?

Answer 2: (i) *General rule.* An asset acquisition is subject to a protective or an affirmative action carryover election for T (*i.e.*, to the carryover basis election

exception) and therefore to the consequences imposed by this paragraph (f)(6), if—

(A) The asset is acquired by P (or another member of the P group) from T, an affected target, a target affiliate of T, or a target affiliate of an affected target, and

(B) With respect to T or any affected target, the acquisition is a tainted asset acquisition.

(ii) *Coordination with de minimis exception.* Notwithstanding that an asset acquisition is subject to the *de minimis* exception to section 338(e)(1) under paragraph (f)(7) of this section, that acquisition is subject to a protective or an affirmative action carryover election for T (and therefore to the consequences imposed by this paragraph (f)(6)).

(iv) *Consequences of protective or affirmative action carryover election.*

Question 1: What are the consequences of an unincluded company asset acquisition ("UCA acquisition"), *i.e.*, the acquisition of an asset by a P group member ("acquiring member") from T or a target affiliate of T ("U") in a case in which the acquisition (i) is subject to a protective or an affirmative action carryover election and (ii) occurs while U is not a member of the P group?

Answer 1: (i) *General rule*—(A) *Carryover basis to acquiring member.* For all purposes of the Code, the acquiring member's basis in an asset acquired in a UCA acquisition ("UCA asset") is the adjusted basis of that asset in the hands of U immediately before the transfer.

(B) *Special increase in basis of transferee member stock.* If the acquiring member in a UCA acquisition transfers the UCA asset to T or any other P group member ("transferee member") within the permissible transfer period (*1*) in a transaction to which section 351 applies, (*2*) as paid-in surplus, or (*3*) as a contribution to capital, then that acquiring member's basis in transferee member stock will be increased by the special adjustment amount. The "special adjustment amount" is the excess (if any) of the basis the acquiring member would have taken in the UCA asset absent subdivision (i)(A) of this *Answer 1* over the transferee member's basis in the asset immediately after the transfer. This increase for the special adjustment amount is made in addition to any other adjustment to the acquiring member's basis in its transferee member stock that (without this subdivision (i)(B)) results from the transfer to the transferee member.

(C) *Permissible transfer period.* The stock basis increase for the special adjustment amount is permitted only if the transfer to the transferee member occurs on or before the latest of the following three dates: (*1*) August 23, 1985, (*2*) the 90th day after the date on which the acquiring member acquires the UCA asset, or (*3*) the 15th day of the 9th month beginning after the month in which the acquisition date of the original target occurs.

(D) *Special increase in basis of transferee member stock applicable only if protective carryover election made.* The stock basis increase for the special adjustment amount is permitted only if the UCA acquisition is subject to a protective carryover election.

(ii) *Exception for transfer of UCA asset prior to U's acquisition date in certain cases.* If the UCA acquisition occurs in a taxable year of U that ends after U's acquisition date, then subdivision (i) of this *Answer 1* does not apply to that UCA acquisition, the UCA asset is considered an INA asset subject to *Answer 2* of this paragraph (f)(6)(iv), and gain on the transfer is considered INA gain subject to that *Answer 2.*

Example (1). (i) On January 1, 1985, P acquires all of the stock of T from S in a qualified stock purchase for $100,000. P makes a protective carryover election for T. On December 31, 1985, P purchases a machine from S in an asset acquisition that is subject to the protective carryover election. P pays $1,000 in cash for the machine and assumes a liability of $600 that encumbers the machine. S had an adjusted basis for the machine immediately before the transfer of $250. P immediately transfers the machine to T in a transaction governed by sections 351 and 357(c).

(ii) Pursuant to the protective carryover election, P's basis in the machine is $250, the adjusted basis of the machine in the hands of S. P recognizes a gain of $350 under section 357(c) on the transfer of the machine to T, *i.e.*, the excess of the $600 liability assumed over P's $250 basis in the machine. Thus, T's basis in the machine after the transfer is $600, *i.e.*, P's $250 basis in the machine plus P's $350 gain on the transfer to T. Section 362(a). Because P transfers the machine to T within the permissible transfer period, P's adjusted basis in T stock is increased by the special adjustment amount. The special adjustment amount is $1,000, since the basis P would have taken in the machine absent the protective carryover election ($1,600, *i.e.*, $1,000 cash paid plus the $600 liability assumed) exceeds by $1,000 T's basis in the machine immediately after the transfer ($600). Under these facts, no adjustment to P's basis in T stock other than the increase for the special adjustment amount is permitted. (Under section 358(a)(1), P's basis in T stock is increased by zero, *i.e.*, P's basis in the transferred machine ($250), plus P's recognized gain ($350), minus the liability assumed ($600).) Accordingly P's adjusted basis in T stock after the transfer to T is $101,000, *i.e.*, $100,000 + $1,000.

Example (2). Assume the same facts as in *Example (1).* Assume in addition that, immediately after P's transfer of the machine to T, T transfers the machine to its wholly-owned subsidiary, T1. No special increase in T's basis in T1 stock is permitted since T was not the acquiring member in the UCA acquisition within the meaning of this *Answer 1.*

Question 2: What are the consequences of an intercompany non-consolidated asset acquisition ("INA acquisition"), *i.e.*, the acquisition of an asset by a P group member ("acquiring member") from T or a target affiliate of T ("N") in a case in which the acquisition (i) is subject to a protective or an affirmative action carryover election and (ii) occurs while N is a member of the P group and during a taxable year for which N is not included in a consolidated return with the acquiring member?

Answer 2: (i) *Carryover basis to acquiring member.* For all purposes of the Code, the acquiring member's basis in an asset acquired in an INA acquisition ("INA asset") is the adjusted basis of that asset in the hands of N immediately before the transfer.

(ii) *Exception if INA acquisition is subject to offset prohibition election*—(A) *Offset prohibition for INA gain: carryover basis rule inapplicable.* For purposes of determining N's taxable income, gain recognized by N in an INA acquisition ("INA gain") may not be offset by any deductions of N for the taxable year if an offset prohibition election was made in a timely filed protective carryover election for T and if subdivision (iii) of this *Answer 2* does not apply ("offset prohibition"). The offset prohibition does not apply for purposes of calculating the earnings and profits of N (other than the earnings and profits reduction for N's tax liability.) If INA gain is subject to the offset prohibition, then the INA acquisition to which that INA gain relates is not subject to the carryover basis rule of subdivision (i) of this *Answer 2.*

(B) *Limitation on application of certain credits.* For purposes of determining the amount by which N's tax liability may be reduced by restricted credits in a taxable year in which there is INA gain subject to the offset prohibition, N's tax liability before reduction by restricted credits is calculated as if the INA gain were not income to N. "Restricted credits" are credits against tax described in part IV (other than subparts A and C thereof and section 27(a)) of subchapter A of chapter 1 of the Code (*i.e.*, sections

27(b), 28–30, and 38–41). For treatment of the foreign tax credit, see § 1.338–5T (to be published).

(C) *Character and timing of INA gain.* INA gain subject to the offset prohibition is ordinary income if the INA asset to which it relates is of a character that is subject to the allowance for depreciation, amortization, or depletion in the hands of the acquiring member. In addition, INA gain subject to the offset prohibition may not be recognized under the installment method.

(iii) *Subdivision (ii) inapplicable if gain realized by N is not required to be recognized.* If, pursuant to any provision of the Code (or other applicable statute) or the regulations thereunder (other than provisions relating to recognition of income under the installment method), all or a portion of the gain realized by N in an INA acquisition is not required to be recognized by N at the time of the acquisition, then—

(A) The carryover basis rule of subdivision (i) of this *Answer 2* applies to that INA acquisition notwithstanding an otherwise applicable offset prohibition election, and

(B) Subdivision (ii) of this *Answer 2* does not apply to that INA acquisition.

Question 3: What are the consequences of an intercompany consolidated asset acquisition ("ICA acquisition"), *i.e.*, the acquisition of an asset by a P group member ("acquiring member") from T or a target affiliate of T ("C") in a case in which the acquisition (i) is subject to a protective or an affirmative action carryover election and (ii) occurs while C is a member of the P group and during a taxable year for which C is included in a consolidated return with the acquiring member?

Answer 3: (i) *Consolidated return intercompany transaction rules generally apply.* Subject to the limitations of this *Answere 3*, § 1.1502–13 of the consolidated return regulations (relating to intercompany transactions) applies to an ICA acquisition.

(ii) *Periodic restoration limitation for property subject to depreciation, etc.*— (A) *General rule.* Under the periodic restoration limitation—

(*1*) The annual disregarded ICA gain amount is not taken into account as income in determining the separate taxable income of C (or of any other P group member) under § 1.1502–12 and

(*2*) The annual disregarded ICA deduction is not taken into account as a deduction in determining the separate taxable income of the acquiring member (or of any other P group member) under § 1.1502–12.

(B) *Annual disregarded ICA gain amount; annual disregarded ICA deduction.* The "annual disregarded ICA gain amount" is the deferred gain in an ICA acquisition that, absent this *Answer 3*, would be restored during the taxable year to C's income under § 1.1502–13(d) (relating to periodic restoration of deferred gain for property subject to depreciation, etc.). The "annual disregarded ICA deduction" is so much of the acquiring member's depreciation, amortization, or depletion deduction for the ICA asset as does not exceed the annual disregarded ICA gain amount with respect to that ICA asset.

(C) *Exceptions.* The periodic restoration limitation does not apply for purposes of calculating—

(*1*) The earnings and profits of P group members (other than the earnings and profits reduction for tax liability);

(*2*) The remaining balance of C's deferred gain in the ICA acquisition; and

(*3*) the acquiring member's adjusted basis in the asset acquired in the ICA acquisition.

(iii) *Limitations if C ceases to be a member and offset prohibition election does not apply*—(A) *In general.* The consequences of an ICA acquisition if C ceases to be a member of the P group are governed by this subdivision (iii) if an offset prohibition election was not made for T.

(B) *Application of periodic restoration limitation.* For the consolidated return year in which C ceases to be a member of the P group, the periodic restoration limitation of subdivision (ii) of this *Answer 3* applies to C and the acquiring member to the extent that there is an annual disregarded ICA gain amount for that taxable year.

(C) *Reduction in basis of ICA asset by amount of remaining ICA gain amount.* For all purposes of the Code, the acquiring member's basis in an asset acquired in an ICA acquisition ("ICA asset") is reduced by the remaining ICA gain amount. The "remaining ICA gain amount" is C's deferred gain with respect to the ICA asset that is restored to C's income by reason of § 1.1502–13(f)(1)(iii) because C ceases to be a member of the group.

(iv) *Limitations if C ceases to be a member and offset prohibition election applies*—(A) *In general.* The consequences of an ICA acquisition if C ceases to be a member of the P group are governed by this subdivision (iv) if an offset prohibition election was made in a timely filed protective carryover election for T.

(B) *Application of periodic restoration limitation.* Subdivision (iii)(B) of this *Answer 3* (relating to the application of the periodic restoration limitation for the taxable year in which C ceases to be a member of the P group) also applies to an ICA acquisition that is subject to this subdivision (iv).

(C) *Offset prohibition for remaining ICA gain amount; reduction in basis rule inapplicable.* For purposes of determining the P group's consolidated taxable income, the remaining ICA gain amount (as defined in subdivision (iii)(C) of this *Answer 3*) may not be offset by any deductions of any P group members for the taxable year if an offset prohibition election was made in a timely filed protective carryover election for T ("offset prohibition"). The offset prohibition does not apply for purposes of calculating the earnings and profits of P group members (other than the earnings and profits reduction for tax liability). If a remaining ICA gain amount is subject to the offset prohibition, then the ICA acquisition to which that remaining ICA gain amount relates is not subject to the reduction in basis rule of subdivision (iii)(C) of this *Answer 3*.

(D) *Limitation on application of certain credits.* For purposes of determining the amount by which the P group's consolidated tax liability may be reduced by restricted credits in a taxable year in which there is a remaining ICA gain amount subject to the offset prohibition, the P group's consolidated tax liability before reduction by restricted credits is calculated as if that remaining ICA gain amount were not income to the P group. "Restricted credits" are credits against tax described in part IV (other than subparts A and C thereof and section 27(a)) of subchapter A of chapter 1 of the Code (*i.e.*, sections 27(b), 28–30, and 38–41). For treatment of the foreign tax credit, see § 1.338–5T (to be published).

(E) *Character of remaining ICA gain amount.* A remaining ICA gain amount subject to the offset prohibition is ordinary income if the ICA asset to which it relates is of a character that is subject to the allowance for depreciation, amortization, or depletion in the hands of the acquiring member.

(F) *Remaining ICA gain amount not considered C's income for purposes of loss or credit carryovers from separate return limitation years.* For purposes of determining the amount of a loss or credit of C arising in a separate return limitation year of C (or of a predecessor of C) that may be included in the consolidated carryover of such losses or credits to the consolidated return year in which there is a remaining ICA gain amount subject to the offset prohibition, that remaining ICA gain amount is

considered an item of income of a P group member other than C.

(G) *Recapture of investment tax credit on ICA asset.* For purposes of investment tax credit recapture under § 1.1502–3(f)(2), the P group member acquiring an ICA asset from C is deemed to dispose of that asset not later than the day on which the remaining ICA gain amount with respect to that ICA asset is restored to C's income if that remaining ICA gain amount is subject to the offset prohibition.

(v) *Gain on ICA acquisition that is restored pursuant to § 1.1502–13(f)(1)(vii) considered a remaining ICA gain amount.* If C's deferred gain in an ICA acquisition is restored to C's income under § 1.1502–13(f)(1)(vii) because the P group files consolidated returns for fewer than three consecutive taxable years immediately preceding a separate return year of the common parent of the P group, then that restored deferred gain is considered a remaining ICA gain amount for purposes of applying this *Answer 3.*

(vi) *Limitations when gain in an ICA acquisition is not deferred*—(A) *General rule.* If gain in an ICA acquisition is not deferred under §1.1502–13 (*e.g.*, by reason of an election under § 1.1502–13(c)(3) not to defer gain on deferred intercompany transactions), then the provisions of *Answer 2* of this paragraph (f)(6)(iv) apply as if C were not included in a consolidated return with the acquiring member for the taxable year in which the asset acquisition occurs.

(B) *Recapture of investment tax credit when gain in an ICA acquisition is not deferred.* For purposes of investment tax credit recapture under § 1.1502–3(f)(2) in the case of an ICA acquisition with respect to which gain is not deferred under § 1.1502–13, the P group member acquiring the ICA asset from C is deemed to dispose of that asset not later than the day on which C ceases to be a member of the P group, provided that C ceases to be a member under circumstances that would cause the restoration of deferred gain under § 1.1502–13(f)(1)(iii) (had there been deferred gain subject to that restoration rule.)

Example (1). (i) In 1984, C, a calendar year corporation, sustains a $450 net operating loss that is not a net operating loss carryback to any preceding taxable year. On January 1, 1985, C purchases for $20,000 an item of intangible property with a remaining useful life as of that date of five years. The property has no salvage value. In its 1985 return, C reports an allowance for depreciation on the intangible property of $4,000 under the straight line method (*i.e.*, $20,000/5), thereby reducing its adjusted basis to $16,000. C's 1985 taxable income before the net operating loss deduction is $50. Accordingly, $50 of the 1984 net operating loss is allowed as a net operating loss carryover to 1985.

(ii) P, a calendar year common parent of an affiliated group that files consolidated returns, purchases all of the stock of C in a qualified stock purchase at the close of December 31, 1985, and makes a protective carryover election for C. An offset prohibition election is not made in the protective carryover election statement. See *Answer 1* (iii)(B) of paragraph (f)(6)(ii) of this section. On January 1, 1985, P purchases the intangible property from C in an ICA acquisition for $22,000. The ICA acquisition is a deferred intercompany transaction under § 1.1502–13, and C's $6,000 gain on the ICA acquisition (*i.e.*, $22,000 − $16,000) is a deferred gain. Absent this *Answer 3*, P would report, in the 1986 consolidated return, an allowance for depreciation on the intangible property ("ICA asset") of $5,500 under the straight line method, assuming a remaining useful life as of January 1, 1986, of four years and no salvage value, *i.e.*, $22,000/4. Similarly, absent this *Answer 3*, $1,500 of C's $6,000 deferred gain would be restored to C's income (as ordinary income) in 1986 by reason of P's $5,500 deduction, *i.e.*, $6,000 × $5,500/$22,000. See § 1.1502–13(c)(4)(ii) and (d)(1). Assume that, absent this *Answer 3*, C's separate taxable income under § 1.1502–12 for 1986 would be $1,500.

(iii) Pursuant to subdivision (ii)(A)(*1*) of this *Answer 3*, the $1,500 of deferred gain that, absent this *Answer 3*, would be restored to C's income in 1986 pursuant to § 1.150–13(d)(1) is an annual disregarded ICA gain amount that is not taken into account as income in determining C's separate taxable income under § 1.1502–12 for 1986. Thus, T's separate taxable income for 1986 is $0. In addition, under subdivision (ii)(A)(*2*) of this *Answer 3*, P's $5,500 deduction that, absent this *Answer 3*, would have caused the annual disregarded ICA gain amount of $1,500 to be restored to C's income in 1986 is not taken into account as a deduction in determining P's separate taxable income under § 1.1502–12 for 1986 to the extent of the annual disregarded ICA deduction of $1,500, *i.e.*, so much of the total $5,500 depreciation allowance as does not exceed the annual disregarded ICA gain amount of $1,500. Thus, P reports a deduction in 1986 with respect to the ICA asset of $4,000, *i.e.*, $5,500 − $1,500. P's adjusted basis in the ICA asset, however, is reduced by the entire $5,500 from $22,000 to $16,500. Because C's separate taxable income for 1986 is $0, none of C's net operating loss incurred in 1984, a separate return limitation year, can be a carryover to 1986, since C does not make a contribution to the P group's consolidated taxable income in 1986. See § 1.1502–21(c)(2). At the beginning of the following taxable year, the remaining balance of C's deferred gain in the ICA acquisition is $4,500, *i.e.*, $6,000 − $1,500.

Example (2). (i) Assume the same facts as in *Example (1).* Assume in addition that on January 1, 1987, an individual purchases all of the stock of C from P. Accordingly, all of C's remaining deferred gain in the ICA acquisition ($4,500) is restored to C's income in the P group's 1987 consolidated return by reason of § 1.1502–13(f)(1)(iii). Assume that C has no other items of income or deduction while a member of the P group during 1987. Thus, C's only item of income or loss for that period is the restored deferred gain of $4,500. Assume in addition that, absent this *Answer 3*, P's separate taxable income for 1987 would be a loss of $4,500, reflecting a deduction of $5,500 for the ICA asset, *i.e.*, $16,500/3. All other P group members break even for the year.

(ii) The $4,500 of deferred gain that is restored to C's income in 1987 by reason of § 1.1502–13(f)(1)(iii) is a remaining ICA gain amount. Because the ICA acquisition is not subject to an offset prohibition election, P must reduce its basis in the ICA asset by $4,500 (*i.e.*, by the remaining ICA gain amount) as of January 1, 1987. See subdivision (iii)(C) of this *Answer 3.* According, P's deduction in 1987 for the ICA asset is reduced by $1,500 from $5,500 to $4,000, *i.e.*, ($16,500 − $4,500)/3. P's separate taxable income for 1987, as adjusted for the basis adjustment, therefore is a loss of $3,000, *i.e.*, the loss of $4,500 (P's separate taxable income for 1987 absent this *Answer 3*), reduced by $1,500. The remaining ICA gain amount of $4,500 is income reported in the P group's 1987 consolidated return. Accordingly, the P's group's consolidated taxable income for 1987 (computed without the consolidated net operating loss deduction) is $1,500, *i.e.*, C's income of $4,500 minus P's loss of $3,000.

(iii) Since C's limitation under § 1.1502–21(c) exceeds $400, all of C's $400 net operating loss incurred in 1984, a separate return limitation year, may be included in the P group's consolidated net operating loss carryover to 1987. Assuming that no other net operating losses are available for inclusion in that carryover, the P group's consolidated taxable income for 1987 after reduction for that carryover is $1,100, *i.e.*, $1,500 minus $400.

Example (3). (i) Assume the same facts as in *Example (2)*, except that the ICA acquisition is subject to an offset prohibition election. All of the consequences described in *Example (1)* and *Example (2)* apply, except that P's adjusted basis in the ICA asset is not reduced as of January 1, 1987, by the remaining ICA gain amount and, as explained below, none of C's 1984 net operating loss is a carryover to 1987. In addition, four other potential consequences attend the ICA acquisition.

(ii) First, the remaining ICA gain amount of $4,500 is ordinary income to the P group that may not be offset by any deductions of C or any other P group member for 1987 (including C's $400 remaining portion of the net operating loss incurred in 1984). Thus, notwithstanding that the aggregate of taxable income and loss of P group members in 1987 is $0 (*i.e.*, C's income of $4,500 minus P's loss of $4,500), the P group is considered to have a consolidated taxable income in 1987 of $4,500 (the remaining ICA gain amount). See subdivision (iv)(C) of this *Answer 3.* In addition, however, the P group is considered to incur a consolidated net operating loss in 1987 of $4,500, *i.e.*, P's loss in 1987 of $4,500 that may not be used to offset C's remaining ICA gain amount of $4,500 because of the offset prohibition election. That consolidated

net operating loss may be applied to reduce income in other taxable years pursuant the applicable carryover and carryback rules.

(iii) Second, for purposes of determining the amount by which the P group's consolidated tax liability for 1987 may be *reduced* by restricted credits (as defined in subdivision (iv)(D) of this *Answer 3*), the P group's consolidated tax liability before reduction by any such restricted credits is calculated as if the remaining ICA gain amount of $4,500 were no income to the P group for 1987. Under these facts, the P group has no income (and therefore no pre-credit tax liability) in 1987 absent the remaining ICA gain amount. Thus, the P group's 1987 tax liability (before restricted credits) may not be reduced by restricted credits. Credits that, by reason of this *Answer 3*, cannot be applied to reduce the P group's consolidated tax liability in a taxable year in which there is a remaining ICA gain amount subject to the offset prohibition nevertheless may be applied to reduce tax liability in other taxable years pursuant to the applicable carryover and carryback rules for the particular credit.

(iv) Third, the remaining ICA gain amount is considered an item of income of a P group member other than C for purposes of determining the amount of a loss or credit of C arising in a separate return limitation year that may be included in the consolidated carryover of such a loss or credit to 1987. This rule is irrelevant under the facts of this *Example (3)*, however, since the P group's entire consolidated taxable income for 1987, $4,500, may be offset by no deductions otherwise available to the P group and since the P group's consolidated tax liability before restricted credits is a negative amount for purposes of restricted credit carryovers.

(v) Fourth, if the ICA asset were tangible property eligible for the investment tax credit, investment tax credit recapture could occur in 1987.

(7) *De minimis exception under section 338(e)(2)(D).*

Question 1: Does an exception to section 338(e)(1) apply under the authority of section 338(e)(2)(D) if P (or any other member of the P group) acquires a *de minimis* amount of assets from T (or a target affiliate of T)?

Answer 1: Yes.

Question 2: When does the *de minimis* exception apply?

Answer 2: (i) *General rule.* The *de minimis* exception applies only if the *de minimis* amount equals or exceeds the aggregate gross fair market value of all assets acquired in acquisitions that, with respect to T or any affected target, are described in section 338(e)(1) and are not subject to an exception to section 338(e)(1) (other than the carryover basis election exception of paragraph (f)(6) of this section or this *de minimis* exception). The "gross fair market value" of an asset is the fair market value of that asset without regard to liabilities. For the effect of a protective or an affirmative action carryover election on the *de minimis* exception, see paragraph (f)(6)(iii) *Answer 2* (ii) of this section.

(ii) *De minimis amount.* The *"de minimis* amount" is the lesser of (A) the sum of the five percent amounts for T and all affected targets or (B) $50,000. The "five percent amount" for a target (*i.e.*, either T or an affected target) is an amount equal to five percent of the sum of (A) the target's grossed-up stock basis and (B) the target's liabilities on the acquisition date (not including tax liabilities that would arise if a section 338 election were made for the target). The target's grossed-up stock basis for this purpose is the amount determined under section 338(b)(1) (applied as if the basis of nonrecently purchased target stock were determined under section 338(b)(3)(B)).

Example (1). (i) On December 31, 1985, T and T1 are wholly-owned subsidiaries of S. On January 1, 1986, P acquires all of the stock of T in a qualified stock purchase. On June 1, 1986, P acquires all of the stock of T1 in a qualified stock purchase. On December 1, 1986, P acquires all of the stock of X from S in a qualified stock purchase. S previously acquired X on April 1, 1986, *i.e.*, after T was sold by S but before T1 was sold by S. P makes neither an express election nor a protective carryover election for T. On May 1, 1986, P purchases an asset from T ("T asset"). The T asset has a fair market value of $30,000 and is subject to a liability of $10,000. On August 1, 1987, P purchases an asset from X ("X asset"). The X asset has a fair market value of $25,000 and is subject to no liabilities. Assume that both asset acquisitions are described in section 338(e)(1) and are not subject to an exception to section 338(e)(1) (other than the carryover basis election exception of paragraph (f)(6) of this section or this *de minimis* exception). Assume in addition that the five percent amount for each of the targets (*i.e.*, T, T1, and X) exceeds $50,000.

(ii) T1 and X are affected targets with respect to T, since a deemed election would occur for those corporations in the event of a section 338 election for T. (Note that X is an affected target with respect to T even though X is not a target affiliate of T.) The *de minimis* amount is $50,000, *i.e.*, the lesser of the sum of the five percent amounts for T, T1, and X or $50,000. The May 1, 1986, asset acquisition, standing alone, does not exceed the *de minimis* amount under these facts, since it does not exceed $50,000. By reason of the August 1, 1987, asset acquisition from X, however, the *de minimis* amount is exceeded, since the gross fair market value of the T and X assets exceeds $50,000, *i.e.*, $55,000 ($30,000 + $25,000). As a result, neither asset acquisition is subject to the *de minimis* exception. Note that T is thereby affected by P's acquisition of the X asset even though that acquisition occurs after T's consistency period (assuming that period is not extended pursuant to paragraph (g)(1) *Answer 1* of this section) and even though P acquires the asset from a corporation that is not a target affiliate of T.

Example (2). (i) Assume the same facts as in *Example (1)*, except that (A) the August 1, 1987, asset acquisition does not occur and (B) the five percent amounts for T, T1, and X are $15,000, $10,000, and $40,000, respectively.

(ii) The May 1, 1986, asset acquisition exceeds the *de minimis* amount as of that day, since the $30,000 gross fair market value of the T asset exceeds the *de minimis* amount (as of that day) of $15,000, *i.e.*, the lesser of the five percent amount for T or $50,000. As of May 1, 1986, the *de minimis* exception therefore does not apply to the asset acquisition. The qualified stock purchase of the stock of T1 does not change this result, since the qualified stock purchase increases the *de minimis* amount only to $25,000 (*i.e.*, the lesser of the five percent amounts for T and T1 or $50,000), which is less than the $30,000 gross fair market value of the T asset. By reason of the qualified stock purchase of the stock of X on December 1, 1986, however, the May 1, 1986, asset acquisition does not exceed the *de minimis* amount, which, as of December 1, 1986, is $50,000, *i.e.*, the lesser of the five percent amounts for T, T1, and X or $50,000. Accordingly, the May 1, 1986, asset acquisition is subject to the *de minimis* exception.

(g) *Special consistency rules*—(1) *Extension of consistency period and 12-month acquisition period in certain cases.*

Question 1: Under what circumstances is T's consistency period extended under section 338(h)(4)(B) beyond the period specified in section 338(h)(4)(A) ("normal consistency period")?

Answer 1: (i) *Extension to period preceding normal consistency period.* T's consistency period extends beyond the normal consistency period to include the day preceding that period on which a member of the P group acquires an asset in a triggering asset acquisition, provided that the Commissioner determines (on the basis of all of the facts and circumstances) that a P group member had a plan in effect at the close of the day of the triggering asset acquisition to make a qualified stock purchase of T and that such plan remained in effect through T's acquisition date.

(ii) *Extension to period following normal consistency period.* T's consistency period extends beyond the normal consistency period to include the later of the day following that period on which a P group member either makes a qualified stock purchase of the stock of a target affiliate of T or makes a triggering asset acquisition, provided that the Commissioner determines (on the basis of all of the facts and circumstances) that a P group member had a plan in effect at the close of the normal consistency period to make such qualified stock purchase or triggering

asset acquisition, and that such plan remained in effect through the subsequent qualified stock purchase or triggering asset acquisition.

(iii) *Triggering asset acquisition.* An asset acquisition is a "triggering asset acquisition" if, had it occurred during the normal consistency period, it would have been described in section 338(e)(1) and would not have been subject to an exception (other than the carryover basis election exception of paragraph (f)(6) of this section) to section 338(e)(1).

Question 2: Under what circumstances is the 12-month acquisition period extended beyond 12 months?

Answer 2: Under the authority of section 338(e)(3) and (i), the 12-month acquisition period is extended beyond 12 months if (i) pursuant to a plan of the P group (as determined by the Commissioner on the basis of all of the facts and circumstances), T stock purchased by P satisfies the percentage ownership requirements of section 338(d)(3) by reference to a period of time that exceeds 12 months ("extended period") and (ii) an extension of the 12-month acquisition period is necessary to carry out the purposes of the consistency rules of section 338(e), (f), or (i). If the requirements of the preceding sentence are satisfied, the extended period is considered the "12-month acquisition period."

(2) *Asset or stock acquisition by non-P group member considered an acquisition by P group member in certain cases.*

Question: Under what circumstances may the Commissioner treat an acquisition by a person other than a P group member ("X") of—

(i) an asset of T (or of a target affiliate of T) as an acquisition of an asset of T (or of a target affiliate of T) by a P group member, or

(ii) stock in T (or in a target affiliate of T) as a purchase of stock in T (or in a target affiliate of T) by a P group member?

Answer: (i) *Acquisition of an asset of T or its target affiliate.* For purposes of applying the consistency rules of section 338 (e), (f), and (i), the Commissioner may treat the acquisition of an asset of T (or of a target affiliate of T) by X as the acquisition of an asset of T (or of a target affiliate of T) by a P group member if—

(A) P makes a qualified stock purchase of T stock,

(B) X acquires the asset of T (or of a target affiliate of T) during T's consistency period,

(C) X transfers the asset to a P group member, or becomes a member of the P group, during T's consistency period, and

(D) If X is not related to a P group member at the time it acquires the asset, the Commissioner determines (on the basis of all of the facts and circumstances) that the requirements described in subdivisions (B) and (C) of this *Answer* (i) were satisfied pursuant to a single plan of the P group.

(ii) *Acquisition of stock in t (or its target affiliate).* For purposes of applying the consistency rules of section 338 (e), (f), and (i), the Commissioner may treat a P group member as having acquired stock in Y (*i.e.*, T or a target affiliate of T) by purchase either on the day a P group member acquires Y stock from X or on the day that X, while holding Y stock, becomes a member of the P group if—

(A) X acquired the Y stock under such circumstances that, if X (whether or not a corporation) were treated as a P group member at the time X acquired that Y stock, a qualified stock purchase of the Y stock ("hypothetical Y stock purchase") would be made by the P group (on or after the day X acquired that Y stock, and wholly or in part by reason of X's acquisition of that Y stock),

(B) Either (*1*) a deemed election would be made for Y by the P group (or could be made for Y by reason of section 338(e)(1) at the discretion of the District Director) if the hypothetical Y stock purchase were an actual qualified stock purchase of Y stock by the P group, or (*2*) a section 338 election actually is made by the P group for any target that would have been an affected target ("hypothetical affected target") if a section 338 election applied with respect to the P group's hypothetical Y stock purchase,

(C) X transfers the Y stock to a P group member or becomes a member of the P group during either (*1*) Y's consistency period (determined as if the hypothetical Y stock purchase were an actual qualified stock purchase of Y by the P group) or (*2*) the consistency period of a hypothetical affected target for which a section 338 election actually is made, and

(D) In the event that X is not related to a P group member at the time it acquires the Y stock, the Commissioner determines (on the basis of all of the facts and circumstances) that the requirements described in subdivisions (A), (B), and (C) of this *Answer* (ii) were satisfied pursuant to a single plan of the P group.

(iii) *Other acquisitions.* The Internal Revenue Service may treat any indirect acquisition of an asset of T (or of a target affiliate of T) or of stock in T (or in a target affiliate of T) as a direct acquisition of such an asset or as a purchase of such stock by a P group member if such treatment is appropriate to carry out the purposes of the consistency rules of section 338 (e), (f), or (i). An indirect acquisition includes, for example, the acquisition of such asset or stock by an intermediary, such as a partnership or trust, in which a P group member has an interest.

(iv) *Operating rules for subdivision (ii) of this Answer*—(A) *Application of section 338(f).* Under the authority of section 338 (f) and (i), the P group is considered to have made a deemed election with respect to its qualified stock purchase of the stock of Y if—

(*1*) That qualified stock purchase occurs in whole or in part by reason of the operation of subdivision (ii) of this *Answer*,

(*2*) Subdivision (ii) of this *Answer* applies to Y by reason of an actual section 338 election for a hypothetical affected target, and

(*3*) The acquisition date of that hypothetical affected target occurs after the acquisition date of Y.

(B) *Aggregation rule.* In the event that acquisitions by two or more persons in the aggregate would satisfy the requirements of subdivision (ii) of this *Answer*, then all such persons shall be treated as a single person for purposes of applying that subdivision.

(v) *Special extension of consistency period and 12-month acquisition period in appropriate cases.* Under the authority of section 338 (e), (f), (h)(4) (B), and (i), the consistency period and 12-month acquisition period of any corporation affected by the provisions of this *Answer* may be extended by the Internal Revenue Service whenever appropriate to carry out the purposes of those provisions:

Example (1). On January 1, 1985, D, an individual unrelated to P, acquires an asset of S for cash ("S asset"). On December 1, 1985, P acquires all of the stock of T from S in a qualified stock purchase. P makes neither an express election nor a protective carryover election for T. On October 1, 1986 (*i.e.*, during T's consistency period), P acquires the S asset from D. Assume that the Commissioner determines, on the basis of all of the facts and circumstances, that D's acquisition of the S asset and D's subsequent transfer of the S asset to P occurred pursuant to a single plan of the P group. For purposes of applying the consistency rules of section 338 (e), (f), and (i), the Commissioner may treat P as having acquired an asset of S.

Example (2). (i) On May 1, 1985, P acquires all of the stock of T from S in a qualified stock purchase and makes an express election for T. On June 1, 1985, B, an individual that is the sole shareholder of P, acquires for cash from S all of the stock of Y.

a target affiliate of T. On December 1, 1985, B transfers the stock of Y to P.

(ii) For purposes of applying the consistency rules of section 338 (e), (f), and (i), the Commissioner may treat P as having acquired the Y stock by purchase, since the three applicable requirements of subdivision (ii) of this *Answer* are satisified. First, if B were treated as a corporation that was a member of the P group at the time of B's acquisition of the Y stock, then a qualified stock purchase of Y stock would be made by the P group on June 1, 1985. Accordingly, the hypothetical Y stock purchase requirement is satisified. Second, had the hypothetical Y stock purchase actually occurred, a deemed election under section 338(f)(1) would be made for Y by reason of the P group's express election for T. Third, B transfers the Y stock to P during Y's consistency period (determined as if the hypothetical Y stock purchase were an actual qualified stock purchase of Y by the P group). If the Commissioner treats P as having acquired the Y stock by purchase under these facts, than a P group member is considered to acquire all of the Y stock in a qualified stock purchase on December 1, 1985, notwithstanding that P acquires the stock from B, a person described in section 338(h)(3)(A)(iii), and therefore would not be considered to have purchased that stock absent this *Answer*. If, pursuant to this *Answer*, P is considered to have made a qualified stock purchase of the stock of Y, then the express election for T causes a deemed election under section 338(f) (1) for Y, since Y is a target affiliate of T and was acquired during the consistency period of T.

Example (3). Assume the same facts as in *Example (2)*, except that B is a corporation and that, on December 1, 1985, B does not transfer the Y stock to a P group member but rather becomes a member of the P group. The result is the same as in *Example (2)*.

Example (4). (i) Assume the same facts as in *Example (2)*, except that (A) on June 1, 1985, B acquires for cash from S only 40 of the 100 shares of Y's only class of outstanding stock, and (B) on April 1, 1986, P purchases for cash the remaining 60 shares of Y's stock.

(ii) If B were considered a corporation that was a member of the P group at the time of B's acquisition of the Y stock, then a qualified stock purchase of Y stock would be made by the P group on April 1, 1986. (Note that the hypothetical Y stock purchase requirement is satisified by reason of an event (P's purchase of 60 shares of Y stock on April 1, 1986) that occurs after B transfers the 40 shares of Y stock to P.) Thus, the result is the same as in *Example (2)*, except that the qualified stock purchase of Y stock by the P group occurs on April 1, 1986 (assuming that the Commissioner determines under subdivision (ii) of this *Answer* that the P group should be treated as having acquired the Y stock from B by purchase) rather than on December 1, 1985.

Example (5). (i) On January 1, 1985, S holds all of the stock of Y and T. At the close of that date, B, an individual that is the sole shareholder of P, acquires for cash from S all of the stock of Y. On February 1, 1985, P acquires all of the stock of T from S in a qualified stock purchase and makes an express election for T. On May 1, 1985, B transfers the stock of Y to P.

(ii) For purposes of applying the consistency rules of section 338(e), (f), and (i), the Commissioner may treat P as having acquired the Y stock by purchase, since the three applicable requirements of subdivision (ii) of this *Answer* are satisfied. First, if B were treated as a corporation that was a member of the P group at the time of B's acquisition of the Y stock, then a qualified stock purchase of Y stock would be made by the P group on January 1, 1985. Accordingly, the hypothetical Y stock purchase requirement is satisfied. Second, an express election actually is made by the P group for a target (T) that is a hypothetical affected target. Third, B transfers the Y stock to P during the consistency period of a hypothetical affected target (T) for which a section 338 election actually is made. If, pursuant to this *Answer*, P is considered to have made a qualified stock purchase of the stock of Y, then the express election for T causes a deemed election under section 338 (f)(1) for Y, since Y is a target affiliate of T and was acquired during the consistency period of T.

Example (6). Assume the same facts as in *Example (5)*, except that P acquires all of the stock of T from S in a qualified stock purchase on September 1, 1985. The result is the same as in *Example (5)*. Assuming that P is treated under subdivision (ii) of this *Answer* as having acquired the stock of Y in a qualified stock purchase, a deemed election is made for Y by reason of subdivision (iv)(A) of this *Answer*. This result follows because (i) the qualified stock purchase of Y occurs under subdivision (ii) of this *Answer* by reason of the actual section 338 election for T, a hypothetical affected target, and (ii) the acquisition date of T occurs after the Acquisition date of Y. Note that the express election for T properly is made even though, as a result of that express election, there may exist a target, Y, that, as between Y and T, is the original target. See paragraph (e) of this section.

Example (7). (i) On May 1, 1985, B, an individual that is the sole shareholder of P, acquires for cash from S all of the stock of T. On September 1, 1985, P acquires an asset of S. On January 1, 1986, B transfers the stock of T to P.

(ii) Under these facts, the hypothetical Y stock purchase requirement is satisfied. If, under the circumstances, a deemed election under section 338(e)(1) with respect to the P group's hypothetical Y stock purchase could be made at the discretion of the District Director by reason of the asset acquisition on September 1, 1985, then the Commissioner may treat B's transfer of the Y stock to P on January 1, 1986, as a purchase by P of that Y stock on that date, since the transfer occurs during the consistency period of Y (determined as if the hypothetic Y stock purchase were an actual qualified stock purchase of Y stock by the P group).

(h) *Determination of section 338(a)(1) deemed sale price*—(1) *Introduction.* The price at which old T is treated as selling its assets in the section 338(a)(1) deemed sale must be determined in order to measure the gain or loss recognized by T in the deemed sale. The questions and answers in this paragraph (h) provide guidance on the determination of the aggregate deemed sale price. For purposes of applying this paragraph (h), T stock is considered purchased or held by P if it is purchased or held by any member of the P group. See section 338(h)(8). This paragraph (h) does not apply if an election under section 338(h)(10) is made. For the effect of old T's tax liabilities, as determined under this paragraph (h), on the basis of new T's assets, see paragraph (j) of this section.

(2) *Definitions*—(i) *ADSP.* The "ADSP" is the aggregate deemed sale price, *i.e.*, the price at which T is deemed to have sold all of its assets in the deemed sale under section 338(a)(1).

(ii) *Elective ADSP formula.* The "elective ADSP formula" is an elective formula prescribed under the authority of section 338(h)(11) for determining the ADSP.

(iii) *Allocable ADSP amount.* The "allocable ADSP amount" is the portion of the ASDP as calculated under the elective ADSP formula that is allocable to a particular T asset. (The ADSP is allocated among the T assets for this purpose in proportion to their relative fair market values. Recapture gain on a T asset under the elective ADSP formula is computed by reference to the allocable ADSP amount for that asset.)

(iv) *Recapture gain.* "Recapture gain" is gain that is recognized in the section 338(a)(1) deemed sale notwithstanding the application of section 337 to the deemed sale. Examples of recapture gain include depreciation and LIFO recapture, section 338(c)(1) amounts, and tax benefit items.

(v) *Section 338(c)(1) percentage.* The "section 338(c)(1) percentage" is 100 percent minus the maximum percentage specified in section 338(c)(1). Items of gain or loss that are realized in the deemed sale but that would not be recognized in an actual sale under section 337 are multiplied by the section 338(c)(1) percentage to arrive at the section 338(c)(1) gain (or loss) recognized in the deemed sale.

(3) *Determination of ADSP*

Question 1: How is the ADSP determined?

Answer 1: (i) *General rule.* The ADSP is the aggregate of the fair market values of all old T's assets at the close of the acquisition date. Section 338(a)(1). A proper appraisal of the assets will be considered evidence of fair market value.

(ii) *Elective ADSP formula for determining ADSP*—(A) *General rule.* Under the authority of section 338(h)(11), the ADSP may be determined under the

elective ADSP formula, which takes into account liabilities and other relevant items.

(B) *Procedure for electing elective ADSP formula and for revoking election.* The election to apply the elective ADSP formula ("formula election") is made by attaching to the final return of old T (including an amended final return) a statement containing the following declaration (or a substantially similar declaration): "THIS RETURN REFLECTS A FORMULA ELECTION FOR T UNDER SECTION 338 AND § 1.338–4T(h)(3)." The formula election is revoked by attaching to an amended final return of old T a statement containing the following declaration (or a substantially similar declaration): "THIS RETURN DOES NOT REFLECT A FORMULA ELECTION FOR T UNDER SECTION 338 AND § 1.338–4T(h)(3)." In addition, a formula election may be made or revoked in connection with the examination of the final return of old T. A formula election made for T also applies to all affected targets, as does the revocation of a formula election for T. A formula election may not be made or revoked if the period within which to make an assessment of tax has expired for any return that would be affected by the election or the revocation. For this purpose, a return would be affected by the election (or revocation) if the election (or revocation) would have the effect, directly or indirectly, of increasing the tax liability reported in that return.

Question 2: How is the ADSP determined under the elective ADSP formula?

Answer 2: (i) *Introduction.* The ADSP under the elective ADSP formula is the sum of (A) the grossed-up basis of P's recently purchased T stock (as defined in section 338(b)(6)(A)), (B) the liabilities of T (including any tax liability resulting from the deemed sale), and (C) other relevant items. If T is acquired in a true bargain purchase (*i.e.*, if the cost of the stock acquisition of P is less than the aggregate fair market value of the assets of T), the ADSP as determined under the elective ADSP formula will reflect that bargain element. This result follows because the elective ADSP formula takes into account the actual price paid by P or T stock. If the elective ADSP formula is not used in such a case, recapture gain items measured by reference to the ADSP will be disproportionately high as compared to the price P actually paid for the T stock and the basis of new T's assets.

(ii) *Grossed-up basis of P's recently purchased T stock.* The grossed-up basis of P's recently purchased T stock is an amount equal to P's basis in recently purchased T stock, divided by the percentage of T stock (by value) attributable to that recently purchased T stock. If T has a single class of outstanding stock, the grossed-up basis of P's recently purchased T stock for purposes of the elective ADSP formula reflects the total price P would have paid for all outstanding T stock had it purchased all such stock for a price per share equal to the average price per share that it paid for the recently purchased T stock.

(iii) *Tax liability resulting from the deemed sale.* The elective ADSP formula takes into account both tax credit recapture liability arising by reason of the deemed sale and the tax liability on recapture gain. The elective ADSP formula reflects that fact that recapture gain both increases the ADSP (by creating a tax liability) and is computed by reference to the ADSP.

(iv) *Calculation of recapture gain with respect to certain property.* Section 1245 depreciation recapture gain an a T asset under the elective ADSP formula is the amount by which (A) the lesser of the recomputed basis of that asset or the allocable ADSP amount for that asset exceeds (B) the adjusted basis of that asset. Proper use of recomputed basis for items of section 1245 property results in the lowest ADSP. When a large number of items subject to section 1245 depreciation recapture must be included in the elective ADSP formula, the determination as to which of those assets should be measured by reference to recomputed basis to arrive at the lowest ADSP requiries a very large number of trial and error computations. Similar rules apply to other classes of property with respect to which recapture gain is properly determined by reference to the lesser of the allocable ADSP amount or some other amount.

(v) *Other applicable rules apply in elective ADSP formula.* The elective ADSP formula may not be applied in such a way as to contravene other applicable rules. Thus, for example, a capital loss under section 338(c)(1) cannot be applied in the elective ADSP formula to reduce ordinary income recapture gain.

(vi) *Sample elective ADSP formula.* The sample elective ADSP formula shown below takes into account the existence of recapture gain arising under sections 1245 and 338(c)(1). Other items of recapture gain may be added to the elective ADSP formula as appropriate. The sample formula is as follows:

$$ADSP = G + L + t_R \times [(\text{Lesser of R or } (ADSP \times F)) - B] + C \times t_R \times [(ADSP \times F) - Cb]$$

For purposes of this sample formula—

(A) "G" is the grossed-up basis of P's recently purchased T stock (as determined under subdivision (ii) of this *Answer 2*).

(B) "L" is the sum of T's liabilities other than T's tax liability for recapture gain amounts determined by reference to the ADSP. (Investment tax credit recapture under section 47 that results from the deemed sale of T's assests is included in L, for example, since that liability is not determined by reference to the ADSP.)

(C) "t_R" is the tax rate applicable to the recapture gain item represented by the bracketed material immediately following this symbol. In the sample formula, the bracketed material following the first use of the "t_R" symbol represents section 1245 depreciation recapture gain on an asset. (If there is more than one asset subject to section 1245 depreciation recapture, the recapture gain for each asset is separately computed in the elective ADSP formula.) The bracketed material following the second use of the "t_R" symbol in the sample formula represents section 338(c) (1) gain on an asset.

(D) "R" is the recomputed basis (as defined in section 1245(a)(2)) of an item of (section 1245 property).

(E) "F" is a fraction the numerator of which is the fair market value of a T asset on T's acquisition date and the denominator of which is the aggregate fair market value of all T assets on T's acquisition date. This fraction is multiplied by the ADSP to arrive at the allocable ADSP amount for a T asset.

(F) [Reserved]

(G) "B" is the adjusted basis of a T asset on the acquistion date.

(H) "C" is the section 338(c)(1) percentage (as defined in paragraph (h)(2)(v) of this section).

(I) "Cb" is the basis of an asset for purposes of determining the section 338(c)(1) gain or loss on that asset. An item of section 1245 property, for example, is taken into account for purposes of determining section 338(c)(1) gain only if the recomputed basis of that item (rather than the allocable ADSP amount for that item) is the measure of section 1245 depreciation recapture gain on that asset, since only in that case is there realized gain on the item that, absent section 338(c)(1), would not be recognized by reason of section 337. In such a case, the recomputed basis is the "Cb" amount.

Example (1). (i) T is a calendar year taxpayer that files separate returns and that has no loss or tax credit carryovers to 1985. As of July 1, 1985, T's only asset, which T has held for more than one year, is an item of section 1245 property with an adjusted basis

to T of $50,400, a recomputed basis of $80,000, and a fair market value of $100,000. On July 1 1985, P purchases all of the stock of T for $75,000 and makes an express election for T. Assume that T has no liabilities other than a tax liability resulting from the deemed sale of assets. Assume in addition that T's marginal tax rate for any ordinary income resulting from the deemed sale of assets is 46 percent.

(ii) Section 1245 depreciation recapture gain on the item of section 1245 property is determined under the elective ADSP formula by reference to the lesser of the recomputed basis of that item ($80,000) or the allocable ADSP amount for that item. (Note that the allocable ADSP amount for the item under these facts is the entire ADSP.) The elective ADSP formula as applied to these facts is as follows:

$$ANSP = G + L + t_R \times [(\text{Lesser of R or ADSP}) - B]$$
$$ADSP = (\$75,000/1) + \$0 + .46 \times [(\text{Lesser of } \$80,000 \text{ or ADSP}) - \$50,400]$$

ADSP—Recomputed basis measurement:

$$ADSP = \$75,000 + .46 \times (\$80,000 - \$50,400)$$
$$ADSP = \$88,616$$

ADSP—ADSP measurement:

$$ADSP = \$75,000 + .46 \times (ADSP - \$50,400)$$
$$ADSP = \$75,000 + (.46 \times ADSP) - 23,184$$
$$ADSP = \$51,816 + .46ADSP$$
$$ADSP - .46ADSP = \$51,816$$
$$.54ADSP/.54 = \$51,816/.54$$
$$ADSP = \$95,955.56$$

Accordingly, the ADSP of T is $88,616, *i.e.*, the recomputed basis measurement ($88,616), which is less than the ADSP measurement ($95,955.56).

Example (2). Assume the same facts as in *Example (1),* except that on July 1, 1985, P purchases only 80 of the 100 outstanding shares of T's only class of stock for $60,000. Assume in addition that those 80 shares represent, at all times during the one-year period beginning on July 1, 1985 (the aquisition date of T), 80 percent of the value of all T stock and that P purchases no additional T stock during that one-year period. Accordingly, the section 338(c)(1) percentage under paragraph (h)(2)(v) of this section is 20 percent, *i.e.*, 100 percent minus 80 percent. Assume that any net capital gain resulting from the deemed sale will be taxed at the 28 percent rate. The elective ADSP formula as applied to these facts is as follows:

$$ADSP = G + L + t_R \times [(\text{Lesser of R or ADSP}) - B] + C \times t_R \times (ADSP - Cb)$$
$$ADSP = (\$60,000/.8) + \$0 + .46 \times [(\text{Lesser of } \$80,000 \text{ or ADSP}) - 50,400] + .20 \times .28 \times [ADSP - (\text{Lesser of } \$80,000 \text{ or ADSP})]^*$$

*Section 338(c)(1) gain exists under the formula only if the recomputed basis of $80,000 rather than the allocable ADSP amount is the measure of section 1245 depreciation recapture gain. The section 338(c)(1) gain in that case is the allocable ADSP amount, reduced by $80,000. Whenever section 1245 depreciation recapture gain for an item is calculated by reference to the allocable ADSP amount for that item, the section 338(c)(1) calculation may be omitted for that item.

ADSP—Recomputed basis measurement:

$$ADSP = (\$60,000/.8) + .46 \times [\$80,000 - \$50,400) + .20 \times .28 \times (ADSP - \$80,000)$$
$$ADSP = \$75,000 + \$13,616 + (.056 \times ADSP) - \$4,480$$
$$ADSP = \$84,136 + .056ADSP$$
$$ADSP - .056ADSP = \$84,136$$
$$.944ADSP/.944 = \$84,136/.944$$
$$ADSP = \$89,127.12$$

ADSP—ADSP measurement:

$$ADSP = (\$60,000/.8) + .46 \times (ADSP - \$50,400)$$
$$ADSP = \$75,000 + (.46 \times ADSP) - \$23,184$$
$$ADSP = \$51,816 + .46ADSP$$
$$ADSP - .46ADSP = \$51,816$$
$$.54ADSP/.54 = \$51,816/.54$$
$$ADSP = \$95,955.56$$

Accordingly, the ADSP of T is $89,127.12, *i.e.*, the recomputed basis measurement ($89,127.12), which is less than the ADSP measurement ($95,955.56).

Example (3). T is a calendar year taxpayer that files separate returns and that has no loss or tax credit carryovers to 1985. On July 1, 1985, P purchases 80 of the 100 outstanding shares of T's only class of stock for $80,000 and makes an express election for T. Assume that those 80 shares represent, at all times during the one-year period beginning on July 1, 1985 (the acquisition date of T), 80 percent of the value of all T stock and that P purchases no additional T stock during that one-year period. Accordingly, the section 338(c)(1) percentage under paragraph (h)(2)(v) of this section is 20 percent, *i.e.*, 100 percent minus 80 percent. Assume in addition that T's marginal tax rate for any ordinary income resulting from the deemed sale of assets will be 46 percent, and that any net capital gain resulting from the deemed sale of assets will be taxed at the 28 percent rate. T does not inventory goods under the LIFO method, so there is no LIFO recapture gain in the deemed sale. T's assets, all of which have been held by T for more than one year, are as follows:

Assets	Basis	FMV [1]	Fraction [2]
1. Goodwill	$5,000	$15,000	.0697674
2. Inventory (FIFO)	10,000	30,000	.1395348
3. Equipment A (recomputed basis $80,000)	5,000	80,000	.372093
4. Equipment B (recomputed basis $20,000)	10,000	90,000	.4186046
Totals	30,000	215,000	1.00

[1] Fair market value.
[2] Fraction of aggregate fair market value. These amounts may reflect certain rounding errors.

T has liabilities (not including the tax liability for recapture gain on its assets) of $50,000. The elective ADSP formula as applied to these facts is as follows (the subscript numerals in the formula correspond to the number assigned each asset in the above table and indicate which asset is being referred to):

$$ADSP = G + L + t_R \times [(\text{Lesser of } R_3 \text{ or } (ADSP \times F_3)) - B_3 + (\text{Lesser of } R_4 \text{ or } (ADSP \times F_4)) - B_4] + C \times t_R \times [(ADSP \times (F_1 + F_2 + F_4)) - (Cb_1^* + Cb_3^{**} + Cb_4^{***})] + C \times t_R \times [(ADSP \times F_2) - Cb_2^{****}]$$

*Equal to B_1
**Equal to the lesser of R_3 or $(ADSP \times F_3)$.
***Equal to the lesser of R_4 or $(ADSP \times F_4)$.
****Equal to B_2.

$$ADSP = \$80,000/.8 + \$50,000 + .46 \times [(\text{Lesser of } \$80,000 \text{ or } (ADSP \times .372093)) - \$5,000 + (\text{Lesser of } \$20,000 \text{ or } (ADSP \times .4186046) - \$10,000] + .2 \times .28 \times [(ADSP \times (.0697674 + .372093 + .4186046) - \$5,000 - (\text{Lesser of } \$80,000 \text{ or } (ADSP \times .372093)) - (\text{Lesser of } \$20,000 \text{ or } (ADSP \times .4186046)] + .2 \times .46 \times [(ADSP \times .1395348) - \$10,000]$$

In this case, the recomputed basis is less than the allocable ADSP amount for Asset #4 but not for Asset #3. The elective ADSP formula computation, as applied on these assumptions, is as follows:

$$ADSP = \$100,000 + \$50,000 + .46 \times [(.372093ADSP - \$5.000) + (\$20,000 - \$10,000)] + .2 \times .28 \times (.860465ADSP - \$5,000 - .372093ADSP - \$20,000) + .2 \times .46 \times (.1395348ADSP - \$10,000)$$
$$ADSP = \$150,000 + .46 \times (.372093ADSP + \$5,000) + .056 \times (.488372ADSP - \$25,000) + .092 \times (.1395348ADSP - \$10,000)$$
$$ADSP = \$150,000 + .1711627ADSP + \$2,300 + .0273488ADSP - \$1,400 + .0128372ADSP - \$920$$
$$ADSP = \$150,000 + .2113487ADSP - \$20$$
$$ADSP = \$149,980 + .2113487ADSP$$
$$ADSP - .2113487ADSP = \$149,980$$
$$.7886513ADSP/.7886513 = \$149,980/.7886513$$
$$ADSP = \$190,172.76$$

The following table breaks the ADSP of $190,173 down to the deemed sale price, section 1245 depreciation recapture gain (and resulting tax) and section 338(c)(1) gain (and resulting tax) allocable to each asset:

Asset	Fraction	ADSP amt (column 2 · $190,173)	Section 1245 gain	Tax on column 4 (· 46)	Section 338(c)(1) gain	Tax on column 6
(1)	(2)	(3)	(4)	(5)	(6)	(7)
#1	.0697674	$13,268	N/A	N/A	[3] $1,654	[6] $463
#2	.1395348	26,536	N/A	N/A	[4] 3,307	[7] 1,521
#3	.3720932	70,762	[1] $65,762	$30,251	N/A	N/A
#4	.4186046	79,607	[2] 10,000	4,600	[5] 11,921	3,338
Totals	1.00	190,173	75,762	34,851	16,882	5,322

[1] Asset #3: $(ADSP \times F_3) - B_3 = \$70,762 - \$5,000 = \$65,762$
[2] Asset #4: $R_4 - B_4 = \$20,000 - \$10,000 = \$10,000$.
[3] Asset #1: $C \times (\text{Col. } 3 - B_1) = .2 \times (\$13,268 - \$5,000) = \$1,654$
[4] Asset #2: $C \times (\text{Col. } 3 - B_2) = .2 \times (\$26,536 - \$10,000) = \$3,307$
[5] Asset #4: $C \times (\text{Col. } 3 - B_4) = .2 \times (\$79,607 - \$20,000) = \$11,921$
[6] $t_R = .28$
[7] $t_R = .46$.

Summary of calculation

Grossed-up basis of P's recently purchased T stock	$100.000
Liabilities (except taxes measured by reference to ADSP)	50.000
Tax on section 1245 depreciation recapture gain	34.851
Tax on section 338(c)(1) gain	5.322
ADSP	190.173

Question 3: Assume that T owns all of the stock of T1 at the close of T's acquisition date and that P makes a qualified stock purchase of and express election for T. For purposes of applying the elective ADSP formula to T1, what is T's basis in the T1 stock that T is deemed to sell and purchase under section 338(a)?

Answer 3: T's basis in recently purchased T1 stock is the allocable ADSP amount for the T1 stock that is deemed purchased by T, treating the T1 stock in the same manner as any other asset of T to which the ADSP of T is allocated under the elective ADSP formula.

Example: (i) Assume the facts of *Example (3)* of *Answer 2* of this paragraph (h), except that Asset #2 is all of the stock of T1 rather than inventory. T1 is a calendar year taxpayer that files separate returns and that has no loss or tax credit carryovers to 1985. As of July 1, 1985, T1's only asset, which T1 has held for more than one year, is an item of section 1245 property with an adjusted basis to T1 of $18,000 and a recomputed basis of $25,000. Under these facts, the express election for T causes a deemed election under section 338(f)(1) for T1. Assume that T1 has no liabilities other than a tax liability resulting from section 1245 depreciation recapture gain in the deemed sale of assets. Assume in addition that T1's marginal tax rate for any ordinary income resulting from its deemed sale of assets is 46 percent.

(ii) The ADSP of T under the elective ADSP formula is computed as follows (the assumptions regarding the application of recomputed basis in the elective ADSP formula are the same as in *Example (3)*):

$$ADSP = G + L + t_R \times x[\{(ADSP \times F_3) - B_3) + \{R_4 - B_4)\} + C \times t_R \times [ADSP^* - Cb_1 + Cb_2 + Cb_3 + Cb_4)]$$

*The total ADSP is taken into account in determining the long term capital gain realized in the deemed sale of T since long-term capital gain potentially is realized with respect to all four assets held by T. Because section 1245 depreciation recapture gain on Asset #3 is calculated by reference to the allocable ADSP amount, however, no long-term capital gain is actually realized with respect to Asset #3, *i.e.*, all gain on Asset #3 is treated as section 1245 depreciation recapture gain.

$$ADSP = \$100,000 + \$50,000 + .46 \times [(.372093ADSP - \$5,000) + (\$20,000 - \$10,000)] + .2 \times .28 \times [ADSP - (\$5,000 + \$10,000 + .372093ADSP + \$20,000)]$$

$$ADSP = \$150,000 + .46 \times [.372093ADSP + \$5,000) + .056 \times (.627907ADSP - \$35,000)$$

$$ADSP = \$150,000 + .1711627ADSP + \$2,300 + .0351627ADSP - \$1,960$$

$$ADSP = \$150,340 + .2063254ADSP$$

$$ADSP - .2063254ADSP = \$150,340$$

$$.7936746ADSP/.7936746 = \$150,340/.7936746$$

$$ADSP = \$189,442.71$$

The ADSP in this *Example* is less than the ADSP in *Example (3)* of *Answer 2* of this paragraph (h)(3) because the gain on Asset #2 (*i.e.*, the T1 stock) that is recognized in the deemed sale (by reason of section 338(c)(1)) is taxed at the 28 percent rate rather than at the 46 percent rate.

(iii) For purposes of applying the elective ADSP formula to T1, T's basis in recently purchased T1 stock is equal to the allocable ADSP amount for the item of T property represented by the T1 stock. The allocable ADSP amount for the T1 stock is $26,431.06, *i.e.*, $189,422.71 × 1395348. No P group members other than T hold recently purchased T1 stock. Thus, the elective ADSP formula as applied to T1 is as follows:

$$ADSP = G + L + t_R \times [(\text{Lesser of R or ADSP}) - B]$$

$$ADSP = \$26,431/1 + \$0 + .46 \times [(\text{Lesser of } \$25,000 \text{ or ADSP}) - \$18,000]$$

ADSP—Recomputed basis measurement:

$$ADSP = \$26,431 + .46 \times (\$25,000 - \$18,000)$$

$$ADSP = \$29,651$$

ADSP—ADSP measurement:

$$ADSP = \$26,431 + .46 \times (ADSP - \$18,000)$$

$$ADSP = \$26,431 + (.46 \times ADSP) - \$8,280$$

$$ADSP = \$18,151 + .46ADSP$$

$$ADSP - .46ADSP = \$18,151$$

$$.54ADSP/.54 = \$18,151/.54$$

$$ADSP = \$33,612.96$$

Because the recomputed basis measurement ($29,651) is less than the ADSP measurement ($33,613), the ADSP of T1 is $29,651.

Question 4: How is the elective ADSP formula affected by an increase in the maximum percentage (by value) of T stock held by P during the one-year period following T's acquisition date?

Answer 4: The section 338(c)(1) percentage used in the elective ADSP formula is determined by reference to the maximum percentage (by value) of T stock held by P during the one-year period following T's acquisition date. See paragraph (h)(2)(v) of this section. Thus, the ADSP as calculated under the ADSP formula cannot be determined with certainty until that one-year period has elapsed. See paragraph (k)(5) of this section.

(i) Reserved.

(j) *Determination of basis of target assets after section 338 election*—(1) *Introduction.* The questions and answers in this paragraph (j) provide guidance under section 338(b) on the determination of the total sum ("adjusted grossed-up basis") to be allocated as basis to the assets of new T. These questions and answers do not specifically deal with the manner in which the adjusted grossed-up basis is allocated among T's assets. For purposes of applying this paragraph (j), T stock is considered purchased or held by P if it is purchased or held by any member of the P group. See section 338(h)(8).

(2) *Determination of adjusted grossed-up basis.*

Question 1: How is the adjusted grossed-up basis determined?

Answer 1: (i) *General rule.* The adjusted grossed-up basis is the sum of (A) P's grossed-up basis in recently purchased T stock, (B) P's basis in nonrecently purchased T stock, (C) the liabilities of T (including tax liabilities computed under paragraph (h) of this section), and (D) other relevant items.

(ii) *P's grossed-up basis in recently purchased T stock.* P's grossed-up basis in recently purchased T stock is the product of P's basis in recently purchased T stock (as defined in section 338(b)(6)(A)), multiplied by the fraction described in section 338(b)(4). If T has a single class of outstanding stock, P's grossed-up basis in recently purchased T stock reflects the total price P would have paid for all outstanding T stock (other than P's nonrecently purchased T stock, as defined in section 338(b)(6)(B)) had P purchased all such stock (other than such nonrecently purchased T stock) for a price per share equal to the average price per share that P paid for the recently purchased T stock. Note that P's grossed-up basis in recently purchased T stock as calculated for purposes of the adjusted grossed-up basis differs from the "grossed-up basis of P's recently purchased T stock" as calculated in the elective ADSP formula. The elective ADSP formula treats P's nonrecently purchased T stock in the same manner as T stock not held by P. See *Answer 2* (ii) of paragraph (h)(3) of this section.

(iii) *P's basis in nonrecently purchased T stock.* In the absence of an election under section 338(b)(3) ("gain recognition election"), P's basis in nonrecently purchased T stock is P's historic basis in that stock.

Question 2: What is the effect of a gain recognition election under section 338(b)(3)?

Answer 2: If P makes a gain recognition election, then, for all purposes of the Code and regulations, (i) P is treated as if it sold on the acquisition date the nonrecently purchased T stock for the basis amount determined under section 338(b)(3)(B), and (ii) P's basis on the acquisition date in nonrecently purchased T stock is the basis amount. If T has a single class of outstanding stock, P's basis in each share of nonrecently purchased T stock after the gain recognition election is

equal to the average price per share of P's recently purchased T stock. In such a case, the sum of P's grossed-up basis in recently purchased T stock and P's basis in nonrecently purchased T stock will be equal to the "grossed-up basis of P's recently purchased T stock" as calculated in the elective ADSP formula. See *Answer 2* (ii) of paragraph (h)(3) of this section. Absent a gain recognition election, the adjusted grossed-up basis will differ from the ADSP as calculated under the elective ADSP formula whenever P holds nonrecently purchased T stock at a basis that differs from P's basis in recently purchased T stock.

Question 3: May losses on nonrecently purchased T stock be recognized in the deemed sale of such stock under section 338(b)(3)?

Answer 3: No. Only gains (unreduced by losses) on the nonrecently purchased T stock are recognized.

Question 4: If P makes a gain recognition election for T, what stock held by P is subject to that election?

Answer 4: All T stock held by P (or other members of the P group) on T's acquisition date that is not recently purchased T stock is subject to the election. In addition, stock in an affected target held by P group members on the affected target's acquisition date also is subject to the gain recognition election for T if such stock is not recently purchased affected target stock.

Example. (i) Assume the same facts as in *Example (2)* of *Answer 2* of paragraph (h)(3) of this section, except that on June 1, 1984 (*i.e.*, more than 12 months before July 1, 1985, the acquisition date of T), P purchases 10 of the 100 outstanding shares of T's only class of stock for $5,000. Those 10 shares constitute nonrecently purchased T stock with respect to P's qualified stock purchase of T stock on July 1, 1985. Assume that the 90 shares of T stock thus held by P on July 1, 1985, represent, at all times during the one-year period beginning on that date (the acquisition date of T) 90 percent of the value of all T stock, and that P purchases no additional T stock during that one year period. Accordingly, the section 338(c)(1) percentage under paragraph (h)(2)(v) of this section is 10 percent, *i.e.*, 100 percent minus 90 percent. The elective ADSP formula as applied to these facts is as follows:

$$ADSP = G + L + t_R \times [(\text{Lesser of } R \text{ or } ADSP) - B] + C \times t_R \times (ADSP - Cb)$$

$$ADSP = (\$60,000/.8) + \$0 + .46 \times [(\text{Lesser of } \$80,000 \text{ or } ADSP) - 50,400] + .10 \times .28 \times [ADSP - (\text{Lesser of } \$80,000 \text{ or } ADSP)]^*$$

*Section 338(c)(1) gain exists under the formula only if the recomputed basis of $80,000 rather than the allocable ADSP amount (as defined in paragraph(h)(2)(iii) of this section) is the measure of section 1245 depreciation recapture gain. The section 338(c)(1) gain in that case is the allocable ADSP amount, reduced by $80,000. Whenever section 1245 depreciation recapture gain for an item is calculated by reference to the allocable ADSP amount for that item, the section 338(c)(1) calculation may be omitted for that item.

ADSP—Recomputed basis measurement:

$$ADSP = (\$60,000/.8) + .46 \times (\$80,000 - \$50,400) + .10 \times .28 \times (ADSP - \$80,000)$$

$$ADSP = \$75,000 + \times \$13,616 + (.028 \times ADSP - \$2,240$$

$$ADSP = \$86,376 + .028ADSP$$

$$ADSP - .028ADSP = \$86,376$$

$$.972ADSP/.972 = \$86,376/.972$$

$$ADSP = \$88,864.20$$

ADSP—ADSP measurement:

$$ADSP = (\$60,000/.8) + .46 \times (ADSP - \$50,400)$$

$$ADSP = \$75,000 + (.46 \times ADSP) - \$23,184$$

$$ADSP = \$51,816 + .46ADSP$$

$$ADSP - .46ADSP = \$51,816$$

$$.54ADSP/.54 = \$51,816/.54$$

$$ADSP = \$95,955.56$$

Accordingly, the ADSP of T is $88,864.20, *i.e.*, the recomputed basis measurement ($88,864.20), which is less than the ADSP measurement ($95,955.56). This ADSP differs from the ADSP in *Example (2)* of *Answer 2* of paragraph (h)(3) of this section because the section 338(c)(1) percentage in this *Example* is 10 percent rather than 20 percent. The existence of nonrecently purchased T stock is irrelevant for purposes of the elective ADSP formula, since that formula treats P's nonrecently purchased T stock in the same manner as T stock not held by P. See *Answer 2* (ii) of paragraph (h)(3) of this section.

(ii) The total tax liability resulting from T's deemed sale of assets, as calculated under the ADSP formula, is $13,864.20, determined as follows:

Tax on section 1245 recapture gain (.46×($80,000−$50,400))	$13,616.00
Tax on section 338(c)(1) gain (.1×.28×($88,864.20−$80,000))	248.20
Total	13,864.20

(iii) The adjusted grossed-up basis of new T's assets is determined on the basis of the following formula:

$$AGUB = GRP + BNP + L$$

For purposes of this formula—

(A) "GRP" is P's grossed-up basis in recently purchased T stock, *i.e.*, the product of P's basis in recently purchased T stock multiplied by a fraction the numerator of which is 100 percent minus the percentage of T stock (by value) attributable to P's nonrecently purchased T stock and the denominator of which is the percentage of T stock (by value) attributable to P's recently purchased T stock. See section 338(b)(4).

(B) "BNP" is P's basis in nonrecently purchased T stock. If P makes a gain recognition election under section 338(b)(3), P's basis in nonrecently purchased T stock is the basis amount determined under section 338(b)(3)(B). (The basis amount is equal to the GRP multiplied by a fraction the numerator of which is the percentage of T stock (by value) attributable to P's nonrecently purchased T stock and the denominator of which is 100 percent minus the numerator amount.) The sum of the GRP and the BNP in the event of a gain recognition election may be stated in a simplified manner: That sum is equal to P's basis in recently purchased T stock, divided by the percentage of T stock (by value) attributable to that recently purchased T stock. Note that this formulation is identical to the formulation used in calculating the "grossed-up basis of P's recently purchased T stock" in the elective ADSP formula.

(C) "L" is the sum of T's liabilities (including tax liabilities computed under paragraph (h) of this section).

(iv) If P does not make a gain recognition election, the adjusted grossed-up basis of new T's assets under the formula described in subdivision (iii) of this *Example* is $86,364.20, determined as follows:

$$AGUB = \$60,000 \times [(1 - .1)/.8] + \$5,000 + \$13,864.20$$

$$AGUB = \$86,364.20$$

(v) If P makes a gain recognition election, the adjusted grossed-up basis of new T's assets under the formula described in subdivision (iii) of this *Example* is $88,864.20, determined as follows:

$$AGUB = \$60,000 \times [(1 - .1)/.8] + \$60,000 \times [(1 - .1)/.8] \times [.1/(1 - .1)] + \$13,864.20$$

$$AGUB = \$88,864.20$$

The calculation of adjusted grossed-up basis if P makes a gain recognition election may be simplified as follows (see subdivision (iii)(B) of this *Answer*):

$$AGUB = \$60,000/.8 + \$13,864.20$$

$$AGUB = \$88,864.20$$

(vi) As a result of the gain recognition election, P's basis in its nonrecently purchased T stock is increased from $5,000 to $7,500, *i.e.*, $60,000×[(1−.1)/.8]×[.1/(1−.1)]. Accordingly, P's basis in each of its 10 shares of nonrecently purchased T stock after the gain recognition election is $750, *i.e.*, $7,500/10. P's basis in each share of nonrecently purchased T stock before the gain recognition election was $500, *i.e.*, $5,000/10. Thus, P recognizes a gain in 1985 with respect to its nonrecently purchased T stock of $2,500, *i.e.*, 10×(750−$500).

Question 5: How is the gain recognition election under section 338(b)(3) made?

Answer 5: (i) *Attachment to statement of section 338 election.* The gain recognition election is made in the form of a gain recognition statement ("GRS") that is attached to a timely filed statement of section 338 election (Form 8023) for T. In order for the gain recognition election to be valid, the statement of section 338 election (with the GRS attached) must be filed within the time specified in § 1.338–1T(c) with the Internal Revenue Service Centers specified in § 1.338–1T (c) and (d) and with each other Service Center with which each affected P group member (as defined in this *Answer 5* (ii)(A)) files its annual income tax return. If a statement of section 338 election is filed on or before August 23, 1985 without the GRS attachment, the P group may make a valid gain recognition election by filing the GRS (with a copy of the previously

filed statement of section 338 election attached) on or before that day with each Service Center specified in the preceding sentence. The gain recognition election is irrevocable. For certain additional filing requirements if a gain recognition election is made, see § 1.338–1T(e)(2).

(ii) *Contents of GRS.* The GRS must be identified as a gain recognition election under section 338(b)(3) and § 1.338–4T(j). In addition, the GRS must—

(A) Contain the name, address, and employer identification number of each corporation (*1*) that is a P group member on the acquisition date of T and that holds nonrecently purchased T stock on that date or (*2*) that is a P group member on the acquisition date of an affected target (provided that such acquisition date occurs on or before the day on which the statement of section 338 election is filed) and that holds nonrecently purchased stock in that affected target on that acquisition date ("affected P group member");

(B) Contain the following declaration (or a substantially similar declaration): "EACH CORPORATION HOLDING STOCK SUBJECT TO THIS GAIN RECOGNITION ELECTION AGREES TO REPORT ANY GAIN PURSUANT TO THE GAIN RECOGNITION ELECTION IN ITS FEDERAL INCOME TAX RETURN (INCLUDING AN AMENDED RETURN, IF NECESSARY) FOR ITS TAXABLE YEAR IN WHICH THE ACQUISITION DATE OF T OR ANY AFFECTED TARGET OCCURS"; and

(C) Be signed (in the manner prescribed in § 1.338–1T(d)(1)(v) by a person authorized to act on behalf of each affected P group member.

Question 6: Assume that T owns all of the stock of T1 at the close of T's acquisition date and that P makes a qualified stock purchase of and express election for T. For purposes of determining the adjusted grossed-up basis of T1, what is T's basis in the T1 stock that T is deemed to sell and purchase under section 338(a)?

Answer 6: T's basis in recently purchased T1 stock for purposes of determining the adjusted grossed-up basis of T1 is new T's basis in the T1 stock.

(k) *Miscellaneous matters affecting the final return of old T*—(1) *Application of section 337 to deemed sale of assets.*

Question 1: If a section 338 election is made for T, will the deemed sale of T's assets under section 338(a)(1) be governed by section 337, notwithstanding section 337 (c)(1)(A) or (c)(2) (relating to collapsible corporations and liquidation subject to section 332, respectively)?

Answer 1: Yes. Section 337 will not apply to T's deemed sale of assets, however, to the extent that another section of the Internal Revenue Code overrides (in whole or in part) the operation of section 337. Thus, for example, if old T is a "consenting corporation" within the meaning of section 341(f) and if old T holds "subsection (f) assets" on the acquisition date, section 337 will not apply to the deemed sale to the extent that gain realized on the deemed sale of the subsection (f) assets is required to be recognized under section 341(f)(2). See also section 897(d)(2), under which a foreign target will be required to recognize gain or loss with respect to its deemed sale of a United States real property interest notwithstanding section 337.

Question 2: Does the LIFO recapture rule of section 337(f) (rather than section 336(b)) apply to T's deemed sale of assets?

Answer 2: Yes.

Question 3: How does section 337 operate in the context of section 338(h)(12), under which, for purposes of section 337, T is treated as having distributed all of its assets at the close of the acquisition date?

Answer 3: (i) *General rule.* Section 338(h)(12) provides that, for purposes of section 337 and provisions that relate to section 337, T is treated as distributing all of its assets as of the close of its acquisition date if (A) T adopts a plan of complete liquidation during the 12-month period ending on the acquisition date, (B) the plan is not rescinded before the close of the acquisition date, and (C) a section 338 election is made for T. Section 337(a) provides that no gain or loss shall be recognized to a corporation from the sale or exchange of property (as defined in section 337(b)) during the 12-month period beginning on the date on which that corporation adopts a plan of complete liquidation, provided that, within such 12-month period, the corporation distributes all of its assets in complete liquidation (less assets retained to meet claims). Accordingly, if the requirements of section 338(h)(12) are satisfied, T does not recognize gain or loss from its sale or exchange of property during so much of such 12-month period as ends on T's acquisition date if the nonrecognition rule of section 337 would have applied to such sale or exchange had T hypothetically distributed all of its assets on the acquisition date ("hypothetical distribution"). For purposes of applying section 337 to the hypothetical distribution, section 337(c)(2) bars the operation of the nonrecognition rule of section 337 if section 332 would have applied to a distribution of all of T's assets in complete liquidation immediately after the plan of complete liquidation was adopted. The restrictions normally applicable to section 337 (*e.g.*, the limitation on collapsible corporations) also apply to the operation of section 337 in the section 338(h)(12) context.

(ii) *Exception for section 338(c)(1) percentage.* Gain or loss on actual asset sales pursuant to the plan of complete liquidation that are subject to the nonrecognition rule of section 337 by reason of section 338(h)(12) nevertheless is recognized to the extent of the section 338(c)(1) percentage (as defined in paragraph (h)(3)(v) of this section). Section 338(c)(1) applied to such gain or loss in the same manner as it applies to gain or loss arising in the deemed sale of assets under section 338(a)(1).

Example. (i) A owns all 100 shares of the only class of outstanding stock of T, a calendar year taxpayer. On January 1, 1985, T adopts a plan of complete liquidation which is not rescinded before the close of June 1, 1985. On April 1, 1985, T sells land held for investment and realizes a long-term capital gain of $2,000. On June 1, 1985, P purchases 90 of T's 100 shares from A and makes an express election for T. Assume that those 90 shares represent, at all times during the one-year period beginning on June 1, 1985 (the acquisition date of T), 90 percent of the value of all T stock and that P purchases no additional T stock during the one-year period beginning on June 1, 1985. Accordingly, the section 338 (c)(1) percentage is 10 percent.

(ii) Because T satisfies all of the requirements of section 338(h)(12), the nonrecognition rule of section 337 applies to T's asset sale on April 1, 1985, assuming that such nonrecognition rule would have applied to that sale had T hypothetically distributed all of its assets on June 1, 1985, *i.e.*, on T's acquisition date. By reason of section 338(c)(1), however, the capital gain of $2,000 is recognized to the extent of the section 338(c)(1) percentage of 10 percent. Accordingly, T recognizes a capital gain of $200 (*i.e.*, $2,000 × .10) that must be reported in old T's final return. (The section 338(c)(1) percentage also may cause the recognition of gain or loss in T's deemed sale of assets on June 1, 1985.)

Question 4: How does section 341 apply to A and T if—

(i) At all relevant times, T is a collapsible corporation (as defined in section 341(b)(1)),

(ii) On January 1, 1985, a causes T to adopt a plan of complete liquidation,

(iii) On June 30, 1985, T sells property (other than property described in section 337(b)(1)) to an unrelated person for cash,

(iv) T immediately distributes that cash to A in exchange for T stock owned by A,

(v) On December 31, 1985, A sells all of its remaining T stock to P,

(vi) Rather than completing the liquidation of T, P makes a section 338 election for T, and

(vii) All of the requirements of section 338(h)(12) are satisfied?

Answer 4: (i) *Application of section 341(e)(4) to T's sale of property.* Section 337(c)(1)(A) bars the application of the nonrecognition rule of section 337 to T's sale of property on June 30, 1985, unless section 341(e)(4) applies with respect to that sale. For purposes of determining whether the requirement of section 341(e)(4)(B) is satisfied, T is treated as selling at the close of T's acquisition date all of the properties held by T on that date.

(ii) *Application of section 341(a)(2) to A's gain on the cash distribution to A.* To the extent that A's gain on the cash distribution from T in exchange for T stock owned by A would be considered (but for section 341(a)(2)) as gain from the sale or exchange of a capital asset held for more than six months, such gain is recharacterized under section 341(a)(2) as ordinary income unless section 341(a) is made inapplicable to A by reason of section 341 (d) or (e)(2). For purposes of determining under section 341(e)(2) whether the requirement of section 341(e)(4)(B) is satisfied, T is treated as selling at the close of T's acquisition date all of the properties held by T on that date.

(iii) *Application of section 341(a)(1) to A's gain on the stock sale.* To the extent that A's gain on the December 31, 1985, sale of T stock would be considered (but for section 341(a)(1)) as gain from the sale or exchange of a capital asset held for more than six months, such gain is recharacterized under section 341(a)(1) as ordinary income unless section 341(a) is made inapplicable to A by reason of section 341 (d), (e)(1), or (f).

Question 5: How do sections 453B(d)(2) and 453(h) apply with respect to the distribution of an installment note ("note") by T to A, the sole shareholder of T at the time of the distribution, if—

(i) On January 1, 1985, A causes T to adopt a plan of complete liquidation,

(ii) On June 30, 1985, T acquires the note in consideration for the sale of non-depreciable property (other than property described in section 337(b)(1)(A)),

(iii) T immediately distributes the note to A in exchange for T stock owned by A,

(iv) On December 31, 1985, A sells all of its remaining T stock to P,

(v) Rather than completing the liquidation of T, P makes a section 338 election for T, and

(vi) The nonrecognition rule of section 337 would have applied by reason of section 338(h)(12) had T sold or exchanged the note on the day it distributed that note to A?

Answer 5: Pursuant to section 453B(d)(2) (and subject to the limitations described therein), no gain or loss is recognized by T on the distribution of the note to A. Pursuant to section 453(h), the receipt by A of payments under the note (and not the receipt of that note in the distribution) is treated as the receipt of payment by A for the T stock transferred to T in exchange for the installment note.

(2) *Application of section 338(h)(10).*

Question 1: Is a section 338 election a prerequisite to a section 338(h)(10) election?

Answer 1: Yes.

Question 2: May an election under section 338(h)(10) be made prior to issuance of a Treasury decision containing regulations under section 338(h)(10)?

Answer 2: No.

Question 3: After a Treasury decision containing regulations under section 338(h)(10) is published, will an election under section 338(h)(10) be permitted retroactively for a qualified stock purchase that occurred prior to publication of that Treasury decision?

Answer 3: Yes. After a Treasury decision containing regulations under section 338(h)(10) is published, a section 338(h)(10) election may be made for stock sales included in a qualified stock purchase with respect to which the acquisition date occurs after January 12, 1983. (January 12, 1983, is the date of enactment of the Technical Corrections Act of 1982, which added section 338(h)(10).)

(3) *Effect of sections 382(a) and 168(d)(2)(B) on old T's final return.*

Question 1: Does section 382(a) (as in effect for taxable years beginning before January 1, 1986) apply solely by reason of the operation of section 338 to bar a net operating loss carryover to old T's final return?

Answer 1: No.

Question 2: Does section 168(d)(2)(B) operate to bar a recovery deduction for the taxable period represented by old T's final return?

Answer 2: (i) *General rule.* Subject to certain exceptions, section 168(d)(2)(B) bars a recovery deduction for the taxable period represented by old T's final return since, by reason of the operation of section 338(a)(1), all of old T's assets are disposed of during that taxable period.

(ii) *Effect of deemed sale return.* The general rule of this *Answer 2* applies only if the final return of old T is not a deemed sale return (within the meaning of § 1.338–1T(f)(3)(i)). If a deemed sale return is filed, the operation of section 338 does not prevent T from taking a recovery deduction for T's taxable period that ends immediately before the deemed sale of assets, since T's assets are not considered disposed of by reason of section 338(a)(1) during that taxable period. (That taxable period is included in the consolidated return of the selling group. See § 1.338–1T(f)(3).) Although the rule of section 168(d)(2)(B) technically applies to the deemed sale return, it is of no consequence since a recovery deduction could not be taken for that taxable period in any case.

Example (1). T is a calendar year taxpayer that files separate returns. On November 1, 1985, P purchases all of the stock of T from S in a qualified stock purchase and makes an express election for T. T is denied a recovery deduction by reason of section 168(d)(2)(B) for the ten-month period that ends at the close of November 1, 1985.

Example (2). Assume the same facts as in *Example (1),* except that T is included in consolidated returns of the S group and therefore is required, by reason of the express election made by P for T, to file a deemed sale return under § 1.338–1T(f)(3). T is not denied a recovery deduction by reason of section 168(d)(2)(B) for the ten-month period that ends immediately before T's deemed sale of assets at the close of November 1, 1985. Such a recovery deduction is reported in the consolidated return of the S group for 1985.

(4) *Application of § 1.1502–76(c) to old T's final return.*

Question: How does § 1.1502–76(c) apply to old T's final return if, immediately before T's deemed sale of assets at the close of the acquisition date, old T was a member of an affiliated group ("selling group") that did not file consolidated returns for taxable years of the common parent of that group that precede the taxable year that includes old T's acquisition date?

Answer: (i) *General rule.* Under § 1.338–1T(f)(6)(i), old T's final return is due on the 15th day of the third calendar month following the month in which the acquisition date occurs ("final return due date"). Under § 1.1502–76(c)(2), a choice is permitted as to the taxable period included in old T's final return if, on or before the final return due date (including extensions), the selling group has not filed a consolidated return that would include old T's taxable period that ends on the acquisition date. On or before the final return due date (including extensions), T may either (i) file a deemed sale return (as defined in § 1.338–1T(f)(3)(i)), on the assumption that the selling group will file the consolidated return, or (ii) file a return

for so much of old T's taxable period as ends at the close of the acquisition date, on the assumption that the consolidated return will not be filed. For purposes of applying § 1.1502–76(c)(2), an extension of time to file old T's final return is considered to be in effect for the period during which the waiver rule of § 1.338–1T(h)(1) applies.

(ii) *Consequence of erroneous filing of deemed sale return.* If, pursuant to subdivision (i) of this *Answer*, T files a deemed sale return but the selling group does not file a consolidated return, then T must file a substituted return for old T not later than the due date (including extensions) for the return of the common parent with which old T would have been included in the consolidated return. The substituted return is for so much of old T's taxable year as ends at the close of the acquisition date. Under § 1.1502–76(c)(2), the deemed sale return is not considered a return for purposes of section 6011 (relating to the general requirement of filing a return) if a substituted return must be filed.

(iii) *Consequence of erroneous filing of return for regular tax year.* If, pursuant to subdivision (i) of this *Answer*, T files a return for so much of old T's regular taxable year as ends at the close of the acquisition date but the selling group also files a consolidated return, T must file an amended return for old T not later than the due date (including extensions) for the selling group's consolidated return. (The amended return will be a deemed sale return.)

(iv) *Last date for payment of tax.* If either a substituted or amended final return of old T is filed pursuant to this *Answer*, the last date prescribed for payment of tax is the final return due date (as defined in subdivision (i) of this *Answer*).

(5) *Effect on old T's final return of plan to abate section 338(c)(1) amounts.*

Question: If, at the time old T's final return is filed, old T is liable for tax by reason of section 338(c)(1) gain but there is a plan in effect to abate such gain by reason of a purchase or redemption of T stock, must such gain nonetheless be reported in old T's final return?

Answer: Yes. T must file old T's final return and pay tax based on the facts as they exist at the time of filing. If the tax payment reflects section 338(c)(1) amounts that are later abated, an amended return should be filed.

(6) *Combined deemed sale return under section 338(h)(15).*

Question 1: What targets are included in a combined deemed sale return ("combined return") under section 338(h)(15)?

Answer 1: The combined return must include all of the targets (i) that are acquired by the P group from a single selling consolidated group (as defined in section 338(h)(10)(B)) and (ii) that would be required to file separate deemed sale returns for the same acquisition date if a combined return were not filed. All such targets must be included in the combined return even though, as between those targets, no one such target is a common parent corporation. Thus, for example, T and T1 may be included in a combined return if (i) T and T1 are directly owned subsidiaries of S, (ii) P, on a single day, acquires from S all of the stock of both T and T1 in qualified stock purchases, and (iii) under the circumstances, T and T1 would be required to file separate deemed sale returns if a combined return were not filed.

Question 2: If a combined return is filed, will the losses of one target included in that return offset the gains of another target, and will a similar rule apply to tax credits?

Answer 2: Yes. Gains and losses recognized on the deemed sale of assets by targets included in a combined return are treated as the gains and losses of a single target. In addition, loss carryovers of a target that were not subject to the separate return limitation year restrictions ("SRLY restrictions") of the consolidated return regulations while that target was a member of the selling consolidated group may be applied without limitation to the gains of other targets included in the combined return. If, however, a target has loss carryovers that were subject to the SRLY restrictions while that target was a member of the selling consolidated group, the use of those losses in the combined return will continue to be subject to those restrictions, applied in the same manner as if the combined return were a consolidated return. A similar rule will apply to tax credits. For SRLY restrictions, see, *e.g.*, §§ 1.1502–1(f), 1.1502–3(c), 1.1502–4(f), 1.1502–21(c), and 1.1502–22(c).

Question 3: How is the combined return made?

Answer 3: The combined return is made by filing a single corporation income tax return in lieu of separate deemed sale returns for all of the targets required to be included in the combined return. The combined return reflects the deemed sales of all of the targets required to be included in the combined return. If the targets included in the combined return constitute a single affiliated group within the meaning of section 1504(a), the income tax return is signed by an officer of the common parent of that group. Otherwise, the return must be signed by an officer of each target included in the combined return. Rules similar to the rules in § 1.1502–75(j) apply for purposes of preparing the combined return. The combined return must include an attachment prominently identified as an "Election to file a combined return under section 338(h)(15)." The attachment must—

(i) Contain the name, address, and employer identification number of each target required to be included in the combined return,

(ii) Contain the following declaration (or a substantially similar declaration): "EACH TARGET IDENTIFIED IN THIS ELECTION TO FILE A COMBINED RETURN CONSENTS TO THE FILING OF A COMBINED RETURN," and

(iii) Be signed (in the manner prescribed in § 1.338–1T(d)(1)(v)) by a person authorized to act on behalf of each of those targets.

(l) *Miscellaneous matters affecting new T*—(1) *Effect of old T liabilities.*

Question: Is new T liable for old T's tax liabilities, including new tax liabilities resulting from the deemed sale?

Answer: Yes. For purposes of subtitle F of the Internal Revenue Code, new T is treated as a continuation of old T. Thus, new T will be liable for old T's tax liabilities. The shareholders of old T also will be liable, however, for those tax liabilities of old T tax that are attributable to taxable years in which those shareholders and old T joined in a consolidated return. See § 1.1502–6(a).

(2) *Availability of investment tax credit; recovery deductions.*

Question 1: Is new T entitled to the investment tax credit for property it is deemed to purchase under section 338(a)(2)?

Answer 1: Yes, provided that the property would qualify for the investment tax credit if new T acquired it in an actual purchase. The property acquired by new T in the deemed purchase generally will be subject to the used property limitations of section 48(c)(2). Notwithstanding § 1.338–1T(f)(3)(v), old T and new T are not considered component members of the same controlled group for purposes of applying section 179(d)(2)(B) to section 48(c)(1) (relating to the related party limitation on the definition of "used section 38 property").

Question 2: Is new T entitled to recovery deductions under section 168(a) for property it is deemed to purchase under section 338(a)(2)?

Answer 2: Yes. New T generally is permitted to take recovery deductions on recovery property acquired in the

deemed purchase of assets, and may make new elections under section 168 without regard to the elections made by old T. For purposes of the "anti-churning" rule of section 168(e)(4) and the rule of section 168(f)(10) (under which the transferee of property is treated as the transferor in certain cases for purposes of applying section 168(a)), old T is not a related person with respect to new T.

(3) *Effect of acquisition of partnership interest in deemed purchase under section 338(a)(2).*

Question: If one of the assets held by old T at the close of the acquisition date is an interest in a partnership with respect to which an election under section 754 applies, then may new T's deemed purchase of that partnership interest cause an adjustment under section 743(b) to the basis of partnership property (with respect to new T only)?

Answer: Yes. The provisions of subchapter K of the Code (relating to partners and partnerships) apply as if the deemed sale and purchase under section 338(a) were an actual sale and purchase.

(4) *Employment taxes; employee plans.*

Question 1: May wages earned by the employees of old T be considered wages earned by such employees from new T for purposes of sections 3101 and 3111 (Federal Insurance Contributions Act) and section 3301 (Federal Unemployment Tax Act)?

Answer 1: Yes.

Question 2: For purposes of applying the rules applicable to employee benefit plans (including, for example, those plans described in sections 79, 104, 105, 120, 124, 125, 127, and 129), qualified pension, profit-sharing, stock bonus and annuity plans (sections 401(a) and 403(a)), simiplified employee pensions (section 408(k)), and tax qualified stock option plans (sections 422A and 423), are old T and new T to be treated as a single employer?

Answer 2: Yes.

Par. 2. Section 1.338—It is amended as follows—

1. Paragraph (c) is amended by—

a. Removing from the first sentence the words "the 60th day after the date of publication of temporary regulations § 1.338–4T" and by adding in their place the words "August 23, 1985", and

b. Removing the third sentence thereof and by adding in its place the following sentence: "See paragraph (e)(1) of this section for an attached schedule containing information relating to target and such other corporations."

2. Paragraph (e)(1) is revised to read as set forth below.

3. Paragraph (e)(2) is revised to read as set forth below.

4. Paragraph (e)(3) is amended by removing the last sentence thereof and by adding in its place the following sentence: "Failure to comply with the requirements of paragraphs (e) (1) and (2) of this section, however, will not invalidate a statement of election (or, if applicable, a gain recognition election under § 1.338–4T(j)(2)) and will have no effect on the applicability of section 338(f)(1)."

5. Paragraph (f)(7)(ii) is amended by removing the words "the 60th day after the date of publication of temporary regulations § 1.338–4T" and by adding in their place the words "August 23, 1985".

6. Paragraph (h) is amended by—

a. Removing, from each place they appear, the words "the 60th day after the date of publication of temporary regulations § 1.338–4T" and by adding in their place the words "August 23, 1985",

b. Removing, from the first sentence of paragraph (h)(1), the words "such 60th day" and by adding in their place the words "August 23, 1985", and

c. Removing, from the first sentence of paragraph (h)(2)(ii), the words "such 60th day" and by adding in their place the words "August 23, 1985".

7. Paragraph (j)(2) is amended by removing from the third sentence the words "the 60th day after the date of publication of temporary regulations § 1.338–4T" and by adding in their place the words "August 23, 1985".

§ 1.338–1T Elections under section 338(g) of the Internal Revenue Code of 1954 (temporary).

* * * * *

(e) *Schedule; attachments to target returns*—(1) *Schedule of information relating to corporations subject to election*—(i) *Required data.* A schedule providing the information specified in this paragraph (e)(1)(i) ("required data") must be attached to the statement of election. The schedule must contain the name, address, and employer identification number of each corporation subject to the statement of election by reason of section 338(f)(1) as of the day the statement of election is filed. In addition, the schedule must—

(A) Disclose the fair market value of the consideration paid by the purchasing corporation for the stock of each such corporation as well as for the stock of the corporation for which the statement of election is expressly made ("target corporations"),

(B) Identify the portion of that consideration represented by the following components: (*1*) cash, (*2*) purchase money debt, and (*3*) other components of consideration (with each such other component separately stated), and

(C) Disclose the liabilities of each of the target corporations (as of the close of the particular target's acquisition date, with the tax liability resulting from the deemed sale of assets under section 338(a)(1) separately stated).

(ii) *Transitional rule.* If a statement of election filed on or before August 23, 1985, does not include the schedule with all of the required data, the requirements of paragraph (e)(1)(i) of this section will be satisfied if, on or before August 23, 1985, the schedule (with a copy of the previously filed statement of election attached) is filed with the Internal Revenue Service Center(s) with which the statement of election is required to be filed under paragraphs (c) and (d) of this section. That schedule must include the required data for each corporation subject to the statement of election as of the day the schedule is filed.

(2) *Attachments to target returns; additional filings with certain Service Centers*—(i) *Attachments.* The following items ("required items") must be attached to old target's final return and to the first return of new target (or, if target is a foreign corporation not subject to United States tax (as defined in paragraph (k)(3)(iii) of this section), to the returns specified in paragraph (k)(6) of this section): (A) a copy of the statement of election, (B) the schedule described in paragraph (e)(1) of this section ("schedule"), and (C) if a gain recognition election under section 338(b)(3) is made in the statement of election, a copy of the gain recognition statement ("GRS") See § 1.338–4T(j)(2) for guidance on the GRS. The requirement of the preceding sentence applies both to the corporation for which the statement of election is expressly made and to a corporation subject to such a statement by reason of section 338(f)(1).

(ii) *Transitional rule.* If all of the required items (with the required contents) are not attached to a return filed on or before August 23, 1985, the requirements of paragraph (e)(2)(i) of this section will be satisfied if, on or before August 23, 1985, all of the required items (with the required contents) are filed with the Internal Revenue Service Center(s) with which the returns to which the required items should have been attached were filed ("corrective statement").

(iii) *Additional filings with certain Service Centers.* On or before the day on which a return or corrective statement described in paragraph (e)(2)(i) or (ii) of this section is filed, the

required items also must be filed (A) with the Internal Revenue Service Centers with which the statement of election is required to be filed under paragraphs (c) and (d) of this section and (B) if the GRS is a required item, with each other Service Center with which each affected P group member (determined as of the day of filing) files its annual income tax return. For the definition of "affected P group member," see § 1.338–T(j)(2) *Answer 5* (ii)(A). The required items need not, however, be filed with a Service Center that already has received the identical required items.

(iv) *Schedule and GRS must be updated.* The schedule attached to a return or filed as part of a corrective statement under paragraph (e)(2) (i) or (ii) of this section (or filed with a Service Center under paragraph (e)(2)(iii) of this section) must contain the required data described in paragraph (e)(1)(i) of this section for each corporation subject to the statement of election as of the day the schedule is filed. Similarly, the GRS filed under the circumstances described in the preceding sentence must include the name, address, and employer identification number of each corporation that is an affected P group member as of the day the GRS is filed.

* * * * *

§ 1.338–2T [Amended]

Par. 3. Section 1.338–2T is amended by removing, from each place they appear in *Example 1* and *Example (2)* of paragraph (j), the words "the 60th day after the date of publication of temporary regulations § 1.338–4T" and by adding in their place the words "August 23, 1985".

PART 602—OMB CONTROL NUMBERS UNDER THE PAPERWORK REDUCTION ACT

§ 602.101 [Amended]

Par. 4. Section 602.101(c) is amended by inserting in the appropriate place in the table "1.338–4T . . . 1545–0702".

There is a need for immediate guidance with respect to the provisions contained in this Treasury decision. For this reason, it is found impracticable to issue this Treasury decision with notice and public procedure under subsection (b) of section 553 of Title 5 of the United States Code or subject to the effective date limitation of subsection (d) of that section.

This Treasury decision is issued under the authority contained in sections 338 and 7805 of the Internal Revenue Code of 1954 (96 Stat. 324, 26 U.S.C. 338; 68A Stat. 917, 26 U.S.C. 7805, respectively).

Roscoe I. Egger, Jr.,

Commissioner of Internal Revenue.

Approved: April 17, 1985.

Ronald A. Pearlman,

Assistant Secretary of the Treasury.

[FR Doc. 85–9899 Filed 4–19–85; 4:31 pm]

BILLING CODE 4830–01–M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[LR-33-85]

Income Taxes; Questions and Answers Relating to Domestic Matters Under Section 338 of the Internal Revenue Code of 1954; Cross-Reference

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of proposed rulemaking by cross-reference to temporary regulations.

SUMMARY: In the Rules and Regulations portion of this issue of the **Federal Register**, the Internal Revenue Service is issuing temporary regulations that add a new § 1.338–4T, relating to miscellaneous matters under section 338, and that amend existing temporary regulations §§ 1.338–1T and 1.338–2T, relating generally to procedural matters under section 338. The text of new § 1.338–4T and of the revisions to §§ 1.338–1T and 1.338–2T also serves as the comment document for this notice of proposed rulemaking.

DATES:

Proposed Effective Date

The regulations are proposed to generally apply to stock acquisitions made after August 31, 1982.

Date for comments and requests for a public hearing. Written comments and requests for a public hearing must be delivered or mailed by June 24, 1985.

ADDRESS: Send comments and requests for a public hearing to: Commissioner of Internal Revenue, Attention: CC:LR:T (LR–33–85), Washington, D.C. 20224.

FOR FURTHER INFORMATION CONTACT: Duane H. Pellervo of the Legislation and Regulations Division, Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, D.C. 20224 (Attention: CC:LR:T) (202–566–3458, not a toll-free call).

SUPPLEMENTARY INFORMATION:

Background

Temporary regulations published in the Rules and Regulations portion of this issue of the **Federal Register** add new temporary regulations § 1.338–4T to Part 1 of Title 26 of the Code of Federal Regulations ("CFR") and amend temporary regulations §§ 1.338–1T and 1.338–2T, which were published as T.D. 7942 in the **Federal Register** on February 8, 1984 (49 FR 4722), and which were amended and redesignated (as §§ 1.338–1T and 1.338–2T) by temporary regulations published as T.D. 7975 in the **Federal Register** on September 6, 1984 (49 FR 35086). The final regulations that are proposed to be based on the new and amended temporary regulations would be added to Part 1 of Title 26 of the CFR. Those final regulations would provide guidance on a broad range of issues under section 338 of the Code, as added by section 224 of TEFRA (Pub. L. No. 97–248; 96 Stat. 485) and as amended by section 306 (a) (8) of the TCA (Pub. L. No. 97–448; 96 Stat. 2402) and section 712 (k) of the TRA (Pub. L. No. 98–369; 98 Stat. 946). For the text of the new and amended temporary regulations, see T.D., published in the Rules and Regulations portion of this issue of the **Federal Register**. The preamble to the temporary regulations explains the additions to the regulations.

Appropriate Amendments to Regulations Under Affected Sections To Be Made

If the rules in the temporary regulations that relate to sections of the Code other than section 338 are issued in the form of final regulations, the appropriate regulations sections will be amended to reflect those rules (see *e.g.*, the regulations under sections 48, 79, 168, and 304).

Regulatory Flexibility Act and Executive Order 12291

Although this document is a notice of proposed rulemaking that solicits public comment, the Internal Revenue Service has concluded that the regulations proposed herein are interpretative and that the notice and public procedure requirements of 5 U.S.C. 553 do not apply. Accordingly, these proposed regulations do not constitute regulations subject to the Regulatory Flexibility Act (5 U.S.C. chapter 6). The Commissioner of Internal Revenue has determined that this proposed rule is not a major rule as defined in Executive Order 12291 and that a Regulatory Impact Analysis therefore is not required.

Comments and Request for a Public Hearing

Before these proposed regulations are adopted, consideration will be given to any written comments that are submitted (preferably eight copies) to the Commissioner of Internal Revenue. All comments will be available for public inspection and copying. A public hearing will be held upon written request to the Commissioner by any person who has submitted written comments. If a public hearing is held, notice of the time and place will be published in the **Federal Register**. The collection of information requirements contained herein have been submitted to the Office of Mangement and Budget (OMB) for review under section 3504(h) of the Paperwork Reduction Act. Comments on the requirements should be sent to the Office of Information and Regulatory Affairs of OMB, Attention: Desk Officer for Internal Revenue Service, New Executive Office Building, Washington, D.C. 20503. The Internal Revenue Service requests persons submitting comments to OMB to also send copies of the comments to the Service.

Drafting Information

The principal author of these proposed regulations is Duane H. Pellervo of the Legislation and Regulations Division of the Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing the regulations, both on matters of substance and style.

List of Subjects in 26 CFR 1.301–1–1.383–3

Income taxes, Corporations, Corporate distributions, Corporate adjustments, Reorganizations.

These regulations are proposed to be issued under the authority contained in sections 338 and 7805 of the Internal Revenue Code of 1954 (96 Stat. 484, 26 U.S.C. 338; 68A Stat. 917, 26 U.S.C. 7805, respectively).

Roscoe L. Egger, Jr.,

Commissioner of Internal Revenue.

[FR Doc. 9900 Filed 4–19–85; 4:31 pm]

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Federal Register

Thursday
April 25, 1985

Part III

Environmental Protection Agency

40 CFR Part 261

Identification and Listing of Hazardous Waste Management System; Proposed Rule and Request for Comments

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 261

[SWH-FRL 2755-1]

Identification and Listing of Hazardous Waste Management System

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule and request for comments.

SUMMARY: The Environmental Protection Agency (EPA) today is proposing to amend its regulations under the Resource Conservation and Recovery Act (RCRA) by listing two wastes generated during the production of methyl bromide. If this proposal is issued in final form, its effect would be to subject these wastes to the hazardous waste management standards contained in 40 CFR Parts 262–266, Part 124, and the permitting requirements of Parts 270 and 271.

DATES: EPA will accept public comments on this proposed rule until June 10, 1985. Any person may request a hearing on this amendment by filing a request with Eileen B. Claussen, whose address appears below, by May 10, 1985.

ADDRESSES: Comments should be sent to the RCRA Docket Clerk, Office of Solid Waste (WH–562), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460. Comments should identify the regulatory docket "Listing Methyl Bromide." Requests for a hearing should be addressed to Eileen B. Claussen, Director, Characterization and Assessment Division, Office of Solid Waste, U.S. Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460.

The public docket for this amendment is located in Room S–212A, U.S. Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460, and is available for viewing from 9:00 a.m. to 4:00 p.m., Monday through Friday, excluding holidays.

FOR FURTHER INFORMATION CONTACT: The RCRA Hotline at (800) 424–9346 or at (202) 382–3000. For technical information contact Dr. Howard Fribush, Office of Solid Waste (WH–562B), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460, (202) 475–6678.

SUPPLEMENTARY INFORMATION:

I. Background

On May 19, 1980, as part of its final and interim final regulations implementing section 3001 of RCRA, EPA published a list of hazardous wastes generated from specific sources. This list has been amended several times, and is published in 40 CFR 261.32. In addition, the Hazardous and Solid Waste Amendments of 1984 (HSWA) require the Agency to decide whether to list wastes from the production of organobromines. EPA proposes today to add to the list two wastes from the production of methyl bromide.[1] These wastes are: (1) Wastewater from the reactor and acid drier (K131); and (2) spent adsorbent and wastewater separator solids (K132).

One of the hazardous constituents in these wastes is methyl bromide, which causes hyperplasia of the forestomach in rats. It is also a direct mutagen in the Ames *Salmonella* assay and a central nervous system depressant. The wastewater stream, K132, also contains significant concentrations of dimethyl sulfate, for which there is substantial evidence of carcinogenicity. In addition, it is a severe irritant.

The Agency previously has listed as hazardous under 40 CFR 261.33(f), discarded commercial chemical products, off-specification species, container residues, and spill residues containing methyl bromide and dimethyl sulfate, (EPA Hazardous Waste No. U029, Methyl bromide; EPA Hazardous Waste No. U103, Dimethyl sulfate). Methyl bromide and dimethyl sulfate also are listed in Appendix VIII of 40 CFR Part 261.

Methyl bromide typically is present in high concentrations in each waste stream. Methyl bromide also is mobile and persistent, and can reach environmental receptors in harmful concentrations if these wastes are mismanaged. Dimethyl sulfate, which is present in Waste K131, wastewater from the reactor and acid drier, also is present in high concentrations and is mobile and persistent. Waste K131 also is corrosive because it has a pH of less than 2. Evaluated against the criteria for listing hazardous wastes [40 CFR 261.11(a)(3)], EPA has determined that these wastes are hazardous because they are capable of posing a substantial present or potential threat to human health and the environment when improperly treated, stored, transported, disposed of, or otherwise mismanaged.

[1] The Agency already proposed to list wastes from the production of ethylene dibromide (EDB) on November 8, 1984 (see 49 FR 44718–44721). The Agency currently is evaluating other wastes from the production of other organobromines and may propose to list additional wastes in the near future.

II. Summary of the Regulation

A. List of Wastes

This proposed regulation would list as hazardous two wastes generated during the production of methyl bromide. These residual wastes are:

- K131—Wastewater from the reactor and acid drier from the production of methyl bromide.
- K132—Spent adsorbent and wastewater separator solids from the production of methyl bromide.

In 1984, three domestic companies were producing methyl bromide at three locations, with a toal annual production capacity of 33,142 kkg (73 million pounds). The major uses for methyl bromide are as a soil fumigant (80%) and as a space fumigant (15%) (Mannsville, 1984). The total annual volume of the aqueous residual wastes from production of methyl bromide by the processes described here at nameplate capacity is approximately 12,825 kkg (28 million pounds) of reactor and acid drier wastewater (EPA Hazardous Waste No. K131) and 147 kkg (324,000 pounds) of spent adsorbent and wastewater separator solids (EPA Hazardous Waste No. K132).

Methyl bromide typically is produced by reacting methanol with liquid hydrobromic acid. The wastes that are being listed from this operation are formed as residuals at several points in the production of methyl bromide. Waste K131 includes any of a collection of wastewaters and is formed from either of the following two operations: (1) Removal of reactor process water and (2) drying of the product with sulfuric acid. Waste K132 includes any solids formed from (1) the purification of the product by passing it over an adsorbent solid or (2) separating solids from wastewater. Due to the high (greater than 50%) concentration of sulfuric acid in waste K131, this aqueous waste has a pH less than 2. In addition, this waste has considerable quantities of methyl hydrogen sulfate (up to 25 percent), which is also corrosive. This waste, therefore, meets the corrosivity characteristic specified in 40 CFR 261.22(a)(1).

The listing background document (available from the public Docket at EPA Headquarters—see "**ADDRESSES**" section—and from the EPA Regional Libraries) and sources cited there describe this production process in detail. Sections of the background document, however, contain confidential business information (CBI); these CBI sections are not available to the public and will be deleted.

As derived from both industry study questionnaries and sampling analyses, these wastes typically contain significant concentrations of methyl bromide, a halomethane. In addition to methyl bromide, waste K131 contains significant concentrations of dimethyl sulfate, a by-product from the side reaction of methanol with sulfuric acid. The following concentrations are approximate, as they have been derived and aggregated from industry-supplied CBI.

EPA hazardous waste nos	Hazardous constituents	Typical concentrations	
		Percent	ppm
K131	Methyl bromide	Up to 5	Up to 50,000
	Dimethyl sulfate	Up to 0.5	Up to 5,000.
K132	Methyl bromide	Up to 1.5	Up to 15,000

The concentrations of the hazardous constituents in these wastes are significant and present a substantial hazard to human health. Methyl bromide at a concentration of 5 percent in waste K131 is about 36,000 times greater than the ambient water quality criteria (AWQC) (1.39 mg/l for methyl bromide on the basis of chronic toxicity (USEPA), 1980a).[2] Dimethyl sulfate at a concentration of 0.5 percent in waste K131 is about 5,600,000 times greater than the estimated ambient water quality criteria of 0.0089 mg/l. Only a small percentage of these contaminates need migrate from the waste to be present in ground water at levels above the health-based standards and thus present a substantial hazard to human health and the enviroment.

Methyl bromide exhibits acute and chronic toxicity. Methyl bromide was found to cause inflammation and hyperplasia of the forestomach of rats (Danse, *et al.*, 1984). In this 90-day gavage study, 13 of 20 rats of the highest dose group (50 mg/kg) developed squamous cell carcinomas of the forestomach. Methyl bromide also is a central nervous system depressant and may clause psychic, motor, and gastrointestinal disturbances (USEPA, 1980a). Furthermore, methyl bromide exposure has been associated with convulsions and seizures in humans (Alexeeff and Kilgore, 1983), and direct damage to the brain cortex and peripheral axons (Doull, *et al.*, 1980). In addition, there are numerous accounts of human fatalities from accidental methyl bromide exposure due to pulmonary edema (Hayes, 1982; Von Oettingen 1964, Alexeeff and Kilgore, 1983), as well as reports of pathological changes in humans (Von Oettingen, 1964; Alexeeff and Kilgore, 1983) and animal kidneys (Alexeeff, 1982). Dogs chronically ingesting bromide (methyl bromide-fumigated food yielding residual bromide at a dose level of 150 mg/kg/day) for a year became obese, lethargic, and died due to high blood bromide levels (Rosenblum, 1960). In another experiment using fumigated food with residual bromide, pathological changes in the parathyroid and thyroid glands were detected (USEPA, 1980a). Methyl bromide also is a direct-acting mutagen in the Ames *Salmonella* Assay (USEPA, 1980a).

Dimethyl sulfate also is very toxic. Based on numerous studies, the International Agency for Research on Cancer (IARC) and the Agency's Carcinogen Assessment Group (CAG) have determined that there is substantial evidence that dimethyl sulfate is carcinogenic. Dimethyl sulfate is carcinogenic in rats after inhalation or subcutaneous injection, producing mainly local tumors, and after prenatal exposure, producing tumors of the nervous system (IARC, 1974; USEPA, 1980b).

Methyl bromide and dimethyl sulfate, therefore, exhibit toxicological properties of regulatory concern. The listing background document and Health and Environmental Effects Profiles (HEEPs, available from the public docket at EPA Headquarters—see **"ADDRESSES"** section—and from the EPA Regions Libraries) contain additional details on the health effects of these toxicants.

Methyl bromide is a heavier-than-air gas at ambient temperatures with a vapor pressure of 1,420 mm Hg at 20 °C. At this vapor pressure, it is likely that methyl bromide can escape from the waste and present an inhalation hazard. In particular, the Occupational Safety and Health Administration (OSHA) maximum workplace standard for methyl bromide is 20 ppm (15 minute average). Due to the large concentrations of methyl bromide found in the waste—up to five percent—it is quite likely that the health-based standard would be exceeded and may pose an inhalation hazard if the waste was not properly contained. In addition, based on the high solubility of methyl bromide in water (17.5 g/l at 25 °C.), and its miscibility with organic solvents, such as chloroform, the Agency believes that methyl bromide can migrate from the matrix of the waste and is capable of entering the aquatic environment either through runoff or leaching through solid. The Agency also believes that, due to its high migration potential, methyl bromide is likely to leach to ground water in sufficient concentrations to pose a health hazard. Based on the volume of waste that could be generated from methyl bromide production, approximately 640 kkg (1.4 million pounds) of methyl bromide could escape into the environment annually from waste K131, and approximately 1.5 kkg (3,200 pounds) of methyl bromide could escape into the environment annually from waste K132.[3] Based on the toxicity of methyl bromide, the Agency believes these waste volumes are significant.

The Agency has also determined that methyl bromide is sufficiently persistent in both water and air to present a human health hazard. Data show that methyl bromide has a half-life of approximately 40 days in water at 20 °C. and pH 7 (Ehrenberg *et al.*, 1974), a time more than adequate for human exposure. In addition, the estimated lifespan of methy bromide in the troposphere is 1.7 years (Molina *et al.*, 1982). These facts have been demonstrated by actual damage cases (see below).

The Agency further believes that dimethyl sulfate is mobile and can enter the environment via surface water or ground water if improperly managed. This is based on its high solubility in water (2.8 g/100 ml at 18 °C.) and organic solvents, such as ether. Based on the volume of waste that could be generated from production of methyl bromide, approximately 64 kkg (141,000 pounds) of dimethyl sulfate could escape into the enviroment annually from waste K131. Based on the carcinogenicity of dimethyl sulfate, the Agency believes this volume of waste is significant.

Environmental fate data indicate that dimethyl sulfate hydrolyzes to sulfuric acid and methanol with a half-life of 1.2 hours at 25 °C. and pH 7 (USEPA, 1977), and much slower at less than 18 °C. (Clayton and Clayton, 1981). As reported

[2] The agency has developed an AWQC based on carcinoginicity for halomethanes (EPA, 1980a) a class of chemical to which methyl bromide belongs. This AWQC, 0.19 mg/L, has not been used in this evaluation since methyl bromide has not been determined to be a carcinogen. In the event that methyl bromide is shown to a carcinogen, however, the risk that is presented by these levels would be much greater.

[3] The amunt of methy bormide that could escape into the environment is a worst case estimate and is equal to the amount of methyl bromide in the waste. These figures are calculated by multiplying the percent of methy bromide in the waste by the total volume of waste produced. The amount of methyl bromide in waste K131 is 12,825 kkg × 0.05 = 640 kkg. This method is also used to determine the amount of dimethyl sulfate that could escape into the environment.

in the industry study questionnaires and confirmed by sampling analyses, however, there is a significant concentration of dimethyl sulfate in waste K131 (up to 0.5 percent). The Agency believes that this data demonstrates that dimethyl sulfate, as reported in the matrix of the waste, has a greater half-life than that reported in an aqueous solution of dimethyl sulfate, and thus is likely to be sufficiently persistent to enter the environment, if mismanaged.

The Agency has documented an environmental damage incident for wastes which contain methyl bromide. This damage incident provides evidence that methyl bromide is mobile, and may persist after migrating. Methyl bromide was found at 15 ppb downstream of Vandale's Junkyard in Marietta, Ohio (JRB, 1984). This junkyard, a National Priority List site under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), covers about 10 acres. In addition to non-hazadous solid wates, hundreds of drums containing waste dyes and organic chemicals were disposed of in the junkyard. As a result of geological conditions and poor management practices, the stream, sediments, and an adjacent marshy area are contaminated with a variety of chemicals, including methyl bromide.

Additional evidence of the mobility of methyl bromide is found in field studies where methyl bromide was used as a fumigant. Methyl bromide was sampled in the drainage water during the leaching periods of soil after the application of the fumigant. Within 24 hours after the start of leaching, the maximum concentration of methyl bromide in the drainage water was 9.3 mg/l (Wegman *et al.*, 1981). In addition, in data gathered from the Netherlands where methyl bromide is used as soil fumigant, bromide ion was found in precipitation, surface water, and ground water up to 0.98, 41, and 17 mg/l, respectively (Wegman *et al.*, 1983).

Air monitoring was performed at three organobromide production plants in Arkansas in 1976. Trace quantities (less than 31 ppm) of methyl bromide were found in the air near the plants (USEPA, 1978). These data show that methyl bromide is released into the environment and therefore could pose a threat to human health and the environment.

Moreover, the Agency believes that current industry waste management practices may not adequately protect human health and the environment from significant exposures to methyl bromide and dimethyl sulfate. Since information on management of these hazardous wastes is contained in CBI documents, the Agency cannot reveal the actual management practices. Certain of these waste streams, however, typically are disposed using methods that, under reasonable worst case mismanagement scenarios, may pose a significant risk to human health and the environment. These practices do not prevent methyl bromide from leaching from these wastes and contaminating surface water and ground water at significant levels. See the listing background document and the HEEPs for additional details on the fact, transport, and mismanagement of methyl bromide and dimethyl sulfate.

Consequently, due to the high concentrations of methyl bromide and dimethyl sulfate in these wastes, the toxic effects of these constituents, the mobility of methyl bromide and dimethyl sulfate via leaching and runoff, and their persistence in the environment, EPA has determined that these wastes pose a significant present or potential hazard to human health and the environment, when improperly stored, transported, disposed of, or otherwise mismanaged. The Agency, therefore, is proposing to add these wastes to the hazardous waste list in 40 CFR 261.32.

B. Test Methods for New Appendix VII Compounds

The Agency recently proposed making standardized test methods mandatory for use by persons who wish to conduct waste evaluations (49 FR 38786–38809; October 1, 1984). Appendix III of 40 CFR Part 261 is a list of the chemical analysis test methods which the Agency has determined are suitable for use in analyzing wastes for hazardous constituents. The Agency has evaluated the currently available methods and has determined that Method Numbers 8010 and 8240 are suitable for testing for the presence and concentration of methyl bromide, while Method Number 8250 is suitable for testing for dimethyl sulfate. These methods are described in "Test Methods for Evaluating Solid Waste: Physical/Chemical Methods," SW–846, 2nd ed., July 1982, as amended, and are available from: Superintendent of Documents, Government Printing Office, Washington, D.C. 20402, (202) 783–3238, Document number: 055–002–81001–2. This manual explains why the methods selected for methyl bromide and dimethyl sulfate are appropriate. A subscription to this manual sells for $55.00.

III. Regulatory Status of Hazardous Wastewaters

Under the existing hazardous waste regulations, wastewaters that are hazardous and that are treated in a tank as part of a wastewater treatment facility that is subject to regulation under either section 402 or section 307(b) of the Clean Water Act are exempt from the Parts 264 and 265 management standards. Treatment units, such as concrete basins, which may or may not be in-ground, routinely provide for certain steps in a wastewater treatment process such as equalization, neutralization, aeration (in biological treatment facilities), settling, (in both biological and physical/chemical treatment facilities), flocculation or treated wastewater storage before recycling.

Where such units are constructed primarily of non-earthen materials designed to provide structural support, they are defined as tanks for purposes of the hazardous waste regulations. See 40 CFR 260.10 (definition of "tank"). In applying this definition, the Agency has provided guidance that a unit is to be evaluated as if it were free-standing and filled to its design capacity with the material it is intended to hold. If the walls or shell of the unit alone provide sufficient structural support to maintain the structural integrity of the unit under these conditions, the unit is considered to be a tank. Alternatively, if the unit is not capable of retaining its structural integrity without supporting earthen materials, it is considered to be a surface impoundment, and subject to Parts 264 and 265 requirements.

When wastewaters, including those covered by the listing proposed today, are stored or treated in tanks that are part of a unit subject to regulation under section 307(b) or 402 of the Clean Water Act, they are exempt from the Parts 264 and 265 management standards.

IV. CERCLA Impacts

The hazardous wastes designated by today's proposed rule, if listed, become hazardous substances under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA). (See CERCLA section 101(14), 42 U.S.C. 9601(14).) A final listing of these methyl bromide production wastes under RCRA would affect reporting responsibilities under CERCLA. (See CERCLA section 103, 42 U.S.C. 9603; 48 FR 23552–23605, May 25, 1983 (proposal); and 50 FR 13456–13521, April 4, 1985 (final).)

Methyl bromide, a hazardous constituent in both waste streams, and dimethyl sulfate, a hazardous constituent in waste K131, will be added to 40 CFR Part 261, Appendix VII if this proposal is made final. Both of these compounds have a statutory reportable

quantity (RQ) of one pound. The final RQ for methyl bromide is 1,000 pounds, and the final RQ for dimethyl sulfate is one pound.

The Agency is currently assessing the available data on all of the hazardous constituents and the waste streams to determine if an adjustment from the statutory one pound RQ is appropriate.

V. State Authority

A. Applicability of Rules in Authorized States

Under section 3006 of RCRA, EPA may autnorize qualified States to administer and enforce the RCRA program within their States. (See 40 CFR Part 271 for the standards and requirements for authorization.) Authorization, either interim or final, may be granted to State programs that regulate the identification, generation, and transportation of hazardous wastes and the operation of facilities that treat, store, or dispose of hazardous waste. Interim authorization is granted to States with programs that are "substantially equivalent" to the Federal program (section 3006(c)). Final authorization is granted to States with programs that are equivalent to the Federal program, consistent with the Federal program and other State programs, and that provide for adequate enforcement (section 3006(b)).

Under RCRA, prior to the Hazardous and Solid Waste Amendments of 1984, once EPA authorizes a State program, EPA suspends administration and enforcement within the State of those parts of the Federal program for which the State is authorized. In authorized States, EPA does retain enforcement authority under sections 3008, 7003, and 3013 of RCRA, although authorized States have primary enforcement responsibility. However, under section 3006(g) of the Hazardous and Solid Waste Amendments of 1984, any requirement pertaining to hazardous wastes promulgated pursuant to the Amendments is effective in authorized States at the same time it is effective in other States. EPA will administer and enforce the requirements in each State until the State is authorized with respect to such requirements.

The listing and related management standards promulgated in today's rule are applicable in all States since the requirements are imposed pursuant to the Amendments. Thus, EPA will implement these standards until authorized States revise their programs to adopt these rules.

B. Effect on State Authorizations

Under RCRA, authorized State programs must be revised to incorporate new requirements imposed by statute or EPA regulations. The procedures and schedule for State adoption of these requirements is described in 40 CFR 271.21. See 49 FR at 21678 (May 22, 1984).

States that have final authorization must revise their programs within a year of promulgation of today's regulations if only regulatory changes are necessary. These deadlines can be extended in exceptional cases. See 40 CFR 271.21(e).

States that submit official applications for final authorization less than 12 months after promulgation of today's regulations may be approved without including standards equivalent to those promulgated. However, once authorized, a State must revised its program to include the listing and related management standards substantially equivalent or equivalent to EPA's within the time period discussed above.

Under the HSWA, states revising their programs to adopt new requirements imposed under the HSWA may do so based on state requirements that are equivalent or substantially equivalent to the HSWA requirements. See section 3006(g)(2). Thus, a state seeking authorization for today's amendments may do so based on controls that are equivalent or substantially equivalent to today's rule.

VI. Status of Methyl Bromide Under FIFRA

Methyl bromide is used as a fumigant and therefore is also subject to regulation under the Federal Insecticide, Fungicide, and Rodenticide (FIFRA). FIFRA uses a statutory risk-benefit balancing test: products are "registered" (authorized) if they generally will not cause any unreasonable risk to man or the environment, taking into account the economic, social, and environmental costs and benefits of use. Accordingly, pesticides that present more than a substantial risk can be approved if the benefits outweigh the risks. (See FIFRA sections 3(c)(5), 3(c)(7), and 2(bb).) If the Agency ever decides that a pesticide no longer meets the standards for registration, then its registration may be canceled. Proponents of the pesticide, however, are afforded opportunities to contest the Agency's determination that registration should be canceled.

Methyl bromide is a major substitute for ethylene dibromide, whose agricultural use as a soil, grain, and grain milling fumigant and as a post-harvest treatment for other commodities was recently banned by the Agency (see 48 FR 46228–56248, October 11, 1983). Since methyl bromide is registered for these uses, the Agency believes that methyl bromide production may increase significantly.

The Agency's Office of Pesticides Program has requested oncogenicity and reproduction studies on methyl bromide, as well as additional food residue and environmental fate data on this chemical. As of this writing, the Office of Pesticides and Toxic Substances plans to complete a Registration Standard and to reach an initial Special Review decision on methyl bromide by the end of 1985. The Agency believes that the decision to list methyl bromide waste streams as RCRA hazardous wastes, for which a different statutory standard applies, is consistent with the treatment of methyl bromide under FIFRA.

VII. Regulatory Impact Analysis

Under Executive Order 12291, EPA must determined whether a regulation is "major" and therefore requires a Regulatory Impact Analysis. The total additional cost for disposal of the wastes as hazardous wastes is estimated to be less than $23,000 (JRB, 1985), well under the $100 million constituting a major regulation. This cost is insignificant and results from some companies already managing these wastes as if they were hazardous wastes and from minimal additional compliance requirements, such as manifesting these additional wastes.

In addition, we do not expect that there will be an adverse impact on the ability of U.S.-based enterprises to compete with foreign-based enterprises in domestic or export markets. Since this proposal is not a major regulation, no Regulatory Impact Analysis is being conducted.

VIII. Regulatory Flexibility Act

Pursuant to the Regulatory Flexibility Act, 5 U.S.C. 601–612, whenever an agency is required to publish a general notice of rulemaking for any proposed or final rule, it must prepare and make available for public comment a regulatory flexibility analysis which describes the impact of the rule on small entities (*i.e.*, small businesses, small organizations, and small governmental jurisdictions). The Administrator may certify, however, that the rule will not have a significant economic impact on small entities.

The hazardous wastes proposed to be listed here are not generated by small entities (as defined by the Regulatory Flexibility Act). Accordingly, I hereby certify that this proposed regulation

would not have a significant economic impact on a substantial number of small entities. This regulation, therefore, does not require a regulatory flexibility analysis. (See 5 U.S.C. 603.)

List of Subjects in 40 CFR Part 261

Hazardous materials, Waste treatment and disposal, Recycling.

Dated: April 17, 1985.

Lee M. Thomas,

Administrator.

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For the reasons set out in the preamble, it is proposed to amend Title 40 of the Code of Federal Regulations as follows:

PART 261—IDENTIFICATION AND LISTING OF HAZARDOUS WASTE

1. The authority citation for Part 261 continues to read as follows:

Authority: Secs. 1006, 2002(a), 3001, and 3002 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, as amended (42 U.S.C. 6905, 6912(a), 6921, and 6922).

2. In § 261.32, add the following waste streams to the subgroup "Organic Chemicals":

§ 261.32 Hazardous wastes from specific sources.

Industry and EPA hazardous waste No.	Hazardous waste	Hazard code
•	•	•
K131	Wastewater from the reactor and acid dryer from the production of methyl bromide.	(C, T)
K132	Spent adsorbent and wastewater separator solids from the production of methyl bromide.	(T)
•	•	•

3. Add the following entries in numerical order to Appendix VII of Part 261:

Appendix VII—Basis for Listing Hazardous Waste

EPA hazardous waste No.	Hazardous constituents for which listed
•	•
K131	Methyl bromide, dimethyl sulfate.
K132	Methyl bromide.
•	•

[FR Doc. 85–9997 Filed 4–24–85; 8:45 am]

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federal register

Thursday
April 25, 1985

Part IV

Department of Housing and Urban Development

Office of the Assistant Secretary for Public and Indian Housing

Indian Prototype Cost Determinations Issued Under the United States Housing Act of 1937; Notice

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Public and Indian Housing

[Docket No. N-85-1518; FR-2096]

Indian Prototype Cost Determinations Issued Under the United States Housing Act of 1937

[Note.—This document originally appeared in the issue of Tuesday, April 16, 1985, at 50 FR 14994. It is reprinted at the request of the department because the Appendix appearing on pages 14995–14998 contained typographical errors.]

AGENCY: Office of the Assistant Secretary for Public and Indian Housing, HUD.

ACTION: Notice of prototype cost determinations.

SUMMARY: This Notice establishes prototype limits for development of Indian housing new construction projects under the United States Housing Act of 1937. The prototype cost determinations stated in this Notice supersede the prototype cost schedules previously published, and all amendments and additions to such schedules published before the date of this Notice.

FOR FURTHER INFORMATION CONTACT: Andrew Suski, Office of Indian Housing, Room 4234, Department of Housing and Urban Development, 451 Seventh Street, S.W., Washington, D.C. 20410, telephone (202) 755–6522. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: Section 6(b) of the United States Housing Act of 1937 (42 U.S.C. 1437d) requires HUD to determine costs in different areas for construction and equipment (prototype costs) of new dwelling units suitable for occupancy by lower income families. This determination must be published in the **Federal Register.** The prototype costs constitute a limit on development cost for the construction and equipment of new housing projects.

The schedules in this Notice represent updates of the per unit prototype cost limits for development of Indian housing under 24 CFR Part 905 (§§ 905.213 and 905.214(b)), last published and effective December 7, 1982 (47 FR 55136). This Notice does not affect the schedules for public housing prototype costs published December 6, 1984 (49 FR 47772). Additionally, this notice does not govern prototype costs for Indian housing projects located in areas not identified in the appendix to this notice (e.g., Oklahoma). These projects will be governed by the prototype costs set forth in the December 6, 1984 public housing notice.

The prototype cost determinations for the update are based on actual public and Indian housing project data from HUD field offices and on construction cost information published by the private sector of the housing industry. The update includes approximately a 3.4 percent national average increase to reflect inflation. This increase should be sufficient based on our experience that the prototype limits last published have been more than sufficient to permit Indian housing development to proceed during the past two years.

Since Section 6(b) of the U.S. Housing Act of 1937 provides that the prototype costs shall become effective upon publication in the **Federal Register**, this Notice is effective today, the day of publication.

The following factors were considered in developing prototype cost:

(1) Prototype cost comprises the cost of dwelling structure, (Account No. 1460), and dwelling equipment, (Account No. 1465), as described in HUD Low-Rent Housing Accounting Handbook 7510.1, Chapter 3, Section 15, and includes a pro rata share of the builders' fee and overhead, insurance, social security, sales tax, and bonds.

(2) Prototype cost does *not* include the costs of site acquisition, site improvement, nondwelling structures or spaces (and equipment), planning (architectural-engineering fees, permit fees, inspection, and similar costs), relocation, interest or IHA administrative costs, all of which are described in HUD Low-Rent Housing Accounting Handbook 7510.1, Chapter 3, Section 15.

(3) Section 6(b) of the Act identifies eight factors the Secretary is to consider in determining prototype costs, which include such things as the effectiveness of existing cost limits in the area, advice of local housing producers, maximization of energy conservation for heating, lighting and other purposes, and the extra durability required for safety, security and economical maintenance of the housing. (See 42 U.S.C. 1437d).

(4) Prototype costs are ceiling amounts that may be approved for a particular project. Development of Indian housing under Part 905 also must take into account compliance with applicable design requirements in the Indian housing regulations. The HUD Minimum Property Standards are taken into account but are not controlling. (See § 905.212(a)).

Written comments will be considered, and additional amendments will be published, if the Department determines that acceptance of the comments is appropriate. Comments with respect to the cost limits for a given location should be sent to the local HUD office having jurisdication for that location. A list of these offices follows:

	Area(s) served
Region 5, Office of Indian Programs, 300 S. Wacher Drive, Chicago, Illinois 60606.	Regions 1–5 and Iowa
Region 6, Indian Programs Division, 200 N.W. Fifth Street, Oklahoma City, Oklahoma 73102.	Oklahoma, Kansas, Missoun, Texas, Arkansas and Louisiana.
Region 8, Office of Indian Programs, 1404 Curtis Street, Denver, Colorado 80202.	Region 8 and Nebraska
Region 9, Office of Indian Programs, 101 North First Ave., Phoenix, Arizona 85003.	Region 9 and New Mexico.
Region 10, (Seattle) Office of Indian Programs, 1321 Second Ave., Seattle, Washington 98101.	Region 10, except Alaska.
Region 10, (Anchorage) Office of Indian Programs, 701 C Street, Box 64, Anchorage, Alaska 99513.	Alaska.

A Finding of No Significant Impact with respect to the environment required by the National Environmental Policy Act (42 U.S.C. 4321–4347) is unnecessary since statutorily required prototype costs are categorically excluded under 24 CFR 50.20(1).

The Catalog of Federal Domestic Assistance program is: 14.147, Low-Income Housing-Homeownership for Low-Income Families (Turnkey III, Mutual Help for Indians).

The prototype per-unit cost schedule for all prototype cost areas issued under 24 CFR § 905.213 are hereby established as shown on the tables set forth below entitled "Prototype Per-Unit Cost Schedule."

(Sec. 7(d), Department of HUD Act, 42 U.S.C. 3535(d); Sec. 6(b), U.S. Housing Act of 1937, 42 U.S.C. 1437d(b))

Dated: April 10, 1985.

Warren T. Lindquist,

Assistant Secretary for Public and Indian Housing.

BILLING CODE 4210-33-M

APPENDIX

PROTOTYPE PER UNIT COST SCHEDULE -
INDIAN HOUSING

Indian Prototype Area	State	Design Type	One Bedroom Prototype	Two Bedroom Prototype	Three Bedroom Prototype	Four Bedroom Prototype	Five Bedroom Prototype
		Region I					
Mashantucket	Connecticut	Detached	36293	40068	47823	57749	64160
		Row	0	0	0	0	0
		Walk-up	0	0	0	0	0
Old Town	Maine	Detached	31744	33605	40016	48184	53406
		Row	27918	30968	36914	44462	49425
		Walk-up	28073	32106	37689	43842	48081
Calais	Maine	Detached	30917	34225	40791	49218	54802
		Row	28435	31589	37844	45496	50356
		Walk-up	28280	32364	38206	44255	48443
		Region III					
Big Cyprus	Florida	Detached	24558	29986	36655	43687	48029
		Row	0	0	0	0	0
		Walk-up	0	0	0	0	0
Brighton	Florida	Detached	24558	29986	36655	43687	48029
		Row	0	0	0	0	0
		Walk-up	0	0	0	0	0
Cherokee	North Carolina	Detached	22851	28125	33553	39861	44152
		Row	0	0	0	0	0
		Walk-up	0	0	0	0	0
		Region V					
Manistique	Michigan	Detached	30762	37741	44927	53923	60437
		Row	26574	32674	38827	43480	52165
		Walk-up	26005	31951	38051	45703	51183
Cass Lake	Minnesota	Detached	36035	44410	53096	63694	71036
		Row	31847	39240	46892	56250	62764
		Walk-up	28177	35880	42394	49012	52114

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PROTOTYPE PER UNIT COST SCHEDULE

Indian Prototype Area	State	Design Type	One Bedroom Prototype	Two Bedroom Prototype	Three Bedroom Prototype	Four Bedroom Prototype	Five Bedroom Prototype
Red Lake	Minnesota						
		Detached	32881	40843	48598	58163	64,80
		Row	29262	36087	42963	51597	57646
		Walk-up	25850	32933	38930	44927	49529
Lac Du Flambeau	Wisconsin						
		Detached	32623	40171	47978	57697	64367
		Row	29900	35570	42542	50873	56612
		Walk up	25281	32106	37793	43790	48184
Red Cliff	Wisconsin						
		Detached	31279	38517	46013	55267	61730
		Row	27556	33915	40585	48805	54233
		Walk-up	24144	30658	36190	41825	46220
			Region VI				
Dulce	New Mexico						
		Detached	34122	38000	45341	54492	60954
		Row	29004	32364	38465	46013	51235
		Walk-up	27866	31744	37483	43585	47874
Isleta	New Mexico						
		Detached	31537	35311	42084	50021	56663
		Row	25643	28538	34225	40791	45599
		Walk-up	22645	25643	30400	35208	38568
Laguna	New Mexico						
		Detached	32313	35828	42911	51752	57542
		Row	29159	32571	38878	46582	51752
		Walk-up	25592	29211	34536	39964	43997
Mescalero	New Mexico						
		Detached	32416	36035	42963	51752	57697
		Row	29986	33243	39706	47357	52734
		Walk-up	26160	29728	35208	40895	44824
Penasco	New Mexico						
		Detached	32571	36293	43221	52165	58318
		Row	30400	33812	40326	48184	53561
		Walk-up	26677	30245	35823	41360	45651

PROTOTYPE PER UNIT COST SCHEDULE

Indian Prototype Area	State	Design Type	One Bedroom Prototype	Two Bedroom Prototype	Three Bedroom Prototype	Four Bedroom Prototype	Five Bedroom Prototype
Poloaque	New Mexico						
		Detached	33036	36862	43945	52631	58938
		Row	30555	33760	40326	48184	53665
		Walk-up	26677	30400	35932	41670	45703
Zuni	New Mexico						
		Detached	31227	38725	46116	55526	61730
		Row	28177	35001	41567	49787	55629
		Walk-up	25333	32054	37940	43738	48256
Standing Rock	New Mexico						
		Detached	32674	40429	48081	58007	64367
		Row	31123	39757	45961	54905	61420
		Walk-up	27763	35104	41619	47874	52837
Nageezi	New Mexico						
		Detached	33140	41102	48857	58886	65401
		Row	31589	39240	46582	55733	62454
		Walk-up	28228	35621	42187	48650	53561
Alamo	New Mexico						
		Detached	32674	40429	48081	58007	64367
		Row	31123	38568	45961	54905	61420
		Walk-up	27763	35104	41619	41619	47874
			Region VII				
Sac + Fox	Iowa						
		Detached	26987	33450	39654	47771	53148
		Row	25436	31227	37121	44669	49891
		Walk-up	23730	30245	36966	42911	45393
Holton	Kansas						
		Detached	27763	34381	40740	49063	54647
		Row	26367	32778	38982	46995	52424
		Walk-up	26936	34174	40526	46737	51648
Santee	Nebraska						
		Detached	31744	39240	46840	56353	63022
		Row	27556	34122	40636	48857	54440
		Walk-up	26626	33760	39964	46375	51338

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PROTOTYPE PER UNIT COST SCHEDULE

Indian Prototype Area	State	Design Type	One Bedroom Prototype	Two Bedroom Prototype	Three Bedroom Prototype	Four Bedroom Prototype	Five Bedroom Prototype
Winnebago	Nebraska						
		Detached	31744	39240	46840	56353	63022
		Row	27556	34122	40636	48857	54440
		Walk-up	26626	33760	39964	46375	51338
			Region VIII				
Ronan	Montana						
		Detached	33450	39861	45961	55422	61782
		Row	30451	36242	41825	50511	56198
		Walk-up	29676	35311	40791	49218	54802
Browning	Montana						
		Detached	34432	40740	46892	56405	62971
		Row	31175	37017	42549	51183	57077
		Walk-up	30451	36035	41463	49839	55629
Harlem	Montana						
		Detached	35518	42291	48857	58938	65659
		Row	32313	38465	44410	53561	59662
		Walk-up	31485	37483	43325	52217	58111
Wolf Point	Montana						
		Detached	35156	41722	48701	58369	65245
		Row	31951	37948	44204	53044	59197
		Walk-up	31123	36966	43066	51597	57646
Lodge Grass	Montana						
		Detached	36242	41877	48340	58266	64935
		Row	32157	37172	42911	51700	57646
		Walk-up	30400	36190	41774	50356	56146
Ft. Totten	North Dakota						
		Detached	39137	44669	49994	58266	63901
		Row	35518	40533	45393	52889	58007
		Walk-up	34277	39034	43687	50976	55836
Mission(SD)	South Dakota						
		Detached	35415	42197	48857	58835	65452
		Row	33657	40068	46375	55888	62143
		Walk-up	30089	35880	41515	50046	55681

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PROTOTYPE PER UNIT COST SCHEDULE

Indian Prototype Area	State	Design Type	One Bedroom Prototype	Two Bedroom Prototype	Three Bedroom Prototype	Four Bedroom Prototype	Five Bedroom Prototype
Ft. Thompson	South Dakota						
		Detached	36759	43790	50718	61109	68089
		Row	34898	41670	48184	58059	64677
		Walk-up	31227	37224	43118	51959	57904
McLaughlin	South Dakota						
		Detached	37741	44824	51907	62350	69588
		Row	35880	42653	49270	59197	66073
		Walk-up	32157	38155	44100	52993	59145
Wagner	South Dakota						
		Detached	34070	40585	46995	56560	63074
		Row	32313	38568	44669	53768	59920
		Walk-up	28952	34484	39964	48029	53561
Sisseton	South Dakota						
		Detached	34742	41205	47564	57129	63850
		Row	33036	39137	44152	54285	60696
		Walk-up	29521	35001	40429	48546	54285
			Region IX				
Kaibab	Arizona						
		Detached	32261	39861	47564	57180	63850
		Row	29366	36190	43273	51803	57801
		Walk-up	27504	35208	41412	48029	52837
Ft. Mojave	Arizona						
		Detached	28228	35104	41567	50046	55733
		Row	26626	33088	39189	47202	52527
		Walk-up	24144	29986	35466	42808	47667
Sacaton	Arizona						
		Detached	27763	34019	40688	48960	54388
		Row	25126	30917	36862	44359	49529
		Walk-up	23937	30089	35673	41153	45393
San Carlos	Arizona						
		Detached	28435	35156	41722	50304	55991
		Row	25953	32054	38258	45910	51131
		Walk-up	24661	31020	36862	42497	46892

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PROTOTYPE PER UNIT COST SCHEDULE

Indian Prototype Area	State	Design Type	One Bedroom Prototype	Two Bedroom Prototype	Three Bedroom Prototype	Four Bedroom Prototype	Five Bedroom Prototype
Bells	Arizona						
		Detached	29004	35673	42497	51235	56922
		Row	26470	32468	38723	46582	51959
		Walk-up	25126	31537	37379	43221	47616
White River	Arizona						
		Detached	28538	35415	42084	50614	56198
		Row	26419	32571	38827	46633	52165
		Walk-up	24816	31227	37121	42756	47306
Camp Verde	Arizona						
		Detached	28073	34794	41102	49787	55474
		Row	25902	31847	37948	45599	50976
		Walk-up	24299	30710	36397	41929	46220
Keams Canyon	Arizona						
		Detached	34587	42859	50976	61368	68244
		Row	32830	40688	49477	57852	64780
		Walk-up	29314	36966	43790	50511	55629
Ft. McDowell	Arizona						
		Detached	27815	34587	40895	49322	54957
		Row	25850	31847	37844	45341	50925
		Walk-up	23989	30503	36087	41515	46065
Parker	Arizona						
		Detached	29366	36035	42859	51752	57646
		Row	26729	32881	39292	47150	52682
		Walk-up	25230	31899	37638	43480	48133
Peach Springs	Arizona						
		Detached	31744	39292	46633	56250	62660
		Row	29262	36087	43014	51648	57542
		Walk-up	27401	34742	41102	47357	52372
Rough Rock	Arizona						
		Detached	36190	44772	53303	64211	71294
		Row	34225	42549	50666	60541	67675
		Walk-up	30606	38672	45806	52786	58163

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PROTOTYPE PER UNIT COST SCHEDULE

Indian Prototype Area	State	Design Type	One Bedroom Prototype	Two Bedroom Prototype	Three Bedroom Prototype	Four Bedroom Prototype	Five Bedroom Prototype
Steamboat	Arizona						
		Detached	34432	42601	50666	61006	67779
		Row	32571	40429	48133	57542	64315
		Walk-up	29159	36759	43531	50201	55267
Kaibito	Arizona						
		Detached	38000	47047	55991	67417	74965
		Row	36035	44669	53199	63591	71139
		Walk-up	32157	40636	48133	55474	61058
Lone Pine	California						
		Detached	33036	41774	49374	57180	62971
		Row	31537	39861	47099	54595	60127
		Walk-up	30038	37948	44876	51959	57232
Ft. Bidwell	California						
		Detached	41515	51493	56301	62350	66124
		Row	39395	48960	53510	59145	61471
		Walk-up	35725	44359	48391	53613	55733
Susanville	California						
		Detached	40843	50769	57284	64315	68244
		Row	38827	48081	54544	60696	64780
		Walk-up	35208	43531	49322	54905	58680
Grindstone	California						
		Detached	36759	45599	51597	57594	61368
		Row	35001	43480	49012	54802	58318
		Walk-up	31744	39344	44410	49425	52786
Hoopa	California						
		Detached	37483	46582	50666	56198	58421
		Row	35570	44100	48133	53458	55319
		Walk-up	32209	39912	43531	48184	50046
Tule River	California						
		Detached	38465	47771	51959	57646	59972
		Row	36500	45238	49374	54802	56715
		Walk-up	33036	40895	44669	49425	51338

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PROTOTYPE PER UNIT COST SCHEDULE

Indian Prototype Area	State	Design Type	One Bedroom Prototype	Two Bedroom Prototype	Three Bedroom Prototype	Four Bedroom Prototype	Five Bedroom Prototype
Barona	California						
		Detached	22490	34484	42446	50976	56973
		Row	21094	32261	39602	47512	53096
		Walk-up	20525	32261	39395	45651	50097
Campo	California						
		Detached	20163	34794	42859	51493	57490
		Row	18871	32571	40016	48029	53613
		Walk-up	18509	32726	40016	46323	50821
Morongo	California						
		Detached	21559	33088	40791	48960	54595
		Row	20370	30963	38206	45755	51183
		Walk-up	19543	30813	37638	43583	47823
Torrez-Martinez	California						
		Detached	29469	36604	43687	52579	58473
		Row	27866	34225	40395	49322	54750
		Walk-up	27091	34225	40688	47099	51597
Cheehueui	California						
		Detached	30658	37689	44721	54027	60075
		Row	28900	35259	42032	50873	56405
		Walk-up	28487	35053	41619	50252	55939
Santa Ynez	California						
		Detached	30245	37224	44255	53354	59455
		Row	29934	33191	41102	52993	59093
		Walk-up	26574	32985	39189	47409	52682
Rincon	California						
		Detached	22076	33864	41619	49891	55784
		Row	20732	31640	38930	46685	52269
		Walk-up	20163	31640	38775	44876	49218
Pala	California						
		Detached	21404	32830	40481	48495	54130
		Row	20215	30710	37896	45393	50769
		Walk-up	19388	30555	37327	43221	47461

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PROTOTYPE PER UNIT COST SCHEDULE

Indian Prototype Area	State	Design Type	One Bedroom Prototype	Two Bedroom Prototype	Three Bedroom Prototype	Four Bedroom Prototype	Five Bedroom Prototype
Elko	Nevada						
		Detached	37638	41825	48960	58524	64884
		Row	35776	39757	46530	55578	61678
		Walk-up	32778	36500	42704	50976	56612
Fallon	Nevada						
		Detached	37638	41825	48960	58524	64884
		Row	35776	39757	46530	55578	61678
		Walk-up	32778	36500	42704	50976	56612
Gardnerville	Nevada						
		Detached	37638	38517	45289	54182	59869
		Row	35776	39757	46530	55578	61678
		Walk-up	32002	35518	41619	49684	55164
		Region X					
Coeur D'Alene	Idaho						
		Detached	32881	40636	48340	58318	64884
		Row	30968	38103	45186	54802	60696
		Walk-up	27660	35466	41619	48081	53096
Mission(OR)	Oregon						
		Detached	34019	41877	50304	60386	67055
		Row	32261	39757	46995	56870	63229
		Walk-up	31175	39499	46530	54182	59610
Warm Springs	Oregon						
		Detached	31847	39240	47047	56508	62712
		Row	29986	37017	43738	52941	58835
		Walk-up	29055	36759	43325	50459	55474
Tahola	Washington						
		Detached	29676	36397	43531	52320	58163
		Row	28590	35156	42032	50459	56198
		Walk-up	27298	32830	40016	48081	53510
Nespelum	Washington						
		Detached	30762	37741	45134	54182	60127
		Row	28900	35466	42291	50821	56456
		Walk-up	28332	34742	41515	49839	55319

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PROTOTYPE PER UNIT COST SCHEDULE

Indian Prototype Area	State	Design Type	One Bedroom Prototype	Two Bedroom Prototype	Three Bedroom Prototype	Four Bedroom Prototype	Five Bedroom Prototype
Yakutat	Alaska						
		Detached	40378	49839	59300	71088	79618
		Row	0	0	0	0	0
		Walk-up	0	0	0	0	0
Ft. Yukon	Alaska						
		Detached	56405	69795	83030	101229	0
		Row	0	0	0	0	0
		Walk-up	0	0	0	0	0
Galena	Alaska						
		Detached	60748	74965	89338	108777	0
		Row	0	0	0	0	0
		Walk-up	0	0	0	0	0
Coastal Area North of Aleutians	Alaska						
		Detached	68451	84530	100505	122839	0
		Row	0	0	0	0	0
		Walk-up	0	0	0	0	0
Tok Junction	Alaska						
		Detached	52579	64780	77188	9409	0
		Row	0	0	0	0	0
		Walk-up	0	0	0	0	0
Barter Island North Coastal Area	Alaska						
		Detached	70415	86959	103555	126407	0
		Row	0	0	0	0	0
		Walk-up	0	0	0	0	0
Island Area North of Aleutians	Alaska						
		Detached	78119	96524	114929	140159	0
		Row	0	0	0	0	0
		Walk-up	0	0	0	0	0

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Friday, April 26, 1985

Presidential Documents

Title 3—

The President

Proclamation 5326 of April 23, 1985

National Defense Transportation Day and National Transportation Week, 1985

By the President of the United States of America

A Proclamation

Our Nation's history can be traced through the development and growth of transportation in America. Our country has grown as transportation has given us access to new geographic, economic, and technical frontiers.

During colonial days, Americans were dependent on the river systems and ocean ports still used in commerce today. President Thomas Jefferson commissioned Lewis and Clark to explore the West through our rivers, providing new opportunities for trade and commerce. In 1825, the Erie Canal, connecting Buffalo to New York, opened the Great Lakes for settlement and industry.

Pioneers broke new ground to the West by way of the Cumberland Road in 1811. Other highways were soon developed to move people and goods across the wilderness. Completion of the first transcontinental railroad in 1869 joined East to West, ushering in a new era of transportation, strengthening American commerce.

Aviation history was made at Kitty Hawk in 1903, launching an aviation system now serving over 300 million passengers a year. Today, we are witnessing the beginning of a new era in space transportation with the development of commercial space vehicles.

As our cities grew, transit systems evolved to provide affordable, convenient urban transportation. The 20th Century brought the automobile, truck, intercity bus, rapid rail systems, and an expanded road system that now includes thousands of miles of interstate highways.

As has been true throughout our history, transportation today is critical to our economy and necessary to our defense. America's transportation systems have made our society the most mobile on earth. A diverse transportation network has assured the rapid, safe, and dependable movement of people and goods throughout the country and around the world.

In recognition of transportation's importance, and to honor the millions of Americans who serve and supply our transportation needs, the Congress, by joint resolution approved May 16, 1957, has requested that the third Friday in May of each year be designated as National Defense Transportation Day; and by joint resolution approved May 14, 1962, that the week in which that Friday falls be proclaimed National Transportation Week.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby designate Friday, May 17, 1985, as National Defense Transportation Day and the week beginning May 12, 1985, through May 18, 1985, as National Transportation Week. I urge the people of the United States to observe these occasions with appropriate ceremonies that will give full recognition to the importance of our transportation system to this country.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-third day of April, in the year of our Lord nineteen hundred and eighty-five, and of the Independence of the United States of America the two hundred and ninth.

Ronald Reagan

[FR Doc. 85-10244
Filed 4-24-85; 11:33 am]
Billing code 3195-01-M

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This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 910

[Lemon Reg. 513; Lemon Reg. 512, Amdt. 1]

Lemons Grown in California and Arizona; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This action establishes the quantity of fresh California-Arizona lemons that may be shipped to the fresh market at 300,000 cartons during the period April 28-May 4, 1985, and increases the quantity of lemons that may be shipped to 310,000 cartons during the period April 21-April 27, 1985. Such action is needed to provide for orderly marketing of fresh lemons for such periods due to the marketing situation confronting the lemon industry.

DATES: The regulation (§ 910.813) becomes effective April 28, 1985, and the amendment (§ 910.812) is effective for the period April 21-April 27, 1985.

FOR FURTHER INFORMATION CONTACT: William J. Doyle, Chief, Fruit Branch, F&V, AMS, USDA, Washington, D.C. 20250, telephone 202–447–5975.

SUPPLEMENTARY INFORMATION: This final rule has been reviewed under Secretary's Memorandum 1512–1 and Executive Order 12291 and has been designated a "non-major" rule. William T. Manley, Deputy Administrator, Agricultural Marketing Service, has certified that this action will not have a significant economic impact on a substantial number of small entities.

This final rule is issued under Marketing Order No. 910, as amended (7 CFR Part 910) regulating the handling of lemons grown in California and Arizona The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). This action is based upon the recommendations and information submitted by the Lemon Administrative Committee and upon other available information. It is hereby found that this action will tend to effectuate the declared policy of the act.

This action is consistent with the marketing policy currently in effect. The committee met publicly on April 23, 1985, at Los Angeles, California, to consider the current and prospective conditions of supply and demand and recommended a quantity of lemons deemed advisable to be handled during the specified weeks. The committee reports that lemon demand has improved and should continue to improve all sizes of fruit.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the **Federal Register** (5 U.S.C. 553), because of insufficient time between the date when information became available upon which this regulation and amendment are based and the effective date necessary to effectuate the declared policy of the act. Interested persons were given an opportunity to submit information and views on the regulation at an open meeting, and the amendment relieves restrictions on the handling of lemons. It is necessary to effectuate the declared purposes of the act to make these regulatory provisions effective as specified, and handlers have been apprised of such provisions and the effective time.

List of Subjects in 7 CFR Part 910

Marketing Agreements and Orders, California, Arizona, Lemons.

PART 910—[AMENDED]

1. Section 910.813 is added to read as follows:

§ 910.813 Lemon Regulation 513.

The quantity of lemons grown in California and Arizona which may be handled during the period April 28, 1985, through May 4, 1985, is established at 300,000 cartons.

2. Section 910.812 Lemon Regulation 512 is revised to read as follows:

§ 910.812 Lemon Regulation 512.

The quantity of lemons grown in California and Arizona which may be handled during the period April 21, 1985, through April 27, 1985, is established at 310,000 cartons.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: April 24, 1985.

Thomas R. Clark,
Deputy Director, Fruit and Vegetable Division Agricultural Marketing Service.

[FR Doc. 85–10305 Filed 4–25–85; 8:45 am]
BILLING CODE 3410–02–M

7 CFR Part 981

Handling of Almonds Grown in California; Administrative Rules and Regulations Governing Crediting for Marketing Promotion

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This final rule amends one paragraph of the creditable marketing promotion provisions of the administrative rules and regulations established under the Federal marketing order for California almonds. This change is designed to provide handlers with more flexibility in promoting the sale of California almonds.

EFFECTIVE DATE: April 26, 1985.

FOR FURTHER INFORMATION CONTACT: Frank M. Grasberger, Acting Chief, Specialty Crops Branch, Fruit and Vegetable Division, AMS, USDA, Washington, D.C. 20250 (202) 447–5053.

SUPPLEMENTARY INFORMATION: This final rule has been reviewed under USDA guidelines implementing Executive Order 12291 and Secretary's Memorandum No. 1512–1 and has been classified a "non-major" rule under criteria contained therein.

William T. Manley, Deputy Administrator, Agricultural Marketing Service, has certified that this action will not have a significant economic impact on a substantial number of small entities.

It is found that good cause exists for not postponing the effective date of this action until 30 days after publication in the **Federal Register** (5 U.S.C. 553) in that: (1) It gives handlers enough time to plan advertising and promotion

operations by the June 30 deadline; (2) handlers are aware of the action which is a relaxation of previous restrictions; and (3) no useful purpose would be served by delaying the effective date of this action.

Notice of this action was published in the March 22, 1985, issue of the **Federal Register** (50 FR 11510), and interested persons were afforded an opportunity to submit written comments. No comments were received. However, two additional changes in § 981.441(c)(3)(ii) and (iii) were proposed that are not included in this final rule because the Board recommended the comment period be extended to allow the Board time to further review and consider them. Extension of that time will be dealt with in another action.

This final rule revises § 981.441(b) of Subpart—Administrative Rules and Regulations (7 CFR 981.401—981.474; 49 FR 19798; and 40788). Section 981.441 is issued under § 981.41 of the marketing agreement and Order No. 981 (7 CFR Part 981), both as amended, regulating the handling of almonds grown in California and hereinafter referred to collectively as the "order". The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The proposal is based on a unanimous recommendation of the Almond Board of California, hereinafter referred to as the "Board", which works with USDA in administering the order.

Section 981.41 of the order provides that the Board, with the approval of the Secretary, may allow handlers to receive credit for their direct marketing promotion expenditures, including paid advertising, against their pro rata expense assessment obligations for such activities. Section 981.441 prescribes the rules and regulations which handlers must follow to obtain such credit.

Section 981.441(b) currently provides that in order for a handler to receive credit, his/her paid advertisements must be published, broadcast, or displayed, and his/her other marketing promotion activities must be conducted, during the year for which credit is requested, except that a handler may expend a maximum of 20 percent of his/her total creditable advertising and promotion obligation (as of the June 30 redetermination report) for advertisement published, broadcast, or displayed, and other marketing promotion activities conducted, during the subsequent July 1—December 31 period. A handler utilizing this extension of time must certify to the Board, at the time of the June 30 redetermination, his/her planned expenditures during the extension period and must file any required documentation with the Board no later than the following January 31.

The Board believes that the 20 percent limit on credit for paid advertising and other marketing promotion activities during the July 1—December 31 extension period is too restrictive and proposed that this limit be increased to 40 percent. A handler's pro rata expense assessment obligation for a particular crop year may not match his/her advertising and promotion needs for that year. Thus, it is desirable to allow a greater portion of a handler's creditable advertising to be carried over from one crop year to the next so that handlers can more effectively utilize their promotion funds.

List of Subjects in 7 CFR Part 981

Marketing agreements and orders, Almonds, and California.

PART 981—[AMENDED]

Therefore, § 981.441 of Subpart—Administrative Rules and Regulations (7 CFR 981.401–981.474; 49 FR 19798; and 40788) is changed as follows:

§ 981.441 [Amended]

1. Section 981.441(b) is amended by changing "20 percent" to "40 percent."

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: April 23, 1985.

Thomas R. Clark,

Deputy Director, Fruit and Vegetable Division.

[FR Doc. 85–10174 Filed 4–25–85; 8:45 am]

BILLING CODE 3410–02–M

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7 CFR Part 1004

[Docket No. AO–160–A62–R03]

Milk in the Middle Atlantic Marketing Area; Order Amending Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This action amends the "plant" and "pool plant" definitions of the Middle Atlantic order. These changes will allow a federation of cooperatives to qualify its reserve processing plant as a separate pool plant under certain circumstances and to efficiently exhange by-products by pipeline with an adjacent nonpool plant. Such changes are based on evidence presented at a public hearing held in Alexandria, Virginia, on September 13, 1984. The amendments are needed to recognize the changes in marketing conditions. The hearing on this issue was requested by a federation of cooperatives, which represents a number of dairy farmers who supply milk to the market. Cooperative associations representing more than the required two-thirds of the producers supplying milk for the market during the representative period of December 1984 have approved issuance of the amended order.

EFFECTIVE DATE: June 1, 1985.

FOR FURTHER INFORMATION CONTACT: Maurice M. Martin, Marketing Specialist, Dairy Division, Agricultural Marketing Service, United States Department of Agriculture, Washington, D.C. 20250, (202) 447–7183.

SUPPLEMENTARY INFORMATION: Prior documents in this proceeding:

Notice of Hearing: Issued August 30, 1984; published September 6, 1984 (49 FR 35100).

Emergency Partial Final Decision: Issued October 17, 1984; published October 24, 1984 (49 FR 42737).

Order Amending Order: Issued November 6, 1984; published November 14, 1984 (49 FR 44986).

Recommended Decision: Issued January 29, 1985; published February 1, 1985 (50 FR 4694).

Final Decision: Issued March 22, 1985; published April 1, 1985 (50 FR 12813).

Findings and Determinations

The findings and determinations hereinafter set forth supplement those that were made when the Middle Atlantic order was first issued and when it was amended. The previous findings and determinations are hereby ratified and confirmed, except where they may conflict with those set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Middle Atlantic marketing area.

Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the

price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area; and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Determinations.* it is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in Sec. 8c (9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order amending the order is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as hereby amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

List of Subjects in 7 CFR Part 1004

Milk marketing order, Milk, Dairy products.

Order Relative to Handling

It is therefore ordered, That on and after the effective date hereof, the handling of milk in the Middle Atlantic marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, as follows:

PART 1004—MILK IN THE MIDDLE ATLANTIC MARKETING AREA

1. Section 1004.4 is revised to read as follows:

§ 1004.4 Plant.

Except as specifically provided in § 1004.7(d)(2), "plant" means the land and buildings together with their surroundings, facilities and equipment, whether owned or operated by one or more persons, constituting a single operating unit or establishment for the receiving, processing or packaging of milk or milk products (including filled milk). However, a separate facility used only for the purpose of transferring bulk milk from one tank truck to another tank truck or only as a distribution depot for fluid milk products in transit for route distribution shall not be included under this definition.

2. In § 1004.7, paragraphs (d)(2), and (e) are revised to read as follows:

§ 1004.7 Pool Plant.

* * * * *

(d) * * *

(2) A reserve processing plant operated by a federation of cooperative associations if, during the month, 30 percent or more of the producer milk of member producers of such cooperatives is caused to be delivered to and physically received at pool plants qualified pursuant to paragraph (a) of this section either from the farms of such producers or by transfer in the form of fluid milk products (except filled milk) from the plant(s) of such cooperatives. If a pipeline is maintained between a reserve processing plant and a nonpool plant operated by another person and located on the same premises, the reserve processing plant shall be a pool plant for the month if the operator of such plant proves to the satisfaction of the market administrator that such plant should be eligible for pool status on the basis of the plant's monthly receipts and disposition of milk and that the pipeline was used only to move by-products (not milk) between such plants during the month.

* * * * *

(e) A plant that qualified as a pool plant pursuant to paragraph (b) or (d) of this section during each of the immediately preceding months of September through February shall be qualified for automatic pool plant status for each of the following months of March through August, unless the plant operator files a written request with the market administrator prior to the beginning of any such month asking that such plant not be a pool plant. Such nonpool status shall be effective on the first day of the month following the receipt of such request and shall continue until the plant again qualifies as a pool plant pursuant to paragraph (b) or (d) of this section, subject to the following conditions:

(1) The automatic pool plant status for any plant identified in paragraph (e) of this section shall be cancelled if another plant is qualified as a pool plant on the basis of deliveries to the same plants through which such automatic pooling status was acquired by the plant. Cancellation of the plant's automatic pool plant status shall be effective on the first day of the month in which the other plant is qualified as a pool plant and shall continue until the plant again qualifies as a pool plant pursuant to paragraph (b) or (d) of this section; and

(2) The automatic pool plant status of a reserve processing plant operated by a federation of cooperative associations qualified pursuant to paragraph (d)(2) of this section shall be forfeited for any month during the March through August period in which the market administrator determines on the basis of the investigation conducted pursuant to paragraph (d)(2) of this section that such plant shall not be a pool plant for the month.

* * * * *

(Secs. 1–19 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date: June 1, 1985.

Signed at Washington, D.C. on: April 19, 1985.

Karen Darling,

Acting Assistant Secretary, Marketing and Inspection Services.

[FR Doc. 85–10107 Filed 4–25–85; 8:45 am]

BILLING CODE 3410–02–M

Commodity Credit Corporation

7 CFR Part 1427

[Amdt. 3]

Standards for Approval of Warehouses for Cotton or Cotton Linters

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Final rule.

SUMMARY: The purpose of this rule is to amend the regulations found at 7 CFR 1427.1081 *et seq.* relating to the Commodity Credit Corporation (CCC) Standards for Approval of Warehouses for Cotton or Cotton Linters. The final rule will: (1) Permit a parent company to submit a financial statement for a wholly-owned subsidiary; (2) permit warehousemen to submit financial statements on forms other than on Form WA–51; (3) revise the references to CCC regulations governing suspension and debarment; (4) permit CCC to accept an irrevocable letter of credit on forms other than Form CCC–33A; (5) delete the use of a Certificate of Competency issued by the Small Business Administration for a warehouseman who is deficient in net worth; (6) delete certain references to the withdrawal of approval of warehouses by CCC; and (7) make certain other miscellaneous changes.

EFFECTIVE DATE: April 26, 1985.

FOR FURTHER INFORMATION CONTACT: Lynn W. Howe, 202–447–5785, Warehouse Division, U.S. Department of Agriculture, Agricultural Stabilization and Conservation Service, P.O. Box 2415, Washington, D.C. 20013.

SUPPLEMENTARY INFORMATION: This final rule has been reviewed under USDA procedures required by Executive Order 12291 and Departmental Regulation 1512–1 and has been classified "not major" since it does not result in: (1) An annual effect on the economy of $100 million or more; (2) a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or (3) significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

It has been determined by an environmental evaluation that this action will have no significant impact on the quality of the human environment, health, and safety. Therefore, neither an Environment Assessment nor an Environmental Impact Statement is needed.

This program/activity is not subject to the provisions of Executive Order 12372 which requires intergovernmental consultation with State and local officials. See the Notice related to 7 CFR Part 3015, Subpart V, published at 48 FR 28115 (June 24, 1983).

It has been determined that the Regulatory Flexibility Act is not applicable to this final rule since the Commodity Credit Corporation (CCC) is not required by 5 U.S.C. 553 or any other provision of law to publish a notice of rulemaking with respect to the subject matter of this rule.

The Commodity Credit Corporation Charter Act (15 U.S.C. 714) authorizes CCC to conduct various activities to stabilize, support, and protect farm income and prices. CCC is authorized to carry out such activities as making price support available with respect to various agricultural commodities, removing and disposing of surplus agricultural commodities, exporting or aiding in the exportation of agricultural commodities, and procuring agricultural commodities for sale both in the domestic market and abroad.

Section 4(h) of the CCC Charter Act provides that the Corporation shall not acquire real property in order to provide storage facilities for agricultural commodities, unless CCC determines that private facilities for the storage of such commodities are inadequate. Further, section 5 of the CCC Charter Act provides that, in carrying out the Corporation's purchasing and selling operations, and in the warehousing, transporting, processing, or handling of agricultural commodities, CCC is directed to use, to the maximum extent practicable, the usual and customary channels, facilities, and arrangements of trade and commerce.

Accordingly, CCC has set forth Standards for Approval of Warehouses for Cotton and Cotton Linters which must be met by warehousemen before CCC will enter into storage agreements with such warehousemen for the storage of cotton which is owned by CCC or which is serving as collateral for CCC price support loans.

During the past few years changes in the cotton warehousing industry, financial institution requirements, and Federal contracting requirements necessitate updating the Standards for Approval of Warehouses for Cotton and Cotton Linters.

Accordingly, a notice of proposed rulemaking was published by the Department in the **Federal Register** on August 31, 1984, 49 FR 34511, requesting comments with respect to a number of proposals regarding changes in the Standards for Approval of Warehouses for Cotton and Cotton Linters. The comment period was for sixty days and ended on October 30, 1984.

Amendments to the regulations were proposed which would: (1) Permit a parent company to submit a financial statement for a wholly-owned subsidiary; (2) permit warehouses to submit financial statements on forms other than on Form TW–51; (3) incorporate for CCC purposes USDA regulations governing suspension and debarment; (4) permit CCC to accept an irrevocable letter of credit on forms other than Form CCC–33A; (5) delete the use of a Certificate of Competency issued by the Small Business Administration for a warehouseman who is deficient in net worth; (6) delete certain references to the withdrawal of approval of warehouses by CCC; and (7) make certain other miscellaneous changes.

No comments were received concerning the proposed rule. Accordingly, it has been determined that the provisions of the proposed rule should be adopted as a final rule except for minor technical changes. These changes are in §§ 1427.1082(c)(2) and 1427.1086(c)(2) to delete references to Department of Agriculture suspension and debarment regulations and insert in lieu thereof references to suspension and debarment regulations. Subsequent to the promulgation of the proposed rule, the CCC suspension and debarment regulations were amended to incorporate, with limited exceptions, the Department of Agriculture suspension and debarment regulations. In addition, § 1427.1081 has been revised to change the form number for the financial statement from "TW–51" to "WA–51". It is believed that these minor changes in references from the proposed rule are not of such a nature as to warrant any further public rulemaking.

List of Subjects in 7 CFR Part 1427

Cotton, Loan programs—Agriculture, Packaging, and Containers, Price support programs, Surety bonds, and Warehouse.

Final Rule

PART 1427—[AMENDED]

The provisions of 7 CFR Part 1427 are amended as follows:

1. The authority citation for 7 CFR Part 1427, Subpart—Standards for Approval of Warehouses for Cotton or Cotton Linters is revised to read as follows:

Authority: Secs. 4 and 5, 62 Stat. 1070, as amended, 1072, as amended (15 U.S.C. 714 b and c).

2. In Section 1427.1081, paragraphs (b) and (d)(2) are revised to read as follows:

§ 1427.1081 General statement and administration.

* * * * *

(b) Copies of the CCC storage agreement and forms required for obtaining approval under this subpart may be obtained from the Kansas City Commodity Office, U.S. Department of Agriculture, P.O. Box 205, Kansas City, Missouri 64141 (hereinafter referred to as the "KCCO").

* * * * *

(d) * * *

(2) A current financial statement on Form WA–51, "Financial Statement", supported by such supplemental schedules as CCC may request.

Financial statements may be submitted on forms other than Form WA–51 with approval of the Director, KCCO, or the Director's designee. Financial statements shall show the financial condition of the warehouseman as of a date no earlier than ninety (90) days prior to the date of the warehouseman's application, or such other date as CCC may prescribe. Additional financial statements shall be furnished annually and at such other times as CCC may require. CCC also may require that financial statements prepared by the warehouseman or by a

public accountant be examined by an independent certified public accountant in accordance with generally accepted auditing standards. Only one financial statement is required for a chain of warehouses owned or operated by a single business entity. If approved by the Director, KCCO, or the Director's designee, the financial statement of a parent company, which includes the financial position of a wholly-owned subsidiary, may be used to meet the CCC standards for approval for the wholly-owned subsidiary.

* * * * *

4. In § 1427.1082, paragraph (c)(2) is revised to read as follows:

§ 1427.1082 Basic Standards.

* * * * *

(c) * * *

(2) Be neither suspended nor debarred under applicable CCC suspension and debarment regulations.

* * * * *

5. In § 1427.1083, paragraph (e) is revised to read as follows:

§ 1427.1083 Bonding Requirements for Net Worth.

* * * * *

(e) An irrevocable letter of credit may be accepted by CCC in lieu of the required amount of bond coverage provided that the issuing bank is a commercial bank insured by the Federal Deposit Insurance Corporation. Such standby letter of credit shall be on Form CCC–33A, "Irrevocable Letter of Credit", or on such other form as may be specifically approved by the Director, KCCO, or the Director's designee.

§ 1427.1085 [Amended]

6. Section 1427.1085 is amended by removing paragraph (b) and by redesignating paragraphs (c) and (d) as paragraphs (b) and (c), respectively.

7. Section 1427.1086 is revised to read as follows:

§ 1427.1086 Approved of warehouse, requests for reconsideration.

(a) CCC will approve a warehouse if it determines that the warehouse meets the standards set forth in this subpart. CCC will send a notice of approval to the warehouseman. Approval under this subpart, however, does not relieve the warehouseman of the responsibility for performing the warehouseman's obligations under any agreement with CCC or any other agency of the United States.

(b) Except as otherwise provided in this subpart:

(1) CCC will not approve the warehouse if CCC determines that the warehouse does not meet the standards set forth in this subpart, and

(2) CCC will send any notice of rejection of approval to the warehouseman. This notice will state the cause(s) for such action. Unless the warehouseman or any officials or supervisory employees of the warehouseman are suspended or debarred, CCC will approve the warehouse if the warehouseman establishes that the causes for CCC's rejection of approval have been remedied.

(c) If rejection of approval by CCC is due to the warehouseman's failure to meet the standards set forth:

(1) In § 1427.1082, other than the standard set forth in paragraph (c)(2) thereof, the warehouseman may, at any time after receiving notice of such action, request reconsideration of the action and present to the Director, KCCO, in writing, information in support of such request. The Director shall consider such information in making a determination of notify the warehouseman in writing of such determination. The warehouseman may, if dissatisfied with the Director's determination, obtain a review of the determination and an informal hearing thereon by filing an appeal with the Deputy Administrator, Commodity Operations, Agricultural Stabilization and Conservation Service (hereinafter referred to as "ASCS"). The time of filing appeals, forms for requesting an appeal, nature of the informal hearing, determination and reopening of the hearing shall be as prescribed in the ASCS regulations governing appeals, 7 CFR Part 780. When appealing under such regulations, the warehouseman shall be considered as a "participant"; and

(2) In § 1427.1082(c)(2), the warehouseman's administrative appeal rights with respect to suspension and debarment shall be in accordance with applicable CCC regulations. After expiration of a period of suspension or debarment, a warehouseman may, at any time, apply for approval under this subpart.

8. Section 1427.1088 is added to read as follows:

§ 1427.1088 OMB Control Numbers Assigned Pursuant to Paperwork Reduction Act.

The information collection requirements contained in this regulation (7 CFR Part 1427) have been approved by the Office of Management and Budget under provisions of 44 U.S.C. Chapter 35 and have been assigned OMB Numbers 0560–0040, 0560–0074, 0560–0027, and 0560–0059.

Signed at Washington, D.C., on April 23, 1985.

Everett Rank,

Executive Vice President, Commodity Credit Corporation.

[FR Doc. 85–10109 Filed 4–25–85; 8:45 am]

BILLING CODE 3410–05–M

Farmers Home Administration

7 CFR Part 1980

Business and Industrial Loan Program

AGENCY: Farmers Home Administration, USDA.

ACTION: Final rule.

SUMMARY: The Farmers Home Administration (FmHA) amends its Business and Industrial (B&I) Loan Program regulations to permit negotiated reductions in interest rates charged on guaranteed loans. This action is necessary because otherwise loan liquidations will result from borrowers' inability to repay loan installments due to interest rates not being compatible with existing market conditions. The effect of this action is to permit the borrower, lender, and holder (if any) to collectively negotiate a reduced interest rate, thereby benefiting the borrower.

EFFECTIVE DATE: April 26, 1985.

FOR FURTHER INFORMATION CONTACT: Dwight A. Carmon, Loan specialist, Business and Industry Division, FmHA, USDA, 14th and Independence Avenue, S.W., Washington, D.C. 20250. Telephone: (202) 475–3811.

SUPPLEMENTARY INFORMATION: This final action has been reviewed under USDA procedures established in Departmental Regulation 1512–1, which implements Executive Order 12291 and has been determined to be "non-major" since the annual effect on the economy is less than $100 million and there will be no significant increase in costs or prices for consumers, individual industries, organizations, governmental agencies or geographic regions. There will be no significant effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The Catalogue of Federal Domestic Assistance Number for Business and Industrial Loans is 10.422.

The activities covered by this final rule are subject to the requirements for intergovernmental consultation as stated in 7 CFR Part 3015 Subpart V, "Intergovernmental Review of

Department of Agriculture Programs and Activities," and FmHA Instruction 1940–J, "Intergovernmental Review of Farmers Home Administration Programs and Activities."

This final action has been reviewed in accordance with FmHA Instruction 1940–G, "Environmental Program." FmHA has determined that this final action does not constitute a major Federal action significantly affecting the quality of the human environment and, in accordance with the National Environmental Policy Act of 1969, Pub. L. 91–90, an Environmental Impact Statement is not required.

This action responds to numerous inquiries addressing the need to adjust interest rates for the mutual accommodations of borrower(s) and lender(s). This final rule defines FmHA's position on the reduction of interest rates so that the borrower, lender and the Government can accommodate to changing market conditions and conditions in the borrower's ability to make loan payments on schedule.

This final rule allows interest to be reduced by collective action by the borrower, lender and holder. It prohibits fixed rates from being changed to variable rates to reduce the interest rate to the borrower unless the variable rate has a ceiling which is less than the original fixed rate. No increase in interest rates will be permitted except under the normal fluctuations for approved variable interest rate loans.

Discussion of Comments Received and Final Rule

A proposed rule was published in the **Federal Register** (49 FR 21547) on May 22, 1984. That proposal provided for a 30-day comment period. Written comments were received from eighteen respondents generally supportive of the proposed rule.

The proposed rule is adopted without change.

Section 1980.423 Interest Rates.

Paragraph (a)(1).

FmHA added a cross-reference to paragraph (a)(6)(i) of this section to include an exception to the requirement that there will be no floor or ceiling on variable interest rates. There were no unfavorable comments.

Paragraph (a)(6).

This paragraph allows the borrower, lender and holder (if any) to collectively negotiate a permanent reduction in the interest rate on their B&I guaranteed loan at anytime during life of the loan upon written agreement by all parties. One respondent commented that the proposed rule is unclear as to whether a reduced interest rate below the cost of money to the Government when the Government has repurchased would be acceptable or not. The Agency does not feel that the provision is unclear. The provision was included to ensure that the decision official includes the cost of money to the Government as one factor but not the only factor in reaching a decision. Another respondent suggested that interest rate reductions be limited to one per calendar year. The Agency sees no reason to so limit the rule. Greater flexibility is preferred. In certain instances, moe than one interest rate reduction in a year may be necessary. Although this result would not be encouraged, the greater flexibility provided by the proposed rule allows for it. Another respondent suggested that interest rate reductions be allowed for a limited time rather than be a permanent reduction. In the Agency's opinion, it is often difficult, if not impossible, to estimate how long a temporary reduction in interest rate would be necessary to alleviate the borrower's problem of being unable to meet the payment. At this time, FmHA prefers to require a permanent reduction since it provides for stability in payment which could only aid the borrower in its operations. This decision can always be reconsidered later.

Paragraph (a)(6)(i).

This paragraph allows a fixed rate to be changed to a variable rate only when the variable rate has a ceiling which is less than the original fixed rate. One respondent suggested this paragraph be revised to remove the requirement of a ceiling on the variable rate. This suggestion is rejected because the Agency wishes to assure that any change in a variable rate will not ultimately result in a higher interest rate than when the interest rate was originally fixed. Another respondent suggested that the paragraph be revised to provide that a fixed rate cannot be changed to a variable rate under any circumstance. The Agency sees no reason to adopt this suggestion since a ceiling is placed on a change to a variable rate requiring it be lower than the original fixed rate.

Paragraph (a)(6)(ii).

This paragraph provides that the amount of interest claimed cannot exceed that which would have been eligible for claim under the variable interest rate. One respondent recommended this paragraph be removed because the calculation would be confusing. The Agency chooses to adopt the proposed rule without change because it believes the calculation can be made.

Paragraph (a)(6)(iii).

This paragraph provides that the lender is reponsible for legal documentation of interest changes by means of a legal attachment to the promissory note. There were no unfavorable comments.

Paragraph (a)(7).

This paragraph prohibits any increase in interest rates on B&I guaranteed loans except where variable interest rate notes are in effect. There were no unfavorable comments.

Administrative: Paragraphs (a)(6) and (a)(7).

This new paragraph provides for internal tracking of an interest rate change on a B&I guaranteed loan. There were no unfavorable comments.

List of Subjects in 7 CFR Part 1980

Loan programs—business and industry, Rural development assistance, Rural areas.

PART 1980—[AMENDED]

Accordingly, FmHA amends § 1980.423 of Subpart E of Part 1980, Chapter XVIII, Title 7, Code of Federal Regulations, by revising paragraph (a)(1), by adding paragraphs (a)(6) and (a)(7), and by adding a paragraph entitled "*ADMINISTRATIVE,*" at the end of the Section to read as follows:

§ 1980.423 Interest rates.

(a) * * *

(1) A variable interest rate must be a rate that is tied to a base rate published periodically in a financial publication specifically agreed to by the lender and borrower. It must rise and fall with the selected base rate, and changes can be made no more often than quarterly. There will be no floor or ceiling on variable interest rates except as specified in paragraph (a)(6)(i) of this section. The lender must incorporate within the variable rate promissory note at loan closing, the provision for adjustment of payment installments coincident with an interest rate adjustment. This will assure that the outstanding principal balance is properly amortized within the prescribed loan maturity to eliminate the possibility of a balloon payment at the end of the loan.

* * * * *

(6) The borrower, lender and holder (if any) may collectively effect a permanent reduction in the interest rate of their B&I guaranteed loan at any time during the

life of the loan upon written agreement by these parties. FmHA must be notified by the lender, in writing, within 10 calendar days of the change. If the guaranteed portion has been repurchased by FmHA, then FmHA is a holder and must affirm or reject interest rate change proposals. When FmHA is a holder, it will concur in such interest rate change only when it is demonstrated to FmHA that the change is a more viable alternative than initiating or proceeding with liquidation of the loan or continuing with the loan in its present state, and that the Government's financial interests are not adversely affected. Factors which will be considered in making such a determination will include whether the proposed interest rate will be below the Government's cost of borrowing money, whether continuing with the loan would realistically promote or enhance rural development and employment in rural areas, whether the monetary recovery would be increased by proceeding immediately to liquidation, if applicable, or allowing the borrower to continue at a reduced interest rate, and whether an in-depth financial analysis by the lender reasonably indicates that the business would be successful at a lower interest rate and reasonably indicates that the borrower could make the reduced payment and pay off amounts in arrears, if any. The FmHA file will reflect the documentation of the interest rate change decision.

(i) Fixed rates cannot be changed to variable rates to reduce the interest rate to the borrower unless the variable rate has a ceiling which is less than the original fixed rate.

(ii) Variable rates can be changed to reduced fixed rates. In a final loss settlement, when qualifying rate changes were made with the required written agreements and notification, the interest will be calculated for the periods the given rates were in effect, except that interest claimed on a loan which originated at a variable rate can never exceed the amount which would have been eligible for claim had the variable interest remained in force. The lesser cost to the Government will always prevail. The lender must maintain records which adequately document the accrued interest claimed.

(iii) The lender is responsible for the legal documentation of interest changes by an allonge attached to the promissory note(s) or any other legally effective amendment of the rate(s); however, no new note(s) may be issued.

(7) No increases in interest rates will be permitted under the B&I loan guarantee except the normal fluctuations in approved variable interest rate loans.

. . . . . .

Administrative Par (a)(6) and (a)(7)

The State Director will notify the Finance Office of any interest rate reduction by using Form FmHA 1980-47, "Guaranteed Loan Borrower Adjustments." The State Director will make corrections to the Rural Community Facility Tracking System (RCFTS) reflecting the interest rate change. The FmHA loan file, as well as the attachments to the copy of the promissory note in the file, will be documented by the State Director to reflect any change in the interest rate.

Authority: 7 U.S.C. 1989; Order of Secretary of Agriculture, 7 CFR 2.23; Order of Under Secretary for Small Community and Rural Development, 7 CFR 2.70)

Dated: December 26, 1984.

Charles W. Shuman,

Administrator, Farmers Home Administration.

[FR Doc. 85-10299 Filed 4-25-85; 8:45 am]

BILLING CODE 3410-07-M

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

8 CFR Part 238

Contracts With Transportation Lines; Addition of AirCal, Inc.

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Final rule.

SUMMARY: This rule amends the listing of transportation lines which have entered into agreements with the Service for the preinspection of their passengers and crew at locations outside the United States by adding the name of AirCal, Inc.

EFFECTIVE DATE: April 12, 1985.

FOR FURTHER INFORMATION CONTACT: Loretta J. Shogren, Director, Policy Directives and Instructions, Immigration and Naturalization Service, 425 I Street, N.W., Washington, DC 20536. Telephone: (202) 633-3048.

SUPPLEMENTARY INFORMATION: The Commissioner of Immigration and Naturalization entered into agreement with AirCal, Inc. to provide for the preinspection of their passengers and crew as provided by section 238(b) of the Immigration and Nationality Act, as amended (8 U.S.C. 1228(b)). Preinspection outside the United States facilitates processing passengers and crew upon arrival at a U.S. port of entry and is a convenience to the traveling public.

Compliance with 5 U.S.C. 553 as to notice of proposed rulemaking and delayed effective date is unnecessary because the amendment merely adds transportation lines' names to the present listing and is editorial in nature.

This order constitutes a notice to the public under 5 U.S.C. 552 and is not a rule within the definition of section 1(a) of E.O. 12291.

List of Subjects in 8 CFR Part 238

Aliens, Common carriers, Government contracts, Inspections, Transportation lines.

Accordingly, Chapter I of Title 8 of the Code of Federal Regulations is amended as follows:

PART 238—CONTRACTS WITH TRANSPORTATION LINES

§ 238.4 [Amended]

Section 238.4 is amended by adding the name AirCal, Inc. under "At Vancouver."

(Secs. 103 and 238 of the Immigration and Nationality Act, as amended; (8 U.S.C. 1103 and 1228))

Dated: April 22, 1985.

Andrew J. Carmichael, Jr.,

Associate Commissioner, Examinations, Immigration and Naturalization Service

[FR Doc. 85-10191 Filed 4-25-85; 8:45 am]

BILLING CODE 4410-10-M

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

9 CFR Part 3

Animal Welfare; Marine Mammals

CFR Correction

In the January 1, 1985 revision of Title 9 (Parts 1 to 199) of the Code of Federal Regulations, the second formula of § 3.104(b)(3)(i) is incorrect. A correction appearing at 49 FR 27922, July 9, 1984 was not included in the CFR book. The second formula in paragraph (b)(3)(i) of § 3.104 should read as set forth below.

. . . . . .

$$\text{Volume} < \frac{(\text{Average Adult Length})^2}{2} \times 3.14 \times \text{depth}.$$

. . . . . .

BILLING CODE 1505-02-M

9 CFR Part 92

[Docket No. 85-004]

Semen of Ruminants or Swine From Countries Where Rinderpest or Foot-and-Mouth Disease Exists

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Affirmation of interim rule.

SUMMARY: This document affirms, with certain changes, the interim rule which amended the regulations concerning the importation into the United States of semen of ruminants or swine from countries where rinderpest or foot-and-mouth disease exists. The regulations were amended by changing the criteria for testing for foot-and-mouth disease and other infectious diseases in donor animals, by changing the criteria for determining which animals are eligible to be donor animals, and by changing provisions concerning the holding of the semen prior to the completion of the testing. These amendments are necessary to increase the reliability of testing for foot-and-mouth disease and other infectious diseases in the donor animals, and for relieving unnecessary restrictions on the importation of their semen.

EFFECTIVE DATE: April 26, 1985.

FOR FURTHER INFORMATION CONTACT: Dr. H. A. Kryder, Import-Export Animals and Products Staff, VS, APHIS, USDA, Room 839, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, (301) 436-8530.

SUPPLEMENTARY INFORMATION:

Background

The regulations in 9 CFR 92.4(d) (referred to below as the regulations) contain specific provisions concerning the importation into the United States of semen of ruminants or swine from countries where rinderpest or foot-and-mouth disease exists.

An interim rule published in the **Federal Register** on November 2, 1984 (49 FR 44088-44090), amended the regulations by changing the criteria for testing for foot-and-mouth disease and other infectious diseases in donor animals, by changing the criteria for determining which animals are eligible to be donor animals, and by changing provisions concerning the holding of the semen prior to the completion of the testing.

The document of November 2, 1984, invited the submission of written comments on or before January 2, 1985. Six comments were received. The comments were from representatives of a foreign government, a university, a zoo, and Federal government agencies. All of these comments have been carefully considered and are discussed below. Except as otherwise explained below, the provisions of the interim rule have been adopted as a final rule.

Semen Sample

Under the provisions of the interim rule, a 0.5 ml sample of semen is required to be taken for testing from each semen collection taken from the donor ruminant or swine. Two of the commenters indicated that the semen sample should be smaller, but they did not indicate what size the sample should be. No changes in the regulations are made based on these comments. As stated in the interim rule at 49 FR 44089, a semen sample of no less the "0.5 ml . . . (must be taken) from each collection since 0.5 ml from each semen collection is the amount that is needed for testing."

One commenter apparently asserted that the semen sample for testing should be unprocessed semen without any added substances. It was intended to require that the semen sample be unprocessed semen without any added substances. Changes are made in the regulations to more clearly reflect such intent.

Antibiotics

One commenter indicated that the regulations should be amended to require that semen collected from donor animals be treated with antibiotics as a condition of importation. No changes are made based on this comment. The interim rule only concerns the importation of semen of ruminants or swine originating in any country where rinderpest or foot-and-mouth disease exits. Other provisions in 9 CFR Part 92 regulate the importation of semen of ruminants or swine originating in other countries. It is industry practice to treat with antibiotics all semen (other than test samples) of ruminants or swine offered for importation into the United States, regardless of whether rinderpest or foot-and-mouth disease exists in the country of origin. However, the regulations do not currently require that any semen be treated with antibiotics as a condition of importation. Antibiotics affect bacteria but have no effect on viruses, such as viruses which cause foot-and-mouth disease and rinderpest. Further, the issue of whether semen of ruminants or swine should be treated with antibiotics as a condition of importation is a general issue for all semen of ruminants or swine offered for importation into the United States from any foreign country. The Department is considering whether to have a separate rulemaking proceeding concerning whether semen of ruminants or swine should be required to be treated with antibiotics as a condition of importation.

Testing for Diseases

The regulations specifically provide for testing of the donor animal for rinderpest and foot-and-mouth disease. One commenter stated that the donor animal should also "be free of tuberculosis, brucellosis, trichomoniasis leptospirosis, and vibriosis." No changes are made based on this comment. The regulations already provide for testing as necessary to ensure that the donor animal is free of communicable diseases, including any testing necessary to ensure that the donor animal is free of the diseases specified in the comment.

FMD-Vaccinated Donor Bulls

One commenter expressed concern about the "use of FMD-vaccinated donor bulls." This issue was dealt with at some length in the document of November 2, 1984. It was stated on page 44089 of that document that:

> This document deletes the virus neutralization and the fluorescent antibody tests for FMD for ruminants, and changes the regulations to provide instead that the blood samples from ruminants shall be tested for FMD antibodies using the virus infection associated (VIA) test, and to provide that the [oesophageal-pharyngeal] samples from ruminants shall be tested for FMD virus using the virus isolation test. . . .
>
> . . . . . .
>
> Prior to the effective date of this document, the semen from donor ruminants was required to have come from ruminants that had not been vaccinated against [foot-and-mouth disease]. The new testing protocol for ruminants is sufficiently sensitive to distinguish between the serological response produced by the presence of FMD and the serological response produced by FMD vaccine. Therefore, the requirement that the semen must come from a donor ruminant that has not been vaccinated against FMD is no longer necessary, and is deleted. . . .

The Department reaffirms this rationale, and no changes are made in the regulations concerning this issue.

Exotic Ruminants in the Wild

One commenter questioned whether the regulations apply to the importation of semen from exotic ruminants in the wild. The regulations apply to the importation of "semen of ruminants or swine, originating in any country designated in paragraph (a) of § 94.1 of this subchapter as a country where rinderpest or foot-and-mouth disease is determined to exist." This includes any ruminants regardless of whether they are exotic ruminants in the wild.

Laboratory

The regulations previously provided for semen testing and other testing to be performed at the Plum Island Animal Disease Laboratory. The actual name of the laboratory is the "Foreign Animal Disease Diagnostic Laboratory." One commenter asserted that the regulations should use the official name of the laboratory. The Department agrees with the commenter, and the name of the laboratory is changed to "Foreign Animal Disease Diagnostic Laboratory" wherever it appears in § 92.4. In addition, "Greenport, New York" is added after the name to indicate the location of the laboratory.

Miscellaneous

Also, in § 92.4(d)(1)(iv) footnote 1 is redesignated as footnote 2.

Executive Order 12291 and Regulatory Flexibility Act

This action has been reviewed in conformance with Executive Order 12291 and has been determined to be not a "major rule." The Department has determined that this action will not have an effect on the economy of $100 million or more; will not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; will not have any significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

It is anticipated that the amount of semen from ruminants and swine that will be annually imported under the provisions of § 92.4(d) will constitute less than 1 percent of the semen of ruminants and swine annually utilized in the United States. Further, the importation of such semen is not the primary activity of any business in the United States.

Therefore, the Administrator of the Animal and Plant Health Inspection Service has determined that this action will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 9 CFR Part 92

Animal diseases, Canada, Imports, Livestock and livestock products, Mexico, Poultry and poultry products, Quarantine, Transportation, Wildlife.

Accordingly, it has been determined that the interim rule concerning semen of ruminants or swine from countries where rinderpest or foot-and-mouth desease exists (49 FR 44088–44090) is adopted, with the changes shown below, as a final rule.

PART 92—IMPORTATION OF CERTAIN ANIMALS AND POULTRY AND CERTAIN ANIMAL AND POULTRY PRODUCTS; INSPECTION AND OTHER REQUIREMENTS FOR CERTAIN MEANS OF CONVEYANCE AND SHIPPING CONTAINERS THEREON

§92.4 [Amended]

1. In § 92.4(d)(1(ii), "Plum Island Animal Disease Laboratory of the United States Department of Agriculture" is changed to "Foreign Animal Disease Diagnostic Laboratory, Greenport, New York,".

2. In § 92.4(d)(1)(iii), "Plum Island Animal Disease Laboratory of the United States Department of Agriculture" is changed to "Foreign Animal Disease Diagnostic Laboratory, Greenport, New York,".

3. Footnote 1 in § 92.4(d)(1)(iv) is redesignated footnote 2 and "Plum Island Animal Disease Center," is removed from redesignated footnote 2.

4. In § 92.4(d)(4), "Plum Island Animal Disease Laboratory of the United States Department of Agriculture" is changed to "Foreign Animal Disease Diagnostic Laboratory, Greenport, New York".

5. In § 92.4(d)(5), the first two sentences are changed to read: "The semen sample from each collection shall have consisted of unprocessed semen without any added substances, and shall have been tested at the Foreign Animal Disease Diagnostic Laboratory, Greenport, New York. Such tests shall have been performed by injecting the semen samples into test animals which are susceptible to rinderpest or foot-and-mouth disease."

Authority: Sec. 203, 60 Stat. 1087, as amended; secs. 6, 7, 8, 10, 26 Stat. 416, as amended, 417; sec. 2, 32 Stat. 792, as amended; sec. 306, 46 Stat. 689, as amended; secs. 2, 3, 4, 5, 11; 76 Stat. 129, 130, 132; sec. 1, 84 Stat. 202; 7 U.S.C. 1622, 19 U.S.C. 1306, 21 U.S.C. 102–105, 111, 134a, 134b, 134c, 134d, 134f, and 135; 7 CFR 2.51, and 371.2(d).

Done at Washington, D.C., this 22nd day of April 1985.

Billy G. Johnson,

Acting Deputy Administrator, Veterinary Services.

[FR Doc. 85–10030 Filed 4–25–85; 8:45 am]

BILLING CODE 3410–34–M

FEDERAL HOME LOAN BANK BOARD

12 CFR Part 563

[No. 85–293]

Over-the-Counter Financial Options Trading; Accounting for Financial Options

Dated: April 18, 1985.

AGENCY: Federal Home Loan Bank Board.

ACTION: Final rule and request for comments.

SUMMARY: The Federal Home Loan Bank Board ("Board"), as the operating head of the Federal Savings and Loan Insurance Corporation ("FSLIC" or "Corporation"), is amending its regulations pertaining to financial options transactions by institutions whose accounts are insured by the FSLIC ("insured institutions"). The amendment will permit an insured institution to enter into over-the-counter financial options transactions ("OTC options") with primary dealers in government securities and with those affiliated companies substantially engaged in similar activities, provided that the primary dealer guarantees the transactions entered into by its affiliate. The regulation previously had been interpreted as precluding OTC options, thereby limiting financial options transactions to those traded on designated exchanges. The amendment is intended to reflect the Board's belief that OTC options transactions may be effectively used by insured institutions to hedge their interest-rate risk, and that limiting the counterparty to primary dealers will reduce the credit and liquidity risks associated with these transactions.

The Board also has revised the manner in which an insured institution accounts for "short call" positions (both for exchange-traded and OTC options). The regulation formerly permitted an institution that entered into a short call option matched against a specific asset, liability, or an intended cash-market transaction, to defer any realized losses over the estimated life of the matched

item while recognizing the option commitment fee as income over the term of the option. The amendment is intended to discourage institutions from entering into short call positions to take advantage of the favorable accounting treatment, rather than for sound economic reasons, and to remove an incentive which may make some institutions reluctant to close out their short call positions even when losses are increasing in order to continue to record the commitment fee as income. As amended, the regulation will require that fees received in conjunction with short call options and any related losses be deferred and amortized over the estimated life of the hedged item.

DATES: Effective date: April 24, 1985. Comments must be received by: June 24, 1985.

ADDRESS: Send comments to Director, Information Services Section, Office of the Secretariat, Federal Home Loan Bank Board, 1700 G Street, NW., Washington, D.C. 20552. Comments will be available for public inspection at the above address.

FOR FURTHER INFORMATION CONTACT: Robert J. Pomeranz, Policy Analyst, Office of Policy and Economic Research, (202) 377–6209; Diana Garmus, Financial Analyst, Office of Examination and Supervision, (202) 377–6820, or Robert Monheit, Attorney, Office of General Counsel, (202) 377–6448; Federal Home Loan Bank Board, 1700 G Street, NW., Washington, D.C. 20552.

SUPPLEMENTARY INFORMATION: *Over-the-Counter ("OTC") Options Transactions.* The Board has provided by regulation (12 CFR 563.17–5) that an insured institution (to the extent that it has the legal power to do so) may engage in the purchase or sale of financial-options contracts. However, only financial-options contracts based upon a financial instrument that the institution has authority to invest in or issue, designated by the Commodity Futures Trading Commission ("CFTC") or the Securities and Exchange Commission ("SEC"), and under terms and conditions established by an exchange designated or regulated by the CFTC or the SEC, can be used (§ 563.17–5(a)(4) and (c)). As a result, insured institutions were not permitted by this regulation to engage in over-the-counter transactions in financial-options contracts. See: Office of Examination and Supervision, Federal Home Loan Bank Board, T-Memorandum No. T–74.

The Board has further considered the use of OTC options by insured institutions and recognizes that there are certain advantages, as well as risks, inherent in the use of such transactions. OTC options may be effectively used by insured institutions to hedge or limit their exposure to interest-rate risk. Through these transactions, institutions may reduce the "basis" risk (price and yield correlations between the item hedged and the hedging vehicle) normally associated with hedging balance-sheet items or intended cash-market transactions. Also, while many institutions have invested in government-guaranteed mortgage-backed securities, there are no exchange-traded option contracts based upon these securities. Thus, OTC options may provide needed flexibility for institutions involved in these securities or involved in mortgage-banking operations. OTC options also provide greater flexibility because their terms (such as expiration dates) may be negotiated by the parties.

However, this very lack of standardization and lack of exchange-governed rules may subject participants to substantial credit and liquidity risk. The Board believes that if OTC options transactions between insured institutions and *any* counterparty were permitted, it would be difficult to determine the creditworthiness of the numerous potential counterparties and the market value of the transaction. As a result, additional reporting, recordkeeping, monitoring and other requirements might be necessary beyond those currently required of insured institutions in connection with exchange-traded options. In addition, the Board might find it necessary to attempt to monitor and exercise some regulatory control over all OTC option counterparties, a task too burdensome for this agency.

Instead, the Board believes that, in light of the potential credit and liquidity risks and after considering possible alternative methods for dealing with such problems, it is both necessary and preferable to limit the counterparties to "primary dealers" in government securities (i.e. members of the Association of Primary Dealers in United States Government Securities). Primary dealers are actively engaged in the distribution of government securities among investors, are substantially capitalized, make continuous markets, have a long-term commitment to the market and the capacity to maintain continuous markets in OTC options. Primary dealers are monitored by the Federal Reserve Bank of New York and must submit daily reports on their market positions as well as monthly financial statements, both used to test their capital adequacy on a daily basis. These reports are supplemented by regular contacts and on-site visits by representatives of the Federal Reserve Bank of New York. Thus, limiting OTC options counterparties to primary dealers should reduce the credit risk associated with such transactions without the necessity of the Board monitoring the capital adequacy of all potential counterparties. Insured institutions are required to follow the same reporting and recordkeeping requirements for OTC options as for exchange-traded options, and primary dealers must report their OTC option contracts with insured institutions to the Board in order to be eligible to participate in these transactions with the Board's regulatees. The Board appreciates the confidential nature of the information that will be submitted in the reports and has been advised by staff that such information falls within the purview of 5 U.S.C. 552(b) (4) and (8) and thus would be exempt from disclosure under the Freedom of Information Act.

The Board is aware that some primary dealers conduct OTC options trading only through affiliated entities and does not wish to require these primary dealers to restructure their operations in order to become counterparties in OTC options transactions with insured institutions. The Board believes that, because of the primary dealer's capital adequacy, ability to make continuous markets, and continuous monitoring by the Federal Reserve Bank of New York, a guarantee by a primary dealer of the OTC options transactions of its affiliates is sufficient to limit the credit and liquidity risks facing insured institutions. However, the Board is concerned that the affiliates have demonstrated experience in trading government securities, and is limiting the eligible affiliates to those that have substantially engaged in the trading of government securities. Therefore, the Board has included, in the definition of a "primary dealer", any parent, subsidiary, or affiliate that is substantially engaged in dealing in government securities, provided that the primary dealer guarantees the OTC options transactions between its affiliate and any insured institution.

Accounting Amendments

The accounting regulation required that the option premium be divided into two components—the immediate exercise value (intrinsic value) and the option commitment fee (time value). If the transaction involves a long put or call, the option commitment fee (paid by the institution) is recognized as an expense over the term of the option. If the transaction involves a short call or

short put, the option commitment fee (received by the institution) is recognized as income over the term of the option. When an option is matched against a specific asset, liability, or an intended cash-market transaction, any realized gains or losses are deferred over the estimated life of the matched item. When an option is unmatched, it must be carried on the books at its immediate exercise value. Unmatched options normally involve short put and long call positions.

These accounting techniques may be abused with respect to short call options. The option commitment fee is determined at the time the position is established and this fee is recognized as income over the term of the option, while any realized losses are deferred over the estimated term of the matched asset. This accounting treatment may cause an institution to enter into short call positions for the accounting treatment rather than for sound economic reasons. Moreover, even when losses are increasing, some institutions may be reluctant to close out their short call positions since they can still record the commitment fee as income. The following are examples demonstrating how these accounting techniques fail to reflect the economics of the transactions.

An institution sells a call option on Treasury bonds with an exercise price of 70 and three months to expiration. The institution receives a $2,000 option premium. The option is based on a $100,000 par value, 8% coupon rate, 20-year Treasury bond and the market value of the underlying instrument is 70. If this is a matched option, the entire option commitment fee may be recognized in income over the term of the option regardless of any interest-rate changes. The institution could record monthly income of $667 for each call option sold (based on a straight-line amortization method).

If interest rates decline and the market value of the underlying instrument increases to 74 at the time the option expires, the option contract would have a value of $4,000. The commitment fee of $2,000, received at the inception of the contract, would have been recognized in income while the amount required to offset the option would be deferred over the estimated term of the matched asset. In reality, the institution realized a $2,000 *loss*, but recorded *income* of $2,000 over the option contract term. It would defer the loss of $4,000 which will be amortized over the estimated life of the matched asset. If the institution owned the underlying security, the security's market value would have appreciated by $4,000 during the three-month period.

If interest rates had increased, so that the market value of the security underlying the option contract had declined to 66, the institution would not have been required to recognize the decline in the current period as long as the cash-market security was held for investment purposes. The loss would be recognized over the life of the security through a lower return on the investment. This result is inconsistent with the recognition of the commitment fee of $2,000 over the term of the option contract. This accounting does not reflect the economics of the transaction and is exacerbated by the lack of a position limit on short calls.

If the described accounting treatment for short call options were not changed, some institutions would enter into large positions based on the accounting treatment rather than the economics of the transaction. The availability of this technique could also encourage mismanagement of the position. Further, a problem institution could temporarily and artificially bolster its net worth if it enters into short call positions and records the option commitment fee to income, thus hindering the Board's ability to take appropriate supervisory action in a timely fashion.

For these reasons, the Board has determined to amend § 563.17–5(g) to require that option commitment fees received for the sale of matched short call options be recorded as a discount on the matched asset. This fee, together with any related losses from these transactions, will be deferred and amortized over the estimated life of the matched item. This accounting treatment, applicable to such transactions entered into after the effective date of this rule, more closely parallels the concept of hedge accounting, which attempts to match gains and losses from option transactions with those of the matched item. It is also intended to deter insured institutions from entering into short call positions solely for the benefit derived from a more favorable accounting treatment.

Solicitation of Comments

The Board finds that observance of the public notice and comment procedures of 5 U.S.C. 553(b) and 12 CFR 508.11 and the 30-day delay of effective date of 5 U.S.C. 553(d) and 12 CFR 508.14 is unnecessary, impracticable and contrary to the public interest. The amendments adopted pertaining to OTC options transactions increase the ability of insured institutions to enter into option transactions. This portion of the amendments relieves a restriction and the Board finds that it is in the public interest for insured institutions, to the extent permitted by applicable law, to take immediate advantage of the authority to enter into OTC options transactions. The Board also finds that it would be impracticable and contrary to the public interest to delay the amendments pertaining to accounting for matched short call options because insured institutions might be encouraged to enter into the soon-to-be-curtailed transactions during such period in order to take maximum advantage of the old accounting rule, thus threatening safety and soundness. However, the Board solicits comments on both the OTC options authorization and the accounting amendments, and any other changes necessary to ensure that insured institutions engage in options transactions in accordance with safe and sound practices.

List of Subjects in 12 CFR Part 563

Savings and loan associations, Savings banks, Securities.

Accordingly, the Federal Home Loan Bank Board hereby amends Part 563, Subchapter D, Chapter V of Title 12, *Code of Federal Regulations*, as set forth below.

SUBCHAPTER D—FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

PART 563—OPERATIONS

Amend § 563.17–5 by revising paragraphs (a)(4), (c), (e), and (g) (2) and (3); and by adding a new paragraph (a)(12); as follows:

§ 563.17–5 Financial options transactions.

(a) *Definitions.* * * *

(4) *Financial options contract.* An agreement to make or take delivery of a standardized financial instrument upon demand by the holder of the contract at any time prior to the expiration date specified in the agreement, under terms and conditions established either by (i) an exchange designated or regulated by the Commodity Futures Exchange Commission or the Securities Exchange Commission, or (ii) the insured institution and a primary dealer in government securities that are counterparties in an over-the-counter transaction.

* * * * *

(12) *Primary dealer in government securities.* Any member of the Association of Primary Dealers in United States Government Securities and any parent, subsidiary, or affiliated entity of such primary dealer: *Provided,*

that the member guarantees (to the satisfaction of the Corporation) the over-the-counter financial options transactions between its parent, subsidiary, or affiliated entity with an insured institution, and *Provided further*, that the parent, subsidiary , or affiliated entity is substantially engaged in similar activities.

* * * * *

(c) *Authorized contracts.* An insured institution may engage in financial options transactions using any financial-options contracts either (1) designated by the Commodity Futures Trading Commission or approved by the Securities and Exchange Commission; or (2) entered into with a primary dealer in government securities, and based upon a financial instrument that the institution has authority to invest in or to issue, or based upon a financial futures contract.

* * * * *

(e) *Notification and reporting.* (1) An insured institution shall notify the District Director—Examinations of the Federal Home Loan Bank district in which it is located immediately following authorization of its board of directors to engage in financial options transactions. The institution shall report its outstanding positions together with the total unrealized gain or loss from such positions to the Board.

(2) An insured institution shall not engage in an over-the-counter financial options transaction with any primary dealer unless such primary dealer notifies the District Director—Examinations of the Federal Home Loan Bank district in which the insured institution is located immediately following the entering into such transaction, and reports monthly on the outstanding positions of such insured institution.

* * * * *

(g) *Accounting.* * * *

(2) *Option commitment fee.* (i) The option commitment fee paid for a long position or received from the sale of a short put option shall be amortized to income or expense over the term of the option, except as provided in paragraph (g)(3)(ii) of this section.

(ii) The option commitment fee received from the sale of a matched short call option shall be deferred and treated as a discount on the matched asset. The option commitment fee received from the sale of an unmatched short call option shall be amortized to income over the term of the option.

(3) *Options contracts.* (i) Gains or losses on options contracts that are matched with assets or liabilities carried at the lower of cost or market value or carried at market value shall be considered in determining the market value of the asset or liability.

(ii) Options positions that are matched with assets or liabilities carried at cost or to be carried at cost shall be accounted for as follows:

(*a*) If a commitment fee will be or has been received with respect to the matched asset, the option commitment fee shall be treated as an adjustment of such fee. The adjusted commitment fee shall then be treated as a fee paid or received in connection with the matched asset;

(*b*) If a commitment fee has not been received with respect to a matched asset, the option commitment fee (except if received for the sale of a short call option) shall be amortized to income or expense over the commitment period by the straightline method;

(*c*) Any resulting gain or loss from an option position shall be treated as a discount or premium on the matched asset or liability;

(*d*) In the event that the cash-market or forward-commitment position with which an option is matched is sold or will not occur, the option shall be marked to market.

(iii) The immediate exercise value of short puts and other unmatched option positions shall be carried at their current market value.

(Sec. 409, 94 Stat. 160, secs. 402, 403, 407, 48 Stat. 1256, 1257, 1260, as amended (12 U.S.C. 1725, 1726, 1730); sec. 5A, 47 Stat. 727, as amended by sec. 1, 64 Stat. 256, as amended; sec. 17, 47 Stat. 736, as amended (12 U.S.C. 1464), Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1943–48 Comp., p. 1071)

By the Federal Home Loan Bank Board.

Jeff Sconyers,

Secretary.

[FR Doc. 85–10032 Filed 4–25–85; 8:45 am]

BILLING CODE 6720-01-M

NATIONAL CREDIT UNION ADMINISTRATION

12 CFR PART 721

Federal Credit Union Insurance and Group Purchasing Activities

AGENCY: National Credit Union Administration (NCUA).

ACTION: Final rule.

SUMMARY: NCUA amends its regulations in order to allow Federal credit unions to receive income in connection with the sale to their members of credit-related insurance and share account-related insurance. Previous rules limited Federal credit unions to receiving reimbursement from the insurances company for the credit union's administrative costs. The rule is issued with a delayed effective date (August 1, 1985) so that Federal credit unions will have sufficient time to study the effects of and prepare to comply with relevant state insurance laws.

EFFECTIVE DATE: August 1, 1985.

ADDRESS: National Credit Union Administration, 1776 G Street, NW., Washington, D.C. 20456.

FOR FURTHER INFORMATION CONTACT: Robert M. Fenner, Director, or Hattie M. Ulan, Attorney, Department of Legal Services at the above address or telephone: (202) 357–1030.

SUPPLEMENTARY INFORMATION:

Background

Part 721 of NCUA's Rules and Regulations authorizes Federal credit union (FCU) participation in insurance and other group purchasing activities, through which insurance and other goods and services are made available from third party vendors to credit union members. Part 721 has two sections. Section 721.1 authorizes FCU's to perform administrative functions for the vendor. Section 721.2 generally limits FCU's to receiving reimbursement for the cost of their involvement in the insurance or group purchasing activity.

In July of 1984, the NCUA Board requested public comment on a proposed change to § 721.2 that would allow FCU's to receive income in excess of cost in connection with the sale of credit-related insurance to members. (See 49 FR 30739, 8/1/84.) The proposal was based in part on NCUA's determination that an FCU may, as a matter of law, be permitted to generate income in connection with an insurance or group purchasing activity that is "incidental" to the exercise of an expressly authorized power (e.g., the power to make loans to members). The Board also requested comment on whether any other insurance or group purchasing activity (in addition to credit-related insurance) may be considered incidental to the exercise of an express power, and if, so, whether § 721.2 should be amended to allow FCU's to generate income from those activities as well.

NCUA received a total of seventy comment letters in response to the proposal. Two credit union trade associations, one insurance underwriter, two insurance trade associations, four state credit union leagues, one state credit union service system, one attorney, eight insurance agencies and forty-five credit unions responded to the proposal. Forty-eight commenters favored removing the reimbursement

restrictions on credit-related insurance and twenty-one commenters were opposed. The majority of the credit unions favored removing the restrictions, while the insurance representatives were generally opposed.

After review of the comments and further consideration of the issues, the Board has determined to remove the reimbursement limits for insurance directly related to extensions of credit and for insurance directly related to the opening and maintenance of share, share certificate and share draft accounts. The following analysis addresses the major issues raised in the proposal and in the comment letters.

Analysis

Authority

Federal credit unions, like all financial institutions, are institutions of statutorily limited powers. The powers of FCU's are enumerated in section 107 of the Federal Credit Union Act (12 U.S.C. 1757). Included are several specific powers, such as the power to make loans to members, to make certain investments, and to accept share, share draft and share certificate accounts. The various specific powers are followed by the authority "to exercise such incidental powers as shall be necessary or requisite to enable [the FCU] to carry on effectively the business for which it is incorporated." (12 U.S.C. 1757(15).) Prevailing case law construes this "incidental powers" clause to authorize activities that are "convenient or useful in connection with performance of one of [the credit union's] established activities pursuant to its express powers." *American Bankers Association* v. *Connell*, 447 F. Supp. 296, 298 (D.D.C., 1978).

The NCUA Board has consistently construed the powers of Federal credit unions broadly, in order to afford maximum flexibility to FCU's in providing services to their members. It is clear, however, that a Federal credit union may engage in an insurance or group purchasing activity for the purpose of generating income only if that activity is expressly authorized or is properly incidental to the exercise of an express power. Involvement in "nonincidental" insurance and group purchasing is permitted on a cost reimbursement basis on the theory that the FCU is not engaging in the particular activity or business, but rather is simply providing informational or good-will services to members and receiving reimbursement for the cost of the FCU's involvement.

Scope of Rule Change

Consistent with the above analysis, and after review of the comments, the Board has determined to eliminate the reimbursement restrictions for any sale of insurance which is "directly related to an extension of credit by the credit union or directly related to the opening or maintenance of a share, share draft or share certificate account at the credit union." (See § 721.2(b)(2) of the final rule.)

Included among the types of insurance that may be incidental to an extension of credit by an FCU are: credit life insurance, credit disability insurance, loss of income insurance, property and casualty insurance on motor vehicles, boats and residential dwellings, title insurance, mortgage guarantee insurance, and mechanical breakdown insurance on motor vehicles. Life savings insurance is the primary existing example of share-related insurance of which the Board is aware. Most FCU's that offer life savings insurance do so pursuant to a group plan under which the FCU itself pays the premium for all members. Some FCU's have chosen, however, to offer life insurance on a member-pay basis in connection with share, share certificate and share draft accounts. In addition, other credit unions are offering life and disability insurance in connection with IRA accounts.

Federal credit union involvement in other insurance and in group purchasing of other goods and services will continue to be limited to a cost reimbursement basis.

Reverse Competition

In its proposal, the Board asked whether reimbursement restrictions should be retained in order to prevent "reverse competition" in the sale of credit insurance. That is, it has previously been suggested that in the absence of reimbursement restrictions, credit unions would seek out insurance paying the highest commission, without due regard for the cost of the insurance to the members. Commenters argued fervently on both sides of the issue. Those who argued that reverse competition exists insisted that lifting the reimbursement cap for credit insurance would increase costs to credit union members while decreasing their benefits. Those in favor of lifting the reimbursement caps argued that reverse competition will not occur in credit unions. Rather, the credit union will have an opportunity to receive income that is presently paid to other parties, and the benefits of increased compensation on credit insurance will accure to the credit union members as increased dividends on savings, lower interest rates on loans and/or increased services to members.

The majority of the commenters who argued that reverse competition will develop were not FCU's. In fact, only two FCU commenters expressed the view that reverse competition will become a problem if the reimbursement restrictions on credit insurance are lifted.

While the NCUA Board appreciates the concerns expressed with respect to the potential for reverse competition in the credit insurance market, the Board believes that the ability to prevent such developments can and should properly be placed in the hands of Federal credit unions and Federal credit union management. Credit unions are cooperative member-owned institutions. The entire board of directors is elected by the membership, and thus is continuously accountable to the interests of the member. Moreover, the directors serve as volunteers. Directors and employees are and will continue to be prohibited from personally receiving commissions or other forms of compensation in connection with credit insurance sales (see § 721.2(c) of the regulation). Thus, there is little incentive for a credit union to simply seek out the insurance product paying the highest commissions. To the extent that Federal credit unions do choose to receive commissions or other income, that income should redound to the benefit of the entire membership as discussed above.

Also concerning the issue of whether FCU's should be allowed to receive income, the Board notes that many credit unions now receive commission income indirectly by establishing credit union service organizations that receive the commission income and pay it through to the credit union as a return on the credit union's investment in the service organization. Allowing FCU's the choice of receiving the income directly will recognize what is currently taking place in the marketplace and eliminate the need for the artificial device of establishing a service organization. Finally, with respect to reverse competition, the Board notes that if the evidence at a future date demonstrates that Federal credit union members are paying dramatically higher insurance premiums as a result of the removal of compensation limits, NCUA can and will reconsider this issue.

State Insurance Law

As noted in the Board's proposal, Federal credit unions' obligation to

comply with state insurance laws is not affected by a change to NCUA's regulation. It is not NCUA's intent to interfere with the authority and ability of state insurance commissioners to regulate insurance activities. Although FCU's will not be subject to NCUA limits on credit-related and share-related insurance under the new regulation, they are subject to any state regulations on all insurance activities.

For example, most states impose licensing requirements upon entities receiving insurance compensation in excess of cost. A few of the commenters opposed to lifting the reimbursement restrictions stated that the potential licensing requirements will impose too much of a regulatory burden upon FCU's. The Board does not believe this to be the case for two reasons. First, a credit union may choose not to increase the compensation it receives for credit-related and share-related insurance. Federal credit unions that choose to limit their reimbursements to actual costs, or to a cost approximation that is acceptable to the state insurance commission, may not be subject to licensing requirements under state laws. Second, if an FCU receives compensation in excess of costs, the delayed effective date of the new regulation (August 1, 1985) will allow FCU's adequate time to educate themselves as to any licensing or other requirements that apply.

One commenter raised the issue of assignment of insurance commissions. Apparently, in some states a financial institution may not be licensed as an insurance agent. A natural person must be licensed as the agent in order to receive insurance commissions above costs. NCUA will have no objection to an employee or official of the FCU becoming licensed as an insurance agent on the condition that *all* insurance income received as agent is assigned to the FCU. This can be accomplished through a contractual arrangement between the employee/agent and the FCU.

The FCU must be in compliance with state insurance laws. This includes state laws on licensing, receipt of compensation and insurance-related unfair or deceptive practices. Various methods of receiving insurance compensation may be proper under different state laws. The following is a nonexclusive list of methods which may be available to FCU's:

—an FCU may serve as an insurance agent and receive compensation as such.
—an FCU employee or official may be licensed as an insurance agent and receive compensation so long as the employee or official assigns all compensation to the FCU.
—an FCU may acquire a group credit insurance policy and provide coverage to its members for loans made to them under such a policy. The FCU may receive experience refunds, dividends or retrospective rate credits from the insurance company as provided in the group policy.
—an FCU may choose not to receive increased compensation available under the new regulation and continue to receive reimbursements for costs.
—an FCU may provide credit- and/or savings-related insurance at no additional charge to its members.

The Board believes that each FCU board of directors should determine which method is appropriate for its FCU and the FCU's members.

Compensation to Employees, Officials and Family Members

Very few comments addressed the issue of compensation to officials, employees and their family members. As noted in the proposal, the prohibition on such commissions is a carryover from the present regulation. Several commenters did note that the term "immediate family" should be defined for purposes of this regulation. NCUA has previously defined this term to mean "a spouse, or a child, parent, grandchild, grandparent, brother or sister, or the spouse of any such individual" in both its lending and investment regulations. [See 12 CFR 701.21(c)(8) & 703.2(i) and 703.4(e).] The Board believes that this same definition should apply to Part 721 and has added the definition in the final rule. Although insurance compensation to employees and officials is restricted, an employee or official who is the licensed insurance agent for the FCU may, as previously indicated, receive compensation on the condition that it is assigned in its entirety to the FCU.

Effective Date

This final rule will become effective August 1, 1985. The effective date is delayed to provide FCU's adequate time to educate themselves on state laws they may have to comply with under the new regulation.

Regulatory Flexibility Act

The NCUA Board hereby certifies that the final rule will not have a significant economic impact on a substantial number of small credit unions because the rule will increase their management flexibility and reduce their paperwork burdens. A Regulatory Flexibility Analysis is, therefore, not required.

Financial Regulation Simplification Act

Since this final rule reduces burdens and delay would cause unnecessary harm, the NCUA Board finds that full and separate consideration of all the requirements of the Financial Regulation Simplification Act is impracticable. The NCUA Board has, however, considered most of these policies, as set forth in the preamble above.

List of Subjects in 12 CFR Part 721

Credit unions, insurance, Group purchasing.

Dated: April 17, 1985.

Rosemary Brady,

Secretary of the Board.

Authority: 12 U.S.C. 1757(15); 12 U.S.C. 1766(a).

PART 721—[AMENDED]

Accordingly, the NCUA rules and regulations (12 CFR Part 721) are amended as follows:

Section 721.2 is revised to read as follows:

§ 721.2 Reimbursement.

(a) For purposes of paragraph (b) of this section, the following definitions shall apply:

(1) "Dollar amount" shall mean $4 per single payment policy, $6 per combination policy, or $4 per annum for any other type of policy; and

(2) "Cost amount" shall mean the total of the direct and indirect costs to the Federal credit union of any administrative functions performed on behalf of the vendor. The Federal credit union must be able to justify this amount using standard accounting procedures.

(b) A Federal credit union may be reimbursed or compensated by a vendor for activities performed under § 721.1 as follows:

(1) Except as otherwise provided by applicable state insurance law, reimbursement or compensation is not limited with respect to insurance sales by the credit union or its employees which are directly related to an extension of credit by the credit union or directly related to the opening or maintenance of a share, share draft or share certificate account at the credit union;

(2) For insurance sales other than those described in paragraph (b)(1), a Federal credit union may receive an amount not exceeding the greater of the dollar amount or the cost amount;

(3) For group purchasing plans other than insurance, a Federal credit union may receive an amount not exceeding the cost amount.

(c) No official or employee of a Federal credit union or any immediate family member of an official or employee may receive any compensation or benefit, directly or indirectly, in conjunction with any activity under this regulation. For purposes of this section, "immediate family member" means a spouse, or a child, parent, grandchild, grandparent, brother or sister, or spouse of any such individual.

[FR Doc. 85-10110 Filed 4-25-85; 8:45 am]

BILLING CODE 7535-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 85-ANE-13; Amdt. 39-5029]

Airworthiness Directives; Teledyne Continental Motors IO-470 and O-470 Series Engines

Correction

In FR Doc. 85-9241, beginning on page 15098 in the issue of Wednesday, April 17, 1985, make the following correction:

On page 15099, first column, in § 39.13, nineteenth line from the bottom of the page, "2138199" should have read "238199".

BILLING CODE 1505-01-M

14 CFR Part 39

[Docket No. 85-NM-31-AD; Amdt. 39-5044]

Airworthiness Directives; Boeing Model 707 and 720 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adds a new airworthiness directive (AD) which requires inspection of the wing front spar upper chord of Boeing Model 707 and 720 airplanes. This action is promoted by a recent report of a 46-inch crack. The chords are subject to cracks, which if undetected will propagate to the point where fail-safe load cannot be supported.

DATES: Effective May 8, 1985.

Compliance schedule as prescribed in the body of the AD, unless already accomplished.

ADDRESSES: The service bulletin specified in this AD may be obtained upon request from the Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington 98124. The service bulletin may also be examined at FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or 9010 East Marginal Way South, Seattle, Washington.

FOR FURTHER INFORMATION CONTACT: Mr. Carlton Holmes, Airframe Branch, ANM-120S; (206) 431-2926. Mailing address: FAA, Northwest Mountain Region, Seattle Aircraft Certification Office, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

SUPPLEMENTARY INFORMATION: Recently one operator reported a 46-inch crack, which was located along the dry bay area between the inboard and outboard nacelles. When the crack extended into the fuel tank areas, fuel leakage resulted which led to discovery of the crack. Cracks of such length may lower the fail-safe load capability below required minimums and left undetected could result in a buckling of the upper front spar and failure to the wing.

Boeing Service Bulletin No. 3240, revised November 13, 1981, addresses cracking problems in the wing spar chords. Cracks in the front upper chord are attributed to a combination of corrosion and fatigue which results from slat actuator loads. The service bulletin recommended inspections at 1000 flight intervals, and provided repair information.

Since this situation is likely to exist or develop on other airplanes of the same type design, this AD requires inspection and repair, if necessary, in accordance with the Boeing service bulletin.

Further, since a situation exists that requires the immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

The FAA has determined that this regulation is an emergency regulation that is not major under Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been further determined that this document involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant/major regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evalution or analysis is not required). A copy of it, when filed, may be obtained by contacting the person identified under the caption "**FOR FURTHER INFORMATION CONTACT.**"

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new airworthiness directive:

Boeing: Applies to Model 707 and 720 series airplanes certificated in all categories with 15,000 or more landings.

To insure continued structural integrity of the wing front spar upper chord, accomplish the following within 100 landings or 60 days, whichever occurs first, unless previously accomplished within the last 900 landings or 10 months:

A. Perform a close visual inspection of the wing front spar upper chord for cracks in accordance with Boeing Service Bulletin 3240, Revision 1, or later FAA approved revision. Repeat the inspection at intervals not to exceed 1,000 landings or one year, whichever occurs first.

B. If cracks or corrosion areas are found, repair prior to further flight in accordance with the above service bulletin or in a manner approved by the Manager, Seattle Aircraft Certification Office.

C. The temporary crack repairs described in the above service bulletin, Part III, Figure 2, may be performed; however, the crack must be reinspected at intervals not exceeding 300 landings and a permanent repair must be accomplished within 1,000 landings or one year, whichever occurs first after the temporary repair.

D. After each of the above inspections and repairs have been performed, apply BMS-3-23 or equivalent corrosion inhibitor to the affected areas.

E. Areas of wing front spar upper chord replaced or repaired in accordance with the repair kits specified in Boeing Service Bulletin 3240, are exempt from the inspections of paragraph A., above.

F. An alternate means of compliance which provides an acceptable level of safety may be used when approved by the Manager, Seattle Aircraft Certification Office, FAA, Northwest Mountain Region.

G. Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base in order to comply with the requirements of this AD.

All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to the Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington 98124. These documents may also be examined at FAA, Seattle Aircraft Certification Office, 9010 East Marginal Way South, Seattle, Washington.

This amendment becomes effective May 8, 1985.

(Secs. 313(a), 314(a), 601 through 610, and 1102 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421 through 1430, and 1502); 49 U.S.C. 106(g) (Revised, Pub. L. 97–449, January 12, 1983); and 14 CFR 11.89)

Issued in Seattle, Washington, on April 18, 1985.

Charles R. Foster,

Director, Northwest Mountain Region.

[FR Doc. 85–10138 Filed 4–25–85; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 39

[Docket No. 85–ANE–13; Amdt. 39–5902]

Airworthiness Directives; Teledyne Continental Motors IO–470 and O–470 Series Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule, extension of compliance date.

SUMMARY: This amendment extends the date for compliance with the AD from April 15, 1985, the effective date of the AD, to April 30, 1985. The extension is needed to prevent unintended grounding of aircraft.

EFFECTIVE DATE: This action is effective April 26, 1985.

FOR FURTHER INFORMATION CONTACT: Robert R. Goodall, Aerospace Engineer, Propulsion Branch, ACE–140A, Atlanta Aircraft Certification Office, Federal Aviation Administration, 1075 Inner Loop Road, College Park, Georgia 30337, telephone (404) 763–7435.

SUPPLEMENTARY INFORMATION: On March 26, 1985, the FAA issued an AD applicable to certain Teledyne Continental Motors IO–470 engines and certain cylinder assemblies in inventory or installed on designated IO–470 series engines. The AD became effective on April 15, 1985. The AD was issued to prevent excessive valve stem wear, oil contamination, valve seizure, and total loss of engine power. The AD required compliance within 10 hours after the effective date of the AD. It was anticipated, at the time the AD was issued, that adequate notice would be provided to operators of the affected engines to avoid an immediate grounding of their aircraft. Due to unforeseen circumstances, however, it now appears that the compliance date of April 15, 1985 did not provide adequate notice to avoid immediate groundings. Therefore, this action amends the AD by changing the compliance date from "the effective date of the AD" (April 15, 1985) to April 30, 1985.

Since a situation exists that requires the immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

Conclusion

This amendment merely extends the compliance date of an existing AD by fifteen days, to avoid unintended immediate grounding of aircraft. This is consistent with the intent of the original AD. No other change is being made to the original AD. Therefore, I certify that this action (1) is not a "major rule" under Executive Order 12291, and (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). A copy of the final evaluation prepared for this action is contained in the regulatory docket. A copy of it may be obtained by contacting the person identified under the caption **"FOR FURTHER INFORMATION CONTACT."**

List of Subjects in 14 CFR Part 39

Engines, Air transportation, Aircraft, Aviation safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (914 CFR 39.13) is amended by amending amendment 39–5029, Docket No. 85–ANE–13 as follows:

Under the adoption of the amendment section in the compliance line preceding the first paragraph (a) of the AD.

1. Delete the words "after the effective date of this AD, compliance is required as indicated unless already accomplished".

2. Insert, in lieu thereof, the words "after April 30, 1985 compliance is required as indicated unless already accomplished".

This amendment becomes effective on publication in the **Federal Register.**

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); 49 U.S.C. 106(g) (Revised, Pub. L. 97–449, January 12, 1983); 14 CFR 11.89)

Issued in Burlington, Massachusetts, on April 18, 1985.

Jack A. Sain,

Acting Director, New England Region.

[FR Doc. 85–10135 Filed 4–25–85; 8:45 am]

BILLING CODE 4910–13–m

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14 CFR Part 71

[Airspace Docket No. 84–AWA–34]

Alteration of VOR Federal Airways

Correction

In FR Doc. 85–8594 beginning on page 14090 in the issue of Wednesday, April 10, 1985, make the following correction: On page 14091, in the first column, in the third line under "V–306", "Diasetta" should read "Daisetta".

BILLING CODE 1505–01–M

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14 CFR Part 71

[Airspace Docket No. 84–AWA–14]

Alteration of VOR Federal Airways

Correction

In FR Doc. 85–8592 beginning on page 14091 in the issue of Wednesday, April 10, 1985, make the following correction: On page 14092, in the first column, in the fifth line under "V–94", "Slat" should read "Salt".

BILLING CODE 1505–01–M

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14 CFR Part 75

[Airspace Docket No. 84–ANM–34]

Extension of Jet Route—Denver, CO

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment extends Jet Route J–157 from Denver, CO, to Keann Intersection to aid flight planning and improve the flow of air traffic at Denver, CO.

EFFECTIVE DATE: 0901 G.M.T., June 6, 1985.

FOR FURTHER INFORMATION CONTACT: Burton Chandler, Airspace and Air Traffic Rules Branch (ATO–230), Airspace—Rules and Aeronautical Information Division, Air Traffic Operations Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 426–8783.

SUPPLEMENTARY INFORMATION:

History

On February 14, 1985, the FAA proposed to amend Part 75 of the Federal Aviation Regulations (14 CFR Part 785) to extend Jet Route J–157 from Denver, CO, to Keann Intersection to aid flight planning and improve the flow of air traffic at Denver, CO (50 FR 6198). Interested parties were invited to

participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments objecting to the proposal were received. Except for editorial changes, this amendment is the same as that proposed in the notice. Section 75.100 of Part 75 of the Federal Aviation Regulations was republished in Handbook 7400.6A dated January 2, 1985.

The Rule

This amendment to Part 75 of the Federal Aviation Regulations amends a segment of Jet Route J–157 from Denver, CO, to Keann Intersection. This action will enhance IFR flight planning and the flow of air traffic in the affected area.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 75

Jet Routes, Aviation safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, § 75.100 of Part 75 of the Federal Aviation Regulations (14 CFR Part 75) is amended, as follows:

J—157–[Amended]

By removing the words "From the INT of Denver, CO, 058° and Gill, CO, 151° radials, via INT Denver 058° and substituting the words "From Denver, CO, via INT of Denver 058°

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); (49 U.S.C. 106(g) (Revised, Pub. L. 97–449, January 12, 1983)); and 14 CFR 11.69)

Issued in Washington, D.C., on April 19, 1985.

John Watterson,

Acting Manager, Airspace—Rules and Aeronautical Information Division.

[FR Doc. 85–10139 Filed 4–25–85; 8:45 am]

BILLING CODE 4910–13–M

14 CFR Part 97

[Docket No. 24598; Amdt. No. 1293]

Standard Instrument Approach Procedures; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA) DOT

ACTION: Final rule.

SUMMARY: This amendment establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs) for operations at certain airports. These regulatory actions are needed because of the adoption of new or revised criteria, or because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, addition of new obstacles, or changes in air traffic requirements. These changes are designed to provide safe and efficient use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

EFFECTIVE DATE: An effective date for each SIAP is specified in the amendatory provisions.

ADDRESSES: Availability of matters incorporated by reference in the amendment is as follows:

For Examination—

1. FAA Rules Docket, FAA Headquarters Building, 800 Independence Avenue, SW., Washington, D.C. 20591;

2. The FAA Regional Office of the region in which the affected airport is located; or

3. The Flight Inspection Field Office which originated the SIAP.

For Purchase—

Individual SIAP copies may be obtained from:

1. FAA Public Inquiry Center (APA–430), FAA Headquarters Building, 800 Independence Avenue, SW., Washington, D.C. 20591; or

2. The FAA Regional Office of the region in which the affected airport is located.

By Subscription—

Copies of all SIAPs, mailed once every 2 weeks, are for sale by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

FOR FURTHER INFORMATION CONTACT: Donald K. Funai, Flight Procedures Standards Branch (AFO–230), Air Transportation Division, Office of Flight Operations, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone (202) 426–8277.

SUPPLEMENTARY INFORMATION: This amendment of Part 97 of the Federal Aviation Regulations (14 CFR Part 97) prescribes new, amended, suspended, or revoked Standard Instrument.

Approach Procedures (SIAPs). The complete regulatory description of each SIAP is contained in official FAA form documents which are incorporated by reference in this amendment under 5 U.S.C. 552(a), 1 CFR Part 51, and § 97.20 of the Federal Aviation Regulations (FARs). The applicable FAA Forms are identified as FAA Forms 8260–3, 8260–4, and 8260–5. Materials incorported by reference are available for examination or purchase as stated above.

The large number of SIAPs, their complex nature, and the need for a special format make their verbatim publication in the Federal Register expensive and impractical. Further, airmen do not use the regulatory text of the SIAPs, but refer to their graphic depiction on charts printed by publishers of aeronautical materials. Thus, the advantages of incorporation by reference are realized and publication of the complete description of each SIAP contained in FAA form document is unnecessary. The provisions of this amendment state the affected CFR (and FAR) sections, with the types and effective dates of the SIAPs. This amendment also identifies the airport, its location, the procedure identification and the amendment number.

This amendment to Part 97 is effective on the date of publication and contains separate SIAPs which have compliance dates stated as effective dates based on related changes in the National Airspace System or the application of new or revised criteria. Some SIAP amendments may have been previously issued by the FAA in a National Flight Data Center (FDC) Notice to Airmen (NOTAM) as an emergency action of immediate flight safety relating directly to published aeronautical charts. The circumstances which created the need for some SIAP amendments may require making them effective in less than 30 days. For the remaining SIAPs, an effective date at least 30 days after publication is provided.

Further, the SIAPs contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Approach Procedures (TERPs). In developing these SIAPs, the TERPS criteria were applied to the conditions existing or anticipated at the affected airports. Because of the

close and immediate relationship between these SIAPs and safety in air commerce, I find that notice and public procedure before adopting these SIAPs is unnecessary, impracticable, and contrary to the public interest and, where applicable, that good cause exists for making some SIAPs effective in less than 30 days.

List of Subjects in 14 CFR Part 97

Approaches, Standard instrument, Aviation safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, Part 97 of the Federal Aviation Regulations (14 CFR Part 97) is amended by establishing, amending, suspending, or revoking Standard Instrument Approach Procedures, Effective at 0901 G.m.t. on the dates specified, as follows:

1. By Amending § 97.23 VOR, VOR/DME, VOR or TACAN, and VOR/DME or TACAN SIAPs identified as follows:

. . . Effective June 6, 1985

Kenai, AK—Kenai Muni, VOR RWY 19, Amdt. 13
Selawik, AK—Selawik, VOR RWY 27, Orig.
Selawik, AK—Selawik, VOR/DME RWY 9, Orig.
Selawik, AK—Selawik, VOR RWY 9, Orig.
Dumas, AR—Billy Free Municipal, VOR/DME RWY 36, Orig.
Fayetteville, AR—Drake Field, VOR-A, Amdt. 23
Rogers, AR—Rogers Muni Airport-Carter Field, VOR RWY 1, Amdt. 9
Rogers, AR—Rogers Muni Airport-Carter Field, VOR/DME RWY 19, Amdt. 7
Hayden, CO—Yampa Valley, VOR-A, Amdt. 1
Pensacola, FL—Pensacola Regional, VOR RWY 7, Amdt. 2
Boise, ID—Boise Air Terminal (Gowen Field), VOR RWY 10R, Amdt. 19
Boise, ID—Boise Air Terminal (Gowen Field), VOR/DME RWY 10R, Amdt. 5
Cambridge, MD—Cambridge-Dorchester, VOR-A, Amdt. 4
Leonardtown, MD—St. Mary's County, VOR RWY 11, Amdt. 1
Leonardtown, MD—St. Mary's County, VOR RWY 29, Amdt. 2
Baytown, TX—RWJ Airpark, VOR/DME RWY 33, Orig.
Baytown, TX—RWJ Airpark, VOR-A, Amdt. 1
Ennis, TX—Ennis Muni, VOR/DME-A, Orig.
Appleton, WI—Outagamie County, VOR/DME RWY 3, Amdt. 2

2. By amending § 97-25 LOC, LOC/DME, LDA, LDA/DME, SDF, and SDF/DME SIAPs identified as follows:

. . . Effective June 6, 1985

Fayetteville, AR—Drake Field, LOC RWY 16, Amdt. 13
Harrison, AR—Boone County, LOC RWY 36, Amdt. 4
Pensacola, FL—Pensacola Regional, LOC BC RWY 34, Amdt. 10
Hoquiam, WA—Bowerman, LOC RWY 24, Amdt. 2
Appleton, WI—Outagamie County, LOC BC RWY 21, Amdt. 3

. . . Effective May 9, 1985

Huntsville, AL—Huntsville-Madison Co Apt—Carl T. Jones Fld, LOC RWY 18L, Orig.

3. By amending § 97.27 NDB and NDB/DME SIAPs identified as follows:

. . . Effective June 6, 1985

Gambell, AK—Gambell, NDB-A Amdt. 1
Gambell, AK—Gambell, NDB-B Amdt. 1
Gambell, AK—Gambell, NDB/DME RWY 16, Orig.
Gambell, AK—Gambell, NDB/DME RWY 34, Orig.
Rogers, AR—Rogers Muni Airport-Carter Field, NDB RWY 19, Amdt. 2
Santa Ynez, CA—Santa Ynez, NDB RWY 8, Orig.
Pensacola, FL—Pensacola Regional, NDB RWY 34, Amdt. 15
Winston-Salem, NC—Smith Reynolds, NDB RWY 33, Amdt. 21
Burnet, TX—Burnet Muni/Kate Craddock Field, NDB RWY 1, Amdt. 1
Appleton, WI—Outagamie County, NDB RWY 3, Amdt. 9
Appleton, WI—Outagamie County, NDB RWY 11, Amdt. 2
Appleton, WI—Outagamie County, NDB RWY 29, Amdt. 2

. . . Effective April 16, 1985

Hickory, NC—Hickory Muni, NDB, RWY 24, Amdt. 3

. . . Effective April 12, 1985

Gastonia, NC—Gastonia Muni, NDB RWY 3, Amdt. 4

4. By amending § 97.29 ILS, ILS/DME, ISMLS, MLS, MLS/DME and MLS/RNAV SIAPs identified as follows:

. . . Effective June 6, 1985

Barrow, AK—Wiley Post-Will Rogers Memorial, ILS/DME RWY 6, Amdt. 2
Kenai, AK—Kenai Muni, ILS RWY 19, Amdt. 4
Prescott, AZ—Ernest A. Love Field, ILS/DME RWY 21, Orig.
Hot Springs, AR—Memorial Field, ILS RWY 5, Amdt. 10
Pensacola, FL—Pensacola Regional, ILS RWY 16, Amdt. 12
Winston-Salem, NC—Smith Reynolds, ILS RWY 33, Amdt. 22
Westhampton Beach, NY—Suffolk County, ILS RWY 24, Amdt. 8
North Myrtle Beach, SC—Grand Strand, ILS RWY 23, Amdt. 6
Appleton, WI—Outagamie County, ILS RWY 3, Amdt. 11

. . . Effective April 16, 1985

Hickory, NC—Hickory Muni, ILS RWY 24, Amdt. 5

5. By amending § 97.31 RADAR SIAPS identified as follows:

. . . Effective June 6, 1985

Columbia, SC—Owens Field, RADAR-1, Orig.

6. By amending § 97.33 RNAV SIAPs identified as follows:

. . . Effective June 6, 1985

Burnet, TX—Burnet Muni/Kate Craddock Field, RNAV RWY 19, Amdt. 1
Houston, TX—Hull Field, RNAV RWY 17, Amdt. 4
Houston, TX—Hull Field, RNAV RWY 35, Amdt. 5
Appleton, WI—Outagamie County, RNAV RWY 29, Amdt. 2

. . . Effective April 12, 1985

Gastonia, NC—Gastonia Muni, RNAV RWY 3, Amdt. 2

(Secs. 307, 313(a), 601, and 1110, Federal Aviation Act of 1958 (49 U.S.C. 1348, 1354(a), 1421, and 1510); 49 U.S.C. 106(g) (Revised, Pub. L. 97-449, January 12, 1983); and 14 CFR 11.49(b)(3)).

Note.—The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. For the same reason, the FAA certifies that this amendment will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Note.—The incorporation by reference in the preceding document was approved by the Director of the Federal Register on December 31, 1980, and reapproved as of January 1, 1982.

Issued in Washington, D.C. on April 19, 1985.

John S. Kern,

Acting Director of Flight Operations.

[FR Doc. 85-10136 Filed 4-25-85; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF COMMERCE

International Trade Administration

15 CFR Parts 379 and 399

[Docket No. 50465-5065]

Amendments To Export Controls on Software and Electronic Computers

AGENCY: Office of Export Administration, International Trade Administration, Commerce.

ACTION: Final rule.

SUMMARY: This rule delegates ECCN 1566A of the Commodity Control List covering software (15 CFR 399.1) and adds software formerly described in ECCN 1566A to 15 CFR 379.4, thus removing the validated licensing requirements for the export of certain software to destinations in Country Groups T and V (except the People's

Republic of China and Afghanistan). This rule revises General License GTDR to authorize exports of certain software, except to Country Groups S and Z. This rule also amends ECCN 1565A of the Commodity Control List to clarify the scope of controls on " embedded" computers and certain computer peripherals, and to make clear that in calculating Processing Data Rate (PDR) to determine eligibility of systems under the first 1565 entry in Supplement No. 1 to Part 373, exporters of computers under Distribution License should use the "floating point" PDR.

EFFECTIVE DATE: April 30, 1985.

FOR FURTHER INFORMATION CONTACT: For software questions, call Raj Dheer on (202) 377–2290, and for questions on ECCN 1565A contact Randy Williams on (202) 377–3109, Scientific & Electronic Equipment Division, Office of Export Administration, Department of Commerce, Washington, D.C. 20230.

SUPPLEMENTARY INFORMATION

Regulatory Changes

On December 31, 1984, the Office of Export Administration issued a rule (49 FR 50608–50632) revising export controls on certain computer equipment, software, and communication switching equipment. The effective date of any new controls imposed by that rule was deferred until April 29, 1985.

Supplement No. 1 to § 399.1 (the Commodity Control List) includes all commodities subject to Department of Commerce export control. This rule deletes ECCN 1566A of the Commodity Control List covering software and adds software formerly described in ECCN 1566A to § 379.4. A major result of this change is to remove validated license requirements for the export of certain software to destinations in Country Groups T and V (except the People's Republic of China and Afghanistan).

General license GTDR is revised to authorize exports of certain software, except to Country Groups S and Z.

This rule also amends ECCN 1565A of the Commodity Control List to clarify the scope of controls on "embedded" computers and certain computer peripherals. In addition, exporters of computers under the Distribution License are advised that in calculating Processing Data Rate (PDR) to determine eligibility of systems under the first 1565 entry in Supplement No. 1 to Part 373, they should use the "floating point" PDR.

Finally, this rule further extends the "Saving Clause" contained in 50 FR 4503 (January 31, 1985) from April 29, 1985 to May 29, 1985 for those items not covered by this rule. This will permit certain items removed from general license authorization by the December 31, 1984 revisions (49 FR 50608) and not covered by this rule to continue to be shipped under general license up to May 29, 1985.

The effective date of the amendments made herein is April 30, 1985.

Rulemaking Requirements

In connection with various rulemaking requirements, the Office of Export Administration has determined that:

1. The provisions of the Administrative Procedure Act requiring notice of proposed rulemaking, an opportunity for public participation, and a delay in effective date (5 U.S.C. 553) are inapplicable because this regulation involves a foreign affairs function of the United States.

2. This rule reduces the regulatory burden on exporters because it removes validated license requirements (approved under OMB Control No. 0625–0001) for the export of certain software to most destinations. The written assurance requirement is covered under OMB Control No. 0625–0140.

3. Because a notice of proposed rulemaking is not required, this rule is not a rule within the meaning of section 601(2) of the Regulatory Flexibility Act, 5 U.S.C. 601(2) and is not subject to the requirements of that Act. Accordingly, no initial or final Regulatory Flexibility Analysis has been or will be prepared.

4. This rule is not a rule or regulation within the meaning of Section 1(a) of Executive Order 12291 and, accordingly, is not subject to the requirements of that Order. Accordingly, no preliminary or final Regulatory Impact Analysis has been or will be prepared.

Therefore, this regulation is issued in final form. Although there is no formal comment period, public comments on this regulation are welcome on a continuing basis.

List of Subjects in 15 CFR Part 379 and 399

Exports, Science and Technology.

Accordingly, the Export Administration Regulations (15 CFR Parts 368–399) are amended as follows:

PART 379—[AMENDED]

§ 379.1 [Amended]

1. Section 379.1 is amended by adding a final sentence to paragraph (a), reading "All software is technical data."

§ 2. Section 379.4 is amended by adding a paragraph (b)(3) following the Note in (b)(2), reading as follows:

§ 379.4 General license GTDR; Technical data under restriction.

* * * * *

(b) * * *

(3) Software, *unless* it is explicitly listed in Supplement No. 3 to Part 379 or in any entry on the Commodity Control List (e.g. ECCN's 1091A, 1354A, 1355A, 1527A, 1532A, 1567A) or applications software identified in section 379.4(c) and (d).

* * * * *

3. Section 379.4(f)(1) is amended by adding paragraph (i)(*a*), which is currently reserved, as follows:

§ 379.4 General license GTDR; Technical data under restriction.

* * * * *

(f) * * *

(1) * * *

(i) * * *

(*a*) Electronic computers, if the technical data is software listed in Supplement No. 3 to Part 379. Software not listed in Supplement No. 3 to Part 379 or any ECCN entry, or in § 379.4 (c) or (d) may be exported to Country Groups T & V, without written assurance.

* * * * *

4. Section 379.4(g) is amended by revising paragraph (g)(2), as follows:

§ 379.4 General license GTDR; technical data under restriction.

* * * * *

(g) * * *

(2) No software or technical data may be exported or reexported under General License GTDR when such software or technical data are listed on the Commodity Control List (Supplement No. 1 to § 399.1). See ECCNs 1091A, 1354A, 1355A, 1527A, 1532A, and 1567A. In addition, exports of application software included in § 379.4 (c) and (d) require a validated license. See § 379.4(f)(1)(i)(*a*) for written assurance requirements applicable to software.

* * * * *

5. Section 379.4(i) is revised to read as follows:

* * * * *

(i) *Additional restrictions applicable to the People's Republic of China.* In addition to the prohibitions of § 379.4 (c) and (d), no technical data related to commodities identified on the Commodity Control List (Supplement No. 1 to § 399.1) as controlled for reasons of national security, nuclear non-proliferation, or crime control may be exported to the People's Republic of China under General License GTDR. In addition, software covered by Supplement 3 to Part 379 requires a

validated license for export to the PRC. These prohibitions do not apply, however, to technical data described in § 379.4(b).

6. A new Supplement No. 3 to Part 379 is added to read as follows:

Supplement No. 3.—Computer Software

Software described in this Supplement is subject to the written assurance requirements of § 379.4(f)(1)(ii)(*a*) and requires an individual validated license for export to Country Groups QSWYZ, the People's Republic of China, and Afghanistan.

Technical Notes

1. "Software" is defined as follows:

"Software"—A collection of one or more "programs" or "microprograms" fixed in any tangible medium of expression.

"Program"—A sequence of instructions to carry out a process in, or convertible into, a form executable by an electronic computer.

"Microprogram"—A sequence of elementary instructions, maintained in a special storage, the execution of which is initiated by the introduction of its reference instruction into an instruction register.

2. "Software" is categorized as follows (there is a close relationship and possible overlap among these categories):

"Development system"—"Software" to develop or produce "software". This includes "software" to manage those activities. Examples of a "development system" are programming support environments, software development environments, and programmer productivity aids.

"Software" to convert a convenient expression of one or more processes ("source code" or "source language") into equipment executable form ("object code" or "object language").

"Diagnostic system"—

"Software" to isolate or direct "software" or equipment malfunctions.

"Maintenance system"—

"Software" to:

(a) Modify "software" or its associated documentation in order to correct faults, or for other updating purposes; or

(b) "Maintain" equipment;

"Operating system"—

"Software" to control:

(a) The operation of a "digital computer" or of "related equipment"; or

(b) The loading or execution of "programs".

"Application software"—

"Software" not falling within any of the definitions of the other categories of "software".

3. "Specially designed software" is defined as:

The minimum "operating systems", "diagnostic systems", "maintenance systems" and "application software" necessary to be executed on a particular equipment to perform the function for which it was designed. To make other incompatible equipment perform the same function requires:

(a) Modification of this "software"; or

(b) Addition of "programs".

(For a complete list of definitions of terms used in this Supplement, see Advisory Note 12 below; see also ECCN 1585 for additional definitions relating to electronic computers.)

List of Software Subject To This Supplement to Part 379:

(a) "Software" of whatever category, as follows:

(1) "Software" designed or modified for any computer that is part of a computer series designed and produced within Country Groups Q, W, Y, or Z, the Peoples's Republic of China, or Afghanistan;

except "application software" designed for and limited to:

(i) Accounting, general ledger, inventory control, payroll, accounts receivable, personnel records, wages calculation on invoice control;

(ii) Data and text manipulation such as sort/merge, text editing, data entry or work processing;

(iii) Data retrieval from established data files for purposes of report generation or inquiry for the functions described in (i) or (ii) above; or

(iv) The non "real time processing" of pollution sensor data at fixed sites or in civil vehicles for civil environmental monitoring purposes;

(2) "Software" designed or modified for the design, development or production of items controlled by ECCNs on the Commodity Control List identified by the code letter "A", by the International Traffic in Arms Regulations, by 10 CFR Part 110 or by 10 CFR Part 810;

(3) "Software" designed or modified for:

(i) Controlled "hybrid computers";

(ii) One or more of the functions described in ECCN 1565(h)(1)(i) (A) to (M) or for "digital computers" or "related equipment" designed or modified for such functions, except the minimum "specially designed software" in machine executable form for "digital computers" and "related equipment" thereby freed from control only by ECCN 1565(h)(2)(i) or (iii), and only when supplied with the equipment or systems;

(4) "Software" for computer-aided design, manufacture, inspection or test of items controlled by ECCNs on the Commodity Control List identified by the code letter "A", by the International Traffic in Arms Regulations, by 10 CFR Part 110 or by 10 CFR Part 810;

(5) "Software" designed or modified to provide certifiable multi-level security or certifiable user isolation applicable to government classified material or to applications requiring an equivalent level of security, or "software" to certify such "software" [1];

(b) Categorized "software", as follows:

(1) "Development systems":

(i) "High-level language" "development systems" designed for or containing "programs" or "databases" special to the development or production of:

(A) "Specially designed software" controlled by ECCNs on the Commodity Control List identified by the code letter "A", by the International Traffic in Arms Regulations, by 10 CFR Part 110 or by 10 CFR Part 810;

(B) "Software" controlled by sub-paragraphs (a)(2), (a)(3), (b)(5)(v), or (b)(5)(vi) of this Supplement, including any subset designed or modified for use as part of such a "development system";

(ii) "High-level language" "development systems" designed for, or containing the "software" tools and "databases" for, the development or production of "software", or any subset designed or modified for use as part of a "development system" such as or equivalent to:

(A) Ada Programming Support Environment (APSE);

(B) Any subset of APSE, as follows:

(1) Kernel APSE;

(2) Minimal APSE;

(3) Ada compilers specially designed as an integrated subset of APSE; or

(4) Any other subset of APSE;

(C) Any superset of APSE; or

(D) Any derivative of APSE;

(2) "Programming systems":

(i) "Cross-hosted" compilers and "cross-hosted" assemblers;

(ii) Compilers or interpreters designed or modified for use as part of a "development system" controlled by sub-paragraph (b)(1) above;

(iii) Disassemblers, decompilers or other "software" that convert "programs" in object or assembly language into a higher level language, except simple debugging "application software", such as mapping, tracing, checkpoint/restart, breakpoint, dumping and the display of the storage contents or their assembly language equivalent;

(3) "Diagnostic systems" or "maintenance systems" designed or modified for use as part of a "development system" controlled by sub-paragraph (b)(i) above;

(4) "Operating systems":

(i) "Operating systems" designed or modified for "digital computers" or "related equipment" exceeding any of the following limits:

(A) Central processing unit—"main storage" combinations:

(1) "Total processing data rate"—48 million bit per second;

(2) "Total connected capacity" of "main storage"—25.2 million bit;

(3) "Virtual storage" capability—512 M Byte;

(B) Input-output control unit-drum, disk or cartridge-type streamer tape drive combinations:

(1) "Total transfer rate"—15 million bit per second;

(2) "Total access rate"—320 access per second;

(3) Total connected "net capacity"—7,000 million bit;

(4) "Maximum bit transfer rate" of any drum or disk drive—10.3 million bit per second;

(C) Input/output control unit-bubble memory combinations: Total connected "net capacity"—2.1 million bit;

(D) Input-output control unit—magnetic tape drive combinations:

[1] Department of Defense certifiable under section (b)(3) of "Department of Defense Trusted Computer System Evaluation Criteria", published in DOD Computer Security Center, Fort Meade, MD 20755.

(1) "Total transfer rate"—5.2 million bit per second;

(2) Number of magnetic tape drives—twelve;

(3) "Maximum bit transfer rate" of any magnetic tape drive—2.6 million bit per second;

(4) "Maximum bit packing density"—63 bit per mm. (1,600 bit per inch) per track;

(5) Maximum tape read/write speed—508 cm. (200 inch) per second;

Note.—This sub-paragraph does not control "operating systems" designed or modified for "digital computers" or "related equipment":

(a) Not exceeding the above limits even when the "operating systems" can also be used on "digital computers" or "related equipment" exceeding the above limits; or

(b) Belonging to a series containing models exceeding the above limits, if the "operating systems" are used on "digital computers" or "related equipment" of the series that do not exceed the above limits.

(ii) "Operating systems" providing online transaction data processing that permit integrated teleprocessing and "on-line updating" of "databases";

(5) "Application software";

(i) "Software" for cryptologic or cryptanalytic applicaions;

(ii) Artificial intelligence "software", including "software" normally classified as expert systems, that enables a "digital computer" to perform functions normally associated with human perception and reasoning or learning;

(iii) "Database management systems" designed to handle "distributed databases" for

(A) Fault tolerance by using techniques such as maintenance of duplicated "databases"; or

(B) Integrating data at a single site from independent remote "databases";

(iv) "Software" designed to adapt "software" resident on one "digital computer" for use on another "digital computer", except "software" to adapt between two legally exported machines.

Advisory Notes

Advisory Note 1: *Reserved.*

Advisory Note 2: *Reserved.*

Advisory Note 3: Licenses are likely to be approved for export to satisfactory end-users in Country Groups QWY, the People's Republic of China (PRC) and Afghanistan of "software" initially exported to those destinations before January 1, 1984, provided that:

(a) The "software" is identical to and in the same language form (source or object) as initially exported, allowing minor updates for the correction of errors that do not modify the initially exported functions;

(b) The accompanying documentation does not exceed the level of the initial export;

(c) The "software" is exported to the same controlled destination as the initial export.

Advisory Note 4: Licenses are likely to be approved for export to satisfactory end-users in Country Groups QWY, the People's Republic of China (PRC) and Afghanistan of "application software" controlled by sub-paragraph (a)(1) above, but not otherwise listed in this Supplement or ECCNs on the Commodity Control List identified by the code letter "A", provided that:

(a) The "application software" is designed for and limited to the following:

(1) The approved end-use of legally exported equipment or systems in conjunction with any computer that is part of a computer series produced within a controlled area and based on a design originating in a COCOM country; or

(2) The monitoring and control of industrial processes limited to the production of items not described by ECCNs on the Commodity Control List identified by the code letter "A", by the International Traffic in Arms Regulations, by 10 CFR Part 110 or by 10 CFR Part 810; and

(b) No restricted technical data is provided.

Advisory Note 5: Licenses are likely to be approved for export to satisfactory end-users in Country Groups QWY, the People's Republic of China (PRC) and Afghanistan of "software" not exceeding 5,000 statements in "source language", excluding data, provided that:

(a) The "software" is neither designed nor modified for use as a module of a larger "software" module or system that in total exceeds this limit;

(b) The "software" is not controlled by sub-paragraph (b)(5) above; and

(c) The Office of Export Administration is reasonably satisfied that:

(1) The "software" will be used primarily for the specific non-strategic application for which the export would be approved;

(2) The type and characteristics of such "software" are reasonable for this application; and

(3) The "software" will not be used for the design, development or production of items controlled by ECCNs on the Commodity Control List identified by the code letter "A", by the International Traffic in Arms Regulations, by 10 CFR Part 110 or by 10 CFR Part 810.

Advisory Note 6: *Reserved.*

Advisory Note 7: *Reserved.*

Advisory Note 8: Licenses are likely to be approved for export to satisfactory end-users in Country Groups QWY, the People's Republic of China (PRC) and Afghanistan of normal commercial "software" for civil Air Traffic Control (ATC) systems approved for export, provided that:

(a) The "software" is commonly used by civil Air Traffic Control authorities outside controlled areas, but not precluding the personalization of certain parameters for civil Air Traffic Control authorities wherever located;

(b) The "software" is not designed or modified for any "digital computer" that is part of a "digital computer" series designed and produced within a controlled area;

(c) The "software" is the minimum necessary to accomplish the normal civil Air Traffic Control functions outside controlled areas;

(d) The "software" will not contain or be capable of accomplishing any of the following functions:

(1) Electronic Counter Counter Measures (ECCM);

(2) Weapon display, allocation or operation;

(3) Intercept guiding capability; or

(4) Interfacing with altitude determining radars, except secondary search radars;

(e) The "software" is further limited by the amount of "source code", which is to be the minimum necessary for the use (*i.e.*, installation, operation and maintenance) of the "software";

(f) In addition to the above limitations, the only other system "software" allowed is the minimum "programming system" for the maintenance of the "software".

(g) A signed statement of the end-user or importing agency containing a full description of the "software" and its characteristics vis-a-vis the sub-paragraphs above, its intended application and workload and a complete identification of all end-users and their activities is provided;

(h) The "software" will not be used to provide or process data associated with military control centers or military radars or otherwise be associated with such radars or centers; and

(i) The type and characteristics of the "software" are reasonable for the specific civil Air Traffic Control applications.

Advisory Note 9: Licenses are likely to be approved for export to satisfactory end-users in Country Groups QWY, the People's Republic of China (PRC) and Afghanistan of "operating systems" controlled only by sub-paragraph (b)(4)(ii) above when supplied with "digital computers" and "related equipment" exported under the provision of ECCN 1565, Advisory Notes 9 and 12, provided that these "operating systems" are:

(a) For use with a "digital computer" exported under the provisions of ECCN 1565;

(b) In machine executable version;

(c) Limited to the minimum "standard commercially available" "software"; and

(d) Not designed or modified for "database management systems" controlled by sub-paragraph (b)(5)(iii) above.

Advisory Note 10: Licenses are likely to be approved for export to satsifactory end-users in Country Groups QWY, the People's Republic of China (PRC) and Afghanistan of "software" controlled by sub-paragraph (a)(3)(ii) above for "digital computers" and "related equipment" exported under the provisions of ECCN 1529, Advisory Note 5, or ECCN 1565, Advisory Notes 5 and 9, provided that:

(a) The "software" is limited to:

(1) The minimum necessary for the approved application;

(2) Machine executable form; and

(3) "Specially designed software" for

(i) Equipment likely to be approved for export solely under ECCN 1529, Advisory Note 5;

(ii) Equipment likely to be approved for export under ECCN 1565, Advisory Note 5, for one or more of the functions described in ECCN 1565(h)(1)(i)(A), (B) or (D);

(iii) Equipment likely to be approved for export under ECCN 1565, Advisory Note 9, for one or more of the functions described in ECCN 1565(h)(1)(i)(A), (B), or (C);

(b) The "specially designed software" for "signal processing" and "image enhancement" does not provide for more than one of the following:

(1) Time compression; or
(2) Transformations between domains (e.g. Fast Fourier Transform or Walsh Transform).

Advisory Note 11: Licenses are likely to be approved for export to satisfactory end-users in Country Groups QWY, the People's Republic of China (PRC) and Afghanistan of "software" controlled by sub-paragraph (a)(3)(ii) above for "digital computers" and "related equipment" exported under the provisions of ECCN 1565, Advisory Note 12, provided that the "software" is limited to
(a) "Software" for one or more of the functions described in ECCN 1565(h)(1)(i)(A), (B), or (C);
(b) The minimum necessary for the approved applications; and
(c) Machine executable form.

Advisory Note 12: Definitions of Terms Used in this Supplement:

"Analog computer"—
Equipment that can, in the form of one or more continuous variables:
(a) Accept data;
(b) Process data; and
(c) Provide output of data.

"Application software"—
"Software" not falling within any of the definitions of the other categories of "software".

"Cross-hosted"—
For "programming systems", those that produce "programs" for a model of electronic computer different from that used to run the "programming system", *i.e.*, they have code generators for equipment different from the host computer.

"Database"—
A collection of data, defined for one or more particular applications, physically located and maintained in one or more electronic computers or "related equipment".

"Database management system"—
"Applications software" to manage and maintain a "database" in one or more prescribed logical structures for use by other "application software" independent of the specific methods used to store or retrieve the "database".

"Development system"—
"Software" to develop or produce "software". This includes "software" to manage those activities. Examples of a "development system" are programming support environments, software development environments, and programmer productivity aids.

"Diagnostic system"—
"Software" to isolate or detect "software" or equipment malfunctions.

"Digital computer"—
Equipment that can, in the form of one or more discrete variables:
(a) Accept data;
(b) Store data or instructions in fixed or alterable (writable) storage devices;
(c) Process data by means of a stored sequence of instructions that is modifiable; and
(d) Provide output of data.

Note.—Modifications of a stored sequence of instructions include replacement of fixed storage devices, but not a physical change in wiring or interconnections.

"Distributed database"—A "database" physically located and maintained in part or as a whole in two or more interconnected electronic computers or "related equipment", such that inquiries from one location can involve "database" access in other interconnected electronic computers or "related equipment".

"Firmware"—see "microprogram".

"High-level language"— A programming language that does not reflect the structure of any one given electronic computer or that of any one given class of electronic computers.

"Hybrid computer"—Equipment that can:
(a) Access data;
(b) Process data, in both analog and digital representations; and
(c) Provide output of data.

"Maintenance system"—"Software" to:
(a) Modify "software" or its associated documentation in order to correct faults, or for other updating purposes; or
(b) Maintain equipment.

"Microprogram"—A sequence of elementary instructions, maintained in a special storage, the execution of which is initiated by the introduction of its reference instruction into an instruction register.

"Object code" or "object language"—See "programming system".

"On-line updating"—Processing in which the contents of a "database" can be amended within a period of time useful to interact with an external request.

"Operating system"—"Software" to control:
(a) The operation of a "digital computer" or of "related equipment"; or
(b) The loading or execution of "programs".

"Program"—A sequence of instructions to carry out a process in, or convertible into, a form executable by an electronic computer.

"Programming system"—"Software" to convert a convenient expression of one or more processes ("source code" or "source language") into equipment executable form ("object code" or "object language").

"Related equipment"—Equipment 'embedded' in, 'incorporated' in, or 'associated' with electronic computers, as follows:
(a) Equipment for interconnecting "analog computers" with "digital computers";
(b) Equipment for interconnecting "digital computers";
(c) Equipment interfacing electronic computers to "local area networks" or to "wide area networks";
(d) Communication control units;
(e) Other input/output (I/O) control units;
(f) Recording or reproducing equipment referred to ECCN 1565 by ECCN 1572;
(g) Displays; or
(h) Other peripheral equipment.

Note.—"Related equipment" containing an "embedded" or "incorporated" electronic computer, but lacking "user accessible programmability", does not thereby fall within the definition of an electronic computer.

"Self-hosted"—For "programming systems", those producing "programs" for the same model of electronic computer as that used to run the "programming system", *i.e.*, they only have code generators for the host computer.

"Software"—A collection of one or more "programs" or "microprograms" fixed in any tangible medium of expression.

"Source code" or "source language"—See "programming system".

"Specially designed software"—The minimum "operating systems", "diagnostic systems", "maintenance systems" and "application software" necessary to be executed on a particular equipment to perform the function for which it was designed. To make other incompatible equipment perform the same function requires:
(a) Modification of this "software" or
(b) Addition of "programs".

"Standard commercially available"—For "Software" that is
(a) Commonly supplied to general purchasers or users of equipment outside controlled areas, but not precluding the personalization of certain parameters for individual customers wherever located;
(b) Designed and produced for civil applications;
(c) Not designed or modified for any "digital computer" that is part of a "digital computer" series designed and produced within a controlled area; and
(d) Supplied in a commonly distributed form.

Technical Note.—In the case of "software" for mainframe "digital computers" that may have a "virtual storage capability" exceeding the limit of sub-paragraph (b)(4)(i)(A)(3) and that may be considered for export under the conditions of ECCN 1565, Advisory Notes 9 & 12, the limitation of the "virtual storage capability" of 512 MByte does not apply.

Advisory Note 13: Licenses are likely to be approved for export to satisfactory end-users in the People's Republic of China (PRC) of software that has been approved previously for export and standard commercial packages for business applications, for example:
(1) Operating systems for transaction processing and real time updating, and
(2) Relational database management systems.

PART 399—[AMENDED]

7. In Supplement No. 1 to § 399.1 (the Commodity Control List), Commodity Group 5 (Electronics and Precision Instruments), ECCN 1565A is amended by adding a Note following paragraph (h)(2)(i) of the List of Electronic Computers and Related Equipment Controlled by ECCN 1565A, and adding a Note following (h)(2)(vi) as follows:

1565A Electronic computers, "related equipment", * * *

* * * * *

(h) * * *
(2) *Except:* * * *
(i) * * *

Note.—Equipment or systems are released from control under subparagraph (i) only if the "digital computer" portion of the equipment or system meets the following requirements:

(a) The circuit board(s) that contain the "digital computer" are company

specific products whose design intermixes on the same board the digital computer with other circuit components that are essential to the operation of the equipment or system;

(b) The circuit board(s) that contain the "digital computer" are not available as independent, general purpose, OEM products except as service spare parts; and

(c) The "digital computer" is not the principal component of the equipment.

Equipment or systems containing general purpose "digital computer" circuit boards such as the LSI-11 and the SBC/80 are *not* released from control by subparagraph (i).

* * * * *

(vi) * * *

Note.—Subparagraphs (v) and (vi) above release from control identified peripherals only if the following conditions are met:

(a) Microprocessor microcircuits contained in the peripheral are essential and dedicated solely to the operation of the peripheral equipment; and

—Are not the principal element of the peripheral equipment; and

—Do not exceed a total processing date rate of 28 Megabit per second.

(b) The peripheral equipment is designed to permit only loading or inserting "programs" that do not change that basic characteristics of the peripheral equipment and do not raise performance parameters above the levels specified for release; and

(c) The user is not provided with technical data or software to change the sequence of instructions comprising the loaded or inserted program.

8. In Supplement No. 1 to § 399.1 (the Commodity Control List), Commodity Group 5 (Electronics and Precision Instruments), ECCN 1566A is removed.

The Saving Clause in the preamble to the document appearing at 49 FR 50608, on page 50609, December 31, 1984, as amended at 50 FR 4593, is revised to read as follows:

Saving Clause

Items which were removed from general license authorizations as a result of this rule (49 FR 50608, Dec. 31, 1984) may be exported under the previous general license provisions up to and including May 29, 1985 except for those items covered by the rule of (date of publication) for which the effective date is April 30, 1985. Any items subject to this Saving Clause not actually exported before midnight May 29, 1935 require a validated export license.

Authority: Secs. 203, 206, Pub. L. 95-223, Title II, 91 Stat. 1626, 1628 (50 U.S.C. 1702, 1704), Executive Order No. 12470 of March 30, 1984 (49 FR 13099, April 3, 1984), Presidential Notice of March 28, 1985 (50 FR 12513, March 29, 1985).

Dated: April 24, 1985.

John K. Boidock,

Director, Office of Export Administration, International Trade Administration.

[FR Doc. 85-10288 Filed 4-24-85; 2:28 pm]

BILLING CODE 3510-DT-M

DEPARTMENT OF LABOR

Employment and Training Administration

20 CFR Part 629

Job Training Partnership Act (JTPA); Single Unit Charge Agreements Involving Training of Youths

AGENCY: Employment and Training Administration, Labor.

ACTION: Final rule.

SUMMARY: The Department of Labor is conforming the Job Training Partnership Act regulations to the requirements of the Carl D. Perkins Vocational Education Act relating to single unit charge agreements involving training of youths, to broaden the number of categories of training results which exempt such costs from allocation or proration among several cost categories.

EFFECTIVE DATE: April 26, 1985.

FOR FURTHER INFORMATION CONTACT: Mr. Robert N. Colombo, Director, Office of Employment and Training Programs, Employment and Training Administration, U.S. Department of Labor, Room 6402, 601 D Street, NW., Washington, D.C. 20213. Telephone: 202-376-6093.

SUPPLEMENTARY INFORMATION: Pursuant to JTPA, the Department of Labor (DOL) enters into agreements with State Governors to operate programs to prepare youth and unskilled adults for entry into the labor force and to afford job training to those economically disadvantaged individuals and other individuals facing serious barriers to employment, who are in special need of such training to obtain productive employment. JTPA section 2, 29 U.S.C. 1501. As part of the general program requirements of JTPA, "[c]ommercially available training packages, including advanced learning technology, may be purchased for off-the-shelf prices and without requiring a breakdown of the cost components of the package if such packages are purchased competitively and include performance criteria." JTPA section 141(d)(3), 29 U.S.C. 1551(d)(3).

Section 108 of JTPA, however, limits certain costs under the Act. 29 U.S.C. 1518. As a result, § 629.38(e) of the JTPA regulations provides that in assigning costs to the training category, the Governor shall ensure that:

(2) Costs which are billed as a single unit charge do not have to be allocated or prorated among the several cost categories but may be charged entirely to training when the agreement:

(i) Is for training;

(ii) Is fixed unit price; and

(iii) Stipulates that full payment for the full unit price will be made only upon completion of training by a participant and placement of the participant into unsubsidized employment in the occupation trained for and at not less than the wage specified in the agreement.

On October 19, 1984, subsequent to the promulgation of the above regulation, section 7 of Pub. L. 98-524, the Carl D. Perkins Vocational Education Act (98 Stat. 2435, 2491), was enacted, providing that:

Sec. 7. Notwithstanding section 629.38(e)(2)(iii) of title 20 of the Code of Federal Regulations, relating to allowable training costs under the Job Training Partnership Act, payment for training packages purchased competitively pursuant to section 141(d)(3) of such Act in the case of youth shall include payment for the full unit price if the training results in either placement in unsubsidized employment or the attainment of the outcome specified in section 106(b)(2) of such Act.

The JTPA section 106(b)(2) outcomes mentioned above are "(A) attainment of recognized employment competencies recognized by the private industry council, (B) elementary, secondary, and postsecondary school completion, or the equivalent thereof, and (C) enrollment in other training programs or apprenticeships, or enlistment in the Armed Forces." 29 U.S.C. 1516(B)(2).

The enactment of section 7 of Pub. L. 98-524 supersedes the provisions of 20 CFR 629.38(e)(2)(iii). Therefore, for information and completeness, DOL has determined to amend the JTPA regulation to conform to the statute.

The rule as amended merely restates a statutory mandate in Pub. L. 98-224 superseding the current regulation, and no discretion is given to DOL in the implementation of the requirement. Pub. L. 98-224 is effective with respect to fiscal years beginning on or after October 1, 1984. Sec. 2, Pub. L. 98-224, 98 Stat. at 2486. Therefore, DOL for good cause finds that notice and public comment on the rule are impracticable, unnecessary, and contrary to the public interest. 5 U.S.C. 533(b)(B). Since the rule relieves somewhat the restriction on classification of training costs, and since Pub. L. 98-224 was effective on October 1, 1984, and permits no discretion on the part of DOL, DOL finds

that there is good cause to make the rule effective upon its publication in the **Federal Register**. 5 U.S.C. 553(d) (1) and (3).

Regulatory Impact:

This rule affects only the assignment of costs relating to youth training under JTPA grants to Governors. As such, it does not have the financial or other impact to make it a major rule, and, therefore, the preparation of a regulatory impact analysis is not necessary. See Executive Order No. 12291, 3 CFR, 1981 Comp., p. 127.

This document was not preceded by a general notice of proposed rulemaking, and, therefore, is not a rule as defined in the Regulatory Flexibility Act. 5 U.S.C. 601(2) and 604(a).

Catalogue of Federal Domestic Assistance Number

This program is listed in the *Catalogue of Federal Domestic Assistance* at No. 17.250, "Job Training Partnership Act (JTPA)".

List of Subjects in 20 CFR Part 629

Grant programs, Labor, Manpower training programs.

Promulgation of Final Rule:

Accordingly, Part 629 of Chapter V of Title 20, Code of Federal Regulations is amended as follows:

PART 629—[AMENDED]

In § 629.38, paragraph (e)(2)(iii) is revised to read as follows:

§ 629.38 Classification of costs.

* * * * *

(e) * * *

(2) * * *

(iii)(A) Stipulates that full payment for the full unit price will be made only upon completion of training by a participant and placement of the participant into unsubsidized employment in the occupation trained for and at not less than the wage specified in the agreement; or

(B) In the case of youth, payment for training packages purchased competitively pursuant to section 141(d)(3) of the Act shall include payment for the full unit price if the training results in either placement in unsubsidized employment of the attainment of an outcome specified in section 106(b)(2) of the Act.

* * * * *

(Sec. 7, Pub. L. 98-524, 98 Stat. 2435, 2491)

Signed at Washington, D.C., this 19th day of April, 1985.

Ford B. Ford,

Under Secretary of Labor.

[FR Doc. 85-10181 Filed 4-25-85; 8:45 am]

BILLING CODE 4510-30-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 660

[Docket No. 81N-0417]

Additional Standards for Anti-Human Globulin; OMB Approval of Requirements

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is announcing that the Office of Management and Budget (OMB) has approved the collection of information requirements in the biologics regulations concerning additional standards for Anti-Human Globulin. The agency is amending those regulations to reflect OMB's approval.

EFFECTIVE DATE: April 26, 1985.

FOR FURTHER INFORMATION CONTACT: Joseph Wilczek, Center for Drug and Biologics (HFN-368), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-1306.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of February 11, 1985 (50 FR 5574), FDA established additional standards for Anti-Human Globulin (21 CFR Part 660, Subpart F). In that document (50 FR 5578), FDA announced that it had submitted the final rule to OMB for approval of the collection of information requirements contained in §§ 660.51, 660.52, 660.53, 660.54, and 660.55.

OMB has approved the collection of information requirements under OMB control number 0910-0208. This document announces OMB's approval and amends the regulations to reflect that approval.

Because this amendment merely reflects OMB's approval of collection of information requirements, notice and public procedure and delayed effected date are unnecessary (5 U.S.C. 553 (b)(B) and (d)).

List of Subjects in 21 CFR Part 660

Biologics, Labeling.

PART 660—ADDITIONAL STANDARDS FOR DIAGNOSTIC SUBSTANCES FOR LABORATORY TESTS

§§ 660.51, 660.52, 660.53, 660.54, and 660.55 [Amended]

Therefore, under the Public Health Service Act (sec. 351, 58 Stat. 702 as amended (42 U.S.C. 262)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10), Part 660 is amended in § 660.51 *Processing*, § 660.52 *Reference preparations*, § 660.53 *Controls for serological procedures*, § 660.54 *Potency tests, specificity tests, tests for heterospecific antibodies, and additional tests for nonspecific properties*, and § 660.55 *Labeling* by inserting the number "0910-0208" at the end of the parenthetical statement at the end of each section.

Effective date. April 26, 1985.

(Sec. 351, 58 Stat. 702 as amended (42 U.S.C. 262))

Dated: April 19, 1985.

Mervin H. Shumate,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 85-10092 Filed 4-25-85; 8:45 am]

BILLING CODE 4160-01-M

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

29 CFR Part 2200

Amendment of Review Commission Rules of Procedure to Clarify Commission Procedures Regarding the Issuance of Subpoenas and the Failure of Parties to File Briefs

AGENCY: Occupational Safety and Health Review Commission.

ACTION: Final rule.

SUMMARY: This document amends the rules of procedure of the Occupational Safety and Health Review Commission to delegate to its judges the function of signing subpenas and to describe the action that may be taken if parties fail to respond to a briefing notice. The amendments are intended to clarify regulations at 29 CFR Part 2200 .

EFFECTIVE DATE: April 26, 1985.

FOR FURTHER INFORMATION CONTACT: Earl R. Ohman, Jr., General Counsel, Occupational Safety and Health Review Commission, 1825 K Street, NW., Suite 402, Washington, D.C. 20006, (202) 634-4015.

SUPPLEMENTARY INFORMATION: Pursuant to section 12(g) of the Occupational Safety and Health Act of 1970, 29 U.S.C. 661(f), by which the Review Commission is authorized to make such rules as are

necessary for the orderly transaction of its proceedings, the review Commission has promulgated Rules of Procedure at 29 CFR Part 2200.

Under section 12(i) of the Occupational Safety and Health Act, 29 U.S.C. 661(h), the Commission and its members are authorized to issue subpenas. Rule 55(a) of the Review Commission's Rules of Procedure governs the issuance of subpenas. In practice, under Rule 55(a), the Commission's judges issue subpenas imprinted with the Chairman's signature. Consistent with the other duties of the Commission's judges that are described in section 12(j) of the Act, 29 U.S.C. 661(i), the Commission now delegates to its judges the purely ministerial function of signing the subpenas.

Rule 93(d) of the Review Commission's Rules of Procedure governs the failure of parties involved in the Commission's proceedings to timely file briefs. The failure to timely respond to the Commission's briefing notice by a party whose petition for review has been granted has created uncertainty for other parties attempting to comply with the Commission's briefing schedule. It also has delayed adjudication of the case. The Commission has generally given parties a further opportunity to file a brief and indicated that if no response is received the direction for review may be vacated. The Commission may also vacate the direction if the petitioning party fails to respond. To clarify its practice, the Commission amends its Rules of Procedure to spell out what action it may choose to take if the parties fail to respond to a briefing notice. Because the rule changes are procedural, 5 U.S.C. 553(b)(3)(A) permits them to be effectuated without prior notice or public comment.

List of Subjects in 29 CFR Part 2200

Administration practice and procedure, Occupational safety and health.

PART 2200—[AMENDED]

1. For the reasons stated in the summary, 29 CFR Part 2200 is amended by revising § 2200.55(a) to read as follows:

§ 2200.55 Issuance of subpenas; petitions to revoke or modify subpenas; right to inspect or copy data.

(a) On behalf of the Commission or any member thereof, the judge shall, on the application of any party, issue to the applying party subpenas requiring the attendance and testimony of witnesses and the production of any evidence, including relevant books, records, correspondence or documents, in his possession or under his control. The party to whom the subpena is issued shall be responsible for its service. Applications for subpenas, if filed prior to the assignment of the case to a judge, shall be filed with the Executive Secretary at 1825 K Street, NW., Washington, D.C. 20006. After the case has been assigned to a judge, applications shall be filed with the judge. Applications for subpenas shall be made ex parte. The subpena shall show on its face the name and address of the party at whose request the subpena was issued.

. . . . . .

2. For the reasons stated in the summary, 29 CFR Part 2200 is amended by revising § 2200.93(d) to read as follows:

§ 2200.93 Briefs before the Commission.

. . . . . .

(d) *Consequences of late filing of brief.* The Commission may decline to accept a brief that is not timely filed. If a petitioning party fails to respond to a briefing notice or expresses no interest in review, the Commission may vacate the direction for review, or it may decide the case without that party's brief. If the non-petitioning party fails to respond to a briefing notice or expresses no interest in review, the Commission may decide the case without that party's brief. If a case was directed for review upon a Commissioner's own motion, and either party fails to respond to the briefing notice, the Commission may either vacate the direction for review or decide the case without briefs.

. . . . . .

(Sec. 12(g), Occupational Safety and Health Act of 1970, 29 U.S.C. 661(f))

Signed this 19th day of April, 1985.

E. Ross Buckley,

Chairman.

Timothy F. Cleary,

Commissioner.

[FR Doc. 85-9963 Filed 4-25-85; 8:45 am]

BILLING CODE 7600-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-8-FRL 2821-6]

Approval and Promulgation of Implementation Plans; Montana; Colstrip Area Plan

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Agency is approving the Colstrip nonattainment area plan for control of Total Suspended Particulate (TSP) emissions to meet the primary NAAQS for TSP as required under section 110, of the Clean Air Act. A proposal to approve this plan was published in the **Federal Register** on July 5, 1983, and again July 23, 1984, as a part of a package of Montana issues.

EFFECTIVE DATE: April 26, 1985.

ADDRESSES: Copies of the submittal are available at the following addresses:

Environmental Protection Agency, Montana Office, Federal Building, Drawer 10096, 301 South Park, Helena, Montana 59626

Environmental Protection Agency, Region VIII, Air Program Branch, 1 Denver Place, Denver, Colorado 80295

Public Information Reference Unit, EPA Library, 401 M Street, SW., Washington, D.C.

Office of the Federal Register, Room 8401, 1100 L Street, NW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Jay M. Sinnott, Environmental Protection Agency, Montana Office, Federal Building, Drawer 10096, 301 South Park, Helena, Montana 59626, (406) 449-5486

SUPPLEMENTARY INFORMATION: In a March 4, 1980 notice of final rulemaking (45 FR 14036), EPA approved the Colstrip plan on the condition that the State issue a permit to Western Energy Company requiring that the Company carry to completion all of the activities set forth in the State's October 4, 1979 submission.

On September 21, 1981, the Governor submitted a copy of the permit issued to Western Energy Company in response to EPA's comments. The permit contains all of the needed requirements; and EPA proposed approval of the plan, along with a number of other Montana actions, on July 5, 1983 (48 FR 30696) and again on July 23, 1984 (49 FR 29622). No comment was received on the Colstrip plan following either of these notices.

Final Action

EPA is approving the Colstrip area plan, submitted by Montana, for attainment of the primary National Ambient Air Quality Standards for TSP.

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

Authority: Secs. 110(a) and 301(a) of the Clean Air Act, as amended (42 U.S.C. 7410(a) and 7601(a)).

Under section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by (60 days from today). This action may not be challenged later in proceedings to enforce its requirements (see 307(b)(2)).

List of Subjects in 40 CFR Part 52

Air pollution control, Particulate matter, Incorporation by reference.

Note.—Incorporation by reference of the State Implementation Plan for the State of Montana was approved by the Director of the Federal Register on July 1, 1982.

Dated: April 12, 1985

Lee M. Thomas,

Administrator.

PART 52—[AMENDED]

Title 40, Part 52 of the Code of Federal Regulations is amended as follows:

Subpart BB—Montana

1. In § 52.1370 paragraph (c)(17) is added as follows:

§ 52.1370 Identification of plan.

* * * * *

(c) * * *

(17) On September 21, 1981 the Governor submitted a permit which had been issued to the Western Energy Company as required in the conditional approval of the Colstrip TSP plan.

2. Section 52.1380 is amended by revising the introductory paragraph and paragraph (a) and by removing and reserving paragraph (b) (which would remove the condition of approval of the above regulations):

§ 52.1380 Control strategy: Total suspended particulates.

Part D—Conditional Approval—The Butte plan is approved provided that the following condition is met:

(a) For Butte, by February 15, 1981, the State will submit a revised airborne particulate regulation as specified in their October 4, 1979, submittal to EPA.

(b) [Reserved]

(Sec. 110 of the Clean Air Act, as amended)

[FR Doc. 85-9425 Filed 4-25-85; 8:45 am]

BILLING CODE 6560-50-M

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40 CFR Part 81

[A-8-FRL-2821-7]

Designation of Areas for Air Quality Planning Purposes; Montana

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Agency is approving the redesignation of the Colstrip Area from nonattainment to attainment of Federal Primary Total Suspended Particulate (TSP) standards. The State of Montana requested this redesignation on October 17, 1984 as authorized under section 107 of the Clean Air Act.

EFFECTIVE DATE: This action will take effect June 25, 1985 unless notice is received within 30 days that adverse or critical comments will be submitted.

ADDRESSES: Copies of documents supporting Montana's request are available for public inspection at the following addresses:

Environmental Protection Agency, Montana Office, Federal Building, Room 292, 301 South Park, Helena, Montana 59626

Environmental Protection Agency, Region VIII, Air Programs Branch, 1 Denver Place, Denver, Colorado 80295.

FOR FURTHER INFORMATION CONTACT: Jay M. Sinnott, Environmental Protection Agency, Montana Office, Federal Building, Drawer 10096, 301 South Park, Helena, Montana 59626, (406) 449-5486.

SUPPLEMENTARY INFORMATION: On October 17, 1984, Montana submitted a request to redesignate the Colstrip area from nonattainment to attainment of the primary TSP standards. This submission includes monitoring and modeling information to support the request.

Background

The Colstrip nonattainment area, so designated in a state submission of January 6, 1978, is an area of approximately 120 square miles surrounding the community of Colstrip (population 1,476). The main sources of particulate emissions in the area are coal strip mines operated by the Western Energy Company and the Peabody Coal Company; construction activity at Montana Power Company's Colstrip unit 3 and 4 coal-fired power plants; road dust and highway construction activities.

The agency proposed approval of Montana's attainment plan on July 23, 1984. A previous conditional approval on March 4, 1980 called for submission of a permit issued to Western Energy Company which includes the emission controls required to achieve attainment. This permit was submitted September 21, 1981. EPA is taking final action approving Montana's attainment plan in a separate notice published in today's **Federal Register**.

Highway construction in Colstrip has been completed and power plant construction activity at the near-complete power plants has decreased dramatically.

The most recent eight quarters of data, ending March 31, 1984, reveal a maximum annual geometric mean of 43 $\mu g/m^3$ and a second highest 24-hour level of 191 $\mu g/m^3$, well below the respective primary standards of 75 and 260 $\mu g/m^3$. This data was collected at six (6) sampling sites which clearly meet siting criteria and are representative of the area.

A modeling study predicts that no violations will occur in the Colstrip area throughout the projected period of peak mining activity.

Final Action

The Agency is approving Montana's request to redesignate the Colstrip area from nonattainment to attainment of primary TSP National Ambient Air Quality Standards.

The request is being approved without a prior proposal because the action is expected to be noncontroversial and no adverse comments are anticipated. If significant adverse or critical comment is received a notice will be published withdrawing this action and another notice will appear proposing to approve an action and establishing a comment period.

Under 5 U.S.C. 605(b), I certify that this SIP revision will not have a significant economic impact on a substantial number of small entities (see 46 FR 8709).

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

Authority: Secs. 107(d)(5), 110(a) and 301(a) of the Clean Air Act, as amended (42 U.S.C. 7410(a) and 7601(a)).

Under section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by (60 days from today). This action may not be challenged later in proceedings to enforce its requirements (See 307(b)(2)).

List of Subjects in 40 CFR Part 81

Air pollution control, National Parks, Wilderness areas.

Dated: April 12, 1985.

Lee M. Thomas,

Administrator.

PART 81—[AMENDED]

Part 81 of Chapter 1, Title 40 of the Code of Federal Regulations is amended by revising the TSP portion of the table in § 81.327 as follows:

§ 81.327 Montana.

Designated area	Does not meet primary standards	Does not meet secondary standards	Cannot be classified	Better than national standards
Montana-TSP				
City of Missoula	X			
Colstrip area		X		
City of Columbia Falls	X			
Missoula area		X		
Butte area	X			
Billings area		X		
Great Falls area		X		
East Helena area		X		
Remainder of State				X

[1] EPA designation replaces State designation.

* * * * *

[FR Doc. 85-9424 Filed 4-25-85; 8:45 am]
BILLING CODE 6560-50-M

40 CFR Part 723

[OPTS-50032B; 2742-1]

Premanufacture Notification Exemption; Exemption for Chemical Substances Manufactured in Quantities of 1,000 Kg or Less Per Year

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: Section 5(a)(1)(A) of the Toxic Substances Control Act (TSCA) requires that persons notify EPA before they manufacture or import a new chemical substance for commercial purposes. Section 5(h)(4) of TSCA authorizes EPA, upon application and by rule, to exempt the manufacturer or importer of any new chemical substance from the provisions of section 5 if the Agency determines that the manufacture, processing, distribution in commerce, use, or disposal of the substance will not present an unreasonable risk of injury to health or the environment. EPA is granting a limited exemption under section 5(h)(4) from the requirements of section 5(a)(1)(A) for persons who manufacture certain new chemical substances in quantities of 1,000 kilograms or less per year. To ensure that these chemical substances will not present an unreasonable risk, EPA has included procedural safeguards, including a 21-day review, and other conditions in the exemption.

DATE: This rule shall be promulgated for purposes of judicial review at 1 p.m. eastern time on May 10, 1985. This rule is effective June 10, 1985.

FOR FURTHER INFORMATION CONTACT:
Edward A. Klein, Director, TSCA Assistance Office (TS-799), Office of Toxic Substances, Environmental Protection Agency, Rm. E-543, 401 M St., SW., Washington, D.C., 20460
Toll-free: (800-424-9065),
In Washington, D.C.: (554-1404),
Outside the USA: (Operator 202-554-1404).

SUPPLEMENTARY INFORMATION: OMB control number 2070-0012.

I. Background

A. Introduction

Under section 5(a)(1)(A) of TSCA, any person who intends to manufacture or import a new chemical substance for commercial purposes must notify EPA 90 days before manufacture or import begins. A new chemical substance is any chemical substance that is not on the Chemical Substance Inventory compiled by EPA under section 8(b) of TSCA.

The requirement to submit premanufacture notices (PMNs) for new chemical substances became effective on July 1, 1979, 30 days after publication of the Initial Inventory. EPA issued final Premanufacture Notice Requirements and Review Procedure, published in the **Federal Register** of May 13, 1983 (48 FR 21722). In the **Federal Register** of September 13, 1983 (48 FR 41132), the Agency clarified certain provisions of the rule, made a non-substantive amendment to the timing of the submission of the notice of commencement of manufacture, and stayed other provisions of the rule. The rule became effective October 26, 1983. Since the beginning of the program in 1979, EPA has reviewed more than 4,000 PMNs.

Section 5(h)(4) of TSCA allows the Administrator, upon application and by rule, to exempt a new chemical substance or category of new chemical substances from any requirement of section 5 if he or she determines that the manufacture, processing, distribution in commerce, use, and disposal of the substance will not present an unreasonable risk of injury to health or the environment. The Agency issued an exemption for certain chemical substances used in or for instant photographic film articles published in the **Federal Register** of June 4, 1982 (47 FR 24308), and an exemption for new polymeric substances which was published in the **Federal Register** of November 21, 1984 (49 FR 46066). With this notice, the Agency is issuing an exemption for certain low volume chemical substances.

This exemption was developed in response to petitions from the Chemical Manufacturers Association (CMA) and other industry trade groups. Notice of receipt of the CMA and other petitions was published in the **Federal Register** of November 3, 1981 (46 FR 54688); proposed rules were published in the **Federal Register** of August 4, 1982 (47 FR 33896, 47 FR 33924). These rules, which would have exempted certain site-limited intermediates and low volume substances, were proposed as § 723.10 of Subpart A. The final rule is promulgated as § 723.50 of Subpart B, but includes only substances manufactured or imported at 1,000 kilograms or less per year.

The 60-day comment period on the proposals ended on October 4, 1982. EPA received 52 comments on the site-limited intermediate and low volume proposal from trade associations, chemical manufacturers, an environmental organization, and other interested persons. At the request of the Natural Resources Defense Council and other groups, a public hearing was held on November 1, 1982, in Washington, D.C. Seven organizations or individuals made oral comments on the proposal at the hearing. EPA reopened the public comments period at the hearing, extending it for 30 days, to give participants at the hearing an opportunity to answer questions from EPA on their comments. Seven organizations provided comments during the extended period.

EPA has summarized its response to the major public comments received during the rulemaking. This summary, together with copies of the public comments and a transcript of the hearing, is included in the public record.

B. Exemption Requests

The CMA petition, received on May 21, 1981, requested exemptions for:

1. Site-limited intermediates.

2. Chemical substances produced in quantities of 25,000 pounds or less per year.

3. Polymers whose precursor monomers are on the TSCA Inventory.

In addition, CMA requested an exemption that would authorize EPA to allow manufacture of new chemical substances of low concern before the end of the 90-day PMN review period. CMA also requested that EPA issue regulations establishing a procedure for handling individual section 5(h)(4) exemption applications.

In support of its petition, CMA argued that the requirements of section 5 of TSCA inhibit innovation in the chemical industry. According to CMA, the requested exemptions would significantly reduce the impact of section 5 on innovation and, by requiring review by an industry "qualified expert," encourage industry to conduct adequate risk assessments before introducing new chemical substances into commerce. CMA also stated that its proposal embodied a "pay as you go" approach. Under such an approach, PMNs on exempted chemical substances would be deferred until the cost of PMN submission would be less burdensome and until more comprehensive information developed by manufacturers might be available for EPA review.

EPA subsequently received petitions from the Synthetic Organic Chemical Manufacturers Association (June 28, 1981) and the Dyes Environmental and Toxicological Organization (July 10, 1981) requesting an exemption for the same categories of chemical substances proposed by CMA. In addition, seven trade organizations submitted endorsements of the CMA petition.

C. Alternatives Proposed

In response to the petitions from CMA and other groups, EPA began separate rulemakings for polymers and site-limited intermediates/low volume chemicals. This rule addresses only chemical substances produced at 1,000 kilograms or less per year. The polymer exemption rule was published in the **Federal Register** of November 21, 1984 (49 FR 46066).

After reviewing comments from both industry and the public, EPA has decided not to pursue at this time a rule to exempt site-limited intermediates and chemical substances produced in quantities of between 1,000 and 10,000 kilograms per year. Industry commenters stated that the exemption criteria for these categories (particularly the qualified expert provisions) were overly burdensome, and that the exemption did not provide significant relief. The Agency, however, determined that it could not reduce the procedural safeguards in the rule and still make the finding of no unreasonable risk. At the same time, public interest groups questioned the legal basis of the exemptions. Therefore, EPA has decided to issue a more limited exemption applying only to substances produced at 1,000 kilograms or less per year.

EPA also has decided not to pursue at this time a rule to shorten the PMN review period, because (1) it believes that the exemptions for low volume chemical substances and polymers will substantially reduce or eliminate the need for this exemption, and (2) there is a serious question as to whether TSCA permits EPA to allow early manufacture by either a rule or a policy statement. In addition, because of limited resources, EPA has decided not to develop general section 5(h)(4) procedural rules at this time.

II. Final Exemption

A. Summary of the Rule

The final rule exempts certain low volume chemical substances from premanufacture notification requirements of section 5 of TSCA. The basic outline of the rule is described below.

Manufacturers or importers of a new chemical substance produced at 1,000 kilograms or less per year may submit a brief exemption notice to EPA, in lieu of a full PMN, 21 days before manufacture. The notice must include chemical identity, a description of use, site of manufacture, and test data in the submitter's possession or control. EPA will review the notice and declare a chemical substance ineligible for the exemption if the Agency determines that the substance (or metabolites, environmental transformation products, impurities, or byproducts) may cause serious acute or chronic effects in humans or significant environmental effects under anticipated conditions of manufacture, processing, distribution in commerce, use, or disposal, or that serious unresolved issues concerning potential risks require further review. If EPA does not find the substance ineligible, manufacture may begin at the end of the review period. Manufacturers must submit another exemption notice before use or site or manufacture changes; only one manufacturer may make a given chemical substance under this exemption.

The rule also establishes procedures by which EPA can revoke an exemption for a specific chemical substance after manufacture has begun. EPA will revoke an exemption if new information indicates that the chemical substance does not meet the criteria for an exemption.

B. Discussion of the Final Rule

The final rule adopts most of the provisions concerning substances manufactured at 1,000 kilograms per year or less in the proposed rule published on August 4, 1982. This unit of the preamble clarifies several areas of confusion identified by public commenters and discusses the differences between the final rule and the proposal.

1. Scope of Rule

As explained in Unit I.C of this preamble, this final rule does not include exemptions for site-limited intermediates or substances produced at between 1,000 and 10,000 kilograms per year. It exempts from the full PMN requirements only certain substances produced in quantities of 1,000 kilograms or less per year.

2. Length of Review Period

The proposed rule would have required that companies notify EPA 14 calendar days before manufacturing a new chemical substance under the exemption. In the final rule, companies are required to notify EPA 21 calendar days before manufacture begins.

EPA recognizes that one of the major benefits of this exemption is that it allows companies to respond more rapidly to market demand and to introduce new chemical substances more quickly into commerce. Extending the review period from 14 to 21 calendar days will to a certain extent reduce this benefit. However, after carefully reviewing public comments and its experience in the premanufacture notice review process, the Agency has concluded that 14 calendar days will not be long enough to review exempt chemical substances adequately. Instead, 21 days is the minimum reasonable period in which EPA can review an exemption candidate and, if necessary, inform the manufacturer that it is not eligible for the exemption. For this reason, the review period was extended.

3. Exclusions

EPA will exclude specific substances from the exemption if, during its 21-day review, it concludes that the substances themselves, or reasonably anticipated metabolites, environmental transformation products, byproducts, or impurities, may cause serious acute or chronic effects in humans or significant environmental effects under reasonably

anticipated conditions of manufacture, processing, distribution in commerce, use, or disposal.

Several commenters asked for clarification of these standards.

a. *Serious acute or chronic human effects.* Several commenters asked for further explanation of the standard for excluding chemical substances capable of causing "serious acute effects" and "serious chronic effects." To clarify this standard, EPA has revised these definitions to include "disfigurement" and "severe or prolonged loss of the ability to use a normal bodily or intellectual function with a consequent impairment of normal activities," as well as death and severe or prolonged incapacitation. This revised definition would include any generally recognized adverse health effect (e.g., neurotoxic effects, liver and other organ toxicity, reproductive toxicity, mutagenicity, carcinogenicity, teratogenicity, fetotoxicity, skin sensitization, and severe skin and eye irritation). The modification makes it clear that a chemical substance could be excluded because of potential for non-life-threatening as well as life-threatening effects.

Several commenters also requested that EPA clarify the list of examples of serious acute or chronic effects contained in the preamble to the proposal. EPA intended that the list illustrate the kinds of possible effects that might cause the Agency concern and that could disqualify a substance from the exemption. EPA does not expect that exempt substances will not have any of these effects under any circumstances. However, if EPA concludes that a substance may cause any of these effects, the substance would not be eligible for the exemption unless the conditions of manufacture, processing, use, and disposal were such that serious adverse effects would not occur.

b. *Significant environmental effects.* The proposal defined "significant environmental effects" as "injury to the environment which reduces or adversely affects the productivity, utility, value, or function of biological, commercial, or agricultural resources, or causes the loss of a member of a rare or endangered species." The Agency received numerous comments on this definition, many of them expressing the concern that potential for any injury would lead to the exclusion of a substance from the exemption. Also, several commenters stated that the manufacturer might have no way to know whether the substance might threaten a single member of an endangered species.

In response to these comments, § 723.50(b)(11) of the final rule defines "significant environmental effects" as:

(i) Any irreversible damage to biological, commercial, or agricultural resources of importance to society,

(ii) Any reversible damage to biological, commercial, or agricultural resources of importance to society if the damage persists beyond a single generation of the damaged resource or beyond a single year, or

(iii) Any known or reasonably anticipated loss of members of an endangered or threatened species. "Endangered" or "threatened" species are those species identified by the Secretary of the Interior in accordance with the Endangered Species Act, as amended (16 U.S.C. 1531).

This change is intended to clarify the point that potential for insignificant or trivial injury to individual environmental organisms or to environmental resources would not disqualify a substance. As EPA explained in the preamble to the proposed rule, it does not intend to exclude all chemical substances that might cause any harm to any organism. Rather, the exclusion is directed toward "significant" environmental effects, both acute and chronic. The significance of environmental effects must be viewed in terms of the extent of the environmental damage, the potential recovery or repairability of the damage, and the degree to which the damage will impair the utility or function of the environmental unit affected.

Examples of significant environmental effects include direct effects on resources of demonstrable value, such as a fish kill reducing the value of a commercial fish population for a single generation, or a long-term reduction in a fish population over several generations. They also include indirect effects, such as long-term reduction in soil fertility; ecologically significant changes in species' interrelationships, e.g., excessive stimulation of primary producers (algae, macrophytes) in aquatic ecosystems; and ecologically significant interference with critical biochemical cycles, such as the nitrogen cycle. This list is illustrative and is not intended to be all-inclusive. However, any substance capable of exhibiting these or comparable effects under reasonably anticipated conditions of manufacture, processing, distribution in commerce, use, or disposal would not be eligible for an exemption.

Several commenters suggested that EPA modify the definition of significant environmental effects so that it was the same as the definition of substantial risk in EPA's policy statement implementing section 8(e) of TSCA published in the **Federal Register** of March 16, 1978 (43 FR 11110). Section 8(e) of TSCA requires manufacturers, processors, and distributors to notify EPA of any information that reasonably supports the conclusion that a chemical substance or mixture presents a substantial risk of injury to health or the environment. However, EPA decided not to adopt the section 8(e) standard in this exemption; this standard was developed to ensure that EPA learned of known hazards associated with existing chemicals likely to be distributed widely in the environment. The Agency does not believe that this standard would be adequate to support a "no unreasonable risk" finding under TSCA section 5(h)(4). However, it should be clear that any environmental risk that would trigger a section 8(e) substantial risk notification would exclude a substance from this exemption if EPA concluded that such risks may occur under reasonably anticipated conditions of manufacturing, processing, distribution in commerce, use, or disposal.

c. *Byproducts and impurities.* The proposal excluded chemical substances from the exemption if there was a reasonable basis to conclude that byproducts of manufacture, processing, distribution in commerce, use, or disposal may have serious acute or chronic effects in humans or significant environmental effects under reasonably anticipated conditions of exposure. The final rule also excludes chemical substances if EPA concludes that impurities in the substance may cause such effects under reasonably anticipated conditions of exposure. This requirement was added because on several occassions the Agency has taken action on new chemical substances because of impurities. Therefore, EPA believes that it is necessary to consider impurities in its review and to exclude new substances because of potential risks posed by impurities.

4. Information Requirements

The final rule retains the basic requirements concerning the information the manufacturer must provide in the exemption notice. However, it modifies the requirements for chemical identity and use descriptions. These changes are discussed below.

a. *Test data.* Companies intending to manufacture a substance under the exemption must include test data in the submitter's possession or control that are related to the effects of the chemical substance on health and the

environment. This includes physical-chemical properties and environmental fate data relevant to risk assessment (e.g., vapor pressure, partition coefficient, biodegradation data) as well as toxicological data. Where a company performs tests to support an exemption, EPA recommends that it follow the testing guidelines developed by the Organization for Economic Cooperation and Development or EPA's Office of Toxic Substances (see EPA, "Health Effects Test Guidelines," EPA 560/6-82-001).

The term "possession or control" was defined in § 720.3(y) of the final PMN rule (48 FR 21722). However, that provision was stayed in the **Federal Register** of September 13, 1983 (48 FR 41132) and a new definition has been proposed in the **Federal Register** of December 27, 1984 (49 FR 50201). Until the new definition becomes final, exemption notice submitters should follow the September 13, 1983 clarification (48 FR 41132) and the preamble to the proposed definition (49 FR 50201).

b. *Data on impurities.* In the proposed rule, manufacturers were not required to provide EPA with any information on impurities. This information, however, is required in notices submitted under section 5(a)(1) of TSCA as part of the description of chemical identity. On several occasions it has proved critical in the Agency's assessment of risks posed by a new chemical substance. Therefore, EPA believes that it is necessary to require information on impurities in the final exemption rule. Section 723.50(e)(1)(iii)(D) of the final rule requires the manufacturer to identify impurities anticipated to be present in the exempt substance and their weight percent in the total substance. If there are unidentified impurities, the notice must include an estimate of their total weight percent. Information on impurities must be provided to the extent that it is known to or reasonably ascertainable by the submitter.

c. *Polymer identity.* The final rule has also been revised so that information required on polymer identity is the same as that required in § 720.45 of the PMN rule. To the extent the information is known or reasonably ascertainable, companies must indicate the typical composition of each monomer and other reactants used in the polymer (by weight percent of total monomer); the maximum residual of each monomer present in the polymer; and a partial or incomplete structural diagram. The notice must also provide estimates of the minimum number-average molecular weight of the polymer and the amount of low molecular weight species below 500 and below 1,000 molecular weight, and it must describe how the estimates were made. In the section 5 notice review program, EPA has frequently found this information important in assessing new polymers and in characterizing their potential risks. For this reason, EPA believes that such information is necessary in exemption notices as well as in section 5(a)(1) notices.

For guidance on providing information on polymer identities, companies should refer to EPA's clarification of the PMN notification requirements (48 FR 41132).

d. *Generic name.* In the proposal, there were no provisions for developing generic chemical names to protect confidential chemical identities. However, EPA intends to publish the identity of chemical substances manufactured under the exemption (see unit III.D of this preamble); therefore, the final rule requires manufacturers of exempt chemical substances to develop and submit to EPA generic chemical names masking the identity of the substance if they claim the substance's specific identity as confidential. The name must be only as generic as necessary to protect the confidential chemical identity and should reveal the specific chemical identity to the maximum extent possible.

It is important for manufacturers who claim chemical identity confidential to provide generic names; if a generic name is not provided, EPA may develop its own name and publish it on the list of exempted chemicals. This name may be less acceptable to the manufacturer than one it could have developed. For further discussion of generic names and confidentiality, see Unit II.B.10 of this preamble.

e. *Description of use.* In the proposal, manufacturers of low volume chemical substances would have been required to provide a brief use description by function and application in their exemption notices. Examples of function/application use descriptions are: Surfactant in automobile spray wax, colorant for paper and other cellulosics, and antioxidant in fuel oils and lubricants.

Section 723.50(e)(1)(iv) generally retains this requirement and further specifies that the submitter must indicate whether the use or uses are industrial, commercial, or consumer. However, the final rule drops the requirement that the use description "must be specific enough to indicate the typical circumstances of exposure, including routes of exposure, associated with new chemical substances." This sentence raised concern among commenters, some of whom believed it implied the need for extensive and detailed descriptions. EPA eliminated it from the final rule because it believes that a description of use by function and application will generally provide enough information to determine circumstances of exposure. However, when EPA does not have sufficient information on use to characterize exposure, the exemption may be denied if warranted by toxicity concerns.

The use description requirements in the final rule are consistent with those of the TSCA section 5(a)(1) notice form for new chemical substances. For guidance on developing use descriptions, or on providing other information in the exemption notice, such as chemical indentity, see the EPA "Instructions Manual for Premanufacture Notification of New Chemical Substances," available from the Office of Toxic Substances, TSCA Assistance Office, and EPA's **Federal Register** notice clarifying the PMN rule (48 FR 41132).

Several commenters suggested that use descriptions should be required only if the uses are known to the manufacturer. This suggestion was not adopted in the final rule. EPA believes that it is reasonable to require manufacturers, as a condition of the exemption, to ascertain the uses to which their products will be put and to provide that information to EPA. Because the use must be described only in relatively general function/application terms EPA believes that this requirement will not be burdensome.

f. *Exposure and other data.* Companies intending to manufacture a substance under this exemption are not required to provide information on exposure or exposure controls. However, they should recognize that EPA, without specific information on exposure, release, and controls will make reasonable assumptions, based on use, in reviewing the substance. Where there may be some concern for toxicity, manufacturers may wish to provide EPA with more information on exposure, release, or controls. In many cases, this information may eliminate potential EPA concerns. However, § 723.50(e)(1)(viii) requires that, where a manufacturer provides information on exposure controls or other controls to support its exemption notice, the manufacturer must maintain those controls throughout the exemption.

g. *Sanitized copy of notice.* The final rule requires the submitter to provide a sanitized copy of the notice. This provision, while not in the original

proposal, is included in the final rule to safeguard the confidentiality of the submission. This sanitized copy submission requirement is similar to requirements contained in the PMN rule (40 CFR 720.80(b)(2)), the polymer exemption rule (40 CFR 723.250), and the exemption rule for substances used in or for the manufacture or processing of instant photographic and peel-apart film articles (40 CFR 723.175).

5. Customer Notification

The proposal and the final rule require companies holding an exemption to submit a new exemption notice before manufacturing the exempt chemical substance for a use not described in the original notice. (This would include changes from one class of use to another—e.g., from industrial to consumer uses—as well as changes in function/application within these classes.)

Several commenters stated that this requirement raised difficulties because companies might not know of new uses developed by their customers. One commenter—an industry trade association—suggested that EPA could address these difficulties by requiring the manufacturer to notify customers of use restrictions. Section 723.50(j) of the final rule adopts this suggestion. The rule does not specify how companies must notify customers of use restrictions, but rather leaves the form of notification up to the exemption holder. However, as part of the rule's recordkeeping requirements (see Unit II.B.7 of this preamble), manufacturers are expected to keep records documenting notification.

EPA believes that this requirement is necessary because EPA's 21-day review will be based on the use description in the exemption notice. A change in use may lead to substantially different conditions of exposure. Therefore, EPA believes that it is appropriate to require the manufacturer to take reasonable steps to ensure that the exempt substance is used as intended (and as reviewed by EPA).

6. Notification of Changes in Site of Manufacture or Use

The proposal would have required manufacturers to renotify EPA if they manufactured a new chemical substance at a site of manufacture or for a use not reported in the exemption notice. Several commenters suggested that this requirement was unnecessary. Site of manufacture and use, however, will be important elements in EPA's 21-day review; changes in site or use might lead to considerably different exposure. Therefore, EPA believes that it is necessary to retain the requirement that companies submit a new exemption notice before either of these elements changes.

Several commenters suggested that it would be unnecessarily burdensome to comply with these renotification requirements. EPA, however, believes that the burden should be minimal. EPA assumes that submitters will be able to identify likely sites of manufacture and uses with reasonable accuracy in their original notices. Therefore, companies will have to renotify EPA infrequently.

7. Recordkeeping

The proposed rule required manufacturers to maintain records pertaining to production volume for 5 years after the final date of manufacture of the exempt substance. Many commenters pointed out that this requirement could mean that records might have to be retained almost indefinitely; commenters also suggested that this requirement was particularly difficult for production volume records, which are typically kept for only 5 years.

In response, EPA has modified the recordkeeping requirements. Section 723.50(o)(1) of the final rule requires manufacturers of exempt chemical substances to maintain production volume records for 5 years after the date of their preparation. In other words, exemption files must include production volume records for the previous 5 years. Manufacturers must also maintain (1) documentation of information in the exemption notice, and (2) documentation of compliance with the terms of the exemption. Documentation of compliance includes available records documenting site of manufacture and uses, customer notifications, etc. Like the production volume records, documentation of information in the notice and of compliance must be retained for 5 years after its preparation.

8. Standards for Denial of Exemption

The proposal stated that EPA would deny an exemption for a chemical substance during its abbreviated review if "the new chemical substance does not meet the terms of this section, or [if] unresolved issues concerning toxicity or exposure require further review." Several commenters suggested that it was inappropriate for EPA to deny an exemption simply because of "unresolved issues"; EPA should deny an exemption only when there was clear evidence that a substance was not eligible.

EPA disagrees with this comment and is retaining the proposed language in §723.50(g)(1) of the final rule, with minor editorial modifications. EPA has based its "no unreasonable risk" finding in part on its experience in the PMN process, which indicates that within 2 to 3 weeks of notice submission it can identify problematic chemical substances requiring more detailed review. In some cases, such substances are selected for more detailed review because of "serious unresolved issues," rather than because of affirmative evidence that a substance may be a problem. EPA believes that its ability to deny an exemption for the same reasons is an essential element of the rule and the no unreasonable risk finding.

EPA would not deny an exemption under this standard simply for speculative reasons. Instead, exemptions would be denied where serious concerns were raised, and more time or information was necessary to address them. For example, a chemical substance might be an analogue of a suspected carcinogen, or it might raise other toxicity concerns, but the potential for exposure might be unclear. This would be a particular concern where limited information was provided by the notice submitter or exposure fell outside the control of the manufacturer. In such cases, further review might be necessary to ensure that the manufacture and use of the exemption candidate would be safe.

In some cases, the submitter may be able to provide EPA with information during the 21-day review period that would resolve an issue, and manufacture would not be delayed. However, where a serious issue concerning the safety of the chemical substance cannot be resolved during the review period, it is important that EPA have the authority to reject the exemption.

9. Revocation

The proposal established procedures by which EPA could revoke an exemption for a given chemical substance after the review period ended. EPA would take such an action if new information indicated that the substance did not meet the terms of the exemption.

In general, EPA has retained the basic approach of the proposal, although it has modified the specific terms in several respects. Under the final rule, if EPA makes a preliminary determination that the substance does not meet the terms of the exemption after the review period has ended, it will notify the manufacturer by certified letter. EPA might reach this conclusion if new information indicated that the substance was not eligible (e.g., new data might be received on the exempt substance

showing significant risk potential). The manufacturer will have 15 days from written notification to submit objections to the determination or an explanation of its diligence and good faith in attempting to meet the terms of the exemption. If the manufacturer was manufacturing, processing, distributing in commerce, or using the substance at the time of the notification and submits objections or an explanation or both within 15 days, it may continue to manufacture, process, distribute in commerce, and use the substance while EPA considers the objections or explanation.

If a manufacturer is not manufacturing, processing, distributing in commerce, or using the chemical substance at the time it receives notification from EPA, it cannot resume manufacture until EPA determines that the substance meets the terms of the exemption or until a PMN has been submitted and the notice review period has ended without action by EPA.

This provision modifies the proposal which would have allowed the manufacturer to continue commercial activities after notification only if it were manufacturing the substance at the time of notification. Several commenters on the proposal suggested that these standards were unfair to batch processors who might not be in production at the time they received a notice of ineligibility. EPA believes it has addressed this problem by expanding the provision to allow manufacture to continue if the manufacturer was manufacturing, processing, distributing in commerce, or using the substance at the time of the notification. Thus, a batch manufacturer would not be adversely affected if it is between batches but still processing, distributing, or using the chemical substance previously produced. Although some companies will still be at a disadvantage under this approach, EPA believes that ineligible chemical substances should not be manufactured under an exemption. For this reason, the Agency believes that it is inappropriate to allow companies to begin manufacturing a substance under an exemption after information has been received indicating the substance is not eligible. The costs associated with this requirement should be minimal, because revocation procedures will probably have to be invoked only infrequently.

Several commenters stated that a 15-day period is not adequate to allow objections to be filed. In the final rule, EPA has modified this provision somewhat, requiring a response within 15 days of written instead of telephone notification. In its written notification, the Agency intends to provide specific questions about the substance's eligibility, so that the manufacturer will be able to respond to EPA's particular concerns. EPA believes that 15 days is adequate time for the manufacturer to submit objections and/or an explanation of its due diligence and good faith efforts to meet the terms of the exemption.

Under the final rule, like the proposal, EPA will respond to the manufacturer's objections and explanations within 15 days. If EPA determines that the substance meets the terms of the exemption, the manufacturer could continue or resume manufacture under the exemption. If EPA determines that, while the substance does not meet the terms of the exemption, the manufacturer acted with due diligence and in good faith to meet the terms of the exemption and the manufacturer was manufacturing, processing, distributing in commerce, or using the substance at the time of the notification, the manufacturer may continue to manufacture, process, distribute in commerce, or use the substance if it submits a PMN under section 5(a)(1) of TSCA and the PMN rule within 15 days of the final notification by EPA. If such a manufacturer were to continue to manufacture, process, distribute in commerce, or use the substance without submitting a PMN, EPA would bring an enforcement action.

If EPA determines that, despite the company's objections or explanation, the manufacturer did not act diligently and in good faith, the company must cease manufacture, processing, distribution in commerce, and use within 24 hours of telephone notification. This provision slightly modifies the proposal requirements for companies determined by EPA to be acting without due diligence or in bad faith. Under the proposal, such companies would have been required to cease manufacture within 24 hours of EPA's initial notification. Under the final rule, these companies may continue commercial activities if they file objections.

In determining whether a manufacturer exercised due diligence and good faith in attempting to comply with the rule, the Agency would consider many factors, and decisions would be made on a case-by-case basis as an exercise of the Agency's discretion. For example, a manufacturer would not be considered to have exercised due diligence and to have acted in good faith if it (1) deliberately falsified information in the exemption notice, (2) failed to provide relevant toxicity data on the new chemical substance in its possession or control to EPA, or (3) knowingly changed the uses described in the notice after beginning manufacture.

Action under this provision of the rule would not prevent EPA from using its authority to bring an injunctive action under section 17 of TSCA to prevent further manufacture, or, if the substance presents an imminent hazard, action under section 7 of TSCA. In addition, any manufacturer who failed to meet the terms of the exemption intentionally or who submitted false or misleading information would be subject to an enforcement action.

10. Confidentiality

Section 723.50(k) of the final rule specifies confidentiality procedures. These procedures are essentially the same as those in the proposal and in § 720.80 of the PMN rule. They take into account various requirements under the Act, including the need to provide nonconfidential information to the public, give EPA information it needs to respond to Freedom of Information Act requests, and allow persons to assert claims of confidentiality with minimum burden.

Under this exemption, a person may assert a claim of confidentiality for any information submitted to EPA. To do so, submitters must clearly indicate on the exemption notice or attached document (e.g., by circling, underlining , or bracketing) the information that they wish to claim as confidential. Only the information claimed as confidential should be identified as confidential. A submitter should not simply stamp "confidential" on the page which contains both confidential and nonconfidential information.

As discussed in Unit II.B.4.d of this preamble, § 720.50(k)(3) of the final rule requires that submitters provide a sanitized copy of the exemption notice in which all confidential information has been deleted. The final rule also requires submitters to develop and submit generic chemical names if they claim chemical identity confidential. (See Unit II.B.4.d.) In some cases, companies may develop a generic name that EPA believes is more generic than necessary to protect confidential chemical identity. In this case, EPA, using the procedures in § 720.85 of the PMN rule, will propose to the submitter a more specific name. If that name is unacceptable, the submitter must explain why EPA's name is not sufficiently generic to protect confidential chemical identity and propose an alternative. EPA

will publish the submitter's alternative name if it is acceptable. Otherwise, EPA will use for publication in the **Federal Register** the generic name it devised 30 days after giving notice to the submitter.

Sanitized copies of the exemption notices will be placed in the public file. The generic names will be maintained on a list of exempted substances, which EPA will update once a month. These updates will be published monthly in the **Federal Register** and periodically in the *TSCA Chemicals-in-Process Bulletin.*

III. Major Issues

A. Volume Limits for Low Volume Chemical Substances

The final rule retains the proposed 1,000 kilogram per year limit for low volume chemical substances, but as explained in Unit I.C of this notice, the final rule does not retain the greater than 1,000 kilogram per year production volume limit category.

EPA selected 1,000 kilograms per year because it is high enough to provide relief to a significant number of new chemical substances (approximately 20 percent of new chemical substances), while low enough to set a reasonable bound on possible risks. EPA is convinced that the safeguards built into the low volume exemption are adequate to protect against unreasonable risks at 1,000 kilograms per year, particularly with the extention of the review period to 21 days. Furthermore, the 1,000 kilograms or less per year limit was chosen because it is consistent with the volume trigger for full new chemical notification under the European Economic Community's Sixth Amendment.

B. Exclusion of High-Risk Chemical Categories

In the proposal, EPA suggested as an alternative that a list of high-risk chemical categories, based on structure, be developed. Individual new chemical substances falling into these categories would not be eligible for the exemption. The Dyes Environmental and Toxicology Organization, Inc. (DETO), in effect suggested this approach in its exemption petition for dyes when it stated that EPA might consider excluding benzidine,o-tolidine, and o-dianisidine-based dyes, and dyes containing N-N-dimethyl-4-aminobenzene analogues. The basis for this exclusion would be structure-activity information and test data which suggest that individual members of these categories might cause serious chronic health effects. Several commenters suggested that such an approach would be advisable and would significantly strengthen the exemption.

EPA did not adopt this approach because it would be unnecessarily resource-consuming to develop a list of excluded categories of chemical substances. EPA believes that any general list of categories would provide no more protection than that already provided in the proposed rule by EPA's 21-day review. New chemical substances belonging to highly suspect classes, such as the classes identified by DETO, would be eliminated unless exposure information provided by the submitter demonstrated their safety under conditions of manufacture and use.

C. Subsequent Manufacturers

Under the final rule, only one manufacturer is allowed to manufacture a given substance under the exemption. Subsequent manufacturers of the same chemical substance would not be eligible for the exemption; they would be required instead to submit a premanufacture notice. This requirement is necessary because the risk assessment for the exemption assumes that total production of chemical substances in the category will not exceed the production volume limit of 1,000 kilograms per year.

Several commenters on the proposal criticized this approach on the grounds that it could result in unwarranted administrative complexities and that it might delay manufacture. As an alternative, commenters suggested that EPA allow subsequent manufacture under the exemption. EPA would have the opportunity to review the exemption notice and revoke the exemption for all exemption holders if it identified any concerns.

EPA rejected this approach because it could allow the aggregate production volume to grow well beyond the low volume limit without full premanufacture review. The exemption is based on the premise that the exempted substances will in fact be low volume—that is, below 1,000 kilograms per year. Even though it appears relatively unlikely that second or third manufacturers would produce the same substance under a given low volume exemption, this possibility could theoretically lead to the production of an exempt substance at volumes many times greater than the exemption volume limit. Also, it would be possible for companies to circumvent the volume limit by buying an exempt substance from several different manufacturers or importers, yet the substance could still be processed or used at a single site. EPA does not believe that the 21-day review will be adequate to identify such situations consistently. For these reasons, EPA believes that it is inadvisable—and inconsistent with its risk assessment—to allow multiple manufacturers under the low volume exemptions.

EPA also believes that commenters have exaggerated the administrative complexities and potential for delay associated with the requirement that subsequent manufacturers of low volume substances submit a premanufacture notice. The rule establishes a system to allow companies with *bona fide* intent to manufacture a substance under a low volume exemption to determine whether their substance is already being manufactured under that exemption. EPA now operates a comparable *bona fide* system under the premanufacture notice program and finds it effective and workable. If manufacturers do not wish to face the delay associated with the *bona fide* process, they can submit an exemption notice; of another company is already manufacturing the substance under the exemption, the notice would be rejected. However, because this would happen only very rarely, it is likely that few if any manufacturers would be rejected on these grounds.

To simplify the administration of this rule, EPA will maintain a list of exempted substances and will have monthly additions to the exemption list published in the **Federal Register** and periodic updates in the *TSCA Chemicals-in-Process Bulletin.* As a result, prospective manufacturers of low volume substances may be able to determine whether a given substance is eligible for the low volume exemption. However, because substances will be listed under generic names when their identities are confidential, it may still be necessary for companies to make *bona fide* inquiries, or to submit exemption notices without absolute certainty that another company is not already making the substance under the exemption.

D. Public Notice

In the preamble to the proposal, EPA stated that exempt substances will not be added to the TSCA Chemical Substance Inventory because they have not undergone section 5 premanufacture review. As a result, the public would have no way of knowing which chemical substances were being manufactured under the exemption. This would reduce public knowledge concerning EPA's conduct of the exemption review process, and would make it difficult for chemical companies to determine if a particular chemical substance was being

manufactured under an exemption. Without a list of exempt substances, manufacturers would find it more difficult to ascertain whether a specific new chemical substance was already being manufactured under an exemption and therefore whether it was eligible for the low volume exemption.

For these reasons, EPA will maintain a list of substances that have cleared exemption review, and will publish updates to the names of the substances added to the low volume exemption list. These updates will appear monthly as notices in the **Federal Register** and appear periodically in the *TSCA Chemicals-in-Process Bulletin*. If the identity of a given chemical substance is claimed confidential, EPA will publish a generic chemical name supplied by the manufacturer, or one that it has developed as described in Unit II.B.10 of this preamble. In addition, EPA will maintain a low volume exemption public file comparable to the PMN public file. Sanitized versions of exemption notices submitted under this rule will be placed in the file. Companies are required to submit sanitized notices, with all confidential material deleted, together with any notices containing confidential business information.

Together, the published low volume exemption list and the public file will give the public a reasonable understanding of the scope of the program and the nature of the substances being manufactured under the exemption. They will also simplify procedures for companies intending to manufacture substances under the exemption.

IV. Regulatory Analysis

To support the August 4, 1982 proposal, EPA prepared a risk assessment and an economic analysis. After reviewing public comments, EPA revised these documents, modifying them where necessary to reflect changes in the final rule. The final documents are available in the public record of this rulemaking. The documents are summarized briefly below. This unit also explains the basis for the Agency's finding of no unreasonable risk.

A. Summary of Risk Assessment

1. General Approach

In its analysis of the risks posed by low volume chemical substances, EPA evaluated the risks that could be associated with toxic volume substances without the various restrictions or conditions that could be included in an exemption. This analysis provided an estimate of possible risks from such substances and a basis for determining whether or not specific safeguards would be needed. EPA then considered the impact of the exemption conditions to determine the extent to which they would reduce the risks. Although such reductions in risk were not readily quantifiable, EPA believes that the provisions of the exemption will reduce the risks estimated in the assessment so that unreasonable risks will not occur.

EPA's general approach in evaluating potential risks from low volume substances involved:

(1) Selecting hazards (i.e., adverse health and environmental effects) that are of concern in protecting human health and the environment.

(2) Determining a representative range of potencies for assessing each of the effects of concern.

(3) Defining exposure scenarios.

2. Low Volume Chemical Substances

a. *Analysis of potential health and environmental effects.* In analyzing low volume chemical substances, EPA selected a range of potencies for certain health effects for hazard evaluation. This procedure is justified by the fact that nothing inherent in low volume substances limits their toxicity. However, very few new low volume substances are likely to exhibit the upper ranges of toxicity represented in the risk assessment.

b. *Exposure assessment.* The exposure assessment illustrates that while low production volume in itself sets bounds on potential for exposure and environmental release, the manufacture, processing, and use of such substances can in some circumstances result in significant exposure.

i. *Occupational exposure.*—Low production volume typically limits the total number of workers who may be exposed to chemical substance, as well as the duration and frequency of exposure. However, the actual exposure levels for individual workers may be substantial. Based on PMN data, about four workers are exposed, on the average, during manufacture of chemical substances produced in quantities of 1,000 kilograms or less per year. Duration of exposure associated with manufacture averaged about 5 hours per day, and the average number of days of production per year was 62.

Only a limited number of PMNs included estimates of workplace concentration. The average concentrations associated with manufacture were most often in the ranges of 0–1 and 1–10 mg/m^3 for airborne solids and in the 1–10 ppm range for vapors. EPA's evaluation of Occupational Safety and Health Administration (OSHA) data (USEPA–OTS, "Site-Limited Intermediate Exemption: Occupational Exposure and Environmental Release Assessment," March 19, 1982) indicated an average TWA concentration of 0.14 mg/m^3, with a maximum value of 0.6 mg/m^3 for airborne solids, and an average TWA of 6 ppm, with a maximum value of 72 ppm for vapors. EPA believes that data obtained from OSHA monitoring activities provide more reliable estimates of workplace concentrations.

EPA's analysis indicated that processing and use operations may result in a higher level of exposure than manufacturing operations. Also, the average number of workers exposed during processing and use operations exceeded the average number typically exposed during manufacture. The number averaged 12 workers for a substance processed in quantities of 1,000 kilograms or less per year.

ii. *Consumer exposure.*—Consumer exposure was assessed for five use scenarios—photographic chemicals used in home darkrooms, spray adhesives, paints, dyes, and fragrances used in soaps, detergents, or shampoos. The use scenarios, which reflect actual uses reported in PMNs, were selected to represent a range of potential exposure situations.

According to EPA's analysis, the individual lifetime average daily exposures in these scenarios ranged from negligible levels for dyes in dyed fabrics to 0.0016 mg/kg/day for a fragrance in soap. Many of the scenarios could result in the exposure of relatively large numbers of consumers. At the 1,000-kg/yr production level the estimated number of consumers exposed ranges from 440,000 for a fragrance in shampoo to 26,000 for an additive in spray adhesives. Because the concentration of the substance in final products would remain constant, reduction in production volume is likely to reduce only the number of consumers exposed, not the exposure to each individual.

iii. *Environmental release.*—The exposure analysis indicated that the average quantity released to water is 0.08 percent of production volume, with an upper bound of 0.4 percent. However, some processing and industrial uses result in more substantial release rates with a range from 0.3 to 25 percent of the production volume released to water. Releases to air average 0.03 percent of production volume, with a 0.2 percent upper bound. Discharges of a new low volume substance from a single site processing 1,000 kilograms of the substance were estimated to produce

environmental concentrations ranging from <0.0005 to 0.53 ppm in a receiving stream whose stream dilution factor was equal to the national median for streams receiving effluents from industrial facilities.

In some cases, environmental releases from consumer uses equaled the total production volume. However, the actual magnitude of environmental exposure was determined to be insignificant because of the low production volume, the wide distribution of release, and the small amount of the new substance typically contained in consumer products.

c. *Estimated risks.* Given the above exposure and environmental release estimates, EPA evaluated the risks to workers, consumers, aquatic organisms, and persons living near a plant manufacturing or processing low volume chemical substances.

Although EPA expects that most low volume substances will present low risks, the assessment illustrated that workers could be subjected to significant health risks from potent or moderately potent carcinogens, teratogens, neurotoxins, or reproductive hazards. Airborne concentrations of low volume substances appear to present negligible risk to general populations, except when the released substance is a highly potent carcinogen or teratogen. Aqueous releases that may contaminate drinking water also appear to present low risks, except where the released substance is a highly potent toxic agent or where direct discharge occurs at the maximum release estimated by EPA.

Consumer exposure under most of the scenarios considered appears to present significant risks if the new substance is at least a moderately potent carcinogen. In addition, potent and moderately potent teratogens, neurotoxins, and reproductive hazards might also present substantial risks.

Environmental risks from most low volume substances would not present substantial risks to aquatic organisms at estimated discharge rates. However, EPA's analysis also demonstrates that it is reasonable to expect that a small number of substances may present substantial risks to aquatic organisms at anticipated high stream concentration levels.

d. *Chemical substances manufactured at 1,000 kilograms or less per year.* For chemical substances manufactured at 1,000 kilograms or less per year, fewer workers and consumers (than those associated with higher production volumes) are likely to be exposed. Actual exposure at this level of production will in most cases be substantially less than that indicated in the exposure analysis, which is based in part on available data from relatively large scale operations.

For small scale operations to reach the workplace exposure indicated in the exposure assessment, production of the total 1,000 kilograms generally would have to take place in a relatively short time— perhaps as short as a day or two. In this case, the duration of exposure would be low, and therefore the potential for adverse chronic effects would be significantly reduced. Where manufacture took place over a relatively long period, workplace exposure would be unlikely to reach the levels identified in the exposure assessment (USEPA–OTS, "Site-Limited Intermediate Exemption: Occupational Exposure and Environmental Release Assessment," March 19, 1982).

Small volume operations are typically conducted over an extended period only if there is a need for careful control (for example, to ensure product purity); this control would be likely to reduce exposure. Because of the small daily production volume, the small size of equipment, and the localized nature of operations, effective control is possible, and environmental release and exposure to the worker from activities such as material transfer, sampling, and cleanup is minimized.

In addition, substances produced at 1,000 kilograms or less per year will not typically receive wide distribution. In many cases, they are produced for limited purposes or do not achieve commercial success and thus do not remain on the market long. Therefore, widespread or long term exposure to commercial users or consumers is unlikely.

3. Risk Under Exemption Conditions

There are several elements of the exemption that will substantially reduce the risks to human health and the environment identified in the risk assessment. The most important of these elements are the low risk associated with low volume and the 21-day EPA premanufacture review.

The basis for low risk associated with low volume is the inherent expectation of low exposure potential because of the small quantities being manufactured. Risk will be reduced by the exclusion from the exemption of chemical substances where EPA determines that they may cause serious human or environmental effects under conditions of manufacture, processing, distribution in commerce, use, and disposal.

EPA's 21-day premanufacture review for all chemical substances manufactured under this exemption will exclude from exemption those chemical substances that fail to meet these standards, and will provide a level of protection equivalent to that now provided in the PMN program.

B. Summary of Economic Analysis

1. Introduction

To perform the economic analysis of the low volume exemption, the Agency created a data base from a sample of about 500 PMNs which represented the total submitted during a specific period in 1980 and 1981. This data base provides an overview of the Agency's experience with the PMN program. The Agency reviewed this data base to determine types of chemical substances being submitted for review, their projected production volumes, their intended uses, and in some cases their potential toxicity. This information was used to estimate the number of new substances that would be likely to be eligible for an exemption.

The Agency also reviewed the current cost of PMN requirements for manufacturers of new low volume substances; it estimated the direct relief to industry, reflected in decreased reporting costs and decreased time in bringing a new substance to the market, that would result from different exemption alternatives. It estimated direct savings to EPA resulting from decreased PMN review costs. These figures were used to derive quantitative estimates of benefits.

In assessing benefits, EPA also considered nonquantifiable benefits, such as increase in chemical innovation. Although the Agency could not attach specific figures to these benefits, they are likely to be substantial. EPA's analysis of the impact on industry of the PMN rule suggests that the nonquantifiable costs of the program may be greater than the quantifiable costs. By extension it appears reasonable to assume that the nonquantifiable benefits of an exemption may be greater than those that can be quantified.

The complete economic analysis consists of an economic support document and a supplemental memorandum and can be found in the public file.

2. Current Impact of PMN Program

As a baseline for its economic analysis, EPA estimated the annual direct costs of submitting PMNs on low volume substances. A review of the sample of 500 PMNs indicates that about 21 percent of all PMNs (210 out of the annual submission rate of 1,000 PMNs) are substances produced in quantities of

1,000 kilograms or less per year. Using the current PMN reporting costs, the annual reporting costs to industry for low volume substances can be estimated to be between $273,000 and $1,575,000.

Besides these direct filing costs, industry is also faced with additional costs from the TSCA-imposed 90-day PMN review period (delay costs), from having to assert and possibly substantiate confidential business information claims, and from uncertainty.

3. Benefits of the Exemption

The Agency estimated the number of new chemical substances that would be eligible for the exemption by counting the number of chemical substances for which there are PMNs that fall under the exemption. From this number, EPA then calculated the annual net benefits of the exemption. These benefits include the actual cost savings to industry for not having to submit PMNs and the savings from the reduction of the 90-day delay. The costs of having to submit the exemption notices are subtracted from the gross savings to obtain the net savings to industry.

Assuming a rate of 1,000 PMNs a year, the low volume exemption would exempt about 210 new substances per year; net benefits to industry would be between $460,000 and $1,450,000 or between $2,190 and $6,905 per exempted chemical. The "low" end of the net benefits range was based on the lowest estimates of the cost to submit a PMN; the "high" end of the benefits was based on the highest estimates of these figures. This cost figure also includes the discounted costs of submitting a PMN in the third year for chemical substances whose production volume would exceed the volume limit by the third year of production.

The economic analysis also indicates that the exemption may lead to direct savings in EPA resources that would otherwise be spent reviewing PMNs. For low volume chemical substances, the saving would be $19,000, or $91 per exempted chemical. These figures reflect the difference between costs of reviewing a PMN and estimated costs of reviewing an exemption notice. Of course, EPA resources would not be freed if the availability of the exemption led to an increase in innovation and a significant increase in the overall number of submissions to EPA.

In addition to the benefits which EPA has quantified, there are certain benefits which the Agency has examined qualitatively. Chief among these are the benefits of reduced uncertainty and of increased innovation. The reduction in the length of the review period from 90 to 21 days would reduce the period of uncertainty about the outcome of EPA's review of the notice (whether the substance would be manufactured, when, and under what restrictions, if any, etc.). Also, by reducing direct PMN filing costs and delay costs, the exemption will encourage chemical innovation. These reductions will mean that substances which formerly were not profitable to introduce would not be acceptable investments. The net value of this additional innovation would constitute additional benefits, both to the chemical industry and to society.

C. Finding of No Unreasonable Risk

1. Statutory Background

Under section 5(h)(4) of TSCA, EPA is authorized to exempt the manufacturer of any new chemical substance from all or part of the requirements of section 5 if EPA determines that the manufacture, processing, distribution in commerce, use, and disposal of the substance will not present an unreasonable risk of injury to health or the environment. Section 26(c) of TSCA provides that any action authorized under TSCA for an individual chemical substance may be taken for a category of such substances.

The term "unreasonable risk" is not defined in TSCA. The legislative history indicates that determination of whether a risk is unreasonable requires a balancing of the probability and severity of harm from the substance or category of substances against the cost of the regulatory action to society. Because EPA's determination of the reasonableness of risk involves a consideration of factors such as environmental effects, use patterns, and market potential, which are frequently difficult to define and quantify precisely, EPA must rely not only on the available data but also its professional judgment. Congress recognized that the implementation of the unreasonable risk standard "will vary depending on the specific regulatory authority which the Administrator seeks to exercise." [Legis. Hist. at 422]

2. EPA's Approach To Making the No Unreasonable Risk Finding

To determine whether the category of substances manufactured under the exemption presents an unreasonable risk, the Agency should consider not only the inherent risks presented by the overall exemption category, but also the extent to which specific exclusions or adjustments of the overall category definition have mitigated such potential risks. EPA must then analyze the effect on risk of any further conditions imposed on the exemption. For example, manufacturers who intend to use the exemption must submit only a limited notice, which may affect the Agency's ability to identify risk. Because the effect of the exemption is to modify general PMN requirements, EPA should also compare the absolute risk posed by the same substances if the substance had been subject to the full notice submission requirements and minimum 90-day EPA review period.

Congress did not intend the section 5 review process to eliminate entirely all risk resulting from manufacture, processing, distribution in commerce, use, and disposal of new chemical substances, nor is it possible to do so. While section 5 gives EPA the opportunity to review all new chemical substances, the Agency is authorized to ban such substances or otherwise control against risks only (1) when it can show that the substances will present an unreasonable risk of injury to health or the environment (section 5(f) of TSCA), or (2) when there is insufficient information to evaluate the risks and EPA finds either that the manufacture, processing, distribution in commerce, use, or disposal may present an unreasonable risk, or that the substance will be produced in substantial quantities and will be released in substantial amounts or will result in significant or substantial human exposure (section 5(e) of TSCA). To the extent that certain risks presented by members of a category of substances would not have been regulated by EPA during a full PMN review, assuming EPA's maximum exercise of its section 5 authorities, such risks could not be considered to be risks posed by an exemption rule.

There are two methods of calculating the benefits of the exemption which should be weighed in determining whether exempt substances will present an "unreasonable" risk. First, EPA can consider the benefits in a manner analogous to the way it would consider them if the Agency were evaluating a particular member of the category during an ordinary PMN review. Under this approach the evaluation would focus on the benefits of the substances to society, and the extent to which any regulation of the substances necessary to address risk concerns would reduce or eliminate such benefits. The basis for considering this type of benefits information is that Congress arguably did not intend to exempt from premanufacture notice requirements any substances which were likely to have been subject to control under section 5(e) or 5(f). EPA thus would not consider

the reduced burden of the PMN or other benefits of reducing PMN requirements, because these costs would not be considered in making a regulatory decision on a PMN substance. One problem with focusing on the benefits of the substances in the category is that, while section 5(h)(4) contemplates granting exemptions by category, it is difficult or impossible to predict accurately the nature of those benefits.

Under the second approach, EPA could consider benefits beyond those considered in an actual PMN review. As discussed in the proposed rule, a broader consideration of benefits would analyze, in addition to the benefits of the substances themselves, the reduction in the costs to society imposed by the full PMN requirements. There are strong arguments for taking such an approach in making a no unreasonable risk finding in the context of a section 5(h)(4) exemption. The legislative history indicates that EPA's unreasonable risk consideration should include effects on society beyond the benefits of a substance. In addition, unlike the review of an individual PMN, the costs of PMNs for substances which would be addressed by this exemption have not already been paid. Such direct costs would include the cost of preparing and submitting the PMN, and the cost of the delay in the introduction of the benefits of a new chemical. In addition, economic analyses have indicated that reporting and delay costs may discourage the introduction of new chemical substances. While elimination of these costs would not be a benefit that EPA would take into account in making an individual control decision on a new substance, they are real effects on society which result from EPA's exercise of its exemption authority and are thus appropriately considered in a section 5(h)(4) unreasonable risk finding for a category of substances.

3. Exemption Conditions

There are several exemption provisions that directly or indirectly reduce the likelihood that exemption substances would adversely affect health or the environment. EPA believes that these provisions together will significantly limit risk and will adequately support a finding of no unreasonable risk, given the bounds on exposure associated with the exemption category and the benefits of the exemption.

The major provisions that limit risk are discussed below:

a. *Production volume limitation.* A critical element of the finding is that low volume chemical substances manufactured in volumes of 1,000 kilograms or less per year have limits on exposure potential. The number of workers exposed and the duration and frequency of exposure is generally limited. Uses would be for the most part limited to specialty applications, and consumer exposure would not typically occur. Under some circumstances, significant numbers of consumers could be exposed, but the levels of exposure would usually be low.

b. *EPA review.* EPA's abbreviated review plays an important role in the exemption and in the finding of no unreasonable risk. In the final rule, EPA has strengthened this review by lengthening it from 14 to 21 days. During this period, the Agency will have sufficient time to identify any problems that were likely to have been identified in a full PMN review. If EPA determines that a new chemical substance is not eligible for an exemption, manufacture cannot begin. The manufacturer is then required to comply with TSCA section 5(a)(1) before the substance can be manufactured for commercial purposes.

c. *New information and EPA revocation.* In addition to these safeguards, the rule contains several other provisions that will further limit the possibility that exemption substances will present significant risks. Most important, the rule establishes procedures for revocation of the exemption if EPA later determines that the substance does not meet the conditions of the exemption. In addition, EPA has the authority to require documents relevant to an exemption from the manufacturer (in addition to the information provided in the exemption notice), and the manufacturer is required to submit promptly to EPA any new data indicating that a substance is ineligible. These provisions will ensure that eligibility for the exemption will be determined on the basis of the best available information, regardless of when the information becomes available.

4. Benefits

It is impossible to quantify the total benefits which may accrue to society from the individual substances subject to this exemption. Uncertainty about benefits is inherent in any action under TSCA which deals with a category of substances whose structure and uses are unknown. However, it is clear that the field of chemistry has been the source of many recent technological advances, particularly in the area of low volume specialty chemicals. In addition, it is obvious that a new chemical substance must present benefits to society by performing a new function, or performing an old function more efficiently or less expensively, or with less risk, or it would not have been developed or used. Therefore, EPA has concluded that the new chemical substances eligible for exemption, as a category and as individual substances, will present some significant benefits to society.

EPA was able to quantify some of the benefits to society which will result from this exemption that do not depend on specific knowledge about the benefits of the individual substances. First, as is indicated above, manufacturers submitting notices under this exemption will incur reduced reporting costs. Second, there will be a potential for significant reduction in the delay in introducing new substances. Manufacturers, and the general public, will be able to take advantage of the benefits of individual new low volume substances more quickly, including any increases in efficiency and decreases in cost.

Assuming that approximately 210 new chemical substances a year would be manufactured under the exemption, net benefits would be between $46,000 and $1,450,000 annually. Of this amount, a significant portion consists of the savings in costs due to reduced delay. Total industry costs associated with the PMN program are presently estimated at $3.715 to $9.915 million annually. The final exemption rule will therefore reduce this cost to industry by about 12 to 15 percent.

5. Conclusion

Given the limitations on risk posed by substances manufactured under this exemption and the benefits that would be derived from them, EPA has determined that substances manufactured under the terms of this exemption rule will not present an unreasonable risk.

V. Judicial Review

To provide all interested persons an equal opportunity to file a timely petition for judicial review and to avoid so called "races to the courthouse," EPA has decided to promulgate this rule for purposes of judicial review 2 weeks after publication in the **Federal Register**, as reflected in **"DATES"** in this notice. The effective date has, in turn, been calculated from the promulgation date.

VI. Record

EPA has established a record for this rulemaking (Docket Number: OPTS–50032) which is available for inspection in Rm. E–107, 401 M St. SW., Washington, D.C. 20460. Persons who do not have access to the record in the

public reading room should contact Edward A. Klein, Director, TSCA Assistance Office (TS–799), at the above address for assistance.

The record includes all information considered by the Agency in developing this exemption proposal. The preamble to the proposal lists items entered into the record through June 1982. The list below identifies items entered into the record after that date. These lists together identify the complete rulemaking record:

57. Adhesives Manufacturers Association "Letter Endorsing the Chemical Manufacturers Association Petition for PMN Exemptions," August 13, 1981.

58. *USEPA–OTS.* "Letter from Edward A. Klein, Director, Chemical Control Division, to Bill Ahrens, Adhesives Manufacturers Association," September 14, 1981.

59. *USEPA–OTS.* "Premanufacture Notification: Proposed Exemption for Site-Limited Intermediate Chemical Substances Manufactured in Quantities of 10,000 Kg or Less Per Year," 47 FR 33896, August 4, 1982.

60. Comments received in response to proposed rule exempting certain new site-limited intermediates and low volume chemicals from premanufacture notice requirements, 47 FR 33896 (52 comments).

61. *USEPA–OTS.* "OTS–DETO Meeting Summary," Summary of meeting with Dyes Environmental and Toxicology Organization (DETO), Septemer 14, 1982.

62. *USEPA–OTS.* "Summary of Meeting with Brulin and Co., Inc.," October 4, 1982.

63. Transcript of public meeting on proposed rule exempting certain site-limited intermediates and low volume chemicals from premanufacture notice requirements, 47 FR 33986 (6 exhibits).

64. *USEPA–OTS.* "Questions for Participants in the Public Hearing," November 1, 1982.

65. Comments received in response to public hearing on proposed exemption for site-limited intermediates and low volume chemical substances (7 comments).

66. Chemical Manufacturers Association (CMA). "Supplemental Comments on Proposed Exemption Rule under section 5 (h)(4) of the Toxic Substances Control Act," March 21, 1983.

67. *CMA.* "Letter to Don R. Clay, Acting Assistant Administrator for Pesticides and Toxic Substances," June 2, 1983.

68. *USEPA–OTS.* "Response to Comments on Proposed PMN Exemption for Low Volume Chemicals," December 31, 1984.

69. Office of Management and Budget (OMB). "PMN Exemption Rules: Staff Option," November 7, 1983.

70. *SOCMA.* "Letter to William Ruckelshaus, Administrator of the Environmental Protection Agency," January 23, 1984.

71. *USEPA–OTS.* "Economic Impact Analysis of TSCA Section 5(h)(4) Exemptions: Low Volume and Site-Limited Intermediate Chemicals," September 1983.

72. *USEPA–OTS.* "Memorandum: Economic Analysis of the Final Exemption Rule for Low Volume Chemicals," Revising "Economic Impact Analysis of TSCA Section 5(h)(4) Exemptions, Low Volume and Site-Limited Intermediates Chemicals," October 26, 1984.

73. *USEPA–OTS.* "Risk Analysis in Support of the Proposed Exemption of Site-Limited Intermediates and Low Volume Chemicals," December 5, 1983.

74. *USEPA–OTS.* "Health and Environmental Risk Assessment of TSCA Section 5(h)(4) Exemption for New Low Volume Chemicals," revising "Risk Analysis in Support of the Proposed Exemption of Site-Limited Intermediate and Low Volume Chemicals," November 1, 1984.

75. USEPA–OTS. "Low Volume Exemption—Occupational Exposure and Environmental Release Assessment," March 1982.

76. USEPA–OTS. Memorandum "Engineering Assessment of the Final Exemption Rule for Low Volume Chemicals," October 30, 1984.

VII. Application of Executive Order 12291, Paperwork Reduction Act, and Regulatory Flexibility Act

This regulation does not satisfy any of the criteria for major regulation described in Executive Order 12291; therefore, EPA has determined that a Regulatory Impact Analysis is not necessary. The annual impact of the rule on the economy will not exceed $100 million; instead it will provide substantial relief to the regulated industry. The rule will not burden any particular geographic region and will not affect government agencies, except that it may reduce the burden of PMN review for EPA. The exemption will not adversely affect the ability of domestic manufacturers to compete with foreign manufacturers or vice versa and it will encourage chemical innovation. EPA expects that the net effect of this exemption rule on the economy will be positive.

This regulation was submitted to the Office of Management and Budget (OMB) for review as required by Executive Order 12291.

As required by the Regulatory Flexibility Act (5 U.S.C. 605(b)), EPA hereby certifies that this rule will not have a significant adverse economic impact on a substantial number of small businesses. Instead, it will provide relief from the burdens of the present PMN requirements, and is likely to be particularly beneficial to small businesses. The Chemical Specialties Manufacturers Association, which represents many small businesses, has stated that "declines in the rates of projected innovation as a result of TSCA costs were on the whole substantial, and were particularly heavy for firms in smaller size classes." Since the exemption will reduce PMN filing costs and shorten production delays, small manufacturers will especially benefit from the rule.

In addition, small firms will benefit because they submit a disproportionately large percentage of PMNs on low volume chemical substances. According to the PMN data base, 31 percent of the PMN submissions by small firms have been on substances with projected production volumes of 1,000 kilograms or less per year, while only 21 percent of all PMNs have been on such substances. Therefore, the low volume exemption is likely to provide proportionately greater relief to these small firms. For this reason, the Agency has not prepared a Regulatory Flexibility Analysis for this rule.

The information collection requirements contained in this rule have been approved by OMB under the provisions of the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.* and have been assigned OMB control number 2070–0012.

List of Subjects in 40 CFR Part 723

Chemicals, Environmental protection, Premanufacture notification exemption, Hazardous substances, Recordkeeping and reporting.

Dated: April 19, 1985.

Lee M. Thomas,

Administrator.

PART 723—[AMENDED]

Therefore, Chapter I of Title 40 of the Code of Federal Regulations is amended by adding a new § 723.50, to read as follows:

§ 723.50 Chemical substances manufactured in quantities of 1,000 kilograms or less per year.

(a) *Purpose and scope.* (1) This section grants an exemption from the premanufacture notice requirements of section 5(a)(1)(A) of the Toxic Substances Control Act (15 U.S.C. 2604(a)(1)(A)) for the manufacture of certain chemical substances manufactured in quantities of 1,000 kilograms or less per year.

(2) To manufacture a new chemical substance under the terms of this exemption, (i) a manufacturer must submit a notice of intent to manufacture 21 days before manufacture begins, as required under paragraph (e) of this section; and (ii) the manufacturer must comply with all other provisions of this section.

(b) *Definitions.* (1) "Act" means the Toxic Substances Control Act (15 U.S.C. 2601 *et seq*).

(2) The terms "article," "byproduct," "EPA," "health and safety study," "importer," "impurity," "known to or reasonably ascertainable," "manufacture," "new chemical substance" "person," "possession or control," "test data" have the same meanings as in § 720.3 of this chapter.

(3) The term "Assistant Administrator" means the EPA Assistant Administrator for Pesticides and Toxic Substances or any employee designated by the Assistant Administrator to carry out the Assistant Administrator's functions under this section.

(4) The term "category of chemical substances" has the same meaning as in section 26(c)(2) of the Act (15 U.S.C. 2625(c)(2)).

(5) "Director of the Office of Toxic Substances" means the Director of the EPA Office of Toxic Substances or any EPA employee designated by the Director to carry out the Director's functions under this section.

(6) The term "environment" has the same meaning as in section 3 of the Act (15 U.S.C. 2602).

(7) "Environmental transformation product" means any chemical substance resulting from the action of environmental processes on a parent compound that changes the molecular identity of the parent compound.

(8) "Metabolite" means a chemical entity produced by one or more enzymatic or nonenzymatic reactions as a result of exposure of an organism to a chemical substance.

(9) "Serious acute effects" means human disease processes or other adverse effects that have a short latency period for development, result from short-term exposure, or are a combination of these factors and that are likely to result in death, severe or prolonged incapacitation, disfigurement, or severe or prolonged loss of the ability to use a normal bodily or intellectual function with a consequent impairment of normal activities.

(10) "Serious chronic effects" means human disease processes or other adverse effects that have a long latency period for development, result from long-term exposure, are long-term illnesses, or are a combination of these factors and that are likely to result in death, severe or prolonged incapacitation, disfigurement, or severe or prolonged loss of the ability to use a normal bodily or intellectual function with a consequent impairment of normal activities.

(11) "Significant environmental effects" means either:

(i) Any irreversible damage to biological, commercial, or agricultural resources of importance to society,

(ii) Any reversible damage to biological, commercial, or agricultural resources of importance to society if the damage persists beyond a single generation of the damaged resource or beyond a single year, or

(iii) Any known or reasonably anticipated loss of members of an endangered or threatened species. "Endangered" or "threatened" species are those species identified as such by the Secretary of the Interior in accordance with the Endangered Species Act, as amended (16 U.S.C. 1531).

(12) "Site" means a contiguous property unit. Property divided only by a public right-of-way shall be considered one site. There may be more than one manufacturing plant on a single site.

(c) *Exemption categories.* Any person who intends to manufacture (including import) a new chemical substance in quantities of 1,000 kilograms or less per year may seek an exemption under this section for that chemical substance, subject to the conditions specified in paragraph (d) of this section. No more than one person may hold an exemption for a particular new chemical substance under this paragraph.

(d) *Exclusions*—(1) *Chronic effects.* A new chemical substance cannot be manufactured under this section if EPA determines, in accordance with paragraph (g) of this section, that the substance or a reasonably anticipated metabolite or environmental transformation product of it may cause serious chronic effects, including carcinogenic and teratogenic effects, under anticipated conditions of manufacture, processing, distribution in commerce, use, or disposal of the new chemical substance.

(2) *Acute effects.* A new chemical substance cannot be manufactured under this section if EPA determines, in accordance with paragraph (g) of this section, that the substance or a reasonably anticipated metabolite or environmental transformation product of it may cause serious acute effects (lethal or sublethal) under anticipated conditions of manufacture, processing, distribution in commerce, use, or disposal of the new chemical substance.

(3) *Environmental effects.* A new chemical substance cannot be manufactured under this section if EPA determines, in accordance with paragraph (g) of this section, that the new chemical substance or a reasonably anticipated environmental transformation product of it may cause significant environmental effects under anticipated conditions of manufacture, processing, distribution in commerce, use, or disposal of the new chemical substance.

(4) *Impurities.* A new chemical substance cannot be manufactured under this section if EPA determines, in accordance with paragraph (g) of this section, that reasonably anticipated impurities in the substance may cause serious acute or chronic effects in humans or significant environmental effects under anticipated conditions of manufacture, processing, distribution in commerce, use, or disposal of the new chemical substance.

(4) *Impurities.* A new chemical substance cannot be manufactured under this section if EPA determines, in accordance with paragraph (g) of this section, that reasonably anticipated impurities in the substances may cause serious acute or chronic effects in humans or significant environmental effects under anticipated conditions of manufacture, processing, distribution in commerce, use, or disposal of the new chemical substance.

(5) *Byproducts.* A new chemical substance cannot be manufactured under this section if EPA determines, in accordance with paragraph (g) of this section, that the reasoanbly anticipated byproducts of manufacture, processing, distribution in commerce, use, or disposal of the substance, including waste or emissions, may cause serious acute or chronic effects in humans or significant environmental effects under anticipated conditions of manufacture, processing, distribution in commerce, use, or disposal of the new chemical substance.

(e) *Exemption notice.* (1) The manufacturer must submit a notice to the Document Control Officer as provided in paragraph (n) of this section at least 21 days before manufacture begins. The date of submission will be the date on which the notice is received by the Document Control Officer. EPA will acknowledge the receipt of the notice by letter. The letter will identify the date on which the review period begins. The notice must include:

(i) *Manufacturer's name.* The name and address of the manufacturer of the new chemical substance and the name and telephone number of a technical contact must be provided.

(ii) *Type of exemption.* The exemption notice must indicate that the manufacturer is seeking a low volume exemption.

(iii) *Chemical identification* —(A) *Class 1 substances* (chemical substances whose composition can be represented by a definite structural

diagram). The chemical name (preferably Chemical Abstract Services (CAS) or International Union of Pure and Applied Chemistry (IUPAC) nomenclature), the molecular formula, CAS Registry Number (if available), and a structural diagram.

(B) *Class 2 substances* (chemical substances that cannot be fully represented by a structural diagram). The chemical name, the molecular formula, the CAS Registry Number (if available). The notice must identify the immediate precursors and reactants by name CAS Registry Number (if possible). The notice must include a partial or incomplete structural diagram (if available). Chemical names for such substances should be developed according to the guidelines in the TSCA Chemical Substance Inventory, Initial Inventory, Volume 1.

(C) *Polymers.* Monomers and other reactants used in the manufacture of the polymer by chemical name and CAS Registry Number (if available); typical percent of each monomer and other reactants used in the polymer (by weight percent of total polymer); the maximum residual of each monomer present in the polymer; and a partial or incomplete structural diagram (if possible). The notice must provide estimates of the minimum number-average molecular weight of the polymer and the amount of low molecular weight species below 500 and below 1,000 molecular weight and describe how the estimates were obtained. This information must be provided to the extent it is known or reasonably ascertainable by the submitter.

(D) *Impurities.* Impurities anticipated to be present in the new chemical substance by name, CAS Registry Number (if known), and weight percent of the total substance. If there are unidentified impurities, the notice must include an estimate of their total weight percent. Information on impurities must be provided to the extent that it is known to or reasonably ascertainable by the submitter.

(E) *Generic name.* If the manufacturer claims the chemical identity of the new chemical substance confidential, he or she must submit a generic name in accordance with paragraph (k)(2) of this section. The name should be only as generic as necessary to protect the confidential chemical identity of the particular chemical substance. In should reveal the specific chemical indentity to the maximum extent possible.

(iv) *Description of use.* Each use for which the chemical substance would be manufactured by function and application (e.g., spray adhesive in the manufacture of laminates). The description of use must indicate whether the use is industrial, commercial, or consumer.

(v) *Site of manufacture* (except for chemical substances that are imported). The notice must state the name and address of the site or sites of manufacture of the new chemcial substance.

(vi) *Certification.* The manufacturer must certify that:

(A) The manufacturer intends to manufacture or import the new chemical substance for commercial purposes, other than in small quanitities solely for research and development, under the terms of this section.

(B) The manufacturer is familiar with the terms of this section and will comply with those terms.

(C) The new chemical substance for which the notice is submitted meets all applicable exemption conditions.

(vii) *Test data.* The manufacturer must submit all test data in its possession or control which are related to the effects of the new chemical substance on health or the environment.

(viii) *Exposure controls.* The manufacturer may also provide information on exposure controls or other controls for the new chemical substance. Where a manufacturer provides such information to support the exemption notice, the manufacturer must maintain those controls throughout the period of the exemption.

(ix) *Sanitized copy of notice.* (A) The manufacturer must make all claims of confidentiality in accordance with paragraph (k) of this section. If any information is claimed confidential, the manufacturer must submit a second copy of the notice, with all information claimed as confidential deleted, in accordance with paragraph (k)(3) of this section.

(B) If the submitter does not provide the second copy, the submission is incomplete.

(2) *Incomplete notices.* If EPA receives a submission which does not include all of the information required under paragraph (e) of this section, the submission will be determined to be incomplete by the Director of the Office of Toxic Substances. The exemption review period will not begin until EPA receives all required information.

(f) *Review period.* EPA will review the notice submitted under paragraph (e) of this section to determine whether the new chemical substance is eligible for the exemption. The review period will end 21 days after receipt of the notice by EPA. Upon expiration of the 21-day review period, if EPA has taken no action, the manufacturer may begin to manufacture the new chemical substance under the other terms of this exemption.

(g) *Notice of ineligibility*—(1) *During the review period.* If the Assistant Administrator for Pesticides and Toxic Substances determines during the review period that the new chemical substance does not meet the terms of this section, or that there are issues concerning toxicity or exposure that require further review, the Assistant Administrator will notify the manufacturer by telephone that the substance is not eligible. This telephone notification will subsequently be confirmed by certified letter that identifies the issues and explains why they are unresolved. The manufacturer may not begin manufacture of the new chemical substance without complying with section 5(a)(1) of the Act.

(2) *After the review period.* (i)(A) If at any time after the end of the review period specified in paragraph (f) of this section, the Assistant Administrator for Pesticides and Toxic Substances makes a preliminary determination that the new chemical substance does not meet the terms of this section, the Assistant Administrator will notify the manufacturer by certified letter that EPA believes that the new chemical substance does not meet the terms of this section.

(B) The manufacturer may continue to manufacture, process, distribute in commerce, and use the new chemical substance after receiving notice under paragraph (g)(2) (i)(A) of this section if the manufacturer was manufacturing, processing, distributing in commerce, or using the substance at the time of the notification and if the manufacturer submits objections or an explanation under paragraph (g)(2)(ii) of this section. Manufacturers not manufacturing, processing, distributing in commerce, or using the substance at the time of notification may not begin manufacture until EPA makes its final determination under paragraph (g)(2)(iii) of this section.

(ii) A manufacturer who has received notice under paragraph (g)(2)(i) of this section may submit detailed objections to the determination or an explanation of its diligence and good faith efforts in attempting to comply with the terms of this section within 15 days of receipt of written notification.

(iii) The Assistant Administrator will consider any objections or explanation submitted under paragraph (g)(2)(ii) of this section and will make a final determination. The Assistant Administrator will notify the manufacturer of the final determination by telephone within 15 days of receipt of

the objections or explanation, and subsequently by certified letter.

(iv) If the Assistant Administrator determines that the new chemical substance meets the terms of this section, the manufacturer may continue or resume manufacture, processing, distribution in commerce, and use in accordance with the terms of this section.

(v) If the Assistant Administrator determines that the new chemical substance does not meet the terms of this section and that the manufacturer did not act with due diligence and in good faith to meet the terms of this section, the manufacturer must cease any continuing manufacture, processing, distribution in commerce, and use of the new chemical substance within 24 hours of the telephone notification under paragraph (g)(2)(iii) of this section. The manufacturer may not resume manufacture, processing, distribution in commerce, or use until it submits a notice under section 5(a)(1) of the Act and Part 720 of this chapter and the notice review period has ended.

(vi) If the Assistant Administrator determines that the new chemical substance does not meet the terms of this section and that the manufacturer acted with due diligence and in good faith to meet the terms of this section, the manufacturer may continue manufacture, processing, distribution in commerce, and use of the new chemical substance if:

(A) It was actually manufacturing, processing, distributing in commerce, or using the chemical substance at the time it received the notification specified in paragraph (g)(2)(i) of this section, and

(B) It submits a notice on the new chemical substance under section 5(a)(1) of the Act and Part 720 of this chapter within 15 days of receipt of the telephone notification under paragraph (g)(2)(iii) of this section. Such manufacture, processing, distribution in commerce, and use may continue unless EPA takes action under section 5(e) or 5(f) of the Act.

(3) Action under this paragraph does not preclude action under sections 7, 15, 16, and 17 of the Act.

(h) *Additional information.* If the manufacturer of a new chemical substance under the terms of this exemption obtains test data or other information indicating that the new chemical substance may not qualify for the exemption, the manufacturer must submit these data or information to EPA within 15 working days of receipt of the information.

(i) *Changes in site or use.* (1) Chemical substances manufactured under this section must be manufactured at the site or sites described and for the uses described in the exemption notice submitted in accordance with paragraph (e) of this section.

(2)(i) Any person who manufactures a new chemical substance described in paragraph (c) of this section must comply with the provisions of this section before manufacturing the new chemical substance at a site that was not reported in a previous exemption notice, including submission of a new notice under paragraph (e) of this section.

(ii) Any person who manufactures a new chemical substance described in paragraph (c) of this section must comply with the provisions of this section before manufacturing the new chemical substance for a use that was not reported in a previous exemption notice, including submission of a new notice under paragraph (e) of this section.

(3) In an exemption notice informing EPA of a change in site or use, the manufacturer is not required to provide information submitted to EPA in a previous exemption notice on that chemical substance. The new exemption notice, however, must indicate the identity of the new chemical substance; the manufacturer's name; the name and telephone number of a technical contact; and the new site or use. The notice must also include a certification by the manufacturer, as described in paragraph (e)(1)(vi) of this section.

(j) *Customer notification.* (1) Manufacturers of a new chemical substance described in paragraph (c) of this section must notify processors and industrial users that the substance can be used only for the uses specified in the exemption notice. The manufacturer must also inform processors and industrial users of any controls specified in the exemption notice. The manufacturer may notify processors and industrial users by means of a container labeling system, written notification, or any other method that adequately informs them of use restrictions or controls.

(2) If the manufacturer learns that a customer is processing or using the exempt substance in violation of use restrictions or without imposing prescribed controls, the manufacturer must cease distribution of the substance to the customer immediately. The manufacturer must also report this action to EPA within 15 days under paragraph (h) of this section.

(k) *Confidentiality.* (1) If the manufacturer submits to EPA under this section information which it claims to be confidential business information, the manufacturer must clearly identify the information at the time of submission to EPA by bracketing, circling, or underlining it and stamping it with "CONFIDENTIAL" or some other appropriate designation. Any information so identified will be treated in accordance with the procedures in Part 2 of this Title. Any information not claimed confidential at the time of submission may be made available to the public without further notice.

(2)(i) Any person who asserts a claim of confidentiality for chemical identity under this paragraph must provide a generic chemical name that is only as generic as necessary to protect the confidential chemical identity of the particular chemical substance. The name should reveal the specific chemical identity to the maximum extent possible.

(ii) The generic name provided by the submitter will be subject to EPA review and approval in accordance with the procedures specified in § 720.85(b)(6) of this chapter. The generic name provided by the submitter or an alternative selected by EPA under these procedures will be placed on a public list of substances exempt under this section.

(3) If any information is claimed confidential, the manufacturer must submit a second copy of the notice except that all information claimed as confidential in the first copy must be deleted. EPA will place the second copy in the public file.

(l) *Determination of first manufacturer of a new chemical substance.* (1) A person who intends to manufacture a new chemical substance under this section may determine whether that particular substance is already being manufactured under that section and, therefore, whether the person is eligible for the exemption, by submitting a notice on the substance under paragraph (e) of this section. EPA will inform the manufacturer within the 21-day review period if the manufacturer is not eligible for the exemption because another person is already manufacturing the substance under the exemption.

(2) Alternatively, the manufacturer may ask EPA whether another manufacturer is already producing the new chemical substance under this section. EPA will respond to this inquiry only if EPA determines that the manufacturer making the inquiry has shown a *bona fide* intent to manufacture the substance under the terms of this section.

(i) To establish a *bona fide* intent to manufacture a substance under this section, the manufacturer must submit to EPA:

(A) The specific chemical identity of the substance that the person intends to manufacture.

(B) A signed statement that the person intends to manufacture that chemical substance under the terms of this section.

(C) A description of the research and development activities conducted to date, and the purpose for which the person will manufacture the chemical substance.

(D) An elemental analysis.

(E) Either an X-ray diffraction pattern (for inorganic substances), a mass spectrum (for most other substances), or an infrared spectrum of the particular chemical substance, or if such data do not resolve uncertainties with respect to the identity of the chemical substance, additional or alternative spectra or other data to identify the substance.

(ii) If an importer cannot provide all the information required by paragraph (1)(2)(i) of this section because it is claimed confidential business information by its foreign manufacturer or supplier, the foreign manufacturer or supplier may supply the information directly to EPA.

(iii) The Director of the Office of Toxic Substances will promptly examine the manufacturer's submission.

(A) If the Director determines that the manufacturer has not shown a *bona fide* intent to manufacture the new substance under the terms of this section, the Director will promptly notify the manufacturer. The manufacturer may then submit a notice under paragraph (e) of this section or a notice under section 5(a)(1) of the Act.

(B) If the Director determines that the manufacturer has shown a *bona fide* intent to manufacture the new chemical substance under the terms of this section, the Director will promptly inform the manufacturer whether the substance is being manufactured under this section. If the substance is not being manufactured under this section, the manufacturer may submit a notice under paragraph (e) of this section. If the new chemical substance is being manufactured under this section, the manufacturer must submit a notice under section 5(a)(1) of the Act.

(m) *Volume limitation.* A person manufacturing a new chemical substance under this section may not manufacture more than 1,000 kg of the substance during each 12-month period following the date the review period described in paragraph (f) of this section expires.

(n) *Submission of information.* Information submitted to EPA under this section must be sent in writing to: Document Control Officer (TS–793), Office of Toxic Substances, Environmental Protection Agency, Rm. E–201, 401 M St., SW., Washington, D.C. 20460.

(o) *Recordkeeping.* (1) Each manufacturer of a new chemical substance described in paragraph (c) of this section must maintain records of (i) the annual production volume of the new chemical substance under the exemption, and (ii) documentation of information in the exemption notice and compliance with the terms of this section. Records maintained under this paragraph must be retained for 5 years after date of their preparation.

(2) Any person who manufactures a new chemical substance under the terms of this section must, upon request of a duly designated representative of EPA permit such person at all reasonable times to have access to and to copy records kept under paragraph (o)(1) of this section.

(3) The manufacturer must submit the records listed in paragraph (o)(1) of this section to EPA upon written request by the Director of the Office of Toxic Substances. Manufacturers must provide these records within 15 working days of receipt of this request.

(p) *Compliance.* (1) Failure to comply with any provision of this section is a violation of section 15 of the Act (15 U.S.C. 2614).

(2) Submitting materially misleading or false information in connection with the requirements of any provision of this section is a violation of this section and therefore a violation of section 15 of the Act (15 U.S.C. 2614).

(3) Violators may be subject to the civil and criminal penalties in section 16 of the Act (15 U.S.C 2615) for each violation.

(4) EPA may seek to enjoin the manufacture or processing of a chemical substance in violation of this section, or act to seize any chemical substance manufactured or processed in violation of this section, or take other actions under the authority of section 7 of the Act (15 U.S.C. 2606) or section 17 of the Act (15 U.S.C. 2616)).

(Approved by the Office of Management and Budget under control number 2070–0012)

(Sec. 5, Pub. L. 94–496, 90 Stat. 2012 (15 U.S.C. 2604))

[FR Doc. 85–10145 Filed 4–25–85; 8:45am]

BILLING CODE 6560–50–M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 64

[Docket No. FEMA 6655]

Suspension of Community Eligibility Under the National Flood Insurance Program; New York et al.

AGENCY: Federal Emergency Management Agency, FEMA.

ACTION: Final rule.

SUMMARY: This rule lists communities, where the sale of flood insurance has been authorized under the National Flood Insurance Program (NFIP), that are suspended on the effective dates listed within this rule because of noncompliance with the flood plain management requirements of the program. If FEMA receives documentation that the community has adopted the required flood plain management measures prior to the effective suspension date given in this rule, the suspension will be withdrawn by publication in the **Federal Register**.

EFFECTIVE DATES: The third date ("Susp.") listed in the fourth column.

FOR FURTHER INFORMATION CONTACT: Frank H. Thomas, Assistant Administrator, Office of Loss Reduction, Federal Insurance Administration, (202) 646–2717, 500 C Street, Southwest, FEMA—Room 509, Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: The National Flood Insurance Program (NFIP), enables property owners to purchase flood insurance at rates made reasonable through a Federal subsidy. In return, communities agree to adopt and administer local flood plain management measures aimed at protecting lives and new construction from future flooding. Section 1315 of the National Flood Insurance Act of 1968, as amended (42 U.S.C. 4022) prohibits flood insurance coverage as authorized under the National Flood Insurance Program (42 U.S.C. 4001–4128) unless an appropriate public body shall have adopted adequate flood plain management measures with effective enforcement measures. The communities listed in this notice no longer meet that statutory requirement for compliance with program regulations (44 CFR Part 59 et. seq.). Accordingly, the communities are suspended on the effective date in the fourth column, so that as of that date flood insurance is no longer available in the community. However, those communities which, prior to the suspension date, adopt and

submit documentation of legally enforceable flood plain management measures required by the program, will continue their eligibility for the sale of insurance. Where adequate documentation is received by FEMA, a notice withdrawing the suspension will be published in the **Federal Register**.

In addition, the Director of Federal Emergency Management Agency has identified the special flood hazard areas in these communities by publishing a Flood Hazard Boundary Map. The date of the flood map, if one has been published, is indicated in the fifth column of the table. No direct Federal financial assistance (except assistance pursuant to the Disaster Relief Act of 1974 not in connection with a flood) may legally be provided for construction or acquisition of buildings in the identified special flood hazard area of communities not participating in the NFIP and identified for more than a year, on the Federal Emergency Management Agency's initial flood insurance map of the community as having flood prone areas. (Section 202(a) of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), as amended). This prohibition against certain types of Federal assistance becomes effective for the communities listed on the date shown in the last column.

The Director finds that notice and public procedure under 5 U.S.C. 533(b) are impracticable and unnecessary because communities listed in this final rule have been adequately notified. Each community receives a 6-month, 90-day, and 30-day notification addressed to the Chief Executive Officer that the community will be suspended unless the required flood plain management measures are met prior to the effective suspension date. For the same reasons, this final rule may take effect within less than 30 days.

Pursuant to the provision of 5 U.S.C. 605(b), the Administrator, Federal Insurance Administration, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule if promulgated will not have a significant economic impact on a substantial number of small entities. As stated in Section 2 of the Flood Disaster Protection Act of 1973, the establishment of local flood plain management together with the availability of flood insurance decreases the economic impact of future flood losses to both the particular community and the nation as a whole. This rule in and of itself does not have a significant economic impact. Any economic impact results from the community's decision not to (adopt) (enforce) adequate flood plain management, thus placing itself in noncompliance of the Federal standards required for community participation. In each entry, a complete chronology of effective dates appears for each listed community.

List of Subjects in 44 CFR Part 64

Flood insurance, Flood plains.

PART 64—[AMENDED]

Section 64.6 is amended by adding in alphabetical sequence new entries to the table.

§ 64.6 List of eligible communities.

State and county	Location	Community No	Effective dates of authorization/cancellation of sale of flood insurance in community	Special flood hazard area identified	Date certain Federal assistance no longer available in special flood hazard areas
MINIMALS					
Region II					
New York:					
Oneida	Augusta, town of	360517B	June 9, 1975, Emerg., May 1, 1985, Reg. May 1 1985, Susp	Sept. 13, 1974 and Apr. 9, 1976	May 1, 1985
St. Lawrence	Fine, town of	361177D	July 23, 1975, Emerg., May 1, 1985, Reg., May 1, 1985, Susp.	Jan. 10, 1975 and Jan. 28, 1983	Do
Saratoga	Galway, town of	360716B	July 16, 1975, Emerg., May 1, 1985, Reg., May 1, 1985, Susp.	June 14, 1974, Dec. 26, 1975, Aug. 13, 1976, and Nov. 19, 1976	Do
Madison	Hamilton, town of	360401B	July 2, 1975, Emerg., May 1, 1985, Reg., May 1, 1985, Susp.	May 31, 1974 and May 21, 1976	Do
St. Lawrence	Oswegatchie, town of	360708C	Aug. 27, 1975, Emerg., May 1, 1985, Reg., May 1, 1985, Susp.	Sept. 13, 1974, May 28, 1976, and Apr. 4, 1984	Do
Region III					
Maryland: Wicomico	Willards, town of	240082B	May 28, 1982, Emerg., May 1, 1985, Reg., May 1, 1985, Susp.	Jan. 21, 1977	Do
Pennsylvania:					
Cambria	Ashville, borough of	422266A	July 25, 1975, Emerg., May 1, 1985, Reg., May 1, 1985, Susp.	Nov. 15, 1974	Do
Butler	Bruin, borough of	420211A	Mar. 7, 1977, Emerg., May 1, 1985, Reg., May 1, 1985, Susp.	July 30, 1976	Do
Do	Cherry, township of	422342B	Mar. 7, 1977, Emerg., May 1, 1985, Reg., May 1, 1985, Susp.	Jan. 10, 1975 and Jan. 16, 1981	Do
Washington	Deemston, borough of	422132B	Nov. 20, 1975, Emerg., May 1, 1985, Reg., May 1, 1985, Susp.	Nov. 1, 1974 and Oct. 24, 1975	Do
Armstrong	Madison, township of	421308A	Sept. 27, 1976, Emerg., May 1, 1985, Reg., May 1, 1985, Susp.	Nov. 22, 1974	Do
Do	Rural Valley, borough of	422302A	Mar. 7, 1977, Emerg., May 1, 1985, Reg., May 1, 1985, Susp.	Jan. 24, 1975	Do
Butler	Venango, township of	422359A	June 3, 1977, Emerg., May 1, 1985, Reg., May 1, 1985, Susp.	Jan. 24, 1975	Do
Armstrong	Worthington, borough of	422306B	Feb. 16, 1977, Emerg., May 1, 1985, Reg., May 1, 1985, Susp.	Dec. 27, 1974	Do
West Virginia: Jackson	Unincorporated areas	540063B	Nov. 25, 1975, Emerg., May 1, 1985, Reg., May 1, 1985, Susp.	Jan. 17, 1975 and Oct. 23, 1981	Do
Region II					
New York					
Onedia	Clinton, village of	360525B	Nov. 7, 1974, Emerg., May 1, 1985, Reg., May 1, 1985, Susp.	Feb. 15, 1974 and May 28, 1976	May 1, 1985
Ulster	Kingston, city of	360858C	Apr. 26, 1974, Emerg., May 1, 1985, Reg., May 1, 1985, Susp.	May 17, 1974, Jan. 18, 1980, and Nov. 28, 1975	Do

State and county	Location	Community No	Effective dates of authorization/cancellation of sale of flood insurance in community	Special flood hazard area identified	Date certain Federal assistance no longer available in special flood hazard areas
Region III					
Pennsylvania Allegheny	Bell Acres, borough of	420008B	June 12, 1975, Emerg.; May 1, 1985, Reg.; May 1, 1985, Susp.	June 7, 1974 and Apr. 23, 1976	Do
Region V					
Ohio Hamilton	Village of Indian Hill, city of	390221B	July 18, 1975, Emerg.; May 1, 1985, Reg.; May 1, 1985, Susp.	June 28, 1974 and June 4, 1976	Do
Region VI					
Louisiana					
Plaquemines Parish	Unincorporated areas	220139B	June 20, 1973, Emerg.; May 1, 1985, Reg.; May 1, 1985, Susp.	Jan. 17, 1985	Do
St. Bernard Parish	do.	225204B	Mar. 12, 1970, Emerg.; Mar. 13, 1970, Reg.; May 1, 1985, Susp.	Mar. 13, 1970, July 1, 1974, and Feb. 6, 1975.	Do
Terrebonne Parish	do.	225206C	July 17, 1970, Emerg.; Nov. 20, 1970, Reg.; May 1, 1985, Susp.	Nov. 20, 1970, July 1, 1974, Nov. 19, 1976, and Dec. 16, 1980	Do
Region IX					
California					
Kern	Bakersfield, city of	060077B	Aug. 7, 1975, Emerg.; May 1, 1985, Reg.; May 1, 1985, Susp.	Aug. 16, 1974 and Aug. 8, 1976	Do
Riverside	Cathedral City, city of	060704	Nov. 12, 1982, Emerg.; Nov. 12, 1982, Reg.; May 1, 1985, Susp.	May 1, 1985	Do.
Contra Costa	Walnut Creek, city of	065070B	Jan. 29, 1971, Emerg.; May 1, 1985, Reg.; May 1, 1985, Susp.	Nov. 8, 1974 and Oct. 8, 1976	Do.

Code for reading 4th column: Emerg.—Emergency; Reg.—Regular; Susp.—Suspension

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended, 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to the Administrator, Federal Insurance Administration)

Issued: April 22, 1985.

Jeffrey S. Bragg,

Administrator, Federal Insurance Administration.

[FR Doc. 85–10093 Filed 4–25–85; 8:45 am]

BILLING CODE 6718-03-M

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44 CFR Parts 80, 82, and 83

Crime Insurance Program

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Final rule.

SUMMARY: These revisions to the Federal Crime Insurance Program achieve the following: They raise the premiums for commerical crime insurance policies, revise the number of premium classes by which applications for crime insurance are rated and amend the protective device requirements for some commercial business to permit a premium modification for specific degrees of protection. The regulations also provide more detailed and helpful instructions for calculating premiums and identifying the classification of businesses.

On January 29, 1985, the Federal Insurance Administration, Federal Emergency Management Agency, published for comment in the **Federal Register** a proposed rule containing these revisions which were based on a study performed by the Federal Insurance Administration and the Actuarial Firm of Tillinghast, Nelson and Warren, Inc. comparing the premiums of the Federal Crime Insurance Program to the Insurance Service Office advisory premiums used by the private sector.

DATE: This rule will be effective for commercial crime insurance business written after May 1, 1985, and renewal policies not already billed to existing policyholders.

FOR FURTHER INFORMATION CONTACT: Robert J. DeHenzel, Federal Emergency Management Agency, Federal Insurance Administration, Donohoe Building, 500 C Street, SW., Room 433, Washington, DC 20472, telephone number (202) 646–3440.

SUPPLEMENTARY INFORMATION: All written comments received during the comment period were duly considered prior to publication of the final rule. These revisions are the result of the experience gained in the thirteen (13) years the Federal Crime Insurance Program has been in operation and are the direct result of the affordability study conducted by the Federal Insurance Administration and the Actuarial Firm of Tillinghast, Nelson and Warren, Inc. during the past two years. While the base premium level for commercial policies is subject to an overall increase of 35%, the ultimate revenue collected under the plan is, in addition, affected by the protective device requirements and package credit plan. Installation of additional protective devices will serve to lower the burglary premium for insureds who thereby reduce their exposure to crime losses. The package plan will provide a 10% discount to any insured purchasing both burglary and robbery. Thus, despite the fact that the Federal Insurance Administration is increasing the base premiums for commercial policies by 35%, the premiums continue to be affordable and the revenue change under the plan is only +13.2%.

FEMA has determined that an environmental impact statement is not needed for this rule. A copy of the finding of no significant impact and an environmental assessment is available at the above address.

List of Subjects

44 CFR Parts 80 and 83

Crime insurance.

44 CFR Part 82

Crime insurance, Security measures.

Accordingly, 44 CFR Parts 80, 82, 83 are amended as follows:

PART 80—DESCRIPTION OF PROGRAM AND OFFER TO AGENTS

§ 80.1 [Amended]

1. Section 80.1 is amended by redesignating paragraphs (a)(6)–(a)(14) as (a)(7)–(a)(15) respectively.

2. Section 80.1 entitled Definitions paragraph (a) is amended by adding new paragraph 6 entitled discounts to read as follows:

§ 80.1 Definition.

* * * * *

(6) "Discounts": The premium credit issued to businesses protected by a burglar alarm system, considered adequate for the type of risk involved.

* * * * *

PART 82—PROTECTIVE DEVICE REQUIREMENTS

Subpart A—General

1. Section 82.1 is amended by redesignating paragraphs (c)–(j) as paragraphs (d)–(k).

2. Section 82.1 entitled "Definitions" is further amended by adding new paragraph (c) "Central Station, Supervised Alarm System (without guard dispatch)" to read:

§ 82.1 Definitions.

* * * * *

(c) "Central Station, Supervised Alarm System (without guard dispatch)" means a silent alarm system that is constantly in operation, which signals upon any breach of a door, windows (including store front windows and unbarred skylights), or other accessible openings to the protected premises, at an office of the law enforcement authorities or at an office of an independent agency, located at a distance from the protected property, which has trained operators continually on duty twenty four (24) hours a day to receive signals and to notify law enforcement authorities as soon as any breach of the premises is confirmed.

* * * * *

3. Section 82.5 entitled "Inspection of commercial premises" is amended by revising the existing paragraphs (b) and (d) be revising the last sentence of paragraph (e) to read as follows:

§ 82.5 Inspection of commercial premises.

* * * * *

(b) Coverage under a commercial crime insurance policy indemnifying against burglary losses shall not commence unless it is determined that the premises sought to be insured comply with all applicable protective device requirements. Provided, That all commercial premises whose exterior doors and accessible openings are found upon inspection to be protected by central station supervised service alarm systems or silent alarm systems (as those systems are defined in paragraphs (b), (c), and (l) of § 82.1) shall not be required to comply with the provisions of paragraphs (b) and (e) of § 82.31 pertaining to the protection of those exterior doors and accessible openings by such devices as bars, grillwork, and other physical barriers. The benefit of this provision, therefore, applies also to comercial premises which, because of their particularly high risk inventories of merchandise continue to be required by paragraphs (f) (1) and (2) of § 82.31 to have exterior doors and accessible openings protected by specified types of alarm systems, namely, supervised service alarm systems for the highest risk inventories and silent alarm systems for less high risk inventories.

* * * * *

(d) Because the statement of annual gross receipts is a significant factor in the determination of the correct premium, the annual gross receipts figures (ventas netas for Puerto Rico) or the Total Income of the tax returned as derived from interest, rents, capital gains, etc., reported on the application or at the time of renewal shall be verified at the time of the adjustment of any loss. The applicant or insured shall at the time make available any necessary documentation to substantiate the annual gross receipts figure reported.

(e) * * * The Administrator may also in his or her discretion determine that the frequency and/or severity of occurrences of loss experienced under any policy issued under the provision of paragraphs (b) and (c) of this section, requires that as a condition of continuation of coverage on renewal of such policy the premises insured thereunder be protected by one or more of the protective devices described in paragraphs (a), (b), (c), (d), (e), (f) (1), (2), (3), and (4) of § 82.31 for applicable points of entry for incurred losses.

4. Section 82.31 entitled "Minimum standards of industrial and commercial properties" paragraph (f) is revised as follows:

§ 82.31 Minimum standards for industrial and commercial properties.

* * * * *

(f) The following types of establishments whose inventories pose a particularly serious risk shall, as a minimum, in addition to the requirements of paragraphs (a), (b), and (d) of this section be protected by the type of alarm system indicated. If the system specified in paragraphs (f)(1) and (f)(2) of this section is not available in the community in which the premises are located, the type of system specified in paragraph (f)(3) of this section shall be permitted. In addition to, but not in place of, any central station supervised alarm system or silent alarm system required under paragraphs (f) (1), (2) and (3) of this section, an insured may also utilize a local alarm system.

(1) Central Station (with Guard dispatch) supervised service alarm system shall be required for the following businesses:

(i) Beer/Wine—Wholesale.

(ii) Boutiques.

(iii) Cameras/Photo Supplies/Film Processing—Wholesale/Retail/Mfg.

(iv) Clothing/Men's (age 12 and over)—Wholesale/Retail.

(v) Clothing/Women's (age 12 and over)—Wholesale/Retail.

(vi) Drug Stores and Druggists Sundries.

(vii) Electrical Appliances/ Apparatus/Parts—Wholesale/Retail/ Mfg.

(viii) Food Stuffs/Wholesale.

(ix) Gasoline Service Station/Fuel Dealers.

(x) Jewelry—Retail/Wholesale/Mfg./ Storage.

(xi) Liquor Sales—Retail.

(xii) Pawnbrokers.

(xiii) Precious Metals/Electroplating—Mfg./Wholesale/Retail.

(xiv) Radio/TV/Stereo/Electronic Equipment/Computer—Wholesale/ Retail/Mfg.

(xv) Record Shop.

(xvi) Tobacco—Wholesale.

(xvii) Used Clothing/Shoe Repair/ Thrift Shops.

(xviii) Variety Stores/Department Stores.

(2) Central Station (without Guard dispatch) supervised service alarm system shall be required for the following businesses:

(i) Art Supplies—Retail/Wholesale/ Mfg.

(ii) Auto Parts—(No Service)—Wholesale/Retail/Mfg.

(iii) Beer/Wine with Food Retail.

(iv) Drugs—Wholesale.

(v) Dry Goods/Textiles/Sewing Material—Wholesale/Retail/Mfg.

(vi) Furniture/Home Furnishing/ Floor Covering/Upholstery—Wholesale/ Retail/Mfg.

(vii) Furriers—Wholesale/Retail/ Mfg./Storage.

(viii) Grocery Stores/Delicatessens/ Health Food Stores.

(ix) Guns/Ammunition—Wholesale/ Retail/Mfg.

(x) Hardware/Houseware—Wholesale/Retail/Mfg.

(xi) Hobby Shops/Toys/Novelty—Wholesale/Retail/Mfg.

(xii) Leather Products—Wholesale/ Retail/Mfg.

(xiii) Liquor—Wholesale.

(xiv) Meat/Poultry/Fish Dealers.

(xv) Music Stores/Instruments/ Supplies—Wholesale/Retail/Mfg.

(xvi) Precious Metals/Electroplating—Wholesale/Retail/Mfg.

(xvii) Shoe Stores—Wholesale/Retail/Mfg.
(xviii) Sport Goods—(General)—Wholesale/Retail/Mfg.
(xix) Tobacco Dealers—Retail.
(xx) Wig Shops.
(3) Silent alarm system shall be required for the following businesses:
(i) All Risks Not Otherwise Classified.
(ii) Amusement Enterprises.
(iii) Antique Store.
(iv) Art Gallery.
(v) Beach Concession Stands/Supplies.
(vi) Beauty & Health Supplies/Cosmetic—Wholesale/Retail/Mfg.
(vii) Billiard/Pool Parlors.
(viii) Building Contractors—Material—Retail/Wholesale.
(ix) Candy/Nut Stores—Retail/Wholesale.
(x) Clothing Apparel (Children 12 and under)—Retail/Wholesale.
(xi) Clothing Manufacturers/Tailoring.
(xii) Clubs (Serving Alcoholic Beverages).
(xiii) Coin/Stamp Shop.
(xiv) Distributors—Variety/Non-Alcoholic Beverages.
(xv) Dry Cleaners.
(xvi) Fine Arts (Porcelain, Ivory, Oriental Rugs, Paintings, etc.).
(xvii) Florist—Wholesale/Retail.
(xviii) Garages/Auto Repair/Body Shop.
(xix) Gift Stores—(Costume Jewelry $25.00 Wholesale Limit)—Retail/Wholesale/Mfg.
(xx) Hotel/Motel/Rooming House/Apartments.
(xxi) Industrial Materials/Iron & Metal Work—Wholesale/Retail/Mfg.
(xxii) Laundries.
(xxiii) Marine/Aircraft Materials—Sales/Service—Retail/Wholesale/Mfg.
(xxiv) Medical (Doctors/Dentist, etc.) Supplies—Wholesale/Retail/Mfg.
(xxv) Motorbikes/Bicycles/Moped.
(xxvi) Office Supplies/Business Machines/Equipment—Retail/Wholesale/Mfg.
(xxvii) Pet Stores/Kennels—Supplies.
(xxviii) Restaurants.
(xxix) Savings/Loans/Bank and Other Financial Institutions excluding Check Cashing.
(xxx) Schools (Profit) Day Care Centers/Studios.
(xxxi) Specialized Clothing (Sportswear/Lingerie/Accessories/etc.)—Wholesale/Retail/Mfg.
(xxxii) Stationery/Books/Printing/Engraving/Paper—Plastic Products—Retail/Wholesale/Mfg.
(xxxiii) Tavern/Bar/Lounge.
(4) Local alarm systems shall be required for the following businesses:
(i) Auto Parts—Sales/Service—Wholesale/Retail/Mfg.
(ii) Beauty/Barber Shops.
(iii) Check Cashing Agency/Money Exchange—Collectors.
(iv) Discos/Dance Halls/Pavilions.
(v) Donut/Pastry/Coffee/Ice Cream—(Seated Service).
(vi) Fast Food/Bakery/Ice Cream—(carry out).
(vii) Flea Markets/Auction Houses.
(viii) Fruit/Vegetable/Newspaper Stands.
(ix) Funeral Homes.
(x) Golf and Other Sports Professionals.
(xi) Health Clubs/Spas/Massage Parlors.
(xii) Nursing Homes/Convalescent.
(xiii) Parking Lots/Rental Cars/Carwash/Taxi Office.
(xiv) Photographers Studios.
(xv) Professional/Specialized Services (Lawyers/Accountants/ etc./Couriers/Housekeeping/etc.).
(xvi) Radio/TV/Stereo/Electronic Equipment/Computers—(Service Only).
(xvii) Realty/Insurance/Travel/Employment (Agencies).
(xviii) Security/Locksmiths/Alarms—Retail/Wholesale/Mfg.
(xix) Vending Machines—Sales/Rentals/Mfg.

PART 83—COVERAGE, RATES AND PRESCRIBED POLICY FORMS

Subpart B—Commercial Crime Insurance Coverage

5. Section 83.24 entitled "Classification of commercial risk" is amended by revising the last sentence in paragraph (a) and by revising paragraph (d) as follows:

§ 83.24 Classification of commercial risks.

(a) * * * For example, a business with the following types of merchandise inventoried, 60% handbags and wigs, and 40% fine jewelry, shall be classified as Class 5 Fine Jewelry.

* * * * *

(d) The following business classifications shall be applicable to the Commercial Crime Insurance Policy:

CLASSIFICATION/ALARM LISTING

Premium Code	Premium Class	Description	Alarm type
A1	3	All risks not otherwise classified	3
02	3	Amusement enterprise	3
B1	2	Antique store	3
C1	4	Art gallery	3
33	5	Art supplies (retail, wholesale, mfg.)	2
D1	2	Auto parts/no service (retail wholesale, mfg.)	2
03	2	Auto parts/sales/service (retail, wholesale, mfg.)	4
47	2	Beach concession stands/supplies	3
32	2	Beauty/barber shops	4
41	2	Beauty & health supplies/cosmetic (retail, wholesale, mfg.)	3
C6	4	Beer/wine with food (retail)	2
F1	6	Beer/wine (wholesale)	1
04	4	Billiard/pool parlors	3
70	6	Boutiques	1
05	2	Bowling lanes/centers/skating rinks	0
34	2	Building contractors/materials (retail, wholesale, mfg.)	3
06	4	Cameras/photo supplies/film processing (retail, wholesale mfg.).	1
43	2	Candy/nuts stores (retail, wholesale)	3
G1	4	Check cashing agency/money exchange/collectors	4
J1	1	Churches/charities/nonprofit org/public properties	0
36	4	Clothing apparel/children 12 & under (retail, wholesale).	3
I1	5	Clothing manufacturer/tailoring	3
22	5	Clothing/men's (age 12 & over) (retail wholesale).	1
30	5	Clothing/women's (age 12 & over) (retail, wholesale)	1
07	4	Clubs (serving alcoholic beverages).	3
K1	3	Coin/stamp shop	3
08	2	Discos/dance halls/pavilions	4
50	2	Distributors-variety/non-alcoholic beverages.	3
C5	3	Donut/pastry/coffee/ice cream shop (seated service).	4
09	4	Drug stores/druggist's sundries	1
L1	3	Drugs (wholesale)	2
10	4	Dry cleaners	3
38	3	Dry goods/textile/sewing material (retail, wholesale, mfg.).	2
11	3	Electric appliances/apparatus/parts (retail, wholesale, mfg.).	1
E1	2	Fast food/bakery/donut, ice cream (carryout only).	4
39	2	Fine arts, porcelain/ivory/oriental rugs/paintings/etc.	3
78	2	Flea markets/auction houses	4
40	2	Florist (retail, wholesale)	3
M1	4	Food stuffs (wholesale)	1
N1	2	Fruit/vegetable/newspaper stands	4
45	2	Funeral homes	4
42	2	Furniture/home furnishings/floor covering/upholstery new or used (retail, wholesale, mfg.)	2
12	4	Furriers (retail, wholesale, mfg., storage)	2
13	3	Garages/auto repair/body shops	4
14	3	Gasoline service station/fuel dealers	1
44	2	Gift store/costume jewelry $25.00 wholesale limit (retail wholesale mfg.).	4
15	2	Golf and other professional sports shops	4
16	4	Grocery stores/delicatessen/health food store	2
17	6	Guns/ammunition (retail, wholesale mfg.).	2
46	3	Hardware/housewares (retail, wholesale, mfg.)	2
C2	2	Health clubs/spas/massage parlors.	4
80	2	Hobby shops/toys/novelty (retail, wholesale, mfg.)	2
48	2	Hotel/motel/rooming house/apartments.	3
01	2	Industrial materials/iron & metal work (retail, wholesale, mfg.)	4
18	5	Jewelry (retail, wholesale, mfg., storage).	1
19	2	Laundries	3
52	2	Leather products (retail, wholesale, mfg.)	2
20	5	Liquor sales (retail)	1
P1	5	Liquor (wholesale)	2
37	3	Marine/aircraft materials (sales, service) (retail wholesale, mfg.)	4
21	2	Meat/poultry/fish dealers	2
54	2	Medical supplies (doctors, dentists, etc.) (retail, wholesale, mfg.).	3

CLASSIFICATION/ALARM LISTING—Continued

Premium Code	Premium Class	Description	Alarm type
Q1	2	Motorbikes/bicycles/mopeds	3
S6	3	Music stores/instruments supplies (retail, wholesale, mfg.)	2
35	2	Nursing/convalescent homes	4
O3	2	Office supplies/business machines/equipment (retail, wholesale, mfg.)	3
58	3	Parking lots/rental cars/carwash taxi offices	4
23	4	Pawn brokers	1
76	2	Pet stores/kennels/supplies	3
R1	2	Photographers studios	4
S1	6	Precious metals/electroplating storage	2
C8	6	Precious metals/electroplating (retail, wholesale, mfg.)	1
74	2	Professional/specialized services (lawyers, accountants, couriers housekeeping, etc.)	4
24	5	Radio/TV/stereo/electronic equipment/computers (retail, wholesale, mfg.)	1
C4	2	Radio/TV/stereo/electronic equipment/computers (service only)	4
62	2	Realty/insurance/travel/employment agencies	4
R1	3	Record shop	1
25	3	Restaurant/caterer	3
26	4	Savings/loans/banks & other financial institutions excluding check cashing)	3
66	2	Schools (profit)/day care centers/studios	3
64	2	Security/locksmiths/alarms (retail, wholesale, mfg.)	4
68	5	Shoe stores (retail, wholesale, mfg.)	2
H1	5	Specialized clothing (sportswear/lingene/accessories/etc.) (retail, wholesale, mfg.)	1
U1	5	Sports goods/general (retail, wholesale, mfg.)	2
60	2	Stationery/books/printing/engraving/paper or plastic products (retail, wholesale, mfg.)	3
27	#	Tavern/bar/lounge	3
V1	3	Taxi/limousines (robbery only)	0
28	2	Theatre	0
29	#	Tobacco dealers (retail)	2
C9	#	Tobacco dealers (wholesale)	1
72	5	Used clothing/shoe repair/thrift shops	1
W1	6	Variety stores/department stores	1
X1	2	Vending machines (sales/rentals/mfg.)	4
Y1	#	Wig shops	2

6. Section 83.24a entitled "Gross receipts" is amended by revising paragraphs (f) and (i) as follows:

§ 83.24a Gross receipts.

* * * * *

(f)(1) A warehouse operated as a distribution center for store(s) under common ownership and management shall report the total gross receipts of the store(s) it supplies. If a warehouse supplies more than one store, it shall report the sum of the gross receipts figures for all the stores it supplies. If more than one warehouse supplies one store, the gross receipts figure applicable to the store shall be apportioned among the warehouses according to the percentage the value of merchandise supplied by each warehouse bears to the total value of merchandise supplied.

(2) A warehouse operated as a distribution center for store(s) *not* under common ownership and management shall report the total gross receipts of the warehouse only, if the business is taxed on gross receipts.

(3) A warehouse operated as a distribution center for store(s) *not* under common ownership and management shall report the "Total Income" line of the tax return as derived from interest, rents, capital gains, other, etc., if the business is not taxed on gross receipts.

* * * * *

(i) Any questions regarding gross receipts or unique or unusual risk requiring special rating treatment shall be submitted to the servicing company listed in § 80.6 of this chapter for rate quotation.

7. Section 83.25 entitled "Commercial Crime Insurance Rates" is revised in its entirety and shall now read as follows:

§ 83.25 Commercial Crime Insurance Rates.

(a) Premium rates for Commercial Crime Insurance Policies for risks shall be determined by reference to the rate charts contained in paragraph (e) of this section. The annual gross receipts shall be determined in accordance with § 83.24(a).

(b) *Option 1:* An applicant may apply for insurance coverage under Insuring Agreements I, II, III, IV, and VII of the Commercial Policy dealing with Safe Burglary, Theft from Night Depository, and Burglary or Robbery of a Watchman, and Damage resulting from losses under Insuring Agreements I and VII only. Such coverage shall be referred to as Option 1.

(c) *Option 2:* An applicant may apply for insurance coverage under Insuring Agreements V, VI, VII, and VIII of the Commercial Policy dealing with Robbery and Observed Theft inside and outside the premises and Damage resulting from losses under Insuring Agreements V and VI only. Such coverage shall be referred to as Option 2.

(d) *Option 3:* An applicant may apply for insurance coverage under all of the Insuring Agreements I, II, III, IV, V, VI, and VII of the Commercial Crime Insurance Policy. This Option provides for uniform as well as varying limits of coverage under Option 1 and 2 but only in the same policy. Both Options 1 and 2 must be applied for at the same time. If one of the options has been selected the other option may be added upon a renewal or upon an endorsement of the original policy. A discount will be provided for Combined Coverage, Option 3.

(e) The following tables shall be used to determine rates for commercial risks.

ANNUAL PREMIUMS

Gross receipts	Amount of insurance: Less than $100,000		$100,000 to $199,000		$200,000 to $299,999		$300,000 to $499,999		$500,000 to $999,999		$1,000,000 or greater	
	Option 1	Option 2	Option 1	Option 2	Option 1	Option 2	Option 1	Option 2	Option 1	Option 2	Option 1	Option 2
Class 1												
$1,000	$78	$106	$118	$160	$118	$160	$156	$212	$194	$262	$310	$420
$2,000	148	190	222	284	222	284	296	378	368	472	588	756
$3,000	218	274	326	410	326	410	414	546	542	682	868	1,096
$4,000	282	348	424	522	424	522	566	696	706	868	1,128	1,368
$5,000	334	394	502	592	502	592	668	788	834	984	1,336	1,574
$6,000	352	432	528	648	528	648	704	864	880	1,078	1,406	1,724
$7,000	366	460	548	690	548	690	732	920	912	1,148	1,460	1,836
$8,000	380	488	568	732	568	732	758	974	946	1,216	1,514	1,948
$9,000	384	498	576	746	576	746	766	994	956	1,240	1,530	1,984
$10,000	392	516	588	774	588	774	784	1,030	976	1,286	1,566	2,058
$11,000	414	562	622	844	622	844	829	1,124	1,034	1,404	1,656	2,248
$12,000	432	600	648	900	648	900	864	1,198	1,078	1,496	1,726	2,394
$13,000	442	618	662	928	662	928	882	1,236	1,100	1,542	1,762	2,468
$14,000	446	628	668	942	669	942	890	1,254	1,112	1,566	1,780	2,508
$15,000	450	636	676	956	676	956	900	1,272	1,124	1,590	1,796	2,544

ANNUAL PREMIUMS—Continued

Gross receipts	Amount of insurance											
	Less than $100,000		$100,000 to $199,000		$200,000 to $299,999		$300,000 to $499,999		$500,000 to $999,999		$1,000,000 or greater	
	Option		Option		Option		Option		Option		Option	
	1	2	1	2	1	2	1	2	1	2	1	2
Class 2												
$1,000	94	134	142	200	142	200	188	266	234	330	374	528
$2,000	178	240	266	358	266	358	354	476	442	594	706	950
$3,000	260	344	390	516	390	516	520	688	648	858	1,038	1,372
$4,000	338	438	506	658	506	658	674	876	842	1,092	1,348	1,748
$5,000	398	496	598	746	598	746	796	992	994	1,238	1,590	1,982
$6,000	420	544	632	816	632	816	840	1,086	1,050	1,356	1,680	2,170
$7,000	438	578	656	868	656	868	874	1,156	1,092	1,444	1,746	2,310
$8,000	454	614	682	922	682	922	908	1,226	1,134	1,532	1,814	2,450
$9,000	460	626	690	938	690	938	920	1,250	1,148	1,560	1,836	2,438
$10,000	472	650	708	974	708	974	942	1,298	1,176	1,620	1,882	2,592
$11,000	500	708	750	1,062	750	1,062	998	1,414	1,246	1,766	1,994	2,826
$12,000	522	754	782	1,132	782	1,132	1,044	1,508	1,302	1,884	2,084	3,014
$13,000	534	778	800	1,168	800	1,168	1,066	1,556	1,330	1,942	2,128	3,106
$14,000	538	790	808	1,184	808	1,184	1,076	1,578	1,344	1,972	2,150	3,154
$15,000	544	802	816	1,202	816	1,202	1,088	1,602	1,358	2,000	2,174	3,200
Class 3												
$1,000	106	140	160	208	160	208	212	276	262	344	420	550
$2,000	198	248	298	374	298	374	396	469	494	618	790	990
$3,000	292	358	438	538	438	538	582	716	726	894	1,162	1,428
$4,000	378	456	568	684	568	684	756	912	942	1,138	1,508	1,820
$5,000	446	518	668	776	668	776	890	1,034	1,110	1,290	1,776	2,064
$6,000	470	566	706	850	706	850	940	1,130	1,174	1,412	1,878	2,258
$7,000	490	602	736	904	736	904	980	1,204	1,222	1,504	1,956	2,404
$8,000	510	640	764	958	764	958	1,018	1,278	1,270	1,594	2,032	2,552
$9,000	516	652	774	978	774	978	1,030	1,302	1,286	1,626	2,058	2,600
$10,000	528	676	792	1,014	792	1,014	1,056	1,350	1,318	1,686	2,110	2,698
$11,000	560	736	840	1,106	840	1,106	1,120	1,472	1,398	1,838	2,238	2,942
$12,000	586	786	880	1,178	880	1,178	1,172	1,570	1,462	1,960	2,340	3,136
$13,000	598	810	898	1,216	898	1,216	1,196	1,618	1,494	2,022	2,392	3,234
$14,000	606	822	908	1,234	908	1,234	1,210	1,644	1,510	2,052	2,416	3,284
$15,000	612	834	918	1,252	918	1,252	1,222	1,668	1,526	2,082	2,442	3,332
Class 4												
$1,000	118	144	178	216	178	216	236	288	294	358	470	572
$2,000	222	258	334	388	334	388	444	516	554	642	886	1,028
$3,000	326	372	490	560	490	560	652	744	812	928	1,300	1,486
$4,000	424	474	638	712	634	712	846	948	1,054	1,182	1,688	1,892
$5,000	498	538	748	806	748	806	996	1,074	1,242	1,340	1,988	2,144
$6,000	528	588	790	882	790	882	1,054	1,176	1,314	1,468	2,102	2,348
$7,000	548	626	822	940	822	940	1,096	1,252	1,368	1,562	2,190	2,500
$8,000	570	664	856	996	856	996	1,140	1,328	1,422	1,658	2,276	2,652
$9,000	578	678	886	1,016	866	1,016	1,154	1,354	1,440	1,690	2,304	2,702
$10,000	592	702	888	1,054	888	1,054	1,182	1,404	1,476	1,752	2,362	2,804
$11,000	628	766	942	1,148	942	1,148	1,254	1,530	1,566	1,912	2,506	3,058
$12,000	656	816	984	1,226	984	1,226	1,312	1,632	1,638	2,038	2,620	3,260
$13,000	670	842	1,006	1,264	1,006	1,264	1,340	1,682	1,674	2,102	2,678	3,362
$14,000	678	854	1,018	1,282	1,018	1,282	1,356	1,708	1,692	2,134	2,708	3,412
$15,000	686	868	1,028	1,302	1,028	1,302	1,370	1,734	1,710	2,164	2,736	3,464
Class 5												
$1,000	112	126	170	192	170	192	224	256	280	316	446	508
$2,000	208	230	314	344	314	344	416	458	518	570	830	912
$3,000	304	330	456	496	456	496	608	660	758	882	1,214	1,316
$4,000	392	420	590	630	590	630	784	840	978	1,048	1,566	1,676
$5,000	458	476	686	714	686	714	914	952	1,140	1,188	1,826	1,900
$6,000	488	522	732	782	732	782	976	1,042	1,218	1,300	1,950	2,080
$7,000	512	556	768	832	768	832	1,022	1,110	1,276	1,384	2,042	2,216
$8,000	534	588	802	884	802	884	1,068	1,176	1,334	1,468	2134	2,350
$9,000	542	600	814	900	814	900	1,084	1,200	1,354	1,496	2,166	2,394
$10,000	558	622	838	934	838	934	1,116	1,244	1,392	1,554	2,228	2,484
$11,000	596	678	896	1,018	896	1,018	1,192	1,356	1,488	1,694	2,382	2,710
$12,000	628	724	942	1,086	942	1,086	1,254	1,446	1,566	1,806	2,506	2,890
$13,000	644	746	964	1,120	964	1,120	1,286	1,492	1,604	1,862	2,568	2,980
$14,000	650	758	976	1,136	976	1,136	1,300	1,514	1,625	1,890	2,598	3,024
$15,000	658	768	988	1,152	988	1,152	1,316	1,536	1,644	1,918	2,630	3,070
Class 6												
$1,000	114	114	170	172	170	172	226	228	280	264	450	454
$2,000	210	206	314	308	314	308	418	410	520	512	832	818
$3,000	304	296	456	444	456	444	608	592	758	738	1,214	1,180
$4,000	392	378	588	566	588	566	782	754	976	940	1,562	1,504
$5,000	454	428	682	642	682	642	908	854	1,134	1,066	1,814	1,706
$6,000	488	468	730	702	730	702	974	934	1,216	1,166	1,944	1,866
$7,000	512	498	768	748	768	748	1,022	996	1,276	1,242	2,042	1,988
$8,000	536	528	804	792	804	792	1,072	1,056	1,336	1,318	2,140	2,108
$9,000	544	538	816	808	816	808	1,088	1,076	1,358	1,342	2,172	2,148
$10,000	560	558	840	838	840	838	1,120	1,116	1,398	1,394	2,236	2,230
$11,000	602	608	902	914	902	914	1,202	1,216	1,500	1,520	2,400	2,430

ANNUAL PREMIUMS—Continued

Gross receipts	Amount of insurance											
	Less than $100,000		$100,000 to $199,000		$200,000 to $299,999		$300,000 to $499,999		$500,000 to $999,999		$1,000,000 or greater	
	Option		Option		Option		Option		Option		Option	
	1	2	1	2	1	2	1	2	1	2	1	2
$12,000	634	650	950	974	950	974	1,266	1,298	1,580	1,620	2,530	2,592
$13,000	650	670	974	1,004	974	1,004	1,298	1,338	1,622	1,670	2,594	2,672
$14,000	658	680	986	1,020	986	1,020	1,314	1,358	1,642	1,696	2,626	2,714
$15,000	666	690	1,000	1,034	1,000	1,034	1,332	1,378	1,662	1,720	2,660	2,754

(1) *Option 1*: Burglary Only
Option 2: Robbery Only
Option 3: A combination of Options 1 and 2 in uniform or varying amounts
(2) See Discount Page for applicable multipliers and discounts.

(f) If the premises are protected by an acceptable burglar alarm system or Class E safe, premium discounts shall be permitted as follows:

ALARM/SAFE CREDITS

Alarm system	Safe type	
	Class E	Other
None	.85	1.00
Local	.75	.90
Silent	.70	.80
Central Station	.65	.75
Central Station With Guard	.60	.70

Note.—Multiply the Burglary rate by the appropriate factor.

Package Discount

Apply a factor of .90 to the total premium if both burglary and robbery are purchased.

§ 83.26 [Amended]

8. Section 83.26, paragraph (b) entitled "Commercial Crime Insurance Policy Form" is amended in the following respects.

A. The paragraph entitled "Insuring Agreements" is amended to read as follows:

Option 1 (Burglary Only Including Safe Burglary)

Option 1 includes insurance coverage only under the individually numbered insuring Agreements I, II, III, and IV listed below.

I. Burglary; Robbery of a Watchman

To pay for loss by burglary or by robbery of a watchman, while the named premises are not open for business, of merchandise, furniture, fixtures and equipment within the named premises provided that this Insuring Agreement does not extend to the loss of money or securities or to cash value in excess of $50 for any item of jewelry unless such property is forcibly extracted from a locked safe as provided under Insuring Agreement II entitled "Safe Burglary" which follows:

II. Safe Burglary

To pay for loss by safe burglary of money, securities and merchandise within the named premises while the premises are not open for business, but no payment shall be made for loss not forcibly extracted from a locked safe, nor by a loss in excess of $5,000 except with respect to loss by safe burglary of a safe rated for burglary resistance as Class E or better weighing at least seven hundred and fifty pounds or securely anchored to the floor.

III. Damage

To pay for damage to the named premises and to money, securities, merchandise, furniture, fixtures and equipment within the named premises by burglary, robbery of a watchman, safe burglary or attempt thereat provided the insured is the owner thereof or is liable for such damage.

IV. Policy Period, Territory

To pay for losses under Insuring Agreements I, II, and III only when occurring during the policy period within a state, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands and such other territories or possessions of the United States, including the Trust Territory of the Pacific Islands, as defined in 12 U.S.C. 1749bbb–10a et seq. and set forth in 44 CFR Part 80 et seq.

Option 2 (Robbery Only)

Option 2 includes insurance coverage only under the individually numbered insuring Agreement V, VI, VII and VIII listed below.

V. Robbery, Including Observed Theft Inside the Premises

To pay for loss by robbery or observed theft of money, securities, merchandise, furniture, fixtures, and equipment within the named premises.

VI. Robbery, Including Observed Theft, Outside of the Premises

To pay for loss by robbery or observed theft of money, securities, and merchandise, including the wallet or bag containing such property while such property is in conveyance by the insured or his messenger outside the named premises, but no payment shall be made for any loss in excess of $5,000 except when the insured or his messenger is accompanied by a guard armed with a firearm. The person carrying the insured property and the armed guard cannot be same person.

This Insuring Agreement includes theft from a night desository but only if a deposit of money has been made at a night depository of a banking institution by a bonded armored car messenger service.

VII. Damage

To pay for damage to the named premises and to money, securities, merchandise, furniture, fixtures and equipment within the named premises, by robbery, or attempt thereat, provided the insured is the owner thereof or is liable for such damage.

VIII. Policy Period, Territory

To pay for losses under Insuring Agreements V, VI, VII only when occurring during the policy period within a state, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands and such other territories or possessions of the United States including the Trust Territory of the Pacific Islands, as defined in 12 U.S.C. 1749bbb–10a et seq. and set forth in 44 CFR Part 80 et seq.

Option 3 (Robbery and Burglary in Uniform and Varying Amounts)

Option 3 shall provide for uniform and varying limits of coverage under Option 1 and 2 but only in the same policy. Both Option 1 and 2 must be applied for at the same time.

If one of the options has been selected, the other option may be added upon a renewal or upon an endorsement of the original policy. A discount will be provided for Combined Coverage, Option 3.

B. The paragraph entitled "Exclusions" is amended so that subparagraph (d) is read as follows:

This policy does not apply:

* * * * *

(d) under Insuring Agreement I and II to loss occurring during a fire in the premises.

9. Paragraph 1 of the Commercial Insurance Policy under the heading "Conditions" is amened as follows:

A. Subparagraph 8, "No benefit to bailee," is removed.

B. This Section headed "Conditions" is further amended by redesignating paragraphs (9)–(15) as paragraphs (8)–(14), respectively.

These amendments issued under 12 U.S.C. 1749bbb–17.

Issue Date: April 10, 1985.

Jeffrey S. Bragg,

Administrator, Federal Insurance Administration.

[FR Doc. 85–9961 Filed 4–25–85; 8:45 am]

BILLING CODE 6718–05–M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 81 and 83

[PR Docket No. 84-1236; FCC 85-187]

Eligibility for Portable Ship Station Licenses and Frequency Assignments on the Great Lakes

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document amends four rule sections in the maritime services. The purpose of these amendments is to eliminate interference to the ship movement service on the Great Lakes and to prevent inadvertent unlicensed operations by boaters. This action is a result of the Commission's ongoing effort to review and update the rules.

EFFECTIVE DATE: May 28, 1985.

FOR FURTHER INFORMATION CONTACT: James A. Shaffer, Private Radio Bureau, (202) 632-7197.

SUPPLEMENTARY INFORMATION:

List of Subjects

47 CFR Part 81

Coast stations, Marine safety, Radio.

47 CFR Part 83

Canada, Communications equipment, Ship stations, Radio.

Report and Order (Proceeding Terminated)

In the matter of amendments of parts 81 and 83 concerning eligibility for portable ship station licenses and frequency assignments on the Great Lakes; PR Docket No. 84-1236, FCC 85-187.

Adopted: April 15, 1985.
Released: April 19, 1985.

By the Commission.

1. This Report and Order amends Parts 81 and 83 of the Commission's rules to: (1) Eliminate granting portable ship station licenses to entities which solely install or service marine radio equipment, and (2) designate marine VHF Channels 11, 12, 13 and 14 primarily available for ship movement service communications in the Great Lakes.

Portable Ship Station License

2. Currently § 83.50(b) of our rules permits a ship station license to be granted solely for testing marine radio equipment incident to installation or servicing. Boat owners frequently assume that after a service company installs and tests a radio it is appropriately licensed and available for use. This mistake results in inadvertent unlicensed operations. Since the ship station application procedure has been simplified to permit "instant" operating authority at the time the application is mailed [1] there is no need for a service company to test a newly installed radio under its own portable ship station license. This can be done under the authority granted by concurrently completing the combined application form, FCC Form 506 and 506-A (Application for Ship Radio Station License). Therefore, in the Notice of Proposed Rule Making [2] in this proceeding, we proposed to discontinue granting portable ship station licenses to entities solely installing or servicing marine radio equipment. We received no comments addressing this proposal. For the reasons indicated above, we are amending § 83.50(b) as proposed.

3. Existing portable ship station licensees which solely install or service marine radio equipment will be permitted to continue to operate under their license for the remainder of their license term. We will emphasize in a Public Notice the boat owner/operator responsibilities to complete FCC Forms 506 and 506-A prior to installing, testing and operating a new marine radio. Additionally, we are correcting § 83.28(a)(1) to state that FCC Form 506-A provides temporary authority to operate for 90 days rather than 60 days.

Great Lakes Ship Movement Service

4. In response to reports of interference on ship movement channels in some areas of the Great Lakes we proposed in the Notice to make marine VHF Channels 11, 12, 13 and 14 primarily available for ship movement service communications. The ship movement service is part of the safety system established on the Great Lakes by the Canadian and U.S. Coast Guards. VHF Channels 11, 12, 13 and 14, are designated by the Great Lakes Agreement [3] as ship movement channels. Channels 11, 12 and 14 are also used for commercial and port operations communications. The Lake Carriers' Association, the United States Coast Guard, and Canada's Department of Communications filed comments on this proposal. No reply comments were received.

5. The commenters supported the proposed amendments but noted an ongoing issue concerning the future use of Channel 13 in the Great Lakes. The Vessel Bridge-to-Bridge Radiotelephone Act [4] requires that certain classes of vessels use Channel 13 for communications from one vessel's bridge to another vessel's bridge concerning navigational matters. However, in the Great Lakes under a waiver Channel 16 is used for bridge-to-bridge communications. Channel 16 has become congested in some areas. For this reason, the U.S. Coast Guard is currently discussing with the Canadian authorities the use of Channel 13 for bridge-to-bridge communications in the Great Lakes. Therefore, U.S. Coast Guard suggested minor changes in the proposed amendments which would accommodate any future changes in the use of Channel 13 in the Great Lakes.

6. As pointed out in the Notice, there are ten other frequencies available for commercial communications on a primary basis in the Great Lakes while five additional frequencies are available for port operations communications. On a secondary basis, Channel 11 would continue to be available for commercial communications and Channels 12 and 14 for port operations communications. No licensee will be without a suitable alternative frequency if secondary status is unsatisfactory in a particular area. Therefore, we are amending the rules substantially as proposed. However, as suggested by the U.S. Coast Guard we have made minor changes to §§ 81.356 and 83.351 concerning the use of Channel 13 in the Great Lakes. If Channel 13 ultimately becomes the Great Lakes bridge-to-bridge channel we will initiate appropriate rule making.

7. Pursuant to section 605(b) of the Regulatory Flexibility Act of 1980, 5 U.S.C. 605(b), we certify that these rules will not, if promulgated, have a significant economic impact on a substantial number of small entities. The majority of the installation or servicing of ship radio stations is performed under the ship station license. The purpose of these rule amendments is to prevent unlicensed station operations by uninformed boat operators and to prevent interference to ship movement communications on the Great Lakes. No economic impact will result.

8. The amendments contained herein have been analyzed with respect to the Paperwork Reduction Act of 1980 and found to contain no new or modified form, information collection and/or record keeping, labeling, disclosure, or record retention requirements; and will not increase or decrease burden hours imposed on the public.

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[1] See, *Order*, FCC 78-846, released January 11, 1979, 70 FCC 2d 863.

[2] PR Docket No. 84-1236, FCC 84-580, released November 28, 1984, 49 FR 47641.

[3] Agreement between the United States of America and Canada for the Promotion of Safety on the Great Lakes, 1973, TIAS 7837, amended, 1978, TIAS 9352.

[4] 33 U.S.C. 1201 *et seq.*

9. Accordingly, it is ordered, That under the authority contained in sections 4(i) and 303 (c) and (r) of the Communications Act of 1934, as amended, 47 U.S.C. 154 (i) and 303(c) and (r), the Commission's rules are amended as set forth in the attached Appendix, effective May 28, 1985.

10. It is further ordered, That a copy of this Report and Order shall be sent to the Chief Counsel for Advocacy of the Small Business Administration.

11. It is further ordered, That this proceeding is terminated.

12. Regarding questions on matters covered in this document contact James Shaffer (202) 632-7197.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303.)

Federal Communications Commission.

William J. Tricarico,

Secretary.

Appendix

Parts 81 and 83 of Chapter 1 of Title 47 of the Code of Federal Regulations are amended as follows:

PART 81—STATIONS ON LAND IN THE MARITIME SERVICES AND ALASKA FIXED SERVICE

A. In § 81.356(a), the tables for Port Operations, Commercial and Navigational frequencies are amended by revising the channel designators 12, 73, 14, 11 and 13 and paragraphs (b)(4) and (b)(13) are added as follows:

§ 81.356 Assignable frequencies in the band 156–162 MHz.

(a) * * *

Channel designator	Frequencies (MHz)		Points of communications	Conditions of use
	Coast	Ship		
12	156.600	156.600	do	1, 4
73	156.675	156.675	do	
14	156.700	156.700	do	1, 4
11	156.550	156.550	Coast to ship	1, 4
13	156.650	156.650	Coast to ship	10, 13

(b) * * *

* * * * *

(4) In the Great Lakes available primarily for use for the Ship Movement Service (SMS) appropriate to the area of operation. On a secondary basis, available for use as permitted elsewhere in these rules.

* * * * *

(13) In the Great Lakes, available for use in the Ship Movement Service in sectors designated by St. Lawrence Seaway Development Corporation.

* * * * *

PART 83—STATIONS ON SHIPBOARD IN THE MARITIME SERVICES

§ 83.28 [Amended]

B. 1. In § 83.28 paragraph (a)(1) is amended by changing the number 60 to 90 in the last sentence.

§ 83.50 [Amended]

2. In § 83.50 paragraph (b) is amended by removing the words "installation or servicing" from the first sentence.

3. In § 83.351(a) the table is amended by revising the entries for 156.550 through 156.700, and paragraphs (b)(53) and (b)(54) are added and reserved, and paragraphs (b)(55) and (b)(56) are added to read as follows:

§ 83.351 Frequencies available.

(a) * * *

Carrier frequency	Section	Conditions of Use limitations
. . . . .		
156.550	83.359, 83.361, 83.539	19, 20, 27, 35 55
156.575	83.359	19, 20, 28, 32
156.600	83.359, 83.361, 83.539	19, 20, 23, 35 55
156.625	83.359	19, 20, 30, 46
156.650	83.359	19, 20, 24, 31 36, 55, 56
156.675	83.359	19, 20, 23
156.700	83.359, 83.361, 83.539	19, 20, 23, 35 55
. . . . .		

(b) * * *

* * * * *

(53) [Reserved]

(54) [Reserved]

(55) In the Great Lakes available primarily for the Ship Movement Service (SMS) appropriate to the area of operation. On a secondary basis available for use as permitted elsewhere in these rules.

(56) In the Great Lakes, available for use in the Ship Movement Service (SMS) in sectors designated by St. Lawrence Seaway Development Corporation.

[FR Doc. 85-9850 Filed 4-25-85; 8:45 am]

BILLING CODE 6712-01-M

Proposed Rules

Federal Register
Vol. 50, No. 81
Friday, April 26, 1985

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Federal Crop Insurance Corporation

7 CFR Part 400

[Doc. No. 2104S]

General Administrative Regulations; Reinsurance Agreement

AGENCY: Federal Crop Insurance Corporation, USDA.

ACTION: Proposes rule.

SUMMARY: The Federal Crop Insurance Corporation (Corporation) proposes to issue a new Subpart J in Chapter IV of Title 7 of the Code of Federal Regulations (CFR), to be known as 7 CFR Part 400—General Administrative Regulations—Subpart J, Reinsurance Agreement. The intended effect of this rule is to prescribe procedures applicable to operations under a Reinsurance Agreement with the Corporation. The authority for the promulgation of this rule is contained in the Federal Crop Insurance Act, as amended.

DATE: Written comments, data, and opinions on this proposed rule must be submitted not later than May 28, 1985, to be sure of consideration.

ADDRESS: Written comments on this proposed rule should be sent to the Office of the Manager, Federal Crop Insurance Corporation, Room 4096, South Building, U.S. Department of Agriculture, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT: Peter F. Cole, Secretary, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, D.C. 20250, telephone (202) 447–3325.

SUPPLEMENTARY INFORMATION: This action has been reviewed under USDA procedures established by Departmental Regulation No. 1512–1. This action constitutes a review as to the need, currency, clarity, and effectiveness of these regulations under those procedures. The sunset review date established for these regulations is March 1, 1990.

Merritt W Sprague, Manager, FCIC, has determined that this action (1) is not a major rule as defined by Executive Order No. 12291 (February 17, 1981), because it will not result in: (a) An annual effect on the economy of $100 million or more; (b) major increases in costs or prices for consumers, individual industries, federal, State, or local governments, or a geographical region; or (c) significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of U.S.-based enterprises to compete with foreign-based enterprises in domestic or export markets; and (2) will not increase the Federal paperwork burden for individuals, small businesses, and other persons.

The title and number of the Federal Assistance Program to which this proposed rule applies are: Title—Crop Insurance; Number 10.450.

This program is not subject to the provisions of Executive Order 12372 which requires intergovernmental consultation with State and local officials. See the Notice related to 7 CFR Part 3015, Subpart V, published at 48 FR 29115 (June 24, 1983).

This action is exempt from the provisions of the Regulatory Flexibility Act; therefore, no Regulatory Flexibility Analysis was prepared.

This action is not expected to have any significant impact on the quality of the human environment, health, and safety. Therefore, neither an Environmental Assessment nor an Environmental Impact Statement is needed.

Background

The Federal Crop Insurance Corporation, an agency of the United States Department of Agriculture, is authorized by the Federal Crop Insurance Act, as amended (Act) (7 U.S.C. 1501 *et seq.*), to offer programs of crop insurance to American farmers, the regulations for which are found in Title 7 of the Code of Federal Regulations (7 CFR Part 400 *et seq.*).

Section 508(a) of the Federal Crop Insurance Act, as amended by Pub. L. 80–320, August 1, 1947, provided, commencing with crops planted for harvest in 1948, for reinsurance of insurers of producers of agricultural commodities and that such reinsurance be limited to contracts covering farms in not more than 20 counties. (7 U.S.C. 1508(a)).

On July 23, 1957, Pub. L. 85–111 added a new subsection 508(f) to the Act providing for reinsurance of crop insurance in Puerto Rico written by an agency of the Puerto Rican Government on any crop or plantation should private reinsurance become unavailable. (7 U.S.C. 1508(f)).

Amendments to the Act in 1980, contained in Pub.L. 96–365, dated September 26, 1980, provided in Subsection 508(e) that, to the maximum extent possible, consistent with Subsections (a) and (b) of Section 508 and with sound reinsurance principles, reinsurance be offered to insurers including private insurance companies or pools of such companies, and reinsurers of such companies that insure producers of any agricultural commodity under any plan acceptable to the Corporation. (7 U.S.C. 1508(e)).

Section 508(f) was also amended by Pub.L. 96–365 to provide reinsurance for production of agricultural commodities in the Commonwealth of Puerto Rico, Virgin Islands of the United States, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and the Trust Territory of the Pacific Islands, in the same manner as provided for agricultural products in the United States. (7 U.S.C. 1508(f)).

There has been a steady increase in the volume of crop insurance sold through commercial channels since the passage of the 1980 amendments to the act. Since 1981, premium income on reinsured paper has gone from $12.8 million to an estimated $378 million for crop year 1985, an increase of 2,900 percent. During the same period, the share of business written by reinsured companies compared with government operations, including agents and private insurance companies under Agency Sales and Service Agreements, rose from 3 percent to 70–80 percent by available estimates.

The proposed Standard Reinsurance Agreement sets forth the terms and conditions under which the Corporation will reinsure all eligible crop insurance policies sold or reinsured by insurance companies. All such policies must be written on terms, including premium rates, approved by the Corporation, and may only be issued on crops and in areas approved by the Corporation. All

participating insurance companies must submit a plan of operation for the Corporation's approval.

The policies must be made available to all eligible producers by the participating insurance companies. In the administration of the Agreement, the Corporation must be provided all relevant information, including a list of all applicants refused coverage and all producers cancelled from insurance, along with the reason for such action. All loss adjustment methods will be prescribed by the Corporation and only licensed agents or brokers may sell policies covered by the Agreement. The Corporation may, at any time, suspend its obligation to accept additional liability by providing written notice to that effect.

Interested parties may obtain a copy of the proposed Reinsurance Agreement for the 1985–87 reinsurance years by contacting the Office of the Manager, Federal Crop Insurance Corporation, Room 4096, South Building, U.S. Department of Agriculture, Washington, D.C. 20250.

Written comments, data, and opinions on this proposed rule should be sent to the Office of the Manager, Federal Crop Insurance Corporation, Room 4096, South Building, U.S. Department of Agriculture, Washington, D.C. 20250.

Written comments received pursuant to this notice will be available for public inspection in the Office of the Manager during regular business hours, Monday through Friday.

List of Subjects in 7 CFR Part 400

Crop insurance, reinsurance agreement.

Accordingly, pursuant to the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.* the Federal Crop Insurance Corporation hereby proposes to add a new Subpart J to Part 400 of Title 7 of the Code of Federal Regulations, to be known as 7 CFR Part 400, Subpart J—General Administrative Regulations; Reinsurance Agreement, containing procedures applicable to insurance companies under a reinsurance agreement with the Corporation, to read as set forth below:

PART 400—GENERAL ADMINISTRATIVE REGULATIONS

. . . . . .

Subpart J—Reinsurance Agreement

Sec.
400.75 Availability of Reinsurance Agreements.
400.76 Eligibility for Reinsurance Agreements.
400.77 Obligations of the Corporation.
400.78 Limitations on Corporation's obligations.
400.79 Obligations of participating Insurance Company.
400.80 Disputes.
400.81 OMB control numbers.

Authority: Secs. 506, 516, Pub. L. 75–430, 52 Stat. 73, 77 as amended (7 U.S.C. 1506, 1516).

Subpart J—Reinsurance Agreement

§ 400.75 Availability of reinsurance agreements.

The Federal Crop Insurance Corporation ("Corporation") will offer Reinsurance Agreements to eligible companies under which the Corporation will reinsure policies which the companies issue to producers of agricultural commodities. The Reinsurance Agreement will be consistent with the requirements of the Federal Crop Insurance Act, as amended, and provisions of the regulations of the Corporation found at Chapter IV of Title 7 of the Code of Federal Regulations.

§ 400.76 Eligibility for reinsurance agreements.

A company will be eligible to participate in an Agreement if the Corporation determines the company meets the financial standards and financial reporting requirements at Subpart G of Part 400 of Title 7 of the Code of Federal regulations (7 CFR 400.50 *et seq.*)

§ 400.77 Obligations of the Corporation.

The Reinsurance Agreement will include the following among the obligations of the Corporation.

(a) The Corporation will reinsure policies written on terms, including premium rates, approved by the Corporation, on crops and in areas approved by the Corporation, and in accordance with the provisions of the Federal Crop Insurance Act, as amended, and the provisions of these regulations.

(b) The Corporation will pay a portion of each producer's premium on the policies reinsured under the Reinsurance Agreement, as authorized by the Federal crop Insurance Act, as amended.

§ 400.78 Limitations on Corporation's obligations.

The Reinsurance Agreement will include the following among the limitations on the obligations of the Corporation.

(a) The Corporation may, at any time, suspend its obligation to accept additional liability from the company by providing written notice to that effect.

(b) The obligations of the Corporation under the Agreement are contingent upon the availability of appropriations.

(c) The Corporation will not reinsure any policy sold by the company to a producer after the date the company receives notice that the Corporation has determined that the producer is ineligible to receive Federal crop insurance.

§ 400.79 Obligations of participating insurance company.

The Reinsurance Agreement will include the following among the obligations of the Company.

(a) The company shall follow all Corporation procedures in its administration of the crop insurance policies reinsured.

(b) The company shall make available to all eligible producers crop insurance for the crops and in the areas which are stated in its plan of operation which is approved by the Corporation.

(c) The company shall provide the Corporation, on forms approved by the Corporation, all information that the Corporation may deem relevant in the administration of the Agreement, including a list of all applicants refused coverage and all insured producers cancelled from insurance, along with the reason for such action, the crop program and the amount of coverage for each.

(d) The company shall utilize only loss adjustment procedures and methods that are approved by the Corporation.

(e) The company shall sell the policies covered under the Agreement through licensed agents or brokers who have successfully completed a training course approved by the Corporation.

(f) The company shall not discriminate against any employee, applicant for employment, insured or applicant for insurance because of race, color, religion, sex, age, handicap, or national origin.

§ 400.80 Disputes.

All disputes arising under this Subpart and the Agreement entered into by the company and the Corporation must be submitted for decision to the Manager of the Corporation. The decision for the Manager shall be final unless the company requests reconsideration in writing within 30 days of the receipt of the decision. Any hearing provided by the Corporation will be of an informal nature and the rules of evidence will not apply. Pending final decision of the dispute, the company will proceed diligently with the performance of the Agreement, as required by the Corporation.

§ 400.81 OMB control numbers.

The information collection requirements contained in the Agreement, to which these operating procedures apply, have been approved by the Office of Management and Budget (OMB) under the provisions of 44 U.S.C. Chapter 35 and have been assigned OMB Nos. 0563–0003 and 0563–0007.

Done in Washington, D.C., on March 25, 1985.

Peter F. Cole,

Secretary, Federal Crop Insurance Corporation

Dated: April 22, 1985.

Approved:

Edward Hews,

Acting Manager.

[FR Doc. 10194 Filed 4–24–85; 11:13 am]

BILLING CODE 3410–08–M

Commodity Credit Corporation

7 CFR Part 1421

[Amdt .4]

Standards for Approval of Warehouses for Grain, Rice, Dry Edible Beans, and Seed

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Proposed rule.

SUMMARY: This rule proposes to amend the regulations found at 7 CFR 1421.5551 *et seq.* relating to the Commodity Credit Corporation (CCC) Standards for Approval of Warehouses for Grain, Rice, Dry Edible Beans, and Seed. The proposed rule would: (1) Permit a parent company to submit a financial statement for a wholly-owned subsidiary; (2) permit warehousemen to submit financial statements on forms other than on Form TW–51; (3) revise the references to CCC regulations governing suspension and debarment; (4) permit CCC to accept an irrevocable letter of credit on forms other than Form CCC–33A; (5) delete the use of a Certificate of Competency issued by the Small Business Administration for a warehouseman who is deficient in net worth; (6) delete certain references to the withdrawal of approval of warehouses by CCC; and (7) make certain other miscellaneous changes.

DATE: Comments must be received on or before May 28, 1985 in order to be assured of consideration.

ADDRESS: Interested persons are invited to send written comments to Paul W. King, Director, Warehouse Division, United States Department of Agriculture, Agricultural Stabilization and Conservation Service, P.O. Box 2415, Washington, D.C. 20013; (202) 447–4018 or 447–7433.

FOR FURTHER INFORMATION CONTACT: Lynda Flament, 202–447–7912, Warehouse Division, U.S. Department of Agriculture, Agricultural Stabilization and Conservation Service, P.O. Box 2415, Washington, D.C. 20013.

SUPPLEMENTARY INFORMATION: This proposed rule has been reviewed under USDA procedures established in accordance with Departmental Regulation 1512–1 and Executive Order 12291 and has been classified "not major." It has been determined that the provisions of this proposed rule will not result in: (1) An annual effect on the economy of $100 million or more; (2) a major increase in costs or prices for consumers, individual industries, Federal, State, or local governments, or geographic regions; or (3) significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

It has been determined by an environmental evaluation that his action will have no significant impact on the quality of the human environment, health, and safety. Therefore, neither an Environmental Assessment nor an Environmental Impact Statement is needed

It has been determined that the Regulatory Flexibility Act is not applicable to this proposed rule since the Commodity Credit Corporation is not required by 5 U.S.C. 553 or any other provision of law to publish a notice of rulemaking with respect to the subject matter of this rule.

This program/activity is not subject to the provisions of Executive Order 12372, which requires intergovernmental consultation with State and local officials. See the Notice related to 7 CFR Part 3015, Subpart V, published at 48 FR 29115 (June 24, 1983).

The Commodity Credit Corporation (CCC) Charter Act (15 U.S.C. 714) provides authority for CCC to conduct a number of operations to stablize, support, and protect farm income and prices. CCC is authorized to carry out such activities as making price support available with respect to various agricultural commodities, removing and disposing of surplus agricultural commodities, exporting or aiding in the exportation of agricultural commodities, and procuring agricultural commodities for sale both in the domestic market and abroad.

Section 4(h) of the CCC Charter Act provides that the Corporation shall not acquire real property in order to provide storage facilities for agricultural commodities, unless CCC determines that private facilities for the storage of such commodities are inadequate. Further, section 5 of the CCC Charter Act provides that, in carrying out the Corporation's purchasing and selling operations, and in the warehousing, transporting, processing, or handling of agricultural commodities, CCC is directed to use, to the maximum extent practicable, the usual and customary channels, facilities, and arrangements of trade and commerce.

Accordingly, CCC has set forth standards of approval which must be met by warehousemen before CCC will enter into storage agreements with such warehousemen for the storage of agricultural commodities which are owned by CCC or which are serving as collateral for price support loans made available by CCC.

CCC proposes to amend the following regulations which govern the Standards for Approval of Warehouses for Grain, Rice, Dry Edible Beans, and Seed (7 CFR 1421.5551 *et seq.*) in the manner described below.

Section 1421.5551(d)(2) of the regulations currently requires warehousemen to submit financial statements of Form TW–51 and permits a chain of warehouses owned and operated by a single business entity to submit only one financial statement. That form has been revised and is now form WA–51–2. Several warehousemen have complained that their independently prepared financial statements should satisfy CCC needs and they should not be required to incur the added expense and paperwork burden of submitting financial information on CCC's form. Also, several warehousemen whose warehouse facilities are wholly-owned and operated by a parent company have requested that the financial statement which is prepared for the parent company and which includes the combined financial position of the parent company and all subsidiaries be accepted by CCC. These warehousemen believe that to prepare a separate financial statement for each subsidiary warehouse is very costly and unnecessary. This proposed rule would permit warehousemen to submit financial statements to CCC on forms other than the WA–51–2 with the approval of the Director, Kansas City Commodity Office (KCCO), or the Director's designee. In addition, this proposed rule provides that a financial

statement from the parent company may be accepted by CCC in lieu of individual statements from each wholly-owned subsidiary if approved by the Director, KCCO, or the Director's designee.

Section 1421.5552 (c) of the regulations currently provides that, in meeting the standards for approval, the warehouseman, officials and each of the supervisory employees of the warehouseman in charge of the warehouse must not be either suspended or debarred under CCC's suspension and debarment regulations, 7 CFR Part 1407. The Board of Directors of the Corporation has adopted, with limited reservations, the regulations implemented by the Department of Agriculture with respect to the suspension and debarment of individuals and firms contracting with CCC. The provisions of § 1421.5552(c) have been revised to merely reference the CCC suspension and debarment regulations. A conforming amendment has also been made in § 1421.5556(c)(2).

Section 1421.5553(e) of the regulations currently provides that CCC may accept an irrevocable letter of credit in lieu of the required amount of bond coverage if the issuing bank is a commercial bank insured by the Federal Deposit Insurance Corporation and the letter of credit is submitted to CCC on Form CCC–33A, "Irrevocable Letter of Credit". Several banks have objected to the use of Form CCC–33A and would prefer to use their own letter of credit form. This proposed rule would permit commercial banks to issue letters of credit on forms other than Form CCC–33A, provided that such forms are approved by the Director, KCCO, or the Director's designee.

Section 1421.5555(b) of the regulations currently provides that a Certificate of Competency issued by the Small Business Administration (SBA) for a warehouseman will be accepted by CCC for the purpose of establishing conformance by the warehouseman with certain of the Standards for Approval and the warehouseman will not be required to furnish bond coverage for any deficiency in net worth. The SBA has been reluctant to issue a Certificate of Competency to warehousemen since there is no guarantee that CCC–owned commodities will be stored with a warehouseman who has been issued a certificate. In fact, there have been no grain, rice, bean, or seed warehousemen approved with Certificate of Competency in the recent past. Accordingly, it has been concluded that the provisions of § 1421.5555(b), which references the use of a Certificate of Competency, are not needed and this proposed rule would delete that section accordingly.

Section 1421.5556 of the present regulations sets forth the procedures under which CCC approves or disapproves a warehouse for the purpose of storing comodities owned by CCC or pledged to CCC as price support loan collateral. These regulations also provide for the administrative appeal procedures which may be utilized by a warehouseman whose warehouse was not approved by CCC. In addition, § 1421.5556 sets forth the procedures and requirements involving the withdrawal of approval of a warehouse by CCC as a result of the failure of the warehouse to continue meeting the standards for approval or for the failure of the warehouseman to perform the contractual obligations specified in the CCC storage agreement. This proposed rule would delete any references in § 1421.5556 to the withdrawal of approval of warehouses by CCC since it is felt that these regulations should only relate to the approval, rather than the disapproval, of warehouses by CCC. The terms and conditions with respect to the continuing obligations of the warehouseman to meet the standards of approval and storage commitments will be set forth in the Storage Agreement entered into between the warehouseman and CCC.

Section 1421.5556(c)(1) has also been revised to provide that any request by a warehouseman for reconsideration of a determination by CCC that the warehouseman has failed to meet the Standards for Approval must be in writing. Previously, such a request for reconsideration could be made orally to the Director, KCCO, as well as in writing.

In addition to the foregoing, the following changes have been made: (1) Section 1421.5551(b) of the regulations has been amended to correct the mailing address for the Kansas City Commodity Office, and the table of contents has been revised; (2) section 1421.5558 has been revised to simplify the language and delete the current contract fee schedule since it is subject to change; and (3) a new § 1421.5559 has been added to include control numbers assigned by the Office of Management and Budget (OMB) under provisions of 44 U.S.C. Chapter 35 to information collection requirements.

List of Subjects in 7 CFR Part 1421

Grains, Loan programs, Agriculture, Oilseeds, Peanuts, Price support programs, Soybeans, Surety bonds, Tobacco, and Warehouses.

Proposed Rule

Accordingly, it is proposed that the regulations at 7 CFR Part 1421 be amended as follows:

1. The Authority citation to 7 CFR Part 1421, Subpart—Standards for Approval of Warehouses for Grain, Rice, Dry Edible Beans, and Seed is added to read as follows:

Authority: Secs. 4 and 5, 62 Stat. 1070, as amended, 1072, as amended (15 U.S.C. 714 b and c).

2. In Section 1421.5551, paragraphs (b) and (d)(2) (iv) and (v) are revised to read as follows:

§ 1421.5551 General Statement and Administration.

* * * * *

(b) Copies of the CCC storage agreement and forms required for obtaining approval under this subpart may be obtained from the Kansas City Commodity Office, U.S. Department of Agriculture, P.O. Box 205, Kansas City, Missouri 64141 (hereinafter referred to as the "KCCO").

* * * * *

(d) * * *

(2) * * *

(iv) A current financial statement on Form WA–51–2, "Financial Statement", supported by such supplemental schedules as CCC may request. Financial statements may be submitted on forms other than Form WA–51–2 with approval of the Director, KCCO, or the Director's designee.

(v) Only one financial statement is required for a chain of warehouses owned or operated by a single business entity. If approved by the Director, KCCO, or the Director's designee, the financial statement of a parent company, which includes the financial position of a wholly-owned subsidiary, may be used to meet the CCC standards for approval for the wholly-owned subsidiary.

* * * * *

4. In Section 1421.5552, paragraph (c)(2) is revised to read as follows:

§ 1421.5552 Basic standards.

* * * * *

(c) * * *

(2) Be neither suspended nor debarred under applicable CCC suspension and debarment regulations.

* * * * *

5. In Section 1421.5553, paragraph (e) is revised to read as follows:

§ 1421.5553 Bonding requirements for net worth.

* * * * *

(e) An irrevocable letter of credit may be accepted by CCC in lieu of the required amount of bond coverage provided that the issuing bank is a commercial bank insured by the Federal Deposit Insurance Corporation. Such standby letter of credit shall be on Form CCC–33A, "Irrevocable Letter of Credit", or on such other form as may be specifically approved by the Director, KCCO, or the Director's designee.

6. Section 1421.5555 is amended by deleting paragraph (b) and by redesignating paragraph (c) as paragraph (b).

7. Section 1421.5556 is revised to read as follows:

§ 1421.5556 Approval of warehouses, requests for reconsideration.

(a) CCC will approve a warehouse if it determines that the warehouse meets the standards set forth in this subpart. CCC will send a notice of approval to the warehouseman. Approval under this subpart, however, does not relieve the warehouseman of the responsibility for performing the warehouseman's obligations under any agreement with CCC or any other agency of the United States.

(b) Except as otherwise provided in this subpart:

(1) CCC will not approve the warehouse if CCC determines that the warehouse does not meet the standards set forth in this subpart, and

(2) CCC will send any notice of rejection of approval to the warehouseman. The notice will state the cause(s) for such action. Unless the warehouseman or any officials or supervisory employees of the warehouseman are suspended or debarred, CCC will approve the warehouse if the warehouseman establishes that the causes for CCC's rejection of approval have been remedied.

(c) If rejection of approval by CCC is due to the warehouseman's failure to meet the standards set forth:

(1) In § 1421.5552, other than the standard set forth in paragraph (c)(2) thereof, the warehouseman may, at any time after receiving notice of such action, request reconsideration of the action and present to the Director, KCCO, in writing, information in support of such request. The Director shall consider such information in making a determination and notify the warehouseman may, if dissatisfied with the Director's determination, obtain a review of the determination and an informal hearing thereon by filing an appeal with the Deputy Administrator, Commodity Operations, Agricultural Stabilization and Conservation Service (hereinafter referred to as "ASCS"). The time for filing appeals, forms for requesting an appeal, nature of the informal hearing, determination and reopening of the hearing shall be as prescribed in the ASCS regulations governing appeals, 7 CFR Part 780. When appealing under such regulations, the warehouseman shall be considered as a "participant"; and

(2) In § 1421.5552(c)(2), the warehouseman's administrative appeal rights with respect to suspension and debarment shall be in accordance with applicable CCC regulations. After expiration of a period of suspension or debarment, a warehouseman may, at any time, apply for approval under this subpart.

7. Section 1421.5558 is revised to read as follows:

§ 1421.5558 Contract fees.

(a) Each warehouseman who has a non-Federally licensed grain or rice warehouse in States that do not have a Cooperative Agreement with CCC for warehouse Examinations must pay an annual contract fee to CCC for each such warehouse which is approved by CCC or for which CCC approval is sought as follows:

(1) A warehouseman who has an existing agreement with CCC for the storage or handling of CCC-owned commodities or commodities pledged to CCC as loan collateral must pay an annual contract fee for each warehouse approved under that agreement in advance of the revewal date of such agreement.

(2) A warehouseman who does not have an existing agreement with CCC for the storage and handling of CCC-owned commodities or commodities pledged to CCC as loan collateral but who desires such an agreement must pay a contract fee for each warehouse for which CCC approval is sought prior to the time that the agreement is approved by CCC.

(b) The amount of the contract fee shall be determined and announced annually in the **Federal Register**.

9. Section 1421.5559 is added to read as follows:

§ 1421.5559 OMB control numbers assigned pursuant to Paperwork Reduction Act.

The information collection requirements contained in this regulation (7 CFR Part 1421) have been approved by the Office of Management and Budget under provisions of 44 U.S.C. Chapter 35 and have been assigned OMB Numbers 0560–0009, 0560–0036.

Signed at Washington, D.C., on April 23, 1985.

Everett Rank,

Executive Vice President, Commodity Credit Corporation.

[FR Doc. 85–10108 Filed 4–25–85; 8:45 am]

BILLING CODE 3410–05–M

NUCLEAR REGULATORY COMMISSION

10 CFR Part 50

Specific Exemptions

AGENCY: Nuclear Regulatory Commission.

ACTION: Proposed rule..

SUMMARY: The Nuclear Regulatory Commission is proposing to amend its regulations to clarify the standards that will be applied when it considers whether to grant exemptions from the regulatory requirements codified in 10 CFR Part 50.

DATE: Comment period expires May 28, 1985. Comments received after that date will be considered if it is practical to do so, but assurance of consideration cannot be given except as to comments received on or before May 28, 1985.

ADDRESSES: Send Comments to: Secretary, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attn: Docketing and Service Branch. Hand deliver comments to: Room 1121, 1717 H Street, NW., Washington, D.C. between 8:15 a.m. and 5: p.m.

FOR FURTHER INFORMATION CONTACT: F. X. Cameron, Office of the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Telephone: 301–492–8689

SUPPLEMENTARY INFORMATION:

I. Background

Section 50.12 of Chapter 1, Title 10 of the Code of Federal Regulations provides that the Commission may grant exemptions from the regulations in Part 50 that it determines are authorized by law and will not endanger life or property or the common defense and security and are otherwise in the public interest. Traditionally, this authority has been delegated by the Commission to its staff which determines whether exemptions are needed and justified. The Commission believes that it is not possible for its regulations to predict and accommodate every conceivable circumstance. Consequently, it has historically provided mechanisms to grant exemptions or waivers where application of the regulation would not serve the public interest and no undue

risk to the public health and safety would occur as a result of not requiring literal adherence to a particular requirement.

In several recent adjudicatory proceedings reviewed by the Commission, it has become evident that it would be desirable to attempt to state clearly the circumstances where the Commission believes that exemptions are warranted for the guidance of applicants, licensees, the staff and the public.

The Commission wishes to emphasize that it expects the intent of its regulations to be met and normally this requires conforming to the regulations as stated. The Commission recognizes, however, that there are circumstances where on balance it would not be equitable or in the public interest to require literal adherence to regulations particularly where to so require would not result in an improvement in overall safety or a reduction in risk to the public. The objective of the proposed rule is to identify the criteria to apply in such circumstances and to provide a means for considering the equities so that consistent regulatory decisions can be made concerning exemptions to Commission regulations.

The authority of an administrative agency to provide for exemptions from its regulations is well-established.[1] In *U.S.* v. *Allegheny-Ludlum Steel Corp.*, Justice Rehnquist stated that:

> It is well established that an agency's authority to proceed in a complex area . . . by means of rules of general application entails a concomitant authority to provide exemptions procedures in order to allow for special circumstances. 406 U.S. 742, 755 (1972).

However, judicial decisions also reject the approach of granting exemptions indiscriminately. As described by Judge Leventhal in *WAIT Radio* v. *FCC:*

> The agency may not act out of unbridled discreation or whim in granting waivers any more than in any other aspect of its regulatory function. 418 F.2d 1153, 1157 (D.C. Cir. 1969). *See also, Basic Media Ltd.*, v. *FCC*, 559 F.2d 830, 833. (D.C. Cir. 1977); *Mary Carter Paint Co.* v. *FTC*, 333 F.2d 654, 660 (5th Cir. 1964) (concurring opinon).

The courts have cited several permissible rationales for the granting of exemptions. In *U.S.* v. *Allegheny-Ludlum Steel Corp., supra*, the Supreme Court cited "special circumstances" as a rationale for granting exemptions. In *WAIT Radio*, the D.C. Circuit believed that an exemption or waiver provision might account for considerations of "hardship, equity, or more effective implementation of overall policy." *Supra*, at 1159. In *Basic Media, supra*, the D.C. Circuit stated that any rule of general applicability will involve particular cases of hardship for which an agency would grant an exemption. Similarly, in *Gulf Oil Corp.* v. *Hickel*, 435 F.2d 440 (D.C. Circuit 1970), the court found that a provision for adjustment in cases of extreme hardship is a meaningful component of a regulatory scheme. Another rationale was provided in *Industrial Broadcasting Co.*, v. *FCC*, 437 F.2d 680 (D.C. Cir. 1970) where the court held that the desired flexibility in the regulatory process is maintained by requiring the agency to take a hard look at novel proposals, i.e., where the person seeking a waiver can demonstrate that his or her circumstances are substantially different from those which have been carefully considered in the rulemaking proceeding from which an exemption is desired.

In conformance with the principle that a means of granting relief from regulations should be provided, 10 CFR 50.12(a) of the Commission regulaitons provides that:

> (a) The Commission may, upon application by any interested person or upon its own initiative grant such exemptions from the requirements of the regulations in this part as it determines are authorized by law and will not endanger life or property or the common defense and security and are otherwise in the public interest. To obtain an exemption to Appendices G and H to this part, the requirements of paragraph 50.60(b) of this part must be met in addition to the requirements of this paragraph.

At this point, it should be noted that 10 CFR 5012(b) establishes a separate exemption procedure to permit the carrying out of construction activities, normally prohibited by 10 CFR 50.10, prior to the issuance of a construction permit.[2] The § 50.12(b) procedures are not of concern here and are left undisturbed by this proposed rulemaking.

In reviewing § 50.12(a) requests for exemptions, the focus of the NRC staff ("staff") has been on whether any undue risk would result from the granting of a particular exemption. This determination was, in general, the result of a qualitative engineering analysis of the purpose of the regulatory requirement and of the specific methods specified in the regulation for achieving the regulatory purpose. The staff would then compare the proposed method of operation to ensure that the regulatory purpose was satisfied and that the method to be used in a particular case was, under the particular circumstances before the staff, appropriate and technically sound as a method for accomplishing the regulatory purpose. In recent years when probabilistic quantitative assessment techniques have been available, these techniques, along with engineering judgment, have been used to ensure that the exemption involved was acceptable from a safety standpoint. In summary, the staff would evaluate an exemption request to determine if there was a justifiable reason for the proposed exemption and, in addition, whether adequate protection of the public health and safety would be maintained if the exemption were granted.

In addition, the staff viewed the Commission's regulatory framework as containing a reasonable amount of flexibility, with various requirements applicable only for certain modes of operation, and operation at certain times and power levels. For a typical power reactor under operating license review, the staff normally would recognize that, while the plant was ready for low power operation, power ascension or even initial full power operation, the plant might not fully comply with each and every NRC regulation. In these circumstances, "non-compliances" typically were dealt with by license conditions requiring completion of installation, testing, or further analyses before proceeding to a particular power level ("Prior to exeeding 5% power * * *") or by a particular time ("By the first refueling outage * * *"). The effect on safety of such temporary "non-compliances" was evaluated by the Staff and discussed and justified in the staff safety evaluation report or supplement thereto. In situations where the noncompliances would be corrected in a relatively short time and did not prevent a finding of adequate safety, the staff would condition the operating license so as to mandate that the

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[1] *See, Allegheny-Ludlum Steel Corp.* v. *U.S.*, 406 U.S. 742, 755 (1972); *WAIT Radio* v. *FCC*, 418 F.2d 1153, (D.C. Cir. 1969); *Gulf Oil Corp.* v. *Hickel*, 435 F.2d 440, 447, (D.C. Cir. 1970); *Industrial Broadcasting Co.* v. *FCC*, 437 F.2d 680, 683 (D.C. Cir. 1970), *Basic Media Ltd.* v. *FCC*, 559 F.2d 830 (D.C. Cir. 1977).

[2] For a thorough discussion of the application of 10 CFR 50.12(b), *see, In the Matter of United States Department of Energy, Project Management Corporation, Tennessee Valley Authority* (Clinch River Breeder Reactor Plant) CLI–83–1, 17 NRC 1 (1983). Note that 10 CFR 2.758(b) of the Commission's regulations allows a party to an adjudicatory proceeding involving an initial licensing decision to petition for a waiver or exemption from the application of a Commission regulation. The sole ground for such a waiver is that special circumstances in the particular proceeding are such that application of the regulation would not serve the purposes for which the regulation was adopted. Section 2.758(b) is also unaffected by this proposed rulemaking.

requirements be met at a later time or before a particular power level rather than expressly consider or grant an exemption from the regulations for the period of operation prior to reaching the time or power level at which the deficiency was to be corrected. In issuing operating licenses, the staff only considered and explicitly granted exemptions in instances of long-term or permanent non-compliance with the regulations and where, of course, the staff could find that the standards for granting an exemption in 10 CFR 50.12(a) were satisfied. Note that the proposed rule, when it becomes effective, would eliminate the existing practice of granting temporary "non-compliances" without expressly granting an exemption under 50.12(a).

The Commission's recent decision on an exemption request for the Shoreham nuclear power plant,[3] represented a departure from past staff practice in the exemption area. In Shoreham, the Commission requested the applicant, in addressing the determinations to be made under the 10 CFR 50.12(a) exemption criteria, to includle a discussion of:

1. The "exigent circumstances" that favor the granting of an exemption under 10 CFR 50.12(a) should it be able to demonstrate that, in spite of its noncompliance with GDC 17, the health and safety of the public would be protected.

2. Its basis for concluding that, at the power levels for which it seeks authorization to operate, operation would be as safe under the conditions proposed by it, as operation would have been with a fully qualified onsite A/C power source.

In the context of exemptions related to plant operations, these determinations regarding "exigent circumstances" and "as safe as" are not explicitly stated in 10 CFR 50.12(a). Although the Commission later specified that *Shoreham* was only to apply to the particular circumstances of that case, the decision did underscore the need to review existing Commission practice in the exemption area. The proposed rule is an attempt to fashion a comprehensive, consistent, practicable, and appropriate framework for reviewing exemption requests, based on past staff practice and on the Commission's concerns, as evidenced in the *Shoreham* decision and related discussions.

II. The Proposed Rule

The proposed rule retains the existing criteria of § 50.12(a) in a slightly modified form, as general standards for the granting of exemptions. Under proposed § 50.12(a)(1), the Commission may grant exemptions which:

are authorized by law, will not present an undue risk to the public health and safety, are consistent with the common defense and security, and are in the public interest.

As in the existing rule, an exemption must be "authorized by law." Apart from the very fact of granting the exemption relief itself, the granting of the exemption cannot be in violation of other applicable laws, such as the Atomic Energy Act, or the National Environmental Policy Act.

In a departure from the text of the existing rule, the proposed rule would require a finding that the exemption will not "present an undue risk to the public health and safety" and would be "consistent with the common defense and security." These criteria provide an explicit recognition of traditional staff practice in evaluating the safety implications of a particular exemption. It is anticipated that this evaluation will consider such factors as compensatory measures, length of time that the exemption will be in effect, and stage of plant operation (i.e., fuel loading, low power, full power, etc.). The Commission believes that the "not endanger" language in the current rule was never intended to embody any special standards for exemptions that differed from the statutory standards that licensing must provide adequate protection to the health and safety of the public and be in accord with the common defense and security. The "no undue risk" standard of the proposed rule is a refinement of the statutory standard that reflects current staff practice in the exemptions area.

As is currently required by § 50.12(a), the proposed rule would also require that the exemption be in the "public interest." However, in recognition of the Commission's decision in *Shoreham, supra*, the Commission wishes to explicitly state that the public interest determination will consist of a consideration of the special circumstances that justify the exemption. Apart from those related conditions set forth in proposed § 50.12(a)(2), discussed *infra*, that are specific applications of "special circumstances," this determination would be confined to the consideration of the equities of the situation, similar to those cited in the *Shoreham* decision, including the stage of the facility's life, any financial or economic hardships, any unusual difficulties in complying with the regulation, any internal inconsistencies in the regulation, the applicant's good faith effort to comply with the regulation from which the exemption is sought, the public interest in adherence to the Commission's regulations, and the safety issues involved.

The Commission notes that because the criteria in proposed § 50.12(a)(1) will now include consideration of hardships or unusual difficulties, as well as the level of safety, it is deleting the provision from existing § 50.12(a) on additional requirements for exemptions from the fracture toughness requirements of 10 CFR Part 50, Appendices G and H. A corresponding deletion has been made to 10 CFR 50.60.(b).

In addition to the general standards of proposed § 50.12(a)(1) the Commission is proposing to add a new § 50.12(a)(2), which would require that one of several conditions exist before an exemption could be granted. The Commission believes that these conditions represent situtations in which it would be reasonable to grant an exemption, provided that the general standards of § 50.12(a)(1) are also met. These conditions were selected on the basis of exemption criteria that have been noted by the courts with approval (special circumstances, hardship, equity, more effective implementation of overall policy, circumstances substantially different from those considered in the rulemaking proceeding) and on the basis of examples from past Commission exemption practice where the circumstances underlying the exemption appeared to be relevant and appropriate for exemption relief.[4] The Commission would emphasize that the conditions in proposed § 50.12(a)(2) constitute a specific application of either the safety criterion or the public interest (special circumstances) criterion stated in the general standards of proposed § 50.12(a)(1). Although an exemption request may satisfy one of the conditions in proposed § 50.12(a)(2), the general criteria in proposed § 50.12(a)(1) must *also* be satisfied. For example, proposed § 50.12(a)(2)(iii) establishes a condition that "alternative or compensatory means exist to achieve the underlying purpose of the rule." Although the exemption request may satisfy this specific condition, it must also satisfy the general public interest

[3] *In the Matter of Long Island Lighting Company* (Shoreham Nuclear Power Station, Unit 1), CLI–84–8, slip op., (May 16, 1984) (hereinafter "Shoreham").

[4] As noted by the D.C. Circuit in *WAIT Radio* v. *FCC*, 418 F.2d 1153, 1159, (D.C. Cir. 1969): Sound administrative procedures contemplates waivers, or exemptions granted only pursuant to a relevent standard . . . best expressed in a rule that obviates discriminatory approaches. . . . The process viewed as a whole leads to a general rule, and limited waivers or exemptions granted pursuant to an appropriate general standard.

(special circumstances) criterion of proposed § 50.12(a)(1) to justify the granting of the exemption. The Commission's objective in establishing the conditions of § 50.12(a)(2) is to impose limits on the type of exemption requests that can be granted. The addition of § 50.12(a)(2) is intended to reaffirm and strengthen the existing NRC policy and practice of evaluating and granting exemptions in a judicious and discriminating manner.

Proposed § 50.12(a)(2) would require that one of the following be satisfied before an exemption could be granted:

- Application of the regulation in the particular circumstances would be in conflict with other rules of the Commission; or
- Application of the regulation in the particular circumstances would not serve the underlying purpose of the rule or is not necessary to achieve the underlying purpose of the rule; or
- Alternattive or compensatory means exist to achieve the underlying purpose of the regulation;
- The exemption would result in an overall benefit to the public health and safety that compensates for any decrease in safety that may result from the grant of the exemption; or
- Application of the regulation would result in treatment of the particular applicant or licensee in a manner substantially different than other similarly situated applicants or licensees; or
- The exemption would provide only temporary relief from the applicable regulation; or
- There is present any other material circumstance not considered when the regulation was adopted.

Proposed § 50.12(a)(2)(i) would address those situations where application of a regulation in a particular circumstance would be in conflict with other rules or the Commission. This provision is designed for those rare situations where an applicant or licensee would be in the anomalous position of satisfying two or more conflicting requirements.

Proposed § 50.12(a)(2)(ii) would address those situations where application of the regulations in the particular circumstances is not necessary to achieve, or would not serve, the underlying purpose of the rule. This would include those situations considered in requests for exemptions under 10 CFR 2.758(b), where circumstances peculiar to that case, as opposed to any alleged generic inadequacy of the regulation, may result in the frustration of the underlying purpose of the rule. For example, *see, In the Matter of Pacific Gas and Electric Company* (Diablo Canyon Nuclear Power Plant, Units 1 and 2), ALAB–653, 16 NRC 55 (1981); *In the Matter of Metropolitan Edison Company* (Three Mile Island Nuclear Station, Unit No. 1), CLI–80–16, 11 NRC 674 (1980); *In the Matter of Duke Power Company* (Catawba Nuclear Station, Units 1 and 2), CLI–79–9, 2 NRC 180 (1985).

Proposed § 50.12(a)(2)(iii) addresses situations where alternative or compensatory means exist to achieve the underlying purpose of the regulation. This would allow an exemption request to be considered where it could be shown that satisfactory alternative or compensatory mechanisms exist to achieve the regulatory objective. It must be understood here that the underlying purpose of the rule should be something more specific than achieving adequate safety protection. Otherwise all of the safety requirements in 10 CFR Part 50 become subject to open litigation, and the exemption process becomes open ended. Rather, the specific objective of the regulation must be ascertained from the rule itself or the underlying rulemaking proceeding (for example, the specific purpose of 10 CFR 50.46 would be assuring a coolable core during and after postulated loss-of-coolant accidents).

Proposed § 50.12(a)(2)(iv) would address situations where the exemption would result in an overall benefit to health and safety. This provision would focus on those circumstances where, on balance, the exemption would actually result in a net increase in overall safety or quality of plant operations.

Proposed § 50.12(a)(2)(v) would address those situations where the application of the regulation would result in treating a particular applicant or licensee in a manner substantially different than other similarly situated applicants or licensees. This is intended to provide equitable treatment to applicants or licensees who, because of some unusual circumstance, are affected in a manner different than that of other similarly situated licensees or applicants. For example, *see In the Matter of Duke Power Company* (Catawba Nuclear Station, Units 1 and 2), CLI–79–9, 2 NRC 180 (1975).

Proposed § 50.12(a)(2)(iv) establishes a condition where the exemption would provide only temporary relief from the applicable regulation. This would cover the so-called "schedular" exemption where the relief sought is limited to a specific amount of time or until a specific event occurs. The applicant's good faith efforts to comply with the required schedule would be one of the factors considered under § 50.12(a)(1) in determining whether to grant the exemption.

Proposed § 50.12(a)(2)(vii) establishes a category of any other material circumstances not considered when the regulation was adopted. Although the Commission believes that the conditions in proposed § 50.12(a)(2)(i) through (vi) will cover most requests in which an exemption could reasonably be granted, proposed § 50.12(a)(2)(vii) recognizes that there may be circumstances, which could not have been foreseen in developing the conditions in proposed § 50.12(a)(2)(i) through (vi), in which it would be equitable to provide relief from the regulations. In these cases, after documentation of a material circumstances not considered when the regulation was adopted and meeting the general criteria, including "no undue risk", in proposed § 50.12(a)(1), an exemption could issue. However, this provision would also require the Executive Director for Operations to consult with the Commission before the exemption could be granted.

The Commission would once again exphasize that although one of the above provisions of proposed § 50.12(a)(2) may be satisfied, the exemption request must still be evaluated in the overall context of the general standards in § 50.12(a)(1). It is conceivable that one of the conditions in § 50.12(a)(2) will be satisfied, but the general standards of § 50.12(a)(1) cannot be met.

The Commission directs the staff to utilize existing staff practice, pre-*Shoreham*, in evaluating exemptions, pending the effective date of this rulemaking.

Separate Views of Commissioner Asselstine

Commissioner Asselstine would like comments on the following proposed rule as an alternative to that proposed by the Commission:

Section 50.12 Specific exemptions.

(a)(1) The Commission may, upon application by any interested person or upon its own initiative, grant exemptions from the requirements of the regulations in this part.

(2) The Commission will not consider granting an exemption unless special circumstances are present. Special circumstances are present whenever:

(i) compliance with the regulations would be inconsistent with some other Commission requirement;

(ii) compliance with the regulation would decrease overall facility safety, or would not acheive or not be necessary to achieve the purpose of the regulation;

(iii) compliance would result in undue hardship or other costs that are significantly in excess of those contemplated when the regulation was adopted, or that are significantly in excess of those incurred by others similarly situated;

(iv) a compliance issue is raised late in the licensing review that cannot be fully resolved in a timely fashion despite good faith efforts;

(v) compliance would result in applicant or licensee being treated in a manner significantly different from others similarly situated; or

(vi) there is present any other material circumstance not considered when the regulation was adopted.

(3) No exemption will be granted unless the Commission finds that it would be authorized by law and would be in accord with the common defense and security, and that there would be no undue risk to the health and safety of the public.

Finding of No Significant Environmental Impact

The Commission has determined under the National Environmental Policy Act of 1969, as amended, and the Commission's regulations in Subpart A of 10 CFR Part 51, that this rule is not a major Federal action significantly affecting the quality of the human environment. The proposed rule modifies the criteria for the consideration of exemption requests under 10 CFR Part 50. The adoption of such criteria does not have an environmental effect in and of itself. The potential environmental impact of a specific exemption will be evaluated at that time, as appropriate.

Paperwork Reduction Act

This proposed rule does not contain a new or amended information collection requirement subject to Paperwork Reduction Act of 1980 (44 U.S.C. 3501 et seq.). Existing requirements were approved by the Office of Management and Budget, approval number 3150–0011.

Regulatory Analysis

The Commission has prepared a draft regulatory analysis on this proposed regulation. The analysis examines the costs and benefits of the alternatives considered by the Commission. The draft analysis is available for inspection in the NRC Public Document Room, 1717 H Street NW, Washington, DC. Single copies of the analysis may be obtained from: F.X. Cameron, Office of the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Telephone 301–492–8689.

The Commission requests public comment on the draft regulatory analysis. Comments on the draft analysis may be submitted to the NRC as indicated under the **ADDRESSES** heading.

Regulatory Flexibility Certification

In accordance with the Regulatory Flexibility Act of 1980, 5 U.S.C. 605(b), the Commission hereby certifies that this rule, if adopted, will not have a significant economic impact upon a substantial number of small entities. The proposed rule primarily affects commercial power reactor licensees and license applicants, none of whom constitute a "small entity."

List of Subjects in 10 CFR Part 50

Antitrust, Classified information, Fire prevention, Incorporation by reference, Intergovernmental relations, Nuclear power plants and reactors, Penalty, Radiation protection, Reactor siting criteria, Reporting and recordkeeping requirements.

For the reasons set out in the preamble, and under the authority of the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and 5 U.S.C. 553, the NRC is proposing to adopt the following amendments to 10 CFR Part 50.

PART 50—DOMESTIC LICENSING OF PRODUCTION AND UTILIZATION FACILITIES

1. The authority citation for Part 50 continues to read as follows:

Authority: Secs. 103, 104, 161, 182, 183, 186, 189, 68 Stat. 936, 937, 948, 953, 954, 955, 956, as amended sec. 234, 83 Stat. 1244, as amended (42 U.S.C. 2133, 2134, 2201, 2232, 2233, 2236, 2239, 2282); secs. 201, 202, 206, 88 Stat. 1242, 1246 as amended (42 U.S.C. 5841, 5842, 5846), unless otherwise noted.

Section 50.7 also issued under Pub. L. 95–601, sec. 10, 92 Stat. 2952 (42 U.S.C. 5851). Sections 50.57(d), 50.58, 50.91, and 50.92 also issued under Pub. L. 97–415 Stat. 2071, 2073 (42 U.S.C. 2133, 2239). Section 50.78 also issued under sec. 122, 68 Stat. 939 (42 U.S.C. 2152). Section 50.80–50.81 also issued under sec. 184, 68 Stat. 954, as amended (42 U.S.C. 2234). Section 50.100–50.102 also issued under sec. 186, 68 Stat. 955 (42 U.S.C. 2236).

For the purposes of sec. 223, Stat. 958, as amended (42 U.S.C. 2273), §§ 50.10(a), (b), and (c), 50.44, 50.46, 50.48, 50.54, and 50.80(a) are issued under sec. 161b, 68 Stat. 948, as amended (42 U.S.C. 2201(b)); §§ 50.10(b) and (c) and 50.54 are issued under sec. 161i, 68 Stat. 949, as amended (42 U.S.C. 2201(i)); and §§ 50.55(e), 50.59(b), 50.70, 50.71, 50.72, 50.73, and 50.78 are issued under sec. 161o, 68 Stat. 950, as amended (42 U.S.C. 2201(o)).

2. In § 50.12, paragraph (a) is revised to read as follows:

§ 50.12 Specific exemptions.

(a) The Commission may, upon application by an interested person or upon its own initiative grant exemptions from the requirements of the regulations of this part, which—

(1) Are authorized by law, will not present an undue risk to the public health and safety, are consistent with the common defense and security, are in the public interest, and

(2) Meet one of the following—

(i) Application of the regulation in the particular circumstances would be in conflict with other rules of the Commission; or

(ii) Application of the regulation in the particular circumstances would not serve the underlying purpose of the rule or is not necessary to achieve the underlying purpose of the rule; or

(iii) Alternative or compensatory means exist to achieve the underlying purpose of the regulation; or

(iv) The exemption would result in an overall benefit to the public health and safety that compensates for any decrease in safety that may result from the grant of the exemption; or

(v) Application of the regulation would result in treatment of the particular applicant or licensee in a manner substantially different than other similarly situated applicants or licensees; or

(vi) The exemption would provide only temporary relief from the applicable regulation; or

(vii) There is present any other material circumstance not considered when the regulation was adopted. If such condition is relied on exclusively for satisfying paragraph (a)(2) of this section, the exemption shall not be granted until the Executive Director for Operations has consulted with the Commission.

* * * * *

3. In § 50.60, paragraph (b) is revised to read as follows:

§ 50.60 Acceptance criteria for fracture prevention measures for lightwater nuclear power reactors for normal operation.

* * * * *

(b) Proposed alternatives to the described requirements in Appendices G and H of this part or portions thereof may be used when an exemption is granted by the Commission under § 50.12

Dated at Washington, D.C., this 23rd day of April, 1985.

Nuclear Regulatory Commission.
John C. Hoyle,
Assistant Secretary of the Commission.
[FR Doc. 85-10186 Filed 4-25-85; 8:45 am]
BILLING CODE 7590-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 85-CE-11-AD]

Airworthiness Directives; Fairchild Aircraft Corporation Models SA226-T, SA226-AT, SA226-T(B), SA226-TC, SA227-AC, SA227-AT and SA227-TT Airplanes

AGENCY: Federal Aviation Administration, (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This amendment proposes to adopt a new Airworthiness Directive (AD) that would require additional inspection and recalibration of certain components critical to the Stall Avoidance System (SAS) on Fairchild Aircraft Corporation Models SA226-T, SA226-AT, SA226-T(B), SA226-TC, SA227-AC, SA227-AT and SA227-TT airplanes. Instances have occurred involving unwarranted actuation of the SAS control stick pusher mechanism at low altitudes. The proposed AD will assure proper operation of the SAS and the stall warning horn, and preclude loss of control due to an unwarranted actuation of the SAS.

DATE: Comments must be received on or before July 1, 1985.

ADDRESSES: Send comments on the proposal in duplicate to the FAA, Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 85-CE-11-AD, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106. The service bulletins applicable to this AD may be obtained from the Fairchild Aircraft Corporation, Post Office Box 32486, San Antonio, Texas 78284.

FOR FURTHER INFORMATION CONTACT: Mr. Sam Lovell, Airplane Certification Branch, ASW-150, Southwest Region, FAA, Fort Worth, Texas 76101; Telephone (817) 877-2448.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the address specified above. All communications received on or before the closing date for comments will be considered by the Director before taking action on the proposed rule. The proposal contained in this notice may be changed in light of comments. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available both before and after the closing date for comments in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact, concerned with the substance of the proposed AD, will be filed in the Rules Docket.

Availability of NPRMs

Any persons may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Central Region, Office of the Regional Counsel, Attention: Airworthiness Rules Docket No. 85-CE-11-AD, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106.

Discussion

The National Transportation Safety Board (NTSB) issued a Safety Recommendation (A-84-66) as a result of investigating one incident and receiving a report of another incident involving an unwarranted actuation of the SAS on certain Fairchild Model SA226 and SA227 airplanes. They recommended the FAA review the design, the installation, and the maintenance requirements for the SAS to verify system reliability and maintainability and take action as needed to preclude unwarranted actuation of the system that could present hazards to the airplane.

There are two systems presently being used on the above airplanes, the Rosemount and Conrac Systems. The Rosemount system was used in the earlier production airplanes and was replaced in later production airplanes by the Conrac system.

There have been 16 reports of unwarranted actuation of the SAS over a 5-year period. An additional 133 Malfunction of Defect (M or D) Reports were filed reporting various malfunctions with the SAS system. The majority of the 149 reports were a result of a lack of calibration of critical system components. In addition, proper operation of the stall warning horn is dependent upon a properly calibrated SAS system. Should such an unwarranted actuation occur during takeoff or landing, where the airplane is at a low altitude, an accident or incident could result.

An evaluation of the design, installation, maintenance, and field data regarding these systems disclosed that lack of calibration may have caused the majority of the problems experienced in the field. An established periodic inspection and calibration procedure could have prevented many of the problems that were reported.

Since the condition described herein is likely to exist or develop in other Fairchild Models SA226 and SA227 airplanes, the AD would require inspection and modification of the SAS in accordance with existing manufacturer's bulletins.

The FAA has determined that this proposed regulation involves approximately 582 airplanes. The estimated average cost of compliance with one cycle of the A is $970 per airplane. This cost precludes the proposed AD from having a significant economic impact on any small entity under the criteria of the Regulatory Flexibility Act. Therefore, I certify that this action (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of a Regulatory evaluation as the anticipated impact is so minimal; and (4) if promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft evaluation prepared for this action is contained in the regulatory docket. A copy of it may be obtained by contacting the person identified under the caption **"ADDRESSES"**.

List of Subjects in 14 CFR 39

Air transportation, Aviation safety, Aircraft, Safety.

The Proposed Amendment

PART 39—[AMENDED]

Accordingly, the Federal Aviation Administration proposes to amend § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) by adding the following new AD:

§ 39.13 [Amended]

Fairchild Aircraft Corporation: Applies to Models SA226–T (S/N T201 thru T275, T277 thru T291), SA 226–AT (S/N AT001 thru AT 419, AT003E, AT038E, AT062E, AT064E), SA226–TC (S/N TC201 thru TC419, TC208E, TC211E, TC211EE, TC211EEE, TC211EEEE, TC222E, TC227E, TC228E, TC229E, TC234E, TC237E, TC238E, TC239E, TC331E, TC334E), SA226–T)(B) (S/N T(B)276, T(B)292 thru T(B)417, T(B)303E), SA227–AC (S/N AC406, AC415, AC416, AC420 thru AC601, AC603), SA227–TT (S/N TT421 thru TT541), SA227–AT, (S/N AT423 thru AT585) airplanes certificated in any category.

Compliance: Required within 100 hours time-in-service after the effective date of this AD unless previously accomplished and thereafter as indicated below:

To assure proper operation of the Stall Avoidance System (SAS) system, accomplish the following:

(a) Except as noted in paragraph (b) of this AD, modify and/or inspect the applicable airplanes in accordance with the manufacturer's service bulletins, at the initial and repetitive time-in-service intervals, as specified for the model and serial numbered airplanes, set forth in Table 1 below:

BILLING CODE 4910-13-M

Table 1

Model	Serial Number	Fairchild Service Bulletin	Compliance Interval Hrs - Time in Service
SA226-T	T201 thru T275, T277 thru T291	226-A27-024	one time only
		226-A27-028	one time only
		226-27-038	
		Para. 2.A	200
		Para. 2.B	500
		Para. 2.C	800
SA226-AT	AT001 thru AT073, AT003E, AT038E, AT062E, AT064E	226-A27-024	one time only
		226-27-038	
		Para. 2.A	200
		Para. 2.B	500
		Para. 2.C	800
	AT074 thru AT419	226-27-038	
		Para. 2.A	200
		Para. 2.B	500
		Para. 2.C	800
SA226-TC	TC201 thru TC314, TC208E, TC211E, TC211EE, TC211EEE, TC211EEEE, TC222E, TC227E, TC228E, TC229E, TC234E, TC237E, TC238E, TC239E	226-A27-024	one time only
		226-27-038	
		Para. 2.A	200
		Para. 2.B	500
		Para. 2.C	800
	TC315 thru TC419, TC331E, TC334E	226-27-038	
		Para. 2.A	200
		Para. 2.B	500
		Para. 2.C	800
SA226-T(B)	T(B)276, T(B)292thru T(B)391	226-A27-028	one time only
		226-A27-033	one time only
		226-27-037	
		Para. 2.A	200
		Para. 2.B	1200
		Para. 2.C	2000
	T(B)392 thru T(B)417, T(B) 303E	226-A27-033	one time only
		226-27-037	
		Para. 2.A	200
		Para. 2.B	1200
		Para. 2.C	2000
SA227-AC	AC420 thru AC551	227-A27-004	one time only
		227-27-006	
		Para. 2.A	200
		Para. 2.B	1200
		Para. 2.C	2000
	AC406, AC415, AC416, AC552 thru AC601, AC603	227-27-006	
		Para. 2.A	200
		Para. 2.B	1200
		Para. 2.C	2000
SA227-TT	TT421 thru TT526, TT528, TT530 thru TT534	227-A27-004	one time only
		227-27-006	
		Para. 2.A	200
		Para. 2.B	1200
		Para. 2.C	2000
	TT527, TT529 TT535 thru TT541	227-A27-004	one time only
SA227-AT	AT423 thru AT549	227-A27-004	one time only
		227-27-006	
		Para. 2.A	200
		Para. 2.B	1200
		Para. 2.C	2000
	AT550 thru AT585	227-27-006	
		Para. 2.A	200
		Para. 2.B	1200
		Para. 2.C	2000

BILLING CODE 4910-13-C

(b) Modify and/or inspect those Model SA226 and SA227 series airplanes which are equipped with the Conrac SAS system (per STC 4725SW) in accordance with Table 2 below:

Table 2

Model	Fairchild Service Bulletin		Compliance Interval Hrs - Time in Service
Any applicable Model SA226 and SA227 airplanes incorporating STC 4725SW	226-27-037	Para. 2A	200
		Para. 2B	1200
		Para. 2C	2000

Note. #1: The current issue date and subject matter of the Service Bulletins specified in Table 1 are as follows:

(1) 226-A27-024—"Flight controls-Elevator", dated 11/13/79.

(2) 226-A27-028—"Flight controls-Rudder and Elevator", dated 12/11/80.

(3) 226-A27-033—"Flight controls-Elevator", dated 12/03/82. Revised 01/06/83.

(4) 227-A27-004—"Flight controls-Elevators", dated 12/03/82. Revised 01/06/83.

(5) 226-27-037—"Conrac SAS System-Inspection and Recalibration", dated 02/15/85.

(6) 226-27-038—"Rosemount SAS System-Inspection and Recalibration", dated 02/15/85.

(7) 227-27-006—"Conrac SAS System-Inspection and Recalibrations", dated 02/15/85

(c) An equivalent method of compliance with this AD may be used if approved by the Manager, Airplane Certification Branch, ASW-150, FAA Southwest Regional Office, Forth Worth, Texas 76101

(Secs. 313(a), 601, and 603 of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421 and 1423); 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); and Section 11.85 of the Federal Aviation Regulations (14 CFR 11.85))

Issued in Kansas City, Missouri, on April 15, 1985.

Murray E. Smith,

Director, Centeral Region.

[FR Doc. 85-10133 Filed 4-25-85; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 85-ANE-2]

Airworthiness Directives: Rolls-Royce Limited, Dart Model 542-4, 542-4K, 542-10, 542-10J, and 542-10K Turboprop Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This notice proposes to amend an existing airworthiness directive (AD) applicable to Rolls-Royce Dart Model 542-4, 542-4K, 542-10, 542-10J, and 542-10K engines, by exempting certain propeller shafts from repetitive inspections, requiring the inspection of additional serial numbered propeller shafts and incorporating other minor editorial changes. This proposed amendment is needed to align the requirements of the AD with the current revision of the Rolls-Royce service bulletin (SB).

DATE: Comments must be received on or before July 5, 1985.

ADDRESSES: Comments on the proposal may be mailed in duplicate to: Federal Aviation Administration, New England Region, Office of the Regional Counsel, Attention: Rules Docket No. 85-ANE-2, 12 New England Executive Park, Burlington, Massachusetts 01803 or delivered in duplicate to Room Number 311 at the above address.

Comments delivered must be marked: Docket Number 85-ANE-2.

Comments may be examined at the New England Regional Office, Office of the Regional Counsel, Room Number 311, between the hours of 8:00 a.m. and 4:30 p.m. Monday through Friday, except Federal holidays.

The applicable SBs may be obtained from Rolls-Royce Limited, Manager—Dart Service, East Kilbride, Glasgow G74 4PY, Scotland.

Copies of the SBs are contained in Rules Docket Number 85-ANE-2 in Office of the Regional Counsel, New England Region, Federal Aviation Administration, 12 New England Executive Park, Burlington, Massachusetts 01803.

FOR FURTHER INFORMATION CONTACT: Kenneth W. Steeves, General Aviation Engine Branch, ANE-142, Engine Certification Office, Aircraft Certification Division, FAA, New England Region, 12 New England Executive Park, Burlington, Massachusetts 01803, telephone (617) 273-7097.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket number and be submitted in duplicate to the address specified above. All communications received on or before the closing date for comments will be considered by the Director before taking action on the proposed rule. The proposal contained in this notice may be changed in light of comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available for examination in the Rules Docket, both before and after the closing date for comments, at the address given above. A report summarizing each FAA-public contact, concerned with the substance of the proposed AD, will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 84-ANE-2." The postcard will be date/time stamped and returned to the commenter.

The FAA has determined that (1) propeller shafts marked "CU" have shown a complete absence of defects and consequenlty, no longer require repetitive in-service inspections at 1,200 hour intervals, (2) additional propeller shaft serial numbers which are shown in the current revision of Rolls-Royce SB Da72-367 should be included in the AD, and (3) minor editorial changes should be incorporated.

Therefore, the proposed amendment amends the existing AD as follows:

(a) Allows propeller shafts marked "CU" to be exempt from the repetitive in-service inspection requirements.

(b) Includes the additional serial numbered propeller shafts which are listed in the current revision of the SB.

(c) Incorporates minor editorial changes.

Conclusion

The FAA has determined that this proposed regulation will be less burdensome on the operators. Even though this proposed AD includes additional serial number propeller shafts it is believed that, if any of these shafts are in the United States, they have been inspected. In addition, the elimination of the repetitive inspection will reduce the cost of this AD for each affected engine by $400 per year. Therefore, I certify that this action (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as there is no anticipated impact; and (4) if promulgated, will not have a signficant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 39

Engines, Air transportation, Aircraft, Aviation safety, Incorporation by reference.

The Proposed Amendment

Accordingly, the FAA proposes to amend § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) by amending Amendment 39–1119, AD 70–25–06 to read as follows:

Rolls-Royce Limited: Applies to Rolls-Royce Dart Models 542–4; 542–4K, 542–10, 542–10J, and 542–10K engines.

Compliance is required as indicated, unless already accomplished.

To prevent cracking and subsequent failure of the engine propeller shaft and damage to the coarse pitch oil line due to material inclusions in that part of the shaft between the annulus gear support diaphragms, accomplish the following:

(a) For all airplanes with Rolls-Royce Dart Models 542–4, 542–4K, 542–10, 542–10J, and 542–10K engines installed except those having engine propeller shafts installed which have been supplied by Rolls-Royce with "CU" marked on the front end of the shaft, or in which each engine propeller shaft has been overhauled (including ultrasonic inspection for cracks and material inclusions) in accordance with Rolls-Royce Dart Overhaul Manual O-Da1O-AC and identified with "CU" marked on the front end of the shaft, and which are not listed in Appendix A and B of Rolls-Royce SBs Da72–367, Revision 3, dated June 2, 1978, within the next 50 hours' time in service after the effective date of this AD, install the following placard in clear view of the pilot and as close to the R P.M. indicators as practicable: "In the event of abnormal, short duration R.P.M. increase (500–600 R.P.M.) accompanied by a drop in TGT and torque pressure at a fixed power setting, immediately feather affected propeller per Aircraft Flight Manual feathering instructions."

(b) For engines which have been feathered in accordance with the placard in paragraph (a), before further flight, overhaul the engine propeller shaft (including ultrasonic inspection) in accordance with Rolls-Royce Dart Overhaul Manual O-Da1O-AC to determine whether material inclusions or cracks exist in the part of the engine propeller shaft between the annulus gear support diaphragms, and whether the propeller coarse pitch oil line has been damaged. If material inclusions or cracks in the propeller shaft or damage to the propeller coarse pitch oil line are found, before further flight replace the cracked propeller shaft and damaged propeller coarse pitch oil line with an approved serviceable part.

(c) For all engines having propeller shafts with 1,200 or more hours' time in service on the effective date of this AD, within the next 450 hours' time in service and thereafter at intervals not to exceed 1,200 hours' time in service since the last inspection, inspect each engine propeller shaft (including ultrasonic inspection) in accordance with Rolls-Royce SB Da72–367. If material inclusions or cracks are detected during any inspection, before further flight replace the engine propeller shaft with an approved serviceable part.

(d) For all engines having propeller shafts with less than 1,200 hours' time in service on the effective date of this AD, within a total of 1,650 hours' time in service, and thereafter at intervals not to exceed 1,200 hours' time in service since the last inspection, inspect each engine propeller shaft (including ultrasonic inspection) in accordance with Rolls-Royce SB Da72–367. If material inclusions or cracks are detected during any inspection, before further flight replace the engine propeller shaft with an approved serviceable part.

(e) For all engines the repetitive in-service inspections required by paragraphs (c) and (d) may be discontinued when propeller shaft are installed which have been supplied by Rolls-Royce with "CU" marked on the front end of the shaft, or which have been overhauled (including ultrasonic inspection for cracks and material inclusions) in accordance with Rolls-Royce Dart Overhaul Manual O–Da10–AC and identified with "CU" marked on the front end of the shaft.

(f) For all engines with propeller shafts installed bearing the serial numbers listed in Appendix A and B of Rolls-Royce SB Da72–367, Revision 3, the placard required by paragraph (a) may not be removed.

(g) For all engines with propeller shafts installed bearing the serial number listed in Appendix A and B of Rolls-Royce SB Da72–367, Revision 3, the propeller shafts must be inspected at engine overhaul per the procedures described in paragraph 4B of Rolls-Royce SB Da72–367, Revision 3.

Upon request, an equivalent means of compliance may be approved by the Manager, Engine Certification Office, Aircraft Certification Division, New England Region, Federal Aviation Administration, 12 New England Executive Park, Burlington, Massachusetts 01803.

This proposed amendment will amend AD 70–25–06 Amendment 39–1119.

The FAA will request the permission of the **Federal Register** to incorporate by reference the manufacturer's SB identified and described in this document.

(Sec. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); 49 U.S.C. 106(g) (Revised, Pub. L. 97–449, January 12, 1983); 14 CFR 11.85)

Issued in Burlington, Massachusetts, on April 16, 1985.

Robert E. Whittington,

Director, New England Region.

[FR Doc. 85–10134 Filed 4–25–85; 8:45 am]

BILLING CODE 4910–13–M

Federal Highway Administration

23 CFR Parts 625 and 655

[FHWA Docket No. 85–18]

National Standards for Traffic Control Devices; Manual on Uniform Traffic Control Devices; Standards for Performance of Retroreflective Traffic Control Devices; Request for Comments

AGENCY: Federal Highway Aministration (FHWA), DOT.

ACTION: Advance notice of proposed amendments to the manual on uniform traffic control devices; request for comments.

SUMMARY: The FHWA is inviting comments on a petition from the Center for Auto Safety (CAS) to initiate rulemaking consideration on the issue of standards for retroreflective illumination of traffic control devices. If adopted, these standards could be incorporated into the Manual on Uniform Traffic Control Devices (MUTCD). The MUTCD is incorporated by reference in the design standards for Federal-aid highways found in Part 625 of Title 23, Code of Federal Regulations (CFR). It is also recognized in 23 CFR Part 655 as the national standard for traffic control devices on all public roads.

DATE: Comments must be received on or before February 15, 1986.

ADDRESS: Submit written comments, preferably in triplicate, to FHWA Docket No. 85–18, Federal Highway Administration, Room 4205, HHC–10, 400 Seventh Street SW., Washington, D.C. 20590. All comments received will be available for examination at the above address between 7:45 a.m. and 4:15 p.m. e.t., Monday through Friday. those desiring notification of receipt of comments must include a self-addressed, stamped postcard. The

MUTCD is available for inspection and copying as prescribed in 49 CFR Part 7, Appendix D. It may be purchased for $30.00 from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. Stock No. 050–001–81001–8.

FOR FURTHER INFORMATION CONTACT: Mr. Philip O. Russell, Office of Traffic Operations, (202) 426–0411, or Mr. Michael J. Laska, Office of the Chief Counsel, 426–0762, 400 Seventh Street SW., Washington, D.C. 20590. Office hours are from 7:45 a.m. to 4:15 p.m. e.t., Monday through Friday.

SUPPLEMENTARY INFORMATION: The FHWA both receives and initiates requests for amendments to the MUTCD. The MUTCD presents traffic control device (TCD) standards for all streets and highways open to public travel regardless of type or class or the governmental agency having jurisdiction.

The MUTCD fulfills a statutory responsibility imposed on the Secretary of Transportation in sections 109(b), 109(d), and 402(a) of Title 23 of the U.S.C. and delegated to the Federal Highway Administrator in 49 CFR 1.48 (b), (c), and (n). Generally, 23 U.S.C. 109 authorizes the Secretary to develop, approve, and apply standards for the construction of highways in which Federal funds participate. Section 109(b) calls for standards for the Interstate System to be applied "uniformly throughout the States." Section 109(d) directs the secretary to approve only such standards for "the location, form, and character" of signs, signals, and markings on Federal-aid highways "as will promote the safe and efficient utilization of the highways." Section 402(a) authorizes to Secretary to promulgate uniform national standards relating to "highway design and maintenance (including lighting, markings, and surface treatment), traffic control, vehicle codes and laws, surveillance of traffic," etc., for use on all public roads.

This advance notice is being issued so that interested persons and/or organizations may have the opportunity to participate in the consideration of this request for amendments to the MUTCD. Based upon comments received in response to this advance notice and upon its own experience, the FHWA may prepare a notice of proposed amendments. Any final amendments which result from that action wil be published in the **Federal Register** and incorporated by reference in the Code of Federal Regulation.

The basic requirements for highway signs and pavement markings are that they be legible and understood in time to permit a proper response. This means high visibility lettering or symbols of adequate size, and a short, accurate legend for driver comprehension at highway speed. Standard colors and shapes are specified so that special classes of traffic signs can be promptly recognized. Simplicity and uniformity in color, shape, position, and application are stressed throughout the MUTCD. The MUTCD presently provides that: (a) Regulatory and warning signs, unless excepted in the standards covering a particular sign or group of signs, shall be retroreflectorized or illuminated to show the same shape and color both by day and night, (b) pavement markings, which must be visible at night, shall be retroreflectorized unless ambient illumination assures adequate visibility, and (c) all pavement markings on Interstate highways shall be retroreflectorized.

The MUTCD contains no minimum initial or maintained retroreflective requirements for retroreflective traffic signs, pavement markings, or other traffic control devices. Minimum initial retroreflective requirements for new sheeting materials do exist. They are contained in General Services Administration's (GSA) Federal Specifications L–S–300C [1] and in "Standard Specifications for Contruction of Roads and Bridges on Federal Highway Projects FP–79" [2] (FP–79) U.S. DOT FHWA. The FP–79 is issued primarily for use in the construction of roads and bridges on Federal highway projects under the direct supervision of the FHWA. The State and local highway agencies have direct supervision of their respective systems including the Federal-aid highway systems and, therefore, are not bound by the FP–79. Many State and local highway agencies have elected to use either the GSA or the FP–79 specification for procurement of sign sheeting material. The FP–79 also contains minimum maintained retroreflective intensity specifications for sheeting materials in construction and maintenance zones. The FHWA is not aware of any State or highway agency that has adopted these standards.

The CAS petition acknowledges that the MUTCD sets forth standards for size, shape, and color as well as legend size and spacing for traffic control devices. However, the petition contends that the range of legally licensable drivers is not accommodated by the traffic control devices allowed in the MUTCD with respect to nighttime conspicuity dependent upon retroreflective illumination.

Copies of the CAS petition will be distributed to everyone currently appearing on the FHWA mailing list for MUTCD matters. Those wishing to be added to the mailing list or receive a copy of the petition should write to FHWA, Office of Traffic Operations, HTO–21, 400 Seventh Street SW., Washington, D.C. 20590.

Discussion of Problem

In the mid-1970's, approximately 55 percent of all vehicle deaths were reported to have occurred during the hours of darkness. By the early 1980's, the proportion of fatalities occurring at night had increased steadily to about 60 percent. Given the facts that hours of darkness constitute only about 40 percent of a 24-hour day and only about 25 percent of all travel occurs during this same period, nighttime accidents are over-represented in accident statistics. The night fatality rate is more than three times that of the daytime rate. The rural driver has a significantly greater nighttime risk than the driver in urban areas when compared on the basis of relative exposure (per vehicle miles of travel). Approximately two-thirds of nighttime fatalities occur on unlighted roadways mainly in rural areas. The proportion of single vehicle fatalities occurring at night has increased from 62 to 68 percent between 1975 and 1982.

It is generally recognized that a single causal factor cannot be assigned to night accidents. A driver's night vision characteristics and a lack of adequate visual guidance information are significant factors in the greater accident and fatality rates at night. Fatigue, intoxication, inclement weather, higher speeds of travels on some roadways, and other factors all contribute to the hazards of night driving. For example, accident risks are considerably greater on wet pavements at night than on dry pavements. The problem is even more extreme for operation on wet roads with control of accesss. The risk of an accident under night, wet conditions on a freeway appears to be about 10 to 15 times greater than that during dry, daytime conditions.

All of the above mentioned factors are made worse by poor visibility. The great majority of information that the road user requires to effectively carry out

[1] This document is available for inspection and copying at the Federal Highway Administration, Office of Traffic Operations, HTO–21, Room 3419, 400 7th Street SW., Washington, D.C. 20590.

[2] This document is available for inspection and copying at the Federal Highway Administration, Office of Traffic Operations, HTO–21, Room 3419, 400 7th Street SW., Washington, D.C. 20590.

driving in an efficient manner is obtained through the visual senses. The driver at night is presented with an extremely difficult task in a moving vehicle where the luminance level of the background scene and on the roadway itself often shifts very rapidly. The driver's light/dark adaptation must change quickly and continually as the light level is changed. The ability to detect and recognize objects falls off rapidly as the light level decreases to the level typical of night driving. Glare from oncoming vehicles and adjacent roadside developments present problems. Visual acuity, contrast sensitivity, distance judgment, speed of seeing, and color discrimination are all impaired by the relative darkness of the night driving environment. Therefore, anything done to enhance night visibility is likely to improve driver performance.

In addition to lighting, the primary techniques used to ameliorate the night visibility problem has been through the retroreflective treatment of signs, pavement markings, and delineators, and improved vehicular headlamp systems. Prior to 1980, there had been considerable research involving those techniques in simple, uniform backgrounds, aimed at improving legibility of signs and the detection distance at which objects are seen along the highway. For many roadway situations, particularly on low volume, rural roads, these studies showed vehicular headlamp illumination with limited pavement markings (i.e., center lines) and signing was sufficient to provide the driver with the needed guidance information. However, as the roadway environment becomes more complex, vehicular headlamps and deteriorating traffic control devices (TCDs) cannot provide the information needed for efficiently carrying out the driving task.

Laboratory studies suggest that only a modest level of illumination, far lower than daylight, is required to provide the necessary conditions for effective performance in almost any night driving environment. The difficulty of the driver's task and, therefore, the quality of visual information needed, is largely dependent upon the complexity of inputs presented to the visual senses. Visual complexity is determined by road geometry, maneuvering of other traffic, adjacent land uses, advertising signs, pedestrian activity, weather, traffic control devices, lighting, and maintenance of road features, and many other factors. Also important is the degree of driver impairment by such factors as alcohol and drugs, age, vision problems, and fatigue.

At the present time the FHWA's research plans which address these subjects are based on the recognition that the most pressing research need is to develop an understanding of how operational complexity of the driving environment affects the various techniques being used to provide visual guidance information to the driver and how these techniques interact. This research builds on past knowledge to determine what techniques and equipment should be used in which specific situations and how often and by what methods TCDs should be refurbished or replaced.

Even upon the completion of the above research, the FHWA recognizes that a significant gap will exist between the new information (research results) and the successful adoption of acceptable minimum maintained retroreflection standards for TCDs. Therefore, the FHWA has decided to open a public docket to receive information concerning the practicality of developing retroreflection standards for TCDs as well as research and measuring methods/devices which would be needed to determine and to objectivity measure retroreflection standards.

The FHWA has formulated the following questions and invites responses concerning the retroreflective performance of traffic control devices during periods of reduced visibility:

1. Are standards needed for minimum maintained retroreflective performance requirements for traffic control devices (traffic signs, barricades, pavement markings, delineators, hazard markers, etc.) including those devices used in work zones? Are maximum initial and maintained retroreflective performance requirements needed for any specific colors or applications?

2. Should standards be based on retroreflectivity measurements or on minimum distances at which traffic control devices need to be visible and comprehensible to a motorist under a wide range of driving environments and conditions?

3. Have any highway agencies established retroreflective performance standards for their traffic control devices? If so, what are the basis of the performance standards? How long have they been in use and are they adequate? What problems have developed through their use? How cost-effective are they? Are these existing practices or procedures being used by highway agencies to determine when traffic control devices need to be replaced or refurbished?

4. In establishing minimum maintained retroreflective requirements for traffic control devices, are there special needs to be considered such as the "design driver", driver information processing, aging motorists, glare sensitivity, vehicle characteristics (i.e., head lights, windshields, eye height), complex visual backgrounds, high information load, and weather? Should a table be developed similar to Table II–1, "A Guide for Advance Warning Sign Placement Distance" as shown on page 2c–2a of the MUTCD?

5. Should there be retroreflection uniformity within a single sign or of signs within a single display or should certain signs have higher retroreflection than other signs for example, Stop signs as compared to Do Not Litter signs)? Are there available data or research results for classifying (in order of sign of importance) traffic sign retroreflection needs?

6. Should traffic control devices retroreflective requirements be indicated in Specific Intensity per unit Area (SIA) [3], Coefficient of Luminous Intensity (CIL) per unit area,[4] luminance [5], or other units?

7. What instruments and procedures for measuring retroreflection of traffic control devices should be specified, are being used, or are available for use? If instruments or procedures have been used, were they practical and satisfactory?

8. What research studies are needed to develop reasonable performance standards?

9. What research studies are needed to develop performance measuring instruments?

10. Would comprehensive standards be cost-effective? Why or why not?

This advance notice of proposed rulemaking to the MUTCD is issued under the authority of 23 U.S.C. 109(d), 315, and 402(a), and the delegation of authority in 49 CFR 1.48(b).

It is anticipated that any proposed changes to the MUTCD resulting from the comments received would be included in a subsequent Notice of Proposed Rulemaking.

The FHWA had determined, at this time, that this document contains neither a major rule under Executive Order 12291 nor a significant proposal under the regulatory policies and procedures of the Department of Transportation. This determination will

[3] SIA: Candelas per footcandle per square foot.

[4] CIL per unit area: Candelas per lux per square metre (Metric equivalent of SIA).

[5] Luminance: Foot-loberts (English), Candelas per square metre (Metric).

be reevaluated and a draft regulatory evaluation will be prepared, if necessary based upon the data received in response to this advance notice. Based upon the information available to the FHWA at this time, the action proposed in this advance notice will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 23 CFR Parts 625 and 655

Design standards, Grant programs-transportation, Highways and Roads, Signs, Traffic regulations, Incorporation by reference.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Research, Planning and Construction. The regulations implementing Executive Order 12372 regarding interrgovernmental consultation on Federal programs and activities apply to this program)

Issued on: April 22, 1985.

R.A. Barnhart,

Federal Highway Administrator, Federal Highway Administration.

[FR Doc. 85-10178 Filed 4-25-85; 8:45 am]

BILLING CODE 4910-22-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Housing—Federal Housing Commissioner

24 CFR Part 207

[Docket No. R-85-1106; FR-1756]

Cooperative Housing Mortgage Insurance—Subordinated Secretary-Held Mortgages

Correction

In FR Doc. 85-9564 beginning on page 15754 in the issue of Monday, April 22, 1985, make the following correction: On page 15756, in the first column, the section heading "§ 207.2598" should read "§ 207.258".

BILLING CODE 1505-01-M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 936

Permanent State Regulatory Program of Oklahoma

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

ACTION: Proposed rule.

SUMMARY: OSM is proposing to modify the deadline for Oklahoma (1) to promulgate rules governing the training, examination and certification of blasters and (2) to develop and adopt a program to examine and certify all persons who are directly responsible for the use of explosives in a surface coal mining operation. On April 5, 1985, Oklahoma requested an extension of time for the development of a blaster certification program until August 5, 1985. All States with regulatory programs approved under the Surface Mining Control and Reclamation Act of 1977 (SMCRA or the Act) were required to develop and adopt a blaster certification program by March 4, 1984. Section 850.12(b) of OSM's regulations provides that the Director, OSM, may approve an extension of time for a State to develop and adopt a program upon a demonstration of good cause.

DATE: Comments not received by May 28, 1985 at the address below, no later than 5:00 p.m. will not necessarily be considered.

ADDRESS: Written comments should be mailed or hand delivered to Mr. Robert L. Markey, Director, Tulsa Field Office, Office of Surface Mining, Room 3014, 333 West 4th Street, Tulsa, Oklahoma 74103.

FOR FURTHER INFORMATION CONTACT: Mr. Robert L. Markey, Director, Tulsa Field Office, Office of Surface Mining, Room 3014, 333 West 4th Street, Tulsa, Oklahoma 74103; Telephone: (918) 581-7927.

SUPPLEMENTARY INFORMATION: On March 4, 1983, OSM issued final rules effective April 14, 1983, establishing the Federal standards for the training and certification of blasters at 30 CFR Chapter M (48 FR 9486). Section 850.12 of these regulations stipulates that the regulatory authority in each State with an approved program under SMCRA shall develop and adopt a program to examine and certify all persons who are directly responsible for the use of explosives in a surface coal mining operation within 12 months after approval of a State program or within 12 months after publication date of OSM's rule at 30 CFR Part 850, whichever is later. In the case of Oklahoma's program, the applicable date is 12 months after publication date of OSM's rule, or March 4, 1984.

On April 11, 1984, the State of Oklahoma submitted to OSM a draft proposed amendment its permanent regulatory program intended to implement the provisions of 30 CFR Part 850 relating to blaster training, examination and certification. As a result of OSM's preliminary review, deficiencies were identified in Oklahoma's draft proposal. After reviewing OSM's concerns in light of available staff resources and existing workload commitments, it became apparent that additional time would be needed; therefore, the State on April 5, 1985, requested a four month extension of time, until August 5, 1985, to submit to OSM a comprehensive and complete proposed program amendment concerning the development and adoption of a blaster certification program in Oklahoma.

Therefore, OSM is seeking comment on the State's request for additional time to develop and adopt a blaster certification program. Section 850.12(b) of OSM's regulations provides that the Director, OSM, may approve an extension of time for a State to develop and adopt a program upon a demonstration of good cause.

Additional Determinations

1. *Compliance with the National Environmental Policy Act:* The Secretary has determined that, pursuant to section 702(d) of SMCRA, 30 U.S.C. 1292(d), no evironmental impact statement need be prepared on this rulemaking.

2. *Executive Order No. 12291 and the Regulatory Flexibility Act:* On August 28, 1981, the Office of Management and Budget (OMB) granted OSM an exemption from sections 3, 4, 7, and 8 of Executive Order 12291 for actions directly related to approval or conditional approval of State regulatory programs. Therefore, this action is exempt from preparation of a Regulatory Impact Analysis and regulatory review by OMB.

The Department of the Interior has determined that this rule would not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). This rule would not impose any new requirements; rather, it would ensure that existing requirements established by SMCRA and the Federal rules would be met by the State.

3. *Paperwork Reduction Act:* This rule does not contain information collection requirements which require approval by the Office of Management and Budget under 44 U.S.C. 3507.

List of Subjects in 30 CFR Part 936

Coal mining, Intergovernmental relations, Surface mining, Underground mining.

Authority: Pub. L. 95-87, Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201 *et seq.*)

Dated: April 19, 1985.

Brent W. Blauch,

Acting Director, Office of Surface Mining.

[FR Doc. 85-10152 Filed 4-25-85; 8:45 am]

BILLING CODE 4310-05-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 721

[OPTS-50523; FRL-2743-3]

4,4'-Methylenebis(2-Chlorobenzenamine); Proposed Determination of Significant New Use

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing a significant new use rule (SNUR) for the chemical substance 4,4'-methylenebis (2-chlorobenzenamine) (MBOCA). The substance also is called 4,4'-methylenebis (2-chloroaniline). The Agency is proposing that the manufacture of MBOCA in the United States be designated as a significant new use of that chemical substance. Persons intending to engage in this significant new use would be required to submit a significant new use notice to EPA at least 90 days prior to the commencement of that use. The purpose of this SNUR is to ensure that EPA will receive notification of any proposed manufacture of MBOCA, allowing the Agency to regulate this activity before it occurs, if necessary.

DATE: Written comments on this proposed rule should be submitted by May 29, 1985.

ADDRESS: Comments should bear the docket control number OPTS-50523 and should be submitted to the following address: TSCA Public Information Office (TS-793), Office of Toxic Substances, Environmental Protection Agency, Rm. E-108, 401 M. St., SW., Washington, D.C. 20460.

All written comments on this proposed rule will be available for public inspection in Rm. E-107 at the address given above from 8:00 a.m. to 4:00 p.m., Monday through Friday, except legal holidays.

FOR FURTHER INFORMATION CONTACT:
Edward A. Klein, Director, TSCA Assistance Office (TS-799), Office of Toxic Substances, Environmental Protection Agency, Rm. E-543, 401 M St., SW., Washington, D.C. 20460,
Toll free: (800-424-9065),
In Washington, D.C.: (554-1404),
Outside the USA: (Operator-202-554-1404).

SUPPLEMENTARY INFORMATION: OMB Control Number 2070-0038.

I. Authority

Section 5(a)(2) of TSCA (15 U.S.C. 2604(a)(2)) authorizes EPA to determine that a use of a chemical substance is a significant new use. This determination is made by rule after consideration of all relevant factors, including those listed in section 5(a)(2). Once a use of a chemical substance is determined to be a significant new use, persons must, under TSCA section 5(a)(1)(B), submit a notice to EPA at least 90 days before they commence that significant new use.

Chemical substances subject to proposed or final SNURs are subject to the export reporting requirements to TSCA section 12(b). These requirements appear at 40 CFR Part 707. Chemical substances subject to final SNURs also must comply with TSCA section 13 import certification requirements, which are codified at 19 CFR 12.118 through 12.127 and 127.28. The EPA policy in support of these requirements is codified at 40 CFR Part 707.

II. Applicability of General Provisions

In the **Federal Register** of September 5, 1984 (49 FR 35011), EPA promulgated general provisions applicable to SNURs (40 CFR Part 721, Subpart A). EPA is proposing that these general provisions apply to this SNUR, except as discussed in this preamble and as provided in the rule. The general provisions are discussed in detail in the cited **Federal Register** document, and interested persons should refer to that document for further information.

III. Summary of This Proposed Rule

The chemical substance identified in this proposed SNUR is 4,4'-methylenebis(2-chlorobenzenamine) (CAS No. 101-14-4). The substance also is called 4,4'- methylenebis(2-chloroaniline). For purposes of convenience, the substance will be referred to as MBOCA in this proposed rule. The rule proposes that the manufacture of MBOCA in the United States be designated as a significant new use. The SNUR would apply to manufacturing processes of any type, regardless of the exposure controls used. Under this rule, persons intending to manufacture MBOCA in the United States would be required to notify EPA at least 90 days before they begin production.

Persons subject to this SNUR would be subject to the same notice requirements under TSCA section 5(a)(1) as submitters of premanufacture notices (PMNs). In particular, these requirements include the information submission requirements of sections 5(b) and (d)(1), and the exemptions authorized by section 5(h). EPA has codified these notice requirements and the procedure for submitting notices in Subpart A of Part 721. Generally persons submitting a notice under this rule would be required to complete a PMN form with regard to their intended production of MBOCA. Note that potential manufacturers of MBOCA would be required to provide EPA with data on any processing and/or packaging of the substance that will occur at the manufacturing plant site.

Once EPA has received a SNUR notice, EPA may take regulatory action pursuant to sections 5(e), 5(f), 6, or 7 to control the substance. If no action is taken, section 5(g) requires the Agency to explain in the **Federal Register** its reasons for not taking action.

Although importation is included in the TSCA definition of "manufacture," importers of MBOCA would be exempted specifically from the requirements of this rule because the substance currently is being imported into the United States; this activity is an ongoing use and therefore cannot be identified as a significant new use. The SNUR also would not cover processing and use activities which occur away from the MBOCA manufacturing site, nor would it require information on the method of commercial distribution outside of the plant site. The Agency is considering a different regulatory approach to address potential health and environmental risks associated with these activities.

IV. Background Information on MBOCA

Based on information available to EPA, from 1 to 3.5 million pounds of MBOCA is used in the United States per year, mostly in the production of a variety of products having industrial and consumer uses. The primary use of MBOCA is as a hardener, or curing agent, in the manufacture of polyurethane elastomer products. The Agency believes that, at present, the entire amount of MBOCA used in the United States is imported; there is no current manufacture of the chemical substance in the United States, nor has there been since 1979.

EPA believes that MBOCA is a potential human carcinogen. Several chronic bioassays indicate that the substance causes malignant tumors in mice, rats, and dogs when administered orally. The bioassay in rats provided particularly strong evidence of carcinogenicity, involving a number of sites in the body. In addition, several structural analogues of MBOCA cause

malignant tumors in the urinarey bladder of dogs (as does MBOCA) and are known inducers of malignant urinary bladder tumors in humans.

EPA has identified a number of differnt routes through which MBOCA can enter the human body: absorption through the skin, inhalation, and oral ingestion. Manufacture of the substance prior to 1979 is known to have resulted in the creation of MBOCA dust particles; human exposure to MBOCA in dust form would increase the likelihood that the substance will be absorbed into the body.

EPA has idenitified industrial workers (involved with MBOCA manufacture, processing, and/or distribution) as the population facing the greatest risk of exposure to the substance. The families of these workers may come in contact with MBOCA particles carried home on the clothing of the workers, although the degree of potential exposure is much less than for the workers themselves. Residents in communities surrounding plants that manufacture or process MBOCA also may be exposed to the substance—particularly children who play in dirt containing MBOCA particles. Because most of the substance is consumed during use in the polyurethane hardening process, the likelihood of consumer exposure is negligible.

Most of the background information discussed above was drawn from an Agency document entitled: Office of Toxic Substances Priority Review Level-1, Risk Assessment on MBOCA. This document is contained in the public record for this rulemaking.

V. Objectives and Rationale for the Proposed Rule

EPA is proposing this SNUR because the Agency wishes to achieve the following objectives with regard to the manufacture of MBOCA in the United States:

1. The Agency wants to ensure that it will receive notice of any company's intent to manufacture MBOCA before production begins.

2. The Agency wants to ensure that it will have an opportunity to review and evaluate data submitted in a SNUR notice (generally, the proposed method of manufacture and on-site processing and packaging) before manufacture of the substance begins.

3. The Agency wants to ensure that it will be able to regulate prospective manufacturers of MBOCA before risks from manufacture and related on-site activities occur, provided that the degree of potential health risk is sufficient to warrant such regulation.

There is no current exposure risk posed by MBOCA manufacture in the United States because the substance is not being produced in this country at this time. However, significant quantities of the substance are used in the United States as intermediates in the manufacture of polyurethane plastics, utilizing imported MBOCA. In view of the size of the market for MBOCA in the United States and the fact that there is no Federal restriction on manufacture of the substance at present, it is possible that one or more companies may commerce manufacture of MBOCA in this country (provided they meet any state restrictions that may apply). EPA knows of a company that intends to begin producing the substance in the United States sometime in the near future (see Unit VI). EPA believes that the likelihood that the substance will be produced in the United States forms a basis for this rule.

Because MBOCA is a potential human carcinogen, the Agency wishes to ensure that all future manufacture of the substance in the United States will restrict the release of MBOCA dust. Previous manufacture of the substance at a plant site in Adrian, Michigan resulted in the release of a considerable amount of MBOCA dust particles, and resulting human exposure. EPA wishes to avoid a recurrence of this type of incident. The Agency believes that a SNUR which designates the manufacture of MBOCA in the United States as a significant new use of the substance is the best available regulatory means of achieving this objective.

This type of SNUR will ensure that EPA receives timely notification of any intent to manufacture MBOCA, thus enabling the Agency to conduct a complete assessment of the health and environmental risks associated with manufacturing and on-site processing of the substance. Moreover, the SNUR will provide mechanisms for immediate follow-up regulatory action through sections 5(e) and (f) of TSCA, thus enabling EPA to control (if necessary) the intended manufacture of MBOCA before unreasonable health or environmental risk occur.

EPA has considered the four factors listed in section 5(a)(2) (and others), as required by TSCA, and believes that the manufacture of MBOCA in the United States would be a significant new use of the substance. The Agency interprets the phrase "significant new use" as an exposure-related term, with the potential for release of a chemical substance and exposure to that substance determined by the factors listed in section 5(a)(2) and other factors that EPA finds relevant on a case-by-case basis. A resumption of MBOCA manufacture in the United States would cause a significant increase in the potential for release of MBOCA and subsequent human exposure to the substance. Moreover, that use is not currently ongoing, nor has it occurred for over five years. Thus, the Agency believes that the commencement of the use designated in this proposed rule would present EPA with a significant new exposure concern that warrants the promulgation of a SNUR for that use.

VI. Applicability of Proposed Rule to Uses Occurring Before Promulgation of Final Rule

EPA finds that the intent of section 5(a)(1)(B) is best served by determining whether a use is a significant new use as of the proposal date of the SNUR rather than as of promulgation of the final rule. If uses begun during the proposal period of the SNUR were not considered to be significant new uses, it would be very difficult for the Agency to establish SNUR notice requirements, because any person could defeat the SNUR by initiating a proposed significant new use before the rule became final. Based on this interpretation of TSCA section 5, EPA will determine whether the manufacture of MBOCA in the United States is a significant new use of the substance as of the date this rule is proposed.

EPA recognizes that this interpretation of the Act may disrupt the commercial activities of persons who begin manufacturing MBOCA in the United States after this rule is proposed but before promulgation of the final rule. These persons would be required to cease production and submit a SNUR notice as of the effective date of the final rule. However, this proposed rule provides any such persons with notice that the Agency intends to promulgate a SNUR for the manufacture of MBOCA, and any person commencing manufacture of MBOCA in the United States prior to promulgation of this SNUR would do so at their own risk.

This policy will have a direct impact on the company that already has indicated to EPA its intent to manufacture MBOCA. The company is developing a new process for manufacturing the substance. EPA intends that this company will be subject to the SNUR, because the Agency wishes to evaluate the company's manufacturing process and the potential exposure risks associated with that process. However, because EPA currently is aware of the company's intent to commence manufacture of

MBOCA, the Agency also does not want to cause the company unnecessary delay in beginning manufacture. (It should be emphasized that EPA will use its full TSCA authority to control the company's manufacturing and on-site processing of MBOCA should the Agency determine that such activity will present an unreasonable risk to human health or the environment.)

In view of the unique circumstances of this case, EPA has included language in the proposed rule which would allow any company to comply with the SNUR before the rule is promulgated. If a company were to meet all of the conditions of advance compliance, as specified in the regulatory language and described below, the company would be exempt from the requirements of the final SNUR. EPA is proposing this provision for public comment as part of this SNUR. However, the Agency also is considering the addition of an advance compliance exemption to the general provisions of 40 CFR 721, Subpart A (§ 721.19, Exemptions).

The first requirement for advance compliance with this SNUR would be to submit a complete significant new use notice to EPA. Any firm that submits an advance SNUR notice for MBOCA would be required to follow the general notification requirements of Subpart A, § 721.10. The company would have to submit the notice to the Agency at least 90 days before it begins manufacturing MBOCA. EPA would expect to complete its review of the notice within 90 days of receipt, but the Agency could extend its review period for up to 90 additional days, if necessary. The notice would have to contain all requisite SNUR data, with limitations described in this rule, including information on the company's intended method of manufacture and on-site processing of MBOCA.

EPA's procedures for the receipt, handling, and evaluation of advance significant new use notices under this rule would be the same as for any other significant new use notices. The Agency would publish a notice of receipt in the **Federal Register**, as required by section 5(d)(2) of TSCA. Non-confidential data from the advance notice would be added to EPA's public file for SNUR notices. The Agency then would conduct an evaluation of all data from the advance SNUR notice, together with any other relevant data in EPA's possession. The Agency would determine whether the planned manufacture and on-site processing of MBOCA would adequately control release of the substance (and thus not present an unreasonable risk to human health or the environment), and whether further regulatory action would be required.

There are four possible situations which may occur after EPA completes its review of an advance significant new use notice.

1. If there is sufficient information for EPA to conclude that the company's intended method for manufacturing and on-site processing of MBOCA would present no unreasonable risk to human health or the environment under any reasonable risk to human health or the environment under any reasonably foreseeable circumstances, the Agency would take no further regulatory action with regard to the company. Under his option, EPA would notify the company that it could begin the significant new use after the Agency's review period ends. The company would be allowed to continue such use after the final SNUR becomes effective, without delay or the need to comply further with the rule.

2. If there is no sufficient information for EPA to reasonably determine whether the company's method for manufacturing and on-site processing of MBOCA would present an unreasonable risk under any reasonable foreseeable circumstances, but the Agency believes that the intended methodology would not pose such a risk if certain procedures or restrictions are followed (until additional data demonstrated them to be unnecessary), the Agency would attempt to negotiate a section 5(e) consent order with the company. The consent order would specify that the firm must use the approved methodology (as modified by EPA) in its manufacture and on-site processing of MBOCA. If a consent order is signed, it would go into effect on the effective date of the final rule. The company would not be able to deviate from the terms of the order after the effective date without being in violation of the Act.

Once a consent order is signed, the company would be allowed to begin the significant new use under the terms of the order, once the review period for the significant new use notice ends. The firm would not be allowed to deviate from the conditions of the consent order prior to the effective date of the order and the final SNUR; if the firm should deviate from those conditions, the company would not qualify for an advance compliance exemption. In such a case, the company would be required to cease manufacture of MBOCA on the effective date of the SNUR; the firm then would have to submit a significant new use notice and wait until completion of the statutory review period before resuming production. After submission of that notice, EPA would be able to take action under section 5(e) in an adversarial context, if necessary.

3. If there is not sufficient information for EPA to reasonably determine whether the company's method for manufacturing and on-site processing of MBOCA would present an unresonable risk under any reasonably foreseeable circumstances, and EPA and the company are not able to negotiate the terms of a consent order, the firm would not qualify for an advance compliance exemption under this SNUR. The company therefore would be subject to the requirements of the final SNUR as though it had not submitted an advance significant new use notice.

4. If there is sufficient information for EPA to reasonably conclude that the company's intended method for manufacturing and on-site processing of MBOCA would present an unreasonable risk to human health and the environment, and the Agency believes that the risk requires immediate control, EPA could take action under TSCA section 6(a) (made immediately effective under section 5(f)) or section 7 to control the risk. The Agency would not pursue a section 5(e) consent order in this case; the company therefore would not have met all of the conditions of the advance compliance exemption. The firm would be required to cease production (if not already done) on the effective date of the final SNUR, submit a significant new use notice, and wait until completion of the statutory review period before resuming production.

The Agency believes that its approach to advance SNUR compliance is an acceptable means of accomplishing its risk assessment and risk management objectives regarding possible significant new uses, without causing members of the regulated community to suffer unnecessary delays in their business activities. The advance compliance exemption in this rule would not waive EPA's enforcement authority with regard to any SNUR notice submitter. EPA solicits comment on this approach.

EPA is allowing the company that currently intends to manufacture MBOCA in the United States to seek an exemption from the final SNUR under the advance compliance provision that is being proposed in this rule. The Agency is doing so to enable the company to avoid a major delay in its manufacture of MBOCA, provided that the firm's intended method of manufacturing and on-site processing will not present an unreasonable risk to human health or the environment. EPA has allowed the company to submit an advance significant new use notice for MBOCA, and the Agency is handling the

notice as though the advance compliance exemption were in effect. EPA published a Notice of Receipt in the **Federal Register** of September 24, 1984 (49 FR 37460). The company now will have to meet all SNUR notice requirements, but will be able to avoid a delay in its intended manufacture of MBOCA if it meets all terms of the advance compliance exemption.

If that exemption is included in the final rule, the company will be able to benefit from it. However, if the advance compliance exemption is not included in the final rule, the company (and all other persons intending to manufacture MBOCA in the United States) will be required to comply with the final SNUR when it goes into effect.

VII. Test Data

EPA recognizes that under TSCA section 5 a person is not required to develop any particular test data before submitting a significant new use notice. Rather, a person is only required to submit test data in that person's possession or control and to describe any other data known to or reasonably ascertainable by that person.

However, in view of the potential health and environmental risks that may be posed by the manufacture of MBOCA, EPA encourages SNUR notice submitters to provide the Agency with any relevant test data on MBOCA that they may wish to develop. Generally, SNUR notices (for MBOCA or any other chemical substance) submitted with relevant test data would improve EPA's ability to conduct a reasoned evaluation of the health and environmental effects of the subject chemical substance. Persons choosing to develop test data voluntarily in response to the SNUR should provide data that conform with the standards of TSCA good laboratory practices, which are codified at 40 CFR Part 792 and were published in the **Federal Register** of November 29, 1983 (48 FR 53923). EPA encourages persons who intend to conduct testing of MBOCA to consult with the Agency before selecting a protocol for testing the substance.

Finally, EPA urges persons submitting SNUR notices on MBOCA to provide information on the potential benefits of MBOCA, plus information on the risks posed by the substance compared to risks posed by potential substitutes. Again, the more information EPA receives on MBOCA, the better the Agency's evaluation of health and environmental risks will be.

VIII. Economic Impact

EPA estimates that the cost of submitting an individual SNUR notice in response to this rule would be between $1,400 and $8,000. The SNUR notice submitter also may incur the costs of some voluntarily adopted exposure control measures that would not have been utilized but for the existence of the SNUR; it is not possible to quantify these costs without knowing what control measures are adopted, because exposure control methodologies vary within the chemical industry. In addition, the notice submitter may incur up to a 3.2 percent reduction in profits due to delays in manufacture resulting from the Agency's notice review period, plus the cost of compliance with any regulatory follow-up action that may be taken by EPA.

In the case of a company that submits a SNUR notice to EPA prior to promulgation of the final rule, the firm will be less likely to experience delays in manufacture of reduction in profits if it complies with all of the requirements of the advance compliance exemption in the rule.

EPA is not able to determine the total cost of this rule for the industry as a whole, because it is not possible to estimate accurately the number of companies that will submit SNUR notices in response to this rule; at present, the company that is seeking to comply with this SNUR prior to promulgation of the rule is the only respondent known or anticipated by EPA.

The Agency believes that this rule may have a slight impact on innovation within the chemical industry, because certain companies that intend to manufacture MBOCA in the United States may abandon their plans to do so as a result of this SNUR (without submitting a SNUR notice). Although these firms will not incur the direct cost of SNUR compliance, they (and society) may lose some of the benefits that would have been derived from the manufacture of MBOCA. However, the rule also may encourage innovation by companies that seek new methods to control MBOCA release and exposure.

This SNUR will provide health and environmental benefits to society by enabling the Agency to monitor and, if necessary, control exposure to MBOCA resulting from manufacture of the substance in the United States. As with total industry cost, it is not possible to quantify these benefits with any degree of accuracy, because it is not possible to determine the number of companies that will submit SNUR notices.

For a more detailed discussion of economic impact, see the Economic Analysis of the Proposed SNUR for MBOCA. This document is contained in the public record for this rule (OPTS–50523).

IX. Judicial Review

When the final version of this rule is promulgated, judicial review may be available under section 19 of TSCA in the United States Court of Appeals for the District of Columbia Circuit or in the circuit in which the person seeking review resides or has its principal place of business. To provide all interested persons an equal opportunity to file a timely petition for judicial review and to avoid so called "races to the courthouse," EPA intends to promulgate this rule for purposes of judicial review two weeks after publishing the final rule in the **Federal Register.** The effective date will be calculated from the promulgation date.

X. Rulemaking Record

EPA has established an administrative record for this rulemaking (docket control number OPTS–50523). The record includes basic information considered by the Agency in developing this proposed rule. EPA will supplement the record with additional relevant information as it is received. The record now includes the following:

1. Office of Toxic Substances Priority Review Level-1 Document, Risk Assessment on MBOCA, U.S.E.P.A., 1982.

2. Economic Analysis of Proposed Significant New Use Rule for 4,4'-methylenebis(2-chlorobenzenamine) (MBOCA), Economics and Technology Division, U.S.E.P.A., 1984.

3. Other relevant factual information and support documents.

The Agency will accept additional materials for inclusion in the record at any time between the date of publication of this proposed rule and the designation of the complete record. EPA will identify the complete rulemaking record by the date of promulgation of the final rule.

The record is available to the public in the OTS Public Information Office, from 8:00 a.m. to 4:00 p.m., Monday through Friday, except legal holidays. The Public Information Office is located in Rm. E–107, 401 M St., SW., Washington, D.C.

XI. Regulatory Assessment Requirements

A. Executive Order 12291

Under Executive Order 12291, EPA must judge whether a regulation is "major" and therefore requires a Regulatory Impact Analysis. EPA has determined that this SNUR would not be a "major" rule because it will not have an impact on the economy of $100

million or more, and it will not have a significant effect on competition, costs, or prices. EPA estimates that the reporting cost for submitting a notice under this rule will be approximately $1,400 to $8,000. At this time, the Agency knows of only one potential manufacturer of MBOCA. Furthermore, while the expense of a notice and the uncertainty of possible EPA regulation may discourage certain innovation, that impact will be limited because such factors are unlikely to discourage an innovation that has high potential value. Moreover, the rule may encourage SNUR respondents to develop new methods for controlling release and exposure to MBOCA.

This regulation was submitted to the Office of Management and Budget (OMB) for review as required by Executive Order 12291.

B. Regulatory Flexibility Act

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), EPA certifies that this proposed rule, if promulgated, will not have a significant impact on a substantial number of small businesses. The Agency has not determined whether parties affected by this rule are likely to be small businesses. However, EPA believes that few manufacturers would submit SNUR notices under this rule. Therefore, although the costs of preparing a SNUR notice might be significant for some small manufacturers, the number of such firms affected is not expected to be substantial.

C. Paperwork Reduction Act

OMB has approved the information collection requirements contained in this proposed rule, under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*). OMB has assigned control number 2070–0038 to the rule. Comments on these information requirements should be submitted to the OMB Office of Information and Regulatory Affairs and marked "Attention: Desk Officer for EPA." The final rule package will respond to any OMB or public comments on the information collection requirements.

(Sec. 5, Pub. L. 94–469, 90 Stat. 2012 (15 U.S.C. 2604))

List of Subjects in 40 CFR Part 721

Environmental protection, Chemicals, Hazardous materials, Recordkeeping and reporting requirements, Significant new uses.

Dated: April 17, 1985.

Lee M. Thomas,

Administrator.

PART 721—[AMENDED]

Therefore, it is proposed that Part 721 of Chapter I of Title 40 be amended by adding § 721.275 to read as follows:

§ 721.275 4,4'-methylenebis(2-chlorobenzenamine) (MBOCA).

(a) *Chemical substance and significant new use subject to reporting.* (1) The chemical substance 4,4'-methylenebis(2-chlorobenzenamine) (CAS No. 101–14–4) is subject to reporting under this section for the significant new use described in paragraph (a)(2) of this section. The substance also is identified as 4,4'-methylenebis(2-chloroaniline) and MBOCA.

(2) The significant new use is the manufacture of the substance in the United States.

(b) *Specific requirements.* The provisions of Subpart A of this Part apply to this section except as modified by this paragraph.

(1) *Exemptions.* The following persons are exempt from the reporting requirements of this section:

(i) A person who imports MBOCA into the customs territory of the United States and does not otherwise manufacture the substance in the United States.

(ii) A person who complies with the requirements of this section and Subpart A of this Part prior to the effective date of this section and receives written notification of compliance from EPA at the end of the notice review period specified in § 721.10. EPA will so notify the person only if one of the following occurs:

(A) EPA determines that there is no need for immediate regulatory action concerning the activities described in the significant new use notice.

(B) EPA and the person negotiate a consent order under section 5(e) of the Act, such order to go into effect on the effective date of this section, and the person complies with the terms of any such consent order before the order goes into effect.

(2) *Notice requirements and procedures.* A person who is required to submit a significant new use notice under this section must complete only Parts I.A., I.B., I.C.1., I.C.3, II.A., and III. of the notice form specified in § 721.10. The person is not required to submit information about processing or use by other persons of the substance identified in paragraph (a)(1) of this section.

[FR Doc. 85–10289 Filed 4–25–85; 8:45 am]

BILLING CODE 6560–50–M

Notices

Federal Register
Vol. 50, No. 81
Friday, April 26, 1985

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

ADVISORY COUNCIL ON HISTORIC PRESERVATION

Programmatic Memorandum of Agreement on the Activities of the Department of the Army at Fort Leavenworth, KS

AGENCY: Advisory Council on Historic Preservation.

ACTION: Notice.

SUMMARY: This notice provides information about and invites comments on a proposed Programmatic Memorandum of Agreement that provides for the development of a Preservation Plan for the identification, inventory, evaluation and treatment of historic, architectural and cultural properties at Fort Leavenworth, Kansas.

Comments Due: Comments must be submitted on or before May 28, 1985.

ADDRESS: Executive Director, Advisory Council on Historic Preservation, The Old Post Office, 1100 Pennsylvania Avenue, NW., Room 809, Washington, DC 20004.

The Council proposes to execute a Programmatic Memorandum of Agreement pursuant to § 800.8 of its regulations (36 CFR Part 800) with the Department of the Army and the Kansas State Historic Preservation Officer. The proposed Agreement establishes standards for a Preservation Plan at Fort Leavenworth which will coordinate the management of historic, architectural and cultural properties with the activities of the Army on the Fort. The Army's responsibilities at the Fort pursuant to sections 106 and 110(f) of the National Historic Preservation Act will be fulfilled by implementation of the proposed Agreement. Interested parties are encouraged to obtain a copy of the proposed Agreement from the Council and submit comments.

Dated: April 23, 1985.

Robert R. Garvey,

Executive Director.

[FR Doc. 85-10167 Filed 4-25-85; 8:45 am]

BILLING CODE 4310-10-M

DEPARTMENT OF AGRICULTURE

Competitive Research Grants Program for Forest and Rangeland Renewable Resources for Fiscal Year 1985; Solicitation of Applications

Competitive Research Grants Program for Forest and Rangeland Renewable Resources

Notice is hereby given that pursuant to the authority contained in Section 5 of the Forest and Rangeland Renewable Resources Research Act of 1978, as amended (16 U.S.C. 1644), Competitive Research Grants (CRG) of the Office of Grants and Program Systems (OGPS), United States Department of Agriculture (USDA), anticipates awarding standard project grants for basic research in the areas of harvesting, wood utilization and forest biology. The total amount expected to be available for this program during Fiscal Year 1985 is approximately $7,500,000. Long-term projects, up to a limitation of five years, are encouraged. Grants will be awarded by CRG to the extent that funds are available.

Pursuant to the Secretary's Memorandum number 1030-12 dated April 12, 1985, the authority to administer the $7,840,000 made available by section 101(c) of the Continuing Appropriations Act for Fiscal Year 1985 for a competitive research grants program for forest research authorized by Section 5 of the Forest and Rangeland Renewable Resources Research Act of 1978 has been transferred along with the funding to the Office of Grants and Program Systems. Under this authority the Office of Grants and Program Systems may award grants to Federal, State, and other governmental agencies, public or private agencies, institutions, universities, and organizations, and businesses and individuals in the United States. Proposals received from scientists at non-United States organizations or institutions will not be considered for support.

For purposes of this program in Fiscal Year 1985, CRG is adopting the Administrative Provisions governing the Competitive Research Grants Program, 7 CFR Part 3200 (excluding Sections 3200.1, 3200.3(a), 3200.4(c), modifying the second sentence of 3200.6(c)(3) by deleting the words "food and agricultural sciences" and inserting in lieu thereof "protection, management and utilization of forest and rangeland renewable resources," and deleting the parenthetical phrase in the last sentence of 3200.7(c)), found at 49 FR 5570, February 13, 1984, as amended by 50 FR 5499, February 8, 1985. These provisions set forth procedures to be followed when submitting grant proposals, rules governing the evaluation of proposals and awarding of grants, and regulations relating to the post-award administration of grant projects. Copies of these provisions and of the Research Grant Application Kit may be obtained by writing to the address listed below or by calling (202) 475-5049. For reasons set forth in the Final rule related notice related to 7 CFR Part 3015, Subpart V (48 F.R. 29115, June 24, 1983), this program is excluded from the scope of Executive Order 12372, which requires intergovernmental consultation with State and local officials.

An original and 15 copies of each proposal submitted under this program are requested. This number of copies is necessary to permit thorough, objective peer evaluation of all proposals received before funding decisions are made. In addition to other required forms and certifications included in the Research Grant Application Kit, it is requested that an original and 15 copies of Form S&E-661, "Grant Application," also be submitted. Proposers should note that one copy of this form must contain pen-and-ink signatures of the principal investigator(s) and the authorized organizational representative.

All copies of each proposal should be mailed in one package if at all possible. Due to the volume of proposals received, applications submitted in several packages are very difficult to identify. If copies of a proposal must be mailed in more than one package, however, the number of pages should be clearly marked on the outside of each. It is important that *all packages be mailed at the same time.* Also, please see that each copy of each proposal is *stapled securely* in the upper left-hand corner. DO NOT BIND. Information should be typed on one side of the page only.

Every effort should be made to ensure that the proposal contains all pertinent information when submitted. Prior to mailing, compare your proposal with the Application Requirements checklist contained in the Research Grant Application Kit and instructions found in 7 CFR Part 3200.

Each research grant application must be submitted by the time limit set below to: Proposal Services Unit, Grants Administrative Management, Office of Grants and Program Systems, U.S. Department of Agriculture, Room 010, Justin Smith Morrill Building, 15th and Independence Avenue, SW., Washington, D.C. 20251.

To be considered for funding during Fiscal Year 1985, proposals must be received in Grants Administrative Management by the close of business on June 7, 1985.

One copy of each proposal not selected for funding will be retained for a period of one year. The remaining copies will be destroyed.

Introduction to Program Description

Standard research grants will be awarded to support basic research in selected areas of (1) harvesting, processing, and utilization of timber resources, with special emphasis on the chemical, mechanical, and engineering properties of wood and wood materials and (2) forest biology, including biotechnology, that are considered by a number of scientific groups to possess exceptional opportunity for fundamental scientific discovery and for contributing, in the long run, to applied research and development vitally needed on important wood utilization and forestry problems. This grants program recognizes that new, innovative approaches and enhanced levels of funding are essential as we seek ways to improve the economic and environmental value of our forest resources.

Consideration will be given to research proposals that address fundamental questions in the areas noted below and that are consistent with the long-range missions of USDA. Basic guidelines are provided to assist members of the scientific community in assessing their interest in the program areas and to delineate certain important areas where new information is vitally needed. However, these guidelines are also meant to be flexible and should not detract from the creativity of potential investigators. The Competitive Research Grants office encourages the submission of innovative projects in the so-called "high-risk" category, as well as those that may have greater probability of success.

Workshops or symposia that bring together scientists to identify research needs, update information, or advance an area of research are recognized as an integral part of research efforts. Support for a limited number of such meetings covering subject matter encompassed by this Competitive Research Grants Program for Forest and Rangeland Renewable Resources will be considered for partial or, if modest, complete support.

This program is divided into the two program areas outlined below, and funding will be divided equally between them. Proposals submitted in response to this solicitation must be identified as to the program area under which they are to be considered for funding (e.g., 1.1).

First, the Department will fund proposals concerning the improved utilization of wood and wood fiber. Public and private forests in the United States contain one of our most important renewable natural resources, providing a continuing supply of wood for industrial materials, chemicals, and energy, as well as other resources and benefits. National requirements for wood, wood fiber, and chemical products, however, increasingly demand the development of innovative and economical conversion processes that effectively utilize total available wood resources. Thus, as the diverse demands placed upon forest resources grow, the Department of Agriculture is encouraging the development of more efficient harvesting, utilization, and management practices.

Second, the Department will fund proposals concerning forest biology (including biotechnology). Forest systems generally are dominated by long-lived trees in either planted or naturally regenerated stands that may vary in composition from one species to complex mixtures of many. These primarily undomesticated populations of forest trees, while dominant, are but one component of larger communities of diverse numbers and combinations of associated organisms. Productivity of the forest ecosystem is thus dependent upon the many complex processes and interactions among trees, other organisms and the physical factors of the environment. While many of these processes and interactions have been identified, studied and described, very little is known of the basic biological mechanisms that underlie and determine their directions and rates.

The following guidelines are provided as a base from which proposals may be developed.

Specific Areas of Research To Be Supported in Fiscal Year 1985

1.0 Improved Utilization of Wood and Wood Fiber

Improved wood utilization practices depend upon a continually advancing scientific foundation of basic research in wood properties and fundamental components of wood science. This program area encourages research that addresses critical barriers to improved wood utilization, and that will provide the scientific base from which new research and development can proceed. Grants will be awarded to support basic research in the following three categories of wood science:

1.1 *Wood Chemistry and Biochemistry* represents an important area where new basic information is vitally needed and where breakthroughs have a virtually unlimited potential for expanding wood utilization. Basic questions that need to be addressed include the nature of underlying principles governing enzymatic, microbial, and other chemical reactions. Examples of research subjects of interest include bioconversion and deterioration mechanisms, lignin and cellulose polymer modification, surface chemisry, bonding chemistry, and thermal reactions.

1.2 *Physical/Mechanical Properties of Wood and Basic Processing Techology* constitutes an area of investigation in which an improved base of scientific knowledge can ensure future development of new products and processes. Research is encouraged that furthers our understanding of basic mechanisms that impinge upon the structure, physical properties, and basic processing characteristics of wood and reconstituted wood materials. Examples of such research include, but are not limited to, anatomical, viscoelasticity and quality investigations, cutting processes, heat and mass transfer phenomena, lignocellulose modification, particle/fiber consolidation, non-destructive property evaluation, and materials science principles.

1.3 *Structural Wood Engineering* has developed empirically over time and has typically involved incremental improvements upon conventional concepts. Significant improvements depend upon developing an expanded scientific base of knowledge about the use and performance of wood as a structural material. The goal of basic research in this field is to support and encourage innovative approaches to the structural use of wood. Examples of research in this category include reliability-based design, systems

modeling and validation, wood/non-wood composites, fasteners, and basic failure mechanisms.

To be considered for support, grant proposals should demonstrate applicability to one of the described areas of research emphasis and must offer a reasonable probability of contributing significantly to the present body of scientific knowledge. The Department encourages proposals that emphasize innovative approaches to solving fundamental problems in the field of wood science and technology. Although this program area will emphasize research in the above categories, other new or unusual approaches will not be excluded.

If necessary, further information may be obtained from the Associate Program Manager at (202) 475–5022.

2.0 Forest Biology (Including Biotechnology)

The primary goals of the Forest Biology program area are to promote and fund research that will further the basic knowledge of mechanisms of biological processes in forest organisms and systems, and that will contribute to overcoming barriers to optimize the health and productivity of the forest resource. Emphasis will be placed on research proposals that deal with the woody plant component of the forest system. Also, grants will be awarded to support basic studies in the following two categories of forest biology research, each of which has been judged to offer exceptional opportunities for scientific advancement. Thus, proposals in this area of fundamental research are encouraged, but the program will not exclude other new or unusual research approaches.

2.1 *Genetic Structure and Function* is an area of research in which new basic knowledge and technology development are critically needed to support future efforts in more intensive forest management. Forest organisms, by virtue of their wide distribution and occurrence in both natural and manipulated ecosystems, offer unique opportunities to analyze, identify and utilize a broad spectrum of variations and adaptations that still persist in the gene pools of existing populations.

Research should address the genetic limits to the health and productivity of woody species, including: Development of techniques for genetic engineering, including those for DNA transfer systems and for determining molecular mechanisms of gene expression; elucidation of mechanisms of morphogenesis at the cellular and organismal levels, including those controlling the development of productive plants from tissue or cell culture; identification and characterization of valuable genes and simply-inherited traits; and determinations of the organization, structure, and function of genomes.

2.2 *Mechanisms of Interactions in Forest Systems* is an area of research which requires a significant increase in basic knowledge to support subsequent studies of a more applied nature. Forest productivity is determined by complex climatic, geochemical and physical forces interacting with the living component of the ecosystem, the diverse mixtures of woody species of varying genotype, size and age that exist in various stages of equilibria with each other and with a host of other forest organisms. Understanding basic mechanisms that underlie the dynamic changes that occur as a forest regenerates and matures is essential to determining constraints and opportunities to improve the health and productivity of the forest resource.

Areas in which basic research is needed to understand mechanisms involved in some of those processes include, but are not limited to: Determining the mechanisms driving the co-evolved synergistic processes of forest organisms such as mycorrhizal symbioses and nitrogen fixation; elucidating mechanisms involved in antagonistic relationships between forest organisms (interspecific interference) such as allelopathy and host-parasite interactions.

To be considered for support, grant proposals should demonstrate applicability to one of the described areas of research emphasis and must offer a reasonable probability of contributing significantly to the present body of scientific knowledge. It is especially important that proposals emphasize innovative approaches to solving fundamental problems in forest biology.

If necessary, further information may be obtained from the Associate Program Manager at (202) 447–7417.

Supplementary Information

It has been determined that, because of the need to implement this program so that the research can be initiated in the late spring or early summer of 1986, compliance with the notice and public procedure provisions of 5 U.S.C. 553, made applicable to this solicition by Departmental Policy, 36 FR 13804 as (1971), is impracticable and contrary to the public interest. Further, this action has been reviewed under Executive Order 12291 and it has been determined that it is not a major rule. Although this Notice establishes the procedures and criteria under which the recipients of these grants in Fiscal Year 1985 will be selected, and the terms and conditions under which such grants will be administered, it does not involve a substantial or major impact on the Nation's economy or on large numbers of individuals or businesses.

There will be no major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions.

Under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. 3504 (h)), the collection of information requirements contained in this rule have been approved under OMB Document No. 0525–0001. In addition, this regulation will not have a significant impact on a substantial number of small entities as defined in the Regulatory Flexibility Act, Pub. L. 96–354 (5 U.S.C. 601). No regulatory analysis is required.

Done at Washington, D.C., this 23rd day of April 1985.

Edgar L. Kendrick,

Administrator, Office of Grants and Program Systems.

[FR Doc. 85–10175 Filed 4–25–85; 8:45 am]

BILLING CODE 3410-MT-M

Commodity Credit Corporation

Uniform Grain Storage Agreement; Uniform Rice Storage Agreement Annual Contract Fees

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Notice of proposed determination of 1985–86 contract fees.

SUMMARY: The purpose of this notice is to propose changes in the amount of the contract fees which are collected from warehousemen by the Commodity Credit Corporation (CCC) in accordance with the regulations governing the Standards for Approval of Warehouses for Grain, Rice, Dry Edible Beans, and Seed, (7 CFR 1421.5551 *et seq.*). The fees are charged by CCC to defray the costs which are incurred in the periodic examination of warehouses operated by warehousemen who have storage agreements with CCC and do not have a Federal warehouse license or State warehouse license issued by a State having a cooperative agreement with CCC for warehouse examination services.

DATE: Comments must be received on or before–May 28, 1985—in order to be assured of consideration.

ADDRESS: Send comments to Paul W. King, Director, Warehouse Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, P.O. Box 2415, Washington, D.C. 20013, (202) 447–4018.

FOR FURTHER INFORMATION CONTACT: Steven Closson, Chief, Storage contract Branch, Warehouse Division, ASCS, USDA, Room 5962—South Building, P.O. Box 2415, Washington, D.C. 20013, (202) 382–8053.

SUPPLEMENTARY INFORMATION: This notice has been reviewed in conformity with Executive Order 12291 and Departmental Regulation 1512–1 and has been classified as "not major." This action has been classified "not major" since implementation of these proposed determinations will not result in: (1) An annual effect on the economy of $100 million or more; (2) a major increase in costs or prices for consumers, individual industries, Federal, State or local governments, or geographical region; or (3) significant adverse effects on competition, employment, investment, productivity, innovation, the environment or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

This program/activity is not subject to the provisions of Executive Order 12372 which requires intergovernmental consultation with State and local officials. See the Notice related to 7 CFR Part 3015, Subpart V, published at 48 FR 28115 (June 24, 1983).

It has been determined that the Regulatory Flexibility Act is not applicable to this notice since CCC is not required by 5 U.S.C. 553 or any provisions of law to publish a notice of proposed rulemaking with respect to the subject matter of this notice.

The Commodity Credit Corporation Charter Act (15 U.S.C. 714) provides authority for CCC to conduct a number of operations to stabilize, support, and protect farm income and prices. CCC is authorized to carry out such activities as making price support available with respect to various agricultural commodities, removing and disposing of surplus agricultural commodities, exporting or aiding in the exportation of agricultural commodities, and procuring agricultural commodities for sale both in the domestic market and abroad.

Section 4(h) of the CCC Charter Act provides that the Corporation shall not acquire real property in order to provide storage facilities for agricultural commodities unless CCC determines that private facilities for the storage of such commodities are inadequate. Further, Section 5 of the CCC Charter Act provides that in carrying out the Corporation's purchasing and selling operations, and in warehousing, transporting, or handling of agricultural commodities, CCC is directed to use, to the maximum extent practicable, the usual and customary channels, facilities, and arrangements of trade and commerce.

Section 10 of the United States Warehouse Act, as amended (7 U.S.C. 251) provides that the Secretary of Agriculture shall charge, assess, and cause to be collected user fees with respect to all warehouses licensed under the United States Warehouse Act (USWA). The user fees are paid by federally licensed warehousemen to the Agricultural Stabilization and Conservation Service (ASCS) to defray the costs which are incurred with respect to (1) warehouse examinations under the USWA; (2) licenses issued to classify, inspect, grade, sample, or weigh agricultural commodities stored or to be stored under the USWA; and (3) warehouse licenses issued, amended, modified, extended, or reinstated under the USWA. CCC contracts with federally licensed warehouses and others in the conduct of its business and requires the periodic examination of all federally licensed warehouses which are the subject of a storage agreement with CCC. Because similar warehouse examination services are required for other warehousemen having a storage agreement with CCC, it was determined that CCC should collect an annual contract fee to offset the costs resulting from the periodic examination of those warehouses. CCC now collects an annual contract fee from warehousemen having a storage contract with CCC who do not have a Federal warehouse license or who do not have a State warehouse license issued by a State having a cooperative agreement with CCC for warehouse examination services.

The present contract fee schedule is found at 7 CFR 1427.5558. However, CCC has issued proposed regulations (FR) which would delete that fee schedule from the Code of Federal Regulations and provide that the amount of contract fees would be determined and announced annually in a publication in the **Federal Register**.

When contract fees were first established in 1981, CCC did not perform warehouse examinations directly but in accordance with a cooperation agreement under which CCC reimbursed the Agricultural Marketing Service (AMS) for performing this service. The warehouse licensing and examination responsibilities of AMS have since been transferred to the ASCS, one of the agencies within the Department of Agriculture which provides support services for CCC.

A study of the present annual contract fees and warehouse license user fee assessments indicated that some adjustments are necessary to address two areas of concern. First, several large mergers of warehouse locations under a single CCC warehouse code or USWA license have occurred resulting in the assessment of the currently applicable maximum contract fee which is $1,250. This has resulted in a disproportionate share of program costs incurred for warehouse examinations being collected from single location users. Because examination resources spent conducting multi-location examinations, including the examinations of multipe location warehouses which may have been merged under a single CCC warehouse code or USWA license, exceed resources spent examining a single location of the same capacity, it was felt the method of assessment should be changed to more equitably assess all users. Second, the placement of warehouse licensing, storage contract and examination warehouse functions within one agency (i.e., ASCS) are expected to lower overall program costs. The continued assessment of fees at present levels is unnecessary and these reduced costs should be passed along to all users of these services through a reduction of total fees assessed. Accordingly, it is proposed that the following schedule of fees and the method of determining such fees would be applicable to the 1985–86 contract year.

Proposed Determinations

Comments are requested on the following proposed determinations with respect to contract fee schedule and method of fee determination to be used during the 1985–86 contract year. The fees set forth in the proposed schedule will be collected by the Commodity Credit Corporation (CCC) from warehousemen who have a storage contract with CCC but who do not have a Federal warehouse license or a State warehouse license issued by a State having a cooperative agreement with CCC for warehouse examination services.

FEE SCHEDULE

Location grain capacity (bushels)	Annual contract fees (dollars)
1 to 150,000	$100
150,001 to 250,000	200
250,001 to 500,000	300
500,001 to 750,000	400

FEE SCHEDULE—Continued

Location grain capacity (bushels)	Annual contract fees (dollars)
750,001 to 1,000,000	500
1,000,001 to 1,200,000	600
1,200,001 to 1,500,000	700
1,500,001 to 2,000,000	800
2,000,001 to 2,500,000	900
2,500,001 to 5,000,000	1,000
5,000,001 to 7,500,000	1,100
7,500,001 to 10,000,000	1,200
10,000,001 +	[1] 1,200

[1] Plus $30 per million bushels of capacity above 10 million or fraction thereof

The location capacity shall be determined by the Secretary of Agriculture and shall be the capacity of a fully functional facility operated as a public warehouse or functional unit of a group of warehouses usually within the same town or freight tariff point. A functional facility is one which could operate independently if it was separated from other facilities in the merger. Any outlying unit which is not a fully functional facility would have its capacity included as part of the combined capacity of the nearest fully functional operating location.

The annual contract fee shall be the sum total of the fees for all functional units within the warehouse code and shall be assessed as required in the applicable storage agreement.

Signed at Washington, D.C., on April 23, 1985.

Everett Rank,

Executive Vice President, Commodity Credit Corporation.

[FR Doc. 85–10176 Filed 4–25–85; 8:45 am]

BILLING CODE 3410–05–M

COMMISSION ON CIVIL RIGHTS

Georgia Advisory Committee; Amendment

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights that a meeting of the Georgia Advisory Committee to the Commission originally scheduled for May 17, 1985, at Atlanta, Georgia, has a new convening date.

The meeting address and time will remain the same. The meeting date will change to May 10, 1985.

Bert Silver,

Assistant Staff Director for Regional Programs.

[FR Doc. 85–10121 Filed 4–25–85; 8:45 am]

BILLING CODE 6335–01–M

Hawaii Advisory Committee; Agenda and Notice of Public Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Hawaii Advisory Committee to the Commission will convene at 4:00 p.m. and will end at 8:00 p.m., on May 16, 1985, at the Ala Moana Americana Hotel, 410 Atkinson Drive, the Board Room, Honolulu, Hawaii. The purpose of the meeting is to review information submitted by the public at its last meeting and conduct program planning for the remainder of fiscal year 1985.

Persons desiring additional information, or planning a presentation to the Committee, should contact Philip Montez, the director of the Western Regional Office at (213) 688–3437.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., April 22, 1985.

Bert Silver,

Assistant Staff Director for Regional Programs.

[FR Doc. 85–10118 Filed 4–25–85; 8:45 am]

BILLING CODE 6335–01–M

Idaho Advisory Committee; Agenda for Notice of Public Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Idaho Advisory Committee to the Commission will convene at 9:00 a.m. and will end at 5:00 p.m., on May 16, 1985, at the Lewiston Community Center, 1424 Main Street, Lewiston, Idaho. The purpose of the meeting is to hold a community forum on Indian education—high drop out rate among Indian students in grades K–12.

Persons desiring additional information, or planning a presentation to the Committee, should contact Susan McDuffie, the director of the Northwestern Regional Office at (206) 442–1246.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., April 22, 1985.

Bert Silver,

Assistant Staff Director for Regional Programs.

[FR Doc. 85–10124 Filed 4–25–85; 8:45 am]

BILLING CODE 6335–01–M

Maryland Advisory Committee; Agenda and Notice of Public Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Maryland Advisory Committee to the Commission will convene at 3:30 p.m. and will end at 4:30 p.m. on May 16, 1985, at the Baltimore Convention Center, 1 West Pratt Street, Room 302, Baltimore, Maryland. The purpose of the meeting is for an orientation of new members and discussion of program plans.

Persons desiring additional information, or planning a presentation to the Committee, should contact Edward Rutledge, director of the Mid-Atlantic Regional Office, at (202) 254–6717.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, DC, April 22, 1985.

Bert Silver,

Assistant Staff Director for Regional Programs.

[FR Doc. 85–10119 Filed 4–25–85; 8:45 am]

BILLING CODE 6335–01–M

Ohio Advisory Committee; Meeting Cancellation

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights that a meeting of the Advisory Committee to the Commission originally scheduled for April 27, 1985, at the Clarion Hotel, 141 W. 6th Street, Cincinnati, Ohio, (FR Doc. 85–9039, on page 14741 has been cancelled.

Dated at Washington, D.C., April 19, 1985.

Bert Silver,

Assistant Staff Director for Regional Programs.

[FR Doc. 85–10122 Filed 4–25–85; 8:45 am]

BILLING CODE 6335–01–M

Texas Advisory Committee; Amendment

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights that a meeting of the Texas Advisory Committee to the Commmssion originally scheduled for May 10, 1985, at Arlington, Texas, has a new convening time.

The meeting address and date will remain the same. The meeting time will change to 9:00 a.m. to 5:00 p.m.

Bert Silver,

Assistant Staff Director for Regional Programs.

[FR Doc. 85–10123 Filed 4–25–85; 8:45 am]

BILLING CODE 6335–01–M

Virginia Advisory Committee; Agenda and Notice of Public Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Virginia Advisory Committee to the Commission will convene at 1:30 p.m. and will end at 4:00 p.m. on May 17, 1985, at the School Board Annex Building, 102 North Street, NW., Leesburg, Virginia. The purpose of the meeting is to provide an orientation for new members and to discuss civil rights problems and issues in Virginia.

Persons desiring additional information, or planning a presentation to the Committee, should contact Edward Rutledge, director of the Mid-Atlantic Regional Office, at (202) 254-6717.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., April 22, 1985.

Bert Silver,

Assistant Staff Director for Regional Programs.

[FR Doc. 85-10120 Filed 4-25-85; 8:45 am]

BILLING CODE 6335-01-M

DEPARTMENT OF COMMERCE

International Trade Administration

[A-122-004]

Steel Reinforcing Bars From Canada; Preliminary Results of Administrative Review of Antidumping Finding and Tentative Determination To Revoke in Part

AGENCY: International Trade Administration/Import Administration, Commerce.

ACTION: Notice of preliminary results of administrative review of antidumping finding and tentative determination to revoke inpart.

SUMMARY: The Department of Commerce had conducted an administrative review of the antidumping finding on steel reinforcing bars from Canada. The review covers the only manufacturer covered by this finding, Western Canada Steel Limited, and the two other known exporters to the United States of this merchandise manufactured by Western Canada Steel Limited. The review period is April 1, 1983 through March 31, 1984. There were no known shipments of this merchandise to the United States during the period and there are no known unliquidated entries.

As a result of the review, the Department has preliminary determined to require cash deposits of estimated antidumping duties on future entries equal to the margin calculated on the last known shipments. The Department has tentatively determined to revoke the finding with respect to Western Canada Steel Limited.

Interested parties are invited to comment on these preliminary results and tentative determination to revoke in part.

EFFECTIVE DATE: April 26, 1985.

FOR FURTHER INFORMATION CONTACT: Sheila Forbes or John Kugelman, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC. 20230, telephone: (202) 377-2923/3601.

SUPPLEMENTARY INFORMATION:

Background

On May 8,1984, the Department of Commerce ("the Department") published in the **Fedral Register** (49 FR 19560) the final results of its last administrative review of the antidumping finding on steel reinforcing bars from Canada (29 FR 5341, April 21, 1964) and announced its intent to conduct the next administrative review. The Department has now conducted that administrative review.

Scope of Review

Imports covered by the review are shipments of steel reinforcing bars from Canada, manufactured by Western Canada Steel Limited, currently classifiable under items 606.7900 and 606.8100 of the Tariff Schedules of the United States Annotated.

The review covers Western Canada Steel Limited and the two other known exporters to the United States, Rhovaco Holdings Limited and Russelsteel Limited, to the United States of Canadian steel reinforcing bars manufactured by Western Canada Steel Limited. The review period is April 1, 1983 through March 31, 1984. There were no known shipments of this merchandise to the United States during the period, and there are no known unliquidated entires.

Preliminary Results of the Review and Tentative Determination To Revoke in Part

As a result of our review, we preliminarily determine that, as provided for in § 353.48(b) of the Commerce Regulations, a cash deposit of estimated antidumping duties of 6.40 percent shall be required on all shipments of Canadian steel reinforcing bars manufactured by Western Canada Steel Limited entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this review.

Western Canada Steel Limited requested partial revocation of the finding and, as provided for in § 353.54(e) of the Commerce Regulations, Western Canada Steel Limited has agreed in writing to an immediate suspension of liquidation and reinstatement in the finding under circumstances as specified in the written agreement. Western Canada Steel Limited has not shipped this merchandise to the United States for more than ten years.

Therefore, we tentatively determine to revoke the antidumping finding on steel reinforcing bars from Canada with respect to Western Canada Steel Limited. If this partial revocation is made final, it will apply to all unliquidated entries of this merchandise exported by Western Canada Steel Limited entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice.

Interested parties may submit written comments to these preliminary results and tentative determination to revoke in part within 30 days of the date of publication of this notice and may request disclosure and/or a hearing within 10 days of the date of publication. Any hearing, if requested, will be held 45 days after the date of publication or the first workday thereafter. The Department will publish the final results of the administrative review including the results of its analysis of any such comments or hearing.

This administrative review, tentative determination to revoke in part, and notice are in accordance with sections 751(a)(1) and (c) of the Tariff Act of 1930 (19 U.S.C. 1675(a)(1), (c)) and §§ 353.53 and 353.54 of the Commerce Regulations (19 CFR 353.53, 353.54).

Alan F. Holmer,

Deputy Assistant Secretary for Import Administration.

April 19, 1985.

[FR Doc. 85-10200 Filed 4-25-85; 8:45 am]

BILLING CODE 3510-DS-M

Minority Business Development Agency

Minority Business Development Center Program; Solicitation of Applications

AGENCY: Minority Business Development Agency.

ACTION: Notice.

SUMMARY: The Minority Business Development Agency (MBDA) announces that it is soliciting applications under its Minority Business Development Center (MBDC) Program to operate a MBDC for a 3 year period, subject to available funds. The cost of performance for the first 11 months is estimated at $171,417 for the project performance period of August 1, 1985 to June 30, 1986. The MBDC will operate in the Tucson Metropolitan Statistical Area (MSA). The first year cost for the MBDC will consist of $145,704 in Federal funds and a minimum of $25,713 in non-Federal funds (which can be a combination of cash, in-kind contribution and fees for services).

The I. D. Number for this project will be 09–10–85023–01.

The funding instrument for the MBDC will be a cooperative agreement and competition is open to individuals, nonprofit and for-profit organization, local and State governments, American Indian tribes and educational institutions.

The MBDC will provide management and technical assistance to eligible clients for the establishment and operation of businesses. The MBDC program is designed to assist those minority businesses that have the highest potential for success. In order to accomplish this, MBDA supports MBDC programs that can: coordinate and broker public and private sector resources on behalf of minority individuals and firms; offer them a full range of management and technical assistance; and serve as a conduit of information and assistance regarding minority business.

Applications will be judged on the experience and capability of the firm and its staff in addressing the needs of minority business individuals and organizations; the resources available to the firm in providing management and technical assistance; the firm's proposed approach to performing the work requirements included in the application; and the firm's estimated cost for providing such assistance. It is advisable that applicants have an existing office in the geographic region for which they are applying.

The MBDC will operate for a three (3) year period with periodic reviews culminating in annual evaluations to determine if funding for the project should continue. Continued funding will be at the discretion of MBDA based on such factors as the MBDC's satisfactory performance, the availability of funds, and Agency priorities.

A pre-application conference to assist all interested applicants will be held at the following address and time: Minority Business Development Agency, U.S. Department of Commerce, 450 Golden Gate Avenue, Room 15015, San Francisco, California 94102, May 8, 1985 at 10:00 a.m.

Proposals are to be mailed to the following address: Minority Business Development Agency, U.S. Department of Commerce, San Francisco Regional Office, 450 Golden Gate Avenue, Box 36114, San Francisco, California 94102, 415/556–6734.

Closing Date: The closing date for applications is May 15, 1985. Applications must be postmarked on or before 5:00 pm—May 15, 1985.

FOR FURTHER INFORMATION CONTACT: Dr. Xavier Mena, Regional Director, San Francisco Regional Office.

SUPPLEMENTARY INFORMATION: Questions concerning the preceding information, copies of application kits and applicable regulations can be obtained at the above address.

11.800 Minority Business Development (Catalog of Federal Domestic Assistance)

Xavier Mena,

Regional Director, San Francisco Regional Office.

April 22, 1985.

[FR Doc. 85–10131 Filed 4–25–85; 8:45 am]

BILLING CODE 3510–21–M

Patent and Trademark Office

Interim Protection for Mask Works of Japanese Nationals, Domiciliaries and Sovereign Authorities; Changed Public Hearing Date

AGENCY: Patent and Trademark Office, Commerce.

ACTION: Rescheduling of public hearing date.

SUMMARY: The public hearing scheduled for May 6, 1985, in the Notice of Initiation of Proceeding, published on March 28, 1985, at 50 FR 12355–60 will be held on May 8, 1985, at 9:30 a.m. in the Commissioner's Conference Room, 11th Floor, Crystal Plaza Building 3, Room 11–C–20 instead of on May 6, 1985 as previously indicated.

FOR FURTHER INFORMATION CONTACT: Michael K. Kirk, Assistant Commissioner for External Affairs by telephone at (703) 557–3065 or by mail marked to his attention and addressed to Commissioner of Patents and Trademarks, Box 4, Washington, D.C. 20231.

Dated: April 22, 1985.

Donald J. Quigg,

Acting Commissioner of Patents and Trademarks.

[FR Doc. 85–10168 Filed 4–25–85; 8:45 am]

BILLING CODE 3510–16–M

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

Procurement List 1985, Additions and Deletions

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Additions to and deletions from procurement list.

SUMMARY: This action adds to and deletes from Procurement List 1985 commodities, military resale commodities and services to be provided by workshops for the blind and other severely handicapped.

EFFECTIVE DATE: April 26, 1985.

ADDRESS: Committee for Purchase from the Blind and Other Severely Handicapped, Crystal Square 5, Suite 1107, 1755 Jefferson Davis Highway, Arlington, Virginia 22202.

FOR FURTHER INFORMATION CONTACT: C.W. Fletcher, (703) 557–1145.

SUPPLEMENTARY INFORMATION: On August 3, August 31, November 9, November 26, December 7, and December 21, 1984, and January 4, February 1 and February 15, 1985, the Committee for Purchase from the Blind and Other Severely Handicapped published notices (49 FR 31126, 49 FR 34555, 49 FR 44789, 49 FR 46458, 49 FR 47980, 49 FR 49694, 50 FR 522, 50 FR 4726, 50 FR 6375 and 50 FR 6376) of proposed additions to and deletions from Procurement List 1985, October 19, 1984 (49 FR. 41195).

Additions

After consideration of the relevant matter presented, the Committee has determined that the commodities, military resale commodities and services listed below are suitable for procurement by the Federal Government under 41 U.S.C. 46–48c, 85 Stat. 77 and 41 CFR 51–2.6.

I certify that the following actions will not have a significant impact on a substantial number of small entities. The major factors considered were:

a. The actions will not result in any additional reporting, recordkeeping or other compliance requirements.

b. The actions will not have a serious economic impact on any contractors for

the commodities, military resale commodities and services listed.

c. The actions will result in authorizing small entities to produce the commodities and military resale commodities and provide the services procured by the Government.

Accordingly, the following commodities, military resale commodities and services hereby added to Procurement List 1985.

Class 7340

Medium Weight Plastic Cutlery: 7340–00–NIB–0005 (Teaspoon) 7340–00–NIB–0006 (Soupspoon), 7340–00–NIB–0007 (Fork), 7340–00–NIB–0008 (Knife)
(Requirements for the Army and Air Force Exchange Service)

Class 8340

Line, Tent (Manila): 8340–00–252–2268, 8340–00–252–2271, 8340–00–252–2273, 8340–00–252–2291, 8340–00–556–9689

Class 8465

Strap, Shoulder, Quick Release, Right Hand: 8465–01–078–9282
(Requirements for Mechanicsburg, Pennsylvania and Richmond, Virginia depots only)

Military Resale Item Nos. and Names

No. 521, Candles, Air Freshening, Fruit
No. 522, Candles, Air Freshening, Holiday
No. 523, Candles, Air Freshening, Floral
No. 524, Candles, Air Freshening, Berry
No. 525, Candles, Air Freshening, Forest
No. 526, Candles, Air Freshening, Carnival
No. 527, Candles, Air Freshening, Festival
No. 528, Candles, Air Freshening, Herbal,
No. 529, Candles, Air Freshening, Assorted Scents with Holders

SIC 7331

Mailing Service, National Endowment for the Humanities, 1100 Pennsylvania Avenue NW., Room 202, Washington, D.C.

SIC 7349

Janitorial/Custodial, U.S. Court of Appeals, and Post Office, 7th and Mission Streets, San Francisco, California
Janitorial/Elevator Operator, Navy Yard Annex Buildings 159, 195E and 160, 2nd and M Street, SE., Washington, D.C.
Janitorial/Custodial, Indiana Dunes National Lakeshore, 1100 North Mineral Springs Road, Porter, Indiana
Janitorial/Custodial, for the following locations in Greenville, South Carolina: Kukowski-Donaldson Center, Perimenter Road, U.S. Army Reserve Center #1, 2201 Laurens Road, 3273rd U.S. Army Reserve Hospital, Suite B & C, 1003 Grove Road
Janitorial/Custodial, Federal Executive Institute, Route #29 North Charlottesville, Virginia

SIC 7369

Commissary Shelf Stocking and Custodial, Myrtle Beach Air Force Base, South Carolina

Deletions

After consideration of the relevant matter presented, the Committee has detemined that the commodities listed below are no longer suitable for procurement by the Federal Government under 41 U.S.C. 46–48c, 85 Stat. 77 and 41 CFR 51–2.6.

Accordingly, the following commodities are hereby deleted from Procurement List 1985:

Class 7210

Mattress, Innerspring: 7210–38–75–100, 7210–53–75–100

Class 7690

Decalcomania, ¾" Black: 7690–00–329–0538 For Official Use Only
Decalcomania, 1" Black: 7690–00–857–9572, Max Speed; 7690–00–857–9573, No Riders; 7690–00–857–9574, No Smoking; 7690–00–857–9575, U.S. Army
Decalcomania, 1" White Lusterless: 7690–00–857–9660, Max Speed; 7690–00–857–9662, No Smoking; 7690–00–857–9663, U.S. Army
Decalcomania, 1½" Black: 7690–00–857–9698, Max Speed; 7690–00–857–9699, No Riders; 7690–00–857–9700, No Smoking
Decalcomania, 1½" White Lusterless: 7690–00–857–9611, Max Speed; 7690–00–857–9612, No Riders; 7690–00–857–9613, No Smoking; 7690–00–857–9614, U.S. Army
Decalcomania, 2" Black: 7690–00–858–3403, No Smoking; 7690–00–858–3405, U.S. Army
Decalcomania, 2" White Lusterless: 7690–00–858–3365, No Smoking; 7690–00–858–3366, U.S. Army
Decalcomania, 3" Black: 7690–00–311–7272, No Smoking; 7690–00–311–7276, U.S. Army
Decalcomania, 3" White Lusterless: 7690–00–310–8627, No Smoking; 7690–00–310–9208, U.S. Army
Decalcomania, 4" Black: 7690–00–328–9507, Max Speed; 7690–00–328–9517, No Smoking
Decalcomania, 4" White Lusterless: 7690–00–329–0204, Max Speed; 7690–00–329–0205, No Smoking; 7690–00–329–0206, U.S. Army
Decalcomania, Numbers and Letters: 7690—1½"; 7690—2"; 7690–00–311–7128—3" White Lusterless Numeral "5"; 7690—4"

U.S. Postal Service Items

Decalcomania, P.S., 1" Lusterless White: P.S. #689–L, TP; P.S. #666–L, TP–40; P.S. #672–L, TP–45; P.S. #667–L, TP–50; P.S. #675–L, TP–65; P.S. #668–L, TP–70; P.S. #622–L, Lift Here
Decalcomania, P.S., 1" Gloss White: P.S. #635, No Riders
Decalcomania, P.S., 1½" Gloss White: P.S. #600, U.S. Army; P.S. #633, Max Speed; P.S. #636, No Riders
Decalcomania, P.S., 2" Gloss White: P.S. #607, U.S. Army.

C.W. Fletcher,

Executive Director.

[FR Doc. 85–10153 Filed 4–25–85; 8:45 am]

BILLING CODE 6820–33–M

Procurement List 1985, Proposed Additions and Deletion

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Proposed additions to and deletion from procurement list.

SUMMARY: The Committee has received proposals to add to and delete from Procurement List 1985 a commodities to be produced by and services to be provided by workshops for the blind and other severely handicapped.

Comments must be received on or before: May 29, 1985.

ADDRESS: Committee for Purchase from the Blind and Other Severely Handicapped, Crystal Square 5, Suite 1107, 1755 Jefferson Davis Highway, Arlington, Virginia 22202.

FOR FURTHER INFORMATION CONTACT: C. W. Fletcher, (703) 557–1145.

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 47(a)(2), 85 Stat. 77 and 41 CFR 51–2.6. Its purpose is to provide interested persons an opportunity to submit comments on the possible impact of the proposed actions.

Additions

If the Committee approves the proposed additions, all entities of the Federal Government will be required to procure the commodities and services listed below from workshops for the blind or other severely handicapped.

It is proposed to add the following commodities and services to Procurement List 1985, October 19, 1984 (49 FR 41195):

Class 8405

Poncho, Wet Weather: 8405–01–100–0976

Class 8465

Strap, Shoulder with Quick Release: 8465–00–269–0482
(Requirements for Richmond, Virginia Depot only)

SIC 7349

Janitorial/Custodial: Federal Building, 500 Quarrier Street, Charleston, West Virginia

SIC 7369

Commissary Shelf Stocking and Custodial: Patrick Air Force Base, Florida
Commissary Shelf Stocking and Custodial, Fort Benjamin Harrison, Indianapolis, Indiana

Deletion

It is proposed to delete the following service from Procurement List 1985, October 19, 1984 (49 FR 41195):

SIC 7699

Repair and Maintenance of Electric Typewriters: Railroad Retirement Board, 844 N. Rush Street, Chicago, Illinois.

C.W. Fletcher,

Executive Director.

[FR Doc. 85-10154 Filed 4-25-85; 8:45 am]

BILLING CODE 8820-33-M

DEPARTMENT OF DEFENSE

Department of the Air Force

USAF Scientific Advisory Board; Meeting

April 24, 1985.

The USAF Scientific Advisory Board Ad Hoc Committee on Advanced Air Vehicle Surveillance and Warning Technologies will meet at the Pentagon, Room 5D982, Washington, D.C., on May 13, 1985, from 9:00 a.m. to 5:00 p.m. to review the committee's previous activities and to draft a report.

This meeting will involve classified defense matters listed in Section 552b(c) of Title 5, United States Code, specifically subparagraph (1) thereof, and accordingly will be closed to the public.

For further information, contact the Scientific Advisory Board Secretariat at (202) 697-4648.

Norita C. Koritko,

Air Force Federal Register, Liaison Officer.

[FR Doc. 85-10213 Filed 4-25-85; 8:45 am]

BILLING CODE 3910-01-M

Department of the Navy

Chief of Naval Operations, Executive Panel Advisory Committee, China Task Force; Closed Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (5 U.S.C. app.), notice is hereby given that the Chief of Naval Operations (CNO) Executive Panel Advisory Committee China Task Force will meet May 16-17, 1985, from 9 a.m. to 5 p.m. each day, at 2000 North Beauregard Street, Alexandria, Virginia. All sessions will be closed to the public.

The purpose of this meeting is to examine the broad policy issues related to maritime aspects of U.S.-P.R.C. relations. The entire agenda for the meeting will consist of discussions of key issues related to maritime policy aspects of U.S.-P.R.C. relations and related intelligence. These matters constitute classified information that is specifically authorized by Executive order to be kept secret in the interest of national defense and is, in fact, properly classified pursuant to such Executive order. Accordingly, the Secretary of the Navy has determined in writing that the public interest requires that all sessions of the meeting be closed to the public because they will be concerned with matters listed in section 552b(c)(1) of title 5, United States Code.

For further information concerning this meeting, contact Lieutenant Thomas E. Arnold, Executive Secretary of the CNO Executive Panel Advisory Committee, 2000 North Beauregard Street, Room 392, Alexandria, Virginia 22311. Phone (703) 756-1205.

Dated: April 23, 1985.

William F. Roos, Jr.,

Lieutenant, JAGC, U.S. Naval Reserve, Federal Register Liaison Officer.

[FR Doc. 85-10164 Filed 4-25-85; 8:45 am]

BILLING CODE 3810-AE-M

Naval Research Advisory Committee; Closed Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (5 U.S.C. app.), notice is hereby given that the Naval Surface Weapons Center (NSWC) Review Team of the Naval Research Advisory Committee (NRAC) Panel on Laboratory Oversight will meet on May 13-14, 1985. The meeting will take place at Information Spectrum, Inc., 1745 South Jefferson Davis Highway, Arlington, Virginia, on May 13 and 14. Sessions of the meeting will commence at 8:30 A.M. and terminate at 5:00 P.M. on May 13 and 14, 1985. All sessions of the meeting will be closed to the public.

The purpose of the meeting is to examine the scientific, technical and engineering health of NSWC. The agenda for the meeting will consist of Executive Sessions during which Review Team members will discuss presentations received and the preparation of a draft report. These discussions will contain classified information that is specifically authorized under criteria established by Executive order to be kept secret in the interest of national defense and is in fact properly classified pursuant to such Executive order. The classified and nonclassified matters to be discussed are so inextricably intertwined as to preclude opening any portion of the meeting. Accordingly the Secretary of the Navy has determined in writing that the public interest requires that all sessions of the meeting be closed to the public because they will be concerned with matters listed in section 552b(c)(1) of title 5, United States Code.

For further information concerning this meeting contact: Commander M. B. Kelley, U.S. Navy, Office of Naval Research (Code 100N), 800 North Quincy Street, Arlington, VA 22217-5000, Telephone number (202) 696-4870.

Dated: April 23, 1985.

William F. Roos, Jr.,

Lieutenant, JAGC, U.S. Naval Reserve, Federal Register Liaison Officer.

[FR Doc. 85-10165 Filed 4-25-85; 8:45 am]

BILLING CODE 3810-AE-M

Navy Resale System Advisory Committee; Partially Closed Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (5 U.S.C. app.), notice is hereby given that the Navy Resale System Advisory Committee will meet on June 17, 1985, in the Four Seasons Olympic Hotel, 411 University Street, Seattle, Washington. The meeting will consist of two sessions: the first from 8:00 a.m. to 8:50 a.m; and the second from 9:00 a.m. until 3:45 p.m. The purpose of the meeting is to examine policies, operations and organization of the Navy Resale System and to submit recommendations to the Secretary of the Navy. The agenda will include discussions of the organization of the Resale System, planning, financial management, merchandising, field support, and industrial relations.

The Secretary of the Navy has determined in writing that the public interest requires that the second session of the meeting be closed to the public because it will involve discussions of matters relating solely either to internal agency personnel rules and practices, or to trade secrets and confidential commercial or financial information. These matters fall within the exemptions listed in subsections 552b, (c)(2), (c)(4), and (c)(9)(B) of title 5, Unted States Code. Therefore, the second session will be closed to the public.

For further information concerning this meeting, contact: Commander R. F. Hendricks, SC. USN, Naval Supply Systems Command, NAVSUP 09B, Room 516, Crystal Mall, Building No. 3, Arlington, Virginia 22202, Telephone number: (202) 695-5457.

Dated: April 23, 1985.

William F. Roos, Jr.,

Lieutenant, JAGC, U.S. Naval Reserve, Federal Register Liaison Officer.

[FR Doc. 85-10166 Filed 4-25-85; 8:45 am]

BILLING CODE 3810-AE-M

DEPARTMENT OF EDUCATION

Office of Elementary and Secondary Education

Magnet Schools Assistance Program for Fiscal Year 1985; Applications

AGENCY: Department of Education.

ACTION: Application Notice for New Projects under the Magnet Schools Assistance Program for Fiscal Year 1985.

Applications are invited for new projects under the Magnet Schools Assistance Program.

Authority for this program is contained in Title VII of the Education for Economic Security Act, Pub. L. 98–377. (20 U.S.C. 4051–4062).

The program issues awards to local educational agencies.

The purpose of the awards is to assist eligible local educational agencies in the planning, establishment, and operation of magnet schools that are a part of an approved desegregation plan. A "magnet school" is defined by the Act as a school or education center that offers a special curriculum capable of attracting substantial numbers of students of different racial backgrounds.

Closing date for transmittal of applications: Applications for new awards must be mailed or hand delivered by June 18, 1985.

Applications delivered by mail: Applications sent by mail must be addressed to the U.S. Department of Education, Application Control Center, Attention: (CFDA No. 84.165) Washington, D.C. 20202.

An applicant must show proof of mailing consisting of one of the following:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the U.S. Secretary of Education.

If an application is sent through the U.S. Postal Service, the Secretary does not accept either of the following as proof of mailing: (1) A private metered postmark, or (2) a mail receipt that is not dated by the U.S. Postal Service.

An applicant should note that the U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an applicant should check with its local post office.

An applicant is encouraged to use registered or at least first class mail. Each late applicant will be notified that its application will not be considered.

Applications delivered by hand: Applications that are hand delivered must be taken to the U.S. Department of Education, Application Control Center, Room 5673, Regional Office Building #3, 7th and D Streets, SW., Washington, D.C.

The Application Control Center will accept hand-delivered applications between 8:00 a.m. and 4:30 p.m. (Washington, D.C. time) daily, except Saturdays, Sundays, and Federal holidays.

Applications that are hand delivered will not be accepted by the Application Control Center after 4:30 p.m. on the closing date.

Program information: Proposed regulations under the Magnet Schools Assistance Program were published in 49 FR 46169–46173 on November 23, 1984.

The proposed rules describe eligibility requirements for applicants, the types of projects that the Secretary assists, and the criteria to be used to evaluate applications.

Applications are being accepted based on the proposed regulations for the Magnet Schools Assistance Program. If any substantive changes are made in the final regulations for this program, applicants will be given an opportunity to revise or resubmit their applications.

Intergovernmental review: On June 24, 1983, the Secretary published in the **Federal Register** final regulations (34 CFR Part 79, published at 48 FR 29158–29168), implementing Executive Order 12372 entitled "Intergovernmental Review of Federal Programs." The regulations took effect September 30, 1983.

This program is subject to the requirements of the Executive Order and the regulations in 34 CFR Part 79. The objective of Executive Order 12372 is to foster an intergovernmental partnership and a strengthened federalism by relying on State and local processes for State and local government coordination and review of proposed Federal financial assistance.

The Executive Order—

- Allows States, after consultation with local officials, to establish their own process for review and comment on proposed Federal financial assistance;
- Increases Federal responsiveness to State and local officials by requiring Federal agencies to accommodate State and local views or explain why those views will not be accommodated; and
- Revokes OMB Circular A–95.

Transactions with nongovernmental entities, including State postsecondary educational institutions and federally recognized Indian tribal governments, are not covered by Executive Order 12372. Also excluded from coverage are research, development, or demonstration projects that do not have a unique geographic focus and are not directly relevant to the government responsibilities of a State or local government within that geographic area.

The Magnet Schools Assistance Program is a new program, and States have not made a determination as to whether it will be included or excluded from review under the State review process. Therefore, immediately upon receipt of this notice, applicants that are governmental entities, including local educational agencies, must contact the appropriate State single point of contact to find out about and to comply with the State's process under the Executive Order. Applicants proposing to perform activities in more than one State should contact, immediately upon receipt of this notice, the single point of contact for each State and follow the procedures established in those States under the Executive Order. A list containing the single point of contact for each State is included in the application package for this program.

All comments from State single points of contact and all comments from State, areawide, regional, and local entities must be mailed or hand delivered by August 19, 1985, to the following address:

The Secretary, U.S. Department of Education, Room 4181, (84.165) 400 Maryland Avenue, SW., Washington, D.C. 20202. Proof of mailing will be determined on the same basis as applications.

Please note that the above address is not the same address as the one to which the applicant submits its completed application. *Do not send applications to the above address.*

Length of awards: The proposed project period for an award may not exceed 24 months.

Available funds: The appropriation for this program for fiscal year 1985 is $75,000,000. No eligible local educational agency may receive more than $4,000,000 of that amount. However, the President has proposed budget rescissions to the Congress that may eliminate the funds for this program. The deadline in this notice will not be extended unless needed because of changes in the final regulations, and applicants should prepare and submit applications pending further notification.

Application forms: Application forms and program information packages are expected to be ready for mailing by May 3, 1985. They may be obtained by writing to the Division of Educational

Support, U.S. Department of Education, Room 2007, 400 Maryland Avenue, SW., Washington, D.C. 20202.

Applications must be prepared and submitted in accordance with the regulations, instructions, and forms included in the program information package. However, the program information is only intended to aid applicants in applying for assistance under this program.

Nothing in the program information package is intended to impose any paperwork, application content, reporting, or grantee performance requirements beyond those imposed under the statute and regulations.

Applicants are encouraged to limit the narrative section to a maximum of 30 pages. The Secretary strongly urges that applicants not submit information that is not requested.

(The application is approved by the Office of Management and Budget under OMB control number 1810–0516.)

Applicable regulations: The regulations applicable to this program include the following:

(a) Regulations governing the Magnet Schools Assistance Program as proposed to be codified in 34 CFR Part 280.

(b) Education Department General Administrative Regulations, (EDGAR) 34 CFR Parts 74, 75, 77, 78, and 79.

FOR FURTHER INFORMATION CONTACT: For further information contact M. Patricia Goins, Division of Education Support, U.S. Department of Education, Room 2007, 400 Maryland Avenue, SW., Washington, D.C. 20202. Telephone: (202) 245–7965.

(20 U.S.C. 4051–4062)

(Catalog of Federal Domestic Assistance No. 84.165, Magnet Schools Assistance Program)

Dated: April 16, 1985.

William J. Bennett,

Secretary of Education.

[FR Doc. 85–10111 Filed 4–25–85; 8:45 am]

BILLING CODE 4000–31–M

DEPARTMENT OF ENERGY

Waste Management Activities for Groundwater Protection at the Savannah River Plant, Aiken, SC; Intent To Prepare an Environmental Impact Statement

AGENCY: Department of Energy.

ACTION: Notice of Intent to prepare an environmental impact statement on the implementation of hazardous, low-level radioactive, and mixed waste management activities for the protection of groundwater, human health, and the environment at the Savannah River Plant near Aiken, South Carolina.

SUMMARY: The Department of Energy (DOE) announces its intent to prepare an environmental impact statement (EIS), in accordance with section 102(2)(C) of the National Environmental Policy Act (NEPA), as amended, to assess the potential environmental effects of modifying waste management activities for low-level radioactive, hazardous, and mixed wastes at SRP for the protection of groundwater, human health and the environment. These modifications will be based on compliance with applicable regulatory requirements. Waste management activities to be assessed in the EIS are:

1. The implementation of remedial and closure actions at active and inactive hazardous, low-level radioactive, and mixed waste sites.

2. The establishment of new onsite waste disposal facilities for hazardous, low-level radioactive, and mixed wastes.

3. Discharge of disassembly basin purge water from the C-, K-, and P-Reactors.

Scoping: DOE invites interested agencies, organizations, and the general public to submit comments or suggestions for consideration in the preparation of the EIS by May 28, 1985. Written comments and requests for additional information should be directed to Mr. C.G. Halsted, Jr., at the address below. Written comments post-marked after May 28, 1985, will be considered to the degree practicable. DOE will also hold two public scoping meeting at the locations and times indicated below:

1. Aiken, South Carolina on May 14, 1985, at 9:00 a.m. and 6:00 p.m. at the Odell Weeks Activity Center, 1700 Whiskey Road, Aiken, South Carolina 29801.

2. Beaufort, South Carolina on May 16, 1985, at 9:00 a.m. and 6:00 p.m. at the Ramada Inn-Beaufort, 3127 Boundary Street, Beaufort, South Carolina 29902.

Individuals desiring to make oral presentations at one of these meetings should notify Mr. Halsted at the address listed below as soon as possible after the appearance of this notice in the **Federal Register** so that the Department may arrange a schedule for the presentations. Persons who have not submitted a request to speak in advance may register to speak at the meetings before each meeting commences. They will be called on to present their comments as time permits. In order to assure that everyone who wishes to present oral comments has the opportunity to do so, five minutes will be allotted to indivisuals, and ten minutes will be allotted to individuals representing groups. Comments received at these scoping meetings will also be considered in the preparation of the draft EIS. Transcripts of the scoping meetings will be prepared by DOE and will be available for inspection at the DOE Public Reading Room located at the University of South Carolina, Aiken Campus, University Library, 2nd Floor, University Parkway, Aiken, South Carolina, and the Fredom of Information Reading Room, Room 1E–190, Forrestal Building, 1000 Independence Avenue SW, Washington, DC.

ADDRESS: Written comments or suggestions on the scope of the EIS may be submitted to: Mr. C.G. Halsted, Jr., Assistant Manager for Health, Safety, and Environment, U.S. Department of Energy, Savannah River Operations Office, P.O. Box A, Aiken, South Carolina 29802, (803) 725–1380.

Envelopes should be marked "Attention: EIS for Waste Management Activities for Groundwater Protection at SRP."

For general information on the DOE EIS process, please contact: Office of the Assistant Secretary for Policy, Safety, and Environment, U.S. Department of Energy, Attn: Ms. Carol M. Borgstrom (PE–252), Room 3G–092, Forrestal Building, 1000 Independence Avenue SW., Washington, DC 20585, (202) 252–4600.

Background Information

SRP is a major DOE installation established in the early 1950's for the production of nuclear materials for national defense. Operations at SRP generate a variety of chemically hazardous, radioactive, and mixed (hazardous and radioactive) wastes.

Waste management activities for groundwater protection have been studied and implemented on an ongoing basis at the Savannah River Plant since 1952. In 1977, an assessment of waste management operations at SRP (Final Environmental Impact Statement, Waste Management Operations, Savannah River Plant, ERDA–1537) was completed that resulted in the implementation of a waste management practices improvement program in accordance with DOE policies and standards. included in this program are regular assessments and improvements to ongoing waste management practices, studies of improved waste management storage techniques, and studies designed to reduce the volume of waste being generated.

Recent regulatory requirements for groundwater protection—such as those enacted pursuant to the Resource Conservation and Recovery Act (RCRA), as amended, and the Comprehensive Environmental Response Compensation and Liability Act (CERCLA), as amended—have been adopted that require changes in the SRP waste management program. In response to these recent requirements and the Fiscal Year 1984 Supplemental Appropriations Act (Pub. L. 98–181 enacted in November 1983), DOE developed and submitted to Congress on June 13, 1984, the "Groundwater Protection Plan for the Savannah River Plant." This plan—which will be made available upon request—and its supporting appendices provide strategies, funding requirements, and schedules for remedial and closure actions at selected hazardous, low-level radioactive, and mixed SRP waste sites to ensure continued protection of groundwater, human health and the environment.

Projects are currently underway at SRP to comply with recently enacted RCRA and CERCLA regulatory requirements for groundwater protection and to protect public health and the environment. These projects include wastewater effluent treatment plants in the M-, F- and H-Areas, and TNX Area to discontinue use of seepage basins; a remedial action program in the M-Area to manage and control existing groundwater contamination; the removal of buried wastes and contaminated soil at the Chemicals, Metals, and Pesticides (CMP) pits; and continuation of the expanded program begun in 1981 to monitor and characterize groundwater quality and resources at SRP.

Further project decisions are necessary to comply with applicable regulatory requirements, including those pursuant to RCRA and CERCLA, and to meet DOE's continuing commitment to protect groundwater resources, human health and the environment; to perform actions necessary to comply with current applicable hazardous, low-level radioactive, and mixed wastes regulations; and to meet the commitments made during the L-Reactor environmental impact statement process. These project decisions are the subject of this EIS.

Alternatives

The Groundwater Protection Plan for the Savannah River Plant discusses remedial and closure measures for certain waste sites. Proposed new waste disposal facilities and the discharge of disassembly basin purge water from the C-, K-, and P-Reactors to seepage basins are not covered in the Groundwater Protection Plan.

Alternatives for closure and remedial actions at existing hazardous, low-level radioactive, and mixed waste sites that will be evaluated in the EIS are:

1. Removal of waste to the extent practicable from existing waste sites, and implementation of cost-effective closure and remedial actions as required;
2. Removal of waste at selected existing waste sites, and implementation of cost-effective closure and remedial actions as required;
3. No removal of waste at existing waste sites, and implementation of cost-effective closure and remedial actions as required;
4. No action (no removal of waste at existing waste sites, and no closure or remedial actions).

Alternatives for new onsite hazardous, low-level radioactive, and mixed waste disposal facilities are:

1. Retrievable storage.
2. Shallow land burial.
3. Above ground disposal.
4. A combination of retrievable storage, shallow land burial, and above ground disposal.
5. No action (no new facilities).

Pre-disposal techniques (e.g., incineration and compaction) for hazardous, low-level radioactive, and mixed wastes will be discussed in the EIS.

Alternatives for the discharge of disassembly basin purge water from the C-, K-, and P-Reactors are:

1. Detritiation.
2. Evaporation.
3. Direct discharge to onsite streams.
4. No action (continuation of discharge to seepage basins).

Identification of Environmental Issues

The following issues will be analyzed in this EIS. This list is not intended to be all inclusive; nor is it intended to be a predetermination of impacts.

1. Effects of remedial actions on groundwater quality and use.
2. Protection of human health and the environment.
3. Identification of "cleanup levels" at existing waste sites.
4. Dedication of selected waste sites.
5. Protection of groundwater including important aquifers for domestic and agricultural use.
6. Effects on endangered species, floodplain/wetlands, and archeological/historical sites.
7. Changes in surface water quality.
8. Interactive effects of remedial action measures.
9. Disposal of waste treatment material.

Referenced Documents

Members of the public may inspect the documents referenced in this notice during normal business hours at the DOE Public Reading Room located at the University of South Carolina, Aiken Campus, University Library, 2nd Floor, University Parkway, Aiken, South Carolina 29801.

Dated in Washington, DC, this 19th day of April, for the United States Department of Energy.

William A. Vaughan,

Acting Assistant Secretary for Policy, Safety, and Environment.

[FR Doc. 85–9977 Filed 4–25–85; 8:45 am]

BILLING CODE 6450-01-M

Civilian Radioactive Waste Management; Oak Ridge Operations; Monitored Retrievable Storage Analyses

AGENCY: Department of Energy.

ACTION: Program solicitation announcement.

SUMMARY: On April 25, 1985, the Department of Energy, Oak Ridge Operations Office in support of the Office of Civilian Radioactive Waste Management issued Program Solicitation No. DE–PS05–85OR21555 to the State of Tennessee requesting grant application(s). The purpose of the grant is to provide the host State with sufficient information, funds and technical assistance to understand the potential impacts of siting a Monitored Retrievable Storage (MRS) facility in its jurisdiction and, subsequently, to form an independent opinion regarding its acceptability. Upon receipt of the grant, the grantee may institute liaison activities with other concerned states, Indian tribes, and local governments as well as Federal representatives about MRS activities and related issues.

SUPPLEMENTARY INFORMATION:

Background

The Nuclear Waste Policy Act of 1982 (Pub. L. 97–425) was signed into law by the President January 7, 1983 (see **Federal Register** Notification dated January 7, 1983). The major objectives of the Act are to provide for the development of repositories for the disposal of high-level radioactive waste and spent nuclear fuel, to establish a program of research, development, and demonstration regarding the disposal of high-level radioactive waste and spent fuel, and for other purposes related to disposal and storage of spent fuel and high-level radioactive waste. The Office of Civilian Radioactive Waste

Management was established to carry out provisions of the Act.

The Act established a schedule and step-by-step process by which the President, the Congress, the States, affected Indian tribes, the U.S. Department of Energy (DOE) and other Federal agencies must work together in the siting, construction and operation of geologic repositories for disposal of high-level radioactive waste generated by civilian nuclear reactors. This law has provided a mandate and, more important, a set of rules—including unprecedented collaboration among the Federal Government, the States and the public—for proceeding with the identification and selection of sites for a repository as well as for interim storage facilities in the event they are needed.

Principal Support Areas

Financial assistance will be provided the grantees in support of the following activities:

1. Obtaining technical assistance and evaluation services in determining any potential economic, social, public health and safety, and environmental impacts that are likely as a result of the development of a MRS facility in the State.

2. Conducting workshops within the State in order to familiarize local governments and/or other interested groups with the MRS as key program documents are developed and providing a forum for information transfer.

3. Scheduling and conducting technical assistance meetings with the State's technical contractors.

4. Discussing specific assumptions and analyses relating to the MRS facility and its siting with DOE. DOE shall provide access to its technical specialists and resources in furtherance of project objectives.

Eligibility and Limitations

Proposals from States other than the above-referenced prospective grantee are not requested.

The Department of Energy will consider applications from the State of Tennessee requesting grant support for up to three (3) sites. Grant support is expected to cover a performance period of 12 months.

Application Forms

Applications must be prepared and submitted in accordance with the instructions and forms included in the program solicitation.

Closing Date for Transmittal of Applications

Applications must be received by the Department of Energy by 4:00 p.m., May 27, 1985.

FOR FURTHER INFORMATION CONTACT: All communications or questions regarding the business/administrative aspects of this program solicitation should be directed to: Mr. Walker K. Love, Procurement and Contracts Division, Department of Energy, Oak Ridge, TN 37830, Telephone Number: (615) 576–0791.

All communications or questions regarding the technical aspects of this program solicitation should be directed to: Mr. Peter J. Gross, MRS Office, Department of Energy, Oak Ridge, TN 37831, Telephone Number: (615) 576–6694.

(Catalog of Federal Domestic Assistance Number 81.065 Nuclear Waste Disposal Siting)

Effective Date: April 26, 1985.

Peter D. Dayton,

Director, Procurement and Contracts Division.

[FR Doc. 85–10198 Filed 4–25–85; 8:45 am]

BILLING CODE 6450–01–M

Announcement of Identification of Candidate Sites for a Proposal to Congress for a Monitored Retrievable Storage Facility and Availability of a Preliminary Analysis of the Need for and Feasibility of the Facility

AGENCY: Office of Civilian Radioactive Waste Management, DOE.

ACTION: Notice of announcement by the Office of Civilian Radioactive Waste Management (OCRWM) of the identification of three candidate sites for a proposal to Congress for a Monitored Retrievable Storage (MRS) facility. In addition, a document, "Need for and Feasibility of Monitored Retrievable Storage—A Preliminary Analysis" is available for review, and a report, "Screening and Identification of Sites for a Proposed Monitored Retrievable Storage Facility" is available for public distribution.

SUMMARY: OCRWM plans to study these sites for inclusion in a proposal to Congress for the construction of an MRS facility. The Department of Energy (DOE) plans to submit the proposal to Congress in January 1986.

Congress will then consider whether or not construction of an MRS facility will be authorized. The document now available for review will be used as a resource to develop the Needs and Feasibility Study which will accompany the proposal to Congress.

The technical program to develop the proposal is being implemented by the DOE Operations Office in Richland, Washington. In order to facilitate communication and interactions with the potential host State, an MRS office is being established in the DOE Oak Ridge Operations Office in Oak Ridge, Tennessee.

FOR FURTHER INFORMATION CONTACT:

For Press information:

Mr. James Alexander, Public Information Office, Oak Ridge Operations Office, U.S. Department of Energy, P.O. Box E, Room 1012, Oak Ridge, TN 37831, (615) 576–0885

—Ms. Ginger King, Office of Policy, Integration and Outreach, U.S. Department of Energy, RW–40, Washington, D.C. 20585, (202) 252–2835

For copies of documents:

—Mr. Ron Izatt, U.S. Department of Energy, Richland Operations Office, 825 Jadwin Avenue, P.O. Box 550, Richland, WA 99352

—Mr. Peter Gross, Monitored Retrievable Storage Office, Oak Ridge Operations Office, P.O. Box E, U.S. Department of Energy, Oak Ridge, TN 37831, (615) 576–6694

—Mr. James Carlson, Office of Storage and Transportation Systems, U.S. Department of Energy, RW–32, Washington, D.C. 20585, (202) 252–9433

Announcement

The U.S. Department of Energy (DOE) announced yesterday, April 25, 1985, that based upon its preliminary analysis it expects to propose to Congress in January 1986 an integrated nuclear waste disposal system which would include a Monitored Retrievable Storage (MRS) facility for consolidating, packaging, handling and temporary storage of spent nuclear fuel prior to disposal in deep geologic repositories. Disposal of nuclear waste is scheduled to begin in 1998.

The Nuclear Waste Policy Act of 1982 (the Act) established Federal policy and responsibility for the management of commercial spent nuclear fuel and high-level radioactive waste. The primary focus of the Act is the construction of a geologic repository by 1998. The Act also directed DOE to examine monitored retrievable storage as an option for storage of spent fuel. The Act clearly states that permanent disposal of high-level radioactive waste and spent nuclear fuel in a geologic repository should proceed in any case.

The Act charges DOE with development of a system to dispose of the nation's nuclear waste. It is expected that 43,000 metric tons of spent nuclear fuel will be awaiting disposal in 1998. The need and feasibility preliminary analysis has concluded that a waste system which integrates deep geologic repositories for disposal with an MRS to consolidate, package and, if necessary, temporarily store the waste would be the best strategy to serve the nation's needs.

It should be noted that Congress has not authorized construction of an MRS facility. The MRS was seen by Congress as an option for the long-term storage of nuclear wastes. The Act specifically directs the Department to prepare a proposal for construction of one or more MRS facilities and submit this proposal to the Congress. The proposal is to include a recommendation of the preferred site for an MRS. Proposal documentation will include plans for funding, constructing, operating and integrating MRS facilities, and site specific designs and cost estimates. An environmental assessment which compares the advantages and disadvantages of the various combinations of proposed sites and facility designs must accompany the proposal. In addition, a Needs and Feasibility Study will also accompany the proposal. While the Act requires that this be done by June 1, 1985, the Department will not be able to meet that deadline. The proposal is expected to be ready for submittal by January 15, 1986.

If approved by Congress, the MRS facility would begin operation in the 1996–1997 timeframe as an integral part of the federal nuclear waste management system. DOE expects to propose that spent nuclear fuel from the nation's commercial nuclear power plants be transported to an MRS facility for preparation and packaging, prior to delivery to a repository for final disposal. An MRS facility could provide temporary storage, with room for expansion if additional storage is needed.

With a large majority of the nation's commercial nuclear reactors located in the eastern, sourthern and midwestern portions of the United States, locating an MRS facility at any one of the candidate MRS sites would significantly reduce spent fuel transportation impacts. With most of the spent fuel being shipped to a centrally located MRS, the largest number of shipments will be shorter in duration than they would if travelling directly to a repository. The majority of shipments to an MRS are expected to be by truck. Once at the MRS, the spent fuel would be consolidated and repackaged. Shipments from the MRS to the repository could then be made by dedicated train. Since rail shipments can carry much heavier loads than truck shipments, fewer rail shipments would be needed between the MRS and the repository than truck shipments. This would significantly reduce the number of long distance shipments and transportation impacts.

The three MRS candidate sites, which include a preferred and two alternatives, have been identified by DOE following a screening and evaluation process. This has been documented in a report titled "Screening and Identification of Sites for a Proposed Monitored Retrievable Storage Facility" (DOE/RW–0023) which is available for public distribution. The preferred candidate site is located at the cancelled Clinch River Breeder Reactor site; the two alternative candidate sites are located on the DOE Oak Ridge Reservation and at the cancelled Tennessee Valley Authority Hartsville Nuclear Plant site. These sites will be further evaluated and two alternative facility designs will be prepared for each site. Evaluation of the six design/site combinations will accompany the DOE proposal to Congress.

It is the intent of the Department to prepare a proposal which will allow Congress to make an informed decision regarding the MRS and the integrated system; provide full opportunity for affected parties to express their views during proposal development; and, provide the States, Indian Tribes and public an opportunity to gain an understanding of the proposal which will allow their informed participation in the Congressional decision-making process.

The DOE is prepared to work closely with the States, Indian Tribes and public to prepare the best supporting documentation possible for the proposal to be delivered to Congress in January 1986. The Department's mission is to provide high quality technical documents for use in the Congressional decision-making process. It is DOE's intent to provide information and technical assistance to give interested parties an opportunity to gain an understanding of the impacts of siting an MRS and, subsequently, to form independent opinions regarding MRS acceptability.

Workshops, technical briefings and public meetings are methods that could be employed to involve interested States, Indian Tribes and the public in the MRS process. The Department believes it is important to receive the benefit of public feedback from diverse viewpoints during preparation of the proposal and its supporting documentation. The views expressed at such workshops, briefings and meetings could be summarized in proceedings reports and forwarded to Congress with the proposal for consideration during its deliberations.

An environmental assessment which evaluates the relative advantages and disadvantages of the design/site combinations will be prepared in the coming months to accompany the MRS proposal to Congress. The Act states that this environmental assessment is to be based on available information. The DOE solicits the help of States, affected Indian Tribes and the public to provide available information which may be useful in preparation of the environmental assessment. It is requested that available information be provided no later than July 1, 1985, so that the information may be considered in development of the environmental assessment. Such information should be sent to:

Mr. Ron Izatt, U.S. Department of Energy, Richland Operations Office, 825 Jadwin Avenue, P.O. Box 550, Richland, WA 99352

In addition to the environmental assessment, a Needs and Feasibility Study which will consider several MRS options, including the "No MRS" option, will accompany the proposal to Congress. The preliminary analysis has been made available for public review (DOE/RW–0022) will be used as a resource to develop the Needs and Feasibility Study. (Copies of the document may be obtained from Mr. Ron Izatt, Mr. Peter Gross or Mr. James Carlson at the addresses listed above.) Any person wishing to do so, should submit their views in writing to Mr. Carlson, at the address listed above by July 1, 1985. This cutoff date is necessary so that public views may be considered in developing the Needs and Feasibility Study.

Effective Date: April 26, 1985.

Ben C. Rusche,

Director, Office of Civilian Radioactive Waste Management.

[FR Doc. 85–10199 Filed 4–25–85; 8:45 am]

BILLING CODE 6450-01-M

Economic Regulatory Administration

[Docket No. ERA-FC-84-021; OFP Case No. 61051-9257-20-24]

Applied Energy Sciences, Inc.; Order Granting Exemption From Prohibitions

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Order granting to Applied Energy Sciences, Inc., exemption from prohibitions of the Powerplant and Industrial Fuel Use Act of 1978.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) hereby gives notice that it has granted a permanent cogeneration exemption from the prohibitions of Title II of the Powerplant and Industrial Fuel Use Act of 1978, 42 U.S.C. 8301 *et seq.* ("FUA" or "the Act"), to Applied Energy Sciences, Inc. (AES Geismar of "the petitioner"), of Geismar, Louisiana. The permanent cogeneration exemption permits the use of natural gas as the primary energy source for a planned AES Geismar facility located in Geismar, Louisiana. The facility will include one combustion turbine generator, one heat recovery steam generator, one steam turbine and other support equipment. The cogeneration facility will produce approximately 280,000 lb/hr of process steam and 123,400 kilowatts of electrical power. The final exemption order and detailed information on the proceeding are provided in the

Supplementary Information section, below.

DATE: The order shall take effect on June 25, 1985.

The public file containing a copy of the order, other documents, and supporting materials on this proceeding is available upon request through DOE, Freedom of Information Reading Room, 1000 Independence Avenue SW., Room 1E-190, Washington, D.C. 20585, Monday through Friday, 9:00 a.m. to 4:00 p.m., except Federal holidays.

FOR FURTHER INFORMATION:

Frank Duchaine, Office of Fuels Programs, Economic Regulatory Administration, 1000 Independence Avenue, SW., Room GA-0456, Washington D.C. 20585, Telephone (202) 252-8233

Steven E. Ferguson, Office of the General Counsel, Department of Energy, Forrestal Building, Room 6A-113, 1000 Independence Avenue, SW., Washington D.C. 20585, Telephone (202) 252-6947

SUPPLEMENTARY INFORMATION: The proposed cogeneration facility will include one Westinghouse 501-D5 gas turbine/generator or equivalent as the fuel burning unit. The heat recovery steam generator will be unfired, except during emergency conditions when the gas turbine is not operating. Natural gas will be the only fuel used and there will be no emergency standby fuel.

Under normal operating conditions the capacity of the proposed combined cycle plant will be approximately 280,000 lb/hr of process steam and 123 MWe (net) of electrical power at average ambient air conditions. Under minimum process steam conditions the capacity of the plant will be approximately 120,000 lb/hr of process steam and 140 MWe (net) of electrical power at average ambient air conditions. Under maximum process steam conditions the capacity of the plant will be approximately 340,000 lb/hr of process steam and 117 MWe (net) of electrical power at average ambient air conditions.

The primary purpose of the proposed facility is to provide process steam for use by the adjacent Uniroyal Chemical Plant. Electric power will also be generated for sale to Gulf States Utilities as a secondary benefit derived from efficient facility operation.

Basis for Permanent Exemption Order

The permanent exemption order is based upon evidence in the record including AES Geismar's certification to ERA, in accordance with § 503.37(a)(1), that:

1. The oil or natural gas to be consumed by the cogeneration facility will be less than that which would otherwise be consumed in the absence of the proposed powerplant, where the calculation of savings is in accordance with 10 CFR § 503.37.(a)(1)(i); and

2. The use of a mixture of natural gas and coal or oil and coal in the cogeneration facility will not be technically feasible, in accordance with 10 CFR § 503.37(a)(1)(ii).

Procedural Requirements

In accordance with the procedural requirements of section 701(c) of FUA and 10 CFR § 501.3(b), ERA published its Notice of Acceptance of Petition and Availability of Certification in the **Federal Register** on December 18, 1984 (49 FR 35221), commencing a 45-day public comment period.

A copy of the petition was provided to the Environmental Protection Agency for comments as required by section 701(f) of the Act. During the comment period, interested persons were afforded an opportunity to request a public hearing. The comment period closed on February 1, 1985; no comments were received and no hearing was requested.

NEPA Compliance

After review of the petitioner's environmental impact analysis, together with other relevant information, ERA has determined that the granting of the requested exemption does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of section 102(2)(C) of the National Environmental Policy Act (NEPA).

Order Granting Permanent Cogeneration Exemption

Based upon the entire record of this proceeding, ERA has determined that AES Geismar has satisfied the eligibility requirements for the requested permanent cogeneration exemption, as set forth in 10 CFR § 503.37. Therefore, pursuant to section 212(c) of FUA, ERA hereby grants a permanent cogeneration exemption to AES Geismar to permit the use of natural gas as the primary energy source for its cogeneration facility in Geismar, Louisiana.

Pursuant to section 702(c) of the Act and 10 CFR § 501.69, any person aggrieved by this order may petition for judicial review thereof at any time before the 60th day following the publication of this order in the **Federal Register.**

Issued in Washington, D.C., on April 18, 1985.

Robert L. Davies,

Director, Coal & Electricity Division, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 85-10127 Filed 4-25-85; 8:45 am]

BILLING CODE 6450-01-M

Western Area Power Administration

California-Oregon Transmission Project; Intent To Conduct Public Scoping Meetings

AGENCY: U.S. Department of Energy, Western Area Power Administration.

ACTION: Notice of intent to conduct public scoping meetings.

SUMMARY: In accordance with the National Environmental Policy Act of 1969 (NEPA), Western Area Power Administration (Western), Department of Energy (DOE), and the Transmission Agency of Northern California (Agency) will jointly conduct a series of public meetings to determine the scope of environmental issues to be addressed during the preparation of the environmental impact statement/environmental impact report (EIS/EIR) for the California-Oregon third 500-kilovolt (kV) alternating current (AC)

transmission line. This transmission line is proposed to extend from the California-Oregon border to the Central Valley of California east of the San Francisco Bay Area. Western and the Agency will coordinate the environmental analysis and review of the project with the Bonneville Power Administration; U.S. Department of Agriculture, Forest Service (USFS); and the California Public Utilities Commission.

Background

Since the Notice of Intent to prepare an EIS for the subject project was published in the **Federal Register** (Vol. 49, No. 217, page 44546, November 7, 1984), new developments have occurred. Western will represent DOE as the lead Federal agency in the preparation of the EIS. The USFS will be a cooperating agency.

The Agency has been designated as the Project Manager and lead State agency in accordance with the California Environmental Quality Act, and will be responsible for preparing an FIR. The California Public Utilities Commission will have the role of a responsible State agency in the process due to the participation of California investor-owned utilities. To reduce time and costs, the Federal and State lead agencies have agreed to combine efforts and prepare a joint EIS/EIR.

The project will be owned by municipal and investor-owned utilities in California and Western. The project participants include: (1) Municipal utilities represented by the Agency, which include the cities of Alameda, Biggs, Gridley, Healdsburg, Lodi, Lompoc, Palo Alto, Redding, Roseville, Santa Clara, and Ukiah, the Modesto and Turlock Irrigation Districts, the Sacramento Municipal Utility District, and the Plumas-Sierra Rural Electric Cooperative; (2) Investor-owned utilities including Pacific Gas and Electric Company (PGandE), San Diego Gas and Electric Company, and Southern California Edison; (3) the Southern California Public Agencies, which include the cities of Anaheim, Azuza, Banning, Colton, Glendale, Vernon, and Riverside; and (4) the Western Area Power Administration. The California Department of Water Resources also has an option to participate starting in the year 2005. The proposed line would provide approximately 1,600 megawatts of power transmission capacity to the project participants.

The proposed facilities would include a new 500-kV transmission line which would begin at a northern terminal in southern Oregon and extend to the vicinity of Redding, California. From Redding to Tracy, California, an existing 230-kV line may be upgraded to 500-kV, or a new line may be built if it is shown to be environmentally and economically preferable. A new 500-kV transmission line would also be constructed between Western's Tracy Substation and PGandE's Tesla Substation, a distance of about 8 miles. A new 500-kV line may be built between the Round Mountain and Redding areas. The entire project would include approximately 350 miles of 500-kV line and three new or upgraded substations. The purpose of the project is to permit sales of power from the Pacific Northwest to California, to displace relatively more expensive oil- and gas-generated power, and to provide more reliability to the existing transmission system. The purpose of the environmental studies is to identify the potential environmental impacts and to identify possible routes for the transmission lines and sites for the new substations which minimize impacts to the environment.

Meetings

Western and the Agency will jointly conduct a series of public scoping meetings during 1985 in California and Oregon. The purposes of the meetings are: (1) To inform private citizens, organizations, Federal, State, and local agencies, and public and private utilities of the proposed project; and (2) to receive comments and information that will assist in identifying the environmental issues to be addressed in the EIS/EIR. The meetings will be conducted on the dates and at the locations listed below.

Northern Schedule

May 13, 1985, 7:30 p.m., City Council Chambers, 1313 California Street, Redding, CA
May 14, 1985, 7:30 p.m., City Council Chambers, 1175 East Main Street, Ashland, OR
May 15, 1985, 9:00 a.m., Board of Supervisors Chambers, 526 West Sycamore, Willows, CA (combined w/ Planning Commission meeting)
May 15, 1985, 7:30 p.m., Multipurpose Room, Newell Elementary School, Highway 139, Newell, CA (9 miles south of Tulelake)
May 16, 1985, 7:30 p.m., American Legion Hall, Highway 299 at Long Street, Fall River Mills, CA
May 21, 1985, 7:30 p.m., City Council Chambers, 550 Main Street, Weed, CA
May 22, 1985, 7:30 p.m., Board of Supervisors' Chambers, 633 Washington Street, Red Bluff, CA
May 23, 1985, 1:30 p.m., Airport Sheraton Inn, 8235 Northeast Airport Way, Portland, OR

Southern Schedule

May 13, 1985, 7:30 p.m., City Hall Auditorium, 425 Webster Street, Colusa, CA
May 14, 1985, 7:30 p.m., Board of Supervisors Chambers, 25 County Center Drive, Oroville, CA
May 15, 1985, 7:30 p.m., Yolo County Planning Commission Meeting Room, 292 West Beamer Street, Woodland, CA
May 16, 1985, 7:30 p.m., City Council Chambers, 1201 Civic Center Boulevard, Yuba City, CA
May 20, 1985, 7:30 p.m., Board of Supervisors Chambers, Courthouse, 580 Texas Street, Fairfield, CA
May 21, 1985, 7:30 p.m., Tracy Community Center, 300 East Tenth Street, Tracy, CA
May 22, 1985, 7:30 p.m., Delta Community Services Center, 730 Third Street, Brentwood, CA
May 23, 1985, 1:00 p.m., Atlantis Lounge, Campus Village Community Center, University of California at Irvine, Irvine, CA

FOR FURTHER INFORMATION CONTRACT: Persons wanting to be included on the mailing list to receive relevant information as the project progresses or wanting further information about the scoping meetings, may contact:

Nancy Weintraub, Environmental Manager, Sacramento Area Office, Western Area Power Administration, 1825 Bell Street, Sacramento, CA 95825, (916) 440–3115, FTS 448–3115
Lawrence T. Klein, Project Director, California-Oregon Transmission Project, P.O. Box 660970, Sacramento, CA 95866 (916) 924–3995

Issued at Golden, Colorado: April 17, 1985.

William H. Clagett,

Administrator.

[FR Doc. 85–10126 Filed 4–25–85; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[OPTS–59186A; FRL–2822–6]

Certain Chemicals; Approval of Test Marketing Exemption

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces EPA's approval of an application for a test marketing exemption (TME) under section 5(h)(6) of the Toxic Substances Control Act (TSCA), TME–85–28. The test marketing conditions are described below.

EFFECTIVE DATE: April 12, 1985.

FOR FURTHER INFORMATION CONTRACT: Candy Brassard, Premanufacture Notice Management Branch, Chemical Control Division (TS–794), Office of Toxic Substances, Environmental Protection Agency, Rm. E–609C, 401 M Street SW., Washington, DC 20460 (202–382–3394).

SUPPLEMENTARY INFORMATION: Section 5(h)(1) of TSCA authorizes EPA to exempt persons from premanufacture notification (PMN) requirements and permit them to manufacture or import new chemical substances for test marketing purposes if the Agency finds that the manufacture, processing, distribution in commerce, use and disposal of the substances for test marketing purposes will not present any unreasonable risk of injury to health or the environment. EPA may impose restrictions on test marketing activities and may modify or revoke a test marketing exemption upon receipt of new information which casts significant doubt on its finding that the test marketing activity will not present any unreasonable risk of injury.

EPA hereby approves TME–85–28. EPA has determined that test marketing of the new chemical substance described below, under the conditions set out in the TME application, and for the time period and restrictions (if any) specified below, will not present any unreasonable risk of injury to health or the environment. Production volume, use and the number of customers must not exceed that specified in the application. All other conditions and restrictions described in the application and in this notice must be met.

The following additional restrictions apply to TME–85–28. A bill of lading accompanying each shipment must state that use of the substance is restricted to that approved in the TME. In addition, the Company shall maintain the following records until five years after the dates they are created, and shall make them available for inspection or coping in accordance with section 11 of TSCA:

1. The applicant must maintain records of the quantity of the TME substance produced and must make these records available to EPA upon request.

2. The applicant must maintain records of the dates of shipment to each customer and the quantities supplied in each shipment, and must make these records available to EPA upon request.

3. The applicant must maintain copies of the bill of lading that accompanies each shipment of the TME substance.

4. The applicant must maintain the following information on disposal of the TME substance: dates waste material is disposed of, location of disposal sites, volume of any disposed solid material, estimated volume of any aqueous wastes contining the TME substance, and method of disposal.

TME 85–28

Dated of Receipt: February 27, 1985.

Notice of Receipt: March 8, 1985 (50 FR 9509).

Applicant: CP Chemicals, Inc.

Chemical: (S) Stannous (Tin 2+) methanesulfonate.

Use: (S) Component in electroplating bath.

Production Volume: 4,545 Kilograms.

Number of Customers: Six.

Worker Exposure: Manufacture: A total of 3 workers at 1 site for 1 to 2 hours per day, 20 days per year. Use: a total of 6 workers at up to 6 sites for 2 to 8 hours per day, 7 to 28 days per year.

Test Marketing Period: One year.

Commencing on: April 12, 1985.

Risk Assessment: EPA identified no significant concerns for health effects. Therefore, the test market substance will not present any unreasonable risk of injury to health. The Agency did identify potential adverse effects on aquatic organisms. However, since the low releases from manufacture and use will be sent to a POTW or on-site treatment facility, the test market substance will not pose any unreasonable environmental risk.

Additional Restrictions: The applicant and its customers will be required to send the releases from manufacture and/or use to a POTW or an on-site treatment facility.

Public Comments: None.

The Agency reserves the right to rescind approval or modify the conditions and restrictions of an exemption should any new information come to its attention which casts significant doubt on its finding that the test marketing activities will not present any unreasonable risk of injury to health or the environment.

Dated: April 12, 1985.

Don R. Clay,

Director, Office of Toxic Substances.

[FR Doc. 85–9596 Filed 4–25–85; 8:45 am]

BILLING CODE 6560–50–M

[OPTS–59192; FBL–2825–9]

Adduct of Polymer 4,4'-Phenylmethane Diisocyanate and Hydroxyester of Terephthalic Acid; Test Marketing Exemption Application

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA may upon application exempt any person from the premanufacturing notification requirements of section 5 (a) or (b) of the Toxic Substances Control Act (TSCA) to permit the person to manufacture or process a chemical for test marketing purposes under section 5(h)(1) of TSCA. Requirements for test marketing exemption (TME) applications, which must either be approved or denied within 45 days of receipt, are discussed in EPA's final rule published in the **Federal Register** of May 13, 1983 (48 FR 21722. This notice, issued under section 5(h)(6) of TSCA, announces receipt of one application for an exemption, provides a summary, and requests comments on the approriateness of granting the exemptions.

DATE: Written comments by May 13, 1985.

ADDRESS: Written comments, identified by the document control number "[OPTS–59192]" and the specific TME number should be sent to: Document Control Officer (TS–973), Chemical Information Branch, Information Management Division, Office of Toxic Substances, Environmental Protection Agency, Rm. E–4201, 401 M Street SW., Washington, DC 20460 (202–382—3532).

FOR FURTHER INFORMATION CONTACT: Wendy Cleland-Hamnett, Premanufacture Notice Management Branch, Chemical Control Division (TS–794), Office of Toxic Substances, Environmental Protection Agency, Rm. E–611, 401 M Street SW., Washington, DC 20460 (202–382–3725).

SUPPLEMENTARY INFORMATION: The following notice contains information extracted from the non-confidential version of the submission provided by the manufacturer on the TME received by EPA. The complete non-confidential document is available in the Public Reading Room E–107 at the above address.

T 85–40

Close of Review Period. May 26, 1985.

Manufacturer. Confidential.

Chemical. (G) Adduct of polymeric 4,4'-phenylmethane diisocyanate and hydroxyester of terephthalic acid.

Use/Production. (G) Insulation. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Manufacture: Dermal a total of 1 worker, up 4 hrs/batch, at 48 manhours/yr.

Environmental Release/Disposal. No data submitted.

Dated: April 22, 1985

V. Paul Fuschini,

Acting Director, Information Management Division.

[FR Doc. 85-10150 Filed 4-25-85; 8:45 am]

BILLING CODE 6560-50-M

[OPTS-51568; FRL-2825-8]

Certain Chemicals; Premanufacture Notices

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Statutory requirements for section 5(a)(1) premanufacture notices are discussed in EPA statements of the final rule published in the **Federal Register** of May 13, 1983 (48 FR 21722). This notice announces receipt of twenty-one PMNs and provides a summary of each.

DATES: Close of Review Period:

P 85-800 and 85-801—July 10, 1985.

P 85-802 and 85-803—July 13, 1985.

P 85-804, 85-805, 85-806, 85-807, 85-808, 85-809 and 85-810—July 14, 1985.

P 85-811, 85-812, 85-813, 85-814, 85-815, 85-816 and 85-817—July 15, 1985.

P 85-818, 85-819, and 85-820—July 17, 1985.

Written comments by:

P 85-800 and 85-801—June 10, 1985.

P 85-802 and 85-803—June 13, 1985.

P 85-804, 85-805, 85-806, 85-807, 85-808, 85-809 and 85-810—June 14, 1985.

P 85-811, 85-812, 85-813, 85-814, 85-815, 85-816 and 85-817—June 15, 1985.

P 85-818, 85-819, and 85-820—June 16, 1985.

ADDRESS: Written comments, identified by the document control number "[OPTS-51568]" and the specific PMN number should be sent to: Document Control Officer (TS-793), Chemical Information Branch, Information Management Division, Office of Toxic Substances, Environmental Protection Agency, Rm. E-201, 401 M Street SW., Washington, DC 20460 (202-382-3532).

FOR FURTHER INFORMATION CONTACT: Wendy Cleland-Hamnett, Premanufacture Notice Management Branch, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm. E-611, 401 M Street SW., Washington, DC 20460 (202-382-3725).

SUPPLEMENTARY INFORMATION: The following notice contains information extracted from the non-confidental version of the submission provided by the manufacturer on the PMNs received by EPA. The complete non-confidential document is available in the Public Reading Room E-107 at the above address.

P 85-800

Manufacturer. Olin Corporation.

Chemical. (G) Sodium salt of polycarboxylic acid.

Use/Production. (S) Industrial and commercial surfactant—general industrial cleaning. Prod. range: Confidential.

Toxicity Data. Acute oral: >5.0 g/kg; Acute dermal: >2.0 g/kg; Irritation: Skin-Mild or slight, Eye-Mild; Ames Test: Not determined; Skin sensitization: Sensitizer.

Exposure. Manufacture: Dermal, a total of 5 workers, up to 1 hr/da, up to 200 da/yr.

Environmental Release/Disposal. Greater than 2 kg/da to greater than 2,500 kg/yr released to water with greater than 4 kg/da to land.

Disposal by incineration, landfill and activated sludge treatment plants.

P 85-801

Manufacturer. Confidential.

Chemical. (G) adduct of polymeric 4,4' phenylmethane diisocyanate and hydroxyester of terephthalic acid.

Use/Manufacture. (G) Insulation. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Confidential.

Environmental Release/Disposal. No release. Disposal by waterway.

P 85-802

Manufacturer. Confidential.

Chemical. (G) Functionalized styrene methacrylic polymer.

Use/Production. (G) Component for industrial specialty coatings. Prod. range: 40,000-252,000 kg/yr.

Toxicity Data. No data submitted.

Exposure. Manufacture and processing: Dermal, a total of 58 workers, up to 8 hrs/da, up to 32 da/yr.

Environmental Release/Disposal. 5 to 135 kg/batch released to land. Disposal by incineration and landfill.

P 85-803

Manufacturer. The Minnesota Mining and Manufacturing Company.

Chemical. (G) 4,4'phenylmethane diisocyanate adduct of polyether polyol.

Use/Production. (S) Commercial primer for repair of urethane foam roof coating. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Manufacture: Dermal, a total of 2 workers/shift up to 2 hrs/da, up to 30 da/yr.

Environmental Release/Disposal. 71 kg/batch released. Disposal by incineration.

P 85-804

Manufacturer. Eastman Kodak Company.

Chemical. (S) 2-Methyl-6-quinolinamine hydrochloride.

Use/Production. (G) Chemical intermediate. Prod. range: 2-4 kg/yr.

Toxicity Data. No data submitted.

Exposure. Manufacture and use: Dermal, inhalation and ocular, a total of 2 workers, up to 0.4 hr/da, up to 3 da/yr.

Environmental Release/Disposal. Less than 0.01 kg/batch incinerated.

P 85-805

Manufacturer. Eastman Kodak Company.

Chemical. (S) 2-Methyl-6-quinolinamine.

Use/Production. (G) Chemical intermediate. Prod. range: 2-3 kg/yr.

Toxicity Data. No data submitted.

Exposure. Manufacture and use: Dermal, inhalation and ocular, a total of 4 workers, up to 1.1 hr/da, up to 3 da/yr.

Environmental Release/Disposal. Less than 0.5 kg/batch incinerated.

P 85-806

Manufacturer. Eastman Kodak Company.

Chemical. (S) 2-Methyl-6-nitroquinoline.

Use/Production. (G) Chemical intermediate. Prod. range: 2.5-4.0 kg/yr.

Toxicity Data. No data submitted.

Exposure. Manufacture and use: Dermal, inhalation and ocular, a total of 6 workers, up to 1.3 hr/da, up to 4 da/yr.

Environmental Release/Disposal. Less than 0.2 kg/batch incinerated.

P 85-807

Manufacturer. Confidential.

Chemical. (G) Polyperester of ketopolycyclic polyacid.

Use/Production. (G) A formulation component for open non-dispersive use. Prod. range: 50-250 kg/yr.

Toxicity Data. No data submitted.

Exposure. Manufacture: Dermal, a total of 18 workers.

Environmental Release/Disposal. 0.05 to 0.10 kg/batch released to land. Disposal by landfill

P85-808

Manufacturer. Confidential.

Chemical. (G) Polyester resin.

Use/Production. (S) Electrical insulation intermediate. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Confidential.

Environmental Release/Disposal. Confidential.

P85–809

Manufacturer. Confidential.

Chemical. (G) Terpolymer with styrene and methyl methacrylate.

Use/Production. (G) Industrial coating polymer. Prod. range: 40,000–252,000 kg/yr.

Toxicity Data. No data submitted.

Exposure. Manufacture and processing: Derma, a total of 58 workers, up to 8 hrs/da, up to 32 da/yr.

Environmental Release/Disposal. 5 to 135 kg/batch released to land. Disposal by incineration and landfill.

P85–810

Manufacturer. Confidential.

Chemical. (S) (Z)-1-bromo-3-hexene.

Use/Production. (G) Chemical synthetic intermediate-destructure use. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Manufacture and use: Dermal, a total of 6 workers, up to 2 hr/da, up to 5 da/yr.

Environmental Release/Disposal. 0.020 to 0.17 kg/batch released to air. Disposal by incineration.

P85–811

Manufacturer. Confidential.

Chemical. (G) Polyurethane polyol.

Use/Production. (G) Industrially applied coating product. Prod. range: 225,000–500,000 kg/yr.

Toxicity Data. No data submitted.

Exposure. Manufacture and processing: Dermal, a total of 29 workers, up to 8 hrs/da, up to 260 da/yr.

Environmental Release/Disposal. 4 to 180 kg/batch released to land. Disposal by incineration and landfill.

P85–812.

Importer. Confidential.

Chemical. (G) 2-[3',5'-disubstituted-2'-hydroxyphenyl]benzotriazole.

Use/Import. (G) Open, non-dispersive use; additive for coatings. Import range: Confidential.

Toxicity Data. Acute oral: Male and female—>5,000 mg/kg; Acute dermal: Male and female—>2,000 mg/kg; Irritation: Skin Non-irritant, Eye—Non-irritant; Ames Test: Non-mutagenic; Skin sensitization: Strong sensitizer; Ready biodegradability test: Not readily biodegradable; LC_{50} 96 hr (Bluegill sunfish): 3.8 mg/l; LC_0 96 hr (Bluegill sunfish): 1.8 mg/l; LC_{100} 96 hr (Bluegill sunfish): 5.8 mg/l; LC_{50} 96 hr. (Rainbow trout): 2.8 mg/l; LC_0 96 hr (Rainbow trout): 1.2 mg/l; LC_{100} 96 hr. (Rainbow trout): 4.95 mg/l; EC_{50} 48 hr. (Daphnia magna): 4.0 mg/l; EC_0 48 hr Daphnia magna): 1.0 mg/l; EC_{100} 48 hr (Daphnia magna: 10.0 mg/1.

Exposure. Processing: Dermal, up to 2 hrs/da, up to 100 da/yr.

Environmental Release/Disposal. No release to air, water and land. Disposal by incineration.

P85–813

Importer. Marubeni America Corporation.

Chemical. (G) Copolymer of unsaturated polyester and allylcompounds.

Use Import. (S) Coating for woodwork. Import range: 30,000–120,000 kg/yr.

Toxicity Data. No data submitted.

Exposure. No data submitted.

Environmental Release/Disposal. No data submitted. Disposal by incineration.

P 85–814

Importer. Marubeni America Corporation

Chemical. (G) Copolymer of unsaturated polyester and allyl-compounds.

Use/Import. (S) Coating for woodwork. Import range: 30,000–120,000 kg/yr.

Toxicity Data. No data submitted.

Exposure. No data submitted.

Environmental Release/Disposal. No data submitted. Disposal by incineration.

P 85–815

Importer. Marubeni America Corporation.

Chemical. (G) Copolymer of unsaturated polyester and allyl-compounds.

Use/Import. (S) Coating for woodwork. Import range 30,000–120,000 kg/yr.

Toxicity Data. No data submitted.

Exposure. No data submitted.

Environmental Release/Disposal. No data submitted. Disposal by incineration.

P 85–816

Importer. Marubeni America Corporation.

Chemical. (G) Copolymer of unsaturated polyester and allyl-compounds.

Use/Import. (S) Putty for vehicle. Import range: 20,000–80,000 kg/yr.

Toxicity Data. No data submitted.

Exposure. No data submitted.

Environmental Release/Disposal. No data submitted. Disposal by incineration.

P 85–817

Importer. Marubeni America Corporation.

Chemical. (G) Copolymer of unsaturated polyester and allyl-compounds.

Use/Import. (S) Putty for vehicle. Import range: 20,000–80,000 kg/yr.

Toxicity Data. No data submitted.

Exposure. No data submitted.

Environmental Release/Disposal. No data submitted. Disposal by incineration.

P 85–818

Importer. Confidential.

Chemical. (G) Benzenesulfonic acid, 4-[[4-substituted]-3-methyl-5-oxo-2-pyrazolin-1-yl]-, salt

Use/Import. (G) Open, non-dispersive use. Import range 1,500–5,000 kg/yr.

Toxicity Data. No data on the PMN substance submitted.

Exposure. Import and processing: dermal and inhalation, a total of 5 workers, up to 2 hrs/wk at 400 man hours/yr.

Environmental Release/Disposal. No data submitted.

P 85–819

Manufacturer. Resinall Corporation.

Chemical. (G) Tall oil fractions, unsaturated hydrocarbon resin, dieneophile modified polymer with pentaerythritol.

Use/Production. (G) Resin binder for printing inks. Prod. range: confidential.

Toxicity Data. No data submitted.

Exposure. Manufacture: Dermal, a total of 7 workers, up to 6 hrs/da, up to 300 da/yr.

Environmental Release/Disposal. 50 lbs released to air, with 5 to 50 lbs to land. Disposal by sanitary landfill.

P 85–820

Manufacturer. Resinall Corporation.

Chemical. (G) Carboxylic modified rosin.

Use/Production. (S) Industrial processing aid in rubber compounding, pigment resination and tackifier for adhesives. Prod. range: 100,000–300,000 kg/yr.

Toxicity Data. No data submitted.

Exposure. Manufacture: Dermal, a total of 5 workers, up to 6 hrs/da, up to 20 da/yr.

Environmental Release/Disposal. 180 kg/batch released to air with 20 to 180 kg/batch land.

Dated: April 19, 1985.

Linda A. Travers,

Acting Director, Information Management Division.

[FR Doc. 85-10151 Filed 4-25-85; 8:45 am]

BILLING CODE 6560-50-M

[OPTS-59712; FRL-2826-1]

Certain Chemicals; Premanufacture Notices

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Statutory requirements for section 5(a)(1) premanufacture notices are discussed in EPA statements of the final rule published in the **Federal Register** of May 13, 1983 (48 FR 21722). In the **Federal Register** of November 11, 1984, (49 FR 46066) (40 CFR 723.250), EPA published a rule which granted a limited exemption from certain PMN requirements for certain types of polymers. PMNs for such polymers are reviewed by EPA within 21 days of receipt. This notice announces receipt of three such PMNs and provides a summary of each.

DATES: Close of Review Period:

Y 85-55—May 2, 1985.

Y 85-56, Y 85-57—May 6, 1985.

FOR FURTHER INFORMATION CONTACT: Wendy Cleland-Hamnett, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm. E-611, 401 M Street SW., Washington, DC 20460 (202-382-3725).

SUPPLEMENTARY INFORMATION: The following notice contains information extracted from the non-confidential version of the submission by the manufacturer on the exemption received by EPA. The complete non-confidential document is available in the Public Reading Room E-107 at the above address between 8:00 a.m. and 4:00 p.m., Monday through Friday, excluding legal holidays.

Y 85-55

Manufacturer. Confidential.

Chemical. (G) Polyoxyalkylene ester modified alkoxysilane.

Use/Production. (S) Component of products for use as dispersing agents in coating formulations. Prod. range: Confidential.

Toxicity Data. No data on the PMN substance submitted.

Exposure. Manufacture: Dermal, a total of 1 worker, up to 6 hrs/da, up to 33 da/yr.

Environmental Release/Disposal. Confidential.

Y 85-56

Manufacturer. Spencer Kellog Division of Textron Inc.

Chemical. (G) Alkyd resin.

Use/Production. (G) An alkyd resin to be used in an open, non-dispersive use. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Confidential.

Environmental Release/Disposal. No data submitted.

Y 85-57

Importer. Confidential.

Chemical. (G) 1-substituted propane, 2-methyl-2-[(1-oxo-2-propenyl)amino]-, monosodium salt, polymer with 2-propenamide and 2 propenoic acid, sodium salt.

Use/Import. Confidential.

Toxicity data. No data submitted.

Exposure. No data submitted.

Environmental Release/Disposal. No data submitted.

Dated: April 22, 1985.

V. Paul Fuschini,

Acting Director, Information Management Division.

[FR Doc. 85-10149 Filed 4-25-85; 8:45 am]

BILLING CODE 6560-50-M

[PF-409; PH-FRL 2826-5]

Certain Companies; Pesticide Tolerance Petitions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has received pesticide petitions relating to the establishment, amendment, and/or correction of tolerances for certain pesticide chemicals in or on certain agricultural commodities.

ADDRESS: By mail, submit comments identified by the document control number [PF-409] and the petition number, attention Product Manager (PM) named in each petition, at the following address:

Information Services Section (TS-757C), Program Management and Support Division, Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, D.C. 20460.

In person, bring comments to:

Information Services Section (TS-757C), Environmental Protection Agency, Rm. 236, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202.

Information submitted as a comment concerning this notice may be claimed confidential by marking any part or all of that information as "Confidential Business Information" (CBI). Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR Part 2. A copy of the comment that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice. All written comments filed in response to this notice will be available for public inspection in the Information Services Section office at the address given above, from 8 a.m., to 4 p.m., Monday through Friday, except legal holidays.

FOR FURTHER INFORMATION CONTACT:

By mail: Registration division (TS-767C), Attn: (Product Manager (PM) named in each petition), Environmental Protection Agency, Office of Pesticide Programs, 401 M St., SW., Washington, D.C. 20460.

In person: Contact the PM named in each petition at the following office location/telephone number:

Product manager	Office location/ telephone number	Address
PM-12, Jay Ellenberger.	Rm. 202, CM#2 (703-557-2386).	EPA, 1921 Jefferson Davis Hwy, Arlington, VA 22202
PM-17, Timothy A. Gardner.	Rm. 207, CM#2 (703-557-2690).	Do.

SUPPLEMENTARY INFORMATION: EPA has received pesticide petitions (PP) relating to the establishment, amendment, and/or correction of tolerances for certain pesticide chemicals in or on certain agricultural commodities.

I. Initial Filing

PP 5F3208. Union Carbide Agricultural Products Co., Inc., P.O. Box 12014, Research Triangle Park, NC 27709. Proposes amending 40 CFR 180.169 by establishing a tolerance for residues of the insecticide carbaryl (1-naphthyl *N*-methylcarbamate) in or on the commodity pineapples at 2.0 parts per million (ppm). The proposed analytical method for determining residues in high pressure liquid chromatography using fluorescent detection. PM-12

II. Amended Petition

PP 2F2657. Shell Oil Co., 1025 Connecticut Ave., NW., Washington, D.C. 20036. EPA issued a notice,

published in the **Federal Register** of February 8, 1984 (49 FR 4841), which announced that Shell Oil Co. had submitted PP 2F2657 to the Agency proposing to amend 40 CFR 180.379 by establishing tolerances for residues of the insecticide cyano (3-phenoxyphenyl)methyl-4-chlora-alpha-(1-methylethyl) benzeneacetate in or on certain commodities.

Shell Oil Co. has amended the petition by adding the commodity raisins at 30 ppm. The proposed analytical method for determining residues is gas chromatography. (PM–17)

III. Pesticide Petition; Correction

EPA issued a notice, published in the **Federal Register** of March 6, 1985 (50 FR 9122), which announced that Mobay Chemical Corp., P.O. Box 4913, Hawthorne Road, Kansas City, MO 64120, proposes amending 40 CFR Part 180 by establishing tolerances for the residues of the insecticide (*Z*)-alpha-[[(diethoxyphosphinothioyl) oxy]imino]benzeneacetonitrile and its cholinesterase-inhibiting metabolities in or on the agricultural commodity corn, sweet (kernels plus cobs with husk removed) at 0.05 ppm.

In the FR Doc. 85–4992, appearing at page 9123, in the first column, the pesticide petition (PP) number in item 2 under **Initial Filings** was inadvertently filed a "PP 5E3187", and is corrected to read "PP 5E3205". (PM–12)

(Sec. 408(d)(2) 68 Stat. 512, (21 U.S.C. 346a(d)(2))

Dated: April 19, 1985.

Robert V. Brown,

Acting Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 85–10144 Filed 4–25–85; 8:45 am]

BILLING CODE 6560-50-M

[OPTS–51529B; FRL–2826–2]

Certain Chemicals; Premanufacture Notice; Termination of Review Period

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA is revoking effective April 20, 1985, immediately following the signing of a Consent Order for the new chemical substance subject to premanufacture notice (PMN) P84–968, the remaining portion of a 90-day extension of the review period for PMN P84–968, under the authority of section 5(c) of the Toxic Substances Control Act (TSCA).

FOR FURTHER INFORMATION CONTACT: Anna Coutlakis, Chemical Control Division (TS–794), Environmental Protection Agency, Rm. E–613–B, 401 M St., SW., Washington, D.C. 20460, (202) 382–2252.

SUPPLEMENTARY INFORMATION: The original 90-day review period for PMN P84–968 was scheduled to expire on October 14, 1984. EPA published a section 5(c) extension notice for the PMN in the **Federal Register** of October 19, 1984 (49 FR 41101) to provide the Agency with sufficient time to issue an order under section 5(e). The Order would have prohibited the Company from manufacturing the PMN substance in, or importing it into, the United States pending the submission and evaluation of test data addressing the potential risk of injury to human health. After the Order was proposed, the Company suspended the notice review period and submitted more data and information. In light of this new data and information, EPA concluded that, if the Company were willing to enter into an appropriate Consent Order, the risks from the PMN substance would be reduced to acceptable levels. The Company agreed to such an approach. The review period, including the extension under section 5(c), would have expired May 18, 1985. The Consent Order was signed April 19, 1985 and goes into effect April 20, 1985. Therefore, EPA is revoking the remaining portion of the extended review period effective April 20, 1985.

Dated: April 18, 1985.

Edwin F. Tinsworth,

Acting Director, Office of Toxic Substances.

[FR Doc. 85–10148 Filed 4–25–85; 8:45 am]

BILLING CODE 6560-50-M

[SAB–FRL–2825–3]

Science Advisory Board Clean Air Scientific Advisory Committee; Open Meeting

Under Pub. L. 92–463, notice is hereby given of a meeting of the Clean Air Scientific Advisory Committee (CASAC) of the Science Advisory Board. The meeting will be held May 13–15, 1985, starting at 9:00 am on May 13 and ending at approximately noon on May 15. The meeting will be held at the Rosslyn Westpark Hotel, 1900 North Fort Myer Drive, Arlington, Virginia.

The purpose of the meeting is to allow the Committee to review and provide its advice to the Agency on: (1) The August 1984 external review draft of the EPA's revised *Air Quality Criteria Document for Lead;* and (2) the EPA's first draft of the *Review of the National Ambient Air Quality Standards for Lead: Assessment of Scientific and Technical Information Draft Staff Paper.* The purpose of the staff paper is to evaluate and interpret the most relevant scientific and technical information reviewed in the criteria document in order to better specify the critical elements which the EPA staff believes should be considered in the possible revision of the primary and secondary National Ambient Air Quality Standards for lead. This assessment is intended to help bridge the gap between the scientific review contained in the criteria document and the judgments required of the Administrator in setting ambient standards for lead.

Copies of the August 1984 draft criteria document may be obtained by writing or calling the Office of Research and Development Publications Center, CERI–FRN, U.S. EPA, 21 West St. Clair Street, Cincinnati, Ohio, 45268 (513) 684–7562. Please ask for EPA document 600/8–83–028B, Vols. I–IV, August 1984. Copies of the draft staff paper may be obtained from Jeff Cohen, Strategies and Standards Division, Office of Air Quality Planning Standards (MD–12), U.S. EPA, Research Triangle Park, North Carolina, 27711, (CML) (919) 541–5531, (FTS) 629–5531. Written comments on the draft staff paper will be accepted through the 15th of July. Comments should be sent to Jeff Cohen at the previous address.

The meeting is open to the public. Any member of the public wishing to attend or obtain information should contact Mr. Robert Flaak, Executive Secretary, Clean Air Scientific Advisory Committee (CASAC), Science Advisory Board (A–101–F), U.S. EPA, Washington, DC, 20460 (202) 382–2552, prior to the meeting. Persons wishing to make statements at the meeting must contact Mr. Flaak no later than close of business on May 7, 1985.

Terry F. Yosie,

Director, Science Advisory Board.

April 15, 1985.

[FR Doc. 85–10146 Filed 4–25–85; 8:45 am]

BILLING CODE 6560-50-M

[ER–FRL–2826–4]

Environmental Impact Statements and Regulations; Availability of EPA Comments

Availability of EPA comments prepared April 8, 1985 through April 12, 1985 pursuant to the Environmental Review Process (ERP), under Section 309 of the Clean Air Act and section 102(2)(c) of the National Environmental Policy Act as amended. Requests for copies of EPA comments can be directed to the Office of Federal Activities at

(202) 382–5075/76. An explanation of the ratings assigned to draft environmental impact statements (EISs) was published in FR dated October 19, 1984 (49 FR 41108).

Draft EISs

ERP No. D–AFS–C65001–PR, Rating EC2, Caribbean Nat'l Forest and Luquillo Experimental Forest, Land and Resource Mgmt. Plan, Puerto Rico. **SUMMARY:** EPA expressed its concern that the DEIS did not adequately analyze potential long-term soil erosion impacts and water quality issues associated with timber harvesting activities. Overall, EPA agreed that the selected alternative represents a balance of the forests uses and resources. However, EPA believes the FEIS should include appropriate mitigating measures for potential long-term impacts to water quality and soil resources.

ERP No. D–AFS–D65012–00, Rating EC2, Jefferson Nat'l Forest Land and Resource Mgmt. Plan, WV, VA, and KY. **SUMMARY:** EPA's review suggests that the combined effects of proposed timbering and mineral extraction may result in significant cumulative impacts for which mitigation is not provided. Further, EPA believes that increased emphasis must be given to water quality issues and its more dependent ecosystem in order to assure that existing water quality and ecosystems are not significantly impacted. Finally, EPA believes that the proposed plan should incorporate a more comprehensive watershed management scheme than is identified.

ERP No. DS–COE–E32026–AL, Rating EO2, Mobile Harbor Channel Improvements, Construction and Maintenance, Offshore Dredged Material Disposal Site, Designation, AL. **SUMMARY:** EPA believes even though the current proposal has been downsized from the original onshore design, its impact remains geographic in scope, severe and irreversible. While EPA endorses the ocean disposal concept, we have significant environmental objections to utilizing a portion of the dredged material to create a 1000 acre island in Mobile Bay to function as an island terminal facility. EPA feels that practical and more environmentally sensitive alternatives exist for both dredged material disposal and port related developments and would like to continue discussions on this issue.

ERP No. DS–FHW–H40133–IA, Rating EC2, IA–58 and US 218 (formerly 518) Relocation and Improvement, Relocated US 20 in Cedar Falls to IA–3 in Waverly, IA. **SUMMARY:** EPA requested that the noise section be expanded to include information on the number and location of sites adversely impacted by noise.

ERP No. DS–FRC–L05018–AK, Rating EC2, Bradley Lake Hydroelectric Project, Construction and Operation, Permit, AK. **SUMMARY:** EPA suggested that the FSEIS place greater emphasis on summarizing the many volumes of supporting documents associated with the project. Also, expansion of the access alternatives evaluation was requested. Finally, EPA requested the opportunity to review monitoring plans and reports pertinent to a variety of project impacts and mitigation measures.

ERP No. RD–NOA–B91021–MA, Rating LO, Northeast Multi-Species Fishery Mgmt. Plan, Adoption, Approval, MA, ME, NH, RI, and CT. **SUMMARY:** EPA believes, from its areas of jurisdiction and expertise, that the fishery management plan will not cause significant adverse impacts on the environment.

ERP No. D–SCS–E36152–MS, Rating LO, Tallahaga Creek Watershed Flood Protection Plan, MS. **SUMMARY:** EPA does not have any significant and or long-term environmental objections to the current proposal and believes that sufficient information is provided in the DEIS.

ERP No. D–UMT–K54015–CA, Rating LO, San Diego East Urban Corridor Transportation Improvement, CA. **SUMMARY:** EPA has not identified any potential environmental impacts requiring substantive changes to the proposal.

FINAL EISs

ERP No. F–COE–D36082–VA, Roanoke R. Upper Basin Flood Damage Reduction, Headwaters Area, VA. **SUMMARY:** EPA reviewed the FEIS and found no objections to the project's implementation. The COE had addressed and incorporated each of EPA's requested modifications as noted in the DEIS.

ERP No. F–COE–G39012–LA, Louisiana Coastal Area, Freshwater Diversion to Barataria and Brenton Sound Basins, LA. **SUMMARY:** The FEIS adequately responds to EPA's comments issued on the DEIS and EPA did not identify any new concerns with regard to the proposed action.

ERP No. F–FHW–F40195–MN, TH–55/ Hiawatha Ave. Reconstruction, 59th St. to Franklin Ave., and CSAH 62 (Crosstown Highway) Extension, TH–55 to 46th Ave. South, MN. **SUMMARY:** EPA's review of the FEIS did not identify any significant environmental impacts requiring changes to the proposed project.

ERP No. F–USN–K40148–CA, Port Chicago Hwy., Main St. and Waterfront Rd., Explosive Safety Closure, Naval Weapons Station, CA. SUMMARY: EPA had no comments on the FEIS.

Amended Notices

The following review was completed during the week of February 25, through March 1, 1985 and should have appeared in the FR Notice published on March 15 March 15, 1985.

ERP No. F–BLM–K03012–00, Celeron/ All American and Getty Crude Oil Pipeline Project, Construction and Operation, Right-of-Way Permits, Emidio Station, CA. **SUMMARY:** The FEIS adequately responds to most of the environmental concerns raised in EPA's review of the DEIS. However, EPA continues to have environmental concerns with the action taken to initiate the construction of the McCameys to Freeport Extension and believes that the FEIS is deficient in providing information to assess related environmental impacts of the extension. The EIS does not address the impacts and related mitigation requirements with respect to the Edwards aquifer. ERP suggested that a supplement to the EIS would be required to satisfy the NEPA requirements associated with the McCamey to Freeport Extension. The following review was published in the April 12, 1985 FR Notice and with the incorrect summary paragraph. The correct summary of the EPA comments is below.

ERP No. F–OSM–L67014–WA, John Henry No. 1 Mine Operation, Permit, WA. **SUMMARY:** EPA suggested several stipulations for inclusion in the Record of Decision for the FEIS, and conditions on the Office of Surface Mining permit, if approved. The stipulations and conditions were suggested in order to more formally define the monitoring program, and to establish a firm commitment from the project sponsor for their proposed reclamation plan.

Dated: April 23, 1985.

Allan Hirsch,

Director, Office of Federal Activities.

[FR Doc. 85–10196 Filed 4–25–85; 8:45 am]

BILLING CODE 6560–50–M

[ER–FRL–2826–3]

Environmental Impact Statements; Availability

Responsible Agency

Office of Federal Activities, General Information (202) 382–5073 or (202) 382–5075.

Availability of Environmental Impact Statements filed April 15, 1985 Through April 19, 1985 Pursuant to 40 CFR 1506.9.

EIS No. 850153, Draft, FAA, CA, Fremont General Aviation Reliever Airport Development, Alameda and Fremont Counties, Due: June 24, 1985, Contact: Martin Convisser (202) 426–4357.
EIS No. 850154, Final, FHW, TX, Farm to Market Highway 734/Parmer Lane Highway Extension, Construction, Farm to Market Highway 1325 to Ranch to Market Highway 620 Travis and Williamson Counties, Due: May 28, 1985, Contact: W. L. Hall (512) 482–5966. Hall (512) 482–5966.
EIS No. 850155, Draft, EPA, FL, North Pinella County Wastewater Management Facilities Development, Grant, North Pinella County, Due: June 25, 1985, Contact: Ronald Mikulak (404) 881–3776.
EIS No. 850156, Final, ADOPTION, CGD, WA, Duwamish River Construction Bridges, Construction, Permit, King County, Due: May 28, 1985, Contact: Wayne Lee (206) 442–5864.
EIS No. 850157, Draft, BLM, UT, Box Elder Planning Area, Resource Management Plan, Box Elder County, Due: July 25, 1985, Contact: Dennis Oaks (801) 524–6767.
EIS No. 850158, Final, COE, MS, LA, Lake Pontchartrain Basin and Mississippi Sound Freshwater Diversion, Mississippi and Louisiana Estuarine Areas, Due: May 28, 1985, Contact: Dennis Chew (503) 838–2523.
EIS No. 850159, Final, USAF, NM, Melrose Air Force Bombing Range Expansion, Curry and Roosevelt Counties, Due: May 28, 1985, Contact: Roy Barker (804) 764–4430.
EIS No. 850160, Final, COE, CA, Oakland Inner Harbor Deep Draft Navigation Improvements, Alameda County, Due: May 28, 1985, Contact: Les Tong (415) 974–0439.
EIS No. 850161, Final, COE, OK, Arkansas City, Flood Control Plan, Arkansas and Walnut Rivers, Cowley County, Due: May 28, 1985, Contact: Buell Atkins (918) 581–7857.
EIS No. 850162, DRevised, COE, KS, Great Bend, Kansas Local Protection Plan, Construction, Barton County, Due: June 10, 1985, Contact: Buell Atkins (918) 581–7857.
EIS No. 850163, Draft, SCS, MO, Big Creek-Hurricane Creek Watershed Protection and Flood Prevention Plan, Livingston and Carroll Counties, Due: June 10, 1985, Contact: Paul Lawson (314) 875–5214.
EIS No. 850164, Final, BLM, CO) Northeast Resource Area, Resource Management Plan, Due: May 28, 1985, Contact: Frank Young (303) 236–4399.

Amended notices:

EIS No. 850165, Draft, AFS, MT, Hyalite-Porcupine Buffalo Horn WSA's Designation and Management, Gallatin National Forest, Gallatin and Park Counties, Due: July 15, 1985, Contact: Robert Breazeale (406) 587–6700, Should have appeared in 4–5–85 FR.FR.
EIS No. 850088, Draft, BLM, BIA, NM, Jackpile-Paguate Uranium Mine Reclamation Plan, Approval, Cibola County, Due: October 10, 1985, Published FR 3–29–85—Review extended.

Dated: April 23, 1985.

Allan Hirsch,

Director, Office of Federal Activities.

[FR Doc. 85–10197 Filed 4–25–85; 8:45 am]

BILLING CODE 6560–50–M

[ER–FRL–2826–5]

Intent To Prepare an Environmental Impact Statement

Responsible Office: U.S. Environmental Protection Agency Region III, Philadelphia, Pennsylvania.

Purpose: In accordance with section 511(c) of the Clean Water Act and section 102(2)(c) of the National Environmental Policy Act, EPA is notifying government agencies and the public that an EIS will be prepared to address wastewater management in the West Rehoboth Sanitary Sewer District, Sussex County, Delaware.

FOR FURTHER INFORMATION CONTACT: Mr Richard V. Pepino Environmental Impact and Marine Policy Branch U.S. Environmental Protection Agency Region III 841 Chestnut Building Philadelphia, Pennsylvania 19107 Phone No. (215) 597–9301.

Summary

1. Description of Proposed Action

The Environmental Protection Agency will prepare an Environmental Impact Statement (EIS) in conjunction with the planning of wastewater treatment needs for the West Rehoboth Sanitary Sewer District, Sussex County, Delaware. This action is in accordance with requirements of the National Environmental Policy Act, the Clean Water Act Amendments, and related EPA regulations.

2. Significant Issues

The EIS will consider the impacts of implementing alternative wastewater treatment strategies developed through the planning process. The major issues to be evaluated include increased development pressure, impacts on prime agricultural land and environmentally sensitive areas, water quality impacts, and feasibility of alternative technologies.

3. Public Participation Program

If you or your organization would like additional information, wish to submit information to EPA, or wish to be placed on the project mailing list please contact Richard V. Pepino of the Environmental Impact and Marine Policy branch at the above address.

Dated: April 23, 1985.

Allan Hirsch,

Director Office of Federal Activities.

[FR Doc. 85–10195 Filed 4–25–85; 8:45 am]

BILLING CODE 6560–50–M

[OW–FRL–2825–2]

State of Michigan National Pollutant Discharge Elimination System (NPDES) Pretreatment Program Reapproval

AGENCY: Environmental Protection Agency.

ACTION: Notice.

SUMMARY: On April 16, 1985, the Environmental Protection Agency (EPA) reapproved the State of Michigan's NPDES State pretreatment program. This action reauthorizes the State of Michigan to administer the National pretreatment program as it applies to municipalities and industries within the State.

ADDRESS: The documents that form the basis for EPA's reapproval of the Michigan NPDES State pretreatment program are located at the EPA Region V Office, 230 South Dearborn Street, Chicago, Illinois, 60604. Please contact John J. O'Grady, Water Quality Permits Section (5WQP), (312) 353–2105.

FOR FURTHER INFORMATION CONTACT: John J. O'Grady, Water Quality Permits Section (5WQP), U.S. Environmental Protection Agency, Region V Office, 230 South Dearborn Street, Chicago, Illinois, 60604, (312) 353–2105.

SUPPLEMENTARY INFORMATION:

I. Background.
II. Court Order.
III. Responsiveness Summary (Pursuant to 40 CFR 123.61(b)).
A. Summary of Significant Activities.
B. Response to Comments Submitted.
1. Review, Analysis, and Response to NWF's Original Comments.
a. Integration of Toxic Chemical Evalution Section.
b. Qualifications of Other MDNR Pretreatment Staff.
c. MDNR Environmental Protection Bureau Reorganization.
2. Review, Analysis, and Response to NWF's Comments, Dated February 8, 1985, on the Reconsideration of EPA's

Approval of Michigan's Pretreatment Program.
a. Michigan's Revised Pretreatment Rules.
b. "Quality Control" of Pretreatment.
1. Local Limits.
2. Legal Authority Reviews.
c. Modifying POTWs' NPDES Permits to Incorporate Pretreatment Conditions.
3. Summary and Conclusion.
IV. Federal Register Notice of Approval of State NPDES Programs or Modifications.
V. Review Under Executive Order 12291 and the Regulatory Flexibility Act.

I. Background

On June 26, 1978, EPA promulgated the General Pretreatment Regulations (40 CFR Part 403). Amendments to the General Pretreatment Regulations were promulgated on January 28, 1981 (46 FR 9404). These regulations, mandated by the Clean Water Act of 1977 (Pub. L. 95–217), govern the control of industrial wastes introduced into Publicly Owned Treatment Works (POTWs), commonly referred to as municipal sewage treatment plants. The objectives of the regulations are to: (1) Prevent the introduction of pollutants into POTWs which will interfere with the operation of a POTW, including interference with its use or disposal of municipal sludge; (2) prevent the introduction of pollutants into POTWs which will pass through the treatment works or otherwise be incompatible with such works; and (3) improve opportunities to recycle and reclaim municipal and industrial wastewaters and sludges.

The guidelines and regulations which EPA has promulgated at 40 CFR Part 123, under the authority of sections 304(i)(2) and 402(b) of the Clean Water Act, apply to all aspects of state NPDES programs, including NPDES state pretreatment program applications. In addition, EPA has promulgated regulations at 40 CFR 403.10 that are particularly applicable to NPDES state pretreatment program applications. These regulations, among other things, require each state applicant to provide a description of the funding and personnel available to implement the program and demonstrate that the funding and qualified personnel are sufficient to carry out the program (40 CFR 403.10 (f)(3) & (g)(2)).

On October 28, 1982, Michigan submitted an application to EPA to add the pretreatment program to its approved NPDES program. On December 3, 1982, EPA published a notice in the **Federal Register** seeking comment on Michigan's application (47 FR 54477). One of the commentors on Michigan's application was the National Wildlife Federation (NWF). NWF stated that in light of the December 20, 1982, internal reorganization within the Michigan Department of Natural Resources (MDNR), the State agency which administers the NPDES and pretreatment program in Michigan, clarificaiton of the resulting administrative responsibilities for the Michigan pretreatment program was needed.

In response, on January 28, 1983, representatives from EPA Region V and the State of Michigan met with NWF and other environmental groups to listen to their concerns, and to explain why MDNR had been reorganized and how the reorganization would strengthen the pretreatment program. MDNR detailed the number of personnel from various MDNR offices to be committed to the pretreatment program and explained the pretreatment role to be played by experts from MDNR's Toxic Chemical Evaluation Section (TCES) in the regulation of toxic pollutants. The State agreed to provide NWF with a written description of pretreatment personnel responsibilities.

On February 10, 1983, Charles H. Sutfin, Water Division Director for EPA Region V, informed NWF that after considering the comments made by NWF and others, EPA Regional staff had decided to recommend that the EPA Administrator approve the Michigan pretreatment program.

On February 18, 1983, NWF wrote to EPA to express continued concern whether MDNR was committing sufficient staff expertise to the pretreatment program and requesting written documentation of internal Michigan task assignments. EPA mailed this information to NWF on April 4, 1983. On April 26, 1983, NWF wrote to EPA to again express their concern that Michigan had not yet demonstrated that qualified personnel were available to implement the pretreatment program. NWF argued that the task assignments document, transmitted to them on April 4, did not demonstrate the necessary academic credentials or relevant experience of personnel assigned to the program and did not formally assign TCES personnel into the pretreatment process.

On June 7, 1983, EPA approved Michigan's NPDES State pretreatment program (48 FR 27291, June 14, 1983). This action authorized the State of Michigan to administer the National pretreatment program as it applies to municipalities and industries within the State. On September 5, 1983, NWF and the Michigan United Conservation Clubs (MUCC) filed a petition with the U.S. Court of Appeals for the Sixth Circuit (Case No. 83–3616) for review of EPA's approval, under the Clean Water Act, of Michigan's application to administer the NPDES pretreatment program. In response, EPA filed a motion on May 16, 1984, requesting that the Sixth Circuit remand the approval to EPA for reconsideration, without requiring withdrawal of the program prior to that reconsideration. In its brief, EPA acknowledged that it had not adequately procedurally documented the factual premises and reasons supporting its approval of Michigan's application. EPA moved the Sixth Circuit Court for an order: (1) Remanding for reconsideration EPA's approval of the State of Michigan's NPDES State pretreatment program; (2) allowing Michigan's approved NPDES State pretreatment program to continue in effect pending final action on its reconsideration; and (3) staying further proceedings pending final action on its reconsideration.

II. Court Order

The U.S. Court of Appeals for the Sixth Circuit granted EPA's motion on September 27, 1984. The Sixth Circuit Court, at EPA's request, allowed Michigan's NPDES State pretreatment program to continue in effect pending final action on EPA's reconsideration. The Sixth Circuit Court did not rule on the substantive validity of the Michigan NPDES State pretreatment program. The lawsuit was stayed pending the reconsideration. The Court Order required EPA to take final action upon Michigan's NPDES State pretreatment program within 180 days of entry of the Court Order (by March 26, 1985*), including a detailed written statement of the basis for its decision and a response to all comments submitted. The Court Order also required EPA to take the following interim steps:

1. EPA was to file monthly reports with the Sixth Circuit Court, beginning October 27, 1984, describing the status of its reconsideration of the Michigan NPDES State pretreatment program application. Monthly reports have been filed with the Sixth Circuit Court on October 24, 1984; November 27, 1984; January 2, 1985; January 24, 1985; March 1, 1985; and March 26, 1985.

2. EPA was to publish a **Federal Register** notice soliciting additional comments on the approval of Michigan's NPDES State pretreatment program application. The public notice appeared in the **Federal Register** on December 27, 1984 (49 FR 50199 et seq.).

3. EPA was to hold a public hearing on the Michigan NPDES State pretreatment program application. The public hearing was conducted in January 29, 1985.

4. EPA was to make a new final decision, accompanied by a detailed written statement of the basis for its decision and a response to all comments submitted. EPA was to take final action upon Michigan's pretreatment program application within 180 calendar days of the date of the Court Order (March 26, 1985*).

*NB: This date has been extended for 40 days until May 5, 1985.

III. Responsiveness Summary (Pursuant to 40 CFR 123.61(b))

A. Summary of Significant Activities

MDNR drafted proposed amendments to the Michigan Water Resources Commission (WRC) Part 21 Rules: *Wastewater Discharge Permits—Pretreatment Program,* which were approved by the WRC for public notice on June 21, 1984. EPA provided comments dated June 29, 1984, on the rules. MDNR subsequently published a notice soliciting additional comments on both the proposed pretreatment rules and the EPA comments, and informed the public of hearings to be held on the public notice package. Public hearings were held in Lansing, Michigan on August 13, 1984, and in Houghton, Michigan on August 15, 1984. On August 28, 1984, the public hearing record closed, with written statements postmarked by August 24, 1984, being introduced into the hearing record.

Subsequent to the public hearings and notice period, and based upon the EPA components, MDNR made additional revisions to the rules and mailed them to EPA on October 26, 1984, as well as to WRC members, and interested industrial user and environmental groups for further review. On November 15, 1984, revisions to the administrative rules for the pretreatment program were approved by the WRC. The rules had received the support of the Michigan Water Pollution Control Federation, the Michigan Clean Water Coalition, the Ford Motor Company, the National Council of the Paper Industry for Air and Stream Improvements, Inc. (NCASI), NWF, and MUCC.

On November 19, 1984, EPA received MDNR's NPDES State pretreatment program application amendments, dated November 16, 1984, that included the proposed pretreatment rules, a revised narrative, and attachments to the program narrative on funding sources, organizational changes, position descriptions, and personnel qualifications. The revised program narrative addressed changes in the staffing and organization, the addition of a pretreatment program coordinator, utilization of available expertise within MDNR for toxicant evaluation, financial resources, and legal review of ordinances.

On December 17, 1984, Valdas V. Adamkus, Regional Administrator for EPA Region V, transmitted a letter to Ronald O. Skoog, Director of MDNR, informing MDNR of the public notice in the **Federal Register** on the reconsideration of EPA's approval of the Michigan pretreatment program, and of the public hearing to be held on January 29, 1985, in Lansing, Michigan. On December 27, 1984, the public notice appeared in the **Federal Register** (49 FR 50199 et seq.), soliciting additional comments on Michigan's pretreatment program and announcing the public hearing scheduled for January 29, 1985; that document was characterized as a Proposed Rule, but should have been classified as a Notice.

On January 3, 1985, a workload analysis was performed by the EPA Region V Office on the Michigan pretreatment program that concluded that MDNR had sufficient staff to operate the pretreatment program in Michigan.

On January 7, 1985, MDNR submitted a revised pretreatment program narrative, dated January 4, 1985, to EPA.

On January 11, 1985, the Michigan Legislative Service Bureau certified the proposed pretreatment rules' format. On January 18, 1985, the Michigan Attorney General certified the proposed pretreatment rules' legality.

On January 29, 1985, the public hearing for the reconsideration of the Michigan pretreatment program was held at the Law Building Auditorium in Lansing, Michigan. EPA formally requested additional comments on Michigan's NPDES State pretreatment program, and MDNR's ability to effectively administer this program consistent with Federal and State requirements. Thirty individuals were in attendance representing industries, municipalities, environmental groups, MDNR, and the EPA Region V Office.

Only two statements were presented before the hearing panel. Paul D. Zugger, Executive Secretary of the WRC, and Chief of MDNR's Surface Water Quality Division (SWGD), presented a statement reaffirming Michigan's commitment to the pretreatment program, and urging EPA to reapprove Michigan's pretreatment program. He also stressed that MDNR desired to be treated on an equal basis with other States in the Region, and not preferentially treated as a result of the Court Order. Mark Van Putten, on behalf of NWF and MUCC, presented a statement that noted significant positive changes in MDNR's program, and that praised Mr. Zugger for effectively turning the Michigan pretreatment program around, under the auspices of the EPA Region V Office.

He commented that NWF and MUCC were generally pleased with the significant progress that had occurred in the program. He urged EPA to continue to assist MDNR in the development of its pretreatment program, and for EPA to continue in its overview role of that program.

The public comment period closed on February 9, 1985. The only comments received by the EPA Region V Office, were from Mark Van Putten, on behalf of NWF and MUCC. His comments were dated February 8, 1985, and were received via Express Mail on February 11, 1985.

On March 13, 1985, the proposed pretreatment rules package was approved by the Michigan Joint Legislative Rules Committee. On Marcy 21, 1985, the WRC approved the proposed pretreatment rules. On March 22, 1985, the rules were transmitted to the Office of the Governor of Michigan. On March 26, 1985, the proposed pretreatment rules were filed with the Office of the Secretary of State and with the *Michigan Register.* On April 11, 1985, the proposed amendments to the WRC Part 21 Rules: *Wastewater Discharge Permits—Pretreatment Program* became effective.

B. Response to Comments Submitted

In response to the public notice in the **Federal Register** (49 FR 50199 et seq., December 27, 1984) soliciting additional comments on the reconsideration of EPA's approval of the Michigan pretreatment program, EPA received only one set of comments. The comments were from Mark Van Putten on behalf of NWF and MUCC, dated February 8, 1985, and were received at the EPA Region V Office on February 11, 1985.

The combined comments of NWF and MUCC, will be referred to as, "NWF's comment(s)".

1. Review, Analysis, and Response to NWF's Original Comments

This review, analysis, and response is based upon the NWF comments which were expressed in the following correspondence:

- Letter to Robert R. Robichaud from Mark Van Putten, dated December 30, 1982;
- Letter to Charles H. Sutfin from Mark Van Putter, dated April 26, 1983;
- Letter to Charles H. Sutfin from Mark Van Putten, dated September 2, 1983;

• Petition to the U.S. Court of Appeals for the Sixth Circuit from Mark Van Putten, dated September 5, 1983; and

• Pre-argument statement to the U.S. Court of Appeals for the Sixth Circuit from Mark Van Putten, dated September 16, 1983.

a. *Integration of Toxic Chemical Evaluation Section (TCES) Staff*—(1) *NWF's Comments:* (a) There was no formal integration of MDNR's staff with demonstrated credentials in toxicants control, into the implementation and administration of the pretreatment program.

(b) The assignment of only 1.5 full-time equivalents (FTEs) from the TCES staff to the pretreatment program, effectively isolated the MDNR staff with the demonstrated credentials for toxicant evaluation from the program. TCES's organizational role was vague, ad hoc, and advisory.

(2) *NWF's Rationale:* NWF's comments stemmed from three basis areas of concern.

(a) First, NWF felt that the reorganization of MDNR's Environmental Protection Bureau (which was effective on December 20, 1982, and which had occurred after MDNR had submitted its formal application for pretreatment program approval) had left the Michigan application vague in regard to the integration of the TCES staff into the pretreatment program, and therefore, deficient (in NWF's opinion) in terms of 40 CFR 403.10 ((f)(2) and (g)(1)(iii)) requirements.

(b) Second, NWF was looking for a formal, structured role for the TCES experts in the following areas:

• Identifying and categorizing industrial users;

• Reviewing reports for and making determinations on fundamentally different factors (FDF) variance requests;

• Monitoring compliance and deciding upon appropriate compliance follow-up activities;

• Providing technical assistance to POTWs in program development and implementation; and

• Reviewing POTW program submissions and requests for authorization to revise categorical pretreatment standards to reflect POTW removal (removal credit requests).

(c) Third, NWF was skeptical of MDNR's ability to adequately ensure protection of POTWs from interference or pass-through of toxics and MDNR's ability to protect public health, in light of the limited commitment of TCES staff to the pretreatment program.

(3) *Response by the U.S. EPA: Amendments to Application.* MDNR submitted its State NPDES pretreatment program application amendments, dated November 16, 1984, to the EPA Region V Office, which included amendments to the WRC Part 21 Rules: *Wastewater Discharge Permits—Pretreatment Program,* and a revised program narrative, dated January 4, 1985, that described the administration, implementation, review, compliance, overview, and personnel resource requirements for its pretreatment program. The revised program narrative addressed changes in the staffing and organization, the addition of a pretreatment program coordinator, utilization of available expertise within MDNR for toxicant evaluation (TCES, etc.), financial resources, and legal review of ordinances. In addition, Michigan included revised attachments to the program narrative on funding sources, organizational changes, position descriptions, and personnel qualifications. In these revised attachments, Michigan has formally assigned 1.0 FTE from the TCES staff to the pretreatment program.

The revised pretreatment program narrative clearly delineated the task responsibilities for the TCES Staff, as presented below from pages 4, 8, 9, 10, and 11, of the program narrative.

Page 4 (Task Assignments). "Toxic Chemical Evaluation Section, Environmental Services Division, is responsible to review user surveys to determine whether organic toxicants are present in sufficient quantities to warrant control in the POTW's NPDES permit.

Task Responsibilities

—Provide technical assistance to SWQ Districts in review of nondomestic user survey submittals.
—Assist SWQ Districts in the review of categorical industry baseline reports.
—Assist SWQ Districts and SWQ Permits Section in toxic chemical evaluations, including determining POTW effluent limits, sludge quality requirements, etc."

Page 8 (Integration and Coordination with TCES Staff). "The pretreatment program will be integrated with other state programs related to the control of toxics. This integration will result in a variety of cross-checks and balances among agency staff. For example, major municipal dischargers have been required by their NPDES discharge permits to sample and analyze (on a short term basis) for toxic substances of concern. These substances were chosen by staff of the Toxic Chemical Evaluation and Water Quality Surveillance Sections based on information available at the time the permit was drafted."

"Michigan law requires all industries to annually report use or production of critical materials. By having the District coordinate pretreatment activities with the Toxic Chemical Evaluation Section, better information will be available to improve compliance with the critical materials reporting requirements. This should result in a more effective toxics control program."

NB: "Critical materials" are the inorganic and organic elements or compounds which are listed in the Critical Materials Register compiled by the Michigan Water Resources Commission (Part 9, WRC Rules, promulgated under the authority of Act 245, P.A. 1929, as amended).

Page 9 (Concern for Public Health). "Our concern is to ensure that none of these toxicants pass through the POTW in sufficient quantities to create public health and water quality problems. Regulation of these pollutants is accomplished through timely modification of the POTW's NPDES permit. The NPDES permit will set discharge standards and/or monitoring requirements on the POTW."

Page 9 (Formal, Structured Role for TCES). "All program elements (requests for removal credits, master plans user surveys, legal authority, and final programs) are submitted to district offices for review and approval. These reviews are aided by guidance and checklists developed in cooperation with EPA. The Districts receive a considerable amount of assistance from the Toxic Chemical Evaluation (TCE) and Water Quality Surveillance (WQS) Sections in the review of User Surveys. These sections advise the Districts as to what organic and inorganic toxicants, respectively, are being or may be discharged at a level of concern to POTW's. This review and the determination of the resultant discharge requirements are done in accordance with Water Resources Commission Rules, particularly R 321.1057."

NB: "Level of concern" refers to the concentration arrived at by an MDNR procedure that utilizes WRC Rule 321.1057 and that evaluates the impacts of a particular toxic pollutant on public health and water quality, and whether that pollutant must be limited in the POTW'S NPDES permit.

Page 10 and 11 (Formal Structures Role for TCES): "Upon approval of a POTW's pretreatment program responsibility for determining industrial compliance with categorical pretreatment standards, will be delegated to the POTW's with the state providing program overview."

"In the interim prior to POTW program approval, SWQD Districts will be responsible for review of industrial submittals and determination of acceptability. Districts may also receive assistance in this review from Treatment Technology Unit, Water Quality Surveillance Section, Toxic Chemical Evaluation Section and Point Source Studies Section. The following categorical industrial submittals will be received and reviewed by the state, pending POTW program implementation."

A. Categorical Determination Request.

B. Baseline Reports, Progress Reports, Final Compliance Reports and Periodic Compliance Reports.

C. Notice of Slug Loading.

D. Net/Gross Calculations.

Status of Michigan Pretreatment Program. The following number are current as of April 5, 1985, for the status of Michigan's NPDES State pretreatment program:

- Total Programs Required.....110
- Master Plans Submitted.....110
- Master Plans Approved.....103
- Nondomestric User Surveys Submitted.....110
- Nondomestic user Surveys Approved.....94
- Legal Authority Documents Submitted.....108
- Legal Authority Documents Approved.....85
- Request to Implement Documents Submitted.....101
- Request to Implement Documents Approved.....83
- Total Programs Approved as of 4/5/85.....13
- Total Programs Expected to be Approved by 9/30/85.....110

The involvement of the TCES staff is minimal in the review and approval of the Request to Implement documents. The bulk of the TCES staff's review of Nondomestic User Surveys has already been accomplished. Consequently, it appears that only 16 Nondomestic User Surveys (and 25 Legal Authority documents) remain for review by the TCES staff. However, due to multi-jurisdictional issues, there may be a few cities what will need to complete the process of reviewing the Nondomestic User Surveys for some of their outlying jurisdictions, during the first two quarters of Fiscal Year 1986 (until about April, 1986). Subsequently, there will be portions of Nondomestic User Surveys for review by the TCES staff as the cities submit these surveys to MDNR for approval. Therefore, it is anticipated that the TCES staff's involvement in the review of these Nondomestic User Surveys will not be completed until the end of Fiscal Year 1986.

Indentifying and Categorizing Industrial User. EPA, in coordination with the State of Michigan, has temporarily assumed responsibility for the review of the baseline monitoring reports (BMRs). This decision was made in order to allow the State to dedicate all of its pretreatment resources towards the review and approval of pretreatment programs. Once all of the cities required to develop pretreatment programs in the State are reviewed, approved, and incorporated into NPDES permits with the appropriate conditions, the State will be in a better positions to actively track BMRs, compliance reports, etc. At a meeting with State Directors on January 9, 1985, Paul D. Zugger requesated that EPA begin transferring BMR informatoin to the State and requested a sample of EPA's tracking system, which was subsequently provided. Once the cities in Michigan become the Control Authority with responsibility for the review of BMRs, the responsibility for control of the categorical industries will be shared between MDNR and the cities with approved pretreatment programs.

MDNR has committed itself to provide adequate personnel to operate the program. This includes adequate personnel to review BMRs, a function not specifically addressed by the workload analysis performed by the EPA Region V Office.

Fundamentally Different Factors Variance Requests. The review of fundamentally different factors (FDF) variance requests for the State of Michigan is the responsibility of the EPA. Michigan does not have any rules that govern their participation in the review of FDFs. The State recognizes that they can neither deny nor approve FDF requests. On page 4 of the Michigan pretreatment program narrative, the State has offered to: "Review and comment to EPA on FDF requests received from categorical industries". Since EPA has primacy in making final determinations, the State has no mandatory review responsibilities. However, EPA has solicited MDNR's input and MDNR has agreed to provide it to EPA.

Technical Assistance of TCE and WQS Sections. The Toxic Chemical Evaluation (TCE) and Water Quality Surveillance (WQS) Sections review the Nondomestic User Surveys and develop toxicant limits that are or will be incorporated into the POTW's NPDES permits. Alternatively, the TCE and WQS Sections develop toxicant monitoring requirements that are placed into the POTW's NPDES permits in order to generate data sufficient to make informed judgements about the potential for interference or pass-through of those specified toxicants. These toxicant limitations/monitoring requirements are then taken into account when the POTWs set their local limitations that are codified in their sewer use ordinances or in the permits issued to their nondomestic users.

Explicit Procedure for Local Limitations Development. The POTWs set their own local limitations in accordance with extensive guidance provided by MDNR. The local limitations development guidance specifies an explicit procedure that must be followed for the calculation of local limits including the use of prescribed mathematical equations, established values for treatment plant interference and water quality, consideration of land application of sludge, evaluation of the actual or potential for pass-through of pollutants, and the review and evaluation of past operational problems. In addition, when the POTWs set their local limitations, they take into account the toxic pollutants identified by the TCE and WQS Sections that are incorporated into their NPDES permits as either toxicant limits or toxicant monitoring requirements.

MDNR Review of Local Limitations Development. The MDNR District Offices review the local limits developed by the POTWs and ensure that the POTWs have followed the approved guidance and have taken into account any toxicants identified by the TCE and WQS Sections.

Monitoring Compliance. In addition, MDNR has assigned 7.0 FTEs from the TCES staff to the Standards and Waste Loan Allocation Program and 2.0 FTEs from the TCES staff to the Compliance Program. Both of these programs have impacts on the pretreatment program. About 2.0 FTEs out of the 9.0 FTEs from the TCES staff assigned to these two programs work on pretreatment related projects. These activities include the following: Reviewing and, where appropriate, revising water quality standards with emphasis on the control of toxic substances; conducting bioassays/biomonitoring to develop water quality standards for toxic pollutants; and ensuring effective implementation of local pretreatment programs by initiating enforcement actions against POTWs which fail to enforce categorical standards requirements in approved local programs and/or initiating direct enforcement action against non-complying categorical industries, where appropriate.

Summary. Therefore, based upon the items listed below, we believe that: (1)

NWF's original comments regarding the integration and assignment of TCES staff into the implementation and administration of the pretreatment program is more than adequate to ensure, (a) protection of POTWs from interference of pass-through of toxics, and (b) MDNR's ability to protect public health:

- The revised pretreatment program nararative and attachments clearly delineate the task responsibilities of the TCES staff, and formally integrate TCES staff into the implementation and administration of the pretreatment program.
- Most of the program development work has already been accomplished, and only a small number of removal credit requests are expected to be received for review by MDNR involving the participation of the TCES staff.
- The responsibility for the review of BMR's has temporarily been assumed by EPA. MDNR is currently reassuming this responsibility. By the time this transfer of responsibility is completed, most of the cities required to develop pretreatment programs will have been approved. Thus, the workload of the TCES staff will not be significantly increased.
- The review of FDF variance requests for Michigan is the responsibility of the EPA. Michigan provides review comments to EPA from the SWQD Permits Section, Treatment Technology Unit. This does not directly involve the TCES staff.
- There are about 2.0 additional FTEs from the TCES staff involved in the Standards and Waste Loan Allocation, and Compliance programs that work on pretreatment related projects.

b. *Qualifications of Other MDNR Pretreatment Staff—(1) NWF's Comment:* NWF felt that MDNR had not demonstrated that "qualified personnel were available to carry out the authorities and procedures [to implement the pretreatment program]", as required by 40 CFR 403.10([f) (3) & (g) (2)]. Therefore, NWF believed that Michigan's application was deficient in terms of the requirements of 40 CFR 403.10(f) (3) "Funding", and 403.10(g) (2) "Content of State Pretreatment Program Submission."

(2) *NWF's Rationale:* This comment stemmed basically from MDNR's reorganization of the Environmental Protection Bureau, which was effective on December 20, 1982. NWF believed that Michigan's application for pretreatment program authorization was difficult to review because the administrative responsibility for the program was described in terms of the superseded administrative structure. NWF desired a demonstration of the necessary academic credentials and relevant experience of personnel assigned to the program.

(3) *Response by the U.S. EPA: Amendments to Application.* MDNR submitted its NPDES State pretreatment program application amendments, dated November 16, 1984, and a revised program narrative, dated January 4, 1985, to the EPA Region V Office that described the administration, implementation, review, compliance, overview, and personnel resource requirements for its pretreatment program. The revised program narrative addressed the changes in the staffing and organization, and the addition of a pretreatment program coordinator. In addition, Michigan included revised attachments to the program narrative with position descriptions, personnel qualifications, and revised organizational charts.

Demonstration of Qualified Personnel. In the revised attachments to the amended pretreatment program narrative, MDNR has specified the qualifications required for the various classes of its employees: Aquatic Biologists, Environmental Engineers, General Engineers, Laboratory Scientists, Soil Scientists, and Water Quality Specialists.

There are several levels within each class series that vary based upon the education required, the experience of a given employee, and the work assignment. The following are excerpts taken from the revised attachments to MDNR's NPDES State pretreatment program application amendments. These class series descriptions demonstrate the appropriateness of the specified qualifications.

Class Series Description: Aquatic Biologist. "Employees in this class series, as aquatic biologists, participate in, oversee, and direct the performance of a variety of professional biological activities designed to measure the effects of water pollution on aquatic life. Work is performed through the application of a body of knowledge related to professional aquatic appraisal methods, practices, procedures, policies and regulations, and materials and equipment of the aquatic biology service."

Class Series Description: Environmental Engineer. "Employees in this class series participate in, oversee, and direct the performance of a variety of environmental engineering activities designed to protect and improve land and water resources, occupational health and air quality in order to provide a clean and healthful environment. Work is performed through the application of a body of knowledge related to professional environmental engineering methods, practices, procedures, policies and regulations, and materials and equipment of the environmental engineering service."

Class Series Description: General Engineer. "Employees in this class series, as engineers "in-training", participate in the performance of a variety of professional engineering activities. Work is performed through the application of a body of knowledge related to professional engineering methods, practices, procedures, policies and regulations, and materials and equipment of the engineering service."

Class Series Description: Laboratory Scientist. "Employees in this class series participate in, oversee, and direct the performance of a variety of tests, analyses, and production and research activities as they relate to chemical, biochemical, and biological samples, specimens, and products. Work is performed through the application of a body of knowledge related to professional scientific laboratory methods, practices, procedures, policies and regulations, and materials and equipment of the laboratory scientist service."

Class Series Description: Soil Scientist. "Employees in this class series participate in and direct the performance of a variety of professional activities in soil science designed to survey, classify, and map soils throughout the state. Work is performed through the application of a body of knowledge related to professional methods, practices, procedures, policies and regulations, and materials and equipment of the Soil Scientist Service."

Class Series Description: Water Quality Specialist. "Employees in this class series participate in, oversee, and direct the performance of a variety of water quality activities designed to protect and improve the water resources of the state through the application of a body of knowledge related to professional environmental protection methods, practices, procedures, policies and regulations."

MDNR Staffing Figures. From EPA's detailed review of the revised attachments to the amended pretreatment program narrative, the following are approximate figures for MDNR staffing of the Environmental Services Division, the Groundwater Quality Division, and the Surface Water Quality Division. These divisions are the one most directly involved in the pretreatment program in Michigan.

Class series	Number of staff
● Aquatic Biologist	22
● Environmental Engineer	64
● General Engineer	4
● Laboratory Scientist	33
● Soil Scientist	4
● Water Quality Specialist	111

Summary. Therefore, we believe that Michigan's NPDES State pretreatment program application amendments of November 16, 1984, as revised on January 4, 1985, and the accompanying attachments have completely and fully satisfied NWF's comment that MDNR had not demonstrated that "qualified personnel were available to carry out the authorities and procedures [to implement the pretreatment program]", as required by 40 CFR 403.10(f)(3) & 40 CFR 403.10(g)(2).

c. *MDNR Environmental Protection Bureau Reorganization*—(1) *NWF's Comment:* In light of the outdated organizational structure relied upon in the Michigan application, NWF felt that EPA's approval of the program should have been delayed pending a clarification of the program responsibilities in the reorganized MDNR Environmental Protection Bureau. NWF believed that the reorganization was so significant in terms of the pretreatment program that it constituted a "changed circumstance" pursuant to 40 CFR 123.62(d) (formerly § 123.13(d)).

(2) *NWF's Rationale:* MDNR's Environmental Protection Bureau was reorganized subsequent to Michigan's submission of its application to EPA, and prior to the public comment period and EPA's approval of Michigan's request. NWF believed that the reorganization significantly altered the administrative structure of the proposed pretreatment program, but the reorganization was not reflected in Michigan's application.

NWF did not feel that the concerns it had expressed with regard to the reorgnization could be handled best through in-process changes. NWF believed that the assignment of qualified staff and the development of a viable organizational structure were critical pieces in the administration of MDNR's pretreatment program. NWF felt that the reorganization constituted a "changed circumstance" as that term is used at 40 CFR 123.62(d) (formerly § 123.13(d)). Therefore, NWF felt that EPA had erred in proceeding with its consideration of Michigan's application. As a result, NWF felt that EPA should have required a supplemental program statement which demonstrated the assignment of qualified personnel to the pretreatment program, prior to its approval of the program revision.

(3) *Response by the EPA: Reorganization Reflected in Application Amendments.* MDNR submitted its NPDES State pretreatment program application amendments, dated November 16, 1984, and a revised program narrative, dated January 4, 1985, that clarified the program responsibilities in the reorganized MDNR Environmental Protection Bureau, and demonstrated the assignment of qualified personnel to the pretreatment program. In particular, the revised program narrative addressed the changes in the staffing and organization, the addition of a pretreatment program coordinator, and the utilization of available expertise within MDNR for toxicant evaluation. In addition, the revised attachments to the program narrative included position descriptions, personnel qualifications, and revised organizational charts that were current with the reorganization of MDNR's Environmental Protection Bureau. *Please also refer to sections (III)(B)(1)(a)(3) and (III)(B)(1)(b)(3) above.*

Summary. Therefore, we believe that regardless of whether the reorganization of MDNR's Environmental Protection Bureau did or did not constitute a "changed circumstance" pursuant to 40 CFR 123.62(d), necessitating a supplemental program statement, NWF's concern has been completely and fully satisfied by MDNR's NPDES State pretreatment program application amendments, dated November 16, 1984, and as revised on January 4, 1985.

Summary of EPA's Position on NWF's Original Comments

Based upon the responses discussed above (i.e., (III)(B)(1)(a)(3), (III)(B)(1)(b)(3), and (III)(B)(1)(c)(3)), we believe that NWF's original comments have been completely and fully satisfied by MDNR's NPDES State pretreatment program application amendments, dated November 16, 1984, and as revised on January 4, 1985.

2. *Review, Analysis, and Response to NWF's Comments, Dated February 8, 1985, on the Reconsideration of EPA's Approval of Michigan's Pretreatment Program*

a. Michigan's Revised Pretreatment Rules

(1) *NWF's Comment:* NWF opposed the approval of Michigan's revised application to administer the pretreatment program unless the Michigan Joint Legislative Rules Committee approved the revised pretreatment rules package and it had been delivered to the *Michigan Register* for publication prior to the court-ordered deadline for the EPA's reconsideration of Michigan's application.

(2) *NWF's Rationale:* NWF and MUCC were represented on the advisory committee which helped MDNR draft the new administrative rules needed to implement the pretreatment program. NWF and MUCC supported these rules in comments submitted to MDNR and in testimony given before the Michigan WRC. These rules were adopted by the WRC on November 15, 1984. However, before they could take effect, these rules had to be approved by the Joint Legislative Rules Committee of the Michigan legislature.

Without these rules, MDNR did not have sufficient legal authority to implement the pretreatment program as required by 40 CFR 403.10(f)(1). Moreover, absent these rules, Michigan's revised NPDES State pretreatment program application did not contain a "complete description of procedures to administer its program in conformance with the requirements of [40 CFR 403.10(g)(1)(iii)]." For example, without these rules MDNR could not enforce pretreatment standards against industrial users, since they are not controlled by State discharge permits or existing State regulations.

(3) *Response by the EPA: Pretreatment Rules Effective.* On March 13, 1985, the proposed pretreatment rules package was approved by the Michigan Joint Legislative Rules Committee. On March 21, 1985, the WRC approved the proposed pretreatment rules. On March 22, 1985, the rules were transmitted to the Office of the Governor of Michigan. On March 26, 1985, EPA requested an extension for 40 days, until May 5, 1985, from the Sixth Circuit Court. On March 26, 1985, the proposed pretreatment rules were filed with the Office of the Secretary of State and with the *Michigan Register.* On April 11, 1985, the proposed amendments to the WRC Part 21 Rules: *Wastewater Discharge Permits—Pretreatment Program* became effective.

Summary. Therefore, we believe that NWF's concerns that the pretreatment rules become effective in a timely manner have been adequately addressed by Michigan's expeditious adoption of the pretreatment rules, which were filed with the Michigan Secretary of State on March 26, 1985, and which became fully effective on April 11, 1985.

b. "Quality Control" of Pretreatment.

(1) *Local Limits.*—(a) *NWF's Comment:* NWF urged EPA to require a stepped-up training and "quality control" program by MDNR to ensure that it had the procedures required to adequately "review and approve requests for approval of POTW pretreatment programs (40 CFR 403.10(f)(2)(vi)".

(b) *NWF's Rationale:* Where local limits are required to prevent "interference" or "pass-through", POTWs developing pretreatment programs are required to develop these limits as a prerequisite to program approval by the approval authority (40 CFR 403.5).

Based upon NWF's review of several local program submissions, NWF was concerned that MDNR staff were not requiring the generation of data sufficient to make informed judgments about the potential for interference of pass-through. In addition, NWF was concerned that MDNR District staff were not consistently requiring the submission of quantitative analyses of industrial dischargers' wastestreams or of POTWs' influent, effluent, and sludge. Finally, NWF was concerned that MDNR staff were not consistently requiring POTWs to review past operational problems and to consider the effect of their discharge on receiving water quality in evaluating the need for local limits.

Therefore, since MDNR staff must provide a uniform level of scrutiny of the adequacy of industrial user surveys, of POTW's assessment of the need for local limits, and of calculations of such limits, NWF urged the EPA to require a stepped-up training and "quality control" program by NDNR to ensure that this was accomplished.

(c) Response by the EPA:

Utilization of Checklists and Guidance. MDNR in cooperation with the EPA Region V Office, has developed an extensive series of checkists and guidance for the pretreatment program (master plan, interim elements, and request to implement). The checklists and guidance documents are utilized by MDNR staff when reviewing pretreatment program submittals. These documents ensure that all such reviews are uniform, fair, and that the programs are completely and fully in compliance with the requirements of the General Pretreatment Regulations (40 CFR 403).

MDNR Training Program. In addition, within the past year, MDNR has conducted an extensive training program which involved approximately 25 individual training sessions with the District staffs by the MDNR Central Office. These sessions included training in the review of local limitations development in accordance with the approved guidance, and the procedures as described in Michigan's NPDES State pretreatment program application amendments, dated November 16, 1984, and as revised on January 4, 1985.

Revisions to Pretreatment Program Narrative. MDNR has included in their revised pretreatment program description, narrative portions that delineate the process MDNR will follow in setting limitations at the POTW, and in ensuring that local limitations are developed by POTWs to prevent "interference" or "pass-through". Please refer to the following portions from the Michigan pretreatment program narrative.

Page 8 (Involvement of TCE and WQS Sections). "The pretreatment program will be integrated with other state programs related to the control of toxics. This integration will result in a variety of cross-checks and balances among agency staff. For example, major municipal discharges have been required by their NPDES discharge permits to sample and analyze (on a short term basis) for toxic substances of concern. These substances were chosen by staff of the Toxic Chemical Evaluation and Water Quality Surveillance Sections based on information available at the time the permit was drafted. Following a review of the analytical results, effluent concentrations are calculated for those substances that continue to be a concern. A long term sampling program may then be required or an effluent concentration limitation proposed for the discharger. The discharger is notified that the agency intends to include the effluent concentrations as effluent limitations in a future discharge permit. These concentrations would become the basis upon which industrial discharge restrictions would be based in the POTWs pretreatment ordinance. Substances found in low concentrations or absent would not be a continued concern of the agency. The substances found in significant concentrations would be limited through discharge permit modifications."

NB:"Significant concentration" refers to the concentration at which a toxic pollutant reaches a "level of concern". "Low concentration" refers to the concentration at which a toxic pollutant is below a "level of concern". Please refer to the note below on "level of concern".

"Michigan law requires all industries to annually report use of production of critical materials. By having the District coordinate pretreatment activities with the Toxic Chemical Evaluation Section, better information will be available to improve compliance with the critical materials reporting requirements. This should result in a more effective toxics control program."

NB: "Critical materials" are the inorganic and organic elements or compounds which are listed in the Critical Materials Register compiled by the Michigan Water Resources Commission (Part 9, WRC Rules, promulgated under the authority of Acts 245, P.A. 1919, as amended).

Page 9 (WRC Rule 321.1057). "All program elements (requests for removal credits, master plans, user surveys, legal authority, and final programs) are submitted to district offices for review and approval. These reviews are aided by guidance and checklists developed in cooperation with EPA. The Districts receive a considerable amount of assistance from the Toxic Chemical Evaluation (TCE) and Water Quality Surveillance (WQS) Sections in the review of User Surveys. These sections advise the Districts as to what organic and inorganic toxicants, respectively, are being or may be discharged at a level of concern to POTWs. This review and the determination of the resultant discharge requirements are done in accordance with Water Resources Commission Rules, particularly R 321.1057."

NB: "Level of concern" refers to the concentration arrived at by an MDNR procedure that utilizes WRC Rule 321.1057 and that evaluates the impacts of a particular toxic pollutant on public health and water quality, and whether that pollutant must be limited in the POTW's NPDES permit.

Page 9 (Concern for Public Health). "Our concern is to ensure that none of these toxicants pass through the POTW in sufficient quantities to create public health and water quality problems. Regulation of these pollutants is accomplished through timely modification of the POTW's NPDES permit. The NPDES permit will set discharge standards and/or monitoring requirements on the POTW."

Generation of Sufficient Data. The Toxic Chemical Evaluation (TCE) and Water Quality Surveillance (WQS) Sections review the Nondomestic User Surveys and develop toxicant limits that are or will be incorporated into the POTW's NPDES permit. Alternatively, the TCE and WQS Sections develop toxicant monitoring requirements that are placed into the POTW's NPDES permits in order to generate data sufficient to make informed judgements about the potential for interference or pass-through of those specified toxicants. These toxicant limitations/

monitoring requirements are then taken into account when the POTWs set their local limitations that are codified in their sewer use ordinances or in the permits issued to their nondomestic users.

Explicit Procedure for Local Limitations Development. The POTWs set their own local limitations in accordance with extensive guidance provided by MDNR. The local limitations development guidance specifies an explicit procedure that must be followed for the calculation of local limits including the use of prescribed mathematical equations, established values for treatment plant interference and water quality, consideration of land application of sludge, evaluation of the actual or potential for pass-through of pollutants, and the review and evaluation of past operational problems. In addition, when the POTWs set their local limitations, they take into account the toxic pollutants identified by the TCE and WQS Sections that are incorporated into their NPDES permits as either toxicant limits or toxicant monitoring requirements.

MDNR Review of Local Limitations Development. The MDNR District Offices review the local limits developed by the POTWs and ensure that the POTWs have followed the approved guidance and have taken into account any toxicants identified by the TCE and WQS Sections.

EPA Audits. The EPA Region V Office has conducted pretreatment file audits at four of the nine MDNR District Offices and has found that the State's review comments have improved in timeliness, and are reasonable, appropriate, and thorough. The resulting programs are of high quality, and contain both local limits to control industrial toxicants and monitoring requirements. The EPA Region V Office plans to audit the remaining five District Offices during the third and fourth quarters of the 1985 fiscal year in order to continue to ensure that MDNR's reviews remain satisfactory.

Summary. Therefore, based upon the information and procedures summarized below, we believe that NWF's concern regarding quality control to ensure that local limits are adequately developed to prevent pass-through and interference has been fully and completely satisfied by EPA and MDNR:

- The checklist and guidance developed for the review of local limitations development;
- The training program administered to the District Offices by the Central Office;
- The overview conducted by the Central Office in the course of the training sessions, as well as during its audits of the District staffs' work;
- The advice of applicable MDNR staff (Toxic Chemical Evaluation Section, Water Quality Surveillance Section, etc.) on what organic and inorganic toxicants are being or may be discharged at a level of concern to the POTWs;
- The utilization of WRC Rule R321.1057 in setting effluent limitations at the POTW; and
- The audits and overview of the EPA Region V Office on all phases of program development, including the development of local limitations.

(2) *Legal Authority Reviews*—(a) *NWF's Comment:* The EPA must require MDNR to develop specific procedures, either generically or on a case-by-case basis, to provide the MDNR District staff with the legal expertise needed to make an independent judgment as to the adequacy of POTWs' legal authorities. These procedures should include rulings from the Michigan Attorney General on the legal questions raised by NWF (multi-jurisdictional issues, and enforcement of categorical pretreatment standards), and the assignment of staff from the Attorney General's Office to respond to questions from the MDNR District staff.

(b) *NWF's Rationale:* The General Pretreatment Regulations require that States proposing to administer the pretreatment program must have "procedures [which] enable the Director to . . . [p]rovide . . . legal assistance to POTWs in developing pretreatment programs (40 CFR 403.10(f)(2)(ii))." Also, Approval Authorities must review POTW pretreatment programs to ensure that POTWs have sufficient legal authority to perform the tasks specified in 40 CFR 403.8(f)(1). In order to fulfill this responsibility, Approval Authorities must: (1) Determine whether a POTW has the necessary legal authorities embodied in a sewer use ordinance or where the municipality does not have the authority to enact such an ordinance, in contracts with nondomestic users; and (2) independently determine that the legal mechanism proposed by a POTW is consistent with Federal, State and local laws.

NWF had identified several recurring problems with the legality of POTWs implementing and enforcing the pretreatment program in the manner they have proposed. NWF had also raised questions about the legality of specific pretreatment program submissions. NWF's concern was that these legal questions would not be resolved until a POTW attempted to enforce its program.

(c) *Response by the EPA: Utilization of Guidance.* MDNR independently reviews POTWs' ordinances and contracts through the utilization of guidance in order to determine whether those ordinances and contracts contain the necessary legal authority, are consistent with Federal and State laws, and are complete. MDNR has committed itself to ensure that this guidance is consistent with Federal requirements and the NPDES State pretreatment program application amendments, dated November 16, 1984, and the revised pretreatment program narrative, dated January 4, 1985.

MDNR Training Program. In addition, within the past year, MDNR has conducted an extensive training program which involved approximately 25 individual training sessions with the District staffs by the MDNR Central Office. These sessions included training in legal authority reviews in accordance with the approved guidance, and the procedures as described in Michigan's NPDES State pretreatment program application amendments, dated November 16, 1984, and as revised on January 4, 1985.

Utilization of EPA Contractor Assistance. The EPA Region V Office has provided contract assistance to MDNR in the review of draft sewer use ordinances, legal authority statements, contracts, agreements, and other pertinent legal documents, in order to ensure that the POTWs have the necessary legal authority to operate the pretreatment program.

Revisions to Program Narrative. MDNR has included specially redrafted sections to their amended NPDES State pretreatment program application narrative that address NWF's comments on the legal authority reviews (in particular Section III, *Program Implementation*, (a) Legal Assistance; and Section IV, *Review of POTW Programs).*

Page 7 (Involvement of Environmental Enforcement Division and Michigan Attorney General). "The PPC [Pretreatment Program Coordinator] will provide general guidance to POTWs in terms of providing copies of available regulations and guidance documents. Specific guidance and regulations interpretation will be provided to POTWs upon request on a case-by-case basis. These requests will be coordinated through the PPC, who will contact the Environmental Enforcement Division, Attorney General, or other legal support to obtain the desired confirmation."

Page 9 (Utilization of EPA Assistance and Guidance). "The Michigan

Department of Natural Resources (MDNR) has received the assistance of the U.S. EPA in the review of draft sewer use ordinances from POTW's required to develop pretreatment programs. This review is made consistent with guidance developed jointly by the U.S. EPA and the MDNR. The review guidance has been prepared in accordance with 40 CFR 403.8(f) and requires a determination that the proposed ordinance contains all of the necessary elements as set forth in that regulation. This guidance is incorporated into these procedures and is made applicable to these reviews."

MDNR has committed itself to ensure that this guidance is consistent with Federal requirements and the NPDES State pretreatment program application amendments, dated November 16, 1984, and the revised pretreatment program narrative, dated January 4, 1985.

Page 10 (Independent Authority Review). "This review includes an independent review that the POTW has the authority to carry out the program and to administer the authorities that are required to be incorporated into the POTW's ordinance by virtue of 40 CFR 403.8(f). Unless MDNR determines that the required proposed ordinance, as applied by the review guidance, and that the POTW's attorney certification fully addresses the POTW's ability to carry out and administer the programs described by 40 CFR 403, MDNR shall not approve the POTW's pretreatment program."

EPA Audits and Overview. The EPA Region V Office, through audits and continuing reviews of the MDNR District Offices, has found that the State's reviews of legal authority are consistent with the established procedures, and are in accordance with 40 CFR 403.10(f)(1) and (f)(2). The EPA Region V Office plans to continue its reviews and audits during the third and fourth quarters of the 1985 fiscal year to ensure that MDNR's reviews remain satisfactory.

Summary. Therefore, based upon the following items summarized below, we believe that this comment by NWF that MDNR must develop specific procedures to provide the District staff with the legal expertise necessary to make an independent judgment as to the adequacy of POTW's legal authorities, has been fully and completely satisfied by EPA and MDNR:

- The guidance developed for the review of legal authority and sewer use ordinances;
- The training program administered to the District Offices by the Central Office.
- The overview conducted by the Central Office in the course of the training sessions, as well as during its audits of the District staffs' work;
- The utilization of the EPA contractor for technical reviews of legal authority statements, sewer use ordinances, contracts, agreements, and other pertinent legal documents;
- The revisions to the pretreatment program narrative (as cited above);
- The involvement of the Environmental Enforcement Division and the Michigan Attorney General's Office in legal opinions and determinations; and
- The audits and overview by the EPA Region V Office on all phases of the legal authority reviews.

c. *Modifying POTW's NPDES Permits to Incorporate Pretreatment Conditions*

(1) *NWF's Comment:* Michigan's revised application to administer the pretreatment program must be accompanied by a revision to the 1985 water program plan to require prompt modification of municipal NPDES permits to incorporate approved pretreatment programs. These modifications should be presented to the WRC within 60 days of the approval of the pretreatment programs.

(2) *NWE's Rationale:* The General Pretreatment Regulations require that NPDES permits issued to POTW's developing pretreatment programs must provide that the permit will be "promptly modified or, alternatively, revoked and reissued . . . to incorporate into the POTW's permit an approved POTW pretreatment program. . . ." (40 CFR 403.10(d)(1)).

NWF did not believe that modification of significant municipal permits tb incorporate approved pretreatment programs should await elimination of the backlog of expired discharge permits that MDNR has committed to be reissued in 1985. NWF was particularly concerned that municipal dischargers such as the Cities of Detroit, Grand Rapids, and Kalamazoo have their permits promptly modified to ensure that approved pretreatment programs are properly implemented. Until program requirements become enforceable permit conditions, the enforcement options available to EPA, MDNR, and interested citizens may be limited.

(3) *Response by the EPA:*

Fiscal Year 1985 Water Pollution Control Program Plan. We believe that this comment by NWF has been addressed by the EPA Region V Office in the MDNR, Surface Water Quality Division, Management Strategy and Water Pollution Program Plan for Fiscal Year 1985 (commonly referred to as the "Fiscal Year Water Pollution Control Program Plan"). This program plan describes the activities that the State will carry out for water pollution control during the fiscal year, and the staff years, and resources allocated to these activities. These activities are mutually agreed to by both EPA and MDNR, and include MDNR's management objectives for implementing the pretreatment program.

National Goal and Regional priority. It is a National goal and a Regional Priority to get all local pretreatment programs approved and to have the approved programs incorporated into NPDES permits by September 30, 1985. This goal was reiterated by Charles H. Sutfin, Director of the EPA Region V Water Division, at the December 20, 1984, meeting of the WRC. Mr. Sutfin stressed the fact that the NPDES permits must be modified to include approved pretreatment programs this fiscal year (1985).

MDNR has committed itself to this National goal and Regional priority in their management objective "PE–2" on page 22 of the "Surface Water Quality Division, Fiscal Year 1985, Management Strategy and Water Pollution Program Plan".

"PE–2. Approve local pretreatment programs. Complete review of local pretreatment programs, incorporate approved pretreatment programs into municipal permits and ensure development, adoption and implementation of adequate programs."

Incorporation of Approved Pretreatment Program Into POTW's NPDES Permit. In addition, as stated on page 10 of Michigan's NPDES State pretreatment program application narrative, dated January 4, 1985, MDNR has committed to: "As quickly as possible * * * incorporate[d] [the approved pretreatment program] into the POTW's NPDES permit. If the Pretreatment Program is approved with any conditions, these conditions will also become enforceable requirements of the POTW's NPDES permit."

Approved Pretreatment Program Permit Language. The general pretreatment program language that will be incorporated into POTW permits by MDNR, once a pretreatment program is approved, will cover the following five areas: (1) The general pretreatment program goals; (2) specific language prohibiting changes to the program without prior approval; (3) provisions for record retention; (4) reporting requirements for the POTWs; and (5) a schedule for the completion of specific

programmatic tasks in implementing the pretreatment program.

Opportunity for Public Comment. We feel that the proper forum for discussing this and similar such concerns is during the opportunity provided by MDNR to comments on the Fiscal Year Water Pollution Control Program Plan. We feel that NWF is asking us to do more than our regulations require. 40 CFR 403.10(d)(1) states that, "* * * such Permits be promptly modified or, alternatively, revoked and reissued * * * to incorporate into the POTW's Permit an approved POTW Pretreatment Program * * *" There is no time requirement to modify the permit within 60 days of the program approval.

Summary. Therefore, we believe that: (1) This comment by NWF that modifications to municipal NPDES permits be presented to the WRC within 60 days of the approval of the pretreatment program, asks the Agency to go beyond the requirements of the regulations, in particular 40 CFR 403.10(d) (1); and (2) this comment has been adequately responded to and has been completely and fully satisfied with the present National goal and Regional priority of this Agency, and by MDNR's management objective (PE–2) and plan for incorporating approved POTW pretreatment programs into permits, which we believe is adequate and consistent with the applicable Federal requirements.

Summary and Conclusion. Based upon EPA's review of the Michigan NPDES State pretreatment program application amendments and the actions taken and programmatic overview conducted by the MDNR and EPA Region V staffs, as described in this notice, we believe that:

(1) NWF's original comments on the Michigan application to administer the pretreatment program have been fully and completely satisfied by the MDNR NPDES State pretreatment program application amendments, dated November 16, 1984, and as revised on January 4, 1985.

(2) NWF's comments of February 8, 1985, have been completely and fully satisfied by the MDNR NPDES State pretreatment program application amendments, dated November 16, 1984, and as revised on January 4, 1985, and by the actions and programmatic overview of the MDNR and EPA Region V staffs, as previously described in this notice.

Federal Register Notice of Approval of State NPDES Programs or Modifications

EPA will provide **Federal Register** notice of any action by the Agency approving or modifying a State NPDES program. The following table will provide the public with an up-to-date list of the status of NPDES permitting authority throughout the country.

STATES NPDES PROGRAM STATUS

	Approved State permit program	Approved to regulate Federal Facilities	Approved State pretreatment
Alabama	10-19-79	10-19-79	10-19-79
California	05-14-73	05-05-78	
Colorado	03-27-75		
Connecticut	09-26-73		06-03-81
Delaware	04-01-74		
Georgia	06-28-74	12-08-80	03-12-81
Hawaii	11-28-74	06-01-79	08-12-83
Illinois	10-23-77	09-20-79	
Indiana	01-01-75	12-09-78	
Iowa	08-10-78	08-10-78	06-03-81
Kansas	06-28-74		
Kentucky	09-30-83	09-30-83	09-30-83
Maryland	09-05-74		
Michigan	10-17-73	12-09-78	[1] 06-07-83
Minnesota	06-30-74	12-09-78	07-16-79
Mississippi	05-01-74	01-28-83	05-13-82
Missouri	10-30-74	06-26-79	06-03-81
Montana	06-10-74	06-23-81	
Nebraska	06-12-74	11-02-79	09-07-84
Nevada	09-19-75	08-31-78	
New Jersey	04-13-82	04-13-82	04-13-82
New York	10-28-75	06-13-80	
North Carolina	10-19-75	09-28-84	06-14-82
North Dakota	06-13-75		
Ohio	03-11-74	01-28-83	07-27-83
Oregon	09-26-73	03-02-79	03-12-81
Pennsylvania	06-30-78	06-30-78	
Rhode Island	09-17-84	09-17-84	09-17-84
South Carolina	06-10-75	09-26-80	04-09-82
Tennessee	12-28-77		08-10-83
Vermont	03-11-74		03-16-82
Virgin Islands	06-30-74		
Virginia	03-31-74	02-09-82	
Washington	11-14-73		
West Virginia	05-10-82	05-10-82	05-10-82
Wisconsin	02-04-74	11-25-79	12-24-80
Wyoming	01-30-75	05-18-81	

[1] Reapproved on 04-16-85.

VI. Review Under Executive Order 12291 and the Regulatory Flexibility Act

The Office of Management and Budget has exempted this action from the OMB review requirements of Executive Order 12291 pursuant to section 8(b) of that Order.

Pursuant to section 605(d) of the Regulatory Flexibility Act (5 U.S.C. 601 et seq.), I certify that this State pretreatment program approval will not have a significant impact on a substantial number of small entities. Approval of the Michigan NPDES State pretreatment program established no new substantive requirements, but merely transfers responsibility for administration of the program from EPA to the State.

Dated: April 16, 1985.

Robert Springer,

Deputy Planning and Management Division.

[FR Doc. 85–9986 Filed 4–25–85; 8:45 am]

BILLING CODE 6560-50-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control

Cooperative Agreements; Study of Transmission of Human T-Lymphotropic Virus Type III (HTLV–III) From Infected Mothers to Their Infants; Availability of Funds for Fiscal Year 1985

The Centers for Disease Control (CDC) announces the availability of funds in Fiscal Year 1985 for cooperative agreements for collaborative studies of the transmission of HTLV–III from infected mothers to their infants. This program is authorized by section 301(a) of the Public Health Service Act (42 U.S.C. 241(a)), as amended. The catalog of Federal Domestic Assistance Number is 13.118.

The objectives of this program are as follows:

1. To determine the frequency of and risk factors for transmission of HTLV–III to infants born to infected mothers including those with Acquired Immunodeficiency Syndrome (AIDS), AIDS-related complex (ARC), or who are asymptomatic and seropositive for the virus.

2. To determine the frequency of an risk factors for clinically-evident illness attributable to infection with HTLV–III in the infected infants. Because many of the signs and symptoms associated with AIDS are quite nonspecific in the pediatric population (e.g., lymphadenopathy, failure-to-thrive), infants of both seropositive and seronegative women, matched for confounding factors, would need to be followed.

3. To determine possible modes of transmission from mother to infant and the frequency with which these occur. To meet this objective, infants would need to be tested at birth and at varying intervals thereafter.

4. To determine the effects of pregnancy and HTLV–III infection on immune function by comparing the immune status of infected women before and after pregnancy.

The collaborative and programmatic involvement of the recipient(s) of funds and CDC is as follows:

1. *Recipient(s) Activities.*

a. Design and conduct a study of the transmission of HTLV–III from infected mothers to their infants.

b. Identify, enroll, and follow a group of pregnant women and their infants.

c. Interview, provide physical examinations, and obtain biological specimens from all study participants.

d. Design and establish a data management system for the study.

e. Analyze and publish study results.

f. Provide or arrange for counselling for participants based on the findings of the study.

2. *Centers for Disease Control Activities.*

a. Assist in the development of the study protocol and the design of the interview instrument, including training and pretesting as necessary by individual applicants.

b. Perform all or a portion of the laboratory studies.

c. Assist in designing a data management system.

d. Assist in data analysis and in the presentation and publication of study findings.

Progress reports of cooperative agreement activities will be submitted by the recipient(s) of the funds quarterly for the first year and semiannually thereafter. Financial status reports are required no later than 90 days after the end of each budget period. Final financial status and progress reports are required 90 days after the end of a project period.

Approximately $500,000 will be available to fund 1–2 cooperative agreements for one year. Applications should be submitted for a 1-year budget period and 2-year project period. Continuation awards within the project period will be made by CDC on the basis of satisfactory progress in meeting project objectives and on the availability of funds. Funding estimates outlined above may vary and are subject to change due to budgetary uncertainties. Cooperative agreement funds may be used to support personnel and to purchase supplies and services directly related to conducting a study of pregnant women and their infants. Funds may not be used to support construction or renovation costs.

Eligible applicants are the official public health agencies of State, city, county, city-county, district and territorial governments, and other public and private organizations which are able to enroll and follow HTLV–III seropositive and seronegative pregnant women and their infants.

Evaluation and ranking of applications will be based on the following factors:

1. The ability of the applicant to enroll and follow approximately 200 pregnant women and their infants. It is estimated that a sample size of approximately 100 seropositive and 100 seronegative pregnant women is needed to determine certain pregnancy and infant outcomes with confidence. Although women of any risk groups would be acceptable (e.g., women who abuse intravenous drugs, women of Haitian origin), it is preferable that both the seropositive and seronegative cohorts be homogenous with respect to risk factor or at least matched for risk group proportions.

2. The details of how the applicant plans to develop and implement a study of infected women and their infants describing how both infected and noninfected women will be identified, enrolled, and followed.

3. The applicant's understanding of the study objectives and the purpose of the cooperative agreement.

4. The applicant's current activities in HTLV–III research and their relationship with other investigators in the area who may participate in the project.

5. The size, qualifications, and time allocation of the proposed staff and the availability of facilities to be used during the study.

6. How the project will be administered.

7. A proposed schedule for accomplishing the activities of the cooperative agreement including time frames.

Applications must include a narrative which summarizes:

1. The background and need for project support, including information that relates to factors by which the applications will be evaluated.

2. The objectives of the proposed project which are consistent with the purpose of the cooperative agreement and which are measurable and timephased.

3. The methods which will be used to accomplish the objectives. [Of special importance will be the methods used to identify, contact, schedule for interview, and collect biologic specimens from mothers and their infants.]

4. The methods which will be used to evaluate the success of study components.

5. Fiscal information pursuant to utilization of awarded funds in a manner consistent with the purpose and objectives of the project.

6. Any other information that will support the request for assistance.

The original and one copy of the application must be submitted to Leo A. Sanders, Chief, Grants Management Branch, Procurement and Grants Office, Centers for Disease Control, 255 East Paces Ferry Road, NE, Room 321, Atlanta, Georgia 30305, on or before 4:30 pm (e.d.t.) on June 24, 1985.

Applications shall be considered as meeting the deadline if they are either:

1. Received on or before the deadline date, or

2. Sent on or before the deadline date and received in time for submission to the independent review group. (Applicants should request a legibly-dated U.S. Postal Service postmark or obtain a legibly-dated receipt from a commercial carrier or U.S. Postal service. Private metered postmarks shall not be acceptable as proof of timely mailing.)

3. Late Applications—applications which do not meet the criteria in either paragraph 1. or 2. immediately above are considered late applications and will not be considered in the current competition.

Applications are not subject to the review requirements of the National Health Planning and Resource Development Act of 1974, as amended, nor to intergovernmental review pursuant to Executive Order 12372.

Information on application procedures, copies of application forms, and other material may be obtained from Nancy Bridger, Grants Managements Branch, Procurement and Grants Office, Centers for Disease Control, 255 East Paces Ferry Road, NE, Room 321, Atlanta, Goergia 30305, or by calling (404) 262–6575 or FTS 236–6575. Technical assistance may be obtained from Martha Rogers, M.D., and Harold W. Jaffe, M.D., AIDS Activity, Center for Infectious Diseases, Centers for Disease Control, Atlanta, Georgia 30333, telephone (404) 329–3162 or FTS 236–3162.

Dated: April 23, 1985.

William E. Muldoon,

Director, Office of Program Support, Centers for Disease Control.

[FR Doc. 85–10250 Filed 4–25–85; 8:45 am]

BILLING CODE 4160–18–M

Food and Drug Administration

[Docket No. 85P–0152]

Canned Collards, Mustard Greens, Spinach, Turnip Greens, and Turnip Greens with Turnips Deviating From Identity Standards; Temporary Permit for Market Testing

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a temporary permit has been issued to the Allen Canning Co. and Heekin Can, Inc., to market test experimental packs of canned collards, mustard greens, spinach, turnip greens, and turnip greens with diced turnips containing added zinc chloride. The purpose of the temporary permit is to

allow the applicant to measure consumer acceptance of the food.

DATES: The permit is effective for 15 months, beginning on the date the test product is introduced or caused to be introduced into interstate commerce, but no later than July 25, 1985.

FOR FURTHER INFORMATION CONTACT: F. Leo Kauffman, Center for Food Safety and Applied Nutrition (HFF–214), Food and Drug Administration, 200 C Street SW., Washington, DC. 20204, 202–485–0107.

SUPPLEMENTARY INFORMATION: In accordance with 21 CFR 130.17 concerning temporary permits to facilitate market testing of foods deviating from the requirements of a standard of identity promulgated under section 401 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 341), FDA is giving notice that a temporary permit has been issued to the Allen Canning Co., 305 East Main St., P.O. Box 250, Siloam Springs, AR 72761, and Heekin Can, Inc., 11310 Cornell Park Dr., Cincinnati, OH 45242.

The permit covers limited interstate marketing tests of experimental packs of canned collards, mustard greens, spinach, turnip greens, and turnip greens with diced turnips. The test products deviate from the standards of identity for canned collards, mustard greens, spinach, turnip greens, and turnips prescribed in 21 CFR 155.200 (certain other canned vegetables) in that they will contain added zinc chloride in an amount reasonably necessary to retain the green color of the product (up to 75 parts per million of zinc in the finished food). The test product meets all requirements of § 155.200, with the exception of the variation.

The permit provides for the temporary marketing of 5,000 cases each of twenty-four number 303 cans and of six number 603 cans of chopped collards, chopped mustard greens, chopped turnip greens, and chopped turnip greens with diced turnips. The permit also provides for the temporary marketing of 10,000 cases of twenty-four number 300 cans and 10,000 cases of six number 603 cans of spinach. The experimental packs of the test products will be distributed in the contiguous 48 States. The test product is to be manufactured at the Allen Canning Co. plants located in Alma, AR 72921, Johnson, AR 72741, Lowell, AR 72745, Siloam Springs, AR 72761, Springdale, AR 72764, and Van Buren, AR 72956.

The principal display panels of the labels state the product names as "Chopped Collard Greens," "Chopped Mustard Greens," "Chopped Turnip Greens," "Chopped Turnip Greens with Diced Turnips," and "Spinach."

Each of the ingredients used is stated on the label as required by the applicable sections of 21 CFR Part 101. The permit is effective for 15 months, beginning on the date the test product is introduced or caused to be introduced into interstate commerce, but no later than July 25, 1985.

Dated: April 19, 1985.

Sanford A. Miller,

Director, Center for Food Safety and Applied Nutrition.

[FR Doc. 85–10090 Filed 4–25–85; 8:45 am]

BILLING CODE 4160–01–M

[Docket No. 85P–0150]

Food for Human Consumption; Enriched Bread Deviating From Identity Standard; Temporary Permit for Market Testing

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a temporary permit has been issued to the American Bakeries Co. to market test a bread enriched to the nutrient levels recommended by the National Academy of Sciences, Food and Nutrition Board (FNB), in 1974 (with the exception that iron will remain at the level required by the standard of identity for enriched bread). The purpose of the temporary permit is to allow the applicant to measure consumer acceptance of the food.

DATES: This permit is effective for 15 months, beginning on the date the food is introduced or caused to be introduced into interstate commerce, but no later than July 25, 1985.

FOR FURTHER INFORMATION CONTACT: F. Leo Kauffman, Center for Food Safety and Applied Nutrition (NFF–214), Food and Drug Administration, 200 C Street SW., Washington, DC 20204, 202–485–0107.

SUPPLEMENTARY INFORMATION: In accordance with 21 CFR 130.17 concerning temporary permits to facilitate market testing of foods deviating from the requirements of a standard of identity promulgated under section 401 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 341), FDA is giving notice that a temporary permit has been issued to the American Bakeries Co., 100 Park Ave., New York, NY 10017.

The permit covers limited interstate marketing tests of enriched special formula bread. The test product deviates from the standard of identity for enriched bread (21 CFR 136.115) in that it will contain in each 2-slice (approximately 2 ounces) serving: (1) 6 percent of the U.S. Recommended Daily Allowance (RDA) of vitamin A, (2) 8 percent of U.S. RDA of vitamin B–6, (3) 8 percent of the U.S. RDA of folic acid, (4) 6 percent of the U.S. RDA of magnesium, and (5) 6 percent of the U.S. RDA of zinc. The test product meets all requirements of § 136.115, with the exception of these deviations.

The permit provides for the temporary marketing of 50,000,000 pounds of the product. The test product is to be manufactured at the American Bakeries Co. plants located in Flushing, NY 11355, and Detroit, MI 48210. The test product will be distributed in the States of Connecticut, Michigan, New Jersey, Ohio, and Pennsylvania.

The principal display panel of the lable states the product name as "enriched special formula bread," and each of the ingredients used is stated on the label as required by the applicable sections of 21 CFR Part 101. A side-by-side comparison of the percentage of U.S. RDA's for nutrients in the test product and in regular enriched bread is shown on the label for the applicable nutrients. This permit is effective for 15 months, beginning on the date the test product is introduced or caused to be introduced into interstate commerce, but no later than July 25, 1985.

Dated: April 19, 1985.

Sanford A. Miller,

Director, Center for Food Safety and Applied Nutrition.

[FR Doc. 85–10089 Filed 4–25–85; 8:45 am]

BILLING CODE 4160–01–M

[Docket No. 84G–0095]

Miles Laboratories, Inc.; Filing of Food Additive Petition

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that Miles Laboratories, Inc., has filed a petition proposing that the food additive regulations be amended to provide for the safe use of a polyamine-epichlorohydrin resin and glutaraldehyde, together, as fixing agents for immobilizing glucose isomerase enzyme in the production of high fructose corn syrup.

FOR FURTHER INFORMATION CONTACT: Leonard C. Gosule, Center for Food Safety and Applied Nutrition (HFF–335), Food and Drug Administration, 200 C Street SW., Washington, DC 20204, 202–426–9463.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786 (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP 4B3806) has been filed by Miles Laboratories, Inc., Elkhart, IN 46515, proposing that § 173.357 *Materials used as fixing agents in the immobilization of enzyme preparations* (21 CFR 173.357) be amended to provide for the safe use of a polyamine-epichlorohydrin resin and glutaraldehyde, together, as fixing agents in the immobilization of glucose isomerase enzyme preparations for use in the manufacture of high fructose corn syrup.

The potential environmental impact of this action is being reviewed. If the agency finds that an environmental impact statement is not required and this petition results in a regulation, the notice of availability of the agency's finding of no significant impact and the evidence supporting that finding will be published with the regulation in the **Federal Register** in accordance with 21 CFR 25.40(c) (proposed December 11, 1979; 44 FR 71742).

Dated: April 18, 1985.

Sanford A. Miller,

Director, Center for Food Safety and Applied Nutrition.

[FR Doc. 85-10088 Filed 4-25-85; 8:45 am]

BILLING CODE 4160-01-M

National Institutes of Health

Division of Research Grants; Meetings

Pursuant to Pub. L. 92-463, notice is hereby given of the meetings of the following study sections for May through June 1985, and the individuals from whom summaries of meetings and rosters of committee members may be obtained.

These meetings will be open to the public to discuss administrative details relating to study section business for approximately one hour at the beginning of the first session of the first day of the meeting. Attendance by the public will be limited to space available. These meetings will be closed thereafter in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92-463, for the review, discussion and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

The Grants Inquiries Office, Division of Research Grants, Westwood Building, National Institutes of Health, Bethesda, Maryland 20205, telephone 301-496-7441 will furnish summaries of the meetings and rosters of committee members. Substantive program information may be obtained from each executive secretary whose name, room number, and telephone number are listed below each study section. Since it is necessary to schedule study section meetings months in advance, it is suggested that anyone planning to attend a meeting contact the executive secretary to confirm the exact date, time and location. All times are A.M. unless otherwise specified.

Study section	May-June 1985 meetings	Time	Location
Allergy & Immunology, Dr. Eugene Zimmerman, Rm. 320, Tel. 301-496-7380.	June 13-15	8:30	Ramada Inn, Bethesda, MD
Bactenology & Mycology-1, Dr. Milton Gordon, Rm. 304, Tel. 301-496-7340.	June 12-14	8:30	Holiday Inn, Georgetown, DC
Bactenology & Mycology-2, Dr. William Branche, Jr., Rm. 306, Tel. 301-496-7681.	June 5-7	8:30	Holiday Inn, Georgetown, DC
Behavioral Medicine, Dr. Joan Rittenhouse, Rm. 232, Tel. 301-496-7109.	June 12-14	9:00	Georgetown Hotel, Washington, DC
Biochemical Endocrinology, Dr. Norman Gold, Rm. 226, Tel. 301-496-7430.	June 3-6	8:30	Holiday Inn, Bethesda, MD.
Biochemistry-1, Dr. Adolphus P. Toliver, Rm. 318B, Tel. 301-496-7516.	June 17-19	8:30	Georgetown Hotel, Washington, DC.
Biochemistry-2, Dr. Alex Liacouras, Rm. 318A, Tel. 301-496-7517	June 27-29	8:30	Linden Hill Hotel, Bethesda, MD
Bio-Organic & Natural Products Chemistry, Dr. Michael Rogers, Rm. A-27, Tel. 301-496-7107.	June 20-22	9:00	Holiday Inn, Golden Gateway, San Francisco, CA.
Biophysical Chemistry, Dr. John B. Wolff, Rm. 236B, Tel. 301-496-7070.	June 13-15	8:30	Room 8, Bldg. 31C, Bethesda, MD.
Bio-Psychology, Dr. A. Keith Murray, Rm. 220, Tel. 301-496-7058.	June 10-14	9.00	Ramada Inn, Bethesda, MD.
Cardiovascular & Pulmonary, Dr. Anthony C. Chung, Rm. 2A-04, Tel. 301-496-7316.	June 12-14	8:30	Linden Hill Hotel, Bethesda, MD
Cardiovascular & Renal, Dr. Rosemary Morris, Rm. 321, Tel. 301-496-7901.	June 17-19	8:30	Holiday Inn, Bethesda, MD.
Cellular Biology and Physiology-1, Dr. Gerald Greenhouse, Rm. 336, Tel. 301-496-7396.	June 12-14	8:30	Room 4, Bldg. 31A, Bethesda, MD
Cellular Biology and Physiology-2, Dr. Evelyn Horenstein, Rm. 306, Tel. 301-496-7681.	June 24-26	8:30	Linden Hill Hotel, Bethesda, MD
Chemical Pathology, Dr. Edmund Copeland, Rm. 353, Tel. 301-496-7078.	June 19-21	8:30	Keystone Intern'l. Resort, Keystone, CO.
Diagnostic Radiology, Dr. Catharine Wingate, Rm. 219B, Tel. 301-496-7650.	June 19-21	8:30	Linden Hill Hotel, Bethesda, MD.
Endocrinology, Dr. Harry Brodie, Rm. 333, Tel. 301-496-7346.	June 16-18	12:00 noon	Holiday Inn, Inner Harbor, Baltimore, MD
Epidemiology & Disease Control-1, Dr. Phyllis B. Eveleth, Rm. 203C, Tel. 301-496-7246.	June 4-6	8:30	Linden Hill Hotel, Bethesda, MD
Epidemiology & Disease Control-2, Dr. Ann Schluederberg, Rm. 203B, Tel. 301-496-7246.	June 4-6	8:30	Linden Hill Hotel, Bethesda, MD
Experimental Cardiovascular Sciences, Dr. Richard Peabody, Rm. 234, Tel. 301-496-7940.	June 25-27	8:00	Ramada Inn, Bethesda, MD.
Experimental Immunology, Dr. David Lavrin, Rm. 222B, Tel. 301-496-7238.	June 12-14	9:00	Holiday Inn, Chevy Chase, MD
Experimental Therapeutics, Dr. Morris Kelsey, Rm. 221, Tel. 301-496-7597.	June 12-14	8:30	Holiday Inn, Bethesda, MD.
Experimental Virology, Dr. Garrett V. Keefer, Rm. 206, Tel. 301-496-7474.	June 10-12	8:30	Room 8, Bldg. 31C, Bethesda, MD
General Medicine A-1, Dr. Harold Davidson, Rm. 354A, Tel. 301-496-7797.	June 12-14	8:30	Room 10, Bldg. 31C, Bethesda, MD
General Medicine A-2, Dr. Donna J. Dean, Rm. 354B, Tel. 301-496-7140.	June 19-21	8:30	Room 6, Bldg. 31C, Bethesda, MD.
General Medicine B, Dr. Antonia Novello, Rm. 322, Tel. 301-496-7730.	June 4-6	8.30	Holiday Inn, Georgetown, DC
Genetics, Dr. David Remondini, Rm. 349, Tel. 301-496-7271.	June 13-15	9.00	Room 6, Bldg. 31C, Bethesda, MD.
Hearing Research, Dr. Joseph Kimm, Rm. 225, Tel. 301-496-7494.	June 12-14	8:30	Georgetown Hotel, Washington, DC
Hematology-1, Dr. Clark Lum, Rm. 355A, Tel. 301-496-7508.	June 13-15	8:00	Wellington Hotel, Washington, DC
Hematology-2, Dr. Bruce Maurer, Rm. 355B, Tel. 301-496-7508.	June 12-14	8:00	Holiday Inn, Georgetown, DC
Human Development & Aging-1, Dr. Teresa Levitin, Rm. 303, Tel. 301-496-7025.	June 19-21	9:00	Georgetown Hotel, Washington, DC
Human Development & Aging-2, Dr. Samuel Rawlings, Rm. 305, Tel. 301-496-7640	June 26-28	9:00	Holiday Inn, Georgetown, DC
Human Development & Aging-3, Dr. Susan C. Streufert, Rm. 203, Tel. 301-496-9403.	June 17-19	8.30	Linden Hill Hotel, Bethesda, MD
Human Embryology & Development, Dr. Arthur Hoversland, Rm. 319A, Tel. 301-496-7839	June 13-15	8.00	Holiday Inn, Chevy Chase, MD
Immunobiology, Dr. William Stylos, Rm. 222A, Tel. 301-496-7780.	June 19-21	8.30	Holiday Inn, Bethesda, MD
Immunological Sciences, Dr. Lottie Kornfeld, Rm. 233A, Tel. 301-496-7179.	June 12-14	8.30	Wellington Hotel, Washington, DC.
Mammalian Genetics, Dr. Jerry Roberts, Rm. 349, Tel. 301-496-7271.	June 20-22	8:30	Holiday Inn, Georgetown, DC
Medicinal Chemistry, Dr. Ronald Dubois, Rm. A-27, Tel. 301-496-7107.	June 26-28	9:00	Holiday Inn, Georgetown, DC

Study section	May–June 1985 meetings	Time	Location
Metabolism, Dr. Robert Leonard, Rm. 339A, Tel. 301–496–7091	June 27–29	8:30	Room 6, Bldg. 31C, Bethesda, MD.
Metallobiochemistry, Dr. John A. Bexler, Rm. 310, Tel. 301–496–7733.	June 20–22	8:30	Room 9, Bldg. 31C, Bethesda, MD.
Microbial Physiology & Genetics–1, Dr. Martin Slater, Rm. 238, Tel. 301–496–7183.	June 12–14	8:30	Holiday Inn, Bethesda, MD.
Microbial Physiology & Genetics–2, Dr. Gerald Liddel, Rm. 357, Tel. 301–496–7130.	June 5–7	8:30	Holiday Inn, Rockville, MD.
Molecular & Cellular Biophysics, Dr. Patricia Straat, Rm. 236A, Tel. 301–496–7060.	June 10–12	8:30	Holiday Inn, Chevy Chase, MD
Molecular Biology, Dr. Donald Disque, Rm. 328, Tel 301–496–7830.	June 6–8	8:30	Holiday Inn, Georgetown, DC.
Molecular Cytology, Dr. Ramesh Nayak, Rm 2338, Tel. 301–496–7149.	June 6–8	8:30	Room 7, Bldg. 31C, Bethesda, MD.
Neurological Sciences, Dr Allen C. Stoolmiller, Rm. 439B, Tel. 301–496–7280.	June 19–22	8:00 p.m.	Room 10, Bldg. 31C, Bethesda, MD.
Neurology A, Dr. Catherine Woodbury, Rm. 326, Tel 301–496–7095.	June 5–8	8:30	Governor's House, Washington, DC.
Neurology B–1, Dr. Jo Ann McConnell, Rm. 2A03, Tel 301–496–7422.	June 18–21	8:30	Wellington Hotel, Washington, DC.
Neurology B–2, Dr Herman Teitelbaum, Rm. 2A05, Tel 301–496–7422.	June 18–21	8:30	Holiday Inn, Chevy Chase, MD
Nutrition, Dr. John Schubert, Rm. 204, Tel. 301–496–7178.	June 12–14	8:30	Room 9, Bldg. 31C, Bethesda, MD.
Oral Biology & Medicine–1, Dr. Thomas M Tarpley, Jr., Rm. 325, Tel 301–496–7818.	June 11–14	8:30	Linden Hill Hotel, Bethesda, MD.
Orthopedics & Musculoskeleta, Ms. Ileen Stewart, Rm. 350, Tel 301–496–7581.	June 27–29	8:30	Ramada Inn, Bethesda, MD.
Pathobiochemistry, Dr. Sharon Johnson, Rm. A–26, Tel. 301–496–7820.	June 17–19	8:30	Room 8, Bldg. 31C, Bethesda, MD.
Pathology A, Dr. John L. Meyer, Rm. 337, Tel. 301–496–7305.	June 5–7	8:00	Westpark Hotel, Arlington, VA.
Pathology B, Dr. Martin Padarathsingh, Rm. 352, Tel. 301–496–7244.	June 19–21	8:30	Keyston Intern'l. Resort, Keystone, CO.
Pharmacology, Dr. Joseph Kaiser, Rm. 206, Tel. 301–496–7408.	June 25–27	8:30	Holiday Inn, Bethesda, MD.
Physical Biochemistry, Dr. Jeanne Ketley, Rm. 218B, Tel. 301–496–7120.	June 26–28	8:30	Marbury House, Georgetown, DC.
Physiological Chemistry, Dr. Stanley Burrous, Rm. 339B, Tel. 301–496–7837.	June 26–28	8:00	Georgetown Hotel, Washington, DC.
Physiology, Dr. Martin Frank, Rm. 209, Tel. 301–496–7578.	June 10–13	8:30	Holiday Inn, Chevy Chase, MD.
Radiation, Dr. John Zimbrick, Rm. 219A, Tel. 301–496–7073.	June 17–19	9:00	Room 9, Bldg. 31C, Bethesda, MD.
Reproductive Biology, Dr. Dharam Dhindsa, Rm. 307, Tel. 301–496–7318.	June 5–8	8:30	Holiday Inn, Bethesda, MD.
Respiratory & Applied Physiology, Dr. Herbert Yellin, Rm. 218A, Tel. 301–496–7320.	June 10–12	8:30	Linden Hill Hotel, Bethesda, MD.
Sensory Disorders & Language, Dr. Michael Halasz, Rm. 3A–07, Tel. 301–496–7550.	June 12–14	8:30	Holiday Inn, Georgetown, DC.
Social Sciences & Population, Ms Carol Campbell, Rm. 210, Tel. 301–496–7906.	May 29–31	9:00	Room 7, Bldg. 31C, Bethesda, MD.
Surgery & Bioengineering, Dr. Paul F. Parakkal, Rm. 303A, Tel. 301–496–7506.	June 10–11	8:30	Wellington Hotel, Washington, DC.
Surgery, Anesthesiology & Trauma, Dr. Keith Kraner, Rm. 319B, Tel. 301–496–7771.	June 3–4	8:30	Ramada Inn, Bethesda, MD.
Toxicology, Ms. Faye J. Calhoun, Rm. 205, Tel. 301–496–7570.	June 12–14	8:00	Marbury House, Georgetown, DC.
Tropical Medicine & Parasitology, Dr. Jean Hickman, Rm. 334, Tel. 301–496–1190.	June 10–12	8:00	Holiday Inn, Bethesda, MD.
Virology, Dr. Claire Winestock, Rm. 309, Tel. 301–496–7605.	June 6–8	8:30	Room 9, Bldg. 31C, Bethesda, MD.
Visual Sciences A–1, Dr. Luigi Giacometti, Rm. 207, Tel 301–496–7000.	June 3–5	9:00	Linden Hill Hotel, Bethesda, MD.
Visual Sciences A–2, Dr. Jane Hu, Rm. 439A, Tel. 301–496–7310.	June 12–14	8:30	Holiday Inn, Georgetown, DC.
Visual Sciences B, Dr. Earl Fisher, Jr., Rm. 325, Tel. 301–496–7251.	June 12–14	9:00	Linden Hill Hotel, Bethesda, MD.

(Catalog of Federal Domestic Assistance Program Nos. 13.306, 13.333, 13.337, 13.393–13.396, 13.837–13.844, 13.846–13.878 13.892, 13.893, National Institutes of Health, HHS)

Dated: April 16, 1985.

Betty J. Beveridge,

Committee Management Officer, NIH.

[FR Doc. 85–10101 Filed 4–25–85; 8:45 am]

BILLING CODE 4140–01–M

Division of Research Resources; Subcommittee on Animal Resources of the Animal Resources Review Committee; Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Subcommittee on Animal Resources, Animal Resources Review Committee, Division of Research Resources, on May 21, 1985, at 8:30 a.m., National Institutes of Health, Building 31, Conference Room 8, 9000 Rockville Pike, Bethesda, Maryland 20205.

The meeting will be open to the public on May 21, from 2:00 p.m. to approximately 4:00 p.m., for a brief staff presentation on the current status of the Animal Resources Program and the selection of future meeting dates. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92–463, the meeting will be closed to the public on May 21 from 8:30 a.m. to approximately 2:00 p.m. for the review, discussion, and evaluation of individual grant applications submitted to the Laboratory Animal Sciences Program. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mr. James Augustine, Information Officer, Division of Research Resources, National Institutes of Health, Building 31, Room 5B13, Bethesda, Maryland 20205, (301) 496–5545, will provide summaries of the meeting and rosters of the committee members. Dr. Carl E. Miller, Executive Secretary of the Animal Resources Review Committee, Division of Research Resources, National Institutes of Health, Building 31, Room 5B55, Bethesda, Maryland 20205, (301) 496–5175, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Programs No. 13.306, Laboratory Animal Sciences, National Institutes of Health)

Dated: April 16, 1985.

Betty J. Beveridge,

NIH Committee Management Officer.

[FR Doc. 85–10099 Filed 4–25–85; 8:45 am]

BILLING CODE 4140–01–M

National Cancer Institute; Board of Scientific Counselors, Division of Cancer Prevention and Control; Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Board of Scientific Counselors, Division of Cancer Prevention and Control, National Cancer Institute, National Institutes of Health, May 9–10, 1985, Wilson Hall, Building 1, 9000 Rockville Pike, Bethesda, Maryland 20205. This meeting will be open to the public on May 9, from 8:30 a.m. to 3:00 p.m. and on May 10 from 8:30 a.m. to adjournment to review programs and policies of the Division of Cancer Prevention and Control. Attendance by the public will be limited to space available.

In accordance with provisions set forth in section 552b(c)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92–463, a portion of the meeting will be closed to the public on May 9 from approximately 3:00 p.m. to recess for review, discussion and recommendations regarding the disposition of a cooperative agreement project. The discussion regarding the process of the review and subsequent recommendations could reveal personal information concerning individuals associated with the project, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mrs. Winifred Lumsden, the Committee Management Officer, National Cancer Institute, Building 31, Room 10A06, National Institutes of Health, Bethesda, Maryland 20205 (301–496–5708) will provide summaries of the meeting and rosters of committee members upon request.

Mr. J. Henry Montes, Executive Secretary, Board of Scientific Counselors, Division of Cancer Prevention and Control, National Cancer Institute, Blair Building, Room 1A07, National Institutes of Health, Bethesda, Maryland 20205 (Telephone: 301–427–8630) will furnish substantive program information.

Dated: April 17, 1985.

Betty J. Beveridge,

Committee Management Officer, NIH.

[FR Doc. 85–10104 Filed 4–25–85; 8:45 am]

BILLING CODE 4140–01–M

National Cancer Institute; National Cancer Advisory Board and Board Subcommittees; Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the National Cancer Advisory Board, May 13–15, 1985, National Cancer Institute, Building 31C, Conference Room 6, 6th floor, National Institutes of Health, Bethesda, Maryland 20205. Meetings of Subcommittees of the Board will be held May 12–14 at the times and places listed below. Portions of the Board meeting and its Subcommittees will be open to the public to discuss committee business as indicated in the notice. Attendance by the public will be limited to space available.

Portions of these meetings will be closed to the public as indicated below in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92–463, for the review, discussion and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mrs. Winifred Lumsden, the Committee Management Officer, NCI, Building 31, Room 10A06, National Institutes of Health, Bethesda, Maryland 20205 (301/496–5708) will provide summaries of the meetings and rosters of Board members, upon request.

Mrs. Barabara S. Bynum, Executive Secretary, National Cancer Advisory Board, National Cancer Institute, Building 31, Room 10A03, National Institutes of Health, Bethesda, Maryland 20205 (301/496–5147) will furnish substantive program information.

Name of committee: *National Cancer Advisory Board.*

Dates of meeting: May 13–15, 1985.

Place of meeting: Building 31C, Conference Room 6, 6th floor, National Institutes of Health.

Open: May 13, 8:30 a.m.–recess, May 15, 8:30 a.m.–adjournment.

Agenda: Reports on activities of the President's Cancer Panel and the Director's Report on the National Cancer Institute: Presentation on NIH Peer Review, and a Presentation on NCI Centers Programs; Subcommittee Reports and New Business.

Closed session: May 14, 8:30 a.m.–recess.

Closure reason: To review grant applications.

Name of committee: *Subcommittee on Organ Systems.*

Date of meeting: May 12, 1985.

Place of meeting: Building 31, C Wing, Conference Room 8, Sixth Floor, National Institutes of Health.

Open: May 12, 7:00 p.m.–adjournment.

Agenda: A discussion on the update of the organ systems program.

Name of committee: *Ad hoc Subcommittee on Construction.*

Dated of meeting: May 13, 1985.

Place of meeting: Building 31, C Wing, Conference Room 6, 6th Floor, National Institutes of Health.

Closed: May 13, 5:00 p.m.–adjournment.

Closure reason: To review grant applications.

Name of committee: *Subcommittee on Special Actions for Grants.*

Date of meeting: May 14, 1985.

Place of meeting: Building 31, C Wing, Conference Room 6, 6th Floor, National Institutes of Health.

Closed: May 14, 8:30 a.m.–adjournment.

Closure reason: To review grant applications.

Name of committee: *Subcommittee on Cancer Control for the Year 2000.*

Date of meeting: May 14, 1985.

Place of meeting: Building 31, C Wing, Conference Room 2, 1st Floor, National Institutes of Health.

Open: May 14, 5:00 p.m.–adjournment.

Agenda: To review the report on cancer control for the Year 2000 and tax subsidies on tobacco.

Name of committee: *Subcommittee on Cancer Information.*

Date of meeting: May 14, 1985.

Place of meeting: Building 31, C Wing, Conference Room 6, Sixth Floor, National Institutes of Health.

Open: May 14, 7:30 p.m.–adjournment.

Agenda: A discussion of the cancer information program.

Name of committee: *Subcommittee on Innovations in Surgical Oncology.*

Date of meeting: May 14, 1985.

Place of meeting: Building 31, A Wing, Conference Room 4, 1st Floor, National Institutes of Health.

Open: May 14, 8:00 p.m.–adjournment.

Agenda: A progress report on the surgical oncology program.

(Catalog of Federal Domestic Assistance Program Numbers.
13.392, project grants in cancer construction.
13.393, project grants in cancer cause and prevention.
13.394, project grants in cancer detection and diagnosis.
13.395, project grants in cancer treatment.
13.396, project grants in cancer biology.
13.397, project grants in cancer centers support.
13.398, project grants in cancer research manpower.
13.399, project grants and contracts in cancer control.)

Dated: April 16, 1985.

Betty J. Beveridge,

Committee Management Officer, NIH.

[FR Doc. 85–10100 Filed 4–25–85; 8:45 am]

BILLING CODE 4140–01–M

National Eye Institute; Board of Scientific Counselors; Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Board of Scientific Counselors, National Eye Institute, June 10–11, 1985, Building 31C, Conference Room 7, National Institutes of Health, Bethesda, Maryland.

This meeting will be open to the public on June 10 from 8:30 a.m. until approximately 3:00 p.m. for general remarks by the Institute's Scientific Director on matters concerning the intramural programs of the National Eye Institute. Attendance by the public will be limited to space available.

In accordance with provisions set forth in section 552b(c)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92–463, the meeting will be closed to the public on June 10 from approximately 3:00 p.m. until recess and on June 11 from 8:30 a.m. until adjournment for the review, discussion, and evaluation of individual projects conducted by the Visual Processing Section of the Clinical

Branch. These evaluations and discussions could reveal personal information concerning individuals associated with the projects, including consideration of personnel qualifications and performance, and the competence of individual investigators, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy. Consequently, this meeting is concerned with matters exempt from mandatory disclosure.

Ms. Kay Valeda, Committee Management Officer, National Eye Institute, Building 31, Room 6A03, National Institutes of Health, Bethesda, Maryland 20205 (301) 496–4903, will provide summaries of the meeting and rosters of committee members.

Substantive program information may be obtained from Dr. Jin Kinoshita, Scientific Director, National Eye Institute, Building 31, Room 6A04, National Institutes of Health, Bethesda, Maryland 20205 (301/493–7483).

Dated: April 17, 1985.

Betty J. Beveridge,

Committee Management Officer, NIH.

[FR Doc. 85–10103 Filed 4–25–85; 8:45 am]

BILLING CODE 4140–01–M

National Eye Institute; National Advisory Eye Council and the Vision Research Program Planning Subcommittee; Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the National Advisory Eye Council, National Eye Institute, May 30–31, 1985, Building 31, Conference Room 8, National Institutes of Health, Bethesda, Maryland, and the subcommittee meeting on May 29, Building 31, Conference Room 3, National Institutes of Health.

This meeting will be open to the public from 9:00 a.m. until approximately 12:00 noon on Thursday, May 30. Following opening remarks by the Director, National Eye Institute, there will be a report on mid-course evaluation of *Vision Research: A National Plan, 1983–1987*, and other presentations by the staff of the Institute.

In accordance with provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92–463, the meeting will be closed to the public from approximately 12:00 noon until recess on Thursday, May 30, and from 9:00 a.m. to adjournment on Friday, May 31, for the review, discussion and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable materials, and personal information concerning individuals associated with the applications, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

There will also be a meeting of the Vision Research Program Planning Subcommittee on Wednesday, May 29 from 7:00 p.m. to 9:00 p.m. to discuss the mid-course evaluation of *Vision Research: A National Plan, 1983–1987*. Attendance by the public will be limited to space available.

Ms. Kay Valeda, Committee Management Officer, National Eye Institute, Building 31, Room 6A03, National Institutes of Health, Bethesda, Maryland 20205 (301) 496–4903, will provide summaries of meetings and rosters of committee members.

Dr. Ronald G. Geller, Associate Director for Extramural and Collaborative Programs, National Eye Institute, Building 31, Room 6A03, National Institutes of Health, Bethesda, Maryland 20205, (301) 496–4903, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program, Nos. 13.867, Retinal and Choroidal Diseases Research; 13.868, Corneal Diseases Research; 13.869, Cataract Research; 13.870, Glaucoma Research; and 13.871, Sensory and Motor Disorders of Visual Research; National Institutes of Health.

Dated: April 16, 1985.

Betty J. Beveridge,

Committee Management Officer, NIH.

[FR Doc. 85–10098 Filed 4–25–85; 8:45 am]

BILLING CODE 4140–01–M

National Heart, Lung, and Blood Institute; Research Manpower Review Committee; Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Research Manpower Review Committee, National Heart, Lung, and Blood Institute, National Institutes of Health on June 20–21, 1985, at the Bethesda Marriott Hotel, 5151 Pooks Hill Road, Bethesda, Maryland 20814.

This meeting will be open to the public on June 20, 1985, from 8:00 p.m. until recess, to discuss administrative details and to hear reports concerning the current status of the National Heart, Lung, and Blood Institute.

In accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code, and section 10(d) of Pub. L. 92–463, the meeting will be closed to the public on June 21, 1985, from 8:00 a.m. until adjournment for the review, discussion and evaluation of individual grant applications. Thes applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Terry Bellicha, Chief, Public Inquiries and Reports Branch, National Heart, Lung, and Blood Institute, Building 31, Room 4A21, National Institutes of Health, Bethesda, Maryland 20205, phone (301) 496–4236, will provide a summary of the meeting and a roster of the committee members.

Dr. John L. Fakunding, Executive Secretary, NHLBI, Westwood Building, Room 550, Bethesda, Maryland 20205, phone (301) 496–7361, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program Nos. 13.837, Heart and Vascular Diseases Research; 13.838, Lung Diseases Research; and 13.839, Blood Diseases and Resources Research, National Institutes of Health)

Dated: April 16, 1985.

Betty J. Beveridge,

NIH Committee Management Officer.

[FR Doc. 85–10096 Filed 4–25–85; 8:45 am]

BILLING CODE 4140–01–M

National Institute on Aging; Geriatrics Review Committee; Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Geriatrics Review Committee, National Institute on Aging, on June 24, 25, and 26, 1985, in Building 31, Conference Room 7, National Institutes of Health, Bethesda, Maryland.

The meeting will be open to the public from 8:30 a.m. to 9:00 a.m. on June 24 for introductory remarks. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in section 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92–463, the meeting will be closed to the public on June 24 from 9:00 a.m. to adjournment on June 26 for the review, discussion and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Ms June C. McCann, Committee Management Officer, NIA, Building 31,

Room 2C05, National Institutes of Health, Bethesda, Maryland, Area Code 301, 496–5898, will provide summaries of meetings and rosters of Committee members as well as substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.866, Aging Research, National Institutes of Health)

Dated: April 16, 1985.

Betty J. Beveridge,

NIH Committee Management Officer.

[FR Doc. 85–10095 Filed 4–25–85; 8:45 am]

BILLING CODE 4140–01–M

National Institute on Aging; Aging Review Committee; Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Aging Review Committee, National Institute on Aging, on June 19, 20, and 21, 1985, in Building 31, Conference Room 7, National Institutes of Health, Bethesda, Maryland.

The meeting will be open to the public from 9:00 a.m. on June 19 for introductory remarks. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92–463, the meeting will be closed to the public on June 19 from 9:30 a.m. to adjournment on June 21 for the review, discussion and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concernig individuals associated with the applications, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Ms. June C. McCann, Committee Management Officer, NIA, Building 31, Room 2C05, National Institutes of Health, Bethesda, Maryland, Area Code 301, 496–5898, will provide summaries of meetings and rosters of Committee members as well as substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.866, Aging Research, National Institutes of Health)

Dated: April 16, 1985.

Betty J. Beveridge,

NIH Committee Management Officer.

[FR Doc. 85–10097 Filed 4–25–85; 8:45 am]

BILLING CODE 4140–01–M

National Institute of Allergy and Infectious Diseases; Board of Scientific Counselors; Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Board of Scientific Counselors, National Institute of Allergy and Infectious Diseases, on June 11, 12, and 13 at the Rocky Mountain Laboratories, Hamilton, Montana 59840.

The meeting will be open to the public on June 11 from 9:00 a.m. until 12:30 p.m. During this open session, the permanent staff of the Laboratory of Microbial Structure and Function, the Laboratory of Persistent Viral Diseases, and the Laboratory of Pathobiology will present and discuss their immediate past and present research activities.

In accordance with the provisions set forth in section 552b(c)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92–463, the meeting of the board will be closed to the public on June 11 from 1:30 p.m. until recess, on June 12 from 9:00 a.m. until recess and on June 13 from 9:00 a.m. until adjournment for the review, discussion, and evaluation of individual intramural programs and projects conducted by the Rocky Mountain Laboratories, including consideration of personal qualifications and performance, the competence of individual investigators, and similar items, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Ms. Patricia Randall, Office of Research Reporting and Public Response, National Institute of Allergy and Infectious Diseases, Building 31, Room 7A–32, National Institutes of Health, Bethesda, Maryland 20205, telephone (301) 496–5717, will provide summaries of the meeting and rosters of the Board members.

Dr. Gordon D. Wallace, Acting Executive Secretary, Board of Scientific Counselors, NIAID, National Institutes of Health, Building 10, Room 11C103, telephone (301) 496–3006, will provide substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13–301, National Institutes of Health)

Dated: April 17, 1985.

Betty J. Beveridge,

NIH Committee Management Officer.

[FR Doc. 85–10102 Filed 4–25–85; 8:45 am]

BILLING CODE 4140–01–M

Commercial/Industrial Activities; Review Schedule

AGENCY: National Institutes of Health, HHS.

ACTION: Notice of Review Schedule.

SUMMARY: This notice sets forth the schedule of cost comparison studies for commercial/industrial activities by the National Institutes of Health during Fiscal Year 1985. These studies will be in accordance with Office of Management and Budget Circular A–76.

FOR FURTHER INFORMATION CONTACT: Ana Kennedy, Division of Management Policy, National Institutes of Health, Building 31, Room 3B19, 9000 Rockville Pike, Bethesda, Maryland 20205, (301) 496–2461.

SUPPLEMENTARY INFORMATION: In accordance with OMB Circular A–76, a cost comparison is scheduled for the audiovisual services to be completed by August 1985. This activity includes projection and audio services, teleconferencing and closed circuit television services and television production services. The activity is located at the National Institutes of Health, Bethesda, Maryland.

Dated: April 23, 1985.

James B. Wyngaarden, M.D.,

Director, National Institutes of Health.

[FR Doc. 85–10338 Filed 4–25–85; 11:15 am]

BILLING CODE 4140–01–M

National Arthritis Advisory Board; Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the National Arthritis Advisory Board on June 10, 1985, 1:00 p.m. to 5:00 p.m. at the Jefferson Hotel, 16th and M Street NW., Washington, D.C. 20036. The meeting, which will be open to the public, is being held to discuss the Board's activities and to continue the evaluation of the implementation of the long-range plan to combat arthritis. Attendance by the public will be limited to space available. Notice of the meeting room will be posted in the Hotel lobby.

Certain subcommittees of the Board will meet June 11, 1985. Further information, times and meeting locations of the subcommittees may be obtained by contacting Mr. Raymond Kuehne, Executive Director, National Arthritis Advisory Board, P.O. Box 30174, Bethesda, Maryland 20205, (301) 496–6045. The agenda and rosters of the members can also be obtained from his office. Summaries of the meeting may be obtained by contacting Carole A. Frank, Committee Management Office, NIADDK, National Institutes of Health, Room 9A47, Building 31A, Bethesda, Maryland, 20205, (301) 496–6917.

Dated: April 19, 1985.

Betty J. Beveridge,

NIH Committee Management Officer.

[FR Doc. 85–10105 Filed 4–25–85; 8:45 am]

BILLING CODE 4140–01–M

National Cancer Institute; Board of Scientific Counselors; Division of Cancer Etiology; Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Board of Scientific Counselors, Division of Cancer Etiology on May 9–10 1985, Building 31, C Wing, Conference Room 10, National Institutes of Health, 9000 Rockville Pike, Bethesda, Maryland 20205. The meeting will be open to the public from 1:00 p.m. to recess on May 9, and from 9:00 a.m. to adjournment on May 10 for discussion and review of the Division budget and review of concepts for grants and contracts. Attendance by the public will be limited to space available.

The Board of Scientific Counselors meeting will be closed to the public from 9:00 a.m. to approximately 1:00 p.m. on May 9, 1985, in accordance with the provisions set forth in section 552b(c)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92–463, for the review, discussion and evaluation of individual programs and projects conducted by the Division of Cancer Etiology. These programs, projects, and discussions could reveal personal information concerning individuals associated with the programs and projects, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mrs. Winifred Lumsden, Committee Management Officer, National Cancer Institute, Building 31, Room 10A06, National Institutes of Health, Bethesda, Maryland 20205 (301/496–5708) will provide summaries of the meeting and rosters of committee members, upon request.

Dr. David McB. Howell, Executive Secretary of the Board of Scientific Counselors, Division of Cancer Etiology, National Cancer Institute, Building 31, Room 11A06, National Institutes of Health, Bethesda, Maryland 20205 (301/496–6927) will furnish substantive program information.

Dated: April 17, 1985.

Betty J. Beveridge,

Committee Management Officer, NIH.

[FR Doc. 85–10106 Filed 4–25–85; 8:45 am]

BILLING CODE 4140–01–M

Office of The Secretary

Agency Forms Submitted to the Office of Management and Budget for Clearance

Each Friday the Department of Health and Human Services (HHS) publishes a list of information collection packages it has submitted to the Office of Management and Budget (OMB) for clearance in compliance with the Paperwork Reduction Act (44 U.S.C. Chapter 35). The following are those packages submitted to OMB since the last list was published on April 19, 1985.

Public Health Service

Food and Drug Administration

Subject: Reporting and Recordkeeping Requirements Imposed by the Methadone Regulations—Reinstatement (0910–0140)

Respondents: Individuals, state/local governments, businesses, non-profit institutions, small businesses

OMB Desk Officer: Bruce Artim

Social Security Administration

Subject: State Agency Budget List of Part-time and Temporary Positions for Disability Programs—SSA 4516—Existing Collection

Respondents: State disability determination staffs

Subject: Supplement to Claim of Person Outside the United States—SSA–21—Revision (0960–0051)

Respondents: Individuals

Subject: State Agency Budget List of Full-time positions for SSA Disability Review—SSA 4515—Existing Collection

Respondents: State disability determination staffs

OMB Desk Officer: Judy A. McIntosh.

Copies of the above information collection clearance packages can be obtained by calling the HHS Reports Clearance Officer on 202–245–6511.

Written comments and recommendations for the proposed information collections should be sent directly to the appropriate OMB Desk Officer designated above at the following address: OMB Reports Management Branch, New Executive Office Building, Room 3208, Washington, D.C. 20503, Attn: (name of OMB Desk Officer).

Dated: April 23, 1985.

Harry A. Hadd,

Acting Deputy Assistant Secretary for Management Analysis and Systems.

[FR Doc. 85–10115 Filed 4–25–85; 8:45 am]

BILLING CODE 4150–04–M

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Environmental Impact Statement; Hoopa Valley Indian Reservation, CA

April 19, 1985.

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice.

SUMMARY: This notice advises the Public that the Draft Environmental Impact Statement (DEIS) for a Proposal to Modify Indian Fishing Regulations to Authorize Commercial Harvesting of Anadromous Fish on the Hoopa Valley Indian Reservation is available for public review. The Hoopa Valley Indian Reservation is located in Humbolt County in Northwestern California.

DATE: Written comments are due June 25, 1985.

Comments should be addressed to: Mr. M.W. Babby, Area Director, Sacramento Area Office, 2800 Cottage Way, Sacramento, California 95825.

FOR FURTHER INFORMATION CONTACT: Mr. Donald Knapp, Area Environmental Quality Specialist, Sacramento Area Office, Bureau of Indian Affairs, 2800 Cottage Way, Sacramento, California 59825, Telephone (916) 484–4391.

Individuals wishing copies of this Draft Environmental Impact Statement should contact the above mentioned individual.

SUPPLEMENTARY INFORMATION: The Bureau of Indian Affairs has prepared a Draft Environmental Impact Statement on its proposal to modify the fishing reglations for the Hoopa Valley Indian Reservation which will authorize commercial harvesting of anadromous fish by tribal members of the reservation. Prior to authorization, a harvest management plan will be prepared for each species of fish by the Bureau of Indian Affairs in cooperation with the U.S. Fish and Wildlife Service and existing tribal governments. The plans will form the basis for initial regulations. The plans will be reviewed each year and any necessary changes in regulations will be made. In season adjustments or closures will be made by observing run strengths. Each plan will establish the number of fish required to meet spawning goals and the number of fish needed to meet any subsistence or ceremonial needs. Commercial quotas and schedules in the plans will provide tribal members of the reservation with an equal opportunity to the fishery resource. Commercial fishing will be permitted on a species by species basis in those years when subsistence,

ceremonial, and spawning allotments are exceeded by the expected run. In season closure of the commercial fishery will occur if the expected run does not materialize. Alternatives under consideration which were evaluated and analyzed during planning are: (1) No Action, (2) Open Fishing and (3) Phased Commercial Fishing.

Public Meetings will be held at times, locations and on the dates listed below:

Bureau of Indian Affairs, Klamath Field Office Courtroom, Salmon Boulevard, Klamath, California, 10:30 a.m., May 22, 1985;

Ramada Inn, Room 102, 4975 Valley West Boulevard, Arcata, California, 7:00 p.m., May 22, 1985,

Bureau of Indian Affairs, Northern California Agency, Conference Room, Loop Road, Hoopa, California, 10:30 a.m., May 23, 1985.

During the public hearings, oral comments on the contents of the DEIS will be limited to ten minutes and should be accompanied with a written text.

John W. Fritz,

Deputy Assistant Secretary, Indian Affairs.

[FR Doc. 85-10116 Filed 4-25-85; 8:45 am]

BILLING CODE 4310-02-M

Bureau of Land Management

Worland District Grazing Advisory Board; Meeting

AGENCY: Bureau of Land Managment, Interior.

ACTION: Notice of meeting.

SUMMARY: Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463) and the Federal Land Policy and Management Act (Pub. L. 94-579), notice is hereby given of a meeting of the Worland District Grazing Advisory Board to be held at 9:00 a.m., May 30, 1985, in a conference room of the Elks Club, 604 Coburn Ave., Worland, Wyoming.

The agenda for this meeting includes:

1. Amendments to the Grazing Regulations (Subleasing of grazing preference).
2. Update on range improvement project planning.
3. Review of approved FY 1985 range improvement projects.
4. Review of current Allotment Management Plan development.
5. Discussion and Recommendations for proposed FY 1986 and 1987 range improvement projects.
6. Procedures in processing delinquent grazing bills.
7. Range Program Update: Grazing Decisions, Allotment Categorization, livestock operator consultation and coordination.
8. Assigning maintenance responsibility for rangeland improvements.
9. Opportunity for the public to present information or make comments.

The meeting will be open to the public. Interested persons may make oral statements to the Board during the public comment period, or file written statements for the Board's consideration. Anyone wishing to make an oral statement must notify the District Manager by May 24, 1985.

DATE: May 30, 1985, 9:00 a.m.

ADDRESS: Elks Club, 604 Coburn Avenue, Worland, Wyoming.

FOR FURTHER INFORMATION CONTACT: Chester E. Conard, District Manager, Bureau of Land Management 1700 Robertson Avenue, Worland, Wyoming 82401, (307) 347-9871.

SUPPLEMENTARY INFORMATION: Summary minutes of this meeting will be on file in the District Office and available for public inspection (during regular business hours) within 30 days of the meeting.

Chester E. Conard,

District Manager.

[FR Doc. 85-10179 Filed 4-25-85; 8:45 am]

BILLING CODE 4310-22-M

[Exchange CA-17137]

Realty Action; Public Lands in Mendocino County, CA

In 48 FR 1632 (April 15, 1983), the following parcels of public land were identified for disposal by exchange CA-13880:

Mount Diablo Meridian, California

T. 22 N., R. 14 W., Section 9, SW¼SW¼;
T. 23 N., R. 15 W., Section 32, Lots 3, 4, 5, 6, SE¼NE¼.

Containing 211.27 acres, more or less.

These parcels will not be a part of Exchange CA-13880. It has been determined that these parcels remain suitable for disposal and will become part of Exchange CA-17137.

Pursuant to section 206 of the Federal Land Policy and Management Act of October 21, 1976 (90 Stat. 2756), it has been determined that the above described lands along with the below described public low lands are suitable for disposal in Exchange CA-17137:

Mount Diablo Meridian, California

T. 22 N., R. 14 W., Section 19, Lots 1, 2, 3, 8, NW¼NE¼,
T. 22 N., R. 15 W., Section 24, Lot 1,
T. 24 N., R. 16 W., Section 3, Lots 1, 2, 6.

Containin 335.93 acres, more or less.

The State of California State Lands Commission has applied to acquire the above described public lands in exchange for the following described State owned lands:

Mount Diablo Meridian, California

T. 5 S., R. 36 E., Section 36,
T. 6 S., R. 37 E., Section 16,
T. 6 S., R. 37 E., Section 36,
T. 6 S., R. 38 E., Section 16,
T. 6 S., R. 38 E., Section 36,
T. 7 S., R. 35 E., Section 36,
T. 7 S., R. 37 E., Section 36,
T. 7 S., R. 38 E., Section 16,
T. 8 S., R. 36 E., Section 16, E½, SW¼.

Containing 5,600 acres, more or less.

SUPPLEMENTARY INFORMATION: All the minerals on the public lands will be transferred to the State. A Mineral Evaluation has been requsted on the public lands. If minerals are identified they will be appraised and their value will be included in total value of the exchange.

There will be reserved to the United States in the applied for lands, a right-of-way for ditches and canals constructed by the authority of the United States (43 U.S.C. 945). There will also be a 40-foot wide telephone and telegraph line right-of-way, SAC 045712, reserved to Pacific Telephone and Telegraph Company across Lots 2, 6 in Section 3, T. 24 N., R. 16 W., M.D.M.

The purpose of this exchange is to block up public lands within the Ridgecrest Resource Area to enhance their manageability and resource values.

The publication of this notice in the **Federal Register** shall segregate the applied for public lands from all other forms of appropriation under the public land laws, including the mining laws, for a period of two years. This exchange is expected to be consumated before the end of that period.

FOR FURTHER INFORMATION CONTACT: Bill Dabbs, Realty Specialist, Bureau of Land Management, P.O. Box 940, 555 Leslie Street, Ukiah, CA 95482, Phone: (707) 462-3873. Information for the exchange is available.

DATES: For a period of 45 days from the publication of this notice in the **Federal Register**, interested parties may submit comments to the District Manager, Ukiah District Office, Bureau of Land Management, P.O. Box 940, 555 Leslie Street, Ukiah, CA 95482. Any adverse comments will be evaluated by the California State Director, Bureau of Land Management, who may vacate or modify this realty action and issue a final determination. In the absence of a vacation of modification this realty action will become final determination of the Bureau.

Dated: April 19, 1985.

Von W. Manning,

Ukiah District Manager.

[FR Doc. 85-10083 Filed 4-25-85; 8:45 am]

BILLING CODE 4310-84-M

Minerals Management Service

Development Operations Coordination Document; The Louisana Land and Exploration Co.

AGENCY: Minerals Management Service.

ACTION: Notice of the receipt of a proposed development operations coordination document (DOCD).

SUMMARY: Notice is hereby given that The Louisana Land and Exploration Company has submitted a DOCD describing the activities it proposes to conduct on Lease OCS-G 4417, Block 66, East Cameron Area, offshore Louisana. Proposed plans for the above area provide for the development and production of hydrocarbons with support activities to be conducted from an onshore base located at Cameron, Louisana.

DATE: The subject DOCD was deemed submitted on March 29, 1985. Comments must be received within 15 days of the date of this Notice or 15 days after the Coastal Management Section receives a copy of the DOCD from the Minerals Management Service.

ADDRESSES: A copy of the subject DOCD is available for public review at the Office of the Regional Director, Gulf of Mexico OCS Region, Minerals Management Service, 3301 North Causeway Blvd., Room 147, Metairie, Louisana (Office Hours: 9 a.m. to 3:30 p.m., Monday through Friday). A copy of the DOCD and the accompanying Consistency Certification are also available for public review at the Coastal management Section Office located on the 10th Floor of the State Lands and Natural Resources Building, 625 North 4th Street, Baton Rouge, Louisana (Office Hours: 8 a.m. to 4:30 p.m., Monday through Friday). The public may submit comments to the Coastal Management Section, *Attention OCS Plans*, Post Office Box 44396, Baton Rouge, Louisana 70805.

FOR FURTHER INFORMATION CONTACT: Michael J. Tolbert; Minerals Management Service; Gulf of Mexico OCS Region; Rules and Production; Plans, Platform and Pipeline Section; Exploration/Development Plans Unit; Phone (504) 838-0875.

SUPPLEMENTARY INFORMATION: The purpose of this Notice is to inform the public, pursuant to sec. 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the DOCD and that it is available for public review. Additionally, this Notice is to inform the public, pursuant to § 930.61 of Title 15 of the CFR, that the Coastal Management Section/Louisana Department of Natural Resources is reviewing the DOCD for consistency with the Louisana Coastal Resources Program.

Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in DOCDs available to affected states, executives of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in revised § 250.34 of Title 30 of the CFR.

Dated: April 12, 1985.

John L. Rankin,

Regional Director, Gulf of Mexico OCS Region.

[FR Doc. 85-10085 Filed 4-25-85; 8:45 am]

BILLING CODE 4310-MR-M

INTERSTATE COMMERCE COMMISSION

Intent to Engage in Compensated Intercorporate Hauling Operations

This is to provide notice as required by 49 U.S.C. 10524(b) (1) that the named corporations intend to provide or use compensated intercorporate hauling operations as authorized in 49 U.S.C. 10524(b).

1. Parent corporation and address of principal office: Leggett & Platt, Incorporated, One Leggett Road, Carthage, MO 64836.

2. The wholly-owned subsidiaries which will participate in the intercorporate operations and their states of incorporation are as follows:

Bedline Manufacturing Company (a California corporation), 12352 Whittier Boulevard, Whittier, CA 90602

Fleet Service Corp. (a California corporation), P.O. Box 4112, Whittier, CA 90607.

I. Parent corporation and address of principal office: Meridian Exploration Corporation, RD ±2, P.O. Box 265 D, Cambridge Springs, PA 16403.

II. Wholly-owned subsidiary which will participate in the operations, and State of incorporation:

Subsidiary	State of incorporation
Energy Trucking Company	Pennsylvania.

1. Parent corporation and address of principal office: Ralston Purina Company, 835 South 8th Street, St. Louis, MO 63164.

2. The wholly-owned subsidiaries which will participate in the operations, and states of incorporation.

(a) Purina Mills, Inc. (DE).

(b) Agricob, Ltd. (DE) and a wholly owned subsidiary of Purina Mills, Inc.

(c) Aid Laboratories, Inc. (DE) and a wholly owned subsidiary of Purina Mills, Inc.

(d) Bay-Mor Pet Feeds, Inc. (DE) and a wholly owned subsidiary of Purina Mills, Inc.

(e) Chek-Tech, Inc. (DE) and a wholly owned subsidiary of Purina Mills, Inc.

(f) Hearty Hound, Inc. (DE) and a wholly owned subsidiary of Purina Mills, Inc.

(g) Kleen Leen, Inc. (DE) and a wholly owned subsidiary of Purina Mills, Inc.

(h) West Willow Farmers Association (PA) and a wholly owned subsidiary of Purina Mills, Inc.

(i) Continental Baking Company (DE).

(j) Bost Bakery, Inc. (NC) and a wholly owned subsidiary of Continental Baking Company.

(k) Bost Bakery, Inc. (NC) and a wholly owned subsidiary of Continental Baking Company.

(l) The Paniplus Company (DE) and a wholly owned subsidiary of Continental Baking Company.

(m) Fiber Sales & Development Corporation (DE) and a wholly owned subsidiary of The Paniplus Company.

(n) Keystone Resorts Management, Inc. (CO).

(o) Foodmaker, Inc. (DE).

(p) Red and White, Inc. (DE).

(q) Van Can Company (DE).

Kathleen M. King,

Acting Secretary.

[FR Doc. 85-10170 Filed 4-25-85; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-6 (Sub-234)]

Burlington Northern Railroad Co.; Abandonment in Walla Walla County, WA and Umatilla County, OR; Findings

The Commission has issued a certificate authorizing Burlington Northern Railroad Company to abandon its 14.78 mile rail line between Walla Walla, WA (milepost 0.00) and Milton, OR (milepost 14.78) in Walla Walla County, WA and Umatilla County, OR.

The abandonment certificate will become effective 30 days after this publication unless the Commission also finds that: (1) A financially responsible person has offered assistance (through

subsidy or purchase) to enable the rail service to be continued, and (2) it is likely that the assistance would fully compensate the railroad.

Any financial assistance offer must be filed with the Commission and the applicant no later than 10 days from publication of this Notice. The following notation shall be typed in bold face on the lower left-hand corner of the envelope containing the offer: "Rail Section, AB–OFA." Any offer previously made must be remade within this 10 day period.

Information and procedures regarding financial assistance for continued rail service are contained in 49 U.S.C. 10905 and 49 CFR 1152.27(b).

Kathleen M. King,

Acting Secretary.

[FR Doc. 85–10169 Filed 4–25–85; 8:45 am]

BILLING CODE 7035–01–M

[Docket No. AB–3 (Sub-49)]

Missouri Pacific Railroad Co.; Abandonment in Cape Girardeau County, MO; Findings

The Commission has issued a certificate authorizing Missouri Pacific Railroad Company to abandon its 3.3-mile rail line between milepost 128.5 and milepost 131.8 in Cape Girardeau County, MO. The abandonment certificate will become effective 30 days after this publication unless the Commission also finds that: (1) A financially responsible person has offered financial assistance (through subsidy or purchase) to enable the rail service to be continued; and (2) it is likely that the assistance would fully compensate the railroad.

Any financial assistance offer must be filed with the Commission and the applicant no later than 10 days from publication of this Notice. The following notation shall be typed in bold face on the lower left-hand corner of the envelope containing the offer: "Rail Section, AB–OFA." Any offer previously made must be remade within this 10-day period.

Information and procedures regarding financial assistance for continued rail service are contained in 49 U.S.C. 10905 and 49 CFR Part 1152.

Kathleen M. King,

Acting Secretary.

[FR Doc. 85–10171 Filed 4–25–85; 8:45 am]

BILLING CODE 7035–01–M

[Docket No. AB–12 (Sub-86)]

Southern Pacific Transportation Co.; Abandonment in Polk County, OR; Findings

The Commission has issued a certificate authorizing Southern Pacific Transportation Company to abandon its 2.21-mile rail line between Broadmead (milepost 737.69) and Perrydale (milepost 739.90) in Polk County, OR. The abandonment certificate will become effective 30 days after this publication unless the Commission also finds that: (1) A financially responsible person has offered financial assistance (through subsidy or purchase) to enable the rail service to be continued; and (2) it is likely that the assistance would fully compensate the railroad.

Any financial assistance offer must be filed with the Commission and the applicant no later than 10 days from publication of this Notice. The following notation shall be typed in bold face on the lower left-hand corner of the envelope containing the offer: "Rail Section, AB–OFA". Any offer previously made must be remade within this 10-day period.

Information and procedures regarding financial assistance for continued rail service are contained in 49 U.S.C. 10905 and 49 CFR Part 1152.

Kathleen M. King,

Acting Secretary.

[FR Doc. 85–10173 Filed 4–25–85; 8:45 am]

BILLING CODE 7035–01–M

DEPARTMENT OF JUSTICE

Lodging of Consent Decree Pursuant to the Clean Water Act

In accordance with Departmental policy, 28 CFR 50.7, notice is hereby given that on April 9, 1985 a proposed Consent Decree in *United States* v. *Plastics Universal Corporation, et al.*, Civil Action No. 84–183 was lodged with the United States District Court for the Eastern District of Kentucky. The Amended Compliant filed by the United States alleged violations of the Clean Water Act by Plastics Universal Corporation, a wholly owned subsidiary of Adams Resources and Energy Inc., for discharging pollutants during mining operations from point sources located in Bell and Knox Counties, Kentucky into Little Poplar Creek and Stinking Creek, tributaries of the Cumberland River. The Amended Complaint sought injunctive relief to permanently enjoin defendants from discharging without a permit and civil penalties for past violations of NPDES Permits and Section 301 of the Act, 33 U.S.C. 1311. The proposed Consent Decree requires the defendants to comply with effluent limitations and monitoring requirements required by 40 CFR 434.32 for discharges from all point sources in post-mining areas covered under two (2) NPDES permits until release of reclamation, grading or performance bonds by the Commonwealth of Kentucky. In addition effluent limitations and monitoring requirements established in the previously issued NPDES permits must be complied with for discharges from point sources associated with active mining operations. Plastics Universal Corporation and Adams Resources and Energy, Inc. are required to pay a civil penalty of $50,000 in settlement of the government's civil penalty claims. Stipulated penalties are provided for non-compliance with the terms and conditions of the Consent Decree.

The Department of Justice will receive for a period of thirty (30) days from the date of publication of this notice comments relating to the proposed Consent Decree. Comments should be addressed to the Assistant Attorney General, Land and Natural Resources Division, Department of Justice, Washington, D.C. 20530, and should refer to *United States* v. *Plastics Universal Corporation, et al.*, D.J. Ref. 90–1–1–2022.

The proposed Consent Decree may be examined at the Office of the United States Attorney, 326 Federal Building, Limestone and Barr Streets, Lexington, Kentucky 40507, the Region IV Office of the Environmental Protection Agency, 345 Courtland Street NE., Atlanta, Georgia 30365 and at the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice, Room 1515, 10th and Pennsylvania Avenue NW., Washington, D.C. 20530. A copy of the proposed Consent Decree may be obtained in person or by mail from the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice. In requesting a copy, please refer to *United States* v. *Plastics Universal Corporation, et al.*, D.J. Ref. 90–5–1–1–2022.

F. Henry Habicht II,

Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 85–10177 Filed 4–25–85; 8:45 am]

BILLING CODE 4410–01–M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA-W-15,534]

Asarco, Inc., Tacoma Smelter, Tacoma, WA; Revised Determination on Reconsideration

On March 28, 1985 the Department made an Affirmative Determination Regarding Application for Reconsideration for workers and former workers producing blister copper at the Tacoma, Washington Smelter of Asarco, Inc. This determination was published in the **Federal Register** on April 9, 1985 (50 FR 14034).

The United Steelworkers' application for reconsideration claims that the company's refinery at Amarillo, Texas, the end user of all of Tacoma's production of blister copper, imported blister copper.

The reconsideration findings showed that the Amarillo refinery imported blister copper. The Tacoma smelter was the only smelter of the company that shipped blister copper to Amarillo in 1984. Amarillo initiated the use of imported blister copper in 1984 in volumes that exceeded the decline in Tacoma shipments and that were important relative to Tacoma shipments of blister copper in 1984.

The Tacoma plant ceased all production of blister copper in March 1985 when all production workers were laid off.

Conclusion

After careful review of the facts obtained on reconsideration. It is concluded that increased imports of articles like or directly competitive with blister copper produced at the Tacoma, Washington smelter of Asarco, Inc., contributed importantly to the decline in sales and production of blister copper and to the total or partial separation of workers and former workers at Asarco's smelter in Tacoma, Washington. In accordance with the provisions of the Trade Act of 1974, I make the following revised determination:

All workers of the Asarco Inc., Tacoma smelter, Tacoma, Washington who became totally or partially separated from employment on or after October 25, 1983 are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

Signed at Washington, D.C., this 18th day of April 1985.

Harold A. Bratt,

Deputy Director, Office of Program Management, UIS.

[FR Doc. 85-10182 Filed 4-25-85; 8:45 am]

BILLING CODE 4510-30-M

[TA-W-15, 741]

AT&T Consumer Products, AT&T Technologies, Inc., Indianapolis, IN; Termination of Investigation

Pursuant to section 221 of the Trade Act of 1974, an investigation was initiated on February 19, 1985 in response to a worker petition received on January 8, 1985, which was filed by the International Brotherhood of Electrical Workers, Local No. 1504 on behalf of workers at AT&T Consumer Products, AT&T Technologies, Inc., Indianapolis, Indiana.

An active certification covering the petitioning group of workers remains in effect (TA-W-15,063). Consequently, further investigation in this case would serve no purpose, and the investigation has been terminated.

Signed at Washington, D.C., this 18th day of April 1985.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 85-10180 Filed 4-25-85; 8:45 am]

BILLING CODE 4510-30-M

Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents summaries of determinations regarding eligibility to apply for adjustment assistance issued during the period April 15, 1985–April 19, 1985.

In order for an affirmative determination to be made and a certification of eligibility to apply for adjustment assistance to be issued, each of the group eligibility requirements of section 222 of the Act must be met.

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated,

(2) That sales or production, or both, of the firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Negative Determinations

In each of the following cases the investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separation at the firm.

TA-W-15, 729; AMEDCO Casket Hardware, Connersville, IN

In the following cases the investigation revealed that criterion (3) has not been met for the reasons specified.

TA-W-15,710; Crown Zellebach Corp., Chimacum Creek Div., Northwest Managed Forest, Port Angeles, WA

Sales declines experienced by the subject firm were attributable to losses in export sales.

TA-W-15,721; Fafnir Bearings, Newington, CT

Separations of workers producing ball bearings from the subject firm resulted from a transfer of production to another domestic facility.

The investigation revealed that criterion (2) has not been met for workers producing roller bearings. Sales and production did not decrease as required for certification.

TA-W-15,722; Fafnir Bearings, New Britain, CT

Separations of workers producing ball bearings from the subject firm resulted from a transfer of production to another domestic facility.

The investigation revealed that criterion (2) has not been met for workers producing roller bearings. Sales and production did not decrease as required for certification.

Affirmative Determinations

TA-W-15,725; Rajah Ventures, Limited, Grand Junction, CO

A certification was issued covering all workers of the firm separated on or after Janaury 4, 1984 and before December 31, 1984.

TA-W-15,711; Extracorporal, Inc., A Johnson & Johnson Co., Norristown, PA

A certification was issued covering all workers separated on or after December 18, 1983 and before February 1, 1985.

TA-W-15,716; Mayr Brothers Logging Co., Hoquiam, WA

A certification was issued covering all workers separated on or before December 28, 1983.

TA-W-15,708; Phelps Dodge Corp., Morenci Branch Smelter, Morenci, AZ

A certification was issued covering all workers separated on or after December 1, 1984 and before February 28, 1985.

TA-W-15,724; Quoddy Manufacturing, Auburn, ME

A certification was issued covering all workers of the firm separated on or after December 27, 1983.

TA–W–15,731; B–W Footwear Co., Inc., East Corinth, ME

A certification was issued covering all workers of the firm separated on or after January 18, 1984 and before February 28, 1985.

TA–W–15,726; Roytype, Division of Triumph-Adler Co., Newington, CT

A certification was issued covering all workers of the firm engaged in employment related to the assembly of ribbon cartridges separated on or after March 31, 1984.

I hereby certify that the aforementioned determinations were issued during the period April 15, 1985–April 19, 1985. Copies of these determinations are available for inspection in Room 6434, U.S. Department of Labor, 601 D Street, N.W., Washington, D.C. during normal business hours or will be mailed to persons who write to the above address.

Dated: April 23, 1985.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 85–10183 Filed 4–25–85; 8:45 am]

BILLING CODE 4510–30–M

Office of the Secretary

Agency Forms Under Review by the Office of Management and Budget (OMB)

Background

The Department of Labor, in carrying out its responsibility under the Paperwork Reduction Act (44 U.S.C. Chapter 35), considers comments on the proposed forms and recordkeeping requirements that will affect the public.

List of Forms Under Review

On each Tuesday and/or Friday, as necessary, the Department of Labor will publish a list of the Agency forms under review by the Office of Management and Budget (OMB) since the last list was published. The list will have all entries grouped into new collections, revisions, extensions, or reinstatements. The Departmental Clearance Officer will, upon request, be able to advise members of the public of the nature of any particular revision they are interested in.

Each entry will contain the following information:

The Agency of the Department issuing this form.

The title of the form.

The OMB and Agency form numbers, if applicable.

How often the form must be filled out.

Who will be required to or asked to report.

Whether small businesses or organizations are affected.

An estimate of the number of responses.

An estimate of the total number of hours needed to fill out the form.

The number of forms in the request for approval.

An abstract describing the need for and uses of the information collection.

Comments and Questions

Copies of the proposed forms and supporting documents may be obtained by calling the Departmental Clearance Officer, Paul E. Larson, Telephone 202–523–6331. Comments and questions about the items on this list should be directed to Mr. Larson, Office of Information Management, U.S. Department of Labor, 200 Constitution Avenue, N.W., Room S–5526, Washington, D.C. 20210. Comments should also be sent to the OMB reviewer, Arnold Strasser, Telephone 202–395–6880, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 3208, NEOB, Washington, D.C. 20503.

Any member of the public who wants to comment on a form which has been submitted to OMB should advise Mr. Larson of this intent at the earliest possible date.

Revision

Bureau of Labor Statstics
CPI Commodities and Services Data Collection Forms
1220–0039; BLS 3400, BLS 3400A, BLS 3400B, BLS 3400C, BLS 3401
Monthly or bimonthly
State or local governments; Businesses or other for-profit; Non-profit institutions; Small businesses or organizations
239,600 responses; 74,507 hours; 5 forms

The Consumer Price Index (CPI) is the nation's leading measure of inflation at the retail level. It is widely used to measure the success of national economic policy and to escalate federal and private payments of many kinds. The Commodities and Services Survey provides the measure of price change for about 80 percent of the CPI. As part of a planned 1987 revision of the CPI, the Bureau of Labor Statistics (BLS) has reformatted the data collection forms to improve the data collection and data capture processes. In addition to the item description and price data that are currently collected, BLS has added questions about item-specific sales tax rates to the forms.

Extension

Employment Standards Administration
Statement of Earnings
1215–0148; WH–501 and WH–501A
On occasion
Individuals or households; Farms; Businesses or other for-profit; Small businesses or organizations
2,000,000 responses; 16,666 hours; 2 forms

The Migrant and Seasonal Agricultural Worker Protection Act requires each farm labor contractor, agriculture employer and agricultural association which employs any migrant or seasonal agricultural worker to make and keep for each worker during each pay period specific payroll information and to provide a written copy to each worker and to each person to whom the worker was furnished.

Extension

Employment and Training Administration
1205–0222; ET Handbook No. 365
Annually
State or local governments
53 Respondents; 25,485 Hours; 22 forms

State Employment Security Agencies (SESAs) use the UI Quality Appraisal annually to assess the accuracy and timeliness of UI operations. Results are used to determine which areas need to be addressed via corrective actions plans in the States' annual Program Budget Plan (PBP).

Signed at Washington, D.C., this 23rd day of April 1985.

Paul E. Larson,

Departmental Clearance Officer.

[FR Doc. 85–10184 Filed 4–25–85; 8:45 am]

BILLING CODE 4510–24–M

INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES AND MEXICO

Proposed Recommendations to the Two Governments for First Stage Treatment and Disposal Facilities for Solution of the Border Sanitation Problem at Tijuana, B.C. and San Diego, CA

AGENCY: United States Section, International Boundary and Water Commission, United States and Mexico.

ACTION: Notice of finding of no significant impact.

SUMMARY: Based on an environmental assessment, the United States Section finds that the proposed action to enter

into an agreement to solve the border sanitation problem in the Tijuana-San Diego area is not a major Federal action that would significantly affect the quality of the human environment. Rather it would be an improvement to the quality of the environment. Therefore, pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Final Regulations (40 CFR Part 1500); and the United States Section Operational Procedures for Implementing Section 102 of NEPA, published in the **Federal Register** September 2, 1981 (46 FR 44083); the U.S. Section gives notice that an environmental impact statement is not being prepared for the Government of the United States to enter into an agreement with the Government of Mexico, through the International Boundary and Water Commission, to solve the border sanitation problem in the Tijuana-San Diego area.

FOR FURTHER INFORMATION CONTACT:
M.R. Ybarra, Secretary of the United States Section, International Boundary and Water Commission, United States and Mexico, United States Section; 4110 Rio Bravo; El Paso, Texas 79902. Telephone: (915) 541–7308, FTS 572–7308.

SUPPLEMENTARY INFORMATION:

Proposed Action

It is proposed that the Government of the United States enter into an agreement with the Government of Mexico, through the International Boundary and Water Commission, to provide that Mexico construct in its territory adequate first stage treatment and disposal facilities for the City of Tijuana, Baja California and operate and maintain the facilities in such manner that there are no discharges of untreated domestic and industrial waters crossing the boundary into the United States.

The recommendations for the proposed agreement relate to the first stage facilities plan proposed by Mexico for construction, operation and maintenance in its territory for treatment and disposal of 34 million gallons per day of sewage from the City of Tijuana. The first stage facilities plan provides for a pumping plant, conveyance system, treatment facility, and an outfall to the Pacific Ocean 5.6 miles south of the international boundary.

Alternatives Considered

Three alternatives were considered:

The Proposed Action Alternative provides for Mexico to construct, operate and maintain sewage treatment in its territory for treatment and disposal of sewage from the City of Tijuana with assurances that there are no discharges of untreated domestic and industrial waters crossing the boundary into the United States.

An alternative of constructing a joint international wastewater treatment plant in the United States near the boundary was proposed by the United States and considered by Mexico. However, for internal reasons Mexico decided against the joint international plant and instead adopted a plan for treatment and disposal works in Mexico.

Under the No Action Alternative, Mexico would be expected to complete construction and put into operation its first stage sewage disposal works for discharges to the ocean without any assurance that Mexico will build, operate and maintain sewage treatment facilities prior to ocean discharge in such a manner that will prevent pollution into the United States.

Environmental Assessment

The United States Section prepared an environmental assessment on April 10, 1985.

Findings of the Environmental Assessment

The environmental assessment finds that:

1. The agreement would assure, to the extent possible, the prevention of discharges of untreated sewage into the United States and the attendant health hazards and odors associated with raw sewage that have occurred in the south San Diego area.

2. The well-being of citizens of both countries living and traveling in the Tijuana-San Diego area would be improved.

3. The quality of the surf water at the international boundary would be maintained to comply with California standards for primary contact recreation and should result in allowing greater use of beaches along the coast without health risks.

4. The prevention of beach quarantines, as have occurred, would have the positive economic impact of reviving businesses in the beach communities.

5. The water in the Tijuana River estuary would not be polluted by sewage overflows, as have occurred, thereby permitting the full range of uses anticipated in that National Estuarine Sanctuary as well as the adjacent Tijuana Slough National Wildlife Refuge.

6. There would be prevented the adverse impacts, as have occurred, on critical habitat in the area, affecting species on the endangered species list, and the improved water quality would benefit all area wildlife.

7. The construction of the works, wholly in Mexico, would not affect any archeological or historical sites in the United States territory now on, or proposed for nomination to, the National Register of Historical Places.

8. Therefore, the proposed action to enter into an agreement to solve the border sanitation problem in the Tijuana-San Diego area is not a major federal action that would significantly affect the quality of the human environment.

On the basis of the foregoing and the environmental assessment, the United States Section determines that an environmental impact statement is not required for the Government of the United States to enter into an agreement with the Government of Mexico to solve the border sanitation problem in the Tijuana-San Diego area and hereby provides notice of a finding of no significant impact.

The Finding of No Significant Impact (FONSI) and Final Environmental Assessment (FEA) have been forwarded to the Environmental Protection Agency and to various governmental and non-governmental entities. A limited number of copies of the FONSI and FEA are available for single copy requests at the above address.

Dated: April 18, 1985.

J. F. Friedkin,

Commissioner.

[FR Doc. 85–10185 Filed 4–25–85; 8:45 am]

BILLING CODE 4710–03–M

NATIONAL SCIENCE FOUNDATION

Advisory Committee for International Programs; Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92–463, the National Science Foundation announces the following meeting:

Name: Advisory Committee for International Programs.

Dates: May 13, 1985, 10:30 a.m. to 5:00 p.m.; May 14, 1985, 9:00 a.m. to 2:00 p.m.

Place: National Science Foundation, 1800 G Street, NW., Washington, D.C.; May 13—Room 1141, May 14—Room 543.

Type of meeting: Open.

Contact person: Dr. Bodo Bartocha, Director, Division of International Programs, National Science Foundation, Washington, D.C. 20550. Telephone (202) 357–9552.

Summary of minutes: May be obtained from contact person.

Purpose of meeting: To provide advice, recommendations, and oversight related to

support for international cooperation in science and engineering.

Agenda

May 13: Consideration of aspects of science, engineering, and foreign policy with speakers from the Department of State and the American Enterprise Institute; discussion of possible future role and organization of international activities.

May 14: STIA and INT program report. Committee discussion and possible recommendations.

M. Rebecca Winkler,

Committee Management Officer.

April 23, 1985.

[FR Doc. 85–10162 Filed 4–25–85; 8:45 am]

BILLING CODE 7555-01-M

Advisory Committee for Ocean Sciences (ACOS); Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92–463, as amended, the National Science Foundation announces the following meeting:

Name: Advisory Committee for Ocean Sciences (ACOS).

Date and time: May 23, 24, 1985—9:00 A.M. to 5:00 P.M. each day.

Place: Room 351, National Academy of Sciences, 21st and Pennsylvania Avenue, NW., Washington. DC.

Type of meeting: Open.

Contact person: Dr. M. Grant Gross, Director, Division of Ocean Sciences Room 609, National Science Foundation, Washington, DC. Telephone: (202) 3357–9639.

Summary minutes: May be obtained from the contact person.

Purpose of committee: To provide advice and recommendations concerning oceanographic research and its support by the NSF Division of Ocean Sciences.

Agenda

The Committee will hold morning and afternoon Sessions on both days following opening remarks and introductions. The Committee will hear briefings and status reports of current topical interest from various officials and representatives from NSF, other Governmental Departments and Agencies, and other organizations active in ocean science matters. The Commitee will also hear reports from several Subcommittees and reflect upon a proper course of action based on the information presented. The Committee will also discuss the current status and future directions of the draft Long-Range Plan for Ocean Sciences, and formulate appropriate guidance and direction for the continuing planning process. The Committee guidance also conduct necessary administrative functions in accordance with established practice with respect to approval of the minutes of the previous meeting determination of the time and place of the next meeting; as well as any other appropriate business.

M. Rebecca Winker,

Committee Management Officer.

April 23, 1985.

[FR Doc. 85–10161 Filed 4–25–85; 8:45 am]

BILLING CODE 7555-01-M

Advisory Panel for Cell Biology; Meeting

In accordance with the Federal Advisory Committee Act, as amended, Pub. L. 92–463, the National Science Foundation announces the following meeting:

Name: Advisory Panel for Cell Biology.

Date and time: May 13, 14 and 15, 1985—8:30 a.m. to 5:00 p.m. each day.

Place: Room 1242A, National Science Foundation, 1800 G Street, NW., Washington, DC 20550.

Type of meeting: Closed.

Contact person: Antonio H. Romano, Program Director, Cell Biology Program, Room 232, National Science Foundation, Washington, DC 20550. Telephone 202/357–7474.

Purpose of advisory panel: To provide advice and recommendations concerning support for research in cell biology.

Agenda: To review and evaluate research proposals as part of the selection process for awards.

Reason for closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b (c), Government in the Sunshine Act.

Authority to close meeting: This determination was made by the Committee Management Officer pursuant to provisions of section 10(d) of Pub. L. 92–463. The Committee Management Officer was delegated the authority to make such determinations by the Director, NSF, on July 6, 1979.

M. Rebecca Winkler,

Committee Management Officer.

April 23, 1985.

[FR Doc. 85–10160 Filed 4–25–85; 8:45 am]

BILLING CODE 7555-01-M

Advisory Panel for Geography and Regional Science; Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92–463, as amended, the National Science Foundation announces the following meeting:

Name: Advisory Panel for Geography and Regional Science.

Date/time: May 13, 1985—8:30 a.m. to 5:00 p.m., Closed; May 14, 1985—8:30 a.m. to 5:00 p.m., Closed.

Place: National Science Foundation, 1800 G St., NW (Rm. 628), Washington, DC 20550.

Type of meeting: Closed.

Contact person: Dr. Ronald F. Abler, Director, Geography and Regional Science, National Science Foundation, Washington, DC 20550, Room 312, Phone (202)357–7326.

Purpose of advisory panel: To provide advice and recommendations concerning research in Regulation and Policy Analysis.

Agenda: To review and evaluate research proposals as part of the selection process for awards.

Reason for closing: The proposals being reviewed include information of a proprietary of confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

Authority to close meeting: This determination was made by the Committee Management Officer pursuant to provisions of section 10(d) of Pub. L. 92–463. The Committee Management Officer was delegated the authority to make such determinations by the Director, NSF on July 6, 1979.

M. Rebecca Winkler,

Committee Management Officer.

April 23, 1985.

[FR Doc. 85–10163 Filed 4–25–85; 8:45 am]

BILLING CODE 7555-01-M

Advisory Panel for Memory and Cognitive Processes; Meeting:

In accordance with the Federal Advisory Committee Act, Pub. L. 92–463, the National Science Foundation announces the following meeting.

Name: Advisory Panel for Memory and Cognitive Processes.

Date and time: May 15–17, 1984: 9:00 a.m.–5:00 p.m. each day.

Place: National Science Foundation, 1800 G St., NW., Washington, D.C. 20550, Room 1141.

Type of meeting: Part open.

Closed—5/15 and 5/17 9:00 a.m. to 5:00 p.m. and 5/16 9:00 a.m. to 10:00 a.m. and 1:00 p.m. to 5:00 p.m.

Open—5/16 10:00 a.m. to 12:00 noon.

Contact person: Dr. Joseph L. Young, Program Director, Memory and Cognitive Processes Program, Room 320, National Science Foundation, Washington, D.C. 20550, telephone (202) 357–9898.

Summary minutes: May be obtained from the Contact Person at the above stated address.

Purpose of meeting: To provide advice and recommendations concerning support for research in memory and cognitive processes.

Agenda: Open—General discussion of the current status and future plans of the Memory and Cognitive Processes Program.

Closed—To review and evaluate research proposals as part of the selection process for awards.

Reason for closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

Authority to close meeting: This determination was made by the Committee Management Officer pursuant to provisions of section 10(d) of Pub. L. 92–463. The Committee Management Officer was delegated the authority to make such determinations by the Director, NSF, on July 6, 1979.

M. Rebecca Winkler,

Committee Management Officer.

April 23, 1985.

[FR Doc. 85–10158 Filed 4–25–85; 8:45 am]

BILLING CODE 7555-01-M

Advisory Panel for Developmental Biology; Meeting

In accordance with the Federal Advisory Committee Act, as amended, Pub. L. 92–463, the National Science Foundation announces the following meeting:

Name: Advisory Panel for Developmental Biology.

Date and time: May 16, 17, 18, 1985, starting at 8:30 A.M., to 5:00 P.M.

Place: Room 1242, National Science Foundation, 1800 G Street, NW., Washington, D.C. 20550.

Type of meeting: Closed.

Contact person: Dr. Donald E. Fosket, Program Director, Developmental Biology Program; Room 332–H, National Science Foundation, Washington, D.C., 20550. Telephone: 202/357–7989.

Purpose of advisory panel: To provide advice and recommendations concerning support of research in developmental biology.

Agenda: To review and evaluate research proposals as part of the selection process for awards.

Reason for closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries, and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

Authority to close meeting: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of Pub. L. 92–463. The Committee Management Officer was delegated the authority to make determinations by the Director, NSF, on July 6, 1979.

M. Rebecca Winkler,

Committee Management Officer.

April 23, 1985.

[FR Doc. 85–10159 Filed 4–25–85; 8:45 am]

BILLING CODE 7555-01-M

NUCLEAR REGULATORY COMMISSION

General Public Utilities Nuclear Corp.; Environmental Assessment and Notice of Finding of No Significant Environmental Impact

[Docket No. 50320]

The U.S. Nuclear Regulatory Commission (the Commission) is planning to issue an Amendment of Order to Facility Operating License No. DPR–73, issued to General Public Utilities Nuclear Corporation (the licensee), for operation of the Three Mile Island Nuclear Station, Unit 2 (TMI–2), located in Londonderry Township, Dauphin County, Pennsylvania.

Environmental Assessment

Identification of Proposed Action: The action being considered by the Commission is an Amendment of the Director of Nuclear Reactor Regulation's Order dated February 11, 1980.

This Amendment of Order is being issued in response to General Public Utilities Nuclear Corporation's (GPUNC) letter dated February 15, 1985.

The Need for the Action: The Amendment of Order is warranted because of the need to modify the Proposed Technical Specifications (PTS) for future recovery operations at TMI–2. The types of actions to be taken include an increase in the minimum required boron concentration in the RCS; the addition of boron concentration requirements in the Spent Fuel Storage Pool "A" and the Fuel Transfer Canal; the addition of water level and water level monitoring requirements in the Spent Fuel Storage Pool "A" and the Fuel Transfer Canal; and limiting heavy load travel over canisters containing core material.

Environmental Impacts of the Proposed Actions: The staff has evaluated the PTS modifications proposed by the Amendment of Order and concluded that it will not result in significant increases in airborne or liquid radioactivity inside the reactor building or in corresponding releases to the environment. There are also no non-radiological impacts to the environment as a result of these actions.

Alternative to this Action: Since we have concluded that there is no significant environmental impact associated with the subject Amendment of Order, any alternatives to these changes will have either no significant environmental impact or greater environmental impact. The principal alternative would be to deny the requested actions. This would not reduce significant environmental impacts of plant operations and would resut in the application of overly restrictive regulatory requirements when considering the unique conditions at TMI–2.

Agencies and Persons Consulted: The NRC staff reviewed the licensee's request and did not consult other agencies or persons.

Alternate Use of Resources: This action does not involve the use of resources not previously considered in connection with the Final Programmatic Impact Statement for TMI–2 dated March 1981.

Finding of No Significant Impact: The Commission has determined not to prepare an environmental impact statement for the subject Amendment of Order. Based upon the foregoing environmental assessment, we conclude that this action will not have a significant effect on the quality of the human environment.

For further details with respect to this action see (1) Letter to B.J. Snyder, USNRC, from F.R. Standerfer, GPUNC, Technical Sepcification Change Request No. 47, dated February 15, 1985; and (2) the Director's Order of February 11, 1980.

All of the above documents are available for inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, DC, and at the Commission's Local Public Document Room at the State Library of Pennsylvania, Government Publications Section, Education Building, Commonwealth and Walnut Streets, Harrisburg, Pennsylvania 17126.

For the Nuclear Regulatory Commission.

Bernard J. Snyder,

Program Director, Three Mile Island Program Office, Office of Nuclear Reactor Regulation.

April 23, 1985

[FR Doc. 85–10189 Filed 4–25–85; 8:45 am]

BUILDING CODE 7590-01-M

[Docket No. 50–320]

General Public Utilities Nuclear Corp. (Three Mile Island Nuclear Station, Unit 2); Amendment of Order

I

GPU Nuclear Corporation, Metropolitan Edison Company, Jersey Central Power and Light Company and Pennsylvania Electric Company (collectively, the licensee) are the holders of Facility Operating License No. DPR–73, which had authorized operation of the Three Mile Island Nuclear Station, Unit 2 (TMI–2) at power levels up to 2772 megawatts thermal. The facility, which is located in

Londonderry Township, Dauphin County, Pennsylvania, is a pressurized water reactor previously used for the commercial generation of electricity.

II

By Order for Modification of License, dated July 20, 1979, the licensee's authority to operate the facility was suspended and the licensee's authority was limited to maintenance of the facility in the present shutdown cooling mode (44 F.R. 45271). By further Order of the Director, Office of Nuclear Reactor Regulation, dated February 11, 1980, a new set of formal license requirements was imposed to reflect the post-accident condition of the facility and to assure the continued maintenance of the current safe, stable, long-term cooling condition of the facility (45 F.R. 11292).

Although these requirements were imposed on the licensee by an Order of the Director of Nuclear Reactor Regulation, dated February 11, 1980, the TMI–2 license has not been formally amended. The requirements are reflected in the Recovery Mode Proposed Technical Specifications (PTS) presently pending before the Atomic Safety and Licensing Board. The revisions that are the subject of this order do not give the licensee authorizations that may be needed to undertake specific cleanup activities. These activities will require separate consideration by the staff per Section 6.8.2 of the PTS, individual staff safety evaluations and/or licensing actions as appropriate. Hereafter in this Amendment of Order, the requirements in question are identified by the applicable Proposed Technical Specification.

III

By letter dated February 15, 1985, GPU Nuclear Corporation (GPUNC) proposed changes to the Proposed Technical Specifications (PTS) for Three Mile Island Unit 2.

The licensee proposed to increase the minimum boron concentration in the Reactor Coolant System (RCS) from 3500 ppm to 4350 ppm to insure that for any conceivable core configuration an adequate shutdown margin below criticality is maintained. The licensee also requested the application of minimum and maximum boron concentration limits to the Spent Fuel Storage Pool "A" (SFSPA) and the Fuel Transfer Canal (FTC) of 4350 and 6000 ppm, respectively. In case the water inventories of the RCS, the FTC and the SFSPA communicated because of a leak or valve misalignment, the possibility of boron dilution of any of these water volumes would be minimized.

The licensee also proposed the addition to the PTS of water level and water level monitoring requirements for the SFSPA and FTC. These requirements would ensure adequate water shielding above fuel canisters. Specific levels will be stated in plant procedures approved by the NRC.

In addition, GPUNC proposed additional load handling requirements for the Fuel Handling Building that would preclude heavy load travel over a fuel canister unless a load drop analysis and associated procedures have been approved by the NRC. Per discussions with GPU, the staff added a requirement that the associated load drop Safety Evaluation be formally submitted to the NRC for approval.

The staff has also added per discussions with the licensee, definitions for Licensed Operator, Senior Licensed Operator and Fuel Handling Senior Reactor Operator.

The associated bases were also modified as requested by the licensee to reflect the above PTS changes.

Other changes proposed by the licensee were applicable to the Recovery Operations Plan (ROP) and are addressed in separate correspondence. Based on discussions herein and those in the attached Safety Evaluation, the staff concurs with the licensee's proposed changes. Minor modifications to the licensee's changes have been made by the staff and concurred with by the licensee as discussed above.

The staff's safety assessment of this matter as discussed above is set forth in the concurrently issued Safety Evaluation. Since the February 11, 1980 Order imposing the Proposed Technical Specifications is currently pending before the Atomic Safety and Licensing Board, the staff will be advising the Licensing Board of this Amendment of Order through a Notice of Issuance of Amendment of Order and a Motion to Conform Proposed Technical Specifications in Accordance Herewith.

It is further determined that the modification does not authorize a change in effluent types or total amounts nor an increase in power level and will not result in any significant environmental impact. In light of this determination and as reflected in the Environmental Assessment and Notice of Finding of No Significant Environmental Impact prepared pursuant to 10 CFR 51.2 and 51.30 through 51.32 issued concurrently herewith, it was concluded that the action is insignificant from the standpoint of environmental impact and that an environmental impact statement need not be prepared.

IV

Accordingly, pursuant to the Atomic Energy Act of 1954, as amended, the Director's Order of February 11, 1980, is hereby revised to incorporate the deletions, additions, and modifications set forth in Enclosure 3 hereto. This Amendment of Order shall be effective on April 30, 1985.

For further details with respect to this action, see (1) Letter to B. J. Snyder, USNRC, from F. R. Standerfer, GPUNC, Technical Specification Change Request 47, Recovery Operations Plan Change Request 27 and (2) the Director's Order of February 11, 1980.

All the above documents are available for inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, DC, and at the Commission's Local Public Document Room at the State Library of Pennsylvania, Government Publications Section, Education Building, Commonwealth and Walnut Streets, Harrisburg, Pennsylvania 17126.

Effective Date: May 31, 1985.

Dated at Bethesda, Maryland.

Issuance Date: April 23, 1985.

For the Nuclear Regulatory Commission.

Harold R. Denton,

Director, Office of Nuclear Reactor Regulation.

[FR Doc. 85–10190 Filed 4–25–85; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–323]

Pacific Gas and Electric Co.; Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an exemption from Paragraph III.D.2(b)(ii) of 10 CFR Part 50, Appendix J to Pacific Gas & Electric Company (the applicant). The applicant has applied for a facility operating license for operation of the Diablo Canyon Power Plant, Unit 2 (the facility). This facility is a pressurized water reactor located in San Luis Obispo County, California.

Environmental Assessment

Identification of Proposed Action: The applicant proposed to perform a full pressure air lock test after cold

shutdown only when maintenance is performed on the air lock which could affect the air lock sealing capability and to subsitute the seal leakage test of Paragraph III.D.2(b)(iii) of Appendix J for the full pressure test after cold shutdown.

The Need for the Proposed Action: Without the proposed action, either a cumbersome test method must be used or a major design change would be required in order to perform the full pressure air lock test. If an air lock is opened during Mode 5 or 6, paragraph III.D.2(b)(ii) of Appendix J requires that an overall air lock leakage test at not less than P_a (full pressure test) be conducted prior to plant heatup and startup (i.e., entering Mode 4). The existing air lock doors are so designed that a full pressure of P_a (47.0 psig) test of an entire air lock can only be performed after strong backs (structural bracing) have been installed on the inner door. Strong backs are needed since the pressure exerted on the inner door during the test is in a direction opposite to that of the accident pressure direction. Installing strong backs, performing the test, and removing strong backs, requires several hours per air lock, during which access through the air lock is prohibited.

Environmental Impacts of the Proposed Action: There are no environmental impacts of the proposed action. Whenever the plant is in cold shutdown (Mode 5) or refueling (Mode 6), containment integrity is not required. If the periodic 6-month test of paragraph III.D.2.(b)(i) of Appendix J and the seal test required by paragraph III.D.2(b)(iii) of Appendix J are current, no maintenance has been performed on the air lock that could affect its sealing capability, and the air lock is properly sealed, there is no reason to expect the air lock to leak excessively, even though it has been opened in Mode 5 or Mode 6. Moreover, the proposed exemption does not affect radiological plant effluents nor cause any significant occupational exposures. Thus, the Commission concludes that there are no significant radiological environmental impacts associated with this proposed exemption.

Accordingly, the staff concludes that the applicant's proposed approach of substituting a seal leakage test [as described in paragraph III.D.3(b)(iii)] for the full pressure test of paragraph III.D.2(b)(ii) of Appendix J is acceptable when no maintenance has been performed on an air lock that could affect its sealing capability. Whenever maintenance that could affect its sealing capability has been performed on the air lock, the requirements of paragraph III.D.2(b)(ii) of Appendix J must still be met by the applicant.

With regard to potential non-radiological impacts, the proposed exemption involves systems located entirely within the restricted area as defined in 10 CFR Part 20. It does not affect non-radiological plant effluents and has no other environmental impact. Therefore, the Commission concludes that there are no significant non-radiological environmental impacts associated with the proposed exemption.

Alternative to the Proposed Action: We have concluded that there is no measurable environmental impact associated with the proposed exemption. The principal alternative would be to deny the requested exemption. This would not reduce environmental impacts of the plant operation.

Alternative use of Resources: This action does not involve the use of resources not previously considered in connection with the "Final Environmental Statement Related to the Nuclear Generating Station Diabol Canyon, Units 1 & 2" dated May 1973 and its Addendum dated May 1976.

Agencies and Persons Consulted: The NRC staff reviewed the applicant's request and did not consult other agencies or persons.

Finding of no Significant Impact

The Commission has determined not to prepare an environmental impact statement for the proposed exemption.

Based upon the foregoing environmental assessment, we conclude that the proposed action will not have a significant effect on the quality of the human environment.

For further details with respect to this action, see Supplement 31 to the Safety Evaluation Report dated April 1985, which is available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at California Polytechnic State University Library, Documents and Maps Department, San Luis Obispo, California 92407.

Dated at Bethesda, Maryland, this 22nd day of April, 1985.

For the Nuclear Regulatory Commission.

Thomas M. Novak,

Assistant Director for Licensing, Division of Licensing.

[FR Doc. 85-10188 Filed 4-25-85; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-327 and 50-328]

Tennessee Valley Authority; Consideration of Issuance of Amendments to Facility Operating Licenses and Proposed No Significant Hazards Consideration Determination and Opportunity for Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of amendments to Facility Operating License Nos. DPR-77 and DPR-79, issued to Tennessee Valley Authority (the licensee), for operation of the Sequoyah Nuclear Plant, Units 1 and 2, located in Hamilton County, Tennessee.

On September 20, 1984, a notice of consideration of issuance of amendments was published on proposed changes to the Sequoyah Units 1 and 2 Physical Security Plan as requested in the licensee's letter dated June 13, 1984. The staff's preliminary views indicated that with the proposed changes, the requirements of 10 CFR Part 70 would remain satisfied. After discussions with the NRC staff, the licensee, by letter dated March 27, 1985, proposed compensatory measures to the system. In addition, the licensee has agreed to provide additional operational and test data to support their initial proposal of June 13, 1984, for the perimeter intrusion detection system. The staff will evaluate these data when available, and those from other sources, to determine the adequacy of the initially proposed system.

The staff now believes that the revised security plan with the compensatory measures satisfies the requirements of 10 CFR 73.55.

Before issuance of the proposed license amendments, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

The Commission has made a proposed determination that the amendment request involves no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendments would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from an accident previously evaluated; or (3) involve a significant reduction in a margin of safety.

The Commission has provided guidance concerning the application of these standards by providing certain examples (48 FR 14870) of actions likely

to involve no significant hazards consideration. One of the examples of actions likely to involve no significant hazards consideration relates to a change which either may result in some increase to the probability or consequences of a previously analyzed accident or may reduce in some way a safety margin, but where the results of the changes are clearly within all acceptable criteria with respect to the system or component specified in the Standard Review Plan. The proposed change involved here is similar to this example in that, although there is some reduction in security effectiveness, a change in being proposed for the implementation of the new security plan which would be a satisfactory alternative to the systems discussed in Regulatory Guide 5.44. Accordingly, the Commission has made an initial determination that the above change does not involve a significant hazards consideration.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination. The Commission will not normally made a final determination unless it receives a request for a hearing.

Comments should be addressed to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC. 20555, Attn: Docketing and Service Branch.

By May 28, 1985, the licensee may file a request for a hearing with respect to issuance of the amendments to the subject facility operating licenses and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written petition for leave to intervene. Request for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularly the interest of the petitioner in the proceeding and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter, and the bases for each contention set forth with reasonable specificity. Contentions shall be limited to matters within the scope of the amendment under consideration. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held.

If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

If the final determination is that the amendment involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

Normally, the Commission will not issue the amendment until the expiration of the 30-day notice period. However, should circumstances change during the notice period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 30-day notice period, provided that its final determination is that the amendment involves no significant hazards consideration. The final determination will consider all public and State comments received. Should the Commission take this action, it will publish a notice of issuance and provide for opportunity for a hearing after issuance. The Commission expects that the need to take this action will occur very infrequently.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at (800) 325–6000 (in Missouri (800) 342–6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to Elinor G. Adensam: petitioner's name and telephone number; date petition was mailed; plant name; and publication date and page number of the **Federal Register** notice. A copy of the petition should also be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to Herbert S. Sanger, Jr., Esq., General Counsel, Tennessee Valley Authority, 400 Commerce Avenue, E11B33, Knoxville, Tennessee 37902, attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the Atomic Safety and Licensing Board designated to rule on the petition and/or request, that the petitioner has made a substantial showing of good cause for the granting of a late petition and/or request. That determination will be based upon a balancing of the factors specified in 10 CFR 2.714(a)(1) (i)–(v) and 2.714(d).

For further details with respect to this action, see the application for amendments which is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and at the Chattanooga-Hamilton County Bicentennial Library, 1001 Broad Street, Chattanooga, Tennessee 37401.

Dated at Bethesda, Maryland, this 22nd day of April 1985.

For the Nuclear Regulatory Commission.

Elinor G. Adensam,

Chief, Licensing Branch No. 4, Division of Licensing.

[FR Doc. 85-10187 Filed 4-25-85; 8:35 am]

BILLING CODE 7590-01-M

SMALL BUSINESS ADMINISTRATION

Reporting and Recordkeeping Requirement Under OMB Review

ACTION: Notice of Reporting and Recordkeeping Requirement Submitted for OMB Review.

SUMMARY: Under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35), agencies are required to submit proposed reporting and recordkeeping requirement to OMB for review and approval, and to publish notice in the **Federal Register** that the agency has made such a submission.

DATE: Comments must be received on or before May 19, 1985. If you anticipate commenting on a submission but find that time to prepare will prevent you from submitting comments promptly, advise the OMB reviewer and the Agency Clearance Officer of your intent as early as possible before the comment deadline.

Copies: Copies of forms, request for clearance (S.F. 83), supporting statement, instructions, and other documents submitted to OMB for review may be obtained from the Agency Clearance Officer. Submit comments to the Agency Clearance Officer and the OMB Reviewer.

FOR FURTHER INFORMATION CONTACT:

Agency Clearance Officer: Elizabeth M. Zaic, Small Business Administration, 1441 L St., NW., Room 200, Washington, D.C. 20416, Telephone: (202) 653-8538

OMB reviewer: Kenneth B. Allen, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 3235, New Executive Office Building, Washington, D.C. 20503, Telephone: (202) 395-3785.

Information Collection Submitted for Review

Title: 13 CFR 112.9 and 113.5 of SBA's Nondiscrimination Rules and Regulations
Form Nos.: SBA 601, 652, and 793
Frequency: Recordkeeping as necessary
Description of Respondents: Recipients are required to keep records to enable SBA to do periodic on-site reviews
Annual Recordkeepers: 144,500
Annual Burden Hours: 11,000
Type of Request: Extension

Dated: April 19, 1985.

Elizabeth M. Zaic,

Chief, Information Resources Management Branch, Small Business Administration.

[FR Doc. 85-10142 Filed 4-25-85; 8:45 am]

BILLING CODE 8025-01-M

[License No. 05/05 0119]

Certco Capital Corp.; License Surrender

Notice is hereby given that Certco Capital Corporation, 6150 McKee Road, Madison, Wisconsin 53707, has surrendered its license to operate as a small business investment company under the Small Business Investment Act of 1958, as amended, (the Act). Certco Capital Corporation was licensed by the Small Business Administration on June 27, 1977.

Under the authority vested by the Act and pursuant to the regulations promulgated thereunder, the surrender was accepted on April 11, 1985, and accordingly, all rights, privileges and franchises derived therefrom have been terminated.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: April 19, 1985.

Robert G. Lineberry,

Deputy Associate Administrator for Investment.

[FR Doc. 85-10141 Filed 4-25-85; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF TRANSPORTATION

Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits; Week Ended April 12, 1985

Subpart Q Applications

The due date for answers, conforming application, or motions to modify scope are set forth below for each application. Following the answer period DOT may process the application by expedited procedures. Such procedures may consist of the adoption of a show-cause order, a tentative order, or in appropriate cases a final order without further proceedings.

Date filed	Docket No	Description
Apr. 17, 1985	43059	People Express Airlines, Inc., c/o Robert E. Cohn, Shaw, Pittman, Potts & Trowbridge, 1800 M Street, NW., Washington, D.C. 20036 Application of People Express Airlines, Inc. pursuant to section 401 of the Act and Subpart Q of the Regulations for a certificate of public convenience and necessity authorizing it to engage in scheduled foreign air transportation of persons, property and mail over the following routes: Between a point or points in the United States, and a point or points in Ireland (Shannon) Belgium, the Federal Republic of Germany, the Netherlands, Luxembourg, and Switzerland. Conforming Applications, Motions to Modify Scope and Answers may be filed by May 15, 1985
Apr. 19, 1985	43063	Eastern Air Lines, Inc., Miami International Airport, Miami, Florida 33148 Application of Eastern Air Lines, Inc. pursuant to section 401 of the Act and Subpart Q of the Regulations applies for amendment of its certificate of public convenience and necessity for Route 165 so as to authorize service between the terminal point Miami, Florida and the terminal point Madrid, Spain. Conforming Applications, Motions to Modify Scope and Answers may be filed by May 17, 1985.
Do	43064	Air Specialties Corp., d/b/a Total Air, c/o Robert E. Cohn, Shaw, Pittman, Potts and Trowbridge, 1800 M Street, NW., Washington, D.C. 20036. Application of Air Specialties Corp., d/b/a Total Air pursuant to Section 401 of the Act and Subpart Q of the Regulations requests issuance of a certificate of public convenience and necessity which would authorize it to engage in the interstate and overseas scheduled air transportation of passengers, property and mail between all points in the United States, its territories and possessions Conforming Applications, Motions to Modify Scope and Answers may be filed by May 17, 1985

Phyllis T. Kaylor,
Chief, Documentary Services Division.
[FR Doc. 85-10125 Filed 4-25-85; 8:45 am]
BILLING CODE 4910-62-M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Environmental Impact Statement; La Porte County, Porter County, City of Michigan City, IN

AGENCY: Federal Highway Administration (FHWA), DOT.
ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an environmental impact statement will be prepared for a proposed highway project located in LaPorte County, Porter County and the City of Michigan City, Indiana.

FOR FURTHER INFORMATION CONTACT: Mr. James E. Threlkeld, District Engineer, Federal Highway Administration, Federal Office Building, Room 254, 575 North Pennsylvania Street, Indianapolis, Indiana 46204, Phone (317) 269-7474.

SUPPLEMENTARY INFORMATION: The FHWA in cooperation with the Indiana Department of Highways (IDOH) will prepare an environmental impact statement (EIS) on a proposal to construct a 3.5 mile section of new 4-lane roadway between Interstate Route 94 and US Route 12 on the west side of Michigan City. The proposed roadway will be located within a 1.0 mile wide corridor generally following along and to the east of the LaPorte County-Porter County line. The proposed action will include a new interchange on Interstate Route 94 at the LaPorte County-Porter County line.

Completion of this proposed action will permit a direct south to north access from Interstate Route 94 to the planned East Unit Transit Center at the Indiana Dunes National Lakeshore. This proposed action will also improve access to the Lake Michigan recreational areas located within the Indiana Dunes National Lakeshore and in Michigan City. A reduction in traffic congestion along US Route 421 (Franklin Street) in Michigan City is also anticipated.

Various alternative alignments within the 1.0 mile by 3.5 mile corridor will be developed and evaluated in the EIS. Grade separation structures at the US Route 20 intersection and at three (3) railroad crossings will be considered. The evaluation of alternatives in the EIS will include a do-nothing action.

To ensure that the full range of issues related to this proposed action are addressed and that all significant issues are identified, those agencies, groups or individuals affected by or interested in the proposed action are invited to participate by sending their written comments to the FHWA. A formal Scoping Meeting will be held at 10:00 A.M., May 23, 1985, at the offices of the IDOH, Room 1201, State Office Building, 100 North Senate Avenue, Indianapolis, Indiana 46204. Public Information Meetings will be held during the early development phase of the proposed project. Dates and locations of such meetings will be advertised in newspapers having local distribution within the project area.

(Catalog of Federal Domestic Assistance Program No. 20.205 [Highway Research, Planning and Construction], the provisions of Executive Order 12372 regarding State and local inter-governmental review of Federal and Federally-assisted programs and projects apply to this program)

Issued on: April 18, 1985.

James E. Threlkeld,
District Engineer.
[FR Doc. 85-10084 Filed 4-25-85; 8:45 am]
BILLING CODE 4910-22-M

DEPARTMENT OF THE TREASURY

Customs Service

[T.D. 85-73]

Tuna Fish—Tariff-Rate Quota

The tariff-rate quota for the calendar year 1985, on tuna classifiable under item 112.30, tariff schedules of the United States (TSUS).

AGENCY: U.S. Customs Service, Department of the Treasury.
ACTION: Announcement of the quota quantity for tuna for Calendar Year 1985.

SUMMARY: Each year the tariff-rate quota for tuna fish described in item 112.30, TSUS, is based on the United States pack of canned tuna during the preceding calendar year.

EFFECTIVE DATES: The 1985 tariff-rate quota is applicable to tuna fish entered, or withdrawn from warehouse, for consumption during the period January 1, through December 31, 1985.

FOR FURTHER INFORMATION CONTACT: William J. Wagner, III, Head, Quota Section, General Programs Branch, Duty Assessment Division, Office of Commercial Operations, U.S. Customs Service, Washington, D.C. 20229 (202-566-8592).

It has now been determined that 97,495,800 pounds of tuna may be entered for consumption or withdrawn from warehouse for consumption during the Calendar Year 1985, at the rate of 6 percent ad valorem under item 112.30, TSUS. Any such tuna which is entered, or withdrawn from warehouse, for consumption during the current calendar year in excess of this quota will be dutiable at the rate of 12.5 percent ad valorem under item 112.34, TSUS.

Dated: April 23, 1985.

William von Raab,
Commissioner of Customs
[FR Doc. 85-10143 Filed 4-25-85; 8:45 am]
BILLING CODE 4820-02-M

Public Information Collection Requirements Submitted to OMB for Review

Dated: April 23, 1985.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB (listed by submitting bureau(s)), for review and clearance under the Paperwork Reduction Act of 1960, Pub. L. 96-511. Copies of these submissions may be obtained by calling the Treasury Bureau Clearance Officer listed under each bureau. Comments regarding these information collections should be addressed to the OMB reviewer listed at the end of each bureau's listing and to the Treasury Department Clearance Officer, Room 7221, 1201 Constitution Avenue, NW., Washington, D.C. 20220.

Internal Revenue Service

OMB Number: New
Form Number: IRS Form 8411
Type of Review: New
Title: Bounce-Back Cards for Theaters

OMB Number: 1545-0123
Form Number: IRS Form 1120, Schedules D and PH
Type of Review: Revision
Title: U.S. Corp. Income Tax Return, Capital Gains and Losses, Comp. of U.S. Pers. Holdings Co. Tax

OMB Number: 1545-0351
Form Number: IRS Forms 3975, 2333, 2333E, 2333EA, 2333R, 2333S, 2333T and 2333X
Type of Review: Revision
Title: Tax Practitioner Mailing File (TPMF) Order Fulfillment Program

Clearance Officer: Garrick Shear, (202) 566-6150, Room 5571, 1111 Constitution Avenue, NW., Washington, D.C. 20224
OMB Reviewer: Robert Neal, (202) 395-6880, Office of Management and Budget, Room 3208, New Executive

Office Building, Washington, D.C. 20503.

U.S. Customs Service

OMB Number: 1515–0042
Form Number: CF 4457
Type of Review: Extension
Title: Certificate of Registration for Personal Effects Taken Abroad
Clearance Officer: Vince Olive, (202) 566–9181, U.S. Customs Service, Room 2130, 1301 Constitution Avenue, NW., Washington, D.C. 20229
OMB Reviewer: Milo Sunderhauf, (202) 395–6880, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, D.C. 20503.

Joseph F. Maty,
Departmental Reports Management Office.

[FR Doc. 85–10117 Filed 4–25–85; 8:45 am]
BILLING CODE 4810–25–M

UNITED STATES INFORMATION AGENCY

Grants Program for Private Not-for-Profit Organizations in Support of International Educational and Cultural Activities

Correction

In FR Doc. 85–9688 beginning on page 16038 in the issue of Tuesday, April 23, 1985, make the following correction on page 16039: In the first column, in the seventh line, "120 days" should read "20 days".

BILLING CODE 1505–01–M

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Implementation of Proclamation Concerning Duty-Free Treatment for Certain Articles in Trade in Civil Aircraft

AGENCY: Office of the United States Trade Representative.

ACTION: Notice.

SUMMARY: This notice provides the effective date for implementation of duty-free treatment for certain articles in trade in civil aircraft.

EFFECTIVE DATE: April 29, 1985.

FOR FURTHER INFORMATION CONTACT: Alexander Platt, Associate General Counsel, Office of the United States Trade Representative (202) 395–7305.

SUPPLEMENTARY INFORMATION: Section 234 of the Trade and Tariff Act of 1984 (Pub. L. 98–573) authorized the President to proclaim modifications in enumerated items of the Tariff Schedules of the United States (TSUS) (19 U.S.C. 1202) in order to provide duty-free coverage comparable to the expanded coverage provided by all other signatories to the Agreement on Trade in Civil Aircraft. Pursuant to that section, Presidential Proclamation 5291 of December 28, 1984 (50 FR 223) proclaimed modifications in various TSUS items and directed the United States Trade Representative to determine and publish the effective date of such modifications.

Accordingly, I have determined that the expanded coverage provided by other signatories to the Agreement is comparable to the expanded coverage to be provided by the United States under the terms of Presidential Proclamation 5291. I have further determined that the effective date of the additional duty-free treatment to be accorded by the United States shall be effective with respect to articles entered, or withdrawn from warehouse for consumption, on or after the day after publication of this Notice.

William E. Brock,
United States Trade Representative.

[FR Doc. 85–10192 Filed 4–25–85; 8:45 am]
BILLING CODE 3190–01–M

Sunshine Act Meetings

Federal Register
Vol. 50, No. 81
Friday, April 26, 1985

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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1

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DATE AND TIME: Tuesday, May 7, 1985, 9:30 a.m. (eastern time).

PLACE: Clarence M. Mitchell, Jr., Conference Room No. 200–C on the 2nd Floor of the Columbia Plaza Office Building, 2401 "E" Street, NW., Washington, D.C. 20507.

STATUS: Part will be open to the public and part will be closed to the public.

MATTERS TO BE CONSIDERED:

1. Announcement of Notation Vote(s)
2. A Report on Commission Operations (Optional)
3. Proposed Compliance Manual §12, Involvement of the Legal Unit in the Administrative Process
4. Proposed Compliance Manual §27, Pre-Determination Interviews
5. Proposed Compliance Manual §40, Issuance of Cause Determination
6. Proposed Compliance Manual §66, Conciliation Failures; Litigation Review and Private Suit Rights Notification Procedures
7. Proposed Compliance Manual §80, Compliance Review

Closed

1. Litigation Authorization: General Counsel Recommendations
2. Options Paper on Enforcement of an ORA Decision

Note.—Any matter not discussed or concluded may be carried over to a later meeting. (In addition to publishing notices on EEOC Commission Meetings in the **Federal Register**, the Commission also provides a recorded announcement a full week in advance on future Commission sessions. Please telephone (202) 634–6748 at all times for information on these meetings).

CONTACT PERSON FOR MORE INFORMATION: Cynthia C. Matthews, Executive Officer, Executive Secretariat at (202) 634–6748.

Dated: April 24, 1985.

Cynthia C. Matthews,

Executive Officer.

This Notice Issued April 24, 1985.

[FR Doc. 85–10291 Filed 4–24–85; 8:45 am]

BILLING CODE 6750–06–M

2

FEDERAL ENERGY REGULATORY COMMISSION

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 49 FR 15669, April 19, 1985.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 10:00 a.m., April 24, 1985.

CHANGE IN THE MEETING: The following Docket Numbers and Companies have been added:

Item No., Docket No., and Company

P–2 (B)
Project No. 7563–000, South Fork II, Inc. (Week Falls)
RP–2
TA85–1–37–000 and TA85–2–37–000, Northwest Pipeline Corporation
RP–10
RP85–58–000, El Paso Natural Gas Company

Kenneth F. Plumb,

Secretary.

[FR Doc. 85–10227 Filed 4–24–85; 8:45 am]

BILLING CODE 6717–02–M

3

FEDERAL MARITIME COMMISSION

TIME AND DATE: 9:00 a.m., May 1, 1985.

PLACE: Hearing Room One, 1100 L Street NW., Washington, D.C. 20573.

STATUS: Parts of the meeting open to the public. The rest of the meeting closed to the public.

MATTERS TO BE CONSIDERED:

Portions Open to the Public

1. Agreement No. 207–010737: Italia/Transatlantica Joint Service Agreement.
2. Agreement No. 202–009548–027: Modification of the United States Atlantic Ports/Eastern Mediterranean and North African Freight Conference to expand the geographic scope and appropriately alter the conference name; add U.S. microbridge authority; enlarge the independent action notice period; and, alter provisions dealing with rates on government-compelled agricultural cargoes.

Portions Closed to the Public

1. Activities of Marcella Shipping Company Ltd.
2. Activities of Cari-Cargo International, Inc./Jorge Villena.
3. Petition of Concorde/Nopal Line for Issuance of Regulations To Adjust and Meet Conditions Unfavorable to Shipping in the Foreign Trade of the United States—Consideration of the Record.
4. Docket No. 84–34: Shipping Conditions in the United States/Argentina Trade—Consideration of the Record.
5. Agreement No. 202–010689: Actions of the Transpacific Westbound Rate Agreement.

CONTACT PERSON FOR MORE INFORMATION: Bruce A. Dombrowski, Acting Secretary, (202) 523–5725.

Bruce A. Dombrowski,

Acting Secretary.

[FR Doc. 85–9760 Filed 4–24–85; 8:45 am]

BILLING CODE 6730–01–M

4

TIME AND DATE: 10:00 a.m., Wednesday, May 1, 1985.

PLACE: Marriner S. Eccles Federal Reserve Board Building, C Street entrance between 20th and 21st Streets, NW., Washington, DC. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.
2. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board; (202) 452–3204. You may call (202) 452–3207, beginning at approximately 5 p.m. two business days before this meeting, for a recorded announcement of bank and bank holding company applications scheduled for the meeting.

Dated: April 23, 1985.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 85–10202 Filed 4–24–85; 8:45 am]

BILLING CODE 6210–01–M

5

LEGAL SERVICES CORPORATION BOARD OF DIRECTORS

Cancellation of Board Meeting

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: Published April 16, 1985, 50 FR 15035.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 9:00 a.m., Friday, April 26, 1985.

CHANGE IN MEETING: The Meeting of the Board of Directors of the Legal Services Corporation scheduled for April 26, 1985, at 9:00 a.m. is cancelled.

EXPLANATION OF CHANGE: The Chairman of the Operations and Regulations Committee, due to scheduling problems, will be unable to present any recommendations to the Board on April 26, 1985. It is the sense of the Chairman of the Audit and Appropriations Committee that the Committee will be unable to make any recommendations for Board action by April 26, 1985. Because action on recommendations of the two Committees constitute the major action items on the agenda of the previously announced meeting, the meeting is cancelled since there will be no items before the Board upon which action will be required.

CONTACT PERSON FOR MORE INFORMATION: Dennis Daugherty, Executive Office, (202) 272–4040.

Date Issued: April 24, 1985.

Dennis Daugherty,

Acting Secretary.

[FR Doc. 85–10241 Filed 4–24–85; 8:45 am]

BILLING CODE 6820-35-M

6

NATIONAL FOUNDATION ON THE ARTS AND HUMANITIES, INSTITUTE OF MUSEUM SERVICES

SUMMARY: This notice sets forth the agenda of a forthcoming meeting of the National Museum Services Board. This notice also describes the functions of the Board. Notice of this meeting is required under the Government in the Sunshine Act (Pub. L. No. 94–409) and regulations of the Institute of Museum Services, 45 CFR 1180.84.

TIME AND DATE: 10:00 a.m. May 31–June 1, 1985.

STATUS: Open and closed.

ADDRESS: Room M07, 1100 Pennsylvania Avenue, NW., Washington, D.C. 20506.

FOR FURTHER INFORMATION CONTACT: Mr. Robin N. Rapp, Executive Assistant to the National Museum Services Board, Room 510, 1100 Pennsylvania Avenue, NW., Washington, D.C. 20506 (202) 786–0536.

SUPPLEMENTARY INFORMATION:

The National Museum Services Board is established under the Museum Services Act which is Title II of the Arts, Humanities, and Cultural Affairs Act of 1976, Pub. L. 94–462. The Board has the responsibility for the general policies with respect to the powers, duties, and authorities vested in the Institute under this Title. Grants are awarded by the Institute of Museum Services after review by the Board.

The meeting of May 31–June 1 will be open to the public from 10:30 a.m. through discussion of agenda item number 7. The meeting will be closed to the public for a review of agenda item 8 pursuant to paragraphs 6, 9 (B), and other relevant provisions of subsection (c) of section 552 of Title 5, United States Code because the Board will consider information that may disclose: Information of a personal nature that disclosure of whch would constitute a cleary unwarranted invasion of privacy; and information the disclosure of which might significantly frustrate implementation of proposed agency action related to the award process.

The agenda for the meeting will be as follows:

I. Approval of the Minutes of March 15, 1985 Meeting
II. Director's Report
III. Regulatory and Legislative Update
IV. Conservation Program Update
V. Other Business
VI. Proposed Changes to GOS Application and Regulations
VII. Review of 1985 GOS Applications Processing
VIII. Review of 1985 GOS Applications

Dated: April 22, 1985.

Susan E. Phillips,

Director.

[FR Doc. 85–10275 Filed 4–24–85; 8:45 am]

BILLING CODE 7036-01-M

7

POSTAL SERVICE BOARD OF GOVERNORS

The Board of Governors of the United States Postal Service, pursuant to its Bylaws (39 CFR 7.5) and the Government in the Sunshine Act (5 U.S.C. 552b), hereby gives notice that it intends to hold meetings at 1:00 p.m. on Monday, May 6, 1985, in Washington, D.C., and at 8:30 a.m. on Tuesday, May 7, 1985, in the Benjamin Franklin Room, U.S. Postal Service Headquarters, 475 L'Enfant Plaza, SW., Washington, D.C. As indicated in the following paragraph, the May 6 meeting is closed to public observation. The May 7 meeting is open to the public. The Board expects to discuss the matters stated in the agenda which is set forth below. Requests for information about the meetings should be addressed to the Secretary of the Board, David F. Harris, at (202) 245–3734.

At its meeting on April 1, 1985, the Board voted in accordance with the provisions of the Government in the Sunshine Act to close to public observation its meeting scheduled for May 6. (See 50 FR 13914, April 8, 1985.)

The meeting will involve a discussion of personnel matters.

Agenda

Monday Session

May 6, 1985—1:00 p.m. (Closed)

1. Discussion of Personnel Matters.

Tuesday Session

May 7, 1985—8:30 a.m. (Open)

1. Minutes of the Previous Meeting, April 1–2, 1985.
2. Remarks of the Postmaster General. (In keeping with its consistent practice, the Board's agenda provides this opportunity for the Postmaster General to inform the Members of miscellaneous current developments concerning the Postal Service. Nothing that requires a decision by the Board is brought up under this item.)
3. Quarterly Report on Financial Performance. (Mr. Cummings, Senior Assistant Postmaster General, Finance Group, will present the quarterly summary on financial performance.)
4. Quarterly Report on Service Performance. (Mr. Jellison, Senior Assistant Postmaster General, Operations Group, will present the quarterly summary on service performance.)
5. Consideration of a Tentative Agenda for the June 3–4, 1985, meeting of the Board in Washington, DC.

David F. Harris,

Secretary.

[FR Doc. 85–10265 Filed 4–24–85; 8:45 am]

BILLING CODE 7710-12-M

8

SECURITIES AND EXCHANGE COMMISSION

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94–909, that the Securities and Exchange Commission will hold the following meetings during the week of April 29, 1985.

A closed meeting will be held on Tuesday, April 30, 1985, at 10:00 a.m. Open meetings will be held on Tuesday, April 30, 1985, at 1:30 p.m. and on Thursday, May 2, 1985, at 2:00 p.m., in Room 1C30.

The Commissioners, Counsel to the Commissioners, the Secretary of the Commission, and recording secretaries will attend the closed meeting. Certain staff members who are responsible for the calendared matters amy be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, the items to be considered at the closed meeting may be considered pursuant to one or more of the exemptions set forth in 5 U.S.C. 552b(c) (4), (8), (9)(A) and (10) and 17 CFR 200.402(a)(4), (8), (9)(i) and (10).

Commissioner Marinaccio, as duty officer, voted to consider the items listed for the closed meeting in closed session.

The subject matter of the closed meeting scheduled for Tuesday, April 30, 1985, at 10:00 a.m., will be:

Formal orders of investigation.
Settlement of injunctive action.
Institution of administrative proceeding of an enforcement nature.
Institution of injunctive actions.
Litigation matter.

The subject matter of the open meeting scheduled for Tuesday, April 30, 1985, at 1:30 p.m., will be.

The Commission will meet the representatives of the Financial Executive Institute's Committee on Corporate Reporting to discuss matters of mutual interest including the accounting and reporting requirements under the Securities Act and the Securities Exchange Act as well as ongoing projects involving the appropriate accounting for pensions, income taxes and inflation. For further information, please contact Robert Burns at (202) 272–2130.

The subject matter of the open meeting scheduled for Thursday, May 2, 1985, at 2:00 p.m., will be.

The Commission will meet with the Investment Dealers Association of Canada to discuss issues of mutual interest relating to the internationalization of the world securities markets. For further information, please contact Andrew E. Feldman at (202) 272–2399.

At times changes in commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: John Stempel at (202) 272–2405.

John Wheeler,
Secretary.
April 22, 1984.

[FR Doc. 85–10201 Filed 4–24–85; 8:45 am]
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Friday
April 26, 1985

Part II

Department of Labor

Employment Standards Administration,
Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

DEPARTMENT OF LABOR

Employment Standards Administration, Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions; Notice

General wage determination decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed on construction projects of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 5.1 (including the statutes listed at 36 FR 306 (1970) following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of part 1 of subtitle A of title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates, 48 FR 19533 (1983) and of Secretary of Labor's Orders 9–83, 48 FR 35736 (1983), and 6–84, 49 FR 32473 (1984). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in the effective date as prescribed in that section, because the necessity to issue construction industry wage determination frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General wage determination decisions are effective from their date of publication in the **Federal Register** without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR, Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

Modifications and Supersedeas Decisions to General Wage Determination Decisions

Modifications and supersedeas decisions to general wage determination decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the modifications and supersedeas decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 5.1 (including the statutes listed at 36 FR 306 (1970) following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates, 48 FR 19533 (1983) and of Secretary of Labor's Orders 6–84, 49 FR 32473 (1984). The prevailing rates and fringe benefits determined in foregoing general wage determination decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and supersedeas decisions are effective from their date of publication in the **Federal Register** without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division, Office of Program Operations, Division of Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rulemaking procedures prescribed in 5 U.S.C. 553 has been set forth in the original General Determination Decision.

Modifications to General Wage Determination Decisions

The numbers of the decisions being modified and their dates of publication in the **Federal Register** are listed with each State.

California: CA84–5007	May 18, 1984
Colorado: CO85–5021	Apr. 12, 1985.
Hawaii: HI84–5019	July 20, 1984.
Illinois: IL84–4008	Mar. 23, 1984.
Iowa	
IA84–4043	June 15, 1984
IA83–4022	Mar. 11, 1983
Nevada	
NV84–5012	May 18, 1984
NV83–5121	Sept. 23, 1983
NV84–5014	June 8, 1984
NV84–5017	June 29, 1984
New York	
NY84–3036	Sept. 14, 1984
Ohio	
OH83–5123	Dec. 2, 1983
OH83–5124	Do
OH83–5125	Dec. 23, 1983
OH83–5127	Do
Oklahoma	
OK84–4049	Sept. 7, 1984
OK84–4050	Do
Texas	
TX84–4045	Aug. 10, 1984.
TX85–4003	Feb. 22, 1985
Wisconsin	
WI83–2041	May 13, 1983
WI84–5010	June 22, 1984

Cancellation of General Wage Determination Decision

General Wage Decision Number TX84–4046, Bexar County, Texas is cancelled. Agencies with construction projects pending to which the cancelled decision would have been applicable should utilize the project determination procedure by submitting form SF–308. See Regulations Part 1, 29 CFR, section 1.5. Contracts for which bids have been opened shall not be affected by this notice. Also consistent with 29 CFR, 1.6(c)(3)(i), the incorporation of the cancelled decision in contract specifications, the opening of bids for which is within ten (10) days of the notice, need not be affected.

Supersedeas Decisions to General Wage Determination Decisions

The numbers of the decisions being superseded and their dates of publication in the **Federal Register** are listed with each State. Supersedeas decision numbers are in parentheses following the number of the decisions being superseded.

Florida: FL83–1084 (FL85–3024)	Oct. 28, 1983.

Signed at Washington, D.C., this 19th day of April 1985.

James L. Valin,

Assistant Administrator.

BILLING CODE 4510–27–M

DECISION NO. CA84-5007 - MOD. #10
(49 FR 21245-May 18, 1984)
Imperial, Inyo, Kern, etc., Counties, California

	Basic Hourly Rates	Fringe Benefits
OMIT:		
Drywall Installer/Lathers:		
Inyo, Kern and Mono Counties:		
Drywall Installer		
Drywall Stocker, Scrapper and Clean-up Man		
Residential Drywall Lather		
ADD:		
Drywall Installers/ Lathers:		
Inyo, Kern and Mono Counties:	$16.66	$5.05

DECISION NUMBER HI84-5019 - MOD. #3
(49 FR 29518 - July 20, 1984)
Statewide, Hawaii

	Basic Hourly Rates	Fringe Benefits
Change:		
Asbestos Workers	$15.56	$8.40
Electricians:		
Electricians	16.50	3.65 + 30.6%
Technicians	17.00	3.65 + 30.6%
Cable Splicers	18.15	3.65 + 30.6%
Residential Repair	15.68	3.65 + 30.6%
Line Construction:		
Electricians; Linemen	16.50	3.65 + 30.6%
Technicians	17.00	3.65 + 30.6%
Heavy Equipment Operators	14.85	3.65 + 30.6%
Groundmen; Truck Drivers	12.38	3.65 + 30.6%
Cable Splicers	18.15	3.65 + 30.6%
Painters:		
Brush	16.65	7.24
Tapers	16.90	7.24
Spray; Sandblaster	17.15	7.24
Plumbers; Pipefitters; & Steamfitters	17.00	8.32
Sprinkler Fitters	17.37	3.38

DECISION NO. CO85-5021 - MOD. #1
(50 FR 14562 April 12, 1985)
Statewide, Colorado

	Basic Hourly Rates	Fringe Benefits
OMIT:		
Carpenters Zone Description (Page 3)		
ADD:		
Painters: Area 2 Costilla County		
*County Zone Definitions to Power Equipment Operators attached		
TruckDrivers Zone 2:		
Group 19		
Highboy, Lowboy, Floats, Semi	$15.06	$3.19
CHANGE:		
Electricians		
Area 4	16.12	2.31+3%
Line Construction:		
Journeyman Lineman, Gas Fitters, Welder	16.88	2.00+3%
Line Equipment Operator	13.33	2.00+3%
Line Truck Driver	10.28	2.00+3%
Groundman		

CHANGE: (COND't)	Basic Hourly Rates	Fringe Benefits
Painters:		
Area 1:		
Brush	$14.92	$2.33
Spray, Swing Stage	15.52	2.33
Area 2:		
Brush	13.01	1.88
Spray, Swing Stage	13.61	1.88
Area 3		
Brush	11.92	1.88
Spray, Swing Stage	12.52	1.88
Truck Drivers Zone 1 and 2 Fringe Benefits Only $3.19		
Heading for Power Equipment Operators and Truck Drivers Zone 2 from "Fringe Benefits" to "Basic Hourly Rate"		

*Counties Zone Definitions
Power Equipment Operators

Counties entirely within Zone 1:

Alamosa	Custer	Huerfano	Otero
Archuleta	Delta	Jefferson	Phillips
Bent	Denver	La Plata	Prowers
Boulder	Douglas	Larimer	Pueblo
Chaffee	El Paso	Logan	Rio Grande
Clear Creek	Fremont	Mesa	Sedgwick
Conejos	Garfield	Montezuma	Teller
Costilla	Gilpin	Morgan	Weld
Crowley			

Counties entirely within Zone 2:

Baca	Jackson	Moffat	Saguache
Cheyenne	Kiowa	Ouray	San Juan
Dolores	Kit Carson	Park	San Miguel
Grand	Lake	Pitkin	Summit
Gunnison	Lincoln	Rio Blanco	Yuma
Hinsdale	Mineral	Routt	

MODIFICATIONS P. 3

DECISION NO. IL84-4008 - Mod #3 (49 FR 11081 - March 21, 1984) Madison & St. Clair Counties, Illinois	Basic Hourly Rates	Fringe Benefits
CHANGE:		
BOILERMAKERS	$19.20	$3.475
BRICKLAYERS; Caulkers; Cleaners; Pointers; Stone-Masons	17.22	2.85
CARPENTERS:		
Madison County:		
Carpenters; Lathers; Millwrights; Piledrivermen; & Soft Floor Layers:		
Building	17.435	2.90
Residential:		
Madison(Southern part)	16.585	2.90
Madison (Remainder of Co)	17.035	2.90
St. Clair County:		
Carpenters; Millwrights; Piledrivermen & Soft Floor Layers:		
Building	16.91	3.17
CEMENT MASONS	17.405	2.75
ELECTRICIANS:		
Madison (Alton & Vic)	18.56	3.25+ 3.3%
Madison (Remainder of Co) & St Clair Co	18.95	18.25%
IRONWORKERS	18.05	2.75
LABORERS:		
St Clair County:		
O'Fallon, Mascoutah, Scott AFB, Shilo, Lebanon and Vicinity:		
Common	16.10	1.85
Bottom Men on Sewer Work	16.35	1.85
Dynamite Men	17.62	1.85
PAINTERS:		
Commercial Building & Residential		
Brush	16.34	1.86
Taper	16.59	1.86
Blast & Spray	17.34	1.86
Industrial:		
Brush	17.54	1.86
Blast & Spray	16.54	1.86
PLASTERERS	19.025	
PLUMBERS & STEAMFITTERS:		
Madison (Alton & N. of Mitchell)	20.00	2.13+e
Madison (Granite City & S.) & St Clair (E. St Louis & Vic)	16.55	4.83

DECISION NO. IL84-4008 (Cont'd)	Basic Hourly Rates	Fringe Benefits
POWER EQUIPMENT OPERATORS:		
Master Mechanic	19.07	2.73
Group 1	18.57	2.73
Group 2	15.14	2.73
Group 3	14.49	2.73
Group 4	14.39	2.73
Group 5	14.14	2.73
Group 6		
a	20.72	2.73
b	21.02	2.73
c	16.24	2.73
d	16.74	2.73

DECISION #I384-4043-MOD.#2 (49 FR 24836-June 15, 1984)	Basic Hourly Rates	Fringe Benefits
Black Hawk, Cerro Gordo, Clinton, Des Moines, Dubuque, Johnson, Linn, and Polk Counties, Iowa		
CHANGE:		
Bricklayers & Stonemasons: Zone 5	$13.25	$ .57
Glaziers:		
Zones 1,2, & 8	13.80	2.57+b +6.96%
Electricians Zone 2	14.51	1.40 + 3.75%

DECISION #I383-4022-MOD.#4 (48 FR 10577-Mar. 11, 1983)
Statewide Iowa (except Cerro Gordo, Scott, and Webster Counties, Iowa)
OMIT:
Omit the Black Hawk County jurisdiction and wage rates from Heavy construction projects.

MODIFICATIONS P. 4

DECISION NO. NV84-5012 - MOD. #4 (49 FR 21261-May 18, 1984) Nevada Test Site including Tonopah Test Range in Clark, Lincoln and Nye Counties Nevada	Basic Hourly Rates	Fringe Benefits
CHANGE:		
Roofers	$14.65	$.34

DECISION NO. NV83-5121 - MOD. #9 (49 FR 43532-September 23, 1983) Clark County (does not include the Nevada Test Site), Nevada	Basic Hourly Rates	Fringe Benefits
ADD:		
Roofers	14.65	.34

DECISION NO. NV84-5014 - MOD. #11 (49 FR 23988-June 8, 1984) Statewide (does not include the Nevada Test Site and Tonopah Test Range, or Building construction in Churchill, Lyon and Mineral Counties, or Highway construction in Douglas County), Nevada	Basic Hourly Rates	Fringe Benefits
Change:		
Cement Masons:		
Area 2:		
Cement Masons	$14.80	$5.05
Mastic, Magnesite and all Composition Masons	15.05	5.05
Troweling Machine: Grinder Operator and Kelly Float	15.30	5.05
Area 3:		
Cement Masons	16.55	5.05
Mastic, Magnesite and all Composition Masons	16.80	5.05
Troweling Machine: Grinder Operator and Kelly Float	17.05	5.05
ADD: Roofer - Area 1	14.65	.34

DECISION NO. NV84-5017 - MOD. #5 (49 FR 26874-June 29, 1984) Washoe County, Nevada	Basic Hourly Rates	Fringe Benefits
CHANGE:		
Cement Masons:		
Lake Tahoe Area:		
Cement Masons	16.55	5.05
Mastic, Magnesite and all Composition Masons	16.80	5.05
Troweling Machine: Grinder Operator and Kelly Float	17.05	5.05
Remainder of Washoe County:		
Cement Masons	14.80	5.05
Mastic, Magnesite and all Composition Masons	15.05	5.05
Troweling Machine: Grinder Operator and Kelly Float	15.30	5.05

DECISION NUMBER OH83-5123 - MOD. #4
(48 FR 54419 - December 2, 1983)
Mahoning & Trumbull Counties, Ohio

	Basic Hourly Rates	Fringe Benefits
Changes:		
Sprinkler Fitters	$17.67	$3.38

DECISION NUMBER OH83-5124 - MOD. #5
(48 FR 54422 - December 2, 1983)
Lucas County, Ohio

Changes:		
Sheet Metal Workers	17.51	4.68
Sprinkler Fitters	17.67	3.38

DECISION NUMBER OH83-5125 - MOD. #5
(48 FR 56898 - December 23, 1983)
Ashtabula, Cuyahoga, Lake, Lorain, Portage, Stark, & Summit Counties, Ohio

Changes:		
Sheet Metal Workers:		
Area 3:		
Commercial Building	17.27	3.55
Residential	10.45	3.55
Sprinkler Fitters:		
Area 2	17.67	3.38

DECISION NUMBER OH83-5127 - MOD. #13
(48 FR 56903 - December 23, 1983)
Adams, Allen,... Wood, & Wyandot Counties, Ohio

	Basic Hourly Rates	Fringe Benefits
Changes:		
Sheet Metal Workers:		
Area 3	$17.27	$3.55
Area 4	16.20	3.49 + 1
Area 7	17.51	4.68
Sprinkler Fitters:		
Area 2	17.67	3.38

DECISION NO. NY84-3036 - MOD. #2
(49 FR 36230 - Sept. 14, 1984)
Onondaga County, New York

	Basic Hourly Rates	Fringe Benefits
CHANGE:		
BOILERMAKERS	19.83	1.875+ 10%
CEMENT MASONS	14.30	2.20
GLAZIERS	13.37	2.15
TRUCK DRIVERS		
Building (Except Ready-mix):		
Jobs of $5,000,000 or less:		
Class 1	13.58	2.50
Class 2	13.73	2.50
Class 3	13.78	2.50
Class 4	13.98	2.50
Ready-Mix		
Class 1	11.05	2.10+g
Class 2	10.70	2.10+g
ADD:		
SHEETMETAL WORKERS		
Projects with sheetmetal work contracts totaling $5 million or less	17.12	5.335

DECISION NO. WI83-2041-MOD.#6
(48 FR 21811-May 13, 1983)
Statewide Wisconsin

	Basic Hourly Rates	Fringe Benefits
Change:		
LINE CONSTRUCTION:		
Statewide		
Lineman	$15.84	$1.25+ 9½%
Heavy Equipment Operator	14.23	1.25+ 9½%
Equipment Operator	12.62	1.25+ 9½%
Heavy Groundman - Truck Driver	11.01	1.25+ 9.4%
Light Groundman - Truck Driver	10.21	1.25+ 9½%
Groundman	8.60	1.25+ 9½%

DECISION # OK84-4049
MOD. #8
(49 FR 35473 - September 7, 1984
Adair, Atoka, Bryan, Coal, Cherokee, Craig, Creek, Delaware, Haskell, Hughes, Leflore, Latimer, McIntosh, Mayes, Muskogee, Nowata, Okfuskee, Okmulgee, Osage, Ottawa, Pawnee, Pittsburg, Pushmataha, rogers, Tulsa, Sequoyah, Wagoner, and Washington Cos., Oklahoma

	Basic Hourly Rates	Fringe Benefits
Change		
CARPENTERS - AREA VII		
Carpenters	$12.65	$1.40
Millwrights & Piledrivermen	14.33	1.40
Power Saw Operator	12.90	1.40

DECISION NO. OK84-4050
MOD # 8 (49 FR 35477 - September 7, 1984)

Alfalfa, Beckham, Blaine, Caddo, Canadian, Carter, Cleveland, Comanche, Cotton, Custer, Dewey, Ellis, Garfield, Garvin, Grady, Grant, Greer, Harmon, Harper, Jackson, Jefferson, Johnston, Kay, Kingfisher, Kiowa, Lincoln, Logan, Love, McClain, Major, Marshall, Murray, Noble, Oklahoma, Payne, Pontotoc, Roger Mills, Pottawatomie, Seminole, Stephens, Tillman, Washita, Woods and Woodward Counties, Oklahoma

	Basic Hourly Rates	Fringe Benefits
CHANGE		
CARPENTERS - AREA IX		
Carpenters	$12.65	$1.40
Millwrights	14.33	1.40
Piledrivermen	14.33	1.40
Power Saw Operator	12.90	1.40

DECISION #TX84-4045-MOD.#4
(49 FR 32168- Aug. 10, 1984)
Travis County, Texas

	Basic Hourly Rates	Fringe Benefits
CHANGE:		
Cement Masons	$13.39	$2.35
Plasterers	15.04	2.36

DECISION NO. WI84-5010 - MOD.#4
(48-FR-25829-June 22, 1984)
Statewide Wisconsin

	Basic Hourly Rates	Fringe Benefits
Change:		
LINE CONSTRUCTION:		
Statewide		
Lineman	$15.84	$1.25+ 9½%
Heavy Equipment Operator	14.23	1.25+ 9½%
Equipment Operator	12.62	1.25+ 9½%
Heavy Groundman - Truck Driver	11.01	1.25+ 9.4%
Light Groundman - Truck Driver	10.21	1.25+ 9½%
Groundman	8.60	1.25+ 9½%

DECISION #TX85-4003-MOD.#1
(50 FR 7544-Feb. 22, 1985)
Bell, Coryell, and McLennan Counties, Texas

	Basic Hourly Rates	Fringe Benefits
CHANGE:		
Plumbers and Pipefitters:		
McLennan County	$13.61	$1.54
Outside McLennan Co. but within 45 miles of the McLennan Co. Courthouse including the towns of Temple and Belton	14.11	1.54
Over 45 miles from McLennan County Courthouse	15.41	1.54

SUPERSEDEAS DECISION

STATE: FLORIDA
DECISION NUMBER: FL85-3024
COUNTIES: *SEE BELOW
DATE: Date of Publication
Supersedes Decision No.: FL83-1084 dated October 28, 1983 in 48 FR 49999.
DESCRIPTION OF WORK: BUILDING CONSTRUCTION PROJECTS (does not include single family homes or apartments of 4 stories or less); HEAVY CONSTRUCTION & HIGHWAY CONSTRUCTION PROJECTS.
*Cape Canaveral Air Force Station, Patrick Air Force Base, Kennedy Space Flight Center, & Melabar Radar Site in Brevard & Volusia Counties, Florida.

	Basic Hourly Rates	Fringe Benefits
ASBESTOS WORKERS	16.90	2.81
BOILERMAKERS		
Storage Tank Erection/ Repair	12.95	3.88
All other work	16.20	3.88
BRICKLAYERS, BLOCKLAYERS, PLASTERERS, TERRAZZO WORKERS, TILE SETTERS & CEMENT MASONS	11.61	1.00
CARPENTERS:		
Carpenters	11.62	1.55
Piledrivermen	12.12	1.55
ELECTRICIANS:		
Wiremen	14.90	4%+ 1.95
Cable Splicers	15.15	4%+ 1.95
ELEVATOR CONSTRUCTORS:		
Mechanic	12.97	3.29+a
Helper	9.12	3.29+a
Prob. Helper	6.515	
IRONWORKERS	13.48	3.30
LABORERS:		
1. Air Tool Oper., Concrete Laborers, Hod Carriers, Mason Tenders, Mortar Mixers, Kettlemen (excluding roofing & waterproofing), Pipelayers, Powdermen, Form Setters (paving curbing & gutter), Well Point, Gunnite Laborer, and Gunnite Nozzlemen	8.45	.97
2. Unskilled Laborer	8.30	.97
LINE CONSTRUCTION:		
1. Line & Class A Opers. (hole boring machines, cranes, tracked equipment, fifth wheel tractors, tension, & wire pulling machines, mobile cranes & backhoes)	13.57	1.00+4%
2. Cable Splicers	12.62	1.00+4%
3. Class B Opers. (flatbed material trucks, line trucks when either is mounted with winch and/or 'A' frame, trucks mounted with digging units, power wagons, driving of mobile cranes, & bucket trucks	8.94	1.00+4%
4. Groundmen	6.33	1.00+4%
MILLWRIGHTS	15.55	2.72
PAINTERS:		
Brush	11.25	1.93
Spray, Paperhanging, & Sandblasting	11.75	1.93
PLUMBERS, PIPEFITTERS, & STEAMFITTERS:		
1. Industrial-Bulk Plants, Powerhouses, Chemical Plants, Missile Sites, Oil Refineries, etc., and such other work which is related to & considered a part of the above type projects	17.15	2.27
2. Commercial-Commercial, Schools, Hospitals, Shopping Centers, & work not listed as Industrial.	13.62	1.70
ROOFERS:		
Roofers	11.50	1.00
Kettlemen	10.05	1.00
SHEET METAL WORKERS	14.50	3%+ 1.71
SPRINKLER FITTERS	16.15	3.33
TRUCK DRIVERS	13.00	.80
WELDERS - Receive rate for craft to which the welding is incidental.		
POWER EQUIPMENT OPERATORS:		
GROUP I	13.34	2.45
GROUP II	11.96	2.45
GROUP III	9.56	2.45

POWER EQUIPMENT OPERATORS: Classification Definitions.

GROUP I - Crane or Derrick oper., clam shell oper., Dragline oper., Piledriver Oper. including Auger & Boring Machine Oper. for Drilling in Piling, Backhoe Oper., Hydra Crane Oper., Gradall Oper., Shovel Oper., Patrol Oper., Cableways Oper., Tugboat Captain (150 hp or more), Bulti-Bowl Oper. (similar to R.G. LaTourneau Model L-60-2 or 3 twenty cubic yard Scrapers), Side Boom Cat Oper., Multi-Drum Hoist Oper. for Rigging Work, Mechanic (heavy equipment), Tower Crane Oper., (stationary, climbing, & travelling), Gantry Crane Oper., Locomotive Crane Oper., Bridge Crane Oper. (over 20 ton capacity), Concrete Pump w/Boom (mobile) Oper., High lift or Forklift Oper. (10 ft. or higher).

GROUP II - Bulldozer, Bridge Crane (20 tons & under), Highlift or Forklift (less than 10 ft), Straddle Buggy, Hoist (other than Rigging work) including Winch Truck Oper. where Winch Truck is not Mobile & used as a Hoist, Trenching Machine, (ladder & wheel type) over 6 ft. cut & over 24 inches in width, Concrete Paver, Scraper, Front End Loader, Fireman-Floating Equipment, Mobile Winch Truck, Self-Propelled Sub-Grader, Asphalt Paving Machine, Lubricating Engineer (Mobile Plant, Pavement Breaker.

GROUP III - Tractor Operated Sweeper, Trenching Machine (ladder & wheel type) maximum cut 6 ft & maximum width 24 inches Fireman, Self-Propelled Roller, Wellpoint Pump & Supervise Installation (one operator for 3 pumps, not including standby units, w/in 300 ft radius), Asphalt Distributor, Water Truck Driver, Motor Boat, Oiler, Pumpman (other than wellpoint) up to & including Pumps w/in 300 ft. radius, Conveyor (motor operated), Welding Machine (3 or more Combustion Type), Pulver Mixer, Compressor (from 1 up to & including 3 compressors) w/in 300 ft. radius, Self-Propelled Sweeper, Combination Pump, Compressor & Combustion Type Welding Machine, (any group of 3 units) with 300 ft. radius, Concrete Mixer, Concrete Pump, Tractor, Street Sweeping Machine.

FOOTNOTE:
a. Six Paid Holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, & Christmas Day.

Employer contributes 6% of regular hourly rate to vacation pay credit for employee who has worked in business less than 5 years; 8% for employee who has worked in business more than 5 years.

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5(a)(1)(ii)).

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Friday
April 26, 1985

Part III

Department of Housing and Urban Development

Office of the Assistant Secretary for Housing—Federal Housing Commissioner

24 CFR Part 888

Section 8—Fair Market Rents for New Construction and Substantial Rehabilitation—All Market Areas; Interim Rule

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Housing—Federal Housing Commissioner

24 CFR Part 888

[Docket No. R-85-1224; FR-2079]

Section 8—Fair Market Rents for New Construction and Substantial Rehabilitation—All Market Areas

AGENCY: Office of the Assistant Secretary for Housing—Federal Housing Commissioner, HUD.

ACTION: Interim rule.

SUMMARY: This rule amends the Section 8 Fair Market Rents applicable to New Construction and Substantial Rehabilitation for all market areas in compliance with the requirements of Section 8(c)(1) of the U.S. Housing Act of 1937. Revised Section 8 Fair Market Rents (FMRs) must be published at least annually in the **Federal Register**. HUD published the last annual revision of the FMRs for Section 8 New Construction and Substantial Rehabilitation on February 8, 1984 at 49 FR 4892.

The amended Fair Market Rents reflect the changes which have occurred in the general level of market rents for recently completed or newly constructed dwelling units of modest design within each market area since their last Annual or Special (Interim) Revision.

DATES: Effective Date: After the comment deadline date set forth below, notice of the effective date of this rule will be published in the **Federal Register**.

Comments must be received by: May 28, 1985.

ADDRESS: Comments should be sent to the Rules Docket Clerk, Room 10276, Office of the General Counsel, Department of Housing and Urban Development, 451–7th Street SW., Washington, DC 20410–0500. Each person submitting a comment should include his/her name and address and refer to the docket number and title shown in the heading of this rule and give reasons for any recommendation. A copy of each comment submitted will be available for public inspection in the Office of the Rules Docket Clerk during regular business hours. In order to expedite consideration of comments, a copy of each comment should also be sent to the HUD Field Office having jurisdiction for the market area involved.

FOR FURTHER INFORMATION CONTACT: Edward M. Winiarski, Chief Appraiser, Valuation Branch, Technical Support Division, Office of Insured Multifamily Housing Development, 451–7th Street SW., Washington, DC 20410–8000, (202) 426–7624. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: Fair Market Rents are based primarily on the level of rentals paid for recently completed or newly constructed dwelling units of modest design within each market area, as determined by HUD Field Office staff. They are estimates of rentals that prospective tenants who are not receiving Federal rental subsidies would be willing to pay for recently completed or newly constructed dwelling units of modest design.

The revised Fair Market Rents in Schedule A of Part 888 as adopted by this Interim Rule, have been trended ahead to October 1, 1986, to allow for the period of construction or rehabilitation of the projects involved.

This interim rule includes Fair Market Rents for 0, 1, 2, 3, and 4 or more bedroom units in five structural categories (detached, semi-detached/row, walkup, elevator 2–4 story, and 5 plus story). Construction or rehabilitation of elevator projects for families with children is legally prohibited unless there is no practical alternative. Fair Market Rents for family units in elevator structures have been listed in these schedules for appropriate market areas. However, the determination that there is "no practical alternative" must be made on a project by project basis.

In addition, regulations provide that high-rise elevator projects for *the elderly* may be approved *only* if HUD determines that high-rise construction is appropriate after taking into account land costs, safety and security factors.

Proposals involving combinations of structural types and unit sizes for which Fair Market Rents have not yet been published may not be approved until the applicable Fair Market Rents are published and become effective.

A discussion of the applicability of a particular schedule of Fair Market Rents, where the rents are revised downward, follows:

1. In the State Agency Program (under 24 CFR Part 883) the Fair Market Rents in effect on the date the "Application for Assignment of Portion of Set-Aside to Specific Project" is submitted to HUD shall apply, except in those instances where a Proposal or Preliminary Proposal is submitted before the Application. In the latter cases, the Fair Market Rents that are in effect on the date of the submission of the Proposal or Preliminary Proposal shall apply.

2. For New Construction and Substantial Rehabilitation Projects (Under 24 CFR Parts 880, 881, and 885) which are not subject to a Notice of Fund Availability (NOFA) nor to a deadline in a NOFA, the Fair Market Rents in effect on the date that the Preliminary Proposal or Section 202 Application for Fund Reservation is submitted shall apply.

3. For New Construction and Substantial Rehabilitation Projects which are subject to deadlines stated in NOFAs, the Fair Market Rents stated in the NOFA shall apply.

For all projects where the Fair Market Rents are revised upward after the date of the processing stage specified above, the revised Fair Market Rents shall apply to all subsequent processing in reviewing Contract Rents.

Interested persons will have a 30-day comment period after publication of this Interim Rule in which to submit comments on the revised Fair Market Rents contained in Schedule A. If evaluation of comments submitted during that period indicates a need to change any of the Fair Market Rents in Schedule A, such Fair Market Rents will be withdrawn or revised, as appropriate.

In addition, interested persons may submit comments or other information (with adequate documentation) on Fair Market Rents at any time, even after expiration of the 30-day public comment period provided in this rule. Any data submitted will be considered in initiating interim revisions to the Fair Market Rent schedules. In order to expedite consideration of your submission, please send a copy to the HUD Filed Office having jurisdiction for the market area involved.

HUD regulations in 24 CFR Part 50, which implement section 102(2)(C) of the National Environmental Policy Act of 1969, contain categorical exclusions from their requirements for the actions, activities and programs specified in § 50.20. Since the amendments made by this rule are within the exclusion set forth in § 50.20(1), no environmental assessment is required for this rule, and no environmental finding has been prepared.

This rule does not constitute a "major rule" as that term is defined in section 1(b) of Executive Order 12291 on Federal Regulation. Analysis of the rule

indicates that it does not (1) have an annual effect on the economy of $100 million or more; (2) cause a major increase in cost or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or (3) have a significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

This rule is not listed in the Department's Semiannual Agenda of Regulations published on October 22, 1984 (49 FR 41684), pursuant to Executive Order 12291 and the Regulatory Flexibility Act.

Pursuant to the provisions of 5 U.S.C. 605(b) (the Regulatory Flexibility Act), the undersigned hereby certifies that this rule does not have a significant economic impact on a substantial number of small entities. Although this rule will have an effect on developers and owners of Section 8 projects, some of whom may constitute small entities, it is not expected that the economic impact on them will be significant.

The Catalog of Federal Domestic Assistance Program number and title for the activities covered by this rule is 14.156, Lower Income Housing Assistance Program (Section 8).

List of Subjects in 24 CFR Part 888

Rent subsidies.

Accordingly, Schedule A of 24 CFR Part 888 is revised to read as set forth below.

Authority: Section 8(c)(1) of the U.S. Housing Act of 1937, 42 U.S.C. 1437f(c)(1); Section 7(d), Department of HUD Act, 42 U.S.C. 3535(d).

Dated: March 19, 1985.

Shirley McVay Wiseman,

General Deputy Assistant Secretary for Housing-Deputy Federal Housing Commissioner.

Schedule A—Fair Market Rents for New Construction and Substantial Rehabilitation (Including Housing Finance and Development Agencies Program)

These Fair Market Rents have been trended ahead to October 1, 1986, to update the current Fair Market Rent schedules which these revised schedules will replace.

Note.—The Fair Market Rents for (1) dwelling units designed for the elderly or handicapped are those for appropriate size, units, not to exceed 2 bedrooms for the elderly, multiplied by 1.05; (2) congregate housing dwelling units are the same as for noncongregate units; (3) single room occupancy dwelling units (applicable only for Substantial Rehabilitation projects) are 75 percent of those for zero bedroom units of the same structural type; (4) living units in a group home (each composed of a bedroom plus a proportionate part of common living space which is ordinarily included in a living unit) are those for zero bedroom or one bedroom units of the walkup structural type (or, if the group home contains an elevator, of the elevator 2–4 story structural type). In group homes, one bedroom Fair Market Rents may be applied only when the bedroom space plus the proportionate part of the common space is at least 450 square feet; (5) manufactured homes (unit and space) shall be 95 percent of the rents for detached units of the appropriate bedroom size (except that where a manufactured home Fair Market Rent is given on the schedule for the area, the amount on the schedule shall be the Fair Market Rent); (6) manufactured home spaces in newly-constructed or substantially rehabilitated manufactured home parks shall be the Fair Market Rents for spaces published for the Existing Housing Program under Schedule D, multiplied by 1.25.

All rents computed in accordance with this note shall be rounded down to the nearest whole dollar.

Similarly, all Fair Market Rents increased by up to 10 percent with the approval of the HUD Field Office Manager, or by up to 20 percent with the approval of the HUD Assistant Secretary for Housing should have the result rounded down to the nearest whole dollar.

The decision relative to the selection of appropriate FMRs for use in project processing must be based upon *an entire schedule* rather than selectively choosing the highest unit rents from both the current effective FMR schedule and a prior published one for that market area.

Since the 1984 FMRs were published, the market areas for the State of New Mexico have been consolidated into five areas. For the convenience of the user, last year's market areas are listed below, under their new market area designations:

Albuquerque

Albuquerque
Isleta

Clovis

Alamogordo
Artesia
Carlsbad
Clovis
Hobbs
Las Cruces
Mescalero
Socorro
Truth or Consequences

Sante Fe

Fort Sumner
Las Vegas
Pojoaque
Raton
Santa Fe

Silver City

Dulce
Farmington
Gallup
Jemez
Laguna
Los Alamos
Ruidoso
Silver City
Tierra Amari

Taos

Penasco
Taos

BILLING CODE 4210-27-M

SCHEDULE A- FAIR MARKET RENTS FOR NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION
(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAMS)

REGION 1

BOSTON, MASSACHUSETTS AREA OFFICE

MARKET: BOSTON
NUMBER OF BEDROOMS

STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			742	952	1035
SEMI-DETACHED/ROW		625	733	856	959
WALKUP	539	609	730	805	913
ELEVATOR 2-4 STY	559	679	784	1018	1162
ELEVATOR 5+ STY	559	679	784	1096	1209
MANUFACTURED HOME					

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: WORCESTER
NUMBER OF BEDROOMS

-0-	-1-	-2-	-3-	-4+
		689	880	955
	554	681	795	911
495	527	661	749	861
505	580	695		
530	611	731		

EFFECTIVE DATE 100134
TRENDED DATE 100186

MARKET: FALL RIVER
NUMBER OF BEDROOMS

-0-	-1-	-2-	-3-	-4+
		711	855	870
	551	697	844	855
513	532	658	753	790
531	551	672		
533	580	702		

EFFECTIVE DATE 100184
TRENDED DATE 100186

HARTFORD, CONNECTICUT AREA OFFICE

MARKET: HARTFORD
NUMBER OF BEDROOMS

STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			657	731	752
SEMI-DETACHED/ROW		543	626	709	731
WALKUP	451	523	595	671	693
ELEVATOR 2-4 STY	457	531	599		
ELEVATOR 5+ STY	472	577	665		
MANUFACTURED HOME					

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: NEW HAVEN
NUMBER OF BEDROOMS

-0-	-1-	-2-	-3-	-4+
		638	726	770
	526	592	697	749
450	503	570	649	671
462	518	606		
479	571	675		

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: NEW LONDON
NUMBER OF BEDROOMS

-0-	-1-	-2-	-3-	-4+
		635	709	740
	471	603	673	717
421	452	594	667	691
424	466	616		
449	515	635		

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: NEW MILFORD
NUMBER OF BEDROOMS

-0-	-1-	-2-	-3-	-4+
		588	656	673
	510	588	656	673
424	492	559	630	651
429	499	563		
443	542	625		

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: WINDHAM
NUMBER OF BEDROOMS

STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			545	603	626
SEMI-DETACHED/ROW		465	520	582	606
WALKUP	381	443	497	551	567
ELEVATOR 2-4 STY	403	461	507		
ELEVATOR 5+ STY	420	489	558		
MANUFACTURED HOME					

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: BRIDGEPORT
NUMBER OF BEDROOMS

-0-	-1-	-2-	-3-	-4+
		637	680	710
	527	607	658	688
437	506	574	638	661
443	530	581		
461	560	645		

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: RIDGEFIELD
NUMBER OF BEDROOMS

-0-	-1-	-2-	-3-	-4+
		739	792	820
	611	704	770	798
506	589	669	749	771
515	598	676		
531	649	747		

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: NORWICH
NUMBER OF BEDROOMS

-0-	-1-	-2-	-3-	-4+
		588	656	673
	519	588	656	673
432	502	570	631	650
438	509	575		
454	545	635		

EFFECTIVE DATE 100184
TRENDED DATE 100186

MANCHESTER, NEW HAMPSHIRE SERVICE OFFICE

MARKET: MAINE STATEWIDE
NUMBER OF BEDROOMS

STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED		540	609	695	806
SEMI-DETACHED/ROW	425	499	569	655	759
WALKUP	381	463	542	615	694
ELEVATOR 2-4 STY	426	509	641		
ELEVATOR 5+ STY	473	563	713		
MANUFACTURED HOME					

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: VERMONT STATE
NUMBER OF BEDROOMS

-0-	-1-	-2-	-3-	-4+
	560	655	738	840
466	523	616	691	780
417	488	580	654	721
473	540	640		
525	599	711		

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: NEW HAMPSHIRE ST.
NUMBER OF BEDROOMS

-0-	-1-	-2-	-3-	-4+
	538	602	694	806
457	509	573	657	762
403	453	520	592	673
426	516	594		
473	572	660		

EFFECTIVE DATE 100184
TRENDED DATE 100186

PROVIDENCE, RHODE ISLAND SERVICE OFFICE

MARKET: PROVIDENCE
NUMBER OF BEDROOMS

STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			661	769	861
SEMI-DETACHED/ROW		482	561	624	672
WALKUP	361	470	542	610	655
ELEVATOR 2-4 STY	361	485	630		
ELEVATOR 5+ STY	363	490	636		
MANUFACTURED HOME					

EFFECTIVE DATE 100184
TRENDED DATE 100186

SCHEDULE A- FAIR MARKET RENTS FOR NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION
(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAMS)

REGION 2

BUFFALO, NEW YORK AREA OFFICE

MARKET: BUFFALO
NUMBER OF BEDROOMS

STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			550	622	701
SEMI-DETACHED/ROW		414	483	567	656
WALKUP	315	372	448	526	560
ELEVATOR 2-4 STY	413	454	601		
ELEVATOR 5+ STY	449	490	637		
MANUFACTURED HOME					

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: ELMIRA
NUMBER OF BEDROOMS

-0-	-1-	-2-	-3-	-4+
		533	618	684
	428	487	575	641
329	374	440	545	619
395	473	557		
431	509	593		

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: JAMESTOWN
NUMBER OF BEDROOMS

-0-	-1-	-2-	-3-	-4+
		543	610	684
	426	495	567	648
328	386	458	526	607
401	473	581		
437	509	616		

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: ROCHESTER
NUMBER OF BEDROOMS

-0-	-1-	-2-	-3-	-4+
		531	594	659
	418	488	567	641
323	375	451	511	576
416	473	567		
452	509	606		

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: ALBANY
NUMBER OF BEDROOMS

STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			522	631	699
SEMI-DETACHED/ROW		385	461	560	620
WALKUP	328	374	439	517	586
ELEVATOR 2-4 STY	328	403	510		
ELEVATOR 5+ STY	357	441	550		
MANUFACTURED HOME					

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: PLATTSBURGH
NUMBER OF BEDROOMS

-0-	-1-	-2-	-3-	-4+
		531	626	691
	448	488	564	629
352	386	446	522	595
392	464	564		
428	500	604		

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: SYRACUSE
NUMBER OF BEDROOMS

-0-	-1-	-2-	-3-	-4+
		538	620	709
	398	472	568	638
310	371	453	517	595
310	413	523		
349	450	562		

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: BINGHAMTON
NUMBER OF BEDROOMS

-0-	-1-	-2-	-3-	-4+
		519	626	692
	392	461	551	612
326	372	437	513	580
326	405	515		
362	431	553		

EFFECTIVE DATE 100184
TRENDED DATE 100186

NEW YORK, NEW YORK AREA OFFICE

MARKET: NEW YORK CITY
NUMBER OF BEDROOMS

STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED					
SEMI-DETACHED/ROW		628	865	1026	1253
WALKUP	564	589	802	960	1160
ELEVATOR 2-4 STY	602	774	828	1043	1225
ELEVATOR 5+ STY	785	956	1062	1348	1540
MANUFACTURED HOME					

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: SUFFOLK
NUMBER OF BEDROOMS

-0-	-1-	-2-	-3-	-4+
		763	925	1031
577	611	724	757	901
463	539	649	707	781
595	699	851		
642	716	895		

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: WESTCHESTER
NUMBER OF BEDROOMS

-0-	-1-	-2-	-3-	-4+
		866	1011	1107
	619	725	893	971
484	577	691	834	916
599	685	841	984	
648	769	896		

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: ORANGE
NUMBER OF BEDROOMS

-0-	-1-	-2-	-3-	-4+
		633	718	783
	451	572	681	745
324	447	542	636	703
521	564	712		
560	640	782		

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: ROCKLAND
NUMBER OF BEDROOMS

STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			856	929	998
SEMI-DETACHED/ROW		613	764	889	965
WALKUP	455	577	721	837	927
ELEVATOR 2-4 STY	515	620	769		
ELEVATOR 5+ STY	563	670	810		
MANUFACTURED HOME					

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: NASSAU
NUMBER OF BEDROOMS

-0-	-1-	-2-	-3-	-4+
		914	1043	1146
	648	836	948	1051
501	624	757	869	963
516	638	794		
522	733	846		

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: PUTNAM
NUMBER OF BEDROOMS

-0-	-1-	-2-	-3-	-4+
		798	917	998
	537	684	821	896
434	509	587	734	852
610	691	756		
653	751	834		

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: POUGHKEEPSIE
NUMBER OF BEDROOMS

-0-	-1-	-2-	-3-	-4+
		664	775	885
	485	577	664	729
387	462	575	616	684
588	687	791		
615	713	854		

EFFECTIVE DATE 100184
TRENDED DATE 100186

NEWARK, NEW JERSEY AREA OFFICE

MARKET: NEWARK
NUMBER OF BEDROOMS

STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			1055	1178	1253
SEMI-DETACHED/ROW	597	664	841	975	1061
WALKUP	525	587	752	873	956
ELEVATOR 2-4 STY	606	674	859	1000	1080
ELEVATOR 5+ STY	681	764	974	1141	1230
MANUFACTURED HOME					

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: NORTH BERGEN
NUMBER OF BEDROOMS

-0-	-1-	-2-	-3-	-4+
		1048	1172	1246
655	721	836	969	1054
581	642	745	866	949
662	730	852	993	1073
737	820	968	1134	1223

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: FREEHOLD
NUMBER OF BEDROOMS

-0-	-1-	-2-	-3-	-4+
		970	1092	1168
588	655	761	891	975
516	575	673	787	872
595	663	773	915	994
670	753	889	1055	1146

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: CAMDEN
NUMBER OF BEDROOMS

-0-	-1-	-2-	-3-	-4+
		925	1042	1114
	571	698	848	927
422	489	600	743	832
543	609	741	889	967
620	699	870	1031	1117

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: ATLANTIC CITY
NUMBER OF BEDROOMS

STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			891	1008	1067
SEMI-DETACHED/ROW		598	680	811	893
WALKUP	475	532	602	721	797
ELEVATOR 2-4 STY	572	637	718	854	931
ELEVATOR 5+ STY	648	728	834	994	1082
MANUFACTURED HOME					

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: BURLINGTON
NUMBER OF BEDROOMS

-0-	-1-	-2-	-3-	-4+
		925	1042	1114
	571	715	848	927
448	504	637	756	832
544	609	753	889	967
620	699	870	1031	1117

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: GLOUCESTER
NUMBER OF BEDROOMS

-0-	-1-	-2-	-3-	-4+
		925	1042	1114
	571	705	848	927
432	502	606	753	832
544	609	751	889	967
620	699	870	1031	1117

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: TRENTON
NUMBER OF BEDROOMS

-0-	-1-	-2-	-3-	-4+
		944	1061	1133
	642	733	866	945
489	557	656	774	851
610	682	772	907	985
698	778	888	1048	1137

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: VINELAND
NUMBER OF BEDROOMS

STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			811	929	1000
SEMI-DETACHED/ROW		527	602	733	813
WALKUP	376	449	523	642	718
ELEVATOR 2-4 STY	502	572	640	775	853
ELEVATOR 5+ STY	585	663	756	916	1004
MANUFACTURED HOME					

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: ASBURY PARK
NUMBER OF BEDROOMS

-0-	-1-	-2-	-3-	-4+
		931	1054	1128
538	604	719	852	938
464	525	628	749	833
545	613	735	876	955
620	709	851	1016	1107

EFFECTIVE DATE 100184
TRENDED DATE 100186

SCHEDULE A- FAIR MARKET RENTS FOR NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION
(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAMS)

REGION 2

CARIBBEAN AREA OFFICE

MARKET: SAN JUAN

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			497	556	610
SEMI-DETACHED/ROW		431	477	541	561
WALKUP	328	391	461	504	554
ELEVATOR 2-4 STY					
ELEVATOR 5+ STY	378	428	482	553	613
MANUFACTURED HOME					

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: MAYAGUEZ

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			485	570	638
SEMI-DETACHED/ROW		430	475	561	637
WALKUP	321	381	428	487	560
ELEVATOR 2-4 STY					
ELEVATOR 5+ STY	360	408	507	584	629
MANUFACTURED HOME					

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: PONCE

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			468	550	596
SEMI-DETACHED/ROW		431	468	550	596
WALKUP	321	381	425	487	560
ELEVATOR 2-4 STY					
ELEVATOR 5+ STY	360	408	507	584	629
MANUFACTURED HOME					

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: ARECIBO

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			485	570	638
SEMI-DETACHED/ROW		430	475	561	637
WALKUP	321	381	428	487	560
ELEVATOR 2-4 STY					
ELEVATOR 5+ STY	360	408	507	584	629
MANUFACTURED HOME					

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: ST. CROIX

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			630	688	776
SEMI-DETACHED/ROW	417	471	553	621	707
WALKUP	338	392	477	536	598
ELEVATOR 2-4 STY					
ELEVATOR 5+ STY					
MANUFACTURED HOME					

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: ST. THOMAS

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			648	708	799
SEMI-DETACHED/ROW	485	485	569	639	726
WALKUP	355	410	500	559	627
ELEVATOR 2-4 STY					
ELEVATOR 5+ STY					
MANUFACTURED HOME					

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: OLD SAN JUAN

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED					
SEMI-DETACHED/ROW		660	734	800	889
WALKUP	552	606	682	744	804
ELEVATOR 2-4 STY					
ELEVATOR 5+ STY					
MANUFACTURED HOME					

EFFECTIVE DATE 100184
TRENDED DATE 100186

REGION 3

BALTIMORE, MARYLAND AREA OFFICE

MARKET: BALTIMORE

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			685	773	908
SEMI-DETACHED/ROW		476	555	653	851
WALKUP	371	476	547	653	743
ELEVATOR 2-4 STY	401	501	594		
ELEVATOR 5+ STY	443	547	698		
MANUFACTURED HOME					

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: HAGERSTOWN

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			626	696	802
SEMI-DETACHED/ROW		442	518	603	789
WALKUP	341	442	518	603	646
ELEVATOR 2-4 STY	366	460	523		
ELEVATOR 5+ STY	420	506	655		
MANUFACTURED HOME					

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: SALISBURY

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			582	642	753
SEMI-DETACHED/ROW		406	473	548	705
WALKUP	314	406	467	542	610
ELEVATOR 2-4 STY	325	445	487		
ELEVATOR 5+ STY	359	467	595		
MANUFACTURED HOME					

EFFECTIVE DATE 100184
TRENDED DATE 100186

CHARLESTON, WEST VIRGINIA SERVICE OFFICE

MARKET: CHARLESTON

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			510	605	687
SEMI-DETACHED/ROW		377	488	605	687
WALKUP	296	377	473	484	546
ELEVATOR 2-4 STY	387	475	536		
ELEVATOR 5+ STY	398	482	542		
MANUFACTURED HOME					

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: BLUEFIELD

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			498	537	598
SEMI-DETACHED/ROW		361	460	502	540
WALKUP	307	361	408	456	501
ELEVATOR 2-4 STY	384	456	510		
ELEVATOR 5+ STY	391	462	518		
MANUFACTURED HOME					

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: HUNTINGTON

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			465	561	610
SEMI-DETACHED/ROW		371	455	530	585
WALKUP	238	371	455	505	553
ELEVATOR 2-4 STY	363	431	517		
ELEVATOR 5+ STY	368	437	522		
MANUFACTURED HOME					

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: PARKERSBURG

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			435	502	552
SEMI-DETACHED/ROW		346	409	474	522
WALKUP	279	346	399	450	496
ELEVATOR 2-4 STY	373	450	545		
ELEVATOR 5+ STY	382	456	552		
MANUFACTURED HOME					

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: WHEELING

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			478	530	593
SEMI-DETACHED/ROW		346	446	516	569
WALKUP	267	341	435	478	521
ELEVATOR 2-4 STY	359	429	520		
ELEVATOR 5+ STY	364	435	525		
MANUFACTURED HOME					

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: MARTINSBURG

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			491	530	593
SEMI-DETACHED/ROW		340	431	505	569
WALKUP	268	340	431	478	540
ELEVATOR 2-4 STY	406	447	497		
ELEVATOR 5+ STY	413	452	502		
MANUFACTURED HOME					

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: FAIRMONT

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			505	561	628
SEMI-DETACHED/ROW		422	476	537	602
WALKUP	314	392	458	505	556
ELEVATOR 2-4 STY	429	471	525		
ELEVATOR 5+ STY	436	477	531		
MANUFACTURED HOME					

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: POINT PLEASANT

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			434	500	546
SEMI-DETACHED/ROW		324	405	471	519
WALKUP	235	320	398	443	493
ELEVATOR 2-4 STY	371	443	497		
ELEVATOR 5+ STY	376	452	504		
MANUFACTURED HOME					

EFFECTIVE DATE 100184
TRENDED DATE 100186

SCHEDULE A- FAIR MARKET RENTS FOR NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION
(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAMS)

REGION 3

PHILADELPHIA, PENNSYLVANIA AREA OFFICE

MARKET: PHILADELPHIA

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED					
SEMI-DETACHED/ROW		555	695	824	900
WALKUP	435	490	619	734	808
ELEVATOR 2-4 STY	529	592	732		
ELEVATOR 5+ STY	602	679	807		
MANUFACTURED HOME					

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: ALLENTOWN

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED					
SEMI-DETACHED/ROW		464	577	675	745
WALKUP	396	436	543	634	708
ELEVATOR 2-4 STY	467	493	578		
ELEVATOR 5+ STY	481	528	647		
MANUFACTURED HOME					

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: BELLEFONTE

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED					
SEMI-DETACHED/ROW		469	574	663	725
WALKUP	373	457	534	632	679
ELEVATOR 2-4 STY	406	474	589		
ELEVATOR 5+ STY	452	509	629		
MANUFACTURED HOME					

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: HARRISBURG

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED					
SEMI-DETACHED/ROW		473	521	664	725
WALKUP	373	436	504	622	677
ELEVATOR 2-4 STY	424	492	543		
ELEVATOR 5+ STY	459	532	589		
MANUFACTURED HOME					

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: LANCASTER

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED					
SEMI-DETACHED/ROW		440	541	666	691
WALKUP	364	425	530	638	665
ELEVATOR 2-4 STY	441	510	663		
ELEVATOR 5+ STY	464	533	685		
MANUFACTURED HOME					

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: YORK

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED					
SEMI-DETACHED/ROW		440	541	666	691
WALKUP	364	425	530	638	665
ELEVATOR 2-4 STY	441	510	663		
ELEVATOR 5+ STY	464	533	685		
MANUFACTURED HOME					

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: READING

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED					
SEMI-DETACHED/ROW		464	555	667	742
WALKUP	369	445	533	630	691
ELEVATOR 2-4 STY	422	498	577		
ELEVATOR 5+ STY	457	546	640		
MANUFACTURED HOME					

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: SCRANTON

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED					
SEMI-DETACHED/ROW		492	571	649	710
WALKUP	408	452	543	623	691
ELEVATOR 2-4 STY	463	537	606		
ELEVATOR 5+ STY	492	572	645		
MANUFACTURED HOME					

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: WELLSBORO

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED					
SEMI-DETACHED/ROW		469	574	663	725
WALKUP	373	457	534	632	679
ELEVATOR 2-4 STY	406	474	589		
ELEVATOR 5+ STY	452	509	629		
MANUFACTURED HOME					

EFFECTIVE DATE 100184
TRENDED DATE 100186

PITTSBURGH, PENNSYLVANIA AREA OFFICE

MARKET: PITTSBURGH

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			572	667	744
SEMI-DETACHED/ROW		489	544	636	744
WALKUP	380	452	534	605	708
ELEVATOR 2-4 STY	412	483	546		
ELEVATOR 5+ STY	426	498	581		
MANUFACTURED HOME					

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: ERIE

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			516	649	760
SEMI-DETACHED/ROW		470	516	612	716
WALKUP	334	413	479	552	629
ELEVATOR 2-4 STY	404	454	536		
ELEVATOR 5+ STY	417	468	570		
MANUFACTURED HOME					

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: ALTOONA

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			518	620	727
SEMI-DETACHED/ROW		424	503	588	692
WALKUP	334	412	503	588	672
ELEVATOR 2-4 STY	400	469	519		
ELEVATOR 5+ STY	408	483	553		
MANUFACTURED HOME					

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: JOHNSTOWN

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			515	612	730
SEMI-DETACHED/ROW		424	500	583	695
WALKUP	337	416	499	574	655
ELEVATOR 2-4 STY	401	468	524		
ELEVATOR 5+ STY	410	483	559		
MANUFACTURED HOME					

EFFECTIVE DATE 100184
TRENDED DATE 100186

RICHMOND, VIRGINIA AREA OFFICE

MARKET: NORTON

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED					
SEMI-DETACHED/ROW		341	410	497	553
WALKUP	252	312	396	492	542
ELEVATOR 2-4 STY	284	344	428		
ELEVATOR 5+ STY	311	387	511		
MANUFACTURED HOME					

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: HARRISONBURG

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED					
SEMI-DETACHED/ROW		381	443	511	579
WALKUP	298	354	438	506	563
ELEVATOR 2-4 STY	330	386	471		
ELEVATOR 5+ STY	374	455	588		
MANUFACTURED HOME					

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: NEWPORT NEWS

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED					
SEMI-DETACHED/ROW		380	437	545	593
WALKUP	299	338	408	488	544
ELEVATOR 2-4 STY	331	369	439		
ELEVATOR 5+ STY	446	504	615		
MANUFACTURED HOME					

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: NORFOLK

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED					
SEMI-DETACHED/ROW		406	485	545	597
WALKUP	349	393	465	545	590
ELEVATOR 2-4 STY	381	425	497		
ELEVATOR 5+ STY	445	542	670		
MANUFACTURED HOME					

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: CHARLOTTESVILLE

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED					
SEMI-DETACHED/ROW		426	503	595	632
WALKUP	350	396	474	527	586
ELEVATOR 2-4 STY	382	428	506		
ELEVATOR 5+ STY	422	511	643		
MANUFACTURED HOME					

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: RICHMOND

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED					
SEMI-DETACHED/ROW		393	456	533	579
WALKUP	320	374	447	527	574
ELEVATOR 2-4 STY	352	405	478		
ELEVATOR 5+ STY	398	484	625		
MANUFACTURED HOME					

EFFECTIVE DATE 100184
TRENDED DATE 100186

SCHEDULE A- FAIR MARKET RENTS FOR NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION
(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAMS)

REGION 3

WASHINGTON, D.C. AREA OFFICE

MARKET: WASHINGTON D.C.

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED					
SEMI-DETACHED/ROW	528	593	649	722	814
WALKUP	425	502	571	662	738
ELEVATOR 2-4 STY	459	553	713	782	
ELEVATOR 5+ STY	514	592	767	895	
MANUFACTURED HOME					

EFFECTIVE DATE 100184
TRENDED DATE 100186

WILMINGTON, DELAWARE VALUATION AND ENDORSEMENT STATION

MARKET: WILMINGTON, DEL

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			598	751	785
SEMI-DETACHED/ROW		436	533	640	702
WALKUP	361	418	493	573	614
ELEVATOR 2-4 STY	398	465	546		
ELEVATOR 5+ STY	423	539	598		
MANUFACTURED HOME					

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: DOVER, DEL

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
		572	685	775
	400	482	593	646
353	381	433	516	557
359	440	521		
381	486	578		

EFFECTIVE DATE 100184
TRENDED DATE 100186

REGION 4

ATLANTA, GEORGIA AREA OFFICE

MARKET: ATLANTA

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED					
SEMI-DETACHED/ROW	423	452	512	618	657
WALKUP	412	437	500	605	643
ELEVATOR 2-4 STY	438	464	526		
ELEVATOR 5+ STY	491	523	599		
MANUFACTURED HOME					

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: ALBANY

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
		450	524	552
305	342	400	474	517
295	333	389	463	499
320	358	414		
370	408	464		

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: AUGUSTA

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
		420	493	535
320	354	397	473	508
310	339	383	458	497
337	366	409		
376	407	470		

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: BRUNSWICK

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
		456	536	570
331	368	419	486	541
320	357	414	475	519
347	383	441		
398	433	494		

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: COLUMBUS

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			428	523	564
SEMI-DETACHED/ROW	309	344	385	493	530
WALKUP	296	331	372	481	518
ELEVATOR 2-4 STY	322	358	398		
ELEVATOR 5+ STY	375	413	450		
MANUFACTURED HOME					

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: MACON

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
		437	473	526
332	364	413	451	506
328	347	399	436	486
356	375	428		
407	436	496		

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: ROME

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
		389	459	494
257	296	338	407	453
246	285	338	396	441
271	311	364		
323	362	416		

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: SAVANNAH

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
		487	565	600
341	376	453	513	560
329	364	440	501	549
355	394	466		
405	445	517		

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: VALDOSTA

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			410	469	537
SEMI-DETACHED/ROW	286	324	386	462	506
WALKUP	275	306	376	439	495
ELEVATOR 2-4 STY	300	338	408		
ELEVATOR 5+ STY	350	389	460		
MANUFACTURED HOME					

EFFECTIVE DATE 100184
TRENDED DATE 100186

SCHEDULE A- FAIR MARKET RENTS FOR NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION
(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAMS)

REGION 4

BIRMINGHAM, ALABAMA AREA OFFICE

MARKET: BIRMINGHAM

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			566	724	802
SEMI-DETACHED/ROW		351	417	504	540
WALKUP	310	345	404	486	523
ELEVATOR 2-4 STY	321	363	428		
ELEVATOR 5+ STY	333	381	453		
MANUFACTURED HOME					

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: DOTHAN

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
		477	611	687
	335	394	460	501
298	329	378	442	484
310	346	401		
322	346	426		

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: FLORENCE

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
		531	679	764
	334	397	483	522
291	329	385	464	508
303	341	406		
316	353	418		

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: HUNTSVILLE

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
		529	669	763
	367	438	518	563
306	362	433	504	555
351	390	470		
362	408	494		

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: MOBILE

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			512	655	734
SEMI-DETACHED/ROW		355	423	506	543
WALKUP	303	343	412	487	530
ELEVATOR 2-4 STY	325	361	436		
ELEVATOR 5+ STY	336	378	459		
MANUFACTURED HOME					

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: MONTGOMERY

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
		494	629	705
	338	430	509	559
309	333	412	504	552
321	351	435		
332	368	460		

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: TUSCALOOSA

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
		531	676	756
	361	419	521	556
320	356	406	503	541
340	373	430		
353	391	454		

EFFECTIVE DATE 100184
TRENDED DATE 100186

COLUMBIA, SOUTH CAROLINA AREA AFFICE

MARKET: GREENVILLE

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED	416	457	535	612	669
SEMI-DETACHED/ROW	396	437	515	592	648
WALKUP	386	427	494	576	623
ELEVATOR 2-4 STY	441	506	594		
ELEVATOR 5+ STY	465	530	607		
MANUFACTURED HOME					

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: GREENWOOD

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
375	439	520	556	608
356	420	501	537	590
347	410	482	524	567
431	488	581		
454	512	592		

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: MYRTLE BEACH

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
422	487	567	650	699
401	467	545	629	678
391	454	524	608	651
454	519	624		
477	542	647		

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: ORANGEBURG

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
354	416	479	537	580
337	399	462	521	564
329	391	450	509	548
418	470	542		
433	478	552		

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: ROCKHILL

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED	424	470	530	597	653
SEMI-DETACHED/ROW	403	449	512	577	632
WALKUP	392	433	495	562	612
ELEVATOR 2-4 STY	431	488	589		
ELEVATOR 5+ STY	454	512	612		
MANUFACTURED HOME					

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: COLUMBIA

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
405	475	547	612	669
385	455	530	592	648
375	445	506	576	628
441	506	594		
465	530	618		

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: AIKEN

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
386	453	506	551	602
367	434	488	532	585
358	425	475	519	566
431	488	585		
454	512	606		

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: ANDERSON

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
369	432	482	545	597
351	413	465	528	578
341	404	453	515	557
440	502	556		
463	512	565		

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: BEAUFORT

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED	457	491	567	650	699
SEMI-DETACHED/ROW	436	470	545	629	678
WALKUP	420	454	524	608	651
ELEVATOR 2-4 STY	454	519	624		
ELEVATOR 5+ STY	477	542	647		
MANUFACTURED HOME					

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: CHARLESTON

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
391	481	567	644	694
371	461	545	624	674
361	451	524	608	651
454	519	624		
477	542	647		

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: FLORENCE

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
366	430	490	542	586
348	412	473	526	570
335	403	460	514	553
431	488	566		
454	512	587		

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: SPARTANBURG

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
370	432	493	540	591
351	413	475	523	573
341	404	462	509	552
440	506	571		
463	522	581		

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: NORTH AUGUSTA

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED	386	453	506	551	602
SEMI-DETACHED/ROW	367	434	488	532	585
WALKUP	358	425	475	519	566
ELEVATOR 2-4 STY	431	488	485		
ELEVATOR 5+ STY	454	512	606		
MANUFACTURED HOME					

EFFECTIVE DATE 100184
TRENDED DATE 100186

SCHEDULE A- FAIR MARKET RENTS FOR NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION
(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAMS)

REGION 4

GREENSBORO, NORTH CAROLINA AREA OFFICE

MARKET: GREENSBORO

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			459	524	621
SEMI-DETACHED/ROW		370	443	493	592
WALKUP	318	370	443	488	588
ELEVATOR 2-4 STY	338	403	466		
ELEVATOR 5+ STY	482	518	627		
MANUFACTURED HOME					
EFFECTIVE DATE			100184		
TRENDED DATE			100186		

MARKET: ASHEVILLE

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
		438	534	619
	354	407	513	587
301	354	407	508	587
335	387	440		
438	493	582		
EFFECTIVE DATE		100184		
TRENDED DATE		100186		

MARKET: CHARLOTTE

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
		499	579	649
	392	465	538	622
335	392	465	538	622
359	419	498		
484	519	622		
EFFECTIVE DATE		100184		
TRENDED DATE		100186		

MARKET: DURHAM

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
		490	563	661
	368	455	552	631
346	368	455	546	626
378	401	486		
481	523	636		
EFFECTIVE DATE		100184		
TRENDED DATE		100186		

MARKET: GREENVILLE

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
		426	490	582
	342	412	464	536
276	338	406	464	536
306	359	427		
413	479	574		
EFFECTIVE DATE		100184		
TRENDED DATE		100186		

MARKET: RALEIGH

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
		494	588	687
	416	485	539	620
346	410	479	534	614
373	431	500		
524	589	699		
EFFECTIVE DATE		100184		
TRENDED DATE		100186		

MARKET: WINSTON-SALEM

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
		447	532	633
	361	417	494	571
294	359	417	489	566
321	380	445		
461	493	591		
EFFECTIVE DATE		100184		
TRENDED DATE		100186		

MARKET: FAYETTEVILLE

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
		425	497	569
	335	394	458	527
293	334	394	458	527
322	366	427		
404	454	539		
EFFECTIVE DATE		100184		
TRENDED DATE		100186		

MARKET: WILMINGTON

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
		439	519	590
	346	417	474	543
298	346	417	474	543
328	366	437		
430	477	573		
EFFECTIVE DATE		100184		
TRENDED DATE		100186		

MARKET: ELIZABETH CITY

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
		455	539	648
	319	403	491	594
269	314	398	486	589
294	359	459		
450	525	669		
EFFECTIVE DATE		100184		
TRENDED DATE		100186		

JACKSON, MISSISSIPPI AREA OFFICE

MARKET: JACKSON

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
		483	582	660
353	383	477	564	635
335	383	433	512	572
472	535	622		
486	552	642		
EFFECTIVE DATE		100184		
TRENDED DATE		100186		

MARKET: CORINTH

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
		395	500	577
276	323	384	483	559
262	313	379	476	540
402	474	576		
416	491	598		
EFFECTIVE DATE		100184		
TRENDED DATE		100186		

MARKET: GREENVILLE

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
		478	506	581
362	391	453	491	571
326	370	432	457	526
423	516	620		
435	531	640		
EFFECTIVE DATE		100184		
TRENDED DATE		100186		

MARKET: GREENWOOD

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
		444	481	566
330	373	430	460	540
294	346	407	427	490
422	480	539		
436	496	553		
EFFECTIVE DATE		100184		
TRENDED DATE		100186		

MARKET: GULFPORT

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
		449	526	602
370	385	443	519	551
306	355	403	493	551
455	535	631		
469	556	654		
EFFECTIVE DATE		100184		
TRENDED DATE		100186		

MARKET: HATTIESBURG

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
		433	517	598
302	354	419	501	572
266	331	405	460	518
400	464	586		
414	480	606		
EFFECTIVE DATE		100184		
TRENDED DATE		100186		

MARKET: SOUTHAVEN

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
		471	545	621
319	394	449	532	611
306	389	449	520	598
440	518	622		
460	533	642		
EFFECTIVE DATE		100184		
TRENDED DATE		100186		

JACKSONVILLE, FLORIDA AREA OFFICE

MARKET: JACKSONVILLE

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
		607	684	762
389	447	539	607	671
349	395	491	573	645
412	461	573		
471	523	651		
EFFECTIVE DATE		100184		
TRENDED DATE		100186		

MARKET: PENSACOLA

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
		566	639	708
401	457	537	607	680
313	365	438	505	573
360	420	499		
406	472	556		
EFFECTIVE DATE		100184		
TRENDED DATE		100186		

MARKET: KEY WEST

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
		687	759	835
544	596	673	748	822
410	468	583	689	760
476	526	670		
540	601	751		
EFFECTIVE DATE		100184		
TRENDED DATE		100186		

MARKET: MIAMI

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
		687	759	835
544	596	673	748	822
410	468	583	689	760
476	526	670		
540	601	751		
EFFECTIVE DATE		100184		
TRENDED DATE		100186		

MARKET: TAMPA

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
		575	655	748
397	454	545	616	689
363	419	504	573	638
444	503	610		
524	584	693		
EFFECTIVE DATE		100184		
TRENDED DATE		100186		

MARKET: ORLANDO

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
		636	746	822
385	441	543	606	676
360	417	493	559	629
441	502	612		
512	571	676		
EFFECTIVE DATE		100184		
TRENDED DATE		100186		

SCHEDULE A- FAIR MARKET RENTS FOR NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION
(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAMS)

REGION 4

LOUISVILLE, KENTUCKY AREA OFFICE

MARKET: LOUISVILLE
NUMBER OF BEDROOMS

STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			531	602	675
SEMI-DETACHED/ROW		443	508	571	638
WALKUP	366	399	468	543	592
ELEVATOR 2-4 STY	398	431	499		
ELEVATOR 5+ STY	477	523	624		
MANUFACTURED HOME					

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: COVINGTON
NUMBER OF BEDROOMS

-0-	-1-	-2-	-3-	-4+
		505	604	695
	416	479	553	636
352	392	453	528	591
404	437	498		
490	530	636		

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: OWENSBORO
NUMBER OF BEDROOMS

-0-	-1-	-2-	-3-	-4+
		520	597	665
	398	481	571	638
319	362	435	525	582
398	418	499		
452	507	620		

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: PADUCAH
NUMBER OF BEDROOMS

-0-	-1-	-2-	-3-	-4+
		519	598	668
	397	480	572	640
319	362	435	525	581
398	431	499		
451	509	608		

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: PIKEVILLE
NUMBER OF BEDROOMS

STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			555	633	694
SEMI-DETACHED/ROW		435	519	587	645
WALKUP	370	412	474	543	593
ELEVATOR 2-4 STY	415	444	533		
ELEVATOR 5+ STY	478	524	636		
MANUFACTURED HOME					

EFFECTIVE DATE 100184
TRENDED DATE 100186

KNOXVILLE, TENNESSEE AREA OFFICE

MARKET: KNOXVILLE
NUMBER OF BEDROOMS

STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			455	530	565
SEMI-DETACHED/ROW		381	439	510	555
WALKUP	345	370	429	499	545
ELEVATOR 2-4 STY	370	396	455		
ELEVATOR 5+ STY	396	417	482		
MANUFACTURED HOME					

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: CHATTANOOGA
NUMBER OF BEDROOMS

-0-	-1-	-2-	-3-	-4+
		448	530	566
	401	437	515	551
365	391	422	504	540
391	412	448		
412	437	473		

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: JOHNSON CITY
NUMBER OF BEDROOMS

-0-	-1-	-2-	-3-	-4+
		448	520	556
	366	437	509	545
331	348	422	494	525
361	379	453		
384	407	478		

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: KINGSPORT
NUMBER OF BEDROOMS

-0-	-1-	-2-	-3-	-4+
		448	520	556
	366	437	509	545
331	348	422	494	530
361	375	453		
381	407	478		

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: OAKRIDGE
NUMBER OF BEDROOMS

STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			455	530	565
SEMI-DETACHED/ROW		381	439	510	555
WALKUP	345	370	429	499	545
ELEVATOR 2-4 STY	370	396	455		
ELEVATOR 5+ STY	396	417	482		
MANUFACTURED HOME					

EFFECTIVE DATE 100184
TRENDED DATE 100186

NASHVILLE, TENNESSEE SERVICE OFFICE

MARKET: NASHVILLE
NUMBER OF BEDROOMS

STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			465	542	582
SEMI-DETACHED/ROW	356	395	449	530	571
WALKUP	325	376	441	524	566
ELEVATOR 2-4 STY	335	395	449		
ELEVATOR 5+ STY	342	409	465		
MANUFACTURED HOME					

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: CLARKSVILLE
NUMBER OF BEDROOMS

-0-	-1-	-2-	-3-	-4+
		427	501	542
307	339	407	488	530
279	319	402	472	524
301	345	407		
307	366	426		

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: COLUMBIA
NUMBER OF BEDROOMS

-0-	-1-	-2-	-3-	-4+
		395	487	533
308	314	371	479	512
261	307	361	465	506
267	325	368		
278	348	402		

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: MEMPHIS
NUMBER OF BEDROOMS

-0-	-1-	-2-	-3-	-4+
		418	469	549
301	343	399	446	509
269	301	352	424	456
314	376	443		
353	417	484		

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: JACKSON
NUMBER OF BEDROOMS

STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			399	465	548
SEMI-DETACHED/ROW	279	319	374	432	502
WALKUP	262	301	364	421	479
ELEVATOR 2-4 STY	321	345	433		
ELEVATOR 5+ STY	334	382	471		
MANUFACTURED HOME					

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: UNION CITY
NUMBER OF BEDROOMS

-0-	-1-	-2-	-3-	-4+
		381	443	523
303	303	358	412	478
251	288	347	402	457
305	364	462		
334	404	471		

EFFECTIVE DATE 100184
TRENDED DATE 100186

SCHEDULE A- FAIR MARKET RENTS FOR NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION
(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAMS)

REGION 5

CHICAGO, ILLINOIS AREA OFFICE

MARKET: CHICAGO

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			740	879	1014
SEMI-DETACHED/ROW	535	601	679	798	884
WALKUP	454	524	626	750	787
ELEVATOR 2-4 STY	485	570	672	799	800
ELEVATOR 5+ STY	525	657	781	810	857
MANUFACTURED HOME					

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: BELLEVILLE

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			628	711	792
SEMI-DETACHED/ROW	394	444	532	618	721
WALKUP	360	431	504	569	629
ELEVATOR 2-4 STY	392	463	539		
ELEVATOR 5+ STY	462	507	589		
MANUFACTURED HOME					

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: MOLINE

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			647	792	878
SEMI-DETACHED/ROW	430	463	570	696	785
WALKUP	380	442	531	656	694
ELEVATOR 2-4 STY	453	469	564		
ELEVATOR 5+ STY	486	530	636		
MANUFACTURED HOME					

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: SPRINGFIELD

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			664	765	851
SEMI-DETACHED/ROW	371	423	507	593	689
WALKUP	336	396	470	559	638
ELEVATOR 2-4 STY	405	468	543		
ELEVATOR 5+ STY	453	508	595		
MANUFACTURED HOME					

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: EAST ST. LOUIS

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			543	625	703
SEMI-DETACHED/ROW	380	429	493	566	652
WALKUP	339	392	466	530	589
ELEVATOR 2-4 STY	361	418	504		
ELEVATOR 5+ STY	436	495	596		
MANUFACTURED HOME					

EFFECTIVE DATE 100184
TRENDED DATE 100186

CINCINNATI, OHIO SERVICE OFFICE

MARKET: CINCINNATI

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			660	816	850
SEMI-DETACHED/ROW		468	533	639	703
WALKUP	328	386	486	553	638
ELEVATOR 2-4 STY	361	482	574		
ELEVATOR 5+ STY	502	591	672		
MANUFACTURED HOME					

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: DAYTON

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			579	751	831
SEMI-DETACHED/ROW		403	468	561	632
WALKUP	315	393	460	526	588
ELEVATOR 2-4 STY	367	487	582		
ELEVATOR 5+ STY	508	597	645		
MANUFACTURED HOME					

EFFECTIVE DATE 100184
TRENDED DATE 100186

CLEVELAND, OHIO SERVICE OFFICE

MARKET: CLEVELAND

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			728	806	870
SEMI-DETACHED/ROW		495	566	639	687
WALKUP	355	415	495	575	624
ELEVATOR 2-4 STY	364	432	542		
ELEVATOR 5+ STY	427	440	552		
MANUFACTURED HOME					

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: AKRON

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			681	752	836
SEMI-DETACHED/ROW		478	546	625	666
WALKUP	350	399	468	559	595
ELEVATOR 2-4 STY	347	389	438		
ELEVATOR 5+ STY	355	416	471		
MANUFACTURED HOME					

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: FINDLAY

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			570	647	730
SEMI-DETACHED/ROW		405	451	547	586
WALKUP	312	337	396	482	534
ELEVATOR 2-4 STY	312	337	440		
ELEVATOR 5+ STY	357	409	503		
MANUFACTURED HOME					

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: LORAIN

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			570	646	742
SEMI-DETACHED/ROW		369	437	511	550
WALKUP	267	294	361	453	491
ELEVATOR 2-4 STY	337	355	422		
ELEVATOR 5+ STY	355	360	439		
MANUFACTURED HOME					

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: MANSFIELD

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			571	621	687
SEMI-DETACHED/ROW		428	472	543	604
WALKUP	313	336	382	474	510
ELEVATOR 2-4 STY	345	379	453		
ELEVATOR 5+ STY	351	403	463		
MANUFACTURED HOME					

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: TOLEDO

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			642	712	792
SEMI-DETACHED/ROW		446	510	585	624
WALKUP	331	367	434	530	563
ELEVATOR 2-4 STY	352	382	467		
ELEVATOR 5+ STY	386	391	476		
MANUFACTURED HOME					

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: YOUNGSTOWN

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			566	631	636
SEMI-DETACHED/ROW		390	451	526	541
WALKUP	280	316	375	470	513
ELEVATOR 2-4 STY	314	331	412		
ELEVATOR 5+ STY	321	338	420		
MANUFACTURED HOME					

EFFECTIVE DATE 100184
TRENDED DATE 100186

DETROIT, MICHIGAN AREA OFFICE

MARKET: DETROIT

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			610	688	725
SEMI-DETACHED/ROW		379	496	595	655
WALKUP	309	379	466	510	570
ELEVATOR 2-4 STY	347	408	484		
ELEVATOR 5+ STY	346	444	504		
MANUFACTURED HOME					

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: FLINT

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			500	569	607
SEMI-DETACHED/ROW		336	454	512	570
WALKUP	284	327	393	512	570
ELEVATOR 2-4 STY	293	359	399		
ELEVATOR 5+ STY	296	371	436		
MANUFACTURED HOME					

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: SAGINAW

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			500	569	607
SEMI-DETACHED/ROW		336	454	512	570
WALKUP	284	327	393	512	570
ELEVATOR 2-4 STY	293	359	399		
ELEVATOR 5+ STY	296	371	436		
MANUFACTURED HOME					

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: ANN ARBOR

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			610	688	725
SEMI-DETACHED/ROW		379	496	595	655
WALKUP	309	379	466	510	570
ELEVATOR 2-4 STY	347	408	484		
ELEVATOR 5+ STY	346	444	504		
MANUFACTURED HOME					

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: YPSILANTI

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			610	688	725
SEMI-DETACHED/ROW		379	496	595	655
WALKUP	309	379	466	510	570
ELEVATOR 2-4 STY	347	408	484		
ELEVATOR 5+ STY	346	444	504		
MANUFACTURED HOME					

EFFECTIVE DATE 100184
TRENDED DATE 100186

SCHEDULE A- FAIR MARKET RENTS FOR NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION
(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAMS)

REGION 5

GRAND RAPIDS, MICHIGAN SERVICE OFFICE

MARKET: MT PLEASANT
NUMBER OF BEDROOMS

STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			558	661	704
SEMI-DETACHED/ROW		412	474	587	634
WALKUP	251	335	374	465	500
ELEVATOR 2-4 STY	259	351	391		
ELEVATOR 5+ STY	421	479	555		
MANUFACTURED HOME					

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: GRAND RAPIDS
NUMBER OF BEDROOMS

STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			554	655	687
SEMI-DETACHED/ROW		387	477	565	610
WALKUP	281	350	444	487	521
ELEVATOR 2-4 STY	298	368	460		
ELEVATOR 5+ STY	405	472	524		
MANUFACTURED HOME					

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: BENTON HARBOR
NUMBER OF BEDROOMS

STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			532	632	665
SEMI-DETACHED/ROW		390	486	584	616
WALKUP	272	316	390	477	507
ELEVATOR 2-4 STY	289	332	406		
ELEVATOR 5+ STY	393	451	516		
MANUFACTURED HOME					

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: BATTLE CREEK
NUMBER OF BEDROOMS

STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			579	662	697
SEMI-DETACHED/ROW		425	525	615	660
WALKUP	271	352	428	523	552
ELEVATOR 2-4 STY	289	369	445		
ELEVATOR 5+ STY	416	482	540		
MANUFACTURED HOME					

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: LANSING
NUMBER OF BEDROOMS

STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			556	661	723
SEMI-DETACHED/ROW		389	465	574	618
WALKUP	299	351	425	512	543
ELEVATOR 2-4 STY	316	368	441		
ELEVATOR 5+ STY	376	425	499		
MANUFACTURED HOME					

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: MUSKEGON
NUMBER OF BEDROOMS

STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			562	663	696
SEMI-DETACHED/ROW		437	519	609	647
WALKUP	286	361	427	506	517
ELEVATOR 2-4 STY	303	380	444		
ELEVATOR 5+ STY	413	482	535		
MANUFACTURED HOME					

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: TRAVERSE CITY
NUMBER OF BEDROOMS

STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			601	703	736
SEMI-DETACHED/ROW		451	528	648	684
WALKUP	289	374	423	519	557
ELEVATOR 2-4 STY	304	390	439		
ELEVATOR 5+ STY	456	527	584		
MANUFACTURED HOME					

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: MARQUETTE
NUMBER OF BEDROOMS

STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			522	625	658
SEMI-DETACHED/ROW		380	476	573	606
WALKUP	215	300	387	481	517
ELEVATOR 2-4 STY	231	316	403		
ELEVATOR 5+ STY	420	491	505		
MANUFACTURED HOME					

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: JACKSON
NUMBER OF BEDROOMS

STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			544	663	713
SEMI-DETACHED/ROW		376	455	562	605
WALKUP	292	362	414	508	535
ELEVATOR 2-4 STY	298	379	431		
ELEVATOR 5+ STY	432	493	550		
MANUFACTURED HOME					

EFFECTIVE DATE 100184
TRENDED DATE 100186

INDIANAPOLIS, INDIANA AREA OFFICE

MARKET: INDIANAPOLIS
NUMBER OF BEDROOMS

STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			571	636	707
SEMI-DETACHED/ROW		406	485	562	605
WALKUP	333	374	447	510	530
ELEVATOR 2-4 STY	368	397	474		
ELEVATOR 5+ STY	453	501	588		
MANUFACTURED HOME					

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: BLOOMINGTON
NUMBER OF BEDROOMS

STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			542	607	677
SEMI-DETACHED/ROW		385	459	521	567
WALKUP	315	357	425	482	534
ELEVATOR 2-4 STY	349	374	453		
ELEVATOR 5+ STY	434	482	570		
MANUFACTURED HOME					

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: EVANSVILLE
NUMBER OF BEDROOMS

STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			528	593	660
SEMI-DETACHED/ROW		390	466	534	595
WALKUP	311	353	425	482	532
ELEVATOR 2-4 STY	347	376	453		
ELEVATOR 5+ STY	420	470	554		
MANUFACTURED HOME					

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: FORT WAYNE
NUMBER OF BEDROOMS

STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			535	597	666
SEMI-DETACHED/ROW		384	459	509	568
WALKUP	312	352	418	468	515
ELEVATOR 2-4 STY	345	374	445		
ELEVATOR 5+ STY	432	478	559		
MANUFACTURED HOME					

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: HAMMOND
NUMBER OF BEDROOMS

STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			584	653	711
SEMI-DETACHED/ROW		444	520	583	658
WALKUP	364	413	481	548	584
ELEVATOR 2-4 STY	405	435	506		
ELEVATOR 5+ STY	474	532	613		
MANUFACTURED HOME					

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: LAFAYETTE
NUMBER OF BEDROOMS

STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			564	632	677
SEMI-DETACHED/ROW		401	469	536	605
WALKUP	326	367	434	490	540
ELEVATOR 2-4 STY	359	389	462		
ELEVATOR 5+ STY	449	498	582		
MANUFACTURED HOME					

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: SOUTH BEND
NUMBER OF BEDROOMS

STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			558	627	701
SEMI-DETACHED/ROW		415	482	550	620
WALKUP	324	368	432	488	538
ELEVATOR 2-4 STY	362	392	461		
ELEVATOR 5+ STY	443	501	580		
MANUFACTURED HOME					

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: TERRE HAUTE
NUMBER OF BEDROOMS

STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			558	627	702
SEMI-DETACHED/ROW		399	478	541	609
WALKUP	322	366	440	503	557
ELEVATOR 2-4 STY	357	388	468		
ELEVATOR 5+ STY	436	487	575		
MANUFACTURED HOME					

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: GARY
NUMBER OF BEDROOMS

STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			584	643	709
SEMI-DETACHED/ROW		444	512	583	658
WALKUP	364	413	481	548	584
ELEVATOR 2-4 STY	405	435	506		
ELEVATOR 5+ STY	461	511	582		
MANUFACTURED HOME					

EFFECTIVE DATE 100184
TRENDED DATE 100186

SCHEDULE A- FAIR MARKET RENTS FOR NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION
(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAMS)

REGION 5

MILWAUKEE, WISCONSIN AREA OFFICE

MARKET: MADISON

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			632	718	758
SEMI-DETACHED/ROW		461	541	655	697
WALKUP	350	400	483	591	
ELEVATOR 2-4 STY	366	418	503		
ELEVATOR 5+ STY	502	546	658		
MANUFACTURED HOME					

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: REEDSVILLE

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			600	680	724
SEMI-DETACHED/ROW		439	507	623	670
WALKUP	326	379	452	563	
ELEVATOR 2-4 STY	343	396	469		
ELEVATOR 5+ STY	476	529	623		
MANUFACTURED HOME					

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: SUPERIOR

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			614	708	759
SEMI-DETACHED/ROW		454	514	624	678
WALKUP	338	392	454	577	
ELEVATOR 2-4 STY	355	409	471		
ELEVATOR 5+ STY	480	549	646		
MANUFACTURED HOME					

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: MILWAUKEE

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			683	748	828
SEMI-DETACHED/ROW		536	587	716	754
WALKUP	389	443	520	642	
ELEVATOR 2-4 STY	406	460	537		
ELEVATOR 5+ STY	538	604	717		
MANUFACTURED HOME					

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: EAU CLAIRE

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			552	639	685
SEMI-DETACHED/ROW		422	481	591	636
WALKUP	320	367	430	539	
ELEVATOR 2-4 STY	339	387	450		
ELEVATOR 5+ STY	464	509	604		
MANUFACTURED HOME					

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: GREEN BAY

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			569	664	706
SEMI-DETACHED/ROW		417	490	602	647
WALKUP	309	358	433	539	
ELEVATOR 2-4 STY	328	375	451		
ELEVATOR 5+ STY	455	496	610		
MANUFACTURED HOME					

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: WAUSAU

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			543	661	691
SEMI-DETACHED/ROW		422	485	599	644
WALKUP	312	362	429	534	
ELEVATOR 2-4 STY	329	379	447		
ELEVATOR 5+ STY	457	512	608		
MANUFACTURED HOME					

EFFECTIVE DATE 100184
TRENDED DATE 100186

MINNEAPOLIS-ST. PAUL, MINNESOTA AREA OFFICE

MARKET: MINNEAPOLIS

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED					
SEMI-DETACHED/ROW		404	541	622	695
WALKUP	330	379	452	577	598
ELEVATOR 2-4 STY	366	434	544		
ELEVATOR 5+ STY	373	493	622		
MANUFACTURED HOME					

EFFECTIVE DATE 100184
TRENDED DATE 100186

NO MARKET CODE MATCH IN PRT 54613

MARKET: DULUTH

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED					
SEMI-DETACHED/ROW		403	524	595	667
WALKUP	334	374	453	536	571
ELEVATOR 2-4 STY	364	419	532		
ELEVATOR 5+ STY	364	454	567		
MANUFACTURED HOME					

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: MANKATO

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED					
SEMI-DETACHED/ROW		412	518	589	659
WALKUP	324	362	451	520	550
ELEVATOR 2-4 STY	358	397	465		
ELEVATOR 5+ STY	371	509	603		
MANUFACTURED HOME					

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: ROCHESTER

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED					
SEMI-DETACHED/ROW		432	522	605	676
WALKUP	331	369	455	524	555
ELEVATOR 2-4 STY	361	400	472		
ELEVATOR 5+ STY	390	529	599		
MANUFACTURED HOME					

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: ST. CLOUD

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED					
SEMI-DETACHED/ROW		353	471	535	598
WALKUP	293	328	407	490	520
ELEVATOR 2-4 STY	318	393	451		
ELEVATOR 5+ STY	318	453	534		
MANUFACTURED HOME					

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: WORTHINGTON

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED					
SEMI-DETACHED/ROW		314	435	495	553
WALKUP	268	295	380	458	486
ELEVATOR 2-4 STY	285	349	416		
ELEVATOR 5+ STY	290	404	493		
MANUFACTURED HOME					

EFFECTIVE DATE 100184
TRENDED DATE 100186

SCHEDULE A- FAIR MARKET RENTS FOR NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION
(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAMS)

REGION 6

DALLAS, TEXAS AREA OFFICE

MARKET: DALLAS

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			567	662	786
SEMI-DETACHED/ROW		413	522	615	668
WALKUP	322	397	496	572	658
ELEVATOR 2-4 STY	339	427	538		
ELEVATOR 5+ STY	476	548	695		
MANUFACTURED HOME					

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: SHERMAN

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			437	525	595
SEMI-DETACHED/ROW		386	399	478	540
WALKUP	249	295	379	437	509
ELEVATOR 2-4 STY	260	326	418		
ELEVATOR 5+ STY	364	435	569		
MANUFACTURED HOME					

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: TYLER

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			505	588	655
SEMI-DETACHED/ROW		373	472	551	610
WALKUP	283	335	443	517	578
ELEVATOR 2-4 STY	334	385	496		
ELEVATOR 5+ STY	438	494	659		
MANUFACTURED HOME					

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: WACO

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			455	538	694
SEMI-DETACHED/ROW		328	414	488	561
WALKUP	258	315	393	453	528
ELEVATOR 2-4 STY	268	337	427		
ELEVATOR 5+ STY	378	453	592		
MANUFACTURED HOME					

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: WICHITA FALLS

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			468	553	623
SEMI-DETACHED/ROW			417	511	573
WALKUP	278	312	388	492	566
ELEVATOR 2-4 STY	285	366	434		
ELEVATOR 5+ STY	418	471	610		
MANUFACTURED HOME					

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: SAN ANGELO

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			497	618	687
SEMI-DETACHED/ROW			442	534	623
WALKUP	276	320	413	497	578
ELEVATOR 2-4 STY	291	370	459		
ELEVATOR 5+ STY	414	479	656		
MANUFACTURED HOME					

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: ABILENE

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			539	657	727
SEMI-DETACHED/ROW		370	469	553	644
WALKUP	292	347	449	515	598
ELEVATOR 2-4 STY	334	383	492		
ELEVATOR 5+ STY	428	515	680		
MANUFACTURED HOME					

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: LUBROCK

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			485	568	637
SEMI-DETACHED/ROW		351	442	522	598
WALKUP	278	313	420	485	564
ELEVATOR 2-4 STY	285	362	456		
ELEVATOR 5+ STY	404	472	683		
MANUFACTURED HOME					

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: AMARILLO

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			478	555	624
SEMI-DETACHED/ROW		345	435	512	592
WALKUP	268	330	413	476	556
ELEVATOR 2-4 STY	283	356	448		
ELEVATOR 5+ STY	397	469	595		
MANUFACTURED HOME					

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: EL PASO

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			471	545	611
SEMI-DETACHED/ROW		339	429	505	571
WALKUP	266	318	406	469	547
ELEVATOR 2-4 STY	278	350	441		
ELEVATOR 5+ STY	391	469	595		
MANUFACTURED HOME					

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: MIDLAND

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			463	709	774
SEMI-DETACHED/ROW		358	408	592	692
WALKUP	267	339	379	550	641
ELEVATOR 2-4 STY	282	363	425		
ELEVATOR 5+ STY	416	468	622		
MANUFACTURED HOME					

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: ODESSA

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			463	709	774
SEMI-DETACHED/ROW		358	408	592	692
WALKUP	267	339	379	550	641
ELEVATOR 2-4 STY	282	363	425		
ELEVATOR 5+ STY	419	468	622		
MANUFACTURED HOME					

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: ALBUQUERQUE NM

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			493	575	642
SEMI-DETACHED/ROW		352	447	525	608
WALKUP	277	324	421	488	569
ELEVATOR 2-4 STY	291	364	457		
ELEVATOR 5+ STY	407	475	638		
MANUFACTURED HOME					

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: SANTA FE NM

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			545	708	778
SEMI-DETACHED/ROW	342	377	475	560	653
WALKUP	296	350	451	521	607
ELEVATOR 2-4 STY	309	388	489		
ELEVATOR 5+ STY	434	521	693		
MANUFACTURED HOME					

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: SILVER CITY NM

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			478	559	623
SEMI-DETACHED/ROW		358	456	532	590
WALKUP	292	348	439	508	553
ELEVATOR 2-4 STY	309	374	473		
ELEVATOR 5+ STY	407	461	611		
MANUFACTURED HOME					

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: TAOS NM

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			502	586	654
SEMI-DETACHED/ROW		347	437	518	604
WALKUP	271	325	416	481	561
ELEVATOR 2-4 STY	285	358	451		
ELEVATOR 5+ STY	401	481	648		
MANUFACTURED HOME					

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: CLOVIS NM

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			531	721	789
SEMI-DETACHED/ROW	353	396	493	616	671
WALKUP	307	370	465	598	627
ELEVATOR 2-4 STY	319	496	593		
ELEVATOR 5+ STY	424	499	639		
MANUFACTURED HOME					

EFFECTIVE DATE 100184
TRENDED DATE 100186

HOUSTON, TEXAS SERVICE OFFICE

MARKET: HOUSTON

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			612	749	868
SEMI-DETACHED/ROW	360	425	541	666	734
WALKUP	339	406	515	634	703
ELEVATOR 2-4 STY	399	472	599		
ELEVATOR 5+ STY	518	604	699		
MANUFACTURED HOME					

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: BEAUMONT

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			572	672	801
SEMI-DETACHED/ROW	344	406	481	589	697
WALKUP	324	374	461	571	678
ELEVATOR 2-4 STY	381	450	553		
ELEVATOR 5+ STY	512	544	661		
MANUFACTURED HOME					

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: BRYAN

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			531	702	814
SEMI-DETACHED/ROW	339	410	506	638	702
WALKUP	320	380	489	580	683
ELEVATOR 2-4 STY	373	451	562		
ELEVATOR 5+ STY	494	593	741		
MANUFACTURED HOME					

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: LUFKIN

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			506	594	698
SEMI-DETACHED/ROW	310	364	473	560	630
WALKUP	293	347	436	510	602
ELEVATOR 2-4 STY	337	399	524		
ELEVATOR 5+ STY	473	515	632		
MANUFACTURED HOME					

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: EL CAMPO

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			522	611	708
SEMI-DETACHED/ROW	327	360	481	578	649
WALKUP	309	351	454	551	632
ELEVATOR 2-4 STY	359	421	546		
ELEVATOR 5+ STY	437	516	637		
MANUFACTURED HOME					

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: TEXAS CITY

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			606	691	800
SEMI-DETACHED/ROW	345	415	519	655	733
WALKUP	325	407	519	624	713
ELEVATOR 2-4 STY	412	488	622		
ELEVATOR 5+ STY	518	604	699		
MANUFACTURED HOME					

EFFECTIVE DATE 100184
TRENDED DATE 100186

SCHEDULE A- FAIR MARKET RENTS FOR NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION
(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAMS)

REGION 6

LITTLE ROCK, ARKANSAS AREA OFFICE

MARKET: FAYETTEVILLE
NUMBER OF BEDROOMS

STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			487	575	638
SEMI-DETACHED/ROW	326	396	464	548	610
WALKUP	311	369	442	522	578
ELEVATOR 2-4 STY	338	396	475		
ELEVATOR 5+ STY	406	474	545		
MANUFACTURED HOME					

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: LITTLE ROCK
NUMBER OF BEDROOMS

			508	588	667
340	406	483	558	629	
315	396	447	549	612	
344	426	483			
409	477	556			

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: TEXARKANA
NUMBER OF BEDROOMS

			468	584	661
317	364	451	546	608	
307	354	436	537	588	
335	382	471			
406	474	546			

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: FORT SMITH
NUMBER OF BEDROOMS

			451	545	622
302	341	433	500	560	
284	330	399	473	534	
312	359	439			
413	476	560			

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: JONESBORO
NUMBER OF BEDROOMS

STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			455	555	630
SEMI-DETACHED/ROW	311	361	442	541	591
WALKUP	293	347	418	510	557
ELEVATOR 2-4 STY	324	376	464		
ELEVATOR 5+ STY	400	468	544		
MANUFACTURED HOME					

EFFECTIVE DATE 100184
TRENDED DATE 100186

NEW ORLEANS, LOUISIANA AREA OFFICE

MARKET: NEW ORLEANS
NUMBER OF BEDROOMS

STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			505	600	686
SEMI-DETACHED/ROW		410	500	595	674
WALKUP	312	389	471	579	648
ELEVATOR 2-4 STY	324	407	503		
ELEVATOR 5+ STY	481	570	662		
MANUFACTURED HOME					

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: LAKE CHARLES
NUMBER OF BEDROOMS

			445	551	640
	369	442	545	628	
291	345	416	515	582	
315	369	440			
454	514	627			

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: LAFAYETTE
NUMBER OF BEDROOMS

			454	551	637
	369	451	545	625	
301	358	439	533	601	
321	382	463			
472	527	654			

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: BATON ROUGE
NUMBER OF BEDROOMS

			436	556	646
	365	431	550	634	
279	328	390	502	565	
303	352	414			
447	506	611			

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: HOUMA
NUMBER OF BEDROOMS

STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			388	491	577
SEMI-DETACHED/ROW		334	395	485	570
WALKUP	264	320	381	470	542
ELEVATOR 2-4 STY	288	344	405		
ELEVATOR 5+ STY	429	492	588		
MANUFACTURED HOME					

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: SHREVEPORT
NUMBER OF BEDROOMS

			469	568	648
335	347	447	535	620	
270	318	415	497	562	
323	382	434			
410	488	599			

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: ALEXANDRIA
NUMBER OF BEDROOMS

			416	489	568
299	331	389	460	546	
268	314	374	441	514	
289	342	394			
404	458	574			

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: MONROE
NUMBER OF BEDROOMS

			428	538	615
298	330	389	509	597	
271	318	392	508	574	
296	365	410			
409	463	575			

EFFECTIVE DATE 100184
TRENDED DATE 100186

NO MARKET CODE MATCH IN PRT 65600

SCHEDULE A- FAIR MARKET RENTS FOR NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION
(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAMS)

REGION 6

OKLAHOMA CITY, OKLAHOMA AREA OFFICE

MARKET: OKLAHOMA CITY

STRUCTURE TYPE	NUMBER OF BEDROOMS				
	-0-	-1-	-2-	-3-	-4+
DETACHED			564	641	745
SEMI-DETACHED/ROW		416	465	564	623
WALKUP	333	367	455	525	609
ELEVATOR 2-4 STY	351	392	492		
ELEVATOR 5+ STY	420	461	564		
MANUFACTURED HOME					

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: ADA

NUMBER OF BEDROOMS				
-0-	-1-	-2-	-3-	-4+
		499	589	642
	381	485	574	628
298	323	418	481	532
320	346	448		
345	381	492		

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: ARDMORE

NUMBER OF BEDROOMS				
-0-	-1-	-2-	-3-	-4+
		497	586	639
	374	482	571	625
290	320	418	481	529
316	346	443		
345	381	492		

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: ENID

NUMBER OF BEDROOMS				
-0-	-1-	-2-	-3-	-4+
		496	576	642
	407	475	563	628
260	324	383	465	513
292	348	417		
316	410	485		

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: GUYMON

STRUCTURE TYPE	NUMBER OF BEDROOMS				
	-0-	-1-	-2-	-3-	-4+
DETACHED			455	543	610
SEMI-DETACHED/ROW		360	440	527	593
WALKUP	270	300	374	452	499
ELEVATOR 2-4 STY	283	318	414		
ELEVATOR 5+ STY	327	362	447		
MANUFACTURED HOME					

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: LAWTON

NUMBER OF BEDROOMS				
-0-	-1-	-2-	-3-	-4+
		507	573	657
	394	486	561	643
276	318	404	486	551
293	341	439		
359	408	509		

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: SHAWNEE

NUMBER OF BEDROOMS				
-0-	-1-	-2-	-3-	-4+
		437	481	530
	357	426	468	515
267	297	360	392	429
278	314	398		
323	359	431		

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: STILLWATER

NUMBER OF BEDROOMS				
-0-	-1-	-2-	-3-	-4+
		452	521	587
	373	438	507	568
265	315	373	434	479
287	334	409		
322	379	445		

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: WOODWARD

STRUCTURE TYPE	NUMBER OF BEDROOMS				
	-0-	-1-	-2-	-3-	-4+
DETACHED			484	578	634
SEMI-DETACHED/ROW		375	472	558	621
WALKUP	279	319	389	466	514
ELEVATOR 2-4 STY	296	336	424		
ELEVATOR 5+ STY	346	381	477		
MANUFACTURED HOME					

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: BARTLESVILLE

NUMBER OF BEDROOMS				
-0-	-1-	-2-	-3-	-4+
		439	517	573
	351	427	502	559
257	297	367	440	481
274	320	376		
307	339	427		

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: MC ALESTER

NUMBER OF BEDROOMS				
-0-	-1-	-2-	-3-	-4+
		436	506	558
	319	424	493	544
224	253	351	410	454
235	269	369		
280	314	417		

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: MUSKOGEE

NUMBER OF BEDROOMS				
-0-	-1-	-2-	-3-	-4+
		397	458	519
	352	383	445	504
249	287	319	395	428
266	303	331		
314	347	379		

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: TULSA

STRUCTURE TYPE	NUMBER OF BEDROOMS				
	-0-	-1-	-2-	-3-	-4+
DETACHED			506	675	751
SEMI-DETACHED/ROW		345	419	565	615
WALKUP	278	315	407	565	615
ELEVATOR 2-4 STY	296	339	444		
ELEVATOR 5+ STY	364	408	517		
MANUFACTURED HOME					

EFFECTIVE DATE 100184
TRENDED DATE 100186

SAN ANTONIO, TEXAS AREA OFFICE

MARKET: SAN ANTONIO

STRUCTURE TYPE	NUMBER OF BEDROOMS				
	-0-	-1-	-2-	-3-	-4+
DETACHED			615	729	831
SEMI-DETACHED/ROW	354	419	540	625	752
WALKUP	304	358	454	513	651
ELEVATOR 2-4 STY	372	437	573		
ELEVATOR 5+ STY	509	606	820		
MANUFACTURED HOME					

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: AUSTIN

NUMBER OF BEDROOMS				
-0-	-1-	-2-	-3-	-4+
		644	772	859
373	452	578	699	821
323	386	479	579	688
396	470	606		
540	650	875		

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: CORPUS CHRISTY

NUMBER OF BEDROOMS				
-0-	-1-	-2-	-3-	-4+
		620	771	898
376	458	584	693	816
326	393	482	578	684
397	470	607		
537	646	872		

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: EAGLE PASS

NUMBER OF BEDROOMS				
-0-	-1-	-2-	-3-	-4+
		584	760	806
351	430	539	678	774
299	357	429	534	638
382	441	558		
527	629	826		

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: HARLINGEN

STRUCTURE TYPE	NUMBER OF BEDROOMS				
	-0-	-1-	-2-	-3-	-4+
DETACHED			594	730	857
SEMI-DETACHED/ROW	344	424	541	674	788
WALKUP	291	347	421	522	619
ELEVATOR 2-4 STY	359	422	551		
ELEVATOR 5+ STY	511	619	830		
MANUFACTURED HOME					

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: LAREDO

NUMBER OF BEDROOMS				
-0-	-1-	-2-	-3-	-4+
		571	745	809
342	420	526	663	774
291	347	416	519	619
373	432	545		
519	620	826		

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: VICTORIA

NUMBER OF BEDROOMS				
-0-	-1-	-2-	-3-	-4+
		621	771	898
399	486	593	693	816
349	421	517	630	732
420	498	642		
560	674	897		

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: DEL RIO

NUMBER OF BEDROOMS				
-0-	-1-	-2-	-3-	-4+
		579	756	809
348	427	535	674	774
296	354	425	530	628
379	438	554		
524	626	834		

EFFECTIVE DATE 100184
TRENDED DATE 100186

SCHEDULE A- FAIR MARKET RENTS FOR NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION
(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAMS)

REGION 7

DES MOINES, IOWA SERVICE OFFICE

MARKET: DES MOINES

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			584	674	772
SEMI-DETACHED/ROW		421	505	568	650
WALKUP	323	370	431	485	537
ELEVATOR 2-4 STY	389	431	509		
ELEVATOR 5+ STY	419	467	554		
MANUFACTURED HOME					

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: BETTENDORF

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			593	683	787
SEMI-DETACHED/ROW		437	515	577	661
WALKUP	330	359	439	496	551
ELEVATOR 2-4 STY	396	439	518		
ELEVATOR 5+ STY	427	476	565		
MANUFACTURED HOME					

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: CEDAR RAPIDS

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			593	683	783
SEMI-DETACHED/ROW		418	496	566	651
WALKUP	323	348	427	493	559
ELEVATOR 2-4 STY	395	438	517		
ELEVATOR 5+ STY	426	475	564		
MANUFACTURED HOME					

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: COUNCIL BLUFF

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			533	618	714
SEMI-DETACHED/ROW		402	481	541	615
WALKUP	301	347	408	456	505
ELEVATOR 2-4 STY	382	433	496		
ELEVATOR 5+ STY	415	469	555		
MANUFACTURED HOME					

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: DUBUQUE

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			593	683	783
SEMI-DETACHED/ROW		429	515	576	661
WALKUP	325	325	411	505	561
ELEVATOR 2-4 STY	392	436	513		
ELEVATOR 5+ STY	422	473	561		
MANUFACTURED HOME					

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: MASON CITY

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			570	651	740
SEMI-DETACHED/ROW		429	515	577	661
WALKUP	296	340	412	474	541
ELEVATOR 2-4 STY	389	433	510		
ELEVATOR 5+ STY	422	473	561		
MANUFACTURED HOME					

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: SIOUX CITY

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			577	658	751
SEMI-DETACHED/ROW		427	512	575	659
WALKUP	305	341	414	475	552
ELEVATOR 2-4 STY	391	436	513		
ELEVATOR 5+ STY	422	473	560		
MANUFACTURED HOME					

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: DAVENPORT

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			593	683	787
SEMI-DETACHED/ROW		437	515	577	661
WALKUP	330	359	439	496	551
ELEVATOR 2-4 STY	396	439	518		
ELEVATOR 5+ STY	427	476	565		
MANUFACTURED HOME					

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: WATERLOO

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			594	683	783
SEMI-DETACHED/ROW		429	513	576	661
WALKUP	325	325	413	505	561
ELEVATOR 2-4 STY	392	436	513		
ELEVATOR 5+ STY	422	473	561		
MANUFACTURED HOME					

EFFECTIVE DATE 100184
TRENDED DATE 100186

KANSAS CITY, MISSOURI AREA OFFICE

MARKET: KANSAS CITY

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED					
SEMI-DETACHED/ROW	394	435	521	586	625
WALKUP	321	378	460	567	605
ELEVATOR 2-4 STY	353	395	520		
ELEVATOR 5+ STY	446	492	652		
MANUFACTURED HOME					

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: JOPLIN

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED					
SEMI-DETACHED/ROW	294	333	432	512	556
WALKUP	245	292	374	482	523
ELEVATOR 2-4 STY	309	355	442		
ELEVATOR 5+ STY	402	453	591		
MANUFACTURED HOME					

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: ST. JOSEPH

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED					
SEMI-DETACHED/ROW	305	346	435	531	570
WALKUP	281	324	402	498	538
ELEVATOR 2-4 STY	318	365	456		
ELEVATOR 5+ STY	414	468	609		
MANUFACTURED HOME					

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: SEDALIA

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED					
SEMI-DETACHED/ROW	291	335	417	522	560
WALKUP	274	318	400	466	501
ELEVATOR 2-4 STY	323	370	463		
ELEVATOR 5+ STY	420	474	619		
MANUFACTURED HOME					

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: SPRINGFIELD

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED					
SEMI-DETACHED/ROW	276	299	401	485	530
WALKUP	231	279	378	475	519
ELEVATOR 2-4 STY	275	316	395		
ELEVATOR 5+ STY	359	405	527		
MANUFACTURED HOME					

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: TOPEKA

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED					
SEMI-DETACHED/ROW	309	365	443	544	601
WALKUP	291	313	409	496	566
ELEVATOR 2-4 STY	336	389	483		
ELEVATOR 5+ STY	402	453	592		
MANUFACTURED HOME					

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: GARDEN CITY

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED					
SEMI-DETACHED/ROW	358	358	428	536	591
WALKUP	287	336	428	486	539
ELEVATOR 2-4 STY	328	379	473		
ELEVATOR 5+ STY	391	440	576		
MANUFACTURED HOME					

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: PITTSBURG

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED					
SEMI-DETACHED/ROW	320	346	415	521	561
WALKUP	266	306	366	461	506
ELEVATOR 2-4 STY	322	373	466		
ELEVATOR 5+ STY	384	433	567		
MANUFACTURED HOME					

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: SALINA

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED					
SEMI-DETACHED/ROW	306	349	424	530	569
WALKUP	263	304	390	467	530
ELEVATOR 2-4 STY	328	383	473		
ELEVATOR 5+ STY	391	440	576		
MANUFACTURED HOME					

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: WICHITA

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED					
SEMI-DETACHED/ROW	337	403	472	564	608
WALKUP	265	302	408	500	539
ELEVATOR 2-4 STY	334	386	483		
ELEVATOR 5+ STY	398	449	587		
MANUFACTURED HOME					

EFFECTIVE DATE 100184
TRENDED DATE 100186

SCHEDULE A- FAIR MARKET RENTS FOR NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION
(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAMS)

REGION 7

OMAHA, NEBRASKA AREA OFFICE

MARKET: OMAHA
NUMBER OF BEDROOMS

STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED					
SEMI-DETACHED/ROW		363	463	527	580
WALKUP	281	339	418	517	546
ELEVATOR 2-4 STY	288	381	458		
ELEVATOR 5+ STY	316	394	474		
MANUFACTURED HOME					

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: GRAND ISLAND
NUMBER OF BEDROOMS

-0-	-1-	-2-	-3-	-4+
	359	454	521	574
281	338	418	517	563
288	376	458		
319	394	474		

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: LINCOLN
NUMBER OF BEDROOMS

-0-	-1-	-2-	-3-	-4+
	355	449	515	567
280	339	418	510	562
288	383	458		
328	394	474		

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: NORFOLK
NUMBER OF BEDROOMS

-0-	-1-	-2-	-3-	-4+
	359	454	521	574
281	338	418	517	563
[illegible]	376	458		
319	394	474		

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: NORTH PLATTE
NUMBER OF BEDROOMS

STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED					
SEMI-DETACHED/ROW		331	419	481	530
WALKUP	263	328	386	479	521
ELEVATOR 2-4 STY	275	348	438		
ELEVATOR 5+ STY	295	372	458		
MANUFACTURED HOME					

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: SCOTTS BLUFF
NUMBER OF BEDROOMS

-0-	-1-	-2-	-3-	-4+
	353	447	512	564
280	344	418	51[illegible]	561
292	370	467		
314	397	487		

EFFECTIVE DATE 100184
TRENDED DATE 100186

ST. LOUIS, MISSOURI AREA OFFICE

MARKET: ST. LOUIS
NUMBER OF BEDROOMS

STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			589	693	745
SEMI-DETACHED/ROW		474	561	664	731
WALKUP	349	441	526	596	657
ELEVATOR 2-4 STY	379	475	568		
ELEVATOR 5+ STY	422	548	740		
MANUFACTURED HOME					

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: CAPE GIRARDEAU
NUMBER OF BEDROOMS

-0-	-1-	-2-	-3-	-4+
		421	489	535
	326	405	489	535
244	307	364	432	449
270	338	408		
298	367	543		

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: COLUMBIA
NUMBER OF BEDROOMS

-0-	-1-	-2-	-3-	-4+
		429	515	556
	333	409	505	551
258	327	397	480	529
279	351	428		
311	415	572		

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: KIRKSVILLE
NUMBER OF BEDROOMS

-0-	-1-	-2-	-3-	-4+
		438	538	579
	337	417	526	574
253	320	403	488	538
275	345	435		
306	408	582		

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: ROLLA
NUMBER OF BEDROOMS

STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			439	530	572
SEMI-DETACHED/ROW		334	425	512	567
WALKUP	249	315	397	479	525
ELEVATOR 2-4 STY	270	339	428		
ELEVATOR 5+ STY	301	394	573		
MANUFACTURED HOME					

EFFECTIVE DATE 100184
TRENDED DATE 100186

SCHEDULE A- FAIR MARKET RENTS FOR NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION
(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAMS)

REGION 8

DENVER, COLORADO REGIONAL AREA OFFICE

MARKET: DENVER, CO

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			612	662	723
SEMI-DETACHED/ROW	400	454	540	619	653
WALKUP	341	389	462	577	642
ELEVATOR 2-4 STY	341	395	472		
ELEVATOR 5+ STY	352	429	542		
MANUFACTURED HOME					

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: BISMARK, ND

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			536	603	643
SEMI-DETACHED/ROW	324	392	466	546	593
WALKUP	299	370	428	520	587
ELEVATOR 2-4 STY	361	401	505		
ELEVATOR 5+ STY	386	435	521		
MANUFACTURED HOME					

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: GREAT FALLS, MT

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			462	532	571
SEMI-DETACHED/ROW	290	340	422	520	562
WALKUP	262	310	384	490	552
ELEVATOR 2-4 STY	316	368	464		
ELEVATOR 5+ STY	330	383	477		
MANUFACTURED HOME					

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: VERNAL, UT

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			554	647	711
SEMI-DETACHED/ROW	338	400	492	617	708
WALKUP	276	366	439	521	588
ELEVATOR 2-4 STY	337	441	478		
ELEVATOR 5+ STY	379	472	527		
MANUFACTURED HOME					

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: CASPER, WY

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			575	696	784
SEMI-DETACHED/ROW	342	390	471	584	667
WALKUP	316	355	436	538	616
ELEVATOR 2-4 STY	378	430	519		
ELEVATOR 5+ STY	402	454	545		
MANUFACTURED HOME					

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: GRAND JUNCT, CO

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			545	620	661
SEMI-DETACHED/ROW	313	359	438	550	631
WALKUP	285	341	400	501	576
ELEVATOR 2-4 STY	352	402	489		
ELEVATOR 5+ STY	376	427	503		
MANUFACTURED HOME					

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: DICKENSON, ND

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			463	570	645
SEMI-DETACHED/ROW	276	318	385	482	552
WALKUP	254	283	351	440	504
ELEVATOR 2-4 STY	306	345	425		
ELEVATOR 5+ STY	314	360	435		
MANUFACTURED HOME					

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: MISSOULA, MT

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			448	527	568
SEMI-DETACHED/ROW	258	308	389	505	559
WALKUP	230	299	351	458	536
ELEVATOR 2-4 STY	297	351	441		
ELEVATOR 5+ STY	322	377	468		
MANUFACTURED HOME					

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: SIOUX FALLS, SD

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			479	519	562
SEMI-DETACHED/ROW	309	351	451	489	534
WALKUP	285	339	413	475	515
ELEVATOR 2-4 STY	321	375	442		
ELEVATOR 5+ STY	325	375	448		
MANUFACTURED HOME					

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: CHEYENNE, WY

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			541	588	639
SEMI-DETACHED/ROW	325	371	447	555	626
WALKUP	272	321	412	511	584
ELEVATOR 2-4 STY	302	374	468		
ELEVATOR 5+ STY	313	386	483		
MANUFACTURED HOME					

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: ASPEN/VAIL

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			562	642	680
SEMI-DETACHED/ROW	346	398	482	590	634
WALKUP	319	376	445	548	596
ELEVATOR 2-4 STY	369	434	483		
ELEVATOR 5+ STY	381	444	492		
MANUFACTURED HOME					

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: HELENA, MT

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			436	515	553
SEMI-DETACHED/ROW	279	332	411	505	543
WALKUP	251	332	373	479	535
ELEVATOR 2-4 STY	309	373	438		
ELEVATOR 5+ STY	322	389	451		
MANUFACTURED HOME					

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: SALT LAKE CITY

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			517	649	713
SEMI-DETACHED/ROW	338	380	456	586	641
WALKUP	262	367	432	541	596
ELEVATOR 2-4 STY	327	430	485		
ELEVATOR 5+ STY	361	461	538		
MANUFACTURED HOME					

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: PIERRE, SD

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			489	531	577
SEMI-DETACHED/ROW	242	301	396	509	556
WALKUP	236	286	354	482	538
ELEVATOR 2-4 STY	284	340	442		
ELEVATOR 5+ STY	309	346	450		
MANUFACTURED HOME					

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: CODY, WY

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			575	696	785
SEMI-DETACHED/ROW	342	390	471	584	667
WALKUP	316	355	436	538	616
ELEVATOR 2-4 STY	378	430	519		
ELEVATOR 5+ STY	402	454	545		
MANUFACTURED HOME					

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: FARGO, ND

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			536	636	684
SEMI-DETACHED/ROW	333	387	472	591	644
WALKUP	268	365	434	465	625
ELEVATOR 2-4 STY	353	421	502		
ELEVATOR 5+ STY	364	429	527		
MANUFACTURED HOME					

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: BILLINGS, MT

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			521	592	629
SEMI-DETACHED/ROW	333	389	479	581	620
WALKUP	304	367	441	546	610
ELEVATOR 2-4 STY	337	398	515		
ELEVATOR 5+ STY	350	412	528		
MANUFACTURED HOME					

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: CEDAR CITY, UT

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			460	504	548
SEMI-DETACHED/ROW	326	350	412	461	495
WALKUP	253	342	393	456	476
ELEVATOR 2-4 STY	321	386	445		
ELEVATOR 5+ STY	337	429	492		
MANUFACTURED HOME					

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: RAPID CITY, SD

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			513	623	663
SEMI-DETACHED/ROW	319	389	481	592	643
WALKUP	293	366	445	551	612
ELEVATOR 2-4 STY	325	381	481		
ELEVATOR 5+ STY	330	389	486		
MANUFACTURED HOME					

EFFECTIVE DATE 100184
TRENDED DATE 100186

REGION 9

HONOLULU, HAWAII AREA OFFICE

MARKET: HONOLULU

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			801	1042	1184
SEMI-DETACHED/ROW		564	770	921	1038
WALKUP	473	543	628	914	1029
ELEVATOR 2-4 STY	525	624	655		
ELEVATOR 5+ STY	539	723	891		
MANUFACTURED HOME					

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: HILO

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			574	717	833
SEMI-DETACHED/ROW		484	564	707	823
WALKUP	393	435	536	680	802
ELEVATOR 2-4 STY	424	463	567		
ELEVATOR 5+ STY					
MANUFACTURED HOME					

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: GUAM

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			626	717	805
SEMI-DETACHED/ROW		507	582	665	760
WALKUP	342	404	482	588	
ELEVATOR 2-4 STY					
ELEVATOR 5+ STY					
MANUFACTURED HOME					

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: KONA

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			703	836	922
SEMI-DETACHED/ROW		614	693	825	912
WALKUP	455	519	605	738	810
ELEVATOR 2-4 STY	483	547	634		
ELEVATOR 5+ STY					
MANUFACTURED HOME					

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: KAUAI

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			816	948	1037
SEMI-DETACHED/ROW		722	806	938	1026
WALKUP	482	608	648	915	1002
ELEVATOR 2-4 STY	510	638	677		
ELEVATOR 5+ STY					
MANUFACTURED HOME					

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: MAUI

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			737	913	967
SEMI-DETACHED/ROW		685	722	902	958
WALKUP	446	576	696	812	867
ELEVATOR 2-4 STY	475	605	726		
ELEVATOR 5+ STY					
MANUFACTURED HOME					

EFFECTIVE DATE 100184
TRENDED DATE 100186

SCHEDULE A- FAIR MARKET RENTS FOR NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION
(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAMS)

REGION 9

LOS ANGELES, CALIFORNIA AREA OFFICE

MARKET: LOS ANGELES

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			768	867	985
SEMI-DETACHED/ROW		615	709	804	922
WALKUP	470	542	654	779	845
ELEVATOR 2-4 STY	508	584	705	808	875
ELEVATOR 5+ STY	639	725	935		
MANUFACTURED HOME					

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: BAKERSFIELD

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			606	716	819
SEMI-DETACHED/ROW		435	573	679	760
WALKUP	334	410	550	655	711
ELEVATOR 2-4 STY	351	429	569		
ELEVATOR 5+ STY	501	588	769		
MANUFACTURED HOME					

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: SANTA BARBARA

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			768	854	967
SEMI-DETACHED/ROW		607	738	822	930
WALKUP	430	479	619	701	761
ELEVATOR 2-4 STY	447	501	640		
ELEVATOR 5+ STY	581	648	830		
MANUFACTURED HOME					

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: VENTURA

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			725	823	916
SEMI-DETACHED/ROW		535	595	726	791
WALKUP	460	503	564	691	738
ELEVATOR 2-4 STY	481	524	586		
ELEVATOR 5+ STY	626	680	784		
MANUFACTURED HOME					

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: PASO ROBLES

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			702	783	851
SEMI-DETACHED/ROW		472	587	705	784
WALKUP	393	443	548	650	703
ELEVATOR 2-4 STY	412	463	558		
ELEVATOR 5+ STY	559	624	772		
MANUFACTURED HOME					

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: LANCASTER

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			578	666	776
SEMI-DETACHED/ROW		453	546	632	738
WALKUP	354	426	523	604	689
ELEVATOR 2-4 STY	378	450	546		
ELEVATOR 5+ STY	532	608	754		
MANUFACTURED HOME					

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: OXNARD

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			725	824	916
SEMI-DETACHED/ROW		535	595	726	791
WALKUP	460	503	564	691	738
ELEVATOR 2-4 STY	481	524	586		
ELEVATOR 5+ STY	626	680	784		
MANUFACTURED HOME					

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: SANTA ANA

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			764	924	1006
SEMI-DETACHED/ROW		647	750	907	985
WALKUP	518	608	699	838	888
ELEVATOR 2-4 STY	520	626	721		
ELEVATOR 5+ STY	663	781	917		
MANUFACTURED HOME					

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: SAN DIEGO

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			639	759	839
SEMI-DETACHED/ROW		516	615	697	817
WALKUP	416	474	574	673	722
ELEVATOR 2-4 STY	450	519	626		
ELEVATOR 5+ STY	538	628	768		
MANUFACTURED HOME					

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: EL CAJON

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			639	759	839
SEMI-DETACHED/ROW		516	615	697	817
WALKUP	416	474	574	673	722
ELEVATOR 2-4 STY	450	519	626		
ELEVATOR 5+ STY	538	628	768		
MANUFACTURED HOME					

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: SANTA MARIA

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			652	740	844
SEMI-DETACHED/ROW		545	622	710	815
WALKUP	384	434	503	559	615
ELEVATOR 2-4 STY	405	455	524		
ELEVATOR 5+ STY	544	608	719		
MANUFACTURED HOME					

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: SAN BERNARDINO

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			581	700	788
SEMI-DETACHED/ROW		478	570	663	772
WALKUP	406	458	538	637	708
ELEVATOR 2-4 STY	434	477	558		
ELEVATOR 5+ STY	586	633	758		
MANUFACTURED HOME					

EFFECTIVE DATE 100184
TRENDED DATE 100186

PHOENIX, ARIZONA SERVICE OFFICE

MARKET: PHOENIX

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			562	676	765
SEMI-DETACHED/ROW	404	464	555	643	705
WALKUP	386	448	529	619	660
ELEVATOR 2-4 STY	415	476	558		
ELEVATOR 5+ STY	508	580	697		
MANUFACTURED HOME					

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: CASA GRANDE

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			492	581	650
SEMI-DETACHED/ROW	331	378	461	542	604
WALKUP	320	373	450	504	559
ELEVATOR 2-4 STY	347	400	471		
ELEVATOR 5+ STY					
MANUFACTURED HOME					

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: FLAGSTAFF

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			599	688	770
SEMI-DETACHED/ROW	409	456	541	638	725
WALKUP	386	438	529	615	685
ELEVATOR 2-4 STY	414	466	556		
ELEVATOR 5+ STY	532	589	680		
MANUFACTURED HOME					

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: SAFFORD

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			469	559	627
SEMI-DETACHED/ROW	293	359	442	536	571
WALKUP	251	319	420	498	554
ELEVATOR 2-4 STY	279	347	448		
ELEVATOR 5+ STY					
MANUFACTURED HOME					

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: TUCSON

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			512	618	672
SEMI-DETACHED/ROW	338	392	477	552	649
WALKUP	319	369	472	537	606
ELEVATOR 2-4 STY	348	398	501		
ELEVATOR 5+ STY	504	568	723		
MANUFACTURED HOME					

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: YUMA

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			552	620	711
SEMI-DETACHED/ROW	361	412	520	584	668
WALKUP	347	394	506	567	638
ELEVATOR 2-4 STY	374	421	533		
ELEVATOR 5+ STY					
MANUFACTURED HOME					

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: KINGMAN

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			534	627	719
SEMI-DETACHED/ROW	382	420	505	589	675
WALKUP	362	415	495	557	623
ELEVATOR 2-4 STY	389	442	522		
ELEVATOR 5+ STY	501	560	679		
MANUFACTURED HOME					

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: DOUGLAS

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			523	568	679
SEMI-DETACHED/ROW	387	424	494	535	639
WALKUP	359	409	484	520	602
ELEVATOR 2-4 STY	386	436	511		
ELEVATOR 5+ STY					
MANUFACTURED HOME					

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: NAGOLES

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			482	568	680
SEMI-DETACHED/ROW	302	361	444	527	615
WALKUP	282	343	433	510	588
ELEVATOR 2-4 STY	304	370	460		
ELEVATOR 5+ STY					
MANUFACTURED HOME					

EFFECTIVE DATE 100184
TRENDED DATE 100186

SCHEDULE A- FAIR MARKET RENTS FOR NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION
(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAMS)

REGION 9

SACRAMENTO, CALIFORNIA SERVICE OFFICE

MARKET: SACRAMENTO

NUMBER OF BEDROOMS	-0-	-1-	-2-	-3-	-4+
STRUCTURE TYPE					
DETACHED			548	581	667
SEMI-DETACHED/ROW		458	523	575	632
WALKUP	349	415	473	568	632
ELEVATOR 2-4 STY	455	501	557		
ELEVATOR 5+ STY	566	636	718		
MANUFACTURED HOME					

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: REDDING

NUMBER OF BEDROOMS	-0-	-1-	-2-	-3-	-4+
STRUCTURE TYPE					
DETACHED			508	532	610
SEMI-DETACHED/ROW		432	478	526	590
WALKUP	320	370	429	472	590
ELEVATOR 2-4 STY	425	470	520		
ELEVATOR 5+ STY					
MANUFACTURED HOME					

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: PLACERVILLE

NUMBER OF BEDROOMS	-0-	-1-	-2-	-3-	-4+
STRUCTURE TYPE					
DETACHED			570	610	700
SEMI-DETACHED/ROW		480	548	604	664
WALKUP	360	430	490	597	664
ELEVATOR 2-4 STY	470	520	575		
ELEVATOR 5+ STY					
MANUFACTURED HOME					

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: YREKA

NUMBER OF BEDROOMS	-0-	-1-	-2-	-3-	-4+
STRUCTURE TYPE					
DETACHED			525	597	660
SEMI-DETACHED/ROW		440	505	585	630
WALKUP	335	395	450	555	615
ELEVATOR 2-4 STY	435	480	530		
ELEVATOR 5+ STY					
MANUFACTURED HOME					

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: S. LAKE TAHOE

NUMBER OF BEDROOMS	-0-	-1-	-2-	-3-	-4+
STRUCTURE TYPE					
DETACHED			615	712	775
SEMI-DETACHED/ROW		520	595	690	740
WALKUP	395	465	530	634	696
ELEVATOR 2-4 STY	510	565	625		
ELEVATOR 5+ STY					
MANUFACTURED HOME					

EFFECTIVE DATE 100184
TRENDED DATE 100186

SAN FRANCISCO, CALIFORNIA AREA OFFICE

MARKET: SAN FRANCISCO

NUMBER OF BEDROOMS	-0-	-1-	-2-	-3-	-4+
STRUCTURE TYPE					
DETACHED			1263	1586	1679
SEMI-DETACHED/ROW		784	1016	1252	1325
WALKUP	538	622	813	991	1088
ELEVATOR 2-4 STY	592	714	913		
ELEVATOR 5+ STY	752	873	1105		
MANUFACTURED HOME					

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: FRESNO

NUMBER OF BEDROOMS	-0-	-1-	-2-	-3-	-4+
STRUCTURE TYPE					
DETACHED			539	767	855
SEMI-DETACHED/ROW		381	491	644	727
WALKUP	321	375	462	590	674
ELEVATOR 2-4 STY	402	478	596		
ELEVATOR 5+ STY	601	714	884		
MANUFACTURED HOME					

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: MODESTO

NUMBER OF BEDROOMS	-0-	-1-	-2-	-3-	-4+
STRUCTURE TYPE					
DETACHED			449	620	651
SEMI-DETACHED/ROW		349	424	512	565
WALKUP	330	349	419	512	565
ELEVATOR 2-4 STY	426	478	599		
ELEVATOR 5+ STY	600	642	783		
MANUFACTURED HOME					

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: SAN JOSE

NUMBER OF BEDROOMS	-0-	-1-	-2-	-3-	-4+
STRUCTURE TYPE					
DETACHED			904	1053	1114
SEMI-DETACHED/ROW		530	646	783	862
WALKUP	437	525	624	744	811
ELEVATOR 2-4 STY	468	544	631		
ELEVATOR 5+ STY	664	760	879		
MANUFACTURED HOME					

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: OAKLAND

NUMBER OF BEDROOMS	-0-	-1-	-2-	-3-	-4+
STRUCTURE TYPE					
DETACHED			824	966	1009
SEMI-DETACHED/ROW		606	771	882	974
WALKUP	498	579	718	813	901
ELEVATOR 2-4 STY	535	586	790		
ELEVATOR 5+ STY	731	799	1039		
MANUFACTURED HOME					

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: MARIN

NUMBER OF BEDROOMS	-0-	-1-	-2-	-3-	-4+
STRUCTURE TYPE					
DETACHED			824	966	1009
SEMI-DETACHED/ROW		606	771	882	974
WALKUP	498	579	718	813	901
ELEVATOR 2-4 STY	535	586	790		
ELEVATOR 5+ STY	731	799	1039		
MANUFACTURED HOME					

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: EUREKA

NUMBER OF BEDROOMS	-0-	-1-	-2-	-3-	-4+
STRUCTURE TYPE					
DETACHED			530	682	758
SEMI-DETACHED/ROW		362	452	663	745
WALKUP	260	362	427	610	703
ELEVATOR 2-4 STY	331	438	563		
ELEVATOR 5+ STY	643	770	929		
MANUFACTURED HOME					

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: SANTA ROSA

NUMBER OF BEDROOMS	-0-	-1-	-2-	-3-	-4+
STRUCTURE TYPE					
DETACHED			783	982	1074
SEMI-DETACHED/ROW		497	613	763	827
WALKUP	426	497	613	763	827
ELEVATOR 2-4 STY	527	614	774		
ELEVATOR 5+ STY	704	810	1103		
MANUFACTURED HOME					

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: SANTA CRUZ

NUMBER OF BEDROOMS	-0-	-1-	-2-	-3-	-4+
STRUCTURE TYPE					
DETACHED			669	832	913
SEMI-DETACHED/ROW		452	614	783	863
WALKUP	380	452	577	744	811
ELEVATOR 2-4 STY	468	578	697		
ELEVATOR 5+ STY	608	727	846		
MANUFACTURED HOME					

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: RENO

NUMBER OF BEDROOMS	-0-	-1-	-2-	-3-	-4+
STRUCTURE TYPE					
DETACHED			643	765	810
SEMI-DETACHED/ROW		448	555	692	760
WALKUP	391	448	531	617	684
ELEVATOR 2-4 STY	503	580	734		
ELEVATOR 5+ STY	762	841	1043		
MANUFACTURED HOME					

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: LAS VEGAS

NUMBER OF BEDROOMS	-0-	-1-	-2-	-3-	-4+
STRUCTURE TYPE					
DETACHED			680	753	817
SEMI-DETACHED/ROW		435	557	698	771
WALKUP	358	435	552	667	724
ELEVATOR 2-4 STY	472	556	736		
ELEVATOR 5+ STY	734	833	998		
MANUFACTURED HOME					

EFFECTIVE DATE 100184
TRENDED DATE 100186

REGION 10

ANCHORAGE, ALASKA AREA OFFICE

MARKET: ANCHORAGE

NUMBER OF BEDROOMS	-0-	-1-	-2-	-3-	-4+
STRUCTURE TYPE					
DETACHED			729	806	833
SEMI-DETACHED/ROW		626	698	761	786
WALKUP	435	512	601	711	737
ELEVATOR 2-4 STY	570	671	750		
ELEVATOR 5+ STY	579	682	763		
MANUFACTURED HOME					

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: FAIRBANKS

NUMBER OF BEDROOMS	-0-	-1-	-2-	-3-	-4+
STRUCTURE TYPE					
DETACHED			717	782	851
SEMI-DETACHED/ROW		614	689	774	835
WALKUP	532	586	662	744	819
ELEVATOR 2-4 STY	640	760	817		
ELEVATOR 5+ STY	650	775	828		
MANUFACTURED HOME					

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: JUNEAU

NUMBER OF BEDROOMS	-0-	-1-	-2-	-3-	-4+
STRUCTURE TYPE					
DETACHED			760	866	900
SEMI-DETACHED/ROW		609	737	825	866
WALKUP	488	545	678	785	833
ELEVATOR 2-4 STY	547	618	708		
ELEVATOR 5+ STY	574	647	737		
MANUFACTURED HOME					

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: KETCHIKAN

NUMBER OF BEDROOMS	-0-	-1-	-2-	-3-	-4+
STRUCTURE TYPE					
DETACHED			667	760	845
SEMI-DETACHED/ROW		541	635	724	805
WALKUP	419	492	577	659	731
ELEVATOR 2-4 STY	501	572	671		
ELEVATOR 5+ STY	526	582	690		
MANUFACTURED HOME					

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: BARTER IS. N

NUMBER OF BEDROOMS	-0-	-1-	-2-	-3-	-4+
STRUCTURE TYPE					
DETACHED			1043	1148	1263
SEMI-DETACHED/ROW		920	1013	1115	1226
WALKUP	811	893	958	1083	1191
ELEVATOR 2-4 STY					
ELEVATOR 5+ STY					
MANUFACTURED HOME					

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: COASTAL AREA

NUMBER OF BEDROOMS	-0-	-1-	-2-	-3-	-4+
STRUCTURE TYPE					
DETACHED			1043	1148	1263
SEMI-DETACHED/ROW		920	1013	1115	1226
WALKUP	811	893	958	1083	1191
ELEVATOR 2-4 STY					
ELEVATOR 5+ STY					
MANUFACTURED HOME					

EFFECTIVE DATE 100184
TRENDED DATE 100186

SCHEDULE A- FAIR MARKET RENTS FOR NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION
(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAMS)

REGION 10

PORTLAND, OREGON AREA OFFICE

MARKET: PORTLAND
NUMBER OF BEDROOMS

STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			453	559	606
SEMI-DETACHED/ROW	290	353	410	499	546
WALKUP	278	345	397	458	533
ELEVATOR 2-4 STY	289	357	420		
ELEVATOR 5+ STY	349	414	559		
MANUFACTURED HOME					

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: BEND
NUMBER OF BEDROOMS

-0-	-1-	-2-	-3-	-4+
		346	444	496
	270	313	384	431
197	254	294	363	401
209	272	311		

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: COOS BAY
NUMBER OF BEDROOMS

-0-	-1-	-2-	-3-	-4+
		346	404	450
	267	315	385	428
210	255	304	371	416
221	267	319		

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: MEDFORD
NUMBER OF BEDROOMS

-0-	-1-	-2-	-3-	-4+
		394	461	516
	310	363	413	488
248	297	338	394	429
262	309	350		

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: ONTARIO
NUMBER OF BEDROOMS

STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			363	432	482
SEMI-DETACHED/ROW		269	328	395	438
WALKUP	217	252	312	393	427
ELEVATOR 2-4 STY	229	270	325		
ELEVATOR 5+ STY					
MANUFACTURED HOME					

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: WEST SALEM
NUMBER OF BEDROOMS

-0-	-1-	-2-	-3-	-4+
		311	394	435
	235	285	367	406
187	231	280	357	395
200	247	295		
284	351	420		

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: PENDLETON
NUMBER OF BEDROOMS

-0-	-1-	-2-	-3-	-4+
		389	450	505
	286	358	400	449
223	273	339	382	420
235	285	353		

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: BOISE
NUMBER OF BEDROOMS

-0-	-1-	-2-	-3-	-4+
		448	536	576
	325	356	465	512
260	308	350	443	480
289	318	363		
350	415	475		

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: EUGENE
NUMBER OF BEDROOMS

STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			365	463	511
SEMI-DETACHED/ROW		275	348	429	456
WALKUP	215	258	325	400	431
ELEVATOR 2-4 STY	227	266	338		
ELEVATOR 5+ STY					
MANUFACTURED HOME					

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: IDAHO FALLS
NUMBER OF BEDROOMS

-0-	-1-	-2-	-3-	-4+
		324	365	406
	242	289	337	379
178	225	268	324	365

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: MCCALL
NUMBER OF BEDROOMS

-0-	-1-	-2-	-3-	-4+
		361	434	469
	245	320	386	420
179	226	302	383	408
190	238	326		

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: POCATELLO
NUMBER OF BEDROOMS

-0-	-1-	-2-	-3-	-4+
		375	473	507
	261	367	431	475
196	244	330	391	421
210	255	347		

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: TWIN FALLS
NUMBER OF BEDROOMS

STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			353	473	520
SEMI-DETACHED/ROW		250	312	370	414
WALKUP	198	238	301	357	393
ELEVATOR 2-4 STY	213	257	326		
ELEVATOR 5+ STY					
MANUFACTURED HOME					

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: LEWISTON
NUMBER OF BEDROOMS

-0-	-1-	-2-	-3-	-4+
		325	414	483
	246	304	363	421
192	230	280	347	382
223	258	298		

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: COEUR D'ALEN
NUMBER OF BEDROOMS

-0-	-1-	-2-	-3-	-4+
		363	449	495
	253	328	383	422
217	232	290	364	396
239	246	307		
324	341	443		

EFFECTIVE DATE 100184
TRENDED DATE 100186

SEATTLE, WASHINGTON AREA OFFICE

MARKET: SEATTLE
NUMBER OF BEDROOMS

STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			570	634	758
SEMI-DETACHED/ROW		407	500	569	674
WALKUP	312	407	500	540	555
ELEVATOR 2-4 STY	372	418	515		
ELEVATOR 5+ STY	400	500	550		
MANUFACTURED HOME					

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: BELLINGHAM
NUMBER OF BEDROOMS

-0-	-1-	-2-	-3-	-4+
		434	543	586
	319	391	475	524
238	304	376	459	510
255	321	393		
381	456	557		

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: OLYMPIA
NUMBER OF BEDROOMS

-0-	-1-	-2-	-3-	-4+
		435	535	657
	344	392	483	611
239	305	375	463	533
256	322	392		
390	458	541		

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: YAKIMA
NUMBER OF BEDROOMS

-0-	-1-	-2-	-3-	-4+
		407	515	589
	329	384	485	548
224	296	346	449	507
239	312	362		
371	444	537		

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: SPOKANE
NUMBER OF BEDROOMS

STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			429	532	657
SEMI-DETACHED/ROW		307	404	487	578
WALKUP	230	281	347	431	488
ELEVATOR 2-4 STY	246	314	363		
ELEVATOR 5+ STY	380	435	523		
MANUFACTURED HOME					

EFFECTIVE DATE 100184
TRENDED DATE 100186

MARKET: KENNEWICK
NUMBER OF BEDROOMS

-0-	-1-	-2-	-3-	-4+
		420	505	621
	267	344	405	470
228	254	313	371	435
265	299	369		
327	376	461		

EFFECTIVE DATE 100184
TRENDED DATE 100186

[FR Doc. 85-10039 Filed 4-25-85; 8:45 am]

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Federal Register

Friday
April 26, 1985

Part IV

Department of Health and Human Services

Food and Drug Administration

21 CFR Part 10 et al.

National Environmental Policy Act; Policies and Procedures; Final Rule

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 79N-0335]

21 CFR Parts 10, 25, 71, 170, 171, 312, 314, 511, 514, 570, 601, 812, 813, and 861

National Environmental Policy Act; Policies and Procedures

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is setting forth its policies and supplemental procedures for compliance with the National Environmental Policy Act of 1969 (NEPA) and the Council on Environmental Quality's (CEQ) regulations.

EFFECTIVE DATE: July 25, 1985. For additional information concerning this effective date, see "Paperwork Reduction Act" appearing in the preamble of this document.

FOR FURTHER INFORMATION CONTACT: John C. Matheson, Center for Veterinary Medicine (HFV-310), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-1880.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of December 11, 1979 (44 FR 71742), FDA proposed to revise its rules governing the preparation of environmental impact documents under section 102(2)(C) of the National Environmental Policy Act of 1969. FDA had previously issued regulations (42 FR 19986; April 15, 1977) that responded to guidelines on NEPA issued by CEQ in the **Federal Register** of August 1, 1973 (38 FR 20550). FDA's 1979 proposal responded, in turn, to CEQ's regulations (40 CFR Parts 1500–1508) published in the **Federal Register** of November 29, 1978 (43 FR 55978) that were "designed to make the NEPA process more useful to decisionmakers and the public; to reduce paperwork and the accumulation of extraneous background data; and to emphasize real environmental issues and alternatives" (40 CFR 1500.2(b)). The regulations also implemented Executive Order 11514 (March 5, 1970), as amended by Executive Order 11991 (May 24, 1977). CEQ's 1978 regulations required FDA to review its policies, procedures, and regulations to ensure full compliance with CEQ's implementation of NEPA. To achieve this compliance, FDA must revise its regulations in Part 25 (21 CFR Part 25) that implement NEPA.

After consultation with CEQ, FDA published proposed revisions of Part 25 in the **Federal Register** of December 11, 1979 (44 FR 71742). The agency received comments from 5 trade associations, 10 regulated firms, and 2 other Federal agencies.

I. Subpart A—General Provisions

Subpart A states the purposes of the rule, describes FDA's general approach in implementing NEPA and the CEQ regulations, and provides definitions.

Procedural Issues

1. Comments objected to FDA's decisions, described in the preamble to the proposal, that: (1) FDA would follow the procedures in the proposal pending publication of the final rule, even though applicants and petitioners were not so obligated; and (2) FDA would not provide a detailed preamble with the proposed rule, because it responds to requirements established by the CEQ regulations. The comments contended that one or both of these decisions violated the Administrative Procedure Act.

FDA disagrees with the comments. FDA concluded that as a Federal agency it was required to follow the CEQ regulations on an interim basis before issuing a final rule. Because, as FDA stated in the proposal, the public was not obligated to comply with the revised procedures until they were published as a final rule, the agency's decision to follow its proposal clearly did not violate the Administrative Procedure Act.

FDA did not publish a detailed preamble with the proposal because the proposed regulation itself was unusually detailed and because many of the changes were required by the CEQ regulations, the provisions of which had been discussed by CEQ in its preamble and regulations and at its public meetings on these regulations. FDA has concluded, nevertheless, that the requests for a detailed preamble, and other comments received, revealed that some of the proposed revisions were unclear. Therefore, this final rule contains a detailed preamble, and FDA has clarified several provisions of the final rule.

Changes From Previous Regulations

2. Comments generally expressed a preference for FDA's NEPA regulations now found in Part 25 over the proposed revisions. Several comments contended that the proposal would require excessive paperwork and information. Some comments argued that additional time and money would have to be expended to comply with the rule as proposed.

FDA believes that the comments misunderstood the proposal. Some comments construed certain proposed provisions to require more information and data than FDA intended. Further, based on its experience with the proposed changes since December 1979, FDA believes that the revisions will reduce the time and resources expended by applicants and petitioners to comply with NEPA with no adverse effects on the environment. Although change may at first be a source of confusion, FDA is confident that the revised regulations will simplify compliance with NEPA.

In revising its environmental regulations, FDA has preserved as many of the substantive provisions of Part 25 as is possible consistent with the CEQ regulations and current environmental impact assessment techniques. (To aid discussion of the new revision, FDA will refer to the regulations now found in Part 25 as "the previous regulations".) Preserving to the extent possible the substantive provisions in the previous regulations benefits applicants and petitioners by providing continuity. FDA has, however, attempted to delete or change provisions which experience has indicated were unnecessary, ambiguous, or unrelated to environmental impact review. FDA has also, in this final rule, rearranged certain regulatory provisions to aid readers interested in finding the provisions applicable to particular FDA-regulated articles.

To implement CEQ's regulations, FDA proposed two significant changes in its NEPA process. First, as required by 40 CFR 1507.3, FDA revised its previous three-level classification of actions subject to environmental review to conform to the two-level classification prescribed by CEQ. Second, FDA replaced the Environmental Impact Analysis Report (EIAR) with an Environmental Assessment (EA). These changes carry out the objective of CEQ's regulations of streamlining the NEPA process by concentrating on environmental issues, eliminating considerations irrelevant to environmental impact assessment, reducing the size and number of NEPA documents, decreasing the time required to prepare and review these documents, and increasing the usefulness of NEPA documents as decisionmaking tools.

Of the three classification levels in FDA's previous regulations, the first environmental review level consisted of actions exempted from environmental review under § 25.1(d). The exemptions were roughly equivalent to the categorical exclusions used in this final

rule, but the previous exemptions lacked the criteria that are now being adopted for exclusions.

The second environmental review level in the previous regulations consisted of classes of actions conditionally exempted from detailed environmental analysis. Conditional exemptions were listed in previous § 25.1(f). Their purpose was to establish large classes of actions in which only limited environmental analyses were required. Information requirements, presented as criteria, were included with most § 25.1(f) actions. The information required to satisfy the criteria varied from extensive to minimal, depending on the class of action involved. The intent of this variation within the conditional exemption group was to permit exemption from the requirement of a full environmental analysis only for those specific actions that resulted in limited environmental introductions due to use of a product that would be marketed as a result of FDA's approval. Additionally, for certain actions FDA required limited information on environmental introductions resulting from the manufacture of the product. A person requesting a conditional exemption was required to prepare a publicly available Statement of Exemption containing all the required information, and the agency prepared a determination that the conditional exemption applied and that the requirements for a Statement of Exemption had been met. Frequently, applicants submitted Statements of Exemption which, after agency review, had to be corrected and resubmitted to be suitable for public display.

The third environmental review level in the previous regulations consisted of classes of actions for which an EIAR was required. The previous EIAR is roughly equivalent to the EA under the CEQ regulations and this final rule.

In the present revision of Part 25, the agency has continued the practice found in previous Part 25 of requiring EA's for all major classes of actions (§ 25.22), unless an action also falls in one of the classes of actions qualifying for a categorical exclusion (§§ 25.23 and 25.24, corresponding to an exemption in the previous regulations, § 25.1 (d) and (f)). Hence, although FDA has conformed to CEQ terminology, it has continued in the revisions the same substantive treatment of most classes of actions that they received in previous Part 25, thus providing continuity for applicants and petitioners. In addition, FDA has granted categorical exclusions to several additional classes of actions that did not enjoy exemptions. These additional exclusions were based on experience showing that little or no environmental information on product use or manufacture had been required for actions in these classes. FDA could not, however, convert to categorical exclusions the previous conditional exemptions for some of the classes of actions described in previous § 25.1(f) (1) and (3). These classes require more environmental analysis initially because FDA has sometimes had to require additional extensive submissions to fulfill the agency's environmental review responsibilities, and because the agency could neither justify scientifically, nor prepare criteria for, categorical exclusions for all actions within these classes. Although FDA has thus been unable to grant categorical exclusions for these actions, FDA has granted more limited regulatory relief by providing for abbreviated EA's for these actions (final § 25.31(b); proposed § 25.31(e)).

By categorically excluding 10 classes of actions in the previous regulations for which Statements of Exemption previously were required to be submitted (listed in previous § 25.1(f) (2) and (4) through (12)), FDA is sparing many applicants and petitioners the task of first preparing Statements of Exemption and later submitting corrections of any documents found inadequate. The agency also is conserving its resources by reducing the need for repetitive review and evaluation of these documents.

Furthermore, by eliminating the EIAR in favor of the EA, FDA is adopting the approach that experience has shown was clearer to applicants and petitioners. The EIAR format (previous § 25.1(j)) required applicants and petitioners to address such topics as "pollution," "toxic substances," and "human values" without guidance as to when or in what manner these topics were to be addressed. Without intensive case-by-case guidance, applicants and petitioners usually were unable to prepare satisfactory EIAR's. In 1977, the agency began to provide preparers of EIAR's with guidance in the form of an Environmental Impact Operational Directive. The operational directive emphasized how to identify and evaluate potential environmental impacts using information on the product's physical and chemical properties and on the amounts and concentrations of chemical substances expected to be introduced into various compartments of the environment. If the information submitted suggests potential impacts, laboratory screening tests may be indicated unless the scientific literature provides the needed information. The approach suggested in the operational directive has proved much more successful than the EIAR format in helping applicants and petitioners to prepare adequate EIAR's. Therefore, in the new EA format, FDA has adopted the format of the operational directive rather than that previously used for EIAR's. Applicants and petitioners who have tried the approach suggested in the operational directive will find the new EA procedure quite similar.

Additional changes that will reduce the burden of complying with NEPA, with no adverse effects on the environment, are described elsewhere in this preamble. Among these are a change in § 25.22(c), in response to comments, that reflects current agency practice by specifying that persons who propose to destroy a product that had been recalled at the agency's request or that had been enjoined, seized, or detained in an action initiated by FDA are required to submit an EA or a claim for categorical exclusion only if FDA requests them to do so. The agency is further streamlining this process by first considering, in each case, the information at hand. If this information is sufficient to determine either what the environmental impact is or that a categorical exclusion applies, the person responsible for the product will not be asked to submit an EA or a claim for exclusion.

In another change made in response to comments FDA revised proposed § 25.25 on environmental impact reconsideration of already-approved actions. FDA has concluded that supplements and amendments to already-approved actions need not automatically trigger reconsideration of an original action. The agency will treat a supplement or an amendment as requiring reconsideration of the original action when it has information indicating that there is a need to do so. In addition, in the final rule FDA has revised several proposed requirements in § 25.31a prescribing the format for an EA, partly by tailoring the EA format for industry-initiated actions to omit requirements appropriate only for EA's for FDA-initiated actions. Additional format requirements for agency-initiated actions are specified separately. Also, information requirements relating to the environmental impact of a manufacturing process have been reduced to the items required in the EIAR format in previous § 25.1(j).

In sum, the agency concludes that the revisions made by the final rule will reduce the time and costs associated with the NEPA process, compared both

to FDA's previous regulations and to the proposal, and without a significant increase in the risk of adverse environmental impacts.

FDA encourages industry to consult with the agency before submitting applications or petitions to prevent overlooking applicable categorical exclusions, to obtain guidance in the preparation of EA's and to acquire relevant data. FDA also encourages applicants and petitioners to refer to the scientific literature to obviate unnecessary testing.

3. Nine comments objected that some of the information required in the EA format in proposed § 25.31 duplicated requirements under other Federal, State, and local laws. Three of these comments suggested that, before FDA approves a proposed action, it should obtain from the applicant or petitioner a certification that all EPA regulatory obligations had been met. The suggested procedure would be similar to the conditional exemption process applied to certain of these applications under § 25.1(g)(2) of the previous regulations.

The agency has considered these comments and has concluded that the existence of Federal, State, and local regulation of air and water pollution and of hazardous wastes does not relieve FDA of its independent obligation under NEPA to consider, in its decisionmaking, all relevant environmental effects.

For several reasons, compliance with emissions standards does not satisfy the obligation under NEPA to analyze the environmental effects of a proposed action. First, emissions standards generally apply only to the environmental impacts of production and processing. Because FDA recognizes these impacts as important, the agency requires that any applicable emissions standards be specified in the EA, along with a certification that they are or will be met by the petitioner or applicant. Frequently, however, there are no applicable emissions standards for a new product or chemical subject to FDA approval, in which case certification of compliance with applicable standards would have little meaning.

Second, even assuming compliance with emissions standards that apply to a new chemical, adverse environmental impacts still may occur. In contrast to NEPA's emphasis on environmental impact, as discussed below, emissions standards are often not based solely on this factor. As explained by Cairns, emissions standards are influenced by available treatment technology; the economics of treatment and removal; social factors; and local, State, and national political factors. In sum, emissions standards define concentrations of emissions for which the environmental and health risks are acceptable to society (Cairns, J., Jr., "Estimating Hazard," *Bioscience*, 30:101–107, 1980).

The term "environmental effects," as defined by CEQ, 40 CFR 1508.8, includes effects not usually addressed by the other Federal, State, or local laws referred to in the comments. CEQ defines "effects" to include "ecological * * *, aesthetic, historic, cultural, economic, social, or health [effects], whether direct, indirect, or cumulative. Effects may also include those resulting from actions which may have both beneficial and detrimental effects, even if on balance the agency believes that the effect will be beneficial" (40 CFR 1508.8). Thus, mere compliance with emissions standards does not guarantee compliance with the analysis requirement of NEPA, as implemented by CEQ.

Third, emissions standards do not regulate environmental effects of the use or disposal of an FDA-regulated product. These modes of environmental introduction may be significant, even though manufacturing emissions are minor by comparison. For example, one of the primary sources of chlorofluorocarbons entering the stratosphere was from the use of products containing chlorofluorocarbons as aerosol propellants. Assisted by other Federal agencies, FDA prepared an EIS which analyzed the environmental effects of these products. The agency subsequently prohibited the use of chlorofluorocarbons as aerosol propellants based on the health and environmental effects involved. Because emissions standards do not regulate environmental effects of product use or disposal, FDA has required more environmental information in EIAR's than would be required only to evaluate the environmental effects of the manufacture of FDA-regulated products.

In sum, a certification that all applicable emissions standards are met by an applicant or petitioner would not cover all the potential environmental effects within the scope of FDA's NEPA review when the agency evaluates chemical entities that are proposed to be marketed for new or additional uses.

4. Other comments discussed the potential for duplication in that EPA regulates products, such as pesticides subject to the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) and products subject to the Toxic Substances Control Act (TSCA), that also may be subject to FDA requirements.

FDA concedes that the same substance may need to be the subject of separate environmental effects analyses for EPA and FDA. Although both agencies have worked to eliminate duplication of effort in the environmental impact evaluation of substances regulated by both agencies, applications or petitions submitted to FDA frequently involve a different use of the product than the use(s) reviewed by EPA, and the patterns of environmental introduction often vary. Accordingly, a document done for one agency may not suffice as a NEPA document for the other agency. Furthermore, data filed with EPA under FIFRA and TSCA are often confidential and not available to FDA, while FDA is required by NEPA to make reports to the public on the environmental impact of its proposed actions and to explain how these effects were considered in decisionmaking. FDA has, nevertheless, provided added guidance in § 25.31a(b)(6) on how data developed for EPA registrations can be used to develop the required NEPA documents for FDA. The applicant or petitioner may use these data to analyze the potential environmental impacts of the FDA-regulated use of a product, but must present it to FDA in an EA that can be made publicly available. This approach is similar in purpose to the CEQ regulations (40 CFR 1500.4, 1506.2, and 1506.3) that provide, where appropriate, for the joint preparation or acceptance, or both, of environmental documents by two or more agencies.

5. Two comments contended that FDA should consider environmental impact considerations other than those covered by NEPA. One comment cited regulations of the Advisory Council on Historic Preservation (36 CFR Part 800) which, among other things, explain how a Federal agency's responsibilities under the National Historic Preservation Act of 1966 should be integrated with its NEPA responsibilities. The comment suggested that FDA's final NEPA regulations include a section on the agency's responsibilities under the National Historic Preservation Act. The other comment noted that there was no apparent integration into FDA's proposed NEPA regulations of the many other statutes and executive orders, all listed in the HHS General Administrative Manual implementing NEPA, requiring various environmental impact considerations. The comment asked whether these considerations would be conducted separately.

FDA agrees that the final regulations should describe FDA's responsibility to consider environmental impact under requirements other than NEPA. FDA has added § 25.5 (b) and (c) to the final rule

to clarify the agency's intent that NEPA reviews cover all relevant environmental considerations. Also, the EA formats in § 25.31 now refer to consideration of effects of an agency action on historic places and endangered species as these may be affected by some actions. The applicability of other statutes and executive orders will be considered on a case-by-case basis. It is FDA's policy that, where feasible, all environmental considerations relating to a proposed action shall be included in the required NEPA document.

Terminology

Certain proposed definitions have not been included in final § 25.15 because the terms defined are not used in the final rule.

6. Two comments were received regarding the agency's definition of "toxic substance," § 25.15(b)(6), intended solely for use in this rule. Toxic substance was defined in general terms, and a working definition also was provided to aid in determining whether a particular substance is "toxic." One comment suggested that the working definition be deleted, and the other suggested that a single test organism be specified in the working definition.

The agency had considered both of the approaches suggested in the comments when it prepared the proposed definition of "toxic substance." The term is important, because it is used in the criteria for categorical exclusions in § 25.24 and in the requirements for EA's in § 25.31. Because the general definition of the term is informative but lacks the precision needed for determining consistently whether proposed actions are categorically excluded, FDA added the working definition as well. Although it might appear to be more convenient to limit the working definition to a single test organism, doing so would not be as sufficiently comprehensive for predicting environmental effects. The varied physical and chemical characteristics of, and the varied uses of, FDA-regulated products result in enormously varied environmental introductions. Many different organisms may be exposed to these varied introductions. Although comparative toxicology data are now quite limited, they nevertheless suggest that considerable variation exists in the sensitivity of aquatic, terrestrial, and microbial organisms to test chemicals.

Accordingly, FDA has no scientific basis to limit to a single test organism the working definition provided in the definition of "toxic substance." The agency may determine later that a single test organism can be specified if an adequate comparative toxicology data base has been developed for environmental impact of substances on test organisms.

Therefore, the agency has left essentially unchanged its proposed definition of "toxic substance." The definition provides guidance but leaves flexibility for individual cases.

II. Subpart B—Agency Actions Requiring Environmental Consideration

Subpart B discusses agency actions subject to environmental consideration as required in § 1507.3 of the CEQ regulations. The EA and the EIS are the two documents used in this consideration. The shorter EA serves as the basis for FDA's determination of the need for an EIS, which is more detailed.

General Procedures

Section 25.20 explains that the environmental consideration procedures in Subpart B apply to all FDA actions not covered by environmental documents prepared under FDA's previous regulations. These actions are individually subject to analyses of their potential environmental effects in an EA or an EIS unless these actions are categorically excluded under § 25.24.

Actions Requiring an EIS

Section 25.21 states that there are no classes of agency actions for which it routinely is necessary to prepare an EIS under 40 CFR 1507.3. Section 25.21 is equivalent to § 25.1(a)(1) of FDA's previous regulations. Because the agency could not identify any classes of actions that would routinely require the preparation of an EIS, any determination to prepare an EIS for a proposed action will be based on the case-by-case evaluation of the EA.

Actions Requiring an EA

Section 25.22 lists 18 classes of actions that generally require the preparation of an EA in the applicable format described in § 25.31. Individual actions in one of these classes may qualify for categorical exclusion under §§ 25.23 and 25.24, in which case no EA is needed. When submitted, an EA is evaluated by FDA to determine whether an EIS is necessary. After review of the EA, FDA issues either a notice of intent to prepare an EIS or a finding of no significant impact (FONSI), in which case no EIS is required. Section 25.22 corresponds to § 25.1(a)(2) of the previous regulations.

In the final rule, FDA has rearranged the listing of actions requiring an EA, unless categorically excluded, to aid readers interested in finding the provisions applicable to particular FDA-regulated articles. A cross-reference list for § 25.22(a) of this final rule, with corresponding provisions of the proposed rule and previous Part 25, follows:

Final rule (Section)	Proposed rule (Section)	Previous part 25 (Section)
25.22(a)(1)	25.22(a)(1)	25.1(b)(1)
25.22(a)(2)	25.22(a)(2)	25.1(b)(2)
25.22(a)(3)	25.22(a)(3)	25.1(b)(3)
25.22(a)(4)	25.22(a)(4)	25.1(b)(4)
25.22(a)(5)	25.22(a)(17)	25.1(b)(13)
25.22(a)(6)	25.22(a)(6)	25.1(b)(6), (7)
25.22(a)(7)	25.22(a)(14)	25.1(b)(15)
25.22(a)(8)	25.22(a)(14)	25.1(b)(15)
25.22(a)(9)	25.22(a)(13)	25.1(b)(16)
25.22(a)(10)	25.22(a)(11), (12)	25.1(b)(11), (12)
25.22(a)(11)	25.22(a)(15)	25.1(b)(6)
25.22(a)(12)	25.22(a)(17)	25.1(b)(16)
25.22(a)(13)	25.22(a)(17)	25.1(b)(16)
25.22(a)(14)	25.22(a)(8)	25.1(b)(8), (14)
25.22(a)(15)	25.22(a)(10)	25.1(b)(10)
25.22(a)(16)	25.22(a)(5)	25.1(b)(5)
25.22(a)(17)	25.22(a)(9)	25.1(b)(9), (14)
25.22(a)(18)	25.22(a)(16)	25.1(b)(16)
25.22(a)(19)	25.22(a)(17)	25.1(b)(16)

7. Many comments on proposed § 25.22(a) suggested that certain actions listed as subject to EA's should be categorically excluded. The comments concerned various applications and petitions for FDA's approval to market products under the Federal Food, Drug, and Cosmetic Act or the Public Health Service Act. These included approval or issuance of licenses for biological products (three comments), approval of new drug applications (NDA's) and abbreviated new drug applications (ANDA's) (six comments); approval of new animal drug applications (NADA's) and supplements and amendments to NADA's (two comments); approval of requests for certification of new antibiotic drugs (four comments); approval of food additive petitions (one comment); approval of color additives (one comment); withdrawal of approvals of drugs, medical devices, food or color additives, and biological products (one comment); amendments of or exemptions from existing approvals (one comment); and approval of device premarket approval applications or declarations that product development protocols have been completed for medical devices (one comment). A comment suggested a limited EA for certain actions. None of these comments included substantive information to support the suggested blanket eliminations of the EA requirement.

Similar comments were submitted when FDA in 1974 proposed revisions of its environmental regulations (39 FR 13742). The agency concluded then, as it does now after several years of experience, that these classes of actions cannot be categorically excluded from preparation of an EA, which enables

FDA to decide whether an EIS is required. CEQ's regulations require agencies to delineate clearly why actions are excluded from environmental consideration (40 CFR 1507.3). FDA cannot state categorically that all actions in each of these broad classes do not "individually or cumulatively have a significant effect on the human environment" (40 CFR 1508.4). These classes of actions therefore cannot be categorically excluded from the requirement to prepare an EA. FDA has, however, developed criteria for categorical exclusion of specified subsets of many of the actions listed in § 25.22(a). With respect to these subsets of actions, FDA can clearly delineate why environmental impact consideration is not needed, and is granting them categorical exclusions in § 25.24 of the final rule.

8. Two comments suggested that for agency-initiated withdrawal of approvals of drugs, medical devices, food or color additives, and biological products, referred to in proposed § 25.22(a)(13) and final § 25.22(a)(9), the agency, not the sponsor, should prepare the EA.

FDA agrees with the comments. The agency has always prepared and will continue to prepare environmental documents for FDA-initiated actions. A major consideration in EA's on actions to withdraw approval of products is the environmental effects that may be expected as a result of substitute products. Adequate EA's submitted by petitioners and applicants before their products were approved are useful later in determining potential impacts of substitution of some products for others. If adequate EA's were filed for the products proposed for withdrawal or for their substitutes, there is less need for FDA to request manufacturers to submit information or for FDA to undertake its own review of the matter.

9. Section 25.22(b) requires petitioners and applicants who request FDA to take certain actions to prepare and submit an EA with these requests unless the action qualifies for categorical exclusion under §§ 25.23 and 25.24. Section 25.22(b) is substantively the same as that in previous § 25.1(h), as well as the proposal.

10. Section 25.22(c) requires persons proposing to dispose of FDA-regulated products under the conditions described in § 25.22(a)(2) and (3) to prepare and submit an EA with those proposals when requested to do so by the agency. The final rule differs from previous § 25.1(a) and (i) and from the proposal in that an EA is required for dispositions of products only when it is requested in writing by the agency. This change was made because such persons generally are unaware of NEPA requirements because of the mechanism through which such actions are initiated, i.e., the persons are not seeking approval of products but responding to regulatory actions involving violative products. Because it is generally necessary for FDA to inform these persons of the requirement of an EA, § 25.22(c) codifies the procedure. FDA will not make a written request for an EA without first determining either that an EA is definitely needed for the proposed action or that FDA cannot decide whether a categorical exclusion in § 25.24 applies without additional information.

11. A comment interpreted proposed § 25.22(c) in conjunction with proposed § 25.24(d)(11) (final § 25.24(a)(4)) to mean that EA's will be required for industry-initiated recalls that were not requested by FDA and that such actions would not qualify for categorical exclusion under proposed § 25.24(d)(11).

FDA did not intend this interpretation. Industry-initiated recalls of FDA-regulated products are not considered to be agency actions and, therefore, do not require consideration under NEPA.

12. A comment suggested that a time limitation be added to § 25.22(c) to require that FDA authorize destruction of the affected article within 60 days of the submission of the EA.

The agency concludes that it cannot set a specific time limit, starting with the submission of an EA, by which it will authorize the destruction of a recalled, detained, or enjoined article. The agency is nevertheless committed to the timely completion of the NEPA requirements applicable to such actions. When relatively safe methods of disposition of toxic substances are available, the identification of these methods in an EA and the subsequent preparation of a finding of no significant impact (FONSI) do not normally require 60 days. However, in those cases where no methods are available that would destroy or contain the toxic substance and it is reasonable to expect that significant environmental effects will occur as a result of one or more of the available methods that are being considered, an EIS may be required. Preparation and public review of EIS's normally require more than 60 days.

13. Section 25.22(d) states that the agency is responsible for assuring the accuracy of information contained in an EA, as required by 40 CFR 1506.5(b), and that the agency will decide whether an EIS is needed based on the information in the EA. The responsible agency official then prepares either a Notice of Intent to prepare an EIS or a FONSI, whichever is appropriate. This paragraph is similar to previous 21 CFR 25.1(m) and is virtually identical to the proposal of this rule.

Procedures for Categorical Exclusions

14. Section 25.23 describes generally the procedures to be followed for actions that are listed in § 25.24 as categorically excluded from the requirement of an EA. To be eligible for an exclusion, sufficient information about each proposed action must be provided to demonstrate to FDA that the action is within an excluded category and meets the criteria for the applicable categorical exclusion. For FDA-initiated actions, the agency determines whether an action is eligible for categorical exclusion. All of the exemptions and some of the conditional exemptions listed in FDA's previous regulations, 21 CFR 25.1 (d) and (f), have been included as categorical exclusions in the revised regulations. New exclusions also have been added.

15. As mentioned above, some classes of actions that were conditionally exempted in previous §§ 25.2(f) (1) and (3) have not been categorically excluded. FDA's experience has been that considerable environmental data and manufacturing information have been required to obtain conditional exemptions for these classes of actions. Under the previous regulations, this information was provided in a publicly available "Statement of Exemption." However, CEQ's regulation, 40 CFR 1507.3, does not allow agencies to require applicants and petitioners to submit such information to qualify for categorical exclusions. One of the objectives of CEQ's regulations is to reduce paperwork and confusion by requiring consistent use of environmental documents throughout the Federal government (43 FR 55979; November 29, 1978). In addition, FDA lacks the information it would need to exclude those actions formerly covered by the conditional exemptions in §§ 25.1(f) (1) and (3) (see § 25.31a(b) of the final rule). Therefore, for these actions FDA is discontinuing the use of conditional exemptions and Statements of Exemption and is instead providing guidance on the information needed for inclusion in abbreviated EA's. The information needed in these abbreviated EA's focuses on the potential environmental impacts at this site(s) of manufacture and on the use of existing data to assess potential impacts resulting from use of the regulated products. This information is comparable to that needed previously to

apply the criteria for conditional exemptions in previous §§ 25.1(f) (1) and (3) and to provide the manufacturing information required in previous § 25.1(g)(2). The previous conditional exemptions treated as abbreviated EA's in this rule are discussed individually in this preamble in § 25.31a below.

16. One comment suggested that the actions that were conditionally exempted in previous § 25.1(f)(1)(iii) be granted a categorical exclusion in the new regulations. Previous § 25.1(f)(1)(iii) provided a conditional exemption for:

> A drug, animal drug, or biological product, which, in chemical structure or biological composition, or known pharmacological properties and indications for use, is identical, similar, or related to a drug, animal drug, or biological product which is already being marketed, and there is no reason to conclude that the marketing of such an additional drug, animal drug or biological product will change the overall use pattern or the existing market for the article involved.

No information was submitted to support this suggestion or to provide for consideration within the categorical exclusion framework of environmental effects due to manufacturing.

The agency concludes that previous § 25.1(f)(1)(iii) will not be incorporated as a categorical exclusion in this rule. The agency has, however, developed categorical exclusions for changes in applications or licenses for previously approved drugs, biological products, and animal drugs (§§ 25.24(c) (1), (2), and (10) and (d)(1), respectively). These categorical exclusions apply to situations in which FDA has previously approved an identical product. For actions that do not qualify for categorical exclusions, § 25.31a provides guidance on the format of the required EA's.

Although the conditional exemption in § 25.1(f)(1)(iii) was intended to reduce environmental consideration by applicants seeking approval to market essentially a duplicate version of a marketed product, the exemption criterion turned out to be too broad, exempting more requested actions than had been intended. A product that was merely similar or related to another product in chemcial structure, biological composition, or pharmacological properties and indications for use was eligible for a conditional exemption. Differing interpretations of the terms "similar," "related," and "change in the overall use pattern" resulted in misunderstanding among applicants and petitioners and variability in decisions on requests for conditional exemptions by different agency reviewers. FDA's experience has shown that the agency can justify a categorical exclusion from environmental considerations only if the product for which approval is sought is essentially identical to a product already being marketed.

17. A comment on § 25.23(c) suggested that an applicant or petitioner should not be required to supply information to establish that a categorical exclusion is applicable to a requested action. It was further suggested that the agency require from applicants and petitioners only a statement that the action contemplated is included within an excluded category and that it meets the criteria for the applicable categorical exclusion.

The agency concludes that submission of only a statement identifying the requested categorical exclusion is sometimes insufficient. CEQ requires both that there be criteria to judge whether an action is excluded (40 CFR 1507.3(b)(2)(ii)), and that the agency be responsible for the accuracy of the information submitted (40 CFR 1506.5). As discussed in § 25.24, many categorical exclusions are for classes of actions that do not result in the introduction of any substance into the environment. Usually, it is self-evident when an individual action belongs to one of these classes and no other information is required. Other exclusions are for classes of actions that do result in environmental introductions. These exclusions contain specific criteria for exclusion which must be met in order for an individual action to be categorically excluded. Therefore, to determine whether criteria for exclusion are met, the agency sometimes requires an applicant or petitioner to submit supporting information. In the cases where it is necessary, the information that must be submitted to show that the criteria for categorical exclusions are satisfied is limited and often has been submitted for other purposes elsewhere in the petition or application. See categorical exclusions under §25.24 (c) (1) and (2), (d)(1), and (e)(4) for examples where exclusion criteria are based upon information presented elsewhere in petitions and applications.

18. The same comment suggested that the agency should not refuse to accept or file an application or petition solely because the applicant or petitioner fails to specify clearly the provision for categorical exclusion or fails to provide information sufficient to establish that the requested action is subject to a categorical exclusion.

The agency concludes that it will continue its policy, applicable to supporting exemptions under the previous regulations, that failure to include in an application or petition either sufficient information to support a categorical exclusion or an adequate EA may be sufficient grounds to refuse to accept or file the application or petition. (See previous § 25.1 (g), (h), and (i).) The objective of the provision is to encourage applicants and petitioners to review the potential environmental impacts of their contemplated actions by considering whether an action is categorically excluded or subject to the requirement of an EA before filing the application or petition with FDA. The requirement also assures that any necessary NEPA documentation is submitted at the time the action is first requested, thus preventing unnecessary delays in the agency's evaluation and decision on the contemplated action. Because of the information available to applicants and petitioners, they are in a better position than is FDA to make an initial decision as to the applicability of an exclusion. However, the agency will not automatically refuse to file or approve applications or petitions for failure to claim and support a categorical exclusion that FDA believes is applicable. Such refusals generally will be reserved for those submissions which claim a categorical exclusion but fail to provide sufficient information for the agency to determine whether the claimed exclusion in fact applies.

Listing of Categorical Exclusions

19. Section 25.24 lists a variety of specific actions that are categorically excluded from the requirement to prepare an EA. The introductory language states the criteria for the exclusions and identifies which of the listed actions are categorically excluded because they generally do not result in the introduction of substances into the environment, which of the listed actions are excluded when they meet specific criteria that are intended to ensure that they will not cause significant environmental effects, and which of the listed actions are excluded because they are routine maintenance or minor construction activities that FDA conducts or contracts for. Certain exclusions listed in the proposed rule (§ 25.24(b) (1), (3), (4), (5), and (8)) are contained in Chapter 30–20–40 B.2. of the HHS General Administration Manual. Therefore, to avoid duplication, these exclusions are not repeated in this final rule.

All previous § 25.1(d) exemptions and most § 25.1(f) conditional exemptions have been redefined as categorical exclusions in this final rule, to conform to CEQ's regulation (40 CFR 1507.3) as explained above in relation to § 25.23. Categorical exclusions differ from FDA's previous § 25.1(d) exemptions in that they are conditional rather than

absolute. Categorical exclusions differ from some of the previous § 25.1(f) conditional exemptions in that no environmental data need be submitted. Further, for all exemptions it was previously necessary to prepare a Statement of Exemption for public review, which is not required for categorical exclusions in this final rule.

In the final rule, FDA has rearranged the listing of categorical exclusions to aid readers interested in finding the provisions applicable to particular FDA-regulated articles. A cross-reference list for § 25.24 of this final rule, with corresponding provisions of the proposed rule and previous Part 25, follows:

Final rule	Proposed rule	Previous part 25[1]
	(a) General	
§ 25.24(a)(1)	§ 25.24(b)(1)	§ 25.1(d) (2), (3)
§ 25.24(a)(2)	§ 25.24(b)(2)	§ 25.1(d)(1)
§ 25.24(a)(3)	§ 25.24(b)(10)	
§ 25.24(a)(4)	§ 25.24(b)(11)	§ 25.1(f)(9)
HHS GAM[2]	§ 25.24(b)(4)	
HHS GAM[2]	§ 25.24(b)(5)	
§ 25.24(a)(5)	§ 25.24(b)(7)	§ 25.1(b)(13)
§ 25.24(a)(6)	§ 25.24(b)(16)	
HHS GAM[2]	§ 25.24(b)(8)	§ 25.1(f)(10)
§ 25.24(a)(7)	§ 25.24(b)(11)	
§ 25.24(a)(8)	§ 25.24(b) (12), (17)	
§ 25.24(a)(9)	§ 25.24(b)(22)	
§ 25.24(a)(10)	§ 25.24(d) (12), (14)	
§ 25.24(a)(11)	§ 25.24(d)(13)	§ 25.1(f)(12)
§ 25.24(a)(12)	§ 25.24(c)	
	(b) Foods, food additives, and color additives	
§ 25.24(b)(1)	§ 25.24(b)(13)	§ 25.1(d)(4)
§ 25.24(b)(2)	§ 25.24(d)(15)	
§ 25.24(b)(3)	§ 25.24(d)(5)	§ 25.1(f)(6)
§ 25.24(b)(4)	§ 25.24(b)(14)	§ 25.1(f)(7)
§ 25.24(b)(5)	§ 25.24(b)(6)	
§ 25.24(b)(6)	§ 25.24(b)(15)	
§ 25.24(b)(7)	§ 25.24(d)(6)	
§ 25.24(b)(8)	§ 25.24(d)(7)	
§ 25.24(b)(9)	§ 25.24(d)(4)	§ 25.1(f)(9)
	(c) Drugs and biologics	
§ 25.24(c)(1)	§ 25.24(d)(1)	§ 25.1(f)(1)
§ 25.24(c)(2)	§ 25.24 (b)(16), (d)(8)	§ 25.1(f)(1)
§ 25.24(c)(3)	§ 25.24(d)(2)	
§ 25.24(c)(4)	§ 25.24(d)(15)	§ 25.1(d)(5), (f)(11)
§ 25.24(c)(5)	§ 25.24(b)(14)	§ 25.1(f)(7)
§ 25.24(c)(6)	§ 25.24(d)(9)	§ 25.1(f) (4), (5)
§ 25.24(c)(7)	§ 25.24(d)(10)	
§ 25.24(c)(8)	§ 25.24 (b)(16), (d)(1), (8)	
§ 25.24(c)(9)	§ 25.24(d)(2)	
§ 25.24(c)(10)	§ 25.24(d)(10)	§ 25.1(f)(8)
§ 25.24(c)(11)	§ 25.24(b)(21)	§ 25.1(f)(1)
	(d) Animal drugs	
§ 25.24(d)(1)	§ 25.24 (b)(16), (d)(1)	§ 25.1(f) (1), (2)
§ 25.24(d)(2)	§ 25.24(b)(18)	§ 25.1(f)(2)
§ 25.24(d)(3)	§ 25.24(d)(2)	
§ 25.24(d)(4)	§ 25.24(d)(15)	§ 25.1 (d)(5), (f)(11)
§ 25.24(d)(5)	§ 25.24(b)(14)	§ 25.1(f)(7)
§ 25.24(d)(6)	§ 25.24(d)(3)	§ 25.1(f) (4), (5)
§ 25.24(d)(7)	§ 25.24(d)(10)	
	(e) Devices and radiation products	
§ 25.24(e)(1)	§ 25.24(b)(19)	§ 25.1(d)(6)
§ 25.24(e)(2)	§ 25.24(b)(20)	
§ 25.24(e)(3)	§ 25.24(b)(13)	§ 25.1 (d)(4), (f)(8)
§ 25.24(e)(4)	§ 25.24(d)(1)	
§ 25.24(e)(5)	§ 25.24(b)(16)	
§ 25.24(e)(6)	§ 25.24(d)(13)	
§ 25.24(e)(7)	§ 25.24(d)(15)	§ 25.1(d)(5)
§ 25.24(e)(8)		§ 25.1(d)(7)

[1] Provisions in the proposal or previous Part 25 often are related, not identical. Where blanks appear under the headings for previous or proposed rules, no exemption or exclusion previously applied.

[2] HHS General Administration Manual.

Although the categorical exclusions for most of the classes of actions listed in § 25.24 are self-explanatory, several provisions that require an explanation of the action involved, or of the reasons why the criteria for exclusion are usually met, are discussed below.

Categorical Exclusions: General

20. Section 25.24(a)(4) (proposed § 25.24(d)(11)) excludes destruction or disposal of articles that have been condemned after seizure, articles whose distribution or use has been enjoined, or articles that have been detained or recalled at agency request. Such actions are excluded provided that the method of destruction or disposition of any articles, including packaging material, will not result in the release of a toxic substance into the environment. This categorical exclusion is a clarification of the conditional exemption in § 25.1(f)(9) of the previous regulations. The categorical exclusion applies to those actions in which the agency may be involved and which may be eligible for exclusion from environmental consideration if the articles destined for destruction or other disposition do not contain toxic substances, e.g., they are contaminated due to decomposition or insect or rodent activity, or are misbranded, and their destruction or other disposition does not otherwise result in the release of a toxic substance into the environment.

21. Section 25.24(a)(8) (proposed § 25.24(b)(12)) was clarified by citing examples of **Federal Register** documents subject to these exclusions. FDA has deleted, as unnecessary, proposed § 25.24(b)(9) which described the exclusion of certain **Federal Register** notices from the requirement of an EA. The notices in question, e.g., notices withdrawing proposed rules and notices of intent to develop regulations or EIS's, do not themselves have environmental consequences.

22. Section 25.24(a)(8) was also revised to refer to amendments to or revocations of procedural regulations, as well as to issuance of such regulations. None of these actions results in the production or distribution of any substance and, therefore, will not result in the introduction of any substance into the environment.

23. Section 25.24(a)(10) (proposed § 25.24(d) (12) and (14)) excludes the promulgation by the agency of certain current good manufacturing practice (CGMP) regulations or their equivalents and the issuance or denial under these regulations of certain permits, exemptions, variances, or stays. Such actions are excluded if there will be no increase in the quantities or toxicity of wastes entering the environment as a direct or indirect result of the action. Proposed § 25.24(d)(12) included an additional criterion for exclusion: "if there will be no change in the existing uses of the product." This criterion has been deleted from the final rule because CGMP regulations and related actions are not intended to affect the use of regulated products. As described below, the major factor in determining the potential for these actions to have any effect on the environment is whether they would result in increases in the quantities or toxicity of wastes emitted during the manufacture of the regulated product. These actions were not exempted or conditionally exempted from environmental consideration in the previous regulations.

The criteria for exclusion ensure that in-plant changes required by CGMP regulations and their equivalents, e.g., establishment standards for biological products, receive consideration in an EA when the changes result in increased waste flow or increased toxicity of wastes. For example, an action requiring substantial additional water usage or which results in increases in the wastes discharged at a manufacturing facility for certain products does not meet the criteria for exclusion and therefore requires the preparation of an EA. Examination of mitigation procedures or alternatives to the proposed action could result in choice of a final action which conserves water, decreases the concentration of toxic substances present, or otherwise facilitates treatment or reuse of the wastes.

Included in § 25.24(a)(10) is an exclusion from environmental consideration of certain of FDA's good laboratory practice (GLP) regulations. Present GLP regulations (21 CFR Part 58) establish quality control procedures to be used in laboratories conducting clinical tests to be submitted to FDA, usually in support of an application or petition for approval to test or market an FDA-regulated product. GLP's also apply to FDA's own laboratory activities and those of its contractors. GLP regulations are excluded from environmental consideration when they meet the same criteria, discussed above, that establish when CGMP regulations

are excluded from environmental consideration.

24. Section 25.24(a)(11) (proposed § 25.24(d)(13)) excludes the establishment or repeal by regulation of labeling requirements for marketing articles if there will be no increase in the existing levels of use or change in the intended uses of the product or its substitutes. This categorical exclusion is a modification of a conditional exemption in the previous regulations (§ 25.1(f)(12)). The modification excludes from environmental consideration all FDA-regulated product labeling that meets the criteria for exclusion.

25. A comment suggested that all labeling requirements established by regulation for marketed articles should be excluded, rather than only the labeling meeting the stated criteria for exclusion discussed in the preceding paragraph. No justification for such a change was provided.

The agency concludes that criteria for exclusion are necessary to determine certain labeling requirements for which preparation of an EA is appropriate. Labeling requirements, including warning labels, may result in market shifts and consequently potentially significant environmental impacts. For example, an FDA requirement for warning labels on aerosol cans using chlorofluorocarbon propellants, which preceded action to ban the use of these propellants, contributed to a shift to uses of substitute propellants. Therefore, an environmental assessment was necessary to determine the potential impacts of the action.

26. Section 25.24(a)(12) (proposed § 25.24(c)) was revised by adding two new provisions, paragraph (a)(16) (v) and (vi), for consistency with the NEPA-implementing procedures of the General Services Administration (45 FR 83; January 2, 1980). With these additions, FDA excludes from environmental consideration the acquisition of occupiable space in existing structures, in addition to the exclusions that were proposed for routine maintenance or minor lease construction activities conducted, or contracted for, by the agency. Actions affecting properties listed or eligible for listing on the National Register of Historical Places do not qualify for categorical exclusion.

Categorical Exclusions: Research

27. FDA has categorically excluded its actions concerning certain research conducted or supported by the agency (§ 25.24(a)(6), proposed § 25.24(d)(16)) or conducted by applicants or petitioners seeking FDA's approval to investigate food additives (§ 25.24(b)(2)), human drugs, including biologics (§ 25.24(c)(4)), animal drugs (§ 25.24(d)(4)), and medical devices (§ 25.24(e)(7)). (See proposed § 25.24(d)(15).) These actions are categorically excluded if the wastes generated from the research will be controlled or the amount of waste expected to enter the environment may reasonably be expected to be nontoxic. By "controlled," the agency means the wastes will be contained, recycled, destroyed, or otherwise treated in a manner that renders them environmentally safe.

FDA actions on investigations of drugs and animal drugs were conditionally exempt under § 25.1(f)(11) of the previous regulations. In the proposed rule, categorical exclusions were continued for these FDA actions and extended to include actions on investigations of medical devices (proposed § 25.24(d)(15)), and research conducted or contracted for by the agency (proposed § 25.24(d)(16)) when these investigations and research meet the criteria for exclusion. In the final rule, § 25.24(b)(2) has been added to exclude FDA actions on the investigational use of food additives for use in human or animal food in the use meets these criteria. With these changes, FDA is applying the same environmental consideration standard to all types of research activities that it conducts, funds, or regulates through prior submission requirements.

28. A comment on proposed § 25.24(d)(15) suggested that no criteria for exclusion were needed because there is no conceivable instance in which an action involving a notice of a claimed investigational exemption for a new drug, new animal drug, or medical device would generate waste that could not be controlled or would be toxic in the amounts released. The comment contended that all such activities should be excluded within limitation, but submitted no information to support this contention.

The agency concludes that only those actions on investigational exemptions that meet the stated criteria for exclusion should be excluded. Although most studies for investigation product development are limited in size, some studies have been very broad in scope. For example, many thousands of animals may be used in the final investigational field studies of animal drugs. The agency agrees with the comment that, in most cases, wastes can be controlled. The criteria for exclusion help ensure that these wastes will, in fact, be controlled by requiring the preparation of an EA if they are not.

Categorical Exclusions: Foods, Food Additives, and Color Additives

29. Section 25.24(b)(3) (proposed § 25.24(d)(5)) categorically excludes approvals of color additive petitions to change a provisionally listed color additive to permanent listing for use in food, drugs, devices, or cosmetics if data available to FDA do not establish that, at the expected levels of exposure, it may be toxic to organisms in the environment. The final FDA regulations differ from the proposal in that FDA has deleted the proposed additional criterion that, to be eligible for exclusion, a color additive must already be marketed for the petitioned use. This additional criterion was deleted as unnecessary. Although most provisionally listed color additives already are being used in marketed products for the uses requested in petitions for permanent listing, there may be rare cases in which use of a provisionally listed color additive may cease due to termination of provisional listing, only to resume when a decision is on permanent listing. FDA believes that the remaining exclusion criterion in § 25.24(b)(3) will ensure adequate environmental consideration in these rare cases as well as in the more common situation in which there is no interruption in the use of a color additive when it is moved from the provisional list to the permanent list.

Section 25.24(b)(3) provides clearer exclusion criteria than did the conditional exemption in § 25.1(f)(6) of the previous regulations. In deciding whether the permanent listing of a provisionally listed color additive results in release of substances that in the amounts expected to enter the environment may be toxic to organisms in the environment, FDA will consider the petition and other available information, including the scientific literature. If FDA finds that adverse effects are possible, the petitioner will be required to submit an EA.

30. Section 25.24(b)(4) (proposed § 25.24(b)(14)) categorically excludes the testing and certification of batches of color additives. These actions involve the comparison of a specific batch against a standard for an additive for quality control purposes and are not actions to approve the production and marketing of these products. Disposal of small amounts of wastes from FDA laboratories conducting testing and certification activities is considered for potential environmental impact under § 25.22(a)(4).

31. Section 25.24(b)(5) (proposed § 25.24(b)(6)) categorically excludes the

promulgation of an interim food additive regulation. Interim food additive regulations are promulgated under 21 CFR Part 180 for substances having a history of use in food for human consumption or in food-contact surfaces when the safety or functionality or such substances is brought into question by new information that in itself is not conclusive. Such regulation can be issued only when there is reasonable certainty that the substance is not harmful and that no harm to the public health will result from the continued use of the substance for a limited period of time while the question raised is being resolved. Because an interim food additive regulation provides for the continued use of an already approved substance, such a regulation should be excluded.

32. Section 25.24(b)(6) (proposed § 25.24(b)(15)) categorically excludes establishment of action levels for natural or unavoidable defects in food for humans or animals if these defects present no health hazard. These action levels are established under section 402(a) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 342(a)). It never has been possible to grow, harvest, and process crops that are totally free of natural defects such as insects and insect parts. Action levels represent the limit at which or above which FDA will take legal action against the food to remove it from the market. It is the legal action, rather than the establishment of an action level, that results in any potential for introduction of substances into the environment. Any FDA enforcement of, or action level that results in, the removal of products from the market is considered under §§ 25.22(a) (2) and (3) and 25.24 (a)(4) and (b)(9).

33. Section 25.24(b)(7) (proposed §25.24(d)(6)) categorically excludes affirmations of a food substance as generally recognized as safe (GRAS) if the substance is already marketed in the United States for the use for which affirmation is sought, and data available to the agency do not establish that the substance may be toxic to organisms in the environment at the expected levels of exposure. Under the previous regulations, GRAS regulations were covered under § 25.1(b)(16), which required a case-by-case determination as to whether an environmental document equivalent to an EA, i.e., an EIAR, was required. Under the new rule, many such actions will be excluded because many GRAS substances meet the exclusion criteria. The agency should have sufficient information in the GRAS petition and the scientific literature to determine whether the continued marketing of a substance for which GRAS affirmation is sought may, at the expected levels of exposure, result in toxic effects on organisms in the environment.

34. Section 25.24(b)(8) (proposed § 25.24(d)(7)) categorically excludes the promulgation and enforcement of regulations relating to the control of communicable disease or to interstate conveyance sanitation under 21 CFR Parts 1240 and 1250, respectively. Only those actions under Parts 1240 and 1250 that meet certain criteria are excluded.

Part 1240 restricts the interstate shipment of certain animals and articles and establishes requirements for the source and use of potable water on interstate conveyances. The objective of the requirements is to control the spread of communicable diseases. As a result of findings in FDA inspections under these regulations, there may be an enforcement action or voluntary action that results in measures for the control (including treatment, destruction or other disposition) of animals or other articles that are not in compliance with the regulations. If an action involves an endangered species or the release of a toxic substance into the environment, then an EA is required to address considerations under the Endangered Species Act of 1973 or the release of the toxic substance.

Part 1250 establishes requirements for facilities and procedures in conjuction with interstate conveyances to ensure that all food, potable water, and drink served are clean, wholesome, and free from spoilage and that wastes discharged from conveyances are properly handled. FDA enforces these requirements through inspection and may require corrections to be made in conjunction with conveyances before they may continue in interstate commerce. Environmental introductions that result in the release of a toxic substance into the environment require an EA. When proposed as § 25.24(d)(7)(ii), all actions under Part 1250 were excluded. In this final rule, a criterion for exclusion has been added because FDA has determined that some actions taken under this part can result in environmental introductions.

35. Section 25.24(b)(9) (proposed § 25.24(d)(4)) categorically excludes approvals of requests for diversion of adulterated or misbranded food for humans or animal feed to use as animal feed if the disposition of the article, including packaging material, will not result in the release of a toxic substance into the environment. The Federal Food, Drug, and Cosmetic Act prohibits the sale of products intended as food for humans if the products are adulterated or misbranded. When such products do not contain toxic substances, their diversion to animal feed permits beneficial use of the products and eliminates the need for landfilling, incineration, or some other means of disposal.

Categorical Exclusions: Marketing Approvals

36. A comment on proposed § 25.24(d) suggested categorical exclusions of all approvals of NDA's, ANDA's, NADA's, and biological product licenses, and any supplements or amendments thereto, providing these do not "significantly affect the quality of the human environment."

FDA cannot adopt this suggestion. CEQ's regulation (40 CFR 1507.3) requires that criteria be established for categorical exclusions. The quoted phrase, which restates the basic NEPA standard, does not satisfy this requirement. Because the agency has no prior knowledge about the environmental impact of new products, excluding all the actions described in proposed § 25.24(d) would make it impossible to distinguish those that have the potential for significant environmental impacts from those that do not. Exclusions have been provided, however, for ANDA's (§ 25.24(c)(1)) and for certain approvals of the types referred to in proposed § 25.24(d), as discussed below on the following provisions of the final regulations: § 25.24(c)(2) (NDA's); § 25.24(c) (8), (10), and (11) (biological product licenses); and § 25.24(d) (1), (2) (NADA's). Certain categorical exclusions for medical device premarket approval applications also are provided in § 25.24(e) (4) and (5).

Categorical Exclusions: Human Drugs and Biological Products

37. FDA has added a categorical exclusion for approvals of ANDA's in § 25.24(c)(1). Although ANDA's have been specifically mentioned in the conditional exemption in § 25.1(f)(1) of the previous regulations, they were not specifically mentioned in the proposal. Approvals of ANDA's are categorically excluded because they merely allow on the market generic equivalents of drugs that already have been approved and thus do not change the levels of substances entering the environment. These actions are similar to approvals for supplements and amendments to NADA's for which the proposed exclusion, § 25.24(d)(1), applied.

Therefore, the same criteria for exclusion are applied to ANDA's.

38. FDA has broadened the categorical exclusion in § 25.24(c)(2) (proposed § 25.24 (b)(16) and (d)(18)), for approvals of certain amendments or supplements to NDA's. The proposal would have excluded only amendments and supplements seeking certain types of labeling and packaging changes not requiring prior approval.

FDA has categorically excluded all approvals of changes not requiring prior approval described in § 314.70 (c) and (d), as well as other approvals of amendments or supplements to NDA's, in those cases where the stated criteria are met; that is, the proposed approval provides that the drug will not be administered at higher dosages, for longer duration, or for different indications than were previously in effect.

39. Section 25.24(c)(3) (proposed § 25.24(d)(2)) categorically excludes withdrawals of approvals of NDA's and ANDA's when the drug is no longer being marketed or at the request of the application holder. These actions are not subject to other criteria for exclusion because withdrawals of this type involve discontinued products or products with such small sales that their withdrawals do not result in environmental introductions of substitute drugs.

40. Section 25.24(c)(5) (proposed § 25.24(b)(14)) categorically excludes the testing and certification of batches of antibiotics and insulin. Testing and certification of antibiotics and insulin are excluded for the reasons given in paragraph 30 above.

Although FDA has issued regulations (47 FR 39155; September 7, 1982) exempting all antibiotic drugs and antibiotic-susceptibility devices from certification, these regulations provide for reimposition of testing certification where necessary, and the statute allows manufacturers to request certification even if FDA does not require it. Hence, it still is appropriate to provide in § 25.24(c)(5) a categorical exclusion for antibiotic testing and certification.

41. Section 25.24(c)(6) (proposed § 25.24(d)(9) categorically excludes the promulgation of a monograph for a "not new" drug, antibiotic drug, or over-the-counter (OTC) drug if the drug is already marketed for the proposed use and data available to the agency do not establish that the drug may be toxic to organisms in the environment. The criteria in the final regulations are less restrictive and more appropriate for monograph rulemaking then were those in the proposal. The proposal would have excluded promulgation of a drug monograph only if "the proposed monograph will not permit the article to be administered at higher dosage levels, for longer duration, or for significantly different indications than were previously in effect."

FDA has deleted a reference to monograph regulations for in vitro diagnostic products because of the revocation, in the **Federal Register** of February 1, 1980 (45 FR 7474), of the procedures for promulgating such regulations. Because in vitro diagnostic products are medical devices, standards for them may be issued under the procedures in 21 CFR Part 861 for medical device performance standards, and the categorical exclusion in § 25.24(e)(3) of these regulations would exclude such standards from environmental consideration if the applicable criteria are met.

Promulgation of drug monographs was conditionally exempt under § 25.1(f) (4) and (5) of FDA's previous regulations.

42. A comment asserted that all OTC drug monographs should be excluded from environmental consideration, whether or not they met the proposed exclusion criteria. The comment argued that OTC drugs are chemicals of such "low volume" that they will seldom be present in the environment at concentrations high enough to have any significant environmental effects.

The agency concludes that promulgation of drug monographs may cause changes in the levels at which substances are introduced into the environment and that some of these substances may be bioactive at low concentrations. Therefore, criteria are needed to identify those monographs for which an EA must be prepared. As discussed in the preceding paragraph, the criteria for exclusion in the final regulation are less restrictive than those in the proposal, and will exclude more OTC drug monographs. Furthermore, because the ingredients used in products regulated by monographs are already being marketed and often have been for many years, the agency generally will have sufficient information about the product, in the administrative record of the monograph proceeding and from the scientific literature, to identify any substances to be controlled by a monograph that are toxic to organisms in the environment.

43. FDA has added to the final regulations a provision (§ 25.24(c)(7)) that categorically excludes establishment of bioequivalence requirements for marketed drug products if there is no change in the existing levels of use or intended uses of the products. Bioequivalence requirements, which may be imposed by regulation under 21 CFR 320.1, are established to ensure uniformity among different brands of pharmaceutical products containing the identical therapeutic moiety intended for the same indications. Requirements that affect the levels of use of a product or the intended use of a product might change the amounts or types of wastes entering the environment due to production, use, or disposal of the product or its substitutes. Regulations establishing bioequivalence requirements generally have no effect on the dosage levels or the indications for which the drug products are approved.

Although bioequivalence requirements were neither exempt nor conditionally exempt under FDA's previous regulations, a categorical exclusion of these requirements is consistent with other categorical exclusions, e.g., the exclusion in proposed § 25.24(d)(10) of the issuance of additional standards for a licensed biological product if there is no change in the existing levels of use or intended uses of the products.

44. FDA has added to the final regulations a provision (§ 25.24(c)(8)) that categorically excludes actions on changes reported under 21 CFR 601.12 in biological product or establishment licenses. This categorical exclusion is consistent with other exclusions for actions on certain changes in NDA's (§ 25.24(c)(2)(i), proposed § 25.24(b)(16)) and in NADA's (§ 25.24(d)(1)). In all these cases, the changes have no effect on the environment because they do not result in changes in the environmental introduction of previously approved products.

45. FDA has revised § 25.24(c)(10) (proposed § 25.24(d)(10)) to exclude any biological product standard regulation that meets the exclusion criteria, rather than simply the promulgation of "additional" standards for such products under 21 CFR Parts 620 through 680, as was proposed. Thus, standards for groups of biologic products and general standards, such as those promulgated under 21 CFR 600.16 and Part 610, are categorically excluded if they meet the exclusion criteria.

Animal Drugs

46. Section 25.24(d)(1) categorically excludes NADA's or supplemental NADA's for a previously approved animal drug if the drug product will not be administered at higher dosage levels, for longer duration, or for different indications than were previously in effect and if data available to the agency do not establish that, at the expected level of exposure, the drug

may be toxic to organisms in the environment.

47. A comment argued that excluding an animal drug to be marketed under the same conditions of approval as a previously approved animal drug is inappropriate because this approach gives the new competitor an undue advantage over the original developer.

The agency concludes that considerations of competitive advantages between the original and subsequent manufacturers do not justify the imposition of unnecessary requirements that are not justified by NEPA.

48. Two comments suggested that FDA grant categorical exclusions for FDA approvals of new animal drugs in medicated feed blocks and of new animal drugs in liquid feed supplements.

The agency cannot adopt this suggestion because approvals of these types are likely to lead to the release of substances into the environment. However, certain approvals may be eligible for exclusion under § 25.24(d), e.g., if the approval involves a previously approved new animal drug.

49. Several categorical exclusions concerning actions on animal drugs, § 25.24(d) (3) through (7), correspond to similar exclusions for human drugs in § 25.24(c) (3) through (7).

Devices and Radiation Products

50. FDA has broadened the categorical exclusion in § 25.24(e)(2) (proposed § 25.24(b)(20)) to cover device classification under section 513 of the Federal Food, Drug, and Cosmetic Act and 21 CFR Part 860 as well as reclassification. In any case in which classification or reclassification changes the marketing status of the device, such as by requiring premarket approval, other provisions of the regulations, e.g., §§ 25.22(a)(18) and 25.24(e) (4) and (5), govern when environmental consideration must occur.

51. A comment suggested the categorical exclusion of approvals of device premarket approval applications (PMA's) and of notices of completion of product development protocols (PDP's) for medical devices.

The agency concludes that, in general, an EA must be required in applications seeking premarket approval of medical devices, just as the agency requires EA's in similar applications for other new products it regulates. However, these applications are excluded under § 25.24(e)(4) if the subject device is of the same type and for the same use as a previously approved device and if approval of the device does not result in the release of substances that could cause toxic effects on organisms in the environment. Devices that are excluded by this provision compete for the same market with already approved devices of the same type and use and therefore do not result in increased environmental introduction of the device.

52. FDA has added a provision (§25.24(e)(5)) that categorically excludes changes in a PMA or notice of completion of a PDP for a class III medical device that do not require submission of an amended or supplemental application or notice. This addition corresponds to the exclusion in § 25.24(c)(2) of certain changes in NDA's.

53. FDA also added, in § 25.24(e)(6), a categorical exclusion of a restricted device regulation issued under section 520(e) of the Federal Food, Drug, and Cosmetic Act when the action will not result in increases in the existing levels of use or changes in the intended uses of the product or its substitutes.

Retroactive Environmental Consideration

54. Section 25.25 discusses when FDA will conduct a retroactive environmental review of existing regulations, approvals, or other actions. The proposed section was similar to § 25.1(c) of the previous regulations. Proposed § 25.25(a) stated that an amendment, supplement, or exemption proposed for an existing regulation or approval (§§ 25.21 through 25.24) which had not previously received environmental analysis would trigger retroactive review of the existing regulation or approval when such consideration was determined to be necessary to assess the environmental effects of the amendment, supplement, or exemption. Proposed § 25.25(b) also provided that environmental review would also be necessary for actions that had not previously received environmental analysis after new information was made available to the agency suggesting that potentially significant environmental effects may be occurring.

55. Three comments opposed any retroactive environmental consideration that would require EA's for FDS-regulated products already being marketed. A fourth comment suggested that retroactive environmental review should be conducted only as provided for in proposed § 25.25(b), i.e., where new information comes before the agency that suggests the need for such reconsideration.

Although FDA cannot adopt the approach suggested by the three comments, it agrees with the fourth comment. In any case in which retroactive review of an action is deemed necessary, there will probably be information before the agency suggesting that potentially significant environmental impacts may be occurring. Accordingly, the agency concludes that proposed § 25.25(a) is unnecessary and had deleted this paragraph from the final rule. Proposed § 25.25(b), which is now § 25.25(a), states that retroactive consideration of existing regulations, approvals, or other actions is triggered only by new information indicating such need. The agency has no plans for systematic retroactive review of the environmental impact of existing regulations, approvals, and actions. Nevertheless, the agency has the responsibility to reconsider and revise any such past decisions, in certain cases as part of a general reconsideration of a decision and in others when it learns that environmental problems may have resulted from such a prior decision.

III. Subpart C—Preparation of Environmental Documents

Subpart C describes the content and format of environmental assessments (EA's) (§ 25.31), findings of no significant impact (FONSI's) (§ 25.32), notices of intent to prepare environmental impact statements (EIS's) (§ 25.33), and EIS's (§ 25.34). The only category of document formats in which FDA received significant comments was that for EA's.

EA Format

56. FDA presented a single EA format in proposed § 25.31(b) and provided in proposed § 25.31(e) for abbreviated versions of several format items for certain actions. In the final regulations, FDA has developed five separate EA formats as follows: Format 1—Proposed approvals of FDA-egulated products; Format 2—Withdrawals of approval and other restrictions; Format 3—Grants, extramural contracts, and other research agreements; Format 4—Establishment of tolerances or action levels; and Format 5—Destruction of condemned, enjoined, detained, or recalled articles. In addition, FDA is providing abbreviated versions of Format 1 for six types of proposed approvals in which environmental concerns are more limited than in other approvals subject to the usual EA format requirements. Most of the actions eligible for abbreviated versions of Format 1 were the subject of conditional exemptions under previous § 25.1 (f) and (g), but did not qualify for conversion to categorical exclusions because information had to be submitted to determine whether the actions would have significant environmental effects. The various

formats in the final rule are similar to the proposed format as modified by proposed § 25.31(e), and as further revised in response to comments as described below.

57. FDA received many comments on the proposed EA format. As discussed above in paragraph 2, the comments contended that the format would result in additional paperwork, delays, and costs. Specific objections to the EA format included: (1) that FDA had so significantly expanded the EIAR requirements in previous § 25.1(j) that the new EA requirements would approach, equal, or exceed the requirements for an EIS; (2) that the proposed EA requirements would not result in useful information; and (3) that technology to address some proposed EA requirements is unavailable.

As explained above in paragraph 2, FDA believes that many of these comments misinterpreted the proposed requirements. The EA format differs from the previous EIAR format in describing a systematic approach to environmental review of proposed actions to approve the marketing of chemicals. The EIAR had presented only a list of general topic areas like "Pollution" and "Toxic Substances" to be addressed. The EA format presents formally in regulations an effective approach to environmental review that FDA has used since 1977 in preparing its own EIAR's and in guiding applicants and petitioners using its Environmental Impact Operational Directive (also discussed in paragraph 2 above). Experience has proven that the previous approach of simply providing a list of general topics to be addressed without giving specific accompanying directions often led to the preparation and submission of inadequate environmental documents. The agency then frequently could not accept the documents and had to provide case-by-case guidance on how to correct the documents' deficiencies. The agency seeks to reduce the delay that results from these corrections, consultations, and resubmissions by providing in EA formats a more comprehensive and systematic approach to environmental impact consideration that will yield better results. The additional formats described in the preceding paragraph will assist in these efforts.

FDA recognizes that efforts to predict environmental effects must deal with many uncertainties, some due to limitations of existing technology. To keep track of environmental testing methodology, the agency monitors and evaluates methods developed by the joint committee publishing *Standard Methods* (APHA, Standard Methods for the Examination of Water and Wastewater, 15th Ed., American Public Health Association, Washington, DC, pp. 1134, 1981), EPA, the Organization for Economic Cooperation and Development (OECD), American Society for Testing and Materials (ASTM), and the Society for Environmental Toxicology and Chemistry (SETAC) in addition to reports in the general scientific literature. FDA endorses the efforts of these organizations to seek efficient and economical procedures to predict the environmental impacts of chemicals before they are released into the environment. The agency also continues to offer timely review of environmental testing programs and protocols proposed by applicants and petitioners in preparing EA's as well as written guidance on environmental data acquisition. When technology is absent, or it is infeasible to obtain definitive data to satisfy a given format requirement, FDA accepts the use of predictions developed from calculations or estimates based on available data.

FDA endorses a tiered or step-sequenced scheme for acquiring environmental data in which the first screening tests done are the most simple and generalized, with more complex and detailed tests reserved for chemicals identified by screening as having a potential for adverse effects. Many such schemes are available in the scientific literature (references are available from the contact person listed above). Applications and petitioners are encouraged to choose a scheme for acquiring environmental data that is appropriate for their research and development processes so that they may obtain needed environmental impact data without undue delay and expense.

58. A comment suggested that FDA adopt to the extent possible the premanufacturing notice (PMN) form created by EPA for submission of environmental and other data under section 5 of the Toxic Substances Control Act.

The agency concludes that applicants and petitioners may use PMN forms to organize and summarize environmental data, as described for items 14 and 15 of § 25.31a(a), but not as substitutes for EA's. PMN's involve only the submission of data and do not include the analysis of data that is necessary for NEPA documents.

59. Two comments suggested that FDA delete from the EA format the proposed requirement to consider environmental impacts at the sites of production. The comments claimed that the requirement would duplicate other Federal, State, and local emissions requirements. A third comment suggested that the EA consider impacts only at the sites of production and claimed that these impacts are the only ones that the manufacturer can control.

The agency concludes that it can fulfill its responsibilities under NEPA only by requiring an applicant or petitioner that proposes to market an FDA-regulated product to ascertain carefully, in a public document, the environmental impacts of FDA's approval of the product at the sites of production, during the product's use, and with its disposal. But FDA has decided (as discussed below in paragraph 62) to rely principally on certification of compliance with applicable emissions requirements, along with identification of emissions, in assessing impacts at the sites of production.

FDA acknowledges that neither the preparers nor reviewers of EA's can determine precisely the potential environmental impacts of substances introduced into the environment as a result of the production, use, and disposal of the product permitted by the proposed action. These introductions need not, and indeed often cannot, be measured directly because the FDA-regulated product may not be currently present in the human environment. However, metabolism and excretion data, data on the migration of chemical substances from a packaging material into foods, and information on the potential market for the product frequently are known. Information of this type should be used to make the best possible estimate of the environmental introductions that might occur from use and disposal of the FDA-regulated product. Although many substances may be introduced into the environment at the site of production, usually only the product and its metabolic products and degradative residues, if any, are expected to enter the environment through use and disposal.

60. Two comments objected that socio-economic factors are not considered in the EA process. The previous EIAR format, § 25.1(j)D.9., required a risk-benefit analysis to determine whether the economic benefits to the public of the proposed action outweighed the action's potential risks to the environment.

CEQ regulations state that "economic or social effects are not intended by themselves to require preparation of an environmental impact statement. When an environmental impact statement is prepared and economic or social and

natural or physical environmental effects are interrelated, then the environmental impact statement will discuss all of these effects * * * (40 CFR 1508.14). The agency interprets this provision to mean that these effects do not have to be considered in determining whether an EIS is required for a particular action. It would be an unnecessary burden upon the agency and upon applicants and petitioners to have to address socio-economic Factors in EA's, which merely provide the basis for the agency's determination whether to prepare and EIS or FONSI. Therefore, in the EA formats in the final rule, the only risk-benefit analysis required is to consider the environmental benefits and risks of the proposed action, and of the alternatives when consideration of alternatives is required.

EA's for Proposed Product Approvals: Format 1

61. Section 25.31a(a) prescribes a format for nonexcluded, industry-initiated requests for approval of food and color additives, affirmations of food substances as generally recognized as safe (GRAS), human drugs, biological products, animal drugs, and class III medical devices. In some cases, not all items in the format may apply. Preparers of EA's for such cases should contact an individual designated to handle NEPA questions in the FDA center handling the application or petition and agree on a different format for that individual case. The contact person listed above can provide the names of such individuals. Furthermore, the amounts and kinds of information will vary on a case-by-case basis.

FDA is presenting a basic format in § 25.31a(a), followed by formats in § 25.31a(b) in which certain items are abbreviated for certain classes of actions. In this preamble, FDA is discussing only those format items that require explanations or that were the subject of comments. The following chart shows how the format items in Format 1 of the final regulations correspond to EA format items in the proposal and to EIAR format items in the previous regulations:

Final § 25.31a(a)	Proposed § 25.31(a)	Previous § 25.1(j)
Item 1	Item 1	Item A.
Item 2	Item 2	Item B.
Item 3	Item 3	Item C.
Item 4	Item 4	Item D.1
Item 5	Item 4	Item D.1.
Item 6	Item 5	Item D.2.a., b., c
Item 7	Item 6	Item D.2.a.
Item 8	Item 7	Item D.2.a.
Item 9	Item 8	Item D.2.a., D.6
Item 10	Item 10	Item D.2.b
Item 11	Item 11	Item D.4
Item 12	Item 12	
Item 13	Item 13	Item E
Item 14	Item 14	Item D.2.d
Item 15	Item 15	Item D.2.d

62. A comment on proposed format item 5 suggested that in light of EPA, State, and local regulation of emissions, FDA need not require estimates of quantities, concentrations, and durations of emissions at sites of production. The comment suggested that FDA continue to follow the practice in its previous regulations, § 25.1(j), of simply requiring certification of compliance with applicable emissions controls.

FDA has revised the regulations in response to the comment. FDA has decided to continue its previous practice of reliance on certification of compliance with emissions requirements, coupled with identification of emitted substances sufficient to allow the location in the scientific literature of data on the substances and closely related chemicals. Based on the identification of, and literature about, the emitted substances, FDA can determine whether it needs more information about the potential environmental impacts of the emissions, e.g., quantities, concentrations, and duration of emissions. Such additional information generally will not be needed.

Accordingly, in the final regulations FDA has revised proposed format item 5 as format items 5 and 6. Format item 5 requires identification of the chemical substances that are the subject of the proposed action. Format item 6 requires identification of the substances emitted at the sites of production; a citation of, and statement of compliance with, applicable emissions requirements; and a discussion of how the approval of the proposed action would affect this compliance.

63. Format item 7 (proposed item 6) requires consideration of the fate of substances identified in item 6 that are introduced into the environment as a consequence of product use and/or disposal. When an FDA-regulated product or its potentially harmful byproducts, constituents, derivatives, or metabolites are released into the environment through use or disposal of the product, it is important to determine the potential for these introduced substances to be transported among, transformed by, and accumulated in various "environmental compartments," e.g., air, water, soils, and organisms.

A reasonable, state-of-the art approach for predicting the probable fate of chemicals introduced into the environment is a step-sequenced combination of physical/chemical characterizations and simple laboratory tests that help define the chemicals' potential for degradation, transport, transformation, and accumulation. The mobility and potential accumulation of a chemical in the environment can be estimated from various physical/chemical measures that are obtained quickly and economically in the laboratory. Some of the more important measures predictive of environmental mobility and distribution are *n*-octanol to water partition coefficient, vapor pressure, water solubility, dissociation constant(s), and soil sorption/desorption isotherm.

Chemicals in the environment may be transformed by either of two means: (1) Biodegradation and (2) chemical transformations, including photochemical reactions. For FDA-regulated products that are meant to be ingested by humans or target animals, information is frequently already available on the pharmacokinetics and metabolism of the product. These pharmacokinetic and metabolic patterns, when considered with the structure of the chemical, are useful in predicting the occurrence of biologically mediated transformations in the environment. Mobility and accumulation data are used to determine whether the chemical is retained in biologically active environmental compartments long enough for biological transformations to take place. If biodegradation appears likely, one of a number of available biodegradation laboratory screening procedures can be chosen to determine the rate and extent of degradation that occurs.

Chemical degradation through hydrolysis may be important for organic chemicals with hydrolyzable functional groups, e.g., esters, amides, alkyl halides, epoxides, and phosphoric esters. Oxidation due to reactions with free radicals in the atmosphere or in water may be important routes of chemical transformations, depending on the transport of the chemical into these environments. When an organic chemical absorbs light in the ultraviolet range of the ultraviolet-visible spectrum, this fact is an indication that photolysis in air or water may occur.

64. A comment stated that models to supply environmental fate information have not yet been developed for all chemicals and that, for FDA-regulated products, data are scarce on photochemical reactions, rain-out, leaching, and sorption to soils and sediments.

The agency's approach described above does not necessitate use of holistic environmental fate models, but rather allows extrapolations by recognized methods from physical/chemical laboratory data to actual situations. Upon request, FDA will provide applicants and petitioners with specific, technical guidance on these extrapolation techniques.

65. Five comments concerned the definition of the term "worst case" that was included in proposed format item 7. They questioned whether the term includes catastrophic natural events, e.g., fires, floods, etc., and whether technology is available to make "worst case" predictions, and asserted that the costs of such predictions would be astronomical.

The agency did not intend that the term "worst case" include catastrophic natural events. To avoid confusions, FDA has deleted from the final rule the term worst case analyses." The agency intends that, for FDA-regulated products, the maximum potential environmental introductions due to normal use and/or normal disposal of the products affected by proposed actions be predicted.

Prediction of the fate of substances introduced into the environment nearly always contains elements of uncertainty. When these predictions are made in EA's, preparers of EA's should make conservative estimates in the areas of uncertainty.

Further guidance is available in CEQ's regulation, 40 CFR 1502.22, on incomplete or unavailable information.

66. A comment suggested that the term "ecosystem" should be defined more specifically and narrowly, but did not make any specific suggestions.

The agency concludes that the term "ecosystem" need not be redefined in this regulation. The scope of review of the fate of chemical substances released into the environment will depend on the extent to which the material is transported among various environmental compartments. Although some chemicals may have global effects, e.g., chlorofluorocarbon aerosol propellants, most others have effects limited to the localities where they are introduced, e.g., rapidly degrading or nonmobile substances.

67. Three comments suggested that FDA set ground rules which provide that where the concentration of an environmentally significant substance emitted into an ecosystem can reasonably be predicted to be below the detection capabilities of scientifically or economically feasible analytical methods, then FDA would, for that ecosystem, waive the required predictions of the substance's fate and effects.

The agency believes that the approach described above might well be acceptable, if the EA thoroughly discusses the method used to predict the environmental concentration of the substance, the assumptions made, and the areas of uncertainty, including limitations of analytical test methods or other technology. Furthermore, the method used to make the prediction must be reasonable considering what is known of the physical/chemical characteristics of the substance and the pattern of its production, use, and/or disposal.

68. Format item 8 (proposed item 7) requires that preparers of EA's predict, where applicable, effects on animals, plants, humans, and other organisms and effects at the ecosystem level, using the information presented in items 6 and 7 on the introduction and fate of substances together with relevant toxicological data or other appropriate methods.

FDA interprets section 105 of NEPA to supplement, not duplicate, consideration of effects on humans required by the Federal Food, Drug, and Cosmetic Act and the other health protection statutes it administers. Therefore, consideration of effects on humans is normally addressed through cross-references to actions being taken by FDA under health protection legislation. In addition, occupational exposure to FDA-regulated products may be addressed by cross-references to actions taken in response to requirements established by the Occupational Safety and Health Administration, except that occupational exposure requirements may not exist for new FDA-regulated products.

Effects of chemicals on animals, plants, and other organisms often cannot be predicted without knowledge of the toxicological data showing the concentrations of chemicals or substances at which effects are expected to occur. The types of data required for these predictions obviously vary with each chemical evaluated. When introduction and fate data indicate that a chemical is not transported into a particular environmental compartment or that initially low concentrations degrade rapidly into simple, commonly occurring derivatives, there is little or no need for toxicological data for life in that compartment, and item 8 would consist of a prediction that no harmful effects are likely to occur. If a product's production, use, or disposal will cause intermittent introductions of short-lived chemicals, item 8 would usually be limited to acute effects. If a product's production, use, or disposal will cause continuous introductions of short-lived chemicals, or continuous or intermittent introductions of long-lived chemicals, item 8 should address chronic effects and ecosystem-level effects.

The requirement in item 8 to use any relevant toxicological data includes data already required, for the application or petition, e.g., to show the effectiveness or human or animal safety of the product under the applicable statutory requirements. The same toxicological data may be used to discuss the effects of the environmental residues on, as applicable, microorganisms and nontarget animals. In addition, applicants and petitioners will find that the general scientific literature often contains data applicable to organisms in environmental compartments exposed to FDA-regulated products or to potentially harmful chemicals resulting from the products' production, use, or disposal. In some instances, applicants or petitioners may have to obtain new data needed to predict effects on exposed environmental compartments.

69. Three comments suggested that in items 6, 7, and 8 of the EA format, FDA should confine its attention to the introduction, fate, and effects of new chemicals and of chemicals reasonably expected to have a significant impact on the environment.

The regulations are structured so that most EA's will concern new chemicals or chemicals that may have significant effects. Many of the regulations' categorical exclusions recognize that the agency already has adequate information about most products that are already in the environment to exclude actions on these products from environmental consideration. Even if an action on an already marketed chemical is not categorically excluded, an EA for such an action should not be difficult to prepare because much of the information required for an EA would be readily available.

70. As discussed above in paragraph 5, FDA had modified item 9 to require specification of any effects of the proposed action on historic places and endangered species.

71. Three comments on proposed item 8 stated that because applications and petitions to FDA would be filed considerably in advance of engineering and construction of required facilities, applicants and petitioners could only approximate the natural resources (land, minerals, and energy) required to produce, transport, use, or dispose of a given amount of the product.

FDA agrees with the comments, but must retain this item to fulfill its responsibilities under NEPA. Because uncertainty may well exist in these areas, especially at the time applications and petitions are filed, the level of uncertainty in making estimates and approximations in item 9 should be discussed.

72. The three comments also suggested that some level of significance be established below which requirements for information and data on energy/resource utilization would be waived. One of these comments suggested that FDA set the significance level cut-off for energy at 250 million BTU's/hr and the significance level cut-off for raw material at 10 million kilograms/yr.

FDA believes the suggestion of a threshold significance level for energy and raw materials has merit. FDA will consider applying such levels in its implementation of these regulations, once scientifically supportable threshold levels are developed. FDA lacks the support that it would need to adopt the specific cut-offs suggested in the latter comment described above.

73. Two comments specifically addressed proposed format item 9, which would have required preparers of EA's to discuss disruptions of the physical environment (noise, odors, and traffic congestion) that would be associated directly or indirectly with a proposed action. Both comments suggested such disruptions are normally handled by State and local authorities who are better qualified than a Federal agency to evaluate the impact of these disruptions. These comments recommended that proposed item 9 therefore be deleted or modified so that certain actions were excluded from this requirement. A third comment stated that such information could only be estimated for many proposed actions.

The agency has deleted this item because actions on FDA-regulated products rarely cause physical disruptions of the types described.

74. Format item 10 requires preparers of EA's to describe measures taken to avoid or mitigate any identified potential adverse environmental impacts associated with the proposed action. FDA is interested in information on the mitigation of adverse environmental effects even if the effects being mitigated are not "significant" within the meaning of NEPA. Effective mitigations of proposed actions' adverse environmental effects, even significant effects, can, however, avoid the need for an EIS.

75. A comment questioned the proposed requirement to consider "potential" adverse environmental effects in item 10 on mitigation measures and in item 11 on alternatives. The comment suggested that the word "actual" be substituted.

The agency believes that the use of the word "potential" is appropriate because of the uncertainties associated with the prediction of environmental effects when applications and petitions are filed. Even the best calculations, estimates, and studies can predict only potential environmental effects, and with varying levels of uncertainty, before substances enter the environment.

76. Two comments objected to the proposed requirement in format item 12 of a listing of persons preparing the assessment, their qualifications, and persons and agencies consulted and their areas of expertise.

The agency believes that it needs to know who prepared EA's and their qualifications. The requirement is analogous to one in CEQ's regulations (40 CFR 1502.17) that requires such information from preparers of EIS's. Having this information simplifies the task of obtaining answers to questions about procedures and data described in EA's and thus facilitates the agency's review of EA's

77. A comment suggested that the required reference list in item 14 and appendices in item 15 be modified to allow reference to data in applications and petitions.

Although the agency concludes that items 14 and 15 should remain in the EA format, the agency does not object to the use of cross-references to submissions found in other parts of an application or petition.

When the data are confidential and cannot be appended, summaries of the data may satisfy item 15, with references made to the sections of the application or petition where the data are found.

78. The same comment suggested that, alternatively or additionally, FDA should exempt from items 14 and 15 any action that has no adverse environmental impact.

FDA cannot adopt this suggestion because references and appended studies support the conclusion that a proposed action has or does not have a potential for significant environmental effects.

79. Several comments on proposed § 25.31 (c), (d), and (e) interpreted these provisions as expanding significantly the information requirements in EA's. Proposed § 25.31(c) encouraged the use of existing information in satisfying the information requirements for EA's. Proposed § 25.31(d) encouraged those who prepared EA's to address, to the extent possible, impacts associated with the products' entire production-use-disposal cycle and to use existing scientific and engineering literature in predicting potential environmental effects. Proposed § 25.31(e) provided guidance for applicants, petitioners, and agency preparers on how to abbreviate EA's for certain classes of action. This guidance appears in the final rule in § 25.31a(b) and formats 2 and 3 (§§ 25.31b and 25.31c).

FDA believes it obvious, from the comments, that the agency's intent in proposing these provisions was misunderstood. Paragraphs (c) and (d) of proposed § 25.31 were intended to assist preparers of EA's by informing them of methods of obtaining required information and were not requirements. Section 25.31(e) reduced EA requirements for certain actions.

To avoid the confusion reflected by the comments, FDA has deleted proposed § 25.31 (c), (d), and (e). Much of the guidance found in these proposed provisions is now found in the specialized formats for EA's included in this final rule. Section 25.31(c) as found in this final rule now contains provision for incorporation by reference from other available public documents.

Abbreviated EA, Format 1—Certain Food Additive Approvals

80. Section 25.31a(b)(1) (proposed § 25.31(e)(2); previous § 25.1(f)(1)(v)) permits abbreviated EA's for nonexcluded proposed approvals of food additives that are present in finished food-packaging material, at no greater than 5 percent by weight, for either of two reasons: because they are used in the production of and become nonfunctional components of the finished food-packaging material, or because they are intentionally added in small quantities to improve the properties of the finished food-packaging material.

Previous § 25.1(f)(1)(v) and proposed § 25.31(e)(2) used the term "minor constituents in food-packaging materials" to refer to food additives that are present in food packaging at low levels and therefore have reduced potential for causing significant environmental impacts. These terms are not used in the final rule in order to avoid confusion with the term "constituent" used in FDA's advance notice of proposed rulemaking (47 FR 14464), which concerns a policy for regulating carcinogenic chemicals in food and color additives.

FDA cannot categorically exclude these approvals consistent with CEQ's

definition (40 CFR 1508.4) and guidance. Rather, an EA is needed to assure consideration of: (1) the environmental impacts of the food additives at the sites of their production; (2) the environmental impacts of the food additives at the sites of production of food-packaging material; (3) environmental impacts of the food additives at the site of disposal of the food-packaging material; and (4) any increases inthe consumption of natural resources and energy resulting from the approval of the food additives.

81. Two comments stated that requiring an abbreviated EA for these types of food additives was an unnecessary burden that would not serve a useful purpose and argued for retention of the requirements of previous § 25.1(f)(1)(v). Both comments perceived the proposed abbreviated EA requirement as expanding greatly the environmental impact information necessary to support these types of food additive petitions.

FDA believes that, with certain changes made in response to comments, the environmental information required for these food additives is basically the same as information required to support Statements of Exemption under the previous regulations.

Under the previous regulations, petitioners were required to demonstrate that the food additive and the packaging material in which the food additive would become a component met criteria designed to ensure that approval of the petition would: (1) not create new markets for or affect the environmental impact of the disposal of the packaging material, and (2) not result in the replacement of a substance already in use with one that is not chemically or toxicologically similar. In addition, information on the environmental impact of the manufacture of the food additive was required to be submitted in a Statement of Exemption along with information relating to the criteria for exemption.

Frequently, petitioners have had to submit additional information to enable the agency to reach a conclusion about whether the action qualified for an exemption. For example, although the concentration of these food additives in the food-packaging material may be small, the market volume for these articles may be large. Consequently, a petitioner often had to supplement the Statement of Exemption by estimating the concentration of the food additive entering the environment at the site of disposal of the food-packaging material and by considering this estimate in light of toxicity information. In some cases, additional toxicity studies were required. Other examples of food additives for which additional information has often been requested are preservatives used in the production of food-packaging material that become nonfunctional components of finished food-packaging material. Because such a substance is not a functional component of finished food-packaging material and efforts are made to prevent the preservative from becoming a component of finished food-packaging material, it is quite possible for the preservative to enter the environment at the site of production of the food-packaging material, with resulting potential for toxicity to aquatic organisms or for other adverse environmental effects. In these cases, petitioners were requested to estimate the concentration of the substance entering the environment at the site of production of the food-packaging material and to consider this estimate in light of the concentrations shown by toxicology data to produce harm. Mitigations of adverse environmental effects, such as warning labels on the product, were sometimes necessary.

Thus, the information required in the Statement of Exemption, along with any supplemental information usually requested, was not substantially different from that required in the proposed EA format, as abbreviated by proposed § 25.31(e)(2), with two exceptions. First, the proposed abbreviated assessment contained a reduced requirement, in that petitioners no longer had to show that a proposed additive was intended to replace a chemically or toxicologically similar substance already in use but had, instead, to provide information on whether a proposed additive was for the same use as another additive already in use. Second, the proposed abbreviated EA format required some additional information not required in the previous regulations. Specifically, additional information was required to assess the environmental impact of manufacture of the food additive, and petitioners had to address each item in the full EA format.

FDA has made the following changes in the final format, after considering the comments on the proposal:

(1) The information required to access the environmental impact of production of the food additives has been reduced and is now basically the same as that required under the previous regulations.

(2) Specific guidance informs petitioners how to make predictions on whether the food additives will enter the environment in quantities that will produce toxic effects.

(3) Petitioners ordinarily need not provide documentation on format item 9, utilization of resources and energy, if the proposed food additive is intended for the same use as another additive already in use. Food additives intended to replace other additives having the same use are expected to have comparable energy requirements and will not materially change the potential uses of the packaging material to which they are added.

(4) Less information is required about food additives that are present as functional components of finished food-packaging material than is required about those food additives that are used in the production of food-packaging material and become nonfunctional components of finished food-packaging material. As explained above, the latter type of food additive is more apt to enter the environment at sites of production of food-packaging material of which it is a component due to efforts to prevent the food additive from becoming a component of finished food-packaging material.

(5) Format items 7 and 8 encourage petitioners to rely on existing data in the petition, which may be incorporated by reference, or in the scientific literature in satisfying EA requirements. This guidance should discourage unnecessary testing merely to satisfy the EA requirements.

82. In § 25.31a(b)(2), FDA is providing an abbreviated version of format 1 for nonexcluded proposed approvals of food additives used as components of food-contact surfaces of permanent and semi-permanent equipment or of other food-contact articles intended for repeated use. These additives often have limited market volume. Environmental impact at the site of production of the additives is normally the major environmental concern.

Section 25.1(f)(3) of FDA's previous regulations provided a conditional exemption for food additives to be used as components of food-contact surfaces of permanent or semi-permanent equipment or of other food-contact articles intended for repeated use. Petitioners had to show that the food additive that was the subject of the petition belonged to one of the exempted classes of items, a fact that was nearly always evident from the petition. Also, they had to submit information on the environmental effects of the production of the proposed food additives, as described in previous § 25.1(g), in a Statement of Exemption. The criteria for exemption and information required were relatively straightforward and were not the subject of varying degrees of interpretation.

In § 25.31(e)(3) of the proposed rule, FDA added an information requirement concerning environmental effects at the sites of disposal. In certain instances, environmental introductions of chemicals might occur at the sites of disposal due to leaching of chemicals from food-contact articles. Food additive petitions ordinarily include data on the migration of chemicals from the food-contact articles as part of the showing of safety, and FDA believes that these data can be used to estimate the environmental concentrations that might be present due to the disposal of the food-contact articles.

83. A comment objected to the proposal to require an EA for this class of actions, arguing that such a requirement would increase significantly from the previous regulation the information required and thus the time, paperwork, and costs involved. The comment preferred the conditional exemption under § 25.1(f)(3) of the previous regulations.

The agency acknowledges that the proposed regulations would require additional information not requried by the previous regulation, such as additional information on the environmental impact of the production of the food additive and of the disposal of the food-contact article containing the food additive. Also, FDA proposed to require petitioners to address each item of the EA format.

The agency could not, however, develop previous § 25.1(f)(3) into a categorical exclusion. To assess the environmental impact of manufacture of the food additive and disposal of the food-contact article containing the food additive, FDA needs the kind of information that, under CEQ's regulations, is more appropriately included in an EA. However, because FDA recognizes that it needs much less information for the environmental review of these petitions than it does for other FDA actions, the agency has in the final rule reduced the information requirements so that they are virtually identical to those under the previous regulations.

FDA is providing a special abbreviated format for these food additive petitions, based on proposed § 25.31(e)(3), but with the following changes:

(1) Information required to assess the environmental impact of production of the food additive had been reduced.

(2) To determine the potential environmental impact of the food additive resulting from environmental introductions due to the disposal of food-contact articles containing the proposed additive, petitioners are required to estimate the maximum potential yearly market volume for the proposed food additive.

(3) Documentation for format items 7 through 11 and item 15 is ordinarily not required.

Abbreviated EA Format 1—Certain Human Drug and Biological Product Approvals

84. Section 25.31a(b)(3) provides an abbreviated version of format 1 for nonexcluded proposed approvals of NDA's for human drugs and biological product license applications for products intended for use in the prevention, treatment, or diagnosis of a rare disease, or for a similarly infrequent use; for ophthalmic or topical drug or biological product applications; or for local or general anesthetic drugs. These products ordinarily have limited distribution and use. Environmental impact at the site of production is the principal environmental concern with these relatively low-volume products.

Previous § 25.1(f)(1)(i) provided a conditional exemption for a drug, animal drug, or biological product intended for use in the prevention, diagnosis, or treatment of a rare disease, for infrequent use, or for use in insignificant amounts (taking into account projected effects on animals or humans). Applicants were required to submit a Statement of Exemption demonstrating that the product for which they were requesting action met one of the criteria addressing the frequency of product use and including data on the environmental effects of the manufacturing process for the product.

85. Four comments requested that the previous § 25.1(f)(1)(i) conditional exemption be converted into a categorical exclusion in the new environmental regulations, but did not suggest any clearer criteria for exclusion. Nor did these comments provide justification for eliminating the past requirement for data relating to the environmental effects of the manufacturing process. The basis for one of these comments was that the costs involved in preparing an abbreviated EA, as described in the proposed rule, would greatly reduce any incentive a sponsor might have for the development of these products, most of which provide minimum economic return.

The agency concludes that it cannot develop previous § 25.1(f)(1)(i) into a categorical exclusion. Requested actions of this type which cannot meet other categorical exclusions require the preparation of an abbreviated EA.

As described in the preceding paragraph, FDA encountered difficulties in applying the terms in the previous regulations, and applicants expended considerable efforts attempting to show that they qualified for exemption. These problems would continue with any categorical exclusion. Moreover, FDA connot satisfy its responsibilities under NEPA without requiring submission of environmental data on these proposed approvals. As discussed elsewhere in this preamble, CEQ's regulations on categorical exclusions do not allow agencies to require such data submissions by those seeking exclusions.

Although FDA is not providing a categorical exclusion for these approvals, it is limiting the information required to be included in an EA. As in proposed § 25.31(e)(4), requirements for information on a product's introduction, fate, and effects were limited to the consideration of the environmental impact of the manufacture of the product and to the determination of environmental concentrations of the product, its metabolites, and the degradation products resulting from the use of the product. Environmental introductions from the use of the product were to be estimated based upon knowledge of the frequency of use, mode of administration, and availability of the product. Furthermore, in codifying proposed § 25.31(e)(4) in the final rule's abbreviated format at § 25.31a(b)(3), FDA is making the following revisions to clarify the information required to show the limited use of these types of products, and to make the requirements comparable with those under the previous regulations.

(1) Information required for format item 6 to assess the environmental impact of production of the product is basically the same as that required under the previous regulations.

(2) Information to assess the potential environmental impact resulting from the use of the product is limited to estimating the potential yearly market volume for the product.

(3) Information is ordinarily not required for format items 7 through 11 and item 15.

Abbreviated EA Format 1—Certain New Animal Drug Approvals

86. Section 25.31a(b)(4) provides an abbreviated EA format for nonexcluded proposed approvals of new animal drug applications and supplements and amendments to such NADA's for animal drugs intended for use under prescription or veterinarian's order; for treatment of a disease occurring in minor species animals, as defined in 21 CFR 514.1(d); for use in nonfood

animals; for ophthalmic or topical application; or for local or general anesthesia. These drugs have limited production and use due to their intended uses or availability, or both. Therefore, approvals of these drug products generally result in limited environmental introductions of substances compared with other animal drug approvals.

87. Five comments suggested that the actions in question be categorically excluded from the requirement of an EA.

FDA cannot adopt this suggestion because it needs information on the possible environmental effects of these animal drug product approvals at the sites of production. FDA also needs information to judge whether the environmental introductions that result from use of these products have the potential to cause significant environmental effects.

Although the comments presented information on the density of domestic nonfood animals in rural and urban areas of the United States, they did not explain how FDA could avoid evaluation of environmental effects of the drugs' production. Indeed, the information submitted shows that the total number of nonfood animals treated with drug products may be considerable and that the market volume for such products may be large. This information thus supports the need for the agency to evaluate manufacturing impacts in its decisionmaking, because environmental introductions would be concentrated at no more than a few production sites rather than distributed in small amounts over a relatively large area.

Even though these actions were conditionally exempt from an EIAR under previous § 25.1(f)(1)(ii) due to their limited potential for environmental effects from use or disposal, FDA recognized when it created the exemption that the drugs' production could have environmental effects. Thus, applicants not only had to demonstrate in a Statement of Exemption that the animal drug met the specified criteria for exemption, but also had to submit environmental information on the manufacturing impacts of the product.

Although the previous conditional exemption was sound in theory, FDA found it difficult to apply. There were frequent cases in which actions met the criteria for exemption, but nevertheless were clearly high-volume drugs of wide availability intended to be used frequently in large populations of animals, with consequent large and potentially significant environmental introductions. For example: (1) technological developments have made it economically feasible for some drugs to be administered individually to all members of herds or flocks of food-producing animals; (2) drugs are frequently changed slightly by target animal metabolism, but still are excreted as bioactive compounds; and (3) drugs for prevention of diseases and parasites in nonfood animals, e.g., prevention of heartworm in dogs, may be administered frequently or continously to a very large proportion of the nonfood animal population. When such cases arose, FDA had to interpret the terms "limited number," "significant quantities," "pharmacological use," and "individual dose administration" in light of the original intent of the conditional exemption. Attempting to follow both NEPA and FDA's conditional exemption regulation thus became an unnecessarily long and complicated process.

In summary, FDA found that the conditional exemptions in previous § 25.1(f)(1)(ii) were excessively broad in that the criteria for exemption frequently exempted drug products that were not intended to be exempt. Accordingly, in preparing the proposed rule, FDA determined that those actions subject to this previous conditional exemption could not be developed into categorical exclusions due to the difficulties with the criteria cited above, as well as to the continued need to examine the environmental impacts from manufacture of such drug products. FDA instead provided, in proposed § 25.31(e), that these actions would be subject to an abbreviated EA requirement concentrating on potential impacts at the site of the product's manufacture and on the use of existing data to assess potential impacts resulting from the product's use.

FDA has codified proposed § 25.31(e)(1) in an abbreviated format at § 25.31a(b)(4). The final regulations do not permit the use of this format in three circumstances in which, under the previous regulations, applicants qualified for conditional exemptions.

First, previous § 25.31(f)(1)(ii) conditionally exempted approvals of animal drugs for pharmacological use in animals which metabolize the drug so that no significant quantities of the drug are excreted into the environment; in proposed § 25.31(e) and final § 25.31a(b)(4), FDA did not make these approvals eligible for abbreviated EA's. Rather, these approvals will be handled by the full EA format (Format 1), when the approvals do not belong to any other category that is abbreviated. Even Format 1, however, allows omission of unnecessary information. Based on FDA's experience evaluating environmental documents on animal drug approvals, the agency believes that a showing that a drug or any other FDA-regulated product is not excreted as the parent compound or as bioactive metabolites normally precludes the need to assess further the environmental fate and effects of the compound's use, whether or not the drug is for pharmacological use. Thus, approvals where there is such a showing self-limit the information required for environmental assessment even when the full EA format is used.

Second, in § 25.31a(b)(4) of the final rule, FDA has replaced the phrase "treatment of a disease" in proposed § 25.31(e)(1) with a clearer and more limited term, "treatment of a disease occurring in minor species animals, as defined in 21 CFR 514.1(d)." The proposal would have broadened the criterion in previous § 25.1(f)(1)(ii), which conditionally exempted animal drugs for pharmacological use in the treatment of a disease or condition which requires individual dose administration. At the time of the proposal, FDA believed that the abbreviated information requested in the EA on potential environmental introductions resulting from the use of such a drug would be sufficient for the agency to determine whether the EA needed to be supplemented with information on environmental fate and effects. This proposed provision promised to save time and paperwork for persons requesting approval of animal drugs for treatment of diseases that occur infrequently, that occur in aminal species with small populations in the United States, or that are administered in confined conditions. In developing the final rule, however, FDA decided that the provision would probably mislead some applicants for approval of high-volume, frequently used drugs into thinking that they need not submit information on the environmental fate and effects of use and disposal of the drugs. Delays in FDA's consideration of the application could result when, after FDA had reviewed an EA that lacked such information, the agency informed the applicant of the need to acquire and submit further environmental information. NADA's for drugs to be used in the treatment of animals that are not minor species and that do not belong to any other abbreviated category should include an EA in the full format described in § 25.31a(a). Special attention, however, should be given to the provisions for omitting unnecessary information, using existing information, and consulting with FDA's environmental staff, as discussed above.

Third, FDA has deleted reference to approvals of new animal drugs that are

in vitro diagnostics because such products are now devices, under a revised definition of "device" enacted in 1976 (21 U.S.C. 321(h), Pub. L. 94–295), and are no longer subject to premarket approval requirements.

In addition to the changes described above, FDA has made the following changes in response to comments on the proposed action:

(1) Information required to assess the environmental impact of production of the product is basically the same as was required by the previous regulation.

(2) Information on the environmental introduction of the drug product is limited to an estimate of the maximum yearly market volume. Other information on the introduction, fate, effects, and natural resource use of the drug product associated with its use is not normally required. EA format items 7 through 11 and item 15 are therefore not ordinarily completed for such products. When the estimated maximum yearly market volume and expected use pattern suggest the potential for environmental effects due to the use of the product, FDA will require further specific information to address these format items.

Abbreviated EA Format 1—Substances That Occur Naturally in the Environment

88. Section 25.31a(b)(5) provides for abbreviated EA's for nonexcluded proposed approvals of FDA-regulated substances that occur naturally in the environment. Environmental concerns about such products ordinarily are limited to effects at sites of production.

Previous § 25.1(f)(1)(iv) provided a conditional exemption from an EIAR for approvals of FDA-regulated products that met all of the following criteria:

(1) The article is composed of a substance or its derivatives that occur naturally in the environment and that may reasonably be considered to be nontoxic in the amounts used;

(2) The article is not metabolized in its use and is excreted unchanged back into the environment or, if it is metabolized, the metabolites in the amounts excreted into the environment are naturally occurring in the environment or may reasonably be considered to be nontoxic; and

(3) The use of the article can reasonably be expected on the basis of all available evidence not to alter significantly the prevalence and/or distribution in the environment of the substance or its derivatives or their metabolites.

Applicants and petitioners had to demonstrate that their product met all the above criteria for examption and to submit a Statement of Exemption that provided information on the environmental effects of the manufacturing process. Consequently, FDA included in the proposed rule a provision for abbreviation of EA's for proposed approvals of substances occurring naturally in the environment (proposed § 25.31(e)(6)), using wording similar to that in previous § 25.1(f)(1)(iv).

89. A comment said that the language in proposed § 25.31(e)(6) was ambiguous and subject to wide differences in interpretation.

FDA agrees with the comment. For clarity, FDA has codified proposed § 25.31(e)(6) in the final rule as an EA format at § 25.31a(b)(5). In addition, FDA has clarified information required to assess the environmetal impact of production of the product and limited it to that required under the previous regulations.

Abbreviated EA Format 1—Products Regulated by EPA

90. Section 25.31a(b)(6) (proposed § 25.31(e)(8)) provides for abbreviated EA's for nonexcluded proposed approvals of FDA-regulated products that have been registered with EPA as pesticides for other uses or have been considered by EPA under section 4 or 5 of the Toxic Substances Control Act. Abbreviated EA's for such products are justified because they have already been screeened for environmental fate and effects as a result of satisfying EPA's requirements for the EPA-regulated uses. As discussed in paragraph 4 above, FDA has tried to avoid duplicating the environmental review carried out by EPA under other statutes.

FDA has made the following revisions in the final rule:

(1) The scope of actions eligible for this abbreviated EA has been broadened to include proposed FDA approvals of products regulated by EPA whether or not the EPA-regulated use is similar to the proposed use regulated by FDA. This change was made because it was determined that at least some of the environmental data submitted to EPA in support of an EPA-regulated use of a product should aid also in evaluating the potential environmental impact of a different FDA-regulated use of the same product.

(2) Because FDA-regulated uses are usually different from those considered by EPA, format item 6 usually will require a separate analysis of environmental introductions due to the proposed use.

(3) Proposed § 25.31(e)(8)(i) has been deleted and replaced by specific guidance for completing EA format item 15(b).

(4) Format items 7 and 8 advise applicants and petitioners seeking FDA's approval of the FDA-regulated uses to use information in studies submitted to EPA or found in the scientific literature to satisfy FDA's information requirements on environmental fate and effects of the proposed new use.

EA Format 2—Withdrawals of Approval

91. This format, which is codified in §25.31b, would generally be used by FDA, rather than by applicants and petitioners, for EA's for nonexcluded actions that would withdraw approval to market or otherwise restrict the uses of FDA-regulated products. Environmental consideration of actions to withdraw products from the marketplace includes review of the essentiality of the product for which approval would be withdrawn, the availability of substitute products or procedures, and the increased use of these substitutes. Format 2 was developed based on FDA's experience in preparing EIS's and EA's for withdrawals and similar actions.

Format 2 omits certain items that appear in Format 1 that the agency will include in its finding of no significant impact (FONSI) or EIS: the preparer's (i.e., the agency's) name and address, the date, and the certification of the EA's factual accuracy. Items 5, 6, 7, 8, and 9 of Format 1 are all considered under item 2 of Format 2.

EA Format 3—Extramural Grants, Contracts, and Other Agreements

92. This format, which is codified in § 25.31c, would be used by those submitting proposals to FDA to perform nonexcluded research under a grant by, or contracted other agreement with, FDA. Any subsequent use of research results by FDA, such as to support the approval or withdrawal of approval of an FDA-regulated product, is generally subject to NEPA consideration under other provisions of these regulations. Accordingly, those who conduct FDA-funded research need not include in an EA the potential long-range environmental implications of the various possible findings of proposed research projects. Any attempt to predict such implications at the time research is proposed would be speculative.

EA Format 4—Establishment of Tolerances or Action Levels

93. Format 4, codified at § 25.31d, would be used in nonexcluded actions

to establish tolerances or action levels for unavoidable or deleterious substances in food for human consumption and food packaging. This format would normally be used by FDA rather than by persons submitting applications or petitions requesting agency actions. Examples of such actions which may have environmental implications include the setting of action levels or tolerances for chemical pollutants such as PCB's in fish or in packaging material. The establishment of tolerances or action levels for pollutants may determine whether certain fish can economically be harvested for human food (and, consequently, whether other types of uncontaminated fish will be harvested more intensively). Tolerances and action levels for food packaging may affect whether certain types of waste papers may be recycled for food-packaging uses. Therefore, the environmental impacts associated with setting tolerances and action levels usually center on changes in the use of natural resources, e.g., fisheries, timberland, agriculture, and in the energy required to obtain or make products within the permissible levels. The establishment of new tolerances or action levels, or the lowering of existing tolerances or action levels, for poisonous or deleterious substances that are unavoidable in food or in food-packaging materials may lead to the use of alternate foods or packaging materials. The impacts resulting from these changes should be discussed to the extent that they can be predicted, e.g., impacts on use of energy and natural resources, removal from the marketplace of the substances that caused the contamination and introduction of chemicals resulting from use of alternate food and packaging.

The establishment of higher tolerances or action levels may preserve or increase the market for the contaminated product and decrease the use of alternate foods and packaging materials. The impact of these changes should be addressed as discussed above.

EA Format 5—Destruction of Condemned, Enjoined, Detained, or Recalled Articles

94. This format, which is codified at § 25.31e, would be used when FDA determines under § 25.22(c) that the contemplated method of destruction for an FDA-regulated article that has been condemned, detained, or recalled by FDA, or the distribution or use of which has been enjoined, may result in the release of toxic substances into the environment. An EA must be prepared in such cases, upon FDA's request, by the person who claimed or is otherwise responsible for the article, if no § 25.24 categorical exclusion would apply. The environmental impacts associated with the proposed method of destruction, alternative methods, and mitigation measures are the primary focus of these EA's. In format item 6, alternative methods of destruction (including no action) are considered. Each alternative method of destruction or other methods of disposition, e.g., recycling, should be covered with roughly the same level of detail as was devoted to the proposed method in items 3, 4, and 5.

IV. Subpart D—Agency Decisionmaking

95. Subpart D corresponds to previous §§ 25.25 and 25.30. The subpart states the procedures FDA uses to incorporate environmental considerations into agency decisionmaking. The purpose of these procedures is to ensure that environmental information is provided to decisionmakers in a timely manner and that the NEPA process is integrated into agency decisionmaking, as required by the CEQ's regulations (40 CFR 1500.5, 1501.4(e), 1502.9(c), 1502.14, 1505.1, 1505.2, 1505.3, 1506.5, 1506.6, and 1506.11).

96. A comment on proposed § 25.41(b)(1) suggested that this provision be modified to state that the EA will not be publicly available until final approval of a pending NDA, ANDA, NADA, or biological product license. Section 25.41(b)(1) concerns the public availability of an EA and FONSI on a proposed action that is the subject of a notice of proposed rulemaking or a notice of filing published in the **Federal Register**. Such a notice shall state that no EIS is necessary and that the EA and FONSI are available for public inspection.

The agency plans to continue, with EA's and FONSI's, its current practice with EIAR's of making these documents available at the time of the public notice of proposed rulemaking for actions requiring a proposal or at the time of notices of filing of food and color additive petitions. EA's and FONSI's for approvals not subject to notices of proposed rulemaking or notices of filing, such as approvals of NDA's, ANDA's, and NADA's, will be made available at the time of the drug's approval.

Additionally, FDA has combined proposed § 25.41(b) (2) and (3) in the final rule at § 25.41(b)(2).

97. A comment on proposed § 25.42(b)(5)(iii) urged that FDA set specific time limits for extensions of time requirements for the agency's preparation of an EIS. The comment expressed concern about long delays in FDA's review and decisions on applications.

The agency believes that it is not possible to set a specific time limitation applicable to the issuance of all EIS's. Each action requiring the preparation of an EIS and consideration of potentially significant environmental impacts in agency decisionmaking requires different levels of technical input and presents varying levels of complexity and numbers of regulatory alternatives. Time requirements will be extended, if at all, only as long as necessary to permit the agency to issue an EIS for an action. Further, the applicant or petitioner may request a time limit for the preparation of a specific EIS under 40 CFR 1501.8 of CEQ's regulations. The agency will set such time limits for all or part of the NEPA process, consistent with the factors listed in § 1501.8, provided the limits are consistent with the purposes of NEPA.

V. Subpart E—Other Requirements

98. Subpart E concerns other requirements applicable to environmental effects of the agency's policies.

99. A comment on proposed § 25.50 suggested various changes to clarify the distinction between FDA's evaluation of effects on the environment in the United States (under NEPA) and its evaluation of effects on the environment abroad (under Executive Order 12114). The comment suggested several clarifying changes. Section 25.50 describes the procedures for FDA's consideration of environmental effects abroad of major agency actions in accordance with Executive Order 12114 (44 FR 1957; January 9, 1979). There was no comparable section in FDA's previous regulations in Part 25.

FDA agrees with all of the comment's suggested clarifications and has adopted them in § 25.50 of the final rule

VI. Economic Impact

FDA has assessed the economic effects of these regulations and has determined that they are not a major rule as defined in Executive Order 12291. FDA procedures governing environmental impact considerations have been in effect in one form or another since the agency's implementation of NEPA in 1973. This final rule presents definitions of terms and detailed guidance, particularly on determining the need for environmental impact consideration and preparation of environmental assessments and environmental impact statements (when required), which should eliminate or severely reduce unnecessary

environmental impact submissions. Additionally, numerous agency actions are now categorically excluded and several other actions are relieved of the requirement to produce full environmental assessments. These current revisions further streamline the agency's NEPA process through the additional reduction of delays and paperwork, and, therefore, on balance, do not result in any adverse effect on the economy. The regulatory requirements for a regulatory flexibility analysis in the Regulatory Flexibility Act are inapplicable to this rule because the proposed rule was issued prior to January 1, 1981, and is therefore exempt from these requirements.

Paperwork Reduction Act of 1980

In accordance with the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35), the collection of information requirements of §§ 25.23(c), 25.31a, 25.31c, and 25.31e in these regulations will be submitted for approval to the Office of Management and Budget (OMB). These requirements will not be effective until FDA obtains OMB approval. FDA will publish a notice concerning OMB approval of these requirements in the **Federal Register** prior to July 25, 1985.

List of Subjects

21 CFR Part 10

Administrative practice and procedure.

21 CFR Part 25

Environmental impact statements.

21 CFR Part 71

Administrative practice and procedure, Color additive cetification, Color additive petitions, Color additives, Cosmetics, Drugs.

21 CFR Part 170

Administrative practice and procedure, Definitions, Food additives, Food additive safety.

21 CFR Part 171

Administrative practice and procedure, Food additive petitions, Food additives.

21 CFR Part 312

Drugs, Medical research.

21 CFR Part 314

Administrative practice and procedure, Drugs.

21 CFR Part 511

Animal drugs, Medical research.

21 CFR Part 514

Administrative practice and procedure, Animal drugs.

21 CFR Part 570

Animal feeds, Animal foods, Food additives.

21 CFR Part 571

Administrative practice and procedure, Animal feeds, Animal foods, Food additives.

21 CFR Part 601

Biologics.

21 CFR Part 812

Health records, Investigational device exemptions, Medical devices, Medical device research, Reporting requirements.

21 CFR Part 813

Intraocular lenses, Medical devices, Medical research.

21 CFR Part 861

Administrative practice and procedure, Medical devices, Performance standards procedure.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 701, 52 Stat. 1055–1056 as amended (21 U.S.C. 371)); under the Public Health Service Act (secs. 351, 354–361, 58 Stat. 702 as amended (42 U.S.C. 262, 263b–264)); under the National Environmental Policy Act of 1969 (sec. 102(2)(C), 83 Stat. 853 (42 U.S.C. 4332)); 40 CFR Parts 1500–1508; Executive Order 11514 as amended by Executive Order 11991; Executive Order 12114; and under 21 CFR 5.11, Chapter I of Title 21 of the Code of Federal Regulations is amended as follows:

PART 10—ADMINISTRATIVE PRACTICES AND PROCEDURES

1. Part 10 is amended in § 10.30(b) by revising item C to read as follows:

§ 10.30 Citizen petition.

* * * * *

(b) * * *

C. Environmental Impact

(A claim for categorical exclusion under § 25.24 of this chapter or an environmental assessment under § 25.31 of this chapter.)

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2. By revising Part 25 to read as follows:

PART 25—ENVIRONMENTAL IMPACT CONSIDERATIONS

Subpart A—General Provisions

Sec.
25.1 Purpose.
25.5 Policies.
25.10 NEPA planning.
25.15 Terminology.

Subpart B—Agency Actions Requiring Environmental Consideration

25.20 General procedures.
25.21 Actions requiring preparation of an environmental impact statement.
25.22 Actions requiring preparation of an environmental assessment.
25.23 Actions that are excluded from the requirement to prepare an environmental assessment.
25.24 Categorical exclusions.
25.25 Retroactive environmental consideration.

Subpart C—Preparation of Environmental Documents

25.30 Content and format.
25.31 Environmental asessment formats.
25.31a Environmental assessment for proposed approvals of FDA-regulated products—Format 1.
25.31b Environmental asessment for withdrawals of approval and other restrictions—Format 2.
25.31c Environmental assessment format for extramural contracts, grants, or other research agreements—Format 3.
25.31d Environmental assessment for establishment of tolerances or action levels—Format 4.
25.31e Environmental assessment for destruction of condemned, enjoined, detailed, or recalled articles—Format 5.
25.32 Finding of no significant impact.
25.33 Notice of intent.
25.34 Draft, final, and supplemental environmental impact statements.

Subpart D—Agency Decisionmaking

25.40 Procedures for incorporating environmental considerations into agency decisionmaking.
25.41 Actions for which a finding of no significant impact and an environmental assessment are prepared.
25.42 Actions for which an environmental impact statement is prepared.

Subpart E—Other Requirements

25.50 Environmental effects abroad of major agency actions.

Authority: Sec. 701, 52 Stat. 1055–1056 as amended (21 U.S.C. 371); secs. 351, 354–361, 58 Stat. 702 as amended (42 U.S.C. 262, 263b–264); sec. 102(2)(C), 83 Stat. 853 (42 U.S.C. 4332); 40 CFR Parts 1500–1508; Executive Order 11514 as amended by Executive Order 11991; Executive Order 12114, unless otherwise noted.

Subpart A—General Provisions

§ 25.1 Purpose.

(a) The Food and Drug Administration (FDA) recognizes the National

Environmental Policy Act of 1969 (NEPA) as the national charter for protection, restoration, and enhancement of the environment. NEPA establishes policy, sets goals (section 101), and provides procedures (section 102) for carrying out the policy. This part supplements the regulations for implementing the procedural provisions of NEPA which were published by the Council on Environmental Quality (CEQ) in 40 CFR Parts 1500–1508 and the procedures included in the HHS General Administration Manual, Part 30: Environmental Protection (45 FR 76519–76534, November 19, 1980).

(b) These supplemental procedures provide that: (1) environmental information is to be available to the public and the decisionmaker before decisions are made about actions that may significantly affect the quality of the human environment; (2) FDA actions are to be supported by accurate scientific analyses; and (3) environmental documents are to concentrate on timely and significant issues, not to amass needless detail.

(c) These supplemental procedures for implementing NEPA allow FDA to assist individuals and non-Federal public entities in choosing courses of action that protect and enhance environmental quality.

(d) To avoid delays in decisionmaking, these supplemental procedures make possible the early identification of actions that may significantly affect the quality of the human environment.

(e) References in this part to regulatory sections of the Code of Federal Regulations are to Chapter I of Title 21, unless otherwise noted.

§ 25.5 Policies.

(a) All FDA policies and programs will be planned, developed, and implemented so as to achieve the policies declared by NEPA and required by the CEQ regulations to ensure responsible stewardship of the environment for present and future generations.

(b) If a proposed action for which an EIS will be prepared involves possible environmental effects that are required to be considered under statutes or Executive Orders other than those referred to under **"AUTHORITY"** in this part, these effects shall be considered in the NEPA review, consistent with 40 CFR 1502.25 and the HHS General Administration Manual, Part 30: Environmental Protection.

(c) Part 30 of the HHS General Administration Manual addresses the following statutes, Executive Orders, and other authorities not referred to under **"AUTHORITY"** in this part:

(1) *The Coastal Zone Management Act*, 16 U.S.C. 1456 et seq., directs Federal agencies to conduct activities consistent with an approved State coastal zone management program.

(2) *The Wild and Scenic Rivers Act*, 16 U.S.C. 1278, directs Federal agencies to consider and preserve the values of wild and scenic areas in the use and development of water and land resources.

(3) *Executive Order 11990*, May 24, 1977, directs heads of Federal agencies to avoid the long- and short-term adverse impacts associated with the destruction or modification of wetlands and direct or indirect support of new construction in wetlands whenever there is a practical alternative.

(4) *Executive Order 11988*, May 24, 1977, directs Federal agencies to take action to avoid the occupancy or modification of floodplains and to avoid direct or indirect support of development in floodplain areas whenever there is a a practical alternative.

(5) *U.S. Water Resources Council Floodplain Management Guidelines*, February 10, 1978, provides guidance to Federal agencies for implementing Executive Order 11988.

(6) *Marine Protection, Research and Sanctuaries Act*, 33 U.S.C. 1432f, provides for establishment of marine sanctuaries and directs Federal agencies to ensure that their actions are consistent with the intended use of such areas.

(7) *The Safe Drinking Water Act*, 42 U.S.C. 300f, et seq., authorizes EPA to determine if an action which will have an environmental effect on a sole or principal drinking water source would also constitute a significant hazard to a human population and, if so, to prohibit such an action.

(8) *The Clean Air Act*, 42 U.S.C. 1875h–7, requires EPA to review and comment on a Federal agency action which would create a significant environmental impact.

(9) *Executive Order 11987*, May 24, 1977, directs Federal agencies to prevent the introduction of exotic species into the natural ecosystems of the United States.

(10) *The Endangered Species Act*, 16 U.S.C. 1536, directs Federal agencies to conserve endangered and threatened species and their critical habitats.

(11) *Fish and Wildlife Coordination Act*, 16 U.S.C. 661–666c, directs Federal agencies to prevent loss and damage to, and provide for, development and improvement of wildlife resources.

(12) *The National Historic Preservation Act of 1966*, 16 U.S.C. 470 as amended, directs heads of Federal agencies to preserve cultural heritage, particularly with respect to sites on/or eligible for listing on the National Register of Historic Places.

(13) *Executive Order 11593*, May 5, 1971, implements portions of the National Historical Preservation Act of 1966 and requires the Federal government to nominate eligible properties which it owns, leases, or otherwise controls.

(14) *Regulations of the Advisory Council on Historic Preservation* (36 CFR Part 800) establish procedures for the protection of historic and cultural properties.

(15) *Regulations of the Department of the Interior* (36 CFR Parts 60 and 63) concern nominations to and determinations of eligibility for the National Register of Historic Places.

(16) *The Archaeological and Historic Preservation Act*, 16 U.S.C. 469a–1, et seq., directs Federal agencies to preserve significant scientific, prehistorical, historical, and archaeological data.

§ 25.10 NEPA planning.

(a) Environmental impact consideration is an integral part of FDA's regulatory process. For actions initiated by the agency, the process begins when FDA identifies a problem that requires action by the agency under the statutes it administers. For actions initiated by applicants or petitioners, the process begins when FDA receives from an applicant or petitioner an environmental assessment (EA) or a claim that a categorical exclusion applies, or when FDA personnel consult with applicants or petitioners on the NEPA-related aspects of their requested actions. FDA also may issue a public call for environmental data or otherwise consult with affected individuals or groups when a contemplated action in which it is or may be involved poses potentially significant environmental impacts. Assessment of environmental factors continues throughout planning and is intergrated with other program planning at the earliest possible time. FDA's assessment of environmental factors includes the identification of the parts of the environment that may be affected by the action, the evaluation of pertinent environmental data, and the consideration of alternatives consistent with 40 CFR 1502.14.

(b) FDA will be the lead agency for actions under programs it administers. As lead agency, FDA will coordinate the participation of all concerned agencies

in developing an environmental impact statement (EIS) according to 40 CFR 1501.6(a). If an action affects more than one center within FDA, the Commissioner of Food and Drugs will designate one of these units to be responsible for coordinating the preparation of any required environmental documentation.

(c) FDA and other affected Federal agencies will agree which one will be the lead agency and which will be the cooperating agencies for actions under programs not administered by FDA. If an agreement cannot be reached, the procedures in 40 CFR 1501.5(e) will be followed.

(d) FDA will act as a cooperating agency if requested. FDA may request to be designated as a cooperating agency if proposed actions may affect areas of FDA responsibility. As a cooperating agency, FDA will comply with the procedures in 40 CFR 1501.6(b) to the extent possible depending on priority and the availability of funds and personnel.

§ 25.15 Terminology.

(a) Definitions that apply to the terms used in this part are set forth in the CEQ regulations under 40 CFR Part 1508. The terms and the sections of 40 CFR Part 1508 in which they are defined follow:

(1) Categorical Exclusion (40 CFR 1508.4).

(2) Cooperating Agency (40 CFR 1508.5).

(3) Cumulative Impact (40 CFR 1508.7).

(4) Effects (40 CFR 1508.8).

(5) Environmental Assessment (EA) (40 CFR 1508.9).

(6) Environmental Document (40 CFR 1508.10).

(7) Environmental Impact Statement (EIS) (40 CFR 1508.11).

(8) Federal Agency (40 CFR 1508.12).

(9) Finding of No Significant Impact (FONSI) (40 CFR 1508.13).

(10) Human Environment (40 CFR 1508.14).

(11) Lead Agency (40 CFR 1508.16).

(12) Legislation (40 CFR 1508.17).

(13) Major Federal Action (40 CFR 1508.18).

(14) Mitigation (40 CFR 1508.20).

(15) NEPA Process (40 CFR 1508.21).

(16) Notice of Intent (40 CFR 1508.22).

(17) Proposal (40 CFR 1508.23).

(18) Scope (40 CFR 1508.25).

(19) Significantly (40 CFR 1508.27).

(b) The following terms are defined solely for the purpose of implementing the supplemental procedures provided by this part and are not necessarily applicable to any other statutory or regulatory requirements:

(1) "Agency" means the Food and Drug Administration (FDA).

(2) "Emissions requirements" specifies the limits on the quantities of pollutants allowed to be released into the work place and the area outside a production site or facility. These requirements or standards are set and enforced by local, State, and Federal government components, e.g., Environmental Protection Agency, Occupational Safety and Health Administration.

(3) "Environmental assessment technical guide" means that technical guidance prepared by FDA and intended to assist applicants and petitioners in preparing their environmental assessments.

(4) "Production" includes manufacture, processing, and packaging operations for FDA-regulated articles that are the subject of proposed actions.

(5) "Responsible agency official" means the agency decisionmaker designated in Part 5 of this chapter, the Commissioner of Food and Drugs, or the Commissioner's designated representative.

(6) "Toxic substance" means any substance that is harmful to some biological mechanism or system. Although it is recognized that any substance may produce damage to biological mechanisms or systems under specific conditions, for the purpose of these regulations, a substance is considered to be a toxic substance if it is harmful to appropriate test organisms at expected environmental concentrations even though it may be without effect to humans or other organisms at these concentrations and may even be used by humans because of its toxic properties. A substance is considered toxic in the environment if the maximum concentration of the substance at any point in the environment, i.e., either at any point of entry or any point where higher concentrations are expected as a result of bioaccumulation or other types of concentration processes, exceeds the concentration of the substance that causes any adverse effect in a test organism species (minimum effect level) or exceeds 1/100 of the concentration that causes 50-percent mortality in a test organism species, whichever concentration is less.

(c) The following acronyms are used in this part:

(1) ANDA—Abbreviated New Drug Application.

(2) CAS—Chemical Abstracts Service.

(3) CEQ—Council on Environmental Quality.

(4) CFR—Code of Federal Regulations.

(5) CGMP—Current Good Manufacturing Practice.

(6) EA—Environmental Assessment.

(7) EIS—Environmental Impact Statement.

(8) EPA—Environmental Protection Agency.

(9) FDA—Food and Drug Administration.

(10) FFD&C Act—Federal Food, Drug, and Cosmetic Act.

(11) FIFRA—Federal Insecticide, Fungicide and Rodenticide Act.

(12) FONSI—Finding of No Significant Impact.

(13) GLP—Good Laboratory Practice.

(14) GRAS—Generally Recognized as Safe.

(15) HHS—Department of Health and Human Services.

(16) IDE—Investigational Device Exemption.

(17) INAD—Notice of Claimed Investigational Exemption for New Animal Drug.

(18) IND—Notice of Claimed Investigational Exemption for New Drug.

(19) NADA—New Animal Drug Application.

(20) NDA—New Drug Application.

(21) NEPA—National Environmental Policy Act of 1969.

(22) OTC—Over-the-Counter.

(23) PMA—Premarket Approval Application.

(24) PDP—Product Development Protocol.

(25) TSCA—Toxic Substances Control Act.

(26) U.S.C.—United States Code.

Subpart B—Agency Actions Requiring Environmental Consideration

§ 25.20 General procedures.

(a) These procedures apply to all FDA actions that are not covered by environmental documents prepared under FDA environmental regulations previously in effect.

(b) All agency actions are subject to environmental consideration. Actions are individually examined for potential environmental impact unless excluded as a class by categorical exclusion under § 25.24.

§ 25.21 Actions requiring preparation of an environmental impact statement.

(a) There are no categories of agency actions which routinely significantly affect the quality of the human environment and which therefore ordinarily require the preparation of an EIS.

(b) EIS's are prepared for agency actions when:

(1) Evaluation of data in an EA leads to a finding by the responsible agency official that a proposed action may

significantly affect the quality of the human environment under the criteria in 40 CFR 1508.14 and 1508.27.

(2) Initial evaluation by the responsible agency official of any action, including any action for which an EA would otherwise be required, establishes that significant environmental effects may be associated with one or more of the probable courses of action being considered.

§ 25.22 Actions requiring preparation of an environmental assessment.

(a) Any proposed action of a type specified in this paragraph oridinarily requires the preparation of an EA, unless it qualifies for exclusion under §§ 25.23 and 25.24:

(1) Major recommendations or reports made to Congress on proposals for legislation in instances where the agency has primary responsiblity for the subject matter involved.

(2) Destruction or other disposition of articles condemned after seizure or whose distribution or use has been enjoined.

(3) Destruction or other disposition of articles following detention or recall at agency request.

(4) Disposition of FDA laboratory waste materials.

(5) Intramural and extramural research supported in whole or in part through contracts, other agreements, or grants.

(6) Establishment by regulation of labeling requirements, a standard, or a monograph.

(7) Amendments to, or an exemption or variance from, requirements of existing FDA regulations.

(8) Approval of supplements to existing approvals of FDA-approved articles.

(9) Withdrawal of existing approvals of FDA-approved articles.

(10) Approval of food additive petitions and color additive petitions and approval of requests for exemptions for investigational use of food additives.

(11) Establishment of a tolerance or an action level for unavoidable poisonous or deleterious substances in food or in packaging materials to be used for food.

(12) Affirmation of a food substance as generally recognized as safe (GRAS) for humans or animals, on FDA's initiative or in response to a petition, under Part 182, 184, 186, or 582.

(13) Promulgation and enforcement of FDA regulations relating to the control of communicable disease and to interstate conveyance sanitation.

(14) Approval of new drug applications (NDA's) and abbreviated new drug applications and actions on notices of claimed investigational exemption for new drugs (IND's).

(15) Approval of antibiotic application.

(16) Approval and issuance of licenses for biological products.

(17) Approval of new animal drug applications (NADA's), supplements and amendments to NADA's, and notices of claimed investigational exemptions for new animal drugs (INAD's).

(18) Approval of premarket approval applications (PMA's) for medical devices, notices of completion of product development protocols (PDP's) for medical devices, authorizations to commence clinical investigation under an approved PDP, or applications for an investigational device exemption (IDE).

(19) Action other than one listed in this subsection, unless subject to exclusion under §§ 25.23 and 25.24, that may significantly affect the quality of the human environment.

(b) A person who submits an application or petition requesting action by the agency of a type specified in paragraph (a) of this section shall include an EA for the requested action in the applicable format in § 25.31, unless the action qualifies for exclusion under §§ 25.23 and 25.24. Failure to submit an adequate EA, if one is required, for such an action is sufficient grounds for FDA to refuse to file or approve the application or petition. An EA adequate for filing is one that addresses each of the items specified in the applicable format in § 25.31. An EA adequate for approval is one that contains sufficient information to enable the agency to determine whether the proposed action may significantly affect the quality of the human environment.

(c) A manufacturer, distributor, or dealer who proposes to destroy or otherwise dispose of an FDA-regulated article that has been condemned, detained, or recalled, or whose distribution or use has been enjoined shall, if requested by the agency, submit an EA in the applicable format prescribed in § 25.31 analyzing the environmental impact of the proposed disposition of such article or shall provide information establishing that the action qualifies for exclusion under §§ 25.23 and 25.24.

(d) The responsible agency officials will evaluate the information contained in the EA to determine whether it is accurate and objective, whether the proposed action may significantly affect the quality of the human environment, and whether an EIS will be prepared. FDA is responsible for ensuring the accuracy of the EA, as required by 40 CFR 1506.5(b). If significant effects requiring the preparation of EIS are identified, FDA will publish in the **Federal Register** a Notice of Intent to prepare an EIS in accordance with § 25.33 of this part. If significant effects requiring the preparation of an EIS are not anticipated and the decision is made not to prepare an EIS, the responsible agency official will prepare a finding of no significant impact (FONSI) in accordance with § 25.32.

§ 25.23 Actions that are excluded from the requirement to prepare an environmental assessment.

(a) Actions of a class that individually or cumulatively have been determined under § 25.24 not to significantly affect the quality of the human environment ordinarily are excluded from the preparation of an EA or an EIS.

(b) As required under 40 CFR 1508.4, FDA will require an EA for any specifc action that ordinarily is excluded if the agency has sufficient evidence to establish that the specific proposed action may significantly affect the quality of the human environment.

(c) A person submitting an application or petition of a type subject to categorical exclusion under § 25.24, or proposing to dispose of an article as provided in § 25.24 (a)(4) or (b)(9), is not required to submit an EA if the person specifies the provision of this part that excludes the action from the requirement for an EA and provides information, when appropriate, that establishes to the agency's satisfaction that the action requested is included within an excluded category and meets the criteria for the applicable exclusion.

(d) Failure to provide sufficient information, when appropriate, to establish that the requested action is subject to a categorical exclusion under § 25.24 may result in the agency's refusal to file or to approve the application or petition or to approve the proposed disposition of an article as provided in § 25.24 (a)(4) or (b)(9).

§ 25.24 Categorical exclusions.

Certain FDA actions listed in this section are subject to categorical exclusions and, therefore, ordinarily do not require the preparation of an EA because, as a class, these actions will not result in the production or distribution of any substance and, therefore, will not result in the introduction of any substance into the environment. (These actions are listed in paragraphs (a) (1) through (3), (5), (7) through (9), (b) (1), (4) through (6), and 8(ii), (c) (3), (5), (8), (9), and (11), (d) (2), (3), and (5), (e) (1) through (3) and (5) of this section.) Additional exclusions for actions that will not result in the

introduction of any substance into the environment are contained in Chapter 30–20–40 B.2. of the HHS General Administration Manual. Certain FDA actions listed in this section are subject to categorical exclusions and, therefore, ordinarily do not require the preparation of an EA because these actions meet specific criteria that are intended to ensure that they will not cause significant environmental effects. (These actions are listed in paragraphs (a) (4), (6), (10), and (11), (b) (2), (3), (7), (8)(i), and (9), (c) (1), (2), (4), (6), (7), and (10), (d) (1), (4), (6), and (7), (e) (4), (6), and (7) of this section.) Certain FDA actions listed in this section are subject to categorical exclusions and, therefore, ordinarily do not require the preparation of an EA because, as a class, these actions are routine maintenance or minor leasing or construction activities conducted or contracted for by FDA. (These actions are listed in paragraph (a)(12) of this section.) The classes of actions that are categorically excluded are as follows:

(a) *General.* (1) Routine administrative and management activities, including inspections, and issuance of field compliance programs, program circulars, or field investigative assignments.

(2) Recommendation for an enforcement action to be initiated in a Federal court.

(3) Agency requests for initiation of recalls.

(4) Destruction or disposition of any article condemned after seizure or the distribution or use of which has been enjoined or following detention or recall at agency request if the method of destruction or disposition of the article, including packaging material, will not result in the release of a toxic substance into the environment.

(5) Extramural contracts, other agreements, or grants for statistical and epidemiological studies, surveys and inventories, literature searches, and report and manual preparation, or any other studies that will not result in the production or distribution of any substance and, therefore, will not result in the introduction of any substance into the environment.

(6) Extramural contracts, other agreements, and grants for research for such purposes as to develop analytical methods or other test methodologies if the waste from such research will be controlled or the amount of waste expected to enter the environment may reasonably be expected to be nontoxic.

(7) Activities of voluntary Federal-State cooperative programs, including issuance of model regulations proposed for State adoption.

(8) Issuance, amendment, or revocation of procedural or administrative regulations and guidelines, including procedures for submission of applications for product development, testing and investigational use, and approval.

(9) Corrections and technical changes in regulations.

(10) Promulgation of current good manufacturing practice (GGMP) regulations, establishment standards, emergency permit control regulations, and good laboratory practice (GLP) regulations, and issuance or denial of permits, exemptions, variances, or stays under these regulations, if there is no increase in the quantities or toxicity of wastes entering the environment as a direct or indirect result of the action.

(11) Establishment or repeal by regulation of labeling requirements for marketing articles if there will be no increase in the existing levels of use or change in the intended uses of the product or its substitutes.

(12) Routine maintenance and minor construction activities, except for properties listed on or eligible for listing on the National Register of Historic Places:

(i) Repair to or replacement of equipment or structural components (doors, roof, window, etc.) of facilities controlled by FDA;

(ii) Lease extensions, renewals, or succeeding leases;

(iii) Construction or lease construction of 10,000 square feet or less of occupiable space;

(iv) Relocation of employees into existing owned or currently leased space;

(v) Acquisition of 20,000 square feet or less of occupiable space in a structure that was substantially completed before the issuance of solicitation for offers; and

(vi) Acquisition of between 20,000 square feet and 40,000 square feet of occupiable space if it constitutes less than 40 percent of the occupiable space in a structure that was substantially completed before the solicitation for offers.

(b) *Foods, food additives, and color additives.* (1) Promulgation, amendment, or repeal of a food standard.

(2) Action on a request for exemption for investigational use of a food additive if the food additive to be shipped under the request is intended to be used for clinical studies for research in which waste will be controlled or the amount of waste expected to enter the environment may reasonably be expected to be nontoxic.

(3) Approval of a color additive petition to change a provisionally listed color additive to permanent listing for use in food, drugs, devices, or cosmetics if data available to the agency do not establish that, at the expected levels of exposure, it may be toxic to organisms in the environment.

(4) Testing and certification of batches of a color additive.

(5) Promulgation of an interim food additive regulation.

(6) Establishment of an action level under section 402(a) of the Federal Food, Drug, and Cosmetic Act for natural or unavoidable defects in food for humans or animals if these defects present no health hazard.

(7) Affirmation of a food substance as generally recognized as safe (GRAS) for humans or animals on FDA's initiative or in response to a petition, under Part 182, 184, 186, or 582, if the substance is already marketed for the use for which affirmation is sought and data available to the agency do not establish that, at the expected levels of exposure, the substance may be toxic to organisms in the environment.

(8) Promulgation and enforcement of regulations relating to the control of communicable diseases or to interstate conveyance sanitation under:

(i) Part 1240 if the method of control (including treatments, destruction, or disposition) of any animal or article, including packaging material, does not affect an endangered species or result in the release of a toxic substance into the environment; or

(ii) Part 1250 if the corrective measures do not result in the release of a toxic substance into the environment.

(9) Approval of a request for diversion of adulterated or misbranded food for humans or animals to use as animal feed if such disposition of the article, including packaging material, will not result in the release of a toxic substance into the environment.

(c) *Human drugs and biological products.* (1) Action on an ANDA if the drug product will not be administered at higher dosage levels, for longer duration, or for different indications than were previously in effect and if data available to the agency do not establish that, at the expected level of exposure, the substance may be toxic to organisms in the environment.

(2) Action on an amendment or supplement to an NDA of the following types if the drug product will not be administered at higher dosage levels, for longer duration, or for different indications than were previously in effect and if data available to the agency do not establish that, at the expected levels of exposure, the

substance may be toxic to organisms in the environment.

(i) Changes specified in § 314.70 (c) or (d); or

(ii) Any other type of amendment or supplement to an NDA which meets the above criteria for exclusion.

(3) Withdrawal of approval of an NDA or ANDA when the drug is no longer being marketed or at the request of the application holder.

(4) Action on a Notice of Claimed Investigational Exemption for New Drug (IND), if the drug shipped under such notice is intended to be used for clinical studies or research in which waste will be controlled or the amount of waste expected to enter the environment may reasonably be expected to be nontoxic.

(5) Testing and certification of batches of an antibiotic or insulin.

(6) Promulgation, revocation, or amendment of a monograph for a drug that is not a new drug, for an antibiotic drug, or for an over-the-counter (OTC) drug, if the drug is already marketed for the proposed use and data available to the agency do not establish that, at the expected levels of exposure, the drug may be toxic to organisms in the environment.

(7) Establishment of bioequivalence requirements for a marketed drug product if there is no change in the existing levels of use or intended uses of the product.

(8) Action on changes in a biological product license or an establishment license reported under § 601.12 of this chapter.

(9) Revocation of a license for a biological product when it is no longer being marketed, or revocation of a biological product or establishment license at the request of the license holder.

(10) Promulgation, amendment, or revocation of a standard for a licensed biological product or amendment of the license for a biological product if there is no change in the existing levels of use or intended uses of the product.

(11) Action on a license application for transfusable blood or blood products.

(d) *Animal drugs.* (1) Action on an NADA or supplemental NADA for a previously approved animal drug of the following types if the drug product will not be administered at higher dosage levels, for longer duration, or for different indications than were previously in effect and if data available to the agency do not establish that, at the expected level of exposure, the substance may be toxic to organisms in the environment:

(i) An animal drug to be marketed under the same conditions of approval as a previously approved animal drug;

(ii) A combination of previously approved animal drugs;

(iii) A new premix or other formulation of a previously approved animal drug;

(iv) Changes specified in § 514.8(a) (5), (6), or (d);

(v) A change of sponsor; or

(vi) A previously approved animal drug to be contained in medicated feed blocks under § 510.455 or as a liquid feed supplement under § 558.5.

(2) Approval of an animal feed bearing or containing a drug approved under § 514.2 or 514.9.

(3) Withdrawal of approval of an NADA when the drug is no longer being marketed or at the request of the application holder.

(4) Action on a notice of claimed investigational exemption for a new animal drug (INAD) if the drug to be shipped under such notices is intended to be used for clinical studies or research in which waste will be controlled or the amount of waste expected to enter the environment may reasonably be expected to be nontoxic.

(5) Testing and certification of batches of an antibiotic for animal use.

(6) Promulgation, revocation, or amendment of a monograph for an animal drug that is not a new animal drug, if the drug is already being marketed for the proposed use and data available to the agency do not establish that, at the expected levels of exposure, the drug may be toxic to organisms in the environment.

(7) Establishment of bioequivalence requirements for marketed animal drug products if there is no change in the existing levels of use or intended uses of the product.

(e) *Devices and electronic products.* (1) Action on a device premarket notification submission under Subpart E of Part 807.

(2) Classification or reclassification of a device under Part 860.

(3) Issuance, amendment, or repeal of a standard for a class II medical device or an electronic product, and issuance of exemptions or variances from such a standard.

(4) Approval of a premarket approval application (PMA) or a notice of completion of a product development protocol (PDP) or amended or supplemental applications or notices for a class III medical device if the device is of the same type and for the same use as a previously approved device and data available to the agency do not establish that approval of the PMA, or the notice of completion of the PDP or amended or supplemental applications or notices, will result in release of substances that, at the expected levels of exposure, may be toxic to organisms in the environment.

(5) Changes in the PMA or a notice of completion of a PDP for a class III medical device that do not require submission of an amended or supplemental application or notice.

(6) Promulgation of a restricted device regulation if it will not result in increases in the existing levels of use or changes in the intended uses of the product or its substitutes.

(7) Action on an application for an Investigational Device Exemption (IDE) or an authorization to commence a clinical investigation under an approved Product Development Protocol (PDP), if the devices shipped under such notices are intended to be used for clinical studies or research in which waste will be controlled or the amount of waste expected to enter the environment may reasonably be expected to be nontoxic.

(8) Promulgation of a regulation exempting from preemption a requirement of a State or political subdivision concerning a device, or a denial of an application for such exemption.

§ 25.25 Retroactive environmental consideration.

(a) FDA may consider the need for preparing an EIS for an existing FDA regulation, approval, or other action, whether or not previously subject to environmental analysis, when there is new information before the agency that suggests that the action may significantly affect the quality of the human environment.

(b) If FDA notifies an applicant or petitioner who obtained an existing FDA approval that new information suggests that the approval may have signficant environmental effects and that an EA is therefore required, the applicant or petitioner shall submit an EA as described in § 25.31 for the approval. A notification under this paragraph will be in writing.

Subpart C—Preparation of Environmental Documents

§ 25.30 Content and format.

(a) Sections 25.31 through 25.34 describe the environmental documents that may be required in the course of the agency's consideration of the environmental aspects of an action. These sections delineate the relationships of these documents to each other and their purpose, contents, and format. Additional information

concerning the nature and scope of information that an applicant or petitioner shall submit in an environmental document may be obtained on a case-by-case basis from the bureau, national center, or other office of the agency having responsibility for the action that is the subject of the environmental evaluation. Applicants and petitioners are encouraged to submit proposed protocols for environmental studies for technical review by agency staff. Applicants and petitioners also are encouraged to consult applicable FDA environmental assessment technical guides, which describe protocols for environmental studies and discuss the interpretation results.

(b) Data and information that are protected from disclosure by 18 U.S.C. 1905 or 21 U.S.C. 331(j) or 360j(c) shall not be included in environmental documents prepared under this part. When such data and information are pertinent to the environmental review of a proposed action, an applicant or petitioner may submit such data and information separately as a confidential section of the application or petition, but shall summarize the confidential data and information in the environmental document to the extent possible.

§ 25.31 Environmental assessment formats.

(a) As defined by CEQ in 40 CFR 1508.9, the EA is the public document in which environmental and other pertinent information on a proposed action are presented, providing a basis for the agency's determination whether to prepare as EIS or a FONSI.

(b) An EA shall be prepared in the format presented in this section for each action not categorically excluded in § 25.24. The EA shall be a complete, objective, and well-balanced document that allows the public to understand the agency's decision.

(c) Consistent with 40 CFR 1500.4(j) and 1502.21, EA's may incorporate by reference information presented in other documents that are available to FDA and to the public.

§ 25.31a Environmental assessment for proposed approvals of FDA-regulated products—Format 1.

(a) For proposed actions to approve food or color additives, drugs, biological products, animal drugs, and class III medical devices, and to affirm food substances as generally recognized as safe (GRAS), the applicant or petitioner shall prepare an environmental assessment in the following format:

Environmental Assessment

1. *Date:*
2. *Name of applicant/petitioner:*
3. *Address:*
4. *Description of the proposed action:* Briefly describe the requested approval; need for the action; the locations where the products will be produced; to the extent possible, the locations where the products will be used and disposed of; and the types of environments present at and adjacent to those locations.
5. *Identification of chemical substances that are the subject of the proposed action:* Provide complete nomenclature, CAS Reg. No. (if available), molecular weight, structural formulae, physical description, additives, and impurities. This information is required to be adequate to allow accurate location of data about chemicals in the scientific literature and to allow identification of closely related chemicals.
6. *Introduction of substances into the environment:* For the site(s) of production: list the substances expected to be emitted; state the controls exercised; include a citation of, and statement of compliance with, applicable emissions requirements (including occupational) at the Federal, State, and local level; and discuss the effect the approval of the proposed action will have upon compliance with current emissions requirements at the production site(s). Through use of calculations and/or direct measures, estimate to the extent possible the quantities and concentrations of substances expected to enter the environment as a result of use and/or disposal of products affected by the action.
7. *Fate of emitted substances in the environment:* Predict environmental concentrations of and exposures to substances entering the environment as a consequence (direct or indirect) of the use and/or disposal of the products affected by the action for the following environmental compartments, including consideration of the major environmental transport and transformation processes involved:

(a) Air—taking into account, to the extent possible, factors such as volatilization, photochemical and chemical degradation, rainout, and dispersion;

(b) Freshwater, estuarine, and marine ecosystems—taking into account, to the extent possible, factors such as chemical and biological degradation, exchange between the water column and sediments via sorption/desorption and biological processes, accumulation in animals, plants, and other organisms, introductions due to rainfall and losses due to volatilization;

(c) Terrestrial ecosystems—taking into account, to the extent possible, factors such as chemical and biological degradation, sorption/desorption and leaching in soils, accumulation in animals and plants, introductions due to rainfall, losses due to volatilization, and entry into groundwater.

8. *Environmental effects of released substances:* Given the information developed on the introduction (item 6) and fate (item 7) of substances which would be released as a consequence of the use and/or disposal of the products affected by the action, use any relevant toxicological data or other appropriate measures to predict, to the extent applicable, effects on animals, plants, humans, other organisms, and effects at the ecosystem-level in each of the environmental compartments listed in item 7.

9. *Use of resources and energy:* Specify the natural resources, including land use, minerals, and energy, required to produce, transport, use, and/or dispose of a given amount of any product which is the subject of the action, including the resources and energy required to dispose of wastes generated from production, use, and/or disposal. Effects, if any, upon endangered or threatened species and upon property listed in or eligible for listing in the National Register of Historic Places must be discussed.

10. *Mitigation measures:* Describe measures taken to avoid or mitigate potential adverse environmental impacts associated with the proposed action.

11. *Alternatives to the proposed action:* If potential adverse environmental impacts have been identified for the proposed action, describe in detail the environmental impact of all reasonable alternatives to the proposed action (including no action, and including measures that FDA or another government agency could undertake as well as those the applicant/petitioner would undertake). Describe particularly those alternatives that will enhance the quality of the environment and avoid some or all of the adverse environmental impacts of the proposed action. Discuss the environmental benefits and risks of the proposed action. Discuss the environmental benefits and risks of each alternative.

12. *List of preparers:* Those persons preparing the assessment together with their qualifications (expertise, experience, professional disciplines) shall be listed. Persons and agencies consulted shall also be listed.

13. *Certification:* The undersigned official certifies that the information presented is true, accurate, and complete to the best of the knowledge of the firm or agency responsible for preparation of the environmental assessment.

(Date)_____

(Signature of responsible official)

(Title)_____

14. *References:* List complete citations for all referenced material. Copies of referenced articles not generally available should be attached.

15. *Appendices:* (a) Data summary charts (e.g., structural formula, vapor pressure, water solubility, *n*-octanol/water partition coefficient, biodegradation half-life, LC_{50} for each species tested, etc.).

(b) Test reports (for each experiment: research objective, experimental design and procedure, all data relevant to interpretation of the test result given in item 15(a), sample calculations and statistical analyses).

(b) FDA has determined that, for the following actions, certain requirements of the environmental assessment format in paragraph (a) of this section may be abbreviated as specified in this paragraph. All other format items in paragraph (a) of this section are required to be addressed in full. After FDA evaluates environmental

information submitted in an EA in which one or more format items are abbreviated, FDA may require the submission of additional information on the subject in question.

(1) For actions to approve food additive petitions for food additives present in finished food-packaging material at not greater than 5-percent-by-weight, the following information is required for the format items specified:

(i) *Format item 6.* For the site(s) of production of the food additive, list the substances expected to be emitted; state the controls exercised; include a citation of, and statement of compliance with, applicable emissions requirements (including occupational) at the Federal, State, and local level; and discuss the effect the approval will have upon compliance with current emissions requirements at the production site(s). For food additives that are present as functional components of finished food-packaging material, estimate the maximum yearly market volume of the additive for the proposed use and the percent of that amount that will be a component of the finished food-packaging material. This information may be used to determine whether the proposed additive has potential for significant environmental introductions at the sites of production and disposal of the food-packaging material. For food additives that are used in the production of and that become nonfunctional components of finished food-packaging material, estimate the maximum yearly market volume of the additive for the proposed use, the percent of that amount that will be a component of the finished food-packaging material, and the concentrations of the proposed food additive expected to enter the environment at the site of production of the food-packaging material. This information may be used to determine whether the proposed additive has potential for significant environmental introductions at the sites of production and disposal of the food-packaging material.

(ii) *Format item 7.* For food additives that become nonfunctional components of finished food-packaging material, report or incorporate by reference physical/chemical and other data relating to the environmental fate of the additive developed for other purposes in the petition and where pertinent data in the scientific literature are known. Examples of such physical/chemical parameters include water solubility, *n*-octanol/water partition coefficient, vapor pressure, etc. These data may be used to make a rough estimate of environmental concentration and mobility of the food additive at the site of production of the food-packaging material. Documentation of environmental fate is normally not required for food additives that are present as functional components of finished food-packaging material at not greater than 5-percent-by-weight.

(iii) *Format item 8.* For food additives that become nonfunctional components of food-packaging material, report or incorporate by reference existing data relating to the environmental effects of the proposed food additive. Toxicity of the proposed food additive to laboratory animals (submitted to satisfy human safety requirements) and information on the toxicity of the product to organisms that may be exposed in the environment, e.g., fish, invertebrates, plants, fungi, and bacteria, known from the scientific literature should be reported. The expected environmental concentrations of the proposed food additive should be compared with the concentrations that caused adverse toxicological effects. Documentation of environmental effects is normally not required for additives that are present as functional components of finished food-packaging material at not greater than 5-percent-by-weight.

(iv) *Format item 9.* Documentation for this item is ordinarily not required if the proposed food additive is intended for the same use as another additive already in use and will not materially change the potential uses of the packaging material to which it is added.

(v) *Format items 10 and 11.* For food additives that are present as functional components of finished food-packaging material at not greater than 5-percent-by-weight, documentation for these items is normally not required. For food additives that become nonfunctional components of finished food-packaging material at not greater than 5-percent-by-weight, these format items are addressed in full.

(2) For approval of food additives to be used as components of food-contact surfaces of permanent or semi-permanent equipment or of other food-contact articles intended for repeated use, the following information is required for the items specified:

(i) *Format item 6.* For the site(s) of production: list the substances expected to be emitted; state the controls exercised; include a citation of, and statement of compliance with, applicable emissions requirements (including occupational) at the Federal, State, and local level; and discuss the effect the approval of the proposed food additive will have upon compliance with current emissions requirements at the production site(s). To determine whether approval of the proposed food additive will result in potentially significant introductions of substances into the environment due to the disposal of food-contact articles containing the proposed food additives, estimate the maximum yearly market volume of the proposed food additive.

(ii) *Format items 7 through 11 and 15.* Documentation for these items is ordinarily not required.

(3) For approval of NDA's for human drugs and approval of licenses for biological products, when the drugs or biological products are intended for the prevention, treatment, or diagnosis of a rare disease or for a similarly infrequent use; for ophthalmic or topical application; or for local or general anesthesia; the following information is required for the items specified:

(i) *Format item 6.* For the site(s) of production: list the substances expected to be emitted; state the controls exercised; include a citation of, and statement of compliance with, applicable emissions requirements (including occupational) at the Federal, State, and local level; and discuss the effect the approval will have upon compliance with current emissions requirements at the production site(s). Estimate the maximum yearly market volume of the drug product to aid in determining whether approval of the application could result in potentially significant environmental introductions from use of the product.

(ii) *Format items 7 through 11 and 15.* Documentation for these items is ordinarily not required.

(4) For approval of NADA's and supplements and amendments to NADA's for animal drugs intended for use under prescription or veterinarian's order; for treatment of a disease occurring in minor species animals, as defined in § 514.1(d); for use in nonfood animals; for ophthalmic or topical application; or for local or general anesthesia; the following information is required for the format items specified:

(i) *Format item 6.* For the site(s) of production: list the substances expected to be emitted; state the controls exercised; include a citation of, and statement of compliance with, applicable emissions requirements (including occupational) at the Federal, State, and local level; and discuss the effect the approval will have upon compliance with current emissions requirements at the production site(s). Estimate the maximum yearly market volume of the drug product to aid in determining whether approval of the application will result in potentially

significant environmental introductions from use of the product.

(ii) *Format items 7 through 11 and 15.* Documentation for these items is ordinarily not required.

(5) When the agency approves or issues, for a substance that occurs naturally in the environment, a food or color additive petition, GRAS affirmation petition, NDA, supplemental NDA, biological product license, NADA, supplemental NADA, or class III medical device, the following information is required for the format items specified:

(i) *Format item 6.* For the site(s) of production: list the substances expected to be emitted; state the controls exercised; and include a citation of, and statement of compliance with, applicable emissions requirements at the Federal, State, and local level; and discuss the effect the approval will have upon compliance with current emissions requirements at the production site(s).

(ii) *Format item 7.* Discuss whether the use of the product can reasonably be expected on the basis of all available evidence to alter significantly the concentration and distribution of the product, its metabolites, degradation products, or its constituent parts in the environment.

(iii) *Format item 8.* Report existing data relating to the environmental effects of substances expected to be emitted into the environment as a consequence of use of the product. Report information obtained from the scientific literature on the toxicity of the product to laboratory animals, e.g., that information which is submitted to satisfy human safety requirements, and to organisms in the environment, e.g., fish, invertebrates, plants, fungi, and bacteria, that may be exposed to the product.

(6) For approval or issuance by the agency of a food or color additive petition, NDA, supplemental NDA, biological product license, NADA, or supplemental NADA for a product that has been approved by the Environmental Protection Agency (EPA) under section 4 or 5 of the Toxic Substances Control Act (TSCA) or under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), the following information is required:

(i) *Format items 7 and 8.* To address these items, rely on environmental information in studies submitted to EPA, in the application/petition submitted for FDA approval, and in the scientific literature. Describe any potential adverse environmental impacts determined by EPA.

(ii) *Format item 15(b).* For studies submitted to EPA or for relevant studies submitted in the application/petition to meet the requirements of the Federal Food, Drug, and Cosmetic Act, test reports may include only a brief description and summary of results of each study in lieu of attaching complete test reports.

§ 25.31b Environmental assessment for withdrawals of approval and other restrictions—Format 2.

For proposed actions to withdraw approval or otherwise restrict or reduce the use of food or color additives, drugs, biological products, animal drugs, and class III medical devices, any environmental assessment prepared by the agency will be in the following format:

Environmental Assessment

1. *Description of the proposed action:* Describe the proposed action, the regulatory authority for the proposed action, the underlying purpose of and need for the proposed action, and how the proposed action addresses the underlying purpose and need for action.

2. *Environmental consequences of the proposed action:* Describe the uses and the magnitude (production volume and/or sales) of such uses for the product(s) for which approval would be withdrawn or otherwise restricted or reduced and for the available substitute products. Determine those uses of the restricted product(s) for which no substitute products are available and the magnitude and essentiality of such uses. Discuss the environmental impacts of (1) reducing or eliminating environmental exposures to the restricted product; (2) natural resources and energy used in producing, distributing, using, and disposing of the restricted product compared with those required for the available substitute products; (3) any expected increased production and use of substitute products; and (4) essential uses of the restricted product for which there would be no substitutes.

3. *Mitigation measures:* Describe measures which would be taken to avoid or mitigate potential adverse environmental effects associated with the proposed action.

4. *Description of regulatory alternatives to the proposed action and the expected environmental consequences:* Describe in detail the environmental impact of reasonable alternatives to the proposed action (including no action), particularly those that will enhance the quality of the environment and avoid some or all of the adverse environmental effects of the proposed action.

5. *Comparative analysis of proposed action and alternatives:* Provide a comparative analysis of the environmental benefits and risks of the proposed action and alternatives. Identify the preferred action based on environmental factors.

6. *List of preparers:* Those persons preparing the assessment and their areas of expertise shall be presented. Persons and agencies consulted shall be listed.

7. *References:* List complete citations for all referenced material. Copies of referenced articles not generally available should be attached.

8. *Appendices:* Append detailed physical, chemical, biological, and environmental data on products that are the subject of the proposed action.

§ 25.31c Environmental assessment format for extramural contracts, grants, or other research agreement—Format 3.

For extramural contracts, grants, or other research agreements subject to environmental assessment, the contractor or applicant shall use the following format:

Environmental Assessment

1. *Date:*

2. *Name of prospective contractor/applicant:*

3. *Address:*

4. *Description of the proposed research activities:* Briefly describe the purpose of the proposed research, the locations where the research activities would occur, and the types of environments present at those locations.

5. *Information on the chemical substances and infectious agents to be used:* Provide the information listed in Table 1 on each of the chemical substances and infectious agents to be used in the research activity, to the extent that they can be identified, either specifically or generically, and including such items as organic solvents as well as the chemicals of major research interest.

TABLE 1.—CHEMICAL SUBSTANCES/INFECTIOUS AGENTS TO BE USED IN THE PROPOSED RESEARCH ACTIVITIES

Chemical infectious agent name (complete scientific nomenclature	Approximate amounts to be used [a]	Hazard code [b]	Emissions controls: (environmental and occupational) [c]
1			
2			
3			

[a] Specify in metric units of mass or volume.

[b] I—infectious, C—carcinogenic, M—mutagenic, T—teratogenic, A—acutely toxic or poison, COR—corrosive, E—explosive or flammable, R-radioactive, O-other hazard, please specify, NH-nonhazardous

[c] Examples include use of fume hoods, use of protective clothing/gear by laboratory personnel, chemical inactivation of wastes, separation of hazardous from nonhazardous wastes, and subsequent disposal by a firm licensed for this purpose

6. *Compliance with Federal, State, and local environmental and occupational requirements.* Cite and include a statement of compliance with applicable emissions requirements (including occupational) at the Federal, State, and local level. Discuss the effect that the proposed research will have upon compliance with these requirements.

7. *List of preparers:* Those persons preparing the assessment together with their qualifications (expertise, experience, professional disciplines) shall be listed. Persons and agencies consulted shall also be listed.

8. *Certification:* The undersigned official certifies that the information presented is true, accurate, and complete to the best of the knowledge of the prospective contractor or applicant submitting the environmental assessment.

(Date)

(Signature of responsible official)

(Title)

§ 25.31d Environmental assessment for establishment of tolerances or action levels—Format 4.

For proposed actions to establish tolerances or action levels for unavoidable poisonous or deleterious substances in food for human or animal consumption or in packaging materials intended for use with human food and animal feed, the agency will prepare an environmental assessment in the following format:

Environmental Assessment

1. *Description of the proposed action:* Describe the proposed action, the regulatory authority for the proposed action, the underlying purpose of and need for the proposed action, and how the proposed action addresses the underlying purpose and need for action.

2. *Environmental consequences of the proposed action:* Describe the potential environmental impacts of the proposed action including effects on natural resources and energy, effects on food production, effects on land use, and impacts resulting from increased use and changes in use patterns for chemical substances.

3. *Mitigation measures:* Describe measures which would be taken to avoid or mitigate potential adverse environmental effects associated with the proposed action.

4. *Description of regulatory alternatives to the proposed action and the expected environmental consequences:* Describe in detail the environmental impact of reasonable alternatives to the proposed action (including no action), particularly those that will enhance the quality of the environment and avoid some or all of the adverse environmental effects of the proposed action.

5. *Comparative analysis of proposed action and alternatives:* Provide a comparative analysis of the environmental benefits and risks of the proposed action and alternatives. Identify the preferred action based on environmental factors.

6. *List of preparers:* Those persons preparing the assessment and their areas of expertise shall be presented. Persons and agencies consulted shall also be listed.

7. *References:* List complete citations for all referenced material. Copies of referenced articles not generally available should be attached.

§ 25.31e Environmental assessment for destruction of condemned, enjoined, detained, or recalled articles—Format 5.

For actions to destroy or dispose of articles condemned after seizure, detention, or FDA-initiated recall, or after distribution or use of the article has been enjoined, the person proposing the action shall, at the request of the agency, prepare an environmental assessment in the following format when the method of destruction or disposition results in release of toxic substances:

Environmental Assessment

1. *Purpose of and need for action:* Briefly describe the underlying purpose and need for the article to be destroyed, the proposed method of destruction or disposal, the locations where the proposed destruction or other disposal will occur, and the types of environments present at and adjacent to those locations.

2. *Description of potentially toxic substances present in the article:* Provide complete nomenclature, CAS Registry numbers (if available), molecular weight, structural formulae, physical description, and concentration of the potentially toxic substances in the article.

3. *Introduction of potentially toxic substances into the environment:* For transport of the article to the site(s) of disposition, cite and certify compliance with any applicable Federal, State, and local emissions requirements. List to the extent possible the potentially toxic substances expected to enter the environment at the site(s) of destruction and/or disposal of the article. Describe the approximate concentrations of emissions; state the controls exercised; and include a citation of, and statement of compliance with, applicable requirements at the Federal, State, and local level.

4. *Fate of potentially toxic emitted substances in the environment:* Report physical/chemical and other data in the scientific literature relating to the fate of potentially toxic substances expected to be emitted into the environment as a result of destruction or other disposal of the article. Such physical/chemical parameters include water solubility, solubility in organic solvents, *n*-octanol/water partition coefficient, dissociation constants, vapor pressure, ultraviolet-visible absorption spectrum, ability to form chemical complexes, storage stability, etc.

5. *Environmental effects of potentially toxic substances expected to be emitted into the environment.* Report information on the effects of the emitted substances on animals, plants, humans, other organisms, and effects at the ecosystem level. Compare the expected environmental concentrations of the substances with the concentrations that cause adverse effects.

6. *Description of alternative methods of destruction and/or disposal and the expected environmental consequences:* Describe the environmental impact of reasonable alternatives (including no action) particularly those that will enhance the quality of the environment and that will avoid some or all of the adverse environmental effects of the proposed method of destruction or other disposition.

7. *Comparative analysis of proposed methods of destruction or other disposition and alternative methods:* Provide a comparative analysis of the environmental benefits and risks of the proposed and alternative methods. Identify the preferred action based on environmental factors.

8. *List of preparers:* Those persons preparing the assessment and their areas of expertise shall be presented. Persons and agencies consulted shall also be listed.

9. *References:* List complete citations for all referenced material. Copies of referenced articles not generally available should be attached.

§ 25.32 Finding of no significant impact.

(a) As defined by the CEQ regulations (40 CFR 1508.13), a finding of no significant impact (FONSI) is a document prepared by a Federal agency and stating briefly why an action, not otherwise excluded, will not significantly affect the human environment and for which, therefore, an EIS will not be prepared. A FONSI includes the EA or a summary of it and a reference to any other related environmental documents.

(b) If the EA has been prepared by an applicant or petitioner, the agency may choose to include additional evidence in the FONSI. Any remaining unknowns or uncertainties will be identified.

(c) The agency official(s) responsible for the preparation and approval of the FONSI will sign the document, thereby establishing that the official(s) approve(s) the conclusions not to prepare an EIS for the action under consideration.

§ 25.33 Notice of intent.

(a) As defined by CEQ regulations (40 CFR 1508.22), the Notice of Intent notifies the public that the agency has determined that an EIS will be prepared. This determination may be based on information contained in an EA or on other information available to the agency which indicates that potentially significant effects may be associated with a proposed action.

(b) As required by 40 CFR 1508.22, the Notice of Intent will describe the proposed action, possible alternatives, the agency's proposed scoping process, which may include a request for information or suggestions regarding the scope of the EIS and notice of public meetings, and the identification of persons within the agency to contact for further information.

§ 25.34 Draft, final, and supplemental environmental impact statements.

(a) The CEQ regulations (40 CFR Part 1502) provide detailed requirements for the preparation of an EIS. CEQ's format for EIS's (40 CFR 1502.10) will be followed unless the agency determines that there is a compelling reason to do otherwise.

(b) When chemical substances enter the environment as a result of a proposed action or other regulatory

alternatives, the portion of the EIS format on "environmental consequences" (40 CFR 1502.10(g)) will include discussion of the environmental fates and effects of those substances similar to that described in § 25.31a.

(c) Any final EIS will contain any additional information gathered by the agency after the publication of the draft EIS, a copy of or a summary of the comments received on the draft EIS, and the agency's responses to the comments as required in 40 CFR 1503, including any revisions resulting from comments or other information.

(d) Draft and final supplemental EIS's will conform to the EIS format (40 CFR 1502.10) unless there is a compelling reason to do otherwise.

Subpart D—Agency Decisionmaking

§ 25.40 Procedures for incorporating environmental considerations into agency decisionmaking.

(a) These procedures are to ensure that environmental information is provided to decisionmakers in a timely manner. The NEPA process is an integral part of FDA's decisionmaking. Agency decisionmakers ensure that the policies and purpose of NEPA and CEQ regulations are complied with by:

(1) Completing or assuring the completion of an EA, determining whether an EIS is required and, ordinarily, completing a draft EIS (if one is required) prior to or at the time of proposing an action subject to §§ 25.21 and 25.22.

(2) Including in decision documents and supporting environmental documents a discussion of all alternatives considered in the decision as required by 40 CFR 1502.14. Every action memorandum proposing an agency action included under § 25.21 or § 25.22 will contain an evaluation of the environmental impact of the proposed action and will be accompanied by a draft or final EIS if one is required.

(3) Submitting relevant environmental documents, comments, and responses with other decision documents through the review process.

(4) Including in the records of proceedings any appropriate environmental documents, comments, and responses.

(5) Completing and circulating a final EIS before the decision to implement an action that significantly affects the quality of the human environment.

(b) There are certain regulatory actions which, because of their immediate importance to the public health, make adherence to the requirements of the CEQ regulations and these regulations concerning minimum periods of public review impractical. Compliance with the requirements for environmental analysis under NEPA is impossible where emergency circumstances require immediate regulatory action to safeguard the public health. For such actions, the responsible agency official shall consult with the CEQ about alternative arrangements before the action is taken, or after the action is taken, if time does not permit prior consultation with CEQ.

(c) Certain FDA actions are subject to statutory time limits that sometimes do not provide sufficient time to complete the required environmental document. Should the responsible agency official be unable to complete environmental consideration of the proposed action before a notice of filing of a food or color additive petition is required to be published, and if the subsequent environmental analysis leads to the conclusion that no EIS is necessary, the **Federal Register** document publishing the final regulation rather than the notice of filing shall state that no EIS is necessary and that the FONSI and the EA are available upon request and filed in the FDA Dockets Management Branch. If it is concluded that an EIS is necessary, the final regulation, final EIS, and record of decision shall be made available as prescribed in 40 CFR 1506.10.

§ 25.41 Actions for which a finding of no significant impact and an environmental assessment are prepared.

(a) As required by 40 CFR 1501.4(e), a FONSI is prepared for an individual action or groups of related actions that will not significantly affect the quality of the human environment. If potentially adverse environmental impacts are identified for an action or group of related actions, the EA supporting the FONSI will, as required by 40 CFR 1508.9, include a consideration of any reasonable alternative courses of action that offer less environmental risk or that are environmentally preferable to the proposed action.

(b) FONSI's and EA's will be available to the public in accordance with 40 CFR 1506.6 as follows:

(1) When the proposed action is the subject of a notice of proposed rulemaking or a notice of filing published in the **Federal Register**, the notice shall state that no EIS is necessary and that the FONSI and the EA are available for public inspection at the FDA Dockets Management Branch.

(2) For actions for which notice is not published in the **Federal Register**, the FONSI and the EA shall be made available to the public upon request according to the procedures in 40 CFR 1506.6.

(3) For a limited number of actions, the agency may make the FONSI and EA available for public review (including review by State and areawide information clearinghouses) for 30 days before the agency makes its final determination whether to prepare an EIS and before the action may begin, as described in 40 CFR 1501.4(e). This procedure will be followed when the proposed action is, or is closely similar to, one that normally requires an EIS or when the proposed action is one without precedent.

(c) Program area officials and environmental staff prepare or ensure that the information contained in an EA is complete and accurate, and they prepare the FONSI. The responsible agency official designated in Part 5 examines the environmental risks of the proposed action and the alternative courses of action, selects a course of action, and ensures that any necessary mitigating measures are implemented as a condition for approving the selected course of action.

§ 25.42 Actions for which an environmental impact statement is prepared.

(a) An individual action or group of related actions requires the preparation of an EIS when significant environmental impacts may be associated with one or more of the probable courses of action. The responsible agency official weights any environmental impacts of each alternative course of action, including possible mitigation measures, and selects the course of action that is consistent with the applicable law and the agency's environmental analysis of the action.

(b) For actions for which an EIS is prepared, the public has the opportunity to offer comments and otherwise participate in the NEPA process as set forth in 40 CFR 1506.6 from the time the decision is made to prepare the document as described in this paragraph:

(1) A Notice of Intent to prepare an EIS is prepared for publication in the **Federal Register** and serves as the first public notification that an EIS will be prepared.

(2) The scoping process, as announced in the Notice of Intent, allows the public and Federal, State, and local government agencies to participate in determining the issues to be considered in the EIS.

(3)(i) Draft EIS's are filed with the EPA, sent to parties having an interest

in the document, and are available to the public upon request for the purpose of receiving substantive comment, corrections, and additional information on the issues covered.

(ii) If the subject of a draft EIS is also the subject of a notice of proposed rulemaking, the **Federal Register** notice of proposed rulemaking will state that the draft EIS is available upon request, and will solicit comments from all interested persons.

(iii) If the subject of a draft EIS is not also the subject of a notice of proposed rulemaking published in the **Federal Register**, FDA will publish a notice in the **Federal Register** describing the proposed action and possible alternatives, stating that the draft EIS is available upon request, and soliciting comments from all interested persons.

(iv) FDA will solicit comments from any Federal agency having jurisdiction by law or having expertise on the environmental impact of a proposed action by sending it a copy of a draft EIS.

(v) Two copies of all comments on draft EIS's shall be submitted to the Dockets Management Branch (HFA–305), Food and Drug Administration, Department of Health and Human Services, 5600 Fishers Lane, Rockville, MD 20857 (except individuals may submit one copy) where they will be available for public inspection from 9 a.m. to 4 p.m., Monday through Friday.

(vi) Draft EIS's will be prepared, forwarded to EPA for filing, and made available to the public early enough in the consideration of the proposed action to permit meaningful review of the environmental issues involved. Except in emergencies, no final action will be taken on the proposal earlier than 90 days after a draft EIS has been prepared, forwarded to the EPA, and made available to the public.

(4) The final text of an EIS will be prepared by the responsible agency official after comments on the draft statement have been reviewed and will receive full consideration in the agency's decisionmaking process. The responsible agency official will forward 10 copies of the final statement to the Office of the Secretary of the Department of Health and Human Services and 10 copies to the EPA, and FDA will make copies of the final statement available for public inspection in the Dockets Management Branch. Copies of each final EIS will be available upon request and will be forwarded to those persons who submitted comments on the pertinent draft statements.

(5)(i) The weighing of any environmental impacts of alternatives in selecting a final course of action, as described in paragraph (a) of this section, will be reflected in the agency record of formal decisionmaking as required by 40 CFR 1505.2.

(ii) Except in emergencies, no agency action will be effective earlier than 30 days after the final statement has been filed for public inspection by EPA. If the subject of a final statement is also the subject of a regulation published in the **Federal Register**, this requirement may be met by simultaneous publication of the regulation and of a notice of availability of the final statement and the record of decision, provided that the regulation becomes effective no sooner than 30 days after the date of publication.

(iii) If the subject of an EIS is an FDA action governed by specific time requirements under statute or regulations, those time requirements will be extended, if at all, only as long as necessary to permit the agency to consider or issue an EIS for the action.

(c) As described in 40 CFR 1505.3, the agency may provide for monitoring to ensure that its decisions, any mitigating measures, and other conditions are carried out.

(d) Under the conditions prescribed in 40 CFR 1502.9(c), the agency will prepare a supplement for a draft or final EIS and introduce the supplement into its administrative record.

(e)(1) The agency official to whom authority for the action is delegated in Part 5 will ensure both that there is balancing of environmental impacts with the agency's objective in choosing an appropriate course of action and that the public is involved and notified of the decision, as described in paragraphs (a) through (d) of this section.

(2)(i) The director of each FDA center is responsible for preparing a draft or final EIS on actions delegated to that center by the Commissioner under Subpart B of Part 5 of this chapter or in which the center is a party in an administrative proceeding under Part 12, 13, 14, 15, or 16 of this chapter in which a draft or final EIS is required.

(ii) The Director, Office of Regional Operations, FDA, is responsible for preparing a draft or final EIS on the destruction of articles condemned after seizure, subject to an injunction, under import detention, or under detention or recalled at agency request.

(iii) The Office of the Commissioner of Food and Drugs is responsible for preparing or assigning the task of preparing a draft or final EIS on actions not otherwise assigned in this section.

Subpart E—Other Requirements

§ 25.50 Environmental effects abroad of major agency actions.

(a) In accordance with Executive Order 12114, "Environmental Effects Abroad of Major Federal Actions" of January 4, 1979 (44 FR 1957; January 9, 1977), the responsible agency official, in analyzing actions under his or her program, shall consider the environmental effects abroad, including whether the actions involve:

(1) Potential environmental effects on the global commons and areas outside the jurisdiction of any nation, e.g., oceans and the upper atmosphere.

(2) Potential environmental effects on a foreign nation not participating with or otherwise involved in an FDA activity.

(3) The export of products (or emissions) that in the United States are prohibited or strictly regulated because their effects on the environment create a serious public health risk.

(4) Potential environmental effects on natural and ecological resources of global importance designated under the Executive Order.

(b) Before deciding on any action falling into the categories specified in paragraph (a) of this section, the responsible agency official shall determine in accordance with section 2–3 of the Executive Order whether such actions may have a significant environmental effect abroad.

(c) If the responsible agency official determines that an action may have a significant environmental effect abroad, the responsible agency official shall determine in accordance with section 2–4(a) and (b) of the Executive Order, whether the subject action calls for:

(1) An EIS;

(2) A bilateral or multilateral environmental study; or

(3) A concise environmental review.

(d) In preparing environmental documents under this subpart, the responsible official shall:

(1) Determine, as provided in section 2–5 of the Executive Order, whether proposed actions are subject to the exemptions, exclusions, and modification in contents, timing, and availability of documents.

(2) Coordinate all communications with foreign governments concerning environmental agreements and other arrangements in implementing the Executive Order.

PART 71—COLOR ADDITIVE PETITIONS

3. Part 71 is amended by revising item J in § 71.1(c), to read as follows:

§ 71.1 Petitions.

* * * * *

(c) * * *

J. The petitioner is required to submit either a claim for categorical exclusion under § 25.24 of this chapter or an environmental assessment under § 25.31 of this chapter.

* * * * *

PART 170—FOOD ADDITIVES

4. Part 170 is amended by adding new paragraph (c)(1)(viii) to § 170.35, to read as follows:

§ 170.35 Affirmation of generally recognized as safe (GRAS) status.

* * * * *

(c) * * *

(1) * * *

(viii) A claim for categorical exclusion under § 25.24 of this chapter or an environmental assessment under § 25.31 of this chapter.

* * * * *

PART 171—FOOD ADDITIVE PETITIONS

5. Part 171 is amended:

a. By revising item H in § 171.1(c), to read as follows:

§ 171.1 Petitions.

* * * * *

(c) * * *

H. The petitioner is required to submit either a claim for categorical exclusion under § 25.24 of this chapter or an environmental assessment under § 25.31 of this chapter.

* * * * *

§ 171.6 [Amended]

b. In § 171.6 *Amendment of petition* by removing the third sentence.

PART 312—NEW DRUGS FOR INVESTIGATIONAL USE

6. Part 312 is amended by revising item 15 in § 312.1(a)(2), to read as follows:

§ 312.1 Conditions for exemption of new drugs for investigational use.

(a) * * *

(2) * * *

15. A claim for categorical exclusion under § 25.24 of this chapter or an environmental assessment under § 25.31 of this chapter.

* * * * *

PART 314—NEW DRUG APPLICATIONS

7. Part 314 is amended:

a. By revising § 314.50(d)(1)(iii), to read as follows:

§ 314.50 Content and format of an application.

* * * * *

(d) * * *

(1) * * *

(iii) *Environmental impact.* The application is required to contain either a claim for categorical exclusion under § 25.24 of this chapter or an environmental assessment under § 25.31 of this chapter.

* * * * *

b. By revising § 314.101(d)(4), to read as follows:

§ 314.101 Filing an application.

* * * * *

(d) * * *

(4) The applicant fails to submit a complete environmental assessment which addresses each of the items specified in the applicable format under § 25.31 of this chapter or fails to provide sufficient information to establish that the requested action is subject to categorical exclusion under § 25.24 of this chapter.

* * * * *

PART 511—NEW ANIMAL DRUGS FOR INVESTIGATIONAL USE

8–9. Part 511 is amended by revising § 511.1(b)(10), to read as follows:

§ 511.1 New animal drugs for investigational use exempt from section 512(a) of the Act.

* * * * *

(b) * * *

(10) The sponsor shall submit either a claim for categorical exclusion under § 25.24 of this chapter or an environmental assessment under § 25.31 of this chapter.

* * * * *

PART 514—NEW ANIMAL DRUG APPLICATIONS

10. Part 514 is amended:

a. By revising § 514.1(b)(14), to read as follows:

§ 514.1 Applications.

* * * * *

(b) * * *

(14) *Environmental assessment.* The applicant is required to submit either a claim for categorical exclusion under § 25.24 of this chapter or an environmental assessment under § 25.31 of this chapter.

* * * * *

b. By revising the last sentence of § 514.8(a)(1), to read as follows:

§ 514.8 Supplemental new animal drug applications.

(a) (1) * * * A supplemental application shall be accompanied by either a claim for categorical exclusion under § 25.24 of this chapter or an environmental assessment under § 25.31 of this chapter.

* * * * *

c. In § 514.9 *Supplemental applications for animal feeds bearing or containing new animal drugs* by removing paragraph (d).

d. By adding § 514.110(b)(10), to read as follows:

§ 514.110 Reasons for refusing to file applications.

* * * * *

(b) * * *

(10) The applicant fails to submit a complete environmental assessment which addresses each of the items specified in the applicable format under § 25.31 of this chapter or fails to provide sufficient information to establish that the requested action is subject to categorical exclusion under § 25.24 of this chapter

* * * * *

e. By revising § 514.111(a)(9), to read as follows:

§ 514.111 Refusal to approve an application.

(a) * * *

(9) The applicant fails to submit an adequate environmental assessment under § 25.31 of this chapter or fails to provide sufficient information to establish that the requested action is subject to categorical exclusion under § 25.24 of this chapter.

* * * * *

PART 570—FOOD ADDITIVES

11. Part 570 is amended by adding § 570.35(c)(1)(viii), to read as follows:

§ 570.35 Affirmation of generally recognized as safe (GRAS) status.

* * * * *

(c) * * *

(1) * * *

(viii) A claim for categorical exclusion under § 25.24 of this chapter or an environmental assessment under § 25.31 of this chapter.

* * * * *

PART 571—FOOD ADDITIVE PETITIONS

12. Part 571 is amended:

a. By revising item H in § 571.1(c), to read as follows:

§ 571.1 Petitions.

* * * * *

(c) * * *

H. The petitioner is required to submit either a claim for categorical exclusion under

§ 25.24 of this chapter or an environmental assessment under § 25.31 of this chapter.

* * * * *

§ 571.6 [Amended]

b. In § 571.6 *Amendment of petition* by removing the third sentence.

PART 601—LICENSES

13. Part 601 is amended by revising the next-to-last sentence in § 601.2(a), to read as follows:

§ 601.2 Applications for establishment and product licenses; procedures for filing.

(a) * * * The applicant shall also include either a claim for categorical exclusion under § 25.24 of this chapter or an environmental assessment under § 25.31 of this chapter. * * *

PART 812—INVESTIGATIONAL DEVICE EXEMPTIONS

14. Part 812 is amended by revising § 812.20(b)(9), to read as follows:

§ 812.20 Application.

* * * * *

(b) * * *

(9) A claim for categorical exclusion under § 25.24 of this chapter or an environmental assessment under § 25.31 of this chapter.

* * * * *

PART 813—INVESTIGATIONAL EXEMPTIONS FOR INTRAOCULAR LENSES

15. Part 813 is amended by revising § 813.20(b)(17), to read as follows:

§ 813.20 Application.

* * * * *

(b) * * *

(17) A claim for categorical exclusion under § 25.24 of this chapter or an environmental assessment under § 25.31 of this chapter.

* * * * *

PART 861—PROCEDURES FOR PERFORMANCE STANDARDS DEVELOPMENT

§ 861.26 [Amended]

16. Part 861 is amended in § 861.26 *Offer to develop a proposed standard* by removing paragraph (a)(4) and marking it "reserved."

Effective date. This regulation shall become effective July 25, 1985.

(Sec. 701, 52 Stat. 1055–1056 as amended (21 U.S.C. 371); secs. 351, 354–361, 58 Stat. 702 as amended (42 U.S.C. 262, 263b–264); sec. 102(2)(C), 83 Stat. 853 (42 U.S.C. 4332)).

Frank E. Young,

Commissioner of Food and Drugs.

Dated: January 14, 1985.

Margaret M. Heckler,

Secretary of Health and Human Services.

[FR Doc. 85–10087 Filed 4–25–85; 8:45 am]

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April 26, 1985

Part V

Department of Education

34 CFR Parts 350, 352, 358, and 359
National Institute of Handicapped Research; Final Regulations

DEPARTMENT OF EDUCATION

34 CFR Parts 350, 352, 358, and 359

National Institute of Handicapped Research

AGENCY: Department of Education.

ACTION: Final regulations.

SUMMARY: The Secretary issues final regulations governing some programs of the National Institute of Handicapped Research. These regulations implement certain changes to Titles II and III of the Rehabilitation Act of 1973 made by Pub. L. 98–221, the Rehabilitation Amendments of 1984.

These regulations establish criteria for the evaluation of applications for financial assistance under a new program of Innovation Grants and for a program of Special Projects in Spinal Cord Injury. They also establish conditions under which the Secretary may elect not to terminate funding to a Research and Training Center at the conclusion of its funding period.

EFFECTIVE DATE: These regulations will take effect either 45 days after publication in the **Federal Register** or later if Congress takes certain adjournments. If you want to know the effective date of these regulations, call or write the Department of Education contact person.

FOR FURTHER INFORMATION CONTACT: Betty Jo Berland, National Institute of Handicapped Research, Department of Education, 400 Maryland Avenue SW., Room 3070, Switzer Building, Washington, D.C. 20202. 732–1139; deaf or hearing impaired individuals may call (202) 732–1198 for TTY services.

SUPPLEMENTARY INFORMATION: The National Institute of Handicapped Research (NIHR), created under Title II of the Rehabilitation Act of 1973, as amended by Pub. L. 95–602, carries out a variety of research and related activities under that statutory authority. On September 10, 1981, the Secretary published final program regulations governing many of those activities (46 FR 45300), and on March 12, 1984 and June 18, revised those regulations (49 FR 9324, 24978). These further amendments to the regulations implement changes to the Act affecting NIHR made by Pub. L. 98–221, the Rehabilitation Amendments of 1984, enacted on February 22, 1984. On November 23, 1984, the Secretary published in the **Federal Register** a Notice of Proposed Rulemaking (49 FR 46244) covering technical amendments to several programs of the National Institute of Handicapped Research.

The amendments to the Act authorize a new program of innovation grants under section 204(b)(13) to test new concepts and innovative ideas; demonstrate research results of high potential benefits; purchase prototype aids and devices for evaluation; develop unique rehabilitation training curricula; and respond to special initiatives of the Secretary. These amendments to the regulations implement this new program authority and include rules to establish eligibility requirements, provide criteria for evaluation of applications, and provide a method for selection of successful applicants.

The Act, as amended, further provides that regulations and administrative procedures with respect to financial assistance under the Innovation Grants program be expedited to the maximum extent possible. These regulations simplify the selection criteria for reviewing applications under this program, and permit periodic peer review and award of funds within a fiscal year to ensure more timely funding of innovative projects under the program.

The Act was also amended to provide that Research and Training Centers (RTCs) need not necessarily be terminated at the conclusion of the project period. These regulations establish criteria and procedures to enable the Secretary to decide whether to continue without competition a specific RTC grant at the conclusion of the funding period.

In adopting this provision, the Congress provided for those exceptional circumstances in which it would be a major disadvantage to discontinue funding a particular RTC. It is the Secretary's understanding that this provision is meant to be invoked only in unusual circumstances, and that competition remains the principal means of obtaining financial assistance under this program.

In addition, the legislation transfers authority for the administration of the special projects and demonstrations program for spinal cord injuries from the Rehabilitation Services Administration (RSA) to NIHR. These amendments to the regulations include provisions, with selection criteria, to implement that program in NIHR.

The Secretary requested public comment on the proposed regulations. A number of comments were received and fully considered in preparation of these final regulations. A summary of comments and responses follows these regulations.

Part 350—Handicapped Research: General Provisions

The Secretary amends §§ 350.1, 350.3, 350.20, 350.30, 350.34, and 350.40 so that appropriate provisions of Part 350, generally applicable to NIHR programs, apply to the new Innovation Grants program and to the Special Projects and Demonstrations for Spinal Cord Injuries program, for which the administrative functions were recently transferred to NIHR.

Part 352—Handicapped Research: Rehabilitation Research and Training Centers

The Secretary amends § 352.10(c) to authorize grantees to use grant funds for faculty support and to require grantees who do so to give priority to the training of students preparing to be rehabilitation personnel. These provisions implement amendments to section 204(b)(1) of the Act made by section 123(a) of Pub. L. 98–221.

A new § 352.33 permits the Secretary to renew a Rehabilitation Research and Training Center grant without competition at the end of the project period on the basis of specified criteria. This section implements a provision added to section 204(b)(1) of the Act by section 123(a) of Pub. L. 98–221.

Part 358—Handicapped Research: Innovation Grants Program

Subpart A—General

Sections 358.1–358.4 describe the purpose of the Innovation Grants program and incorporate provisions of Part 350 relating to eligibility, applicable regulations, and definitions. The Secretary has decided that 34 CFR 75.217(c)–(e) of the Education Department General Administrative Regulations (EDGAR) will not apply to the Innovation Grants Program. Those provisions describe how the Secretary normally selects applications for new grants under the Department's discretionary programs and provide for the creation of a rank ordering of applications based solely on the evaluations of those applications by groups of experts. The Secretary believes that a rank ordering is unnecessary and would be unworkable as applied to the Innovation Grants Program, since applications will be reviewed, and awards made, throughout the fiscal year as provided in proposed § 358.31. While the Secretary exempts this program from the rank ordering requirements of 34 CFR 75.217(c)–(e), the remaining provisions of those regulations have been incorporated into § 358.31.

Subpart B—What Kinds of Activities Does the Secretary Support Under This Program?

Section 358.10 describes specific types of projects and activities that may be supported under the Innovation Grants program.

Subpart D—How Does the Secretary Make a Grant?

Section 358.30 incorporates the peer review procedures of §§ 350.30–350.32.

Sections 358.31–358.33 describe how the Secretary invites applications, the selection criteria used by the peer review panel and the Secretary, and additional factors the Secretary considers in selecting grantees.

Part 359—Handicapped Research: Special Projects and Demonstrations for Spinal Cord Injuries

Subpart A—General

Sections 359.1–359.4 describe the purpose of the program, identify eligible applicants, and incorporate provisions of Part 350 relating to regulations and definitions.

Subpart B—What Kinds of Activities Does The Secretary Support Under This Program?

Section 359.10 describes specific types of projects and activities that may be supported under this program.

Section 359.11 describes certain activities that each grantee must carry out.

Subpart D—How Does The Secretary Make A Grant?

Section 359.30 incorporates the peer review procedures of §§ 350.30–350.32.

Section 359.31 describes the selection criteria by which the Secretary and the peer review panel review applications.

Executive Order 12291

These regulations have been reviewed in accordance with Executive Order 12291.

They are not classified as major because they do not meet the criteria for major regulations established in the Order.

Paperwork Reduction Act of 1980

Information collection requirements contained in these regulations (§ 358.31) have been approved by the Office of Management and Budget under the provisions of the Paperwork Reduction Act of 1980 (Pub. L. 96–511).

Assessment of Educational Impact

In the Notice of Proposed Rulemaking, the Secretary requested comments on whether the proposed regulations would require transmission of information that is being gathered by or is available from any other agency or authority of the United States.

Based upon the comments on the proposed rule and the Department's own review, it has been determined that the regulations in this document do not require information that is being gathered by or is available from any other agency or authority of the United States.

List of Subjects

34 CFR Part 350

Administrative practice and procedure, Education, Educational research, Grant programs—education, Handicapped.

34 CFR Part 352

Education, Educational research, Grant programs—education, Handicapped, Manpower training programs, Vocational rehabilitation.

34 CFR Part 358

Education, Educational research, Grant programs—education, Handicapped, Reporting and recordkeeping requirements, Vocational rehabilitation.

34 CFR Part 359

Education, Educational research, Grant programs—education, Handicapped, Vocational rehabilitation.

Citation of Legal Authority

A citation of statutory or other legal authority is placed in parentheses on the line following each substantive provision of these final regulations.

(Catalog of Federal Domestic Assistance No. 84.133, National Institute of Handicapped Research)

Dated: April 22, 1985.

William J. Bennett,

Secretary of Education.

The Secretary amends Title 34 of the Code of Federal Regulations by revising Parts 350 and 352 and adding new Parts 358 and 359 as follows:

PART 350—HANDICAPPED RESEARCH: GENERAL PROVISIONS

1. In § 350.1, paragraph (b) is revised to read as follows:

§ 350.1 Handicapped research.

* * * * *

(b) The Secretary awards financial assistance through nine types of programs:

(1) Research and demonstration projects (34 CFR Part 351).

(2) Research grants for establishment and operation of rehabilitation research and training centers (34 CFR Part 352).

(3) Research grants for establishment and operation of rehabilitation engineering centers (34 CFR Part 353).

(4) Research grants for establishment and operation of model training centers (34 CFR Part 354).

(5) Knowledge dissemination and research utilization projects (34 CFR Part 355).

(6) Research fellowships (34 CFR Part 356).

(7) Field-initiated research projects (34 CFR Part 357).

(8) Innovation Grants projects (34 CFR Part 358).

(9) Special Projects and Demonstrations for Spinal Cord Injuries (34 CFR Part 359).

(Secs. 200 and 204; 29 U.S.C. 760 and 762)

2. In § 350.3, paragraphs (a) and (c) are revised to read as follows:

§ 350.3 What regulations apply to these programs?

* * * * *

(a) The Education Department General Administrative Regulations (EDGAR), established in title 34 of the Code of Federal Regulations in—

(1) Part 74 (Administration of Grants);

(2) Part 75 (Direct Grant Programs), except as noted in 34 CFR 352.33 and 358.3;

(3) Part 77 (Definitions that Apply to Department Programs); and

(4) Part 78 (Education Appeal Board);

* * * * *

(c) The regulations in 34 CFR Parts 351, 352, 353, 354, 355, 357, 358, or 359, as appropriate; and

* * * * *

3. Section 350.20 is revised to read as follows:

§ 350.20 What are the application procedures for these programs?

An applicant for assistance under 34 CFR Parts 351, 352, 353, 354, 355, 357, 358, or 359 shall submit a copy of its application to the State rehabilitation agency for comment in accordance with the procedures in EDGAR, 34 CFR 75.155–75.159.

(Secs. 204(c) and 306(i); 29 U.S.C. 762(c) and 766(a))

4. Section 350.30 is revised to read as follows:

§ 350.30 To whom does the Secretary refer an application?

The Secretary refers each application for a grant under the Handicapped Research Programs to a peer review panel established by the Secretary. Peer review panels review applications for the Secretary on the basis of selection criteria described in 34 CFR 350.34, 358.32 or 359.31, as appropriate.

(Sec. 202(e); 29 U.S.C. 761a(e))

5. The heading of § 350.34 is revised to read as follows, and the table of contents of Part 350 is amended accordingly:

§ 350.34 What selection criteria does the Secretary use in reviewing applications under Parts 351, 352, 353, 354, 355, and 3577

* * * * *

6. In § 350.40, paragraph (b) is revised to read as follows:

§ 350.40 What are the matching requirements?

* * * * *

(b)(1) The Secretary may make grants to pay for part or all of the costs of the following activities:

(i) Establishment and support of Rehabilitation Research and Training Centers, Rehabilitation Engineering Centers, and Model Training Centers.

(ii) Research and other special projects and demonstrations concerned with spinal cord injury.

(iii) Research projects concerned with end-stage renal disease, telecommunications, rehabilitation of handicapped children and handicapped individuals who are aged sixty or older, attracting and retaining rehabilitation professionals in rural areas, producing and distributing captioned video cassettes for deaf individuals, and innovative methods of providing services for handicapped children and their parents.

(iv) Joint projects with other Federal agencies and private industry.

(v) Research to test new concepts and innovative ideas.

(vi) International programs of research, demonstration, training, exchange of experts, and technical assistance.

(2) The Secretary determines at the time of the award whether the grantee must pay a portion of the project or center costs.

(Sec. 204; 29 U.S.C. 762)

PART 352—HANDICAPPED RESEARCH: REHABILITATION RESEARCH AND TRAINING CENTERS

7. In § 352.10, paragraph (c) is revised by adding at the end thereof two sentences to read as follows:

§ 352.10 What types of centers are authorized under this program?

* * * * *

(c) * * * Grantees may also use grant funds for faculty support for teaching of rehabilitation related courses of study for credit and other courses offered by the institutions of higher education affiliated with the Center. Each grantee that uses grant funds for this purpose shall give priority to training of students preparing to be rehabilitation personnel.

* * * * *

8. A new § 352.33 is added to read as follows, and the table of contents of Part 352 is amended accordingly:

§ 352.33 May the Secretary renew a Research and Training Center grant without competition?

(a) Notwithstanding the provisions of EDGAR, 34 CFR § 75.253(d), the Secretary may renew a Rehabilitation Research and Training Center (RTC) grant without competition at the end of the project period if—

(1) The RTC is performing work in an area of continued high priority to the Secretary and is working on long-range solutions to rehabilitation problems;

(2) The RTC has submitted to the Secretary, not later than 15 months before the end of its project period, a formal request for renewal without competition;

(3) The RTC has submitted to the Secretary no later than 12 months before the expiration of its current project period a proposal for the activities to be conducted during the period for which funding is being requested;

(4) The Secretary has determined on the basis of documentation or expert consultation, that the Center may be a unique national resource and to discontinue it might be contrary to the interests of the Government, and that further consideration of the request for exemption from competition is warranted through an independent review of the Center and its application for the ensuing grant period;

(5) An independent peer review panel has reviewed the activities and products of the Center, including an on-site review where necessary, has reviewed the proposal for the new project period, and has made a recommendation to the Secretary on whether the Center should be continued; and

(6) The Secretary has determined, on the basis of the above factors, that to discontinue the work of the Center would result in an irretrievable loss of potential advances in knowledge and of substantial prior investment, and would be contrary to the interests of the Government.

(b) A noncompetitive award may be for a period up to 60 months. No Center may be renewed for more than 60 months beyond its original project period without competition.

(Sec. 204(b)(1); 29 U.S.C. 762(b)(1))

9. A new Part 358 is added to read as follows:

PART 358—HANDICAPPED RESEARCH: INNOVATION GRANTS PROGRAM

Subpart A—General

Sec.
358.1 What is the Innovation Grants program?
358.2 Who is eligible for assistance under this program?
358.3 What regulations apply to this program?
358.4 What definitions apply to this program?
358.5–358.9 [Reserved]

Subpart B—What Kinds of Activities Does the Secretary Assist Under This Program?

358.10 What types of projects are authorized under this program?
358.11–358.19 [Reserved]

Subpart C—[Reserved]

Subpart D—How Does the Secretary Make a Grant?

358.30 How is peer review conducted under this program?
358.31 How does the Secretary select applications for new grants?
358.32 What selection criteria does the Secretary use in reviewing applications under this program?
358.33 What are the priorities for funding under this program?
358.34 What is the maximum amount of a grant for any fiscal year?
358.35–358.39 [Reserved]

Authority: Section 204(b)(13) of the Rehabilitation Act of 1973 (Pub. L. 93–112), as amended by Pub. L. 98–221, 98 Stat. 23–24 (29 U.S.C. 762(b)(13)), unless otherwise noted.

Subpart A—General

§ 358.1 What is the Innovation Grants program?

This program is designed to provide financial support to projects that—

(a) Test new concepts and innovative ideas;

(b) Demonstrate research results of high potential benefits;

(c) Purchase and evaluate prototype aids and devices;

(d) Develop unique rehabilitation training curricula; and

(e) Respond to special initiatives of the Secretary, including projects to conduct feasibility, planning, and evaluation studies, conferences, and other activities to disseminate specific research findings.

(Sec. 204(b)(13); 29 U.S.C. 762(b)(13))

§ 358.2 Who is eligible for assistance under this program?

The agencies and organizations eligible to apply under this program are described in 34 CFR 350.2

(Sec. 204; 29 U.S.C. 762)

§ 358.3 What regulations apply to this program?

The regulations referenced in 34 CFR 350.3 apply to this program, except for 34 CFR 75.217(c)–(e).

(Sec. 204; 29 U.S.C. 762)

§ 358.4 What definitions apply to this program?

The definitions listed in 34 CFR 350.4 apply to this program.

(Sec. 202(i)(1); 29 U.S.C. 761a(i)(1))

§§ 358.5–358.9 [Reserved]

Subpart B—What Kinds of Activities Does the Secretary Assist Under This Program?

§ 358.10 What types of projects are authorized under this program?

The Innovation Grants program provides financial assistance for the following types of projects:

(a) Research, demonstration, and related activities to test new concepts and innovative ideas in rehabilitation of disabled individuals or to demonstrate research results of high potential benefits.

(b) Research, demonstration, and related activities which are responsive to special initiatives of the Secretary, are unique or innovative, or could not be carried out in a timely manner under the Institute's other programs.

(c) Projects to purchase and evaluate prototype aids and devices, or to demonstrate innovative approaches to producing, testing, marketing, and distributing selected aids and devices.

(d) Projects to develop and test unique rehabilitation training curricula, including training for rehabilitation-related research as well as any rehabilitation-related services.

(e) Research, demonstration, or development projects, feasibility studies, planning activities, evaluation studies dissemination of information, conferences, surveys or statistical analyses, or policy studies in areas concerned with improved rehabilitation, especially those which offer timely opportunities for high potential benefit or which must be conducted expeditiously if their potential benefits are to be realized.

(Sec. 204(b)(13); 29 U.S.C. 762(b)(13))

§§ 358.11–358.19 [Reserved]

Subpart C—[Reserved]

Subpart D—How Does the Secretary Make a Grant?

§ 358.30 How is peer review conducted under this program?

(a) The Secretary may, at any time, convene a peer review panel to review an application received in response to an application notice.

(b) Peer review is conducted under this program in accordance with 34 CFR 350.30–350.32, using the selection criteria in § 358.32.

(Secs. 202(e) and 204(b)(13); 29 U.S.C. 761a(e) and 762(b)(13))

§ 358.31 How does the Secretary select applications for new grants?

(a) After the peer review panel evaluates an application, the Secretary reviews and selects an application on the basis of—

(1) Scientific and technical merit, in accordance with the selection criteria in § 358.32;

(2) The priorities in § 358.33, if appropriate; and

(3) Any other requirement that applies to the selection of applications for new grants.

(b) In selecting an application for a new grant, the Secretary may consider the following:

(1) The information in the application.

(2) The evaluation of the application by the peer review panel.

(3) Any other information relevant to a criterion, priority, or other requirement that applies to the selection of applications for new grants.

(c) (1) The Secretary may, at any time, select an application for funding under this part.

(2) If the Secretary does not select an application for funding when it is reviewed under this section, the Secretary may select it for funding at a later date in the same fiscal year.

(Secs. 202(e) and 202(i)(1); 29 U.S.C. 761a(e) and 761a(i)(1))

(Approved by the Office of Management and Budget under control number 1820–0027)

§ 358.32 What selection criteria does the Secretary use in reviewing applications under this program?

The Secretary uses the criteria in this section to evaluate applications under this program. The maximum score for all the criteria is 100 points.

(a) *Importance of the project* (50 points).

The Secretary reviews each application to determine to what degree the proposed activity will address a significant need of the target population and will meet the purposes of this part.

(b) *Project design or methodology* (25 points).

The Secretary reviews each application to determine to what degree the underlying hypothesis or conceptual model is sound; the project design is likely to achieve the desired objectives; and the evaluation plan is appropriate.

(c) *Plan of operation* (25 points).

The Secretary reviews each application to determine the extent to which the qualifications and background of the key personnel, the management and financial plan, and the capability and resources of the applicant organization demonstrate that the applicant will be able to carry out the proposed project.

(Sec. 204(b)(13); 29 U.S.C. 762(b)(13))

§ 358.33 What are the priorities for funding under this program?

The Secretary may give priority to applications that have been awarded a rating of 60 points or more under § 358.32 and meet one or both of the following conditions:

(a) The proposed project represents a unique opportunity to conduct research, demonstrate, evaluate, disseminate, train, or prepare for advances in knowledge to improve rehabilitation services to disabled persons.

(b) The proposed project is particularly pertinent to rehabilitation needs at that time and is likely to contribute important knowledge in a timely manner.

(Sec. 204(b)(13); 29 U.S.C. 762(b)(13))

§ 358.34 What is the maximum amount of a grant for any fiscal year?

The maximum amount of a grant under this program for any fiscal year is $50,000.

(Sec. 204(b)(13); 29 U.S.C. 762(b)(13))

§§ 358.35–358.39 [Reserved]

10. A new Part 359 is added to read as follows:

PART 359—HANDICAPPED RESEARCH: SPECIAL PROJECTS AND DEMONSTRATIONS FOR SPINAL CORD INJURIES

Subpart A—General

Sec.

359.1 What is the Special Projects and Demonstrations for Spinal Cord Injuries program?
359.2 Who is eligible for assistance under this program?
359.3 What regulations apply to this program?
359.4 What definitions apply to this program?

359.5–359.9 [Reserved]

Subpart B—What Kinds of Activities Does the Secretary Assist Under This Program?

359.10 What types of projects are authorized under this program?
359.11 What activities must each recipient carry out under this program?
359.12–359.19 [Reserved]

Subpart C—[Reserved]

Subpart D—How Does the Secretary Make A Grant?

359.30 How is peer review conducted under this program?
359.31 What selection criteria does the Secretary use in reviewing applications under this program?
359.32–359.39 [Reserved]

Authority: Section 311(a) of the Rehabilitation Act of 1973 (Pub. L. 93–112), as amended by Pub. L. 98–221, 98 Stat. 23–24 (29 U.S.C. 777a(a)), unless otherwise noted.

Subpart A—General

§ 359.1 What is the Special Projects and Demonstrations for Spinal Cord Injuries Program?

This program provides assistance to establish innovative projects for the delivery, demonstration, and evaluation of comprehensive medical, vocational, and other rehabilitation services to meet the wide range of needs of individuals with spinal cord injuries.

(Sec. 311(a); 29 U.S.C. 777a(a))

§ 359.2 Who is eligible for assistance under this program?

Public and other nonprofit agencies and organizations are eligible to apply for assistance under this program.

(Sec. 311(a); 29 U.S.C. 777a(a))

§ 359.3 What regulations apply to this program?

The regulations referenced in 34 CFR 350.3 apply to this program.

(Secs. 202(i)(1) and 311(a); 29 U.S.C. 761a(i)(1) and 777a(a))

§ 359.4 What definitions apply to this program?

The definitions listed in 34 CFR 350.4 apply to this program.

(Secs. 202(i)(1) and 311(a); 29 U.S.C. 761(i)(1) and 777a(a))

§§ 359.5–359.9 [Reserved]

Subpart B—What Kinds of Activities Does the Secretary Assist Under This Program?

§ 359.10 What types of projects are authorized under this program?

This program provides assistance for demonstration projects that—

(a) Provide comprehensive rehabilitation services to individuals with spinal cord injuries; and

(b) Conduct spinal cord research, including clinical research and the analysis of standardized data in collaboration with other related projects.

(Sec. 311(a) of the Act; 29 U.S.C. 777a(a))

§ 359.11 What activities must each recipient carry out under this program?

Each recipient, whether administering a project separately under this part or in coordination with other activities supported under Title II of the Act, shall—

(a) Establish a multidisciplinary system of providing rehabilitation services specifically designed to meet the special needs of individuals with spinal cord injuries, including emergency medical services, acute care, vocational and other rehabilitation services, community and job placement, and long-term community follow up and health maintenance. The system must be established on an appropriate geographical basis that reflects patterns of patient flow, and must be administered in close coordination with similar programs of the Veterans Administration, the National Institutes of Health, and other public and private agencies and institutions where appropriate;

(b) Demonstrate and evaluate both the service and cost benefits of a regional service system to those individuals with spinal cord injuries who might be served within that system;

(c) Establish within the system a rehabilitation research environment for the achievement of new knowledge leading to the reduction and treatment of complications arising from spinal cord injury and the development of new techniques of medical management and rehabilitation;

(d) Demonstrate and evaluate the development and application of improved methods and equipment essential to the care, management, and rehabilitation of individuals with spinal cord injury;

(e) Demonstrate methods of community outreach and education for individuals with spinal cord injury in areas such as housing, transportation, recreation, employment, and other community activities; and

(f) Participate as directed by the Secretary in national studies of the benefits of a spinal cord injury service system by contributing to a national database and by other means as required by the Secretary.

(Sec. 311(b); 29 U.S.C. 777a(b))

§§ 359.12–359.19 [Reserved]

Subpart C—[Reserved]

Subpart D—How Does the Secretary Make a Grant?

§ 359.30 How is peer review conducted under this program?

Peer review is conducted under this program in accordance with 34 CFR 350.30–350.32, using the selection criteria in § 359.31.

(Sec. 202(e) and 311(a); 29 U.S.C. 761a(e) and 777a(a))

§ 359.31 What selection criteria does the Secretary use in reviewing applications under this program?

The Secretary uses the criteria in this section to evaluate applications under this program. The maximum score for all the criteria is 100 points.

(a) *Project design* (20 points).

The Secretary reviews each application to determine to what degree—

(1) There is a clear description of how the objectives of the project relate to the purpose of the program;

(2) The research is likely to produce new and useful information;

(3) The need and target population are adequately defined;

(4) The outcomes are likely to benefit the defined target population;

(5) The research hypotheses are sound; and

(6) The research methodology is sound in the sample design and selection, the data collection plan, the measurement instruments, and the data analysis plan.

(b) *Service comprehensiveness* (20 points).

The Secretary reviews each application to determine to what degree—

(1) The services to be provided within the project are comprehensive in scope, and include emergency medical services, intensive and acute medical care, rehabilitation management, psychosocial and community reintegration, and follow up;

(2) A broad range of vocational and other rehabilitation services will be available to severely handicapped individuals within the project; and

(3) Services will be coordinated with those services provided by other appropriate community resources.

(c) *Plan of operation* (15 points).

The Secretary reviews each application to determine to what degree—

(1) There is an effective plan of operation that ensures proper and efficient administration of the project;

(2) The applicant's planned use of its resources and personnel is likely to achieve each objective;

(3) Collaboration between institutions, if proposed, is likely to be effective; and

(4) There is a clear description of how the applicant will include eligible project participants who have been traditionally underrepresented, such as—

(i) Members of racial or ethnic minority groups;

(ii) Women;

(iii) Handicapped persons; and

(iv) The elderly.

(d) *Quality of key personnel* (10 points).

The Secretary reviews each application to determine to what degree—

(1) The principal investigator and other key staff have adequate training or experience, or both, in spinal cord injury care and rehabilitation and demonstrate appropriate potential to conduct the proposed research, demonstration, training, development, or dissemination activity;

(2) The principal investigator and other key staff are familiar with pertinent literature or methods, or both;

(3) All the disciplines necessary to establish the multidisciplinary system described in § 359.11(a) are effectively represented;

(4) Commitments of staff time are adequate for the project; and

(5) The applicant is likely, as part of its non-discriminatory employment practices, to encourage applications for employment from persons who are members of groups that traditionally have been underrepresented, such as—

(i) Members of racial or ethnic minority groups;

(ii) Women;

(iii) Handicapped persons; and

(iv) The elderly.

(e) *Adequacy of resources* (10 points).

The Secretary reviews each application to determine to what degree—

(1) The facilities planned for use are adequate;

(2) The equipment and supplies planned for use are adequate; and

(3) The commitment of the applicant to provide administrative and other necessary support is evident.

(f) *Budget/cost effectiveness* (10 points).

The Secretary reviews each application to determine to what degree—

(1) The budget for the project is adequate to support the activities;

(2) The costs are reasonable in relation to the objectives of the project; and

(3) The budget for subcontracts (if required) is detailed and appropriate.

(g) *Dissemination/utilization* (5 points).

The Secretary reviews each application to determine to what degree—

(1) There is a clearly defined plan for dissemination and utilization of project findings;

(2) The research results are likely to become available to others working in the field;

(3) The means to disseminate and promote utilization by others are defined; and

(4) The utilization approach is likely to address the defined need.

(h) *Evaluation plan* (10 points).

The Secretary reviews each application to determine to what degree—

(1) There is a mechanism to evaluate plans, progress and results;

(2) The evaluation methods and objectives are likely to produce data that are quantifiable; and

(3) The evaluation results, where relevant, are likely to be assessed in a service setting.

(Secs. 202(e) and 311(a); 29 U.S.C. 761a(e) and 777a(a))

§§ 359.32–359.39 [Reserved]

Appendix

This Appendix will not be codified in the Code of Federal Regulations.

Summary of Comments and Responses

Comment: Some commenters stated that there should be no provision for exempting Research and Training Centers from competition at the expiration of their project periods and that all activities funded by NIHR should be funded on the basis of competition.

Response: No change has been made. While the Secretary supports the principle of competition for financial assistance, the Secretary is adopting these amendments to the regulations as required to implement the intent of the statute.

Comment: Several commenters objected to the statement in the preamble indicating that competition would be the preferred means of obtaining financial assistance and that exemption from competition was intended to be used only in exceptional circumstances. They urged that NIHR regard funding without competition as a standard means of funding RTCs in areas of ongoing priorities, while competition would be used in new priorities.

Response: No change has been made. Competition is the standard policy of the Department, and the Secretary believes that competition for financial assistance is generally the best means of assuring high quality of research, affording fairness to the research community, and serving the best interests of disabled people. In providing that RTCs need not be automatically terminated, Congress authorized the Secretary to make exceptions to that policy when circumstances warrant.

Comment: A few commenters stated that the decisions on funding applicants should be made by the Director of NIHR, who is required by law to be knowledgeable about rehabilitation research, rather than by the Secretary.

Response: No change has been made. The Secretary is the chief executive officer of the Department of Education. The Education Department General Administrative Regulations (34 CFR Part 77), define "Secretary" to include an official or employee of the Department of Education acting for the Secretary under a delegation of authority. The Secretary receives advice from other officials of the Department based upon their substantive knowledge and expertise.

Comment: Some commenters suggested that the requirement for on-site reviews in the process of determining whether to exempt RTCs from competition could be burdensome or too costly under some circumstances and that reviews off-site might be sufficient.

Response: A change has been made. The regulations now permit off-site reviews, as well as on-site reviews when necessary.

Comment: A few commenters urged that the evaluation criteria for the Innovation Grants program be made more rigorous and conform to those in the Field-Initiated Research program.

Response: No change has been made. While the Secretary agrees that the quality of funded research should not be diluted, the Secretary is mindful that the law requires that administrative procedures for these grants be expedited as much as possible, and notes that the emphasis of the program is on the support of innovative concepts.

Comment: Several commenters suggested that there should be more attention to the evaluation of research design in the criteria for selection of Spinal Cord Injury applications.

Response: A change has been made. The selection criteria have been modified to provide specific attention to research factors such as soundness of hypotheses, sample selection, data collection, and data analysis.

Comment: Several commenters questioned the requirement that applications be sent to State Vocational Rehabilitation agencies.

Response: No change has been made. The Act authorizing NIHR requires that applicants submit copies of their applications to the cognizant State rehabilitation agency. The State agency may choose to comment or not, and if it does comment, then its concerns are among the factors considered by the Secretary in making the final funding determinations.

[FR Doc. 85–10112 Filed 4–25–85; 8:45 am]

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Federal Register

Friday
April 26, 1985

Part VI

Department of the Interior

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Final Rules

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Final Rule To Determine Erigeron Rhizomatus To Be a Threatened Species

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: The Service determines a plant, *Erigeron rhizomatus* (rhizome fleabane), to be a threatened species under the authority of the Endangered Species Act of 1973 (Act), as amended. Approximately 20 populations are known, all of which are in New Mexico. The total number of individual plants is only about 200. This species' survival is threatened due to the low number of plants, its restricted distribution, and the potential for habitat loss if uranium mining in the area is ever reactivated. This action implements the protection provided by the Act for this plant.

DATE: The effective date of this rule is May 28, 1984.

ADDRESS: The complete file for this rule is available for inspection during normal, business hours, by appointment, at the Service's Regional Office of Endangered Species, 500 Gold Avenue, S.W., Room 4000, Albuquerque, New Mexico 87103.

FOR FURTHER INFORMATION CONTACT: Peggy Olwell, Botanist, Region 2 Endangered Species Staff, see address above (505/766–3972 or FTS 474–3972).

SUPPLEMENTARY INFORMATION:

Background

Erigeron rhizomatus is in the aster family. The species was first collected in McKinley County, New Mexico, by R.C. Barneby in 1943 and was described by A. Cronquist in 1947. Approximately 20 populations are now known from two counties in New Mexico. Populations are known on the Cibola National Forest in areas south of Fort Wingate in McKinley County, and on the Cibola National Forest and adjacent areas administered by the Bureau of Land Management (BLM) northwest of Datil in Catron County. These are the only areas in which this *Erigeron* has been found.

Erigeron rhizomatus is a perennial herb arising from a horizontal underground stem, or rhizome. The leaves are narrow and oblong to linear, up to 1 centimeter (.4 inch) long and 3 millimeters (.12 inch) wide, and dark green. The flower heads are single, 13–16 millimeters (.5–.6 inch) wide, and blue or white. The stems are in clumps 25–45 centimeters (10–18 inches) high, and up to 30 centimeters (12 inches) across (Martin and Hutchins, 1981).

Erigeron rhizomatus grows in a zone of Chinle shale and associated soils in the piñon-juniper association at 2,190 to 2,400 meters (7,180–7,870 feet) elevation. The Zuni Mountain population is found on loose, decaying slopes of the Chinle shale formation. However, the majority of the Datil plants occur in the Baca formation.

Flowering is from May to June. The species appears to be reproducing well, and individuals of all age classes are present. The clumps of plants are all clones. Establishment of new plants by seed is rare, although a large volume of seed is produced (Fletcher, 1978; Sabo, 1981).

Most of the populations are close to inactive uranium claims. If exploration or mining is reactivated, there may be adverse impacts to the plants.

Federal action affecting this species began with Section 12 of the Endangered Species Act of 1973, which directed the Secretary of the Smithsonian Institution to prepare a report on those plants considered to be endangered, threatened, or extinct. This report, designated as House Document No. 94–51, was presented to Congress on January 9, 1975. On July 1, 1975, the Service published a notice in the **Federal Register** (40 FR 27823) of its acceptance of the report of the Smithsonian Institution as a petition within the context of section 4(c)(2) (petition acceptance is now governed by section 4(b)(3)(A)) of the Act), and of its intention thereby to review the status of the plant taxa named therein. On June 16, 1976, the Service published a proposed rule in the **Federal Register** (41 FR 24523) to determine approximately 1,700 vascular plant species to be endangered species pursuant to Section 4 of the Act. This list of 1,700 plant species was assembled on the basis of comments and data received by the Smithsonian Institution and the Service in response to House Document 94–51 and the July 1, 1975, **Federal Register** publication. *Erigeron rhizomatus* was included in the July 1, 1975, notice of review and the June 16, 1976, proposal. General comments received in relation to the 1976 proposal were summarized in the April 26, 1978, **Federal Register** (43 FR 17909).

The Endangered Species Act Amendments of 1978 required that all proposals over 2 years old be withdrawn. A 1-year grace period was given to proposals already over 2 years old. In the December 10, 1979, **Federal Register** (44 FR 70796), the Service published a notice of withdrawal of the June 16, 1976, proposal, along with four other proposals that had expired. *Erigeron rhizomatus*, however, was included in category 1 on the list of plants under review for threatened or endangered classification in the December 15, 1980, **Federal Register** (45 FR 82480). Category 1 refers to taxa for which the Service presently has sufficient information to support the biological appropriateness of their being listed as endangered or threatened species.

The Endangered Species Act Amendments of 1982 required that all petitions pending as of October 13, 1982, be treated as having been newly submitted on that date. The species covered by the December 15, 1980, notice of review were considered to be petitioned, and the deadline for a finding on those species, including *Erigeron rhizomatus*, was October 13, 1983. For *Erigeron rhizomatus*, the petition finding was made on October 13, 1983, that listing was warranted but precluded by pending listing actions in accordance with section 4(b)(3)(B)(iii) of the Act. Such petitions are recycled under section 4(b)(3)(C)(i) of the Act. The Service published a proposed rule to list *Erigeron rhizomatus* as a threatened species on April 24, 1984 (49 FR 17548), constituting the next 1-year finding which would have been required on or before October 13, 1984.

Summary of Comments and Recommendations

In the April 24, 1984, proposed rule (49 FR 17548) and associated notifications, all interested parties were requested to submit factual reports or information that might contribute to the development of a final rule. Appropriate State agencies, county governments, Federal agencies, scientific organizations, and other interested parties were contacted and requested to comment. A newspaper notice was published in the *Gallup Independent* and *The Defensor Chieftain* newspapers on May 24, 1984, that invited general public comment. Six comments were received. Summaries of the comments and the Service's response are discussed below. No public hearing was requested or held.

Comments supporting the listing were received from the New York Botanical Garden, the State of New Mexico Natural Resources Department, the International Union for Conservation of Nature and Natural Resources, the Bureau of Land Management (BLM), and the Forest Service.

The National Park Service stated that the proposed listing has no immediate effect upon it, but that, if the plant should be found on National Park Service lands, the Fish and Wildlife Service will be notified.

The BLM informed Service that a population exists on BLM-administered land adjacent to Cibola National Forest northwest of Datil, New Mexico. This information has been added to the rule. The BLM pointed out that it has no information regarding the reactivation of uranium mining claims; however, if the claims were to be resumed, the species would be protected from activities that would jeopardize its existence. The BLM commented that fire may be an additional threat to *Erigeron rhizomatus*. It said it is doubtful that the rhizome fleabane is adapted to fire, and a hot fire in adjacent areas may destroy or damage plants. In addition, it commented that intensive livestock or recreational use could damage the populations and that these activities might have to be regulated. The final rule has been changed to reflect these comments.

The Forest Service, in addition to supporting the listing of *Erigeron rhizomatus* as threatened, provided 1983 survey data. It commented on the number of populations and individual plants. The Service concurs with the Forest Service that it is difficult to define a single plant because *E. rhizomatus* reproduces by rhizomes and grows in clumps. The reproductive biology of this species should be studied to better understand this process. The Forest Service also commented that the Datil plants are found in the Baca formation (rather than the Chinle). This information has been incorporated into the final rule. The Forest Service believes that the only threat to *Erigeron rhizomatus* is the uranium mining potential and that the only other activity that may disturb the rhizome fleabane's habitat is road construction. However, it believes that road construction can be conducted giving full recognition to the plant without significant problems. The Forest Service stated that the eradication of *E. rhizomatus* by disease is unlikely due to the scattered distribution of the plant in two mountain ranges. The rule has been changed to reflect this comment. It also requested that the provision in the Act prohibiting possession of the plant from areas under Federal jurisdiction not be implemented. It stated that it believes that the prohibition of collecting would hamper the verification of distribution information on *Erigeron rhizomatus*. The Service does not agree that section 9(a)(2) of the Act will hamper verification of the species' distribution nor does it agree that this restriction is not necessary. The Act does provide for issuance of a permit for collection of plants fo scientific purposes. A permit for collection of *Erigeron rhizomatus* may be obtained from the Service for verification of distribution.

Summary of Factors Affecting the Species

After a thorough review and consideration of all available information, the Service has determined that *Erigeron rhizomatus* should be classified as a threatened species. Procedures found as section 4(a)(1) of the Endangered Species Act (16 U.S.C. 1531 *et seq.*) and regulations promulgated to implement the listing provisions of the Act (codified at 50 CFR Part 424; as revised to accommodate the 1982 Amendments—See final rule at 49 FR 38900, October 1, 1984) were followed. A species may be determined to be an endangered or threatened species due to one or more of the five factors described in section 4(a)(1) of the Act. These factors and their application to *Erigeron rhizomatus* Cronquist are as follows:

A. *The present or threatened destruction, modification, or curtailment of its habitat or range.* The main threats to *Erigeron rhizomatus* are from habitat disturbance, especially if there is ever a resumption of uranium mining. Most of the populations in the Datil and Sawtooth Mountains occur within or very close to extensive, currently inactive, uranium claims and could be destroyed or severely damaged if the claims are ever reactivated and developed without planning for the species' protection. Road construction and resulting erosion also could have adverse impacts on *Erigeron rhizomatus* (Fletcher, 1978; Sabo, 1981). The population on BLM-administered land occurs on an allotment under moderate cattle grazing use. Trampling and the subsequent erosion could damage the population and its habitat (L. MacIntosh, BLM, pers. comm., 1984). Recreation, such as incidental camping and hunting, presents a potential threat to the species on BLM land.

B. *Overutilization for commercial, recreational, scientific, or educational purposes. Erigeron rhizomatus* is not presently desired by plant collectors. Collection for scientific study and threats from overuse are small (Sabo, 1981). However, plants are more vulnerable than animals to taking pressures and because of the low numbers of *Erigeron rhizomatus* and its restricted range, vandalism poses a threat to the survival of this species.

C. *Disease or predation.* No threat from disease or predation to this species is presently known. The scattered distribution of *Erigeron rhizomatus* reduces its susceptibility to disease. However, if any disease should occur, it might seriously reduce the numbers of the plant.

D. *The inadequacy of existing regulatory mechanisms.* There are no State laws offering protection for *Erigeron rhizomatus*. U.S. Forest Service (USFS) regulations prohibit taking of plants on USFS lands (36 CFR 261.9(b)). These regulations are difficult to enforce in backcountry situations.

E. *Other natural or manmade factors affecting its continued existence.* The limited distribution (two New Mexico counties) and low numbers of plants (approximately 200) make *Erigeron rhizomatus* especially vulnerable to habitat disturbances or other stresses.

The Service has carefully assessed the best scientific and commercial information available regarding the past, present, and future threats faced by this species in determining to make this rule final. Based on this evaluation, the preferred action is to list *Erigeron rhizomatus* as threatened.

Critical Habitat

Section 4(a)(3) of the Act, as amended, requires that to the maximum extent prudent and determinable, the Secretary designate critical habitat at the time a species is determined to be endangered or threatened. The Service finds that designation of critical habitat is not prudent for this species at this time. *Erigeron rhizomatus* occurs only on U.S. Forest Service and Bureau of Land Management lands. The Act requires all Federal agencies to carry out programs for the conservation of listed species. The U.S. Forest Service and BLM are aware of where *Erigeron rhizomatus* occurs, and will need to continue to take steps to protect its essential habitat once the species is listed. Also, all Federal agencies, including the U.S. Forest Service and BLM, are bound to avoid any actions that would jeopardize any listed species. Therefore, the determination of critical habitat would not provide any additional benefits for the plants. Critical habitat determinations and publication of detailed maps have the potential of increasing taking pressures or encouraging vandalism. Publication of critical habitat maps for *Erigeron rhizomatus* would enable the public to locate precisely where plants occur, and might lead to vandalism, which could further threaten the species. Because the U.S. Forest Service and BLM know

where *Erigeron rhizomatus* occurs, and will need to continue to protect its habitat, and because a determination of critical habitat might impose further threat to the plants, determination of critical habitat is not considered prudent.

Available Conservation Measures

Conservation measures provided to species listed as endangered or threatened under the Endangered Species Act include recognition, recovery actions, requirements for Federal protection, and prohibitions against certain practices. Recognition through listing encourages and results in conservation actions by Federal, State, and private agencies, groups, and individuals. The Endangered Species Act provides for possible land acquisition and cooperation with the States and requires that recovery actions be carried out for all listed species. Such actions are initiated by the Service following listing. The protection required of Federal agencies and the prohibitions against taking are discussed, in part, below.

Section 7(a) of the Act, as amended, requires Federal agencies to evaluate their actions with respect to any species that is proposed or listed as endangered or threatened. Regulations implementing this interagency cooperation provision of the Act are codified at 50 CFR Part 402 and are now under revision (see proposal at 48 FR 29990; June 29, 1983). Section 7(a)(2) requires Federal agencies to ensure that activities they authorize, fund, or carry out are not likely to jeopardize the continued existence of a listed species or to destroy or adversely modify its critical habitat. If a Federal action may affect a listed species or its critical habitat, the responsible Federal agency must enter into formal consultation with the Service. *Erigeron rhizomatus* is known only from U.S. Forest Service and BLM lands. There are uranium mining claims in the vicinity of the majority of the populations in both the Datil and Sawtooth Mountains. The claims are presently inactive. If exploration or a resumption of mining were to occur, there is potential for Federal involvement.

The Act and its implementing regulations found at 50 CFR 17.71 and 17.72 set forth a series of general trade prohibitions and exceptions that apply to all threatened plant species. With respect to *Erigeron rhizomatus*, all trade prohibitions of section 9(a)(2) of the Act, implemented by 50 CFR 17.71, apply. These prohibitions, in part, make it illegal for any person subject to the jurisdiction of the United States to import or export, transport in interstate or foreign commerce in the course of a commercial activity, or sell or offer for sale this species in interstate or foreign commerce. Seeds for cultivated specimens of threatened plant species are exempt from these prohibitions provided that a statement of "cultivated origin" appears on their containers. Certain exceptions can apply to agents of the Service and State conservation agencies. The Act and 50 CFR 17.72 also provide for the issuance of permits to carry out otherwise prohibited activities involving threatened species, under certain circumstances. International and interstate commercial trade in *Erigeron rhizomatus* is not known to exist. It is not anticipated that many trade permits involving plants of wild origin would ever be issued since this plant is not common in the wild and is not presently in cultivation.

Section 9(a)(2)(B) of the Act, as amended in 1982, states that it is unlawful to remove and reduce to possession endangered plant species from areas from Federal jurisdiction. Section 4(d) allows for the provisions of such protection to threatened species through regulations. This protection will apply to *Erigeron rhizomatus* once revised regulations are promulgated. Proposed regulations implementing this prohibition were published on July 8, 1983 (48 FR 31417), and it is anticipated that these will be made final following public comment. *Erigeron rhizomatus* is known only from Federal lands. Requests for copies of the regulations on plants and inquiries regarding them may be addressed to the Federal Wildlife Permit Office, U.S. Fish and Wildlife Service, Washington, D.C. 20240 (703/235–1903).

National Environmental Policy Act

The Fish and Wildlife Service has determined that an Environmental Assessment, as defined by the National Environmental Policy Act of 1969, need not be prepared in connection with regulations adopted pursuant to section 4(a) of the Endangered Species Act of 1973, as amended. A notice outlining the Service's reasons for this determination was published in the **Federal Register** on October 25, 1983 (48 FR 49244).

Literature Cited

Cronquist, A. 1947. A revision of the North American species of *Erigeron* north of Mexico. Brittonia 6:121–302.

Fletcher, R. 1978. Status report: *Erigeron rhizomatus*. U.S. Forest Service, Region 3, Albuquerque, New Mexico. 5 pp.

Martin, W.C. and Hutchins, C.R. 1981. A Flora of New Mexico. J. Cramer, Germany, xiii + 259 pp.

Sabo, D.G. 1981. Status report: *Erigeron rhizomatus*. Office of Endangered Species. U.S. Fish and Wildlife Service, Albuquerque, New Mexico. 16 pp.

Authors

The primary authors of this final rule are Peggy Olwell and Alisa Shull, Endangered Species staff, U.S. Fish and Wildlife Service, Department of the Interior, P.O. Box 1306, Albuquerque, New Mexico 87103 (505/766–3972 or FTS 474–3972). Status information and a preliminary listing package were provided by D.G. Sabo, P.O. Box 2267, Albuquerque, New Mexico 87103. E. LaVerne Smith of the Office of Endangered Species served as editor.

List of Subjects in 50 CFR Part 17

Endangered and threatened wildlife, Fish, Marine mammals, Plants (agriculture).

Regulation Promulgation

PART 17—[AMENDED]

Accordingly, Part 17, Subchapter B of Chapter I, Title 50 of the Code of Federal Regulations, is amended as set forth below:

1. The authority citation for Part 17 reads as follows:

Authority: Pub. L. 93–205, 87 Stat. 884; Pub. L. 94–359, 90 Stat. 911; Pub. L. 95–632, 92 Stat. 3751; Pub. L. 96–159, 93 Stat. 1225; Pub. L. 97–304, 96 Stat. 1411 (16 U.S.C. 1531 *et seq.*).

2. Amend § 17.12(h) by adding the following, in alphabetical order, under the family Asteraceae, to the List of Endangered and Threatened Plants:

§ 17.12 Endangered and threatened plants.

* * * * *

(h) * * *

Species		Historic range	Status	When listed	Critical habitat	Special rules
Scientific name	Common name					
•	•	•	•	•	•	•
ASTERACEAE—Aster Family						
Erigeron rhizomatus	Rhizone fleabane	U.S.A. (NM)	T	177	NA	NA
•	•	•	•	•	•	•

Dated: March 25, 1985.

J. Craig Potter,

Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 85–10203 Filed 4–25–85; 8:45 am]

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Presidential Documents

Title 3—

The President

Presidential Determination No. 85–12 of April 10, 1985

Eligibility of Algeria To Make Purchases of Defense Articles Under the Arms Export Control Act

Memorandum for the Honorable George P. Shultz, the Secretary of State

Pursuant to the authority vested in me by Section 3(a)(1) of the Arms Export Control Act, I hereby find that the furnishing of defense articles to the Government of Algeria will strengthen the security of the United States and promote world peace.

You are directed on my behalf to report this finding to the Congress.

This finding shall be published in the **Federal Register.**

Ronald Reagan

THE WHITE HOUSE,
Washington, April 10, 1985.

[FR Doc. 85–10341
Filed 4–25–85; 11:42 am]
Billing code 3195–01–M

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Presidential Documents

Proclamation 5327 of April 25, 1985

National DES Awareness Week, 1985

By the President of the United States of America

A Proclamation

Between 1941 and 1971, a number of pregnant women in the United States were prescribed DES (diethylstilbestrol) to prevent miscarriage. This powerful synthetic hormone was used not only in problem pregnancies but also in some normal pregnancies. As a result, some three million children were exposed to DES while in the womb.

Many scientists fear that exposure to DES may be linked to some forms of cancer. This fear is enough to call attention to the possible health threats faced by past users of DES and their children. Many of the cancers that may be related to DES can be effectively treated if detected at an early, localized stage. Awareness of the threats posed by past DES use should result in increased attention to regular checkups, the first step to effective detection and treatment.

To increase the public understanding of DES exposure, the Congress of the United States, by Senate Joint Resolution 63, has designated the week of April 21 through April 27, 1985, as "National DES Awareness Week" and authorized and requested the President to issue a proclamation calling for observance of this week.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim the week of April 21 through April 27, 1985, as National DES Awareness Week. I call upon all government agencies and the people of the United States to observe this week with appropriate activities.

IN WITNESS WHEREOF, I have hereunto set my hand this 25th day of April, in the year of our Lord nineteen hundred and eighty-five, and of the Independence of the United States of America the two hundred and ninth.

Ronald Reagan

[FR Doc. 85-10460
Filed 4-25-85; 4:38 pm]
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Presidential Documents

Proclamation 5328 of April 25, 1985

Older Americans Month, 1985

By the President of the United States of America

A Proclamation

Within recent years, older Americans have achieved economic parity with the rest of our Nation's population. This welcome development has meant a true sense of independence for most older Americans.

The tremendous strides that we as a Nation have made in our standard of living and health care have also meant that each succeeding generation of older Americans is proving to be more vigorous and self-sufficient than were its forebears at comparable ages. This translates into a real increase in independence for our Nation's older people.

In the years ahead, we can enhance our personal independence even further by pursuing lifestyles designed to protect our health; by thoughtful planning for our retirement years; and by maintaining strong and close ties with our families, neighbors, and friends.

Our rich heritage of neighbor assisting neighbor continues to thrive not only in its original form, but also as manifested in the emergence of a variety of private helping organizations at the community level. For those older Americans who need outside support to maintain the independence we cherish, it is reassuring to know that assistance is available through a nationwide network of State and area agencies and also private agencies who devote services to the elderly.

Each of us can enrich the lives of others—and ennoble our own lives—by volunteering in whatever way we can to help older Americans in need of assistance. Age is no barrier to this effort, which should involve families, neighbors, and friends, as we help others continue to realize the dream of independence.

When we—each in our own way—strive to maintain our independence and help others to do the same, we will be fulfilling the theme of this year's Older Americans Month, "Help Yourself to Independence."

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim the month of May 1985 as Older Americans Month. I ask public officials at all levels, community agencies, educators, the communications media, and the American people to take this opportunity to honor older Americans and to encourage them to do everything they can to make their health last a lifetime.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-fifth day of April, in the year of our Lord nineteen hundred and eighty-five, and of the Independence of the United States of America the two hundred and ninth.

Ronald Reagan

[FR Doc. 85-10461
Filed 4-25-85: 4:37 pm]
Billing code 3195-01-M

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Presidential Documents

Proclamation 5329 of April 25, 1985

Fair Housing Month, 1985

By the President of the United States of America

A Proclamation

1985 marks the seventeenth anniversary of the passage of Title VIII of the Civil Rights Act of 1968, commonly referred to as the Federal Fair Housing Act. That law declared it to be a national policy to provide, within constitutional limits, for fair housing throughout the United States. In particular, that Act prohibits discrimination in housing on the basis of race, color, religion, sex, or national origin.

Fairness is the foundation of our way of life and reflects the best of our traditional American values. Invidious, discriminatory housing practices undermine the strength and vitality of America and her people. In this seventeenth year since the passage of the Fair Housing Act, let us work together to strengthen enforcement of fair housing laws for all Americans so as to make the idea of nondiscriminatory housing a reality.

The Congress, by Senate Joint Resolution 79, has designated the month of April 1985 as "Fair Housing Month" and authorized and requested the President to issue an appropriate proclamation in observance of this event.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim the month of April 1985 as Fair Housing Month, and I invite the Governors of the several States, the chief officials of local governments, and the people of the United States to observe this month with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this 25th day of April, in the year of our Lord nineteen hundred and eighty-five, and of the Independence of the United States of America the two hundred and ninth.

Ronald Reagan

[FR Doc. 85-10511
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Rules and Regulations

Federal Register
Vol. 50, No. 82
Monday, April 29, 1985

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 792

Federal Employees' Health and Counseling Programs; Regulatory Requirements for Alcoholism and Drug Abuse Programs and Services for Federal Civilian Employees

AGENCY: Office of Personnel Management.

ACTION: Final regulation.

SUMMARY: The Office of Personnel Management is amending 5 CFR by adding Part 792, which establishes OPM and agency responsibilities to provide prevention, treatment, and rehabilitation services to Federal civilian employees with alcohol and/or drug problems. Part 792 identifies those elements of the alcohol and drug abuse program that are mandatory and binding upon Federal departments and agencies. As a minimum, agencies are required to: (1) Establish and administer short-term counseling and/or referral programs to assist civilian employees with alcohol and/or drug problems; (2) issue internal program instructions; and (3) submit annual fiscal year reports to OPM on their counseling activities.

EFFECTIVE DATE: May 29, 1985.

FOR FURTHER INFORMATION CONTACT: Ruby Giddings, (202) 632–5558.

SUPPLEMENTARY INFORMATION: OPM published an interim regulation on July 9, 1984 (49 FR 27921) that required Federal departments and agencies to operate, at a minimum, programs to assist their employees who experience work related problems associated with the use of alcohol and/or drugs. The regulation clarified those elements of the alcohol and drug abuse program that are essential to meet the statutory requirements of the public laws. The public comment period ended on September 9, 1984. OPM received numerous comments from agencies and unions. There were a number of suggestions for specific improvements in the regulation that have been adopted in the final regulation. Specific comments received and related decisions are summarized below.

Comment: One agency recommended that the reference to employees having "alcohol and drug problems" be changed to "alcohol and/or other drug problems" throughout the regulation to consistently convey the idea that a person with either an alcohol problem or a drug problem or a person with both an alcohol and a drug problem may take advantage of the alcoholism and drug abuse programs and services afforded Federal civilian employees.

Response: OPM agrees in part with this suggestion and has adopted in the final regulation the reference to employees having "alcohol and/or drug problems"; therefore, acknowledging that employees may experience these two problems simultaneously. However, the word "other" has not been adopted as OPM feels that the two public laws are separate in authority and the use of the term "other" confuses two different employee problems.

Comment: One agency recommended that in paragraph (a) of § 792.105 the word "officials" be changed to "persons" to reflect the possibility that an agency may contract out for the program and that there may be no "officials" in the agency who are knowledgeable in counseling and referral services.

Response: OPM agrees that the term "officials" may be misleading but the recommended substitution of the word "persons" is too general. Therefore, OPM has decided to use the term "practitioners" in the final regulation.

Comment: One agency pointed out that the statutory citations should be updated to reflect the recent changes enacted by the Alcohol and Drug Abuse Amendments of 1983 (Pub. L. 98–24). The agency also urged that the statutory requirement contained in the supplementary information portion that encourages agencies to extend, to the extent feasible, these programs and services to the families of alcohol and drug abusers and to employees who have family members who are alcoholic or drug abusers be moved to the body of the regulation.

Response: The final regulation has been revised to reflect the amendments and to incorporate the Federal Government's statutory obligation to the families of alcohol and/or drug abusing employees and to employees who have family members who have an alcohol and/or drug problem in § 792.101 (Statutory requirements).

Comment: One union expressed concern that § 792.102 of the interim regulation, which requires short-term counseling and/or referral, or offers thereof, would be "woefully inadequate" to deal with the serious problems caused by alcohol and/or drug use and recommended that this section be replaced with a requirement for agencies to develop comprehensive programs for the counseling and treatment of these problems.

Response: The regulation is intended to establish only the minimum agency program requirements necessary to assist employees with these problems and does not prohibit agencies from expanding their program activities. Currently, agency programs range from a part-time counselor to units staffed with professional counselors who handle a broad range of employee services. The regulation is intended to provide the basis on which agencies can build their programs according to their particular management and employee needs. This approach also allows agencies the flexibility to provide these services either through internal programs, contractors, or consortia. While the points made are sound, OPM feels that the guidance to implement the regulation will encourage agencies to develop comprehensive, viable programs.

Comment: One agency requested that the regulation contain information on what type of leave would be appropriate for an employee seeking or undergoing treatment.

Response: OPM feels that existing leave regulations and guidance provide agencies with sufficient information and discretion to appropriately administer leave for these purposes. Therefore, emphasis on leave administration in this regulation is not necessary.

Comment: The majority of the comments focused on the content of § 792.105(c). Two agencies found this section to be possibly misleading regarding the responsibilities of the manager/supervisor to identify and refer

employees whose use of alcohol and/or drugs negatively affects conduct and/or performance. In particular, concern was expressed that the language implied that managers/supervisors will make referrals for counseling only when they have the knowledge that an employee's use of alcohol and/or drugs may be contributing to a performance or conduct deficiency. Also, several commenters recommended that the use of the term "rate" in the phrase "rate the employee accordingly and initiate an appropriate performance-based or adverse action at that time" be changed to evaluate. Specifically, concerns were expressed that the use of the word "rate" would infer that agency action would be connected to or dependent upon a formal employee rating under the agency's Performance Appraisal System and does not take into consideration action related to employee misconduct.

Response: With respect to the first point, OPM feels that the regulation should be limited to the required responsibility of the supervisor/manager. Anything other than absolute awareness (i.e., suspects or has reason to believe) should be addressed in guidance where examples can be provided. OPM agrees with the second point and this section has been revised accordingly.

Comment: One agency expressed concern that § 792.105(c) did not establish time limits on when the employee must seek counseling, begin or complete a rehabilitation program, or show improvements. This concern also reflected disappointment that the regulation did not define "rehabilitation," "participation," or "improvement."

Response: OPM feels that it is not feasible or desirable to establish time limits and define what constitutes "rehabilitation," "participation," or "improvement," as the conditions for rehabilitative treatment vary from individual to individual and must be judged on a case-by-case basis depending on the circumstances. Therefore, this type of information is best described in the implementing guidance.

Comment: One agency recommended that a section on prevention be added to the body of the regulation.

Response: While OPM agrees that prevention is an important part of the program and is established by law, it is felt that preventive actions are best handled in the implementing guidance because of the variety of approaches available to agencies to meet this mandate.

Comment: One agency thought that the regulation should clarify the relationship of a management referral of an employee for counseling and a management offer or requirement of a medical examination when an employee asserts that a medical condition is contributing to a conduct or performance problem.

Response: OPM feels that there is no relationship. A medical examination does not apply to a referral to an Employee Counseling Program. However, if an employee alleges a medical condition, the employee may submit medical documentation or the agency may offer the employee a medical examination.

E.O. 12291, Federal Regulation

OPM has determined that this is not a major rule as defined under section 1(b) of E.O. 12291, Federal Regulation.

Regulatory Flexibility Act

I certify that this regulation will not have significant economic impact on a substantial number of small entities because it only affects Federal employees and their families.

List of Subjects in 5 CFR Part 792

Alcoholism, Drug abuse, Federal employees.

U.S. Office of Personnel Management.

Donald J. Devine,

Director.

Accordingly, OPM is adopting the interim regulation as a final regulation with the following changes:

PART 792—FEDERAL EMPLOYEES HEALTH AND COUNSELING PROGRAMS

1. The authority for Part 792 is revised to read as follows:

Subpart B—[Reserved]

Authority: Sec. 201 of Pub. L 91–616, 84 Stat. 1849, as amended and transferred to sec. 520 of the Public Health Services Act by sec. 2(b)(13) of Pub. L. 98–24 (42 U.S.C. 290dd–1) and sec. 413 of Pub. L. 92–255, 86 Stat. 84, as amended and transferred to sec. 525 of the Public Health Service Act by sec. 2(b)(16)(A) of Pub. L. 98–24 (42 U.S.C. 290ee–1).

2. Section 792.101 is revised to read as follows:

§ 792.101 Statutory requirements.

Sections 290dd–1 and 290ee–1 of 42 United States Code, provide that the Office of Personnel Management shall be responsible for developing and maintaining, in cooperation with the Secretary of the Department of Health and Human Services, and with other Federal departments and agencies, appropriate prevention, treatment, and rehabilitation programs and services for Federal civilian employees with alcohol and/or drug problems. To the extent feasible, agencies are encouraged to extend services to families of alcohol and/or drug abusing employees and to employees who have family members who have alcohol and/or drug problems. Such programs and services shall make optimal use of existing government facilities, services, and skills.

3. Section 792.102 is revised to read as follows:

§ 792.102 General.

It is the policy of the Federal Government to offer appropriate prevention, treatment, and rehabilitation programs and services for Federal civilian employees with alcohol and/or drug problems. Short-term counseling and/or referral, or offers thereof, shall constitute the appropriate prevention, treatment, and rehabilitation programs and services for alcohol abuse, alcoholism, and/or drug abuse required under 42 U.S.C. 290dd–1(a) and 290ee–1(a). Federal departments and agencies must establish programs to assist employees with these problems in accordance with the legislation cited in § 792.101.

4. Paragraphs (a) through (c) of § 792.105 are revised to read as follows:

§ 792.105 Agency responsibilities.

(a) Agencies shall establish and administer programs through which practitioners who are knowledgeable in counseling and referral services can offer and provide employees who have alcohol and/or drug problems short-term counseling and/or referrals for long-term counseling or treatment.

(b) Agencies shall issue internal instructions implementing the requirements of 42 U.S.C. 290dd–1(a) and 290ee–1(a) and this regulation.

(c) Whenever a manager/supervisor becomes aware that a Federal employee's use of alcohol and/or drugs may be contributing to a performance or conduct deficiency, the manager/supervisor shall recommend counseling and refer the employee to the agency counseling program. If an employee fails to participate in any rehabilitative program or, having participated, the employee fails to bring conduct or performance up to satisfactory level, the agency shall evaluate the employee accordingly and initiate an appropriate performance-based or adverse action.

* * * * *

[FR Doc. 85–10281 Filed 4–26–85; 8:45 am]

BILLING CODE 6325–01–M

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 989

Raisins Produced From Grapes Grown In California; Modification of Procedures To Implement a Raisin Diversion Program

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Interim final rule with request for comments.

SUMMARY: This action establishes procedures to give raisin producers a chance to submit diversion applications after the current December 20 deadline date, but only if the producer agrees to remove vines. The additional period for receipt of applications would be available only in those years when the tonnage of approved applications is less than the total tonnage declared eligible for diversion by the Raisin Administrative Committee. Interested producers would have to apply by an announced date not later than May 1 and approved subscribers would have to remove the vines not later than June 1, except that these dates may be extended by 30 days in the 1985 calendar year because of the lateness of the season and the need to maximize producer participation in the 1985 program. The raisin industry is faced with an urgent need to reduce long-term production capacity. This action was recommended unanimously by the Raisin Administrative Committee. The Committee works with the Department in administering the marketing order for California raisins.

EFFECTIVE DATE: April 23, 1985. Comments due: May 29, 1985.

ADDRESS: Comments must be sent in duplicate to the Docket Clerk, Fruit and Vegetable Division, AMS, USDA, Room 2069, South Building, Washington, D.C. 20250. Comments should reference the date and page number of this issue of the **Federal Register** and will be available for public inspection in the office of the Docket Clerk during regular business hours.

FOR FURTHER INFORMATION CONTACT: Frank M. Grasberger, Acting Chief, Specialty Crops Branch, Fruit and Vegetable Division, AMS, USDA, Washington, D.C. 20250, (202) 447–5053.

SUPPLEMENTARY INFORMATION: This action has been reviewed under USDA guidelines implementing Executive Order 12291 and Secretary's Memorandum No. 1512–1 and has been determined to be a "non-major" rule under criteria contained therein.

William T. Manley, Deputy Administrator, Agricultural Marketing Service, has certified that this action will not have a significant economic impact on a substantial number of small entities.

It is found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice and engage in public rulemaking and that good cause exists for not postponing the effective date of this action until 30 days after publication in the **Federal Register** (5 U.S.C. 553). The Raisin Administrative Committee approved a raisin diversion program for the 1985 crop to foster production cut-backs and assist growers with their current financial difficulties. The raisin industry desires to utilize these sign-up extension procedures for the 1985 program promptly because the current total tonnage represented by applications approved for 1985 is almost 16,000 tons less than the tonnage declared eligible for diversion by the Committee. Since approval of those applications by the Committee, it has received numerous inquiries from producers wishing to remove vines in 1985. To assure success of the diversion program for 1985, maximize producer participation, and achieve the production cut-backs the industry desires, producers desiring to remove vines should be given another opportunity to subscribe. However, time is running short, and these procedures must be implemented promptly to give producers enough time to plan accordingly, including a determination of the portion of the vineyard to be removed. This action has been discussed extensively by the industry and no useful purpose would be served by providing a period for public input, especially in view of the lateness of the season and the need for prompt implementation.

While this action needs to be effective immediately for the 1985 crop diversion program, the amendments are permanent regulations which may be utilized in future crop years. Therefore, it is appropriate to request comments before determining whether to finalize this modification on a permanent basis for future crop years.

This interim final rule amends § 989.156 of Subpart—Administrative Rules and Regulations (7 CFR 989.102–989.176; 50 FR 3879) by adding a new paragraph (s) to make the raisin diversion program more flexible in the area of producer participation. This subpart is operative pursuant to the marketing agreement and Order No. 989, both as amended (7 CFR Part 989; 50 FR 1830), regulating the handling of raisins produced from grapes grown in California. The marketing agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

On January 23, 1985, the procedural and operational details of the raisin diversion program were established in § 989.156 pursuant to § 989.56 of the marketing agreement and order program. Section 989.56 was added to the order when it was amended January 8, 1985. The program gives the industry a means of correcting its serious over-supply situation by providing a mechanism whereby producers voluntarily can decrease the quantity of raisin grapes grown for drying into raisins. Under this program, a raisin producer can halt production of raisins, but still have a quantity of reserve raisins (represented by a diversion certificate) to sell to handlers. The tonnage available would be from those reserve raisins previously determined by the Committee to be in excess of projected market needs.

Since implementation, the raisin industry has been striving to assure the success of the 1985 program and programs which may be needed in the future. To maximize opportunities for producer participation, the Committee recommended procedures for additional diversion through vine removal when the total tonnage on approved applications received before December 20 is less than the tonnage declared eligible for diversion by the Committee. The Committee limited diversion under these procedures to vine removal because that method of diversion would reduce production capacity on a more permanent basis than the other methods specified in § 989.156(h). The procedures would provide an additional period for submission of applications, and the tonnage available during the reoffer period would be limited to the difference between the tonnage on originally approved applications and the total tonnage declared eligible for diversion. Producers would have until an announced date not later than May 1 to submit such applications and these would be approved on a first-come, first-served basis.

The Committee further recommended that less than a total production unit may be approved for diversion during the reoffer period. This will provide an incentive for more producers to participate in the program and promote the use of vine removal which is the most direct and most effective way of accomplishing the diversion program objectives. The determination of the tonnage allowed for acreage removed for less than the total production unit

would be computed by multiplying the tonnage produced and verified on the entire unit by the ratio of the acreage removed divided by the acreage contained in the total production unit. After verification of the tonnage on the production unit has been completed and the application approved, the producer would notify the Committee when vine removal is to occur so the Committee can observe the removal. If the removal is not observed, no diversion certificate would be issued by the Committee.

The Committee received over a thousand applications from Thompson Seedless growers willing to divert their 1985 production. Approximately 60,000 tons of raisins representing about 30,000 acres have been approved for the 1985 diversion program. However, the Committee earlier determined that about 76,000 tons of reserve raisins are in excess of projected market needs. Since the close of the application period the Committee has received numerous calls from producers expressing interest in participating in the 1985 program. The Committee believes that the authority for an additional sign-up period for those producers agreeing to remove vines could increase the level of participation and assure the success of the 1985 program. The reoffer period will increase the opportunity for raisin producers to further reduce the 1985 crop through vine removal.

After consideration of all relevant matter presented, including the information and recommendation submitted by the Committee, and other available information, it is further found that the changes hereinafter set forth will tend to effectuate the declared policy of the act.

List of Subjects in 7 CFR Part 989

Marketing agreements and orders, Grapes, Raisins, and California.

PART 989—[AMENDED]

Therefore § 989.156 is amended by adding and reserving paragraphs (q) and (r) and adding a new paragraph (s) to read as follows:

§ 989.156 Raisin diversion program.

* * * * *

(s) *Additional opportunity for vine removal.* (1) The Committee may announce a date later than that provided in § 989.156(b), by which producers, who agree to remove the vines on a production unit, or portion thereof may file an application to participate in a raisin diversion program. The announced date shall be no later than May 1, except this date may be extended 30 days for the 1985 calendar year. The diversion certificates will be issued only for the production units or portions thereof from which the vines are removed. The total tonnage available to such applicants shall not exceed the tonnage determined by deducting the tonnage approved for applications received on or before December 20 from the total tonnage announced as eligible by the Committee for diversion. Applications shall be considered and approved on a first-come, first-serve, basis and shall not be given preference over the tonnage approved for applications received on or before December 20. The vines shall be removed from the production units or portion thereof for which such applications are approved not later than June 1, except this date may be extended 30 days for the 1985 calendar year.

(2) Producers who agree to remove the vines pursuant to this paragraph shall notify the Committee in advance of the date when such vines will be removed in order to allow a representative of the Committee to observe and verify such vine removal.

(3) The determination of the tonnage allowed for acreage removed for less than a total production unit would be computed by multiplying the previous year's tonnage produced and verified on the entire unit by the ratio of the acreage removed divided by the acreage contained in the total production unit.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: April 23, 1985.

Thomas R. Clark,

Deputy Director, Fruit and Vegetable Division.

[FR Doc. 85–10307 Filed 4–26–85; 8:45 am]

BILLING CODE 3410–02–M

Animal and Plant Health Inspection Service

9 CFR Part 94

[Docket No. 85–033]

Swine, Pork, and Pork Products Imported From Norway

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: This document amends the regulations concerning the importation into the United States of swine, pork, and pork products by adding Norway to the list of countries in which hog cholera is not known to exist. It has been determined that hog cholera has now been eradicated from Norway. The effect of this rule is to relieve certain restrictions on the importation into the United States of swine, pork, and pork products from Norway.

EFFECTIVE DATE: April 29, 1985.

FOR FURTHER INFORMATION CONTACT: Dr. Dan Sheesley, Import-Export Animals and Products Staff, VS, APHIS, USDA, Room 844AAA, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, (301) 436–8170

SUPPLEMENTARY INFORMATION:

Background

The regulations in 9 CFR Part 94 (the regulations) regulate the importation into the United States of specified animals and animal products in order to prevent the introduction into the United States of various diseases, including hog cholera.

A document published in the **Federal Register** on February 27, 1985 (50 FR 7926–7927), proposed to amend §§ 94.9 and 94.10 of the regulations by adding Norway to the lists of countries in which hog cholera is not known to exist. Comments were solicited for a 30-day period ending March 29, 1985. No comments were received. Based on the rationale set forth in the proposal, the regulations are amended as proposed.

The effect of this action is to relieve restrictions on the importation of swine, pork, and pork products from Norway.

Effective Date

This final rule is made effective on the date of publication. The final rule relieves restrictions which have been found to be unnecessary. Accordingly, prompt action should be taken to delete these restrictions.

Executive Order 12291 and Regulatory Flexibility Act

This rule has been reviewed in accordance with Executive Order 12291 and has been classified as not a "major rule." Based on information compiled by the Department, it has been determined that this rule will not result in a significant annual effect on the economy; will not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and will have no significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

For this rulemaking action, the Office of Management and Budget has waived

its review process required by Executive Order 12291.

It is anticipated that the amount of swine, pork, or pork products imported into the United States from Norway as a result of this action will be less than one percent of the amount of these items imported into the United States annually. Further, the importation of any of these items from Norway is not the primary business activity of any business in the United States.

Under the circumstances explained above, the Administrator of the Animal and Plant Health Inspection Service has determined that this action will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 9 CFR Part 94

Animal diseases, Imports, Livestock and livestock products, Meat and meat products, Milk, Poultry and poultry products, Hog cholera.

PART 94—RINDERPEST, FOOT-AND-MOUTH DISEASE, FOWL PEST (FOWL PLAGUE), NEWCASTLE DISEASE (AVIAN PNEUMOENCEPHALITIS), AFRICAN SWINE FEVER, AND HOG CHOLERA: PROHIBITED AND RESTRICTED IMPORTATIONS

Accordingly, 9 CFR Part 94 is amended as follows:

1. The authority citations for §§94.9 and 94.10 are revised to read:

Authority: 21 U.S.C. 111, 134a, 134b, 134c, 134f; 7 CFR 2.17, 2.51, and 371.2(d).

§ 94.9 [Amended]

2. In § 94.9, paragraph (a) is amended by adding "Norway," after "Northern Ireland," both times it appears.

§ 94.10 [Amended]

3. Section 94.10 is amended by adding "Norway," after "Northern Ireland."

Done at Washington, D.C., this 24th day of April 1985.

B.G. Johnson,

Acting Deputy Administrator, Veterinary Services.

[FR Doc. 85-10306 Filed 4-26-85; 8:45 am]

BILLING CODE 3410-34-M

FEDERAL RESERVE SYSTEM

12 CFR Part 227

[Reg. AA; Doc. No. R-0006]

Unfair or Deceptive Acts or Practices; Credit Practices

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Final rule.

SUMMARY: The Board is publishing a final rule amending Regulation AA (Unfair or Deceptive Acts or Practices) to implement, as to banks, the Credit Practices Rule adopted by the Federal Trade Commission. The Federal Trade Commission Act requires the Board to adopt a rule, subject to certain exceptions, that is substantially similar to the Commission's rule. This rule prohibits banks from entering into any consumer credit obligation that contains certain prohibited provisions, from pyramiding late charges, or from obligating a cosigner without a required notice. The rule also prohibits the enforcement of any prohibited provisions contained in a consumer credit obligation purchased by a bank.

EFFECTIVE DATE: January 1, 1986.

FOR FURTHER INFORMATION CONTACT: Steven Zeisel, Senior Attorney or Richard Garabedian, Staff Attorney, Division of Consumer and Community Affairs, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, at (202) 452-3867 or (202) 452-3667. Regarding the regulatory flexibility analysis, contact: Robert Kurtz, Economist, Division of Research and Statistics, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, at (202) 452-2915.

SUPPLEMENTARY INFORMATION: (1) *General.* The Board is publishing a final rule to amend Regulation AA (12 CFR Part 227). The rule implements, as to banks, the Credit Practices Rule adopted by the Federal Trade Commission, effective March 1, 1985 (49 FR 7740, March 1, 1984). Under section 18(f)(1) of the Federal Trade Commission Act (15 U.S.C. 57a(f)(1)), the Board must adopt, subject to certain exceptions, regulations substantially similar to those adopted by the Commission under section 18(a)(1)(B) of the Act (15 U.S.C. 57a(a)(1)(B)). The Board must act within 60 days of the effective date of the Commission's rule. This scheme was established by section 202(a) of the Magnuson-Moss Warranty—Federal Trade Commission Improvement Act (15 U.S.C. 57a).

The Board published for public comment, on Novenber 30, 1984 (49 FR 47041), a proposed rule that was substantially similar to the rule adopted by the Commission. The Board solicited public comment on issues believed to be important in assisting the Board in its determination of whether to adopt a substantially similar rule. The Board received 137 comments in response to the proposal, including comments from all the Federal Reserve Banks. About one-half of the commenters addressed the rule as a whole, the majority of which were in opposition. Many commenters merely requested clarification of the provisions in the rule.

The Board is not required to adopt a rule if it finds that such acts or practices of banks are not unfair or deceptive, or if adoption of similar regulations would seriously conflict with essential monetary and payment systems policies of the Board. In its analysis of each of the rule's provisions, the Board has examined the record established by the Commission, the use of the practices by banks, and the concerns raised by the commenters. In so doing, the Board has concluded that neither statutory exception is applicable. Therefore, the Board is adopting a rule substantially similar to the rule adopted by the Commission. However, in promulgating a substantially similar rule, the Board has modified certain provisions, in light of the comments received, to take into account the needs and characteristics of the banking industry. These modifications are discussed under each particular provision of the rule.

The rule prohibits a bank from including certain creditor remedies in its consumer credit obligations and makes unenforceable such remedies when contained in obligations purchased by a bank. The rule also prohibits an accounting practice regarding late charges, prohibits misrepresentation of cosigner liability, and requires a disclosure to be given to cosigners. The prohibited contractual provisions are the following: (1) A confession of judgment clause; (2) a waiver or limitation of statutory exemption from attachment, execution or other legal process; (3) an assignment of wages; and (4) a non-purchase money security interest in household goods. The prohibited late charge practice prevents the deduction from a timely payment of a late charge applicable to an earlier payment, thus causing the timely payment to be delinquent because of non-payment in full. The cosigner provision prohibits misrepresentation of a cosigner's liability and requires that a notice disclosing the nature of the cosigner's obligation be given to the cosigner, either in a separate document or in the credit obligation.

(2) *Scope.* The rule applies to all banks and their subsidiaries, except savings banks that are members of the Federal Home Loan Bank System.

(3) *Definitions. Consumer.* As the definition of consumer makes clear, the rule does not apply to credit extended for the purchase of real property. Dwellings such as mobile homes and houseboats are not considered real property under this definition if they are

deemed to be personal property under state law.

Cosigner. A cosigner includes any person who renders himself or herself personally liable, in any capacity, for the obligation of another person without receiving goods, money, or services. It does not include a person who only pledges collateral for the obligation of another person. Thus, any sole or joint owner of property who merely gives a security interest without personal liability is not a cosigner.

The definition of cosigner has been clarified for open-end accounts. It has been modified from the proposal to exclude any consumer who has the contractual right to draw on an open-end credit obligation, such as a credit card account. This clarification was made in light of concerns raised by the commenters that a bank will not know, at the time that account is opened, whether a consumer will ever draw on the account and therefore not be considered a cosigner.

Household goods. The term "household goods" includes only those items specified in the regulation. Thus, other items of personal property that are not household goods are not subject to the rule's prohibition against taking nonpurchase money security interests. The term does not include such items as fixtures, automobiles, boats, snowmobiles, cameras and camera equipment (including darkroom equipment), pianos, home workshops and the like. As used in the definition of household goods, the term "personal effects" is intended to have its commonly accepted meaning. Items that are clearly personal effects are those which a person would ordinarily carry about on his or her person and possessions of uniquely personal nature, such as family photographs.

(4) *Unfair Credit Contract Provisions.* The first sentence of § 227.13 makes clear that it is an unfair act or practice for a bank either to enter into a consumer credit obligation containing any of the prohibited provisions or to seek to enforce any of the prohibited provisions contained in a consumer credit obligation purchased by the bank. This is a modification from the proposal which prohibited the purchase of an obligation containing a prohibited provision. The Board believes, in light of the comments received and further analysis, that making such provisions unenforceable will achieve the goals of the rule without imposing undue compliance burdens on banks.

Confession of Judgment. This provision prohibits only confessions of judgment that involve anticipatory waivers of procedural due process in the context of credit obligations. It does not prohibit confessions of judgment executed after an action has been instituted on the underlying obligation or after the consumer's default. The rule also does not prohibit powers of attorney given in a mortgage loan obligation or deed of trust for purposes of foreclosure, and the rule does not prohibit powers of attorney given to expedite the transfer of pledged securities, to expedite the disposal of repossessed collateral, or to allow prompt cancellation of insurance in an insurance premium finance contract.

Waiver of Exemption. This provision prohibits the contractual waiver of a property exemption that is provided to a consumer under state law. However, a waiver is permitted if it relates to property which is specifically given as security in connection with the obligation.

Assignment of Wages. This provision prohibits the assignment of wages but allows payroll deduction plans, assignments that are revocable by their terms, and assignments of earned wages. Payroll deductions plans are permitted whether revocable or irrevocable.

Blanket Security Interests. This rule prohibits nonpossessory security interests in household goods, as defined in the rule, in nonpurchase money transactions. Because the rule only prohibits certain nonpossessory security interests, it will not affect a consumer's right to pledge or pawn any household goods.

The rule also does not prohibit nonpurchase money security interests in stocks, bonds, and other non-household goods assets. In addition, it does not prevent consumers from borrowing on the equity in their homes. If a purchase money loan is refinanced or consolidated, the household goods collateralizing the prior loan can continue to secure the new loan, even if the new loan is for a larger amount or is in other respects a nonpurchase money loan.

(5) *Unfair or Deceptive Practices Involving Cosigners.* Section 227.14 (a)(1) prohibits a bank from misrepresenting a cosigner's liability to any person. Section 227.14(b)(1) requires that a disclosure notice be given to the cosigner, prior to becoming obligated, either on a separate document or on the documents evidencing the consumer credit obligation. In either case, the notice must be substantially similar to the specified notice and be clear and conspicuous. In order to be clear and conspicuous, the notice must be distinctive. A notice in the contract might be, for example, in slightly larger type or set off from the contract language. If the notice is on a separate document, additional information may be placed on the document, such as the bank's identity, the identity of the debt in question, the cosigner's acknowledgment of receipt, the date, and any state notice that is required. The alternative of including the notice in the contract documents—suggested by a number of commenters—was adopted to take into account the needs and characteristics of the banking industry. If the underlying contract is in a foreign language, the notice should be provided in the same language.

A "substantially similar" standard has been adopted to allow banks to modify the notice to take into account, for example, such variations as conflicts with state law, default situations, state notice requirements, and loans in which the bank cannot identify the cosigner. In addition, language may be deleted if it is either inapplicable or inaccurately reflects the agreement.

In the case of open-end credit obligations, the notice must be given before the cosigner becomes obligated for any fees or transactions on the account. This modification from the proposal, which required the notice to be given before execution, was added in response to the concerns of commenters that the point of execution may be uncertain in open-end obligations that are consummated through the mail. Requiring the notice before any obligation is incurred will provide sufficient protections.

If state law requires that a notice also be given to cosigners, the bank may include both notices in the credit obligation or on a separate document (either on the same side or on opposite sides), until an exemption is granted.

(6) *Unfair Late Charges.* This rule only prohibits the imposition of a late charge resulting from the failure to pay an earlier late charge. For example, if a consumer makes the January payment 15 days late, but makes the February payment on time and in full, the bank may not cause the latter payment to be considered delinquent by extracting the late charge applicable to the January payment. The rule does not prohibit late charges from being assessed for every period that a payment remains not fully paid. For example, if a consumer fails to make the January payment and then makes the February payment on time, the bank may continue to assess a late charge until the January payment is made; the rule is not intended to permit a consumer to skip a payment and unilaterally extend the term of the loan.

(7) *Regulatory Flexibility Analysis.* The Board's Division of Research and Statistics has prepared a regulatory flexibility analysis. A copy of the analysis may be obtained from Publications Services, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, at (202) 452–3245.

List of Subjects in 12 CFR Part 227

Banks, banking, Consumer protection, Credit, Federal Reserve System, Finance.

PART 227—[AMENDED]

Text of Proposed Revision. Pursuant to the authority granted in section 18 of the Federal Trade Commission Act (15 U.S.C. 57a), the Board is amending Regulation AA, 12 CFR Part 227, by redesignating the current provisions as Subpart A and adding a new Subpart B, as follows:

Subpart A—Consumer Complaints

* * * * *

Subpart B—Credit Practices Rule

Sec.
227.11 Authority, purpose, and scope.
227.12 Definitions.
227.13 Unfair credit contract provisions.
227.14 Unfair or deceptive practices involving cosigners.
227.15 Unfair late charges.
227.16 State exemptions

Authority: 15 U.S.C. 57a.

Subpart A—Consumer Complaints

* * * * *

Subpart B—Credit Practices Rule

§ 227.11 Authority, purpose, and scope.

(a) *Authority.* This subpart is issued by the Board under section 18(f) of the Federal Trade Commission Act, 15 U.S.C. 57a(f) (section 202(a) of the Magnuson-Moss Warranty—Federal Trade Commission Improvement Act, Pub. L. 93–637).

(b) *Purpose.* Unfair or deceptive acts or practices in or affecting commerce are unlawful under section 5(a)(1) of the Federal Trade Commission Act, 15 U.S.C. 45(a)(1). This subpart defines unfair or deceptive acts or practices of banks in connection with extensions of credit to consumers.

(c) *Scope.* This subpart applies to all banks and their subsidiaries, except savings banks that are members of the Federal Home Loan Bank System. Compliance is to be enforced by:

(1) The Comptroller of the Currency, in the case of national banks and banks operating under the code of laws for the District of Columbia;

(2) The Board of Governors of the Federal Reserve System, in the case of banks that are members of the Federal Reserve System (other than banks referred to in paragraph (c)(1) of this section); and

(3) The Federal Deposit Insurance Corporation, in the case of banks insured by the Federal Deposit Insurance Corporation (other than banks referred to in paragraphs (c)(1) and (c)(2) of this section).

§ 227.12 Definitions.

For the purposes of this subpart, the following definitions apply:

(a) "Consumer" means a natural person who seeks or acquires goods, services, or money for personal, family, or household use other than for the purchase of real property.

(b)(1) "Cosigner" means a natural person who assumes liability for the obligation of a consumer without receiving goods, services, or money in return for the obligation, or, in the case of an open-end credit obligation, without receiving the contractual right to obtain extensions of credit under the account.

(2) "Cosigner" includes any person whose signature is requested as a condition to granting credit to a consumer, or as a condition for forbearance on collection of a consumer's obligation that is in default. The term does not include a spouse whose signature is required on a credit obligation to perfect a security interest pursuant to state law.

(3) A person who meets the definition in this paragraph is a "cosigner," whether or not the person is designated as such on the credit obligation.

(c) "Earnings" means compensation paid or payable to an individual or for the individual's account for personal services rendered or to be rendered by the individual, whether denominated as wages, salary, commission, bonus, or otherwise, including periodic payments pursuant to a pension, retirement, or disability program.

(d) "Household goods" means clothing, furniture, appliances, linens, china, crockery, kitchenware, and personal effects of the consumer and the consumer's dependents. The term "household goods" does not include:

(1) Works of art;

(2) Electronic entertainment equipment (other than one television and one radio);

(3) Items acquired as antiques; that is, items over one hundred years of age, including such items that have been repaired or renovated without changing their original form or character; and

(4) Jewelry (other than wedding rings).

(e) "Obligation" means an agreement between a consumer and a creditor.

(f) "Person" means an individual, corporation, or other business organization.

§ 227.13 Unfair credit contract provisions.

It is an unfair act or practice for a bank to enter into a consumer credit obligation that contains, or to enforce in a consumer credit obligation purchased by the bank, any of the following provisions:

(a) *Confession of judgment.* A cognovit or confession of judgment (for purposes other than executory process in the State of Louisiana), warrant of attorney, or other waiver of the right of notice and the opportunity to be heard in the event of suit or process thereon.

(b) *Waiver of exemption.* An executory waiver or a limitation of exemption from attachment, execution, or other process on real or personal property held, owned by, or due to the consumer, unless the waiver applies solely to property subject to a security interest executed in connection with the obligation.

(c) *Assignment of wages.* An assignment of wages or other earnings unless:

(1) The assignment by its terms is revocable at the will of the debtor;

(2) The assignment is a payroll deduction plan or preauthorized payment plan, commencing at the time of the transaction, in which the consumer authorizes a series of wage deductions as a method of making each payment; or

(3) The assignment applies only to wages or other earnings already earned at the time of the assignment.

(d) *Security interest in household goods.* A nonpossessory security interest in household goods other than a purchase money security interest.

§ 227.14 Unfair or deceptive practices involving cosigners.

(a) *Pronhibited practices.* In connection with the extension of credit to consumers, it is:

(1) A deceptive act or practice for a bank to misrepresent the nature or extent of cosigner liability to any person; and

(2) An unfair act or practice for a bank to obligate a cosigner unless the cosigner is informed prior to becoming obligated of the nature of the cosigner's liability.

(b) *Disclosure requirement.* (1) A clear and conspicuous disclosure statement shall be given in writing to the cosigner prior to becoming obligated. The disclosure statement shall be

substantially similar to the following statement and shall either be a separate document or included in the documents evidencing the consumer credit obligation.

Notice to Cosigner

You are being asked to guarantee this debt. Think carefully before you do. If the borrower doesn't pay the debt, you will have to. Be sure you can afford to pay if you have to, and that you want to accept this responsibility.

You may have to pay up to the full amount of the debt if the borrower does not pay. You may also have to pay late fees or collection costs, which increase this amount.

The bank can collect this debt from you without first trying to collect from the borrower. The bank can use the same collection methods against you that can be used against the borrower, such as suing you, garnishing your wages, etc. If this debt is ever in default, that fact may become a part of *your* credit record.

This notice is not the contract that makes you liable for the debt.

(2) In the case of open-end credit, the disclosure statement shall be given to the cosigner prior to the time that the cosigner becomes obligated for fees or transactions on the account.

(3) A bank that is in compliance with this paragraph may not be held in violation of paragraph (a)(2) of this section.

§ 227.15 Unfair late charges.

(a) In connection with collecting a debt arising out of an extension of credit to a consumer, it is an unfair act or practice for a bank to levy or collect any delinquency charge on a payment, when the only delinquency is attributable to late fees or delinquency charges assessed on earlier installments, and the payment is otherwise a full payment for the applicable period and is paid on its due date or within an applicable grace period.

(b) For the purposes of this section, "collecting a debt" means any activity, other than the use of judicial process, that is intended to bring about or does bring about repayment of all or part of money due (or alleged to be due) from a consumer.

§ 227.16 State exemptions.

(a) *General rule.* (1) An appropriate state agency may apply to the Board for a determination that:

(i) There is a state requirement or prohibition in effect that applies to any transaction to which a provision of this subpart applies; and

(ii) The state requirement or prohibition affords a level of protection to consumers that is substantially equivalent to, or greater than, the protection afforded by this subpart.

(2) If the Board makes such a determination, the provision of this subpart will not be in effect in that state to the extent specified by the Board in its determination, for as long as the state administers and enforces the state requirement or prohibition effectively.

(b) *Applications.* The procedures under which a state agency may apply for an exemption under this section are the same as those set forth in Appendix B to Regulation Z (12 CFR Part 226).

By order of the Board of Governors of the Federal Reserve System, April 23, 1985.

William W. Wiles,

Secretary of the Board.

[FR Doc. 85-10212 Filed 4-26-85; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 93

[Docket No. 24255]

Special Federal Aviation Regulations (SFAR) Temporary Suspension of Subpart L of Part 93

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule, request for comments.

SUMMARY: This Special Federal Aviation Regulation (SFAR) temporarily suspends Subpart L of Part 93 of the Federal Aviation Regulations (FAR) in order to conduct an evaluation of the continued need for that rule. Affected operations will be covered by the appropriate provisions of Part 91, General Rules, during the effective period of this SFAR. Should a determination be made that there is a need to retain Subpart L, this SFAR will be appropriately revoked. On the other hand, if revocation of Subpart L is indicated by the evaluation, this SFAR will be extended until general rulemaking actions are initiated and subsequently finalized.

DATES: Effective April 29, 1985. The FAA will receive comments on this SFAR beginning May 29, 1985 through January 29, 1986.

ADDRESSES: Comments on this temporary suspension may be mailed or delivered in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket (AGC-204), Docket No. 24255, 800 Independence Avenue, S.W., Washington, D.C. 20591. The official docket may be examined in the Rules Docket, Room 916, weekdays, except Federal holidays, between 8:30 a.m. and 5:00 p.m. Also mail or deliver comments in duplicate to: Director, Federal Aviation Administration, Southwest Region, Attention: Manager, Air Traffic Division, Docket No. 24255, Federal Aviation Administration, P.O. Box 1689, Forth Worth TX 76101. This informal docket may be examined during normal business hours at the office of the Southwest Region Air Traffic Division.

FOR FURTHER INFORMATION CONTACT: Mr . Brent A. Fernald, Airspace and Air Traffic Rules Branch, ATO-230, Airspace-Rules and Aeronautical Information Division, Air Traffic Operations Service, Office of the Associate Administrator for Air Traffic, Federal Aviation Administration, 800 Independence Avenue, S.W., Washington, D.C. 20591; telephone (202) 426-8626.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in this operational evaluation by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions. Communications should identify the regulatory docket number and be submitted in duplicate to the addresses listed above. Commenters wishing the FAA to acknowledge receipt of their comments must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket No. 24255." The postcard will be date/time stamped and returned to the commenter. All comments received between the specified opening and closing dates for comments will be considered before taking action on any further rulemaking. All comments submitted will be available for examination in the Rules Docket, Washington, D.C., and in the office of the Southwest Region Air Traffic Division, Forth Worth, TX, both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Background

On October 5, 1982, the FAA's Southwest Region, Air Traffic Division, completed an evaluation of the Airpark-Dallas Airport traffic pattern requirements of Part 93, Subpart L. This evaluation revealed the rule is no longer

needed, that similar situations exist at other airports which do not require a special rule, and that the rule serves little useful purpose. However, since the rule has been in effect for over 10 years, the FAA believes it necessary to precede revocation with public comment and an actual evaluation of operations conducted under Part 91. On September 28, 1984, the FAA proposed to issue an SFAR which would temporarily suspend the special air traffic rules and communication requirements at Airpark-Dallas Airport. Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments objecting to the proposal were received. Further, in a recent survey of activity at these airports, both the air traffic facility (Addison Airport Traffic Control Tower) and the responsible Flight Standards District Office reported that no significant problems existed that would require the retention of Subpart L.

The Rule

In consideration of the foregoing, the FAA is sufficiently confident that the provisions of Part 91 and the traffic patterns utilized at Airpark-Dallas Airport provide an adequate level of safety with respect to the Addison Airport Traffic Area. Therefore, this SFAR temporarily suspends the special air traffic rules and communication requirements at Airpark-Dallas Airport, Part 93, Subpart L. Operations at this location are temporarily relieved from the requirements to establish and maintain two-way radio communications with the Addison Airport Traffic Control Tower or to execute the prescribed traffic patterns. Affected operations are covered by the appropriate provisions of FAR Part 91, General Operating Rules. However, if during the effective period of this SFAR, safety or efficiency are adversely affected, then the FAA will immediately issue a NOTAM to supersede this SFAR and reinstate Part 93, Subpart L.

Regulatory Flexibility Determination

The FAA has determined that this action: (1) Is not a major rule under Executive Order 12291; (2) is not a significant rule under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in CFR Part 93

Airport traffic area, Aviation safety, Traffic patterns.

Accordingly, pursuant to the authority delegated to me, the following Special Federal Aviation Regulation is issued effective April 29, 1985 through April 29, 1986, unless extended, superseded, or rescinded, for Airpark-Dallas Airport, Addison, TX.

Special Federal Aviation Regulation No. 48

1. Subpart L, Part 93 is suspended.

2. This SFAR terminates at 12:01 a.m. local time unless sooner superseded or rescinded.

3. In the event the Manager, Addison Airport Traffic Control Tower, or his/her designee determines that safety or efficiency are adversely affected, the FAA will issue a NOTAM to supersede this SFAR and reinstate Part 93, Subpart L.

4. When a NOTAM has been issued under paragraph 3 of this section, no person may operate in noncompliance with such NOTAM.

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); (49 U.S.C. 106(g) (Revised, Pub. L. 97-449, January 12, 1983)); and (14 CFR 11.69)

Issued in Washington, D.C., on April 1, 1985.

Donald D. Engen,

Administrator.

[FR Doc. 85-10137 Filed 4-26-85; 8:45 am]

BILLING CODE 4910-13-M

FEDERAL TRADE COMMISSION

16 CFR Part 0

Organization

AGENCY: Federal Trade Commission.

ACTION: Final rule.

SUMMARY: This action adds to 16 CFR Part 0 a list of statutes under which individuals may make monetary claims against the Federal Trade Commission and the name and phone number of the Commission's claims officer.

DATE: This rule becomes effective April 29, 1985.

FOR FURTHER INFORMATION CONTACT: Teresa Hennessy, Office of the General Counsel, telephone (202) 523-3533.

SUPPLEMENTARY INFORMATION:

List of Subjects in 16 CFR Part 0:

Organization and functions (government agencies).

PART 0—[AMENDED]

Title 16 Part 0 of the Code of Federal Regulations is hereby amended as follows:

1. Part 0.5 is added to read as follows:

§ 0.5 Laws authorizing monetary claims.

The Commission is authorized to entertain monetary claims against it under two statutes. The Federal Tort Claims Act (28 U.S.C. 2671-2680) provides that the United States shall be liable for injury or loss of property or personal injury or death caused by the negligent or wrongful acts or omissions of its employees acting within the scope of their employment or office. The Military Personnel and Civilian Employees Claims Act of 1964 (31 U.S.C. 3701, 3721) authorizes the Commission to compensate employees' claims for damage to or loss of personal property incident to their service. The Commission's claims officer for both statutes is Teresa A. Hennessy, telephone (202) 523-3533.

(Sec. 6(g) 38 Stat. 721 (15 U.S.C. 46); 80 Stat. 383, as amended (5 U.S.C. 552))

James O. Miller III,

Chairman.

[FR Doc. 85-10247 Filed 4-26-85; 8:45 am]

BILLING CODE 6750-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 282

[Docket No. RM79-14]

Order of the Director, OPPR of Publication of Incremental Pricing Acquisition Cost Thresholds Under Title II of the NGPA

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Order prescribing incremental pricing thresholds.

SUMMARY: The Director of the Office of Pipeline and Producer Regulation is issuing the incremental pricing acquisition cost thresholds prescribed by Title II of the Natural Gas Policy Act and 18 CFR 282.304. The Act requires the Commission to compute and publish the threshold prices before the beginning of each month for which the figures apply. Any cost of natural gas above the applicable threshold is considered to be an incremental gas cost subject to incremental pricing surcharging.

EFFECTIVE DATE: May 1, 1985.

FOR FURTHER INFORMATION CONTACT: Kenneth A. Williams, Federal Energy Regulatory Commission, 825 N. Capitol Street NE., Washington, D.C. 20426, (202) 357–8500.

Section 203 of the NGPA requires that the Commission compute and make available incremental pricing acquisition cost threshold prices prescribed in Title II before the beginning of any month for which such figures apply.

Pursuant to that mandate and pursuant to § 375.307(1) of the Commission's regulations, delegating the publication of such prices to the Director of the Office of Pipeline and Producer Regulation, the incremental pricing acquisition cost threshold prices for the month of May 1985 is issued by the publication of a price table for the applicable month. The incremental pricing acquisition cost threshold prices for months prior to May 1985 are found in the tables in § 282.304.

List of Subjects in 18 CFR Part 282.

Natural gas.

Kenneth A. Williams,

Director, Office of Pipeline and Producer Regulation.

TABLE I.—INCREMENTAL PRICING ACQUISITION COST THRESHOLD PRICES

	January	February	March	April	May	June	July	August	September	October	November	December
Calendar Year 1984												
Incremental Pricing Threshold	$2.283	$2.291	$2.299	$2.307	$2.315	$2.323	$2.331	$2.338	$2.345	$2.352	$2.359	$2.366
NGPA Section 102 Threshold	3.586	3.609	3.632	3.656	3.680	3.705	3.730	3.752	3.774	3.797	3.821	3.845
NGPA Section 109 Threshold	2.359	2.367	2.375	2.383	2.391	2.399	2.407	2.414	2.421	2.428	2.436	2.444
130% of No. 2 Fuel Oil in New York City Threshold	7.730	7.570	7.570	8.550	8.590	7.670	7.930	7.740	7.650	7.230	7.040	7.290
Calendar Year 1985												
Incremental Pricing Threshold	2.373	2.378	2.383	2.388	2.399							
NGPA Section 102 Threshold	3.869	3.890	3.911	3.932	3.962							
NGPA Section 109 Threshold	2.452	2.457	2.462	2.467	2.478							
130% of No. 2 Fuel Oil in New York City Threshold	7.170	7.310	7.090	6.920	7.210							

[FR Doc. 85–10240 Filed 4–26–85; 8:45 am]

BILLING CODE 6717-01-M

INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Agency for International Development

22 CFR Part 212

Public Information

AGENCY: Agency for International Development, IDCA.

ACTION: Final rule.

SUMMARY: The regulations cited in 22 CFR Chapter II Subpart F and published in 40 FR 7327, dated February 19, 1975, are not correct. The section is therefore being amended to reflect the correct governing regulations.

EFFECTIVE DATE: April 18, 1985.

FOR FURTHER INFORMATION CONTACT: Nancy D. Frame, Assistant General Counsel for Employee and Public Affairs, Agency for International Development, Washington, D.C. 20523, (202) 632–8218.

PART 212—[AMENDED]

22 CFR Chapter II, § 212.51(b) is being amended by revising the first sentence to read as follows:

§ 212.51 General Policy.

* * * * *

(b) Access for research in the classified foreign policy records in IDCA's or AID's custody will be governed by the regulations of the Department of State in respect thereto, as set forth in Part 171, Chapter 1 of Title 22 of the Code of Federal Regulations. * * *

* * * * *

Rhea Johnson,

Director, Office of Public Inquiries.

[FR Doc. 85–10058 Filed 4–26–85; 8:45 am]

BILLING CODE 6116-01-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 100

[CGD2 85–04]

Special Local Regulations; Kentucky Derby Festival Steamboat Race

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: Special local regulations are being adopted for Miles 604.0 to 597.0, Ohio River. The "Kentucky Derby Festival Steamboat Race", an approved marine event, will be held on May 1, 1985 at Louisville, Kentucky. These special local regulations are needed to provide for the safety of life and property on navigable waters during the event.

EFFECTIVE DATE: These regulations will be effective from 4:00 p.m. on May 1, and terminate at 8:00 p.m. on May 1, 1985.

FOR FURTHER INFORMATION CONTACT: Lcdr. B.J. Willis, Chief, Boating Technical Branch Second Coast Guard District, 1430 Olive Street, St. Louis, MO 63103.

SUPPLEMENTARY INFORMATION: These special local regulations are issued pursuant to 33 U.S.C. 1233 and 33 CFR 100.35, for the purpose of promoting the safety of life and property on the Ohio River between miles 604.0 and 597.0 during the "Kentucky Derby Festival Steamboat Race", May 1, 1985. This event will consist of two steamboats, a flotilla of press boats and spectator craft which could pose hazards to navigation in the area. Therefore, these special local regulations are deemed necessary for the promotion of safety of life and property in the area during this event. A notice of proposed rule making has not been published for these regulations and they are being made effective less than 60 days from the date of publication. Following normal rule making procedures would have been impracticable. The application to hold the event was not received until April 5, 1985, and there was insufficient time in which to publish proposed rules in advance of the event, or to provide for a delayed effective date. These regulations have been reviewed under the provisions of Executive Order 12291 and have been determined not to be a major rule. This conclusion follows from the fact that the duration of the regulated area is short. In addition, these regulations are considered to be nonsignificant in accordance with

guidelines set forth in the Policies and Procedures for Simplification, Analysis, and Review of Regulations (DOT Order 2100.5 of 5–22–80). An economic evaluation has not been conducted since, for the reasons discussed above, its impact is expected to be minimal. In accordance with the Regulatory Flexibility Act (5 U.S.C. 601 et seq.), it is also certified that these rules will not have a significant economic impact on a substantial number of small entities. This rule is necessary to ensure the protection of life and property in the area during the event.

Drafting Information

The drafters of this regulation are BMCM W.L. Giessman, USCGR, Project Officer, Boating Technical Branch, and LT. R.E. Kilroy, USCG, Project Attorney, Second Coast Guard District Legal Office.

List of Subjects in 33 CFR Part 100

Marine safety, Navigation (water).

Final Regulations

In consideration of the foregoing, Part 100 of Title 33, Code of Federal Regulations, is amended by adding a temporary § 100.35–0203 to read as follows:

PART 100—[AMENDED]

§ 100.35–0203 Ohio River, miles 604.0 through 597.0.

(a) *Regulated Area:* The area between Miles 604.0 and 597.0 Ohio River is designated the regatta area, and may be closed to commercial navigation or mooring between the hours of 4:00 p.m. and 8:00 p.m. (local time) on May 1, 1985.

(b) *Special Local Regulations:* Vessels desiring to transit the regulated area may do so only with prior approval of the Patrol Commander and when so directed by that officer. Vessels will be operated at a no wake speed to reduce the wake to a minimum and in a manner which will not endanger participants in the event of any other craft. The rules contained in the above two sentences shall not apply to participants in the event or vessels of the patrol, while they are operating in the performance of their assigned duties.

(1) The Patrol Commander may be reached on Channel 16 (156.8 MHz) when necessary, by the call sign "COAST GUARD PATROL COMMANDER".

(c) A succession of sharp, short signals by whistle or horn from vessels patrolling the areas under the direction of the U.S. Coast Guard Patrol Commander shall serve as a signal to stop. Vessels so signalled shall stop and shall comply with the orders of the Patrol Vessel. Failure to do so may result in expulsion from the area, citation for failure to comply, or both.

(d) The Patrol Commander may establish vessel size and speed limitations and operating conditions.

(e) The Patrol Commander may restrict vessel operation within the regatta area to vessels having particular operating characteristics.

(f) The Patrol Commander may terminate the marine event or the operation of any vessel at any time it is deemed necessary for the protection of life and property.

(g) This § 100.35–0203 will be effective on May 1, 1985, between the hours of 4:00 p.m. and 8:00 p.m. local time.

(33 U.S.C. 1233; 49 U.S.C. 108; 33 CFR 100.35; 49 CFR 1.46(b))

Dated: April 16, 1985.

B.F. Hollingsworth,

Rear Admiral, U.S. Coast Guard, Commander, Second Coast Guard District.

[FR Doc. 85–10292 Filed 4–26–85; 8:45 am]

BILLING CODE 4910–14–M

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33 CFR Part 100

[CGD2 85–07]

Special Local Regulations: Tri-State Fair Powerboat Races

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: Special local regulations are being adopted for Miles 237.0 to 328.0, OHIO RIVER. The "Tri-State Fair Powerboat Races", an approved marine event, will be held on June 29 and 30, 1985 at Ironton, Ohio. These special local regulations are needed to provide for the safety of life and property on navigable waters during the event.

EFFECTIVE DATES: These regulations will be effective from 9:00 a.m. on June 29, and terminate at 5:00 p.m. on June 30, 1985.

FOR FURTHER INFORMATION CONTACT: LCDR. B.J. Willis, Chief, Boating Technical Branch Second Coast Guard District, 1430 Olive St., St. Louis, MO 63103.

SUPPLEMENTARY INFORMATION: These special local regulations are issued pursuant to 33 U.S.C. 1233 and 33 CFR 100.35, for the purpose of promoting the safety of life and property on the Ohio River between miles 327.0 and 328.0 during the "Tri-State Fair Powerboat Races", June 29 and 30, 1985. This event will consist of approximately 60 participants operating Sport E, Modified V, and SST 140 Champ boats, which could pose hazards to navigation in the area. Therefore, these special local regulations are deemed necessary for the promotion of safety of life and property in the area during this event.

A notice of proposed rule making has not been published for these regulations and they are being made effective less than 60 days from the date of publication. Following normal rule making procedures would have been impracticable. The application to hold the event was not received until March 25, 1985, and there was insufficient time in which to publish proposed rules in advance of the event, or to provide for a delayed effective date. These regulations have been reviewed under the provisions of Executive Order 12291 and have been determined not to be a major rule. This conclusion follows from the fact that the duration of the regulated area is short. In addition, these regulations are considered to be nonsignificant in accordance with guidelines set forth in the Policies and Procedures for Simplification, Analysis, and Review of Regulations (DOT Order 2100.5 of 5–22–80). An economic evaluation has not been conducted since, for the reasons discussed above, its impact is expected to be minimal. In accordance with the Regulatory Flexibility Act (5 U.S.C. 601 et seq.), it is also certified that these rules will not have a significant economic impact on a substantial number of small entities. This rule is necessary to ensure the protection of life and property in the area during the event.

Drafting Information

The drafters of this regulation are BMCM W.L. Giessman, USCGR, Project Officer, Boating Technical Branch, and Lt. R.E. Kilroy, USCG, Project Attorney, Second Coast Guard District Legal Office.

List of Subjects in 33 CFR Part 100

Marine safety, Navigation (water).

Final Regulations

In consideration of the foregoing, Part 100 of Title 33, Code of Federal Regulations, is amended by adding a temporary § 100.35–0206 to read as follows:

PART 100—[AMENDED]

§ 100.35–0206 Ohio River, miles 327.0 through 328.0.

(a) *Regulated Area:* The area between Mile 327.0 and 328.0 Ohio River is designated the regatta area, and may be closed to commercial navigation or mooring between the hours of 9:00 a.m. on June 29, and 5:00 p.m., on June 30, 1985. All times listed are local time.

(b) *Special Local Regulations:* Vessels desiring to transit the regulated area may do so only with prior approval of the Patrol Commander and when so directed by that officer. Vessels will be operated at a no wake speed to reduce the wake to a minimum and in a manner which will not endanger participants in the event or any other craft. The rules contained in the above two sentences shall not apply to participants in the event or vessels of the patrol, while they are operating in the performance of their assigned duties.

(1) The Patrol Commander may be reached on Channel 16 (156.8 MHZ) when necessary, by the call sign "COAST GUARD PATROL COMMANDER".

(c) A succession of sharp, short signals by whistle or horn from vessels patrilling the area under the direction of the U.S. Coast Guard Patrol Commander shall serve as a signal to stop. Vessels so signalled shall stop and shall comply with the orders of the Patrol Vessel. Failure to do so may result in expulsion from the area, citation for failure to comply, or both.

(d) The Patrol Commander may establish vessel size and speed limitations and operating conditions.

(e) The Patrol Commander may restrict vessel operation within the regatta area to vessels having particular operating characteristics.

(f) The Patrol Commander may terminate the marine event or the operation of any vessel at any time it is deemed necessary for the protection of life and property.

(g) This § 100.35–0206 will be effective on June 29, and June 30, 1985, between the hours of 9:00 a.m. and 5:00 p.m. (local time) each day.

(33 U.S.C. 1233; 49 U.S.C. 108; 33 CFR 100.35; 49 CFR 1.46(b))

Dated: April 16, 1985.

B.F. Hollingsworth,

Rear Admiral, U.S. Coast Guard Commander, Second Coast Guard District.

[FR Doc. 85–10293 Filed 4–26–85; 8:45 am]

BILLING CODE 4910–14–M

VETERANS ADMINISTRATION

38 CFR Part 21

Dependents' Education; Time Limits for Processing Claims

AGENCY: Veterans Administration.

ACTION: Final regulation.

SUMMARY: This regulation clarified that the Veterans Administration (VA) considers a claim for dependents' educational assistance to be abandoned if an eligible child either fails to submit requested evidence or fails to report for required counseling (for reasons not beyond his or her control) within 1 year of the date of request for evidence or the date of the scheduled counseling appointment as the case may be. This change also clarifies that claims processing time is no longer considered by the VA in determining the period of eligibility for receiving dependents' educational assistance.

EFFECTIVE DATE: April 3, 1985.

FOR FURTHER INFORMATION CONTACT: June C. Schaeffer (225), Assistant Director for Policy and Program Administration, Education Service, Department of Veterans Benefits, Veterans Administration, 810 Vermont Avenue NW, Washington, D.C. 20420, (202) 389–2092.

SUPPLEMENTARY INFORMATION: On pages 46441 and 46442 of the **Federal Register** of November 26, 1984, there was published a notice if intent to amend Part 21 in order to clarify certain matters with respect to claims for dependents' educational assistance.

Interested people were given 30 days in which to submit comments, suggestions or objections. The VA received no comments, suggestions or objections. Accordingly, the agency is making the proposal final.

The VA has determined that this regulation is not a major rule as that term is defined by E.O. 12291, entitled Federal Regulation. The regulation will not cause a major increase in costs or prices for anyone. It will have no significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The Administrator of Veterans' Affairs has certified that this regulation will not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act (RFA), 5 U.S.C. 601–612. Pursuant to 5 U.S.C. 605(b), this regulation, therefore, is exempt from the initial and final regulatory analyses requirements of sections 603 and 604.

This certification can be made because this regulation affects individual benefit recipients. The regulation will have no significant economic impact on small entities, i.e., small businesses, small private and nonprofit organizations and small governmental jurisdictions.

The Catalog of Federal Domestic Assistance number for the program affected by this regulation is 64.117.

List of Subjects in 38 CFR Part 21

Civil rights, Claims, Education grant programs-education, Loan programs-education, Reporting and recordkeeping requirements, Schools, Veterans vocational education, Vocational rehabilitation.

Approved: April 3, 1985.

By direction of the Administrator.

Everett Alvarez, Jr.,

Deputy Administrator.

PART 21—VOCATIONAL REHABILITATION AND EDUCATION

The Veterans Administration is amending 38 CFR Part 21 as set forth below:

In § 21.3032, paragraph (a) is revised as follows:

§ 21.3032 Time limit.

(a) *Completion of claim*—(1) *Failure to furnish requested information.* The Veterans Administration will consider a claim to be abandoned when the Veterans Administration requests evidence in connection with a claim, and the parent, guardian or eligible person does not furnish the evidence within 1 year of the request. After the expiration of 1 year, the Veterans Administration will not take further action unless a new claim is received.

(2) *Failure to complete required counseling.* When an eligible person delays counseling required by § 21.4105 for 12 or more months, for other than a reason beyond his or her control, the Veterans Administration will consider the claim to be abandoned.

(3) *Reopening a claim.* Where an application has been considered abandoned under paragraph (a)(1) or (2) of this section, the Veterans Administration will consider any subsequent communication from the parent, guardian or eligible person requesting a program of education to be a new application. The date of application in these cases is the date of receipt of the subsequent communication. (38 U.S.C. 3003(a))

* * * * *

[FR Doc. 85–10262 Filed 4–26–85; 8:45 am]

BILLING CODE 8320–01–M

FEDERAL MARITIME COMMISSION

46 CFR Part 572

[Docket No. 85-4]

Miscellaneous Modifications to Existing Agreements—Exemption

AGENCY: Federal Maritime Commission.

ACTION: Final rule.

SUMMARY: This Rule sets forth the approach the Commission will take under the Shipping Act of 1984 with regard to modifications to existing agreements which provide for cancellations of agreements and reflect changes in conference membership, officials of agreements, and neutral body authority and procedures. Copies of these modifications shall be submitted to the Commission for information purposes in the proper format but are otherwise exempt from the Information Form, notice and waiting period requirements of the rules.

EFFECTIVE DATE: April 29, 1985.

FOR FURTHER INFORMATION CONTACT: Joseph C. Polking, Director, Bureau of Agreements and Trade Monitoring, Federal Maritime Commission, Washington, D.C. 20573, (202) 523-5787.

SUPPLEMENTARY INFORMATION: In order to fulfill an obligation of the Commission as stated in its Final Rule in Dockets Nos. 84-26 and 84-32 *Rules Governing Agreements by Ocean Common Carriers and Other Persons Subject to the Shipping Act of 1984*, 49 FR 45320 (November 15, 1984), the rule proposed in this proceeding would exempt modifications to existing agreements, which provide for cancellations of agreements and reflect changes in conference membership, officials of agreements, and neutral body authority and procedures, from the waiting period requirements of section 6 of the Shipping Act of 1984 (46 U.S.C. app. 1705), and allow them to become effective upon filing.

The Proposed Rule was published in the **Federal Register** on February 8, 1985 (50 FR 5401) with comments due on March 11, 1985. Comments were received from: (1) The Trans-Pacific Freight Conference of Japan/Korea, the Japan/Korea-Atlantic and Gulf Freight Conference, the Trans-Pacific Freight Conference (Hong Kong) and the New York Freight Bureau (collectively); (2) the North Europe-U.S. Pacific Freight Conference; (3) the Mediterranean/U.S.A. Freight Conference, the North Atlantic/Mediterranean Freight Conference, the U.S. Atlantic and Gulf/Australia-New Zealand Conference, and the U.S. Atlantic Ports/Italy, France and Spain Freight Conference (collectively); (4) the Atlantic and Gulf/West Coast of South America Conference, the West Coast of South America Northbound Conference, the United States Atlantic and Gulf/Colombia Conference, the United States Atlantic and Gulf/Venezuela Conference and the United States Atlantic and Gulf/Ecuador Freight Conference (collectively); (5) the Philippines-North America Conference; and (6) the North Europe-U.S. Gulf Freight Association, the Gulf-European Freight Association, the North Europe-U.S. Atlantic Conference, the U.S. Atlantic-North Europe Conference, the Pan-Atlantic Carrier Trade Agreement and the Trans-Atlantic American Flag Liner Operators Agreement (collectively).

All of the conferences, with the exception of the five South American conferences, fully support the Rule and urge the Commission to adopt it as proposed.

The five South American conferences recommended that the Commission modify its rule with respect to agreement cancellations and changes in membership to allow these to become effective upon receipt of a letter from the agreement chairman (or whatever title is afforded the senior official of the agreement) or agreement counsel, provided that the modification is subsequently received by the Commission within 30 days of receipt of the letter. The reason given by the conferences was that there exist a pre-submission delay occasioned by the need to collect signatures to such modifications from parties whose corporate offices are located in cities or countries other than the location of the conference office.

This suggested change cannot be accommodated. Adequate notice of an agreement cancellation or change in membership would not be assured by such proposal because the Commission and the public could be uncertain of the effectiveness of such changes for as long as 30 days after notice is received. This could seriously compromise the Commission's surveillance responsibilities and contribute to possible abuse and manipulation of events in regard to a conference member's status, rights and responsibilities under the law.

For the reasons stated in the Notice of Proposed Rulemaking, the Commission remains of the opinion that the proposed exemption will not substantially impair effective regulation by the Commission, be unjustly discriminatory, result in substantial reduction in competition, or be detrimental to commerce within the meaning of section 16 of the Act. Accordingly, the proposed rule is adopted as final without change.

The Commission has determined that this Rule is not a "major rule" as defined in Executive Order 12291 dated February 17, 1981, because it will not result in:

(1) An annual effect on the economy of $100 million or more;

(2) A major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or

(3) Significant adverse effects on competition, employment, investment, productivity, innovations, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The Chairman of the Federal Maritime Commission certifies pursuant to section 605(b) of the Regulatory Flexibility Act (5 U.S.C. 601, et seq.) that this rule will not have a significant economic impact on a substantial number of small entities, including small businesses, small organizational units and small governmental jurisdictions.

The Commission has determined that this rule is excepted from the 30-day effective date requirement of 5 U.S.C. 553 because it grants an exemption and relieves a restriction from existing requirements.

List of Subjects in 46 CFR Part 572

Antitrust, Contracts, Maritime carriers, Administrative practice and procedure, Rates and fares, Reporting and recordkeeping requirements.

PART 572—[AMENDED]

Therefore, in order to exempt these agreements from the waiting period requirements of section 6 of the Act, and allow them to become effective upon filing, the Commission, pursuant to section 4 of the Administrative Procedure Act (5 U.S.C. 553) and sections 16 and 17 of the Shipping Act of 1984 (46 U.S.C. app. 1715, 1716), hereby amends Part 572 of Title 46 of the Code of Federal Regulations as follows:

1. The authority citation is revised to read:

Authority: 5 U.S.C. 553, 46 U.S.C. app. 1701–1707, 1709–1710, 1712 and 1714–1717.

2. A new § 572.307 is added to read as follows:

§ 572.307 Miscellaneous Modifications to Agreements—Exemptions.

(a) Each of the following types of modifications to agreements is exempt from the Information Form, notice and waiting period requirements of the Act

and of this part provided that such modifications are filed for informational purposes in the proper format:

(1) Any modification which cancels an effective agreement.

(2) Any modification to the following disignated agreement articles:

(i) *Article 3*—Parties to the agreement (limited to conference agreements).

(ii) *Article 6*—Officials of the agreement and delegations of authority.

(iii) *Article 10*—Neutral body policing (limited to the description of neutral body authority and procedures related thereto).

(b) Any modification exempt under paragraph (a) is effective upon filing.

§ 572.605 [Amended]

3. Section 572.605 *Requests for Expedited Approval* is amended by the removal of paragraph (c).

By the Commission.

Bruce A. Dombrowski,

Acting Secretary.

[FR Doc. 85-10283 Filed 4-26-85; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 64

[ENF-84-15; ENF-84-19; et al.]

Petitions for Waiver of the Commission's Rules Filed by Pacific Bell et al.; Correction

AGENCY: Federal Communications Commission.

ACTION: Memorandum opinion and order concerning requests for waiver; correction.

SUMMARY: This document corrects an omission from the list of granted petitions for waiver of Part 64 of the Commission's rules, published on April 5, 1985 (50 FR 13573).

FOR FURTHER INFORMATION CONTACT: Michael Slomin (202) 632-6910.

Erratum

In the matter of petitions for waiver of § 64.702 of the Commission's Rules (Computer II) filed by: Pacific Bell, Southern Bell Telephone & Telegraph Company and South Central Bell Telephone Company, Southwestern Bell Telephone Company, New York Telephone Company and New England Telephone & Telegraph Company, New Jersey Bell Telephone Company, Northwestern Bell Telephone Company, Pacific Northwest Bell Telephone Company, Ameritech Operating Companies, ENF-84-15, ENF-84-19, ENF-84-20, ENF-84-21, ENF-84-22, ENF-84-23, ENF-84-24, ENF-84-48.

April 5, 1985; 50 FR 13573.
Released: March 29, 1985.

By Memorandum Opinion and Order in this proceeding, FCC 85-101, released March 26, 1985, the Commission conditionally granted all of the above-captioned requests for waiver except one, which was denied. See id., para. 45, notes 34 and 36 and para. 136, n. 90. Inadvertently, Southwestern Bell Telephone Company's request was omitted from the list of granted petitions. Therefore, paragraph 139 of the Memorandum Opinion and Order (FCC 85-101), released March 26, 1985, is corrected to read:

139. Accordingly, pursuant to sections 1, 4(i), 4(j), 201-05, 218 and 303(r) of the Communications Act of 1934 as amended, 47 U.S.C. 151, 154(i), 154(j), 201-05, 218 and 303(r), and Section 1.3 of the Commission's Rules, 47 CFR Chapter I 1.3, it is hereby ordered, that the Petitions for Waiver filed by Pacific Bell, Southern Bell Telephone & Telegraph Company, South Central Bell Telephone Company, New York Telephone Company, New England Telephone & Telegraph Company, New Jersey Bell Telephone Company, Pacific Northwest Bell Telephone Company, Southwestern Bell Telephone Company, and the Ameritech Operating Companies are granted to the extent indicated herein subject to the conditions and additional filing requirements established in this order, and are otherwise denied.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 85-9857 Filed 4-26-85; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 83-1323; RM-4585; FCC 85-115]

Table of Allotments; FM Broadcast Station in Julian, CA

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action allots Channel 261A to Julian, California, as its first local service in response to a petition filed by Andrew G. Smith.

EFFECTIVE DATE: April 22, 1985.

FOR FURTHER INFORMATION CONTACT: Leslie Shapiro, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 73

Radio Broadcast.

Report and Order (Proceeding Terminated)

In the matter of amendment of § 73.202(b), Table of Allotments, FM Broadcast Stations (Julian, California), MM Docket No. 83-1323, RM-4585, FCC 85-1150.

Adopted: March 12, 1985.
Released: March 15, 1985.
By the Commission

1. The Commission has before it for consideration the *Notice of Proposed Rule Making* ("*Notice*"), 48 FR 56610, published December 22, 1983, requesting comments on the proposed allotment of Channel 261A to Julian, California, as that community's first local FM channel. The *Notice* was issued in response to a petition from Andrew G. Smith ("petitioner"). The petitioner and Harold A. Jahnke ("Jahnke") filed comments and reply comments supporting the allocation and affirming an interest in activating the channel.[1] Opposition comments were filed by Imperial Valley Broadcasters, Inc. ("Imperial"), licensee of Station KGBA-FM, Holtville, California.[2] In addition, the Commission has before it an Application for Review, filed by Imperial, concerning the staff's denial of its request for a one-day extension of time in which to file its comments.

2. Imperial's Application for Review seeks reversal of the staff's denial of its extension of time requests [3] and the acceptance of its comments. Imperial contends that motions for extension of time are generally granted, particularly where no party would be harmed by the delay, the Commission's processes are nor unduly disrupted, and the information contained in the comments are of importance to the proceeding. It also contends that there is "no real difference" between granting an extension of time in which to file

[1] The comments and reply comments of Jahnke are procedurally defective since they were not timely filed. Nevertheless we have reviewed both comments and find that they provide us with no information which is not already before the Commission in timely filed comments. Thus we have not accepted these comments for consideration herein.

[2] Imperial's late-filed comments were accompanied by a request that they be accepted. It contends that the allotment at Julian does not provide the required distance separation. Imperial measured the distance from El Centro, a community for which its station has been given dual city ID authority. The mileage calculation should have been based on the distance between Station KGBA-FM's transmitter site and Julian's reference coordinates. See Section 73.208 of the Rules. Thus, the comments provide us with no information of decisional significance and have not been accepted. In light of this decision, the reply comments of petitioner need not be discussed as they relate solely to Imperial's comments.

[3] *Order*, adopted February 10, 1984, Mimeo No. 2698.

comments and accepting late-filed comments. Therefore, lacking an extension, Imperial seeks acceptance of its untimely comments stating that they were filed only one day late, that the petitioner was notified by telephone that the comments were being submitted and that no party or the Commission would be adversely affected by acceptance of its pleading. It notes that the parties to this proceeding was served with copies of its comments and responded to the issues raised therein.

3. Section 1.46 of the Commission's rules governs motions for extension of time. It states that it is the policy of the Commission that extension requests will not be granted routinely. Under this rule extension requests must be filed at least seven days prior to the expiration of the comment period. It does, however, allow that in "emergency situation," the Commission would consider late-filed motions for brief extensions of time related to the duration of the emergency and that we would also consider motions for acceptance of pleadings filed after the filing deadline.

4. Imperial's request for an extension of time does not comply with the criteria set forth in our rules. Imperial made no showing of exceptional circumstances merely stating that it had received information which would interest the Commission. It also failed to meet any of the procedural requirements set forth in the rules. It did not comply with the seven day filing requirement and presented us with no indication of any emergency situation which would have convinced us to waive this rule.

5. Imperial also contends that no party would have been harmed by the grant of its requested extension. We disagree. Any other interested party would be operating under the assumption that the original deadline would stand since no extension request had been filed seven days prior to the comment deadline. If we had granted Imperial's last-minute request, these parties would have been deprived of the extra time granted to Imperial since they would have already filed. Imperial further argues that there is no difference between accepting late-filed comments and the grant of an extension of time. Generally extensions of time occasion a delay in the decision making process. They are therefore granted only when the Commission has been provided with sufficient reason to believe that the information to be provided is of such significance that the public would in fact benefit from such a delay. As a matter of fairness, an extension of time, if properly filed and granted, allows all parties the use of the additional response time. The acceptance of late-filed pleadings, on the other hand, permits the Commission to make a case-by-case determinations as to whether the information supplied is of such significance as to warrant the grant of an individual waiver of the filing deadline. In addition, other parties may raise objections arguing that such late-filed pleadings not be considered. Accordingly we affirm the *Order* denying an extension of time and hold that the late filed comments of Imperial are unacceptable.

6. With respect to the allotment of Channel 261A to Julian, California, we believe the public interest would be served by providing the opportunity for a first local FM service. The channel can be allocated in compliance with the Commission's minimum distance separation and other technical requirements. Mexican concurrence has been obtained as Julian is located within 320 kilometers (199 miles) of the U.S.-Mexican border. Accordingly, pursuant to the authority contained in sections 4(i), 5(c)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, it is ordered, that effective April 22, 1985, the FM Table of Allotments, Section 73.202(b) of the Commission's Rules, is amended with respect to the community listed below, read as follows:

City	Channel No
Julian, Calif.	261A

7. It is further ordered, that the Application for Review of the *Order* denying the request for extension of time filed by Imperial Valley Broadcasters, Inc., is denied.

8. It is further Ordered, that this proceeding is terminated.

9. For further information concerning this proceeding, contact Leslie K. Shapiro, Mass Media Bureau, (202) 634-6530.

(Secs. 4, 303, 48 stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 85-10252 Filed 4-26-85; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 611

[Docket No. 50107-5007]

Foreign Fishing; Groundfish of the Gulf of Alaska

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Emergency interim rule; extension of effective date.

SUMMARY: The Secretary of Commerce extends an emergency rule now in effect that establishes amounts of sablefish, Pacific ocean perch, and other rockfish as prohibited species catches (PSCs). Extension of these PSC levels allows foreign nations to harvest allocations of target species, so long as their incidental catch of species fully utilized by the U.S. industry remains below prescribed levels.

EFFECTIVE DATES: The suspension of § 611.92(b)(2), (C)(2)(i) (A) and (D), (C)(2)(ii) (B) and (C), (e)(3)(ii), and (f)(2)(i) is extended from April 25, to May 1, 1985. The effective date of § 611.92(b)(5), (C)(2)(i) (F), (G), and (H), (c)(2)(ii) (D), (E), and (F), and (i) is extended from April 25 until May 1, 1985.

FOR FURTHER INFORMATION CONTACT: Ronald J. Berg (Fishery Management Biologist, NMFS), 907-586-7229.

SUPPLEMENTARY INFORMATION: The Administrator of NOAA determined that the emergency rule set forth in 50 CFR Part 3911, January 29, 1985, which this rule extends for 6 days, was not major and that the resource emergency, which justified the emergency regulations under section 305(e) of the Magnuson Fishery Conservation and Management Act, also constituted an emergency under section 8(a)(1) of Executive Order 12291. The emergency conditions discussed in the original interim rule still exist as the Japanese longline fleet has not yet taken its allocation of Pacific cod. This extension will avoid the waste of amounts of target groundfish species that are allocated but could not be harvested in this fishery if these incidental catches were not allowed. This extension is based on the North Pacific Fishery Management Council's recommendation that 10,000 metric tons of Pacific cod by allocated. These PSC

amounts are derived from that allocation and are discussed in the original interim rule.

Classification

The Administrator of NOAA has determined that this rule is necessary to respond to an emergency situation and that it is consistent with the Magnuson Act and other applicable law.

Contrary to expectations, foreign Pacific cod allocations in the Gulf of Alaska have not been taken by April 24. As conclusion of the Pacific cod fishery as early as possible in 1985 is desirable because fewer sablefish, Pacific ocean perch, and rockfish are incidentally taken, this must rule takes effect immediately. The Administrator of NOAA has therefore determined that it is impractical and contrary to the public interest to provide prior notice and opportunity for public comment or to delay the effective date of this rule for 30 days.

List of Subjects in 50 CFR Part 611

Fisheries, Foreign relations, Reporting and recordkeeping requirements.

(16 U.S.C. 1801 *et seq.*, unless otherwise noted)

Dated: April 24, 1985.

Anthony J. Calio,

Deputy Administrator, National Oceanic and Atmospheric Administration.

[FR Doc. 85-10319 Filed 4-25-85; 8:45 am]

BILLING CODE 3510-22-M

Proposed Rules

Federal Register
Vol. 50, No. 82
Monday, April 29, 1985

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 18605/80-ASO-4]

Group I Terminal Control Area, Miami, FL; and Proposed Group II Terminal Control Area, Fort Lauderdale, FL

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Withdrawal of notice of proposed rulemaking.

SUMMARY: This notice withdraws the Notice of Proposed Rulemaking (NPRM) concerning Airspace Docket No. 18605/80-ASO-4, which was published in the **Federal Register** on September 22, 1980. That notice proposed to establish a Group II Terminal Control Area (TCA) at Fort Lauderdale, FL, and reconfigure the Group I TCA at Miami FL. The Federal Aviation Administration's review of public comments, as well as its own further analysis of other factors such as safety, cost, and traffic complexity indicated that the existing Fort Lauderdale Terminal Radar Service Area (TRSA) and Miami Group I TCA provided the level of safety intended in the proposed notice.

In conjunction with this withdrawal, the FAA intends to continue to evaluate the adequacy of the Miami TCA and Fort Lauderdale TRSA, and implement actions where necessary to enhance safety and provide for the most efficient use of airspace.

FOR FURTHER INFORMATION CONTACT: Lewis W. Still, Airspace and Air Traffic Rules Branch (ATO-230), Airspace Rules and Aeronautical Information Division, Air Traffic Operations Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 426-8626.

The Proposed Rule

On September 22, 1980, a Notice of Proposed Rulemaking was published in the **Federal Register** to reconfigure the Miami Group I TCA and establish the Fort Lauderdale Group II TCA. That action was intended to increase the capability of the air traffic control (ATC) system to separate all aircraft in the terminal airspace around the Miami and Fort Lauderdale-Hollywood International Airports. The proposal was based on data indicating that a high percentage of near midair collisions reported to the FAA in terminal areas involved visual flight rules (VFR) aircraft that are not required to be under ATC control. The objective of the proposal was to substantially increase safety while accommodating the legitimate concerns of airspace users.

Summary of Comments

Prior to the issuance of the NPRM for expansion of the Miami Group I TCA and establishment of the Ft. Lauderdale Group II TCA, the FAA had the benefit of recommendations derived from numerous meetings with various user groups and individuals. In response to the NPRM, the FAA received 380 written comments and recommendations from individuals, pilots and aircraft owners, state and Federal governmental agencies, and aviation trade and industry associations. Some of the responses had multiple signatures, while others purported to represent the views of a large number of organizational members. The remaining responses were from individuals.

Most of the comments received came from pilots and owners of general aviation aircraft. Many of these persons supported a position stated by the Aircraft Owners and Pilots Association (AOPA) that the proposal would: (1) Force more aircraft to operate at lower altitudes due to the TCA ceiling being at 12,500 feet MSL; (2) compress the majority of aircraft into a smaller amount of airspace creating the potential for midair collisions; (3) create costly and inconvenient delays in obtaining clearances; (4) cause an increase in fuel consumption; and (5) help the FAA justify implementation of proposed TCA's at Tampa and Orlando for pilots. Many other pilots not referencing the AOPA position echoed the same concerns. For citizens, AOPA stated that the proposal would: (1) Cause thousands of tourists and their dollars to avoid the South Florida area; (2) force many out-of area businesses to take their dollars elsewhere; (3) force many local businesses to relocate away from the TCA; (4) potentially, decrease take home pay by increasing taxes due to the loss of tourist and business dollars; and (5) increase the potential for midair collisions.

Some commenters stated that two types of TCA's in one area would confuse pilots, and that the design of both TCA's was so large that pilots would be confused as to where different types of equipment for flight in each type of airspace would be required. Several comments stated that the present system of air traffic control is working very well, is easy for pilots to understand and, therefore, should not be changed. Others supported the TCA concept, but recommended the regulatory airspace be much smaller, while still others favored the "corridor concept." The majority of commenters expressed great concern that many pilots would be forced into operating below the floor of the TCA, significantly increasing the potential for midair collisions. The Air Transport Association found no objections to the proposal. The Airline Pilots Association supported the proposal, further recommending that the Ft. Lauderdale TCA be upgraded to Group I. Two other commenters concurred in the proposal.

Conclusions

The primary concern in any proposed TCA action is providing a high degree of safety while preserving the efficient use of the available terminal airspace. With this in mind, each TCA candidate site must be evaluated on its own merits before a final decision is made to proceed with rulemaking or to withdraw a proposal. FAA evaluation, based on user comments and in conjunction with all other stated requirements for reconfiguring the Miami TCA and establishing the Fort Lauderdale TCA, produced the following:

1. Traffic activity at Fort Lauderdale-Hollywood International Airport decreased 24.2 percent in FY 1981 as compared to FY 1979. Air Carrier operations for the same period decreased 4.99 percent. Nonair carrier operations have decreased by 21.6 percent and local operations by 74.5 percent.

2. Public comments were solicited on the prototype of the South Florida VFR

Flyway Chart which was published on September 2, 1982. All comments were favorable. The flyway will be charted beginning with the August 29, 1985. publication of the Miami VFR. The purpose of charting the flyway is to provide VFR/general aviation pilots with suggested VFR routes that can be used to navigate safely in the Miami area, thereby avoiding high density traffic areas.

3. The Fort Lauderdale Terminal Radar Service Areas provide an adequate level of safety for the users.

4. As part of the Airport Radar Service Area (ARSA) program, Fort Lauderdale-Hollywood International Airport is being considered as a proposed ARSA location. Implementation of an ARSA at Fort Lauderdale will further enhance safety.

5. Analysis of the Miami Group I TCA indicates that the existing configuration provides an adequate level of safety. Expanding the TCA as proposed would not increase that level of safety. A separate proposal to raise the floor of the TCA from 1,500 to 2,000 feet MSL in a small area adjacent to the Opa Locka Airport Instrument Landing System (ILS) final approach course for Runway 9L is being considered. This action would allow more flexibility in navigating around the TCA and would accommodate legitimate concerns of airspace users in this area.

These factors provide the basis for our recommendation that the reconfiguration of the Miami TCA and establishment of the Fort Lauderdale Group II TCA proposal be withdrawn.

List of Subjects in 14 CFR Part 71

Terminal control areas, Aviation safety.

The Withdrawal

Accordingly, pursuant to the authority delegated to me, the Notice of Proposed Rulemaking concerning Airspace Docket No. 18605/80–ASO–4, as published in the **Federal Register** on September 22, 1980 (45 FR 62839), is hereby withdrawn.

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); 49 U.S.C 106(g) (Revised, Pub. L. 97–449, January 12, 1983); and 14 CFR 11.65)

Issued in Washington, D.C., on April 19, 1985.

John Watterson,

Acting Manager, Airspace-Rules and Aeronautical Information Division.

[FR Doc. 85–10140 Filed 4–26–85; 8:45 am]

BILLING CODE 4910-13-M

FEDERAL TRADE COMMISSION

16 CFR Part 13

[File No. 841 0179]

Hawaii Dental Service Corp.; Proposed Consent Agreement With Analysis To Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Proposed Consent Agreement.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent agreement, accepted subject to final Commission approval, would require the Hawaii Dental Service Corporation ("HDS"), an organization engaged in the administration and operation of prepaid dental care programs whose dentist members provide dental care service for a fee, amont other things, to cease basing its decision to send dentists to the counties of Maui, Kauai, and Hawaii, on the approval or consent of member dentists who reside in those counties. The Order would bar the organization from denying membership to any dentist licensed to practice in Hawaii, based in whole or in part on the approval of other dentists in the geographic location of the dentist's proposed practice, and from inducing, encouraging, or assisting any dentist or other non-governmental organization to take any of the prohibited actions. Within thirty days from the effective date of the Order, HDS would be required to remove from its constitution and bylaws or other guidelines, any provision, interpretation or policy statement that is inconsistent with the Order and publish in its newsletter and another publication, a notice of such removal.

DATE: Comments must be received on or before June 28, 1985.

ADDRESS: Comments should be directed: FTC/Office of the Secretary, Room 136, 6th St. and Pa. Ave., NW., Washington, D.C. 20580.

FOR FURTHER INFORMATION CONTACT: Erika R. Wodinski, San Francisco Regional Office, Federal Trade Commission, 450 Golden Gate Ave., San Francisco, CA 94102, (415) 556–1270.

SUPPLEMENTARY INFORMATION: Pursuant to Section 6(f) of the Federal Trade Commission Act, 38 Stat. 721, 15 U.S.C. 46 and § 2.34 of the Commission's Rules of Practice (16 CFR 2.34), notice is hereby given that the following consent agreement containing a consent order to cease and desist and an explanation thereof, having been filed with and accepted, subject to final approval, by the Commission, has been placed on the public record for a period of sixty (60) days. Public comment is invited. Such comments or views will be considered by the Commission and will be available for inspection and copying at its principal office in accordance with § 4.9(b)(14) of the Commission's Rules of Practice (16 CFR 4.9(b)(14)).

List of Subjects in 16 CFR Part 13

Dental services, Trade practices.

Before Federal Trade Commission

[File No. 841 0179]

Agreement Containing Consent Order To Cease and Desist

In the Matter of Hawaii Dental Service Corporation, a corporation.

The Federal Trade Commission having initiated an investigation of certain acts and practices of Hawaii Dental Service Corporation, a corporation, and it now appearing that said corporation, hereinafter sometimes referred to as proposed respondent, is will to enter into an agreement containing an order to cease and desist from the use of the acts and practices being investigated,

It is hereby agreed by and between proposed respondent, by its duly authorized officer, and counsel for the Federal Trade Commission that:

1. Hawaii Dental Service Corporation is a corporation, existing and doing business under and by virtue of the laws of the State of Hawaii with its office and principal place of business located at 700 Bishop Street, Suite 700, Honolulu, Hawaii 96813.

2. Proposed respondent admits all the jurisdictional facts set forth in the draft of complaint here attached.

3. Proposed respondent waives:

a. Any further procedural steps;

b. The requirement that the Commission's decision contain a statement of findings of fact and conclusions of law;

c. All rights to seek judicial review or otherwise to challenge or contest the validity of the order entered pursuant to this agreement; and

d. Any claim under the Equal Access to Justice Act.

4. This agreement shall not become a part of the public record of the proceeding unless and until it is accepted by the Commission. If this agreement is accepted by the Commission, it, together with the draft of the complaint contemplated thereby, will be placed on the public record for a period of sixty (60) days and information with respect thereto publicly released. The Commission thereafter may either

withdraw its acceptance of this agreement and so notify proposed respondent, in which event it will take such action as it may consider appropriate, or issue and serve its complaint (in such form as the circumstances may require) and decision, in disposition of the proceeding.

5. Group account purchaser of prepaid dental services prefer, and are more likely to contract for, prepaid group dental benefits programs that ensure access for their beneficiaries or enrollees to an adequate supply of participating dentists in all the counties where they have beneficiaries or enrollees. An individual also prefers, and is more likely to purchase, a prepaid dental services policy if the purchaser is assured of access to an adequate supply of participating dentists. The unrestricted ability of HDS to send dentists at its discretion to the counties of Maui, Kauai, and Hawaii, who then participate in its prepaid dental services program, could aid HDS in attracting purchasers of its prepaid dental services policies and in competing with other providers of dental care financing or dental insurance. HDS does not have the unrestricted power to freely send its members to these counties.

6. This agreement contemplates that, if it is accepted by the Commission, and if such acceptance is not subsequently withdrawn by the Commission pursuant to the provisions of § 2.34 of the Commission's Rules, the Commission may, without further notice to proposed respondent, (1) issue its complaint corresponding in form and substance with the draft of complaint here attached and its decision containing the following order to cease and desist ("Order") in disposition of the proceeding, and (2) make information public with respect thereto. When so entered, the Order shall have the same force and effect and may be altered, modified or set aside in the same manner and within the same time provided by statute for other orders. The Order shall become final upon service. Delivery by the U.S. Postal Service of the complaint and decision containing the agreed-to-Order to proposed respondent's address as stated in this agreement shall constitute service. Proposed respondent waives any right it may have to any other manner of service. The complaint may be used in construing the terms of the Order, and no agreement, understanding, representation, or interpretation not contained in the Order or in this agreement may be used to vary or contradict the terms of the Order.

7. Proposed respondent has read the proposed complaint and Order. It understands that once the Order has been issued, (1) it will be required to file one or more compliance reports showing it has fully complied with the Order and (2) it may be liable for civil penalties in the amount provided by law for each violation of the Order after it becomes final.

Order

I

For purposes of this Order, the following definitions shall apply:

A. "HDS" means respondent Hawaii Dental Service Corporation, its Board of Directors, officers, committees, representatives, agents, employees, successors, and assigns; and

B. "Member dentist" means a dentist with whom HDS has a contractual agreement to render dental care to beneficiaries of HDS dental care plans.

II

It is ordered that HDS, directly or indirectly, or through any corporation or other device, in connection with the administration and operation of prepaid dental care programs in or affecting commerce, as commerce is defined in the Federal Trade Commission Act, forthwith cease and desist from:

A. Basing the decision to send dentists, dentist groups, or dentist panels to the counties of Maui, Kauai, and Hawaii, in whole or in part, on the approval or consent of other member dentists who reside in those counties;

B. Denying membership in HDS to a dentist licensed to practice in the State of Hawaii based in whole or in part on the approval or consent of other member dentists to the geographic location of the dentist's proposed practice; and

C. Inducing, urging, encouraging, or assisting any dentist, group of dentists, or any other non-governmental organization to take any of the actions prohibited by Part II of this Order.

III

It is further ordered that HDS shall:

A. Within thirty (30) days after this Order becomes final, remove from its constitution and bylaws, and from any other existing policy statements or guidelines of HDS, any provision, interpretation or policy statement which is inconsistent with Part II of this Order, and within sixty (60) days after this Order becomes final, publish in the Hawaii Dental Service Newsletter and one other publication generally circulated to dentists practicing in the State of Hawaii a notice of the removal of such provision, interpretation, policy statement or guideline;

B. Within thirty (30) days after this Order becomes final, distribute a copy of this Order to each of HDS's supervisory personnel having procedural or policy responsibilities with respect to the subject matter of this Order, and secure a signed statement acknowledging receipt of said Order;

C. Within ninety (90) days after this Order becomes final, file a written report with the Federal Trade Commission setting forth in detail the manner and form in which it has complied with this Order;

D. For a period of five (5) years after this Order becomes final, maintain and make available to the Commission staff, for inspection and copying upon reasonable notice, records adequate to describe in detail any action taken in connection with the activities covered by this Order; and

E. Within one (1) year after this Order becomes final, and annually thereafter for a period of four (4) years, file, if requested by Commission staff, a written report with the Federal Trade Commission setting forth in detail any action taken in connection with the activities covered by this Order.

IV

It is further ordered that HDS shall notify the Commission at least thirty (30) days prior to any proposed change in HDS, such as dissolution, assignment, or sale resulting in the emergence of a successor corporation or association, or any other change in HDS which may affect compliance obligations arising out of this Order.

Analysis of Proposed Consent Order To Aid Public Comment

The Federal Trade Commission has accepted an agreement to a proposed consent order from Hawaii Dental Service Corporation ("HDS").

The proposed consent order has been placed on the public record for sixty (60) days for reception of comments by interested persons. Comments received during this period will become part of the public record. After sixty (60) days, the Commission will again review the agreement and the comments received and will decide whether it should withdraw from the agreement or make final the agreement's proposed order.

The complaint in this matter alleges that HDS has combined or agreed with some of its members to limit, foreclose, frustrate, or eliminate competition by enacting bylaws that restrict its ability to freely recruit and send dentists to the counties of Maui, Kauai, and Hawaii.

The consent agreement provides as follows:

1. HDS cannot base its decision to send dentists, dentist groups, or dentist panels to the counties of Maui, Kauai, and Hawaii, in whole or in part, on the approval or consent of other HDS-member dentists who reside in those counties.

2. HDS cannot deny membership in HDS based in whole or in part on the approval or consent of other HDS-member dentists to the geographic location of the dentist's proposed practice.

3. HDS shall remove from its constitution and bylaws, and from any other existing policy statements or guidelines of HDS, any provision, interpretation or policy statement which is inconsistent with items 1 and 2 above and publish in the HDS Newsletter and one other publication, a notice of the removal.

The purpose of this analysis is to facilitate public comment on the proposed order, and it is not intended to constitute an official interpretation of the agreement and proposed order or to modify in any way their terms.

Emily H. Rock,

Secretary.

[FR Doc. 85-10246 Filed 4-26-85; 8:45 am]

BILLING CODE 6750-01-M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 240

[Release No. 34-21974; File No. S7-3-85]

Net Capital Requirements for Brokers and Dealers

AGENCY: Securities and Exchange Commission.

ACTION: Extension of time for comments.

SUMMARY: The Commission is extending the comment period of Securities Exchange Act Release No. 34-21651 concerning net capital requirements for brokers and dealers to August 1, 1985.

DATE: Comments to be received by August 1, 1985.

ADDRESS: All comments should be submitted in triplicate and addressed to John Wheeler, Secretary, Securities and Exchange Commission, 450 5th Street, NW., Washington, D.C. 20549. All comments should refer to File No. S7-3-85 and will be available for public inspection at the Commission's Public Reference Room, 450 5th Street, NW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Michael A. Macchiaroli, Esq., Asstisant Director, (202) 272-2904, or Kevin Gong, Esq.; (202) 272-3113, Staff Attorney, Division of Market Regulation, 450 5th Street, NW., Washington, D.C.

SUPPLEMENTARY INFORMATION: On January 11, 1985 in Securities Exchange Act Release 34-21651 (50 FR 2690) January 18, 1985, the Commission solicited comments on a broad range of questions regarding the financial responsibility rules for brokers and dealers in order to facilitate the Commission's reexamination of the scope, adequacy and necessity of those rules. The original comment period was to expire on April 30, 1985. Interested members of the industry have requested that the comment period be extended. In order to enhance the ability of industry members to competently respond to the Commission's request for comments regarding the financial responsibility rules, the Commission will grant an extension of the comment period for an additional 90 days until August 1, 1985.

Dated: April 23, 1985.

By the Commission.

John Wheeler,

Secretary.

[FR Doc. 85-10311 Filed 4-26-85; 8:45 am]

BILLING CODE 8015-01-M

DEPARTMENT OF STATE

Foreign Service Grievance Board

22 CFR Parts 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, and 911

[SD-191]

Foreign Service Grievance Board Regulations

AGENCY: Department of State.

ACTION: Notice of proposed rule making with request for comments.

SUMMARY: The Foreign Service Grievance Board revises its regulations to conform to the provisions concerning grievances and separation for cause cases in the Foreign Service Act of 1980 (Pub. L. 96-456; 94 Stat. 2071) of October 17, 1980 and to implement agency regulations adopted by the foreign affairs agencies and the exclusive employee representatives pursuant to that Act. The revision provides explicit directions in procedures to follow when filing grievances and separation for cause cases. It also sets down rules and procedures the Board follows in handling these cases.

DATES: Written comments should be received on or before May 1, 1985; final regulations to become effective June 3, 1985.

ADDRESS: For mailing public comments: Foreign Service Grievance Board, Department of State (S/FSG), SA-6, Room 430, Washington, D.C. 20520.

For hand delivery of public comments: Foreign Service Grievance Board, Berkley Building, 1700 N. Lynn Street (or 1701 N. Ft. Myer Drive), Room 430, Rosslyn, Virgina.

FOR FURTHER INFORMATION CONTACT: Raymond L. Perkins (Executive Secretary), (703) 235-9860.

List of Subjects in 22 CFR Parts 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, and 911

Administrative practice and procedure, Foreign service.

In consideration of the foregoing, in Chapter IX of Title 22, Code of Federal Regulations, Parts 901-909 are revised and new Parts 910 and 911 are added to read as follows:

PART 901—GENERAL

Subpart A—Purpose and Scope

Sec.
901.1 Purpose and Scope.

Subpart B—Meanings of Terms as Used in This Chapter

901.10 Act.
901.11 Agency.
901.12 Board.
901.13 Executive Secretary.
901.14 Service.
901.15 Exclusive representative.
901.16 Grievant.
901.17 Charged employee.
901.18 Grievance.
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901.20. Party.
901.21 Record of proceedings.
901.22 Representative.

Authority: Secs. 610, 1101, 1102, 1105, and 1106 of the Foreign Service Act of 1980 (Pub. L. 96-465; 22 U.S.C. 4131, 4132, 4135, and 4136).

Subpart A—Purpose and Scope.

§ 901.1 Purpose and scope.

The regulations contained in this chapter establish the internal organization of the Foreign Service Grievance Board and prescribe its procedures in:

(a) Determining its jurisdiction in cases involving grievances and separation for cause proceedings;

(b) Compiling a record in such cases;

(c) Conducting hearings in such cases, when required or deemed necessary; and

(d) Deciding such cases, or otherwise disposing of them, so as to ensure the fullest measure of due process for the members of the Foreign Service.

Subpart B—Meanings of Terms as Used in This Chapter

§ 901.10 Act

"Act" means the Foreign Service Act of 1980 (Pub. L. 96–465, October 17, 1980).

§ 901.11 Agency.

"Agency" means the Department of State, the Agency for International Development, the U.S. Information Agency, the Department of Agriculture, or the Department of Commerce, if the Agency employs the individual appearing in a case before the Board and/or has control over the act, omission, or condition forming the subject matter of such case.

§ 901.12 Board.

"Board" means the Foreign Service Grievance Board, including any designated panel or member thereof.

§ 901.13 Executive secretary.

"Executive Secretary" means the Executive Secretary of the Board or his or her designee.

§ 901.14 Service.

"Service" means the Foreign Service of the United States.

§ 901.15 Exclusive representative.

"Exclusive Representative" means any labor organization which is certified as the Exclusive Representative of the bargaining unit of which the grievant or Charged Employee is a member.

§ 901.16 Grievant.

"Grievant" means anyone who has filed a grievance and who is a Member of the Service and is a citizen of the United States, or for the purposes of § 901.18(a)(7) a former member of the Service, or in the case of death of the member, the surviving spouse or, if none, another member of the family.

§ 901.17 Charged employee.

"Charged Employee" means a Member of the Senior Foreign Service or a Member of the Service assigned to a salary class who has been proposed for separation for cause under section 601(a)(2) of the Act.

§ 901.18 Grievance.

"Grievance" means any act, omission, or condition subject to the control of an Agency which is alleged to deprive a Member of the Service who is a citizen of the United States of a right or benefit authorized by law or regulation or is otherwise a source of concern or dissatisfaction to the Member, including but not limited to:

(1) Complaints against separation of a Member allegedly ccontrary to law or regulation or predicated upon alleged inaccuracy, omission, error or falsely prejudicial character of information in any part of the official personnel record of the Member;

(2) Other alleged violation, misinterpretation or misapplication of applicable law, regulation, collective bargaining agreement or published post or agency policy affecting the terms and conditions of the employment or career status of the Member;

(3) Allegedly wrongful disciplinary action against the Member;

(4) Dissatisfaction with respect to the working environment of the Member;

(5) Alleged inaccuracy, omission, error, or falsely prejudicial character of information in the official personnel record of the Member which is or could be prejudicial to the Member;

(6) Action alleged to be in the nature of reprisal or other interference with freedom of action in connection with participation by a Member in a grievance; and

(7) Alleged denial of an allowance, premium pay or other financial benefit to which the Member claims entitlement under applicable laws or regulations.

(b) The scope of grievances described above may be modified by written agreement between an Agency and its Exclusive Representative.

(c) The term "grievance" does not include:

(1) Complaints against an individual assignment of a Member under Chapter 5 of the Act, other than an assignment which is alleged to be contrary to law or regulation;

(2) The judgment of a selection board (established under section 602 of the Act) or a tenure board (established under section 306(b) of the Act) or any other equivalent body established by laws or regulations which similarly evaluates the performance of Members of the Service on a comparative basis, including a merit promotion selecting official, except that alleged procedural violations of law, regulation or collective bargaining agreement or prohibited personnel practice(s) arising under these procedures are grievable;

(3) The expiration of a limited appointment, termination of a limited appointment under section 611 of the Act, or the denial of a limited career extension or denial of a renewal of a limited career extension under section 607(b) of the Act; or

(4) Pursuant to section 1109 of the Act, any complaint or appeal where a specific statutory hearing procedure exists other than procedures for considering prohibited personnel practice charges before the Merit Systems Protection Board or Special Counsel (5 U.S.C. 1206).

(5) Non-adoption of a member suggestion or disapproval of a quality salary increase, performance award, or any other kind of honorary discretionary award, except where such action is alleged to be contrary to law, regulation or collective bargaining agreement; and

(6) The content of published agency policy which is not contrary to law, regulation or collective bargaining agreement.

(d) For the purposes of these regulations, the written complaint concerning any act, omission, or condition specified above may be referred to as the "grievance".

§ 901.19 Labor organization.

"Labor organization" means any employee organization accorded recognition as the exclusive employee representative under section 1002(11) of the Act. For the Department of State and the Agency for International Development (AID), the exclusive employee representative is the American Foreign Service Association; for the U.S. Information Agency (USIA), the exclusive employee representative is the American Federation of Government Employees, Local 1812 (AFL–CIO).

§ 901.20 Party.

"Party" means: (a) The Grievant/Charged Employee; (b) the Agency or Agencies employing the Grievant/Charged Employee and/or having control over the act, omission, or condition leading to appearance before the Board; or (c) the Exclusive Representative if it has achieved Party status under § 903.5(a). A Party may act through its duly designated representative.

§ 901.21 Record of proceedings.

"Record of Proceedings" means the case file maintained by the Board on each grievance case, or separation for cause proceeding.

§ 901.22 Representative.

"Representative" means the person(s) identified in writing to the Board as assisting the Party or Parties in the presentation of the case.

PART 902—ORGANIZATION

Sec.

902.1 Chairperson and Deputy Chairperson.
902.2 Board operations.
902.3 Board staff.

Authority: Secs. 1105 and 1106 of the Foreign Service Act of 1980 (Pub. L. 96–465; 22 U.S.C. 4135 and 4136).

§ 902.1 Chairperson and deputy chairperson.

The Chairperson presides over meetings of the Board. The Chairperson shall select one of the Board Members as deputy. In the absence of the Chairperson, the Deputy Chairperson, or in his or her absence, another member designated by the Chairperson, may act for him or her.

§ 902.2 Board operations.

(a) The Board may operate either as a whole, or through panels or individual members designated by the Chairperson.

(b) When operating as a whole, the Board may not act in the absence of a quorum. A majority of the members shall constitute a quorum. The Board will act by a majority vote of those present. Amendments to these regulations and Board policies adopted pursuant to § 910.3 shall be be adopted by the Board operating as a whole.

(c) Board panels and presiding members of panels shall be designated by the Chairperson subject only to the provision of § 906.3.

§ 902.3 Board staff.

The Chairperson shall select the Board's Executive Secretary and other staff provided for in the Act. The Executive Secretary and staff shall be responsible only to the Board through the Chairperson.

PART 903—INITIATION AND DOCUMENTATION OF CASES

Sec.

903.1 Initiation of cases.
903.2 Record of proceedings.
903.3 Rulings on materials.
903.4 Participation of exclusive representative.
903.5 Service of documents.
903.6 Interrogatories.
903.7 Acknowledgment.
903.8 Withdrawal.
903.9 Access to records.
903.10 Access to witnesses.

Authority: Secs. 610, 1104, and 1106–1109 of the Foreign Service Act of 1980 (Pub. L. 96–465; 22 U.S.C. 4010, 4134, and 4136–4139).

§ 903.1 Initiation of cases.

(a) Grievances submitted to the Board shall be in writing, and shall explain the nature of the grievance, and the remedy sought; shall contain all the documentation furnished to the Agency and the Agency's final review; and shall be timely filed in accordance with applicable regulations.

(b) A member whose grievance is not resolved satisfactorily under Agency procedures, the representative of the grievant, or the exclusive representative (on behalf of a grievant who is a member of the bargaining unit), shall be entitled to file a grievance with the Board no later than 60 days after receiving the Agency decision. In the event that an Agency has not provided its decision within 90 days of filing with the Agency, the grievant, the representative of the grievant, or the exclusive representative (on the grievant's behalf) shall be entitled to file a grievance with the Board no later than 150 days after the date of filing with the Agency. The Board may extend or waive for good cause shown the time limits stated in this section, and may permit or request the views of the parties with respect to whether good cause has been shown for such an extension.

(c) Separation for cause proceedings against a Charged Employee shall be initiated before the Board by submission of a statement of the acts or behavior considered by the Agency to warrant separation.

§ 903.2 Record of proceedings.

Upon receipt of initial documents relating to a case, a Record of Proceedings shall be established, and all material received or obtained by the Board in connection with the case shall be placed in it unless the Board excludes such material under § 903.3. The Parties and the Exclusive Representative, if any, shall have access to the Record of Proceedings. Classified portions of the Record of Proceedings may be reviewed by the Parties and the Exclusive Representative, if any, under conditions prescribed by the Board to ensure appropriate security.

§ 903.3 Rulings on materials.

The Board may at any stage of the proceedings exclude materials from the Record of Proceedings at the request of a Party or on its own initiative, on the grounds that such materials are irrelevant, immaterial or unduly repetitive.

§ 903.4 Participation of exclusive representative.

(a) Upon the initiation of a case, the Executive Secretary shall ascertain from the Agency, the Grievant/Charged Employee and any labor organization which has been certified as the Exclusive Representative of employees of the Agency, whether the relevant position occupied by the Grievant/Charged Employee is part of the bargaining unit for which the labor organization is the Exclusive Representative. If a substantial dispute exists as to whether that position is part of the bargaining unit, and if the Board determines that resolution of that dispute is necessary for determining the status of the labor organization in a case, the Board shall notify the Parties and the labor organization, who may request determination of that dispute. If the Foreign Service Labor Relations Board determines that the Grievant or Charged Employee is a member of a bargaining unit represented by an Exclusive Representative, the Executive Secretary shall promptly send a copy of the papers filed with the Board to the Exclusive Representative.

(b) The Exclusive Representative has the right to intervene as a Party to the case if such Exclusive Representative gives timely notice to the Board in writing of its decision to intervene as a Party. Notice shall be considered to be timely if given prior to or at the prehearing conference, or, in a case to be decided under Part 907 of this Chapter, if given within 10 days of receipt of a notice from the Board of the Board's intent to close the Record of Proceedings.

(c) An Exclusive Representative which has not intervened under paragraph (b) of this section may be permitted to intervene as a Party upon written application. In ruling upon the application, the Board shall consider whether granting the application will unduly delay or prejudice the adjudication of the rights of the original parties, and may place conditions on the Exclusive Representative's participation to avoid such delay or prejudice.

§ 903.5 Service of documents.

Any Party submitting documents to the Board in connection the Foreign Service Labor Relations Board to make a final with a case shall send a copy to the other Parties and to the Exclusive Representative, if any. The Board shall send copies of its correspondence concerning the case to the Parties and the Exclusive Representative, if any.

§ 903.6 Interrogatories.

Each Party shall be entitled to serve interrogatories upon another Party, and have such interrogatories answered by the other Party unless the Board finds such interrogatories irrelevant, immaterial, or unduly repetitive. Parties shall follow procedures established by the Board concerning the use of interrogatories.

§ 903.7 Acknowledgment.

Each case received shall be acknowledged in writing by the Executive Secretary of the Board. If in the judgment of the Executive Secretary additional documentation or information is needed, he or she may request such materials.

§ 903.8 Withdrawal.

A case may be withdrawn at any time by written notification to the Board from the Party initiating the case. A case may be determined by the Board to have lapsed when the Grievant fails to respond in writing to two successive written Board inquiries within any deadline fixed for such response. The Board may permit the reopening of lapsed cases upon a showing of good cause and may permit or request the views of the parties as to whether good cause has been shown.

§ 903.9 Access to records.

(a) If a Party is denied access to any Agency record prior to or during the consideration of a case by the Agency, the Party may protest such denial before the Board in connection with the case.

(b) In considerating a case, the Board shall have access to any Agency record as follows:

(1) The Board shall request access to any Agency record which the Grievant/Charged Employee requests to substantiate his or her grievance or defense to a charge if the Board determines that such record may be relevant and material to the case.

(2) The Board may request access to any other Agency record which the Board determines may be relevant and material to the case.

(3) An Agency shall make available to the Board any Agency record requested under paragraphs (b) (1) and (2) of this section unless the head or deputy head of such Agency personally certifies in writing to the Board that disclosure of the record to the Board and the Parties would adversely affect the foreign policy or national security of the United States or that such disclosure is prohibited by law. If such a certification is made with respect to any record, the Agency shall supply to the Board a summary or extract of such record unless the reasons specified in the proceeding sentence preclude such a summary or extract.

(c) If the Board determines that an Agency record, or a summary or extract of a record, made available to the Board under paragraph (b) of this section is relevant and material to the case, the agency concerned shall make such record, summary, or extract, as the case may be, available to the Parties.

(d) In considering a case, the Board may take into account the fact that the Parties or the Board were denied access to an Agency record which the Board determines is or may be relevant and material to the case.

(e) The Parties in any case decided by the Board shall have access to the Record of Proceedings and the decision of the Board.

§ 903.10 Access to witnesses.

The grievant or grievant's representative, or charged employee or his representative, shall be given access to witnesses employed by the foreign affairs agencies. In the evant that the agency of the grievant determines that the requests for access are excessive, it may so notify the Board, which shall rule on the relevance and materiality of the potential testimony and may order that access be granted to any or all of the potential witnesses. It shall be the responsibility of the grievant to advise the agency of the agency witnesses to be interviewed and to request administrative leave.

PART 904—JURISDICTION AND RELATED MATTERS

Sec.

904.1 General.
904.2 Preliminary determinations.
904.3 Relationship to other remedies.

Authority: Secs. 1101, 1104, 1108, and 1109 of the Foreign Service Act of 1980 (Pub. L. 96–465; 22 U.S.C. 4131, 4134, 4138, and 4139).

§ 904.1 General.

The Board's jurisdiction extends to any grievance, and to separation for cause proceeding initiated pursuant to section 610(a)(2) of the Act.

§ 904.2 Preliminary determinations.

(a) If an Agency, in its final review, has questioned whether a complaint constitutes a grievance, the Board will make a preliminary determination of its jurisdiction unless the Board concludes that resolution of the question of jurisdiction should be deferred until the Board has compiled a Record of Proceedings or held a hearing on the merits of the case.

(b) Prior to compiling a Record of Proceedings or holding a hearing on the merits of the case, the Board also may make a preliminary determination on any question raised by a Party concerning the timeliness of a grievance, the election of other remedies under § 904.3, or any other issue whose resolution might avoid the necessity of further proceedings.

(c) Before making a preliminary determination under this section, the Board shall obtain the views of the other Parties and transmit those views to all Parties.

(d) Where a preliminary determination is made under this section which would result in the termination of a case, a panel of three members of the Board who did not participate in the preliminary decision shall decide the question on review. This panel may permit or request the views of the parties with respect to the jurisdictional question.

§ 904.3 Relationship to other remedies.

(a) A Grievant may not file a grievance with the Board if the Grievant has normally requested, prior to filing a grievance, that the matter or matters which are the basis of the grievance be considered or resolved and relief provided under another provision of law, regulation, or Executive Order, and the matter has been carried to final decision under such provision on its merits or is still under concideration. This provision shall not apply to Grievants who have filed a prohibited personnel practice charge before the Special Counsel for the Merit Systems Protection Board.

(b) If a Grievant is not prohibited from filing a grievance under paragraph (a) of this section, the Grievant may file with the Board a grievance which is also eligible for consideration, resolution, and relief as a prohibited personnel practice complaint under the provisions of law relating to the Merit Systems Protection Board or Special Counsel, or under a regulation or Executive Order. An election of remedies under this section shall be final upon the acceptance of jurisdiction by the Board.

PART 905—BURDEN OF PROOF

Sec.

905.1 Grievances other than disciplinary actions.
905.2 Disciplinary grievances.
905.3 Separations for cause.

Authority: Secs. 610 and 1106 of the Foreign Service Act of 1980 (Pub. L. 95–465; 22 U.S.C. 4010 and 4136)

§ 905.1 Grievances other than disciplinary actions.

(a) In all grivances other than those concerning disciplinary actions, the grievant has the burden of establishing, by a preponderance of the evidence, that the grievance is meritorious.

(b) Where a grievant established that an evaluation contained falsely prejudicial material which may have been a substantial factor in an agency action, the burden will shift to the agency to establish, by a preponderance of the evidence, that the agency would have taken the same action with respect to the grievant had it not seen the falsely prejudicial material.

(c) Where a grievant establishes that a procedural error occurred which is of such a nature that it may have been a substantial factor in an agency action with respect to the grievant, and the

question is presented whether the agency would have taken the same action had the procedural error not occurred, the burden will shift to the agency to establish, by a preponderance of the evidence, that it would have done so.

§ 905.2 Disciplinary grievances.

In grievances over disciplinary actions, the agency has the burden of establishing by a preponderance of the evidence that the disciplinary action was justified.

§ 905.3 Separation for cause.

In separation for cause cases, the agency has the burden of establishing, by a preponderance of the evidence, that the proposed separation is for such cause as will promote the efficiency of the service.

PART 906—HEARINGS

Sec.

906.1 Decision whether to hold a hearing
906.2 Mandatory hearing.
906.3 Notification.
906.4 Hearing panels and members
906.5 Prehearing conferences.
906.6 Powers of presiding member.
906.7 Conduct of hearing.
906.8 Witnesses.
906.9 Failure of party to appear.

Authority: Secs. 610 and 1106 of the Foreign Service Act of 1980 (Pub. L. 96–465; 22 U.S.C. 4010 and 4136).

§ 906.1 Decision whether to hold a hearing.

After deciding either to accept jurisdiction over a grievance or to postpone decision of that question under § 904.2(a) of this chapter, the Board will make an initial determination of whether a hearing shall be held in accordance with this Part 906, or whether the grievance shall be resolved without a hearing in accordance with Part 907 of this section. The Board may reconsider its decision as to holding a hearing upon the written request of any Party or on its own initiative.

§ 906.2 Mandatory hearing.

The Board shall conduct a hearing: (a) At the request of the Grievant in any case which involves disciplinary action or a Grievant's retirement from the Service for expiration of time-in-class or based on relative performance, or (b) in any case which in the judgment of the Board can best be resolved by a hearing or presentation of oral argument. The Board shall also conduct a hearing in separation for cause proceedings unless the Charged Employee waives in writing his or her right to such hearing.

§ 906.3 Notification.

When the Board orders a hearing, the Executive Secretary shall so notify the Parties in writing. The Parties shall be given reasonable notice of the date and place selected by the Board for the hearing.

§ 906.4 Hearing panels and members.

Unless the Board and the Parties agree otherwise, all hearings shall be held before a panel of at least three members.

§ 906.5 Prehearing conferences.

(a) The Board may in its discretion order a prehearing conference of the Parties (which may be presided over by any member) for the purpose of considering:

(1) Simplification or clarification of the issues;

(2) Serving of interrogatories;

(3) Stipulations, admissions, agreements on documents, matters already on record, or similar agreements which will avoid the necessity of proving facts or issues not in dispute;

(4) Identification of witnesses the Parties may wish to call and the intended scope of their testimony; limitation on the number of witnesses; and arrangement for the appearance of witnesses;

(5) Avoidance of irrelevant, immaterial, or unduly repetitive testimony;

(6) The possibility of disposition of the case through agreement;

(7) The order of presentation at the hearing and the allocation of the burden of proof; and

(8) Such other matters as may aid in the disposition of the case.

(b) The Parties authorized to attend the hearing may attend the prehearing conference.

(c) The results of the conference shall be summarized in writing by the Board and made a part of the Record of Proceedings. Copies of the summary shall be sent to the Parties. The Parties may submit comments or corrections on the summary.

§ 906.6 Power of presiding member.

In connection with the hearing, the presiding member shall, as appropriate:

(a) Fix the time and place of the hearing;

(b) Order further conferences;

(c) Regulate the course of the hearing;

(d) Administer oaths and affirmations;

(e) Dispose of procedural requests and similar matters;

(f) Rule on admissibility of testimony and exhibits;

(g) Exclude any person from the hearing for behavior that obstructs the hearing;

(h) Authorize and set the time for the filing of briefs or other documents;

(i) Grant continuances and extensions of time;

(j) Reopen the record;

(k) Take any other action in the course of proceedings consistent with the purpose of this part.

§ 906.7 Conduct of hearing.

(a) *Authorized attendance.* The Parties and, as determined by the Board, a reasonable number of representatives of the Parties are entitled to be present at the hearing. The Board may, after considering the views of the Parties and of any other individuals connected with the grievance, decide that a hearing should be open to others. No person shall be permitted to attend the hearing when classified material is being discussed unless that person possesses the appropriate security clearance.

(b) *Procedure.* Hearings shall be conducted by the presiding member so as to assure a full and fair proceeding. The Board shall not be limited by the legal rules of evidence. However, the presiding member shall exclude irrelevant, immaterial, or unduly repetitive evidence. The Board may require the Parties to designate one of their representatives as principal spokesperson.

(c) *Order of presentation.* In cases involving disciplinary action, including separation for cause cases, the Agency will ordinarily present its case first and will retain that order of precedence throughout the hearing. In other cases the Grievant will ordinarily present his or her case first and will retain that order of precedence throughout the hearing.

(d) *Evidence.* Subject to the presiding member's rulings on the relevancy, materiality, and repetitious nature of evidence, the Parties may offer such evidence, including interrogatories, depositions and Agency records as they desire. They shall produce such additional evidence as the presiding member shall consider relevant and material. Where deemed appropriate by the Board, the Parties may be supplied only with a summary or extract of classified material (also see § 903.9).

(e) *Testimony.* Testimony at a hearing shall be given under oath or affirmation.

(f) *Transcript.* A verbatim transcript shall be made of any hearing and shall be part of the Record of Proceedings.

§ 906.8 Witnesses.

(a) *General.* Each Party shall be entitled to examine and cross-examine witness at the hearing or by deposition. A Party wishing to take the deposition of a witness shall give the other Parties reasonable notice of the time and place of the deposition and of the identity of the witness.

(b) *Availability.* Upon request of the Board or upon request of the Grievant/Charged Employee deemed relevant and material by the Board, an Agency shall promptly make available at the hearing or by deposition any witness under its control, supervision or responsibility. If the Board determines that the actual presence of such witness at the hearing is required for just resolution of the case, the witness shall be made available at the hearing, with necessary costs and travel expenses paid by the Agency which is a Party to the hearing.

(c) *Notice.* The Parties are responsible for notifying their witnesses and for arranging for their appearance at the time and place set for the hearing. The Board may preclude a witness from testifying because of the failure of the Party responsible for the witness' appearance to comply with this section.

§ 906.9 Failure of party to appear.

The hearing may proceed in the absence of any Party who, after due notice and without good cause, fails to be present or obtain an adjournment.

PART 907—PROCEDURE WHEN HEARING IS NOT HELD

Authority: Sec. 1106 of the Foreign Service Act of 1980 (Pub. L. 96–465; 22 U.S.C. 4136).

§ 907.1 General.

(a) In a case in which a hearing is not required under § 906.1 of this section, the Board may request in writing that specified documents or other evidence be furnished to it and/or may authorize the Executive Secretary to obtain such additional documents or other evidence as may be necessary to understand and decide the case.

(b) Each Party will be offered the opportunity to review and to supplement, by written submissions, the Record of Proceedings, prior to the date fixed by the Board for closing of the Record. The Board shall then consider the case and make a decision based on that Record. This may include the ordering of a hearing in accordance with Part 906 of this Chapter.

PART 908—REMEDIES

Sec.
908.1 Board orders.
908.2 Board recommendations.

Authority: Secs. 1106 and 1107 of the Foreign Service Act of 1980 (Pub. L. 96–465; 22 U.S.C. 4136 and 4137).

§ 908.1 Board orders.

If the Board finds that a grievance is meritorious, the Board shall have the authority to direct the Agency:

(a) To correct any official personnel record relating to the Grievant which the Board finds to be inaccurate or erroneous, to have an omission, or to contain information of a falsely prejudicial character;

(b) To reverse a decision denying the Grievant compensation or any other prerequisite of employment authorized by laws or regulations when the Board finds that such decision was arbitrary, capricious, or contrary to laws or regulations;

(c) To retain in the Service a Member whose separation would be in consequence of the matter by which the Member is aggrieved;

(d) To reinstate the Grievant, and to grant the Grievant back pay, where it is established that the separation or suspension without pay of the employee was unjustified or unwarranted under the Back Pay Act (5 U.S.C. 5596(b)(1)).

(e) To pay reasonable attorney fees to the same extent and in the same manner as such fees may be required by the Merit Systems Protection Board under 5 U.S.C. 7701 (g); or

(f) To take any corrective action deemed appropriate by the Board provided it is not contrary to law or collective bargaining agreement.

§ 908.2 Board recommendations.

(a) If the Board finds that the grievance is meritorious and that remedial action should be taken that relates directly to promotion or assignment of the Grievant or to other remedial action not otherwise provided for in this section, or if the Board finds that the evidence in a grievance proceeding warrants disciplinary action against any employee of an Agency, it shall make an appropriate recommendation to the head of the concerned Agency.

(b) The head of the Agency shall make a written decision on the recommendation of the Board within 30 days after receiving the recommendation and shall implement the recommendation of the Board except to the extent that the head of the Agency rejects the recommendation in whole or in part on the basis of a determination that implementation of the recommendation would be contrary to law or would adversely affect the foreign policy or national security of the United States. If the head of the Agency rejects the recommendation in whole or in part, the decision shall specify the reasons for such action. Copies of the decision shall be served on the other Parties. Pending the decision of the head of the Agency, there shall be no ex parte communication concerning the grievance between the head of the Agency and any person involved in the proceedings of the Board. The head of the Agency shall, however, have access to the entire Record of the Proceedings of the Board.

PART 909—DECISION MAKING

Sec.
909.1 Basis.
909.2 Board order.
909.3 Board recommendation.
909.4 Other decision.
909.5 Time limits for compliance.
909.6 Summaries of Board decisions.

Authority: Secs. 1106 and 1107 of the Foreign Service Act of 1980 (Pub. L. 96–465; 22 U.S.C. 4136 and 4137).

§ 909.1 Basis.

Decisions of the Board shall be based upon the Record of Proceedings, shall be in writing, shall include findings of fact, and shall include a statement of the reasons for the decision.

§ 909.2 Board order.

Where the Board's decision imposes action on an Agency the decision shall be in the form of a remedial order addressed to the designated official of the Agency. A copy of the decision shall be supplied to each Party.

§ 909.3 Board recommendation.

Where the Board's decision is a recommendation, it shall be directed to the head of the Agency. A copy of the decision shall be supplied to each Party.

§ 909.4 Other decision.

Where the Board's decision requires no action by an Agency, the decision shall be forwarded to the Grievant. A copy of the decision shall be supplied to each Party.

§ 909.5 Time limits for compliance.

Orders of the Board and recommendations which are not rejected in accordance with § 908.2 of this section shall be compiled with within any time limits for compliance established by the Board's decision, unless the Board extends the time limit on a showing of good cause.

§ 909.6 Summaries of Board decisions.

The Board may, from time to time, issue such summaries and expurgated versions of its decisions as it may consider necessary to permit the

Agencies, the Exclusive Representative organization(s), and the Members of the Service to become aware of the general nature of the cases it has received and their manner of disposition, without invading the privacy of the Grievants.

PART 910—MISCELLANEOUS

Sec.
910.1 Suspension of Agency actions.
910.2 Requests to reopen cases.
910.3 Ex parte communications.
910.4 Board policy statements.
910.5 Confidentiality.
910.6 Judicial review.
910.7 Pending grievances.

Authority: Secs. 1106, 1107, 1110, and 2401 of the Foreign Service Act of 1980 (Pub. L. 96–465; 22 U.S.C. 4136, 4137, 4140 and 4172).

§ 910.1 Suspension of Agency actions.

(a) If the Board determines that the Agency is considering the involuntary separation of the Grievant, disciplinary action against the Grievant, or recovery from the Grievant of alleged overpayment of salary, expenses, or allowances, which is related to a grievance pending before the Board, and that such action should be suspended, the Agency shall suspend such action until the Board has ruled on the grievance. Notwithstanding such suspension of action, the head of the agency concerned or a chief of mission or principal officer may exclude the grievant from official premises or from the performance of specified functions when such exclusion is determined in writing to be essential to the functioning of the post or office to which the grievant is assigned.

(b) The Board shall expedite its decisions on requested suspensions of proposed Agency actions. The Board may permit or require argument with respect to such requests by the Parties and Exclusive Representative, if any.

§ 901.2 Requests to reopen cases.

The Board may reconsider any decision upon the presentation of newly discovered or previously unavailable material evidence.

§ 910.3 Ex parte communications.

(a) "Ex parte communications" or oral or written communications between the Board or its staff and an interested party to a proceeding which are made without providing the other parties a chance to participate.

(b) Ex parte communications concerning the merits of any matter which has or may come before the Board for adjudication or which would otherwise contravene the rules regarding written submissions are prohibited until the Board renders a final decision. Any communication made in contravention of this rule shall be made a part of the record and an opportunity for rebuttal allowed. If the communication was oral, a memorandum stating the substance of the discussion shall be placed in the record.

(c) This rule does not apply to communications concerning such matters as the status of a case, the methods for transmitting evidence to the Board, and other procedural matters which do not concern the merits of any matter before the Board for adjudication and which do not otherwise contravene the rules regarding written submissions.

§ 910.4 Board policy statements.

The Board may publish statements regarding policies it has established as to its operations and procedures.

§ 910.5 Confidentiality.

(a) To the maximum extent practicable, the Board will make every effort to preserve the confidentiality of the identity of the Grievant or Charged Employee.

(b) The records of the Board shall be maintained by the Board under appropriate safeguards to preserve confidentiality and shall be separate from all records of the Agencies.

§ 910.6 Judicial review.

Any aggrieved Party may obtain judicial review of a final action of an Agency head or the Board on any grievance in the district courts of the United States in accordance with the standards set forth in Chapter 7 of Title 5 of the United States Code, 5 U.S.C. 706 shall apply without limitation or exception.

§ 910.7 Pending grievances.

Any grievance pending before the Board prior to February 15, 1981 shall be resolved under the provisions of the Foreign Service Act of 1946 as amended, and the regulations promulgated thereunder.

PART 911—IMPLEMENTATION DISPUTES

Sec.
911.1 Definition.
911.2 Filing complaint.
911.3 Procedure.
911.4 Effect of Board decision.
911.5 Arbitrability of determination.
911.6 Finality of choice.
911.7 Review.

Authority: Sec. 1014, Foreign Service Act of 1980, (Pub. L. 96–465; 22 U.S.C. 4114).

§ 911.1 Definition.

An implementation dispute is any dispute between the agency and the exclusive representative, as provided in regulations adopted as a result of collective bargaining between the agencies and the employee representatives. Such a dispute, also referred to as an institutional dispute, is one which directly concerns the rights and obligations of an agency and an exclusive representative toward each other or the rights or obligations between an agency and one or more employees as set forth in a collective bargaining agreement.

§ 911.2 Filing complaint.

If the dispute is not satisfactorily resolved at the agency level, the moving party may file a complaint within 45 calendar days from the date of the response (or in any case must file within 90 days of filing the implementation dispute) with the Board in writing and with specificity as to the nature of the violation.

§ 911.3 Procedure.

Implementation disputes shall be handled by the Board in accordance with the procedures set forth in Sections 901–910 above.

§ 911.4 Effect of Board decision.

The Action of the Board shall be final and binding and shall be implemented by the parties, unless an exception is filed with the Foreign Service Labor Relations Board within 30 days after receipt of the Grievance Board action.

§ 911.5 Arbitrability of determination.

Questions that cannot be resolved by the parties as to whether a complaint is subject to this procedure may be referred by either party to the Grievance Board for a threshold determination.

§ 911.6 Finality of Choice.

An alleged violation of an institutional right as reflected in a collective bargaining agreement may be filed under these procedures or as an unfair labor practice, but not both.

§ 911.7 Review.

Resolution of disputes under this section shall not be subject to judicial review.

Issued at Washington, D.C., on this twenty-second day of March 1985.

Dated: April 4, 1985.

Arthur Stark,

Chairman, Foreign Service Grievance Board

[FR Doc. 85–9881 Filed 4–26–85; 8:45 am]

BILLING CODE 4710-10-M

DEPARTMENT OF JUSTICE

Office of Juvenile Justice and Delinquency Prevention

28 CFR Part 34

Competition on Peer Review Policy

AGENCY: Office of Juvenile Justice and Delinquency Prevention, Justice.

ACTION: Proposed Competition and Peer Review Regulation with Request for Public Comment.

SUMMARY: The Office of Juvenile Justice and Delinquency Prevention (OJJDP) is publishing for public comment a proposed regulation to implement the competition and peer review requirements of section 225(d) of the Juvenile Justice and Delinquency Prevention Act of 1974, 42 U.S.C. 5601, *et seq.*, as amended (Pub. L. 93–415, as amended by Pub. L. 94–503, Pub. L. 95–115, Pub. L. 96–509, and Pub. L. 98–473) (hereinafter "Act"). The regulation will govern the award of categorical grant funds under Part B, Subpart II and Part C of the Act.

DATES: Comments are due on or before May 29, 1985. All comments will be considered in the publication of the final regulation.

ADDRESS: Address all comments to Mr. Alfred S. Regnery, Administrator, OJJDP, 633 Indiana Avenue, N.W., Room 1142 B, Washington, D.C. 20531.

FOR FURTHER INFORMATION CONTACT: Dr. James C. Howell, Office of the Deputy Administrator, OJJDP, 633 Indiana Avenue, N.W., Room 748, Washington, D.C. 20531; telephone 202/724–5911.

SUPPLEMENTARY INFORMATION:

Background Information

This proposed regulation pertains to new requirement in the Act. The statute previously contained no requirement for use of competition or peer review in the award of funds to programs and projects under either Part B, Subpart II, or Part C of the Act.

Exclusions

The exclusions from coverage applicable to Subpart A and Subpart B warrant additional explanation of the rationale for excluding them from competition and/or peer review coverage.

(1) *Exclusion of projects selected for funding prior to October 12, 1984.* The proposed regulation excludes projects for which initial applications were received prior to or on October 12, 1984, and which receive(d) an initial award after such date (§ 34.2(b)). The primary basis for this exclusion is that Section 225(d)(2) of the Act specifies that "new programs selected after the effective date of the Act shall be reviewed before selection and thereafter as appropriate through a formal peer review process * * *". Further, our review of the legislative history of the 1984 Amendments to the Act indicates that Congress intended that the provision apply only to "new" programs, not those already selected and being processed for funding.

(2) *Exclusion of procurement contracts.* The proposed regulation does not cover procurement contracts (§ 34.2(h)). This is because OJJDP's procurement contracts are already subject to other Federal laws (the Federal Property and Administrative Services Act) and regulations (the Federal Acquisition Regulation), which severely limit sole source contract awards, and because both the statute and its legislative history make specific reference to "assistance" awards and not to the procurement of goods and services for the benefit and use of the government.

(3) *Exclusion of competitively awarded research projects from peer review.* These are excluded by statute. The peer review requirement applies only to assistance awards under section 224 of the Act.

(4) *Exclusion of continuation projects.* Section 34.2(c) provides that the funding of "continuation" awards is excepted from the proposed regulation. This exception applies to awards for the continuation of project activities which were *initially* funded under projects selected for award prior to or on October 12, 1984. When continuation awards are made that extend the projected or anticipated project completion date, OJJDP intends, by use of this limiting language, to fund only those specific follow-up activities which were within the scope of and consistent with the original purposes and objectives of the project.

(5) *Exclusion of other projects.* Other specific types of projects are excluded from the proposed regulation. For example, Federal inter-agency transfers are excluded because it would be impractical to include them.

Reservation of Subpart C, Emergency Expedited Review

Section 225(d)(3) of the Act provides that "the Administrator * * * shall provide for emergency expedited consideration of program proposals when necessary to avoid any delay which would preclude carrying out the program."

Although it is not possible to specify in advance if or when emergency expedited consideration may be necessary, several circumstances have called for expedited application processing by OJJDP in the past. These include the following circumstances:

(1) A local tragedy, disaster, or crisis, such as that which occurred a few years ago in Atlanta (because of the child murders) to which OJJDP responded quickly with funds for prevention programming; and

(2) An opportunity to support an outstanding program which is about to cease operations because of the unanticipated loss of existing financial support.

Under these and other emergency circumstances, OJJDP believes that, by administratively expediting the procedures set forth for competition and peer review under Subpart A and Subpart B of this regulation, no delay will occur which would preclude carrying out the program. Consequently, OJJDP is reserving rulemaking under Subpart C. If experience in implementing the competition and peer review process subsequently indicates the need for special emergency expedited review procedures, a rule would be proposed for public comment as Subpart C of this regulation.

Consultation

OJJDP has initiated consultation with the National Science Foundation (NSF) and the National Institute of Mental Health (NIMH) as required by section 225(d)(2) of the Act. The peer review process proposed in Subpart B will be reviewed by these agencies. OJJDP will carefully consider their comments, as well as those received from the public, in the formulation of a final peer review regulation.

Executive Order 12291

This announcement does not constitute a "major" rule as defined by Executive Order 12291 because it does not result in: (a) An effect on the economy of $100 million or more, (b) a major increase in any costs or prices, or (c) adverse effects on competition, employment, investment, productivity, or innovation among American enterprises.

Regulatory Flexibility Act

This proposed rule, if promulgated, will not have "significant" economic impact on a substantial number of small "entities", as defined by the Regulatory Flexibility Act (Pub. L. 96–354).

Paperwork Reduction Act

There are no collection of information requirements contained in this regulation required to be submitted to the Office of Management and Budget for review under the Paperwork Reduction Act, 44 U.S.C. 3504(h).

List of Subjects in 28 CFR Part 34

Grant programs, Juvenile delinquency.

Accordingly, it is proposed to amend Title 28 Code of Federal Regulations by adding Part 34 to read as follows:

PART 34—OJJDP COMPETITION AND PEER REVIEW PROCEDURES

Subpart A—Competition

Sec
34.1 Purpose and applicability.
34.2 Exceptions to applicability.
34.3 General selection criteria.
34.4 Additional competitive application requirements and procedures.

Subpart B—Peer Review

34.100 Purpose and applicability.
34.101 Exceptions to applicability.
34.102 Peer review procedures.
34.103 Definition.
34.104 Use of peer review.
34.105 Peer review methods.
34.106 Number of external reviewers.
34.107 Use of Department of Justice staff.
34.108 Selection of reviewers.
34.109 Qualifications of external reviewers.
34.110 Management of peer reviews.
34.111 Compensation.

Subpart C—Emergency Expedited Review [Reserved]

Authority: Juvenile Justice and Delinquency Prevention Act of 1974, as amended, (42 U.S.C. 5601 *et seq.*)

Subpart A—Competition

§ 34.1 Purpose and Applicability.

(a) This Subpart of the regulation implements section 225(d)(1) (A) and (B) of the Juvenile Justice and Delinquency Prevention Act of 1974, as amended. This provision requires that projects funded under new programs selected for categorical assistance awards under the Special Emphasis Discretionary Grant Program (Section 224) or by the National Institute for Juvenile Justice and Delinquency Prevention under Part C, after October 12, 1984, be selected through a competitive process established by rule by the Administrator, OJJDP. The statute specifies that this process must include announcement of fund availability for assistance programs, the criteria applicable to the selection of applicants for assistance, and a description of the procedures applicable to the submission and review of assistance applications.

(b) This Subpart of the regulation applies to all grant, cooperative agreement, and other assistance awards made by the Administrator, OJJDP, or the Administrator's designee, hereinafter referred to in this part as the Administrator, after October 12, 1984, under Part B, Subpart II, section 224, and under Part C of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5601), except as provided in the Exceptions to Applicability set forth below.

§ 34.2 Exceptions to applicability.

The following are assistance and procurement contract award situations that OJJDP considers to be outside the scope of the section 225(d) competition requirement.

(a) Assistance awards to projects under competitive programs announced prior to October 12, 1984.

(b) Assistance awards to projects for which initial applications were received prior to or on October 12, 1984, and which receive(d) an initial award after such date.

(c) Assistance awards to continue activities initially funded under projects selected for award prior to or on October 12, 1984.

(d) Assistance awards to projects if the Administrator has made a written determination that the proposed program is not within the scope of any program announcement expected to be issued, is othwerwise eligible for an award, and if the proposed project is of such outstanding merit, as determined through peer review under Subpart B, that an assistance award without competition is justified (Section 225(d)(1)(B)(i)).

(e) Assistance awards for training services under Part C, section 244, if the Administrator has made a written determination that the applicant is uniquely qualified to provide such services (Section 225(d)(1)(B)(ii).

(f) Assistance awards of funds transferred to OJJDP by another Federal agency to augment authorized juvenile justice programs, projects, or purposes.

(g) Funds transferred to other Federal agencies by OJJDP for program purposes as authorized by law.

(h) Procurement contract awards which are subject to applicable Federal laws and regulations governing the procurement of goods and services for the benefit and use of the government.

(i) Assistance awards from the 5% "set aside" of Special Emphasis funds under section 224(e).

§ 34.3 General selection criteria.

All programs and individual project applications subject to competition under § 34.1 of this Subpart will, at a minimum, be subject to review based on the extent to which they meet the following general selection criteria:

(a) The problem to be addressed by the project is clearly stated;

(b) The objectives of the proposed project are clearly defined;

(c) The project design is sound and contains program elements directly linked to the achievement of project objectives;

(d) The project management structure is adequate to the successful conduct of the project;

(e) Organizational capability is demonstrated at a level sufficient to successfully support the project; and

(f) Budgeted costs are reasonable in comparison to the activities proposed to be undertaken.

§ 34.4 Additional competitive application requirements and procedures.

(a) Applications for grants: Any applicant eligible for assistance may submit on or before such submission deadline date or dates as the Administrator may establish in program announcements, an application containing such pertinent information and in accordance with the forms and instructions as prescribed therein and any additional forms and instructions as may be specified by the Administrator. Such application shall be executed by the applicant or an official or representative of the applicant duly authorized to make such application and to assume on behalf of the applicant the obilgations imposed by law, applicable regulations, and any additional terms and conditions of the assistance award. The Administrator may require any applicant eligible for assistance under this Subpart to submit a preliminary proposal for review and approval prior to the acceptance of an application.

(b) Cooperative arrangements:

(1) Eligible parties may enter into cooperative arrangements with other eligible parties, including those in another State, to apply for assistance.

(2) A joint application made by two or more applicants for assistance for this Subpart may have separate budgets corresponding to the programs, services and activities performed by each of the joint applicants or may have a combined budget. If joint applications present separate budgets, the Administrator may make separate awards, or may award a single assistance award authorizing separate amounts for each of the joint applicants.

(c) Evaluation of applications submitted under Part C of the Act: All applications filed in accordance with § 34.1 of this Subpart for assistance with Part C funds shall be evaluated by the

Administrator through officers, employees, and/or such experts or consultants engaged for this purpose as the Administrator determines are specially qualified in the particular Part C program area covered by the announced program. The general selection criteria set forth under § 34.3 of this Subpart may be supplemented for each program by program specific selection criteria for the particular Part C program. Such announcements may modify the general selection criteria to provide greater specificity or otherwise improve their applicability to a given program. The program announcement shall clearly state the application review procedures to be used for each competitive Part C program announcement.

(d) Applicant's performance on prior award: where the applicant has previously received an award from OJJDP or another Federal agency, the applicant's compliance or noncompliance with requirements applicable to such prior award as reflected in past written evaluation reports and memoranda on performance, and the completeness of required submissions, may be considered by the Administrator. However, in any case where the Administrator proposes to deny assistance based upon the applicant's noncompliance with requirements applicable to a prior award, the Administrator shall do so only after affording the applicant reasonable notice and an opportunity to rebut the proposed basis for denial of assistance.

(e) Disposition of Applications: On the basis of competition and applicable review procedures completed pursuant to this Part, the Administrator will either:

(1) Approve the application for funding, in whole in part, for such amount of funds, and subject to such conditions as the Administration deems necessary or desirable for the completion of the approved project;

(2) Determine that the application is of acceptable quality for funding, in that it meets minimum criteria, but that the application must be disapproved for funding because it did not rank sufficiently high in relation to other applications approved for funding to qualify for an award based on the level of funding allocated to the program; or

(3) Reject the application for failure to meet the applicable selection criteria at a sufficiently high level to justify an award of funds or for any other reason which the Administrator determines adversely impacts upon the applicant's capability to successfully carry out the project.

(f) Notification of disposition: The Administrator will notify the applicant in writing of the disposition of the application. A signed Grant/Cooperative Agreement form will be issued to notify the applicant of an approved project application.

(g) Effective date of approved grant: Federal financial assistance is normally available only with respect to obligations incurred subsequent to the effective date of an approved assistance project. The effective date of the project will be set forth in the Grant/Cooperative Agreement form. Recipients may be reimbursed for costs resulting from obligations incurred before the effective date of the assistance award if such costs are authorized by the Administrator in the notification of grant award or subsequently in writing, and otherwise would be allowable as costs of the assistance award under applicable guidelines, regulations, and grant terms and conditions.

Subpart B—Peer Review

§ 34.100 Purpose and applicability.

(a) This Subpart of the regulation implements section 225(d)(2) of the Juvenile Justice and Delinquency Prevention Act of 1974, as amended. This provision requires that projects funded under new programs selected for categorical assistance awards under the Special Emphasis discretionary grant program (Section 224), after October 12, 1984, shall be reviewed before selection and thereafter as appropriate through a formal peer review process. Such process must utilize experts (other than officials and employees of the Department of Justice) in fields related to the subject matter of the proposed program.

(b) This Subpart of the regulation applies to all grant, cooperative agreement, and other assistance awards made by the Administrator, OJJDP, after October 12, 1984, under Part B, Subpart II, Section 224, and awards under Part C that are being considered for noncompetitive award (and hence subject to section 225(d)(1)(b)(i)), of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5601), except as provided in the Exceptions to Applicability set forth below.

§ 34.101 Exceptions to applicability.

The assistance and procurement contract situations specified in § 34.2 (a), (b), (c), (f), (g), (h), and (i) of Subpart A and all Part C awards competitively funded pursuant to section 225(d)(1)(A) are considered by OJJDP to be outside the scope of the section 225(d) peer review requirement as set forth in this Subpart.

§ 34.102 Peer review procedures.

OJJDP peer review procedures will be contained in an OJJDP *Peer Review Manual*, which is currently under development. In addition to procedural matters related to the peer review process, the Manual will address such issues as standards of conduct, conflict of interest, compensation of peer reviewers, etc. All peer reviews of assistance awards subject to this Subpart will be conducted in a manner consistent with this Subpart.

§ 34.103 Definition.

"Peer review" means the technical evaluation by a group of experts qualified by training and experience to give expert advice, based on selection criteria established under Subpart A of this Part or in a program announcement, on the technical and programmatic merit of assistance.

§ 34.104 Use of peer review.

(a) Each program announcement will indicate the program specific peer review procedures and selection criteria to be followed in peer review for that program. In the case of programs for which a large number of applications is expected, pre-applications (concept papers) may be required at the Administrator's option. Pre-applications will, generally, only be reviewed by qualified OJJDP staff to eliminate those pre-applications which fail to meet minimum requirements or lack sufficient merit to qualify as potential candidates for funding consideration. However, if appropriate, the Administrator may subject both pre-applications and formal applications to the peer review process.

(b) Where formal applications are required in response to a program announcement, an initial review will be conducted by qualified OJJDP staff, in order to eliminate from further consideration applications which do not meet minimum application requirements. Such requirements will be specified in the program announcement. Applicants determined to be qualified and eligible for further consideration will then be considered under the peer review process.

(c) The results of peer review under a competitive program will be a relative aggregate ranking of applications in the form of "Summary Ratings." These will ordinarily be based on numerical values assigned by individual peer reviewers, and as set forth in the OJJDP *Peer Review Manual*.

(d) Peer review recommendations, in conjunction with the results of program staff review, will supplement and assist the Administrator's consideration of competing applications and the selection of applications for funding.

(e) Comments on applications may also be requested from appropriate specialists and consultants outside of Government.

(f) Peer review recommendations are advisory only and are not binding on the Administrator except as provided by section 225(d)(1)(B)(i) for noncompetitive assistance awards to programs determined through peer review to be of such outstanding merit that an award without competition is justified.

§ 34.105 Peer review methods.

(a) Peer review will normally consist of written comments provided in response to the general selection criteria established under Subpart A of this Part and any program specific selection criteria identified in the program announcement, together with assigned numerical values. Peer review may be conducted at meetings of peer reviewers held under OJJDP oversight, through ad hoc mail reviews, or a combination of both. Where appropriate, site visits may also be employed. The primary method of peer review for each announced competitive program, including all evaluation criteria to be used by peer reviewers, will be specified in each program announcement.

(b) For peer review conducted through meetings, peer review panelists will be gathered together for instruction, including review of the OJJDP *Peer Review Manual*, and will then conduct individual review sessions. Where time or other factors such as cost preclude the convening of a peer review panel, mail reviews will be used. Ad hoc mail reviews will be the normal procedure used for noncompetitive assistance applications being considered for Part C fund support. In such case, the application would have to be determined, through the peer review process, to qualify as "Outstanding".

§ 34.106 Number of external reviewers.

The number of peer reviewers will vary by program (as affected by the volume of applications anticipated or received). OJJDP will select a minimum of three external reviewers (individuals who are not officers or employees of the Department of Justice) for each program or project review in order to ensure a diversity of backgrounds and perspectives. In no case will fewer than three reviews be made of each application.

§ 34.107 Use of Department of Justice staff.

OJJDP reserves the right to use qualified DOJ staff as internal peer reviewers. However, in no case will DOJ staff constitute a majority of any peer review panel or provide a majority of the reviews of any individual proposal. Any such use of DOJ staff will be specified in competitive program announcements.

§ 34.108 Selection of reviewers.

The Administrator, OJJDP, will make the final selection of both internal and external reviewers. The selection process will be detailed in the OJJDP *Peer Review Manual*.

§ 34.109 Qualifications of external reviewers.

The general reviewer qualification criteria to be used by the Administrator in the selection of external reviewers are:

(a) Generalized knowledge of juvenile justice or related fields.

(b) Specialized knowledge in areas or fields addressed by the applications to be reviewed under a particular program.

Additional details will be provided in the OJJDP *Peer Review Manual*.

§ 34.110 Management of peer reviewers.

A technical support contractor may assist OJJDP staff in managing the external review process.

§ 34.111 Compensation.

All external reviewers will be eligible to be paid an appropriate consulting fee. Detailed information will be provided in the OJJDP *Peer Review Manual*.

Subpart C—Emergency Expedited Review [Reserved]

Alfred S. Regnery,

Administrator, Office of Juvenile Justice and Delinquency Prevention.

[FR Doc. 85-10300 Filed 4-26-85; 8:45 am]

BILLING CODE 4410-18-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD3 84-35]

Drawbridge Operation Regulations; Cheesequake Creek, NJ

AGENCY: Coast Guard, DOT.

ACTION: Proposed rule.

SUMMARY: At the request of New Jersey Transit Rail Operations, the Coast Guard is considering a change to the regulations governing the Morgan railroad drawbridge over Cheesequake Creek at Morgan, NJ. This change would permit the draw to remain closed during peak morning and evening rail periods. This proposal is being made to respond to the needs of commuter rail traffic. This action should accommodate the needs of rail traffic and should still provide for the reasonable needs of navigation.

DATE: Comments must be received on or before June 13, 1985.

ADDRESSES: Comments should be mailed to Commander (oan-br), Third Coast Guard District, Bldg. 135A, Governors Island, NY 10004. The comments and other materials referenced in this notice will be available for inspection and copying at this address. Normal office hours are between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays. Comments may also be hand-delivered to this address.

FOR FURTHER INFORMATION CONTACT: William C. Heming, Bridge Administrator, Third Coast Guard District (212) 668-7994.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in this proposed rulemaking by submitting written views, comments, data, or arguments. Persons submitting comments should include their name and address, identify the bridge, and give reasons for concurrence with or for any recommended change in the proposal. Persons desiring acknowledgment that their comments have been received should enclose a stamped, self-addressed postcard or envelope

The Commander, Third Coat Guard District will evaluate all communications received and will determine a final course of action on this proposal. The proposed regulations may be changed in light of comments received.

Drafting Information

The drafters of this notice are Ernest J. Feemster, project manager, and Mary Ann Arisman, project attorney.

Discussion of Proposed Regulations

The Morgan railroad bridge is crossed by the North Jersey Coast Line system, a major commuter rail line of New Jersey Transit Rail Operations (NJTRO). This commuter line handles many trains enroute to and from New York City and northern New Jersey. NJTRO has requested that they be exempted from opening the draw during morning and evening commuter hours. This request is

made because, except for one 17 minute period, the longest interval between scheduled trains during the commuter hours is 13 minutes. This is not sufficient to provide an opening for a vessel without resultant delays to subsequent trains. NJTRO has, therefore, requested that the draw not be required to open between 6:30 a.m. and 8:00 a.m., and from 5:30 p.m. to 6:40 p.m.

There are four marinas upstream of the bridge and these account for the overwhelming majority of openings of the Morgan draw. Since the waterway is used almost exclusively for summer, recreational boating, no major impacts are anticipated during the non-boating season. However, recreational boaters would appear to be inconvenienced somewhat during the boating season. The Morgan railroad bridge has a vertical clearance of three feet at Mean High Water and must open for most vessels transiting past the bridge.

The Route 35 highway bridge about 0.2 miles downstream has regulations permitting it to (1) only open or the hour from May 15 through October 15 from 7 a.m. to 7 p.m., and (2) not be required to open December 1 through March 31 from 11 p.m. to 7 a.m. The Route 35 bridge has a 25-foot vertical clearance at Mean High Water (in the closed position) and this is adequate for most vessels using the waterway.

Economic Assessment and Certification

These proposed regulations are considered to be non-major under Executive Order 12291 on Federal Regulation, and nonsignificant under Department of Transportation regulatory policies and procedures (44 FR 11034; February 26, 1979).

The economic impact of this proposal is expected to be so minimal that a full regulatory evaluation is unnecessary. The proposed change in the regulations would be inconvenient to boaters desiring to transit through the draw during the commuter closure hours. However, it is expected that boaters will be able to schedule around proposed closures. Since the economic impact of this proposal is expected to be minimal, the Coast Guard certifies that if adopted, it will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 33 CFR Part 117

Bridges.

Proposed Regulations

In consideration of the foregoing, the Coast Guard proposes to amend Part 117 of Title 33, Code of Federal Regulations by renumbering § 117.709(b) (1) and (2) as § 117.709(b) (2) and (3), respectively and adding a new § 117.709(b)(1) to read as follows:

PART 117—DRAWBRIDGE OPERATIONS REGULATIONS

§ 117.709 Cheesequake Creek.

* * * * *

(b) * * *

(1) The draw need not open weekdays excluding Federal holidays from 6:30 a.m. to 8 a.m. and from 5:30 p.m. to 6:40 p.m.

* * * * *

(33 U.S.C. 499; 49 CFR 1.46(c)(2); 33 CFR 1.05-1(g)(3))

Dated: April 15, 1985.

P.A. Yost,

Vice Admiral, U.S. Coast Guard Commander, Third Coast Guard District.

[FR Doc. 85-10295 Filed 4-26-85; 8:45 am]

BILLING CODE 4910-14-M

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33 CFR Part 117

[CGD7-85-13]

Drawbridge Operation Regulations; Gulf Intracoastal Waterway, Florida

AGENCY: Coast Guard, DOT.

ACTION: Proposed rule.

SUMMARY: At the request of the Florida Department of Transportation the Coast Guard is considering changing the regulations governing the Siesta Key Bridge, mile 71.6, at Sarasota by permitting the number of openings to be limited during certain periods. This proposal is being made because vehicular traffic has increased. This action should accommodate vehicular traffic and yet still provide for the reasonable needs of navigation.

DATE: Comments must be received on or before June 13, 1985.

ADDRESSES: Comments should be mailed to Commander (oan), Seventh Coast Guard District, 51 SW. 1st Avenue, Miami, Florida 33130. The comments and other materials referenced in this notice will be available for inspection and copying at 51 SW. 1st Avenue, Room 816, Miami, Florida 33130. Normal office hours are 7:30 a.m. to 4:00 p.m., Monday through Friday, except holidays. Comments may also be hand-delivered to this address.

FOR FURTHER INFORMATION CONTACT: Mr. Walt Paskowsky, Bridge Administration Specialist, (305) 350-4103.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in this proposed rulemaking by submitting written views, comments, data, or arguments. Persons submitting comments should include their names and addresses, identify the bridge, and give reasons for concurrence with or any recommended change in the proposal. Persons desiring acknowledgment that their comments have been received should enclose a stamped, self-addressed postcard or envelope.

The Commander, Seventh Coast Guard District, will evaluate all communications received and determine a course of final action on this proposal. The proposed regulations may be changed in light of comments received.

Drafting Information

The drafters of this notice are Mr. Walt Paskowsky, Bridge Administration Specialist, project officer, and Lieutenant Commander Ken Gray, project attorney.

Discussion of Proposed Regulations

Vehicular traffic has increased 20% since 1981 to an average of 14,500 cars daily between 7 a.m. and 7 p.m. In a recent 12 month study, drawbridge openings were concentrated on weekends when the bridge was opened an average of 3.6 times per hour between 11 a.m. and 6 p.m. This proposal would eliminate multiple or "back to back" bridge openings which are the major cause of vehicular traffic congestion.

Economic Assessment and Certification

These proposed regulations are considered to be non-major under Executive order 12291 on Federal Regulation and non-significant under the Department of Transportation regulatory policies and procedures (44 FR 11034; February 26, 1979).

The economic impact of this proposal is expected to be so minimal that a full regulatory evalution is unnecessary. We conclude this because the proposal would exempt tugs with tows. Since the economic impact of this proposal is expected to be minimal, the Coast Guard certifies that, if adopted, the proposal would not have a significant economic impact on a substantial number of small entities.

List of Subjects in 33 CFR Part 117

Bridges.

Proposed Regulations

In consideration of the foregoing, the Coast Guard proposed to amend Part 117 of Title 33, Code of Federal Regulations, by adding a new § 117.287 (b-1) to read as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

§ 117.287 Gulf Intracoastal Waterway Caloosahatchee River to Pendido River.

* * * * *

(b–1) The draw of the Siesta Key Bridge, mile 71.6, at Sarasota shall open on signal, except that from 11 a.m. to 6 p.m. on Saturdays, Sundays and federal holidays, the draw need be opened only on the hour, quarter-hour, half-hour and three-quarter hour.

* * * * *

(33 U.S.C. 499; 49 CFR 1.46(c)(5); 33 CFR 1.05–1(g)(3))

Dated: April 15, 1985.

R.P. Cueroni,

Rear Admiral, U.S. Coast Guard Commander, Seventh Coast Guard District.

[FR Doc. 85–10294 Filed 4–26–85; 8:45 am]

BILLING CODE 4910–14–M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Ch. I

[Gen. Docket No. 83–483; FCC 85–191]

Allowing the Public Direct Remote Access to Commission Computer Data Bases

AGENCY: Federal Communications Commission.

ACTION: Memorandum Opinion and Order addressing petitions for reconsideration and/or clarification.

SUMMARY: A Report and Order was released in August 1984 which authorized the Commission staff to develop a competitive solicitation to seek a third party contractor who would make certain computerized radio service license data available to the public through direct dial-up access to the contractor's computer. Several petitions for partial reconsideration and/or clarification were received by the Commission in September 1984. This action provides the partial reconsideration/clarifications requested to the extent indicated in the Memorandum Opinion and Order

FOR FURTHER INFORMATION CONTACT: Don Enty, Information Resources Planning Division, Office of the Managing Director, (202) 632–7581.

SUPPLEMENTARY INFORMATION:

Memorandum Opinion and Order

In the matter of allowing the public direct remote access to Commission computer data bases, Gen. Docket No 83–483; FCC 85–191

Adopted: April 15, 1985.
Released: April 19, 1985

By the Commission.

Background

1. On August 8, 1984, the Commission adopted a *Report and Order* [1] (R&O) in this proceeding which was the result of a Notice of Inquiry (NOI).[2] The NOI was issued in response to a petition filed by the Association of Federal Communications Consulting Engineers (AFCCE) to allow the public direct remote access to the Commission's electronically filed computer data bases.

2. The petition from AFCCE to amend § 0.455 [3] of the Commission's Rules noted that present methods of providing data to the public are very time consuming, not in accord with the state-of-the-art data processing technology, and the data obtained under present methods are often outdated when received. The AFCCE, therefore, requested direct remote access to several of the Commission's electronically filed data bases.

3. The R&O authorized the development of a competitive solicitation document to seek a third party contractor who would provide the means for the public to have direct electronic access to authorized Commission computer data bases. Under this arrangement, the National Technical Information Service (NTIS) would act as the account manager for the contract.

4. Section 0.465 of the Rules details the procedures for obtaining copies of materials available for public inspection including computer data bases. 47 CFR 0.465. Computer data bases developed by the Commission for its own use are available through NTIS, Department of Commerce, in the form of magnetic tape or microfiche. Source programs, models, etc., developed by and for the Commission are available through the Computer Applications Division, Office of Managing Director.

5. The Commission's intent in this proceeding was to satisfy the petition from AFCCE to the extent feasible and practicable. The Commission concluded that the AFCCE proposal had merit. (See para. 17, R&O). However, the Commission also felt that the most practicable way of satisfying the request without compromising its budgetary, security, and system integrity considerations was to provide direct remote access to Commission data residing on a third party contractor facility. Under this arrangement, NTIS would act as account manager for the contractor relieving the Commission of significant administrative requirements and allowing the Commission to retain cost recovery reimbursements. (See para. 17 & 18, R&O). The Commission did *not* plan to modify or amend Commission Rules 0.465 (47 CFR 0.465) or 0.455 (47 CFR 0.455) by this proceeding. These rules provide for obtaining computer data bases through NTIS and for inspecting certain records in the various bureaus and offices of the Commission which will continue to be available according to the Rules. Furthermore, the Commission had no intention of permitting a contractor to change, add, delete, etc., Commission data when it included the following sentence in paragraph 15 of the R&O . . . "A Contractor would be free to develop enhanced information packages . . ." The word "enhanced" in this instance was meant to convey the idea that the contractor would be permitted to provide custom programming services, data manipulation, etc., to satisfy special customer requirements. Again, the Commission will not permit its data to be altered and thus purported to be approved or sanctioned Commission data. It was the intention of the Commission to select a single contractor, as opposed to multiple contractors, to make Commission data files directly accessible by the public (see para. 18, R&O). At the time the R&O was adopted, it was felt that the high start-up costs required by the contractor would preclude making multiple contractor awards. Finally, this proceeding is not dependent on PR Docket No. 83–737 (Frequency Coordination in the Private Land Mobile Radio Services); it merely provides the public with an alternative source to Commission computer data bases.

Petitions/Oppositions

6. Petitions for Partial Reconsideration and/or Clarification were filed on behalf of CompComm, Inc. and on behalf of Moffet, Larson and Johnson, P.C. on September 17, 1984.

7. In summary, the petitions and oppositions raised the following issues:

a. Single Contractor versus Selection of Multiple Contractors;

b. Data Base Enhancements and Contractor Expertise;

c. Elimination of Present Source (NTIS) of Commission Data;

d. Bulk/Raw Data from Contractor in a Cost Effective, Timely Manner; and

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[1] Report and Order, GEN Docket No. 83–483 (FCC 84–387) released August 13, 1984, 48 FR 32869, August 17, 1984.

[2] GEN Docket No. 84–483, Notice of Inquiry, 48 FR 23667, May 26, 1983.

[3] Section 0.455 of the Rules states that certain records may be inspected "in the offices of the Bureau or Office which exercises responsibility over matters to which those records pertain. . . ." 47 CFR 0.45

e. Impact of PR Docket No. 83–737, Frequency Coordination in the Private Land Mobile Radio Services.

Issues

Issue No. 1. Single Contractor vs Multiple Contractors

8. Moffet, Larson and Johnson, P.C. (MLJ) contends that the R&O appears to include a determination that a single contractor will be selected to make all of the Commission's data files available to the public. MLJ petitions the Commission to reconsider and/or modify that limited aspect of its decision.

9. This issue will remain open. It will be reconsidered after experience is gained with the initial third party contractor who will be competitively selected during the solicitation process to make the initial 33 services directly accessible by the public (see para. 17 and Appendix, R&O). The Commission has delegated the responsibility for making this decision to the Managing Director.

Issue No. 2. Data Base Enhancements and Contractor Expertise

10. MLJ asks that the first solicitation of competitive bids focus exclusively on data base enhancements, access arrrangements and contractor qualifications appropriate to providing access to the 32 Private Land Mobile Services and the one General Mobile Radio Service that will be made available initially and, after gaining experience with access arrangements for these services, the Commission could then determine how to handle future contract solicitations for other Commission data bases. MLJ submitted that the public would be best served if the contractor providing access to the data bases for certain services (e.g., AM, FM, and TV broadcast services) had the engineering expertise and other capabilities needed to verify and enhance important data maintained on certain classes of stations.

11. With regard to this issue, the Commission did *not* nor does it have any intention of permitting the Contractor to "enhance" Commission data as envisioned above and purporting it to be Commission approved and sanctioned data. The contractor will be permitted to respond to special customer data automation type requirements by building special query packages, custom programming, or other value-added data services from an automatic data processing standpoint. In this instance, the Commission feels that expertise in automatic data processing is just as important as engineering expertise.

Issue No. 3. Elimination of Present Source of Commission Data

12. CompComm, Inc. (CompComm) argues that the R&O warrants reconsideration by reason of having taken action beyond the scope of the Notice of Inquiry (see NOI, para. 5) and in a manner conflicting (see R&O, para. 16) with Commission Rule 0.465. That is, ". . . the NOI failed to offer any notice that the Commission was intending to eliminate NTIS delivery of magnetic tape or microfiche copies of its computer records to the Public . . ." and ". . . the R&O does not suggest repeal of § 0.465, . . ." of the Rules. The Commission did not nor does it plan to eliminate the present source of Commission data and therefore has no plans to modify or amend Commission Rule 0.465. Confusion arose regarding this issue from a sentence in paragraph 16 of the R&O which was taken out of context when it stated ". . . products will not flow through NTIS . . ." The purpose of bypassing NTIS under the third party contractual arrangement is to ensure that the contractor will obtain the data in a timely manner. Routing the data through NTIS to the contractor would delay its currency and timeliness. Commission data bases shown in the NTIS catalog will continue to go directly to NTIS.

Issue No. 4. Bulk/Raw Data from the Contractor

13. In summary, CompComm requested that the Commission expand and clarify the role of the third party contractor to ensure that the public be afforded the availability of bulk/raw data in a cost effective timely manner.

14. The primary purpose of this proceeding is to satisfy the petition from AFCCE; i.e., provide direct remote electronic access to Commission data bases. Accordingly, while the Commission does not intend to require the contractor to provide bulk/raw data, he/she will be permitted to extract and provide these data when requested by the public. NTIS will also be able to fulfill bulk/raw data requirements. The third party contractor and the competitive solicitation process is designed to provide least cost services to the public.

Issue No. 5. Impact of PR Docket No. 83-737, Frequency Coordination in the Private Land Mobile Radio Services

15. The National Association of Business and Educational Radio, Inc. (NABER) submits that ". . . it is imperative that before a final decision can be made in this proceeding, the Commission and interested parties must analyze the impact of the agency's decision in the context of the pending frequency coordination docket, PR Docket No. 83–737."

16. We agree with NABER that the issue of access to our data base is critically interrelated with issues in PR Docket No. 83–737. However, we do not agree that we must withhold action in this proceeding until PR Docket No. 83–737 is resolved. Rather, we believe it is preferable to proceed with this decision and gain some experience with the approach we are adopting here. We recognize that we may have to adjust our approach depending on the outcome of PR Docket No. 83–737, in order to recognize the special requirements of frequency coordinating committees.

17. In accordance with the foregoing clarifications it is hereby ordered, that the Petitions for Partial Reconsideration and/or Clarification submitted on behalf of CompComm, Inc. and on behalf of Moffet, Larson and Johnson, P.C. be partially adopted to the extent indicated herein and otherwise denied.

It is further ordered that this proceeding is terminated.

Federal Communications Commission.

William J. Tricarico,

Secretary

Appendix A

The following is a list of organizations who submitted petitions for partial reconsideration and/or clarification, opposition or support replys to petitions, and replies to oppositions or support replies.

Petitions:

a. CompComm, Inc. 17 September 1984

b. Moffet, Larson and Johnson, P.C. 17 September 1984

Opposition or support replies to petitions:

a. DW, Inc. 16 October 1984

b. National Association of Business and Educational Radio, Inc. (NABER) 18 October 1984

c. Special Industrial Radio Service Association (SIRSA) 18 October 1984

d. CompComm, Inc. 18 October 1984

Replies to oppositions or support replies:

a. Moffet, Larson and Johnson, P.C. reply to CompComm, Inc. 29 October 1984

b. CompComm, Inc. reply to oppositions by SIRSA and NABER 29 October 1984

[FR Doc. 85–10251 Filed 4–26–85; 8:45 am]

BILLING CODE 6712-01-M

INTERSTATE COMMERCE COMMISSION

49 CFR Ch. X

[Ex Parte No. 334 (Sub-No. 5)]

Zone of Reasonableness for Car-Hire Charges

AGENCY: Interstate Commerce Commission.

ACTION: Notice of withdrawal of proposed rules.

SUMMARY: At 45 FR 73524, November 5, 1980, the Commission proposed upward flexibility to prescribed per diem rates to complement downward flexibility adopted in Ex Parte No. 334 (Sub-No. 4), *Flexibility in Setting Railroads Per Diem Levels*. After consideration of numerous comments, we have decided to withdraw the original proposal. Significant developments have occurred that warrant a broader inquiry. Further analysis of this subject will be undertaken in Ex Parte No. 334 (Sub-No. 6), *Review of Car Hire Regulation*, issued concurrently with this decision.

FOR FURTHER INFORMATION CONTACT:

Louis E. Gitomer, (202) 275–7245;

or

Douglas Galloway, (202) 275–7278.

SUPPLEMENTARY INFORMATION: Additional information is contained in the Commission's decision in this proceeding. To obtain a copy of the full decision write to T.S. InfoSystems, Inc., Room 2227, Interstate Commerce Commission, Washington, DC 20423, or call (202) 289–4357 (D.C. Metropolitan area) or toll free (800) 424–5403.

This action will not significantly affect either the quality of the human environment or energy conservation.

List of Subjects in 49 CFR Ch. X

Authority: 49 U.S.C. 10321, 10706, 10734, and 11122, and 5 U.S.C. 553.

Dated: April 4, 1985.

By the Commissioner, Chairman Taylor, Vice Chairman Gradison, Commissioners Sterrett, Andre, Simmons, Lamboley, and Strenio.

James H. Bayne,

Secretary.

[FR Doc. 85–10354 Filed 4–26–85; 8:45 am]

BILLING CODE 7035-01-M

49 CFR Ch. X

[Ex Parte No. 334 (Sub-6)]

Review of Car Hire Regulation

AGENCY: Interstate Commerce Commission.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: The Commission is undertaking a broad review of the regulation of railroad car-hire charges (except car-hire charges for boxcars). This action is warranted because the regulatory environment has changed significantly since passage of the Staggers Rail Act of 1980 and because a number of problems have surfaced in several pending proceedings that require coordinated treatment. Among the options to be considered are (1) retaining but modifying the present car-hire formula, particularly with respect to the computation of the cost of capital and the measurement of active car days and car miles per year; (2) permitting the Association of American Railroads to determine car-hire rates collectively; (3) allowing car owners to raise their car-hire rates above prescribed levels unilaterally; (4) deprescribing car-hire and withdrawing antitrust immunity; and (5) permitting direct rental of cars to shippers.

DATES: Notices of intent to participate are due on May 29, 1985. A service list will be provided to participants by June 13, 1985. Initial comments are due on June 28, 1985. Reply comments are due on August 27, 1985.

ADDRESSES: Notices of intent to participate and an original and 15 copies of any comments, referring to Ex Parte No. 334 (Sub-No. 6), should be sent to:

Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423

Initial and reply comments must also be served on all parties of record on the service list.

FOR FURTHER INFORMATION CONTACT:

Louis E. Gitomer, (202) 275–7245;

or

Douglas Galloway, (202) 275–7278.

SUPPLEMENTARY INFORMATION: Additional information is contained in the Commission's full decision in Ex Parte No. 334 (Sub-No. 6), *Review of Car Hire Regulation*, served concurrently with the issuance of this notice. Related decisions, also served concurrently, are Ex Parte No. 334, *Car Service Compensation—Basic Per Diem Charges (Postponement of the Annual Car Hire Charge Update for 1983)*; Ex Parte No. 334 (Sub-No. 5), *Zone of Reasonableness for Car Hire Charges*; and Ex Parte No. 334 (Sub-No. 7), *Suspension of Car Hire Updates*. To purchase a copy of any of these decisions, write to T.S. InfoSystems, Inc., Room 2227, Interstate Commerce Commission, Washington, DC 20423, or call 289-4357 (DC metropolitan area) or toll free (800) 424–5403.

This action will not significantly affect the quality of the human environment or energy conservation. Regulatory changes resulting from this proceeding may have a significant impact on a substantial number of small entities.

Authority: 5 U.S.C. 553; 49 U.S.C. 10321; 10327(g), and 11122.

Decided: April 4, 1985.

By the Commission, Chairman Taylor, Vice Chairman Gradison, Commissioners Sterrett, Andre, Simmons, Lamboley, and Strenio.

James H. Bayne,

Secretary.

[FR Doc. 85–10355 Filed 4–26–85; 8:45 am]

BILLING CODE 7035-01-M

Notices

Federal Register
Vol. 50, No. 82
Monday, April 29, 1985

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

ACTION

Foster Grandparent and Senior Companion Programs; Income Eligibility Levels

AGENCY: ACTION.

ACTION: Notice of revision of income eligibility levels for Foster Grandparent and Senior Companion Programs.

SUMMARY: This notice revises the schedules of income eligibility levels for individuals and families for the Foster Grandparent and Senior Companion Programs published in the **Federal Register** May 23, 1984 (49 FR 21774). The revised schedule is based on revised Poverty Income Guidelines from DHHS, effective March 8, 1985 (50 FR 9517), as modified for Hawaii only by **Federal Register** insert of March 14, 1985 (50 FR 10319). This revision adopts as the income eligibility level for each State the higher amount of either (a) 125% of the DHHS Poverty Income Guideline, or (b) 100% of the DHHS Poverty Income Guideline plus the amount each state supplements Federal SSI, rounded to the next highest multiple of $5.00.

Any person whose income is not more than 100 percentum of the DHHS poverty income guideline for her/his specific family unit status shall be given special consideration for participation in the Foster Grandparent and Senior Companion Programs.

EFFECTIVE DATE: April 29, 1985.

FOR FURTHER INFORMATION CONTACT: C. Wade Freeman, Director, Older American Volunteer Programs, ACTION, 806 Connecticut Avenue, NW., Room M–1006, Washington, D.C. 20525, or telephone (202) 634–9355.

SUPPLEMENTARY INFORMATION: These ACTION programs are authorized pursuant to sections 211 and 213 of the Domestic Volunteer Service Act of 1973, as amended, Pub. L. 93–113, 87 Stat. 394.

The income eligibility levels are determined by the currently applicable guideline published by DHHS pursuant to sections 652 and 673(2) of the Omnibus Budget Reconciliation Act of 1981 which requires poverty income guidelines to be adjusted for Consumer Price Index changes.

The income eligibility levels will be reviewed at least once a year, and similar schedules will be prepared to reflect any changes required as a result of that review.

Schedule of Income Eligibility Levels: Foster Grandparent and Senior Companion Programs

State	For family units of—							
	One	Two	Three	Four	Five	Six	Seven	Eight
Alaska	$9,695	$13,265	$16,080	$18,895	$21,710	$24,525	$27,340	$30,155
California	7,400	12,430	14,660	16,930	19,180	21,430	23,680	25,930
Colorado	6,565	10,390	12,640	14,890	17,140	19,390	21,640	23,890
Hawaii	7,550	10,140	12,210	14,800	17,390	19,980	22,570	25,160
Massachusetts	6,800	9,475	11,725	13,975	16,225	18,475	20,725	22,975
Wisconsin	6,565	8,985	11,235	13,485	15,735	17,985	20,235	22,485

For all other states, the District of Columbia, Puerto Rico and the Virgin Islands:

$6,565 8,815 11,065 13,315 15,565 17,815 20,065 22,315

For family units with more than eight members add the appropriate supplement for each additional member over eight as follows:

Alaska	$2,815
Hawaii	2,590
All others	2,250

All of the above levels are calculated from the base DDHS Poverty Income Guidelines now in effect.

Those guidelines are:

Size of family unit	For all States (except Alaska and Hawaii) and the District of Columbia	For Alaska	For Hawaii
1	$5,250	$6,560	$6,040
2	7,050	8,810	8,110
3	8,850	11,060	10,180
4	10,650	13,310	12,250
5	12,450	15,560	14,320
6	14,250	17,810	16,390
7	16,050	20,060	18,460
8	17,850	22,310	20,530

For family units with more than eight members, add the appropriate amount for each member:

For all States (except Alaska and Hawaii) and the District of Columbia	$1,800
For Alaska	2,070
For Hawaii	2,250

Signed at Washington, D.C., this day of April 23, 1985.

Donna M. Alvarado,

Director.

[FR Doc. 85–10298 Filed 4–26–85; 8:5 am]

BILLING CODE 6050–28–M

DEPARTMENT OF AGRICULTURE

Office of the Secretary

[Docket No. 85–304]

Declaration of Emergency Because of Gypsy Moth

Whereas, a serious infestation of gypsy moth exists in parts of Lane County, Oregon, and

Whereas, these insects are capable of causing massive defoliation to trees resulting in loss of tree growth, increased tree mortality, and loss of production of nursery and forest products on large segments of federally and privately owned forest land,

Now, therefore, in accordance with the provisions of the Act of September 25, 1981, 95 Stat. 953 (7 U.S.C. 147b), I declare that there is an emergency which threatens segments of agricultural production industries if this country, particularly the nursery, wood and forest products industries, and I authorize the transfer and use of such sums as may be necessary from appropriations or other funds available to the agencies or corporations of the Department of Agriculture for the conduct of a program to eradicate infestations of gypsy moth in Lane County, Oregon, and to control and prevent the dissemination of gypsy

moth, in whatever stage of life, to nonifested areas.

EFFECTIVE DATE: This declaration of emergency shall become effective April 24, 1985.

John R. Block,

Secretary of Agriculture.

[FR Doc. 85-10348 Filed 4-25-85; 11:59 am]

BILLING CODE 3410-34-M

Rural Electrification Administration

Glacier Electric Cooperative, Inc.; Finding of No Significant Impact

AGENCY: Rural Electrification Administration, USDA.

ACTION: Notice of Finding of No Significant Impact.

SUMMARY: Notice is hereby given that the Rural Electrification Administration (REA), pursuant to the National Environmental Policy Act of 1969, as amended, the Council on Environmental Quality Regulations (40 CFR Part 1500), and REA Environmental Policies and Procedures, 7 CFR Part 1794, has made a Finding of No Significant Impact (FONSI) with respect to a project proposed by Glacier Electric Cooperative, Inc. (Glacier Electric), of Cut Bank, Montana. The project consists of the construction of approximately 53 km (33 mi.) of a 69 kV transmission line. The line would be located in Glacier County, Montana.

FOR FURTHER INFORMATION CONTACT: REA's FONSI and Environmental Assessment (EA) may be reviewed at or obtained from the office of the Director, Western Area—Electric, REA, South Agriculture Building, Washington, D.C. 20250, telephone: (202) 382-8848, or the office of Glacier Electric Cooperative, Inc. (Mr. David W. Chapman, Manager), 410 East Main, Cut Bank, Montana 59427, telephone: (406) 873-5566, during regular business hours.

SUPPLEMENTARY INFORMATION: REA reviewed the Borrower's Environmental Report (BER) submitted by Glacier Electric and determined that it represents an accurate assessment of the environmental impact of the proposed project.

The proposed project consists of constructing approximately 53 km (33 mi.) of 69 kV transmission line between Browning and Babb, Montana. Possible REA actions could include providing financing assistance to Glacier Electric for the proposed project and approving construction contracts, power rate contracts, etc., related to utilization of the proposed facilities.

The BER and EA adequately consider potential impacts of the proposed project to resources including threatened and endangered species, prime farmland, prime forest land, prime rangeland, cultural resources, floodplains, and wetlands.

Alternatives examined included no action, energy conservation, rebuilding the existing power line, alternative routes for transmission line construction, and underground construction. After reviewing these alternatives, REA determined that the proposed project is an acceptable alternative and it meets Glacier Electric's needs with a minimum of environmental impact.

In accordance with REA's Environmental Policies and Procedures, 7 CFR Part 1794, Glacier Electric advertised the availability of its BER in the local newspaper. No comments were received.

Based upon the BER and other data, REA prepared an EA and FONSI concerning the proposed construction. REA independently evaluated the proposed project and concluded that approval of financing assistance for the project would not constitute a major Federal action significantly affecting the quality of the environment.

This program is listed in the Catalog of Federal Domestic Assistance as 10.850—Rural Electrification Loans and Loan Guarantees.

Dated: April 23, 1985.

Harold V. Hunter,

Administration.

[FR Doc. 85-10276 Filed 4-26-85; 8:45 am]

BILLING CODE 3410-15-M

DEPARTMENT OF COMMERCE

International Trade Administration

[A-427-503]

Animal-Food Grade DL-Methionine From France; Initiation of Antidumping Duty Investigation

AGENCY: International Trade Administration, Import Administration, Commerce.

ACTION: Notice.

SUMMARY: On the basis of a petition filed in proper form with the United States Department of Commerce, we are initiating an antidumping duty investigation to determine whether imports of animal-food grade DL-Methionine (DLM) from France are being, or are likely to be, sold in the United States at less than fair value. We are notifying the United States International Trade Commission (ITC) of this action so that it may determine whether imports of this product are causing material injury, or threaten material injury, to a United States industry. If this investigation proceeds normally, the ITC will make its preliminary determination on or before May 5, 1985, and we will make ours on or before September 11, 1985.

EFFECTIVE DATE: April 29, 1985.

FOR FURTHER INFORMATION CONTACT: Paul Thran, Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230; telephone: (202) 377-3963.

SUPPLEMENTARY INFORMATION: .

The Petition

On April 4, 1985, we received a petition in proper form filed by Degussa Corporation. In compliance with the filing requirements of § 353.36 of the Commerce Regulations (19 CFR 353.36), the petition alleged that imports of the subject merchandise from France are being, or are likely to be, sold in the United States at less than fair value within the meaning of section 731 of the Tariff Act of 1930, as amended (the Act), and that these imports are causing material injury, or threaten material injury, to a United States industry.

The petitioner based the United States price on actual sales and offers for sale of DLM, to U.S. purchasers, less U.S. and ocean freight, insurance, U.S. and French handling, distribution's discount, and U.S. Customs duties. The petitioner based the foreign market value on actual sale prices to French purchasers, less warehousing and handling.

By comparing the values calculated by the foregoing method, the petitioner alleged dumping margins ranging from 43 to 63 percent.

Initiation of Investigation

Under section 732(c) of the Act, we must determine, within 20 days after a petition is filed, whether it sets forth the allegations necessary for the initiation of an antidumping duty investigation and whether it contains information reasonably available to the petitioner supporting the allegations.

We examined the petition on DLM and have found that it meets the requirements of section 732(b) of the Act. Therefore, in accordance with section 732 of the Act, we are initiating an antidumping duty investigation to determine whether imports of DLM from France are being, or are likely to be, sold in the United States at less than fair value. If our investigation proceeds

normally we will make our preliminary determination by September 11, 1985.

Scope of Investigation

The product under investigation is animal-food grade DL-Methionine, currently classified in the *Tariff Schedules of the United States, Annotated* (TSUSA) under item 425.0420.

Notification of ITC

Section 732(d) of the Act requires us to notify the ITC of this action and to provide it with the information we used to arrive at this determination. We will notify the ITC and make available to it all nonprivileged and nonconfidential information. We will also allow the ITC access to all privileged and confidential information in our files, provided it confirms that it will not disclose such information either publicly or under an administrative protective order without the consent of the Deputy Assistant Secretary for Import Administration.

Preliminary Determination by ITC

The ITC will determine by May 5, 1985, whether there is a reasonable indication that imports of DLM from France are causing material injury, or threaten material injury, to a United States industry. If its determination is negative the investigation will terminate; otherwise, it will proceed according to the statutory procedures.

April 23, 1985.

Alan F. Holmer,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 85-10309 Filed 4-26-85; 8:45 am]

BILLING CODE 3510-DS-M

[C-351-501]

Extension of the Deadline for a Preliminary Countervailing Duty Determination; Fuel Ethanol From Brazil

AGENCY: Import Administration, International Trade Administration, Commerce.

ACTION: Notice.

SUMMARY: The Department of Commerce is extending the deadline for its preliminary determination in the countervailing duty investigation of fuel ethanol from Brazil in order to investigate upstream subsidies provided to fuel ethanol producers in Brazil through subsidies to the Brazilian sugar cane growers. On March 29, 1985, petitioner presented information which establishes a reasonable basis to believe or suspect that an upstream subsidy is being paid or bestowed on the product under investigation. Under section 703(h) of the Tariff Act of 1930 (the Act), as amended by the Trade and Tariff Act of 1984, we may extend the deadline for a preliminary detemination to 250 days after a filing of a petition whenever there is a reasonable basis to believe or suspect that an upstream subsidy is paid or bestowed and additional time is required to investigate the upstream allegation. The Department concludes that such additional time is required and will make its preliminary determination by November 4, 1985.

EFFECTIVE DATE: April 29, 1985.

FOR FURTHER INFORMATION CONTACT: Alain Letort or Barbara Tillman, Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230; telephone: (202) 377-5050 (Letort) or (202) 377-1785 (Tillman).

SUPPLEMENTARY INFORMATION:

Case History

On February 25, 1985, we received a petition filed by the Ad Hoc Committee of Domestic Fuel Ethanol Producers on behalf of the fuel ethanol industry in the United States. In compliance with the filing requirement of § 355.26 of our regulations (19 CFR 355.26), the petition alleged that certain benefits which constitute subsidies within the meaning of section 701 of the Tariff Act of 1930, as amended, are being provided, directly or indirectly, to manufacturers, producers, or exporters in Brazil of fuel ethanol, and that these imports materially injure or threaten material injury to a U.S. industry.

We found that the petition contained sufficient grounds on which to initiate a countervailing duty investigation, and on March 18, 1985, we initiated such an investigation (50 FR 11526). We stated that we expected to issue a preliminary determination by May 21, 1985. Since Brazil is a "country under the Agreement" withing the meaning of section 701(b) of the Act, an injury determination is required for this investigation. Therefore, we notified the ITC of our initiation.

On April 17, 1985, the ITC published its preliminary detemination (50 FR 15236) and stated that there is a reasonable indication that these imports threaten material injury to a U.S. industry.

We presented a questionnaire concerning the allegations to the government of Brazil in Washington, D.C. on April 15, 1985.

Upstream Subsidy Allegation

In the petition, petitioner alleged that Brazilian producers of fuel ethanol received an "upstream subsidy" through the purchase of subsidized inputs of sugar cane, and that such subsidies bestowed a competitive benefit on fuel ethanol and have a significant effect in lowering the cost of producing fuel ethanol. In our notice of initiation, we stated that the upstream subsidy allegation was insufficient to initiate an investigation because the petition failed to quantify the amount of subsidy bestowed on sugar cane produces and to specify how much of that subsidy is passed through to ethanol producers.

On March 29, 1985, petitioner requested the Department to re-examine the upstream subsidy allegation and provided further infomation in support of the allegation. In consideration of the information received, we determine that we now have reasonable grounds to believe or suspect that an upstream subsidy is paid or bestowed on the product under investigation.

Under section 703(h) of the Act, we may extend the deadline for a preliminary determination to 250 days after the filing of a petition, whenever the Department determines that additional time is required to investigate an upstream subsidy allegation. Accordingly, we intend to make our preliminary determination on or before November 4, 1985.

Alan F. Holmer,

Deputy Assistant Secretary for Import Administration.

April 23, 1985

[FR Doc. 85-10308 Filed 4-26-85; 8:45 am]

BILLING CODE 3510-DS-M

Notice of Decision on Application for Duty-Free Entry of Scientific Instrument; University of California, Santa Barbara

This decision is made pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897; 15 CFR Part 301). Related records can be viewed between 8:30 AM and 5:00 PM in Room 1523, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C.

Dockt No. 84-302. Applicant: University of Califonia, Santa Barbara, Santa Barbara, CA 93106. Instrument: GC/Mass Spectrometer/Data System, Model VG 70-250HF. Manufacturer: VG Instruments, Inc., United Kingdom. Intended Use: See notice at 49 FR 40069.

Comments: None received.

Decision: Approved. No domestic manufacturer was both "able and willing" to manufacture an instrument or apparatus of equivalent scientific value to the foreign instrument for such purposes as the instrument was intended to be used, and have it available to the applicant without unreasonable delay in accordance with § 301.5(d)(2), at the time the foreign instrument was ordered (August 15, 1984).

Reasons: The foreign instrument provides a mass range of 1 to 2800 atomic units at an accelerating voltage of 6000 volts. The National Institutes of Health advises in its memorandum dated January 23, 1984 that the capability of the foreign instrument described above is pertinent to the applicant's intended purposes. We know of no domestic manufacturer both able and willing to provide an instrument with the required features at the time the foreign instrument was ordered.

As to the domestic availability of instruments, § 301.5(d)(2) provides that, in determining whether a U.S. manufacturer is able and willing to produce an instrument, and have it available without unreasonable delay, "the normal commercial practices applicable to the production and delivery of instruments of the same general category shall be taken into account, as well as other factors which in the Director's judgment are reasonable to take into account under the circumstances of a particular case." This subsection also provides that, if "a domestic manufacturer was formally requested a bid an instrument, without reference to cost limitations and within a leadtime considered reasonable for the category of instrument involved, and the domestic manufacturer failed formally to respond to the request, for the purposes of this section the domestic manufacturer would not be considered willing to have supplied the instrument."

The regulations require that domestic manufacturers be both "able and willing" to produce an instrument for the purpose of comparison with the foreign instrument. Where an applicant, as in this case, received no response to a formal request for quotation sent to the only known domestic manufacturers of comparable instruments (Nuclide Corporation and Nicolet Analytical Instruments, which manufacture magnetic sector mass spectrometers), it is apparent that the domestic manufacturers were either not able or not willing to produce an instrument of equivalent scientific value to the foreign instrument for such purposes as the foreign instrument was intended to be used at the time the foreign instrument was ordered.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 85-10287 Filed 4-26-85; 8:45 am]

BILLING CODE 3510-DS-M

[A-580-401]

Oil Country Tubular Goods From Korea; Postponement of Final Antidumping Duty Determination

AGENCY: International Trade Administration, Import Administration, Commerce.

ACTION: Notice.

SUMMARY: This notice informs the public that the Department of Commerce (the Department) has received a request from the petitioners in this investigation to postpone the final determination, as provided for in section 735(a)(2)(B) of the Tariff Act of 1930, as amended (the Act) (19 U.S.C. 1673(d)(a)(2)(B)). Based on this request, we are postponing our final determination as to whether sales of oil country tubular goods (OCTG) from Korea have occurred at less than fair value until not later than May 31, 1985.

EFFECTIVE DATE: April 29, 1985.

FOR FURTHER INFORMATION CONTACT: Paul Thran, Office of Investigations, Import Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230; telephone (202) 377-3963.

SUPPLEMENTARY INFORMATION: On July 10, 1984, we announced the initiation of an antidumping duty investigation to determine whether OCTG from the Republic of Korea, are being, or are likely to be, sold in the United States at less than fair value (49 FR 28084). We issued our preliminary negative determination on January 16, 1985 (50 FR 2312). That notice stated that we would issue a final determination by March 25, 1985. On February 7, 1985, counsel for petitioners, Lone Star Steel Company, CF&I Steel Corporation, and LTV Steel Company, requested that the Department extend the period for the final determination for 30 days, in accordance with section 735(a)(2)(B) of the Act. On Marcy 7, 1985, we extended the period for the final determination until April 24, 1985 (50 FR 9307).

On April 22, 1985, counsel for petitioners requested that the Department again extend the period for the final determination, until not later than 135 days after the date of publication of the preliminary determination. If a petitioner requests an extention after a negative preliminary determination, the Department is required, absent compelling reasons to the contrary to grant the request. Accordingly, we grant the request and postpone our final determination until not later than May 31, 1985.

This notice is published pursuant to section 735(d) of the Act. The United States International Trade Commission is being advised of this postponement, in accordance with section 735(d) of the Act.

Scope of Investigation

The term *"oil country tubular goods"* covers hollow steel products of circular cross section intended for use in the drilling of oil or gas. It includes oil well casing, tubing and drill pipe of carbon or alloy steel, whether welded or seamless, manufactured to either American Petroleum Institute (API) or non-API (e.g., proprietary), specifications as currently provided for in the Tariff Schedules of the United States Annotated (TSUSA) items 610.3216, 610.3219, 610.3233, 610.3242, 610.3243, 610.3249, 610.3252, 610.3254, 610.3256, 610.3258, 610.3262, 610 3264, 610.3721, 610.3722, 610.3751, 610.3925, 610.3935, 610.4025, 610.4035, 610.4225, 610.4235, 610.4325, 610.4335, 610.4942, 610.4944, 610.4946, 610.4954, 610.4955, 610.4956, 610.4957, 610.4966, 610.4967, 610.4968, 610.4969, 610.4970, 610.5221, 610.5222, 610.5226, 610.5234, 610.5240, 610.5242, 610.5243, and 610.5244. This investigation includes OCTG that are finished and unfinished.

Comments

In order to have any comments considered for our final determination, parties must submit them by April 30, 1985. All written views should be filed at the U.S. Department of Commerce, Room B099, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230, in at least 10 copies.

Alan F. Holmer,

Deputy Assistant Secretary for Import Administration.

April 24, 1985.

[FR Doc. 85-10310 Filed 4-26-85; 8:45 am]

BILLING CODE 3510-DS-M

National Bureau of Standards

National Voluntary Laboratory Accreditation Program

AGENCY: National Bureau of Standards, Commerce.

ACTION: Publication of NVLAP Directory Supplement.

SUMMARY: The National Bureau of Standards (NBS) announces laboratory accreditation actions taken since issuance of its 1984 Directory of Accredited Laboratories (NBS Special Publication 687 issued February 1985).

FOR FURTHER INFORMATION CONTACT: Dr. Stanley I. Warshaw, Manager, Laboratory Accreditation, ADMIN A603, National Bureau of Standards, Gaithersburg, MD 20899, (301) 921–3751.

SUPPLEMENTARY INFORMATION: This supplement to the 1984 NVLAP Directory is published pursuant to § 7.6(b) of the National Voluntary Laboratory Accreditation Program (NVLAP) Procedures which were published in the **Federal Register** on November 8, 1984 (49 FR 44622–44628).

The following table summarizes NVLAP accreditation actions for the period January 1, 1985, through March 31, 1985.

	TIM	CON	CAR	STO	ACO	CPL	DOS	Totals
Initial accreditations	0	0	0	0	1	0	4	5
Renewals	1	1	0	0	0	0	0	2
Terminations	0	−2	0	0	0	0	0	−2
Balance	37	30	24	10	9	2	23	135

Note: TIM—Insulation LAP; CON—Concrete LAP; CAR—Carpet LAP; ACO—Acoustical Testing Services LAP; STO—Stove LAP; CPL—Commercial Products LAP (Paint, Paper, Mattresses); DOS—Dosimetry LAP.

The laboratories awarded initial accreditation are:

Acoustics LAP:

Western Electro-Acoustic Lab, Santa Monico, CA

Dosimetry LAP:

Union Electric Co., Fulton, MO

Duke Power Co., Huntersville, NC

Tennessee Valley Authority, Muscle Shoals, AL

Omaha Public Power District, Omaha, NE

The laboratories renewing lapsed accreditation (late reapplications) are:

Insulation LAP:

Olin Corporation, New Haven, CT

Concrete LAP:

Engineering Testing Lab, Akron, OH

The laboratories voluntarily terminating their accreditation are:

Concrete LAP:

STS Consultants, Raleigh, NC

West Virginia Department of Highways, Charleston, WV

Dated: April 23, 1985.

Ernest Ambler,

Director, National Bureau of Standards.

[FR Doc. 85–10243 Filed 4–26–85; 8:45 am]

BILLING CODE 3510–13–M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Import Restraint Limit on Certain Wool Textile Products Produced or Manufactured in the People's Republic of China

April 24, 1985.

The Chairman of the Committee for the Implementation of Textile Agreements (CITA), under the authority contained in E.O. 11651 of March 3, 1972, as amended, has issued the directive published below to the Commissioner of Customs to be effective on April 30, 1985. For further information contact Diana Solkoff, International Trade Specialist (202) 377–4212.

Background

On April 6, 1984, a notice was published in the **Federal Register** (49 FR 13736) establishing a twelve-month limit for wool knit shirts and blouses in Category 438, among other categories, produced or manufactured in China and exported during the twelve-month period, which began on March 29, 1984, pending agreement on a mutually satisfactory solution concerning this category between the Governments of the United States and the People's Republic of China. To avoid the continued risk of market disruption, the Government of the United States has decided, in the absence of agreement on this category, pursuant to section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854) and the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of August 19, 1983, to continue the import restraint limit for an additional twelve-month period beginning on March 29, 1985 and extending through March 28, 1986 at a level of 12,195 dozen. The level reflects a one percent increase over the previous level.

A description of the textile categories in terms ot T.S.U.S.A. numbers was published in the **Federal Register** on December 13, 1982 (47 FR 55709), as amended on April 7, 1983 (48 FR 15175), May 3, 1983 (48 FR 19924), December 14, 1983 (48 FR 55607), December 30, 1983 (48 FR 57584), April 4, 1984 (49 FR 13397), June 28, 1984 (49 FR 26622), July 16, 1984 (49 FR 28754), November 9, 1984 (49 FR 44782), and in Statistical Headnote 5, Schedule 3 of the TARIFF SCHEDULES OF THE UNITED STATES ANNOTATED (1985).

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

April 24, 1985.

Committee for the Implementation of Textile Agreements

Commissioner of Customs,

Department of the Treasury, Washington, D.C.

Dear Mr. Commissioner: Under the terms of section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854), pursuant to the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of August 19, 1983, between the Governments of the United States and the People's Republic of China, and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended, you are directed, effective on April 30, 1985, to permit entry into the United States for consumption of wool textile products in Category 438, produced and manufactured in the People's Republic of China and exported during the twelve-month period which began on March 29, 1985 and extends through March 28, 1986, in excess of 12,195 dozen. [1]

In carrying out this directive, entries of wool textile products in Category 438, produced or manufactured in China, which have been exported to the United States on and after March 29, 1984 and extending through March 28, 1985, shall, to the extent of any unfilled balance, be charged against the level established for such goods during that twelve-month period. In the event the level established for that period has been exhausted by previous entries, such goods shall be subject to the level set forth in this letter.

Textile products in Category 438 which have been released from the custody of the U.S. Customs Service under the provisions of 19 U.S.C. 1448(b) or 1484(a)(1)(A) prior to the

[1] The level has not been adjusted to reflec any imports exported after the March 28, 1985.

effective date of this directive shall not be denied entry under this directive.

A description of the textile categories in terms of T.S.U.S.A. numbers was published in the Federal Register on December 13, 1982 (47 FR 55709), as amended on April 7, 1983 (48 FR 15175), May 3, 1983 (48 FR 19924), December 14, 1983 (48 FR 55607), December 30, 1983 (48 FR 57584), April 4, 1984 (49 FR 13397), June 28, 1984 (49 FR 26622), July 16, 1984 (49 FR 28754), November 9, 1984 (49 FR 44782), and in Statistical Headnote 5, Schedule 3 of the TARIFF SCHEDULES OF THE UNITED STATES ANNOTATED (1985).

In carrying out the above directions, the Commissioner of Customs should construe entry into the United States for consumption to include entry for consumption into the Commonwealth of Puerto Rico.

The Committee for the Implementation of Textile Agreements has determined that this action falls within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553.

Sincerely,

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 85-10285 Filed 4-26-85; 8:45 am]

BILLING CODE 3510-DR-M

New Limits for Certain Cotton and Man-Made Fiber Textile Products Produced or Manufactured in Indonesia; Correction

April 24, 1985.

On March 11, 1985, a notice was published in the Federal Register (50 FR 9704) announcing new limits for certain categories of cotton and man-made fiber textile products, including Categories 317 and 339, produced or manufactured in Indonesia and exported to the United States during specified periods. The following sentence was omitted and should appear as the penultimate sentence in paragraph 4 of the notice document and as the final sentence of paragraph 3 of the letter to the Commissioner of Customs which followed that notice:

In neither case shall the phased entry amounts be permitted to exceed the total amounts of the increases in the new limits for these two categories.

The effective date in the first sentence of paragraph 3 of the letter to the Commissioner of Customs should be corrected to read "March 11, 1985."

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 85-10286 Filed 4-26-85; 8:45 am]

BILLING CODE 3510-DR-M

Announcing an Import Restraint Level for Certain Cotton Textile Products Produced or Manufactured in Bangladesh

April 25, 1985.

On March 21, 1985, a notice was published in the Federal Register (50 FR 11410) announcing that, on February 28, 1985, the United States Government, under Article 3 of the Arrangement Regarding International Trade in Textiles, had requested the Government of Bangladesh to enter into consultations concerning exports to the United States of men's and boys' woven cotton shirts in Category 340, produced or manufactured in Bangladesh.

The United States Government has decided, inasmuch as consultations with the Government of Bangladesh held April 2-5, 1985 failed to reach a mutually satisfactory solution concerning this category, to control imports of cotton textile products in Category 340, produced or manufactured in Bangladesh and exported during the twelve-month period which began on February 28, 1985 and extends through February 27, 1986 at a level of 212,011 dozen.

Accordingly, in the letter published below the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs to prohibit entry into the United States for consumption, or withdrawal from warehouse for consumption, of cotton textile products in Category 340 exported during the twelve-month period which began on February 28, 1985, in excess of the designated level of restraint.

A description of the textile categories in terms of T.S.U.S.A. numbers was published in the Federal Register on December 13, 1982 (47 FR 55709), as amended on April 7, 1983 (48 FR 15175), May 3, 1983 (48 FR 19924), December 14, 1983 (48 FR 55607), December 30, 1983 (48 FR 57584), April 4, 1984 (49 FR 13397), June 28, 1984 (49 FR 26622), July 16, 1984 (49 FR 28754), November 9, 1984 (49 FR 44782), and in Statistical Headnote 5, Schedule 3 of the TARIFF SCHEDULES OF THE UNITED STATES ANNOTATED (1985).

EFFECTIVE DATE: April 29, 1985.

FOR FURTHER INFORMATION CONTACT: Diana Solkoff, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, Washington, D.C. (202/377-4212).

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

April 25, 1985.

Committee for the Implementation of Textile Agreements

Commissioner of Customs,
Department of the Treasury, Washington, D.C.

Dear Mr. Commissioner: Under the terms of Section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854), and the Arrangement Regarding International Trade in Textiles; done at Geneva on December 20, 1973, as extended on December 15, 1977 and December 22, 1981; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended, you are directed, effective on April 29, 1985, to prohibit entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textile products in Category 340, produced or manufactured in Bangladesh and exported during the twelve-month period which began on February 28, 1985, in excess of 212,011 dozen.[1]

Textile products in Category 340 which have been exported to the United States prior to February 28, 1985 shall not be subject to this directive.

Textile products in Category 340 which have been released from the custody of the U.S. Customs Service under the provisions of 19 U.S.C. 1448(b) or 1484(a)(1)(A) prior to the effective date of this directive shall not be denied entry under this directive.

A description of the textile categories in terms of T.S.U.S.A. numbers was published in the Federal Register on December 13, 1982 (47 FR 55709), as amended on April 7, 1983 (48 FR 15175), May 3, 1983 (48 FR 19924), December 14, 1983 (48 FR 55607), December 30, 1983 (48 FR 57584), April 4, 1984 (49 FR 13397), June 28, 1984 (49 FR 26622), July 16, 1984 (49 FR 28754), November 9, 1984 (49 FR 44782), and in Statistical Headnote 5, Schedule 3 of the TARIFF SCHEDULES OF THE UNITED STATES ANNOTATED (1985).

In carrying out the above directions, the Commissioner of Customs should construe entry into the United States for consumption to include entry for consumption into the Commonwealth of Puerto Rico.

The Committee for the Implementation of Textile Agreements has determined that this action falls within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553.

Sincerely,

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 85-10320 Filed 4-26-85; 8:45 am]

BILLING CODE 3510-DR-M

[1] The level of restraint has not been adjusted to reflect any imports exported after February 27, 1985

COMMODITY FUTURES TRADING COMMISSION

Chicago Mercantile Exchange and MidAmerica Commodity Exchange; Proposed Amendments Relating to the Live Hog Futures Contracts

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice of proposed contract market rule changes.

SUMMARY: The Chicago Mercantile Exchange ("CME") and the MidAmerica Commodity Exchange ("MCE") have submitted proposals to amend their live hog futures contracts. The proposed amendments would revise the delivery specifications for both the CME and MCE live hog contracts. The Commodity Futures Trading Commission ("Commission") has determined that the proposals are of major economic significance and that, accordingly, publication of these proposals is in the public interest, will assist the Commission in considering the views of interested persons, and is consistent with the purposes of the Commodity Exchange Act.

DATE: Comments should be received on or before May 29, 1985.

ADDRESS: Interested persons should submit their views and comments to Jean A. Webb, Secretary, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581. Reference should be made to CME and MCE live hog futures contracts.

FOR FURTHER INFORMATION CONTACT: Fred Linse, Division of Economic Analysis, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581, (202) 254–6990.

SUPPLEMENTARY INFORMATION: Under the current CME live hog contract, an unlimited number of U.S. No. 1 and No. 2 hogs and up to 10 U.S. No. 3 hogs are deliverable at par and up to 30 U.S. No. 3 hogs are deliverable at a $2.00 per hundredweight discount. The current MCE live hog contract has the same provisions except that the numbers of U.S. No. 3 hogs deliverable at par and at a discount are one-half the numbers specified by the CME, reflecting the smaller size of the MCE contract. The CME and MCE proposals would amend the delivery unit to allow for the delivery of an unlimited number of U.S. No. 1, No. 2 and No. 3 hogs, all at par. No other hogs would be deliverable under the proposed amendments.

The CME and MCE state that the proposed amendments to the par delivery unit of the live hog contracts are based on the revised USDA hog quality standards that were implemented in January 1985. The exchanges submit that the new grades reflect the improved quality of hogs produced and marketed over the past several years. In order to maintain delivery standards that reflect the current quality of live hogs available in the cash market, the exchanges state that they must revise the current delivery standards of the live hog futures contracts.

The proposed amendments to the CME and MCE live hog futures contracts would become effective after Commission approval for all contract months subsequently listed by the exchanges for trading, but would not be applicable to currently listed months.

In accordance with section 5a(12) of the Commodity Exchange Act, 7 U.S.C. 7a(12) (1982), the Commission has determined that the proposals submitted by the CME and MCE concerning their live hog futures contracts are of major economic significance and that the receipt of public comment on these proposed rule amendments will assist the Commission in its determination whether they should be approved. In particular, the Commission is requesting information regarding the proposal of the CME and the MCE to specify that all deliverable grades of hogs—U.S. No. 1, No. 2, and No. 3—would be delivered at par, with no limitation on the number of hogs in any one of these grades. The Commission seeks comments on whether the absence of premiums or discounts with respect to these three different grades of hogs, or the lack of any limitation on the number of head of any single grade, is consistent with cash market practices. If not, comments are also requested on whether the proposed specifications are necessary or appropriate for the contract and will result in sufficiently available and saleable deliverable supplies.

The CME and MCE proposals will be available for inspection at the Office of the Secretariat, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581. Copies can be obtained through the Office of the Secretariat by mail at the above address or by phone at (202) 254–6314. Other materials submitted by the CME and MCE in support of the proposed rules may be available upon request pursuant to the Freedom of Information Act (5 U.S.C. 552) and the Commission's regulations thereunder (17 CFR Part 145 (1984)), except to the extent that they are entitled to confidential treatment as set forth in 17 CFR 145.5 and 145.9. Requests for copies of such materials should be made to the FOI, Privacy and Sunshine Acts Compliance Staff of the Office of the Secretariat at the Commission's headquarters in accordance with 17 CFR 145.7 and 145.8.

Any person interested in submitting written data, views or arguments on the proposed amendments should send such comments to Jean A. Webb, Secretary, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581, by May 29, 1985.

Issued in Washington, D.C., on April 23, 1985.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 85–10245 Filed 4–26–85; 8:45 am]

BILLING CODE 6351–01–M

DEPARTMENT OF DEFENSE

Office of the Secretary

Scientific Advisory Group on Effects (SAGE); of Closed Meeting

SUMMARY: A subcommittee of the Scientific Advisory Group on Effects (SAGE) will meet in closed session.

DATES: June 4 to June 5, 1985.

Agenda—June 4 to June 5 (0800–1700)

Presentations, discussions and executive session on issues related to Lethality and Target Hardening Technology Programs which support the Strategic Defense Initiative. The presentations and discussions in the above cited agenda will focus on current and planned activities of the Defense Nuclear Agency (DNA) supporting the Strategic Defense Initiatives Organizations. Executive sessions will be held for the primary purpose of advising the Director, DNA, as the adequacy of ongoing and planned activities. All planned presentations, discussions, and executive sessions may include classified defense information.

ADDRESS: Offices of Kaman Tempo, 2560 Huntington Avenue, Suite 500, Alexandria, Virginia 22303.

FOR FURTHER INFORMATION CONTACT: Lt Col Gary Gibson, USAF, Scientific Secretary, SAGE, Headquarters, Defense Nuclear Agency, ATTN: DDST, Washington, DC 20305–1000.

SUPPLEMENTARY INFORMATION: Under the provisions of sections 552b(c)(1) and (3), Title 5, U.S.C., this meeting is closed to the public.

Patricia H. Means,

OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 85–10304 Filed 4–26–85; 8:45 am]

BILLING CODE 3810–01–M

Defense Science Board 1985 Summer Study Panel on Tactical Directed Energy Weapons; Advisory Committee Meetings

The Defense Science Board 1985 Summer Study Panel on Tactical Directed Energy Weapons will meet in closed session on 21 May and 25 June 1985 in the Pentagon, Arlington, Virginia.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Under Secretary of Defense for Research and Engineering on scientific and technical matters as they affect the perceived needs of the Department of Defense. At these meetings the Panel will examine the status, technical feasibility and tactical weapon potential of all forms of non-nuclear directed energy technology. The Panel will also examine the vulnerabilities and means of countering the effects of these technologies on U.S. systems.

In accordance with section 10(d) of the Federal Advisory Committee Act, Pub. L. No. 92–463, as amended (5 U.S.C. App. II (1982)), it has been determined that this DSB Panel meeting, concerns matters listed in 5 U.S.C. 552b(c)(1) (1982), and that accordingly this meeting will be closed to the public.

Patricia H. Means,

OSD Federal Register Liaison Officer, Department of Defense.

April 24, 1985.

[FR Doc. 85–10269 Filed 4–26–85; 8:45 am]

BILLING CODE 3810-01-M

Defense Science Board Task Force on Software; Change in Advisory Committee Meeting

The meeting place for the Defense Science Board Task Force on Software scheduled for 28–29 May 1985 in the Pentagon, Arlington, Virginia as published in the **Federal Register** (Vol. 50, No. 62, Monday, April 1, 1985, FR Doc. 85–7724) has been changed to the MITRE Corporation, 1820 Dolly Madison Boulevard, McLean, Virginia. In all other respects the original notice remains unchanged.

Patricia H. Means,

OSD Federal Register Liaison Officer, Department of Defense.

April 24, 1985.

[FR Doc. 85–10270 Filed 4–26–85; 8:45 am]

BILLING CODE 3810-01-M

Department of the Air Force

Public Information Collection Requirement Submitted to OMB for Review

SUMMARY: The Department of Defense has submitted to OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Each entry contains the following information: (1) Type of submission; (2) Title of Information Collection and Form Number, if applicable; (3) Abstract statement of the need for and the uses to be made of the information collected; (4) Type of Respondent; (5) An estimate of the number of responses; (6) An estimate of the total number of hours needed to provide the information; (7) To whom comments regarding the information collection are to be forwarded; and (8) The point of contact from whom a copy of the information proposal may be obtained.

Existing Collection in Use Without an OMB Control Number

Application for Appointment as Reserves of the Air Force or USAF Without Component (AF Form 24)

This form is used Air Force application processing activities and approval authorities to select applicants who qualify for appointment as Reserves of the Air Force, or during time of war or national emergency, as USAF Without Component.

Individuals

Responses 12,000

Burden hours 6,000

ADDRESSES: Comments are to be forwarded to Mr Edward Springer, Office of Management and Budget, Desk Officer, Room 3235, New Executive Office Building, Washington, DC 20503, and Mr Daniel J. Vitiello, DOD Clearance Officer, WHS/DIOR, 1215 Jefferson Davis Highway, Suite 1204, Arlington, Virginia 22202–4302, telephone number (202) 746–0933.

SUPPLEMENTAL INFORMATION: A copy of the information collection proposal may be obtained from Ms. Wanda L. Williams, HQ AFMPC/MPCMOP, Randolph AFB, Texas 78150–6001, telephone (512) 652–4382.

Patricia H. Means,

OSD Federal Register Liaison Officer, Department of Defense.

April 24, 1985.

[FR Doc. 85–10271 Filed 4–26–85; 8:45 am]

BILLING CODE 3810-01-M

Public Information Collection Requirement Submitted to OMB for Review

SUMMARY: The Department of Defense has submitted to OMB for review the following proposal for the collection of informtion under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Each entry contains the following information: (1) Type of submission; (2) Title of Information Collection and Form Number, if applicable; (3) Abstract statement of the need for and the uses to be made of the information collected; (4) Type of Respondent; (5) An estimate of the number of responses; (6) An estimate of the total number of hours needed to provide the information; (7) To whom comments regarding the information collection are to be forwarded; and (8) The point of contact from whom a copy of the information proposed may be obtained.

New

The Air Force Health Study (Project Ranch Hand II)

The questionnaires will be used in the follow-up phases of the White House-directed epidemiologic study of health effects of Agent Orange. They will be administered to the previously selected study population and its subgroups. The collected data will be analyzed to detect health effects attributable to Agent Orange exposure.

Individuals

Responses 9,563

Burden hours 1,761

ADDRESSES: Comments are to be forwarded to Mr. Edward Springer, Office of Management and Budget, Desk Officer, Room 3235, New Executive Office Building, Washington, DC 20503, and Mr. Daniel J. Vitiello, DOD Clearance Officer, WHS/DIOR, 1215 Jefferson Davis Highway, Suite 1204, Arlington, Virginia 22202–4302, telephone number (202) 746–0933.

SUPPLEMENTARY INFORMATION: A copy of the information collection proposal may be obtained from Col. William H. Wolfe, USAF School of Aerospace Medicine, Brooks AFB, TX 78235–5301, telephone (512) 536–2604.

Patricia H. Means,

OSD Federal Register Liaison Officer, Department of Defense

April 24, 1985.

[FR Doc. 85–10303 Filed 4–26–85; 8:45 am]

BILLING CODE 3810-01-M

Department of the Army

Public Information Collection Requirement Submitted to OMB for Review

The Department of Defense has submitted to OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Each entry contains the following information: (1) Type of submission; (2) Title of Information Collection and Form Number if applicable; (3) Abstract statement of the need for and the uses to be made of the information collected; (4) Type of Respondent; (5) An estimate of the number of responses; (6) An estimate of the total number of hours needed to provide the information; (7) To whom comments regarding the information collection are to be forwarded; and (8) The point of contact from whom a copy of the information proposal may be obtained.

New

DOD Standard Tender of Freight Services.

Under the provisions of 49 CFR 10721 approximately 1200 commercial carriers choose to file nearly 9,000 tenders with DOD each year. These tenders are used by DOD to select carriers for 700,000 freight shipments annually. Tenders are currently submitted via the OF 280 which is undisciplined and requires excessive manual processing time. The proposed DOD form will support MTMC automation initiatives and DOD objectives to reduce paper burden or manual operations.

Business

Responses 8,537

Burden Hours 9,562

ADDRESSES: Comments are to be forwarded to Mr. Edward Springer,Office of Management and Budget, Desk Officer, Room 3235, New Executive Office Building, Washington, DC 20503 and Mr. Daniel J. Vitiello, DoD Clearance Officer, WHS/DIOR, 1215 Jefferson Davis Highway, Suite 1204, Arlington, Virginia 22202–4302, telephone number (202) 746–0933.

SUPPLEMENTAL INFORMATION: A copy of the information collection proposal may be obtained from Mr. David O. Cochran, DAIM-ADI, Room 1D667, The Pentagon, Washington, DC 20310–0700, telephone (202) 695–5111.

April 24, 1985.

Patricia H. Means,

OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 85–10272 Filed 4–26–85; 8:45 am]

BILLING CODE 3810-01-M

Public Information Collection Requirement Submitted to OMB for Review

SUMMARY: The Department of Defense has submitted to OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Each entry contains the following information: (1) Type of submission; (2) Title of Information Collection and Form Number if applicable; (3) Abstract statement of the need for and the uses to be made of the information collected; (4) Type of Respondent; (5) An estimate of the number of responses; (6) An estimate of the total number of hours needed to provide the information; (7) To whom comments regarding the information are to be forwarded; and (8) The point of contact from whom a copy of the information proposal may be obtained.

Extension

Mobile Homes:

A. Tender of Service (MT–PP Form 9)

B. Letter of Intent

C. Accessorial Services (DD Form 1863)

Since mobile homes move at Government expense, data is needed to choose the best service at the lowest cost. Data provided by the carriers state the type of service being offered, ability to perform the service and rate to be charged.

Businesses

Response 1,690

Burden Hours 852

ADDRESSES: Comments are to be forwarded to Mr. Edward Springer, Office of Management and Budget, Desk Officer, Room 3235, New Executive Office Building, Washington, DC 20503 and Mr. Daniel J. Vitiello, DoD Clearance Officer, WHS/DIOR, 1215 Jefferson Davis Highway, Suite 1204, Arlington Viriginia 22202–4302, telephone number (202) 746–0933.

SUPPLEMENTAL INFORMATION: A copy of the information collection proposal may be obtained from Mr. David O. Cochran, DAIM–ADI, Room 1D667, The Pentagon, Washington, DC 20310–0700, telephone (202) 695–5111.

April 24, 1985.

Patricia H. Means,

OSD Federal Register Liaison Officer, Department of Defense.

April 24, 1985.

[FR Doc. 85–10273 Filed 4–26–85; 8:45 am]

BILLING CODE 3810-01-M

Army Science Board; Open Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), announcement is made of the following Committee Meeting:

Name of the committee: Army Science Board (ASB).

Dates of meeting: Tuesday, May 14, 1985.

Time: 0830–1700 hours (Open).

Place: Daytona, Florida.

Agenda: The Training Technology Subpanel of the Army Science Board 1985 Summer Study on Training and Training Technology—Applications for AirLand Battle and Future Concepts/Army 21 will meet at GE/UCOFT for briefings and discussions on both existing and emerging training technologies to prepare for the final 2-week report writing session. This meeting is open to the public. Any interested person may attend, appear before, or file statements with the committee at the time and in the manner permitted by the committee. The ASB Administrative Officer, Sally Warner, may be contacted for further information at (202) 695–3039/7046.

Sally A. Warner,

Administrative Officer, Army Science Board.

[FR Doc. 85–10456 Filed 4–26–85; 8:45 am]

BILLING CODE 3710-08-M

Army Science Board; Open Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), announcement is made of the following Committee Meeting:

Name of the committee: Army Science Board (ASB).

Dates of meeting: Tuesday, May 14, 1985.

Time: 0900–1630 hours (Open).

Place: U.S. Army Infantry School, Fort Benning, Georgia.

Agenda: The Training Effectiveness Subpanel of the Army Science Board 1985 Summer Study on Training and Training Technology—Applications for AirLand Battle and Future Concepts/Army 21 will meet for briefings and discussions to determine training methods that can be identified or envisioned to increase readiness significantly and how their effectiveness can be measured. This meeting is open to the public. Any interested person may attend, appear before, or file statements with the committee at the time and in the manner permitted by the committee. The ASB Administrative Officer,

Sally Warner, may be contacted for further information (202) 695-3039/7046.

Sally A. Warner,

Administrative Officer, Army Science Board.

[FR Doc. 85-10455 Filed 4-26-85; 8:45 am]

BILLING CODE 3710-08-M

Army Science Board; Partially Closed Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following Committee Meeting:

Name of the committee: Army Science Board (ASB).

Dates of meeting: Tuesday-Thursday, May 14 and 16, 1985.

Times and places of meeting: 0800-1800 hours (Closed) at Fort Lee, Virginia on both May 14 and 15, 1985; 0800-1200 hours (Open) at Fort Eustis, Virginia.

Agenda: The Army Science Board 1985 Summer Study on Manpower Implications of Logistic Support for Army 21 will meet in a Plenary Session to receive background briefings concerning current and future logistics and logistics initiatives and to plan future fact finding meetings and the final 2-week working session in August. The open portions of the meeting are open to the public. Any person may attend, appear before, or file statements with the committee at the time and in the manner permitted by the committee. The closed portions of the meeting are closed to the public in accordance with section 552b(c) of Title 5, U.S.C., specifically subparagraph (1) thereof, and Title 5, U.S.C., Appendix 1, subsection 10(d). The classified and nonclassified matters to be discussed in this portion of the meeting are so inextricably intertwined so as to preclude opening them to the public. The Army Science Board Administrative Officer, Sally Warner, may be contacted for further information at (202) 695-3039 or 695-7046.

Sally A. Warner,

Administrative Officer, Army Science Board.

[FR Doc. 85-10457 Filed 4-26-85; 8:45 am]

BILLING CODE 3710-08-M

DEPARTMENT OF ENERGY

Voluntary Agreement and Plan of Action To Implement the International Energy Program; Meeting

In accordance with section 252(c)(1)(A)(i) of the Energy Policy and Conservation Act (42 U.S.C. 6272(c)(1)(A)(i)), the following meeting notice is provided:

A meeting of the Industry Working Party (IWP) of the International Energy Agency (IEA) will be held on May 7 and 8, 1985, at the offices of Mobil Oil Corporation, Room 21W905, 150 East 42nd Street, New York, NY, beginning at 9:30 a.m. on May 7. The agenda for the meeting is as follows:

1. Status of activities of the IWP and the Standing Group on the Oil Market (SOM).
2. Supply/demand balancing item.
3. Crude oil price indicators.
4. Refining margin calculations.
5. Processing gain.
6. Arrangements for future meetings of the SOM and IWP.

As provided in section 252(c)(1)(A)(ii) of the Energy Policy and Conservation Act, this meeting is open only to representatives of members of the IWP, their counsel, employees of the Departments of Energy, Justice, State, the Federal Trade Commission, and the General Accounting Office, representatives of committees of Congress, employees of the IEA, representatives of the Commission of the European Communities, and invitees of the IWP or the IEA.

Issued in Washington, D.C., April 24, 1985.

Eric J. Fygi,

Acting General Counsel.

[FR Doc. 85-10444 Filed 4-26-85; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket No. TA85-3-32-000 and TA85-3-32-001]

Colorado Interstate Gas Co.; Proposed Change in Rates Under Purchased Gas Adjustment Clause Provision

April 23, 1985.

Take notice that Colorado Interstate Gas Company (CIG), on April 15, 1985, tendered for filing proposed changes in its FERC Gas Tariff, Original Volume No. 1. According to § 381.103(b)(2)(iii) of the Commission's regulations (18 CFR 381.103(b)(2)(iii)), the date of filing is the date on which the Commission receives the appropriate filing fee, which in the instant case was not until April 18, 1985. The proposed changes would increase the demand rate under CIG's jurisdictional rate schedules by 10 cents per Mcf and decrease the commodity rate by 1.29 cents per Mcf. This filing reflects a net annual decrease in purchased gas costs of approximately $.7 million.

The filing was made to enable CIG to reflect in its rates, pursuant to section 21 of CIG's FERC Gas Tariff, Original Volume No. 1, net decreased purchased gas costs it will experience as the result of rate filings made by certain of its pipeline suppliers.

CIG requests that the instant filing be made effective on May 1, 1985. Copies of the filing have been served upon CIG's jurisdictional customers and other interested persons, including public bodies.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 85-10299 Filed 4-26-85; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP84-72-004]

Eastern Shore Natural Gas Co.; Revised Tariff Filing

April 23, 1985.

Take notice that Eastern Shore Natural Gas Company (Eastern Shore) on March 26, 1985, tendered for filing revised tariff sheets to its FERC Gas Tariff, Original Volume No. 1. According to 381.103(b)(2)(iii) of the Commission's regulations (18 CFR 381.103(b)(2)(iii), the date of filing is the date on which the Commission receives the appropriate filing fee, which in the instant case was not until April 18, 1985. The revised tariff sheets are as follows:

To Be Effective October 23, 1984

Substitute First Revised Sheet No. 1
Substitute First Revised Sheet No. 2
Substitute Twenty-Sixth Revised Sheet No. 5
Substitute Twenty-Sixth Revised Sheet No. 6
Substitute Twenty-Sixth Revised Sheet No. 10
Substitute Twenty-Sixth Revised Sheet No. 11
Substitute Twenty-Sixth Revised Sheet No. 12
Substitute Twenty-Sixth Revised Sheet No. 13

To Be Effective November 1, 1984

Substitute Twenty-Seventh Revised Sheet No. 5
Substitute Twenty-Seventh Revised Sheet No. 6
Substitute Twenty-Seventh Revised Sheet No. 10

Substitute Twenty-Seventh Revised Sheet No. 11
Substitute Twenty-Seventh Revised Sheet No. 12
Substitute Twenty-Seventh Revised Sheet No. 13

Eastern Shore states that the purpose of this filing is to reflect the settlement rates in Docket No. RP84–72–000 to be effective October 23 and November 1, 1984, as approved by the Commission's letter order and adjusted to reflect rate changes made by Transco, Eastern Shore's supplier, subsequent to May 1, 1984 in accordance with the purchased gas adjustment provision of Eastern Shore's Tariff.

Eastern Shore states that copies of the filing have been mailed to each of its jurisdictional customers and interested State Commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before April 30, 1985. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 85–10230 Filed 4–26–85; 8:45 am]

BILLING CODE 6717–01–M

[Project No. 8181–001]

Harrisonburg Associates; Surrender of Preliminary Permit

April 23, 1985.

Take notice that the Harrisonburg Associates, Permittee for the McGaheysville Project No. 8181 located on the South Fork of the Shenandoah River in Rockingham County, Viginia has requested that its preliminary permit be terminated. The preliminary permit was issued on December 24, 1984, and would have expired on May 31, 1986. The Permittee states that analysis of the McGaheysville Project did not indicate feasibility for development.

The Permittee filed the request on April 8, 1985, and the preliminary permit for Project No. 8181 shall remain in effect through the thirtieth day after issuance of this notice unless that day is a Saturday, Sunday or holiday as described in 18 CFR 385.2007, in which case the permit shall remain in effect through the first business day following that day. New applications involving this project site, to the extent provided for under 18 CFR Part 4, may be filed on the next business day.

Kenneth F. Plumb,

Secretary.

[FR Doc. 85–10231 Filed 4–26–85; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP85–132–000]

Michigan Gas Storage Co.; Change in Tariff

April 23, 1985.

Take notice that on April 15, 1985, Michigan Gas Storage Company (Storage Company) tendered for filing the following revised sheets to its FERC Gas Tariff, Original Volume No. 1:

Eighth Revised Sheet No. 4
Eighth Revised Sheet No. 5
Second Revised Sheet No. 24E

An effective date of May 15, 1985, is proposed.

Storage Company states that the filing effects two changes in its cost of service tariff: (1) The allowance for cash working capital is being eliminated; and (2) the overall cost of money is being reduced to 11.65% from 12.53%. Storage Company further states that the cumulative impact of these two changes is to reduce Storage Company's cost of service by approximately $636,000.

Storage Company states that copies of its filing have been served upon Storage Company's only resale customer, Consumers Power Company, and upon the Michigan Public Service Commission.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 385.214). All such motions or protests should be filed on or before April 30, 1985. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 85–10232 Filed 4–26–85; 8:45 am]

BILLING CODE 6717–01–M

[Project No. 8195–001]

Northampton Associates; Surrender of Preliminary Permit

April 23, 1985.

Take notice that the Northampton Associates, Permittee for the Mill River Project No. 8195 located on the Mill River in Hampshire County, Massachusetts has requested that its preliminary permit be terminated. The preliminary permit was issued on December 27, 1984, and would have expired on May 31, 1986. The Permittee states that analysis of the Mill River Project did not indicate feasibility for development.

The Permittee filed the request on April 8, 1985, and the preliminary permit for Project No. 8195 shall remain in effect through the thirtieth day after issuance of this notice unless that day is a Saturday, Sunday or holiday as described in 18 CFR 385.2007, in which case the permit shall remain in effect through the first business day following that day. New applications involving this project site, to the extent provided for under 18 CFR Part 4, may be filed on the next business day.

Kenneth F. Plumb,

Secretary.

[FR Doc. 85–10233 filed 4–26–85; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP85–133–000

Pacific Offshore Pipeline Co.; Compliance Filing

April 23, 1985.

Take notice that on April 16, 1985, Pacific Offshore Pipeline Company (POPCO) tendered for filing supporting documentation and an amendment to its gas purchase agreement in compliance with the Federal Energy Regulatory Commission's (Commission) March 29, 1985, order. According to § 381.103(b)(2)(iii) of the Commission's regulations (18 CFR 381.103(b)(2)(iii)), the date of filing is the date on which the Commission receives the appropriate filing fee, which in the instant case was not until April 17, 1985. Included in this filing was First Revised Sheet No. 35 to POPCO's FERC Gas Tariff, Original Volume No. 1, which POPCO believes will remove any ambiguity as to the method of calculation and which complies with Ordering Paragraph (C). POPCO requests that this tariff sheet be made effective April 1, 1985.

POPCO states that copies of this filing, and the attached tariff sheet, have been served on its customer, the

interested state commission, and all parties to Docket No. TA85–2–62–000.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before April 30, 1985. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 85–10234 Filed 4–26–85; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP85–16–001]

Stingray Pipeline Co.; Change in Tariff

April 23, 1985.

Take notice that Stingray Pipeline Company (Stingray), on April 17, 1985 tendered for filing revised tariff sheets to its FERC Gas Tariff, Original Volume No. 1.

The proposed effective date of the revised tariff sheets listed in Appendix A to Stingray's filing is April 1, 1985.

Stingray states that the instant filing contains the revised tariff sheets necessary to implement the reduced rates resulting from the Docket No. RP85–16–000 Stipulation and Agreement that was filed with the Commission on April 16, 1985, pending FERC approval of that instrument and is requesting the necessary waivers of the Commission's regulations to place the reduced rates into effect April 1, 1985, on an interim basis, subject to being superseded by those currently in effect if the Stipulation and Agreement is not approved.

Copies of the filing were served on all jurisdictional customers.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before April 30, 1985. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

Appendix A—Stingray Pipeline Company

Docket No. RP85–16, Settlement Tariff Sheets, Effective April 1, 1985

FERC Gas Tariff, Original Volume No. 1

First Substitute First Revised Sheet No. 1
First Substitute Thirteenth Revised Sheet No. 4
First Substitute Second Revised Sheet No. 10
Second Revised Sheet No. 14
First Substitute Second Revised Sheet No. 15
First Revised Sheet No. 39.1
First Substitute Sixth Revised Sheet No. 40
First Revised Sheet No. 44
First Substitute First Revised Sheet No. 45
First Substitute Original Sheet No. 70–A
First Substitute Original Sheet No. 70–B
First Substitute Third Revised Sheet No. 71

[FR Doc. 85–10235 Filed 4–26–85; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 7768–001]

Union City Associates; Surrender of Preliminary Permit

April 23, 1985.

Take notice that the Union City Associates, Permittee for the Union City Project No. 7768 located on French Creek in Erie County, Pennsylvania has requested that its preliminary permit be terminated. The preliminary permit was issued on August 7, 1984, and would have expired on July 31, 1986. The Permittee states that analysis of the Union City Project did not indicate feasibility for development.

The Permittee filed the request on April 8, 1985, and the preliminary permit for Project No. 7768 shall remain in effect through the thirtieth day after issuance of this notice unless that day is a Saturday, Sunday or holiday as described in 18 CFR 385.2007, in which case the permit shall remain in effect through the first business day following that day. New applications involving this project site, to the extent provided for under 18 CFR Part 4, may be filed on the next business day.

Kenneth F. Plumb,

Secretary.

[FR Doc. 85–10236 Filed 4–26–85; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CI85–385–000]

Energy Marketing Exchange, Inc.; Application for Blanket Limited Term Certificate and Limited Partial Abandonment Authorization

April 22, 1985.

Take notice that on April 15, 1985, Energy Marketing Exchange, Inc. ("EME"), P.O. Box 6060, Bridgewater, NJ 08807, filed an application pursuant to Sections 4 and 7 of the Natural Gas Act, 15 U.S.C. 717c, 717f, and the provisions of 18 CFR Part 157, for a blanket limited-term certificate of public convenience and necessity authorizing EME to conduct a short-term spot sales marketing program, hereinafter referred to as Energy Mark Program, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Approval would (1) authorize the sale of natural gas for resale in interstate commerce; (2) permit limited-term, partial abandonment of certain natural gas sales; (3) confer pre-granted abandonment authorization for sales of natural gas made pursuant to the requested certificate; (4) authorize transportation of natural gas by interstate pipeline companies able and willing to participate in Energy Mark Program; and (5) confer pre-granted abandonment authorization for the transportation service allowed under the requested certificate. EME also requests the Commission to declare that, with respect to EME and its activities, the Commission will only assert Natural Gas Act jurisdiction over sales for resale and transportation not otherwise exempt from the NGA.

Under Energy Mark Program, EME proposes to sell natural gas qualifying for the section 102, 103, 107 and 108 rates under the Natural Gas Policy Act of 1978 (NGPA), 15 U.S.C. 3301–3432. Only contractually committed gas will be sold. EME and participating producers will seek temporary releases of gas from the purchasers in order to meet market demand for natural gas sales. Releasing purchasers will be absolved from take-or-pay liability for any volumes of gas released and sold under the program. Arrangements for transporting the released gas will be made on a case-by-case basis.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 6, 1985, file with the Federal Energy Regulatory Commission, Washington, DC 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Under the procedure herein provided for, unless Applicant is otherwise advised, it will be unnecessary for Applicant to appear or to be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 85-10215 Filed 4-26-85; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 8362-001]

Glen Elder Associates; Surrender of Preliminary Permit

April 22, 1985.

Take notice that Glen Elder Associates, Permittee for the proposed Glen Elder Hydro Project No. 8362, has requested that its preliminary permit be terminated. The permit was issued on November 29, 1984, and would have expired April 30, 1986. The project would have been located on the Solomon River near Glen Elder, Mitchell County, Kansas. The Permittee cites that the proposed project is not economically feasible as the basis for the surrender request.

The Permittee filed the request on April 8, 1985, and the preliminary permit for Project No. 8362 shall remain in effect through the thirtieth day after issuance of this notice unless that day is a Saturday, Sunday or holiday as described in 18 CFR 385.2007, in which case the permit shall remain in effect through the first business day following that day. New applications involving this project site, to the extent provided for under 18 CFR Part 4, may be filed on the next business day.

Kenneth F. Plumb,

Secretary.

[FR Doc. 85-10216 Filed 4-26-85; 8:45 am]

BILLING CODE 6717-03-M

[Docket No. SA85-20-000]

Tom Horn; Petition for Adustment

April 22, 1985.

On March 21, 1985, Tom Horn filed with the Federal Energy Regulatory Commission a petition for an adjustment under section 502(c) of the Natural Gas Policy Act of 1978 (NGPA) and Rules 1101 through 1104 of the Commission's rules.[1]

Tom Horn owns the Edith S. Horn Gas Well in the Panhandle West Field, Carson County, Texas. He operated the well to produce irrigation gas until it depleted to a point insufficient to supply that demand. In January, 1981, the remaining reserves were determined to be 15 mmcf. Horn applied for and was granted a Certificate of Abandonment. In October 1981, Horn began a system of enhanced recovery. It was successful, and the first delivery of gas was allegedly made on February 25, 1982.

Horn states that he first learned that his gas well had been disqualified and that no application for a section 108 NGPA enhanced recovery determination had been filed with the Texas Railroad Commission on December 19, 1984. On January 9, 1985 Horn sought a section 108 NGPA enhanced recovery determination. It was approved on February 4, 1985.

Horn seeks an adjustment excusing him from the late filing of his enhanced recovery petition. He asserts that he expended substantial sums on his enhanced recovery technique and on certain necessary equipment, and that unless he is permitted to recover a section 108 gas price for the period from July 1, 1982 through January 9, 1985, he will incur a substantial refund obligation and sustain substantial out-of-pocket losses.

Subpart K of Part 385 of the Commission's rules sets out the procedures that apply to this adjustment proceeding. Any person who wishes to participate in this proceeding shall file a petition to intervene in accordance with Subpart K. All such petitions must be filed within 15 days after this notice is published in the **Federal Register**.

Kenneth F. Plumb,

Secretary.

[FR Doc. 85-10224 Filed 4-26-85; 8:45 am]

BILLING CODE 6717-01-M

[1] 15 U.S.C. 3301, 3412(c) and 18 CFR 385.1101 through 385.1104 (1984), respectively.

[Projects No. 6715-000, 6047-002, 6716-000, 6049-002, 7274-001]

Gold Run Hydro Associates, Placer County Water Agency, Gold Run Hydro Associates, Placer County Water Agency, Town of Wells, New York; Availability of Environmental Assessment and Finding of No Significant Impact

April 22, 1985.

In accordance with the National Environmental Policy Act of 1969, the Office of Hydropower Licensing, Federal Energy Regulatory Commission (Commission), has reviewed the applications for exemptions listed below and has assessed the environmental impacts of the proposed developments.

Project No.	Project name	State	Body of water	Nearest town
6715 and 6047	Long Ravine Pipe	CA	Lower Boardman Canal	Colfax
6716 and 6049	Hayford Pipe	CA	Lower Boardman Canal	Pinecroft
7274-001	Lake Algonquin	NY	Sacandaga River	Wells

Environmental assessments (EA's) were prepared for the above proposed projects. Based on independent analyses of the above actions as set forth in the EA's, the Commission's staff concludes that these projects would not have significant effects on the quality of the human environment. Therefore, environmental impact statements will not be prepared.

Copies of the EA's are available for review in the Commission's Division of Public Information, Room 1000, 825 North Capitol Street, NE., Washington, D.C. 20426.

Kenneth F. Plumb,

Secretary.

[FR Doc. 85-10217 Filed 4-26-85; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CI85-376-000 et al.]

The Louisiana Land and Exploration Company et al.; Applications for Certificates, Abandonments of Service and Petitions to Amend Certificates [1]

April 19, 1985.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to Section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before May 6, 1985, file with the Federal Energy Regulatory Commission, Washington, DC 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become a parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or to be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No. and date filed	Applicant	Purchaser and location	Price per Mcf	Pressure base
CI85-376-000, B, (CI78-1164), B, Apr 9, 1985.	The Louisiana Land and Exploration Company, 225 Baronne Street, New Orleans Louisiana 70160.	Texas Eastern Transmission Corporation, East Cameron Area Block 294, Offshore Louisiana.	(1)	
CI85-379-000, E, Apr 11, 1985	Pennzoil Producing Company (Succ. in interest to Gulf Oil Corporation, P.O. Box 2967, Houston, Texas 77252-2967.	Natural Gas Pipeline Company of America, Escobas Field, Zapata County, Texas.	(2)	14.73
CI85-382-000, A, Apr. 12 1985	Ecee, Inc., 999 The Main Bldg., Houston, Texas 77002.	Texas Gas Transmission Corporation, Blocks 330 and 337, Eugene Island Area, Offshore Louisiana.	(3)	14.73
CI85-383-000, B, Apr. 12, 1985	Herd Producing Company, Inc., Bob L. Herd, 1200 The Peoples Plaza Tower, Tyler, Texas 75702.	Arkansas Louisiana Gas Company, Colquitt Field, Claiborne Parish, Louisiana	(4)	
G-10710-001, D, Apr 11, 1985	Shell Western E&P Inc., P.O. Box 4684, Houston, Texas 77210.	El Paso Natural Gas Company, Spraberry Trend Area, Reagan County, Texas	(5)	
CI78-305-000, E, Apr 5, 1985	Shell Offshore Inc., P.O. Box 4480, Houston, Texas 77210.	Florida Gas Transmission Company, Grand Isle Block 76, Offshore Louisiana.	(6)	14.73
CI78-518-001, E, Apr. 5, 1985	do	Florida Gas Transmission Company, Grand Isle Block 75, Offshore Louisiana.	(6)	14.73
CI85-378-000 (G-20324), B, Apr. 10, 1985.	Shell Oil Company, P.O. Box 2463, Houston, Texas 77001.	Tennessee Gas Pipeline Company, Clovelly Field, LaFourche Parish, Louisiana.	(7)	
CI85-381-000, E, Apr 11, 1985	Shell Offshore Inc (Succ. in interest to Petro-Lewis Funds, Inc.), P.O. Box 4480, Houston, Texas 77210.	Florida Gas Transmission Company, Grand Isle Block 76, Offshore Louisiana	(8)	14.73
CI85-252-000, A, Feb. 25, 1985	Texaco Inc. (Operator), P.O. Box 60252, New Orleans, La. 70160.	Bridgeline Gas Distribution Company, West Cameron Block 202, Offshore Louisiana	(9)	14.73
CI85-384-000 (CI175-764), B, Apr 12, 1985.	Texaco Inc., P.O. Box 52332, Houston, Texas 77052	Panhandle Eastern Pipeline Company, Chance Field, Pratt County, Kansas.	(10)	
CI85-307-000, E, Feb. 1, 1985	Samson Resources Company (Succ. to Diamond Shamrock Exploration Company), Samson Plaza, Two West Second Street, Tulsa, Okla. 74103	Arkansas Louisiana Gas Company, Certain acreage in LeFlore County, Oklahoma.	(11)	14.73
CI85-310-000, A, Apr. 4, 1985	Phillips Petroleum Company, 336 HS&L Bldg., Bartlesville, Okla. 74004.	ANR Pipeline Company, OCS-G-2619, Block 115, Ship Shoal Area, Offshore Louisiana.	(12)	14.73
CI85-311-000, A, Apr. 4, 1985	do	Florida Gas Transmission Company, OCS-G-2161, Block 76, Grand Isle Area, Offshore Louisiana.	(13)	14.73
CI85-371-000, A, Apr. 8, 1985	Phillips Oil Company, 336 HS&L Bldg., Bartlesville, Okla. 74004.	Natural Gas Pipeline Company of America, OCS-G-3258 West Cameron Block 81, Offshore Cameron Parish, Louisiana	(14)	14.73
CI85-377-000 (CI80-403), B, Apr. 10, 1985.	Phillip Petroleum Company, 336 HS&L Bldg., Bartlesville, Okla. 74004.	Transcontinental Gas Pipe Line Corporation, West Cameron Block 330 Field, Offshore Louisiana	(15)	
CI78-42-001, D, Apr 15, 1985	Ladd Petroleum Corporation, 830 Denver Club Bldg., Denver, Colorado 80202.	Transcontinental Gas Pipe Line Corporation, Mosquito Bay Field, Terrebonne Parish, Louisiana	(16)	
CI78-1211-001 D, Apr 15, 1985	Forest Oil Corporation, 950 Seventeenth Street—Suite 1500, Denver, Colorado 80202	Colorado Interstate Gas Company, Hay Reservoir Unit, Sweetwater County, Wyoming	(17)	

[1] Gas reserves are depleted and the wells are plugged and abandoned. The Lease has been terminated by the Mineral Management Service and was released to the Lessor
[2] Effective 7-31-84, Pennzoil acquired certain assets and property rights of Gulf.
[3] Applicant is filing under Gas Purchase Contract dated 2-7-85, as amended.
[4] No gas sold since June, 1975. Meters removed by purchaser at their request in August, 1979.
[5] Leases have been assigned to Petroleum Exploration of Texas Inc.
[6] Effective as of 9-21-84, Florida Exploration Company (FEC) assigned to FEC Offshore Productive Inc (FOPI) its interest in, *inter alia*, the lease covered by the certificate held by FEC Effective as of 12-31-84, FOPI in turn assigned such interest to SOI
[7] All of Shell Oil Company's leases in the Clovelly Field have been assigned to Taylor Energy Company, effective 10-1-83
[8] Effective as of 10-1-84, SOI acquired all of the interest of Petro-Lewis Funds, Inc. in Grand Isle Block 76, Offshore Louisiana.
[9] Applicant is filing under Gas Sales Contract dated 2-18-85
[10] All the leases committed to the Gas Sales and Purchase Agreement dated 6-1-75 have been sold and assigned to Kansas Gas Purchasing effective 7-1-83. At the time of assignment, the acreage was non-productive.
[11] Effective 10-1-84, Diamond Shamrock Exploration Company assigned all of its interest in the wells an leases to Samson Resources Company
[12] Applicant is filing under Gas Purchase Contract dated 6-12-75
[13] Applicant is filing under Gas Purchase Contract dated 12-5-75.
[14] Applicant is filing udner Gas Purchase Contract dated 9-12-84.
[15] Gas production ceased in May 1984, with no further production planned.
[16] State—J.M. Smyth #1 well was plugged and abandoned in June, 1979 and no further production is planned. The purchaser now wishes to remove the pertinent facilities related to this well.
[17] Forest Oil Corporation assigned a portion of its interest in the leases covered by contract dated 7-24-78 and Forests' Rate Schedule #65 to HPC, Inc.

Filing Code: A—Initial service; B—abandonment; C—Amendment to add acreage; D—Amendment to delete acreage; E—Total succession; F—Partial succession

[FR Doc. 85-10218 Filed 4-26-85; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. ST85-518-000 et al.]

Louisiana Resources Co. et al.; Self-Implementing Transactions

April 19, 1985.

Take notice that the following transactions have been reported to the Commission as being implemented pursuant to Part 284 of the Commission's Regulations and sections 311 and 312 of the Natural Gas Policy Act of 1978 (NGPA). The "Recipient" column in the following table indicates the entity receiving or purchasing the natural gas in each transaction.

The "Part 284 Subpart" column in the following table indicates the type of transaction. A "B" indicates transportation by an interstate pipeline pursuant to § 284.102 of the Commission's Regulations.

A "C" indicates transportation by an intrastate pipeline pursuant to § 284.122 of the Commission's Regulations. In those cases where Commission approval of a transportation rate is sought pursuant to § 284.123(b)(2), the table lists the proposed rate and expiration date for the 150-day period for staff action. Any person seeking to participate in the proceeding to approve a rate listed in the table should file a petition to intervene with the Secretary of the Commission.

A "D" indicates a sale by an intrastate pipeline pursuant to § 284.142 of the Commission's Regulations and Section 311(b) of the NGPA. Any interested person may file a complaint concerning such sales pursuant to § 284.147(d) of the Commission's Regulations.

An "E" indicates an assignment by an intrastate pipeline pursuant to § 284.163 of the Commission's Regulations and Section 312 of the NGPA.

An "F(157)" indicates transportation by an interstate pipeline for an end-user pursuant to § 157.209 of the Commission's Regulations.

A "G" indicates transportation by an interstate pipeline on behalf of another interstate pipeline pursuant to a blanket certificate issued under § 284.221 of the Commission's Regulations.

A "G(LT)" or "G(LS)" indicates transportation, sales or assignments by a local distribution company pursuant to a blanket certificate issued under § 284.222 of the Commission's Regulations.

A "G(HT)" or "G(HS)" indicates transportation, sales or assignments by a Hinshaw Pipeline pursuant to a blanket certificate issued under § 284.222 of the Commission's Regulations.

A "C/F(157)" indicates intrastate pipeline transportation which is incidental to a transportation by an interstate pipeline to an end-user pursuant to a blanket certificate under 18 CFR 157.209. Similarly, a "G/F(157)" indicates such transportation performed by a Hinshaw Pipeline or distributor.

Any person desiring to be heard or to make any protests with reference to a transaction reflected in this notice should on or before May 10, 1985, file with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211 or 385.214). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants party to a proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

Docket No. [1]	Transporter/seller	Recipient	Date filed	Subpart	Expiration date [2]	Transportation rate (cents per MMBtu)
ST85-518	Louisiana Resources Co	Northern Intrastate Pipeline Co	02-01-85	C	07-01-85	05.52
ST85-519	Southern Gas Pipeline Co	Texas Eastern Transmission Corp	02-01-85	C	07-01-85	15.00/20.00
ST85-520	Transcontinental Gas Pipe Line Corp	Florida Gas Transmission Co	02-01-85	G		
ST85-521	Panhandle Eastern Pipe Line Co	The Alpha Corp	02-06-85	F(157)		
ST85-522	Transcontinental Gas Pipe Line Corp	Pennsylvania Gas and Water Co	02-01-85	B		
ST85-523	ANR Pipeline Co	Kelly Food Products, Inc	02-01-85	F(157)		
ST85-524	do	Southeastern Michigan Gas Co	02-01-85	B		
ST85-525	Panhandle Eastern Pipe Line Co	Can-Am Industries, Inc	02-01-85	F(157)		
ST85-526	Louisiana Gas System Inc	Tennessee Gas Pipeline Co	02-01-85	C		
ST85-527	Panhandle Eastern Pipe Line Co	The Sisters of the Third Order of St. Francis	02-01-85	F(157)		
ST85-528	Mississippi River Transmission Corp	Spindletop Gas Distribution System	02-04-85	B		
ST85-529	Producer's Gas Co	El Paso Natural Gas Co	02-04-85	D		
ST85-530	do	Cincinnati Gas and Electric Co	02-04-85	D		
ST85-531	Natural Gas Pipeline Co. of America	Bridgeline Gas Distribution Co	02-04-85	B		
ST85-532	Northern Natural Gas Co	Sabine Gas Transmission Co	02-04-85	B		
ST85-533	United Gas Pipe Line Co	SCM Corp	02-04-85	F(157)		
ST85-534	Panhandle Eastern Pipe Line Co	Western Gas Interstate Co	02-04-85	G		
ST85-535	Trunkline Gas Co	Humble Gas System, Inc	02-04-85	B		
ST85-536	Panhandle Eastern Pipe Line Co	General Motors Corp	02-04-85	F(157)		
ST85-537	Colorado Interstate Gas Co	Tennessee Gas Pipeline Co	02-04-85	G		
ST85-538	Trunkline Gas Co	Louisiana Indust. Gas Supply System	02-05-85	B		
ST85-539	do	Bridgeline Gas Distribution Co	02-05-85	B		
ST85-540	Gasdel Pipeline System, Inc	Texas Eastern Transmission Corp	02-04-85	G		
ST85-541	Northwest Pipeline Corp	Faustina Pipe Line Co	02-05-85	B		
ST85-542	Transcontinental Gas Pipe Line Corp	Eastern Shore Natural Gas Co	02-05-85	G		
ST85-543	Sunflower Electric Cooperative, Inc	Northern Natural Gas Co	02-05-85	C	07-05-85	12.00
ST85-544	Transcontinental Gas Pipe Line Corp	City of Lawrenceville	02-05-85	B		
ST85-545	Tennessee Gas Pipeline Co	Texas Eastern Transmission Corp	02-06-85	G		
ST85-546	do	Fitchburg Gas and Electric Light Co	02-06-85	B		
ST85-547	do	Berkshire Gas Co	02-06-85	B		
ST85-548	Northwest Central Pipeline Corp	Enermark Pipeline Co	02-06-85	B		
ST85-549	Consolidated Gas Transmission Corp	Brooklyn Union Gas Co	02-06-85	B		
ST85-550	Natural Gas Pipeline Co. of America	Spindletop Gas Distribution System	02-06-85	B		
ST85-551	Cranberry Pipeline Corp	Connecticut Natural Gas Corp	02-13-85	C	07-13-85	43.00
ST85-552	Delhi Gas Pipeline Corp	Columbia Gas Transmission Corp	02-07-85	C		
ST85-553	Trunkline Gas Co	The Alpha Corp	02-07-85	F(157)		
ST85-554	do	THC Pipeline Co	02-07-85	B		
ST85-555	do	Cokinos Natural Gas Co	02-07-85	B		
ST85-556	Transcontinental Gas Pipe Line Corp	Atlanta Gas Light Co	02-07-85	B		
ST85-557	do	Esperanza Pipeline Corp	02-07-85	B		
ST85-558	Northern Natural Gas Co	Southern Natural Gas Co	02-07-85	G		

Docket No. [1]	Transporter/seller	Recipient	Date filed	Subpart	Expiration date [2]	Transportation rate (cents per MMBtu)
ST85-559	Mustang Fuel Corp	El Paso Natural Gas Co	02-07-85	C	07-07-85	32.34
ST85-560	Tennessee Gas Pipeline Co	Carbonare Co., Inc	02-08-85	F(157)		
ST85-561	do	Courtaulds North America, Inc	02-08-85	F(157)		
ST85-562	Panhandle Eastern Pipe Line Co	Union Texas Petroleum Corp	02-08-85	F(157)		
ST85-563	do	The Methodist Medical Center of Il	02-08-85	F(157)		
ST85-564	Trunkline Gas Co	United Gas Pipe Line Co	02-08-85	G		
ST85-565	Southern Natural Gas Co	Columbia Gas Transmission Corp	02-07-85	G		
ST85-566	Columbia Gas Transmission Corp	L E. Smith Glass Co	02-08-85	F(157)		
ST85-567	do	do	02-08-85	F(157)		
ST85-568	Consolidated Gas Transmission Corp	Hope Gas, Inc	02-11-85	B		
ST85-569	Trunkline Gas Co	Southern Natural Gas Co	02-11-85	G		
ST85-570	Northwest Central Pipeline Corp	Scissortail Natural Gas Co	02-11-85	B		
ST85-571	Trunkline Gas Co	Union Texas Petroleum Corp	02-11-85	F(157)		
ST85-572	Texas Gas Transmission Corp	Bridgeline Gas Distribution Co	02-12-85	B		
ST85-573	Texas Eastern Transmission Corp	Northern Natural Gas Co	02-12-85	G		
ST85-574	Columbia Gulf Transmission Co	N. Carolina Nat. Gas Corp., *et al*	02-12-85	F(157)		
ST85-575	Transcontinental Gas Pipe Line Corp	Philadelphia Electric Co	02-12-85	B		
ST85-576	do	Washington Gas Light Co	02-12-85	B		
ST85-577	Northern Natural Gas Co	Colorado Interstate Gas Co	02-14-85	G		
ST85-578	do	Public Service of Colorado	02-14-85	B		
ST85-579	do	Intratex Gas Co	02-13-85	B		
ST85-580	do	Quivira Gas Co	02-13-85	B		
ST85-581	do	NGP Pipeline Co	02-13-85	B		
ST85-582	Tennessee Gas Pipeline Co	Concord Natural Gas Corp	02-14-85	B		
ST85-583	Consolidated Gas Transmission Corp	Tennessee Gas Pipeline Co	02-14-85	G		
ST85-584	Transcontinental Gas Pipe Line Corp	Public Service Electric and Gas Co	02-14-85	B		
ST85-585	Columbia Gulf Transmission Co	Texas Gas Transmission Corp	02-11-85	G		
ST85-587	Northern Natural Gas Co	El Paso Gas Transportation Co	02-15-85	B		
ST85-588	Northwest Pipeline Corp	Mountain Fuel Resources, Inc	02-15-85	G		
ST85-589	Natural Gas Pipeline Co. of America	Columbia Gas Transmission Corp	02-15-85	G		
ST85-590	Columbia Gas Transmission Corp	Holly Farms Poultry Industries, Inc	02-15-85	F(157)		
ST85-591	do	Kai Kan Foods, Inc	02-15-85	F(157)		
ST85-592	El Paso Natural Gas Co	Westar Transmission Co	02-15-85	B		
ST85-593	do	do	02-15-85	B		
ST85-594	Sea Robin Pipeline Co	Columbia Gas Transmission Corp	02-15-85	G		
ST85-595	do	Texas Gas Transmission Corp	02-15-85	G		
ST85-596	ANR Pipeline Co	Northern Indiana Public Service Co	02-19-85	B		
ST85-597	do	Dresser Clark Division	02-19-85	F(157)		
ST85-598	do	Butler Manufacturing Co	02-19-85	F(157)		
ST85-599	do	Monmouth College	02-19-85	F(157)		
ST85-600	do	Tennessee Gas Pipeline Co	02-19-85	G		
ST85-601	Southern Natural Gas Co	Atlanta Gas Light Co	02-19-85	B		
ST85-602	United Gas Pipe Line Co	Southern Natural Gas Co	02-19-85	G		
ST85-603	Acadian Gas Pipeline System	Trunkline Gas Co	02-19-85	C		
ST85-604	Montana-Dakota Utilities Co	Holly Sugar	02-19-85	F(157)		
ST85-605	Southern Natural Gas Co	Texas Gas Transmission Corp	02-07-85	G		
ST85-606	Transcontinental Gas Pipe Line Corp	THC Pipeline Co	02-19-85	B		
ST85-607	United Gas Pipe Line Co	Courtaulds North America, Inc	02-19-85	F(157)		
ST85-608	Natural Gas Pipeline Co. of America	Millikin University	02-19-85	F(157)		
ST85-609	Transcontinental Gas Pipe Line Corp	Frederick Gas Co	02-19-85	B		
ST85-610	Houston Pipe Line Co	Florida Gas Transmission Co	02-20-85	C		
ST85-611	Panhandle Gas Co	Entex, Inc	02-20-85	D		
ST85-612	Oasis Pipe Line Co	do	02-20-85	C		
ST85-613	Trunkline Gas Co	The Town of Colfax	02-20-85	B		
ST85-614	Panhandle Eastern Pipe Line Co	Arcadian Corp	02-20-85	F(157)		
ST85-615	do	A.E. Staley Manufacturing Co	02-20-85	F(157)		
ST85-616	do	Funk Liquids, Inc	02-20-85	F(157)		
ST85-617	Tennessee Gas Pipeline Co	Shenandoah Gas Co., *et al*	02-20-85	B/G		
ST85-618	do	Southern Natural Gas Co	02-20-85	G		
ST85-619	Natural Gas Pipeline Co. of America	Entex, Inc	02-20-85	B		
ST85-620	Texas Eastern Transmission Corp	Columbia Gas Transmission Corp	02-20-85	G		
ST85-621	Gulf South Pipeline Co	Brooklyn Union Gas Co	02-20-85	G(HS)		
ST85-622	Houston Pipe Line Co	Entex, Inc	02-20-85	C		
ST85-623	Panhandle Gas Co	Florida Gas Transmission Co	02-20-85	D		
ST85-624	Gulf South Pipeline Co	Energy Gathering, Inc	02-20-85	G(HS)		
ST85-625	ANR Pipeline Co	Michigan Consolidated Gas Co	02-20-85	B		
ST85-626	United Gas Pipe Line Co	LGS Intrastate, Inc	02-20-85	B		
ST85-627	do	Clajon Industrial Gas, Inc	02-20-85	B		
ST85-628	Transcontinental Gas Pipe Line Corp	Union Gas Co	02-20-85	B		
ST85-629	Natural Gas Pipeline Co. of America	GHR Pipeline Corp	02-20-85	B		
ST85-630	Mustang Fuel Corp	Natural Gas Pipeline Co. of America	02-20-85	C	07-20-85	32.34
ST85-631	Northern Natural Gas Co	Northern Intrastate Pipeline Co	02-21-85	B		
ST85-632	Delhi Gas Pipeline Corp	Northern Illinois Gas Co., *et al*	02-21-85	C		
ST85-633	do	Dayton Power and Light Co., *et al*	02-21-85	C		
ST85-634	Texas Eastern Transmission Corp	Consolidated Edison Co. of NY, Inc	02-21-85	B		
ST85-635	do	American Distribution Co	02-21-85	B		
ST85-636	El Paso Natural Gas Co	Colorado Interstate Gas Co	02-21-85	G		
ST85-637	ANR Pipeline Co	Consolidated Edison Co. of NY, Inc	02-22-85	B		
ST85-638	Colorado Interstate Gas Co	KN Energy, Inc	02-22-85	G		
ST85-639	ANR Pipeline Co	Florida Gas Transmission Co	02-22-85	G		
ST85-640	Valero Transmission Co	El Paso Natural Gas Co	02-22-85	C		
ST85-641	Tennessee Gas Pipeline Co	Connecticut Natural Gas Corp	02-22-85	B		
ST85-642	Natural Gas Pipeline Co. of America	Neches Pipeline System	02-22-85	B		
ST85-643	do	UGI Corp., *et al*	02-22-85	B		
ST85-644	Delhi Gas Pipeline Corp	Spindletop Gas Distribution System	02-25-85	C		
ST85-645	Arkansas Louisiana Gas Co	W.R. Grace and Co	02-25-85	C/F(157)		
ST85-646	Northwest Central Pipeline Corp	Farmland Industries, Inc	02-25-85	F(157)		
ST85-647	Gulf South Pipeline Co	Texas Eastern Transmission Corp	02-20-85	G(HS)		
ST85-649	Texas Gas Transmission Corp	The Haywood Co	02-26-85	F(157)		
ST85-650	Tennessee Gas Pipeline Co	Connecticut Natural Gas Corp	02-26-85	B		
ST85-651	Consolidated Gas Transmission Corp	New Jersey Natural Gas Co	02-26-85	B		
ST85-652	Columbia Gas Transmission Corp	Dresser Industries, Inc	02-26-85	F(157)		

Docket No. [1]	Transporter/seller	Recipient	Date filed	Subpart	Expiration date [2]	Transportation rate (cents per MMBtu)
ST85-653	do	Industrial Platers, Inc	02-26-85	F(157)		
ST85-654	do	Empire Detroit Steel	02-26-85	F(157)		
ST85-655	do	Elizabethtown Gas Co	02-26-85	B		
ST85-656	do	UGI Corp	02-26-85	B		
ST85-657	do	West Ohio Gas Co	02-26-85	B		
ST85-658	do	Texas Eastern Transmission Corp	02-26-85	G		
ST85-659	Columbia Gulf Transmission Co	Dresser Industries, Inc	02-26-85	F(157)		
ST85-660	do	Elizabethtown Gas Co	02-26-85	B		
ST85-661	Transcontinental Gas Pipe Line Corp	James River-Norwalk, Inc	02-26-85	F(157)		
ST85-662	do	Connecticut Natural Gas Corp	02-26-85	B		
ST85-663	do	Washington Gas Light Co	02-26-85	B		
ST85-664	do	Elizabethtown Gas Co	02-26-85	B		
ST85-665	Valero Transmission Co	Transcontinental Gas Pipe Line Corp	02-26-85	C		
ST85-666	Texas Eastern Transmission Corp	Southern Natural Gas Co	02-28-85	G		
ST85-667	do	Texas Southeastern Gas Co	02-28-85	B		
ST85-668	Michigan Gas Storage Co	Simpson Paper Co	02-28-85	F(157)		
ST85-669	Northwest Central Pipeline Corp	Cities Service Oil and Gas Corp	02-28-85	F(157)		
ST85-670	Arkansas Louisiana Gas Co	Aluminum Co. of America	02-28-85	F(157)		
ST85-672	Texas Gas Transmission Corp	Ohio Gas Co., *et al*	02-27-85	B		
ST85-673	Valley Gas Transmission, Inc	Intrastate Gathering Corp	02-28-85	B		
ST85-674	Natural Gas Pipeline Co. of America	El Paso Natural Gas Co	02-28-85	G		
ST85-675	do	do	02-28-85	G		
ST85-676	do	Archer-Daniels-Midland Co	02-28-85	F(157)		
ST85-677	Montana-Dakota Utilities Co	Terra Chemicals	02-19-85	F(157)		
ST85-678	do	Ecological Engineering Systems, Inc	02-19-85	F(157)		

[1] The noticing of these filings does not constitute a determination of whether the filings comply with the Commission's Regulations.
[2] The intrastate pipeline has sought Commission approval of its transportation rate pursuant to Section 284.123(b)(2) of the Commission's Regulations (18 CFR 284.123(b)(2)). Such rates are deemed fair and equitable if the Commission does not take action by the date indicated.

[FR Doc. 85-12019 Filed 4-26-85; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. GP85-25-000]

Mississippi Fuel Co.; Petition for Declaratory Order

April 22, 1985.

Take notice that on April 3, 1985, Mississippi Fuel Company (Fuelco) tendered for filing a Petition For Declaratory Order. Fuelco requests that the Federal Energy Regulatory Commission (Commission) issue an order declaring that certain transportation by Fuelco of natural gas purchased by James River Norwalk, Inc. (James River) from Koch Hydrocarbons, Inc. (Koch), which is subsequently transported by Transcontinental Gas Pipe Line Company (Transco) in interstate commerce, is not transportation by Fuelco in interstate commerce subject to the Commission's jurisdiction under section 1(b) of the Natural Gas Act and does not constitute transportation on behalf of eligible purchasers under section 311(a)(2) of the Natural Gas Policy Act (NGPA) and applicable Commission regulations.

In the event the Commission concludes that such transportation by Fuelco is not exempt from Commission jurisdiction, then in the alternative and pursuant to § 294.123(b)(2) of Commission regulations under the NGPA, Fuelco petitions for an order approving transportation charges. However, Fuelco is required to file separately a petition for approval of such charges in a separate proceeding and to submit the fee required by § 381.403, 18 CFR § 381.403 (1984). Accordingly, Fuelco's alternate petition for rate approval is deficient and will not be processed pending receipt of the required fee.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before May 22, 1985. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 85-10220 Filed 4-26-85; 8:45 am]
BILLING CODE 6717-01-M

[Docket Nos. RP83-68-009 et al.]

Natural Gas Pipe Line Co. of America et al.; Filing of Pipeline Refund Reports and Refund Plans

April 19, 1985.

Take notice that the pipelines listed in the Appendix hereto have submitted to the Commission for filing proposed refund reports or refund plans. The date of filing, docket number, and type of filing are also shown on the Appendix.

Any person wishing to do so may submit comments in writing concerning the subject refund reports and plans. All such comments should be filed with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, on or before April 29, 1985. Copies of the respective filings are on file with the Commission and available for public inspection.

Kenneth F. Plumb,

Secretary.

Appendix

Filing date	Company	Docket No.	Type Filing
3/29/85	Natural Gas Pipe Line Co. of America.	RP83-68-009	Report.
3/29/85	Western Gas Interstate Co.	RP85-127-000	Btu [1]
4/1/85	Panhandle Eastern Pipe Line Co.	RP85-96-002	Btu [1]
1/4/84	Texas Eastern Transmission Corp.	RP84-41-035	Report.
7/6/84	Texas Eastern Transmission Corp.	RP84-41-036	Do

[1] Refunds resulting from Btu Measurement Adjustments. Each Company will retain its basic Docket No and Sub-Docket Nos. will be assigned to future related filings.

[FR Doc. 85-10221 Filed 4-26-85; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. RP85-13-001]

Northwest Pipeline Corp.; Motion To Make Effective Suspended Rates and Conditionally, Settlement Rates

Arpil 18, 1985.

Take notice that Northwest Pipeline Croporation (Northwest) on April 15, 1985, filed a motion in the above-captioned proceeding to place into effect as of May 1, 1985, subject to refund, the rates and tariff sheets proposed in Northwest's October 31, 1984 rate filing, which was suspended by Commission order issued November 30, 1984 (29 FERC ¶ 61,264 (1984)).

Northwest moves, in the alternative, to place into effect as of May 1, 1985, subject to refund and conditions precedent, the rates and tariff sheets which would constitute the base tariff rates that would result from Commission approval of the offer of settlement filed by Northwest on April 5, 1985 for customers who consent to the settlement. The suspended rates will be effective for those customers who did not consent to the settlement. Northwest would define "consent" to mean either comments filed in support of the settlement of a failure to file any comments concerning the settlement, pursuant to Rule 602(f)(3) of the Commission's Rules of Practice and Procedure (18 CFR 385.602(f)(3)).

Northwest requests Commission authority to place its settlement rates into effect for consenting customers subject to the following conditions: (1) Any action by the Commission which Northwest construes to be a modification, disapproval, or condition in an "unacceptable manner" of the offer of settlement, or a remand for further proceedings will permit Northwest to charge all customers the suspended rates as of the date of such order; and (2) if the settlement is not made effective in accordance with its terms, Northwest would collect from each customer the difference between the amounts collected pursuant to the settlement rates and the amounts that would have been collected pursuant to rates and charges ultimately approved by the Commission in this proceeding, together with interest determined pursuant to § 154.67(c) of the Commission's regulations (18 CFR 154.67(c)).

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before April 25, 1985. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 85-10222 Filed 4-26-85; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP82-355-007]

Natural Gas Pipeline Co. of America; Compliance Filing

April 18, 1985.

Take notice that on April 9, 1985, Natural Gas Pipeline Company of America (Natural) submitted for filing as part of its FERC Gas Tariff, Third Revised Volume No. 1, the following revised tariff sheets to be effective April 1, 1985:

Second Revised Sheet No. 137
Original Sheet No. 137A
Twenty-First Revised Sheet No. 301
Twentieth Revised Sheet No. 305
Ninth Revised Sheet No. 501

Natural states that the revised tariff sheets were filed to reflect the revisions required to implement the tariff provisions governing sales service to Entex, Inc. that became effective pursuant to Commission "Order Affirming Initial Decision," issued January 14, 1985, in Docket No. CP82-355-000.

Natural states that a copy of the filing was mailed to Natural's jurisdictional customers, interested state regulatory agencies, and all parties set out on the official service list at Docket No. CP82-355-000.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before April 26, 1985. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 85-10214 Filed 4-26-85; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CS85-42-000 et al.]

Perrytop Operating Co. et al.; Applications for "Small Producer" Certificates [1]

April 19, 1985.

Take notice that each of the Applicants listed herein has filed an application pursuant to Section 7(c) of the Natural Gas Act and § 157.40 of the Regulations thereunder for a "small producer" certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce, all as more fully set forth in the applications which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make protest with reference to said applications should on or before May 6, 1985, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become a parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or to be represented at the hearing.

Kenneth F. Plumb,

Secretary.

Docket No.	Dated filed	Applicant
CS85-42-000	4/10/85	Perrytop Operating Co., Route 3, Box 68, Perryton, TX 79070
CS85-50-000	3/14/85	Melinda Fly Wynn, 3545 Inter-First Two, Dallas, TX 75270.
CS85-58-000	3/22/85	Walter Oil & Gas Corp., 240 Main Bldg., 1212 Main Street, Houston, TX 77002.
CS85-59-000	3/26/85	Thomas B. Reynolds, Individual Thomas Byvne Reynolds Trust, P.O. Box 2605, Fort Worth, TX 76113.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No.	Dated filed	Applicant
CS85-60-000	3/26/85	Watt W. Reynolds, III Trust, Watt W. Reynolds, Individual, P.O. Box 2605, Fort Worth, TX 76113.
CS85-61-000	4/1/85	Southern Methodist University, c/o SMU, P.O. Box 114, Dallas, TX 75275.
CS85-62-000	4/1/85	SMACKCO, Ltd./Coastal States Exploration, Inc., P.O. Drawer 649, Brewton, Ala. 36427.
CS85-63-000	4/10/85	Earle M. Craig, Jr. Corp., P.O. Box 1351, Midland, TX 79702.
CS85-64-000	4/12/85	Guide Exploration Inc., 519 S. Broadway, Suite 201, Wichita, KS 67202

[FR Doc. 85-10223 Filed 4-26-85; 8:45 am]
BILLING CODE 6717-01-M

[Docket Nos. CP84-676-001 et al.]

Seagull Interstate Corp. et al.; Natural Gas Certificate Filings

Take notice that the following filing have been made with the Commission:

1. Seagull Interstate Corporation

[Docket No., CP84-676-001]

April 17, 1985.

Take notice that on March 25, 1985,[1] Seagull Interestate Corporation (Seagull Interstate), 1100 Louisiana Street, Houston, Texas 77002, filed in Docket No. CP84-676-001 an amendment to the pending application for a certificate of public convenience and necessity filed on August 30, 1984, in Docket No. CP84-676-000 pursuant to section 7(c) of the Natural Gas Act so as to reflect the transportation of gas for an additional party, all as more fully set forth in the amendment which is on file with the Commission and open to public inspection.

By the pending application in Docket No. CP84-676-000, authorization is requested for the construction and operation of seven miles of 16-inch pipeline from Matagorda Island Block 555-L, which lies in Federal waters in the outer continental shelf, to an existing intrastate pipeline referred to as the Cavallo line, owned by Seagull Energy Corporation (Seagull Energy) in Matagorda Island Block 526-L, which lies in Texas state waters, all in Matagorda Island Area, offshore Texas. The new facility would be referred to as the New Seagull Interstate Facility. Authorization is also requested in the pending application for the transportation of up to 75 billion Btu of natural gas per day, or greater quantities depending upon pipeline capacity availability, for Florida Gas Transmission Company (FGT) from the Matagorda Island Block 555 Field, by utilizing the New Seagull Interstate Facility, to Seagull Energy's Cavallo line.

In Docket No. CP84-676-001, an amendment to the application was filed to include a request for authorization to provide transportation service also for Northern Natural Gas Company, Division of InterNorth, Inc. (Northern). It is explained that pursuant to the terms of a March 21, 1985, transportation agreement, Seagull Interstate would transport up to 18.6 billion Btu of natural gas per day attributable to Exploration and Production, Division of InterNorth, Inc.'s interest in the Matogorda Island Block 555 Field through the New Seagull Interstate Facility for the account of Northern to Seagull Energy's Cavallo line. It is also explained that the total contract demand for the transportation of FGT's and Northern's gas would remain 75 billion Btu of natural gas per day. Seagull Interstate asserts that Northern's gas would then be delivered into the Cavallo line for transportation by Seagull Energy for the account of Seagull Interstate pursuant to 311(a) of the Natural Gas Policy Act of 1978 (NGPA) to a 6-inch pipeline owned by Houston Pipe Line Company (HPL) in Matagordo Island Block 520-L for measurement of the gas. It is explained that the gas would then be delivered to facilities of Valero Transmission Comapny (Valero) in Matagorda Island Block 485, which would provide the additional transportation service pursuant to Section 311(a) of the NGPA for final redelivery of the gas into Northern's system. Seagull Interstate submits that its transportation service for Northern would be for a primary term of 10 years commencing on the date of first deliveries and from year to-year thereafter unless and until terminated by either party giving 30 days prior written notice at the end of the primary term or at the end of any year thereafter.

It is stated that Seagull Interstate would charge Northern a rate not to exceed 13.0 cents for each million Btu of gas transported from Matagorda Island Block 555-L to the point of redelivery into the Valero line in Matagorda Island Block 485-L. It is asserted that the fees for transporting Northern's gas through the Cavallo line and the 6-inch HPL line are included within the 13-cent charge. Seagull Interstate also states that it would also have the right to seek authorization for an adjustment to Seagull Interstate's rates and charges as may be needed to assure a just and reasonable rate provided that it may not do so more than once during any two-year period beginning after the first three years of service.

Comment date: May 1, 1985, in accordance with the first subparagraph of Standard Paragraph F at the end of this notice.

2. ANR Pipeline Company

[Docket No. CP79-467-003]

April 19, 1985.

Take notice that on March 28, 1985, ANR Pipeline Company (Petitioner), 500 Renaissance Center, Detroit, Michigan 48243, filed in Docket No. CP79-467-003 a petition pursuant to section 7(c) of the Natural Gas Act to amend the Commission's order issued June 10, 1981, so as to authorize a modification in the transportation service provided by Petitioner for Texas Eastern Transmission Corporation (TETCO), all as more fully set forth in the petition to amend which is on file with the Commission and open for public inspection.

Petitioner requests authority to modify the level of transportation for TETCO pursuant to the second amendment dated November 21, 1984, to the transportation agreement between the parties dated July 6, 1979, as previously modified by an amendment dated January 16, 1981.

Petitioner states that the second amendment, extending for an additional contract year (November 1, 1984 through November 1, 1985) the full transportation volumes of 75,000 Mcf of gas per day, is consistent with various regulatory authorities TETCO has obtained, or is subject to, regarding the importation of the natural gas subject to transportation herein, which TETCO is purchasing from ProGas Limited (ProGas).

Petitioner requests authority to extend for an additional contract year, through November 1, 1985, the transportation of 75,000 Mcf of natural gas per day on behalf of TETCO. Petitioner states that the volumes subject to transport would be adjusted for the sixth through ninth contract years as set forth in the second amendment.

Petitioner states that its transportation service is provided in conjunction with service provided by Great Lakes Gas Transmission Company (Great Lakes). Great Lakes has filed with the Commission in Docket No. CP79-462-004, *et al.*, a petition seeking companion authority to modify its level of transportation through November 1, 1985.

Comment date: May 10, 1985, in accordance with the first subparagraph

[1] The amendment was initially tendered for filing on March 25, 1985; however, the fee required by § 159.1 of the Regulations under the Natural Gas Act (18 CFR 159.1) was not paid until March 27, 1985; thus, filing was not completed until the latter date.

of Standard Paragraph F at the end of this notice.

3. Arkla Energy Resources, a division of Arkla, Inc.

[Docket No. CP85-391-000]

April 19, 1985.

Take notice that on March 26, 1985, Arkla Energy Resources, a division of Arkla, Inc. (Arkla), P.O. Box 21734, Shreveport, Louisiana 71151, filed in Docket No. CP85-391-000 a request pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to transport natural gas on behalf of Aluminum Company of America (ALCOA) under the certificate issued in Docket No. CP82-384-000 and CP82-384-001 pursuant to Section 7 of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

Arkla proposes to transport up to 2.64 million Btu equivalent of natural gas per day for ALCOA. It is stated that the gas to be transported would be purchased from Samson Resources Company (Samson) and would be used as boiler fuel and process gas in ALCOA's Bauxite, Arkansas, plant. It is further stated that Arkla would receive the gas from Samson at existing receipt points in Oklahoma and Arkansas and would redeliver the gas at an existing interconnection with ALCOA's plant in Saline County, Arkansas.

It is indicated that Arkla would charge the currently applicable transportation rate in accordance with its ECOSHARE Transportation Rate Schedule or Rate Schedule No. TRG-1, FERC Gas Tariff, First Revised Volume No. 2.

Arkla also requests flexible authority to add or delete receipt/delivery points associated with sources of gas acquired by the end-user. The flexible authority requested would apply only to points related to sources of gas supply, not to delivery points in the market area. Arkla would file a report providing certain information with regard to the addition or deletion of sources of gas as further detailed in the application and any additional sources of gas would only be obtained to constitute the transportation quantities herein and not to increase those quantities.

Comment date: June 3, 1985, in accordance with Standard Paragraph G at the end of this notice.

4. Columbia Gas Transmission Corporation; Columbia Gulf Transmission Company

[Docket No. CP85-427-000]

April 19, 1985.

Take notice that on April 10, 1985, Columbia Gas Transmission Corporation (Columbia Gas), 1700 MacCorkle Avenue, S.E., Charleston, West Virginia 25314, and Columbia Gulf Transmission Company (Columbia Gulf), 3805 West Alabama Avenue, Houston, Texas 77027, filed in Docket No. CP85-427-000 a request pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to transport natural gas on behalf of Jersey Central Power and Light Company (Jersey Central) under their certificates issued in Docket Nos. CP83-76-000 and CP83-496-000, respectively, pursuant to section 7 of the Natural Gas Act, as more fully set forth in the request on file with the Commission and open to public inspection.

Pursuant to a transportation agreement dated December 13, 1984, Columbia Gas and Columbia Gulf propose the transportation of up to 25 billion Btu of natural gas per day for Jersey Central. It is stated that the volumes to be transported are 25 billion Btu for peak day, 16,986 million Btu for an average day and 6,200 billion Btu on an annual basis.

It is asserted that Jersey Central, through its agent Energy Marketing Exchange, Inc. (EME), has arranged for the purchase of quantities of natural gas from Rosewood Resources (POC) Inc., a producer located in Louisiana. It is further asserted that through its agent, EME, Jersey Central has arranged for such gas to be transported by Monterey Pipeline Company to Columbia Gulf which would in turn deliver the gas to Columbia Gas. Columbia Gulf, it is stated, woud receive the gas in Vermilion Parish, Louisiana. Columbia Gas, it is asserted, would deliver the gas to Texas Eastern Transmission Corporation (Texas Eastern) at existing points of interconnection in Chester County, Pennsylvania, and in Lancaster County, Pennsylvania. It is further stated that Texas Eastern would transport and redeliver the gas for the account of Jersey Central to Elizabethtown Gas Company (Elizabethtown) at existing points of interconnection in Middlesex County, Pennsylvania, and in Hunterdon County, New Jersey. It is explained that Elizabethtown would in turn deliver the gas to Jersey Central for utilization as fuel-oil displacement gas at Jersey Central's Gilbert generating plant at Milford, New Jersey.

It is stated that Columbia Gulf would charge one of the rates set forth in its Rate Schedule T-2 which current rates are as follows: offshore to Kentucky—23.92 cents per dt and 1.69 percent retainage; lateral onshore to Kentucky—14.28 cents per dt and 1.50 percent retainage; Rayne, Louisiana, to Kentucky—12.76 cents per dt and 1.50 percent retainage; and Corinth, Mississippi, to kentucky—6.38 cents per dt and 0.75 percent retainage. It is further stated that Columbia Gas would charge one of the rates set forth in its Rate Schedule TS-2 which current rates are as follows: received from Columbia Gulf at Leach, Kentucky—32.50 cents per dt and received from receipt points other than Leach, Kentucky—41.27 cents per dt. It is submitted that Columbia Gas would retain 2.43 percent of the volumes received. In addition, it is stated that Columbia Gas would collect the General R & D Funding Unit of the Gas Research Institute for all quantities transported under this transportation arrangement.

Comment date: June 3, 1985, in accordance with Standard Paragraph G at the end of this notice.

5. Northern Natural Gas Company, Division of InterNorth, Inc.

[Docket Nos. CP85-366-000, CP85-366-001]

April 19, 1985.

Take notice that on March 15, 1985, Northern Natural Gas Company, Division on InterNorth, Inc. (Northern), 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP85-366-000 a request, as amended April 12, 1985, in Docket No. CP85-366-001, pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to transport natural gas on behalf of a qualified end-user under the certificate issued in Docket No. CP82-401-000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

The proposed transportation service would be performed pursuant to a transportation agreement dated January 28, 1985, between Northern and Marathon Oil Company (Marathon). Northern states that the agreement provides for the transportation of up to 10,000 Mcf of natural gas per day on an interruptible basis. It is explained that Marathon would have gas delivered to Northern at existing interconnections between Northern and Oklahoma Natural Gas Company (ONG) in Woodward and Roger Mills Counties, Oklahoma, and that Northern would transport equivalent volumes to

Marathon at the Yates Plant in Pecos County, Texas. It is stated that Northern would charge 4.65 cents per Mcf per 100 miles, as set forth in its Rate Schedule EUT–1. The gas would be used for compressor fuel, it is stated.

Northern also requests flexible authority to add or delete receipt/delivery points associated with sources of gas acquired by the end-user. The flexible authority requested applies only to points related to sources of gas supply, not to delivery points in the market area. Northern will file a report providing certain information with regard to the addition or deletion of sources of gas as further detailed in the application and any additional sources of gas would only be obtained to constitute the transportation quantities herein and not to increase those quantities.

Comment date: June 3, 1985, in accordance with Standard Paragraph G at the end of this notice.

6. Columbia Gulf Transmission Company; Columbia Gas Transmission Corporation; Tennessee Gas Pipeline Company, a Division of Tenneco Inc.

[Docket No. CP85–388–000]

April 19, 1985.

Take notice that on March 25, 1985, Columbia Gulf Transmission Company (Columbia Gulf), P.O. Box 683, Houston, Texas 77001, Columbia Gas Transmission Corporation (Columbia), P.O. Box 1273, Charleston, West Virginia 25325, and Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee) (jointly referred to as Applicants), P.O. Box 2511, Houston, Texas 77001, filed in Docket No. CP85–388–000 a joint application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation and exchange of natural gas offshore Texas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicants propose to transport and exchange natural gas offshore Texas. It is stated that Tennessee has the right to purchase natural gas from High Island Block 281 A, offshore Texas, from Tenneco Oil Company, Samedan Oil Corporation, and New England Energy, Inc. (referred to jointly as Tenneco). It is further stated that Columbia has the right to purchase natural gas from wells in High Island Blocks 280 and 286, offshore Texas, from Exxon Company, U.S.A. (Exxon). Applicants claim that by agreements dated October 1, 1979, the gas reserves from High Island Blocks 280, 281 and 286 were unitized and that gas producted from Exxon well Nos. A–1, A–2 and A–3, and Tenneco well Nos. A–1, A–2, A–4 and A–6 would be allocated 50 percent to Tenneco and 50 percent to Exxon.

It is stated that Columbia Gulf would receive Tennessee's gas at High Island Block 287–A and Tennessee in exchange would receive Columbia's gas at High Island Block A–281. Applicants indicate that if on any day Tennessee has gas available in excess of the amount Columbia has available for delivery to Tennessee then Columbia Gulf would transport all of the excess gas, on a best-efforts basis, to an underwater side tap on the High Island Offshore System (HIOS) in Island Block 280, offshore Texas, for the account of Tennessee. It is further stated that if on any day Columbia has gas available in excess of the amount Tennessee has available for delivery to Columbia then Tennessee would transport all of the excess gas, on a best-efforts basis, to an underwater side tap on HIOS in High Island Block 281, offshore Texas, for the account of Columbia.

Appllicants state that for all excess gas transported by Columbia Gulf, Columbia Gulf would receive 1.82 cents per Mcf of gas at 14.73 psia and 60 °F. It is claimed that this rate is in accordance with the determination in Docket No. RP84–74. It is further stated that for all excess gas transported by Tennessee, Columbia would pay a transportation rate of 3.65 cents per Mcf of gas.

It is asserted that such rates would be subject to increase or decrease pursuant to the agreement among the Applicants and subject to any order issued in any rate proceeding affecting any of the Applicants.

Comment date: May 10, 1985, in accordance with Standard Paragraph F at the end of this notice.

7. K N Energy, Inc.

[Docket No. CP85–326–000]

April 19, 1985.

Take notice that on March 4, 1985, K N Energy, Inc. (K N), P.O. Box 15265, Lakewood, Colorado 80215, filed in Docket No. CP85–326–000 an application, as supplemented March 28, 1985, pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to construct and operate two sales taps to permit the delivery of gas to end-users under the certificate issued in Docket Nos. CP83–140–000, CP83–140–001 and CP83–140–002 pursuant to Section 7 of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

K N states that it proposes to construct and operate two on-system sales taps for new or existing direct retail customers to the extent allowable under its FERC Tariff. K N is further proposing to deliver up to 30 Mcf on a peak day or up to 1,000 Mcf annually to Mr. Jerry Otte in Fillmore County, Nebraska for irrigation purposes and up to 10 Mcf on a peak day or up to 600 Mcf annually to Heah Hopa, Inc., in Clay County, Nebraska for commercial space heating. K N avers that the proposed new sales taps would not significantly impact K N's peak day or annual deliveries. K N explains that these volumes would be billed at the retail rate currently authorized by the applicable states and local regulatory agencies.

Comment date: June 3, 1985, in accordance with Standard Paragraph G at the end of this notice.

8. K N Energy, Inc.

[Docket No. CP85–380–000]

April 19, 1985.

Take notice that on March 22, 1985, K N Energy, Inc. (KN), P.O. Box 15265, Lakewood, Colorado 80215, filed in Docket No. CP85–380–000 a request pursuant to § 157.205 of the Commission's Regulations (18 CFR 157.205) for authority to construct and operate six new sales taps for the delivery of gas to end users in Kansas, Nebraska, and Wyoming under the certificate issued in Docket No. CP83–140–000, as amended in Docket Nos. CP83–140–001 and CP83–140–002, pursuant to section 7(c) of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

K N states its blanket certificate in Docket Nos. CP83–140–000, *et al.*, as amended, authorizes K N to use the prior notice procedure under § 157.205 of the Commission's Regulations in connection with requests to construct and operate on-system sales taps for new or existing direct retail customers to the extent permitted under K N's FERC Gas Tariff provisions concerning limitations on deliveries. It is further stated that § 157.211(b)(2) of the Regulations is waived as to such requests.

Consistent with its blanket authorization K N proposes to construct and operate new sales taps to make direct sales for residential, agricultural, and small commercial use. It is indicated that two of the taps would be located in Phelps County, Nebraska, and

the other four taps would be located in Chase and Hall Counties, Nebraska, Kearny County, Kansas, and Platte County, Wyoming. It is explained the gas would be used for domestic, irrigation, and small commercial purposes. K N asserts the sales taps are not prohibted by any of K N's existing tariffs and would have no significant impact on K N's peak day and annual deliveries.

KN asserts that the proposed taps would be used to deliver volumes to the customers as indicated below:

Customer	Location of tap	Approximate quantity to be sold (Mcf's)		End use of gas
		Peak day	Annual	
Resident/occupant:				
Excelsior Oil Corp	NE¼ Sec. 4-26-36, Kearny Co., KS	10	500	Small commercial.
Calla Wilson Trust	NW¼ Sec. 20-6-16, Phelps Co., NE	25	800	Irrigation.
Robert Cain	NE¼ Sec. 16-15-18, Phelps Co., NE	30	900	Do.
John Lancaster	NE¼ Sec. 17-29-68, Platte Co., WY	45	1,400	Do.
Ed Johnson	NW¼ Sec. 11-6-39, Chase Co., NE	2	120	Domestic.
Gaytan Schuett	NE¼ Sec. 30-12-11, Hall Co., NE	35	1,300	Domestic and irrigation.

Comment date: June 3, 1985, in accordance with Standard Paragraph G at the end of this notice.

9. Mountain Fuel Resources, Inc.

[Docket No. CP85-385-000]

April 19, 1985.

Take notice that on March 25, 1985, Mountain Fuel Resources Inc. (Resources), 79 South State Street, Salt Lake City, Utah 84147, filed in Docket No. CP85-385-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing Resources to transport natural gas for Northwest Pipeline Corporation (Northwest), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Resources requests authority to transport natural gas for Northwest, as follows: (1) Up to 5,000 Mcf per day from the Gladhill Draw area of Moffat County, Colorado; (2) up to 1,500 Mcf per day from the Henry's Fork area of Uinta County, Wyoming; and (3) up to 2,000 Mcf per day from the Cave Creek area of Summit County, Utah. It is stated that Resources would redeliver the gas to Northwest at existing interconnections between the parties in Sweetwater County, Wyoming, and/or in Uintah County, Utah. It is also stated that Northwest would pay Resources the following transportation and gathering rates for gas transported from the above-described areas:

	Transportation rate per Mcf (cents)	Gathering rate per Mcf (cents)
(1) Gaidhill Draw	13.22	5.36
(2) Henry's Fork	13.22	20.63
(3) Cave Creek [1]		

[1] With respect to gas transported from the Cave Creek area, it is stated that Northwest would pay Resources a transportation charge and furnish fuel and unaccounted-for gas in accordance with the effective rates and provisions set forth from time to time in Resources' FERC Gas Tariff.

Resources also requests flexible authority to add and delete receipt and delivery points, subject to annual reporting requirements, in the areas of interest referred to above, i.e., Gladhill Draw, Henry's Fork and Cave Creek. Resources states that such authority is consistent with that already granted to Resources under its currently effective Rate Schedules X-17, X-19, X-21, X-22, X-23, X-24, X-25, X-31, X-32 and X-36.

Lastly, Resources states that its agreements with Northwest for transportation from the Gladhill Draw and Henry's Fork areas anticipate that Northwest may acquire gas from areas that are contiguous to, but not within, the areas of interest specified in the respective agreements. Therefore, Resources also requests flexible authority to add areas of interest, upon the amendment of such agreements, provided that the areas are contiguous to and reasonably related to the areas originally certificated and subject to annual reporting requirements. Alternatively, Resources requests that it be permitted to use the notice and protest procedures of § 157.205 of the Regulations to add acreage under the agreements should such additions be negotiated by Northwest and Resources.

No new facilities are proposed to be constructed at this time, it is stated.

Comment date: May 10, 1985, in accordance with Standard Paragraph F at the end of this notice.

10. Panhandle Eastern Pipe Line Company

[Docket No. CP84-656-002]

April 19, 1985.

Take notice that on April 2, 1985, Panhandle Eastern Pipe Line Company (Panhandle), P.O. Box 1642, Houston, Texas 77001, filed in Docket No. CP84-656-002 a request pursuant to § 157.205 of the Regulations (18 CFR 157.205) for authorization to increase the quantity of natural gas to be transported for a shipper end-user, Sherex Chemical Company, Inc. (Sherex), under the certificate issued in Docket No. CP83-83-000 pursuant to Section 7 of the Natural Gas Act, all as more fully set forth in the request on file with the Commission and open to public inspection.

Panhandle states it is currently authorized in Docket No. CP84-656-000 to transport for Sherex up to 900 Mcf of gas per day on an interruptible basis. It is explained that natural gas is received for Sherex's account at existing interconnection points between Panhandle and Consolidated Fuel sSupply, Inc., in Dewey, Beckham, Custer and Ellis Counties, Oklahoma, and ultimately delivered to Sherex by the distributor, Central Illinois Light Company, at Sherex's Mapleton, Illinois, plant. Panhandle requests an increase in the authorized daily transportation quantity to 1,200 Mcf from the existing 900 Mcf level in accordance with the second amendment dated March 12, 1985, to the July 12, 1984, transportation agreement.

Panhandle advises that it does not propose at this time any other change in the instant transportation activity as currently authorized, stating that the transportation service would continue to be on behalf of the same end-user, for gas delivered at the same end-user location within the same maximum annual volumes authorized by its blanket certificate, and subject to the same terms and conditions currently authorized.

Comment date: June 3, 1985, in accordance with Standard Paragraph G at the end of this notice.

11. Southern Natural Gas Company

[Docket No. CP85-400-000]

April 19 1985.

Take notice that on March 28, 1985, Southern Natural Gas Company (Southern), P.O. Box 2563, Birmingham, Alabama 35202-2563, filed in Docket No. CP85-400-000 a request pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to construct and operate a sales tap which would be used for delivery of gas to Mississippi Valley Gas Company (MVG), an exsiting customer, for resale under the certificate issued in Docket No. CP2-406-000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request on file with the Commission and open to public inspection.

Southern proposes to construct and operate a sales tap located at or near Mile Post 2.0 on its South Meridian 8-inch line in Clarke County, Mississippi. Southern states that MVG would resell the gas to certain school and residential customers which currently are not being supplied with natural gas. Southern asserts that the maximum annual deliveries MVG would be entitled to take through the proposed facilities would be 5,000 Mcf, which would not result in MVG receiving volumes greater than its certificated volumes.

Southern states that MVG would reimburse it for the total cost of the proposed sales tap, which is estimated to cost $2500.

Comment date: June 3, 1985, in accordance with Standard Paragraph G at the end of this notice.

12. Texas Gas Transmission Corporation

[Docket No. CP85-383-000]

April 19, 1985.

Take notice that on March 22, 1985, Texas Gas Transmission Corporation (Texas Gas), 3800 Frederica Street, Owensboro, Kentucky 42301, filed in Docket No. CP85-383-000 a request pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205 for authorization to transport natural gas for Indiana Gas Company, Inc. (Indiana Gas), as agent for Fairfield Manufacturing Company, Inc. (Fairfield), under the certificate issued in Docket No. CP82-407-000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

Texas Gas proposes to transport up to 900 million Btu of natural gas per day on an interruptible basis for Indiana Gas as agent for Fairfield until June 30, 1985, with an extension for a term to end no later than October 31, 1985, should the Commission extend the end-user transportation program beyond June 30, 1985. Texas Gas indicates that the gas to be transported would be purchased by Fairfield from EnTrade Corporation (EnTrade). Texas Gas further states it would deliver the above stated volumes to Fairfield at its Lafayette, Indiana, plant and that such gas would be used for low-priority boiler fuel at that plant. Texas Gas also states that Fairfield purchased said volumes of natural gas from EnTrade in a first sale and that such volumes were not dedicated to interstate commerce on November 8, 1978.

Texas Gas states that it would receive the gas for Fairfield's account from EnTrade in either Bossier or LaSalle Parish, Louisiana, and deliver said volumes of natural gas to Indiana Gas in Lawrence County, Indiana.

Texas Gas indicates that it would charge indiana Gas the rate provided in its Rate Schedule TSC for Rate Schedule G sales customers, which is currently 21.90 cents for each million Btu of natural gas transported, plus a 1.25 cents GRI surcharge, if applicable. Texas Gas further states it would retain 2.57 percent of the gas delivered to it for fuel, company-use, and accounted-for gas.

Texas Gas also requests flexible authority to add or delete receipt/delivery points associated with sources of gas acquired by Fairfield. The flexible authority requested applies only to points related to sources of gas supply not to delivery points in the market area. Texas Gas will file a report providing certain information with regard to the addition or deletion of sources of gas as further detailed in the application and any additional sources of gas would only be obtained to consititute the transportation guantities herein and not to increase those quantities.

Comment date: June 3, 1985, in accordance with Standard Paragraph G at the end of this notice.

13. Transcontinental Gas Pipe Line Corporation

[Docket No. CP85-401-000]

April 22, 1985.

Take notice that on March 28, 1985, Transcontinental Gas Pipe Line Corporation (Transco), Post Office Box 1396, Houston, Texas 77251, filed in Docket No. CP85-401-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain pipline and appurtenant facilities in Louisiana, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Transco proposes to construct and operate 0.78 mile of 36-inch pipeline and appurtenant facilities comprising an underwater crossing of the Mississippi River on Transco's main line between Compressor Station Nos. 50 and 60 located in Pointe Coupee and West Feliciana Parishes, Louisiana, respectively. It is explained that the 36-inch line would be bored beneath the Mississippi riverbed by using directional drilling techniques and would join a 30-inch bored line constructed in 1984 in supplementing two 30-inch lines, a 24-inch line and an 18-inch line which cross the Mississippi River in trenches. The new line would assure adequate continuity of service in the event of an outage of one or more of the existing trenched lines, it is asserted.

Transco states that the estimated cost of the facilities is $5,026,000, which would be financed initially through revolving credit arrangements, short-term loans and funds on hand. Permanent financing would be undertaken as part of an overall long-term fianancing program at a later date.

Comment date: May 13, 1985, in accordance with Standard Paragraph F at the end of this notice.

14. Williston Basin Interstate Pipeline Company

[Docket No. CP85-373-000]

April 19, 1985.

Take notice that on March 18, 1985, Williston Basin Interstate Pipeline Company (Applicant), Suite 200, 304 East Rosser Avenue, Bismarck, North Dakota 58501, filed in Docket No. CP85-373-000, an application for an order disclaiming jurisdiction, or in the alternative, an order pursuant to section 7(b) of the Natural Gas Act permitting and approving the abandonment of certain compression facilities used and associated with the purchase and gathering of natural gas in the Pumpkin Creek field, located in Custer and Powder River Counties, Montana, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states the Pumpkin Creek field was permanently shut-in January 1981, rendering the compression facilities of no practical use. Applicant states it believes the facilities to be non-jurisdictional. Applicant further states the facilities were reported as non-jurisdictional gathering facilities in Montana-Dakota Utility Co.'s statement relative to construction in Docket No. CP75-166. Applicant states the facilities installed included one 139 rated horsepower field gathering compressor discribed as a Waukesha F817-GU driven Worthington HBGG compressor. On January 17, 1985, Montana-Dakota Utilities Co., Applicant's predecessor, entered into a sales contract to sell the compressor to Production Operators, Inc. Applicant states that there would be not effect on service to any of Applicant's customers by the abandonment of these facilities. Applicant request a disclaimer of jurisdiction, or in the alternative, an order permitting and approving the abandonment of the facilities.

Comment date: May 10, 1985, in accordance with Standard Paragraph F at the end of this notice.

15. Seagull Energy Corporation)

[Docket No. CP84-690-001]

April 22, 1985.

Take notice that on March 25, 1985,[2] Seagull Energy Corporation (Seagull Energy), 1100 Louisiana Street, Houston, Texas 77002, filed in Docket No. CP84-690-001 an amendment to the pending application filed August 30, 1984, in Docket No. CP84-690-000 pursuant to § 284.127 of the Commission's Regulations so as to reflect the transportation of natural gas for an additional party, on behalf of Seagull Interstate Corporation (Seagull Interstate), all as more fully set forth in the amendment which is on file with the Commission and open to public inspection.

By the pending application in Docket No. CP84-690-000, authorization is requested for the transportation of natural gas owned by Florida Gas Transmission Company (FGT) on behalf of Seagull Interstate. It is explained that Seagull Energy would transport up to 75 billion Btu per day of FGT's gas pursuant to section 311 (a) of the Natural Gas Policy Act of 1978 (NGPA) through its Cavallo line which extends from Matagorda Island Block 526-L to Matagorda Island Block 520-L, all in Texas state waters. The gas would then be delivered to a 20-inch line owned by Houston Pipe Line Company (HPL) for final transportation of FGT's gas into its system, also pursuant to section 311(a) of the NGPA.

In Docket No. CP84-690-001, an amendment to the application was filed to include a request for authorization also to transport up to 18.6 billion Btu of natural gas per day owned by Exploration and Production, Division of InterNorth, Inc. In order to receive the gas into its system, Northern Natural Gas Company, Division of InterNorth, Inc. (Northern), has entered into a gas transportation agreement with Seagull Interstate. It is explained that Seagull Energy would transport Northern's gas on behalf of Seagull Interstate through its Cavallo line. It is explained that the gas would then be delivered to a 6-inch line owned by HPL and transported by backhaul to the Kilroy Production Company (Kilroy) platform in Matagorda Island Block 485 for measuring the gas and the gas would then be delivered back into a new 6-inch line which would extend approximately 2,000 feet from the Kilroy platform to a point of interconnection with a 12-inch line owned by Valero Transmission Company (Valero). The new 6-inch line would be owned and operated by Seagull Energy, it is stated. It is further explained that Valero would then provide the additional transportation in order to redeliver thermally equivalent volumes to Northern's system in Pecos and/or Midland Counties, Texas. It is asserted that the total contract demand for FGT's and Northern's gas would remain 75 billion Btu of gas per day of which the 18.6 billion Btu is included. Seagull Energy submits that the term of the transportation service would be for a primary term of 10 years commencing on the date of first deliveries and from year-to-year thereafter until terminated by either party upon 30 days prior written notice at the end of the primary term or at the end of any year thereafter.

It is stated that Seagull Energy proposes to charge Seagull Interstate for transporting the Northern gas the same rate it charges other interstate companies which utilize the Cavallo line for Section 311(a) service, which is currently 10.0 cents per million Btu. It is asserted that Seagull Energy would charge the same rate for transporting FGT's gas. Seagull Energy submits that said rate is fair and equitable for the service rendered.

Comment date: May 13, 1985, in accordance with the first subparagraph of Standard Paragraph F at the end of this notice.

16. Penn-York Energy Corporation; National Fuel Gas Supply Corporation

[Docket No. CP76-492-036]

April 22, 1985.

Take notice that on March 29, 1985, Penn-York Energy Corporation (Penn-York), 10 Lafayette Square, Buffalo, New York 14203, and National Fuel Gas Supply Corporation (National), 1100 State Street, Erie, Pennsylvania 16501, filed in Docket No. CP76-492-036 a tenth amendment in Docket No. CP76-492-036 to its pending application filed in Document No. CP76-492, as amended, pursuant to Section 7 of the Natural Gas Act requesting permanent authorization for Penn-York to operate underground gas storage facilities in Allegany County, New York, and to provide long-term storage service to various customers, and permanently authorizing National to provide storage and peaking service to Penn-York and to provide related transportation service for some of Penn-York's customers, all as more fully set forth in the amendment which is on file with the Commission and open to public inspection.

Penn-York requests permanent authorization to operate the East Independence, West Independence and Beech Hill storage fields at an aggregate volume of natural gas of 37,100,000 Mcf of which 19,400,000 Mcf would be top gas. Penn-York also requests permanent authorization to serve its customers at an annual storage level of 24,876,620 Mcf. It is indicated that Penn-York presently provides storage service to its customers at an annual level of 19,400,000 Mcf. The revised level of service would result from the net of increased service to five customers and reduced service to two customers (See attached Appendix for a list of Penn-York's customers and proposed service levels).

National requests permanent authorization to provide an annual level of storage service of 5,476,620 Mcf to Penn-York in order to assist Penn-York in meeting Penn-York's storage service obligations. It is indicated that National presently provides storage service to Penn-York at an annual level of 5,100,000 and that National's proposed increase in storage service is attributable to Penn-York's proposed revised level of service. National further proposes to provide up to 33,200 Mcf annual peaking volumes with associated gas banking service to enhance Penn-York's deliverability to its customers. It is also indicated that the proposed peaking service would be utilized by Penn-York during the injection season to enhance Penn-York's ability to inject customer gas. National further requests permanent authorization to provide transportation service for Penn Fuel Gas, Inc., UGI Corporation, Delmarva Power & Light Company, Elizabethtown Gas Company and Transcontinental Gas Pipe Line Corporation in conjunction with the storage service provided by Penn-York to such customers. National also requests cancellation of the cerificate authorizing standby storage service to Penn-York pursuant to National's Rate Schedule X-37.

National proposes to charge Penn-York for peaking service a three-part rate consisting of (1) a monthly deliverability charge of 136.83 cents per Mcf of maximum daily peaking volume, (2) a monthly capacity charge of 0.88 cent per Mcf of maximum advanced quantity, (3) and injection, withdrawal and transportation charge of 23.16 cents for each Mcf of advanced volume and net credit volume delivered or returned. National proposes to charge Penn-York for increased storage service a rate of 61.69 cents per Mcf of annual storage volume. Penn-York proposes to charge for increased service to five customers a

[2] The amendment was initially tendered for filing on March 25, 1985; however, the fee required by § 159.1 of the Regulations under the Natural Gas Act (18 CFR 159.1) was not paid until April 1, 1985; thus, filing was not completed until the latter date.

rate of 118.51 cents per Mcf of annual storage volume.

APPENDIX TO CP76-492-036

Customer [1]	Temporary authorized service levels in Mcf	Proposed permanent service levels for year beginning Apr. 1, 1985 in Mcf
Berkshire	400,000	400,000
Boston	876,620	876,620
Central Hudson	500,000	500,000
Colonial	2,000,000	2,000,000
Conn. L&P [2]	1,500,000	2,500,000
Conn. Natural	1,500,000	1,500,000
Delmarva	750,000	750,000
Elizabethtown	1,500,000	1,500,000
Essex	350,000	350,000
Fitchburg [2]	136,257	300,000
Gas Service [2]	200,000	400,000
Granite	2,400,000	2,400,000
Manchester [2]	135,000	250,000
O&R	1,500,000	1,500,000
Penn Fuel [2]	850,000	350,000
Penn & Souther	200,000	200,000
Southern Conn	150,000	150,000
Transco	5,000,000	5,000,000
UGI [2]	4,000,000	5,300,000
Valley [2]	550,000	650,000
Total	24,497,877	24,876,620

[1] The Berkshire Gas Company (Berkshire), Boston Gas Company (Boston), Central Hudson Gas & Electric Corporation (Central Hudson), Colonial Gas Company (Colonial), The Connecticut Light and Power Company (Conn. L&P), Connecticut Natural Gas Corporation (Conn. Natural), Delmarva Power & Light Company (Delmarva), Elizabethtown Gas Company (Elizabethtown), Essex County Gas County (Essex), Fitchburg Gas and Electric Light Company (Fitchburg), Gas Service, Inc. (Gas Service), Granite State Gas Transmission, Inc. (Granite), Manchester Gas Company (Manchester), Orange and Rockland Utilities, Inc. (O&R), Penn Fuel Gas, Inc. (Penn-Fuel), Pennsylvania & Southern Connecticut Gas Company (Southern Conn.), Transcontinental Gas Pipe Line Corporation (Transco), UGI Corporation (UGI) and Valley Gas Company (Valley).

[2] Customers for which changes in levels of service are proposed.

Comment date: May 13, 1985, in accordance with the first subparagraph of Standard Paragraph F at the end of this notice.

17. El Paso Natural Gas Company

[Docket No. CP85-404-000]

April 22, 1985.

Take notice that on March 29, 1985, El Paso Natural Gas Company (El Paso), P.O. Box 1492, El Paso, Texas 79978, filed in Docket No. CP85-404-000 a request pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to install and operate a new sales tap to permit delivery of gas to Gas Company of New Mexico (Gas Company) for resale to consumers in the City of Alamogordo, and environs in Otero County, New Mexico, under the certificate issued in Docket No. CP85-435-000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request on file with the Commission and open to public inspection.

It is asserted that the 1-inch O.D. sales tap and valve assembly, with appurtenances would supply an estimated average of 96,500 annually of natural gas for commercial and residential use under El Paso's Rate Schedule ABD-L.

El Paso states that the proposed service would have a neglible effect upon its gas deliveries based on past sales.

It is also stated that the proposed sales tap would be located on El Paso's existing 3½ inch O.D. Alamogordo line and the 4½ inch O.D. Alamogordo loop line in Otero County and would be referred to as the Alamogordo Airport No. 2 Tap.

El Paso has estimated the cost of the tap to be $7,400; which would be paid for by Gas Company, but owned and operated by El Paso.

Comment date: June 6, 1985, in accordance with Standard Paragraph G at the end of this notice.

Standard Paragraphs

F. Any person desiring to be heard or to make any protest with reference to said filing should on or before the comment date file with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this filing if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for the applicant to appear or be represented at the hearing.

G. Any person or the Commission's staff may, within 45 days after the issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the Natural Gas Act.

Kenneth F. Plumb,

Secretary.

[FR Doc. 85-10226 Filed 4-26-85; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. QF85-339-000 et al.]

University Cogeneration Partners Ltd. et al.; Small Power Production and Cogeneration Facilities; Qualifying Status; Certificate Applicants, Etc.

Comment date: Thirty days from publication in the **Federal Register**, in accordance with Standard Paragraph E at the end of this notice.

April 23, 1985.

Take notice that the following filings have been made with the Commission.

1. University Cogeneration, Inc., Partners Ltd.

[Docket No. QF85-339-000]

On April 9, 1985, University Cogeneration Partners, Ltd. (Applicant) of 3430 Camino Del Rio North, San Diego, California 92108 submitted for filing an application for certification of a facility as a qualifying cogeneration facility pursuant to § 292.207 of the Commission's regulations. No determination has been made that the submittal consitutes a complete filing.

The topping-cycle cogeneration facility will be located at Teledyne Ryan Electronic, 8650 Balboa Avenue, San Diego, California 92123. The electric power production capacity will be 800 kilowatts. The primary energy source will be natural gas. The facility will consist of one naturally aspirated reciprocating engine-generator, one low pressure (15 psig) steam heat recovery unit, one 250 nominal low absorption chiller and one 370 nominal ton cooling tower. Installation will begin on May 31, 1985.

2. Cargill, Incorporated

[Docket No. QF85-340-000]

On April 9, 1985, Cargill, Inc. (Applicant), of Box 7506, Chesapeake, Virginia 23324, submitted for filing an application for certification of a facility as a qualifying cogeneration facility pursuant to § 292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

The proposed topping-cycle cogeneration facility will be located at the Applicant's Domestic Soybean processing facilities, Box 7506, Chesapeake, Virginia 23324. The facility will supply steam and electricity to the Applicant's soybean processing plant. The facility will consist of a coal-fired high pressure boiler and a steam-fired back-pressure turbine generator. The maximum electric power production capacity of the facility will be 1780 kW. The primary energy source will be coal. Installation of the facility is scheduled for completion June, 1985.

3. Intex Fuels and Chemical Corp.

[Docket No. QF85-337-001]

On April 8, 1985, Intex Fuels and Chemicals Corp. *et al.*, P.O. Box 557, Springville, Utah 84663 submitted for filing an application for certification of a facility as a qualifying cogeneration facility pursuant to § 292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

The topping cycle cogeneration facility will be located in Glacier County, Montana. It will consist of a dual fuel engine generator system from which heat will be recovered for use in grain drying and alcohol production. The net electric power production capacity will be 8800 kilowatts. Installation will take place in 1985 and 1986.

4. Flowind Partners 3

[Docket No. QF85-347-000]

On April 15, 1985, Flowind Partners 3 (Applicant) of 1183 Quarry Lane, Pleasanton, California 94566 submitted for filing an application for certification of a facility as a qualifying small power production facility pursuant to § 292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

The 0.9 megawatt wind facility will be located in Kern County, California.

5. Flowind Partners 1984

[Docket No. QF85-346-000]

On April 15, 1985, Flowind Partners 1984 (Applicant) of, 1183 Quarry Lane, Pleasanton, California submitted for filing an application for certification of a facility as a qualifying small power production facility pursuant to § 292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

The 6.3 megawatt wind facility will be located in Kern County California.

Standard Paragraphs

E. Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 85-10228 Filed 4-26-85; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 1746-000]

Mrs. Virginia Kirk Cord; Application for Transfer of Minor License

April 22, 1985.

Public notice is hereby given that an application was filed on March 11, 1985, under the Federal Power Act, 16 U.S.C. 791(a)-825(r), by Mrs. Virginia Kirk Cord, Licensee and Four Rent, Inc., Transferee, for transfer of minor license for the Leidy Creek Project No. 1746. The project is located on Leidy Creek in Esmeralda County, Nevada. Correspondence should be directed to Mrs. Virginia Kirk Cord, c/o Nada Novakovich, 195 S. Sierra, Reno, Nevada 89501 and Four Rent, Inc., Mr. Donald H. Hatfield, President, 1801 E. Tropicana Avenue, Suite #29, Las Vegas, Nevada 89109.

Transferee states that it will comply with all applicable laws of the State of Nevada as required by Section 9(b) of the Federal Power Act.

Anyone desiring to be heard or to make any protest about this application should file a motion to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 385.211 or 385.214. Comments not in the nature of a protest may also be submitted by conforming to the procedures specified for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party or to participate in any hearings, a person must file a motion to intervene in accordance with the Commission's Rules. Any comments, protests, or motions to intervene must be received on or before June 3, 1985. The Commission's address is: 825 North Capitol Street, NE., Washington, DC 20426. The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 85-10225 Filed 4-26-85; 8:45 am]

BILLING CODE 6717-01-M

FEDERAL COMMUNICATIONS COMMISSION

Allocations Subgroup of Radio Advisory Committee; Meeting

The Allocations Subgroup of the Advisory Committee on Radio Broadcasting resumes its continuing meeting on Tuesday April 30, 1985, at 2:00 p.m. in the Vincent Wasilewski Room of the National Association of Broadcasters, 1771 N Street NW., Washington, D.C.

The Subgroup will give consideration to the development of recommendations to the Federal Communications Commission concerning matters pertinent to preparations for the upcoming Region 2 Conference on expansion of the AM band. In particular, these relate to identifying specific broadcast requirements and the means of addressing these requirements through use of the spectrum to become available through expansion of the AM band.

The Allocations Subgroup meeting, a continuing one, will be resumed after the April 30, 1985, session at such time and place as is decided at that session.

All meetings of the Allocations Subgroup are open to the public. All interested parties are invited to attend and participate in these meetings.

For further information, please call the Subgroup Chairman, Jonathan David, at (202) 632-7792.

William J. Tricarico,

Secretary, Federal Communications Commission.

[FR Doc. 85-10254 Filed 4-26-85; 8:45 am]

BILLING CODE 6712-01-M

[Report No. 1510]

Petitions for Reconsideration of Actions in Rulemaking Proceedings

April 19, 1985.

The following listings of petitions for reconsideration filed in Commission rulemaking proceedings is published pursuant to § 1.429(e). Oppositions to such petitions for reconsideration must be filed within 15 days after publication of this Public Notice in the **Federal Register**. Replies to an opposition must be filed within 10 days after the time for filing oppositions has expired.

Subject: Establishment of a spectrum utilization policy for the fixed and mobile services' use of certain bands between 947 MHz and 40 GHz. (Gen Docket No. 82–334).

Filed by: Jeffery A. Krauss, Vice President Corporate Affairs for M/A–COM Development Corp., on 3–22–85. (Supplemented on 4–1–85).

William J. Tricarico,

Secretary, Federal Communications Commission.

[FR Doc. 85–10255 Filed 4–26–85; 8:45 am]

BILLING CODE 6712–01–M

[Report No. 1508]

Petitions For Reconsideration of Actions in Rulemaking Proceedings

April 12, 1985.

The following listings of petitions for reconsideration filed in Commission rulemaking proceedings is published pursuant to § 1.429(e). Oppositions to such petitions for reconsideration must be filed within 15 days after publication of this Public Notice in the **Federal Register**. Replies to an opposition must be filed within 10 days after the time for filing oppositions has expired.

Subject: Amendment of § 73.606(b) Table of Assignments, Television Broadcast Stations (Billings, Miles City, and Lewistown, Montana, and Lander, Wyoming) (BC Docket No. 82–276, RM–4060).

Filed by: F. Joseph Brinig, Attorney for KOUS-TV, Inc., on 3–28–85. Robert G. Allen, Attorney for Yellowstone Valley Community Television, Inc., on 3–28–85.

Subject: Implementation of BC Docket No. 80–90 to Increase the Availability of FM Broadcast Assignments. (MM Docket No. 84–231).

Filed by:

Donald Dean Willis on 1–4–85. (Herington, Kansas)
Julian P. Freret, Attorney for Carroll Enterprises, Inc., on 1–18–85. (Oscoda, Michigan)
Lauren A. Colby, Attorney for Spring Arbor College on 1–18–85. (Spring Arbor, Michigan)
Lauren A. Colby, Attorney for Plateau Broadcasting, Inc., on 1–30–85. (Crossville and Spencer, Tennessee)
Millard V. Oakley on 2–4–85. (Graysville and Spring City, Tennessee)
Richard A. Helmick, Attorney for F.E.M. Ray Incorporated on 2–11–85. (Tucson, Arizona)
Forbes W. Blair, Attorney for Osage Radio, Inc. (KZOC-FM), on 2–13–85. (Topeka, Kansas)
Jeffery D. Southmayd, Attorney for Willie Jefferson, on 2–13–85. (Shreveport, Louisiana)
Richard J. Hayes, Jr., Attorney for William S. Poorman on 2–20–85. (Indianapolis, Indiana)
William S. Green & Barbara L. Waite, Attorneys for RKO General, Inc., on 2–25–85. (Ocean Acres, New Jersey)
Robert W. Healy, Attorney for Florida Keys Radio Association on 2–13–85. (Key West, Summerland Key and Key Colony Beach, Florida)[1]

Subject: Amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (San Clemente, California) (MM Docket No. 84–442, RM–4724).

Filed by:

Martin I. Levy, Attorney for Mount Wilson FM Broadcasters, Inc., (KKGO–FM) on 3–27–85.
Steven A. Lerman & Silvia L. Gonzalez, Attorneys for The Audio House, Inc. (KCBQ–FM) on 3–27–85.

William J. Tricarico,

Secretary, Federal Communications Commission.

[FR Doc. 85–10249 Filed 4–26–85; 8:45 am]

BILLING CODE 6712–01–M

Technical Subgroup of Radio Advisory Committee; Meeting

The technical subgroup of the Advisory Committee on Radio Broadcasting resumes its continuing meeting Tuesday, April 30, 1985, at 11:30 a.m. in the Vincent Wasilewski Room of the National Association of Broadcasters, 1771 N Street NW., Washington, D.C.

The subgroup will continue its consideration of recommendations to the Federal Communications Commission concerning matters pertinent to preparations for the upcoming Region 2 Conference on expansion of the AM band.

The subgroup also may discuss matters relating to the ongoing discussions between the United States and Mexico looking toward the development of a new bilateral AM Agreement. In addition, the Subgroup also may consider other relevant matters of concern to the participants at the meeting.

The meeting, a continuing one, will be resumed after the April 30, 1985, session at such time and place as is decided at that session.

All meetings of the Technical Subgroup are open to the public. All interested parties are invited to participate in these meetings.

For further information, please call the Subgroup Chairman, Mr. Wallace E. Johnson, at (703) 841–0500.

William J. Tricarico,

Secretary, Federal Communications Commission.

[FR Doc. 85–10253 Filed 4–26–85; 8:45 am]

BILLING CODE 6712–01–M

[1] Corrected.

FEDERAL RESERVE SYSTEM

Agency Forms Under Review

April 23, 1985.

Background

On June 15, 1984, the Office of Management and Budget (OMB) delegated to the Board of Governors of the Federal Reserve System (Board) its approval authority under the Paperwork Reduction Act of 1980, as per 5 CFR 1320.9, "to approve of and assign OMB control numbers to collection of information requests and requirements conducted or sponsored by the Board under conditions set forth in 5 CFR 1320.9." Board-approved collections of information will be incorporated into the official OMB inventory of currently approved collections of information. A copy of the SF 83 and supporting statement and the approved collection of information instrument(s) will be placed into OMB's public docket files. The following forms, which are being handled under this delegated authority, have received initial Board approval and are hereby published for comment. At the end of the comment period, the proposed information collection, along with an analysis of comments and recommendations received, will be submitted to the Board for final approval under OMB delegated authority.

DATE: Comments must be received on or before May 14, 1985.

ADDRESS: Comments, which should refer to the OMB Docket number (or Agency form number in the case of a new information collection that has not yet been assigned an OMB number), should be addressed to Mr. William W. Wiles,

Secretary, Board of Governors of the Federal Reserve System, 20th and C Streets, NW., Washington, D.C. 20551, or delivered to room B-2223 between 8:45 a.m. and 5:15 p.m. Comments received may be inspected in room B-1122 between 8:45 a.m. and 5:15 p.m., except as provided in § 261.6(a) of the Board's Rules Regarding Availability of Information, 12 CFR 261.6(a).

A copy of the comments may also be submitted to the OMB desk officer for the Board: Robert Neal, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 3208, Washington, D.C. 20503.

FOR FURTHER INFORMATION CONTACT:

A copy of the proposed form, the request for clearance (SF 83), supporting statement, instructions, and other documents that will be placed into OMB's public docket files once approved may be requested from the agency clearance officer, whose name appears below.

Federal Reserve Board Clearance Officer—Cynthia Glassman—Division of Research and Statistics, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 (202-452-3829)

Proposal to approve under OMB delegated authority the extension without revision of the following report:

1. Report title: Allocation of Low Reserve Tranche and Reservable Liabilities Exemption

Agency form number: FR 2930, FR 2930a
OMB Docket number: 7100-0088
Frequency: Annually
Reporters: Depository institutions.
Small businesses are affected.
General description of report: This information collection is mandatory (12 U.S.C. 248(a) and 461) and is given confidential treatment (5 U.S.C. 552b(4) and b(8)).

The report provides information on the allocation of the low reserve tranche and reservable liabilities exemption among particular offices of those families of institutions that have offices located in more than one state or Federal Reserve district, which submit separate deposit reports instead of one single, nationally aggregated report. These data are needed for the calculation of required reserves.

Board of Governors of the Federal Reserve System, April 23, 1985

James McAfee,

Associate Secretary of the Board.

[FR Doc. 85-10208 Filed 4-26-85; 8:45 am]

BILLING CODE 6210-01-M

Compagnie Financiere de Suez and Banque Indosuez; Proposal to Deal in Foreign Currency Options Traded on a Stock Exchange Through a Joint Venture

Compagnie Financiere de Suez and its subsidiary, Banque Indosuez, both of Paris, France, have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.23(a)(3) of the Board's Regulation Y (12 CFR 225.23(a)(3)), for permission to engage in the activity of dealing in French franc options in the role of specialist in such foreign currency options traded on the Philadelphia Stock Exchange. Applicants would engage in the activity through a joint venture with Drexel Burnham Lambert Group Inc., New York, New York ("DBL"), an investment banking firm. Banque Indosuez and DBL would each own 50 percent of the shares of Indosuez-Drexel Burnham Lambert, Inc. ("Company"), the successor to Drexel Burnham Lambert (French) Options Inc., a company previously formed to serve as the vehicle for conducting the proposed activity through the proposed joint venture. The activity would be performed through Company's offices in Philadelphia and on the Philadelphia Stock Exchange, serving customers in the United States and abroad.

Section 4(c)(8) of the Bank Holding Company Act provides that a bank holding company may, with Board approval, engage in any activity "which the Board after due notice and opportunity for hearing has determined (by order or regulation) to be so closely related to banking or managing or controlling banks as to be a proper incident thereto." The Board has not previously approved the proposed activity. Applicants believe that the activity is so closely related to banking or managing or controlling banks as to be a proper incident thereto. In the Applicants' opinion, currency options are functionally equivalent to other aspects of foreign exchange traditionally and historically dealt in by commercial banks. In addition, Applicants state that at least one bank has been permitted to engage in the proposed activity of acting as a specialist in foreign currency options on a stock exchange.

Interested persons may express their views on whether the proposed activity, conducted through a joint venture on the basis proposed, is "so closely related to banking or managing or controlling banks as to be a proper incident thereto," and whether the proposal as a whole can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on these questions must be accompanied by a statement of the reasons why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or the Federal Reserve Bank of New York.

Any views or requests for hearing should be submitted in writing and received by William W. Wiles, Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than May 28, 1985.

Board of Governors of the Federal Reserve System, April 23, 1984.

William W. Wiles,

Secretary of the Board.

[FR Doc. 85-10209 Filed 4-26-85; 8:45 am]

BILLING CODE 6210-01-M

First Jersey National Corp. et al.; Formations of; Acquisitions by; and Mergers of Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) and § 225.14 of the Board's Regulation Y (12 CFR 225.14) to become a bank holding company or to acquire a bank or bank holding company. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank or to the offices of the Board of Governors. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Unless otherwise noted, comments regarding each of these applications

must be received not later than May 20, 1985.

A. **Federal Reserve Bank of New York** (A. Marshall Puckett, Vice President) 33 Liberty Street, New York, New York 10045:

1. *First Jersey National Corporation,* Jersey City, New Jersey; to acquire an additional 8.88 percent of the voting shares of The Board Street National Bank, Trenton, New Jersey. Comments on this application must be received not later than May 13, 1985.

B. **Federal Reserve Bank of Philadelphia** (Thomas K. Desch, Vice President) 100 North 6th Street, Philadelphia, Pennsylvania 19105:

1. *Atlantic Bancorporation,* Vorhees, New Jersey; to become a bank holding company by acquiring 100 percent of the voting shares of Glendale National Bank of New Jersey, Vorhees, New Jersey.

C. **Federal Reserve Bank of Kansas City** (Thomas M. Hoenig, Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. *Butler County Financial Corp., Inc.,* Douglass, Kansas; to become a bank holding company by acquiring at least 80 percent of the voting shares of Exchange State Bank, Douglass, Kansas.

2. *Keith County Corporation,* Ogallala, Nebraska; to become a bank holding company by acquiring 99.7 percent of the voting shares of Keith County Bank and Trust Co., Ogallala, Nebraska.

3. *Membancshares, Inc.,* Oklahoma City, Oklahoma; to become a bank holding company by acquiring 100 percent of the voting shares of Memorial Bank, N.A., Oklahoma City, Oklahoma.

D. **Federal Reserve Bank of Dallas** (Anthony J. Montelaro, Vice President) 400 South Akard Street, Dallas, Texas 75222:

1. *BFW Financial Corporation,* (formerly Burleson Bancshares, Inc.), Burleson, Texas; to acquire 80 percent of the voting shares of Shady Oaks National Bank, Lake Worth, Texas.

E. **Federal Reserve Bank of San Francisco** (Harry W. Green, Vice President) 101 Market Street, San Francisco, California 94105:

1. *Centennial Bancshares, Inc.,* Yakima, Washington; to become a bank holding company by acquiring 100 percent of the voting shares of Pioneer National Bank, Yakima, Washington.

Board of Governors of the Federal Reserve System, April 23, 1985.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 85-10210 Filed 4-26-85; 8:45 am]

BILLING CODE 6210-01-M

FEDERAL TRADE COMMISSION

Granting of Request for Early Termination of the Waiting Period Under the Premerger Notification Rules; ITT Corp. et al.

Section 7A of the Clayton Act, 15 U.S.C. 18a, as added by Title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Federal Trade Commission and the Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the **Federal Register.**

The following transactions were granted early termination of the waiting period provided by law and the premerger notification rules. The grants were made by the Federal Trade Commission and the Assistant Attorney General for the Antitrust Division of the Department of Justice. Neither agency intends to take any action with respect to these proposed acquisitions during the applicable waiting period:

Transaction	Waiting period terminated effective—
(1) 85-0283—ITT Corporation's proposed acquisition of voting securities of Baylock Manufacturing Corporation, (Albert J. Basi and Russell B. Meloche, UPE's).	Apr. 8, 1985.
(2) 85-0284—ITT Corporation's proposed acquisition of voting securities of Baylock Manufacturing Corporation, (Albert J. Basi and Russell B. Meloche, UPE's).	Do.
(3) 85-0331—FPL Group, Inc.'s proposed acquisition of voting securities of Rinker Materials Corporation.	Do.
(4) 85-0345—The News Corporation's proposed acquisition of voting securities of TCF Holdings, Inc.	Do.
(5) 85-0384—The Times Mirror Company's proposed acquisition of voting securities of The Times Mirror Company.	Do.
(6) 85-0314—Olin Corporation's proposed acquisition of voting securities of ROCKCOR, Inc.	Apr. 9, 1985.
(7) 85-0341—American Can Company's proposed acquisition of voting securities of Financial Institution Services, Inc.	Do.
(8) 85-0344—BASF Aktiengesellschaft's proposed acquisition of voting securities of Narmco Materials, Inc.; Quantum, Incorporated; CCF, Inc.; Chemcell Corporation, (Celanese Corporation, UPE).	Do.
(9) 85-0353—Metal Box p.l.c.'s proposed acquisition of voting securities of Eyelet Co., Inc., (Robert W. MacWilliams, UPE).	Do.
(10) 85-0368—Florida Progress Corporation's proposed acquisition of voting securities of Crown Industries, Inc.	Apr. 10, 1985.
(11) 85-0373—Harvard Industries, Inc., (Dr. William D. Hurley, UPE)'s proposed acquisition of assets of ESNA and Caco-Pacific, Divisions of Amerace Corp., and assets of Amerace Ltd., (Bass Investment Limited Partnership, UPE)	Do.
(12) 85-0374—Pfizer, Inc.'s proposed acquisition of voting securities of American Medical Systems, Inc.	Do.
(13) 85-0310—Mutual Hospital Insurance, Inc.'s proposed acquisition of assets of Mutual Medical Insurance, Inc.	Apr. 12, 1985.
(14) 85-0360—Diversified Energies, Inc.'s proposed acquisition of voting securities of E. F. Johnson Company, (Western Union Corporation, UPE).	Do.
(15) 85-0366—Good Products, Inc.'s proposed acquisition of voting securities of Opti-Ray, Inc., (Margdlog Industries, Inc., UPE)	Do.
(16) 85-0382—Robert S. Jepson, Jr.'s proposed acquisition of assets of Brown Group, Inc.	Do.
(17) 85-0403—Leandro P. Rizzuto's proposed acquisition of voting securities of Conair Corportion	Do.
(18) 85-0329—Pillowtex Corporation (John Silverthorne, UPE)'s proposed acquisition of Barclay Home Products and Bnarly Products and Bnarly Products, Inc.	Apr. 15, 1985.
(19) 85-0337—Bethlehem Steel Corporation's proposed acquisition of voting securities of J. M. Tull Industries, Inc.	Do.
(20) 85-0338—Scott Paper Company's proposed acquisition of voting securities of Hoffmaster Company, Inc., (Thomas J. Hoffmaster, Caye C. Hoffmaster, Leslie M. Hoffmaster, UPE's).	Do.
(21) 85-0362—American Medical International, Inc.'s proposed acquisition of assets of Prince George's Doctors' Hospital, Inc.	Do.
(22) 85-0363—The Ohio Farmers Grain and Supply Association's proposed acquisition of voting securities of Landmark, Inc.	Do.
(23) 85-0367—Proven Properties, Inc.'s proposed acquisition of assets of Pennzoil Company.	Do.
(24) 85-0388—Lumbermens Mutual Casualty Company's proposed acquisition of voting securities of Boettcher Investment Corporation.	Do.
(25) 85-0407—Tele-Communications, Inc.'s proposed acquisition of voting securities of United Cable Television Corporation.	Apr. 16, 1985.
(26) 85-0350—W. R. Grace & Co.'s proposed acquisition of voting securities of Taco Villa, Inc., (Bobby D. Cox, UPE)	Apr. 17, 1985.
(27) 85-0352—Foremost Corporation of America's proposed acquisition of assets of Norwest Corporation.	Do.
(28) 85-0354—Bobby D. Cox's proposed acquisition of voting securities of Creative Food 'N' Fun Company, (W. R. Grace & Co., UPE).	Do.
(29) 85-0359—The Pillsbury Company's proposed acquisition of voting securities of Diversifoods Inc.	Do.
(30) 85-0387—Owens-Illinois, Inc.'s proposed acquisition of assets of Inc., Health Group Care Centers, Incorporated, (Health Group, Inc., UPE).	Do.
(31) 85-0370 and 85-0375—Tandy Corporation's proposed acquisition of assets of Scott Appliances, Inc. and 2 subsidiaries, (McLeary Equities, Ltd. and Osceola Foods, Incorporated, UPE's)	Apr. 18, 1985.
(32) 85-0378—Fleming Companies, Inc.'s proposed acquisition of voting securities of Associated Grocers of Arizona, Inc.	Do.

Transaction	Waiting period terminated effective—
(33) 85-0372—Apache Petroleum Company's proposed acquisition of assets of Davis Oil Company.	Do
(34) 85-0380—National Intergroup Inc.'s proposed acquisition of voting securities of TranSouth Financial Corporation, (NCNB Corporation, UPE).	Do
(35) 85-0402—Nacor, Inc.'s proposed acquisition of assets of Petro-Lewis Corporation.	Do
(36) 85-0429—Baxter Travenol Laboratories, Inc.'s proposed acquisition of voting securities of Compucare, Inc.	Do
(37) 85-0430—Ronald V. Apraharnian's proposed acquisition of voting securities of Compucare, Inc.	Do
(38) 85-0346—Telecom Plus International, Inc.'s proposed acquisition of voting securities of ALLTEL Systems, Inc., ALLTEL Communication Systems, Inc., Paccom, Inc., Tel-Logic Communications, Inc. and Valley Telephone Communications, (ALLPAC National, UPE).	Apr. 19, 1985
(39) 85-0347—ALLPAC National—a partnership's proposed acquisition of voting securities of Telecom Plus International, Inc.	Do
(40) 85-0351—The Washington Post Company, (Katharine Graham, UPE) proposed acquisition of voting securities of Cowles Media Company.	Do
(41) 85-0376—Worthington Industries, Inc.'s proposed acquisition of voting securities of Jackson Steel Services, Inc.	Do
(42) 85-0383—Castle & Cooke, Inc.'s proposed acquisition of voting securities of Flexi-Van Corporation	Do
(43) 85-0394 and 85-0395—Tom W White's proposed acquisition of voting securities of Miller Brands, Inc., (Philip Morris Incorporated, UPE) and Barry G. Andrews' proposed acquisition of voting securities of Miller Brands Incorporated, (Philip Morris, Incorporated, UPE)	Do
(43) 85-0398—Bennett S. LeBow's proposed acquisition of assets of Johnson Matthey Florida, Inc., (Johnson Matthey Public Limited Company, UPE).	Do
(44) 85-0413—The New York Times Company, (The Ochs Trust, UPE) proposed acquisition of assets of Press Democrat Publishing Company, (Ruth Finley Charitable Unitrust, UPE).	Do
(45) 85-0418—Cox Enterprises, Inc.'s proposed acquisition of voting securities of Cox Communications, Inc.	Do
(46) 85-0434—Flexi-Van Corporation's proposed acquisition of voting securities of Castle & Cooke, Inc.	Do
(47) 85-0435—Flexi-Van Corporation's proposed acquisition of voting securities of Castle & Cooke, Inc.	Do
(48) 85-0436—Flexi-Van Corporation's proposed acquisition of voting securities of Castle & Cook, Inc.	Do
(49) 85-0437—David H. Murdock's proposed acquisition of voting securities of Castle & Cook, Inc.	Do

FOR FURTHER INFORMATION CONTACT:
Sandra M. Peay, Legal Technician, Premerger Notification Office, Bureau of Competition, Room 303, Federal Trade Commission, Washington, D.C. 20580, (202) 523-3894.

By direction of the Commission.

Emily H. Rock,

Secretary.

[FR Doc. 85-10248 Filed 4-26-85; 8:45 am]

BILLING CODE 6750-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Health Education Assistance Loan Program; Maximum Interest Rates for Quarter Ending June 30, 1985 and Rate of Insurance Premium

Section 727 of the Public Health Service Act (42 U.S.C. 294) authorizes the Secretary of Health and Human Services to establish a Federal program of student loan insurance for graduate students in health professions schools.

A. Section 60.13(a)(4) of the program's implementing regulations (42 CFR Part 60, previously 45 CFR Part 126) provides that the Secretary will announce the interest rate in effect on a quarterly basis.

The Secretary announces that for the period ending June 30, 1985, two interest rates are in effect for loans executed through the Health Education Assistance Loan (HEAL) program.

1. For loans made before January 27, 1981, the variable interest rate is 12 percent. Using the regulatory formula (45 CFR 128.13(a)(2) and (3)), in effect prior to January 27, 1981, the Secretary would normally compute the variable rate for this quarter by finding the sum of the fixed annual rate (7 percent) and a variable component calculated by subtracting 3.50 percent from the average bond equivalent rate of 91-day U.S. Treasury bills for the preceding calendar quarter (8.46 percent), and rounding the result (11.96 percent) upward to the nearest 1/8 percent (12 percent). However, the regulatory formula also provides that the annual rate of the variable interest rate for a 3-month period shall be reduced to the highest one-eighth of 1 percent which would result in an average annual rate not in excess of 12 percent for the 12-month period concluded by those 3 months. Because the average rate of the 4 quarters ending June 30, 1985 is not in excess of 12 percent, there is no necessity for reducing the interest rate. For the previous 3 quarters the variable interest at the annual rate was as follows: 12⅜ percent for the quarter ending September 30, 1984; 11⅞ percent for the quarter ending December 31, 1984; and 11¾ percent for the quarter ending March 31, 1985.

2. For fixed rate loans executed during the period of April 1, 1985 through June 30, 1985, and for variable rate loans executed after January 27, 1981, the interest rate is 12 percent. Using the regulatory formula (42 CFR 60.13 (a)(3)), in effect since January 27, 1981, the Secretary computes the maximum interest rate at the beginning of each calendar quarter by determining the average bond equivalent rate for the 91-day U.S. Treasury bills during the preceding quarter (8.46 percent); adding 3.50 percent (11.96 percent); and rounding that figure to the next higher one-eighth of 1 percent (12 percent).

B. Section 60.14(b) of the regulations provides that the rate of the insurance premium shall not exceed 2 percent per year of the loan principal and that the Secretary will announce the rate of the insurance premium on a quarterly basis through a notice published in the **Federal Register.**

The Secretary announces that for the period ending June 30, 1985, the rate of the insurance premium continues to be 2 percent per year of the loan principal for loans executed through the HEAL program.

(Catalog of Federal Domestic Assistance No. 13.108, Health Education Assistance Loans)

Dated: April 18, 1985.

Robert Graham,

Administrator, Assistant Surgeon General.

[FR Doc. 85-10242 Filed 4-26-85; 8:45 am]

BILLING CODE 4160-15-M

National Institutes of Health

National Cancer Institute; Amended Notice of Meeting

The meeting of the Board of Scientific Counselors, Division of Cancer Prevention and Control, Prevention Subcommittee, National Cancer Institute, April 19, 1985, National Airport, Room 262, Washington, DC, which was published in the **Federal Register** on April 8, (50 FR 13882) was cancelled due to the conflict of schedules of the majority of the members.

This meeting is being rescheduled for May 9, 5:00 p.m. to 9:00 p.m., Building 1 Wilson Hall, and will be open from 5:00 p.m to 7:00 p.m.

In accordance with provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92-463, the meeting will be closed to the public from 7:00 p.m. to 9:00 p.m. due to potential problems being experienced with certain grants which have been brought to the attention of the subcommittee for their advice on program direction. These awards and the discussion could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the awards, disclosure of which would constitute a

clearly unwarranted invasion of personal privacy.

Dated: April 17, 1985.

Betty J. Beveridge,

Committee Management Officer, NIH.

[FR Doc. 85-10239 Filed 4-26-85; 8:45 am]

BILLING CODE 4140-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[OR 37655]

Realty Action; Exchange of Public and Private Lands in Malheur County, OR

The following described lands have been examined and determined to be suitable for disposal by exchange under section 206 of the Federal Land Policy and Management Act of 1976 (90 Stat. 2756; 43 USC 1716):

Willamette Meridian

T. 19 S., R. 46 E.,
Sec. 3, SW¼NW¼, NW¼SW¼.

The area described aggregates 80 acres of public land.

In exchange for these lands, the United States will acquire the following described lands from Harry L. Smith:

Willamette Meridian

T. 20 S., R. 46 E.,
Sec. 6, SE¼SW¼, SW¼SE¼.

The area described aggregates 80 acres of private land.

The purpose of the exchange is to facilitate the resource management program of the Bureau of Land Management and to enhance the range management potential for the area. The Federal lands to be exchanged are hard to manage parcels completely surrounded by private lands.

This proposal is consistent with Bureau planning for the lands involved and has been discussed with State and local officials. The public interest will be well served by making this exchange. The comparative values of the lands exchanged are approximately equal and the acreage will be adjusted and/or a cash payment to the United States will be used to equalize the values upon completion of the final appraisal of the lands. Any monetary adjustments made will be for no more than 25% of the appraised value of Federal lands involved.

The exchange will be subject to:

(1) A reservation to the United States of a right-of-way for ditches or canals under the Act of August 30, 1890.

(2) Valid, existing rights including but not limited to the North Canal and any other right-of-way, easement, or lease of record.

Publication of this notice has the effect of segregating all of the above described Federal land from appropriation, under the public land laws and these lands are further segregated from appropriation under the mining laws, but not from exchange pursuant to section 206 of the Federal Land Policy and Management Act of 1976. The segregative effect of this notice will terminate upon issuance of patent or in two years from the date of the publication of this notice, whichever occurs first.

Detailed information concerning the exchange is available for review at the Vale Distict Office of the Bureau of Land Management, 100 Oregon Street, Vale, Oregon 97918.

For a period of 45 days, interested parties may submit comments to the Vale District Manager at the above address. Any adverse comments will be evaluated by the Oregon State Director, BLM, who may vacate or modify this realty action and issue a final determination. In the absence of any action by the State Director, this realty action will become the final determination of the Department of the Interior.

Date of Issue: April 17, 1985.

Pearl M. Parker,

District Manager.

[FR Doc. 85-10260 Filed 4-26-85; 8:45 am]

BILLING CODE 4310-33-M

Bureau of Reclamation

All-American Canal Relocation Project, California; Intent To Prepare an Environmental Impact Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, as amended, the Department of the Interior, Bureau of Reclamation, intends to prepare an environmental impact statement on the potential All-American Canal Relocation Project located in southern California. The planning report/draft environmental impact statement is scheduled for completion in October 1985.

The All-American Canal system, authorized in 1928, conveys water from the Colorado River at Imperial Dam to the Imperial Valley of California. Previous canal relocation studies are described in the June 1980 special study for the Colorado River Basin Salinity Control Project, Title I Division, Reject Stream Replacement Study.

The purpose of the potential project is to conserve water seepage which occurs at an average rate of about 113,000 acre-feet a year from the unlined All-American Canal between Pilot Knob and the East Highline Canal. Most of this seepage would serve municipal and industrial water demands in southern California, reject stream replacement for the Yuma Desalting Plant, and industrial water demands in Imperial County, California.

The environmental impact statement will examine the impacts of project alternatives along the 30 miles of canal between Pilot Knob and Drop No. 4. The Alternatives include: (1) Seepage recovery through pumping ground water from a series of wells located along the canal between the sand hills area and Pilot Knob and discharging the water directly into the canal; (2) relocation of the existing canal and concrete lining from Pilot Knob to Drop No. 4; and (3) no action, the future conditions without the project.

A number of public involvement activities, including a meeting in El Centro, California, were carried out during the Reject Stream Replacement Study. More recently, meetings on All-American Canal lining have been held with Federal, State, and local entities. A public involvement program is being carried out to obtain public input and to keep the public informed about study progress and decisions. In November 1984, a newsletter was mailed to interested entities and individals including environmental groups. Since these activities did not generate public comment and no major opposition is expected, a scoping meeting is not planned. However, public involvement activities will continue to be conducted periodically to respond to any public concerns which may arise.

Comments are invited to assure that all significant impacts are identified and the full range of related issues is discussed in the environmental impact statement. Comments should be sent to: Regional Director, Bureau of Reclamation, Attention: Code LC-760, P.O. Box 427, Boulder City, Nevada 89005.

Please contact Mr. Gary Bryant, telephone (702) 293-8522 or FTS 598-7522, at the same address for additional information concerning the All-American Canal Relocation Project Draft Environmental Impact Statement or for a copy of the newsletter.

Dated: April 19, 1985.

Robert A. Olson,

Acting Commissioner.

[FR Doc. 85-10259 Filed 4-26-85; 8:45 am]

BILLING CODE 4310-09-M

INTERSTATE COMMERCE COMMISSION

[Docket No. AB-6 (Sub-249)]

Rail Carriers, Burlington Northern Railroad Co., Inc.; Abandonment in Clatsop County, OR; Findings

The Commission has issued a certificate authorizing Burlington Northern Railroad Company, Inc. to abandon its 2.82-mile rail line between Warrenton (milepost 0.00) and Hammond (milepost 2.81) in Clatsop County, OR. The abandonment certificate will become effective 30 days after this publication unless the Commission also finds that: (1) A financially responsible person has offered financial assistance (through subsidy or purchase) to enable the rail service to be continued; and (2) it is likely that the assistance would fully compensate the railroad.

Any financial assistance offer must be filed with the Commission and the applicant no later than 10 days from publication of this Notice. The following notation shall be typed in bold face on the lower left-hand corner of the envelope containing the offer: "Rail Section, AB–OFA". Any offer previously made must be remade within this 10-day period.

Information and procedures regarding financial assistance for continued rail service are contained in 49 U.S.C. 10905 and 49 CFR Part 1152.

James H. Bayne,

Secretary.

[FR Doc. 85–10353 Filed 4–26–85; 9:12 am]

BILLING CODE 7035-01-M

[Ex Parte No. 334]

Car Service Compensation—Basic Per Diem Charges; Postponement of the Annual Car-Hire Charge Update for 1983

AGENCY: Interstate Commerce Commission.

ACTION: Notice of Suspension.

SUMMARY: The Interstate Commerce Commission has suspended the requirements that the railroads update, during 1983, the charges which they assess for the use of their cars while they are on the lines of other railroads.

DATES: The decision suspending the 1983 car-hire charge update is effective on April 29, 1985.

FOR FURTHER INFORMATION CONTACT:

Louis E. Gitomer, (202) 275–7245;

or

Douglas Galloway, (202) 275–7278.

SUPPLEMENTARY INFORMATION: Additional information is contained in the Commission's full decision including a Final Regulatory Flexibility Analysis relating to impacts of the suspension on small entities. To purchase a copy of the decision, write to T.S. InfoSystem, Inc., Room 2227, Interstate Commerce Commission, Washington, DC 20423, or call 289–4357 (DC Metropolitan area) or toll free (800) 424–5403.

Authority: 5 U.S.C. 553; 49 U.S.C. 10321, 10327(g), and 11122.

Decided: April 4, 1985.

By the Commission, Chairman Taylor, Vice Chairman Gradison, Commissioners Sterrett, Andre, Simmons, Lamboley, and Strenio.

James H. Bayne,

Secretary.

[FR Doc. 85–10352 Filed 4–26–85; 9:13 am]

BILLING CODE 7035-01-M

[Ex Parte No. 334 (Sub-7)]

Suspension of Car Hire Updates

AGENCY: Interstate Commerce Commission.

ACTION: Notice of proposed suspension of annual car-hire updates.

SUMMARY: The Commission proposes to suspend the 1984 update of car hire charges and all subsequent updates pending completion of Ex Parte No. 334 (Sub-No. 6), Review of Car Hire Regulation, subject to the right of affected parties to petition for a future update should circumstances change sufficiently to warrant such action.

DATES: Comments are due on May 29, 1985.

ADDRESSES: An original and 15 copies of any comments, referring to Ex Parte No. 334 (Sub-No. 7), should be sent to:

Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, D.C. 20423.

FOR FURTHER INFORMATION CONTACT:

Louis E. Gitomer, (202) 275–7245.

SUPPLEMENTARY INFORMATION: Additional information is contained in the Commission's full decision in Ex Parte No. 334 (Sub-No. 7), *Suspension of Car Hire Updates*, served concurrently with the issuance of this notice. The decision includes an Initial Regulatory Flexibility Analysis finding that suspension of the car-hire updates for 1984 and later years may have a significant although minor impact on possible small entities such as short line railroads, and firms and individuals investing in railroad freight cars, but that exclusion of cars owned by any such entities from the suspension is not warranted. Related proceedings, in which the decisions are also served concurrently, are Ex Parte No. 334, *Car Service Compensation—Basic Per Diem Charges (Postponement of the Annual Car-Hire Charge Update for 1983)*, and Ex Parte No. 334 (Sub-No. 6), *Review of Car Hire Regulation*. To purchase a copy of any of these decisions, write to T.S. InfoSystems, Inc., Room 2227, Interstate Commerce Commission, Washington, DC 20423, or call 289–4357 (DC Metropolian area) or toll free (800) 424–5403.

This action will not significantly affect the quality of the human environment or energy conservation.

Authority: 5 U.S.C. 553; 49 U.S.C. 10321, 10327(g), and 11122.

Decided: April 4, 1985.

By the Commission Chairman Taylor, Vice Chairman Gradison, Commissioners Sterrett, Andre, Simmons, Lamboley, and Strenio.

James H. Bayne,

Secretary.

[FR Doc. 85–10356 Filed 4–26–85; 9:12 am]

BILLING CODE 7035-01-M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. 83-37]

Levorphanol; Grant of Registration

On May 10, 1983, Mallinckrodt, Inc., made application to the Drug Enforcement Administration (DEA) for registration pursuant to 21 U.S.C. 823(a) as a bulk manufacturer of the basic class of the controlled substance known as levorphanol. Levorphanol is a Schedule II controlled substance under the Controlled Substances Act, 21 U.S.C. 801, *et seq.* As required by 21 CFR 1301.43(a), notice of this filing was duly published in the **Federal Register**, 48 FR 50806, on November 3, 1983. The notice advised that any registered bulk manufacturer of levorphanol and any other person who then had pending an application for similar registration could file written comments or objections to the granting of Mallinckrodt's application and could request a hearing based on its objections to Mallinckrodt's registration.

By letter dated December 23, 1983, Hoffman-LaRoche, Inc., (Roche) filed objections to Mallinckrodt's application and requested a hearing. Roche is the only entity currently registered by DEA as a bulk manufacturer of levorphanol and therefore, it is entitled to object to the granting of Mallinckrodt's application and to request a hearing on its objections. Accordingly, this matter

was placed on the docket of Administrative Law Judge Francis L. Young.

There were four participants or parties in this proceeding: the applicant, Mallinckrodt; the objector or opposer, Roche; the DEA staff; and the Antitrust Division of the Department of Justice. On February 22, 1984, Roche submitted a Motion for Summary Denial of Mallinckrodt's Application on the ground that Mallinckrodt had no lawful commercial outlet for levorphanol and therefore, to produce the drug in commercial quantities would be inconsistent with the public health and safety as required under the Controlled Substances Act. After considering Roche's Motion and the written responses of both Mallinckrodt and DEA counsel the Administrative Law Judge concluded that genuine issues of material fact did exist. Accordingly, by order dated March 12, 1984, Judge Young denied Roche's Motion for Summary Denial of Mallinckrodt's Application.

Initially, in its request for a hearing, Roche stated eight issues or objections to Mallinckrodt's proposed registration as a bulk manufacturer of levorphanol. Subsequently, in a paper filed on March 16, 1984, Roche undertook to withdraw all of its objections except for the first one. The other parties objected to this withdrawal. After receiving memoranda from the other parties, the Administrative Law Judge ruled that Roche's objections two through eight would be considered withdrawn, such withdrawal to be with prejudice as to conditions extant in 1984. The proceeding then continuned with respect to the one remaining issue raised by Roche: "Whether it is consistent with the public interest to register Mallinckrodt as a bulk manufacturer of levorphanol when Mallinckrodt has no legitimate medical, scientific, research or industrial outlets for the substance."

The testimony of four witnesses on direct examination was prepared and submitted in written narrative form, under oath. A number of documents were also submitted by the parties. Thereafter, a one-day evidentiary hearing session was held before Judge Young on May 15, 1984, in Washington, D.C., to provide an opportunity for cross-examination of the witnesses. Counsel for Mallinckrodt, Roche and the DEA staff then submitted proposed findings of fact, conclusions of law and written arguments or briefs in support of their respective positions.

On December 7, 1984, the Administrative Law Judge issued his opinion and recommended ruling, findings of fact, conclusions of law and decision in this matter. Both Mallinckrodt and Roche filed written exceptions to that document pursuant to 21 CFR 1316.66. These written exceptions and responses were made part of the formal record. The entire record was certified to the Administrator by the Administrative Law Judge on January 14, 1985 pursuant to 21 CFR 1316.65. The Acting Administrator has considered this record in its entirety and, pursuant to 21 CFR 1316.67, hereby issues his final order in this matter, based upon findings of fact and conclusions of law as hereinafter set forth.

The Administrative Law Judge found that only Roche has an approved New Drug Application (NDA) from the Food and Drug Administration (FDA) for levorphanol at the present time. No other pharmaceutical company can lawfully purchase bulk levorphanol, process it into dosage forms and ship it in interstate commerce without first obtaining an NDA of its own.

Roxane Laboratories, Inc. (Roxane) wants to produce dosage form levorphanol, but at this point does not have an approved NDA for such production. Roxane asserts that it must expend approximately $50,000 or $60,000 to prepare itself for producing dosage form levorphanol. It claims that it is unwilling to go to this expense unless it is reasonably certain that it will be able to obtain the bulk levorphanol it will require.

The Administrative Law Judge noted that Roxane first approached Roche in an effort to obtain bulk levorphanol. Roche manufactures levorphanol in bulk form and also markets this drug in dosage form. If Roche were to sell some of its bulk product to Roxane, Roche would be supplying a potential competitor at the dosage-formulator level. Indeed, Roche refused to sell levorphanol to Roxane. Roxane then approached Mallinckrodt which is a bulk manufacturer of many controlled substances. Although Mallinckrodt does not presently manufacture levorphanol, it has the capability to do so, and has asserted that it will do so if it is granted DEA registration.

Section 823 of Title 21, United States Code, provides that the Administrator of DEA, "shall register an applicant to manufacture controlled substances in Schedule I or II if he determines that such registration is consistent with the public interest. . . ." It further provides, that in determining the public interest, one of the enumerated factors to be considered is, "such other factors as may be relevant to and consistent with the public health and safety." Roche asserts that Mallinckrodt's registration as a bulk manufacturer of levorphanol is inconsistent with the public interest in that Mallinckrodt has no legitimate outlet, i.e., no customer possessing its own approved NDA, for such levorphanol as it might produce once it is registered. Since there is no such legitimate outlet, Roche argues that the challenged registration would be inconsistent with "the public health and safety," because Mallinckrodt's registration would either: (1) Encourage production which could not be used legally by any drug formulator, or (2) result in the registration of a company that has no legitimate need for the substance it is registered to produce—a meaningless regulatory act.

Roche has the burden to establish, by a preponderance of the evidence, that any issue or objection it raised should bar Mallinckrodt's application. 21 CFR 1301.55(a); *McNeilab, Inc.* Docket No. 78–13, 46 FR 22089 (1981); *Olin Construction Co. v. OSHRC*, 525 F.2d 464, 467 (2d Cir. 1975). The Administrator Law Judge found that Roche did not meet this burden. The position of Mallinckrodt and Roxane is wholly reasonable. The mere fact that Mallinckrodt will have no customer for its bulk product as of the time it is registered to produce it, is not a reasonable ground for denying the registration. Mallinckrodt is an established pharmaceutical manufacturer. There is no evidence in the record that Mallinckrodt has failed in the past to give DEA complete cooperation in complying with controls imposed to prevent diversion of controlled substances. No cause is shown for assuming that Mallinckrodt will not conduct itself in an ethical and lawful manner if the registration is granted.

Roche suggested that a researcher registration would be more appropriate than bulk manufacturer registration. Judge Young concluded that Roche did not introduce sufficient evidence to establish that a researcher registration for Mallinckrodt would be more likely to preserve the "public health and safety" than a bulk manufacturer registration.

Roche asserts that Mallinckrodt's application should be denied because neither Mallinckrodt, nor its potential customer, Roxane, have obtained an approved NDA for levorphanol-containing products from the FDA. Roche states that such approval is a prerequisite to the introduction of a drug product into interstate commerce and should also be considered a prerequisite to registration of a manufacturer under the Controlled Substances Act. Judge Young again concluded that Roche did not meet its burden of proof. It did not

produce sufficient evidence to establish that Roxane's present lack of an approved NDA in this instance is likely to be detrimental to the "public health and safety."

Section 303(a) of the Controlled Substances Act (21 U.S.C. 823(a)) does not require that an applicant or its potential customer possess an approved NDA from FDA as a condition precedent to registration by DEA. There is no DEA regulation which requires an applicant to hold an approved NDA as prerequisite to registration. *M.D. Pharmaceutical, Inc.*, [No Docket number], 42 FR 25389 (1977); *MBH Chemical Corp.*, Docket Nos. 73–17, 73–18, 39 FR 12364 (1974).

Based on the foregoing reasons, the Administrative Law Judge recommended that Mallinckrodt's application be granted. After reviewing the entire record, including the exceptions filed by Mallinckrodt and by Roche, the Acting Administrator adopts the recommended ruling, findings of fact, conclusions of law and decision of the Administrative Law Judge in their entirety.

The objections to the granting of Mallinckrodt's application raised by Roche based upon the premise that the application is contrary to the public interest have been considered by the Acting Administrator and rejected. Accordingly, the Acting Administrator of the Drug Enforcement Administration pursuant to the authority vested in him by 21 U.S.C. 823 and 28 CFR 0.100(b) hereby orders that the application of Mallinckrodt, Inc. to be registered as a bulk manufacturer of levorphanol under the Controlled Substance Act be, and it hereby is granted.

Dated: April 19, 1985.

John C. Lawn,

Acting Administrator.

[FR Doc. 85–10264 Filed 4–26–85; 8:45 am]

BILLING CODE 4410-09-M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Federal Council on the Arts and the Humanities; Arts and Artifacts Indemnity Panel; Advisory Committee; Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92–463, as amended), notice is hereby given that a meeting of the Arts and Artifacts Indemnity Panel of the Federal Council on the Arts and the Humanities will be held at 1100 Pensylvania Avenue, NW., Washington, D.C. 20506 in Room M–14, from 9:30 a.m. to 5:00 p.m., on May 23, 1985.

The purpose of the meeting is to review applications for certificates of indemnity submitted to the Federal Council on the Arts and the Humanities for exhibits beginning after July 1, 1985.

Because the proposed meeting will consider commercial and financial data and because it is important to keep values of objects, methods of transportation and security methods confidential, pursuant to the authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee Meetings, dated April 16, 1978, I have determined that the meeting would fall within exemptions (4) and (9) of 5 U.S.C. 552(b) and that it is essential to close the meeting to protect the free exchange of internal views and to avoid interference with the operation of the Committee.

It is suggested that those desiring more specific information contact the Advisory Committee Management Officer, Stephen J. McCleary, 1100 Pennsylvania Avenue, NW., Washington, D.C. 20506, or call 202/786–1322.

Stephen J. McCleary,

Advisory Committee Management Officer.

[FR Doc. 85–10284 Filed 4–26–85; 8:45 am]

BILLING CODE 7536-01-M

Humanities Panel Meetings

AGENCY: National Endowment for the Humanities.

ACTION: Notice of meetings.

SUMMARY: Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92–463, as amended), notice is hereby given that the following meetings of the Humanities Panel will be held at the Old Post Office, 1100 Pennsylvania Avenue, NW., Washington, D.C. 20506:

Date: April 29–30, 1985
Time: 8:30 a.m. to 5:00 p.m.
Room: 415

Program: This meeting will review applications submitted for the Humanities Projects in Media, Division of General Programs, for projects beginning after October 1, 1985.

Date: May 2–3, 1985
Time: 8:30 a.m. to 5:00 p.m.
Room: 415

Program: This meeting will review applications submitted for the Humanities Projects in Media, Division of General Programs, for projects beginning after October 1, 1985.

The proposed meetings are for the purpose of panel review, discussion, evaluation and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. Because the proposed meetings will consider information that is likely to disclose: (1) Trade secrets and commercial or financial information obtained from a person and privileged or confidential; (2) information of a personal nature the disclosure of which would constitute a clearly unwarranted invasion of personal privacy; and (3) information the disclosure of which would significantly frustrate implementation of proposed agency action; pursuant to authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee Meetings, dated January 15, 1978, I have determined that these meetings will be closed to the public pursuant to subsections (c)(4), (6) and (9)(B) of section 552b of Title 5, United States Code. These are not regularly scheduled panel meetings but panel meetings convened to review applications for which review was anticipated. In light of the unexpected nature of these panel meetings, the National Endownment for the Humanities is unable to provide the notice within the time required.

Further information about these meetings can be obtained from Mr. Stephen J. McCleary, Advisory Committee Management Officer, National Endownment for the Humanities, Washington, D.C. 20506, or call (202) 786–0322.

Stephen J. McCleary,

Advisory Committee Management Officer.

[FR Doc. 85–10282 Filed 4–26–85; 8:45 am]

BILLING CODE 7536-01-M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–414]

Duke Power Co. et al., (Catawba Nuclear Station, Unit 2); Exemption

I

On July 24, 1972, Duke Power Company tendered an application for licenses to construct Catawba Nuclear Station, Units 1 and 2 (Catawba or the facility) with the Atomic Energy Commission (currently the Nuclear Regulatory Commission or the Commission). Following a public hearing before the Atomic Safety and Licensing Board, the Commission issued Construction Permit Nos. CPPR–116 and CPPR–117 permitting the construction of Units 1 and 2, respectively, on August 7, 1975. Each unit of the facility is a

pressurized water reactor, containing a Westinghouse Electric Company nuclear steam supply system, located in York County, South Carolina.

On March 21, 1979, Duke Power Company tendered an application for operating licenses for each unit of the facility. On January 17, 1985, the Director of the Office of Nuclear Reactor Regulation issued a full power license for Catawba Unit 1. Catawba Unit 2 remains in the licensing review process.

By letters dated May 15, 1978, and April 8, 1981, Duke Power Company transmitted two applications for amendment to Construction Permit No. CPPR–117 to add respectively North Carolina Municipal Power Agency No. 1 (NCMPA–1) and Piedmont Municipal Power Agency (PMPA) as co-owners of Catawba Unit 2. By letters dated October 19, 1978, and November 24, 1981, the staff has amended CPPR–117 to reflect the two changes in ownership.

II

The Construction Permit issued for constructing the facility provides, in pertinent part, that the facility is subject to all rules, regulations and orders of the Commission. This includes General Design Criterion (GDC) 4 of Appendix A to 10 CFR Part 50. GDC 4 requires that structures, systems and components important to safety shall be designed to accommodate the effects of, and to be compatible with, the environmental conditions associated with the normal operation, maintenance, testing and postulated accidents, including loss-of-coolant accidents. These structures, systems and components shall be appropriately protected against dynamic effects, including the effects of missiles, pipe whipping, discharging fluids that may result from equipment failures, and from events and conditions outside the nuclear power unit.

In a submittal dated December 20, 1983, the applicants enclosed Westinghouse Report MT–SME–3166 (Reference 1) containing the technical basis for their request to: (1) Eliminate the need to postulate circumferential and longitudinal pipe breaks in the RCS primary loop (hot leg, cold leg, and cross-over leg piping); (2) eliminate the need for associated pipe whip restraints in the RCS primary loop and eliminate the requirement to design for the structural effects associated with RCS primary loop pipe breaks including jet impingement; and (3) eliminate the need to consider dynamic effects and loading conditions associated with previously postulated primary loop pipe breaks. These effects include blowdown loads, jet impingement loads, and reactor cavity and subcompartment pressurization. Attachment 3 to the December 20, 1983, submittal identified the primary loop break locations and the erection status of the associated pipe whip restraints. By letter dated February 14, 1985, the applicants updated the installation status for those restraints. Furthermore, by letter (from W.H. Owen, Duke, to H.R. Denton, NRC) dated April 17, 1985, the applicants withdrew that portion of the December 20, 1983, exemption request that related to the leak-before-break effects on reactor cavity and subcompartment pressurization. Also, by the same letter the applicants requested that a partial exemption to GDC–4 be granted for the first two cycles of operation.

The applicants also stated in their submittals that employment of the leak-before-break concept would not eliminate pipe breaks in the RCS primary loop as a design basis for the following: (1) Containment design; (2) sizing of Emergency Core Cooling System; (3) environmental qualification of equipment; and (4) supports for heavy components.

Based on its review of the applicants' December 20, 1983, submittal, the NRC staff requested additional information and provided comments on the reports (References 1 and 9) which were transmitted to the applicants in the form of questions by NRC letter dated April 10, 1984 (Reference 2).

By a submittal dated May 11, 1984, the applicants responded to the staff's questions, providing a new report identified as Westinghouse Report WCAP–10546 (Reference 3). In the same submittal, the applicants requested an exemption from a portion of the requirements of GDC 4 of Appendix A to 10 CFR Part 50.

By letter dated September 14, 1984, the applicants submitted an analysis of the occupational radiation dose reduction which, together with the information contained in the December 20, 1983, and May 11, 1984, submittals, constituted the value-impact analysis for Catawba Unit 2. The technical information contained in references 1 and 3, together with the value-impact analysis, provided a comprehensive justification for requesting a partial exemption from the requirements of GDC 4.

From the deterministic fracture mechanics analysis contained in the technical information furnished, the applicants contend that the postulated double-ended guillotine breaks (DEGB) of the primary loop coolant piping in Catawba Unit 2 will not occur and, therefore, need not be considered as a design basis for installing protective devices, such as pipe whip restraints and jet impingement shields, to guard against the dynamic effects associated with such postulated breaks. No other changes in design requirements are addressed within the scope of the referenced reports; e.g., no changes to the definition of a LOCA nor its relationship to the regulations addressing design requirements for ECCS (10 CFR 50.46), containment (GDC 16, 50), other engineered safety features and the conditions for environmental qualification of equipment (10 CFR 50.49).

III

The Commission's regulations require that applicants provide protective measures ". . . against dynamic effects, including the effects of missiles, pipe whipping, and discharged fluids, that may result from equipment failures and from events and conditions outside the nuclear power unit." (GDC 4) Protective measures include physical isolation from postulated pipe rupture locations if feasible or the installation of pipe whip restraints, jet impingement shields or compartments. In 1975, concerns arose as to the asymmetric loads on pressurized water reactor (PWR) vessels and their internals which could result from these large postulated breaks at discrete locations in the main primary coolant loop piping. This led to the establishment of Unresolved Safety Issue (USI) A–2, "Asymmetric Blowdown Loads on PWR Primary Systems."

The NRC staff, after several review meeting with the Advisory Committee on Reactor Safeguards (ACRS) and a meeting with the NRC Committee to Review Generic Requirements (CRGR), concluded that an exemption from the regulations would be acceptable as an alternative for resolution of USI A–2 for sixteen facilities owned by eleven licensees in the Westinghouse Owners' Group (one of these facilities, Fort Calhoun has a Combustion Engineering nuclear steam supply system). This NRC staff position was stated in Generic Letter 84–04, published on February 1, 1984 (Reference 4). The generic letter states that the affected licensees must justify an exemption to GDC 4 on a plant-specific basis. Other PWR applicants or licensees may request similar exemptions from the requirements of GDC 4 provided that they submit an acceptable technical basis for eliminating the need to postulate pipe breaks.

The acceptance of an exemption was made possible by the development of advanced fracture mechanics technology. These advanced fracture mechanics techniques deal with

relatively small flaws in piping components (either postulated or real) and examine their behavior under various pipe loads. The objective is to demonstrate by deterministic analyses that the detection of small flaws by either inservice inspection of leakage monitoring systems is assured long before the flaws can grow to critical or unstable sizes which could lead to large break areas such as the DEGB or its equivalent. The concept underlying such analyses is referred to as "leak-before-break" (LBB). There is no implication that piping failures cannot occur, but rather that improved knowledge of the failure modes of piping systems and the application of appropriate remedial measures, if indicated, can reduce the probability of catastrophic failure to insignificant values.

Advanced fracture mechanics technology was applied in topical reports (References 5, 6 and 7) submitted to the staff by Westinghouse on behalf of the licensees belonging to the USI A–2 Owners Group. Although the topical reports were intended to resolve the issue of asymmetric blowdown loads that resulted from a limited number of discrete break locations, the technology advanced in these topical reports demonstrated that the probability of breaks occurring in the primary coolant system main loop piping is sufficiently low such that these breaks need not be considered as a design basis for requiring installation of pipe whip restraints or jet impingement shields. The staff's Topical Report Evaluation is included as Enclosure 1 to Reference 4.

Probabilistic fracture mechanics studies conducted by the Lawrence Livermore National Laboratories (LLNL) on both Westinghouse and Combustion Engineering nuclear steam supply system main loop piping (Reference 8) confirm that both the probability of leakage (e.g., undetected flaw growth through the pipe wall by fatigue) and the probability of a DEGB are very low. The results given in Reference 8 are that the best-estimate leak probabilities for Westinghouse nuclear steam supply system main loop piping range from 1.2×10^{-8} to 1.5×10^{-7} per plant year and the best-estimate DEGB probabilities range from 1×10^{-12} to 7×10^{-12} per plant year. Similarly, the best-estimate leak probabilities for Combustion Engineering nuclear steam supply system main loop piping range from 1×10^{-8} per plant year to 3×10^{-6} per plant year, and the best-estimate DEGB probabilities range from 5×10^{-14} to 5×10^{-13} per plant year. These results do not affect core melt probabilities in any significant way.

During the past few years it has also become apparent that the requirement for installation of large, massive pipe whip restraints and jet impingement shields is not necessarily the most cost effective way to achieve the desired level of safety, as indicated in Enclosure 2, Regulatory Analysis, to Reference 4. Even for new plants, these devices tend to restrict access for future inservice inspection of piping; or if they are removed and reinstalled for inspection, there is a potential risk of damaging the piping and other safety-related components in this process. If installed in operating plants, high occupational radiation exposure (ORE) would be incurred while public risk reduction would be very low. Removal and reinstallation for inservice inspection also entail significant ORE over the life of a plant.

IV

The primary coolant system of Catawba, Unit 2, described in Reference 3, has four main loops each comprising a 33.9 inch diameter hot leg, a 36.2 inch diameter crossover leg and 32.14 inch diameter cold leg piping. The material in the primary loop piping is cast stainless steel (SA 351 CF8A). In its review of Reference 3, the staff evaluated the Westinghouse analyses with regard to:

—the location of maximum stresses in the piping, associated with the combined loads from normal operation and the SSE;
—potential cracking mechanisms;
—size of through-wall cracks that would leak a detectable amount under normal loads and pressure;
—stability of a "leakage-size crack" under normal plus SSE loads and the expected margin in terms of load;
—margin based on crack size; and
—the fracture toughness properties of thermally-aged cast stainless steel piping and weld material.

The NRC staff's criteria for evaluation of the above parameters are delineated in its Topical Report Evaluation, Enclosure 1 to Reference 4, Section 4.1, "NRC Evaluation Criteria", and are as follows:

(1) The loading conditions should include the static forces and moments (pressure, deadweight and thermal expansion) due to normal operation, and the forces and moments associated with the safe shutdown earthquake (SSE). These forces and moments should be located where the highest stresses, coincident with the poorest material properties, and induced for base materials, weldments and safe-ends.

(2) For the piping run/systems under evaluation, all pertinent information which demonstrates that degradation or failure of the piping resulting from stress corrosion cracking, fatigue or water hammer is not likely, should be provided. Relevant operating history should be cited, which includes system operational procedures; system or component modification; water chemistry parameters, limits and controls; resistance of material to various forms of stress corrosion, and performance under cyclic loadings.

(3) A through-wall crack should be postulated at the highest stressed locations determined from (1) above. The size of the crack should be large enough so that the leakage is assured of detection with adequate margin using the minimum installed leak detection capability when the pipe is subjected to normal operational loads.

(4) It should be demonstrated that the postulated leakage crack is stable under normal plus SSE loads for long periods of time; that is, crack growth, if any, is minimal during an earthquake. The margin, in terms of applied loads, should be determined by a crack stability analysis, i.e., that the leakage-size crack will not experience unstable crack growth even if larger loads (larger than design loads) are applied. This analysis should demonstrate that crack growth is stable and the final crack size is limited, such that a double-ended pipe break will not occur.

(5) The crack size margin should be determined by comparing the leakage-size crack to critical-size cracks. Under normal plus SSE loads, it should be demonstrated that there is adequate margin between the leakage-size crack and the cirtical-size crack to account for the uncertainties inherent in the analyses, and leakage detection capability. A limit-load analysis may suffice for this purpose, however, on elastic-plastic fracture mechanic (tearing instability) analysis is preferable.

(6) The materials data provided should include types of materials and materials specifications used for base metal, weldments and safe-ends, the materials properties including the J–R curve used in the analyses, and long-term effects such as thermal aging and other limitations to valid data (e.g. J maximum crack growth)

V

Based on its evaluation of the analysis contained in Westinghouse Report WCAP–10546 (Reference 3), the staff finds that the applicants have presented an acceptable technical justification, addressing the above criteria, for not installing protective devices to deal with

the dynamic effects of large pipe ruptures in the main loop primary coolant system piping of Catawba, Unit 2. This finding is predicated on the fact that each of the parameters evaluated for Catawba Unit 2 is enveloped by the generic analysis performed by Westinghouse in Reference 5, and accepted by the staff in Enclosure 1 to Reference 4. Specifically:

(1) Although the moment associated with the highest stressed location in the main loop primary system piping (which for Catawba Unit 2 occurs in cross over leg piping) is lower than the bounding moment used by Westinghouse in Reference (5) for the hot leg piping, it is slightly higher than established by the staff as a limit (i.e., a moment of 42,000 in-kips in Enclosure 1 to Reference 4). However, this is compensated for in that the pipe diameter and thickness are larger than those analyzed by Westinghouse and the staff for the reference case. Thus, the resultant net stresses are within the bounds established by the staff in Enclosure 1 to Reference (4). The Catawba loads are 1,864 kips (axial) and 43,407 in-kips (bending moment).

(2) For Westinghouse plants, there is no history of cracking failure in reactor primary coolant system loop piping. The Westinghouse reactor coolant system primary loop has an operating history which demonstrates its inherent stability. This includes a low susceptibility to cracking failure from the effects of corrosion (e.g., intergranular stress corrosion cracking), water hammer, or fatigue (low and high cycle). This operating history totals over 400 reactor-years, including five (5) plants each having 15 years of operation and 15 other plants with over 10 years of operation.

(3) The results of the leak rate calculations performed for Catawba, using an initial through-wall crack of 7.5 inches are identical to those of Enclosure 1 to Reference (4). The Catawba plant has an RCS pressure boundary leak detection system which is consistent with the guidelines of Regulatory Guide 1.45, and it can detect leakage of one (1) gpm within one hour. The calculated leak rate through the postulated flaw is at least 10 gpm. Therefore, the Catawba plant leak detection system is capable of detecting leaks one-tenth that of the calculated leak rate.

(4) The margin in terms of load for Catawba Unit 2, based on fracture mechanics analyses for the leakage-size crack under normal plus SSE loads, is within the bounds calculated by the staff in Section 4.2.3 of Enclosure 1 to Reference 4. Based on a limit-load analysis, the load margin is about 2.4 and based on the J limit discussed in (6) below, the margin is at least 1.3.

(5) The margin between the leakage-size crack and the critical-size crack was calculated by a limit-load analysis. Again, the result demonstrated that a margin of at least 3 of crack size exists and is within the bounds of Section 4.2.3 of Enclosure 1 to Reference (4).

(6) As an integral part of its review, the staff's evaluation of the material properties data of Reference (9) is enclosed as Appendix I to this Safety Evaluation Report. In Reference 9, data for ten (10) plants, including the Catawba Units, are presented, and lower bound or "worst case" materials properties were identified and used in the analysis performed in the Reference (3) report by Westinghouse. The applied J for Catawba in Reference (3) was less than 3000 in-lb/in ^{2} and, hence, the staff's upper bound on the applied J (refer to Appendix I, page 6) was not exceeded.

In view of the analytical results presented in Reference 3 and the staff's evaluation findings related above, the staff concludes that the probability or likelihood of large pipe breaks occurring in the primary coolant system loop of Catawba Unit 2 is sufficiently low such that protective devices associated with postulated pipe breaks at the eight (8) locations per loop in Catawba Unit 2 primary coolant system (as specified in the applicants' submittals of December 20, 1983, and May 11, 1984) need not be installed. However, in order to provide the Commission with an opportunity to consider the long term aspects of the NRC staff's recent acceptance criteria of the "leak-before-break" approach, this exemption is limited to a period extending until the completion of the second refueling outage of Catawba Unit 2, pending the outcome of Commission rulemaking on this issue.

The applicant's request does not affect the design bases for the containment, the emergency core cooling system, the environmental qualification for equipment for Catawba Unit 2, or the supports for heavy equipment, and does not propose to the alter the design basis of reactor cavity and subcompartment pressurization from that originally performed which was based on a limited displacement DEGB. The staff agrees that this schedular exemption does not affect these matters.

The staff also reviewed the value-impact analysis provided by the applicants in their December 20, 1983, May 11, and September 14, 1984, submittals for not providing protective devices against postulated reactor coolant system loop pipe breaks to assure as low as reasonably achievable (ALARA) exposure to plant personnel. Consideration was given to design features for reducing doses to personnel who must operate, service and maintain the Catawba Unit 2 instrumentation, controls, equipment, etc. The Catawba Unit 2 value-impact analysis shows that the elimination of protective devices for RCS pipe breaks will save an occupational dose for plant personnel of approximately 600 person-rem for Catawba Unit 2 over its operating lifetime. The staff review of the analysis shows it to be a reasonable estimate of dose savings. Therefore, with respect to occupational exposure, the staff finds that there is a radiological benefit to be gained by eliminating the need for the protective structures.

VI

In view of the staff's evaluation findings, conclusions, and recommendations above, the Commission has determined that, pursuant to 10 CFR 50.12(a), the following exemption is authorized by law and will not endanger life or property or the common defense and security, and is otherwise in the public interest. The Commission hereby approves the limited schedular exemption from GDC 4 of Appendix A to 10 CFR Part 50, to permit the applicants not to install protective devices and not to consider dynamic effects and loading conditions as detailed in Part II of this exemption associated with postulated pipe breaks of the eight (8) locations per loop in the Catawba Unit 2 primary coolant system, for a period ending at the completion of the second refueling outage, pending the outcome of rulemaking on this subject.

Pursuant to 10 CFR 51.32, the Commission has determined that the issuance of the Exemption will have no significant impact on the environment (50 FR 15802).

Dated at Bethesda, Maryland, this 23rd day of April 1985.

This Exemption will become effective upon date of issuance.

For the Nuclear Regulatory Commission.

Frank J. Miraglia,

Deputy Director, Division of Licensing, Office of Nuclear Reactor Regulation.

References

(1) Westinghouse Report MT–SME–3166, "Technical Bases for Eliminating Large Primary Loop Pipe Ruptures as the Structural Design Basis for Catawba, Units 1 and 2," November 1983, Westinghouse Class 2 proprietary.

(2) Letter to H. B. Tucker of Duke Power Company, "Request for Additional

Information Concerning Leak-Before-Break Analysis for Catawba Nuclear Station Unit 2, dated April 10, 1984.

(3) Westinghouse Report WCAP–10546, "Technical Bases for Eliminating Large Primary Loop Pipe Rupture as the Structural Design Basis for Catawba Unit 2," April 1984, Westinghouse Class 2 proprietary.

(4) NRC Generic Letter 84–04, "Safety Evaluation of Westinghouse Topical Reports Dealing with Elimination of Postulated Breaks in PWR Primary Main Loops," February 1, 1984.

(5) Mechanistic Fracture Evaluation of Reactor Coolant Pipe Containing a Postulated Circumferential Throughwall Crack, WCAP–9558, Rev. 2, May 1981, Westinghouse Class 2 proprietary.

(6) Tensile and Toughness Properties of Primary Piping Weld Metal for Use in Mechanistic Fracture Evaluation, WCAP–9787, May 1981, Westinghouse Class 2 proprietary.

(7) Westinghouse Response to Questions and Comments Raised by Members of ACRS Subcommittee on Metal Components During the Westinghouse Presentation on September 25, 1981, Letter Report NS–EPR–2519, E. P. Rahe to Darrell G. Eisenhut, November 10, 1981, Westinghouse Class 2 proprietary.

(8) Lawrence Livermore National Laboratory Report, UCRL–86249, "Failure Probability of PWR Reactor Coolant Loop Piping," by T. Lo, H. H. Woo, G. S. Holman and C. K. Chou, Presented at the ASME PVP Conference and Exhibition, June 17–21, 1984, San Ontonio, Texas.

(9) Westinghouse Report WCAP–10456, "The Effects of Thermal Aging on the Structural Integrity of Cast Stainless Steel Piping for Westinghouse Nuclear Steam Supply Systems," November 1983, Westinghouse Class 2 proprietary.

Note.—Non-proprietary versions of References 1, 3, 5, 6, 7 and 9 are available in the NRC Public Document Room as follows:

(1) MT–SME–3179, non-proprietary
(3) WCAP 10547
(5) WCAP 9570
(6) WCAP 9788
(7) Non-proprietary version attached to the Letter Report
(9) WCAP 10457

Appendix I—Evaluation of Westinghouse Report WCAP 10456, "The Effects of Thermal Aging on the Structural Integrity of Cast Stainless Steel Piping for Westinghouse Nuclear Steam Supply Systems"

Introduction

The primary coolant piping in some Westinghouse Nuclear Steam Supply System (NSSS) contain cast stainless steel base metal and weld metal. The base metal and weld metal are fabricated to produce a duplex structure of delta (δ) ferrite in an austenitic matrix. The duplex structure produces a material that has a higher yield strength, improved weldability and greater resistance to intergranular stress corrosion cracking than a single phase austenitic material. However, as early as 1965 (Ref. 1), it was recognized that long time thermal aging at primary loop water temperature (550 °F–650 °F) could significantly affect the Charpy impact toughness of the duplex structured alloys. Since the Charpy impact test is a measure of a material's resistance to fracture, a loss in Charpy impact toughness could result in reduced structural stability in the piping system.

The purpose of Report WCAP 10456 is to evaluate whether cast stainless steel base metal and weld metal containing postulated cracks will be sensitive to unstable fracture during the 40 year life of a nuclear power plant. In order to determine whether a piping system will behave in such a fashion, the pipe materials' mechanical properties, design criteria and method of predicting failure must be established. In this evaluation, we will assess the mechanical properties of thermally aged cast stainless steel pipe materials, which are reported in Report WCAP 10456.

Discussion

1. Weld Metal

Report WCAP 10456 refers to test results reported in a paper by Slama, et. al. (Ref. 2) to conclude that the weld metal in primary loop piping would not be overly sensitive to aging and that the aged cast pipe base metal material would be structurally limiting. In the Slama report eight (8) welds were evaluated. The tensile properties were only slightly affected by aging. The Charpy U-notch impact energy in the most highly sensitive weld decreased from 7daJ/cm² (40 ft-lbs) to near 4daJ/cm² (24 ft-lbs) after aging for 10,000 hours at 400 °C (752 °F). This change was not considered significant. The relatively small effect of aging on the weld, as compared to cast pipe material was reported to be casued by a difference in microstructure and lower levels of ferrite in the weld than in the cast pipe material.

2. Cast Stainless Steel Pipe Base Metal

Report WCAP 10456 contains mechanical property test results from a number of heats of aged cast stainless steel material and a metallurgical study, which was performed by Westinghouse, to support a statistically based model for predicting the effect of thermal aging on the Charpy impact test properties of cast stainless steel. As a result of these tests and the proposed model, Westinghouse concludes that the fracture toughness test results from one heat of material tested represents end-of-life conditions for the ten (10) plants surveyed. The ten (10) plants surveyed are identified as Plants A through J.

a. *Mechanical Property Test Results Reported in WCAP 10456.* Mechanical property test results on aged and unaged cast stainless steel materials which were reported in a paper by Landerman and Bamford (Ref. 3), Bamford, Landerman and Diaz (Ref. 4), Slama et. al. (Ref. 2) were discussed in Report 10456. In addition, Westinghouse performed confirmatory Charpy V notch and J-integral tests on aged cast stainless material, which was tested and evaluated by Slama et. al.

The results of these tests indicate that:

(1) The fatigue crack growth rate of aged or unaged material in air and pressurized water reactor environments were equivalent.

(2) Tensile properties were essentially unaffected except for a slight increase in tensile strength and a decrease in ductility.

(3) J-integral test results indicate that the J_{IC} and tearing modulus, T, are affected by aging.

b. *Mechanism Study in WCAP 10456.* The tests and literature survey conducted by Westinghouse indicate that the proposed mechanism of aging occurs in the range of operating temperatures for pressurized water reactors and the data from accelerated aging studies can be used to predict the behavior at operating temperatures.

c. *Cast Stainless Steel Pipe Test.* The materials data discussed in the previous section of this evaluation were obtained from small specimens. As a consequence, the J–R results are limited to relatively short crack extensions. To investigate the behavior of cast stainless steel in actual piping geometry, Westinghouse performed two experiments, one of which was with thermally aged cast stainless steel and the other test was identical except that the steel was not thermally aged.

Each pipe tested contained a throughwall circumferential crack to the extent specified in WCAP 10456. The pipe sections were closed at the ends, pressurized to nominal PWR operating pressure and then bending loads were applied.

The results of the tests were very similar, in that both pipes displayed extensive ductility, and stable crack extension. There was no observed unstable crack extension or fast fracture.

The results of the Westinghouse pipe experiments indicate that cast stainless steel, both aged and unaged, can withstand crack extensions will beyond the range of the J–R results with small specimens. However, if crack extension is predicted in an actual application of thermally aged cast stainless steel in a

piping system, we believe that it is prudent to limit the applied J to 3000 in-lbs/in ^{2} or less unless further studies and/or experiments demonstrate that higher values are tolerable. Loss of initial toughness due to thermal aging of cast stainless steels at normal nuclear facility operating temperatures occurs slowly over the course of many years; therefore, continuing study of the aging phenomenon may lead to a relaxation of this position. Conversely, in the unlikely event that the total loss of toughness and the rate of toughness loss are greater than those projected in this evaluation, the staff will take appropriate action to limit the values to that which can be justified by experimental data. Because the aging is a slow process, the staff believes there would be sufficient time for the staff to recognize the problem and to rectify the situation. However, the staff believes this situation is highly unlikely because the staff has accepted only the lower bounds of data that were gathered among ten plants encompassing the range of materials in use.

d. *Effects of Thermal Aging on Westinghouse Supplied Centrifugally Cast Reactor Coolant Piping Reported in WCAP 10456.* The reactor collant cast stainless steel piping materials in the plants identified in WCAP 10456 as A through J, were produced to the specification SA–351, Class CF8A as outlined in ASME Code Section II, Part A and also to Westinghouse Equipment Specification G–678864, as revised. For these materials, Westinghouse has calculated the predicted end-of-life Charpy U-notch properties,based on their proposed model. The two (2) standard deviation end-of-life lower limit value for all the plants surveyed was greater than the Charpy U notch properties of the aged reference materials, which Westinghouse indicates represents end-of-life properties for all the plants. As a result, Westinghouse concluded that the amount of embrittlement in the aged reference material exceed the amount projected at end-of-life for all cast stainless steel pipe materials in Plants A through J.

Conclusions

Based on our review of the information and data contained in Westinghouse Report WCAP 10456, we conclude that:

1. Weld metal that is used in cast stainless steel piping system is initially less fracture resistant than the cast stainless steel base metal. However, the weld metal is less susceptible to thermal aging than the cast stainless steel base metal. Hence, at end-of-life the cast stainless steel base metal is anticipated to be the least fracture resistant material.

2. The Westinghouse proposed model may be used to predict the relative amount of embrittlement on a head of cast stainless steel material. The two standard deviation lower confidence limit for this model will provide a useful engineering estimate of the predicted end-of-life Charpy impact properties for cast stainless steel base metal.

3. Since there is considerable scatter in J–integral test data for the heats of material tested, lower bound values for J_{Ic} and T should be used as engineering estimates for the fracture resistance of the aged reference material. We believe these values should also provide a lower bound for the fracture resistance of aged and unaged weld metal. If crack extension is predicted in an actual application of cast stainless steel in a piping system, we conclude that the applied J should be limited to 3000 in-lbs/in ^{2} or less unless further studies and tests demonstrate that higher values are tolerable. The Westinghouse pipe tests demonstrate that this may be possible.

4. Since the predicted end-of-life Charpy impact values for the materials in Plants A through J are greater than the value measured for the aged reference material, the lower bound fracture properties for aged reference material may be used to determine the fracture resistance for the cast stainless steel material in Plants A through J.

References

(1) F. H. Beck, E. A. Schoefer, J. W. Flowers, M. E. Fontana, "New Cast High Strength Alloy Grades by Structural Control," ASTM STP 369 (1965)

(2) G. Slama, P. Petrequin, S. H. Masson, T.R. Mager, "Effects of Aging on Mechanical Properties of Austenitic Stainless Steel Casting and Welds," presented at SMIRT 7 Post Conference Seminar 6—Assuring Structural Integrity of Steel Reactor Pressure Boundary Components, August 29/30, 1983, Monterey, Ca.

(3) E. I. Landerman and W. H. Bamford, "Fracture Toughness and Fatigue Characteristics of Centrifugally Cast Type 316 Stainless Steel After Simulated Thermal Service Conditions. Presented at the Winter Annual Meeting of the ASME, San Francisco, Ca., December 1978 (MPC–8 ASME)

(4) W. H. Bamford, E. I. Landerman and E. Diaz, "Thermal Aging of Cast Stainless Steel and Its Impact on Piping Integrity." Presented at ASME Pressure Vessel and Piping Conference, Portland, Oregon, June 1983.

[FR Doc. 85–10318 Filed 4–26–85; 8:45 am]

BILLING CODE 7590–01–M

PACIFIC NORTHWEST ELECTRIC POWER AND CONSERVATION PLANNING COUNCIL

Losses and Goals Advisory Committee; Meeting

AGENCY: Losses and Goals Advisory Committee of the Pacific Northwest Electric Power and Conservation Planning Council (Northwest Power Planning Council).

ACTION: Notice of meeting to be held pursuant to the Federal Advisory Committee Act, 5 U.S.C. Appendix I, 1–4. Activities will include:

- Summary of losses and goals work plan
- Role of committee, format, minutes
- Losses statement
- Accounting modeling issue paper
- Systemwide distribution policy issue paper
- Other
- Public comment

Status: Open.

SUMMARY: The Northwest Power Planning Council hereby announces a forthcoming meeting of its Losses and Goals Advisory Committee.

DATE: April 30, 1985. 9:00 a.m.

ADDRESS: The meeting will be held at Columbia River Inter-Tribal Fish Commission in Portland, Oregon.

FOR FURTHER INFORMATION CONTACT: John Marsh, 503–222–5161.

Edward Sheets,

Executive Director.

[FR Doc. 85–10257 Filed 4–26–85; 8:45 am]

BILLING CODE 0000–00–M

State Agency Advisory Committee; Regular Meeting

AGENCY: State Agency Advisory Committee of the Pacific Northwest Electric Power and Conservation Planning Council (Northwest Power Planning Council).

ACTION: Notice of meeting to be held pursuant to the Federal Advisory Committee Act, 5 U.S.C. Appendix I, 1–4. Activities will include:

- Draft Load Forecast
- Issue Paper—Role of Power Institutions in the 1985 Plan
- Discussion on Resource Portfolio Analysis and Decision Analysis Model
- Discussion of Strategies for Developing Better Utilization of Non-firm Energy
- Other Issue Papers that the Task Force may wish to discuss that are available at the time of the meeting

Status: Open.

SUMMARY: The Northwest Power Planning Council hereby announces a forthcoming meeting of its State Agency Advisory Committee.

DATE: Thursday, May 2, 1985. 9:00 a.m.

ADDRESS: The meeting will be held at the Council Conference Room at 850 SW. Broadway; Suite 1100, Portland, Oregon.

FOR FURTHER INFORMATION CONTACT: Jim Litchfield, (503) 222–5161.

Edward Sheets,

Executive Director.

[FR Doc. 85–10258 Filed 4–26–85; 8:45 am]

BILLING CODE 6000-00-M

POSTAL RATE COMMISSION

Notice of Visits

April 24, 1985.

Notice is hereby given that Chairman Steiger, Vice Chairman Folsom, Commissioners Crutcher, Duffy and Guiton, and Commission staff members will visit the Postal Service Bulk Mail Center and the Headquarters of Federal Express in Memphis, Tennessee on May 2, 1985.

In the morning the Commission will visit the Bulk Mail Center to observe the mail processing, dock, sack sorting and transportation operations. In the afternoon they will visit Federal Express to observe their airport operations and package processing.

A report of both visits will be filed in the Commission's Docket Room.

Cyril J. Pittack,

Acting Secretary.

[FR Doc. 85–10207 Filed 4–26–85; 8:45 am]

BILLING CODE 7715-01-M

RAILROAD RETIREMENT BOARD

Agency Forms Submitted for OMB Review

AGENCY: Railroad Retirement Board.

ACTION: In accordance with the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35), the Board has submitted the following proposal(s) for the collection of information to the Office of Management and Budget for review and approval.

Summary of Proposal(s)

(1) Collection title: Railroad Service and Compensation Reports
(2) Form(s) submitted: BA–3a, BA–4, BA–5
(3) Type of request: Extension of the expiration date of a currently approved collection without any change in the substance or in the method of collection.
(4) Frequency of use: Monthly, Quarterly and Annually
(5) Respondents: Businesses or other for profit and small businesses or organizations
(6) Annual responses: 3,927
(7) Annual reporting hours: 47,353
(8) Collection description: Under the Railroad Unemployment Insurance and Railroad Retirement Acts, employers are required to report service and compensation for each emplyee to update Board records for payment of benefits.

Additional Information or Comments

Copies of the proposed forms and supporting documents may be obtained from Pauline Lohens, the agency clearance officer (312–751–4692). Comments regarding the information collection should be addressed to Pauline Lohens, Railroad Retirement Board, 844 Rush Street, Chicago, Illinois 60611 and the OMB reviewer, Robert Fishman (202–395–6880), Office of Management and Budet, Room 3201, New Executive Office Building, Washington, D.C. 20503.

Pauline Lohens,

Director of Information and Data Management.

[FR Doc. 85–10261 Filed 4–26–85; 8:45 am]

BILLING CODE 7905-01-M

SECURITIES AND EXCHANGE COMMISSION

CoElco, Ltd.; Order of Suspension of Trading

April 23, 1985.

It appears to the Securities and Exchange Commission ("Commission") that CoElco, Ltd. ("CoElco") has filed a Form 10 registration statement which inadequately and inaccurately represents, among other things, CoElco's assets, its financial condition and its transactions with affiliated companies and that CoElco has disseminated to the marketplace financial statements which inadequately and inaccurately represent, among other things, CoElco's assets, its financial condition, its transactions with affiliated companies, and the preparation and certification of the statements, the Commission is of the opinion that the public interest and the protection of investors require summary suspension of trading in the securities of CoElco.

Therefore, it is ordered pursuant to section 12(k) of the Securities and Exchange Act of 1934, that over-the-counter trading of the securities of CoElco be suspended for the ten-day period beginning at 2:00 p.m. on April 23, 1985 and terminating at midnight on May 2, 1985.

By the Commission.

John Wheeler,

Secretary

[FR Doc. 85–10266 Filed 4–26–85; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 35–23671; 70–7101]

Indiana & Michigan Electric Co.; Notice of Proposed Sale of Electric Utility Assets

April 22, 1985.

Indiana & Michigan Electric Company ("I&M"), One Summit Square, P.O. Box 60, Fort Wayne, Indiana 48801, an electric utility subsidiary of American Electric Power Company, Inc., a registered holding company, has filed a declaration with this Commission pursuant to section 12(d) of the Public Utility Holding Company Act of 1935 ("Act") and Rule 44 promulgated thereunder.

I&M proposes to sell to the City of Mishawaka, Indiana, certain electrical distribution facilities located in the service territory of the City of Mishawaka, for a total price of $341,969 to be paid in cash. The replacement cost, less observed depreciation, for the equipment is $341,969. The facilities involved are installed in place in the City of Mishawaka; are presently employed by I&M for providing service to customers whose service will be transferred to the City of Mishawaka pursuant to an order of the Public Service Commission of Indiana dated August 18, 1983, regarding the assignment of electrical service territories in the State of Indiana; and are not adaptable, at that location, for use in serving any other customers of I&M.

The declaration and any amendments thereto are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by May 20, 1985, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the declarant at the address specified above. Proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date, the declaration, as filed or as it may be

amended, may be permitted to become effective.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

John Wheeler,

Secretary.

[FR Doc. 85-10268 Filed 4-26-85; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 35-23669; 70-6892]

Middle South Energy, Inc.; Supplemental Notice of Proposed Short-Term Borrowing

Middle South Energy, Inc. ("MSE"), 225 Baronne Street, New Orleans, Louisiana 70112, a special purpose subsidiary of Middle South Utilities, Inc., a registered holding company, has filed a post-effective amendment to its declaration in this proceeding with this Commission under sections 6(a) and 7 of the Public Utility Holding Company Act of 1935 ("Act") and Rule 50(a)(2) under the Act.

By order dated November 4, 1983, MSE was authorized to issue and sell its unsecured promissory notes or other evidences of indebtedness ("notes") to various commercial banks in an amount not to exceed $225 million outstanding at any one time through May 1, 1985. The notes would mature within 12 months of issuance, be renewable upon approval by the bank, and be prepayable without penalty at the option of MSE. The interest rate for each borrowing would be set by negotiation and be either a fixed or variable rate. MSE may be required to maintain compensating balances not expected to exceed 10% of any borrowing. In no event would the total borrowing cost per annum, including the effective cost of compensating balances and any fees, exceed 200 basis points over the prevailing New York prime rate at the time of borrowing.

MSE does not expect that the outstanding amount of notes will at any time exceed 5% of its total capitalization, including long-term debt, common stock and retained earnings. Net proceeds from the sale of the notes will be used to fund MSE's construction program and for other corporate purposes, including repayment of other indebtedness.

By this post-effective amendment, MSE proposes to extend the period to May 1, 1987 during which MSE may issue and sell notes pursuant to the terms of the original authorization and to increase the maximum which may be sold to $300 million. MSE continues to expect that the outstanding amount of notes will not at any time exceed 5% of its total capitalization, including long-term debt, common stock and retained earnings and, in addition, any preferred stock outstanding during this period.

The amended declaration and any amendments thereto are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by May 13, 1985 to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the declarant at the address specified above. Proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date, the amended declaration, as filed or as it may be further amended, may be permitted to become effective.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

John Wheeler,

Secretary.

[FR Doc. 85-10314 Filed 4-26-85; 8:45 am]

BILLING CODE 8010-01-M

[Release No. IC-14480; File No. 812-6070]

Southeastern Growth Fund, Inc.; Notice of Application for Exemptive Order Permitting Imposition and Waiver of Contingent Deferred Sales Charge

April 22, 1985.

Notice is hereby given that Southeastern Growth Fund, Inc. ("Applicant"), 707 East Main Street, Richmond, Virginia 23219, an open-end, diversified management investment company registered under the Investment Company Act of 1940 (the "Act"), filed an application on March 13, 1985, and amendments thereto on March 29 and April 9, 1985, for a Commission order, pursuant to section 6(c) of the Act, exempting Applicant from the provisions of sections 2(a)(32), 2(a)(35), 22(c) and 22(d) of the Act and Rule 22c-1 thereunder to permit Applicant to assess (and waive in certain cases) a contingent deferred sales charge on redemptions of its shares. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below, and to the Act and the rules thereunder for the text of the applicable provisions.

According to the application, Wheat Investment Advisors, Inc. (the "Adviser"), a Virginia corporation wholly-owned by WFS Financial Corporation ("WFS"), will serve as Applicant's investment adviser. It is further stated that Wheat, First Securities, Inc. (the "Distributor"), a wholly-owned subsidiary of WFS, will serve as Applicant's distributor.

Applicant proposes to deduct a contingent deferred sales charge from the proceeds of certain redemptions of its shares. The contingent deferred sales charge would be imposed if an investor redeems an amount which causes the value of the investor's account with Applicant to fall below the total dollar amount of purchase payments made by the investor during the preceding five years. Applicant represents that no contingent deferred sales charge would be imposed to the extent that the net asset value of Applicant's shares redeemed does not exceed (1) the net asset value of shares purchased more than five years prior to the redemption, plus (2) the current net asset value of shares purchased through reinvestment of dividends or capital gains distributions, plus (3) increases in the net asset value of the investor's shares above the total amount of payments for the purchase of Applicant's shares made during the preceding five years. Applicant proposes to waive the contingent deferred sales charge on redemptions made in connection with: (a) The death or disability of a shareholder, (b) certain distributions from Individual Retirement Accounts or other qualified retirement plans, (c) distributions from pension or profit sharing plans sponsored by WFS, and (d) distributions from any pension, profit sharing or similar employee benefit plan for which the Adviser or any of its affiliates serves as investment adviser or is otherwise a fiduciary respecting the plan.

Applicant represents that, in determining the applicability of a contingent deferred sales charge to each redemption, the amount which represents an increase in the net asset value of the investor's shares within the last five years will first be redeemed. In the event the redemption amount exceeds such increase in value, the next

portion of the amount redeemed will represent the net asset value of the investor's shares purchased more than five years prior to the redemption and/or shares purchased through reinvestment of dividends or distributions. Any portion of the amount redeemed which exceeds both such increase in value and the value of shares purchased through reinvestment of dividends or distributions will be subject to a contingent deferred sales charge.

Applicant states that, where a contingent deferred sales charge is imposed, the amount of the charge will depend on the number of years since the investor made the purchase payment comprising the source of the redemption. During the first year after purchase, the charge would be five percent of the amount redeemed. Thereafter, the charge would decrease one percent annually until the expiration of five years, at which time no charge would be imposed.

Applicant states that the amount of the contingent deferred sales charge (if any) is calculated by determining the date on which the relevant purchase payment was made and applying the appropriate percentage to the amount of the redemption subject to the charge. In determining the rate of any applicable deferred sales charge, Applicant will assume that the investor is redeeming shares held for the longest period within five years preceding the redemption.

Applicant will reimburse the Distributor for its expenses in offering Applicant's shares according to a distribution plan adopted pursuant to Rule 12b–1 under the Act which generally permits investment companies to finance their own distribution expenses. Applicant states that the proposed distribution fee will accrue daily and be paid monthly at the annual rate of one percent of Applicant's average daily net assets. The Distributor also will receive the proceeds of the contingent deferred sales charge imposed upon redemptions of Applicant's shares. Applicant represents, however, that the amount of such contingent deferred sales charge will never exceed five percent of the aggregate purchase payments made by the investor.

Applicant requests an exemption from section 2(a)(32) of the Act which defines "redeemable security" to the extent necessary to permit Applicant to continue to qualify as an open-end company under section 5(a)(1) of the Act. Applicant asserts that imposition of a contingent deferred sales charge in no way restricts a shareholder from receiving a proportionate share of a fund's current net assets, but merely defers deduction of the sales charge and makes it contingent upon an event which may never occur.

Applicant further requests an exemption from sections 2(a)(35) and 22(c) of the Act and Rule 22c–1 thereunder to permit implementation of the contingent deferred sales charge. Applicant submits that the proposed charge is consistent with the intent of the definition of sales charge contained in the Act and that the deferral of the charge and its contingency upon an event which might not occur does not change the nature of the charge. Applicant further submits that when a redemption of its shares is effected, the price of the shares will be based on their current net asset value. The contingent deferred sales charge will merely be deducted from redemption proceeds in arriving at the shareholder's net proceeds payable at the time of redemption.

Applicant also requests an exemption from section 22(d) of the Act to permit it to waive the contingent deferred sales charge under the circumstances described above. Applicant submits that the proposed waiver of the charge will not harm Applicant or its remaining shareholders or unfairly discriminate among shareholders or purchasers. Applicant further intends to fully disclose the waiver provisions in its prospectus.

Notice is further given that any interested person wishing to request a hearing on the application may, not later than May 17, 1985, at 5:30 p.m., do so by submitting a written request setting forth the nature of his interest, the reasons for his request, and the specific issues, if any, of fact or law that are disputed, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of the request should be served personally or by mail upon Applicant at the address stated above. Proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed with the request. After said date, an order disposing of the application will be issued unless the Commission orders a hearing upon request or upon its own motion.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

John Wheeler,

Secretary.

[FR Doc. 85–10315 Filed 4–26–85; 8:45 am]

BILLING CODE 8010-01-M

[File No. 81–718]

Application and Opportunity for Hearing; Sears Mortgage Securities Corp.

April 19, 1985.

Notice is hereby given that Sears Mortgage Securities Corporation ("Applicant") has filed an application pursuant to section 12(h) of the Securities Exchange Act of 1934, as amended, (the "1934 Act") for an order exempting Applicant from certain reporting requirements under section 13 and the operation of section 16 of the 1934 Act.

For a detailed statement of the information presented, all persons are referred to the application which is on file at the offices of the Commission in the Public Reference Room, 450 Fifth Street, NW., Washington, D.C. 20549.

Notice is further given that any interested person not later than May 14, 1985, may submit to the Commission in writing his views or any substantial facts bearing on the application or the desirability of a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, D.C. 20549, and should state briefly the nature of the interest of the person submitting such information or requesting the hearing, the reason for such request, and the issues of fact and law raised by the application which he desires to controvert.

Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponement thereof. At any time after that date, an order granting the application may be issued upon request or upon the Commission's own motion.

For the Commission, by the Division of Corporation Finance, pursuant to delegated authority.

John Wheeler,

Secretary.

[FR Doc. 85–10267 Filed 4–26–85; 8:45 am]

BILLING CODE 8010-01-M

[Release No. IC–14479; File No. 812–5895]

Application and Opportunity for Hearing; The Union Central Life Insurance Co. et al.

April 22, 1985.

Notice is hereby given that The Union Central Life Insurance Company ("the Company"), Carillon Account ("Account"), and Carillon Investments,

Inc. (collectively, "Applicants"), P.O. Box 179, Cincinnati, Ohio, filed an application on July 11, 1984, and amendments thereto on February 5 and March 29, 1985, for an order pursuant to section 6(c) of the Act granting exemptions from the provisions of sections 26(a) and 27(c)(2) of the Act to the extent necessary to permit the transactions described in the application. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below, and are referred to the Act for a statement of the relevant provisions.

The Company is a mutual life insurance company organized under the laws of the State of Ohio and is licensed to do business in all states and the District of Columbia. Applicants state that the Company is the sponsor-depositor for the Account, which is a segregated investment "separate account" of the Company established in connection with the proposed issuance of certain flexible premium individual deferred variable annuity contracts ("Contracts"). The Account is registered under the Act as a unit investment trust.

Applicants state that Carillon Investments, Inc., a registered broker-dealer, is the principal underwriter of the Contracts and investment adviser of Carillon Fund (the "Fund"), the underlying investment vehicle for the Account. Net payments made on the contract will be allocated to one or more of the Account subdivisions that invest solely in the shares of a particular portfolio of the Fund. The Fund is registered under the Act as an open-end, diversified management investment company of the series type and currently consists of three portfolios.

According to the application, the Company does impose an initial sales charge on purchase payments. If a Contract is partially or totally surrendered during the first eight years, however, a contingent deferred sales load is deducted as a means for the Company to recover its sales expense. The sales load is assessed as a percentage of the amount withdrawn, and decreases from 7% in the first two contract years to zero at the end of the eighth year. Applicants represent that the surrender charge was designed to produce sufficient revenue to cover distribution expenses. They state, however, that any deficiency will be met from the Company's general corporate funds, which includes amounts derived from the mortality and expense risk charge. Applicants state that for assuming mortality and expense risks described in the application (including the risk that the surrender charges will be insufficient to cover distribution expenses), the Company will make a daily charge of 1.20% on an annual basis of the value of the Account's assets which will be added to the Company's general funds. The charge is allocable 0.80% for mortality risks and 0.40% for expense risks and Applicants state that the Company currently expects a profit from this charge.

According to the application, there is currently a $10 transaction charge for each transfer between the subdivisions which may be increased to a maximum of $15 based on increases in expected costs. Applicants state there is a two part administration fee guaranteed for the life of the contract which is designed to reimburse the Company for actual expenses, without profit. The first, is an annual fee of $30 deducted from the Contract value; the second part is a daily deduction from the Contract value at an annual rate of 0.25%. Finally, certain premium taxes are deducted from the Contract value when incurred.

Requested Relief

Applicants request relief from sections 26(a) and 27(c)(2) to the extent necessary to permit (1) the Company to enter into a custodial agreement with a bank under which shares of the Fund will be held under an open account arrangement without the use of stock certificates; and (2) the deduction of the mortality and expense risk charge at the rate of 1.20% annually.

With respect to (1) above, Applicants represent that Union Central is subject to extensive supervision and control by state insurance regulatory officials, that the custodian bank will have the qualifications prescribed by section 26(a)(1) of the Act, and the Fund will provide the Company with a written verification of each purchase or redemption transaction and will provide the custodian with a written confirmation of each transaction. Applicants argue that, for these reasons, the assets will be protected and requiring the issuance of fund certificates would impose an unnecessary administrative burden.

With respect to (2) above, Applicants assert that the mortality and expense risk charge meets the standard set forth in section 6(c) because it is reasonable as determined by industry practice with respect to comparable annuity products. The Company states that this representation is based upon an analysis of publicly available information about similar industry products, taking into consideration such factors as current charge levels and the existence of expense guarantees and guaranteed annuity rates, and that the analysis has been supplied by an outside expert consultant employed by the Company for the purpose of designing variable annuity products and assisting in developing necessary administrative systems for variable annuity contracts. The Company represents that as a further condition for this relief, it will maintain at it Home Office and available to the Commission, a memorandum which identifies the products analyzed and the methodology used to support this representation.

With respect to (2) above, the Company also represents that its has concluded there is a reasonable likelihood that the use of the asset charge for distribution expenses has a reasonable likelihood of benefiting the Account and the contract-owners. As a further condition of relief, Applicants represent that a memorandum setting forth the basis for this representation will be maintained at the Company's Home Office and available to the Commission. Applicants also represent that as a condition of this relief, the Account will invest only in funds which undertake to have a board of directors with a disinterested majority formulate and approve any plan pursuant to Rule 12b–1 under the Act to finance distribution expenses.

Notice is further given that any interested person wishing to request a hearing on the application may, not later than May 14, 1985, at 5:30 p.m., do so by submitting a written request setting forth the nature of his interests, the reasons for his request, and the specific issues, if any, of fact or law that are disputed, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of the request should be served personally or by mail upon the Applicants at the address stated above. Proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed with the request. After said date an order disposing of the application will be issued unless the Commission orders a hearing upon request or upon its own motion.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

John Wheeler,

Secretary.

[FR Doc. 85–10313 Filed 4–26–85; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 34-21975; SR-NYSE-85-4]

Self-Regulatory Organizations; New York Stock Exchange, Inc.; Order Approving Proposed Rule Change

April 23, 1985.

The New York Stock Exchange, Inc. ("NYSE") submitted on February 26, 1985, copies of a proposed rule change pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act") and Rule 19b-4 thereunder, that would authorize a six-month pilot program to determine the feasibility of formally amending NYSE Rule 64, and NYSE policies thereunder,[1] in order to provide for alternative settlement periods, where both parties to a transaction agree to such alternative periods. The NYSE has indicated in its filing that it intends to initiate the pilot program by testing next day settlement but may also determine during the pilot program to test two, three and four day (T+2, T+3, T+4) settlement as well. The NYSE states in its filing that its members have requested certain alternative settlement periods and that, in particular, they have requested a one-day settlement period.[2] The NYSE further states in its filing that several regional exchanges currently permit settlement on a one day basis.[3]

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by the issuance of a Commission Release (Securities Exchange Act Release No. 21836, March 11, 1985) and by publication in the **Federal Register** (50 FR 11472, March 21, 1985). No comments have been received with respect to the proposed rule change.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange and, in particular, the requirements of sections 6(b)(5) in that the proposed rule change fosters cooperation and coordination among persons engaged in setting and facilitating securities transactions.

[1] NYSE Rule 64, captioned "Bonds, Rights and 100-Share-Unit Stocks," deals with settlement periods.

[2] The NYSE states in its filing that currently, under its Rule 64, only three settlement periods are available: (1) "Cash" or same day settlement, (2) "regular way" or settlement on the fifth business day after a transaction, and (3) "seller's option" providing for settlement in six to 60 business days after a transaction.

[3] The Commission notes that some regional excnanges, by rule or practice, do permit one day settlement, at least under certain circumstances. *See, e.g.*, Pacific Stock Exchange, Inc., Rule 1, section 13(a), paragraph 4.

It is therefore ordered, pursuant to section 19(b)(2) of the Act, that the proposed rule change referenced above be, and it hereby is, approved.[4]

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

John Wheeler,

Secretary.

[FR Doc. 85-10312, Filed 4-26-85; 8:45 am]

BILLING CODE 8010-01-M

[4] The Commission expects that the NYSE will monitor trade volume for transactions settled within alternative settlement periods during the pilot program, and that it will continue to review precedures under the pilot and to respond to concerns expressed by member firms in connection with alternative settlement periods.

SMALL BUSINESS ADMINISTRATION

Region VIII Advisory Council; Public Meeting

The U.S. Small Business Administration Region VIII Advisory Council, located in the geographical area of Casper, Wyoming, will hold a public meeting from 8:30 a.m. to 4:30 p.m., on Wednesday, June 12, 1985, at the Dunbar Inn, Highway 30 West, Evanston, Wyoming, to discuss such matters as may be presented by members, staff of the U.S. Small Business Administration, or others present.

For further information, write or call Paul Nemetz, District Director, U.S. Small Business Administration, 100 East B Street, Room 4001, Casper, Wyoming, (307) 261-5761.

Jean M. Nowak,

Director, Office of Advisory Councils.

April 22, 1985.

[FR Doc. 85-10279 Filed 4-26-85; 8:45 am]

BILLING CODE 8025-01-M

Region X Advisory Council; Public Meeting

The Small Business Administration Region X Advisory Council, located in the geographical area of Boise, Idaho, will hold a public meeting at 9:30 a.m., Tuesday, May 7, 1985, at the Owhyee Plaza "Green Room", 1109 Main Street, Boise, Idaho, to discuss such business as may be presented by members, the staff of the U.S. Small Business Administration, and others attending.

For further information, write or call Joseph G. Kaeppner, District Director, U.S. Small Business Administration, 1020 Main Street, Suite 290, Boise, Idaho, (208) 334-1096.

Jean M. Nowak,

Director, Office of Advisory Councils.

April 22, 1985.

[FR Doc. 85-10280 Filed 4-26-85; 8:45 am]

BILLING CODE 8025-01-M

SYNTHETIC FUELS CORPORATION

Draft Solicitation for Eastern Province or Eastern Region of the Interior Province Bituminous Coal Gasification Projects

Entity: Synthetic Fuels Corporation.

ACTION: Invitation of public comments.

SUMMARY: The Corporation has prepared a draft solicitation for Eastern Province or Eastern Region of the Interior Province Bituminous Coal Gasification Projects and invites public comment on said draft solicitation.

For Copies of the Draft Solicitation, Contact: Catherine McMillan, Director of Public Disclosure, United States Synthetic Fuels Corporation, 2121 K Street, NW., Washington, D.C. 20586; (202) 822-6460.

DATE: Comments must be received on or before May 15, 1985.

ADDRESS: Comments should be sent to Richard V. Shanklin, Project Officer, United States Synthetic Fuels Corporation, 2121 K Street, NW., Washington, D.C. 20586.

FOR FURTHER INFORMATION CONTACT: Richard V. Shanklin, Project Officer, (202) 822-6463.

Dated: April 24, 1985.

United States Synthetic Fuels Corporation.

March Coleman,

Assistant Secretary.

[FR Doc. 85-10263 Filed 4-26-85; 8:45 am]

BILLING CODE 6000-00-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD 85-032]

Bridges, Proposed Construction; South Litchfield Beach, Georgetown County, SC

AGENCY: Coast Guard, DOT.

ACTION: Notice of Public Hearing.

SUMMARY: Notice is hereby given that the Commandant has authorized a public hearing to be held by the Commander, Seventh Coast Guard District, at Pawleys Island, South Carolina. The purpose of the hearing is

to consider the application by Trippsco Inc., for Coast Guard approval of location and plans of a proposed fixed highway bridge across Midway Creek (also known as Clubhouse Creek) from the mainland to South Litchfield Beach, Georgetown County, South Carolina.

All interested persons may present data, views and comments, orally or in writing, concerning the impact of the proposed bridge on navigation and the human environment. Of particular concern at this time are the effects that a fixed bridge with a vertical clearance of 8 feet above mean high water would have on navigation. Comments that the proposed clearance is inadequate should, if possible, recommend a specific minimum vertical clearance and include appropriate justification. Desirable information would include: Description of vessel, owner's name and address, height of highest fixed point above the waterline (exclusive of appurtenances unessential to navigation or easily lowered), mooring location, and frequency of operation upon the waterway.

DATE: May 30, 1985 commencing at 7:00 p.m. unitl all speakers in attendance wishing to comment have provided comments.

ADDRESS: The hearing will be held at Waccamaw School, Shell Road, Pawleys Island, South Carolina.

FOR FURTHER INFORMATION CONTACT: Mr. Gary D. Pruitt, Bridge Administration Specialist, Seventh Coast Guard District, 51 SW. First Avenue, Miami, Florida 33130, (305) 350–4103.

SUPPLEMENTARY INFORMATION: The proposed bridge would be approximately 1183 feet in length and 30 feet in width and would provide navigation with a minimum vertical clearance of 8 feet above mean high water and 10.8 feet above mean low water with a horizontal clearance of 28 feet between pile caps normal to the axis of the waterway. The reason for the proposed bridge under consideration is to provide access to the proposed Cape Litchfield Development at South Litchfield Beach. Part of the proposed residential development will be located in the designated Coastal Barrier Resource area. The entire area to be developed will be located within the base 100-year flood plain. The Coast Guard as lead federal agency has determined that the project is a major federal action for the purposes of the National Environmental Policy Act of 1969.

Written comments on this proposal were previously solicited by Public Notice 13–85 issued by the Commander, Seventh Coast Guard District, on March 5, 1985.

The hearing will be informal. A Coast Guard representative will preside at the hearing, make a brief opening statement describing the proposed bridge project, and announce the procedures to be followed at the hearing. Each person who wishes to make an oral statement should notify the Commander (oan), Seventh Coast Guard District, at the above address by May 24, 1985. Such notification should include the approximate time required to make the presentation. It may be necessary to limit the time available to individual speakers in order to provide all commenters the opportunity to speak. Speakers are encouraged to provide written copies of their oral statements to the hearing officer. A transcript will be made of the hearing and may be purchased or reviewed by the public in the Seventh Coast Guard District office approximately 30 days after the hearing date.

Interested persons who are unable to attend the hearing may also participate in the consideration of this bridge permit application by submitting their comments at the hearing, or by July 1, 1985. Each written comment should identify the proposed project, clearly state the reasons for any objections, comments or proposed changes to the plans, and include the name and address of the person or organization submitting the comment. Copies of all written communications will be available for examination by interested persons at the office of the Commander (oan), Seventh Coast Guard District, between 7:30 a.m. and 4:00 p.m., Monday through Friday, except holidays.

All comments received, whether in writing or presented orally at the public hearing, will be considered before final agency action is taken on the proposed bridge permit application. After the time set for the submission of comments, the Commander (oan), Seventh Coast Guard District, will evaluate all comments resulting from the hearing and the previous public notice to determine a vertical clearance to provide for the reasonable needs of navigation. If its is determined that a greater vertical clearance is necessary, the applicant will be invited to sumbit revised plans with the requisite clearance. In such event, a new public notice will be issued inviting public comment on the proposed higher bridge.

(Sec. 502.60 Stat 847, as amended; 33 U.S.C. 525, 49 U.S.C. 1655(g)(6)(C); 49 CFR 1.46(c)

Dated: April 24, 1985.

H. H. Kothe,

Captain, U.S. Coast Guard. Acting Chief, Office of Navigation.

[FR Doc. 85–10296 Filed 4–26–85; 8:45 am]

BILLING CODE 4910–14–M

[CGD 85–033]

Bridges; Proposed Construction; Oak Island Canal, Charleston, County, SC

AGENCY: Coast Guard, DOT.

ACTION: Notice of public hearing.

SUMMARY: Notice is hereby given that the Commandant has authroized a public hearing to be held by the Commander, Seventh Coast Guard District, at James Island, South Carolina. The purpose of the hearing is to consider the application by Coggins Investment and Trading Company for Coast Guard approval of location and plans of a proposed fixed highway bridge across Oak Island Canal, Long Island Drive near Folly Beach, Charleston County, South Carolina.

All interested persons may present data, views and comments, orally or in writing, concerning the impact of the proposed bridge on navigation and the human environment. Of particular concern at this time are the effects that a fixed bridge with a vertical clearance of 14.2 feet above mean high water would have on navigation. Comments that the proposed clearance is inadequate should, if possible, recommend a specific minimum vertical clearance and include appropriate justification. Desirable information would includes: Description of vessel, owner's name and address, height of highest fixed point above the waterline (exclusive of appurtenances unessential to navigation or easily lowered), mooring location, and frequency of operation upon the waterway.

DATE: May 31, 1985 commencing at 7:00 p.m. until all speakers in attendance wishing to comment have provided comments.

ADDRESS: The hearing will be held at Ft. Johnson Middle School, 1825 Camp Road, James Island, South Carolina.

FOR FURTHER INFORMATION CONTACT: Mr. Gary D. Pruitt, Bridge Administration Specialist, Seventh Coast Guard District, 51 S.W. First Avenue, Miami, Florida 33130, (305) 350–4103.

SUPPLEMENTARY INFORMATION: The proposed bridge would be approximately 160 feet in length and 12 feet in width and would provide

navigation with a minimum vertical clearance of 14.2 feet above mean high water and 19.4 feet above mean low water with a horizontal clearance of 30 feet between pile caps normal to the axis of the waterway. The Coast Guard as lead federal agency has determined that the project is a major federal action for the purposes of the National Environmental Policy Act of 1969.

Written comments on this proposal were previously solicited by Public Notice 8–85 issued by the Commander, Seventh Coast Guard District, on February 5, 1985.

The hearing will be informal. A Coast Guard representative will preside at the hearing, make a brief opening statement describing the proposed bridge project, and announce the procedures to be followed at the hearing. Each person who wishes to make an oral statement should notify the Commander (oan), Seventh Coast Guard District at the above address by May 24, 1985. Such notification should include the approximate time requried to make the presentation.

It may be necessary to limit the time available to individual speakers in order to provide all commenters the opportunity to speak. Speakers are encouraged to provide written copies of their oral statements to the hearing officer. A transcript will be made of the hearing and may be purchased or reviewed by the public in the Seventh Coast Guard District office approximately 30 days after the hearing date.

Interested persons who are unable to attend the hearing may also participate in the consideration of this bridge permit application by submitting their comments at the hearing or to the Commander (oan), Seventh Coast Guard District, by July 1, 1985. Each written comment should identify the proposed project, clearly state the reasons for any objections, comments or proposed changes to the plans, and include the name and address of the person or organization submitting the comment. Copies of all written communications will be available for examination by interested persons at the office of the Commander (oan), Seventh Coast Guard District, between 7:30 a.m. and 4:00 p.m., Monday through Friday, except holidays.

All comments received, whether in writing or presented orally at the public hearing, will be considered before final agency action is taken on the proposed bridge permit application. After the time set for the submission of comments, the Commander (oan), Seventh Coast Guard District, will evaluate all comments resulting from the hearing and the previous public notice to determine a vertical clearance to provide for the reasonable needs of navigation. If it is determined that a greater vertical clearance is necessary, the applicant will be invited to submit revised plans with the requisite clearance. In such event, a new public notice will be issued inviting public comment on the proposed higher bridge.

(Sec. 502.60 Stat 847, as amended; 33 U.S.C. 525, 49 U.S.C. 1655(g)(6)(C); 49 CFR 1.46(c))

Dated: April 24, 1985.

H.H. Kothe,

Captain, U.S. Coast Guard, Acting Chief, Office of Navigation.

[FR Doc. 85–10297 Filed 4–26–85; 8:45 am]

BILLING CODE 4910–14–M

DEPARTMENT OF THE TREASURY

Public Information Collection Requirements Submitted to OMB for Review

Date: April 24, 1985.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB (listed by submitting bureau(s)), for review and clearance under the Paperwork Reduction Act of 1980, Pub. L. 96–511. Copies of these submissions may be obtained by calling the Treasury Bureau Clearance Officer listed under each bureau. Comments regarding these information collections should be addressed to the OMB reviewer listed at the end of each bureau's listing and to the Treasury Department Clearance Officer, Room 7221, 1201 Constitution Avenue, NW., Washington, D.C. 20220.

Internal Revenue Service

OMB Number: 1545–0143
Form Number: IRS Form 2290
Type of Review: Revision
Title: Heavy Vehicle Use Tax
Clearance Officer: Garrick Shear (202) 566–6150, Room 5571, 1111 Constitution Avenue, NW., Washington, D.C. 20224
OMB Reviewer: Robert Neal (202) 395–6880, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, D.C. 20503

Joseph F. Maty,

Departmental Reports Management Office.

[FR Doc. 85–10302 Filed 4–26–85; 8:45 am]

BILLING CODE 4810–25–M

Fiscal Service

[Dept. Circ. 570, 1984 Rev., Supp. No. 17]

Surety Companies Acceptable on Federal Bonds: Termination of Authority; Union Indemnity Insurance Co. of New York

Notice is hereby given that the Certificate of Authority issued by the Treasury to Union Indemnity Insurance Company of New York, of New York City, New York, under sections 9304 to 9308 of Title 31 of the United States Code, to qualify as an acceptable surety on Federal bonds is hereby terminated effective this date.

The company was last listed as an acceptable surety on Federal bonds at 49 FR 27261, July 2, 1984.

With respect to any bonds currently in force with Union Indemnity Insurance of New York, bond-approving officers for the Government should secure new bonds with acceptable sureties in those instances where a significant amount of liability remains outstanding.

Questions concerning this notice may be directed to the Surety Bond Branch, Finance Division, Financial Management Service, Department of the Treasury, Washington, D.C. 20226, telephone (202) 634–2319.

Dated: April 18, 1985.

Marcus W. Page,

Deputy Commissioner, Financial Management Service.

[FR Doc. 85–10206 Filed 4–26–85; 8:45 am]

BILLING CODE 4815–36–M

VETERANS ADMINISTRATION

Privacy Act of 1974; Amendment of Systems Notices; Additional Routine Use Statements

AGENCY: Veterans Administration.

ACTION: Correction notice.

SUMMARY: On pages 13448 and 13449 of the **Federal Register** of April 4, 1985, the VA published a notice amending 3 systems of records. There is an error in the added routine use number 17 in the system identified as 38 VA 23. This notice corrects that routine use by removing the words "and address" in the two places the words appear in routine use number 17.

FOR FURTHER INFORMATION CONTACT: Gina Abate (202) 389–5100.

Dated: April 23, 1985.

Nancy C. McCoy,

Chief, Directives Management Division.

[FR Doc. 85–10274 Filed 4–26–85; 8:45 am]

BILLING CODE 8320–01–M

Sunshine Act Meetings

Federal Register
Vol. 50, No. 82
Monday, April 29, 1985

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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1

FEDERAL RESERVE SYSTEM BOARD OF GOVERNORS

TIME AND DATE: 2:30 p.m., Thursday, May 2, 1985.

PLACE: Marriner S. Eccles Federal Reserve Board Building, C Street entrance between 20th and 21st Streets, NW., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.
2. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board; (202) 452–3204. You may call (202) 452–3207, beginning at approximately 5 p.m. two business days before this meeting, for a recorded announcement of bank and bank holding company applications scheduled for the meeting.

Dated: April 24, 1985.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 85–10316 Filed 4–24–85; 4:32 pm]

BILLING CODE 6210–01–M

2

FEDERAL RESERVE SYSTEM BOARD OF GOVERNORS

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 50 FR 15808, April 22, 1985.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 2:30 p.m., Wednesday, April 24, 1985.

CHANGES IN THE MEETING: One of the items announced for inclusion at this meeting was consideration of any agenda items carried forward from a previous meeting; the following such closed item(s) was added: Proposed purchase of computers within the Federal Reserve System. (This item was originally announced for a closed meeting on April 22, 1985.)

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board; (202) 452–3204.

Dated: April 24, 1985.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 85–10317 Filed 4–24–85; 4:32 pm]

BILLING CODE 6210–01–M

3

CONSUMER PRODUCT SAFETY COMMISSION

TIME AND DATE: 9:30 a.m., Thursday, May 2, 1985.

LOCATION: Third Floor Hearing Room, 1111 18th Street, NW., Washington, D.C.

STATUS: Closed to the Public.

MATTERS TO BE CONSIDERED:

Commission Procedures Review.

The Commission and staff will review internal procedures relating to Commission decisionmaking. (This is a continuation of the March 6, 1985 meeting)

FOR A RECORDED MESSAGE CONTAINING THE LATEST AGENDA INFORMATION, CALL: 301–492–5709.

CONTACT PERSON FOR ADDITIONAL INFORMATION: Sheldon D. Butts, Office of the Secretary, 5401 Westbard Avenue, Bethesda, Md. 20207, 301–492–6800.

Sheldon D. Butts,

Deputy Secretary.

[FR Doc. 85–10396 Filed 4–25–85; 2:55 p.m.]

BILLING CODE 6355–01–M

4

LEGAL SERVICES CORPORATION, SPECIAL COMMITTEE ON PRESIDENTIAL SEARCH

Recess and Reconvening of Meeting

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: Tuesday, April 16, 1985, 50 FR 15036.

PREVIOUSLY ANNOUNCED TIME AND DATE: Tuesday, April 23, 1985, 8:00 p.m.

STATUS: Closed.

PLACE: Capitol Holiday Inn, Jupiter Room, 550 C Street, SW., Washington, D.C. 20024.

NOTICE OF RECESS AND RECONVENING: The Special Committee on Presidential Search of the Legal Services Corporation previously published notice of its meeting for Tuesday, April 23, 1985, to commence at 8:00 p.m. and to "continue until all official business is completed." The meeting commenced as noticed. At 9:45 p.m., the meeting was recessed until 3:30 p.m., the following day, April 24, 1985, to allow the completion of official business of the Committee. The meeting reconvened at 3:30 p.m. on April 24, 1985, and continued until all official business was completed at 5:30 p.m., April 24, 1985. The place of the reconvened meeting was changed to: Legal Services Corporation Headquarters, Seventh Floor Conference Room, 733 Fifteenth Street, NW., Washington, D.C. 20005.

The meeting continued to be a closed meeting as previously announced. There was no change in the matters to be considered from the matters previously announced.

Dated: April 25, 1985.

Dennis Daugherty,

Acting Secretary.

[FR Doc. 85–10421 Filed 4–25–85; 3:43 pm]

BILLING CODE 6820–35–M

5

OVERSEAS PRIVATE INVESTMENT CORPORATION

Meeting of the Board of Directors

TIME AND DATE: 9:00 a.m. (closed portion). 10:30 a.m. (open portion). Tuesday, May 7, 1985.

PLACE: Offices of the Corporation seventh floor Board Room, 1129 20th Street, NW., Washington, D.C.

STATUS: The first part of the meeting from 9:00 a.m. to 10:30 a.m. will be closed to the public. The open portion of the meeting will start at 10:30 a.m.

MATTERS TO BE CONSIDERED (Closed to the public 9:00 a.m. to 10:30 a.m.):

1. Insurance Project in South Asian Country.
2. Insurance Project in African Country.
3. Insurance Project in African Country.
4. Insurance Project in East Asian Country.
5. Insurance Project in South American Country.
6. Finance Project in South American Country.
7. Finance Project in Middle East Country.
8. Policy Guidelines: Review.
9. Claims Report.
10. Information Report: Finance Projects.
11. Information Report: General.
12. China Projects: Status Reports.

FURTHER MATTERS TO BE CONSIDERED
(Open to the public 10:30 a.m.):

1. Approval of the Minutes of the Previous Meeting.
2. Confirmation of Scheduled Board Meetings.
3. Project Monitoring.
4. Personnel Actions.
5. Financial Statements as of March 31, 1985 and for the First Half of FY 1985.
6. Information Reports.

CONTACT PERSON FOR INFORMATION:
Information with regard to this meeting may be obtained from the Secretary of the Corporation at (202) 653–2925.

Elizabeth A. Burton,
Corporate Secretary.
April 25, 1985.

[FR Doc. 85–10397 Filed 4–25–85; 2:55 pm]
BILLING CODE 3210-01-M

Monday
April 29, 1985

Part II

Regulatory Information Service Center

Introduction to the Unified Agenda of Federal Regulations

REGULATORY INFORMATION SERVICE CENTER

Unified Agenda of Federal Regulations

AGENCY: Regulatory Information Service Center.

ACTION: Introduction to the Unified Agenda of Federal Regulations.

SUMMARY: Executive Order 12291 (Federal Regulation) and the Regulatory Flexibility Act (5 USC 605) require that agencies publish semiannual regulatory agendas describing regulatory actions they are developing. Office of Management and Budget (OMB) Bulletin 85-6 (December 13, 1984) requires that each agency agenda include, at a minimum, specific types of information for each entry, and that all agendas be published together in a uniform format as a **Unified Agenda of Federal Regulations.**

The following Parts in this issue of the **Federal Register** are the agency agendas, which together comprise the April 1985 edition of the semiannual **Unified Agenda of Federal Regulations.**

ADDRESS: Regulatory Information Service Center, Room 5216, New Executive Office Building, 726 Jackson Place, N.W., Washington, D.C. 20503.

FOR FURTHER INFORMATION CONTACT: For further information about specific regulatory projects, please refer to the Agency Contact listed for each entry. To provide comment on or to obtain further information about the **Unified Agenda of Federal Regulations**, contact: Mark G. Schoenberg, Executive Director, Regulatory Information Service Center, Room 5216, New Executive Office Building, 726 Jackson Place, N.W., Washington, D.C. 20503, (202) 395-6993.

SUPPLEMENTARY INFORMATION:

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(NOTE: The Civil Aeronautics Board was disbanded December 31, 1984. Some of its regulatory activities were absorbed by the Department of Transportation (DOT) and are now listed within DOT's Office of the Secretary.)

About the Unified Agenda

The **Unified Agenda of Federal Regulations** is compiled by the Regulatory Information Service Center for the Office of Information and Regulatory Affairs, Office of Management and Budget. The Center provides information about federal regulatory activity to the President and his Executive Office, the Congress, agency managers, and the public. The Office of Information and Regulatory Affairs is responsible for overseeing the Federal Government's regulatory, paperwork, and information-management activities and for implementing President Reagan's Executive Orders 12291 (Federal Regulation) and 12498 (Regulatory Planning). Under EO 12498, OMB will publish the **Administration's Regulatory Program** that will state the Administration's overall regulatory policies, and describe in more detail the most significant regulatory actions planned by 17 Federal agencies during the coming year.

Many of the regulatory actions that will be described in the **Administration's Regulatory Program** are included in this Agenda. Because OMB will publish the Regulatory Program at a later date, that publication may contain revised information concerning the continuance or modification of regulatory activities described in this edition of the Agenda.

This edition of the Unified Agenda includes 56 regulatory agendas from all Federal departments, agencies, and

commissions that publish agendas. Agencies of the United States Congress are not included. The Unified Agenda provides uniform reporting of data on regulatory activities under development throughout the Federal Government.

The Unified Agenda is produced through a computer system designed by the Center with the advice and assistance of the Government Printing Office. The system was designed to save agencies time and money by automating the preparation and printing of their agendas in a uniform format and to make the Agenda easier to use. In the future, the system may provide computer-generated indices and appendices of the information in the Agenda. For now, the Center provides for those agencies that request it a computer-produced Table of Contents that appears after the preamble of the agency's Agenda and includes Agenda Sequence Numbers. These numbers also appear before the title of the regulation in the Agenda. The Tables of Contents help readers locate quickly those entries that may be of most interest to them.

All agendas contain uniform data elements--regulation title, agency contact, small business effects, CFR citation, legal authority, abstract, and timetable. Agencies also include any additional information they consider important. If any of the data elements is not included, the agency either did not report the information or may provide an explanation in its preamble. For further information, please contact the individual agency.

The **Unified Agenda of Federal Regulations** is published in April and October of each year. We welcome comments on this edition and suggestions for improving future ones.

DATED: April 1, 1985.

Mark G. Schoenberg,

Executive Director.

How to Use the Unified Agenda

Each agency agenda appears as a separate Part in this edition of the **Federal Register.** The Parts are organized alphabetically in three groups: cabinet departments, other executive agencies, and independent agencies. Departments are divided into agencies, which may in turn be divided into subagencies.

Each agency begins its agenda with a preamble providing information specific to its agenda. Each agency was asked to list its rules in three groups:

1. Current and Projected Rulemakings--regulations the agency is currently developing or plans to develop during the next 12 months;

2. Existing Regulations Under Review--existing regulations the agency is reviewing to determine whether to propose modifications through rulemaking; and

3. Completed Actions--actions or reviews the agency completed or withdrew since publishing its last agenda. This section also includes items that were begun and completed between issues of the Unified Agenda.

An agency may use a subheading to identify regulations that it has grouped according to a particular topic. When these subheadings are used, they appear above the title of the first regulation in the group.

A dot (●) preceding an entry indicates that the entry appears in its present section of the agenda for the first time.

A number preceding an entry indicates that the agency chose to provide a Table of Contents at the beginning of its agenda. The numbers in the Table of Contents correspond to the numbers preceding the entries. These Agenda Sequence Numbers should help readers easily locate items of most interest to them.

The regulatory activities included in the agency agendas are those currently planned for the next 12 months. The agendas do not include regulations excluded from review under EO 12291 such as military regulations and regulations related to internal agency management.

OMB Bulletin 85-6 states that entries describing regulations under development and review should contain, at a minimum, the following information:

- Title of the Regulation.
- Priority -- the priority status of the entry. Priority entries include:
  a. Any regulations designated for priority development or review by the agency;
  b. All regulations designated as "major" under Section 1(b) of Executive Order 12291; and
  c. All regulations that were designated for review by the Presidential Task Force on Regulatory Relief.

Each entry for a priority action indicates which of the above criteria were used in determining its priority status. The priority heading appears only if the agency has designated the entry as a priority action.

Under EO 12291, a major rule is any regulation that is likely to result in:

a. An annual effect on the economy of $100 million or more;
b. A major increase in costs or prices for consumers, individual industries, Federal, state, or local government agencies, or geographic regions; or
c. Significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

- Legal Authority -- the section(s) of the United States Code (USC) or Public Law (PL) or the Executive Order that authorize(s) the regulatory action (agencies may provide common name references to laws in addition to USC or PL references).
- CFR Citation -- the section(s) of the **Code of Federal Regulations** which affect or will be affected by the action.
- Abstract -- a description of the problem the regulation will address; to the extent available, the alternatives that the agency is considering to address the problem; and the potential costs and benefits of the action.
- Timetable -- the dates and citations (if available) for all past stages and at least the next future stage of rulemaking. If a date appears in this section as 00/00/00, it means the date of the action is presently undetermined. Similarly, 10/00/85 means the agency can predict the month and year the action will take place, but not the date it will occur.
- Effects on Small Businesses and Other Small Entities -- indicates whether the rule is expected to have a significant economic impact on a substantial number of "small entities" as defined by the Regulatory Flexibility Act (5 USC 601(6)).
- Agency Contact -- the name, title, address, and phone number of a person in the agency who is knowledgeable about the regulation.

Some agencies have provided other optional information at their discretion.

Data Limitations

Agencies prepared entries for this edition of the Unified Agenda to give the public notice of their plans to review, propose, and issue regulations. They

have tried to predict their activities over the next 12 months as accurately as possible, but dates and schedules are subject to change. Agencies may withdraw some of the regulations now under development, and they may issue or propose other regulations not included in their agendas. Agency actions in the rulemaking process may occur before or after the dates they have listed. The Agenda does not create a legal obligation on agencies to adhere to schedules within it or to confine their regulatory activities to those regulations that appear in it. The information in this edition is accurate as of February 27, 1985, in the judgment of the submitting agencies, except as otherwise noted in individual agency preambles.

List of Abbreviations

The following abbreviations appear throughout this edition of the Agenda:

ANPRM -- An Advance Notice of Proposed Rulemaking is a preliminary notice that an agency is considering a regulatory action. The agency issues an ANPRM before it develops a detailed proposed rule, describing the general area that may be subject to regulation and asking for public comment on the issues and options being discussed. An ANPRM is issued only when an agency believes it needs to gather more information before proceeding to a formal regulatory proposal.

CFR -- The **Code of Federal Regulations** is an annual codification of the general and permanent regulations published in the **Federal Register** by the departments and agencies of the Federal Government. The Code is divided into 50 titles and each title covers a broad area of Federal regulatory law. The CFR is keyed to and kept up-to-date by the daily issues of the **Federal Register.**

EO -- An Executive Order is a directive from the President to an executive agency, issued under Constitutional or statutory authority. Executive Orders are published in the **Federal Register** and in Title 3 of the **Code of Federal Regulations.**

FR -- The **Federal Register** is a daily Federal Government publication that provides a uniform system for publishing Presidential documents, all proposed and final regulations, notices of meetings, and other official documents required by statute to be published.

FY -- The Federal fiscal year runs from October 1 to September 30.

NPRM -- A Notice of Proposed Rulemaking is the document an agency issues and publishes in the **Federal Register** that describes and solicits public comments on a proposed regulatory action. Under the Administrative Procedure Act, an NPRM must include, at a minimum:

- A statement of the time, place, and nature of the public rulemaking proceeding;
- A reference to the legal authority under which the rule is proposed; and
- Either the terms or substance of the proposed rule or a description of the subjects and issues involved.

PL -- A Public Law is a law passed by Congress and signed by the President or enacted over his veto. It has general applicability, as opposed to a private law that applies only to those persons or entities specifically designated. Public laws are numbered in sequence throughout the two-year life of each Congress; for example, PL 97-17 would be the seventeenth public law of the 97th Congress.

RFA -- A Regulatory Flexibility Analysis (RFA) describes the impact of a proposed rule on small entities, as required by the Regulatory Flexibility Act (5 USC 601). An RFA describes why the agency is considering the action; the objectives of and legal basis for the proposed rule; an estimate of the number of small entities that could be affected and the compliance requirements they would have to fulfill; any other duplicative, overlapping, or conflicting Federal rules; and alternatives to the proposed action. When required, an initial RFA accompanies an NPRM and a final RFA accompanies a final rule.

RIA -- A Regulatory Impact Analysis is required by EO 12291 for all major rules and other regulations designated by the Office of Management and Budget. An RIA is prepared to determine whether a proposed regulatory action meets the requirements of Section 2 of EO 12291, namely that it:

- Be based on adequate information concerning the need for and consequences of the action;
- Not be undertaken unless the potential benefits outweigh the potential costs to society;
- Maximize net benefits to society;
- Entail the least net cost to society of the alternatives considered; and
- Take into account the condition of particular affected industries, the national economy, and contemplated future regulatory actions.

RIN -- The Regulatory Information Service Center assigns a Regulation Identifier Number to identify each regulatory action listed in the Agenda.

USC -- The United States Code is a consolidation and codification of all general and permanent laws of the United States. The USC is divided into 50 titles and each title covers a broad area of Federal law.

Information About Additional Copies

Additional copies of this edition of the **Federal Register** are available from: Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402, (202) 783-3238.

Copies of individual agency agendas may be available directly from the agency. Please contact the particular agency for further information.

[FR Doc. 85-7904 Filed 04-26-85; 8:45 am]
BILLING CODE 3194-01-T

Monday
April 29, 1985

Part III

Department of Agriculture

Semiannual Regulatory Agenda

USDA

DEPARTMENT OF AGRICULTURE

Office of the Secretary

7 CFR Subtitle A, Chs. I-VII, IX-XII, XIV-XVIII, XXI, XXIV-XXIX

9 CFR Chs. I-IV

36 CFR Ch. II

41 CFR Ch. 4

Semiannual Regulatory Agenda: Spring 1985

AGENCY: Office of the Secretary, USDA.

ACTION: Semiannual regulatory agenda.

SUMMARY: This Agenda provides summary descriptions of major and non-major regulations being developed in agencies of the U.S. Department of Agriculture in conformance with Executive Order 12291, Federal Regulation. The agenda also describes regulations affecting small entities as required by section 602 of the Regulatory Flexibility Act, Pub. L. 96-354.

USDA has attempted to list all regulations and regulatory reviews pending at the time of publication except for minor and routine or repetitive actions, but some may have been inadvertently missed. There is no legal significance to the omission of an item from this listing. Also, the dates shown for the steps of each action are estimated and are not commitments to act on or by the date shown.

FOR FURTHER INFORMATION CONTACT: For further information on any specific entry shown in this agenda, please contact the person listed for that action.

Requests for copies of the Agenda should include a self-addressed, stamped envelope and be directed to: Regulatory Agenda, OBPA, Office of the Secretary, Room 148-E, U.S. Department of Agriculture, Washington, D.C. 20250, (202) 382-1270.

DATED: March 11, 1985.

John R. Block,

Secretary.

Agricultural Marketing Service—Current and Projected Rulemakings

Sequence Number	Title	Regulation Identifier Number
1	Mohair Standards	0581-AA06
2	Wool Standards	0581-AA12
3	Plant Variety Protection Board Meeting	0581-AA17
4	Establishment of User Fees for Cotton Market News Service	0581-AA18
5	Fees for Service for Voluntary and Mandatory Programs	0581-AA19
6	Milk Marketing Orders	0581-AA25
7	Revision of the Official Grade Standards for American Pima Cotton	0581-AA27

Agricultural Marketing Service—Existing Regulations Under Review

Sequence Number	Title	Regulation Identifier Number
8	Cotton Research and Promotion	0581-AA08
9	Review: Voluntary Grading of Poultry Products and Rabbit Products	0581-AA21
10	Review: Mandatory Inspection of Eggs and Egg Products	0581-AA22
11	Review: Grading of Shell Eggs	0581-AA23
12	Review: Voluntary Inspection and Grading of Egg Products	0581-AA24
13	Proposed Regulations for Fruits, Vegetables and Related Commodities as Authorized by Federal Marketing Orders	0581-AA26

Agricultural Marketing Service—Completed Actions

Sequence Number	Title	Regulation Identifier Number
14	Tobacco Inspection Standards	0581-AA05
15	Slaughter Lambs, Yearlings, and Sheep Grades and Standards	0581-AA07
16	Slaughter Barrows and Gilts and Pork Carcass Grade Standards	0581-AA13

USDA

Agricultural Stabilization and Conservation Service—Current and Projected Rulemakings

Sequence Number	Title	Regulation Identifier Number
17	Standards for Approval of Warehouses for Cotton or Cotton Linters	0560-AA14
18	Standards for the Approval of Dry and Cold Storage Warehouses for Processed Agricultural Commodities, Extracted Honey, and Bulk Oils	0560-AA15
19	Standards for Approval of Warehouses of Grain, Rice, Dry Edible Beans, and Seed	0560-AA17
20	1985-Crop Peanut Price Support Program Differentials	0560-AA22
21	General Regulations Governing 1982 Through 1985 Crops Peanut Warehouse Storage Loans and Handler Operations (Amendment 3)	0560-AA27
22	1985 Wool and Mohair Incentive Payment Program	0560-AA28
23	Poundage Quota and Marketing Regulations for the 1983 Through 1985 Crops of Peanuts (Amendment 1)	0560-AA29
24	National Average Loan Rates for 1985-Crop Quota and Additional Peanuts and Minimum Commodity Credit Corporation (CCC) Export Edible Sales Price for Additional Loan Peanuts	0560-AA31
25	1985 Price Support Level for Honey	0560-AA32
26	*1984-85 Milk Price Support Program - Notice of Price Support Level (effective 4/1/85)	0560-AA36
27	Commodity Credit Corporation (CCC) Claims Regulations	0560-AA38
28	1985 Price Support Levels for All Kinds of Tobacco	0560-AA39
29	Minor Kinds Tobacco Marketing Quotas -- 1985 Crop	0560-AA44
30	Fees for Voluntary Examinations	0560-AA45
31	*1984-85 Milk Price Support Program - Notice of Price Support Level (effective 7/1/85)	0560-AA48
32	*1985 Sugar Beet and Sugarcane Loan Rates	0560-AA49
33	Regs. Relating to the Referral of Delinquent Debts to Credit Reporting Agencies	0560-AA50
34	1985-86 Milk Price Support Program (effective 10/1/85)	0560-AA51
35	*Proclamation of National Marketing Quota and Acreage Allotment; Conducting a Referendum; and Determination of Commercial Areas for the 1986-Crop of Wheat	0560-AA52

*Indicates priority regulation.

Agricultural Stabilization and Conservation Service—Completed Actions

Sequence Number	Title	Regulation Identifier Number
36	*Price Support Loan Program for 1983 Through 1985 Crops Sugar Beets and Sugarcane	0560-AA07
37	Disregarding Small Claims of $9.99 or Less	0560-AA16
38	Flue-Cured Tobacco Marketing Quota Regulations--Cash Renters and Lease Considerations Prior to Marketing	0560-AA18
39	Marketing Quota Review Regulations	0560-AA21
40	General Regulations Governing Price Support for the 1978 and Subsequent Crops of Grains and Similarly Handled Commodities (Amendment 3)	0560-AA24
41	1985-Crop Rice Loan and Purchase Rates for Whole Kernels by Class and Broken Kernels for All Classes	0560-AA25
42	Determination of the Loan and Purchase Rate for the 1984 Soybean Crop	0560-AA30
43	1985 Extra Long Staple (ELS) Cotton Program	0560-AA33
44	Flue-Cured Tobacco Marketing Quotas--1985 Crop	0560-AA34
45	Burley Tobacco Marketing Quotas--1985 Crop	0560-AA35
46	*1984 Sugar Beet and Sugarcane Loan Rates	0560-AA37
47	*1985-Crop Rice Program	0560-AA40
48	*1985 Upland Cotton Program	0560-AA41
49	*The 1985 Wheat Program	0560-AA42
50	*1985 Feed Grain Program	0560-AA43
51	Charges for Examinations of Additional Warehouse Sections	0560-AA46
52	Definition of "Eligible Country" for Export of Peanut Products	0560-AA47
53	General Regulations Governing 1982 Through 1985 Crop Peanut Warehouse Loans and Handler Operations (Amendment 4)	0560-AA53

*Indicates priority regulation.

Animal and Plant Health Inspection Service—Current and Projected Rulemakings

Sequence Number	Title	Regulation Identifier Number
54	*Revision of 7 CFR 319.56 - Fruits and Vegetables	0579-AA12

*Indicates priority regulation.

USDA

Farmers Home Administration—Current and Projected Rulemakings

Sequence Number	Title	Regulation Identifier Number
55	Suspension and Debarment Regulations	0575-AA02
56	Property Management	0575-AA03
57	Revisions to Regulations Mandated by 1983 Housing Amendments (P.L. 98-181)	0575-AA04
58	Revision of FmHA Instruction 1944-A, "Section 502 Rural Housing Loan Policies, Procedures and Authorizations," to Implement the Requirements of the Rural Housing Amendments of 1983	0575-AA05
59	Development Grants for Community Domestic Water and Waste Disposal System	0575-AA06
60	*Mobile/Manufactured Housing Parks/Communities for Rental Purposes	0575-AA08
61	*FmHA Guarantees of Commercial Lenders' Farm Ownership (FO) and Operating (OL) Loans with Accompanying Lender "Write-Down"	0575-AA09
62	*Special Debt Set-Aside of a Portion of the Indebtedness of Farmer Program Borrowers	0575-AA10

*Indicates priority regulation.

Farmers Home Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
63	Multiple Housing Loan Servicing Procedure	0575-AA07

Federal Grain Inspection Service—Current and Projected Rulemakings

Sequence Number	Title	Regulation Identifier Number
64	Fees for Official Services Performed by Official Agencies	0580-AA01
65	Kinds of Official Services	0580-AA02
66	Recordkeeping and Access to Facilities	0580-AA05
67	Licenses and Authorizations	0580-AA06
68	Official Records and Forms	0580-AA07

Federal Grain Inspection Service—Completed Actions

Sequence Number	Title	Regulation Identifier Number
69	Appeal Inspection Services	0580-AA03
70	Official Certificates	0580-AA04

USDA

Food and Nutrition Service—Current and Projected Rulemakings

Sequence Number	Title	Regulation Identifier Number
71	Monthly Reporting and Retrospective Budgeting 1982 and 1983 Amendments	0584-AA02
72	OBRA 1982	0584-AA04
73	Issuance Loss Liability	0584-AA05
74	Food Distribution Program	0584-AA07
75	Food Distribution Program on Indian Reservations	0584-AA09
76	Food Stamp Program: Revision of Parts 271, 272, 273 and 274	0584-AA10
77	Temporary Emergency Food Assistance Program For Fiscal Years 1984 and 1985	0584-AA15
78	Alaska Thrifty Food Plan	0584-AA16
79	Amendments to Requirements for State Agency Reporting	0584-AA19
80	Emergency Food Assistance for Victims of Disasters	0584-AA24
81	Miscellaneous Amendments - Child Care Food Program	0584-AA28
82	Audit Requirements in the Child Care Food Program	0584-AA30
83	Rewrite of Regulations on Determining Eligibility for Free and Reduced Price Benefits	0584-AA32
84	NSLP Verification Monitoring	0584-AA33
85	Management Evaluations and Corrective Action Plans	0584-AA37
86	Competitive Foods	0584-AA39
87	Forfeiture Procedures/Unredeemed Credit Slips/Bonding	0584-AA40
88	Rewrite of National School Lunch Program Regulations	0584-AA43
89	*Documentation and Verification of Eligibility in the Child Care Food Program	0584-AA49
90	Proposed Rule Concerning State Processing of USDA-Donated Foods	0584-AA50
91	Food Stamp Program: TFP/Deduction Update	0584-AA51
92	Food Stamp Program: Conformance with AFDC Rules	0584-AA52
93	Food Stamp Program: Deficit Reduction Act	0584-AA53
94	Food Stamp Program: Reimbursing Workfare's Administrative Costs	0584-AA54

*Indicates priority regulation.

Food and Nutrition Service—Existing Regulations Under Review

Sequence Number	Title	Regulation Identifier Number
95	National Commodity Processing System	0584-AA26
96	Administrative Review Process/QC Arbitration	0584-AA46

Food and Nutrition Service—Completed Actions

Sequence Number	Title	Regulation Identifier Number
97	Work Registration	0584-AA03
98	1981 and 1982 Work Registration and Voluntary Quit Amendments	0584-AA20
99	Disclosure of Information and Noncompliance with Other Programs	0584-AA21
100	Duplicate Participation Nutrition Assistance Program in the Commonwealth of Puerto Rico	0584-AA22
101	Special Supplemental Food Program for Women, Infants and Children (WIC)	0584-AA25
102	Wage-Match/Wage Request States	0584-AA31
103	Summer Food Service Program	0584-AA34
104	State Agency Budgetary and Program Activity Reporting	0584-AA41

Food Safety and Inspection Service—Current and Projected Rulemakings

Sequence Number	Title	Regulation Identifier Number
105	Pizza Standard (78-733)	0583-AA07
106	Canning of Meat and Poultry Products	0583-AA08
107	Imported Cured Pork Products	0583-AA09

USDA

Food Safety and Inspection Service—Current and Projected Rulemakings—Continued

Sequence Number	Title	Regulation Identifier Number
108	Definitions and Standards for Cooked Poultry Sausage	0583-AA10
109	Protein Requirements for Turkey Ham	0583-AA11
110	Barbeque Standard	0583-AA12
111	Requirements Regarding Poultry Products Made by Mechanical Deboning	0583-AA15
112	Production Under Total Quality Control	0583-AA16

Food Safety and Inspection Service—Existing Regulations Under Review

Sequence Number	Title	Regulation Identifier Number
113	Records, Registration, and Reports	0583-AA00
114	Administrative Regulations	0583-AA02
115	*Red Meat Slaughter Regulations	0583-AA03
116	Label Approval Regulations	0583-AA05
117	Poultry Slaughter Regulations	0583-AA18
118	Transportation	0583-AA19

*Indicates priority regulation.

Food Safety and Inspection Service—Completed Actions

Sequence Number	Title	Regulation Identifier Number
119	New Line Speed Inspection System for Broilers and Cornish Hens	0583-AA14
120	Automated Import Inspection System (83-019)	0583-AA17

Foreign Agricultural Service—Current and Projected Rulemakings

Sequence Number	Title	Regulation Identifier Number
121	Revision of 7 CFR Part 6, Section 22 Import Quotas; Certain Dairy Products	0551-AA02
122	Revision of Public Law 480 Regulations, 7 CFR, Sections 17.1 through 17.8 and 17.16	0551-AA04
123	Revision of Public Law 480 Regulations, 7 CFR Sections 17.6, 17.8 and 17.9	0551-AA05
124	Quarterly Sugar Import Fee Determination	0551-AA06
125	*African Food Assistance Program	0551-AA07
126	*U.S. Meat Imports	0551-AA09
127	Amendment to 7 CFR Part 6, Section 22 Import Quotas; Certain Dairy Products	0551-AA11
128	*Emergency Relief from Injurious Perishable Product Imports from Israel	0551-AA12
129	*Review of the United States Sugar Import Quota System	0551-AA13

*Indicates priority regulation.

Forest Service—Current and Projected Rulemakings

Sequence Number	Title	Regulation Identifier Number
130	Sale of Lands Pursuant to Section 10 of the Act Approved March 1, 1911	0596-AA04
131	Sale of National Forest Townsites to Government Entities	0596-AA08
132	Debarment and Suspension of Timber Sale Contractors	0596-AA09
133	Recovery of Federal Costs Associated with User Reservation Systems on Some National Forest Recreation Areas	0596-AA16
134	*Revision of Advertisements for Sale of National Forest Timber	0596-AA18

USDA

Forest Service—Current and Projected Rulemakings—Continued

Sequence Number	Title	Regulation Identifier Number
135	Administration of Cooperative or Federal Sustained Yield Units	0596-AA19
136	Land Status and Title Records	0596-AA24
137	To Require (Disqualified) High Bidders on Timber Sale Contracts, to Reimburse the Forest Service for the Administrative Costs Incurred in Readvertising the Sale	0596-AA27
138	Cash Down Payments, Periodic Payments for National Forest Timber Contracts	0596-AA29
139	Add Section to 36 CFR 251.53 - Special Uses to Include Alaska National Interest Land and Conservation Act as an Authority and Add Regulation 36 CFR 251.70 on Ingress and Egress to ETC	0596-AA31

*Indicates priority regulation.

Forest Service—Existing Regulations Under Review

Sequence Number	Title	Regulation Identifier Number
140	Administration of the Forest Development Transportation System	0596-AA00
141	Locatable Minerals	0596-AA01
142	Use of Motor Vehicles Off Forest Development Roads	0596-AA05
143	Range Management-Grazing and Livestock Use and Management of Wild, Free-Roaming Horses and Burros	0596-AA14
144	Special Uses of National Forest System Lands	0596-AA20
145	Exercise of Timber, Mineral and Water Rights, of Rights-of-Way, and of Rights to Use and Occupy Lands Conveyed to the U.S.	0596-AA21
146	Management of Municipal Watersheds	0596-AA22
147	Entrance into Petersburg Watershed	0596-AA23
148	Young Adult Conservation Corps	0596-AA26
149	Experimental Areas and Research Natural Areas	0596-AA30
150	Youth Conservation Corps	0596-AA32

Forest Service—Completed Actions

Sequence Number	Title	Regulation Identifier Number
151	Revision of Special Terms and Conditions in Special Use Authorizations for Electric Power Transmission Facilities of 66 Kilovolts	0596-AA15
152	Claims Collection Under the Debt Collection Act of 1982	0596-AA25
153	Sale and Disposal of Timber	0596-AA10
154	Proposed Rule to Revise 36 CFR 223 to Establish the Buy-out Procedures Authorized by the Federal Timber Contract Payment Modification Act	0596-AA28

Office of Finance and Management—Current and Projected Rulemakings

Sequence Number	Title	Regulation Identifier Number
155	Amend USDA Uniform Federal Assistance Regulations	0505-AA01
156	Amend USDA Uniform Federal Assistance Regulations, 7 CFR 3015, Subpart I, Audits	0505-AA03
157	Amend USDA Uniform Federal Assistance Regulations, 7 CFR 3015 Subpart Q, Application for Federal Assistance	0505-AA04

USDA

Office of Finance and Management—Completed Actions

Sequence Number	Title	Regulation Identifier Number
158	*Amend USDA Uniform Federal Assistance Regulations, 7 CFR 3015 Subpart U, Miscellaneous	0505-AA02

*Indicates priority regulation.

Office of the Secretary—Current and Projected Rulemakings

Sequence Number	Title	Regulation Identifier Number
159	Acquisition Regulation	0503-AA01
160	Rescind Uniform Relocation Regulations	0503-AA02

Office of the Secretary—Completed Actions

Sequence Number	Title	Regulation Identifier Number
161	Certification of Food-Grade Citric Acid and Food-Grade Enzymes as Essential Agricultural Uses of Natural Gas Under the Natural Gas Policy Act of 1978	0503-AA00

Packers and Stockyards Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
162	Scales and Weighing and Examination of Records	0590-AA03

Rural Electrification Administration—Current and Projected Rulemakings

Sequence Number	Title	Regulation Identifier Number
163	REA Bulletin 320-23, Construction Certification Procedures for Designated Telephone Borrowers	0572-AA04
164	REA Bulletin 50-1, Electric Transmission Specifications and Drawings (T-805)	0572-AA06
165	REA Bulletin 50-4, Specifications and Drawings for 34.5/19.9 kV Distribution Line Construction (D-801)	0572-AA13

Rural Electrification Administration—Existing Regulations Under Review

Sequence Number	Title	Regulation Identifier Number
166	REA Bulletin 345-67, REA Specification for Filled Telephone Cable (PE-39)	0572-AA05
167	REA Bulletin 345-76, REA Specification for Spring Action Type Bonding Connectors Within Buried Plant Housings (PE-57)	0572-AA07
168	REA Bulletin 345-6, REA Standard for Splicing Plastic-Insulated Cables (PC-2)	0572-AA08
169	REA Bulletin 345-22, REA Specification for Voice Frequency Loading Coils (PE-26)	0572-AA09
170	REA Bulletin 345-65, REA Specification for Cable Shield Bonding Connectors (PE-33)	0572-AA10
171	REA Bulletin 345-72, REA Specification for Filled Splice Enclosures (PE-74)	0572-AA15

USDA

Soil Conservation Service—Current and Projected Rulemakings

Sequence Number	Title	Regulation Identifier Number
172	Soil Surveys	0578-AA00
173	Acquisition of Real Property Under Federally Assisted Programs	0578-AA09
174	Prime and Unique Farmlands	0578-AA10

Soil Conservation Service—Existing Regulations Under Review

Sequence Number	Title	Regulation Identifier Number
175	Snow Surveys and Water Supply Forecasts	0578-AA01
176	Long Term Contracting	0578-AA03

DEPARTMENT OF AGRICULTURE (USDA)

Current and Projected Rulemakings

Agricultural Marketing Service (AMS)

1. MOHAIR STANDARDS

Legal Authority: Agricultural Marketing Act of 1946; 60 Stat. 1087-1091; 7 USC 1621 et seq

CFR Citation: 7 CFR 32

Abstract: Combine grade standards for mohair and mohair top into one standard. (AMS 84-014)

Timetable:

Action	Date	FR Cite
NPRM	04/00/85	

Small Entity: No

Agency Contact: Harold S. Ricker, Reg. Review Staff, Department of Agriculture, Agricultural Marketing Service, Room 3525-S, Washington, DC 20250, **202 447-2704**

RIN: 0581-AA06

2. WOOL STANDARDS

Legal Authority: 7 USC 1621 et seq; 7 USC 1622; 7 USC 1624; 29 FR 16210; 30 FR 1260, as amended; 30 FR 2160

CFR Citation: 7 CFR 31

Abstract: Combine grade standards for grease wool and wool top into one standard. (AMS 84-016)

Timetable:

Action	Date	FR Cite
NPRM	06/00/85	

Small Entity: No

Agency Contact: Harold S. Ricker, Reg. Rev. Staff, Department of Agriculture, Agricultural Marketing Service, Room 3525-S, Washington, DC 20250, **202 447-2704**

RIN: 0581-AA12

3. PLANT VARIETY PROTECTION BOARD MEETING

Legal Authority: 7 USC 2330

CFR Citation: 7 CFR 180.2

Abstract: The Plant Variety Protection Board may meet one or more times in 1985 to advise the Secretary on administration of the PVP Act and to advise the Secretary on any appeals of the Commissioner's decisions. (AMS 84-010)

Timetable:

Action	Date	FR Cite
Final Action	12/00/85	

Small Entity: No

Agency Contact: Harold S. Ricker, Reg. Review Staff, Department of Agriculture, Agricultural Marketing Service, Room 3525-S, Washington, DC 20250, **202 447-2704**

RIN: 0581-AA17

4. ESTABLISHMENT OF USER FEES FOR COTTON MARKET NEWS SERVICE

Legal Authority: 7 USC 471 to 476

CFR Citation: 7 CFR 28

Abstract: To establish fees to recover costs of postage, reproduction and handling of cotton market news reports requested by mail by the general public. (AMS 84-009)

Timetable:

Action	Date	FR Cite
NPRM	09/01/85	

Small Entity: No

Agency Contact: Harold S. Ricker, Reg. Review Staff, Department of Agriculture, Agricultural Marketing Service, Room 3525-S, Washington, DC 20250, **202 447-2704**

RIN: 0581-AA18

5. FEES FOR SERVICE FOR VOLUNTARY AND MANDATORY PROGRAMS

Legal Authority: 7 USC 1621 to 1627 Agricultural Marketing Act of 1946; 21 USC 1031 to 1056 Egg Products Inspection Act; Reorganization to ASCS; 7 USC 51 et seq Cotton Standards Act

CFR Citation: 7 CFR 26 to 209

Abstract: Fees for the voluntary inspection, grading and classing of agricultural commodities and certain mandatory inspection rates are reviewed periodically and changes are made to reflect cost of providing the service. (AMS 84-008)

USDA—AMS

Current and Projected Rulemakings

Timetable:

Action	Date	FR Cite
NPRM	12/00/85	

Small Entity: No

Agency Contact: Harold S. Ricker, Reg. Review Staff, Department of Agriculture, Agricultural Marketing Service, Room 3525-S, Washington, DC 20250, 202 447-2704

RIN: 0581-AA19

6. ● MILK MARKETING ORDERS

Legal Authority: 7 USC 601 to 674

CFR Citation: 7 CFR 1000 to 1199

Abstract: Specific actions unknown. As industry problems develop, actions will be requested by the industry. USDA-AMS will respond, where warranted, through formal or informal rulemaking proceedings as appropriate. (AMS 85-016)

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Agency Contact: Harold S. Ricker, Regulatory Review Staff, Department of Agriculture, Agricultural Marketing Service, Market Research and Development, Washington, DC 20250, 202 447-2704

RIN: 0581-AA25

7. ● REVISION OF THE OFFICIAL GRADE STANDARDS FOR AMERICAN PIMA COTTON

Legal Authority: 7 USC 56

CFR Citation: 7 CFR 28

Abstract: To revise the grade standards for American Pima cotton, primarily by reducing the number of standards. (AMS 85-018)

Timetable:

Action	Date	FR Cite
NPRM	05/01/85	

Small Entity: No

Agency Contact: Harold S. Ricker, Regulatory Review Staff, Department of Agriculture, Agricultural Marketing Service, Market Research and Development, Room 3524-S, Washington, DC 20250, 202 447-2704

RIN: 0581-AA27

DEPARTMENT OF AGRICULTURE (USDA)

Agricultural Marketing Service (AMS)

Existing Regulations Under Review

8. COTTON RESEARCH AND PROMOTION

Legal Authority: 7 USC 2114 Sec 15, 80 Stat 285; 7 USC 2106 Sec 7, 80 Stat 281

CFR Citation: 7 CFR 1205

Abstract: Procedures including rules of practice necessary to implement the Cotton Research and Promotion Act. Includes procedures for the cotton research and promotion order and the Cotton Board rules and regulations. (AMS 83-101)

Timetable:

Action	Date	FR Cite
Begin Review	03/00/83	
End Review	03/00/85	

Small Entity: No

Agency Contact: James Toomey, Staff Officer, MRD, Department of Agriculture, Agricultural Marketing Service, Room 0608-S, Washington, DC 20250, 202 447-2704

RIN: 0581-AA06

9. ● REVIEW: VOLUNTARY GRADING OF POULTRY PRODUCTS AND RABBIT PRODUCTS

Legal Authority: 7 USC 1621 to 1627 Agricultural Marketing Act of 1946

CFR Citation: 7 CFR 70

Abstract: This regulation describes the basis, requirements, and administration of the voluntary grading service for poultry products and rabbit products and U.S. classes, standards and grades. (AMS 85-015)

Timetable:

Action	Date	FR Cite
Begin Review	01/00/85	
End Review	11/01/85	

Small Entity: No

Agency Contact: Harold S. Ricker, Regulatory Review Staff, Department of Agriculture, Agricultural Marketing Service, Market Research & Development Division, Room 3524-S, Washington, DC 20250, 202 447-2704

RIN: 0581-AA21

10. ● REVIEW: MANDATORY INSPECTION OF EGGS AND EGG PRODUCTS

Legal Authority: 21 USC 1031 to 1056 Egg Products Inspection Act

CFR Citation: 7 CFR 59

Abstract: This regulation describes the basis, requirements, and administration of the mandatory inspection program for eggs and egg products. (AMS 85-014)

Timetable:

Action	Date	FR Cite
Begin Review	01/00/85	
End Review	11/01/85	

Small Entity: No

Agency Contact: Harold S. Ricker, Regulatory Review Staff, Department of Agriculture, Agricultural Marketing Service, Market Research & Development Division, Room 3524-S, Washington, DC 20250, 202 447-2704

RIN: 0581-AA22

11. ● REVIEW: GRADING OF SHELL EGGS

Legal Authority: 7 USC 1621 to 1627 Agricultural Marketing Act of 1946

CFR Citation: 7 CFR 56

Abstract: This regulation describes the basis, requirements, and administration of the service for grading shell eggs and U.S. standards, grades, and weight classes. (AMS 85-013)

USDA—AMS — **Existing Regulations Under Review**

Timetable:

Action	Date	FR Cite
Begin Review	01/00/85	
End Review	11/01/85	

Small Entity: No

Agency Contact: Harold S. Ricker, Regulatory Review Staff, Department of Agriculture, Agricultural Marketing Service, Market Research & Development Division, Room 3524-S, Washington, DC 20250, 202 447-2704

RIN: 0581-AA23

12. ● REVIEW: VOLUNTARY INSPECTION AND GRADING OF EGG PRODUCTS

Legal Authority: 7 USC 1621 to 1627 Agricultural Marketing Act of 1946

CFR Citation: 7 CFR 55

Abstract: This regulation describes the basis, requirements, and administration of voluntary inspection and grading services for egg products. (AMS 85-012)

Timetable:

Action	Date	FR Cite
Begin Review	01/00/85	
End Review	11/01/85	

Small Entity: No

Agency Contact: Harold S. Ricker, Regulatory Review Staff, Department of Agriculture, Agricultural Marketing Service, Market Research & Development Division, Room 3524-S, Washington, DC 20250, 202 447-2704

RIN: 0581-AA24

13. ● PROPOSED REGULATIONS FOR FRUITS, VEGETABLES AND RELATED COMMODITIES AS AUTHORIZED BY FEDERAL MARKETING ORDERS

Legal Authority: 7 USC 601 et seq; Agricultural/Marketing Agreement Act of 1937, as amended

CFR Citation: 7 CFR 900 to 999

Abstract: The objective of proposed regulations to provide for orderly marketing of specific commodities through such means as control of quality, quantity, containers, research and development, as may be authorized by the applicable individual marketing order. Proposed regulations as authorized, as well as new orders and amendments to existing orders are anticipated throughout the year, but cannot be specifically identified at this point. (AMS 85-017)

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Agency Contact: Harold S. Ricker, Regulatory Review Staff, Department of Agriculture, Agricultural Marketing Service, Market Research and Development Division, Room 3524-S, Washington, DC 20250, 202 447-2704

RIN: 0581-AA26

DEPARTMENT OF AGRICULTURE (USDA)
Agricultural Marketing Service (AMS) — **Completed Actions**

COMPLETED RULEMAKINGS

14. TOBACCO INSPECTION STANDARDS

CFR Citation: 7 CFR 29, Subpart C(excludes some parts)

Completed:

Reason	Date	FR Cite
Withdrawn	02/27/85	

Small Entity: No

Agency Contact: James Toomey 202 447-2704

RIN: 0581-AA05

15. SLAUGHTER LAMBS, YEARLINGS, AND SHEEP GRADES AND STANDARDS

CFR Citation: 7 CFR 53

Completed:

Reason	Date	FR Cite
Final Action	10/00/84	49 FR 43035

Small Entity: No

Agency Contact: Harold S. Ricker 202 447-2704

RIN: 0581-AA07

16. SLAUGHTER BARROWS AND GILTS AND PORK CARCASS GRADE STANDARDS

CFR Citation: 7 CFR 53; 7 CFR 54

Completed:

Reason	Date	FR Cite
Final Action	12/00/84	49 FR 48669

Small Entity: No

Agency Contact: Harold S. Ricker 202 447-2704

RIN: 0581-AA13

[FR Doc. 85-6486 Filed 04-26-85; 8:45 am]
BILLING CODE 3410-01-T

DEPARTMENT OF AGRICULTURE (USDA)
Agricultural Stabilization and Conservation Service (ASCS) — **Current and Projected Rulemakings**

17. STANDARDS FOR APPROVAL OF WAREHOUSES FOR COTTON OR COTTON LINTERS

Legal Authority: 7 USC 714 Commodity Credit Corporation Charter Act

CFR Citation: 7 CFR 1427

Abstract: The Commodity Credit Corporation (CCC) Charter Act states that in carrying out CCC's purchasing and selling operations, and in the warehousing, transporting, processing and handling of agricultural commodities, CCC is to use the customary channels, facilities and arrangements of trade and commerce. Accordingly, CCC has set forth standards which must be met by a warehouseman before CCC will enter a contract. This action will revise part of the policy followed in approving warehouses for storage and handling of commodities under CCC programs. (ASCS 84-032)

Timetable:

Action	Date	FR Cite
NPRM	08/31/84	49 FR 34511
Final Action	03/25/85	

Small Entity: No

Agency Contact: Tom Witzig, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, P.O. Box 2415, Washington, DC 20013, 202 475-4636

RIN: 0560-AA14

18. STANDARDS FOR THE APPROVAL OF DRY AND COLD STORAGE WAREHOUSES FOR PROCESSED AGRICULTURAL COMMODITIES, EXTRACTED HONEY, AND BULK OILS

Legal Authority: 7 USC 714 Commodity Credit Corporation Charter Act

CFR Citation: 7 CFR 1423

Abstract: The Commodity Credit Corporation (CCC) Charter Act states that in carrying out CCC's purchasing and selling operations, and in the warehousing, transporting, processing and handling of agricultural commodities, CCC is to use the customary channels, facilities and arrangements of trade and commerce. Accordingly, CCC has set forth standards which must be met by a warehouseman before CCC will enter a contract. This action will revise part of the policy followed in approving warehouses for storage and handling of commodities under CCC programs. (ASCS 84-033)

Timetable:

Action	Date	FR Cite
NPRM	04/01/85	
Final Action	07/01/85	

Small Entity: No

Agency Contact: Tom Witzig, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, P.O. Box 2415, Washington, DC 20013, 202 475-4636

RIN: 0560-AA15

19. STANDARDS FOR APPROVAL OF WAREHOUSES OF GRAIN, RICE, DRY EDIBLE BEANS, AND SEED

Legal Authority: 7 USC 714 Commodity Credit Corporation Charter Act

CFR Citation: 7 CFR 1421

Abstract: The Commodity Credit Corporation (CCC) Charter Act states that in carrying out CCC's purchasing and selling operations, and in the warehousing, transporting, processing and handling of agricultural commodities, CCC is to use the customary channels, facilities and arrangements of trade and commerce. Accordingly, CCC has set forth standards which must be met by a warehouseman before CCC will enter a contract. This action will revise part of the policy followed in approving warehouses for storage and handling of commodities under CCC programs. (ASCS 84-030)

Timetable:

Action	Date	FR Cite
NPRM	03/25/85	
Final Action	05/15/85	

Small Entity: No

Agency Contact: Tom Witzig, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, P.O. Box 2415, Washington, DC 20013, 202 475-4636

RIN: 0560-AA17

20. 1985-CROP PEANUT PRICE SUPPORT PROGRAM DIFFERENTIALS

Legal Authority: 7 USC 1445c-1 Agricultural Act of 1949, Sec 108A; 7 USC 1423 Ag Act of 1949, Sec 403, as amended; 7 USC 714 Commodity Credit Corporation Charter Act

CFR Citation: Not applicable

Abstract: The Secretary is authorized under Section 403 of the Agricultural Act of 1949, as amended, and the Commodity Credit Corporation (CCC) Charter Act, as amended, to provide appropriate adjustments in type, quality, location and other factors to stabilize market prices of peanuts. The intent of the Peanut Loan and Purchase Program is to protect producers, handlers, processors and consumers. (ASCS 84-020)

Timetable:

Action	Date	FR Cite
NPRM	01/31/85	50 FR 4550
Final Action	03/25/85	

Small Entity: No

Agency Contact: Tom Witzig, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, P.O. Box 2415, Washington, DC 20013, 202 475-4636

RIN: 0560-AA22

21. GENERAL REGULATIONS GOVERNING 1982 THROUGH 1985 CROPS PEANUT WAREHOUSE STORAGE LOANS AND HANDLER OPERATIONS (AMENDMENT 3)

Legal Authority: Ag Adjustment Act of 1938, as amended; Commodity Credit Corporation Charter Act of 1948, as amended; Agricultural Act of 1949, as amended

CFR Citation: 7 CFR 1446

Abstract: The objective of this action is to improve the operation of the peanut price support program, through the following: (1) streamline and clarify supervision requirements of the associations, (2) clarify interest charges due on assessed penalties, (3) clarify appeal procedures for handlers, and (4) clarify definitions of positive lot identified peanuts. (ASCS 84-022)

Timetable:

Action	Date	FR Cite
Final Action	03/13/85	

Small Entity: No

Agency Contact: Tom Witzig, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S P.O. Box 2415, Washington, DC 20013, 202 475-4636

RIN: 0560-AA27

22. 1985 WOOL AND MOHAIR INCENTIVE PAYMENT PROGRAM

Legal Authority: 7 USC 1781 Note National Wool Act of 1954, as amended

CFR Citation: 7 CFR 1468; 7 CFR 1472

Abstract: The object of this action is to support the market for wool and mohair at prices fair to both consumers and producers through direct payments, and to announce support prices for 1985 marketings of shorn wool and mohair. (ASCS 84-018)

Timetable:

Action	Date	FR Cite
NPRM	10/12/84	49 FR 40066
Final Action	04/15/85	

Small Entity: No

Agency Contact: Tom Witzig, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, P. O. Box 2415, Washington, DC 20013, **202 475-4636**

RIN: 0560-AA28

23. POUNDAGE QUOTA AND MARKETING REGULATIONS FOR THE 1983 THROUGH 1985 CROPS OF PEANUTS (AMENDMENT 1)

Legal Authority: Ag Adjustment Act of 1938, as amended; Agricultural Act of 1949, as amended

CFR Citation: 7 CFR 729

Abstract: Consider setting the maximum moisture content of peanuts (without discount) at 7 percent for all peanuts regardless of area of production. (ASCS 84-021)

Timetable:

Action	Date	FR Cite
Interim Final Rule	11/13/84	49 FR 44889
Final Action	04/30/85	

Small Entity: No

Agency Contact: Tom Witzig, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S P.O. Box 2415, Washington, DC 20013, **202 475-4636**

RIN: 0560-AA29

24. NATIONAL AVERAGE LOAN RATES FOR 1985-CROP QUOTA AND ADDITIONAL PEANUTS AND MINIMUM COMMODITY CREDIT CORPORATION (CCC) EXPORT EDIBLE SALES PRICE FOR ADDITIONAL LOAN PEANUTS

Legal Authority: Ag Adjustment Act of 1938, as amended; CCC Charter Act of 1948, as amended; Ag Act of 1949, as amended

CFR Citation: 7 CFR 729; 7 CFR 1446

Abstract: The object of this action is to set loan levels to support farm income and stabilize prices. The CCC export edible sales price minimizes CCC net outlays and maximizes returns to growers of additional peanuts. (ASCS 84-013)

Timetable:

Action	Date	FR Cite
NPRM	12/12/84	49 FR 48344
Statutory	02/15/85	
Final Action	04/15/85	
Announcement	12/14/85	

Small Entity: No

Agency Contact: Tom Witzig, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, P.O. Box 2415, Washington, DC 20013, **202 475-4636**

RIN: 0560-AA31

25. 1985 PRICE SUPPORT LEVEL FOR HONEY

Legal Authority: 7 USC 1446 Ag Act of 1949, Sec 201, as amended

CFR Citation: 7 CFR 1434

Abstract: The Agricultural Act of 1949, as amended, requires that the price of honey be supported at not less than 60 percent nor more than 90 percent of parity. (ASCS 84-017)

Timetable:

Action	Date	FR Cite
NPRM	02/22/85	50 FR 7359
Announcement	03/29/85	
Final Action	04/03/85	

Small Entity: No

Agency Contact: Tom Witzig, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, P.O. Box 2415, Washington, DC 20013, **202 475-4636**

RIN: 0560-AA32

26. 1984-85 MILK PRICE SUPPORT PROGRAM - NOTICE OF PRICE SUPPORT LEVEL (EFFECTIVE 4/1/85)

Priority: Major

Legal Authority: 7 USC 1446(d) The Ag Act of 1949, Sec 201(d), as amended

CFR Citation: 7 CFR 1430

Abstract: The Agricultural Act of 1949, as amended by the Dairy and Tobacco Adjustment Act of 1983, requires that the price support for milk shall be carried out through purchase of milk or milk products. The level of support specified through September 30, 1985, is $12.60 per cwt. except that, on April 1, 1985, if the Secretary estimates that, for the 12-month period beginning on such date, the net price support purchase of milk or the products of milk would be in excess of 6 billion pounds milk equivalent, the Secretary may reduce the price support rate in effect on such date in the amount of 50 cents per cwt. (ASCS 84-006)

Timetable:

Action	Date	FR Cite
Final Action	03/25/85	
Statutory Deadline	03/31/85	

Small Entity: No

Agency Contact: Tom Witzig, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, P.O. Box 2415, Washington, DC 20013, **202 475-4636**

RIN: 0560-AA36

27. COMMODITY CREDIT CORPORATION (CCC) CLAIMS REGULATIONS

Legal Authority: 15 USC 714(k) Commodity Credit Corporation Charter Act

CFR Citation: 7 CFR 1403

Abstract: Regulations will revise policy, authorities, procedures, and responsibilities for settling claims by and against CCC. (ASCS 84-034)

Timetable:

Action	Date	FR Cite
NPRM	05/31/85	
Final Action	09/27/85	

Small Entity: No

Agency Contact: Tom Witzig, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, P.O. Box 2415, Washington, DC 20013, **202 475-4636**

RIN: 0560-AA38

28. 1985 PRICE SUPPORT LEVELS FOR ALL KINDS OF TOBACCO

Legal Authority: 7 USC 1445 Ag Act of 1949, Sec 106, as amended

CFR Citation: 7 CFR 1464

Abstract: The object of this proposal is to stabilize tobacco prices. (ASCS 84-011)

Timetable:

Action	Date	FR Cite
Announcement - Flue-Cured	02/28/85	
NPRM	03/08/85	
Final Action - Flue-Cured	03/08/85	
Final Action	06/08/85	

Small Entity: No

Agency Contact: Tom Witzig, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, P.O. Box 2415, Washington, DC 20013, 202 475-4636

RIN: 0560-AA39

29. MINOR KINDS TOBACCO MARKETING QUOTAS — 1985 CROP

Legal Authority: 7 USC 1312 Ag Adjustment Act of 1938, Sec 312, as amended

CFR Citation: 7 CFR 724

Abstract: The objective of this proposal is to balance supply with demand at levels assuring stable supplies for domestic and export use. (ASCS 84-023)

Timetable:

Action	Date	FR Cite
NPRM	11/14/84	49 FR 45034
Announcement	01/24/85	
Statutory Deadline	02/01/85	
Final Action	03/25/85	

Small Entity: No

Agency Contact: Tom Witzig, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, P.O. Box 2415, Washington, DC 20013, 202 475-4636

RIN: 0560-AA44

30. FEES FOR VOLUNTARY EXAMINATIONS

Legal Authority: 7 USC 241 to 273 United States Warehouse Act

CFR Citation: 7 CFR 102

Abstract: Warehousemen who request an examination to be performed will be charged a fee for the service. (Transferred to ASCS. Formerly AMS 84-011.) (ASCS 84-051)

Timetable:

Action	Date	FR Cite
NPRM	03/29/85	
Final Action	07/01/85	

Small Entity: No

Agency Contact: Tom Witzig, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, P.O. Box 2415, Washington, DC 20013, 202 475-4636

RIN: 0560-AA45

31. 1984-85 MILK PRICE SUPPORT PROGRAM - NOTICE OF PRICE SUPPORT LEVEL (EFFECTIVE 7/1/85)

Priority: Major

Legal Authority: 7 USC 1446(d) Ag Act of 1949, Sec 201(d), as amended

CFR Citation: 7 CFR 1430

Abstract: The Ag Act of 49, as amended, requires that the price support for milk shall be carried out through purchase of milk or milk products. The level of support specified through Sept. 30, 1985, $12.60 per cwt. except that (1) on April 1, 1985, if the Secretary estimates that for the twelve-month period beginning on such date net price support purchases of milk would be in excess of six billion pounds equivalent, the Sec. may reduce the price support rate in effect on such date in the amount of 50 cents per cwt., and (2) on July 1, 1985, if the Sec. estimates that for the twelve-month period beginning on such date net price support purchases of milk or the products of milk would be in excess of five billion pounds milk equiv., the Sec. may reduce the price support rate in effect on such date in the amount of 50 cents per cwt., and if the Sec. estimates that such purchases will be five billion pounds milk equiv. or less and if the Sec. determines it necessary in order to assure adequate supply of milk to meet current needs, the Sec. may increase the support rate in effect of such date in an amount not less than 50 cents per cwt. (ASCS 84-041)

Timetable:

Action	Date	FR Cite
Final Action	06/28/85	
Statutory Deadline	07/01/85	

Small Entity: No

Agency Contact: Tom Witzig, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, P.O. Box 2415, Washington, DC 20013, 202 475-4636

RIN: 0560-AA48

32. 1985 SUGAR BEET AND SUGARCANE LOAN RATES

Priority: Major

Legal Authority: 7 USC 1446(h); Agricultural Act of 1949, Sec 201(h)

CFR Citation: 7 CFR 1435.110 et seq

Abstract: The objective of this action is to determine and announce the price support loan rates for the 1985 crops of sugar beets and sugarcane. The determination of these loan rates is required by the Agricultural Act of 1949, as amended. Establishment of the price for raw sugar at 18.00 cents per pound or above is being considered. Establishing raw cane sugar above 18.00 cents per pound could cost consumers and cause the Commodity Credit Corporation to receive sugar by forfeiture. The loan rate for refined beet sugar is to be established at such level which is determined to be fair and reasonable in relation to the loan rate established for raw cane sugar. (ASCS 84-040)

Timetable:

Action	Date	FR Cite
NPRM	07/15/85	
Final Action	10/01/85	

Small Entity: No

Agency Contact: Tom Witzig, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, P.O. Box 2415, Washington, DC 20013, 202 475-4636

RIN: 0560-AA49

33. ● REGS. RELATING TO THE REFERRAL OF DELINQUENT DEBTS TO CREDIT REPORTING AGENCIES

Legal Authority: 7 USC 7146 The Commodity Credit Corporation Charter Act; 7 CFR 101 to 105

CFR Citation: 7 CFR 1403

Abstract: To implement debt collection legislation and regulations that require disclosure of debts to credit reporting agencies.

To provide incentive for delinquent debtors to repay debts owed to the Government. (ASCS 85-006)

Timetable:

Action	Date	FR Cite
NPRM	03/15/85	
Final Action	05/30/85	

Small Entity: No

Agency Contact: Tom Witzig, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, P.O. Box 2415, Washington, DC 20013, 202 475-4636

RIN: 0560-AA50

34. ● 1985-86 MILK PRICE SUPPORT PROGRAM (EFFECTIVE 10/1/85)

Legal Authority: The Agricultural Act of 1949, as amended

CFR Citation: 7 CFR 1430

Abstract: The Agricultural Act of 1949 (the Act), as amended, requires that the price support for milk shall be carried out through purchase of milk or milk products. The Act requires that the price of milk to producers be supported at such level between 75 and 90 percent of parity as would assure an adequate supply of milk, reflect changes in the cost of production, and assure a level of farm income to maintain productive capacity sufficient to meet future needs.

In the absence of new legislation, the minimum price support level on October 1, 1985, would revert to 75 percent of parity. (ASCS 85-009)

Timetable:

Action	Date	FR Cite
NPRM	07/01/85	
Final Action	09/30/85	

Small Entity: No

Agency Contact: Tom Witzig, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, P.O. Box 2415, Washington, DC 20013, 202 475-4636

RIN: 0560-AA51

35. ● PROCLAMATION OF NATIONAL MARKETING QUOTA AND ACREAGE ALLOTMENT; CONDUCTING A REFERENDUM; AND DETERMINATION OF COMMERCIAL AREAS FOR THE 1986-CROP OF WHEAT

Priority: Agency Determination

Legal Authority: 7 USC 1301 Ag Adjustment Act of 1938, Sec. 301, as amended; 7 USC 1332 Ag Adjustment Act of 1938, Sec. 332, as amended; 7 USC 1333 Ag Adjustment Act of 1938, Sec. 333, as amended; 7 USC 1334 Ag Adjustment Act of 1938, Sec. 334, as amended; 7 USC 1336 Ag Adjustment Act of 1938, Sec. 336, as amended

CFR Citation: Not yet determined

Abstract: To minimize recurring surpluses and shortages of wheat in interstate and foreign commerce; to provide for the maintenance of adequate reserve supplies; to provide for an adequate and orderly flow of wheat and its products in interstate and foreign commerce at prices fair and reasonable to farmers and consumers; and to prevent acreage diverted from the production of wheat from adversely affecting other commodities in interstate and foreign commerce.

The provisions of the Agricultural Act of 1949, as amended by the Agriculture and Food Act of 1981, expire with the 1985 crop of wheat. Without new legislation, program authority for the 1986 crop of wheat reverts to permanent legislation. Under this authority, the Secretary must determine whether marketing quotas are necessary, proclaim a national acreage allotment, conduct a referendum of farmers and determine commercial wheat producing areas. (ASCS 85-010)

Timetable:

Action	Date	FR Cite
NPRM (Quotas)	04/15/85	
Final Action (Referendum)	08/01/85	

Small Entity: No

Agency Contact: Tom Witzig, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, P.O. Box 2415, Washington, DC 20013, 202 475-4636

RIN: 0560-AA52

DEPARTMENT OF AGRICULTURE (USDA)
Agricultural Stabilization and Conservation Service (ASCS)

Completed Actions

COMPLETED RULEMAKINGS

36. PRICE SUPPORT LOAN PROGRAM FOR 1983 THROUGH 1985 CROPS SUGAR BEETS AND SUGARCANE

Priority: Major

CFR Citation: 7 CFR 1435

Completed:

Reason	Date	FR Cite
Final Action	09/17/84	49 FR 38532

Small Entity: No

Agency Contact: Tom Witzig 202 475-4636

RIN: 0560-AA07

37. DISREGARDING SMALL CLAIMS OF $9.99 OR LESS

CFR Citation: 7 CFR Chapter VII; 7 CFR Chapter XIV

Completed:

Reason	Date	FR Cite
Final Action	12/27/84	49 FR 50215

Small Entity: No

Agency Contact: Tom Witzig 202 475-4636

RIN: 0560-AA16

38. FLUE-CURED TOBACCO MARKETING QUOTA REGULATIONS—CASH RENTERS AND LEASE CONSIDERATIONS PRIOR TO MARKETING

CFR Citation: 7 CFR 725

Completed:

Reason	Date	FR Cite
Final Action	10/30/84	49 FR 43552

Small Entity: No

Agency Contact: Tom Witzig 202 475-4636

RIN: 0560-AA18

39. MARKETING QUOTA REVIEW REGULATIONS

CFR Citation: 7 CFR 711

Completed:

Reason	Date	FR Cite
Final Action	09/28/84	49 FR 38239

Small Entity: No

Agency Contact: Tom Witzig 202 475-4636

RIN: 0560-AA21

USDA—ASCS **Completed Actions**

40. GENERAL REGULATIONS GOVERNING PRICE SUPPORT FOR THE 1978 AND SUBSEQUENT CROPS OF GRAINS AND SIMILARLY HANDLED COMMODITIES (AMENDMENT 3)

CFR Citation: 7 CFR 1421

Completed:

Reason	Date	FR Cite
Final Action	11/28/84	49 FR 46705

Small Entity: No

Agency Contact: Tom Witzig 202 475-4636

RIN: 0560-AA24

41. 1985-CROP RICE LOAN AND PURCHASE RATES FOR WHOLE KERNELS BY CLASS AND BROKEN KERNELS FOR ALL CLASSES

CFR Citation: 7 CFR 1421

Completed:

Reason	Date	FR Cite
Final Action	01/14/85	50 FR 1896

Small Entity: No

Agency Contact: Tom Witzig 202 475-4636

RIN: 0560-AA25

42. DETERMINATION OF THE LOAN AND PURCHASE RATE FOR THE 1984 SOYBEAN CROP

CFR Citation: 7 CFR 1421

Completed:

Reason	Date	FR Cite
Final Action	09/25/84	49 FR 37651

Small Entity: No

Agency Contact: Tom Witzig 202 475-4636

RIN: 0560-AA30

43. 1985 EXTRA LONG STAPLE (ELS) COTTON PROGRAM

CFR Citation: 7 CFR 713; 7 CFR 770; 7 CFR 1427

Completed:

Reason	Date	FR Cite
Final Action	01/28/85	50 FR 3820

Small Entity: No

Agency Contact: Tom Witzig 202 475-4636

RIN: 0560-AA33

44. FLUE-CURED TOBACCO MARKETING QUOTAS—1985 CROP

CFR Citation: 7 CFR 725

Completed:

Reason	Date	FR Cite
Final Action	01/31/85	50 FR 4548

Small Entity: No

Agency Contact: Tom Witzig 202 475-4636

RIN: 0560-AA34

45. BURLEY TOBACCO MARKETING QUOTAS—1985 CROP

CFR Citation: 7 CFR 726

Completed:

Reason	Date	FR Cite
Final Action	03/15/85	

Small Entity: No

Agency Contact: Tom Witzig 202 475-4636

RIN: 0560-AA35

46. 1984 SUGAR BEET AND SUGARCANE LOAN RATES

Priority: Major

CFR Citation: 7 CFR 1435

Completed:

Reason	Date	FR Cite
Final Action	10/24/84	49 FR 42763

Small Entity: No

Agency Contact: Tom Witzig 202 475-4636

RIN: 0560-AA37

47. 1985-CROP RICE PROGRAM

Priority: Major

CFR Citation: 7 CFR 713; 7 CFR 770; 7 CFR 1421

Completed:

Reason	Date	FR Cite
Final Action	01/14/85	50 FR 1896

Small Entity: No

Agency Contact: Tom Witzig 202 475-4636

RIN: 0560-AA40

48. 1985 UPLAND COTTON PROGRAM

Priority: Major

CFR Citation: 7 CFR 713; 7 CFR 770; 7 CFR 1427

Completed:

Reason	Date	FR Cite
Final Action	01/14/85	50 FR 1899

Small Entity: No

Agency Contact: Tom Witzig 202 475-4636

RIN: 0560-AA41

49. THE 1985 WHEAT PROGRAM

Priority: Major

CFR Citation: 7 CFR 713; 7 CFR 770; 7 CFR 1421

Completed:

Reason	Date	FR Cite
Final Action	09/14/84	49 FR 36115

Small Entity: No

Agency Contact: Tom Witzig 202 475-4636

RIN: 0560-AA42

50. 1985 FEED GRAIN PROGRAM

Priority: Major

CFR Citation: 7 CFR 713; 7 CFR 770; 7 CFR 1421

Completed:

Reason	Date	FR Cite
Final Action	01/14/85	50 FR 1892

Small Entity: No

Agency Contact: Tom Witzig 202 475-4636

RIN: 0560-AA43

51. CHARGES FOR EXAMINATIONS OF ADDITIONAL WAREHOUSE SECTIONS

CFR Citation: 7 CFR 102

Completed:

Reason	Date	FR Cite
Withdrawn	02/27/85	

Small Entity: No

Agency Contact: Tom Witzig 202 475-4636

RIN: 0560-AA46

USDA—ASCS

Completed Actions

52. DEFINITION OF "ELIGIBLE COUNTRY" FOR EXPORT OF PEANUT PRODUCTS

CFR Citation: 7 CFR 1446.52(n)

Completed:

Reason	Date	FR Cite
Withdrawn	02/27/85	

Small Entity: No

Agency Contact: Tom Witzig 202 475-4636

RIN: 0560-AA47

ACTIONS THAT STARTED AND ENDED BETWEEN ISSUES OF THE UNIFIED AGENDA

53. ● GENERAL REGULATIONS GOVERNING 1982 THROUGH 1985 CROP PEANUT WAREHOUSE LOANS AND HANDLER OPERATIONS (AMENDMENT 4)

Legal Authority: PL 79-78; 7 USC 1359; 7 USC 1423; 7 USC 1427; 7 USC 1445c-1

CFR Citation: 7 CFR 1446

Abstract: This action is needed to prevent damage to the peanut price support program. The objective of this action is to prevent the use of 1985-crop contract additional peanuts in the domestic market. The following changes are proposed: (1) Apply a lien against peanuts involved in penalties and against subsequent crops when there are unpaid penalties against handlers of additional peanuts; (2) require a letter of credit on all contract additional peanuts to assure they will be crushed or exported and, if exported, will not be re-entered in the U.S. market; (3) clarify penalties applied to handlers failing to comply with regulations; and (4) make other minor changes to clarify regulations applicable to contract additional peanuts. (ASCS 85-001)

Timetable:

Action	Date	FR Cite
Withdrawn	02/27/85	

Small Entity: No

Agency Contact: Tom Witzig, Department of Agriculture, Agricultural Stabilization and Conservation Service, Room 3726-S, P.O. Box 2415, Washington, DC 20013, **202 475-4636**

RIN: 0560-AA53

[FR Doc. 85-6486 Filed 04-26-85; 8:45 am]

BILLING CODE 3410-01-T

DEPARTMENT OF AGRICULTURE (USDA)
Animal and Plant Health Inspection Service (APHIS)

Current and Projected Rulemakings

54. ● REVISION OF 7 CFR 319.56 - FRUITS AND VEGETABLES

Priority: Major

Legal Authority: 7 USC 150dd to ff; 7 USC 159; 7 USC 162

CFR Citation: 7 CFR 319.56

Abstract: An increased number of exotic pests have been introduced recently into the United States. Some of these pests may have arrived on importations of fruits and vegetables. Since these pests are capable of causing extensive economic damage, Plant Protection and Quarantine (PPQ) is considering the development of an improved system for determining the entry status of agricultural products, particularly fruits and vegetables. (APHIS 85-008)

Timetable:

Action	Date	FR Cite
NPRM	08/01/85	
Final Action	11/01/85	

Small Entity: No

Agency Contact: Nick Bedessem, Department of Agriculture, Animal and Plant Health Inspection Service, Room 728, Federal Bldg., Hyattsville, MD 20782, **301 436-5533**

RIN: 0579-AA12

[FR Doc. 85-6486 Filed 04-26-85; 8:45 am]

BILLING CODE 3410-01-T

DEPARTMENT OF AGRICULTURE (USDA)
Farmers Home Administration (FmHA)

Current and Projected Rulemakings

55. SUSPENSION AND DEBARMENT REGULATIONS

Legal Authority: 7 USC 1989; 42 USC 1480(j)

CFR Citation: 7 CFR 1924

Abstract: This regulatory activity will improve FmHA's suspension and debarment system by establishing regulations that are compatible with other federal agency regulations. (FmHA 82-004)

Timetable:

Action	Date	FR Cite
NPRM	09/00/85	
Final Action	12/00/85	

Small Entity: No

Agency Contact: Carl Opstad, Regulatory Coordinator, Department of Agriculture, Farmers Home Administration, Room 6348-S, Washington, DC 20250, **202 382-9744**

RIN: 0575-AA02

56. PROPERTY MANAGEMENT

Legal Authority: 7 USC 1989; 42 USC 1480(j)

CFR Citation: 7 CFR 1955

Abstract: The revisions of these regulations will affect liquidation of loans secured by real estate, acquisition of property and management, and repair and sale of inventory property. (FmHA 81-020)

Timetable:

Action	Date	FR Cite
NPRM	06/06/84	49 FR 23359
Final Action	04/00/85	

Small Entity: No

Agency Contact: Carl Opstad, Regulatory Coordinator, Department of Agriculture, Farmers Home Administration, Room 6348-S, Washington, DC 20250, 202 382-9744

RIN: 0575–AA03

57. REVISIONS TO REGULATIONS MANDATED BY 1983 HOUSING AMENDMENTS (P.L. 98-181)

Legal Authority: 42 USC 1471 et seq

CFR Citation: 7 CFR 1930; 7 CFR 1944

Abstract: Interim final rule (NPRM for 1930) to implement the requirements of the Rural Housing Amendments of 1983 regarding definitions of income and adjusted annual income, and use of HUD income limits for eligibility, establish requirements regarding rent increases, implement rules on pets in elderly projects, establish new rules on providing rental assistance, and establish occupancy levels between low and very low income tenants. (FmHA 83-017)

Timetable:

Action	Date	FR Cite
Final Action for 1944	03/00/85	
NPRM for 1930	06/00/85	
Final Action for 1930	11/00/85	

Small Entity: No

Agency Contact: Carl Opstad, Regulatory Coordinator, Department of Agriculture, Farmers Home Administration, Room 6348-S, Washington, DC 20250, 202 382-9744

RIN: 0575–AA04

58. REVISION OF FMHA INSTRUCTION 1944-A, "SECTION 502 RURAL HOUSING LOAN POLICIES, PROCEDURES AND AUTHORIZATIONS," TO IMPLEMENT THE REQUIREMENTS OF THE RURAL HOUSING AMENDMENTS OF 1983

Legal Authority: 42 USC 1471 et seq

CFR Citation: 7 CFR 1924; 7 CFR 1944

Abstract: The need for Government action is mandated by changes in the Agency's authorizing statute requiring corresponding changes in the FmHA rural housing program. The objectives of the action are: (1) allow extension of terms for applicants for initial loans with incomes of not more than 60 percent of median income for up to 38 years if needed for repayment ability; (2) give priority to applicants with the greatest need for housing because of their low income and inadequate dwellings, and to those applicants who will reside in areas which are the most rural in character; (3) implement Section 502 loans to purchase mobile/manufactured homes and sites, and certain allowable expenses for transportation and set-up. (Item (3) has been made a separate publication.)

Timetable:

Action	Date	FR Cite
NPRM Item (3)	03/00/85	
NPRM Items (1) & (2)	07/00/85	
Final Action Item (3)	09/00/85	
Final Action Items (1) & (2)	12/00/85	

Small Entity: No

Agency Contact: Carl Opstad, Regulatory Coordinator, Department of Agriculture, Farmers Home Administration, Room 6348-S, Washington, DC 20250, 202 382-9744

RIN: 0575–AA05

59. DEVELOPMENT GRANTS FOR COMMUNITY DOMESTIC WATER AND WASTE DISPOSAL SYSTEM

Legal Authority: 7 USC 1926(a)(3)

CFR Citation: 7 CFR 1942

Abstract: The proposed changes will (1) authorize the use of grant funds to restore FmHA loan funds used to prepay eligible grant purposes, (2) prohibit the use of grant funds to pay loan finders fees, (3) authorize the use of grant funds in any eligible area where the median family income of the service area is below the poverty line, (4) require that applicants be informed that any remaining FmHA project funds will be considered to be grant funds and refunded to FmHA, and (5) require that the funding needs of the applicant be reassessed prior to start of construction. (FmHA 83-009)

Timetable:

Action	Date	FR Cite
NPRM	05/22/84	49 FR 21542
Final Action	03/00/85	

Small Entity: No

Agency Contact: Carl Opstad, Regulatory Coordinator, Department of Agriculture, Farmers Home Administration, Room 6348-S, Washington, DC 20250, 202 382-9744

RIN: 0575–AA06

60. MOBILE/MANUFACTURED HOUSING PARKS/COMMUNITIES FOR RENTAL PURPOSES

Priority: Agency Determination

Legal Authority: 42 USC 1485(d)(1)

CFR Citation: 7 CFR 1944

Abstract:

The objectives of the action are to provide financing to eligible applicants to develop mobile/manufactured housing parks/communities for rental purposes to eligible occupants as provided for in the Rural Housing Amendments of 1983. (FmHA 84-007)

Timetable:

Action	Date	FR Cite
NPRM	03/00/85	
Final Action	08/00/85	

Small Entity: No

Agency Contact: Carl Opstad, Regulatory Coordinator, Department of Agriculture, Farmers Home Administration, Room 6348-S, Washington, DC 20250, 202 382-9744

RIN: 0575–AA08

61. ● FMHA GUARANTEES OF COMMERCIAL LENDERS' FARM OWNERSHIP (FO) AND OPERATING (OL) LOANS WITH ACCOMPANYING LENDER "WRITE-DOWN"

Priority: Major

Legal Authority: 7 USC 1989

CFR Citation: 7 CFR 1980

Abstract: The general objective of the proposed action is to integrate Government and Private Sector resources in a continual effort to resolve financial difficulties in agriculture.

The specific objective of the proposed action is to provide nongovernmental lenders with a means to continue to

provide credit to their farm borrowers who do not now have adequate security and/or repayment ability. The farm operation must be characterized as a family-size farm for eligibility purposes. (FmHA 84-014)

Timetable:

Action	Date	FR Cite
Interim Final Rule	10/19/84	49 FR 41223
Final Action	03/00/85	

Small Entity: No

Agency Contact: Carl Opstad, Regulatory Coordinator, Department of Agriculture, Farmers Home Administration, Room 6348-South Bldg., Washington, DC 20250, **202 382-9744**

RIN: 0575-AA09

62. ● SPECIAL DEBT SET-ASIDE OF A PORTION OF THE INDEBTEDNESS OF FARMER PROGRAM BORROWERS

Priority: Major

Legal Authority: 7 USC 1981(d); 7 USC 1989

CFR Citation: 7 CFR 1951

Abstract: The need for government action is the distressed financial situation of some FmHA borrowers. The objectives of this action are to (1) alleviate somewhat the distressed financial situation of some FmHA borrowers and (2) provide FmHA borrowers with the opportunity to make critical decisions on disposition of the current crop income and to develop plans for continuing their farming operation. (FmHA 84-015)

Timetable:

Action	Date	FR Cite
Interim Final Rule	10/19/84	49 FR 41220
Final Action	03/00/85	

Small Entity: No

Agency Contact: Carl Opstad, Regulatory Coordinator, Department of Agriculture, Farmers Home Administration, Room 6348-South Bldg., Washington, DC 20250, **202 382-9744**

RIN: 0575-AA10

DEPARTMENT OF AGRICULTURE (USDA)
Farmers Home Administration (FmHA)

Completed Actions

COMPLETED RULEMAKINGS

63. MULTIPLE HOUSING LOAN SERVICING PROCEDURE

CFR Citation: 7 CFR 1965

Completed:

Reason	Date	FR Cite
Final Action	12/21/84	49 FR 49587

Small Entity: No

Agency Contact: Carl Opstad 202 382-9744

RIN: 0575-AA07

[FR Doc. 85-8486 Filed 04-26-85; 8:45 am]

BILLING CODE 3410-01-T

DEPARTMENT OF AGRICULTURE (USDA)
Federal Grain Inspection Service (FGIS)

Current and Projected Rulemakings

64. FEES FOR OFFICIAL SERVICES PERFORMED BY OFFICIAL AGENCIES

Legal Authority: 7 USC 79(f)(1)(A)(v); 7 USC 87e

CFR Citation: 7 CFR 800.70

Abstract: FGIS will conduct a review of Procedures for Official Agencies establishing fees to assure that the procedures are necessary, not in conflict with current laws or Agency policy. (FGIS 84-004)

Timetable:

Action	Date	FR Cite
NPRM	10/17/84	49 FR 40582
Final Action	03/00/85	

Small Entity: No

Agency Contact: L. Lebakken, Jr., Chief, Information Resources Management Br., Department of Agriculture, Federal Grain Inspection Service, Room 0667-S, Washington, DC 20250, **202 382-1738**

RIN: 0580-AA01

65. KINDS OF OFFICIAL SERVICES

Legal Authority: 7 USC 79; 7 USC 79a; 7 USC 79(c); 7 USC 87e

CFR Citation: 7 CFR 800.75 to 800.78; 7 CFR 800.135 to 7 CFR 800.140; 7 CFR 800.160 to 7 CFR 800.166

Abstract: FGIS will review the kinds of official services provided under the regulations under the U.S. Grain Standards Act to ensure that the services meet the needs of the grain marketing system and maintain the integrity of the inspection and weighing system. (FGIS 84-006)

Timetable:

Action	Date	FR Cite
NPRM	03/00/85	
Final Action	06/00/85	

Small Entity: No

Agency Contact: L. Lebakken, Jr., Chief, Information Resources Management Br., Department of Agriculture, Federal Grain Inspection Service, Room 0667-S, Washington, DC 20250, **202 382-1738**

RIN: 0580-AA02

66. RECORDKEEPING AND ACCESS TO FACILITIES

Legal Authority: 7 USC 79a(k); 7 USC 87a; 7 USC 87c

CFR Citation: 7 CFR 800.25 to 800.26

Abstract: FGIS will review the requirements for recordkeeping and access to facilities imposed on grain elevators by the regulations under the U.S. Grain Standards Act. The review

will include examination of continued need for the regulations, language clarity, consistency with law and Agency policy, and cost effectiveness. (FGIS 84-008)

Timetable:

Action	Date	FR Cite
NPRM	01/08/85	50 FR 948
Final Action	04/00/85	

Small Entity: No

Agency Contact: L. Lebakken, Jr., Chief, Information Resources Management Br., Department of Agriculture, Federal Grain Inspection Service, Room 0667-S, Washington, DC 20250, 202 382-1738

RIN: 0580-AA05

67. LICENSES AND AUTHORIZATIONS

Legal Authority: 7 USC 84; 7 USC 85; 7 USC 87e

CFR Citation: 7 CFR 800.170 to 800.180

Abstract: FGIS will conduct a review of the current procedures and restrictions regarding licensing or authorizing individuals to perform official services under the regulations under the U.S. Grain Standards Act. The review will include examination of continued need for the regulations, language clarity, consistency with law and Agency policy, and cost effectiveness. (FGIS 84-010)

Timetable:

Action	Date	FR Cite
NPRM	10/17/84	49 FR 40583
Final Action	04/00/85	

Small Entity: No

Agency Contact: L. Lebakken, Jr., Chief, Information Resources Management Br., Department of Agriculture, Federal Grain Inspection Service, Room 0667-S, Washington, DC 20250, 202 382-1738

RIN: 0580-AA06

68. OFFICIAL RECORDS AND FORMS

Legal Authority: 7 USC 79(f)(i)(A)(viii); 7 USC 87a; 7 USC 87e

CFR Citation: 7 CFR 800.145 to 800.155

Abstract: FGIS will conduct a review of the requirements for official records and forms under the regulations under the U.S. Grain Standards Act. The review will include examination of continued need for the regulations, language clarity, consistency with law and Agency policy, and cost effectiveness. (FGIS 84-009)

Timetable:

Action	Date	FR Cite
NPRM	08/10/84	49 FR 32074
Final Action	04/00/85	

Small Entity: No

Agency Contact: L. Lebakken, Jr., Chief, Information Resources Management Br., Department of Agriculture, Federal Grain Inspection Service, Room 0667-S, Washington, DC 20250, 202 382-1738

RIN: 0580-AA07

DEPARTMENT OF AGRICULTURE (USDA)
Federal Grain Inspection Service (FGIS)

Completed Actions

COMPLETED REVIEWS

69. APPEAL INSPECTION SERVICES

CFR Citation: 7 CFR 800.135 to 800.140

Completed:

Reason	Date	FR Cite
Incorporated into RIN 0580-AA02	02/27/85	

Small Entity: No

Agency Contact: L. Lebakken, Jr. 202 382-1738

RIN: 0580-AA03

70. OFFICIAL CERTIFICATES

CFR Citation: 7 CFR 800.160 to 800.166

Completed:

Reason	Date	FR Cite
Incorporated into RIN 0580-AA02	02/27/85	

Small Entity: No

Agency Contact: L. Lebakken, Jr. 202 382-1738

RIN: 0580-AA04

[FR Doc. 85-9488 Filed 04-26-85; 8:45 am]

BILLING CODE 3410-01-T

DEPARTMENT OF AGRICULTURE (USDA)
Food and Nutrition Service (FNS)

Current and Projected Rulemakings

71. MONTHLY REPORTING AND RETROSPECTIVE BUDGETING 1982 AND 1983 AMENDMENTS

Legal Authority: 7 USC 2014(f); 7 USC 2015(c)

CFR Citation: 7 CFR 272.3; 7 CFR 273.10; 7 CFR 273.12; 7 CFR 273.21

Abstract: This rule implements recent legislative provisions regarding waiver of certain monthly reporting/retrospective budgeting rules, and establishes a system of periodic review of approved waivers. (FNS 84-016)

Timetable:

Action	Date	FR Cite
Final Action	00/00/00	

Small Entity: No

Agency Contact: Irene Lankford, Department of Agriculture, Food and Nutrition Service, Room 1107, Park Office Center, 3101 Park Center Dr., Alexandria, VA 22302, 703 756-3984

RIN: 0584-AA02

72. OBRA 1982

Legal Authority: 7 USC 2012(i)(r); 7 USC 2014(c)(g)(i)(j); 7 USC 2015(e); 7 USC 2017(c); 7 USC 2020(e)(4)(9)(10)(i)

CFR Citation: 7 CFR 273

Abstract: This final rule, based on proposed or interim rulemakings, implements changes to eligibility criteria mandated by P.L. 97-98 and P.L. 97-253, revises recertification procedures, and simplifies the rules when a household files for both food stamp and public assistance benefits. It also tightens expedited service procedures, updates procedures for notices of adverse action, and revises resource definitions. (FNS 84-003)

Timetable:

Action	Date	FR Cite
NPRM	11/19/82	47 FR 52185
NPRM	11/30/82	47 FR 53878
Interim Rule	11/30/82	47 FR 52825
Interim Rule	12/10/82	47 FR 55463
Interim Rule	12/14/82	47 FR 55903
NPRM	12/28/82	47 FR 57725
Interim Rule	04/01/83	48 FR 13955
Final Action	04/00/85	

Small Entity: No

Agency Contact: Irene Lankford, Department of Agriculture, Food and Nutrition Service, Room 1107, Park Office Center, 3101 Park Center Dr., Alexandria, VA 22302, **703 756-3064**

RIN: 0584-AA04

73. ISSUANCE LOSS LIABILITY

Legal Authority: 7 USC 2016; 7 USC 2020(e)(20)

CFR Citation: 7 CFR 274; 7 CFR 276; 7 CFR 272, for Interim

Abstract: These rules govern the issuance of food stamps to Food Stamp Program participants. They also establish the system for accounting for the food stamps and establish liabilities for losses during the issuance process. (FNS 84-002)

Timetable:

Action	Date	FR Cite
Interim Final Rule	10/29/82	47 FR 49010
NPRM	04/00/85	
Final Action	10/00/85	

Small Entity: No

Agency Contact: Irene Lankford, Department of Agriculture, Food and Nutrition Service, Room 1107, Park Office Center, 3101 Park Center Dr., Alexandria, VA 22302, **703 756-3064**

RIN: 0584-AA05

74. FOOD DISTRIBUTION PROGRAM

Legal Authority: 7 USC 612c; 15 USC 713c; 42 USC 1755; 42 USC 1758; 7 USC 1431; 22 USC 1922; 7 USC 1859; 7 USC 1431b; 7 USC 1431 Note; 7 USC 1446a-1; 42 USC 1761; 42 USC 5179; 42 USC 5180; 42 USC 1762a; 42 USC 1766; ...

CFR Citation: 7 CFR 250

Abstract: The rule reorganizes existing regulatory provisions for clarity and ease of reference. This rule outlines the responsibilities of the Food and Nutrition Service and State agencies concerning the distribution of USDA-donated foods acquired under various legislative authorities. The rule prescribes the terms and conditions under which donated foods may be obtained through State distributing agencies for use in schools, child care institutions, nonprofit summer camps for children, charitable institutions, nutrition programs for the elderly, and otherwise in the assistance of needy persons. (FNS 84-513)

Timetable:

Action	Date	FR Cite
NPRM	03/00/85	
Final Action	02/00/86	

Small Entity: No

Additional Information: ADDITIONAL LEGAL AUTHORITIES: 7 USC 612c Note; 42 USC 3030a; 42 USC 1760; 5 USC 301; 7 USC 1431e; 7 USC 612c Note.

Agency Contact: Irene Lankford, Department of Agriculture, Food and Nutrition Service, Room 1107, Park Office Center, 3101 Park Center Dr., Alexandria, VA 22302, **703 756-3064**

RIN: 0584-AA07

75. FOOD DISTRIBUTION PROGRAM ON INDIAN RESERVATIONS

Legal Authority: 7 USC 2013

CFR Citation: 7 CFR 253

Abstract: The rule reorganizes existing regulatory provisions for clarity and ease of reference. This rule describes the terms and conditions under which (1) USDA-donated foods (available under 7 CFR 250) may be distributed to households on or near Indian reservations; (2) the program may be administered by capable Indian tribal organizations; and (3) funds may be obtained from USDA for the costs incurred in administering the program. The rule also provides for the concurrent operation of the Food Distribution Program and the Food Stamp Program on Indian reservations when such concurrent operation is requested by an Indian tribal organization. (FNS 84-514)

Timetable:

Action	Date	FR Cite
NPRM	04/00/85	
Final Action	08/00/85	

Small Entity: No

Agency Contact: Irene Lankford, Department of Agriculture, Food and Nutrition Service, Room 1107, Park Office Center, 3101 Park Center Dr., Alexandria, VA 22302, **703 756-3064**

RIN: 0584-AA09

76. FOOD STAMP PROGRAM: REVISION OF PARTS 271, 272, 273 AND 274

Legal Authority: 7 USC 2011 et seq

CFR Citation: 7 CFR 271; 7 CFR 272; 7 CFR 273; 7 CFR 274

Abstract: This rule clarifies, simplifies, and reorganizes food stamp certification and issuance rules. (FNS 84-019)

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Agency Contact: Irene Lankford, Department of Agriculture, Food and Nutrition Service, Room 1107, Park Office Center, 3101 Park Center Dr., Alexandria, VA 22302, **703 756-3064**

RIN: 0584-AA10

77. TEMPORARY EMERGENCY FOOD ASSISTANCE PROGRAM FOR FISCAL YEARS 1984 AND 1985

Legal Authority: PL 98-8, Sec 201 et seq

CFR Citation: 7 CFR 251

Abstract: This rule amends the Temporary Emergency Food Assistance Program regulations to include (1) monitoring of program participation and submission of reports. These provisions strengthen 7 CFR 251 by adding monitoring and accountability components. (FNS 84-519)

Timetable:

Action	Date	FR Cite
NPRM	07/02/84	49 FR 27159
Final Action	03/00/85	

Small Entity: No

Agency Contact: Irene Lankford, Department of Agriculture, Food and Nutrition Service, Room 1107, Park Office Center, 3101 Park Center Dr., Alexandria, VA 22302, 703 756-3064

RIN: 0584-AA15

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78. ALASKA THRIFTY FOOD PLAN

Legal Authority: 7 USC 2012 (o)(2)

CFR Citation: 7 CFR 272.7; 7 CFR 273.10

Abstract: This rule will establish differing levels of food stamp allotments for urban and rural areas of Alaska. (FNS 84-012)

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/01/84	49 FR 18458
Final Action	03/00/85	

Small Entity: No

Agency Contact: Irene Lankford, Department of Agriculture, Food and Nutrition Service, Room 1107, Park Office Center, 3101 Park Center Dr., Alexandria, VA 22302, 703 756-3064

RIN: 0584-AA16

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79. AMENDMENTS TO REQUIREMENTS FOR STATE AGENCY REPORTING

Legal Authority: 7 USC 2020(a); 7 USC 2020(e)(12)

CFR Citation: 7 CFR 274.8

Abstract: This rule changes the requirements for State agencies to report actual and estimated participation in the Food Stamp Program. (FNS 84-009)

Timetable:

Action	Date	FR Cite
NPRM	05/27/83	48 FR 23825
Final Action	03/00/85	

Small Entity: No

Agency Contact: Irene Lankford, Department of Agriculture, Food and Nutrition Service, Room 1107, Park Office Center, 3101 Park Center Dr., Alexandria, VA 22302, 703 756-3064

RIN: 0584-AA19

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80. EMERGENCY FOOD ASSISTANCE FOR VICTIMS OF DISASTERS

Legal Authority: 7 USC 2013(b)

CFR Citation: 7 CFR 280

Abstract: This final rule defines special eligibility and issuance procedures during declared disasters. (FNS 84-001)

Timetable:

Action	Date	FR Cite
NPRM	01/27/81	46 FR 8923
Final Action	09/00/85	

Small Entity: No

Agency Contact: Irene Lankford, Department of Agriculture, Food and Nutrition Service, Room 1107, Park Office Center, 3101 Park Center Dr., Alexandria, VA 22302, 703 756-3064

RIN: 0584-AA24

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81. MISCELLANEOUS AMENDMENTS - CHILD CARE FOOD PROGRAM

Legal Authority: 42 USC 1766

CFR Citation: 7 CFR 226

Abstract: This rule makes several editorial changes and clarifications to the Child Care Food Program and implements substantive changes to such program areas as reviews, appeals, alternate licensing, and State agency administrative responsibilities. (FNS 84-503)

Timetable:

Action	Date	FR Cite
NPRM	05/13/83	48 FR 21587
Final Action	03/00/85	

Small Entity: No

Agency Contact: Irene Lankford, Department of Agriculture, Food and Nutrition Service, Room 1107, Park Office Center, 3101 Park Center Dr., Alexandria, VA 22302, 703 756-3064

RIN: 0584-AA28

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82. AUDIT REQUIREMENTS IN THE CHILD CARE FOOD PROGRAM

Legal Authority: 42 USC 1766

CFR Citation: 7 CFR 226.8

Abstract: This rule will implement organization-wide audits in the Child Care Food Program and will outline the permissible uses of funds available to perform audits. Actual publication will be contingent upon publication of revision to OMB Circular A-102.(FNS 84-502).

Timetable:

Action	Date	FR Cite
NPRM	09/00/85	
Final Action	10/00/85	

Small Entity: No

Agency Contact: Irene Lankford, Department of Agriculture, Food and Nutrition Service, Room 1107, Park Office Center, 3101 Park Center Dr., Alexandria, VA 22302, 703 756-3064

RIN: 0584-AA30

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83. REWRITE OF REGULATIONS ON DETERMINING ELIGIBILITY FOR FREE AND REDUCED PRICE BENEFITS

Legal Authority: 42 USC 1758; 42 USC 1779

CFR Citation: 7 CFR 245.

Abstract: This rule will revise regulations covering the eligibility process for school meals and milk. Part 245 has not undergone a complete rewrite in many years despite legislative change which has substantially changed the application process. The rewrite is primarily nonsubstantive in nature. The rewrite is intended to remove duplicative and obsolete provisions to clarify and reorganize all sections and to incorporate the requirements of P.L. 97-35. (FNS 84-518)

Timetable:

Action	Date	FR Cite
NPRM	11/00/85	
Final Action	06/00/86	

Small Entity: No

Agency Contact: Irene Lankford, Department of Agriculture, Food and Nutrition Service, Room 1107, Park Office Center, 3101 Park Center Dr., Alexandria, VA 22302, 703 756-3064

RIN: 0584-AA32

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84. NSLP VERIFICATION MONITORING

Legal Authority: 42 USC 1758; 42 USC 1779

CFR Citation: 7 CFR 210; 7 CFR 245

Abstract: This proposal will require State agencies to monitor School Food Authorities' compliance with the verification of eligibility requirements contained in 7 CFR 245. This monitoring would become part of the Assessment, Improvement and Monitoring System which is currently in place. (FNS 84-509)

Timetable:

Action	Date	FR Cite
NPRM	04/00/85	
Final Action	08/00/85	

Small Entity: No

Agency Contact: Irene Lankford, Department of Agriculture, Food and Nutrition Service, Room 1107, Park Office Center, 3101 Park Center Dr., Alexandria, VA 22302, 703 756-3064

RIN: 0584-AA33

85. MANAGEMENT EVALUATIONS AND CORRECTIVE ACTION PLANS

Legal Authority: 7 USC 2020(e)(13); 7 USC 2025(b)

CFR Citation: 7 CFR 275

Abstract: This rule focuses program reviews on priority target areas and improves use of corrective action planning. (FNS 84-018)

Timetable:

Action	Date	FR Cite
NPRM	04/00/85	
Final Action	12/00/85	

Small Entity: No

Agency Contact: Irene Lankford, Department of Agriculture, Food and Nutrition Service, Room 1107, Park Office Center, 3101 Park Center Dr., Alexandria, VA 22302, 703 756-3064

RIN: 0584-AA37

86. COMPETITIVE FOODS

Legal Authority: 42 USC 1779

CFR Citation: 7 CFR 210; 7 CFR 220

Abstract: This rule amends the regulations for the National School Lunch and School Breakfast Programs which prohibit the sale of foods of minimal nutritional value (carbonated beverages, water ices, chewing gum and certain candies). States and local authorities will continue to be allowed to exceed this minimum Federal restriction. This rule responds to a Court decision that the Department has exceeded its authority in promulgating the "time and place" provision of the 1980 competitive foods rule. (FNS 84-507)

Timetable:

Action	Date	FR Cite
NPRM	03/13/84	49 FR 9426
Final Action	03/00/85	

Small Entity: No

Agency Contact: Irene Lankford, Department of Agriculture, Food and Nutrition Service, Room 1107, Park Office Center, 3101 Park Center Dr., Alexandria, VA 22302, 703 756-3064

RIN: 0584-AA39

87. FORFEITURE PROCEDURES/UNREDEEMED CREDIT SLIPS/BONDING

Legal Authority: 7 USC 2024(g)

CFR Citation: 7 CFR 278

Abstract: This rule allows FNS to retain goods or money acquired during investigations of potential store violations. In addition, the rule announces the invalidation of unredeemed credit slip's issued to households prior to 1979. The rule will also permit disqualified stores seeking reauthorization to post letters of credit in lieu of collateral bonds. (FNS 84-017)

Timetable:

Action	Date	FR Cite
NPRM	04/00/85	
Final Action	12/00/85	

Small Entity: No

Agency Contact: Irene Lankford, Department of Agriculture, Food and Nutrition Service, Room 1107, Park Office Center, 3101 Park Center Dr., Alexandria, VA 22302, 703 756-3064

RIN: 0584-AA40

88. REWRITE OF NATIONAL SCHOOL LUNCH PROGRAM REGULATIONS

Legal Authority: 42 USC 1751 et seq

CFR Citation: 7 CFR 210

Abstract: This rule will propose to revise the regulations covering the National School Lunch Program and the Commodity School Program. Since January 20, 1970, Part 210 has been amended with over 50 final rules and a number of interim rules. This proposal is intended to be nonsubstantive in nature. Emphasis is placed on resolving ambiguities and inconsistencies; eliminating unnecessary, duplicative and obsolete provisions; and clarifying both language and style so that Part 210 is more easily understood. (FNS 84-511)

Timetable:

Action	Date	FR Cite
NPRM	03/00/85	
Final Action	06/00/86	

Small Entity: No

Agency Contact: Irene Lankford, Department of Agriculture, Food and Nutrition Service, Room 1107, Park Office Center, 3101 Park Center Dr., Alexandria, VA 22302, 703 756-3064

RIN: 0584-AA43

89. DOCUMENTATION AND VERIFICATION OF ELIGIBILITY IN THE CHILD CARE FOOD PROGRAM

Priority: Agency Determination

Legal Authority: 42 USC 1758; 42 USC 1766

CFR Citation: 7 CFR 226

Abstract: This regulation establishes standards for the documentation of eligibility and sets forth procedures for the verification of information for free and reduced-price applications submitted to institutions. (FNS 84-521)

Timetable:

Action	Date	FR Cite
NPRM	04/15/83	48 FR 16278
Interim Final Rule	08/05/83	48 FR 35589
Final Action	03/00/85	

Small Entity: No

Agency Contact: Irene Lankford, Department of Agriculture, Food and Nutrition Service, Room 1107, Park Office Center, 3101 Park Center Dr., Alexandria, VA 22302, 703 756-3064

RIN: 0584-AA49

90. PROPOSED RULE CONCERNING STATE PROCESSING OF USDA-DONATED FOODS

Legal Authority: 42 USC 612c; 15 USC 713c; 42 USC 1755; 42 USC 1758; 7 USC 1431; 22 USC 1922; 7 USC 1859; 7 USC 1431b; 7 USC 1431 Note; 7 USC 1446a-l; 42 USC 1761; 42 USC 5179; 42 USC 5180; 42 USC 1762a; 42 USC 1766

CFR Citation: 7 CFR 250

Abstract: Proposed rule would require a 100 percent return factor for all

Department-approved substitutable donated foods which have been made available to processors under State-approved contracts. (FNS 84-523)

Timetable:

Action	Date	FR Cite
NPRM	09/17/84	49 FR 36390
Final Action	05/00/85	

Small Entity: No

Additional Information: ADDITIONAL LEGAL AUTHORITIES: 7 USC 612c Note; 42 USC 3030a; 42 USC 1760; 5 USC 301; 7 USC 1431e; 7 USC 612c Note.

Agency Contact: Irene Lankford, Department of Agriculture, Food and Nutrition Service, Room 1107, Park Office Center, 3101 Park Center Dr., Alexandria, VA 22302, 703 756-3064

RIN: 0584-AA50

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91. ● FOOD STAMP PROGRAM: TFP/DEDUCTION UPDATE

Legal Authority: 7 USC 2012(o)(8); 7 USC 2014(e)(3); 7 USC 2014(2)(iii)

CFR Citation: Not applicable

Abstract: The notice announces the cost-of-living increases to the Thrifty Food Plan and to the standard and maximum shelter deductions. (FNS 85-003)

Timetable:

Action	Date	FR Cite
Final Action	06/00/85	

Small Entity: No

Agency Contact: Irene Lankford, Department of Agriculture, Food and Nutrition Service, Room 1107, Park Office Center, 3101 Park Center Dr., Alexandria, VA 22302, 703 756-3064

RIN: 0584-AA51

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92. ● FOOD STAMP PROGRAM: CONFORMANCE WITH AFDC RULES

CFR Citation: 7 CFR 273; 7 CFR 275

Abstract: The rule reviews Food Stamp and Aid to Families with Dependent Children regulations for inconsistencies and proposes conformance by altering either or both program's rules. (FNS 85-002)

Timetable:

Action	Date	FR Cite
ANPRM	03/00/85	
NPRM	08/00/85	
Final Action	02/00/86	

Small Entity: No

Agency Contact: Irene Lankford, Department of Agriculture, Food and Nutrition Service, Room 1107, Park Office Center, 3101 Park Center Dr., Alexandria, VA 22302, 703 756-3064

RIN: 0584-AA52

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93. ● FOOD STAMP PROGRAM: DEFICIT REDUCTION ACT

Legal Authority: 7 USC 2020(e)(19)

CFR Citation: 7 CFR 272.1; 7 CFR 272.2; 7 CFR 272.8; 7 CFR 273.2; 7 CFR 273.6; 7 CFR 275; 7 CFR 277.18

Abstract: This rulemaking implements an improved income and eligibility verification system to replace current wage matching requirements in the Food Stamp Program. These new matching requirements are mandated by Public Law 98-369 (DEFRA). Provisions of this rulemaking will: 1) require all States to match quarterly earnings, 2) require matching to a new data base-IRS' unearned income, 3) require "up front" matches of all applicants, 4) increase matching to SSA and Unemployment Compensation Agencies, and 5) require reporting on match results. (FNS 84-021)

Timetable:

Action	Date	FR Cite
NPRM	03/00/85	
Final Action	07/00/85	

Small Entity: No

Agency Contact: Irene Lankford, Department of Agriculture, Food and Nutrition Service, Room 1107, Park Office Center, 3101 Park Center Dr., Alexandria, VA 22302, 703 756-3064

RIN: 0584-AA53

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94. ● FOOD STAMP PROGRAM: REIMBURSING WORKFARE'S ADMINISTRATIVE COSTS

Legal Authority: 7 USC 2029(g)(2)

CFR Citation: 7 CFR 273.22

Abstract: The rule revises criteria for incentive reimbursement for optional workfare projects. (FNS 85-005)

Timetable:

Action	Date	FR Cite
Interim Final Rule	01/11/83	48 FR 1171
Final Action	06/00/85	

Small Entity: No

Additional Information: Formerly part of FNS 84-008.

Agency Contact: Irene Lankford, Department of Agriculture, Food and Nutrition Service, Room 1107, Park Office Center, 3101 Park Center Dr., Alexandria, VA 22302, 703 756-3064

RIN: 0584-AA54

DEPARTMENT OF AGRICULTURE (USDA)
Food and Nutrition Service (FNS)

Existing Regulations Under Review

95. NATIONAL COMMODITY PROCESSING SYSTEM

Legal Authority: PL 98-8, Sec 203

CFR Citation: 7 CFR 252

Abstract: This rule implements National Commodity Processing (NCP) in the Food Distribution Program. (FNS 84-504)

Timetable:

Action	Date	FR Cite
Interim Final Rule	06/23/83	48 FR 28609
Overtaken by a Notice	00/00/00	

Small Entity: No

Agency Contact: Irene Lankford, Department of Agriculture, Food and Nutrition Service, Room 1107, Park Office Center, 3101 Park Center Dr., Alexandria, VA 22302, 703 756-3064

RIN: 0584-AA26

USDA—FNS

Existing Regulations Under Review

96. ADMINISTRATIVE REVIEW PROCESS/QC ARBITRATION

Legal Authority: 7 USC 2023(a)

CFR Citation: 7 CFR 276.7

Abstract: FNS is considering simplification of review process. In addition, FNS is proposing to set definite timeframes for the submission of State requests for arbitration on individual quality control cases where findings are disputed. (FNS 84-013)

Timetable:

Action	Date	FR Cite
NPRM	03/00/85	
Final Action	12/00/85	

Small Entity: No

Agency Contact: Irene Lankford, Department of Agriculture, Food and Nutrition Service, Room 1107, Park Office Center, 3101 Park Center Dr., Alexandria, VA 22302, 703 756-3064

RIN: 0584-AA46

DEPARTMENT OF AGRICULTURE (USDA)
Food and Nutrition Service (FNS)

Completed Actions

COMPLETED RULEMAKINGS

97. WORK REGISTRATION

CFR Citation: 7 CFR 273.7

Completed:

Reason	Date	FR Cite
Withdrawn	02/00/85	

Small Entity: No

Agency Contact: Irene Lankford 703 756-3064

RIN: 0584-AA03

98. 1981 AND 1982 WORK REGISTRATION AND VOLUNTARY QUIT AMENDMENTS

CFR Citation: 7 CFR 273.7

Completed:

Reason	Date	FR Cite
Final Action	10/03/84	49 FR 39035

Small Entity: No

Agency Contact: Irene Lankford 703 756-3064

RIN: 0584-AA20

99. DISCLOSURE OF INFORMATION AND NONCOMPLIANCE WITH OTHER PROGRAMS

CFR Citation: 7 CFR 272.1; 7 CFR 273.9; 7 CFR 273.10; 7 CFR 273.11

Completed:

Reason	Date	FR Cite
Final Action	12/14/84	49 FR 48677

Small Entity: No

Agency Contact: Irene Lankford 703 756-3064

RIN: 0584-AA21

100. DUPLICATE PARTICIPATION NUTRITION ASSISTANCE PROGRAM IN THE COMMONWEALTH OF PUERTO RICO

CFR Citation: 7 CFR 274.1; 7 CFR 271.2; 7 CFR 273.1; 7 CFR 285

Completed:

Reason	Date	FR Cite
Final Action	12/21/84	49 FR 49581

Small Entity: No

Agency Contact: Irene Lankford 703 756-3064

RIN: 0584-AA22

101. SPECIAL SUPPLEMENTAL FOOD PROGRAM FOR WOMEN, INFANTS AND CHILDREN (WIC)

CFR Citation: 7 CFR 246

Completed:

Reason	Date	FR Cite
Final Action	02/15/85	50 FR 6108

Small Entity: No

Agency Contact: Irene Lankford 703 756-3064

RIN: 0584-AA25

102. WAGE-MATCH/WAGE REQUEST STATES

CFR Citation: 7 CFR 273

Completed:

Reason	Date	FR Cite
Withdrawn	02/00/85	

Small Entity: No

Agency Contact: Irene Lankford 703 756-3064

RIN: 0584-AA31

103. SUMMER FOOD SERVICE PROGRAM

CFR Citation: 7 CFR 225

Completed:

Reason	Date	FR Cite
Final Action	10/30/84	49 FR 43575

Small Entity: No

Agency Contact: Irene Lankford 703 756-3064

RIN: 0584-AA34

104. STATE AGENCY BUDGETARY AND PROGRAM ACTIVITY REPORTING

CFR Citation: 7 CFR 272.2

Completed:

Reason	Date	FR Cite
Final Action	12/31/84	49 FR 50595

Small Entity: No

Agency Contact: Irene Lankford 703 756-3064

RIN: 0584-AA41

[FR Doc. 85-6486 Filed 04-26-85; 8:45 am]

BILLING CODE 3410-01-T

DEPARTMENT OF AGRICULTURE (USDA)
Food Safety and Inspection Service (FSIS)

Current and Projected Rulemakings

105. PIZZA STANDARD (78-733)

Legal Authority: 21 USC 601 et seq; 21 USC 451 et seq

CFR Citation: 9 CFR 317; 9 CFR 319; 9 CFR 381

Abstract: Would amend the meat and poultry regulations to provide for more informative labeling of cheese substitutes, a minimum cheese content for pizza products, and the use of only cooked meat on pizza. (FSIS 83-007)

Timetable:

Action	Date	FR Cite
NPRM	08/05/83	48 FR 35654
Final Action	12/00/85	

Small Entity: Yes

Agency Contact: Irwin Dubinsky, Acting Director, Regulations Office, Department of Agriculture, Food Safety and Inspection Service, Room 3807-S, Washington, DC 20250, 202 447-6735

RIN: 0583-AA07

106. CANNING OF MEAT AND POULTRY PRODUCTS

Legal Authority: 21 USC 451 et seq; 21 USC 601 et seq

CFR Citation: 9 CFR 308; 9 CFR 318; 9 CFR 320; 9 CFR 327; 9 CFR 381

Abstract: Proposes to amend meat and poultry regulations to accommodate technological advances in thermal processing of meat and poultry products contained in hermetically sealed containers. (FSIS 81-013)

Timetable:

Action	Date	FR Cite
NPRM	04/12/84	49 FR 14636
Final Action	12/00/85	

Small Entity: No

Agency Contact: Irwin Dubinsky, Acting Director, Regulations Office, Department of Agriculture, Food Safety and Inspection Service, Room 3807-S, Washington, DC 20250, 202 447-6735

RIN: 0583-AA08

107. IMPORTED CURED PORK PRODUCTS

Legal Authority: 21 USC 601 et seq; 7 USC 1901 et seq; 7 USC 450 et seq

CFR Citation: 9 CFR 327; 9 CFR 319

Abstract: Proposes to amend meat inspection regulations by establishing monitoring and retention procedures that would assure that imported cured pork products meet the same compliance standards as those proposed for domestic cured pork products. (FSIS 83-005)

Timetable:

Action	Date	FR Cite
NPRM	10/09/84	49 FR 39560
Final Action	03/00/85	

Small Entity: No

Agency Contact: Irwin Dubinsky, Acting Director, Regulations Office, Department of Agriculture, Food Safety and Inspection Service, Room 3807-S, Washington, DC 20250, 202 447-6735

RIN: 0583-AA09

108. DEFINITIONS AND STANDARDS FOR COOKED POULTRY SAUSAGE

Legal Authority: 21 USC 451 et seq

CFR Citation: 9 CFR 381

Abstract: Would establish definitions and standards for cooked poultry sausage. (FSIS 83-010)

Timetable:

Action	Date	FR Cite
NPRM	03/00/85	
Final Action	12/00/85	

Small Entity: No

Agency Contact: Irwin Dubinsky, Acting Director, Regulations Office, Department of Agriculture, Food Safety and Inspection Service, Room 3807-S, Washington, DC 20250, 202 447-6735

RIN: 0583-AA10

109. PROTEIN REQUIREMENTS FOR TURKEY HAM

Legal Authority: 21 USC 451 et seq

CFR Citation: 9 CFR 381

Abstract: Would establish more effective compliance measures and procedures to accommodate new technologies. (FSIS 83-018)

Timetable:

Action	Date	FR Cite
NPRM	09/00/85	
Final Action	03/00/86	

Small Entity: No

Agency Contact: Irwin Dubinsky, Acting Director, Regulations Office, Department of Agriculture, Food Safety and Inspection Service, Room 3807-S, Washington, DC 20250, 202 447-6735

RIN: 0583-AA11

110. BARBEQUE STANDARD

Legal Authority: 21 USC 607; 21 USC 457

CFR Citation: 9 CFR 317; 9 CFR 318

Abstract: Would provide for alternative processing methods to be used for barbequed meat and poultry products. (FSIS 83-039)

Timetable:

Action	Date	FR Cite
NPRM	03/00/85	
Final Action	12/00/85	

Small Entity: No

Agency Contact: Irwin Dubinsky, Acting Director, Regulations Office, Department of Agriculture, Food Safety and Inspection Service, Room 3807-S, Washington, DC 20250, 202 447-6735

RIN: 0583-AA12

111. REQUIREMENTS REGARDING POULTRY PRODUCTS MADE BY MECHANICAL DEBONING

Legal Authority: 21 USC 451 et seq

CFR Citation: 9 CFR 381

Abstract: Would revise and supplement the requirements regarding the manufacture, characteristics, use, and labeling of poultry product made by mechanical deboning and the labeling of finished products in which it is used as an ingredient. (FSIS 84-001)

Timetable:

Action	Date	FR Cite
NPRM	03/00/85	
Final Action	07/00/86	

Small Entity: No

Agency Contact: Irwin Dubinsky, Acting Director, Regulations Office, Department of Agriculture, Food Safety and Inspection Service, Room 3807-S, Washington, DC 20250, 202 447-6735

RIN: 0583-AA15

112. PRODUCTION UNDER TOTAL QUALITY CONTROL

Legal Authority: 21 USC 451 et seq; 21 USC 601 et seq

USDA—FSIS **Current and Projected Rulemakings**

CFR Citation: 9 CFR 318; 9 CFR 381

Abstract: would allow plants operating under total quality control systems to process and ship product outside the inspector's tour of duty. (FSIS 83-020)

Timetable:

Action	Date	FR Cite
NPRM	07/00/85	
Final Action	06/00/86	

Small Entity: No

Agency Contact: Irwin Dubinsky, Acting Director, Regulations Office, Department of Agriculture, Food Safety and Inspection Service, Room 3807-S, Washington, DC 20250, 202 447-6735

RIN: 0583-AA16

DEPARTMENT OF AGRICULTURE (USDA)
Food Safety and Inspection Service (FSIS)

Existing Regulations Under Review

113. RECORDS, REGISTRATION, AND REPORTS

Legal Authority: 21 USC 451 et seq; 21 USC 601 et seq; 5 USC 601 et seq; 44 USC 3501 et seq; EO 12291

CFR Citation: 9 CFR 320; 9 CFR 381, Subpart Q

Abstract: The Agency will review Parts 320 and 381 Subpart Q, of Title 9 of the Code of Federal Regulations relating to records and reports required to be maintained by official meat and poultry establishments. The purpose of the review will be to determine whether present reporting and recordkeeping requirements can be reduced or effected in a more efficient, less burdensome manner. (FSIS 82-003)

Timetable:

Action	Date	FR Cite
Begin Review	08/08/83	
End Review	09/30/85	

Small Entity: No

Agency Contact: G. E. McEvoy, Director, Policy Analysis Office, Department of Agriculture, Food Safety and Inspection Service, Room 2940-S, Washington, DC 20250, 202 447-3317

RIN: 0583-AA00

114. ADMINISTRATIVE REGULATIONS

Legal Authority: 21 USC 601 et seq; 21 USC 451 et seq; 33 USC 466 to 466k; 44 USC 3501 et seq

CFR Citation: 9 CFR 304; 9 CFR 305; 9 CFR 306; 9 CFR 307; 9 CFR 329; 9 CFR 331; 9 CFR 335, 9 CFR 381

Abstract: The Agency will review administrative requirements for applying for, granting, refusing, inaugurating, and withdrawing inspection; detaining, seizing, and condemning meat and poultry products; assigning program employees; designating states and territories, and providing reimbursable services, scheduling of operations, and for overtime and holiday services. Would also determine adequacy of current regulations as they relate to petitioning the Agency for regulatory change and informing interested persons of Agency procedures for appeal in the event of adverse determinations. (FSIS 83-009)

Timetable:

Action	Date	FR Cite
Begin Review	01/00/83	
End Review	09/00/86	

Small Entity: No

Agency Contact: G. E McEvoy, Director, Policy Analysis Office, Department of Agriculture, Food Safety and Inspection Service, Room 2940-S, Washington, DC 20250, 202 447-3317

RIN: 0583-AA02

115. RED MEAT SLAUGHTER REGULATIONS

Priority: Major

Legal Authority: 21 USC 601 et seq

CFR Citation: 9 CFR 307; 9 CFR 309; 9 CFR 310; 9 CFR 311; 9 CFR 312; 9 CFR 313; 9 CFR 314; 9 CFR 316

Abstract: The Agency will review the slaughter provisions of the regulations promulgated under the Federal Meat Inspection Act (FMIA), 9 CFR 307 through 316, to identify regulatory provisions that may be deleted or modified as a result of either technological advances or changes in meat inspection procedures while allowing the Agency to maintain the same standards for product wholesomeness and public health protection. (FSIS-83-004).

Timetable:

Action	Date	FR Cite
Begin Review	01/00/83	
End Review	09/00/85	

Small Entity: No

Agency Contact: G. E. McEvoy, Director, Policy Analysis Office, Department of Agriculture, Food Safety and Inspection Service, Room 2940-S, Washington, DC 20250, 202 447-3317

RIN: 0583-AA03

116. LABEL APPROVAL REGULATIONS

Legal Authority: 21 USC 451 et seq; 21 USC 601 et seq

CFR Citation: 9 CFR 317; 9 CFR 381, Subpart N

Abstract: The Agency will review Parts 317 and 381, Subpart N, of Title 9 of the Code of Federal Regulations relating to requirements for prior approval of labels of meat, meat products, poultry, and poultry products. The purpose of the review is to assess the impact of the Agency's label approval regulations in order to reduce unnecessary burdens. Although the Agency has completed rulemaking to provide for prior approval of certain labels by field personnel and the pre-approval of certain kinds of label changes without the need for prior Agency approval, the review has been continued to determine if further reduction of burden resulting from Agency prior approval requirements might be accomplished.(FSIS 83-006)

Timetable:

Action	Date	FR Cite
NPRM	05/21/82	47 FR 22101
Begin Review	06/00/82	
Final Action	03/18/83	48 FR 11410
End Review	09/00/85	

Small Entity: No

Agency Contact: G. E. McEvoy, Director, Policy Analysis Office, Department of Agriculture, Food Safety and Inspection Service, Room 2940-S, Washington, DC 20250, 202 447-3317

RIN: 0583-AA05

USDA—FSIS — **Existing Regulations Under Review**

117. ● POULTRY SLAUGHTER REGULATIONS

Legal Authority: 21 USC 451 et seq

CFR Citation: 9 CFR 381, Subpart H; 9 CFR 381, Subpart I; 9 CFR 381, Subpart J; 9 CFR 381, Subpart K

Abstract: The Agency will review the slaughter provisions of the regulations promulgated under the Poultry Products Inspection Act (PPIA), Subparts H through K, 9 CFR 381, to identify regulatory provisions that may be deleted or modified as a result of either technological advances, industry organizational integrations, or changes in poultry slaughter procedures while allowing the Agency to maintain the same standards for product wholesomeness and public health protection. (FSIS 85-002)

Timetable:

Action	Date	FR Cite
Begin Review	09/15/83	
End Review	05/30/85	

Small Entity: No

Agency Contact: G. E. McEvoy, Director, Policy Analysis Office, Department of Agriculture, Food Safety and Inspection Service, Room 2940-S, Washington, DC 20250, **202 447-3317**

RIN: 0583-AA18

118. ● TRANSPORTATION

Legal Authority: 21 USC 451 et seq; 21 USC 601 et seq

CFR Citation: 9 CFR 325; 9 CFR 381, Subpart S

Abstract: The Agency will review Parts 325 and 381 Subpart S, of Title 9 of the Code of Federal Regulations relating to requirements on the movement of product between inspected facilities to determine if they reflect current Agency practice and whether they impose unnecessary burdens on industry. (FSIS 85-003)

Timetable:

Action	Date	FR Cite
Begin Review	01/15/85	
End Review	12/15/85	

Small Entity: No

Agency Contact: G. E. McEvoy, Director, Policy Analysis Office, Department of Agriculture, Food Safety and Inspection Service, Room 2940-S, Washington, DC 20250, **202 447-3317**

RIN: 0583-AA19

DEPARTMENT OF AGRICULTURE (USDA)
Food Safety and Inspection Service (FSIS) — **Completed Actions**

COMPLETED RULEMAKINGS

119. NEW LINE SPEED INSPECTION SYSTEM FOR BROILERS AND CORNISH HENS

CFR Citation: 9 CFR 381

Completed:

Reason	Date	FR Cite
Final Action	10/23/84	49 FR 42550

Small Entity: No

Agency Contact: Irwin Dubinsky 202 447-6735

RIN: 0583-AA14

120. AUTOMATED IMPORT INSPECTION SYSTEM (83-019)

CFR Citation: 9 CFR 327; 9 CFR 381

Completed:

Reason	Date	FR Cite
Final Action	09/20/84	49 FR 36817

Small Entity: No

Agency Contact: Irwin Dubinsky 202 447-6735

RIN: 0583-AA17

[FR Doc. 85-8486 Filed 04-26-85; 8:45 am]

BILLING CODE 3410-01-T

DEPARTMENT OF AGRICULTURE (USDA)
Foreign Agricultural Service (FAS) — **Current and Projected Rulemakings**

121. REVISION OF 7 CFR PART 6, SECTION 22 IMPORT QUOTAS; CERTAIN DAIRY PRODUCTS

Legal Authority: 7 USC 624; Headnote 3(a) to Pt 3 of App. to the Tariff Schedule of the US

CFR Citation: 7 CFR 6.20 et seq

Abstract: Revise the regulation governing the importation of quota dairy products to eliminate the sections no longer needed, strengthen the sections on license eligibility and transfer of license eligibility and include new sections where required. (FAS 84-006)

Timetable:

Action	Date	FR Cite
NPRM	09/01/85	

Small Entity: No

Agency Contact: Frank H. Sonnabend, Regulatory Coordinator, Department of Agriculture, Foreign Agricultural Service, Room 6702-S, Washington, DC 20250, **202 382-8915**

RIN: 0551-AA02

122. REVISION OF PUBLIC LAW 480 REGULATIONS, 7 CFR, SECTIONS 17.1 THROUGH 17.8 AND 17.16

Legal Authority: PL 83-480, as amended; 7 USC 1701 et seq

CFR Citation: 7 CFR 17

Abstract: This rule would revise that part of the regulations applicable to the financing of the sale and exportation of agricultural commodities pursuant to Title I of the Agricultural Trade Development and Assistance Act of 1954, as amended. (FAS 84-008)

Timetable:

Action	Date	FR Cite
NPRM	01/31/84	49 FR 3866
Final Action	12/31/85	

Small Entity: No

USDA—FAS

Current and Projected Rulemakings

Agency Contact: Frank H. Sonnabend, Regulatory Coordinator, Department of Agriculture, Foreign Agricultural Service, Room 6702-S, Washington, DC 20250, 202 382-8915

RIN: 0551-AA04

123. REVISION OF PUBLIC LAW 480 REGULATIONS, 7 CFR SECTIONS 17.6, 17.8 AND 17.9

Legal Authority: PL 83-480, as amended; 7 USC 1701 et seq

CFR Citation: 7 CFR 17.6; 7 CFR 17.8; 7 CFR 17.9

Abstract: Formulation of a rule to revise that part of the regulations relating to the means by which importing governments may award commodity contracts when purchasing by invitations to bid. (FAS 84-009)

Timetable:

Action	Date	FR Cite
NPRM	07/01/85	

Small Entity: No

Agency Contact: Frank H. Sonnabend, Regulatory Coordinator, Department of Agriculture, Foreign Agricultural Service, Room 6702-S, Washington, DC 20250, 202 382-8915

RIN: 0551-AA05

124. QUARTERLY SUGAR IMPORT FEE DETERMINATION

Legal Authority: 7 USC 624; Sec 22, Ag Adjustment Act of 1933

CFR Citation: Not applicable

Abstract: Proclamation 5164 of March 19, 1984, requires the Secretary of Agriculture to adjust the import fee for raw sugar each quarter according to a formula keyed to domestic spot prices as reported by the Coffee, Sugar and Cocoa Exchange in New York. The data for the computation will be available on the 21st day of the last month of the preceding quarter and the Federal Register notice must be filed before the beginning of the next Calendar quarter. The fee for refined sugar will be one cent more than the raw sugar fee. (FAS 84-005)

Timetable:

Action	Date	FR Cite
Final Action	07/05/84	49 FR 27597
Quarterly Announcement	10/03/84	49 FR 39086
Quarterly Announcement	01/03/85	50 FR 299
Quarterly Announcement	03/31/85	
Quarterly Announcement	06/30/85	
Quarterly Announcement	09/30/85	

Small Entity: No

Agency Contact: Frank H. Sonnabend, Regulatory Coordinator, Department of Agriculture, Foreign Agricultural Service, Room 6702-S, Washington, DC 20250, 202 382-8915

RIN: 0551-AA06

125. AFRICAN FOOD ASSISTANCE PROGRAM

Priority: Agency Determination

Legal Authority: PL 98-248

CFR Citation: Not applicable

Abstract: Invitations for offers for the purchase by the U.S. private trade from CCC of wheat, corn and rice for export to certain African countries to meet emergency food requirements. (FAS 84-011)

Timetable:

Action	Date	FR Cite
Notice	06/28/84	49 FR 26615
End Project	12/00/85	

Small Entity: No

Agency Contact: Frank H. Sonnabend, Regulatory Coordinator, Department of Agriculture, Foreign Agricultural Service, Room 6702-S, Washington, DC 20250, 202 382-8915

RIN: 0551-AA07

126. U.S. MEAT IMPORTS

Priority: Agency Determination

Legal Authority: PL 96-177

CFR Citation: Not applicable

Abstract: To comply with requirements of PL 96-177, The Meat Import Act of 1979, by publishing a quarterly Meat Import Estimate.

Publish in the Federal Register Quarterly Estimates of Meat Imports for 1985. (FAS 84-012)

Timetable:

Action	Date	FR Cite
Quarterly Announcement	03/00/85	
Quarterly Announcement	06/00/85	
Quarterly Announcement	09/00/85	

Small Entity: No

Agency Contact: Frank H. Sonnabend, Regulatory Coordinator, Department of Agriculture, Foreign Agricultural Service, Room 6702-S, Washington, DC 20250, 202 382-8915

RIN: 0551-AA09

127. AMENDMENT TO 7 CFR PART 6, SECTION 22 IMPORT QUOTAS; CERTAIN DAIRY PRODUCTS

Legal Authority: 7 USC 624; Headnote 3(a) to Pt 3 of the App to the Tariff Sched. of the US; 31 USC 9701

CFR Citation: 7 CFR 6.20 et seq

Abstract: Amend the regulations governing importation of dairy products under license to impose fees for the issuance of licenses. (FAS 84-017)

Timetable:

Action	Date	FR Cite
NPRM	07/01/85	

Small Entity: No

Agency Contact: Frank H. Sonnabend, Regulatory Coordinator, Department of Agriculture, Foreign Agricultural Service, Room 6702-S, Washington, DC 20250, 202 382-8915

RIN: 0551-AA11

128. ● EMERGENCY RELIEF FROM INJURIOUS PERISHABLE PRODUCT IMPORTS FROM ISRAEL

Priority: Agency Determination

Legal Authority: PL 98-573, Sec 404; 5 USC 301

CFR Citation: 7 CFR 1540

Abstract: This proposed rule establishes the procedure by which an entity representative of a U.S. industry producing perishable products can submit a request to the U.S. Department of Agriculture for emergency relief from increased, injurious imports of like products from Israel under a provision of Title IV of the Trade and Tariff Act of 1984. (FAS 85-002)

Timetable:

Action	Date	FR Cite
NPRM	03/00/85	
Final Action	06/00/85	

Small Entity: No

Agency Contact: Frank Sonnabend, Regulatory Coordinator, Department of Agriculture, Foreign Agricultural Service, Room 6702-South Bldg., Washington, DC 20250, **202 382-8915**

RIN: 0551-AA12

129. ● REVIEW OF THE UNITED STATES SUGAR IMPORT QUOTA SYSTEM

Priority: Agency Determination

Legal Authority: Presidential Proclamation 4941

CFR Citation: Not applicable

Abstract: Paragraph (f) of Headnote 3, subpart A, part 10, schedule 1 of the Tariff Schedules of the United States requires the Secretary, upon consultations with concerned agencies, to review the sugar import quota, to determine the need to continue quotas and to announce the results of the review. Subsequently, the Secretary files notice of the review in the Federal Register. (FAS 84-019)

Timetable:

Action	Date	FR Cite
Notice	09/06/84	49 FR 35162
Next Announcement	09/01/85	

Small Entity: No

Agency Contact: Frank H. Sonnabend, Regulatory Coordinator, Department of Agriculture, Foreign Agricultural Service, Room 6702-S, Washington, DC 20250, **202 382-8915**

RIN: 0551-AA13

[FR Doc. 85-6486 Filed 04-26-85; 8:45 am]

BILLING CODE 3410-01-T

DEPARTMENT OF AGRICULTURE (USDA)
Forest Service (FS)

130. SALE OF LANDS PURSUANT TO SECTION 10 OF THE ACT APPROVED MARCH 1, 1911

Legal Authority: 16 USC 519

CFR Citation: 36 CFR 281

Abstract: The objective is to rescind Part 281. The regulations have not been used in 20 years. Use of exchange authority rather than sale is the preferred manner of disposing of lands chiefly valuable for agriculture. (FS 84-007)

Timetable:

Action	Date	FR Cite
NPRM	09/14/84	49 FR 36112
Final Action	04/01/85	

Small Entity: No

Agency Contact: Marian P. Connolly, Regulatory Coordinator, Department of Agriculture, Forest Service, P. O. Box 2417, Washington, DC 20013, **703 235-1488**

RIN: 0596-AA04

131. SALE OF NATIONAL FOREST TOWNSITES TO GOVERNMENT ENTITIES

Legal Authority: 16 USC 478a

CFR Citation: 36 CFR 254, Subpart B

Abstract: The objective is to expedite processing of sales of certain National Forest System lands to governmental entities pursuant to the National Forest Townsite Act of July 31, 1958, as amended. Amendments will clarify existing procedures, provide for prior designation of applicable townsites by the Secretary of Agriculture, expedite processing of applications at the Regional level, and reduce regulatory impacts of the application process on nonfederal governmental entities. (FS 84-008)

Timetable:

Action	Date	FR Cite
NPRM	09/17/84	49 FR 36405
Final Action	04/01/85	

Small Entity: No

Agency Contact: Marian P. Connolly, Regulatory Coordinator, Department of Agriculture, Forest Service, P.O. Box 2417, Washington, DC 20013, **703 235-1488**

RIN: 0596-AA08

132. DEBARMENT AND SUSPENSION OF TIMBER SALE CONTRACTORS

Legal Authority: 16 USC 551

CFR Citation: 36 CFR 223, Subpart C

Abstract: The objective is to set forth conditions and procedures under which purchasers of National Forest System timber may be suspended or debarred from further contracting. (FS 83-004)

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/27/83	48 FR 23818
Extension of Interim Rule	07/11/84	49 FR 28241
NPRM	05/15/85	
Final Action	09/30/85	

Small Entity: No

Agency Contact: Marian P. Connolly, Regulatory Coordinator, Department of Agriculture, Forest Service, P.O. Box 2417, Washington, DC 20013, **703 235-1488**

RIN: 0596-AA09

133. RECOVERY OF FEDERAL COSTS ASSOCIATED WITH USER RESERVATION SYSTEMS ON SOME NATIONAL FOREST RECREATION AREAS

Legal Authority: 16 USC 551; 16 USC 472

CFR Citation: 36 CFR 291

Abstract: The objective is to recover the costs of administering a reservation system for visits to and use of highly popular National Forest System recreation areas. (FS 84-001)

Timetable:

Action	Date	FR Cite
NPRM	11/15/84	49 FR 45177
Final Action	04/01/85	

Small Entity: No

Agency Contact: Marian P. Connolly, Regulatory Coordinator, Department of Agriculture, Forest Service, P.O. Box 2417, Washington, DC 20013, **703 235-1488**

RIN: 0596-AA16

134. REVISION OF ADVERTISEMENTS FOR SALE OF NATIONAL FOREST TIMBER

Priority: Agency Determination

Legal Authority: 16 USC 472a

CFR Citation: 36 CFR 223.83; 36 CFR 223.84; 36 CFR 223.89; 36 CFR 223.100

Abstract: This proposal stems from a Forest Service productivity improvement study of timber sale procedures. The objective of this proposed revision is to simplify and shorten advertisements for National Forest timber sales and to concurrently reduce the Government's advertising costs. (FS 84-011)

Timetable:

Action	Date	FR Cite
NPRM	11/02/84	49 FR 44109
Final Action	06/15/85	

Small Entity: No

Agency Contact: Marian P. Connolly, Regulatory Coordinator, Department of Agriculture, Forest Service, P. O. Box 2417, Washington, DC 20013, **703 235-1488**

RIN: 0596-AA18

135. ADMINISTRATION OF COOPERATIVE OR FEDERAL SUSTAINED YIELD UNITS

Legal Authority: 16 USC 583 to 583i

CFR Citation: 36 CFR 223.117

Abstract: To remove that language in existing rule that is redundant of the statute, to clarify and improve word usage, and to remove requirement for advertising sales on sustained yield units by competitive bid, which is a more stringent requirement than contained in the statute. (FS 84-013)

Timetable:

Action	Date	FR Cite
NPRM	04/01/85	
Final Action	09/01/85	

Small Entity: No

Agency Contact: Marian P. Connolly, Regulatory Coordinator, Department of Agriculture, Forest Service, P. O. Box 2417, Washington, DC 20013, **703 235-1488**

RIN: 0596-AA19

136. LAND STATUS AND TITLE RECORDS

Legal Authority: 16 USC 472; 16 USC 551; 16 USC 1603

CFR Citation: 36 CFR 200.12, (New)

Abstract: Objective is to establish that the Land Status Record is the official record of title for National Forest System lands and to set forth the authorities, policies, and procedures for recording, custody, maintenance, and use of title documents and title status reports. (FS 84-018)

Timetable:

Action	Date	FR Cite
NPRM	09/00/86	
Final Action	03/00/87	

Small Entity: No

Agency Contact: Marian P. Connolly, Regulatory Coordinator, Department of Agriculture, Forest Service, P. O. Box 2417, Washington, DC 20013, **703 235-1488**

RIN: 0596-AA24

137. ● TO REQUIRE (DISQUALIFIED) HIGH BIDDERS ON TIMBER SALE CONTRACTS, TO REIMBURSE THE FOREST SERVICE FOR THE ADMINISTRATIVE COSTS INCURRED IN READVERTISING THE SALE

Legal Authority: 92 Stat. 1301

CFR Citation: 36 CFR 223.101

Abstract: The objective is to ensure that bidders on National Forest timber sales are qualified to be awarded the sale. The proposal would seek to recover the administrative costs incurred in readvertising the sale by withholding funds from the bid guarantee submitted by the unqualified high bidder. (FS 85-007)

Timetable:

Action	Date	FR Cite
NPRM	04/01/85	
Final Action	07/01/85	

Small Entity: No

Agency Contact: Marian P. Connolly, Regulatory Coordinator, Department of Agriculture, Forest Service, P.O. Box 2417, Washington, DC 20013, **703 235-1488**

RIN: 0596-AA27

138. ● CASH DOWN PAYMENTS, PERIODIC PAYMENTS FOR NATIONAL FOREST TIMBER CONTRACTS

Legal Authority: 16 USC 618

CFR Citation: 36 CFR 223

Abstract: The objective of the down payment and periodic payment requirements is to discourage speculative bidding on National Forest timber sales. Regulation is required by statute.

An interim policy notice is needed in order to conform to the legislated January 1, 1985, effective date for these actions. Because of the time required to prepare timber sale documents, such as the advertisement, prospectus and sample contract, and because of the 30-day advertisement period for timber sales, it is not possible to include down payment and periodic payment policies in the same manner as the proposed policy for other features of the Act. (FS 84-020)

Timetable:

Action	Date	FR Cite
NPRM	01/17/85	50 FR 2591
Final Action	04/01/85	

Small Entity: No

Agency Contact: Marian Connolly, Regulatory Coordinator, Department of Agriculture, Forest Service, Room 809-RPE, Arlington, VA, **703 235-1488**

RIN: 0596-AA29

139. ● ADD SECTION TO 36 CFR 251.53 - SPECIAL USES TO INCLUDE ALASKA NATIONAL INTEREST LAND AND CONSERVATION ACT AS AN AUTHORITY AND ADD REGULATION 36 CFR 251.70 ON INGRESS AND EGRESS TO ETC

Legal Authority: PL 96-487

CFR Citation: 36 CFR 251.53

Abstract: The proposed regulation will tie the granting of special-use authorizations for ingress and egress under the Alaska National Interest Lands and Conservation Act (ANILCA) to the existing authorities for granting

authorizations to use or occupy National Forest lands and remove the discretionary aspects of those laws and regulations when applied to parties qualifying for access under ANILCA. (FS 85-001)

Timetable:

Action	Date	FR Cite
NPRM	03/12/85	
Final Action	10/15/85	

Small Entity: No

Additional Information: TITLE CONT: Private Lands Within the National Forests.

Agency Contact: Marian P. Connolly, Regulatory Coordinator, Department of Agriculture, Forest Service, P.O. Box 2417, Washington, DC 20013, 703 235-1488

RIN: 0596-AA31

DEPARTMENT OF AGRICULTURE (USDA)

Forest Service (FS)

Existing Regulations Under Review

140. ADMINISTRATION OF THE FOREST DEVELOPMENT TRANSPORTATION SYSTEM

Legal Authority: 16 USC 551; 23 USC 205

CFR Citation: 36 CFR 212

Abstract: Review pursuant to EO 12291. Part 212 describes the plan for the system of access roads, trails, and airfields needed for protection, administration and use of the National Forest System. Public notice in April 1983 Unified Agenda (48 FR 17914). (FS 84-004)

Timetable:

Action	Date	FR Cite
Begin Review	04/25/83	
End Review	12/00/84	
Notice under Preparation	00/00/00	

Small Entity: No

Agency Contact: Marian P. Connolly, Regulatory Coordinator, Department of Agriculture, Forest Service, P. O. Box 2417, Washington, DC 20013, 703 235-1488

RIN: 0596-AA00

141. LOCATABLE MINERALS

Legal Authority: 16 USC 478; 16 USC 551

CFR Citation: 36 CFR 228, Subpart A

Abstract: Rules and procedures for the use of the surface of National Forest Systems lands for locatable minerals. Public notice in April 1983 Unified Agenda. (48 FR 17915). (FS 83-007)

Timetable:

Action	Date	FR Cite
End Review	03/00/85	
Begin Review	03/00/85	

Small Entity: No

Agency Contact: Marian P. Connolly, Regulatory Coordinator, Department of Agriculture, Forest Service, P. O. Box 2417, Washington, DC 20013, 703 235-1488

RIN: 0596-AA01

142. USE OF MOTOR VEHICLES OFF FOREST DEVELOPMENT ROADS

Legal Authority: 16 USC 551; 7 USC 1011

CFR Citation: 36 CFR 295

Abstract: Sets forth the process for developing management plans for use of off-road vehicles on National Forest lands. (FS 84-003)

Timetable:

Action	Date	FR Cite
Begin Review	10/17/83	48 FR 47250
End Review	03/00/85	

Small Entity: No

Agency Contact: Marian P. Connolly, Regulatory Coordinator, Department of Agriculture, Forest Service, P. O. Box 2417, Washington, DC 20013, 703 235-1488

RIN: 0596-AA05

143. RANGE MANAGEMENT-GRAZING AND LIVESTOCK USE AND MANAGEMENT OF WILD, FREE-ROAMING HORSES AND BURROS

Legal Authority: 43 USC 1901; 16 USC 1331 to 1340; 16 USC 551; 7 USC 1011

CFR Citation: 36 CFR 222, Subpart A; 36 CFR 222, Subpart B

Abstract: Review of Subparts A and B pursuant to EO 12291. Subpart A sets forth policy and procedure governing management of the range environment, issuance of permits for grazing and livestock use, range improvements, and establishment and functions of grazing advisory boards.

Subpart B defines categories of wild, free-roaming horses and burros, sets protection standards and provides for relation of excess animals and general administrative procedures. (FS 84-005)

Timetable:

Action	Date	FR Cite
Begin Review	10/00/85	
End Review	03/00/86	

Small Entity: No

Agency Contact: Marian P. Connolly, Regulatory Coordinator, Department of Agriculture, Forest Service, P.O. Box 2417, Washington, DC 20013, 703 235-1488

RIN: 0596-AA14

144. SPECIAL USES OF NATIONAL FOREST SYSTEM LANDS

Legal Authority: 16 USC 551; 16 USC 495; 16 USC 431 et seq; 7 USC 1011(d); 43 USC 1761 to 1771

CFR Citation: 36 CFR 251.50 to 251.64

Abstract: Review of existing rule which explains procedures for applying for and obtaining approval for special uses of National Forest System lands and the terms, conditions, and instruments of special use authorizations. Public notice in October 1983 Unified Agenda. (49 FR 41519) (FS 84-014)

Timetable:

Action	Date	FR Cite
Begin Review	12/00/84	
Final Action	03/00/86	

Small Entity: No

USDA—FS

Existing Regulations Under Review

Agency Contact: Marian P. Connolly, Regulatory Coordinator, Department of Agriculture, Forest Service, P.O. Box 2417, Washington, DC 20013, **703 235-1488**

RIN: 0596-AA20

145. EXERCISE OF TIMBER, MINERAL AND WATER RIGHTS, OF RIGHTS-OF-WAY, AND OF RIGHTS TO USE AND OCCUPY LANDS CONVEYED TO THE U.S.

Legal Authority: 7 USC 1011; 16 USC 485; 16 USC 486; 16 USC 513; 16 USC 518

CFR Citation: 36 CFR 251.14 to 251.19

Abstract: These rules set forth conditions to be included in deeds of conveyance where grantors wish to reserve certain rights of use and occupancy. Rules will be reviewed pursuant to EO 12291. (FS 84-015)

Timetable:

Action	Date	FR Cite
Begin Review	04/00/85	
Final Action	10/00/85	

Small Entity: No

Agency Contact: Marian P. Connolly, Regulatory Coordinator, Department of Agriculture, Forest Service, P.O. Box 2417, Washington, DC 20013, **703 235-1488**

RIN: 0596-AA21

146. MANAGEMENT OF MUNICIPAL WATERSHEDS

Legal Authority: 16 USC 551; 16 USC 472; 16 USC 1761 to 1771

CFR Citation: 36 CFR 251.9

Abstract: Regulation sets forth agency policy on entering into cooperative agreements with municipal governments or irrigation districts to protect water supplies within National Forests. Rule will be reviewed pursuant to EO 12291. (FS 84-016)

Timetable:

Action	Date	FR Cite
Begin Review	06/00/85	
Final Action	12/00/85	

Small Entity: No

Agency Contact: Marian P. Connolly, Regulatory Coordinator, Department of Agriculture, Forest Service, P.O. Box 2417, Washington, DC 20013, **703 235-1488**

RIN: 0596-AA22

147. ENTRANCE INTO PETERSBURG WATERSHED

Legal Authority: 16 USC 551; 16 USC 472; 16 USC 1761 to 1771

CFR Citation: 36 CFR 251.35

Abstract: Rule restricts entry into watershed without approval of authorized officials of Petersburg, Alaska. Rule will be reviewed pursuant to EO 12291. (FS 84-017)

Timetable:

Action	Date	FR Cite
Begin Review	08/00/85	
Final Action	01/00/86	

Small Entity: No

Agency Contact: Marian P. Connolly, Regulatory Coordinator, Department of Agriculture, Forest Service, P.O. Box 2417, Washington, DC 20013, **703 235-1488**

RIN: 0596-AA23

148. ● YOUNG ADULT CONSERVATION CORPS

Legal Authority: 29 USC 801 et seq

CFR Citation: 36 CFR 215

Abstract: Describes the YACC program requirements and procedures for States to follow in obtaining grants to establish and administer YACC programs on non-Federal public lands. Identical to regulations published by U.S. Department of the Interior. (FS 85-010)

Timetable:

Action	Date	FR Cite
Begin Review	04/01/85	
End Review	08/01/85	

Small Entity: No

Agency Contact: Marian P. Connolly, Regulatory Coordinator, Department of Agriculture, Forest Service, P.O. Box 2417, Washington, DC 20013, **703 235-1488**

RIN: 0596-AA26

149. ● EXPERIMENTAL AREAS AND RESEARCH NATURAL AREAS

Legal Authority: 16 USC 551

CFR Citation: 36 CFR 251.23

Abstract: Directs establishment of experimental forests and ranges and, where appropriate, research natural areas to provide base for forestry research. Sets forth management restrictions in research natural areas. (FS 85-008)

Timetable:

Action	Date	FR Cite
Begin Review	03/00/86	
End Review	12/00/86	

Small Entity: No

Agency Contact: Marian P. Connolly, Regulatory Coordinator, Department of Agriculture, Forest Service, P.O. Box 2417, Washington, DC 20013, **703 235-1488**

RIN: 0596-AA30

150. ● YOUTH CONSERVATION CORPS

Legal Authority: 16 USC 1704

CFR Citation: 36 CFR 214

Abstract: Describes the YCC program requirements and procedures for States to follow in obtaining grants to establish and administer YCC programs. Identical to USDI YCC regulations. (FS 85-009)

Timetable:

Action	Date	FR Cite
Begin Review	04/01/85	
End Review	08/01/85	

Small Entity: No

Agency Contact: Marian P. Connolly, Regulatory Coordinator, Department of Agriculture, Forest Service, P.O. Box 2417, Washington, DC 20013, **703 235-1488**

RIN: 0596-AA32

DEPARTMENT OF AGRICULTURE (USDA)
Forest Service (FS)

Completed Actions

COMPLETED RULEMAKINGS

151. REVISION OF SPECIAL TERMS AND CONDITIONS IN SPECIAL USE AUTHORIZATIONS FOR ELECTRIC POWER TRANSMISSION FACILITIES OF 66 KILOVOLTS

CFR Citation: 36 CFR 251.54; 36 CFR 251.56

Completed:

Reason	Date	FR Cite
Final Action	11/15/84	49 FR 46893

Small Entity: No

Agency Contact: Marian P. Connolly 703 235-1488

RIN: 0596-AA15

152. CLAIMS COLLECTION UNDER THE DEBT COLLECTION ACT OF 1982

CFR Citation: 36 CFR 211, Subpart C, (New)

Completed:

Reason	Date	FR Cite
Withdrawn	03/01/85	

Small Entity: No

Agency Contact: Marian P. Connolly 703 235-1488

RIN: 0596-AA25

COMPLETED REVIEWS

153. SALE AND DISPOSAL OF TIMBER

CFR Citation: 36 CFR 223

Completed:

Reason	Date	FR Cite
End Review	10/00/84	

Small Entity: No

Agency Contact: Marian P. Connolly 703 235-1488

RIN: 0596-AA10

ACTIONS THAT STARTED AND ENDED BETWEEN ISSUES OF THE UNIFIED AGENDA

154. ● PROPOSED RULE TO REVISE 36 CFR 223 TO ESTABLISH THE BUY-OUT PROCEDURES AUTHORIZED BY THE FEDERAL TIMBER CONTRACT PAYMENT MODIFICATION ACT

Legal Authority: 16 USC 618

CFR Citation: 36 CFR 223

Abstract: The President signed the Federal Timber Contract Payment Modification Act (Act) on October 16, 1984. The objectives of this proposed rule are to provide direction for the implementation of the timber sale buy-out sections of the Act, as required by Section 2(a)(6)(A). (FS 84-022)

Timetable:

Action	Date	FR Cite
NPRM	01/04/85	50 FR 488
Final Action	03/15/85	

Small Entity: No

Agency Contact: Marian P. Connolly, Regulatory Coordinator, Department of Agriculture, Forest Service, P.O. Box 2417, Washington, DC 20013, 703 235-1488

RIN: 0596-AA28

[FR Doc. 85-6486 Filed 04-26-85; 8:45 am]

BILLING CODE 3410-01-T

DEPARTMENT OF AGRICULTURE (USDA)
Office of Finance and Management (OFM)

Current and Projected Rulemakings

155. AMEND USDA UNIFORM FEDERAL ASSISTANCE REGULATIONS

Legal Authority: 5 USC 301

CFR Citation: 7 CFR 3015

Abstract: This proposal will bring USDA regulations into compliance with revisions to the Office of Management and Budget Circular A-102, "Uniform requirements for grants to States and local government." (OFM 84-001)

Timetable:

Action	Date	FR Cite
NPRM	09/00/85	
Final Action	02/00/86	

Small Entity: No

Agency Contact: Lyn Zimmerman, Supervisory Program Analyst, Department of Agriculture, Office of Finance and Management, Room 2117 Auditors Bldg., Washington, DC 20250, 202 382-1553

RIN: 0505-AA01

156. ● AMEND USDA UNIFORM FEDERAL ASSISTANCE REGULATIONS, 7 CFR 3015, SUBPART I, AUDITS

Legal Authority: 5 USC 301; PL 98-502

CFR Citation: 7 CFR 3015, Subpart I

Abstract: This amendment implements the Single Audit Act of 1984 (P.L. 98-502). It establishes uniform audit requirements for State and local governments and Indian tribes that receive Federal assistance and defines Federal responsibilities for implementing and monitoring those requirements (OFM 85-001).

Timetable:

Action	Date	FR Cite
Final Action	05/00/85	

Small Entity: No

Agency Contact: Lyn Zimmerman, Supervisory Program Analyst, Department of Agriculture, Office of Finance and Management, Room 2117 Auditors Building, Washington, DC 20250, 202 382-1553

RIN: 0505-AA03

157. ● AMEND USDA UNIFORM FEDERAL ASSISTANCE REGULATIONS, 7 CFR 3015 SUBPART Q, APPLICATION FOR FEDERAL ASSISTANCE

Legal Authority: 5 USC 301; PL 95-113, Sec 1472

CFR Citation: 7 CFR 3015

Abstract: This regulation will provide USDA agencies with uniform standards for a competitive award process for grants and cooperative agreements in research, extension, and teaching programs. This regulation codifies current USDA policy as set forth in Secretary's Memorandum 5000-2 which was issued August 13, 1984.

USDA—OFM **Current and Projected Rulemakings**

Timetable:

Action	Date	FR Cite
NPRM	03/00/85	
Final Action	06/00/85	

Small Entity: No

Agency Contact: Lyn Zimmerman, Supervisory Program Analyst, Department of Agriculture, Office of Finance and Management, Room 2117 Auditors Building, Washington, DC 20250, 202 382-1553

RIN: 0505-AA04

DEPARTMENT OF AGRICULTURE (USDA)
Office of Finance and Management (OFM)

Completed Actions

COMPLETED RULEMAKINGS

158. AMEND USDA UNIFORM FEDERAL ASSISTANCE REGULATIONS, 7 CFR 3015 SUBPART U, MISCELLANEOUS

Priority: Agency Determination

CFR Citation: 7 CFR 3015

Completed:

Reason	Date	FR Cite
Final Action	10/01/84	49 FR 38533

Small Entity: No

Agency Contact: Lyn Zimmerman 202 382-1553

RIN: 0505-AA02

[FR Doc. 85-6486 Filed 04-26-85; 8:45 am]

BILLING CODE 3410-01-T

DEPARTMENT OF AGRICULTURE (USDA)
Office of the Secretary (AgSEC)

Current and Projected Rulemakings

159. ACQUISITION REGULATION

Legal Authority: 5 USC 301; 40 USC 486(c)

CFR Citation: 48 CFR Chapter 4

Abstract: Issue new department acquisition regulation in 48 CFR Chapter 4 implementing federal acquisition regulation (48 CFR Chapter 1) effective April 1, 1984. (00 84-001)

Timetable:

Action	Date	FR Cite
Interim Final Rule	03/28/84	49 FR 12110
Final Action	09/30/85	

Small Entity: No

Agency Contact: Charles A. Bucy, Deputy Director, Office of Operations, Department of Agriculture, Office of the Secretary, Room 113-W, Admin. Bldg., Washington, DC 20250, 202 447-2582

RIN: 0503-AA01

160. RESCIND UNIFORM RELOCATION REGULATIONS

Legal Authority: PL 91-646; 84 Stat. 1894; 40 USC 4601 et seq

CFR Citation: 7 CFR 21

Abstract: This regulation will rescind Department regulations implementing uniform relocation assistance and real property acquisition policies Act of 1970 and establish new regulations to conform those to be issued by the Department of Transportation as Federal lead agency. (00 84-002).

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Agency Contact: Charles A. Bucy, Deputy Director, Department of Agriculture, Office of the Secretary, Office of Operations, Room 113-W, Admin. Bldg., Washington, DC 20250, 202 447-2582

RIN: 0503-AA02

DEPARTMENT OF AGRICULTURE (USDA)
Office of the Secretary (AgSEC)

Completed Actions

COMPLETED RULEMAKINGS

161. CERTIFICATION OF FOOD-GRADE CITRIC ACID AND FOOD-GRADE ENZYMES AS ESSENTIAL AGRICULTURAL USES OF NATURAL GAS UNDER THE NATURAL GAS POLICY ACT OF 1978

CFR Citation: 7 CFR 2900

Completed:

Reason	Date	FR Cite
Final Action	09/26/84	49 FR 37731

Small Entity: No

Agency Contact: Nancy L. Smith 202 447-2113

RIN: 0503-AA00

[FR Doc. 85-6486 Filed 04-26-85; 8:45 am]

BILLING CODE 3410-01-T

DEPARTMENT OF AGRICULTURE (USDA)
Packers and Stockyards Administration (P&SA)

Completed Actions

COMPLETED RULEMAKINGS

162. SCALES AND WEIGHING AND EXAMINATION OF RECORDS

CFR Citation: 9 CFR 201.71 to .73; 9 CFR 201.76; 9 CFR 201.82; 9 CFR 201.95; 9 CFR 201.96; 9 CFR 201.99; 9 CFR 201.74, (removed); 9 CFR 201.75, (removed); 9 CFR 201.77 to .80, (removed); 9 CFR 201.84, (removed); 9 CFR 201.103 to .106, (removed); 9 CFR 201.108 to .110, (removed)

Completed:

Reason	Date	FR Cite
Final Action	09/24/84	49 FR 37371

Small Entity: No

Agency Contact: James L. Smith 202 447-7063

RIN: 0590-AA03

[FR Doc. 85-6486 Filed 04-26-85; 8:45 am]

BILLING CODE 3410-01-T

DEPARTMENT OF AGRICULTURE (USDA)
Rural Electrification Administration (REA)

Current and Projected Rulemakings

163. REA BULLETIN 320-23, CONSTRUCTION CERTIFICATION PROCEDURES FOR DESIGNATED TELEPHONE BORROWERS

Legal Authority: 7 USC 901 to 950(b)

CFR Citation: 7 CFR 1765, (Proposed)

Abstract: The proposed regulation would permit REA to identify those borrowers who would participate in the agency's Construction Certification Program. This will further the Administration's policy of placing more responsibility for their operations in the hands of the borrowers. (REA 84-002)

Timetable:

Action	Date	FR Cite
NPRM	06/08/84	49 FR 23860
Final Action	06/00/85	

Small Entity: No

Agency Contact: Blaine Stockton, Jr., Assistant Administrator - Management, Department of Agriculture, Rural Electrification Administration, Room 4063-S, Washington, DC 20250, 202 382-9552

RIN: 0572-AA04

164. REA BULLETIN 50-1, ELECTRIC TRANSMISSION SPECIFICATIONS AND DRAWINGS (T-805)

Legal Authority: 7 USC 901 to 950(b)

CFR Citation: 7 CFR 1736.97

Abstract: Sets forth standard specifications and drawings for construction of transmission lines at 34.5 kV through 230 kV. (REA 83-011)

Timetable:

Action	Date	FR Cite
NPRM	07/23/84	49 FR 29617
Final Action	09/00/85	

Small Entity: No

Agency Contact: Blaine Stockton, Jr., Assistant Administrator - Management, Department of Agriculture, Rural Electrification Administration, Room 4063-S, Washington, DC 20250, 202 382-9552

RIN: 0572-AA06

165. REA BULLETIN 50-4, SPECIFICATIONS AND DRAWINGS FOR 34.5/19.9 KV DISTRIBUTION LINE CONSTRUCTION (D-801)

Legal Authority: 7 USC 901 to 950(b)

CFR Citation: 7 CFR 1736.97

Abstract: Sets forth standard specifications and drawings for construction of 34.5/19.9 kV distribution lines by REA borrowers. (REA 83-010)

Timetable:

Action	Date	FR Cite
NPRM	01/16/84	49 FR 1910
Final Action	02/00/86	

Small Entity: No

Agency Contact: Blaine Stockton, Jr., Assistant Administrator - Management, Department of Agriculture, Rural Electrification Administration, Room 4063-S, Washington, DC 20250, 202 382-9552

RIN: 0572-AA13

DEPARTMENT OF AGRICULTURE (USDA)
Rural Electrification Administration (REA)

Existing Regulations Under Review

166. REA BULLETIN 345-67, REA SPECIFICATION FOR FILLED TELEPHONE CABLE (PE-39)

Legal Authority: 7 USC 901 to 950(b)

CFR Citation: 7 CFR 1772.97

Abstract: This proposed revision is intended to allow for a cable design for use with higher digital carrier systems. The current specification does not provide for such a design. (REA 84-001)

Timetable:

Action	Date	FR Cite
Begin Review	12/00/84	
End Review	12/00/85	

Small Entity: No

Agency Contact: Blaine Stockton, Jr., Assistant Administrator - Management, Department of Agriculture, Rural Electrification Administration, Room 4063-S, Washington, DC 20250, 202 382-9552

RIN: 0572-AA05

USDA—REA **Existing Regulations Under Review**

167. REA BULLETIN 345-76, REA SPECIFICATION FOR SPRING ACTION TYPE BONDING CONNECTORS WITHIN BURIED PLANT HOUSINGS (PE-57)

Legal Authority: 7 USC 901 to 950(b)

CFR Citation: 7 CFR 1772.97

Abstract: The current specification does not contain requirements for the harness wires, different end terminations and male connectors that are currently available for use in the rural telephone industry. This proposed revision will update the standard to reflect these technologies. (REA 83-007)

Timetable:

Action	Date	FR Cite
Begin Review	06/00/83	
End Review	01/00/86	

Small Entity: No

Agency Contact: Blaine Stockton, Jr., Assistant Administrator - Management, Department of Agriculture, Rural Electrification Administration, Room 4063-S, Washington, DC 20250, 202 382-9552

RIN: 0572-AA07

168. REA BULLETIN 345-6, REA STANDARD FOR SPLICING PLASTIC-INSULATED CABLES (PC-2)

Legal Authority: 7 USC 901 to 950(b)

CFR Citation: 7 CFR 1772.97

Abstract: The proposed revision will reflect the many new construction methods and items of equipment available in the market place. This will permit the industry to take advantage of these new techniques. (REA 83-005)

Timetable:

Action	Date	FR Cite
Begin Review	06/00/83	
End Review	01/00/86	

Small Entity: No

Agency Contact: Blaine Stockton, Jr., Assistant Administrator - Management, Department of Agriculture, Rural Electrification Administration, Room 4063-S, Washington, DC 20250, 202 382-9552

RIN: 0572-AA08

169. REA BULLETIN 345-22, REA SPECIFICATION FOR VOICE FREQUENCY LOADING COILS (PE-26)

Legal Authority: 7 USC 901 to 950(b)

CFR Citation: 7 CFR 1772.97

Abstract: This proposed revision is being developed to clarify applications and interpretations of existing standards for voice frequency loading coils. (REA 83-004)

Timetable:

Action	Date	FR Cite
Begin Review	03/00/83	
End Review	03/00/86	

Small Entity: No

Agency Contact: Blaine Stockton, Jr., Assistant Administrator - Management, Department of Agriculture, Rural Electrification Administration, Room 4063-S, Washington, DC 20250, 202 382-9552

RIN: 0572-AA09

170. REA BULLETIN 345-65, REA SPECIFICATION FOR CABLE SHIELD BONDING CONNECTORS (PE-33)

Legal Authority: 7 USC 901 to 950(b)

CFR Citation: 7 CFR 1772.97

Abstract: The proposed revision will reflect end performance requirements that are consistent with cable shield bonding connectors manufactured and available for use on rural telephone systems. (REA 83-006)

Timetable:

Action	Date	FR Cite
Begin Review	08/00/83	49 FR 45752
End Review	03/00/85	

Small Entity: No

Agency Contact: Blaine Stockton, Jr., Assistant Administrator - Management, Department of Agriculture, Rural Electrification Administration, Room 4063-S, Washington, DC 20250, 202 382-9552

RIN: 0572-AA10

171. ● REA BULLETIN 345-72, REA SPECIFICATION FOR FILLED SPLICE ENCLOSURES (PE-74)

Legal Authority: 7 USC 901 to 950(b)

CFR Citation: 7 CFR 1771.97

Abstract: The proposed revision (1) establishes which parts of reenterable splice closures are salvageable and which parts are non-salvageable, (2) requires the manufacturer to include in the closure kit all the materials needed to make a complete installation, (3) addresses testing parameters for different encapsulating compounds, (4) includes test requirements for the cable closure encapsulant system in a simulated application environment and (5) requires closure identification and assembly instructions in the product package. The revised specification will reflect the current state of the art technology which will provide the REA telephone borrowers with the best and most cost effective product. (REA 85-009)

Timetable:

Action	Date	FR Cite
NPRM	11/20/84	49 FR 45753
End Review	04/00/85	

Small Entity: No

Agency Contact: Blaine Stockton, Jr., Assistant Administrator - Management, Department of Agriculture, Rural Electrification Administration, Room 4063-S, Washington, DC 20250, 202 382-9552

RIN: 0572-AA15

[FR Doc. 85-9486 Filed 04-26-85; 8:45 am]

BILLING CODE 3410-01-T

DEPARTMENT OF AGRICULTURE (USDA)

Current and Projected Rulemakings

Soil Conservation Service (SCS)

172. SOIL SURVEYS

Legal Authority: Part of Agriculture Appropriation Act of 1896; PL 74-46 The Soil Conservation and Domestic Allotment Act; PL 89-560 Soil Surveys for Resource Planning and Development; 42 USC 3271; 42 USC 3274

CFR Citation: 7 CFR 611

Abstract: SCS is responsible for the soil survey activities of USDA. Soil surveys on non-federal lands are carried out cooperatively with state agricultural

USDA—SCS | **Current and Projected Rulemakings**

experiment stations and other state agencies. Cooperative arrangements exist between SCS and other federal agencies for soil surveys on federal lands. Soil surveys include information about soils in sufficient detail to meet reasonable needs of landusers and units of government. Soil surveys are published when soil survey field work is completed on a designated area. (SCS 83-006)

Timetable:

Action	Date	FR Cite
End Review	11/00/84	
Final Action	04/00/85	

Small Entity: No

Agency Contact: Wayne Maresch, Regulatory Coordinator, Department of Agriculture, Soil Conservation Service, Room 6004-South Bldg., Washington, DC 20013, 202 447-4811

RIN: 0578-AA00

173. ACQUISITION OF REAL PROPERTY UNDER FEDERALLY ASSISTED PROGRAMS

Legal Authority: 7 CFR 2.62

CFR Citation: 7 CFR 651

Abstract: Prescribes the basic requirements for the acquisition of real property under federally-assisted programs administered by SCS. (SCS 84-003)

Timetable:

Action	Date	FR Cite
NPRM	08/00/83	48 FR 39236
Final Action	08/00/85	

Small Entity: No

Agency Contact: Wayne Maresch, Regulatory Coordinator, Department of Agriculture, Soil Conservation Service, Room 6004-South Bldg., Washington, DC 20013, 202 447-4811

RIN: 0578-AA09

174. PRIME AND UNIQUE FARMLANDS

Legal Authority: 16 USC 590(a to f); 42 USC 4321 et seq; PL 95-87

CFR Citation: 7 CFR 657

Abstract: It is SCS policy to make and keep current an inventory of the prime farmland and unique farmland of the nation. This inventory is carried out in cooperation with other federal, state, and local agencies. The objective is to identify the extent and location of important rural lands needed to produce food, feed, fiber, forage, and oilseed crops. (SCS 83-007)

Timetable:

Action	Date	FR Cite
Final Action	08/00/85	

Small Entity: No

Agency Contact: Wayne Maresch, Regulatory Coordinator, Department of Agriculture, Soil Conservation Service, Room 6004-South Bldg., Washington, DC 20013, 202 447-4811

RIN: 0578-AA10

DEPARTMENT OF AGRICULTURE (USDA)
Soil Conservation Service (SCS)

Existing Regulations Under Review

175. SNOW SURVEYS AND WATER SUPPLY FORECASTS

Legal Authority: Secretary's Memorandum 870 - July 1, 1940; Reorganization Plan No. 2 of 1953

CFR Citation: 7 CFR 612

Abstract: SCS administers a cooperative snow survey and water supply forecast program in western states and Alaska. The program provides agricultural water users and other water management groups in these states with water supply forecasts. SCS establishes, maintains, and operates manual and automated snow courses. Water supply outlook reports are issued monthly in those states for the months of January through June. (SCS 83-005)

Timetable:

Action	Date	FR Cite
End Review	11/00/84	
Final Action	08/00/85	

Small Entity: No

Agency Contact: Wayne Maresch, Regulatory Coordinator, Department of Agriculture, Soil Conservation Service, Room 6004-South Bldg., Washington, DC 20013, 202 447-4811

RIN: 0578-AA01

176. LONG TERM CONTRACTING

Legal Authority: 16 USC 590d; 16 USC 590p(b)

CFR Citation: 7 CFR 630

Abstract: The purpose of this rule is to extend cost sharing of conservation measures and technical assistance. (SCS 83-003)

Timetable:

Action	Date	FR Cite
End Review	05/00/85	

Small Entity: No

Agency Contact: Wayne Maresch, Regulatory Coordinator, Department of Agriculture, Soil Conservation Service, Room 6004-South Bldg., Washington, DC 20013, 202 447-4811

RIN: 0578-AA03

[FR Doc. 85-6486 Filed 04-26-85; 8:45 am]

BILLING CODE 3410-01-T

Monday
April 29, 1985

Part IV

Department of Commerce

Semiannual Regulatory Agenda

DOC

DEPARTMENT OF COMMERCE

Office of the Secretary

13 CFR Ch. III

15 CFR Subtitle A; Subtitle B, Chs. I, II, III, IV, VIII, IX, XIV; Subtitle D, Ch. XXIII

19 CFR Ch. III

37 CFR Ch. I

48 CFR Ch. 13

50 CFR Chs. I, II, III, IV, VI

Semiannual Agenda of Regulations

AGENCY: Department of Commerce.

ACTION: April 1985 regulatory agenda.

SUMMARY: In compliance with Executive Order (EO) 12291, entitled "Federal Regulation," and the Regulatory Flexibility Act (Pub. L. 96-354), the Department of Commerce (DOC) in April and October of each year publishes in the **Federal Register** an agenda of the regulations that the Department expects to propose or to issue over the next 12 months. In addition, the agenda lists all existing regulations currently under review for possible revision or repeal and all such reviews scheduled to begin over the next 12 months. Finally, the agenda lists all rulemakings and reviews of existing regulations completed since publication of the last agenda. The purpose of the agenda is to provide information to the public on all regulations currently under review, being proposed, or issued by the Department. The agenda is intended to facilitate comments and views by interested members of the public.

DOC's April 1985 regulatory agenda includes all regulatory activities that are expected to be conducted during the period April 1, 1985 through March 31, 1986. Regulatory developments occurring after February 27, 1985 for agenda items will be reported in the next agenda.

FOR FURTHER INFORMATION CONTACT:

Specific: For additional information about a specific regulatory action listed in the agenda, contact the individual identified as the contact person.

General: Comments or inquiries of a general nature about the agenda should be directed to H. Stephen Halloway, Associate General Counsel for Legislation and Regulation, U.S. Department of Commerce, Washington, D.C. 20230, Telephone: (202) 377-1328.

SUPPLEMENTARY INFORMATION: On February 17, 1981, President Reagan signed Executive Order 12291. The EO requires all executive agencies to publish semiannually an agenda of those regulations that are under consideration. Office of Management and Budget (OMB) Bulletin No. 85-6, issued December 13, 1984 establishes guidelines and procedures for the preparation and publication of the April 1985 Unified Agenda of Federal Regulations for all Federal departments and agencies. EO 12291 and the OMB Bulletin require that each agenda report the following information on all regulatory activities being conducted or planned to be conducted by the agency during the twelve- month period succeeding publication: The title of the regulation; the name, title, address and phone number of an agency person who is knowledgeable about the regulation; whether the regulation has or is expected to have a significant economic impact on a substantial number of small entities; the section(s) of the Code of Federal Regulations (CFR) which affects or will be affected by the action; the section of the United States Code (USC), Public Law (PL), or Executive Order (EO) that authorizes the action; an abstract describing the problem the regulation addresses, alternatives to the regulation being considered, and potential costs and benefits of the action; and a timetable of dates and, if available, **Federal Register** citations for past and future stages of the action.

The Regulatory Flexibility Act requires agencies to prepare a regulatory flexibility analysis (RFA) where there is a positive finding that a rule will have a significant impact on a substantial number of small entities. EO 12291 requires agencies to prepare a regulatory impact analysis (RIA) for any regulation considered to be a "major rule" as defined in the EO.

The OMB Bulletin also requires that regulations designated for priority development or review by the agency head or the President's Task Force on Regulatory Relief, and regulations which are "major rules" within the meaning of the EO be designated in the agenda as "priority." The Department also designates as "priority" all rules required to be reviewed, revised or issued by a court order. The OMB Bulletin also requires that all regulations issued or withdrawn, and all reviews completed since publication of the preceding agenda, be listed with the following information: the title of the regulation; the name and phone number of the agency contact person; the **Federal Register** citation of the final action, if available; and the final action taken including the reason therefore.

Explanation of Information Contained in the Agenda

Within the Department, the Office of the Secretary and various operating units may issue regulations. Operating units such as the National Oceanic and Atmospheric Administration (NOAA), the International Trade Administration (ITA), National Bureau of Standards (NBS) and the Patent and Trademark Office (PTO) issue the greatest share of the Department's regulations, while other operating units such as the United States Travel and Tourism Administration currently have no regulations in effect.

A large number of the regulations presented in the agenda deal with fishery management programs of NOAA's National Marine Fisheries Service (NMFS). To avoid repetition of programs and definitions, as well as to provide some understanding of the technical and institutional elements of the NMFS programs, a section on "Explanation of Information Contained in NMFS Regulatory Entries" is provided below.

Explanation of Information Contained in NMFS Regulatory Entries

The Magnuson Fishery Conservation and Management Act of 1976 (16 USC 1801 *et seq.*) (Act) requires that a preliminary fishery management plan (PMP) be prepared for all fisheries within a fishery conservation zone (FCZ) fished in by foreign fishing nations. The FCZ refers to those waters from the outer edge of the United States territorial sea to a distance of 200 miles. Fishery management plans (FMPs) are to be prepared if those fisheries require conservation and management measures. Although PMPs apply only to foreign fishing, the FMPs regulate both foreign and domestic fishing. When promulgated, the FMPs supersede the PMPs. Under the Act, eight Regional Fishery Management Councils (Councils) prepare FMPs for fisheries

DOC

within their respective areas. In the development of such plans and their implementing regulations, the Councils are required by law to conduct public hearings on the draft plans and to consider the use of alternative means of regulating.

The Council process for developing FMPs makes it difficult for NMFS to determine the significance of some regulatory actions under consideration at the time the semiannual regulatory agenda is published. Frequently NMFS does not have specific plan objectives or alternatives for management since the Councils may not have approved or submitted plans to the Secretary of Commerce for review, adoption, and implementation.

Another large number of regulatory actions reported in the agenda are proposed or final Federal Information Processing Standards (FIPS), issued by the National Bureau of Standards under Pub. L. 89-306. FIPS consist of standards and guidelines to improve Federal Government use and management of computers and information technology. The standards, while often of great use to industry and the public, apply only to the Federal Government. In developing the standards and guidelines, and in providing technical guidance and coordination to Federal agencies, NBS works closely with private industry standard-setting organizations.

The DOC regulatory agenda follows.

DATED: February 27, 1985.

Malcolm Baldrige,

Secretary of Commerce.

Office of the Secretary—Current and Projected Rulemakings

Sequence Number	Title	Regulation Identifier Number
1	Age Discrimination Act of 1975: Implementation	0690-AA00
2	Enforcement of Nondiscrimination on the Basis of Handicap in Department of Commerce Programs	0690-AA06
3	*Department of Commerce Implementation of the Competition in Contracting Act of 1984 and the Small Business and Federal Procurement Competition Enhancement Act of 1984	0690-AA07

*Indicates priority regulation.

Office of the Secretary—Existing Regulations Under Review

Sequence Number	Title	Regulation Identifier Number
4	Public Information, Freedom of Information (Fees)	0690-AA04

Office of the Secretary—Completed Actions

Sequence Number	Title	Regulation Identifier Number
5	Commerce Acquisition Regulation	0690-AA05

Bureau of Economic Analysis—Current and Projected Rulemakings

Sequence Number	Title	Regulation Identifier Number
6	*Surveys of International Trade in Services Between U.S. and Foreign Persons	0691-AA03

*Indicates priority regulation.

Bureau of the Census—Current and Projected Rulemakings

Sequence Number	Title	Regulation Identifier Number
7	Foreign Trade Statistics (SEDs)	0607-AA02
8	Foreign Trade Statistics	0607-AA03

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Economic Development Administration—Current and Projected Rulemakings

Sequence Number	Title	Regulation Identifier Number
9	Energy Conservation: Miscellaneous Amendments to Financial Assistance Programs Regarding Energy Conservation	0610-AA03
10	General Requirements for Financial Assistance - Design, Construction of Buildings to Accommodate the Physically Handicapped	0610-AA05
11	Economic Development Administration: Property Management Standards	0610-AA07
12	Designation of Public Works Impact Program Areas; Supplementary Grant Rates	0610-AA10
13	Property Management Standards - Mortgages	0610-AA12
14	Public Works and Development Facilities Program - Specific Types of Projects	0610-AA13
15	Business Development Program - Financial Assistance for Industrial and Commerical Purposes	0610-AA14
16	Property Management Standards - Mortgages	0610-AA15

General Administration—Current and Projected Rulemakings

Sequence Number	Title	Regulation Identifier Number
17	Administrative Offsets for Debts Owed the Department of Commerce	0605-AA00
18	Audit Requirements for State and Local Governments	0605-AA01

International Trade Administration—Current and Projected Rulemakings

Sequence Number	Title	Regulation Identifier Number
19	*Export Administration Regulations	0625-AA00
20	General Regulations Governing Foreign Trade Zones in the United States, with Rules of Procedures	0625-AA04
21	Adjustment Assistance for Firms and Industries	0625-AA05
22	*Antidumping Duties; Countervailing Duties	0625-AA08
23	*General Licenses, Part 371 of the Export Administration Regulations	0625-AA12
24	*Technical Data, Part 379 of the Export Administration Regulations	0625-AA13
25	*Export Licensing General Policy, Part 370 of the Export Administration Regulations	0625-AA14
26	Effect of Imported Articles on the National Security	0625-AA15
27	*Special Nuclear Controls, Part 378 of the Export Administration Regulations	0625-AA16
28	Removal of the Short Supply Validated Licensing Requirement on Exports of Linear Alpha Olefins and Other Acyclic Organic Compounds	0625-AA17
29	*Petroleum Partly Refined for Further Refining	0625-AA18
30	Commodities Subject to the Naval Petroleum Resources Production Act of 1976 (NPRPA)	0625-AA19

*Indicates priority regulation.

International Trade Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
31	*Guidelines for the Issuance of Export Trade Certificates of Review	0625-AA10
32	*Regulations for Issuance of Export Trade Certificates of Review	0625-AA11

*Indicates priority regulation.

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Minority Business Development Agency—Completed Actions

Sequence Number	Title	Regulation Identifier Number
33	Determination of Group Eligibility for MBDA Assistance	0640-AA01

National Bureau of Standards—Current and Projected Rulemakings

Sequence Number	Title	Regulation Identifier Number
34	FIPS for Computer Data Authentication	0693-AA02
35	FIPS for Password Usage	0693-AA03
36	Revision to FIPS 21-1, COBOL	0693-AA04
37	FIPS for Storage Module Interfaces	0693-AA05
38	FIPS for Transport Protocol	0693-AA06
39	FIPS for Session Protocol Standard	0693-AA12
40	Revision to FIPS 70, Representation of Geographic Point Locations for Information Interchange	0693-AA13
41	FIPS for Message Transfer Protocol	0693-AA17
42	Procedures for the Development of Voluntary Product Standards	0693-AA20
43	FIPS for 130 mm (5.25 in) Flexible Disk Cartridge Track Format Using Two-Frequency Recording at 3979 bprad on One Side - 1.9 tpmm (48 tpi) for Information Interchange	0693-AA21
44	FIPS for Flexible Disk Cartridge Labelling and File Structure for Information Interchange	0693-AA22
45	FIPS for 130 mm (5.25 in) Flexible Disk Cartridge Track Format Using Modified Frequency Modulation Recording at 7958 bprad on Two Sides - 1.9 tpmm (48 tpi) for Information Interchange	0693-AA23
46	FIPS for 200 mm (8 in) Flexible Disk Cartridge Track Format Using Modified Frequency Modulation Recording at 13262 bprad on Two Sides - 1.9 tpmm (48 tpi) for Information Interchange	0693-AA24
47	FIPS for 200 mm (8 in) Flexible Disk Cartridge Track Format Using Two-Frequency Recording at 6631 bprad on One Side - 1.9 tpmm (48 tpi) for Information Interchange	0693-AA25
48	Revision to FIPS 68, Minimal BASIC	0693-AA26
49	FIPS for Ada	0693-AA27
50	FIPS for Network Database Language (NDL)	0693-AA28
51	FIPS for Graphical Kernel System (GKS)	0693-AA29
52	FIPS for Videotex/Teletext Presentation Level Protocol Syntax (North American PLPS)	0693-AA30
53	Revision to FIPS 69, FORTRAN	0693-AA31

National Bureau of Standards—Completed Actions

Sequence Number	Title	Regulation Identifier Number
54	FIPS for Pascal Programming Language	0693-AA07
55	FIPS for Alphanumeric Computer Output Microform Quality Test Slide	0693-AA08
56	FIPS for Local Networks Baseband Carrier Sense Multiple Access with Collision Detection; Physical Layer Specifications and Link Layer Protocol	0693-AA10
57	Revisions to FIPS 1-1 and 2; Code for Information Interchange, Its Representations, Subsets, and Extensions and Perforated Tape Code for Information Interchange	0693-AA11
58	National Voluntary Laboratory Accreditation Program Procedures	0693-AA19

National Oceanic and Atmospheric Administration—Current and Projected Rulemakings

Sequence Number	Title	Regulation Identifier Number
59	*Civil Procedures	0648-AA26
60	Designated Critical Habitat; Hawaiian Monk Seal	0648-AA27
61	Fishery Conservation and Management: Confidentiality of Statistics	0648-AA38
62	General and Recreational Foreign Fishing	0648-AA40
63	Preemption of State Authority under Section 306(b) of the Magnuson Fishery Conservation & Management Act	0648-AA41
64	Interagency Cooperation - Endangered Species Act of 1973, as Amended	0648-AA43

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National Oceanic and Atmospheric Administration—Current and Projected Rulemakings—Continued

Sequence Number	Title	Regulation Identifier Number
65	U.S. Standards for Grades of Fish Steaks	0648-AA44
66	Processed Fishery Products, Processed Products Thereof & Certain Other Processed Food Products: U.S. Standards for Grades of Frozen Fish Blocks & Products Made Therefrom ETC	0648-AA46
67	U.S. General Standards for Grades of Shrimp	0648-AA47
68	Marking Requirements for the Importation, Exportation, & Interstate Transportation of Fish or Wildlife	0648-AA53
69	Tanner Crab Fishery Management Plan (FMP) - Regulatory Amendment to Change Pot Storage Areas	0648-AA71
70	U.S. Standards for Grades of Fresh or Frozen North American Freshwater Catfish and Products Made Therefrom	0648-AA73
71	*Amendment No. 3 to the High Seas Salmon Fishery Management Plan: Implementing Regulations	0648-AA75
72	Taking of Marine Mammals Incidental to Space Shuttle Launches	0648-AA84
73	Amendment to the Fishery Management Plan (FMP) for Atlantic Sea Scallops to Ensure Better Conservation of the Scallop Resources	0648-AA97
74	Final Rule Implementing the Northeast Multispecies Fishery Management Plan	0648-AB05
75	Regulations Governing the Taking and Importing of Marine Mammals; Definition of Commercial Fishing Operation	0648-AB07
76	Regional Fishery Management Councils	0648-AB09
77	Foreign Fishing (Segment 1): Foreign Fishing Vessel Permit Fees, 1985	0648-AB10
78	Swordfish Fishery Management Plan: Proposed Regulations	0648-AB13
79	Atlantic Surf Clam and Ocean Quahog Fisheries: Implementing Regulations for Size Limits Framework Measure	0648-AB14
80	Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic: Implementing Regulations	0648-AB15
81	Atlantic Surf Clam and Ocean Quahog Fisheries: Implementing Regulations	0648-AB16
82	Amendment to the Gulf of Alaska Groundfish Fishery Management Plan - Control Sablefish Fishing off Southeast Alaska	0648-AB18
83	Amendment No. 3 for the Spiny Lobster Fisheries of the Western Pacific Region	0648-AB21
84	Foreign Fishing - Scientific Research	0648-AB23
85	Notice of the National Marine Fisheries Service's Proposed Policies for the Management of Interjurisdictional Fisheries and Fishery Resources	0648-AB24
86	Striped Bass Fishery Management Plan	0648-AB25
87	Shallow-Water Reeffish Fishery of Puerto Rico and the U.S. Virgin Islands	0648-AB26
88	Fishery Management Plan for Bluefish	0648-AB29
89	Development of a Fishery Management Plan for Summer Flounder	0648-AB30
90	Fishery Management Plan for Sand Eel	0648-AB31
91	Amendment to American Lobster Fishery Management Plan-Gear Marking	0648-AB32
92	Atlantic Billfishes and Sharks - Foreign Fishing Regulations	0648-AB33
93	*Foreign Fishing - Prohibitions and Observer Regulations	0648-AB34
94	South Atlantic Shrimp Fishery: Implementing Regulations	0648-AB35
95	Atlantic Surf Clam and Ocean Quahog Fisheries: Implementing Regulations	0648-AB36
96	Atlantic Mackerel, Squid, and Butterfish Fisheries: Implementing Regulations	0648-AB37
97	Amendment 10 to the Tanner Crab Fishery Management Plan (FMP)	0648-AB38
98	Amendment to the Gulf of Alaska Groundfish Fishery Management Plan - Redefine Sablefish Management Boundaries	0648-AB39
99	Amendment to the Gulf of Alaska Groundfish Fishery Management Plan - Regional Director's Authority to Allow Fishing for Other Species to Continue When OY for Target Species Has Been Reached	0648-AB40
100	Amendment to the Gulf of Alaska Groundfish Fishery Management Plan - Close FCZ Intrusion into State Waters	0648-AB41
101	Amendment to the Gulf of Alaska Groundfish Fishery Management Plan - Establish New Optimum Yields	0648-AB42
102	Amendment to the Gulf of Alaska Groundfish Fishery Management Plan - Catch Limits for Pacific Halibut	0648-AB43
103	Reporting Requirements Governing Salmon Taken off Alaska and Delivered or Landed Outside Alaska	0648-AB44
104	Amendment 8 to the Bering Sea/Aleutian Islands Groundfish Fishery Management Plan	0648-AB45
105	Regulations Governing the Taking and Importing of Marine Mammals; Importation of Yellowfin Tuna	0648-AB46
106	Endangered Fish or Wildlife; Permits for the Incidental Taking of Endangered Marine Species	0648-AB47
107	Threatened Fish and Wildlife; Guadalupe Fur Seal	0648-AB48
108	Groundfish of the Gulf of Alaska and High Seas Salmon Fishery off Alaska; Technical Amendment	0648-AB51
109	Amendment 9 to the Bering Sea/Aleutian Islands Groundfish Fishery Management Plan	0648-AB52
110	Amendment 11 to the Tanner Crab Fishery Management Plan (FMP)	0648-AB53
111	Amendment to American Lobster Fishery Management Plan - V-Notch on Female Lobsters	0648-AB54
112	Fishery Management Plan for the Bottomfish and Seamount Groundfish Fisheries of the Western Pacific Region	0648-AB27
113	*Regulations for Proposed La Parguera, Puerto Rico National Marine Sanctuary	0648-AA32
114	*Federal Consistency with Approved Coastal Zone Management Programs	0648-AA34
115	*Proposed Regulations for the Proposed Fagatele Bay National Marine Sanctuary	0648-AA74
116	*Draft Regulations for the Proposed Flower Garden Banks National Marine Sanctuary	0648-AB49
117	*Draft Regulations for the Proposed Cordell Bank National Marine Sanctuary	0648-AB50
118	*Deep Seabed Mining Regulations for Commercial Recovery	0648-AA36
119	*Licensing of Ocean Thermal Energy Conversion Facilities and Plantships	0648-AA69

*Indicates priority regulation.

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National Oceanic and Atmospheric Administration—Existing Regulations Under Review

Sequence Number	Title	Regulation Identifier Number
120	U.S. General Standards for Grades of Fish Fillets	0648-AA45
121	*Financial Assistance for Research and Development Projects to Strengthen and Develop the U.S. Fishing Industry - Notice of Funds Availability	0648-AB28

*Indicates priority regulation.

National Oceanic and Atmospheric Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
122	*Northwest Atlantic Foreign Fishing	0648-AA05
123	*Reef Fish Resources of the Gulf of Mexico Fishery Management Plan: Implementing Regulations	0648-AA10
124	*Spiny Lobster Fishery in Puerto Rico & the Virgin Islands Fishery Management Plan: Implementing Regulations	0648-AA12
125	*King Crab (Bering Sea/Aleutian Islands) Fishery Management Plan: Implementing Regulations	0648-AA22
126	*Supplemental Observer Program	0648-AA65
127	Endangered Fish or Wildlife: Cochito	0648-AA94
128	Amendment No. 9 to the Tanner Crab Fishery Management Plan (FMP): Implementing Regulations	0648-AB02
129	Regulations Governing the Taking and Importing of Marine Mammals; Taking of Marine Mammals Incidental to Commercial Fishing Operations	0648-AB08
130	Foreign Fishing (Segment 2), Schedule of Fees, 1985	0648-AB11
131	Regulations Related to the Allocation of Pacific Halibut off the Coasts of Washington, Oregon, and California	0648-AB12
132	Ocean Salmon Fisheries off the Coasts of Washington, Oregon and California - Management Plan: Implementing Regulations for a Framework Amendment to the Plan	0648-AB17
133	Regulatory Amendment to Gulf of Alaska Groundfish Fishery Management Plan	0648-AB19
134	Amendment to the Gulf of Alaska Groundfish Fishery Management Plan	0648-AB20
135	Threatened Marine Reptiles	0648-AA79

*Indicates priority regulation.

National Telecommunications and Information Administration—Existing Regulations Under Review

Sequence Number	Title	Regulation Identifier Number
136	*Public Telecommunications Facilities Program; Interim Revision of Regulations	0660-AA01

*Indicates priority regulation.

Office of Productivity, Technology and Innovation—Current and Projected Rulemakings

Sequence Number	Title	Regulation Identifier Number
137	*Rights to Inventions Made by Nonprofit Organizations and Small Business Firms	0692-AA01
138	Licensing of Government Owned Inventions	0692-AA02

*Indicates priority regulation.

Patent and Trademark Office—Current and Projected Rulemakings

Sequence Number	Title	Regulation Identifier Number
139	Requests for Identifiable Records	0651-AA04
140	Variety Naming Requirements for Plant Patent Applications	0651-AA12
141	Term of Deposit of Microorganism	0651-AA13

DOC

Patent and Trademark Office—Current and Projected Rulemakings—Continued

Sequence Number	Title	Regulation Identifier Number
142	Miscellaneous Amendments of Trademark Rules	0651-AA16
143	Trademark Applications	0651-AA17
144	*Trademark Automated Search System Fees	0651-AA18
145	*Revision of Patent and Trademark Fees	0651-AA19
146	Arbitration of Patent Interference Cases	0651-AA20
147	*Miscellaneous Patent Provisions	0651-AA21
148	*Rules for Extension of Patent Term	0651-AA22
149	*Trademark Applications	0651-AA23

*Indicates priority regulation.

Patent and Trademark Office—Completed Actions

Sequence Number	Title	Regulation Identifier Number
150	*Final Rule for Patent Maintenance Fees	0651-AA11
151	*Patent Interference Proceedings	0651-AA14
152	Practice Before the Patent and Trademark Office	0651-AA15

*Indicates priority regulation.

DEPARTMENT OF COMMERCE (DOC)

Office of the Secretary (OS)

Current and Projected Rulemakings

1. AGE DISCRIMINATION ACT OF 1975: IMPLEMENTATION

Legal Authority: PL 94-1135 Age Discrimination Act of 1975

CFR Citation: 15 CFR 8a

Abstract: These regulations would set forth policies and procedures of the Department of Commerce to ensure that there is no discrimination on the basis of age in non-Federal Government programs or activities receiving financial assistance from the Department. Proposed regulation issued. See Timetable below for preparation and issuance of Department final regulations.

Timetable:

Action	Date	FR Cite
NPRM	07/10/80	45 FR 134
Final Action	07/00/85	
Final Action Effective	03/00/86	

Small Entity: No

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Affected Sectors: None

Government Levels Affected: Local, State, Federal

Agency Contact: Arthur E. Cizek, Chief, Compliance Division, Department of Commerce, Office of the Secretary, Office of Civil Rights, Washington, DC 20230, 202 377-4993

RIN: 0690-AA00

2. ENFORCEMENT OF NONDISCRIMINATION ON THE BASIS OF HANDICAP IN DEPARTMENT OF COMMERCE PROGRAMS

Legal Authority: 29 USC 794; EO 12250

CFR Citation: 15 CFR 8c

Abstract: Regulations will be proposed providing for the enforcement of Section 504 of the Rehabilitation Act of 1973, as amended. These regulations will ensure programmatic and physical accessibility for handicapped individuals in Department of Commerce activities.

Timetable:

Action	Date	FR Cite
NPRM	11/24/84	49 FR 45861
NPRM Comment Period Begin	11/24/84	49 FR 45861
NPRM Comment Period End	03/21/85	
Final Action	07/01/85	

Small Entity: No

Affected Sectors: None

Government Levels Affected: Federal

Agency Contact: Richard Stearns, Chief, EEO Division, Department of Commerce, Office of the Secretary, Office of Civil Rights, 14th and Constitution Avenue, NW, Washington, DC 20230, 202 377-5691

RIN: 0690-AA06

3. ● DEPARTMENT OF COMMERCE IMPLEMENTATION OF THE COMPETITION IN CONTRACTING ACT OF 1984 AND THE SMALL BUSINESS AND FEDERAL PROCUREMENT COMPETITION ENHANCEMENT ACT OF 1984

Priority: Agency Determination

DOC—OS **Current and Projected Rulemakings**

Legal Authority: 41 USC 251 et seq; PL 98-369; PL 98-577

CFR Citation: 48 CFR 1 to 53

Abstract: The Federal Acquisition Regulation (FAR) has been amended to incorporate the requirements of Public Law 98-369. Agencies are required to provide necessary implementing regulations which are peculiar to the executive agency. This is accomplished by Commerce through amendments to the existing Commerce Acquisition Regulation (CAR) (48 CFR 13). The provisions of the Public Law are effective April 1, 1985. Public Law 98-577 also requires amendments to the FAR and the CAR. Effective dates of Public Law 98-577 sections vary, but implementing regulations will be prepared by Mar. 1986. Commerce will amend the existing CAR once the amendments to the FAR are available to the public. Specific parts of the FAR requiring agency supplements cannot be readily determined at this time. Periodic updates are anticipated to implement regulatory and new statutory requirements.

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/00/85	
Final Action	06/00/85	

Small Entity: Undetermined

Agency Contact: Robert A. Welch, Director, Department of Commerce, Office of the Secretary, Office of Procurement Management, 14th Street & Constitution Avenue, NW, Washington, DC 20230, 202 377-2773

RIN: 0690-AA07

DEPARTMENT OF COMMERCE (DOC)
Office of the Secretary (OS)

Existing Regulations Under Review

4. PUBLIC INFORMATION, FREEDOM OF INFORMATION (FEES)

Legal Authority: 5 USC 552

CFR Citation: 15 CFR 4

Abstract: These regulations set the fee structure for search and reproduction charges in response to Freedom of Information Act (FOIA) requests. The Department will study the existing fee structure, and then if warranted, propose revisions to the regulations.

Timetable:

Action	Date	FR Cite
Begin Review	07/00/85	
End Review	09/00/85	

Small Entity: No

Additional Information: Neither an RIA nor an RFA would be required or prepared if it is decided to propose revisions to these regulations.

Affected Sectors: All

Government Levels Affected: Local, State, Federal

Agency Contact: Geraldine P. LeBoo, Management Analyst, Department of Commerce, Office of the Secretary, Information Management Division, 14th & Constitution Avenue, NW, Washington, DC 20230, 202 377-3271

RIN: 0690-AA04

DEPARTMENT OF COMMERCE (DOC)
Office of the Secretary (OS)

Completed Actions

COMPLETED RULEMAKINGS

5. COMMERCE ACQUISITION REGULATION

Legal Authority: 41 USC 251; EO 12352

CFR Citation: 48 CFR 1 to 53

Abstract: The General Services Administration and the Department of Defense have jointly issued the Federal Acquisition Regulation (FAR) which established uniform policies and procedures for the acquisition of supplies and services by all executive agencies. The FAR replaced the Federal Procurement Regulations (FPR) and the Defense Acquisition Regulation (DAR) and is intended to be a simplified, more understandable and unified version of the FPR and the DAR. The FAR was published September 19, 1983 and is effective April 1, 1984. Executive agencies are expected to implement the FAR by April 1, 1984. Even though agencies are advised to control and limit issuance of supplemental implementing regulations and not repeat, paraphrase or restate FAR material, substantial agency regulations are still anticipated to supplement the FAR which consists of about 2000 pages. The extent of specific FAR parts requiring supplemental agency regulations cannot be readily determined at this time. However, periodic updates are anticipated to implement statutory and regulatory requirements.

Timetable:

Action	Date	FR Cite
NPRM	02/23/84	49 FR 6508
NPRM Comment Period Begin	02/23/84	
NPRM Comment Period End	03/23/84	
Final Action	03/30/84	49 FR 12956
Final Action Effective	04/01/84	
Final Action Effective	04/01/84	49 FR 12956

Small Entity: Undetermined

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Affected Sectors: All

Government Levels Affected: Federal

Agency Contact: John H. Dammeyer, Department of Commerce, Office of the Secretary, Office of Procurement Management, 14th & Constitution Ave., NW, Washington, DC 20230, 202 377-4248

RIN: 0690-AA05

[FR Doc. 85-8487 Filed 04-26-85; 8:45 am]
BILLING CODE 3510-BW-T

DEPARTMENT OF COMMERCE (DOC)
Bureau of Economic Analysis (BEA)

Current and Projected Rulemakings

6. ● SURVEYS OF INTERNATIONAL TRADE IN SERVICES BETWEEN U.S. AND FOREIGN PERSONS

Priority: Agency Determination

Legal Authority: 22 USC 3101 to 3108 International Investment Survey Act of 1976; PL 98-573, Sec 306 Trade and Tarift Act of 1984

CFR Citation: 15 CFR 802, (Revision); 15 CFR 803, (Revision)

Abstract: Action will fill gaps in data on international services transactions so U.S. Government can better assess size and impact of these transactions, more effectively formulate international economic policies and conduct negotiations to reduce the barriers to services trade, improve recording of services transactions in the U.S. balance of payments accounts, and assist U.S. services businesses in identifying and evaluating market opportunities. Annual cost to BEA of conducting surveys will be about $470,000; initial cost to respondents will be about 100,000 manhours, or $2.5 million, at a maximum. Benefits in terms of reduction in barriers to services trade, increased sales of services, and improved balance of payments statistics will far exceed costs.

Timetable:

Action	Date	FR Cite
NPRM	06/00/85	
NPRM Comment Period Begin	07/00/85	
NPRM Comment Period End	09/00/85	
Final Action	01/00/86	

Small Entity: Undetermined

Public Compliance Cost: Initial Cost: $2,500,000; Yearly Recurring Cost: $2,000,000; Base Year for Dollar Estimates: 1985

Affected Sectors: All

Government Levels Affected: State, Federal

Agency Contact: George R. Kruer, Chief, International Investment Division, Department of Commerce, Bureau of Economic Analysis, 1401 K Street, NW, Room 608, Tower Building, Washington, DC 20230, 202 523-0657

RIN: 0691-AA03

[FR Doc. 85-6482 Filed 04-26-85, 8:45 am]

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DEPARTMENT OF COMMERCE (DOC)
Bureau of the Census (CENSUS)

Current and Projected Rulemakings

7. FOREIGN TRADE STATISTICS (SEDS)

Legal Authority: 13 USC 301 to 307; 5 USC 301

CFR Citation: 15 CFR 30.3(b); 15 CFR 30.7(a); 15 CFR 30.7(d)(2); 15 CFR 30.7(i)(1); 15 CFR 30.7(i)(2); 15 CFR 30.7(q)(1); 15 CFR 30.7(t); 15 CFR 30.7(u); 15 CFR 30.7(v)(1); 15 CFR 30.7(v)(2); 15 CFR 30.9; 15 CFR 30.10; 15 CFR 30.22(b); 15 CFR 30.55(h)

Abstract: It is proposed to amend the Foreign Trade Statistics Regulations (FTSR) to incorporate additional Shipper's Export Declaration (SED) data requirements and changes resulting from the redesign of the SEDs and their continuation sheets. It is also proposed to amend the FTSR to raise the upper limit of the present exemption from SED filing requirements based on value from $500 to $1,000 except for shipments through the U.S. Postal Service.

Timetable:

Action	Date	FR Cite
NPRM	12/10/84	49 FR 48055
NPRM Comment Period Begin	12/10/84	49 FR 48055
NPRM Comment Period End	02/08/85	
Final Action	00/00/00	

Small Entity: No

Agency Contact: Barry Cohen, Chief, Foreign Trade Division, Department of Commerce, Bureau of the Census, Room 2108, Federal Building 3, Washington, DC 20233, 301 763-5342

RIN: 0607-AA02

8. FOREIGN TRADE STATISTICS

Legal Authority: 13 USC 301 to 307; 5 USC 301

CFR Citation: 15 CFR 30.1(a)(1)

Abstract: It is proposed to amend the Foreign Trade Statistics Regulations to eliminate the requirement for filing Shipper's Export Declarations (SEDs) for shipments from the United States and Puerto Rico to the Northern Mariana Islands and to reflect the transfer of the Panama Canal to the Republic of Panama.

Timetable:

Action	Date	FR Cite
NPRM	09/24/84	49 FR 37425
NPRM Comment Period Begin	09/24/84	49 FR 37425
NPRM Comment Period End	11/23/84	
Final Action	00/00/00	

Small Entity: No

Agency Contact: Barry Cohen, Chief, Foreign Trade Division, Department of Commerce, Bureau of the Census, Room 2108, Federal Building 3, Washington, DC 20233, 301 763-5342

RIN: 0607-AA03

[FR Doc. 85-6467 Filed 04-26-85, 8:45 am]

BILLING CODE 3510-BW-T

DEPARTMENT OF COMMERCE (DOC)
Economic Development Administration (EDA)

Current and Projected Rulemakings

9. ENERGY CONSERVATION: MISCELLANEOUS AMENDMENTS TO FINANCIAL ASSISTANCE PROGRAMS REGARDING ENERGY CONSERVATION

Legal Authority: EO 12185

CFR Citation: 13 CFR 305.59; 13 CFR 306.12(g)(14); 13 CFR 306.12(j); 13 CFR 307.22(b); 13 CFR 307.28(c)(6); 13 CFR 307.55(a)(15); 13 CFR 307.55(b)(5); 13 CFR 307.56(h); 13 CFR 307.57(a)(6); 13 CFR 308.6(a)(8)

Abstract: Interim regulations were issued to bring the existing regulations within the bounds of the requirements of EO 12185 which directed Federal agencies to revise their regulations to encourage recipients of Federal financial assistance to conserve energy. The new regulations are designed to encourage EDA assistance recipients to undertake energy conservation measures on a voluntary basis. There are no viable alternatives to the regulations.

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/10/82	47 FR 19982
Beg. Comment Period on Interim Rule	05/10/82	47 FR 19982
End Comment Period on Interim Rule	07/10/82	47 FR 19982
Final Action	04/00/85	

Small Entity: No

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Analysis: See Additional Information

Agency Contact: James F. Marten, Deputy Chief Counsel, Department of Commerce, Economic Development Administration, Operations and Administration, Washington, DC 20230, 202 377-5441

RIN: 0610-AA03

10. GENERAL REQUIREMENTS FOR FINANCIAL ASSISTANCE - DESIGN, CONSTRUCTION OF BUILDINGS TO ACCOMMODATE THE PHYSICALLY HANDICAPPED

Legal Authority: 42 USC 4151 to 4156; 42 USC 3211; DOC Organization Order 10-4, as amended

CFR Citation: 13 CFR 309.14

Abstract: The existing regulation will be amended to reflect the most recent (1980) standards of the American National Standards Institute (ANSI) for handicap accessibility as well as the "Minimum Guidelines and Requirements for Accessible Design" published by the Architectural and Transportation Barriers Compliance Board (47 FR 33862, August 14, 1982) and the proposed "Uniform Federal Accessibility Standards" published by GSA (comments due by August 22, 1983).

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/00/85	
Beg. Comment Per Interim Final Rule	04/00/85	
End Comment Per Interim Final Rule	06/00/85	
Final Action	07/00/85	

Small Entity: No

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Affected Sectors: Multiple

Government Levels Affected: Local, State

Analysis: See Additional Information

Agency Contact: James F. Marten, Deputy Chief Counsel, Department of Commerce, Economic Development Administration, Operations and Administration, 14th & Constitution Ave., NW, Room 7009 Washington, DC 20230, 202 377-5441

RIN: 0610-AA05

11. ECONOMIC DEVELOPMENT ADMINISTRATION: PROPERTY MANAGEMENT STANDARDS

Legal Authority: 40 USC 3211; DOC Organization Order 10-4, as amended

CFR Citation: 13 CFR 314

Abstract: EDA's regulations regarding the use and disposition of real property acquired or improved with Federal funds will be revised to clarify EDA policy regarding the authorized use and disposition of grant property (real property) and in particular requirements regarding the lease and/or sale of such property. In addition, revisions will clarify present requirements for determining the appropriate amount of compensation due the Federal Government upon the sale of real property acquired or improved with grant funds.

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/00/85	
Beg Comment Period on Interim Final	04/00/85	
End Comment Period on Interim Final	06/00/85	
Final Action	07/00/85	

Small Entity: No

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Affected Sectors: Multiple

Government Levels Affected: Local, State

Agency Contact: James F. Marten, Deputy Chief Counsel, Department of Commerce, Economic Development Administration, Operations and Administration, 14th & Constitution Ave., NW, Room 7009 Washington, DC 20230, 202 377-5441

RIN: 0610-AA07

12. DESIGNATION OF PUBLIC WORKS IMPACT PROGRAM AREAS; SUPPLEMENTARY GRANT RATES

Legal Authority: 42 USC 3211; DOC Organization Order 10-4, as amended

CFR Citation: 13 CFR 302.7; 13 CFR 305.5

Abstract: These amendments were in effect for a limited time under the Emergency Jobs Act which has ended and for which funds are no longer available. The rules, with two technical exceptions (changing description of Assistant Secretary to "he/she" and implementing the change in delegation to the Assistant Secretary for project approval), are to revert back to the original.

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/23/83	48 FR 23154
Begin Review	05/23/83	
End Review	07/23/83	
Final Action	03/00/85	

Small Entity: No

Additional Information: Neither an RIA or RFA is required or will be prepared.

Affected Sectors: Multiple

Government Levels Affected: Local, State

Agency Contact: James F. Marten, Deputy Chief Counsel, Department of Commerce, Economic Development Administration, 14th and Constitution Avenue, NW, Room 7009, Washington, DC 20230, 202 377-5441

RIN: 0610-AA10

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13. PROPERTY MANAGEMENT STANDARDS - MORTGAGES

Legal Authority: 42 USC 3211; DOC Organization Order 10-4, as amended

CFR Citation: 13 CFR 314.5

Abstract: These amendments allow the Assistant Secretary to waive the prohibition against placing mortgages on property which has been financed by an EDA public works grant, if an additional condition is met. This additional condition for waiver is that all proceeds from a loan which is secured by a mortgage or lien on property which has been financed by an EDA public works grant shall be available only to the grantee and such proceeds shall be used on the project which secures such loans, or for working capital purposes relating to that project.

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/30/84	49 FR 22463
Begin Review	05/30/84	
End Review	07/30/84	
Final Action	05/00/85	

Small Entity: No

Additional Information: Neither an RIA, nor an RFA is required or will be prepared.

Agency Contact: James F. Marten, Deputy Chief Counsel, Department of Commerce, Economic Development Administration, Operations and Administration, 14th & Constitution Ave., NW, Room 7009, Washington, DC 20230, 202 377-5441

RIN: 0610-AA12

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14. ● PUBLIC WORKS AND DEVELOPMENT FACILITIES PROGRAM - SPECIFIC TYPES OF PROJECTS

Legal Authority: 42 USC 3211; Department of Commerce Organization Order 10-4, as amended

CFR Citation: 13 CFR 305

Abstract: This rule amends EDA's tourism and recreation regulation to conform to an EDA policy position exempting the Public Works Impact Program (PWIP) projects from the tourism and recreation requirements.

Timetable:

Action	Date	FR Cite
Interim Final Rule	01/07/85	50 FR 725
Final Action	06/00/85	
Final Action Effective	06/00/85	

Small Entity: No

Additional Information: Neither a RIA nor a RFA is required or will be prepared.

Affected Sectors: Multiple

Government Levels Affected: Local, State

Agency Contact: James F. Marten, Deputy Chief Counsel Operation and Admin, Department of Commerce, Economic Development Administration, 14th & Constitution Ave., NW, Rm. H7001, Washington, DC 20230, 202 377-5441

RIN: 0610-AA13

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15. ● BUSINESS DEVELOPMENT PROGRAM - FINANCIAL ASSISTANCE FOR INDUSTRIAL AND COMMERCIAL PURPOSES

Legal Authority: 42 USC 3211; Department of Commerce Organization Order 10-4, as amended

CFR Citation: 13 CFR 306

Abstract: This rule amends EDA's project financing regulation by increasing EDA's ordinary maximum participation for business loan projects from $10,000 to $20,000 per job created or saved. Findings from EDA and GAO studies indicate that the current average government cost per job saved or created far exceeds the $10,000 limit. An increased limit of $20,000 per job created or saved is consistent with these findings.

Timetable:

Action	Date	FR Cite
Interim Final Rule	03/00/85	
Final Action	06/00/85	

Small Entity: No

Additional Information: Neither a RIA nor a RFA is required or will be prepared.

Affected Sectors: Multiple

Agency Contact: James F. Marten, Deputy Chief Counsel, Department of Commerce, Economic Development Administration, Operations and Administration, 14th & Constitution Ave., NW Rm. H7001, Washington, DC 20230, 202 377-5441

RIN: 0610-AA14

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16. ● PROPERTY MANAGEMENT STANDARDS - MORTGAGES

Legal Authority: 42 USC 3211; Department of Commerce Organization Order 10-4, as amended

CFR Citation: 13 CFR 314

Abstract: This rule amends EDA's Property Management regulations concerning mortgages. It provides that funds obtained from loans secured by mortgages on property which has been financed by an EDA grant shall be provided only to the grantee, with the exception of public utilities subject to existing bonds containing after-acquired property clauses, for use on the project which is being mortgaged or for working capital purposes relating to that project.

Timetable:

Action	Date	FR Cite
Interim Final Rule	03/00/85	
Final Action	06/00/85	

Small Entity: No

Additional Information: Neither a RIA, nor a RFA is required or will be prepared.

Affected Sectors: Multiple

Government Levels Affected: Local, State

Agency Contact: James F. Marten, Deputy Chief Counsel, Department of Commerce, Economic Development Administration, Operations and Administration, 14th & Constitution Ave., NW Rm. H7001, Washington, DC 20230, **202 377-5441**

RIN: 0610-AA15
[FR Doc. 85-6487 Filed 04-26-85; 8:45 am]
BILLING CODE 3510-BW-T

DEPARTMENT OF COMMERCE (DOC)
General Administration (ADMIN)

Current and Projected Rulemakings

17. ADMINISTRATIVE OFFSETS FOR DEBTS OWED THE DEPARTMENT OF COMMERCE

Legal Authority: PL 97-365, Sec 10

CFR Citation: 15 CFR 2A, (New)

Abstract: The proposed regulation will cover Department procedures for withholding money due individuals and businesses indebted to the Federal Government. Administrative offsets will be used by the Department when debtors have failed to make timely and adequate payments to satisfy such debts. Prior to collecting claims through administrative offset, debtors will be provided under the regulations with a notification of the amount and nature of the claim and the Department's intention to collect the claim through administrative offset, and explanation of the debtor's rights, an opportunity for the debtor to inspect and copy the agency's records relating to the claim, an opportunity for review of the claim by the agency if contested by the debtor, and an opportunity to enter into a written agreement with the agency for repayment of the amount due. These procedures will ensure the effective use of administrative offsets when appropriate, thereby increasing collections of amounts due the Federal Government. The result will be better cash management and a slight reduction in the need of the Federal Government to borrow funds in the capital market.

Timetable:

Action	Date	FR Cite
NPRM	04/00/85	
Final Action	05/00/85	

Small Entity: No

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Public Compliance Cost: Initial Cost: $0; Yearly Recurring Cost: $0

Affected Sectors: Multiple

Agency Contact: **Roger J. Mallet,** Program Analyst, Department of Commerce, General Administration, Office of Finance and Federal Assistance, Room 6823, 14th & Constitution Ave. NW, Washington, DC 20230, **202 377-2324**

RIN: 0605-AA00

18. ● AUDIT REQUIREMENTS FOR STATE AND LOCAL GOVERNMENTS

Legal Authority: PL 98-502 Single Audit Act of 1984

CFR Citation: Not yet determined

Abstract: An appropriate regulation or regulations will be issued to address the problem of the numerous audits which are conducted on State and local Governments with Federal aid. The regulation will consolidate audits conducted on State and local Governments and thus improve audits of Federal aid programs.

Timetable:

Action	Date	FR Cite
NPRM	05/01/85	

Small Entity: No

Agency Contact: **W. Dan Haigler,** Management Analyst, Department of Commerce, General Administration, Room 5327 - Hoover Building, 14th & Constitution Avenue, NW, Washington, DC 20230, **202 377-0142**

RIN: 0605-AA01

[FR Doc. 85-6487 Filed 04-26-85; 8:45 am]
BILLING CODE 3510-BW-T

DEPARTMENT OF COMMERCE (DOC)
International Trade Administration (ITA)

Current and Projected Rulemakings

19. EXPORT ADMINISTRATION REGULATIONS

Priority: Major, Task Force

Legal Authority: 50 USC App. 2401 et seq Export Admin. Act of 1979; EO 12002; EO 12214

CFR Citation: 15 CFR 368; 15 CFR 370 to 376; 15 CFR 378; 15 CFR 379; 15 CFR 385; 15 CFR 386; 15 CFR 390; 15 CFR 399

Abstract: The existing regulations provide procedures for the administrative programs required to carry out the Department's responsibilities for regulating exports of U.S. goods and technology for purposes of national security, foreign policy, and short supply. Review of these regulations to remove artificial barriers to small business exports was initiated by the President's Task Force on Regulatory Relief. Revisions to the regulations will be proposed to improve organization, indexing, simplify

language, eliminate unnecessary administrative requirements and obsolete provisions, reduce documentation requirements, review certain policy issues, and lessen the compliance burden. Economic impacts will be reviewed and addressed. A more readable and understandable set of regulations with reduced administrative and documentation requirements will result from these revisions. This should considerably aid small business in making exports.

Timetable:

Action	Date	FR Cite
ANPRM on simplification of language & format	04/30/82	47 FR 18613
ANPRM on Policy Review	10/12/82	47 FR 44747
Interim Final Rule	12/29/82	47 FR 58122
Beg. Comment Per. for Interim Rule	12/29/82	
End Comment Per. for Interim Rule	02/28/83	
Multiple NPRMs July 1985 - April 1986	05/01/86	
Final Action	05/01/86	
Final Action Effective	10/01/86	

Small Entity: Yes

Additional Information: An RIA and an RFA are required. The RFA will be included in the RIA which is being prepared. Section 13(a) of the Export Administration Act of 1979 exempts these regulations from the public participation in rulemaking procedures of the Administrative Procedure Act (5 USC 553).

Affected Sectors: Multiple

Analysis: See Additional Information

Agency Contact: John K. Boidock, Department of Commerce, International Trade Administration, Office of Export Administration, Washington, DC 20230, 202 377-2118

RIN: 0625-AA00

20. GENERAL REGULATIONS GOVERNING FOREIGN TRADE ZONES IN THE UNITED STATES, WITH RULES OF PROCEDURES

Legal Authority: 19 USC 81a et seq Foreign-Trade Zones Act of 1934

CFR Citation: 15 CFR 400

Abstract: Revision of the regulation is needed to administer the Foreign-Trade Zones Act of 1934, as amended, to provide for the establishment, operation, and maintenance of foreign-trade zones in ports of entry of the United States. At the time the ANPRM was published the emphasis was on changing the rules to provide improved guidance to the public on procedures and criteria followed in making decisions concerning special-purpose subzones and operations detrimental to the public interest. Since that time, it has been decided to propose revisions to the entire 15 CFR 400 in order to update the language and conform it to current CFR format.

Timetable:

Action	Date	FR Cite
ANPRM	10/14/80	45 FR 67681
ANPRM Comment Period Begin	10/14/80	
ANPRM Comment Period End	12/15/80	
NPRM	02/18/83	48 FR 07188
NPRM Comment Period Begin	02/18/83	
NPRM Comment Period End	04/19/83	
Final Action	12/31/85	

Small Entity: No

Additional Information: These rules apply to approximately 100 zones and subzones throughout the United States. Of the 1500 companies using these zones, 900 do so on a full time basis. This level of activity is not sufficient to classify these rules as major under Executive Order 12291. Accordingly, no RIA is required or will be prepared. No RFA is required or will be prepared.

The ITC and GAO completed studies of the foreign-trade zones program in March 1984 at the request of the House Ways and Means Committee. The foreign-trade zones staff has postponed preparation of a set of final proposed rules pending comments from the Committee on the results of the study.

Affected Sectors: Multiple

Government Levels Affected: Local, State

Analysis: See Additional Information

Agency Contact: John L. Evans, Deputy to the Deputy Assistant Secretary, Department of Commerce, International Trade Administration, Washington, DC 20230, 202 377-1780

RIN: 0625-AA04

21. ADJUSTMENT ASSISTANCE FOR FIRMS AND INDUSTRIES

Legal Authority: 19 USC 2341 et seq

CFR Citation: 15 CFR 320

Abstract: This regulation will implement the responsibilities transferred from EDA to ITA concerning the provision of adjustment assistance to firms and industries adversely affected by imports. The proposed rule will reflect amendments to the authorizing legislation and make procedural changes required because of the transfer of the program to ITA.

Timetable:

Action	Date	FR Cite
NPRM	11/13/84	49 FR 44903
NPRM Comment Period Begin	11/13/84	49 FR 44903
NPRM Comment Period End	12/13/84	
Final Action	04/00/85	

Small Entity: Not Applicable

Additional Information: Neither an RIA nor an RFA is required or will be prepared. This rule is exempt from the requirements of the Regulatory Flexibility Act, since the Department is not required by Section 553 of Title 5 of the United States Code or any other law to publish general notice of proposed rulemaking for regulations implementing the adjustment assistance program (See Section 553(a)(2) concerning loans and grants).

Affected Sectors: Multiple

Analysis: See Additional Information

Agency Contact: August Fromuth, Acting Assistant Secretary, Department of Commerce, International Trade Administration, Office of Trade Adjustment Assistance, Washington, DC 20230, 202 377-0150

RIN: 0625-AA05

22. ANTIDUMPING DUTIES; COUNTERVAILING DUTIES

Priority: Agency Determination

Legal Authority: 19 USC 1303; 19 USC 1671 et seq

CFR Citation: 19 CFR 353; 19 CFR 355

Abstract: Certain unfair trade practices by foreign governments that could be penalized as dumping or subsidization are either not subject to such remedies under the current law or regulations, subject to challenge if penalized, or escape detection by petitioners and the Department. While certain constraints are imposed by the statutes, the relevant Codes, and the effects on U.S. exporters, all possibilities will be examined with a goal of achieving the maximum benefit for U.S. trading interests and amendments to the regulations will be proposed to take care of as much of the problem as possible through the regulatory process.

Timetable:

Action	Date	FR Cite
NPRM	03/00/85	
NPRM Comment Period Begin	03/00/85	
NPRM Comment Period End	05/00/85	
Final Action	06/00/85	
Final Action Effective	07/01/85	

Small Entity: Undetermined

Additional Information: An RIA and an RFA are required. The RFA will be included in the RIA.

Affected Sectors: Multiple

Analysis: See Additional Information

Agency Contact: C. Christopher Parlin, Director, Office of Policy, Department of Commerce, International Trade Administration, Import Administration, Washington, DC 20230, 202 377-1780

RIN: 0625-AA08

23. GENERAL LICENSES, PART 371 OF THE EXPORT ADMINISTRATION REGULATIONS

Priority: Task Force

Legal Authority: 50 USC App. 2401 et seq Export Administration Act of 1979; EO 12002; EO 12214

CFR Citation: 15 CFR 371

Abstract: Part 371 of the Export Administration Regulations, General Licenses, will be revised to reduce required documentation and otherwise simplify the regulatory language governing the validated licensing program. The regulations governing general licenses will be revised to place related subjects together, reduce footnotes, improve readability and help the public locate information.

Timetable:

Action	Date	FR Cite
NPRM	06/00/85	
NPRM Comment Period Begin	06/00/85	
NPRM Comment Period End	08/00/85	
Multiple NPRMs July 1985 - 1986	05/01/86	
Final Action	05/01/86	
Final Action Effective	10/01/86	

Small Entity: Undetermined

Additional Information: This Regulation was split off from the action described in RIN 0625-AA00.

Affected Sectors: Multiple

Government Levels Affected: Federal

Agency Contact: John K. Boidock, Director, Office of Export Administration, Department of Commerce, International Trade Administration, Washington, DC 20230, 202 377-2118

RIN: 0625-AA12

24. TECHNICAL DATA, PART 379 OF THE EXPORT ADMINISTRATION REGULATIONS

Priority: Task Force

Legal Authority: 50 USC App. 2401 et seq Export Administration Act of 1979; EO 12002; EO 12214

CFR Citation: 15 CFR 379

Abstract: Existing Part 379 "Technical Data" of the Export Administration Regulations is being revised to put it in a simpler style and to include more specific definitions of various types of technical data: publicly available data, scientific and educational data, critical data, etc. When these revisions are published exporters should be able to determine more easily if and how their particular technical data is controlled. The revised regulation will be easier to read and use, and should result in fewer export license applications returned to exporters for lack of proper information, speedier license approvals, and less paperwork for Office of Export Administration.

Timetable:

Action	Date	FR Cite
Multiple NPRMs July 1985 - April 1986	05/01/86	
Final Action	05/01/86	
Final Action Effective	10/01/86	

Small Entity: Undetermined

Additional Information: The proposed text of the revision will not be published in the Federal Register. Rather, a notice will be published explaining the nature of the proposed changes and how to obtain a copy of the text for review and comment.

This Regulation was split off from the action described in RIN 0625-AA00.

Affected Sectors: Multiple

Government Levels Affected: Federal

Agency Contact: John K. Boidock, Director, Office of Export Administration, Department of Commerce, International Trade Administration, Washington, DC 20230, 202 377-2118

RIN: 0625-AA13

25. EXPORT LICENSING GENERAL POLICY, PART 370 OF THE EXPORT ADMINISTRATION REGULATIONS

Priority: Task Force

Legal Authority: 50 USC App. 2401 et seq Export Administration Act of 1979; EO 12002; EO 12214

CFR Citation: 15 CFR 370

Abstract: Part 370 of the Export Administration Regulations, Export Licensing General Policy, is being revised to simplify its style and organization. This revision will consolidate much general information presently scattered throughout various parts of the regulations. An expanded Glossary of Terms will be included as a supplement to this Part, with concise definitions of many terms exporters feel are ambiguous. A simpler style and more logical organization of this regulation will provide the public with a clearer introduction to the Office of Export Administration and its export control program.

Timetable:

Action	Date	FR Cite
Multiple NPRMs July 1985 - April 1986	05/01/86	

Action	Date	FR Cite
Final Action	05/01/86	
Final Action Effective	10/01/86	

Small Entity: Undetermined

Additional Information: This Regulation was split off from the action described in RIN 0625-AA00.

Affected Sectors: Multiple

Government Levels Affected: Federal

Agency Contact: John K. Boidock, Director, Office of Export Administration, Department of Commerce, International Trade Administration, Washington, DC 20230, 202 377-2118

RIN: 0625-AA14

26. EFFECT OF IMPORTED ARTICLES ON THE NATIONAL SECURITY

Legal Authority: 19 USC 1862 Trade Expansion Act of 1962, as amended; 5 USC App. Reorganization Plan No. 3 of 1979; EO 12188

CFR Citation: 15 CFR 359

Abstract: Section 359.10(a) of the existing regulation requires that a report of an investigation be organized into several sections containing classified and unclassified information. Paragraph (c) of that section requires that the report (excluding confidential material) be published in the Federal Register. Paragraph (a) will be amended to delete the report organization requirement and paragraph (b) will be amended to permit publication of either the full report or a summary thereof. It is impractical, time consuming, and not cost effective to organize the report, and publish the full report, as now required by the regulation. Section 359.10(c) will also be amended to provide that a copy of the report will be available to the public from the Publications Distribution Office of the Department rather than at ITA's Freedom of Information Records Inspection Facility.

Timetable:

Action	Date	FR Cite
Final Action	06/30/85	

Small Entity: Not Applicable

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Affected Sectors: None

Agency Contact: Richard V. Meyers, Compliance Officer, Department of Commerce, International Trade Administration, Office of Industrial Resource Administration, Priorities and Allocations Division, Washington, DC 20230, 202 377-3634

RIN: 0625-AA15

27. SPECIAL NUCLEAR CONTROLS, PART 378 OF THE EXPORT ADMINISTRATION REGULATIONS

Priority: Task Force

Legal Authority: 50 USC App. 2401 et seq Export Administration Act of 1979; EO 12002; EO 12214

CFR Citation: 15 CFR 378

Abstract: Part 378 of the Export Administration Regulations, Special Nuclear Controls, was revised in 1980 following a policy review, and we do not anticipate further significant policy changes. However, Part 378 will be further revised to make it clearer, reduce redundancy, and improve organization and readability.

Timetable:

Action	Date	FR Cite
Multiple NPRMs July 1985 - 1986	05/01/86	
Final Action	05/01/86	
Final Action Effective	10/01/86	

Small Entity: Undetermined

Additional Information: This Regulation was split off from the action described in RIN 0625-AA00.

Affected Sectors: Multiple

Government Levels Affected: Federal

Agency Contact: John K. Boidock, Director, Office of Export Administration, Department of Commerce, International Trade Administration, Washington, DC 20230, 202 377-2118

RIN: 0625-AA16

28. REMOVAL OF THE SHORT SUPPLY VALIDATED LICENSING REQUIREMENT ON EXPORTS OF LINEAR ALPHA OLEFINS AND OTHER ACYCLIC ORGANIC COMPOUNDS

Legal Authority: 50 USC 1702 PL 95-223, as amended, Sec 203; 50 USC 1704 PL 95-223, as amended, Sec 206; EO 12470 March 30, 1984 (49 FR 13099, April 3, 1984); 42 USC 6212 PL 94-163, as amended, Sec 103; EO 11912 April 13, 1976 (49 FR 15825, as amended); 10 USC 7430 as amended by PL 94-258, Sec 201(10)

CFR Citation: 15 CFR 377

Abstract: Linear Alpha Olefins are currently subject to validated export licensing requirements under a basket category which applies to naphthas (Group N of Supplement No 2 to 377 of the Export Administration Regulations). The Department is considering removing licensing requirements for LAOs and similar commodities because they do not have a likely energy end use. During the comment period, all respondents favored the removal of licensing requirements on the grounds that current requirements are burdensome, that LAOs are not naphthas, that they do not have a likely energy end use, and that they are not in short supply. Accordingly, the Department is in the process of considering the most appropriate course of action with regard to possible decontrol of this and smaller commodities.

Timetable:

Action	Date	FR Cite
ANPRM	06/29/84	49 FR 26751
ANPRM Comment Period Begin	06/29/84	49 FR 26751
ANPRM Comment Period End	07/13/84	
Interim Final Rule	01/07/85	50 FR 729
Public comment period began	01/07/85	50 FR 729
Public comment period ends	02/06/85	50 FR 729
Final Action	06/30/85	

Small Entity: Not Applicable

Agency Contact: John A. Richards, Director, Department of Commerce, International Trade Administration, Office of Industrial Resource Administration, Washington, DC 20230, 202 377-4506

RIN: 0625-AA17

29. ● PETROLEUM PARTLY REFINED FOR FURTHER REFINING

Priority: Agency Determination

Legal Authority: 50 USC 1702 PL 95-223, as amended, Sec 203; 50 USC 1704 PL 95-223, as amended, Sec 206; EO 12470 March 30, 1984 (49 FR 13099, April 3, 1984); 42 USC 6212 PL 94 163, as amended, Sec 103; EO 11912 April 13, 1976 (49 FR 15825, as

amended); 10 USC 7430 as amended by PL 98-258, Sec 201(10)

CFR Citation: 15 CFR 377

Abstract: With few exceptions, the Congress prohibits the export of crude oil. However, the Department wants to ensure that it does not unnecessarily restrict sales of refined petroleum products by imposing regulatory barriers that were not intended by statutes. Accordingly, the Department will attempt to clarify the definition of refined petroleum products to provide greater certainty to exporters as to what may be exported. There are no costs associated with this action.

Timetable:

Action	Date	FR Cite
ANPRM	01/15/85	50 FR 2064
ANPRM Comment Period Begin	01/15/85	50 FR 2064
ANPRM Comment Period End	02/14/85	
NPRM	03/00/85	
NPRM Comment Period Begin	03/00/85	
NPRM Comment Penod End	04/00/85	
Final Action	06/00/85	

Small Entity: Not Applicable

Agency Contact: John A. Richards, Director, Department of Commerce, International Trade Administration, Office of Industrial Resource Administration, Room 3876, Washington, DC 20230, 202 377-4506

RIN: 0625-AA18

30. ● COMMODITIES SUBJECT TO THE NAVAL PETROLEUM RESOURCES PRODUCTION ACT OF 1976 (NPRPA)

Legal Authority: 50 USC 1702 PL 95-223, as amended, Sec 203; 50 USC 1704 PL 95-223, as amended, Sec 206; EO 12470 March 30, 1984 (49 FR 13099, April 3, 1984); 42 USC 6212 PL 94-163, as amended, Sec 103; EO 11912 April 13, 1976 (49 FR 15825, as amended); 10 USC 7430 as amended by PL 94-258, Sec 201(10)

CFR Citation: 15 CFR 377

Abstract: The Naval Petroleum Resources Production Act of 1976 (NPRPA) prohibits the export of products refined from crude oil produced from the Naval Petroleum Reserves. However, many commodities now subject to NPRPA restrictions include products which are far removed from crude oil and do not require validated export licenses. Accordingly, the Department proposes to limit the applicability of the NPRPA to those products currently subject to a validated export license. There are no costs associated with this action which would promote the export of decontrolled products.

Timetable:

Action	Date	FR Cite
NPRM	01/07/85	50 FR 835
NPRM Comment Period Begin	01/07/85	50 FR 835
NPRM Comment Period End	02/06/85	
Final Action	05/00/85	

Small Entity: Not Applicable

Agency Contact: John A. Richards, Director, Department of Commerce, International Trade Administration, Office of Industrial Resource Administration, Room 3876, Washington, DC 20230, 202 377-4506

RIN: 0625-AA19

DEPARTMENT OF COMMERCE (DOC)

International Trade Administration (ITA)

Completed Actions

COMPLETED RULEMAKINGS

31. GUIDELINES FOR THE ISSUANCE OF EXPORT TRADE CERTIFICATES OF REVIEW

Priority: Agency Determination

Legal Authority: 15 USC 4017

Abstract: Section 307 of PL 97-290 (15 USC 4017) authorizes the Secretary of Commerce to issue, with the concurrence of the Attorney General, guidelines for the issuance of certificates of review setting forth the standards and analytical approach which will be applied in determining whether to certify an applicant's proposed export trade, export trade activities and methods of operation. A person to whom a certificate of review is issued is protected from the trebling of damages for any injury resulting from and criminal liability for, conduct specified in the certificate.

Timetable:

Action	Date	FR Cite
First Notice of Guidelines	04/13/83	48 FR 15937
Final Action Guidelines (Second Edition)	01/11/85	50 FR 1786
Final Action Effective	01/11/85	50 FR 1786

Small Entity: Not Applicable

Additional Information: Neither an RIA nor an RFA is required or will be prepared. PL 97-290 (15 USC 4017) exempts the issuance of guidelines under Section 307 from the provisions of Section 553 of Title 5 of the United States Code.

Affected Sectors: Multiple

Analysis: See Additional Information

Agency Contact: Eleanor Roberts Lewis, AGC for Export Trading Companies, Department of Commerce, International Trade Administration, Washington, DC 20230, 202 377-0937

RIN: 0625-AA10

32. REGULATIONS FOR ISSUANCE OF EXPORT TRADE CERTIFICATES OF REVIEW

Priority: Agency Determination

Legal Authority: 15 USC 4011 et seq

CFR Citation: 15 CFR 325

Abstract: The regulations set forth the procedures by which a person can obtain an export trade certificate of review. Title III of PL 97-290 (15 USC 4011-4021) authorizes the Secretary of Commerce to issue, with the concurrence of the Attorney General, such certificates. A person to whom a certificate of review is issued is protected from the trebling of damages for any injury resulting from, and

DOC—ITA **Completed Actions**

criminal liability for, export trade, export trade activities and methods of operation specified in the certificate.

Timetable:

Action	Date	FR Cite
NPRM	12/21/82	47 FR 56972
NPRM Comment Period Begin	12/21/82	
NPRM Comment Period End	01/20/83	
Interim Final Rule	03/11/83	48 FR 10596
Beg. Comment Per. for Interim Rule	03/00/83	
End Comment Per. for Interim Rule	05/00/83	
Final Action	01/11/85	50 FR 1804

Small Entity: Not Applicable

Additional Information: Neither an RIA nor an RFA nor an EIS is required or will be prepared.

Affected Sectors: Multiple

Analysis: See Additional Information

Agency Contact: Eleanor Roberts Lewis, AGC for Export Trading Companies, Department of Commerce, International Trade Administration, Washington, DC 20230, **202 377-0937**

RIN: 0625-AA11

[FR Doc. 85-9487 Filed 04-26-85, 8:45 am]

BILLING CODE 3510-BW-T

DEPARTMENT OF COMMERCE (DOC)
Minority Business Development Agency (MBDA)

Completed Actions

COMPLETED RULEMAKINGS

33. DETERMINATION OF GROUP ELIGIBILITY FOR MBDA ASSISTANCE

Legal Authority: 15 USC 1512; EO 11625; 3 CFR 616 to 20 (1971-75); EO 12432; 3 CFR 198 to 99 (1983)

CFR Citation: 15 CFR 1400

Abstract: To be eligible to receive MBDA assistance, an applicant must qualify as a socially or economically disadvantaged individual, business enterprise, or group. The purpose of this proposed rule is to provide guidance to groups, not enumerated in E.O. 11625 and not previously designated by the Secretary of Commerce as eligible for assistance, who believe they are entitled to MBDA funded programs. Upon adequate showing to the Secretary of Commerce by representatives of a group that the group is as a whole, socially or economically disadvantaged the Secretary will designate the group as such and individuals of the group will be eligible for MBDA assistance.

Timetable:

Action	Date	FR Cite
NPRM	06/27/84	
NPRM Comment Period Begin	06/27/84	49 FR 26254
NPRM Comment Period End	08/27/84	
Final Action	10/24/84	49 FR 42697
Final Action Effective	11/23/84	

Small Entity: Not Applicable

Agency Contact: Kathleen Vanston, Attorney-Advisor, Department of Commerce, Minority Business Development Agency, MBDA, Office of Chief Counsel, Room 5059, Washington, DC 20230, **202 377-5045**

RIN: 0640-AA01

[FR Doc. 85-9487 Filed 04-26-85, 8:45 am]

BILLING CODE 3510-BW-T

DEPARTMENT OF COMMERCE (DOC)
National Bureau of Standards (NBS)

Current and Projected Rulemakings

34. FIPS FOR COMPUTER DATA AUTHENTICATION

Legal Authority: 40 USC 759(f); EO 11717

Abstract: This standard specifies a process that Federal Government agencies may use to detect unauthorized modifications, both intentional and accidental, of data that is transmitted or stored in either plain text or cipher text form. The standard will enable managers of Federal data systems to protect data and computer systems through the use of cryptographic authentication and to detect intentional modifications of data.

Timetable:

Action	Date	FR Cite
NPRM	08/10/82	47 FR 34613
NPRM Comment Period Begin	08/10/82	47 FR 34613
NPRM Comment Period End	11/05/82	
Final Action	06/00/85	

Small Entity: No

Affected Sectors: 357 Office, Computing, and Accounting Machines

Government Levels Affected: Federal

Agency Contact: Shirley Radack, Program Analyst, Department of Commerce, National Bureau of Standards, B253 Technology, Gaithersburg, Maryland 20899, **301 921-2731**

RIN: 0693-AA02

35. FIPS FOR PASSWORD USAGE

Legal Authority: 40 USC 759(f); EO 11717

Abstract: This standard will specify the factors to be considered in the design, implementation and use of Federal Government computer systems. It will specify certain procedures to be used in the generation, distribution, use, storage, protection, and replacement of passwords to enable Federal agencies

to protect data stored and transmitted by computer systems.

Timetable:

Action	Date	FR Cite
NPRM	07/28/81	46 FR 38564
NPRM Comment Period Begin	07/28/81	46 FR 38564
NPRM Comment Period End	09/30/81	
Final Action	06/00/85	

Small Entity: No

Affected Sectors: 357 Office, Computing, and Accounting Machines

Government Levels Affected: Federal

Agency Contact: Shirley Radack, Program Analyst, Department of Commerce, National Bureau of Standards, B253 Technology, Gaithersburg, Maryland 20899, 301 921-2731

RIN: 0693-AA03

36. REVISION TO FIPS 21-1, COBOL

Legal Authority: 40 USC 759(f); EO 11717

Abstract: This standard will adopt the revised American National Standard Programming Language COBOL for Federal Government use. The standard will promote the portability of COBOL programs for use on a variety of data processing systems and will enable Federal agencies and departments to exercise more effective control over the production, management, and use of Federal Government information resources.

Timetable:

Action	Date	FR Cite
NPRM	11/20/84	49 FR 45772
NPRM Comment Period Begin	11/20/84	49 FR 45772
NPRM Comment Period End	03/20/85	
Final Action	09/00/85	

Small Entity: No

Affected Sectors: 357 Office, Computing, and Accounting Machines

Government Levels Affected: Federal

Agency Contact: Shirley Radack, Program Analyst, Department of Commerce, National Bureau of Standards, B253 Technology, Gaithersburg, Maryland 20899, 301 921-2731

RIN: 0693-AA04

37. FIPS FOR STORAGE MODULE INTERFACES

Legal Authority: 40 USC 759(f); EO 11717

Abstract: This standard will provide to Federal agencies the mechanical, electrical and functional requirements for the storage module class of interface between disk drives and their respective control units. It will establish a minimum set of requirements for Federal agencies to enable compatibility and interchangeability of disk drives connected to computer systems.

Timetable:

Action	Date	FR Cite
Final Action	04/00/85	

Small Entity: No

Affected Sectors: 357 Office, Computing, and Accounting Machines

Government Levels Affected: Federal

Agency Contact: Shirley Radack, Program Analyst, Department of Commerce, National Bureau of Standards, B253 Technology, Gaithersburg, Maryland 20899, 301 921-2731

RIN: 0693-AA05

38. FIPS FOR TRANSPORT PROTOCOL

Legal Authority: 40 USC 759(f); EO 11717

Abstract: This standard provides for reliable, transparent transfer of data between two heterogeneous or homogeneous computer systems. The standard is based on an international consensus and is compatible with the International Organization for Standardization (ISO) document ISO/TC97/SC 16 N 1169, class 2 and class 4. This is one of a family of computer network protocol standards which will make possible computer-to-computer communication of Federal ADP systems. It will enable Federal agencies to select equipment based on cost and performance considerations and to interconnect equipment of different manufacturers.

Timetable:

Action	Date	FR Cite
ANPRM	03/03/81	46 FR 14913
ANPRM Comment Period Begin	03/03/81	46 FR 14913
ANPRM Comment Period End	05/03/81	
NPRM	05/20/83	48 FR 22770
NPRM Comment Period Begin	05/20/83	48 FR 22770
NPRM Comment Period End	08/18/83	
Final Action	06/00/85	

Small Entity: No

Affected Sectors: 357 Office, Computing, and Accounting Machines

Government Levels Affected: Federal

Agency Contact: Shirley Radack, Program Analyst, Department of Commerce, National Bureau of Standards, B253 Technology, Gaithersburg, Maryland 20899, 301 921-2731

RIN: 0693-AA06

39. FIPS FOR SESSION PROTOCOL STANDARD

Legal Authority: 40 USC 759(f); EO 11717

Abstract: This standard will provide for reliable connections between users on a computer network. It is one of a family of computer network protocol standards which will make possible computer-to-computer communication of Federal ADP systems. It will enable Federal Government agencies to select equipment based on cost and performance considerations and to interconnect equipment of different manufacturers.

Timetable:

Action	Date	FR Cite
NPRM	06/00/85	
NPRM Comment Period Begin	06/00/85	
NPRM Comment Period End	09/00/85	
Final Action	00/00/00	

Small Entity: No

Affected Sectors: 357 Office, Computing, and Accounting Machines

Government Levels Affected: Federal

Agency Contact: Shirley Radack, Program Analyst, Department of Commerce, National Bureau of Standards, B253 Technology, Gaithersburg, Maryland 20899, 301 921-2731

RIN: 0693-AA12

40. REVISION TO FIPS 70, REPRESENTATION OF GEOGRAPHIC POINT LOCATIONS FOR INFORMATION INTERCHANGE

Legal Authority: 40 USC 759(f); EO 11717

CFR Citation: 15 CFR 6

Abstract: This revision will extend the current FIPS which establishes uniform formats for geographic point location data that is collected, processed and analyzed by Federal Government agencies. The extensions will provide for more complete and accurate representation of data.

Timetable:

Action	Date	FR Cite
NPRM	09/15/83	48 FR 41478
NPRM Comment Period Begin	09/15/83	48 FR 41478
NPRM Comment Period End	12/14/83	
Final Action	09/00/85	

Small Entity: No

Affected Sectors: 357 Office, Computing, and Accounting Machines

Government Levels Affected: Federal

Agency Contact: Shirley Radack, Program Analyst, Department of Commerce, National Bureau of Standards, B253 Technology, Gaithersburg, Maryland 20899, **301 921-2731**

RIN: 0693-AA13

41. FIPS FOR MESSAGE TRANSFER PROTOCOL

Legal Authority: 40 USC 759(f); EO 11717

Abstract: This standard will provide for reliable exchange of messages through Federal Government computer networks. It is one of a family of computer network protocol standards which will make possible computer-to-computer communication of Federal ADP systems. It will enable Federal agencies to select equipment based on cost and performance considerations and to interconnect equipment of different manufacturers.

Timetable:

Action	Date	FR Cite
NPRM	06/00/85	

Small Entity: No

Affected Sectors: 357 Office, Computing, and Accounting Machines

Government Levels Affected: Federal

Agency Contact: Shirley Radack, Program Analyst, Department of Commerce, National Bureau of Standards, B253 Technology, Gaithersburg, Maryland 20899, **301 921-2731**

RIN: 0693-AA17

42. PROCEDURES FOR THE DEVELOPMENT OF VOLUNTARY PRODUCT STANDARDS

Legal Authority: 15 USC 272

CFR Citation: 15 CFR 10

Abstract: The Department of Commerce proposes to revise its existing procedures for the development of Voluntary Product Standards. The Department proposes to modify the provisions for the withdrawal of standards and to establish a new appeals mechanism and provisions for developing interpretations of standards.

Timetable:

Action	Date	FR Cite
NPRM	05/00/85	
NPRM Comment Period Begin	05/00/85	
NPRM Comment Period End	07/00/85	
Final Action	10/00/85	

Small Entity: No

Affected Sectors: 208 Beverages; 242 Sawmills and Planing Mills; 243 Millwork, Veneer, Plywood, and Structural Wood Members; 322 Glass and Glassware, Pressed or Blown

Agency Contact: Donald R. Mackay, Associate Manager, Standards Management Prog, Department of Commerce, National Bureau of Standards, Office of Product Standards Policy, Admin A625, Gaithersburg, Maryland 20899, **301 921-3287**

RIN: 0693-AA20

43. FIPS FOR 130 MM (5.25 IN) FLEXIBLE DISK CARTRIDGE TRACK FORMAT USING TWO-FREQUENCY RECORDING AT 3979 BPRAD ON ONE SIDE - 1.9 TPMM (48 TPI) FOR INFORMATION INTERCHANGE

Legal Authority: 40 USC 759(f); EO 11717

Abstract: These specifications will adopt for Federal government use an international standard (ISO 6596/2) for the recorded characteristics of flexible disk cartridges. Use of these specifications will enable Federal agencies to interchange information using commercially available disk technology and to purchase off-the-shelf equipment. The specifications will be issued as a guideline for use by agencies at their discretion.

Timetable:

Action	Date	FR Cite
NPRM	09/08/82	47 FR 39554
NPRM Comment Period Begin	09/08/82	47 FR 39554
NPRM Comment Period End	12/07/82	
Final Action	06/00/85	

Small Entity: No

Affected Sectors: 357 Office, Computing, and Accounting Machines

Government Levels Affected: Federal

Agency Contact: Shirley Radack, Program Analyst, Department of Commerce, National Bureau of Standards, B253 Technology, Gaithersburg, Maryland 20899, **301 921-2731**

RIN: 0693-AA21

44. FIPS FOR FLEXIBLE DISK CARTRIDGE LABELLING AND FILE STRUCTURE FOR INFORMATION INTERCHANGE

Legal Authority: 40 USC 759(f); EO 11717

Abstract: These specifications will adopt for Federal government use an international standard (ISO 7665) for labelling and file structure of flexible disks. Use of these specifications will enable Federal agencies to interchange information using commercially available disk technology and to purchase off-the-shelf equipment. The specifications will be issued as a guideline for use by agencies at their discretion.

Timetable:

Action	Date	FR Cite
NPRM	09/08/82	47 FR 39554
NPRM Comment Period Begin	09/08/82	47 FR 39554
NPRM Comment Period End	12/07/82	
Final Action	06/00/85	

Small Entity: No

Affected Sectors: 357 Office, Computing, and Accounting Machines

Government Levels Affected: Federal

Agency Contact: Shirley Radack, Program Analyst, Department of Commerce, National Bureau of Standards, B253 Technology, Gaithersburg, Maryland 20899, 301 921-2731

RIN: 0693-AA22

45. FIPS FOR 130 MM (5.25 IN) FLEXIBLE DISK CARTRIDGE TRACK FORMAT USING MODIFIED FREQUENCY MODULATION RECORDING AT 7958 BPRAD ON TWO SIDES - 1.9 TPMM (48 TPI) FOR INFORMATION INTERCHANGE

Legal Authority: 40 USC 759(f); EO 11717

Abstract: These specifications will adopt for Federal government use an international standard (ISO 7487/2) for the recorded characteristics of flexible disk cartridges. Use of these specifications will enable Federal agencies to interchange information using commercially available disk technology and to purchase off-the-shelf equipment. The specifications will be issued as a guideline for use by agencies at their discretion.

Timetable:

Action	Date	FR Cite
NPRM	09/08/82	47 FR 39554
NPRM Comment Period Begin	09/08/82	47 FR 39554
NPRM Comment Period End	12/07/82	
Final Action	06/00/85	

Small Entity: No

Affected Sectors: 357 Office, Computing, and Accounting Machines

Government Levels Affected: Federal

Agency Contact: Shirley Radack, Program Analyst, Department of Commerce, National Bureau of Standards, B253 Technology, Gaithersburg, Maryland 20899, 301 921-2731

RIN: 0693-AA23

46. FIPS FOR 200 MM (8 IN) FLEXIBLE DISK CARTRIDGE TRACK FORMAT USING MODIFIED FREQUENCY MODULATION RECORDING AT 13262 BPRAD ON TWO SIDES - 1.9 TPMM (48 TPI) FOR INFORMATION INTERCHANGE

Legal Authority: 40 USC 759(f); EO 11717

Abstract: These specifications will adopt for Federal government use an international standard (ISO 7065/2) for the recorded characteristics of flexible disk cartridges. Use of these specifications will enable Federal agencies to interchange information using commercially available disk technology and to purchase off-the-shelf equipment. The specifications will be issued as a guideline for use by agencies at their discretion.

Timetable:

Action	Date	FR Cite
NPRM	09/08/82	47 FR 39554
NPRM Comment Period Begin	09/08/82	47 FR 39554
NPRM Comment Period End	12/07/82	
Final Action	06/00/85	

Small Entity: No

Affected Sectors: 357 Office, Computing, and Accounting Machines

Government Levels Affected: Federal

Agency Contact: Shirley Radack, Program Analyst, Department of Commerce, National Bureau of Standards, B253 Technology, Gaithersburg, Maryland 20899, 301 921-2731

RIN: 0693-AA24

47. FIPS FOR 200 MM (8 IN) FLEXIBLE DISK CARTRIDGE TRACK FORMAT USING TWO-FREQUENCY RECORDING AT 6631 BPRAD ON ONE SIDE - 1.9 TPMM (48 TPI) FOR INFORMATION INTERCHANGE

Legal Authority: 40 USC 759(f); EO 11717

Abstract: These specifications will adopt for Federal government use an international standard (ISO 5654/2) for the recorded characteristics of flexible disk cartridges. Use of these specifications will enable Federal agencies to interchange information using commercially available disk technology and to purchase off-the-shelf equipment. The specifications will be issued as a guideline for use by agencies at their discretion.

Timetable:

Action	Date	FR Cite
NPRM	09/08/82	47 FR 39554
NPRM Comment Period Begin	09/08/82	47 FR 39554
NPRM Comment Period End	12/07/82	
Final Action	06/00/85	

Small Entity: No

Affected Sectors: 357 Office, Computing, and Accounting Machines

Government Levels Affected: Federal

Agency Contact: Shirley Radack, Program Analyst, Department of Commerce, National Bureau of Standards, B253 Technology, Gaithersburg, Maryland 20899, 301 921-2731

RIN: 0693-AA25

48. ● REVISION TO FIPS 68, MINIMAL BASIC

Legal Authority: 40 USC 759(f); EO 11717

Abstract: This revision of the current standard (FIPS 68) will change the Applicability and Objectives sections to clarify issues related to the use of programming languages. The revision will make the goals of the FIPS more definitive, recognize advances in programming technology, provide more specific guidance concerning the applicability of FIPS languages, and provide consistent policy for all FIPS languages. The language specifications (American National Standard Programming Language Minimal BASIC, X3.60-1978) are not changed.

Timetable:

Action	Date	FR Cite
NPRM	11/20/84	49 FR 45774
NPRM Comment Period Begin	11/20/84	49 FR 45774
NPRM Comment Period End	03/20/85	
Final Action	09/00/85	

Small Entity: No

Affected Sectors: 357 Office, Computing, and Accounting Machines

Government Levels Affected: Federal

Agency Contact: Shirley Radack, Program Analyst, Department of Commerce, National Bureau of Standards, B253 Technology, Gaithersburg, MD 20899, 301 921-2731

RIN: 0693-AA26

49. ○ FIPS FOR ADA

Legal Authority: 40 USC 759(f); EO 11717

Abstract: This standard will adopt for Federal agency use American National Standard ANSI/MIL-STD-1815A-1983, Reference Manual for the Ada Programming Language, which is a voluntary industry standard developed by the Department of Defense. This standard will enable programs written in Ada to be used in a variety of data processing systems and will enable agencies to encourage more effective utilization and management of programmers by ensuring that programming skills acquired in one job are transportable to other jobs, thereby reducing the cost of training.

Timetable:

Action	Date	FR Cite
NPRM	04/00/85	
NPRM Comment Period Begin	04/00/85	
NPRM Comment Period End	07/00/85	
Final Action	00/00/00	

Small Entity: No

Affected Sectors: 357 Office, Computing, and Accounting Machines

Government Levels Affected: Federal

Agency Contact: Shirley Radack, Program Analyst, Department of Commerce, National Bureau of Standards, B253 Technology, Gaithersburg, MD 20899, **301 921-2731**

RIN: 0693-AA27

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50. ● FIPS FOR NETWORK DATABASE LANGUAGE (NDL)

Legal Authority: 40 USC 759(f); EO 11717

Abstract: This standard will adopt for Federal agency use an American National Standard currently undergoing formal public review. Use of the specifications will enable Federal agencies to acquire database management systems and other database software that will operate on many different computer systems. Further, training and skills of staff will be transferable to different systems.

Timetable:

Action	Date	FR Cite
NPRM	09/00/85	
NPRM Comment Period Begin	09/00/85	
NPRM Comment Period End	12/00/85	
Final Action	00/00/00	

Small Entity: No

Affected Sectors: 357 Office, Computing, and Accounting Machines

Government Levels Affected: Federal

Agency Contact: Shirley Radack, Program Analyst, Department of Commerce, National Bureau of Standards, B253 Technology, Gaithersburg, MD 20899, **301 921-2731**

RIN: 0693-AA29

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51. ● FIPS FOR GRAPHICAL KERNEL SYSTEM (GKS)

Legal Authority: 40 USC 759(f); EO 11717

Abstract: This standard will adopt for Federal government use an American National Standard for GKS. Use of this standard will enable Federal agencies to exchange graphics programs between different installations. The standard will enable agencies to encourage more effective utilization and management of graphics application programmers by ensuring that skills acquired in one job are transportable to other jobs, thereby reducing the costs of training.

Timetable:

Action	Date	FR Cite
NPRM	04/00/85	
NPRM Comment Period Begin	04/00/85	
NPRM Comment Period End	07/00/85	
Final Action	00/00/00	

Small Entity: No

Affected Sectors: 357 Office, Computing, and Accounting Machines

Government Levels Affected: Federal

Agency Contact: Shirley Radack, Program Analyst, Department of Commerce, National Bureau of Standards, B253 Technology, Gaithersburg, MD 20899, **301 921-2731**

RIN: 0693-AA28

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52. ● FIPS FOR VIDEOTEX/TELETEXT PRESENTATION LEVEL PROTOCOL SYNTAX (NORTH AMERICAN PLPS)

Legal Authority: 40 USC 759(f); EO 11717

Abstract: This standard will adopt for Federal agency use American National Standard X3.110-1983, Videotex/Teletext Presentation Level Protocol Syntax (North American PLPS). This standard will enable Federal agencies to acquire data processing and communications and related equipment that interchange coded information in accordance with the voluntary industry standard.

Timetable:

Action	Date	FR Cite
NPRM	04/00/85	
NPRM Comment Period Begin	04/00/85	
NPRM Comment Period End	07/00/85	
Final Action	00/00/00	

Small Entity: No

Affected Sectors: 357 Office, Computing, and Accounting Machines

Government Levels Affected: Federal

Agency Contact: Shirley Radack, Program Analyst, Department of Commerce, National Bureau of Standards, B253 Technology, Gaithersburg, MD 20899, **301 921-2731**

RIN: 0693-AA30

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53. ● REVISION TO FIPS 69, FORTRAN

Legal Authority: 40 USC 759(f); EO 11717

Abstract: This revision of the current standard (FIPS 69) will change the Applicability and Objectives sections to clarify issues related to the use of programming languages. The revision will make the goals of the FIPS more definitive, recognize advances in programming technology, provide more specific guidance concerning the applicability of FIPS languages, and provide consistent policy for all FIPS languages. The language specifications (American National Standard Programming Language FORTRAN, X3.9-1978) are not changed.

Timetable:

Action	Date	FR Cite
NPRM	11/20/84	49 FR 45774
NPRM Comment Period Begin	11/20/84	49 FR 45774
NPRM Comment Period End	03/20/85	
Final Action	09/00/85	

Small Entity: No

Affected Sectors: 357 Office, Computing, and Accounting Machines

Government Levels Affected: Federal

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Current and Projected Rulemakings

Agency Contact: Shirley Radack, Program Analyst, Department of Commerce, National Bureau of Standards, B253 Technology, Gaithersburg, MD 20899, **301 921-2731**

RIN: 0693-AA31

DEPARTMENT OF COMMERCE (DOC)
National Bureau of Standards (NBS)

Completed Actions

COMPLETED RULEMAKINGS

54. FIPS FOR PASCAL PROGRAMMING LANGUAGE

Legal Authority: 40 USC 759(f); EO 11717

Abstract: This standard will adopt the American National Standard Programming Language Pascal for Federal Government use. The standard will promote the portability of Pascal programs for use on a variety of data processing systems and will enable Federal agencies and departments to exercise more effective control over the production, management, and use of Government information resources.

Timetable:

Action	Date	FR Cite
NPRM	09/13/83	48 FR 41062
NPRM Comment Period Begin	09/13/83	48 FR 41062
NPRM Comment Period End	12/12/83	
Final Action	01/16/85	50 FR 2324

Small Entity: No

Affected Sectors: 357 Office, Computing, and Accounting Machines

Government Levels Affected: Federal

Agency Contact: Shirley Radack, Program Analyst, Department of Commerce, National Bureau of Standards, B253 Technology, Gaithersburg, Maryland 20899, **301 921-2731**

RIN: 0693-AA07

55. FIPS FOR ALPHANUMERIC COMPUTER OUTPUT MICROFORM QUALITY TEST SLIDE

Legal Authority: 40 USC 759(f); EO 11717

Abstract: This standard will adopt for Federal Government use a National Micrographics Association Standard (renamed Association for Information and Image Management). The standard is recommended for the acquisition of test form slides by Federal Government agencies. The slides are used to verify and maintain the quality of microforms generated by Federal alphanumeric computer output microform devices.

Timetable:

Action	Date	FR Cite
NPRM	06/29/83	48 FR 29935
NPRM Comment Period Begin	06/29/83	48 FR 29935
NPRM Comment Period End	09/27/83	
Final Action	11/05/84	49 FR 44229

Small Entity: No

Affected Sectors: 357 Office, Computing, and Accounting Machines

Government Levels Affected: Federal

Agency Contact: Shirley Radack, Program Analyst, Department of Commerce, National Bureau of Standards, B253 Technology, Gaithersburg, Maryland 20899, **301 921-2731**

RIN: 0693-AA08

56. FIPS FOR LOCAL NETWORKS BASEBAND CARRIER SENSE MULTIPLE ACCESS WITH COLLISION DETECTION; PHYSICAL LAYER SPECIFICATIONS AND LINK LAYER PROTOCOL

Legal Authority: 40 USC 759(f); EO 11717

Abstract: This standard will adopt for Federal Government use an IEEE standard for the mechanical, electronic, functional, and procedural specifications and link protocol required to interconnect computer equipment to local area computer networks. This standard is one in a family of local area network standards to make possible computer-to-computer and terminal-to-computer communications of Federal computer systems. It is consistent with international consensus and the reference model for network architecture adopted by the International Organization for Standardization.

Timetable:

Action	Date	FR Cite
NPRM	09/08/83	48 FR 40540
NPRM Comment Period Begin	09/08/83	48 FR 40540
NPRM Comment Period End	12/07/83	
Final Action	10/31/84	49 FR 43740

Small Entity: No

Affected Sectors: 357 Office, Computing, and Accounting Machines

Government Levels Affected: Federal

Agency Contact: Shirley Radack, Program Analyst, Department of Commerce, National Bureau of Standards, B253 Technology, Gaithersburg, Maryland 20899, **301 921-2731**

RIN: 0693-AA10

57. REVISIONS TO FIPS 1-1 AND 2; CODE FOR INFORMATION INTERCHANGE, ITS REPRESENTATIONS, SUBSETS, AND EXTENSIONS AND PERFORATED TAPE CODE FOR INFORMATION INTERCHANGE

Legal Authority: 40 USC 759(f); EO 11717

Abstract: The revision to FIPS 1-1 consolidates and supersedes five existing FIPS dealing with the implementation of the Code for Information Interchange by Federal Government agencies. No substantive changes are made. The revision to FIPS 2 clarifies the existing standard. These revisions will result in easier administration of the existing FIPS.

Timetable:

Action	Date	FR Cite
Final Action	11/14/84	49 FR 45041

Small Entity: No

DOC—NBS

Completed Actions

Affected Sectors: 357 Office, Computing, and Accounting Machines

Government Levels Affected: Federal

Agency Contact: Shirley Radack, Program Analyst, Department of Commerce, National Bureau of Standards, B253 Technology, Gaithersburg, Maryland 20899, **301 921-2731**

RIN: 0693-AA11

58. NATIONAL VOLUNTARY LABORATORY ACCREDITATION PROGRAM PROCEDURES

Legal Authority: 15 USC 272; 15 USC 277

CFR Citation: 15 CFR 7

Abstract: The proposed revision of NVLAP procedures is intended to reduce program administrative costs, to increase program operating efficiency and to reflect the transfer of the administration of NVLAP from DOC to NBS.

Timetable:

Action	Date	FR Cite
NPRM	05/16/84	49 FR 20723
NPRM Comment Period Begin	05/16/84	
NPRM Comment Period End	07/16/84	
Final Action	11/08/84	49 FR 44622
Final Action Effective	12/10/84	49 FR 44622

Small Entity: No

Affected Sectors: Multiple

Agency Contact: Peter S. Unger, Associate Manager, Laboratory Accreditation, Department of Commerce, National Bureau of Standards, Admin A531, Gaithersburg, Maryland 20899, **301 921-3431**

RIN: 0693-AA19

[FR Doc. 85-6487 Filed 04-26-85; 8:45 am]

BILLING CODE 3510-BW-T

DEPARTMENT OF COMMERCE (DOC)

National Oceanic and Atmospheric Administration (NOAA)

Current and Projected Rulemakings

NATIONAL MARINE FISHERIES SERVICE

59. CIVIL PROCEDURES

Priority: Agency Determination

Legal Authority: 15 USC 1801 et seq Magnuson Fishery Conservation & Mgmt. Act; 16 USC 773 et seq Northern Pacific Halibut Act of 1982

CFR Citation: 15 CFR 904

Abstract: The existing regulations (15 CFR 904) provide uniform procedures for enforcement and civil proceedings under the various fishery and marine resource statutes administered by NOAA. The regulations are being revised to consolidate all aspects of NOAA's civil process which can be uniformly treated. The revised regulations will provide uniform permit processing procedures and sanction procedures; means of addressing the respondent's ability to pay in civil penalty proceedings; procedures for issuance and appeal of written warnings, summary forfeitures, and for selling seized perishable fish. The revisions will clarify for the public the procedures which NOAA follows in carrying out its enforcement responsibilities. The amendments thus are beneficial rather than burdensome to the public. These procedural regulations will not increase costs to the public or local governments. Nor will they have a significant adverse effect on competition, employment or industry. The alternative of not further consolidating the procedures was considered and rejected. There is no alternative to making the updating and housekeeping portions of the amendments.

Timetable:

Action	Date	FR Cite
Interim Final Rule	01/06/84	49 FR 1037
NPRM Revising Interim Final Rule	10/31/84	
Beg. Comment Period on NPRM	10/31/84	
End Comment Period on NPRM	12/31/84	
Final Action	06/01/85	
Final Action Effective	07/01/85	

Small Entity: No

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Affected Sectors: 091 Commercial Fishing; 209 Miscellaneous Food Preparations and Kindred Products

Government Levels Affected: State, Federal

Analysis: See Additional Information

Agency Contact: Margaret H. Frailey, Asst. General Counsel, Department of Commerce, National Oceanic and Atmospheric Administration, Enforcement & Litigation, 2001 Wisconsin Avenue, NW, Washington, DC 20235, **202 254-8350**

RIN: 0648-AA26

60. DESIGNATED CRITICAL HABITAT; HAWAIIAN MONK SEAL

Legal Authority: 16 USC 1531 et seq Endangered Species Act of 1973

CFR Citation: 50 CFR 226.11

Abstract: Designation of Critical Habitat is conducted pursuant to the Endangered Species Act of 1973, as amended. Critical Habitat is that area within (or outside) the geographic range of the animal wherein are found those physical and/or biological features essential for the conservation of the species and which may require special management considerations. The objective is to protect the Hawaiian Monk Seal.

Timetable:

Action	Date	FR Cite
NPRM	01/09/85	50 FR 01089
NPRM Comment Period Begin	01/09/85	50 FR 01089
NPRM Comment Period End	03/11/85	
Final Action	12/00/85	
Final Action Effective	01/00/86	

Small Entity: Undetermined

Additional Information: A supplemental environmental impact statement is available for public review. It has been determined that this is not a major rule under E.O. 12291, therefore no RIA is required, and that this rule will not have a significant economic impact on a substantial number of small entities, therefore no RFA is required.

Affected Sectors: 091 Commercial Fishing

Government Levels Affected: Local, State, Federal

Analysis: See Additional Information

Agency Contact: **Charles Fullerton**, Director, Southwest Region, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, 300 S. Ferry Street, Terminal Island, CA 90731, **213 548-2575**

RIN: 0648-AA27

61. FISHERY CONSERVATION AND MANAGEMENT: CONFIDENTIALITY OF STATISTICS

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conservation & Mgmt. Act

CFR Citation: 50 CFR 603

Abstract: The regulations provide internal procedures to protect statistics collected from the public under the Magnuson Fishery Conservation and Management Act from disclosure.

Timetable:

Action	Date	FR Cite
NPRM	01/09/78	43 FR 1460
Interim Final Rule	12/07/79	44 FR 237
Final Action	03/00/85	

Small Entity: No

Additional Information: Neither an RIA nor an RFA is required or will be prepared. The Regulatory Flexibility Act does not apply because the regulations affect only internal operations of an agency.

Affected Sectors: 091 Commercial Fishing

Government Levels Affected: Local, State, Federal

Analysis: See Additional Information

Agency Contact: **B. G. Thompson**, Acting Chief, Fisheries Statistics Program, Department of Commerce, National Oceanic and Atmospheric Administration, Office of Data & Information Management,NMFS, Washington, DC 20235, **202 634-7366**

RIN: 0648-AA38

62. GENERAL AND RECREATIONAL FOREIGN FISHING

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conservation & Mgmt. Act

CFR Citation: 50 CFR 611.1 to 611.98

Abstract: The regulations will be amended to revise the general regulations governing foreign fishing within the fishery conservation zone (FCZ). The action is necessary because the regulations no longer reflect current practice in the fisheries; they are not deterring illegal actions, and are disjointed, contradictory and difficult to use. The revision is intended to make the regulations consistent with current practices in the fisheries, reduce illegal fishing and simplify and improve the utility of the regulations. The revision reorganizes almost every section of the two affected subparts. Additional definitions are added, including one for recreational fishing which would exempt foreign recreational fishing vessels from permit requirements. Obsolete material is deleted. Reports required for foreign fishing vessels are revised. Additional requirements for facilitation are added. Recordkeeping requirements are revised and requirements for joint ventures are specified.

Timetable:

Action	Date	FR Cite
NPRM	12/28/84	49 FR 50498
NPRM Comment Period Begin	12/28/84	49 FR 50498
Final Action	05/24/85	
Final Action Effective	07/24/85	

Small Entity: No

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Affected Sectors: None

Government Levels Affected: State, Federal

Analysis: See Additional Information

Agency Contact: **LCDR William D. Chappell, USCG**, Coast Guard Liaison, Department of Commerce, National Oceanic and Atmospheric Administration, Fees, Permits, & Regulations Division, NMFS, 3300 Whitehaven Street, NW, Washington, DC 20235, **202 634-7432**

RIN: 0648-AA40

63. PREEMPTION OF STATE AUTHORITY UNDER SECTION 306(B) OF THE MAGNUSON FISHERY CONSERVATION & MANAGEMENT ACT

Legal Authority: 16 USC 1856 Sec 306, Magnuson Fishery Conservation & Mgmt. Act

CFR Citation: 50 CFR 619

Abstract: The regulations interpret certain statutory terms applicable to, and establish procedures governing, formal adjudicatory hearings to be held before the Secretary of Commerce can apply Federal fishery regulations to certain waters within State boundaries. Section 306(b) of the Magnuson Fishery Conservation and Management Act authorizes the Secretary of Commerce to regulate a fishery within State boundaries in certain circumstances. Before the Secretary is authorized to do so, he must make certain findings after providing an opportunity for a formal adjudicatory hearing. The regulations apprise affected parties of the procedures to be followed at such a hearing and also of the types of information to be scrutinized that is relevant to the findings to be made.

Timetable:

Action	Date	FR Cite
Interim Final Rule	03/22/82	47 FR 12181
Final Action	10/01/85	
Final Action Effective	11/01/85	

Small Entity: No

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Affected Sectors: 091 Commercial Fishing

Government Levels Affected: Local, State, Federal

Analysis: See Additional Information

Agency Contact: Wendy Raymont, Attorney, Department of Commerce, National Oceanic and Atmospheric Administration, 3300 Whitehaven St., NW, Page Bldg. 2, Room 404, Washington, DC 20235, **202 634-4224**

RIN: 0648-AA41

64. INTERAGENCY COOPERATION - ENDANGERED SPECIES ACT OF 1973, AS AMENDED

Legal Authority: 16 USC 1531 et seq Endangered Species Act of 1973

CFR Citation: 50 CFR 402

Abstract: The regulations will update existing regulations pursuant to the 1978, 1979 and 1982 amendments to the Endangered Species Act. The revisions will explain, organize, and simplify the consultation process required by Section 7 of the Act, and will be published jointly with the U.S. Fish and Wildlife Service.

Timetable:

Action	Date	FR Cite
NPRM	06/29/83	48 FR 29990
NPRM Comment Period Begin	06/29/83	48 FR 29990
NPRM Comment Period End	08/29/83	
Final Action	06/00/85	
Final Action Effective	07/00/85	

Small Entity: No

Additional Information: The Department of the Interior, as lead agency in the development of the regulations, has prepared a draft environmental assessment. A determination will be made at the time of the final rule as to whether this is a major Federal action within the meaning of Section 102(2)(C) of the National Environmental Policy Act of 1969. It has been determined that the regulations will not constitute a major rule under EO 12291 and will not have a significant economic impact on a substantial number of small entities under the terms of the Regulatory Flexibility Act.

Affected Sectors: 951 Administration of Environmental Quality Programs

Government Levels Affected: Federal

Analysis: See Additional Information

Agency Contact: Charles Karnella, Marine Resource Management Specialist, Department of Commerce, National Oceanic and Atmospheric Administration, Office of Protected Species, and Habitat Conservation, NMFS, Washington, DC 20235, **202 634-7471**

RIN: 0648-AA43

65. U.S. STANDARDS FOR GRADES OF FISH STEAKS

Legal Authority: 7 USC 1621 to 1630 Agricultural Marketing Act of 1946

CFR Citation: 50 CFR 262A

Abstract: The interim rule would establish a voluntary standards system to classify fish steaks by quality into four categories - U.S. Grade A, B, C, and Substandard. The objective is to facilitate trade in fish steaks classified by quality thereby benefiting the consumer and the industry. The standards would be used in a voluntary program of fishery products inspection and certification by NMFS. The total value of the industry product in 1981 was $19 million. Industry has expressed a high level of interest in and support for the voluntary standards. The timetable for this action is very tentative. Further research will be needed before the rule is published.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Affected Sectors: 091 Commercial Fishing; 209 Miscellaneous Food Preparations and Kindred Products

Government Levels Affected: State, Federal

Analysis: See Additional Information

Agency Contact: Rita A. Creitz, Standards Coordinator, Department of Commerce, National Oceanic and Atmospheric Administration, Office of Utilization Research, NMFS, Washington, DC 20235, **202 634-7458**

RIN: 0648-AA44

66. PROCESSED FISHERY PRODUCTS, PROCESSED PRODUCTS THEREOF & CERTAIN OTHER PROCESSED FOOD PRODUCTS: U.S. STANDARDS FOR GRADES OF FROZEN FISH BLOCKS & PRODUCTS MADE THEREFROM ETC

Legal Authority: 7 USC 1621 to 1630 Agricultural Marketing Act of 1946

CFR Citation: 50 CFR 264A; 50 CFR 264B; 50 CFR 264C; 50 CFR 264D; 50 CFR 264E; 50 CFR 264F; 50 CFR 264G

Abstract: The revised rule will expand the coverage of established voluntary standards for grades of fishery products to include new products made from fish blocks. The standards will take into account new technology and equipment. These standards will be used in a voluntary program of fishery products inspection and certification by the NMFS. Industry has shown a high level of interest and support for the revisions. The timetable for this action is very tentative. Further research will be needed before the rule is published.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Affected Sectors: 091 Commercial Fishing; 209 Miscellaneous Food Preparations and Kindred Products

Government Levels Affected: State, Federal

Analysis: See Additional Information

Agency Contact: Rita A. Creitz, Standards Coordinator, Department of Commerce, National Oceanic and Atmospheric Administration, Office of Utilization Research, NMFS, Washington, DC 20235, **202 634-7458**

RIN: 0648-AA46

67. U.S. GENERAL STANDARDS FOR GRADES OF SHRIMP

Legal Authority: 7 USC 1621 to 1630 Agricultural Marketing Act of 1946

CFR Citation: 50 CFR 265A

Abstract: The final rule will establish general quality grading standards for all non-breaded forms of fresh or frozen shrimp. These grading standards will provide for the systematic differentiation of the quality of shrimp into four categories -- U.S. Grades A, B, C and Substandard. The proposed standards will be applied to all commercial species of fresh or frozen shrimp in raw or cooked states in all non-breaded market forms. The adoption of grading standards is expected to facilitate trade in shrimp of all commercial species, as consumers will be able to select shrimp on the basis of identified quality. Industry has shown great interest in and support for the standards. Timetable for next action is very tentative. Public comments received indicate a need for further research before the rule is published.

Timetable:

Action	Date	FR Cite
NPRM	05/20/82	47 FR 21840
NPRM Comment Period Begin	05/20/82	47 FR 21840
Interim Final Rule	05/20/82	47 FR 21840
NPRM Comment Period End	08/18/82	

Next Action Undetermined

Small Entity: No

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Affected Sectors: 091 Commercial Fishing; 209 Miscellaneous Food Preparations and Kindred Products

Government Levels Affected: State, Federal

Analysis: See Additional Information

Agency Contact: Rita A. Creitz, Standards Coordinator, Department of Commerce, National Oceanic and Atmospheric Administration, Office of Utilization Research, NMFS, Washington, DC 20235, **202 634-7458**

RIN: 0648-AA47

68. MARKING REQUIREMENTS FOR THE IMPORTATION, EXPORTATION, & INTERSTATE TRANSPORTATION OF FISH OR WILDLIFE

Legal Authority: 16 USC 3371 to 3375 Lacey Act Amendments of 1981

CFR Citation: 50 CFR 14.81 to 14.83

Abstract: These regulations will enable NOAA to monitor interstate and foreign commerce in fish and fishery products, for the purpose of detecting violations of Federal, state and foreign laws. The regulations will conform to current industry practices.

Timetable:

Action	Date	FR Cite
NPRM	06/01/86	
NPRM Comment Period Begin	06/01/86	
NPRM Comment Period End	09/01/86	
Final Action	11/01/86	
Final Action Effective	12/01/86	

Small Entity: No

Additional Information: The regulations will be issued jointly with the Department of the Interior. Neither an RIA nor an RFA is required.

Affected Sectors: 091 Commercial Fishing; 209 Miscellaneous Food Preparations and Kindred Products

Government Levels Affected: Local, State, Federal

Analysis: See Additional Information

Agency Contact: Steven C. Springer, Special Agent In Charge, Department of Commerce, National Oceanic and Atmospheric Administration, Enforcement Div., NMFS, Washington, DC 20235, **202 634-7265**

RIN: 0648-AA53

69. TANNER CRAB FISHERY MANAGEMENT PLAN (FMP) - REGULATORY AMENDMENT TO CHANGE POT STORAGE AREAS

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conservation & Mgmt. Act

CFR Citation: 50 CFR 671

Abstract: This regulatory amendment would modify crab pot storage in the Eastern Bering Sea and Gulf of Alaska. Changes are needed to establish new shallow water areas to store domestic Tanner crab pots during closed seasons around the Pribilof Islands, and to prevent preemption of productive fishing grounds for other species.

Timetable:

Action	Date	FR Cite
NPRM	12/02/83	48 FR 54383
NPRM Comment Period Begin	12/02/83	48 FR 54383
NPRM Comment Period End	01/16/84	
Final Action	05/01/85	
Final Action Effective	06/01/85	

Small Entity: Yes

Additional Information: An environmental assessment was prepared which includes a socioeconomic analysis upon which the determinations of non-major under EO 12291 and non-significant under the Regulatory Flexibility Act were made. The environmental assessment is available.

Affected Sectors: 091 Commercial Fishing

Government Levels Affected: State, Federal

Analysis: Environmental assessment 12/02/83 (48 FR 54383)

Agency Contact: Mr. Robert W. McVey, Director, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, P.O. Box 1668, Juneau, AK 99802, **907 586-7221**

RIN: 0648-AA71

70. U.S. STANDARDS FOR GRADES OF FRESH OR FROZEN NORTH AMERICAN FRESHWATER CATFISH AND PRODUCTS MADE THEREFROM

Legal Authority: 7 USC 1621 to 1630 Agricultural Marketing Act of 1946

CFR Citation: 50 CFR 267, (New)

Abstract: This proposed standard will establish a voluntary standards system to identify various products made from North American Freshwater Catfish and to grade these products A, B, C and Substandard. The objective of the standard is to facilitate trade in these products thereby benefiting the consumer. The standard will be used by NMFS in the voluntary program of fishery products inspection and certification. Industry has expressed strong support for these voluntary standards.

Timetable:

Action	Date	FR Cite
Interim Final Rule	07/05/84	49 FR 27514
Final Action	01/06/86	
Final Action Effective	02/06/86	

Small Entity: No

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Affected Sectors: 027 Animal Specialties; 209 Miscellaneous Food Preparations and Kindred Products

Government Levels Affected: State, Federal

Analysis: See Additional Information

Agency Contact: Rita A. Creitz, Standards Coordinator, Department of Commerce, National Oceanic and Atmospheric Administration, 3300 Whitehaven Street, N.W., Washington, DC 20235, 202 634-7458

RIN: 0648-AA73

71. AMENDMENT NO. 3 TO THE HIGH SEAS SALMON FISHERY MANAGEMENT PLAN: IMPLEMENTING REGULATIONS

Priority: Agency Determination

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conservation & Mgmt Act

CFR Citation: 50 CFR 674

Abstract: Amendment No. 3 and implementing regulations to the High Seas Salmon Fishery Management Plan (FMP) may be needed to prevent depletion of the stocks by overfishing if naturally spawning stocks of southeast Alaska and Pacific Northwest chinook salmon are depressed. Reducing the optimum yield (OY) could contribute to resolution of the problem; alternatively reducing the harvest level within the current OY range may be adequate to address the problem. Adjustment of fishing season dates may also be appropriate. Adjustment of OY levels or the fishing season would impact over 3,000 commercial salmon trollers. Adverse impacts could include lower catch/revenues or increase competition for available catch. It is unknown at this time whether a 1985 or 1986 amendment will be necessary.

Timetable:

Action	Date	FR Cite
NPRM	05/00/85	
NPRM Comment Period Begin	05/00/85	
NPRM Comment Period End	06/15/85	
Final Action	07/20/85	
Final Action Effective	08/20/85	

Small Entity: Yes

Additional Information: An RIA is not required and will not be prepared. An RFA is required and will be prepared. A Regulatory Impact Review/Initial RFA will be available in the spring of 1985.

Affected Sectors: 091 Commercial Fishing

Government Levels Affected: State, Federal

Analysis: See Additional Information

Agency Contact: Robert W. McVey, Director, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, P.O. Box 1668, Juneau, AK 99802, 907 586-7221

RIN: 0648-AA75

72. TAKING OF MARINE MAMMALS INCIDENTAL TO SPACE SHUTTLE LAUNCHES

Legal Authority: 16 USC 1361 et seq Marine Mammal Protection Act of 1972

CFR Citation: 50 CFR 228.20 to 228.29, (New)

Abstract: Based on request from the Air Force, the NMFS will propose regulations which would allow a small number of marine mammals to be incidentally taken as a result of sonic booms from space shuttle launches from Vandenberg Air Force Base, California. Section 101 (a)(5) of the Marine Mammal Protection Act provides for allowing the taking of small numbers of marine mammals incidental to specified activities provided that certain findings can be made and regulations are established which set forth permissible methods of taking, and requirements for monitoring and reporting.

Timetable:

Action	Date	FR Cite
ANPRM	05/04/84	49 FR 19098
ANPRM Comment Period Begin	05/04/84	
ANPRM Comment Period End	07/03/84	
NPRM	05/00/85	
NPRM Comment Period Begin	05/00/85	
NPRM Comment Period End	07/00/85	

Small Entity: No

Additional Information: Neither an RIA nor an RFA is required or will be prepared. An environmental assessment is being prepared.

Affected Sectors: 966 Space Research and Technology

Government Levels Affected: Federal

Analysis: See additional information.

Agency Contact: R. B. Brumsted, Acting Chief, Protected Species Division, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, Of. of Protected Species & Habitat Conserv., Washington, DC 20235, 202 634-7529

RIN: 0648-AA84

73. AMENDMENT TO THE FISHERY MANAGEMENT PLAN (FMP) FOR ATLANTIC SEA SCALLOPS TO ENSURE BETTER CONSERVATION OF THE SCALLOP RESOURCES

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conser & Management Act

CFR Citation: 50 CFR 650

Abstract: New England Fishery Management Council will prepare an amendment to the FMP for Atlantic Sea Scallops. With the current low scallop abundance and poor recruitment prospects, the present FMP does not appear to be providing the degree of resource protection anticipated by the Council. If the resource is to be conserved for the benefit of the industry and public, revised management measures are needed to ensure that incoming recruitment to the fishery, when and if it occurs, be better protected. The proposed measure will be a minimum individual meat size, rather than the present average minimum meat count. The valuable Atlantic sea scallop resource is capable of yielding 100 million dollars annually, and requires additional protection.

Timetable:

Action	Date	FR Cite
NPRM	04/01/85	
NPRM Comment Period Begin	04/01/85	
NPRM Comment Period End	05/15/85	
Final Action	06/20/85	
Final Action Effective	07/20/85	

Small Entity: Undetermined

Affected Sectors: 091 Commercial Fishing

Government Levels Affected: Federal

Agency Contact: Richard Schaefer, Actg. Regional Director, Northeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, 14 Elm St., Gloucester, MA 01930, 617 281-3600

RIN: 0648-AA97

74. FINAL RULE IMPLEMENTING THE NORTHEAST MULTISPECIES FISHERY MANAGEMENT PLAN

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conser & Management Act

CFR Citation: 50 CFR 651

Abstract: The New England Fishery Management Council is developing a comprehensive, long-term, groundfish plan to cover all of the important groundfish species caught in the New England trawl fishery. This plan, termed the Northeast Multispecies Fishery Management Plan (FMP) is intended to replace the present "Interim Fishery Management Plan for Atlantic Groundfish" which has regulated fishing for cod, haddock, and yellowtail flounder since 1982. The Northeast Multispecies FMP will take into account the fact that many different groundfish species are taken together in the same trawl, and that the mix of species changes on a trip and seasonal basis. The Council has adopted a set of management policies and is considering alternative management measures and impacts. The conservation focus is on maintenance of a minimum stock abundance size which reasonably protects against recruitment failure; emphasis is on minimum regulatory intervention or restrictions on fishing options.

Timetable:

Action	Date	FR Cite
NPRM	05/01/85	
NPRM Comment Period Begin	05/01/85	
NPRM Comment Period End	06/15/85	
Final Action	07/20/85	
Final Action Effective	08/20/85	

Small Entity: Undetermined

Additional Information: An RIA is not required and will not be prepared. An RFA, a regulatory impact review, an Environmental Impact Statement, and the FMP will be available.

Affected Sectors: 091 Commercial Fishing

Government Levels Affected: State, Federal

Analysis: Reg. Impact Review/RFA/EIS 02/06/85

Agency Contact: Richard Schaefer, Actg. Director, Northeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, 14 Elm St., Gloucester, MA 01930, 617 281-3600

RIN: 0648-AB05

75. REGULATIONS GOVERNING THE TAKING AND IMPORTING OF MARINE MAMMALS; DEFINITION OF COMMERCIAL FISHING OPERATION

Legal Authority: 16 USC 1361 et seq Marine Mammal Protection Act of 1972

CFR Citation: 50 CFR 216.3

Abstract: It is proposed to modify the definition of "commercial fishing operation" to include commercial passenger fishing vessels (party boats) under that definition. This modification would allow party boat owners and operators to apply for general permits and certificates of inclusion which allow the incidental taking of marine mammals during fishing operations. Under the Marine Mammal Protection Act, no marine mammals may be taken in the course of fishing operations unless permits and certificates have been obtained and until now, party boats were excluded from obtaining permits and certificates. Therefore, they were unable to protect the catch and gear of their paid passengers from depredations. Modification of definition should improve fishing conditions and result in increased revenue. Potential total costs to applicants are estimated at $450. Cost per applicant is estimated at $2.50.

Timetable:

Action	Date	FR Cite
ANPRM	12/15/83	48 FR 55755
ANPRM Comment Period Begin	12/15/83	
ANPRM Comment Period End	01/31/84	
NPRM	01/30/85	50 FR 04244
NPRM Comment Period Begin	01/30/85	50 FR 04244
NPRM Comment Period End	03/18/85	
Final Action	08/00/85	

Small Entity: No

Additional Information: It has been determined that the proposed regulation (1) is a non-major Federal action under NEPA and an Environmental Assessment has been prepared and released to general public; (2) will not constitute a major rule under E.O. 12291 and thus does not require a R.I.A. and (3) will not have a significant impact on a substantial number of small entities and thus does not require a Regulatory Flexibility Analysis.

Affected Sectors: 091 Commercial Fishing

Government Levels Affected: Federal

Analysis: See Additional Information

Agency Contact: K. R. Hollingshead, Marine Resources Management Specialist, Department of Commerce, National Oceanic and Atmospheric Administration, Office of Protected Species and Habitat, Conservation, NMFS, Washington, DC 20235, 202 634-7529

RIN: 0648-AB07

76. REGIONAL FISHERY MANAGEMENT COUNCILS

Priority: Undetermined

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conser & Management Act

CFR Citation: 50 CFR 601

Abstract: Revision of regulatory guidance with regard to the operations of the Regional Fishery Management Councils is being considered to conform with new legislation and administration regulatory policy. These guidelines will not have a direct regulatory impact on the fishing industry or entities participating in the industry.

Timetable:

Action	Date	FR Cite
Interim Final Rule	06/00/85	

Small Entity: No

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Affected Sectors: None

Government Levels Affected: State, Federal

Agency Contact: Loretta Williams, Fishery Management Assistant, Department of Commerce, National Oceanic and Atmospheric Administration, Washington, DC 20235, 202 634-7218

RIN: 0648-AB09

77. FOREIGN FISHING (SEGMENT 1): FOREIGN FISHING VESSEL PERMIT FEES, 1985

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conser & Management Act

CFR Citation: 50 CFR 611.22

Abstract: This rule will set permit fees for foreign fishing vessels that desire to fish in the U.S. FCZ during Calendar Year 1985 (Segment One (1)).

Timetable:

Action	Date	FR Cite
NPRM	11/23/84	49 FR 46177
NPRM Comment Period Begin	11/23/84	49 FR 46177
Final Action	03/29/85	
Final Action Effective	04/29/85	
NPRM Comment Period End	12/24/85	

Small Entity: No

Additional Information: A RIA is not required and will not be prepared. A Regulatory Impact Review will be prepared and will be available in September 1984.

Government Levels Affected: Federal

Agency Contact: John D. Kelly, Fishery Management Specialist, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, 3300 Whitehaven St., NW, Washington, DC 20235, 202 634-7432

RIN: 0648-AB10

78. SWORDFISH FISHERY MANAGEMENT PLAN: PROPOSED REGULATIONS

Priority: Undetermined

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conser & Management Act

CFR Citation: 50 CFR 630

Abstract: The Plan proposes time, area and quota restrictions on foreign fishing to minimize the bycatch of swordfish. American fishermen would be controlled by time, area or size restrictions (variable season closure). Data collection will be by onboard technicians carried on a random stratified sample of trips.

Timetable:

Action	Date	FR Cite
NPRM	05/01/85	
NPRM Comment Period Begin	05/01/85	
NPRM Comment Period End	07/15/85	
Final Action	07/19/85	
Final Action Effective	08/19/85	

Small Entity: Yes

Additional Information: A RIA is not required. A regulatory impact review and a regulatory flexibility analysis will be prepared.

Affected Sectors: 091 Commercial Fishing

Government Levels Affected: State, Federal

Analysis: Draft RFA 05/01/85; Regulatory Impact Review 05/01/85

Agency Contact: Jack T. Brawner, Director, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, 9450 Koger Blvd., St. Petersburg, FL 33702, 813 983-3141

RIN: 0648-AB13

79. ATLANTIC SURF CLAM AND OCEAN QUAHOG FISHERIES: IMPLEMENTING REGULATIONS FOR SIZE LIMITS FRAMEWORK MEASURE

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conser & Management Act

CFR Citation: 50 CFR 652

Abstract: Amends the regulations governing the harvest of Atlantic surf clams to provide a means of adjusting the minimum size within a range of 5.5 - 4.75 inches. The Regional Director, after consultation with the Mid-Atlantic Council and opportunity for public comment, must adjust the size limit as necessary so that discards on average would not exceed 30 percent of the total catches. Requires tagging of surf clam cages.

Timetable:

Action	Date	FR Cite
NPRM	12/26/84	49 FR 50060
NPRM Comment Period Begin	12/26/84	49 FR 50060
NPRM Comment Period End	02/08/85	
Final Action	03/15/85	
Final Action Effective	04/15/85	

Small Entity: Yes

Additional Information: A RIA is not required. A regulatory impact review and a regulatory flexibility analysis are available.

Affected Sectors: 091 Commercial Fishing

Government Levels Affected: Federal

Analysis: Draft RFA 12/26/84 (49 FR 50060); Regulatory Impact Review 12/26/84 (49 FR 50060)

Agency Contact: Richard H. Schaefer, Actg. Director, Northeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, Federal Bldg., 14 Elm St., Gloucester, MA 01930, 617 281-3600

RIN: 0648-AB14

80. COASTAL MIGRATORY PELAGIC RESOURCES OF THE GULF OF MEXICO AND SOUTH ATLANTIC: IMPLEMENTING REGULATIONS

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conser & Management Act

CFR Citation: 50 CFR 642

Abstract: Amendment 1 to the plan would revise the implementing regulation to modify management of king mackerel. The resource is divided into Gulf and South Atlantic Migratory Groups. For each group an annual total allowable catch is determined that is allocated among recreational and commercial fishermen. A portion of the commercial quota is allocated to the purse seine fishery. Annual permits are required for vessels fishing the Gulf group. When a commercial quota is attained, commercial fishing must cease for that group. Recreational quotas will be controlled by a bag limit on charter and private boats of 3 fish per person per trip.

Timetable:

Action	Date	FR Cite
NPRM	03/15/85	
NPRM Comment Period Begin	03/15/85	
NPRM Comment Period End	04/13/85	
Final Action	06/09/85	
Final Action Effective	07/09/85	

Small Entity: Yes

Additional Information: A RIA is not required and will not be prepared. A RIR/RFA will be available in March 1985.

Affected Sectors: 091 Commercial Fishing

Government Levels Affected: State, Federal

Analysis: Draft RFA 03/15/85; Regulatory Impact Review 03/15/85

Agency Contact: Jack T. Brawner, Director, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, 9450 Koger Blvd., St. Petersburg, FL 33702, 813 983-3141

RIN: 0648-AB15

81. ATLANTIC SURF CLAM AND OCEAN QUAHOG FISHERIES: IMPLEMENTING REGULATIONS

Legal Authority: 16 USC 1801 Magnuson Fishery Conservation & Management Act

CFR Citation: 50 CFR 652

Abstract: Amends the regulations governing harvest of surf clams from the New England Area to increase the maximum annual quota to 200,000 bushels, implement a minimum size limit and specify effort controls to distribute fishing pressure throughout the year.

Timetable:

Action	Date	FR Cite
NPRM	04/30/85	
NPRM Comment Period Begin	04/30/85	
NPRM Comment Period End	05/29/85	
Final Action	06/03/85	
Final Action Effective	07/03/85	

Small Entity: Undetermined

Additional Information: A RIA is not required and will not be prepared. A Regulatory Impact Review will be prepared.

Affected Sectors: 091 Commercial Fishing; 209 Miscellaneous Food Preparations and Kindred Products

Government Levels Affected: State, Federal

Analysis: Regulatory Impact Review 04/30/85

Agency Contact: Richard H. Schaefer, Acting Director, Northeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, Federal Building, 14 Elm Street, Gloucester, MA 01930, 617 281-3600

RIN: 0648-AB16

82. AMENDMENT TO THE GULF OF ALASKA GROUNDFISH FISHERY MANAGEMENT PLAN - CONTROL SABLEFISH FISHING OFF SOUTHEAST ALASKA

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conser and Management Act

CFR Citation: 50 CFR 672

Abstract: This amendment will terminate sablefish fishing by United States vessels in certain parts of the fishery conservation zone off Southeast Alaska.

Timetable:

Action	Date	FR Cite
NPRM	04/30/85	
NPRM Comment Period Begin	04/30/85	
NPRM Comment Period End	07/14/85	
Final Action	07/20/85	
Final Action Effective	08/18/85	

Small Entity: Undetermined

Additional Information: A RIA is not required. A regulatory impact review will be prepared.

Affected Sectors: 091 Commercial Fishing

Government Levels Affected: Federal

Analysis: Regulatory Impact Review 04/30/85

Agency Contact: Robert McVey, Director, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, P.O. Box 1668, Juneau, AK 99802, 907 586-7221

RIN: 0648-AB18

83. AMENDMENT NO. 3 FOR THE SPINY LOBSTER FISHERIES OF THE WESTERN PACIFIC REGION

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conser & Management Act

CFR Citation: 50 CFR 681

Abstract: This amendment will change the tail width size limits.

Timetable:

Action	Date	FR Cite
NPRM	07/09/85	
NPRM Comment Period Begin	07/09/85	
NPRM Comment Period End	08/23/85	
Final Action	09/27/85	
Final Action Effective	10/27/85	

Small Entity: Undetermined

Additional Information: A RIA is not required. A regulatory impact review will be prepared.

Affected Sectors: 091 Commercial Fishing

Government Levels Affected: Federal

Analysis: Regulatory Impact Review 07/09/85

Agency Contact: E. Charles Fullerton, Director, Southwest Region, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, 300 S. Ferry Street, Terminal Island, CA 90731, 213 548-2575

RIN: 0648-AB21

84. ● FOREIGN FISHING - SCIENTIFIC RESEARCH

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conser & Management Act

CFR Citation: 50 CFR 611.14

Abstract: The action would revise the scientific research provisions of the foreign fishing regulations. The action is necessary to bring the regulations into compliance with current policy on scientific research and clarify what foreign vessels may be considered scientific research vessels while

conducting activities which might otherwise be considered fishing.

Timetable:

Action	Date	FR Cite
NPRM	03/15/85	
NPRM Comment Period Begin	03/15/85	
NPRM Comment Period End	04/15/85	
Final Action	05/24/85	
Final Action Effective	07/24/85	

Small Entity: No

Additional Information: This action is related to RIN 0648-AA40 General and Recreational Foreign Fishing

Affected Sectors: None

Government Levels Affected: State, Federal

Agency Contact: LCDR William D. Chappell, Coast Guard Liaison Officer, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, 3300 Whitehaven St., NW, Washington, DC 20235, 202 634-7432

RIN: 0648-AB23

85. ● NOTICE OF THE NATIONAL MARINE FISHERIES SERVICE'S PROPOSED POLICIES FOR THE MANAGEMENT OF INTERJURISDICTIONAL FISHERIES AND FISHERY RESOURCES

Legal Authority: 16 USC 661 et seq

CFR Citation: Not yet determined

Abstract: The policies are to guide Federal participation in, and support of, interjurisdictional fisheries management by defining the Federal role, proposing general management objectives, and identifying means of implementation. These policies are needed to: provide a framework for more effective management planning and other actions concerning interjurisdictional fisheries and fishery resources; (2) develop a broad awareness of the shared State & Federal responsibilities, and benefits of, long-term management of these fisheries and resources; (3) promote consistent conservation & management throughout the entire range of interjurisdictional fisheries and resources; and (4) establish specific & effective means of resolving jurisdictional differences which interfere with effective fisheries management. It is expected that these policies will result in closer cooperations between State and Federal government agencies responsible for interjurisdictional fisheries programs.

Timetable:

Action	Date	FR Cite
NPRM	02/28/85	
NPRM Comment Period Begin	02/28/85	
NPRM Comment Period End	04/15/85	
Final Action	06/07/85	

Small Entity: No

Affected Sectors: None

Government Levels Affected: State, Federal

Agency Contact: Roland Finch, Dir. Off. of Resource Conser & Management, Department of Commerce, National Oceanic and Atmospheric Administration, 3300 Whitehaven St. NW, Washington, DC 20235, 202 634-7218

RIN: 0648-AB24

86. ● STRIPED BASS FISHERY MANAGEMENT PLAN

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conser & Management Act

CFR Citation: Not yet determined

Abstract: The Mid-Atlantic Fishery Management Council will prepare a fishery management plan (FMP) for the Atlantic coast migratory stock of striped bass. The drastic 10-year decline of commercial and recreational landings of striped bass indicates the need for protective management measures for territorial waters and the fishery conservation zone (FCZ). The territorial waters will be managed by the Interstate Striped Bass Plan of the Atlantic States Marine Fisheries Commission, while the FCZ needs management with compatible measures through the striped bass FMP. Proposed management measures include a minimum fish size limit, a maximum fish size limit and prohibition of taking striped bass in the FCZ on a seasonal closure basis.

Timetable:

Action	Date	FR Cite
NPRM	09/00/85	
NPRM Comment Period Begin	09/00/85	
NPRM Comment Period End	11/00/85	
Interim Final Rule	01/00/86	
Final Action	02/00/86	

Small Entity: Yes

Additional Information: A RIA is not required. A regulatory impact review and a regulatory flexibility analysis will be available.

Affected Sectors: 091 Commercial Fishing

Government Levels Affected: Federal

Analysis: Draft RFA 09/00/85; Regulatory Impact Review 09/00/85

Agency Contact: Richard H. Schaefer, Actg. Director, Northeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service FNER, 14 Elm St., Gloucester, MA 01930, 617 281-3600

RIN: 0648-AB25

87. ● SHALLOW-WATER REEFFISH FISHERY OF PUERTO RICO AND THE U.S. VIRGIN ISLANDS

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conser & Management Act

CFR Citation: Not yet determined

Abstract: The Caribbean Fishery Management Council has prepared a Fishery Management Plan (FMP) for shallow-water reeffish of Puerto Rico and the U.S. Virgin Islands. A fishery for various species of snappers, groupers, grunts, porgies, goatfishes, and other edible reeffish using fish traps exists in the territorial waters of Puerto Rico and the U.S. Virgin Islands and the fishery conservation zone. These states have agreed to adopt compatible regulations with those developed by the FMP. Declining catch per unit effort for the reeffish fishery indicates that management measures are necessary to maximize spawning potential and prevent overfishing. Within a 2-3 yr. period after implementation, benefits are predicted to outweigh costs for proposed regulations concerning minimum fish sizes for yellowtail snapper and Nassau grouper. The propose minimum mesh size for fish traps will allow some juvenile stages of most reeffishes to escape the gear & optimize the size of goatfish which are retained.

Timetable:

Action	Date	FR Cite
NPRM	04/01/85	
NPRM Comment Period Begin	04/01/85	
NPRM Comment Period End	05/15/85	
Final Action	06/20/85	
Final Action Effective	07/20/85	

Small Entity: Undetermined

Affected Sectors: 091 Commercial Fishing

Agency Contact: Jack T. Brawner, Director, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service FSER, 9450 Koger Blvd., St. Petersburg, FL 33702, **813 893-3141**

RIN: 0648-AB26

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88. ● FISHERY MANAGEMENT PLAN FOR BLUEFISH

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conser and Management Act

CFR Citation: Not yet determined

Abstract: The FMP will control the level of fishing in order to prevent the decline of this valuable recreational and commercial species. The FMP, which was disapproved on 9/7/84, will be revised.

Timetable:

Action	Date	FR Cite
NPRM	09/00/85	
NPRM Comment Period Begin	09/00/85	
NPRM Comment Period End	11/00/85	
Final Action	12/00/85	
Final Action Effective	01/00/86	

Small Entity: Undetermined

Affected Sectors: 091 Commercial Fishing

Government Levels Affected: State, Federal

Agency Contact: Richard H. Schaefer, Actg. Director, Northeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service FNER, 14 Elm St., Gloucester, MA 01930, **617 281-3600**

RIN: 0648-AB29

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89. ● DEVELOPMENT OF A FISHERY MANAGEMENT PLAN FOR SUMMER FLOUNDER

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conser and Management Act

CFR Citation: Not yet determined

Abstract: Summer flounder is seasonably vulnerable to very large and varied commercial and recreational fisheries. Landings have declined in recent years and there is concern that overfishing may occur. The summer flounder crosses Council and Regional boundaries necessitating close coordination between the constituent agencies. The long-term benefits of higher production and revenue to the fishermen and processors are expected to outweigh any short-term limitations on catches in order to rebuild the stocks. Rebuilding the stocks to the maximum level, the efficiency of the fleet will improve as catches per unit of effort will correspondingly rise.

Timetable:

Action	Date	FR Cite
NPRM	01/01/86	
NPRM Comment Period Begin	01/01/86	
NPRM Comment Period End	02/16/86	
Final Action	03/21/86	
Final Action Effective	04/21/86	

Small Entity: Undetermined

Affected Sectors: 091 Commercial Fishing

Government Levels Affected: Federal

Agency Contact: Richard H. Schaefer, Actg. Director, Northeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, 14 Elm St. FNER, Gloucester, MA 01930, **617 281-3600**

RIN: 0648-AB30

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90. ● FISHERY MANAGEMENT PLAN FOR SAND EEL

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conser and Management Act

CFR Citation: Not yet determined

Abstract: An FMP will be prepared to address the problem of an expanding trawl fishing for sand eel in the Northeast which threatens to reduce the abundance of this important food source for traditional commercial and recreational species.

Timetable:

Action	Date	FR Cite
NPRM	01/00/86	
NPRM Comment Period Begin	01/00/86	
NPRM Comment Period End	02/00/86	
Final Action	03/00/86	
Final Action Effective	04/00/86	

Small Entity: Undetermined

Affected Sectors: 091 Commercial Fishing

Government Levels Affected: Federal

Agency Contact: Richard H. Schaefer, Actg. Director, Northeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service FNER, 14 Elm St., Gloucester, MA 01930, **617 281-3600**

RIN: 0648-AB31

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91. ● AMENDMENT TO AMERICAN LOBSTER FISHERY MANAGEMENT PLAN-GEAR MARKING

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conser and Management Act

CFR Citation: Not yet determined

Abstract: An amendment to the American Lobster Fishery Management Plan has been proposed to incorporate gear marking requirements. Mandatory reporting of fixed gear is not expected to be part of the amendment. The proposed gear marking would allow fishermen that are harvesting species other than lobster with moving gear such as an otter trawl to avoid entanglement with lobster traps which are fixed gear.

Timetable:

Action	Date	FR Cite
NPRM	08/31/85	
NPRM Comment Period Begin	08/31/85	
NPRM Comment Period End	10/15/85	
Final Action	11/20/85	
Final Action Effective	12/20/85	

Small Entity: Undetermined

Affected Sectors: 091 Commercial Fishing

Government Levels Affected: Federal

Agency Contact: Richard H. Schaefer, Actg. Director, Northeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service FNER, 14 Elm St., Gloucester, MA 01930, **617 281-3600**

RIN: 0648-AB32

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92. ● ATLANTIC BILLFISHES AND SHARKS - FOREIGN FISHING REGULATIONS

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conser and Management Act

CFR Citation: 50 CFR 611

Abstract: Amends foreign fishing regulations to provide means to adjust seasonal closures affecting foreign longline fishermen to reduce conflicts with domestic fishermen and foreign incidental catches of billfishes.

Timetable:

Action	Date	FR Cite
NPRM	07/09/85	
Begin Review	07/09/85	
End Review	08/08/85	
Final Action	10/10/85	
Final Action Effective	11/09/85	

Small Entity: Undetermined

Agency Contact: Carmen J. Blondin, Deputy Assistant Admin. for Fishery Mgmt., Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, 3300 Whitehaven St., NW, Washington, DC 20235, **202 634-7514**

RIN: 0648-AB33

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93. ● FOREIGN FISHING - PROHIBITIONS AND OBSERVER REGULATIONS

Priority: Agency Determination

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conser & Management Act

CFR Citation: 50 CFR 611.7 to 611.8

Abstract: The interim rule revises the regulations which require foreign fishermen to assist U.S. observers and makes it illegal for foreign fishermen to take certain actions. The action is necessary to address a growing number of incidents of obstruction and harassment of observers by foreign fishermen affecting the safety and proper functions of those personnel. The regulations give explicit instructions to foreign fishermen to ensure the safety of observers, detail the assistance foreign fishermen are to give observers, and specify the actions or inactions that are prohibited to foreign fishermen.

Timetable:

Action	Date	FR Cite
Begin Review	12/28/84	49 FR 50498
End Review	02/26/85	
Interim Final Rule	03/08/85	

Small Entity: No

Agency Contact: LCDR William D. Chappell, USCG, Coast Guard Liaison Officer, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, 3300 Whitehaven St. NW, Washington, DC 20235, **202 634-7432**

RIN: 0648-AB34

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94. ● SOUTH ATLANTIC SHRIMP FISHERY: IMPLEMENTING REGULATIONS

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conser and Management Act

CFR Citation: 50 CFR 643

Abstract: Problems are overcapitalization of shrimp fishing vessels, conservation of shrimp spawning stocks, and inconsistency of State management. Alternatives are continuing with management by each State (no action), limited entry to transfer surplus capital from the fishery, cooperative Federal/State restrictions on fishing on spawning stocks, consistency of State fishing regulations (seasons, areas), improved data collection and analysis on a regional basis and gear modifications that could conserve threatened sea turtles that are incidental catch in shrimp trawls.

Timetable:

Action	Date	FR Cite
NPRM	03/20/86	
NPRM Comment Period Begin	03/20/86	
NPRM Comment Period End	04/18/86	
Final Action	06/06/86	
Final Action Effective	07/07/86	

Small Entity: Undetermined

Affected Sectors: 091 Commercial Fishing

Government Levels Affected: Federal

Agency Contact: Jack T. Brawner, Director, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service FSER, 9450 Koger Blvd., St. Petersburg, FL 33702, **206 526-6150**

RIN: 0648-AB35

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95. ● ATLANTIC SURF CLAM AND OCEAN QUAHOG FISHERIES: IMPLEMENTING REGULATIONS

Legal Authority: 16 USC 1801 et seq Fishery Conser & Management Act

CFR Citation: 50 CFR 652

Abstract: Amends the regulations governing the harvest of surf clams from Georges Bank. Establishes an optimum yield of 25,000 to 300,000 bushels and a western boundary at 69 degrees longitude. Adds a provision that Mid-Atlantic surf clam vessels may land clams only once during an authorized fishing period.

Timetable:

Action	Date	FR Cite
NPRM	04/30/85	
NPRM Comment Period Begin	04/30/85	
NPRM Comment Period End	05/29/85	

Small Entity: Undetermined

Additional Information: An RIA will not be required and will not be prepared. A regulatory impact review will be prepared.

Affected Sectors: 091 Commercial Fishing

Government Levels Affected: Federal

Analysis: Regulatory Impact Review 04/30/85

Agency Contact: Richard H. Shaefer, Actg. Director, Northeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service FNER, Federal Bldg., 14 Elm St., Gloucester, MA 01930, **617 281-3600**

RIN: 0648-AB36

96. ● ATLANTIC MACKEREL, SQUID, AND BUTTERFISH FISHERIES: IMPLEMENTING REGULATIONS

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conser and Management Act

CFR Citation: 50 CFR 655; 50 CFR 611

Abstract: The Fishery Management Plan for Atlantic Mackerel, Squid and Butterfish Fisheries and its implementing regulations expire on March 31, 1986, and must be extended to continue the management regime governing the harvest of these species by domestic and foreign fishermen. Alternatives are being considered for the mackerel fishery to condition direct foreign fishing on the purchase of U.S. processed mackerel and for the butterfish fishery to reduce the harvest of small butterfish by various gear modifications.

Timetable:

Action	Date	FR Cite
NPRM	01/11/86	
NPRM Comment Period Begin	01/11/86	
NPRM Comment Period End	02/10/86	
Final Action	04/01/86	
Final Action Effective	04/01/86	

Small Entity: Undetermined

Affected Sectors: 091 Commercial Fishing

Government Levels Affected: Federal

Agency Contact: Richard H. Schaefer, Acting Director, Northeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service FNER, 14 Elm St. Federal Bldg., Gloucester, MA 01930, 617 281-3600

RIN: 0648-AB37

97. ● AMENDMENT 10 TO THE TANNER CRAB FISHERY MANAGEMENT PLAN (FMP)

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conser and Management Act

CFR Citation: 50 CFR 671

Abstract: An amendment to the existing Tanner crab fishery management plan to expand the Alaska Regional Director's field order authority to adjust harvest levels and seasons. A similar proposal contained in Amendment 9 was disapproved by the Secretary.

Timetable:

Action	Date	FR Cite
NPRM	06/01/85	
NPRM Comment Period Begin	06/01/85	
NPRM Comment Period End	07/15/85	
Final Action	08/20/85	
Final Action Effective	09/20/85	

Small Entity: Yes

Additional Information: A RIA is not required. A regulatory impact review and a regulatory flexibility analysis will be prepared.

Affected Sectors: 091 Commercial Fishing

Government Levels Affected: Federal

Analysis: Draft RFA 06/01/85; Regulatory Impact Review 06/01/85

Agency Contact: Robert W. McVey, Director, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, P.O. Box 1668 FAKR, Juneau, AK 99802, 907 586-7221

RIN: 0648-AB38

98. ● AMENDMENT TO THE GULF OF ALASKA GROUNDFISH FISHERY MANAGEMENT PLAN - REDEFINE SABLEFISH MANAGEMENT BOUNDARIES

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conser & Management Act

CFR Citation: 50 CFR 672

Abstract: This amendment will redefine the management boundaries in the sablefish fishery throughout the Gulf of Alaska.

Timetable:

Action	Date	FR Cite
NPRM	05/07/85	
NPRM Comment Period Begin	05/07/85	
NPRM Comment Period End	06/21/85	
Final Action	07/26/85	
Final Action Effective	08/25/85	

Small Entity: Undetermined

Additional Information: A RIA is not required. A regulatory impact review will be prepared.

Affected Sectors: 091 Commercial Fishing

Government Levels Affected: Federal

Analysis: Regulatory Impact Review 05/07/85

Agency Contact: Robert W. McVey, Director, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service FAKR, P.O. Box 1668, Juneau, AK 99802, 907 586-7221

RIN: 0648-AB39

99. ● AMENDMENT TO THE GULF OF ALASKA GROUNDFISH FISHERY MANAGEMENT PLAN - REGIONAL DIRECTOR'S AUTHORITY TO ALLOW FISHING FOR OTHER SPECIES TO CONTINUE WHEN OY FOR TARGET SPECIES HAS BEEN REACHED

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conser and Management Act

CFR Citation: 50 CFR 672

Abstract: This amendment will provide the Regional Director with the authority to allow additional fishing for other target species when the optimum yield for another species has been achieved.

Timetable:

Action	Date	FR Cite
NPRM	05/21/85	
NPRM Comment Period Begin	05/21/85	
NPRM Comment Period End	07/05/85	
Final Action	08/09/85	
Final Action Effective	09/08/85	

Small Entity: Undetermined

Additional Information: A RIA is not required. A Regulatory Impact Review will be prepared.

Affected Sectors: 091 Commercial Fishing

Government Levels Affected: Federal

Analysis: Regulatory Impact Review 05/27/85

Agency Contact: Robert W. McVey, Director, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service FAKR, P.O. Box 1668, Juneau, AK 99802, 907 586-7221

RIN: 0648-AB40

100. ● AMENDMENT TO THE GULF OF ALASKA GROUNDFISH FISHERY MANAGEMENT PLAN - CLOSE FCZ INTRUSION INTO STATE WATERS

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conser & Management Act

CFR Citation: 50 CFR 672

Abstract: This amendment will implement the intent of current legislation that refers to the State of Alaska management of groundfish in Federal waters that intrude into the intercoastal waters of southeastern Alaska.

Timetable:

Action	Date	FR Cite
NPRM	04/30/85	
NPRM Comment Period Begin	04/30/85	
NPRM Comment Period End	06/14/85	
Final Action	07/19/85	
Final Action Effective	08/18/85	

Small Entity: Undetermined

Additional Information: A RIA is not required. A regulatory impact review will be prepared.

Affected Sectors: 091 Commercial Fishing

Government Levels Affected: State, Federal

Analysis: Regulatory Impact Review 04/30/85

Agency Contact: Robert W. McVey, Director, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service FAKR, P.O. Box 1668, Juneau, AK 99802, **907 586-7221**

RIN: 0648-AB41

101. ● AMENDMENT TO THE GULF OF ALASKA GROUNDFISH FISHERY MANAGEMENT PLAN - ESTABLISH NEW OPTIMUM YIELDS

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conser & Management Act

CFR Citation: 50 CFR 672

Abstract: This amendment will establish new optimum yields for groundfish.

Timetable:

Action	Date	FR Cite
NPRM	05/14/85	
NPRM Comment Period Begin	05/14/85	
NPRM Comment Period End	06/28/85	
Final Action	08/02/85	
Final Action Effective	09/01/85	

Small Entity: Undetermined

Additional Information: A RIA is not required. A Regulatory Impact Review will be prepared.

Affected Sectors: 091 Commercial Fishing

Government Levels Affected: Federal

Analysis: Regulatory Impact Review 05/14/85

Agency Contact: Robert W. McVey, Director, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service FAKR, P.O. Box 1668, Juneau, AK 99802, **907 586-7221**

RIN: 0648-AB42

102. ● AMENDMENT TO THE GULF OF ALASKA GROUNDFISH FISHERY MANAGEMENT PLAN - CATCH LIMITS FOR PACIFIC HALIBUT

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conser & Management Act

CFR Citation: 50 CFR 672

Abstract: This amendment will revise the prohibited species catch limits for Pacific halibut in the domestic groundfish fisheries.

Timetable:

Action	Date	FR Cite
NPRM	05/07/85	
NPRM Comment Period Begin	05/07/85	
NPRM Comment Period End	06/21/85	
Final Action	07/26/85	
Final Action Effective	08/25/85	

Small Entity: Undetermined

Additional Information: A RIA is not required. A regulatory impact review will be prepared.

Affected Sectors: 091 Commercial Fishing

Government Levels Affected: Federal

Analysis: Regulatory Impact Review 05/07/85

Agency Contact: Robert W. McVey, Director, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service FAKR, P.O. Box 1668, Juneau, AK 99802, **907 586-7221**

RIN: 0648-AB43

103. ● REPORTING REQUIREMENTS GOVERNING SALMON TAKEN OFF ALASKA AND DELIVERED OR LANDED OUTSIDE ALASKA

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conser and Management Act

CFR Citation: 50 CFR 674

Abstract: A mandatory reporting requirement for fishing vessel operators who harvest salmon in the fishery conservation zone (FCZ) off Alaska and who sell, transfer, or deliver salmon in the FCZ or to a U.S. port outside Alaska. The operator must submit a fish ticket to the Alaska Department of Fish and Game after each sale, transfer, or delivery. Receipt of this ticket is necessary to obtain timely data on salmon catches.

Timetable:

Action	Date	FR Cite
Interim Rule and request for comments pub.	07/23/84	49 FR 29611
Interim Rule expired	01/23/85	49 FR 29611
Final Action	05/00/85	

Small Entity: No

Additional Information: This rule contains a collection of information requirements subject to the Paperwork Reduction Act, which has been approved as OMB control number 0648-0016.

Affected Sectors: 091 Commercial Fishing

Government Levels Affected: State, Federal

Agency Contact: Robert W. McVey, Director, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service FAKR, P.O. Box 1668, Juneau, AK 99802, **907 586-7221**

RIN: 0648-AB44

104. ● AMENDMENT 8 TO THE BERING SEA/ALEUTIAN ISLANDS GROUNDFISH FISHERY MANAGEMENT PLAN

Legal Authority: 16 USC 1601 et seq Magnuson Fishery Conser and Management Act

CFR Citation: 50 CFR 675

Abstract: An amendment to the existing fishery management plan and regulations was proposed by the North Pacific Fisheries Management Council to ban foreign trawling within 20 miles of the Aleutian Islands in order to eliminate gear conflicts with longliners in this area.

Timetable:

Action	Date	FR Cite
NPRM	04/01/85	
NPRM Comment Period Begin	04/01/85	
NPRM Comment Period End	05/15/85	
Final Action	06/20/85	
Final Action Effective	07/20/85	

Small Entity: Undetermined

Additional Information: A RIA is not required. A regulatory impact review will be prepared.

Affected Sectors: 091 Commercial Fishing

Government Levels Affected: Federal

Analysis: Regulatory Impact Review 04/01/85

Agency Contact: Robert W. McVey, Director, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service FAKR, P.O. Box 1668, Juneau, AK 99802, **907 586-7221**

RIN: 0648-AB45

105. ● REGULATIONS GOVERNING THE TAKING AND IMPORTING OF MARINE MAMMALS; IMPORTATION OF YELLOWFIN TUNA

Legal Authority: 16 USC 1361 et seq Marine Mammal Protection Act of 1972

CFR Citation: 50 CFR 216.24

Abstract: U.S. tuna purse seine fishermen operating in the eastern tropical Pacific have been subject to certain restrictions relating to the take of marine mammals, whereas often other nations fishing in a similar manner that export tuna to the U.S. do not impose similar constraints on their own industry. Therefore, the Marine Mammal Protection Act of 1972 was amended to require all such nations, prior to being allowed to import tuna to provide documentary evidence that they have adopted a program governing the incidental taking of marine mammals that is comparable to that of the U.S. and that the average rate of incidental take in the fishery is comparable to the U.S. These regulations will implement this requirement.

Timetable:

Action	Date	FR Cite
ANPRM	11/29/84	49 FR 46921
NPRM	07/00/85	
NPRM Comment Period Begin	07/00/85	
NPRM Comment Period End	08/00/85	

Small Entity: No

Additional Information: This action will require restrictions on foreign nations that export tuna to the U.S. similar to those imposed on U.S. tuna fishermen. These regulations will have no impact domestically in terms of bringing more U.S. nationals under Federal regulations.

Affected Sectors: 091 Commercial Fishing

Government Levels Affected: Federal

Agency Contact: Kenneth R. Hollingshead, Marine Resource Management Specialist, Department of Commerce, National Oceanic and Atmospheric Administration, Office of Protected Species &, Habitat Conservation, NMFS, Washington, DC 20235, **202 634-7529**

RIN: 0648-AB46

106. ● ENDANGERED FISH OR WILDLIFE; PERMITS FOR THE INCIDENTAL TAKING OF ENDANGERED MARINE SPECIES

Legal Authority: 16 USC 1531 et seq Endangered Species Act of 1973

CFR Citation: 50 CFR 222.22

Abstract: The proposed regulations implement Section 10(a)(1)(B) of the Endangered Species Act, as amended (ESA). The proposal establishes a mechanism whereby non-Federal entities whose actions may affect certain endangered marine species under the jurisdiction of the Secretary of Commerce, may receive permits allowing the incidental taking of such species, provided the takings will not appreciably reduce the likelihood of the survival and recovery of the species in the wild. The proposal applies only to those private individuals/entities or local or State governments faced with having otherwise lawful actions not subject to Federal involvement or control, prevented by prohibitions against taking. Under the ESA, the taking of endangered species is prohibited except for scientific research or to enhance the propagation or survival of the species. Permits issued under these regulations will allow commercial shrimp fishermen, recreational fishermen and others to conduct their activities without risk of prosecution for incidentally taking species covered under these provisions.

Timetable:

Action	Date	FR Cite
NPRM	04/00/85	
NPRM Comment Period Begin	04/00/85	
NPRM Comment Period End	05/00/85	

Small Entity: Undetermined

Additional Information: Potential cost to applicants is estimated at 2500. Cost per applicant is estimated at $10. Each applicant will be required to submit a conservation plan as part of the permit process. As part of their conservation plan, fishermen will have the option of voluntary use of the Trawling Efficiency Device which allows trapped sea turtles to escape from fishing nets. Selection of this option will result in an additional cost of approximately $400 per Device. NEPA, E.O. 12291 and RFA determinations have not been undertaken.

Affected Sectors: 091 Commercial Fishing

Government Levels Affected: Local, State, Federal

Agency Contact: Patricia A. Carter, Fishery Biologist, Department of Commerce, National Oceanic and Atmospheric Administration, Office of Protected Species, and Habitat Conservation, NMFS, Washington, DC 20235, **202 634-7471**

RIN: 0648-AB47

107. ● THREATENED FISH AND WILDLIFE; GUADALUPE FUR SEAL

Legal Authority: 16 USC 1531 et seq Endangered Species Act of 1973

CFR Citation: 50 CFR 227.4; 50 CFR 227.11, (New); 50 CFR 227.71

Abstract: Regulations are proposed to list and protect the Guadalupe fur seal (Arctocephalus townsendi) under the Endangered Species Act of 1973. No critical habitat is proposed. In response to a petition, the NMFS conducted a review of the status of the species and determined that it should be listed as a threatened species.

Timetable:

Action	Date	FR Cite
ANPRM	02/08/84	49 FR 04804
ANPRM Comment Period Begin	02/08/84	49 FR 04804
ANPRM Comment Period End	04/10/84	
NPRM	01/03/85	50 FR 00294
NPRM Comment Period Begin	01/03/85	50 FR 00294
NPRM Comment Period End	03/04/85	
Final Action	09/00/85	
Final Action Effective	10/00/85	

Small Entity: Not Applicable

Additional Information: The Endangered Species Act requires that decisions on listings be made solely on the basis of the best scientific and commercial data available regarding a species status. Based upon this limitation of criteria for a listing decision, the NMFS has determined that the requirements of the National Environmental Policy Act, E.O. 12291, the Regulatory Flexibility Act, and the Paperwork Reduction Act do not apply.

Affected Sectors: 138 Oil and Gas Field Services; 966 Space Research and Technology

Government Levels Affected: Local, State, Federal

Agency Contact: Patricia A. Montanio, Fishery Biologist, Protected Species Div., Department of Commerce, National Oceanic and Atmospheric Administration, Office of Protected Species, & Habitat Conservation, NMFS, Washington, DC 20235, **202 634-7529**

RIN: 0648-AB48

108. ● GROUNDFISH OF THE GULF OF ALASKA AND HIGH SEAS SALMON FISHERY OFF ALASKA; TECHNICAL AMENDMENT

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conser and Management Act

CFR Citation: 50 CFR 672; 50 CFR 674

Abstract: As required under P.L. 98-623, NOAA issues a technical amendment to codify the fishery management boundaries of southeastern Alaska established by that law.

Timetable:

Action	Date	FR Cite
Final Action	04/00/85	

Small Entity: Undetermined

Affected Sectors: 091 Commercial Fishing

Government Levels Affected: State, Federal

Agency Contact: Marilyn Luipold, Attorney Advisor, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service GCF, 3300 Whitehaven St. NW, Washington, DC 20235, **202 634-4224**

RIN: 0648-AB51

109. ● AMENDMENT 9 TO THE BERING SEA/ALEUTIAN ISLANDS GROUNDFISH FISHERY MANAGEMENT PLAN

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conser and Management Act

CFR Citation: 50 CFR 675

Abstract: An amendment to the fishery management plan for the Bering Sea/Aleutian Islands Groundfish Fishery to increase the optimum yield range to equal the range of maximum sustainable yield.

Timetable:

Action	Date	FR Cite
NPRM	08/01/85	
NPRM Comment Period Begin	08/01/85	
NPRM Comment Period End	09/15/85	
Final Action	10/20/85	
Final Action Effective	11/20/85	

Small Entity: Undetermined

Affected Sectors: 091 Commercial Fishing

Government Levels Affected: Federal

Agency Contact: Robert W. McVey, Director, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service FAKR, P.O. Box 1668, Juneau, AK 99802, **907 586-7221**

RIN: 0648-AB52

110. ● AMENDMENT 11 TO THE TANNER CRAB FISHERY MANAGEMENT PLAN (FMP)

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conser & Management Act

CFR Citation: 50 CFR 671

Abstract: An amendment to the existing Tanner crab fishery management plan and regulations to close fishery conservation zone intrusions into State of Alaska waters. Boundary changes are proposed so that these areas of intrusion fall under State management.

Timetable:

Action	Date	FR Cite
NPRM	07/01/85	
NPRM Comment Period Begin	07/01/85	
NPRM Comment Period End	08/15/85	
Final Action	09/20/85	
Final Action Effective	10/20/85	

Small Entity: Undetermined

Affected Sectors: 091 Commercial Fishing

Government Levels Affected: State, Federal

Agency Contact: Robert W. McVey, Director, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service FAKR, P.O. Box 1668, Juneau, AK 99802, **907 586-7221**

RIN: 0648-AB53

111. ● AMENDMENT TO AMERICAN LOBSTER FISHERY MANAGEMENT PLAN - V-NOTCH ON FEMALE LOBSTERS

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conser and Management Act

CFR Citation: 48 CFR 36266

Abstract: An amendment to the American Lobster Fishery Management Plan has been proposed to place a three-year moratorium on the taking or possession of V-notched lobsters (markings made on adult female lobsters by commercial fishermen). The purpose of the amendment is to return females that are bearing eggs or have previously carried eggs so as to enhance recruitments.

Timetable:

Action	Date	FR Cite
ANPRM	10/01/85	
NPRM	10/01/85	
ANPRM Comment Period Begin	10/31/85	
NPRM Comment Period Begin	10/31/85	
ANPRM Comment Period End	12/15/85	
NPRM Comment Period End	12/15/85	
Final Action	01/19/86	
Final Action Effective	02/18/86	

Small Entity: Undetermined

Affected Sectors: 091 Commercial Fishing

Government Levels Affected: Federal

Agency Contact: Richard H. Schaefer, Actg. Director, Northeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service FNER, 14 Elm St., Gloucester, MA 01930, 617 281-3600

RIN: 0648-AB54

112. ● FISHERY MANAGEMENT PLAN FOR THE BOTTOMFISH AND SEAMOUNT GROUNDFISH FISHERIES OF THE WESTERN PACIFIC REGION

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conser & Management Act

CFR Citation: Not yet determined

Abstract: The FMP will establish framework measures for the bottomfish/ groundfish resources within the FCZ off American Samoa, Guam and Hawaii. This FMP would achieve optimum yield by preventing stock reductions that would cause instability in the production and market supply of fresh bottomfish, proposes to collect the data necessary to monitor the fishery and would promote an expanded domestic harvest of underutilized bottomfish/groundfish resources in an orderly manner.

Timetable:

Action	Date	FR Cite
NPRM	03/25/86	
NPRM Comment Period Begin	03/25/86	
NPRM Comment Period End	05/09/86	
Final Action	06/13/86	
Final Action Effective	07/13/86	

Small Entity: Undetermined

Additional Information: A RIA is not required and will not be prepared. A regulatory impact review will be prepared.

Affected Sectors: 091 Commercial Fishing

Government Levels Affected: Federal

Analysis: Regulatory Impact Review 03/25/86

Agency Contact: E. Charles Fullerton, Director, Southwest Region, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service FSWR, 300 S. Ferry St., Terminal Island, CA 90731, 213 548-2575

RIN: 0648-AB27

NATIONAL OCEAN SURVEY/OFFICE OF COASTAL RESOURCES MANAGEMENT

113. REGULATIONS FOR PROPOSED LA PARGUERA, PUERTO RICO NATIONAL MARINE SANCTUARY

Priority: Agency Determination

Legal Authority: 16 USC 1431 to 1434 Mar. Prot., Research & Sanct Act

CFR Citation: 15 CFR 939

Abstract: These regulations will protect the ecological, recreational, and esthetic resources of the waters off La Parguera, Puerto Rico if this area is designated as a national marine sanctuary.

Timetable:

Action	Date	FR Cite
NPRM	03/04/83	48 FR 09286
NPRM Comment Period Begin	03/04/83	48 FR 09286
NPRM Comment Period End	05/04/83	
Final Action	08/00/85	
Final Action Effective	10/00/85	

Small Entity: No

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Affected Sectors: Multiple

Government Levels Affected: State, Federal

Analysis: See Additional Information

Agency Contact: Dr. Nancy Foster, Chief, Department of Commerce, National Oceanic and Atmospheric Administration, Sanctuary Programs Division, OCRM, 3300 Whitehaven Street, NW, Washington, DC 20235, 202 634-4236

RIN: 0648-AA32

114. FEDERAL CONSISTENCY WITH APPROVED COASTAL ZONE MANAGEMENT PROGRAMS

Priority: Agency Determination

Legal Authority: 16 USC 1456 Coastal Zone Management Act of 1972

CFR Citation: 15 CFR 930

Abstract: On January 11, 1984, the U.S. Supreme Court issued its decision in Secretary of the Interior et al. v. California et al. No. 82-1326. The Court held that the sale of Outer Continental Shelf (OCS) oil and gas leases is not an activity "directly affecting" the coastal zone within the meaning of Section 307(c)(1) of the Coastal Zone Management Act of 1972, as amended (CZMA), and, therefore, that a consistency determination is not required under that section before such sales may be made. Section 307 (c)(1) requires that Federal agencies conducting or supporting activities "directly affecting the coastal zone" must conduct or support those activities in a manner which is consistent to the maximum extent practicable with federally-approved state coastal zone management programs. NOAA is engaging in rulemaking to revise certain CZMA regulations as a result of the Supreme Court decision. NOAA intends to remove those references which identify OCS lease sales as activities covered by the Section 307(c)(1) requirements.

Timetable:

Action	Date	FR Cite
ANPRM	06/01/84	49 FR 22825
ANPRM Comment Period Begin	06/01/84	49 FR 22825

Action	Date	FR Cite
ANPRM Comment Period End	08/31/84	
NPRM	01/28/85	50 FR 3798
NPRM Comment Period Begin	01/28/85	50 FR 3798
NPRM Comment Period End	03/01/85	
Final Action	05/00/85	

Small Entity: No

Affected Sectors: Multiple

Government Levels Affected: State, Federal

Agency Contact: JoAnn Chandler, Chief, Policy Coordination Division, Department of Commerce, National Oceanic and Atmospheric Administration, Office of Ocean and Coastal Resource Mangmnt, 3300 Whitehaven Street, NW, Washington, DC 20235, **202 634-4215**

RIN: 0648-AA34

115. PROPOSED REGULATIONS FOR THE PROPOSED FAGATELE BAY NATIONAL MARINE SANCTUARY

Priority: Agency Determination

Legal Authority: 16 USC 1431 to 1434

CFR Citation: 15 CFR 941

Abstract: The American Samoa Government does not currently possess the legal authorities necessary for managing site-specific marine resources such as the Fagatele Bay National Marine Sanctuary. Regulations will be proposed for the Fagatele Bay National Marine Sanctuary to fulfill a need evidenced by uncontrolled harvesting of reef fisheries and the loss of habitat via destructive fishing methods. Long-term benefits include resource protection and restoration of habitat; public education and development of an environmental ethic; and ecological succession studies. This project will serve as a prototype for other resource protection initiatives by the American Samoa Government.

Timetable:

Action	Date	FR Cite
NPRM	12/04/84	49 FR 47415
NPRM Comment Period Begin	12/04/84	
NPRM Comment Period End	02/04/85	
Final Action	05/00/85	
Final Action Effective	07/00/85	

Small Entity: No

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Affected Sectors: 091 Commercial Fishing

Government Levels Affected: State

Analysis: See Additional Information

Agency Contact: Dr. Nancy Foster, Chief, Sanctuary Programs Div., Department of Commerce, National Oceanic and Atmospheric Administration, Office of Ocean & Coastal Resource Mgmt., 3300 Whitehaven Street, N.W., Washington, DC 20235, **202 634-4236**

RIN: 0648-AA74

116. ● DRAFT REGULATIONS FOR THE PROPOSED FLOWER GARDEN BANKS NATIONAL MARINE SANCTUARY

Priority: Agency Determination

Legal Authority: 16 USC 1431 to 1434

CFR Citation: 15 CFR 943

Abstract: These regulations will protect the ecological and biological reef communities of the East and West Flower Garden Banks offshore Texas and Louisiana, if the area is designated as a national marine sanctuary.

Timetable:

Action	Date	FR Cite
NPRM	06/00/85	
NPRM Comment Period Begin	06/00/85	
NPRM Comment Period End	08/00/85	
Final Action	11/00/85	

Small Entity: No

Agency Contact: Dr. Nancy Foster, Chief, Sanctuary Programs Division, Department of Commerce, National Oceanic and Atmospheric Administration, Office of Ocean and Coastal Resource Mgt., 3300 Whitehaven Street, NW, Washington, DC 20235, **202 634-4236**

RIN: 0648-AB49

117. ● DRAFT REGULATIONS FOR THE PROPOSED CORDELL BANK NATIONAL MARINE SANCTUARY

Priority: Agency Determination

Legal Authority: 16 USC 1431 to 1434

CFR Citation: 15 CFR 942

Abstract: These regulations will protect the ecological, recreational, and esthetic resources of the waters surrounding Cordell Bank, if the area is designated as a national marine sanctuary.

Timetable:

Action	Date	FR Cite
NPRM	05/00/85	
NPRM Comment Period Begin	05/00/85	
NPRM Comment Period End	07/00/85	
Final Action	10/00/85	

Small Entity: No

Agency Contact: Dr. Nancy Foster, Chief, Sanctuary Programs Division, Department of Commerce, National Oceanic and Atmospheric Administration, Office of Ocean and Coastal Resource Mgt., 3300 Whitehaven Street, NW, Washington, DC 20235, **202 634-4236**

RIN: 0648-AB50

NATIONAL OCEAN SURVEY/OFFICE OF MINERAL ENERGY

118. DEEP SEABED MINING REGULATIONS FOR COMMERCIAL RECOVERY

Priority: Major

Legal Authority: 30 USC 1401 et seq Deep Seabed Hard Mineral Resources Act

CFR Citation: 15 CFR 971

Abstract: Under 15 CFR 970, prospective deep seabed miners may apply to NOAA for the exploration license needed to explore the deep seabed for manganese nodules. Under the new regulations, prospective miners will be able to apply to NOAA for a permit to commercially recover and process nodules to obtain strategic metals (nickel, copper, cobalt, manganese). These permits would provide security of tenure for applicants with respect to other U.S. citizens and other nations' permittees in accordance with applicable international agreements. Fees for securing and maintaining a permit will be based on the Government's processing costs. These fees would be an inconsequential portion of the cost of a commercial recovery operation. The cost of a commercial recovery operation is expected to exceed one billion dollars. Alternatives to the regulation would require amending the Deep Seabed Hard Mineral Resources Act, which

would be considered in the context of the U.S. law of the sea policy.

Timetable:

Action	Date	FR Cite
ANPRM	12/28/82	47 FR 57903
NPRM	06/00/85	
NPRM Comment Period Begin	06/00/85	
Public Hearing	07/00/85	
NPRM Comment Period End	08/00/85	
Final Action	08/00/85	
Final Action Effective	09/00/85	

Small Entity: No

Additional Information: The RIA and RFA prepared for the exploration license regulations will be reviewed and reaffirmed or supplemented as needed to cover new issues raised by the commercial recovery permit regulations. It is expected that small entities will not be permittees. Rather some small entities are expected to be contractors or subcontractors to permittees. The RIA and RFA are available, as are the programmatic Environmental Impact Statement and supporting guidance document on seabed mining using currently foreseeable technology.

Affected Sectors: 102 Copper Ores; 106 Ferroalloy Ores, Except Vanadium; 108 Metal Mining Services; 331 Blast Furnaces, Steel Works, and Rolling and Finishing Mills; 333 Primary Smelting and Refining of Nonferrous Metals; 951 Administration of Environmental Quality Programs

Government Levels Affected: Local, State, Federal

Analysis: See Additional Information

Agency Contact: John W. Padan, Program Manager, Deep Seabed Mining, Department of Commerce, National Oceanic and Atmospheric Administration, Office of Ocean Minerals and Energy, 2001 Wisconsin Avenue, NW, Suite 105, Washington, DC 20235, **202 653-8257**

RIN: 0648–AA36

119. LICENSING OF OCEAN THERMAL ENERGY CONVERSION FACILITIES AND PLANTSHIPS

Priority: Agency Determination

Legal Authority: 42 USC 9101 et seq Ocean Thermal Energy Conversion Act; as amended by PL 96-623

CFR Citation: 15 CFR 981 et seq

Abstract: These regulations (15 CFR 981) established a stable legal system and a streamlined licensing process to facilitate commercial development of ocean thermal energy conversion (OTEC) facilities and plantships. These regulations are being reviewed to determine if they should be revised. The details of the simplified licensing system for ownership, construction, location, and operation of OTEC facilities and plantships which are associated with the United States or U.S. Citizens, are being examined to gauge the effect on the developing OTEC industry. Section 117 of the Ocean Thermal Energy Conversion Act of 1980 requires NOAA to review these regulations periodically, at intervals of not more than every three years, and to revise them as necessary based on that review. Agency planning amendments to regulations as a result of OMB review under the Paperwork Reduction Act. There is potential revision of antitrust provisions in the regulations which will be considered separately.

Timetable:

Action	Date	FR Cite
NPRM	04/00/85	
NPRM Comment Period Begin	05/00/85	
NPRM Comment Period End	06/00/85	
Final Action	09/00/85	

Small Entity: No

Additional Information: A Final Regulatory Impact Analysis (July 1981) and a Final Programmatic Environmental Impact Statement (July 1981) are available. Neither an RIA nor an RFA is required or prepared for a review of an existing regulation.

Affected Sectors: 281 Industrial Inorganic Chemicals; 287 Agricultural Chemicals; 361 Electric Transmission and Distribution Equipment; 362 Electrical Industrial Apparatus

Government Levels Affected: Local, State, Federal

Analysis: See Additional Information

Agency Contact: James B. Rucker, OTEC Program Manager, Department of Commerce, National Oceanic and Atmospheric Administration, Ocean Minerals and Energy Division, 2001 Wisconsin Ave., NW, Page 1 Rm. 105, Washington, DC 20235, **202 254-3483**

RIN: 0648–AA69

DEPARTMENT OF COMMERCE (DOC)

Existing Regulations Under Review

National Oceanic and Atmospheric Administration (NOAA)

NATIONAL MARINE FISHERIES SERVICE

120. U.S. GENERAL STANDARDS FOR GRADES OF FISH FILLETS

Legal Authority: 7 USC 1621 to 1630 Agricultural Marketing Act of 1946

CFR Citation: 50 CFR 263A; 50 CFR 263B; 50 CFR 263C; 50 CFR 263D; 50 CFR 263E

Abstract: This revision would amend 50 CFR Subpart 263A and delete 50 CFR Subparts 263A, B, C & D. The revision will simplify the voluntary standards for the inspection/grading of fish fillets by industry and Government inspection personnel by incorporating general criteria for the standards. The timetable for this action is very tentative. Further research will be needed before publication of the rule.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

DOC—NOAA

Existing Regulations Under Review

Affected Sectors: 091 Commercial Fishing; 209 Miscellaneous Food Preparations and Kindred Products

Government Levels Affected: State, Federal

Analysis: See Additional Information

Agency Contact: Rita A. Creitz, Standards Coordinator, Department of Commerce, National Oceanic and Atmospheric Administration, Office of Utilization Research, NMFS, Washington, DC 20235, 202 634-7458

RIN: 0648-AA45

121. ● FINANCIAL ASSISTANCE FOR RESEARCH AND DEVELOPMENT PROJECTS TO STRENGTHEN AND DEVELOP THE U.S. FISHING INDUSTRY - NOTICE OF FUNDS AVAILABILITY

Priority: Agency Determination

Legal Authority: 15 USC 713(c) Saltonstall-Kennedy Act

CFR Citation: Not yet determined

Abstract: To provide widespread solicitation for proposals/applications to compete for fisheries Development and Utilization Research and Demonstration Grants and Cooperative Agreements.

No alternative or limited competition alternatives are being considered.

Direct benefits include award of about $9 million in project grants representing about 70 percent of total project costs.

Direct costs include required matching funds of about 10 percent of total project costs or $4 million.

Costs and benefits associated with project accomplishments not quantifiable.

Timetable:

Action	Date	FR Cite
Final Action Effective	03/01/85	

Small Entity: Not Applicable

Public Compliance Cost: Initial Cost: $0; Yearly Recurring Cost: $0; Base Year for Dollar Estimates: 1984

Government Levels Affected: Federal

Agency Contact: Roger W. Hutchinson, Manager, S-K Program Administration Staff, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, Industry Services Division, Washington, DC 20235, 202 634-7451

RIN: 0648-AB28

DEPARTMENT OF COMMERCE (DOC)

National Oceanic and Atmospheric Administration (NOAA)

Completed Actions

COMPLETED RULEMAKINGS

122. NORTHWEST ATLANTIC FOREIGN FISHING

Priority: Agency Determination

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conser & Management Act

CFR Citation: 50 CFR 611.50

Abstract: The foreign areas, seasons, and gear requirements need to be reassessed in light of expanding U.S. fishing operations and a change in the foreign fisheries. Suggested regulatory changes and options will be presented for comment at a series of public hearings.

Timetable:

Action	Date	FR Cite
Rescinded Action overtaken by events in other rulemaking activity.	02/27/85	

Small Entity: Not Applicable

Additional Information: Neither an RIA nor an RFA is required or will be prepared. A Regulatory Impact Review is being prepared.

Affected Sectors: None

Government Levels Affected: Federal

Analysis: Reg. Impact Review/Initial RFA 09/00/83

Agency Contact: Ken Beal, Department of Commerce, National Oceanic and Atmospheric Administration, Northeast Region, Nat. Marine Fisheries Ser., 14 Elm St., Gloucester, MA 01930, 617 281-3600

RIN: 0648-AA05

123. REEF FISH RESOURCES OF THE GULF OF MEXICO FISHERY MANAGEMENT PLAN: IMPLEMENTING REGULATIONS

Priority: Agency Determination

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conservation & Mgmt. Act

CFR Citation: 50 CFR 641

Abstract: Biological data indicate a substantial decline in reef fish stocks in the Gulf of Mexico. Overfishing contributes to this decline in many nearshore areas by recreational & commercial users. In addition, there is expanding competition between recreational & commercial users for limited resource. Objectives are: rebuild declining reef fish stocks; establish fishery reporting system; increase reef fish habitats in approp. areas; provide protection for juveniles while protecting existing & new habitats; and minimize conflicts between user groups. Benefits from implementation of the plan over a 5-year period could reach discounted maximum of $8 million for commercial fishermen & $23.2 million for recreational fishermen. Annual costs for development & implementation of plan over a 5-year period are estimated at $393,315. The adopted measures would minimize burden on public & address the problems in the fishery in a cost-effective manner. The regulations will require some small entities to relocate their fishery areas. Net benefits will occur to the fishery because of the rebuilding of the resources.

Timetable:

Action	Date	FR Cite
NPRM	08/24/83	48 FR 38511
NPRM Comment Period Begin	08/24/83	48 FR 38511
NPRM Comment Period End	10/11/83	
Final Action	10/09/84	49 FR 39584
Final Action Effective	11/08/84	49 FR 39584

Small Entity: Yes

Additional Information: An RIA is not required and will not be prepared. A Regulatory Impact Review/Initial Regulatory Flexibility Analysis is available. A Fishery Management Plan is available.

Affected Sectors: 091 Commercial Fishing

Government Levels Affected: State, Federal

Analysis: Reg. Impact Review/Initial RFA 08/24/83 (48 FR 38511)

Agency Contact: Jack T. Brawner, Director, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, 9450 Koger Boulevard, St. Petersburg, FL 33702, **813 893-3141**

RIN: 0648-AA10

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124. SPINY LOBSTER FISHERY IN PUERTO RICO & THE VIRGIN ISLANDS FISHERY MANAGEMENT PLAN: IMPLEMENTING REGULATIONS

Priority: Agency Determination

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conservation & Mgmt. Act

CFR Citation: 50 CFR 645

Abstract: A fishery management plan (FMP) and implementing regulations are needed to manage the spiny lobster resources of the U.S. Virgin Islands and Puerto Rico. Management measures will protect long-term yields, prevent depletion of the stocks, increase yields from the fishery, and acquire information necessary to better manage the fishery. The primary objective is to achieve optimum yields from a presently healthy fishery stock without encountering the problems of economic or biologic overfishing that have been known to occur in some other fisheries. The FMP imposes a minimum size limit which will cause an est. loss in income during the first year of $228 per fisherman, and $117 per fisherman in the second year. Size limits in subsequent years are expected to improve landings in the third and subsequent years, resulting in $118 per fisherman increase in income. The prohibition of taking lobsters in certain areas may have minor supply and income effects on commercial and recreational harvesters which may be offset by aesthetic benefits to divers and research benefits to scientists. Additional reporting burdens will be placed on some fishermen.

Timetable:

Action	Date	FR Cite
NPRM	09/03/82	47 FR 38948
NPRM Comment Period Begin	09/03/82	47 FR 38948
NPRM Comment Period End	10/18/82	
Final Action	12/26/84	49 FR 50049
Final Action Effective	01/01/85	49 FR 50049

Small Entity: Yes

Additional Information: An RIA is not required and will not be prepared. An RFA, a Regulatory Impact Review, an Environmental Impact Statement, and the FMP are available.

Affected Sectors: 091 Commercial Fishing

Government Levels Affected: State, Federal

Analysis: EIS 06/20/80 (45 FR 37275); Draft RFA 09/03/82 (47 FR 38948); Reg. Impact Review/RFA 09/03/82 (47 FR 38948)

Agency Contact: Jack T. Brawner, Director, Southeast Region, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, 9450 Koger Boulevard, St. Petersburg, FL 33702, **813 893-3141**

RIN: 0648-AA12

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125. KING CRAB (BERING SEA/ALEUTIAN ISLANDS) FISHERY MANAGEMENT PLAN: IMPLEMENTING REGULATIONS

Priority: Agency Determination

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conservation & Mgmt. Act

CFR Citation: 50 CFR 676

Abstract: This fishery management plan (FMP) and implementing regulations seek to ensure effective conservation and management of King Crab stocks in the Bering Sea and Aleutian Islands area while providing continued active participation of the State of Alaska in management of these fisheries. Non-resident Alaskan fishermen will have more effective input to fishery management. There is a need for enforcement of sex and minimum size limits to prevent overharvesting the King Crab optimum yield, and to prevent harvesting of females and under-sized crab. The regulation allows protection of smaller vessels that compete with larger vessels in their ability to move between fishing areas. Regulatory measures also seek to ensure equitable representation of all components of the harvesting sector. Alternative measures under the FMP could have a significant impact on small entities. This is a framework FMP for which formal Secretarial review began on July 16, 1984.

Timetable:

Action	Date	FR Cite
NPRM	08/20/84	49 FR 33033
Final Action	11/14/84	49 FR 44998
Final Action Effective	12/02/84	49 FR 44998

Small Entity: Yes

Additional Information: An RIA is not required and will not be prepared. A Regulatory Impact Review/Initial Regulatory Flexibility Analysis is available. The final regulations contained a collection of information requirement, at Sec. 676.9 that is subject to the Paperwork Reduction Act. It was approved under OMB Contract Number 0648-0097.

Affected Sectors: 091 Commercial Fishing

Government Levels Affected: State, Federal

Analysis: FEIS 09/26/84 (49 FR 38355)

Agency Contact: Robert W. McVey, Director, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, P.O. Box 1668, Juneau, AK 99802, **907 586-7221**

RIN: 0648-AA22

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126. SUPPLEMENTAL OBSERVER PROGRAM

Priority: Agency Determination

Legal Authority: 16 USC 1821(i) The Magnuson Fishery Conser. and Management Act

CFR Citation: 50 CFR 611.8

Abstract: PL 97-453 requires the Secretary of Commerce to establish a supplementary U.S. observer program if full observer coverage of foreign fishing vessels cannot be achieved using Federal or contract employees that rely on Congressional appropriations as the source of funding. Under such circumstances, foreign fishing vessel owners would pay observer fees directly to supplementary U.S.

observers or their agents. The Secretary of Commerce must certify observers and procedures for monitoring performance. No cost will be incurred by the U.S. to implement or operate this program as costs are charged to foreign fishermen. No alternative is envisioned because of the law's specificity.

Timetable:

Action	Date	FR Cite
NPRM	09/19/83	48 FR 41789
NPRM Comment Period Begin	09/19/83	48 FR 41789
NPRM Comment Period End	10/19/83	
Final Action	02/28/85	

Small Entity: No

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Affected Sectors: 091 Commercial Fishing

Government Levels Affected: Federal

Analysis: See Additional Information

Agency Contact: Gary A. Wood, Special Agent, Department of Commerce, National Oceanic and Atmospheric Administration, Washington, DC 20235, 202 634-7285

RIN: 0648-AA65

127. ENDANGERED FISH OR WILDLIFE: COCHITO

Legal Authority: 16 USC 1531 et seq Endangered Species Act of 1973

CFR Citation: 50 CFR 17.11; 50 CFR 222.23

Abstract: Regulations will be proposed which would list the Gulf of California harbor porpoise (Phocoena sinus) as an endangered species under the Endangered Species Act of 1973. An endangered species is a species which is determined to be in danger of extinction through all or a significant portion of its range. If listed as an endangered species, P. sinus would be protected under the provisions of the Endangered Species Act.

Timetable:

Action	Date	FR Cite
ANPRM	06/03/83	48 FR 24903
ANPRM Comment Period Begin	06/03/83	48 FR 24903
ANPRM Comment Period End	08/02/83	
NPRM	04/25/84	49 FR 17781
NPRM Comment Period Begin	04/25/84	49 FR 25017
NPRM Comment Period End	07/25/84	
Final Action	01/09/85	50 FR 00156
Final Action Effective	02/08/85	50 FR 00156

Small Entity: No

Additional Information: The Endangered Species Act requires that decisions on listings be made solely on the basis of the best scientific and commercial data available regarding a species status. Based upon this limitation of criteria for a listing decision, NMFS has determined that the requirements of the National Environmental Policy Act, E.O. 12291, Regulatory Flexibility Act, and the Paperwork Reduction Act do not apply.

Affected Sectors: None

Government Levels Affected: Federal

Agency Contact: Charles Karnella, Marine Resource Management Specialist, Department of Commerce, National Oceanic and Atmospheric Administration, Office of Protected Species and Habitat, Conservation, Washington, DC 20235, 202 634-7471

RIN: 0648-AA94

128. AMENDMENT NO. 9 TO THE TANNER CRAB FISHERY MANAGEMENT PLAN (FMP): IMPLEMENTING REGULATIONS

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conser & Management Act

CFR Citation: 50 CFR 671

Abstract: An amendment to the existing Tanner Crab fishery management plan and regulations has been submitted for Secretarial review: (1) to establish a framework measure to adjust fishing seasons by pre-season procedure; (2) to revise maximum sustainable yield and allowable biological catch values with resulting changes in optimum yields; and (3) to expand the Alaska Regional Director's field order authority to adjust harvest levels and seasons. On May 21, 1984 formal Secretarial review began. On August 24, 1984 the amendment was partially approved. The broadening of the Regional Director's field order authority was disapproved.

Timetable:

Action	Date	FR Cite
NPRM Comment Period Begin	06/20/84	49 FR 26117
NPRM	06/26/84	49 FR 26117
NPRM Comment Period End	08/03/84	
Final Action	09/12/84	49 FR 35779
Final Action Effective	10/07/84	49 FR 35779

Small Entity: Yes

Additional Information: An RIA is not required and will not be prepared. A Regulatory Impact Review/Initial RFA has been prepared and made available to the public.

Affected Sectors: 091 Commercial Fishing

Government Levels Affected: State, Federal

Analysis: Reg. Impact Review/Initial RFA 06/26/84 (49 FR 26117)

Agency Contact: Robert W. McVey, Director, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, P.O. Box 1668, Juneau, AK 99802, 907 586-7221

RIN: 0648-AB02

129. REGULATIONS GOVERNING THE TAKING AND IMPORTING OF MARINE MAMMALS; TAKING OF MARINE MAMMALS INCIDENTAL TO COMMERCIAL FISHING OPERATIONS

Legal Authority: 16 USC 1361 et seq Marine Mammal Protection Act of 1972

CFR Citation: 50 CFR 216.24

Abstract: The 1984 amendments to the Marine Mammal Protection Act among other things: (1) extend indefinitely the general permit issued to the American Tunaboat Association to take marine mammals during commercial purse seine fishing operations; (2) establish quotas for two species of porpoise for which quotas have not been issued; (3) removed these two species from the accidental take enforcement policy; and, (4) placed additional importation requirements on nations purse seining for yellowfin tuna in the eastern tropical Pacific. These regulations codify the Congressional action. Since the actions are congressionally mandated and the Administration has no decision-making discretion, there are no alternatives to consider. No

additional costs to the tuna industry are anticipated.

Timetable:

Action	Date	FR Cite
Final Action	11/29/84	49 FR 46908
Final Action Effective	12/31/84	49 FR 46908
Final Action on yellowfin tuna	00/00/00	

Small Entity: Not Applicable

Additional Information: As the Administration has no discretion to act and no alternatives can be considered. NEPA does not apply. The regulation will not constitute a major rule under E.O. 12291 and does not require a RIA. As it will not have a significant impact on a substantial number of small entities, it does not require a RFA.

Affected Sectors: 091 Commercial Fishing

Government Levels Affected: Federal

Agency Contact: K. R. Hollingshead, Marine Resources Management Specialist, Department of Commerce, National Oceanic and Atmospheric Administration, Office of Protected Species and Habitat Conservation, NMFS, Washington, DC 20235, **202 634-7529**

RIN: 0648-AB08

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130. FOREIGN FISHING (SEGMENT 2), SCHEDULE OF FEES, 1985

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conser & Management Act

CFR Citation: 50 CFR 611.22

Abstract: New fees will be set for 1985 on foreign harvests in the U.S. FCZ to recover the foreign share of the costs of administering the Magnuson Act during FY 1984, Segment (2).

Timetable:

Action	Date	FR Cite
NPRM	10/17/84	49 FR 40615
Final Action	01/04/85	50 FR 460

Small Entity: No

Additional Information: An RIA is not required and will not be prepared. A Regulatory Impact Review will be prepared and will be available in November 1984.

Government Levels Affected: Federal

Agency Contact: John D. Kelly, Fishery Management Specialist, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, 3300 Whitehaven St., NW, Washington, DC 20235, **202 634-7432**

RIN: 0648-AB11

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131. REGULATIONS RELATED TO THE ALLOCATION OF PACIFIC HALIBUT OFF THE COASTS OF WASHINGTON, OREGON, AND CALIFORNIA

Priority: Undetermined

Legal Authority: 16 USC 773 Northern Pacific Halibut Act of 1982

CFR Citation: 50 CFR 301

Abstract: The problem relates to the allocation of Pacific halibut off the coasts of WA, OR, and CA, to comply with Indian treaty rights. The alternatives to be considered include the no action, international action, domestic action.

Timetable:

Action	Date	FR Cite
Rescinded Regulations will be promulgated by Int'l Pacific Halibut Com.	01/00/85	

Small Entity: Undetermined

Additional Information: The need for an RIA has not been determined at this time.

Affected Sectors: 091 Commercial Fishing

Government Levels Affected: State, Federal

Agency Contact: Dr. Thomas E. Kruse, Acting Director, Northwest Region, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, 7600 Sand Point Way NE, Seattle, WA 98115, **206 527-6150**

RIN: 0648-AB12

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132. OCEAN SALMON FISHERIES OFF THE COASTS OF WASHINGTON, OREGON AND CALIFORNIA - MANAGEMENT PLAN: IMPLEMENTING REGULATIONS FOR A FRAMEWORK AMENDMENT TO THE PLAN

Priority: Undetermined

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conser & Management Act

CFR Citation: 50 CFR 661

Abstract: These regulations implement the fishery management plan (FMP) for commercial and recreational salmon fisheries off the coasts of Washington, Oregon, and California. This plan was developed by the Pacific Fishery Management Council. It was first implemented in 1977 and has undergone annual amendments since then. These regs. establish fishing areas, fishing seasons, allowable fishing gear, allowable harvest, & for adjusting the regs. during the year. The intended effect is to protect the salmon from being overharvested, to allocate allowable harvest equitably among the various groups of fishermen to allow adequate numbers of salmon to reach internal water fisheries, & to achieve spawning escapement goals. The FMP & its implementing regs. undergo continuous review & will be modified when conditions warrant changes. These annual adjustments to the management measures will be implemented by publishing revised regs. for the fishery (opening & closing dates fishing seasons, quotas, bag limits, & similar restrictions) by May 1. Changes outside scope of the framework amendment will be made by the normal regulatory process.

Timetable:

Action	Date	FR Cite
NPRM	08/14/84	49 FR 32414
NPRM Comment Period Begin	08/14/84	
NPRM Comment Period End	09/21/84	
Final Action	10/31/84	49 FR 43679
Final Action Effective	10/31/84	49 FR 43679

Small Entity: Yes

Additional Information: Linked with 0648-AB04. The fishery management plan (FMP) & its implementing regs. have undergone & will continue to undergo continuous review. They will be changed whenever conditions warrant a change. The Council has prepared a "framework" amendment of the plan which if approved & implemented, will allow the annual fishery management measures to be implemented without amending the plan or regs. An RIA is not required, but the impacts of these regs. are analyzed in environmental impact statements and regulatory impact reviews.

DOC—NOAA **Completed Actions**

Affected Sectors: 091 Commercial Fishing

Government Levels Affected: Local, State, Federal

Agency Contact: Rolland A. Schmitten, Director, Northwest Region, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, 7600 Sand Point Way, NE, Seattle, WA 98115, 206 527-6150

RIN: 0648-AB17

133. REGULATORY AMENDMENT TO GULF OF ALASKA GROUNDFISH FISHERY MANAGEMENT PLAN

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conser & Management Act

CFR Citation: 50 CFR 672

Abstract: This amendment will expand the Regional Director's field order authority to consider crab caught in the groundfish fisheries.

Timetable:

Action	Date	FR Cite
Suspended - Other priorities have superseded the action at this time.	02/27/85	

Small Entity: Undetermined

Additional Information: A RIA is not required and will not be prepared. A RIR and RFA will be available in November, 1984.

Affected Sectors: 091 Commercial Fishing

Government Levels Affected: Federal

Agency Contact: Robert McVey, Director, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, NOAA, DOC, P.O. Box 1668, Juneau, AK 99802, 907 586-7221

RIN: 0648-AB19

134. AMENDMENT TO THE GULF OF ALASKA GROUNDFISH FISHERY MANAGEMENT PLAN

Legal Authority: 16 USC 1801 et seq Magnuson Fishery Conser and Management Act

CFR Citation: 50 CFR 672

Abstract: This amendment will adjust the optimum yield for Pacific Ocean Perch.

Timetable:

Action	Date	FR Cite
Suspended - Other priorities have superseded the action at this time.	02/27/85	

Small Entity: Undetermined

Additional Information: A RIA is not required and will not be prepared. A RIR/RFA will be prepared.

Affected Sectors: 091 Commercial Fishing

Government Levels Affected: State, Federal

Agency Contact: Robert McVey, Director, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, P.O. Box 1668, Juneau, AK 99802, 907 586-7221

RIN: 0648-AB20

COMPLETED REVIEWS

135. THREATENED MARINE REPTILES

Legal Authority: 16 USC 1531 et seq Endangered Species Act of 1973

CFR Citation: 50 CFR 227.71 to 227.72

Abstract: Based on requests from the residents and Governments of Guam and Hawaii, the NMFS is reviewing these regulations which prohibit the taking of sea turtles for subsistence purposes, except for the taking of green sea turtles by residents of the Trust Territory of the Pacific Islands. The review is to determine whether the subsistence regulations for the Trust territory should be modified and whether the taking of sea turtles for subsistence purposes should be allowed in other areas of the Central and Western Pacific Ocean.

Timetable:

Action	Date	FR Cite
Begin Review	04/20/83	48 FR 16925
End Review - No changes to the regulations will be proposed	01/03/85	50 FR 00278

Small Entity: No

Additional Information: Neither an RIA nor an RFA is required or prepared for a review of an existing regulation.

Affected Sectors: None

Government Levels Affected: Federal

Agency Contact: Charles Fullerton, Director, Southwest Region, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, 300 S. Ferry Street, Terminal Island, CA 90731, 213 548-2575

RIN: 0648-AA79

[FR Doc. 85-6487 Filed 04-26-85; 8:45 am]
BILLING CODE 3510-BW-T

DEPARTMENT OF COMMERCE (DOC)

Existing Regulations Under Review

National Telecommunications and Information Administration (NTIA)

136. PUBLIC TELECOMMUNICATIONS FACILITIES PROGRAM; INTERIM REVISION OF REGULATIONS

Priority: Agency Determination

Legal Authority: 47 USC 390 to 399

CFR Citation: 15 CFR 2301.1; 15 CFR 2301.3; 15 CFR 2301.4(a) to (b); 15 CFR 2301.4(d)(2); 15 CFR 2301.5(a) to (b); 15 CFR 2301.6(a); 15 CFR 2301.7(a) to (d); 15 CFR 2301.9; 15 CFR 2301.11(a); 15 CFR 2301.12(a) to (e); 15 CFR 2301.13; 15 CFR 2301.14(a) to (d); 15 CFR 2301.16(b) to (c); 15 CFR 2301.17(b) to (n); 15 CFR 2301.19(b); ...

Abstract: NTIA has completed two grant cycles since the last revision of its PTFP Rules. During these two cycles we have recognized several areas which cause confusion. We intend to clarify these areas to allow potential grantees to understand more easily the requirements and facilitate their application. The proposed changes to Rules and Regulations will allow for more uniformity and clarity in administering the program. Areas

DOC—NTIA — **Existing Regulations Under Review**

included are: 1. Applicant eligibility for planning grants and making project eligibility language more consistent with the law and NTIA practices. 2.What constitutes a complete application and distinguishes it from an application that is deficient. 3.What does filing a timely application mean and how it is to be delivered in a timely manner. 4.How to amend an application. 5.How to reactivate a deferred application. 6.How to request special consideration. 7.Expanded discussions on control and use of equipment, eligible equipment items, and non-eligible equipment items. 8.Expanded discussions on the close-out and monitoring procedures for a project.

Timetable:

Action	Date	FR Cite
Begin Review	04/00/84	
Interim Final Rule	09/18/84	49 FR 36600
End Review	09/03/85	
Final Action	09/16/85	

Small Entity: No

Agency Contact: Burnham S. Morse, Telecommunications Policy Analyst, Department of Commerce, National Telecommunications and Information Administration, 14th & Constitution Avenue NW, Room H4890, Washington, DC 20230, 202 377-1835

RIN: 0660-AA01

[FR Doc. 85-6487 Filed 04-26-85; 8:45 am]

BILLING CODE 3510-BW-T

DEPARTMENT OF COMMERCE (DOC)
Office of Productivity, Technology and Innovation (OPTI)

Current and Projected Rulemakings

137. ● RIGHTS TO INVENTIONS MADE BY NONPROFIT ORGANIZATIONS AND SMALL BUSINESS FIRMS

Priority: Agency Determination

Legal Authority: 35 USC 206

CFR Citation: 37 CFR 401

Abstract: 35 USC 206 as amended by PL 98-620, requires the Secretary to issue regulations implementing 35 USC 202-204 which deals with the rights in inventions to be provided to nonprofit organizations and small businesses that perform Government supported research and development. Previously this was the responsibility of OFPP which issued OMB Cir. A-124. The proposed regulation is based on Cir. A-124 with such substantive changes as are necessary because of various amendments made by PL 98-620. No alternative is available since a major thrust of the statute was the development of a single regulation to replace the numerous regulations that were in effect prior to 1981. The statute and regulations will benefit contractors and the public by creating the certainty necessary for the early commercialization of inventions by the private sector. Compared to the pre-1981 situation this reduces administrative costs of both the Government and contractors.

Timetable:

Action	Date	FR Cite
NPRM	03/15/85	
Final Action	06/01/85	

Small Entity: Yes

Agency Contact: Norman Latker, Director, Department of Commerce, Office of Productivity, Technology and Innovation, Federal Technology Management Policy Div., Room H 4837, Washington, DC 20230, 202 377-0659

RIN: 0692-AA01

138. ● LICENSING OF GOVERNMENT OWNED INVENTIONS

Legal Authority: 35 USC 208

CFR Citation: 37 CFR 404

Abstract: PL 98-620 amended 35 USC 208 to shift authority for the promulgation of regulations concerning the licensing of federally owned inventions from GSA to Commerce. These regulations are identical in substance and will supersede GSA regulations at 41 CFR Subpart 101-4-1. Thus, there will be no changes in costs of benefits from this section. At a later date, we may consider whether changes to these regulations could lead to a more effective Government licensing program.

Timetable:

Action	Date	FR Cite
Final Action	03/15/85	

Small Entity: Not Applicable

Agency Contact: Norman Latker, Director, Department of Commerce, Office of Productivity, Technology and Innovation, Federal Technology Management Policy Div, Room H 4837, Washington, DC 20230, 202 377-0659

RIN: 0692-AA02

[FR Doc. 85-6487 Filed 04-26-85; 8:45 am]

BILLING CODE 3510-BW-T

DEPARTMENT OF COMMERCE (DOC)
Patent and Trademark Office (PTO)

Current and Projected Rulemakings

139. REQUESTS FOR IDENTIFIABLE RECORDS

Legal Authority: 35 USC 6

CFR Citation: 37 CFR 1.15

Abstract: The existing regulations govern requests for records not disclosed to the public as part of PTO's informational activities. The regulations need to be revised to eliminate obsolete provisions.

Timetable:

Action	Date	FR Cite
NPRM	03/00/85	
NPRM Comment Period Begin	03/00/85	
NPRM Comment Period End	05/00/85	
Final Action	08/00/85	
Final Action Effective	09/00/85	

Small Entity: No

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Affected Sectors: Multiple

Government Levels Affected: Local, State, Federal

Analysis: See Additional Information

Agency Contact: John W. Dewhirst, Department of Commerce, Patent and Trademark Office, Ofc. of the Solicitor, Washington, DC 20231, **703 557-4035**

RIN: 0651-AA04

140. VARIETY NAMING REQUIREMENTS FOR PLANT PATENT APPLICATIONS

Legal Authority: 35 USC 6

CFR Citation: 37 CFR 1.71; 37 CFR 1.163

Abstract: PTO will propose amendment of its rules of practice in patent cases to implement the International Convention for the Protection of New Varieties of Plants. The International Convention requires registration of a plant variety name at the time a patent on a plant variety is issued. Compliance with the registration requirements of the Convention would be determined in the process of examining plant patent applications.

Timetable:

Action	Date	FR Cite
NPRM	04/00/85	
NPRM Comment Period Begin	04/00/85	
NPRM Comment Period End	06/00/85	
Final Action	08/00/85	
Final Action Effective	10/00/85	

Small Entity: No

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Affected Sectors: Multiple

Government Levels Affected: Local, State, Federal

Agency Contact: Michael K. Kirk, Assistant Commissioner for External Affairs, Department of Commerce, Patent and Trademark Office, Washington, DC 20231, **703 557-3065**

RIN: 0651-AA12

141. TERM OF DEPOSIT OF MICROORGANISM

Legal Authority: 35 USC 6

CFR Citation: 37 CFR 1.71

Abstract: PTO will propose amendment of its rules of practice in patent cases to set the duration of a microorganism deposit for patent purposes in accordance with the Budapest Treaty.

Timetable:

Action	Date	FR Cite
NPRM	05/00/85	
NPRM Comment Period Begin	05/00/85	
NPRM Comment Period End	07/00/85	
Final Action	09/00/85	
Final Action Effective	10/00/85	

Small Entity: No

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Affected Sectors: Multiple

Government Levels Affected: Local, State, Federal

Agency Contact: Michael K. Kirk, Assistant Commissioner for External Affairs, Department of Commerce, Patent and Trademark Office, Washington, DC 20231, **703 557-3065**

RIN: 0651-AA13

142. MISCELLANEOUS AMENDMENTS OF TRADEMARK RULES

Legal Authority: 15 USC 1123

CFR Citation: 37 CFR 2.1; 37 CFR 2.101(b); 37 CFR 2.104; 37 CFR 2.112(a); 37 CFR 2.114(c); 37 CFR 2.132(c); 37 CFR 2.145(d)

Abstract: PTO proposes amendment of the trademark rules to improve or clarify inter partes and appeal procedures.

Timetable:

Action	Date	FR Cite
NPRM	06/11/84	49 FR 24033
NPRM Comment Period Begin	06/11/84	49 FR 24033
NPRM Comment Period End	07/18/84	
Final Action	04/00/85	
Final Action Effective	05/00/85	

Small Entity: No

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Affected Sectors: Multiple

Government Levels Affected: Local, State, Federal

Agency Contact: Janet E. Rice, Member, Trademark Trial and Appeal Board, Department of Commerce, Patent and Trademark Office, Crystal Square 5, Suite 1008, Washington, DC 20231, **703 557-3551**

RIN: 0651-AA16

143. TRADEMARK APPLICATIONS

Legal Authority: 15 USC 1123

CFR Citation: 37 CFR 2.21; 37 CFR 2.52; 37 CFR 2.54; 37 CFR 2.58

Abstract: PTO proposes amendment of its trademark rules to codify and improve procedures for processing trademark applications.

Timetable:

Action	Date	FR Cite
NPRM	08/01/84	49 FR 30749
NPRM Comment Period Begin	08/01/84	
NPRM Comment Period End	10/30/84	
Final Action	04/00/85	
Final Action Effective	05/00/85	

Small Entity: No

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Affected Sectors: Multiple

Government Levels Affected: Local, State, Federal

Agency Contact: Ellen J. Seeherman, Staff Assistant, Department of Commerce, Patent and Trademark Office, Crystal Plaza 3, Room 11C17, Washington, DC 20231, **703 557-7464**

RIN: 0651-AA17

144. TRADEMARK AUTOMATED SEARCH SYSTEM FEES

Priority: Agency Determination

Legal Authority: 15 USC 1113; 15 USC 1123; PL 96-517; PL 97-247

CFR Citation: 37 CFR 2.6

Abstract: PTO proposes to amend its rules to establish user fees for members of the public desiring to conduct trademark searches of the computerized data bases in the PTO's automated trademark search system.

Timetable:

Action	Date	FR Cite
NPRM	08/07/84	49 FR 31460
NPRM Comment Period Begin	08/07/84	
NPRM Comment Period End	09/05/84	
NPRM Comment Period Extended to	09/25/84	49 FR 35527
Final Action	03/00/85	
Final Action Effective	06/00/85	

Small Entity: No

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Affected Sectors: Multiple

Government Levels Affected: Local, State, Federal

Analysis: See Additional Information

Agency Contact: **J. Howard Bryant**, Administrator for Automation, Department of Commerce, Patent and Trademark Office, Washington, DC 20231, **703 557-6000**

RIN: 0651-AA18

145. ● REVISION OF PATENT AND TRADEMARK FEES

Priority: Agency Determination

Legal Authority: 35 USC 6; 35 USC 41; 15 USC 1113; 15 USC 1123

CFR Citation: 37 CFR 1.16; 37 CFR 1.17; 37 CFR 1.18; 37 CFR 1.19; 37 CFR 1.20; 37 CFR 1.21; 37 CFR 2.6

Abstract: PTO plans to amend its rules of practice to adjust fees to compensate for the effects of inflation on the recovery of the estimated cost of providing services or materials relating to patents and trademarks. The fees have not been adjusted since their establishment on October 1, 1982.

Timetable:

Action	Date	FR Cite
NPRM	05/00/85	
NPRM Comment Period Begin	05/00/85	
NPRM Comment Period End	07/00/85	
Final Action	08/01/85	
Final Action Effective	10/01/85	

Small Entity: No

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Affected Sectors: Multiple

Government Levels Affected: Local, State, Federal

Analysis: See Additional Information

Agency Contact: **Bradford R. Huther**, Asst. Commissioner for Finance and Planning, Department of Commerce, Patent and Trademark Office, Washington, DC 20231, **703 557-1572**

RIN: 0651-AA19

146. ● ARBITRATION OF PATENT INTERFERENCE CASES

Legal Authority: 35 USC 6; PL 98-622

CFR Citation: 37 CFR 1.690

Abstract: An amendment of PTO's rules of practice relating to patent interferences will be proposed to implement the provision in Public Law 98-622 for arbitration of patent interference cases.

Timetable:

Action	Date	FR Cite
ANPRM	01/16/85	50 FR 02294
ANPRM Comment Period Begin	01/16/85	50 FR 02294
ANPRM Comment Period End	03/01/85	
NPRM	04/00/85	
NPRM Comment Period Begin	04/00/85	
NPRM Comment Period End	05/00/85	
Final Action	08/00/85	
Final Action Effective	09/00/85	

Small Entity: No

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Affected Sectors: Multiple

Government Levels Affected: Local, State, Federal

Analysis: See Additional Information

Agency Contact: **Fred E. McKelvey**, Deputy Solicitor, Department of Commerce, Patent and Trademark Office, Washington, DC 20231, **703 557-4035**

RIN: 0651-AA20

147. ● MISCELLANEOUS PATENT PROVISIONS

Priority: Agency Determination

Legal Authority: 35 USC 6; PL 98-620; PL 98-622

CFR Citation: 37 CFR 1.11; 37 CFR 1.14; 37 CFR 1.17; 37 CFR 1.19; 37 CFR 1.20; 37 CFR 1.45; 37 CFR 1.48; 37 CFR 1.60; 37 CFR 1.61; 37 CFR 1.62; 37 CFR 1.78; 37 CFR 1.101; 37 CFR 1.103; 37 CFR 1.104; 37 CFR 1.106; ...

Abstract: PTO proposes to amend its rules of practice in patent cases to implement miscellaneous patent provisions enacted by Public Laws 98-620 and 98-622. These provisions authorize the issuance of statutory invention registrations, simplify the filing of appeals to the U.S. Court of Appeals for the Federal Circuit, exclude certain prior art from consideration and change certain requirements relating to joint applications and international applications filed under the Patent Cooperation Treaty.

Timetable:

Action	Date	FR Cite
NPRM	01/25/85	50 FR 03712
NPRM Comment Period Begin	01/25/85	50 FR 03712
NPRM Comment Period End	02/08/85	
Final Action	03/08/85	
Final Action Effective	05/08/85	

Small Entity: No

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Affected Sectors: Multiple

Government Levels Affected: Local, State, Federal

Analysis: See Additional Information

Agency Contact: **R. Franklin Burnett**, Special Assistant, Department of Commerce, Patent and Trademark Office, Washington, DC 20231, **703 557-3054**

RIN: 0651-AA21

148. ● RULES FOR EXTENSION OF PATENT TERM

Priority: Agency Determination

Legal Authority: 35 USC 6; PL 98-417

CFR Citation: 37 CFR 1.1; 37 CFR 1.8; 37 CFR 1.20; 37 CFR 1.710 to 1.785

Abstract: PTO plans to propose rules and procedures for handling requests brought pursuant to the provisions of Public Law 98-417 for patent term extensions to restore the portion of the term lost as a result of regulatory delay.

Timetable:

Action	Date	FR Cite
NPRM	08/01/85	
NPRM Comment Period Begin	08/01/85	
NPRM Comment Period End	10/01/85	
Final Action	02/01/86	

Small Entity: No

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Affected Sectors: Multiple

Government Levels Affected: Local, State, Federal

Analysis: See Additional Information

Agency Contact: R. Franklin Burnett, Special Assistant, Department of Commerce, Patent and Trademark Office, Washington, DC 20231, 703 557-3054

RIN: 0651-AA22

149. ● TRADEMARK APPLICATIONS

Priority: Agency Determination

Legal Authority: 15 USC 1123; Crocker National Bank v. Canadian Imperial Bank of Commerce; 223 USPQ 909 (TTAB 1984)

CFR Citation: 37 CFR 2.21; 37 CFR 2.33; 37 CFR 2.39; 37 CFR 2.56; 37 CFR 2.57; 37 CFR 2.58

Abstract: PTO plans to propose amendment of its rules of practice in trademark cases to revise the use and specimen requirements in trademark applications filed by foreign applicants pursuant to Section 44 of the Trademark Act, 15 USC 1126. The revision would conform the use and specimen requirements with the decision of the Trademark Trial and Appeal Board in Crocker National Bank v. Canadian Imperial Bank of Commerce, 223 USPQ 909 (1984).

Timetable:

Action	Date	FR Cite
Final Action	06/01/85	
Final Action Effective	08/01/85	

Small Entity: No

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Affected Sectors: Multiple

Government Levels Affected: Local, State, Federal

Analysis: See Additional Information

Agency Contact: Ms. Carlisle Walters, Department of Commerce, Patent and Trademark Office, Washington, DC 20231, 703 557-3268

RIN: 0651-AA23

DEPARTMENT OF COMMERCE (DOC)
Patent and Trademark Office (PTO)

COMPLETED RULEMAKINGS

150. FINAL RULE FOR PATENT MAINTENANCE FEES

Priority: Agency Determination

Legal Authority: 35 USC 6; PL 96-517; PL 97-247

CFR Citation: 37 CFR 1.1; 37 CFR 1.9; 37 CFR 1.17; 37 CFR 1.19; 37 CFR 1.20; 37 CFR 1.33; 37 CFR 1.362; 37 CFR 1.363; 37 CFR 1.366, 37 CFR 1.377; 37 CFR 1.378

Abstract: PTO amended its rules of practice in patent cases to provide procedures for paying maintenance fees.

Timetable:

Action	Date	FR Cite
NPRM	04/24/84	49 FR 17692
NPRM Comment Period Begin	04/24/84	
NPRM Comment Period End	06/26/84	
Final Action	08/31/84	49 FR 34716
Final Action Effective	11/01/84	49 FR 34716

Small Entity: No

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Affected Sectors: Multiple

Government Levels Affected: Local, State, Federal

Agency Contact: R. Franklin Burnett, Department of Commerce, Patent and Trademark Office, Ofc. of Asst. Com. for Patents, Washington, DC 20231, 703 557-3054

RIN: 0651-AA11

151. PATENT INTERFERENCE PROCEEDINGS

Priority: Agency Determination

Legal Authority: 35 USC 6; 35 USC 23; 35 USC 41; 35 USC 135

CFR Citation: 37 CFR 1.1; 37 CFR 1.4; 37 CFR 1.5; 37 CFR 1.8; 37 CFR 1.9; 37 CFR 1.11; 37 CFR 1.14; 37 CFR 1.17; 37 CFR 1.36; 37 CFR 1.48; 37 CFR 1.55; 37 CFR 1.59; 37 CFR 1.68; 37 CFR 1.103; 37 CFR 1.122; ...

Abstract: Amendments were made to PTO's rules of practice in patent cases to simplify procedures for conducting interference proceedings, reduce the expense to the parties and normally conclude proceedings within 2 years. Other amendments were made to implement provisions in Public Law 98-622 for the consolidation of the Board of Appeals and the Board of Patent Interferences into a single Board of Patent Appeals and Interferences and for the consideration of patentability issues in interference cases.

Timetable:

Action	Date	FR Cite
ANPRM	08/01/83	48 FR 34836
ANPRM Comment Period Begin	08/01/83	48 FR 34836
ANPRM Comment Period End	08/22/83	
NPRM	01/30/84	49 FR 3768
NPRM Comment Period Begin	01/30/84	49 FR 3768
NPRM Comment Period End	05/07/84	
Final Action	12/12/84	49 FR 48416
Final Action Effective	02/11/85	49 FR 48416

Small Entity: No

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Affected Sectors: Multiple

Government Levels Affected: Local, State, Federal

DOC—PTO

Completed Actions

Agency Contact: Fred E. McKelvey, Examiner-in-Chief, Department of Commerce, Patent and Trademark Office, Department of Commerce, Box 8, Washington, DC 20231, **703 557-4025**

RIN: 0651-AA14

152. PRACTICE BEFORE THE PATENT AND TRADEMARK OFFICE

Legal Authority: 35 USC 6; 35 USC 31; 35 USC 32; 15 USC 1123

CFR Citation: 37 CFR 1.8; 37 CFR 1.21; 37 CFR 1.31; 37 CFR 1.33; 37 CFR 1.34; 37 CFR 1.56; 37 CFR 1.341 to 1.348; 37 CFR 1.455; 37 CFR 2.11; 37 CFR 2.12 to 2.16; 37 CFR 2.17; 37 CFR 2.19; 37 CFR 10.1 to 10.11; 37 CFR 10.12 to 10.13; 37 CFR 10.14 to 10.15; ...

Abstract: Amendments were made to PTO's rules of practice relating to professional conduct of attorneys and agents practicing before the PTO. Amendments were also made to revise the procedures for admission to practice in patent cases and to clarify the procedures followed in conducting investigations and disciplinary proceedings.

Timetable:

Action	Date	FR Cite
ANPRM	03/16/84	49 FR 10012
ANPRM Comment Period Begin	03/16/84	
ANPRM Comment Period End	07/09/84	
NPRM	08/24/84	49 FR 33790
NPRM Comment Period Begin	08/24/84	
NPRM Comment Period End	10/02/84	
Final Action	02/06/85	50 FR 5158
Final Action Effective on most parts	03/08/85	50 FR 5158
Final Action Effective on Parts 37 CFR 1.21(a)(5) and (6)	04/08/85	

Small Entity: No

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Affected Sectors: Multiple

Government Levels Affected: Local, State, Federal

Agency Contact: Fred E. McKelvey, Examiner-in-Chief, Department of Commerce, Patent and Trademark Office, Box 8, Washington, DC 20231, **703 557-4025**

RIN: 0651-AA15

[FR Doc. 85-6487 Filed 04-26-85; 8:45 am]

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Monday
April 29, 1985

Part V

Department of Defense

Semiannual Regulatory Agenda

DOD

DEPARTMENT OF DEFENSE (DOD)
Office of the Secretary (OS)

DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Chs. I, V, VI, and VII

33 CFR Ch. II

36 CFR Ch. III

Improving Government Regulations; Semiannual Agenda of Regulations

AGENCY: Department of Defense.

ACTION: Publication of the consolidated semiannual agenda of DoD regulatory documents.

SUMMARY: The Department of Defense is publishing this consolidated semiannual agenda of regulatory documents for public information and comments under E.O. 12291, "Federal Regulation." This agenda incorporates the objectives and criteria, when applicable, of the regulatory reform program under E.O. 12291, and other regulatory reform programs. It contains DoD issuances initiated by DoD Components that may have economic and environmental impact on state, local, public or private interests under the criteria of E.O. 12291. Although most DoD issuances listed in the agenda are of negligible public impact, their nature may be of public interest and are therefore published to provide notice of rulemaking and an opportunity for public participation in the internal DoD rulemaking process.

This agenda updates the report published in October 22, 1984 and includes regulations expected to be issued and under review over the next 12 months. The next agenda is scheduled to be published in October 1985. In addition to this agenda, DoD Components also publish rulemaking notices pertaining to their specific statutory administration requirements as required.

FOR FURTHER INFORMATION CONTACT: For information concerning the overall DoD regulatory improvement program and for general semiannual agenda information contact Mr. Terry D. Judd, telephone 202-697-1142 or write to Directorate for Organizational and Management Planning, OASD(C), Washington, D.C. 20301.

For questions of a legal nature concerning the agenda and its statutory requirements or obligations, contact Ms. Kathleen Buck, legal counsel, Office of the General Counsel, Washington, D.C. 20301, or call 202-697-2714.

For specific agenda items, contact the appropriate individual indicated in each DoD Component report.

SUPPLEMENTARY INFORMATION: This consolidated agenda is composed of the regulatory status reports from the Office of the Secretary of Defense and the Departments of the Army, Navy, and Air Force. Included also in this agenda is the regulatory report from the U.S. Army Corps of Engineers, whose civil works functions fall under the reporting requirements of E.O. 12291. Their agenda will reflect these requirements, with follow-on reporting actions taken, as necessary.

DoD issuances range from DoD Directives (reflecting departmental policy) to implementing instructions and regulations (largely internal and used to implement Directives). The OSD agenda section contains the primary Directives under which DoD Components promulgate their implementing regulations.

To ease identification and to clarify the differences between the variety of issuances reported, they are identified by their DoD internal numbering system, which denotes Component level of authority and type of issuance in addition to the required CFR number.

In addition, this agenda, although published under the reporting requirements of E.O. 12291, will continue to be the DoD single source reporting vehicle which will identify issuances that are currently applicable under the various regulatory reform programs in progress. Therefore, when applicable, DoD Components will identify those rules which come under the criteria of the:

a. Regulatory Flexibility Act.

b. Paperwork Reduction Act.

c. GATT International Trade Agreement.

These DoD issuances which are directly applicable under these statutes will be identified in the agenda and their action status indicated. Generally, the reports contained in this agenda will contain three sections: (1) Current and projected rulemaking; (2) review of existing regulations; and (3) completed actions.

Although not a regulatory agency, the Department of Defense will continue to participate in regulatory initiatives designed to reduce economic costs and unnecessary environmental burdens upon the public. Comments and recommendations are invited on the rules reported and should be addressed to the DoD Component representatives identified in each section.

Although sensitive to the needs of the public and regulatory reform, DoD reserves the right to exercise the exemptions and flexibility permitted in its rulemaking process in order to proceed with its overall defense-oriented mission.

Note: The publishing of this agenda does not waive the applicability of the military affairs exemption in title 5, section 553 and section 1 of E.O. 12291.

DATED: February 27, 1985.

Arthur H. Ehlers,

Director for Organizational and Management Planning.

AGENCY: Office of the Secretary, DoD.

ACTION: This agenda updates the report published in October 22, 1984 and includes regulations expected to be issued and under review over the next 12 months.

SUMMARY: The regulatory material listed below is in 3 parts: (1) Current and projected rulemaking; (2) review of existing regulations; and (3) completed actions.

FOR FURTHER INFORMATION CONTACT: The Agency contact names and telephone numbers appear after each agenda entry. For other information on the agenda, contact Mrs. Patricia H. Means, Directives Division, Correspondence and Directives Directorate, Washington Headquarters Services, telephone 202-697-4111.

SUPPLEMENTARY INFORMATION:

E.O. 12291. None of the regulatory documents listed below is a "major rule" and no major rules are presently under development.

Regulatory Flexibility Action, section 610. The Office of the Secretary of Defense has screened its existing regulatory documents and has concluded that none of its regulatory documents causes significant impact on a substantial number of small entities.

Paperwork Reduction Act, Pub. L. 96-511. None of the DoD regulatory documents listed in the agenda require information collection reports affecting the public sector under the criteria of Pub. L. 96-511.

GATT Agreement. None of the DoD regulatory documents listed in this agenda impact upon foreign trade under the GATT Agreement.

The OSD agenda follows.

DEPARTMENT OF DEFENSE (DOD)
Office of the Secretary (OS)

Current and Projected Rulemakings

PUBLICATION OF PROPOSED AND ADOPTED REGULATIONS AFFECTING THE PUBLIC (DOD DIRECTIVE 5400.9)

Legal Authority: 5 USC 551 to 553

CFR Citation: 32 CFR 296

Abstract: To update DoD's implementation of the Administrative Procedure Act, and to include EO 12291, the Regulatory Flexibility Act (PL 96-354), and the Paperwork Reduction Act (PL 96-511).

Timetable:

Action	Date	FR Cite
Final Action	12/00/85	

Small Entity: No

Agency Contact: John Morris, Department of Defense, Office of the Secretary, **202 695-6710**

RIN: 0790-AA02

INVOLUNTARY CHILD AND SPOUSAL SUPPORT ALLOTMENTS (DOD DIRECTIVE 1340.XX)

Legal Authority: PL 97-248; 37 USC 101; 15 USC 1673; 42 USC 665

CFR Citation: 32 CFR 54

Abstract: This proposed rule (47 FR 46297, 10/18/82) implements section 172 of the Tax Equity and Fiscal Responsibility Act of 1982. It is being recoordinated within the Department of Defense.

Timetable:

Action	Date	FR Cite
NPRM	10/18/82	47 FR 46297
Final Action	12/00/85	

Small Entity: No

Agency Contact: James T. Jasinski, Department of Defense, Office of the Secretary, **202 697-0536**

RIN: 0790-AA08

VICTIM AND WITNESS ASSISTANCE (DOD DIRECTIVE 1030.1)

Legal Authority: PL 97-291; 10 USC 801 to 940

CFR Citation: 32 CFR 95

Abstract: This proposed rule (48 FR 51490), November 9, 1983, is being staffed within the Department of Defense. The rule will implement the Victim and Witness Protection Act of 1982.

Timetable:

Action	Date	FR Cite
NPRM	11/09/83	48 FR 51490
Final Action	04/00/85	

Small Entity: No

Agency Contact: A. Effron, Department of Defense, Office of the Secretary, **202 695-1078**

RIN: 0790-AA27

CIVILIAN HEALTH AND MEDICAL PROGRAM OF THE UNIFORMED SERVICES (CHAMPUS) (FEDERAL MEDICAL CARE RECOVERY ACT, CHAPTER 9) (DOD 6010.8-R)

Legal Authority: 10 USC 1079; 10 USC 1088; 5 USC 301

CFR Citation: 32 CFR 199

Abstract: This proposed amendment (48 FR 45791, October 7, 1983) revises the CHAMPUS regulation by consolidating all federal claims provisions into one Chapter. It is also being staffed within the Department of Defense.

Timetable:

Action	Date	FR Cite
NPRM	10/07/83	48 FR 45791
Final Action	04/00/85	

Small Entity: No

Agency Contact: Tariq Shahid, Department of Defense, Office of the Secretary, **303 361-3537**

RIN: 0790-AA29

CIVILIAN HEALTH AND MEDICAL PROGRAM OF THE UNIFORMED SERVICES (CHAMPUS); CARDIAC PACEMAKER TELEPHONE MONITORING (DOD 6010.8-R)

Legal Authority: 10 USC 1079, 10 USC 1086; 5 USC 301

CFR Citation: 32 CFR 199

Abstract: An amendment to the proposed rule was published (49 FR 35934) that will allow coverage for transtelephonic monitoring of cardiac pacemakers which is currently excluded under CHAMPUS Basic Program.

Timetable:

Action	Date	FR Cite
NPRM	01/18/84	48 FR 2118
Final Action	04/00/85	

Small Entity: No

Agency Contact: David E. Bennett, Department of Defense, Office of the Secretary, **303 361-8608**

RIN: 0790-AA31

CIVILIAN HEALTH AND MEDICAL PROGRAM OF THE UNIFORMED SERVICES (CHAMPUS); ELIGIBILITY OF ADULT ADOPTEES FOR MEDICAL BENEFITS (DOD 6010.8-R)

Legal Authority: 10 USC 1079; 10 USC 1086; 5 USC 301

CFR Citation: 32 CFR 199

Abstract: This proposed amendment clarifies the intent of Title 10 USC 1072 (2), concerning eligibility of adopted children. This is necessary to ensure that reasonable limits are placed on CHAMPUS eligibility. This clarification will result in uniform eligibility

determinations corresponding to the interest of Congress. It is also being staffed within the Department of Defense.

Timetable:

Action	Date	FR Cite
NPRM	03/02/84	49 FR 7837
NPRM Comment Period Begin	03/02/84	
NPRM Comment Period End	04/02/84	
Final Action	04/00/85	

Small Entity: No

Agency Contact: Rose M. Sabo, Department of Defense, Office of the Secretary, **303 361-4014**

RIN: 0790-AA39

CIVILIAN HEALTH AND MEDICAL PROGRAM OF THE UNIFORMED SERVICES (CHAMPUS); AMENDMENT OF AMBULANCE SERVICE COVERAGE (DOD 6010.8-R)

Legal Authority: 10 USC 1079; 5 USC 301

CFR Citation: 32 CFR 199

Abstract: This proposed amendment (49 FR 17976, April 26, 1984) will revise the definition of "ambulance," remove the $100 allowable charge ceiling used to distinguish between local and long distance ambulance service, and expand coverage for transfer to a Uniformed Service Medical Treatment Facility (USMTF). It is also being staffed within the Department of Defense.

Timetable:

Action	Date	FR Cite
NPRM	04/26/84	49 FR 17976
NPRM Comment Period Begin	04/26/84	
NPRM Comment Period End	05/25/84	
Final Action	04/00/85	

Small Entity: No

Agency Contact: David E. Bennett, Department of Defense, Office of the Secretary, **303 361-8608**

RIN: 0790-AA40

● INDUSTRIAL PERSONNEL SECURITY CLEARANCE PROGRAM (DOD DIRECTIVE 5220.6)

Legal Authority: 5 USC 504; EO 10865

CFR Citation: 32 CFR 155

Abstract: This rule is being revised and reissued to (1) reflect organizational changes in the Department of Defense, (2) simplify the language contained in the existing rule, and (3) incorporate the Equal Access to Justice (5 USC 504) standard in the section pertaining to reimbursement for lost earnings.

Timetable:

Action	Date	FR Cite
NPRM	07/08/84	49 FR 31455
NPRM Comment Period Begin	07/08/84	49 FR 31455
NPRM Comment Period End	08/08/84	
Final Action	12/00/85	

Small Entity: No

Government Levels Affected: Federal

Agency Contact: James P. Brown, Department of Defense, Office of the Secretary, Directorate for Industrial Security, Clearance Review, **202 696-4598**

RIN: 0790-AA42

● COLLECTION OF INDEBTEDNESS FROM DOD EMPLOYEES (DOD INSTRUCTION 7045.XX)

Legal Authority: 5 USC 5514

CFR Citation: 32 CFR 90

Abstract: This proposed rule provides specific guidance to DoD Components on the conduct and management of debts, and provides advice to other federal agencies on how to request offset from debtors who are DoD military members or employees.

Timetable:

Action	Date	FR Cite
NPRM	06/09/84	49 FR 35148
NPRM Comment Period Begin	06/09/84	49 FR 35148
NPRM Comment Period End	09/10/84	
Final Action	12/00/85	

Small Entity: No

Government Levels Affected: Federal

Agency Contact: Adam Shaw, Department of Defense, Office of the Secretary, Office of the Deputy Assistant Secretary of, Defense (Management Systems), **202 697-0585**

RIN: 0790-AA43

DEPARTMENT OF DEFENSE (DOD)
Office of the Secretary (OS)

Completed Actions

COMPLETED RULEMAKINGS

FORMER SPOUSE PAYMENTS FROM RETIRED PAY (DOD DIRECTIVE 1340.16)

Legal Authority: PL 97-252; 10 USC 1408

CFR Citation: 32 CFR 63

Abstract: This final rule implements section 1002 of the Uniformed Services Former Spouses' Protection Act.

Timetable:

Action	Date	FR Cite
NPRM	01/28/83	48 FR 4003
Final Action	01/02/85	50 FR 2665

Small Entity: No

Agency Contact: James T. Jasinski, Department of Defense, Office of the Secretary, **202 697-0536**

RIN: 0790-AA07

WITHHOLDING OF UNCLASSIFIED TECHNICAL DATA FROM PUBLIC DISCLOSURE (DOD DIRECTIVE 5230.25)

Legal Authority: PL 98-94; 10 USC 140c

CFR Citation: 32 CFR 250

Abstract: This final rule provides that the Secretary of Defense may withhold from public disclosure certain unclassified technical data.

Timetable:

Action	Date	FR Cite
NPRM	12/22/83	48 FR 56603
Final Action	11/06/84	49 FR 48040

Small Entity: No

Agency Contact: David E. Whitman, Department of Defense, Office of the Secretary, **202 695-2289**

RIN: 0790-AA28

DOD—OS

Completed Actions

ACTIONS THAT STARTED AND ENDED BETWEEN ISSUES OF THE UNIFIED AGENDA

● COPYRIGHTED SOUND AND VIDEO RECORDINGS (DOD DIRECTIVE 5535.4)

Legal Authority: 10 USC 133

CFR Citation: 32 CFR 142

Abstract: Provides policy, prescribes procedures, and assigns responsibilities regarding the use of copyrighted sound and video recordings within the Department of Defense.

Timetable:

Action	Date	FR Cite
NPRM	03/20/84	49 FR 10275
Final Action	08/31/84	49 FR 49450

Small Entity: No

Government Levels Affected: Federal

Agency Contact: David W. Ream, Department of Defense, Office of the Secretary, Office of the General Counsel, 202 695-3272

RIN: 0790-AA44

[FR Doc. 85-6487 Filed 04-26-85; 8:45 am]

BILLING CODE 3510-BW-T

DEPARTMENT OF DEFENSE (DOD)
Department of the Army (DOA)

AGENCY: Department of the Army.

ACTION: Semiannual agenda of regulatory information under review or development by the Department of the Army.

SUMMARY: The Department of the Army published its first agenda in 1978 and annually thereafter in compliance with Executive Order 12044, Pub. L. 96-354 and the DoD plan for improving Government Regulations. This agenda provides the status of regulations that were previously reported.

SUPPLEMENTARY INFORMATION: The Department of the Army has no major regulations under development which meet the criteria of Pub. L. 96-354 and Executive Order 12291. If applicable, rules which come under the criteria of the Regulatory Flexibility Act, Paperwork Reduction Act, and the GATT International Trade Agreement are so identified.

DEPARTMENT OF DEFENSE (DOD)
Department of the Army (DOA)

Current and Projected Rulemakings

THE ARMY GENERAL COUNSEL'S HONORS PROGRAMS

Legal Authority: 10 USC 302; 10 USC 3005

CFR Citation: 32 CFR 585

Abstract: Army General Counsel's Honors Program. To recruit highly qualified attorneys to fill vacancies in the Army General Counsel's Office. Comment period completed.

Timetable:

Action	Date	FR Cite
Review, editing and internal Army coordination underway	00/00/00	

Small Entity: No

Additional Information: Paperwork Reduction Act Impact - None.

International Trade Impact - None.

Agency Contact: Mr. John Pavlick, Department of Defense, Department of the Army, Office of the Army General Counsel, 202 695-0562

RIN: 0702-AA00

AIRFIELD CERTIFICATION AND USE OF ARMY AIRFIELDS BY OTHER THAN US DEPARTMENT OF DEFENSE AIRCRAFT

Legal Authority: PL 85-726; PL 97-248; PL 91-258

CFR Citation: Not yet determined

Abstract: Prescribes responsibilities and procedures with regard to use of US Army airfields by other than DoD.

Timetable:

Action	Date	FR Cite
Final Action	12/00/85	

Small Entity: No

Additional Information: Paperwork Reduction Act Impact - None.

International Trade Impact - None.

Agency Contact: Mr. Jesse Burch, Department of Defense, Department of the Army, US Army Air Traffic Control Activity, Aeronautical Service Office, 703 272-7796

RIN: 0702-AA02

CIVILIAN MARKSMANSHIP: RULES AND REGULATIONS FOR NATIONAL MATCHES AND OTHER EXCELLENCE IN COMPETITION (EIC) MATCHES

Legal Authority: 10 USC 4307 to 4313

CFR Citation: 32 CFR 544

Abstract: The rules and regulations for National Matches and other excellence-in-competition (EIC) matches have been revised. It gives responsibilities for the National Matches, eligibility criteria, and categories for the competitors, and the program for the National Trophy Matches. This regulation has been revised to change the staff organization of the National Matches, show new eligibility requirements and programs for the National Trophy Matches, include women as a category in the matches, and introduce new awards. The regulation applies to the Active Army, Navy, Air Force and Marine Corps Reserve, and all other personnel competing in the National Matches, and civilians in other EIC matches.

DOD—DOA — **Current and Projected Rulemakings**

Timetable:

Action	Date	FR Cite
NPRM	02/13/85	
NPRM Comment Period Begin	02/13/85	
NPRM Comment Period End	03/13/85	

Small Entity: Not Applicable

Agency Contact: Col. Mahatha M. Oliver, Director, Department of Defense, Department of the Army, HQDA (SFDM), Washington, DC 20314, **202 272-0810**

RIN: 0702-AA08

DEPARTMENT OF DEFENSE (DOD)
Department of the Army (DOA)

Existing Regulations Under Review

ARMY NATIONAL CEMETERIES

Legal Authority: 24 USC Chapter 7

CFR Citation: 32 CFR 553

Abstract: To publish revised guidelines and administration of Arlington National Cemetery and the Soldiers Home National Cemetery.

Timetable:

Action	Date	FR Cite
End Review	04/01/85	
NPRM	04/01/85	

Small Entity: No

Additional Information: Paperwork Reduction Act Impact - None.

International Trade Impact - None.

Agency Contact: Mr. Edward McCarthy, Department of Defense, Department of the Army, US Army Military Personnel Center, Alexandria, VA 22331-0400, **703 325-7960**

RIN: 0702-AA07

[FR Doc. 85-6487 Filed 04-26-85; 8:45 am]

BILLING CODE 3510-BW-T

DEPARTMENT OF DEFENSE (DOD)
U.S. Army Corps of Engineers (COE)

Current and Projected Rulemakings

RULES AND REGULATIONS GOVERNING PUBLIC USE OF WATER RESOURCE DEVELOPMENT OF PROJECTS ADMINISTERED BY THE CHIEF OF ENGINEERS

Legal Authority: 16 USC 460d

CFR Citation: 36 CFR 327

Abstract: Final rule published in 1979. Minor revisions will provide clarification of authority used by field personnel in the management of natural resources.

Timetable:

Action	Date	FR Cite
ANPRM	04/19/84	49 FR 15796
NPRM	06/00/85	
Final Action	09/00/85	

Small Entity: No

Additional Information: Paperwork Reduction Act Impact - None.

GATT Impact - None.

Agency Contact: Darrell E. Lewis, Department of Defense, U.S. Army Corps of Engineers, Washington, DC 20314-1000, ATTN: DAEN-CWO-R, **202 272-0247**

RIN: 0710-AA03

REGULATORY PROGRAMS OF THE CORPS OF ENGINEERS

Legal Authority: 33 USC 403; 33 USC 1341; 33 USC 1413

CFR Citation: 33 CFR 320 to 330

Abstract: Program policies and procedures for the conduct of the Regulatory Program of the Corps of Engineers.

Timetable:

Action	Date	FR Cite
Interim Final Rule	07/22/82	47 FR 31794
NPRM	05/12/83	
Amendments proposed NPRM	05/22/83	48 FR 21466
NPRM Lawsuit Settlement Revisions (33 CFR 320, 323, 325, 330)	03/29/84	49 FR 12260
Publish final Lawsuit Rules	10/05/84	49 FR 39478
Final Action	05/00/85	

Small Entity: No

Additional Information: Paperwork Reduction Act Impact - The paperwork, reports, studies, etc., required of government at all levels, businesses and citizens will be reduced by the revised procedures.

Small Business Impact - By streamlining the procedures for obtaining a Corps permit, the regulatory burden on small businesses will be reduced.

GATT Impact - None.

Agency Contact: Bernard Goode, Department of Defense, U.S. Army Corps of Engineers, Washington, DC 20314-1000, ATTN: DAEN-CWO-N, **202 272-0200**

RIN: 0710-AA04

RECREATION USE FEES

Legal Authority: 16 USC 460; 16 USC 461

CFR Citation: 36 CFR 71

Abstract: Will provide updated version of ER 1130-2-404, Recreation Use Fees. The proposed regulation change expands the Corps recreation fee program at Corps projects.

Timetable:

Action	Date	FR Cite
Final Action	03/00/85	

Small Entity: No

Additional Information: Paperwork Reduction Act Impact - None.

GATT Impact - None.

Agency Contact: Darrell E. Lewis, Department of Defense, U.S. Army Corps of Engineers, Washington, DC 20314-1000, ATTN: DAEN-CWO-R, **202 272-0247**

RIN: 0710-AA10

DOD—COE

Current and Projected Rulemakings

ENVIRONMENTAL QUALITY, PROCEDURES FOR IMPLEMENTING THE NATIONAL ENVIRONMENTAL POLICY ACT (NEPA)

Legal Authority: 42 USC 4321

CFR Citation: 33 CFR 230

Abstract: Revisions will streamline Corps NEPA procedures consistent with improved management techniques and reduce unnecessary regulatory burdens on applicants who seek Department of the Army permits.

Timetable:

Action	Date	FR Cite
NPRM	01/11/84	49 FR 1387
Final Action	03/00/85	

Small Entity: No

Additional Information: Additional agency contact: Dr. Robert Pierce (202) 272-0199

Paperwork Reduction Act Impact - None.

GATT Impact - None.

Agency Contact: Mr. Richard L. Makinen, Department of Defense, U.S. Army Corps of Engineers, Washington, DC 20314-1000, ATTN: DAEN-CWR-P, 202 272-0120

RIN: 0710-AA11

REGULATORY PROGRAMS OF THE CORPS OF ENGINEERS

Legal Authority: 33 USC 403, 33 USC 1341; 33 USC 1413

CFR Citation: 33 CFR 325, Appendix C

Abstract: Procedures for including concerns for the protection of historic properties in the regulatory program of the Corps of Engineers.

Timetable:

Action	Date	FR Cite
NPRM	05/04/84	49 FR 19036
Final Action	03/00/85	

Small Entity: No

Additional Information: Paperwork Reduction Act Impact - The paperwork, reports, studies, etc., required of government at all levels, business and citizens will be reduced by the revised procedures.

Small Business Impact - By streamlining the procedures for obtaining a Corps permit, the regulatory burden on small businesses will be reduced.

GATT Impact - None.

Agency Contact: Bernard Goode, Department of Defense, U.S. Army Corps of Engineers, Washington, DC 20314-1000, ATTN: DAEN-CWO-N, 202 272-0200

RIN: 0710-AA12

DEPARTMENT OF DEFENSE (DOD)
U.S. Army Corps of Engineers (COE)

Existing Regulations Under Review

CORPS OF ENGINEERS MANAGEMENT OF ARMY AND AIR FORCE REAL PROPERTY

Legal Authority: 5 USC 301; 10 USC 3012

CFR Citation: 32 CFR 644

Abstract: Chapter 8 of EP 405-1-2 is mainly comprised of instructions and guidance relating to internal agency procedures for managing and administering real property and interests in real property controlled by the Army and Air Force. Accordingly, it was determined that the entire chapter does not require publication in the Federal Register. Excerpts of applicable parts will be proposed for publication by Winter 1985.

Timetable:

Action	Date	FR Cite
ANPRM	12/00/85	

Small Entity: Undetermined

Agency Contact: Mr. Terrence Wilmer, Chief, Programs Division, Department of Defense, U.S. Army Corps of Engineers, ATTN: DAEN-REP, Washington, DC 20314-1000, 202 272-0522

RIN: 0710-AA14

[FR Doc. 85-6487 Filed 04-26-85, 8:45 am]

BILLING CODE 3510-BW-T

DEPARTMENT OF DEFENSE (DOD)
Department of the Navy (NAVY)

AGENCY: Department of the Navy.

ACTION: This agenda updates the report published on October 22, 1984 and includes regulations expected to be issued and under review over the next 12 months by the Department of the Navy.

SUMMARY: None of the regulations contained in this agenda meet the criteria of the Regulatory Flexibility Act (Pub. L. 96-354), have priority status, are major rules under E.O. 12291, or contain reporting requirements under the "Paperwork Act." Further, none of the regulations come under the GATT International Trade Agreement.

FOR FURTHER INFORMATION CONTACT: Where a contact official is indicated, contact the specified individual. For general information, contact Ms. Alcinda P. Wenberg, telephone 202-695-0792 or write to Department of the Navy, Chief of Naval Operations, OP-945C, Washington, D.C. 20350-2000.

DEPARTMENT OF DEFENSE (DOD)
Department of the Navy (NAVY)

Current and Projected Rulemakings

NONNAVAL MEDICAL AND DENTAL CARE (NAVMEDCOMINST 6320.1)

Legal Authority: 5 USC 301; 5 USC 8140; 10 USC 1071 to 1085; 10 USC 5031; 10 USC 6148, 10 USC 6201 to 6203; 32 CFR 700.1202

CFR Citation: 32 CFR 732

Abstract: To update the NAVMEDCOM Instruction.

Timetable:

Action	Date	FR Cite
Final Action	06/00/85	

Small Entity: No

Agency Contact: Mr. H. Pelham, Department of Defense, Department of the Navy, MEDCOM, 202 653-1179

RIN: 0703-AA00

DISPOSITION OF CASES INVOLVING PHYSICAL DISABILITY (SECNAVINST 1850.4)

Legal Authority: 5 USC 301; 10 USC 1216; 10 USC 5031

CFR Citation: 32 CFR 725

Abstract: Under revision due to change in basic requirements.

Timetable:

Action	Date	FR Cite
Final Action	06/00/85	

Small Entity: No

Agency Contact: LCDR M. W. Kirkpatrick, Department of Defense, Department of the Navy, NCPB, 202 696-4366

RIN: 0703-AA03

● **MANUAL OF THE JUDGE ADVOCATE GENERAL**

Legal Authority: 3 USC 301; 5 USC 301; 10 USC 815; 10 USC 5031; 10 USC 5148; 32 CFR 700.206; 32 CFR 700.1202

CFR Citation: 32 CFR 719

Abstract: To update the JAG Manual.

Timetable:

Action	Date	FR Cite
Final Action	08/31/85	

Small Entity: No

Agency Contact: LT W. F. Roos, Department of Defense, Department of the Navy, JAG, 202 325-9860

RIN: 0703-AA09

● **STANDARDS OF CONDUCT AND GOVERNMENT ETHICS (SECNAVINST 5370.2H)**

Legal Authority: PL 95-521 as amended by PL 96-19 and PL 96-28; 5 USC 301; 10 USC 133; 10 USC 5031; EO 11222; 5 CFR 734; 5 CFR 737; 5 CFR 738; 32 CFR 40

CFR Citation: 32 CFR 721

Abstract: To update the standards of conduct.

Timetable:

Action	Date	FR Cite
Final Action	06/30/85	

Small Entity: No

Agency Contact: CDR Sid Smith, Department of Defense, Department of the Navy, JAG, 202 325-9752

RIN: 0703-AA10

DEPARTMENT OF DEFENSE (DOD)
Department of the Navy (NAVY)

Completed Actions

COMPLETED RULEMAKINGS

SHIPYARD ENTRY REGULATIONS (NAVSHIPYD PTSMHINST 5510.25A)

Legal Authority: 5 USC 301; 10 USC 6011; 18 USC 1382; 50 USC 797, 32 CFR 700.702

CFR Citation: 32 CFR 770

Abstract: New regulation to announce shipyard entry policy.

Timetable:

Action	Date	FR Cite
Final Action	08/28/84	

Small Entity: No

Agency Contact: LT W.F. Roos, Department of Defense, Department of the Navy, JAG, 202 325-9860

RIN: 0703-AA08

[FR Doc. 85-6487 Filed 04-26-85; 8:45 am]

BILLING CODE 3510-BW-T

DEPARTMENT OF DEFENSE (DOD)
Department of the Air Force (AF)

AGENCY: Department of the Air Force.

ACTION: This agenda updates the report published in October 22, 1984 and includes regulations expected to be issued and under review over the next 12 months.

SUMMARY: The regulations listed on the agenda are existing or proposed regulations under internal review for revision or development and only apply to those regulations affecting the public. The Department of the Air Force has no "major rules" under development or review as defined by Executive Order 12291. Also, it has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 (Pub. L. 96-354) do not apply to these rules and that these rules do not contain reporting or recordkeeping requirements under the criteria of the Paperwork Reduction Act of 1980 (Pub. L. 96-511). These rules do not have an impact on international trade and therefore the provisions of the GATT Agreement do not apply.

FOR FURTHER INFORMATION CONTACT: Where a contact official is indicated, contact the specified individual. For general information, contact Ms. N. Carole Koritko, telephone (202) 697-1861 or write, Department of the Air Force, USAF/DASJR(S), Pentagon, Washington, D.C. 20330.

DEPARTMENT OF DEFENSE (DOD)
Department of the Air Force (AF)

Current and Projected Rulemakings

SELECTING ARCHITECT-ENGINEER (A-E) FIRMS FOR PROFESSIONAL SERVICES BY NEGOTIATED CONTRACTS (AFR-88-31)

Legal Authority: PL 95-507; 15 USC 631; 15 USC 632; 15 USC 633; 15 USC 637; 15 USC 681; 15 USC 682; 15 USC 683; 15 USC 687; 15 USC 693; 15 USC 694; 25 USC 450

CFR Citation: 32 CFR 834

Abstract: USAF policies & procedures. Revision is in publication process within the Air Force.

Timetable:

Action	Date	FR Cite
Final Action	07/00/85	

Small Entity: No

Agency Contact: Mr. Furlong, Department of Defense, Department of the Air Force, HQ USAF/LEEE, 202 767-4260

RIN: 0701-AA01

USE OF USAF INSTALLATIONS BY OTHER THAN U.S. DOD AIRCRAFT (AFR 55-20)

Legal Authority: Federal Aviation Act of 1958; PL 85-726; 49 USC 1507(a); 49 USC 1508

CFR Citation: 32 CFR 855

Abstract: Gives requirements, procedures, and responsibilities. Revision is in coordination process within the USAF.

Timetable:

Action	Date	FR Cite
Final Action	07/00/85	

Small Entity: No

Agency Contact: Mrs. Young, Department of Defense, Department of the Air Force, HQ USAF/PRPJA, 202 697-1796

RIN: 0701-AA02

PERSONNEL REVIEW BOARDS-SUBPART A - AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS (AFR 31-3)

Legal Authority: 10 USC 1552

CFR Citation: 32 CFR 865

Abstract: Establishes procedures for the correction of military records. Publication in revision process within Department of the Air Force.

Timetable:

Action	Date	FR Cite
NPRM	04/04/84	49 FR 13382
NPRM Comment Period Begin	04/04/84	
NPRM Comment Period End	05/04/84	
Final Action	06/00/85	

Small Entity: No

Agency Contact: Mr. D'Orazio, Department of Defense, Department of the Air Force, HQ SAF/MICB, 202 692-4731

RIN: 0701-AA09

OBTAINING MEDICAL, DENTAL, AND VETERINARY CARE FROM CIVILIAN SOURCES (AFR 168-10)

Legal Authority: 10 USC 1074(b); 10 USC 1076(b)

CFR Citation: 32 CFR 880

Abstract: Provides guidance on authorizing and providing reimbursement at Air Force expense for essential medical and dental care from civilian sources.

Timetable:

Action	Date	FR Cite
Final Action	06/00/85	

Small Entity: No

Agency Contact: MSgt. Fulton, Department of Defense, Department of the Air Force, HQ USAF/SGHC, 202 767-5082

RIN: 0701-AA10

● AIR FORCE SUPPLEMENT TO THE FEDERAL ACQUISITION REGULATION (FAR)

Legal Authority: PL 93-400; PL 96-83

CFR Citation: 48 CFR ,(New)

Abstract: Air Force FAR Supplement establishes for the Air Force uniform policy and procedures implementing and supplementing the FAR, the DOD FAR Supplement, and other DOD publications concerning contracting.

Timetable:

Action	Date	FR Cite
Final Action	10/00/85	

Small Entity: No

Agency Contact: Col. Swisher, Special Assistant for FAR, Department of Defense, Department of the Air Force, HQ USAF/RDC-FAR, 202 697-9441

RIN: 0701-AA14

DEPARTMENT OF DEFENSE (DOD)
Department of the Air Force (AF)

Existing Regulations Under Review

ACQUISITION OF INFORMATION CONCERNING PERSONS AND ORGANIZATIONS NOT AFFILIATED WITH THE DEPARTMENT OF DEFENSE (AFR 124-13)

Legal Authority: DODD 5200.27; 10 USC 8012

CFR Citation: 32 CFR 954

Abstract: Provides USAF policy, limitation & procedures. Awaiting determination and interpretation of policy issues by OSD.

Timetable:

Action	Date	FR Cite
End Review	00/00/00	

Small Entity: No

Additional Information: Awaiting rewrite of DODD.

Agency Contact: Mr. Kennedy, Department of Defense, Department of the Air Force, HQ AFOSI/XPP, 202 767-5830

RIN: 0701-AA04

FOREIGN TAX RELIEF PROGRAM (AFR 110-18)

Legal Authority: DODD 5100.64, dtd 12 Aug 70; 32 CFR 211

CFR Citation: 32 CFR 848

DOD—AF

Existing Regulations Under Review

Abstract: Implements DOD foreign taxation on DOD expenditures in foreign countries.

Timetable:

Action	Date	FR Cite
End Review	00/00/00	

Small Entity: No

Agency Contact: Mr. Carroll, Department of Defense, Department of the Air Force, HQ USAF/JACI, 202 695-9631

RIN: 0701-AA12

DEPARTMENT OF DEFENSE (DOD)
Department of the Air Force (AF)

Completed Actions

COMPLETED RULEMAKINGS

MILITARY JUSTICE GUIDE (AFR 111-1)

Legal Authority: 10 USC 836; 10 USC 869; 10 USC 940; 10 USC 8012; MCM, US, 1984

CFR Citation: 32 CFR 883

Abstract: Provides USAF procedures in implementing a portion of the Manual for Courts-Martial, United States, 1984.

Timetable:

Action	Date	FR Cite
Final Action	08/01/84	

Small Entity: No

Agency Contact: Col. Hemingway, Department of Defense, Department of the Air Force, HQ USAF/JAJM, 202 767-1539

RIN: 0701-AA05

LICENSING GOVERNMENT-OWNED INVENTIONS IN THE CUSTODY OF THE DEPARTMENT OF THE AIR FORCE (AFR 110-33)

Legal Authority: 41 CFR 101-4; PL 96-517

CFR Citation: 32 CFR 841

Abstract: Prescribes policies, procedures and conditions for licensing of rights in federally-owned patents/patent applications vested in the US in the custody of the Department of the Air Force.

Timetable:

Action	Date	FR Cite
NPRM	04/12/84	49 FR 14533
NPRM Comment Period Begin	04/12/84	49 FR 14533
NPRM Comment Period End	05/14/84	
Final Action	09/21/84	

Small Entity: No

Agency Contact: Mr. Garvert, Department of Defense, Department of the Air Force, HQ USAF/JACP, 202 475-1386

RIN: 0701-AA07

[FR Doc. 85-6385 Filed 04-26-85; 8:45 am]

BILLING CODE 3810-01-T

Federal Register

Monday
April 29, 1985

Part VI

Department of Education

Semiannual Regulatory Agenda

ED

DEPARTMENT OF EDUCATION

Office of the Secretary

34 CFR Subtitles A and B

Unified Agenda of Federal Regulations

AGENCY: Department of Education.

ACTION: Publication of the Unified Agenda of Federal Regulations.

SUMMARY: The Secretary of Education publishes a Unified Agenda of Federal Regulations as required by the Office of Management and Budget (OMB) Bulletin No. 85-6 issued under the authority of section 6(b) of the Executive Order 12291 (Federal Regulations). The purpose of the agenda is to encourage more effective public participation in the regulatory process by giving the public early information about pending regulatory activities.

FOR FURTHER INFORMATION CONTACT: Questions or comments related to specific regulations listed in this agenda should be directed to the contact person listed for that set of regulations. Questions or comments on the overall agenda should be directed to A. Neal Shedd, Director, Division of Regulations Management, Office of the General Counsel, Department of Education, Room 2131, FOB-6, 400 Maryland Avenue, S.W., Washington, D.C. 20202. Telephone: (202) 245-7091.

SUPPLEMENTARY INFORMATION: Executive Order 12291, dated February 17, 1981, and the Regulatory Flexibility Act, Pub. L. 96-354, enacted September 19, 1980, require the Department of Education to publish, in October and April of each year, (1) an agenda of regulations that the Department expects to issue, and (2) currently effective regulations that are under review. The agenda includes both notices of proposed rulemaking (NPRMs) currently being drafted and pending final regulations.

Under the authority of Executive Order 12291, the Director of OMB has issued OMB Bulletin No. 85-6, dated December 13, 1984, prescribing the content and structure of the Unified Agenda of Federal Regulations. The unified agenda will be issued semiannually and will cover the succeeding 12 months from the date of publication.

For each set of regulations listed, the agenda provides the title of the document, the type of document, a citation of any rulemaking or other action taken since publication of the most recent agenda, and planned dates of future rulemaking. In addition, the agenda provides the following information:

- An abstract, which includes a description of the problem to be addressed, any principal alternatives being considered, and potential costs and benefits of the action.
- An indication of whether the planned action is likely to have a significant economic impact on a substantial number of small entities as defined by the Regulatory Flexibility Act (5 USC 601(b)).
- A reference to where a reader can find the current regulations in the Code of Federal Regulations.
- A citation of legal authority.
- The name, address, and telephone number of the contact person at the Department from whom a reader can obtain additional information regarding the planned action.
- An indication if the action is priority and the criteria used in determining the priority status.

If the "Abstract" section of an entry refers readers to the preamble, it means that amendments to those particular regulations would be designed (1) to effect regulatory relief, including reducing paperwork and compliance burdens, improving cost effectiveness and, to the extent possible, vesting greater discretion in State and local agencies, and (2) if necessary, to clarify and simplify requirements governing that program.

This publication in the **Federal Register** does not impose any binding obligation on the Department with regard to any specific item on the agenda. Regulatory action in addition to the items listed is not precluded. Dates of future regulatory action are subject to revision in subsequent agendas.

DATED: March 12, 1985.

William J. Bennett,

Secretary of Education.

Departmental Management—Current and Projected Rulemakings

Sequence Number	Title	Regulation Identifier Number
1	Claims Collection	1880-AA09
2	Interest on Outstanding Debts	1880-AA03
3	Uniform Administrative Requirements for Grants to State and Local Governments	1880-AA15
4	Procurement Regulations - Small Business and Small Disadvantaged Business Concerns	1880-AA12
5	Education Department Acquisition Regulations (EDAR)	1880-AA16

Departmental Management—Existing Regulations Under Review

Sequence Number	Title	Regulation Identifier Number
5	Committee Management Regulations	1880-AA18
7	Family Educational Rights and Privacy Act	1880-AA08

ED

Departmental Management—Existing Regulations Under Review—Continued

Sequence Number	Title	Regulation Identifier Number
8	Government in the Sunshine Act Regulations	1880-AA11

Office of Bilingual Education and Minority Languages Affairs—Current and Projected Rulemakings

Sequence Number	Title	Regulation Identifier Number
9	Bilingual Education Act Programs	1885-AA08
10	Bilingual Education Evaluation	1885-AA09
11	Emergency Immigrant Education Program	1885-AA07

Office for Civil Rights—Current and Projected Rulemakings

Sequence Number	Title	Regulation Identifier Number
12	Nondiscrimination on the Basis of Sex in Education Programs and Activities Receiving or Benefiting from Federal Financial Assistance	1870-AA06
13	Nondiscrimination on the Basis of Age in Programs or Activities Receiving Federal Financial Assistance	1870-AA05

Office of Educational Research and Improvement—Current and Projected Rulemakings

Sequence Number	Title	Regulation Identifier Number
14	Educational Research Program (NIE)	1850-AA01
15	Excellence in Education Programs	1850-AA06
16	Secretary's Discretionary Program for Mathematics, Science, Computer Learning, and Critical Foreign Languages	1850-AA05
17	Library Services and Construction Act: Library Services Program	1850-AA08
18	Strengthening Research Library Resources Program	1850-AA09

Office of Educational Research and Improvement—Existing Regulations Under Review

Sequence Number	Title	Regulation Identifier Number
19	Territorial Teacher Training Assistance	1850-AA10

Office of Elementary and Secondary Education—Current and Projected Rulemakings

Sequence Number	Title	Regulation Identifier Number
20	Amendments to Chapter 1 of the Education Consolidation and Improvement Act of 1981 to Implement Pub. L. 98-211	1810-AA11
21	Financial Assistance for Migratory Children and Neglected or Delinquent Children in Institutions, and General Requirements under Chapter 1, ECIA	1810-AA00
22	Financial Assistance to State Agencies to Meet Special Educational Needs of Handicapped Children	1810-AA19
23	State Grants for Strengthening the Skills of Teachers and Instruction in Mathematics, Science, Foreign Languages, and Computer Learning	1810-AA12

ED

Office of Elementary and Secondary Education—Current and Projected Rulemakings—Continued

Sequence Number	Title	Regulation Identifier Number
24	Assistance for School Construction in Areas Affected by Federal Activities (SAFA)	1810-AA05
25	School Assistance For Local Educational Agencies (LEAs) in Areas Affected by Federal Activities and Arrangements for Children Where LEAs Cannot Provide Suitable Free Education	1810-AA18
26	Indian Education Program - Formula Grants to Local Educational Agencies and Tribal Schools	1810-AA14
27	Magnet Schools Assistance Program	1810-AA13
28	Amendments to Chapter 2 of the Education Consolidation and Improvement Act of 1981 to Implement Pub. L. 98-211	1810-AA10
29	Women's Educational Equity Act Program - Tier II Projects	1810-AA15

Office of Elementary and Secondary Education—Existing Regulations Under Review

Sequence Number	Title	Regulation Identifier Number
30	Women's Educational Equity Program	1810-AA16

Office of Planning and Budget and Evaluation—Current and Projected Rulemakings

Sequence Number	Title	Regulation Identifier Number
31	Equal Access of Students to Limited Open Forums of Public Secondary Schools	1875-AA01

Office of Postsecondary Education—Current and Projected Rulemakings

Sequence Number	Title	Regulation Identifier Number
32	Carl D. Perkins Scholarship Program	1840-AA35
33	National Talented Teacher Fellowship Program	1840-AA36
34	Procedures for Determining the Eligibility of Institutions and Schools of Postsecondary Education Under the Higher Education Act of 1965, as amended	1840-AA32
35	College Housing Program (Loan Management)	1840-AA30
36	Financial Assistance for Construction, Reconstruction, and Renovation of Academic Facilities	1840-AA27
37	National Graduate Fellows Program	1840-AA34
38	Student Assistance General Provisions	1840-AA11
39	Pell Grant Program - Family Contribution Schedule 1986-87	1840-AA26
40	Student Assistance General Provisions - Subpart E	1840-AA31
41	National Direct Student Loan Program (Subpart C -- Due Diligence)	1840-AA02
42	National Direct Student Loan, College Work-Study, and Supplemental Educational Opportunity Grant Programs (Campus-based programs)	1840-AA03
43	Guaranteed Student Loan and Plus Programs	1840-AA04
44	Guaranteed Student Loan -- 1985-86 Family Contribution Schedule	1840-AA28
45	Guaranteed Student Loan/PLUS Programs (Tax-Exempt)	1840-AA37
46	Guaranteed Student Loan -- 1986-87 Family Contribution Schedule	1840-AA38
47	Pell Grant Program	1840-AA06
48	Pell Grant Program - Cost of Attendance 1985-86 - 1986-87	1840-AA29
49	Pell Grant Program - Family Contribution Schedule - Family Size Offsets	1840-AA33

ED

Office of Postsecondary Education—Completed Actions

Sequence Number	Title	Regulation Identifier Number
50	Guaranteed Student Loan Program	1840-AA23

Office of Special Education and Rehabilitative Services—Current and Projected Rulemakings

Sequence Number	Title	Regulation Identifier Number
51	Assistance to States for Education of Handicapped Children	1820-AA36
52	*Removal of Architectural Barriers to the Handicapped	1820-AA16
53	Research in the Education of the Handicapped	1820-AA30
54	Handicapped Special Studies - Evaluation	1820-AA34
55	National Institute of Handicapped Research-Technical Amendments	1820-AA29
56	Rehabilitation Administration Services-Technical Amendments	1820-AA28
57	Special Projects and Demonstration - Supported Employment for Handicapped Individuals	1820-AA31
58	Special Projects and Demonstrations - Transitional Rehabilitation Services for Handicapped Youth	1820-AA32
59	Training of Interpreters for Deaf Individuals	1820-AA33

*Indicates priority regulation.

Office of Special Education and Rehabilitative Services—Completed Actions

Sequence Number	Title	Regulation Identifier Number
60	Assistance to States for Education of Handicapped Children--Childcount/Bypass	1820-AA17
61	Client Assistance Projects (Rehabilitation Act)	1820-AA23

Office of Vocational and Adult Education—Current and Projected Rulemakings

Sequence Number	Title	Regulation Identifier Number
62	State Vocational Education Program and Secretary's Discretionary Programs of Vocational Education	1830-AA02
63	Adult Education -- State-Administered Program and National Adult Education Discretionary Program	1830-AA04

DEPARTMENT OF EDUCATION (ED)
Departmental Management (EDMAN)

Current and Projected Rulemakings

1. ● CLAIMS COLLECTION

Legal Authority: 31 USC 3711 to 3719

CFR Citation: 34 CFR 30

Abstract: These proposed regulations would implement requirements of the Debt Collection Act of 1982, the Federal Claims Collection Standards, and OMB Circular A-50 regarding establishment of a debt collection program.

The proposed regulations would improve management and accountability of Federal funds. They are designed to establish an efficient, equitable, and effective program for the collection of debts owed to the Department of Education.

Timetable:

Action	Date	FR Cite
NPRM	07/00/85	
Final Action	12/00/85	

Small Entity: No

Agency Contact: David T. Dexter, Management Analyst, Department of Education, Departmental Management, 400 Maryland Ave, SW, Rm 3034, FOB-6, Washington, DC 20202, 202 472-6032

RIN: 1880-AA09

2. ● INTEREST ON OUTSTANDING DEBTS

Legal Authority: 31 USC 3711 to 3719

CFR Citation: 34 CFR 75; 34 CFR 76; 34 CFR 200; 34 CFR 298; 34 CFR 668; 41 CFR 34-30

Abstract: These regulations would implement requirements of the Debt Collection Act of 1982, the Federal Claims Collection Standards, and OMB Circular A-50 regarding interest assessment by the Federal Government.

Timetable:

Action	Date	FR Cite
NPRM	07/11/84	49 FR 28264
NPRM Comment Period Begin	07/11/84	
NPRM Comment Period End	08/27/84	
Final Action	05/00/85	

Small Entity: No

Agency Contact: Frank Stidman, Director, Financial Assistance, Department of Education, Departmental Management, 400 Maryland Ave, SW, Washington, DC 20202, **202 245-2964**

RIN: 1880-AA03

3. ● UNIFORM ADMINISTRATIVE REQUIREMENTS FOR GRANTS TO STATE AND LOCAL GOVERNMENTS

Legal Authority: OMB Circular A102

CFR Citation: 34 CFR 80

Abstract: These proposed regulations will establish the Department's administrative requirements for grants to State and local governments.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	
Final Action	00/00/00	

Small Entity: Undetermined

Agency Contact: Monika Edwards Harrison, Special Advisor, to the DUS for Management, Department of Education, Departmental Management, 400 Maryland Ave, SW, Rm 3021, FOB-6, Washington, DC 20202, **202 472-5123**

RIN: 1880-AA15

4. ● PROCUREMENT REGULATIONS - SMALL BUSINESS AND SMALL DISADVANTAGED BUSINESS CONCERNS

Legal Authority: 20 USC 3401 et seq.; 5 USC 301; 40 USC 486(c)

CFR Citation: 48 CFR 34

Abstract: These regulations apply to the Department's policy and management of a procurement program for small business concerns and small business concerns owned and controlled by socially and economically disadvantaged individuals.

Timetable:

Action	Date	FR Cite
NPRM	09/00/85	
Final Action	00/00/00	

Small Entity: Undetermined

Agency Contact: Ben Miller, Small Business Specialist, Department of Education, Departmental Management, 400 Maryland Ave, SW, Rm 2141 FOB-6, Washington, DC 20202, **202 245-9582**

RIN: 1880-AA12

5. ● EDUCATION DEPARTMENT ACQUISITION REGULATIONS (EDAR)

Legal Authority: 5 USC 301; 40 USC 486(c)

CFR Citation: 48 CFR 34

Abstract: These regulations would implement the Federal Acquisition Regulations within the Department of Education, and include additional policies, procedures, solicitation provisions, and contract clauses.

Timetable:

Action	Date	FR Cite
Final Action	05/00/85	

Small Entity: Undetermined

Agency Contact: Richard C. Loeb, Procurement Policy Advisor, Department of Education, Departmental Management, 400 Maryland Ave, SW, Rm 5082, ROB-3, Washington, DC 20202, **202 245-7810**

RIN: 1880-AA16

DEPARTMENT OF EDUCATION (ED)
Departmental Management (EDMAN)

Existing Regulations Under Review

6. ● COMMITTEE MANAGEMENT REGULATIONS

Legal Authority: 20 USC 1233 et seq; 5 USC Appendix 2

CFR Citation: 34 CFR 11

Abstract: See Preamble.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	
Final Action	00/00/00	

Small Entity: Undetermined

Agency Contact: Ann Bailey, Committee Management Officer, Department of Education, Office of Intergovernmental and Interagency Affairs, 400 Maryland Ave, SW, Rm 2135, FOB-6, Washington, DC 20202, **202 245-6061**

RIN: 1880-AA18

7. ● FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT

Legal Authority: 20 USC 1232g

CFR Citation: 34 CFR 99

Abstract: See Preamble.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	
Final Action	00/00/00	

Small Entity: No

Agency Contact: Patricia Ballinger, Director, FERPA, Department of Education, Departmental Management, 400 Maryland Ave, SW, Room 3034, Washington, DC 20202, **202 472-6032**

RIN: 1880-AA08

8. ● GOVERNMENT IN THE SUNSHINE ACT REGULATIONS

Legal Authority: 5 USC 552b; 20 USC 1221e

CFR Citation: 34 CFR 705

Abstract: See Preamble.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	
Final Action	00/00/00	

Small Entity: Undetermined

Agency Contact: Paul Cawein, Education Research Specialist, Department of Education, Departmental Management, 400 Maryland Ave, SW, Rm 722, Brown Bldg., Washington, DC 20202, **202 254-8247**

RIN: 1880-AA11

[FR Doc. 85-8510 Filed 04-26-85; 8:45 am]

BILLING CODE 4000-01-T

DEPARTMENT OF EDUCATION (ED)

Office of Bilingual Education and Minority Languages Affairs (BEMLA)

Current and Projected Rulemakings

9. ● BILINGUAL EDUCATION ACT PROGRAMS

Legal Authority: 20 USC 3221 to 3262

CFR Citation: 34 CFR 500; 34 CFR 501; 34 CFR 512; 34 CFR 513; 34 CFR 524; 34 CFR 525; 34 CFR 536; 34 CFR 537; 34 CFR 543; 34 CFR 549; 34 CFR 561; 34 CFR 562; 34 CFR 573; 34 CFR 574

Abstract: These proposed regulations would implement provisions of the Education Amendments of 1984, PL 98-511.

Timetable:

Action	Date	FR Cite
NPRM	03/00/85	
Final Action	06/00/85	

Small Entity: Undetermined

Agency Contact: Vidal A. Rivera, Director, Management, Planning and Policy Staff, Department of Education, Office of Bilingual Education and Minority Languages Affairs, 400 Maryland Ave, SW, Rm. 421, Rep. Bldg., Washington, DC 20202, **202 245-2609**

RIN: 1885-AA08

10. ● BILINGUAL EDUCATION EVALUATION

Legal Authority: 20 USC 3243

CFR Citation: 34 CFR 500

Abstract: These proposed regulations would implement the Education Amendments of 1984, PL 98-511.

Timetable:

Action	Date	FR Cite
NPRM	03/00/85	
Final Action	06/00/85	

Small Entity: Undetermined

Agency Contact: Vidal A. Rivera, Jr., Director, Management, Planning and Policy Staff, Department of Education, Office of Bilingual Education and Minority Languages Affairs, 400 Maryland Ave, SW, Rm. 421, Rep. Bldg., Washington, DC 20202, **202 245-2609**

RIN: 1885-AA09

11. ● EMERGENCY IMMIGRANT EDUCATION PROGRAM

Legal Authority: 20 USC 4101 to 4108

CFR Citation: 34 CFR 561

Abstract: These proposed regulations would implement the Education Amendments of 1984, PL 98-511.

Timetable:

Action	Date	FR Cite
NPRM	04/00/85	
Final Action	06/00/85	

Small Entity: Undetermined

Agency Contact: Jonathan Chang, Program Education Specialist, Department of Education, Office of Bilingual Education and Minority Languages Affairs, 400 Maryland Ave, SW, Room 421 Rep Bldg, Washington, DC 20202, **202 732-1842**

RIN: 1885-AA07

[FR Doc. 85-6510 Filed 04-26-85; 8:45 am]

BILLING CODE 4000-01-T

DEPARTMENT OF EDUCATION (ED)

Office for Civil Rights (OCR)

Current and Projected Rulemakings

12. ● NONDISCRIMINATION ON THE BASIS OF SEX IN EDUCATION PROGRAMS AND ACTIVITIES RECEIVING OR BENEFITING FROM FEDERAL FINANCIAL ASSISTANCE

Legal Authority: 20 USC 1681; 20 USC 1682

CFR Citation: 34 CFR 106

Abstract: These proposed regulations would amend the fringe benefits provision of the regulations implementing Title IX of the Education Amendments of 1972. The regulations would require employers offering employees a fringe benefit plan to have both equal pay-in and equal pay-out of benefits, regardless of the sex of the employee.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	
Final Action	00/00/00	

Small Entity: Undetermined

Agency Contact: Frederick T. Cioffi, Acting Director, Policy and Enforcement Services, Department of Education, Office for Civil Rights, 400 Maryland Ave, SW, Rm 5050, Switzer Bldg., Washington, DC 20202, **202 732-1635**

RIN: 1870-AA06

13. ● NONDISCRIMINATION ON THE BASIS OF AGE IN PROGRAMS OR ACTIVITIES RECEIVING FEDERAL FINANCIAL ASSISTANCE

Legal Authority: 42 USC 6101 et seq

CFR Citation: 34 CFR 110

Abstract: These agency-specific final regulations would provide appropriate investigative, conciliation, and enforcement procedures consistent with the general Age Discrimination Act regulations issued by DHEW, now the Department of Health and Human Services.

Timetable:

Action	Date	FR Cite
Final Action	00/00/00	

Small Entity: Undetermined

Agency Contact: Frederick T. Cioffi, Acting, Director, Policy and Enforcement Services, Department of Education, Office for Civil Rights, 400 Maryland Ave, SW, Rm 5050, Switzer, Washington, DC 20202, 202 732-1635

RIN: 1870–AA05

[FR Doc. 85-8510 Filed 04-26-85; 8:45 am]

BILLING CODE 4000-01-T

DEPARTMENT OF EDUCATION (ED)

Office of Educational Research and Improvement (OERI)

14. EDUCATIONAL RESEARCH PROGRAM (NIE)

Legal Authority: 20 USC 1221e

CFR Citation: 34 CFR 700; 34 CFR 701; 34 CFR 702; 34 CFR 709; 34 CFR 710; 34 CFR 716; 34 CFR 718; 34 CFR 720; 34 CFR 795

Abstract: See Preamble

Timetable:

Action	Date	FR Cite
NPRM	03/12/85	50 FR 9970
NPRM Comment Period Begin	03/12/85	
NPRM Comment Period End	04/11/85	
Final Action	07/00/85	

Small Entity: No

Agency Contact: Frank Sobol, Senior Research Associate, Department of Education, Office of Educational Research and Improvement, National Institute of Education, 400 Maryland Ave, SW, Washington, DC 20202, 202 254-5510

RIN: 1850–AA01

15. EXCELLENCE IN EDUCATION PROGRAMS

Legal Authority: 20 USC 4031

CFR Citation: 34 CFR 750

Abstract: These regulations would implement provisions of the Education for Economic Security Act (Pub. L. 98-377) enacted on August 11, 1984.

Timetable:

Action	Date	FR Cite
NPRM	11/28/84	49 FR 46755
NPRM Comment Period Begin	11/28/84	
NPRM Comment Period End	01/14/85	
Final Action	04/00/85	

Small Entity: No

Agency Contact: Patricia Alexander, Program Coordinator, Department of Education, Office of Educational Research and Improvement, Office of the Secretary, 400 Maryland Ave, SW, Rm. 4010, Washington, DC 20202, 202 472-1762

RIN: 1850–AA06

16. SECRETARY'S DISCRETIONARY PROGRAM FOR MATHEMATICS, SCIENCE, COMPUTER LEARNING, AND CRITICAL FOREIGN LANGUAGES

Legal Authority: 20 USC 3972

CFR Citation: 34 CFR 755

Abstract: These regulations would implement provisions of the Education for Economic Security Act (Pub. L. 98-377) enacted on August 11, 1984.

Timetable:

Action	Date	FR Cite
NPRM	11/28/84	49 FR 46761
NPRM Comment Period Begin	11/28/84	
NPRM Comment Period End	01/14/85	
Final Action	04/00/85	

Small Entity: No

Agency Contact: Patricia Alexander, Program Coordinator, Department of Education, Office of Educational Research and Improvement, Office of the Secretary, 400 Maryland Ave, SW, Rm. 4010, Washington, DC 20202, 202 472-1762

RIN: 1850–AA05

17. ● LIBRARY SERVICES AND CONSTRUCTION ACT: LIBRARY SERVICES PROGRAM

Legal Authority: 20 USC 351 et seq

CFR Citation: 34 CFR 768 to 772

Abstract: These proposed regulations would implement provisions of the Library Services and Construction Act Amendments of 1984.

Timetable:

Action	Date	FR Cite
NPRM	03/00/85	
Final Action	06/00/85	

Small Entity: No

Agency Contact: Robert Klassen, Chief, State and Public Library Services Branch, Department of Education, Office of Educational Research and Improvement, 400 Maryland Ave, SW, Rm. 613 Brown Building, Washington, DC 20202, 202 254-9664

RIN: 1850–AA08

18. ● STRENGTHENING RESEARCH LIBRARY RESOURCES PROGRAM

Legal Authority: 20 USC 1021 et seq; 20 USC 1041 et seq

CFR Citation: 34 CFR 778

Abstract: This proposed amendment would extend the certification of major research libraries from one year to four years.

Timetable:

Action	Date	FR Cite
NPRM	06/00/85	
Final Action	00/00/00	

Small Entity: No

Agency Contact: Frank Stevens, Chief, Library Education, Research and Resource Branch, Department of Education, Office of Educational Research and Improvement, 400 Maryland Ave, SW, Rm 725, Brown Bldg., Washington, DC 20202, 202 254-5090

RIN: 1850–AA09

DEPARTMENT OF EDUCATION (ED)
Office of Educational Research and Improvement (OERI)

Existing Regulations Under Review

19. ● TERRITORIAL TEACHER TRAINING ASSISTANCE

Legal Authority: PL 95-561

CFR Citation: 34 CFR 790

Abstract: See Preamble.

Timetable:

Action	Date	FR Cite
NPRM	08/00/85	
Final Action	00/00/00	

Small Entity: No

Agency Contact: Haroldie Spriggs, Program Specialist, Department of Education, Office of Educational Research and Improvement, 400 Maryland Ave, SW, Rm 613, Brown Bldg., Washington, DC 20202, **202 254-6572**

RIN: 1850-AA10

[FR Doc. 85-6510 Filed 04-26-85, 8:45 am]

BILLING CODE 4000-01-T

DEPARTMENT OF EDUCATION (ED)
Office of Elementary and Secondary Education (OESE)

Current and Projected Rulemakings

20. AMENDMENTS TO CHAPTER 1 OF THE EDUCATION CONSOLIDATION AND IMPROVEMENT ACT OF 1981 TO IMPLEMENT PUB. L. 98-211

Legal Authority: 20 USC 3801 to 3807; 20 USC 3871 to 3876; PL 98-211

CFR Citation: 34 CFR 200; 34 CFR 204

Abstract: These amendments would implement provisions of the Education Consolidation and Improvement Act of 1981 Technical Amendments, PL 98-211.

Timetable:

Action	Date	FR Cite
NPRM	08/09/84	49 FR 31914
NPRM Comment Period Begin	08/09/84	
NPRM Comment Period End	11/08/84	
Final Action	06/00/85	

Small Entity: No

Agency Contact: Bruce Gaarder, Director, Division of Program Support, Department of Education, Office of Elementary and Secondary Education, Compensatory Education Programs, 400 Maryland Ave, SW, Washington, DC 20202, **202 245-9846**

RIN: 1810-AA11

21. FINANCIAL ASSISTANCE FOR MIGRATORY CHILDREN AND NEGLECTED OR DELINQUENT CHILDREN IN INSTITUTIONS, AND GENERAL REQUIREMENTS UNDER CHAPTER 1, ECIA

Legal Authority: 20 USC 3801 to 3807; 20 USC 3871 to 3876

CFR Citation: 34 CFR 201; 34 CFR 203; 34 CFR 204

Abstract: The amended regulations would implement statutory requirements and provide other necessary information to applicants.

Timetable:

Action	Date	FR Cite
NPRM	12/03/82	47 FR 54718
NPRM Comment Period Begin	12/04/82	
NPRM Comment Period End	03/18/83	
Final Action	04/00/85	

Small Entity: No

Agency Contact: Bruce Gaarder, Director, Division of Program Support, Department of Education, Office of Elementary and Secondary Education, 400 Maryland Ave, SW, Washington, DC 20202, **202 245-9846**

RIN: 1810-AA00

22. ● FINANCIAL ASSISTANCE TO STATE AGENCIES TO MEET SPECIAL EDUCATIONAL NEEDS OF HANDICAPPED CHILDREN

Legal Authority: 20 USC 2771 to 2772; 20 USC 3801 to 3805, 20 USC 3807; 20 USC 3871 to 3876

CFR Citation: 34 CFR 202

Abstract: These regulations would implement provisions of the Education Consolidation and Improvement Act of 1981, as amended. These regulations were originally a part of RIN 1810-AA00.

Timetable:

Action	Date	FR Cite
NPRM	12/03/82	47 FR 54718
NPRM Comment Period Begin	12/04/82	
NPRM Comment Period End	03/18/83	
Final Action	06/00/85	

Small Entity: No

Agency Contact: Shirley A. Jones, Policy, Analysis and Planning, Department of Education, Office of Elementary and Secondary Education, Office of Special Ed. and Rehab. Services, 400 Maryland Ave, SW, (Rm 3526 - Switzer), Washington, DC 20202, **202 732-1128**

RIN: 1810-AA19

23. STATE GRANTS FOR STRENGTHENING THE SKILLS OF TEACHERS AND INSTRUCTION IN MATHEMATICS, SCIENCE, FOREIGN LANGUAGES, AND COMPUTER LEARNING

Legal Authority: 20 USC 3961 to 3971; 20 USC 3973

CFR Citation: 34 CFR 208, (New)

Abstract: These regulations would implement provisions of Title II of the Education for Economic Security Act (Pub. L. 98-377) enacted on August 11, 1984.

Timetable:

Action	Date	FR Cite
NPRM	11/20/84	49 FR 45834
NPRM Comment Period Begin	11/20/84	
NPRM Comment Period End	01/04/85	
Final Action	04/00/85	

Small Entity: No

Agency Contact: Walter Steidle, Chairman, Math. and Science Teacher Education Improvement, Department of Education, Office of Elementary and Secondary Education, 400 Maryland Ave, SW, Washington, DC 20202, **202 245-7965**

RIN: 1810-AA12

24. ASSISTANCE FOR SCHOOL CONSTRUCTION IN AREAS AFFECTED BY FEDERAL ACTIVITIES (SAFA)

Legal Authority: 20 USC 631 to 645; 20 USC 647

CFR Citation: 34 CFR 221

Abstract: These regulations would (1) implement amendments to the law, (2) clarify existing requirements, and (3) where practicable, effect regulatory relief, including reduction of paperwork and compliance burdens and improvement of cost effectiveness.

Timetable:

Action	Date	FR Cite
NPRM	10/15/84	49 FR 40362
NPRM Comment Period Begin	10/15/84	
NPRM Comment Period End	12/14/84	
Final Action	05/00/85	

Small Entity: No

Agency Contact: David Phillips, Deputy Director, Impact Aid, Department of Education, Office of Elementary and Secondary Education, 400 Maryland Ave, SW, Washington, DC 20202, 202 245-1975

RIN: 1810-AA05

25. ● SCHOOL ASSISTANCE FOR LOCAL EDUCATIONAL AGENCIES (LEAS) IN AREAS AFFECTED BY FEDERAL ACTIVITIES AND ARRANGEMENTS FOR CHILDREN WHERE LEAS CANNOT PROVIDE SUITABLE FREE EDUCATION

Legal Authority: 20 USC 236 to 244

CFR Citation: 34 CFR 222

Abstract: These proposed regulations would affect the manner in which local contribution rates are set for LEAs, the way the funds are distributed to LEAs, and the method of reporting to the Secretary data or local contribution rates.

Timetable:

Action	Date	FR Cite
NPRM	04/00/85	
Final Action	06/00/85	

Small Entity: Undetermined

Agency Contact: David G. Phillips, Deputy Director, Impact Aid, Department of Education, Office of Elementary and Secondary Education, 400 Maryland Ave, SW, Rm 2109, Washington, DC 20202, 202 245-1975

RIN: 1810-AA18

26. ● INDIAN EDUCATION PROGRAM - FORMULA GRANTS TO LOCAL EDUCATIONAL AGENCIES AND TRIBAL SCHOOLS

Legal Authority: 20 USC 241ee(b)(2)

CFR Citation: 34 CFR 251

Abstract: These proposed amendments would implement provisions of the Second Supplemental Appropriations Act of 1984 (Pub. L. 98-396).

Timetable:

Action	Date	FR Cite
NPRM	03/22/85	50 FR 11513
NPRM Comment Period Begin	03/22/85	
NPRM Comment Period End	05/06/85	
Final Action	07/00/85	

Small Entity: No

Agency Contact: Adrion Baird, Chief, Support Services Branch, Department of Education, Office of Elementary and Secondary Education, 400 Maryland Ave, SW, Room 2177, Washington, DC 20202, 202 732-1890

RIN: 1810-AA14

27. MAGNET SCHOOLS ASSISTANCE PROGRAM

Legal Authority: 20 USC 4051 to 4062

CFR Citation: 34 CFR 280, (New)

Abstract: These regulations would implement provisions of the Education for Economic Security Act of 1984 (Pub. L. 98-377) enacted on August 11, 1984.

Timetable:

Action	Date	FR Cite
NPRM	11/23/84	49 FR 46169
NPRM Comment Period Begin	11/23/84	
NPRM Comment Period End	01/07/85	
Final Action	04/00/85	

Small Entity: No

Agency Contact: M. Patricia Goines, Chief, Services Section, Department of Education, Office of Elementary and Secondary Education, 400 Maryland Ave, SW, Rm. 2011, Washington, DC 20202, 202 245-7965

RIN: 1810-AA13

28. AMENDMENTS TO CHAPTER 2 OF THE EDUCATION CONSOLIDATION AND IMPROVEMENT ACT OF 1981 TO IMPLEMENT PUB. L. 98-211

Legal Authority: 20 USC 3811 to 3876 as amended by Pub. L. 98-211

CFR Citation: 34 CFR 298

Abstract: These amendments would implement provisions of the Education Consolidation and Improvement Act of 1981 Technical Amendments.

Timetable:

Action	Date	FR Cite
NPRM	07/10/84	49 FR 28212
NPRM Comment Period Begin	07/10/84	
NPRM Comment Period End	10/08/84	
Final Action	06/00/85	

Small Entity: No

Agency Contact: Allen King, Deputy Director, Department of Education, Office of Elementary and Secondary Education, Div. of Educational Support, 400 Maryland Ave, SW, Washington, DC 20202, 202 245-7965

RIN: 1810-AA10

29. ● WOMEN'S EDUCATIONAL EQUITY ACT PROGRAM - TIER II PROJECTS

Legal Authority: 20 USC 3341 to 3348

CFR Citation: 34 CFR 745

Abstract: These proposed regulations would implement the provisions of the Education Amendments of 1984 (Pub. L. 98-511). There are no funds appropriated for Tier II Projects for fiscal year 1985.

Timetable:

Action	Date	FR Cite
NPRM	04/00/85	
Final Action	06/00/85	

Small Entity: Undetermined

ED—OESE

Current and Projected Rulemakings

Agency Contact: Mrs. Rosemary Clifford-Wilson, Chief, Women's Educational Equity Act Program, Department of Education, Office of Elementary and Secondary Education, 400 Maryland Ave, SW, Room 2017, Washington, DC 20202, 202 245-2465

RIN: 1810-AA15

DEPARTMENT OF EDUCATION (ED)
Office of Elementary and Secondary Education (OESE)

Existing Regulations Under Review

30. ● WOMEN'S EDUCATIONAL EQUITY PROGRAM

Legal Authority: 20 USC 3341 to 3348

CFR Citation: 34 CFR 745

Abstract: See Preamble.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	
Final Action	00/00/00	

Small Entity: Undetermined

Agency Contact: Mrs. Rosemary Clifford-Wilson, Chief, Women's Educational Equity Act Program, Department of Education, Office of Elementary and Secondary Education, 400 Maryland Ave, SW, Room 2017, Washington, DC 20202, 202 245-2465

RIN: 1810-AA16

[FR Doc. 85-6510 Filed 04-26-85, 8:45 am]

BILLING CODE 4000-01-T

DEPARTMENT OF EDUCATION (ED)
Office of Planning and Budget and Evaluation (OPBE)

Current and Projected Rulemakings

31. ● EQUAL ACCESS OF STUDENTS TO LIMITED OPEN FORUMS OF PUBLIC SECONDARY SCHOOLS

Legal Authority: 20 USC 4071 to 4074

CFR Citation: 34 CFR 97

Abstract: These proposed regulations would implement the requirements of the Equal Access Act. These regulations would (1) provide guidance to public secondary schools that receive Federal financial assistance from the Department and that have limited open forums, and (2) assist schools and students in understanding their rights and responsibilities under the Act.

Timetable:

Action	Date	FR Cite
NPRM	04/00/85	
Final Action	08/00/85	

Small Entity: No

Agency Contact: Gary L. Bauer, Deputy Under Secretary, Department of Education, Office of Planning and Budget and Evaluation, 400 Maryland Ave, SW, Washington, DC 20202, 202 245-7909

RIN: 1875-AA01

[FR Doc. 85-6510 Filed 04-26-85, 8:45 am]

BILLING CODE 4000-01-T

DEPARTMENT OF EDUCATION (ED)
Office of Postsecondary Education (OPE)

Current and Projected Rulemakings

32. ● CARL D. PERKINS SCHOLARSHIP PROGRAM

Legal Authority: PL 98-558

CFR Citation: Not yet determined

Abstract: These regulations would implement the provisions of the Human Services Reauthorization Act of 1984.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	
Final Action	00/00/00	

Small Entity: Undetermined

Agency Contact: Leo Paszkiewicz, Regulations Officer, Department of Education, Office of Postsecondary Education, 400 Maryland Ave, SW, Rm 4060, ROB-3, Washington, DC 20202, 202 245-2787

RIN: 1840-AA35

33. ● NATIONAL TALENTED TEACHER FELLOWSHIP PROGRAM

Legal Authority: PL 98-558

CFR Citation: Not yet determined

Abstract: These regulations would implement the provisions of the Human Services Reauthorization Act of 1985.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	
Final Action	00/00/00	

Small Entity: Undetermined

Agency Contact: Leo Paszkiewicz, **Regulations Officer**, Department of Education, Office of Postsecondary Education, 400 Maryland Ave, SW, Rm 4060, ROB-3, Washington, DC 20202, **202 245-2787**

RIN: 1840-AA36

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34. ● PROCEDURES FOR DETERMINING THE ELIGIBILITY OF INSTITUTIONS AND SCHOOLS OF POSTSECONDARY EDUCATION UNDER THE HIGHER EDUCATION ACT OF 1965, AS AMENDED

Legal Authority: 20 USC 1088, 20 USC 1094; 20 USC 1141

CFR Citation: 34 CFR 600

Abstract: These regulations would establish procedures the Secretary would use to determine the eligibility of institutions and schools of postsecondary education that apply for Federal financial assistance under any of the programs authorized by the Higher Education Act of 1965, as amended.

Timetable:

Action	Date	FR Cite
NPRM	06/00/85	
Final Action	11/00/85	

Small Entity: Undetermined

Agency Contact: Morris L. Brown, **Director, Division of**, Eligibility and Agency Evaluation, Department of Education, Office of Postsecondary Education, 400 Maryland Ave, SW, Rm 3030, ROB-3, Washington, DC 20202, **202 245-9703**

RIN: 1840-AA32

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35. ● COLLEGE HOUSING PROGRAM (LOAN MANAGEMENT)

Legal Authority: 20 USC 1749a(c)

CFR Citation: 34 CFR 614; 34 CFR 615; 34 CFR 617

Abstract: These regulations would establish Debt Collection procedures for outstanding College Housing loans. The regulations would also make technical amendments to Part 614 - College Housing Program and Part 617- Financial Assistance for Construction, Reconstruction, and Renovation of Academic Facilities program.

Timetable:

Action	Date	FR Cite
NPRM	05/00/85	
Final Action	09/00/85	

Small Entity: Undetermined

Agency Contact: Sam Weaver, **Chief, Institutional**, Receivable Branch, Department of Education, Office of Postsecondary Education, 400 Maryland Ave, SW, Washington, DC 20202, **202 755-1843**

RIN: 1840-AA30

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36. ● FINANCIAL ASSISTANCE FOR CONSTRUCTION, RECONSTRUCTION, AND RENOVATION OF ACADEMIC FACILITIES

Legal Authority: 20 USC 1132A to 1132E-1

CFR Citation: 34 CFR 617 to 621

Abstract: These regulations would establish funding procedures and criteria for applications under Title VII of the Higher Education Act, as amended.

Timetable:

Action	Date	FR Cite
NPRM	04/00/85	
Final Action	07/00/85	

Small Entity: No

Agency Contact: Charles Griffith, **Director**, Higher Education Incentive Programs, Department of Education, Office of Postsecondary Education, 400 Maryland Ave, SW, Washington, DC 20202, **202 245-3253**

RIN: 1840-AA27

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37. ● NATIONAL GRADUATE FELLOWS PROGRAM

Legal Authority: 20 USC 1134h to 1134k

CFR Citation: 34 CFR 650

Abstract: These regulations would establish rules and procedures for granting awards under the National Graduate Fellows Program.

Timetable:

Action	Date	FR Cite
Final Action	04/00/85	

Small Entity: Undetermined

Agency Contact: Joel D. West, **Chairman, National Graduate**, Fellows Program Task Force, Department of Education, Office of Postsecondary Education, 400 Maryland Ave, SW, Washington, DC 20202, **202 245-9758**

RIN: 1840-AA34

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38. STUDENT ASSISTANCE GENERAL PROVISIONS

Legal Authority: 20 USC 1085; 20 USC 1088; 20 USC 1092; 20 USC 1094; 20 USC 1097; 20 USC 1141(a)

CFR Citation: 34 CFR 668

Abstract: See Preamble

Timetable:

Action	Date	FR Cite
NPRM	12/12/84	49 FR 48494
NPRM Comment Period Begin	12/12/84	
NPRM Comment Period End	02/11/85	
Final Action	09/00/85	

Small Entity: Undetermined

Agency Contact: Gail Cornish, **Program Specialist**, Department of Education, Office of Postsecondary Education, Policy Section, Basic Grant Branch, 400 Maryland Ave, SW, Washington, DC 20202, **202 472-4300**

RIN: 1840-AA11

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39. ● PELL GRANT PROGRAM - FAMILY CONTRIBUTION SCHEDULE 1986-87

Legal Authority: 20 USC 1070A; 20 USC 1089

CFR Citation: 34 CFR 690

Abstract: These regulations establish the expected family contributions to be used in determining the financial need of students applying for assistance under the Pell Grant Program for academic year 1986-87.

Timetable:

Action	Date	FR Cite
Final Action	04/00/85	

Small Entity: No

Agency Contact: Debby Cohen, Program Specialist, Department of Education, Office of Postsecondary Education, 400 Maryland Ave, SW, Rm. 4318, Washington, DC 20202, **202 472-4300**

RIN: 1840-AA26

40. ● STUDENT ASSISTANCE GENERAL PROVISIONS - SUBPART E

Legal Authority: 20 USC 1094

CFR Citation: 34 CFR 668

Abstract: These proposed regulations would establish an integrated system for verification of student and application information under the Campus-based (National Direct Student Loan, College Work-Study, and Supplemental Educational Opportunity Grant), Pell Grant, and Guaranteed Student Loan Programs.

Timetable:

Action	Date	FR Cite
NPRM	04/00/85	
Final Action	09/00/85	

Small Entity: Undetermined

Agency Contact: Fred Sellers, Program Specialist, Department of Education, Office of Postsecondary Education, 400 Maryland Ave, SW, Rm. 4018, ROB-3, Washington, DC 20202, 202 245-9720

RIN: 1840-AA31

41. NATIONAL DIRECT STUDENT LOAN PROGRAM (SUBPART C -- DUE DILIGENCE)

Legal Authority: 20 USC 1087aa to 1087ii

CFR Citation: 34 CFR 674

Abstract: Amendments to Subpart C of the regulations would permit strict standards in procedures for the collection of student loans. This would aid in reducing the number of defaulted loans.

Timetable:

Action	Date	FR Cite
NPRM	02/26/85	50 FR 7872
NPRM Comment Period Begin	02/26/85	
NPRM Comment Period End	04/12/85	
Final Action	08/00/85	

Small Entity: No

Agency Contact: Margaret Henry, Chief, Policy Section, Campus-Based Branch, Department of Education, Office of Postsecondary Education, 400 Maryland Ave, SW, (ROB-3, Rm 4010), Washington, DC 20202, 202 245-9720

RIN: 1840-AA02

42. NATIONAL DIRECT STUDENT LOAN, COLLEGE WORK-STUDY, AND SUPPLEMENTAL EDUCATIONAL OPPORTUNITY GRANT PROGRAMS (CAMPUS-BASED PROGRAMS)

Legal Authority: 20 USC 1087aa to 1087ii; 42 USC 2751 to 2756b; 20 USC 1070b to 1070b-3

CFR Citation: 34 CFR 674; 34 CFR 675; 34 CFR 676

Abstract: See Preamble

Timetable:

Action	Date	FR Cite
NPRM	02/27/85	50 FR 8050
NPRM Comment Period Begin	02/27/85	
NPRM Comment Period End	04/29/85	
Final Action	10/00/85	

Small Entity: Undetermined

Agency Contact: Margaret Henry, Chief, Department of Education, Office of Postsecondary Education, Policy Section, Campus-based Branch, 400 Maryland Ave, SW, Washington, DC 20202, 202 245-9720

RIN: 1840-AA03

43. GUARANTEED STUDENT LOAN AND PLUS PROGRAMS

Legal Authority: 20 USC 1071 to 1087-2

CFR Citation: 34 CFR 682; 34 CFR 683

Abstract: See Preamble. This action now includes previous RIN 1840-AA05.

Timetable:

Action	Date	FR Cite
NPRM	04/00/85	
Final Action	12/00/85	

Small Entity: Undetermined

Agency Contact: Larry Oxendine, Chief, Policy Section, Department of Education, Office of Postsecondary Education, Guaranteed Student Loan Branch, 400 Maryland Ave, SW, Washington, DC 20202, 202 245-2475

RIN: 1840-AA04

44. ● GUARANTEED STUDENT LOAN -- 1985-86 FAMILY CONTRIBUTION SCHEDULE

Legal Authority: 20 USC 1078; 20 USC 1082

CFR Citation: 34 CFR 682

Abstract: These regulations establish 1985-86 academic levels of expected family contributions that the Secretary of Education will use to determine student eligibility for interest subsidies under the Guaranteed Student Loan Program.

Timetable:

Action	Date	FR Cite
Final Action	04/00/85	

Small Entity: No

Agency Contact: Larry Oxendine, Chief, Policy Section, Department of Education, Office of Postsecondary Education, Guaranteed Student Loan Branch, 400 Maryland Ave, SW, Washington, DC 20202, 202 245-2475

RIN: 1840-AA28

45. ● GUARANTEED STUDENT LOAN/PLUS PROGRAMS (TAX-EXEMPT)

Legal Authority: 20 USC 1082; 20 USC 1089-1

CFR Citation: 34 CFR 682

Abstract: These regulations would govern the approval of the Plan for Doing Business submitted to the Department of Education by authorities which issue tax-exempt obligations in order to secure funds to make purchases, or provide financing for loans under the Guaranteed Student Loan Program.

Timetable:

Action	Date	FR Cite
NPRM	02/08/85	50 FR 5539
NPRM Comment Period Begin	02/08/85	
NPRM Comment Period End	03/11/85	
Final Action	06/00/85	

Small Entity: No

Agency Contact: David C. Bayer, Chief, Guaranteed Student Loan Branch, Department of Education, Office of Postsecondary Education, 400 Maryland Ave, SW, Rm 4310, ROB-3, Washington, DC 20202, 202 245-2475

RIN: 1840-AA37

46. ● GUARANTEED STUDENT LOAN -- 1986-87 FAMILY CONTRIBUTION SCHEDULE

Legal Authority: 20 USC 1078; 20 USC 1082

CFR Citation: 34 CFR 682

Abstract: These regulations establish 1986-87 academic levels of expected family contributions that the Secretary of Education will use to determine student eligibility for interest subsidies under the Guaranteed Student Loan Program.

Timetable:

Action	Date	FR Cite
Final Action	03/00/86	

Small Entity: No

Agency Contact: Larry Oxendine, Chief, Policy Section, Department of Education, Office of Postsecondary Education, 400 Maryland Ave, SW, Washington, DC 20202, **202 245-2475**

RIN: 1840-AA38

47. PELL GRANT PROGRAM

Legal Authority: 20 USC 1070a

CFR Citation: 34 CFR 690

Abstract: See Preamble

Timetable:

Action	Date	FR Cite
NPRM	05/09/84	49 FR 19780
NPRM Comment Period Begin	05/09/84	
NPRM Comment Period End	06/24/84	
Final Action	03/00/85	

Small Entity: Undetermined

Agency Contact: Brian Kerrigan, Chief, Pell Grant Policy Section, Department of Education, Office of Postsecondary Education, 400 Maryland Ave, SW, Washington, DC 20202, **202 472-4300**

RIN: 1840-AA06

48. ● PELL GRANT PROGRAM - COST OF ATTENDANCE 1985-86 - 1986-87

Legal Authority: 20 USC 1070a

CFR Citation: 34 CFR 690

Abstract: The regulations change the statutory citation at the end of each section.

Timetable:

Action	Date	FR Cite
Final Action	04/00/85	

Small Entity: No

Agency Contact: Brian Kerrigan, Chief, Pell Grant Policy Section, Department of Education, Office of Postsecondary Education, 400 Maryland Ave, SW, Rm. 4318, Washington, DC 20202, **202 472-4300**

RIN: 1840-AA29

49. ● PELL GRANT PROGRAM - FAMILY CONTRIBUTION SCHEDULE - FAMILY SIZE OFFSETS

Legal Authority: 20 USC 1070; 20 USC 1089

CFR Citation: 34 CFR 690

Abstract: These regulations would amend the Pell Grant Expected Family Contribution Schedule for the 1986-87 award year. The family size offset tables are part of the formulas used in determining student eligibility for Pell Grants on the basis of financial need.

Timetable:

Action	Date	FR Cite
Final Action	11/00/85	

Small Entity: No

Agency Contact: Debby Cohen, Program Specialist, Department of Education, Office of Postsecondary Education, 400 Maryland Ave, SW, Rm 4318, Washington, DC 20202, **202 472-4300**

RIN: 1840-AA33

DEPARTMENT OF EDUCATION (ED)
Office of Postsecondary Education (OPE)

Completed Actions

COMPLETED RULEMAKINGS

50. GUARANTEED STUDENT LOAN PROGRAM

CFR Citation: 34 CFR 682

Completed:

Reason	Date	FR Cite
Final Action	02/08/85	50 FR 5506
Final Action Effective	03/25/85	

Small Entity: No

Agency Contact: David Bayer 202 245-2475

RIN: 1840-AA23

[FR Doc. 85-9310 Filed 4-26-85; 8:45 am]

BILLING CODE 4000-01-T

DEPARTMENT OF EDUCATION (ED)
Office of Special Education and Rehabilitative Services (OSERS)

Current and Projected Rulemakings

51. ● ASSISTANCE TO STATES FOR EDUCATION OF HANDICAPPED CHILDREN

Legal Authority: 20 USC 1413, 20 USC 1415

CFR Citation: 34 CFR 300

Abstract: These regulations would establish procedures for the disapproval of a State plan, clarify the rights of parties, and the duties of the hearing official or panel.

Timetable:

Action	Date	FR Cite
NPRM	11/23/84	49 FR 46252
NPRM Comment Period Begin	11/23/84	
NPRM Comment Period End	02/21/85	
Final Action	05/00/85	

Small Entity: No

Agency Contact: Joseph Clair, Education Program Specialist, Department of Education, Office of Special Education and Rehabilitative Services, 400 Maryland Ave, SW, Rm 3527 Switzer Bldg., Washington, DC 20202, **202 732-1101**

RIN: 1820-AA36

52. REMOVAL OF ARCHITECTURAL BARRIERS TO THE HANDICAPPED

Priority: Agency Determination

Legal Authority: 20 USC 1406; PL 98-8, Sec 101(c), 101(f)

CFR Citation: 34 CFR 304

Abstract: Regulations are needed to administer funds appropriated under the Emergency Jobs Bill for implementing section 607 of the Education of the Handicapped Act.

Timetable:

Action	Date	FR Cite
NPRM	09/19/84	49 FR 36808
NPRM Comment Period Begin	09/19/84	
NPRM Comment Period End	11/19/84	
Final Action	04/00/85	

Small Entity: No

Agency Contact: William Tyrrell, Acting Director, Div of Assistance to States, Department of Education, Office of Special Education and Rehabilitative Services, 400 Maryland Ave, SW, Washington, DC 20202, **202 732-1025**

RIN: 1820-AA16

53. RESEARCH IN THE EDUCATION OF THE HANDICAPPED

Legal Authority: 20 USC 1441 to 1442

CFR Citation: 34 CFR 324

Abstract: These proposed amendments would provide criteria to assist applicants in proposing appropriate projects and reviewers of applications in selecting those most responsive to the program purposes.

Timetable:

Action	Date	FR Cite
NPRM	03/20/85	50 FR 11356
NPRM Comment Period Begin	03/20/85	
NPRM Comment Period End	05/20/85	
Final Action	08/00/85	

Small Entity: No

Agency Contact: Marty Kaufman, Director Division of Educational Services, Department of Education, Office of Special Education and Rehabilitative Services, 400 Maryland Ave, SW, Rm 3078 Switzer Bldg., Washington, DC 20202, **202 732-1106**

RIN: 1820-AA30

54. ● HANDICAPPED SPECIAL STUDIES - EVALUATION

Legal Authority: 20 USC 1418

CFR Citation: 34 CFR 327

Abstract: These proposed regulations would provide support for data collection activities and studies, investigations, and evaluations to assess the impact and effectiveness of programs assisted under the Education of the Handicapped Act, and for the Development, publication and Dissemination of the annual report to the Congress, required under section 618 of the act.

Timetable:

Action	Date	FR Cite
NPRM	02/06/85	50 FR 5080
NPRM Comment Period Begin	02/06/85	
NPRM Comment Period End	05/07/85	
Final Action	08/00/85	

Small Entity: No

Agency Contact: Wendy M. Cullar, Director, Special Education Program, Department of Education, Office of Special Education and Rehabilitative Services, 400 Maryland Ave, SW, Rm 3086 Switzer Bldg., Washington, DC 20202, **202 732-1117**

RIN: 1820-AA34

55. NATIONAL INSTITUTE OF HANDICAPPED RESEARCH-TECHNICAL AMENDMENTS

Legal Authority: 29 USC 762; 29 USC 762b(1); 29 USC 762(b)(13); 29 USC 777a(a)

CFR Citation: 34 CFR 350; 34 CFR 352; 34 CFR 358; 34 CFR 359

Abstract: These amendments implement provisions of the Rehabilitation Amendments of 1984.

Timetable:

Action	Date	FR Cite
NPRM	11/23/84	49 FR 46244
NPRM Comment Period Begin	11/23/84	
NPRM Comment Period End	01/07/85	
Final Action	04/00/85	

Small Entity: No

Agency Contact: Betty Jo Berland, Planning and Evaluation Officer, Department of Education, Office of Special Education and Rehabilitative Services, 400 Maryland Ave, SW, Rm. 3070, Washington, DC 20202, **202 732-1139**

RIN: 1820-AA29

56. REHABILITATION ADMINISTRATION SERVICES-TECHNICAL AMENDMENTS

Legal Authority: 29 USC 741(a); 29 USC 796e(c); 29 USC 777a(a); 29 USC 795g(a); 29 USC 795g; 29 USC 774(a), (b)

CFR Citation: 34 CFR 361; 34 CFR 362; 34 CFR 366; 34 CFR 369; 34 CFR 373; 34 CFR 379; 34 CFR 385; 34 CFR 386; 34 CFR 389

Abstract: These amendments implement provisions of the Rehabilitation Amendments of 1984.

Timetable:

Action	Date	FR Cite
NPRM	10/01/84	49 FR 38656
NPRM Comment Period Begin	10/01/84	
NPRM Comment Period End	11/15/84	
Final Action	04/00/85	

Small Entity: No

Agency Contact: Charles Smolkin, Chief, Vending Facilities Branch, Department of Education, Office of Special Education and Rehabilitative Services, 400 Maryland Ave, SW, Rm 3418 Switzer Bldg., Washington, DC 20202, **202 732-1322**

RIN: 1820-AA28

57. SPECIAL PROJECTS AND DEMONSTRATION - SUPPORTED EMPLOYMENT FOR HANDICAPPED INDIVIDUALS

Legal Authority: 29 USC 777a (a)(1)

CFR Citation: 34 CFR 373

Abstract: These proposed regulations would implement a departmental initiative to support research evaluation, and demonstration projects that stimulate the development of wage-generating employment for handicapped individuals.

ED—OSERS — **Current and Projected Rulemakings**

Timetable:

Action	Date	FR Cite
NPRM	02/28/85	50 FR 8300
NPRM Comment Period Begin	02/28/85	
NPRM Comment Period End	04/01/85	
Final Action	06/00/85	

Small Entity: No

Agency Contact: Albert Rotundo, Director, Planning, Policy, and Evaluation, Department of Education, Office of Special Education and Rehabilitative Services, 400 Maryland Ave, SW, Rm 3038 Switzer Bldg., Washington, DC 20202. 202 732-1289

RIN: 1820-AA31

58. SPECIAL PROJECTS AND DEMONSTRATIONS - TRANSITIONAL REHABILITATION SERVICES FOR HANDICAPPED YOUTH

Legal Authority: 29 USC 777a(c)

CFR Citation: 34 CFR 376

Abstract: These proposed regulations would implement a new statutory authority for discretionary grants for special projects and demonstrations to provide job training to handicapped youth and prepare them for entry into the labor force.

Timetable:

Action	Date	FR Cite
NPRM	04/00/85	
Final Action	07/00/85	

Small Entity: No

Agency Contact: Harold F. Shay, Director, Division of Special Projects, Department of Education, Office of Special Education and Rehabilitative Services, 400 Maryland Ave, SW, Rm 3329 Switzer Bldg., Washington, DC 20202, 202 732-1325

RIN: 1820-AA32

59. ● TRAINING OF INTERPRETERS FOR DEAF INDIVIDUALS

Legal Authority: 29 USC 774(d)

CFR Citation: 34 CFR 396

Abstract: These proposed regulations would provide support for training programs to increase the supply of skilled manual and oral interpreters and would ensure the maintenance of interpreters' skills of personnel currently serving as interpreters for deaf individuals.

Timetable:

Action	Date	FR Cite
NPRM	03/00/85	
Final Action Effective	06/00/85	

Small Entity: No

Agency Contact: Joseph Abrams, Program Specialist, Vocational Rehabilitation Program, Department of Education, Office of Special Education and Rehabilitative Services, 400 Maryland Ave, SW, Rm 3316 Switzer Bldg., Washington, DC 20202, 202 732-1357

RIN: 1820-AA33

DEPARTMENT OF EDUCATION (ED) — **Completed Actions**

Office of Special Education and Rehabilitative Services (OSERS)

COMPLETED RULEMAKINGS

60. ASSISTANCE TO STATES FOR EDUCATION OF HANDICAPPED CHILDREN—CHILDCOUNT/BYPASS

CFR Citation: 34 CFR 300

Completed:

Reason	Date	FR Cite
Final Action	12/12/84	49 FR 48520
Final Action Effective	01/30/85	

Small Entity: No

Agency Contact: William Tyrrell 202 732-1025

RIN: 1820-AA17

61. CLIENT ASSISTANCE PROJECTS (REHABILITATION ACT)

CFR Citation: 34 CFR 370

Completed:

Reason	Date	FR Cite
Final Action	03/12/85	50 FR 9960
Final Action Effective	04/26/85	

Small Entity: No

Agency Contact: Charles Smolkin, Chief 202 732-1322

RIN: 1820-AA23

[FR Doc. 85-6510 Filed 04-26-85; 8:45 am]
BILLING CODE 4000-01-T

DEPARTMENT OF EDUCATION (ED) — **Current and Projected Rulemakings**

Office of Vocational and Adult Education (OVAE)

62. ● STATE VOCATIONAL EDUCATION PROGRAM AND SECRETARY'S DISCRETIONARY PROGRAMS OF VOCATIONAL EDUCATION

Legal Authority: 20 USC 2301 et seq

CFR Citation: 34 CFR 400; 34 CFR 401; 34 CFR 407; 34 CFR 408; 34 CFR 409; 34 CFR 410; 34 CFR 411; 34 CFR 412; 34 CFR 414; 34 CFR 415; 34 CFR 416; 34 CFR 417

Abstract: These proposed regulations would provide information on the states' participation in the program, the types of activities the Secretary will assist, and the selection criteria for evaluating applications under the National Discretionary Programs. These regulations would implement the Carl D. Perkins Vocational Education Act.

Timetable:

Action	Date	FR Cite
NPRM	01/25/85	50 FR 3626
NPRM Comment Period Begin	01/25/85	
NPRM Comment Period End	03/26/85	
Final Action	06/00/85	

Small Entity: No

ED—OVAE **Current and Projected Rulemakings**

Agency Contact: Charles H. Buzzell, Director, Policy Analysis Staff, Department of Education, Office of Vocational and Adult Education, 400 Maryland Ave, SW, Rm. 5600, ROB-3, Washington, DC 20202, **202 245-8190**

RIN: 1830–AA02

63. ● ADULT EDUCATION -- STATE-ADMINISTERED PROGRAM AND NATIONAL ADULT EDUCATION DISCRETIONARY PROGRAM

Legal Authority: 20 USC 1201 et seq.

CFR Citation: 34 CFR 425; 34 CFR 426; 34 CFR 431

Abstract: These proposed regulations would govern the state-administered program of adult basic and adult secondary education and the national adult education discretionary program for research, development, demonstration, dissemination, and evaluation. These regulations would implement Title I of the Education Amendments of 1984.

Timetable:

Action	Date	FR Cite
NPRM	02/28/85	50 FR 8304
NPRM Comment Period Begin	02/28/85	
NPRM Comment Period End	04/29/85	
Final Action	06/00/85	

Small Entity: No

Agency Contact: Paul V. Delker, Director, Division of Adult Education, Department of Education, Office of Vocational and Adult Education, 400 Maryland Ave, SW, Rm. 5610, ROB-3, Washington, DC 20202, **202 245-9793**

RIN: 1830–AA04

[FR Doc. 85-6510 Filed 04-26-85; 8:45 am]

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Federal Register

Monday
April 29, 1985

Part VII

Department of Energy

Semiannual Regulatory Agenda

DOE

DEPARTMENT OF ENERGY

10 CFR Chs. II, III, and X

41 CFR Chs. 9 and 109

48 CFR Ch. 9

Regulatory Agenda

AGENCY: Department of Energy.

ACTION: April 1985 regulatory agenda.

SUMMARY: In furtherance of this Administration's commitment to make government more responsive to the citizens of the United States and to assist in fulfilling the President's mandate to lessen regulatory burdens, the Department of Energy (DOE) is publishing an agenda of regulatory activities that DOE expects to take in the next year or has completed since October 1984. This Agenda provides the Administration with an effective tool for monitoring and controlling the promulgation of regulations. It includes (1) all rules expected to be issued as proposed or final rules before April 1986, (2) all rules being reviewed within the Department to determine whether to propose modifications through rulemaking, and (3) all rules for which regulatory action has been completed since the October 1984 Regulatory Agenda. In addition, the Agenda identifies each rule that DOE expects to propose or promulgate which is "likely to have a significant economic impact on a substantial number of small entities," and thus also serves as the Department's regulatory flexibility agenda. The Agenda does not include routine regulations and those that relate to internal agency management.

FOR FURTHER INFORMATION CONTACT:

General: For further information on the Agenda in general, contact: Ted Wilson, Department of Energy, Room 6B-144, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. 20585, (202) 252-9507.

Specific: For further information about any particular item on the Agenda, contact the individual listed under that item.

SUPPLEMENTARY INFORMATION:

Executive Order 12291 (46 FR 13193, February 19, 1981) requires each Federal agency to publish, in April and October of each year, an agenda of proposed regulations that the agency has issued or expects to issue, and currently effective rules that are under agency review. Under the Executive Order, the Office of Management and Budget (OMB) sets forth standards and procedures for the preparation of these agendas.

There are important reasons for preparing this Agenda. It is vital in this Administration's efforts to reduce the burdens of existing and future regulations, to increase agency accountability for regulatory actions, to provide for Presidential oversight of the regulatory process, to minimize duplication and conflict of regulations, and to insure well-reasoned regulations. This Administration has made considerable progress in these efforts. The Department of Energy continues to work vigorously to achieve even greater success in the future. A recent example is DOE's achievement of a reduction in the paperwork burden imposed by the DOE Acquisition Regulations (48 CFR Ch. 9) and other procurement regulations by 10% in fiscal year 1984. In addition, the Energy Information Administration, for fiscal year 1984, reduced the burden of its collections on the public by over 44,000 hours, or more than 3% in addition to permanent savings achieved in prior years.

Prospectively, DOE has agreed to reduce the overall paperwork burden it imposes by not less than a further 5% in fiscal year 1985. DOE also has undertaken a number of initiatives for reducing its management and procurement information collections.

Executive Order 12291 also provides that the regulatory agenda may be incorporated with the "regulatory flexibility agenda" required under the Regulatory Flexibility Act (Pub. L. 96-354, 5 U.S.C. 602). The regulatory flexibility agenda must contain: (1) A brief description of the subject area and a summary of the nature of any rule which the agency expects to propose or promulgate which is "likely to have a significant economic impact on a substantial number of small entities"; (2) the objectives and legal basis for the issuance of the rule and an approximate schedule for completing action on any rule for which the agency has issued a general notice of proposed rulemaking; and (3) the name and telephone number of an agency official knowledgeable about each rule.

Appended to this notice is DOE's April 1985 Regulatory Agenda, reflecting the status of rules listed as of February 15, 1985. Incorporated in this Agenda is the regulatory flexibility agenda required under 5 U.S.C. 602.

The April 1985 Regulatory Agenda has been prepared in accordance with OMB Bulletin 85-6. Within each major DOE organizational unit, regulatory activities have been divided among the following three categories: (1) Current and projected rulemakings (that is, rulemakings for which a **Federal Register** notice already has been issued or is expected to be issued prior to April 1986); (2) reviews of existing regulations (that is, pending reviews within the agency to determine whether to modify an existing regulation through a rulemaking); and (3) completed actions (that is, regulatory activities for which the agency has completed its action prior to the publication of the current Agenda). Within the past four years DOE has completed two comprehensive reviews of its regulations (46 FR 20506, April 3, 1981, and 46 FR 18574, April 30, 1982). Accordingly, DOE is not conducting many reviews of existing regulations at this time.

Priority regulations include all regulations designated for priority development or review by an agency head, all regulations that are "major rules" under section 2(b) of Executive Order 12291, and all regulations designated for review by the former Presidential Task Force on Regulatory Relief. Priority regulations are identified and the reason they are deemed to be priority regulations is stated.

Each item will contain the following information: (1) DOE office or administration (that is, the DOE organizational unit responsible for the regulation); (2) RIN number (that is, the Regulation Identifier Number assigned by OMB/OIRA); (3) title; (4) priority status (that is, if the regulation is a priority regulation); (5) agency contact (that is, the name, title, address and telephone number of a person who is knowledgeable about the regulation); (6) existing regulation (that is, if the regulation under review is an existing regulation); (7) effects on small businesses and other entities (that is, whether the action is likely to have a significant economic impact on a substantial number of "small entities" as defined by the Regulatory Flexibility Act); (8) CFR citation (that is, the section of the Code of Federal Regulations that

DOE

will be affected); (9) legal authority (that is, a citation to the section of the United States Code (U.S.C.), Public Law (P.L.) or the Executive Order (E.O.) that authorizes the regulatory action); (10) abstract (that is, a description of the problem the regulation will address, the alternatives being considered for addressing the problem, and the potential costs and benefits of the action); and (11) timetable (that is, the dates and citations, if applicable, for all past stages of the rulemaking that are not final and the next stage of the rulemaking). In addition, each item regarding completed actions (that is, regulations completed or withdrawn and reviews completed since the preceding Agenda) states why the regulation is no longer under development and the date and citation, if appropriate.

On February 22, 1985, a draft of this Agenda was transmitted to the Chief Counsel for Advocacy of the Small Business Administration for comment, if any, to fulfill the requirement of 5 U.S.C. 602(b).

DOE's next Agenda will be published in October 1985.

Issued in Washington, D.C. on February 25, 1985.

Theodore J. Garrish,

General Counsel.

Conservation and Renewable Energy—Current and Projected Rulemakings

Sequence Number	Title	Regulation Identifier Number
1	Energy Efficiency Standards for Four Types of Consumer Products	1904-AA04
2	Energy Efficiency Standards for Three Types of Consumer Products	1904-AA05
3	Federal Energy Management & Planning Programs Methodology & Procedures for Life Cycle Costing Analyses	1904-AA06
4	Energy Performance Standards for New Buildings	1904-AA08
5	Energy Efficiency Test Procedures for Water Heaters	1904-AA12
6	*Commercial and Apartment Conservation Service (CACS) Standby Program Regulations	1904-AA16
7	Institutional Conservation Programs -- Amendments	1904-AA17
8	Twenty-six State Petitions Regarding Federal Preemption of State Energy Efficiency Standards for Appliances	1904-AA19
9	Weatherization Assistance for Low-Income Persons -- Amendments	1904-AA20
10	Energy Efficiency Test Procedures -- Waiver	1904-AA22
11	Energy Efficiency Test Procedures for Central Air Conditioners	1904-AA23
12	State Petition Regarding Federal Preemption of State Energy Efficiency Standards for Appliances	1904-AA24

*Indicates priority regulation.

Conservation and Renewable Energy—Existing Regulations Under Review

Sequence Number	Title	Regulation Identifier Number
13	Procedures for Preliminary Energy Audits and Guidelines for Buildings Plans	1904-AA09
14	Federal Energy Management Program (FEMP) Guidelines for General Operations Plans	1904-AA10

Conservation and Renewable Energy—Completed Actions

Sequence Number	Title	Regulation Identifier Number
15	Energy Efficiency Test Procedures for Dishwashers -- Amendment	1904-AA18
16	Weatherization Assistance for Low-Income Persons -- Amendments	1904-AA21

Defense Programs—Current and Projected Rulemakings

Sequence Number	Title	Regulation Identifier Number
17	10 CFR Part 1017 - Identification and Protection of Unclassified Controlled Nuclear Information	1992-AA04
18	Limited Arrest Authority and Use of Force by Protective Force Officers	1992-AA10

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Defense Programs—Completed Actions

Sequence Number	Title	Regulation Identifier Number
19	National Security Information	1992-AA02
20	Safeguarding of Restricted Data	1992-AA03
21	Medical and Physical Fitness Standards for DOE Protective Force Personnel	1992-AA09

Departmental and Others—Current and Projected Rulemakings

Sequence Number	Title	Regulation Identifier Number
22	Loan Guarantee for Development of Underground Coal Mines and Construction of Coal Preparation Plants	1901-AA02
23	Standard Contract for Disposal of Spent Nuclear Fuel and/or High-Level Radioactive Waste -- Amendment	1901-AA03
24	Special Research Grants Program	1901-AA04

Departmental and Others—Completed Actions

Sequence Number	Title	Regulation Identifier Number
25	General Guidelines for Recommendation of Sites for Nuclear Waste Repositories	1901-AA01

Economic Regulatory Administration—Current and Projected Rulemakings

Sequence Number	Title	Regulation Identifier Number
26	*Review and Establishment of Natural Gas Curtailment Priorities for Interstate Pipelines	1903-AA00
27	Administrative Procedures for Adjustments of Natural Gas Curtailment Priority Regulations	1903-AA04

*Indicates priority regulation.

Economic Regulatory Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
28	Administrative Procedures with Respect to the Import and Export of Natural Gas	1903-AA01
29	Reduction of Recordkeeping Requirements	1903-AA06

Management and Administration—Current and Projected Rulemakings

Sequence Number	Title	Regulation Identifier Number
30	Financial Assistance Regulations; Cooperative Agreements	1991-AA03
31	Department of Energy Financial Assistance Rules	1991-AA21
32	Nondiscrimination on the Basis of Age	1991-AA22
33	Department of Energy Acquisition Regulation Revisions	1991-AA23
34	Department of Energy Acquisition Regulation	1991-AA24

DOE

Management and Administration—Existing Regulations Under Review

Sequence Number	Title	Regulation Identifier Number
35	Security Policies and Practices Relating to Labor-Management Relations	1991-AA04

Management and Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
36	Department of Energy Financial Assistance Rules	1991-AA21

Office of General Counsel—Current and Projected Rulemakings

Sequence Number	Title	Regulation Identifier Number
37	Amendments to Department of Energy Conduct of Employees	1990-AA00
38	Patent Licensing Regulations	1990-AA01
39	Patent Waiver Regulation	1990-AA02
40	Rules for Fact-Finding Conferences in Debarment and Suspension Cases	1990-AA03
41	Foreign Gifts and Decorations	1990-AA04

DEPARTMENT OF ENERGY (DOE)

Current and Projected Rulemakings

Conservation and Renewable Energy (CE)

1. ENERGY EFFICIENCY STANDARDS FOR FOUR TYPES OF CONSUMER PRODUCTS

Legal Authority: 42 USC 6295

CFR Citation: 10 CFR 430.32

Abstract: Congress directed DOE to prescribe energy efficiency standards for certain specific consumer products unless DOE determines, by rule, that the establishment of such standard will not result in significant conservation of energy or is not technologically feasible or economically justified. This rule deals with four of these products: dishwashers, clothes washers, television sets, and humidifiers and dehumidifiers. The analysis will include all allowable alternatives including various efficiency levels for these consumer products as well as the alternative of no efficiency standard for these consumer products.

Timetable:

Action	Date	FR Cite
ANPRM	12/13/79	44 FR 72276
NPRM	02/00/85	
NPRM Comment Period Begin	04/00/85	
Final Action	08/00/85	
Final Action Effective	09/00/85	

Small Entity: Undetermined

Agency Contact: Michael J. McCabe, Department of Energy, Conservation and Renewable Energy, 1000 Independence Avenue, SW, Washington, DC 20585, 202 252-9127

RIN: 1904-AA04

2. ENERGY EFFICIENCY STANDARDS FOR THREE TYPES OF CONSUMER PRODUCTS

Legal Authority: 42 USC 6295

CFR Citation: 10 CFR 430.32

Abstract: Congress directed DOE to prescribe energy efficiency standards for certain specific consumer products unless DOE determines, by rule, that the establishment of such standard will not result in significant conservation of energy or is not technologically feasible or economically justified. This rule deals with heat pumps, heat pump water heaters and home heating equipment (not including furnaces). The analysis will include all allowable alternatives including various efficiency levels as well as the alternative of no efficiency standard.

Timetable:

Action	Date	FR Cite
ANPRM	01/23/80	45 FR 5602

Next Action Undetermined

Small Entity: Undetermined

Additional Information: For two of the three types of consumer products, there has been an ANPRM issued. However, for one type of consumer product, heat pump water heaters, there is yet to be an ANPRM. This ANPRM for this single product is planned to be published 3/15/85.

Agency Contact: Michael J. McCabe, Department of Energy, Conservation and Renewable Energy, 1000 Independence Avenue, SW, Washington, DC 20585, 202 252-9127

RIN: 1904-AA05

3. FEDERAL ENERGY MANAGEMENT & PLANNING PROGRAMS METHODOLOGY & PROCEDURES FOR LIFE CYCLE COSTING ANALYSES

Legal Authority: PL 95-619, Sec 545; PL 96-294, Sec 405; 42 USC 8255; EO 11912; EO 12003; PL 95-619, Sec 547

CFR Citation: 10 CFR 436

Abstract: The National Energy Conservation Policy Act requires DOE to promulgate regulations that establish a methodology for estimating and comparing the life cycle costs of Federal buildings and for determining life cycle cost effectiveness. The Energy Security Act requires that the regulations provide for the use of marginal costs in the life cycle cost analysis. DOE is preparing a NPRM to comply with this requirement.

Timetable:

Action	Date	FR Cite
NPRM	10/00/85	

Small Entity: No

Agency Contact: J. William Bethea, Director, Federal Energy Management Program, Department of Energy, Conservation and Renewable Energy, 1000 Independence Avenue, SW, Washington, DC 20585, 202 252-9430

RIN: 1904-AA06

4. ENERGY PERFORMANCE STANDARDS FOR NEW BUILDINGS

Legal Authority: PL 94-385; PL 96-399; PL 95-91; PL 97-35

CFR Citation: 10 CFR 435

Abstract: Title III of the Energy Conservation and Production Act, as amended, requires the development and promulgation of energy performance standards for new buildings. In order to comply with this requirement, DOE currently is developing voluntary guidelines for the private sector and mandatory standards for the federal government.

Timetable:

Action	Date	FR Cite
NPRM	07/17/85	
NPRM Comment Period Begin	07/17/85	
NPRM Comment Period End	09/27/85	

Small Entity: Undetermined

Agency Contact: James A. Smith, Director, Buildings Systems Division, Department of Energy, Conservation and Renewable Energy, 1000 Independence Avenue, SW, Washington, DC 20585, 202 252-9835

RIN: 1904-AA08

5. ENERGY EFFICIENCY TEST PROCEDURES FOR WATER HEATERS

Legal Authority: 42 USC 6293

CFR Citation: 10 CFR 430.22

Abstract: Final test procedures for 13 types of appliances were established during 1978. The test procedures form the basis of manufacturers' representations on the Federal Trade Commission's EnergyGuide label. The purpose of the rulemaking is to establish test procedures for heat pump water heaters and to eliminate the need for the test procedure waiver granted to A. O. Smith for its water heater with a thermal compensatory dip tube.

Timetable:

Action	Date	FR Cite
NPRM	02/08/84	49 FR 4870
NPRM Comment Period Begin	02/08/84	49 FR 4870
NPRM Comment Period End	05/21/84	
Final Action	02/15/85	
Final Action Effective	03/15/85	

Small Entity: No

Agency Contact: Michael J. McCabe, Department of Energy, Conservation and Renewable Energy, 1000 Independence Avenue, SW, Washington, DC 20585, 202 252-9127

RIN: 1904-AA12

6. COMMERCIAL AND APARTMENT CONSERVATION SERVICE (CACS) STANDBY PROGRAM REGULATIONS

Priority: Major

Legal Authority: 42 USC 8284

CFR Citation: 10 CFR 458.701 to 458.715

Abstract: On October 26, 1983, DOE issued a final rule in compliance with Title VII of the National Energy Conservation Policy Act, as amended, establishing the Commercial and Apartment Conservation Service (CACS) Program. The CACS Program is an energy audit program for commercial and apartment buildings to be carried out by public utilities in accordance with Plans developed by States. NECPA requires DOE to administer the Program in States that choose not to submit Plans. DOE will administer the program in the manner set forth in the CACS Standby Program Regulations. Insufficient data exists to reliably estimate potential program costs and benefits.

Timetable:

Action	Date	FR Cite
NPRM	12/31/84	49 FR 50970
NPRM Comment Period Begin	12/31/84	49 FR 50970
NPRM Comment Period End	03/01/85	
Final Action	08/00/85	
Final Action Effective	09/00/85	

Small Entity: No

Additional Information: ADDITIONAL AGENCY CONTACTS: Shelley Launey or Meg O'Hare (202) 252-1650.

Agency Contact: Andre Van Rest, Chief, Technical Services & Programs Branch, Department of Energy, Conservation and Renewable Energy, 1000 Independence Avenue, SW, Washington, DC 20585, 202 252-1650

RIN: 1904-AA16

7. INSTITUTIONAL CONSERVATION PROGRAMS -- AMENDMENTS

Legal Authority: 42 USC 6371 to 6372i Title III of the EPCA, as amended; 42 USC 7101 to 7352 Department of Energy Organization Act

CFR Citation: 10 CFR 455.1 to 455.102

Abstract: The Department makes grants to schools, hospitals, and local government and public care institutions for conducting detailed energy audits and to schools and hospitals for installing energy conservation materials and equipment. The amendments would take advantage of experience obtained in administering the program by making adjustment to such matters as the length of the payback for eligible materials and equipment and the

contents of energy audits. The amendments would improve the efficiency of the program.

Timetable:

Action	Date	FR Cite
Notice of Inquiry sought public comments whether to amend program regulation	01/23/84	49 FR 02846
NPRM	08/28/84	49 FR 34163
NPRM Comment Period Begin	08/28/84	49 FR 34163
NPRM Comment Period End	10/12/84	
Final Action	02/00/85	
Final Action Effective	10/01/85	

Small Entity: No

Agency Contact: Tom Stapp, Analyst, Department of Energy, Conservation and Renewable Energy, Institutional Conservation Programs Div., 1000 Independence Ave., SW, Washington, DC 20585, 202 252-2198

RIN: 1904-AA17

8. TWENTY-SIX STATE PETITIONS REGARDING FEDERAL PREEMPTION OF STATE ENERGY EFFICIENCY STANDARDS FOR APPLIANCES

Legal Authority: 42 USC 6297 (b)(3)

CFR Citation: 10 CFR 430.33

Abstract: This is a rulemaking responding to 26 State petitions that the Department promulgate rules exempting various of the States' appliance energy efficiency standards from federal preemption, regarding seven types of major household appliances. The appliances are: refrigerators and refrigerator-freezers, freezers, water heaters, room air conditioners, central air conditioners, furnaces, and kitchen ranges and ovens. The only alternatives open to the Department are to deny or to grant part or all of the State petitions.

Timetable:

Action	Date	FR Cite
NPRM Comment Period Begin	08/15/84	
NPRM	08/17/84	49 FR 32944
NPRM Comment Period End	11/15/84	
Final Action	05/13/85	
Final Action Effective	05/13/85	

Small Entity: No

Additional Information: In a related matter, DOE published notice that it would take final action on the 26 State petitions by May 13, 1985. 49 FR 32444, August 14, 1984.

Agency Contact: Michael J. McCabe, Acting Branch Chief, TEB, Department of Energy, Conservation and Renewable Energy, 1000 Independence Avenue, SW, Washington, DC 20585, 202 252-9127

RIN: 1904-AA19

9. ● WEATHERIZATION ASSISTANCE FOR LOW-INCOME PERSONS -- AMENDMENTS

Legal Authority: 42 USC 6861

CFR Citation: 10 CFR 440

Abstract: This rulemaking will implement the change to the program regulations required by the Human Services Reauthorization Act of 1984. The amendment requires DOE to establish a performance fund of not less than 5 percent and not more than 15 percent of the annual program appropriation, beginning in fiscal year 1986.

Timetable:

Action	Date	FR Cite
NPRM	04/01/85	
NPRM Comment Period Begin	04/01/85	
NPRM Comment Period End	05/01/85	
Final Action	10/01/85	
Final Action Effective	11/01/85	

Small Entity: No

Agency Contact: Greg Reamy, Energy Conservation Program Specialist, Department of Energy, Conservation and Renewable Energy, 1000 Independence Ave., SW, Washington, DC 20585, 202 252-2204

RIN: 1904-AA20

10. ● ENERGY EFFICIENCY TEST PROCEDURES -- WAIVER

Legal Authority: 42 USC 6293

CFR Citation: 10 CFR 430.27

Abstract: Final test procedures for 13 types of appliances were established during 1978. The test procedures form the basis of manufacturers' representations on the Federal Trade Commission's EnergyGuide label. The Department can temporarily waive test procedure requirements for a particular covered product when characteristics of that product prevent use of the prescribed test procedures or lead to results of the test procedures that provide materially inaccurate comparative data. The purpose of this rulemaking is to streamline the waiver process.

Timetable:

Action	Date	FR Cite
NPRM	08/00/85	
NPRM Comment Period Begin	00/00/00	
NPRM Comment Period End	00/00/00	
Final Action	00/00/00	
Final Action Effective	00/00/00	

Small Entity: No

Agency Contact: Michael J. McCabe, Chief, Test and Evaluation Branch, Department of Energy, Conservation and Renewable Energy, 1000 Independence Avenue, SW, Washington, DC 20585, 202 252-9127

RIN: 1904-AA22

11. ● ENERGY EFFICIENCY TEST PROCEDURES FOR CENTRAL AIR CONDITIONERS

Legal Authority: 42 USC 6293

CFR Citation: 10 CFR 430.22

Abstract: Final test procedures for 13 types of appliances were established during 1978. The test procedures form the basis of manufacturers' representations on the Federal Trade Commission's EnergyGuide label. The purpose of the rulemaking is to establish test procedures for water-source heat pumps and multi-evaporator heat pumps; to eliminate the test procedure waiver granted to Borg-Warner Central Environmental Systems for its variable speed heat pump; and to incorporate, by reference, the American Society of Heating, Refrigerating, and Air-conditioning Engineers Standard 116-83 and the Air-conditioning and Refrigeration Institute Standard 210/240-84 into the test procedures.

Timetable:

Action	Date	FR Cite
NPRM	06/00/85	
NPRM Comment Period Begin	06/00/85	

DOE—CE — Current and Projected Rulemakings

Action	Date	FR Cite
NPRM Comment Period End	09/00/85	
Final Action	03/00/86	
Final Action Effective	04/00/86	

Small Entity: No

Agency Contact: Michael J. McCabe, Chief, Test and Evaluation Branch, Department of Energy, Conservation and Renewable Energy, 1000 Independence Avenue, SW, Washington, DC 20585, 202 252-9127

RIN: 1904-AA23

12. ● STATE PETITION REGARDING FEDERAL PREEMPTION OF STATE ENERGY EFFICIENCY STANDARDS FOR APPLIANCES

Legal Authority: 42 USC 6297(b)(3)

CFR Citation: 10 CFR 430.33

Abstract: This is a rulemaking responding to one State (Michigan) Petition that the Department promulgate a rule exempting Michigan's appliance energy efficiency standards from Federal preemption regarding three types of major household appliances. The appliances are: gas furnaces, gas clothes dryers and gas kitchen ranges and ovens. The only alternatives open to the Department are to deny or to grant the petition.

Timetable:

Action	Date	FR Cite
NPRM	04/00/85	
NPRM Comment Period Begin	04/00/85	
NPRM Comment Period End	07/00/85	
Final Action	00/00/00	
Final Action Effective	00/00/00	

Small Entity: No

Agency Contact: Michael J. McCabe, Chief, Test and Evaluation Branch, Department of Energy, Conservation and Renewable Energy, 1000 Independence Avenue, SW, Washington, DC 20585, 202 252-9127

RIN: 1904-AA24

DEPARTMENT OF ENERGY (DOE)
Conservation and Renewable Energy (CE)

Existing Regulations Under Review

13. PROCEDURES FOR PRELIMINARY ENERGY AUDITS AND GUIDELINES FOR BUILDINGS PLANS

Legal Authority: PL 94-163; PL 95-619; EO 11912; EO 12003

CFR Citation: 10 CFR 435

Abstract: The regulations in Subpart B are needed to provide the procedures for conducting and reporting on preliminary energy audits of Federal buildings, as required by Title V, Part 3, of the National Energy Conservation Policy Act (NECPA) and section 10 of EO 11912, as amended. The regulations in Subpart C are needed to provide guidelines for the formulation and updating of Buildings Plans by Federal agencies to achieve goals for reduction of Federal building energy use, pursuant to section 10 of EO 11912, as amended, section 381 of the Energy Policy and Conservation Act, as amended, and NECPA. DOE is reviewing these procedures and guidelines in order to determine how to make them less prescriptive.

Timetable:

Action	Date	FR Cite
End Review	00/00/00	

Small Entity: No

Agency Contact: J. William Bethea, Director, Federal Energy Management Program, Department of Energy, Conservation and Renewable Energy, 1000 Independence Avenue, SW, Washington, DC 20585, 202 252-9430

RIN: 1904-AA09

14. FEDERAL ENERGY MANAGEMENT PROGRAM (FEMP) GUIDELINES FOR GENERAL OPERATIONS PLANS

Legal Authority: PL 94-163, Sec 201; PL 96-102, Sec 211; EO 11912; EO 12003

CFR Citation: 10 CFR 436

Abstract: This rule is needed to provide guidelines for use by Federal agencies in their development of overall 10-year energy management plans to conserve energy in the general operations of the agencies, and to provide for agency responses to energy emergencies per authorities cited section 9. DOE is reviewing these guidelines in order to determine how to make them less prescriptive.

Timetable:

Action	Date	FR Cite
End Review	00/00/00	

Small Entity: No

Agency Contact: J. William Bethea, Director, Federal Energy Management Program, Department of Energy, Conservation and Renewable Energy, 1000 Independence Avenue, SW, Washington, DC 20585, 202 252-9430

RIN: 1904-AA10

DEPARTMENT OF ENERGY (DOE)
Conservation and Renewable Energy (CE)

Completed Actions

COMPLETED RULEMAKINGS

15. ENERGY EFFICIENCY TEST PROCEDURES FOR DISHWASHERS -- AMENDMENT

Legal Authority: 42 USC 6293

CFR Citation: 10 CFR 430.22

Abstract: Final test procedures for 13 types of appliances were established during 1978. The test procedures form the basis of manufacturers' representations on the Federal Trade Commission's EnergyGuide label. The purpose of this rulemaking is to amend the test procedures for dishwashers by revising the definition of water heating dishwashers.

Timetable:

Action	Date	FR Cite
NPRM	05/24/84	49 FR 23142
NPRM Comment Period Begin	06/04/84	49 FR 23142

Action	Date	FR Cite
NPRM Comment Period End	07/05/84	
Final Action	11/27/84	49 FR 46533
Correction Notice	12/05/84	49 FR 47479
Final Action Effective	12/27/84	49 FR 46533

Small Entity: No

Agency Contact: Michael J. McCabe, Acting Branch Chief, TEB, Department of Energy, Conservation and Renewable Energy, 1000 Independence Avenue, SW, Washington, DC 20585, 202 252-9127

RIN: 1904-AA18

ACTIONS THAT STARTED AND ENDED BETWEEN ISSUES OF THE UNIFIED AGENDA

16. ● WEATHERIZATION ASSISTANCE FOR LOW-INCOME PERSONS -- AMENDMENTS

Legal Authority: 42 USC 6861

CFR Citation: 10 CFR 440

Abstract: The principal amendments to the program: allow States the option of using the eligibility requirements of the Department of Health and Human Services' Low-Income Home Energy Assistance Program (LIHEAP); and replacement furnaces and boilers to the weatherization materials list; allow the Secretary of Energy to add weatherization materials to the program without rulemaking procedures; require States to spend an average of at least 40 percent of their program costs (materials, program support and labor) for weatherization materials; allow States to average their weatherization expenditures, not to exceed $1,600 per dwelling unit in the State, for materials, labor and program support; remove the $150 limit on the cost of making incidental repairs; and allow reweatherization of dwelling units partially weatherized during the period September 30, 1975, through September 30, 1979.

Timetable:

Action	Date	FR Cite
Final Action	01/04/85	50 FR 708
Final Action Effective	02/04/85	50 FR 708

Small Entity: No

Agency Contact: Greg Reamy, Energy Conservation Program Specialist, Department of Energy, Conservation and Renewable Energy, 1000 Independence Ave., SW, Washington, DC 20585, 202 252-2204

RIN: 1904-AA21

[FR Doc. 85-6511 Filed 04-26-85; 8:45 am]

BILLING CODE 6450-01-T

DEPARTMENT OF ENERGY (DOE)

Defense Programs (DP)

17. 10 CFR PART 1017 - IDENTIFICATION AND PROTECTION OF UNCLASSIFIED CONTROLLED NUCLEAR INFORMATION

Legal Authority: 42 USC 2168

CFR Citation: 10 CFR 1017

Abstract: Section 148 of the Atomic Energy Act of 1954, as amended (42 USC 2168) requires the Secretary to withhold certain unclassified information pertaining to the design of production facilities and utilization facilities; security measures relating to the protection of production or utilization facilities, nuclear materials contained in such facilities, and nuclear materials in transit, and the design, manufacture, or utilization of atomic weapons or components thereof, if such information was declassified or removed from the Restricted Data category.

Timetable:

Action	Date	FR Cite
NPRM	04/01/83	48 FR 13988
NPRM Comment Period Begin	04/01/83	48 FR 20091
NPRM Comment Period End	06/04/83	
ANPRM	03/01/84	
NPRM	08/03/84	49 FR 31236
Public Hearing	09/13/84	49 FR 31236
Final Action	03/01/85	
Final Action Effective	04/01/85	

Small Entity: No

Additional Information: This regulation was reproposed due to the numerous public comments on the initial proposal, and in order to clarify the intended scope of the regulation.

Agency Contact: Paul R. Laplante, Program Analyst, Department of Energy, Defense Programs, Division of Policy and Planning, 1000 Independence Avenue, SW, Washington, DC 20585, 202 252-1870

RIN: 1992-AA04

18. LIMITED ARREST AUTHORITY AND USE OF FORCE BY PROTECTIVE FORCE OFFICERS

Legal Authority: 42 USC 2011 et seq

CFR Citation: 10 CFR 1047

Abstract: The regulations in this part establish the limits and conditions on the arrest authority provided to DOE and DOE contractor protective force officers under Section 161.k of the Atomic Energy Act of 1954, as amended. The regulations also describe the circumstances under which physical force, including deadly force as necessary, may be used to effect arrests under the Act.

Timetable:

Action	Date	FR Cite
NPRM	07/31/84	49 FR 30638
NPRM Comment Period Begin	07/31/84	49 FR 30638
NPRM Comment Period End	09/07/84	
Final Action	04/00/85	
Final Action Effective	05/00/85	

Small Entity: No

Agency Contact: Barry L. Rich, Chief, Physical Protection, Department of Energy, Defense Programs, Office of Safeguards and Security, DP-343 MS D-315, Washington, DC 20545, 301 353-4243

RIN: 1992-AA10

DEPARTMENT OF ENERGY (DOE)
Defense Programs (DP)

Completed Actions

COMPLETED RULEMAKINGS

19. NATIONAL SECURITY INFORMATION

Legal Authority: EO 12356

CFR Citation: 10 CFR 1045

Abstract: Executive Order 12356 and Information Security Oversight Office Directive No. 1 require that those portions of related agency implementing regulations that affect members of the public be published in the Federal Register. Specifically, points of contact for (1) suggestions or complaints concerning the Department of Energy classification and security program, and (2) for submission of requests under the Mandatory Review provisions of the Executive Order are required to be published.

Timetable:

Action	Date	FR Cite
Final Action	07/06/84	49 FR 27737
Final Action Effective	07/06/84	49 FR 27737

Small Entity: No

Agency Contact: Jill Ellman Lytle, Director, Office of Classification, Department of Energy, Defense Programs, 1000 Independence Avenue, SW, Washington, DC 20585, **301 353-3521**

RIN: 1992-AA02

20. SAFEGUARDING OF RESTRICTED DATA

Legal Authority: 42 USC 2011 et seq

CFR Citation: 10 CFR 795, (Old), 10 CFR 1016, (New)

Abstract: The regulations in this part establish requirements for the safeguarding of secret and confidential Restricted Data received or developed under an access permit. This part does not apply to Top Secret Restricted Data.

Timetable:

Action	Date	FR Cite
Withdrawn No action contemplated	02/27/85	

Small Entity: No

Agency Contact: Barry L. Rich, Chief, Physical Protection, Department of Energy, Defense Programs, Office of Safeguards and Security, Security DP-343.3, MS D-315, Washington, DC 20545, **301 353-4243**

RIN: 1992-AA03

21. MEDICAL AND PHYSICAL FITNESS STANDARDS FOR DOE PROTECTIVE FORCE PERSONNEL

Legal Authority: 42 USC 2011 et seq

CFR Citation: 10 CFR 1046

Abstract: The regulations in this part establish requirements for the medical and physical fitness qualification standards for DOE and DOE contractor protective force personnel. These requirements are essential to ensure that persons responsible for the protection of DOE facilities, nuclear weapons, special nuclear material, and classified matter and related activities are medically and physically able to perform their routine and emergency duties.

Timetable:

Action	Date	FR Cite
NPRM	05/14/84	49 FR 20436
NPRM Comment Period Begin	05/14/84	49 FR 20436
NPRM Comment Period End	06/13/84	
Final Action	11/23/84	49 FR 46097
Final Action Effective	12/24/84	49 FR 46097

Small Entity: No

Agency Contact: Barry L. Rich, Chief, Physical Protection, Department of Energy, Defense Programs, Office of Safeguards and Security, DP-343 MS D-315, Washington, DC 20545, **301 353-4243**

RIN: 1992-AA09

[FR Doc. 85-6511 Filed 04-26-85, 8:45 am]

BILLING CODE 6450-01-T

DEPARTMENT OF ENERGY (DOE)
Departmental and Others (ENDEP)

Current and Projected Rulemakings

22. LOAN GUARANTEE FOR DEVELOPMENT OF UNDERGROUND COAL MINES AND CONSTRUCTION OF COAL PREPARATION PLANTS

Legal Authority: 42 USC 6211

CFR Citation: 10 CFR 300, (Revision)

Abstract: The Coal Loan Guarantee Program is designed to encourage and assist relatively small coal producers to increase the nation's coal production from low-sulfur underground coal mines; to enhance competition within the coal industry; to encourage new market entry by small coal producers who, historically, have been unable to obtain adequate long-term financing; and to encourage the construction of coal preparation plants designed to reduce the sulfur content of coal. Potential costs of the program are a default reserve fund of $2.5 million. Potential benefits include the construction of several coal preparation plants.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Additional Information: Revised regulations are on hold until such time as the Congress acts on DOE's requested redirection of the default reserve fund.

Agency Contact: Peter Muchunas, Program Manager, Department of Energy, Departmental and Others, FE-23, Germantown, MD, **301 353-2603**

RIN: 1901-AA02

23. STANDARD CONTRACT FOR DISPOSAL OF SPENT NUCLEAR FUEL AND/OR HIGH-LEVEL RADIOACTIVE WASTE -- AMENDMENT

Legal Authority: 42 USC 10222 Sec 302 of the Nuclear Waste Policy Act of 1982

CFR Citation: 10 CFR 961.11

Abstract: A standard contract has been established at 10 CFR Part 961, to be used by DOE in furnishing disposal services to the owners and generators of spent nuclear fuel and/or high-level

radioactive waste. This regulation would amend Article VIII of the contract. The alternatives being considered relate to such matters as the fees charged for reinserted fuel, fuel size, and the contract amendment ratification process. The DOE is determining the specifics of potential costs and benefits to the government and users of disposal services.

Timetable:

Action	Date	FR Cite
NPRM	02/22/84	49 FR 6500
NPRM Comment Period Begin	02/22/84	49 FR 6500
NPRM Comment Period End	03/23/84	
Final Action	00/00/00	

Small Entity: No

Additional Information: A related data collection form was published for comment on July 20, 1984 (49 FR 29442).

Agency Contact: Ben C. Rusche, Director, Department of Energy, Departmental and Others, OCRWM RW-1, Room 5A-085, 1000 Independence Ave., SW, Washington, DC 20585, **202 252-6850**

RIN: 1901-AA03

24. SPECIAL RESEARCH GRANTS PROGRAM

Legal Authority: 42 USC 2051; 42 USC 5817; 42 USC 5901; 42 USC 7254; 42 USC 7256; 31 USC 6301 et seq

CFR Citation: 10 CFR 605

Abstract: The regulation would implement a program of special research grants to facilitate the use of grants by the DOE Office of Energy Research in support of basic and applied research and related activities. It would supplement DOE's Financial Assistance Rules by providing specific procedures for the program. The regulation will not impose additional burdens, but will provide a comprehensive procedural mechanism for funding research through grants.

Timetable:

Action	Date	FR Cite
NPRM	11/07/84	49 FR 44590
NPRM Comment Period Begin	11/07/84	49 FR 44590
NPRM Comment Period End	12/24/84	
Final Action	02/00/85	
Final Action Effective	03/00/85	

Small Entity: No

Agency Contact: Robert A. Zich, Director, Acquisition Management Division, Department of Energy, Departmental and Others, Office of Energy Research (ER-64), Washington, DC 20545, **301 353-5544**

RIN: 1901-AA04

DEPARTMENT OF ENERGY (DOE)
Departmental and Others (ENDEP)

Completed Actions

COMPLETED RULEMAKINGS

25. GENERAL GUIDELINES FOR RECOMMENDATION OF SITES FOR NUCLEAR WASTE REPOSITORIES

Priority: Undetermined

Legal Authority: 42 USC 10101

CFR Citation: 10 CFR 960

Abstract: In accordance with the requirements of the Nuclear Waste Policy Act of 1982 (Pub. L. 97-425), the Department of Energy is proposing general guidelines for the recommendation of sites for repositories for disposal of high-level radioactive waste and spent nuclear fuel in geologic formations. These guidelines established the performance requirements for a geologic repository system, specify how the Department will implement its site-selection program, and define the technical qualifications that candidate sites must meet in the various steps of the site selection process mandated by the Act.

Timetable:

Action	Date	FR Cite
Final Action	12/06/84	49 FR 47714
Final Action Effective	01/07/85	49 FR 47714

Small Entity: No

Agency Contact: Ben C. Rusche, Director, Department of Energy, Departmental and Others, Office of Civilian Radioactive Waste, Management, Washington, DC 20585, **202 252-6842**

RIN: 1901-AA01

[FR Doc. 85-6511 Filed 04-26-85; 8:45 am]
BILLING CODE 6450-01-T

DEPARTMENT OF ENERGY (DOE)
Economic Regulatory Administration (ERA)

Current and Projected Rulemakings

26. REVIEW AND ESTABLISHMENT OF NATURAL GAS CURTAILMENT PRIORITIES FOR INTERSTATE PIPELINES

Priority: Major

Legal Authority: 42 USC 7151; 42 USC 7172; 15 USC 3391 to 3393

CFR Citation: 10 CFR 598

Abstract: The proposed rule establishes natural gas curtailment priorities applicable to deliveries by interstate pipelines during periods when not enough gas is available to supply all customers. The proposed rule implements the rulemaking requirements of Title IV of the Natural Gas Policy Act of 1978 by establishing curtailment priorities for high priority uses and for essential agricultural and essential industrial feedstock and process uses.

Timetable:

Action	Date	FR Cite
NPRM	07/02/80	45 FR 45098

Next Action Undetermined

Small Entity: Not Applicable

Additional Information: FERC currently is reviewing the proposed rule pursuant to section 404 of the DOE Act. FR will be issued approximately six weeks after FERC concurrence is received. A

regulatory flexibility analysis is not required in regard to this rule since the notice of proposed rulemaking was issued prior to January 1, 1981.

Agency Contact: Paula Daigneault, Department of Energy, Economic Regulatory Administration, 1000 Independence Avenue, SW, Washington, DC 20585, 202 252-9482

RIN: 1903-AA00

27. ADMINISTRATIVE PROCEDURES FOR ADJUSTMENTS OF NATURAL GAS CURTAILMENT PRIORITY REGULATIONS

Legal Authority: 15 USC 3412; 42 USC 7101; 5 USC 553

CFR Citation: 10 CFR 580; 10 CFR 585

Abstract: This rule proposes procedures for seeking interpretations, modifications, or rescissions of natural gas curtailment priority regulations for essential agricultural uses. The Federal Energy Regulatory Commission (FERC) took jurisdiction over the proposed rule on June 15, 1979, under Section 404 of the DOE Organization Act, and the matter is currently at FERC.

Timetable:

Action	Date	FR Cite
NPRM	05/07/79	44 FR 27676
NPRM Comment Period Begin	05/11/79	44 FR 27676
NPRM Comment Period End	06/08/79	

Next Action Undetermined

Small Entity: No

Agency Contact: Paula Daigneault, Department of Energy, Economic Regulatory Administration, 1000 Independence Avenue, S.W., Washington, DC 20585, 202 252-9482

RIN: 1903-AA04

DEPARTMENT OF ENERGY (DOE)

Economic Regulatory Administration (ERA)

Completed Actions

COMPLETED RULEMAKINGS

28. ADMINISTRATIVE PROCEDURES WITH RESPECT TO THE IMPORT AND EXPORT OF NATURAL GAS

Legal Authority: 15 USC 717 et seq; 42 USC 7151; 42 USC 7172

CFR Citation: 10 CFR 205; 10 CFR 590

Abstract: ERA is currently following the FERC procedural rules on an interim basis in natural gas import and export proceedings. The proposal would establish administrative procedures that generally would be informal, would provide more flexibility for tailoring the procedures to the needs of a particular case, and would reflect ERA's organization structure and legislative mandate. Evidentiary hearings would be reserved for situations where necessary to resolve disputes of material issues of fact. The proposal would also eliminate the FERC requirement that the ultimate decisionmaker or an Administrative Law Judge presides at hearings. The proposed rule would ease the regulatory burden on applicants and interested parties by simplifying the procedures and reducing the amount of information and number of documents required for an import or export application.

Timetable:

Action	Date	FR Cite
NPRM	08/26/81	46 FR 44696
Final Action	09/06/84	49 FR 35302
Final Action Effective	09/06/84	

Small Entity: Undetermined

Agency Contact: Stanley C. Vass, Department of Energy, Economic Regulatory Administration, 1000 Independence Avenue, SW, Washington, DC 20585, 202 252-9482

RIN: 1903-AA01

29. REDUCTION OF RECORDKEEPING REQUIREMENTS

Legal Authority: 42 USC 7151

CFR Citation: 10 CFR 210.1

Abstract: The existing regulation requires firms to maintain the records which were collected under the recordkeeping requirements that were in effect on January 27, 1981, in 10 CFR Parts 210, 211, and 212. DOE is considering the possibility of exempting from this regulation those firms whose records are no longer needed by DOE in the enforcement process.

Timetable:

Action	Date	FR Cite
Begin Review	08/01/84	
NPRM	11/16/84	49 FR 45445
NPRM Comment Period Begin	11/16/84	
NPRM Comment Period End	12/17/84	
End Review	01/31/85	
Final Action	02/05/85	50 FR 4957

Small Entity: Undetermined

Agency Contact: William H. Mellor III, Dep Gen Counsel, Legislation & Regulations, Department of Energy, Office of General Counsel, Room 6A-141, 1000 Independence Ave., SW, Washington, DC 20585, 202 252-6732

RIN: 1903-AA06

[FR Doc. 85-6511 Filed 04-26-85; 8:45 am]

BILLING CODE 6450-01-T

DEPARTMENT OF ENERGY (DOE)
Management and Administration (MA)

Current and Projected Rulemakings

30. FINANCIAL ASSISTANCE REGULATIONS; COOPERATIVE AGREEMENTS

Legal Authority: 42 USC 7254; 42 USC 7256; 41 USC 501 Fed Grant & Coop Agreement Act of 1977, as amended

CFR Citation: 10 CFR 600C

Abstract: This proposed rule will revise the existing Subpart C. The purpose of the revision is to conform DOE policy on cooperative agreement award and administration with government-wide policy.

Timetable:

Action	Date	FR Cite
NPRM	03/15/85	
Final Action	06/30/85	

Small Entity: No

Agency Contact: Cherlyn Seckinger, Procurement Analyst, Department of Energy, Management and Administration, MA-421.2, 1000 Independence Avenue, SW, Washington, DC 20585, **202 252-8190**

RIN: 1991-AA03

31. ● DEPARTMENT OF ENERGY FINANCIAL ASSISTANCE RULES

Legal Authority: 42 USC 7254; 42 USC 7256; 41 USC 501 Fed Grant & Coop Agreement Act of 1977, as amended

CFR Citation: 10 CFR 600.7(b); 10 CFR 600.114; 10 CFR 600.117; 10 CFR 600.119

Abstract: The revised regulation will propose modified and simplified policies with respect to research administration, clarified policies with respect to property management, and expanded coverage of restricted eligibility determinations. Other technical amendments will be made as necessary.

Timetable:

Action	Date	FR Cite
NPRM	05/01/85	
NPRM Comment Period Begin	05/01/85	
NPRM Comment Period End	06/15/85	

Small Entity: No

Agency Contact: Ellen Feinsilber, Chief, Business and Financial Policy Branch, Department of Energy, Management and Administration, 1000 Independence Avenue, SW, Washington, DC 20585, **202 252-8173**

RIN: 1991-AA21

32. NONDISCRIMINATION ON THE BASIS OF AGE

Legal Authority: 42 USC 6101 et seq Age Discrimination Act of 1975

CFR Citation: 10 CFR 1040.81 to 1040.89-13

Abstract: Prohibits discrimination on basis of age in programs or activities receiving Federal financial assistance.

Timetable:

Action	Date	FR Cite
NPRM	09/25/81	46 FR 49456
Final Action	02/00/85	
Final Action Effective	03/00/85	

Small Entity: No

Additional Information: These regulations were not approved by HHS until July 13, 1984, therefore, they have not previously been reported on the agenda.

Public Compliance Cost: Initial Cost: $40,000; Yearly Recurring Cost: $11,000; Base Year for Dollar Estimates: 1985

Government Levels Affected: Local, State

Agency Contact: Charles A. Agnew Jr., Special Assistant for Civil Rights, Department of Energy, Management and Administration, Office of Equal Opportunity, 1000 Independence Avenue, SW (4b-112), Washington, DC 20585, **202 252-2230**

RIN: 1991-AA22

33. DEPARTMENT OF ENERGY ACQUISITION REGULATION REVISIONS

Legal Authority: 41 USC 401 et seq The Office of Federal Procurement Policy Act; 42 USC 7101 et seq The Department of Energy Organization Act; EO 12352 Procurement Reforms

CFR Citation: 48 CFR 927; 48 CFR 950

Abstract: The Department of Energy Acquisition Regulation, promulgated March 29, 1984, at 49 FR 11922, supplements and implements the Federal Acquisition Regulation. A more recent Federal Acquisition Circular has been issued to establish a FAR Part 27 concerning Patents. It will be necessary to revise Part 927 of the DEAR to supplement and implement the FAR and to explain how DOE patent policy will differ due to our statutory requirements. The Department also plans to revise Part 950 of the DEAR regarding extraordinary contract actions to describe how such requests will be handled. Neither of the actions is anticipated to have any cost impact.

Timetable:

Action	Date	FR Cite
NPRM	03/01/85	
NPRM Comment Period Begin	03/01/85	
NPRM Comment Period End	04/01/85	

Small Entity: No

Agency Contact: Richard B. Langston, Procurement Analyst, Department of Energy, Management and Administration, MA-421.1, Washington, DC 20585, **202 252-8250**

RIN: 1991-AA23

34. ● DEPARTMENT OF ENERGY ACQUISITION REGULATION

Legal Authority: PL 98-369 Competition in Contracting Act of 1984; 42 USC 7101 Department of Energy Organization Act

CFR Citation: 48 CFR 901; 48 CFR 902; 48 CFR 903; 48 CFR 904; 48 CFR 905; 48 CFR 906; 48 CFR 914; 48 CFR 915; 48 CFR 919; 48 CFR 924; 48 CFR 928; 48 CFR 943; 48 CFR 950; 48 CFR 952; 48 CFR 970

Abstract: Public Law 98-369 provides for increased competition in Federal contracting. The Federal Acquisition Regulation has been amended by an interim rule, 50 FR 1726, to implement the new statute. This proposed rule reflects the Department's implementation of the Federal Acquisition Regulation.

Timetable:

Action	Date	FR Cite
NPRM	01/29/85	50 FR 3935
NPRM Comment Period Begin	01/29/85	50 FR 3935
NPRM Comment Period End	02/28/85	
Final Action	04/01/85	
Final Action Effective	05/01/85	

Small Entity: No

DOE—MA **Current and Projected Rulemakings**

Agency Contact: Richard B. Langston, Procurement Analyst, Department of Energy, Management and Administration, 1000 Independence Ave, NW, Washington, DC 20585, 202 252-8250

RIN: 1991-AA24

DEPARTMENT OF ENERGY (DOE)
Management and Administration (MA)

Existing Regulations Under Review

35. SECURITY POLICIES AND PRACTICES RELATING TO LABOR-MANAGEMENT RELATIONS

Legal Authority: PL 95-91

CFR Citation: 10 CFR 706

Abstract: DOE proposes to amend 10 CFR Part 706. This part previously was published as an Energy Research and Development Administration (ERDA) regulation and was revised to reflect its status as a DOE regulation. Section 301 of the Department of Energy Organization Act transferred to and vested in the Secretary of Energy all the functions previously vested in ERDA. To reflect better its present character as a DOE regulation, DOE is proposing to amend Part 706 in several sections to reflect current application of Part 706. For example, a definition of installation will be included in order to specify which DOE contractors are covered by Part 706. In addition, other changes are being made in the interest of brevity, consistency and clarity.

Timetable:

Action	Date	FR Cite
Begin Review	04/00/83	
End Review	06/00/85	

Small Entity: No

Government Levels Affected: Federal

Agency Contact: Juanita E. Smith, Department of Energy, Management and Administration, MA-26A, 1000 Independence Avenue, SW, Washington, DC 20585, 202 252-9023

RIN: 1991-AA04

DEPARTMENT OF ENERGY (DOE)
Management and Administration (MA)

Completed Actions

ACTIONS THAT STARTED AND ENDED BETWEEN ISSUES OF THE UNIFIED AGENDA

36. ● DEPARTMENT OF ENERGY FINANCIAL ASSISTANCE RULES

Legal Authority: 42 USC 7254; 42 USC 7256; 41 USC 501 Fed Grant & Coop Agreement Act of 1977, as amended

CFR Citation: 10 CFR 600, (Revision)

Abstract: The Department of Energy Financial Assistance Rules will be reviewed for opportunities to update, clarify, simplify, and reduce existing requirements.

Timetable:

Action	Date	FR Cite
Begin Review	08/00/84	
End Review	11/30/84	

Small Entity: No

Agency Contact: Ellen Feinsilber, Chief, Business and Financial Policy Branch, Department of Energy, Management and Administration, 1000 Independence Avenue, SW, Washington, DC 20585, 202 252-8173

RIN: 1991-AA21

[FR Doc. 85-6511 Filed 04-26-85; 8:45 am]

BILLING CODE 6450-01-T

DEPARTMENT OF ENERGY (DOE)
Office of General Counsel (OGC)

Current and Projected Rulemakings

37. AMENDMENTS TO DEPARTMENT OF ENERGY CONDUCT OF EMPLOYEES

Legal Authority: 18 USC 201 to 209; 42 USC 7211 to 7218; EO 11222

CFR Citation: 10 CFR 1010

Abstract: The regulations need to be revised to reflect the provisions and requirements of the Ethics in Government Act. In addition, it is anticipated that certain sections of the regulations will be clarified and/or revised to reflect current Office of General Counsel policy and interpretations.

Timetable:

Action	Date	FR Cite
NPRM	09/00/85	
NPRM Comment Period Begin	11/00/85	

Small Entity: No

Agency Contact: Katherine B. Soffer, Department of Energy, Office of General Counsel, 1000 Independence Avenue, SW, Washington, DC 20585, 202 252-1522

RIN: 1990-AA00

38. PATENT LICENSING REGULATIONS

Legal Authority: 35 USC 208

CFR Citation: 10 CFR 781

Abstract: The regulation prescribes procedures, standards, terms, and

conditions for obtaining a license to practice a DOE-owned invention, either exclusively or non-exclusively. Current government-wide regulations exist (41 CFR 101-4). The proposed revision would bring DOE patent licensing regulations into harmony with revised statutory authority and the government-wide regulations.

Timetable:

Action	Date	FR Cite
Begin Review	04/01/83	
End Review	12/01/84	

Next Action Undetermined

Small Entity: Undetermined

Agency Contact: **Robert J. Marchick,** Assistant for Licensing, Department of Energy, Office of General Counsel, 1000 Independence Ave, SW, Washington, DC 20585, **202 252-2806**

RIN: 1990-AA01

39. PATENT WAIVER REGULATION

Legal Authority: 42 USC 2182; 42 USC 5908

CFR Citation: 10 CFR 784; 41 CFR 9-9.109-6

Abstract: The regulation provides procedures and standards for obtaining a waiver of the Government's rights in inventions made under DOE research and development contracts with entities that are not small businesses or nonprofit institutions, and terms and conditions of such waivers. Currently, DOE waiver policy is provided in DOE Procurement Regulations (41 CFR 9-9.109-6). The proposed regulation places DOE patent waiver policy in a separate regulation, and also provides updates, revisions and clarifications to waiver policy as contained in 41 CFR 9-9.109-6.

Timetable:

Action	Date	FR Cite
NPRM	05/00/85	
NPRM Comment Period Begin	05/00/85	
NPRM Comment Period End	07/00/85	

Small Entity: Undetermined

Agency Contact: **Richard E. Constant,** Assistant General Counsel for Patents, Department of Energy, Office of General Counsel, 1000 Independence Avenue, SW, Washington, DC 20585, **202 252-2806**

RIN: 1990-AA02

40. ● RULES FOR FACT-FINDING CONFERENCES IN DEBARMENT AND SUSPENSION CASES

Legal Authority: 10 CFR 1035.8(d)(4)

CFR Citation: 10 CFR 1035, Appendix A

Abstract: An amendment will be issued to conform the Rules for Fact-Finding Conferences to one of the planned amendments to the DOE Debarment and Suspension Rules, 10 CFR Part 1035.

Timetable:

Action	Date	FR Cite
Final Action	09/30/85	
Final Action Effective	09/30/85	

Small Entity: No

Additional Information: The Secretary is responsible for issuing and maintaining (amending) the DOE Debarment and Suspension Rules, 10 CFR Part 1035. The General Counsel is responsible for Appendix A of 10 CFR Part 1035.

Public Compliance Cost: Initial Cost: $0; Yearly Recurring Cost: $0

Agency Contact: **Carol Cowgill,** Attorney Adviser, Department of Energy, Office of General Counsel, 1000 Independence Ave., SW, Washington, DC 20585, **202 252-6902**

RIN: 1990-AA03

41. ● FOREIGN GIFTS AND DECORATIONS

Legal Authority: 5 USC 7342 41 CFR 101-49.001-5

CFR Citation: 10 CFR 1050

Abstract: The regulations need to be amended to reflect the increase in the dollar amount of "minimal value." (Whether a gift is of minimal value is a factor as to whether the regulations apply.) The dollar amount of minimal value is determined by the General Services Administration, by GSA regulation. Accordingly, the DOE regulations will reference the GSA regulation.

Timetable:

Action	Date	FR Cite
NPRM	06/00/85	

Small Entity: No

Agency Contact: **Katherine B. Soffer,** Attorney-Advisor, Department of Energy, Office of General Counsel, 1000 Independence Avenue, SW, Washington, DC 20585, **202 252-1522**

RIN: 1990-AA04

[FR Doc. 85-6511 Filed 04-26-85; 8:45 am]

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Federal Register

Monday
April 29, 1985

Part VIII

Department of Health and Human Services

Semiannual Regulatory Agenda

HHS

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

20 CFR Ch. III

21 CFR Ch. I

42 CFR Ch. I-IV

45 CFR Subtitle A, Chs. II, III, and XIII

Unified Agenda of Regulations

AGENCY: Department of Health and Human Services.

ACTION: Publication of unified agenda of regulations.

SUMMARY: The President's February 17, 1981, Executive Order (12291) and the Regulatory Flexibility Act of 1980 require the Department to publish an agenda of significant regulations being developed and an indication of those regulatory actions that are being analyzed for their effect on small businesses. The Department published its last agenda on October 22, 1984.

FOR FURTHER INFORMATION CONTACT: For further inquiries or comments related to specific regulations listed in the agenda, the public is encouraged to contact the appropriate responsible individual. Questions or comments on the overall agenda should be sent to: John J. Phelan, Associate Executive Secretary/Regulations, Office of the Secretary, Department of Health and Human Services, 200 Independence Avenue, S.W., Washington, D.C. 20201, Telephone: (202) 245-3475.

Margaret M. Heckler,

Secretary, Department of Health and Human Services.

Office of the Secretary—Current and Projected Rulemakings

Sequence Number	Title	Regulation Identifier Number
1	Nondiscrimination Requirement Applicable to Block Grants and Community Economic Development and Head Start Programs - Including Nondiscrimination on the Bases of Sex and Religion	0991-AA02
2	Public Information Regulation	0991-AA07
3	Rulemaking Relating to Public Property, Loans, Grants, Benefits, and Contracts	0991-AA08
4	*Administration of Grants to States Other Than Block Grants or Open-Ended Grants	0991-AA10
5	Privacy Act Regulation	0991-AA11
6	Principles for Determining Costs and Cost Allocation Procedures Applicable to Grants, Contracts, and Other Agreements for Work Performed by Hospitals	0991-AA12
7	Automatic Data Processing Equipment and Services -- Conditions for Federal Financial Participation	0991-AA14
8	Determination of Adequacy of Contractors' Accounting and Billing Systems and Preparation of Invoices	0991-AA15
9	Enforcement of Nondiscrimination on the Basis of Handicap in the Department of Health and Human Services	0991-AA17
10	Sanctions for Medicare and Medicaid Fraud and Abuse	0991-AA20
11	Program Integrity	0991-AA21

*Indicates priority regulation.

Office of the Secretary—Existing Regulations Under Review

Sequence Number	Title	Regulation Identifier Number
12	*Equal Opportunity in Employment: Public Broadcasting, Public Radio and Public Telecommunications Entities Receiving Federal Funds from the Corporation for Public Broadcasting	0991-AA22

*Indicates priority regulation.

Office of the Secretary—Completed Actions

Sequence Number	Title	Regulation Identifier Number
13	Letter of Credit Sanctions	0991-AA03

HHS

Departmental Management—Current and Projected Rulemakings

Sequence Number	Title	Regulation Identifier Number
14	*Claims Collection	0990-AA00
15	Grants to States for Public Assistance Programs	0990-AA01

*Indicates priority regulation.

Office of Human Development Services—Current and Projected Rulemakings

Sequence Number	Title	Regulation Identifier Number
16	Grants for State and Community Programs on Aging; Grants to Indian Tribes for Supportive & Nutrition Services--Final Rule	0980-AA02
17	Foster Care Maintenance Payments, Adoption Assistance, and Child Welfare Services – Notice of Proposed Rulemaking	0980-AA08
18	Work Incentive Program for AFDC Recipients under Title IV of the Social Security Act	0980-AA09
19	Head Start Program	0980-AA10
20	Runaway and Homeless Youth Program	0980-AA11
21	Developmental Disabilities Program	0980-AA12
22	Child Abuse and Neglect Prevention and Treatment Program	0980-AA13
23	Child Abuse and Neglect Prevention and Treatment Program	0980-AA14

Social Security Administration—Current and Projected Rulemakings

Sequence Number	Title	Regulation Identifier Number
24	*Supplemental Security Income Program; Effective Date of Application and Proration of Initial SSI Benefit Payment	0960-AA03
25	*Supplemental Security Income Programs; Mandatory Pass Through Under State Supplementation Provisions	0960-AA05
26	*Old-Age, Survivors, and Disability Insurance and Supplemental Security Income Programs; Revised Rules for Certain Medical Cessation Cases	0960-AA10
27	Old-Age, Survivors, and Disability Insurance Program; Coverage of Employees of State and Local Governments	0960-AA13
28	Old-Age, Survivors, and Disability Insurance and Supplemental Security Income Programs; Fee Schedule for Information	0960-AA15
29	General Administration-Public Assistance Programs; AFDC; Federal Financial Participation in the Cost of a Statewide Mechanized Claims Processing System	0960-AA16
30	Supplemental Security Income Program; Reductions, Suspensions and Terminations	0960-AA22
31	Supplemental Security Income Program; Age 18 and Alien Deeming	0960-AA26
32	Supplemental Security Income Program; Eligibility, Amount of Benefits, Income, Resources, State Supplementary Provisions, Agreements, Payments	0960-AA27
33	Old-Age, Survivors, and Disability Insurance and Supplemental Security Income Programs; Future Effect of Applications and Related Changes in Appeals Council Procedures	0960-AA28
34	Aid to Families With Dependent Children Program; Adjustment of Federal Share for Uncashed/Cancelled Checks	0960-AA29
35	Aid to Families With Dependent Children Program; Computing a Supplemental Payment in States Required to Do So by Section 402(a)(28) of the Social Security Act	0960-AA33
36	Old-Age, Survivors, and Disability Insurance and Supplemental Security Income Programs; Revised Medical Criteria for Determination of Disability	0960-AA41
37	Aid to Families With Dependent Children Program; Least Costly Approach	0960-AA43
38	Old-Age, Survivors, and Disability Insurance and Supplemental Security Income Programs; Time Limitations for Issuing Hearing Decisions and for Appeals Council Actions	0960-AA44
39	*Old-Age, Survivors, and Disability Insurance Program and Supplemental Security Income Program; Disability Hearings at the Reconsideration Level	0960-AA49
40	Old-Age, Survivors, and Disability Insurance Program; Provision for Inferring a Person Is Dead	0960-AA54
41	Old-Age, Survivors, and Disability Insurance Program; Wage Coverage Under Social Security	0960-AA55
42	Supplemental Security Income Program; Reopening and Revising Supplemental Security Income Determinations and Decisions Within Four Years of the Notice of the Initial Determination	0960-AA59
43	Old-Age, Survivors, and Disability Insurance Program; Benefits for Divorced Spouses Before Entitlement of Insured Worker	0960-AA60
44	Old-Age, Survivors, and Disability Insurance and Supplemental Security Income Programs; Payment of Certain Travel Expenses	0960-AA61

HHS

Social Security Administration—Current and Projected Rulemakings—Continued

Sequence Number	Title	Regulation Identifier Number
45	Old-Age, Survivors, and Disability Insurance and Supplemental Security Income Programs; New Benefit Computations for Cost-of- Living Adjustment, for Delayed Retirement Credit, and for ETC	0960-AA62
46	Old-Age, Survivors, and Disability Insurance Programs; Coverage of Employees of U.S. Non-Profit Organizations and Foreign Affiliates of American Employers; Coverage Under ETC	0960-AA63
47	*Old-Age, Survivors, and Disability Insurance and Supplemental Security Income Programs; Simplified Fee Process for Representatives of Claimants	0960-AA64
48	Old-Age, Survivors, and Disability Insurance Program; Elimination of Windfall Benefits for Persons Receiving Pensions From Noncovered Employment	0960-AA65
49	*Supplemental Security Income Program; Temporary Residents of Emergency Shelters for the Homeless	0960-AA70
50	*Aid to Families With Dependent Children and Supplemental Security Income Programs; Disregarding of Support and Maintenance Assistance Based on Need	0960-AA71
51	Supplemental Security Income Program; Resource Limits for Conditional SSI Payments	0960-AA75
52	Old-Age, Survivors, and Disability Insurance Program; Residency Requirement for Paying Benefits to Non-Resident Aliens	0960-AA76
53	Old-Age, Survivors, and Disability Insurance Program; Indexing for Widow(er)'s Benefits; Effect of Remarriage on Widow(er)'s Entitlement; Reduction of Disabled Widow(er)'s Benefits; ETC	0960-AA77
54	Old-Age, Survivors, and Disability Insurance and Supplemental Security Income; Changes of Time or Place of Hearings Before Administrative Law Judges, Notice of Hearings, and Dismissal ETC	0960-AA78
55	Supplemental Security Income Program; Presumptive Disability and Presumptive Blindness; Categories of Impairments; Chronic Renal Disease	0960-AA79
56	Aid to Families With Dependent Children; Reduction of Federal Funds for Unreported Child Support Collections	0960-AA83
57	Aid to Families With Dependent Children; Definition of Permissible State Practice-Quality Control	0960-AA85
58	Aid to Families With Dependent Children; Consideration of Utility Payments Made By Tenants in Housing and Urban Development Assisted Housing	0960-AA87
59	Old-Age, Survivors, and Disability Insurance Program; Coverage of Certain Federal Employees; Coverage of Earnings of Federal Judges	0960-AA89
60	Old-Age, Survivors, and Disability Insurance and Supplemental Security Income Programs Treatment of OASDI and SSI Lump Sum Payments in the Aid to Families with Dependent Children Program	0960-AA90
61	*Supplemental Security Income Program; Presumptive Disability and Presumptive Blindness; Categories of Impairments-AIDS	0960-AA91
62	*Supplemental Security Income Program; The Automobile, Property Essential to Self-Support, the Home	0960-AA92
63	*Old-Age, Survivors, and Disability Insurance and Supplemental Security Income Program; Revised Medical Criteria for Determination of Disability; Mental Disorders-Appendix 1 - Part A	0960-AA93
64	Public Assistance Programs, Duplicate Assistance Payments	0960-AA96
65	Old Age, Survivors, and Disability Insurance Program; Black Lung Program; and Supplemental Security Income Program; Office of Management & Budget Control Numbers for Approved Information ETC	0960-AA97
66	Old-Age, Survivors, and Disability Insurance and Supplemental Security Income Programs; Determinations of Disability- Performance Standard Revisions and Other Changes Involving ETC	0960-AA98
67	*Old-Age, Survivors, and Disability Insurance Program; Revised Medical Criteria for Determination of Disability; Cardiovascular System	0960-AA99
68	*Old-Age, Survivors, and Disability Insurance Program; Revised Medical Criteria for Determination of Disability; Respiratory System	0960-AB00
69	*Old-Age, Survivors, and Disability Insurance Program; Revised Medical Criteria for Determination of Disability; Musculoskeletal System	0960-AB01
70	Aid to Families With Dependent Children Program, Treatment of Assigned Support Payments Received Directly and Retained by AFDC Applicants or Recipients	0960-AB02
71	Aid to Families With Dependent Children Program; Office of Management and Budget Control Numbers for Information Collection Requirements Contained in AFDC Regulations	0960-AB04
72	Black Lung Program; Establishing Dependency of Surviving Divorced Wife and Computation of Basic Rate	0960-AB05
73	Aid to Families With Dependent Children; Application of Federal Financial Participation of Recovered Incorrect Payments to Quality Control Disallowances	0960-AB06
74	*Aid to Families With Dependent Children Program; Income and Eligibility Verification Systems	0960-AB07
75	*Aid to Families With Dependent Children Program; Implementation of the Deficit Reduction Act of 1984	0960-AB08
76	Supplemental Security Income Program; Income; Bills Paid for You	0960-AB09
77	Supplemental Security Income Program; Resources; Exclusion of Underpayments	0960-AB11
78	Old-Age, Survivors, and Disability Insurance Program; Qualifications of Medical Professionals Evaluating Mental Impairments	0960-AB15
79	Old-Age, Survivors, and Disability Insurance Program; Black Lung Program; Opportunity for Oral Hearing Before Benefit Recovery	0960-AB17
80	*Old-Age, Survivors, and Disability Insurance and Supplemental Security Income Programs; Personal Appearance Demonstration Projects	0960-AB20
81	*Old Age Survivors Disability Insurance and Supplemental Security Income Program; Frequency of Periodic Reviews	0960-AB21
82	*Old Age Survivors Disability Insurance and Supplemental Security Income Programs; Standards for Consultative Examinations; Medical Evidence	0960-AB22

HHS

Social Security Administration—Current and Projected Rulemakings—Continued

Sequence Number	Title	Regulation Identifier Number
83	Supplemental Security Income Program; Increase in Dollar Limitation Under Assets Test	0960-AB23
84	Supplemental Security Income Program; Permanent Residence Under Color-of-Law	0960-AB24
85	*Old Age Survivors Disability Insurance and Supplemental Security Income Programs; Standard of Review for Termination of Disability Benefits and Periods of Disability	0960-AB25
86	Prohibition of Federal Funding of Costs of Incarceration and Counsel for Indigent Absent Parents	0960-AB26
87	Disregard of Child Support Payments; AFDC Regulations Implementing the Deficit Reduction Act of 1984	0960-AB27
88	Supplemental Security Income Programs; Assignment of Rights to Third-Party Medical Payments to State	0960-AB28
89	Supplemental Security Income Program; How We Count Unearned Income	0960-AB29
90	*Old-Age, Survivors, and Disability Insurance and Supplemental Security Income Programs; Continuation of Benefits During Appeal	0960-AB30
91	Supplemental Security Income Program; Treatment of Overpayments When Recipient's Countable Assets Exceed Limits in Certain Cases	0960-AB32
92	Aid to Families With Dependent Children Program; Extension of Medicaid Eligibility When Support Collections Result in Termination of AFDC Eligibility	0960-AB33
93	Old-Age, Survivors, and Disability Insurance Program Reopening and Revising Determinations and Decisions Where There is Clear Error or New and Material Evidence - Finality of ETC	0960-AB34
94	*Supplemental Security Income Programs; Eligibility; Continuation of Benefits and Eligibility for Certain Severely Impaired Recipients Who Work	0960-AB35
95	*Old Age Survivors Disability Insurance and Supplemental Security Income Programs; Compliance With Federal Law	0960-AB36
96	*Old Age Survivors Disability Insurance and Supplemental Security Income Programs; Payment of Costs of Rehabilitation Services	0960-AB37
97	Old-Age, Survivors, and Disability Insurance and Supplemental Security Income Programs; Adjustments in SSI Benefits on Account of Retroactive Benefits Under Title II	0960-AB38
98	Supplemental Security Income Program; Limitation on Recoupment Rate in Case of Overpayment	0960-AB40
99	*Determining Disability Blindness; Evaluation of Pain	0960-AB41

*Indicates priority regulation.

Social Security Administration—Existing Regulations Under Review

Sequence Number	Title	Regulation Identifier Number
100	*Old Age Survivors Disability Insurance and Supplemental Security Income Programs; Qualifications of Medical Professionals Evaluating Mental Impairments	0960-AB31

*Indicates priority regulation.

Social Security Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
101	*Old-Age, Survivors, and Disability Insurance, Black Lung, and Supplemental Security Income Programs; Waiver of Adjustment or Recovery of Overpayments	0960-AA00
102	*Supplemental Security Income Program; Eligibility, Mandatory Application for Earned Income Tax Credits	0960-AA01
103	Supplemental Security Income Program; Resources	0960-AA32
104	Federal Old-Age, Survivors, and Disability Insurance Program; Additional Exception to Reduction of Benefits of Spouse Receiving Government Pension	0960-AA48
105	Aid to Families with Dependent Children Program; Quality Control Requirements (TEFRA)	0960-AA51
106	OASDI, Black Lung, and SSI Programs; Reopening and Revising Determinations and Decisions--Expedited Appeals Process	0960-AA52
107	Old-Age, Survivors, and Disability Insurance Program; Employment, Wages, Self-Employed and Self-Employment Income; Sick Pay	0960-AA58
108	*Aid to Families With Dependent Children Program; Disregard of Income of Dependent Children Derived From Participation in Programs Carried Out Under the Job Training Partnership Act	0960-AA72
109	Old-Age, Survivors, and Disability Insurance Program; Deductions; Reductions; and Nonpayment of Benefits-Nonpayment of Benefits to Prisoners	0960-AA73
110	Supplemental Security Income Program; What Is Not Income	0960-AA74
111	Old-Age, Survivors, and Disability Insurance Programs; Determining Disability and Blindness; Appendix 1 Part B; Medical Criteria for Evaluation of Children	0960-AA80

HHS

Social Security Administration—Completed Actions—Continued

Sequence Number	Title	Regulation Identifier Number
112	Public Assistance Programs; Exclusion of Certain Funds Distributed to Members of Indian Tribes as Income and Resources	0960-AA95
113	Supplemental Security Income Program; Income; Exclusion From Income of Certain Alaska Bonus Payments	0960-AB10
114	Supplemental Security Income Program; Resources General, Trusts	0960-AB12
115	*Supplemental Security Income Program; Termination of Federal Fiscal Liability	0960-AB13
116	Old-Age, Survivors, and Disability Insurance Program; Probative Value of Evidence	0960-AB14
117	*Old-Age, Survivors, Disability Insurance and Supplemental Security Income Programs; Social Security Disability Benefits	0960-AB18
118	Supplemental Security Income Program; Certain Provisions of P.L. 98-369 (tne Deficit Reduction Act of 1984)	0960-AB19
119	*Old Age Survivors Disability Insurance and Supplemental Security Income Programs; Determining Disability and Blindness; Multiple Impairments	0960-AB39

*Indicates priority regulation.

Office of Child Support Enforcement—Current and Projected Rulemakings

Sequence Number	Title	Regulation Identifier Number
120	Treatment of Assigned Support Payments Received Directly and Retained by AFDC Recipients	0992-AA08
121	Medical Support Enforcement	0992-AA12
122	*Revision of IV-D Program Audit Regulations	0992-AA13
123	OMB Control Numbers for Information Collection Requirements Contained in OCSE Regulations	0992-AA15
124	*Implementation of Child Support Enforcement Amendments of 1984	0992-AA16

*Indicates priority regulation.

Office of Child Support Enforcement—Completed Actions

Sequence Number	Title	Regulation Identifier Number
125	*Costs of Services for Non-AFDC Families; Reduction of Program Expenditures by Fees and Other Income	0992-AA02
126	Computerized Child Support Enforcement System	0992-AA06
127	Procedures for Case Assessment and Prioritization	0992-AA09

*Indicates priority regulation.

Public Health Service—Office of Assistant Secretary for Health (OASH)—Current and Projected Rulemakings

Sequence Number	Title	Regulation Identifier Number
128	Grants for Adolescent Pregnancy and Family Life Projects	0905-AA24

Public Health Service—Alcohol, Drug Abuse, and Mental Health Administration (ADAMHA)—Current and Projected Rulemakings

Sequence Number	Title	Regulation Identifier Number
129	Confidentiality of Alcohol and Drug Abuse Patient Records	0905-AA26
130	Obligated Service for Mental Health Traineeships	0905-AB48

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Public Health Service—Centers for Disease Control (CDC)—Current and Projected Rulemakings

Sequence Number	Title	Regulation Identifier Number
131	Project Grants for Health Programs for Refugees	0905-AB43
132	*Distribution of Reference Biological Standards and Biological Preparations	0905-AB49
133	Specifications for Medical Examinations of Underground Coal Miners	0905-AB51

*Indicates priority regulation.

Public Health Service—Centers for Disease Control (CDC)—Completed Actions

Sequence Number	Title	Regulation Identifier Number
134	Foreign Quarantine	0905-AA31

Public Health Service—Food and Drug Administration (FDA)—Current and Projected Rulemakings

Sequence Number	Title	Regulation Identifier Number
135	*Obligations of Sponsors of Clinical Investigations	0905-AA03
136	Over-the-Counter (OTC) Drug Review	0905-AA06
137	*Sucrose and Corn Sugar, Corn Syrup, and Invert Sugar	0905-AA09
138	*Caffeine	0905-AA10
139	*Policy for Regulating Carcinogenic Chemicals in Food and Color Additives	0905-AA12
140	*New Animal Drugs for Use in Animal Feeds; Definition and General Considerations; Revised Procedures Regarding Medicated Feed Applications	0905-AA15
141	National Environmental Policy Act; Policy and Procedures	0905-AA16
142	*Premarket Approval; Procedures for Medical Devices	0905-AA19
143	*Dental Devices; Classification	0905-AA20
144	*Detached Cigarette Filters as Medical Devices; Classification	0905-AA21
145	Protection of Human Subjects; Prisoners Used as Research Subjects	0905-AA22
146	Current Good Manufacturing Practice for Human Food	0905-AA72
147	Additional Standards for Diagnostic Substances for Laboratory Tests; Blood Grouping Serum	0905-AA75
148	*Panel on Review of Bacterial Toxoids and Bacterial Vaccines with U.S. Standards of Potency	0905-AA80
149	*Panel on Review of Blood and Blood Products	0905-AA82
150	*Panel on Review of Allergenic Extracts	0905-AA83
151	*Good Laboratory Practice for Nonclinical Laboratory Studies	0905-AA84
152	*Exempt Infant Formula	0905-AA85
153	*Prior Sanction for Lead in Tin Cans	0905-AA86
154	*Irradiation in the Production, Processings, and Handling of Food	0905-AA88
155	*Common or Usual Names for Vegetable Protein Prod. and Substitutes for Meats, Seafood, Poultry, Eggs or Cheeses Which Contain Veg. Protein Prod. as Sources of Protein	0905-AA90
156	*Abbreviated New Animal Drug Applications for Post-1962 Animal Drugs	0905-AA91
157	Investigational New Animal Drugs for Export	0905-AA93
158	Availability of Bulk New Animal Drug Substances to Veterinarians	0905-AB01
159	*Obligations of Clinical Investigators	0905-AB02
160	*Sponsored Compounds in Food-Producing Animals; Criteria and Procedures for Evaluating the Safety of Carcinogenic Residues	0905-AB04
161	*Solid Content Weight or Drained Weight for Canned Fruits and Vegetables	0905-AB05
162	Reporting Requirements for Marketed Animal Drugs	0905-AB06
163	*New Drug Approval Process; Revision of IND Rules	0905-AB09
164	Food Ingredient Labeling: Emulsifiers and Stabilizers; Exemptions	0905-AB26
165	Current Good Manufacturing Practice for Blood and Blood Components; Uniform Blood Labeling	0905-AB30
166	New Animal Drug Requirements for Medicated Free-choice Feeds	0905-AB34
167	Standardized Foods; Proposal to Amend Standards of Identity	0905-AB35
168	Nutrient Requirements for Infant Formula	0905-AB37
169	Sulfiting Agents; Labeling in Drugs for Human Use; Precautionary Statement	0905-AB38
170	*Labeling of Drug Products for Over-the-Counter Human Use	0905-AB40
171	Food Labeling; Proposed Rule Concerning Sulfiting Agents	0905-AB52

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Public Health Service—Food and Drug Administration (FDA)—Current and Projected Rulemakings—Continued

Sequence Number	Title	Regulation Identifier Number
172	*Adverse Drug Experience Reporting Requirements for Marketed Prescription Drugs Without Approved New Drug or Abbreviated New Drug Applications	0905-AB53

*Indicates priority regulation.

Public Health Service—Food and Drug Administration (FDA)—Existing Regulations Under Review

Sequence Number	Title	Regulation Identifier Number
173	*Current Good Manufacturing Practice for Finished Pharmaceuticals	0905-AA73
174	*Antibiotic Drugs	0905-AA74
175	*Bubble Bath Products	0905-AA76
176	*Records and Reports; Electronic Products	0905-AA78
177	*Performance Standards for Ionizing Radiation Emitting Products	0905-AA94
178	*New Animal Drug Approval Process; Review of NADA Rules	0905-AA96
179	Drugs Composed Wholly or Partly of Insulin	0905-AA98
180	Drugs Used For Treatment of Narcotic Addicts	0905-AA99
181	Bioavailability and Bioequivalence Requirements	0905-AB00
182	Radioactive Drugs for Certain Research Uses	0905-AB39

*Indicates priority regulation.

Public Health Service—Food and Drug Administration (FDA)—Completed Actions

Sequence Number	Title	Regulation Identifier Number
183	*Abbreviated New Drug Applications for Post-1962 Drugs	0905-AA01
184	*Reye Syndrome - Labeling for Salicylate-Containing Drug Products	0905-AA07
185	*Infant Formula; Labeling Requirements	0905-AA13
186	*New Drug Approval Process; Revision of NDA Rules	0905-AB08
187	Changes in Proper Names of Certain Biological Products	0905-AB29
188	Guideline for Veterinary Prescriptions and Other Orders	0905-AB47

*Indicates priority regulation.

Public Health Service—Health Resources and Services Administration (HRSA)—Current and Projected Rulemakings

Sequence Number	Title	Regulation Identifier Number
189	*Reasonable Volume of Uncompensated Services to Persons Unable to Pay (Hill-Burton)	0905-AA35
190	*Limitation on Federal Participation for Capital Expenditures	0905-AA39
191	Grants for Nurse Practitioner Traineeship Programs	0905-AA47
192	Standards for the Accreditation of Educational Programs for and the Credentialing of Radiologic Personnel	0905-AA49
193	Training Grants for Preventive Medicine Residency Program	0905-AA50
194	National Health Service Corps (NHSC); Private Practice Option (PPO) Loans to Individuals	0905-AA57
195	*Nursing Student Loan Program (NSL); Debt Management; Delinquency Rates	0905-AA58
196	Grants for Maternal and Child Health Services Federal Set-Aside Program	0905-AA61
197	Program Grants for Migrant Health Services	0905-AA62
198	Program Grants for Black Lung Clinics	0905-AA64
199	Project Grants and Loans For Home Health Services and Training	0905-AB11
200	*Primary Care Block Grant Program	0905-AB12
201	*Health Professions Student Loan (HPSL) Program; Due Diligence	0905-AB14
202	*Health Professions Student Loan Program: Performance Standard	0905-AB24
203	Indian Health Service, 42 CFR Part 36 Subpart I, Contracts Under the Indian Self-Determination Act: Amendments	0905-AB31
204	Grants for Nurse Anesthetists Traineeships	0905-AB33
205	*Revisions to Hill-Burton Grant Recovery Regulations	0905-AB45

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Public Health Service—Health Resources and Services Administration (HRSA)—Current and Projected Rulemakings—Continued

Sequence Number	Title	Regulation Identifier Number
206	*Revised HEAL Program Regulations	0905-AB46
207	Grants for Residency Training and Faculty Development in General Internal Medicine or General Pediatrics	0905-AB50

*Indicates priority regulation.

Public Health Service—Health Resources and Services Administration (HRSA)—Completed Actions

Sequence Number	Title	Regulation Identifier Number
208	*Health Systems Agency and State Health Planning and Development Agency Reviews; Certificate of Need	0905-AA38
209	*Health Maintenance Organizations	0905-AA65
210	*Nursing Student Loan (NSL) Program; Due Diligence	0905-AB15
211	Technical Amendments to Indian Health Service Grant Regulation Revising 42 CFR Part 36, Subparts H and J, to Conform with 45 CFR 74	0905-AB23

*Indicates priority regulation.

Public Health Service—National Institutes of Health (NIH)—Current and Projected Rulemakings

Sequence Number	Title	Regulation Identifier Number
212	National Library of Medicine Programs. Revision of General Rules for the National Library of Medicine and National Library of Medicine Grants	0905-AA66
213	National Institutes of Health Center Grants 42 CFR 52a	0905-AA68
214	Grants for Research Projects, Fellowships National Research Service Awards Health and Human Service Acquisition Regulation	0905-AB91

Health Care Financing Administration—Current and Projected Rulemakings

Sequence Number	Title	Regulation Identifier Number
215	*Imposition of Cost Sharing Charges Under Medicaid	0938-AA02
216	*Medicaid Overpayment Reporting Requirements	0938-AA04
217	*MMIS: Conditions of Approval and Reapproval and Procedures for Reduction of Federal Financial Participation	0938-AA05
218	*Withholding the Federal Share of Payments to Recover Medicare or Medicaid Overpayments	0938-AA09
219	*Home Health Agencies: Aide Training and Financial Security Requirements	0938-AA13
220	*Home and Community Based Services	0938-AA19
221	*Conditions of Participation for Hospitals	0938-AA23
222	*Hospital Based SNF Cost Limits (effective 10/1/82)	0938-AA25
223	*Limitation on Payment for Services Furnished to Employed Aged, Their Spouses, and Spouses of Younger Employees	0938-AA31
224	*Amending Cost Reports and Reopening Intermediary Payment Determinations and Administrative Review Decisions	0938-AA33
225	*Recognition of State Reimbursement Control Systems	0938-AA34
226	*Survey and Certification Procedures	0938-AA38
227	Physician Certification and Plan of Treatment Requirements	0938-AA46
228	Medicaid Eligibility	0938-AA58
229	*Intermediate Sanction of Long-Term Care Facilities	0938-AA60
230	Third Party Liability (TPL), Premium FFP Rates, Mandatory Assignment of Rights to Payments; Sources of State Fund	0938-AA65
231	Mental Retardation--Definition of "Persons with Related Conditions"	0938-AA78
232	Federal Financial Participation for Inmates in Public Institutions and Individuals in an Institution for Mental Disease or Tuberculosis	0938-AA93
233	Payments to Institutions	0938-AB00

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Health Care Financing Administration—Current and Projected Rulemakings—Continued

Sequence Number	Title	Regulation Identifier Number
234	Benefit Period Determinations and Miscellaneous Provisions	0938-AB03
235	Claims Processing Assessment System	0938-AB04
236	*Spenddown	0938-AB07
237	*Utilization and Quality Control Peer Review Organizations: Imposition of Sanctions on Health Care Practitioners and Providers of Health Care Services	0938-AB11
238	*Utilization and Quality Control Peer Review Organization (PRO): Assumption of Medicare Review Functions and Coordination with Medicaid	0938-AB12
239	*Acquisition Protection and Disclosure of Utilization and Quality Control Peer Review Organization Information	0938-AB13
240	Relations with Other Agencies - Buy-In, and Miscellaneous Medicaid Definitions	0938-AB21
241	PRO Reconsiderations and Appeals	0938-AB24
242	Medicare and Medicaid: Corrections and Conforming Changes	0938-AB25
243	Changes to the Lesser of Costs or Charges Provisions	0938-AB29
244	Procedures for Determining Whether Providers, Practitioners, or Other Suppliers of Services are Liable for Certain Noncovered Services	0938-AB33
245	Forms Used for Claiming Payment	0938-AB34
246	Adjustment of Federal Share for Uncashed or for Cancelled Medicaid Checks	0938-AB35
247	Revisions to Medicaid Payment for Inpatient Hospital and Long-Term Care Facility Services	0938-AB40
248	FFP for LTC Facilities after Termination of Provider Agreement	0938-AB42
249	Office of Management and Budget Request for Review of Reporting and Recordkeeping Requirements	0938-AB46
250	Deficit Reduction Act of 1984; Information Notice on Medicare and Medicaid Amendments	0938-AB47
251	*Hospital Prospective Payment Rates for FY 1986	0938-AB48
252	*Payment for Clinical Diagnostic Laboratory Services	0938-AB50
253	Medical Review for Skilled Nursing and Intermediate Care Facilities and Independent Professional Review for Institutions for Mental Disease	0938-AB53
254	HMOs and CMPs; Deficit Reduction Act Provisions	0938-AB54
255	Recertification of Need for Inpatient Care	0938-AB55
256	Health Maintenance Organizations and Competitive Medical Plans; Enrollment Periods	0938-AB57
257	Hospice "Core" Services; Nursing	0938-AB58
258	Indirect Payment of Supplementary Medical Insurance	0938-AB59
259	Hospital Insurance Entitlement and Supplementary Medical Insurance Enrollment, Entitlement, and Premiums	0938-AB60
260	Payment for Services of Physicians in Teaching Settings	0938-AB61
261	Treatment of Social Security Cost of Living Increases for Individuals Who Lose SSI Eligibility	0938-AB62
262	Medicare/Medicaid Revaluation of Assets	0938-AB64
263	ESRD Network Organizational, Administrative, and Area Designation Procedures	0938-AB65
264	Information Collection Requirements for Subparts L, M, and Q	0938-AB68
265	*MMIS: (1) Definition of "Improvement" and "Mechanized Claims Processing and Information Retneval System" and (2) Notice of the Medicaid Eligibility Determination and Information ETC	0938-AB69
266	*Changes to Return on Equity Capital, Exception from the Cost Limits for New HHAs, and HHA Health and Safety Requirements	0938-AB70
267	*Clarification of Policy on Adjusting the Hospital-Specific Portion of the Prospective Payment Rate	0938-AB71
268	*Payment Adjustments for Sole Community Hospitals	0938-AB72
269	*Income and Eligibility Verification	0938-AB73
270	*HHA Cost Limits for Cost Reporting Periods Beginning on or After July 1, 1985	0938-AB74
271	*Skilled Nursing Facility Cost Limits (effective 7/1/84) for Hospital-Based SNFs	0938-AB75
272	*Standards for Intermediate Care Facilities for the Mentally Retarded	0938-AB76
273	Redesignation of Prospective Payment Rules	0938-AB77
274	*Inpatient Hospital Deductible (1986)	0938-AB78
275	*Medicare Economic Index for Physicians' Services Beginning 10/01/85	0938-AB79
276	*Part B Premium for 12-Month Period Beginning 01/01/86	0938-AB80
277	Part A Premium for 12-Month Period Beginning 01/01/86	0938-AB81
278	Review of Information Collection Requirements, Subparts L, M, Q	0938-AB82
279	OMB Control Numbers for Collections of Information Contained in HCFA Regulations	0938-AB83
280	Assignment and Reassignment of Home Health Agencies to Designated Regional Intermediaries	0938-AB84
281	*Medicaid Eligibility--Quality Control	0938-AB85
282	*Freestanding SNF Cost Limits for Cost Reporting Periods Beginning on or After October 1, 1985	0938-AB86
283	*Home and Community-Based Services Waivers Expenditure Controls	0938-AB87
284	*Medicaid: Identification of Third Party Resources	0938-AB88

*Indicates priority regulation.

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Health Care Financing Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
285	*Interest Assessment on Overpayments and Underpayments to Providers and Suppliers	0938-AA11
286	*Treatment of Cost of Uncompensated Services Furnished in Fulfillment of a Hill-Burton Free Care Obligation	0938-AA28
287	Payments to HMOs and CMPs	0938-AA43
288	RHC Prospective Reimbursement	0938-AA44
289	Medicaid Management Information Systems: System Requirements	0938-AA75
290	Miscellaneous Conforming Amendments	0938-AB05
291	*Early and Periodic Screening, Diagnosis, and Treatment (EPSDT) Program	0938-AB06
292	Performance Criteria and Statistical Standards for Evaluating Intermediary Performance During Fiscal Year 1984	0938-AB19
293	Part A Premium for Uninsured Aged for 12-Month Period Beginning 01/01/85	0938-AB22
294	Part B Premium for 12-Month Period Beginning 01/01/85	0938-AB23
295	Inpatient Hospital Deductible (1985)	0938-AB30
296	Revised RCE Limits - CY1984	0938-AB32
297	Reissuance of the Wage Index in the 1981 Schedule of Limits on Hospital Per Diem Inpatient General Routine Operating Costs	0938-AB38
298	Medicare Recovery Against Third Parties	0938-AB49
299	*Criteria and Standards for Intermediaries and Carriers-- Fiscal Year 1985	0938-AB51
300	Payment Adjustments for Hospital Wage Indexes Under the Prospective Payment System	0938-AB52
301	Hospitals Serving a Disproportionate Number of Low Income Patients or a Disproportionate Number of Part A Medicare Patients	0938-AB63
302	Payment to HHAs and Hospices Following Termination	0938-AB67

*Indicates priority regulation.

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS) — Current and Projected Rulemakings

Office of the Secretary (OS)

1. NONDISCRIMINATION REQUIREMENT APPLICABLE TO BLOCK GRANTS AND COMMUNITY ECONOMIC DEVELOPMENT AND HEAD START PROGRAMS - INCLUDING NONDISCRIMINATION ON THE BASES OF SEX AND RELIGION

Legal Authority: 42 USC 9906; 42 USC 300w-7; 42 USC 300x-7; 42 USC 300y-9; 42 USC 728; 42 USC 8625; 42 USC 9821; 42 USC 9849

Abstract: To implement the nondiscrimination requirements applicable to block grants and the Community Economic Development and Head Start Programs authorized by the Omnibus Budget Reconciliation Act of 1981, P.L. 97-35.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Additional Information: New CFR Subpart to be assigned.

Agency Contact: Marcella Haynes, Chief, Special Projects Branch, Department of Health and Human Services, Office of the Secretary, Div of PSP, Off of Mgmt & Pol, CR, Rm 5412, HHS North Bldg, 330 Independence Ave, SW, Washington, DC 20201, 202 472-4256

RIN: 0991-AA02

2. PUBLIC INFORMATION REGULATION

Legal Authority: 5 USC 552

CFR Citation: 45 CFR 5

Abstract: This will be the first complete update since August 1974 of the Department's Public Information Regulation implementing the Freedom of Information Act. It will facilitate public access to information by making necessary revisions, clarifying, and promulgating at one time all the subparts of the regulation. It will also help Departmental personnel processing FOIA requests by providing them with an integrated regulation that is compatible with current procedures for processing FOIA requests and assessing search and copy fees that reflect the increased cost of such services. The only alternative to this complete update is to continue to operate with a regulation that in the past has been revised on a piecemeal basis.

Timetable:

Action	Date	FR Cite
NPRM	04/00/85	

Small Entity: No

Agency Contact: Russell M. Roberts, Director, FOI/Priv Div, Department of Health and Human Services, Office of the Secretary, Off of Pub Affairs, Rm 118F, Humphrey Bldg, 200 Independence Ave, SW, Washington, DC 20201, 202 472-7453

RIN: 0991-AA07

3. RULEMAKING RELATING TO PUBLIC PROPERTY, LOANS, GRANTS, BENEFITS, AND CONTRACTS

Legal Authority: 5 USC 301

CFR Citation: 45 CFR 2

Abstract: These regulations state the Department's policy on the use of notice and comment procedures where they are not required by statute. The regulations have no direct budgetary impact.

Timetable:

Action	Date	FR Cite
NPRM	06/22/82	47 FR 26860

Next Action Undetermined

Small Entity: No

Agency Contact: John Daniel Kiser, Assistant to the Deputy General Counsel, Department of Health and Human Services, Office of the Secretary, Hubert Humphrey Building, Room 707F, 200 Independence Avenue, SW, Washington, DC 20201, 202 245-6318

RIN: 0991-AA08

4. ADMINISTRATION OF GRANTS TO STATES OTHER THAN BLOCK GRANTS OR OPEN-ENDED GRANTS

Priority: Task Force

Legal Authority: 5 USC 301

CFR Citation: 45 CFR 74; 45 CFR 98

Abstract: Will reduce and simplify grants administration requirements imposed on States. Except for grants to State universities and hospitals, will apply to almost all HHS close-end categorical grants to States, discretionary (project) grants as well as mandatory (formula) grants. Issues will probably be which of the proposed changes do not go far enough in relieving States of burdens and restrictions and which go too far. No significant impact expected on Federal budget but should reduce administrative costs of States (no estimate available or feasible). This is one of the regulatory relief efforts announced and directed by the Presidential Task Force on Regulatory Relief.

Timetable:

Action	Date	FR Cite
NPRM	02/24/84	49 FR 6927
NPRM Comment Period Begin	02/24/84	
NPRM Comment Period End	06/24/84	

Next Action Undetermined

Small Entity: No

Agency Contact: Joel Feinglass, Dir., Division of Assistance Policy, Department of Health and Human Services, Office of the Secretary, Rm 513D, HHH Bldg, 200 Independence Avenue, SW, Washington, DC 20201, 202 245-7565

RIN: 0991-AA10

5. PRIVACY ACT REGULATION

Legal Authority: 5 USC 552a

CFR Citation: 45 CFR 5b

Abstract: This will be the first complete update since 1975 of the Department's Privacy Act Regulation implementing the Privacy Act of 1974. It will facilitate individuals' access to information and records that the Department maintains about them in more than 400 designated Privacy Act Systems of Records, clarifying and promulgating at one time all the subparts of the regulation. It will also help Departmental personnel processing Privacy Act requests by providing them with an integrated regulation that is compatible with current procedures for processing such requests. The only alternative to this complete update is to continue to operate with a regulation that in the past has been revised on a piecemeal basis.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Agency Contact: Russell M. Roberts, Director, FOI/Priv Div, Department of Health and Human Services, Office of the Secretary, Off of Pub Affairs, Rm 118F, HHH Bldg, 200 Independence Avenue, SW, Washington, DC 20201, 202 472-7453

RIN: 0991-AA11

6. PRINCIPLES FOR DETERMINING COSTS AND COST ALLOCATION PROCEDURES APPLICABLE TO GRANTS, CONTRACTS, AND OTHER AGREEMENTS FOR WORK PERFORMED BY HOSPITALS

Legal Authority: 5 USC 501

CFR Citation: 45 CFR 74, Appendix E; 45 CFR 78

Abstract: This action will revise the Department's current cost principles for research and development activities under grants and contracts with hospitals to make them clearer, more specific, and compatible with cost principles issued by OMB for educational institutions and nonprofit organizations. The revision will also broaden the coverage of the principles to include all grants, contracts and other agreements with hospitals (except the Medicare & Medicaid programs).

Timetable:

Action	Date	FR Cite
NPRM	04/00/85	

Small Entity: No

Agency Contact: Henry G. Kirschenmann, Jr., Deputy Assistant Secretary, Department of Health and Human Services, Office of the Secretary, Office of Procurement, Assist & Logistics, Rm 513D, HHH Bldg, 200 Independence Ave. SW, Washington, DC 20201, 202 245-8870

RIN: 0991-AA12

7. AUTOMATIC DATA PROCESSING EQUIPMENT AND SERVICES -- CONDITIONS FOR FEDERAL FINANCIAL PARTICIPATION

Legal Authority: 5 USC 301

CFR Citation: 45 CFR 95.600; 45 CFR 95.601; 45 CFR 95.605; 45 CFR 95.611; 45 CFR 95.613; 45 CFR 95.615; 45 CFR 95.617; 45 CFR 95.619; 45 CFR 95.621; 45 CFR 95.623; 45 CFR 95.625; 45 CFR 95.631; 45 CFR 95.633; 45 CFR 95.641

Abstract: This regulation is issued to simplify and make these regulations consistent with those regulations that govern availability of FFP at the enhanced matching rate for computerized systems for programs under titles IV-A, IV-D and XIX of the Social Security Act, to allow States more flexibility in implementing small systems, and to reduce paperwork.

Timetable:

Action	Date	FR Cite
NPRM	11/19/84	49 FR 45617
NPRM Comment Period Begin	11/19/84	49 FR 45617
NPRM Comment Period End	01/18/85	
Final Action	06/00/85	

Small Entity: No

Additional Information: The basic requirements of this proposed rule have been in effect for some time. This rulemaking is made to reduce regulatory requirements.

Agency Contact: Joseph F. Costa, Dir. Office of Public and State Data Systems, Department of Health and Human Services, Office of the Secretary, Room 542F HHH Bldg., 200 Independence Ave., SW, Washington, DC 20201, **202 245-7488**

RIN: 0991-AA14

8. DETERMINATION OF ADEQUACY OF CONTRACTORS' ACCOUNTING AND BILLING SYSTEMS AND PREPARATION OF INVOICES

Legal Authority: 40 USC 486(c); 5 USC 301

CFR Citation: 48 CFR 3

Abstract: This regulation is issued to streamline the reporting of financial data, establish requirements to determine the adequacy of contractors' accounting and billing systems, and establish guidelines for the preparation of invoices related to cost-reimbursement contracts. Regulation presently being re-evaluated.

Timetable:

Action	Date	FR Cite
NPRM	12/27/82	47 FR 57515
NPRM Comment Period Begin	12/27/82	47 FR 57515
NPRM Comment Period End	02/10/83	

Next Action Undetermined

Small Entity: No

Additional Information: The basic requirements of this proposed rule have been in effect for some time in the Federal Procurement Regulations and have been carried over to the Federal Acquisition Regulation.

Agency Contact: Terrence J. Tychan, Act Dir, Ofc of Procurement & Logistics Pol., Department of Health and Human Services, Office of the Secretary, Room 505D HHH Bldg., 200 Independence Ave., SW, Washington, DC 20201, **202 245-8771**

RIN: 0991-AA15

9. ENFORCEMENT OF NONDISCRIMINATION ON THE BASIS OF HANDICAP IN THE DEPARTMENT OF HEALTH AND HUMAN SERVICES

Legal Authority: 29 USC 794

CFR Citation: 45 CFR 85.1-62

Abstract: Implements the amendment made to Sec. 504 of the Rehabilitation Act of 1973 by Pub.L. 95-602 in 1978, which extended Sec. 504 to the Federal sector. The proposed Part 85 is modeled on Part 84 which implements Sec. 504 with respect to recipients of Federal financial assistance.

Timetable:

Action	Date	FR Cite
NPRM	05/00/85	

Small Entity: Not Applicable

Public Compliance Cost: Initial Cost: $0; Yearly Recurring Cost: $0

Government Levels Affected: Federal

Agency Contact: Frank E.G. Weil, Acting Chief, Policy Branch, Department of Health and Human Services, Office of the Secretary, Office for Civil Rights, 330 Independence Avenue SW, Room 5416, Washington, DC 20201, **202 245-6671**

RIN: 0991-AA17

10. SANCTIONS FOR MEDICARE AND MEDICAID FRAUD AND ABUSE

Legal Authority: PL 98-369 Sections 2306 and 2348 of the Deficit Reduction Act

CFR Citation: 42 CFR 420; 42 CFR 455; 45 CFR 101

Abstract: This regulation implements the Administrative Sanction Provisions relating to violations of the Physician Fee Freeze contained in Section 2306 of P.L. 98-369. This regulation also implements technical modifications contained in Section 2348 of P.L. 98-369 and reflects the transfer of fraud and abuse authorities from the Health Care Financing Administration to the DHHS Office of the Inspector General, incorporating certain technical revisions.

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/00/85	

Small Entity: No

Agency Contact: Barry Steeley, Senior Program Analyst, Department of Health and Human Services, Office of the Secretary, Office of Inspector Gen., 1849 Gwynn Oak Avenue, Baltimore, MD 21207, **301 594-5034**

RIN: 0991-AA20

11. PROGRAM INTEGRITY

Legal Authority: PL 98-369, Sec 2333; 42 USC 1395yd; 42 USC 1320a7; 42 USC 1302; 42 USC 1395cc; 42 USC 1395hh; 42 USC 1396a; 42 USC 1396b

CFR Citation: 42 CFR 420

Abstract: This regulation will incorporate Section 2333 of P.L. 98-369 which provides authority to exclude entities that employees practitioners convicted of Medicare or Medicaid related offenses in key management positions or where an individual convicted of Medicare or Medicaid offenses has a five percent or more ownership interest. NPRM will also make substantive revision and clarify certain legal issues in the existing OIG sanction regulations.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Agency Contact: William Libercci, Department of Health and Human Services, Office of the Secretary, Office of Inspector General, 1849 Gwynn Oak Avenue, Baltimore, MD 21207, **301 594-5035**

RIN: 0991-AA21

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)
Office of the Secretary (OS)

Existing Regulations Under Review

12. ● EQUAL OPPORTUNITY IN EMPLOYMENT: PUBLIC BROADCASTING, PUBLIC RADIO AND PUBLIC TELECOMMUNICATIONS ENTITIES RECEIVING FEDERAL FUNDS FROM THE CORPORATION FOR PUBLIC BROADCASTING

Priority: Agency Determination

Legal Authority: 47 USC 2405

CFR Citation: 45 CFR 87.1-40

Abstract: Implements the Equal Opportunity in Employment Provisions of the Public Telecommunications Financing Act of 1978, PUB. L. 95-267, 47 U.S.C. 398(b)(1). This provision requires that equal opportunity in employment be afforded to all persons and that no person shall be subjected to discrimination in employment on the grounds of race, color, religion, national origin, or sex by the Public Broadcasting Service, National Public Radio, and public telecommunications entitles receiving Federal funds from the Corporation for Public Broadcasting.

Timetable:

Action	Date	FR Cite
ANPRM	03/13/79	
NPRM	12/21/79	44 FR 75676
End Review	00/00/00	

Small Entity: No

Public Compliance Cost: Yearly Recurring Cost: $6,000

Government Levels Affected: Local, State

Agency Contact: Frank E. G. Weil, Policy Branch, Department of Health and Human Services, Office of the Secretary, Office for Civil Rights, 330 Independence Avenue, SW, Room 5416, Washington, DC 20201, **202 245-6671**

RIN: 0991-AA22

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)
Office of the Secretary (OS)

Completed Actions

COMPLETED RULEMAKINGS

13. LETTER OF CREDIT SANCTIONS

CFR Citation: 45 CFR 76, (Proposed)

Completed:

Reason	Date	FR Cite
Final Action	02/07/85	50 FR 00776

Small Entity: No

Agency Contact: David V. Dukes 202 245-7084

RIN: 0991-AA03

[FR Doc. 85-6366 Filed 04-26-85; 8:45 am]

BILLING CODE 4150-04-T

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)
Departmental Management (HHSDM)

Current and Projected Rulemakings

14. CLAIMS COLLECTION

Priority: Agency Determination

Legal Authority: PL 97-365; 31 USC 3711; 31 USC 2716 to 3718; 5 USC 5514; 5 USC 552a

CFR Citation: 45 CFR 30, (Revision)

Abstract: The proposed rule amends the Department's regulation for collecting debts. Principally, the amendments implement the Debt Collection Act of 1982 (P.L. 97-365), which amended the Federal Claims Collection Act of 1966 (31 U.S.C. 3711, 3716-3718) to authorize, among other things, the charging of interest, penalties and administrative costs, and the use of administrative offset, private collection agencies and credit reporting agencies by the Government. The amendments also implement government-wide regulations issued by the Department of Justice and GAO (49 F.R. 8889) and OPM (49 F.R. 27470).

Timetable:

Action	Date	FR Cite
NPRM	04/00/85	

Small Entity: No

Agency Contact: Sarah Hertz, Chief, Litigation and Claims Branch, Department of Health and Human Services, Departmental Management, Room 5362 HHS North, 330 Independence Ave., SW, Washington, DC 20201, **202 475-0155**

RIN: 0990-AA00

15. GRANTS TO STATES FOR PUBLIC ASSISTANCE PROGRAMS

Legal Authority: 42 USC 1302

CFR Citation: 45 CFR 201.66,(Revision)

Abstract: The proposed rule amends 45 CFR 201.66 by removing paragraph (b)(8). Section 201.66 governs States' repayment by installments of debts to the Department arising from audit disallowances under Titles I, IV-A, X, XIV, XVI (AABD) or XIX of the Social Security Act (42 U.S.C. 201 et seq). Paragraph (b)(8) provides that States will not be charged interest on those repayments unless mandated by court order. Paragraph (b)(8) is being removed to conform to the Department's interest policy set forth in the proposed amendments to 45 CFR Part 30, the Claims Collection Regulation. The provision is inconsistent with the Department's policy of charging interest on outstanding debts.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Agency Contact: Sarah Hertz, Chief, Litigation and Claims Branch, Department of Health and Human Services, Departmental Management, Room 5362 HHS North, 330 Independence Ave., SW, Washington, DC 20201, **202 475-0155**

RIN: 0990-AA01

[FR Doc. 85-6366 Filed 04-26-85; 8:45 am]

BILLING CODE 4150-04-T

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)
Office of Human Development Services (HDSO)

Current and Projected Rulemakings

16. GRANTS FOR STATE AND COMMUNITY PROGRAMS ON AGING; GRANTS TO INDIAN TRIBES FOR SUPPORTIVE & NUTRITION SERVICES--FINAL RULE

Legal Authority: 42 USC 3057 Older Americans Act

CFR Citation: 45 CFR 1321; 45 CFR 1328

Abstract: This final rule contains requirements that give States and Indian tribes greater flexibility in meeting the statutory requirements to provide supportive and nutrition services to older individuals.

Timetable:

Action	Date	FR Cite
NPRM	03/02/83	48 FR 8964
NPRM Comment Period End	05/02/83	48 FR 8964
Final Action	04/00/85	

Small Entity: No

Agency Contact: Donald Smith or Frederik Luhmann, Department of Health and Human Services, Office of Human Development Services, Admin on Aging, Rm 4639 HHS North Bldg, 330 Independence Ave, SW, Washington, DC 20201, 202 472-3057

RIN: 0980-AA02

17. FOSTER CARE MAINTENANCE PAYMENTS, ADOPTION ASSISTANCE, AND CHILD WELFARE SERVICES -- NOTICE OF PROPOSED RULEMAKING

Legal Authority: 42 USC 670 et seq Adoption Assist & Child Welfare Act of 1980; 42 USC 620 et seq; 42 USC 1302 Social Security Act

CFR Citation: 45 CFR 1356; 45 CFR 1357

Abstract: This NPRM will propose criteria the Department will use to verify that a State has met statutory requirements and is eligible to receive additional funds under Section 427 of the Social Security Act as amended by the Adoption Assistance and Child Welfare Act of 1980 (Pub. L. 96-272). The proposed rule will contain the specific criteria by which State performance in meeting the requirements of Section 427 is determined, the percentage levels and other standards for case record compliance, and procedures for conducting compliance reviews.

Timetable:

Action	Date	FR Cite
NPRM	06/00/85	

Small Entity: No

Agency Contact: Frank Ferro, Associate Chief, Children's Bureau, ACYF, Department of Health and Human Services, Office of Human Development Services, P.O. Box 1182, Washington, D.C. 20201, 202 755-7418

RIN: 0980-AA08

18. ● WORK INCENTIVE PROGRAM FOR AFDC RECIPIENTS UNDER TITLE IV OF THE SOCIAL SECURITY ACT

Legal Authority: 42 USC 602(a)(19) The Deficit Reduction Act of 1984; 42 USC 630 to 644 The Deficit Reduction Act of 1984; 42 USC 1302 The Deficit Reduction Act of 1984; PL 98-369, Sec 2631; PL 98-369, Sec 2634; PL 98-369, Sec 2638

CFR Citation: 29 CFR 56; 45 CFR 224

Abstract: These rules implement three provisions of the Deficit Reduction Act of 1984 (PL 98-369) regarding the WIN program. These changes: (1) add a new exemption for women from the WIN work requirements beginning with the sixth month of pregnancy; (2) permit, under the protective payment requirement, a sanctioned caretaker relative (one who refused to participate in WIN or accept employment without good cause) to receive the AFDC payment on behalf of the assistance unit if a suitable protective payee cannot be located; and (3) exempt AFDC recipients from the work program requirements if they are participating in a Work Supplementation Program operated by a State.

Timetable:

Action	Date	FR Cite
Final Action	03/00/85	

Small Entity: No

Agency Contact: William Kacvinsky, Executive Director, Department of Health and Human Services, Office of Human Development Services, Work Incentive Program, Rm 8422 Patrick Henry Bldg, 601 D St, NW, Washington, DC 20213, 202 376-6890

RIN: 0980-AA09

19. ● HEAD START PROGRAM

Legal Authority: 42 USC 9831 et seq The Head Start Act, PL 97-35, as amended

CFR Citation: 45 CFR 1301

Abstract: This rule would amend existing regulations governing the recruitment and selection of Head Start staff. The proposed rule would emphasize the importance of careful screening of employees in Head Start programs by requiring that Head Start programs have formal personnel policies and procedures in place that will provide safeguards against the possibility of abuse and neglect, including sexual abuse, occurring in the Head Start program.

Timetable:

Action	Date	FR Cite
NPRM	04/00/85	

Small Entity: No

Agency Contact: Ms. Terry A. Lewis, Department of Health and Human Services, Office of Human Development Services, Head Start Bureau, Administration for, Children, Youth and Families, HDS/HHS, PO Box 1182, Washington, DC 20013, 202 755-8208

RIN: 0980-AA10

20. ● RUNAWAY AND HOMELESS YOUTH PROGRAM

Legal Authority: 42 USC 5701 Note The Runaway and Homeless Youth Act, PL 98-473

CFR Citation: 45 CFR 1351

Abstract: These rules will make technical changes to modify 45 CFR 1351 to conform to changes in legislation that: (1) provide for making grants to any eligible entity and no longer restrict grants to nonprofit entities; and (2) refer to "family" or "families" in place of "parent," "parents," and/or "legal guardian(s)."

Timetable:

Action	Date	FR Cite
NPRM	05/01/85	
Final Action	08/01/85	

Small Entity: No

Agency Contact: Dominic J. Mastrapasqua, Acting Associate Commissioner, Department of Health and Human Services, Office of Human Development Services, Family and Youth Services Bureau, ACYF/HDS, PO Box 1182, Washington, DC 20013, 202 755-7766

RIN: 0980-AA11

21. ● DEVELOPMENTAL DISABILITIES PROGRAM

Legal Authority: 42 USC 6001 et seq The Developmental Disabilities Act of 1984; PL 98-527, Sec 108

CFR Citation: 45 CFR 1385; 45 CFR 1386; 45 CFR 1387; 45 CFR 1388

Abstract: The majority of the provisions planned for the proposed regulation will be technical updates which reflect the reorganization of the Act. Also, a number of unnecessary portions in the current regulations would be deleted as the language contained in PL 98-527 is very clear and specific and does not require the development of regulations.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	
Final Action	00/00/00	

Small Entity: No

Agency Contact: Ms. Elsbeth Wyatt, Department of Health and Human Services, Office of Human Development Services, Administration on Developmental, Disabilities, OHDS/HHS, Rm 336-E HHH Bldg, 200 Independence Ave SW, Wash., DC 20201, **202 245-1961**

RIN: 0980–AA12

22. ● CHILD ABUSE AND NEGLECT PREVENTION AND TREATMENT PROGRAM

Legal Authority: 42 USC 5101 Child Abuse Prevention & Treatment Act, as amended

CFR Citation: 45 CFR 1340

Abstract: This final rule will contain basic State grant requirements to implement the Child Abuse Amendments of 1984 regarding protection of disabled infants (Baby Does).

Timetable:

Action	Date	FR Cite
NPRM	12/10/84	49 FR 48160
NPRM Comment Period Begin	12/10/84	49 FR 48160
NPRM Comment Period End	02/08/85	
Final Action	04/09/85	

Small Entity: No

Agency Contact: Jay Olson, Department of Health and Human Services, Office of Human Development Services, National Center on Child Abuse and Neglect, HDS/HHS, PO Box 1182, Washington, DC 20013, **202 245-2859**

RIN: 0980–AA13

23. ● CHILD ABUSE AND NEGLECT PREVENTION AND TREATMENT PROGRAM

Legal Authority: 42 USC 5101 Child Abuse Prevention & Treatment Act, as amended

CFR Citation: 45 CFR 1340

Abstract: This NPRM and Final Rule will modify existing regulations to comport with the statutory changes made in the Child Abuse Amendments of 1984 and allow States to share confidential information in the State's child abuse central registry with three additional individuals and agencies.

Timetable:

Action	Date	FR Cite
NPRM	04/00/85	
Final Action	09/30/85	

Small Entity: No

Agency Contact: Jay Olson, Department of Health and Human Services, Office of Human Development Services, National Center on Child Abuse and Neglect, HDS/HHS, PO Box 1182, Washington, DC 20013, **202 245-2859**

RIN: 0980–AA14

[FR Doc. 85-8366 Filed 04-26-85; 8:45 am]

BILLING CODE 4150-04-T

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS) Current and Projected Rulemakings

Social Security Administration (SSA)

24. SUPPLEMENTAL SECURITY INCOME PROGRAM; EFFECTIVE DATE OF APPLICATION AND PRORATION OF INITIAL SSI BENEFIT PAYMENT

Priority: Agency Determination

Legal Authority: 42 USC 1302; 42 USC 1382; 42 USC 1382(c); 42 USC 1382f; 42 USC 1383

CFR Citation: 20 CFR 416, Subpart B; 20 CFR 416, Subpart C; 20 CFR 416, Subpart M; 20 CFR 416, Subpart R

Abstract: These regulations will enable SSI benefits in the month of application to be prorated from the date of application or the date of eligibility, whichever is later. The regulations will also apply to months in which the individual reapplies after a period of ineligibility.

Timetable:

Action	Date	FR Cite
NPRM	04/00/85	

Small Entity: No

Agency Contact: Fred Miranda, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, **301 594-7341**

RIN: 0960–AA03

25. SUPPLEMENTAL SECURITY INCOME PROGRAMS; MANDATORY PASS THROUGH UNDER STATE SUPPLEMENTATION PROVISIONS

Priority: Agency Determination

Legal Authority: PL 97-248, Sec 186; 42 USC 1382g(c); PL 97-377, Sec 147; PL 98-21, Sec 402

CFR Citation: 20 CFR 416, Subpart T

Abstract: These rules reflect changes in the law which enable States effective for the 12-month period ending 6/82, to switch from the "maintaining of total expenditures" method of compliance with mandatory pass through provisions to the "maintaining of payment levels" method without first having to pass through to all current SSI recipients all the Federal cost-of-living benefit increases which have occurred since 12/76. States can meet the pass through requirements by maintaining the payment levels in effect in December of the latest preceding total expenditures period. The concept of "State

Supplementary payment level" is changed to a concept of combined supplementary and SSI payment levels applicable to months after 3/83. Also, a State is permitted to reduce its 3/83 State Supplementary payment levels by an amount up to the difference between the amount of the 7/83 general increase in the Federal benefits in 7/83. Also reflected in the rules is a special method of compliance for States meeting the passalong requirements by the total annual expenditures test for the period 7/1/80 through 6/30/81. The total expenditures for that period need only equal or exceed the total (cont)

Timetable:

Action	Date	FR Cite
NPRM	02/25/85	50 FR 07607
Final Action	00/00/00	

Small Entity: No

Additional Information: ABSTRACT CONT: expenditures for 7/1/76 through 6/30/77, rather than the total expenditures for the preceding 12-month period.

Agency Contact: **Fred Miranda**, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, **301 594-7341**

RIN: 0960-AA05

26. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE AND SUPPLEMENTAL SECURITY INCOME PROGRAMS; REVISED RULES FOR CERTAIN MEDICAL CESSATION CASES

Priority: Agency Determination

Legal Authority: 42 USC 405; 42 USC 1302; 42 USC 1383

CFR Citation: 20 CFR 404, Subpart P; 20 CFR 416, Subpart I

Abstract: This proposed regulation describes revised procedures for processing certain cases where a person's benefits are being stopped because he or she has been found to be not now disabled or blind, as defined in the law. The proposed regulation amends the rules describing when a person's disability will be determined to have ended and, therefore, when cash disability benefits will be stopped (and, for a disabled worker, when a period of disability ends). These changes will result in a moderate increase in program costs.

Timetable:

Action	Date	FR Cite
NPRM	05/16/83	48 FR 21970
NPRM Comment Period Begin	05/16/83	
NPRM Comment Period End	07/12/83	

Next Action Undetermined

Small Entity: No

Agency Contact: **Harry Short**, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, **301 594-7337**

RIN: 0960-AA10

27. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAM; COVERAGE OF EMPLOYEES OF STATE AND LOCAL GOVERNMENTS

Legal Authority: 42 USC 418; 42 USC 1302; PL 98-21, Sec 103; PL 98-21, Sec 342

CFR Citation: 20 CFR 404, Subpart M

Abstract: This proposed regulation reflects policies and procedures concerning agreements between States and the Secretary for Social Security coverage of State and local employees, payment of Social Security contributions, filing of wage reports by States, charging interest for late payments, etc. The current rules need to be organized into a logical sequence and to be updated to reflect many policies which SSA has followed for many years. In preparing this regulation, we reviewed all policies to assess their impact on the trust funds and to reduce recordkeeping burdens. We also added the provisions of sections 103 and 342 of Pub. L. 98-21. Sec. 103 prohibits termination of existing coverage under the States' agreements. Sec. 342 changes payment of Social Security contributions from once a month to twice a month. Other than these two statutory changes, which leave no room for administrative discretion, this proposed regulation primarily reflects current policies, so that any program and administrative costs or savings resulting from the regulation will be minimal.

Timetable:

Action	Date	FR Cite
Notice of Decision to Develop Regs	09/28/79	44 FR 55899
Notice of Available Working Draft	09/26/80	45 FR 63868

Next Action Undetermined

Small Entity: No

Agency Contact: **Cliff Terry**, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, **301 594-7519**

RIN: 0960-AA13

28. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE AND SUPPLEMENTAL SECURITY INCOME PROGRAMS; FEE SCHEDULE FOR INFORMATION

Legal Authority: PL 97-35, Sec 2207; 42 USC 405; 42 USC 1302; 42 USC 1306

CFR Citation: 20 CFR 401; 20 CFR 422, Subpart E

Abstract: The substantive changes in these rules conform current rules on who can deny or release a record to those published in final by HHS on May 12, 1982 at 47 FR 20309. They conform the SSA Freedom of Information Act (FOIA) fee schedule to that published by HHS in a final regulation on 9/22/82 at 47 FR 41751. They also announce a fee schedule under which we will charge the full cost of providing certain records as allowed by section 2207 of the Omnibus Budget Reconciliation Act of 1981. The HHS FOIA fee schedule and our proposed fee schedule to charge full cost of providing certain records will result in savings to the Social Security trust funds by permitting SSA to charge more than currently allowed for providing records and record related services.

Timetable:

Action	Date	FR Cite
NPRM	09/20/83	48 FR 42830
NPRM Comment Period Begin	09/20/83	
NPRM Comment Period End	11/21/83	
Final Action	04/00/85	

Small Entity: No

Agency Contact: Cliff Terry, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, **301 594-7519**

RIN: 0960-AA15

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29. GENERAL ADMINISTRATION-PUBLIC ASSISTANCE PROGRAMS; AFDC; FEDERAL FINANCIAL PARTICIPATION IN THE COST OF A STATEWIDE MECHANIZED CLAIMS PROCESSING SYSTEM

Legal Authority: 42 USC 602(a); 42 USC 603(a)(3); 42 USC 613; PL 96-265, Sec 406

CFR Citation: 45 CFR 205.35; 45 CFR 205.36; 45 CFR 205.37; 45 CFR 205.38

Abstract: The regulation will make available, at State option, 90 percent matching funds for the planning, design, development, and installation of a statewide claims processing and information retrieval system for the AFDC program. The 90 percent matching includes the purchase or rental of computer equipment and software used for the operation of this system. The regulation will result in short-run administrative costs, but is expected to result in greater long-run program savings through increased accuracy of processing. The regulation also provides for the disallowance of incentive funds that exceed the normal administrative FFP rate (50 percent) back to the beginning date of development should SSA suspend approval of an approved APD or should a State voluntarily withdraw its approved APD.

Timetable:

Action	Date	FR Cite
Interim Final Rule	09/30/81	46 FR 47784
Final Action	04/00/85	

Small Entity: No

Agency Contact: Barbara Levering, Director, OIC, Department of Health and Human Services, Social Security Administration, Office of Family Assistance, 2100 Second Street, SW, Washington, DC 20201, **202 245-2637**

RIN: 0960-AA16

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30. SUPPLEMENTAL SECURITY INCOME PROGRAM; REDUCTIONS, SUSPENSIONS AND TERMINATIONS

Legal Authority: 42 USC 1302; 42 USC 1382; 42 USC 1382c; 42 USC 1382d; 42 USC 1383

CFR Citation: 20 CFR 416, Subpart M

Abstract: This regulation reorganizes, revises, and clarifies the rules on withholding, reducing, suspending, and terminating an SSI beneficiary's benefits. These regulations include changes in the present rules that are required by recent statutory enactments and, additionally, make the rules easier to read and understand. This regulation will have no impact on SSA programs and administrative costs.

Timetable:

Action	Date	FR Cite
Notice of Decision to Develop Regs	06/19/79	44 FR 35241
NPRM	04/00/85	

Small Entity: No

Agency Contact: Charles H. Campbell, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, **301 597-3408**

RIN: 0960-AA22

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31. SUPPLEMENTAL SECURITY INCOME PROGRAM; AGE 18 AND ALIEN DEEMING

Legal Authority: 42 USC 1302; 42 USC 1382j; 42 USC 1383; 42 USC 1381; 42 USC 1381a; 42 USC 1382; 42 USC 1382a; 42 USC 1382b; 42 USC 1382c(f); 42 USC 1383(d)

CFR Citation: 20 CFR 416, Subpart K

Abstract: This regulation provides that deeming of parental income and resources to an eligible child ends when a child reaches age 18 and that a sponsor's income and resources are deemed to an alien for a period of three years after admission for aliens who first apply for SSI benefits after September 30, 1980. The regulation eliminates different treatment of children aged 18 to 21 depending on status as students, and assumes that sponsors will support aliens and sets more rigid rules for the sponsor to alien deeming than apply to other deeming categories.

Timetable:

Action	Date	FR Cite
Notice of Decision to Develop Regs	11/14/80	45 FR 75225
NPRM	12/10/81	46 FR 60470
Final Action	06/00/85	

Small Entity: No

Agency Contact: Henry Lerner, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, **301 594-7463**

RIN: 0960-AA26

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32. SUPPLEMENTAL SECURITY INCOME PROGRAM; ELIGIBILITY, AMOUNT OF BENEFITS, INCOME, RESOURCES, STATE SUPPLEMENTARY PROVISIONS, AGREEMENTS, PAYMENTS

Legal Authority: 42 USC 1382; 42 USC 1382a

CFR Citation: 20 CFR 416, Subpart B; 20 CFR 416, Subpart D; 20 CFR 416, Subpart K; 20 CFR 416, Subpart L; 20 CFR 416, Subpart T

Abstract: This regulation will implement statutory provisions for retrospective monthly accounting and spell out how they affect various regulations that deal with eligibility for and the amount of SSI benefits. This regulation will implement a significant change from quarterly to monthly determinations of eligibility and benefit amount. Although in the first year (1982) of implementation of retrospective monthly accounting there will be an administrative cost, it will be followed by an administrative saving thereafter. Some significant program costs are projected in 1982 through 1984 and neither cost nor savings in 1985.

Timetable:

Action	Date	FR Cite
NPRM	10/29/81	46 FR 53449
Final Action	04/00/85	

Small Entity: No

Agency Contact: Henry Lerner, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, **301 594-7463**

RIN: 0960-AA27

33. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE AND SUPPLEMENTAL SECURITY INCOME PROGRAMS; FUTURE EFFECT OF APPLICATIONS AND RELATED CHANGES IN APPEALS COUNCIL PROCEDURES

Legal Authority: 42 USC 402; 42 USC 416; 42 USC 423(b); 42 USC 1302; 42 USC 1383

CFR Citation: 20 CFR 404, Subpart G; 20 CFR 404, Subpart J; 20 CFR 416, Subpart C; 20 CFR 416, Subpart N

Abstract: These rules should promote final resolution of cases at the hearing stage and help to reserve appeals council review for cases of a genuinely appellate nature. These rules specify that if a person files an application for benefits before the first month he or she meets all requirements for entitlement, we will allow the claim only if he or she meets all requirements before a hearing decision is issued (if a hearing is held) or if no hearing is held, before a final determination is made. These rules will generate program savings and administrative costs and savings.

Timetable:

Action	Date	FR Cite
Notice of Decision to Develop Regs	09/16/80	45 FR 61315
NPRM	05/16/83	48 FR 21967
NPRM Comment Period Begin	05/16/83	
NPRM Comment Period End	07/15/83	
Final Action	05/00/85	

Small Entity: No

Agency Contact: **Phil Berge**, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, **301 594-7452**

RIN: 0960-AA28

34. AID TO FAMILIES WITH DEPENDENT CHILDREN PROGRAM; ADJUSTMENT OF FEDERAL SHARE FOR UNCASHED/CANCELLED CHECKS

Legal Authority: 42 USC 303; 42 USC 603(a); 42 USC 1302

CFR Citation: 45 CFR 201.5; 45 CFR 201.67

Abstract: This regulation establishes a uniform policy for a State to return to the Federal government its share of uncashed or cancelled assistance checks. A GAO audit disclosed many instances where these uncashed or cancelled checks were not refunded to the Federal government. This regulation will effect program savings.

Timetable:

Action	Date	FR Cite
Notice of Decision to Develop Regs	11/14/80	45 FR 75244
NPRM	02/22/83	48 FR 07479
Final Action	04/00/85	

Small Entity: No

Agency Contact: **Barbara Levering**, Director, OIC, Department of Health and Human Services, Social Security Administration, Office of Family Assistance, 2100 Second Street, SW, Washington, DC 20024, **202 245-2637**

RIN: 0960-AA29

35. AID TO FAMILIES WITH DEPENDENT CHILDREN PROGRAM; COMPUTING A SUPPLEMENTAL PAYMENT IN STATES REQUIRED TO DO SO BY SECTION 402(A)(28) OF THE SOCIAL SECURITY ACT

Legal Authority: 42 USC 602; 42 USC 1302

CFR Citation: 45 CFR 232.21; 45 CFR 233.20; 45 CFR 302.32

Abstract: This regulation will require that eligibility be based on the current month's reported support payments, and each month's supplemental payment be based on the largest part of the amount collected in the current month that would not cause ineligibility. It will provide uniform and equitable redeterminations of eligibility and payment amounts. This regulation will result in minimal costs.

Timetable:

Action	Date	FR Cite
Notice of Decision to Develop Regs	05/18/79	44 FR 29122
NPRM	02/15/80	45 FR 8322
Final Action	05/00/85	

Small Entity: No

Agency Contact: **Barbara Levering**, Director, OIC, Department of Health and Human Services, Social Security Administration, Office of Family Assistance, 2100 Second St., SW, Washington, DC 20024, **202 245-2637**

RIN: 0960-AA33

36. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE AND SUPPLEMENTAL SECURITY INCOME PROGRAMS; REVISED MEDICAL CRITERIA FOR DETERMINATION OF DISABILITY

Legal Authority: 42 USC 405; 42 USC 1302; 42 USC 1383

CFR Citation: 20 CFR 404, Subpart P

Abstract: The regulation revises the medical evaluation criteria used in making Social Security and SSI disability determinations. The changes reflect advances in medical treatment of some conditions and in the methods of evaluating others. Since no significant change in disability allowance and denial rates is expected to result from these changes in the regulations, there will be little, if any, impact on costs (both program and administrative). Other proposed regulations are being processed regarding the evaluation criteria used in determining mental disorders.

Timetable:

Action	Date	FR Cite
NPRM	05/06/82	47 FR 19619
Final Action	04/00/85	

Small Entity: No

Agency Contact: **William J. Ziegler**, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, **301 594-7415**

RIN: 0960-AA41

37. AID TO FAMILIES WITH DEPENDENT CHILDREN PROGRAM; LEAST COSTLY APPROACH

Legal Authority: 42 USC 602; 42 USC 603, 42 USC 606; 42 USC 607; 42 USC 1302

CFR Citation: 45 CFR 201; 45 CFR 205; 45 CFR 206; 45 CFR 225; 45 CFR 232; 45 CFR 233; 45 CFR 234; 45 CFR 235; 45 CFR 237

Abstract: This regulation will affect a number of provisions of the AFDC program. It will result in savings to

State and Federal governments and will ease the paperwork burden of the States. The changes may include provisions on restricted payments, hearings, redeterminations, issuances of replacement checks and others that will result in a "least costly" approach to the administration of AFDC. This regulation will result in dollar savings and the relief of administrative burdens that we expect to accrue.

Timetable:

Action	Date	FR Cite
NPRM	11/16/84	49 FR 45558
NPRM Comment Period Begin	11/16/84	
NPRM Comment Period End	01/15/85	
Final Action	06/00/85	

Small Entity: No

Agency Contact: Barbara Levering, Director, OIC, Department of Health and Human Services, Social Security Administration, Office of Family Assistance, 2100 Second Street, SW, Washington, DC 20024, **202 245-2637**

RIN: 0960-AA43

38. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE AND SUPPLEMENTAL SECURITY INCOME PROGRAMS; TIME LIMITATIONS FOR ISSUING HEARING DECISIONS AND FOR APPEALS COUNCIL ACTIONS

Legal Authority: 42 USC 405(a); 42 USC 1302; 42 USC 1320; 42 USC 1383; 42 USC 1395

CFR Citation: 20 CFR 404, Subpart J; 20 CFR 416, Subpart N

Abstract: This regulation provides time limits for issuing hearing decisions and for certain actions by the Appeals Council as ordered by the U.S. District Court for the Western District of Kentucky in the Blankenship and Finch cases (except for SSI non-disability hearings, for which time limits already exist). Draft regulation may be affected by further court action.

Timetable:

Action	Date	FR Cite
NPRM	02/27/80	45 FR 12837

Next Action Undetermined

Small Entity: No

Agency Contact: Joy Loving, Director, Department of Health and Human Services, Social Security Administration, Div of Prog Dev, Off of Pol & Proc, H & A, 106 Webb Bldg, 4040 N. Fairfax Drive, Arlington, VA 22203, **703 235-8524**

RIN: 0960-AA44

39. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAM AND SUPPLEMENTAL SECURITY INCOME PROGRAM; DISABILITY HEARINGS AT THE RECONSIDERATION LEVEL

Priority: Agency Determination

Legal Authority: 42 USC 405; 42 USC 1302; PL 97-455, Sec 4; PL 97-455, Sec 5; 42 USC 1383

CFR Citation: 20 CFR 404.900 to 404.960; 20 CFR 404.1546; 20 CFR 416.946; 20 CFR 416.1400 to 416.1460

Abstract: Sections 4 and 5 of Pub. L. 97-455 require SSA to make face-to-face evidentiary hearings available at the first stage of appeal, known as reconsideration, in cases in which an initial determination is made that an individual receiving title II disability benefits is not now disabled. Regulations are necessary to implement this statutory requirement, which will make the reconsideration stage more meaningful. Although not specifically required by the statute, the proposed regulations will include SSI disability and blindness cessation cases in the new reconsideration process. The availability of an evidentiary hearing at the reconsideration stage in disability and blindness termination cases should enable reconsiderations to be based on more complete information, enable more appeals to be resolved at that level, and thus reduce the workload at the administrative law judge hearing level and in the Appeals Council.

Timetable:

Action	Date	FR Cite
NPRM	08/15/83	48 FR 36831
NPRM Comment Period Begin	08/15/83	
NPRM Comment Period End	10/14/83	
Final Action	04/00/85	

Small Entity: No

Agency Contact: Anita Dunn, Social Insurance Specialist, Department of Health and Human Services, Social Security Administration, Office of Disability Hearings, 3-K-24 Operations Bldg., 6401 Security Blvd., Baltimore, Maryland 21235, **301 597-0367**

RIN: 0960-AA49

40. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAM; PROVISION FOR INFERRING A PERSON IS DEAD

Legal Authority: 42 USC 405; 42 USC 1302

CFR Citation: 20 CFR 404, Subpart H

Abstract: The proposed regulations explain that the claimant at all times bears the burden of proving the insured person's death and clarifies that SSA will not presume a missing insured person is dead if there are known circumstances that could reasonably explain the absence, even without direct evidence that such circumstances actually were the reason for the absence. The proposed changes will result in negligible program or administrative costs or savings.

Timetable:

Action	Date	FR Cite
NPRM	02/29/84	49 FR 07405
NPRM Comment Period Begin	02/29/84	
NPRM Comment Period End	04/30/84	
Final Action	04/00/85	

Small Entity: No

Agency Contact: Phil Berge, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, Maryland 21235, **301 594-7452**

RIN: 0960-AA54

41. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAM; WAGE COVERAGE UNDER SOCIAL SECURITY

Legal Authority: 42 USC 405; 42 USC 1302; PL 98-21, Sec 327; PL 96-342, Sec 1002(a); PL 97-306, Sec 408; PL 96-499, Sec 1141

CFR Citation: 20 CFR 404.1043; 20 CFR 404.1055; 20 CFR 404.1059; 20 CFR 404.1060; 20 CFR 404.1341

Abstract: This regulation consists of amendments to 5 rules on wage

coverage under Social Security. These amendments are: (1) The value of the meals and lodging furnished for the convenience of the employer must be excluded from the employee's gross income; (2) With only limited exceptions, an employer may no longer exclude from an employee's wages, his or her payment of the employee's FICA tax; (3) Payments by an employer to an employee after the calendar year of the employee's entitlement to disability insurance benefits are not wages if paid in a period the employee did not work; (4) The scope of the entitlement to the deemed wages provided to internees of the camps for Japanese-Americans during World War II period is being broadened; (5) The scope of the entitlement to the deemed wages provided to members of the uniformed services is being narrowed. Only two regulations will have a cost impact. Amendment (1) above will reduce the Social Security benefits paid the affected employees but not by $100 million in any year. Amendment (2) will increase taxes paid by employers and employees but these increases are required by the statutory provisions and not the regulation.

Timetable:

Action	Date	FR Cite
NPRM	05/00/85	

Small Entity: No

Agency Contact: C.H. Campbell, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, Maryland 21235, **301 597-3408**

RIN: 0960-AA55

42. SUPPLEMENTAL SECURITY INCOME PROGRAM; REOPENING AND REVISING SUPPLEMENTAL SECURITY INCOME DETERMINATIONS AND DECISIONS WITHIN FOUR YEARS OF THE NOTICE OF THE INITIAL DETERMINATION

Legal Authority: 42 USC 1302; 42 USC 1383; 42 USC 1383b

CFR Citation: 20 CFR 416.1488

Abstract: The proposed rules provide for the reopening and revising of Supplemental Security Income determinations within four years of the notice of the initial determination if we discover an error affecting a claimant's eligibility or benefit amount during this period through the use of information exchange and data gathering involving either our records or our records and those of other Federal or State agencies. This rule is being proposed because the two-year period in which we may reopen and revise a determination based on new and material evidence we acquire through data and exchange is often too short and often expires before the determination to correct errors revealed by the data can be made. The budgetary impact has not yet been determined.

Timetable:

Action	Date	FR Cite
NPRM	04/00/85	

Small Entity: No

Agency Contact: Philip Berge, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, Maryland 21235, **301 594-7452**

RIN: 0960-AA59

43. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAM; BENEFITS FOR DIVORCED SPOUSES BEFORE ENTITLEMENT OF INSURED WORKER

Legal Authority: PL 98-21, Sec 132; PL 98-21, Sec 301

CFR Citation: 20 CFR 404, Subpart D; 20 CFR 404, Subpart E

Abstract: This proposed regulation provides that a divorced spouse of a worker who is eligible for old-age benefits can receive wife's or husband's benefits if the divorced spouse is otherwise eligible for them and the parties have been divorced for at least 2 years, even if the worker has not applied for benefits or if the worker's current earnings are too high to permit payment of the worker's old-age benefits. Total program cost is estimated as under $100 million through 1989.

Timetable:

Action	Date	FR Cite
NPRM	02/08/85	50 FR 05264
Final Action	00/00/00	

Small Entity: No

Agency Contact: Jack Schanberger, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, Maryland 21235, **301 594-6785**

RIN: 0960-AA60

44. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE AND SUPPLEMENTAL SECURITY INCOME PROGRAMS; PAYMENT OF CERTAIN TRAVEL EXPENSES

Legal Authority: 42 USC 401; 42 USC 1383; PL 97-51; PL 97-92; PL 97-161; PL 97-276; PL 97-377; PL 98-107; PL 98-139

CFR Citation: 20 CFR 404, Subpart J; 20 CFR 416, Subpart N

Abstract: These proposed regulations reflect section 310 of Pub. L. 96-265 which became effective June 9, 1980. That law provides permanent authority for the payment of certain travel expenses to (1) individuals who attend medical examinations requested by the Social Security Administration (SSA) in connection with disability determinations, (2) parties, their representatives, and all reasonably necessary witnesses who attend disability termination hearings in connection with disability claims, and (3) parties, their representatives, and all reasonably necessary witnesses who attend hearings held before an administrative law judge. We have been paying travel expenses based on internal procedure without regulation. These regulations will not cause any appreciable change in expenditures.

Timetable:

Action	Date	FR Cite
NPRM	04/00/85	

Small Entity: No

Agency Contact: Cliff Terry, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, Maryland 21235, **301 594-7519**

RIN: 0960-AA61

45. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE AND SUPPLEMENTAL SECURITY INCOME PROGRAMS; NEW BENEFIT COMPUTATIONS FOR COST-OF-LIVING ADJUSTMENT, FOR DELAYED RETIREMENT CREDIT, AND FOR ETC

Legal Authority: 42 USC 402(w); 42 USC 403(a),(b); 42 USC 415(i); 42 USC 1382(f)

CFR Citation: 20 CFR 404, Subpart C; 20 CFR 404, Subpart D; 20 CFR 404, Subpart E; 20 CFR 416, Subpart D

Abstract: This proposed regulation will state that beginning with 1983, the annual cost-of-living adjustment will be effective in December and paid in January rather than being effective in June and paid in July. This revised schedule affects both OASDI and SSI. Additionally, the adjustment will be based on the lower of wages or price increases when the OASDI trust fund ratio of assets to estimated outgo falls below a given percentage. This proposed regulation will also explain that the combined family maximum, where there is entitlement on two workers' records, will be increased only on the basis of cost-of-living adjustments. Finally, this regulation will explain the gradual increases in the delayed retirement credit. Shifting the cost-of-living adjustment will reduce program expenditures by $39.4 billion for 1983-89. The other provisions on this regulation package will have negligible program costs.

Timetable:

Action	Date	FR Cite
NPRM	04/00/85	

Small Entity: No

Agency Contact: Jack Schanberger, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, Maryland 21235, **301 594-6785**

RIN: 0960-AA62

46. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAMS; COVERAGE OF EMPLOYEES OF U.S. NON-PROFIT ORGANIZATIONS AND FOREIGN AFFILIATES OF AMERICAN EMPLOYERS; COVERAGE UNDER ETC

Legal Authority: PL 98-21, Sec 102; PL 98-21, Sec 321; PL 98-21, Sec 322; PL 98-21, Sec 323

CFR Citation: 20 CFR 404, Subpart B; 20 CFR 404, Subpart K

Abstract: The proposed regulations will provide for additional coverage of employees of non-profit organizations and other employees and self-employed individuals working outside the U.S. Section 102 will increase revenues by $12.4 billion for 1984-89. Long range savings of .10 percent of taxable payroll. Sections 321, 322 and 323 will have negligible cost implications.

Timetable:

Action	Date	FR Cite
NPRM	04/06/84	49 FR 13710
NPRM Comment Period Begin	04/06/84	
NPRM Comment Period End	06/05/84	
Final Action	00/00/00	

Small Entity: No

Agency Contact: Dave Smith, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, Maryland 21235, **301 594-7460**

RIN: 0960-AA63

47. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE AND SUPPLEMENTAL SECURITY INCOME PROGRAMS; SIMPLIFIED FEE PROCESS FOR REPRESENTATIVES OF CLAIMANTS

Priority: Agency Determination

Legal Authority: 42 USC 406(a); 42 USC 1383(d)(2); 42 USC 405; 42 USC 1302

CFR Citation: 20 CFR 404, Subpart R; 20 CFR 416, Subpart O

Abstract: We are proposing to change the manner by which we determine the amount of the fee we approve for the person(s) who represent a claimant in proceedings with us. We estimate administrative savings of less than $3 million in the first full year of implementation and no program costs.

Timetable:

Action	Date	FR Cite
NPRM	04/00/85	

Small Entity: No

Agency Contact: Jack Schanberger, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, Maryland 21235, **301 594-6785**

RIN: 0960-AA64

48. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAM; ELIMINATION OF WINDFALL BENEFITS FOR PERSONS RECEIVING PENSIONS FROM NONCOVERED EMPLOYMENT

Legal Authority: PL 98-21, Sec 113

CFR Citation: 20 CFR 404, Subpart C

Abstract: The provision of section 113 of Pub. L. 98-21 (the Social Security Amendments of 1983) eliminates the windfall that occurs when the heavy weighting in the benefit formula that is intended for workers with low wages goes instead to workers who spent many years in noncovered employment and worked only a few years in covered employment. This will be accomplished by modifying the benefit computation formula to consider a worker's pension from noncovered employment. This provision will decrease program costs by $0.1 billion for 1983-89.

Timetable:

Action	Date	FR Cite
NPRM	04/00/85	

Small Entity: No

Agency Contact: Jack Schanberger, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, Maryland 21235, **301 594-6785**

RIN: 0960-AA65

49. SUPPLEMENTAL SECURITY INCOME PROGRAM; TEMPORARY RESIDENTS OF EMERGENCY SHELTERS FOR THE HOMELESS

Priority: Agency Determination

Legal Authority: 42 USC 1383 (e)(i)(d)

CFR Citation: 20 CFR 416, Subpart B; 20 CFR 416, Subpart M

Abstract: Section 1611(e)(1)(A) of the Social Security Act provides that, with certain limited exceptions, no person may be eligible for Supplemental Security Income Benefits for months throughout which he or she resides in a public institution. Section 403 of Pub. L. 98-21, which these regulations would implement, provides that an aged, blind, or disabled resident of a public emergency shelter for the homeless may be eligible for benefits for as many as three months in any 12-month period throughout which he or she is a

resident of such a shelter. Program costs will be approximately $2 million for fiscal year 1983.

Timetable:

Action	Date	FR Cite
NPRM	04/18/84	49 FR 15225
NPRM Comment Period Begin	04/18/84	
NPRM Comment Period End	06/18/84	
Final Action	06/00/85	

Small Entity: No

Agency Contact: Harry J. Short, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, Maryland 21235, **301 594-7337**

RIN: 0960-AA70

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50. AID TO FAMILIES WITH DEPENDENT CHILDREN AND SUPPLEMENTAL SECURITY INCOME PROGRAMS; DISREGARDING OF SUPPORT AND MAINTENANCE ASSISTANCE BASED ON NEED

Priority: Agency Determination

Legal Authority: 42 USC 602; 42 USC 1382a; 42 USC 1302; PL 98-369

CFR Citation: 20 CFR 416, Subpart K; 20 CFR 416, Subpart L; 45 CFR 233.20

Abstract: These proposed regulations implement section 404 of Pub. L. 98-21 and section 2639 of Pub. L. 98-369 which provide that certain support and maintenance assistance is not to be counted when determining an individual's eligibility for and the amount of his or her Supplemental Security Income (SSI) benefits or at the State's option, his or her Aid to Families With Dependent Children (AFDC) payments. Section 404 is effective May 1, 1983 through September 30, 1984. Section 2639 is effective October 1, 1984 through September 30, 1987.

Timetable:

Action	Date	FR Cite
NPRM	04/00/85	

Small Entity: No

Agency Contact: Harry J. Short, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, Maryland 21235, **301 594-7337**

RIN: 0960-AA71

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51. SUPPLEMENTAL SECURITY INCOME PROGRAM; RESOURCE LIMITS FOR CONDITIONAL SSI PAYMENTS

Legal Authority: 42 USC 1302; 42 USC 1382b(b); 42 USC 1383(d)

CFR Citation: 20 CFR 416, Subpart L

Abstract: Current regulations for the Supplemental Security Income program provide that if total resources (liquid and nonliquid) exceed certain limits, an individual may receive conditional SSI payments while disposing of the excess resources. This proposed regulation will eliminate the limit on total resources but retain the limit on liquid resources so that individuals who have little or no income but who own expensive, hard to dispose of nonliquid resources, may receive conditional payments. The proposed change will result in no significant program or administrative cost or savings.

Timetable:

Action	Date	FR Cite
NPRM	04/00/85	

Small Entity: No

Agency Contact: Henry D. Lerner, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, Maryland 21235, **301 594-7463**

RIN: 0960-AA75

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52. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAM; RESIDENCY REQUIREMENT FOR PAYING BENEFITS TO NON-RESIDENT ALIENS

Legal Authority: 42 USC 405; 42 USC 1302; PL 98-21, Sec 340

CFR Citation: 20 CFR 404.460(b)

Abstract: These regulations implement Sec. 340 of Pub. L. 98-21--The Social Security Amendments of 1983--which provides a U.S. residence requirement that the dependent or survivor beneficiary must now meet if he or she is an alien outside the U.S. These provisions do not apply to the alien who is an old-age beneficiary who is residing outside the U.S. The dependent or survivor beneficiary, however, who is an alien outside the U.S. will not be paid benefits effective January 1, 1985 unless he or she satisfies these new residence requirements. These provisions will effect negligible budget savings, i.e., $50 million for the period 1983-89.

Timetable:

Action	Date	FR Cite
NPRM	05/00/85	

Small Entity: No

Agency Contact: C.H. Campbell, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, Maryland 21235, **301 597-3408**

RIN: 0960-AA76

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53. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAM; INDEXING FOR WIDOW(ER)'S BENEFITS; EFFECT OF REMARRIAGE ON WIDOW(ER)'S ENTITLEMENT; REDUCTION OF DISABLED WIDOW(ER)'S BENEFITS; ETC

Legal Authority: PL 98-21, Sec 131; PL 98-21, Sec 133; PL 98-21, Sec 134; PL 98-21, Sec 334; 42 USC 405; 42 USC 1302; 42 USC 1383

CFR Citation: 20 CFR 404, Subpart C; 20 CFR 404, Subpart D; 20 CFR 404, Subpart E; 20 CFR 404, Subpart G

Abstract: These final rules will explain: (1) that in many situations remarriage will no longer affect a widow(er)'s entitlement to benefits on the earnings record of a deceased insured worker; (2) that benefit amounts for a widow(er) will be larger because the worker's earnings will be indexed based on the surviving spouse's eligibility rather than on the worker's year of death; (3) that benefits to a widow(er) who becomes entitled before age 60 (based on disability) will no longer be further reduced for months before age 60; (4) that, as an exception to limited retroactivity, a widow(er) age 60 or 61 may choose to have benefits begin effective with the month of death even though he or she did not apply until the next month. Budgetary information is unavailable at this time.

Timetable:

Action	Date	FR Cite
NPRM	05/29/84	49 FR 22340
NPRM Comment Period Begin	05/29/84	
NPRM Comment Period End	07/30/84	
Final Action	04/00/85	

Small Entity: No

Agency Contact: Jack Schanberger, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, Maryland 21235, **301 594-6785**

RIN: 0960-AA77

54. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE AND SUPPLEMENTAL SECURITY INCOME; CHANGES OF TIME OR PLACE OF HEARINGS BEFORE ADMINISTRATIVE LAW JUDGES, NOTICE OF HEARINGS, AND DISMISSAL ETC

Legal Authority: 42 USC 405; 42 USC 1302; 42 USC 1383

CFR Citation: 20 CFR 404, Subpart J; 20 CFR 416, Subpart N

Abstract: These rules were developed as a result of a decision of the U.S.D.C. for the District of Colorado in the case of Pulido et al. v. Heckler. The rules would revise (1) 20 CFR 404.938 and 20 CFR 416.1438 to provide that a notice of hearing will be provided to a claimant at least 20 days prior to the date of a hearing; (2) 20 CFR 404.936 and 20 CFR 416.1436 to set forth standards to be applied and factors to be considered by an ALJ in determining whether there is good cause for changing the time or place of a hearing at a claimant's request; and (3) 20 CFR 404.957 and 20 CFR 416.1457 to permit the ALJ to dismiss a request for hearing without further contact with a claimant or his or her representative when the claimant and the representative fail to appear at the hearing and the ALJ has not found good cause for changing the time or place of the hearing.

Timetable:

Action	Date	FR Cite
NPRM	03/23/84	49 FR 10939
NPRM Comment Period Begin	03/23/84	
NPRM Comment Period End	05/22/84	
Final Action	04/00/85	

Small Entity: No

Additional Information: TITLE CONT: of Hearing Requests When Claimants Fail to Appear.

Agency Contact: Eugene R. Larkin, Policy Analyst, Div. of Hearings Procedures, Department of Health and Human Services, Social Security Administration, Office of Hearings and Appeals, Room 101 Webb Building, P.O. Box 3200, Arlington, Virginia 22203, **703 235-8545**

RIN: 0960-AA78

55. SUPPLEMENTAL SECURITY INCOME PROGRAM; PRESUMPTIVE DISABILITY AND PRESUMPTIVE BLINDNESS; CATEGORIES OF IMPAIRMENTS; CHRONIC RENAL DISEASE

Legal Authority: 42 USC 1302; 42 USC 1383

CFR Citation: 20 CFR 416.934

Abstract: Section 1631(a)(B) of the Social Security Act provides for the payment of benefits to persons applying for supplemental security income benefits on the basis of disability or blindness before making a formal determination when available information indicates a high probability that disability exists. These presumptive disability and blindness decisions may be made at the Social Security district offices in a limited number of impairment categories. We are proposing to add Chronic Renal Disease to these categories in view of the predictability that the disease will result in a finding of disability. Budgetary impact is expected to be negligible.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Agency Contact: William Ziegler, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, Maryland 21235, **301 594-7415**

RIN: 0960-AA79

56. AID TO FAMILIES WITH DEPENDENT CHILDREN; REDUCTION OF FEDERAL FUNDS FOR UNREPORTED CHILD SUPPORT COLLECTIONS

Legal Authority: 42 USC 1302; 42 USC 603

CFR Citation: 45 CFR 201.5

Abstract: This final rule makes a technical amendment to 45 CFR 201.5 based on section 407 of Public Law 96-265, the Social Security Disability Amendments of 1980. The rule requires the Department of Health and Human Services to reduce a State's title IV-A grant award for failure to include appropriate child support collections on its statement of expenditures.

Timetable:

Action	Date	FR Cite
NPRM	04/00/85	

Small Entity: No

Agency Contact: Barbara Levering, Director, OIC, Department of Health and Human Services, Social Security Administration, Office of Family Assistance, Office of Intergovernmental Comm., 2100 Second St., SW, Washington, DC 20201, **202 245-2637**

RIN: 0960-AA83

57. AID TO FAMILIES WITH DEPENDENT CHILDREN; DEFINITION OF PERMISSIBLE STATE PRACTICE-QUALITY CONTROL

Legal Authority: 42 USC 1302; 42 USC 602

CFR Citation: 45 CFR 205.40

Abstract: The proposed rule will amend the definition of "Permissible State Practice." The rule will enable quality control to review against Federal requirements when a State plan is not amended to reflect new Federal rules, or when a State plan is submitted which is inconsistent with Federal rules and has not yet been disapproved.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Agency Contact: Barbara Levering, Director, OIC, Department of Health and Human Services, Social Security Administration, Office of Family Assistance, Office of Intergovernmental Comm., 2100 Second St., SW, Washington, DC 20201, **202 245-2637**

RIN: 0960–AA85

58. AID TO FAMILIES WITH DEPENDENT CHILDREN; CONSIDERATION OF UTILITY PAYMENTS MADE BY TENANTS IN HOUSING AND URBAN DEVELOPMENT ASSISTED HOUSING

Legal Authority: PL 98-181; 42 USC 602; 42 USC 1302

CFR Citation: 45 CFR 233

Abstract: The proposed rule will provide that Housing and Urban Development Assisted Aid to Families With Dependent Children tenants who pay utilities but no rent to landlord will have their utilities considered rent by a State IV-A agency in computing the Aid to Families With Dependent Children grant.

Timetable:

Action	Date	FR Cite
NPRM	05/00/85	

Small Entity: No

Agency Contact: Barbara Levering, Director, OIC, Department of Health and Human Services, Social Security Administration, Office of Family Assistance, Office of Intergovernmental Comm., 2100 Second St., SW, Washington, DC 20201, **202 245-2637**

RIN: 0960–AA87

59. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAM; COVERAGE OF CERTAIN FEDERAL EMPLOYEES; COVERAGE OF EARNINGS OF FEDERAL JUDGES

Legal Authority: PL 98-21, Sec 101; PL 98-118, Sec 4

CFR Citation: 20 CFR 404.1018; 20 CFR 404.1061

Abstract: The proposed regulations would codify section 101 of Pub. L. 98-21, as amended by section 4 of Pub. L. 118, which generally provides Social Security coverage for certain Federal employees and covers certain payments to retired Federal judges after 1985. Estimated increased revenues (resulting from this legislation) for 1984-1989 are $9.4 billion. Long-range savings are estimated at .28 percent of taxable payroll.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Agency Contact: Steve Siff, Chief, IRR Branch, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, **301 594-6697**

RIN: 0960–AA89

60. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE AND SUPPLEMENTAL SECURITY INCOME PROGRAMS TREATMENT OF OASDI AND SSI LUMP SUM PAYMENTS IN THE AID TO FAMILIES WITH DEPENDENT CHILDREN PROGRAM

Legal Authority: 42 USC 405; 42 USC 1302; 42 USC 1383(a)

CFR Citation: 20 CFR 404, Subpart U; 20 CFR 416, Subpart F

Abstract: These proposed rules would revise 20 CFR 404.2040 and 20 CFR 416.640, which stipulate the use of benefit payments by a representative payee, explaining that retroactive title II and title XVI benefits received by a representative payee who is a member of an Aid to Families with Dependent Children (AFDC) assistance unit, on behalf of a child in the same unit, may be considered available to meet the needs of that AFDC assistance unit. If the representative payee is not a member of the assistance unit, title II and title XVI benefits would be counted as available income for AFDC purposes only to the extent that the payee provides these funds to the AFDC household for the beneficiary's maintenance. Potential costs and benefits are not available at this time. We are also proposing direct payment to a beneficiary under age 18 if the beneficiary is within 7 months of attaining age 18 and is initially filing an application for benefits. This proposed revision represents a policy change and is an extension of the 4-month period in our current regulations.

Timetable:

Action	Date	FR Cite
NPRM	07/00/85	

Small Entity: No

Agency Contact: Phil Berge, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, Maryland 21235, **301 594-7452**

RIN: 0960–AA90

61. SUPPLEMENTAL SECURITY INCOME PROGRAM; PRESUMPTIVE DISABILITY AND PRESUMPTIVE BLINDNESS; CATEGORIES OF IMPAIRMENTS-AIDS

Priority: Agency Determination

Legal Authority: 42 USC 1302; 42 USC 1383

CFR Citation: 20 CFR 416.934

Abstract: Section 1631(a)(B) of the Social Security Act provides for the payment of benefits to persons applying for supplemental security income benefits on the basis of disability or blindness before making a formal determination when available information indicates a high probability that disability exists. These presumptive disability and blindness decisions may be made at the Social Security district offices in a limited number of impairment categories. We are adding AIDs to these categories in view of the predictability that the disease will result in a finding of disability. Budgetary impact is expected to be negligible.

Timetable:

Action	Date	FR Cite
Interim Final Rule	02/11/85	50 FR 05573
Next Action Undetermined		

Small Entity: No

Agency Contact: William J. Ziegler, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, **301 594-7415**

RIN: 0960–AA91

62. SUPPLEMENTAL SECURITY INCOME PROGRAM; THE AUTOMOBILE, PROPERTY ESSENTIAL TO SELF-SUPPORT, THE HOME

Priority: Agency Determination

Legal Authority: 42 USC 1383, 42 USC 1302; 42 USC 1382b

CFR Citation: 20 CFR 416.1212; 20 CFR 416.1218; 20 CFR 416.1220; 20 CFR 416.1222; 20 CFR 416.1224; 20 CFR 416.1225; 20 CFR 416.1226; 20 CFR 416.1227

Abstract: The regulations are being amended to provide rules where resources are excluded because they are property essential to an individual's self-support. These changes, which do not appear in existing regulations, include value limits for property essential to self-support and describe conditions under which an individual's property will be taken into consideration when income-producing activities are associated with the home. Certain rules involving the automobile and the home are included with these regulations since they relate to the self-support rules. We estimate negligible additional costs.

Timetable:

Action	Date	FR Cite
NPRM	11/08/82	47 FR 50511
Final Action	04/00/85	

Small Entity: No

Agency Contact: Henry Lerner, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, 301 594-7463

RIN: 0960-AA92

63. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE AND SUPPLEMENTAL SECURITY INCOME PROGRAM; REVISED MEDICAL CRITERIA FOR DETERMINATION OF DISABILITY; MENTAL DISORDERS-APPENDIX 1 - PART A

Priority: Agency Determination

Legal Authority: 42 USC 1302; 42 USC 1383

CFR Citation: 20 CFR 404, Subpart P

Abstract: Section 12.00 of Appendix 1 Part A to the Disability Regulations (404.1501 through 404.1598) describes those mental disorders which are considered severe enough to prevent a person from doing any gainful activity. We are proposing a comprehensive revision to that section to require consideration of the nature and clinical manifestations of mental disorders as well as consideration of the degree of limitations such disorders may impose on an individual's ability to work. Initial estimates of the Budgetary impact are 3.5 billion for title II and 0.795 for title XVI. Estimates for Health Care Costs are now being obtained.

Timetable:

Action	Date	FR Cite
NPRM	04/00/85	

Small Entity: No

Agency Contact: William Ziegler, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, Maryland 21235, 301 594-7415

RIN: 0960-AA93

64. PUBLIC ASSISTANCE PROGRAMS, DUPLICATE ASSISTANCE PAYMENTS

Legal Authority: 42 USC 1302; 42 USC 603

CFR Citation: 45 CFR 201.70

Abstract: This proposed regulation will require States to report on their quarterly statement of expenditures the Federal share of previously claimed assistance checks which are determined to be: (1) replacements of checks cashed by eligible recipients, or (2) original checks cashed by persons other than the authorized payee. This rule will also clarify procedures for claiming Federal Financial Participation for duplicate checks.

Timetable:

Action	Date	FR Cite
NPRM	10/00/85	

Small Entity: No

Agency Contact: Barbara Levering, Director, OIC, Department of Health and Human Services, Social Security Administration, Office of Family Assistance, Office of Intergovernmental Comm., 2100 Second St., SW, Washington, DC 20201, 202 245-2637

RIN: 0960-AA96

65. OLD AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAM; BLACK LUNG PROGRAM; AND SUPPLEMENTAL SECURITY INCOME PROGRAM; OFFICE OF MANAGEMENT & BUDGET CONTROL NUMBERS FOR APPROVED INFORMATION ETC

Legal Authority: 44 USC 3507(f)

CFR Citation: 20 CFR 404; 20 CFR 410.240; 20 CFR 416

Abstract: To comply with the Paperwork Reduction Act of 1980 (Pub. L. 96-511) and with regulations implementing the Act published by OMB on 3/31/83 (48 FR 13666), we are publishing, as part of our regulations, the OMB control number for all reporting or recordkeeping requirements currently approved by OMB that are imposed by 20 CFR Parts 401, 404, 410, 416, and 422 of existing regulations.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Additional Information: TITLE CONT: Collection Requirements Imposed by Social Security Administration Regulations

Agency Contact: Cliff Terry, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, Maryland 21235, 301 594-7519

RIN: 0960-AA97

66. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE AND SUPPLEMENTAL SECURITY INCOME PROGRAMS; DETERMINATIONS OF DISABILITY- PERFORMANCE STANDARD REVISIONS AND OTHER CHANGES INVOLVING ETC

Legal Authority: 30 USC 923; 42 USC 404; 42 USC 405; 42 USC 427; 42 USC 1302

CFR Citation: 20 CFR 404, Subpart Q; 20 CFR 416, Subpart J

Abstract: Effective June 1, 1981, we promulgated regulations requiring State agencies making disability determinations for the Social Security Administration to meet accuracy and processing time standards and to follow other administrative requirements and procedures. The purpose of these changes is to improve the disability determination process and to clarify

and update certain administrative requirements. On the basis of experience in operating under those regulations, we are now proposing performance standard changes for both accuracy and processing time, as well as some administrative changes in fiscal, audit, and appeal requirements.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Additional Information: TITLE CONT: Administrative Requirements and Procedures

Agency Contact: William Ziegler, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, 301 594-7415

RIN: 0960-AA98

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67. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAM; REVISED MEDICAL CRITERIA FOR DETERMINATION OF DISABILITY; CARDIOVASCULAR SYSTEM

Priority: Agency Determination

Legal Authority: 42 USC 1302; 42 USC 1383

CFR Citation: 20 CFR 404.1500ff Appendix 1, Part A

Abstract: Section 4.00 of Appendix 1 of the Disability regulations (404.1501 through 404.1598) describes cardiovascular impairments considered severe enough to prevent an individual from doing any gainful activity. We are reviewing this section of the Listing of Impairments and are anticipating the need for revising the criteria to bring them more up to date with current medical technologies and practice in this area of medicine which is advancing rapidly.

Timetable:

Action	Date	FR Cite
NPRM	05/00/86	

Small Entity: No

Agency Contact: Hugh A. Meade, Jr., Dir of Division of Preadjudicative Policy, Department of Health and Human Services, Social Security Administration, Office of Disability, 6401 Security Blvd., Baltimore, MD 21235, 301 594-3352

RIN: 0960-AA99

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68. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAM; REVISED MEDICAL CRITERIA FOR DETERMINATION OF DISABILITY; RESPIRATORY SYSTEM

Priority: Agency Determination

Legal Authority: 42 USC 1302; 42 USC 1383

CFR Citation: 20 CFR 404.1500ff, Appendix 1, Part A

Abstract: Section 3.00 of Appendix 1 to the Disability Regulations (404.1501 through 404.1598) describes those respiratory impairments which are considered severe enough to prevent a person from engaging in any gainful activity. We are proposing comprehensive revision to that section to require consideration of the nature and clinical manifestations of respiratory disorders, as well as consideration of the degree of limitations such disorders may impose on an individual's ability to work.

Timetable:

Action	Date	FR Cite
NPRM	01/00/86	

Small Entity: No

Agency Contact: Hugh A. Meade, Jr., Dir of Division of Preadjudicative Policy, Department of Health and Human Services, Social Security Administration, Office of Disability, 6401 Security Blvd., Baltimore, MD 21235, 301 594-3352

RIN: 0960-AB00

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69. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAM; REVISED MEDICAL CRITERIA FOR DETERMINATION OF DISABILITY; MUSCULOSKELETAL SYSTEM

Priority: Agency Determination

Legal Authority: 42 USC 1302; 42 USC 1383

CFR Citation: 20 CFR 404.1500ff, Appendix 1, Part A

Abstract: Section 1.00 of Appendix 1 to the Disability Regulations 404.1501 through 404.1598 describes those musculoskeletal impairments which are considered severe enough to prevent a person from doing any gainful activity. We are proposing comprehensive revisions to that section to ensure that the medical evaluation criteria are up to date and consistent with the latest advances in medicine.

Timetable:

Action	Date	FR Cite
NPRM	10/00/85	

Small Entity: No

Agency Contact: Hugh A. Meade, Jr., Dir of Division of Preadjudicative Policy, Department of Health and Human Services, Social Security Administration, Office of Disability, 6401 Security Blvd., Baltimore, MD 21235, 301 594-3352

RIN: 0960-AB01

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70. AID TO FAMILIES WITH DEPENDENT CHILDREN PROGRAM, TREATMENT OF ASSIGNED SUPPORT PAYMENTS RECEIVED DIRECTLY AND RETAINED BY AFDC APPLICANTS OR RECIPIENTS

Legal Authority: 42 USC 1302

CFR Citation: 45 CFR 232.12; 45 CFR 233.20; 45 CFR 302.31; 45 CFR 303.80

Abstract: This proposed regulation establishes two methods under which support payments directly received from an absent parent and retained by an AFDC recipient must be accounted for. One method is the IV-A income method in which the IV-A agency counts retained support as income and the other is IV-D recovery in which the IV-D agency collects payments on the indebtedness from the recipient. The proposed regulations provide policy for the collection or accounting for retained support.

Timetable:

Action	Date	FR Cite
NPRM	06/00/85	

Small Entity: No

Agency Contact: Barbara Levering, Director, OIC, Department of Health and Human Services, Social Security Administration, Office of Family Assistance, 2100 Second Street, SW, Washington, DC 20201, **202 245-2637**

RIN: 0960-AB02

71. AID TO FAMILIES WITH DEPENDENT CHILDREN PROGRAM; OFFICE OF MANAGEMENT AND BUDGET CONTROL NUMBERS FOR INFORMATION COLLECTION REQUIREMENTS CONTAINED IN AFDC REGULATIONS

Legal Authority: 44 USC 3507(f)

CFR Citation: 45 CFR 200

Abstract: To comply with the Paperwork Reduction Act of 1980 (Pub. L. 96-511) and with regulations implementing the Act published by OMB on 3/31/83 (48 FR 13666), we are publishing, as part of our regulations, the OMB control numbers for all reporting or recordkeeping requirements currently approved by OMB that are imposed by 45 CFR Chapter II of existing regulations.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Agency Contact: Cliff Terry, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, Maryland 21235, **301 594-7519**

RIN: 0960-AB04

72. BLACK LUNG PROGRAM; ESTABLISHING DEPENDENCY OF SURVIVING DIVORCED WIFE AND COMPUTATION OF BASIC RATE

Legal Authority: 30 USC 801

CFR Citation: 20 CFR 410

Abstract: These proposed regulations correct several errors in our regulations relating to the Black Lung Benefits Program, update the formula for determining the monthly black lung benefit amount, and change the heading of 20 CFR 410 to "Federal Mine Safety and Health Act of 1977."

Timetable:

Action	Date	FR Cite
NPRM	05/00/85	

Small Entity: No

Agency Contact: Irving Darrow, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, Maryland 21235, **301 597-3409**

RIN: 0960-AB05

73. AID TO FAMILIES WITH DEPENDENT CHILDREN; APPLICATION OF FEDERAL FINANCIAL PARTICIPATION OF RECOVERED INCORRECT PAYMENTS TO QUALITY CONTROL DISALLOWANCES

Legal Authority: 42 USC 1203; 42 USC 603

CFR Citation: 45 CFR 201.69

Abstract: This proposed rule would reduce the Federal dollar amount of Quality Control Disallowances assessed on States for incorrect assistance payments (payments to ineligibles and overpayments to eligible individuals) made in the Aid to Families With Dependent Children program by a percentage of the recoveries of incorrect payments made.

Timetable:

Action	Date	FR Cite
NPRM	06/00/85	

Small Entity: No

Agency Contact: Barbara Levering, Director, Office of Intergovernmental Comm., Department of Health and Human Services, Social Security Administration, Office of Family Assistance, 2100 Second St., SW, Washington, DC 20201, **202 245-2637**

RIN: 0960-AB06

74. AID TO FAMILIES WITH DEPENDENT CHILDREN PROGRAM; INCOME AND ELIGIBILITY VERIFICATION SYSTEMS

Priority: Agency Determination

Legal Authority: PL 98-369 The Deficit Reduction Act of 1984

CFR Citation: 45 CFR 205.50; 45 CFR 205.51; 45 CFR 205.56; 45 CFR 205.57; 45 CFR 205.58; 45 CFR 205.60; 45 CFR 206.10

Abstract: The proposed regulations describe State agency requirements to access and use of income and eligibility information in the administration of the AFDC program.

Timetable:

Action	Date	FR Cite
NPRM	04/00/85	

Small Entity: No

Agency Contact: Barbara Levering, Director, OIC, Department of Health and Human Services, Social Security Administration, Office of Family Assistance, 2100 Second St., S.W., Washington, D.C. 20201, **202 245-2637**

RIN: 0960-AB07

75. AID TO FAMILIES WITH DEPENDENT CHILDREN PROGRAM; IMPLEMENTATION OF THE DEFICIT REDUCTION ACT OF 1984

Priority: Agency Determination

Legal Authority: PL 98-369 The Deficit Reduction Act of 1984

CFR Citation: 45 CFR 205.50; 45 CFR 206.10; 45 CFR 224.51; 45 CFR 232.11; 45 CFR 233.20(a)(2); 45 CFR 233.31; 45 CFR 233.51; 45 CFR 233.38; 45 CFR 234.60(a)(12); 45 CFR 238; 45 CFR 240.22; 45 CFR 239.12; 45 CFR 239.14

Abstract: The interim regulations implement changes made to the Aid to Families With Dependent Children (AFDC) program by the Deficit Reduction Act of 1984. These changes affect eligibility requirements, countable income and resources, work programs and program administration.

Timetable:

Action	Date	FR Cite
Interim Final Rule	09/10/84	49 FR 35586
Final Action	03/00/85	

Small Entity: No

Agency Contact: Barbara Levering, Director, OIC, Department of Health and Human Services, Social Security Administration, Office of Family Assistance, 2100 Second St., SW, Washington, DC 20201, **202 245-2637**

RIN: 0960-AB08

76. SUPPLEMENTAL SECURITY INCOME PROGRAM; INCOME; BILLS PAID FOR YOU

Legal Authority: 42 USC 1382(a)

CFR Citation: 20 CFR 416.1103(g)

Abstract: Federally funded needs based payments are counted dollar for dollar as income for SSI purposes regardless of the manner in which they are paid (e.g., directly to a vendor). Bills paid by "someone else" (e.g., a relative or friend) are not income. Regulations need clarification that "someone else" does not mean another federally funded needs based program.

Timetable:

Action	Date	FR Cite
NPRM	03/00/86	

Small Entity: No

Agency Contact: Irving Darrow, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, **301 597-3409**

RIN: 0960-AB09

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77. SUPPLEMENTAL SECURITY INCOME PROGRAM; RESOURCES; EXCLUSION OF UNDERPAYMENTS

Legal Authority: PL 98-369, Deficit Reduction Act of 1984

CFR Citation: 20 CFR 416.1210

Abstract: The proposed regulations implement legislation requiring the exclusion from resources of supplemental security income and title II underpayments for 6 months following the month of payment.

Timetable:

Action	Date	FR Cite
NPRM	05/00/85	

Small Entity: No

Agency Contact: Henry Lerner, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, **301 594-7453**

RIN: 0960-AB11

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78. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAM; QUALIFICATIONS OF MEDICAL PROFESSIONALS EVALUATING MENTAL IMPAIRMENTS

Legal Authority: 42 USC 1302; 42 USC 1383

CFR Citation: 20 CFR 404.1500ff; 20 CFR 404.1600ff; 20 CFR 416.900ff; 20 CFR 416.1000ff

Abstract: Disability regulations 404.1526(d) and 416.926(b) state that one or more physicians designated by the Secretary must determine medical equivalence. Disability regulations 404.1546 and 416.946 state that physicians designated by the Secretary must assess residual functional capacity where required. Disability regulations 404.1615(c) and 416.1015(c) state that disability determinations are to be made by a medical consultant and a disability examiner. The preamble to the cited regulations defines medical consultant as a physician. We will be proposing new policies with regard to responsibilities and qualifications of psychologists and physicians in mental disorder claims. We will also be proposing new policies with regard to our and State Agency responsibilities for ensuring that every reasonable effort is made to have qualified psychologists and physicians participate in all determinations involving mental impairments.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Agency Contact: Hugh A. Meade, Jr., Dir. Division of Preadjudicative Policy, Department of Health and Human Services, Social Security Administration, Office of Disability, 6401 Security Blvd., Baltimore, MD 21235, **301 597-3352**

RIN: 0960-AB15

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79. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAM; BLACK LUNG PROGRAM; OPPORTUNITY FOR ORAL HEARING BEFORE BENEFIT RECOVERY

Legal Authority: 42 USC 404; 42 USC 405; 42 USC 427; 42 USC 1302; 30 USC 921; 30 USC 922(a); 30 USC 922(b); 30 USC 936(a); 30 USC 952; 31 USC 957

CFR Citation: 20 CFR 404.902a, 20 CFR 404.907; 20 CFR 404.930; 20 CFR 410.561; 20 CFR 410.623; 20 CFR 410.630

Abstract: These regulations reflect the Supreme Court's decision in Califano v. Yamasaki that SSA must provide the person who is requesting that SSA waive recovery of an overpayment with an opportunity for an oral hearing before action is taken to recover the overpayment.

Timetable:

Action	Date	FR Cite
NPRM	04/00/85	

Small Entity: No

Agency Contact: Charles H. Campbell, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, Maryland 21235, **301 597-3408**

RIN: 0960-AB17

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80. ● OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE AND SUPPLEMENTAL SECURITY INCOME PROGRAMS; PERSONAL APPEARANCE DEMONSTRATION PROJECTS

Priority: Agency Determination

Legal Authority: 42 USC 405; 42 USC 1302; 42 USC 1383; PL 98-460

CFR Citation: 20 CFR 404.906; 20 CFR 416.1406

Abstract: Sec. 6 of Pub. L. 98-460 requires SSA to carry on demonstration projects that provide an opportunity for a personal appearance with the decisionmaker before an unfavorable determination about disability or blindness is made. The sample of cases is to include disability cases under title II of the Social Security Act (the Act) as well as blindness and disability cases in the Supplemental Security Income program under title XVI of the Act. It is to include people who have applied for benefits but have not received an initial determination about their eligibility and people who have been receiving benefits but whose condition is being reviewed to determine whether they are still disabled or blind. The purpose is to test whether a personal appearance with the decisionmaker at this stage of the decisionmaking process will permit the decisionmaker to better evaluate the person's condition and simplify and expedite the decision process. We plan to issue regulations to implement the demonstration projects. The cost to SSA is not yet determined.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Agency Contact: Cliff Terry, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, Maryland 21235, **301 594-7519**

RIN: 0960-AB20

81. ● OLD AGE SURVIVORS DISABILITY INSURANCE AND SUPPLEMENTAL SECURITY INCOME PROGRAM; FREQUENCY OF PERIODIC REVIEWS

Priority: Agency Determination

Legal Authority: PL 98-460, Sec 15; 42 USC 1302; 42 USC 1383

CFR Citation: 20 CFR 416; 20 CFR 404

Abstract: The regulation will implement Sec. 15 of PL 98-460 by providing that the Secretary promulgate regulations within 6 months after enactment which establish the standards to be used in determining the frequency of periodic eligibility reviews. Until final regulations are issued, no individual's eligibility may be reviewed under periodic review more than once.

Timetable:

Action	Date	FR Cite
NPRM	06/00/85	

Small Entity: No

Agency Contact: Harry Short, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, **301 594-7337**

RIN: 0960-AB21

82. ● OLD AGE SURVIVORS DISABILITY INSURANCE AND SUPPLEMENTAL SECURITY INCOME PROGRAMS; STANDARDS FOR CONSULTATIVE EXAMINATIONS; MEDICAL EVIDENCE

Priority: Agency Determination

Legal Authority: PL 98-460, Sec 9; 42 USC 465; 42 USC 421; 42 USC 423; 42 USC 1302; 42 USC 1382c; 42 USC 1383

CFR Citation: 20 CFR 404.1512; 20 CFR 416.912; 20 CFR 404.1519; 20 CFR 416.919; 20 CFR 404.1502; 20 CFR 416.920; 20 CFR 404.1593; 20 CFR 416.993

Abstract: The regulations include standards for obtaining consultative examinations, the types of consultative examination referrals to be made, and monitoring procedures for consultative examinations and the referral process. The regulations also provide for evaluating medical evidence of record and a 12-month medical history where appropriate. The requirement that a medical assessment in work-related terms be included in medical reports is being eliminated. Congress expressed concern about SSA's reliance on consultative examinations rather than medical evidence from treating sources. SSA has been criticized because consultative examiners (especially those providing consultative examinations on a volume basis) were believed to have done incomplete examinations or used inadequate facilities. Congress believed that requiring SSA to put its consultative examination standards in regulation would serve to eliminate these problems. The changes will not have any significant impact on either administrative or program costs.

Timetable:

Action	Date	FR Cite
NPRM	06/00/85	

Small Entity: No

Agency Contact: William Ziegler, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, **301 594-7415**

RIN: 0960-AB22

83. ● SUPPLEMENTAL SECURITY INCOME PROGRAM; INCREASE IN DOLLAR LIMITATION UNDER ASSETS TEST

Legal Authority: 42 USC 1302; 42 USC 1383; PL 98-369, Sec 2611

CFR Citation: 20 CFR 416.1202; 20 CFR 416.1205; 20 CFR 416.1244; 20 CFR 416.1246; 20 CFR 416.1324

Abstract: This regulation reflects the provisions of section 2611 of PL 98-369, the Deficit Reduction Act of 1984, which amended section 1611(a) of the Social Security Act (the Act). Section 2611 provides for increasing the Supplemental Security Income (SSI) resource limitations by $100 for an individual and $150 for a couple each year from January 1985 to January 1989. On January 1, 1989, and continuing, the resource limits will be $2,000/$3,000 respectively. There are no alternatives. We estimate program cost of less than $1 million per year and the administrative costs will be insignificant.

Timetable:

Action	Date	FR Cite
Final Action	04/00/85	

Small Entity: No

Agency Contact: Henry Lerner, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, **301 594-7463**

RIN: 0960-AB23

84. ● SUPPLEMENTAL SECURITY INCOME PROGRAM; PERMANENT RESIDENCE UNDER COLOR-OF-LAW

Legal Authority: Berger v. Schweiker No. 76C 1420 (E.D.N.Y. July 31, 1984)

CFR Citation: 20 CFR 416.1618

Abstract: The proposed rule implements Berger which establishes additional categories of aliens who are to be considered permanently residing in the U.S. under color of law. This will enable additional aliens to qualify for Supplemental Security Income benefits. Federal costs for FY's 1985 through 1990 are estimated at $17 million, $7 million, $9 million, $11 million, $13 million and $14 million respectively.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Agency Contact: Dave Smith, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, **301 594-7460**

RIN: 0960-AB24

85. ● OLD AGE SURVIVORS DISABILITY INSURANCE AND SUPPLEMENTAL SECURITY INCOME PROGRAMS; STANDARD OF REVIEW FOR TERMINATION OF DISABILITY BENEFITS AND PERIODS OF DISABILITY

Priority: Agency Determination

Legal Authority: PL 98-460, Sec 2; 42 USC 1302; 42 USC 1383

CFR Citation: 20 CFR 404; 20 CFR 416

Abstract: The proposed regulations will permit the Secretary to terminate a beneficiary's entitlement to Social Security disability or SSI disabled or blind benefits or to determine that a period of disability has ended on the basis that the impairment has ceased, no longer exists, or is not disabling only if there is substantial evidence of at least one of the following: (1) That the individual nas medically improved (other than improvement not related to his ability to work) and is now able to engage in substantial gainful activity (SGA); (2) That (except for SSI recipients eligible to receive benefits under section 1619) new medical evidence and a new assessment of the individual's residual functional capacity demonstrate that, although the individual has not improved medically, (a) he is a beneficiary of advances in medical or vocational therapy or technology, related to his ability to work, and is now able to perform SGA, or (b) he has undergone vocational therapy, related to his ability to work, and is now able to perform SGA; (3) That, as determined on the basis of new or improved diagnostic techniques or evaluations, the individual's impairment is now as disabling as it (cont)

Timetable:

Action	Date	FR Cite
NPRM	04/00/85	

Small Entity: No

Additional Information: ABSTRACT CONT: was considered to be at the time time of the most recent prior disability determination and that therefore the individual is able to engage in SGA; or (4) That, as demonstrated on the basis of evidence on the record at the time of any prior determination or newly obtained evidence relating to that determination, a prior determination was in error. In addition it provides that any determination under this standard should be made neutrally--without any initial inference as to the presence or absence of disability--on the basis of all evidence (both prior and new) available in the case file concerning the individual's prior or current condition. Applies similar provision, modified to rely on the concept of ability to perform gainful activity, to widows, widowers, and surviving divorced spouses. Regulations for the standard of review are required to be in place within 6 months after enactment.

Agency Contact: Harry Short, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, **301 594-7337**

RIN: 0960-AB25

86. ● PROHIBITION OF FEDERAL FUNDING OF COSTS OF INCARCERATION AND COUNSEL FOR INDIGENT ABSENT PARENTS

Legal Authority: 42 USC 1302

CFR Citation: 45 CFR 304.23

Abstract: This proposed rule would prohibit Federal funding under the Child Support Enforcement program for expenditures resulting from incarceration of absent parents in child support enforcement cases and costs of counsel for indigents in IV-D initiated actions.

Timetable:

Action	Date	FR Cite
NPRM	04/00/85	

Small Entity: No

Government Levels Affected: Local, State, Federal

Agency Contact: Joyce Linder, Program Specialist, Department of Health and Human Services, Social Security Administration, 6110 Executive Boulevard, Room 1010, Rockville, Maryland 20852, **301 443-5350**

RIN: 0960-AB26

87. ● DISREGARD OF CHILD SUPPORT PAYMENTS; AFDC REGULATIONS IMPLEMENTING THE DEFICIT REDUCTION ACT OF 1984

Legal Authority: 42 USC 1302; 42 USC 657(b)(1)

CFR Citation: 45 CFR 302.51

Abstract: This interim final rule implements the Deficit Reduction Act of 1984 which amends the Social Security Act to require that the first $50 collected on a monthly support obligation be paid to the Aid to Families with Dependent Children (AFDC) family. This amount does not affect the family's AFDC eligibility or the amount of assistance to which they were entitled.

Timetable:

Action	Date	FR Cite
Interim Final Rule	09/10/84	49 FR 35586
Final Action	04/00/85	

Small Entity: No

Government Levels Affected: Local, State, Federal

Agency Contact: Carol Jordan, Program Specialist, Department of Health and Human Services, Social Security Administration, 6110 Executive Boulevard, Room 1010, Rockville, Maryland 20852, **301 443-5350**

RIN: 0960-AB27

88. ● SUPPLEMENTAL SECURITY INCOME PROGRAMS; ASSIGNMENT OF RIGHTS TO THIRD-PARTY MEDICAL PAYMENTS TO STATE

Legal Authority: 42 USC 1383c; 42 USC 1396k

CFR Citation: 20 CFR 416.2101 to 416.2119

Abstract: Our current regulations permit a State to have SSA make determinations for the State on whether aged, blind, or disabled people are eligible for Medicaid. The regulations now permit this only if the State's Medicaid requirements for these people are the same as SSI eligibility requirements. But Sec. 2367 of Pub. L. 98-369 mandates that States require, as a condition of Medicaid eligibility, that a person assign to the State his or her rights to any medical care support available under an order of a court or an administrative agency and any third-party payments for medical care (except Medicare). Since this is a Medicaid requirement that is different from SSI requirements, no complying State could have SSA make its Medicaid determinations. The assignment requirement is intended to give States an efficient means of preventing or recovering Medicaid overpayments that result from payment by Medicaid of medical expenses for which someone else is legally responsible. Making Medicaid determinations for States is intended to prevent duplication of effort and save States some expense. Our regulations were not intended (cont)

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Additional Information: ABSTRACT CONT: to prevent States from having the benefit of both, but only to simplify our making Medicaid determinations and keep down their cost. We plan to amend our regulations to permit States to comply with the assignment requirement and still have SSA make Medicaid determinations. The resulting cost for SSA is not yet determined.

Agency Contact: **Cliff Terry**, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, Maryland 21235, **301 594-7519**

RIN: 0960–AB28

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89. ● SUPPLEMENTAL SECURITY INCOME PROGRAM; HOW WE COUNT UNEARNED INCOME

Legal Authority: 42 USC 1302; 42 USC 1382a

CFR Citation: 20 CFR 416.1123(b)

Abstract: The issue is whether amounts otherwise due an individual assigned to repay a legal obligation should continue to be included in income under the Supplemental Security Income (SSI) program. The proposed regulation will clarify that we count such amounts as income. Because this clarification only will lend greater support to current operating policy, no costs/savings are anticipated.

Timetable:

Action	Date	FR Cite
NPRM	12/00/85	

Small Entity: Not Applicable

Agency Contact: **Sander Weissman**, Chief EP Branch, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, Maryland 21235, **301 594-7318**

RIN: 0960–AB29

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90. ● OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE AND SUPPLEMENTAL SECURITY INCOME PROGRAMS; CONTINUATION OF BENEFITS DURING APPEAL

Priority: Agency Determination

Legal Authority: 42 USC 405; 42 USC 423; 42 USC 1302; 42 USC 1382c; 42 USC 1383

CFR Citation: 20 CFR 404, Subpart P; 20 CFR 416, Subpart I

Abstract: These proposed rules which implement section 2 of Pub. L. 97-455, section 2 of Pub. L. 98-118 and section 7 of Pub. L. 98-460 provide the following groups with the option to elect to continue receiving benefits/payments pending reconsideration and/or a hearing before an administrative law judge on a medical cessation determination.

Recipients of disability insurance; adult child's, disabled widow's, disabled widower's, mother's and father's, or spouse's based on having in care a disabled adult child. Recipients of benefits based on having in care, a child under age 18 but over age 15, who is disabled and receiving child's benefits. Recipients of SSI benefits based on disability or blindness. Any continued payments are subject to recovery as overpayments, subject to the same waiver provisions now in current law and regulations where the medical cessation decision is upheld on appeal. The estimated additional costs not already funded are FY 1985--$80.1 million, FY 1986--$112.6 million.

Timetable:

Action	Date	FR Cite
NPRM	06/00/85	

Small Entity: No

Agency Contact: **Larry Dudar**, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, **301 594-7459**

RIN: 0960–AB30

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91. ● SUPPLEMENTAL SECURITY INCOME PROGRAM; TREATMENT OF OVERPAYMENTS WHEN RECIPIENT'S COUNTABLE ASSETS EXCEED LIMITS IN CERTAIN CASES

Legal Authority: PL 98-369, Sec 2613

CFR Citation: 20 CFR 416

Abstract: This proposed regulation reflects the provisions of section 2613 of P.L. 98-369 which provides for waiving recovery of an overpayment that is attributable solely to excess resources if the amount of the excess if $50 or less unless the overpaid recipient (and spouse if any) knowingly and willfully failed to report the value of his/her resources accurately and timely.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Agency Contact: **Larry Dudar**, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, Maryland 21235, **301 594-7459**

RIN: 0960–AB32

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92. ● AID TO FAMILIES WITH DEPENDENT CHILDREN PROGRAM; EXTENSION OF MEDICAID ELIGIBILITY WHEN SUPPORT COLLECTIONS RESULT IN TERMINATION OF AFDC ELIGIBILITY

Legal Authority: 42 USC 606; 42 USC 1302; PL 98-378, Sec 20

CFR Citation: 45 CFR 233

Abstract: This interim final rule, which implements section 20 of the Child Support Enforcement Amendments of 1984 (Pub. L. 98-378) specifies that in any case where the collection or increased collection of support under title IV-D of the Social Security Act contributes wholly or partly to a family's ineligibility for AFDC, the family is deemed, but only for the purpose of Medicaid eligibility, to be receiving AFDC for a period of four calendar months after the last month of AFDC eligibility. This applies only to families who receive AFDC in three of the six months immediately preceding the month of ineligibility. "Received" includes those individuals denied an AFDC payment solely because the payment amount is under $10 or because the payment is determined to be zero as a result of rounding. The estimated costs are: FY 1985--$53 million, FY 1986--$58 million, FY 1987--$62 million, and FY 1988--$68 million.

Timetable:

Action	Date	FR Cite
NPRM	04/00/85	
Interim Final Rule	06/30/85	

Small Entity: No

Agency Contact: **Duane Heaton**, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, **301 594-6629**

RIN: 0960-AB33

93. ● OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAM REOPENING AND REVISING DETERMINATIONS AND DECISIONS WHERE THERE IS CLEAR ERROR OR NEW AND MATERIAL EVIDENCE - FINALITY OF ETC

Legal Authority: 42 USC 405; 42 USC 1302; 30 USC 923(b); 30 USC 936(a); 30 USC 956; 30 USC 957

CFR Citation: 20 CFR 404, Subpart J; 20 CFR 410, Subpart F

Abstract: These proposed rules would make two changes on when a determination or decision affecting someone's rights may be reopened and revised. These changes would permit reopening more than 4 years after the date of the notice of the initial determination so that we can correct clerical errors or errors on the face of the evidence considered in making the determination or decision. We are proposing to make these changes so that we can correct erroneous determinations or decisions discovered more than 4 years after the date of the initial determination. In addition, the proposed rules would establish a new administrative action called a "non-action finding." A "non-action finding" occurs when we fail to act on a report by a beneficiary and as a result fail to make an adverse change in the individual's benefits. A "non-action finding" is final and binding on both us and the beneficiary, subject to special rules on reopening and revising that action. We are proposing to make this change so that a beneficiary is protected under rules covering the reopening and revising of determinations and decisions against the retroactive effect of a (cont)

Timetable:

Action	Date	FR Cite
NPRM	04/00/85	

Small Entity: No

Additional Information: TITLE CONT: Adjudicative Non-Action.

ABSTRACT CONT: determinations and decisions against the retroactive effect of a determination made more than 4 years later based on that report. Expansion of the time limits - Saving of $78.6 million in benefit payments per year; "Non-action finding"-Cost of $400,000 a year in benefit payments.

Agency Contact: **Phil Berge**, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, Maryland 21235, **301 594-7452**

RIN: 0960-AB34

94. ● SUPPLEMENTAL SECURITY INCOME PROGRAMS; ELIGIBILITY; CONTINUATION OF BENEFITS AND ELIGIBILITY FOR CERTAIN SEVERELY IMPAIRED RECIPIENTS WHO WORK

Priority: Agency Determination

Legal Authority: PL 98-460, Sec 14(a)

CFR Citation: 20 CFR 416.260; 20 CFR 416.261; 20 CFR 416.262; 20 CFR 416.263; 20 CFR 416.264; 20 CFR 416.265; 20 CFR 416.266; 20 CFR 416.267; 20 CFR 416.268; 20 CFR 416.269

Abstract: Reflects the provisions of Section 14(a) of P.L. 98-460, which changes from December 31, 1983 to June 30, 1987 the day on which sections 1619 (a) and (b) of the Social Security Act are to expire. The projected annual program savings are $4.7 million; $5.6 million SSI benefit savings and $0.9 million Medicaid costs. Total estimated administrative expenses are $420,000.

Timetable:

Action	Date	FR Cite
Final Action	04/00/85	

Small Entity: No

Agency Contact: **Fred Miranda**, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, **301 594-7341**

RIN: 0960-AB35

95. ● OLD AGE SURVIVORS DISABILITY INSURANCE AND SUPPLEMENTAL SECURITY INCOME PROGRAMS; COMPLIANCE WITH FEDERAL LAW

Priority: Agency Determination

Legal Authority: 42 USC 421

CFR Citation: 20 CFR 404; 20 CFR 416

Abstract: The regulations deal with the operation of State agencies which make disability determinations for the Social Security Disability Benefits program and the Supplemental Security Income for the Aged, Blind, and Disabled program under regulations and other written SSA guidelines. The regulations implement recently enacted law which requires the Secretary to take definitive steps within specific time frames to assure the compliance of State agencies with SSA regulations and other written guidelines or proceed to determine their participation in the SSA administered programs. The regulations also make other changes to improve the disability determination process and to clarify and update other administrative requirements. Costs/savings cannot be estimated at this time.

Timetable:

Action	Date	FR Cite
NPRM	05/00/85	

Small Entity: No

Agency Contact: **Irving Darrow**, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, **301 597-3409**

RIN: 0960-AB36

96. ● OLD AGE SURVIVORS DISABILITY INSURANCE AND SUPPLEMENTAL SECURITY INCOME PROGRAMS; PAYMENT OF COSTS OF REHABILITATION SERVICES

Priority: Agency Determination

Legal Authority: PL 98-460, Sec 11; 42 USC 405; 42 USC 422; 42 USC 1302; 42 USC 1382(d)

CFR Citation: 20 CFR 404; 20 CFR 416

Abstract: Public Law 98-460 created 2 new provisions under which SSA will pay vocational rehabilitation (VR) agencies for the costs of services provided to disabled or blind social security beneficiaries or SSI recipients. Under the first new provision, SSA will allow payment to VRA's for the costs of VR services provided to individuals continuing to receive payment because they are participating in a VR program after their period of disability has ceased due to their unexpected medical recovery. The second new provision allows payment to VRA's for the costs of VR services provided to beneficiaries/recipients who refuse

without good cause to continue or to cooperate in a VR program in such a way as to preclude their successful rehabilitation with such refusal resulting in the nonpayment of their disability or blindness payments. It is estimated that the first year costs of this program will be less than 1 million dollars.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Agency Contact: **Dave Smith**, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulation, 6401 Security Blvd., Baltimore, MD 21235, **301 594-7460**

RIN: 0960-AB37

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97. ● OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE AND SUPPLEMENTAL SECURITY INCOME PROGRAMS; ADJUSTMENTS IN SSI BENEFITS ON ACCOUNT OF RETROACTIVE BENEFITS UNDER TITLE II

Legal Authority: 42 USC 1320a-6

CFR Citation: 20 CFR 404.408b; 20 CFR 416.1123

Abstract: Sec. 2615 of Pub. L. 98-369 amended sec. 1127 of the Social Security Act to eliminate loopholes that permit some people who are paid Old-Age, Survivors and Disability Insurance (OASDI) and Supplemental Security Income (SSI) benefits retroactively to receive more in total benefits for the same period than if they had been paid the benefits when regularly due. The two main changes are: (1) Retroactive SSI benefits will be reduced where retroactive OASDI benefits for the same period have been paid before the SSI benefits. Under prior law, reductions could be made only in retroactive OASDI benefits and only when the retroactive SSI had been paid first. (2) OASDI or SSI benefits payable retroactively upon reinstatement following a period of suspension or termination will be reduced by the amount of SSI benefits that would not have been paid if the OASDI benefits had been paid when regularly due. We plan to amend our regulations to conform to the statutory changes. The program savings and administrative costs to SSA are not yet determined.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Agency Contact: **Cliff Terry**, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, Maryland 21235, **301 594-7519**

RIN: 0960-AB38

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98. ● SUPPLEMENTAL SECURITY INCOME PROGRAM; LIMITATION ON RECOUPMENT RATE IN CASE OF OVERPAYMENT

Legal Authority: 42 USC 1302; 42 USC 1381; 42 USC 1381a; 42 USC 1382; 42 USC 1382c; 42 USC 1383; 42 USC 1383b

CFR Citation: 20 CFR 416, Subpart E

Abstract: These proposed rules which implement section 2612 of Pub. L. 98-469 will limit the rate at which an overpayment may be recovered from an individual still receiving benefits (SSI or federally administered supplementary payments, or both) to 10 percent of the recipient's total income (countable income plus SSI and State supplementary payments) or the recipient's payment for the month, whichever is less. They will apply the 10 percent requirement only to recipients in current payment status. However, recovery of an overpayment by withholding from SSI payments due will be suspended when a recipient is subject to the $25 payment limitation (living arrangement D). The 10 percent limit will not apply in situations involving installment agreements, recovery by refund, cross program adjustment or where it is determined that the overpayment occurred because of recipient fraud or willful misrepresentation. They will, in negotiated cases, set a rate of withholding that is appropriate for the financial condition of the overpaid person after factual evaluation. Such cases will also be considered initial determinations for (cont)

Timetable:

Action	Date	FR Cite
NPRM	09/00/85	

Small Entity: No

Additional Information: ABSTRACT CONT: which the recipient has appeal rights. Estimated costs are FY 1985--$22 million, FY 1986--$2 million, FY 1987--$2 million, FY 1988--$2 million, FY 1989--$2 million.

Agency Contact: **Larry Dudar**, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Boulevard, Baltimore, MD 21235, **301 594-7459**

RIN: 0960-AB40

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99. ● DETERMINING DISABILITY BLINDNESS; EVALUATION OF PAIN

Priority: Agency Determination

Legal Authority: PL 98-460

CFR Citation: 20 CFR 404, Subpart P; 20 CFR 416, Subpart I

Abstract: These proposed regulations provide a temporary statutory standard (through December 31, 1986) for using subjective and objective evidence in evaluating cases involving pain or other symptoms. This standard reflects SSA's current policy for evaluating symptoms, including pain.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Agency Contact: **William Ziegler**, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd, Baltimore, Maryland 21235, **301 594-7415**

RIN: 0960-AB41

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)
Social Security Administration (SSA)

Existing Regulations Under Review

100. ● OLD AGE SURVIVORS DISABILITY INSURANCE AND SUPPLEMENTAL SECURITY INCOME PROGRAMS; QUALIFICATIONS OF MEDICAL PROFESSIONALS EVALUATING MENTAL IMPAIRMENTS

Priority: Agency Determination

Legal Authority: PL 98-460, Sec 8; 42 USC 405; 42 USC 421; 42 USC 1302; 42 USC 1382c; 42 USC 1383

CFR Citation: 20 CFR 404.1503; 20 CFR 404.1526; 20 CFR 404.1546; 20 CFR 404.1615; 20 CFR 404.1616; 20 CFR 404.1617; 20 CFR 416.903; 20 CFR 416.926; 20 CFR 416.946; 20 CFR 416.1015; 20 CFR 414.1016; 20 CFR 416.1017

Abstract: The proposed regulations reflect the provisions of section 8 of PL 98-460 by requiring that we make every reasonable effort to have a qualified psychiatrist or psychologist to complete the medical portion of the case review and any residual functional capacity assessment in unfavorable determinations in mental impairment cases. As a result of this new provision of the law, we are also explaining in the regulations the qualifications necessary to be considered as reasonable effort to obtain the services of a qualified psychiatrist or psychologist. In enacting section 8 of PL 98-460, Congress has expressed its concern that in some instances, the Social Security Administration did not have sufficient professional expertise involved in the evaluation of mental impairment claims. Thus, by permitting SSA to use Federal Resources, the Congress addressed conditions which usually impeded the States from obtaining qualified medical professionals such as the inability to obtain their services due to inadequate compensation. This change in the law means that SSA must now make every reasonable effort to see that the services of qualified psychiatrists and (cont)

Timetable:

Action	Date	FR Cite
NPRM	04/00/85	

Small Entity: No

Additional Information: ADDITIONAL ABSTRACT: psychologists are obtained through proper State administration including, where necessary, raising State fee schedules to provide compensation at the prevailing rates in the community. SSA may also contract directly for these services when the State is unable to provide them due to inadequate compensation or other impediments at the State level. Costs will increase by a range of less than $3.4 million in 1985 to $7.2 million in 1986. These figures were derived from the number of additional physician hours needed for State agency medical consultants.

Agency Contact: William Ziegler, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, **301 594-7415**

RIN: 0960-AB31

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)
Social Security Administration (SSA)

Completed Actions

COMPLETED RULEMAKINGS

101. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE, BLACK LUNG, AND SUPPLEMENTAL SECURITY INCOME PROGRAMS; WAIVER OF ADJUSTMENT OR RECOVERY OF OVERPAYMENTS

Priority: Agency Determination

CFR Citation: 20 CFR 404, Subpart F; 20 CFR 410, Subpart E; 20 CFR 416, Subpart E

Completed:

Reason	Date	FR Cite
Regulation Action Cancelled	10/24/84	

Small Entity: No

Agency Contact: Larry Dudar 301 594-6629

RIN: 0960-AA00

102. SUPPLEMENTAL SECURITY INCOME PROGRAM; ELIGIBILITY, MANDATORY APPLICATION FOR EARNED INCOME TAX CREDITS

Priority: Agency Determination

CFR Citation: 20 CFR 416, Subpart B

Completed:

Reason	Date	FR Cite
Final Action	02/11/85	50 FR 05571

Small Entity: No

Agency Contact: David Smith 301 594-7460

RIN: 0960-AA01

103. SUPPLEMENTAL SECURITY INCOME PROGRAM; RESOURCES

CFR Citation: 20 CFR 416, Subpart L

Completed:

Reason	Date	FR Cite
Regulation Action Cancelled	01/00/85	

Small Entity: No

Agency Contact: Henry Lerner 301 594-7463

RIN: 0960-AA32

104. FEDERAL OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAM; ADDITIONAL EXCEPTION TO REDUCTION OF BENEFITS OF SPOUSE RECEIVING GOVERNMENT PENSION

CFR Citation: 20 CFR 404.408a

Completed:

Reason	Date	FR Cite
Final Action	10/22/84	49 FR 41244

Small Entity: No

Agency Contact: Jack Schanberger 301 594-6785

RIN: 0960-AA48

105. AID TO FAMILIES WITH DEPENDENT CHILDREN PROGRAM; QUALITY CONTROL REQUIREMENTS (TEFRA)

CFR Citation: 45 CFR 205.40; 45 CFR 205.42; 45 CFR 205.43; 45 CFR 205.44

HHS—SSA

Completed Actions

Completed:

Reason	Date	FR Cite
Final Action	09/28/84	49 FR 38276

Small Entity: No

Agency Contact: Barbara Levering 202 245-2637

RIN: 0960-AA51

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106. OASDI, BLACK LUNG, AND SSI PROGRAMS; REOPENING AND REVISING DETERMINATIONS AND DECISIONS—EXPEDITED APPEALS PROCESS

CFR Citation: 20 CFR 404, Subpart J; 20 CFR 410, Subpart F; 20 CFR 416, Subpart N; 20 CFR 422, Subpart C

Completed:

Reason	Date	FR Cite
Final Action	11/26/84	49 FR 46365

Small Entity: No

Agency Contact: Phil Berge 301 594-7452

RIN: 0960-AA52

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107. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAM; EMPLOYMENT, WAGES, SELF-EMPLOYED AND SELF-EMPLOYMENT INCOME; SICK PAY

CFR Citation: 20 CFR 404.1049; 20 CFR 404.1051A

Completed:

Reason	Date	FR Cite
Final Action	01/14/85	50 FR 01831

Small Entity: Undetermined

Agency Contact: C.H. Campbell 301 597-3408

RIN: 0960-AA58

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108. AID TO FAMILIES WITH DEPENDENT CHILDREN PROGRAM; DISREGARD OF INCOME OF DEPENDENT CHILDREN DERIVED FROM PARTICIPATION IN PROGRAMS CARRIED OUT UNDER THE JOB TRAINING PARTNERSHIP ACT

Priority: Agency Determination

CFR Citation: 45 CFR 233.20

Completed:

Reason	Date	FR Cite
Final Action	12/13/84	49 FR 48547

Small Entity: No

Agency Contact: Barbara Levering 202 245-2637

RIN: 0960-AA72

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109. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAM; DEDUCTIONS; REDUCTIONS; AND NONPAYMENT OF BENEFITS-NONPAYMENT OF BENEFITS TO PRISONERS

CFR Citation: 20 CFR 404, Subpart E

Completed:

Reason	Date	FR Cite
Final Action	12/11/84	49 FR 48181

Small Entity: No

Agency Contact: William Ziegler 301 594-4715

RIN: 0960-AA73

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110. SUPPLEMENTAL SECURITY INCOME PROGRAM; WHAT IS NOT INCOME

CFR Citation: 20 CFR 416, Subpart K

Completed:

Reason	Date	FR Cite
Final Action	12/10/84	49 FR 48036

Small Entity: No

Agency Contact: Henry D. Lerner 301 594-7463

RIN: 0960-AA74

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111. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAMS; DETERMINING DISABILITY AND BLINDNESS; APPENDIX 1 PART B; MEDICAL CRITERIA FOR EVALUATION OF CHILDREN

CFR Citation: 20 CFR 404, Subpart P

Completed:

Reason	Date	FR Cite
Regulation Action Cancelled	01/00/85	

Small Entity: No

Agency Contact: William Ziegler 301 594-7415

RIN: 0960-AA80

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112. PUBLIC ASSISTANCE PROGRAMS; EXCLUSION OF CERTAIN FUNDS DISTRIBUTED TO MEMBERS OF INDIAN TRIBES AS INCOME AND RESOURCES

CFR Citation: 45 CFR 233.20

Completed:

Reason	Date	FR Cite
Regulation Action Cancelled	11/08/84	

Small Entity: No

Agency Contact: Barbara Levering 202 245-2637

RIN: 0960-AA95

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113. SUPPLEMENTAL SECURITY INCOME PROGRAM; INCOME; EXCLUSION FROM INCOME OF CERTAIN ALASKA BONUS PAYMENTS

CFR Citation: 20 CFR 416.1124(c)(7)

Completed:

Reason	Date	FR Cite
Regulation Action Cancelled	01/00/85	

Small Entity: No

Agency Contact: Henry Lerner 301 594-4753

RIN: 0960-AB10

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114. SUPPLEMENTAL SECURITY INCOME PROGRAM; RESOURCES GENERAL, TRUSTS

CFR Citation: 20 CFR 416.1201, (Revision)

Completed:

Reason	Date	FR Cite
Regulation Action Cancelled	01/00/85	

Small Entity: No

Agency Contact: Henry Lerner 301 594-7453

RIN: 0960-AB12

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115. SUPPLEMENTAL SECURITY INCOME PROGRAM; TERMINATION OF FEDERAL FISCAL LIABILITY

Priority: Agency Determination

CFR Citation: 20 CFR 416, Subpart T

Completed:

Reason	Date	FR Cite
Final Action	09/28/84	49 FR 38247

Small Entity: No

Agency Contact: Duane Heaton 301 594-7951

RIN: 0960-AB13

116. OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAM; PROBATIVE VALUE OF EVIDENCE

CFR Citation: 20 CFR 404.1519ff, (New)

Completed:

Reason	Date	FR Cite
Regulation Action Cancelled	01/00/85	

Small Entity: No

Agency Contact: Hugh A. Meade, Jr. 301 594-3352

RIN: 0960-AB14

117. OLD-AGE, SURVIVORS, DISABILITY INSURANCE AND SUPPLEMENTAL SECURITY INCOME PROGRAMS; SOCIAL SECURITY DISABILITY BENEFITS

Priority: Agency Determination

CFR Citation: 20 CFR 404; 20 CFR 416

Completed:

Reason	Date	FR Cite
Regulation Action Cancelled	01/00/85	

Small Entity: No

Agency Contact: Charles Rollins 301 594-6695

RIN: 0960-AB18

118. SUPPLEMENTAL SECURITY INCOME PROGRAM; CERTAIN PROVISIONS OF P.L. 98-369 (THE DEFICIT REDUCTION ACT OF 1984)

CFR Citation: 20 CFR 416

Completed:

Reason	Date	FR Cite
Regulation Action Cancelled	01/00/85	

Small Entity: No

Agency Contact: Charles Rollins 301 594-6695

RIN: 0960-AB19

ACTIONS THAT STARTED AND ENDED BETWEEN ISSUES OF THE UNIFIED AGENDA

119. ● OLD AGE SURVIVORS DISABILITY INSURANCE AND SUPPLEMENTAL SECURITY INCOME PROGRAMS; DETERMINING DISABILITY AND BLINDNESS; MULTIPLE IMPAIRMENTS

Priority: Agency Determination

Legal Authority: PL 98-460, Sec 4; 42 USC 405; 42 USC 423; 42 USC 1302; 42 USC 1382

CFR Citation: 20 CFR 404.1520; 20 CFR 404.1521; 20 CFR 404.1522; 20 CFR 404.1523; 20 CFR 416.920; 20 CFR 416.921; 20 CFR 416.922; 20 CFR 416.923

Abstract: This provision of the law requires us to consider the combined effect of all of a person's impairments in determining disability regardless of whether any single impairment, if considered separately, would be of sufficient severity. If we do find a medically severe combination of impairments, the combined impact of the impairments must be considered throughout the disability determination process. We are revising regulations which explain how we evaluate multiple nonsevere impairments to reflect that we will now consider the combined effect of impairments to determine severity. We believe the Congress intended to ensure that the combined effect of multiple impairment is considered when we determine whether a person has a severe impairment and, when the combined effect is found to be severe, that the person's impairments are evaluated under the full sequential evaluation process. Current cost estimates for fiscal years 1985 and 1986 are as follows: Additional title II benefits: less that $5 million per year. Additional SSI benefits: FY 1985-negligible; FY 1986-$1 million.

Timetable:

Action	Date	FR Cite
Final Action	03/05/85	50 FR 08726

Small Entity: No

Agency Contact: William Ziegler, Legal Assistant, Department of Health and Human Services, Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, MD 21235, **301 594-7415**

RIN: 0960-AB39

[FR Doc. 85-6366 Filed 04-26-85; 8:45 am]

BILLING CODE 4150-04-T

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS) Current and Projected Rulemakings

Office of Child Support Enforcement (OCSE)

120. TREATMENT OF ASSIGNED SUPPORT PAYMENTS RECEIVED DIRECTLY AND RETAINED BY AFDC RECIPIENTS

Legal Authority: 42 USC 652(a); 42 USC 1302

CFR Citation: 45 CFR 232.12; 45 CFR 233.20; 45 CFR 302.31; 45 CFR 303.80

Abstract: These joint Office of Family Assistance (OFA)-OCSE regulations provide regulatory authority for child support enforcement agencies to recover support payments that have been assigned to the State as a condition of eligibility for receiving AFDC when these support payments have been incorrectly made directly to the family. These regulations give States the flexibility to use either the child support or AFDC agency in resolving a direct payment problem.

Timetable:

Action	Date	FR Cite
Interim Final Rule	09/30/82	47 FR 43953
Final Action	04/00/85	

Small Entity: No

Agency Contact: Marianne Rufty, Program Specialist, Department of Health and Human Services, Office of Child Support Enforcement, Room 1010, 6110 Executive Boulevard, Rockville, MD 20852, **301 443-5350**

RIN: 0992-AA08

121. MEDICAL SUPPORT ENFORCEMENT

Legal Authority: 42 USC 654(13); 42 USC 1302; 42 USC 652(f)

CFR Citation: 45 CFR 304.20; 45 CFR 304.23; 45 CFR 306.50; 45 CFR 306.51; 45 CFR 302.80; 45 CFR 306.0

Abstract: Currently, medical support enforcement activities are pursued through optional cooperative agreements between the State IV-D agency and the State Medicaid agency. This regulation requires all State IV-D agencies to attempt to obtain minimal medical support information during the normal processing of child support cases. This will result in increased use of available third party resources in the form of private medical insurance and in medical cost savings to State and Federal governments. State IV-D agencies are also required to petition to include medical support in new or modified orders for support, if employment-related medical insurance is available to the absent parent.

Timetable:

Action	Date	FR Cite
NPRM	08/04/83	48 FR 35468
Final Action	04/00/85	

Small Entity: No

Agency Contact: Carol Jordan, Program Specialist, Department of Health and Human Services, Office of Child Support Enforcement, Room 1010, 6110 Executive Boulevard, Rockville, MD 20852, **301 443-5350**

RIN: 0992-AA12

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122. REVISION OF IV-D PROGRAM AUDIT REGULATIONS

Priority: Agency Determination

Legal Authority: 42 USC 652(a)(1); 42 USC 652(a)(4); 42 USC 603(h); 42 USC 1302; 42 USC 602(a)(27)

CFR Citation: 45 CFR 305; 45 CFR 205.146(d)

Abstract: These regulations: (1) require OCSE to conduct an audit of the effectiveness of State Child Support Enforcement programs at least once every three years; (2) require OCSE to use a "substantial compliance" standard to determine whether each State has an effective IV-D child support enforcement program; (3) provide that any State found not to have an effective IV-D program in substantial compliance with the requirements of title IV-D of the Social Security Act be given an opportunity to take the corrective action necessary to be in substantial compliance with these requirements; (4) provide for the use of a graduated penalty of not less than one nor more than five percent of a State's Federal AFDC funds if a State is not in substantial compliance with title IV-D of the Act; (5) specify the period of time during which a penalty is effective; and (6) add State-plan audit criteria and performance-related audit criteria that will be used in addition to existing criteria in determining whether a State has an effective IV-D program.

Timetable:

Action	Date	FR Cite
NPRM	10/05/84	49 FR 39488
Final Action	04/00/85	

Small Entity: No

Agency Contact: Michael P. Fitzgerald, Program Specialist, Department of Health and Human Services, Office of Child Support Enforcement, Room 1010, 6110 Executive Boulevard, Rockville, MD 20852, **301 443-5350**

RIN: 0992-AA13

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123. OMB CONTROL NUMBERS FOR INFORMATION COLLECTION REQUIREMENTS CONTAINED IN OCSE REGULATIONS

Legal Authority: 42 USC 1302; 44 USC 3507(f); 44 USC 3512; 44 USC 3516

CFR Citation: 45 CFR 300, (New)

Abstract: To implement the provisions of section 3512 of Paperwork Reduction Act of 1980 and the regulations at 5 CFR 1320.5(b) implemented by the Office of Management and Budget (OMB), OCSE is displaying in 45 CFR Part 300 current OMB control numbers for information collection requirements contained in OCSE regulations. Additional control numbers will be added to the numbers in 45 CFR Part 300 when we are notified by OMB.

Timetable:

Action	Date	FR Cite
Final Action	04/00/85	

Small Entity: No

Agency Contact: Gail Blatt, Program Technician, Department of Health and Human Services, Office of Child Support Enforcement, 6110 Executive Blvd., Rockville, Maryland 20852, **301 443-5350**

RIN: 0992-AA15

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124. IMPLEMENTATION OF CHILD SUPPORT ENFORCEMENT AMENDMENTS OF 1984

Priority: Agency Determination

Legal Authority: 42 USC 1302; 42 USC 652; 42 USC 653; 42 USC 654; 42 USC 655; 42 USC 656; 42 USC 657; 42 USC 658; 42 USC 664; 42 USC 666; 42 USC 667

CFR Citation: 45 CFR 301.1; 45 CFR 302; 45 CFR 303; 45 CFR 304; 45 CFR 305; 45 CFR 307

Abstract: The rules implement the Child Support Enforcement Amendments of 1984, which require all States to enact laws requiring the use of certain procedures in their Child Support Enforcement programs. Such procedures include income or wage withholding, expedited processes for establishing and enforcing support obligations, State income tax refund offsets, liens against property, extended paternity statute of limitations, imposition of security, bond or guarantee and providing information to consumer reporting agencies. States must also notify AFDC recipients of child support collections made during the year; establish guidelines for child support award amounts; publicize the availability of support enforcement services; and charge a mandatory application fee not to exceed $25.00 for non-AFDC support services. States may charge absent parents late payment fees of between 3 percent and 6 percent of arrearages and may provide tracking and monitoring of support payments at the request of either parent. The statute also reduces Federal funding to States for administrative costs, revises the system for payment of incentives to States on (cont)

Timetable:

Action	Date	FR Cite
NPRM	09/19/84	49 FR 36780
Final Action	04/00/85	

Small Entity: No

Additional Information: ABSTRACT CONT: collections, extends the Federal income tax refund offset processes to non-AFDC families for five years, and makes several other changes to the current IV-D program. Most of these provisions are effective October 1, 1985.

Agency Contact: Elizabeth Matheson, Program Specialist, Department of Health and Human Services, Office of Child Support Enforcement, 6110 Executive Blvd., Rockville, Maryland 20852, **301 443-5350**

RIN: 0992-AA16

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)
Office of Child Support Enforcement (OCSE)

Completed Actions

COMPLETED RULEMAKINGS

125. COSTS OF SERVICES FOR NON-AFDC FAMILIES; REDUCTION OF PROGRAM EXPENDITURES BY FEES AND OTHER INCOME

Priority: Agency Determination

CFR Citation: 45 CFR 302.33; 45 CFR 304.50

Completed:

Reason	Date	FR Cite
Final Action	09/19/84	49 FR 36764
Final Action Effective	09/19/84	

Small Entity: No

Agency Contact: Michael Fitzgerald 301 443-5350

RIN: 0992-AA02

126. COMPUTERIZED CHILD SUPPORT ENFORCEMENT SYSTEM

CFR Citation: 45 CFR 302.85; 45 CFR 304.20(b)(9) and (10); 45 CFR 307

Completed:

Reason	Date	FR Cite
Final Action	08/22/84	49 FR 33255

Small Entity: No

Agency Contact: Michael Fitzgerald 301 443-5350

RIN: 0992-AA06

127. PROCEDURES FOR CASE ASSESSMENT AND PRIORITIZATION

CFR Citation: 45 CFR 303.10

Completed:

Reason	Date	FR Cite
Final Action	09/19/84	49 FR 36764

Small Entity: No

Agency Contact: Marianne Rufty 301 443-5350

RIN: 0992-AA09

[FR Doc. 85-8366 Filed 04-26-85; 8:45 am]

BILLING CODE 4150-04-T

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)
Public Health Service (PHS)—Office of Assistant Secretary for Health (OASH)

Current and Projected Rulemakings

128. GRANTS FOR ADOLESCENT PREGNANCY AND FAMILY LIFE PROJECTS

Legal Authority: 42 USC 300z et seq Public Health Service Act

CFR Citation: 42 CFR 59

Abstract: The proposed rule would establish the requirements for grants for demonstration projects funded under the recently enacted Title XX of the Public Health Service Act. The title authorizes the Department of Health and Human Services to make grants to projects that will provide health, social and education services to pregnant and nonpregnant adolescents, adolescent parents, and their families.

Timetable:

Action	Date	FR Cite
NPRM	05/20/83	48 FR 22750
NPRM Comment Period Begin	05/20/83	48 FR 22750
NPRM Comment Period End	07/19/83	
Final Action	06/30/85	

Small Entity: No

Additional Information: SMALL BUSINESSES CONT: Given the size of the appropriation anticipated, the number of grants for demonstration projects that can be funded is not expected to result in this regulation's having a significant economic impact on a substantial number of small entities as defined by the Regulatory Flexibility Act.

Agency Contact: Donald Underwood, Grants Management Officer, Department of Health and Human Services, Public Health Service, Office of Adolescent Pregnancy Programs, Room 1351, HHS-N, 330 Independence Ave.,S.W., Washington, DC 20201, 202 245-0146

RIN: 0905-AA24

[FR Doc. 85-8386 Filed 04-26-85; 8:45 am]

BILLING CODE 4150-04-T

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)
Public Health Service (PHS)—Alcohol, Drug Abuse, and Mental Health Administration (ADAMHA)

Current and Projected Rulemakings

129. CONFIDENTIALITY OF ALCOHOL AND DRUG ABUSE PATIENT RECORDS

Legal Authority: 42 USC 290ee-3; 42 USC 290dd-3

CFR Citation: 42 CFR 2

Abstract: Federal law requires that certain alcohol and drug abuse patient records be kept confidential. A comprehensive rewrite of implementing regulations proposed in the NPRM simplifies and substantially shortens existing rules and proposes major substantive changes including: (1) Limiting applicability to specialized alcohol and drug abuse programs, (2) Requiring notice to patients of Federal confidentiality requirements, (3) Including a sample consent form, (4) Eliminating the impediment to a patient's access to her/his own records, (5) Eliminating most sections restricting disclosures based on patient consent, (6) Eliminating the prohibition on the entry of a court order authorizing disclosure of subjective information regarding a patient.

Timetable:

Action	Date	FR Cite
Notice of Decision to Develop Regs	01/02/80	45 FR 53
NPRM	08/25/83	48 FR 38758
NPRM Comment Period End	10/24/83	
Final Action	05/00/85	

Small Entity: No

Additional Information: The location of the confidentiality provisions for alcohol and drug abuse patient records has been transferred from one public

law to another and has been changed in the United States Code. P.L. 98-24, the Alcohol and Drug Abuse Amendments of 1983, consolidates alcohol, drug abuse, and mental health authorities in Title V of the Public Health Service Act. Section 408 of the Drug Abuse Prevention, Treatment and Rehabilitation Act (21 U.S.C. 1175) is transferred to section 527 of the Public Health Service Act and is now codified at 42 U.S.C. 290ee-3. Section 333 of the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (42 U.S.C. 4582) is transferred to section 523 of the Public Health Service Act and is now codified at 42 U.S.C. 290dd-3.

Agency Contact: Judith T. Galloway, Regulations Officer, Department of Health and Human Services, Alcohol, Drug Abuse, and Mental Health Administration, Room 13C-06, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857, 301 443-3200

RIN: 0905-AA26

130. ● OBLIGATED SERVICE FOR MENTAL HEALTH TRAINEESHIPS

Legal Authority: 42 USC 242a

CFR Citation: 42 CFR 64a

Abstract: This rule implements statutory service payback obligations of recipients of clinical traineeships in psychology, psychiatry, social work, or nursing. The NPRM would revise 42 CFR 64a to establish a uniform rate of interest for all individuals who receive clinical traineeships, clarify that funds owed to the government become a debt when the trainee fails to complete the obligation, require that training institutions conduct entrance and exit interviews with trainees to inform them of the seriousness of their service obligations, and provide guidelines for hardship deferrals. The option in existing regulations is to continue the potential for 50 different interest rates with disputes ensuing over what the maximum rate is within each jurisdiction. In addition the existing rule permits a 5-year interest-free period which the NPRM would reduce to 2 years. The NPRM will reduce costs to the government by reducing the interest-free period and by avoiding the expense of settling disputes concerning the correct interest rate for payback obligations.

Timetable:

Action	Date	FR Cite
NPRM	07/00/85	

Small Entity: Not Applicable

Agency Contact: Joan Jenkins, Chief, Ofc. of Human Resources P&E Br; OPDPE, Department of Health and Human Services, Alcohol, Drug Abuse, and Mental Health Administration, Room 17C-25, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857, 301 443-3657

RIN: 0905-AB48

[FR Doc. 85-6366 Filed 04-26-85; 8:45 am]

BILLING CODE 4150-04-T

131. PROJECT GRANTS FOR HEALTH PROGRAMS FOR REFUGEES

Legal Authority: 8 USC 1522(b) Section 412(b)(5) Immigration and Nationality Act; PL 96-212 Refugee Act of 1980; PL 97-363 Refugee Assistance Amendments of 1982

CFR Citation: 42 CFR 51e

Abstract: Regulations are required by Department policy for this project grant program administered by the Centers for Disease Control (CDC) under an intra-agency agreement with the Office of Refugee Resettlement (ORR). The project grants are awarded to State and local health agencies to assist them in providing initial health assessments to arriving refugees. These health assessments specifically address conditions of public health concerns, like tuberculosis, and also identify personal health problems that could impair the effective resettlement of the refugee. CDC has established the program requirements, guidelines, and standards for evaluation.

Timetable:

Action	Date	FR Cite
NPRM	04/00/85	

Small Entity: No

Additional Information: FTS 236-1802

Agency Contact: Anthony M. Scardaci, Associate Dir., Ctr. for Prevention Services, Department of Health and Human Services, Centers for Disease Control, 1600 Clifton Road, N.E., Atlanta, GA 30333, 404 329-1802

RIN: 0905-AB43

132. ● DISTRIBUTION OF REFERENCE BIOLOGICAL STANDARDS AND BIOLOGICAL PREPARATIONS

Priority: Agency Determination

Legal Authority: 31 USC 9701 Independent Offices Appropriation Act of 1952; 42 USC 216 Sec 215, 58 Stat. 690, as amended; 42 USC 263 Sec 352 of the Public Health Service Act, as amended

CFR Citation: 42 CFR 7, (New)

Abstract: This proposal initiates a program that would impose a user charge upon a private agency which requests reference biological standards or biological preparations for their own comparative performance tests to cover the cost to the Centers for Disease Control (CDC) of developing and distributing the products. CDC is proposing to impose an average user charge of $24 per unit distributed. The cost will vary, depending upon the type of preparation requested. CDC is not proposing to impose a user charge for State and local health departments, the World Health Organization, or international governments because these materials are provided to those agencies for public health reasons and not for the benefit of the requesters.

Timetable:

Action	Date	FR Cite
NPRM	09/30/85	

Small Entity: No

Agency Contact: Morris T. Suggs, Dr. P.H., Director, Biological Products Program, Department of Health and Human Services, Centers for Disease Control, Center for Infectious Diseases, 1600 Clifton Road, N.E., Atlanta, GA 30333, **404 329-3353**

RIN: 0905-AB49

133. ● SPECIFICATIONS FOR MEDICAL EXAMINATIONS OF UNDERGROUND COAL MINERS

Legal Authority: 30 USC 843 Federal Mine Safety and Health Act of 1977

CFR Citation: 42 CFR 37, (Revision)

Abstract: The National Institute for Occupational Safety and Health (NIOSH) administers an X-ray examination program for coal miners as mandated by the Federal Mine Safety and Health Act of 1977. The proposed amendment will provide additional specifications to enable X-ray readers in the Department's medical surveillance program for underground coal miners to interpret miners' chest X-rays more accurately to classify any existing or developing pneumoconiosis. The proposed changes are based on recommendations by NIOSH, the Mine Health Research Advisory Committee to NIOSH, and the American College or Radiology Task Force on Pneumoconiosis. The proposed rule will expand the specification for X-ray film size, specify film/screen combinations and speeds which can be used, and specify the method for obtaining a definitive interpretation of chest X-rays when two readers' interpretations do not agree.

Timetable:

Action	Date	FR Cite
NPRM	09/30/85	

Small Entity: No

Agency Contact: Ms. Mitzie Martin, Chief, Receiving Center Section, Department of Health and Human Services, Centers for Disease Control, Examinatns Proc Br, Div of Resp Dis Studies, NIOSH, 944 Chestnut Ridge Rd., Morgantown, WV 26505, **304 291-4301**

RIN: 0905-AB51

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS) Completed Actions

Public Health Service (PHS)—Centers for Disease Control (CDC)

COMPLETED RULEMAKINGS

134. FOREIGN QUARANTINE

CFR Citation: 42 CFR 71

Completed:

Reason	Date	FR Cite
Final Action	01/11/85	50 FR 01516
Final Action Effective	02/11/85	50 FR 01516

Small Entity: No

Agency Contact: Dr. Laurence S. Farer **404 329-2574**

RIN: 0905-AA31

[FR Doc. 85-6386 Filed 04-26-85; 8:45 am]

BILLING CODE 4150-04-T

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS) Current and Projected Rulemakings

Public Health Service (PHS)—Food and Drug Administration (FDA)

135. OBLIGATIONS OF SPONSORS OF CLINICAL INVESTIGATIONS

Priority: Agency Determination

Legal Authority: 21 USC 346 Federal Food, Drug, and Cosmetic Act; 21 USC 348 Federal Food, Drug, and Cosmetic Act; 21 USC 352 Federal Food, Drug, and Cosmetic Act; 21 USC 353 Federal Food, Drug, and Cosmetic Act; 21 USC 355 Federal Food, Drug, and Cosmetic Act; 21 USC 356 Federal Food, Drug, and Cosmetic Act; 21 USC 357 Federal Food, Drug, and Cosmetic Act; 21 USC 360b to 360f Federal Food, Drug, and Cosmetic Act; 21 USC 360h to 360j Federal Food, Drug, and Cosmetic Act; 21 USC 371(a) Federal Food, Drug, and Cosmetic Act; 21 USC 376 Federal Food, Drug, and Cosmetic Act; 21 USC 381 Federal Food, Drug, and Cosmetic Act; 42 USC 216 Public Health Service Act; 42 USC 262 Public Health Service Act; 42 USC 263b to 263n Public Health Service Act

CFR Citation: 21 CFR 52; 21 CFR 71; 21 CFR 170; 21 CFR 171; 21 CFR 180; 21 CFR 310; 21 CFR 312; 21 CFR 314; 21 CFR 320; 21 CFR 330; 21 CFR 430; 21 CFR 431; 21 CFR 510; 21 CFR 511; 21 CFR 514; ...

Abstract: This proposed rule would clarify or revise certain existing requirements concerning obligations of persons who sponsor clinical investigations involving a drug or medical device and extend those requirements to cover other products regulated by FDA. The rule is intended to provide greater protection of the rights and safety of subjects involved in clinical investigations and to help assure the quality and integrity of the data filed with FDA under the Federal Food, Drug, and Cosmetic Act and the Public Health Service Act.

Timetable:

Action	Date	FR Cite
NPRM	09/27/77	42 FR 49612
NPRM Comment Period Begin	09/27/77	42 FR 49612
NPRM Comment Period End	12/27/77	
Final Action	04/00/85	

Small Entity: Not Applicable

Agency Contact: Marilyn L. Watson, Consumer Safety Officer, Department of Health and Human Services, Food and Drug Administration, Center for Drugs & Biologics (HFN-360), 5600 Fishers Lane, Rockville, MD 20857, **301 443-3640**

RIN: 0905-AA03

136. OVER-THE-COUNTER (OTC) DRUG REVIEW

Legal Authority: 21 USC 321(p) Federal Food, Drug, and Cosmetic Act; 21 USC 352 Federal Food, Drug, and Cosmetic Act; 21 USC 355 Federal Food, Drug, and Cosmetic Act; 21 USC 371(a) Federal Food, Drug, and Cosmetic Act

CFR Citation: 21 CFR 310; 21 CFR 330; 21 CFR 333; 21 CFR 334; 21 CFR 335; 21 CFR 336; 21 CFR 337; 21 CFR 338; 21 CFR 339; 21 CFR 340; 21 CFR 341; 21 CFR 342; 21 CFR 343; 21 CFR 344; 21 CFR 345; ...

Abstract: The OTC drug review establishes conditions under which OTC drugs are considered generally recognized as safe and effective and

not misbranded. After a final monograph (i.e., final rule) is issued, only OTC drugs meeting the conditions of the monograph, or having an approved new drug application, may be legally marketed. NOTE: NPRM for "Antidotes, Toxic Ingestion Products" to be combined with NPRM for "Emetic Products" and reproposed as "Poison Treatment Products." NPRM for "Astringent (Wet Dressings) Products" to be included in NPRMs for "External Analgesic" & "Skin Protectant Products." NPRM for "Diaper Rash Products" to be included in NPRMs for "Anti-fungal," "Anti-microbial," "External Analgesic" and "Skin Protectant Products." NPRM for "Fever Blister/Cold Sore Products (External)" to be included in NPRMs for "External Analgesic" and "Skin Protectant Products." NPRM for "Insect Bites and Stings (Relief) Products" to be included in NPRMs for "External Analgesic" and "Skin Protectant Products." NPRM for "Male Genital Desensitizer Products" to be included in NPRM for "External Analgesic Products." NPRM for "Mercurial (Topical) Products" to be included in NPRM for (cont)

Supplemental Timetable:

Acne (Topical) Products
ANPRM 03/23/82 (47 FR 12430)
NPRM 01/15/85 (50 FR 2172)
Final Action 00/00/00

Alcohol (Topical) Products
ANPRM 05/21/82 (47 FR 22344)

Alertness Aid Products
ANPRM 12/08/75 (40 FR 57292)
NPRM 06/13/78 (43 FR 25544)
Final Action 04/00/85

Anorectal Products
ANPRM 05/27/80 (45 FR 35576)
NPRM 04/00/85

Anthelmintic Products
ANPRM 09/09/80 (45 FR 59541)
NPRM 08/24/82 (47 FR 37062)
Final Action 04/00/85

Antibiotic First Aid Products
ANPRM 04/01/77 (42 FR 17642)
NPRM 07/09/82 (47 FR 29986)
Final Action 00/00/00

Anticaries Products
ANPRM 03/28/80 (45 FR 20666)
NPRM 00/00/00

Antidiarrheal Products
ANPRM 03/21/75 (40 FR 12924)
NPRM 00/00/00

Antidotes, Toxic Ingestion Products
ANPRM 01/05/82 (47 FR 444)

Antiemetic Products
ANPRM 03/21/75 (40 FR 12934)
NPRM 07/13/79 (44 FR 41064)
Final Action 00/00/00

Antifungal (Topical) Products
ANPRM 03/23/82 (47 FR 12480)
NPRM 00/00/00

Antimicrobial Products
ANPRM 09/13/74 (39 FR 33103)
NPRM 01/06/78 (43 FR 1210)
Revised NPRM 00/00/00

Antiperspirant Products
ANPRM 10/10/78 (43 FR 46694)
NPRM 08/20/82 (47 FR 36492)
Final Action 00/00/00

Aphrodisiac Products
ANPRM 10/01/82 (47 FR 43572)
NPRM 01/15/85 (50 FR 2168)
Final Action 00/00/00

Astringent (Wet Dressings) Products
ANPRM 09/07/82 (47 FR 39436)

Benign Prostatic Hypertrophy Products
ANPRM 10/01/82 (47 FR 43566)
NPRM 00/00/00

Boil Ointments
ANPRM 06/29/82 (47 FR 28306)
NPRM 00/00/00

Camphorated Oil Drug Products
Final Action 09/21/82 (47 FR 41716)

Cholecystokinetic Products
ANPRM 02/12/80 (45 FR 9286)
NPRM 08/24/82 (47 FR 37068)
Final Action 06/10/83 (48 FR 27004)

Corn and Callus Remover Products
ANPRM 01/05/82 (47 FR 522)
NPRM 00/00/00

Cough/Cold (Anticholinergic/Expectorant) Products
ANPRM 09/09/76 (41 FR 38312)
NPRM 07/09/82 (47 FR 30002)
Final Action 00/00/00

Cough/Cold (Antihistamine) Products
ANPRM 09/09/76 (41 FR 38312)
NPRM 01/15/85 (50 FR 2200)
Final Action 00/00/00

Cough/Cold (Antitussive) Products
ANPRM 09/09/76 (41 FR 38312)
NPRM 10/19/83 (48 FR 48576)
Final Action 00/00/00

Cough/Cold (Bronchodilator) Products
ANPRM 09/09/76 (41 FR 38312)
NPRM 10/26/82 (47 FR 47520)
Final Action 00/00/00

Cough/Cold (Combination) Products
ANPRM 09/09/76 (41 FR 38312)
NPRM 00/00/00

Cough/Cold (Nasal Decongestant) Products
ANPRM 09/09/76 (41 FR 38312)
NPRM 01/15/85 (50 FR 2220)
Final Action 00/00/00

Dandruff, Seborrheic Dermatitis and Psoriasis Control Products
ANPRM 12/03/82 (47 FR 54646)
NPRM 00/00/00

Diaper Rash Products
ANPRM 09/07/82 (47 FR 39406)

Digestive Aid Products
ANPRM 01/05/82 (47 FR 454)
NPRM 00/00/00

Emetic Products
ANPRM 03/21/75 (40 FR 12902)
NPRM 09/05/78 (43 FR 39544)

Exocrine Pancreatic Insufficiency Products
ANPRM 12/21/79 (44 FR 75666)
NPRM 00/00/00

External Analgesic Products
ANPRM 12/04/79 (44 FR 69768)
NPRM 02/08/83 (48 FR 05852)
Final Action 00/00/00

Fever Blister Products (Internal)
ANPRM 01/05/82 (47 FR 502)
NPRM 04/00/85

Fever Blister/Cold Sore Products (External)
ANPRM 09/07/82 (47 FR 39436)

Hair Grower and Hair Loss Prevention Products
ANPRM 11/27/80 (45 FR 73955)
NPRM 01/15/85 (50 FR 2190)
Final Action 00/00/00

Hormone (Topical) Products
ANPRM 01/05/82 (47 FR 430)
NPRM 04/00/85

Hypo/Hyperphosphatemia Products
ANPRM 12/09/80 (45 FR 81154)
NPRM 01/15/85 (50 FR 2160)
Final Action 00/00/00

Ingrown Toenail Relief Products
ANPRM 10/17/80 (45 FR 69128)
NPRM 09/03/82 (47 FR 39120)
Final Action 00/00/00

Insect Bites and Stings (Relief) Products
ANPRM 09/07/82 (47 FR 39412)

Insect Repellant Drug Products (Internal)
ANPRM 01/05/82 (47 FR 424)
NPRM 06/10/83 (48 FR 26986)
Final Action 00/00/00

Internal Analgesic Products
ANPRM 07/08/77 (42 FR 35346)
NPRM 04/00/85

Internal Deodorant Products
ANPRM 01/05/82 (47 FR 512)
NPRM 04/00/85

Laxative Products
ANPRM 03/21/75 (40 FR 12902)
NPRM 01/15/85 (50 FR 2124)
Final Action 00/00/00

Leg Muscle Cramps (Nocturnal Relief) Products
ANPRM 10/01/82 (47 FR 43562)
NPRM 00/00/00

Male Genital Desensitizer Products
ANPRM 09/07/82 (47 FR 39412)
NPRM 04/00/85

Menstrual Products
ANPRM 12/07/82 (47 FR 55075)
NPRM 00/00/00

Mercurial (Topical) Products
ANPRM 01/05/82 (47 FR 436)

Nailbiting/Thumbsucking Deterrent Products
ANPRM 10/17/80 (45 FR 69122)
NPRM 09/03/82 (47 FR 39096)
Final Action 00/00/00

Nighttime Sleep Aid Products
ANPRM 12/08/75 (40 FR 57292)
NPRM 06/13/78 (43 FR 25544)
Final Action 00/00/00

Ophthalmic Products
ANPRM 05/06/80 (45 FR 30002)
NPRM 06/28/83 (48 FR 29788)
Final Action 00/00/00

Oral Cavity (Health Care) Products
ANPRM 05/25/82 (47 FR 22760)
NPRM 00/00/00

Oral Discomfort (Relief) Products
ANPRM 05/25/82 (47 FR 22712)
NPRM 00/00/00

Oral Mucosal Injury Products
ANPRM 11/02/79 (44 FR 63270)
NPRM 07/26/83 (48 FR 33984)

Final Action 00/00/00

Otic Products
ANPRM 12/16/77 (42 FR 63556)
NPRM 07/09/82 (47 FR 30012)
Final Action 04/00/85

Overindulgence Remedies
ANPRM 10/01/82 (47 FR 43540)
NPRM 00/00/00

Pediculicide Products
ANPRM 06/29/82 (47 FR 28312)
NPRM 00/00/00

Poison Ivy/Oak/Sumac Prevention
ANPRM 09/07/82 (47 FR 39412)

Poison Treatment Products
NPRM 01/15/85 (50 FR 2244)
Final Action 00/00/00

Skin Bleaching Products
ANPRM 11/03/78 (43 FR 51546)
NPRM 09/03/82 (47 FR 39108)
Final Action 00/00/00

Skin Protectant Products
ANPRM 08/04/78 (43 FR 34628)
NPRM 02/15/83 (48 FR 6820)
Final Action 00/00/00

Smoking Deterrent Products
ANPRM 01/05/82 (47 FR 490)
NPRM 04/00/85

Stomach Acidifier Products
ANPRM 10/19/79 (44 FR 60316)
NPRM 01/15/85 (50 FR 2184)
Final Action 00/00/00

Vaginal Contraceptive Products
ANPRM 12/12/80 (45 FR 82014)
NPRM 00/00/00

Vaginal Drug Products
ANPRM 10/13/83 (48 FR 46694)
NPRM 00/00/00

Wart Remover Products
ANPRM 10/03/80 (45 FR 65609)
NPRM 09/03/82 (47 FR 39102)
Final Action 00/00/00

Weight Control Products
ANPRM 02/26/82 (47 FR 8466)
NPRM 04/00/85

Small Entity: No

Additional Information: ABSTRACT CONT: "Antimicrobial Products." "Poison Ivy/Oak/Sumac Prevention" to be included in NPRMs for "External Analgesic" and "Skin Protectant Products." NPRM for "Alcohol (Topical) Products" to be included in revised NPRM for "Antimicrobial Products."

SMALL BUSINESSES CONT: The effects, if any, vary depending on the individual rulemaking. However, the agency anticipates that the rules would not have a significant economic impact on a substantial number of small entities as defined by the Regulatory Flexibility Act.

Agency Contact: William E. Gilbertson, Director, Division of OTC Drug Evaluation, Department of Health and Human Services, Food and Drug Administration, Center for Drugs & Biologics (HFN-210), 5600 Fishers Lane, Rockville, MD 20857, **301 443-4960**

RIN: 0905-AA06

137. SUCROSE AND CORN SUGAR, CORN SYRUP, AND INVERT SUGAR

Priority: Agency Determination

Legal Authority: 21 USC 321(s) Federal Food, Drug, and Cosmetic Act; 21 USC 348 Federal Food, Drug, and Cosmetic Act; 21 USC 371(a) Federal Food, Drug, and Cosmetic Act

CFR Citation: 21 CFR 182; 21 CFR 184

Abstract: These two proposed rules would affirm the GRAS (generally recognized as safe) status of sucrose and corn sugar, corn syrup, and invert sugar. This action is the result of a re-evaluation of the safety of these food ingredients as part of FDA's review of the safety of all GRAS ingredients.

Timetable:

Action	Date	FR Cite
NPRM	11/30/82	47 FR 53917
NPRM Comment Period Begin	11/30/82	47 FR 53917
NPRM Comment Period End	01/31/83	
Notice of 30-day ext. of Com. Per.	02/04/83	48 FR 05279
Final Action	00/00/00	

Small Entity: No

Additional Information: SMALL BUSINESSES CONT: Because the effect of the two proposals is to maintain current known uses of sucrose and corn sugar, corn syrup, and invert sugar covered by the proposals, there could be no significant economic impact on large or small businesses.

Agency Contact: Corbin I. Miles, Chief, GRAS Review Branch, Department of Health and Human Services, Food and Drug Administration, Bureau of Foods (HFF-335), 200 C Street, SW, Washington, DC 20204, **202 472-4750**

RIN: 0905-AA09

138. CAFFEINE

Priority: Agency Determination

Legal Authority: 21 USC 321(s) Federal Food, Drug, and Cosmetic Act; 21 USC 371(a) Federal Food, Drug, and Cosmetic Act; 21 USC 341 Federal Food, Drug, and Cosmetic Act, 21 USC 371(e) Federal Food, Drug, and Cosmetic Act

CFR Citation: 21 CFR 165; 21 CFR 181

Abstract: This proposed rule would announce the agency's tentative conclusion that a prior sanction exists for the use of caffeine in soft drinks. A companion proposal would propose the revocation of the food standard for soda water which requires that soda water designated by any name that includes the word "cola" or "pepper" contain caffeine.

Timetable:

Action	Date	FR Cite
NPRM	10/21/80	45 FR 69816
NPRM Comment Period Begin	10/21/80	45 FR 69816
NPRM Comment Period End	12/22/80	
Revised NPRM	04/00/85	

Small Entity: No

Additional Information: ADDITIONAL AGENCY CONTACT: Prince Harrill (for food standard proposal), Deputy Director, Division of Food Technology (see Agency contact heading for address); phone 202-485-0097.

SMALL BUSINESSES CONT: Because the proposed rule would announce the agency's tentative conclusion that a prior sanction exists for the use of caffeine in soft drinks, there should be no economic impact on any business, large or small, in the affected industry.

Agency Contact: Lawrence Lin (for GRAS status), Consumer Safety Officer, Department of Health and Human Services, Food and Drug Administration, Center for Food Safety and Applied Nutrition (HFF-335) 200 C Street, SW, Washington, DC 20204, **202 426-8950**

RIN: 0905-AA10

139. POLICY FOR REGULATING CARCINOGENIC CHEMICALS IN FOOD AND COLOR ADDITIVES

Priority: Agency Determination

Legal Authority: 21 USC 321 Federal Food, Drug, and Cosmetic Act; 21 USC 348 Federal Food, Drug, and Cosmetic Act; 21 USC 371(a) Federal Food, Drug, and Cosmetic Act; 21 USC 376 Federal Food, Drug, and Cosmetic Act

CFR Citation: 21 CFR Chapter 1

Abstract: This proposed rule would establish a new policy for assessing the

safety of food and color additives containing minute levels of carcinogenic substances. The proposal would clarify the definition of an "additive" to apply the Delaney Clause only when the additive as a whole has been shown to cause cancer, and would use risk assessment procedures as one of the tools for determining the safety of an additive under the general safety clause of section 409 of the Federal Food, Drug, and Cosmetic Act.

Timetable:

Action	Date	FR Cite
ANPRM	04/02/82	47 FR 14464
ANPRM Comment Period Begin	04/02/82	47 FR 14464
ANPRM Comment Period End	07/01/82	
NPRM	00/00/00	

Small Entity: Undetermined

Additional Information: ADDITIONAL AGENCY CONTACT: Alan M. Rulis (for risk assessment procedures), Consumer Safety Officer (see Agency Contact heading for address), phone (202) 472-5676.

Agency Contact: Terry C. Troxell (for policy and rules), Consumer Safety Officer, Department of Health and Human Services, Food and Drug Administration, Center for Food Safety and Applied, Nutrition (HFF-334) 200 C Street, SW, Washington, DC 20204, **202 472-5690**

RIN: 0905-AA12

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140. NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS; DEFINITION AND GENERAL CONSIDERATIONS; REVISED PROCEDURES REGARDING MEDICATED FEED APPLICATIONS

Priority: Agency Determination

Legal Authority: 21 USC 360b Federal Food, Drug, and Cosmetic Act; 21 USC 371(a) Federal Food, Drug, and Cosmetic Act

CFR Citation: 21 CFR 207; 21 CFR 210; 21 CFR 225; 21 CFR 226; 21 CFR 501; 21 CFR 514; 21 CFR 558

Abstract: This proposed rule would revise the existing rules to provide revised criteria for the need of an approved medicated feed application for the manufacture of medicated feeds.

Timetable:

Action	Date	FR Cite
NPRM	01/09/81	46 FR 2456
NPRM Comment Period Begin	01/09/81	46 FR 2456
NPRM Comment Period End	04/09/81	
Tentative Final Rule	07/29/83	48 FR 34574
Tentative Final Rule Comment Period begins	07/29/83	48 FR 34574
Tentative Final Rule Comment Period ends	10/27/83	
Final Action	04/00/85	

Small Entity: No

Additional Information: SMALL BUSINESSES CONT: Although there would be costs involved for several sectors of the medicated feed industry, the impacts on small businesses would be insufficient to warrant a regulatory flexibility analysis under the Regulatory Flexibility Act.

Agency Contact: George Graber, Director, Division of Animal Feeds, Department of Health and Human Services, Food and Drug Administration, Center for Veterinary Medicine (HFV-220), 5600 Fishers Lane, Rockville, MD 20857, **301 443-4438**

RIN: 0905-AA15

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141. NATIONAL ENVIRONMENTAL POLICY ACT; POLICY AND PROCEDURES

Legal Authority: 21 USC 371(a) Federal Food, Drug, and Cosmetic Act; 42 USC 4332 National Environmental Policy Act of 1969

CFR Citation: 21 CFR 25

Abstract: This proposed rule would amend agency requirements for compliance with the National Environmental Policy Act in accordance with the Council on Environmental Quality's regulations (40 CFR 1500-1508). This rule, which has agency-wide applicability, would change the environmental documents and procedures followed for environmental review of actions proposed by or requested by the agency.

Timetable:

Action	Date	FR Cite
NPRM	12/11/79	44 FR 71742
NPRM Comment Period Begin	12/11/79	44 FR 71742
NPRM Comment Period End	02/11/80	
Final Action	04/00/85	

Small Entity: Not Applicable

Agency Contact: John C. Matheson, Chief, Environmental Staff, Department of Health and Human Services, Food and Drug Administration, Center for Veterinary Medicine (HFV-310), 5600 Fishers Lane, Rockville, MD 20857, **301 443-1880**

RIN: 0905-AA16

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142. PREMARKET APPROVAL; PROCEDURES FOR MEDICAL DEVICES

Priority: Agency Determination

Legal Authority: 21 USC 351 Federal Food, Drug, and Cosmetic Act; 21 USC 353 Federal Food, Drug, and Cosmetic Act; 21 USC 360 Federal Food, Drug, and Cosmetic Act; 21 USC 360c to 360j Federal Food, Drug, and Cosmetic Act; 21 USC 371(a) Federal Food, Drug, and Cosmetic Act; 21 USC 373 Federal Food, Drug, and Cosmetic Act; 21 USC 374 Federal Food, Drug, and Cosmetic Act; 21 USC 375 Federal Food, Drug, and Cosmetic Act; 21 USC 379 Federal Food, Drug, and Cosmetic Act; 21 USC 381 Federal Food, Drug, and Cosmetic Act

CFR Citation: 21 CFR 814

Abstract: This proposed rule would establish requirements for submission to FDA of applications for premarket approval including safety and effectiveness data for all class III (premarket approval) medical devices. The rule would establish procedures for manufacturers to demonstrate the safety and effectiveness of these medical devices.

Timetable:

Action	Date	FR Cite
NPRM	12/12/80	45 FR 81769
NPRM Comment Period Begin	12/12/80	45 FR 81769
NPRM Comment Period End	02/10/81	
Notice of 60-day Ext. of Com. Per.	02/17/81	46 FR 12502
Final Action	04/00/85	

Small Entity: Not Applicable

Agency Contact: Charles H. Kyper, Acting Premarket Approval Coordinator, Department of Health and Human Services, Food and Drug Administration, Center for Devices & Rad Health (HFZ-402), 8757 Georgia Avenue, Silver Spring, MD 20910, **301** 427-7114

RIN: 0905-AA19

143. DENTAL DEVICES; CLASSIFICATION

Priority: Agency Determination

Legal Authority: 21 USC 360c Federal Food, Drug, and Cosmetic Act, 21 USC 371(a) Federal Food, Drug, and Cosmetic Act

CFR Citation: 21 CFR 872

Abstract: This proposed rule would classify commercially distributed dental devices into one of three regulatory classes, depending upon the regulatory controls needed to assure their safety and effectiveness.

Timetable:

Action	Date	FR Cite
NPRM	12/30/80	45 FR 85962
NPRM Comment Period Begin	12/30/80	45 FR 85962
NPRM Comment Period End	03/02/81	
Notice of 30-day Ext. of Com. Per	03/06/81	46 FR 15519
Final Action	00/00/00	

Small Entity: Not Applicable

Agency Contact: Darryl G. Singleton, Dental Officer, Department of Health and Human Services, Food and Drug Administration, Center for Devices & Rad Health (HFZ-470), 8757 Georgia Avenue, Silver Spring, MD 20910, **301** 427-7555

RIN: 0905-AA20

144. DETACHED CIGARETTE FILTERS AS MEDICAL DEVICES; CLASSIFICATION

Priority: Agency Determination

Legal Authority: 21 USC 360c Federal Food, Drug, and Cosmetic Act, 21 USC 371(a) Federal Food, Drug, and Cosmetic Act

CFR Citation: 21 CFR 868

Abstract: FDA plans to issue a proposed rule to classify into one of three regulatory classes those detached cigarette filters that FDA has concluded are medical devices based on evidence showing that manufacturers or vendors intend the articles to cure, mitigate, treat, or prevent disease or to affect the structure or function of the body within the meaning of section 201(h) of the act. The classification would be dependent upon the regulatory controls needed to assure the safety and effectiveness of the device. The proposal is a follow-up to FDA's November 25, 1980 decision granting, in part, a request to regulate certain detached cigarette filters as medical devices and denying requests to regulate as devices cigarettes and attached cigarette filters, generally.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Agency Contact: Les Weinstein, Paralegal Specialist, Department of Health and Human Services, Food and Drug Administration, Nat Cent for Devices & Rad Health (HFZ-84), 5600 Fishers Lane, Rockville, MD 20857, **301** 443-4874

RIN: 0905-AA21

145. PROTECTION OF HUMAN SUBJECTS; PRISONERS USED AS RESEARCH SUBJECTS

Legal Authority: 21 USC 346 Federal Food, Drug, and Cosmetic Act; 21 USC 348 Federal Food, Drug, and Cosmetic Act; 21 USC 352 Federal Food, Drug, and Cosmetic Act; 21 USC 353 Federal Food, Drug, and Cosmetic Act; 21 USC 355 Federal Food, Drug, and Cosmetic Act; 21 USC 356 Federal Food, Drug, and Cosmetic Act; 21 USC 357 Federal Food Drug, and Cosmetic Act; 21 USC 360 Federal Food, Drug, and Cosmetic Act, 21 USC 360c to 360f Federal Food, Drug, and Cosmetic Act; 21 USC 360h to 360j Federal Food, Drug, and Cosmetic Act; 21 USC 371(a) Federal Food, Drug, and Cosmetic Act; 21 USC 376 Federal Food, Drug, and Cosmetic Act, 21 USC 381 Federal Food, Drug, and Cosmetic Act; 42 USC 216 Public Health Service Act, 42 USC 262 Public Health Service Act

CFR Citation: 21 CFR 50

Abstract: This proposed rule would establish conditions under which biomedical research on prisoners would be accepted in satisfaction of FDA's regulatory requirements. In the Federal Register of July 7, 1981 (46 FR 35065), FDA stayed indefinitely the effective date of the original rule, pending final action on its proposal. FDA's original rule, published May 30, 1980 (45 FR 36386), had been challenged in court by several prisoners and a drug manufacturer because the rule would have virtually banned research on prisoners. Under the new proposal published December 18, 1981, FDA would accept, in addition to the categories of research listed in the original rule, the results of biomedical research on prisoners if the sponsor of the proposed research establishes that the conditions set forth by the National Commission for the Protection of Human Subjects of Biomedical and Behavioral Research had been met.

Timetable:

Action	Date	FR Cite
NPRM	12/18/81	46 FR 61666
NPRM Comment Period Begin	12/18/81	46 FR 61666
NPRM Comment Period End	02/16/82	
Final Action	00/00/00	

Small Entity: No

Additional Information: SMALL BUSINESSES CONT: Any costs the proposed rules would impose would not affect any small entities as defined by the Regulatory Flexibility Act. The only companies currently conducting research on prisoners are among the largest pharmaceutical companies.

Agency Contact: Halyna P. Breslawec, Staff Pharmacist, Department of Health and Human Services, Food and Drug Administration, Office of Health Affairs (HFY-2), 5600 Fishers Lane, Rockville, MD 20857, **301 443-1382**

RIN: 0905-AA22

146. CURRENT GOOD MANUFACTURING PRACTICE FOR HUMAN FOOD

Legal Authority: 21 USC 332 Federal Food, Drug, and Cosmetic Act, 21 USC 333 Federal Food, Drug, and Cosmetic Act; 21 USC 334 Federal Food, Drug, and Cosmetic Act; 21 USC 342(a) Federal Food, Drug, and Cosmetic Act; 21 USC 371(a) Federal Food, Drug, and Cosmetic Act

CFR Citation: 21 CFR 110

Abstract: This tentative final rule represents the next action on FDA's proposed revisions to the Current Good Manufacturing Practice regulations published June 8, 1979, and FDA's review of the existing regulations under Executive Order 12291 and the Regulatory Flexibility Act.

Timetable:

Action	Date	FR Cite
NPRM	06/08/79	47 FR 33238
NPRM Comment Period Begin	06/08/79	47 FR 33238
NPRM Comment Period End	12/31/79	
Tentative Final Rule	00/00/00	

Small Entity: Not Applicable

Additional Information: Old title during review: "Current Good Manufacturing Practice in Manufacturing, Processing, Packing, or Holding Human Food (Umbrella Rule)"

Agency Contact: F. Leo Kauffman, Chief, Formulation Sec. Plant & Protein Br., Department of Health and Human Services, Food and Drug Administration, Center for Food Safety and Applied, Nutrition (HFF-214) 200 C Street, SW, Washington, D.C. 20204, **202 485-1017**

RIN: 0905-AA72

147. ADDITIONAL STANDARDS FOR DIAGNOSTIC SUBSTANCES FOR LABORATORY TESTS; BLOOD GROUPING SERUM

Legal Authority: 21 USC 262 Federal Food, Drug, and Cosmetic Act; 21 USC 371(a) Federal Food, Drug, and Cosmetic Act

CFR Citation: 21 CFR 660

Abstract: As part of FDA's retrospective review of its existing regulations for blood and blood products, FDA proposes to amend the additional standards for blood grouping serum. In the future, FDA intends to publish additional proposed rules based on the ongoing review of the regulations for blood and blood products.

Timetable:

Action	Date	FR Cite
NPRM	04/00/85	

Small Entity: No

Agency Contact: Joseph Wilczek, Consumer Safety Officer, Department of Health and Human Services, Food and Drug Administration, Center for Drugs & Biologics (HFN-368), 5600 Fishers Lane, Rockville, MD 20857, **301 443-1306**

RIN: 0905-AA75

148. PANEL ON REVIEW OF BACTERIAL TOXOIDS AND BACTERIAL VACCINES WITH U.S. STANDARDS OF POTENCY

Priority: Agency Determination

Legal Authority: 42 USC 262 Federal Food, Drug, and Cosmetic Act

CFR Citation: 21 CFR 620

Abstract: This proposed rule would place bacterial toxoids and bacterial vaccines with U.S. Standards of Potency in categories designated as (1) safe and effective and not misbranded, (2) unsafe or ineffective and misbranded and (3) not within category (1) or (2) on the basis that available data are insufficient to classify such products. The proposal would bring these products into conformance with current standards of safety and effectiveness.

Timetable:

Action	Date	FR Cite
NPRM	04/00/85	

Small Entity: No

Agency Contact: Steven F. Falter, Consumer Safety Officer, Department of Health and Human Services, Food and Drug Administration, Center for Drugs & Biologics (HFN-368), 8800 Rockville Pike, Bethesda, MD 20205, **301 443-1306**

RIN: 0905-AA80

149. PANEL ON REVIEW OF BLOOD AND BLOOD PRODUCTS

Priority: Agency Determination

Legal Authority: 42 USC 262 Federal Food, Drug, and Cosmetic Act

CFR Citation: 21 CFR 606; 21 CFR 610; 21 CFR 640; 21 CFR 660

Abstract: This proposed rule would place blood and blood products in categories designated as (1) safe and effective and not misbranded, (2) unsafe or ineffective and misbranded and (3) not within category (1) or (2) on the basis that available data are insufficient to classify such products. This proposal would bring these products into conformance with current standards of safety and effectiveness.

Timetable:

Action	Date	FR Cite
NPRM	06/00/85	

Small Entity: No

Agency Contact: Steven F. Falter, Consumer Safety Officer, Department of Health and Human Services, Food and Drug Administration, Center for Drugs & Biologics (HFN-368), 8800 Rockville Pike, Bethesda, MD 20205, **301 443-1306**

RIN: 0905-AA82

150. PANEL ON REVIEW OF ALLERGENIC EXTRACTS

Priority: Agency Determination

Legal Authority: 42 USC 262 Federal Food, Drug, and Cosmetic Act

CFR Citation: 21 CFR 600.13; 21 CFR 680.1; 21 CFR 680.2; 21 CFR 680.3

Abstract: This proposed rule would place allergenic extracts in categories designated as (1) safe and effective and not misbranded, (2) unsafe or ineffective and misbranded, and (3) not within category (1) or (2) on the basis that available data are insufficient to classify such products. The proposal would bring these products into conformance with current standards of safety and effectiveness.

Timetable:

Action	Date	FR Cite
NPRM	01/23/85	50 FR 3062
Final Action	00/00/00	

Small Entity: No

Agency Contact: Michael L. Hooten, Consumer Safety Officer, Department of Health and Human Services, Food and Drug Administration, Center for Drugs & Biologics (HFN-368), 5600 Fishers Lane, Rockville, MD 20857, **301 443-1306**

RIN: 0905-AA83

151. GOOD LABORATORY PRACTICE FOR NONCLINICAL LABORATORY STUDIES

Priority: Agency Determination

Legal Authority: 21 USC 346 Federal Food, Drug, and Cosmetic Act; 21 USC 346a Federal Food, Drug, and Cosmetic Act; 21 USC 348 Federal Food, Drug, and Cosmetic Act; 21 USC 352 Federal Food, Drug, and Cosmetic Act; 21 USC 353 Federal Food, Drug, and Cosmetic Act; 21 USC 355 Federal Food, Drug, and Cosmetic Act; 21 USC 356 Federal Food, Drug, and Cosmetic Act; 21 USC 357 Federal Food, Drug, and Cosmetic Act; 21 USC 360 Federal Food, Drug, and Cosmetic Act; 21 USC 371 Federal Food, Drug, and Cosmetic Act; 21 USC 376 Federal Food, Drug, and Cosmetic Act; 21 USC 381 Federal Food, Drug, and Cosmetic Act; 42 USC 216 Public Health Service Act; 42 USC

262 Public Health Service Act; 42 USC 263 Public Health Service Act; ...

CFR Citation: 21 CFR 58

Abstract: This proposed rule will propose revisions to the regulations covering Good Laboratory Practice for Nonclinical Laboratory Studies based upon the agency's review of these existing rules under Executive Order 12291 and the Regulatory Flexibility Act.

Timetable:

Action	Date	FR Cite
NPRM	10/29/84	49 FR 43530
NPRM Comment Period Begin	10/29/84	49 FR 43530
NPRM Comment Period End	12/28/84	
Final Action	00/00/00	

Small Entity: No

Agency Contact: Paul D. Lepore. Acting Deputy Director, Department of Health and Human Services, Food and Drug Administration, Div. of Compliance Policy (HFC-211), 5600 Fishers Lane, Rockville, MD 20857. 301 443-2390

RIN: 0905-AA84

152. EXEMPT INFANT FORMULA

Priority: Agency Determination

Legal Authority: 21 USC 321(n) Federal Food, Drug, and Cosmetic Act; 21 USC 321(aa) Federal Food, Drug, and Cosmetic Act; 21 USC 343(a) Federal Food, Drug, and Cosmetic Act; 21 USC 350a Federal Food, Drug, and Cosmetic Act; 21 USC 371(a) Federal Food, Drug, and Cosmetic Act

CFR Citation: 21 CFR 107.3; 21 CFR 107.50

Abstract: The Infant Formula Act of 1980 exempts from some of its requirements specialty infant formulas that are intended for use by infants with special dietary needs. This proposed rule would implement the exemption provisions of the Infant Formula Act of 1980 by establishing the terms and conditions under which those infant formulas would continue to be exempt.

Timetable:

Action	Date	FR Cite
NPRM	07/12/83	48 FR 31875
NPRM Comment Period Begin	07/12/83	48 FR 31875
NPRM Comment Period End	09/12/83	
Final Action	05/00/85	

Small Entity: No

Agency Contact: Nicholas Duy. Chemist, Department of Health and Human Services, Food and Drug Administration, Center for Food Safety and Applied, Nutrition (HFF-204) 200 C Street, SW. Washington, D.C. 20204. 202 245-3117

RIN: 0905-AA85

153. PRIOR SANCTION FOR LEAD IN TIN CANS

Priority: Agency Determination

Legal Authority: 21 USC 321(s) Federal Food, Drug, and Cosmetic Act; 21 USC 371(a) Federal Food Drug, and Cosmetic Act

CFR Citation: 21 CFR 181

Abstract: This proposed rule would codify a prior sanction for lead that migrates from solder used in tin cans. It would resolve a long standing question about the legal status of lead used in making tin cans.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Agency Contact: Blondell Anderson. Consumer Safety Officer, Department of Health and Human Services, Food and Drug Administration, Bureau of Foods (HFF-334), 200 C Street, S.W. Washington, D.C. 20204. 202 472-5740

RIN: 0905-AA86

154. IRRADIATION IN THE PRODUCTION, PROCESSINGS, AND HANDLING OF FOOD

Priority: Agency Determination

Legal Authority: 21 USC 321 Federal Food, Drug, and Cosmetic Act; 21 USC 342 Federal Food, Drug, and Cosmetic Act; 21 USC 343 Federal Food, Drug, and Cosmetic Act; 21 USC 348 Federal Food, Drug, and Cosmetic Act; 21 USC 373 Federal Food, Drug, and Cosmetic Act; 21 USC 374 Federal Food, Drug, and Cosmetic Act

CFR Citation: 21 CFR 179.25; 21 CFR 179.26

Abstract: This proposed rule would permit the sterilization of food with ionizing radiation. This proposal has resulted from increased interest in irradiation in food processing by industry and Congress, as well as the completion of a report by FDA's Irradiated Food Committee.

Timetable:

Action	Date	FR Cite
ANPRM	03/27/81	46 FR 18992
ANPRM Comment Period Begin	03/27/81	46 FR 18992
ANPRM Comment Period End	06/25/81	
Ext. of Comment Period to 07/27/81	07/07/81	46 FR 35120
NPRM	02/14/84	
NPRM Comment Period Begin	02/14/84	49 FR 05714
NPRM Comment Period End	04/16/84	
Final Action	00/00/00	

Small Entity: No

Agency Contact: Clyde A. Takeguchi. Consumer Safety Officer, Department of Health and Human Services, Food and Drug Administration, Center for Food Safety and Applied, Nutrition (HFF-334) 200 C Street, SW. Washington, D.C. 20204. 202 472-5690

RIN: 0905-AA88

155. COMMON OR USUAL NAMES FOR VEGETABLE PROTEIN PROD. AND SUBSTITUTES FOR MEATS, SEAFOOD, POULTRY, EGGS OR CHEESES WHICH CONTAIN VEG. PROTEIN PROD. AS SOURCES OF PROTEIN

Priority: Agency Determination

Legal Authority: 21 USC 321(n) Federal Food, Drug, and Cosmetic Act; 21 USC 343 Federal Food, Drug, and Cosmetic Act; 21 USC 371 Federal Food, Drug, and Cosmetic Act

CFR Citation: 21 CFR 102.75; 21 CFR 102.76

Abstract: This final rule will establish common or usual names for vegetable protein products and names and definitions of nutritional equivalence for substitutes for the five major protein foods. The final rule will provide consistency in the labeling and in the nutrient content of vegetable protein substitutes for the five major protein foods.

Timetable:

Action	Date	FR Cite
NPRM	06/14/74	39 FR 20892
NPRM Comment Period Begin	06/14/74	39 FR 20892
NPRM Comment Period End	08/14/74	

Action	Date	FR Cite
Interim Final Rule	07/14/78	43 FR 30471
Final Action	00/00/00	

Small Entity: Not Applicable

Agency Contact: **Elizabeth Campbell**, Consumer Safety Officer, Department of Health and Human Services, Food and Drug Administration, Bureau of Foods (HFF-312), 200 C Street, S.W., Washington, D.C. 20204, **202 485-0177**

RIN: 0905-AA90

156. ABBREVIATED NEW ANIMAL DRUG APPLICATIONS FOR POST-1962 ANIMAL DRUGS

Priority: Agency Determination

Legal Authority: 21 USC 360b Federal Food, Drug, and Cosmetic Act

CFR Citation: 21 CFR 514.1; 21 CFR 514.2; 21 CFR 514.3; 21 CFR 514.11

Abstract: This proposed rule would permit applicants to file abbreviated new animal drug applications (ANADAs) for products identical to approved post-1962 drugs and to omit certain reports that are required in full NADAs to show safety and effectiveness of the product. It would apply only to certain drug products specified by FDA. If adopted, the proposed rule would reduce duplicative testing of drugs and also reduce the cost to the manufacturer of getting the affected drugs on the market.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Undetermined

Agency Contact: **Richard Lehmann**, Dir., Div. of Biometrics & Production Drugs, Department of Health and Human Services, Food and Drug Administration, Bureau of Veterinary Medicine (HFV-120), 5600 Fishers Lane, Rockville, MD 20857, **301 443-3134**

RIN: 0905-AA91

157. INVESTIGATIONAL NEW ANIMAL DRUGS FOR EXPORT

Legal Authority: 21 USC 360b Federal Food, Drug, and Cosmetic Act

CFR Citation: 21 CFR 511.1

Abstract: This tentative final rule would detail requirements and procedures for the submission of a notice of investigational exemption to export an investigational new animal drug.

Timetable:

Action	Date	FR Cite
NPRM	01/06/78	43 FR 1100
NPRM Comment Period Begin	01/06/78	43 FR 1100
Tentative Final Rule	11/09/84	49 FR 44766
Final Action	00/00/00	

Small Entity: No

Agency Contact: **Frank Pugliese**, Consumer Safety Officer, Department of Health and Human Services, Food and Drug Administration, Center for Veterinary Medicine (HFV-100), 5600 Fishers Lane, Rockville, MD 20857, **301 443-4313**

RIN: 0905-AB93

158. AVAILABILITY OF BULK NEW ANIMAL DRUG SUBSTANCES TO VETERINARIANS

Legal Authority: 21 USC 360b Federal Food, Drug, and Cosmetic Act

CFR Citation: 21 CFR 514.1

Abstract: This proposed rule would permit veterinarians to obtain bulk new animal drug substances for compounding products for use in their own practice. A number of veterinarians have requested that the regulations be revised in order that bulk new animal drug substances may be legally obtained by them for use in their practices.

Timetable:

Action	Date	FR Cite
NPRM	04/00/85	

Small Entity: No

Agency Contact: **Frank Pugliese**, Consumer Safety Officer, Department of Health and Human Services, Food and Drug Administration, Center for Veterinary Medicine (HFV-100), 5600 Fishers Lane, Rockville, MD 20857, **301 443-4313**

RIN: 0905-AB01

159. OBLIGATIONS OF CLINICAL INVESTIGATORS

Priority: Agency Determination

Legal Authority: 21 USC 346 Federal Food, Drug, and Cosmetic Act; 21 USC 346a Federal Food, Drug, and Cosmetic Act; 21 USC 348 Federal Food, Drug, and Cosmetic Act; 21 USC 352 Federal Food, Drug, and Cosmetic Act; 21 USC 353 Federal Food, Drug, and Cosmetic Act; 21 USC 355 Federal Food, Drug, and Cosmetic Act; 21 USC 357 Federal Food, Drug, and Cosmetic Act; 21 USC 360 Federal Food, Drug, and Cosmetic Act; 21 USC 360c to 360f Federal Food, Drug, and Cosmetic Act; 21 USC 360h to 360j Federal Food, Drug, and Cosmetic Act; 21 USC 361 Federal Food, Drug, and Cosmetic Act; 42 USC 216 Public Health Service Act; 42 USC 262 Public Health Service Act; 42 USC 263b to 263n Public Health Service Act

CFR Citation: 21 CFR 16.1; 21 CFR 56.1; 21 CFR 56.2; 21 CFR 56.3; 21 CFR 56.8; 21 CFR 56.15; 21 CFR 56.21; 21 CFR 56.25; 21 CFR 56.26; 21 CFR 56.34; 21 CFR 56.80; 21 CFR 56.82; 21 CFR 56.85; 21 CFR 56.87; 21 CFR 56.90; ...

Abstract: This final rule will clarify existing regulations governing the conduct of persons who conduct clinical investigations on new drug products and extends the regulations to include persons who conduct clinical investigations on medical devices, food or color additives, and electronic products. This final rule will provide greater protection of the rights and safety of subjects in clinical investigations and help ensure the quality and integrity of the research data used to support the marketing of FDA-regulated products.

Timetable:

Action	Date	FR Cite
NPRM	08/08/78	43 FR 35186
NPRM Comment Period Begin	08/08/78	43 FR 35186
NPRM Comment Period End	12/06/78	
Final Action	04/00/85	

Small Entity: Not Applicable

Agency Contact: **Marilyn Watson**, Consumer Safety Officer, Department of Health and Human Services, Food and Drug Administration, Center for Drugs & Biologics (HFN-360), 5600 Fishers Lane, Rockville, MD 20857, **301 443-3640**

RIN: 0905-AB02

160. SPONSORED COMPOUNDS IN FOOD-PRODUCING ANIMALS; CRITERIA AND PROCEDURES FOR EVALUATING THE SAFETY OF CARCINOGENIC RESIDUES

Priority: Agency Determination

Legal Authority: 21 USC 342 Federal Food, Drug, and Cosmetic Act; 21 USC 343 Federal Food, Drug, and Cosmetic Act; 21 USC 348 Federal Food, Drug, and Cosmetic Act; 21 USC 360b Federal Food, Drug, and

Cosmetic Act; 21 USC 371(a) Federal Food, Drug, and Cosmetic Act; 21 USC 376 Federal Food, Drug, and Cosmetic Act

CFR Citation: 21 CFR 500.80; 21 CFR 500.82; 21 CFR 500.84; 21 CFR 500.86; 21 CFR 500.88; 21 CFR 514.1; 21 CFR 514.11; 21 CFR 514.115

Abstract: This reproposal would establish an operational definition of the no-residue requirements of the anti-cancer clauses of the Federal Food, Drug, and Cosmetic Act regarding food additives, color additives, and drugs intended for use in food-producing animals.

Timetable:

Action	Date	FR Cite
NPRM	03/20/79	44 FR 17070
NPRM Comment Period Begin	03/20/79	44 FR 17070
NPRM Comment Period End	07/18/79	
Amended NPRM	02/11/83	48 FR 06361
Revised NPRM	06/00/85	

Small Entity: Yes

Agency Contact: **Joseph Settepani**, Dep Associate Dir for Human Food Safety, Department of Health and Human Services, Food and Drug Administration, Center for Veterinary Medicine (HFV-301), 5600 Fishers Lane, Rockville, MD 20857, **301 443-4500**

RIN: 0905–AB04

161. SOLID CONTENT WEIGHT OR DRAINED WEIGHT FOR CANNED FRUITS AND VEGETABLES

Priority: Agency Determination

Legal Authority: 21 USC 321(n) Federal Food, Drug, and Cosmetic Act; 21 USC 343 Federal Food, Drug, and Cosmetic Act; 21 USC 371 Federal Food, Drug, and Cosmetic Act

CFR Citation: 21 CFR 101.105; 21 CFR 101.107

Abstract: This final rule will amend the appropriate regulations to permit the declaration of the solid content weight (fill weight) or drained weight, in addition to the net quantity of contents, on the labels of canned fruits and vegetables. The rule will permit industry to voluntarily provide additional labeling information in the interest of improving consumers' ability to make value comparisons in the marketplace.

Timetable:

Action	Date	FR Cite
NPRM	11/07/75	40 FR 52171
NPRM Comment Period Begin	11/07/75	40 FR 52171
Reprop. Comment Per. to 07/01/79	12/09/77	42 FR 62282
Final Action	00/00/00	

Small Entity: Not Applicable

Agency Contact: **Prince G. Harrill**, Deputy Director, Div. of Food Tech., Department of Health and Human Services, Food and Drug Administration, Center for Food Safety and Applied, Nutrition (HFF-210) 200 C Street, SW, Washington, D.C. 20204, **202 485-0097**

RIN: 0905–AB05

162. REPORTING REQUIREMENTS FOR MARKETED ANIMAL DRUGS

Legal Authority: 21 USC 360C Federal Food, Drug, and Cosmetic Act

CFR Citation: 21 CFR 510.300; 21 CFR 510.301; 21 CFR 514.8

Abstract: This proposed rule would amend the reporting requirements for marketed animal drugs to clarify the information on dosage and species, and to specify reporting requirements for manufacturers. To permit a more accurate assessment of adverse effects related to dosage and species, and to clarify the responsibility of premix manufacturers in reporting adverse effects from use of medicated feeds.

Timetable:

Action	Date	FR Cite
NPRM	06/00/85	

Small Entity: No

Agency Contact: **Andrew Beaulieu**, Veterinary Medical Officer, Department of Health and Human Services, Food and Drug Administration, Center for Veterinary Medicine (HFV-210), 5600 Fishers Lane, Rockville, MD 20857, **301 443-3044**

RIN: 0905–AB06

163. NEW DRUG APPROVAL PROCESS; REVISION OF IND RULES

Priority: Task Force

Legal Authority: 21 USC 351 Federal Food, Drug, and Cosmetic Act; 21 USC 352 Federal Food, Drug, and Cosmetic Act; 21 USC 353 Federal Food, Drug, and Cosmetic Act; 21 USC 355 Federal Food, Drug, and Cosmetic Act; 21 USC 356 Federal Food, Drug, and Cosmetic Act; 21 USC 357 Federal Food, Drug, and Cosmetic Act; 21 USC 371 Federal Food, Drug, and Cosmetic Act; 42 USC 262 Public Health Service Act

CFR Citation: 21 CFR 312

Abstract: This proposed rule would revise extensively the IND rules to improve the efficiency of FDA's operations and to update and clarify its internal policies in reviewing and expediting applications for new drugs. These revisions are believed necessary to improve the efficiency of the drug review process. The result would be greater assurance that safe and effective new drugs are approved as promptly as possible. The undertaking reflects FDA's commitment to refine and improve the entire IND/NDA process. The IND/NDA rules were scheduled for retrospective review announced by FDA in its July 2, 1982 notice (47 FR 29004) establishing priorities for reviewing the agency's existing rules under the Regulatory Flexibility Act and Executive Order 12291. This item was previously listed in the agenda as New Drug Approval Process: Revision of IND/NDA Rules (RIN 0905-AA00).

Timetable:

Action	Date	FR Cite
NPRM	06/09/83	48 FR 26760
NPRM Comment Period Begin	06/09/83	48 FR 26760
NPRM Comment Period End	08/08/83	
Final Action	00/00/00	

Small Entity: No

Agency Contact: **Steven H. Unger**, Regulatory Counsel, Department of Health and Human Services, Food and Drug Administration, Center for Drugs & Biologics (HFN-362), 5600 Fishers Lane, Rockville, MD 20857, **301 443-5220**

RIN: 0905–AB09

164. FOOD INGREDIENT LABELING: EMULSIFIERS AND STABILIZERS; EXEMPTIONS

Legal Authority: 21 USC 343 Federal Food, Drug, and Cosmetic Act; 21 USC 371(a) Federal Food, Drug, and Cosmetic Act

CFR Citation: 21 CFR 101

Abstract: This proposed rule would revise the food ingredient labeling regulations concerning the use of stabilizers and emulsifiers.

Timetable:

Action	Date	FR Cite
NPRM	04/00/85	

Small Entity: No

Agency Contact: **Elizabeth J. Campbell,** Consumer Safety Officer, Department of Health and Human Services, Food and Drug Administration, Center for Food Safety and Applied, Nutrition (HFF-312) 200 C Street, SW, Washington, D.C. 20204, **202 485-0177**

RIN: 0905–AB26

165. CURRENT GOOD MANUFACTURING PRACTICE FOR BLOOD AND BLOOD COMPONENTS; UNIFORM BLOOD LABELING

Legal Authority: 21 USC 321 Federal Food, Drug, and Cosmetic Act; 21 USC 352 Federal Food, Drug, and Cosmetic Act; 21 USC 355 Federal Food, Drug, and Cosmetic Act; 21 USC 371 Federal Food, Drug, and Cosmetic Act; 42 USC 262 Public Health Service Act

CFR Citation: 21 CFR 601; 21 CFR 640

Abstract: This proposed rule would revise, simplify, and update the labeling requirements for any blood and blood component product that is collected or manufactured in a blood bank.

Timetable:

Action	Date	FR Cite
NPRM	10/31/80	45 FR 72416
NPRM Comment Period Begin	10/31/80	45 FR 72416
NPRM Comment Period End	12/30/80	
Final Action	04/00/85	

Small Entity: Not Applicable

Agency Contact: **Steven F. Falter,** Consumer Safety Officer, Department of Health and Human Services, Food and Drug Administration, Center for Drugs & Biologics (HFN-368), 5600 Fishers Lane, Rockville, MD 20857, **301 443-1306**

RIN: 0905–AB30

166. NEW ANIMAL DRUG REQUIREMENTS FOR MEDICATED FREE-CHOICE FEEDS

Legal Authority: 21 USC 360b Federal Food, Drug, and Cosmetic Act; 21 USC 371(a) Federal Food, Drug, and Cosmetic Act

CFR Citation: 21 CFR 510.455

Abstract: This proposed rule would amend the regulations to provide for maintenance of confidentiality of data to support approval of medicated free-choice feeds. The proposed rule responds to a petition filed jointly by two trade associations to maintain confidentiality of consumption and stability data submitted in a master file in support of approval of a medicated feed application.

Timetable:

Action	Date	FR Cite
NPRM	11/19/84	49 FR 45593
Final Action	00/00/00	

Small Entity: No

Agency Contact: **Richard P. Lehmann,** Dir., Div. of Biometric & Production Drugs, Department of Health and Human Services, Food and Drug Administration, Bureau of Veterinary Medicine (HFV-102), 5600 Fishers Lane, Rockville, MD 20857, **301 443-3134**

RIN: 0905–AB34

167. STANDARDIZED FOODS; PROPOSAL TO AMEND STANDARDS OF IDENTITY

Legal Authority: 21 USC 341 Federal Food, Drug, and Cosmetic Act; 21 USC 371(e) Federal Food, Drug, and Cosmetic Act

CFR Citation: 21 CFR 133; 21 CFR 137; 21 CFR 139; 21 CFR 145; 21 CFR 146; 21 CFR 150; 21 CFR 160; 21 CFR 161; 21 CFR 163; 21 CFR 164; 21 CFR 169

Abstract: This proposed rule would revise certain food standards concerning labeling policies for optional ingredients.

Timetable:

Action	Date	FR Cite
NPRM	04/00/85	

Small Entity: No

Agency Contact: **P. G. Harrill,** Deputy Dir., Div. of Food Technology, Department of Health and Human Services, Food and Drug Administration, Center for Food Safety and Applied, Nutrition (HFF-210) 200 C Street, SW, Washington, DC 20204, **202 485-0097**

RIN: 0905–AB35

168. NUTRIENT REQUIREMENTS FOR INFANT FORMULA

Legal Authority: 21 USC 321(aa) Federal Food, Drug, and Cosmetic Act; 21 USC 350(a) Federal Food, Drug, and Cosmetic Act; 21 USC 371(a) Federal Food, Drug, and Cosmetic Act

CFR Citation: 21 CFR 107

Abstract: This proposed rule would codify and modify, if necessary, the nutrient profile set forth in the Infant Formula Act of 1980 in the interest of assuring the nutritional adequacy of infant formulas.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Agency Contact: **Nicholas Duy,** Chemist, Department of Health and Human Services, Food and Drug Administration, Bureau of Foods (HFF-204), 200 C St., S.W., Washington, DC 20204, **202 245-3117**

RIN: 0905–AB37

169. SULFITING AGENTS; LABELING IN DRUGS FOR HUMAN USE; PRECAUTIONARY STATEMENT

Legal Authority: 21 USC 351 Federal Food, Drug, and Cosmetic Act; 21 USC 352 Federal Food, Drug, and Cosmetic Act; 21 USC 355 Federal Food, Drug, and Cosmetic Act; 21 USC 371 Federal Food, Drug, and Cosmetic Act

CFR Citation: 21 CFR 201

Abstract: This proposed rule would require a label declaration in the form of a precautionary statement for all sulfiting agents when used in drugs. Persons who are susceptible to allergic-type reactions caused by sulfiting agents would, by review of the product labeling, be able to avoid drug products containing these substances.

Timetable:

Action	Date	FR Cite
NPRM	06/00/85	

Small Entity: No

Agency Contact: **Edwin V. Dutra, Jr.,** Regulatory Counsel, Department of Health and Human Services, Food and Drug Administration, Center for Drugs & Biologics (HFN-364), 5600 Fishers Lane, Rockville, MD 20857, **301 443-6490**

RIN: 0905–AB38

170. LABELING OF DRUG PRODUCTS FOR OVER-THE-COUNTER HUMAN USE

Priority: Agency Determination

Legal Authority: 21 USC 321(p) Federal Food, Drug, and Cosmetic Act; 21 USC 352

Federal Food, Drug, and Cosmetic Act; 21 USC 355 Federal Food, Drug, and Cosmetic Act; 21 USC 371 Federal Food, Drug, and Cosmetic Act

CFR Citation: 21 CFR 330

Abstract: The agency's exclusivity policy of limiting over-the-counter (OTC) drug monograph labeling terminology to specific words and phrases has been the subject of comment throughout the OTC drug review process. This proposed rule would modify that exclusivity policy as it relates to indications for use and would prescribe the placement of monograph terminology in the labeling of OTC drug products. The modified exclusivity policy would permit manufacturers to use other truthful and nondeceptive wording relating to indications for use.

Timetable:

Action	Date	FR Cite
NPRM	04/00/85	

Small Entity: No

Agency Contact: **William E. Gilbertson**, Dir., Div. of OTC Drug Evaluation, Department of Health and Human Services, Food and Drug Administration, Center for Drugs & Biologics (HFN-210), 5600 Fishers Lane, Rockville, MD 20857, **301 443-4960**

RIN: 0905-AB40

171. ● FOOD LABELING; PROPOSED RULE CONCERNING SULFITING AGENTS

Legal Authority: 21 USC 343 Federal Food, Drug, and Cosmetic Act; 21 USC 371(a) Federal Food, Drug, and Cosmetic Act

CFR Citation: 21 CFR 100

Abstract: This proposed rule will clarify the circumstances in which the presence of sulfiting agents (also referred to as "sulfites") must be declared on the label of foods. Sulfiting agents (sulfur dioxide, sodium sulfite, and sodium or potassium bisulfite or metabisulfite) are usually added to foods for their preservative effect. The proposed regulation makes clear that when a sulfite that is added either to a food or to one of its ingredients is detectable in the finished food, it is present in that food at a significant level. In such circumstances, the sulfite is not an incidental additive and must be declared on the label. The proposed regulation also makes clear the level of sulfites that the agency considers to be detectable.

Timetable:

Action	Date	FR Cite
NPRM	04/00/85	

Small Entity: No

Agency Contact: **Howard Pippin**, Chief, Guidelines & Compliance Research Br., Department of Health and Human Services, Food and Drug Administration, Center for Food Safety and Applied, Nutrition (HFF-312), 200 C St., SW, Washington, DC 20204, **202 485-0175**

RIN: 0905-AB52

172. ● ADVERSE DRUG EXPERIENCE REPORTING REQUIREMENTS FOR MARKETED PRESCRIPTION DRUGS WITHOUT APPROVED NEW DRUG OR ABBREVIATED NEW DRUG APPLICATIONS

Priority: Agency Determination

Legal Authority: 21 USC 351 Federal Food, Drug, and Cosmetic Act; 21 USC 352 Federal Food, Drug, and Cosmetic Act; 21 USC 355 Federal Food, Drug, and Cosmetic Act; 21 USC 371 Federal Food, Drug, and Cosmetic Act; 21 USC 374 Federal Food, Drug, and Cosmetic Act

CFR Citation: 21 CFR 211; 21 CFR 310

Abstract: This proposed rule would require manufacturers, packers, and distributors of marketed prescription drug products that are not the subject of approved new drug or abbreviated new drug applications to report to the agency whenever the manufacturer, packer, or distributor receives information about any serious and unexpected adverse event associated with the use of one of its marketed drug products. The agency is taking this action based on recent events whereby serious adverse reactions, which were associated with an intravenous drug product (that was not the subject of an approved new drug or abbreviated new drug application and that is no longer being marketed), were not reported to the agency by the manufacturer, packer, or distributor. Under the agency's current regulations, neither the manufacturer, packer, nor distributor of such a product is expressly obligated to report serious safety problems to the agency.

Timetable:

Action	Date	FR Cite
NPRM	04/00/85	

Small Entity: No

Agency Contact: **Marilyn Watson**, Consumer Safety Officer, Department of Health and Human Services, Food and Drug Administration, Cent. for Drugs & Biologics (HFN-360), 5600 Fishers Lane, Rockville, MD 20857, **301 443-3640**

RIN: 0905-AB53

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS) Existing Regulations Under Review

Public Health Service (PHS)—Food and Drug Administration (FDA)

173. CURRENT GOOD MANUFACTURING PRACTICE FOR FINISHED PHARMACEUTICALS

Priority: Agency Determination

Legal Authority: 21 USC 351 Federal Food, Drug, and Cosmetic Act; 21 USC 352 Federal Food, Drug, and Cosmetic Act; 21 USC 360b Federal Food, Drug, and Cosmetic Act; 21 USC 371(a) Federal Food, Drug, and Cosmetic Act

CFR Citation: 21 CFR 211

Abstract: As part of its retrospective review, FDA plans to determine the need for any changes in the current GMPs to eliminate unnecessary requirements and to allow flexibility without undermining protection of the public health.

Timetable:

Action	Date	FR Cite
Begin Review	04/00/82	
End Review	00/00/00	

Small Entity: Undetermined

Agency Contact: Robert J. Meyer, Consumer Safety Officer, Department of Health and Human Services, Food and Drug Administration, Center for Drugs & Biologics (HFN-362), 5600 Fishers Lane, Rockville, MD 20857, **301 443-5220**

RIN: 0905–AA73

174. ANTIBIOTIC DRUGS

Priority: Agency Determination

Legal Authority: 21 USC 355 Federal Food, Drug, and Cosmetic Act; 21 USC 357 Federal Food, Drug, and Cosmetic Act; 21 USC 371(f) Federal Food, Drug, and Cosmetic Act; 21 USC 371(g) Federal Food, Drug, and Cosmetic Act

CFR Citation: 21 CFR 430; 21 CFR 431; 21 CFR 432; 21 CFR 433; 21 CFR 436; 21 CFR 440; 21 CFR 442; 21 CFR 444; 21 CFR 446; 21 CFR 448; 21 CFR 449; 21 CFR 450; 21 CFR 452; 21 CFR 453; 21 CFR 455; ...

Abstract: As part of its retrospective review, FDA is currently reviewing these final rules to determine which should be maintained in effect and which may no longer be necessary for the review and approval of antibiotic drugs. One aspect of this retrospective review has been completed by publication of a final rule exempting antibiotic drugs and antibiotic susceptibility medical devices from certification.

Timetable:

Action	Date	FR Cite
Begin Review	04/00/82	
End Review	08/00/85	

Small Entity: Undetermined

Agency Contact: Robert J. Meyer, Consumer Safety Officer, Department of Health and Human Services, Food and Drug Administration, Center for Drugs & Biologics (HFN-362), 5600 Fishers Lane, Rockville, MD 20857, **301 443-5220**

RIN: 0905–AA74

175. BUBBLE BATH PRODUCTS

Priority: Agency Determination

Legal Authority: 21 USC 321(n) Federal Food, Drug, and Cosmetic Act; 21 USC 362 Federal Food, Drug, and Cosmetic Act; 21 USC 371(a) Federal Food, Drug, and Cosmetic Act

CFR Citation: 21 CFR 740.17

Abstract: As part of its retrospective review, FDA is reviewing this 1980 final rule requiring that labels of cosmetic bubble bath products bear a prescribed caution statement and adequate directions for their safe use. Petitions from two trade associations assert, among other things, that the requirements of the rule are unjustified and place an undue burden on industry.

Timetable:

Action	Date	FR Cite
Begin Review	06/00/82	
Interim Stay of effective date	02/18/83	48 FR 07169
Notice of Proposed Stay with request for comment	02/18/83	48 FR 07203
End Review	06/00/85	

Small Entity: Undetermined

Agency Contact: Heinz J. Eiermann, Director, Division of Cosmetics Technology, Department of Health and Human Services, Food and Drug Administration, Center for Food Safety and Applied, Nutrition (HFF-440) 200 C Street, SW, Washington, DC 20204, **202 245-1530**

RIN: 0905–AA76

176. RECORDS AND REPORTS; ELECTRONIC PRODUCTS

Priority: Agency Determination

Legal Authority: 42 USC 263 Public Health Service Act

CFR Citation: 21 CFR 1002

Abstract: As part of its retrospective review, FDA plans to determine the need for revision of the various records and reports requirements in Part 1002 for radiation-emitting electronic products to eliminate unnecessary requirements and to allow flexibility without undermining protection of the public health.

Timetable:

Action	Date	FR Cite
Begin Review	04/00/82	
End Review	04/00/85	

Small Entity: Undetermined

Agency Contact: John G. Bailey, Dir., Division of Information Services, Department of Health and Human Services, Food and Drug Administration, Center for Devices & Rad Health (HFZ-40), 5600 Fishers Lane, Rockville, MD 20857, **301 443-6541**

RIN: 0905–AA78

177. PERFORMANCE STANDARDS FOR IONIZING RADIATION EMITTING PRODUCTS

Priority: Agency Determination

Legal Authority: 42 USC 263f Public Health Service Act

CFR Citation: 21 CFR 1020.30; 21 CFR 1020.31; 21 CFR 1020.32

Abstract: These rules establish certification and reporting requirements for manufacturers and assemblers of diagnostic x-ray system components, radiographic equipment, and fluoroscopic equipment. The rules also identify specific standards for such items as radiation leakage, amount of material between patient and image reception, and measuring compliance. The review of the rules is intended to identify any undue burden they may impose and whether they need to be revised to respond effectively to the dynamic technological environment.

Timetable:

Action	Date	FR Cite
Begin Review	04/00/82	
End Review	07/00/85	

Small Entity: Undetermined

Agency Contact: Harvey Rudolph, Acting Deputy Director Planning Staff, Department of Health and Human Services, Food and Drug Administration, Center for Devices & Rad Health (HFZ-83), 5600 Fishers Lane, Rockville, MD 20857, **301 443-3426**

RIN: 0905–AA94

178. NEW ANIMAL DRUG APPROVAL PROCESS; REVIEW OF NADA RULES

Priority: Agency Determination

Legal Authority: 21 USC 360(b) Federal Food, Drug, and Cosmetic Act; 21 USC 371 Federal Food, Drug, and Cosmetic Act

CFR Citation: 21 CFR 514.1; 21 CFR 514.8

Abstract: These rules are being reviewed for the purpose of improving, to the extent possible, FDA's practices, procedures and policies with respect to the agency's review of original and supplemental new animal drug applications (NADA's). The review is intended to improve the efficiency of the NADA review process and to identify any unnecessary burdens imposed by the rules.

Timetable:

Action	Date	FR Cite
Begin Review	08/00/82	
End Review	10/00/85	

Small Entity: Undetermined

Agency Contact: Richard A. Carnevale, DVM, Acting Dep Associate Dir for Sci Eval, Department of Health and Human Services, Food and Drug Administration, Center for Veterinary Medicine (HFV-101), 5600 Fishers Lane, Rockville, MD 20857, **301 443-4313**

RIN: 0905–AA96

179. DRUGS COMPOSED WHOLLY OR PARTLY OF INSULIN

Legal Authority: 21 USC 356 Federal Food, Drug, and Cosmetic Act; 21 USC 371 Federal Food, Drug, and Cosmetic Act

CFR Citation: 21 CFR 429

Abstract: FDA's rules providing for the certification of insulin prescribe (1) standards of identity and of strength, quality, and purity; (2) tests and methods of assay to determine compliance with such standards; (3) effective periods for certificates and other conditions under which they shall cease to be effective as to certified batches; (4) administration and procedure; and (5) fees necessary to provide, equip, and maintain an adequate certification service. These rules are being reviewed to determine whether they impose any undue burden and to identify any necessary revisions as a result of technological changes in the development of insulin products.

Timetable:

Action	Date	FR Cite
Begin Review	11/00/82	
End Review	10/00/85	

Small Entity: No

Agency Contact: Robert D. Bradley, Consumer Safety Officer, Department of Health and Human Services, Food and Drug Administration, Center for Drugs & Biologics (HFN-364), 5600 Fishers Lane, Rockville, MD 20857, **301 443-6490**

RIN: 0905–AA98

180. DRUGS USED FOR TREATMENT OF NARCOTIC ADDICTS

Legal Authority: 21 USC 355 Federal Food, Drug, and Cosmetic Act; 21 USC 371 Federal Food, Drug, and Cosmetic Act; 42 USC 242a Public Health Service Act; 42 USC 257 Public Health Service Act

CFR Citation: 21 CFR 291

Abstract: The rules covered by this review govern the use of methadone in the maintenance and treatment of narcotic addicts. The rules include conditions for use of methadone and appropriate methods of professional practice for medical treatment of the narcotic addiction of various classes of addicts. This review will help to determine what level of flexibility is most appropriate in satisfying the intent of the law, while still adopting to changing conditions.

Timetable:

Action	Date	FR Cite
Begin Review	01/00/82	
End Review	07/00/85	

Small Entity: Undetermined

Agency Contact: Edwin V. Dutra, Jr., Regulatory Counsel, Department of Health and Human Services, Food and Drug Administration, Center for Drugs & Biologics (HFN-364), 5600 Fishers Lane, Rockville, MD 20857, **301 443-6490**

RIN: 0905–AA99

181. BIOAVAILABILITY AND BIOEQUIVALENCE REQUIREMENTS

Legal Authority: 21 USC 321(p) Federal Food, Drug, and Cosmetic Act; 21 USC 351 Federal Food, Drug, and Cosmetic Act; 21 USC 352 Federal Food, Drug, and Cosmetic Act; 21 USC 355 Federal Food, Drug, and Cosmetic Act; 21 USC 371 Federal Food, Drug, and Cosmetic Act

CFR Citation: 21 CFR 320

Abstract: These rules establish requirements concerning the bioavailability and bioequivalence of drugs intended for human use. The agency is reviewing these rules to determine whether they impose any undue burden and to otherwise reexamine their requirements.

Timetable:

Action	Date	FR Cite
Begin Review	11/00/82	
End Review	10/00/85	

Small Entity: Undetermined

Agency Contact: Richard L. Arkin, Regulatory Counsel, Department of Health and Human Services, Food and Drug Administration, Center for Drugs & Biologics (HFN-364), 5600 Fishers Lane, Rockville, MD 20857, **301 443-6490**

RIN: 0905–AB00

182. RADIOACTIVE DRUGS FOR CERTAIN RESEARCH USES

Legal Authority: 21 USC 355 Federal Food, Drug, and Cosmetic Act; 21 USC 371(a) Federal Food, Drug, and Cosmetic Act; 42 USC 262 Public Health Service Act

CFR Citation: 21 CFR 361

Abstract: As part of its retrospective review, FDA is reviewing its existing regulation in Part 361 covering radioactive drugs for certain research use to eliminate any unnecessary requirements and to consider whether any new requirements are necessary to protect the public health.

Timetable:

Action	Date	FR Cite
Begin Review	03/00/83	
End Review	10/00/85	

Small Entity: No

Agency Contact: Robert D. Bradley, Consumer Safety Officer, Department of Health and Human Services, Food and Drug Administration, Center for Drugs & Biologics (HFN-364), 5600 Fishers Lane, Rockville, MD 20857, **301 443-6490**

RIN: 0905–AB39

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)
Public Health Service (PHS)—Food and Drug Administration (FDA)

Completed Actions

COMPLETED RULEMAKINGS

183. ABBREVIATED NEW DRUG APPLICATIONS FOR POST-1962 DRUGS

Priority: Agency Determination, Major

CFR Citation: 21 CFR 314

Completed:

Reason	Date	FR Cite
Withdrawn This regulation has been superseded by legislation	10/00/85	

Small Entity: Yes

Agency Contact: Jean Mansur 301 443-3640

RIN: 0905-AA01

184. REYE SYNDROME - LABELING FOR SALICYLATE-CONTAINING DRUG PRODUCTS

Priority: Agency Determination

CFR Citation: 21 CFR 201.314

Completed:

Reason	Date	FR Cite
Withdrawn Pending review of voluntary compliance of labeling by industry	02/00/85	

Small Entity: No

Agency Contact: Paul O. Fehnel, Jr. 301 443-6490

RIN: 0905-AA07

185. INFANT FORMULA; LABELING REQUIREMENTS

Priority: Agency Determination

CFR Citation: 21 CFR 105; 21 CFR 107

Completed:

Reason	Date	FR Cite
Final Action	01/14/85	50 FR 1833
Final Action Effective	01/14/86	50 FR 1833

Small Entity: No

Agency Contact: Nicholas Duy 202 245-3117

RIN: 0905-AA13

186. NEW DRUG APPROVAL PROCESS; REVISION OF NDA RULES

Priority: Task Force

CFR Citation: 21 CFR 310; 21 CFR 312; 21 CFR 314; 21 CFR 430; 21 CFR 431; 21 CFR 433

Completed:

Reason	Date	FR Cite
Final Action	02/22/85	50 FR 07452

Small Entity: No

Agency Contact: Michael C. McGrane 301 443-5220

RIN: 0905-AB08

187. CHANGES IN PROPER NAMES OF CERTAIN BIOLOGICAL PRODUCTS

CFR Citation: 21 CFR 600; 21 CFR 606; 21 CFR 610; 21 CFR 620; 21 CFR 630; 21 CFR 640; 21 CFR 660

Completed:

Reason	Date	FR Cite
Final Action	01/29/85	58 FR 4128
Final Action Effective	01/29/86	58 FR 4128

Small Entity: Not Applicable

Agency Contact: Joseph Wilczek 301 443-1306

RIN: 0905-AB29

188. GUIDELINE FOR VETERINARY PRESCRIPTIONS AND OTHER ORDERS

CFR Citation: 21 CFR 201.105; 21 CFR 201.110

Completed:

Reason	Date	FR Cite
No further action	02/27/85	

Small Entity: Yes

Agency Contact: Mr. Gary Dykstra 301 443-3400

RIN: 0905-AB47

[FR Doc. 85-6386 Filed 04-26-85; 8:45 am]

BILLING CODE 4150-04-T

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)
Public Health Service (PHS)—Health Resources and Services Administration (HRSA)

Current and Projected Rulemakings

189. REASONABLE VOLUME OF UNCOMPENSATED SERVICES TO PERSONS UNABLE TO PAY (HILL-BURTON)

Priority: Agency Determination

Legal Authority: 42 USC 216; 42 USC 300r; 42 USC 300s; 42 USC 300s-6

CFR Citation: 42 CFR 124, Subpart F

Abstract: The existing regulations at 42 CFR Part 124, Subpart F establish specific requirements that recipients of Federal assistance under Title VI or Title XVI of the PHS Act made assurances that they will make available in the facility constructed, modernized or converted with that assistance, a reasonable volume of services to persons unable to pay for services. The proposed regulation would provide increased flexibility to obligated facilities and reduce administrative burden while assuring access to intended beneficiaries.

Timetable:

Action	Date	FR Cite
NPRM	04/00/85	

Small Entity: No

Agency Contact: Richard R. Ashbaugh, Acting Associate Dir. for Health Facilities, Department of Health and Human Services, Health Resources and Services Administration, Parklawn Building, Room 1103, 5600 Fishers Lane, Rockville, MD 20857, 301 443-6560

RIN: 0905-AA35

190. LIMITATION ON FEDERAL PARTICIPATION FOR CAPITAL EXPENDITURES

Priority: Agency Determination, Task Force

Legal Authority: 42 USC 1320a-1 Social Security Act; 42 USC 216 Public Health Service Act; 42 USC 300k-1 to 300n-1 Public Health Service Act

CFR Citation: 42 CFR 100, Subpart A

Abstract: This NPRM sets forth provisions under which the Secretary may deny Federal reimbursement under Title XVIII (Medicare) and Title XIX (Medicaid), for expenses related to capital expenditures (1) which the Designated Planning Agency (DPA) has found to be inconsistent with established standards, criteria or plans developed under the Public Health Service (PHS) Act; or (2) for which the DPA was not provided notice as required. The NPRM includes changes made in response to comments received on the NPRM published in the Federal Register on March 19, 1976; changes necessary to conform to the amendments to Title XV of the PHS Act enacted by the Health Planning and Resources Development Amendments of 1979 (P.L. 96-79), the Health Programs Extension Act of 1981 (P.L. 97-35); and changes necessary to conform to the amendments to Section 1122 of the Social Security Act enacted by the Social Security Amendments of 1983 (P.L. 98-21). Also, many States have discontinued their agreements with the Department to perform reviews under the Section 1122 program because the requirements of Section 1122 are inconsistent with the Department's requirements for acceptable certificate of (cont)

Timetable:

Action	Date	FR Cite
NPRM	08/10/83	48 FR 36402
NPRM Comment Period Begin	08/10/83	48 FR 36402
NPRM Comment Period End	10/11/83	
Final Action	04/00/85	

Small Entity: No

Additional Information: ABSTRACT CONT: need programs. Now, requirements for CON and Section 1122 reviews are as alike as possible.

Agency Contact: **Florence B. Fiori**, Acting Associate Dir. for Health Planning, Department of Health and Human Services, Health Resources and Services Administration, Parklawn Building, Room 13A-56, 5600 Fishers Lane, Rockville, MD 20857, **301 443-6560**

RIN: 0905–AA39

191. GRANTS FOR NURSE PRACTITIONER TRAINEESHIP PROGRAMS

Legal Authority: 42 USC 216; 42 USC 296m

CFR Citation: 42 CFR 57, Subpart AA

Abstract: This final regulation governs a grant program to provide traineeships for nurse practitioner training to registered nurses. The rule deletes the requirement that trainees must be residents of health manpower shortage areas and provides instead that applicants from such areas be given special considerations; the rule modifies practice commitment requirements and includes conditions for waiver or suspension of repayments. No funding for future traineeships is anticipated. The rule is needed to administer existing traineeships and to monitor compliance and repayment/waivers.

Timetable:

Action	Date	FR Cite
(Past) Interim Final Rule	05/06/80	45 FR 29803
Interim Final Rule	08/01/84	49 FR 30702
Final Action	04/00/85	

Small Entity: No

Agency Contact: **Ms. Jo Eleanor Elliott**, Director, Division of Nursing, BHPr, Department of Health and Human Services, Health Resources and Services Administration, 5600 Fishers Lane, Room 5C-26, Rockville, MD 20857, **301 443-5786**

RIN: 0905–AA47

192. STANDARDS FOR THE ACCREDITATION OF EDUCATIONAL PROGRAMS FOR AND THE CREDENTIALING OF RADIOLOGIC PERSONNEL

Legal Authority: PL 97-35 Consumer Patient Rad Health and Safety Act of 1981; 42 USC 10004

CFR Citation: 42 CFR 75

Abstract: The Department is proposing rulemaking to establish standards for both the accreditation of educational programs and the certification of radiologic personnel. Standards have been developed after consultation with relevant professional and State officials for accreditation of educational institutions and certification of radiologic personnel. The categories of personnel to be affected by the initial standards are: radiographers, dental hygienists, dental assistants, radiation therapy technologists, and nuclear medicine technologists. The standards are mandatory for agencies of the Federal Government. Standards are voluntary for States.

Timetable:

Action	Date	FR Cite
NPRM	07/12/83	48 FR 31966
NPRM Comment Period Begin	07/13/83	
NPRM Comment Period End	11/09/83	
Final Action	00/00/00	

Small Entity: No

Agency Contact: **Dr. William S. Brooks**, Health Personnel Standards Br., DADHP, BHPr, Department of Health and Human Services, Health Resources and Services Administration, 5600 Fishers Lane, Room 8-95, Rockville, MD 20857, **301 443-6757**

RIN: 0905–AA49

193. TRAINING GRANTS FOR PREVENTIVE MEDICINE RESIDENCY PROGRAM

Legal Authority: 42 USC 295h-1c

CFR Citation: 42 CFR 57, Subpart EE

Abstract: These regulations would implement provisions of the Omnibus Budget Reconciliation Act of 1981 (P.L. 97-35) which give the Secretary new authority for a grants program which will assist schools of medicine, osteopathy, and public health in the planning and development of new residency programs and the maintenance and improvement of existing residency training programs in preventive medicine. Funds from this program can be used to provide financial assistance to trainees in the residency programs. Notice of Proposed Rulemaking (NPRM) during third quarter of FY 1983, if included in FY 1983 appropriations.

Timetable:

Action	Date	FR Cite
NPRM	12/09/83	48 FR 55272
NPRM Comment Period Begin	12/09/83	48 FR 55272
NPRM Comment Period End	02/07/84	
Final Action	04/00/85	

Small Entity: No

Agency Contact: Daniel N. Masica, M.D., Acting Director, Division of Medicine, BHPr, Department of Health and Human Services, Health Resources and Services Administration, 5600 Fishers Lane, Room 4C-25, Rockville, MD 20857, **301 443-6190**

RIN: 0905-AA50

194. NATIONAL HEALTH SERVICE CORPS (NHSC); PRIVATE PRACTICE OPTION (PPO) LOANS TO INDIVIDUALS

Legal Authority: 42 USC 254f Public Health Service Act

CFR Citation: 42 CFR 23

Abstract: The Secretary is authorized to make such arrangements as are deemed necessary for the individual exercising the private practice option for the use of equipment and supplies and for the lease or acquisition of other equipment and supplies. Upon the expiration of the private practice agreement, the Secretary may sell to the individual equipment and other property of the United States utilized by the individual in providing health services. Sales may be made at fair market value, except that the Secretary is permitted to make such sales for a lesser value if he determines that the individual is financially unable to pay the full market value.

Timetable:

Action	Date	FR Cite
NPRM	04/00/85	

Small Entity: No

Agency Contact: James J. Corrigan, Associate Bureau Director, Department of Health and Human Services, Health Resources and Services Administration, Legislation and Policy, BHCDA, Room 7-05, 5600 Fishers Lane, Rockville, MD 20857, **301 443-2380**

RIN: 0905-AA57

195. NURSING STUDENT LOAN PROGRAM (NSL); DEBT MANAGEMENT; DELINQUENCY RATES

Priority: Agency Determination

Legal Authority: 42 USC 216; 42 USC 297a to 297h

CFR Citation: 42 CFR 57, Subpart D

Abstract: This final rule would amend existing regulations governing the Nursing Student Loan (NSL) program set forth in Subpart D of 42 CFR Part 57. This rule: (1) reflects technical amendments made to sections 835-841 of the Public Health Service Act since the existing regulations were published in the FEDERAL REGISTER on May 9, 1974; (2) simplifies the existing regulations so that they are written in clear, concise language; and (3) would strengthen the regulations regarding recordkeeping and collection procedures and establish performance standards against which a nursing school's delinquency rate would be measured.

Timetable:

Action	Date	FR Cite
NPRM	06/03/83	48 FR 25072
NPRM Comment Period Begin	06/04/83	
NPRM Comment Period End	07/18/83	
Final Action	05/00/85	

Small Entity: No

Agency Contact: Ms. Peggy Washburn, Chief, Program Dev. Branch, DSA, BHPr, Department of Health and Human Services, Health Resources and Services Administration, 5600 Fishers Lane, Room 8-48, Rockville, MD 20857, **301 443-4540**

RIN: 0905-AA58

196. GRANTS FOR MATERNAL AND CHILD HEALTH SERVICES FEDERAL SET-ASIDE PROGRAM

Legal Authority: 42 USC 701 to 709

CFR Citation: 42 CFR 51a; 42 CFR 51d; 42 CFR 51f

Abstract: The Omnibus Budget Reconciliation Act of 1981 (Pub. L. 97-35) revised Title V of the Social Security Act to establish the Maternal and Child Health Service Block Grant. In the block grant there is a Federal Set-Aside Program which provides for the retention of 10 to 15 percent of the appropriation in each fiscal year for continuation of certain categorical programs (special projects of regional and national significance, maternal and child health research and training, genetic disease testing, counseling and information and hemophilia diagnostic and treatment centers). A Final Rule, published on June 25, 1982, made regulations for the previous programs applicable to the set-aside authority until regulations specifically designed for the set-aside could be developed.

Timetable:

Action	Date	FR Cite
NPRM	01/12/83	48 FR 1323
NPRM Comment Period Begin	01/12/83	
NPRM Comment Period End	02/11/83	
Final Action	04/00/85	

Small Entity: No

Agency Contact: James J. Corrigan, Associate Bureau Director, Department of Health and Human Services, Public Health Service, Legislation and Policy, BHCDA, Room 7-05, 5600 Fishers Lane, Rockville, MD 20857, **301 443-2380**

RIN: 0905-AA61

197. PROGRAM GRANTS FOR MIGRANT HEALTH SERVICES

Legal Authority: 42 USC 216 Public Health Service Act; 42 USC 254b Public Health Service Act

CFR Citation: 42 CFR 56

Abstract: A notice of proposed rulemaking (NPRM) was published in the Federal Register on December 19, 1980 to revise the existing regulations to incorporate provisions of Pub. L. 95-626, the Health Services Amendments of 1979. Because of administrative changes and new policy direction, a new NPRM will be developed to place greater emphasis on and to facilitate State participation in this program. The new NPRM would also simplify the regulation and incorporate the provisions of Pub. L. 95-626. These regulations will simplify application requirements for States, give certain priorities to awards to States, and will offer alternatives for States to meet requirements which have tended to be barriers to States.

Timetable:

Action	Date	FR Cite
Previous NPRM	12/19/80	45 FR 85366
NPRM	00/00/00	

Small Entity: No

Additional Information: SMALL BUSINESSES CONT: This regulation will increase opportunities for States to become grantees under this program. Not every State will choose to implement this approach and it is anticipated that many who do will implement it in co-application with existing grantees. Therefore, it is expected that this regulation will not have a significant impact on a

substantial number of small entities as defined by the Regulatory Flexibility Act.

Agency Contact: James J. Corrigan, Associate Bureau Director, Department of Health and Human Services, Public Health Service, Legislation and Policy, BHCDA, Room 7-05, 5600 Fishers Lane, Rockville, MD 20857, **301 443-2380**

RIN: 0905-AA62

198. PROGRAM GRANTS FOR BLACK LUNG CLINICS

Legal Authority: 30 USC 937(a)

CFR Citation: 42 CFR 55a

Abstract: This is a notice of proposed rulemaking (NPRM) which would amend the current Black Lung Clinics regulation. It would implement an administrative decision to simplify the regulation and to foster a greater role for the States in the administration of the program.

Timetable:

Action	Date	FR Cite
NPRM	11/01/83	48 FR 50363
NPRM Comment Period Begin	11/01/83	48 FR 50363
NPRM Comment Period End	12/16/83	
Final Action	04/00/85	

Small Entity: No

Agency Contact: James J. Corrigan, Associate Bureau Director, Department of Health and Human Services, Public Health Service, Legislation and Policy, BHCDA, Room 7-05, 5600 Fishers Lane, Rockville, MD 20857, **301 443-2380**

RIN: 0905-AA64

199. PROJECT GRANTS AND LOANS FOR HOME HEALTH SERVICES AND TRAINING

Legal Authority: 42 USC 255

CFR Citation: 42 CFR 51e

Abstract: Title III of the Public Health Service Act was amended by section 6 of the Orphan Drug Act of 1983 (P.L. 97-414). The effect of the amendment authorizes a new program of grants and loans to support home health services. Specifically, it authorizes grants to nonprofit agencies and loans to proprietary agencies to establish and operate home health programs. It also authorizes grants and contracts for training paraprofessionals to provide home health services, with special consideration given to trainees 50 years of age or older. The amendment requires five separate reports to Congress and requires the Secretary to develop and carry out demonstration projects regarding patients at risk of institutionalization and alternative reimbursement methodologies. The program is expected to impact in cost savings through better methods of identifying patients at risk and decreasing the length and frequency of hospital stays.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Agency Contact: James J. Corrigan, Associate Bureau Director, Department of Health and Human Services, Health Resources and Services Administration, Legislation and Policy, BHCDA, 5600 Fishers Lane, Room 7-05, Rockville, MD 20857, **301 443-2380**

RIN: 0905-AB11

200. PRIMARY CARE BLOCK GRANT PROGRAM

Priority: Agency Determination

Legal Authority: 42 USC 216; 42 USC 300Y to 300Y11

CFR Citation: 42 CFR 51; 45 CFR 74; 45 CFR 96

Abstract: Section 1932 of the Public Health Service Act was amended by section 8 of the Orphan Drug Act of 1983 (P.L. 97-414). The effect of the amendment requires the Secretary to promulgate separate regulations for the Primary Care Block Grant taking into consideration the distinctive features of the program such as: the program consists principally of community health centers; the States have the option of assuming responsibility for the program; the States have to make a substantial financial contribution; if a State opts for the block, it agrees to continue to provide a statutory range of services; new centers could only be established in medically underserved areas; and procedural safeguards protecting existing centers.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Agency Contact: James J. Corrigan, Associate Bureau Director, Department of Health and Human Services, Health Resources and Services Administration, Legislation and Policy, BHCDA, 5600 Fishers Lane, Room 7-05, Rockville, MD 20857, **301 443-2380**

RIN: 0905-AB12

201. HEALTH PROFESSIONS STUDENT LOAN (HPSL) PROGRAM; DUE DILIGENCE

Priority: Agency Determination

Legal Authority: 42 USC 216; 42 USC 294m to 294q

CFR Citation: 42 CFR 57, Subpart C

Abstract: This notice of proposed rulemaking will amplify due diligence requirements in the regulations implementing the Health Professions Student Loan Program (Section 740 of the Public Health Service Act).

Timetable:

Action	Date	FR Cite
NPRM	09/06/84	49 FR 35324
Final Action	06/00/85	

Small Entity: No

Agency Contact: Ms. Peggy Washburn, Chief, Program Dev. Br., DSA, BHPr, Department of Health and Human Services, Public Health Service, 5600 Fishers Lane, Room 8-48, Rockville, MD 20857, **301 443-4540**

RIN: 0905-AB14

202. HEALTH PROFESSIONS STUDENT LOAN PROGRAM: PERFORMANCE STANDARD

Priority: Agency Determination

Legal Authority: 42 USC 216; 42 USC 294m to 294q

CFR Citation: 42 CFR 57, Subpart C

Abstract: This proposed rule would amend existing regulations governing the Health Professions Student Loan (HPSL) program and would modify the procedures for determining whether or not a school is in compliance with the 5 percent performance standard.

Timetable:

Action	Date	FR Cite
NPRM	06/03/83	48 FR 25071
NPRM Comment Period Begin	06/04/83	48 FR 25071
NPRM Comment Period End	07/05/83	

Action	Date	FR Cite
Final Action	07/00/85	

Small Entity: No

Agency Contact: Ms Peggy Washburn, Chief, Prog. Dev. Br., DSA, BHPr, Department of Health and Human Services, Health Resources and Services Administration, 5600 Fishers Lane, Room 8-48, Rockville, MD 20857, 301 443-4540

RIN: 0905-AB24

203. INDIAN HEALTH SERVICE, 42 CFR PART 36 SUBPART I, CONTRACTS UNDER THE INDIAN SELF-DETERMINATION ACT: AMENDMENTS

Legal Authority: 25 USC 450G

CFR Citation: 42 CFR 36, Subpart I

Abstract: This is a revision to implement a policy to charge interest and penalties on delinquent debts. This is in compliance with Department of the Treasury's guidelines pertaining to debt collection activities and the joint regulations issued on April 17, 1981, by the Attorney General and the Comptroller General and is consistent with the Debt Collection Act of 1982 (P.L. 97-365). This will require a change to the Department's Indian Health Service (IHS) P.L. 93-638 regulations to include a new contract/grant clause.

Timetable:

Action	Date	FR Cite
NPRM	10/00/85	

Small Entity: Undetermined

Agency Contact: Richard J. McCloskey, Director, Office of Leg. & Reg. Services, Department of Health and Human Services, Health Resources and Services Administration, 5600 Fishers Lane, PKLN Bldg. Rm. 6A-20, Rockville, MD 20857, 301 443-1116

RIN: 0905-AB31

204. GRANTS FOR NURSE ANESTHETISTS TRAINEESHIPS

Legal Authority: 42 USC 216; 42 USC 297-1

CFR Citation: 42 CFR 57, Subpart F (Proposed)

Abstract: These proposed rules would implement section 831 of the Public Health Service Act to make grants to public or private nonprofit institutions to cover the costs of traineeships for the training, in programs which meet such requirements as the Secretary shall by regulation prescribe and which are accredited by an entity or entities designated by the Secretary of Education, of licensed registered nurses to be nurse anesthetists.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Agency Contact: Mrs. Gretchen Osgood, Deputy Director, Division of Nursing, BHPr, Department of Health and Human Services, Public Health Service, 5600 Fishers Lane, Room 5C-26, Rockville, MD 20857, 301 443-5786

RIN: 0905-AB33

205. REVISIONS TO HILL-BURTON GRANT RECOVERY REGULATIONS

Priority: Agency Determination

Legal Authority: 42 USC 216; 42 USC 300R; 42 USC 300S; 42 USC 300S-6

CFR Citation: 42 CFR 53, Subpart M

Abstract: Included in the Deficit Reduction Act of 1984 are amendments dealing with recovery of Hill-Burton grant funds. This regulation would revise the current regulations at 42 CFR 53 Subpart M to conform with the provisions of the Deficit Reduction Act of 1984.

Timetable:

Action	Date	FR Cite
NPRM	04/00/85	

Small Entity: No

Agency Contact: Richard R. Ashbaugh, Acting Associate Dir. for Health Facilities, Department of Health and Human Services, Public Health Service, 5600 Fishers Lane, Room 11-03, Rockville, Maryland 20857, 301 443-6560

RIN: 0905-AB45

206. REVISED HEAL PROGRAM REGULATIONS

Priority: Agency Determination

Legal Authority: 42 USC 216; 42 USC 294 to 294l

CFR Citation: 42 CFR 60

Abstract: This proposed rule would revise existing regulations governing the Health Education Assistance Loan (HEAL) program, authorized by the PHS Act. These proposed revisions would strengthen the regulations to improve the due diligence procedures at schools and lending institutions for making, servicing, and collecting HEAL loans and would clarify the rights and responsibilities of lenders, schools, borrowers, and the Federal Government.

Timetable:

Action	Date	FR Cite
NPRM	05/00/85	

Small Entity: No

Agency Contact: Ms. Peggy Washburn, Chief, Program Dev. Branch, DSA, BHPr, Department of Health and Human Services, Health Resources and Services Administration, 5600 Fishers Lane, Room 8-48, Rockville, Maryland, 20857, 301 443-4540

RIN: 0905-AB46

207. ● GRANTS FOR RESIDENCY TRAINING AND FACULTY DEVELOPMENT IN GENERAL INTERNAL MEDICINE OR GENERAL PEDIATRICS

Legal Authority: 42 USC 216; 42 USC 295g-4; 42 USC 295g-4(a)

CFR Citation: 42 CFR 57, Subpart FF

Abstract: These regulations propose to amend the existing regulations for residency training in general internal medicine and general pediatrics and to implement section 784 (a)(3) and (4) to plan, develop, and operate a program and provide financial assistance to physicians who plan to teach in general internal medicine and general pediatrics.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Agency Contact: Daniel N. Masica, M.D., Director, Division of Medicine, BHPr, Department of Health and Human Services, Health Resources and Services Administration, DHHS, 5600 Fishers Lane, Room 4C-25, Rockville, MD 20857, 301 443-6190

RIN: 0905-AB50

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)
Public Health Service (PHS)—Health Resources and Services Administration (HRSA)

Completed Actions

COMPLETED RULEMAKINGS

208. HEALTH SYSTEMS AGENCY AND STATE HEALTH PLANNING AND DEVELOPMENT AGENCY REVIEWS; CERTIFICATE OF NEED

Priority: Agency Determination, Task Force

CFR Citation: 42 CFR 143, Subpart D; 42 CFR 123, Subpart E

Completed:

Reason	Date	FR Cite
Final Action	01/14/85	50 FR 2008
Final Action Effective	02/13/85	

Small Entity: No

Agency Contact: Florence B. Fiori 301 443-6560

RIN: 0905-AA38

209. HEALTH MAINTENANCE ORGANIZATIONS

Priority: Agency Determination

CFR Citation: 42 CFR 110

Completed:

Reason	Date	FR Cite
Final Action	02/14/85	50 FR 06171

Small Entity: No

Agency Contact: Dwight Blankenbaker 301 443-4106

RIN: 0905-AA65

210. NURSING STUDENT LOAN (NSL) PROGRAM; DUE DILIGENCE

Priority: Agency Determination

CFR Citation: 42 CFR 57, Subpart D

Completed:

Reason	Date	FR Cite
To be combined with the final action published for RIN-0905-AA58	01/00/85	

Small Entity: No

Agency Contact: Ms Peggy Washburn 301 443-4540

RIN: 0905-AB15

211. TECHNICAL AMENDMENTS TO INDIAN HEALTH SERVICE GRANT REGULATION REVISING 42 CFR PART 36, SUBPARTS H AND J, TO CONFORM WITH 45 CFR 74

CFR Citation: 42 CFR 36, Subpart H; 42 CFR 36, Subpart J; 45 CFR 74

Completed:

Reason	Date	FR Cite
Final Action	01/14/85	50 FR 1852
Final Action Effective	01/14/85	

Small Entity: No

Agency Contact: Richard J. McCloskey 301 443-1116

RIN: 0905-AB23

[FR Doc. 85-6366 Filed 04-26-85; 8:45 am]

BILLING CODE 4150-04-T

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)
Public Health Service (PHS)—National Institutes of Health (NIH)

Current and Projected Rulemakings

212. NATIONAL LIBRARY OF MEDICINE PROGRAMS. REVISION OF GENERAL RULES FOR THE NATIONAL LIBRARY OF MEDICINE AND NATIONAL LIBRARY OF MEDICINE GRANTS

Legal Authority: 42 USC 216; 42 USC 276; 42 USC 280b-4

CFR Citation: 42 CFR 4; 42 CFR 59a; 42 CFR 63; 42 CFR 64

Abstract: All of the regulations are being substantially clarified and reduced in size by eliminating out of date or otherwise available information. The regulations at 42 CFR Part 4 pertain to the access of facilities and library collections. Those at 42 CFR Part 59a deal with NLM extramural programs. Part 59a is being amended to remove the requirement that photocopies of biomedical material be provided without charge to users. The regulations at 42 CFR Part 63 deal with both NIH and NLM traineeships. Part 63 is proposed to be deleted because NIH no longer has general traineeship authority and the sole remaining NLM program is unfunded. The regulations at 42 CFR Part 64 govern the training grants of NIH and NLM.

Timetable:

Action	Date	FR Cite
NPRM	02/11/85	50 FR 05638
Final Action	00/00/00	

Small Entity: No

Agency Contact: Kenneth Carney, Executive Officer, Department of Health and Human Services, Public Health Service, National Library of Medicine, Bethesda, MD 20209, 301 496-6491

RIN: 0905-AA66

213. NATIONAL INSTITUTES OF HEALTH CENTER GRANTS 42 CFR 52A

Legal Authority: 42 USC 287d; 42 USC 289c-2; 42 USC 289c-6

CFR Citation: 42 CFR 52a

Abstract: The regulations would cover grants by the National Institutes of Health for support of research and demonstration centers. They would replace existing regulations covering only centers supported by the National Heart, Lung and Blood Institute. These regulations would be available for other center programs which may be created in the future or operated under the general research authorities of NIH.

Timetable:

Action	Date	FR Cite
NPRM	12/18/84	49 FR 49115
Final Action	00/00/00	

Small Entity: No

Agency Contact: Lowell D. Peart, NIH Regulations Officer, Department of Health and Human Services, National Institutes of Health, Bethesda, MD 20205, 301 496-4606

RIN: 0905-AA68

214. ● GRANTS FOR RESEARCH PROJECTS, FELLOWSHIPS NATIONAL RESEARCH SERVICE AWARDS HEALTH AND HUMAN SERVICE ACQUISITION REGULATION

Legal Authority: 42 USC 241; 42 USC 2891-1

CFR Citation: 42 CFR 52; 42 CFR 61; 42 CFR 66; 48 CFR 3, Appendix A

Abstract: Recipients of Public Health Service research and research training funds do not presently have sufficient guidance regarding their responsibility to investigate and report possible misconduct in PHS-funded research or research training. While many institutions have voluntarily established procedures for dealing with misconduct in science, they are not required to do so and in many recent instances the lack of defined procedures has delayed or compromised awardees' investigations. Institutional policies regarding reports to funding agencies vary considerably. The proposed regulation will define the point at which funding agencies are notified and will require awardees to develop procedures for dealing with misconduct in science. Legislation proposed in the 98th Congress would have required Departmental approval of institutional procedures but PHS prefers a less directive approach allowing awardees to develop appropriate procedures.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	
NPRM Comment Period Begin	00/00/00	

Small Entity: No

Agency Contact: William F. Raub, Ph.D, Dep. Dir. for Extramural Rsch. & Training, Department of Health and Human Services, Public Health Service, National Inst. of Health, Bldg. 1, Rm: 107, 9000 Rockville Pike, Bethesda, Maryland 20205, **301 496-1096**

RIN: 0905-AB91

[FR Doc. 85-6366 Filed 04-26-85; 8:45 am]

BILLING CODE 4150-04-T

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS) Current and Projected Rulemakings
Health Care Financing Administration (HCFA)

215. IMPOSITION OF COST SHARING CHARGES UNDER MEDICAID

Priority: Agency Determination

Legal Authority: 42 USC 1302

CFR Citation: 42 CFR 431.55; 42 CFR 447.15; 42 CFR 447.53

Abstract: This final rule responds to comments received on a final rule with comment period published on February 8, 1983 (48 FR 5730). That rule set forth revised requirements concerning the imposition of cost sharing charges on Medicaid recipients when they receive medical services covered by Medicaid. This document clarifies the recipient's liability for cost sharing charges and makes other revisions based on public comments.

Timetable:

Action	Date	FR Cite
Final Rule with Comment	02/08/83	48 FR 05730
Final Action	04/00/85	

Small Entity: No

Agency Contact: Marinos Svolos, Division Director, Department of Health and Human Services, Health Care Financing Administration, Div of Medicaid Eligibility Policy, Room 416, East High Rise Bldg, 6325 Security Blvd, Baltimore, MD 21207, **301 594-9051**

RIN: 0938-AA02

216. MEDICAID OVERPAYMENT REPORTING REQUIREMENTS

Priority: Agency Determination

Legal Authority: 31 USC 951 to 953; 42 USC 1302

CFR Citation: 42 CFR 447.401 to 447.431

Abstract: This regulation requires States to establish procedures to establish overpayments made to providers of services and report and refund them to HCFA on a timely basis. It is intended to reduce State and Federal Medicaid costs and improve program efficiency.

Timetable:

Action	Date	FR Cite
NPRM	04/05/83	48 FR 14664
Final Action	04/00/85	

Small Entity: No

Agency Contact: Dan Metzman, Division Director, Department of Health and Human Services, Health Care Financing Administration, Div. of Provider Overpayments, Room 1-B-2, Meadows East Bldg, 6300 Security Blvd, Baltimore, MD 21207, **301 594-8194**

RIN: 0938-AA04

217. MMIS: CONDITIONS OF APPROVAL AND REAPPROVAL AND PROCEDURES FOR REDUCTION OF FEDERAL FINANCIAL PARTICIPATION

Priority: Agency Determination

Legal Authority: 42 USC 1396a(a)(4); 42 USC 1396a(a)(25); 42 USC 1396b(a)(3); 42 USC 1396b(d)(2); 42 USC 1396b(d)(5); 42 USC 1396b(o); 42 USC 1396b(p); 42 USC 1396b(r); 42 USC 1396k

CFR Citation: 42 CFR 433.110 to 433.114; 42 CFR 433.116 to 433.117; 42 CFR 433.119 to 433.123; 42 CFR 433.127; 42 CFR 433.130 to 433.131; 42 CFR 400.310

Abstract: This regulation would establish conditions for initial approval of MMIS and for subsequent reapproval. It would also establish procedures for reduction of FFP for MMIS in those States failing to meet initial or reapproval standards. It is intended to improve effectiveness of States' MMIS; to ensure efficient system operations; to better detect cases of fraud, waste and abuse effectively; and to reduce Medicaid program costs.

Timetable:

Action	Date	FR Cite
NPRM	03/03/83	48 FR 9038
Final Action	04/00/85	

Small Entity: No

Agency Contact: Daniel Baker, Division Director, Department of Health and Human Services, Health Care Financing Administration, Div of Methods & Syst Requiremts, Rm 2-A-1, Meadows East Bldg, 6300 Security Blvd, Baltimore, MD 21207, **301 594-5415**

RIN: 0938-AA05

218. WITHHOLDING THE FEDERAL SHARE OF PAYMENTS TO RECOVER MEDICARE OR MEDICAID OVERPAYMENTS

Priority: Agency Determination

Legal Authority: PL 97-35, Sec 2104; 42 USC 1395vv; PL 96-499, Sec 905; 42 USC 1396a(a)(13); 42 USC 1396b(a)(1); 42 USC 1396b(j); 42 USC 1396b(h)

CFR Citation: 42 CFR 400.310; 42 CFR 405.301; 42 CFR 405.375; 42 CFR 447.30; 42 CFR 447.31

Abstract: This regulation provides for the recovery of overpayments to providers and physicians under Medicare and Medicaid by withholding the Federal share of payments. It is intended to improve financial management, promote efficiency and increase accountability for overpayments.

Timetable:

Action	Date	FR Cite
NPRM	02/10/83	48 FR 06304
Final Action	04/00/85	

Small Entity: No

Agency Contact: Dan Metzman, Division Director, Department of Health and Human Services, Health Care Financing Administration, Div. of Provider Overpayments, Room 1-B-2, Meadows East Bldg, 6300 Security Blvd, Baltimore, MD 21207, **301 594-8194**

RIN: 0938-AA09

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219. HOME HEALTH AGENCIES: AIDE TRAINING AND FINANCIAL SECURITY REQUIREMENTS

Priority: Agency Determination

Legal Authority: 42 USC 1302; 42 USC 1395f; 42 USC 1395g; 42 USC 1395j to 1395v; 42 USC 1395x to 1395z; 42 USC 1395aa to 1395cc; 42 USC 1395gg; 42 USC 1395hh; 42 USC 1395rr; 42 USC 1395ww; 42 USC 1395xx

CFR Citation: 42 CFR 405.236; 42 CFR 405.402; 42 CFR 405.419; 42 CFR 405.429; 42 CFR 405.1031; 42 CFR 405.1101; 42 CFR 405.1201 to 405.1202; 42 CFR 405.1227; 42 CFR 405.1231; 42 CFR 405.1702; 42 CFR 405.1731

Abstract: These regulations would establish home health aide training, supervision, and duty requirements applicable to all home health agencies that provide home health aide services under Part A or B of the Medicare program. They would require home health agencies participating in Medicare to meet conditions, including bonding or establishment of escrow accounts, to ensure the financial security of the Medicare program. The regulation would also amend the existing Medicare definition of a foreign trained physical therapist by deleting certain outdated requirements.

Timetable:

Action	Date	FR Cite
NPRM	04/00/85	

Small Entity: Yes

Agency Contact: Stefan Miller, Branch Chief, Department of Health and Human Services, Health Care Financing Administration, Laboratory and Ambulatory Services Branch, 300 EHR Bldg., 6325 Security Blvd., Baltimore, MD 21207, **301 597-6394**

RIN: 0938-AA13

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220. HOME AND COMMUNITY BASED SERVICES

Priority: Agency Determination

Legal Authority: 42 USC 1302

CFR Citation: 42 CFR 435.726; 42 CFR 435.735; 42 CFR 435.217; 42 CFR 436.217; 42 CFR 440.180; 42 CFR 441.302; 42 CFR 441.303; 42 CFR 441.304; 42 CFR 441.306; 42 CFR 441.310; 42 CFR 435.3; 42 CFR 435.232

Abstract: This regulation allows States to reduce Medicaid expenses for institutional care and gives the beneficiary an opportunity to receive necessary services at home. Clarifies the deeming of income methodology to prevent unnecessary institutionalization to qualify for benefits. It is intended to revise regulations to provide maximum flexibility to the States and make them less burdensome.

Timetable:

Action	Date	FR Cite
Interim Final Rule	10/01/81	46 FR 48524
Final Action	04/00/85	

Small Entity: Yes

Agency Contact: Robert Wron, Office Director, Department of Health and Human Services, Health Care Financing Administration, Office of Coverage Policy, Room 403, East High Rise Bldg, 6325 Security Blvd, Baltimore, MD 21207, **301 594-9690**

RIN: 0938-AA19

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221. CONDITIONS OF PARTICIPATION FOR HOSPITALS

Priority: Task Force

Legal Authority: 42 USC 1395t; 42 USC 1396d; 42 USC 1395hh; 42 USC 1395x; PL 98-369, Sec 2335, PL 98-369, Sec 2340

CFR Citation: 42 CFR 1011 to 1042; 42 CFR 416.41; 42 CFR 440.1; 42 CFR 440.10; 42 CFR 440.40; 42 CFR 440.140-150; 42 CFR 440.250; 42 CFR 441.11; 42 CFR 441.13; 42 CFR 441.40; 42 CFR 456.51; 42 CFR 456.501; 42 CFR 489.21

Abstract: This regulation simplifies requirements which hospitals must meet to be certified to participate in Medicare and Medicaid. It is intended to reduce Federal requirements, simplify and clarify regulations, and provide maximum flexibility in hospital administration while strengthening patient health and safety. This regulation is a review item of the Presidential Task Force on Regulatory Relief. It also conforms Medicare regulations to statutory changes made by PL 98-369 regarding certification of psychiatric and tuberculosis hospitals.

Timetable:

Action	Date	FR Cite
NPRM	01/04/83	48 FR 299
Final Action	04/00/85	

Small Entity: Yes

Agency Contact: Sheila Ryan, Division Director, Department of Health and Human Services, Health Care Financing Administration, Division of Standards and Certification, 300 EHR, 6325 Security Blvd., Baltimore, MD 21207, **301 594-3775**

RIN: 0938-AA23

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222. HOSPITAL BASED SNF COST LIMITS (EFFECTIVE 10/1/82)

Priority: Agency Determination

Legal Authority: 42 USC 1395x(v)(1); 42 USC 1395yy

CFR Citation: 42 CFR 405.460

Abstract: This notice would set a revised schedule of limits for hospital based SNF inpatient routine service costs for cost reporting periods beginning on or after October 1, 1982.

Timetable:

Action	Date	FR Cite
Proposed Notice	06/00/85	

Small Entity: Undetermined

Agency Contact: Carl Slutter, Division Director, Department of Health and Human Services, Health Care Financing Administration, Div. of Provider Payment Policy, Rm. 1-F-3 ELR Bldg., 6325 Security Blvd., Baltimore, MD 21207, **301 594-7365**

RIN: 0938-AA25

223. LIMITATION ON PAYMENT FOR SERVICES FURNISHED TO EMPLOYED AGED, THEIR SPOUSES, AND SPOUSES OF YOUNGER EMPLOYEES

Priority: Agency Determination

Legal Authority: PL 97-248, Sec 116(b); 42 USC 1395y(b); PL 98-369, Sec 2301; PL 98-369, Sec 2338

CFR Citation: 42 CFR 405.340; 42 CFR 405.341; 42 CFR 405.342; 42 CFR 405.343; 42 CFR 405.344

Abstract: The regulation requires employers to offer their employees age 65 through 69, their dependents and spouses age 65 through 69 of employees under age 65 and their dependents the same health benefits as offered to their younger employees. The provision makes Medicare the secondary payor for such employees. This provision amends the Federal Age Discrimination in Employment Act (ADEA).

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/13/83	48 FR 15902
Final Action	04/00/85	

Small Entity: No

Agency Contact: Harold Fishman, Division Director, Department of Health and Human Services, Health Care Financing Administration, Div. of Medicare Eligibility, BERC, Rm. 448 EHR, 6325 Security Blvd., Baltimore, MD 21207, **301 594-9077**

RIN: 0938-AA31

224. AMENDING COST REPORTS AND REOPENING INTERMEDIARY PAYMENT DETERMINATIONS AND ADMINISTRATIVE REVIEW DECISIONS

Priority: Agency Determination

Legal Authority: 42 USC 1302; 42 USC 1395f(b); 42 USC 1395g; 42 USC 1395l; 42 USC 1395x(v); 42 USC 1395hh; 42 USC 1395rr; 42 USC 1395ww; 42 USC 1395xx; 42 USC 405; 42 USC 1395x(v); 42 USC 1395ii; 42 USC 1395oo

CFR Citation: 42 CFR 405.453(f); 42 CFR 405.1833; 42 CFR 405.1885; 42 CFR 405.1887

Abstract: This proposal would establish rules to govern and distinguish between the amending of cost reports and the reopening of Medicare intermediary payment determinations and administrative review decisions. This proposal would provide guidance to intermediaries and the Provider Reimbursement Review Board concerning the circumstances under which those actions may be taken.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Agency Contact: George Cray, Program Analyst, Department of Health and Human Services, Health Care Financing Administration, Medicare Procedural Policy Branch, Room 349 EHR, 6325 Security Blvd., Baltimore, MD 21207, **301 597-3874**

RIN: 0938-AA33

225. RECOGNITION OF STATE REIMBURSEMENT CONTROL SYSTEMS

Priority: Agency Determination

Legal Authority: 42 USC 1302; 42 USC 1395(a)(1)(F); 42 USC 1395hh; 42 USC 1305ww(c); PL 98-369, Sec 2315

CFR Citation: 42 CFR 403.300; 42 CFR 403.302; 42 CFR 403.304; 42 CFR 403.306; 42 CFR 403.308; 42 CFR 403.310; 42 CFR 403.312; 42 CFR 403.314; 42 CFR 403.316; 42 CFR 403.318; 42 CFR 403.320; 42 CFR 403.322

Abstract: This regulation would permit payment to hospitals under a State applied alternative reimbursement system if that system meets certain statutory and administrative requirements. This regulation also includes changes resulting from Pub. L. 98-369.

Timetable:

Action	Date	FR Cite
NPRM	04/00/85	

Small Entity: Undetermined

Agency Contact: Anthony Lovecchio, Division Director, Department of Health and Human Services, Health Care Financing Administration, Div. of Alternative Reimb. Systems, 1-A-1 ELR, 6325 Security Blvd., Baltimore, MD 21207, **301 594-4010**

RIN: 0938-AA34

226. SURVEY AND CERTIFICATION PROCEDURES

Priority: Agency Determination

Legal Authority: 42 USC 1395t; 42 USC 1395x; 42 USC 1395bb; 42 USC 1395cc; 42 USC 1395hh; 42 USC 1396a; 42 USC 1396(i)

CFR Citation: 42 CFR 405; 42 CFR 431; 42 CFR 481; 42 CFR 442; 42 CFR 489; 42 CFR 490; 42 CFR 455; 42 CFR 485; 42 CFR 488; 42 CFR 491

Abstract: This regulation would streamline, simplify and integrate survey and certification procedures for providers and suppliers under Medicare and Medicaid. It is intended to accomplish effective monitoring with greater flexibility to States without loss of quality of health services.

Timetable:

Action	Date	FR Cite
NPRM	05/27/82	47 FR 23404
Final Action	10/00/85	

Small Entity: Undetermined

Agency Contact: Walter Merten, Division Director, Department of Health and Human Services, Health Care Financing Administration, Div. of Survey Procedures and Training, 2-K-1 DWE, 1849 Gwynn Oak Ave., Baltimore, MD 21207, **301 594-3812**

RIN: 0938-AA38

227. PHYSICIAN CERTIFICATION AND PLAN OF TREATMENT REQUIREMENTS

Legal Authority: PL 96-499, Sec 930(e); 42 USC 1302; 42 USC 1395hh; PL 98-369, Sec 2336

CFR Citation: 42 CFR 405.1633; 42 CFR 405.1634; 42 CFR 405.1717

Abstract: These rules confirm interim final rules published on October 26, 1982 (47 FR 47388) with changes that make it possible for certain additional physicians to certify need for home health services and to establish and review a plan of treatment for those services. The changes are responsive to public comments and also serve to implement section 2336 of Pub. L. 98-369. The rules also make clarifying changes with respect to timing and procedures for certification for home health services and outpatient physical therapy and speech pathology services.

Timetable:

Action	Date	FR Cite
Interim Final Rule	10/26/82	47 FR 47388
Final Action	06/00/85	

Small Entity: No

Agency Contact: Raymond T. Johnson, Branch Chief, Department of Health and Human Services, Health Care Financing Administration, Utilization Effectiveness Branch, BERC, Rm. 455 EHR, 6325 Security Blvd., Baltimore, MD 21207, **301 594-9370**

RIN: 0938-AA46

228. MEDICAID ELIGIBILITY

Legal Authority: PL 97-248, Sec 137(b); PL 98-369, Sec 2373

CFR Citation: 42 CFR 435, 42 CFR 436

Abstract: This regulation would implement changes with respect to Medicaid eligibility groups and coverage criteria made by the Tax Equity and Fiscal Responsibility Act of 1982 (TEFRA) and the Deficit Reduction Act of 1984 (PL 98-369). Most of these changes affect the provisions of September 30, 1981 regulations concerning Medicaid eligibility for the medically needy, published as a result of the Omnibus Budget Reconciliation Act of 1981. The regulations would also respond to public comments received on the September 30 regulations. Because of changes required by TEFRA and in order to respond to comments, an NPRM will be published rather than a final regulation.

Timetable:

Action	Date	FR Cite
NPRM	12/00/85	

Small Entity: No

Agency Contact: Marinos Svolos, Division Director, Department of Health and Human Services, Health Care Financing Administration, Div of Medicaid Eligibility, Room 416, East High Rise Bldg, 6325 Security Blvd, Baltimore, MD 21207, **301 594-9050**

RIN: 0938-AA58

229. INTERMEDIATE SANCTION OF LONG-TERM CARE FACILITIES

Priority: Agency Determination

Legal Authority: 42 USC 1302; 42 USC 1395; 42 USC 1395x; 42 USC 1395aa; 42 USC 1395cc; 42 USC 1395hh

CFR Citation: 42 CFR 405.1501; 42 CFR 405.1502; 42 CFR 442.1 to 442.2; 42 CFR 442.117 to 442.119; 42 CFR 489.1 to 489.3; 42 CFR 489.50; 42 CFR 489.53; 42 CFR 489.60; 42 CFR 489.62; 42 CFR 489.64; 42 CFR 489.66

Abstract: This regulation would authorize the Secretary and State Medicaid agencies to impose an alternative to terminating long-term care facilities found to be out of compliance with the Medicare conditions of participation or the Medicaid conditions of participation or standards.

Timetable:

Action	Date	FR Cite
NPRM	02/21/85	50 FR 07191
Final Action	00/00/00	

Small Entity: No

Agency Contact: Brenda Suggs, Program Analyst, Department of Health and Human Services, Health Care Financing Administration, Long Term Care Services Branch, 2nd Floor, Dogwood East Bldg, 1848 Gwynn Oak Ave, Baltimore, MD 21207, **301 594-5017**

RIN: 0938-AA60

230. THIRD PARTY LIABILITY (TPL), PREMIUM FFP RATES, MANDATORY ASSIGNMENT OF RIGHTS TO PAYMENTS; SOURCES OF STATE FUND

Legal Authority: 42 USC 1396a(a)(25); 42 USC 1396b(d)(2); PL 98-369, Sec 2367; 42 USC 1396a(a)(2); 42 USC 1396a(a)(45); 42 USC 1396k; 42 USC 1396b

CFR Citation: 42 CFR 432.2; 42 CFR 432.50; 42 CFR 432.60; 42 CFR 433.15; 42 CFR 433.45; 42 CFR 433.136; 42 CFR 433.139; 42 CFR 433.149; 42 CFR 433.151 to 433.152; 42 CFR 433.145; 42 CFR 433.137; 42 CFR 435.604; 42 CFR 432.45; 42 CFR 433.135; 42 CFR 436.604; .

Abstract: This regulation provides States with flexibility in establishing their programs so as to maximize operational efficiency and promote cost avoidance procedures. It is intended to promote program management efficiency and reduce program costs by increasing TPL recoveries. This regulation also conforms the Medicaid regulations to statutory changes that require Medicaid applicants and recipients to assign to the State their rights to medical support and other third party payments and to cooperate in establishing paternity and securing support as a condition of eligibility.

Timetable:

Action	Date	FR Cite
NPRM	06/04/84	49 FR 23078
Final Action	04/00/85	

Small Entity: No

Agency Contact: David McNally, Director, Department of Health and Human Services, Health Care Financing Administration, Div. of State Agency Financial Management, Room 350, Meadows East, 6325 Security Blvd., Baltimore, MD 21207, **301 597-1398**

RIN: 0938-AA65

231. MENTAL RETARDATION--DEFINITION OF "PERSONS WITH RELATED CONDITIONS"

Legal Authority: 42 USC 1302; 42 USC 1396d

CFR Citation: 42 CFR 435.1009

Abstract: This regulation would amend Medicaid regulations on intermediate care facility services for the mentally retarded persons with related conditions by revising the current definition of "persons with related conditions." This definition is presently tied to the definition of developmental disability in the Developmental Disabilities Assistance and Bill of Rights Act (DDABRA). This regulation establishes a Medicaid definition of conditions related to mental retardation that would meet the specific needs of the Medicaid program and would be independent of the definition of developmental disability in the DDABRA.

Timetable:

Action	Date	FR Cite
NPRM	02/23/83	48 FR 7593
Final Action	04/00/85	

Small Entity: Yes

Agency Contact: Robert Wren, Office Director, Department of Health and Human Services, Health Care Financing Administration, Office of Coverage Policy, Room 403, East High Rise Bldg, 6325 Security Blvd, Baltimore, MD 21207, **301 594-9690**

RIN: 0938-AA78

232. FEDERAL FINANCIAL PARTICIPATION FOR INMATES IN PUBLIC INSTITUTIONS AND INDIVIDUALS IN AN INSTITUTION FOR MENTAL DISEASE OR TUBERCULOSIS

Legal Authority: 42 USC 1302

CFR Citation: 42 CFR 435.1008; 42 CFR 436.1004

Abstract: This regulation would preclude the availability of Federal matching funds in expenditures for all services to an individual who is an inmate in a public institution or to an individual under age 65 who is a patient in an institution for mental diseases or tuberculosis from the date of admission to the date of discharge. We would continue to provide matching funds in expenditures for services for individuals under age 22 who are receiving inpatient psychiatric services.

Timetable:

Action	Date	FR Cite
NPRM	03/31/83	48 FR 13446
NPRM Comment Period End	05/02/83	
Final Action	04/00/85	

Small Entity: No

Agency Contact: **Roy Trudel**, Program Analyst, Department of Health and Human Services, Health Care Financing Administration, Division of Medicaid Eligibility Policy, 416 East High Rise Bldg., 6325 Security Blvd, Baltimore, Maryland 21207, **301 594-9128**

RIN: 0938–AA93

233. PAYMENTS TO INSTITUTIONS

Legal Authority: 42 USC 1302

CFR Citation: 42 CFR 435.722; 42 CFR 435.725; 42 CFR 435.733; 42 CFR 435.832; 42 CFR 436.832

Abstract: This regulation alleviates problems encountered by States in calculating patient income to be applied to the cost of care in institutions. It extends Medicaid eligibility to certain individuals in medical institutions. It is intended to permit States greater flexibility in administering their programs (Regulatory Reform).

Timetable:

Action	Date	FR Cite
NPRM	04/00/85	

Small Entity: No

Agency Contact: **Marinos Svolos**, Division Director, Department of Health and Human Services, Health Care Financing Administration, Division of Medicaid Eligibility, Room 416 East High Rise, 6325 Security Blvd., Baltimore, MD 21207, **301 594-9050**

RIN: 0938–AB00

234. BENEFIT PERIOD DETERMINATIONS AND MISCELLANEOUS PROVISIONS

Legal Authority: 42 USC 1302; 42 USC 1395d; 42 USC 1395x; 42 USC 1395hh; 42 USC 1396d

CFR Citation: 42 CFR 405.1101; 42 CFR 405.1127(a); 42 CFR 409.60; 42 CFR 442.336(a)

Abstract: This regulation would amend current regulations regarding Medicare spell of illness to create a distinction between "inpatient" and "resident" for purposes of determining whether a patient is an inpatient of an SNF. This regulation also would correctly specify in the SNF conditions of participation the national organization responsible for approving training courses for dietetic service supervisors and would additionally propose that either an RN or a pharmacist could perform drug regimen reviews in SNFs or ICFs.

Timetable:

Action	Date	FR Cite
NPRM	06/00/85	

Small Entity: No

Agency Contact: **Bob Wren**, Director, Division of Provider Services, Department of Health and Human Services, Health Care Financing Administration, Room 405 East High Rise, 6325 Security Boulevard, Baltimore, MD 21207, **301 594-9820**

RIN: 0938–AB03

235. CLAIMS PROCESSING ASSESSMENT SYSTEM

Legal Authority: 42 USC 1396a(a)(4); 42 USC 1396b(r)(4)

CFR Citation: 42 CFR 431.800

Abstract: This regulation would revise claims processing requirements for Medicaid Quality Control (MQC) systems. It would propose that current claims processing elements of the MQC system would become part of the Medicaid Management Information System (MMIS) and be added as a condition for annual MMIS approval and reapproval. These changes are intended to increase State flexibility in reporting requirements and reduce the burden on States under the current MQC system.

Timetable:

Action	Date	FR Cite
NPRM	08/09/83	48 FR 36151
NPRM Comment Period Begin	08/09/83	48 FR 36151
NPRM Comment Period End	09/08/83	
Final Action	04/00/85	

Small Entity: No

Agency Contact: **Marianne Faulstich**, Branch Chief, Department of Health and Human Services, Health Care Financing Administration, Claims Processing Assessment Work Group, 2-K-1 ELR, 6325 Security Boulevard, Baltimore, MD 21207, **301 597-3961**

RIN: 0938–AB04

236. SPENDDOWN

Priority: Agency Determination

Legal Authority: 42 USC 1302

CFR Citation: 42 CFR 435.732; 42 CFR 435.831; 42 CFR 436.732; 42 CFR 436.831

Abstract: These regulations permit States to revise the process by which medical expenses are considered in determining Medicaid eligibility. This process applies when an individual's income level during a budget period would ordinarily preclude eligibility except that incurred medical expenses reduce income to the eligibility level.

Timetable:

Action	Date	FR Cite
NPRM	09/02/83	48 FR 39959
NPRM Comment Period Begin	09/02/83	
NPRM Comment Period End	11/01/83	
Final Action	08/00/85	

Small Entity: Undetermined

Agency Contact: **Marinos Svolos**, Director, Div. of Medicaid Eligibility, Department of Health and Human Services, Health Care Financing Administration, Room 416 East High Rise Bldg., 6325 Security Boulevard, Baltimore, MD 21207, **301 594-9050**

RIN: 0938–AB07

237. UTILIZATION AND QUALITY CONTROL PEER REVIEW ORGANIZATIONS: IMPOSITION OF SANCTIONS ON HEALTH CARE PRACTITIONERS AND PROVIDERS OF HEALTH CARE SERVICES

Priority: Agency Determination

Legal Authority: 42 USC 1302; 42 USC 1320c; 42 USC 1320c-5

CFR Citation: 42 CFR 474.0 to 474.58

Abstract: This regulation would establish certain rights and responsibilities of health care practitioners and other persons who provide health care services and establishes sanctions and penalties that the Secretary may impose for non-compliance. The regulations would also impose certain related responsibilities on utilization and quality control peer review organizations. These regulations are intended to assure that the public receives medically necessary, quality health services.

Timetable:

Action	Date	FR Cite
NPRM	04/18/84	49 FR 15233
Final Action	04/00/85	

Small Entity: No

Agency Contact: Anthony J. Tirone, Director, PRO Implementation Task Force, Department of Health and Human Services, Health Care Financing Administration, 1-K-3 Dogwood East Bldg., 1849 Gwynn Oak Avenue, Baltimore, MD 21207, **301 594-9208**

RIN: 0938-AB11

238. UTILIZATION AND QUALITY CONTROL PEER REVIEW ORGANIZATION (PRO): ASSUMPTION OF MEDICARE REVIEW FUNCTIONS AND COORDINATION WITH MEDICAID

Priority: Agency Determination

Legal Authority: 42 USC 1320c Note; 42 USC 1320c to 1320c-12; 42 USC 1395cc(a); 42 USC 1302; 42 USC 1395y; 42 USC 1395cc; 42 USC 1395kk; 42 USC 1395pp; 42 USC 1396a(d)

CFR Citation: 42 CFR 400; 42 CFR 405; 42 CFR 431; 42 CFR 433; 42 CFR 456; 42 CFR 460; 42 CFR 462; 42 CFR 466

Abstract: This regulation would set forth requirements for the conduct of review and relations with Medicaid with respect to Utilization and Quality Control Peer Review Organizations (PROs). This regulation would redirect, simplify and enhance the cost-effectiveness of the program of peer review under Medicare. This regulation also includes changes to require all hospitals under Medicare to have an agreement with a PRO or a Professional Standards Review Organization and to permit limited provider representation in a PRO governing body.

Timetable:

Action	Date	FR Cite
NPRM	07/17/84	49 FR 29026
Final Action	04/00/85	

Small Entity: Yes

Agency Contact: Kay Terry, Director, Division of Review Programs, Department of Health and Human Services, Health Care Financing Administration, 2-K-3 Dogwood East Building, 1849 Gwynn Oak Avenue, Baltimore, MD 21207, **301 594-7910**

RIN: 0938-AB12

239. ACQUISITION PROTECTION AND DISCLOSURE OF UTILIZATION AND QUALITY CONTROL PEER REVIEW ORGANIZATION INFORMATION

Priority: Agency Determination

Legal Authority: 42 USC 1302; 42 USC 1320c to 1320c-12

CFR Citation: 42 CFR 476

Abstract: This regulation sets forth requirements for the acquisition, protection and disclosure of information obtained or generated by Utilization and Quality Control Peer Review Organizations (PROs). This regulation provides PROs with the right to access necessary information and sets forth their responsibilities to assure that information once acquired is adequately safeguarded and used for proper purposes.

Timetable:

Action	Date	FR Cite
NPRM	04/16/84	49 FR 14977
Final Action	04/00/85	

Small Entity: No

Agency Contact: Mary K. Terry, Director, Div. of Review Programs, Department of Health and Human Services, Health Care Financing Administration, 2-K-3 Dogwood East Building, 1849 Gwynn Oak Avenue, Baltimore, MD 21207, **301 594-7910**

RIN: 0938-AB13

240. RELATIONS WITH OTHER AGENCIES - BUY-IN, AND MISCELLANEOUS MEDICAID DEFINITIONS

Legal Authority: 42 USC 1302

CFR Citation: 42 CFR 431.625; 42 CFR 435.1009; 42 CFR 440.2; 42 CFR 440.10; 42 CFR 440.20; 42 CFR 440.80; 42 CFR 440.160; 42 CFR 441.151; 42 CFR 447.40; 42 CFR 431.800; 42 CFR 440.30

Abstract: This regulation revises several definitions and clarifies ambiguities in existing Medicaid regulations. These changes are a part of the Department's regulatory reform effort to clarify those regulations that are ambiguous or that have been identified as problematic.

Timetable:

Action	Date	FR Cite
NPRM	03/31/83	48 FR 10378
Final Action	07/00/85	

Small Entity: No

Agency Contact: Thomas Hoyer, Chief, Institutional Services Branch, Department of Health and Human Services, Health Care Financing Administration, Room 409 EHR, 6325 Security Boulevard, Baltimore, MD 21207, **301 594-9446**

RIN: 0938-AB21

241. PRO RECONSIDERATIONS AND APPEALS

Legal Authority: 42 USC 1302; 42 USC 1320c-4; 42 USC 1320c Note; 42 USC 1320c-3(g); 42 USC 1155; 42 USC 1866(a); 42 USC 1395cc(a)

CFR Citation: 42 CFR 473.7; 42 CFR 473.18; 42 CFR 473.20; 42 CFR 473.22; 42 CFR 473.24; 42 CFR 473.28; 42 CFR 473.30; 42 CFR 473.34; 42 CFR 473.36; 42 CFR 473.32; 42 CFR 473.42; 42 CFR 473.44; 42 CFR 473.46; 42 CFR 473.48; 42 CFR 473.50; ...

Abstract: This proposal implements that portion of Public Law 97-248 addressing reconsiderations and appeals of PRO denial determinations. It would establish procedures for (1) a PRO to reconsider its denial determinations regarding medical necessity, reasonableness and appropriateness of services and application of the waiver of liability provision; (2) appeals to the Department following a PRO reconsideration; and (3) judicial review following administrative hearings.

Timetable:

Action	Date	FR Cite
NPRM	07/17/84	49 FR 29041
Final Action	04/00/85	

Small Entity: No

Agency Contact: Kay Terry, Director, Division of Review Policy, Department of Health and Human Services, Health Care Financing Administration, 2-K-3 Dogwood East Building, 1849 Gwynn Oak Avenue, Baltimore, MD 21207, **301 594-7910**

RIN: 0938-AB24

242. MEDICARE AND MEDICAID: CORRECTIONS AND CONFORMING CHANGES

Legal Authority: 42 USC 1302; 42 USC 1395hh

CFR Citation: 42 CFR 405; 42 CFR 408; 42 CFR 409; 42 CFR 440; 42 CFR 474; 42 CFR 456; 42 CFR 488

Abstract: This document corrects errors and omissions in final rules published on December 15, 1982 and March 25, 1983. It also makes technical corrections and conforming changes in other regulations that deal with principles of reimbursement, beneficiary appeals, physician certification, and program integrity. The changes are needed primarily to conform certain rules to other regulations that have been amended and to reflect statutory and policy changes that have occurred since the rules were last published.

Timetable:

Action	Date	FR Cite
Final Action	08/00/85	

Small Entity: No

Agency Contact: Luisa V. Iglesias, Technical Assistant, Department of Health and Human Services, Health Care Financing Administration, BERC Regulations Staff, Rm. 4230 North Bldg., 300 Indp. Ave. SW, Washington, D.C. 20201, **202 245-0383**

RIN: 0938-AB25

243. CHANGES TO THE LESSER OF COSTS OR CHARGES PROVISIONS

Legal Authority: 42 USC 1395f(b); 42 USC 1395l(a); PL 98-369, Sec 2308; PL 98-369, Sec 2321

CFR Citation: 42 CFR 405.455

Abstract: This regulation would eliminate application of the lesser of costs or charges aggregation method for determining payment for services furnished under Part A or Part B of Medicare effective with cost reporting periods beginning on or after October 1, 1984 (section 2308(a) of P.L. 98-369). We would eliminate the accumulation and carryover of unreimbursed costs to subsequent cost reporting periods effective with cost reporting periods beginning on or after October 1, 1985. We would revise the nominal charge provisions for providers that furnish services either free of charge or at a nominal charge in accordance with section 2308(b) of P.L. 98-369. We would also revise the payment provisions for durable medical equipment furnished by home health agencies effective on or after July 18, 1984.

Timetable:

Action	Date	FR Cite
NPRM	07/00/85	

Small Entity: Yes

Agency Contact: William Goeller, Division Director, ORP, Department of Health and Human Services, Health Care Financing Administration, Room 1-F-5 East Low Rise, 6325 Security Boulevard, Baltimore, MD 21207, **301 597-1803**

RIN: 0938-AB29

244. PROCEDURES FOR DETERMINING WHETHER PROVIDERS, PRACTITIONERS, OR OTHER SUPPLIERS OF SERVICES ARE LIABLE FOR CERTAIN NONCOVERED SERVICES

Legal Authority: 42 USC 1395hh; 42 USC 1395pp; 42 USC 1302; 42 USC 1395g; 42 USC 1395l; 42 USC 1395u; 42 USC 1395x; 42 USC 1395y; 42 USC 1395cc; 42 USC 1395gg; 31 USC 3711; 42 USC 1395f

CFR Citation: 42 CFR 405.195; 42 CFR 405.196; 42 CFR 405.332

Abstract: This proposal would revise the way HCFA applies the limitation of liability provision under section 1879 of the Social Security Act. It would implement section 145 of Pub. L. 97-248, that provides that a provider, practitioner or other supplier of services shall be deemed to have knowledge that payment cannot be made for noncovered services if the entity had previously been notified by the Secretary that a pattern of inappropriate utilization had occurred but has continued the practice after having a reasonable opportunity to correct the inappropriate utilization. Also, we would eliminate criteria that, if met, make a provider of Part A services eligible for a presumption that it should not be held liable. The decision to make or deny payment for noncovered services would be made after an analysis of the circumstances without the general assumption that the provider did not know or could not be expected to know that furnished services were noncovered.

Timetable:

Action	Date	FR Cite
NPRM	02/12/85	50 FR 05787
Final Action	00/00/00	

Small Entity: No

Agency Contact: Jack Wasserman, Chief, Medicare Procedural Policy Branch, Department of Health and Human Services, Health Care Financing Administration, 349 East High Rise Building, 6325 Security Boulevard, Baltimore, MD 21207, **301 597-3703**

RIN: 0938-AB33

245. FORMS USED FOR CLAIMING PAYMENT

Legal Authority: 42 USC 1302; 42 USC 1395f; 42 USC 1395n; 42 USC 1395hh; 42 USC 1395tt

CFR Citation: 42 CFR 405.1662

Abstract: This rule would revise the Medicare regulations to include provisions pertaining to various forms used in requesting enrollment in and payment for services under the Medicare program. This rule also would provide an up-to-date listing and discussion of procedures for providers of services and other practitioners to obtain billing forms that meet Medicare requirements and those of other insurers.

Timetable:

Action	Date	FR Cite
NPRM	09/07/84	49 FR 35386
Final Action	08/00/85	

Small Entity: No

Agency Contact: **Daniel Baker**, Branch Chief, Department of Health and Human Services, Health Care Financing Administration, BPO, Div. of Methods & Systems Requirements, Room 2-A-1 ME Bldg., 6325 Security Boulevard, Baltimore, MD 21207, **301 594-1999**

RIN: 0938–AB34

246. ADJUSTMENT OF FEDERAL SHARE FOR UNCASHED OR FOR CANCELLED MEDICAID CHECKS

Legal Authority: 42 USC 1302

CFR Citation: 45 CFR 201.5; 45 CFR 201.67; 42 CFR 430.0

Abstract: This proposal would require a State agency to refund to the Federal government the federal share of Medicaid checks that remain uncashed 180 days after issuance and would require that the federal share of cancelled (voided) Medicaid checks be refunded quarterly because there has not been an expenditure of funds in either case.

Timetable:

Action	Date	FR Cite
NPRM	04/00/85	

Small Entity: No

Agency Contact: **David McNally**, Director, Div. of State Agency Financial Mgt, Department of Health and Human Services, Health Care Financing Administration, Room 350 Meadows East Building, 6325 Security Boulevard, Baltimore, MD 21207, **301 597-1398**

RIN: 0938–AB35

247. REVISIONS TO MEDICAID PAYMENT FOR INPATIENT HOSPITAL AND LONG-TERM CARE FACILITY SERVICES

Legal Authority: 42 USC 1302; 42 USC 1396a(a)(30); 42 USC 1396a(a)(13)

CFR Citation: 42 CFR 447.253; 42 CFR 447.272; 42 CFR 447.321

Abstract: This regulation would make several changes to the procedural requirements for States to obtain approval of their inpatient reimbursement rates. It is intended that these changes would promote increased economy in the administration of the Medicaid program while retaining State flexibility to the maximum extent possible.

Timetable:

Action	Date	FR Cite
NPRM	07/00/85	

Small Entity: No

Agency Contact: **Tzvi Hefter**, Program Analyst, Department of Health and Human Services, Health Care Financing Administration, Long Term Care Section, Room 1-A-1 ELR Bldg., 6325 Security Blvd., Baltimore, MD 21207, **301 597-1808**

RIN: 0938–AB40

248. FFP FOR LTC FACILITIES AFTER TERMINATION OF PROVIDER AGREEMENT

Legal Authority: 42 USC 1302; 42 USC 1395hh

CFR Citation: 42 CFR 442.16

Abstract: These rules would modify and clarify policy on Federal financial participation (FFP) in State Medicaid payments to a skilled nursing facility (SNF) or an intermediate care facility (ICF) after the facility's provider agreement has been terminated or has expired and not been renewed.

Timetable:

Action	Date	FR Cite
NPRM	04/00/85	

Small Entity: No

Affected Sectors: 919 General Government, Not Elsewhere Classified

Government Levels Affected: State

Agency Contact: **Gilda Martin**, Program Analyst, Department of Health and Human Services, Health Care Financing Administration, Financial Policy Branch, Rm. 350 Meadows East, 6325 Security Blvd., Baltimore, MD 21207, **301 597-1399**

RIN: 0938–AB42

249. OFFICE OF MANAGEMENT AND BUDGET REQUEST FOR REVIEW OF REPORTING AND RECORDKEEPING REQUIREMENTS

Legal Authority: 42 USC 1302; 42 USC 1395x(p); 42 USC 1395x(s)(3)(11) and (12); 42 USC 1395aa; 42 USC 1395hh

CFR Citation: 42 CFR 405.1413(c); 42 CFR 405.1716(c); 42 CFR 405.1716(d); 42 CFR 405.1717(b); 42 CFR 405.1717(e); 42 CFR 405.1725(a); 42 CFR 405.1702(b),(d),(f)-(k); 42 CFR 405.1731(a),(c); 42 CFR 434.36; 42 CFR 434.55; 42 CFR 405.1733(a),(b); 42 CFR 434.27(a)

Abstract: This proposed rule sets forth recommendations made by the Office of Management and Budget for changes in several regulations containing collection of information requirements, and HCFA responses to those recommendations. The requirements affect the providers and suppliers of outpatient physical therapy and speech pathology services; physical therapists certified as independent practitioners; portable X-ray services; and Medicaid contracts with health maintenance organizations and prepaid health plans.

Timetable:

Action	Date	FR Cite
NPRM	07/00/85	

Small Entity: No

Agency Contact: **Stefan Miller**, Laboratory and Ambulatory Branch Chief, Department of Health and Human Services, Health Care Financing Administration, 300 East High Rise Bldg., 6325 Security Blvd., Baltimore, Maryland 21207, **301 597-6394**

RIN: 0938–AB46

250. DEFICIT REDUCTION ACT OF 1984; INFORMATION NOTICE ON MEDICARE AND MEDICAID AMENDMENTS

Legal Authority: PL 98-369

CFR Citation: Not applicable

Abstract: This notice describes briefly some of the provisions of the Deficit Reduction Act of 1984 (Pub.L. 98-369, enacted July 18, 1984) that affect eligibility, benefits, reimbursement and administration of the Medicare and Medicaid programs.

Timetable:

Action	Date	FR Cite
Notice	06/00/85	

Small Entity: No

Agency Contact: **Matt M. Plonski**, Branch Chief, Department of Health and Human Services, Health Care Financing Administration, Eligibility and Administration Branch, Room 132 EHR, 6325 Security Blvd., Baltimore, MD 21207, **301 594-9710**

RIN: 0938–AB47

251. HOSPITAL PROSPECTIVE PAYMENT RATES FOR FY 1986

Priority: Agency Determination

Legal Authority: 42 USC 1395ww

CFR Citation: 42 CFR 405.401 to 482

Abstract: This proposed rule will solicit public comments on various revisions to the inpatient hospital prospective payment system. It will also include changes in the methods, amounts, and factors used to determine the prospective payment rates applicable to discharges occurring during FY 1986.

Timetable:

Action	Date	FR Cite
NPRM	06/00/85	

Small Entity: Yes

Agency Contact: **Charles Booth**, Office Director, Department of Health and Human Services, Health Care Financing Administration, Office of Reimbursement Policy, Room 181 EHR, 6325 Security Blvd., Baltimore, MD 21207, **301 594-0760**

RIN: 0938–AB48

252. PAYMENT FOR CLINICAL DIAGNOSTIC LABORATORY SERVICES

Priority: Agency Determination

Legal Authority: PL 98-369, Sec 2303

CFR Citation: 42 CFR 405.516

Abstract: These regulations would implement provisions of Pub.L. 98-369 relating to payment and "assignment" for diagnostic laboratory tests.

Timetable:

Action	Date	FR Cite
NPRM	07/00/85	

Small Entity: No

Agency Contact: **Bernard Patashnik**, Division Director, Department of Health and Human Services, Health Care Financing Administration, Division of Medical Services Reimbursement, Room 1-A-5 ELR, 6325 Security Blvd., Baltimore, MD 21207, **301 597-1334**

RIN: 0938–AB50

253. MEDICAL REVIEW FOR SKILLED NURSING AND INTERMEDIATE CARE FACILITIES AND INDEPENDENT PROFESSIONAL REVIEW FOR INSTITUTIONS FOR MENTAL DISEASE

Legal Authority: PL 98-369, Sec 2368

CFR Citation: 42 CFR 456

Abstract: This regulation would implement provisions of the Medicare and Medicaid Budget Reconciliation Amendments of 1984 relating to State plan requirements for medical review in skilled nursing and intermediate care facilities and independent professional review in institutions for mental disease under Medicaid. This regulation would also correct a technical error to assure that Christian Science sanitoria are excluded from the revised review requirements.

Timetable:

Action	Date	FR Cite
NPRM	06/00/85	

Small Entity: Undetermined

Agency Contact: **Pat Harfst**, Division Director, Department of Health and Human Services, Health Care Financing Administration, Div. of Institutional & Ambulatory Services, 2-E-3 DWE Bldg., 1848 Gwynn Oak Avenue, Baltimore, MD 21207, **301 594-9712**

RIN: 0938–AB53

254. HMOS AND CMPS; DEFICIT REDUCTION ACT PROVISIONS

Legal Authority: 42 USC 1903(m)

CFR Citation: 42 CFR 434.26; 42 CFR 434.27

Abstract: These regulations would implement certain provisions of section 2364 of the Deficit Reduction Act of 1984 as those provisions affect HMOs and CMPs.

Timetable:

Action	Date	FR Cite
NPRM	12/00/85	

Small Entity: No

Agency Contact: **Robert E. Wren**, Office Director, Department of Health and Human Services, Health Care Financing Administration, Office of Coverage Policy, Room 401 EHR, 6325 Security Blvd., Baltimore, MD 21207, **301 594-9690**

RIN: 0938–AB54

255. RECERTIFICATION OF NEED FOR INPATIENT CARE

Legal Authority: PL 98-369, Sec 2363

CFR Citation: 42 CFR 456

Abstract: These rules would implement section 2363 of Pub. L. 98-369 which modifies the requirements and timing for recertification of need for inpatient care in hospitals, skilled nursing facilities and intermediate care facilities under Medicaid.

Timetable:

Action	Date	FR Cite
NPRM	08/00/85	

Small Entity: Undetermined

Agency Contact: **Thomas E. Hoyer**, Branch Chief, Department of Health and Human Services, Health Care Financing Administration, Institutional Services Branch, Room 409 EHR, 6325 Security Blvd., Baltimore, MD 21207, **301 594-9146**

RIN: 0938–AB55

256. HEALTH MAINTENANCE ORGANIZATIONS AND COMPETITIVE MEDICAL PLANS; ENROLLMENT PERIODS

Legal Authority: 42 USC 1395mm

CFR Citation: 42 CFR 417

Abstract: These regulations woul l implement section 2350 of Pub. L. 98-369 by requiring that HMOs and CMPs hold coordinated open enrollment periods in geographic areas that encompass two or more organizations.

Timetable:

Action	Date	FR Cite
NPRM	08/00/85	

Small Entity: Undetermined

Agency Contact: **Stanley Katz**, Division Director, Department of Health and Human Services, Health Care Financing Administration, Div. of Medical Services Coverage Policy, Room 489 EHR, 6325 Security Blvd., Baltimore, MD 21207, **301 594-8561**

RIN: 0938–AB57

257. HOSPICE "CORE" SERVICES; NURSING

Legal Authority: PL 98-369, Sec 2343

CFR Citation: 42 CFR 418.80; 42 CFR 418.83

Abstract: This regulation would implement provisions of PL 98-369, the Medicare and Medicaid Budget Reconciliation Amendments of 1984, relating to hospices contracting for "core services." PL 97-248, the Tax Equity and Fiscal Responsibility Act of 1982, authorized time limited Medicare Part A coverage for hospice services. The law specifies that a hospice must routinely provide the following "core

services" directly: nursing care, medical social services, physician's services, and counseling services. This regulation would permit the Secretary to waive the nursing care "core services" requirement for hospices which are located in rural areas, which were in operation on or before January 1, 1983, and which have demonstrated a good faith effort to hire their own nurses.

Timetable:

Action	Date	FR Cite
NPRM	07/00/85	

Small Entity: No

Agency Contact: Thomas Hoyer, Branch Chief, Department of Health and Human Services, Health Care Financing Administration, Institutional Services Branch, Room 409 EHR, 6325 Security Blvd., Baltimore, MD 21207, 301 594-9146

RIN: 0938-AB58

258. INDIRECT PAYMENT OF SUPPLEMENTARY MEDICAL INSURANCE

Legal Authority: PL 98-369, Sec 2339

CFR Citation: Not yet determined

Abstract: This proposed regulation would implement provisions of Pub.L. 98-369 that allow payment for services furnished under Part B of Medicare to be made to a health benefits plan. Under previous law, such payment could be made only to a beneficiary or to an entity providing services.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Agency Contact: Harold Fishman, Division Director, Department of Health and Human Services, Health Care Financing Administration, Division of Medicare Eligibility, Room 448 EHR, 6325 Security Blvd., Baltimore, MD 21207, 301 594-9077

RIN: 0938-AB59

259. HOSPITAL INSURANCE ENTITLEMENT AND SUPPLEMENTARY MEDICAL INSURANCE ENROLLMENT, ENTITLEMENT, AND PREMIUMS

Legal Authority: 26 USC 3121; 42 USC 415; 42 USC 417; 42 USC 426; 42 USC 433; 42 USC 602, 42 USC 606; 42 USC 614; 42 USC 1382; 42 USC 1395c; 42 USC 1395p; 42 USC 1395q; 42 USC 1395r; 42 USC 1395v; 42 USC 1395w; ...

CFR Citation: 42 CFR 405; 42 CFR 410; 42 CFR 408

Abstract: This regulation would revise the Medicare rules that deal with hospital insurance entitlement and with supplementary medical insurance (SMI) enrollment, entitlement and premiums, as required by amendments to the Social Security Act. It would also revise Medicaid rules that deal with State buy-in agreements, under which States secure SMI benefits for certain Medicaid-eligible individuals, by paying their SMI premiums.

Timetable:

Action	Date	FR Cite
NPRM	10/00/85	

Small Entity: No

Agency Contact: Harold Fishman, Division Director, Department of Health and Human Services, Health Care Financing Administration, Division of Medicare Eligibility Policy, Room 448 EHR, 6325 Security Blvd., Baltimore, MD 21207, 301 594-9077

RIN: 0938-AB60

260. PAYMENT FOR SERVICES OF PHYSICIANS IN TEACHING SETTINGS

Legal Authority: 42 USC 1395u; 42 USC 1395x

CFR Citation: 42 CFR 405.465; 42 CFR 405.466; 42 CFR 405.520; 42 CFR 405.521; 42 CFR 405.522

Abstract: These regulations would implement provisions of P.L. 96-499 and P.L. 98-369. This proposal sets forth the conditions under which physicians in teaching settings would be reimbursed on a reasonable cost basis or, alternatively, on a reasonable charge basis. It also describes the methods used to determine the customary charges for the services of those physicians.

Timetable:

Action	Date	FR Cite
NPRM	11/00/85	

Small Entity: Undetermined

Agency Contact: Bernard Patashnik, Division Director, Department of Health and Human Services, Health Care Financing Administration, Division of Medical Services Reimbursement, Room 181 EHR, 6325 Security Blvd., Baltimore, MD 21207, 301 597-1334

RIN: 0938-AB61

261. TREATMENT OF SOCIAL SECURITY COST OF LIVING INCREASES FOR INDIVIDUALS WHO LOSE SSI ELIGIBILITY

Legal Authority: 42 USC 1302

CFR Citation: 42 CFR 435.135

Abstract: This proposal revises Medicaid rules to provide that a State, in determining categorically needy financial eligibility for an individual who would still be eligible for benefits under SSI but for receipt of a section 215(i) cost of living increase after April 1977, must treat that individual as if he or she were still receiving SSI benefits. Section 215(i) cost of living increases are made to persons who receive monthly Social Security cash benefits. (This regulation is being developed pursuant to a court order.)

Timetable:

Action	Date	FR Cite
NPRM	04/00/85	

Small Entity: No

Agency Contact: Roy Trudel, Program Analyst, Department of Health and Human Services, Health Care Financing Administration, Division of Medicaid Eligibility Policy, Room 416 EHR, 6325 Security Blvd., Baltimore, MD 21207, 301 594-9128

RIN: 0938-AB62

262. MEDICARE/MEDICAID REVALUATION OF ASSETS

Legal Authority: PL 98-369, Sec 2314; 42 USC 1395x

CFR Citation: 42 CFR 405.414; 42 CFR 405.415; 42 CFR 405.429; 42 CFR 447.253; 42 CFR 447.272

Abstract: This regulation would implement section 2314 of Pub.L. 98-369. Section 2314 of P.L. 98-369 imposes new limitations on the valuation of assets acquired as the result of changes in ownership occurring on or after July 18, 1984. These changes would affect hospitals and skilled nursing facilities under the Medicare program and

hospitals, skilled nursing facilities, intermediate care facilities, and intermediate care facilities for the mentally retarded under the Medicaid program. These changes are intended to promote economy in the Medicare and Medicaid programs.

Timetable:

Action	Date	FR Cite
NPRM	07/00/85	

Small Entity: Undetermined

Agency Contact: **Bruce Oliver**, Program Analyst, Department of Health and Human Services, Health Care Financing Administration, Division of Audit and Payment Policy, Room 1-H-5 ELR, 6325 Security Blvd., Baltimore, MD 21207, **301 594-5892**

RIN: 0938-AB64

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263. ESRD NETWORK ORGANIZATIONAL, ADMINISTRATIVE, AND AREA DESIGNATION PROCEDURES

Legal Authority: 42 USC 625(g); 42 USC 1302; 42 USC 1395x; 42 USC 1395y(a); 42 USC 1395hh; 42 USC 1395kk; 42 USC 1395rr; 42 USC 426-1

CFR Citation: 42 CFR 405.2100 to 405.2171; 42 CFR 492.1 to 91

Abstract: This proposal would remove the requirement for rulemaking as the method of changing designations of ESRD network areas and allow us to implement a faster process for changing network area designations. The proposal would also transfer Medicare regulations covering the ESRD program from Part 405, Subpart U to a new Part 492 and change certain network organizational and administrative requirements.

Timetable:

Action	Date	FR Cite
NPRM	06/00/85	

Small Entity: Yes

Agency Contact: **Patricia Harfst**, Acting Director, Department of Health and Human Services, Health Care Financing Administration, Division of Inst. & Ambulatory Services, 2-E-3 Dogwood East Bldg., 1849 Gwynn Oak Ave., Baltimore, MD 21207, **301 594-9713**

RIN: 0938-AB65

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264. ● INFORMATION COLLECTION REQUIREMENTS FOR SUBPARTS L, M, AND Q

Legal Authority: 42 USC 1302; 42 USC 1395u; 42 USC 1395x; 42 USC 1395y; 42 USC 1395gg; 42 USC 1395hh; 42 USC 1395x(s)(10) and (11); 42 USC 1395aa; 42 USC 1395x(p)

CFR Citation: 42 CFR 405.1221(e); 42 CFR 405.1221(f); 42 CFR 405.1221(g); 42 CFR 405.1221(i); 42 CFR 405.1223(b); 42 CFR 405.1229(a); 42 CFR 405.1315(f); 42 CFR 405.1316(f); 42 CFR 405.1720(b); 42 CFR 405.1721

Abstract: The purpose of this proposed rule is to set forth changes in several regulations containing information collection requirements, and to obtain public comments on the proposed changes.

Timetable:

Action	Date	FR Cite
NPRM	09/00/85	

Small Entity: No

Agency Contact: **Stefan Miller**, Branch Chief, Department of Health and Human Services, Health Care Financing Administration, Laboratory and Ambulatory Services Branch, Room 300 EHR, 6325 Security Blvd., Baltimore, MD 21207, **301 597-6394**

RIN: 0938-AB68

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265. ● MMIS: (1) DEFINITION OF "IMPROVEMENT" AND "MECHANIZED CLAIMS PROCESSING AND INFORMATION RETRIEVAL SYSTEM" AND (2) NOTICE OF THE MEDICAID ELIGIBILITY DETERMINATION AND INFORMATION ETC

Priority: Agency Determination

Legal Authority: 42 USC 1302; 42 USC 1396b

CFR Citation: 42 CFR 433.111

Abstract: This rule would change the definitions of "improvement" and of "mechanized claims processing and information retrieval systems" to clarify under what circumstances we will pay Federal financial participation at a percentage higher than 50 percent for a Medicaid Management Information System. It would also serve as a notice, announcing a new subsystem called the Medicaid Eligibility and Information Retrieval System for State Medicaid agencies to implement at their option.

Timetable:

Action	Date	FR Cite
NPRM	08/00/85	

Small Entity: No

Additional Information: TITLE CONT: Retrieval System.

Agency Contact: **William Grant**, Division Director, Department of Health and Human Services, Health Care Financing Administration, Division of Methods & Systems Requirements, 2-A-1 Meadows East, 6325 Security Blvd., Baltimore, MD 21207, **301 594-7847**

RIN: 0938-AB69

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266. ● CHANGES TO RETURN ON EQUITY CAPITAL, EXCEPTION FROM THE COST LIMITS FOR NEW HHAS, AND HHA HEALTH AND SAFETY REQUIREMENTS

Priority: Agency Determination

Legal Authority: 42 USC 1395x(v); 42 USC 1395ww(g); 42 USC 1395x

CFR Citation: 42 CFR 405.429; 42 CFR 405.460; 42 CFR 405.1230

Abstract: This rule would propose to revise the allowance for a return on equity capital for all proprietary health care providers other than hospitals and skilled nursing facilities (SNFs). Changes to the allowance for outpatient hospital services and SNF services would also be made. It would also revise the exception to the home health agency (HHA) cost limits for newly-established HHAs. The rule would also clarify the coverage requirements of HHAs for outpatient physical therapy and outpatient speech pathology services depending on whether the services are furnished on its premises or offsite. The rule would also revise the health and safety requirements for those services that are furnished in a patient's place of residence.

Timetable:

Action	Date	FR Cite
NPRM	08/00/85	

Small Entity: Yes

Agency Contact: William Goeller, Division Director, Department of Health and Human Services, Health Care Financing Administration, Div. of Audit and Payment Policy, Room 181 EHR, 6325 Security Blvd., Baltimore, MD 21207, **301 597-1803**

RIN: 0938-AB70

267. ● CLARIFICATION OF POLICY ON ADJUSTING THE HOSPITAL-SPECIFIC PORTION OF THE PROSPECTIVE PAYMENT RATE

Priority: Agency Determination

Legal Authority: 42 USC 1395ww

CFR Citation: 42 CFR 405.474

Abstract: This proposed rule would clarify Medicare's policy on adjusting the hospital-specific portion of the prospective payment rate for inpatient hospital services as the result of adjustments to a hospital's target amount for events occurring in the year following its base year. It would clarify that exemptions, exceptions, or adjustments granted under section 1886(b)(4) of the Act or 42 CFR 405.463(e)-(h) for periods following the base year have no effect on the hospital-specific portion of the prospective payment rate.

Timetable:

Action	Date	FR Cite
NPRM	05/00/85	

Small Entity: No

Agency Contact: Charles Booth, Office Director, Department of Health and Human Services, Health Care Financing Administration, Office of Reimbursement Policy, Room 181 EHR, 6325 Security Blvd., Baltimore, MD 21207, **301 594-9760**

RIN: 0938-AB71

268. ● PAYMENT ADJUSTMENTS FOR SOLE COMMUNITY HOSPITALS

Priority: Agency Determination

Legal Authority: 42 USC 1395ww(d)

CFR Citation: 42 CFR 405.474; 42 CFR 405.476

Abstract: This proposed rule would change Medicare prospective payment regulations for inpatient hospital services to allow for an adjustment of the hospital-specific portion of the prospective payment rate for sole community hospitals.

Timetable:

Action	Date	FR Cite
NPRM	05/00/85	

Small Entity: Undetermined

Agency Contact: Charles Booth, Office Director, Department of Health and Human Services, Health Care Financing Administration, Office of Reimbursement Policy, Room 181 EHR, 6325 Security Blvd., Baltimore, MD 21207, **301 594-9760**

RIN: 0938-AB72

269. ● INCOME AND ELIGIBILITY VERIFICATION

Priority: Agency Determination

Legal Authority: 42 USC 1320b-7

CFR Citation: 42 CFR 431.300; 42 CFR 431.305; 42 CFR 431.306; 42 CFR 431.800; 42 CFR 431.804; 42 CFR 435.910; 42 CFR 435.912; 42 CFR 435.919; 42 CFR 435.920; 42 CFR 435.940; 42 CFR 435.945; 42 CFR 435.955; 42 CFR 435.960; 42 CFR 435.965

Abstract: This rule would require State Medicaid agencies to verify the social security numbers of their recipients and to exchange and use information from other Federal and State agencies to verify income and eligibility information on recipients.

Timetable:

Action	Date	FR Cite
NPRM	04/00/85	

Small Entity: No

Agency Contact: Joyce Somsak, Office Director, Department of Health and Human Services, Health Care Financing Administration, Office of Quality Control Programs, Room 2071 ELR, 6325 Security Blvd., Baltimore, MD 21207, **301 597-1354**

RIN: 0938-AB73

270. ● HHA COST LIMITS FOR COST REPORTING PERIODS BEGINNING ON OR AFTER JULY 1, 1985

Priority: Agency Determination

Legal Authority: 42 USC 1395x(v)

CFR Citation: 42 CFR 405.460

Abstract: This proposed notice would set forth a schedule of limits on home health agency (HHA) costs that may be reimbursed under the Medicare program. The schedule is an update of the limits to take into account more recent data and the effects of inflation on HHA operating costs and would apply to HHA costs for entire cost reporting periods beginning on or after July 1, 1985. The notice also explains the basic methodology for computing the cost limits and proposed changes to the methodology.

Timetable:

Action	Date	FR Cite
Proposed Notice	03/00/85	

Small Entity: Yes

Agency Contact: Carl Slutter, Division Director, Department of Health and Human Services, Health Care Financing Administration, Division of Provider Payment Policy, Room 181 EHR, 6325 Security Blvd., Baltimore, MD 21207, **301 594-7365**

RIN: 0938-AB74

271. ● SKILLED NURSING FACILITY COST LIMITS (EFFECTIVE 7/1/84) FOR HOSPITAL-BASED SNFS

Priority: Agency Determination

Legal Authority: 42 USC 1395x(v)

CFR Citation: 42 CFR 405.460

Abstract: This proposed notice would set forth a schedule of limits on skilled nursing facility (SNF) costs that may be reimbursed under the Medicare program. It would update the limits in accordance with statutory requirements, and would apply to hospital-based SNFs.

Timetable:

Action	Date	FR Cite
Proposed Notice	06/00/85	

Small Entity: Yes

Agency Contact: Carl Slutter, Division Director, Department of Health and Human Services, Health Care Financing Administration, Division of Provider Payment Policy, Room 181 EHR, 6325 Security Blvd., Baltimore, MD 21207, **301 594-7365**

RIN: 0938-AB75

272. ● STANDARDS FOR INTERMEDIATE CARE FACILITIES FOR THE MENTALLY RETARDED

Priority: Agency Determination

Legal Authority: 42 USC 1302; 42 USC 1396d(c); 42 USC 1396d(d)

CFR Citation: 42 CFR 435; 42 CFR 440; 42 CFR 442

Abstract: This rule would revise the standards for intermediate care facilities for the mentally retarded and persons with related conditions. This proposed rule is designed to increase the focus on the provision of active treatment services for clients, clarify Federal requirements, and maintain essential client protections.

Timetable:

Action	Date	FR Cite
NPRM	08/00/85	

Small Entity: No

Agency Contact: **Samuel Kidder**, Branch Chief, Department of Health and Human Services, Health Care Financing Administration, Long Term Care Branch, Room 300 EHR, 6325 Security Blvd., Baltimore, MD 21207, **301 597-5909**

RIN: 0938–AB76

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273. ● REDESIGNATION OF PROSPECTIVE PAYMENT RULES

Legal Authority: 42 USC 1395hh

CFR Citation: 42 CFR 405.470 to 477

Abstract: This regulation redesignates the complex prospective payment system rules that are concentrated in eight sections as a new Part 412, to properly segregate and designate the several aspects of the policy.

Timetable:

Action	Date	FR Cite
Final Action	04/00/85	

Small Entity: Not Applicable

Agency Contact: **Luisa V. Iglesias**, Technical Assistant to Director, Department of Health and Human Services, Health Care Financing Administration, Regulations Staff, Room 4230 HHS, 300 Independence Avenue, SW, Washington, DC 20201, **202 245-0383**

RIN: 0938–AB77

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274. ● INPATIENT HOSPITAL DEDUCTIBLE (1986)

Priority: Agency Determination

Legal Authority: 42 USC 1395e(b)(2)

CFR Citation: Not applicable

Abstract: This notice provides for cost sharing amounts payable by the beneficiary for inpatient hospital services. It will inform the public of the revised rates.

Timetable:

Action	Date	FR Cite
Final Action	09/30/85	

Small Entity: Not Applicable

Agency Contact: **Barbara Klees**, Acting Chief, Department of Health and Human Services, Health Care Financing Administration, Hospital Insurance Branch, Room 1-C-11 OM, 6325 Security Blvd., Baltimore, MD 21207, **301 594-2780**

RIN: 0938–AB78

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275. ● MEDICARE ECONOMIC INDEX FOR PHYSICIANS' SERVICES BEGINNING 10/01/85

Priority: Agency Determination

Legal Authority: 42 USC 1395u

CFR Citation: Not applicable

Abstract: This notice announces the economic index used in the calculation of prevailing charges for physicians' services under Part B of Medicare.

Timetable:

Action	Date	FR Cite
Final Action	09/30/85	

Small Entity: Not Applicable

Agency Contact: **Barbara Klees**, Acting Chief, Department of Health and Human Services, Health Care Financing Administration, Hospital Insurance Branch, Room 1-C-11, 6325 Security Blvd., Baltimore, MD 21207, **301 594-2780**

RIN: 0938–AB79

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276. ● PART B PREMIUM FOR 12-MONTH PERIOD BEGINNING 01/01/86

Priority: Agency Determination

Legal Authority: 42 USC 1395r(a)(1),(3) and (4); 42 USC 1395r(e)(1) and (2)

CFR Citation: Not applicable

Abstract: This notice announces the monthly actuarial rates for aged (age 65 and over) and disabled (under age 65) enrollees in the Medicare Supplementary Medical Insurance (SMI) program for the 12 months beginning January 1, 1986. It also announces the monthly SMI premium rate to be paid by all enrollees during the 12 months beginning January 1, 1986. In addition, the notice announces the extension of the Part B premium amount at 25 percent of program costs for the calendar years 1986 and 1987.

Timetable:

Action	Date	FR Cite
Final Action	09/30/85	

Small Entity: Not Applicable

Agency Contact: **Susan Kunkel**, Supervisory Actuary, Department of Health and Human Services, Health Care Financing Administration, Room 1-C-11 OM, 6325 Security Blvd., Baltimore, MD 21207, **301 594-1049**

RIN: 0938–AB80

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277. ● PART A PREMIUM FOR 12-MONTH PERIOD BEGINNING 01/01/86

Legal Authority: 42 USC 1395i-2(d)(2)

CFR Citation: Not applicable

Abstract: This notice announces Medicare's monthly hospital insurance premium for the uninsured aged for the 12 months beginning January 1, 1986.

Timetable:

Action	Date	FR Cite
Final Action	09/30/85	

Small Entity: Not Applicable

Agency Contact: **Barbara Klees**, Acting Chief, Hospital Insurance Branch, Department of Health and Human Services, Health Care Financing Administration, 1-C-11 Oak Meadows Bldg., 6325 Security Blvd., Baltimore, MD 21207, **301 594-2780**

RIN: 0938–AB81

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278. ● REVIEW OF INFORMATION COLLECTION REQUIREMENTS, SUBPARTS L, M, Q

Legal Authority: 42 USC 1302; 44 USC 3507

CFR Citation: 42 CFR 405

Abstract: As a result of reviews performed under the authority of the Paperwork Reduction Act of 1980, the Office of Management and Budget has directed HCFA to revise selected collection of information requirements in HCFA regulations. This notice informs the public of OMB's decision and states our intention to develop notices of proposed rulemaking. This notice is technical in nature and will not adversely impact on public cost and benefits.

Timetable:

Action	Date	FR Cite
Final Action	03/00/85	

Small Entity: No

Agency Contact: Frank Burns, Chief, Management Branch, Department of Health and Human Services, Health Care Financing Administration, Division of Management, Organization, Analysis and Planning, G-A-1 ELR, 6325 Security Blvd., Baltimore, MD 21207, **301 594-0651**

RIN: 0938-AB82

279. ● OMB CONTROL NUMBERS FOR COLLECTIONS OF INFORMATION CONTAINED IN HCFA REGULATIONS

Legal Authority: 42 USC 1302; 42 USC 1395

CFR Citation: 42 CFR 400; 42 CFR 416; 42 CFR 435

Abstract: This regulation implements the provisions of the Paperwork Reduction Act of 1980 and adds additional OMB control numbers to the current display of valid control numbers contained in HCFA regulations. This regulation is intended merely to add to the display in 42 CFR Chapter IV, Additional OMB Control Numbers for Approved Information Collection Requirements. It is technical in nature and its actions will have no potential cost or benefit effects.

Timetable:

Action	Date	FR Cite
Final Action	04/00/85	

Small Entity: No

Agency Contact: Matt Plonski, Branch Chief, Department of Health and Human Services, Health Care Financing Administration, Eligibility & Administration Branch, BERC Regulations Staff, 6325 Security Blvd., Baltimore, MD 21207, **301 594-9710**

RIN: 0938-AB83

280. ● ASSIGNMENT AND REASSIGNMENT OF HOME HEALTH AGENCIES TO DESIGNATED REGIONAL INTERMEDIARIES

Legal Authority: 42 USC 1395h

CFR Citation: Not applicable

Abstract: This notice would announce which fiscal intermediaries would be designated as regional intermediaries to service all freestanding home health agencies.

Timetable:

Action	Date	FR Cite
Proposed Notice	04/00/85	

Small Entity: No

Agency Contact: Toba Winston, Branch Chief, Department of Health and Human Services, Health Care Financing Administration, Contract Policy Branch, Room 334, Meadows East Bldg., 6325 Security Blvd., Baltimore, MD 21207, **301 594-0471**

RIN: 0938-AB84

281. ● MEDICAID ELIGIBILITY--QUALITY CONTROL

Priority: Agency Determination

Legal Authority: 42 USC 1396b

CFR Citation: 42 CFR 431.800; 42 CFR 431.804

Abstract: These regulations would codify in the CFR the Federal requirements for implementing a Medicaid Quality Control System that are now contained in the State Medicaid Manual and would make administrative changes to enhance administration of the system.

Timetable:

Action	Date	FR Cite
NPRM	09/00/85	

Small Entity: No

Agency Contact: Joyce Somsak, Director, Office of Quality Control Programs, Department of Health and Human Services, Health Care Financing Administration, Bureau of Quality Control Programs, 207-L ELR, 6325 Security Blvd., Baltimore, MD 21207, **301 597-1354**

RIN: 0938-AB85

282. ● FREESTANDING SNF COST LIMITS FOR COST REPORTING PERIODS BEGINNING ON OR AFTER OCTOBER 1, 1985

Priority: Agency Determination

Legal Authority: 42 USC 1395x(v)

CFR Citation: 42 CFR 405.460

Abstract: This proposed notice would set forth a schedule of limits on freestanding skilled nursing facility (SNF) costs that may be reimbursed under the Medicare program. It would update the limits in accordance with statutory requirements.

Timetable:

Action	Date	FR Cite
Proposed Notice	07/00/85	

Small Entity: Yes

Agency Contact: Carl Slutter, Division Director, Department of Health and Human Services, Health Care Financing Administration, Division of Provider Payment Policy, Room 181 EHR, 6325 Security Blvd., Baltimore, MD 21207, **301 594-7365**

RIN: 0938-AB86

283. ● HOME AND COMMUNITY-BASED SERVICES WAIVERS EXPENDITURE CONTROLS

Priority: Agency Determination

Legal Authority: 42 USC 1302; 42 USC 1396n(c)

CFR Citation: 42 CFR 441.300; 42 CFR 441.301; 42 CFR 441.302; 42 CFR 441.303; 42 CFR 441.304; 42 CFR 441.305

Abstract: The proposed regulation would designate an appropriate level of care assessment instrument for use by waiver States and require that States obtain expert certification of any alternative instrument to be used. The proposal would also set specific limits on the number of waiver-eligible individuals and the cost of waiver services, and modify regulatory language to strengthen grounds for termination based on faulty estimates of cost, utilization, population, and bed capacity.

Timetable:

Action	Date	FR Cite
NPRM	01/00/86	

Small Entity: No

Agency Contact: Robert Wren, Office Director, Department of Health and Human Services, Health Care Financing Administration, Office of Coverage Policy, Room 401 EHR, 6325 Security Blvd., Baltimore, MD 21207, **301 594-9691**

RIN: 0938-AB87

284. ● MEDICAID: IDENTIFICATION OF THIRD PARTY RESOURCES

Priority: Agency Determination

Legal Authority: 42 USC 1396a(25)

CFR Citation: 42 CFR 433.138

Abstract: This regulation would provide that States use all available means to identify and collect third party resources. It would provide for cross referral between claims processing and recovery components within the State agency.

Timetable:

Action	Date	FR Cite
NPRM	08/00/85	

Small Entity: Undetermined

Agency Contact: Gale Held, Division Director, Department of Health and Human Services, Health Care Financing Administration, Division of Operational Initiatives, Rm. 367 ME, 6325 Security Blvd., Baltimore, MD 21207, **301 594-9101**

RIN: 0938-AB88

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)
Health Care Financing Administration (HCFA)

Completed Actions

COMPLETED RULEMAKINGS

285. INTEREST ASSESSMENT ON OVERPAYMENTS AND UNDERPAYMENTS TO PROVIDERS AND SUPPLIERS

Priority: Agency Determination

CFR Citation: 42 CFR 405.376; 42 CFR 405.419

Completed:

Reason	Date	FR Cite
Final Action	09/14/84	49 FR 36097
Final Action Effective	10/15/84	

Small Entity: No

Agency Contact: Dan Metzman 301 594-8194

RIN: 0938-AA11

286. TREATMENT OF COST OF UNCOMPENSATED SERVICES FURNISHED IN FULFILLMENT OF A HILL-BURTON FREE CARE OBLIGATION

Priority: Agency Determination

CFR Citation: 42 CFR 405.420

Completed:

Reason	Date	FR Cite
Withdrawn	01/00/85	

Small Entity: No

Agency Contact: Paul Trimble 301 594-8640

RIN: 0938-AA28

287. PAYMENTS TO HMOS AND CMPS

CFR Citation: 42 CFR 405; 42 CFR 2001 to 2098; 42 CFR 417, (New)

Completed:

Reason	Date	FR Cite
Final Action	01/10/85	50 FR 1314
Final Action Effective	02/01/85	

Small Entity: Yes

Agency Contact: Anthony Lovecchio 301 594-4010

RIN: 0938-AA43

288. RHC PROSPECTIVE REIMBURSEMENT

CFR Citation: 42 CFR 405.2401 to 405.2430; 42 CFR 447.371

Completed:

Reason	Date	FR Cite
Withdrawn	01/00/85	

Small Entity: Undetermined

Agency Contact: Anthony Lovecchio 301 594-4010

RIN: 0938-AA44

289. MEDICAID MANAGEMENT INFORMATION SYSTEMS: SYSTEM REQUIREMENTS

CFR Citation: Not applicable

Completed:

Reason	Date	FR Cite
Final Action	02/01/85	50 FR 04800

Small Entity: No

Agency Contact: Dan Baker 301 594-5415

RIN: 0938-AA75

290. MISCELLANEOUS CONFORMING AMENDMENTS

CFR Citation: 42 CFR 405; 42 CFR 409; 42 CFR 430; 42 CFR 431; 42 CFR 433; 42 CFR 435; 42 CFR 441; 42 CFR 442

Completed:

Reason	Date	FR Cite
Withdrawn	01/00/85	

Small Entity: No

Agency Contact: Luisa Iglesias 202 245-0383

RIN: 0938-AB05

291. EARLY AND PERIODIC SCREENING, DIAGNOSIS, AND TREATMENT (EPSDT) PROGRAM

Priority: Agency Determination, Task Force

CFR Citation: 42 CFR 441.50; 42 CFR 441.51; 42 CFR 441.55; 42 CFR 441.56; 42 CFR 441.57; 42 CFR 441.58; 42 CFR 441.59; 42 CFR 441.60; 42 CFR 441.61; 42 CFR 441.62; 42 CFR 441.70; 42 CFR 441.71; 42 CFR 441.75; 42 CFR 441.80; 42 CFR 441.85

Completed:

Reason	Date	FR Cite
Final Action	10/31/84	49 FR 43654
Final Action Effective	01/29/85	

Small Entity: No

Agency Contact: Robert Wren 301 594-9820

RIN: 0938-AB06

292. PERFORMANCE CRITERIA AND STATISTICAL STANDARDS FOR EVALUATING INTERMEDIARY PERFORMANCE DURING FISCAL YEAR 1984

CFR Citation: Not applicable

Completed:

Reason	Date	FR Cite
Withdrawn	01/00/85	

Small Entity: Not Applicable

Agency Contact: Newton Dikoff 301 594-8190

RIN: 0938-AB19

293. PART A PREMIUM FOR UNINSURED AGED FOR 12-MONTH PERIOD BEGINNING 01/01/85

CFR Citation: Not applicable

HHS—HCFA

Completed Actions

Completed:

Reason	Date	FR Cite
Final Action	09/28/84	49 FR 38510
Final Action Effective	01/01/85	

Small Entity: Not Applicable

Agency Contact: Barbara Klees 301 594-2780

RIN: 0938-AB22

294. PART B PREMIUM FOR 12-MONTH PERIOD BEGINNING 01/01/85

CFR Citation: 00 CFR Not Applicable

Completed:

Reason	Date	FR Cite
Final Action	09/28/84	49 FR 38510
Final Action Effective	01/01/85	

Small Entity: Not Applicable

Agency Contact: Carter Warfield 301 594-2893

RIN: 0938-AB23

295. INPATIENT HOSPITAL DEDUCTIBLE (1985)

CFR Citation: Not applicable

Completed:

Reason	Date	FR Cite
Final Action	09/28/84	49 FR 38513
Final Action Effective	01/01/85	

Small Entity: Not Applicable

Agency Contact: Barbara Klees 301 594-2780

RIN: 0938-AB30

296. REVISED RCE LIMITS - CY1984

CFR Citation: 42 CFR 405.482

Completed:

Reason	Date	FR Cite
Final Action	02/20/85	50 FR 07123

Small Entity: No

Agency Contact: William Goeller 301 597-1803

RIN: 0938-AB32

297. REISSUANCE OF THE WAGE INDEX IN THE 1981 SCHEDULE OF LIMITS ON HOSPITAL PER DIEM INPATIENT GENERAL ROUTINE OPERATING COSTS

CFR Citation: 42 CFR 405.460

Completed:

Reason	Date	FR Cite
Final Action	11/26/84	49 FR 46495
Final Action Effective	12/26/84	

Small Entity: No

Agency Contact: Maureen McGrath 301 594-7373

RIN: 0938-AB38

298. MEDICARE RECOVERY AGAINST THIRD PARTIES

CFR Citation: 42 CFR 405, Subpart C

Completed:

Reason	Date	FR Cite
Withdrawn	12/07/84	

Small Entity: Undetermined

Agency Contact: Herbert M. Pollock 301 594-4978

RIN: 0938-AB49

299. CRITERIA AND STANDARDS FOR INTERMEDIARIES AND CARRIERS—FISCAL YEAR 1985

Priority: Agency Determination

CFR Citation: Not yet determined

Completed:

Reason	Date	FR Cite
Final Action	09/28/84	49 FR 38516
Final Action Effective	10/01/84	

Small Entity: No

Agency Contact: Newton Dikoff 301 594-8191

RIN: 0938-AB51

300. PAYMENT ADJUSTMENTS FOR HOSPITAL WAGE INDEXES UNDER THE PROSPECTIVE PAYMENT SYSTEM

CFR Citation: 42 CFR 405.473

Completed:

Reason	Date	FR Cite
Incorporated into RIN 0938-AB48	01/00/85	

Small Entity: Yes

Agency Contact: Charles Booth 301 594-9760

RIN: 0938-AB52

301. HOSPITALS SERVING A DISPROPORTIONATE NUMBER OF LOW INCOME PATIENTS OR A DISPROPORTIONATE NUMBER OF PART A MEDICARE PATIENTS

CFR Citation: Not yet determined

Completed:

Reason	Date	FR Cite
Withdrawn	11/00/84	

Small Entity: No

Agency Contact: Charles Booth 301 594-9760

RIN: 0938-AB63

302. PAYMENT TO HHAS AND HOSPICES FOLLOWING TERMINATION

CFR Citation: Not applicable

Completed:

Reason	Date	FR Cite
Incorporated into RIN 0938-AB11	11/00/84	

Small Entity: No

Agency Contact: Gale Held 301 594-9101

RIN: 0938-AB67

[FR Doc. 85-6366 Filed 04-26-85; 8:45 am]

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Federal Register

Monday
April 29, 1985

Part IX

Department of Housing and Urban Development

Semiannual Regulatory Agenda

HUD

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

24 CFR Subtitles A and B

[Docket No. N-85-1510]

Semiannual Agenda of Regulations

AGENCY: Department of Housing and Urban Development.

ACTION: Semiannual agenda, under Executive Order 12291 and the Regulatory Flexibility Act, of regulations expected to be issued and under review.

SUMMARY: In accordance with section 5 of Executive Order 12291, "Federal Regulation," the Department is publishing its Agenda of proposed regulations already issued or expected to be issued, and of currently effective rules that are under review. Also, under section 602 of the Regulatory Flexibility Act, the Department has prepared a regulatory flexibility agenda of regulations expected to be proposed or promulgated which are likely to have a significant economic impact on a substantial number of small entities. As permitted by Executive Order 12291 and the Regulatory Flexibility Act, the two agendas are combined for publication.

FOR FURTHER INFORMATION CONTACT: Grady J. Norris, Assistant General Counsel for Regulations, Department of Housing and Urban Development, Room 10278, 451 7th Street, S.W., Washington, D.C. 20410, (202) 755-7055. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: Executive Order 12291, "Federal Regulation," issued on February 17, 1981 (46 FR 13193), requires each agency to publish semiannually an agenda of regulations that the agency has issued or expects to issue and of currently effective regulations that are under agency review.

The Regulatory Flexibility Act, 5 U.S.C. 601-612, requires each agency to publish semiannually a regulatory flexibility agenda of rules expected to be proposed or promulgated which are likely to have a significant economic impact on a substantial number of "small entities," meaning small businesses, small organizations, or small governmental jurisdictions.

Executive Order 12291 and section 605 of the Regulatory Flexibility Act each permit incorporation of the agenda it requires with any other prescribed agenda. Accordingly, the agenda set out below combines the information required by the Executive Order and by the Regulatory Flexibility Act. In addition, the Agenda contains certain information not required by either the Executive Order or by the Act which the Department considers useful, both better to inform the public and to enhance the Department's own inventory control over its body of regulations.

For purposes of Executive Order 12291, "regulation" or "rule" is defined as "an agency statement of general applicability and future effect designed to implement, interpret, or prescribe law or policy or describing the procedure or practice requirements of an agency," subject to certain exceptions. The Agenda published below concentrates upon regulatory material contained, or expected to be contained, in the Code of Federal Regulations (CFR) (or incorporated therein by reference) following publication in the **Federal Register.** As appropriate, however, issuances in the nature of general statements of policy may be published in the **Federal Register** but not for codification in the CFR.

The Department also is subject to certain requirements involving congressional review of rulemaking actions, including publication of an agenda. Section 7(o) of the Department of Housing and Urban Development Act (42 U.S.C. 3535(o)) requires that the Secretary transmit to the congressional committees having jurisdictional oversight (the Senate Committee on Banking, Housing and Urban Affairs and the House Committee on Banking, Finance and Urban Affairs) a semiannual agenda of all rules or regulations which are under development or review by the Department. A rule appearing on the agenda cannot be published for comment before or during the first 15 calendar days of continuous session of Congress after transmittal of the agenda. If, within such period, either Committee notifies the Secretary that it intends to review any rule or regulation or portion thereof which appears on the agenda, the Secretary must submit to both Committees a copy of the rule or regulation, in the form it is intended to be proposed, at least 15 calendar days of continuous session before it is published for comment. The Semiannual Agenda appearing hereinafter is the agenda transmitted to the Committees in compliance with the foregoing requirement.

The agenda items are divided first by program office. Within each program office, the agenda items are divided into three groups: (i) Current and projected rulemakings, (ii) reviews of existing regulations, and (iii) completed or withdrawn regulations and completed reviews. Within each grouping, rules are listed in chronological order by the Part number of the CFR affected. Where a rule affects multiple parts of the CFR, the rule is listed by the first affected Part number. Rules which are designated "priority" include all regulations designated for priority development or review by the Department, all regulations that are "major rules" under section 1(b) of Executive Order 12291, and all regulations designated for review by the Presidential Task Force on Regulatory Relief.

Under Executive Order 12291, a "major rule" means "any regulation that is likely to result in: (1) An annual effect on the economy of $100 million or more; (2) a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or (3) significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets."

Items listed in this Agenda are from the following Offices within the Department: Office of the Secretary; Office of Housing; Office of Public and Indian Housing; Office of Community Planning and Development; Office of Fair Housing and Equal Opportunity; Office of Administration; and Office of the Inspector General.

DATED: February 27, 1985.

John J. Knapp,

General Counsel.

HUD

Office of the Secretary—Current and Projected Rulemakings

Sequence Number	Title	Regulation Identifier Number
1	*24 CFR 55, (New) Procedure for Floodplain Management and the Protection of Wetlands. Implementation of Executive Orders 11988 and 11990 (S-7-84; FR-865)	2501-AA23
2	24 CFR 17 Implementation of the Interest Provisions of the Debt Collection Act of 1982 (S-9-84; FR-2022)	2501-AA24
3	*24 CFR 17 Tax Refund Deduction Program (S-2-85)	2501-AA28
4	24 CFR 20 Board of Contract Appeals Rules of Procedures (S-1-79; FR-1349)	2501-AA04
5	*24 CFR 24 Suspension and Debarment (S-2-79; FR-1676)	2501-AA05
6	24 CFR 46 Protection of Human Subjects in Research (S-6-83; FR-1807)	2501-AA15
7	24 CFR 50 Departmental Policies, Responsibilities, and Procedures for Protection and Enhancement of Environmental Quality (S-4-85)	2501-AA30
8	*24 CFR 56, (New) Policies for the Requirement to Maintain Flood Insurance: Implementation of Sections 102(a) and 202(a) of the Flood Disaster Protection Act (S-3-85)	2501-AA29
9	24 CFR 58 Environmental Review Procedures - Rental Rehabilitation and Housing Development Grant Program (S-6-84; FR-1965)	2501-AA25
10	*24 CFR 81.41(b) Secondary Market Operations of the Federal National Mortgage Association (FNMA) (S-3-81)	2501-AA10
11	24 CFR 791 Allocation and Use of Assisted Housing Authority (S-10-84; FR-1896)	2501-AA27

*Indicates priority regulation.

Office of the Secretary—Existing Regulations Under Review

Sequence Number	Title	Regulation Identifier Number
12	00 CFR Not yet determined Office of Small and Disadvantaged Business Utilization: General Functions and Role in the Department's Procurement Process (S-8-84; FR-1894)	2501-AA22

Office of the Secretary—Completed Actions

Sequence Number	Title	Regulation Identifier Number
13	00 CFR Not yet determined Removal of References to Superseded DOL Regulations (S-3-84; FR-1888)	2501-AA18
14	*24 CFR 14 Implementation of the Equal Access to Justice Act in Administrative Proceedings (S-3-82; FR-1547)	2501-AA00

*Indicates priority regulation

Office of Housing—Current and Projected Rulemakings

Sequence Number	Title	Regulation Identifier Number
15	00 CFR Not yet determined Troubled Projects Amendments (H-50-84)	2502-AC31
16	24 CFR Ch II HUD Inspections - No Duty of Care (H-1-85; FR-2025)	2502-AC92
17	*24 CFR 35 Lead Based Paint Poisoning Prevention (H-81-82; FR-1748)	2502-AA06
18	*24 CFR 200 Elimination of Minimum Property Standards (MPS) for One- and Two-Family Dwellings (H-74-82; FR-1655)	2502-AA03
19	24 CFR 200.929 Use of Materials Bulletin No. 38i - HUD Building Product Standards and Certification Program for the Grademarking of Lumber (H-104-82)	2502-AA66
20	24 CFR 200.935 Use of Materials Bulletin No. 86 - HUD Building Product Standards and Certification Program for EPDM Roofing (H-106-82)	2502-AA68
21	24 CFR 200, Subpart S Supplement to Minimum Property Standards for Solar Heating and Domestic Hot Water Systems (H-6-80; FR-1320)	2502-AA99
22	24 CFR 200.929 Use of Material Bulletin No. 78a, Plastic Supply Piping for Domestic Cold Water (H-33-79; FR-1154)	2502-AB05
23	24 CFR 200.925 Applicability of Minimum Property Standards Manufactured Homes under Title II of the National Housing Act (H-82-82; FR-1578)	2502-AB24
24	*24 CFR 200 Minimum Property Standards for Care-Type Housing -- MPS (H-39-83; FR-1776)	2502-AB86
25	*24 CFR 200 Restrictions on Housing Assistance to Ineligible Aliens (H-26-82; FR-1588)	2502-AC13

HUD

Office of Housing—Current and Projected Rulemakings—Continued

Sequence Number	Title	Regulation Identifier Number
26	*24 CFR 200 Use of Commitment Correspondents in Connection with FHA Mortgage Insurance (H-60-84;FR-1954)	2502-AC66
27	24 CFR 200.935 Use of Materials Bulletin (UM) No. 44d-HUD Building Product Standards and Certification Program for Carpet and Attached Cushion (H-85-84)	2502-AC71
28	24 CFR 200.93 Multifamily Participation Review Committee (H-75-84; FR-2008)	2502-AC72
29	24 CFR 200.161 Revision of Direct Endorsement Program (H-84-84)	2502-AC75
30	24 CFR 200.935 Use of Materials Bulletin (UM) No. 52b - HUD Building Product Standards and Certification Program for Wood Flush Doors (H-83-84)	2502-AC78
31	24 CFR 200 Use of Materials Bulletin No. 48a - HUD Building Product Standards and Certification Program for Pressure Treated Lumber and Plywood (H-17-85)	2502-AC98
32	24 CFR 200 Use of Materials Bulletin No. 71 - Polystyrene Foam Board (H-20-85)	2502-AD00
33	24 CFR 200 Use of Materials Bulletin No. 40c - Grademarking of Plywood (H-21-85)	2502-AD01
34	24 CFR 200 Use of Materials Bulletin No. 88 - Mat Formed Particleboard (H-22-85)	2502-AD02
35	*24 CFR 201 Property Improvement and Manufactured Home Loan Program Deregulation Amendments (H-57-81; FR-1656)	2502-AA93
36	24 CFR 203.32 Second Mortgages or Liens on FHA-Insured Mortgages--Escrow Accounts Associated with Interest Buy-Downs (H-84-82; FR-1590)	2502-AA57
37	24 CFR 203.43c Eligibility of Mortgages Involving a Dwelling Unit in a Cooperative Housing Development (H-93-82; FR-1742)	2502-AA61
38	24 CFR 203.410 Issue Date of Debentures (H-51-81; FR-1501)	2502-AA91
39	24 CFR 203.22(b) Mutual Mortgage Insurance and Rehabilitation Loans Prepayment Privileges and Application of Late Charges (H-9-79; FR-1028)	2502-AB02
40	24 CFR 203 Mortgage Insurance for One-to-Four-Family Residences--Adjustment for Damages or Neglect (H-19-79; FR-837)	2502-AB03
41	24 CFR 203 Mortgagee Approval - Eligibility Requirements (H-64-78; FR-903)	2502-AB12
42	*24 CFR 203 Temporary Mortgage Assistance Payments (TMAP), and Assignments to Housing and Urban Development (H-29-81; FR-1415)	2502-AB79
43	24 CFR 203.18 Veteran Qualifications--Eligibility Requirements for Mutual Mortgage Insurance and Rehabilitation Loans (H-47-83; FR-1801)	2502-AB89
44	*24 CFR 203.12 Mortgage Insurance Endorsement on a New or Existing Dwelling in a New Subdivision or Improved Area (H-13-84; FR-1867)	2502-AC04
45	24 CFR 203 Reinsurance Demonstration Program (H-46-84)	2502-AC11
46	24 CFR 203.42(a) Mutual Mortgage Insurance and Rehabilitation Loans; Elimination of Restrictions on Contiguous Properties Applicable to Investor Mortgagors (H-1-84; FR-1831)	2502-AC17
47	*24 CFR 203 Changes in Maximum Loan-to-Value Ratio, Single Family Housing (H-42-84; FR-1935)	2502-AC33
48	24 CFR 203 Extending Single Family One-Time Mortgage Insurance Premium Provision for Single-Family Mortgages to Funds Other Than Those Insured Under the Mutual Mortgage Insurance Fund (H-40-84; ETC	2502-AC35
49	*24 CFR 203 Single Family Mortgage Insurance on Hawaiian Home Lands (H-39-84; FR-1928)	2502-AC36
50	*24 CFR 200 Payment of Claims without Acquisition of Title (H-38-84; FR-1927)	2502-AC37
51	24 CFR 203 Single Family Mortgage Insurance - Indian Reservations (H-36-84; FR-1921)	2502-AC39
52	24 CFR 203 Insurance of Single Family Shared Appreciation Mortgages (H-33-84; FR-1917)	2502-AC42
53	*24 CFR 203 Insurance of Single Family Adjustable Rate Mortgages (H-32-84; FR-1916)	2502-AC43
54	*24 CFR 203 Insurance of Single Family Indexed Mortgages (H-31-84; FR-1915)	2502-AC44
55	24 CFR 203 Retention Period for Mortgagee Single Family Claim Records (H-81-84)	2502-AC50
56	24 CFR 203 Limit On Claim Cost (H-82-84)	2502-AC52
57	24 CFR 203 Penalty for Lack of Documentation (H-80-84)	2502-AC54
58	24 CFR 203 Refinancing of FHA Single Family Loans-Technical Revisions (H-66-84; FR-1979)	2502-AC80
59	*24 CFR 203 FHA Mortgage Insurance on Indian Land where the Tribe is the Mortgagor (H-8-85; FR-2059)	2502-AC81
60	*24 CFR 203 Conveyance of Occupied Properties to HUD (H-9-85; FR-2064)	2502-AC86
61	24 CFR 204 Coinsurance Program (H-28-80; FR-1094)	2502-AB01
62	24 CFR 205 Mortgage Insurance for Land Development (Title X); Provides Eligibility for Refinancing Transactions (H-41-83; FR-1779)	2502-AB98
63	24 CFR 205 Geographical Eligibility of Property (H-67-84; FR-1982)	2502-AC51
64	24 CFR 207 Multifamily Mortgage Insurance (H-96-82)	2502-AA63
65	24 CFR 207 Mortgage Insurance Programs under National Housing Act (H-48-81; FR-1525)	2502-AA90
66	24 CFR 207 Limitation on Prepayment for Bond Financed Projects (H-54-83; FR-1819)	2502-AC01
67	24 CFR 207.261 Multifamily Housing Mortgage Insurance - Assignment of Insured Mortgages (H-35-83; FR-1768)	2502-AC14
68	24 CFR 207.256 Change in Default Notice Reporting Period - Multifamily Insurance (H-4-84; FR-1842)	2502-AC18
69	24 CFR 207.4 Multifamily Mortgage Insurance Programs; Requirement of Increased Equity Limited Recourse or Special Escrow (H-15-84; FR-1871)	2502-AC19
70	*24 CFR 207 Deregulation of Rents (H-28-84; FR-1905)	2502-AC21
71	24 CFR 207 Insurance of Multifamily Graduated Payment Mortgages (H-16-84; FR-1872)	2502-AC27
72	24 CFR 207 Section 223(f) Insurance in Connection With Rental Rehabilitation Development Grant Program (H-52-84)	2502-AC29
73	24 CFR 207 Insurance of Multifamily Shared Application Mortgages (H-41-84; FR-1934)	2502-AC34

HUD

Office of Housing—Current and Projected Rulemakings—Continued

Sequence Number	Title	Regulation Identifier Number
74	*24 CFR 207 Insurance of Multifamily Partially Amortized Mortgages (H-34-84; FR-1918)	2502-AC41
75	24 CFR 207.32a Section 223(f) Cooperatives (H-56-84)	2502-AC47
76	24 CFR 207 Limitation on Prepayment of Mortgages or Multifamily Rental Housing (H-54-84; FR-1952)	2502-AC49
77	24 CFR 207 Coinsurance for the Purchase or Refinancing of Existing Multifamily Housing Projects - Technical Revisions (H-63-84; FR-1973)	2502-AC74
78	24 CFR 56 Flood Insurance Requirements for Mortgages Insurance and Grant Program (H-74-84; FR-2007)	2502-AC76
79	24 CFR 207 Removal of Refinancing Limitations (H-2-85; FR-2028)	2502-AC89
80	24 CFR 208 Partial Payment of Claims (H-88-84)	2502-AC62
81	*24 CFR 207 Cooperative Housing Mortgage Insurance Subordinated Secretary-held Mortgages (H-33-83; FR-1756)	2502-AB97
82	*24 CFR 215 Preferences for Persons Displaced and Living in Substandard Housing (H-22-80; FR-1597)	2502-AA34
83	24 CFR 215 Occupancy Policies in Assisted Projects for the Elderly (H-59-83; FR-1829)	2502-AB87
84	*24 CFR 215 Definition of Income Rents and Reexamination of Family Income for the Rent Supplement and Section 236 Programs (H-140-82, H-141-82; FR-1702)	2502-AC05
85	24 CFR 215 State Agency Amendments (H-70-84; FR-1997)	2502-AC73
86	24 CFR 219 Flexible Subsidy Program (H-48-82)	2502-AA53
87	24 CFR 232 Mortgage Insurance for Board And Care Homes (H-55-84)	2502-AC48
88	24 CFR 232 Interest Rates for Fire Safety Equipment in Nursing Homes to be Set by FR Notice (H-10-85; FR-2065)	2502-AC85
89	24 CFR 234 Condominium Ownership Mortgage Insurance-1983 Act Amendments (H-71-84; FR-1999)	2502-AC79
90	24 CFR 235 Amendments to the Section 235 Program (H-3-85; FR-2037)	2502-AC93
91	*24 CFR 241 Maximum Mortgage Amounts for Hospitals (H-72-84; FR-2004)	2502-AC64
92	24 CFR 241 Section 22(d) Coinsurance for New Construction or Substantial Rehabilitation of Housing Projects - Technical Revisions	2502-AD06
93	24 CFR 242 Refinancing of Hospital Mortgages (H-50-83; FR-1806)	2502-AC15
94	*24 CFR 242 Mortgage Insurance Requirements for Private and Public Hospitals (H-69-84, FR-1992)	2502-AC61
95	*24 CFR 245 Tenant Participation in Multifamily Housing Projects (H-20-83; FR-1730)	2502-AB66
96	*24 CFR 245 Tenant Participation--Prepayment or Termination of Insurance of Subsidized Projects (H-79-84; FR-2015)	2502-AC57
97	*24 CFR 255 Section 223(f) Coinsurance for Purchase or Refinancing of Existing Multifamily Housing Projects (H-53-81; FR-1391)	2502-AA92
98	24 CFR 265.13 Transfer from Nonprofit to Profit Motivated Ownership for Multifamily Housing Projects with HUD-Insured or HUD-Held Mortgages (H-37-83; FR-1771)	2502-AB93
99	*24 CFR 290 HUD-Owned Multifamily Projects-Management and Disposition (H-69-78; FR-432)	2502-AC68
100	*24 CFR 15 Disclosure of Financial Information to Mortgage Purchasers (H-78-84; FR-2014)	2502-AC65
101	*24 CFR 390 Securitization of Adjustable Rate Mortgages (H-61-84; FR-1962)	2502-AC70
102	*24 CFR 450 Evictions from Certain Subsidized and HUD-owned Projects (H-5-83; FR-1661)	2502-AB59
103	24 CFR 813 Technical Amendments to Definition of Income (H-6-85; FR-2052)	2502-AC82
104	24 CFR 813 Revision to Definition of Income Resulting from Consultation with the Farmers Home Administration (H-4-85; FR-2042)	2502-AC91
105	*24 CFR 850 Housing Development Grant Program (H-26-84; FR-1902)	2502-AC23
106	*24 CFR 880 Government Officials, Conflicts of Interest (H-127-82)	2502-AA13
107	*24 CFR 880 Section 8-Limit on Contract Rent Increases (H-132-82; FR-1703)	2502-AA18
108	24 CFR 880.405 Clarification of Contract Rent Adjustment After Cost Certification (H-77-84; FR-2013)	2502-AC69
109	24 CFR 882 Section 8 Housing Assistance Payments Program - Moderate Rehabilitation (H-38-81; FR-1527)	2502-AA86
110	24 CFR 882 Targeting of Section 8 Certificates of Family Participation (H-22-83; FR-1736)	2502-AB47
111	24 CFR 882 Section 8 Housing Assistance Payments Programs Portability of Section 8 Existing Housing Certificates (H-46-83; FR-1800)	2502-AB88
112	24 CFR 882 Single Room Occupancy Housing (H-25-84; FR-1898)	2502-AC25
113	*24 CFR 882 Section 8 Housing Assistance Payments Program-Existing Housing-Quality Standards-Lead Based Paint (H-2-83; FR-1528)	2502-AC55
114	*24 CFR 885 Eligibility of Existing Structures and Moderate Rehabilitation to Meet Needs of Non-Elderly Handicapped (H-40-81; FR-1543)	2502-AA29
115	24 CFR 885 Housing for the Elderly or Handicapped (H-99-82; FR-1463)	2502-AB28
116	24 CFR 885 Management Rules and Comprehensive Housing and Community Development Amendments (H-34-83; FR-1761)	2502-AC03
117	*24 CFR 885 Section 202 - Loans for Housing for the Elderly or Handicapped (H-10-84; FR-1899)	2502-AC53
118	24 CFR 885.410(g) Loans for the Elderly or Handicapped; Interest Rate Adjustments (H-11-85; FR-2066)	2502-AC84
119	24 CFR 885 Section 202 Loans for Housing for the Elderly or Handicapped- Community Representation on Borrower's Board (H-46-78)	2502-AC99
120	*24 CFR 886 Additional Assistance Program for Projects with HUD-Insured or HUD-Held Mortgages (H-89-78)	2502-AA41
121	24 CFR 886 Miscellaneous Revisions to Part 886 (H-59-84; FR-1950)	2502-AC59
122	24 CFR 888 Section 8 Housing Assistance Payments Programs: Fair Market Rent Schedules for Existing Housing and Moderate Rehabilitation (H-27-84; FR-1904)	2502-AC22

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Office of Housing—Current and Projected Rulemakings—Continued

Sequence Number	Title	Regulation Identifier Number
123	*24 CFR 888 Section 8 Housing Assistance Payments Program Contract Rent Annual Adjustment Factors (Federal Register Notice of Publication) (H-57-84)	2502-AC46
124	24 CFR 880 Section 8 Housing Assistance Payments Programs; Promulgation of Fair Market Rent Schedules by Notice (H-73-84; FR-2005)	2502-AC56
125	24 CFR 888 Section 8 Housing Assistance Payments Program: Fair Market Rent Schedules for Existing Housing and Moderate Rehabilitation (H-86-84)	2502-AC67
126	24 CFR 888 Fair Market Rents for the Section 8 New Construction and Substantial Rehabilitation Programs (H-5-85; FR-2079)	2502-AC94
127	*24 CFR 892 Section 8-Litigation by PHAs to Recover Wrongfully Used Section 8 Funds (H-126-82; FR-1692)	2502-AA12
128	24 CFR 910, (New) Book Entry Securities of Public Housing Authorities (H-64-83; FR-1845)	2502-AB75
129	*24 CFR 1710 Technical Amendments to the Interstate Land Sales Registration Regulations (H-15-85; FR-2080)	2502-AC83
130	*24 CFR 1800 Allocation of Funds and Miscellaneous Changes for the Solar Energy and Energy Conservation Bank (S-1-85; FR-2051)	2502-AC88
131	*24 CFR 3280 Federal Manufactured Home Construction and Safety Standards (H-46-82; FR-1637)	2502-AA01
132	24 CFR 3280 Standards for Small Manufactured Homes, Manufactured Home Construction and Safety Standards	2502-AC95
133	*24 CFR 3280 Medium Density Fiberboard (MDF) (H-16-85)	2502-AC96
134	24 CFR 3280 Transportation, Durability, Testing - Manufactured Home Construction and Safety Standards	2502-AD03
135	24 CFR 3290 Hardboard Siding - Manufactured Homes Construction and Safety Standards (H-24-85)	2502-AD04
136	24 CFR 3280 Manufactured Home Construction and Safety Standards - Condensation and Ventilation (H-27-85)	2502-AD07
137	24 CFR 3280 Manufactured Home Construction and Safety Standards, Subparts B, D, E, G, H, I (H-30-85)	2502-AD10
138	*24 CFR 3280 Revision of Manufactured Home Construction and Safety Standards - Subpart F - Thermal Protection (H-31-85)	2502-AD11
139	24 CFR 3282 Manufactured Home Procedural and Enforcement Regulations, Subpart G - State Administrative Agencies (H-32-85)	2502-AD12
140	*24 CFR 3280 Revision of Manufactured Home Construction and Safety Standards - Subparts A, B, D, E, G, H, I (H-25-85)	2502-AD14
141	24 CFR 3282.454 Manufactured Home Procedural and Enforcement Regulations Monitoring Inspection Fee (H-30-83; FR-1767)	2502-AB48
142	24 CFR 3282.203 MFC Home Procedural and Enforcement Regulations to Clarify Procedures to be Followed by Design Approval and Production Inspection Primary Inspection Agencies (H-53-82; FR-1815)	2502-AC16
143	24 CFR 3282 Manufactured Housing Complaint Index (H-18-85)	2502-AC97
144	24 CFR 3282 Revision of Manufactured Home Procedural and Enforcement Regulations - Consumer Complaint Handling (H-26-85)	2502-AD05
145	24 CFR 3282 Manufactured Home Procedural and Enforcement Regulations; Primary Inspection Agency (PIA) Rating (H-28-85)	2502-AD08
146	24 CFR 3282 Manufactured Home Procedural and Enforcement Regulations; Primary Inspection Agency (PIA) Licensing (H-29-85)	2502-AD09
147	24 CFR 3282 Manufactured Home Procedural and Enforcement Regulations; Subpart L - Reporting Requirements (H-33-85)	2502-AD13
148	24 CFR 3500 Real Estate Settlement Procedures Act – Controlled Business Provisions and Miscellaneous Changes (H-45-84; FR-1942)	2502-AC09
149	*00 CFR Not yet determined Manufactured Home Construction and Safety Standards (Voluntary Consensus Standards) (H-72-82; FR-1633)	2502-AA02

*Indicates priority regulation.

Office of Housing—Existing Regulations Under Review

Sequence Number	Title	Regulation Identifier Number
150	24 CFR 886, Subpart C Section 8 Housing Assistance Program for Disposition of the HUD-Owned Projects (H-6-79; FR-823)	2502-AB42

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Office of Housing—Completed Actions

Sequence Number	Title	Regulation Identifier Number
151	24 CFR 200.935 Use of Materials Bulletin No. 85 - HUD Building Product Standards and Certification Program for Poly (Vinyl Chloride) Windows (H-105-82; FR-1926)	2502-AA67
152	*24 CFR 200 Users Fee Schedule for the Technical Suitability of Products Program (H-56-83; FR-1827)	2502-AB78
153	24 CFR 200 Mortgage Insurance Eligibility, Procedures and Processing (H-19-84; FR-1887)	2502-AC26
154	24 CFR 203.670 Mortgage Insurance - Occupancy of Property (H-1-78; FR-968)	2502-AB10
155	24 CFR 207 Section 223(A) Amendments (H-65-83)	2502-AB92
156	*24 CFR 813 Shared Housing and Revised Occupancy Policies in the Section 8 and Public Housing Programs (H-49-83; FR-1804)	2502-AB72
157	24 CFR 234.26 Condominium Projects - Mutual Mortgage Insurance and Insured Loans (H-5-82; FR-1388)	2502-AA43
158	24 CFR 234.27 Increase in Maximum Insurable Amount of Condominium Unit Owned by a Nonoccupant (H-90-84; FR-2030)	2502-AC60
159	24 CFR 245 Tenant Participation for Items Requiring HUD Approval (H-89-84; FR-1997)	2502-AC58
160	24 CFR 882.300 to 882.316 Section 8 Housing Assistance Payments Program - Existing Contract Administration (H-58-78; FR-659)	2502-AB46
161	*24 CFR 232 Changes in HUD/FHA Maximum Interest Rate (H-12-85; FR-2054)	2502-AD15
162	*24 CFR 232 Change in HUD/FHA Maximum Interest Rate (H-14-85; FR-2070)	2502-AD16
163	24 CFR 885.410(g) Loans for Housing for the Elderly or Handicapped; Fiscal Year 1985 Interest Rate (H-7-85; FR-2056)	2502-AC90

*Indicates priority regulation.

Office of Community Planning and Development—Current and Projected Rulemakings

Sequence Number	Title	Regulation Identifier Number
164	24 CFR 42 Uniform Relocation Assistance and Real Property Acquisition (CPD-15-83)	2506-AA46
165	*24 CFR 50 Departmental Policies, Responsibilities, and Procedures for Protection and Enhancement of Environmental Quality (CPD-29-78; FR-1054)	2506-AA10
166	24 CFR 51F Siting of HUD-Assisted Projects Near High Voltage Transmission Lines (CPD-3-85)	2506-AA61
167	24 CFR 51E Exposure to Radon Gas in New and Existing Residential Structures (CPD-2-85)	2506-AA62
168	24 CFR 51G Siting of HUD-Assisted Projects Near High Pressure Gas Transmission Lines (CPD-1-85)	2506-AA63
169	*24 CFR 58 Environmental Review Procedures for the CDBG Program (CPD-21-81; FR-1027)	2506-AA05
170	*24 CFR 510 Section 312 Rehabilitation Loan Program (CPD-9-84)	2506-AA52
171	*24 CFR 511 Residential Rental Rehabilitation Program (CPD-7-84; FR-1901)	2506-AA55
172	*24 CFR 511.32 Performance Adjustments to Formula Allocations-Rental Rehabilitation Program (CPD-14-84); FR-2055)	2506-AA60
173	24 CFR 570.410 Special Projects Program (CPD-5-82; FR-1554)	2506-AA01
174	24 CFR 570 Small Cities CDBG Program (CPD-35-81; FR-1502)	2506-AA06
175	24 CFR 570.402 Technical Assistance: Discretionary Awards (CPD-6-79; FR-1115)	2506-AA30
176	24 CFR 570.405 CDBG Secretary's Discretionary Fund: Insular Areas (CPD-6-83; FR-1822)	2506-AA32
177	*24 CFR 570.488 to 570.499 Community Development Block Grants: State's Program (CPD-7-83; FR-1877)	2506-AA38
178	*24 CFR 570, Subpart G Community Development Block Grants Urban Development Action Grants (CPD-14-83)	2506-AA40
179	*24 CFR 570 Community Development Block Grant (CPD-6-84; FR-1895)	2506-AA47
180	24 CFR 570.703 Section 108 Loan Guarantee Assistance Fees (CPD-10-84; FR-1974)	2506-AA59
181	24 CFR 571.101 Indian CDBG Program Assured Funding Process (CPD-4-84)	2506-AA50
182	24 CFR 571.607 Indian CDGB Program - Conflict of Interest Provisions (CPD-5-84; FR-2016)	2506-AA51
183	24 CFR 571.302 CDBG Program for Indian Tribes and Alaskan Natives (CPD-11-84; FR-2000)	2506-AA56
184	24 CFR 571.702 (b) (6) Indian Community Development Block Grant Program: Revision to Corrective and Remedial Action (CPD-13-84)	2506-AA58
185	24 CFR 590 Urban Homesteading (CPD-41-81; FR-1624)	2506-AA20
186	*24 CFR 596 Enterprise Zones (CPD-11-83)	2506-AA45

*Indicates priority regulation.

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Office of Community Planning and Development—Completed Actions

Sequence Number	Title	Regulation Identifier Number
187	24 CFR 510 Rehabilitation Loan Program (CPD-9-82; FR-1128)	2506-AA54
188	24 CFR 570.513 Lump Sum Drawdown of CDBG Funds for Property Rehabilitation Financing (CPD-39-81; FR-1572)	2506-AA19
189	24 CFR 570 Urban Renewal Provisions (CPD-16-79)	2506-AA22
190	*24 CFR 570.906(b) Small Cities Program (CPD-12-83; FR-1825)	2506-AA43
191	24 CFR 570.513 Community Development Block Grants; Lump Sum Drawdowns for Property Rehabilitation Financing (CPD-2-84; FR-1854)	2506-AA48
192	*24 CFR 571 Indian CDBG Program (CPD-18-79; FR-1612)	2506-AA09
193	*24 CFR 571.302 Indian CDBG Program - Project Selection Process (CPD-5-83)	2506-AA33

*Indicates priority regulation.

Office of Fair Housing and Equal Opportunity—Current and Projected Rulemakings

Sequence Number	Title	Regulation Identifier Number
194	*24 CFR 8 Nondiscrimination Based on Handicap in Federally-Assisted Programs and Activities (FH&EO-4-84; FR-770)	2529-AA26
195	*24 CFR 8 Nondiscrimination Based on Handicapped in Programs and Activities Conducted by HUD (FHEO-2-85)	2529-AA28
196	24 CFR 105 Procedures for Enforcement of Complaints Against Discriminatory Housing Practices (FH&EO-1-82)	2529-AA03
197	24 CFR 105 Procedure for Processing Complaints under section 804 of the Fair Housing Act (FH&EO-6-84; FR-2012)	2529-AA24
198	24 CFR 107 Nondiscrimination and Equal Opportunity Housing Under Executive Order 11063 (FH&EO-2-82; FR-2020)	2529-AA12
199	24 CFR 100 Affirmative Fair Housing, Marketing Technical Amendments (FH&EO-2-83; FR-1670)	2529-AA17
200	24 CFR 114 Fair Housing-Prohibitions Against Discrimination (FH&EO-5-78)	2529-AA08
201	24 CFR 114 Fair Housing-Property Insurance Activities (FH&EO-10-78)	2529-AA10
202	*24 CFR 120 Amendments of the Community Housing Resource Board Regulations (FH&EO-1-85; FR-2085)	2529-AA27
203	24 CFR 125 Affirmative Administration of Federal Programs and Activities Relating to Housing and Urban Development (FH&EO-11-78)	2529-AA11
204	*24 CFR 144 Implementation of Section 109 of the Housing and Community Development Act of 1974 (FH&EO-13-78; FR-1058)	2529-AA02
205	24 CFR 146 Nondiscrimination on the Basis of Age in Programs or Activities Receiving Federal Financial Assistance from HUD (FH & EO-1-79; FR-1161)	2529-AA01

*Indicates priority regulation.

Office of Fair Housing and Equal Opportunity—Existing Regulations Under Review

Sequence Number	Title	Regulation Identifier Number
206	24 CFR 135 Employment Training and Business Opportunities for Lower Income Persons in Connection with Assisted Projects (FH&EO-4-81)	2529-AA15

Office of Fair Housing and Equal Opportunity—Completed Actions

Sequence Number	Title	Regulation Identifier Number
207	24 CFR 114 Fair Housing Prohibitions Against Discrimination-Financing Activities (FH&EO-2-78)	2529-AA07
208	24 CFR 114 Fair Housing-Prohibited Appraisal Practices (FH&EO-8-78)	2529-AA09
209	24 CFR 115 Recognition of Substantially Equivalent Laws (FH&EO-5-84; FR-1976)	2529-AA25
210	24 CFR 120 Community Housing Resource Board Grant Program (FH&EO-2-81; FR-1407)	2529-AA06

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Office of Administration—Current and Projected Rulemakings

Sequence Number	Title	Regulation Identifier Number
211	24 CFR 570 Federal Procurement of Cement Containing Fly Ash (ADM-1-84; FR-1938)	2535-AA05
212	24 CFR 3 Organization, Function, and Delegations of Authority Subpart C - Secretary's Delegations of Authority to Heads of Offices (ADM-2-82)	2535-AA01
213	*24 CFR 44 Cost Principles for Nonprofit Organizations (ADM-1-85; FR-2044)	2535-AA08
214	24 CFR 965 Transfer of Authority to Settle Contract Disputes Concerning the Consolidated Supply Program (ADM-2-85; FR-2087)	2535-AA07
215	41 CFR 24 HUD Acquisition Regulation (ADM-2-84)	2535-AA06

*Indicates priority regulation.

Office of the Inspector General—Current and Projected Rulemakings

Sequence Number	Title	Regulation Identifier Number
216	*24 CFR 44 Implementation of the Single Audit Act of 1984	2508-AA05

*Indicates priority regulation.

Office of the Inspector General—Completed Actions

Sequence Number	Title	Regulation Identifier Number
217	24 CFR 44 OMB Circular A-102, Uniform Requirements for Assistance to State and Local Government, Audit Requirements (Attachment P) Non-Federal Governmental Audit Requirements (IG-1-83; FR-1813)	2508-AA03

Office of Public and Indian Housing—Current and Projected Rulemakings

Sequence Number	Title	Regulation Identifier Number
218	*24 CFR 812 Increase in Single Person Occupancy Limits (P-48-84; FR-2063)	2577-AA07
219	24 CFR 965.303 Individual Metering of Utilities for Existing PHA-Owned Projects (P-36-83; FR1769)	2577-AA27
220	24 CFR 904 Low-Income Housing--Homeownership Opportunities Turnkey III Program (P-55-79; FR-563)	2577-AA19
221	24 CFR 904 Turnkey III Homeownership Opportunities Program (P-7-83; FR-1695)	2577-AA25
222	*24 CFR 905 Indian Preferences (P-51-83; FR-1808)	2577-AA26
223	24 CFR 905 Indian Housing (P-31-82)	2577-AA32
224	24 CFR 941.204 Public Housing Development; Prototype Costs (P-64-84; FR 1975)	2577-AA13
225	*24 CFR 960 Low-Income Public Housing-Lease Requirements, Evictions and Hearings (P-26-79; FR-1164)	2577-AA18
226	24 CFR 960 Tenant Participation in Management of Public and Indian Housing Projects (P-1-85; FR-2033)	2577-AA30
227	*24 CFR 243 Pet Ownership in Assisted Rental Housing for the Elderly and Handicapped (P-43-84; FR-1936)	2577-AA05
228	24 CFR 969 Public Housing Program-Continued Operation of Projects as Lower-Income Housing After Completion of Debt Service (P-60-79; FR-1202)	2577-AA15
229	*24 CFR 970 Public Housing Program-Demolition of Buildings or Disposition of Real Property (P-23-84; FR-1892)	2577-AA02
230	*24 CFR 990 Modification to the Performance Funding System (P-2-84; FR-1834)	2577-AA00
231	24 CFR 990 Performance Funding System (PFS) Treasury Financial Communications System (TFCS) for Disbursing Operating Subsidy Payments (P-47-84)	2577-AA06
232	*24 CFR 990 Annual Contributions for Operating Subsidy - Performance Funding System (P-38-83; FR-1775)	2577-AA23
233	24 CFR 990 Annual Contributions for Operating Subsidy Performance Funding System-Energy Conservation Adjustments (P-26-83; FR-1747)	2577-AA24

*Indicates priority regulation.

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Office of Public and Indian Housing—Completed Actions

Sequence Number	Title	Regulation Identifier Number
234	00 CFR Not yet determined Emergency Shelter Program (H-49-84)	2577-AA08
235	*24 CFR 906 Public Housing Homeownership for Lower Income Families (P-21-84; FR-1890)	2577-AA10
236	24 CFR 965.602 PHA-Owned or Leased Projects-Maintenance and Operations; Transfer of Contracting Authority (P-76-84; FR-2011)	2577-AA12
237	*24 CFR 968 Public Housing Program - Comprehensive Improvement Assistance Program (P-58-84)	2577-AA09
238	24 CFR 968 Comprehensive Improvement Assistance Program - Viability Standards (P-62-84; FR-1970)	2577-AA14
239	24 CFR 905 Indian Housing (P-31-82)	2577-AA17
240	24 CFR 905 Indian Public Housing Program (P-101-82)	2577-AA21
241	24 CFR 965 Project Management; Modernization of Oil-Fired Heating Plants (P-11-82)	2577-AA20

*Indicates priority regulation.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) — Current and Projected Rulemakings

Office of the Secretary (HUDSEC)

1. PROCEDURE FOR FLOODPLAIN MANAGEMENT AND THE PROTECTION OF WETLANDS. IMPLEMENTATION OF EXECUTIVE ORDERS 11988 AND 11990 (S-7-84; FR-865)

Priority: Agency Determination

Legal Authority: EO 11988; EO 11990; EO 12127; PL 91-190

CFR Citation: 24 CFR 55, (New)

Abstract: This regulation sets forth the policy, procedure and responsibilities of the Department of Housing and Urban Development to implement and enforce Executive Order 11988, Floodplain Management, and Executive Order 11990, the Protection of Wetlands. This regulation replaces a general statement of Departmental policy (44 FR 47623; August 14, 1979) implementing these Executive Orders pending the adoption of final procedures.

Timetable:

Action	Date	FR Cite
NPRM	08/09/79	44 FR 47006
NPRM Comment Period Begin	08/09/79	44 FR 47006
General Statement of Departmental Policy	08/14/79	44 FR 47623
NPRM Comment Period End	11/10/79	
Proposed Rule and request for Public Comment	06/00/85	

Small Entity: No

Agency Contact: Walter Prybyla, Deputy Director, Department of Housing and Urban Development, Office of the Secretary, Environmental Management Division, 202 755-6611

RIN: 2501-AA23

2. IMPLEMENTATION OF THE INTEREST PROVISIONS OF THE DEBT COLLECTION ACT OF 1982 (S-9-84; FR-2022)

Legal Authority: 42 USC 3535 (d); 31 USC 3711; 31 USC 3717

CFR Citation: 24 CFR 17; 24 CFR 200; 24 CFR 201; 24 CFR 203; 24 CFR 207; 24 CFR 202; 24 CFR 220; 24 CFR 232; 24 CFR 241; 24 CFR 250; 24 CFR 255

Abstract: This rule implements increased changes for late payments made to the government by debtors. Regulatory changes include the imposition of interest at a minimum Annual rate of interest on the outstanding debt which is equal to the average investment rate of the Treasury tax and loan accounts as determined by the Secretary of the Treasury; assessment of penalty charges of up to six percent for payments over 90 days late; and charges for the administrative costs of processing the late payment. The Department must issue a demand letter to the debtor which indicates when the payment is due and the date used to calculate the interest and penalty charges.

Timetable:

Action	Date	FR Cite
Interim Final Rule	03/00/85	

Small Entity: No

Agency Contact: Samuel B. Rothman, Attorney-Advisor, Department of Housing and Urban Development, Office of the Secretary, Office of Program Enforcement, 202 755-7184

RIN: 2501-AA24

3. ● TAX REFUND DEDUCTION PROGRAM (S-2-85)

Priority: Agency Determination

Legal Authority: PL 98-369

CFR Citation: 24 CFR 17

Abstract: Section 2653 of the Deficit Reduction Act of 1984 provides for deductions from income tax refunds due to persons who owe a past due debt to a Federal agency. This rule establishes procedures to provide certain due process safeguards to the taxpayer-debtor.

Timetable:

Action	Date	FR Cite
Interim Final Rule	06/00/85	

Small Entity: No

Agency Contact: Shirley A. Evans, Director, Department of Housing and Urban Development, Office of Administration, Office of Finance and Accounting, **202 755-6310**

RIN: 2501-AA28

4. BOARD OF CONTRACT APPEALS RULES OF PROCEDURES (S-1-79; FR-1349)

Legal Authority: 41 USC 601

CFR Citation: 24 CFR 20

Abstract: Would revise the rules of procedure of HUD Board of Contract Appeals to implement statutory changes made by the Contract Disputes Act of 1978 and uniform rules issued by the Office of Federal Procurement Policy.

Timetable:

Action	Date	FR Cite
Interim Final Rule	03/00/85	

Small Entity: No

Agency Contact: David T. Anderson, Chairman, Department of Housing and Urban Development, Office of the Secretary, Board of Contract Appeals, Room 2158, **202 755-0132**

RIN: 2501-AA04

5. SUSPENSION AND DEBARMENT (S-2-79; FR-1676)

Priority: Agency Determination

Legal Authority: 42 USC 3535(d)

CFR Citation: 24 CFR 24

Abstract: Would amend 24 CFR Part 24 to conform with Policy Letter 82-1, "Policy Guidance Concerning Government-wide Debarment, Suspension and Ineligibility" issued by the Office of General Procurement Policy, dated June 24, 1982. Additionally, it would clarify the criteria for imposing administrative sanctions on grantees and program participants other than procurement contractors, as well as to clarify the procedural safeguards afforded participants in suspension and debarment proceedings.

Timetable:

Action	Date	FR Cite
NPRM	10/11/83	48 FR 46072
NPRM Comment Period Begin	10/11/83	48 FR 46072
NPRM Comment Period End	12/12/83	
Final Action	03/00/85	

Small Entity: No

Agency Contact: Phillip L. Schulman, Asst Gen Coun for Insp Gen & Admn Proceedngs, Department of Housing and Urban Development, Office of the Secretary, **202 755-5557**

RIN: 2501-AA05

6. PROTECTION OF HUMAN SUBJECTS IN RESEARCH (S-6-83; FR-1807)

Legal Authority: Executive Order to be issued

CFR Citation: 24 CFR 46

Abstract: In response to a Presidential Commission, an Interagency Task Force on the Protection of Human Subjects in Research has proposed that all Federal agencies adopt a common policy and uniform regulations for the protection of human subjects in research.

HUD has agreed to adopt the policy and to issue a regulation based on a model previously promulgated by the Department of Health and Human Services on this subject, and as embodied in the planned Executive Order.

Timetable:

Action	Date	FR Cite
NPRM	06/00/85	

Small Entity: No

Additional Information: Compliance costs for HUD's adoption of the model regulation will be minimal, because almost all research conducted by HUD falls within categories exempted from the requirements of the model regulation. The infrequent projects that may not be exempt (perhaps one every two years) have in the past been proposed by organizations already subject to the Department of Health and Human Services regulation, and thus would not have any incremental compliance costs for the organization, other than the actual project requirements.

Costs would be slight.

Affected Sectors: Profit and Non-profit Research Organizations.

Levels of Government Affected: only HUD itself.

The Executive Order will be published for public comment and then promulgated with changes, if any, resulting from the public comment. Once the order is promulgated, agencies adopting the policy verbatim may move directly to the publishing of a final rule without a public comment process. HUD expects to follow this procedure.

Agency Contact: Arthur S. Newburg, Senior Advisor for Research Management, Department of Housing and Urban Development, Office of the Secretary, Policy Development and Research, **202 755-8238**

RIN: 2501-AA15

7. ● DEPARTMENTAL POLICIES, RESPONSIBILITIES, AND PROCEDURES FOR PROTECTION AND ENHANCEMENT OF ENVIRONMENTAL QUALITY (S-4-85)

Priority: Undetermined

Legal Authority: 42 USC 4321; PL 95-557

CFR Citation: 24 CFR 50

Abstract: This amendment to 24 CFR Part 50 will establish regulatory procedures for determining exemptions from environmental review. The existing rule will be updated to reflect current policy with respect to the environmental review of 203(b) subdivisions and subdivisions approved by other agencies. This amendment will also address the public comments received on the existing rule and address other clarifications that may seem necessary.

Timetable:

Action	Date	FR Cite
NPRM	06/00/85	
NPRM Comment Period Begin	06/00/85	
NPRM Comment Period End	07/00/85	

Small Entity: No

Agency Contact: Fred D. Regetz, Environmental Specialist, Department of Housing and Urban Development, Office of Community Planning and Development, Office of Community Planning & Dev., Office of Environment & Energy, Environmental Management Division, **202 755-6611**

RIN: 2501-AA30

8. ● POLICIES FOR THE REQUIREMENT TO MAINTAIN FLOOD INSURANCE: IMPLEMENTATION OF SECTIONS 102(A) AND 202(A) OF THE FLOOD DISASTER PROTECTION ACT (S-3-85)

Priority: Agency Determination

Legal Authority: PL 93-234

CFR Citation: 24 CFR 56, (New)

Abstract: This regulation specifies how HUD will conduct its programs so as to comply with Sections 102(a) and 202(a) of the Flood Disaster Protection Act of 1973 relating to the requirement to maintain flood insurance. The rule is designed to provide improved policy guidance in response to HUD Secretary's directive, OMB Circular No. A-123, and inquiries from HUD field offices and program users.

Timetable:

Action	Date	FR Cite
NPRM	09/00/85	

Small Entity: Not Applicable

Agency Contact: Walter Prybyla, Dep. Director, Environmental Management Div., Department of Housing and Urban Development, Office of Community Planning and Development, Office of Community Planning and Development, **202 755-6611**

RIN: 2501-AA29

9. ENVIRONMENTAL REVIEW PROCEDURES - RENTAL REHABILITATION AND HOUSING DEVELOPMENT GRANT PROGRAM (S-6-84; FR-1965)

Legal Authority: 42 USC 1437o(i); 42 USC 5304(f)

CFR Citation: 24 CFR 58

Abstract: Implements Section 17(i) of the Housing and Urban-Rural Recovery Act of 1983 which makes the award and use of resources under the Housing Development Grant and Rental Rehabilitation Programs subject to the statutory provisions governing environmental review that apply to the Community Development Grant Programs. The rule also implements Section 17(i) by creating a special procedure for considering program effects on property that is included, or eligible to be included, on the National Register of Historic Places.

Timetable:

Action	Date	FR Cite
Interim Final Rule	06/07/84	49 FR 23610
Final Action	09/00/85	

Small Entity: No

Additional Information: May be merged with FR-1027 (CPD-23-81) RIN-2506-AA05

Agency Contact: Charles E. Thomsen, Department of Housing and Urban Development, Office of Community Planning and Development, Office of Environmental and Energy, Environmental Management Division, **202 755-6611**

RIN: 2501-AA25

10. SECONDARY MARKET OPERATIONS OF THE FEDERAL NATIONAL MORTGAGE ASSOCIATION (FNMA) (S-3-81)

Priority: Agency Determination

Legal Authority: 12 USC 1723a, 42 USC 3535(d)

CFR Citation: 24 CFR 81.41(b); 24 CFR 81.45(b)

Abstract: This rule would 1) amend the definition of "FNMA security" at 24 CFR 81.41(b) to delete the exclusionary parenthetical and 2) repeal the provision in 24 CFR 81.45(b) which allows FNMA debentures in book-entry form only.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Government Levels Affected: Federal

Agency Contact: Walter T. Cassidy, Assistant General Counsel for Finance, Department of Housing and Urban Development, Office of the General Counsel, **202 755-7260**

RIN: 2501-AA10

11. ALLOCATION AND USE OF ASSISTED HOUSING AUTHORITY (S-10-84; FR-1896)

Legal Authority: 42 USC 1439

CFR Citation: 24 CFR 791

Abstract: The rule revises HUD's regulations for the allocation of housing assistance funds to conform with statutory changes made by the Housing and Urban-Rural Recovery Act of 1983. It contains a more explicit description of the allocation formula; specifies that the formula is applicable only to funds the first time they are available for reservation; deletes specific requirements on allocating funds in accordance with approved Housing Assistance Plans; and modifies the requirements for local consultation in the allocation process.

Timetable:

Action	Date	FR Cite
NPRM	05/00/85	

Small Entity: No

Additional Information: Includes: H-4-81, FR-1512, RIN-2502-AA73

Agency Contact: Robert J. Coyle, Housing Policy Analyst, Department of Housing and Urban Development, Office of the Secretary, Office of Policy Development, **202 426-0751**

RIN: 2501-AA27

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) — Existing Regulations Under Review

Office of the Secretary (HUDSEC)

12. OFFICE OF SMALL AND DISADVANTAGED BUSINESS UTILIZATION: GENERAL FUNCTIONS AND ROLE IN THE DEPARTMENT'S PROCUREMENT PROCESS (S-8-84; FR-1894)

Legal Authority: 42 USC 3535(d)

CFR Citation: Not yet determined

Abstract: The Department is considering amending its regulations on the role of the Office of Small and Disadvantaged Business Utilization (OSDBU) in the procurement process. The 1978 Amendments to the Small Business Act of 1958 identify responsibilities of the OSDBU to establish goals for the participation by small business concerns and small business concerns controlled by socially and economically disadvantaged individuals in HUD procurement.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Undetermined

Agency Contact: Casey Mann, II, Special Assistant, Department of Housing and Urban Development, Office of the Secretary, Office of Small & Disadvantaged Business, Utilization, **202 755-3630**

RIN: 2501-AA22

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) — Completed Actions

Office of the Secretary (HUDSEC)

COMPLETED RULEMAKINGS

13. REMOVAL OF REFERENCES TO SUPERSEDED DOL REGULATIONS (S-3-84; FR-1888)

CFR Citation: Not yet determined

Completed:

Reason	Date	FR Cite
Final Action	11/15/84	49 FR 45125

Small Entity: No

Agency Contact: Bernard Shriber 202 755-6606

RIN: 2501-AA18

14. IMPLEMENTATION OF THE EQUAL ACCESS TO JUSTICE ACT IN ADMINISTRATIVE PROCEEDINGS (S-3-82; FR-1547)

Priority: Agency Determination

CFR Citation: 24 CFR 14

Completed:

Reason	Date	FR Cite
Withdrawn	09/30/84	

Small Entity: No

Agency Contact: Grant E. Mitchell 202 755-6550

RIN: 2501-AA00

[FR Doc. 85-6367 Filed 04-26-85; 8:45 am]
BILLING CODE 4210-01-T

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) — Current and Projected Rulemakings

Office of Housing (OH)

15. TROUBLED PROJECTS AMENDMENTS (H-50-84)

Priority: Undetermined

Legal Authority: PL 98-181

CFR Citation: Not yet determined

Abstract: Implements section 217 of the Housing and Urban Rural Recovery Act of 1983.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: Undetermined

Agency Contact: Charles Bartlett, Assistant General Counsel, Department of Housing and Urban Development, Office of Housing, Multifamily Mortgage Insurance, **202 755-7090**

RIN: 2502-AC31

16. ● HUD INSPECTIONS - NO DUTY OF CARE (H-1-85; FR-2025)

Legal Authority: 42 USC 3535(d)

CFR Citation: 24 CFR Ch II

Abstract: Proposed regulation to protect HUD against claims brought under the Federal Tort Claims Act, which claim negligent HUD inspection of FHA-insured properties.

Timetable:

Action	Date	FR Cite
NPRM	05/00/85	
NPRM Comment Period Begin	05/00/85	
NPRM Comment Period End	07/00/85	
Final Action	10/00/85	

Small Entity: No

Agency Contact: Brian Chappelle, Acting Director, Department of Housing and Urban Development, Office of Housing, Single Family Development Division, **202 755-6720**

RIN: 2502-AC92

17. LEAD BASED PAINT POISONING PREVENTION (H-81-82; FR-1748)

Priority: Agency Determination, Major

Legal Authority: 42 USC 4801

CFR Citation: 24 CFR 35

Abstract: Would develop regulations consistent with the Lead-Based Paint Poisoning Prevention Act. Alternatives to address the problem are being developed at this time. The potential cost is estimated to exceed $100-million per year. This action would benefit children susceptible to lead-based paint poisoning and would avoid cost of medical treatment and reduce the

occurrence of mental retardation traced to lead-base paint.

Timetable:

Action	Date	FR Cite
ANPRM	05/04/84	49 FR 19210
ANPRM Comment Period Begin	05/04/84	49 FR 19210
ANPRM Comment Period End	07/03/84	
Final Action	00/00/00	

Small Entity: Yes

Agency Contact: Grant E. Mitchell, Assistant General Counsel, Department of Housing and Urban Development, Office of the General Counsel, Office of General Counsel, Fiscal Management and Energy Division, 202 755-6550

RIN: 2502-AA06

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18. ELIMINATION OF MINIMUM PROPERTY STANDARDS (MPS) FOR ONE- AND TWO-FAMILY DWELLINGS (H-74-82; FR-1655)

Priority: Task Force

Legal Authority: 42 USC 3535(d)

CFR Citation: 24 CFR 200

Abstract: Would revise eligibility criteria for single family housing by accepting applications for properties which comply with local codes rather than MPS 4900.1 whose health and safety provisions require a level of performance substantially equivalent to a nationally recognized model building code.

Timetable:

Action	Date	FR Cite
NPRM	10/11/84	49 FR 39855
NPRM Comment Period Begin	10/11/84	49 FR 39855
NPRM Comment Period End	12/10/84	
Final Action	05/00/85	
Final Action Effective	06/00/85	

Small Entity: No

Agency Contact: G. Robert Fuller, Chief, Standards Branch, Department of Housing and Urban Development, Office of Housing, Manufactured Housing and Construction, Standards, 202 755-5924

RIN: 2502-AA03

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19. USE OF MATERIALS BULLETIN NO. 38I - HUD BUILDING PRODUCT STANDARDS AND CERTIFICATION PROGRAM FOR THE GRADEMARKING OF LUMBER (H-104-82)

Legal Authority: 42 USC 3535(d); 12 USC 1715(b)

CFR Citation: 24 CFR 200.929

Abstract: Would promulgate HUD Use of Materials Bulletin No. 38i (UM 38i). UM 38i is a revision of existing UM which references appropriate consensus standards and contains procedures for accepting and listing agencies which grademark lumber, as well as the grademarking of lumber.

Timetable:

Action	Date	FR Cite
NPRM	06/00/85	

Small Entity: No

Agency Contact: Jerome Tobias, Structural Engineer, Department of Housing and Urban Development, Office of Housing, Manufactured Housing and Const Standards, 202 755-5929

RIN: 2502-AA66

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20. USE OF MATERIALS BULLETIN NO. 86 - HUD BUILDING PRODUCT STANDARDS AND CERTIFICATION PROGRAM FOR EPDM ROOFING (H-106-82)

Legal Authority: 42 USC 3535(d); 12 USC 1715(b)

CFR Citation: 24 CFR 200.935

Abstract: Would promulgate HUD Use of Materials Bulletin No. 86 (UM 86). UM 86 accepts recently published product standards for EPDM roofing membrane. In addition, it would provide for a certification program for these products.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Yes

Agency Contact: Tsou-Liang Tang, Structural Engineer, Department of Housing and Urban Development, Office of Housing, Manufactured Housing and Const Standards, 202 755-5929

RIN: 2502-AA68

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21. SUPPLEMENT TO MINIMUM PROPERTY STANDARDS FOR SOLAR HEATING AND DOMESTIC HOT WATER SYSTEMS (H-6-80; FR-1320)

Legal Authority: 42 USC 3535(d)

CFR Citation: 24 CFR 200, Subpart S

Abstract: Updates obsolete references in MPS 4930.2 and reflects current changes in solar heating.

Timetable:

Action	Date	FR Cite
Interim Final Rule	08/17/82	47 FR 35760
Interim Rule effective	12/08/82	
Final Action	00/00/00	

Small Entity: No

Agency Contact: G. Robert Fuller, Chief, Standards Branch, Department of Housing and Urban Development, Office of Housing, Manufactured Housing and Const Standards, 202 755-5924

RIN: 2502-AA99

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22. USE OF MATERIAL BULLETIN NO. 78A, PLASTIC SUPPLY PIPING FOR DOMESTIC COLD WATER (H-33-79; FR-1154)

Legal Authority: 42 USC 3535(d); 12 USC 1715(b)

CFR Citation: 24 CFR 200.929

Abstract: UM 78 originally outlined the requirements and conditions for HUD field office acceptance of a number of plastic piping materials for use in domestic water service, (from water main to house), and included references covering polybutylene piping (PB). UM 78 identified national standard references for plastic piping which is normally used in residential construction for domestic cold water service. This revision will update references to industry standards and combine UM 78 and UM 76, "CPCV and PB Plastic Hot and Cold Water Distribution."

Timetable:

Action	Date	FR Cite
NPRM	09/03/80	45 FR 58374
NPRM	10/00/85	

Small Entity: No

Agency Contact: Donald R. Fairman, Chief, Department of Housing and Urban Development, Office of Housing, Technical Support Branch, 202 755-5718

RIN: 2502-AB05

23. APPLICABILITY OF MINIMUM PROPERTY STANDARDS MANUFACTURED HOMES UNDER TITLE II OF THE NATIONAL HOUSING ACT (H-82-82; FR-1578)

Legal Authority: 12 USC 1701

CFR Citation: 24 CFR 200.925; 24 CFR 203.43f

Abstract: Would insure financing of properties with manufactured homes under Title II of the National Housing Act, as a means to broaden affordable home ownership opportunities. To qualify for such financing, the manufactured homes, foundations and sites must meet prescribed standards to insure adequate security for HUD-insured mortgages. By such action homeowners can expect reduced housing cost without sacrificing housing quality or durability.

Timetable:

Action	Date	FR Cite
Interim Final Rule	02/24/83	48 FR 7731
Interim Rule effective	04/06/83	
Final Action	01/00/86	

Small Entity: No

Agency Contact: Brian Chappelle, Acting Director, Department of Housing and Urban Development, Office of Housing, Single Family Development Division, 202 755-6720

RIN: 2502-AB24

24. MINIMUM PROPERTY STANDARDS FOR CARE-TYPE HOUSING -- MPS (H-39-83; FR-1776)

Priority: Agency Determination

Legal Authority: 42 USC 3535(d)

CFR Citation: 24 CFR 200

Abstract: Would eliminate the current Minimum Property Standards (MPS) for Care-Type Housing and revise the current MPS for Multifamily Housing to include Care-Type Housing. By doing this, marketability and livability criteria would be deleted to the same extent as they were deleted from multifamily housing. This would also adopt by reference, nationally recognized model building codes or State or local codes, if acceptable, to provide health and safety criteria.

Timetable:

Action	Date	FR Cite
NPRM	02/15/85	50 FR 6359
NPRM Comment Period Begin	02/15/85	
NPRM Comment Period End	04/16/85	
Final Action	10/00/85	

Small Entity: No

Agency Contact: G. Robert Fuller, Chief, Standards Branch, Department of Housing and Urban Development, Office of Housing, Manufactured Housing and Const Standards, 202 755-5924

RIN: 2502-AB86

25. RESTRICTIONS ON HOUSING ASSISTANCE TO INELIGIBLE ALIENS (H-26-82; FR-1588)

Priority: Agency Determination

Legal Authority: 42 USC 1436a; 42 USC 3535(d)

CFR Citation: 24 CFR 200; 24 CFR 215; 24 CFR 235; 24 CFR 236; 24 CFR 812; 24 CFR 912

Abstract: Amends Parts 200, 215, 235, 236, 812 and 912 to implement section 214 of the Housing and Community Development Act of 1980, as amended by section 329 of the Housing and Community Development Amendments of 1981. The Act prohibits the Secretary from making financial assistance under the United States Housing Act of 1937, sections 235 and 236 of the National Housing Development Act of 1965 available for the benefit of any alien who is not a lawful resident of the United States under certain provisions of the Immigration and Nationality Act.

Timetable:

Action	Date	FR Cite
NPRM	05/03/82	47 FR 18914
NPRM Comment Period Begin	05/03/82	47 FR 18914
NPRM Comment Period End	07/03/82	
Final Rule published (never made effective)	10/04/82	47 FR 43674
Final Action	07/01/85	
Final Action Effective	10/01/85	

Small Entity: No

Agency Contact: James J. Tahash, Director, Department of Housing and Urban Development, Office of Housing, Program Planning Division, 202 426-3944

RIN: 2502-AC13

26. USE OF COMMITMENT CORRESPONDENTS IN CONNECTION WITH FHA MORTGAGE INSURANCE (H-60-84;FR-1954)

Priority: Agency Determination

Legal Authority: 12 USC 1709(a)

CFR Citation: 24 CFR 200; 24 CFR 203

Abstract: This proposed rule would create a new category of approved program participants to be known as commitment correspondents in the FHA single family mortgage insurance programs. Commitment correspondents would be authorized, on behalf of approved mortgagees, to accept and process FHA loan applications, obtain commitments from HUD, and assign these commitments to approved mortgagees.

Timetable:

Action	Date	FR Cite
NPRM	03/00/85	

Small Entity: No

Agency Contact: Brian Chappelle, Acting Director, Department of Housing and Urban Development, Office of Housing, Office of Single Family Housing, 202 755-6720

RIN: 2502-AC66

27. USE OF MATERIALS BULLETIN (UM) NO. 44D-HUD BUILDING PRODUCT STANDARDS AND CERTIFICATION PROGRAM FOR CARPET AND ATTACHED CUSHION (H-85-84)

Legal Authority: 42 USC 3535(d); 12 USC 1715(b)

CFR Citation: 24 CFR 200.935; 24 CFR 200.944

Abstract: Would promulgate HUD Use of Materials Bulletin (UM) No. 44d, which is a revision of existing UM 44c, and accepts national industry consensus standards for manufacture, sampling, testing, and acceptance of carpet and carpet with attached cushion. In addition, it would provide for a certification and labeling program for carpet to be acceptable under HUD programs.

Timetable:

Action	Date	FR Cite
NPRM	04/00/85	

Small Entity: No

Agency Contact: Donald R. Fairman, Chief, Department of Housing and Urban Development, Office of Housing, Technical Support Branch, 202 755-5718

RIN: 2502-AC71

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28. MULTIFAMILY PARTICIPATION REVIEW COMMITTEE (H-75-84; FR-2008)

Legal Authority: 42 USC 3535(d)

CFR Citation: 24 CFR 200.93

Abstract: This final rule would amend the designated membership of the multifamily participation Review Committee to reflect the joint utilization of the committee by the Assistant Secretary for Housing-Federal Commissioner and the Assistant Secretary for Public and Indian Housing. This change reflects the 1983 reorganization of the Department, which established the position of the Assistant Secretary for Public and Indian Housing.

Timetable:

Action	Date	FR Cite
Final Action	03/00/85	

Small Entity: No

Agency Contact: Jon Will Pitts, Director, Department of Housing and Urban Development, Office of Housing, Participation and Compliance Division, 202 755-6776

RIN: 2502-AC72

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29. REVISION OF DIRECT ENDORSEMENT PROGRAM (H-84-84)

Priority: Undetermined

Legal Authority: 42 USC 3535(d)

CFR Citation: 24 CFR 200.161

Abstract: Revision of Direct Endorsement Program to lower net worth requirement to make program usable for smaller lenders. This regulation would eliminate special requirements and let any approved mortgagee participate.

Timetable:

Action	Date	FR Cite
Final Action Effective	03/00/85	

Small Entity: No

Agency Contact: Brian Chappelle, Acting Director, Department of Housing and Urban Development, Office of Housing, Single Family Development Division, 202 755-6720

RIN: 2502-AC75

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30. USE OF MATERIALS BULLETIN (UM) NO. 52B - HUD BUILDING PRODUCT STANDARDS AND CERTIFICATION PROGRAM FOR WOOD FLUSH DOORS (H-83-84)

Legal Authority: 42 USC 3535(d); 12 USC 1715(b)

CFR Citation: 24 CFR 200.935; 24 CFR 200.952

Abstract: Would promulgate HUD Use of Materials Bulletin (UM) No. 52b, which is a revision of an existing UM for Wood Flush Doors. UM52b references a revised industry consensus standard that covers the manufacture, testing, and a certification and labelling of such products. In addition, it establishes a certification and labelling program for doors to be acceptable under HUD program.

Timetable:

Action	Date	FR Cite
NPRM	05/00/85	

Small Entity: No

Agency Contact: Donald R. Fairman, Chief, Department of Housing and Urban Development, Office of Housing, Technical Support Branch, 202 755-5718

RIN: 2502-AC78

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31. ● USE OF MATERIALS BULLETIN NO. 48A - HUD BUILDING PRODUCT STANDARDS AND CERTIFICATION PROGRAM FOR PRESSURE TREATED LUMBER AND PLYWOOD (H-17-85)

Priority: Undetermined

Legal Authority: 42 USC 3535(d)

CFR Citation: 24 CFR 200

Abstract: This bulletin would revise an existing bulletin covering pressure treated lumber and plywood for use above ground, at ground contact and for ground contact foundations.

Timetable:

Action	Date	FR Cite
NPRM	10/00/85	

Small Entity: No

Agency Contact: Donald R. Fairman, Chief, Technical Support Branch, Department of Housing and Urban Development, Office of Housing, Office of Manufactured Housing and, Regulatory Functions, 202 755-5718

RIN: 2502-AC98

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32. ● USE OF MATERIALS BULLETIN NO. 71 - POLYSTYRENE FOAM BOARD (H-20-85)

Priority: Undetermined

Legal Authority: 12 USC 1735e

CFR Citation: 24 CFR 200

Abstract: This rule would establish standards for Polystyrene Foam Board approved for use in structures insured under the National Housing Act.

Timetable:

Action	Date	FR Cite
NPRM	08/00/85	

Small Entity: Undetermined

Agency Contact: Donald Fairman, Chief, Technical Support Branch, Department of Housing and Urban Development, Office of Housing, Office of Manufactured Housing and, Regulatory Functions, 202 755-5718

RIN: 2502-AD00

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33. ● USE OF MATERIALS BULLETIN NO. 40C - GRADEMARKING OF PLYWOOD (H-21-85)

Priority: Undetermined

Legal Authority: 12 USC 1735e

CFR Citation: 24 CFR 200

Abstract: This rule would establish standards for Grademarking of Plywood approved for use in structures insured under the National Housing Act.

Timetable:

Action	Date	FR Cite
NPRM	08/00/85	

Small Entity: Undetermined

Agency Contact: Donald Fairman, Chief, Technical Support Branch, Department of Housing and Urban Development, Office of Housing, Office of Manufactured Housing and, Regulatory Functions, 202 755-5718

RIN: 2502-AD01

34. ● USE OF MATERIALS BULLETIN NO. 88 - MAT FORMED PARTICLEBOARD (H-22-85)

Priority: Undetermined

Legal Authority: 12 USC 1735e

CFR Citation: 24 CFR 200

Abstract: This rule would establish standards for mat formed particleboard approved for use in structures insured under the National Housing Act.

Timetable:

Action	Date	FR Cite
NPRM	10/00/85	

Small Entity: Undetermined

Agency Contact: Donald Fairman, Chief, Technical Support Branch, Department of Housing and Urban Development, Office of Housing, Office of Manufactured Housing and, Regulatory Functions, 202 755-5718

RIN: 2502-AD02

35. PROPERTY IMPROVEMENT AND MANUFACTURED HOME LOAN PROGRAM DEREGULATION AMENDMENTS (H-57-81; FR-1656)

Priority: Agency Determination, Major

Legal Authority: 12 USC 1703

CFR Citation: 24 CFR 201

Abstract: Would amend and revise Part 201 in accordance with the Department's deregulation efforts. Would reduce the regulations by approximately twenty-five percent and clarify the remaining. The revisions also would include amendments that address findings of OIG audits of the programs.

Timetable:

Action	Date	FR Cite
NPRM	07/05/84	49 FR 27553
NPRM Comment Period Begin	07/05/84	
NPRM Comment Period End	08/20/84	
Final Action	06/00/85	

Small Entity: No

Additional Information: Includes: H-90-82, H-91-82, H-92-82.

Agency Contact: Christopher Peterson, Director, Department of Housing and Urban Development, Office of Housing, Title I Insurance Division, 202 755-6880

RIN: 2502-AA93

36. SECOND MORTGAGES OR LIENS ON FHA-INSURED MORTGAGES—ESCROW ACCOUNTS ASSOCIATED WITH INTEREST BUY-DOWNS (H-84-82; FR-1590)

Legal Authority: 12 USC 1709; 12 USC 1715

CFR Citation: 24 CFR 203.32; 24 CFR 213.520; 24 CFR 234.55; 24 CFR 235

Abstract: Would reverse current prohibition against the use of insured mortgages on properties with secondary mortgages or liens. These amendments also provide for the recapture of funds placed into escrow accounts to reduce the mortgagor's monthly payments to principal and interest in the early years of the mortgage. No alternatives are being considered. No potential costs have been identified. Potential benefits include greater homeownership opportunities for homebuyers, allowing sellers to recapture funds used to buy down interest rates and increased use of buy down which would allow more families to qualify for mortgages.

Timetable:

Action	Date	FR Cite
NPRM	04/10/84	49 FR 14113
NPRM Comment Period Begin	04/10/84	49 FR 14113
NPRM Comment Period End	06/10/84	
Final Action	05/00/85	

Small Entity: No

Agency Contact: Brian Chappelle, Acting Director, Department of Housing and Urban Development, Office of Housing, Single Family Development Division, 202 755-6720

RIN: 2502-AA57

37. ELIGIBILITY OF MORTGAGES INVOLVING A DWELLING UNIT IN A COOPERATIVE HOUSING DEVELOPMENT (H-93-82; FR-1742)

Legal Authority: 12 USC 1709

CFR Citation: 24 CFR 203.43c; 24 CFR 203.437

Abstract: Would relax some restrictions which have unnecessarily inhibited activity under the program. The rule would delete the requirement that corporations waive the right of first refusal and it would eliminate the limitation of the mortgage term on an individual share to the term remaining on the blanket mortgage. The 1983 statute extends the availability of mortgage insurance in existing conventionally financed cooperatives provided construction has been completed one year. The statute removed the requirement that the cooperative have an insured blanket mortgage.

Timetable:

Action	Date	FR Cite
NPRM	10/15/84	49 FR 40188
NPRM Comment Period Begin	10/15/84	49 FR 40189
NPRM Comment Period End	12/14/84	
Final Action	05/00/85	

Small Entity: No

Agency Contact: Brian Chappelle, Acting Director, Department of Housing and Urban Development, Office of Housing, Single Family Development Division, 202 755-6720

RIN: 2502-AA61

38. ISSUE DATE OF DEBENTURES (H-51-81; FR-1501)

Legal Authority: 12 USC 1701 et seq National Housing Act, as amended

CFR Citation: 24 CFR 203.410

Abstract: Would change the method by which debenture interest is computed when a property is conveyed to the Secretary in exchange for insurance benefits.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Agency Contact: Richard B. Buchheit, Director, Department of Housing and Urban Development, Office of Housing, Single Family Servicing Division, 202 755-6672

RIN: 2502-AA91

39. MUTUAL MORTGAGE INSURANCE AND REHABILITATION LOANS PREPAYMENT PRIVILEGES AND APPLICATION OF LATE CHARGES (H-9-79; FR-1028)

Legal Authority: 12 USC 1709; 12 USC 1715b; 42 USC 3535(d)

CFR Citation: 24 CFR 203.22(b); 24 CFR 203.24(a); 24 CFR 203.558; 24 CFR 213.513; 24 CFR 213.515; 24 CFR 222.6; 24 CFR 234.37

Abstract: Would provide that insured single family mortgages will no longer require 30 days advance notice of prepayment or payment on interest payment date. Would also permit mortgagees to collect late charges within the purview of the security instruments.

Timetable:

Action	Date	FR Cite
NPRM	05/18/84	49 FR 21079
NPRM Comment Period Begin	05/18/84	49 FR 21079
NPRM Comment Period End	06/18/84	
Final Action	03/00/85	
Final Action Effective	04/00/85	

Small Entity: No

Agency Contact: Richard Buchheit, Director, Department of Housing and Urban Development, Office of Housing, Single Family Servicing Division, 202 755-6672

RIN: 2502-AB02

40. MORTGAGE INSURANCE FOR ONE-TO-FOUR-FAMILY RESIDENCES—ADJUSTMENT FOR DAMAGES OR NEGLECT (H-19-79; FR-837)

Legal Authority: 12 USC 1715b National Housing Act, as amended; 42 USC 3535(d) Department of HUD Act

CFR Citation: 24 CFR 203

Abstract: Allows conveyance or assignment of fire damaged property when the fire insurance policy has been terminated (or renewal refused) and the mortgagee has been unable to obtain adequate insurance to protect its investment.

Timetable:

Action	Date	FR Cite
Interim Final Rule	08/26/80	45 FR 56800
Interim Rule effective	09/22/80	
Final Action	04/00/85	

Small Entity: No

Agency Contact: Richard Buchheit, Director, Department of Housing and Urban Development, Office of Housing, Single Family Servicing Division, 202 755-6672

RIN: 2502-AB03

41. MORTGAGEE APPROVAL - ELIGIBILITY REQUIREMENTS (H-64-78; FR-903)

Legal Authority: 12 USC 1709; 12 USC 1713; 12 USC 1715

CFR Citation: 24 CFR 203; 24 CFR 207; 24 CFR 211

Abstract: Amended Part 203 to simplify and reorganize mortgagee approval requirements. Amended financial reporting requirements for mortgagees and moved the requirements relating to the withdrawal of mortgagee approval to Part 25.

Timetable:

Action	Date	FR Cite
Interim Final Rule	07/30/80	45 FR 50560
Interim Rule effective	09/10/80	
Final Action	00/00/00	

Small Entity: No

Agency Contact: Andrew Zirneklis, Mortgagee Review Board Officer, Department of Housing and Urban Development, Office of Housing, Office of Lender Activities and Land Sales, Registration, 202 755-6924

RIN: 2502-AB12

42. TEMPORARY MORTGAGE ASSISTANCE PAYMENTS (TMAP), AND ASSIGNMENTS TO HOUSING AND URBAN DEVELOPMENT (H-29-81; FR-1415)

Priority: Agency Determination

Legal Authority: 12 USC 1715b; 12 USC 1715u

CFR Citation: 24 CFR 203; 24 CFR 204

Abstract: Amendment to TMAP and Assignment Rule in consideration of District Court holdings against the Department which were based on a now expired settlement agreement.

Timetable:

Action	Date	FR Cite
Final Action	03/00/85	
Final Action Effective	04/00/85	

Small Entity: No

Agency Contact: Richard B. Buchheit, Director, Single Family Servicing Division, Department of Housing and Urban Development, Office of Housing, 202 755-8680

RIN: 2502-AB79

43. VETERAN QUALIFICATIONS—ELIGIBILITY REQUIREMENTS FOR MUTUAL MORTGAGE INSURANCE AND REHABILITATION LOANS (H-47-83; FR-1801)

Legal Authority: 12 USC 1709; 12 USC 1715b; 12 USC 3535(d)

CFR Citation: 24 CFR 203.18

Abstract: Rule proposes to eliminate the requirement that a veteran submit a Certificate of Veteran Status from the Veterans Administration in order to establish eligibility for special loan terms for veterans. The proposed change would permit a veteran to certify that he or she qualifies as a veteran and would require the veteran to submit only a copy of his or her discharge papers. This change would expedite the processing of FHA mortgage insurance for veterans and eliminate the fee charged by the Veterans Administration for issuance of a Certificate of Veteran Status.

Timetable:

Action	Date	FR Cite
NPRM	05/00/85	

Small Entity: No

Agency Contact: Brian Chappelle, Acting, Director, Department of Housing and Urban Development, Office of Housing, Single Family Development Division, 202 755-6720

RIN: 2502-AB89

44. MORTGAGE INSURANCE ENDORSEMENT ON A NEW OR EXISTING DWELLING IN A NEW SUBDIVISION OR IMPROVED AREA (H-13-84; FR-1867)

Priority: Agency Determination

Legal Authority: 12 USC 1709 Sec. 203 National Housing Act; 12 USC 1715b Sec. 211 National Housing Act; 42 USC 3535(d)

CFR Citation: 24 CFR 203.12

Abstract: This proposed rule would establish Sec. 203.12 in Title 24 of the Code of Federal Regulations setting forth an optional procedure for complying with HUD requirements for conditional and master conditional commitments and endorsement of a mortgage on one- to four-family dwellings located in an improved area. Current policies require that a new subdivision must be shown to satisfy HUD subdivision analysis requirements which cover both environmental and

underwriting factors, and other site development criteria.

Timetable:

Action	Date	FR Cite
NPRM	05/24/84	49 FR 21938
NPRM Comment Period Begin	05/24/84	49 FR 21938
NPRM Comment Period End	07/23/84	
Final Action	03/00/85	

Small Entity: Undetermined

Agency Contact: Alan Kappeler, Director, Department of Housing and Urban Development, Office of Housing, Office of Single Family Housing and, Mortgages Activities, 202 755-3046

RIN: 2502-AC04

45. REINSURANCE DEMONSTRATION PROGRAM (H-46-84)

Legal Authority: PL 98-181, Sec 428 The Housing & Urban-Rural Recov. Act of 1983

CFR Citation: 24 CFR 203

Abstract: This program would test feasibility of entering into reinsurance contracts with private mortgage insurance companies in order to reduce government risk and speed mortgage processing. Benefits would be improved processing at reduced costs for the government.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: Undetermined

Agency Contact: Brian Chappelle, Acting Director, Department of Housing and Urban Development, Office of Housing, Single Family Development Division, 202 755-6720

RIN: 2502-AC11

46. MUTUAL MORTGAGE INSURANCE AND REHABILITATION LOANS; ELIMINATION OF RESTRICTIONS ON CONTIGUOUS PROPERTIES APPLICABLE TO INVESTOR MORTGAGORS (H-1-84; FR-1831)

Legal Authority: 12 USC 1715b; 42 USC 3535(d)

CFR Citation: 24 CFR 203.42(a)

Abstract: This proposed rule would amend 24 CFR 203.42(a). The current rule prohibits the insuring of a mortgage on property on which there is a dwelling to be rented by a mortgagor, if the property is part of, or contiguous to, a subdivision or group of similar properties and if the mortgagor has a financial interest in eight or more of the contiguous properties. This rulemaking would modify this rental property mortgage restriction, thereby enabling investors to more freely apply for FHA mortgage insurance to purchase one-to-four family rental units.

Timetable:

Action	Date	FR Cite
NPRM	03/00/85	

Small Entity: No

Agency Contact: Brian Chappelle, Acting Director, Department of Housing and Urban Development, Office of Housing, Single Family Housing Division, 202 755-6720

RIN: 2502-AC17

47. CHANGES IN MAXIMUM LOAN-TO-VALUE RATIO, SINGLE FAMILY HOUSING (H-42-84; FR-1935)

Priority: Agency Determination

Legal Authority: PL 98-181; 42 USC 3535(d)

CFR Citation: 24 CFR 203; 24 CFR 226; 24 CFR 234

Abstract: Regulation to permit a maximum loan-to-value ratio of 97 percent to owner-occupants purchasing one-to-four-family dwellings appraised at no more than $50,000.

Timetable:

Action	Date	FR Cite
NPRM	10/10/84	49 FR 39686
NPRM Comment Period Begin	10/10/84	49 FR 39686
NPRM Comment Period End	12/10/84	
Final Action	03/00/85	

Small Entity: No

Agency Contact: Brian Chappelle, Acting Director, Department of Housing and Urban Development, Office of Housing, Single Family Development Division, 202 755-6720

RIN: 2502-AC33

48. EXTENDING SINGLE FAMILY ONE-TIME MORTGAGE INSURANCE PREMIUM PROVISION FOR SINGLE-FAMILY MORTGAGES TO FUNDS OTHER THAN THOSE INSURED UNDER THE MUTUAL MORTGAGE INSURANCE FUND (H-40-84; ETC

Legal Authority: 12 USC 1715b; 42 USG 3535(d)

CFR Citation: 24 CFR 203; 24 CFR 213; 24 CFR 220; 24 CFR 221; 24 CFR 226; 24 CFR 227; 24 CFR 234

Abstract: Rule under consideration by the Department to extend the one-time mortgage insurance premium provision for single-family mortgages to funds other than the Mutual Mortgage Insurance Fund.

Timetable:

Action	Date	FR Cite
NPRM	06/00/85	
NPRM Comment Period Begin	06/00/85	
NPRM Comment Period End	08/00/85	
Final Action	10/00/85	

Small Entity: Not Applicable

Additional Information: TITLE CONT: FR-1930).

Agency Contact: James B. Mitchell, Director, Department of Housing and Urban Development, Office of Housing, Financial Policy Division, 202 426-4325

RIN: 2502-AC35

49. SINGLE FAMILY MORTGAGE INSURANCE ON HAWAIIAN HOME LANDS (H-39-84; FR-1928)

Priority: Agency Determination

Legal Authority: PL 98-181; 42 USC 3535(d)

CFR Citation: 24 CFR 203

Abstract: Regulation to provide mortgage insurance for certain property located within Hawaiian homelands.

Timetable:

Action	Date	FR Cite
NPRM	06/00/85	

Small Entity: No

Agency Contact: Alan Kappeler, Director, Department of Housing and Urban Development, Office of Housing, Office of Single Family Housing, 202 755-3046

RIN: 2502-AC36

50. PAYMENT OF CLAIMS WITHOUT ACQUISITION OF TITLE (H-38-84; FR-1927)

Priority: Agency Determination

Legal Authority: 12 USC 1710; PL 98-181

CFR Citation: 24 CFR 200; 24 CFR 203; 24 CFR 204; 24 CFR 220; 24 CFR 228

Abstract: Would authorize the Secretary to pay insurance claims without acquiring title to the property where (1) foreclosure sale produces price equal to property's fair market value (less appropriate adjustments for acceptable costs) and (2) insurance claim is assigned to the Secretary.

Timetable:

Action	Date	FR Cite
NPRM	01/10/85	50 FR 1233
NPRM Comment Period Begin	01/10/85	50 FR 1233
NPRM Comment Period End	03/11/85	
Final Action	05/00/85	

Small Entity: Undetermined

Agency Contact: Alan Kappeler, Department of Housing and Urban Development, Office of Housing, Office of Single Family Housing, **202 755-3046**

RIN: 2502-AC37

51. SINGLE FAMILY MORTGAGE INSURANCE - INDIAN RESERVATIONS (H-36-84; FR-1921)

Priority: Undetermined

Legal Authority: PL 98-181; 42 USC 3535(d)

CFR Citation: 24 CFR 203; 24 CFR 234

Abstract: Regulation to provide mortgage insurance on Indian reservations.

Timetable:

Action	Date	FR Cite
NPRM	10/19/84	49 FR 41212
NPRM Comment Period Begin	02/18/85	
Final Action	06/00/85	

Small Entity: No

Agency Contact: Brian Chappelle, Acting Director, Department of Housing and Urban Development, Office of Housing, Single Family Development Division, **202 755-6720**

RIN: 2502-AC39

52. INSURANCE OF SINGLE FAMILY SHARED APPRECIATION MORTGAGES (H-33-84; FR-1917)

Legal Authority: 42 USC 1715z

CFR Citation: 24 CFR 203; 24 CFR 234

Abstract: HUD proposes regulations governing the insurance of mortgages, the terms of which permit the lender to share in the net appreciated value of the mortgaged property at the time of its sale.

Timetable:

Action	Date	FR Cite
NPRM	03/00/85	

Small Entity: No

Agency Contact: Brian Chappelle, Acting Director, Department of Housing and Urban Development, Office of Housing, Single Family Development Division, **202 755-6720**

RIN: 2502-AC42

53. INSURANCE OF SINGLE FAMILY ADJUSTABLE RATE MORTGAGES (H-32-84; FR-1916)

Priority: Agency Determination

Legal Authority: 12 USC 1715z

CFR Citation: 24 CFR 203; 24 CFR 221; 24 CFR 234

Abstract: HUD will propose regulations governing the insuring of mortgages, the terms of which permit adjustments to a mortgagor's payments based on changes in an interest rate index.

Timetable:

Action	Date	FR Cite
Interim Final Rule	06/06/84	49 FR 23580
Interim Rule effective	07/30/84	
Comments due	08/06/84	
Final Action	08/00/85	

Small Entity: No

Agency Contact: Brian Chappelle, Acting Director, Department of Housing and Urban Development, Office of Housing, Single Family Development Division, **202 755-6720**

RIN: 2502-AC43

54. INSURANCE OF SINGLE FAMILY INDEXED MORTGAGES (H-31-84; FR-1915)

Priority: Agency Determination

Legal Authority: 12 USC 1715z-10

CFR Citation: 24 CFR 203; 24 CFR 234

Abstract: HUD will propose regulations governing the insuring of a mortgage, the terms of which permit for adjustments to the principal balance of the loan, and mortgagee payments based upon periodic changes in a price index.

Timetable:

Action	Date	FR Cite
NPRM	06/04/84	49 FR 23063
NPRM Comment Period Begin	06/04/84	49 FR 23063
NPRM Comment Period End	08/03/84	
Final Action	10/00/85	

Small Entity: No

Agency Contact: Brian Chappelle, Acting Director, Department of Housing and Urban Development, Office of Housing, Single Family Development Division, **202 755-6720**

RIN: 2502-AC44

55. RETENTION PERIOD FOR MORTGAGEE SINGLE FAMILY CLAIM RECORDS (H-81-84)

Priority: Undetermined

Legal Authority: 42 USC 3535(d)

CFR Citation: 24 CFR 203

Abstract: Under the new Single Family Claims System, the mortgagee is not required to provide documentation to support the fiscal data reported or entered on the new claim form. Instead, the mortgagee will be randomly audited; at which time is mortgagee is expected to produce all the supporting receipts, payment ledger records, etc.

We plan to change the regulations to specify the retention period and file contents for records supporting single family claim payments and mortgage reviews.

Timetable:

Action	Date	FR Cite
NPRM	03/00/85	

Small Entity: Yes

Agency Contact: S.A. Evans, Director, Department of Housing and Urban Development, Office of Housing, Office of Finance and Accounting, **202 755-6310**

RIN: 2502-AC50

56. LIMIT ON CLAIM COST (H-82-84)

Priority: Undetermined

Legal Authority: 42 USC 3535(d)

CFR Citation: 24 CFR 203

Abstract: Due to the costs of processing single family to both HUD and the mortgagee, we propose a regulation change which will set a limit of $50 or less on 1) the amount of refund HUD will expect from the mortgagee, and 2) the amount of claim the mortgagee will file with HUD.

Timetable:

Action	Date	FR Cite
NPRM	03/00/85	

Small Entity: Yes

Agency Contact: S. A. Evans, Director, Department of Housing and Urban Development, Office of Housing, Office of Finance and Accounting, 202 755-6310

RIN: 2502-AC52

57. PENALTY FOR LACK OF DOCUMENTATION (H-80-84)

Priority: Undetermined

Legal Authority: 42 USC 3535(d)

CFR Citation: 24 CFR 203

Abstract: The new single family process provides for "random audits" of mortgagees' records which file S/F claims with HUD for insurance benefits. During the audit, the mortgagee will be required to provide specific supporting documentation. When the mortgagee cannot produce the required documentation, HUD will penalize the mortgagee for the amount not supported plus the current interest rate on that unsupported amount from the date of payment.

Timetable:

Action	Date	FR Cite
NPRM	03/00/85	

Small Entity: No

Agency Contact: S.A. Evans, Director, Department of Housing and Urban Development, Office of Housing, Office of Finance and Accounting, 202 755-6310

RIN: 2502-AC54

58. REFINANCING OF FHA SINGLE FAMILY LOANS-TECHNICAL REVISIONS (H-66-84; FR-1979)

Priority: Undetermined

Legal Authority: 42 USC 3535(d)

CFR Citation: 24 CFR 203

Abstract: The proposed rule would make various technical revisions to provisions in 24 CFR Part 203 relating to FHA insurance in connection with the refinancing of single family housing.

Timetable:

Action	Date	FR Cite
NPRM	03/00/85	

Small Entity: No

Agency Contact: Brian Chappelle, Acting Director, Department of Housing and Urban Development, Office of Housing, Office of Single Family Housing, 202 755-6720

RIN: 2502-AC80

59. ● FHA MORTGAGE INSURANCE ON INDIAN LAND WHERE THE TRIBE IS THE MORTGAGOR (H-8-85; FR-2059)

Priority: Agency Determination

Legal Authority: 42 USC 3535(d)

CFR Citation: 24 CFR 203

Abstract: Regulation to provide mortgage insurance on Indian reservations where there is a problem with marketability of title and where the tribe is mortgagor.

Timetable:

Action	Date	FR Cite
NPRM	07/00/85	
NPRM Comment Period Begin	07/00/85	
NPRM Comment Period End	09/00/85	
Final Action	01/00/86	

Small Entity: No

Agency Contact: Brian Chappelle, Acting Director, Department of Housing and Urban Development, Office of Housing, Single Family Development Division, 202 755-6720

RIN: 2502-AC81

60. ● CONVEYANCE OF OCCUPIED PROPERTIES TO HUD (H-9-85; FR-2064)

Priority: Agency Determination

Legal Authority: 12 USC 1709; 12 USC 1710; 12 USC 1715l(d)(2)

CFR Citation: 24 CFR 203

Abstract: This proposed rule would amend the current rule on occupied conveyances of HUD-acquired properties. Included in this proposed rule are revised criteria for determining when HUD will accept conveyance of a one-to-four-family property by a mortgagee when there are tenants of a former mortgagor in occupancy.

Timetable:

Action	Date	FR Cite
NPRM	05/00/85	

Small Entity: No

Agency Contact: Alan J. Kappeler, Acting Director, Department of Housing and Urban Development, Office of Housing, Single Family Property Disposition, 202 755-5740

RIN: 2502-AC86

61. COINSURANCE PROGRAM (H-28-80; FR-1094)

Legal Authority: 12 USC 1701

CFR Citation: 24 CFR 204

Abstract: Would revise the single family coinsurance requirements to adopt a recently proposed rule and to incorporate certain public comments received in response to that proposal. This revision: (1) extends coverage to include mortgages on condominiums and non-occupant owner transactions; (2) replaces the stop-loss provision with a hold-harmless provision intended to protect the secondary market against failure of lenders to pass through insurance benefits paid by HUD; (3) clarifies and simplifies various requirements in light of several years' experience with the program; and (4) permits coinsuring mortgagees to obtain mortgage insurance to cover the risk of their 10 percent exposure. Includes H-59-81.

Timetable:

Action	Date	FR Cite
NPRM	11/25/80	46 FR 78164
Interim Final Rule	07/00/85	

Small Entity: No

Additional Information: Includes: H-59-81.

Agency Contact: Brian Chappelle, Acting Director, Department of Housing and Urban Development, Office of Housing, Single Family Development Division, **202 755-6720**

RIN: 2502-AB01

62. MORTGAGE INSURANCE FOR LAND DEVELOPMENT (TITLE X); PROVIDES ELIGIBILITY FOR REFINANCING TRANSACTIONS (H-41-83; FR-1779)

Legal Authority: 12 USC 1715n

CFR Citation: 24 CFR 205

Abstract: This rule provides for the refinancing of existing mortgages insured under Title X of the National Housing Act.

Timetable:

Action	Date	FR Cite
NPRM	06/12/84	49 FR 24147
NPRM Comment Period Begin	06/12/84	49 FR 24147
NPRM Comment Period End	08/13/84	
Final Action	03/00/85	

Small Entity: No

Agency Contact: Brian Chappelle, Acting Director, Department of Housing and Urban Development, Office of Housing, Single Family Development Division, **202 755-6720**

RIN: 2502-AB98

63. GEOGRAPHICAL ELIGIBILITY OF PROPERTY (H-67-84; FR-1982)

Legal Authority: 42 USC 3535(d)

CFR Citation: 24 CFR 205; 24 CFR 207; 24 CFR 213; 24 CFR 220; 24 CFR 221; 24 CFR 232; 24 CFR 234; 24 CFR 242; 24 CFR 244; 24 CFR 250; 24 CFR 255

Abstract: This rule would make clear that property in certain U.S. Territories is eligible for HUD's insurance programs.

Timetable:

Action	Date	FR Cite
Final Action	03/00/85	
Final Action Effective	05/00/85	

Small Entity: No

Agency Contact: James Hamernick, Director, Department of Housing and Urban Development, Office of Housing, Office of Insured Multifamily Housing, Development, **202 755-6500**

RIN: 2502-AC51

64. MULTIFAMILY MORTGAGE INSURANCE (H-96-82)

Legal Authority: 12 USC 1713; 12 USC 1715d; 12 USC 1715k; 12 USC 1715z-10; 12 USC 1715z-6; 12 USC 1752-9; 12 USC 1715l; 12 USC 1715z-7

CFR Citation: 24 CFR 207; 24 CFR 213; 24 CFR 220; 24 CFR 221; 24 CFR 232; 24 CFR 241; 24 CFR 242; 24 CFR 244

Abstract: Would amend mortgage insurance regulations to require payment of fees for rehabilitation feasibility processing and for reprocessing of outstanding commitments after appropriate extensions.

Timetable:

Action	Date	FR Cite
NPRM	06/00/85	

Small Entity: No

Agency Contact: Joseph E. Malloy, Chief, Insurance Branch, Department of Housing and Urban Development, Office of Housing, Office of Insured Multifamily Housing, Development, **202 755-6223**

RIN: 2502-AA63

65. MORTGAGE INSURANCE PROGRAMS UNDER NATIONAL HOUSING ACT (H-48-81; FR-1525)

Legal Authority: 12 USC 1713; 12 USC 1715

CFR Citation: 24 CFR 207; 24 CFR 213; 24 CFR 220; 24 CFR 221; 24 CFR 231; 24 CFR 232; 24 CFR 234; 24 CFR 242; 24 CFR 244

Abstract: Would amend Parts 207, 213, 220, 221, 231, 232, 234, 242 and 244 to allow up to a 20% increase in maximum project mortgage amounts to cover increased costs due to the installation of a solar energy system or residential energy conservation measures.

Timetable:

Action	Date	FR Cite
Final Action	06/00/85	

Small Entity: No

Agency Contact: Joseph E. Malloy, Chief, Insurance Branch, Department of Housing and Urban Development, Office of Housing, Office of Insured Multifamily Housing, Development, **202 755-6223**

RIN: 2502-AA90

66. LIMITATION ON PREPAYMENT FOR BOND FINANCED PROJECTS (H-54-83; FR-1819)

Priority: Undetermined

Legal Authority: 12 USC 1170

CFR Citation: 24 CFR 207; 24 CFR 213; 24 CFR 220; 24 CFR 221; 24 CFR 231; 24 CFR 232; 24 CFR 241

Abstract: This rule will make the cited sections consistent with Section 221 which already contains this provision. The prepayment limitation to the mortgage insurance regulations was added due to the increased use of tax-exempt bonds as a financing mechanism. Bond purchases typically demand a ten-year period during which the bonds cannot be called except in extraordinary circumstances such as an FHA insurance claim.

Timetable:

Action	Date	FR Cite
NPRM	04/00/85	

Small Entity: Undetermined

Agency Contact: Joseph E. Malloy, Chief, Insurance Branch, Department of Housing and Urban Development, Office of Housing, Office of Insured Multifamily Housing, Development, **202 755-6223**

RIN: 2502-AC01

67. MULTIFAMILY HOUSING MORTGAGE INSURANCE - ASSIGNMENT OF INSURED MORTGAGES (H-35-83; FR-1768)

Legal Authority: 12 USC 1713; 43 USC 3535(d)

CFR Citation: 24 CFR 207.261

Abstract: The proposed rule would amend 24 CFR 207.261 to permit a mortgagee to sell or syndicate the entire or any portion of its beneficial interest in an insured multifamily mortgage or pool of multifamily mortgages without prior HUD consent if certain conditions are met. These conditions would maintain the rights, benefits, and obligations of all parties potentially

affected by an assignment of insured mortgages.

Timetable:

Action	Date	FR Cite
NPRM	10/10/84	49 FR 39688
NPRM Comment Period Begin	10/10/84	49 FR 39688
NPRM Comment Period End	12/10/84	
Final Action	03/00/85	

Small Entity: No

Agency Contact: James T. Tahash, Department of Housing and Urban Development, Office of Housing, Office of Multifamily Housing Management, 202 426-3944

RIN: 2502-AC14

68. CHANGE IN DEFAULT NOTICE REPORTING PERIOD - MULTIFAMILY INSURANCE (H-4-84; FR-1842)

Legal Authority: 42 USC 3535(d); 12 USC 1713

CFR Citation: 24 CFR 207.256

Abstract: The Department proposes to amend its default notification regulation to move up the date upon which a mortgagee must notify HUD of a mortgagor's non-payment.

Timetable:

Action	Date	FR Cite
NPRM	03/00/85	

Small Entity: No

Agency Contact: James Tahash, Department of Housing and Urban Development, Office of Housing, Office of Multifamily Housing Management, 202 426-3944

RIN: 2502-AC18

69. MULTIFAMILY MORTGAGE INSURANCE PROGRAMS; REQUIREMENT OF INCREASED EQUITY LIMITED RECOURSE OR SPECIAL ESCROW (H-15-84; FR-1871)

Priority: Undetermined

Legal Authority: 12 USC 1715b; 42 USC 3535(d)

CFR Citation: 24 CFR 207.4; 24 CFR 207.19; 24 CFR 220.507; 24 CFR 220.508; 24 CFR 221.514; 24 CFR 221.515; 24 CFR 221.531; 24 CFR 221.532; 24 CFR 231.3; 24 CFR 231.4; 24 CFR 232.30; 24 CFR 232.32; 24 CFR 232.61

Abstract: HUD will propose to strengthen the commitment of profit motivated and limited dividend multifamily mortgagors by limiting their mortgages to 85 percent of value or replacement cost, except in cases where the mortgagors agree either to accept limited personal liability for loan repayment or to establish an up-front, rent-up escrow. More specifically, a profit-motivated or limited distribution mortgagor would not be permitted to receive a mortgage in excess of 85 percent of value or replacement cost, unless it were to agree to either:

1. Provide an escrow, in the form of cash or letter of credit, of an amount equal to three percent of the mortgage. The escrow funds would have to remain available for project use until the project achieved sustaining occupancy and showed a positive cash flow, at which time one half of the escrow balance would be released; the remainder of the escrow funds would be released 120 days later, assuming that the positive cash flow condition had been maintained; or

2. Assume personal liability for repayment of a percentage of the mortgage amount, determined in accordance with sliding scale.

Timetable:

Action	Date	FR Cite
NPRM	09/20/84	49 FR 36871
NPRM Comment Period Begin	09/20/84	49 FR 36871
NPRM Comment Period End	11/19/84	
Final Action	08/00/85	

Small Entity: Undetermined

Agency Contact: Joseph E. Malloy, Chief, Insurance Branch, Department of Housing and Urban Development, Office of Housing, Office of Insured Multifamily Housing, Development, 202 755-6223

RIN: 2502-AC19

70. DEREGULATION OF RENTS (H-28-84; FR-1905)

Priority: Agency Determination

Legal Authority: PL 98-181

CFR Citation: 24 CFR 207; 24 CFR 220; 24 CFR 221

Abstract: This proposed rule would implement a recent statutory amendment granting the Secretary discretion to regulate rents, among other things, in unsubsidized multifamily projects with mortgages insured pursuant to section 207 of the National Housing Act after 11/30/83. Before this amendment, the statute mandated that the Secretary regulate rents in those projects. The rule also adds an alternative method of determining rents in projects insured before 11/30/83 under sections 207, 220 and 221.

Timetable:

Action	Date	FR Cite
Final Action	05/00/85	

Small Entity: No

Agency Contact: James Tahash, Director, Department of Housing and Urban Development, Office of Housing, Office of Multifamily Housing Development, 202 426-3944

RIN: 2502-AC21

71. INSURANCE OF MULTIFAMILY GRADUATED PAYMENT MORTGAGES (H-16-84; FR-1872)

Priority: Undetermined

Legal Authority: 12 USC 1715z-10

CFR Citation: 24 CFR 207; 24 CFR 220; 24 CFR 221; 24 CFR 231

Abstract: These Amendments would permit the Department to insure:

1) Graduate payment mortgages - loans that provide for rates of amortization corresponding to anticipated interests in project income.

Timetable:

Action	Date	FR Cite
NPRM	10/19/84	49 FR 41068
NPRM Comment Period Begin	10/19/84	49 FR 41068
NPRM Comment Period End	12/18/84	
Final Action	06/00/85	

Small Entity: No

Additional Information: These rules may be published separately.

Agency Contact: Joseph Malloy, Chief, Insurance Branch, Department of Housing and Urban Development, Office of Housing, Office of Insured Multifamily Housing Dev., 202 755-6223

RIN: 2502-AC27

72. SECTION 223(F) INSURANCE IN CONNECTION WITH RENTAL REHABILITATION DEVELOPMENT GRANT PROGRAM (H-52-84)

Priority: Undetermined

Legal Authority: PL 98-181

CFR Citation: 24 CFR 207; 24 CFR 255

Abstract: Regulation will provide for more liberal maximum per unit repair limits and secondary financing terms for structures to be insured pursuant to Section 223(f) of the National Housing Act. Mortgage financing repair and rehabilitation may be either fully insured or coinsured.

Timetable:

Action	Date	FR Cite
NPRM	06/00/85	

Small Entity: No

Agency Contact: James Hamernick, Director, Department of Housing and Urban Development, Office of Housing, Office of Multifamily Housing Development, 202 755-6500

RIN: 2502-AC29

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73. INSURANCE OF MULTIFAMILY SHARED APPLICATION MORTGAGES (H-41-84; FR-1934)

Legal Authority: 42 USC 1715z

CFR Citation: 24 CFR 207; 24 CFR 220; 24 CFR 221; 24 CFR 231

Abstract: Regulation will govern the insuring of mortgages, the terms of which permit the lender to share in the net appreciated value of the mortgaged project at the time of its sale.

Timetable:

Action	Date	FR Cite
NPRM	08/00/85	

Small Entity: No

Agency Contact: Joseph E. Malloy, Chief, Insurance Branch, Department of Housing and Urban Development, Office of Housing, Office of Insured Multifamily Housing, Development, 202 755-6223

RIN: 2502-AC34

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74. INSURANCE OF MULTIFAMILY PARTIALLY AMORTIZED MORTGAGES (H-34-84; FR-1918)

Priority: Agency Determination

Legal Authority: 42 USC 1715z

CFR Citation: 24 CFR 207; 24 CFR 220; 24 CFR 221; 24 CFR 231

Abstract: Regulations governing the Department's insuring of mortgages, the terms of which do not require full amortization of the loan over the mortgage term.

Timetable:

Action	Date	FR Cite
NPRM	10/30/84	49 FR 43561
NPRM Comment Period Begin	10/30/84	49 FR 43561
NPRM Comment Period End	12/31/84	
Final Action	06/00/85	

Small Entity: No

Agency Contact: Joseph E. Malloy, Chief, Insurance Branch, Department of Housing and Urban Development, Office of Housing, Office of Insured Multifamily Housing, Development, 202 755-6223

RIN: 2502-AC41

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75. SECTION 223(F) COOPERATIVES (H-56-84)

Priority: Undetermined

Legal Authority: 12 USC 1715n

CFR Citation: 24 CFR 207.32a; 24 CFR 255

Abstract: This rule would provide mortgage insurance for rental housing projects to be converted to cooperatives and to refinance existing cooperatives.

Timetable:

Action	Date	FR Cite
NPRM	03/00/85	

Small Entity: Undetermined

Agency Contact: Joseph Malloy, Chief, Insurance Branch, Department of Housing and Urban Development, Office of Housing, Office of Insured Multifamily Housing, Development, 202 755-6223

RIN: 2502-AC47

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76. LIMITATION ON PREPAYMENT OF MORTGAGES OR MULTIFAMILY RENTAL HOUSING (H-54-84; FR-1952)

Priority: Undetermined

Legal Authority: PL 98-181

CFR Citation: 24 CFR 207; 24 CFR 221; 24 CFR 215; 24 CFR 886

Abstract: Rule will restrict prepayment of multifamily project mortgages whenever Secretary has prepayment approval responsibilities. Prepayment will not be approved unless project is no longer needed for lower income housing, tenants have been given notice and opportunity to comment, and a relocation assistance plan has been put in place. Where Secretary is not responsible for approving prepayment and therefore cannot restrict it, priority will be given for additional section 8 and troubled project assistance in order to discourage prepayment.

Timetable:

Action	Date	FR Cite
NPRM	06/00/85	

Small Entity: No

Agency Contact: James Tahash, Director, Department of Housing and Urban Development, Office of Housing, Program Planning, Office of Multifamily Housing Management, 202 755-3944

RIN: 2502-AC49

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77. COINSURANCE FOR THE PURCHASE OR REFINANCING OF EXISTING MULTIFAMILY HOUSING PROJECTS - TECHNICAL REVISIONS (H-63-84; FR-1973)

Priority: Undetermined

Legal Authority: 42 USC 3535(d)

CFR Citation: 24 CFR 207; 24 CFR 255

Abstract: This interim rule revises Parts 207 and 255 of the CFR in order to implement Section 303 of the Housing and Urban-Rural Recovery Act of 1983. Section 303 authorizes special FHA coinsurance benefits for multifamily housing projects which are assisted under the new Rental Rehabilitation Grant Program also authorized in the 1983 Act.

Timetable:

Action	Date	FR Cite
Interim Final Rule	07/05/84	49 FR 27489
Final Action	03/00/85	

Small Entity: No

Additional Information: Includes: H-65-83

Agency Contact: James Hamernick, Director, Department of Housing and Urban Development, Office of Housing, Office of Multifamily Housing, 202 755-5720

RIN: 2502-AC74

78. FLOOD INSURANCE REQUIREMENTS FOR MORTGAGES INSURANCE AND GRANT PROGRAM (H-74-84; FR-2007)

Legal Authority: 42 USC 4012(a); 42 USC 4106(a)

CFR Citation: 24 CFR 56; 24 CFR 207; 24 CFR 232; 24 CFR 234; 24 CFR 238; 24 CFR 241; 24 CFR 242; 24 CFR 244; 24 CFR 250; 24 CFR 511; 24 CFR 570; 24 CFR 884; 24 CFR 904; 24 CFR 905

Abstract: This rule would implement HUD's responsibilities under the Flood Disaster Protection Act of 1973. It would add a new Part 56 to specify HUD's responsibilities to require that flood insurance be obtained for eligible properties. This part would then be cross-referenced in the rules governing programs involving mortgage insurance and housing assistance grants.

Timetable:

Action	Date	FR Cite
NPRM	04/00/85	

Small Entity: No

Agency Contact: Walter Prybyla, Deputy Director, Environmental Mgt. Div., Department of Housing and Urban Development, Office of Housing, 202 755-6611

RIN: 2502-AC76

79. ● REMOVAL OF REFINANCING LIMITATIONS (H-2-85; FR-2028)

Legal Authority: 12 USC 1715k; 12 USC 1715l; 12 USC 3535(d)

CFR Citation: 24 CFR 207; 24 CFR 213; 24 CFR 220; 24 CFR 231; 24 CFR 232; 24 CFR 234; 24 CFR 242; 24 CFR 244

Abstract: This rule would revise certain financing limitations imposed on the rehabilitation of property where the mortgage covering such property is to be insured under one of the programs set out in Title II of the National Housing Act.

Timetable:

Action	Date	FR Cite
Final Action	05/00/85	

Small Entity: No

Government Levels Affected: Federal

Agency Contact: James Hamernick, Director, Department of Housing and Urban Development, Office of Housing, Office of Insured Multifamily Housing, 202 755-5720

RIN: 2502-AC89

80. PARTIAL PAYMENT OF CLAIMS (H-88-84)

Priority: Undetermined

Legal Authority: 12 USC 1715z(e)

CFR Citation: 24 CFR 208

Abstract: This rule pertains to the payment of insurance claims of defaulted multifamily project mortgages to comply with Section 213(e) of the Housing and Community Development Act of 1980.

Timetable:

Action	Date	FR Cite
Final Action	03/00/85	

Small Entity: No

Agency Contact: James J. Tahash, Director, Program Planning Division, Department of Housing and Urban Development, Office of Housing, 202 426-3944

RIN: 2502-AC62

81. COOPERATIVE HOUSING MORTGAGE INSURANCE SUBORDINATED SECRETARY-HELD MORTGAGES (H-33-83; FR-1756)

Priority: Agency Determination

Legal Authority: 12 USC 1713; 12 USC 1715e

CFR Citation: 24 CFR 207; 24 CFR 213

Abstract: The proposed rule will permit unsubsidized multifamily rental housing projects with Secretary-held mortgages to be converted to cooperatives by subordinating the Secretary-held mortgage to a new first mortgage. The proposal would benefit tenants by giving them the opportunity for cooperative homeownership at a lower cost. The government would benefit by sharing half of the equity appreciation received by the project owner in selling the project to a Cooperative.

Timetable:

Action	Date	FR Cite
NPRM	06/00/85	

Small Entity: No

Agency Contact: Joseph E. Malloy, Chief, Insurance Branch, Department of Housing and Urban Development, Office of Housing, Office of Insured Multifamily Housing, Development, 202 755-6223

RIN: 2502-AB97

82. PREFERENCES FOR PERSONS DISPLACED AND LIVING IN SUBSTANDARD HOUSING (H-22-80; FR-1597)

Priority: Agency Determination

Legal Authority: 12 USC 1701s; 42 USC 1437d; 42 USC 1437f

CFR Citation: 24 CFR 215; 24 CFR 880; 24 CFR 881; 24 CFR 882; 24 CFR 883; 24 CFR 884; 24 CFR 886; 24 CFR 904; 24 CFR 905; 24 CFR 960

Abstract: Would establish preferences in the Section 8 and Rent Supplement programs for those "living in substandard housing", and for those who are "involuntarily displaced". Would also establish the new statutory preference for those paying more than 50 percent of their income for rent.

Timetable:

Action	Date	FR Cite
NPRM	09/26/84	49 FR 37787
NPRM Comment Period Begin	09/26/84	49 FR 37787
NPRM Comment Period End	11/26/84	
Final Action	07/00/85	

Small Entity: No

Agency Contact: Margaret Milner, Program Analyst, Department of Housing and Urban Development, Office of Housing, Office of Policy Development, 202 755-6454

RIN: 2502-AA34

83. OCCUPANCY POLICIES IN ASSISTED PROJECTS FOR THE ELDERLY (H-59-83; FR-1829)

Legal Authority: 42 USC 1437d; 12 USC 1715z-1; 12 USC 1701q; 12 USC 1701s

CFR Citation: 24 CFR 215; 24 CFR 221; 24 CFR 236; 24 CFR 813; 24 CFR 860; 24 CFR 880; 24 CFR 881; 24 CFR 885; 24 CFR 889

Abstract: Proposed rule to provide for shared occupancy of units and to establish priorities for allocation of efficiency and one-bedroom units.

Timetable:

Action	Date	FR Cite
NPRM	12/07/84	49 FR 48005
NPRM Comment Period Begin	12/07/84	49 FR 48006
NPRM Comment Period End	02/05/85	
Final Action	04/00/85	
Final Action Effective	05/00/85	

Small Entity: No

Additional Information: Includes: FR-1804 (RIN-2502-AB72)

Agency Contact: James T. Tahash, Director, Department of Housing and Urban Development, Office of Housing, Program Planning Division, Office of Multifamily Housing Management, 202 426-3944

RIN: 2502-AB87

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84. DEFINITION OF INCOME RENTS AND REEXAMINATION OF FAMILY INCOME FOR THE RENT SUPPLEMENT AND SECTION 236 PROGRAMS (H-140-82, H-141-82; FR-1702)

Priority: Agency Determination

Legal Authority: 12 USC 1701s; 12 USC 1715b; 12 USC 1715z-1; 42 USC 3535(d)

CFR Citation: 24 CFR 215; 24 CFR 236

Abstract: This rule will implement recent statutory changes affecting the definition of income for purposes of eligibility and rent determination as well as rent requirements and reexamination of income under the Rent Supplement and Section 236 Programs. It adopts definitions and procedures similar to those adopted for the Section 8 and Public and Indian Housing Programs under related statutory amendments.

Timetable:

Action	Date	FR Cite
Interim Final Rule	07/23/84	49 FR 29580
Interim Rule effective	10/01/84	49 FR 29580
Final Action	05/01/85	

Small Entity: No

Agency Contact: James J. Tahash, Director, Program Planning Division, Department of Housing and Urban Development, Office of Housing, 202 426-3944

RIN: 2502-AC05

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85. STATE AGENCY AMENDMENTS (H-70-84; FR-1997)

Legal Authority: 12 USC 1715z-16(b)(3); 12 USC 1715z-16(c)

CFR Citation: 24 CFR 215; 24 CFR 221, 24 CFR 236; 24 CFR 245

Abstract: This rule would make the Department's regulations on prohibited lease terms applicable to projects owned by state housing agencies.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Agency Contact: James Tahash, Department of Housing and Urban Development, Office of Housing, Office of Multifamily Housing Management, 202 426-3970

RIN: 2502-AC73

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86. FLEXIBLE SUBSIDY PROGRAM (H-48-82)

Legal Authority: 12 USC 1715j; PL 95-551

CFR Citation: 24 CFR 219

Abstract: Would establish a flexible subsidy loan program for certain limited dividend projects for the correction of physical and cash flow deficiencies. Interim rule in preparation. (Was listed incorrectly on previous agenda as H-14-80.) Includes: H-64-82. Interim rule published May 21, 1979 (44 FR 29632), effective June 19, 1979.

Timetable:

Action	Date	FR Cite
Previous Interim Rule	05/21/79	44 FR 29632
Previous Interim Rule effective	06/19/79	44 FR 29632
Final Action	00/00/00	

Small Entity: No

Additional Information: Includes: H-64-82.

Agency Contact: James J. Tahash, Director, Department of Housing and Urban Development, Office of Housing, Program Planning Division, Office of Multifamily Housing Management, 202 426-3944

RIN: 2502-AA53

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87. MORTGAGE INSURANCE FOR BOARD AND CARE HOMES (H-55-84)

Priority: Undetermined

Legal Authority: 12 USC 1715w National Housing Act; PL 98-181

CFR Citation: 24 CFR 232

Abstract: Adds "board and care homes" as facilities eligible for NHA Mortgage insurance under section 232.

Timetable:

Action	Date	FR Cite
NPRM	01/22/85	50 FR 2830
NPRM Comment Period Begin	01/22/85	
NPRM Comment Period End	03/25/85	
Final Action	06/00/85	

Small Entity: Undetermined

Agency Contact: Joseph E. Malloy, Chief, Insurance Branch, Department of Housing and Urban Development, Office of Housing, Office of Insured Multifamily Housing, Development, 202 755-6223

RIN: 2502-AC48

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88. ● INTEREST RATES FOR FIRE SAFETY EQUIPMENT IN NURSING HOMES TO BE SET BY FR NOTICE (H-10-85; FR-2065)

Legal Authority: 42 USC 3535(d)

CFR Citation: 24 CFR 232

Abstract: This final rule would interpret Section 104(b) of the Housing and Community Development Technical Amendments of 1984, to authorize the Department's publishing of interest rates for fire safety equipment in nursing homes to be set by Federal Register Notice.

Timetable:

Action	Date	FR Cite
Final Action	05/00/85	

Small Entity: No

Agency Contact: Michael Phillips, Attorney-Advisor, Department of Housing and Urban Development, Office of the Secretary, 202 755-7055

RIN: 2502-AC85

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89. CONDOMINIUM OWNERSHIP MORTGAGE INSURANCE-1983 ACT AMENDMENTS (H-71-84; FR-1999)

Legal Authority: 12 USC 1715y

CFR Citation: 24 CFR 234

Abstract: This rule will revise the requirements for condominium mortgage insurance.

Timetable:

Action	Date	FR Cite
Interim Final Rule	11/00/84	
Final Action	03/00/85	

Small Entity: No

Additional Information: Includes: FR-1388

Agency Contact: Brian Chappelle, Acting Director, Department of Housing and Urban Development, Office of Housing, Single Family Development Division, 202 755-6270

RIN: 2502-AC79

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90. ● AMENDMENTS TO THE SECTION 235 PROGRAM (H-3-85; FR-2037)

Legal Authority: PL 98-181, Sec 226; 42 USC 3535(d)

CFR Citation: 24 CFR 235

Abstract: A regulation to codify program changes in the section 235 program required by section 226 of the Housing and Urban-Rural Recovery Act of 1983 and the 1984 Supplemental Appropriations Act (Pub. L. 98-396). The regulation may include other changes to existing regulations as well as those specifically required by the cited legislation.

Timetable:

Action	Date	FR Cite
NPRM	06/00/85	
NPRM Comment Period Begin	06/00/85	
NPRM Comment Period End	08/00/85	
Final Action	10/00/85	

Small Entity: No

Agency Contact: Brian Chappelle, Acting Director, Department of Housing and Urban Development, Office of Housing, Single Family Development Division, 202 755-6720

RIN: 2502-AC93

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91. MAXIMUM MORTGAGE AMOUNTS FOR HOSPITALS (H-72-84; FR-2004)

Priority: Agency Determination

Legal Authority: 12 USC 1715z-7

CFR Citation: 24 CFR 241; 24 CFR 242

Abstract: Proposed rule to require greater equity contribution for insurance of mortgages related to projects that have estimated replacement costs greater than $75 million.

Timetable:

Action	Date	FR Cite
NPRM	10/12/84	49 FR 40044
NPRM Comment Period Begin	10/12/84	49 FR 40044
NPRM Comment Period End	11/12/84	
Final Action	06/00/85	

Small Entity: No

Agency Contact: James Hamernick, Director, Department of Housing and Urban Development, Office of Housing, Insured Multifamily Housing Development, 202 755-6500

RIN: 2502-AC64

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92. ● SECTION 22(D) COINSURANCE FOR NEW CONSTRUCTION OR SUBSTANTIAL REHABILITATION OF HOUSING PROJECTS - TECHNICAL REVISIONS

Priority: Undetermined

Legal Authority: 12 USC 1701

CFR Citation: 24 CFR 241

Abstract: This rule would make various nonsubstantive technical changes and corrections to Part 241 regarding the administration of the coinsurance program for New Construction and Substantial Rehabilitation of housing projects.

Timetable:

Action	Date	FR Cite
Final Action	06/00/85	
Final Action Effective	07/00/85	

Small Entity: No

Agency Contact: Vaughn L. Sanders, Chief, Coinsurance Branch, Department of Housing and Urban Development, Office of Housing, Office of Insured Multifamily Housing, Development, 202 426-7113

RIN: 2502-AD06

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93. REFINANCING OF HOSPITAL MORTGAGES (H-50-83; FR-1806)

Legal Authority: 12 USC 1715z-7; 12 USC 1715n; 42 USC 3535(d)

CFR Citation: 24 CFR 242

Abstract: Hospitals have been eligible for mortgage insurance under Section 242 of the National Housing Act since 1968. If appropriate regulations are published, hospitals previously insured under Section 242 could refinance their mortgages up to the original amount of the mortgage provided there was no increase in the debt service. This provision would be of particular assistance to hospitals which were insured at a high interest rate and could reduce their debt service by refinancing at a lower rate.

Timetable:

Action	Date	FR Cite
NPRM	03/00/85	

Small Entity: No

Additional Information: Includes: H-68-83

Agency Contact: Joseph E. Malloy, Chief, Insurance Branch, Department of Housing and Urban Development, Office of Housing, Office of Insured Multifamily Housing, Development, 202 755-6223

RIN: 2502-AC15

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94. MORTGAGE INSURANCE REQUIREMENTS FOR PRIVATE AND PUBLIC HOSPITALS (H-69-84, FR-1992)

Priority: Agency Determination

Legal Authority: 12 USC 1715z-7

CFR Citation: 24 CFR 242

Abstract: Proposed rule prescribes requirements governing insurance of mortgages for public hospitals, and includes new eligibility provisions for tax supported hospitals

Timetable:

Action	Date	FR Cite
NPRM	10/12/84	49 FR 40047
NPRM Comment Period Begin	10/12/84	49 FR 40047
NPRM Comment Period End	12/11/84	
Final Action	06/00/85	

Small Entity: No

Agency Contact: James Hamernick, Director, Department of Housing and Urban Development, Office of Housing, Insured Multifamily Housing Development, 202 755-6500

RIN: 2502-AC61

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95. TENANT PARTICIPATION IN MULTIFAMILY HOUSING PROJECTS (H-20-83; FR-1730)

Priority: Agency Determination

Legal Authority: 12 USC 1715z-1b

CFR Citation: 24 CFR 245

Abstract: Amendment would add requirements providing an opportunity for tenants in certain types of multifamily housing projects to comment on requests by a project owner for HUD approval of any of the following owner action: (1) conversion from project-paid utilities to tenant-paid utilities; (2) conversion of residential units to commercial space, cooperative housing or condominiums; (3) a partial release of mortgage security; and (4) major capital additions to a project. The requirements for tenant participation in project rent increases, as provided in existing 24 CFR 245, would be continued with certain changes and with exemptions for rent utility costs. The amendments implement section 202(b)(1) of the Housing and Community Development Amendments of 1978, as amended in 1981.

Timetable:

Action	Date	FR Cite
NPRM	12/20/83	48 FR 56232
NPRM Comment Period Begin	12/20/83	48 FR 56232
NPRM Comment Period End	02/21/84	
Final Action	03/00/85	

Small Entity: No

Agency Contact: James J. Tahash, Director, Program Planning Division, Department of Housing and Urban Development, Office of Housing, Office of Multifamily Housing Management, 202 426-3944

RIN: 2502-AB66

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96. TENANT PARTICIPATION—PREPAYMENT OR TERMINATION OF INSURANCE OF SUBSIDIZED PROJECTS (H-79-84; FR-2015)

Priority: Agency Determination

Legal Authority: 12 USC 1715z-15

CFR Citation: 24 CFR 245

Abstract: Would implement Section 250(a) of the National Housing Act to provide tenant participation in requests for HUD approval to prepay a mortgage. The rule would also implement Section 250(b) and (c) to provide a priority for additional assistance under Section 8 of the United States Housing Act of 1937 and Section 201 of the Housing and Community Development Amendment of 1978 to tenants and applications to become tenants of a project. This assistance would be provided with respect to Section 236, rent supplement and Section 202 projects where the owner has the right to prepay the mortgage without HUD approval. Such assistance would be provided if funds are available and if HUD determines that the assistance is necessary to prevent prepayment of the mortgage.

Timetable:

Action	Date	FR Cite
NPRM	09/00/85	

Small Entity: No

Agency Contact: James J. Tahash, Director, Program Planning Division, Department of Housing and Urban Development, Office of Housing, Office of Multifamily Housing, 202 426-3970

RIN: 2502-AC57

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97. SECTION 223(F) COINSURANCE FOR PURCHASE OR REFINANCING OF EXISTING MULTIFAMILY HOUSING PROJECTS (H-53-81; FR-1391)

Priority: Agency Determination

Legal Authority: 12 USC 1701

CFR Citation: 24 CFR 255

Abstract: Would broaden lender eligibility to include mortgage bankers, provide for a GNMA guaranteed securities program, change the premium sharing formula, permit lenders to reinsure their risk exposure, and make miscellaneous technical corrections. Final rule will incorporate public comments and program experience with respect to the interim rule.

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/25/83	48 FR 23386
Interim Rule effective	06/28/83	
Final Action	05/00/85	

Small Entity: No

Additional Information: Includes: H-29-84; FR-1908; H-51-84.

Agency Contact: Vaughn L. Sanders, Chief, Coinsurance Branch, Department of Housing and Urban Development, Office of Housing, Office of Insured Multifamily Housing, Development, 202 426-7113

RIN: 2502-AA92

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98. TRANSFER FROM NONPROFIT TO PROFIT MOTIVATED OWNERSHIP FOR MULTIFAMILY HOUSING PROJECTS WITH HUD-INSURED OR HUD-HELD MORTGAGES (H-37-83; FR-1771)

Priority: Undetermined

Legal Authority: 42 USC 3535(d)

CFR Citation: 24 CFR 265.13

Abstract: Rule would remove the provision which prohibits a nonprofit owner transferring a project to a profit-motivated owner from receiving any remuneration in excess of the nominal consideration necessary to effect the transfer. The rule would permit the selling nonprofit owner to retain the amount of purchase proceeds, if any, which exceeds the greater of 10 percent of the unpaid principal balance of the mortgage loan or the costs of restoring the project to sound physical and financial condition.

Timetable:

Action	Date	FR Cite
NPRM	03/00/85	

Small Entity: No

Agency Contact: James J. Tahash, Director, Program Planning Division, Department of Housing and Urban Development, Office of Housing, Office of Multifamily Housing Management, 202 426-3944

RIN: 2502-AB93

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99. HUD-OWNED MULTIFAMILY PROJECTS-MANAGEMENT AND DISPOSITION (H-69-78; FR-432)

Priority: Agency Determination

Legal Authority: 12 USC 1715z-1b; 12 USC 1701z-11; 12 USC 1701z-12; 12 USC 1713; 12 USC 1715b

CFR Citation: 24 CFR 290; 24 CFR 882

Abstract: Would conform current regulation more closely to Section 203 of the Housing and Community Development Act of 1978, as amended; decrease reliance on project-based Section 8 subsidies as a means of

maintaining availability of units for low- and moderate-income persons; and conform the rental structure in HUD-owned properties to statutory changes in rents charged under subsidy programs.

Timetable:

Action	Date	FR Cite
Interim Final Rule	10/01/79	44 FR 56608
NPRM	10/18/84	49 FR 40888
NPRM Comment Period Begin	10/18/84	49 FR 40888
NPRM Comment Period End	12/17/84	
Final Action	06/00/85	

Small Entity: No

Additional Information: Includes: FR-1645 (H-3-83), RIN-2502-AB62.

Agency Contact: James J. Tahash, Director, Program Planning Division, Department of Housing and Urban Development, Office of Housing, Office of Multifamily Housing Management, 202 426-3944

RIN: 2502-AC68

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100. DISCLOSURE OF FINANCIAL INFORMATION TO MORTGAGE PURCHASERS (H-78-84; FR-2014)

Priority: Agency Determination

Legal Authority: 42 USC 3535(d)(3); 12 USC 1713(k),(l)

CFR Citation: 24 CFR 15

Abstract: This rule would permit the department to disclose profit and loss information to potential purchasers of HUD-held mortgages to facilitate mortgage sales. It is necessary to overcome the presumption against disclosure derived from the Trade Secrets Act, 18 USC 1905.

Timetable:

Action	Date	FR Cite
NPRM	03/00/85	

Small Entity: Undetermined

Agency Contact: Audrey Hinton, Chief, Department of Housing and Urban Development, Office of Housing, Mortgage Sales Branch, 202 755-9280

RIN: 2502-AC65

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101. SECURITIZATION OF ADJUSTABLE RATE MORTGAGES (H-61-84; FR-1962)

Priority: Agency Determination

Legal Authority: 12 USC 17219g; 12 USC 1723(a)

CFR Citation: 24 CFR 390

Abstract: This rule would amend 24 CFR Part 390 to enable GNMA to guarantee securities based on mortgages that do not contain fixed rate, level payment provisions.

Timetable:

Action	Date	FR Cite
NPRM	06/06/84	49 FR 23586
NPRM Comment Period Begin	06/06/84	49 FR 23586
NPRM Comment Period End	08/06/84	
Final Action	06/00/85	

Small Entity: No

Agency Contact: Cheryl Patton, Department of Housing and Urban Development, Office of Housing, Office of Mortgage Finance, 202 755-5593

RIN: 2502-AC70

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102. EVICTIONS FROM CERTAIN SUBSIDIZED AND HUD-OWNED PROJECTS (H-5-83; FR-1661)

Priority: Agency Determination

Legal Authority: 42 USC 3535(d)

CFR Citation: 24 CFR 450

Abstract: Clarifies the Department's intent that evictions of tenants from certain subsidized and HUD-held projects be effected solely by judicial action. This rule requires the landlord to advise the tenant in a termination notice, that the tenant is entitled to a court proceeding at which he or she may present a defense to the eviction. The landlord is prohibited from resorting to "self-help" evictions or any non-judicial process even where such actions are authorized by state or local law. This rule is procedural only and does not alter in any way the grounds for which the landlord may terminate a tenancy.

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/23/83	48 FR 22913
Interim Rule effective	07/12/83	
Final Action	03/00/85	

Small Entity: No

Agency Contact: James J. Tahash, Director, Program Planning Division, Department of Housing and Urban Development, Office of Housing, Office of Multifamily Housing Management, 202 426-3944

RIN: 2502-AB59

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103. ● TECHNICAL AMENDMENTS TO DEFINITION OF INCOME (H-6-85; FR-2052)

Legal Authority: PL 98-479, Sec 102(b)(2); 42 USC 1437a; 42 USC 3535(d); 12 USC 1701s; 12 USC 1715z-1

CFR Citation: 24 CFR 813; 24 CFR 913; 24 CFR 960; 24 CFR 215; 24 CFR 236

Abstract: This final rule would add the deduction from income for handicapped assistance expenses mandated by the Housing and Community Development Technical Amendments of 1984, amending the U.S. Housing Act of 1937. In addition to amending the rules governing the programs administered under the 1937 Act, this rule would make similar changes in the rules governing the Rent Supplement program and the Section 236 program.

Timetable:

Action	Date	FR Cite
Final Action	04/00/85	
Final Action Effective	05/00/85	

Small Entity: No

Agency Contact: Sally Watts, Attorney-Advisor, Department of Housing and Urban Development, Office of the General Counsel, Office of General Counsel, 202 755-7084

RIN: 2502-AC82

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104. ● REVISION TO DEFINITION OF INCOME RESULTING FROM CONSULTATION WITH THE FARMERS HOME ADMINISTRATION (H-4-85; FR-2042)

Legal Authority: 42 USC 1437c; 42 USC 1471; 42 USC 3535(d)

CFR Citation: 24 CFR 813; 24 CFR 913

Abstract: This final rule would amend the definition of income for the Section 8 Housing Assistance Payments program and the Public Housing program to permit the deduction of depreciation in determining business income but requiring any withdrawal of capital to be included in income. This rule would essentially restore the status

quo for both HUD and Farmers Home Administration programs existing before the adoption of 24 CFR Parts 813 and 913 in May 1984. This change would also make the definition conform more closely to standard accounting practice.

Timetable:

Action	Date	FR Cite
Final Action	04/00/85	
Final Action Effective	05/00/85	

Small Entity: Undetermined

Additional Information: Contact for Public and Indian Housing: Edward Whipple (202) 426-0744

Agency Contact: James J. Tahash, Director, Department of Housing and Urban Development, Office of Housing, Program Planning Division, 202 426-3970

RIN: 2502-AC91

105. HOUSING DEVELOPMENT GRANT PROGRAM (H-26-84; FR-1902)

Priority: Agency Determination, Major

Legal Authority: PL 98-181, Sec 301; PL 98-181, Sec 302; PL 98-181, Sec 303

CFR Citation: 24 CFR 850

Abstract: Implements the Housing Development Grant Program established by Section 301 of the Housing and Urban-Rural Recovery Act of 1983. Under this Program, the Secretary is authorized to make grants to cities and urban counties and to States acting on behalf of units of general local government to support new construction or substantial rehabilitation of residential rental housing. At least 20 percent of the units in a project assisted under this Program must be leased to, or made available for occupancy by, lower income families for a period of 20 years. The rent for these units cannot exceed 30 percent of the adjusted income of a family at 50 percent of area median income. Assisted projects must be located within eligible areas, special purpose areas or neighborhood preservation areas.

Timetable:

Action	Date	FR Cite
Interim Final Rule	06/14/84	49 FR 24634
Interim Rule effective	08/07/84	
Final Action	10/00/85	

Small Entity: Undetermined

Agency Contact: Lawrence Goldberger, Director, Department of Housing and Urban Development, Office of Housing, Development Grant Division, 202 755-6142

RIN: 2502-AC23

106. GOVERNMENT OFFICIALS, CONFLICTS OF INTEREST (H-127-82)

Priority: Agency Determination

Legal Authority: PL 97-35

CFR Citation: 24 CFR 880; 24 CFR 881; 24 CFR 882; 24 CFR 883; 24 CFR 884; 24 CFR 886; 24 CFR 888; 24 CFR 889

Abstract: Would prevent possible conflicts of interest on the part of Federal, State and local government officials with regard to participation in projects assisted under Section 8.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Agency Contact: John J. Knapp, Department of Housing and Urban Development, Office of the General Counsel, 202 755-7244

RIN: 2502-AA13

107. SECTION 8-LIMIT ON CONTRACT RENT INCREASES (H-132-82; FR-1703)

Priority: Agency Determination

Legal Authority: 42 USC 1437c(b); 42 USC 1437f

CFR Citation: 24 CFR 880; 24 CFR 881; 24 CFR 883; 24 CFR 884; 24 CFR 886; 24 CFR 888

Abstract: Would limit Section 8 contract rent increases for new construction and substantial rehabilitation projects to operating increases incurred for comparable units in the market area.

Timetable:

Action	Date	FR Cite
NPRM	11/23/83	48 FR 52936
NPRM Comment Period Begin	11/23/83	48 FR 52936
NPRM Comment Period End	01/23/84	
Final Action	08/00/85	

Small Entity: No

Agency Contact: James J. Tahash, Department of Housing and Urban Development, Office of Housing, Office of Multifamily Housing Management, 202 426-3944

RIN: 2502-AA18

108. CLARIFICATION OF CONTRACT RENT ADJUSTMENT AFTER COST CERTIFICATION (H-77-84; FR-2013)

Legal Authority: 42 USC 1437c(b); 42 USC 3535(d)

CFR Citation: 24 CFR 880.405; 24 CFR 881.405

Abstract: This final rule would clarify that net income earned during the construction period be used only to reduce allowed construction costs or to fund a replacement reserve but not to reduce allowable contract rents.

Timetable:

Action	Date	FR Cite
Final Action	03/00/85	
Final Action Effective	03/00/85	

Small Entity: Undetermined

Agency Contact: Linda Cheatham, Director, Department of Housing and Urban Development, Office of Housing, Technical Support Division, 202 426-0035

RIN: 2502-AC69

109. SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM - MODERATE REHABILITATION (H-38-81; FR-1527)

Legal Authority: PL 97-35; 42 USC 3535(d)

CFR Citation: 24 CFR 882

Abstract: Simplifies and reduces program requirements for local PHAs and participating owners, provides greater local flexibility and implements provision of the HCD Amendments of 1981.

Timetable:

Action	Date	FR Cite
Prior Interim Rule	11/09/79	44 FR 65061
Prior Interim Rule effective	12/10/79	
Interim Final Rule	08/09/82	47 FR 34376
Interim Rule effective	09/28/82	47 FR 34376
Final Action	06/00/85	

Small Entity: No

Agency Contact: Louise Kleffner, Director, Moderate Rehabilition Branch, Department of Housing and Urban Development, Office of Housing, Office of Elderly and Assisted Housing, Existing Housing Division, **202 755-6887**

RIN: 2502-AA86

110. TARGETING OF SECTION 8 CERTIFICATES OF FAMILY PARTICIPATION (H-22-83; FR-1736)

Legal Authority: 42 USC 1437f

CFR Citation: 24 CFR 882

Abstract: Amends 24 CFR Part 882 to eliminate restrictions on targeting Section 8 Certificates of Family Participation under certain circumstances. The rule permits HUD to provide Section 8 Certificates of Family Participation to families residing in (1) a property to be rehabilitated under the Rental Rehabilitation Program, (2) a HUD-owned multifamily project that HUD determines to sell or vacate, (3) a multifamily project with a HUD-held mortgage purchased at foreclosure by a party other than HUD, or (4) a unit covered by a project-based Housing Assistance Payments contract when the owner elects not to renew the contract for an additional term

Timetable:

Action	Date	FR Cite
Interim Final Rule	09/09/84	49 FR 31858
Final Action	06/00/85	

Small Entity: No

Agency Contact: Gerald J. Benoit, Department of Housing and Urban Development, Office of Housing, Office of Elderly and Assisted Housing, **202 755-5720**

RIN: 2502-AB47

111. SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAMS PORTABILITY OF SECTION 8 EXISTING HOUSING CERTIFICATES (H-46-83; FR-1800)

Priority: Undetermined

Legal Authority: 42 USC 3535(d)

CFR Citation: 24 CFR 882

Abstract: This rule provides for a system of permitting national mobility of certificate holders and participants in the Section 8 Existing Housing Program. This would enable families to move from the jurisdiction of one PHA to another and would supplement the mobility mechanisms that are already in place.

Timetable:

Action	Date	FR Cite
NPRM	10/19/84	49 FR 41072
NPRM Comment Period Begin	10/19/84	49 FR 41072
NPRM Comment Period End	12/18/84	
Final Action	05/01/85	

Small Entity: Undetermined

Agency Contact: Madeline Hastings, Director, Department of Housing and Urban Development, Office of Housing, Office of Elderly and Assisted Housing, Existing Housing Division, **202 755-6887**

RIN: 2502-AB88

112. SINGLE ROOM OCCUPANCY HOUSING (H-25-84; FR-1898)

Priority: Undetermined

Legal Authority: PL 98-181, Sec 210

CFR Citation: 24 CFR 882

Abstract: Regulation will authorize Section 8 assistance in connection with single room occupant dwelling units.

Timetable:

Action	Date	FR Cite
NPRM	10/00/85	

Small Entity: No

Agency Contact: Madeline Hastings, Director, Existing Housing Division, Department of Housing and Urban Development, Office of Housing, Office of Elderly and Assisted Housing, **202 755-6887**

RIN: 2502-AC25

113. SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM-EXISTING HOUSING-QUALITY STANDARDS-LEAD BASED PAINT (H-2-83; FR-1528)

Priority: Agency Determination

Legal Authority: 42 USC 1437f

CFR Citation: 24 CFR 882

Abstract: This rule would limit the applicability of HUD's Lead Based Paint regulation for units leased under the Section 8 Existing Housing and Moderate Rehabilitation Programs to those units built before 1950 and in which assisted families with children under age seven choose to live

Timetable:

Action	Date	FR Cite
NPRM	06/00/85	

Small Entity: No

Agency Contact: Gerald J. Benoit, Director, Department of Housing and Urban Development, Office of Housing, Existing Housing Division, **202 755-5720**

RIN: 2502-AC55

114. ELIGIBILITY OF EXISTING STRUCTURES AND MODERATE REHABILITATION TO MEET NEEDS OF NON-ELDERLY HANDICAPPED (H-40-81; FR-1543)

Priority: Agency Determination

Legal Authority: 12 USC 1701g; PL 96-399

CFR Citation: 24 CFR 885

Abstract: Would make eligible for financing under Section 202 loan program the acquisition, with or without moderate rehabilitation, of housing and related facilities for the non-elderly handicapped.

Timetable:

Action	Date	FR Cite
Interim Final Rule	11/16/82	47 FR 51565
Interim Rule effective	11/16/82	
Final Action	04/00/85	

Small Entity: No

Agency Contact: Robert W. Wilden, Director, Department of Housing and Urban Development, Office of Housing, Office of Elderly and Assisted Housing, Assisted Elderly Division, **202 426-8730**

RIN: 2502-AA29

115. HOUSING FOR THE ELDERLY OR HANDICAPPED (H-99-82; FR-1463)

Legal Authority: 12 USC 1701q

CFR Citation: 24 CFR 885

Abstract: Review of 24 CFR 885 with a view toward simplification of the program.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Agency Contact: Robert W. Wilden, Director, Assisted Housing Division, Department of Housing and Urban Development, Office of Housing, Office of Elderly and Assisted Housing, **202 426-8730**

RIN: 2502-AB28

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116. MANAGEMENT RULES AND COMPREHENSIVE HOUSING AND COMMUNITY DEVELOPMENT AMENDMENTS (H-34-83; FR-1761)

Priority: Undetermined

Legal Authority: 12 USC 1701q; 42 USC 3535(d)

CFR Citation: 24 CFR 885

Abstract: Review HUD's current regulations on loans for housing for the elderly or handicapped. The proposed regulation will reflect statutory amendments and eliminate duplicative regulatory provisions.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Undetermined

Agency Contact: James J. Tahash, Director, Department of Housing and Urban Development, Office of Housing, Program Planning Division, Office of Multifamily Housing Management, **202 426-3944**

RIN: 2502-AC03

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117. SECTION 202 - LOANS FOR HOUSING FOR THE ELDERLY OR HANDICAPPED (H-10-84; FR-1899)

Priority: Agency Determination

Legal Authority: 12 USC 1701q; PL 98-181

CFR Citation: 24 CFR 885

Abstract: This rule would establish requirements on prepayment of Section 202 direct loan mortgages and incorporate amendments to programs made by the Housing and Urban-Rural Recovery Act of 1983 and the Technical Amendments Act of 1984.

Timetable:

Action	Date	FR Cite
NPRM	04/00/85	
NPRM Comment Period Begin	04/00/85	
NPRM Comment Period End	06/00/85	
Final Action	07/00/85	
Final Action Effective	08/00/85	

Small Entity: Undetermined

Additional Information: Includes: FR-1857

Agency Contact: James J. Tahash, Director, Program Planning Division, Department of Housing and Urban Development, Office of Housing, Office of Multifamily Housing Management, **202 426-3944**

RIN: 2502-AC53

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118. ● LOANS FOR THE ELDERLY OR HANDICAPPED; INTEREST RATE ADJUSTMENTS (H-11-85; FR-2066)

Priority: Undetermined

Legal Authority: 12 USC 1701g; 42 USC 3535g

CFR Citation: 24 CFR 885.410(g)

Abstract: This rule would amend 24 CFR 885.410(g) which governs the establishment of the interest rate for direct loans for housing for the elderly or handicapped under section 202 of the Housing Act of 1959. Under the proposed rule, the Secretary would set the interest rate for these loans at or below a prescribed rate ceiling and would announce the interest rate by a Federal Register Notice.

Timetable:

Action	Date	FR Cite
NPRM	03/00/85	

Small Entity: No

Agency Contact: Robert Wilden, Director, Department of Housing and Urban Development, Office of Housing, Assisted Elderly and Handicapped Housing, Division, **202 426-8730**

RIN: 2502-AC84

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119. ● SECTION 202 LOANS FOR HOUSING FOR THE ELDERLY OR HANDICAPPED- COMMUNITY REPRESENTATION ON BORROWER'S BOARD (H-46-78)

Priority: Undetermined

Legal Authority: PL 95-557, Sec 205(d)

CFR Citation: 24 CFR 885

Abstract: This rule would require that the membership of the governing board of private nonprofit corporations or nonprofit consumer cooperatives who wish to obtain Section 202 loans for housing for the elderly or handicapped be selected in a manner to assure significant representation of the views of the community in which a project is to be located.

Timetable:

Action	Date	FR Cite
NPRM	02/13/80	45 FR 9748
NPRM Comment Period Begin	02/13/80	45 FR 9748
NPRM Comment Period End	04/14/80	
Final Action	00/00/00	

Small Entity: Undetermined

Agency Contact: Joseph F. Gelletich, Assistant General Counsel, Department of Housing and Urban Development, Office of the General Counsel, Office of General Counsel, Assisted Housing Division, **202 755-5470**

RIN: 2502-AC99

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120. ADDITIONAL ASSISTANCE PROGRAM FOR PROJECTS WITH HUD-INSURED OR HUD-HELD MORTGAGES (H-89-78)

Priority: Major

Legal Authority: 42 USC 1437

CFR Citation: 24 CFR 886

Abstract: Amended 24 CFR 886, Subpart A to remove the requirement that HUD annually inspect 100% of the units under HUD-insured or HUD-held mortgages and to call for inspections based on a reasonable sample. This brings this requirement in line with other programs which permit inspections on a sample basis.

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/26/78	43 FR 60157
Interim Rule effective	12/26/78	
Final Action	00/00/00	

Small Entity: No

Agency Contact: James J. Tahash, Director, Department of Housing and Urban Development, Office of Housing, Program Planning Division, Office of Multifamily Housing Management, **202 426-3944**

RIN: 2502-AA41

121. MISCELLANEOUS REVISIONS TO PART 886 (H-59-84; FR-1950)

Legal Authority: 42 USC 1437a; 42 USC 1437c; 42 USC 1437f; 42 USC 3535(d)

CFR Citation: 24 CFR 886

Abstract: This rule would make various amendments to Part 886-Section 8 Housing Assistance Payments Programs-Special Allotments. The changes include (1) modification of the termination of tenancy procedures of Sections 886.128 and 886.328, (2) the deletion of cost certification requirements at Sections 886.333 (c) and (d); and (3) other miscellaneous amendments.

Timetable:

Action	Date	FR Cite
NPRM	04/00/85	

Small Entity: No

Agency Contact: James J. Tahash, Director, Program Planning Division, Department of Housing and Urban Development, Office of Housing, Multifamily Property Disposition Division, 202 426-3944

RIN: 2502-AC59

122. SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAMS: FAIR MARKET RENT SCHEDULES FOR EXISTING HOUSING AND MODERATE REHABILITATION (H-27-84; FR-1904)

Priority: Undetermined

Legal Authority: 42 USC 1437f; 42 USC 3535(d)

CFR Citation: 24 CFR 888

Abstract: This rule announces revised Fair Market Rents (FMRs) scheduled at 24 CFR 888 to issue the 1984 annual revision of the FMRs for the Section 8 Existing Housing and Moderate Rehabilitation Programs, including space rentals by owners of manufactured homes.

Timetable:

Action	Date	FR Cite
Interim Final Rule	07/05/84	49 FR 27658
Interim Rule effective	10/01/84	49 FR 27658
Final Action	03/00/85	

Small Entity: No

Agency Contact: Gerald J. Benoit, Director, Existing Housing Branch, Department of Housing and Urban Development, Office of Housing, Office of Existing and Assisted Housing, Existing Housing Division, 202 755-5720

RIN: 2502-AC22

123. SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM CONTRACT RENT ANNUAL ADJUSTMENT FACTORS (FEDERAL REGISTER NOTICE OF PUBLICATION) (H-57-84)

Priority: Agency Determination

Legal Authority: 42 USC 1437

CFR Citation: 24 CFR 888

Abstract: To be used to adjust rents under the Section 8 Housing Assistance Payments Program.

Timetable:

Action	Date	FR Cite
Final Action	11/01/85	

Small Entity: No

Agency Contact: Gerald J. Benoit, Director, Existing Housing Branch, Department of Housing and Urban Development, Office of Housing, Office of Elderly and Assisted Housing, Existing Housing Division, 202 755-5720

RIN: 2502-AC46

124. SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAMS; PROMULGATION OF FAIR MARKET RENT SCHEDULES BY NOTICE (H-73-84; FR-2005)

Legal Authority: 42 USC 3535(d)

CFR Citation: 24 CFR 880; 24 CFR 881; 24 CFR 882; 24 CFR 883; 24 CFR 884; 24 CFR 885; 24 CFR 886

Abstract: This rule codifies the methodology for establishing the FMRs and announces a new procedure of promulgating the FMRs for the various Section 8 Housing Assistance Payments Programs by Notice. Proposed FMRs would be published with a minimum of a 30-day comment period, with final FMRs effective upon publication.

Timetable:

Action	Date	FR Cite
Final Action	03/00/85	

Small Entity: No

Agency Contact: Susan Schruth, Attorney Advisor, Department of Housing and Urban Development, Office of Housing, Office of General Counsel, 202 755-7055

RIN: 2502-AC56

125. SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM: FAIR MARKET RENT SCHEDULES FOR EXISTING HOUSING AND MODERATE REHABILITATION (H-86-84)

Priority: Undetermined

Legal Authority: 42 USC 1437f; 42 USC 3535(d)

CFR Citation: 24 CFR 888

Abstract: This document is to amend the Fair Market Rents (FMRs) Schedules at 24 CFR 888 to issue the 1985 annual revision of the FMRs for the Section 8 Existing Housing and the Moderate Rehabilitation Programs, to include space rentals by owners of manufactured homes.

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/00/85	

Small Entity: No

Agency Contact: Gerald J. Benoit, Director, Existing Housing Branch, Department of Housing and Urban Development, Office of Housing, Office of Existing and Assisted Housing, Existing Housing Division, 202 755-5720

RIN: 2502-AC67

126. ● FAIR MARKET RENTS FOR THE SECTION 8 NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION PROGRAMS (H-5-85; FR-2079)

Legal Authority: 42 USC 1437f; 42 USC 3535(d)

CFR Citation: 24 CFR 888

Abstract: An interim rule announcing the FY 85 Fair Market Rents for the Section 8 New Construction and Substantial Rehabilitation Programs.

Timetable:

Action	Date	FR Cite
Interim Final Rule	03/00/85	
Final Action	05/00/85	
Final Action Effective	05/00/85	

Small Entity: No

Agency Contact: Edward M. Wimiarski, Chief Appraiser, Valuation Branch, Department of Housing and Urban Development, Office of Housing, Office of Multifamily Housing Development, 202 755-5743

RIN: 2502-AC94

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127. SECTION 8-LITIGATION BY PHAS TO RECOVER WRONGFULLY USED SECTION 8 FUNDS (H-126-82; FR-1692)

Priority: Agency Determination

Legal Authority: PL 97-35, Sec 326(d)(1)

CFR Citation: 24 CFR 892

Abstract: Would permit PHAs to retain, out of judgments obtained by them in recovering amounts wrongfully paid as a result of fraud and abuse in the Section 8 program, an amount equal to the greater of 1) legal expenses incurred in obtaining the judgment or 2) 50 percent of the amount actually collected on the judgments.

Timetable:

Action	Date	FR Cite
NPRM	02/23/83	48 FR 7590
NPRM Comment Period Begin	02/23/83	
NPRM Comment Period End	04/25/83	
Final Action	03/00/85	
Final Action Effective	05/00/85	

Small Entity: No

Agency Contact: Gershon M. Ratner, Associate General Counsel, Department of Housing and Urban Development, Office of Housing, Office of Litigation, 202 755-1300

RIN: 2502-AA12

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128. BOOK ENTRY SECURITIES OF PUBLIC HOUSING AUTHORITIES (H-64-83; FR-1845)

Priority: Undetermined

Legal Authority: 42 USC 1737h(c); 42 USC 1737i(a); 42 USC 3535d

CFR Citation: 24 CFR 910, (New)

Abstract: This rule would permit local housing authorities to issue tax- exempt notes and bonds in book-entry form through the Federal Reserve Banks. Book-entry securities may be issued and marketed more efficiently than securities in certificate form.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Agency Contact: Robert H. Menke, Department of Housing and Urban Development, Office of Housing, Office of Financial Management, 202 755-1591

RIN: 2502-AB75

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129. ● TECHNICAL AMENDMENTS TO THE INTERSTATE LAND SALES REGISTRATION REGULATIONS (H-15-85; FR-2080)

Priority: Agency Determination

Legal Authority: 15 USC 1718

CFR Citation: 24 CFR 1710; 24 CFR 1720

Abstract: This final rule would correct certain provisions of the Interstate Land Sales Registration Regulations and final guidelines that implement the Interstate Land Sales Full Disclosure Act.

Timetable:

Action	Date	FR Cite
Final Action	04/00/85	

Small Entity: No

Agency Contact: John L. Brady, Director, Department of Housing and Urban Development, Office of Housing, Interstate Land Sales Registration Division, 202 755-0502

RIN: 2502-AC83

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130. ● ALLOCATION OF FUNDS AND MISCELLANEOUS CHANGES FOR THE SOLAR ENERGY AND ENERGY CONSERVATION BANK (S-1-85; FR-2051)

Priority: Agency Determination

Legal Authority: 12 USC 3601

CFR Citation: 24 CFR 1800

Abstract: The regulation would implement Section 104(d)(2) of the Housing and Community Development Technical Amendments of 1984, which requires revision of the existing regulation governing allocation of funds for the Solar Energy and Energy Conservation Bank. Other miscellaneous changes to 24 CFR Part 1800, principally minor or of a technical nature would be made at the same time to improve the functioning of the Bank program.

Timetable:

Action	Date	FR Cite
NPRM	03/00/85	

Small Entity: No

Agency Contact: Dr. Richard Francis, Manager, Department of Housing and Urban Development, Office of Housing, Solar Energy and Energy Conservation Bank, 202 755-7166

RIN: 2502-AC88

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131. FEDERAL MANUFACTURED HOME CONSTRUCTION AND SAFETY STANDARDS (H-46-82; FR-1637)

Priority: Agency Determination

Legal Authority: 42 USC 5401 to 5427

CFR Citation: 24 CFR 3280

Abstract: This rule would amend HUD's Manufactured Home Construction and Safety Standards to improve the energy efficiency of manufactured homes.

Timetable:

Action	Date	FR Cite
ANPRM Revision-Manufactured Home Construction & Safety Stds	06/07/79	44 FR 32711
NPRM	08/16/83	48 FR 37136
NPRM Comment Period Begin	08/16/83	
NPRM Comment period extended indefinitely	10/26/83	48 FR 49520
NPRM Comment Period End	00/00/00	
Final Action	00/00/00	

Small Entity: No

Additional Information: Includes: H-71-82.

Public Compliance Cost: Initial Cost: $10,000,000; Yearly Recurring Cost: $10,000,000; Base Year for Dollar Estimates: 1984

Government Levels Affected: State, Federal

Analysis: Preliminary RIA 08/16/83 (48 FR 37152)

Agency Contact: G. Robert Fuller, Chief, Standards Branch, Department of Housing and Urban Development, Office of Housing, Office of Manufactured Housing and, Regulatory Functions, **202 755-5798**

RIN: 2502-AA01

132. ● STANDARDS FOR SMALL MANUFACTURED HOMES, MANUFACTURED HOME CONSTRUCTION AND SAFETY STANDARDS

Priority: Undetermined

Legal Authority: 42 USC 5403

CFR Citation: 24 CFR 3280

Abstract: Manufactured homes between 320 and 400 square feet have been exempted from the Manufactured Home Construction and Safety Standards. This rule will propose special standards for these structures.

Timetable:

Action	Date	FR Cite
NPRM	05/00/86	

Small Entity: Undetermined

Agency Contact: G. Robert Fuller, Chief, Standards Branch, Department of Housing and Urban Development, Office of Housing, Office of Manufactured Housing and, Regulatory Functions, **202 755-5924**

RIN: 2502-AC95

133. ● MEDIUM DENSITY FIBERBOARD (MDF) (H-16-85)

Priority: Agency Determination

Legal Authority: 42 USC 5403

CFR Citation: 24 CFR 3280

Abstract: This rule would set forth regulations regarding the use of Medium Density Fiberboard (MDF) and other wood products containing formaldehyde to be used in doors and cabinetry installed in manufactured homes.

Timetable:

Action	Date	FR Cite
NPRM	06/00/85	

Small Entity: Undetermined

Agency Contact: G. Robert Fuller, Chief, Standards Branch, Department of Housing and Urban Development, Office of Housing, Office of Manufactured Housing and, Regulatory Functions, **202 755-5924**

RIN: 2502-AC96

134. ● TRANSPORTATION, DURABILITY, TESTING - MANUFACTURED HOME CONSTRUCTION AND SAFETY STANDARDS

Priority: Undetermined

Legal Authority: 42 USC 5403

CFR Citation: 24 CFR 3280

Abstract: This rule will amend the standards applicable to manufactured homes to assure that they withstand the adverse effects of transportation shock and vibration.

Timetable:

Action	Date	FR Cite
Final Action	02/00/86	

Small Entity: Undetermined

Agency Contact: G. Robert Fuller, Chief, Standards Branch, Department of Housing and Urban Development, Office of Housing, Office of Manufactured Housing and, Regulatory Functions, **202 755-5924**

RIN: 2502-AD03

135. ● HARDBOARD SIDING - MANUFACTURED HOMES CONSTRUCTION AND SAFETY STANDARDS (H-24-85)

Priority: Undetermined

Legal Authority: 42 USC 5403

CFR Citation: 24 CFR 3280

Abstract: A rule will be developed which will deal with the specific problems associated with the use of hardboard siding as the exterior weather resistant siding on manufactured homes. The primary problem is deterioration of the siding resulting from infiltration of water.

Timetable:

Action	Date	FR Cite
NPRM	08/00/85	

Small Entity: Undetermined

Agency Contact: G. Robert Fuller, Chief, Standards Branch, Department of Housing and Urban Development, Office of Housing, Office of Manufactured Housing and, Regulatory Functions, **202 755-5924**

RIN: 2502-AD04

136. ● MANUFACTURED HOME CONSTRUCTION AND SAFETY STANDARDS - CONDENSATION AND VENTILATION (H-27-85)

Priority: Undetermined

Legal Authority: 42 USC 5403

CFR Citation: 24 CFR 3280

Abstract: This rule would revise existing regulations and propose new regulations concerning condensation, ventilation and air infiltration in manufactured homes.

Timetable:

Action	Date	FR Cite
NPRM	07/00/85	

Small Entity: Undetermined

Agency Contact: G. Robert Fuller, Chief, Standards Branch, Department of Housing and Urban Development, Office of Housing, Office of Manufactured Housing and, Regulatory Functions, **202 755-5924**

RIN: 2502-AD07

137. ● MANUFACTURED HOME CONSTRUCTION AND SAFETY STANDARDS, SUBPARTS B, D, E, G, H, I (H-30-85)

Priority: Undetermined

Legal Authority: 42 USC 5403

CFR Citation: 24 CFR 3280

Abstract: The final rule will amend those portions of the Manufactured Home Construction Standards which deal with windows, structural adhesives, materials, coolers, heaters, doors, utility connections, gas and oil equipment, plumbing, venting systems and electrical systems. Basically, the standards will be updated and revised to more closely reflect current state of the art and industry practice.

Timetable:

Action	Date	FR Cite
Final Action	12/00/85	

Small Entity: Undetermined

Agency Contact: G. Robert Fuller, Chief, Standards Branch, Department of Housing and Urban Development, Office of Housing, Office of Manufactured Housing and, Regulatory Functions, **202 755-5924**

RIN: 2502-AD10

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138. ● REVISION OF MANUFACTURED HOME CONSTRUCTION AND SAFETY STANDARDS - SUBPART F - THERMAL PROTECTION (H-31-85)

Priority: Agency Determination

Legal Authority: 42 USC 5403

CFR Citation: 24 CFR 3280

Abstract: This action will consider revision of the thermal protection provisions of the Manufactured Home Construction and Safety Standards.

Timetable:

Action	Date	FR Cite
NPRM	08/16/83	48 FR 37136
Final Action	00/00/00	

Small Entity: Undetermined

Agency Contact: G. Robert Fuller, Chief, Standards Branch, Department of Housing and Urban Development, Office of Housing, Office of Manufactured Homes and, Regulatory Functions, **202 755-5924**

RIN: 2502-AD11

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139. ● MANUFACTURED HOME PROCEDURAL AND ENFORCEMENT REGULATIONS, SUBPART G - STATE ADMINISTRATIVE AGENCIES (H-32-85)

Priority: Undetermined

Legal Authority: 42 USC 5424

CFR Citation: 24 CFR 3282

Abstract: This rule would revise the procedures to be followed, and requirements to be met, by States wishing to participate as State Administrative Agencies in the enforcement of Federal standards for manufactured homes.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: Undetermined

Agency Contact: Tobias Gottesman, Chief, Compliance Branch, Department of Housing and Urban Development, Office of Housing, Office of Manufactured Homes and, Regulatory Functions, **202 755-6584**

RIN: 2502-AD12

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140. ● REVISION OF MANUFACTURED HOME CONSTRUCTION AND SAFETY STANDARDS - SUBPARTS A, B, D, E, G, H, I (H-25-85)

Priority: Agency Determination

Legal Authority: 42 USC 5403

CFR Citation: 24 CFR 3280

Abstract: This rule would revise the Manufactured Home Construction and Safety Standards to update the general provisions, the planning considerations, the plumbing systems, the heating and cooling systems, and the electrical systems.

Timetable:

Action	Date	FR Cite
NPRM	08/16/83	48 FR 37136
Final Action	12/00/85	

Small Entity: Undetermined

Agency Contact: G. Robert Fuller, Chief, Compliance Branch, Department of Housing and Urban Development, Office of Housing, Office of Manufactured Housing and, Regulatory Functions, **202 755-5924**

RIN: 2502-AD14

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141. MANUFACTURED HOME PROCEDURAL AND ENFORCEMENT REGULATIONS MONITORING INSPECTION FEE (H-30-83; FR-1767)

Legal Authority: 42 USC 5419; 42 USC 3535(d)

CFR Citation: 24 CFR 3282.454

Abstract: Would apply the manufactured home monitoring inspection fee to each manufactured home section rather than to each home.

Timetable:

Action	Date	FR Cite
NPRM	08/23/84	49 FR 33456
NPRM Comment Period Begin	08/23/84	49 FR 33456
NPRM Comment Period End	10/22/84	
Final Action	04/00/85	

Small Entity: No

Agency Contact: Tobias A. Gottesman, Branch Chief, Department of Housing and Urban Development, Office of Housing, Compliance Branch, **202 755-6584**

RIN: 2502-AB48

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142. MFC HOME PROCEDURAL AND ENFORCEMENT REGULATIONS TO CLARIFY PROCEDURES TO BE FOLLOWED BY DESIGN APPROVAL AND PRODUCTION INSPECTION PRIMARY INSPECTION AGENCIES (H-53-82; FR-1815)

Legal Authority: 42 USC 5424

CFR Citation: 24 CFR 3282.203; 24 CFR 3282.359; 24 CFR 3282.360; 24 CFR 3282.361; 24 CFR 3282.362

Abstract: The proposed regulation would (1) allow DAPIAs to prepare designs and quality assurance manuals in conjunction with manufacturers; (2) delete the prohibition against DAPIAs approving their own designs and quality assurance manuals; (3) allow DAPIAs to prepare designs and quality assurance manuals and changes to them in conjunction with manufacturers. The rule would also eliminate requirement that IPIAS keep a permanent record of data plates and would clarify other portions of the regulations.

Timetable:

Action	Date	FR Cite
NPRM	08/13/84	49 FR 32219
NPRM Comment Period Begin	08/13/84	49 FR 32219
NPRM Comment Period End	10/12/84	
Final Action	03/01/86	

Small Entity: No

Additional Information: Includes: H-107-82.

Agency Contact: Tobias A. Gottesman, Branch Chief, Department of Housing and Urban Development, Office of Housing, Compliance Branch, **202 755-6584**

RIN: 2502-AC16

143. ● MANUFACTURED HOUSING COMPLAINT INDEX (H-18-85)

Priority: Undetermined

Legal Authority: 42 USC 5401 to 5426

CFR Citation: 24 CFR 3282

Abstract: This rule would provide guidelines to identify manufacturers who may have failed to comply with particular Standards and identify areas of the Federal Standards which may need revision.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: Undetermined

Agency Contact: **Tobias A. Gottesman**, Chief, Compliance Branch, Department of Housing and Urban Development, Office of Housing, Office of Manufactured Housing and, Regulatory Functions, **202 755-6584**

RIN: 2502-AC97

144. ● REVISION OF MANUFACTURED HOME PROCEDURAL AND ENFORCEMENT REGULATIONS - CONSUMER COMPLAINT HANDLING (H-26-85)

Legal Authority: 42 USC 5403

CFR Citation: 24 CFR 3282

Abstract: This rule would simplify and revise the Manufactured Home Consumer Complaint Handling Regulations.

Timetable:

Action	Date	FR Cite
NPRM	12/00/85	

Small Entity: Undetermined

Agency Contact: **Tobias Gottesman**, Chief, Compliance Branch, Department of Housing and Urban Development, Office of Housing, Office of Manufactured Housing and, Regulatory Functions, **202 755-6584**

RIN: 2502-AD05

145. ● MANUFACTURED HOME PROCEDURAL AND ENFORCEMENT REGULATIONS; PRIMARY INSPECTION AGENCY (PIA) RATING (H-28-85)

Priority: Undetermined

Legal Authority: 42 USC 5424

CFR Citation: 24 CFR 3282

Abstract: The present system of evaluating Primary Inspection Agencies (PIAs) has the potential to be subjective and arbitrary. The rule will propose the establishment of a clear and objective rating system.

Timetable:

Action	Date	FR Cite
NPRM	10/00/85	

Small Entity: Undetermined

Agency Contact: **Tobias Gottesman**, Chief, Compliance Branch, Department of Housing and Urban Development, Office of Housing, Office of Manufactured Housing and, Regulatory Functions, **202 755-6584**

RIN: 2502-AD08

146. ● MANUFACTURED HOME PROCEDURAL AND ENFORCEMENT REGULATIONS; PRIMARY INSPECTION AGENCY (PIA) LICENSING (H-29-85)

Priority: Undetermined

Legal Authority: 42 USC 5424

CFR Citation: 24 CFR 3282

Abstract: The proposed rule will revise the present system, which licenses Primary Inspection Agencies for an indefinite term, by issuing licenses for a fixed term. This would ensure that all PIAs maintain the standards of performance which allowed them to obtain initial approval by HUD, thereby taking the competitive advantage away from those PIAs which let their standards slip once approved.

Timetable:

Action	Date	FR Cite
NPRM	10/00/85	

Small Entity: Undetermined

Agency Contact: **Tobias Gottesman**, Chief, Compliance Branch, Department of Housing and Urban Development, Office of Housing, Office of Manufactured Housing and, Regulatory Functions, **202 755-6584**

RIN: 2502-AD09

147. ● MANUFACTURED HOME PROCEDURAL AND ENFORCEMENT REGULATIONS; SUBPART L - REPORTING REQUIREMENTS (H-33-85)

Priority: Undetermined

Legal Authority: 42 USC 5424

CFR Citation: 24 CFR 3282

Abstract: This regulation will revise the reporting requirements applicable to State Administrative Agencies. The objective of this rule is to reduce the number of reports required while increasing the usefulness of the reports which are submitted.

Timetable:

Action	Date	FR Cite
NPRM	08/00/85	

Small Entity: Undetermined

Agency Contact: **Tobias Gottesman**, Chief, Compliance Branch, Department of Housing and Urban Development, Office of Housing, Office of Manufactured Homes and, Regulatory Functions, **202 755-6584**

RIN: 2502-AD13

148. REAL ESTATE SETTLEMENT PROCEDURES ACT – CONTROLLED BUSINESS PROVISIONS AND MISCELLANEOUS CHANGES (H-45-84; FR-1942)

Priority: Undetermined

Legal Authority: 12 USC 2601 to 2617

CFR Citation: 24 CFR 3500

Abstract: The rule will implement statutory amendments established by Section 461 of the Housing and Urban Rural Recovery Act of 1983 (Pub.L.98-181). The amendments address a problem identified as "controlled business" and the manner in which Section 8 of the Real Estate Settlement Procedures Act (12 USC 2607), the kickback prohibition of RESPA is to be applied to such arrangements. No alternatives are being considered because of the statutory mandate. The potential costs cannot be accurately projected but are believed to be incidental. The rule will also contain other miscellaneous changes to clarify and update the existing rule.

Timetable:

Action	Date	FR Cite
NPRM	04/00/85	

Small Entity: No

Additional Information: ADDITIONAL AGENCY CONTACT: Brian Chappelle, Acting Director, Single Family Development Division, (202) 755-6720.

HUD—OH **Current and Projected Rulemakings**

Agency Contact: Grant E. Mitchell, Assistant General Counsel, Department of Housing and Urban Development, Office of Housing, Office of General Counsel, Fiscal Management and Energy Division, **202 755-6550**

RIN: 2502-AC09

149. MANUFACTURED HOME CONSTRUCTION AND SAFETY STANDARDS (VOLUNTARY CONSENSUS STANDARDS) (H-72-82; FR-1633)

Priority: Major

Legal Authority: 42 USC 401

CFR Citation: Not yet determined

Abstract: This is a request for responses to develop and maintain voluntary consensus standards for residential manufactured homes. In an effort to adhere to OMB Circular A-119, "Federal Participation in the Development and Use of Voluntary Standards", the Department is interested in working with voluntary standards bodies in developing and adopting voluntary standards for use as the Federal Manufactured Home Construction and Safety Standards. The request for response would identify those private organizations qualified and interested in developing and maintaining standards which can meet the intent of the Act. Responses to ANPRM are now being considered.

Timetable:

Action	Date	FR Cite
ANPRM	07/07/82	47 FR 29605
ANPRM Comment Period Begin	07/07/82	
ANPRM Comment Period End	07/31/82	

Next Action Undetermined

Small Entity: No

Agency Contact: James McCollom, Director, Department of Housing and Urban Development, Office of Housing, Manufactured Housing and Construction, Standards Division, **202 766-5210**

RIN: 2502-AA02

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)
Office of Housing (OH) **Existing Regulations Under Review**

150. SECTION 8 HOUSING ASSISTANCE PROGRAM FOR DISPOSITION OF THE HUD-OWNED PROJECTS (H-6-79; FR-823)

Legal Authority: 42 USC 1437; PL 96-153; PL 96-399

CFR Citation: 24 CFR 886, Subpart C

Abstract: Provides for the use of Section 8 housing assistance in the disposition of HUD-owned projects. Final rule preparation awaits decision on the future use of Section 8 relating to Property Disposition. Includes: H-7-79. Interim rule published December 6, 1979 (44 FR 70362), effective December 26, 1979.

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/06/79	44 FR 70362
Interim Rule effective	12/26/79	
End Review	00/00/00	

Small Entity: No

Agency Contact: Marvin T. Hilman, Director, Department of Housing and Urban Development, Office of Housing, Multifamily Sales Division, **202 755-7343**

RIN: 2502-AB42

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)
Office of Housing (OH) **Completed Actions**

COMPLETED RULEMAKINGS

151. USE OF MATERIALS BULLETIN NO. 85 - HUD BUILDING PRODUCT STANDARDS AND CERTIFICATION PROGRAM FOR POLY (VINYL CHLORIDE) WINDOWS (H-105-82; FR-1926)

CFR Citation: 24 CFR 200.935; 24 CFR 200.941

Completed:

Reason	Date	FR Cite
Final Action	08/09/84	49 FR 31853
Final Action Effective	10/04/84	

Small Entity: No

Agency Contact: Leslie Breden 202 755-5929

RIN: 2502-AA67

152. USERS FEE SCHEDULE FOR THE TECHNICAL SUITABILITY OF PRODUCTS PROGRAM (H-56-83; FR-1827)

Priority: Agency Determination

CFR Citation: 24 CFR 200

Completed:

Reason	Date	FR Cite
Final Action	10/04/84	49 FR 31854

Small Entity: No

Agency Contact: Donald R. Fairman 202 755-5718

RIN: 2502-AB78

153. MORTGAGE INSURANCE ELIGIBILITY, PROCEDURES AND PROCESSING (H-19-84; FR-1887)

CFR Citation: 24 CFR 200

Completed:

Reason	Date	FR Cite
Withdrawn from Agenda	01/00/85	

Small Entity: No

Agency Contact: Jon Will Pitts 202 755-6779

RIN: 2502-AC26

154. MORTGAGE INSURANCE - OCCUPANCY OF PROPERTY (H-1-78; FR-968)

CFR Citation: 24 CFR 203.670; 24 CFR 203.671; 24 CFR 203.672; 24 CFR 203.673; 24 CFR 203.674; 24 CFR 203.675; 24 CFR 203.676; 24 CFR 203.677; 24 CFR 203.678; 24 CFR 203.679; 24 CFR 203.680; 24 CFR 203.681; 24 CFR 203.682; 24 CFR 203.683

Completed:

Reason	Date	FR Cite
To be included in RIN 2502-AC86	11/14/84	

Small Entity: No

Agency Contact: Alan Kappeler 202 755-3046

RIN: 2502-AB10

155. SECTION 223(A) AMENDMENTS (H-65-83)

CFR Citation: 24 CFR 207; 24 CFR 255

Completed:

Reason	Date	FR Cite
To be included in RIN 2502-AC74	02/00/85	

Small Entity: Undetermined

Agency Contact: April LeClair 202 755-7113

RIN: 2502-AB92

156. SHARED HOUSING AND REVISED OCCUPANCY POLICIES IN THE SECTION 8 AND PUBLIC HOUSING PROGRAMS (H-49-83; FR-1804)

Priority: Agency Determination

CFR Citation: 24 CFR 813; 24 CFR 880; 24 CFR 881; 24 CFR 882; 24 CFR 913; 24 CFR 960

Completed:

Reason	Date	FR Cite
To be included in RIN 2502-AB87	01/00/85	

Small Entity: No

Agency Contact: Margaret Milner 202 755-6454

RIN: 2502-AB72

157. CONDOMINIUM PROJECTS - MUTUAL MORTGAGE INSURANCE AND INSURED LOANS (H-5-82; FR-1388)

CFR Citation: 24 CFR 234.26

Completed:

Reason	Date	FR Cite
To be included in RIN 2502-AC79	01/00/85	

Small Entity: No

Agency Contact: Brian Chappelle 202 755-6720

RIN: 2502-AA43

158. INCREASE IN MAXIMUM INSURABLE AMOUNT OF CONDOMINIUM UNIT OWNED BY A NONOCCUPANT (H-90-84; FR-2030)

CFR Citation: 24 CFR 234.27

Completed:

Reason	Date	FR Cite
Final Action	12/04/84	49 FR 47388
Final Action Effective	03/29/85	49 FR 47388

Small Entity: No

Agency Contact: Brian Chappelle 202 755-6720

RIN: 2502-AC60

159. TENANT PARTICIPATION FOR ITEMS REQUIRING HUD APPROVAL (H-89-84; FR-1997)

Priority: Undetermined

CFR Citation: 24 CFR 245

Completed:

Reason	Date	FR Cite
To be included in RIN 2502-AC57	11/14/84	

Small Entity: No

Agency Contact: James J. Tahash 202 426-3970

RIN: 2502-AC58

160. SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM - EXISTING CONTRACT ADMINISTRATION (H-58-78; FR-659)

Priority: Undetermined

CFR Citation: 24 CFR 882.300 to 882.316

Completed:

Reason	Date	FR Cite
Withdrawn from Agenda	02/00/85	

Small Entity: No

Agency Contact: Gerald J. Benoit 202 755-5720

RIN: 2502-AB46

ACTIONS THAT STARTED AND ENDED BETWEEN ISSUES OF THE UNIFIED AGENDA

161. ● CHANGES IN HUD/FHA MAXIMUM INTEREST RATE (H-12-85; FR-2054)

Priority: Agency Determination

Legal Authority: 12 USC 1715b; 12 USC 1715w(i); 12 USC 1715z(i); 42 USC 3535d

CFR Citation: 24 CFR 232; 24 CFR 235

Abstract: This rule lowers from 13.50 percent to 13.00 percent the maximum interest rate for the HUD/FHA Section 235 home mortgage insurance program and the Section 232 loans to finance the purchase and installation of fire safety equipment.

Timetable:

Action	Date	FR Cite
Final Action	10/30/84	49 FR 43545

Small Entity: No

Agency Contact: John N. Dickie, Department of Housing and Urban Development, Office of Housing, Office of Financial Management, 202 755-7270

RIN: 2502-AD15

162. ● CHANGE IN HUD/FHA MAXIMUM INTEREST RATE (H-14-85; FR-2070)

Priority: Agency Determination

Legal Authority: 12 USC 1715b; 12 USC 1715w(i); 12 USC 1715z(i); 42 USC 3535d

CFR Citation: 24 CFR 232; 24 CFR 235

Abstract: This rule lowers from 13.00 percent to 12.50 percent the maximum interest rate for the HUD/FHA Section 235 home mortgage insurance program and the Section 232 loans to finance the purchase and installation of fire safety equipment.

Timetable:

Action	Date	FR Cite
Final Action	11/30/84	49 FR 46991

Small Entity: No

Agency Contact: John N. Dickie, Department of Housing and Urban Development, Office of Housing, Office of Financial Management, 202 755-7270

RIN: 2502-AD16

HUD—OH — Completed Actions

163. ● LOANS FOR HOUSING FOR THE ELDERLY OR HANDICAPPED; FISCAL YEAR 1985 INTEREST RATE (H-7-85; FR-2056)

Priority: Undetermined

Legal Authority: 12 USC 1701q; 42 USC 3535(d)

CFR Citation: 24 CFR 885.410(g)

Abstract: This rule establishes the interest rate direct loans made during Fiscal Year 1985 for housing for the elderly or handicapped. The rule implements provisions of the Housing and Urban Development - Independent Agencies Appropriations Act, 1985 (Pub. L. 98-371). That Act provides that the interest rate for section 202 Loans made during Fiscal Year 1985 may not exceed 9.25 percent per annum (including an allowance for administrative costs and probable losses).

Timetable:

Action	Date	FR Cite
Final Action	01/22/85	50 FR 2781
Final Action Effective	03/04/85	50 FR 2781

Small Entity: No

Agency Contact: Robert W. Wilden, Director, Department of Housing and Urban Development, Office of Housing, Assisted Elderly and Handicapped, Housing Division, **202 426-8730**

RIN: 2502-AC90

[FR Doc. 85-6367 Filed 04-26-85; 8:45 am]

BILLING CODE 4210-01-T

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) — Current and Projected Rulemakings

Office of Community Planning and Development (CPD)

164. UNIFORM RELOCATION ASSISTANCE AND REAL PROPERTY ACQUISITION (CPD-15-83)

Priority: Undetermined

Legal Authority: 42 USC 4601 et seq

CFR Citation: 24 CFR 42; 24 CFR 43

Abstract: Would revise HUD rules to conform to government-wide Uniform Act regulations developed by the Uniform Act Interagency Regulatory Review Working Group formed by OMB. The rule would establish Uniform policies and procedures for all Federal agencies responsible for implementing the Uniform Act. DOT at the request of OMB published the proposed government-wide rule. (DOT will issue a final rule that HUD will publish as the proposed HUD rule.)

Timetable:

Action	Date	FR Cite
NPRM	07/01/85	

Small Entity: Not Applicable

Additional Information: Includes CPD-4-81 (RIN-2506-AA14).

Agency Contact: Melvin J. Geffner, Deputy Director, Relocation and Real Estate, Department of Housing and Urban Development, Office of Community Planning and Development, Office of Urban Rehabilitation, **202 755-6336**

RIN: 2506-AA46

165. DEPARTMENTAL POLICIES, RESPONSIBILITIES, AND PROCEDURES FOR PROTECTION AND ENHANCEMENT OF ENVIRONMENTAL QUALITY (CPD-29-78; FR-1054)

Priority: Agency Determination

Legal Authority: 42 USC 4321; PL 95-557

CFR Citation: 24 CFR 50

Abstract: This final rule will replace an interim rule published on December 15, 1982 (47 FR 56266). The rule provides policies and procedures for HUD consideration of environmental factors in decision-making under HUD programs (except the Community Development Block Grant Program). The rule implements the National Environmental Policy Act (NEPA) and several specific environmental laws and authorities. The rule reflects a number of elements of the December 1982 interim rule to reduce the regulatory burden and procedural details resulting from two years of field experience. Changes have also been made to reflect field office reorganization and requirements mandated by the passage of the Housing and Urban-Rural Recovery Act of 1983.

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/15/82	47 FR 56266
Interim Rule effective	03/10/83	
Final Action	04/00/85	

Small Entity: No

Affected Sectors: Multiple

Agency Contact: Charles E. Thomsen, Department of Housing and Urban Development, Office of Community Planning and Development, Office of Environment and Energy, Environmental Management Division, **202 755-6611**

RIN: 2506-AA10

166. ● SITING OF HUD-ASSISTED PROJECTS NEAR HIGH VOLTAGE TRANSMISSION LINES (CPD-3-85)

Priority: Undetermined

Legal Authority: 42 USC 1441; 42 USC 3535; 42 USC 1441(a)

CFR Citation: 24 CFR 51F

Abstract: The proposed ANPRM will seek public input to the decision on whether or not to proceed with the development of siting standards related to overhead high voltage transmission lines as part of HUD's environmental criteria and standards contained in 24 CFR Part 51. Particular attention will be given to research, experimental findings and studies that indicate exposure to electric fields (and electromagnetic fields) may have adverse health effects.

The proposal will look at current state and local standards, the potential effect of electric fields on human health and safety and consider establishing standards which will influence the siting of housing and other HUD-assisted projects in the vicinity of high voltage transmission lines.

Timetable:

Action	Date	FR Cite
ANPRM	07/00/85	

Small Entity: No

Agency Contact: Antoinette G. Sebastian, Department of Housing and Urban Development, Office of Community Planning and Development, Office of Environment and Energy, Environmental Planning Division, 202 755-7225

RIN: 2506-AA61

167. ● EXPOSURE TO RADON GAS IN NEW AND EXISTING RESIDENTIAL STRUCTURES (CPD-2-85)

Priority: Undetermined

Legal Authority: 42 USC 1441, 42 USC 3535, 42 USC 1441(a)

CFR Citation: 24 CFR 51E

Abstract: The proposed ANPRM will seek public input to the decision on whether or not to proceed with the development of standards for the concentration of indoor concentration of radon gas in HUD- assisted housing under 24 CFR Part 51. Radon gas is an inert gas resulting from the decay of radioactive materials that exist within the earth, in uranium mill tailings, on reclaimed phosphate land, in granite rock, and even in drinking water Radon emits Alpha particles which are carcinogenic, and represents a particular hazard to humans once it enters into and is confined inside a building. The EPA has determined that an acceptable indoor concentration of radon should not exceed 0.02 working levels (WL) which is based on studies of workers exposed to concentration of radon. HUD has funded studies which identified techniques for reducing the infiltration of radon gas in existing residences and has been active in seeking techniques to prohibit infiltration of radon gas in new residential construction. Such mitigation techniques would be considered as part of the rule making.

Timetable:

Action	Date	FR Cite
ANPRM	06/00/85	

Small Entity: No

Agency Contact: James L. Christopulos, Department of Housing and Urban Development, Office of Community Planning and Development, Office of Environment and Energy, Environmental Planning Division, 202 755-7225

RIN: 2506-AA62

168. ● SITING OF HUD-ASSISTED PROJECTS NEAR HIGH PRESSURE GAS TRANSMISSION LINES (CPD-1-85)

Priority: Undetermined

Legal Authority: 42 USC 1441, 42 USC 3535; 42 USC 1441(a)

CFR Citation: 24 CFR 51G

Abstract: The proposed ANPRM will seek public input to the decision on whether or not to proceed with the development of siting standards related to high pressure gas transmission lines as part of HUD's environmental criteria and standards contained in 24 CFR Part 51. Particular attention will be given to potential hazards from high pressure gas transmission lines.

There has been a considerable loss of life and property from explosions and fires caused by eruptions of high pressure gas transmission lines. The proposal will look at current standards, the potential effect of high pressure gas transmission lines on residences and other places of assembly, and particularly at the potential development of safety standards in terms of acceptable separation distances

Timetable:

Action	Date	FR Cite
ANPRM	08/00/85	

Small Entity: No

Agency Contact: James L. Christopulos, Department of Housing and Urban Development, Office of Community Planning and Development, Office of Environment and Energy, Environmental Planning Division, 202 755-7225

RIN: 2506-AA63

169. ENVIRONMENTAL REVIEW PROCEDURES FOR THE CDBG PROGRAM (CPD-21-81; FR-1027)

Priority: Agency Determination

Legal Authority: 42 USC 5301; PL 97-35; 42 USC 4321; 42 USC 1437

CFR Citation: 24 CFR 58

Abstract: The final rule provides policies and procedures by which assisted communities and participating states discharge Federal environmental review responsibilities. The final rule also streamlines and reduces the environmental requirements. Such actions include: (1) an expanded listing of block grant activities and projects exempt or categorically excluded from the NEPA requirements; (2) the definitive list of related statutes and authorities that must be observed by grant recipients for the release of block grant funds as required by the HUD legislation; and (3) the further provisions needed to conform with and implement innovative measures of the HUD Amendments of 1981 such as the new state-administered block grant program for small cities and the assumption of the environmental oversight responsibilities by such states.

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/12/82	47 FR 15750
Interim Rule effective	05/19/82	
Final Action	02/00/85	

Small Entity: No

Additional Information: Includes: CPD-23-81; CPD-27-78. May be merged with FR-1965 (S-6-84). RIN-2501-AA25.

Agency Contact: Charles E. Thomsen, Department of Housing and Urban Development, Office of Community Planning and Development, Office of Environment and Energy, Environmental Management Division, 202 755-6611

RIN: 2506-AA05

170. SECTION 312 REHABILITATION LOAN PROGRAM (CPD-9-84)

Priority: Agency Determination

Legal Authority: 42 USC 1452b Housing Act of 1964

CFR Citation: 24 CFR 510

Abstract: This regulation would implement for the first time an application fee for processing loan applications to cover administrative costs of the program. It would also provide for the imposition of an annual risk charge to be added to the interest

rate to compensate for losses in the program.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Agency Contact: William Hanson, Department of Housing and Urban Development, Office of Community Planning and Development, Office of Urban Loan Rehabilitation, Office of Community Planning & Development, 202 755-6336

RIN: 2506-AA52

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171. RESIDENTIAL RENTAL REHABILITATION PROGRAM (CPD-7-84; FR-1901)

Priority: Major

Legal Authority: 42 USC 1437o; 42 USC 3535(d)

CFR Citation: 24 CFR 511

Abstract: This rule implements the Rental Rehabilitation Program authorized by section 17 of the U.S. Housing Act of 1937. The regulation (1) sets out a variety of program and other requirements to be met by grantees, State recipients and others that use or benefit from rental rehabilitation grants amounts, (2) enumerates the requirements for participating in the Rental Rehabilitation Program, (3) sets forth the formula by which allocations of rental rehabilitation grant amounts will be made to eligible grantees, (4) explains the rental housing assistance available for tenants, (5) enumerates administrative requirements for the Program, and (6) explains how HUD will review program performance.

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/20/84	49 FR 16936
Interim Rule effective	05/24/84	
Comments due	06/19/84	
Final Action	09/00/85	

Small Entity: No

Additional Information: Includes: CPD-17-82; CPD-8-84; FR-1912

Agency Contact: Robert I. Dodge III, Director, Office of Urban Rehabilitation, Department of Housing and Urban Development, Office of Community Planning and Development, 202 755-5685

RIN: 2506-AA55

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172. PERFORMANCE ADJUSTMENTS TO FORMULA ALLOCATIONS-RENTAL REHABILITATION PROGRAM (CPD-14-84); FR-2055)

Priority: Agency Determination

Legal Authority: PL 98-181

CFR Citation: 24 CFR 511.32

Abstract: This rule sets forth the performance adjustment standards for the new Rental Rehabilitation Program. Beginning with Fiscal Year 1986, the Secretary of Hud may adjust the allocation for a city, urban county, consortia, or State administering a rental rehabilitation program by up to 15 percent above or below the amount of its annual allocation based on an annual review of performance in carrying out the performance adjustment standards established in this rule.

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/00/85	

Small Entity: Undetermined

Agency Contact: Craig Nickerson, Director, Rental Rehabilitation Division, Department of Housing and Urban Development, Office of Community Planning and Development, 202 755-5970

RIN: 2506-AA60

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173. SPECIAL PROJECTS PROGRAM (CPD-5-82; FR-1554)

Legal Authority: 42 USC 5301

CFR Citation: 24 CFR 570.410

Abstract: This interim rule established a new Community Development Special Projects Program for states and units of general local government. This rule describes policy and procedures for HUD to award Special Projects Assistance. Interim rule effective August 11, 1982.

Timetable:

Action	Date	FR Cite
Interim Final Rule	07/12/82	47 FR 30053
Final Action	00/00/00	
Final Action Effective	00/00/00	

Small Entity: No

Public Compliance Cost: Initial Cost: $0; Yearly Recurring Cost: $0

Government Levels Affected: Local, State

Agency Contact: Yvette Aidara, Program Analyst, Department of Housing and Urban Development, Office of Community Planning and Development, Office of Program Policy Development, Policy Development Division, 202 755-8909

RIN: 2506-AA01

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174. SMALL CITIES CDBG PROGRAM (CPD-35-81; FR-1502)

Legal Authority: 42 USC 5301; 42 USC 3535(d)

CFR Citation: 24 CFR 570

Abstract: The revisions will implement the statutory changes made by the 1983 Amendments. Specifically, this includes definitions of low and moderate income benefit, 51% test for benefit to low and moderate income persons, added local citizens participation requirements and coverage of program income. This rule will also address the public comments received on the interim rule published August 16, 1982.

Timetable:

Action	Date	FR Cite
Interim Final Rule	08/16/82	47 FR 35674
Interim Rule effective	08/16/82	
NPRM	08/00/85	

Small Entity: No

Additional Information: Includes: CPD-3-80; CPD-12-82. Additional Agency Contact: Bryant Monroe, (202) 755-6322.

Agency Contact: Helen Duncan, Department of Housing and Urban Development, Office of Community Planning and Development, Office of Block Grant Assistance, State and Small Cities Division, 202 755-6322

RIN: 2506-AA06

175. TECHNICAL ASSISTANCE: DISCRETIONARY AWARDS (CPD-6-79; FR-1115)

Legal Authority: PL 93-383 Title I, HUD Act of 1974, as amended

CFR Citation: 24 CFR 570.402

Abstract: Would amend 24 CFR 570.402 to update and clarify the priorities for Technical Assistance funding and to clarify application and review procedures for awards.

Timetable:

Action	Date	FR Cite
NPRM	06/16/80	45 FR 40954
Final Action	09/00/85	

Small Entity: No

Public Compliance Cost: Initial Cost: $0; Yearly Recurring Cost: $0; Base Year for Dollar Estimates: 1985

Affected Sectors: Multiple

Government Levels Affected: Local, State

Agency Contact: Jerome Friedman, Director, Policy Division, Department of Housing and Urban Development, Office of Community Planning and Development, Office of Program Policy Development, **202 755-8909**

RIN: 2506-AA30

176. CDBG SECRETARY'S DISCRETIONARY FUND: INSULAR AREAS (CPD-6-83; FR-1822)

Legal Authority: 42 USC 5301 et seq Housing & Community Development Act of 1974

CFR Citation: 24 CFR 570.405 24 CFR 570.430

Abstract: This rule revises the regulation governing the Community Development Block Grant (CDBG) program for the Insular Areas. It eliminates inconsistencies with the current statute and streamlines and simplifies program administration

Timetable:

Action	Date	FR Cite
NPRM	08/07/84	49 FR 31446
NPRM Comment Period Begin	08/07/84	49 FR 31446
NPRM Comment Period End	10/09/84	
Interim Final Rule	08/00/85	

Small Entity: Undetermined

Public Compliance Cost: Initial Cost: $0; Yearly Recurring Cost: $0; Base Year for Dollar Estimates: 1982

Affected Sectors: None

Government Levels Affected: Local

Agency Contact: Hazel P. Braxton, Program Analyst, Department of Housing and Urban Development, Office of Community Planning and Development, Office of Program Policy Development, Secretary's Fund Division, **202 755-6092**

RIN: 2506-AA32

177. COMMUNITY DEVELOPMENT BLOCK GRANTS: STATE'S PROGRAM (CPD-7-83; FR-1877)

Priority: Agency Determination

Legal Authority: 42 USC 5301, PL 98-181

CFR Citation: 24 CFR 570.488 to 570.499

Abstract: This revision would implement the 1983 amendments. This includes: definitions of low and moderate income persons, requirements for meeting the three national objectives, the 51% test for low and moderate income benefit, added local and state public participation, coverage of program income, performance reporting and record keeping, and consequences of states dropping program administration after FY 85.

Timetable:

Action	Date	FR Cite
NPRM	03/00/85	

Small Entity: Not Applicable

Agency Contact: Richard J. Kennedy, Asst. Dir. State Small Cities Div., Department of Housing and Urban Development, Office of Community Planning and Development, Office of Block Grant Assistance, State and Small Cities Division, **202 755-6322**

RIN: 2506-AA38

178. COMMUNITY DEVELOPMENT BLOCK GRANTS URBAN DEVELOPMENT ACTION GRANTS (CPD-14-83)

Priority: Agency Determination

Legal Authority: 42 USC 5301 et seq

CFR Citation: 24 CFR 570, Subpart G

Abstract: The proposed regulations will correct a number of inaccuracies of a technical nature. These include Davis-Bacon Act Relationship to Indian tribes, and various corrections to eligibility matters including use of new census data. The alternative was a set of technical amendments which the Office of General Counsel advised against. The cost of this regulation should be negligible while the benefits are significant in terms of providing corrections and updated information of a technical nature to applicants and recipients.The regulation will also incorporate changes made by the Housing and Urban Rural Recovery Act of 1983.

Timetable:

Action	Date	FR Cite
ANPRM	00/00/00	

Small Entity: No

Agency Contact: Michael McMahon, Director, Department of Housing and Urban Development, Office of Community Planning and Development, Program Policy and Support Division, **202 755-8227**

RIN: 2506-AA40

179. COMMUNITY DEVELOPMENT BLOCK GRANT (CPD-6-84; FR-1895)

Priority: Agency Determination

Legal Authority: 42 USC 5301 et seq Housing & Community Development Act of 1974

CFR Citation: 24 CFR 570

Abstract: As a result of the 1983 and 1984 amendments to the Housing and Community Development Act of 1974 as amended, this proposed rule would set forth new requirements governing the administration of Community Development Block Grant funds under subpart A (General Provisions), C (Eligible Activities), D (Entitlement Grants), F (Small Cities Programs), K (Other Applicable Laws), M (Loan Guarantees), J (Grant Administration), and O (Program Management).

Timetable:

Action	Date	FR Cite
NPRM	10/31/84	49 FR 43852
NPRM Comment Period Begin	10/31/84	49 FR 43852
NPRM Comment Period End	12/31/84	
Final Action	06/00/85	

Small Entity: No

Additional Information: Includes: FR-1825, FR-1852, FR-1854; FR-1572

Government Levels Affected: Local, Federal

Agency Contact: James R. Broughman, Director, Department of Housing and Urban Development, Office of Community Planning and Development, Office of Block Grant Assistance, Entitlement Cities Division, 202 755-9267

RIN: 2506-AA47

180. SECTION 108 LOAN GUARANTEE ASSISTANCE FEES (CPD-10-84; FR-1974)

Legal Authority: 42 USC 5308; 42 USC 3535(d); 42 USC 3535(j)

CFR Citation: 24 CFR 570.703

Abstract: The rule would require the Assistant Secretary for Community Planning and Development to establish a fee to help defray administrative costs of processing and servicing section 108 loan guarantees.

Timetable:

Action	Date	FR Cite
NPRM	10/10/84	49 FR 39693
NPRM Comment Period Begin	10/10/84	49 FR 39693
NPRM Comment Period End	12/10/84	
Notice of Fee	03/00/85	
Final Action	03/00/85	

Small Entity: No

Government Levels Affected: Local

Agency Contact: Paul Webster, Director, Department of Housing and Urban Development, Office of Community Planning and Development, Financial Management Division, 202 755-1871

RIN: 2506-AA59

181. INDIAN CDBG PROGRAM ASSURED FUNDING PROCESS (CPD-4-84)

Priority: Undetermined

Legal Authority: 42 USC 5301 et seq Housing and Urban Development Act of 1974

CFR Citation: 24 CFR 571.101

Abstract: Would provide assured funding to Tribes with populations exceeding 5,000 through noncompetitive distribution. This would enable the large Tribes to plan for their community development needs more consistently and would eliminate the competitive advantage they may have over small Tribes.

Timetable:

Action	Date	FR Cite
ANPRM	01/00/85	
ANPRM Comment Period Begin	01/00/85	
ANPRM Comment Period End	03/00/85	

Small Entity: No

Agency Contact: Leroy P. Gonnella, Director, Secretary's Fund Division, Department of Housing and Urban Development, Office of Community Planning and Development, Office of Program Policy Development, 202 755-6092

RIN: 2506-AA50

182. INDIAN CDGB PROGRAM - CONFLICT OF INTEREST PROVISIONS (CPD-5-84; FR-2016)

Legal Authority: 42 USC 5301 et seq Housing & Community Development Act of 1974

CFR Citation: 24 CFR 571.607

Abstract: This rule will simplify the procedures for requesting waivers of conflict of interest provisions required by the Indian CDBG Program. It will provide authority to Field Offices to grant exceptions to conflict of interest requirements if certain conditions are present.

Timetable:

Action	Date	FR Cite
NPRM	03/00/85	

Small Entity: No

Agency Contact: Leroy P. Gonnella, Director, Secretary's Fund Division, Department of Housing and Urban Development, Office of Community Planning and Development, Office of Program Policy Development, 202 755-6092

RIN: 2506-AA51

183. CDBG PROGRAM FOR INDIAN TRIBES AND ALASKAN NATIVES (CPD-11-84; FR-2000)

Legal Authority: 42 USC 5701-30

CFR Citation: 24 CFR 571.302

Abstract: This rule would incorporate new policies and procedures that would simplify and add flexibility to the rating and ranking process for applicants in the CDBG program for Indian Tribes and Alaskan Native villages.

Timetable:

Action	Date	FR Cite
ANPRM	03/00/85	

Small Entity: No

Agency Contact: Leroy Gonnella, Director, Secretary's Fund Division, Department of Housing and Urban Development, Office of Community Planning and Development, Office of Program Policy Development, 202 755-6092

RIN: 2506-AA56

184. INDIAN COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM: REVISION TO CORRECTIVE AND REMEDIAL ACTION (CPD-13-84)

Priority: Undetermined

Legal Authority: 42 USC 5301 et seq; 42 USC 3535 (d)

CFR Citation: 24 CFR 571.702 (b) (6); 24 CFR 571.302(a)(2)(ii)(c)

Abstract: This rule amends the corrective and remedial actions to be taken against grant recipients who fail to perform properly. One of the actions to be taken is to require recipients to reimburse their program account of Letter of Credit in any amounts improperly expended. This amendment allows the recipient to make such reimbursement through an in-kind contribution if sufficient cash is not available.It also provides as a threshold the ability to disqualify an applicant for two years should HUD forgive previously disallowed costs.

Timetable:

Action	Date	FR Cite
NPRM	06/00/85	

Small Entity: No

Agency Contact: Leroy P. Gonnella, Director, Secretary's Fund Division, Department of Housing and Urban Development, Office of Community Planning and Development, 202 755-6092

RIN: 2506-AA58

185. URBAN HOMESTEADING (CPD-41-81; FR-1624)

Legal Authority: 42 USC 5301 et seq Housing & Community Development Act of 1974

CFR Citation: 24 CFR 590

Abstract: Rule would reduce to the extent consistent with statutory objective, requirements applicable to localities participating in the Urban Homesteading Program. The changes reflect the Department's deregulation goals under Executive Order 12291. Changes include: the elimination of references to Section 312 and addition of the requirements of the Urban-Rural Recovery Act of 1983, except for the authorized multifamily Urban Homesteading Demonstration and the Locally Owned Property Demonstration.

Timetable:

Action	Date	FR Cite
NPRM	07/05/84	49 FR 27572
NPRM Comment Period Begin	07/05/84	49 FR 27572
NPRM Comment Period End	09/04/84	
Final Action	03/00/85	

Small Entity: No

Additional Information: includes FR-1237

Agency Contact: Richard R. Burk, Director, Urban Homesteading, Department of Housing and Urban Development, Office of Community Planning and Development, Office of Urban Rehabilitation, 202 755-5324

RIN: 2506-AA20

186. ENTERPRISE ZONES (CPD-11-83)

Priority: Agency Determination

Legal Authority: Proposed Enterprise Zone Employmt & Developmt Tax Act of 1983

CFR Citation: 24 CFR 596

Abstract: Provides procedures for nomination of geographic areas by States and Local governments for designation as an enterprise zone by Secretary of HUD. Program intended to stimulate the creation of new jobs, particularly for disadvantaged workers and long-term unemployed individuals, and to promote re-evaluation of distressed areas through tax incentives and actions to reduce regulatory requirements to encourage free enterprise by the private sector within the zones.

Timetable:

Action	Date	FR Cite
Interim Final Rule	09/00/85	

Small Entity: Undetermined

Government Levels Affected: Local, State, Federal

Agency Contact: Michael T. Savage, CPD Enterprise Zone Coordinator, Department of Housing and Urban Development, Office of Community Planning and Development, 202 755-6300

RIN: 2506-AA45

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)
Office of Community Planning and Development (CPD)

Completed Actions

COMPLETED RULEMAKINGS

187. REHABILITATION LOAN PROGRAM (CPD-9-82; FR-1128)

CFR Citation: 24 CFR 510

Completed:

Reason	Date	FR Cite
Withdrawn from Agenda	02/00/85	

Small Entity: No

Agency Contact: William Hanson 202 755-5954

RIN: 2506-AA54

188. LUMP SUM DRAWDOWN OF CDBG FUNDS FOR PROPERTY REHABILITATION FINANCING (CPD-39-81; FR-1572)

CFR Citation: 24 CFR 570.513

Completed:

Reason	Date	FR Cite
Withdrawn from Agenda	01/00/85	

Small Entity: No

Agency Contact: Linda Pellish 202 755-5970

RIN: 2506-AA19

189. URBAN RENEWAL PROVISIONS (CPD-16-79)

CFR Citation: 24 CFR 570

Completed:

Reason	Date	FR Cite
Withdrawn from Agenda	01/00/85	

Small Entity: No

Agency Contact: Thomas H. Terrell 202 755-6330

RIN: 2506-AA22

190. SMALL CITIES PROGRAM (CPD-12-83; FR-1825)

Priority: Agency Determination

CFR Citation: 24 CFR 570.906(b)

Completed:

Reason	Date	FR Cite
To be included in RIN 2506-AA47	01/00/85	

Small Entity: Undetermined

Agency Contact: Helen Duncan 202 755-6322

RIN: 2506-AA43

191. COMMUNITY DEVELOPMENT BLOCK GRANTS; LUMP SUM DRAWDOWNS FOR PROPERTY REHABILITATION FINANCING (CPD-2-84; FR-1854)

CFR Citation: 24 CFR 570.513

Completed:

Reason	Date	FR Cite
To be included in RIN 2506-AA47	01/00/85	

Small Entity: No

Agency Contact: Justin Logsdon 202 755-5370

RIN: 2506-AA48

192. INDIAN CDBG PROGRAM (CPD-18-79; FR-1612)

Priority: Agency Determination

CFR Citation: 24 CFR 571

Completed:

Reason	Date	FR Cite
Final Action	09/07/84	49 FR 35367

Small Entity: No

HUD—CPD

Completed Actions

Agency Contact: Marcia A. B. Brown 202 755-6092

RIN: 2506-AA09

193. INDIAN CDBG PROGRAM - PROJECT SELECTION PROCESS (CPD-5-83)

Priority: Agency Determination

CFR Citation: 24 CFR 571.302

Completed:

Reason	Date	FR Cite
Duplicates RIN 2506-AA56	01/00/85	

Small Entity: Not Applicable

Agency Contact: Marcia A. B. Brown 202 755-6092

RIN: 2506-AA33

[FR Doc. 85-6367 Filed 04-26-85; 8:45 am]

BILLING CODE 4210-01-T

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)

Office of Fair Housing and Equal Opportunity (FHEO)

Current and Projected Rulemakings

194. NONDISCRIMINATION BASED ON HANDICAP IN FEDERALLY-ASSISTED PROGRAMS AND ACTIVITIES (FH&EO-4-84; FR-770)

Priority: Agency Determination

Legal Authority: 29 USC 794; 29 USC 706

CFR Citation: 24 CFR 8

Abstract: Would add a new 24 CFR 8 Part to set forth procedures and policies to assure nondiscrimination based on handicap in programs and activities receiving Federal financial assistance.

Timetable:

Action	Date	FR Cite
NPRM	04/19/78	43 FR 16652
Interim Final Rule	05/06/83	48 FR 29638
Interim Rule published	05/18/83	48 FR 22470
Interim Rule published	06/15/83	48 FR 27528
Proposed Rule published	06/15/83	48 FR 27529
Final Action	00/00/00	

Small Entity: No

Agency Contact: David Enzel, Attorney, Department of Housing and Urban Development, Office of the Secretary, 202 755-6207

RIN: 2529-AA26

195. ● NONDISCRIMINATION BASED ON HANDICAPPED IN PROGRAMS AND ACTIVITIES CONDUCTED BY HUD (FHEO-2-85)

Priority: Agency Determination

Legal Authority: 29 USC 794

CFR Citation: 24 CFR 8

Abstract: The Rehabilitation, Comprehensive Services, and Developmental Disabilities Act of 1978 extended the nondiscrimination mandate of Section 504 of the Rehabilitation Act of 1973 to programs or activities conducted by the Executive agencies. This rule would implement the mandate by tailoring regulations to the particular programs and activities conducted by HUD.

Timetable:

Action	Date	FR Cite
NPRM	12/00/85	

Small Entity: Undetermined

Agency Contact: David Enzel, Attorney Advisor, Department of Housing and Urban Development, Office of the General Counsel, Office of General Counsel, 202 755-6207

RIN: 2529-AA28

196. PROCEDURES FOR ENFORCEMENT OF COMPLAINTS AGAINST DISCRIMINATORY HOUSING PRACTICES (FH&EO-1-82)

Legal Authority: 42 USC 3601 to 3619

CFR Citation: 24 CFR 105

Abstract: This regulation sets forth procedures carrying out the Department's responsibilities with respect to complaints filed under Section 810 of Title VIII of the Civil Rights Act of 1968, as amended.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Agency Contact: Katrina Ross, Director, Fair Housing Enforcement Division, Department of Housing and Urban Development, Office of Fair Housing and Equal Opportunity, Off of Fair Hsng Enforc and Sec 3 Compliance, 202 755-5673

RIN: 2529-AA03

197. PROCEDURE FOR PROCESSING COMPLAINTS UNDER SECTION 804 OF THE FAIR HOUSING ACT (FH&EO-6-84; FR-2012)

Legal Authority: 42 USC 3535 (d); 42 USC 3601 to 3619

CFR Citation: 24 CFR 105

Abstract: This rule would amend 24 CFR Part 105 which governs the procedure for processing complaints under section 810 of the Fair Housing Act.The proposed rule would reorganize the provisions of Part 105 and would add more specific descriptions of the procedures used to investigate fair housing complaints to make a determination to resolve matters raised in complaints and to try to eliminate and correct alleged discriminatory housing practices by one or more means.

Timetable:

Action	Date	FR Cite
NPRM	10/16/84	49 FR 40528
NPRM Comment Period Begin	10/16/84	49 FR 40528
NPRM Comment Period End	12/17/84	
Final Action	05/00/85	

Small Entity: Undetermined

Government Levels Affected: Federal

Agency Contact: Charles M. Farbstein, Assistant General Counsel, Department of Housing and Urban Development, Office of Fair Housing and Equal Opportunity, Equal Opportunity, 202 755-6207

RIN: 2529-AA24

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198. NONDISCRIMINATION AND EQUAL OPPORTUNITY HOUSING UNDER EXECUTIVE ORDER 11063 (FH&EO-2-82; FR-2020)

Legal Authority: EO 11063

CFR Citation: 24 CFR 107

Abstract: This regulation establiished compliance and enforcement procedures utilized by the Department in implementing its responsibilities under E.O. 11063. This regulation will be amended to include coverage of sex and religious discrimination in accordance with Executive Order 12259 issued December 31, 1980.

Timetable:

Action	Date	FR Cite
Final Action	03/00/85	

Small Entity: No

Agency Contact: Katrina Ross, Director, Fair Housing Enforcement Division, Department of Housing and Urban Development, Office of Fair Housing and Equal Opportunity, Off of Fair Hsng Enforc and Sec 3 Compliance, 202 755-5673

RIN: 2529-AA12

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199. AFFIRMATIVE FAIR HOUSING, MARKETING TECHNICAL AMENDMENTS (FH&EO-2-83; FR-1670)

Legal Authority: 42 USC 3601; 42 USC 3535(d); EO 11063

CFR Citation: 24 CFR 100 24 CFR 108; 24 CFR 200

Abstract: The amendment will clarify when the certificate of intent not to market housing is submitted and that the notice of intent to begin marketing is part of an owner's responsibility under the Affirmative Fair Housing Marketing Plan (and has been approved by OMB under the Paperwork Reduction Act). It will also require that owners of FHA-insured, unsubsidized projects submit annually data on the race, ethnicity and gender of household head.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Agency Contact: Peter Kaplan, Director, Department of Housing and Urban Development, Office of Fair Housing and Equal Opportunity, Office of Program Standards and Evaluation, 202 755-7727

RIN: 2529-AA17

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200. FAIR HOUSING-PROHIBITIONS AGAINST DISCRIMINATION (FH&EO-5-78)

Legal Authority: 42 USC 3601

CFR Citation: 24 CFR 114

Abstract: Would add Subparts A to F detailing HUD's general standards to be utilized by HUD in its investigation and conciliation of complaints filed pursuant to the Federal Fair Housing Statute.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Agency Contact: Katrina Ross, Director, Fair Housing Enforcement Division, Department of Housing and Urban Development, Office of Fair Housing and Equal Opportunity, Office of Fair Housing Enforcement, 202 755-5673

RIN: 2529-AA08

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201. FAIR HOUSING-PROPERTY INSURANCE ACTIVITIES (FH&EO-10-78)

Legal Authority: 42 USC 3601

CFR Citation: 24 CFR 114

Abstract: Would add a new Subpart H detailing HUD's general standards to be utilized by HUD concerning property insurance practices which could constitute discriminatory activities.

Timetable:

Action	Date	FR Cite
ANPRM	02/25/80	45 FR 12265

Next Action Undetermined

Small Entity: No

Agency Contact: Katrina Ross, Director, Fair Housing Enforcement Division, Department of Housing and Urban Development, Office of Fair Housing and Equal Opportunity, Office of Fair Housing Enforcement, 202 755-5673

RIN: 2529-AA10

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202. ● AMENDMENTS OF THE COMMUNITY HOUSING RESOURCE BOARD REGULATIONS (FH&EO-1-85; FR-2085)

Priority: Agency Determination

Legal Authority: 42 USC 3601

CFR Citation: 24 CFR 120

Abstract: This proposed rule would amend the current rule for the Community Housing Resources Board at 24 CFR 120. This rule would establish further program features, including provisions for grant administration and accountability monitoring.

Timetable:

Action	Date	FR Cite
NPRM	04/00/85	

Small Entity: No

Additional Information: Includes FR-1407 (RIN-2529-AA06)

Agency Contact: Deborah Seabron-Dickens, Program Coordinator, Department of Housing and Urban Development, Office of Fair Housing and Equal Opportunity, Office of Fair Housing and Equal Opportunity, 202 755-5992

RIN: 2529-AA27

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203. AFFIRMATIVE ADMINISTRATION OF FEDERAL PROGRAMS AND ACTIVITIES RELATING TO HOUSING AND URBAN DEVELOPMENT (FH&EO-11-78)

Legal Authority: 42 USC 3601; EO 12259

CFR Citation: 24 CFR 125

Abstract: Would add a new Part 125 detailing HUD's standards and policies to assure that HUD's programs and activities are administered in a manner affirmatively to further fair housing.

Timetable:

Action	Date	FR Cite
ANPRM	02/25/80	45 FR 12265

Next Action Undetermined

Small Entity: No

HUD—FHEO — **Current and Projected Rulemakings**

Agency Contact: Peter Kaplan, Director, Department of Housing and Urban Development, Office of Fair Housing and Equal Opportunity, Office of Program Standards and Evaluation, 202 755-7727

RIN: 2529-AA11

204. IMPLEMENTATION OF SECTION 109 OF THE HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1974 (FH&EO-13-78; FR-1058)

Priority: Agency Determination

Legal Authority: 42 USC 5301

CFR Citation: 24 CFR 144

Abstract: This regulation would assure nondiscrimination on the grounds of race, color, national origin, sex, handicap or age in any program funded in whole or in part with Community Development Block Grant Funds.

Timetable:

Action	Date	FR Cite
NPRM	11/25/80	45 FR 78508
Final Action	00/00/00	

Small Entity: No

Agency Contact: Barry Anderson, Director, Department of Housing and Urban Development, Office of Fair Housing and Equal Opportunity, Program Compliance Division, 202 755-5404

RIN: 2529-AA02

205. NONDISCRIMINATION ON THE BASIS OF AGE IN PROGRAMS OR ACTIVITIES RECEIVING FEDERAL FINANCIAL ASSISTANCE FROM HUD (FH & EO-1-79; FR-1161)

Legal Authority: 42 USC 6101

CFR Citation: 24 CFR 146

Abstract: This part sets forth policies and procedures to assure nondiscrimination on the basis of age in programs receiving financial assistance from the Department.

Timetable:

Action	Date	FR Cite
NPRM	11/04/80	45 FR 73454
Final Action	00/00/00	

Small Entity: No

Agency Contact: Myra B. Kennedy, Equal Opportunity Specialist, Department of Housing and Urban Development, Office of Fair Housing and Equal Opportunity, Program Compliance Division, 202 755-5904

RIN: 2529-AA01

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)
Office of Fair Housing and Equal Opportunity (FHEO) — **Existing Regulations Under Review**

206. EMPLOYMENT TRAINING AND BUSINESS OPPORTUNITIES FOR LOWER INCOME PERSONS IN CONNECTION WITH ASSISTED PROJECTS (FH&EO-4-81)

Legal Authority: 12 USC 1701u Housing & Urban Development Act of 1968; 42 USC 3535(d) Dept. of HUD Act

CFR Citation: 24 CFR 135

Abstract: This regulation implements the provisions of Section 3 of the Housing and Urban Development Act of 1968 with respect to opportunities for training and employment for lower income residents arising in connection with HUD assisted projects and for contracting opportunities for business concerns located in or owned in substantial part by persons residing in the area of HUD assisted projects.

Timetable:

Action	Date	FR Cite
End Review	00/00/00	

Small Entity: No

Agency Contact: Harold Payne, Section 3 Coordinator, Department of Housing and Urban Development, Office of Fair Housing and Equal Opportunity, Off of Fair Hsng Enforc and Sec 3 Compliance, 202 755-5673

RIN: 2529-AA15

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)
Office of Fair Housing and Equal Opportunity (FHEO) — **Completed Actions**

COMPLETED RULEMAKINGS

207. FAIR HOUSING PROHIBITIONS AGAINST DISCRIMINATION-FINANCING ACTIVITIES (FH&EO-2-78)

CFR Citation: 24 CFR 114

Completed:

Reason	Date	FR Cite
Withdrawn from Agenda	01/00/85	

Small Entity: No

Agency Contact: Katrina Ross 202 755-5673

RIN: 2529-AA07

208. FAIR HOUSING-PROHIBITED APPRAISAL PRACTICES (FH&EO-8-78)

CFR Citation: 24 CFR 114

Completed:

Reason	Date	FR Cite
Withdrawn from Agenda	01/00/85	

Small Entity: No

Agency Contact: Katrina Ross 202 755-5673

RIN: 2529-AA09

209. RECOGNITION OF SUBSTANTIALLY EQUIVALENT LAWS (FH&E0-5-84; FR-1976)

CFR Citation: 24 CFR 115

Completed:

Reason	Date	FR Cite
Final Action	10/10/84	49 FR 39676
Final Action Effective	10/08/84	49 FR 39676

HUD—FHEO

Completed Actions

Small Entity: No

Agency Contact: Steven J. Sacks 202 426-3500

RIN: 2529-AA25

Completed:

Reason	Date	FR Cite
To be included in RIN 2529-AA27	02/00/85	

Small Entity: No

Agency Contact: Deborah Seabron Dickens 202 755-5992

RIN: 2529-AA06

[FR Doc. 85-6367 Filed 04-26-85; 8:45 am]

BILLING CODE 4210-01-T

210. COMMUNITY HOUSING RESOURCE BOARD GRANT PROGRAM (FH&EO-2-81; FR-1407)

CFR Citation: 24 CFR 120

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)

Current and Projected Rulemakings

Office of Administration (OA)

211. FEDERAL PROCUREMENT OF CEMENT CONTAINING FLY ASH (ADM-1-84; FR-1938)

Priority: Undetermined

Legal Authority: Resource Conservation And Recovery Act of 1936

CFR Citation: 24 CFR 570; 24 CFR 207

Abstract: Rule will provide restrictions on Federal procurement of cement and concrete containing fly ash. Will be patterned on Environmental Protection Agency guidelines.

Timetable:

Action	Date	FR Cite
NPRM	03/00/85	

Small Entity: Undetermined

Affected Sectors: Multiple

Government Levels Affected: Local, State

Agency Contact: Ed Girovasi, Director, Department of Housing and Urban Development, Office of Administration, Policy and Evaluation Division, Office of Procurement And Contracts, 202 755-5294

RIN: 2535-AA05

212. ORGANIZATION, FUNCTION, AND DELEGATIONS OF AUTHORITY SUBPART C - SECRETARY'S DELEGATIONS OF AUTHORITY TO HEADS OF OFFICES (ADM-2-82)

Legal Authority: 42 USC 3535(d) Department of HUD Act

CFR Citation: 24 CFR 3

Abstract: Subpart C delegates authority from the Secretary to the Comptroller and then to certain Divisions. This subpart is almost entirely obsolete. The alternatives being considered are to eliminate Subpart C entirely or to update all the obsolete references. Neither one will have any significant costs; each will require a minimal amount of staff time and Federal Register publication costs. The benefits of both alternatives are to eliminate a potentially confusing delegation of authority.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Agency Contact: Donald C. Demitros, Director, Department of Housing and Urban Development, Office of Administration, Office of Finance and Accounting, Mortgage Insurance Accounting and Servicing, 202 755-5645

RIN: 2535-AA01

213. ● COST PRINCIPLES FOR NONPROFIT ORGANIZATIONS (ADM-1-85; FR-2044)

Priority: Agency Determination

Legal Authority: 42 USC 3535(d)

CFR Citation: 24 CFR 44

Abstract: This rule would set forth uniform requirements for the administration of HUD grants and principles for determining costs applicable to activities assisted by HUD grants, as contained in OMB Circulars A-102, A-110, A-87, A-21, and A-122 regarding grant management.

Timetable:

Action	Date	FR Cite
Interim Final Rule	00/00/00	

Small Entity: Undetermined

Agency Contact: Edward L. Girovasi, Director, Department of Housing and Urban Development, Office of Administration, Policy and Evaluation Division, 202 755-5294

RIN: 2535-AA08

214. ● TRANSFER OF AUTHORITY TO SETTLE CONTRACT DISPUTES CONCERNING THE CONSOLIDATED SUPPLY PROGRAM (ADM-2-85; FR-2087)

Legal Authority: 42 USC 3535(d)

CFR Citation: 24 CFR 965

Abstract: Contracting authority for the Consolidated Supply Program (CSP) recently was transferred from the Office of Public and Indian Housing to the Office of Procurement and Contracts. One function - authority to settle dispute between HUD and CSP contractors - should also have been transferred to the Office of Procurement and Contracts. This rule transfers the authority.

Timetable:

Action	Date	FR Cite
Final Action	03/00/85	
Final Action Effective	04/00/85	

Small Entity: No

Agency Contact: Edward L. Girovasi, Director, Policy and Evaluation Division, Department of Housing and Urban Development, Office of Administration, Office of Procurement and Contracts, 202 755-5294

RIN: 2535-AA07

215. HUD ACQUISITION REGULATION (ADM-2-84)

Priority: Undetermined

HUD—OA — **Current and Projected Rulemakings**

Legal Authority: 42 USC 3535 (d)

CFR Citation: 41 CFR 24; 48 CFR 24

Abstract: The rule will amend the HUD Acquisition Regulation to implement the Competition in Contracting Act and to add Part 2452 - Clauses and Part 2453 - Forms. The revision will also place the regulation in the proper format.

Timetable:

Action	Date	FR Cite
Final Action	09/01/85	

Small Entity: Undetermined

Agency Contact: Edward L. Girovasi, Jr., Director, Department of Housing and Urban Development, Office of Administration, Policy and Evaluation Division, 202 755-5294

RIN: 2535-AA06

[FR Doc. 85-9867 Filed 04-26-85; 8:45 am]

BILLING CODE 4210-01-T

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)
Office of the Inspector General (HUDIG)

Current and Projected Rulemakings

216. ● IMPLEMENTATION OF THE SINGLE AUDIT ACT OF 1984

Priority: Agency Determination

Legal Authority: 31 USC 7501

CFR Citation: 24 CFR 44

Abstract: This proposed rule would implement the Single Audit Act of 1984 and the accompanying OMB Circular. Under these requirements, States or localities that receive more than $100,000 a year in Federal funds must have an audit for that year. Similarly, States or localities that receive more than $25,000 a year must follow certain audit requirements under the Act.

Timetable:

Action	Date	FR Cite
NPRM	05/00/85	
Final Action	09/00/85	

Small Entity: No

Agency Contact: Steven A. Switzer, Assistant Inspector General for Audit, Department of Housing and Urban Development, Office of the Inspector General, Office of Inspector General, 202 755-6342

RIN: 2508-AA05

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)
Office of the Inspector General (HUDIG)

Completed Actions

COMPLETED RULEMAKINGS

217. OMB CIRCULAR A-102, UNIFORM REQUIREMENTS FOR ASSISTANCE TO STATE AND LOCAL GOVERNMENT, AUDIT REQUIREMENTS (ATTACHMENT P) NON-FEDERAL GOVERNMENTAL AUDIT REQUIREMENTS (IG-1-83; FR-1813)

CFR Citation: 24 CFR 44

Completed:

Reason	Date	FR Cite
Final Action	11/23/84	49 FR 46140

Small Entity: No

Agency Contact: Steven A. Switzer 202 755-6342

RIN: 2508-AA03

[FR Doc. 85-9867 Filed 04-26-85; 8:45 am]

BILLING CODE 4210-01-T

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)
Office of Public and Indian Housing (PIH)

Current and Projected Rulemakings

218. INCREASE IN SINGLE PERSON OCCUPANCY LIMITS (P-48-84; FR-2063)

Priority: Agency Determination

Legal Authority: PL 98-181; 42 USC 1437a

CFR Citation: 24 CFR 812; 24 CFR 912

Abstract: Implements Section 202 of the Housing and Urban-Rural Recovery Act of 1983 to permit the Secretary to increase from 15 percent to 30 percent the number of units under the jurisdiction of any public housing agency that may be occupied by single persons. In addition, the rule changes the maximum percentage of income that recipients of the Section 8 Existing Housing Program may pay under their leases.

Timetable:

Action	Date	FR Cite
NPRM	04/00/85	

Small Entity: No

Agency Contact: Edward Whipple, Department of Housing and Urban Development, Office of Public and Indian Housing, Rental and Occupancy Branch, 202 426-0744

RIN: 2577-AA07

219. INDIVIDUAL METERING OF UTILITIES FOR EXISTING PHA-OWNED PROJECTS (P-36-83; FR1769)

Legal Authority: 42 USC 1437 Note; 42 USC 1437a; 42 USC 1437d; 42 USC 1437g

CFR Citation: 24 CFR 965.303; 24 CFR 965.304; 24 CFR 965.305; 24 CFR 965.307; 24 CFR 965.310, 24 CFR 965.401 to 965.410

Abstract: Rule amendment to allow PHAs to employ a more flexible cost-benefit analysis when determining the cost-effectiveness of individual metering of tenant utilities.

Timetable:

Action	Date	FR Cite
NPRM	11/14/83	48 FR 51785
NPRM Comment Period Begin	11/14/83	48 FR 51785
NPRM Comment Period End	01/13/84	
Final Action	03/00/85	

Small Entity: No

Agency Contact: Charles R. Ashmore, Utilities Officer, Department of Housing and Urban Development, Office of Public and Indian Housing, 202 755-6649

RIN: 2577-AA27

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220. LOW-INCOME HOUSING--HOMEOWNERSHIP OPPORTUNITIES TURNKEY III PROGRAM (P-55-79; FR-563)

Legal Authority: 42 USC 1437

CFR Citation: 24 CFR 904

Abstract: Would amend 24 CFR 904 relating to management and operations of Turnkey III Programs and add a new section governing the financing of homeowner purchase of Turnkey III units. Amendments should increase sale of homeownership units to homebuyers and would clarify certain technical program procedures which have been obstacles to program implementation. Included: H-17-81, Separate final rule no longer in preparation; H-18-81, Separate final rule no longer in preparation; H-19-81, Separate final rule no longer in preparation; H-71-81, Review completed.

Timetable:

Action	Date	FR Cite
NPRM	04/00/85	43 FR 60830

Small Entity: No

Additional Information: Includes: H-17-81; H-18-81; H-19-81; H-71-81.

Agency Contact: Wayne Hunter, Senior Program Analyst, Department of Housing and Urban Development, Office of Public and Indian Housing, 202 755-6713

RIN: 2577-AA19

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221. TURNKEY III HOMEOWNERSHIP OPPORTUNITIES PROGRAM (P-7-83; FR-1695)

Legal Authority: 42 USC 1437; 42 USC 3535(d)

CFR Citation: 24 CFR 904

Abstract: Would permit the use of operating subsidy to cover HUD-approved expenses; and to incorporate other technical changes applicable to existing Turnkey III projects.

Timetable:

Action	Date	FR Cite
NPRM	07/00/85	
Final Action	11/00/85	

Small Entity: No

Public Compliance Cost: Initial Cost: $0.00; Yearly Recurring Cost: $0.00

Government Levels Affected: Local, Federal

Agency Contact: Wayne Hunter, Senior Program Analyst, Department of Housing and Urban Development, Office of Public and Indian Housing, 202 755-6713

RIN: 2577-AA25

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222. INDIAN PREFERENCES (P-51-83; FR-1808)

Priority: Agency Determination

Legal Authority: 42 USC 1437; 25 USC 450e(b)

CFR Citation: 24 CFR 905

Abstract: Section 7(b) of the Indian Self-Determination and Education Assistance Act requires that preference be given to the greatest extent feasible to Indian organizations and economic enterprises in contracting and to Indians in employment and training. The goal is to improve the provision of Indian preference in both development and management as compared to the current regulations implementing Indian preference.

Timetable:

Action	Date	FR Cite
Notice of Inquiry	09/23/83	48 FR 43345
Comment Period ends	11/22/83	
Comment Date extended to	12/15/83	
NPRM	05/01/85	

Small Entity: No

Agency Contact: John V. Meyers, Department of Housing and Urban Development, Office of Public and Indian Housing, Office of Indian Housing, 202 755-2980

RIN: 2577-AA26

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223. ● INDIAN HOUSING (P-31-82)

Legal Authority: 42 USC 1437

CFR Citation: 24 CFR 905

Abstract: This rule would delete excessive Federal requirements and assure that Indian housing activities are undertaken in the most cost-effective manner.

Timetable:

Action	Date	FR Cite
NPRM	05/00/85	

Small Entity: Undetermined

Agency Contact: John V. Meyers, Department of Housing and Urban Development, Office of Public and Indian Housing, Office of Indian Housing, 202 755-6522

RIN: 2577-AA32

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224. PUBLIC HOUSING DEVELOPMENT; PROTOTYPE COSTS (P-64-84; FR 1975)

Legal Authority: 42 USC 1437 (d); 42 USC 3535 (d)

CFR Citation: 24 CFR 941.204

Abstract: The rule would amend public housing development regulations governing the calculation of prototype cost units. Under the proposed rule currently published unit prototype costs will be used to compute dwelling construction and equipment cost limits and total development cost limits.

Timetable:

Action	Date	FR Cite
NPRM	10/10/84	49 FR 39694
NPRM Comment Period Begin	10/10/84	
NPRM Comment Period End	12/10/84	
Final Action	03/00/85	

Small Entity: No

Agency Contact: Raymond W. Hamilton, Director, Public Housing Development Div., Department of Housing and Urban Development, Office of Public and Indian Housing, Office of Public Housing, **202 755-5282**

RIN: 2577-AA13

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225. LOW-INCOME PUBLIC HOUSING-LEASE REQUIREMENTS, EVICTIONS AND HEARINGS (P-26-79; FR-1164)

Priority: Agency Determination, Task Force

Legal Authority: 42 USC 1437

CFR Citation: 24 CFR 960; 24 CFR 966

Abstract: Would amend the regulations to simplify the requirements for provisions included in the lease between a PHA and its tenants and the requirements for the grievance procedure.

Timetable:

Action	Date	FR Cite
Previous NPRM	08/04/80	45 FR 51615
NPRM	12/13/82	47 FR 55689
NPRM Comment Period Begin	12/13/82	
NPRM Comment Period End	02/11/83	
New NPRM	05/00/85	
Final Action	10/00/85	

Small Entity: No

Agency Contact: Edward Whipple, Department of Housing and Urban Development, Office of Public and Indian Housing, **202 426-0744**

RIN: 2577-AA18

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226. ● TENANT PARTICIPATION IN MANAGEMENT OF PUBLIC AND INDIAN HOUSING PROJECTS (P-1-85; FR-2033)

Priority: Undetermined

Legal Authority: 42 USC 1437d; 42 USC 3535(d)

CFR Citation: 24 CFR 960

Abstract: This proposed rule would set forth some minimum requirements for notice to tenants and opportunity to comment on important management actions and would encourage Public Housing Agencies to involve tenants in such management responsibilities as maintenance and security. It would provide for recognition of tenant organizations and would permit PHAs to contract with them to perform some functions. It would permit PHAs to provide minimal funding to tenant organizations to permit them to communicate effectively with tenants. Overall, this rule would establish in a rule the content of expired HUD notices that reflect continuing Departmental policy of encouraging tenant participation in their public housing projects.

Timetable:

Action	Date	FR Cite
NPRM	05/00/85	
NPRM Comment Period Begin	05/00/85	
NPRM Comment Period End	07/00/85	
Final Action	09/00/85	
Final Action Effective	11/00/85	

Small Entity: No

Government Levels Affected: Local

Agency Contact: Janice D. Rattley, Department of Housing and Urban Development, Office of Public and Indian Housing, Project Management Division, **202 755-1800**

RIN: 2577-AA30

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227. PET OWNERSHIP IN ASSISTED RENTAL HOUSING FOR THE ELDERLY AND HANDICAPPED (P-43-84; FR-1936)

Priority: Agency Determination

Legal Authority: 12 USC 1701n-1; 42 USC 3535(d)

CFR Citation: 24 CFR 243; 24 CFR 511; 24 CFR 942

Abstract: Sec. 227 of the 1983 Statute permits elderly and handicapped tenants who live in rental housing projects for the elderly or handicapped including projects covered under low-income public housing (including the Indian rental program) to own common household pets. Owners, managers and housing authorities are prohibited from discriminating against persons in connection with admission to, or continued occupancy of, such housing because of ownership of pets.

Timetable:

Action	Date	FR Cite
NPRM	12/28/84	49 FR 50862
NPRM Comment Period Begin	12/28/84	49 FR 50862
NPRM Comment Period End	02/26/85	
Final Action	06/00/85	

Small Entity: No

Government Levels Affected: Local, State

Agency Contact: Mary Tracy Schulhof, Program Analyst, Department of Housing and Urban Development, Office of Public and Indian Housing, Office of Policy, **202 755-5989**

RIN: 2577-AA05

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228. PUBLIC HOUSING PROGRAM-CONTINUED OPERATION OF PROJECTS AS LOWER-INCOME HOUSING AFTER COMPLETION OF DEBT SERVICE (P-60-79; FR-1202)

Legal Authority: 42 USC 1437; 42 USC 3535(d)

CFR Citation: 24 CFR 969

Abstract: A new Part 969 was added by Interim Rule to provide for an extension of Annual Contributions Contract (ACC) to (1) permit continued payment of operating subsidy after completion of debt service; and (2) provide a contractual basis for continued operation as low-income housing. Permits operation of project as lower-income housing after completion of debt service in accordance with a plan approved by HUD.

Timetable:

Action	Date	FR Cite
Interim Final Rule	08/07/80	45 FR 52371
Interim Rule effective	09/15/80	
Final Action	00/00/00	

Small Entity: No

Agency Contact: Richard L. Rivard, Housing Management Officer, Department of Housing and Urban Development, Office of Public and Indian Housing, **202 755-5595**

RIN: 2577-AA15

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229. PUBLIC HOUSING PROGRAM-DEMOLITION OF BUILDINGS OR DISPOSITION OF REAL PROPERTY (P-23-84; FR-1892)

Priority: Agency Determination

Legal Authority: 42 USC 1439; PL 98-181

CFR Citation: 24 CFR 970

Abstract: The purpose of this regulation is to state requirements for the demolition or disposition of public housing. This regulation would

supersede the existing regulation on this subject (24 CFR Part 970).

Timetable:

Action	Date	FR Cite
NPRM	07/12/84	49 FR 28414
NPRM Comment Period Begin	07/12/84	49 FR 28414
NPRM Comment Period End	09/10/84	
Final Action	04/00/85	

Small Entity: No

Agency Contact: C. Wayne Hunter, Senior Policy Analyst, Department of Housing and Urban Development, Office of Public and Indian Housing, Office of Policy, **202 755-6713**

RIN: 2577-AA02

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230. MODIFICATION TO THE PERFORMANCE FUNDING SYSTEM (P-2-84; FR-1834)

Priority: Agency Determination

Legal Authority: 42 USC 1437g; 42 USC 3535(d)

CFR Citation: 24 CFR 990

Abstract: This proposed rule would have required a year-end adjustment of dwelling rental and other income to allow public housing operating subsidy to properly reflect actual rather than anticipated income. The rule would also provide for simplification of the "delta," the factor used to determine the annual change in the "allowable expense level" in calculation of the amount of operating subsidy. The final rule would drop the adjustment of dwelling rental income.

Timetable:

Action	Date	FR Cite
NPRM	07/30/84	49 FR 30330
NPRM Comment Period Begin	07/30/84	49 FR 30330
NPRM Comment Period End	09/28/84	
Final Action	04/00/85	
Final Action Effective	06/00/85	

Small Entity: No

Agency Contact: John Comerford, Chief, Financial Management Branch, Department of Housing and Urban Development, Office of Public and Indian Housing, **202 426-1872**

RIN: 2577-AA00

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231. PERFORMANCE FUNDING SYSTEM (PFS) TREASURY FINANCIAL COMMUNICATIONS SYSTEM (TFCS) FOR DISBURSING OPERATING SUBSIDY PAYMENTS (P-47-84)

Priority: Undetermined

Legal Authority: 42 USC 1437g; 42 USC 1437 Note; 42 USC 3535(d)

CFR Citation: 24 CFR 990

Abstract: This rule would establish the Treasury Financial Communications System (TFCS) for the direct disbursement of operating subsidy payments to all public housing agencies.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Undetermined

Agency Contact: Beverly B. Hardy, Department of Housing and Urban Development, Office of Public and Indian Housing, Office of Public Housing, Fiscal Management Branch, **202 426-1872**

RIN: 2577-AA06

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232. ANNUAL CONTRIBUTIONS FOR OPERATING SUBSIDY - PERFORMANCE FUNDING SYSTEM (P-38-83; FR-1775)

Priority: Agency Determination

Legal Authority: 42 USC 1437; 42 USC 3535(d)

CFR Citation: 24 CFR 990

Abstract: Would require a recalculation of Operating Subsidy for units withheld from occupancy.

Timetable:

Action	Date	FR Cite
NPRM	05/31/84	49 FR 22663
NPRM Comment Period Begin	05/31/84	49 FR 22663
NPRM Comment Period End	07/02/84	
Final Action	05/00/85	

Small Entity: No

Agency Contact: John T. Comerford, Chief, Financial Management Branch, Department of Housing and Urban Development, Office of Public and Indian Housing, **202 426-1872**

RIN: 2577-AA23

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233. ANNUAL CONTRIBUTIONS FOR OPERATING SUBSIDY PERFORMANCE FUNDING SYSTEM-ENERGY CONSERVATION ADJUSTMENTS (P-26-83; FR-1747)

Legal Authority: 42 USC 1437g; 42 USC 1437 Note; 42 USC 3535(d)

CFR Citation: 24 CFR 990

Abstract: Amends the distribution of operating subsidies under the Performance Funding System by providing for the assessment of a five percent penalty on operating subsidies for fiscal year 1983 (or 1984) for those PHAs that have not demonstrated energy conservation efforts.

Timetable:

Action	Date	FR Cite
Interim Final Rule	09/20/83	48 FR 42810
Interim Rule effective	10/21/83	
Comments due	11/21/83	
Final Action	04/00/85	

Small Entity: No

Agency Contact: John T. Comerford, Chief, Financial Management Branch, Department of Housing and Urban Development, Office of Public and Indian Housing, **202 426-1872**

RIN: 2577-AA24

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) **Completed Actions**

Office of Public and Indian Housing (PIH)

COMPLETED RULEMAKINGS

234. EMERGENCY SHELTER PROGRAM (H-49-84)

Priority: Undetermined

CFR Citation: Not yet determined

Completed:

Reason	Date	FR Cite
Withdrawn from Agenda	02/00/85	

Small Entity: Undetermined

Agency Contact: Thomas Sherman 202 755-5380

RIN: 2577-AA08

235. PUBLIC HOUSING HOMEOWNERSHIP FOR LOWER INCOME FAMILIES (P-21-84; FR-1890)

Priority: Agency Determination

CFR Citation: 24 CFR 906

Completed:

Reason	Date	FR Cite
Withdrawn from Agenda	01/00/85	

Small Entity: No

Agency Contact: Wayne Hunter 202 755-6713

RIN: 2577-AA10

236. PHA-OWNED OR LEASED PROJECTS-MAINTENANCE AND OPERATIONS; TRANSFER OF CONTRACTING AUTHORITY (P-76-84; FR-2011)

Priority: Undetermined

CFR Citation: 24 CFR 965 602

Completed:

Reason	Date	FR Cite
Final Action	11/13/84	49 FR 44982

Small Entity: Undetermined

Agency Contact: Thomas Sherman 202 755-5380

RIN: 2577-AA12

237. PUBLIC HOUSING PROGRAM - COMPREHENSIVE IMPROVEMENT ASSISTANCE PROGRAM (P-58-84)

Priority: Agency Determination

CFR Citation: 24 CFR 968

Completed:

Reason	Date	FR Cite
Withdrawn from Agenda	01/00/85	

Small Entity: No

Agency Contact: Wayne Hunter 202 755-6713

RIN: 2577-AA09

238. COMPREHENSIVE IMPROVEMENT ASSISTANCE PROGRAM - VIABILITY STANDARDS (P-62-84; FR-1970)

Priority: Undetermined

CFR Citation: 24 CFR 968

Completed:

Reason	Date	FR Cite
Withdrawn from Agenda	01/00/85	

Small Entity: Undetermined

Agency Contact: Nancy Chisholm 202 755-6713

RIN: 2577-AA14

COMPLETED REVIEWS

239. INDIAN HOUSING (P-31-82)

CFR Citation: 24 CFR 905

Completed:

Reason	Date	FR Cite
End Review	02/00/85	

Small Entity: No

Agency Contact: John V. Meyers 202 755-6522

RIN: 2577-AA17

240. INDIAN PUBLIC HOUSING PROGRAM (P-101-82)

CFR Citation: 24 CFR 905

Completed:

Reason	Date	FR Cite
Duplicates RIN 2577-AA17	02/00/85	

Small Entity: No

Agency Contact: Patricia Arnaudo 202 755-6522

RIN: 2577-AA21

241. PROJECT MANAGEMENT; MODERNIZATION OF OIL-FIRED HEATING PLANTS (P-11-82)

CFR Citation: 24 CFR 965

Completed:

Reason	Date	FR Cite
End Review	02/00/85	

Small Entity: No

Agency Contact: Charles Ashmore 202 755-6640

RIN: 2577-AA20

[FR Doc. 85-6367 Filed 04-26-85; 8:45 am]

BILLING CODE 4210-01-T

Monday
April 29, 1985

Part X

Department of the Interior

Semiannual Regulatory Agenda

DOI

DEPARTMENT OF THE INTERIOR

Office of the Secretary

18 CFR Ch. IV

25 CFR Ch. I

30 CFR Chs. II, IV and VII

36 CFR Chs. I and XII

43 CFR Subtitle A, Chs. I and II

48 CFR Ch. 14

50 CFR Chs. I and IV

Semiannual Agenda of Rules Scheduled for Review or Development

AGENCY: Department of the Interior.

ACTION: Semiannual agenda of rules scheduled for review or development.

SUMMARY: This notice provides the semiannual agenda of rules scheduled for review or development between April 1985 and October 1985. A semiannual agenda is required by the Regulatory Flexibility Act and Executive Order 12291.

ADDRESS: Unless otherwise indicated, all Agency Contacts are located at the Department of the Interior, 18th and C Streets, N.W., Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT: All comments and inquiries with regard to these rules should be directed to the appropriate Agency Contact. General comments or inquiries relating to the agenda should be directed to the Division of Directives and Regulatory Management, Office of Information Resources Management, Department of the Interior, at the address above or on 202-343-6191.

SUPPLEMENTARY INFORMATION: With this publication the Department satisfies the requirement of Executive Order 12291 that the Department publish in April and October of each year an agenda of rules that have been issued or are expected to be issued, and currently effective rules that are scheduled for review. Simultaneously the Department meets the requirement of the Regulatory Flexibility Act that an agenda be published in April and October of each year identifying rules which will have significant economic effects on a substantial number of small entities; those rules which will have such effects are specifically identified in the agenda. This incorporation of agendas is expressly allowed by Executive Order 12291.

DATED: February 25, 1985.

Joseph E. Doddridge,

Deputy Assistant Secretary, Policy, Budget and Administration.

DEPARTMENT OF THE INTERIOR (DOI)

Assistant Secretary for Policy, Budget, and Administration (ASPBA)

Current and Projected Rulemakings

● NATURAL RESOURCE DAMAGE ASSESSMENT - TYPE B PROCEDURES

Priority: Agency Determination

Legal Authority: 33 USC 9651(c)(1) Comp Envir Rspnse, Compnstn & Liabty Act 1980

CFR Citation: 43 CFR 11

Abstract: CERCLA allows trustees of natural resources which have been damaged by a release of a hazardous substance to bring a claim against the responsible party. Section 301(c) requires the development of two sets of regulations. The Type A regulations will be composed of simplified procedures which require minimal field investigations. Type B regulations will include alternative protocols for the testing, sampling, and valuing of natural resource damages. This submission covers the Type B procedures.

Timetable:

Action	Date	FR Cite
ANPRM	01/10/83	48 FR 1084
ANPRM Comment Period Begin	01/10/83	48 FR 1084
ANPRM Comment Period End	02/15/83	
Second ANPRM issued. Summary of comments provided and comment period reopened until 8/31/83	08/01/83	48 FR 34768
Comment period reopened until 5/31/85	01/11/85	50 FR 1550
NPRM	12/20/85	
NPRM Comment Period Begin	12/20/85	
NPRM Comment Period End	02/20/86	
Final Action	04/22/86	
Final Action Effective	05/22/86	

Small Entity: Undetermined

Agency Contact: Mr. Keith Eastin, Associate Solicitor/Conservation & Wildlife, Department of the Interior, Assistant Secretary for Policy, Budget, and Administration, 18th and C Streets NW, Washington, DC 20240, 202 343-4344

RIN: 1090-AA06

● NATURAL RESOURCE DAMAGE ASSESSMENT - TYPE A PROCEDURES

Priority: Agency Determination

Legal Authority: 33 USC 9651(c)(1) Comp Envir Rspnse, Compnstn & Liabty Act 1980

CFR Citation: 43 CFR 11

Abstract: CERCLA allows trustees of natural resources which have been damaged by a release of a hazardous substance to bring a claim against the responsible party. Section 301(c) requires the development of two sets of regulations. The Type A regulations will be composed of simplified procedures which require minimal field investigations. Type B regulations will include alternative protocols for the testing, sampling, and valuing of natural resource damages. This submission covers the Type A procedures.

Timetable:

Action	Date	FR Cite
ANPRM	01/10/83	48 FR 1084
ANPRM Comment Period Begin	01/10/83	48 FR 1084
ANPRM Comment Period End	02/15/83	

DOI—ASPBA

Current and Projected Rulemakings

Action	Date	FR Cite
Second ANPRM issued. Summary of comments provided and comment period reopened until 8/31/83	08/01/83	48 FR 34768
Comment period reopened until 5/31/85	01/11/85	50 FR 1550
NPRM	04/04/86	
NPRM Comment Period Begin	04/04/86	
NPRM Comment Period End	06/04/86	
Final Action	08/07/86	
Final Action Effective	09/07/86	

Small Entity: Undetermined

Agency Contact: Mr. Keith Eastin, Associate Solicitor, Conservation & Wildlife, Department of the Interior, Assistant Secretary for Policy, Budget, and Administration, 18th and C Streets NW, Washington, DC 20240, 202 343-4344

RIN: 1090–AA07

[FR Doc. 85-6368 Filed 04-26-85; 8:45 am]

BILLING CODE 4310-10-T

DEPARTMENT OF THE INTERIOR (DOI)
Office of the Solicitor (OSOL)

Current and Projected Rulemakings

PRACTICES BEFORE THE DEPARTMENT

Legal Authority: 43 USC 1464

CFR Citation: 43 CFR 1

Abstract: This rule governs practice in administrative proceedings before the Department. It will be revised to update its provisions and assure that they are consistent with the Department's employee conduct regulations (43 CFR Part 20) and the Ethics in Government Act.

Timetable:

Action	Date	FR Cite
NPRM	12/00/85	

Small Entity: No

Additional Information: Originally scheduled: January 1981.

Agency Contact: Deborah Ryan, Attorney-Advisor, Department of the Interior, Office of the Solicitor, 18th and C Streets, NW, Washington, DC 20240, 202 343-5216

RIN: 1092–AA00

RECORDS AND TESTIMONY

Legal Authority: 5 USC 552

CFR Citation: 43 CFR 2

Abstract: The Department's regulations implementing the Freedom of Information Act will be clarified and updated as appropriate under current law. An updated fee schedule to reflect the current costs of making records available to the public was proposed on January 3, 1985.

Timetable:

Action	Date	FR Cite
NPRM	01/03/85	50 FR 286
NPRM Comment Period Begin	01/03/85	50 FR 286
NPRM Comment Period End	02/04/85	
Final Action	12/31/85	

Small Entity: No

Agency Contact: John D. Trezise, Assistant Solicitor, Department of the Interior, Office of the Solicitor, 18th & C Streets, NW, Washington, DC 20240, 202 343-5216

RIN: 1092–AA02

[FR Doc. 85-6368 Filed 04-26-85; 8:45 am]

BILLING CODE 4310-10-T

DEPARTMENT OF THE INTERIOR (DOI)
Office for Equal Opportunity (OEO)

Current and Projected Rulemakings

NONDISCRIMINATION ON THE BASIS OF AGE

Priority: Undetermined

Legal Authority: 42 USC 6101

CFR Citation: 43 CFR 17, Subpart C

Abstract: This rule will set forth guidelines for non-discrimination on the basis of age in programs or activities receiving Federal financial assistance from the Department.

Timetable:

Action	Date	FR Cite
NPRM	01/03/80	45 FR 976

Next Action Undetermined

Small Entity: No

Additional Information: LEGAL AUTHORITY: 45 CFR 90 also applies. Originally scheduled: January 1979.

Agency Contact: Melvin C. Fowler, Supervisory Equal Opportunity Spc., Department of the Interior, Office for Equal Opportunity, 18th and C Streets, NW, Washington, DC 20240, 202 343-4331

RIN: 1091–AA00

NONDISCRIMINATION ON THE BASIS OF HANDICAP

Priority: Undetermined

Legal Authority: PL 95-602, Sec 504; 29 USC 794

CFR Citation: 43 CFR 17, Subpart B

Abstract: This rule will provide for the enforcement of section 504 of the Rehabilitation Act of 1973, which prohibits discrimination on the basis of handicap as applied to programs or activities conducted by the Department of the Interior.

Timetable:

Action	Date	FR Cite
Awaiting DOJ and OMB approval	05/00/85	

Small Entity: Undetermined

Additional Information: Originally scheduled: October 1983.

Agency Contact: Joseph A. Canedo, Department of the Interior, Office for Equal Opportunity, 18th and C Streets, NW, Washington, DC 20240, 202 343-3688

RIN: 1091-AA01

[FR Doc. 85-9999 Filed 04-26-85; 8:45 am]

BILLING CODE 4310-10-T

DEPARTMENT OF THE INTERIOR (DOI)

Office of Hearings and Appeals (OHA)

Current and Projected Rulemakings

SPECIAL RULES APPLICABLE TO PUBLIC LAND HEARINGS AND APPEALS

Priority: Undetermined

Legal Authority: 43 USC 1201; 43 USC 1701

CFR Citation: 43 CFR 4, Subpart E

Abstract: Rulemaking has been initiated to revise existing rules to place time limitations on the filing of petitions for reconsideration of decisions of the Board of Land Appeals.

Timetable:

Action	Date	FR Cite
NPRM	04/00/85	

Small Entity: No

Additional Information: Originally scheduled: July 1979.

Agency Contact: James R. Kleiler, Department of the Interior, Office of Hearings and Appeals, 4015 Wilson Boulevard, Arlington, VA 22203, 703 235-3750

RIN: 1094-AA01

● DEPARTMENT HEARINGS AND APPEALS PROCEDURES

Priority: Undetermined

Legal Authority: 43 USC 1201

CFR Citation: 43 CFR 4.1; 43 CFR 4.5; 43 CFR 4.27(b); 43 CFR 4.317; 43 CFR 4.832

Abstract: Existing regulations are being revised to clarify that the Secretary does not have power to exercise jurisdiction over matters before the Interior Board of Contract Appeals (IBCA), to establish procedures relating to the exercise of the Secretary's reserved powers over Office of Hearings and Appeals proceedings and to broaden and strengthen the general prohibition against ex parte communications in Office of Hearings and Appeals proceedings. The Office of Hearings and Appeals is also proposing to remove duplicative provisions regarding ex parte communications from the procedures for particular Office of Hearings and Appeals proceedings.

Timetable:

Action	Date	FR Cite
NPRM	04/00/85	

Small Entity: No

Government Levels Affected: Federal

Agency Contact: John H. Kelly, Deputy Director, Department of the Interior, Office of Hearings and Appeals, 4015 Wilson Boulevard, Arlington, VA 22203, 703 235-3810

RIN: 1094-AA12

SPECIAL RULES APPLICABLE TO SURFACE COAL MINING HEARINGS AND APPEALS

Legal Authority: 30 USC 1275; 5 USC 301

CFR Citation: 43 CFR 4.1276

Abstract: The proposed rulemaking will revise existing rules to place time limitations on the filing of petitions for reconsideration of decisions of the Board of Land Appeals.

Timetable:

Action	Date	FR Cite
NPRM	04/00/85	
Interim Final Rule	07/00/85	

Small Entity: No

Agency Contact: James R. Kleiler, Attorney-Adviser, Department of the Interior, Office of Hearings and Appeals, 4015 Wilson Blvd., Arlington, VA 22203, 703 235-3750

RIN: 1094-AA10

● SPECIAL RULES APPLICABLE TO SURFACE COAL MINING HEARINGS AND APPEALS

Priority: Undetermined

Legal Authority: 30 USC 1201

CFR Citation: 43 CFR 4.1294

Abstract: Revision of existing rule is proposed to more clearly define the conditions under which costs and expenses (including attorney's fees) may be awarded and to conform with a recent decision in which the United States Supreme Court held that absent some degree of success on the merits by a claimant, it is not "appropriate" for a court to award attorney's fees.

Timetable:

Action	Date	FR Cite
NPRM	04/00/85	

Small Entity: Undetermined

Government Levels Affected: Federal

Agency Contact: John H. Kelly, Deputy Director, Department of the Interior, Office of Hearings and Appeals, 4015 Wilson Boulevard, Arlington, VA 22203, 703 235-3810

RIN: 1094-AA19

● SPECIAL RULES APPLICABLE IN INDIAN AFFAIRS HEARINGS AND APPEALS

Priority: Undetermined

Legal Authority: 5 USC 301; 25 USC 2; 25 USC 9; 25 USC 372; 25 USC 373; 25 USC 374; 25 USC 373a; 25 USC 373b

CFR Citation: 43 CFR 4.208, (New)

Abstract: The agency is investigating whether there is need for a new rule relating to disclaimers of devises under Indian wills.

Timetable:

Action	Date	FR Cite
Determination of Need begun 2/85	08/00/85	

Small Entity: Undetermined

Government Levels Affected: Federal

Agency Contact: John H. Kelly, Deputy Director, Department of the Interior, Office of Hearings and Appeals, 4015 Wilson Boulevard, Arlington, VA 22203, 703 235-3810

RIN: 1094-AA11

TRIBAL ACQUISITION OF INTERESTS UNDER SPECIAL STATUTE

Priority: Undetermined

Legal Authority: 25 USC 2201 to 2210

CFR Citation: 43 CFR 4.300; 43 CFR 4.301; 43 CFR 4.302; 43 CFR 4.303; 43 CFR 4.304; 43 CFR 4.305; 43 CFR 4.306; 43 CFR 4.307; 43 CFR 4.308

Abstract: The Indian Land Consolidation Act (Act) was enacted on January 12, 1983, and changes existing law regarding the descent of Indian trust and restricted lands. The Act provides that certain undivided fractional interests in such lands can now be acquired by the tribe instead of descending by intestacy or devise. Existing regulations governing the probate of Indian lands by Indian Probate Judges must therefore be amended to conform with the Act.

Timetable:

Action	Date	FR Cite
NPRM	06/00/85	
Final Action	12/00/85	

Small Entity: No

Government Levels Affected: Federal

Agency Contact: John H. Kelly, Deputy Director, Department of the Interior, Office of Hearings and Appeals, 4015 Wilson Blvd., Arlington, VA 22203, 703 235-3810

RIN: 1094-AA08

DEPARTMENT OF THE INTERIOR (DOI)
Office of Hearings and Appeals (OHA)

Existing Regulations Under Review

● SPECIAL RULES APPLICABLE TO SURFACE COAL MINING HEARINGS AND APPEALS

Priority: Undetermined

Legal Authority: 30 USC 1201

CFR Citation: 43 CFR 4.1100 to 1196

Abstract: To add procedures for hearings and appeals for proceedings under the permanent regulatory program of the Surface Mining Control and Reclamation Act of 1977 (including review of approval or disapproval of applications for permits) and for the assessment of individual civil penalties under 30 USC 1268(f) and to make revisions to the existing regulations in 43 CFR Subpart L.

Timetable:

Action	Date	FR Cite
Begin Review	04/01/85	

Small Entity: Undetermined

Government Levels Affected: Federal

Agency Contact: Will A. Irwin, Administrative Judge, Department of the Interior, Office of Hearings and Appeals, 4015 Wilson Blvd., Arlington, VA 22203, 703 235-3750

RIN: 1094-AA21

● SPECIAL RULES APPLICABLE IN INDIAN AFFAIRS HEARINGS AND APPEALS

Priority: Undetermined

Legal Authority: 5 USC 301; 25 USC 2, 25 USC 9; 25 USC 372; 25 USC 373; 25 USC 374; 25 USC 372a; 25 USC 373a

CFR Citation: 43 CFR 4.204

Abstract: The agency is reviewing the rule to determine whether it should be amended to provide procedures to be followed when heirs in an Indian probate proceeding cannot be located. The agency is also considering the possibility of adding a new regulation providing such procedures.

Timetable:

Action	Date	FR Cite
Begin Review	02/01/85	
End Review	03/00/85	

Small Entity: Undetermined

Government Levels Affected: Federal

Agency Contact: John H. Kelly, Deputy Director, Department of the Interior, Office of Hearings and Appeals, 4015 Wilson Boulevard, Arlington, VA 22203, 703 235-3810

RIN: 1094-AA16

● SPECIAL RULES APPLICABLE IN INDIAN AFFAIRS HEARINGS AND APPEALS

Priority: Undetermined

Legal Authority: 5 USC 301; 25 USC 2; 25 USC 9; 25 USC 372; 25 USC 373; 25 USC 374; 25 USC 373a; 25 USC 373b

CFR Citation: 43 CFR 4.221

Abstract: The agency is reviewing the rule to determine whether it should be amended to conform more closely to deposition provisions set forth in the Federal Rules of Civil Procedure.

Timetable:

Action	Date	FR Cite
Begin Review	02/01/85	
End Review	03/00/85	

Small Entity: Undetermined

Government Levels Affected: Federal

Agency Contact: John H. Kelly, Deputy Director, Department of the Interior, Office of Hearings and Appeals, 4015 Wilson Boulevard, Arlington, VA 22203, 703 235-3810

RIN: 1094-AA14

● SPECIAL RULES APPLICABLE IN INDIAN AFFAIRS HEARINGS AND APPEALS

Priority: Undetermined

Legal Authority: 5 USC 301; 25 USC 2; 25 USC 9; 25 USC 372; 25 USC 373; 25 USC 374; 25 USC 373a; 25 USC 373b

CFR Citation: 43 CFR 4.231(b)

Abstract: The agency is reviewing the rules to determine whether the transcription of hearings before administrative law judges (Indian probate), which is presently required in all cases, should be made discretionary.

DOI—OHA

Existing Regulations Under Review

Timetable:

Action	Date	FR Cite
Begin Review	02/01/85	
End Review	03/00/85	

Small Entity: Undetermined

Government Levels Affected: Federal

Agency Contact: John H. Kelly, Deputy Director, Department of the Interior, Office of Hearings and Appeals, 4015 Wilson Boulevard, Arlington, VA 22203, 703 235-3810

RIN: 1094-AA15

● SPECIAL RULES APPLICABLE IN INDIAN AFFAIRS HEARINGS AND APPEALS

Priority: Undetermined

Legal Authority: 5 USC 301; 25 USC 2; 25 USC 9

CFR Citation: 43 CFR 4.310(a)

Abstract: The existing rule is being reviewed to determine whether a change should be made to the effective date for filing a notice of appeal under 25 CFR 2.19, relating to appeals from decisions of officials of the Bureau of Indian Affairs.

Timetable:

Action	Date	FR Cite
Begin Review	02/01/85	
End Review	03/00/85	

Small Entity: Undetermined

Government Levels Affected: Federal

Agency Contact: John H. Kelly, Deputy Director, Department of the Interior, Office of Hearings and Appeals, 4015 Wilson Boulevard, Arlington, VA 22203, 703 235-3810

RIN: 1094-AA17

● SPECIAL RULES APPLICABLE IN INDIAN AFFAIRS HEARINGS AND APPEALS

Priority: Undetermined

Legal Authority: 5 USC 301; 25 USC 2; 25 USC 9; 25 USC 372; 25 USC 373; 25 USC 374; 25 USC 373a; 25 USC 373b

CFR Citation: 43 CFR 4.320(a)

Abstract: The agency is reviewing the rule to determine whether it should be amended to provide that parties have 60 days from the date a decision or order of an administrative law judge (Indian probate) is mailed in which to file an appeal with the Board of Indian Appeals.

Timetable:

Action	Date	FR Cite
Begin Review	02/01/85	
End Review	03/00/85	

Small Entity: Undetermined

Government Levels Affected: Federal

Agency Contact: John H. Kelly, Deputy Director, Department of the Interior, Office of Hearings and Appeals, 4015 Wilson Boulevard, Arlington, VA 22203, 703 235-3810

RIN: 1094-AA18

● SPECIAL RULES APPLICABLE IN INDIAN AFFAIRS HEARINGS AND APPEALS

Priority: Undetermined

Legal Authority: 5 USC 301; 25 USC 2; 25 USC 9

CFR Citation: 43 CFR 4.340

Abstract: The existing rule is under review to determine whether to delete the requirement that copies of Board decisions be sent to parties by certified mail.

Timetable:

Action	Date	FR Cite
Begin Review	02/07/85	
End Review	03/00/85	

Small Entity: Undetermined

Government Levels Affected: Federal

Agency Contact: John H. Kelly, Deputy Director, Department of the Interior, Office of Hearings and Appeals, 4015 Wilson Boulevard, Arlington, VA 22203, 703 235-3810

RIN: 1094-AA13

● SPECIAL RULES APPLICABLE TO PUBLIC LAND HEARINGS AND APPEALS

Priority: Undetermined

Legal Authority: 43 USC 1201

CFR Citation: 43 CFR 4.413

Abstract: The agency is reviewing the rule to determine whether it should be revised to change the designation of the appropriate officer in the Solicitor's Office to receive service in administrative appeals from decisions of the Eastern States Office, Bureau of Land Management.

Timetable:

Action	Date	FR Cite
Begin Review	05/00/85	

Small Entity: Undetermined

Government Levels Affected: Federal

Agency Contact: James R. Kleiler, Attorney Adviser, Department of the Interior, Office of Hearings and Appeals, 4015 Wilson Boulevard, Arlington, VA 22203, 703 235-3750

RIN: 1094-AA20

[FR Doc. 85-9368 Filed 04-26-85; 8:45 am]
BILLING CODE 4310-10-T

DEPARTMENT OF THE INTERIOR (DOI)

United States Fish and Wildlife Service (FWS)

Current and Projected Rulemakings

● NORTHWEST STEELHEAD AND SALMON CONSERVATION AND ENHANCEMENT GRANTS

Priority: Undetermined

Legal Authority: 16 USC 3301 to 3325; PL 96-561

CFR Citation: Not yet determined

Abstract: The Secretary of the Interior is authorized under PL 96-561 to establish a program to provide grants for projects for the enhancement of the salmon and steelhead resources of the Washington and Columbia River conservation areas. The Act authorizes $84,000,000 for salmon and steelhead enhancement in the two conservation areas. Comprehensive enhancement plans for the Washington and Columbia River conservation areas must be developed and agreed to by the States of Washington and Oregon and the treaty tribes, and approved by the Secretary before grants can be provided. Rules will be promulgated to administer the grant program.

Timetable:

Action	Date	FR Cite
NPRM	12/00/85	

Small Entity: Undetermined

Agency Contact: Joseph h. Kutkuhn, Associate Director - Federal Assistance, Department of the Interior, United States Fish and Wildlife Service, Department of the Interior, Washington, DC 20240, **202 343-6394**

RIN: 1018-AA88

GENERAL PROVISIONS: DEFINITIONS

Legal Authority: 16 USC 704; 16 USC 712

CFR Citation: 50 CFR 10, Subpart B

Abstract: The list of migratory birds found at 50 CFR 10.13 would be amended by adding formerly unprotected species which are covered by the convention concluded with the Union of Soviet Socialist Republics for conservation of migratory birds and their environment. Also, the laughing gull, which was inadvertently omitted when the list was last revised, would be restored. Several species of birds belonging to groups protected under conventions concluded with Canada and Mexico have recently been found in the United States and would also be added to the list. The Mexican duck, which is no longer found in the United States, would be deleted from the list; Mexican-like ducks which are found in the Southwestern United States would continue to be protected as hybrids of the mallard, a migratory bird.

Timetable:

Action	Date	FR Cite
NPRM	06/05/84	49 FR 23197
NPRM Comment Period Begin	06/06/84	
NPRM Comment Period End	08/06/84	
Final Action	04/00/85	

Small Entity: No

Additional Information: Originally scheduled: July 1980.

Agency Contact: Rollin D. Sparrowe, Chief, Migratory Bird Management Office, Department of the Interior, United States Fish and Wildlife Service, 18th and C Streets, NW, Washington, DC 20240, **202 254-3207**

RIN: 1018-AA02

SEIZURE AND FORFEITURE PROCEDURES

Priority: Undetermined

Legal Authority: 16 USC 1540; 16 USC 3371 to 3378

CFR Citation: 50 CFR 12

Abstract: This Part would be amended to apply customs laws to seizures and forfeitures incurred under the Lacey Act Amendments of 1981 and the Endangered Species Act, as authorized by both statutes.

Timetable:

Action	Date	FR Cite
NPRM	04/00/85	

Small Entity: Undetermined

Additional Information: Originally scheduled: April 1983.

Agency Contact: Clark R. Bavin, Chief, Division of Law Enforcement, Department of the Interior, United States Fish and Wildlife Service, 18th and C Streets, NW, Washington, DC 20240, **202 343-9242**

RIN: 1018-AA04

GENERAL PERMIT PROCEDURES; IMPORTATION, EXPORTATION, AND TRANSPORTATION OF WILDLIFE

Priority: Agency Determination

Legal Authority: 16 USC 1540; 16 USC 703 to 712; 16 USC 668a

CFR Citation: 50 CFR 13; 50 CFR 14

Abstract: These various permit rules will be reviewed and amended, if necessary, to eliminate any unnecessary, burdensome, or counterproductive information collection.

Timetable:

Action	Date	FR Cite
NPRM	06/18/84	49 FR 24898
End Review	12/31/84	
Final Action	04/00/85	
Final Action Effective	05/00/85	

Small Entity: No

Additional Information: As a result of the review of these 50 CFR Parts, the Service will initiate two rules. The first rule will deal with the establishment of "user Fees" for persons engaged in importing and exporting wildlife. A second rule appears above in RIN 1018-AA78.

Agency Contact: Clark R. Bavin, Chief, Division of Law Enforcement, Department of the Interior, United States Fish and Wildlife Service, 18th and C Streets, NW, Washington, DC 20240, **202 343-9242**

RIN: 1018-AA75

HUMANE TRANSPORT OF WILD ANIMALS AND BIRDS

Legal Authority: PL 97-79, 95 Stat. 1073

CFR Citation: 50 CFR 14

Abstract: Section 9(d) of the Lacey Act Amendments of 1981 shifts authority for prescribing requirements for the humane and healthful transport of wild animals and birds from the Secretary of the Treasury to the Secretary of the Interior. This authority will be promulgated in Part 14.

Timetable:

Action	Date	FR Cite
Notice of Public Meeting	02/26/82	47 FR 8386
Notice of Intent to propose Rules	06/30/82	47 FR 28431
NPRM	05/00/85	

Small Entity: No

Additional Information: Originally scheduled: April 1982.

Agency Contact: Thomas J. Parisot, Chief, Wildlife Permit Office, Department of the Interior, United States Fish and Wildlife Service, 18th and C Streets, NW, Washington, DC 20240, **703 235-1937**

RIN: 1018-AA07

IMPORTATION, EXPORTATION, AND TRANSPORTATION OF WILDLIFE

Legal Authority: 16 USC 3376(a)(2)

CFR Citation: 50 CFR 14

Abstract: The Service would amend the requirements for marking and labeling containers or packages containing fish or wildlife in a joint rulemaking with the Department of Commerce. The Lacey Act Amendments of 1981 make it unlawful to import, export, or transport in interstate commerce any containers or packages containing fish or wildlife that are not marked or labeled in accordance with regulations jointly issued by the Secretaries of the Interior and of Commerce. Such regulations will be in accordance with existing commercial practices.

Timetable:

Action	Date	FR Cite
NPRM	09/00/85	

Small Entity: No

Additional Information: Originally scheduled: October 1983.

Agency Contact: Clark R. Bavin, Chief, Division of Law Enforcement, Department of the Interior, United States Fish and Wildlife Service, 18th and C Streets, NW, Washington, DC 20240, 202 343-9242

RIN: 1018-AA79

ENDANGERED AND THREATENED WILDLIFE AND PLANTS

Legal Authority: 16 USC 1531 to 1543

CFR Citation: 50 CFR 17

Abstract: Regulations will be developed which would list, reclassify, or delist, as appropriate, certain species of fish, wildlife, and plants under the Endangered Species Act, and where prudent, would identify critical habitat for endangered and threatened species. Such actions are taken upon determination that species are endangered, threatened, or neither and are based solely on the biological information available to the Department.

Supplemental Timetable:

Amargosa vole
NPRM 08/29/83 (48 FR 39090)
Final Action 11/15/84 (49 FR 45160)

Ash Meadows; one plant and seven insects
NPRM 10/13/83 (48 FR 46590)
Final Action 00/00/00

Bahama and Schaus swallowtail butterflies
NPRM 08/29/83 (48 FR 39096)
Final Action 08/31/84 (49 FR 34501)

Big Spring spinedace
NPRM 11/30/83 (48 FR 54082)
Final Action 00/00/00

Brown pelican
NPRM 11/10/83 (48 FR 51736)
Final Action 02/04/85 (50 FR 4938)

Fresno kangaroo rat
NPRM 11/21/83 (48 FR 52608)
Final Action 01/30/85 (50 FR 4222)

Gouania hillebrandii
NPRM 11/09/84 (49 FR 44753)
Final Action 00/00/00

Hau hele'ula
NPRM 09/12/83 (48 FR 40920)
Final Action 00/00/00

Heliotrope milk-vetch
NPRM 01/13/81 (46 FR 3188)
Final Action 00/00/00

Johnston's frankenia
NPRM 07/08/83 (48 FR 31414)
Final Action 06/07/84 (49 FR 31418)

Long haired phlox
NPRM 08/29/83 (48 FR 39093)
Final Action 00/00/00

Mariana Island species
NPRM 08/27/84 (49 FR 33881)
Final Action 00/00/00

Modoc sucker
NPRM 01/31/84 (49 FR 3892)
Final Action 00/00/00

Ozark cavefish
NPRM 01/31/84 (49 FR 3889)
Final Action 11/01/84 (49 FR 43965)

San Benito evening primrose
NPRM 10/31/83 (48 FR 50126)
Final Action 02/12/85 (50 FR 5755)

Silverling
NPRM 10/25/83 (48 FR 49316)
Final Action 00/00/00

Smoky madtom
NPRM 11/21/83 (48 FR 52612)
Final Action 10/26/84 (49 FR 43065)

Texas snowbells
NPRM 10/11/83 (48 FR 46086)
Final Action 10/12/84 (49 FR 40036)

Three Yaqui River fishes
NPRM 07/15/83 (48 FR 32527)
Final Action 08/31/84 (49 FR 34490)

Small Entity: No

Additional Information: After reviewing the biological status of candidate and listed species, the Service promptly proceeds to propose rules to list, delist, or reclassify such species as appropriate. Generally, final action on the proposed rules must be taken within one year.

Agency Contact: John L. Spinks, Chief, Office of Endangered Species, Department of the Interior, United States Fish and Wildlife Service, 18th and C Streets, NW, Washington, DC 20240, 703 235-2771

RIN: 1018-AA10

ENDANGERED AND THREATENED WILDLIFE AND PLANTS

Legal Authority: 16 USC 1531 to 1543

CFR Citation: 50 CFR 17

Abstract: Regulations will be proposed which would list certain species of wildlife and plants as endangered or threatened species and, where prudent, would identify their critical habitat.

Supplemental Timetable:

Flagstaff pennyroyal
NPRM 06/29/83 (48 FR 29929)
Final Action 00/00/00

Small Entity: No

Additional Information: Originally scheduled: April 1981.

Agency Contact: John L. Spinks, Department of the Interior, United States Fish and Wildlife Service, 18th and C Streets, NW, Washington, DC 20240, 703 235-2771

RIN: 1018-AA12

ENDANGERED AND THREATENED WILDLIFE AND PLANTS

Priority: Undetermined

Legal Authority: 16 USC 1531 to 1543

CFR Citation: 50 CFR 17

Abstract: 50 CFR 17.21(g), Captive-bred Wildlife, provides regulatory relief for activities that enhance the propagation or survival of living, captive-bred, exotic species listed as endangered and born in the U.S. There is also a provision by which certain specifically situated native species may be eligible. The Service recognizes that a number of native species that do not presently qualify for the benefits of this regulation are specifically situated such that their continued survival would be enhanced by being qualified; therefore, the Service will propose to establish criteria by which species are to be so qualified.

Timetable:

Action	Date	FR Cite
ANPRM	04/00/85	

Small Entity: Undetermined

Additional Information: Originally scheduled: October 1982.

Agency Contact: Thomas J. Parisot, Chief, Wildlife Permit Office, Department of the Interior, United States Fish and Wildlife Service, 18th and C Streets, NW, Washington, DC 20240, 703 235-1937

RIN: 1018-AA19

THREATENED WILDLIFE

Legal Authority: 16 USC 1531 to 1543

CFR Citation: 50 CFR 17, Subpart D

Abstract: At the request of State, Federal and private parties, the special rule on the American alligator, found in 50 CFR 17.42(a), will be reviewed in order to determine whether to revise or revoke certain prohibitions and procedures. Areas to be considered during the review include: present prohibitions on export of meat and parts other than hides; need for serially numbering each tag applied to hides;

need for a Federal permit to kill alligators legally held under State Alligator Farmer permits; and use of data collected from reports required of permittees.

Timetable:

Action	Date	FR Cite
Notice of Intent	07/16/82	47 FR 31024
NPRM	10/23/84	49 FR 42954
NPRM Comment Period Begin	10/23/84	49 FR 42954
NPRM Comment Period End	11/23/84	
Final Action	06/00/85	

Small Entity: No

Additional Information: Originally scheduled: April 1982.

Agency Contact: Thomas J. Parisot, Chief, Wildlife Permit Office, Department of the Interior, United States Fish and Wildlife Service, 18th and C Streets, NW, Washington, DC 20240, 703 235-1937

RIN: 1018-AA60

ENDANGERED AND THREATENED WILDLIFE AND PLANTS

Legal Authority: 16 USC 1531 et seq

CFR Citation: 50 CFR 17

Abstract: The Ninety-Seventh Congress of the United States enacted the 1982 amendments to the Endangered Species Act of 1973 providing for (1) the incidental taking of listed species and (2) prohibiting the removal and reduction to possession of listed plants from lands under Federal jurisdiction. These amendments require appropriate regulatory amendments.

Timetable:

Action	Date	FR Cite
NPRM	07/08/83	48 FR 31417
NPRM Comment Period Begin	07/08/83	48 FR 35973
NPRM Comment Period End	09/02/83	
Final Action	05/00/85	
Final Action Effective	06/00/85	

Small Entity: No

Additional Information: Originally scheduled: April 1983.

Agency Contact: Thomas J. Parisot, Chief, Wildlife Permit Office, Department of the Interior, United States Fish and Wildlife Service, 18th and C Streets, NW, Washington, DC 20240, 703 235-1937

RIN: 1018-AA64

ENDANGERED AND THREATENED WILDLIFE AND PLANTS

Priority: Undetermined

Legal Authority: 16 USC 1540

CFR Citation: 50 CFR 17

Abstract: Part 17 would be amended to implement provisions of the Endangered Species Act Amendments of 1982 on noncommercial transshipments of wildlife and pre-Act status.

Timetable:

Action	Date	FR Cite
NPRM	06/00/85	

Small Entity: Undetermined

Additional Information: Originally scheduled: April 1983.

Agency Contact: Clark R. Bavin, Chief, Division of Law Enforcement, Department of the Interior, United States Fish and Wildlife Service, 18th and C Streets, NW, Washington, DC 20240, 703 235-9242

RIN: 1018-AA66

ENDANGERED AND THREATENED WILDLIFE AND PLANTS

Legal Authority: 16 USC 1531 to 1543

CFR Citation: 50 CFR 17

Abstract: Regulations will be developed to list, reclassify or delist certain species of wildlife and plants as endangered or threatened species. When prudent, critical habitat will also be identified.

Supplemental Timetable:

Alabama beach mice (3 species)
NPRM 06/07/84 (49 FR 23794)
Final Action 06/00/85

Alligator snapping turtle
ANPRM 02/27/84 (49 FR 7416)
Final Action 02/00/85

Amber Darter
NPRM 07/13/84 (49 FR 28572)
Final Action 07/00/85

American Alligator
NPRM 06/20/84 (49 FR 25342)
Final Action 06/00/85

Beautiful goetzea
NPRM 06/18/84 (49 FR 24903)
Final Action 06/18/85

Blue Ridge goldenrod
NPRM 07/23/84 (49 FR 29629)
Final Action 07/00/85

Carex specuicola
NPRM 04/11/84 (49 FR 14406)
Final Action 04/00/85

Conasauga logperch
NPRM 07/13/84 (49 FR 28572)
Final Action 07/00/85

Desert dace
NPRM 05/29/84 (49 FR 22355)
Final Action 05/00/85

Desert pupfish
NPRM 05/16/84 (49 FR 20739)
Final Action 05/00/85

Fish Creek Springs tui chub
NPRM 06/06/84 (49 FR 23409)
Final Action 06/00/85

Flattened musk turtle
NPRM 04/05/84 (49 FR 13558)
Final Action 04/00/85

Foskett speckled dace
NPRM 04/17/84 (49 FR 15099)
Final Action 04/00/85

Hiko White River springfish
NPRM 05/07/84 (49 FR 19360)
Final Action 05/00/85

Hutton tui chub
NPRM 04/17/84 (49 FR 15099)
Final Action 04/00/85

Interior least tern
NPRM 05/29/84 (49 FR 22444)
Final Action 05/00/85

June Sucker
NPRM 07/02/84 (49 FR 27183)
Final Action 07/00/85

Key Largo woodrat and cotton mouse
NPRM 04/06/84 (49 FR 13720)
Final Action 08/31/84 (49 FR 34504)

Lakela's mint
NPRM 07/23/84 (49 FR 29632)
Final Action 07/00/85

Large flowered fiddleneck
NPRM 05/08/84 (49 FR 19534)
Final Action 05/00/85

Last chance townsendia
NPRM 05/29/84 (49 FR 22352)
Final Action 05/00/85

Maguire primrose
NPRM 04/13/84 (49 FR 14771)
Final Action 04/00/85

Mancos milk vetch
NPRM 06/28/84 (49 FR 26610)
Final Action 06/00/85

Niangua darter
NPRM 04/17/84 (49 FR 15102)
Final Action 04/00/85

Owens tui chub
NPRM 03/23/84 (49 FR 10959)
Final Action 03/23/85

Pecos bluntnose shiner
NPRM 05/11/84 (49 FR 20031)
Final Action 05/00/85

Railroad Valley springfish
NPRM 04/17/84 (49 FR 15109)
Final Action 04/00/85

Rhizome fleabane
NPRM 04/24/84 (49 FR 17548)
Final Action 04/00/85

Sacramento Mountains thistle
NPRM 05/16/84 (49 FR 20735)

Final Action 05/00/85
San Mateo thornmint
NPRM 06/18/84 (49 FR 24906)
Final Action 06/00/85
Sonoran chub
NPRM 06/06/84 (49 FR 23402)
Final Action 06/00/85
Thornber's fishhook cactus
NPRM 04/24/84 (49 FR 17551)
Final Action 04/00/85
Trispot Darter
NPRM 07/13/84 (49 FR 28572)
Final Action 07/00/85
Vahl's boxwood
NPRM 07/13/84 (49 FR 28580)
Final Action 07/00/85
Warner sucker
NPRM 05/21/84 (49 FR 21383)
Final Action 05/00/85
Welsh's milkweed
NPRM 06/06/84 (49 FR 23399)
Final Action 06/00/85
White River spinedace
NPRM 05/29/84 (49 FR 22359)
Final Action 05/00/85
White River springfish
NPRM 05/07/84 (49 FR 19360)
Final Action 05/00/85

Small Entity: Not Applicable

Additional Information: Originally scheduled: October 1984.

Agency Contact: John Spinks, Chief, Office of Endangered Species, Department of the Interior, United States Fish and Wildlife Service, Washington, DC 20240, 703 235-2771

RIN: 1018-AA84

● ENDANGERED AND THREATENED WILDLIFE AND PLANTS

Legal Authority: 16 USC 1531 to 1543

CFR Citation: 50 CFR 17

Abstract: Regulations will be developed to list, reclassify, or delist certain species of wildlife and plants as endangered or threatened species. When prudent, critical habitat will also be identified.

Supplemental Timetable:
Bay Checkerspot butterfly
NPRM 09/11/84 (49 FR 35665)
Final Action 09/00/85
Blackside dace
NPRM 09/04/84 (49 FR 34878)
Final Action 09/00/85
Florida pine rockland plants
NPRM 11/07/84 (49 FR 44507)
Final Action 11/00/85
Hawaiian gardenia
NPRM 10/12/84 (49 FR 40058)
Final Action 10/00/85
Inyo brown towhee
NPRM 11/25/84 (49 FR 46174)
Final Action 11/00/85
Maguire daisy
NPRM 07/27/84 (49 FR 30211)
Final Action 07/00/85
Miccosukee gooseberry
NPRM 08/31/84 (49 FR 34535)
Final Action 08/00/85
Northern flying squirrel
NPRM 11/21/84 (49 FR 45880)
Final Action 11/00/85
Piping plover
NPRM 11/08/84 (49 FR 44712)
Final Action 11/00/85
Ruth's golden aster
NPRM 11/20/84 (49 FR 45766)
Final Action 11/00/85
Short's goldenrod
NPRM 10/11/84 (49 FR 39873)
Final Action 10/00/85
Slender rush-pea
NPRM 11/21/84 (49 FR 45884)
Final Action 11/00/85
Tar River spiny mussel
NPRM 09/17/84 (49 FR 36418)
Final Action 09/00/85
Three Palau birds
NPRM 09/19/84 (49 FR 36665)
Final Action 09/00/85

Small Entity: Not Applicable

Additional Information: Originally scheduled: April 1985.

Agency Contact: John Spinks, Chief, Office of Endangered Species, Department of the Interior, United States Fish and Wildlife Service, 18th & C Streets, NW, Washington, DC 20240, 703 235-2771

RIN: 1018-AA85

● SOUTHERN SEA OTTER EXPERIMENTAL POPULATION

Priority: Undetermined

Legal Authority: 16 USC 1531 et seq

CFR Citation: 50 CFR 17

Abstract: Regulations will be proposed to identify an experimental population for the southern sea otter (Euhydra lutris nereis) as provided by Section 19(j) of the 1982 amendments to the ESA. The experimental population designation will increase management flexibility to enhance the recovery effort for this species.

Timetable:

Action	Date	FR Cite
NPRM	04/00/85	

Small Entity: Undetermined

Agency Contact: Mr. John L. Spinks, Jr., Chief, Office of Endangered Species, Department of the Interior, United States Fish and Wildlife Service, 18th & C Streets, NW, Washington, DC 20240, 703 235-2771

RIN: 1018-AA87

MARINE MAMMALS

Priority: Undetermined

Legal Authority: 16 USC 1382(a)

CFR Citation: 50 CFR 18

Abstract: The Service will propose rules that would require the marking, tagging, or otherwise identifying of raw parts of certain lawfully taken marine mammals, including those taken by Alaska Natives for purposes of subsistence or the creation and selling of authentic native articles of handicrafts and clothing. Except for scientific research purposes, the rules would also prohibit exportation of raw parts of these marine mammals from Alaska and the sale of such parts, other than those that are edible, to persons other than resident Alaska Natives. These rules are necessary for management purposes.

Timetable:

Action	Date	FR Cite
NPRM	09/00/85	

Small Entity: Undetermined

Additional Information: Originally scheduled: July 1980.

Agency Contact: Leroy Sowl, Chief, Division of Wildlife Management, Department of the Interior, United States Fish and Wildlife Service, 18th and C Streets, NW, Washington, DC 20240, 202 632-2202

RIN: 1018-AA20

MIGRATORY BIRD HUNTING

Priority: Major

Legal Authority: 16 USC 703 to 711

CFR Citation: 50 CFR 20

Abstract: The Service will publish a series of major documents establishing migratory bird hunting regulations for the 1985-86 season. The documents consist of proposed frameworks providing outside limits for dates and hours of shooting, as well as bag and possession limits; final frameworks for hunting seasons from which States may select regulations; and final rules approving such State selections.

Timetable:

Action	Date	FR Cite
ANPRM	03/00/85	49 FR 11120
NPRM	06/00/85	49 FR 24419
Final Action	09/00/85	

Small Entity: Yes

Additional Information: SMALL BUSINESSES CONT: Small entities likely to be affected by these rules include some sporting goods stores, hardware stores, motels and hotels, restaurants, clothing stores, boat and marine equipment stores, marinas, gasoline stations, private hunting clubs, land owners' leasing hunting rights, and mail order houses selling hunting equipment and supplies. Originally scheduled: April 1985. E.O. 12291: These rules are major because of the economic values associated with migratory game bird hunting; however, the need to obtain and consider the latest population data for these migratory birds requires that the regulatory schedule be shortened. The regulatory impact analysis, as required by E.O. 12291, and the small entity flexibility analysis, as required by 5 U.S.C. 601 et seq., have been combined into one analysis as provided for by both authorities. Copies of the combined analysis will be available from the Agency Contact upon publication of the Notice of Intent in March 1985.

Analysis: Preliminary RIA 03/00/84; Draft RFA 03/00/84

Agency Contact: Rollin D. Sparrowe, Chief, Migratory Bird Management Office, Department of the Interior, United States Fish and Wildlife Service, 18th and C Streets, NW, Washington, DC 20240, **202 254-3207**

RIN: 1018-AA24

ENDANGERED SPECIES CONVENTION

Legal Authority: 16 USC 1531 to 1543; TIAS 8249

CFR Citation: 50 CFR 23

Abstract: The regulations implementing the Convention on International Trade in Endangered Species of Wild Fauna and Flora will be clarified and revised to incorporate certain recommendations of the Parties.

Timetable:

Action	Date	FR Cite
NPRM	05/00/85	

Small Entity: No

Additional Information: Originally scheduled: January 1980.

Agency Contact: Thomas J. Parisot, Chief, Wildlife Permit Office, Department of the Interior, United States Fish and Wildlife Service, 18th and C Streets, NW, Washington, DC 20240, **703 235-1937**

RIN: 1018-AA29

CONSERVATION EASEMENTS

Legal Authority: 16 USC 460k; 16 USC 668dd et seq

CFR Citation: 50 CFR 25

Abstract: This subpart will be revised to include new rules which govern non-Federal activities affecting conservation easements.

Timetable:

Action	Date	FR Cite
NPRM	04/25/84	49 FR 17778
Final Action	10/00/85	

Small Entity: No

Additional Information: Originally scheduled: January 1981.

Agency Contact: James F. Gillett, Chief, Division of Refuge Management, Department of the Interior, United States Fish and Wildlife Service, 18th and C Streets, NW, Washington, DC 20240, **202 343-4311**

RIN: 1018-AA38

NATIONAL WILDLIFE REFUGES

Priority: Undetermined

Legal Authority: 16 USC 668dd et seq; Withdrawal Proclamation of 2/11/80, Sec 204(c) (45 FR 9562)

CFR Citation: 50 CFR 26, Subpart C

Abstract: The emergency management rules for the twelve areas in Alaska, which were withdrawn and reserved as National Wildlife Refuges, will be rescinded.

Timetable:

Action	Date	FR Cite
Emergency Rule	03/04/80	45 FR 14192
Rescind Emergency Rule	07/00/85	

Small Entity: Undetermined

Additional Information: Originally scheduled: July 1980.

Agency Contact: James F. Gillett, Chief, Division of Refuge Management, Department of the Interior, United States Fish and Wildlife Service, 18th and C Streets, NW, Washington, DC 20240, **202 343-4311**

RIN: 1018-AA35

PUBLIC ENTRY AND USE

Legal Authority: 16 USC 460k; 16 USC 668dd

CFR Citation: 50 CFR 26; 50 CFR 32; 50 CFR 33

Abstract: Regulations will be proposed which will simplify and reduce administrative costs related to the process by which special regulations, relating to public, access use, and recreation are issued for units of the National Wildlife Refuge system. Special regulations will be used for public access use and recreation on individual national wildlife refuges.

Timetable:

Action	Date	FR Cite
NPRM	07/03/84	49 FR 27334
NPRM Comment Period Begin	07/03/84	49 FR 27334
NPRM Comment Period End	08/02/84	
Final Action Hunting and Fishing	09/19/84	49 FR 36736
NPRM Public Entry and Use	10/00/85	

Small Entity: No

Additional Information: Originally scheduled: April 1981.

Agency Contact: James F. Gillett, Chief, Division of Refuge Management, Department of the Interior, United States Fish and Wildlife Service, 18th and C Streets, NW, Washington, DC 20240, **202 343-4311**

RIN: 1018-AA36

PUBLIC ENTRY

Legal Authority: 16 USC 460k

CFR Citation: 50 CFR 26, Subpart B

Abstract: The Service will periodically review and amend, as necessary, regulations governing public access, use, and recreation for specific national wildlife refuges.

Timetable:

Action	Date	FR Cite
NPRM	04/00/85	

Small Entity: No

Additional Information: Originally scheduled: April 1983.

Agency Contact: James F. Gillett, Chief, Division of Refuge Management, Department of the Interior, United States Fish and Wildlife Service, 18th and C Streets, NW, Washington, DC 20240, 202 343-4311

RIN: 1018-AA69

MINERAL OPERATIONS

Legal Authority: 16 USC 460k; 16 USC 668dd et seq

CFR Citation: 50 CFR 29, Subpart C

Abstract: This subpart will be revised to include new rules which govern mining on areas within the National Wildlife Refuge System.

Timetable:

Action	Date	FR Cite
NPRM	12/31/80	45 FR 86512
Final Action	10/00/85	

Small Entity: No

Additional Information: The information collection requirements contained in this rule will be submitted to the Office of Management and Budget for approval as required by 44 U.S.C. 3501 et seq. Originally scheduled: January 1981.

Agency Contact: James F. Gillett, Department of the Interior, United States Fish and Wildlife Service, 18th and C Streets, NW, Washington, DC 20240, 202 343-4311

RIN: 1018-AA39

● MINERAL RIGHTS RESERVED AND EXCEPTED

Legal Authority: 16 USC 668(dd) National Wildlife Refuge System Admin Act

CFR Citation: 50 CFR 29.32, (Revision)

Abstract: Existing regulations will be revised to provide more comprehensive guidance on the procedures to be followed by persons conducting mineral exploration and/or development on National Wildlife Refuge System (NWRS) lands where the mineral rights are vested in other parties. Such operations were conducted on 47 NWRS units in 11 states during 1984. The purpose of the new rule will be to protect NWRS resources to the maximum extent possible without infringing upon the rights of the subsurface owners. Similar regulations of the National Park Service (36 CFR 9.30) and the Forest Service (36 CFR 251.15) will be considered in developing the NWRS regulations.

Timetable:

Action	Date	FR Cite
ANPRM	03/01/85	
ANPRM Comment Period Begin	03/02/85	
ANPRM Comment Period End	04/15/85	
NPRM	09/09/85	
NPRM Comment Period Begin	09/10/85	
NPRM Comment Period End	11/08/85	
Final Action	03/04/86	
Final Action Effective	04/03/86	

Small Entity: Undetermined

Agency Contact: James F. Gillett, Chief, Division of Refuge Management, Department of the Interior, United States Fish and Wildlife Service, 18th & C Streets, NW, Washington, DC 20240, 202 343-4311

RIN: 1018-AA86

HUNTING

Legal Authority: 16 USC 460k, 16 USC 668dd

CFR Citation: 50 CFR 32

Abstract: The Service will review annually and prior to each hunting season may amend hunting regulations for specific national wildlife refuges.

Timetable:

Action	Date	FR Cite
Interim Final Rule	09/13/82	47 FR 40302
NPRM	07/03/84	49 FR 27334
NPRM Comment Period Begin	07/03/84	49 FR 27334
NPRM Comment Period End	08/02/84	
Final Action for 1984 changes	10/30/84	50 FR 43549
NPRM for 1985 changes	09/00/85	

Small Entity: No

Additional Information: Originally scheduled: April 1983.

Agency Contact: James F. Gillett, Chief, Division of Refuge Management, Department of the Interior, United States Fish and Wildlife Service, 18th and C Streets, NW, Washington, DC 20240, 202 343-4311

RIN: 1018-AA71

● ADDITION OF TWENTY-ONE NATIONAL WILDLIFE REFUGE TO THE LISTS OF OPEN AREAS FOR MIGRATORY GAME BIRD HUNTING, UPLAND GAME HUNTING, BIG GAME HUNTING, AND/OR SPORT FISHING

Legal Authority: 16 USC 460(k) Refuge Recreation Act of 1962; 16 USC 668(dd) National Wildlife Refuge System Admin Act of 1966

CFR Citation: 50 CFR 32

Abstract: Before new hunting and fishing opportunities are inititated on national wildlife refuges, the refuge is listed in 50 CFR Sections 32.11, 32.21, 32.31, and/or Section 33.4.

Regulations will be proposed that would add the following National Wildlife Refuges (NWR) to the lists of open areas: Migratory game bird hunting - Buffalo Lake NWR, TX; San Bernardino NWR, AZ; Union Slough NWR, IA; Harbor Island NWR, MI; and Bogue Chitto NWR, MS: Upland Game Hunting - San Bernardino NWR, AZ; Buffalo Lake NWR, TX; Union Slough NWR, IA; Harbor Island NWR, MI; and Bogue Chitto NWR, MS: Big Game Hunting - Columbia White-tailed Deer NWR, WA; Buffalo Lake NWR, TX; Union Slough NWR, IA; Harbor Island NWR, MI: Bogue Chitto NWR, MS; and Back Bay NWR, VA: Sport Fishing - Columbia White-tailed Deer NWR, WA Lower Suwannee NWR, FL; Cedar Keys NWR, FL; Pelican Island NWR, FL; Hobe Sound NWR, FL; Egmont Key NWR, FL; Pinellas NWR, FL; Bon Secour NWR, AL; Wheeler NWR, AL; Blackbeard Island NWR, GA; Harris Neck NWR, GA; Tybee NWR, GA; Wassaw NWR, GA; Wolf Island NWR, GA; and Pinkney Island NWR, SC.

Timetable:

Action	Date	FR Cite
NPRM	05/15/85	
NPRM Comment Period Begin	05/15/85	
NPRM Comment Period End	05/15/85	
Final Action	08/19/85	
Final Action Effective	08/19/85	

Small Entity: Undetermined

Agency Contact: James F. Gillett, Chief, Division of Refuge Management, Department of the Interior, United States Fish and Wildlife Service, 18th & C Streets, NW, Washington, DC 20240, **202 343-4311**

RIN: 1018-AA89

SPORT FISHING

Legal Authority: 16 USC 460k; 16 USC 668dd

CFR Citation: 50 CFR 33

Abstract: Regulations will be proposed which will simplify and reduce administrative costs related to the process by which special regulations relating to sport fishing will be issued for national wildlife refuges. Special regulations for specific refuges will also be issued governing sport fishing.

Timetable:

Action	Date	FR Cite
NPRM	10/00/85	

Small Entity: No

Additional Information: Originally scheduled: October 1982.

Agency Contact: James F. Gillett, Chief, Division of Refuge Management, Department of the Interior, United States Fish and Wildlife Service, 18th and C Streets, NW, Washington, DC 20240, **202 343-4311**

RIN: 1018-AA50

ALASKA NATIONAL WILDLIFE REFUGES

Priority: Undetermined

Legal Authority: 43 USC 1621(g)

CFR Citation: 50 CFR 36

Abstract: A new Subpart F will be added and will contain regulations for certain lands within and/or adjacent to certain National Wildlife Refuges in Alaska pursuant to Section 22(g) of the Alaska Native Claims Settlement Act of 1971.

Timetable:

Action	Date	FR Cite
NPRM	10/00/85	

Small Entity: Undetermined

Additional Information: Originally scheduled: October 1983.

Agency Contact: James F. Gillett, Chief, Division of Refuge Management, Department of the Interior, United States Fish and Wildlife Service, 18th and C Streets, NW, Washington, DC 20240, **202 343-4311**

RIN: 1018-AA83

ALASKA NATIONAL WILDLIFE MONUMENTS

Legal Authority: 16 USC 432; 16 USC 742(f); 16 USC 460(k)(3); Presidential Proclamations of 12/1/78 (43 FR 57009); 16 USC 3101

CFR Citation: 50 CFR 96 to 106

Abstract: These rules, which would have provided the general land management regulations for Yukon Flats and Becharof National Wildlife Monuments in Alaska, will be withdrawn.

Timetable:

Action	Date	FR Cite
Notice of Intent	02/28/79	44 FR 11247
NPRM	06/28/79	44 FR 37754
Withdraw Proposed Rules	07/00/85	

Small Entity: Undetermined

Additional Information: DETERMINATION UNDER E.O. 12291: The Department of the Interior previously determined that these regulations were not significant under the provisions of E.O. 12044. They will not be reconsidered under the provisions of E.O. 12291, since the Service plans to withdraw the proposed rules that were published on June 28, 1979. Originally scheduled: July 1979.

Agency Contact: James F. Gillett, Chief, Division of Refuge Management, Department of the Interior, United States Fish and Wildlife Service, 18th and C Streets, NW, Washington, DC 20240, **202 343-4311**

RIN: 1018-AA55

ALASKA NATIONAL WILDLIFE MONUMENTS: MINERALS MANAGEMENT

Legal Authority: 16 USC 432; 16 USC 742(f); 30 USC 21 et seq; Presidential Proclamations of 12/1/78 (43 FR 57019, 57119); 30 USC 612; 16 USC 3101

CFR Citation: 50 CFR 107

Abstract: This rule, which would have governed mining in Yukon Flats and Becharof National Wildlife Monuments in Alaska, will be withdrawn.

Timetable:

Action	Date	FR Cite
Notice of Intent	02/28/79	44 FR 11247
NPRM	01/11/80	45 FR 2616
Withdraw Proposed Rules	07/00/85	

Small Entity: Undetermined

Additional Information: DETERMINATION UNDER E.O. 12291: The Department of the Interior previously determined that this rule was not significant under the provisions of E.O. 12044. It will not be reconsidered under the provisions of E.O. 12291, since the Service plans to withdraw the proposed rule that was published on January 11, 1980. Originally scheduled: January 1980.

Agency Contact: James F. Gillett, Chief, Division of Refuge Management, Department of the Interior, United States Fish and Wildlife Service, 18th and C Streets, NW, Washington, DC 20240, **202 343-4311**

RIN: 1018-AA56

ENDANGERED SPECIES: INTERAGENCY COOPERATION

Priority: Task Force

Legal Authority: 16 USC 1531 to 1543

CFR Citation: 50 CFR 402

Abstract: The Endangered Species Act Amendments of 1978, 1979 and 1982 made some changes in the consultation requirements of Section 7. These proposed rules would amend existing rules governing Section 7 consultation by implementing changes required by the amendments and incorporating other procedural changes designed to improve interagency cooperation.

Timetable:

Action	Date	FR Cite
NPRM	07/07/83	48 FR 31275
Final Action	07/00/85	

Small Entity: No

Additional Information: Originally scheduled: July 1979.

DOI—FWS

Current and Projected Rulemakings

Agency Contact: John L. Spinks, Chief, Office of Endangered Species, Department of the Interior, United States Fish and Wildlife Service, 18th and C Streets, NW, Washington, DC 20240, 703 235-2771

RIN: 1018-AA00

DEPARTMENT OF THE INTERIOR (DOI)
United States Fish and Wildlife Service (FWS)

Existing Regulations Under Review

FEATHER IMPORT QUOTAS

Priority: Undetermined

Legal Authority: 19 USC 1202 Headnote 2(d),Tariff Schedules of the U.S.

CFR Citation: 50 CFR 15

Abstract: This rule, which is scheduled for review, contains annual quotas on the importation of skins bearing feathers of the mandarin duck and five species of pheasants, and methods for allocation of the annual import quotas. The quotas are mandated by the Tariff Classification Act of 1962.

Timetable:

Action	Date	FR Cite
End Review	08/00/85	

Small Entity: Undetermined

Additional Information: Originally scheduled: October 1983.

Agency Contact: Thomas Parisot, Chief, Wildlife Permit Office, Department of the Interior, United States Fish and Wildlife Service, 18th and C Streets, NW, Washington, DC 20240, 703 235-1937

RIN: 1018-AA77

DEPARTMENT OF THE INTERIOR (DOI)
United States Fish and Wildlife Service (FWS)

Completed Actions

COMPLETED RULEMAKINGS
GENERAL PROVISIONS

Priority: Agency Determination

Legal Authority: 16 USC 704; 16 USC 712; 16 USC 668a

CFR Citation: 50 CFR 10

Abstract: The Service would define the eligibility criteria for zoological institutions to qualify for scientific research and educational activities involving migratory birds and other wildlife.

Timetable:

Action	Date	FR Cite
NPRM	06/07/84	49 FR 23665
NPRM Comment Period Begin	06/07/84	49 FR 23665
NPRM Comment Period End	08/06/84	
Final Action Effective	01/00/85	
Final Action	03/04/85	50 FR 8636

Small Entity: No

Additional Information: Originally scheduled: October 1983.

Agency Contact: Clark R. Bavin, Chief, Division of Law Enforcement, Department of the Interior, United States Fish and Wildlife Service, 18th and C Streets, NW, Washington, DC 20240, 202 343-9242

RIN: 1018-AA78

ENDANGERED SPECIES ACT RULES

Legal Authority: 16 USC 1531 et seq

CFR Citation: 50 CFR 17; 50 CFR 424

Abstract: The Endangered Species Act Amendments of 1982 made changes in the procedures that must be followed in promulgating rules under the Endangered Species Act. The Amendments also set up a procedure to designate certain populations of listed species as "experimental." Changes must be made in 50 CFR Parts 17 and 424 to accommodate the Amendments. Part 17 would be amended to allow certain populations of species otherwise listed as Endangered or Threatened to be designated experimental populations; for such populations to be designated as essential or nonessential; and for appropriate protective measures to be applied to such populations. Part 424 would be amended to alter the procedures followed in determining whether species are Endangered or Threatened and in designating and revising Critical Habitat. Changes would be made in the treatment of petitions from the public, mandatory time limits for various actions, standards under which determinations are made, and other procedural matters.

Timetable:

Action	Date	FR Cite
NPRM 50 CFR 424	08/08/83	48 FR 36062
NPRM 50 CFR 17	01/09/84	49 FR 1166
Final Action 50 CFR 17	08/27/84	49 FR 33985
NPRM 50 CFR 424	10/01/84	49 FR 38900

Small Entity: No

Additional Information: Originally scheduled: October 1981.

Agency Contact: Robert Gilmore, Associate Director-Federal Assistance, Department of the Interior, United States Fish and Wildlife Service, 18th and C Streets, NW, Washington, DC 20240, 202 343-4646

RIN: 1018-AA57

DOI—FWS

Completed Actions

IMPORTATION, EXPORTATION AND TRANSPORTATION OF PLANTS

Legal Authority: 16 USC 1531 to 1543

CFR Citation: 50 CFR 24

Abstract: This Part will establish designated ports for the importation, exportation and re-exportation of plants.

Timetable:

Action	Date	FR Cite
NPRM	02/28/83	48 FR 8314
Final Action	10/25/84	49 FR 42938

Small Entity: No

Additional Information: Originally scheduled: January 1981.

Agency Contact: Clark R. Bavin, Chief, Division of Law Enforcement, Department of the Interior, United States Fish and Wildlife Service, 18th and C Streets, NW, Washington, DC 20240, **202 343-9242**

RIN: 1018-AA34

HUNTING: GENERAL PROVISIONS

Priority: Undetermined

Legal Authority: 16 USC 704

CFR Citation: 50 CFR 32, Subpart A

Abstract: These regulations will be revised to rescind the Lake St. Clair NWR, MI, Closed Area and revise the Pee Dee NWR, NC, Closed Areas.

Timetable:

Action	Date	FR Cite
NPRM	07/10/84	49 FR 28079
NPRM Comment Period Begin	07/10/84	49 FR 28079
NPRM Comment Period End	08/09/84	
Final Action	09/27/84	49 FR 38139

Small Entity: Undetermined

Additional Information: Originally scheduled: October 1982.

Agency Contact: James F. Gillett, Chief, Division of Refuge Management, Department of the Interior, United States Fish and Wildlife Service, 18th and C Streets, NW, Washington, DC 20240, **202 343-4311**

RIN: 1018-AA46

MIGRATORY GAME BIRD HUNTING; RESIDENT GAME HUNTING

Priority: Undetermined

Legal Authority: 16 USC 460k; 16 USC 668dd

CFR Citation: 50 CFR 32, Subparts B and C

Abstract: Regulations will be proposed which would add the following National Wildlife Refuges (NWR) to the list of: - Open areas (migratory game birds) - Optima NWR,OK; Trempealeau NWR, WI - Open areas (upland game) - Optima NWR, OK; Trempealeau NWR, WI - Open areas (big game) - Fox River NWR, WI; Optima NWR, OK; Trempealeau NWR, WI

Timetable:

Action	Date	FR Cite
NPRM	08/20/84	49 FR 33027
Final Action	09/21/84	49 FR 37093
Final Action Effective	09/21/84	

Small Entity: Undetermined

Additional Information: Originally scheduled: October 1983.

Agency Contact: James F. Gillett, Chief, Division of Refuge Management, Department of the Interior, United States Fish and Wildlife Service, 18th and C Streets, NW, Washington, DC 20240, **202 343-4311**

RIN: 1018-AA81

SPORT FISHING

Priority: Undetermined

Legal Authority: 16 USC 460k; 16 USC 668dd

CFR Citation: 50 CFR 33

Abstract: Regulations will be proposed which would add the following National Wildlife Refuges (NWR) to the list of: - Open areas (sport fishing) - Trempealeau NWR, WI; Wertheim NWR, NY.

Timetable:

Action	Date	FR Cite
NPRM	08/20/84	49 FR 33027
Final Action	09/21/84	49 FR 37093
Final Action Effective	09/21/84	

Small Entity: Undetermined

Additional Information: Originally scheduled: October 1983.

Agency Contact: James F. Gillett, Chief, Division of Refuge Management, Department of the Interior, United States Fish and Wildlife Service, 18th and C Streets, NW, Washington, DC 20240, **202 343-4311**

RIN: 1018-AA82

COMPLETED REVIEWS

ENDANGERED AND THREATENED WILDLIFE AND PLANTS

Priority: Undetermined

Legal Authority: 16 USC 1531 to 1543

CFR Citation: 50 CFR 17

Abstract: While listed specimens found dead may be salvaged without permit for scientific purposes by qualified parties, the area of consideration for revision of this Part requires the issuance of permits for the import or export of such specimens or their parts such as blood, tissue, sperm, etc. The Service wishes to review these restrictions to determine whether or not they are in the best interest of the enhancement of the survival of listed species. Affected parties of the scientific community have commented on the seeming counterproductive effect of the restrictions of these regulations. The Service has therefore agreed to review pertinent parts in order to determine the need, if any, to revise the regulations.

Timetable:

Action	Date	FR Cite
End Review - No further action comtemplated	03/00/85	

Small Entity: Undetermined

Additional Information: Originally scheduled: October 1982.

Agency Contact: Thomas J. Parisot, Chief, Wildlife Permit Office, Department of the Interior, United States Fish and Wildlife Service, 18th and C Streets, NW, Washington, DC 20240, **703 235-1937**

RIN: 1018-AA61

[FR Doc. 85-6388 Filed 04-26-85; 8:45 am]

BILLING CODE 4310-10-T

DEPARTMENT OF THE INTERIOR (DOI)
National Park Service (NPS)

Current and Projected Rulemakings

POSSESSION OF WEAPONS

Legal Authority: 16 USC 3

CFR Citation: 36 CFR Not yet determined

Abstract: This proposed rulemaking pertains to Catoctin Mountain Park in Maryland. The rulemaking will prohibit, with exceptions, the possession of weapons, whether loaded or unloaded, within the park.

Timetable:

Action	Date	FR Cite
NPRM	06/01/85	

Small Entity: Undetermined

Additional Information: It has been determined that this regulation is necessary for the protection and security of the President of the United States while he is at Camp David.

Agency Contact: Lowell Sturgill, Associate Regional Director, Operations, Department of the Interior, National Park Service, National Capital Region, 1100 Ohio Drive, SW, Washington, DC 20242, **202 426-6658**

RIN: 1024-AB05

GENERAL PROVISIONS RESOURCE PROTECTION, PUBLIC USE AND RECREATION BOATING AND WATER USE ACTIVITIES

Legal Authority: 16 USC 1; 16 USC 1a to 2(h); 16 USC 3

CFR Citation: 36 CFR 1; 36 CFR 2; 36 CFR 3

Abstract: The service completed a major revision of these regulations in April 1984. A thorough review of the regulations will be conducted after the 1984 visitor use season, leading to minor revisions and further refinements.

Timetable:

Action	Date	FR Cite
NPRM	05/00/85	

Small Entity: No

Agency Contact: Andrew T. Ringgold, Staff Park Ranger, Department of the Interior, National Park Service, Branch of Ranger Activities, Interior Building, 18th and C Sts. NW, Wash., DC 20240, **202 343-4187**

RIN: 1024-AB09

VEHICLES AND TRAFFIC SAFETY

Legal Authority: 16 USC 1; 16 USC 3

CFR Citation: 36 CFR 4

Abstract: The service proposes to review and revise the regulations in this part, which has not undergone major revision since 1966. Revisions are expected, at a minimum, to reflect the abolishment of management categories, to provide for consistency with state vehicle codes and to strengthen the regulation pertaining to driving under the influence of alcohol or drugs.

Timetable:

Action	Date	FR Cite
NPRM	08/00/85	

Small Entity: No

Agency Contact: Andrew T. Ringgold, Staff Park Ranger, Department of the Interior, National Park Service, Branch of Ranger Activities, 18th and C Sts. NW, Washington, DC 20240, **202 343-4187**

RIN: 1024-AB06

BIG CYPRESS NATIONAL PRESERVE: INDIAN USE AND OCCUPANCY

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 7.86

Abstract: This rule will define the Statutory rights of the Miccosukee and Seminole Indians within Big Cypress National Preserve.

Timetable:

Action	Date	FR Cite
NPRM	11/12/81	46 FR 55709
Final Action	05/00/85	

Small Entity: No

Additional Information: Originally scheduled: January 1981.

Agency Contact: William Sturgeon, Acting Chief, Ranger Activities, Department of the Interior, National Park Service, Southeast Regional Office, 75 Spring Street, SW, Atlanta, GA 30303, **404 242-4916**

RIN: 1024-AA07

FIRE ISLAND NATIONAL SEASHORE: OFF-ROAD VEHICLES

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 7

Abstract: This rule will amend existing regulations pertaining to off-road vehicle use by designating routes for their use.

Timetable:

Action	Date	FR Cite
NPRM	07/25/83	48 FR 33722
Final Action	05/00/85	

Small Entity: No

Additional Information: Originally scheduled: October 1981.

Agency Contact: Len Frank, Department of the Interior, National Park Service, North Atlantic Regional Office, 15 State Street, Boston, MA 02109, **617 223-3765**

RIN: 1024-AA14

ZION NATIONAL PARK: TRUCKING

Priority: Undetermined

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 7

Abstract: The Service is proposing to review existing trucking regulations for Zion National Park. These rules will adjust times, conditions and costs for truck convoys on the Zion-Mt. Carmel tunnel road to accommodate the safe use of park roads by visitors and to recover the costs of convoy services. The alternative to this rule is to leave existing provisions in place with no cost recovery and continuing public safety problems.

Timetable:

Action	Date	FR Cite
NPRM	06/00/85	

Small Entity: Undetermined

Additional Information: Originally scheduled: October 1983.

Agency Contact: John Chapman, Department of the Interior, National Park Service, Rocky Mountain Regional Office, P.O. Box 25287, Denver, CO 80225, **303 234-3068**

RIN: 1024-AA78

ARCHAEOLOGICAL RESOURCES PROTECTION ACT OF 1979 DEPARTMENTAL REGULATIONS

Priority: Undetermined

Legal Authority: 16 USC 470aa et seq

CFR Citation: 43 CFR 7(b)

Abstract: This rule will implement the provisions of Section 10(b) of the Archaeological Resources Protection Act of October 31, 1979, and will be based on the uniform rule found in 43 CFR 7. The intended effect of this rule

is to advise the public of its obligations to the Department and to further advise of the Department's obligations to the public concerning the protection and conservation of archaeological resources located on public and Indian lands within the United States, its territories and possessions.

Timetable:

Action	Date	FR Cite
NPRM	06/00/85	

Small Entity: Undetermined

Additional Information: Originally scheduled: October 1983. A draft currently is in preparation.

Agency Contact: Bennie C. Keel, Department of the Interior, National Park Service, 18th and C Streets, NW, Washington, DC 20240, 202 343-4101

RIN: 1024-AA83

NEW RIVER GORGE NR: HUNTING

Legal Authority: 16 USC 1; 16 USC 3

CFR Citation: 36 CFR 7

Abstract: The regulation pertains to the New River Gorge National River located in West Virginia. This regulation would allow hunting on those lands and waters administered by the National Park Service as part of the New River Gorge National River area. This regulation is consistent with the park enabling legislation.

Timetable:

Action	Date	FR Cite
NPRM	06/00/85	

Small Entity: Undetermined

Agency Contact: William Supernaugh, Acting Chief, Ranger Activities Branch, Department of the Interior, National Park Service, 143 South Third Street, Philadelphia, PA 19106, 215 597-7057

RIN: 1024-AA86

UPPER DELAWARE SRR: FISHING

Legal Authority: 16 USC 1; 16 USC 3

CFR Citation: 36 CFR 7

Abstract: This regulation pertains to the Upper Delaware Scenic and Recreation River in New York State. The final regulations published on June 30, 1983 prohibit certain fishing methods that are allowed by New York State law. This proposed regulation would authorize fishing in any manner consistent with existing State law.

Timetable:

Action	Date	FR Cite
NPRM	07/00/85	
Final Action	00/00/00	

Small Entity: Undetermined

Agency Contact: William Supernaugh, Acting Chief, Ranger Activities, Department of the Interior, National Park Service, 143 South Third Street, Philadelphia, PA 19106, 215 597-7075

RIN: 1024-AA87

NEW RIVER GORGE NR: FISHING

Legal Authority: 16 USC 1; 16 USC 3

CFR Citation: 36 CFR 7

Abstract: This regulation pertains to the New River Gorge National River located in West Virginia. The final regulations published on June 30, 1983 prohibit certain fishing methods and the taking of certain species that are allowed by the laws of West Virginia. This regulation would authorize the use of those fishing methods and the taking of those fish species consistent with West Virginia law.

Timetable:

Action	Date	FR Cite
NPRM	06/00/85	

Small Entity: Undetermined

Agency Contact: William Supernaugh, Acting Chief, Ranger Activities Branch, Department of the Interior, National Park Service, 143 South Third Street, Philadelphia, PA 19106, 215 597-7057

RIN: 1024-AA88

DELAWARE WATER GAP NRA: COMMERCIAL VEHICLE FEES

Legal Authority: 16 USC 1; 16 USC 3

CFR Citation: 36 CFR 7

Abstract: This regulation affects the Delaware Water Gap National Recreation Area and that portion of Route 209 that passes through the park. Interim commercial vehicle fees for Route 209 have been in effect since October 14, 1983. This regulation will establish revised fees.

Timetable:

Action	Date	FR Cite
NPRM	10/14/83	48 FR 46779
NPRM	01/08/85	50 FR 973
NPRM Comment Period Begin	01/08/85	50 FR 973
NPRM Comment Period End	02/07/85	
Final Action	06/00/85	

Small Entity: No

Agency Contact: William Supernaugh, Acting Chief, Ranger Activities Branch, Department of the Interior, National Park Service, 143 South Third Street, Philadelphia, PA 19106, 215 597-7057

RIN: 1024-AA99

APPALACHIAN NATIONAL SCENIC TRAIL

Legal Authority: 16 USC 3; 16 USC 1246(i)

CFR Citation: 36 CFR 7.100

Abstract: The Service proposes to review the levels of resource and visitor protection on the Appalachian Trail provided by the General Regulations in 36 CFR Parts 1 and 2 and to revise 36 CFR 7.100 accordingly.

Timetable:

Action	Date	FR Cite
NPRM	07/00/85	

Small Entity: No

Agency Contact: David A. Ritchie, Project Manager, Department of the Interior, National Park Service, Appalachian Trail Project Office, Harpers Ferry Center, Harpers Ferry, WV 25425, 304 535-2346

RIN: 1024-AB07

FIRE ISLAND NATIONAL SEASHORE: SEAPLANE USE

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 7.20(b)

Abstract: Fire Island National Seashore - Proposed revision of Seaplane Regulations 36 CFR 7.20(b). This revision eliminates one community as an authorized taxi and docking area. That area is Robbins Rest.

Timetable:

Action	Date	FR Cite
NPRM	12/21/84	49 FR 49647
NPRM Comment Period Begin	12/21/84	49 FR 49647

Action	Date	FR Cite
NPRM Comment Period End	01/22/85	
Final Action Effective	05/00/85	

Small Entity: No

Agency Contact: Leonard A. Frank, Chief, Resource Mngmt & Visitor Protection, Department of the Interior, National Park Service, 15 State Street, Boston, MA 02109, **617 223-3351**

RIN: 1024-AB26

FORT JEFFERSON NM: FISHING; BOUNDARY ADJUSTMENTS

Legal Authority: 16 USC 1; 16 USC 3

CFR Citation: 36 CFR 7.27

Abstract: This proposed regulation pertains to Fort Jefferson National Monument and will delete references to the taking of crayfish and Conch. Information will be included to redefine the park boundary. These changes are necessary to reflect a closure of park waters to the removal of crayfish and Conch and to update boundary changes mandated by Congressional action in 1980 that enlarged the park area.

Timetable:

Action	Date	FR Cite
NPRM	06/00/85	

Small Entity: Undetermined

Agency Contact: William Sturgeon, Acting Chief, Ranger Activities Branch, Department of the Interior, National Park Service, 75 Spring Street, SW, Atlanta, GA 30303, **404 221-4916**

RIN: 1024-AA96

● **BLUE RIDGE PARKWAY: COMMERCIAL VEHICLES**

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 7.34(f),(g)

Abstract: The service proposes to delete these two sections which are duplicated by provisions found in 36 CFR parts 1 and 5.

Timetable:

Action	Date	FR Cite
NPRM	05/00/85	

Small Entity: No

Agency Contact: Gary Everhardt, Superintendent, Department of the Interior, National Park Service, 700 Northwestern Bank Bldg., Asheville, NC 28801, **704 259-0351**

RIN: 1024-AB36

MAMMOTH CAVE NP: FISHING

Legal Authority: 16 USC 1; 16 USC 3

CFR Citation: 36 CFR 7.36

Abstract: This proposed regulation pertains to Mammoth Cave National Park. The regulation will allow fishing to take place in accordance with applicable Kentucky State law.

Timetable:

Action	Date	FR Cite
NPRM	06/00/85	

Small Entity: Undetermined

Agency Contact: William Sturgeon, Acting Chief, Ranger Activities Branch, Department of the Interior, National Park Service, 75 Spring Street, SW, Atlanta, GA 30303, **404 221-4916**

RIN: 1024-AA94

● **JEAN LAFITTE NHP: CRAWFISHING REGULATIONS**

Legal Authority: 16 USC 3, 16 USC 230d

CFR Citation: 36 CFR 7.37

Abstract: The proposed rulemaking pertains to Jean Lafitte National Historical Park located in Louisiana. The rulemaking will establish criteria for the harvesting of crawfish in the Barataria Unit and will establish a recreational and subsistence season. The policy is consistent with Public Law 95-625 and existing National Park Service and Department of the Interior policies.

Timetable:

Action	Date	FR Cite
NPRM	05/00/85	

Small Entity: Undetermined

Agency Contact: James L. Isenogle, Superintendent, Department of the Interior, National Park Service, Jean Lafitte National Historical Park, 423 Canal Street, Rm. 206, New Orleans, LA 70130, **504 589-3882**

RIN: 1024-AB33

EVERGLADES NP: MINING

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 7.45(a)

Abstract: This deletion applies to Everglades National Park in Florida. Section 7.45(a) will be deleted because it is a duplication of the General Regulations 36 CFR, Sections 1.6, 1.7 and 2.1.

Timetable:

Action	Date	FR Cite
NPRM	05/00/85	

Small Entity: No

Additional Information: FTS 242-4916.

Agency Contact: William Sturgeon, Regional Law Enforcement Specialist, Department of the Interior, National Park Service, Southeast Regional Office, 75 Spring Street, SW, Atlanta, GA 30303, **404 221-4916**

RIN: 1024-AB10

CURECANTI RECREATION AREA: GRAZING AND HAYING

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 7.51

Abstract: This proposed rulemaking pertains to Curecanti National Recreation Area located in Colorado. The rulemaking will establish criteria for authorized use of certain areas for the grazing of livestock and haying of irrigated meadows as part of the Colorado River Storage Project Act of April 11, 1956 (70 Stat. 105, Public Law 485).

Timetable:

Action	Date	FR Cite
NPRM	06/00/85	

Small Entity: No

Agency Contact: Thomas J. McDonnell, Regional Law Enforcement Specialist, Department of the Interior, National Park Service, Rocky Mountain Regional Office, 655 Parfet Street, Denver, CO 80225, **303 234-3070**

RIN: 1024-AB11

CURECANTI RECREATION AREA: POWERLESS FLIGHT

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 7.51(e)

Abstract: This proposed rulemaking pertains to Curecanti National Recreation Area in Colorado. The rulemaking will establish criteria for the operation or use of hang gliders and

balloons designed for powerless flight consistent with Department of the Interior and National Park Service policies.

Timetable:

Action	Date	FR Cite
NPRM	06/00/85	

Small Entity: No

Agency Contact: Thomas J. McDonnell, Regional Law Enforcement Specialist, Department of the Interior, National Park Service, 655 Parfet Street, Denver, CO 80225, **303 234-3070**

RIN: 1024-AB12

CURECANTI RECREATION AREA: OFF-ROAD VEHICLES

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 7.51 (d)

Abstract: This proposed rulemaking pertains to Curecanti National Recreation Area located in Colorado. The rulemaking will establish criteria for the operation of vehicles in off-road situations consistent with existing Executive Order 11644 and National Park Service and Department of the Interior policies.

Timetable:

Action	Date	FR Cite
NPRM	06/00/85	

Small Entity: No

Agency Contact: Thomas J. McDonnell, Regional Law Enforcement Specialist, Department of the Interior, National Park Service, 655 Parfet Street, Denver, CO 80225, **303 234-3070**

RIN: 1024-AB27

COULEE DAM RECREATION AREA: TRAPPING

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 7.55

Abstract: The Service proposes to regulate trapping activities in accordance with State law.

Timetable:

Action	Date	FR Cite
NPRM	06/00/85	

Small Entity: No

Agency Contact: Gordon Boyd, Chief Park Ranger, Department of the Interior, National Park Service, P.O. Box 37, Coulee Dam, WA 99116, **509 633-0991**

RIN: 1024-AB14

COULEE DAM RECREATION AREA OFF-ROAD VEHICLES

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 7.55

Abstract: The Service proposes to establish a regulation designating routes for ORV use.

Timetable:

Action	Date	FR Cite
NPRM	06/00/85	

Small Entity: No

Agency Contact: Gordon Boyd, Chief Park Ranger, Department of the Interior, National Park Service, P.O. Box 37, Coulee Dam, WA 99116, **509 633-0991**

RIN: 1024-AB15

LAKE CHELAN NRA: TARGET PRACTICE

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 7.62

Abstract: This proposed rulemaking pertains to Lake Chelan NRA and will designate a specially designed and constructed facility and time and location for target practice.

Timetable:

Action	Date	FR Cite
NPRM	04/00/85	

Small Entity: Undetermined

Agency Contact: John Reynolds, Superintendent, Department of the Interior, National Park Service, North Cascades National Park, 800 State Street, Sedro Wooley, WA 98284, **206 855-1331**

RIN: 1024-AB19

● **LAKE CHELAN NRA: FIREWOOD MANAGEMENT**

Legal Authority: 16 USC 3; 16 USC 90c-1

CFR Citation: 36 CFR 7.62

Abstract: The Service proposes to develop regulations to implement a Firewood Management Program at Lake Chelan NRA.

Timetable:

Action	Date	FR Cite
NPRM	09/00/85	

Small Entity: No

Agency Contact: John Reynolds, Superintendent, Department of the Interior, National Park Service, North Casades NP, 800 State Street, Sedro Wooley, WA 98284, **206 855-1331**

RIN: 1024-AB30

CAPE COD NATIONAL SEASHORE: COMMERCIAL VEHICLE FEES

Legal Authority: 16 USC 1; 16 USC 3

CFR Citation: 36 CFR 7.67

Abstract: This regulation pertains to Cape Cod National Seashore and will revise existing fees charged for commercial vehicles.

Timetable:

Action	Date	FR Cite
NPRM	09/00/85	

Small Entity: Undetermined

Agency Contact: Leonard A. Frank, Acting Chief, Ranger Activities Branch, Department of the Interior, National Park Service, 15 State Street, Boston, MA 02109, **617 223-3351**

RIN: 1024-AA91

ROSS LAKE NRA: AIRCRAFT USE

Legal Authority: 16 USC 1

CFR Citation: 36 CFR 7.69

Abstract: This regulation will allow aircraft to utilize the water surface of Ross Lake within the park boundaries.

Timetable:

Action	Date	FR Cite
NPRM	04/00/85	

Small Entity: No

Agency Contact: John Reynolds, Superintendent, Department of the Interior, National Park Service, North Cascades National Park, 800 State Street, Sedro Wooley, WA 98284, **206 855-1331**

RIN: 1024-AB20

ROSS LAKE NRA: TARGET PRACTICE

Legal Authority: 16 USC 1

CFR Citation: 36 CFR 7.69

Abstract: This proposed rulemaking pertains to Ross Lake National Recreation Area and will designate a specially designed and constructed facility and time and location for target practice.

Timetable:

Action	Date	FR Cite
NPRM	04/00/85	

Small Entity: Undetermined

Agency Contact: John Reynolds, Superintendent, Department of the Interior, National Park Service, North Cascades National Park, 800 State Street, Sedro Wooley, WA 98284, 206 855-1331

RIN: 1024–AB28

ROCKY MOUNTAIN NP: MOUNTAIN CLIMBING

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 7.7 (d)

Abstract: This deletion affects Rocky Mountain National Park in Colorado. Section 7.7 (d) will be deleted so that Rocky Mountain National Park will be in line with several other National Parks with significant technical climbing and no required registration check in/check out.

Timetable:

Action	Date	FR Cite
NPRM	06/00/85	

Small Entity: No

Agency Contact: Thomas J. McDonnell, Regional Law Enforcement Specialist, Department of the Interior, National Park Service, Rocky Mountain Regional Office, 655 Parfet Street, Denver, CO 80225, 303 234-3070

RIN: 1024–AB16

ROCKY MOUNTAIN NP: WINTER BACKCOUNTRY TRIPS

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 7.7 (e)

Abstract: This deletion affects Rocky Mountain National Park in Colorado. Section 7.7 (e) will be deleted so that Rocky Mountain National Park will be in line with several other National Parks that do not require check out for overnight winter camping.

Timetable:

Action	Date	FR Cite
NPRM	06/00/85	

Small Entity: No

Agency Contact: Thomas J. McDonnell, Regional Law Enforcement Specialist, Department of the Interior, National Park Service, Rocky Mountain Regional Office, 655 Parfet Street, Denver, CO 80225, 303 234-3070

RIN: 1024–AB17

GLEN CANYON NATIONAL RECREATION AREA, DESIGNATED AIRSTRIPS

Legal Authority: 16 USC 1; 16 USC 3

CFR Citation: 36 CFR 7.70(a)(1)

Abstract: This action is proposed to delete a reference to an airstrip at Wahweap which was closed by FAA in 1982 because of accidents and potential hazards to an adjacent residential area. Alternate landing facilities are available seven miles away.

Timetable:

Action	Date	FR Cite
NPRM	05/00/85	

Small Entity: No

Agency Contact: John Ritenour, Chief, Resource Mngmt & Visitor Protection, Department of the Interior, National Park Service, Glen Canyon National Recreation Area, P.O. Box 1507, Page, AZ 86040, 602 645-2471

RIN: 1024–AB24

DELAWARE WATER GAP NRA: FISHING

Legal Authority: 16 USC 1; 16 USC 3

CFR Citation: 36 CFR 7.71

Abstract: Final regulations published June 30, 1983 in the Federal Register prohibit several fishing methods that are authorized by State laws in Pennsylvania and New Jersey. This proposed regulation affects the Delaware Water Gap National Recreation Area and would allow fishing in any manner consistent with the State laws of Pennsylvania and New Jersey.

Timetable:

Action	Date	FR Cite
NPRM	06/00/85	

Small Entity: Undetermined

Agency Contact: William Supernaugh, Acting Chief, Ranger Activities Branch, Department of the Interior, National Park Service, 143 South Third Street, Philadelphia, PA 19106, 215 597-7057

RIN: 1024–AA98

BUCK ISLAND REEF NM: FISHING

Legal Authority: 16 USC 1; 16 USC 3

CFR Citation: 36 CFR 7.73

Abstract: This proposed regulation pertains to Buck Island Reef National Monument and would establish criteria for the taking of lobsters in accordance with the laws of the Territory of the Virgin Islands.

Timetable:

Action	Date	FR Cite
NPRM	06/00/85	

Small Entity: Undetermined

Agency Contact: William Sturgeon, Acting Chief, Ranger Activities Branch, Department of the Interior, National Park Service, 75 Spring Street, SW, Atlanta, GA 30303, 404 221-4916

RIN: 1024–AA93

BUCK ISLAND REEF NM: SUBMERGED FEATURES

Legal Authority: 16 USC 1; 16 USC 3

CFR Citation: 36 CFR 7.73

Abstract: This regulation pertains to Buck Island Reef National Monument and would protect coral formations from damage by park visitors.

Timetable:

Action	Date	FR Cite
NPRM	06/00/85	

Small Entity: Undetermined

Agency Contact: William Sturgeon, Acting Chief, Ranger Activities Branch, Department of the Interior, National Park Service, 75 Spring Street, SW, Atlanta, GA 30303, 404 221-4916

RIN: 1024–AA97

VIRGIN ISLANDS NP: BOATING

Legal Authority: 16 USC 1; 16 USC 3

CFR Citation: 36 CFR 7.74

Abstract: This proposed regulation pertains to the Virgin Islands National Park and will establish a permit system relating to mooring of boats, length of stay and other criteria.

Timetable:

Action	Date	FR Cite
NPRM	06/00/85	

Small Entity: Undetermined

Agency Contact: William Sturgeon, Acting Chief, Ranger Activities Branch, Department of the Interior, National Park Service, 75 Spring Street, SW, Atlanta, GA 30303, **404 221-4916**

RIN: 1024-AB00

VIRGIN ISLANDS NP: FISHING

Legal Authority: 16 USC 1; 16 USC 3

CFR Citation: 36 CFR 7.74

Abstract: This proposed regulation pertains to the Virgin Islands National Park and will establish criteria for the taking of lobsters in accordance with the laws of the Territory of the Virgin Islands.

Timetable:

Action	Date	FR Cite
NPRM	06/00/85	

Small Entity: Undetermined

Agency Contact: William Sturgeon, Acting Chief, Ranger Activities Branch, Department of the Interior, National Park Service, 75 Spring Street, SW, Atlanta, GA 30303, **404 221-4916**

RIN: 1024-AB01

PADRE ISLAND NATIONAL SEASHORE: EMERGENCY VEHICLES

Legal Authority: 16 USC 1; 16 USC 3

CFR Citation: 36 CFR 7.75(a)(2)(v)

Abstract: The final regulations published on June 30, 1983 in the Federal Register adequately cover the provision found in 36 CFR 7.75(a)(2)(v). The new Section reference will be found in 36 CFR 1.2(e) when the final regulations become effective. Section 7.75(a)(2)(v) will then be deleted. This deletion affects Padre Island National Seashore.

Timetable:

Action	Date	FR Cite
NPRM	06/00/85	

Small Entity: Undetermined

Agency Contact: William M. Lukens, Jr., Superintendent, Department of the Interior, National Park Service, Padre Island, NS, 9405 S. Padre Island Dr., Corpus Christi, TX 78418, **512 937-2621**

RIN: 1024-AB03

PADRE ISLAND NATIONAL SEASHORE: HUNTING

Priority: Undetermined

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 7.75(b)

Abstract: The service proposes to revise this section to further define where hunting is allowed and how duck blinds may be used.

Timetable:

Action	Date	FR Cite
NPRM	05/00/85	

Small Entity: No

Agency Contact: William M. Lukens, Jr., Superintendent, Department of the Interior, National Park Service, Padre Island National Seashore, 9405 South Padre Island Drive, Corpus Christi, TX 78418, **512 937-2621**

RIN: 1024-AB22

● GOLDEN GATE NRA: PETS

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 7.79

Abstract: The service proposes to establish pet policies and restrictions at Golden Gate NRA in addition to those contained in 36 CFR 2.15.

Timetable:

Action	Date	FR Cite
NPRM	09/00/85	

Small Entity: No

Agency Contact: Gil Soper, Chief, Ranger Activities, Department of the Interior, National Park Service, Building 201, Fort Mason, San Francisco, CA 94124, **415 556-0560**

RIN: 1024-AB31

INDIANA DUNES NL: ALCOHOLIC BEVERAGES

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 7.88(b)

Abstract: This proposed rulemaking would prohibit the possession and use of alcoholic beverages within the confines of all swimming beaches at Indiana Dunes National Lakeshore.

Timetable:

Action	Date	FR Cite
NPRM	06/00/85	

Small Entity: No

Agency Contact: James R. Walker, Visitor Services Specialist, Department of the Interior, National Park Service, Midwest Region, 1709 Jackson St., Omaha, NE 68102, **402 221-3475**

RIN: 1024-AB25

ST. CROIX NSR: WATER USE

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 7.9(a)(3),(4)

Abstract: This revision would change established beginning and ending dates for water skiing at St. Croix National Scenic Riverway from Memorial Day through Labor Day to the period May 15th through September 15th. This rulemaking would also change the southern limit from mile 24.5 to 1 mile 25.0.

Timetable:

Action	Date	FR Cite
NPRM	05/00/85	

Small Entity: No

Agency Contact: James R. Walker, Visitor Services Specialist, Department of the Interior, National Park Service, Midwest Region, 1709 Jackson St., Omaha, NE 68102, **402 221-3475**

RIN: 1024-AB08

DELETION OF 36 CFR PART 50 AND REVISION OF PART 7

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 50; 36 CFR 7.96; 36 CFR 7.99

Abstract: This deletion affects National Capital Region. Part 50 will be deleted and regulations peculiar to this region will be incorporated in revisions to Part 7. 7.96 will address special regulations in those NPS areas within the District of Columbia. 7.99 will address special

regulations in NPS areas in the District of Columbia, Maryland and Virginia.

The National Capital Region will then use the same general regulations as the rest of the NPS.

Timetable:

Action	Date	FR Cite
NPRM	06/01/85	

Small Entity: No

Agency Contact: Lowell Sturgill, Associate Regional Director, Operations, Department of the Interior, National Park Service, National Capital Region, 1100 Ohio Drive, SW, Washington, DC 20242, 202 426-6658

RIN: 1024-AB29

CAPE LOOKOUT NATIONAL SEASHORE: OFF-ROAD VEHICLES

Legal Authority: 16 USC 1; 16 USC 3

CFR Citation: 36 CFR 7.98

Abstract: This proposed regulation pertains to Cape Lookout National Seashore and will establish criteria for the operation of vehicles in off road situations consistent with existing NPS policy.

Timetable:

Action	Date	FR Cite
NPRM	06/00/85	

Small Entity: Undetermined

Agency Contact: William Sturgeon, Acting Chief, Ranger Activities Branch, Department of the Interior, National Park Service, 75 Spring Street, SW, Atlanta, GA 30303, 404 221-4916

RIN: 1024-AA89

● CONCESSIONER CHILD LABOR

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 8.4

Abstract: It is proposed to amend 36 CFR by deleting Section 8.4, Child Labor, which prohibits a person under 16 years of age to be employed by a concessioner. This action will allow National Park Service concessioners to employ minors in accordance with Federal or State labor laws applicable in the state of employment. This action is without cost to any party but will benefit children and concessioners by permitting concessioners to employ children between the ages of 14 and 16. It will benefit parents working for a concessioner by enabling the concessioner to employ their children under the age of 16 who otherwise may be unemployed or would need to be transported to a place of working outside a national park area, sometimes a considerable distance. The only other alternatives are to delete only the first sentence of Subsection 8.4 or leave the current regulation as is.

Timetable:

Action	Date	FR Cite
NPRM	05/01/85	
NPRM Comment Period Begin	05/01/85	
NPRM Comment Period End	05/30/85	
Final Action	06/15/85	
Final Action Effective	07/15/85	

Small Entity: No

Agency Contact: James A. Owen, Concessions Analyst, Department of the Interior, National Park Service, Washington, DC 20240, 202 523-1741

RIN: 1024-AB34

● MINERALS MANAGEMENT OF ACTIVITIES ON MINING CLAIMS

Legal Authority: 16 USC 1901 et seq Mining In The Parks Act of 1976; 16 USC 1 et seq NPS Organic Act; 16 USC 79 1978 Redwoods Act

CFR Citation: 36 CFR 9, Subpart A

Abstract: As mandated by the "Mining In The Parks Act of 1976", the NPS promulgated its existing regulations to assure that operations on valid mining claims within units of the National Park System are conducted so as to prevent or minimize damage to park resources. The experience gained by the application of these regulations over the past six years indicates that certain adjustments are now necessary to clarify and simplify the existing regulatory language and to improve the management of mineral resources within NPS units. Specifically, several sections of the current regulations either have proven difficult to interpret or pertain to a surface disturbance moratorium that expired in 1980 thus rendering them obsolete. Moreover, the recent addition of several units located in Alaska to the National Park System dictates recognition of the unique legal and natural conditions under which mineral development activities take place in that environment. NPS is also considering expanding the scope of the existing regulations to include activities associated with non-federal mineral rights within units of the National Park System.

Timetable:

Action	Date	FR Cite
ANPRM	07/20/84	49 FR 29415
ANPRM Comment Period Begin	07/20/84	49 FR 29415
ANPRM Comment Period End	08/20/84	
30 day extension to ANPRM comment period to	09/20/84	

Next Action Undetermined

Small Entity: No

Additional Information: Note: The Service is currently deciding whether it should pursue regulatory revisions to 36 CFR 9(a) at this time. Thus, previously projected timeframes are in suspense.

Agency Contact: Carol McCoy, Chief, Policy and Regulations Branch, Department of the Interior, National Park Service, Room 3223 18th and C Streets, NW, Washington, DC 20240, 202 343-4360

RIN: 1024-AB37

NATIONAL CEMETERY REGULATIONS

Legal Authority: 16 USC 1; 16 USC 3

CFR Citation: 36 CFR 12

Abstract: These regulations were last revised in 1971 and are again in need of updating to assure appropriate levels of protection and consistent management of national cemeteries.

Timetable:

Action	Date	FR Cite
NPRM	06/00/85	

Small Entity: No

Agency Contact: Andrew T. Ringgold, Staff Park Ranger, Department of the Interior, National Park Service, Branch of Ranger Activities, Interior Building, 18th and C Sts., NW, Washington, DC 20240, 202 343-4187

RIN: 1024-AB04

NPS UNITS IN ALASKA: CLOSURE REGULATIONS

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 13

Abstract: This rule will provide for the closure of certain areas within Denali National Park and Preserve, Glacier Bay National Park and Preserve and Katmai National Park and Preserve to snowmachines, motorboats and aircraft use.

Timetable:

Action	Date	FR Cite
NPRM	07/00/85	

Small Entity: No

Additional Information: Originally scheduled: April 1982.

Agency Contact: Bill Tanner, Department of the Interior, National Park Service, Alaska Regional Office, 2525 Gambell Street, Anchorage, AK 99503, 907 271-4551

RIN: 1024-AA71

NPS UNITS IN ALASKA: CABIN USE

Priority: Undetermined

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 13

Abstract: This rule will govern all authorized types of cabin use in National Park Service areas in Alaska.

Timetable:

Action	Date	FR Cite
Extension of NPRM Comment Period to 08/13/84	06/01/84	49 FR 22835
NPRM	06/00/85	49 FR 13160

Small Entity: Undetermined

Additional Information: Originally scheduled: April 1983.

Agency Contact: Bill Tanner, Department of the Interior, National Park Service, Alaska Regional Office, 2525 Gambell Street, Anchorage, AK 99503, 907 271-4551

RIN: 1024-AA85

GLACIER BAY NP & P: PROTECTION OF HUMPBACK WHALES

Legal Authority: 16 USC 1; 16 USC 1531; 16 USC 1361

CFR Citation: 36 CFR 13

Abstract: These permanent regulations will replace the temporary regulations that expired December 31, 1983. These permanent regulations define terms, authorize a permit system, establish vessel operating restrictions, establish a mechanism for designating whale waters and vessel limits and prohibit the harvest of certain species of fish and crustaceans which are prey species of the humpback whale.

Timetable:

Action	Date	FR Cite
NPRM	04/18/84	49 FR 15482
Final Action	04/00/85	

Small Entity: No

Agency Contact: Rich O'Guinn, Acting Chief, Ranger Activities Branch, Department of the Interior, National Park Service, 2525 Gambell Street, Anchorage, AK 99503, 907 271-4551

RIN: 1024-AB02

NPS UNITS IN ALASKA: CONCESSIONS

Legal Authority: 16 USC 1

CFR Citation: 36 CFR 13

Abstract: This rulemaking will establish procedures for providing commercial visitor services in certain Alaska national park areas as provided for by the Alaska National Interest Lands Act.

Timetable:

Action	Date	FR Cite
NPRM	06/00/85	

Small Entity: Undetermined

Agency Contact: William Tanner, Staff Park Ranger, Department of the Interior, National Park Service, Alaska Regional Office - NPS, 2525 Gambell Street, Anchorage, AK 99503, 907 271-4551

RIN: 1024-AB18

● GATES OF THE ARCTIC NATIONAL PARK AND PRESERVE: DESIGNATION OF TRADITIONAL SUBSISTENCE HUNTING ZONES

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 13.64

Abstract: The service proposes to designate zones that have been used traditionally for subsistence hunting purposes within Gates of the Arctic National Park and Preserve by local rural residents.

Timetable:

Action	Date	FR Cite
NPRM	06/00/85	

Small Entity: No

Agency Contact: Richard Ring, Superintendent, Department of the Interior, National Park Service, Gates of the Arctic National Park & Preserve, Box 74680, Fairbanks, AK 99707, 907 452-5363

RIN: 1024-AB32

IDENTIFICATION OF INTEGRAL VISTAS ASSOCIATED WITH FEDERAL CLASS I AREAS

Priority: Major

Legal Authority: 42 USC 7491; 16 USC 1 et seq National Park Service Organic Act

CFR Citation: 36 CFR 16, (New)

Abstract: This rule will provide guidelines for identification of integral vistas and a list of integral vistas associated with 44 of the 48 National Park Service mandatory class I areas where visibility is an important value. The alternatives under consideration include (a) no action and (b) proposal of revised list of integral vistas. Upon completion, the RIA will discuss costs and benefits of the rule. Cost-benefit analysis is difficult, however, and speculative at best, since the rule merely identifies the integral vistas, but commits the decision on whether and how much to protect any particular vista to the permitting authority (usually the state, otherwise GPA). In other words, once an integral vista is properly and timely identified, the permitting authority must balance its protection against costs of compliance, the time necessary for compliance, the energy and nonair quality environmental impacts of compliance, and the remaining useful life of any existing source, subject to such requirements.

Timetable:

Action	Date	FR Cite
NPRM	01/15/81	46 FR 3646
NPRM Comment Period Begin	01/15/81	46 FR 3646
Prop. Guidelines/Notice of Avail.	01/15/81	46 FR 3646
NPRM Comment Period End	02/17/81	
Comment Period begins	04/24/81	46 FR 23389

Action	Date	FR Cite
Comment Period reopened	04/24/81	46 FR 23389
Comment Period ends	06/08/81	46 FR 23389
(Future) Comment Period, Reproposal begin	04/00/85	
(Future) Reproposal, NPRM	04/00/85	
(Future) Comment Period Reproposal ends	06/00/85	
Final Action	11/00/85	
Final Action Effective	12/00/85	

Small Entity: No

Additional Information: Originally scheduled: October 1981. EPA regulatory deadline for final action: 12/31/85.

Analysis: Preliminary RIA 02/00/85; Final RIA 11/00/85

Agency Contact: Molly N. Ross, Assistant Division Chief, Department of the Interior, National Park Service, Air and Water Quality Division, 18th and C Streets, NW, Washington, DC 20240, 202 343-4911

RIN: 1024-AA35

FIRE ISLAND NATIONAL SEASHORE: ZONING

Priority: Undetermined

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 28

Abstract: This rule will be revised to add new definitions, to amend permitted and prohibited uses and to update zoning standards to reflect Seashore policy and local zoning ordinances.

Timetable:

Action	Date	FR Cite
NPRM	07/00/85	

Small Entity: Undetermined

Additional Information: Originally scheduled: October 1983.

Agency Contact: Larry Hovig, Department of the Interior, National Park Service, North Atlantic Regional Office, 15 State Street, Boston, MA 02109, 617 223-1178

RIN: 1024-AA80

YOSEMITE NATIONAL PARK: ADMINISTRATION EL PORTAL LAW ENFORCEMENT AND FIRE PREVENTION

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 34

Abstract: This rule will promulgate law enforcement and fire prevention regulations for the El Portal area in Yosemite National Park. El Portal is an administrative site used by the National Park Service and is not currently covered under other regulations in Title 36.

Timetable:

Action	Date	FR Cite
NPRM	05/00/85	

Small Entity: No

Additional Information: Originally scheduled: January 1981.

Agency Contact: Phil Ward, Department of the Interior, National Park Service, Western Regional Office, 450 Golden Gate Avenue, Box 36063, San Francisco, CA 94102, 415 556-1866

RIN: 1024-AA29

NOMINATIONS TO THE NATIONAL REGISTER OF HISTORIC PLACES

Legal Authority: 16 USC 470 et seq

CFR Citation: 36 CFR 60

Abstract: This rule is being amended to revise: appeals for listing nominations by persons or local governments in States without approved State historic preservation programs; procedures for nominations from State and Federal agencies; and procedures for making changes to listed properties and removals from the National Register, including appeals, and to incorporate 36 CFR Part 63.

Timetable:

Action	Date	FR Cite
Interim Final Rule	11/16/81	46 FR 56183
NPRM	04/00/85	
NPRM Comment Period Begin	04/00/85	
NPRM Comment Period End	06/00/85	

Small Entity: No

Additional Information: Originally scheduled: January 1981.

Agency Contact: Hardy Pearce, Department of the Interior, National Park Service, 18th and C Streets, NW, Washington, DC 20240, 202 343-9505

RIN: 1024-AA44

DETERMINATION OF ELIGIBILITY FOR INCLUSION IN THE NATIONAL REGISTER OF HISTORIC PLACES

Legal Authority: 16 USC 470 et seq

CFR Citation: 36 CFR 63

Abstract: This rule incorporates certain revisions responding to the National Historic Preservation Act Amendments of 1980. In addition to responding to the new law, these changes update and revise in other minor respects the procedures for determining the eligibility of properties for the National Register. This rule will be consolidated with 36 CFR Part 60. Proposed rule (36 CFR Part 1204) was published May 23, 1980 (45 FR 34909).

Timetable:

Action	Date	FR Cite
NPRM 36 CFR 1204	05/23/80	45 FR 34909
NPRM	09/00/85	

Small Entity: No

Additional Information: Originally scheduled: July 1979.

Agency Contact: Carol Shull, Department of the Interior, National Park Service, 18th and C Streets, NW, Washington, DC 20240, 202 343-9539

RIN: 1024-AA46

CURATION OF FEDERALLY-OWNED ARCHEOLOGICAL COLLECTIONS

Priority: Undetermined

Legal Authority: 16 USC 470a; 16 USC 470dd

CFR Citation: 36 CFR 79

Abstract: This rule fulfills the Secretary of the Interior's responsibility to issue regulations on the disposition, exchange and curation of federally-owned prehistoric and historic archeological artifacts and associated records

recovered under the Antiquities Act of 1906, the Reservoir Salvage Act of 1960 (as amended by the Archeological and Historic Preservation Act of 1974), the National Historic Preservation Act of 1966 (as amended) and the Archaeological Resources Protection Act of 1979. The regulation will describe Federal agency responsibilities to preserve federally-owned archeological collections and provide guidance for Federal agencies to select appropriate repositories and to ensure that appropriate Indian tribes or individuals are notified concerning the disposition of materials recovered from Indian lands.

Timetable:

Action	Date	FR Cite
NPRM	03/00/85	

Small Entity: Undetermined

Agency Contact: Dr. Bennie C. Keel, Departmental Consulting Archeologist, Department of the Interior, National Park Service, Washington, DC 20240, 202 343-4101

RIN: 1024-AB13

OZARK NSR: FISHING

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 783(d)(3)

Abstract: This proposed rulemaking would authorize the taking of crayfish and turtles in areas designated by the Superintendent of Ozark National Scenic Riverways consistent with Missouri fishing laws.

Timetable:

Action	Date	FR Cite
NPRM	05/01/85	

Small Entity: No

Agency Contact: James R. Walker, Visitor Services Specialist, Department of the Interior, National Park Service, Midwest Region, 1709 Jackson St., Omaha, NE 68102, 402 221-3475

RIN: 1024-AB23

CEMETERY SITES AND HISTORICAL PLACES

Priority: Undetermined

Legal Authority: 16 USC 3

CFR Citation: 43 CFR 2653

Abstract: The Service is proposing to amend 43 CFR 2653.5 by deleting all references to the Service as the consulting agency concerning the cultural value and significance of existing Alaska Native cemetery sites and historical places. This revision will relieve the Service from the responsibility of being the consulting agency for sites located on all Federal lands in Alaska, thus eliminating an expensive duplication of Federal effort.

Timetable:

Action	Date	FR Cite
NPRM	06/00/85	
Final Action	00/00/00	

Small Entity: Undetermined

Additional Information: Originally scheduled: October 1983.

Agency Contact: Rich O'Guinn, Department of the Interior, National Park Service, Alaska Regional Office, 2525 Gambell Street, Anchorage, AK 99503, 907 271-4551

RIN: 1024-AA84

● NATIONAL PARK SERVICE ACQUISITION REGULATION

Priority: Agency Determination

Legal Authority: 5 USC 301; 40 USC 486(c)

CFR Citation: 48 CFR 1489; 48 CFR 1452.289; 48 CFR 1453.2; 48 CFR 1453.3

Abstract: The proposed regulation would establish Bureau-specific solicitation provisions, contract clauses and prescriptions for their use. These are necessary to supplement and implement the Federal Acquisition Regulation and the Department of the Interior Acquisition Regulation. This will provide standard contractual language for provisions and clauses not otherwise available in the Federal or Interior regulations that are needed by our operational contracting activities. This action should result in cost savings as this development and standardization will relieve the individual contracting activities of the responsibility of developing their own.

Timetable:

Action	Date	FR Cite
NPRM	04/01/85	
NPRM Comment Period Begin	04/01/85	
NPRM Comment Period End	05/01/85	
Final Action	06/01/85	
Final Action Effective	06/01/85	

Small Entity: No

Agency Contact: Lawrence E. Sawler, Chief, Contract Policy Branch, Department of the Interior, National Park Service, ASD 18th and C Streets, NW, Washington, DC 20240, 202 523-5021

RIN: 1024-AB35

DEPARTMENT OF THE INTERIOR (DOI)
National Park Service (NPS)

Existing Regulations Under Review

RECOVERY OF SCIENTIFIC, PREHISTORIC, HISTORIC AND ARCHAEOLOGICAL DATA: PROCEDURES FOR NOTIFICATION, REPORTING AND DATA RECOVERY

Priority: Undetermined

Legal Authority: 16 USC 469; 16 USC 470; 16 USC 470aa

CFR Citation: 36 CFR 66

Abstract: This rule is part of the Department's proposed overall rulemaking with respect to the Archeological and Historic Preservation Act of 1974. This guidance will facilitate the Department's coordination of activities authorized under the Act, and its reporting to Congress on the scope and effectiveness of the program, as required by section 5(c) of the Act.

Timetable:

Action	Date	FR Cite
NPRM	01/28/77	42 FR 5374
End Review	03/00/85	

Small Entity: Undetermined

DOI—NPS

Existing Regulations Under Review

Additional Information: Originally scheduled: January 1979. A completely new draft is in preparation.

Agency Contact: Bennie Keel, Department of the Interior, National Park Service, 18th and C Streets, NW, Washington, DC 20240, **202 343-4101**

RIN: 1024–AA49

PRESERVATION OF AMERICAN ANTIQUITIES: DEFINITION OF AN OBJECT OF ANTIQUITY

Priority: Undetermined

Legal Authority: 16 USC 431 to 433

CFR Citation: 36 CFR 76

Abstract: This rule will implement the provisions of the American Antiquities Act of June 8, 1906, and is in response to a Federal court ruling on the vagueness of the term "object of antiquity" and failure of the Federal government to inform the public in lay terms. This rule will be redesignated from 43 CFR Part 3. Proposed rule (43 CFR Part 3) was published April 10, 1978 (43 FR 14975). A second proposed rule will be published after 36 CFR Part 69 is published as a final rule.

Timetable:

Action	Date	FR Cite
NPRM 43 CFR 3	04/10/78	43 FR 14975
End Review	03/00/85	

Small Entity: Undetermined

Additional Information: Originally scheduled: January 1980.

Agency Contact: Bennie Keel, Department of the Interior, National Park Service, 18th and C Streets, NW, Washington, DC 20240, **202 343-4101**

RIN: 1024–AA56

TRANSPORTATION AND UTILITY SYSTEMS IN ALASKA

Legal Authority: 16 USC 3161

CFR Citation: 43 CFR 36

Abstract: This rule will establish procedures for the review and approval of any application for a transportation or utility system in Alaska, if any portion of the system's route will be within any national conservation system unit, national recreation area or national conservation area in the State.

Timetable:

Action	Date	FR Cite
NPRM	07/15/83	48 FR 32506
End Review	03/00/85	

Small Entity: No

Additional Information: Originally scheduled: October 1982.

Agency Contact: Brian Koula, Department of the Interior, National Park Service, 18th and C Streets, NW, Washington, DC 20240, **202 343-7957**

RIN: 1024–AA58

DEPARTMENT OF THE INTERIOR (DOI)
National Park Service (NPS)

Completed Actions

COMPLETED RULEMAKINGS

BLACK CANYON OF THE GUNNISON NATIONAL MONUMENT: SNOWMOBILES

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 7

Abstract: This rule will provide for the use of snowmobiles within the park.

Timetable:

Action	Date	FR Cite
NPRM	07/15/83	48 FR 32365
Final Action	08/31/84	49 FR 34477
Final Action Effective	09/30/84	49 FR 34477

Small Entity: No

Additional Information: Originally scheduled: July 1980.

Agency Contact: John Chapman, Department of the Interior, National Park Service, Rocky Mountain Regional Office, 655 Parfet Street, P.O. Box 25287, Denver, CO 80225, **303 234-3068**

RIN: 1024–AA11

CURECANTI RECREATION AREA: SNOWMOBILES

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 7

Abstract: This rule will provide for the use of snowmobiles within the park.

Timetable:

Action	Date	FR Cite
NPRM	11/18/83	48 FR 52484
Final Action	08/31/84	49 FR 34479
Final Action Effective	09/30/84	49 FR 34479

Small Entity: No

Additional Information: Originally scheduled: April 1983.

Agency Contact: John Chapman, Department of the Interior, National Park Service, Rocky Mountain Regional Office, 655 Parfet Street, P.O. Box 25287, Denver, CO 80225, **303 234-3068**

RIN: 1024–AA61

OPERATION OF SEAPLANE AND AMPHIBIOUS AIRCRAFT

Priority: Undetermined

Legal Authority: 16 USC 1

CFR Citation: 36 CFR 7.20(b)(iv)

Abstract: Delete this portion of regulation since it is no longer needed at Fire Island National Seashore.

Timetable:

Action	Date	FR Cite
Withdrawn Duplicate of RIN 1024-AB26	02/27/85	

Small Entity: No

Agency Contact: John Hauptman, Superintendent, Department of the Interior, National Park Service, Fire Island National Seashore, 120 Laurel Street, Patchogue, New York 11772, **516 289-4810**

RIN: 1024–AB21

OLYMPIC NATIONAL PARK: ZONING

Priority: Undetermined

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 29

Abstract: This rule will allow landowners within Olympic National Park to make minor changes to private lands without the threat of condemnation. The alternative to this proposal is the more costly one of condemnation of private lands for incompatible development.

DOI—NPS

Completed Actions

Timetable:

Action	Date	FR Cite
Delete, no longer being considered	02/27/85	

Small Entity: Undetermined

Additional Information: Originally scheduled: October 1983.

Agency Contact: Chuck Woodbury, Department of the Interior, National Park Service, Pacific Northwest Regional Office, Westin Building, 2001 6th Avenue, Seattle, WA 98121, 206 442-4832

RIN: 1024-AA81

DEMONSTRATIONS AND SPECIAL EVENTS

Legal Authority: 16 USC 3

CFR Citation: 36 CFR 50

Abstract: This rule will amend 36 CFR 50.19 concerning demonstrations and special events in the National Capital Parks. Specifically, the rule will define the term "Vietnam Veterans Memorial," prohibit demonstrations and special events in the memorial, and place minor restrictions on the use of staging and sound systems near the memorial. The rule will also amend 36 CFR 50.24 and 50.52 to add the Vietnam Veterans Memorial as an area where sales are not allowed and to delete Constitution Gardens from that list.

Timetable:

Action	Date	FR Cite
Interim Final Rule	11/12/82	47 FR 51126
Final Action	11/09/84	49 FR 39677

Small Entity: No

Additional Information: Originally scheduled: October 1982.

Agency Contact: Sandra Alley, Associate Regional Director, Public Affairs, Department of the Interior, National Park Service, National Capital Region, 1100 Ohio Drive, SW, Washington, DC 20242, 202 426-6700

RIN: 1024-AA43

WAIVER OF FEDERAL AGENCY RESPONSIBILITIES UNDER THE NATIONAL HISTORIC PRESERVATION ACT

Legal Authority: 16 USC 470

CFR Citation: 36 CFR 78

Abstract: This rule is necessary under the National Historic Preservation Act Amendments of 1980 which require the Secretary of the Interior to establish new procedures for the waiver of the requirements of Section 110 of the Act.

Timetable:

Action	Date	FR Cite
NPRM	03/23/84	49 FR 10944
Final Action	02/25/85	50 FR 7588
Final Action Effective	03/27/85	

Small Entity: No

Additional Information: Originally scheduled: April 1982.

Agency Contact: Steve Sheffield, Department of the Interior, National Park Service, 18th and C Streets, NW, Washington, DC 20240, 202 343-9516

RIN: 1024-AA57

[FR Doc. 85-6388 Filed 04-26-85; 8:45 am]
BILLING CODE 4310-10-T

DEPARTMENT OF THE INTERIOR (DOI)
Bureau of Indian Affairs (BIA)

Current and Projected Rulemakings

APPEALS FROM ADMINISTRATIVE ACTIONS

Priority: Undetermined

Legal Authority: 5 USC 301; 25 USC 2; 25 USC 9

CFR Citation: 25 CFR 2

Abstract: The present administrative appeal regulations are ambiguous and misleading. It is difficult to tell what issues may be appealed and to whom the appeal should be sent. Most deadlines are uncertain. Those that are certain are often unrealistic. It is also unclear when a final decision will be rendered by the Interior Board of Indian Appeals and when it will be rendered by the Assistant Secretary for Indian Affairs. Alternatives will be developed by reviewing the existing appeal regulations of other agencies. Consideration will be given to specifying which types of appeals go to the Assistant Secretary and which to the Board. The alternative of providing for the Assistant Secretary to make a case-by-case decision whether or not to refer the matter to the Board will also be considered. The primary benefit should be reduced frustration for both appellants and the BIA officials who handle the appeals. The greatest cost may be that both appellants and BIA officials may have to comply with more specified procedures and meet more deadlines in order for the system to work.

Timetable:

Action	Date	FR Cite
NPRM	01/15/85	
NPRM Comment Period Begin	01/15/85	
NPRM Comment Period End	03/15/85	

Small Entity: Undetermined

Agency Contact: David Etheridge, Attorney-Adviser, Department of the Interior, Bureau of Indian Affairs, Office of the Solicitor, Washington, DC 20240, 202 343-8526

RIN: 1076-AB21

● PREFERENCE IN EMPLOYMENT

Legal Authority: 25 USC 43; 25 USC 46; 25 USC 44; 25 USC 348; 25 USC 472; 25 USC 479

CFR Citation: 25 CFR 5

Abstract: The revision of this rule would extend the expired date of July 17, 1985 for a period of time to permit the Osage Tribal Council the additional time to organize and to establish current membership standards for purposes of Indian preference employment for their tribal members in the Bureau of Indian Affairs.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Additional Information: Action will be taken to extend time limitation only upon request from the Osage Tribe and approval by the Deputy Assistant Secretary.

Agency Contact: Mercedes Lewis, Personnel Staffing Specialist, Department of the Interior, Bureau of Indian Affairs, 1951 Constitution Ave., NW, Washington, DC 20245, 202 343-9306

RIN: 1076–AB60

LAW AND ORDER ON INDIAN RESERVATIONS

Priority: Undetermined

Legal Authority: 25 USC 2; 25 USC 9; 25 USC 13

CFR Citation: 25 CFR 11

Abstract: This part is being revised to preclude Courts of Indian Offenses from adjudicating intra-tribal governmental disputes absent consent of an Indian tribe (11.22). Consideration is also being given to revising this part to adopt state substantive law in place of the offenses presently enumerated in this part. This part is also scheduled for review.

Timetable:

Action	Date	FR Cite
End Review	12/30/84	
NPRM	03/00/85	

Small Entity: Undetermined

Additional Information: Originally scheduled: January 1981.

Agency Contact: George Skibine, Department of the Interior, Bureau of Indian Affairs, 18th and C Streets, NW, Washington, DC 20240, 202 343-7885

RIN: 1076–AA01

ESTATES OF INDIANS OF THE FIVE CIVILIZED TRIBES

Priority: Undetermined

Legal Authority: 5 USC 301

CFR Citation: 25 CFR 16

Abstract: This rule, which is scheduled for review, sets forth procedures in connection with the performance by State courts of certain functions which affect properties in which restricted interest owned by an Indian of the Five Civilized Tribes. In addition, this Part includes certain other responsibilities of the Secretary, such as escheat of estates of deceased Indians of the Five Civilized Tribes.

Timetable:

Action	Date	FR Cite
End Review	10/00/84	
Final Action	06/00/85	

Small Entity: Undetermined

Additional Information: Originally scheduled: October 1983.

Agency Contact: William J. Bucholz, Chief, Division of Real Estate Services, Department of the Interior, Bureau of Indian Affairs, 18th and C Streets, NW, Washington, DC 20245, 202 343-2398

RIN: 1076–AA87

ESTATES OF INDIANS OF THE FIVE CIVILIZED TRIBES

Legal Authority: 5 USC 301

CFR Citation: 25 CFR 16

Abstract: This rule amends existing regulations to reflect the consolidation of the Muskogee Field Office of the Solicitor with the Tulsa Regional Office of the Solicitor.

Timetable:

Action	Date	FR Cite
NPRM	01/11/84	49 FR 1381
NPRM Comment Period Begin	01/11/84	49 FR 1381
NPRM Correction	01/19/84	49 FR 2267
NPRM Comment Period End	02/21/84	
Final Action	05/00/85	

Small Entity: No

Agency Contact: Larry R. Blair, Acting Chief, Division of Social Services, Department of the Interior, Bureau of Indian Affairs, Code 450, 1951 Constitution Avenue, NW, Washington, DC 20245, 202 343-6434

RIN: 1076–AB19

ACTION ON WILLS OF OSAGE INDIANS

Priority: Undetermined

Legal Authority: PL 95-496

CFR Citation: 25 CFR 17

Abstract: This rule is being revised to permit the Field Solicitor of the Department to: (1) approve/disapprove wills of persons of Osage Indian blood providing for the disposition of restricted property; (2) issue orders and decisions; (3) issue subpoenas and to administer oaths to witnesses testifying at hearings; and (4) send appeals from decisions to the Regional Solicitor of the Department.

Timetable:

Action	Date	FR Cite
NPRM	10/00/85	

Small Entity: Undetermined

Additional Information: Originally scheduled: January 1981.

Agency Contact: Paul Baird, Director, Office of Hearings & Appeals, Department of the Interior, Bureau of Indian Affairs, Southwest Region, P.O. Box 3156, Tulsa, OK 74101, 202 343-9405

RIN: 1076–AA03

SOCIAL WELFARE-FINANCIAL ASSISTANCE
INDIAN CHILD WELFARE

Legal Authority: 25 USC 13

CFR Citation: 25 CFR 20; 25 CFR 23

Abstract: Public Law 97-394 requires the Bureau of Indian Affairs to impose a rateable reduction in General Assistance (GA) grant payments to eligible Indian clientele. When implemented, the rateable reduction will vary among states in that it will be identical in amount to the reductions established by states in the Administration of their respective Aid to Families with Dependent Children programs. In the past, the Bureau has made GA grant payments at the full need levels established by the states. The effect of applying a rateable reduction will be reduced program costs.

Timetable:

Action	Date	FR Cite
NPRM	01/11/84	49 FR 1381
NPRM Comment Period End	02/21/84	
Final Action	04/00/85	

Small Entity: No

Agency Contact: Dr. Eddie F. Brown, DSW, Chief, Division of Social Services, Department of the Interior, Bureau of Indian Affairs, 1951 Constitution Avenue NW, Code 450 - Room 312-S, Washington, DC 20245, **202 343-6434**

RIN: 1076-AA77

● FINANCIAL ASSISTANCE AND SOCIAL SERVICES PROGRAM

Priority: Major

Legal Authority: PL 98-473; 25 USC 13

CFR Citation: 25 CFR 20

Abstract: BIA will amend rule according to directions of Congress, Public Law 98-473. No alteratives are being considered because of legal opinion from Office of the solicitor. The action's potential cost is unknown at this time. Public Law 98-473 requires the BIA to promulgate regulations for BIA's assistance program which would clearly and generally define eligibility for general public welfare assistance or the availability of general public welfare assistance from a state.

Timetable:

Action	Date	FR Cite
NPRM	07/30/85	
Final Action	09/30/85	

Small Entity: No

Agency Contact: Dr. Eddie F. Brown, DSW, Chief, Division of Social Services, Department of the Interior, Bureau of Indian Affairs, 1951 Constitution Avenue, NW, Code 450 - Room 312-S, Washington, DC 20245, **202 343-6434**

RIN: 1076-AB44

INDIAN CHILD WELFARE ACT – MULTI YEAR DEVELOPMENT GRANTS

Legal Authority: 25 USC 1952; 25 USC 2; 25 USC 9

CFR Citation: 25 CFR 23.37

Abstract: Indian Child Welfare Act - This rule will be amended to reflect the requirements to implement the Indian Child Welfare Act program. The Submission of MultiYear Developmental Grants will enable eligible applicants to operate three year projects. This amendment reflects a change from an annual submission to submissions on a three year basis.

Timetable:

Action	Date	FR Cite
NPRM	01/11/84	49 FR 1381
Final Action	09/00/85	

Small Entity: No

Agency Contact: Dr. Eddie F. Brown, DSW, Chief, Division of Social Services, Department of the Interior, Bureau of Indian Affairs, 1951 Constitution Avenue NW, Code 450 - Room 312-S, Washington, DC 20245, **202 343-6434**

RIN: 1076-AA85

● FEDERAL SCHOOLS FOR INDIANS (REVISION)

Priority: Agency Determination

Legal Authority: 34 Stat. 1018, 35 Stat. 783; 40 Stat. 564; 25 USC 288; 25 USC 289

CFR Citation: 25 CFR 31, (Revision)

Abstract: The purpose of the proposed revision is to clarify and define the clause "adequate free public school facilities" for non-Indian and Indian children of less than one-fourth blood who wish to attend Bureau-funded day and boarding schools. This proposed revision will also address criteria by which these students may attend Bureau-funded schools and tuition payments related thereto. Costs related to this part will be assumed by the public school district in the form of tuition payments, at no cost to the Bureau. Tuition fees charged will not exceed the tuition cost charged by the State or County in which the Bureau school is located.

Timetable:

Action	Date	FR Cite
NPRM	03/31/85	
Final Action	07/31/85	

Small Entity: No

Agency Contact: Sam Johnson, Chief, Division of Education Programs, Department of the Interior, Bureau of Indian Affairs, 18 & C Sts. NW, Washington, DC 20240, **202 343-6364**

RIN: 1076-AB47

SCHOOL BOARDS

Priority: Agency Determination

Legal Authority: 25 USC 2001 et seq

CFR Citation: 25 CFR 35

Abstract: The purpose of this rule is to define and delineate the duties and responsibilities of local Indian School Boards in accordance with Federal statutes and regulations. This rule will provide Bureau-wide consistency for the overall exercise of authority and control of Bureau and tribally operated schools.

Timetable:

Action	Date	FR Cite
NPRM	06/30/85	

Small Entity: No

Agency Contact: George D. Scott, Education Specialist, Department of the Interior, Bureau of Indian Affairs, Office of Indian Education Programs, 18th and C Streets, NW, Washington, DC 20240, **202 343-4872**

RIN: 1076-AB03

MINIMUM ACADEMIC STANDARDS FOR THE BASIC EDUCATION OF INDIAN CHILDREN AND NATIONAL CRITERIA FOR DORMITORY SITUATIONS

Priority: Agency Determination

Legal Authority: 25 USC 2001; 25 USC 2002; PL 95-561

CFR Citation: 25 CFR 36

Abstract: This rule will prescribe minimum academic standards for the basic education of Indian children in Bureau schools and provide the national criteria for use in the operations of dormitories by the Bureau. This Part has been redesignated from 25 CFR Part 31e.

Timetable:

Action	Date	FR Cite
NPRM	03/23/83	
NPRM Comment Period Begin	03/23/83	
NPRM Comment Period End	05/09/83	
Final Action	06/30/85	

Small Entity: No

Additional Information: Originally scheduled: January 1980.

Agency Contact: George D. Scott, Education Specialist, Department of the Interior, Bureau of Indian Affairs, 16th and C Streets, NW, Washington, DC 20240, **202 343-4872**

RIN: 1076-AA08

PRE-KINDERGARTEN PROGRAM STANDARDS

Priority: Agency Determination

Legal Authority: 25 USC 450F

CFR Citation: 25 CFR 37

Abstract: The development of Pre-kindergarten Program Standards will formalize and provide consistency to the Bureau's Pre-kindergarten program operation. The regulations will address eligibility requirements, minimum performance standards, administrative and organizational requirements, curriculum, instruction, staff development, parental involvement, student achievement, student support services and evaluation. Equitable distribution of funds and duplication of program efforts will be two potential cost benefits due to this action.

Timetable:

Action	Date	FR Cite
NPRM	06/00/85	

Small Entity: Undetermined

Additional Information: This action is linked to RIN 1076-AA08.

Agency Contact: Sam Johnson, Chief, Division of Education Programs, Department of the Interior, Bureau of Indian Affairs, Office of Indian Education Programs, 18th and C Streets, NW, Washington, DC 20240, 202 343-6364

RIN: 1076-AB01

EDUCATION PERSONNEL

Priority: Agency Determination

Legal Authority: 25 USC 2011; 25 USC 2015

CFR Citation: 25 CFR 38, (Revision)

Abstract: The review of this rule is to update and/or delete the requirements that apply to all individuals appointed or converted to contract education positions in the Bureau of Indian Affairs. The review applies to employees with continuing tenure in both the competitive and excepted service who incumber education positions.

Timetable:

Action	Date	FR Cite
End Review	08/15/84	
NPRM	06/30/85	

Small Entity: Undetermined

Agency Contact: George D. Scott, Education Specialist, Department of the Interior, Bureau of Indian Affairs, Office of Indian Education Programs, 18th and C Streets, NW, Washington, DC 20240, 202 343-4872

RIN: 1076-AB02

INDIAN SCHOOL EQUALIZATION PROGRAM

Priority: Agency Determination

Legal Authority: PL 95-561; 25 USC 2008

CFR Citation: 25 CFR 39

Abstract: This rule, which contains the funding mechanism for Bureau operated and contract elementary and secondary schools, has been reviewed and will be revised when academic and dormitory standards are finalized in 25 CFR Part 36.

Timetable:

Action	Date	FR Cite
End Review	03/30/84	
Interim Final Rule	09/04/84	49 FR 34820
Correction	09/13/84	
Revise Rule	06/30/85	

Small Entity: No

Additional Information: Originally scheduled: January 1981.

Agency Contact: George D. Scott, Education Specialist, Department of the Interior, Bureau of Indian Affairs, 18th and C Streets, NW, Washington, DC 20240, 202 343-4872

RIN: 1076-AA09

● **THE INDIAN SCHOOL EQUALIZATION PROGRAM (SCHOOL CLOSURE AND CONSOLIDATION)**

Priority: Agency Determination

Legal Authority: 92 Stat 2320; 42 Stat 208

CFR Citation: 25 CFR 39

Abstract: The addition of regulations for "School Closures and Consolidations" will address a uniform procedure for school closure and consolidation in the Bureau-operated and funded schools. The new rule would provide the Bureau advance planning time in the development of its future budgets.

Timetable:

Action	Date	FR Cite
NPRM	06/30/85	
Final Action	09/30/85	

Small Entity: No

Agency Contact: Nancy Garrett, Deputy Director, OIEP, Department of the Interior, Bureau of Indian Affairs, 18th & C Sts. NW, Washington, DC 20240, 202 343-2123

RIN: 1076-AB48

ADMINISTRATION OF THE HIGHER EDUCATION PROGRAM

Priority: Agency Determination

Legal Authority: 25 USC 13; PL 67-85

CFR Citation: 25 CFR 40

Abstract: This rule will revise established policies and provide uniform procedures to govern the higher education program administered under the authority of 25 U.S.C. 13. This rule applies only to educational grants; Bureau educational loans are governed by 25 CFR Part 91. This Part has been redesignated from 25 CFR Part 32.

Timetable:

Action	Date	FR Cite
NPRM	06/30/85	

Small Entity: No

Additional Information: Originally scheduled: January 1980.

Agency Contact: Esther Whalen, Education Specialist, Department of the Interior, Bureau of Indian Affairs, 18th and C Streets, NW, Washington, DC 20240, 202 343-4871

RIN: 1076-AA10

GRANTS TO TRIBALLY CONTROLLED COMMUNITY COLLEGES AND NAVAJO COMMUNITY COLLEGE

Priority: Agency Determination

Legal Authority: 25 USC 1815; 25 USC 640

CFR Citation: 25 CFR 41, (Revision)

Abstract: The Secretary proposes to revise the current regulations which are used to govern the administration of grants to the Tribally Controlled Community Colleges. The revision is mandatory since the current regulations do not apply to the new requirements which were made under the Amendments Act. The revision will

govern the new requirements which include: 1. Planning Grants; 2. Forward Funding; 3. Facility Construction; 4. Endowments; and 5. New Method of Counting Students.

Timetable:

Action	Date	FR Cite
NPRM	06/00/85	

Small Entity: No

Agency Contact: Edward Lonefight, Education Specialist, Department of the Interior, Bureau of Indian Affairs, 1951 Constitution Avenue, NW, Washington, DC 20245, **202 343-7387**

RIN: 1076-AA11

CONSTITUTIONAL AND CIVIL RIGHTS OF INDIAN STUDENTS

Priority: Agency Determination

Legal Authority: PL 95-561; 25 USC 2017

CFR Citation: 25 CFR 42

Abstract: This rule will set forth policies, requirements and procedures to ensure the protection of the constitutional and civil rights of students attending Bureau or contract schools and dormitories. This Part has been redesignated from 25 CFR Part 31i. This rule is also scheduled for review.

Timetable:

Action	Date	FR Cite
NPRM	05/22/79	44 FR 29855
Begin Review	05/01/84	
End Review	08/15/84	
NPRM	00/00/00	

Small Entity: No

Additional Information: Originally scheduled: January 1981.

Agency Contact: Sam Johnson, Chief, Division of Education Programs, Department of the Interior, Bureau of Indian Affairs, 18th and C Streets, NW, Washington, DC 20240, **202 343-6364**

RIN: 1076-AA12

SPECIAL EDUCATION

Priority: Agency Determination

Legal Authority: PL 94-142

CFR Citation: 25 CFR 45

Abstract: This rule will establish standards for the provision of special education and related services to Indian children in schools operated by or under the authority of the Bureau. This Part has been redesignated from 25 CFR Part 31k.

Timetable:

Action	Date	FR Cite
NPRM	09/29/80	45 FR 64472
NPRM Comment Period Begin	09/29/80	
NPRM Comment Period End	11/30/80	
Final Action	09/30/84	
Final Action Effective	07/10/85	

Small Entity: No

Additional Information: DETERMINATION UNDER E.O. 12291: The effects of this document were previously considered under the provisions of E.O. 12044 which was revoked by E.O. 12291 on February 17, 1981. The document will be reconsidered under the provisions of E.O. 12291 before it is published as a final rule. Originally scheduled: January 1980.

Public Compliance Cost: Base Year for Dollar Estimates: 1981

Agency Contact: Charles Cordova, Chief, Branch of Exceptional Education, Department of the Interior, Bureau of Indian Affairs, 18th and C Streets, NW, Washington, DC 20240, **202 343-6675**

RIN: 1076-AA14

ADMINISTRATION OF THE INDIAN ADULT EDUCATION PROGRAMS

Priority: Agency Determination

Legal Authority: 25 USC 13

CFR Citation: 25 CFR 46

Abstract: These proposed regulations are designed to provide standardized administrative procedures for administering and operating Indian adult education programs.

Timetable:

Action	Date	FR Cite
NPRM	05/30/85	

Small Entity: No

Agency Contact: Donald Standing Elk, Education Specialist, Department of the Interior, Bureau of Indian Affairs, Office of Indian Education Programs, 18th and C Streets, NW, Washington, DC 20240, **202 343-4871**

RIN: 1076-AA15

PREPARATION OF ROLLS OF INDIANS

Legal Authority: 5 USC 301; 25 USC 2; 25 USC 9; 25 USC 1401 et seq

CFR Citation: 25 CFR 61, (Revision)

Abstract: The regulations contained in 25 CFR Part 61 are general regulations that govern the compilation of rolls of Indians by the Secretary of the Interior when required to do so under statutory authority. This rulemaking action will revise the regulations to add certain portions which will govern the preparation of specific rolls under statutory authority, delete other portions that govern the preparation of certain rolls which have subsequently been completed and for which there is no further need or applicability, and make general revisions of an administrative nature including the elimination of sex-based and gender specific terminology. This Part has been redesignated from 25 CFR Part 41.

Timetable:

Action	Date	FR Cite
NPRM	04/01/85	
NPRM Comment Period Begin	04/01/85	
NPRM Comment Period End	06/01/85	
Final Action	07/01/85	

Small Entity: No

Agency Contact: Kathleen L. Slover, Department of the Interior, Bureau of Indian Affairs, 1951 Constitution Avenue, NW, Washington, DC 20245, **202 343-3594**

RIN: 1076-AB07

PREPARATION OF A ROLL OF EASTERN CREEK INDIANS

Legal Authority: 25 USC 2; 25 USC 9; 25 USC 1401 et seq; 5 USC 301

CFR Citation: 25 CFR 63

Abstract: As a result of review, it has been determined that this rule is no longer necessary and should be revoked. The rule governed the one-time compilation of a roll of Eastern Creek Indian descendants eligible to share in a per capita distribution of an apportioned share of judgment funds awarded the Creek Nation of Indians in Indian Claims Commission Docket 275. The roll has been completed and approved and the per capita payment made. Therefore, there is no further need for or applicability of this rule.

This Part has been redesignated from 25 CFR Part 43.

Timetable:

Action	Date	FR Cite
Final Action	07/01/85	
Final Action Effective	07/31/85	

Small Entity: Undetermined

Additional Information: Originally scheduled: October 1984.

Agency Contact: Kathleen L. Slover, Department of the Interior, Bureau of Indian Affairs, 1951 Constitution Avenue, NW, Washington, DC 20245, 202 343-3594

RIN: 1076–AB25

PREPARATION OF A ROLL OF PYRAMID LAKE PAIUTE INDIANS

Legal Authority: 5 USC 301; 25 USC 2; 25 USC 9

CFR Citation: 25 CFR 64

Abstract: As a result of review, it has been determined that this rule is no longer necessary and should be revoked. The rule governed the one-time compilation of a roll of members of the Pyramid Lake Paiute Tribe eligible to share in the distribution of judgment funds awarded the Pyramid Lake Paiute Indians by the Indian Claims Commission in Docket No. 87-B. The roll has been completed and approved and the distribution of judgment funds made. Therefore, it has been determined that there is no further need for or applicability of this rule. This Part has been redesignated from 25 CFR Part 43a.

Timetable:

Action	Date	FR Cite
Final Action	07/01/85	
Final Action Effective	07/31/85	

Small Entity: No

Additional Information: Originally Scheduled: October 1984.

Agency Contact: Kathleen L. Slover, Department of the Interior, Bureau of Indian Affairs, 1951 Constitution Avenue, NW, Washington, DC 20245, 202 343-3594

RIN: 1076–AB27

PREPARATION OF A ROLL OF MOHAVE DESCENDANTS ENROLLED AS MEMBERS OF THE COLORADO RIVER INDIAN TRIBES

Legal Authority: 5 USC 301; 25 USC 2; 25 USC 9; 25 USC 1401 et seq

CFR Citation: 25 CFR 67

Abstract: As a result of review, it has been determined that this rule is no longer necessary and should be revoked. The rule governed the one-time compilation of a roll of certain members of the Colorado River Indian Tribes who were lineal descendants of the aboriginal Mohave Tribe eligible to share in the per capita distribution of an apportioned share of judgment funds awarded the Mohave Indians by the Indian Claims Commission in Dockets Nos. 283 and 295. The roll has been completed and approved and the per capita payment made. Therefore, it has been determined that there is no further need for or applicability of this rule. This Part has been redesignated from 25 CFR Part 43e.

Timetable:

Action	Date	FR Cite
Final Action	07/01/85	
Final Action Effective	07/31/85	

Small Entity: No

Additional Information: Originally Scheduled: October 1984

Agency Contact: Kathleen L. Slover, Department of the Interior, Bureau of Indian Affairs, 1951 Constitution Avenue, NW, Washington, DC 20245, 202 343-3594

RIN: 1076–AB30

PREPARATION OF A ROLL OF ALASKA NATIVES

Priority: Undetermined

Legal Authority: 43 USC 1601 et seq; PL 94-204

CFR Citation: 25 CFR 69

Abstract: This rule is being amended to provide procedures for the redetermination of permanent residence of Alaska Natives enrolled pursuant to Public Law 92-203 in accordance with section 1(c) of Public Law 94-204. This Part has been redesignated from 25 CFR Part 43h.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Undetermined

Additional Information: Originally scheduled: April 1981.

Agency Contact: Kathleen L. Slover, Department of the Interior, Bureau of Indian Affairs, 18th and C Streets, NW, Washington, DC 20240, 202 343-3594

RIN: 1076–AA18

PREPARATION OF A ROLL OF PERSONS OF GRAND RIVER OTTAWA INDIAN BLOOD TO BE USED AS THE BASIS TO DISTRIBUTE JUDGMENT FUNDS

Legal Authority: PL 94-540

CFR Citation: 25 CFR 72

Abstract: As a result of review, it has been determined that this rule is no longer necessary and should be revoked. The rule governed the one-time compilation of a roll of persons who possess Grand River Ottawa Indian blood to be used to distribute the judgment funds awarded the Grand River Band of Ottawa Indians in Indian Claims Commission Docket 40-K. The roll has been completed and approved and the per capita payment made. Therefore, it has been determined that there is no further need for or applicability of this rule. This Part has been redesignated from 25 CFR Part 43n.

Timetable:

Action	Date	FR Cite
Final Action	07/01/85	
Final Action Effective	07/01/85	

Small Entity: No

Additional Information: Originally Scheduled: October 1984

Agency Contact: Kathleen L. Slover, Department of the Interior, Bureau of Indian Affairs, 1951 Constitution Avenue, NW, Washington, DC 20245, 202 343-3594

RIN: 1076–AB33

● **ENROLLMENT OF INDIANS OF THE RINCON, SAN LUISENO BAND OF MISSION INDIANS IN CALIFORNIA**

Legal Authority: 5 USC 301; 25 USC 2; 25 USC 9

CFR Citation: 25 CFR 74

Abstract: this rule governed the enrollment of persons in the Rincon, San Luiseno Band of Mission Indians of California as of July 21, 1957. The rule also provides procedures for maintaining a current membership roll. As a result of review, it has been determined that there is no further need for this rule and it can be revoked. This Part has been redesignated from 25 CFR Part 46.

Timetable:

Action	Date	FR Cite
Final Action	07/01/85	
Final Action Effective	07/31/85	

Small Entity: Undetermined

Agency Contact: Kathleen L. Slover, Department of the Interior, Bureau of Indian Affairs, 1951 Constitution Avenue, NW, Washington, DC 20245, **202 343-3594**

RIN: 1076-AB55

● ENROLLMENT OF INDIANS OF THE SAN PASQUAL BAND OF MISSION INDIANS IN CALIFORNIA

Legal Authority: 5 USC 301; 25 USC 2; 25 USC 9; 25 USC 1401 et seq

CFR Citation: 25 CFR 76

Abstract: This rule governed the enrollment of persons in the San Pasqual Band of Mission Indians in California as of January 1, 1959. The rule also provides procedures for maintaining a current membership roll. As a result of review, it has been determined that there is a continued need for this rule. However, the regulations do need to be revised. This rulemaking action will revise the regulations to make general revisions of an administrative nature including the elimination of sex-based and gender specific terminology and to provide procedures for the preparation of a current roll to serve as the basis for the distribution of judgment funds. This Part has been redesignated from 25 CFR Part 48.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: Undetermined

Agency Contact: Kathleen L. Slover, Department of the Interior, Bureau of Indian Affairs, 1951 Constitution Avenue, NW, Washington, DC 20245, **202 343-3594**

RIN: 1076-AB59

PREPARATION OF A MEMBERSHIP ROLL OF THE PRIBILOF ISLANDS ALEUT COMMUNITIES OF ST. PAUL AND ST. GEORGE

Legal Authority: 5 USC 301; 25 USC 2; 25 USC 9; 25 USC 1401 et seq

CFR Citation: 25 CFR 77

Abstract: This rule governed the one-time compilation of a roll of members of the Pribilof Islands Aleut Communities of St. Paul and St. George eligible to share in a per capita distribution of judgment funds awarded the Aleut Communities of the Pribilof Islands by the U.S. Court of Claims in Dockets 352 and 369-A. The roll has been completed and approved and the per capita payment made. Therefore, there is no further need for or applicability of the rule and the rule is being revoked.

Timetable:

Action	Date	FR Cite
Final Action	07/01/85	
Final Action Effective	07/31/85	

Small Entity: Undetermined

Additional Information: Originally scheduled: October 1984.

Agency Contact: Kathleen L. Slover, Department of the Interior, Bureau of Indian Affairs, 1951 Constitution Avenue, NW, Washington, DC 20245, **202 343-3594**

RIN: 1076-AB36

USE OR DISTRIBUTION OF INDIAN JUDGMENT FUNDS

Priority: Undetermined

Legal Authority: 5 USC 301; 87 Stat 466; 87 Stat 467; 87 Stat 468; 96 Stat 2512; 96 Stat 2513; 96 Stat 2514

CFR Citation: 25 CFR 87

Abstract: The regulations govern the preparation of proposed plans for the use or distribution of all judgement funds awarded to Indian tribes and groups by the Indian Claims Commission, the United States Court of Claims or the United State Claims Court, excepting any tribe or group whose trust relationship with the Federal Government has been terminated and for which there exists legislation authorizing the disposition of its judgment funds; and of all funds deriving from judgments entered prior to the date of the Act for which there has been no enabling legislation. The regulations are being revised to eliminate gender-specific terminology, incorporate the provisions of the Act of January 12, 1983 and for clarification. The revisions will make the regulations current to existing laws and should enable parties affected to more easily understand the regulations. The proposed revisions are a result of a review of the rules completed on July 16, 1984.

Timetable:

Action	Date	FR Cite
NPRM	11/01/84	
Final Action	09/30/85	

Small Entity: No

Agency Contact: John A. Shapard, Branch Chief, Department of the Interior, Bureau of Indian Affairs, Branch of Acknowledgment & Research, 1951 Constitution Avenue, NW, Washington, DC 20245, **202 343-3568**

RIN: 1076-AB20

LOANS TO INDIANS FROM THE REVOLVING LOAN FUND

Legal Authority: 25 USC 1451; PL 93-262

CFR Citation: 25 CFR 101

Abstract: This part is being revised to improve the processing of U.S. Direct Loan applications, improving the collection procedures currently used, and expediting the processing of expert assistance loans.

Timetable:

Action	Date	FR Cite
Begin Review	06/01/84	
End Review	09/30/84	
NPRM	07/00/85	

Small Entity: Undetermined

Agency Contact: Richard Nephew, Assistant Chief, Div of Financial Assistance, Department of the Interior, Bureau of Indian Affairs, Division of Financial Assistance, Main Interior Building - (Room 4062), 18th & C Streets, NW Washington, DC 20245, 202 343-3651

RIN: 1076–AB04

● ANNUITY AND OTHER PER CAPITA PAYMENTS

Legal Authority: 5 USC 301; PL 98-64

CFR Citation: 25 CFR 111, (Revision)

Abstract: Procedures will describe standards by which per capita payments to Indians out of Tribal Trust Revenue may be made by either the Secretary of the Interior or by Tribal governments.

Information on cost or benefits, if applicable, is unknown at this point.

Timetable:

Action	Date	FR Cite
NPRM	04/01/85	
NPRM Comment Period Begin	04/01/85	
NPRM Comment Period End	04/30/85	
Final Action	05/30/85	
Final Action Effective	05/30/85	

Small Entity: No

Agency Contact: Barbara Davis, Trust Fund Specialist, Department of the Interior, Bureau of Indian Affairs, Office of Trust Responsibilities, 1951 Constitution Avenue, NW, Washington, DC 20245, 202 343-2963

RIN: 1076–AB45

INDIVIDUAL INDIAN MONEY ACCOUNTS

Priority: Undetermined

Legal Authority: 5 USC 301; 25 USC 2; 25 USC 9; 43 USC 1457

CFR Citation: 25 CFR 115

Abstract: This rule, which is scheduled for review, describes the operation of the Individual Indian Monies Accounts maintained by the Bureau for individual Indians and groups.

Timetable:

Action	Date	FR Cite
End Review	10/00/84	
Final Action	03/00/85	

Small Entity: Undetermined

Additional Information: Originally scheduled: October 1983.

Agency Contact: Donald M. Gray, Chief, Branch of Finance & Accounting, Department of the Interior, Bureau of Indian Affairs, 500 Gold S.W. - P.O. Box 127, Albuquerque, NM 87103, 505 474-3496

RIN: 1076–AA89

LICENSED INDIAN TRADERS

Priority: Undetermined

Legal Authority: 25 USC 2; 25 USC 9; 5 USC 301

CFR Citation: 25 CFR 140

Abstract: On April 25, 1980, the Bureau published a proposed rule that would have amended the regulations governing Indian traders on most Indian reservations. That proposal would have restricted application of the regulations to businesses located in isolated communities where there is an absence of competition. Most comments received were strongly opposed to the proposal and supportive of diligent enforcement of the trader regulations on all Indian reservations. In response to those comments, the Bureau has proposed to modernize the trading regulations by adopting as its regulations the consumer protection statutes of the state where the business is located. This Part has been redesignated from 25 CFR Part 251. This part is also scheduled for review.

Timetable:

Action	Date	FR Cite
NPRM	01/06/81	46 FR 1298
Final Action	06/00/85	

Small Entity: Undetermined

Additional Information: DETERMINATION UNDER E.O. 12291: The effects of this document were previously considered under the provisions of E.O. 12044 which was revoked by E.O. 12291 on February 17, 1981. The document will be reconsidered under the provisions of E.O. 12291 before it is published as a final rule. Originally scheduled: April 1981.

Agency Contact: Ralph R. Personeau, Chief, Division of Law Enforcement Services, Department of the Interior, Bureau of Indian Affairs, 18th and C Streets, NW, Washington, DC 20240, 202 343-5786

RIN: 1076–AA24

LAND ACQUISITIONS

Legal Authority: PL 97-459

CFR Citation: 25 CFR 151

Abstract: The Bureau proposes to publish amendments to Part 151 dealing with acquisition of fractional interests in land. Simultaneously, this rule will be reviewed to determine if all provisions are current and up-to-date.

Timetable:

Action	Date	FR Cite
End Review	04/13/84	
NPRM	07/00/84	
NPRM Comment Period End	10/16/84	

Next Action Undetermined

Small Entity: Undetermined

Additional Information: Originally scheduled: April 1983.

Agency Contact: William J. Bucholz, Chief, Div. of Real Estate Services, Department of the Interior, Bureau of Indian Affairs, 18th and C Streets, NW, Washington, DC 20240, 202 343-2398

RIN: 1076–AA81

LEASING AND PERMITTING

Priority: Undetermined

Legal Authority: 25 USC 380; 25 USC 393; 25 USC 394; 25 USC 395; 25 USC 397; 25 USC 402; 25 USC 402a; 25 USC 403; 25 USC 403a to c; 25 USC 415; 25 USC 415a to d; 25 USC 477; 25 USC 635

CFR Citation: 25 CFR 162

Abstract: This rule will reorganize Part 162 into three new subheadings: (1) How to Acquire Leases; (2) Special Provisions and Requirements of Leases; and (3) Special Provisions for Specific Reservations. These revisions will facilitate the use of the regulations for easier reference. This Part has been redesignated from 25 CFR Part 131.

Timetable:

Action	Date	FR Cite
NPRM	10/27/78	43 FR 50210
Final Action	06/00/85	

Small Entity: No

Additional Information: 25 CFR 162 Has been revised for publication as a Final Rule and sent to the Solicitor's Office March 1984 for their final comments.

Originally scheduled: July 1979.

Affected Sectors: None

Agency Contact: William J. Bucholz, Acting Chief, Department of the Interior, Bureau of Indian Affairs, Division of Real Estate Services, 18th and C Streets, NW, Washington, DC 20240, 202 343-2398

RIN: 1076-AA29

GRAZING REGULATIONS FOR FORMER NAVAJO-HOPI JOINT USE AREA LANDS

Priority: Agency Determination

Legal Authority: 5 USC 301; 25 USC 2; 25 USC 9; 25 USC 640d; 25 USC 640d-28

CFR Citation: 25 CFR 168

Abstract: This rule will be revised to clarify the Secretary's responsibilities over grazing control and range restoration activities in the area formerly known as the Joint Use Area under the July 9, 1980 amendments to the Navajo-Hopi Settlement Act, 25 U.S.C. 640d-640d-28. The rule will also be revised to correct vague and/or ambiguous language contained in certain provisions of the existing rule. This Part has been redesignated from 25 CFR Part 153.

Timetable:

Action	Date	FR Cite
Interim Final Rule	02/15/84	
Final Action	08/00/85	

Small Entity: Undetermined

Additional Information: In May 1982, the District Court for the District of Arizona invalidated the regulations and ordered the Bureau to publish new regulations. The Bureau published interim regulations on Hopi Partitioned Funds on September 8, 1982. During the past year several negotiating meetings have been held with the Navajo Tribe to obtain concurrence to include Navajo Partitioned Land in the regulations. The Navajo Tribe wants separate regulations and the Bureau has drafted new regulations for Navajo Partitioned Lands.

Agency Contact: Sam Miller, Range Management Specialist, Department of the Interior, Bureau of Indian Affairs, 18th and C Streets, NW, Washington, DC 20245, 202 343-2807

RIN: 1076-AA33

ROADS OF THE BUREAU OF INDIAN AFFAIRS

Legal Authority: 25 USC 13; 25 USC 318(a); PL 97-424, Sec 105(a)(3); 23 USC 109(o); 23 USC 112(b); 23 USC 114(c); 23 USC 202(e); 23 USC 204; 23 USC 217

CFR Citation: 25 CFR 170

Abstract: With the Surface Transportation Assistance Act of 1982, Indian reservation road construction is funded from the Highway Trust Fund with authorizations for Fiscal Years 1983, 1984, 1985 and 1986. Other provisions include a requirement for proper maintenance of roads, applications of the "Buy Indian" and Indian Self Determination Acts, and joint program management by the Secretaries of Interior and Transportation. These changes in the law make changes in regulations imperative. The no-action alternative would leave program managers with outdated guidelines. Cost of the action will be minimal and it imposes no burden on the public. Benefits will be a better ordered road construction and maintenance program on Indian reservations, greater management efficiency, and clarity of procedures for federal managers, legislators and tribal officials. This part is also scheduled for review.

Timetable:

Action	Date	FR Cite
NPRM	09/30/85	

Small Entity: No

Agency Contact: James T. Ball, Planning Engineer, Div. of Transportation, Department of the Interior, Bureau of Indian Affairs, 1951 Constitution Avenue, NW, Washington, DC 20245, 202 343-6043

RIN: 1076-AB05

FLATHEAD INDIAN IRRIGATION PROJECT, MONTANA

Legal Authority: 5 USC 301; 62 Stat. 273

CFR Citation: 25 CFR 176

Abstract: This rule contains regulations to be followed for the operation of the electric power system at the Flathead Indian Irrigation Project, Montana.

Timetable:

Action	Date	FR Cite
NPRM	09/30/85	47 FR 50850
NPRM Comment Period End	11/30/85	

Small Entity: No

Additional Information: Originally scheduled: April 1981.

Agency Contact: Mort S. Dreamer, Civil Engineer - Irrigation and Power, Department of the Interior, Bureau of Indian Affairs, 18th and C Streets, NW, Washington, DC 20240, 202 343-5696

RIN: 1076-AA73

USE OF WATER ON INDIAN RESERVATIONS

Priority: Undetermined

Legal Authority: 25 USC 1a; 25 USC 2; 25 USC 9; 25 USC 381; 25 USC 415

CFR Citation: 25 CFR 179

Abstract: This rule will state the criteria the Secretary will follow in determining whether to approve water codes enacted by Indian tribes which would regulate the use of waters on Indian reservations. This Part has been redesignated from 25 CFR Part 260.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: Undetermined

Additional Information: DETERMINATION UNDER E.O. 12291: The effects of this document were previously considered under the provisions of E.O. 12044 which was revoked by E.O. 12291 on February 17, 1981. The document will be reconsidered under the provisions of E.O. 12291 before it is published as a final rule. Originally scheduled: April 1981.

Agency Contact: Merli F. Hehnke, Natural Resources Specialist,

Department of the Interior, Bureau of Indian Affairs, 18th and C Streets, NW, Washington, DC 20240, **202 343-3960**

RIN: 1076-AA37

CONTRACTS FOR PROSPECTING AND MINING ON INDIAN MINERAL LANDS

Legal Authority: 25 USC 396; 25 USC 396d; 25 USC 415; 25 USC 476; 25 USC 477

CFR Citation: 25 CFR 211

Abstract: The regulations in this Part govern contracts for the prospecting and mining of Indian-owned minerals, other than oil and gas. Revisions will be made which would combine rules for the review and approval of mineral development contracts on both tribal and allotted lands into one Part. This Part has been redesignated from 25 CFR Part 171.

Timetable:

Action	Date	FR Cite
NPRM	08/11/80	45 FR 53164
NPRM	07/12/83	48 FR 31978
End Review	02/24/84	
Final Action	03/00/85	

Small Entity: No

Additional Information: ADDITIONAL AGENCY CONTACT: Tommy Riggs (see Agency Contact heading for phone and address). Originally scheduled: May 1978.

Agency Contact: **Don Jones**, Chief, Oil and Gas Engineer, Department of the Interior, Bureau of Indian Affairs, Division of Energy and Minerals, 730 Simms St. Lakewood Office Plaza, Rm 239, Golden, CO 80401, **303 234-6961**

RIN: 1076-AA38

LEASING OF ALLOTTED LANDS FOR MINING

Legal Authority: 25 USC 396; 35 Stat. 396

CFR Citation: 25 CFR 212

Abstract: As a result of review, it has been determined that this Part is no longer necessary and should be revoked. The rules which currently govern the leasing of oil and gas on Indian allotted lands will be replaced by a new 25 CFR Part 218. This Part has been redesignated from 25 CFR Part 172.

Timetable:

Action	Date	FR Cite
NPRM	08/11/80	45 FR 53164
NPRM	07/12/83	48 FR 31978
End Review	02/24/84	
Final Action	03/00/85	

Small Entity: No

Additional Information: ADDITIONAL AGENCY CONTACT: Tommy Riggs (see Agency Contact heading for phone and address). Originally scheduled: April 1981.

Agency Contact: **Don Jones**, Chief, Oil and Gas Engineer, Department of the Interior, Bureau of Indian Affairs, Division of Energy and Minerals, 730 Simms St., Lakewood Ofc. Plaza, Rm. 239, Golden, CO 80401, **303 234-6961**

RIN: 1076-AA39

OPERATION, RECLAMATION AND CONSERVATION ON MINERAL LANDS

Legal Authority: 25 USC 380; 25 USC 396; 25 USC 396d; 25 USC 415; 25 USC 476; 25 USC 477; 42 USC 4332

CFR Citation: 25 CFR 216

Abstract: This rule will provide for mining and exploration plans, performance plans and other operational aspects of mining on Indian lands, including compliance with the National Environmental Policy Act. This Part has been redesignated from 25 CFR Part 177. This part is also scheduled for review.

Timetable:

Action	Date	FR Cite
NPRM	08/11/80	45 FR 53164
Final Action	10/31/85	

Small Entity: No

Additional Information: ADDITIONAL AGENCY CONTACT: Tommy Riggs (see Agency Contact heading for phone and address). Originally scheduled: May 1978.

Agency Contact: **Don Jones**, Chief, Oil and Gas Engineer, Department of the Interior, Bureau of Indian Affairs, Division of Energy and Minerals, 730 Simms St., Lakewood Ofc. Plaza, Rm. 239, Golden, CO 80401, **303 234-6961**

RIN: 1076-AA40

OIL AND GAS MINERAL AGREEMENTS

Priority: Undetermined

Legal Authority: PL 97-382; 52 Stat. 347; 35 Stat. 783

CFR Citation: 25 CFR 225

Abstract: The Bureau proposes to publish regulations that will govern mineral agreements for the development of Indian owned oil and gas resources pursuant to the Indian Mineral Development Act of 1982, Public Law 97-382, which authorizes the tribes to enter into negotiated agreements rather than go through the previously required competitive advertising procedure.

Timetable:

Action	Date	FR Cite
NPRM	07/12/83	48 FR 31978
Final Action	03/00/85	

Small Entity: Undetermined

Additional Information: Originally scheduled: April 1983.

Agency Contact: **Don Jones**, Chief, Oil and Gas Engineer, Department of the Interior, Bureau of Indian Affairs, Division of Energy and Mineral Resources, 730 Simms Street, Lakewood Office Plaza, Room 239, Golden, CO 80401, **303 234-6961**

RIN: 1076-AA82

COMMERCIAL FISHING ON RED LAKE INDIAN RESERVATION

Legal Authority: 25 USC 2; 5 USC 301

CFR Citation: 25 CFR 242

Abstract: Regulations provide for the Tribe to harvest fish commercially. No other entities are involved.

Timetable:

Action	Date	FR Cite
NPRM	09/00/85	

Small Entity: No

Additional Information: Except for two sex-based references, the regulation is/has been agreeable to all.

Government Levels Affected: Local, Federal

Agency Contact: **Gary L. Rankel**, Chief, Branch of Fish, Wildlife & Recreation, Department of the Interior, Bureau of Indian Affairs, 1951 Constitution Avenue, NW, Washington, DC 20245, **202 343-4088**

RIN: 1076-AB13

REINDEER IN ALASKA

Legal Authority: 48 USC 250(k)

CFR Citation: 25 CFR 243

Abstract: This regulation is being revised to enable the BIA to regulate the sale of reindeer products as well as reindeer.

Timetable:

Action	Date	FR Cite
NPRM	09/00/85	

Small Entity: No

Agency Contact: Gary L. Rankel, Chief, Branch of Fish, Wildlife & Recreation, Department of the Interior, Bureau of Indian Affairs, Div. of Land & Water Res., 1951 Constitution Ave., NW, Washington, DC 20245, **202 343-4088**

RIN: 1076-AB16

WIND RIVER RESERVATION GAME CODE

Priority: Agency Determination

Legal Authority: 43 USC 1457; 25 USC 2; 25 USC 9; 65 Stat. 1262; 18 USC 1165; 16 USC 3371; 18 Stat. 685

CFR Citation: 25 CFR 244, (New)

Abstract: The interim rule will provide regulations governing hunting of big and small game on the Wind River Indian Reservation in Wyoming, to conserve, protect and increase the currently depleted populations. No alternative actions for addressing the problem are being considered. The program will be confined to a localized area, and economic effects will be relatively insignificant. Benefits will be conservation of existing populations through reduced hunting mortality. Costs for personnel and equipment to enforce the regulations are estimated at $235,000 for the first year and $200,000 annually thereafter, to be derived by reallocation of existing funding.

Timetable:

Action	Date	FR Cite
Interim Final Rule	09/15/84	
Final Action	09/15/85	

Small Entity: No

Agency Contact: Gary Rankel, Chief, Branch of Fish, Wildlife & Recreation, Department of the Interior, Bureau of Indian Affairs, Main Interior - 18th and C Sts., NW, Washington, DC 20245, **202 343-4088**

RIN: 1076-AB43

OFF-RESERVATION TREATY FISHING

Priority: Undetermined

Legal Authority: 25 USC 2; 25 USC 9; 5 USC 301

CFR Citation: 25 CFR 249

Abstract: This rule, which is scheduled for review, governs protection of off-reservation nonexclusive fishing rights; promotes proper management, conservation and protection of fisheries resources; and provides for determination of restrictions on the manner of nonexclusive fishing privileges.

Timetable:

Action	Date	FR Cite
End Review	10/00/84	
NPRM	10/00/85	

Small Entity: Undetermined

Additional Information: Originally scheduled: October 1983.

Agency Contact: Gary L. Rankel, Chief, Branch of Fish, Wildlife & Recreation, Department of the Interior, Bureau of Indian Affairs, 18th and C Streets, NW, Washington, DC 20240, **202 343-4088**

RIN: 1076-AB00

OFF-RESERVATION TREATY FISHING - FRASER RIVER CONVENTION; SOCKEYE AND PINK SALMON FISHERY

Legal Authority: 5 USC 301; 25 USC 2; 25 USC 9

CFR Citation: 25 CFR 249

Abstract: This rule is an annual amendment covering the treaty Indian fishery in waters subject to the Fraser River Convention. Regulations provided by the rule assure fulfillment of obligations to treaty tribes and to Canada. The alternative of no regulation would leave the treaty Indian fishery unregulated, and was not considered. The rule is beneficial in that it will allow for the implementation of treaty guaranteed rights in a manner consistent with U.S. obligations to Canada. The rule will not result in a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions.

Timetable:

Action	Date	FR Cite
Interim Final Rule	07/09/84	49 FR 27937
Final Action	09/00/85	

Small Entity: No

Agency Contact: Gary Rankel, Chief, Branch of Fish, Wildlife & Recreation, Department of the Interior, Bureau of Indian Affairs, Main Interior - 18th and C Sts., NW, Washington, DC 20245, **202 343-4088**

RIN: 1076-AB12

PRESERVATION OF ANTIQUITIES

Priority: Undetermined

Legal Authority: 16 USC 470aa

CFR Citation: 25 CFR 261

Abstract: Part 261 is authorized by the Antiquities Act of 1906 (16 U.S.C. 432) which has been largely superseded by the Archeological Resources Protection Act (16 U.S.C. 470aa). This Part has been redesignated from 25 CFR Part 132.

Timetable:

Action	Date	FR Cite
NPRM	10/00/85	

Small Entity: Undetermined

Additional Information: Originally scheduled: October 1981.

Agency Contact: George Farris, Chief, Environmental Service Staff, Department of the Interior, Bureau of Indian Affairs, 18th and C Streets, NW, Washington, DC 20245, **202 343-6574**

RIN: 1076-AA44

HERITAGE PRESERVATION

Priority: Undetermined

Legal Authority: 16 USC 469; 16 USC 470aa; 16 USC 470f; 42 USC 1996

CFR Citation: 25 CFR 262

Abstract: This rule will establish procedures for implementing the requirements of legislation relating to cultural resources. Subpart A will implement the requirements of the National Historic Preservation Act as it pertains to Bureau actions which may affect properties that are listed on the National Register of Historic Places. Subpart B will implement the requirements of the Archaeological Resources Protection Act, particularly the requirement that no archaeological resources may be excavated without a

permit. This Part has been redesignated from 25 CFR Part 281.

Timetable:

Action	Date	FR Cite
NPRM Subpart A	09/15/80	45 FR 60923
NPRM	10/00/85	

Small Entity: Undetermined

Additional Information: DETERMINATION UNDER E.O. 12291: The effects of this document were previously considered under the provisions of E.O. 12044 which was revoked by E.O. 12291 on February 17, 1981. The document will be reconsidered under the provisions of E.O. 12291 before it is published as a final rule. Originally scheduled: April 1981.

Agency Contact: George Farris, Chief, Environmental Services Staff, Department of the Interior, Bureau of Indian Affairs, 18th and C Streets, NW, Washington, DC 20245, 202 343-6574

RIN: 1076-AA45

CONTRACTS UNDER INDIAN SELF-DETERMINATION AND EDUCATION ASSISTANCE ACT

Priority: Agency Determination

Legal Authority: 25 USC 450; 41 USC 501

CFR Citation: 25 CFR 271

Abstract: A proposed rule, published in 47 FR 40326 on September 13, 1982, changed regulations to provide assistance to tribes from contracts to grants or cooperative agreement and for other purposes. The public comments to the proposed rule were overwhelmingly unfavorable. Consequently, the Bureau intends to publish a reproposed rule to (1) strengthen administrative controls over contracts, (2) eliminate obsolete and unnecessary requirements, and (3) to clarify or simplify the regulatory provisions.

Timetable:

Action	Date	FR Cite
NPRM	09/13/82	47 FR 40326
NPRM	09/00/85	
Final Action	12/31/85	

Small Entity: Undetermined

Additional Information: Originally scheduled: October 1981.

Agency Contact: Myron Rock, Department of the Interior, Bureau of Indian Affairs, 18th and C Streets, NW, Washington, DC 20240, 202 343-4796

RIN: 1076-AA47

● **CONTRACTS UNDER INDIAN SELF-DETERMINATION ACT (SUBPART G - NEW SCHOOL STARTS AND PROGRAM EXPANSIONS)**

Priority: Agency Determination

Legal Authority: 88 Stat. 2203; 42 Stat. 208

CFR Citation: 25 CFR 271

Abstract: The purpose of the addition of the new rule "New Starts and Program Expansions," is to establish uniform application procedures and approval criteria for tribes seeking to operate new schools or to expand existing education programs through funding by the Indian School Equalization Formula. This rule would provide further clarification and refine existing criteria established in Part 271 of Public Law 93-638 which do not address tribal operation of schools on an indepth basis.

Timetable:

Action	Date	FR Cite
NPRM	06/30/85	
Final Action	09/30/85	

Small Entity: No

Agency Contact: Nancy Garrett, Deputy Director, OIEP, Department of the Interior, Bureau of Indian Affairs, 18th & C Sts. NW, Washington, DC 20245, 202 343-2123

RIN: 1076-AB49

GRANTS UNDER INDIAN SELF-DETERMINATION AND EDUCATION ASSISTANCE ACT

Priority: Agency Determination

Legal Authority: 25 USC 450h

CFR Citation: 25 CFR 272

Abstract: The purpose of this rule is (1) to provide for changes in administrative processes, (2) to establish procedures and definitions consistent with other parts of this chapter, and (3) to ensure that self-determination grants are consistent with legislative intent.

Timetable:

Action	Date	FR Cite
NPRM	09/13/82	47 FR 40338
NPRM	09/00/85	
Final Action	12/31/85	

Small Entity: Undetermined

Additional Information: Originally scheduled: October 1981.

Agency Contact: Eddie Edwards, Department of the Interior, Bureau of Indian Affairs, 18th and C Streets, NW, Washington, DC 20240, 202 343-4096

RIN: 1076-AA48

EDUCATION CONTRACTS UNDER JOHNSON-O'MALLEY ACT

Priority: Agency Determination

Legal Authority: 25 USC 455 to 457

CFR Citation: 25 CFR 273

Abstract: A proposed rule was published in 47 FR 40340 on September 13, 1982 to provide consistency with 25 CFR Part 271. That is, to provide assistance to tribes by grant or cooperative agreement rather than by contract. The public comments were unfavorable to the proposed revision, consequently the Bureau intends to publish a reproposed rule to (1) strengthen administrative controls over contracts, (2) clarify the relationship between tribes and Indian education committees, and (3) to otherwise organize the subparts for easier use.

Timetable:

Action	Date	FR Cite
Final Action implementing one subsection (school lunch provision)	12/23/82	47 FR 57274
Final Action remainder	12/00/83	
NPRM	09/30/84	
Final Action	12/31/85	

Small Entity: No

Additional Information: Originally scheduled: May 1978.

Agency Contact: Sam Johnson, Chief, Division of Education Programs, Department of the Interior, Bureau of Indian Affairs, 18th and C Streets, NW, Washington, DC 20240, 202 343-6364

RIN: 1076-AA49

SCHOOL CONSTRUCTION CONTRACTS OR SERVICES FOR TRIBALLY OPERATED PREVIOUSLY PRIVATE SCHOOLS

Priority: Agency Determination

Legal Authority: 25 USC 458; 25 USC 458d; PL 93-638; PL 95-561; PL 96-46

CFR Citation: 25 CFR 274

Abstract: A proposed rule was published in 47 FR 40348 on September 13, 1982, to change from contracts to grants and cooperative agreements as the method of providing assistance to tribes. The public comments were unfavorable to the proposed revision. Consequently the Bureau intends to publish a reproposed rule to (1) strengthen administrative controls over school construction contracts, (2) to include the Office of Indian Education Programs in the application and approval procedures and (3) remove unnecessary administrative language. This part is also scheduled for review.

Timetable:

Action	Date	FR Cite
NPRM	09/13/82	47 FR 40348
NPRM	09/00/85	
Final Action	12/31/85	

Small Entity: Undetermined

Additional Information: ADDITIONAL AGENCY CONTACT: Harvey Jacobs (202) 343-4493 (see Agency Contact heading for address). Originally scheduled: April 1981.

Agency Contact: Richard Glynn, Department of the Interior, Bureau of Indian Affairs, 18th and C Streets, NW, Washington, DC 20240, **202 343-4576**

RIN: 1076–AA50

STAFFING

Priority: Agency Determination

Legal Authority: 42 USC 4762; 25 USC 450i; 26 USC 48

CFR Citation: 25 CFR 275

Abstract: This part outlines methods available to tribes for utilizing the services of Bureau employees. Revisions will be made to include the Office of Indian Education Programs in the application and approval procedures for the awards under Public Law 93-638.

Timetable:

Action	Date	FR Cite
NPRM	09/13/82	47 FR 40352
NPRM	09/00/85	
Interim Final Rule	12/31/85	

Small Entity: Undetermined

Additional Information: ADDITIONAL AGENCY CONTACT: Harvey Jacobs (202) 343-5517 (see Agency Contact heading for address). Originally scheduled: January 1981.

Agency Contact: Pat Fulgham, Department of the Interior, Bureau of Indian Affairs, 18th and C Streets, NW, Washington, DC 20240, **202 343-9306**

RIN: 1076–AA51

UNIFORM ADMINISTRATIVE REQUIREMENTS FOR CONTRACTS AND GRANTS

Priority: Agency Determination

Legal Authority: PL 93-638

CFR Citation: 25 CFR 276

Abstract: This rule establishes the requirements for the uniform administration of contracts and grants to Indian Tribal Governments pursuant to P.L. 93-638.

Timetable:

Action	Date	FR Cite
NPRM	09/13/82	47 FR 40353
NPRM	09/00/85	
Final Action	12/31/85	

Small Entity: Undetermined

Additional Information: Originally scheduled: January 1981.

Agency Contact: Peter Campanelli, Department of the Interior, Bureau of Indian Affairs, 18th and C Streets, NW, Washington, DC 20240, **202 343-3498**

RIN: 1076–AA52

SCHOOL CONSTRUCTION CONTRACTS FOR PUBLIC SCHOOLS UNDER INDIAN SELF-DETERMINATION AND EDUCATION ASSISTANCE ACT

Priority: Agency Determination

Legal Authority: 25 USC 458c(b); 41 USC 501

CFR Citation: 25 CFR 277

Abstract: A proposed rule was published in 47 FR 40353 on September 13, 1982, the purpose of which was to change the method of award to tribes from contracts and grants and cooperative agreements. The public comments were unfavorable to such a change. Consequently, the Bureau intends to publish a reproposed rule to (1) strengthen controls over school construction contracts, (2) to provide changes in administrative processes and (3) to remove unnecessary administrative language.

Timetable:

Action	Date	FR Cite
NPRM	09/13/82	47 FR 40356
NPRM	09/00/85	
Final Action	12/31/85	

Small Entity: Undetermined

Additional Information: Originally scheduled: October 1981.

Agency Contact: Frank Latta, Department of the Interior, Bureau of Indian Affairs, P.O. Box 1788, Albuquerque, NM 87103, **505 766-2985**

RIN: 1076–AA53

SPECIAL ECONOMIC DEVELOPMENT AND CORE MANAGEMENT FOR SMALL TRIBES

Legal Authority: 25 USC 2; 25 USC 9

CFR Citation: 25 CFR 278

Abstract: This Part will contain regulations which offer grants to Indian tribes for business development, development of natural resources, and which encourage non-Federal investment and promote sound business principles and offer core management grants to small tribes to permit such tribes to establish and maintain competent and responsible management capabilities.

Timetable:

Action	Date	FR Cite
Interim Final Rule	07/12/83	48 FR 32006
Final Action	04/01/85	

Small Entity: No

Additional Information: Originally scheduled: April 1982.

Agency Contact: Woodrow Sneed, Department of the Interior, Bureau of Indian Affairs, 18th and C Streets, NW, Washington, DC 20240, **202 343-1401**

RIN: 1076–AA54

BUY INDIAN ACT CONTRACTING

Legal Authority: 25 USC 47; 36 Stat. 891

CFR Citation: 48 CFR 1480

Abstract: This rule will be codified as the new 48 CFR Part 1480 instead of the old 41 CFR Part 14H to establish policies and procedures concerning the Bureau of Indian Affairs acquisition management system. This issuance pertains to contracts (excluding road construction in the State of Oklahoma and all other construction nationwide) entered pursuant to the Act of June 25, 1910 (25 U.S.C. 47), which is usually referred to as the "Buy Indian Act."

Timetable:

Action	Date	FR Cite
NPRM	10/08/82	47 FR 44678
Reproposed Rule	08/01/84	
Final Action	12/31/85	

Small Entity: No

Additional Information: Originally scheduled: April 1982.

Agency Contact: Peter A. Campanelli, Department of the Interior, Bureau of Indian Affairs, 18th and C Streets, NW, Washington, DC 20240, 202 343-5125

RIN: 1076-AA56

DEPARTMENT OF THE INTERIOR (DOI)

Bureau of Indian Affairs (BIA)

Existing Regulations Under Review

● CARE OF INDIAN CHILDREN IN CONTRACT SCHOOLS

Priority: Undetermined

Legal Authority: 5 USC 301

CFR Citation: 25 CFR 22

Abstract: 25 CFR 22 is being reviewed as scheduled under the Bureau's Regulatory Reform Act.

Timetable:

Action	Date	FR Cite
Begin Review	10/01/84	
End Review	09/30/85	

Small Entity: Undetermined

Agency Contact: Sam Johnson, Chief, Division of Education Programs, Department of the Interior, Bureau of Indian Affairs, 18th & C Sts. NW, Washington, DC 20245, 202 343-6364

RIN: 1076-AB50

● FEDERAL SCHOOLS FOR INDIANS

Priority: Undetermined

Legal Authority: 41 Stat. 410, Sec 1; 25 USC 282

CFR Citation: 25 CFR 31

Abstract: 25 CFR 31 is being reviewed as scheduled under the Bureau's Regulatory Reform Act.

Timetable:

Action	Date	FR Cite
Begin Review	10/01/84	
End Review	09/30/85	

Small Entity: Undetermined

Agency Contact: Sam Johnson, Chief, Division of Education Programs, Department of the Interior, Bureau of Indian Affairs, 18 & C Sts. NW, Washington, DC 20245, 202 343-6364

RIN: 1076-AB46

● TRANSFER OF INDIAN EDUCATION FUNCTIONS

Priority: Undetermined

Legal Authority: 92 Stat 2143; 92 Stat 2391; 25 USC 2006

CFR Citation: 25 CFR 33

Abstract: 25 CFR 33 is being reviewed as scheduled under the Bureau's Regulatory Reform Act.

Timetable:

Action	Date	FR Cite
Begin Review	10/01/84	
End Review	09/30/85	

Small Entity: Undetermined

Agency Contact: Sam Johnson, Chief, Divison of Education Programs, Department of the Interior, Bureau of Indian Affairs, 18th & C Sts. NW, Washington, DC 20245, 202 343-6364

RIN: 1076-AB52

● PREPARATION OF A ROLL TO SERVE AS THE BASIS FOR THE DISTRIBUTION OF JUDGEMENT FUNDS AWARDED TO THE PEMBINA BAND OF CHIPPEWA INDIANS

Legal Authority: 5 USC 301; 25 USC 2; 25 USC 9; 25 USC 1241 et seq

CFR Citation: 25 CFR 68

Abstract: This rule, which is scheduled for review, governs the one-time compilation of a roll of lineal descendants of members of the Pembina Band of Chippewa Indians as it was constituted in 1863 pursuant to the Act of July 29, 1971. The roll is to serve as the basis for a distribution of an apportioned share of judgment funds awarded the Pembina Band of Chippewa Indians. This Part has been redesignated from 25 CFR Part 43g.

Timetable:

Action	Date	FR Cite
Begin Review	01/01/85	
End Review	10/01/85	

Small Entity: Undetermined

Agency Contact: Kathleen L. Slover, Department of the Interior, Bureau of Indian Affairs, 1951 Constitution Avenue, NW, Washington, DC 20245, 202 343-3594

RIN: 1076-AB57

● PREPARATION OF A ROLL OF ALASKA NATIVES

Legal Authority: 43 USC 1601 et seq; PL 94-204

CFR Citation: 25 CFR 69

Abstract: This rule, which is subject to review, governs the preparation of a roll of Alaska Natives pursuant to the Alaska Native Claims Settlement Act, as amended. Persons whose names are included on the Alaska Native roll are eligible to participate in benefits under ANCSA. This Part has been redesignated from 25 CFR Part 43h.

Timetable:

Action	Date	FR Cite
Begin Review	01/01/85	
End Review	10/01/85	

Small Entity: Undetermined

Agency Contact: Kathleen L. Slover, Department of the Interior, Bureau of Indian Affairs, 1951 Constitution Avenue, NW, Washington, DC 20245, **202 343-3594**

RIN: 1076-AB56

● REVISION OF THE MEMBERSHIP ROLL OF THE EASTERN BAND OF CHEROKEE INDIANS, NORTH CAROLINA

Legal Authority: PL 85-154

CFR Citation: 25 CFR 75

Abstract: This rule, which is subject to review, governed the revision authorized by the Act of August 21, 1957, Pub. L. 85-154, (71 Stat. 374), of the membership roll of the Eastern Band of Cherokee Indians, North Carolina, prepared and approved in accordance with the Act of June 4, 1924 (43 Stat. 376), and the Act of March 4, 1931 (46 Stat. 1518). The rule also provides procedures for maintaining a current membership roll. This Part has been redesignated from 25 CFR Part 47.

Timetable:

Action	Date	FR Cite
Begin Review	01/01/85	
End Review	10/01/85	

Small Entity: Undetermined

Agency Contact: Kathleen L. Slover, Department of the Interior, Bureau of Indian Affairs, 1951 Constitution Avenue, NW, Washington, DC 20245, **202 343-3594**

RIN: 1076-AB54

● PAYMENT OF ATTORNEY FEES WITH APPROPRIATED FUNDS

Legal Authority: 25 USC 13; 25 USC 450 et seq

CFR Citation: 25 CFR 89.40 to 43

Abstract: There is a question of whether child custody proceedings under the Indian Child Welfare Act and requests for non-litigation services should comply with part 89. There is also a question of whether Indian allotees are eligible to receive appropriated funds.These issues will be addressed via the rulemaking process.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: Not Applicable

Agency Contact: M. Franklin Keel, Staff Assistant, Department of the Interior, Bureau of Indian Affairs, Office of Trust Responsibilities, 1951 Constitution Avenue, NW, Washington, DC 20245, **202 343-5474**

RIN: 1076-AB53

LOANS TO INDIANS FROM THE REVOLVING LOAN FUND

Legal Authority: 25 USC 1451; PL 93-262

CFR Citation: 25 CFR 101

Abstract: This Part is being revised to improve the processing of U.S. direct loan applications, improving the collection procedures currently used, and expediting the processing of expert assistance loans.

Timetable:

Action	Date	FR Cite
Begin Review	06/01/84	
End Review	03/31/85	
NPRM	03/31/85	

Small Entity: Undetermined

Agency Contact: Joe Weller, Chief, Division of Financial Assistance, Department of the Interior, Bureau of Indian Affairs, Division of Financial Assistance, Main Interior Bldg. Room 4062, 18th and C St. NW Washington, DC 20245, **202 343-5324**

RIN: 1076-AB17

DEPOSIT AND EXPENDITURE OF INDIVIDUAL FUNDS OF MEMBERS OF THE OSAGE TRIBE OF INDIANS WHO DO NOT HAVE CERTIFICATES OF COMPETENCY

Priority: Undetermined

Legal Authority: 5 USC 301

CFR Citation: 25 CFR 117

Abstract: Procedures for management of funds (deposits, charges, compensations to be paid out, etc.) for members of the Osage Tribe who do not have certificates of competency, for minors; compensation for guardians and attorneys; protection of these individuals' trust resources. No alternatives are under active consideration. Regulations will be reviewed for any necessary updates, clarity, etc. No cost or benefit estimates applicable at this time.

Timetable:

Action	Date	FR Cite
Begin Review	10/01/84	
End Review	03/01/85	

Small Entity: No

Agency Contact: Barbara Davis, Trust Funds Specialist, Department of the Interior, Bureau of Indian Affairs, Office of Trust Responsibilities, Main Interior, Washington, DC 20245, **202 343-2963**

RIN: 1076-AB18

● MANAGEMENT OF OSAGE JUDGEMENT FUNDS FOR EDUCATION AND SOCIO-ECONOMIC PROGRAMS

Priority: Undetermined

Legal Authority: 86 Stat 1295

CFR Citation: 25 CFR 122

Abstract: 25 CFR 122 is being reviewed as scheduled under the Bureau's Regulatory Reform Act.

Timetable:

Action	Date	FR Cite
Begin Review	10/01/84	
End Review	09/30/85	

Small Entity: Undetermined

Agency Contact: Sam Johnson, Chief, Division of Education Programs, Department of the Interior, Bureau of Indian Affairs, 18th & C Sts. NW, Washington, DC 20245, **202 343-6364**

RIN: 1076-AB51

ALASKA NATIVE FUND

Legal Authority: PL 92-203; PL 95-178

CFR Citation: 25 CFR 123

Abstract: This part which prescribes the process for distribution of the Alaska Native Fund is scheduled for review.

Timetable:

Action	Date	FR Cite
Begin Review	09/00/84	
End Review	09/00/85	

Small Entity: No

Agency Contact: Betty Wilkinson, Financial Manager, Department of the Interior, Bureau of Indian Affairs, 1951 Constitution Avenue NW, Washington, DC 20245, 202 343-4585

RIN: 1076–AB15

BUSINESS PRACTICES ON THE NAVAJO, HOPI AND ZUNI RESERVATIONS

Legal Authority: 5 USC 301

CFR Citation: 25 CFR 141

Abstract: This rule which prescribes the process for regulation of reservation businesses for the protection of Indian consumers on the Navajo, Hopi and Zuni Reservations is scheduled for review.

Timetable:

Action	Date	FR Cite
Begin Review	09/00/84	
End Review	09/00/85	

Small Entity: Undetermined

Agency Contact: Jack L. Spencer, Department of the Interior, Bureau of Indian Affairs, 1951 Constitution Avenue, NW, Washington, DC 20245, 202 343-5786

RIN: 1076–AB14

OPERATION OF U.S.M.S. "NORTH STAR" BETWEEN SEATTLE, WASHINGTON AND STATIONS OF THE BUREAU OF INDIAN AFFAIRS AND OTHER GOVERNMENT AGENCIES, ALASKA

Priority: Undetermined

Legal Authority: 5 USC 301

CFR Citation: 25 CFR 142

Abstract: The review of this rule was originally assigned an "End Review Date" of October 1984. During the 1985 Shipping Season, which extends from April through October 1985, the BIA will be conducting a test of the Department of Defense Coolbarge system. During that period, all Bureau-sponsored cargo will be shipped via Coolbarge and the USMS "Northstar" will be temporarily removed from service. If the test proves to be successful, then, the Northstar Operation (the use of the Bureau-held ship) will be permanently discontinued in favor of Coolbarge. After completing the test evaluation, decisions will be made regarding Northstar vs. Coolbarge. After the policy decisions are made, the regulation will be deleted or revised as appropriate to reflect and describe the new concept of Operation. The estimated completion date should be changed to October 1986.

Timetable:

Action	Date	FR Cite
End Review	10/00/86	

Small Entity: Undetermined

Additional Information: Originally scheduled: October 1983.

Agency Contact: Gerald Taylor, Seattle Liaison Office, Department of the Interior, Bureau of Indian Affairs, Federal Building, Seattle, WA 98104, 206 764-3328

RIN: 1076–AA96

LEASING OF RESTRICTED LANDS OF MEMBERS OF FIVE CIVILIZED TRIBES, OKLAHOMA, FOR MINING

Priority: Undetermined

Legal Authority: Sec. 2, 35 Stat. 312; Sec. 18, 41 Stat. 426; Sec. 1, 45 Stat. 495; Sec. 1, 47 Stat. 777; 25 USC 356; Secs. 3, 11, 35 Stat. 313, 316; Sec. 8, 47 Stat. 779

CFR Citation: 25 CFR 213

Abstract: This rule is being revised to insure consistency with existing law and to improve operating procedures. Issues to be addressed include authority to lease inherited restricted land, the processing of lease payments through the Minerals Management Service, and the approval process for division orders. There are no alternatives being considered and the potential cost is unknown.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: Not Applicable

Agency Contact: Ms. Pat Wilkenson, Realty Specialist, Department of the Interior, Bureau of Indian Affairs, Muskogee Area Office, Old Federal Building, Muskogee, Oklahoma 74401, 918 736-2292

RIN: 1076–AB41

LEASING OF OSAGE RESERVATION LANDS, OKLAHOMA, FOR MINING EXCEPT OIL AND GAS

Priority: Undetermined

Legal Authority: Sec. 3, 34 Stat. 543

CFR Citation: 25 CFR 214

Abstract: This rule is being reviewed and updated to take account of changes in mineral market conditions, interest rates, and various aspects of the local situation on the Osage Reservation since the rule was originally published.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Agency Contact: Noel Barker, Realty Specialist, Department of the Interior, Bureau of Indian Affairs, Osage Agency, Pawhuska, Oklahoma 74056, 918 287-2481

RIN: 1076–AB42

INDIAN FISHING: HOOPA VALLEY INDIAN RESERVATION

Priority: Undetermined

Legal Authority: 25 USC 2; 25 USC 9; 5 USC 301; Reorganization Plan No. 3 of 1950; 64 Stat. 1262

CFR Citation: 25 CFR 250

Abstract: This rule, which contains the regulations for the Hoopa fishery, will be revised to remove burdensome requirements.

Timetable:

Action	Date	FR Cite
NPRM	06/24/83	48 FR 29004
Final Action	07/15/85	

Small Entity: Undetermined

Additional Information: Originally scheduled: April 1983.

Agency Contact: Gary L. Rankel, Chief, Branch of Fish, Wildlife & Recreation, Department of the Interior, Bureau of Indian Affairs, Main Interior, 18th & C Streets, N.W., Washington, DC 20245, 202 343-4088

RIN: 1076–AA83

DEPARTMENT OF THE INTERIOR (DOI)

Bureau of Indian Affairs (BIA)

Completed Actions

COMPLETED RULEMAKINGS

PREFERENCE IN EMPLOYMENT

Legal Authority: 25 USC 43; 25 USC 46; 25 USC 44; 25 USC 348; 25 USC 472; 25 USC 479

CFR Citation: 25 CFR 5

Abstract: The revision of this rule will extend the expired date of July 17, 1984, for one year to permit the Osage Tribal Council the additional time to organize and to establish current membership standards for purposes of Indian preference employment for their tribal members in the Bureau of Indian Affairs.

Timetable:

Action	Date	FR Cite
Final Action	10/04/84	49 FR 39157
Final Action Effective	10/04/84	

Small Entity: No

Agency Contact: Mercedes Lewis, Personnel Staffing Specialist, Department of the Interior, Bureau of Indian Affairs, 1951 Consitution Avenue, NW, Washington, DC 20245, 202 343-9306

RIN: 1076–AB22

LICENSED INDIAN TRADERS

Legal Authority: PL 96-277; EO 12328

CFR Citation: 25 CFR 140

Abstract: Public Law 96-277 changed the procedure under which employees of the Federal government may enter into trading with Indians. Previously, the law allowed for trades between Federal employees and Indians only in certain cases which could be approved, for ample cause, on an individual basis by the Secretary of the Interior. Public Law 96-277 and E.O. 12328 provide that trading by employees of the Bureau of Indian Affairs and the Indian Health Service may enter into trading with Indians on a case-by-case basis when requested in accordance with regulations published by the Secretary of the Interior.

Timetable:

Action	Date	FR Cite
NPRM	10/07/83	48 FR 45789
NPRM Comment Period Begin	11/07/83	
Final Action	06/21/84	49 FR 121
Final Action Effective	07/23/84	49 FR 121

Small Entity: No

Additional Information: Originally scheduled: April 1983.

Agency Contact: John G. Combs, Department of the Interior, Bureau of Indian Affairs, 18th and C Streets, NW, Washington, DC 20240, 202 343-8718

RIN: 1076–AA80

GUIDANCE ON THE APPLICATION OF THE NATIONAL ENVIRONMENTAL POLICY ACT TO BUREAU DECISIONS

Priority: Undetermined

Legal Authority: 42 USC 4321 to 4347

CFR Citation: 25 CFR 263

Abstract: This rule will provide guidance to tribal governments and other persons and entities that propose the Bureau take an action which must be preceded by the preparation of either an environmental impact statement or an environmental assessment. This Part has been redesignated from 25 CFR Part 280.

Timetable:

Action	Date	FR Cite
Withdrawn	02/27/85	

Small Entity: Undetermined

Additional Information: Originally scheduled: April 1981.

Agency Contact: George Farris, Department of the Interior, Bureau of Indian Affairs, 18th and C Streets, NW, Washington, DC 20240, 202 343-6574

RIN: 1076–AA46

COMPLETED REVIEWS

MAINTENANCE AND CONTROL OF STUDENT RECORDS IN BUREAU SCHOOLS

Priority: Agency Determination

Legal Authority: 25 USC 295; PL 93-579, PL 93-380, Sec 438; PL 94-142

CFR Citation: 25 CFR 43, (Revision)

Abstract: 25 CFR 43 has been reviewed. Review of the rule was signed off by Assistant Secretary - Indian Affairs on 09/28/84. Determination was made that no revision was indicated at this time.

Timetable:

Action	Date	FR Cite
End Review	09/28/84	

Small Entity: Undetermined

Agency Contact: Harvey Jacobs, Education Specialist, Department of the Interior, Bureau of Indian Affairs, Office of Indian Education Programs, 18th and C Streets, NW, Washington, DC 20240, 202 343-6364

RIN: 1076–AB06

ENROLLMENT OF INDIANS OF THE RINCON, SAN LUISENO BAND OF MISSION INDIANS IN CALIFORNIA

Legal Authority: 25 USC 2; 25 USC 9

CFR Citation: 25 CFR 74

Abstract: This rule governed the enrollment of persons in the Rincon, San Luiseno Band of Mission Indians of California as of July 21, 1957. The rule also provides procedures for maintaining a current membership roll. As a result of review, it has been determined that there is no further need for this rule and it can be scheduled for revocation. This Part has been redesignated from 25 CFR Part 46.

Timetable:

Action	Date	FR Cite
Begin Review	04/01/84	
End Review	10/30/84	

Small Entity: Undetermined

Agency Contact: Kathleen L. Slover, Department of the Interior, Bureau of Indian Affairs, 1951 Constitution Avenue, NW, Washington, DC 20245, 202 343-3594

RIN: 1076–AB34

ENROLLMENT OF INDIANS OF THE SAN PASQUAL BAND OF MISSION INDIANS IN CALIFORNIA

Legal Authority: 25 USC 2; 25 USC 9

CFR Citation: 25 CFR 76

Abstract: This rule governed the enrollment of persons in the San Pasqual Band of Mission Indians in California as of January 1, 1959. The rule also provides procedures for maintaining a current membership roll. As a result of review, it has been determined that there is a continued need for this rule. However, the regulations do need to be revised not only to make general revisions of an administrative nature including the elimination of sex-based and gender specific terminology, but also to provide procedures for the preparation of a current roll to serve as the basis for the distribution of judgment funds. This

DOI—BIA

Completed Actions

Part has been redesignated from 25 CFR Part 48.

Timetable:

Action	Date	FR Cite
Begin Review	04/01/84	
End Review	10/30/84	

Small Entity: Undetermined

Agency Contact: Kathleen L. Slover, Department of the Interior, Bureau of Indian Affairs, 1951 Constitution Avenue, NW, Washington, DC 20245, 202 343-3594

RIN: 1076-AB35

ACTIONS THAT STARTED AND ENDED BETWEEN ISSUES OF THE UNIFIED AGENDA

● PREPARATION OF ROLLS OF INDIANS

Legal Authority: 5 USC 301; 25 USC 2; 25 USC 9; 25 USC 1401 et seq

CFR Citation: 25 CFR 61, (Revision)

Abstract: The regulations contained in 25 CFR part 61 are general regulations that govern the compilation of rolls of Indians by the Secretary of the Interior when required to do so under statutory authority. As a result of review, it has been determined that there is a continued need for this rule. However, as had already been determined, there is need for considerable revision to add certain portions which will govern the preparation of specific rolls under statutory authority, delete other portions that governed the preparation of certain rolls which have subsequently been completed and for which there is no further need or applicability, and make general revisions of an administrative nature including the elimination of sex-based and gender specific terminology. This Part has been redesignated from 25 CFR Part 41.

Timetable:

Action	Date	FR Cite
End Review	07/09/84	

Small Entity: No

Agency Contact: Kathleen L. Slover, Department of the Interior, Bureau of Indian Affairs, 1951 Constitution Avenue, NW, Washington, DC 20245, 202 343-3594

RIN: 1076-AB58

[FR Doc. 85-6368 Filed 04-26-85; 8:45 am]

BILLING CODE 4310-10-T

DEPARTMENT OF THE INTERIOR (DOI)

Minerals Management Service (MMS)

Current and Projected Rulemakings

● SUSPENSION AND DEBARMENT AS ADDITIONAL PENALTY

Priority: Undetermined

Legal Authority: 30 USC 181 et seq

CFR Citation: Not yet determined

Abstract: The Minerals Leasing Act and Federal Oil and Gas Royalty Management Act authorize assessing significant penalties for the failure to pay royalties. These penalties include financial penalties, criminal sanctions, and the authority to revoke leases. Although debarring authority is not explicitly granted, we believe we have that authority. It is needed because the other remedies may not be effective. The process approval is complicated and time consuming. There may be little incentive for a company to comply at the outset. Debarment would provide that incentive. The alternative considered is operating only under the present penalty regulations at 30 CFR 241.

Timetable:

Action	Date	FR Cite
NPRM	03/00/85	

Small Entity: Undetermined

Agency Contact: Orie Kelm, Chief, Royalty Regs. Development and Review, Department of the Interior, Minerals Management Service, Mail Stop 660, 12203 Sunrise Valley Drive, Reston, VA 22091, 703 860-7511

RIN: 1010-AA72

● ADMINISTRATION OF 20 PERCENT SET ASIDE

Priority: Undetermined

Legal Authority: 15 USC 751

CFR Citation: Not yet determined

Abstract: Regulation for 20 percent set aside administration is needed for oversight of section 8(b)(7) of the Outer Continental Shelf Lands Act. The alternative is no oversight. The potential benefits and costs of this action have not been determined.

Timetable:

Action	Date	FR Cite
NPRM	09/00/85	

Small Entity: Undetermined

Agency Contact: Orie Kelm, Chief, Royalty Regs. Development and Review, Department of the Interior, Minerals Management Service, Mail Stop 660, 12203 Sunrise Valley Drive, Reston, VA 22091, 703 860-7511 .

RIN: 1010-AA73

● DEVELOPMENT AND PRODUCTION OPERATIONS FOR NONENERGY MINERALS ON THE OUTER CONTINENTAL SHELF

Priority: Undetermined

Legal Authority: 43 USC 1334

CFR Citation: Not yet determined

Abstract: Proposes the desirability of new regulations to govern Production and Development Operations on the Outer Continental Shelf (OCS) for minerals other than oil, gas, and sulphur under the authority of the OCS Lands Act; and requests comments and recommendations from interested parties. Alternative is to specify requirements in a lease document. Promulgation of regulation is not expected to result in costs significantly more than those incurred through the unregulated use of good commercial practices. The regulation will require that hard mineral operations are conducted in a manner that will ensure

safety and protection of the environment.

Timetable:

Action	Date	FR Cite
ANPRM	09/00/85	

Small Entity: Undetermined

Agency Contact: David A. Schuenke, Chief, Branch of Rules, Orders, and Stds, Department of the Interior, Minerals Management Service, Mail Stop 646, 12203 Sunrise Valley Drive, Reston, VA 22091, 703 860-7916

RIN: 1010-AA81

● SUSPENSION OF OPERATIONS FOR LEASES IN WATER DEPTHS OF 400 TO 900 METERS

Legal Authority: 43 USC 1334

CFR Citation: 30 CFR 250.12

Abstract: Amends the regulations to require the granting of an automatic suspension of operations to permit time to carry out the activities described in an approved development and production plan for leases in the Alaska, Atlantic, and Pacific OCS Regions in water depths of 400 to 900 meters (the amendment has already been made for the Gulf of Mexico OCS Region). It is expected to cut costs and increase Federal revenues by eliminating some of the uncertainties of operating in deeper water. Alternatives considered include maintaining the current policy of discretionary suspensions and granting longer primary terms in deeper water.

Timetable:

Action	Date	FR Cite
Interim Final Rule	03/00/85	

Small Entity: No

Agency Contact: John Mirabella, General Engineer, Department of the Interior, Minerals Management Service, Mail Stop 646, 12203 Sunrise Valley Drive, Reston, VA 22091, 703 860-7916

RIN: 1010-AA69

ROYALTY REGULATIONS FOR COAL AND OTHER SOLID MINERALS

Priority: Undetermined

Legal Authority: 30 USC 192 et seq; 25 USC 2102

CFR Citation: 30 CFR 201 to 249

Abstract: The proposed regulation will revise old and develop new sections to cover Royalty Management's increased responsibilities required by Federal Law. This would clarify existing regulations.

Timetable:

Action	Date	FR Cite
NPRM	09/00/85	

Small Entity: Undetermined

Agency Contact: William H. Feldmiller, Chief, Royalty Valuation and Standards, Department of the Interior, Minerals Management Service, Denver Federal Center, MS 653, Bldg 85, Lakewood, CO 80225, 303 231-3184

RIN: 1010-AA58

● MISCELLANEOUS AMENDMENTS TO ROYALTY MANAGEMENT REGULATIONS

Priority: Undetermined

Legal Authority: 30 USC 181 et seq; 30 USC 1701 et seq

CFR Citation: 30 CFR 202; 30 CFR 212, 30 CFR 218

Abstract: The proposed amendments would ensure consistency with other Royalty Management regulations and would conform to present practices. The amendments include the following: (1) Extend the 6-year record retention to cover solid minerals; (2) Eliminate references in regulations to provide a monthly statement of account to lessee; and (3) Provide for a change from Treasury rate to IRS interest rate applicable to assessments under solid minerals and geothermal. The potential costs and benefits of this action have not been determined. The alternative is to continue the present system of inconsistency within Royalty Management regulations.

Timetable:

Action	Date	FR Cite
NPRM	09/00/85	

Small Entity: Undetermined

Agency Contact: Orie Kelm, Chief, Royalty Regs. Development and Review, Department of the Interior, Minerals Management Service, Mail Stop 660, 12203 Sunrise Valley Drive, Reston, VA 22091, 703 860-7511

RIN: 1010-AA80

VALUATION OF OIL FOR ROYALTY PURPOSES FROM FEDERAL AND INDIAN LEASES

Priority: Undetermined

Legal Authority: 30 USC 1701 et seq

CFR Citation: 30 CFR 206; 25 CFR 211, 25 CFR 212

Abstract: Consistent oil valuation for royalty computation purposes from Federal and Indian leases will be prepared in response to a Linowes Commission recommendation that the Minerals Management Service issue detailed, definitive product valuation guidelines.

Timetable:

Action	Date	FR Cite
Notice of Proposed Guidelines	11/29/82	47 FR 53822
Notice of Proposed Guidelines	12/21/82	47 FR 56871
NPRM	09/00/85	

Small Entity: Undetermined

Additional Information: Originally scheduled: April 1983.

Agency Contact: William H. Feldmiller, Chief, Royalty Valuation and Standards, Department of the Interior, Minerals Management Service, Royalty Standards and Measurements Division, Denver Federal Center, MS 653, Bldg 85, Lakewood, CO 80225, 303 231-3184

RIN: 1010-AA30

VALUATION OF GAS AND GAS PRODUCTS FOR ROYALTY PURPOSES FROM INDIAN LEASES

Priority: Undetermined

Legal Authority: 30 USC 1701 et seq

CFR Citation: 30 CFR 206

Abstract: This guideline will provide consistent valuation procedures for Royalty computations for gas and gas products from Indian leases. This guideline is being prepared in response to a Linowes Commission recommendation for detailed, definitive product valuation guidelines which contain clear terms and procedures.

Timetable:

Action	Date	FR Cite
NPRM	09/00/85	

Small Entity: Undetermined

Additional Information: Originally scheduled: October 1983.

Agency Contact: William H. Feldmiller, Chief, Royalty Valuation and Standards, Department of the Interior, Minerals Management Service, Denver Federal Center, MS 653, Bldg. 85, Lakewood, CO 80225, **303 231-3184**

RIN: 1010-AA40

COMPUTATION OF OIL AND GAS TRANSPORTATION ALLOWANCE

Priority: Undetermined

Legal Authority: 30 USC 1701 et seq

CFR Citation: 30 CFR 206

Abstract: These regulations will establish consistent procedures for the determination of the oil and gas transportation deduction for the purpose of royalty computations. The regulations are in response to a Linowes Commission finding that current procedures are inconsistent throughout the royalty program.

Timetable:

Action	Date	FR Cite
NPRM	09/00/85	

Small Entity: Undetermined

Additional Information: Originally scheduled: October 1983.

Agency Contact: William H. Feldmiller, Chief, Royalty Valuation and Standards, Department of the Interior, Minerals Management Service, Royalty Standards & Measurements Div., Denver Federal Center, MS 653, Bldg 85, Lakewood, CO 80225, **303 231-3184**

RIN: 1010-AA45

COMPUTATION OF GAS PROCESSING DEDUCTIONS

Priority: Undetermined

Legal Authority: 30 USC 1701 et seq

CFR Citation: 30 CFR 206

Abstract: These regulations will provide consistent procedures for the determination of the gas processing deduction for the purpose of royalty computations. The regulations are in response to a Linowes Commission finding that current procedures are inconsistent throughout the royalty program.

Timetable:

Action	Date	FR Cite
NPRM	03/00/85	
NPRM Comment Period Begin	03/00/85	
NPRM Comment Period End	04/00/85	

Small Entity: Undetermined

Additional Information: Originally scheduled: October 1983.

Agency Contact: William H. Feldmiller, Chief, Royalty Valuation and Standards, Department of the Interior, Minerals Management Service, Royalty Standards & Measurements Div., Denver Federal Center, MS 653, Bldg 85, Lakewood, CO 80225, **303 231-3184**

RIN: 1010-AA46

VALUATION OF GAS AND GAS PRODUCTS FOR ROYALTY PURPOSES, FROM FEDERAL LEASES

Priority: Undetermined

Legal Authority: 30 USC 1701 et seq

CFR Citation: 30 CFR 206

Abstract: Consistent gas and gas products valuation regulations for Royalty computation purposes, from Federal leases will be prepared. These regulations are in response to a Linowes Commission recommendation that Minerals Management Service issue detailed, definitive product valuation regulations. These regulations will provide clear terms and procedures and will help clarify areas which are ambiguous. This was previously part of RIN 1010-AA30.

Timetable:

Action	Date	FR Cite
Notice of Proposed Guidelines	11/29/82	47 FR 53822
Notice of Proposed Guidelines	12/21/82	47 FR 56871
NPRM	09/00/85	

Small Entity: Undetermined

Agency Contact: William H. Feldmiller, Chief, Royalty Valuation and Standards, Department of the Interior, Minerals Management Service, Denver Federal Center, MS 653, Bldg 85, Lakewood, CO 80225, **303 231-3184**

RIN: 1010-AA54

● MEDIAN VALUE CALCULATION FOR DETERMINING OFFSHORE NATURAL GAS ROYALTIES

Priority: Undetermined

Legal Authority: 30 USC 1701 et seq

CFR Citation: 30 CFR 206

Abstract: Median value calculation for determining offshore natural gas royalties is being considered. Present method allows inconsistencies resulting from unclear procedures. The potential benefits and costs of the action have not been determined. The alternative is to leave existing rules unchanged.

Timetable:

Action	Date	FR Cite
NPRM	09/00/85	

Small Entity: Undetermined

Agency Contact: Orie Kelm, Chief, Royalty Regs. Development and Review, Department of the Interior, Minerals Management Service, Mail Stop 660, 12203 Sunrise Valley Drive, Reston, VA 22091, **703 860-7511**

RIN: 1010-AA79

SUBMITTAL OF SALES CONTRACTS, DIVISION ORDERS AND SIMILAR DOCUMENTS

Priority: Undetermined

Legal Authority: 30 USC 1701 et seq

CFR Citation: 30 CFR 207; 30 CFR 210

Abstract: Delete Part 207 and revise and consolidate into Part 210. This action will consolidate requirements for submittal of Sales contracts, Division Orders, and similar documents. There is no change in costs and benefits from this streamlining action.

Timetable:

Action	Date	FR Cite
NPRM	03/00/85	

Small Entity: Undetermined

Agency Contact: Orie Kelm, Chief, Royalty Regs. Development and Review, Department of the Interior, Minerals Management Service, Mail Stop 660, Reston, VA 22091, **703 860-7511**

RIN: 1010-AA60

ROYALTY-IN-KIND CRUDE OIL

Legal Authority: 30 USC 181 et seq; 43 USC 1331 et seq; 30 USC 1701 et seq

CFR Citation: 30 CFR 208; 30 CFR 209

Abstract: The royalty-in-kind provisions of these rules, some of which were transferred from the Department of Energy, will be revised in order to simplify and streamline the Federal Government's process for selling its royalty crude. The contents of existing 30 CFR 208 and 30 CFR 209 will be combined at new 30 CFR 208. 30 CFR 209 will be removed.

Timetable:

Action	Date	FR Cite
NPRM	09/00/85	

Small Entity: No

Additional Information: Originally scheduled: April 1983.

Agency Contact: **Orie Kelm**, Chief, Royalty Regs. Development and Review, Department of the Interior, Minerals Management Service, Mail Stop 660, Reston, VA 22091, **703 860-7511**

RIN: 1010-AA31

INFORMATION COLLECTION - SOLID MINERALS

Priority: Undetermined

Legal Authority: 30 USC 189; 30 USC 359; 25 USC 296d

CFR Citation: 30 CFR 210; 30 CFR 218

Abstract: The Department of the Interior intends to promulgate an interim rule requiring coal and other solid mineral operators/lessees to provide information to start-up and operate the Auditing and Financial System (AFS) for solid minerals produced on Federal and Indian lands. The data collected will be used to document payments, maintain royalty accounts, and for audits.

Timetable:

Action	Date	FR Cite
NPRM	03/00/85	
NPRM Comment Period Begin	04/00/85	
NPRM Comment Period End	05/00/85	
Final Action	06/00/85	

Small Entity: Undetermined

Agency Contact: **Orie Kelm**, Chief, Royalty Regs. Development and Review, Department of the Interior, Minerals Management Service, Mail Stop 660, Reston, VA 22091, **703 860-7511**

RIN: 1010-AA62

IMPLEMENTATION AND OPERATION OF THE PRODUCTION ACCOUNTING AND AUDITING SYSTEM (PAAS)

Priority: Undetermined

Legal Authority: 30 USC 1701 et seq; 30 USC 181 et seq

CFR Citation: 30 CFR 216

Abstract: The proposed regulations set out the specific reports required from operators of Federal and Indian Leases for the implementation and operation of the Production Accounting and Auditing System. This will ensure tighter controls on Federal lands and thus result in additional revenues for the Government.

Timetable:

Action	Date	FR Cite
NPRM	03/01/85	
NPRM Comment Period Begin	03/01/85	
NPRM Comment Period End	03/31/85	

Small Entity: Undetermined

Agency Contact: **Orie Kelm**, Chief, Royalty Regs. Development and Review, Department of the Interior, Minerals Management Service, Mail Stop 660, Reston, VA 22091, **703 860-7511**

RIN: 1010-AA55

● ROYALTY PAYMENTS ON TAKE OR PAY CONTRACTS

Priority: Undetermined

Legal Authority: 30 USC 1701 et seq

CFR Citation: 30 CFR 218

Abstract: This action will reaffirm the Department's authority that royalties are due on proceeds under provisions of natural gas contracts on Federal and Indian lands. The potential costs and benefits of this action have not been determined. The alternative is not to promulgate this rule which would leave industry unclear as to what their obligations are under take or pay contracts.

Timetable:

Action	Date	FR Cite
NPRM	06/00/85	

Small Entity: Undetermined

Agency Contact: **William H. Feldmiller**, Chief, Royalty Valuation and Standards, Department of the Interior, Minerals Management Service, Denver Federal Center, Mail Stop 653, Bldg. 85, Lakewood, CO 80225, **303 231-3184**

RIN: 1010-AA75

● DESIGNATION OF A SINGLE PAYOR FOR EACH FEDERAL AND INDIAN LEASE

Priority: Undetermined

Legal Authority: 30 USC 181 et seq

CFR Citation: 30 CFR 218

Abstract: The Department of the Interior is considering the establishment of a single payor requirement for each Federal and Indian lease. This was a specific recommendation by the Secretary's Advisory Committee on Minerals Accountability. The potential costs and benefits of this action have not been determined.

Timetable:

Action	Date	FR Cite
ANPRM	12/06/84	49 FR 47624
ANPRM Comment Period Begin	12/06/84	
ANPRM Comment Period End	01/07/85	
NPRM	09/00/85	

Small Entity: Undetermined

Agency Contact: **Orie Kelm**, Chief, Royalty Regs. Development and Review, Department of the Interior, Minerals Management Service, Mail Stop 660, 12203 Sunrise Valley Drive, Reston, VA 22091, **703 860-7511**

RIN: 1010-AA76

AUDIT STANDARDS FOR COOPERATIVE AGREEMENTS

Priority: Undetermined

Legal Authority: 30 USC 1701 et seq

CFR Citation: 30 CFR 228

Abstract: This regulation will establish minimal acceptable standards necessary for a state or Indian Tribe to enter into a cooperative agreement with the Minerals Management Service; and

the information necessary to carry out the activities authorized under the terms of the cooperative agreement.

Timetable:

Action	Date	FR Cite
NPRM	07/00/85	

Small Entity: Undetermined

Agency Contact: Milton K. Dial, Chief, Royalty Compliance Division, Department of the Interior, Minerals Management Service, Denver, Federal Center, Building 85, Lakewood, CO 80225, 303 231-3011

RIN: 1010–AA56

● PENALTY CEILING

Priority: Undetermined

Legal Authority: 30 USC 181 et seq

CFR Citation: 30 CFR 241

Abstract: The amendment will eliminate penalty ceiling in 30 CFR 241.20 and will make it consistent with 30 CFR 241.51. There is no cost or benefit from this action. The alternative considered is to leave the inconsistency in the regulations.

Timetable:

Action	Date	FR Cite
NPRM	09/00/85	

Small Entity: Undetermined

Agency Contact: Orie Kelm, Chief, Royalty Regs. Development and Review, Department of the Interior, Minerals Management Service, Mail Stop 660, 12203 Sunrise Valley Drive, Reston, VA 22091, 703 860-7511

RIN: 1010–AA74

AIR QUALITY

Legal Authority: 43 USC 1334

CFR Citation: 30 CFR 250.57

Abstract: This rule will be amended to establish an exemption from air quality review for Outer Continental Shelf exploration activities located more than 20 miles from shore and more than 50 miles from shore for development and production activities. Alternatives considered include having no exemption and varied mileage criteria for different activities. Exemptions would cut-down significantly the amount of paperwork required to conduct operations.

Timetable:

Action	Date	FR Cite
NPRM	06/10/83	48 FR 26837
NPRM Comment Period Begin	06/10/83	
NPRM Comment Period End	08/10/83	

Next Action Undetermined

Small Entity: No

Agency Contact: David A. Schuenke, Chief, Branch of Rules, Orders, and Stds, Department of the Interior, Minerals Management Service, Mail Stop 646, Reston, VA 22091, 703 860-7916

RIN: 1010–AA33

OIL AND GAS AND SULPHUR OPERATIONS ON THE OUTER CONTINENTAL SHELF (OCS)

Priority: Undetermined

Legal Authority: 43 USC 1334

CFR Citation: 30 CFR 250, (Revision)

Abstract: The rules at 30 CFR 250 will be revised by consolidating regulations, OCS Orders, Notices to Lessees, and related offshore operating requirements into a unified body of regulations; eliminating burdensome and counterproductive requirements; adding performance standards; and simplifying and streamlining these rules to the maximum extent practicable. Other alternatives considered were not revising the regulations and revising only those regulations identified by industry.

Timetable:

Action	Date	FR Cite
NPRM	03/00/85	
NPRM Comment Period Begin	03/00/85	
NPRM Comment Period End	06/00/85	
Final Action	09/00/85	

Small Entity: Undetermined

Additional Information: Merged in whole or in part into one rulemaking: 1010-AA11, 30 CFR 250.70 and .80, Penalties; 1010-AA13, 30 CFR 250.3, Disclosure of Information; 1010-AA25, OCS Order No. 2, para. 8, Safety Requirements for Drilling Operations in a H2S Environment; 1010-AA26, OCS Order No. 6, Well Completion of Oil & Gas Wells; 1010-AA28, OCS Order No. 11, Oil & Gas Production Rates, Prevention Waste, & Protection of Correlative Rights; 1010-AA32, 30 CFR 250.45, Reports of Accidents & Malfunctions; 1010-AA34, 30 CFR 250.75, Self-Inspection; 1010-AA47, 30 CFR 250.80-2, Remedies & Penalties; 1010-AA48, 30 CFR 250, Environmental Reports; 1010-AA49, 30 CFR 250, Protection of Cultural Resources; 1010-AA50, 30 CFR 250.35, Effects of Drilling & Reworking on Lease Term; 1010-AA51, OCS Order No. 5, Production Safety Systems; 1010-AA52; OCS Order No. 9, Pipelines.

Agency Contact: David A. Schuenke, Chief, Branch of Rules, Department of the Interior, Minerals Management Service, Mail Stop 646, Reston, VA 22091, 703 860-7916

RIN: 1010–AA53

NONDISCRIMINATION IN OUTER CONTINENTAL SHELF CONTRACTING

Legal Authority: 43 USC 1863

CFR Citation: 30 CFR 250

Abstract: The proposed rule would prohibit unlawful discrimination in contracting activities conducted in support of oil and gas exploration, development, and production on the Outer Continental Shelf (OCS). The rules would also provide a process whereby persons who believed they had been denied a contract because of unlawful discrimination would have a forum. Violators would be subject to the same penalties that are available for other OCS rule violations. These proposed rules would implement the purposes of section 604 of the OCS Lands Act Amendments of 1978. Alternatives considered span from the issuance of a policy statement and no rules to a proposal of extensive affirmative action rules similar to those rescinded in the past. Very few complaints are expected to arise as there has been no evidence of discrimination to date. Therefore, the costs are expected to be minimal.

Timetable:

Action	Date	FR Cite
NPRM	10/19/84	49 FR 41077
NPRM Comment Period Begin	10/19/84	
NPRM Comment Period End	11/19/84	
Final Action	03/30/85	

Small Entity: No

Agency Contact: David A. Schuenke, Chief, Branch of Rules, Department of the Interior, Minerals Management Service, Mail Stop 646, Reston, VA 22091, **703 860-7916**

RIN: 1010-AA63

● REMOVAL OF POSTPRODUCTION PLATFORMS

Priority: Undetermined

Legal Authority: 43 USC 1334

CFR Citation: 30 CFR 250

Abstract: Information is being solicited concerning requirements governing removal of postproduction platforms. Changes could provide more latitude for disposition of platforms following the completion of OCS oil and gas operations. Benefits could include increased development of marine life, improvements in private and commercial fishing, and reduced costs to industry. Alternative is to leave existing rules unchanged.

Timetable:

Action	Date	FR Cite
ANPRM	11/13/84	49 FR 44924
ANPRM Comment Period Begin	11/13/84	
ANPRM Comment Period End	01/13/85	

Next Action Undetermined

Small Entity: Undetermined

Agency Contact: Mary McDonald, Program Analyst, Department of the Interior, Minerals Management Service, Mail Stop 646, 12203 Sunrise Valley Drive, Reston, VA 22091, **703 860-7916**

RIN: 1010-AA66

SUSPENSION OF OPERATIONS AND LEASE CANCELLATION

Legal Authority: 43 USC 1334

CFR Citation: 30 CFR 250.12

Abstract: Amends the regulations to require the granting of an automatic suspension of operations to permit time to carry out the activities described in an approved development and production plan for a Gulf of Mexico lease in water depths of 400 to 900 meters. Alternatives considered include maintaining the current policy of discretionary suspensions and granting longer primary terms in deeper water. The amendment is expected to cut costs and increase Federal revenues by eliminating some of the uncertainties of operating in deeper water.

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/24/84	49 FR 17449
Final Action	08/00/85	

Small Entity: No

Agency Contact: Jane A. Roberts, Legislative and Regulatory Specialist, Department of the Interior, Minerals Management Service, Mail Stop 646, Reston, VA 22091, **703 860-7916**

RIN: 1010-AA64

AIR QUALITY

Priority: Undetermined

Legal Authority: 43 USC 1334

CFR Citation: 30 CFR 250.57

Abstract: Amendments to the DOI Air Quality regulation for oil and gas operations will be proposed for Outer Continental Shelf areas adjacent to California. The changes would provide additional safeguards for those pollutants which could be critical to air quality in the region. A determination of potential costs and benefits cannot be made until responses to the Advance Notice of Proposed Rulemaking are analyzed.

Timetable:

Action	Date	FR Cite
ANPRM	01/07/85	49 FR 838
ANPRM Comment Period Begin	01/07/85	
ANPRM Comment Period End	03/08/85	
NPRM	09/00/85	

Small Entity: Undetermined

Agency Contact: John Mirabella, General Engineer, Department of the Interior, Minerals Management Service, Mail Stop 646, Reston, VA 22091, **703 860-7916**

RIN: 1010-AA61

● EXPLORATION FOR NONENERGY MINERALS ON THE OUTER CONTINENTAL SHELF

Priority: Undetermined

Legal Authority: 43 USC 1334

CFR Citation: 30 CFR 251 or new part to be determined

Abstract: Proposes the desirability of new regulations to govern exploration on the Outer Continental Shelf (OCS) for minerals other than oil, gas, and sulphur under the authority of the OCS Lands Act; and requests comments and recommendations from interested parties. Alternative is to specify requirements in a permitting document rather than in regulations. Promulgation of regulations is not expected to result in costs significantly more than those incurred through the unregulated use of good commercial practices. The rules will require that hard mineral operations will be conducted in a manner which will ensure safety and protection of the environment.

Timetable:

Action	Date	FR Cite
ANPRM	12/07/84	49 FR 47871
ANPRM Comment Period Begin	12/07/84	
ANPRM Comment Period End	04/08/85	
NPRM	01/20/86	

Small Entity: Undetermined

Agency Contact: David A. Schuenke, Chief, Branch of Rules, Orders, and Stds, Department of the Interior, Minerals Management Service, Mail Stop 646, 12203 Sunrise Valley Drive, Reston, VA 22091, **703 860-7916**

RIN: 1010-AA71

● SHARING OF PROPRIETARY INFORMATION WITH STATES

Priority: Undetermined

Legal Authority: 43 USC 1334

CFR Citation: 30 CFR 252.7; 30 CFR 251.14; 30 CFR 250.4

Abstract: Elaborates more fully MMS policy with regard to sharing proprietary information with states which is required by sections 8(g) and 26(d) of the OCS Lands Act. The elaboration of the MMS policy will have no economic effect. The alternative is to not promulgate this amendment.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: Undetermined

Agency Contact: David A. Schuenke, Chief, Branch of Rules, Orders, and Stds, Department of the Interior, Minerals Management Service, Mail Stop 646, 12203 Sunrise Valley Drive, Reston, VA 22091, 703 860-7916

RIN: 1010-AA67

● ISSUANCE OF LEASES FOR NONENERGY MINERALS ON THE OUTER CONTINENTAL SHELF

Priority: Undetermined

Legal Authority: 43 USC 1334

CFR Citation: 30 CFR 256 or new part to be determined

Abstract: Proposes the desirability of new regulations to govern lease issuance on the Outer Continental Shelf (OCS) for minerals other than oil, gas, and sulphur under the authority of the OCS Lands Act; and requests comments and recommendations from interested parties. Alternative is to not have leasing requirements in regulations. Promulgation of regulation for leasing of hard mineral resources is not expected to add to the cost to industry. Regulations will ensure uniform leasing policy for all interested parties.

Timetable:

Action	Date	FR Cite
ANPRM	05/00/85	

Small Entity: Undetermined

Agency Contact: David A. Schuenke, Chief, Branch of Rules, Orders, and Stds, Department of the Interior, Minerals Management Service, Mail Stop 646, 12203 Sunrise Valley Drive, Reston, VA 22091, 703 860-7916

RIN: 1010-AA82

● APPEALS PROCEDURES

Priority: Undetermined

Legal Authority: 25 USC 396; 25 USC 396a; 30 USC 181 to 287; 30 USC 351 to 359; 30 USC 1001 to 1025; 30 USC 1701 to 1757; 43 USC 1331 to 1356

CFR Citation: 30 CFR 290

Abstract: Revisions to 30 CFR 290 are needed to assure that the administrative appeals procedures are compatible with the newly adopted civil penalty regulations of 30 CFR 241, are in accord with current organizational configurations, and contain new provisions concerning filing dates and the submission of confidential information. Persons exercising administrative appeals rights would be required to identify information that they claim is exempt from public disclosure and to provide second copies of appeals documents. The procedural revisions should increase efficiencies in processing appeals and reduce risks of inadvertent disclosure of private information. The maximum estimated total cost of the proposed revisions is not expected to exceed $5,000 per year for all affected persons.

Timetable:

Action	Date	FR Cite
NPRM	05/00/85	

Small Entity: Undetermined

Agency Contact: C. Eric Hager, Staff Assistant (Appeals), Department of the Interior, Minerals Management Service, Mail Stop 623, 12203 Sunrise Valley Drive, Reston, VA 22091, 703 860-7251

RIN: 1010-AA68

DEPARTMENT OF THE INTERIOR (DOI)

Minerals Management Service (MMS)

Existing Regulations Under Review

● ACCOUNTING ADJUSTMENT DATE LIMITATION

Priority: Undetermined

Legal Authority: 30 USC 1701 et seq

CFR Citation: 30 CFR 218

Abstract: Limiting of accounting adjustments to 120 days after month of production by lessee is being considered. At present, accounting adjustments are made years later for very small amounts. There is a need to reduce the accounting entries to the account, which will generate a cost benefit. The potential costs and benefits of this action have not been rectified. The alternatives of longer and shorter times have been considered, as well as maintaining the present system.

Timetable:

Action	Date	FR Cite
Begin Review	11/01/84	
End Review	06/00/85	

Small Entity: Undetermined

Agency Contact: Orie Kelm, Chief, Royalty Regs. Development and Review, Department of the Interior, Minerals Management Service, Mail Stop 660, 12203 Sunrise Valley Drive, Reston, VA 22091, 703 860-7511

RIN: 1010-AA77

● DIRECT PAYMENT OF ROYALTIES TO INDIAN TRIBES OR ALLOTTEES

Priority: Undetermined

Legal Authority: 25 USC 396; 25 USC 476; 25 USC 477; 25 USC 509

CFR Citation: 30 CFR 218; 25 CFR 211; 25 CFR 212

Abstract: The Minerals Management Service is considering direct payment of minerals royalties to Tribes or allottees. Annually, about $175 million is distributed to approximately 20,000 individual allottees and Tribes. The payments are sent by the payor to MMS and from MMS to the Bureau of Indian Affairs for distribution. The present system increases the risk of making late or wrong payment and is extremely expensive and inefficient to administer. Also, accountability is difficult to establish under the present system.

Timetable:

Action	Date	FR Cite
Begin Review	11/01/84	
End Review	06/00/85	

Small Entity: Undetermined

Agency Contact: Orie Kelm, Chief, Royalty Regs. Development and Review, Department of the Interior, Minerals Management Service, (Mail Stop 66), Reston, VA 22091, 703 860-7511

RIN: 1010-AA78

DEPARTMENT OF THE INTERIOR (DOI)
Minerals Management Service (MMS)

Completed Actions

COMPLETED RULEMAKINGS

ROYALTY MANAGEMENT REGULATIONS FOR INDIAN LANDS

Priority: Undetermined

Legal Authority: 25 USC 2101 et seq; 30 USC 1701 et seq; Secretarial Order No. 3087, as amended

CFR Citation: 30 CFR 201 to 203; 30 CFR 206; 30 CFR 210; 30 CFR 212; 30 CFR 217 to 219; 30 CFR 228; 30 CFR 241; 30 CFR 243; 25 CFR 211; 25 CFR 212

Abstract: Royalty Management regulations affecting Indian lands will be revised following the implementation by the Bureau of Indian Affairs (BIA) of new 25 CFR 211 and 225 rules currently proposed. The royalty management regulations will be revised or modified to reflect the changes required by the Federal Oil and Gas Royalty Management Act of 1982 and Secretarial Order No. 3087 (Organizational Structuring of the Department of the Interior Minerals Management Functions).

Timetable:

Action	Date	FR Cite
NPRM	02/00/85	
Withdrawn	02/00/85	

Small Entity: Undetermined

Additional Information: Originally scheduled: October 1983.

Agency Contact: Orie L. Kelm, Deputy Associate Director (Policy), Department of the Interior, Minerals Management Service, Mail Stop 660, Reston, VA 22091, **703 860-7511**

RIN: 1010-AA39

ROYALTY MANAGEMENT REGULATIONS FOR FEDERAL LANDS

Priority: Undetermined

Legal Authority: 30 USC 1701 et seq; Secretarial Order No. 3071; Secretarial Order No. 3087, as amended

CFR Citation: 30 CFR 201 to 203; 30 CFR 206; 30 CFR 210; 30 CFR 212; 30 CFR 217 to 219; 30 CFR 228 to 229; 30 CFR 241; 30 CFR 243

Abstract: All royalty management regulations affecting Federal lands will be redesignated from Title 43 and will be revised or modified to reflect the changes required by the Federal Oil and Gas Royalty Management Act of 1982 and Secretarial Order Nos. 3071 and 3087 (Organizational Structuring of the Department of the Interior Minerals Management Functions).

Timetable:

Action	Date	FR Cite
NPRM	10/00/84	
Withdrawn	02/00/85	

Small Entity: Undetermined

Additional Information: Originally scheduled: October 1983.

Agency Contact: Orie L. Kelm, Deputy Associate Director (Policy), Department of the Interior, Minerals Management Service, Mail Stop 660, Reston, VA 22091, **703 860-7511**

RIN: 1010-AA43

VALUATION GUIDELINES FOR COMPUTATION OF ROYALTIES FROM COAL

Priority: Undetermined

Legal Authority: 30 USC 192 et seq; Secretarial Order No. 3087; Secretarial Order No 3071

CFR Citation: 30 CFR 206

Abstract: This guideline will provide consistent valuation procedures for coal for the purpose of royalty computations. The guideline is being prepared in response to a Linowes Commission recommendation for detailed, definitive product valuation guidelines which contain clear terms and procedures.

Timetable:

Action	Date	FR Cite
Notice of Proposed Guidelines	02/00/85	
Withdrawn	02/00/85	

Small Entity: Undetermined

Additional Information: Originally scheduled: October 1983.

Agency Contact: William H. Feldmiller, Chief, Royalty Valuation and Standards, Department of the Interior, Minerals Management Service, Denver Federal Center, Bldg. 85, Lakewood, CO 80225, **303 231-3184**

RIN: 1010-AA42

REGULATIONS FOR THE VALUATION OF OIL, GAS, AND GAS PRODUCTS FOR ROYALTY PURPOSES FROM FEDERAL AND INDIAN LEASES

Priority: Undetermined

Legal Authority: 30 USC 1701 et seq; 25 USC 2102

CFR Citation: 30 CFR 206; 25 CFR 211; 25 CFR 212

Abstract: Existing rules will be revised to consolidate, and streamline the oil, gas and gas products valuation regulations for Federal Onshore, Offshore, and Indian leases, now in 30 CFR, Part 206, and 25 CFR, Parts 211 and 212. These revisions are being made in response to a Linowes Commission recommendation to establish a consistent product valuation policy which is less burdensome to the public, and will result in additional revenues for the Government.

Timetable:

Action	Date	FR Cite
NPRM	02/00/85	
Withdrawn	02/00/85	

Small Entity: Undetermined

Agency Contact: William H. Feldmiller, Chief, Royalty Valuation and Standards, Department of the Interior, Minerals Management Service, Denver Federal Center, Building 85, Lakewood, CO 80225, **303 231-3184**

RIN: 1010-AA59

IMPLEMENTATION OF THE FEDERAL OIL AND GAS ROYALTY MANAGEMENT ACT OF 1982

Legal Authority: 30 USC 1701 et seq

CFR Citation: 30 CFR 210; 30 CFR 212; 30 CFR 217 to 219; 30 CFR 228 to 229; 30 CFR 241; 30 CFR 243

Abstract: These parts have been revised to implement the new requirements of royalty management functions authorized by the Act and to deal primarily with the collection, accounting and distribution of royalty and rental payments from Federal and Indian lands.

Timetable:

Action	Date	FR Cite
NPRM	09/20/83	48 FR 42902
Final Action	09/21/84	49 FR 37336
Final Action Effective	10/22/84	

Small Entity: No

Additional Information: Originally scheduled: October 1983.

DOI—MMS

Completed Actions

Agency Contact: Orie Kelm, Chief Royalty Regs. Development and Review, Department of the Interior, Minerals Management Service, Mail Stop 660, Reston, VA 22091, 703 860-7511

RIN: 1010–AA41

AUDIT STANDARDS FOR DELEGATION OF AUTHORITY

Priority: Undetermined

Legal Authority: 30 USC 1735

CFR Citation: 30 CFR 229

Abstract: This regulation establishes minimum acceptable standards for states to receive delegations of authority to carry out activities of the Federal Royalty Management System. It allows states to conduct audits and investigations with respect to all Federal lands within the state (and Indian lands with permission of the affected tribe or allottee).

Timetable:

Action	Date	FR Cite
Interim Final Rule	10/21/84	49 FR 40024
Final Action	01/18/85	50 FR 2663

Small Entity: Undetermined

Agency Contact: Milton K. Dial, Chief, Royalty Compliance Division, Department of the Interior, Minerals Management Service, Denver, Federal Center, Building 85, Lakewood, CO 80225, 303 231-3011

RIN: 1010–AA57

VIABLE CORAL COMMUNITIES

Legal Authority: 43 USC 1334

CFR Citation: 43 CFR 6224

Abstract: The regulations at 43 CFR 6224 concerning protection and management of viable coral communities were rescinded. These regulations are unenforceable due to a decision by the U.S. Court of Appeals for the Fifth Circuit. The rescission of these regulations will have no economic effect.

Timetable:

Action	Date	FR Cite
Final Action	11/29/84	49 FR 46891
Final Action Effective	12/31/84	

Small Entity: No

Agency Contact: John Mirabella, General Engineer, Department of the Interior, Minerals Management Service, Mail Stop 646, Reston, VA 22091, 703 860-7916

RIN: 1010–AA65

[FR Doc. 85-6368 Filed 04-26-85; 8:45 am]

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DEPARTMENT OF THE INTERIOR (DOI)

Current and Projected Rulemakings

Office of Surface Mining Reclamation and Enforcement (OSM)

● PERMANENT REGULATORY PROGRAM
DEFINITION OF ADVERSE PHYSICAL IMPACT

Priority: Agency Determination

Legal Authority: 30 USC 1201 et seq

CFR Citation: 30 CFR 701.5; 30 CFR 816.106(b); 30 CFR 817.106(b)

Abstract: This regulation addresses the result of a joint motion approved by the District Court for the District of Columbia on December 3, 1984. The final regulation will remove the definition of adverse ph physical impact; remove the limitations imposed by 30 CFR 816.106(b) and 817.106(b); and require that all reasonably available spoil in the immediate vicinity of the remining operation be used to backfill the highwall to the maximum extent technically practicable. In view of the joint motion this is the only alternative being considered. There will be little if any potential costs because of the very limited application of this rule. Therefore, benefits which will result will also be very limited. The proposed rule asks for public comment on this very issue.

Timetable:

Action	Date	FR Cite
NPRM	05/15/85	
NPRM Comment Period Begin	05/15/85	
NPRM Comment Period End	07/25/85	
Final Action	11/19/85	

Small Entity: Undetermined

Agency Contact: Raymond E. Aufmuth, Physical Scientist, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Avenue, NW, Washington, DC 20240, 202 343-4022

RIN: 1029–AA52

● PERMANENT REGULATORY PROGRAM
REQUIREMENTS FOR PERMITS FOR SPECIAL CATEGORIES OF MINING

Priority: Agency Determination

Legal Authority: 30 USC 1201 et seq

CFR Citation: 30 CFR 701.5; 30 CFR 785.19(d)

Abstract: This proposed rule would comply with a ruling by the District Court for the District of Columbia which stated that the definition of farming and agricultural activities were not equal as it related to Alluvial Valley Floors as defined in OSM's regulations. The Court ordered that the definition be repromulgated in a manner consistent with Congressional intent. Pursuant to the Court ruling, additional guidance would be provided as to what the "essential hydrologic functions" are of AVF's.

Timetable:

Action	Date	FR Cite
NPRM	06/14/85	
NPRM Comment Period Begin	06/14/85	
NPRM Comment Period End	08/23/85	

Small Entity: Undetermined

Agency Contact: Ranvir Singh, Chief, Hydrologic Support Branch, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Avenue, NW, Washington, DC 20240, 202 343-2156

RIN: 1029–AA54

● SURFACE COAL MINING AND RECLAMATION OPERATIONS PERMANENT REGULATORY PROGRAM - CONTROL

Priority: Agency Determination

Legal Authority: 30 USC 1201 et seq

CFR Citation: 30 CFR 701.5; 30 CFR 773.15; 30 CFR 773.17; 30 CFR 778.13

Abstract: The proposed rule would require the regulatory authority to make findings prior to permit issuance that the applicant and persons or business entities closely connected to the applicant do not have any outstanding unabated violations, delinquent AML reclamation fee accounts, or unpaid final civil penalties.

Timetable:

Action	Date	FR Cite
NPRM	04/00/85	

Small Entity: Undetermined

Agency Contact: George M. Stone, Jr., Chief, Branch of Compliance, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Avenue, NW, Washington, DC 20240, 202 343-4225

RIN: 1029-AA56

● PERMANENT PROGRAM PERFORMANCE STANDARDS SURFACE AND UNDERGROUND ACTIVITIES ROADS

Priority: Agency Determination

Legal Authority: 30 USC 1201 et seq

CFR Citation: 30 CFR 701.5; 30 CFR 816.150; 30 CFR 816.151; 30 CFR 817.150; 30 CFR 817.151

Abstract: The regulation will address the sections that were remanded back to OSM by the action of the Court and modify some provisions that are confusing in the existing file. The changes will provide additional guidance to the surface coal mine operator in fulfilling the performance standards of the Act. Costs will not be increased because the regulations will amplify existing requirements.

Timetable:

Action	Date	FR Cite
NPRM	07/05/85	
NPRM Comment Period Begin	07/05/85	
NPRM Comment Period End	09/13/85	

Small Entity: Undetermined

Agency Contact: Robert Wiles, General Engineer, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Avenue, NW, Washington, DC 20240, 202 343-1506

RIN: 1029-AA60

● PERMANENT REGULATORY PROGRAM DEFINITION OF SUPPORT FACILITIES

Priority: Agency Determination

Legal Authority: 30 USC 1201 et seq

CFR Citation: 30 CFR 701.5

Abstract: The proposed rule will amend the definition of the term support facilities as a result of the District Court for the District of Columbia's opinion of July 6, 1984. The proposed regulation would bring additional support facilities under the Permanent Program Regulations of the Surface Mining Control and Reclamation Act and amend the definition of support facility to connote a functional relationship with a regulated facility. This proposed rule would impose only minor costs to the coal industry since relatively few operations will be affected.

Timetable:

Action	Date	FR Cite
NPRM	05/22/85	
NPRM Comment Period Begin	05/22/85	
NPRM Comment Period End	08/01/85	
Final Action	11/26/85	

Small Entity: Undetermined

Agency Contact: Raymond E. Aufmuth, Physical Scientist, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Avenue, NW, Washington, DC 20240, 202 343-4022

RIN: 1029-AA61

● EXEMPTION FOR COAL EXTRACTION INCIDENTAL TO THE EXTRACTION OF OTHER MINERALS

Legal Authority: 30 USC 1201

CFR Citation: 30 CFR 702

Abstract: The Surface Mining Act exempts mining operations that extract other minerals where coal does not exceed 16 2/3 percent of tonnage of minerals removed for sale. Evidence of abuse of this exemption has been given to Congress by legitimate operators. Coal mine operators are using the exemption to avoid compliance with the Surface Mining Act's environmental protection performance standards. Proposed regulations would require operations claiming exemption to apply for exemption and report on their operations. The costs of compliance for these operations is undetermined. Benefits would be to the public in terms of protection of health, safety, and environment from detrimental effects of mining. Legitimate noncoal operators would be able to compete fairly with those operations now using the exemption to undersell their legitimate competitors.

Timetable:

Action	Date	FR Cite
NPRM	05/30/85	
NPRM Comment Period Begin	05/30/85	
NPRM Comment Period End	07/30/85	
Final Action	10/30/85	
Final Action Effective	11/30/85	

Small Entity: Undetermined

Agency Contact: Jim Fary, Program Management Specialist, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Avenue, NW, Washington, DC 20240, 202 343-7960

RIN: 1029-AA53

RESTRICTION ON FINANCIAL INTERESTS OF STATE EMPLOYEES

Priority: Undetermined

Legal Authority: 30 USC 1201 et seq

CFR Citation: 30 CFR 705.5

Abstract: This rule will address whether the Office of Surface Mining should retain the exemption for members of multiple interest boards in the definition of the term "employee" in 30 CFR 705.5 for purposes of determining restrictions on financial interests of State regulatory authority employees. In the event the exemption is retained, the Office of Surface Mining would propose to define multiple interest boards qualifying for the exemption.

Timetable:

Action	Date	FR Cite
NPRM	09/06/79	44 FR 52098
NPRM Comment Period Begin	05/30/84	49 FR 22498
NPRM Comment Period End	07/31/84	
Second NPRM	05/01/85	
Final Action	08/12/85	

Small Entity: Undetermined

Additional Information: Originally scheduled: October 1983.

Agency Contact: Ann L. Chapman, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Ave, NW, Washington, DC 20240, 202 343-3326

RIN: 1029-AA41

● EXEMPTION FOR COAL EXTRACTION INCIDENTAL TO GOVERNMENT FINANCED CONSTRUCTION

Legal Authority: 30 USC 1202; 30 USC 1211; 30 USC 1278

CFR Citation: 30 CFR 707

Abstract: The current limiting language in 30 CFR Part 707 can have at least three adverse results for the Abandoned Mine Lands (AML) Program. The inability to remove incidental amounts of coal encountered during reclamation activities can result in: 1) the loss of a valuable energy resource, 2) a no-cost subsidy of a future mining operation, and 3) a windfall profit to the mineral owner. In addition, the Federal and State governments are unable to reduce the costs of their AML projects. Participation in the incidental recovery of coal and resulting reduction in reclamation costs would allow the Federal and State AML programs to accomplish more reclamation at a substantial saving. To correct these deficiencies and to allow greater flexibility for the AML Program to remove incidental amounts of coal encountered during AML-financed reclamation activities, the clarification and expansion of the scope of Part 707 is being proposed.

Timetable:

Action	Date	FR Cite
NPRM	04/28/85	
NPRM Comment Period Begin	04/28/85	
NPRM Comment Period End	05/28/85	
Final Action	07/28/85	
Final Action Effective	08/28/85	

Small Entity: Undetermined

Agency Contact: Jim Fary, Program Management Specialist, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Avenue, NW, Washington, DC 20240, 202 343-7960

RIN: 1029-AA58

MAINTENANCE OF STATE PROGRAMS AND PROCEDURES FOR SUBSTITUTING FEDERAL ENFORCEMENT OF STATE PROGRAMS AND WITHDRAWING APPROVAL OF STATE PROGRAMS

Priority: Undetermined

Legal Authority: 30 USC 1201 et seq

CFR Citation: 30 CFR 733

Abstract: This rule will be revised to provide the Director, Office of Surface Mining, with additional options when problems are identified in the administration of approved State programs. The Office will propose a shortened, streamlined process for taking action when a site-specific problem arises in a State.

Timetable:

Action	Date	FR Cite
NPRM	03/29/85	
Final Action	08/08/85	

Small Entity: Undetermined

Additional Information: Originally scheduled: October 1983.

Agency Contact: Mary Tisdale, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Ave, NW, Washington, DC 20240, 202 343-5361

RIN: 1029-AA42

PERMIT APPLICATION FEE SCHEDULE FOR SURFACE COAL MINING AND RECLAMATION OPERATIONS UNDER FEDERAL, FEDERAL LANDS NOT UNDER COOPERATIVE AGREEMENT, AND INDIAN LANDS PROGRAMS

Legal Authority: 30 USC 1257

CFR Citation: 30 CFR 701; 30 CFR 736; 30 CFR 740; 30 CFR 746; 30 CFR 750; 30 CFR 772

Abstract: The proposed rule would govern the collection by OSM of application fees for permits to conduct surface coal mining and reclamation operations, and for permits to conduct coal exploration, as well as fees for processing mining plans and for mid-term review of surface coal mining and reclamation permits. Recipients of these services would be required to reimburse OSM for the actual cost incurred by the Department in providing the service.

Timetable:

Action	Date	FR Cite
NPRM	02/13/85	
Final Action	07/11/85	

Small Entity: No

Agency Contact: Murray Newton, Acting Chief, Branch of Regulatory Programs, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Ave. NW, Washington, DC 20240, 202 343-5361

RIN: 1029-AA48

● SURFACE COAL MINING AND RECLAMATION OPERATIONS; PERMANENT REGULATORY PROGRAM; FEDERAL PROGRAM FOR A STATE; PROCEDURAL REQUIREMENTS

Legal Authority: 30 USC 1251; 30 USC 1253 to 1269; 30 USC 1271; 30 USC 1272; 30 USC 1295

CFR Citation: 30 CFR 736.11

Abstract: OSM will propose revisions to its rules governing standards and procedures for the promulgation, implementation, revision, and termination of a Federal program for a State for coal exploration and surface coal mining operations on non-Federal and non-Indian lands within that State.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: Undetermined

Agency Contact: Murray Newton, Chief, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Avenue, NW, Washington, DC 20240, 202 343-5866

RIN: 1029-AA71

FEDERAL LANDS PROGRAM

Legal Authority: 30 USC 1201 et seq; 30 USC 181 et seq

CFR Citation: 30 CFR 740; 30 CFR 745; 30 CFR 746

Abstract: Various language changes will be proposed in 30 CFR 740, 745, and 746 in response to a ruling by the District Court for the District of Columbia with respect to the definition of "mining plans", the applicability of the Federal lands program, and for technical accuracy and to clarify ambiguous language that has surfaced since publication of the rules in February 1983.

Timetable:

Action	Date	FR Cite
NPRM	05/15/85	

Small Entity: Undetermined

Agency Contact: Murray Newton, Acting Chief, Branch of Regulatory Programs, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Ave., NW, Washington, DC 20240, 202 343-5361

RIN: 1029-AA49

● CRITERIA FOR DESIGNATING AREAS AS UNSUITABLE FOR SURFACE COAL MINING OPERATIONS

Priority: Agency Determination

Legal Authority: 30 USC 1201 et seq

CFR Citation: 30 CFR 762.5

Abstract: The objection to the definitions of the terms "fragile lands" and "historic lands" in 762.5 is their requirement that damage from proposed mining to historic and other values must be irreparable or permanent before lands can be classified as fragile or historic and therefore, eligible for consideration as being unsuitable for mining. The court order requires only a finding of significant damage, in accordance with Section 522(a)(3)(b) of the Act. In as much as the required wording "significant damage" is used in 762.11(b)(2) in the fragile-or-historic-lands criterion for designating lands as unsuitable, rather than using the wording of the two definitions, the proposed rule change would remove the degree-of-damage requirement from the definitions and thereby remove the wording objected to. In addition, the two terms would be combined into the one term "fragile or historic lands" that is used in the Act and also in 762.11(b)(2). The cost and benefits would remain unchanged because a finding of only significant damage and the combined term are already in place in 762.11(b)(2).

Timetable:

Action	Date	FR Cite
NPRM	06/30/85	
NPRM Comment Period Begin	06/30/85	
NPRM Comment Period End	09/06/85	

Small Entity: Undetermined

Agency Contact: Marston Chase, Physical Scientist, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Avenue, NW, Washington, DC 20240, 202 343-5587

RIN: 1029-AA62

● REQUIREMENTS FOR PERMITS AND PERMIT PROCESSING PERMIT APPLICATIONS MINIMUM REQUIREMENTS FOR LEGAL FINANCIAL CIVIL PENALTIES

Priority: Agency Determination

Legal Authority: 30 USC 1201 et seq

CFR Citation: 30 CFR 773, (Revision); 30 CFR 778, (Revision); 30 CFR 845, (Revision)

Abstract: The existing rules pertaining to the requirements for permit and permit processing, Permit applications and civil penalties are to be amended. The proposed revisions expressly establish an affirmative obligation on permittees and permit applicants to pay uncontested penalties and abate uncontested violations. Permittees and applicants for permits must meet these obligations prior to the issuance of a permit and as a condition of continued operation under existing permits.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: Undetermined

Government Levels Affected: State, Federal

Agency Contact: George M. Stone, Jr., Chief, Branch of Compliance, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Avenue, NW, Washington, DC 20240, 202 343-4550

RIN: 1029-AA66

● SURFACE MINING PERMIT APPLICATIONS MINIMUM REQUIREMENTS FOR INFORMATION ON ENVIRONMENTAL RESOURCES

Priority: Agency Determination

Legal Authority: 30 USC 1201 et seq

CFR Citation: 30 CFR 779.20; 30 CFR 780.16; 30 CFR 783.20; 30 CFR 784.21; 30 CFR 816.97(a); 30 CFR 816.97(b); 30 CFR 817.97

Abstract: OSM is amending Fish and Wildlife performance standards at 30 CFR 816.97 to comply with the District Court's decision of October 1, 1984, which pertains to protection of endangered and threatened species and the exclusion of wildlife from toxic ponds. In addition, OSM is amending the Fish and Wildlife permitting requirements at 30 CFR 779.20 and 780.16 to provide greater flexibility and clarity.

Timetable:

Action	Date	FR Cite
NPRM	05/30/85	
NPRM Comment Period Begin	05/30/85	
NPRM Comment Period End	08/10/85	

Small Entity: Undetermined

Agency Contact: Charles Wolf, Supvy. Biological Scientist, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Avenue, NW, Washington, DC 20240, 202 343-1501

RIN: 1029-AA59

PERMIT APPLICATION-MINIMUM REQUIREMENTS FOR INFORMATION ON ENVIRONMENTAL RESOURCES; MINIMUM REQUIREMENTS FOR RECLAMATION AND OPERATION PLAN

Priority: Undetermined

Legal Authority: 30 USC 1257 et seq

CFR Citation: 30 CFR 779.25(l); 30 CFR 780.14(c); 30 CFR 780.25(a),(l)(i); 30 CFR 783.25(l); 30 CFR 784.16(a),(l)(i); 30 CFR 784.23(c)

Abstract: The proposed changes will address a revision to the Act which authorizes a licensed land surveyor to prepare the permit package as a lead official.

Timetable:

Action	Date	FR Cite
NPRM	10/02/84	49 FR 38958
Final Action	00/00/00	

Small Entity: Undetermined

Agency Contact: Stan Zeccolo, Physical Scientist, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Ave., NW, Washington, DC 20240, 202 343-4022

RIN: 1029-AA50

● UNDERGROUND MINING PERMIT APPLICATIONS MINIMUM REQUIREMENTS FOR RECLAMATION AND OPERATION PLAN SUBSIDENCE CONTROL PLAN

Priority: Agency Determination

Legal Authority: 30 USC 1201 et seq

CFR Citation: 30 CFR 784.20

Abstract: In remanding Section 817.21(c)(2) for further comment following the Permanent Surface Mining Regulation Litigation II, the court also found that the 1979 rule requiring the subsidence control plan to include the results of the pre-subsidence survey and description of proposed monitoring measure were deleted in the 1982 proposed and 1983 final rule without adequate notice. Because this regulation related to Section 817.121(c)(2) concerning the protection of surface structures, the court ordered the Secretary to request additional public comments on this deletion in conjunction with the comments of 817.121(c)(2). No other alternative to the repromulgation of this rule is being considered because of the court order. Depending upon the number and types of comments received, this 1983 rule may or may not be changed. Consequently, the action's potential costs and benefits cannot be assessed.

Timetable:

Action	Date	FR Cite
NPRM	04/26/85	
NPRM Comment Period Begin	04/26/85	
NPRM Comment Period End	07/05/85	

Small Entity: Undetermined

Agency Contact: Chuan Y. Chen, Chief, Branch of Regulatory Standards, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Avenue, NW, Washington, DC 20240, 202 343-5950

RIN: 1029-AA63

● PERMANENT PROGRAM PERFORMANCE STANDARDS SURFACE AND UNDERGROUND MINING ACTIVITIES BACKFILLING AND GRADING

Priority: Agency Determination

Legal Authority: 30 USC 1201 et seq

CFR Citation: 30 CFR 816.100; 30 CFR 816.102(g); 30 CFR 816.104(a); 30 CFR 816.105(a); 30 CFR 817.100; 30 CFR 817.102; 30 CFR 817.104; 30 CFR 817.105

Abstract: The regulation will address the sections that were remanded back to OSM by the action of the Court. The regulation will provide additional guidance to the surface coal mine operator in fulfilling the performance standards of the Act. Costs will not be increased because the regulations will amplify existing requirements.

Timetable:

Action	Date	FR Cite
NPRM	06/21/85	
NPRM Comment Period Begin	06/21/85	
NPRM Comment Period End	08/30/85	

Small Entity: Undetermined

Agency Contact: Robert Wiles, General Engineer, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Avenue, NW, Washington, DC 20240, 202 343-5981

RIN: 1029-AA57

PERMANENT REGULATORY PROGRAM: SUBSIDENCE CONTROL-PERFORMANCE STANDARDS-UNDERGROUND MINING ACTIVITIES

Priority: Undetermined

Legal Authority: 30 USC 1211(g)

CFR Citation: 30 CFR 817.121(d); 30 CFR 817.121(e)

Abstract: The proposed rule would change the requirements for mining under specified structures and facilities and bodies of water.

Timetable:

Action	Date	FR Cite
NPRM	04/00/85	

Small Entity: Undetermined

Agency Contact: C. Y. Chen, Mining Engineer, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Ave. NW, Washington, DC 20240, 202 343-2160

RIN: 1029-AA47

● PERMANENT PROGRAM PERFORMANCE STANDARDS UNDERGROUND MINING ACTIVITIES SUBSIDENCE CONTROL

Priority: Agency Determination

Legal Authority: 30 USC 1201 et seq

CFR Citation: 30 CFR 817.121(c)(2)

Abstract: Following Permanent Surface Mining Regulation Litigation II, the court remanded portions of the subsidence control rule relating to the protection of surface structures and facilities to Office of Surface Mining to repromulgate the rule for notice and comment, holding that the final 1983 rule represents a radical change from the 1982 proposed rule. No other alternative to the repromulgation of the 1983 rule is being considered because of the court order. Depending upon the number and type of comments received the 1983 final rule relating to the protection of surface structures and facilities may or may not be changed.

Consequently, the action's potential costs and benefits cannot be assessed.

Timetable:

Action	Date	FR Cite
NPRM	04/26/85	
NPRM Comment Period Begin	04/26/85	
NPRM Comment Period End	07/05/85	

Small Entity: Undetermined

Agency Contact: Chuan Y. Chen, Chief, Branch of Regulatory Standards, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Avenue, NW, Washington, DC 20240, **202 343-5950**

RIN: 1029-AA65

● SPECIAL PERMANENT PROGRAM PERFORMANCE STANDARDS OPERATIONS ON PRIME FARMLAND

Priority: Agency Determination

Legal Authority: 30 USC 1201 et seq

CFR Citation: 30 CFR 823.11(a); 30 CFR 823.11(b)

Abstract: These regulations are being revised as ordered by the District Court for the District of Columbia. They will amend OSM's permanent program performance standards with respect to prime farmlands by allowing last cut lakes to remain after mining is complete only where they are beneficial or necessary to agricultural activity and allowing for a support facility exemption only for underground mines. These changes are mandated by Court Order, thus, no alternatives to this action are being considered.

Timetable:

Action	Date	FR Cite
NPRM	05/08/85	
NPRM Comment Period Begin	05/08/85	
NPRM Comment Period End	07/18/85	

Small Entity: Undetermined

Agency Contact: Donald Smith, Physical Scientist, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Avenue, NW, Washington, DC 20240, **202 343-4023**

RIN: 1029-AA64

● SURFACE COAL MINING AND RECLAMATION OPERATIONS; PERMANENT REGULATORY PROGRAMS; PERMANENT PROGRAM INSPECTION AND ENFORCEMENT PROCEDURES

Legal Authority: 30 USC 1267

CFR Citation: 30 CFR 840; 30 CFR 842; 30 CFR 843

Abstract: The proposed rule would clarify inspection requirements of surface coal mining and reclamation operations under initial and permanent regulatory programs and nomenclature designations of the Office of Surface Mining field operating Units.

Timetable:

Action	Date	FR Cite
NPRM	05/17/85	
Final Action	09/30/85	

Small Entity: Undetermined

Agency Contact: Daniel E. Stocker, Chief, Branch of Inspection, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Avenue, NW, Washington, DC 20240, **202 343-5384**

RIN: 1029-AA67

BLASTER TRAINING AND CERTIFICATION FOR BLASTERS AND MEMBERS OF BLASTING CREWS FOR FEDERAL PROGRAMS AND FEDERAL LANDS NOT UNDER COOPERATIVE AGREEMENTS

Priority: Undetermined

Legal Authority: 30 USC 1201 et seq

CFR Citation: 30 CFR 855

Abstract: The proposed rule will establish a program to train and certify persons who use or are in charge of crews that use explosives in connection with surface coal mining on Federal lands not under cooperative agreements and for Federal programs.

Timetable:

Action	Date	FR Cite
NPRM	09/11/84	49 FR 35714
Interim Final Rule	00/00/00	

Small Entity: No

Agency Contact: James M. Kress, Acting Chief, Branch of Regulatory Programs, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Ave. NW, Washington, DC 20240, **202 343-5361**

RIN: 1029-AA51

● RECLAMATION ON PRIVATE LAND

Legal Authority: 30 USC 1238

CFR Citation: 30 CFR 882

Abstract: To address concerns raised by Inspector General and states in regulations implementing Lien Provisions of Surface Mining Control Act. Provisions for documenting lien waivers and defining unclear terms will be proposed. State and Federal reclamation programs will expend more time and resources documenting their decisions to waive liens but possibility for windfall profits to private landowners from expenditure of federal funds will be decreased. Satisfaction of liens will result in recovery of federal funds.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: Undetermined

Agency Contact: Jim Fary, Program Management Specialist, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Avenue, NW, Washington, DC 20240, **202 343-7960**

RIN: 1029-AA68

● STATE RECLAMATION PLAN AMENDMENTS

Legal Authority: 30 USC 1235

CFR Citation: 30 CFR 884; 30 CFR 886

Abstract: The revised rule provides that the Director may request that a State initiate procedures to amend its reclamation plan and that the Director may establish, after consultation with the State, a timetable which is consistent with established administrative and legislative procedures in the State for submitting an amendment to the reclamation plan. Failure to amend the reclamation plan within the specified time could result in either the suspension of the AMLR Plan, reduction, suspension or

termination of existing grants or the withdrawal from consideration of all future grant applications. States may have minor administrative costs in amending their approved reclamation plans. Benefits would include more efficient and cost effective reclamation procedures.

Timetable:

Action	Date	FR Cite
NPRM	01/04/85	
NPRM Comment Period Begin	01/04/85	
NPRM Comment Period End	02/04/85	
Final Action	04/15/85	
Final Action Effective	05/15/85	

Small Entity: Undetermined

Agency Contact: **Jim Fary**, Program Management Specialist, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Avenue, NW, Washington, DC 20240, **202 343-7960**

RIN: 1029-AA70

● SUBSIDENCE INSURANCE PROGRAM GRANTS

Priority: Agency Determination

Legal Authority: HR RES 648; PL 98-473; 30 USC 1231

CFR Citation: 30 CFR 887, (New)

Abstract: Proposed regulations implementing Congressional amendment to Surface Mining Control Act that authorizes up to $3 million to States for the establishment of state administered self-sustaining subsidence insurance programs. If all eligible states avail themselves of the opportunity, the costs to the AML Reclamation Fund will be $69 million. Benefits are, if land is insured, approximately $100 million in savings to the AML reclamation program. If land is not insured, then the AML Trust Fund will lose up to a maximum of $69 million dollars. The subsidence insurance program will result in considerable savings to home owners and commercial and industrial entities who will be able to insure their property from damage caused by subsidence in abandoned underground coal mines.

Timetable:

Action	Date	FR Cite
NPRM	04/28/85	
NPRM Comment Period Begin	04/28/85	
NPRM Comment Period End	05/28/85	
Final Action	07/28/85	
Final Action Effective	08/28/85	

Small Entity: Undetermined

Agency Contact: **Jim Fary**, Program Management Specialist, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Avenue, NW, Washington, DC 20240, **202 343-7960**

RIN: 1029-AA55

STATE-FEDERAL COOPERATIVE AGREEMENTS

Legal Authority: 30 USC 1201 et seq.

CFR Citation: 30 CFR Subchapter T

Abstract: This Subchapter will incorporate the State-Federal Cooperative Agreements for the permanent regulatory programs on Federal lands in various States. The affected Parts in Title 30 are indicated in parentheses after each State.

Supplemental Timetable:

Alabama(901)
NPRM 01/23/85

North Dakota(934)
NPRM 06/21/82 (47 FR 26769)
Final Action 09/15/83 (48 FR 41387)

Ohio(935)
NPRM 09/07/83 (48 FR 40396)
Final Action 04/13/84 (49 FR 14735)

Utah(944)
NPRM 03/31/82 (47 FR 13738)
Final Action 06/00/85

Virginia(946)
NPRM 06/27/83 (48 FR 29545)
Final Action 06/00/85

West Virginia(948)
NPRM 06/17/83
Final Action 03/09/84 (49 FR 8913)

Wyoming(950)
NPRM 02/02/84 (49 FR 4106)

Small Entity: No

Additional Information: Originally scheduled: January 1980.

Agency Contact: **Murray Newton**, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Avenue, NW, Washington, DC 20240, **202 343-5866**

RIN: 1029-AA40

DEPARTMENT OF THE INTERIOR (DOI)

Office of Surface Mining Reclamation and Enforcement (OSM)

Completed Actions

COMPLETED RULEMAKINGS REIMBURSEMENTS TO STATES

Priority: Undetermined

Legal Authority: 30 USC 1201 et seq

CFR Citation: 30 CFR 725

Abstract: This rule will be reviewed to determine the extent of revision that will be required to update the grants sections. Recent policy mandated by the Department's Inspector General, the General Accounting Office and the Office of Management and Budget dictates that additions be made to this Part and that numerous sections be updated and revised.

Timetable:

Action	Date	FR Cite
No action expected in next year	02/27/85	

Small Entity: Undetermined

Agency Contact: **Carole L. Battle**, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Ave, NW, Washington, DC 20240, **202 343-3146**

RIN: 1029-AA44

STATE RECLAMATION GRANTS

Priority: Undetermined

Legal Authority: 30 USC 1201 et seq

CFR Citation: 30 CFR 886

Abstract: This rule will be reviewed to determine the extent of revision that

will be required to update the grants sections of the abandoned mine land regulations. Recent policy mandated by the Department's Inspector General, the General Accounting Office and the Office of Management and Budget dictates that additions be made to this Part and that numerous sections be updated and revised.

Timetable:

Action	Date	FR Cite
No action expected in next year	02/27/85	

Small Entity: Undetermined

Agency Contact: Carole L. Battle, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Ave, NW, Washington, DC 20240, **202 343-3146**

RIN: 1029-AA46

GRANTS FOR PROGRAM DEVELOPMENT AND ADMINISTRATION AND ENFORCEMENT

Priority: Undetermined

Legal Authority: 30 USC 1201 et seq

CFR Citation: 30 CFR 735

Abstract: This rule will be reviewed to determine the extent of revision that will be required to update the grants sections. Recent policy mandated by the Department's Inspector General, the General Accounting Office and the Office of Management and Budget dictates that additions be made to this Part and that numerous sections be updated and revised.

Timetable:

Action	Date	FR Cite
No action expected in next year	02/27/85	

Small Entity: Undetermined

Additional Information: Originally scheduled: October 1983.

Agency Contact: Carole L. Battle, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Ave, NW, Washington, DC 20240, **202 343-3146**

RIN: 1029-AA45

PERMANENT FEDERAL PROGRAM FOR INDIAN LANDS

Legal Authority: 30 USC 1201 et seq

CFR Citation: 30 CFR 750 to 759, Subchapter E

Abstract: This rule will apply the permanent surface mining program requirements to Indian lands.

Timetable:

Action	Date	FR Cite
NPRM	10/24/83	48 FR 49174
Final Action	09/28/84	49 FR 38462
Final Action Effective	09/28/84	49 FR 38462

Small Entity: No

Additional Information: Originally scheduled: January 1981.

Agency Contact: H.B. Simpson, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Avenue, NW, Washington, DC 20240, **202 343-5866**

RIN: 1029-AA28

STATE PROGRAM APPROVALS

Legal Authority: 30 USC 1201 et seq

CFR Citation: 30 CFR Subchapter T

Abstract: This Subchapter contains approvals of programs for regulatory authority in States to administer the Surface Mining Control and Reclamation Act. The affected Parts in Title 30 are indicated in parentheses after each State.

Timetable:

Action	Date	FR Cite
All Rules now final	10/01/84	

Supplemental Timetable:

Massachusetts(921) - Federal Program
NPRM 04/01/83 (48 FR 14006)
Final Action 09/12/83 (48 FR 41000)

Rhode Island(939) - Federal Program
NPRM 12/22/82 (47 FR 57246)
Final Action 09/12/83 (48 FR 40990)

Tennessee (942)
NPRM 06/29/84 (49 FR 26898)
Final Action 10/01/84 (49 FR 38874)

Small Entity: No

Additional Information: Originally scheduled: January 1980.

Agency Contact: Murray Newton, Department of the Interior, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Avenue, NW, Washington, DC 20240, **202 343-5866**

RIN: 1029-AA38

[FR Doc. 85-6368 Filed 04-26-85; 8:45 am]
BILLING CODE 4310-10-T

DEPARTMENT OF THE INTERIOR (DOI)

Bureau of Reclamation (RB)

Current and Projected Rulemakings

RECLASSIFICATION AS IRRIGABLE OF HIGH LAND COLUMBIA BASIN PROJECT, WASHINGTON

Priority: Undetermined

Legal Authority: Sec. 8, 57 Stat 14; 16 USC 835

CFR Citation: 43 CFR 416

Abstract: Prescribe policies and procedures under which arable high land within an irrigation district, when included in farm units or water delivery units, or in designated areas served therefrom, on the Columbia Basin Project, Washington, may be reclassified as irrigable. Such reclassification will permit the lands to receive water and be subject to assessment by the district.

Timetable:

Action	Date	FR Cite
Begin Review	10/01/84	
End Review	01/31/85	
Revocation of Rule	03/00/85	

Small Entity: Undetermined

DOI—RB

Current and Projected Rulemakings

Agency Contact: Terence Cooper, Staff Specialist, Land Resources, Department of the Interior, Bureau of Reclamation, Washington, DC 20240, 202 343-5204

RIN: 1006-AA10

NEWLANDS RECLAMATION PROJECT, NV; TRUCKEE RIVER STORAGE PROJECT, NV; & WASHOE RECLAMATION PROJECT; NV-CA (TRUCKEE & CARSON RIVER BASINS, CA-NV); PYRAMID LAKE INDIAN RESERVATION, NV, ETC

Priority: Undetermined

Legal Authority: 43 USC 373; 33 USC 466; 16 USC 703 to 711; 16 USC 715 to 715r; 32 Stat 388; 70 Stat 775; 72 Stat 705

CFR Citation: 43 CFR 418, (Revision)

Abstract: Allocation of water for irrigation, Indian tribes and endangered species in an area of water shortage as required by the Secretary of the Interior by Court Order orders. See Pyramid Lake Paiute Tribe of Indians v. Morton, 353 F. Supp. 252 (D.D.C. 1973) and Carson-Truckee Water Conservancy District v. Watt, 549 F. Supp. 704 (D. Nev. 1982).

Timetable:

Action	Date	FR Cite
NPRM	03/00/85	
NPRM Comment Period Begin	03/00/85	
NPRM Comment Period End	04/00/85	
Interim Final Rule	05/00/85	

Small Entity: Undetermined

Additional Information: TITLE CONT: Stillwater Area, NV.

Affected Sectors: 01 AGRICULTURAL PRODUCTION-CROPS; 09 FISHING, HUNTING, AND TRAPPING

Agency Contact: Roy H. Boyd, Chief, Water Operations Branch, Department of the Interior, Bureau of Reclamation, 18th & C Streets, NW, Washington, DC 20240, 202 343-5471

RIN: 1006-AA08

DEPARTMENT OF THE INTERIOR (DOI)

Bureau of Reclamation (RB)

Existing Regulations Under Review

SALE OF LANDS IN FEDERAL RECLAMATION PROJECTS

Priority: Undetermined

Legal Authority: 32 Stat 390; 46 Stat 368; 64 Stat 40; 43 USC 373; 43 USC 424; 43 USC 375; 41 Stat 605; 46 Stat 367; 53 Stat 1197; 64 Stat 39

CFR Citation: 43 CFR 402

Abstract: Provides guidelines for the sale of withdrawn public domain lands and acquired non-Federal lands located within authorized Federal Reclamation Projects to settlers.

Timetable:

Action	Date	FR Cite
Begin Review	10/01/84	
End Review	10/31/85	

Small Entity: Undetermined

Additional Information: Reviewing Rule to determine what if any changes are needed to bring this rule and the acreage provisions of the 1982 Reclamation Reform Act into concurrence. Solicitor's office is preparing legal guidance.

Agency Contact: Terence Cooper, Staff Specialist, Land Resources, Department of the Interior, Bureau of Reclamation, Washington, DC 20240, 202 343-5204

RIN: 1006-AA12

UNPRODUCTIVE LAND: ELIMINATION OR EXCHANGE

Priority: Undetermined

Legal Authority: 43 USC 1201; 43 USC 423

CFR Citation: 43 CFR 403

Abstract: Provides the procedures for the eliminating from irrigated project lands of lands permanently unproductive, for exchanging entries, for making additional entries, amending water rights, extending time for making repayments of construction, operation and maintenance charges and for the taking over of a project by the Water User's Organization.

Timetable:

Action	Date	FR Cite
Begin Review	12/01/84	
End Review	03/00/85	

Small Entity: Undetermined

Agency Contact: Terence Cooper, Staff Specialist - Land Resources, Department of the Interior, Bureau of Reclamation, Washington, DC 20240, 202 343-5204

RIN: 1006-AA11

EXCHANGE OR AMENDMENT OF FARM UNITS ON FEDERAL RECLAMATION PROJECTS

Priority: Undetermined

Legal Authority: 43 USC 373; 43 USC 451

CFR Citation: 43 CFR 406

Abstract: Provides methodology for the exchanging of certain unpatented farm units or private lands on a Federal irrigation project for farm units available on the same or any other such project. The exchange is limited to certain classes of qualified applicants whose lands classification indicates insufficient productivity to support a family unit.

Timetable:

Action	Date	FR Cite
Begin Review	01/02/85	
End Review	03/31/85	

Small Entity: Undetermined

Agency Contact: Terence Cooper, Staff Specialist, Land Resources, Department of the Interior, Bureau of Reclamation, Washington, DC 20240, 202 343-5204

RIN: 1006-AA09

ASSESSMENT BY IRRIGATION DISTRICTS OF LANDS OWNED BY THE UNITED STATES, COLUMBIA BASIN PROJECT, WASHINGTON

Priority: Undetermined

Legal Authority: 16 USC 835c-1; 16 USC 835c-4

CFR Citation: 43 CFR 413

Abstract: This rule, which is scheduled for review, contains the provisions which govern the levy and enforcement of assessments by or on behalf of irrigation districts against lands owned

by the United States within the Columbia Basin Project.

Timetable:

Action	Date	FR Cite
End Review	04/00/85	

Small Entity: Undetermined

Additional Information: Once all Federally owned lands within the Columbia Basin Project have been sold the rule will be deleted. The final disposal involves circumstances beyond our complete control. No changes in the rule are now contemplated.

Agency Contact: Frank E. Ellis, Department of the Interior, Bureau of Reclamation, 18th and C Streets, NW, Washington, DC 20240, 202 343-5671

RIN: 1006-AA07

OFF-ROAD VEHICLE USE

Priority: Undetermined

Legal Authority: 43 USC 391 et seq

CFR Citation: 43 CFR 420

Abstract: This rule governs the use of off-road vehicles on Bureau Lands and provides for the opening of only those lands where the use of such vehicles will not adversely affect associated project features or facilities. The provisions of this rule will be expanded to cover the use of ultralight vehicles, since, by definition, these vehicles are excluded from control of the Federal Aviation Administration.

Timetable:

Action	Date	FR Cite
NPRM	06/18/85	

Small Entity: Undetermined

Additional Information: Originally scheduled: October 1983.

Agency Contact: R. Steven Warner, Chief, Land Management Tech. Services Branch, Department of the Interior, Bureau of Reclamation, Bldg 67, Federal Center, Denver, CO 80225, 303 776-8072

RIN: 1006-AA06

DEPARTMENT OF THE INTERIOR (DOI)

Bureau of Reclamation (RB)

Completed Actions

COMPLETED RULEMAKINGS

SURFACE MANAGEMENT OF RECLAMATION LANDS

Priority: Undetermined

Legal Authority: 43 USC 154; 43 USC 371 et seq

CFR Citation: 43 CFR 401

Abstract: This rule will provide the basic requirements for mineral exploration on and removal from Bureau lands. This rule also will ensure that projects are adequately protected and will provide uniformity within Bureau field offices for the requirements in managing these lands.

Timetable:

Action	Date	FR Cite
Withdrawn	01/28/85	

Small Entity: Undetermined

Additional Information: The information collection requirements contained in this rule will be submitted to the Office of Management and Budget for approval as required by 44 U.S.C. 3501 et seq. Originally scheduled: April 1983.

Agency Contact: Terence Cooper, Staff Assistant Land Resources, Department of the Interior, Bureau of Reclamation, 18th and C Streets, NW, Washington, DC 20240, 202 343-5204

RIN: 1006-AA04

COMPLETED REVIEWS

OCCUPANCY OF CABIN SITES ON PUBLIC CONSERVATION AND RECREATION AREAS

Priority: Undetermined

Legal Authority: 43 USC 373; 43 USC 682; 43 USC 1201; 43 USC 869; 16 USC 664; 16 USC 686; 16 USC 690; 16 USC 725; 43 USC 315; 16 USC 3

CFR Citation: 43 CFR 21

Abstract: Establishes when, and by what standards, use of conservation and recreation areas under private cabin permits must be modified or discontinued so as to allow the public use of such areas, and the procedures for renewing, extending, phasing out or terminating private cabin permits.

Timetable:

Action	Date	FR Cite
End Review No changes recommended-Rule Adequate as Printed	09/17/84	

Small Entity: Undetermined

Agency Contact: Terence Cooper, Staff Specialist, Land Resources, Department of the Interior, Bureau of Reclamation, Washington, DC 20240, 202 343-5204

RIN: 1006-AA13

[FR Doc. 85-6368 Filed 04-26-85; 8:45 am]

BILLING CODE 4310-10-T

DEPARTMENT OF THE INTERIOR (DOI)

Bureau of Land Management (BLM)

Current and Projected Rulemakings

PUBLIC LAND RECORDS

Legal Authority: 5 USC 301; 43 USC 2; 44 USC 3101; 43 USC 13; 43 USC 751; 43 USC 1201; 43 USC 2457; 43 USC 1740

CFR Citation: 43 CFR 1813

Abstract: This rule will amend the existing regulations by updating them to reflect and accommodate the transition from the Manual Record System (Tract Books, Master Plats, etc), to an Automated Records System.

Timetable:

Action	Date	FR Cite
NPRM	03/00/85	

Small Entity: Undetermined

Agency Contact: Malcolm Schnitker, Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Washington, DC 20240, **202 343-8693**

RIN: 1004–AA77

OPENING AND CLOSING LANDS

Priority: Undetermined

Legal Authority: 43 USC 1740; 43 USC 1201

CFR Citation: 43 CFR 2090; 43 CFR 2091

Abstract: This rule will amend the existing regulations to: (1) clarify how and when specific actions close or open public lands; (2) provide the procedure under which information concerning opening and closing of public lands will be published in the Federal Register; and (3) eliminate confusion about when lands are open or closed by specifying if and when the record notation rule will apply.

Timetable:

Action	Date	FR Cite
NPRM	04/00/85	

Small Entity: Undetermined

Agency Contact: Jim Powell, Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Washington, DC 20240, **202 343-6846**

RIN: 1004–AA78

● DESERT LAND ENTRIES

Priority: Undetermined

Legal Authority: 43 USC 321 to 323

CFR Citation: 43 CFR 2520

Abstract: This rule will revise the existing regulation to streamline and simplify its provisions, while removing burdensome and obsolete provisions.

Timetable:

Action	Date	FR Cite
NPRM	07/00/85	

Small Entity: Undetermined

Agency Contact: John Mezes, Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Washington, DC 20240, **202 343-8693**

RIN: 1004–AB11

● INDIAN ALLOTMENTS

Priority: Undetermined

Legal Authority: 25 USC 334

CFR Citation: 43 CFR 2530

Abstract: This rule would revise the existing regulations to remove obsolete and burdensome provisions and clarify and simplify the remaining provisions.

Timetable:

Action	Date	FR Cite
NPRM	09/00/85	

Small Entity: Undetermined

Agency Contact: John Mezes, Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Washington, DC 20240, **202 343-8693**

RIN: 1004–AB10

ALASKA STATE SELECTION

Legal Authority: 94 Stat. 2437

CFR Citation: 43 CFR Subpart 2627

Abstract: This rule will be amended to provide a change in selection procedures for the State of Alaska as provided for in the amendments to the Alaska Statehood Act.

Timetable:

Action	Date	FR Cite
NPRM	11/18/83	48 FR 48400
Final Action	04/00/85	

Small Entity: No

Additional Information: ADDITIONAL AGENCY CONTACT: Robert C. Bruce (202) 343-8735 (see Agency Contact heading for address). Originally scheduled: January 1981.

Agency Contact: La Velle Black, Department of the Interior, Bureau of Land Management, 18th and C Streets, NW, Washington, DC 20240, **202 343-6511**

RIN: 1004–AA12

FAA AIRPORT GRANTS

Priority: Undetermined

Legal Authority: 49 USC 2215

CFR Citation: 43 CFR 2640; 43 CFR 2641

Abstract: This rule will amend the existing regulations to incorporate changes made by the Airport and Airway Improvement Act of 1982 and other procedural changes to improve the operation of the regulations.

Timetable:

Action	Date	FR Cite
NPRM	03/00/85	

Small Entity: Undetermined

Agency Contact: Mark Etchart, Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Washington, DC 20240, **202 343-8693**

RIN: 1004–AA76

ALASKA NATIVE SELECTIONS

Priority: Undetermined

Legal Authority: 43 USC 1601 et seq

CFR Citation: 43 CFR 2650; 43 CFR 2651

Abstract: This rule will establish a new method of charging acreage against Alaska Native Entitlement pursuant to the Alaska Native Claims Settlement Act. It will also establish a procedure for use by Alaska Native Corporations in selecting additional lands to fulfill any additional entitlement due to the change in the method of charging acreage.

Timetable:

Action	Date	FR Cite
NPRM	07/07/84	49 FR 31457
NPRM Comment Period End	11/23/84	49 FR 41266
Final Action	03/00/85	

Small Entity: No

Agency Contact: LaVelle Black, Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Washington, DC 20240, **202 343-6511**

RIN: 1004–AA75

CONVEYANCE OF FEDERALLY-OWNED MINERAL INTERESTS

Priority: Undetermined

Legal Authority: 43 USC 1719(b)

CFR Citation: 43 CFR 2720

Abstract: This rule will be amended to make minor revisions to the existing regulations on conveyancing of Federally-owned mineral interests and to provide segregation of lands covered by an application.

Timetable:

Action	Date	FR Cite
NPRM	02/07/85	
NPRM Comment Period End	04/08/85	
Final Action	10/00/85	

Small Entity: No

Additional Information: ADDITIONAL AGENCY CONTACT: Robert C. Bruce (202) 343-8735 (see Agency Contact heading for address). Originally scheduled: April 1981.

Agency Contact: David Hemstreet, Department of the Interior, Bureau of Land Management, 18th and C Streets, NW, Washington, DC 20240, 202 343-8731

RIN: 1004-AA15

RECREATION AND PUBLIC PURPOSES ACT: CONVEYANCES

Legal Authority: 43 USC 869 et seq; 43 USC 1721

CFR Citation: 43 CFR 2740; 43 CFR 2910

Abstract: These rules will be amended to facilitate acquisition of public lands by States, State instrumentalities and subdivisions, including counties and municipalities, for recreational or public purposes. These amendments would not affect procedures as they relate to non-profit associations other than to require a nonrefundable application service fee.

Timetable:

Action	Date	FR Cite
NPRM	09/28/82	47 FR 42684
Final Action	03/00/85	

Small Entity: No

Additional Information: ADDITIONAL AGENCY CONTACT: Robert C. Bruce (202) 343-8735 (see Agency Contact heading for address). Originally scheduled: October 1981.

Agency Contact: John Mezes, Department of the Interior, Bureau of Land Management, 18th and C Streets, NW, Washington, DC 20240, 202 343-8731

RIN: 1004-AA16

RIGHTS-OF-WAY: PRINCIPLES AND PROCEDURES

Legal Authority: 43 USC 1746; 30 USC 185

CFR Citation: 43 CFR 2800

Abstract: This rule will be amended to revise the schedule used in the cost reimbursement process for processing and monitoring right-of-way grants(2803.1-1; 2883.1-1).

Timetable:

Action	Date	FR Cite
NPRM	01/17/83	48 FR 2110
NPRM	03/00/85	
Final Action	10/00/85	

Small Entity: No

Additional Information: ADDITIONAL AGENCY CONTACT: Robert C. Bruce (202) 343-8735 (see Agency Contact heading for address). Originally scheduled: October 1982.

Agency Contact: Derrell Barnes, Department of the Interior, Bureau of Land Management, 18th and C Streets, NW, Washington, DC 20240, 202 343-5441

RIN: 1004-AA17

RIGHTS-OF-WAY; PRINCIPLES AND PROCEDURES; OIL AND NATURAL GAS PIPELINES AND RELATED FACILITIES, GENERAL

Priority: Undetermined

Legal Authority: 43 USC 1746; 30 USC 181 et seq

CFR Citation: 43 CFR 2800; 43 CFR 2880

Abstract: This rule will amend the existing right-of-way regulations to provide a clear and streamlined procedure for setting the annual rental for rights-of-way.

Timetable:

Action	Date	FR Cite
ANPRM	05/04/84	49 FR 19049
ANPRM Comment Period Begin	07/03/84	49 FR 19049
Second ANPRM	01/18/85	50 FR 2697
Second ANPRM Comment Period Ends	03/19/85	50 FR 2697
NPRM	08/00/85	

Small Entity: Undetermined

Agency Contact: Derrell Barnes, Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Washington, DC 20240, 202 343-5441

RIN: 1004-AA74

RIGHTS-OF-WAY, PRINCIPLES AND PROCEDURES

Priority: Undetermined

Legal Authority: 43 USC 1732; 43 USC 1740

CFR Citation: 43 CFR 2800

Abstract: This rulemaking will provide procedures for the administration of rights-of-way granted under statutes that were repealed by the Federal Land Policy and Management Act.

Timetable:

Action	Date	FR Cite
NPRM	04/00/85	

Small Entity: Undetermined

Additional Information: ADDITIONAL AGENCY CONTACT: Robert C. Bruce (202) 343-8735.

Agency Contact: Darrell Barnes, Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Washington, DC 20240, 202 343-5441

RIN: 1004-AA99

RIGHTS-OF-WAY, PRINCIPALS AND PROCEDURES

Priority: Undetermined

Legal Authority: 43 USC 1746

CFR Citation: 43 CFR 2800

Abstract: This rule will be amended to provide for improved administration of rights-of-way under the Federal Land Policy and Management Act.

Timetable:

Action	Date	FR Cite
NPRM	05/00/85	

Small Entity: Undetermined

Additional Information: ADDITIONAL AGENCY CONTACT: Robert C. Bruce (202) 343-8735.

Agency Contact: Darrell Barnes, Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Washington, DC 20240, 202 343-5441

RIN: 1004-AB00

RIGHTS-OF-WAY UNDER THE MINERAL LEASING ACT

Priority: Undetermined

Legal Authority: 30 USC 185

CFR Citation: 43 CFR 2880

Abstract: This rule will be amended to provide for improved administration of rights-of-way under the Mineral Leasing Act.

Timetable:

Action	Date	FR Cite
NPRM	06/00/85	

Small Entity: Undetermined

Additional Information: ADDITIONAL AGENCY CONTACT: Robert C. Bruce (202) 343-8735.

Agency Contact: Darrell Barnes, Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Washington, DC 20240, 202 343-5441

RIN: 1004-AA86

RECREATION AND PUBLIC PURPOSES ACT LEASES

Priority: Undetermined

Legal Authority: 43 USC 869 et seq

CFR Citation: 43 CFR 2910; 43 CFR 2912

Abstract: The rule will amend the existing regulations to implement policy changes as they relate to the granting of public lands for recreation and public purposes under the Recreation and Public Purposes Act.

Timetable:

Action	Date	FR Cite
NPRM	03/00/85	

Small Entity: Undetermined

Agency Contact: John Mezes, Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Washington, DC 20240, 202 343-8693

RIN: 1004-AA73

AIRPORT LEASES

Priority: Undetermined

Legal Authority: 43 USC 1201; 43 USC 1734; 43 USC 1740

CFR Citation: 43 CFR Subpart 2911

Abstract: This rule would be revised to: remove from the regulations those provisions repealed by the Federal Land Policy and Management Act of 1976 relating to withdrawals of beacon lights and air navigation facilities; to impose an increased application service fee; and to update the provisions relating to the setting of rental charges for lands leased for airport purposes.

Timetable:

Action	Date	FR Cite
NPRM	04/00/85	

Small Entity: Undetermined

Additional Information: ADDITIONAL AGENCY CONTACT: Robert C. Bruce (202) 343-8735 (see Agency Contact heading for address). Originally scheduled: April 1983.

Agency Contact: Mark Etchart, Department of the Interior, Bureau of Land Management, 18th and C Streets, NW, Washington, DC 20240, 202 343-8693

RIN: 1004-AA49

EXPLORATION ACTIVITY; OIL AND GAS LEASING

Priority: Undetermined

Legal Authority: 16 USC 3101 et seq; 30 USC 181 et seq; 30 USC 351 to 359; 40 USC 760 et seq; 43 USC 1701 et seq

CFR Citation: 43 CFR 3040; 43 CFR 3100

Abstract: This rulemaking will make corrections and minor modifications to the existing regulations. It will also provide clarification on the issue of future interest.

Timetable:

Action	Date	FR Cite
NPRM	05/00/85	

Small Entity: Undetermined

Agency Contact: Valliere Cacy, Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Washington, DC 20240, 202 653-2228

RIN: 1004-AA97

● **EXPLORATION ACTIVITY; OIL AND GAS LEASING, OIL AND GAS LEASING - NATIONAL PETROLEUM RESERVE - ALASKA; GEOTHERMAL RESOURCE LEASING - GENERAL**

Legal Authority: 30 USC 181 et seq; 30 USC 301 to 306; 30 USC 351 to 359; 43 USC 1701 et seq; PL 96-514; 40 Op. Atty. Gen. 41

CFR Citation: 43 CFR 3040; 43 CFR 3100; 43 CFR 3130; 43 CFR 3200

Abstract: This rule would amend the existing regulations as they relate to bond coverage for oil and gas and geothermal resources, including the raising of bond amounts.

Timetable:

Action	Date	FR Cite
NPRM	05/00/85	

Small Entity: No

Agency Contact: Mona Schermerhorn, Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Washington, DC 20240, 202 653-2190

RIN: 1004-AB13

OIL AND GAS LEASING

Priority: Undetermined

Legal Authority: 30 USC 181 et seq; 30 USC 351 to 359

CFR Citation: 43 CFR 3100; 43 CFR 3110; 43 CFR 3120

Abstract: This rule will amend the recently codified regulations to include procedural changes that have developed as a result of operations under the regulations.

Timetable:

Action	Date	FR Cite
NPRM	06/00/85	

Small Entity: Undetermined

Agency Contact: Valliere Cacy, Department of the Interior, Bureau of Land Management, 1800 C Street NW, Washington, DC 20240, 202 653-2190

RIN: 1004-AA72

COMBINED HYDROCARBON LEASING

Priority: Undetermined

Legal Authority: 30 USC 181 et seq; 30 USC 351 et seq; 43 USC 1701 et seq; 95 Stat. 1070

CFR Citation: 43 CFR 3140

Abstract: This rule would be amended to provide definitions of and procedures for meeting the production in paying quantities and the diligent development of tar sand requirements for all combined hydrocarbon leases.

Timetable:

Action	Date	FR Cite
NPRM Comment Period End	03/11/83	50 FR 1300
NPRM	01/10/85	50 FR 1300
Final Action	09/00/85	

Small Entity: Undetermined

Agency Contact: Edward E. Coggs, Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Washington, DC 20240, 202 343-2892

RIN: 1004-AA70

● ONSHORE OIL AND GAS OPERATIONS - NONCOMPLIANCE AND ASSESSMENTS

Priority: Undetermined

Legal Authority: 30 USC 188; 30 USC 189; 30 USC 359; 30 USC 1701 et seq; 25 USC 396; 25 USC 396d

CFR Citation: 43 CFR 3163

Abstract: This rule will amend the recently codified regulations implementing the Federal Oil and Gas Royalty Management Act to address concerns raised about the impact of the regulations on industry.

Timetable:

Action	Date	FR Cite
NPRM	08/00/85	

Small Entity: Undetermined

Additional Information: ADDITIONAL AGENCY CONTACT: Robert C. Bruce, (202) 343-8735.

Agency Contact: Gilbert O. Lockwood, Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Washington, DC 20240, **202 653-2200**

RIN: 1004-AB05

ONSHORE OIL AND GAS ORDER NO. 3 - PROTECTION OF OIL AND GAS AND OTHER MINERAL DEPOSITS AND SURFACE AND SUBSURFACE WATER RESOURCES

Priority: Undetermined

Legal Authority: 30 USC 189; 30 USC 359

CFR Citation: 43 CFR 3164.1(b); 43 CFR 3162.3; 43 CFR 3162.5

Abstract: This order is being issued under the revised oil and gas regulations as found in 43 CFR Part 3160. The order details the requirements for the handling, storing or disposing of water produced from oil or gas wells. It also details measures required for protection of fresh water or other minerals encountered. It replaces NTL-2B. This order is referenced in the Table at 43 CFR 3164.1(b).

Timetable:

Action	Date	FR Cite
NPRM	09/00/85	

Small Entity: Undetermined

Additional Information: Onshore Oil and Gas Orders are used in place of the previously issued or proposed Notice to Lessees and Operators (NTL) which were issued by the Conservation Division of the U.S. Geological Survey.

Agency Contact: Stephen Spector, Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Washington, DC 20240, **202 653-2147**

RIN: 1004-AA66

ONSHORE OIL AND GAS ORDER NO. 2 - HYDROGEN SULFIDE OPERATIONS

Priority: Undetermined

Legal Authority: 30 USC 189; 30 USC 359

CFR Citation: 43 CFR 3164.1(b); 43 CFR 3162.3; 43 CFR 3162.5

Abstract: This order is being issued under the revised oil and gas regulations as found in 43 CFR Part 3160. The order details the requirements for protecting workers and the public from hydrogen sulfide. It specifies documentation needed prior to operation and measures required during drilling and production. This order is referenced in the Table at 43 CFR 3164.1(b).

Timetable:

Action	Date	FR Cite
NPRM	10/15/84	49 FR 40354
NPRM Comment Period End	01/14/85	49 FR 48576
Final Action	08/00/85	

Small Entity: No

Additional Information: Onshore Oil and Gas Orders are used in place of the previously issued or proposed Notice to Lessees and Operators (NTL) which were issued by the Conservation Division of the U.S. Geological Survey.

Agency Contact: Stephen Spector, Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Washington, DC 20240, **202 653-2147**

RIN: 1004-AA67

ONSHORE OIL AND GAS OPERATIONS - ONSHORE OIL AND GAS ORDER NUMBER 4- MEASUREMENT OF CRUDE OIL AND NATURAL GAS

Priority: Undetermined

Legal Authority: 30 USC 189; 30 USC 359; 25 USC 396; 25 USC 396(d)

CFR Citation: 43 CFR 3164.1(b); 43 CFR 3162.7

Abstract: This document is being issued under the oil and gas operations regulations as found in 43 CFR Part 3160. The order details the requirements for the accurate measurement and recording of the volumes of natural gas, crude oil and lease condensation produced and sold from Federal and Indian (except Osage) leases. This includes such production from other leases which is allocated to a covered lease. This order is referenced in the Table at 43 CFR 3164.1(b).

Timetable:

Action	Date	FR Cite
NPRM	12/00/85	

Small Entity: Undetermined

Additional Information: Onshore Oil and Gas Orders are used in place of the previously issued or proposed Notice to Lessees and Operators (NTL) which were issued by the Conservation Division of the Geological Survey.

Agency Contact: Stephen Spector, Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Washington, DC 20240, **202 653-2147**

RIN: 1004-AA96

GEOTHERMAL RESOURCES UNIT AGREEMENTS - UNPROVEN AREAS

Legal Authority: 30 USC 1001 to 1025

CFR Citation: 43 CFR 3280

Abstract: This rule, which contains the provisions governing the formation and operation of geothermal unit plans of development, will be revised to eliminate unnecessary and outdated provisions.

Timetable:

Action	Date	FR Cite
NPRM	09/00/86	

Small Entity: Undetermined

Additional Information: ADDITIONAL AGENCY CONTACT: Robert C. Bruce (202) 343-8735. Originally scheduled: October 1983.

Agency Contact: Stephen Spector, Department of the Interior, Bureau of Land Management, 18th and C Streets, NW, Washington, DC 20240, **202 653-2147**

RIN: 1004-AA63

COAL MANAGEMENT: GENERAL; COAL MANAGEMENT PROVISIONS AND LIMITATIONS

Legal Authority: 30 USC 181 et seq; 30 USC 351 to 359 et seq; 30 USC 521 to 531 et seq; 30 USC 1201 et seq; 43 USC 1701 et seq; 90 Stat. 1083 to 1092

CFR Citation: 43 CFR 3400; 43 CFR 3470

Abstract: These rules will be revised to provide policies and procedures that would be followed in issuing and using certificates of bidding rights.

Timetable:

Action	Date	FR Cite
NPRM	11/00/85	

Small Entity: No

Additional Information: ADDITIONAL AGENCY CONTACT: Robert C. Bruce (202) 343-8735 (see Agency Contact heading for address). Originally scheduled: April 1983.

Agency Contact: Carole Smith, Department of the Interior, Bureau of Land Management, 18th and C Streets, NW, Washington, DC 20240, 202 343-6821

RIN: 1004-AA58

COAL MANAGEMENT - GENERAL

Priority: Undetermined

Legal Authority: 30 USC 181 et seq; 30 USC 351 to 359

CFR Citation: 43 CFR 3400

Abstract: This rule will amend the existing regulations covering the procedures for leasing and management of Federal coal to reflect certain recommendations of the Commission on Fair Market Value Policy for Federal Coal Leasing.

Timetable:

Action	Date	FR Cite
NPRM	04/00/85	

Small Entity: Undetermined

Additional Information: ADDITIONAL AGENCY CONTACT: Dan Dick (202) 343-4437.

Agency Contact: Tom Walker, Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Washington, DC 20240, 202 343-4636

RIN: 1004-AA95

● **COAL MANAGEMENT - GENERAL**

Legal Authority: 30 USC 181 et seq; 30 USC 351 to 359

CFR Citation: 43 CFR 3400

Abstract: This rule will amend the existing regulations covering the procedures for leasing and management of Federal coal to reflect certain recommendations of the Office of Technology Assessment.

Timetable:

Action	Date	FR Cite
NPRM	06/00/85	

Small Entity: No

Additional Information: This rulemaking was split from an existing RIN, 1004-AA95, Coal Management - General.

Agency Contact: Tom Walker, Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Washington, DC 20240, 202 343-4636

RIN: 1004-AB14

COAL LEASE AND COAL LAND EXCHANGES; ALLUVIAL VALLEY FLOORS

Legal Authority: 30 USC 1260(b)(5)

CFR Citation: 43 CFR Subpart 3436

Abstract: This rule will be revised to delete the provision requiring alluvial valley floor exchange proponents to bear all the administrative costs connected with such exchanges.

Timetable:

Action	Date	FR Cite
NPRM	11/00/85	

Small Entity: No

Additional Information: Additional Agency Contact: Robert C. Bruce (202) 343-8735 (see Agency Contact heading for address).

Agency Contact: Carole Smith, Department of the Interior, Bureau of Land Management, 18th & C Streets, NW, Washington, DC 20240, 202 343-6821

RIN: 1004-AA64

LEASING OF SOLID MINERALS OTHER THAN COAL AND OIL SHALE

Priority: Undetermined

Legal Authority: 30 USC 181 et seq; 30 USC 351 to 359

CFR Citation: 43 CFR Group 3500

Abstract: This rulemaking is being totally revised by format only to facilitate ease of understanding and to promote clarity and efficiency. The rulemaking will divide the minerals covered into specific titles.

Timetable:

Action	Date	FR Cite
NPRM	03/00/85	

Small Entity: Undetermined

Additional Information: ADDITIONAL AGENCY CONTACTS: Zareh Mozian (202) 343-3258; Robert C. Bruce (202) 343-8735.

Agency Contact: Marcia Rohn, Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Washington, DC 20240, 202 343-3258

RIN: 1004-AB01

OPERATING REGULATIONS FOR EXPLORATION, DEVELOPMENT AND PRODUCTION

Priority: Undetermined

Legal Authority: 30 USC 181 et seq

CFR Citation: 43 CFR 3570

Abstract: This rule will revise the existing regulations to streamline them and to have them reflect current policy and industry operating practices relating to the leasing of minerals other than oil and gas.

Timetable:

Action	Date	FR Cite
NPRM	11/00/85	

Small Entity: Undetermined

Agency Contact: Harry Moritz, Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Washington, DC 20240, 202 343-7722

RIN: 1004-AA68

● **MULTIPLE USE: MINING: MINING CLAIMS UNDER THE GENERAL MINING LAWS**

Priority: Undetermined

Legal Authority: 30 USC 22 et seq; 30 USC 521 to 540; 30 USC 601 to 615; 30 USC 621 to 625; 43 USC 2; 43 USC 1732; 43 USC 1740; 61 Stat. 681

CFR Citation: 43 CFR Group 3700; 43 CFR Group 3800

Abstract: These two groups of regulations will be combined into a

single group, with the language being revised to remove burdensome, cumbersome and unnecessary provisions. In addition, the language will be updated and clarified and some provisions will be revised to meet the needs of today's conditions.

Timetable:

Action	Date	FR Cite
Notice of Intent to Proposed Rulemaking	12/27/82	47 FR 57521
NPRM	05/00/85	

Small Entity: Undetermined

Additional Information: ADDITIONAL AGENCY CONTACT: Robert C. Bruce, (202) 343-8735.

Agency Contact: Eugene Carlet, Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Washington, DC 20240, **202 343-8537**

RIN: 1004-AB04

FEDERAL OIL SHALE MANAGEMENT

Priority: Major

Legal Authority: 30 USC 181 et seq; 43 USC 1701 et seq

CFR Citation: 43 CFR 3900

Abstract: This major rule will establish procedures for conducting a competitive leasing program, including procedures for issuing competitive oil shale leases, leasing multimineral deposits, issuing exploration licenses, and managing oil shale leases. Oil shale is a resource that has significant potential to increase the domestic energy supply and to reduce the Nation's dependence on foreign sources of energy. The rule is needed to establish procedures that will allow orderly development of this resource. Annual Federal costs of administering the oil shale leasing program described in the rule are estimated to be $3.5 million to $4.0 million. Total production from Federal leases is expected to range from 120,000 barrels per day to 400,000 barrels per day by the year 2000. The annual production costs associated with Federal oil shale leases are estimated to range from $1.2 billion to $3.1 billion. The shift in balance of payments resulting from the Federal program is estimated to be $5.5 billion to $7.0 billion in 1990. The rule, therefore, has been determined to be major because it is anticipated to have greater than a $100 million annual impact on the economy. Copies of the (cont)

Timetable:

Action	Date	FR Cite
NPRM	02/11/83	48 FR 6510
Second NPRM	08/00/85	

Small Entity: No

Additional Information: ABSTRACT CONT: Preliminary Regulatory Impact Analysis were available from the Agency Contacts upon publication of the proposed rule. Copies of the Final Regulatory Impact Analysis will be available from the Agency Contacts upon publication of the final rule. ADDITIONAL AGENCY CONTACT: Robert C. Bruce (202) 343-8735 (see Agency Contact heading for address). Originally scheduled: April 1982.

Analysis: Preliminary RIA 02/11/83 (48 FR 6510); Final RIA 12/00/84

Agency Contact: Elizabeth Owen, Department of the Interior, Bureau of Land Management, 18th and C Streets, NW, Washington, DC 20240, **202 343-3258**

RIN: 1004-AA04

● **GRAZING ADMINISTRATION - EXCLUSIVE OF ALASKA**

Legal Authority: 43 USC 315; 43 USC 1181(d); 43 USC 1701 et seq; PL 98-473

CFR Citation: 43 CFR 4100; 43 CFR 4130; 43 CFR 4140; 43 CFR 4170

Abstract: This rule will amend the existing regulations to incorporate the provisions of the Department of the Interior Appropriations Act for Fiscal Year 1985 covering subleasing of grazing leases and permits.

Timetable:

Action	Date	FR Cite
NPRM	05/00/85	

Small Entity: No

Agency Contact: Billy Templeton, Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Washington, DC 20240, **202 653-9193**

RIN: 1004-AB12

GRAZING ADMINISTRATION EXCLUSIVE OF ALASKA

Priority: Undetermined

Legal Authority: 43 USC 315; 43 USC 1181(d); 43 USC 1701 et seq

CFR Citation: 43 CFR 4110; 43 CFR 4130

Abstract: This rulemaking will amend the existing regulations to clarify questions concerning livestock and base property leases.

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/00/85	
Final Action	07/00/85	

Small Entity: Undetermined

Additional Information: ADDITIONAL AGENCY CONTACT: R. O. Miller, (202) 343-8735

Agency Contact: Billy Templeton, Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Washington, DC 20240, **202 653-9193**

RIN: 1004-AA94

WILD FREE-ROAMING HORSE AND BURRO PROTECTION: MANAGEMENT AND CONTROL

Legal Authority: 16 USC 1331 to 1340; 43 USC 1701 et seq

CFR Citation: 43 CFR 4700

Abstract: This part will be revised in order to reorganize the regulations into a logical, consistent format and to remove needless self-regulation more appropriate for the Bureau Manual. In addition, related rules will be consolidated (aircraft and motor vehicles - 4730 and 4740; removal of horses and burros - 4720, 4740 and 4750), and rules which have no foundation in the law will be eliminated (problem animals - (4740.3(c); fencing of private land - 4750.3)). Procedures for adoption and title transfer will be clarified, and burdensome requirements for veterinarian certifications will be eased by canceling the requirement or allowing certification from any qualified official (4740.4-2 and 4740.5). The costs to those who choose to participate in the adoption program should be lessened by these revisions.

Timetable:

Action	Date	FR Cite
NPRM	12/18/84	49 FR 49252
NPRM Comment Period End	02/19/85	49 FR 49252

Next Action Undetermined

Small Entity: No

Additional Information: ADDITIONAL AGENCY CONTACT: Ted Hudson (202)

343-8735 (see Agency Contact heading for address). Originally scheduled: April 1981.

Agency Contact: Richard Starke, Department of the Interior, Bureau of Land Management, 18th and C Streets, NW, Washington, DC 20240, **202 653-9215**

RIN: 1004-AA31

● SALES OF FOREST PRODUCTS; GENERAL

Priority: Agency Determination

Legal Authority: PL 98-478

CFR Citation: 43 CFR 5400

Abstract: This rule will provide the procedures for implementing the requirements of Public Law 98-478, the Federal Timber Contract Payment Modification Act.

Timetable:

Action	Date	FR Cite
NPRM	12/05/84	49 FR 47511
NPRM Comment Period Begin	12/05/84	49 FR 47511
NPRM Comment Period End	02/05/85	
Final Action	04/00/85	

Small Entity: No

Agency Contact: Charles Frost, Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Washington, DC 20240, **202 653-8864**

RIN: 1004-AB08

● PROTECTION OF SPECIAL STATUS PLANTS

Priority: Undetermined

Legal Authority: 43 USC 1701 et seq

CFR Citation: 43 CFR 6850

Abstract: This rule will provide the procedure for protecting rare plants located on the public lands. The uncontrolled collection of these rare plants will endanger their existence.

Timetable:

Action	Date	FR Cite
NPRM	06/00/85	

Small Entity: Undetermined

Agency Contact: William H. Radtkey, Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Washington, DC 20240, **202 653-9202**

RIN: 1004-AB09

CULTURAL RESOURCE MANAGEMENT

Priority: Undetermined

Legal Authority: 43 USC 1701 et seq; 16 USC 470 et seq; 42 USC 4321; 16 USC 432; 16 USC 470aa et seq; 42 USC 1996; 16 USC 433; 36 CFR 800.11

CFR Citation: 43 CFR 8100; 43 CFR 8110; 43 CFR 8111; 43 CFR 8140; 43 CFR 8141; 43 CFR 8142; 43 CFR 8143

Abstract: The rule will adapt a Governmentwide compliance procedure to a Bureau-specific procedure, with substantial streamlining, reduction of outside consultation, quicker management decisions that are more rapidly carried out, public land users being allowed to proceed with land or resource use with less delay and cultural resources being protected as effectively as under the existing review system of review.

Timetable:

Action	Date	FR Cite
NPRM	08/00/85	

Small Entity: Undetermined

Agency Contact: John G. Douglas, Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Washington, DC 20240, **202 343-9353**

RIN: 1004-AA69

● PROCEDURES - FOSSIL FOREST RESEARCH NATURAL AREA

Legal Authority: 16 USC 1131 to 1136; 43 USC 1701 et seq; 30 USC 181 et seq; 30 USC 1201 et seq; 90 Stat. 1083 to 1092

CFR Citation: 43 CFR 8224

Abstract: This rule will provide procedures for the management and protection of natural, aesthetic, scientific, educational and paleontological values in the Fossil Forest of New Mexico.

Timetable:

Action	Date	FR Cite
NPRM	03/00/85	

Small Entity: No

Additional Information: ADDITIONAL AGENCY CONTACT: Ted Hudson, (202) 343-8735

Agency Contact: F. Carl Barna, Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Washington, DC 20240, **202 343-9353**

RIN: 1004-AB06

PALEONTOLOGY

Legal Authority: 43 USC 1701 et seq

CFR Citation: 43 CFR 8270

Abstract: This rule will be revised to provide the procedures for the management of paleontological specimens located on the public lands.

Timetable:

Action	Date	FR Cite
NPRM	08/17/82	47 FR 35914
Second NPRM	11/00/86	

Small Entity: No

Additional Information: ADDITIONAL AGENCY CONTACT: R.O. Miller (202) 343-8735 (see Agency Contact heading for address). The information collection requirements contained in this rule were approved by the Office of Management and Budget under 44 USC 3501 et seq and assigned clearance number 1004-0106. Originally scheduled: 07/80.

Agency Contact: Carl Barna, Department of the Interior, Bureau of Land Management, 18th and C Streets, NW, Washington, DC 20240, **202 343-3207**

RIN: 1004-AA27

RECREATION: GENERAL

Priority: Undetermined

Legal Authority: 43 USC 1701 et seq; 43 USC 869; 43 USC 1181a; 43 USC 315; 43 USC 4321 et seq; 16 USC 460l to 461; 16 USC 1131; 16 USC 1271 to 1287; 16 USC 1241; 16 USC 670; 29 USC 794

CFR Citation: 43 CFR Subpart 8300

Abstract: This rule will be amended to revise the policy statement for recreation management of the public lands.

Timetable:

Action	Date	FR Cite
NPRM	08/00/85	

Small Entity: Undetermined

Additional Information: ADDITIONAL AGENCY CONTACT: Ted Hudson (202) 343-8735 (see Agency Contact heading

for address). Originally scheduled: October 1981.

Agency Contact: Wesley R. Henry, Department of the Interior, Bureau of Land Management, 18th and C Streets, NW, Washington, DC 20240, 202 343-9353

RIN: 1004-AA35

USE AUTHORIZATIONS; SPECIAL RECREATION PERMITS

Legal Authority: 43 USC 1201 et seq; 43 USC 1701 et seq; 43 USC 1181a; 16 USC 460 to 6a

CFR Citation: 43 CFR Subpart 8372

Abstract: This rule is being revised to reflect revised, special recreation policies.

Timetable:

Action	Date	FR Cite
NPRM	08/00/85	

Small Entity: No

Additional Information: ADDITIONAL AGENCY CONTACT: Ted Hudson (202) 343-8735 (see Agency Contact heading for address). Originally scheduled: October 1981.

Agency Contact: Bruce Brown, Department of the Interior, Bureau of Land Management, 18th and C Streets, NW, Washington, DC 20240, 202 343-9353

RIN: 1004-AA36

MANAGEMENT OF DESIGNATED WILDERNESS AREAS

Legal Authority: 43 USC 1701 et seq; 16 USC 1131

CFR Citation: 43 CFR 8560

Abstract: This rule will provide procedures for the use of Congressionally designated wilderness areas in public lands.

Timetable:

Action	Date	FR Cite
NPRM	06/14/83	48 FR 27366
Final Action	03/00/85	

Small Entity: No

Additional Information: ADDITIONAL AGENCY CONTACT: R.O. Miller (202) 343-8735 (see Agency Contact heading for address). Originally scheduled: October 1981.

Agency Contact: David Porter, Department of the Interior, Bureau of Land Management, 18th and C Streets, NW, Washington, DC 20240, 202 343-8064

RIN: 1004-AA37

● CADASTRAL SURVEY

Priority: Undetermined

Legal Authority: 43 USC 1701 et seq; 48 USC 351; 43 USC 772; 43 USC 773

CFR Citation: 43 CFR 9180

Abstract: This rule would revise the existing regulations to remove obsolete and burdensome provisions and clarify and simplify the remaining provisions.

Timetable:

Action	Date	FR Cite
NPRM	07/00/85	

Small Entity: Undetermined

Agency Contact: Bernard W. Hostrop, Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Washington, DC 20240, 202 653-8798

RIN: 1004-AB07

UNAUTHORIZED USE OF PUBLIC LANDS

Priority: Undetermined

Legal Authority: 43 USC 1701 et seq

CFR Citation: 43 CFR 9230

Abstract: This rule will be amended to clarify those activities that are prohibited on the public lands, to provide managers with additional authority to resolve existing violations and to clarify the authority of the Secretary of the Interior in instances of mineral trespass.

Timetable:

Action	Date	FR Cite
NPRM	05/00/85	

Small Entity: Undetermined

Additional Information: ADDITIONAL AGENCY CONTACT: Robert C. Bruce (202) 343-8735 (see Agency Contact heading for address). Originally scheduled: April 1981.

Agency Contact: Leroy Allen, Department of the Interior, Bureau of Land Management, 18th and C Streets, NW, Washington, DC 20240, 202 653-8815

RIN: 1004-AA38

DEPARTMENT OF THE INTERIOR (DOI)
Bureau of Land Management (BLM)

Completed Actions

COMPLETED RULEMAKINGS CONVEYANCING DOCUMENTS

Legal Authority: 43 USC 1745; 43 USC 1746

CFR Citation: 43 CFR 1860

Abstract: This rule will be amended to provide a procedure under which documents of disclaimer or corrections of conveyance documents can be applied for and obtained.

Timetable:

Action	Date	FR Cite
NPRM	05/03/82	47 FR 19060
Final Action	09/06/84	49 FR 35296
Final Action Effective	10/09/84	49 FR 35296

Small Entity: No

Additional Information: ADDITIONAL AGENCY CONTACT: Robert C. Bruce (202) 343-8735 (see Agency Contact heading for address). Originally scheduled: January 1981.

Agency Contact: Mark Etchart, Department of the Interior, Bureau of Land Management, 18th and C Streets, NW, Washington, DC 20240, 202 343-8693

RIN: 1004-AA05

RIGHTS-OF-WAY UNDER THE MINERAL LEASING ACT

Priority: Undetermined

Legal Authority: 30 USC 181 et seq

CFR Citation: 43 CFR 2880

DOI—BLM

Completed Actions

Abstract: This rule will be amended to include a revised schedule used in the cost reimbursement process for processing and monitoring right-of-way grants and temporary use permits issued in connection with oil and gas facilities.

Timetable:

Action	Date	FR Cite
NPRM	06/25/84	49 FR 25972
NPRM Comment Period Begin	06/25/84	
NPRM Comment Period End	08/24/84	
Final Action	01/10/85	50 FR 1308
Final Action Effective	02/11/85	50 FR 1308

Small Entity: Undetermined

Additional Information: This item was separated for the rulemaking on Rights-of-Way: Principals and Procedures; Oil and Gas Pipelines and Related Facilities, RIN 1004-AA-17.

Agency Contact: Darrell Barnes, Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Washington, DC 20240, 202 343-5441

RIN: 1004–AB03

NONCOMPETITIVE LEASING

Priority: Undetermined

Legal Authority: 16 USC 3101 et seq; 30 USC 181 et seq; 30 USC 351 to 359; 43 USC 1701 et seq

CFR Citation: 43 CFR 3110.1-3(a); 43 CFR 3110.1-3(d)

Abstract: These rules will be amended to clarify that the minimum size for an oil and gas lease in the coterminous States is 640 acres or an entire surveyed or protracted section, whichever is larger and change the minimum lease size for a noncompetitive oil and gas lease in Alaska to 2,560 acres or 4 entire contiguous sections, whichever is larger.

Timetable:

Action	Date	FR Cite
NPRM	08/15/84	49 FR 32609
NPRM Comment Period End	10/15/84	
Final Action	01/15/85	50 FR 2048
Final Action Effective	02/14/85	50 FR 2048

Small Entity: Undetermined

Agency Contact: Valliere Cacy, Department of the Interior, Bureau of Land Management, 1800 C Street, NW, Washington, DC 20240, 202 653-2228

RIN: 1004–AB02

[FR Doc. 85-6368 Filed 04-26-85; 8:45 am]

BILLING CODE 4310-10-T

DEPARTMENT OF THE INTERIOR (DOI)
Geological Survey (GS)

Current and Projected Rulemakings

STATE WATER RESEARCH INSTITUTE PROGRAM

Legal Authority: 42 USC 10303 Water Resources Research Act of 1984

CFR Citation: 18 CFR 501, (Revocation); 18 CFR 502, (Revocation); 18 CFR 503, (Revocation); 18 CFR 504, (Revocation); 18 CFR 505, (Revocation); 18 CFR 506, (Revocation); 18 CFR 507, (Revocation); 18 CFR 508, (Revocation); 30 CFR 401

Abstract: The purpose of this action is to establish procedures that will enable the Secretary of the Interior to meet his responsibilities in administering the program of state water research institutes reauthorized by the Water Resources Research Act of 1984. The rules and regulations presently governing the grant program were promulgated in 1964 and are not responsive to the new legislation. The new rules and regulations will primarily address matters of: administrative responsibility within the Department; state designation of the universities hosting the institutes; cost-sharing requirements and the evaluation process called for by the Act; and application and reporting procedures. The action will provide clear and consistent administrative direction to both the granting agency and the grantees. The revised rule will be redesignated as 30 CFR 401.

Timetable:

Action	Date	FR Cite
NPRM	01/08/85	
NPRM Comment Period End	03/11/85	50 FR 00956
Final Action	07/00/85	

Small Entity: No

Agency Contact: Madge Ertel, State Liaison Specialist, Department of the Interior, Geological Survey, Mail Stop 424 - 22092, Reston, Virginia, 703 860-7921

RIN: 1028–AA00

[FR Doc. 85-6368 Filed 04-26-85; 8:45 am]

BILLING CODE 4310-10-T

DEPARTMENT OF THE INTERIOR (DOI)
Office of the Secretary (OS)

Current and Projected Rulemakings

● CRITERIA FOR DETERMINATIONS OF ADVERSE IMPACT UNDER SECTION 165(D)(2)(C)(II) AND (III) OF THE CLEAN AIR ACT

Priority: Undetermined

Legal Authority: 42 USC 7475(d)

CFR Citation: Not yet determined

Abstract: Under the Clean Air Act, the Department of the Interior, as Federal Land Manager, has the affirmative responsibility to protect the air quality related values of its class 1 areas and to consider whether proposed new major sources of air pollution will have an adverse impact on these values. The Department has developed and applied "working" criteria for making adverse impact determinations in several cases since 1982. Both industry and environmental groups have commented on the "working" criteria and requested further rulemaking action on the criteria. In response to these requests, this rulemaking action would solicit public input on the working definitions as well as related technical and legal issues.

The Notice of Intent will ask several questions. The answers to these questions will be useful in determining alternatives and potential costs and benefits.

Timetable:

Action	Date	FR Cite
ANPRM	06/00/85	
ANPRM Comment Period Begin	06/00/85	
ANPRM Comment Period End	08/00/85	
NPRM	00/00/00	
NPRM Comment Period Begin	00/00/00	
NPRM Comment Period End	00/00/00	
Interim Final Rule	00/00/00	
Final Action	00/00/00	
Final Action Effective	00/00/00	

Small Entity: Undetermined

Agency Contact: Molly N. Ross, Assistant Division Chief, Department of the Interior, Office of the Secretary, 18th & C Streets, NW, Room 3021, Washington, DC 20240, **202 343-4911**

RIN: 1093-AA02

ADMINISTRATIVE AND COST PRINCIPLES FOR ASSISTANCE PROGRAMS

Legal Authority: 5 USC 301

CFR Citation: 43 CFR 12

Abstract: This rule implements Government-wide requirements established by the Office of Management and Budget (OMB) under OMB Circulars for the administration of assistance agreements.

Timetable:

Action	Date	FR Cite
Final Action	03/00/85	
Final Action Effective	04/00/85	

Small Entity: No

Affected Sectors: Multiple

Government Levels Affected: Local, State

Agency Contact: Ceceil Coleman, Grants Policy Specialist, Department of the Interior, Office of the Secretary, 18th & C Streets, NW, Washington, DC 20240, **202 343-6431**

RIN: 1093-AA01

DEPARTMENT OF THE INTERIOR ACQUISITION REGULATION

Legal Authority: 5 USC 301

CFR Citation: 48 CFR 1400

Abstract: This rule will implement changes made in the FAR as a result of the Competition in Contracting Act of 1984, P.L. 98-369.

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/01/85	

Small Entity: No

Agency Contact: William Opdyke, Chief, Branch of Policy and Regulations, Department of the Interior, Office of the Secretary, 18th & C Streets, NW, Washington, DC 20240, **202 343-3433**

RIN: 1093-AA00

● DEPARTMENT OF THE INTERIOR ACQUISITION REGULATION (FAR)

Legal Authority: 5 USC 301

CFR Citation: 48 CFR 1400

Abstract: This rule will implement changes in the FAR as a result of the Small Business and Federal Procurement Competition Enhancement Act of 1984, P.L. 98-577.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Agency Contact: William S. Opdyke, Chief, Branch of Policy and Regulations, Department of the Interior, Office of the Secretary, 18th & C Streets, NW, Washington, DC 20240, **202 343-3433**

RIN: 1093-AA03

[FR Doc. 85-6368 Filed 04-26-85; 8:45 am]

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Federal Register

Monday
April 29, 1985

Part XI

Department of Justice

Semiannual Regulatory Agenda

DOJ

DEPARTMENT OF JUSTICE

8 CFR Ch. I

21 CFR Ch. II

28 CFR Ch. I

48 CFR Ch. I

Regulatory Agenda

AGENCY: Office of Legal Policy, Department of Justice.

ACTION: Regulatory agenda.

SUMMARY: The Department of Justice is publishing its April 1985 regulatory agenda pursuant to Executive Order No. 12291, "Federal Regulation," 3 CFR 127 (1981 Compilation), the Regulatory Flexibility Act, 5 U.S.C.A. 601-612 (West 1984), and Office of Management and Budget Bulletin No. 85-6, December 13, 1984.

FOR FURTHER INFORMATION CONTACT: Janis A. Sposato, General Counsel, Justice Management Division, Department of Justice, Room 1226, 10th and Constitution Avenue, N.W., Washington, D.C. 20530 (202-633-3452).

SUPPLEMENTARY INFORMATION: The Department has identified 33 current and projected rulemakings for inclusion in the agenda. Five of these regulations have had final actions.

DATED: April 10, 1985.

James M. Spears,

Acting Assistant Attorney General, Office of Legal Policy.

DEPARTMENT OF JUSTICE (DOJ)
Civil Rights Division (CRT)

Current and Projected Rulemakings

NONDISCRIMINATION ON THE BASIS OF AGE IN PROGRAMS OR ACTIVITIES RECEIVING FEDERAL FINANCIAL ASSISTANCE

Priority: Agency Determination

Legal Authority: 42 USC 6103

CFR Citation: 28 CFR 42, Subpart H, (New)

Abstract: This regulation will implement the Age Discrimination Act of 1975, as amended. The proposed rule was published for comment, modified, approved by the Office of Legal Counsel, Department of Justice and forwarded to the Secretary of the Department of Health and Human Services for approval on November 10, 1980.

Timetable:

Action	Date	FR Cite
NPRM	05/19/80	45 FR 32710
Final Action	00/00/00	

Small Entity: No

Agency Contact: Doreen Dennis, Attorney, Department of Justice, Civil Rights Division, Coordination and Review Section, Washington, DC 20530, 202 724-2219

RIN: 1190-AA03

PROCEDURES FOR THE ADMINISTRATION OF SECTION 5 OF THE VOTING RIGHTS ACT OF 1965, AS AMENDED

Priority: Undetermined

Legal Authority: 5 USC 301; 28 USC 509; 28 USC 510; 42 USC 1973c

CFR Citation: 28 CFR 51

Abstract: PROBLEM THE REGULATION WILL ADDRESS: Revision of the Procedures is needed as a result of experience under them since 1981, interpretations of Section 5 of the Voting Rights Act of 1965, as amended, 42 U.S.C. 1973c, contained in judicial decisions, changes mandated by the 1982 Amendments to the Voting Rights Act, P.L. 97-205, 96 Stat. 131., and to set out substantive standards followed by the Attorney General. ALTERNATIVES BEING CONSIDERED: (1) Revisions to address all of the problems described above, or (2) revisions limited to incorporate changes made by the 1982 Amendments. ACTION'S POTENTIAL COSTS: None. ACTION'S POTENTIAL BENEFITS: Entities subject to Section 5 and other interested persons will receive greater guidance with respect to the procedures and standards of the Attorney General.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: Not Applicable

Agency Contact: David Hunter, Attorney, Voting Section, Department of Justice, Civil Rights Division, Washington, DC 20530, 202 724-5898

RIN: 1190-AA05

IMPLEMENTATION OF THE PROVISIONS OF THE VOTING RIGHTS ACT REGARDING LANGUAGE MINORITY GROUPS

Priority: Undetermined

Legal Authority: 5 USC 301; 28 USC 509; 28 USC 510; 42 USC 1973b; 42 USC 1973j(d); 42 USC 1973aa-1a; 42 USC 1973aa-2

CFR Citation: 28 CFR 55

Abstract: Revision of the minority language guidelines is needed to conform them to new determinations of coverage and to changes mandated by the 1982 Amendments to the Voting Rights Act, PL 97-205. Affected entities and interested persons will have more accurate information with respect to the application of the minority language requirements of the Voting Rights Act.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: Not Applicable

Agency Contact: David H. Hunter, Attorney, Voting Section, Department of Justice, Civil Rights Division, Washington, DC 20530, 202 724-5898

RIN: 1190-AA15

DEPARTMENT OF JUSTICE (DOJ)
Civil Rights Division (CRT)

Completed Actions

COMPLETED RULEMAKINGS

ENFORCEMENT OF NONDISCRIMINATION ON THE BASIS OF HANDICAP IN DEPARTMENT OF JUSTICE PROGRAMS

Priority: Agency Determination

CFR Citation: 28 CFR 39

Completed:

Reason	Date	FR Cite
Final Action	09/11/84	49 FR 35724
Final Action Effective	10/11/84	49 FR 35724

Small Entity: No

Agency Contact: Ms. Stewart B. Oneglia 202 724-2222

RIN: 1190-AA06

[FR Doc. 85-6369 Filed 04-26-85; 8:45 am]

BILLING CODE 4410-01-T

DEPARTMENT OF JUSTICE (DOJ)
Drug Enforcement Administration (DEA)

Completed Actions

COMPLETED RULEMAKINGS

21 CFR PART 1304 - RECORDS AND REPORTS OF REGISTRANTS CHANGES IN REGISTRANT REPORTING REQUIREMENTS

CFR Citation: 21 CFR 1304.38(a); 21 CFR 1304.39(b); 21 CFR 1304.40

Completed:

Reason	Date	FR Cite
Final Action	09/21/84	49 FR 37059
Final Action Effective	09/21/84	49 FR 37059

Small Entity: No

Agency Contact: Alfred A. Russell 202 633-1570

RIN: 1117-AA01

[FR Doc. 85-6368 Filed 04-26-85; 8:45 am]

BILLING CODE 4410-01-T

DEPARTMENT OF JUSTICE (DOJ)
General Administration (DOJADM)

Current and Projected Rulemakings

● JUSTICE ACQUISITION REGULATIONS

Legal Authority: 41 USC 405a

CFR Citation: 48 CFR 6; 48 CFR 14; 48 CFR 15; 48 CFR 32

Abstract: The proposed regulation will implement and supplement the Competition in Contracting Act of 1984 (PL 98-369), source selection under FAR Subpart 15.6 and progress payments under FAR Subpart 32.5.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: Undetermined

Public Compliance Cost: Initial Cost: $0; Yearly Recurring Cost: $0

Agency Contact: Larry Silvis, Assistant Director, Policy & Procedures Grp., Department of Justice, General Administration, 10th and Constitution Avenue, NW, Washington, DC 20530, 202 633-3217

RIN: 1103-AA02

● EXECUTIVE OFFICE FOR IMMIGRATION REVIEW REPRESENTATION AND APPEARANCES

Legal Authority: 28 USC 509; 28 USC 510; 5 USC 301; 8 USC 1103; 8 USC 1362

CFR Citation: 8 CFR 292.3; 8 CFR 3.1

Abstract: The contemplated regulation change would revise the procedure by which attorneys and representatives may be disbarred or suspended. It provides for a hearing and decision by an immigration judge, with appeal rights to the Board of Immigration Appeals and some limited review by the Attorney General. The change is desirable since it eliminates procedural entanglements between the Service and the immigration judges which exist in the current procedure.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Agency Contact: Gerald S. Hurwitz, Counsel to the Director, Department of Justice, General Administration, Executive Office for Immigration Review, Suite 1609, 5203 Leesburg Pike, Falls Church, Va 22041, 703 756-6470

RIN: 1103-AA03

● PROCEDURAL RULES FOR IMMIGRATION JUDGE PROCEEDINGS

Legal Authority: 8 USC 1103; 8 USC 1158; 8 USC 1226; 8 USC 1252; 8 USC 1253

CFR Citation: 8 CFR 3; 8 CFR 103; 8 CFR 208; 8 CFR 236; 8 CFR 242; 8 CFR 243; 8 CFR 246; 8 CFR 292

Abstract: The contemplated regulation revisions would set out a group of uniform rules of procedure in immigration proceedings to provide guidance to parties appearing before immigration judges in deportation, exclusion, bond, and rescission matters. These rules are designed to assist in the

DOJ—DOJADM **Current and Projected Rulemakings**

expeditious, fair, and proper resolution of matters coming before immigration judges. These rules encompass such matters as jurisdiction, venue, motions, conduct of hearing, decisions, and appeals.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Agency Contact: Gerald S. Hurwitz, Counsel to the Director, Department of Justice, General Administration, Executive Office for Immigration Review, Suite 1609, 5203 Leesburg Pike, Falls Church, Va 22041, **703 756-6470**

RIN: 1103-AA04

⊛ REPRESENTATION AND APPEARANCES

Legal Authority: 8 USC 1103; 8 USC 1362

CFR Citation: 8 CFR 292.1

Abstract: The contemplated regulation change would limit practice of foreign-licensed attorneys outside the definition of attorney under 8 CFR 1.1(f) to matters arising outside the United States and to those instances where the Immigration and Naturalization Service allows such practice. This is designed to help assure the high quality of representation in immigration matters.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Agency Contact: Gerald S. Hurwitz, Counsel to the Director, Department of Justice, General Administration, Executive Office for Immigration Review, Suite 1609, 5203 Leesburg Pike, Falls Church, Va 22041, **703 756-6470**

RIN: 1103-AA05

DEPARTMENT OF JUSTICE (DOJ)
General Administration (DOJADM)

Completed Actions

COMPLETED RULEMAKINGS

REQUESTS FOR RECOGNITION; ACCREDITATION OF REPRESENTATIVES

CFR Citation: 8 CFR 292

Completed:

Reason	Date	FR Cite
Final Action	10/19/84	49 FR 44084
Final Action Effective	12/03/84	49 FR 44085

Small Entity: No

Agency Contact: David B. Holmes 703 756-6168

RIN: 1103-AA01

[FR Doc. 85-6369 Filed 04-26-85; 8:45 am]

BILLING CODE 4410-01-T

DEPARTMENT OF JUSTICE (DOJ)
Immigration and Naturalization Service (INS)

Current and Projected Rulemakings

IMPOSITION OF MINIMUM BOND AS CONDITION OF RELEASE

Legal Authority: 8 USC 1103; 8 USC 1252; 8 USC 1254

CFR Citation: 8 CFR 3.1(b)(7); 8 CFR 242.2

Abstract: The proposed rule would revise the procedures relating to release of apprehended aliens. Release without bond would be authorized only for compelling interests of the government, and only by a district director of the Immigration and Naturalization Service. Neither an Immigration Judge nor the Board of Immigration Appeals would have authority to release an alien without bond.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Additional Information: Since the proposed rule would impact upon the newly created Executive Office For Immigration Review, it is subject to review and promulgation by the Attorney General.

Agency Contact: Michael J. Heilman, Associate General Counsel, Department of Justice, Immigration and Naturalization Service, 425 Eye St., NW, Washington, DC 20536, **202 633-2620**

RIN: 1115-AA03

INSPECTION OF PERSONS APPLYING FOR ADMISSION; PREINSPECTION

Legal Authority: 8 USC 1103; 8 USC 1225

CFR Citation: 8 CFR 235.5(c)

Abstract: The proposed rule would shift the financial burden for excess costs relating to INS personnel at preclearance facilities from the United States government to the benefiting carriers. These excess costs would include such items as quarters, post-of-duty differentials, and transportation of family members and household effects.

Timetable:

Action	Date	FR Cite
NPRM	08/23/84	49 FR 33451
NPRM Comment Period Begin	08/23/84	49 FR 33451
NPRM Comment Period End	10/22/84	
Final Action	02/00/85	
Final Action Effective	03/00/85	

Small Entity: No

Agency Contact: Valerie M. Blake, Immigration Inspector, Department of Justice, Immigration and Naturalization Service, 425 Eye St., NW, Washington, DC 20536, 202 633-2694

RIN: 1115-AA10

NONIMMIGRANT CLASSES; EXTENSIONS OF STAY FOR CERTAIN NONIMMIGRANT CLASSIFICATIONS

Legal Authority: 8 USC 1103; 8 USC 1184

CFR Citation: 8 CFR 214.2

Abstract: This final rule will improve the extension of stay rules for the E, J, and certain NATO nonimmigrant classifications by allowing the nonimmigrant to enter the United States for a longer period of time upon initial admission. This change should eliminate unnecessary extension of stay applications while still allowing for adequate control of these nonimmigrant groups.

Timetable:

Action	Date	FR Cite
Final Action	06/00/85	
Final Action Effective	07/00/85	

Small Entity: No

Agency Contact: Jeffrey Trecartin, Immigration Examiner, Department of Justice, Immigration and Naturalization Service, 425 Eye St., NW, Washington, DC 20536, 202 633-3240

RIN: 1115-AA11

● **ASYLUM PROCEDURES**

Legal Authority: 8 USC 1103; 8 USC 1158; 8 USC 1182; 8 USC 1225; 8 USC 1226; 8 USC 1252; 8 USC 1253

CFR Citation: 8 CFR 208; 8 CFR 235.9; 8 CFR 236.3; 8 CFR 242.17(c); 8 CFR 243.9; 8 CFR 253.1(f)

Abstract: The proposed rule would set forth procedures to be used in adjudicating asylum and withholding of deportation applications under sections 208 and 243(h) of the Immigration and Nationality Act.

Timetable:

Action	Date	FR Cite
ANPRM	03/00/85	
ANPRM Comment Period Begin	03/00/85	
ANPRM Comment Period End	05/00/85	

Small Entity: No

Agency Contact: Ralph B. Thomas, Immigration Inspector, Department of Justice, Immigration and Naturalization Service, 425 Eye St., NW, Washington, DC 20536, 202 633-5463

RIN: 1115-AA13

● **PETITION TO CLASSIFY ALIEN AS IMMEDIATE RELATIVE OF A UNITED STATES CITIZEN OR AS A PREFERENCE IMMIGRANT; FILING DATE**

Legal Authority: 8 USC 1154

CFR Citation: 8 CFR 204.1(d)(2)

Abstract: This proposed rule would require filing of third and sixth preference petitions within 30 days of issuance of a labor certification in order to preserve the date of submission to a state employment service office as the alien's priority date. Otherwise the priority date would be the date the petition is filed with the Service.

Timetable:

Action	Date	FR Cite
ANPRM	06/00/85	
ANPRM Comment Period Begin	06/00/85	
ANPRM Comment Period End	07/00/85	

Small Entity: No

Agency Contact: Lloyd Sutherland, Immigration Examiner, Department of Justice, Immigration and Naturalization Service, 425 Eye St., NW, Washington, DC 20536, 202 633-3946

RIN: 1115-AA14

● **CERTIFICATES OF CITIZENSHIP; EXAMINATION UPON APPLICATION; NATURALIZATION AND CITIZENSHIP PAPERS LOST, MUTILATED, OR DESTROYED; NEW CERTIFICATE IN CHANGED NAME**

Legal Authority: 8 USC 1452; 8 USC 1454

CFR Citation: 8 CFR 341.2; 8 CFR 343a.1

Abstract: This final rule will amend the existing regulations relating to the conducting of the required interviews on every application. This will eliminate unnecessary interview time and allow more applications to be processed.

Timetable:

Action	Date	FR Cite
Final Action	09/00/85	
Final Action Effective	09/00/85	

Small Entity: No

Agency Contact: Raymond R. Jaroneski, Jr., Immigration Examiner, Department of Justice, Immigration and Naturalization Service, 425 Eye St., NW, Washington, DC 20536, 202 633-5014

RIN: 1115-AA15

● **CHANGE OF NONIMMIGRANT CLASSIFICATION**

Legal Authority: 8 USC 1103; 8 USC 1184

CFR Citation: 8 CFR 248.3; 8 CFR 248.4

Abstract: This rule will require the application for change of nonimmigrant status to "H" or "L" classification to be filed with a nonimmigrant visa petition or notice of approval of the petition. It would also require that the application for change of nonimmigrant status be filed with the same district director having jurisdiction over the nonimmigrant visa petition, thus helping the Service provide a more expeditious adjudication of change of status requests by keeping related documents together.

Timetable:

Action	Date	FR Cite
NPRM	10/10/84	49 FR 39685
NPRM Comment Period Begin	10/10/84	49 FR 39685
NPRM Comment Period End	11/09/84	
Final Action	05/00/85	
Final Action Effective	06/00/85	

DOJ—INS

Current and Projected Rulemakings

Small Entity: No

Agency Contact: Jeffrey Trecartin, Immigration Examiner, Department of Justice, Immigration and Naturalization Service, 425 Eye St., NW, Washington, DC 20536, 202 633-3240

RIN: 1115-AA16

● DOCUMENTARY REQUIREMENTS: NONIMMIGRANTS; WAIVERS; ADMISSION OF CERTAIN INADMISSIBLE ALIENS; PAROLE; DIRECT TRANSITS

Legal Authority: 8 USC 1182

CFR Citation: 8 CFR 212.1(e)

Abstract: This proposed rule would restrict citizens of Bangladesh, India, Pakistan and Sri Lanka from transiting the United States without visas.

Timetable:

Action	Date	FR Cite
ANPRM	02/00/85	
ANPRM Comment Period Begin	02/00/85	
ANPRM Comment Period End	03/00/85	

Small Entity: No

Agency Contact: Janet M. Charney, Immigration Inspector, Department of Justice, Immigration and Naturalization Service, 425 Eye St., NW, Washington, DC 20536, 202 633-2694

RIN: 1115-AA17

● NONIMMIGRANT CLASSES; TEMPORARY EMPLOYEES AND INTRACOMPANY TRANSFEREES

Legal Authority: 8 USC 1101; 8 USC 1184

CFR Citation: 8 CFR 214.2(h); 8 CFR 214.2(l)

Abstract: This proposed rule would amend existing regulations relating to temporary employees and intracompany transferees to clarify the requirements for eligibility and facilitate public understanding of the adjudication process.

Timetable:

Action	Date	FR Cite
ANPRM	09/00/85	
ANPRM Comment Period Begin	09/00/85	
ANPRM Comment Period End	11/00/85	

Small Entity: No

Agency Contact: Aaron Bodin, Immigration Examiner, Department of Justice, Immigration and Naturalization Service, 425 Eye St., NW, Washington, DC 20536, 202 633-3240

RIN: 1115-AA18

DEPARTMENT OF JUSTICE (DOJ)
Immigration and Naturalization Service (INS)

Completed Actions

COMPLETED RULEMAKINGS

SPECIAL PROVISIONS RELATING TO AIRCRAFT; DESIGNATION OF PORTS OF ENTRY FOR ALIENS ARRIVING BY CIVIL AIRCRAFT

CFR Citation: 8 CFR 239.1; 8 CFR 239.2(a) & (b)

Completed:

Reason	Date	FR Cite
Final Action	12/26/84	49 FR 50018
Final Action Effective	01/25/85	49 FR 50018

Small Entity: No

Agency Contact: Ellis B. Linder 202 633-2745

RIN: 1115-AA09

DOCUMENTARY REQUIREMENTS: NONIMMIGRANTS; WAIVERS; ADMISSION OF CERTAIN INADMISSIBLE ALIENS; PAROLE

CFR Citation: 8 CFR 212.7(b)(4) & (5)

Completed:

Reason	Date	FR Cite
Final Action	12/13/84	49 FR 48530
Final Action Effective	01/01/85	49 FR 48530

Small Entity: No

Agency Contact: R. Michael Miller 202 633-3320

RIN: 1115-AA12

[FR Doc. 85-6369 Filed 04-26-85; 8:45 am]

BILLING CODE 4410-01-T

DEPARTMENT OF JUSTICE (DOJ)
Legal Activities (LA)

Current and Projected Rulemakings

REVISION OF DEPARTMENT OF JUSTICE FEE REGULATIONS IMPLEMENTING THE FREEDOM OF INFORMATION ACT

Legal Authority: 28 USC 509; 28 USC 510; 5 USC 301; 5 USC 552; 31 USC 9701

CFR Citation: 28 CFR 16, (Revision)

Abstract: This is a proposed revision to the procedural regulations of the Department of Justice, 28 CFR 16.10, setting forth the fees to be charged under the Freedom of Information Act ("FOIA"), 5 USC 552. It is proposed that this provision be amended, for the first time since 1975, to increase certain of the fees charged under the Act. No change is proposed in the current charge of 10 cents per page for duplication.

Timetable:

Action	Date	FR Cite
NPRM	02/00/85	
Final Action	04/00/85	

Small Entity: No

Agency Contact: Richard L. Huff, Co-Director, Department of Justice, Legal Activities, Office of Information and Privacy, **202 724-7400**

RIN: 1105–AA04

IMPLEMENTATION OF THE EQUAL ACCESS TO JUSTICE ACT IN DEPARTMENT OF JUSTICE ADMINISTRATIVE PROCEEDINGS

Priority: Undetermined

Legal Authority: 5 USC 504 Equal Access to Justice Act

CFR Citation: 28 CFR 24, (Revision)

Abstract: The Equal Access to Justice Act is now in the process of being reauthorized by Congress. Various amendments being proposed, if adopted, will require revision of the procedures for applications for attorneys fees, eligible parties, and proceedings covered.

Timetable:

Action	Date	FR Cite
ANPRM	00/00/00	

Small Entity: No

Affected Sectors: Multiple

Government Levels Affected: Federal

Analysis: Preliminary RIA 12/00/84; Final RIA 03/00/85

Agency Contact: Helen Shaw, Department of Justice, Legal Activities, **202 633-2034**

RIN: 1105–AA05

[FR Doc. 85-6369 Filed 04-26-85; 8:45 am]

BILLING CODE 4410-01-T

DEPARTMENT OF JUSTICE (DOJ)
Office of Justice Programs (OJP)

FORMULA GRANT PROGRAM

Legal Authority: 42 USC 3701 Omnibus Crime Control and Safe Streets Act of 1968

CFR Citation: 28 CFR 31

Abstract: The regulation will provide guidance to States applying for assistance in the way of Formula Grants. Approximately $50 million in Federal grant funds would be made available to the States.

Timetable:

Action	Date	FR Cite
NPRM	03/00/85	
NPRM Comment Period Begin	03/00/85	
NPRM Comment Period End	05/00/85	
Final Action	05/00/85	
Final Action Effective	06/00/85	

Small Entity: Not Applicable

Additional Information: The $1.5 million cost would be borne by the States.

Public Compliance Cost: Initial Cost: $1,500,000; Yearly Recurring Cost: $1,500,000; Base Year for Dollar Estimates: 1984

Government Levels Affected: Local, State

Agency Contact: Charles A. Lauer, General Counsel, Department of Justice, Office of Justice Programs, 633 Indiana Avenue, NW, Room 1268, Washington, DC 20531, **202 742-7792**

RIN: 1121–AA00

LEAA ADMINISTRATIVE REVIEW PROCEDURE

Legal Authority: 42 USC 3701 Omnibus Crime Control and Safe Streets Act of 1968

CFR Citation: 28 CFR 18

Abstract: The Office of Justice Programs (OJP) proposes to revise the regulation for the hearing and appeal procedures of the Justice Assistance agencies. These include: the Office of Justice Programs (OJP); the National Institute of Justice (NIJ); the Bureau of Justice Statistics (BJS); the Bureau of Justice Assistance (BJA); the Office of Juvenile Justice and Delinquency Prevention (OJJDP); and the Office for Victims of Crime (OVC). The new regulation is necessary to reflect changes made by Congress in the authorizing legislation of these agencies. The proposed regulation will provide guidelines for the hearing and appeal process available to a block grant or formula grant applicant or recipient or a recipient of a categorical grant or cooperative agreement whose grant or cooperative agreement may be terminated.

Timetable:

Action	Date	FR Cite
NPRM	03/01/85	
NPRM Comment Period Begin	03/01/85	
NPRM Comment Period End	05/01/85	

Small Entity: Not Applicable

Government Levels Affected: Local, State

Agency Contact: Charles A. Lauer, General Counsel, Department of Justice, Office of Justice Programs, 633 Indiana Avenue, NW, Washington, DC 20531, **202 724-7795**

RIN: 1121–AA01

● DISCRETIONARY GRANT PROGRAM OF BJA

Legal Authority: 42 USC 3701 et seq, as amended

Abstract: The purpose is to provide additional Federal financial assistance to public agencies and private nonprofit organizations for the purposes of (1) undertaking educational and training programs for criminal justice personnel; (2) providing technical assistance to States and local units of governments; (3) undertaking projects which are national or multi-state in scope; and (4) providing financial assistance to public agencies and private nonprofit organizations for demonstration programs which are likely to be successful and not likely to be funded with moneys from other sources.

Timetable:

Action	Date	FR Cite
NPRM	03/01/85	
NPRM Comment Period Begin	03/01/85	
NPRM Comment Period End	05/01/85	

Small Entity: Not Applicable

Public Compliance Cost: Initial Cost: $0; Yearly Recurring Cost: $0

Government Levels Affected: Local, State

Agency Contact: Charles A. Lauer, General Counsel, Department of Justice, Office of Justice Programs, 633 Indiana Avenue, NW, Washington, DC 20531, 202 724-7795

RIN: 1121-AA02

● CRIMINAL JUSTICE BLOCK GRANTS

Legal Authority: 42 USC 3701 et seq, as amended

CFR Citation: 28 CFR 33

Abstract: The proposed regulations describe a process by which the Bureau of Justice Assistance will award block grants to the States upon approval at a simplified, two-year application. The States, in turn, make subgrants to State and local agencies for the conduct of specific programs.

Timetable:

Action	Date	FR Cite
NPRM	01/24/85	50 FR 3353
NPRM Comment Period Begin	01/24/85	50 FR 3353
NPRM Comment Period End	03/25/85	
Final Action	03/25/85	
Final Action Effective	04/25/85	

Small Entity: Not Applicable

Public Compliance Cost: Initial Cost: $0; Yearly Recurring Cost: $0

Government Levels Affected: Local, State, Federal

Agency Contact: Charles A. Lauer, General Counsel, Department of Justice, Office of Justice Programs, 633 Indiana Avenue, NW, Room 1268, Washington, DC 20531, 202 724-6235

RIN: 1121-AA03

● PUBLIC SAFETY OFFICERS' DEATH BENEFITS

Legal Authority: 42 USC 3701 et seq, as amended

CFR Citation: 28 CFR 32

Abstract: The Bureau of Justice Assistance has been authorized to administer the PSOB program. As a nomenclature change, this Bureau has been substituted for the "Law Enforcement Assistance Administration" as the administering agency. Other proposed changes include: provision of coverage to Federal public safety officers; changes to facilitate transactions with the Department of Labor; and clarification of "gross negligence" and "intoxication" standards.

Timetable:

Action	Date	FR Cite
NPRM	02/05/85	
NPRM Comment Period Begin	02/05/85	
NPRM Comment Period End	05/05/85	
Final Action	05/05/85	
Final Action Effective	07/00/85	

Small Entity: Not Applicable

Public Compliance Cost: Initial Cost: $0; Yearly Recurring Cost: $0

Government Levels Affected: Local, State, Federal

Agency Contact: Charles A. Lauer and Yvette D. Caesar, General Counsel Attorney-Advisor, Department of Justice, Office of Justice Programs, 633 Indiana Avenue, NW, Room 1268, Washington, DC 20531, 202 724-7792

RIN: 1121-AA04

● OMB ADMINISTRATIVE REQUIREMENTS FOR DOJ ASSISTANCE PROGRAMS-- GRANTS ADMINISTRATION

Legal Authority: 5 USC 301; 28 USC 509; 28 USC 510

CFR Citation: 28 CFR 11

Abstract: (a) All financial assistance awards and subawards, in the form of grants and cooperative agreements, in accordance with paragraph (b) below, are subject to OMB Circulars A-102, "Uniform Administrative Requirements for Grants-in-Aid to State and Local Governments" and A-110, "Uniform Administrative Requirements for Grants and Other Agreements with Institutions of Higher Education, Hospitals, and Other Nonprofit Organizations", as revised.

(b)(1) Governmental recipients and subrecipients are subject to Circulars A-102 and A-87. (2) Institutions of higher education which are recipients or subrecipients are subject to Circulars A-110 and A-21. (3) Nonprofit organizations which are recipients or subrecipients are subject to Circulars A-110 and A-122.

(c) The Circulars referred to in this Part are incorporated by reference into this regulation and include all future changes upon OMB's publication of the change in the Federal Register.

Timetable:

Action	Date	FR Cite
Final Action	03/01/85	
Final Action Effective	04/01/85	

Small Entity: Not Applicable

Additional Information: This order is not a rule within the meaning of the Regulatory Flexibility Act, 5 USC 601-612. This order is not a major rule as defined by section 1.b of Executive Order No. 12291, 3 CFR 127 (1981). All provisions of Department of Justice program manuals, handbooks and other materials which are inconsistent with the above OMB Circulars are superseded, except to the extent that they are (a) required by statute, or (b) authorized in accordance with the exceptions provisions of a circular.

Public Compliance Cost: Initial Cost: $0; Yearly Recurring Cost: $0

Affected Sectors: None

Government Levels Affected: Local, State, Federal

Agency Contact: Charles A. Lauer, General Counsel, Department of Justice, Office of Justice Programs, 633 Indiana Avenue, NW, Room 1268, Washington, DC 20531, 202 724-7795

RIN: 1121-AA05

● CRIME VICTIM COMPENSATION GRANTS

Legal Authority: PL 98-473, Sec 1407 Victims of Crime Act of 1984

Abstract: The regulation will assist in implementing a grant program providing Federal financial aid to States for their crime victim compensation programs. The Victims of Crime Act of 1984 authorizes the Attorney General to make annual grants to the States from the Crime Victim Fund in the Treasury which can receive up to $100 million annually from new penalty assessments, forfeited appearance bonds, bail bonds, collateral security from criminal defendants and certain literary profits of convicted defendants Funds permitting, compensation programs will receive 35% of their prior year's victim compensation awards. Specific program requirements regarding criteria for compensation, financial obligations, civil rights and reporting are included.

Timetable:

Action	Date	FR Cite
NPRM	03/13/85	50 FR 10119
NPRM Comment Period Begin	03/13/85	50 FR 10119
NPRM Comment Period End	04/12/85	
Final Action	06/00/85	
Final Action Effective	06/00/85	

Small Entity: Not Applicable

Public Compliance Cost: Initial Cost: $0; Yearly Recurring Cost: $0

Government Levels Affected: Local, State

Agency Contact: Charles M. Hollis, Deputy Director, Department of Justice, Office of Justice Programs, 633 Indiana Avenue, NW, Washington, DC 20531, 202 724-5947

RIN: 1121-AA06

● CRIME VICTIM ASSISTANCE GRANTS

Legal Authority: PL 98-473, Sec 1407 Victims of Crime Act of 1984

Abstract: The regulation will assist in implementing a grant program providing Federal financial aid to States for support of crime victim assistance programs. The Victims of Crime Act of 1984 authorizes the Attorney General to make annual grants to the States from the Crime Victims Fund in the Treasury which can receive up to $100 million annually from new penalty assessments, forfeited appearance bonds, bail bonds, collateral security from criminal defendants, and certain literary profits of convicted defendants. Priority is given to programs providing assistance to victims of sexual assault, spousal and child abuse. Specific requirements are set forth concerning program eligibility, allocation of funds, and application procedures.

Timetable:

Action	Date	FR Cite
NPRM	03/20/85	50 FR 11262
NPRM Comment Period Begin	03/20/85	50 FR 11262
NPRM Comment Period End	05/20/85	
Final Action	07/00/85	
Final Action Effective	07/00/85	

Small Entity: Not Applicable

Public Compliance Cost: Initial Cost: $0; Yearly Recurring Cost: $0

Government Levels Affected: Local, State

Agency Contact: Charles M. Hollis, Deputy Director, Department of Justice, Office of Justice Programs, 633 Indiana Avenue, NW, Washington, DC 20531, 202 724-5947

RIN: 1121-AA07

● EMERGENCY FEDERAL LAW ENFORCEMENT ASSISTANCE

Legal Authority: PL 98-473 Justice Assistance Act of 1984

CFR Citation: 28 CFR 65

Abstract: Under the direction and authority of the Attorney General, the Emergency Federal Law Enforcement Assistance will function to assist State and/or local units of government in responding to a law enforcement emergency. Law enforcement emergencies are defined in the Justice Assistance Act of 1984 as uncommon situations which threaten to become of serious or epidemic proportions requiring additional law enforcement resources. The regulation sets forth application requirements and methods for the allocation of funds.

Timetable:

Action	Date	FR Cite
NPRM	04/15/85	
NPRM Comment Period Begin	04/15/85	
NPRM Comment Period End	06/15/85	

Small Entity: No

Public Compliance Cost: Initial Cost: $0; Yearly Recurring Cost: $0

Government Levels Affected: Local, State

Agency Contact: Charles A. Lauer, General Counsel, Department of Justice, Office of Justice Programs, 633 Indiana Avenue, NW, Washington, DC 20531, 202 724-7795

RIN: 1121-AA08

● JUVENILE JUSTICE AND DELINQUENCY PREVENTION COMPETITION AND PEER REVIEW POLICY

Legal Authority: 42 USC 5601 Juvenile Justice & Delinq Prevention Act of 1974

CFR Citation: 28 CFR 34

Abstract: The purpose of this regulation is to implement the competition and peer review requirements of Section 225(d) of the Juvenile Justice and Delinquency Prevention Act of 1974. It will govern the award of categorical grant funds under Title II, Parts B and C and ensure selection through a competitive process with appropriate formal peer review.

Timetable:

Action	Date	FR Cite
NPRM	04/15/85	
NPRM Comment Period Begin	04/15/85	
NPRM Comment Period End	05/15/85	

Small Entity: No

Public Compliance Cost: Initial Cost: $0; Yearly Recurring Cost: $0

Government Levels Affected: Local, State

Agency Contact: Alfred S. Regnery, Administrator, Department of Justice, Office of Justice Programs, 633 Indiana Avenue, NW, Washington, DC 20531, 202 724-7751

RIN: 1121-AA09

[FR Doc. 85-6369 Filed 04-26-85; 8:45 am]
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Federal Register

Monday
April 29, 1985

Part XII

Department of Labor

Semiannual Regulatory Agenda

DOL

DEPARTMENT OF LABOR

Office of the Secretary

20 CFR Chs. I, IV, V, VI, and VII

29 CFR Subtitle A and Chs. II, IV, V, XVII, and XXV

30 CFR Ch. I

41 CFR Chs. 29 and 60

Semiannual Agenda of Regulations

AGENCY: Office of the Secretary, Labor.

ACTION: Semiannual agenda of regulations selected for review or development.

SUMMARY: This document sets forth the Department's Semiannual Agenda of Regulations which have been selected for review or development during the coming one year period. The agenda complies with the requirements of both Executive Order 12291 and the Regulatory Flexibility Act.

DATES: The agenda includes all regulations which are expected to be under review or development between April 1985 and April 1986.

FOR FURTHER INFORMATION CONTACT: Roland G. Droitsch, Acting Deputy Assistant Secretary for Policy, Office of the Assistant Secretary for Policy, Department of Labor, 200 Constitution Avenue, N.W., Room S2233, Washington, D.C. 20210 (202) 523-9058.

SUPPLEMENTARY INFORMATION: Executive Order 12291 and the Regulatory Flexibility Act require the semiannual publication in the **Federal Register** of an agenda of regulations.

Executive Order 12291 became effective February 17, 1981, and in substance requires the Department of Labor to publish an agenda, listing all the regulations it expects to have under active consideration for promulgation, proposal or review during the coming one year period. It also requires the Department to conduct a Regulatory Impact Analysis for all "major" regulations being developed.

The Regulatory Flexibility Act became effective on January 1, 1981. It applies only to regulations for which a notice of proposed rulemaking was issued on or after January 1, 1981, and requires the Department of Labor to publish an agenda, listing all the regulations it expects to propose or promulgate that are likely to have a "significant economic impact on a substantial number of small entities" (5 U.S.C. 602). For any regulation that will have this impact, the Department must conduct a Regulatory Flexibility Analysis to gauge the economic consequences of the rule, and to analyze the availability of more flexible approaches for lightening the rule's regulatory burden on "small entities."

If a proposed regulation will not have a "significant economic impact on a substantial number of small entities," the Department of Labor must publish a certification to that effect at the time of the general notice of proposed rulemaking or at the time of the publication of the final rule. That certification must be accompanied by a succinct statement explaining the reasons for the agency's determinations.

As permitted by law, the Department of Labor is combining in this publication its agendas under the Regulatory Flexibility Act and Executive Order 12291.

The regulatory reform process, of which the unified agenda is a part, continues to be an extremely valuable aid in the development of better regulations by the Department. We believe that our regulatory reform program has resulted in improved regulatory management, more clearly written regulations and significantly less burdensome regulations.

Further improvement is certainly needed, and we are constantly seeking new and innovative approaches in pursuit of this goal. All interested members of the public are invited and encouraged to let Departmental Officials know how our regulatory reform process can be further improved and, of course, to participate in and comment on the review or development of the regulations listed on the agenda.

The Department of Labor's next semiannual agenda, under Executive Order 12291 and the Regulatory Flexibility Act, will be published in October 1985.

Ford B. Ford,

Under Secretary of Labor.

Office of the Secretary—Current and Projected Rulemakings

Sequence Number	Title	Regulation Identifier Number
1	Debt Collection Act Regulations: Salary Offset	1290-AA04
2	Right to Financial Privacy Act	1290-AA05

Office of the Secretary—Completed Actions

Sequence Number	Title	Regulation Identifier Number
3	Debt Collection Act Regulations; Disclosure to Consumer Reporting Agencies; Administrative Offset; Interest, Penalties, and Administrative Costs	1290-AA03

DOL

Employment Standards Administration—Current and Projected Rulemakings

Sequence Number	Title	Regulation Identifier Number
4	*Club Membership (ESA/OFCCP)	1215-AA00
5	*Government Contractors: Nondiscrimination and Affirmative Action Obligation (ESA/OFCCP)	1215-AA01
6	Nondiscrimination and Affirmative Action Obligations for Disabled Veterans, Veterans of Vietnam Era, and Handicapped Workers (ESA/OFCCP)	1215-AA02
7	Black Lung: Obligations of Lessors for Claims for Benefits (ESA/OWCP)	1215-AA03
8	Longshoreman's Act: Regional Offices (ESA/OWCP)	1215-AA12
9	FECA Medical Fee Regulations (ESA/OWCP)	1215-AA13
10	Claims for Compensation Under the Federal Employees' Compensation Act	1215-AA29
11	*Longshore and Harbor Workers' Compensation Act and Related Statutes	1215-AA30
12	Longshore and Harbor Workers' Compensation Act, (LHWCA) Applications for Authority to Write Insurance; How Filed; Evidence to be Submitted: Other Requirements	1215-AA31
13	*Defining and Delimiting the Terms "Any Employee Employed in a Bona Fide Executive, Administrative, or Professional Capacity. . ." (ESA/W-H)	1215-AA14
14	Records to be Kept by Employers (ESA/W-H)	1215-AA22
15	*Wage Payments Under the Fair Labor Standards Act of 1938	1215-AA32
16	General Regulations Under the Walsh-Healey Public Contracts Act	1215-AA33

*Indicates priority regulation.

Employment Standards Administration—Existing Regulations Under Review

Sequence Number	Title	Regulation Identifier Number
17	Longshoremen's Act: Second Injury Relief; Annual Assessments (ESA/OWCP)	1215-AA18
18	Employment of Handicapped Clients in Sheltered Workshops	1215-AA34
19	Labor Standards on Projects or Productions Assisted by Grants from the National Endowment for the Arts (ESA/W-H)	1215-AA35

Employment Standards Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
20	Black Lung Benefits, Requirements for Coal Mine Operators Insurance (ESA/OWCP)	1215-AA16
21	*Labor Standards Provisions, Davis-Bacon and Related Acts (ESA/W-H)	1215-AA07
22	*Employment of Full-Time Students at Subminimum Wages (ESA/W-H)	1215-AA08
23	*Employment of Minors Between Fourteen and Sixteen Years of Age (Child Labor Regulation Number Three) (ESA/W-H)	1215-AA09
24	Child Labor Regulations Subpart E, Occupations Particularly Hazardous for the Employment of Minors 16 and 17 Years of Age Involving the Operation of Bakery Machines (ESA/W-H)	1215-AA20
25	*Child Labor Regulations Subpart E, Occupations Particularly Hazardous for the Employment of Minors 16 and 17 Years of Age Involving Slaughtering and Related Occupations (ESA/WH)	1215-AA21
26	Child Labor Regulations Subpart E, Occupations Particularly Hazardous for the Employment of Minors 16 and 17 Years of Age Involving Motor Vehicle Drivers and Helpers (ESA/W-H)	1215-AA23
27	General Regulations Under the Walsh-Healey Public Contracts Act	1215-AA26
28	*Employment of Homeworkers in Certain Industries	1215-AA27

*Indicates priority regulation.

Employment and Training Administration—Current and Projected Rulemakings

Sequence Number	Title	Regulation Identifier Number
29	*Single Unit Charge Agreements	1205-AA35
30	Piece Rate Adjustments	1205-AA30
31	Labor Certification Process for the Permanent Employment of Aliens in the United States	1205-AA33

DOL

Employment and Training Administration—Current and Projected Rulemakings—Continued

Sequence Number	Title	Regulation Identifier Number
32	Labor Certification Process for the Temporary Employment of Aliens in Agriculture and Logging in the United States	1205-AA34
33	Senior Community Service Employment Program	1205-AA29
34	*Airline Deregulation: Employee Benefit Program	1205-AA07
35	Limitations on Tax Credit Reductions and Interest on Advances to States	1205-AA14
36	Federal-State Extended Unemployment Compensation Act of 1970	1205-AA15
37	Trade Adjustment Assistance for Workers	1205-AA17
38	Unemployment Compensation for Ex-Servicemembers	1205-AA26
39	*Unemployment Insurance Quality Control Program	1205-AA28
40	*Trade Adjustment Assistance for Workers	1205-AA31
41	*Implementation of the Deficit Reduction Act (P.L. 98-396) Provisions for Exchange of Income and Eligibility Information Among Federally-assisted Income Maintenance Programs	1205-AA32

*Indicates priority regulation.

Employment and Training Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
42	*Work Incentive Program for AFDC Recipients Under Title IV of the Social Security Act	1205-AA27

*Indicates priority regulation.

Office of Pension and Welfare Benefits Programs—Current and Projected Rulemakings

Sequence Number	Title	Regulation Identifier Number
43	Individual Benefit Reporting - Recordkeeping - Multiple Employer Plans	1210-AA02
44	Individual Benefit Reporting and Recordkeeping for Single Employer Plans	1210-AA03
45	*Plan Assets Regulation	1210-AA06
46	Participant Directed Individual Account Plans	1210-AA08
47	Loans to Participants	1210-AA09
48	*Proposed Exemption and Alternative Method of Compliance for Annual Reporting of Certain Investments	1210-AA14
49	Adequate Consideration	1210-AA15
50	*Definition of Plan Assets -- Employee Contributions	1210-AA16
51	Amendment of Severance Pay Regulation	1210-AA18
52	Qualified Domestic Relations Orders Under the Retirement Equity Act	1210-AA19
53	*Procedures for Administrative Imposition of Civil Sanctions	1210-AA20
54	Top Hat Plans	1210-AA21
55	The Payment of Trustees' Litigation Expenses	1210-AA22

*Indicates priority regulation.

Office of Pension and Welfare Benefits Programs—Existing Regulations Under Review

Sequence Number	Title	Regulation Identifier Number
56	Participation of Self-Regulatory Organizations in the Prohibited Transaction Exemption Process	1210-AA17

DOL

Bureau of Labor Management Relations and Cooperative Programs—Completed Actions

Sequence Number	Title	Regulation Identifier Number
57	*Airline Deregulation: First Right of Hire	1214-AA00
58	Administration of Labor Protection Provisions Affecting Mass Transit Employees under 13(c) of the Urban Mass Transportation Act	1214-AA01

*Indicates priority regulation.

Office of Labor Management Standards—Completed Actions

Sequence Number	Title	Regulation Identifier Number
59	Labor Organization Annual Report	1294-AA00
60	Election Enforcement Provisions of the LMRDA	1294-AA01

Mine Safety and Health Administration—Current and Projected Rulemakings

Sequence Number	Title	Regulation Identifier Number
61	Pattern of Violations	1219-AA04
62	Alternate Program for Equipment Approvals	1219-AA06
63	*Review of Self-Contained Self Rescue Devices (SCSR) Standards Applicable to Coal Mining	1219-AA08
64	*Review of Ventilation Standards Applicable to Coal Mining	1219-AA11
65	*Review of Hoisting and Transportation of Persons and Material Standards Applicable to Coal Mining	1219-AA12
66	*Safety Standards for Underground Coal Mines; Roof, Face and Rib Support	1219-AA13
67	*Review of Metal and Nonmetal Electricity Standards	1219-AA14
68	*Review of Metal and Nonmetal Gassy Mine Standards	1219-AA15
69	*Safety Standards for Underground Coal Mines; Explosives and Blasting	1219-AA16
70	*Review of Metal and Nonmetal Explosives Standards	1219-AA17
71	*Review of Metal and Nonmetal Loading, Hauling, and Dumping Standards	1219-AA18
72	*Safety Standards for Machinery and Equipment at Metal and Nonmetal Mines	1219-AA19
73	*Review of Metal and Nonmetal Air Quality Standards	1219-AA21
74	*Review of Metal & Nonmetal Ground Control Standards	1219-AA22
75	*Requirements of Approval of Explosives and Sheathed Explosive Units, Water Stemming Bags, Electric Detonators and Blasting Units	1219-AA23
76	*Mine Plan Approvals	1219-AA26
77	*Radiation	1219-AA28

*Indicates priority regulation.

Mine Safety and Health Administration—Existing Regulations Under Review

Sequence Number	Title	Regulation Identifier Number
78	*Review of Electrical Standards Applicable to Coal Mining	1219-AA10
79	*Approval Criteria for Diesel-Powered Equipment for Underground Coal Mines	1219-AA27
80	*MSHA Regulations for Approval of Equipment-- Updating Fees Associated With Equipment Approvals	1219-AA29

*Indicates priority regulation.

DOL

Mine Safety and Health Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
81	*Review of Metal and Nonmetal Standards	1219-AA00
82	*Review of Safety and Health Standards Applicable to Coal Mining	1219-AA01
83	Miner Participation in the Respirable Dust Sampling Program	1219-AA02
84	Construction Work at Surface Areas of Mines: Safety, Health Standards	1219-AA05
85	Review of Cabs or Canopies Standards Applicable to Coal Mining	1219-AA09
86	*Review of Metal and Nonmetal Fire Prevention and Control Standards	1219-AA20
87	Review of Oil and Gas Wells Standards Applicable to Coal Mining	1219-AA24

*Indicates priority regulation.

Office of the Assistant Secretary for Administration and Management—Current and Projected Rulemakings

Sequence Number	Title	Regulation Identifier Number
88	*Nondiscrimination in Programs and Activities Receiving Federal Financial Assistance from the Department of Labor	1291-AA02
89	*Enforcement of Nondiscrimination on the Basis of Handicap in Department of Labor Programs	1291-AA04
90	Administrative Requirements Governing All Grants and Agreements by which Department of Labor Agencies Award Funds to State and Local Governments, Indian and Native American Entities, ETC	1291-AA05
91	*Department of Labor Acquisition Regulation (DOLAR) Implementation of Competition in Contracting Act of 1984 (CICA) (Pub. L. 98-369) into DOLAR	1291-AA06

*Indicates priority regulation.

Office of the Assistant Secretary for Administration and Management—Completed Actions

Sequence Number	Title	Regulation Identifier Number
92	*Department of Labor Acquisition Regulation (DOLAR) (Implementation of Federal Acquisition Regulation (FAR))	1291-AA03

*Indicates priority regulation.

Office of the Inspector General—Current and Projected Rulemakings

Sequence Number	Title	Regulation Identifier Number
93	Implementation of the Single Audit Act of 1984	1292-AA01

Occupational Safety and Health Administration—Current and Projected Rulemakings

Sequence Number	Title	Regulation Identifier Number
94	Health Hazards of Chemicals in Laboratories	1218-AA00
95	*Carcinogen Policy	1218-AA01
96	*Cotton Dust	1218-AA02
97	*Respiratory Protection	1218-AA05
98	*Ethylene Dibromide (EDB)	1218-AA06
99	*Lead - Reconsideration of Whole Standard	1218-AA11
100	Lead - Coverage of the Stevedoring Industry	1218-AA13
101	Access to Employee Exposure and Medical Records	1218-AA15
102	*Asbestos	1218-AA26
103	*Methods of Compliance	1218-AA28
104	Field Sanitation	1218-AA44

DOL

Occupational Safety and Health Administration—Current and Projected Rulemakings—Continued

Sequence Number	Title	Regulation Identifier Number
105	*Benzene	1218-AA47
106	4,4'-Methylenedianiline	1218-AA58
107	*Safety and Health Regulations for Shipyard Employment	1218-AA55
108	*Safety and Health Regulations for Longshoring	1218-AA56
109	*Concrete and Masonry Construction (Concrete, Concrete Forms, and Shoring)	1218-AA20
110	*Grain Handling Facilities	1218-AA22
111	*Hazardous Materials--Flammable and Compressed Gases	1218-AA31
112	*Electrical Safety - Related Work Practices (General Industry)	1218-AA32
113	*Powered Platforms for Exterior Building Maintenance	1218-AA33
114	*Oil and Gas Well Drilling and Servicing	1218-AA34
115	*Excavations (Excavations, Trenching, and Shoring)	1218-AA36
116	*Fall Protection (Construction)	1218-AA37
117	*Underground Construction (Tunnels and Shafts)	1218-AA38
118	*Electrical Standards - Construction	1218-AA39
119	*Scaffolds (Construction)	1218-AA40
120	*Safety Testing or Certification of Certain Workplace Equipment and Materials (Formerly entitled Accreditation of Testing Laboratories)	1218-AA42
121	*Crane or Derrick Suspended Personnel Platforms (Construction)	1218-AA45
122	*Scaffolds and Similar Work Surfaces (General Industry)	1218-AA46
123	*Fall Protection Systems (General Industry)	1218-AA48
124	*Accident Prevention Tags	1218-AA49
125	*Ladders and Similar Climbing Devices (General Industry)	1218-AA50
126	*Confined Space (General Industry)	1218-AA51
127	*Logging	1218-AA52
128	*Control of Hazardous Energy Sources (Lockout/Tagout) (General Industry)	1218-AA53
129	*Mechanical Power Presses	1218-AA54
130	*Stairways and Ladders (Construction)	1218-AA57
131	*Electric Power Generation, Transmission and Distribution	1218-AA59
132	*Revision of Recordkeeping Requirements for Testing and Maintenance Checks	1218-AA60
133	*Pulp, Paper and Paperboard Mills	1218-AA61
134	*Fall Protection (Shipyard)	1218-AA66
135	*Scaffolds (Shipyard)	1218-AA68
136	*Access and Egress (Shipyard)	1218-AA70
137	*Welding, Cutting and Heating (Shipyard)	1218-AA73
138	*Personal Protective Equipment (Shipyard)	1218-AA74
139	*Marine Terminals	1218-AA75
140	*Compressed Air (Construction)	1218-AA76
141	*Hazardous Materials--Flammable and Combustible Liquids	1218-AA77

*Indicates priority regulation.

Occupational Safety and Health Administration—Existing Regulations Under Review

Sequence Number	Title	Regulation Identifier Number
142	Motor Vehicles, Mechanized Equipment, and Marine Operations (Construction)	1218-AA63
143	Steel Erection	1218-AA65
144	*Personal Protective Equipment (Face, Head, and Eye Protection) (General Industry)	1218-AA71
145	*Welding, Cutting and Brazing (General Industry)	1218-AA72

*Indicates priority regulation.

Occupational Safety and Health Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
146	*Ethylene Oxide (EtO)	1218-AA03
147	*Commercial Diving Operations: Whole Standard	1218-AA23

DOL

Occupational Safety and Health Administration—Completed Actions—Continued

Sequence Number	Title	Regulation Identifier Number
148	*Shipyard Standards	1218-AA62

*Indicates priority regulation.

Office of the Assistant Secretary for Veteran's Employment & Training Service—Current and Projected Rulemakings

Sequence Number	Title	Regulation Identifier Number
149	Annual Report From Federal Contractors	1293-AA01

DEPARTMENT OF LABOR (DOL)
Office of the Secretary (OS)

Current and Projected Rulemakings

1. ● DEBT COLLECTION ACT REGULATIONS: SALARY OFFSET

Legal Authority: 5 USC 5514

CFR Citation: 29 CFR 20

Abstract: These regulations will implement the Debt Collection Act of 1982 (P.L. 97-365). The Debt Collection Act gives Federal agencies new tools to collect on debts owed to the United States. These include the authority of Federal agencies to offset the current pay account of an employee ("Salary Offset") when the employee owes money to the United States. These regulations will establish the policies and procedures the Department of Labor will use to implement a salary offset, in conformance with the Office of Personnel Management Regulations on this matter (49 FR 27470).

Timetable:

Action	Date	FR Cite
NPRM	04/30/85	
NPRM Comment Period Begin	04/30/85	
NPRM Comment Period End	05/15/85	
Final Action	00/00/00	

Small Entity: No

Agency Contact: Seth Zinman, Assoc. Sol. for Leg. and Legal Counsel, Department of Labor, Office of the Secretary, 200 Constitution Avenue, NW, Room N-2428, Washington, DC 20210, **202 523-8201**

RIN: 1290-AA04

2. ● RIGHT TO FINANCIAL PRIVACY ACT

Legal Authority: 12 USC 3401 et seq Right to Financial Privacy Act of 1978

CFR Citation: 29 CFR 19, (New)

Abstract: These proposed regulations would authorize Department of Labor units to request financial records from a financial institution pursuant to the formal written request procedure established by the Right to Financial Privacy Act of 1978, 12 U.S.C. 3401 et seq., and would set forth the conditions under which such requests may be made. Section 1108(2) of the Right to Financial Privacy Act of 1978 requires that the formal written request be authorized by regulations promulgated by the head of the agency or department. These proposed regulations would thus, once implemented, enable Department of Labor units to utilize the formal written request procedure to obtain financial records.

Timetable:

Action	Date	FR Cite
NPRM	04/02/85	50 FR 13049
NPRM Comment Period Begin	04/02/85	
NPRM Comment Period End	05/02/85	
Final Action	00/00/00	

Small Entity: No

Agency Contact: Seth D. Zinman, Associate Solicitor, for Legislation and Legal Counsel, Department of Labor, Office of the Secretary, Office of Solicitor, Francis Perkins, Building, 200 Constitution Avenue, NW, Washington, DC 20210 Rm N-2428, **202 523-8201**

RIN: 1290-AA05

DEPARTMENT OF LABOR (DOL)

Office of the Secretary (OS)

Completed Actions

COMPLETED RULEMAKINGS

3. DEBT COLLECTION ACT REGULATIONS; DISCLOSURE TO CONSUMER REPORTING AGENCIES; ADMINISTRATIVE OFFSET; INTEREST, PENALTIES, AND ADMINISTRATIVE COSTS

Legal Authority: 31 USC 3711 et seq

CFR Citation: 29 CFR 20

Abstract: These regulations will implement the Debt Collection Act of 1982 (PL 97-365). The Debt Collection Act gives Federal Agencies new tools to collect on debts owed to the United States. These include the authority for Federal Agencies to disclose the existence and amount of delinquent debts to a consumer reporting agency; to collect a debt by means of an administrative offset; and to charge interest, assess penalties and recover administrative charges to delinquent debts. These regulations establish the policies and procedures the Labor Department will employ to implement the foregoing Debt Collection Act tools. The Labor Department's rules are in conformance with the Federal claims collection standards, issued jointly by the Department of Justice and the General Accounting Office.

Timetable:

Action	Date	FR Cite
NPRM	09/18/84	49 FR 36612
NPRM Comment Period Begin	09/18/84	
NPRM Comment Period End	11/02/84	
Final Action	02/06/85	50 FR 5201
Final Action Effective	03/08/85	50 FR 5201

Small Entity: No

Agency Contact: Seth D. Zinman, Asso. Sol. for Leg. and Legal Counsel, Department of Labor, Office of the Secretary, Francis Perkins Building, 200 Constitution Ave., NW, Rm N2428, Washington, DC 20210, **202 523-8201**

RIN: 1290-AA03

[FR Doc. 85-6488 Filed 04-26-85, 8:45 am]

BILLING CODE 4510-23-T

DEPARTMENT OF LABOR (DOL)

Employment Standards Administration (ESA)

Current and Projected Rulemakings

4. CLUB MEMBERSHIP (ESA/OFCCP)

Legal Authority: EO 11246, as amended

CFR Citation: 41 CFR 60-1.11

Abstract: These provisions would have made it a violation for federal contractors to pay membership fees or other expenses for employees to join an organization which limits membership on the basis of race, color, religion, sex or national origin. The Department has since proposed to withdraw this regulation. Further action on the proposed withdrawal is pending completion of additional study of the issues involved.

Timetable:

Action	Date	FR Cite
NPRM	01/22/80	45 FR 4954
Interim Final Rule	01/16/81	46 FR 3892
Proposal of Withdrawal	03/27/81	46 FR 19004
End comment on Withdrawal Proposal	04/27/81	
Study of issues	00/00/00	

Small Entity: No

Agency Contact: Leonard J. Biermann, Director, Division of Program Policy, Department of Labor, Employment Standards Administration, Rm C3324, FPBldg, 200 Constitution Ave., NW, Washington, DC 20210, **202 523-9425**

RIN: 1215-AA00

5. GOVERNMENT CONTRACTORS: NONDISCRIMINATION AND AFFIRMATIVE ACTION OBLIGATION (ESA/OFCCP)

Priority: Major, Task Force

Legal Authority: EO 11246, as amended; 38 USC 2012; 29 USC 793; 29 USC 1781

CFR Citation: 41 CFR 60-1; 41 CFR 60-2; 41 CFR 60-4; 41 CFR 60-20; 41 CFR 60-30; 41 CFR 60-50; 41 CFR 60-60; 41 CFR 60-250; 41 CFR 60-741

Abstract: These provisions contain OFCCP's rules covering nondiscrimination and affirmative action obligations of covered contractors under EO 11246, the Vietnam Era Veterans Readjustment Assistance Act of 1974, the Rehabilitation Act of 1973, and Section 481 of the Job Training and Partnership Act. The rules would be revised to make them more cost effective, reduce paperwork burdens and assure that contractors may always hire the best qualified person regardless of race, color, religion, sex, or national origin. Proposed changes to the regulations were published in the Federal Register on 12/28/79 and 02/22/80, and a final rule on these issues was published on 12/30/80 (45 FR 86215). The rule was stayed and reviewed in accordance with the President's Executive Order 12291 of 02/17/81. An ANPRM was published on 07/14/81 (46 FR 36213) and supplemented on 08/21/81 (46 FR 42490) to elicit comments on several issues pertaining to the regulation. A notice of proposed rulemaking was published on 08/25/81 (46 FR 42968) with comments due by 10/26/81. The proposal suspended the effective date of the 12/30/80 regulation, and proposed revision of that regulation. A final rule will be (cont)

Timetable:

Action	Date	FR Cite
ANPRM	07/14/81	46 FR 36213
Supplement to ANPRM	08/21/81	46 FR 42490
Previous NPRM & suspend eff date	08/25/81	46 FR 42968
NPRM	04/23/82	47 FR 17770
NPRM Comment Period Begin	04/23/82	
NPRM Comment Period End	05/24/82	
Final Action	12/00/85	

Small Entity: Yes

Additional Information: ABSTRACT CONT: forwarded to OMB for review and publication in the Federal Register.

Agency Contact: Leonard J. Biermann, Director, Division of Program Policy, Department of Labor, Employment Standards Administration, Rm C3324, FPBldg., 200 Constitution Avenue, NW, Washington, DC 20210, 202 523-9426

RIN: 1215-AA01

6. NONDISCRIMINATION AND AFFIRMATIVE ACTION OBLIGATIONS FOR DISABLED VETERANS, VETERANS OF VIETNAM ERA, AND HANDICAPPED WORKERS (ESA/OFCCP)

Legal Authority: 29 USC 793; 38 USC 2012

CFR Citation: 41 CFR 60-1; 41 CFR 60-250; 41 CFR 60-741

Abstract: This proposal would make the definition section of these regulations consistent with 1978 amendments to the Rehabilitation Act of 1973 and the Vietnam Era Veterans' Readjustment Assistance Act, and conform these rules to changes in DOL's regulations implementing Sec 504 of the Rehabilitation Act. These provisions reflecting statutory changes have been incorporated into the 08/25/81 "main" OFCCP proposal (46 FR 42968).

Timetable:

Action	Date	FR Cite
NPRM	12/30/80	45 FR 86205
NPRM Comment Period Begin	12/30/80	45 FR 86205
NPRM Comment Penod End	03/02/81	
Final Action	12/00/85	

Small Entity: Undetermined

Agency Contact: Leonard J. Biermann, Director, Division of Program Policy, Department of Labor, Employment Standards Administration, Rm C3324, FPBldg., 200 Constitution Ave., NW, Washington, DC 20210, 202 523-9426

RIN: 1215-AA02

7. BLACK LUNG: OBLIGATIONS OF LESSORS FOR CLAIMS FOR BENEFITS (ESA/OWCP)

Legal Authority: 30 USC 901 et seq

CFR Citation: 20 CFR 725.491(b)(2)

Abstract: The intent of this proposal is to make explicit the Department's policy that a lessor of a coal mine, who has never actually operated such a mine, will not be held liable for the payment of benefits for black lung contracted in the course of employment in that mine and, therefore, need not insure against that possibility.

Timetable:

Action	Date	FR Cite
NPRM	01/27/81	46 FR 8570
NPRM Comment Period Begin	01/27/81	46 FR 8570
NPRM Comment Period End	03/30/81	
Final Action	06/00/85	

Small Entity: Undetermined

Agency Contact: James DeMarce, Associate Director, Department of Labor, Employment Standards Administration, Rm C3520, FPBldg., 200 Constitution Ave., NW, Washington, DC 20210, 202 523-6692

RIN: 1215-AA03

8. LONGSHOREMAN'S ACT: REGIONAL OFFICES (ESA/OWCP)

Legal Authority: 33 USC 939(b)

CFR Citation: 20 CFR 702.101

Abstract: The low volume of cases received under the Longshore Act and its extensions did not justify maintaining separate longshore district offices for the disposition of cases in the Denver and Kansas City regions. Therefore, these offices were closed and their workloads transferred to the Seattle and Chicago district offices, respectively. This rule would formalize these changes by making a technical amendment to 20 CFR 702.101 redefining the jurisdictions of the four affected district offices.

Timetable:

Action	Date	FR Cite
Final Action	06/00/85	
Final Action Effective	06/00/85	

Small Entity: No

Agency Contact: Neil Montone, Associate Director, Department of Labor, Employment Standards Administration, Rm C4315, FPBldg, 200 Constitution Ave., NW, Washington, DC 20210, 202 523-8572

RIN: 1215-AA12

9. FECA MEDICAL FEE REGULATIONS (ESA/OWCP)

Legal Authority: 5 USC 8101 et seq

CFR Citation: 20 CFR 10.400 et seq

Abstract: 5 USC 8103(a) of the Federal Employees' Compensation Act provides that the United States shall furnish a broad range of medical services and supplies to employees of the United States injured in the performance of duty. ESA proposes to exercise its statutory authority to define the "reasonableness" of medical service costs and thereby monitor, and possibly reduce, these costs by imposing a schedule of allowable fees to be paid for services under this law. On 06/07/84 (49 FR 23658), a notice of proposed rulemaking was published with comments due by 08/06/84. The comment period was extended from 08/06/84 to 10/05/84 in response to a request by the American Medical Association (49 FR 33695), and reopened from 01/31/85 to 03/04/85.

Timetable:

Action	Date	FR Cite
NPRM	06/07/84	49 FR 23658
NPRM Comment Period Begin	06/07/84	49 FR 23658
NPRM Comment Period End	06/06/84	
Extension of Comment Period	08/24/84	49 FR 33695
NPRM Comment Period: reopened from 01/31/85 to	03/04/85	50 FR 4525
Final Action	05/00/85	

Small Entity: Undetermined

Agency Contact: Thomas M. Markey, Deputy Associate Director, Department of Labor, Employment Standards Administration, Rm S3229, FPBldg, 200 Constitution Ave., NW, Washington, DC 20210, 202 523-7552

RIN: 1215-AA13

10. CLAIMS FOR COMPENSATION UNDER THE FEDERAL EMPLOYEES' COMPENSATION ACT

Legal Authority: 5 USC 8101 et seq

CFR Citation: 20 CFR 10.1 et seq

Abstract: This proposal would revise the Federal Employees' Compensation Act regulations to (1) increase the ability of employing agencies to monitor the Act's continuance of pay (COP) provisions; (2) reduce the period for using up the remainder of the 45-day COP eligibility when there is a recurrence of a disability subsequent to

a first return to work from six months to 90 days from the date of return to work; (3) require partially disabled employees to report on their efforts to find work; (4) reduce the number of internal body organs that are included in the list of schedule awards payable to employees who suffer a loss or loss of use of such organs; (5) make other modifications designed to provide consistent rationale for the payment of benefits; and (6) incorporate procedures for giving full due process in overpayment cases before recoupment.

Timetable:

Action	Date	FR Cite
NPRM	08/00/85	

Small Entity: No

Agency Contact: Thomas M. Markey, Deputy Associate Director, Department of Labor, Employment Standards Administration, Rm S3229, FPBldg., 200 Constitution Ave., NW, Washington, DC 20210, 202 523-7552

RIN: 1215-AA29

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11. ● LONGSHORE AND HARBOR WORKERS' COMPENSATION ACT AND RELATED STATUTES

Priority: Agency Determination

Legal Authority: 5 USC 301; Reorganization Plan No. 6 of 1950, 15 FR 3174, 64 Stat 1263; 33 USC 939; 42 USC 1651 et seq; 36 DC Code 501 et seq; 43 USC 1331; 5 USC 8171 et seq; Secretary of Labor's Order No. 13-71, 36 FR 8755; PL 98-426

CFR Citation: 20 CFR 701; 20 CFR 702; 20 CFR 703

Abstract: The Longshore and Harbor Workers' Compensation Act Amendments of 1984 were passed and signed into law on September 28, 1984 (P.L. 98-426). These amendments made many substantive changes to the Longshore Act (33 USC 901 et seq.), which were effective on the date of enactment, or 90 days thereafter. These regulations implement the changes made by the amendments, and make technical corrections in the unchanged sections of the regulations. The changes include an exemption from the Act's coverage for specified classes of workers, a certification procedure for exemption from coverage of certain small-vessel facilities, provisions allowing the Secretary to debar medical care providers and representatives for certain reasons, and revisions in the assessment formula for the program's Special Fund (for second injury coverage). Because of the statutory deadlines imposed, these regulations were published as interim final rules on January 3, 1985 with a comment period which will close March 22, 1985. They will automatically expire October 1, 1985, thus necessitating republication before then.

Timetable:

Action	Date	FR Cite
Interim Final Rule	01/03/85	50 FR 384
Interim Final Rule Extended Comment Period 3/4/85 to	03/22/85	
Final Action	06/00/85	

Small Entity: No

Agency Contact: Richard Staufenberger, Deputy Director, Department of Labor, Employment Standards Administration, 200 Constitution Avenue, NW, Room S-3524, Washington, DC 20210, 202 523-7503

RIN: 1215-AA30

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12. ● LONGSHORE AND HARBOR WORKERS' COMPENSATION ACT, (LHWCA) APPLICATIONS FOR AUTHORITY TO WRITE INSURANCE; HOW FILED; EVIDENCE TO BE SUBMITTED: OTHER REQUIREMENTS

Legal Authority: 5 USC 301; Reorganization Plan No 6 of 1950, 15 FR 3174, 64 Stat 1263; 33 USC 939; 42 USC 1651 et seq; 36 DC Code 501 et seq; 43 USC 1331; 5 USC 8171 et seq; Secretary of Labor's Order No. 13-71, 36 FR 8755

CFR Citation: 20 CFR 703.102

Abstract: The Longshore and Harbor Workers' Compensation Act (LHWCA) requires employers to provide coverage for their compensation liability either through becoming an authorized self-insurer or by procuring an insurance policy under the Act. In order to determine whether a carrier should be authorized by the Secretary, it is necessary to review certain administrative and financial information (such as State charter status, insurance policy including LHWCA endorsement, annual reports, audit ratios, etc.) which will provide a rational basis for the decision. The existing regulations do not specify the full range of information which practice over the years has proved to be necessary. In addition, because the program lacks the expertise and staff to properly analyze the financial status of the insurance company, it has relied on Best's Insurance Reports and industry standard rating service. Up to now, companies which have Best's rating of B or better have been considered for authorization, although this standard was not part of the regulations. Market changes have undermined the stability of the insurance industry in general and several authorized (cont)

Timetable:

Action	Date	FR Cite
ANPRM	12/00/85	

Small Entity: Undetermined

Additional Information: ABSTRACT CONT: carriers have become insolvent. In order to ensure the coverage of compensation liability under the Act, the Department will require newly authorized carriers to have an A or better Best's rating and the revision of the rule will reflect this policy. It will apply only to carriers applying for the authorization and not to carriers already authorized and writing insurance, to the extent of coverage already underwritten.

Agency Contact: Richard Staufenberger, Deputy Director, Department of Labor, Employment Standards Administration, Room S-3524, FP Building, 200 Constitution Avenue, NW, Washington, DC 20210, 202 523-7503

RIN: 1215-AA31

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13. DEFINING AND DELIMITING THE TERMS "ANY EMPLOYEE EMPLOYED IN A BONA FIDE EXECUTIVE, ADMINISTRATIVE, OR PROFESSIONAL CAPACITY. . ." (ESA/W-H)

Priority: Major, Task Force

Legal Authority: 29 USC 213(a)(1)

CFR Citation: 29 CFR 541

Abstract: These regulations set forth the criteria used in the determination of the application of the Fair Labor Standards Act exemption for "executive," "administrative," "professional" and "outside sales employees" from the minimum wage and overtime requirements of the Act. The existing regulation was targeted for review by the President's Task Force on Regulatory Relief. A final rule increasing the salary test criteria was

published on 01/13/81 (46 FR 12206) and was scheduled to become effective on 02/13/81. On 02/12/81 (41 FR 11912) an indefinite stay of the final rule was published. On 03/27/81 (46 FR 18998) a proposal to suspend the final rule indefinitely was published with comments due by 04/28/81. As a result of numerous comments and petitions received from industry groups regarding the duties and responsibilities tests as set forth in the regulations, as well as recent case law developments, the Department has concluded that a more comprehensive review of these regulations is needed and has decided to reopen the comment period and broaden the scope of the review to include all aspects of the regulations. An ANPRM is expected to be published during April 1985.

Timetable:

Action	Date	FR Cite
Indefinite stay of Final Rule	02/12/81	46 FR 11972
Propsl to suspend Rule indefinitely	03/27/81	46 FR 18998
Comments due on Suspension Proposal	04/28/81	
ANPRM	04/00/85	
ANPRM Comment Period Begin	04/00/85	
ANPRM Comment Period End	05/00/85	

Small Entity: Yes

Agency Contact: Dorothy P. Come, Assistant Administrator, Department of Labor, Employment Standards Administration, Rm S3502, FPBldg, 200 Constitution Ave., NW, Washington, DC 20210, **202 523-8333**

RIN: 1215-AA14

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14. RECORDS TO BE KEPT BY EMPLOYERS (ESA/W-H)

Legal Authority: 29 USC 211(c)

CFR Citation: 29 CFR 516

Abstract: Revision of this regulation is being considered to reflect the repeal or modification of certain minimum wage and overtime exemptions by the 1974 and 1977 amendments to the Fair Labor Standards Act, and to simplify regulatory language.

Timetable:

Action	Date	FR Cite
End Review	12/31/84	
NPRM	05/00/85	
NPRM Comment Period Begin	05/00/85	
NPRM Comment Period End	06/00/85	

Small Entity: No

Agency Contact: Dorothy P. Come, Assistant Administrator, Department of Labor, Employment Standards Administration, Rm S3502, FPBldg, 200 Constitution Ave., NW, Washington, DC 20210, **202 523-8333**

RIN: 1215-AA22

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15. ● WAGE PAYMENTS UNDER THE FAIR LABOR STANDARDS ACT OF 1938

Priority: Agency Determination

Legal Authority: 29 USC 203(m); 29 USC 203(t)

CFR Citation: 29 CFR 531

Abstract: These regulations contain the basic standards governing the application of Section 3(m) of the FLSA, which provides that, under certain conditions, the reasonable cost or fair value of furnishing employees with board, lodging, or other facilities may be applied towards meeting the Act's minimum wage and overtime requirements. Section 3(m) also provides that tips received by certain employees may be credited towards the payments of the statutory minimum wage (up to a maximum of 40 percent). The changes under consideration would conform the regulations to legislative amendments, court decisions interpreting Section 3(m), and administrative experience related to enforcement of these provisions.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Undetermined

Agency Contact: Dorothy P. Come, Assistant Administrator, Department of Labor, Employment Standards Administration, Room S3502, FP Bldg., 200 Constitution Avenue, NW, Washington, DC 20210, **202 523-8333**

RIN: 1215-AA32

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16. ● GENERAL REGULATIONS UNDER THE WALSH-HEALEY PUBLIC CONTRACTS ACT

Legal Authority: 41 USC 38

CFR Citation: 41 CFR 50-201.101(b)(6); 41 CFR 50-201.1201

Abstract: The proposed rule would revise the role of the Small Business Administration (SBA) in determining a small business concern's eligibility as a "manufacturer" or "regular dealer" under the Walsh-Healey Public Contracts Act (PCA). Current procedures for small businesses require SBA review of all contracting agency findings of ineligibility, as well as all protests which challenge an agency's findings of eligibility. SBA did not have an opportunity to comment when the current rules were first adopted following enactment of the 1977 Amendments to the Small Business Act (P.L. 95-89, 91 Stat. 561 (15 USC 637(b)(7)(B)). SBA believes its review authority under the Act is restricted to only executive branch agency findings of noneligibility under PCA, and has requested revisions to the regulations which would eliminate SBA review in protest cases which challenge an agency's findings that a small business is eligible for award. Additional revisions requested by SBA would streamline the processing of cases between SBA and Wage Hour. (cont)

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Yes

Additional Information: ABSTRACT CONT: b. An additional procedural change would discontinue the reporting requirement for federal contracting agencies to submit Standard Form (SF) 99, Notice of Award of Contract, to the Wage and Hour Division for contracts subject to the Walsh-Healey Public Contracts Act (PCA) if the agencies report such information directly to the Federal Procurement Data System (FPDS) or to Wage-Hour by alternative means, e.g., automated data process reports. A similar rule change was promulgated under the Service Contract Act (SCA) regulations (29 CFR 4.8) published October 27, 1983 (48 FR 49770). The reduced administrative burden for the affected procurement agencies resulting from the rule change under both SCA and PCA is expected to produce estimated annual cost

savings governmentwide of nearly $410,000, the majority of which is attributable to PCA contract awards.

Agency Contact: Dorothy P. Come, Assistant Administrator, Department of Labor, Employment Standards Administration, Room S-3502, FP Building, Washington, DC 20210, 202 523-8333

RIN: 1215-AA33

DEPARTMENT OF LABOR (DOL)
Employment Standards Administration (ESA)

Existing Regulations Under Review

17. LONGSHOREMEN'S ACT: SECOND INJURY RELIEF; ANNUAL ASSESSMENTS (ESA/OWCP)

Legal Authority: 33 USC 901 et seq

CFR Citation: 20 CFR 702

Abstract: Revisions and additions are being considered to reflect and codify the Department's policies and procedures for handling second injury relief cases and to modify the procedures pertaining to the annual assessment of insurance carriers and self-insurers. Action is now being deferred in light of Congressional action on amendments to the Act; however, these amendments will require regulatory revisions.

Timetable:

Action	Date	FR Cite
NPRM	01/27/81	46 FR 8890
NPRM Comment Period Begin	01/27/81	46 FR 8890
NPRM Comment Period End	03/30/81	
End Review	04/30/85	

Small Entity: No

Agency Contact: Neil Montone, Associate Director, Department of Labor, Employment Standards Administration, Rm C4315, FPBldg, 200 Constitution Ave., NW, Washington, DC 20210, 202 523-8572

RIN: 1215-AA18

18. ● EMPLOYMENT OF HANDICAPPED CLIENTS IN SHELTERED WORKSHOPS

Legal Authority: 29 USC 214; 29 USC 211

CFR Citation: 29 CFR 525

Abstract: These regulations establish the terms and conditions under which handicapped clients in sheltered workshops performing work subject to the provisions of the Fair Labor Standards Act (FLSA), the Walsh-Healey Public Contracts Act, and the Service Contact Act may be employed, under certificate, at wage rates less than those otherwise required by these acts. The FLSA Amendments of 1966 substantially revised the provision of section 14(c) of the Act which authorizes such employment. The regulations have not been comprehensively revised since 1967 when they were revised to reflect the amendments. The Department has concluded, that it would be appropriate to review the regulations to determine whether changes are necessary to address the concerns of interested parties.

Timetable:

Action	Date	FR Cite
End Review	12/00/85	

Small Entity: Yes

Agency Contact: Dorothy P.Come, Assistant Administrator, Department of Labor, Employment Standards Administration, Rm S3502, FPBldg., 200 Constitution Ave., NW, Washington, DC 20210, 202 523-8333

RIN: 1215-AA34

19. ● LABOR STANDARDS ON PROJECTS OR PRODUCTIONS ASSISTED BY GRANTS FROM THE NATIONAL ENDOWMENT FOR THE ARTS (ESA/W-H)

Legal Authority: 20 USC 954 (i) and (j); 20 USC 956 (g)

CFR Citation: 29 CFR 505

Abstract: The National Foundation on the Arts and Humanities Act of 1965, as amended in 1976, requires the Secretary to determine the prevailing minimum compensation for professional performers and related or supporting personnel employed on projects or productions assisted by grants from the National Endowment for the Arts and the National Endowment for the Humanities. As originally enacted, these labor standards only applied to the Arts; the existing regulations do not reflect the amendments which applied the same labor standards to the Humanities. A review is planned to determine (1) whether the existing provisions for determining prevailing minimum wages with respect to grants from the National Endowment for the Arts should be continued, and (2) whether the same or some different approach to such determinations should be applied to grants from the National Endowment for the Humanities.

Timetable:

Action	Date	FR Cite
End Review	12/00/85	

Small Entity: Undetermined

Agency Contact: Dorothy P. Come, Assistant Administrator, Department of Labor, Employment Standards Administration, Room S3502, FPBldg., 200 Constitution Ave., NW, Washington, DC 20210, 202 523-8333

RIN: 1215-AA35

DEPARTMENT OF LABOR (DOL)

Employment Standards Administration (ESA)

Completed Actions

COMPLETED RULEMAKINGS

20. BLACK LUNG BENEFITS. REQUIREMENTS FOR COAL MINE OPERATORS INSURANCE (ESA/OWCP)

Legal Authority: 30 USC 901 et seq

CFR Citation: 20 CFR 726

Abstract: These rules would govern the manner by which a coal mine operator fulfills its insurance obligations under the Black Lung Benefits Act, either by qualification as a self-insurer or by contracting with a commercial insurance company. Revision of Part 726 is necessary as a result of enactment of amendments to the Act in 1978 and 1981. Present workload prevents undertaking a major redrafting of the rules, which our analysis indicates will be required at this time. Therefore, this entry is withdrawn, and will be reentered at a later date.

Timetable:

Action	Date	FR Cite
Withdrawn	01/23/85	

Small Entity: Undetermined

Agency Contact: James DeMarce, Associate Director, Department of Labor, Employment Standards Administration, Rm C3520, FPBldg., 200 Constitution Ave., NW, Washington, DC 20210, **202 523-6692**

RIN: 1215-AA16

21. LABOR STANDARDS PROVISIONS, DAVIS-BACON AND RELATED ACTS (ESA/W-H)

Priority: Agency Determination

Legal Authority: 40 USC 276a to 276a7; 40 USC 276c; 40 USC 327 to 332; 29 USC 259; 5 USC Appendix Reorganization Plan No. 14 of 1950; 5 USC 301

CFR Citation: 29 CFR 1; 29 CFR 3; 29 CFR 5

Abstract: These regulations govern labor standards applicable to Federally funded or assisted construction contracts subject to the Davis-Bacon and Related Acts, and contracts subject to the Contract Work Hours and Safety Standards Act. The existing regulations were targeted for review by the President's Task Force on Regulatory Relief. An NPRM was published 08/14/81 (46 FR 41444), with comments due by 10/13/81, resulting from DOL's reexamination of rules previously published 01/16/81 (46 FR 4306, 4380) and subsequently stayed. A final rule was published 05/28/82 (47 FR 23644-79) but was deferred on 07/26/82 (47 FR 32070) in order to comply with a preliminary injunction issued on 07/22/82 in the U.S. District Court. On December 23, 1982, the court permanently enjoined certain provisions of the 05/28/82 final rules. The Department appealed, and on 04/29/83 (48 FR 19532) published the unenjoined provisions of the 05/28/82 final rules. The enjoined sections were deferred pending final conclusion of all appeals. On 07/05/83 the U.S. Court of Appeals for the District of Columbia upheld certain challenged provisions and on 01/16/84 the Supreme Court denied review of the (cont)

Timetable:

Action	Date	FR Cite
Final Action	04/29/83	48 FR 19532
Final Action Effective	06/28/83	48 FR 19532
Final Action	01/31/85	50 FR 4506
Final Action Effective	01/31/85	50 FR 4506

Small Entity: Yes

Additional Information: ABSTRACT CONT: Appeals Court decision. On 12/21/84, the U.S. District Court lifted the injunction on most of the provisions upheld by the Appeals Court. The Department intends to reissue the regulations in accordance with the decisions of the district and appeals courts.

Agency Contact: Dorothy P. Come, Assistant Administrator, Department of Labor, Employment Standards Administration, Rm S3502, FPBldg, 200 Constitution Avenue, NW, Washington, DC 20210, **202 523-8333**

RIN: 1215-AA07

22. EMPLOYMENT OF FULL-TIME STUDENTS AT SUBMINIMUM WAGES (ESA/W-H)

Priority: Task Force

Legal Authority: 29 USC 214

CFR Citation: 29 CFR 519

Abstract: This regulation governs the issuance of certificates authorizing the employment of full time students at subminimum wages. Under this proposal the regulation would be revised to permit the issuance of certificates authorizing employment of full time students at subminimum wages for periods longer than the current one year duration. The Wage and Hour Division plans to publish a new proposed revision which will supersede the 07/16/82 proposal. However, due to a change in regulatory priorities, further development of this proposal is being suspended until after the close of the 1985 Regulatory Plan Year.

Timetable:

Action	Date	FR Cite
Previous NPRM	07/16/82	47 FR 31010
Comment Period extended to 01/13/83	08/06/82	47 FR 34166
Comments due on Previous NPRM	08/16/82	47 FR 34166
Withdrawn	01/09/85	

Small Entity: Undetermined

Agency Contact: Dorothy P. Come, Assistant Administrator, Department of Labor, Employment Standards Administration, Rm S3502, FPBldg, 200 Constitution Ave., NW, Washington, DC 20210, **202 523-8333**

RIN: 1215-AA08

23. EMPLOYMENT OF MINORS BETWEEN FOURTEEN AND SIXTEEN YEARS OF AGE (CHILD LABOR REGULATION NUMBER THREE) (ESA/W-H)

Priority: Task Force

Legal Authority: 29 USC 203

CFR Citation: 29 CFR 570

Abstract: This regulation sets forth the occupations and periods and conditions for the employment of minors 14 and 15 years of age. A number of changes are being considered which would update the provisions of this regulation which have not been changed since 1938. As proposed, the regulation would (1) expand permissible hours of work, (2) tighten employment restrictions in certain occupations such as those involving work near open flames, and (3) remove employment restrictions where no hazard is deemed to exist. The Wage and Hour Division plans to publish a new proposed revision which will supersede the 07/16/82 proposal. However, due to a change in regulatory priorities, further development of this proposal is being suspended until after the close of the 1985 Regulatory Plan Year.

DOL—ESA

Completed Actions

Timetable:

Action	Date	FR Cite
Previous NPRM	07/16/82	47 FR 31254
Comment Period extended to 01/13/83	08/06/82	47 FR 34166
Comments due on Previous NPRM	08/16/82	
Withdrawn	01/09/85	

Small Entity: Undetermined

Agency Contact: Dorothy P. Come, Assistant Administrator, Department of Labor, Employment Standards Administration, Rm S502, FPBldg, 200 Constitution Ave., NW, Washington, DC 20210, 202 523-8333

RIN: 1215-AA09

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24. CHILD LABOR REGULATIONS SUBPART E, OCCUPATIONS PARTICULARLY HAZARDOUS FOR THE EMPLOYMENT OF MINORS 16 AND 17 YEARS OF AGE INVOLVING THE OPERATION OF BAKERY MACHINES (ESA/W-H)

Legal Authority: 29 USC 203

CFR Citation: 29 CFR 570.62

Abstract: Hazardous Occupations Order No. 11 prohibits the employment of minors 16 and 17 years of age in certain occupations involved in the operation of power-driven bakery machines. A review is planned in order to determine the changes, if any, necessary to reflect technological advancement and to clarify the application of existing prohibitions. However, due to a change in regulatory priorities, further activity in the development of this review is being suspended until after the close of the 1985 Regulatory Plan Year.

Timetable:

Action	Date	FR Cite
Withdrawn	01/09/85	

Small Entity: Yes

Agency Contact: Dorothy P. Come, Assistant Administrator, Department of Labor, Employment Standards Administration, Rm S3502, FPBldg, 200 Constitution Ave., NW, Washington, DC 20210, 202 523-8333

RIN: 1215-AA20

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25. CHILD LABOR REGULATIONS SUBPART E, OCCUPATIONS PARTICULARLY HAZARDOUS FOR THE EMPLOYMENT OF MINORS 16 AND 17 YEARS OF AGE INVOLVING SLAUGHTERING AND RELATED OCCUPATIONS (ESA/WH)

Priority: Task Force

Legal Authority: 29 USC 203

CFR Citation: 29 CFR 570.61

Abstract: This Order prohibits the employment of minors 16 and 17 years of age in occupations involving slaughtering, meat packing or processing, or rendering. A review of this order is being planned in order to determine possible changes to clarify its scope and to update it in light of various technological changes which have occurred in the affected occupations since it was adopted. However, due to a change in regulatory priorities, further activity in the completion of the review is being suspended until after the close of the 1985 Regulatory Plan Year.

Timetable:

Action	Date	FR Cite
Withdrawn	01/09/85	

Small Entity: Yes

Agency Contact: Dorothy P. Come, Assistant Administrator, Department of Labor, Employment Standards Administration, Rm S3502, FPBldg, 200 Constitution Ave., NW, Washington, DC 20210, 202 523-8333

RIN: 1215-AA21

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26. CHILD LABOR REGULATIONS SUBPART E, OCCUPATIONS PARTICULARLY HAZARDOUS FOR THE EMPLOYMENT OF MINORS 16 AND 17 YEARS OF AGE INVOLVING MOTOR VEHICLE DRIVERS AND HELPERS (ESA/W-H)

Legal Authority: 29 USC 203

CFR Citation: 29 CFR 570.52

Abstract: Hazardous Occupations Order No. 2 prohibits the employment of minors 16 and 17 years of age in certain occupations involving motor vehicle driving and helpers outside the cab of a vehicle transporting goods. The Order is being reviewed for possible revision. However, due to a change in regulatory priorities, further activity in the completion of this review is being suspended until after the close of the 1985 Regulatory Plan Year.

Timetable:

Action	Date	FR Cite
Withdrawn	01/09/85	

Small Entity: Undetermined

Agency Contact: Dorothy P. Come, Assistant Administrator, Department of Labor, Employment Standards Administration, Rm S3502, FPBldg., 200 Constitution Ave., NW, Washington, DC 20210, 202 523-8333

RIN: 1215-AA23

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27. GENERAL REGULATIONS UNDER THE WALSH-HEALEY PUBLIC CONTRACTS ACT

Legal Authority: 41 USC 38; 41 USC 40

CFR Citation: 41 CFR 50-201.101(a)(2)(xi)

Abstract: On 05/30/84, a notice of proposed rulemaking was published in the Federal Register (49 FR 22502), allowing 30 days for public comments, to amend the Walsh-Healey Public Contracts Act regulations to provide an alternative definition applicable to regular dealers in specialty advertising products. This definition relieves potential contractors in this industry from having to maintain stock in a manner which is inconsistent with industry practice, alleviates federal procurement problems resulting from a lack of bidders, as well as encouraging more competition in this area. On 11/21/84, the alternative definition was published as a final rule in the Federal Register (49 FR 45855) with an effective date of 12/21/84.

Timetable:

Action	Date	FR Cite
NPRM	05/30/84	49 FR 22502
NPRM Comment Period Begin	05/30/84	49 FR 22502
NPRM Comment Period End	06/29/84	
Final Action	11/21/84	49 FR 45855
Final Action Effective	12/21/84	49 FR 45855

Small Entity: Yes

Agency Contact: Dorothy P. Come, Assistant Administrator, Department of Labor, Employment Standards Administration, Rm S3502, FPBldg., 200 Constitution Ave., NW, Washington, DC 20210, 202 523-8333

RIN: 1215-AA26

DOL—ESA

Completed Actions

28. EMPLOYMENT OF HOMEWORKERS IN CERTAIN INDUSTRIES

Priority: Agency Determination

Legal Authority: 29 USC 211

CFR Citation: 29 CFR 530

Abstract: This regulation sets forth restrictions on industrial homework and governs the issuance of certificates authorizing the employment of homeworkers in certain industries, pursuant to Section 11 (d) of the Fair Labor Standards Act (FLSA). As originally issued, these regulations restricted the employment of industrial homework in seven industries: knitted outerwear; women's apparel; jewelry; buttons and buckles; gloves and mittens; handkerchiefs; and embroideries. On March 27, 1984, the Department issued (49 FR 11792) a 120 day emergency temporary suspension on the ban on homework in the knitted outerwear industry. The ban had been removed by the Department on November 9, 1981 following extensive hearings and public comment. This action was subsequently upheld by the District Court for the District of Columbia. However, on appeal the ban was reimposed on February 29, 1984 by a mandate of the U.S. Court of Appeals for the District of Columbia Circuit. On 05/08/84, the District Court ruled that the Department's emergency rule was invalid and ordered the Department to rescind the rule. On 05/24/84, the Department rescinded the emergency rule, and (cont)

Timetable:

Action	Date	FR Cite
NPRM	03/27/84	49 FR 11786
NPRM Comment Period Begin	03/27/84	49 FR 11786
Emergency Temporary Rule Suspending homework ban for knitted outerwear	03/27/84	49 FR 11792
NPRM Comment Period End	04/26/84	
Extension of Comment Period	04/26/84	49 FR 17974
Rescission of Emergency Rule	05/24/84	49 FR 22036
Reopening of Comment Period	06/22/84	49 FR 25641
Final Action	11/05/84	49 FR 44262
Final Action Effective	12/05/84	49 FR 44262

Small Entity: No

Additional Information: ABSTRACT CONT: reinstated the ban on homework in the knitted outerwear industry (49 FR 22036). On 03/27/84 the Department also published a proposed rule rescinding the ban on homework in the knitted outerwear industry. In addition to soliciting comments on the proposed rescission, the Department sought comments on alternatives to such action (49 FR 11786). The period for public comment on the proposed rule was extended from 30 to 45 days (49 FR 17974). On 06/22/84, the Department reopened the comment period for 15 days in order to invite additional comments on alternatives to a total rescission of the ban on homework in the knitted outerwear industry, particularly on the alternative of licensing or registering of employers of homeworkers in that industry (49 FR 25641). On 11/05/84, a final rule was published (49 FR 44262) which permits homework in the knitted outerwear industry for those employers who obtain certificates from the Department authorizing such employment. The final rule became effective 12/05/84.

Agency Contact: Dorothy P. Come, Assistant Administrator, Department of Labor, Employment Standards Administration, Rm S3502, FPBldg., 200 Constitution Ave., NW, Washington, DC 20210, **202 523-8333**

RIN: 1215-AA27

[FR Doc. 85-6488 Filed 04-26-85; 8:45 am]

BILLING CODE 4510-23-T

DEPARTMENT OF LABOR (DOL)

Employment and Training Administration (ETA)

Current and Projected Rulemakings

29. ● SINGLE UNIT CHARGE AGREEMENTS

Priority: Agency Determination

Legal Authority: 29 USC 1579(a); 29 USC 1551(d)(3); PL 98-524, Sec 7

CFR Citation: 20 CFR 629.38(e)(2)

Abstract: The regulation would implement a provision of the Carl D. Perkins Vocational Education Act that affects regulatory provisions of the Job Training Partnership Act. The new legislation provides that payments for training packages purchased competitively under Section 141(d)(3) of JTPA may occur in the case of training for youth if that training results in either placement in unsubsidized employment or the attainment of an outcome specified in Section 106(b)(2) of the Act, notwithstanding 20 CFR 629.38(e)(2)(iii), which is being modified by this regulation revision. This regulation revision amends 20 CFR 629.38(e)(2) to correspond to Section 7 of P.L. 98-524.

Timetable:

Action	Date	FR Cite
Final Action	05/10/85	

Small Entity: No

Additional Information: Since the Vocational Education Act was signed into law on October 19, 1984 and became effective immediately, the proposed revision to 20 CFR 629.38(e)(2) is being submitted for final rulemaking.

Affected Sectors: None

Government Levels Affected: State

Agency Contact: Robert N. Colombo, Director, Offc. of Empl. & Training Programs, Department of Labor, Employment and Training Administration, Patrick Henry Building, 601 D Street, NW, Room 6402, Washington, DC 20213, **202 376-6093**

RIN: 1205-AA35

30. PIECE RATE ADJUSTMENTS

Legal Authority: 8 USC 1101(a)(15)(H)(ii); 8 USC 214.2(h)(3)(i)

CFR Citation: 20 CFR 655

Abstract: The regulation as proposed retains in place a regulation protecting covered U.S. farmworkers from adverse effect of lower wages from the use of alien farmworkers. The rule informs covered U.S. agricultural employers of their duties under the temporary alien

labor certification program, and reflects DOL's policy on this subject.

Timetable:

Action	Date	FR Cite
NPRM	12/10/84	49 FR 48061
NPRM Comment Period Begin	12/10/84	49 FR 48061
NPRM Comment Period End	01/09/85	
Final Action	04/00/85	
Final Action Effective	06/00/85	

Small Entity: No

Agency Contact: Thomas Bruening, Chief, Division of Labor Certification, Department of Labor, Employment and Training Administration, 601 D Street, NW, Room 8122, Patrick Henry Building, Washington, DC 20213, 202 376-6228

RIN: 1205-AA30

31. ● LABOR CERTIFICATION PROCESS FOR THE PERMANENT EMPLOYMENT OF ALIENS IN THE UNITED STATES

Legal Authority: 8 USC 1182(a)(14)

CFR Citation: 20 CFR 656

Abstract: Physicians are currently on the Department's Schedule A precertification list if they are to be employed in a designated Health Manpower Shortage Area (HMSA) or an area which has an insufficient number of physicians as designated by the Public Health Service (PHS). The PHS has recommended removal of physicians from Schedule A, or in the alternative leave only those physicians on Schedule A that are to be employed in the HMSA's. According to the PHS: (1) there is no longer a national shortage of physicians; and (2) alien physicians after they are certified do not go to the HMSA's or the area with an insufficient number of physicians, or if they do go to these areas they leave shortly after starting work. Thus, the labor certification program has not had a significant effect in alleviating the shortage of physicians in the HMSA's or in the areas with an insufficient number of physicians. Consequently, ETA proposes to remove all physicians from Schedule A.

Timetable:

Action	Date	FR Cite
NPRM	06/25/85	

Small Entity: No

Affected Sectors: 80 HEALTH SERVICES; 82 EDUCATIONAL SERVICES

Government Levels Affected: Local, State, Federal

Agency Contact: Thomas M. Bruening, Chief, Div. of Foreign Labor Cert., Department of Labor, Employment and Training Administration, Patrick Henry Building, 601 D Street, NW, Room 8122, Washington, DC 20213, 202 376-6228

RIN: 1205-AA33

32. ● LABOR CERTIFICATION PROCESS FOR THE TEMPORARY EMPLOYMENT OF ALIENS IN AGRICULTURE AND LOGGING IN THE UNITED STATES

Legal Authority: 8 USC 214

CFR Citation: 20 CFR 655

Abstract: Current regulations state that when employers provide meals they may charge the worker no more than $4.00 per day. There are exceptions in cases where employers document costs exceeding $4.00 in support of higher meal charges. In such instances, a ceiling of $5.00 per day may be charged if approved by the RA. These charges were established in 1980, and do not reflect the higher costs for food that currently exist. ETA proposes to increase the amount employers can charge workers for three meals per day.

Timetable:

Action	Date	FR Cite
NPRM	05/00/85	
NPRM Comment Period Begin	05/00/85	
NPRM Comment Period End	06/00/85	
Final Action	07/00/85	

Small Entity: No

Affected Sectors: 016 Vegetables and Melons; 017 Fruits and Tree Nuts; 019 General Farms, Primarily Crop; 071 Soil Preparation Services; 072 Crop Services

Agency Contact: Thomas M. Bruening, Chief, Div. of Foreign Labor Cert., Department of Labor, Employment and Training Administration, Patrick Henry Building, 601 D Street, NW, Room 8122, Washington, DC 20213, 202 376-6228

RIN: 1205-AA34

33. SENIOR COMMUNITY SERVICE EMPLOYMENT PROGRAM

Priority: Undetermined

Legal Authority: PL 98-459 Community Service Employment for Older Americans

CFR Citation: 29 CFR 89

Abstract: The regulations will revise and update the existing rules for the Senior Community Service Employment Programs. These changes will not create new cost nor materially change the existing program. However, the new rules will place the program in compliance with the 1984 Amendments to the Older Americans Act.

Timetable:

Action	Date	FR Cite
NPRM	05/00/85	
Final Action Effective	07/01/85	
Final Action	07/00/85	

Small Entity: No

Agency Contact: Paul A. Mayrand, Director, Special Targeted Programs Department of Labor, Employment and Training Administration, 601 D Street, NW, Room 6122, Patrick Henry Building, Washington, DC 20213, 202 376-6225

RIN: 1205-AA29

34. AIRLINE DEREGULATION: EMPLOYEE BENEFIT PROGRAM

Priority: Agency Determination

Legal Authority: 49 USC 1552; PL 95-504

CFR Citation: 20 CFR 638

Abstract: These regulations are being developed to implement the benefit provisions contained in Section 43 of the Airline Deregulation Act. The Act requires the Secretary of Labor to specify the percentage of prior salary which an "eligible protected employee" would receive as a benefit payment under the Act. An eligible protected employee is a person who has had at least 4 years of employment with a certificated air carrier as of October 24, 1978 and who loses his or her job

during the ten years following such date in a bankruptcy or major employment contraction if and only if the Civil Aeronautics Board determines that the principal causes of such job loss was deregulation. On May 17, 1984 the U.S. District Court for the District of Columbia held that Section 43 of the Airline Deregulation Act was unconstitutional. Because Section 43 provides statutory authority for these regulations their development has been delayed pending the outcome of this litigation.

Timetable:

Action	Date	FR Cite
NPRM	03/30/79	44 FR 19146
NPRM Comment Period End	04/30/79	
NPRM First right of hire	09/17/82	47 FR 41304
Comments due First right of hire NPRM	10/18/82	
Final Action	00/00/00	

Small Entity: No

Agency Contact: Gene Biglin, Unemployment Insurance Specialist, Department of Labor, Employment and Training Administration, Rm 7426, PHBldg., 601 D St, NW, Washington, DC 20213, **202 376-7063**

RIN: 1205–AA07

35. LIMITATIONS ON TAX CREDIT REDUCTIONS AND INTEREST ON ADVANCES TO STATES

Legal Authority: PL 97-35, Sec 2406; PL 97-35, Sec 2407; PL 97-35, Sec 2408

CFR Citation: 20 CFR 608

Abstract: The Omnibus Budget Reconciliation Act of 1981 amended the tax credit provisions of FUTA to authorize the placing of a "cap" on reductions in tax credits on a State-by-State basis in certain prescribed circumstances. The amendment requires these determinations to be made in accordance with regulations prescribed by the Secretary of Labor. The same Act also amended Title XII of the Social Security Act to assess interest on advances to States, the payment of which is prohibited from State unemployment funds. The proposal would implement these statutory changes.

Timetable:

Action	Date	FR Cite
NPRM	05/00/86	
Final Action	08/00/86	

Small Entity: No

Agency Contact: James Manning, Chief, Division of Actuarial Services, Department of Labor, Employment and Training Administration, Rm 7410, PH Bldg., 601 D St, NW, Washington, DC 20213, **202 376-7231**

RIN: 1205–AA14

36. FEDERAL-STATE EXTENDED UNEMPLOYMENT COMPENSATION ACT OF 1970

Legal Authority: PL 91-573, Title II; PL 96-499; PL 96-364; PL 97-35; PL 98-21

CFR Citation: 20 CFR 615

Abstract: These regulations would be amended to implement various statutory amendments of 1981, 1982, and 1983 to the Federal-State Extended Unemployment Compensation Act of 1970. The regulations would (1) provide for the denial of extended benefits to certain interstate claimants and to individuals who fail to actively engage in seeking work or refuse to accept an offer of suitable work, (2) provide for the purging of certain disqualifications in order to establish eligibility for extended benefits, and (3) establish the method of determining the rate of insured unemployment for extended benefit claims, the State trigger rates and removal of the National trigger.

Timetable:

Action	Date	FR Cite
NPRM	05/00/85	
Final Action	08/00/85	

Small Entity: Undetermined

Agency Contact: Gene Biglin, Unemployment Insurance Specialist, Department of Labor, Employment and Training Administration, Rm 7426, PHBldg., 601 D St., NW, Washington, DC 20213, **202 376-7063**

RIN: 1205–AA15

37. TRADE ADJUSTMENT ASSISTANCE FOR WORKERS

Legal Authority: 19 USC 2320

CFR Citation: 20 CFR 617

Abstract: These regulations would implement the 1981 and 1983 amendments to the Trade Act of 1974. The Trade Adjustment Assistance program provides adjustment assistance in the form of reemployment services, training, job search, relocation allowances, and cash benefits (adjustment assistance) to workers whose unemployment is linked to increased imports of foreign-made products. The amendments represent a fundamental shift in program emphasis from income maintenance to placement and employment services and benefits such as training, job search and relocation. The 1981 amendments are designed to assure that adjustment assistance and reemployment services are more appropriately targeted to trade impacted workers with emphasis placed on their return to work. The 1983 amendments extended the program to September 30, 1985. The 1984 amendments to the program are not included in these regulations but will be issued separately.

Timetable:

Action	Date	FR Cite
NPRM	03/04/83	48 FR 9444
NPRM Comment Period Begin	03/04/83	48 FR 32837
NPRM Comment Period End	07/28/83	
Final Action	05/00/85	

Small Entity: No

Agency Contact: Gene Biglin, Unemployment Insurance Specialist, Department of Labor, Employment and Training Administration, Rm 7426, PHBldg., 601 D St, NW, Washington, DC 20213, **202 376-7063**

RIN: 1205–AA17

38. UNEMPLOYMENT COMPENSATION FOR EX-SERVICEMEMBERS

Legal Authority: 5 USC 8508; 5 USC 8521 to 8525

CFR Citation: 20 CFR 614

Abstract: Section 201 of Public Law 97-362 (Miscellaneous Revenue Act of 1982) amends the eligibility requirements for unemployment compensation for ex-servicemembers. Proposed regulations are under development to implement these new requirements.

Timetable:

Action	Date	FR Cite
NPRM	06/00/85	
Final Action	09/00/85	

Small Entity: No

Agency Contact: Gene Biglin, Unemployment Insurance Specialist, Department of Labor, Employment and Training Administration, Rm 7426, PHBldg., 601 D Street, NW, Washington, DC 20213, **202 376-7063**

RIN: 1205-AA26

39. UNEMPLOYMENT INSURANCE QUALITY CONTROL PROGRAM

Priority: Agency Determination

Legal Authority: 42 USC 501 et seq

CFR Citation: 20 CFR 602

Abstract: The Employment and Training Administration (ETA) is designing a quality control (QC) program for the State Employment Security Agency (SESA) Unemployment Insurance (UI) system. The Department's Fiscal Year (FY) 1985 Budget includes provision for a UI QC program. The establishment of a UI QC program is a major initiative of the Secretary of Labor to reduce administrative errors and claimant abuse in the UI system. The ETA is proposing to issue regulations to establish a permanent QC program in the SESA UI system

Timetable:

Action	Date	FR Cite
ANPRM	09/26/84	49 FR 38083
ANPRM Comment Period Begin	09/26/84	49 FR 38083
ANPRM Comment Period End	10/26/84	
NPRM	04/00/85	
NPRM Comment Period Begin	04/00/85	
NPRM Comment Period End	05/00/85	
Final Action	07/00/85	
Final Action Effective	08/00/85	

Small Entity: No

Agency Contact: Carolyn Golding, Director, Unemployment Insurance Service, Department of Labor, Employment and Training Administration, 601 D Street NW, Rm 7112, Patrick Henry Building, Washington, DC 20213, **202 376-6636**

RIN: 1205-AA28

40. ● TRADE ADJUSTMENT ASSISTANCE FOR WORKERS

Priority: Agency Determination

Legal Authority: Deficit Reduction Act of 1984 Section 2671

CFR Citation: 20 CFR 635

Abstract: This regulation would implement provisions of the Deficit Reduction Act of 1984 amending the Trade Act of 1984. The legislation amends Section 233(a)(3), to enable workers to collect the extra 26 weeks of Trade Adjustment Assistance (TRA) beginning with the first week the worker enters training if the training has not been approved until after the last week of entitlement to basic TRA. It also amends Sections 237 and 238 of the Trade Act to increase the maximum job search allowance to $800 (from $600) and the maximum lump-sum relocation allowance to $800 (from $600).

Timetable:

Action	Date	FR Cite
NPRM	03/00/85	
NPRM Comment Period Begin	03/00/85	
NPRM Comment Period End	04/00/85	

Small Entity: No

Additional Information: Legislation i.e., effective upon enactment (July 18, 1984)

Agency Contact: Marvin M. Fooks, Director, Department of Labor, Employment and Training Administration, Patrick Henry Building, 601 D Street, NW, Room 6434, Washington, DC 20213, **202 376-2446**

RIN: 1205-AA31

41. ● IMPLEMENTATION OF THE DEFICIT REDUCTION ACT (P.L. 98-396) PROVISIONS FOR EXCHANGE OF INCOME AND ELIGIBILITY INFORMATION AMONG FEDERALLY-ASSISTED INCOME MAINTENANCE PROGRAMS

Priority: Agency Determination

Legal Authority: PL 98-369, Subtitle C

CFR Citation: 20 CFR 603

Abstract: P.L. 98-369 (The Deficit Reduction Act) contains provisions which establish an income and eligibility system for exchange of information among state agencies administering programs for AFDC, Medicaid, Food Stamps, SSI, UI and other Grants to states program under Titles I, X and XIV of the Social Security Act. The provisions relate to the use of social security numbers, utilization and exchange of information, reimbursement of costs, accounting systems and protection of data. The provisions for the income and eligibility system take effect for all agencies April 1, 1985, unless the state agency submits a plan of good faith effort requesting waiver of the requirement until September 30, 1986. An interdepartmental task force has been established to develop and publish regulations implementing the Deficit Reduction Act. Representatives from the Departments of Health and Human Services, Agriculture, Labor as well as OMB are serving on the Task Force. Plans are to publish each Department's regulations under a single statement of objective and scope.

Timetable:

Action	Date	FR Cite
NPRM	04/00/85	
Final Action	06/00/85	

Small Entity: No

Government Levels Affected: State, Federal

Agency Contact: Irene Lynn, Chief, St. Legislative Review/Guidance Group, Department of Labor, Employment and Training Administration, 601 D Street, NW, Room 7203, Washington, DC 20213, **202 736-7100**

RIN: 1205-AA32

DEPARTMENT OF LABOR (DOL)
Employment and Training Administration (ETA)

Completed Actions

COMPLETED RULEMAKINGS

42. WORK INCENTIVE PROGRAM FOR AFDC RECIPIENTS UNDER TITLE IV OF THE SOCIAL SECURITY ACT

Priority: Agency Determination

Legal Authority: PL 98-369 Deficit Reduction Act of 1984, Sec. 2631 & 2634

CFR Citation: 29 CFR 56.20(b); 29 CFR 56.51(b)(1); 45 CFR 224.20(b); 45 CFR 224.51(b)(1)

Abstract: The law which prescribes various exemptions from registration for employment by AFDC applicants and recipients contains no exemption for women in the later stage of pregnancy when they are least employable. The amendment exempts women expecting to give birth in the month of registration or the next 3 months.

The law presently provides that where a child's caretaker is sanctioned for failure to participate in WIN, that person may not continue to receive the child's benefits which must be paid to a protective payee. This has been difficult to implement.

The amendment permits States to continue paying the sanctioned caretaker on behalf of a child but only after they have been unable to locate a suitable replacement and a delay will affect the child adversely.

Both revisions will conserve WIN staff time and program funds.

There is no notice of proposed rulemaking or NPRM comment period. This amendment is a conforming regulation and only paraphrases the statute Congress intended to be effective by October 1, 1984.

Timetable:

Action	Date	FR Cite
Final Action	02/14/85	50 FR 6164

Small Entity: No

Government Levels Affected: Local, State, Federal

Agency Contact: William J. Kacvinsky, Executive Director, Department of Labor, Employment and Training Administration, National Coordination Comm. Room 8028 PHBldg, 601 D Street, NW, Washington, DC 20213, **202 376-6890**

RIN: 1205-AA27

[FR Doc. 85-6488 Filed 04-26-85; 8:45 am]

BILLING CODE 4510-23-T

DEPARTMENT OF LABOR (DOL)
Office of Pension and Welfare Benefits Programs (PWBP)

Current and Projected Rulemakings

43. INDIVIDUAL BENEFIT REPORTING - RECORDKEEPING - MULTIPLE EMPLOYER PLANS

Legal Authority: 29 USC 1025; 29 USC 1059; 29 USC 1135

CFR Citation: 29 CFR 2520; 29 CFR 2530

Abstract: The rule would govern: (1) reports that must be furnished to participants and beneficiaries in multiple employer pension plans, regarding the benefits to which they are entitled, or may become entitled, at retirement; and (2) records that must be maintained to provide the information necessary to prepare these reports. This rule was first proposed on 02/09/79 (44 FR 8294) jointly with the single employer plan benefit reporting regulations.

Timetable:

Action	Date	FR Cite
Previous NPRM	02/09/79	44 FR 8294
NPRM	08/08/80	45 FR 52824
NPRM Comment Period End	10/08/80	
Notice of 11/25/80 Public Hearing	11/12/80	45 FR 74727
Final Action	00/00/00	

Small Entity: Undetermined

Agency Contact: Howard Hensley, Chief, Division of Reporting and Disclosure, Department of Labor, Office of Pension and Welfare Benefits Programs, Rm N4700, FPBldg, 200 Constitution Ave., NW, Washington, DC 20210, **202 523-8515**

RIN: 1210-AA02

44. INDIVIDUAL BENEFIT REPORTING AND RECORDKEEPING FOR SINGLE EMPLOYER PLANS

Legal Authority: 29 USC 1025; 29 USC 1059; 29 USC 1135

CFR Citation: 29 CFR 2520; 29 CFR 2530

Abstract: The rule would govern: (1) reports that must be furnished to participants and beneficiaries in single employer pension plans, regarding the benefits to which they are entitled, or may become entitled, at retirement; and (2) records that must be maintained to provide the information necessary to prepare these reports. This rule was first proposed on 02/09/79 (44 FR 8294) jointly with the multiple employer plan benefit reporting regulation.

Timetable:

Action	Date	FR Cite
Previous NPRM	02/09/79	44 FR 8294
NPRM	08/01/80	45 FR 51231
Notice of 11/25/80 Public Hearing	11/12/80	45 FR 74728
NPRM Comment Period End	10/01/81	
Final Action	00/00/00	

Small Entity: Undetermined

Agency Contact: Howard Hensley, Chief, Division of Reporting and Disclosure, Department of Labor, Office of Pension and Welfare Benefits Programs, Rm N4700 FPBldg., 200 Constitution Ave. NW, Washington, DC 20210, **202 523-8515**

RIN: 1210-AA03

45. PLAN ASSETS REGULATION

Priority: Task Force

Legal Authority: 29 USC 1135

CFR Citation: 29 CFR 2550

Abstract: The remaining part of this regulation would clarify what investments constitute assets of an employee benefit plan under ERISA. The regulation had been targeted for review by the President's Task Force on Regulatory Relief. A final rule dealing with the housing portion of the regulation was published on 05/18/82 (47 FR 21241) and became effective on 06/17/82. The publication date of the

final regulation dealing with the remaining issues is under consideration.

Timetable:

Action	Date	FR Cite
Previous NPRM	08/28/79	44 FR 50363
Previous NPRM	06/01/80	45 FR 38084
NPRM	01/08/85	50 FR 961
NPRM Comment Period Begin	01/08/85	50 FR 961
Public Hearing 05/00/85	01/08/85	50 FR 961
NPRM Comment Period End	03/11/85	
Final Action	06/00/86	

Small Entity: No

Agency Contact: **Douglas Wham**, Staff Attorney, Department of Labor, Office of Pension and Welfare Benefits Programs, Rm C4508, FP Bldg., 200 Constitution Ave., NW, Washington, DC 20210, **202 523-7923**

RIN: 1210-AA06

46. PARTICIPANT DIRECTED INDIVIDUAL ACCOUNT PLANS

Legal Authority: 29 USC 1104(c); 29 USC 1135

CFR Citation: 29 CFR 2550

Abstract: The regulation would describe the kinds of plans referred to in Section 404(c) as participant directed individual account plans, the circumstances under which a participant or beneficiary will be considered to have exercised control over his individual account, and the consequences under section 404(c) of such an exercise of control.

Timetable:

Action	Date	FR Cite
NPRM	10/00/85	
Final Action	00/00/00	

Small Entity: Undetermined

Agency Contact: **Shelby J. Hoover**, Staff Attorney, Department of Labor, Office of Pension and Welfare Benefits Programs, Rm C4508, FP Bldg., 200 Constitution Ave, NW, Washington, DC 20210, **202 523-8658**

RIN: 1210-AA08

47. LOANS TO PARTICIPANTS

Legal Authority: 29 USC 1135

CFR Citation: 29 CFR 2550

Abstract: This rule describes the circumstances under which the exemption in section 408(b)(1) from the prohibited transaction provisions for loans by a plan to plan participants will be available.

Timetable:

Action	Date	FR Cite
NPRM	09/00/85	
Final Action	00/00/00	

Small Entity: Undetermined

Agency Contact: **William Flanagan**, Attorney, Department of Labor, Office of Pension and Welfare Benefits Programs, Rm C4508, FPBldg., 200 Constitution Ave, NW, Washington, DC 20210, **202 523-8610**

RIN: 1210-AA09

48. PROPOSED EXEMPTION AND ALTERNATIVE METHOD OF COMPLIANCE FOR ANNUAL REPORTING OF CERTAIN INVESTMENTS

Priority: Agency Determination

Legal Authority: 29 USC 1024; 29 USC 1030; 29 USC 1135

CFR Citation: 29 CFR 2520

Abstract: ERISA and the regulations issued thereunder, require the administrator of an employee benefit plan, unless otherwise exempt, to file annual reports relating to the financial status and activities of the plan. Among other things, the annual report is required to include statements and schedules concerning the assets of the plan and transactions involving those assets. This regulation will provide an alternative method of compliance with the annual reporting requirements for certain employee benefit plans which invest in entities, the underlying assets of which constitute plan assets under the Department's "Plan Assets" regulation.

Timetable:

Action	Date	FR Cite
NPRM	01/24/85	50 FR 3362
NPRM Comment Period Begin	01/24/85	50 FR 3362
NPRM Comment Period End	03/25/85	
Final Action	06/00/86	

Small Entity: No

Agency Contact: **George Holmes**, Plan Benefit Specialist, Department of Labor, Office of Pension and Welfare Benefits Programs, 200 Constitution Ave., NW, Room N-4472 FP Bldg, Washington, DC 20210, **202 523-8515**

RIN: 1210-AA14

49. ADEQUATE CONSIDERATION

Legal Authority: 29 USC 1002(3)(16), 29 USC 1135

CFR Citation: 29 CFR 2510

Abstract: This regulation would provide guidance as to what constitutes adequate consideration under section 3(18) of ERISA for securities for which there is no generally recognized market.

Timetable:

Action	Date	FR Cite
NPRM	07/00/85	
Final Action	00/00/00	

Small Entity: Yes

Agency Contact: **William Flanagan**, Attorney, Department of Labor, Office of Pension and Welfare Benefits Programs, 200 Constitution Ave., NW, Room C-4508 FP Bldg, Washington, DC 20210, **202 523-8610**

RIN: 1210-AA15

50. DEFINITION OF PLAN ASSETS -- EMPLOYEE CONTRIBUTIONS

Priority: Agency Determination

Legal Authority: 29 USC 1135

CFR Citation: 29 CFR 2550

Abstract: This regulation would describe when monies paid to, or withheld by, an employer as contributions to an employee benefit plan are considered "Plan Assets" for purposes of Title I of ERISA and certain related provisions of the Internal Revenue Code. Proposed regulations dealing with this matter were published by the Department on August 28, 1979, and June 6, 1980.

Timetable:

Action	Date	FR Cite
NPRM	08/28/79	44 FR 50363
NPRM Comment Period Begin	12/18/79	
NPRM Comment Period End	01/07/80	
Public Hearings	02/27/80	
NPRM	06/06/80	45 FR 38094
Final Action	10/00/85	

Small Entity: No

Additional Information: Subpart of RIN 1210-AA06 (Definition of Plan Assets) which will be handled separately.

Agency Contact: Rudolph Nuissl, Plan Benefit Specialist, Department of Labor, Office of Pension and Welfare Benefits Programs, 200 Constitution Ave., NW, Room C-4508 FP Bldg, Washington, DC 20210, 202 523-8671

RIN: 1210-AA16

51. ● AMENDMENT OF SEVERANCE PAY REGULATION

Legal Authority: 29 USC 1135; 29 USC 1002(2)(B)(i)

CFR Citation: 29 CFR 2510.3-2(b)

Abstract: This regulation would amend the regulation defining severance pay plans at 29 CFR 2510.3-2(b) to clarify when a severance pay arrangement constitutes a pension plan for purposes of Title I of ERISA.

Timetable:

Action	Date	FR Cite
NPRM	06/00/85	

Small Entity: Undetermined

Agency Contact: Doris F. Jacobs, Staff Attorney, Department of Labor, Office of Pension and Welfare Benefits Programs, Room C4508, FPB, 200 Constitution Ave., NW, Washington, DC 20210, 202 523-9595

RIN: 1210-AA18

52. ● QUALIFIED DOMESTIC RELATIONS ORDERS UNDER THE RETIREMENT EQUITY ACT

Legal Authority: 29 USC 1056(d)(3)(L); 29 USC 1135

CFR Citation: 29 CFR 2530

Abstract: This regulation would clarify the application of the qualified domestic relations order provisions of section 206(d)(3) of ERISA added by the Retirement Equity Act of 1984.

Timetable:

Action	Date	FR Cite
NPRM	10/00/85	

Small Entity: Undetermined

Agency Contact: Douglas Wham, Staff Attorney, Department of Labor, Office of Pension and Welfare Benefits Programs, Room C4508, FPB, 200 Constitution Ave., NW, Washington, DC 20210, 202 523-7983

RIN: 1210-AA19

53. ● PROCEDURES FOR ADMINISTRATIVE IMPOSITION OF CIVIL SANCTIONS

Priority: Agency Determination

Legal Authority: 29 USC 1132 (i); 29 USC 1135

CFR Citation: 29 CFR 2570

Abstract: This procedural rule would implement Section 502(i) of ERISA which authorizes the Secretary of Labor to impose civil sanctions against parties in interest (as defined in ERISA Section 3(14)) who engage in prohibited transactions with welfare plans and nonqualified pension plans.

Timetable:

Action	Date	FR Cite
NPRM	10/00/85	

Small Entity: Undetermined

Agency Contact: Chester A. Hurwitz, Staff Attorney, Department of Labor, Office of Pension and Welfare Benefits Programs, Room C4508, FPB, 200 Constitution Ave., NW, Washington, DC 20210, 202 523-9594

RIN: 1210-AA20

54. ● TOP HAT PLANS

Legal Authority: 29 USC 1135

CFR Citation: 29 CFR 2510

Abstract: This regulation would provide guidance as to what constitutes an unfunded employee benefit plan maintained primarily for the purpose of providing deferred compensation for a select group of management or highly compensated employees ("top hat" plans) for purposes of Title I of ERISA.

Timetable:

Action	Date	FR Cite
NPRM	01/00/86	

Small Entity: Undetermined

Agency Contact: Shelby Hoover, Staff Attorney, Department of Labor, Office of Pension and Welfare Benefits Programs, Room C4508, FPB, 200 Constitution Ave., Nw, Washington, DC 20210, 202 523-8658

RIN: 1210-AA21

55. ● THE PAYMENT OF TRUSTEES' LITIGATION EXPENSES

Priority: Undetermined

Legal Authority: 29 USC 1135

CFR Citation: 29 CFR 2509

Abstract: This Interpretive Bulletin will provide guidance on circumstances in which it will be lawful under Title I of ERISA for employee benefit plans to pay the litigation expenses of plan fiduciaries as defined in ERISA Section 3(21). Such guidance will clarify a legal issue about which there has been considerable confusion.

Timetable:

Action	Date	FR Cite
Final Action	07/00/85	

Small Entity: No

Agency Contact: Chester A. Hurwitz, Staff Attorney, Department of Labor, Office of Pension and Welfare Benefits Programs, Room C4508, FPB, 200 Constitution, Ave., NW, Washington, DC 20210, 202 523-9593

RIN: 1210-AA22

DEPARTMENT OF LABOR (DOL)

Office of Pension and Welfare Benefits Programs (PWBP)

Existing Regulations Under Review

56. ● PARTICIPATION OF SELF-REGULATORY ORGANIZATIONS IN THE PROHIBITED TRANSACTION EXEMPTION PROCESS

Priority: Undetermined

Legal Authority: 29 USC 1108 (a); Sec. 101 Reorganization Plan No. 4 of 1978

CFR Citation: Not yet determined

Abstract: The Department has solicited public comment concerning methods of enhancing private sector participation in the processing of exemptions from the prohibited transaction provisions of ERISA. Following an analysis of the comments received in response to the Department's solicitation, a

DOL—PWBP **Existing Regulations Under Review**

determination will be made as to what future action is appropriate.

Timetable:

Action	Date	FR Cite
Begin Review	11/15/84	
Solicitation of comments	12/10/84	49 FR 48111
Comment Period ends	02/08/85	
End Review	08/00/85	

Small Entity: Undetermined

Agency Contact: Janet Brown, Special Assistant to the Administrator, Department of Labor, Office of Pension and Welfare Benefits Programs, Room S4516, FPB, 200 Constitution Ave., NW, Washington, DC 20210, **202 523-9054**

RIN: 1210-AA17

[FR Doc. 85-9488 Filed 04-26-85; 8:45 am]

BILLING CODE 4510-23-T

DEPARTMENT OF LABOR (DOL) — Completed Actions

Bureau of Labor Management Relations and Cooperative Programs (LMRCP)

COMPLETED RULEMAKINGS

57. AIRLINE DEREGULATION: FIRST RIGHT OF HIRE

Priority: Agency Determination

Legal Authority: 49 USC 1552; PL 95-504

CFR Citation: 29 CFR 220

Abstract: These regulations will implement the first right of hire provisions of the Airline Deregulation Act of 1978. Under the language of the Act relating to this duty to hire, each protected employee who is "furloughed or otherwise terminated" (except for cause) from his or her employment by a certificated air carrier between the date the Act was passed and October 24, 1988 "shall have first right of hire, regardless of age, in his occupational specialty" by any covered carrier hiring "additional employees," with the sole exception that covered carriers are entitled to recall furloughed employees before hiring a protected individual. A notice of rulemaking was published on November 22, 1983.

Timetable:

Action	Date	FR Cite
NPRM	03/30/79	44 FR 19146
NPRM Comment Period End	04/30/79	
NPRM First right of hire	09/17/82	47 FR 41304
Comments due First right of hire NPRM	10/18/82	
Congressional Committees' Review	11/09/83	
Final Action	11/22/83	48 FR 52854
Withdrawn	02/27/85	
Final Action effective date stayed pending District Court ruling 05/21/84 (49 FR 21499)		

Small Entity: No

Agency Contact: Ron Glass, Chief, Division of Employee Protections, Department of Labor, Bureau of Labor Management Relations and Cooperative Programs, Rm N5639, FPBldg., 200 Constitution Ave., NW, Washington, DC 20210, **202 523-6495**

RIN: 1214-AA00

58. ADMINISTRATION OF LABOR PROTECTION PROVISIONS AFFECTING MASS TRANSIT EMPLOYEES UNDER 13(C) OF THE URBAN MASS TRANSPORTATION ACT

Priority: Undetermined

Legal Authority: 49 USC 1609

CFR Citation: 29 CFR 215

Abstract: This proposal would revise the Department's current guidelines concerning administrative procedures in processing applications for mass transit assistance under the Urban Mass Transportation Act of 1964, as amended, and the criteria followed by the Secretary of Labor when certifying "fair and equitable" employee arrangements under section 13(c) of the Act.

Timetable:

Action	Date	FR Cite
Withdrawn	02/27/85	

Small Entity: Undetermined

Agency Contact: Ron Glass, Chief, Division of Employee Protections, Department of Labor, Bureau of Labor Management Relations and Cooperative Programs, Rm N5639, FPBldg., 200 Constitution Ave., NW, Washington, DC 20210, **202 523-6495**

RIN: 1214-AA01

[FR Doc. 85-9488 Filed 04-26-85; 8:45 am]

BILLING CODE 4510-23-T

DEPARTMENT OF LABOR (DOL) — Completed Actions

Office of Labor Management Standards (OLMS)

COMPLETED RULEMAKINGS

59. LABOR ORGANIZATION ANNUAL REPORT

Legal Authority: 29 USC 431, 29 USC 438, 29 USC 461

CFR Citation: 29 CFR 403.3; 29 CFR 403.4

Abstract: 29 USC 431 requires labor organizations to file annual financial reports with DOL. OLMS plans to revise Labor Organization Annual Report Form LM-2 which was developed for obtaining this required reporting. The planned changes would clarify the instructions for completing the report, improve disclosure to union members and assist the Department in detecting violations of the LMRDA.

DOL—OLMS — **Completed Actions**

Timetable:

Action	Date	FR Cite
Withdrawn	02/27/85	

Small Entity: No

Agency Contact: Kay Oshel, Chief, Division of Interpretations & Stds, Department of Labor, Bureau of Labor Management Relations and Cooperative Programs, Rm N5109, FPBldg., 200 Constitution Ave., NW, Washington, DC 20210, 202 523-7373

RIN: 1294-AA00

60. ELECTION ENFORCEMENT PROVISIONS OF THE LMRDA

Legal Authority: 29 USC 481; 29 USC 482

CFR Citation: 29 CFR 452, Subpart J

Abstract: This rule, if promulgated, would revise and update the existing enforcement provisions of the interpretative bulletin on elections of union officers subject to the LMRDA. A notice of proposed rulemaking was published on 10/03/80 (45 FR 65925) with comments due by 12/17/80. No further action has been taken. The proposed rulemaking may be reconsidered during 1985.

Timetable:

Action	Date	FR Cite
NPRM	10/03/80	45 FR 65925
NPRM Comment Period End	12/17/80	
Proposed Rulemaking reconsidered	12/00/83	
Withdrawn	02/27/85	

Small Entity: No

Agency Contact: Kay Oshel, Chief, Division of Interpretation & Stds., Department of Labor, Bureau of Labor Management Relations and Cooperative Programs, Rm N5109, FPBldg., 200 Constitution Ave, NW, Washington, DC 20210, 202 523-7373

RIN: 1294-AA01

[FR Doc 85-6488 Filed 04-26-85; 8:45 am]

BILLING CODE 4510-23-T

DEPARTMENT OF LABOR (DOL)
Mine Safety and Health Administration (MSHA) — **Current and Projected Rulemakings**

61. PATTERN OF VIOLATIONS

Legal Authority: 30 USC 814(e); 30 USC 957

CFR Citation: 30 CFR 104

Abstract: The Mine Act provides for issuance of withdrawal orders to mines having a pattern of serious violations until the mine is completely free of such violations. A 1980 proposed rule would have set criteria for determining if a "pattern of violations" exists. Commenters generally opposed the proposal stating that it was complex, too statistically oriented, and vague. In addition, since the proposal was published, the statutory concept of "significant and substantial violations" (S&S) has been redefined by the Federal Mine Safety and Health Review Commission. S&S violations are a critical element in the statutory provisions. For these reasons, MSHA has withdrawn the 1980 proposal and issued an ANPRM for public comment which outlines new procedures for implementing the statutory provision for pattern of violations.

Timetable:

Action	Date	FR Cite
NPRM	08/15/80	45 FR 54656
NPRM Comment Period End	10/14/80	
ANPRM	02/08/85	50 FR 5470
ANPRM Comment Period Begin	02/08/85	50 FR 5470
Withdrawal of 1980 ANPRM	02/08/85	
ANPRM Comment Period End	04/09/85	

Small Entity: Yes

Agency Contact: Patricia W. Silvey, Director, Office of Standards, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Blvd., Rm 627, BT #3, Arlington, VA 22203, 703 235-1910

RIN: 1219-AA04

62. ALTERNATE PROGRAM FOR EQUIPMENT APPROVALS

Priority: Undetermined

Legal Authority: 30 USC 811

CFR Citation: 30 CFR 37

Abstract: This would be a new Part. Under existing regulations, certain equipment must be approved by MSHA prior to use in underground mines. In lieu of MSHA testing, the proposal would permit manufacturers or independent laboratories to test certain equipment prior to their issuance of the Agency's approval.

Timetable:

Action	Date	FR Cite
ANPRM	03/04/83	48 FR 09475
Notice of Public Meetings	03/18/83	48 FR 11665
ANPRM Comment Period End	05/03/83	
NPRM	09/00/85	

Small Entity: Yes

Additional Information: On 03/04/83 MSHA published a notice in the Federal Register announcing the availability of a preproposal draft for Part 37. Public meetings were held in April 1983 and the comment period closed on 05/03/83.

Agency Contact: Patricia W. Silvey, Director, Office of Standards, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Blvd., Rm 627, BT #3, Arlington, VA 22203, 703 235-1910

RIN: 1219-AA06

63. REVIEW OF SELF-CONTAINED SELF RESCUE DEVICES (SCSR) STANDARDS APPLICABLE TO COAL MINING

Priority: Agency Determination

Legal Authority: 30 USC 811

CFR Citation: 30 CFR 75.1714

Abstract: The Self-Contained Self Rescue Devices (SCSR) Standards are

part of the overall coal review of high priority standards. These standards would be revised to: (1) eliminate unnecessary standards; (2) clarify and update existing standards; (3) incorporate technological advances; and (4) reduce recordkeeping burdens on the industry.

Timetable:

Action	Date	FR Cite
Begin Review	07/09/82	47 FR 30025
ANPRM	07/01/83	48 FR 30589
ANPRM Comment Period Begin	07/01/83	
ANPRM Comment Period End	08/30/83	
NPRM	09/00/85	

Small Entity: Yes

Additional Information: Public conferences were held during August 1983. The proposed rule is expected to be published in September 1985. This entry is part of RIN 1219-AA01 (Review of Safety and Health Standards applicable to Coal) and has been separately identified in order to more easily distinguish timetables.

Agency Contact: Patricia W. Silvey, Director, Office of Standards, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Boulevard, Room 627, Arlington, VA 22203, **703 235-1910**

RIN: 1219-AA08

64. REVIEW OF VENTILATION STANDARDS APPLICABLE TO COAL MINING

Priority: Agency Determination

Legal Authority: 30 USC 811

CFR Citation: 30 CFR 75.300

Abstract: The Ventilation Standards are part of the overall coal review of high priority standards. These standards would be revised to: (1) eliminate unnecessary standards; (2) clarify and update standards; (3) incorporate technological advances; and (4) reduce recordkeeping burdens on the industry.

Timetable:

Action	Date	FR Cite
Begin Review	07/09/82	47 FR 30025
End Review	12/00/84	
ANPRM	07/00/85	

Small Entity: Yes

Additional Information: The ANPRM is expected to be published during July 1985. This entry is part of RIN 1219-AA01 (Review of Safety and Health Standards applicable to Coal) and has been separately identified in order to more easily distinguish timetables.

Agency Contact: Patricia W. Silvey, Director, Office of Standards, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Boulevard, Room 627, Arlington, VA 22203, **703 235-1910**

RIN: 1219-AA11

65. REVIEW OF HOISTING AND TRANSPORTATION OF PERSONS AND MATERIAL STANDARDS APPLICABLE TO COAL MINING

Priority: Agency Determination

Legal Authority: 30 USC 811

CFR Citation: 30 CFR 75.1400

Abstract: The hoisting and transportation standards are part of the overall coal review of high priority standards. These standards would be revised to: (1) eliminate unnecessary standards; (2) clarify and update standards; (3) incorporate technological advances; and (4) reduce recordkeeping burdens on the industry.

Timetable:

Action	Date	FR Cite
Begin Review	07/09/82	47 FR 30025
ANPRM	07/01/83	48 FR 30589
ANPRM Comment Period Begin	07/01/83	
ANPRM Comment Period End	08/30/83	
NPRM	07/00/85	

Small Entity: Yes

Additional Information: Public conferences were held during August 1983. The proposed rule is expected to be published in July 1985. This entry is part of RIN 1219-AA01 (Review of Safety and Health Standards applicable to Coal) and has been separately identified in order to more easily distinguish timetables.

Agency Contact: Patricia W. Silvey, Director, Office of Standards, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Boulevard, Room 627, Arlington, VA 22203, **703 235-1910**

RIN: 1219-AA12

66. SAFETY STANDARDS FOR UNDERGROUND COAL MINES; ROOF, FACE AND RIB SUPPORT

Priority: Agency Determination

Legal Authority: 30 USC 811

CFR Citation: 30 CFR 75.200

Abstract: The Roof Control Standards are part of the overall coal review of high priority standards. These standards would be revised to: (1) eliminate unnecessary standards; (2) clarify and update standards; (3) incorporate technological advances; and (4) reduce recordkeeping burdens on the industry.

Timetable:

Action	Date	FR Cite
Begin Review	07/09/82	47 FR 30025
ANPRM	09/02/83	48 FR 40165
ANPRM Comment Period Begin	09/02/83	48 FR 40165
ANPRM Comment Period End	11/18/83	
NPRM	04/00/85	

Small Entity: Yes

Additional Information: The ANPRM was published September 2, 1983 (48 FR 40165). This entry is part of RIN 1219-AA01 (Review of Safety and Health Standards applicable to Coal) and has been separately identified in order to more easily distinguish timetables. Public conferences were held October 25 and 27, 1983. The proposed rule is expected to be published in April 1985.

Agency Contact: Patricia W. Silvey, Director, Office of Standards, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Boulevard, Room 627, Arlington, VA 22203, **703 235-1910**

RIN: 1219-AA13

67. REVIEW OF METAL AND NONMETAL ELECTRICITY STANDARDS

Priority: Agency Determination

Legal Authority: 30 USC 811

CFR Citation: 30 CFR 55.12; 30 CFR 56.12; 30 CFR 57.12

Abstract: The electricity standards are part of the overall metal and nonmetal review of high priority sections. These standards would be revised to: (1) eliminate unnecessary standards; (2) clarify and update existing standards; (3) incorporate technological advances; and (4) reduce recordkeeping burdens on the industry.

Timetable:

Action	Date	FR Cite
Begin Review	03/25/83	45 FR 19267
ANPRM	05/20/83	48 FR 22895
ANPRM Comment Period Begin	05/20/83	
ANPRM Comment Period End	07/19/83	
NPRM	07/00/85	

Small Entity: Yes

Additional Information: The proposed rule is expected to be published during July 1985. This entry is part of RIN 1219-AA00 (Review of Metal and Nonmetal Standards) and has been separately identified in order to more easily distinguish timetables.

Agency Contact: Patricia W. Silvey, Director, Office of Standards, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Boulevard, Room 627, Arlington, VA 22203, **703 235-1910**

RIN: 1219-AA14

68. REVIEW OF METAL AND NONMETAL GASSY MINE STANDARDS

Priority: Agency Determination

Legal Authority: 30 USC 811

CFR Citation: 30 CFR 57.21

Abstract: The Gassy Mine Standards are part of the overall metal and nonmetal review of high priority sections. These standards would be revised to: (1) eliminate unnecessary standards; (2) clarify and update existing standards; (3) incorporate technological advances; and (4) reduce recordkeeping burdens on the industry.

Timetable:

Action	Date	FR Cite
Begin Review	03/25/83	45 FR 19267
ANPRM	06/10/83	48 FR 27025
ANPRM Comment Period Begin	06/10/83	
ANPRM Comment Period End	08/09/83	
Extension of Comment Period to 09/09/83	08/12/83	48 FR 36789
NPRM	03/00/85	

Small Entity: Yes

Additional Information: The proposed rule is expected to be published in October 1984. This entry is part of RIN 1219-AA00 (Review of Metal and Nonmetal Standards) and has been separately identified in order to more easily distinguish timetables.

Agency Contact: Patricia W. Silvey, Director, Office of Standards, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Boulevard, Room 627, Arlington, VA 22203, **703 235-1910**

RIN: 1219-AA15

69. SAFETY STANDARDS FOR UNDERGROUND COAL MINES; EXPLOSIVES AND BLASTING

Priority: Agency Determination

Legal Authority: 30 USC 811

CFR Citation: 30 CFR 75.1300

Abstract: The Explosives Standards are part of the overall coal review of high priority standards. These standards would be revised to: (1) eliminate unnecessary standards; (2) clarify and update standards; (3) incorporate technological advances; and (4) reduce recordkeeping burdens on the industry.

Timetable:

Action	Date	FR Cite
Begin Review	07/09/82	47 FR 30025
ANPRM	05/08/84	49 FR 19601
ANPRM Comment Period Begin	05/08/84	49 FR 19601
ANPRM Comment Period End	07/20/84	
NPRM	08/00/85	

Small Entity: Yes

Additional Information: The ANPRM was published on May 8, 1984. Public Conferences were held in June 1984. This entry is part of RIN 1219-AA01 (Review of Safety and Health Standards Applicable to Coal) and has been separately identified in order to more easily distinguish timetables. See also RIN 1219-AA23 for detailed requirements and timetables of Approval Schedules. The proposed rule is expected in August 1985.

Agency Contact: Patricia W. Silvey, Director, Office of Standards, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Boulevard, Room 627, Arlington, VA 22203, **703 235-1910**

RIN: 1219-AA16

70. REVIEW OF METAL AND NONMETAL EXPLOSIVES STANDARDS

Priority: Agency Determination

Legal Authority: 30 USC 811

CFR Citation: 30 CFR 55.6; 30 CFR 56.6; 30 CFR 57.6

Abstract: The explosives standards are part of the overall metal and nonmetal review of high priority sections. These standards would be revised to: (1) eliminate unnecessary standards; (2) clarify and update existing standards; (3) incorporate technological advances; and (4) reduce recordkeeping burdens on the industry.

Timetable:

Action	Date	FR Cite
Begin Review	03/25/80	45 FR 19267
ANPRM	08/20/84	49 FR 33087
ANPRM Comment Period Begin	08/20/84	
ANPRM Comment Period End	10/19/84	
Extension of ANPRM Comment Period to	11/16/84	49 FR 37640
NPRM	09/00/85	

Small Entity: Yes

Additional Information: The ANPRM was published August 20, 1984 (49 FR 33087). This entry is part of RIN 1219-AA00 (Review of Metal and Nonmetal Standards) and has been separately identified in order to more easily distinguish timetables. A proposed rule is expected to be published 09/85.

Agency Contact: Patricia W. Silvey, Director, Office of Standards, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Boulevard, Room 627, Arlington, VA 22203, **703 235-1910**

RIN: 1219-AA17

71. REVIEW OF METAL AND NONMETAL LOADING, HAULING, AND DUMPING STANDARDS

Priority: Agency Determination

Legal Authority: 30 USC 811

CFR Citation: 30 CFR 55.9; 30 CFR 56.9; 30 CFR 57.9

Abstract: The Loading, Hauling and Dumping Standards are part of the overall metal and nonmetal review of high priority sections. These standards would be revised to: (1) eliminate unnecessary standards; (2) clarify and update existing standards; (3) incorporate technological advances; and (4) reduce recordkeeping burdens on the industry.

Timetable:

Action	Date	FR Cite
Begin Review	03/25/80	45 FR 19267
ANPRM	04/22/83	48 FR 17513
ANPRM Comment Period Begin	04/22/83	
ANPRM Comment Period End	06/21/83	
NPRM	12/18/84	49 FR 49202
NPRM Comment Period Begin	12/18/84	49 FR 49202
Extension of time to comment to 03/22/85.	01/25/85	50 FR 3681
NPRM Comment Period End	02/19/85	
Final Action	12/00/85	

Small Entity: Yes

Additional Information: The proposed rule was published December 18, 1984, with comments due by February 19, 1985. On January 25, 1985, MSHA extended the comment period to March 22, 1985. This entry is part of RIN 1219-AA00 (Review of Metal and Nonmetal Standards) and has been separately identified in order to more easily distinguish timetables. Public hearings are expected to be held in May 1985. A final rule is anticipated in December 1985.

Agency Contact: Patricia W. Silvey, Director, Office of Standards, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Boulevard, Room 627, Arlington, VA 22203, **703 235-1910**

RIN: 1219-AA18

72. SAFETY STANDARDS FOR MACHINERY AND EQUIPMENT AT METAL AND NONMETAL MINES

Priority: Agency Determination

Legal Authority: 30 USC 811

CFR Citation: 30 CFR 55.14; 30 CFR 56.14; 30 CFR 57.14

Abstract: The Machinery and Equipment Standards are part of the overall metal and nonmetal review of high priority sections. These standards would be revised to: (1) eliminate unnecessary standards; (2) clarify and update existing standards; (3) incorporate technological advances; and (4) reduce recordkeeping burdens on the industry.

Timetable:

Action	Date	FR Cite
Begin Review	03/25/80	45 FR 19267
ANPRM	02/11/83	48 FR 6489
ANPRM Comment Period Begin	02/11/83	
ANPRM Comment Period End	04/15/83	
NPRM	03/06/84	49 FR 8375
NPRM Comment Period Begin	03/06/84	49 FR 8375
NPRM Comment Period End	05/07/84	
Notice of Public Hearings	05/21/84	
Final Action	06/00/85	

Small Entity: Yes

Additional Information: The proposed rule was published March 6, 1984. Public hearings were held in June 1984. The final rule is expected in June 1985. This entry is part of RIN 1219-AA00 (Review of Metal and Nonmetal Standards) and has been separately identified in order to more easily distinguish timetables.

Agency Contact: Patricia W. Silvey, Director, Office of Standards, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Boulevard, Room 627, Arlington, VA 22203, **703 235-1910**

RIN: 1219-AA19

73. REVIEW OF METAL AND NONMETAL AIR QUALITY STANDARDS

Priority: Agency Determination

Legal Authority: 30 USC 811

CFR Citation: 30 CFR 55.5; 30 CFR 56.5; 30 CFR 57.5

Abstract: The Air Quality Standards are part of the overall metal and nonmetal review of high priority sections. These standards would be revised to: (1) eliminate unnecessary standards; (2) clarify and update existing standards; (3) incorporate technological advances; and (4) reduce recordkeeping burdens on the industry.

Timetable:

Action	Date	FR Cite
Begin Review	03/25/80	45 FR 19267
ANPRM	07/06/83	48 FR 31171
ANPRM Comment Period Begin	07/06/83	
Extension of Comment Period to 10/06/83.	08/12/83	48 FR 36789
Extension of Comment Period to 11/07/83.	09/16/83	48 FR 41747
ANPRM Comment Period End	11/07/83	
NPRM	06/00/85	

Small Entity: Yes

Additional Information: The proposed rule is expected to be published in June 1985. This entry is part of RIN 1219-AA00 (Review of Metal and Nonmetal Standards) and has been separately identified in order to more easily distinguish timetables.

Agency Contact: Patricia W. Silvey, Director, Office of Standards, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Boulevard, Room 627, Arlington, VA 22203, **703 235-1910**

RIN: 1219-AA21

74. REVIEW OF METAL & NONMETAL GROUND CONTROL STANDARDS

Priority: Agency Determination

Legal Authority: 30 USC 811

CFR Citation: 30 CFR 55.3; 30 CFR 56.3, 30 CFR 57.3

Abstract: The Ground Control standards are part of the overall metal and nonmetal review of high priority sections. These standards would be revised to: (1) eliminate unnecessary standards; (2) clarify and update existing standards; (3) incorporate technological advances; and (4) reduce recordkeeping burdens on the industry.

Timetable:

Action	Date	FR Cite
Begin Review	03/25/80	45 FR 19267
ANPRM	03/11/83	48 FR 10593
ANPRM Comment Period Begin	03/11/83	
ANPRM Comment Period End	05/11/83	
NPRM	03/06/84	49 FR 8368
NPRM Comment Period Begin	03/06/84	49 FR 8368
NPRM Comment Period End	05/07/84	
Notice of Public Hearings	05/21/84	
Final Action	05/00/85	

Small Entity: Yes

Additional Information: This entry is part of RIN 1219-AA00 (Review of Metal and Nonmetal Standards) and has been separately identified in order to more easily distinguish timetables. The proposed rule was published on March 6, 1984. Public hearings were held in June 1984. The final rule is expected in May 1985.

Agency Contact: Patricia W. Silvey, Director, Office of Standards, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Boulevard, Room 627, Arlington, VA 22203, 703 235-1910

RIN: 1219-AA22

75. REQUIREMENTS OF APPROVAL OF EXPLOSIVES AND SHEATHED EXPLOSIVE UNITS, WATER STEMMING BAGS, ELECTRIC DETONATORS AND BLASTING UNITS

Priority: Agency Determination

Legal Authority: 30 USC 811

CFR Citation: 30 CFR 15; 30 CFR 16; 30 CFR 17; 30 CFR 25

Abstract: The explosives approval schedules are part of the overall coal review of high priority standards. The schedules in 30 CFR Parts 15, 16, 17, and 25 list requirements for approval of explosives, water stemming bags, electrical detonators, and blasting units, respectively.

Timetable:

Action	Date	FR Cite
ANPRM	06/05/84	49 FR 23281
ANPRM Comment Period Begin	06/05/84	
ANPRM Comment Period End	08/10/84	
NPRM	08/00/85	

Small Entity: Yes

Additional Information: The ANPRM was published on June 5, 1984 and a public conference was held in Pittsburgh, PA on 7/11/84. The NPRM is expected in August 1985. This entry is part of RIN 1219-AA16 (Review of Explosives Standards Applicable to Coal Mining); however, it has been listed separately to more easily identify requirements and timetables.

Agency Contact: Patricia W. Silvey, Director, Office of Standards, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Boulevard, Rm. 627, Arlington, VA 22203, 703 235-1910

RIN: 1219-AA23

76. ● MINE PLAN APPROVALS

Priority: Agency Determination

Legal Authority: 30 USC 957

CFR Citation: 30 CFR Chapter I

Abstract: Members of the mining community have recommended a proposal which they believe would encourage more cooperative efforts in developing mine plans and provide for an equal appeal procedure for disputed matters. Specifically, the proposal would (1) establish time frames for MSHA and mine operator actions on mine plans, (2) specify that the agreed upon provisions would take effect immediately, (3) provide that citations be issued regarding plan provisions upon which the operator and District Manager cannot agree, (4) establish guidelines for the abatement of such citations and (5) provide for the review of these citations before the Federal Mine Safety and Health Review Commission. As an alternative to this proposal, MSHA could establish an intra-agency appeal panel to hear disputes. This panel would include MSHA personnel with expertise in the subject matter addressed by the plan provision in dispute. At this time MSHA has made no decisions concerning the merits of the AMC/BCOA proposal. However, the Agency recognizes that there might be some problems associated with the plan approval process. However, MSHA believes that comments from (cont)

Timetable:

Action	Date	FR Cite
Request for comments	03/00/85	

Small Entity: Yes

Additional Information: ABSTRACT CONT: all segments of the mining community will assist the Agency in evaluating the plan approval process.

Agency Contact: Patricia W. Silvey, Director, Office of Std., Reg. & Variances, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Boulevard, Arlington, VA 22203, 703 235-1910

RIN: 1219-AA26

77. ● RADIATION

Priority: Agency Determination

Legal Authority: 30 USC 811

CFR Citation: 30 CFR 56.5-37 to 5-47; 30 CFR 57.5-37 to 5.47

Abstract: MSHA is reviewing its existing metal and nonmetal radiation (radon daughters) standards. The Agency has identified specific issues with respect to possible regulatory action. An ANPRM was published in the Federal Register (01/29/85, 50 FR 4144) inviting public comments. The purpose of this review is to evaluate the adequacy of the existing standards in providing appropriate protection for miners exposed to radiation hazards in surface and underground operations.

Timetable:

Action	Date	FR Cite
ANPRM	01/29/85	50 FR 4144
ANPRM Comment Period Begin	01/29/85	

Action	Date	FR Cite
Extention of ANPRM Comment Period to 6/3/85	03/22/85	50 FR 11638

Action	Date	FR Cite
ANPRM Comment Period End	04/01/85	

Small Entity: Yes

Agency Contact: Patricia W. Silvey, Director, Office of Std., Reg., & Variances, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Boulevard, Arlington, VA 22203, **703 235-1910**

RIN: 1219-AA28

DEPARTMENT OF LABOR (DOL)

Mine Safety and Health Administration (MSHA)

Existing Regulations Under Review

78. REVIEW OF ELECTRICAL STANDARDS APPLICABLE TO COAL MINING

Priority: Agency Determination

Legal Authority: 30 USC 811

CFR Citation: 30 CFR 75.500; 30 CFR 75.600; 30 CFR 75.700; 30 CFR 75.800; 30 CFR 75.900; 30 CFR 75.1000

Abstract: The Electrical Standards are part of the overall coal review of high priority standards. These standards would be revised to: (1) eliminate unnecessary standards; (2) clarify and update existing Standards; (3) incorporate technological advances; and (4) reduce recordkeeping burdens on the industry.

Timetable:

Action	Date	FR Cite
Begin Review	07/09/82	47 FR 30025
End Review	12/00/84	
ANPRM	09/00/85	

Small Entity: Yes

Additional Information: The ANPRM is expected to be published in September 1985. This entry is part of RIN 1219-AA01 (Review of Safety and Health Standards applicable to Coal) and has been separately identified in order to more easily distinguish timetables.

Agency Contact: Patricia W. Silvey, Director, Office of Standards, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Boulevard, Room 627, Arlington, VA 22203. **703 235-1910**

RIN: 1219-AA10

79. ● APPROVAL CRITERIA FOR DIESEL-POWERED EQUIPMENT FOR UNDERGROUND COAL MINES

Priority: Agency Determination

Legal Authority: Section 508 of the Federal Mine Safety and Health Act of 1977; 30 USC 957

CFR Citation: 30 CFR 36

Abstract: The atmosphere of underground coal mines contains methane gas which can quickly accumulate in explosive concentrations. To protect against gas ignitions and mine explosions, the Federal Mine Safety and Health Act of 1977 requires that mining equipment be built in accordance with certain performance standards. To administer these requirements, MSHA has established a mining equipment approval system, including evaluation criteria. At present, approximately 88 underground coal mines are using about 1100 pieces of diesel equipment. Existing MSHA approval criteria do not, however, apply to this equipment. Existing MSHA regulations (30 CFR 36) apply only to diesel equipment for noncoal mines and tunnels. MSHA has encouraged coal mine operators to voluntarily use diesel-powered equipment approved for noncoal mines. This effort has not been completely successful. Cost estimates have not been calculated. However, costs could arise from the purchase and maintenance of approved diesel equipment and for environmental controls. The major benefit would be increased productivity resulting from elimination of electric trailing cables, and increased (cont)

Timetable:

Action	Date	FR Cite
Agency Task Force Report	00/00/00	

Small Entity: Yes

Additional Information: ABSTRACT CONT: safety possible in areas such as materials handling when diesels are used to replace electric equipment.

ADDITIONAL INFORMATION: Regulations acknowledging the use of diesel-powered equipment in underground coal mines highlight issues regarding exposure limits for diesel fumes, raising potential policy issues regarding appropriate health standards.

Agency Contact: Patricia W. Silvey, Director, Office of Std., Reg., & Variances, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Boulevard, Arlington, VA 22203, **703 235-1910**

RIN: 1219-AA27

80. ● MSHA REGULATIONS FOR APPROVAL OF EQUIPMENT—UPDATING FEES ASSOCIATED WITH EQUIPMENT APPROVALS

Priority: Agency Determination

Legal Authority: 30 USC 957

CFR Citation: 30 CFR 11 to 36

Abstract: Existing regulations require that certain equipment be approved by MSHA for use in underground mines. Currently, MSHA tests for a fee, all equipment submitted by manufacturers prior to the issuance of an agency approval. Most of the approval regulations have not been revised in nearly 20 years, and accordingly, the fees do not accurately reflect current costs to the government.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: Yes

Additional Information: No specific timetable has been established, since regulatory alternatives are still being considered.

Agency Contact: Patricia W. Silvey, Director, Office of Std., Reg., & Variances, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Boulevard, Arlington, VA 22203. **703 235-1910**

RIN: 1219-AA29

DEPARTMENT OF LABOR (DOL)

Mine Safety and Health Administration (MSHA)

Completed Actions

COMPLETED RULEMAKINGS

81. REVIEW OF METAL AND NONMETAL STANDARDS

Priority: Agency Determination

Legal Authority: 30 USC 811

CFR Citation: 30 CFR 55; 30 CFR 56; 30 CFR 57

Abstract: These standards would be revised to : (1) eliminate unnecessary standards; (2) clarify and update existing standards; (3) incorporate technological advances; and (4) reduce recordkeeping burdens on the industry. Originally the ANPRM comment period ended 05/27/80, but on 06/06/80 (45 FR 38087), comments were extended to 08/05/80. NPRM of 11/20/81 announced MSHA's initial priorities for its comprehensive standards review and its intent to hold informal public conferences.

Timetable:

Action	Date	FR Cite
ANPRM	03/25/80	45 FR 19267
ANPRM Comment Period End	08/05/80	
Additional ANPRM	11/20/81	46 FR 57253
Comment Period extended to 06/30/82	05/28/82	
Public Conferences, April & May 82	05/00/82	47 FR 10190
Post Conference comments due	06/04/82	47 FR 23484
Withdrawn	03/11/85	

Small Entity: Yes

Additional Information: Each high priority section is listed separately in this document.

Agency Contact: Patricia W. Silvey, Director, Office of Standards, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Blvd., Rm 627, BT #3, Arlington, VA 22203, **703 235-1910**

RIN: 1219-AA00

82. REVIEW OF SAFETY AND HEALTH STANDARDS APPLICABLE TO COAL MINING

Priority: Agency Determination

Legal Authority: 30 USC 811

CFR Citation: 30 CFR 70; 30 CFR 71; 30 CFR 75; 30 CFR 77

Abstract: MSHA plans to review these standards to: (1) clarify and update existing standards; (2) eliminate unnecessary standards; (3) reduce recordkeeping burdens on the industry; and (4) incorporate technological advances. MSHA has initiated a review of all safety standards for underground coal mines. As part of this review, MSHA is specifically suggesting for regulatory changes to roof support, explosives, and the ventilation requirements in sec 75.316.

Timetable:

Action	Date	FR Cite
ANPRM	07/09/82	47 FR 30025
Comment Period extended to 11/15/82	08/27/82	47 FR 38097
ANPRM Comment Period End	11/15/82	
Withdrawn	03/11/85	

Small Entity: Yes

Additional Information: Each high priority section is listed separately in this document.

Agency Contact: Patricia W. Silvey, Director, Office of Standards, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Boulevard, Room 627, BT #3, Arlington, VA 22203, **703 235-1910**

RIN: 1219-AA01

83. MINER PARTICIPATION IN THE RESPIRABLE DUST SAMPLING PROGRAM

Legal Authority: 30 USC 811

CFR Citation: 30 CFR 70; 30 CFR 71; 30 CFR 90

Abstract: This regulatory action is removed from the Agenda. The proposal, which would amend MSHA's coal mine respirable dust regulations to permit miners' representatives to participate in the existing sampling programs, was based on the Agency's experience prior to the 1980 revision of the sampling programs. Compliance with the revised programs has improved, resulting in greater confidence in the overall dust program.

Timetable:

Action	Date	FR Cite
NPRM	04/08/80	45 FR 24008
NPRM Comment Period End	06/02/80	
End Review	01/00/85	
Withdrawn	02/19/85	

Small Entity: Yes

Agency Contact: Patricia W. Silvey, Director, Office of Standards, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Blvd., Rm 627, BT #3, Arlington, VA 22203, **703 235-1910**

RIN: 1219-AA02

84. CONSTRUCTION WORK AT SURFACE AREAS OF MINES: SAFETY, HEALTH STANDARDS

Priority: Undetermined

Legal Authority: 30 USC 811(a)(8)

CFR Citation: 30 CFR 110

Abstract: In accordance with section 101(a)(8) of the Mine Act, MSHA is evaluating the practicability and necessity of promulgating separate safety and health standards for construction activities at surface mines. This agenda item is being re-analyzed in light of MSHA's comprehensive standards review project. Where appropriate, the uniqueness of construction-type hazards and the adequacy and extent to which they are currently addressed will be issues of consideration in each of the substantive areas under review. When the standards review project is completed, the Agency will determine if separate publication of standards applicable to surface construction is warranted. This entry is removed from the Agenda.

Timetable:

Action	Date	FR Cite
ANPRM	09/07/79	44 FR 52258
ANPRM Comment Period End	10/22/79	
Withdrawn	02/19/85	
End Review	00/00/00	

Small Entity: Yes

Agency Contact: Patricia W. Silvey, Director, Office of Standards, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Blvd., Rm 627, BT =3, Arlington, VA 22203, **703 235-1910**

RIN: 1219-AA05

85. REVIEW OF CABS OR CANOPIES STANDARDS APPLICABLE TO COAL MINING

Legal Authority: 30 USC 811

CFR Citation: 30 CFR 75.1710

Abstract: The Cabs or Canopies Standards are part of the overall coal review of standards, however, MSHA does not anticipate further rulemaking action at this time. This entry is removed from the Agenda. These standards would be revised to: (1) eliminate unnecessary standards; (2) clarify and update standards; (3) incorporate technological advances; and (4) reduce recordkeeping burdens on the industry.

Timetable:

Action	Date	FR Cite
Begin Review	07/09/82	47 FR 30025
Withdrawn	02/19/85	

Small Entity: Yes

Additional Information: This entry is part of RIN 1219-AA01 (Review of Safety and Health Standards applicable to Coal) and has been separately identified in order to more easily distinguish timetables.

Agency Contact: Patricia W. Silvey, Director, Office of Standards, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Boulevard, Room 627, Arlington, VA. 22203, **703 235-1910**

RIN: 1219-AA09

86. REVIEW OF METAL AND NONMETAL FIRE PREVENTION AND CONTROL STANDARDS

Priority: Agency Determination

Legal Authority: 30 USC 811

CFR Citation: 30 CFR 55.4; 30 CFR 56.4, 30 CFR 57.4

Abstract: The Fire Prevention and Control Standards were part of the overall metal and nonmetal review of high priority sections. These standards were revised to: (1) eliminate unnecessary standards; (2) clarify and update existing standards; (3) incorporate technological advances; and (4) reduce recordkeeping burdens on the industry.

Timetable:

Action	Date	FR Cite
Begin Review	03/25/80	45 FR 19267
ANPRM	12/28/82	47 FR 10593
ANPRM Comment Period Begin	12/28/82	
ANPRM Comment Period End	02/28/83	
NPRM	10/04/83	48 FR 45336
NPRM Comment Period Begin	10/04/83	
NPRM Comment Period End	12/05/83	
Notice of Public Hearings	12/30/83	48 FR 57702
End Review	01/29/85	
Final Action	01/29/85	50 FR 4022
Final Action Effective	04/15/85	

Small Entity: Yes

Additional Information: The proposed rule was published October 4, 1983 (48 FR 57702). This entry is part of RIN 1219-AA00 (Review of Metal and Nonmetal Standards) and has been separately identified in order to more easily distinguish timetables. Public hearings were held in February 1984. The final rule was published on January 29, 1985, with a delayed effective date of April 15, 1985. This entry is removed from the Agenda.

Agency Contact: Patricia W. Silvey, Director, Office of Standards, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Boulevard, Room 627, Arlington, VA 22203, **703 235-1910**

RIN: 1219-AA20

87. REVIEW OF OIL AND GAS WELLS STANDARDS APPLICABLE TO COAL MINING

Priority: Undetermined

Legal Authority: 30 USC 811

CFR Citation: 30 CFR 75.1700

Abstract: The oil and gas wells standards are part of the overall coal review of high priority standards. however, MSHA does not anticipate further rulemaking action at this time. This entry is removed from the Agenda. These standards would be revised to: (1) eliminate unnecessary standards; (2) clarify and update standards; (3) incorporate technological advances; and (4) reduce recordkeeping burdens on the industry.

Timetable:

Action	Date	FR Cite
Withdrawn	02/19/85	

Small Entity: Yes

Additional Information: This entry is part of RIN 1219-AA01 (Review of Safety and Health Standards Applicable to Coal Mining) and has been separately identified in order to more easily distinguish timetables.

Agency Contact: Patricia W. Silvey, Director, Office of Standards, Department of Labor, Mine Safety and Health Administration, 4015 Wilson Boulevard, Rm. 627, Arlington, VA 22203, **703 235-1910**

RIN: 1219-AA24

[FR Doc. 85-6488 Filed 04-26-85; 8:45 am]

BILLING CODE 4510-23-T

DEPARTMENT OF LABOR (DOL) — **Current and Projected Rulemakings**

Office of the Assistant Secretary for Administration and Management (OASAM)

88. NONDISCRIMINATION IN PROGRAMS AND ACTIVITIES RECEIVING FEDERAL FINANCIAL ASSISTANCE FROM THE DEPARTMENT OF LABOR

Priority: Agency Determination

Legal Authority: 29 USC 794; 42 USC 6101 to 6107; 42 USC 2000d to 2000d-4; 20 USC 1618; 15 USC 3151; 29 USC 1501 et seq

CFR Citation: 29 CFR 31

Abstract: DOL's existing regulations implementing Title VI of the Civil Rights Act of 1964 have been revised as a single comprehensive civil rights regulation covering all DOL statutory authority relating to nondiscrimination in Federally assisted programs with uniform administrative and enforcement procedures.

Timetable:

Action	Date	FR Cite
NPRM	08/00/85	

Small Entity: No

Additional Information: Draft regulations have been submitted to DOJ and EEOC for approval under E.O. 12250 and E.O. 12067, respectively.

Public Compliance Cost: Initial Cost: $0

Affected Sectors: None

Government Levels Affected: Local, State

Agency Contact: William J. Harris, Director, Office of Civil Rights, Department of Labor, Office of the Assistant Secretary for Administration and Management, Rm N4123, FP Bldg., 200 Constitution Ave., NW, Washington, DC 20210, 202 523-8927

RIN: 1291-AA02

89. ENFORCEMENT OF NONDISCRIMINATION ON THE BASIS OF HANDICAP IN DEPARTMENT OF LABOR PROGRAMS

Priority: Agency Determination

Legal Authority: 29 USC 794

CFR Citation: 29 CFR 33

Abstract: Before the 1978 Amendments to Section 504 of the Rehabilitation Act of 1973, Congress had not held Federal Agencies to the same standard of accessibility to which recipients of Federal assistance were held. This proposed regulation would not require DOL to take any action when it can demonstrate that taking such action would result in a fundamental alteration in the nature of a program or activity or in undue financial and administrative burdens. This regulation would require, however, that persons with handicaps, who are eligible for and who can achieve the purpose of a federally-conducted program or activity, be allowed access to that program or activity. Effective communication would also be required with applicants, participants, personnel, and members of the public that have impaired vision or hearing.

Timetable:

Action	Date	FR Cite
NPRM	04/00/85	

Small Entity: No

Additional Information: Regulation was approved by EEOC 12/84 and has been submitted to DOJ for review under E.O. 12250.

Agency Contact: William J. Harris, Director, Office of Civil Rights, Department of Labor, Office of the Assistant Secretary for Administration and Management, 200 Constitution Avenue, NW, Rm N4123, FP Bldg., Washington, DC 20210, 202 523-8927

RIN: 1291-AA04

90. ● ADMINISTRATIVE REQUIREMENTS GOVERNING ALL GRANTS AND AGREEMENTS BY WHICH DEPARTMENT OF LABOR AGENCIES AWARD FUNDS TO STATE AND LOCAL GOVERNMENTS, INDIAN AND NATIVE AMERICAN ENTITIES, ETC

Legal Authority: 5 USC 301; 29 USC 801 et seq; 29 USC 795; 30 USC 801 et seq; 29 USC 651 et seq; 42 USC 3011 et seq; 42 USC 501 et seq; 42 USC 1101 et seq; 42 USC 1321 et seq; 29 USC 49 et seq; OMB Circular No. A-102; OMB Circular No. A-110; PL 97-300; EO 12291

CFR Citation: 41 CFR 29 to 70

Abstract: Revise Department of Labor Regulations governing grants and agreements awarded by the Department of Labor.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Additional Information: TITLE CONT: Public and Private Institutions of Higher Education and Hospitals, and other Quasi-Public and Private Nonprofit Organizations

Affected Sectors: Multiple

Government Levels Affected: Local, State, Federal

Agency Contact: Thomas Delaney, Exec Assistant to Procurement Executive, Department of Labor, Office of the Assistant Secretary for Administration and Management, 200 Constitution Avenue, NW, Washington, DC 20210, 202 523-9174

RIN: 1291-AA05

91. ● DEPARTMENT OF LABOR ACQUISITION REGULATION (DOLAR) IMPLEMENTATION OF COMPETITION IN CONTRACTING ACT OF 1984 (CICA) (PUB. L. 98-369) INTO DOLAR

Priority: Agency Determination

Legal Authority: 5 USC 301; 29 USC 551; 40 USC 486(c); 41 USC 401; PL 98-369, Sec 2701; EO 12352; EO 12291

CFR Citation: 48 CFR 29

Abstract: Develop Department of Labor Acquisition Regulations to implement new regulations incorporated into the Federal Acquisition Regulation (FAR) mandated by the Competition in Contracting Act of 1984 (Pub. L. 98-369).

Timetable:

Action	Date	FR Cite
NPRM	09/00/85	

Small Entity: No

Affected Sectors: All

Government Levels Affected: Local, State, Federal

Agency Contact: Theodore Goldberg, Director, Office of Procurement & Grant Pol, Department of Labor, Office of the Assistant Secretary for Administration and Management, 200 Constitution Avenue, NW, Washington, DC 20210, 202 523-9174

RIN: 1291-AA06

DEPARTMENT OF LABOR (DOL)

Completed Actions

Office of the Assistant Secretary for Administration and Management (OASAM)

COMPLETED RULEMAKINGS

92. DEPARTMENT OF LABOR ACQUISITION REGULATION (DOLAR) (IMPLEMENTATION OF FEDERAL ACQUISITION REGULATION (FAR))

Priority: Major

Legal Authority: 5 USC 301; 40 USC 486(c); 41 USC 401; EO 12352

CFR Citation: 48 CFR 29

Abstract: Acquisition policies and procedures of the Federal Government have been developed in the past with little regard to uniformity among agencies. The result of this was a wide range of different procurement policies which caused contractors considerable confusion. The Office of Federal Procurement Policy, working with other agencies and the public, developed a uniform and simplified procurement regulation known as the Federal Acquisition Regulation (FAR) which became effective April 1, 1984. However, because the FAR does not contain all the procedural details for implementing specific policies, agencies are authorized to issue their own supplementary regulations. The Department of Labor Acquisition Regulation is being issued to implement the FAR where required and to supplement the FAR, with policies unique to DOL in areas where there is no FAR coverage. The DOLAR implements the FAR to the extent necessary incorporating public comments where appropriate, without duplicating, paraphrasing or contradicting the FAR. The DOLAR adheres to the FAR structured organization of subject matter and complies with the (cont)

Timetable:

Action	Date	FR Cite
Final Action Effective	04/01/84	50 FR 8914
NPRM	06/19/84	49 FR 25160
NPRM Comment Period Begin	06/19/84	49 FR 25160
NPRM Comment Period End	07/19/84	
Final Action	03/05/85	50 FR 8914

Small Entity: Not Applicable

Additional Information: ABSTRACT CONT: FAR-proscribed numbering system.

Public Compliance Cost: Initial Cost $0

Affected Sectors: All

Government Levels Affected: Local, State, Federal

Agency Contact: **Theodore Goldberg**, Director, Office of Proc. & Grant Policy, Department of Labor, Office of the Assistant Secretary for Administration and Management, 200 Constitution Avenue, N.W., Washington, DC 20210, **202 523-9174**

RIN: 1291-AA03

[FR Doc. 85-6488 Filed 04-26-85; 8:45 am]

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DEPARTMENT OF LABOR (DOL)

Current and Projected Rulemakings

Office of the Inspector General (OIG)

93. IMPLEMENTATION OF THE SINGLE AUDIT ACT OF 1984

Legal Authority: 5 USC 301

CFR Citation: 41 CFR 29

Abstract: This rule would provide for independent audits on an organization-wide basis of financial operations of Federal grantees that are State or local governments or Indian tribal governments that receive Federal assistance as well as Universities, hospitals and non-profit organizations.

Timetable:

Action	Date	FR Cite
NPRM	05/15/85	
NPRM Comment Period Begin	05/15/85	
NPRM Comment Period End	06/14/85	
Final Action	07/15/85	
Final Action Effective	08/15/85	

Small Entity: No

Additional Information: Previous Action RIN 1292-AA01, Federal and Non-Federal Audit Requirements

Agency Contact: **Edwin Terrell**, Chief, Federal Assistance Coord. Branch, Department of Labor, Office of the Inspector General, Rm. S5030, FP Bldg., 200 Constitution Avenue, NW, Washington, D.C. 20210, **202 523-8190**

RIN: 1292-AA01

[FR Doc. 85-6488 Filed 04-26-85; 8:45 am]

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DEPARTMENT OF LABOR (DOL)

Current and Projected Rulemakings

Occupational Safety and Health Administration (OSHA)

94. HEALTH HAZARDS OF CHEMICALS IN LABORATORIES

Legal Authority: 29 USC 655(b)

CFR Citation: 29 CFR 1910.1450

Abstract: Existing OSHA standards are designed to protect employees who are engaged in work involving exposure to only a few toxic chemicals during relatively standardized, continuous or repetitive processes. In contrast, laboratory workers are exposed to a multitude of toxic substances under frequently changing or unpredictable conditions. OSHA will examine whether prudent work practices and protective equipment, chosen for the specific facility and task, are more effective, feasible and economical for laboratory work than adhering to OSHA's current substance-specific exposure standards.

Timetable:

Action	Date	FR Cite
ANPRM	04/14/81	46 FR 21785
ANPRM Comment Period End	07/15/81	
NPRM	06/00/85	
Final Action	02/00/86	

Small Entity: Undetermined

Agency Contact: Dr. Leonard Vance, Director, Health Standards Programs, Department of Labor, Occupational Safety and Health Administration, Rm N3718, FPBldg., 200 Constitution Ave, NW, Washington, DC 20210, 202 523-7075

RIN: 1218-AA00

95. CARCINOGEN POLICY

Priority: Major, Task Force

Legal Authority: 29 USC 653; 29 USC 655; 29 USC 657

CFR Citation: 29 CFR 1990

Abstract: The Carcinogen Policy describes the criteria and procedures OSHA will use to identify, classify, and then regulate carcinogens. The Policy also establishes a process for screening chemicals and for setting priorities for potential rulemaking activities. The validity of the scientific criteria set forth in the policy and the cost-effectiveness of the rule are being reexamined. The original standard was issued in 1980 before the Supreme Court "benzene" decision on significant risk. Thereafter, a final rule deleting provisions of the Carcinogen Policy that were inconsistent with the benzene decision was published on 01/19/81 (46 FR 4889). A proposal was published on 01/23/81 (46 FR 7402) to permit alternatives to the risk analysis section of the carcinogen policy to be addressed. The proposal was withdrawn on 03/27/81 (46 FR 19000). An advance notice of proposed rulemaking was published on 01/05/82 (47 FR 187) with comments due by 04/05/82. That document also proposed to stay the publication of the candidate and priority lists. The final stay was published on 01/04/83 (48 FR 241). As part of its evaluation of the policy, OSHA is reviewing the public comments received in response (cont)

Timetable:

Action	Date	FR Cite
ANPRM	01/05/82	47 FR 187
End of Comment Period on stay	02/19/82	
ANPRM Comment Period End	04/05/82	
Stay published	01/04/83	48 FR 241
NPRM	06/00/85	

Small Entity: No

Additional Information: ABSTRACT CONT: to the document published by the Office of Science and Technology Policy entitled, "Chemical Carcinogens, Review of the Science and its Associated Principles, May 1984". This document, which resulted from the combined efforts of senior scientists from several federal agencies, may affect OSHA's proposal to modify the Carcinogen Policy.

Government Levels Affected: Federal

Agency Contact: Dr. Leonard Vance, Director, Health Standards Programs, Department of Labor, Occupational Safety and Health Administration, Rm N3718, FPBldg., 200 Constitution Ave, NW, Washington, DC 20210, 202 523-7075

RIN: 1218-AA01

96. COTTON DUST

Priority: Major

Legal Authority: 29 USC 655(b)

CFR Citation: 29 CFR 1910.1043

Abstract: This standard, issued in 1978, was challenged in the courts and has been stayed as it applies to certain industrial sectors. In addition, where the standard is in effect, there have been problems with the device that is used to measure cotton dust, control methods specified by the standard may not be cost-effective, and there is question about the demonstration of a significant risk of disease in some of the industry sectors covered by the standard. Data have been collected to determine how and to what extent the rule should be revised. Two ANPRMs have been published: 03/31/81 (46 FR 19501) and 02/09/82 (47 FR 5906). The second ANPRM modified and expanded the issues set forth in the first ANPRM. On 08/13/82 (47 FR 35255) OSHA proposed to stay enforcement of the current standard for knitting operations. A notice of final decision on the stay was published 02/04/83 (48 FR 5267). A proposal to revise the standard for cotton dust was published 06/10/83 (48 FR 26962). Public hearings were held during September/October 1983. On 02/23/84 (49 FR 6717) OSHA published an administrative stay on the effective date for implementation of the engineering and (cont)

Timetable:

Action	Date	FR Cite
ANPRM	03/31/81	46 FR 19501
ANPRM Comment Period End	05/15/81	
Second ANPRM	02/09/82	47 FR 5906
Second ANPRM Comment Period ended	03/26/82	
NPRM	06/10/83	48 FR 26962
NPRM Comment Period Begin	06/10/83	48 FR 26962
NPRM Comment Period End	08/26/83	
Final Action	08/00/85	

Small Entity: Yes

Additional Information: ABSTRACT CONT: work practices controls provisions pending completion of OSHA's review of the standard. OSHA is in the process of final decisionmaking on this standard.

Agency Contact: Dr. Leonard Vance, Director, Health Standards Programs, Department of Labor, Occupational Safety and Health Administration, Rm N3718, FPBldg., 200 Constitution Ave, NW, Washington, DC 20210, 202 523-7075

RIN: 1218-AA02

97. RESPIRATORY PROTECTION

Priority: Major

Legal Authority: 29 USC 655(b)

CFR Citation: 29 CFR 1910.134; 29 CFR 1915.152; 29 CFR 1918.102; 29 CFR 1926.103

Abstract: The present respiratory protection standards have been in place for more than 10 years and do not take into consideration the current state-of-the-art for respiratory protection. In addition, the general industry standard for respirators contains redundancies and includes several advisory provisions which should be eliminated or changed. OSHA is reviewing the current standards and intends to propose revisions following its analysis of the standard and other comments and information received in response to the ANPRM published 05/14/82.

Timetable:

Action	Date	FR Cite
ANPRM	05/14/82	47 FR 20803
ANPRM Comment Period Begin	05/14/82	

Action	Date	FR Cite
Notice of Clarification	08/31/82	47 FR 38362
ANPRM Comment Period End	09/13/82	
NPRM	06/00/85	
Final Action	06/00/86	

Small Entity: Yes

Agency Contact: Dr. Leonard Vance, Director, Health Standards Programs, Department of Labor, Occupational Safety and Health Administration, Rm N3718, FPBldg, 200 Constitution Ave., NW, Washington, DC 20210, 202 523-7075

RIN: 1218-AA05

98. ETHYLENE DIBROMIDE (EDB)

Priority: Major

Legal Authority: 29 USC 655(b)

CFR Citation: 29 CFR 1910.1048

Abstract: Recent scientific studies have reported that ethylene dibromide causes cancer when administered orally, by inhalation and by skin application in laboratory animals. In addition, other studies have shown the chemical to be a mutagen, teratogen and testicular toxin in experimental animals. On the basis of these reports, OSHA has determined that its current permissible exposure limit of 20 ppm does not provide exposed workers adequate protection against cancer and other adverse health effects. A proposed standard for ethylene dibromide was published 10/07/83 (43 FR 45956). Public hearings were held in February 1984. OSHA is currently in the process of decisionmaking on the provisions to be included in the final standard.

Timetable:

Action	Date	FR Cite
ANPRM	12/18/81	46 FR 61671
Comment Period extended to 03/31/83	02/26/82	47 FR 8380
ANPRM Com Per orig ended	03/31/82	46 FR 61671
Comment Period extended to 05/31/82	04/02/82	47 FR 14169
ANPRM Comment Period End	05/31/82	
NPRM	10/07/83	48 FR 45956
NPRM Comment Period Begin	10/07/83	48 FR 45956
NPRM Comment Period End	11/21/83	
Public Hearing Announcement	12/20/83	48 FR 56243
Public Hearing held 2/8/84 to	02/10/84	
Final Action	05/00/85	

Small Entity: Yes

Agency Contact: Dr. Leonard Vance, Director, Health Standards Programs, Department of Labor, Occupational Safety and Health Administration, Rm N3718, FPBldg, 200 Constitution Ave., NW, Washington, DC 20210, 202 523-7075

RIN: 1218-AA06

99. LEAD - RECONSIDERATION OF WHOLE STANDARD

Priority: Major

Legal Authority: 29 USC 655(b)

CFR Citation: 29 CFR 1910.1025

Abstract: The current standard for occupational exposure to lead was promulgated in 1978. It sets a PEL of 50 micrograms of lead per cubic meter of air (50 ug/m3), and requires the use of feasible engineering or workpractice controls. There are serious questions concerning significant risk, feasibility and cost-effectiveness of the standard in certain industries; therefore, OSHA has announced its intention to review and reconsider the regulation.

Timetable:

Action	Date	FR Cite
ANPRM	04/21/81	46 FR 22764
ANPRM Comment Period End	06/01/81	
NPRM	06/00/86	

Small Entity: Yes

Agency Contact: Dr. Leonard Vance, Director, Health Standards Programs, Department of Labor, Occupational Safety and Health Administration, Rm N3718, FPBldg., 200 Constitution Ave., NW, Washington, DC 20210, 202 523-7075

RIN: 1218-AA11

100. LEAD - COVERAGE OF THE STEVEDORING INDUSTRY

Legal Authority: 29 USC 655(b)

CFR Citation: 29 CFR 1910.1025

Abstract: Circumstances unique to the stevedoring industry may make the application of the OSHA Lead Standard, in its present form, inappropriate. Therefore, OSHA has proposed to exempt this industry or to administratively stay application of the entire standard to this industry while the Agency examines (1) whether the stevedoring industry should be subject to this, or any lead standard and (2) if the industry should be subject to a different lead standard, what form that standard should take. This action has been combined with RIN 1218-AA11 and publication of action on this item will occur at the time action is taken on item AA11.

Timetable:

Action	Date	FR Cite
NPRM	02/26/82	47 FR 8381
NPRM Comment Period End	03/29/82	
Final Action	06/00/85	

Small Entity: No

Agency Contact: Dr. Leonard Vance, Director, Health Standards Programs, Department of Labor, Occupational Safety and Health Administration, Rm N3718, FPBldg., 200 Constitution Ave., NW, Washington, DC 20210, 202 523-7075

RIN: 1218-AA13

101. ACCESS TO EMPLOYEE EXPOSURE AND MEDICAL RECORDS

Legal Authority: 29 USC 655(b), 29 USC 657

CFR Citation: 29 CFR 1910.20

Abstract: The regulation, promulgated in May, 1980 (45 FR 35212), requires employers to preserve and maintain exposure and medical records pertinent to an employee's occupational exposure to toxic substances, and to assure access to these records by employees, designated employee representatives, and OSHA. OSHA has reviewed the regulation and has proposed certain modifications including revision of the definitions of "toxic substance" and "exposure records", changes in the scope and application of the regulation and additional trade secret protection provisions.

Timetable:

Action	Date	FR Cite
NPRM	07/13/82	47 FR 30420
Washington, DC Hearing	07/13/82	
Notices of Intent for Hearing due	09/14/82	
NPRM Comment Period End	09/21/82	
Hearing presentations due	09/21/82	
Final Action	06/00/85	

Small Entity: Undetermined

Agency Contact: Dr. Leonard Vance, Director, Health Standards Programs, Department of Labor, Occupational Safety and Health Administration, Rm N3718, FPBldg., 200 Constitution Ave., NW, Washington, DC 20210, **202 523-7075**

RIN: 1218-AA15

102. ASBESTOS

Priority: Major

Legal Authority: 29 USC 655(b); 40 USC 333

CFR Citation: 29 CFR 1910.1001

Abstract: OSHA has announced its intention to revise this standard because data indicate that the present OSHA permissible exposure limit (PEL) may not adequately protect workers from asbestos-related diseases. The revision will include a change in the PEL and other appropriate modifications. On November 4, 1983, OSHA published an Emergency Temporary Standard (48 FR 51086) which immediately reduced the PEL to 0.5 fibers/cc. The ETS was challenged in the U.S. Court of Appeals for the 5th Circuit, and was stayed pending judicial review on 11/23/83. The review was completed on 3/7/84. At that time the Appeals Court held the ETS to be invalid and ordered enforcement of the ETS permanently stayed. OSHA has published a proposal to revise the current standard on 04/10/84 (49 FR 4116). Public hearings were held in June 1984. OSHA is in the process of analyzing all of the information contained in the rulemaking record prior to making a decision regarding the provisions to be included in the final standard.

Timetable:

Action	Date	FR Cite
End Review	04/00/83	
Emergency Temporary Standard (ETS)	11/04/83	48 FR 51086
ETS Comment Period Begins	11/04/83	48 FR 51086
ETS stayed by Court Order	11/23/83	
NPRM	04/10/84	49 FR 4116
NPRM Comment Period Begin	04/10/84	49 FR 4116
NPRM Comment Period End	05/25/84	
Public Hearings Held 06/19/84 to	07/12/84	
Final Action	09/00/85	

Small Entity: Yes

Agency Contact: Dr. Leonard Vance, Director, Health Standards Programs, Department of Labor, Occupational Safety and Health Administration, Rm N3718, FPBldg., 200 Constitution Ave., NW, Washington, DC 20210, **202 523-7075**

RIN: 1218-AA26

103. METHODS OF COMPLIANCE

Priority: Major, Task Force

Legal Authority: 29 USC 655(b)

CFR Citation: 29 CFR 1910.1000(e); 29 CFR 1910.134(a)(1)

Abstract: OSHA's policy concerning the use of engineering controls and respirators was targeted for review by the President's Task Force on Regulatory Relief in 1981. Current OSHA regulations require that employers implement feasible engineering controls to maintain air contaminant concentrations in the workplace at or below the prescribed permissible exposure limits. The use of respirators is permitted only in those cases where engineering controls are not feasible, not yet installed, or not adequate. This policy has been criticized as being inflexible, not cost-effective, and often unnecessary for employee health protection. OSHA believes that any changes to the policy for use of engineering controls must be based on changes that are made to the respiratory protection regulations (29 CFR 1910.134). Proposals regarding revision of the methods of compliance policy will be made after OSHA has made decisions regarding revision of the respiratory protection regulations. Thus, no further regulatory action on this item is expected during the next six months.

Timetable:

Action	Date	FR Cite
ANPRM	02/22/83	48 FR 7473
ANPRM Comment Period End	06/22/83	
NPRM	10/00/86	
Final Action	10/00/87	

Small Entity: Yes

Agency Contact: Dr. Leonard Vance, Director, Health Standards Programs, Department of Labor, Occupational Safety and Health Administration, Rm N3718, FPBldg, 200 Constitution Ave., NW, Washington, DC 20210, **202 523-7075**

RIN: 1218-AA28

104. FIELD SANITATION

Legal Authority: 29 USC 655(b)

CFR Citation: 29 CFR 1928

Abstract: OSHA is considering amending 29 CFR 1928 (Standards for Agriculture) to require employers to provide sanitation facilities for agricultural employees working in the field. OSHA is taking this action in compliance with an order of the District Court for the District of Columbia and a negotiated settlement with the Migrant Legal Action Program which requires the Agency to make a good faith effort to complete a field sanitation standard or to publish a determination that no such standard is needed.

Timetable:

Action	Date	FR Cite
ANPRM	03/01/83	48 FR 8495
ANPRM Comment Period Begin	03/01/83	
ANPRM Comment Period End	05/02/83	
NPRM	03/01/84	49 FR 7590
NPRM Comment Period Begin	03/01/84	49 FR 13714
NPRM Comment Period Extended	04/06/84	49 FR 13714
NPRM Comment Period End	04/27/84	
Public Hearings Held 05/23/84 to	06/28/84	
Final Action	04/00/85	

Small Entity: Undetermined

Agency Contact: Dr. Leonard Vance, Director, Health Standards Programs, Department of Labor, Occupational Safety and Health Administration, Rm N3718, FPBldg., 200 Constitution Ave., NW, Washington, DC 20210, 202 523-7075

RIN: 1218-AA44

105. BENZENE

Priority: Major

Legal Authority: 29 USC 655(b)

CFR Citation: 29 CFR 1910.1000, Table Z-2; 29 CFR 1910.1028

Abstract: OSHA intends to initiate rulemaking action on benzene in response to the potential risks presented by occupational exposure to this chemical.

Timetable:

Action	Date	FR Cite
NPRM	04/00/85	

Small Entity: Yes

Agency Contact: Dr. Leonard Vance, Director, Health Standards Program, Department of Labor, Occupational Safety and Health Administration, Rm N3718, FPBldg., 200 Constitution Ave. N.W., Washington, DC 20210, 202 523-7075

RIN: 1218-AA47

106. 4,4'-METHYLENEDIANILINE

Priority: Undetermined

Legal Authority: 29 USC 655(b); 29 USC 657

CFR Citation: Not yet determined

Abstract: OSHA has joined with the Environmental Protection Agency (EPA) to solicit additional information concerning production and use of 4,4'-methylenedianiline (MDA), estimates of environmental and occupational exposure, and studies of the toxic and carcinogenic effects of MDA. The two agencies are concerned that the risks from exposure to MDA, a carcinogen in animals, may be significant; hence the agencies are exploring regulatory options under their respective statutory authorities to reduce such risks. In order to conserve resources and to avoid duplication of effort, OSHA and EPA have established a single docket of information on MDA.

Timetable:

Action	Date	FR Cite
ANPRM	09/20/83	48 FR 42836
ANPRM Comment Period Begin	09/20/83	48 FR 42836
ANPRM Comment Period End	11/23/83	
NPRM	10/00/85	
Final Action	08/00/86	

Small Entity: Undetermined

Agency Contact: Dr. Leonard Vance, Director, Health Standards Programs Department of Labor, Occupational Safety and Health Administration, 200 Constitution Ave., NW, Room N3718, Washington, DC 20210, 202 523-7075

RIN: 1218-AA58

107. SAFETY AND HEALTH REGULATIONS FOR SHIPYARD EMPLOYMENT

Priority: Agency Determination

Legal Authority: 29 USC 655 (Occupational Safety and Health Act of 1970); 33 USC 941 (Longshoremen's and Harborworkers Compensation Act)

CFR Citation: 29 CFR 1915, (Recodification)

Abstract: The purpose of this action would be to place unrevised in Part 1915, all OSHA Part 1910 General Industry Standards that are not now located in Part 1915, but that relate to the work undertaken in shipyard employment, thereby creating a vertical standard.

The Action is essentially only bookkeeping, i.e., moving standards, unchanged from one location in the CFR to another -- from Part 1910 to Part 1915. It can therefore be done without a proposed rule, and will be published as a final rule. It will end the long standing confusion over the application of OSHA standards to this industry among employers, employees, and OSHA compliance staff.

As these are existing standards, there are no potential costs. This inclusion project will be coordinated with the project designed to revise Part 1915.

Timetable:

Action	Date	FR Cite
Final Action	09/00/85	

Small Entity: Yes

Agency Contact: Barry J. White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue, NW, Rm. N3605 FPBldg., Washington, DC 20210, 202 523-8061

RIN: 1218-AA55

108. SAFETY AND HEALTH REGULATIONS FOR LONGSHORING

Priority: Agency Determination

Legal Authority: 29 USC 655 (Occupational Safety and Health Act of 1970); 33 USC 941 (Longshoremen's and Harborworkers Compensation Act)

CFR Citation: 29 CFR 1910.16, 29 CFR 1918, (Revision)

Abstract: The purpose of this regulatory action would be to update and revise a standard first issued in 1960. The current language in many instances addresses the hazards to cargo handling involving methods long since abandoned, and fails to address the serious hazards of newer methods. Because so much of the current standard is out of date, compliance is minimal. These revised guidelines will provide both employers and employees with a blueprint for effective and safe workpractices in the cargo handling industry.

No other alternative other than revision is contemplated. The current standard is too outdated to serve as a basis for increased consultation, training or education. The annual cost of the revision is expected to be minimal -- less than five million dollars.

Timetable:

Action	Date	FR Cite
NPRM	09/00/85	
Final Action	09/00/86	

Small Entity: Yes

Agency Contact: Barry White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue, NW, Rm. N3605 FPBldg., Washington, DC 20210, 202 523-8061

RIN: 1218-AA56

109. CONCRETE AND MASONRY CONSTRUCTION (CONCRETE, CONCRETE FORMS, AND SHORING)

Priority: Agency Determination

Legal Authority: 29 USC 655(b); 40 USC 333

CFR Citation: 29 CFR 1926, Subpart Q

Abstract: One of the greatest hazards associated with concrete and masonry structures in the construction industry is the collapse or failure of the entire structure or its forms and shoring. The catastrophic failures of recent years indicate that revision of the existing standard applicable to such construction operations may be necessary.

Timetable:

Action	Date	FR Cite
ANPRM	02/09/82	47 FR 5910
ANPRM Comment Period End	04/10/82	
NPRM	04/00/85	

Small Entity: Undetermined

Agency Contact: Barry White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, Rm N3605, FPBldg, 200 Constitution Ave., NW, Washington, DC 20210, 202 523-8061

RIN: 1218-AA20

110. GRAIN HANDLING FACILITIES

Priority: Agency Determination

Legal Authority: 29 USC 655(b); 33 USC 941

CFR Citation: 29 CFR 1910

Abstract: Employees in grain handling facilities (grain elevators, processing plants, and mills) are exposed to safety hazards associated with fires and explosions. Enforcement personnel have met with difficulties in the application of existing OSHA general industry standards to control these major hazards. OSHA is now developing a proposed standard for grain handling facilities.

Timetable:

Action	Date	FR Cite
ANPRM	02/15/80	45 FR 10732
ANPRM Comment Period End	03/24/80	
NPRM	01/06/84	49 FR 996
NPRM Comment Period End	06/08/84	49 FR 6923
Public Hearings held through 07/12/84	06/12/84	49 FR 6923
Final Action	08/00/85	

Small Entity: Yes

Agency Contact: Barry White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, Rm N3605, FPBldg, 200 Constitution Ave., NW, Washington, DC 20210, 202 523-8061

RIN: 1218-AA22

111. HAZARDOUS MATERIALS--FLAMMABLE AND COMPRESSED GASES

Priority: Agency Determination

Legal Authority: 29 USC 655(b)

CFR Citation: 29 CFR 1910

Abstract: The present Subpart H, Hazardous Materials, standard is out of date and in some respects is oriented towards public safety and property protection. OSHA has been petitioned to cover many other hazardous materials operations where presently it has no standards. It is the purpose of this revision to consolidate the existing standards for flammable and compressed gases by providing general requirements and specific requirements for selected gases which warrant special attention due to their hazards and uses within the industrial environment. The overall intended effect of the revision is to update and simplify the existing requirements while enhancing employee safety and health.

Timetable:

Action	Date	FR Cite
ANPRM	01/23/81	46 FR 7692
ANPRM Comment Period Begin	01/23/81	46 FR 7692
ANPRM Comment Period End	02/01/82	
NPRM	01/00/86	

Small Entity: Undetermined

Agency Contact: Barry White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, Rm N3605, FPBldg., 200 Constitution Ave, NW, Washington, DC 20210, 202 523-8061

RIN: 1218-AA31

112. ELECTRICAL SAFETY - RELATED WORK PRACTICES (GENERAL INDUSTRY)

Priority: Agency Determination

Legal Authority: 29 USC 655(b)

CFR Citation: 29 CFR 1910

Abstract: Standards are currently under review for the second part (Subpart S of Part 1910) of OSHA's electrical standard, which relates to Electrical Safety Related Work Practices.

Timetable:

Action	Date	FR Cite
NPRM	07/00/85	

Small Entity: Undetermined

Affected Sectors: All

Government Levels Affected: Local, State, Federal

Agency Contact: Barry White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, Rm N3605, FPBldg, 200 Constitution Ave., NW, Washington, DC 20210, 202 523-8061

RIN: 1218-AA32

113. POWERED PLATFORMS FOR EXTERIOR BUILDING MAINTENANCE

Priority: Agency Determination

Legal Authority: 29 USC 655(b)

CFR Citation: 29 CFR 1910

Abstract: The present standard, which requires positive engagement of a powered platform with a building face to provide stabilization, may need to be revised because many variance designs have been submitted which do not provide positive engagement of the platform, yet claim equal stability. The agency believes there may be merit to this claim.

Timetable:

Action	Date	FR Cite
ANPRM	02/11/83	48 FR 6368
ANPRM Comment Period Begin	02/11/83	48 FR 6368
ANPRM Comment Period End	03/14/83	
NPRM	01/22/85	50 FR 2890
NPRM Comment Period Begin	01/22/85	50 FR 2890
NPRM Comment Period End	03/25/85	
Final Action	11/00/85	

Small Entity: No

Agency Contact: Barry White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, Rm N3605, FPBldg, 200 Constitution Ave., NW, Washington, DC 20210, 202 523-8061

RIN: 1218-AA33

114. OIL AND GAS WELL DRILLING AND SERVICING

Priority: Agency Determination

Legal Authority: 29 USC 655(b)

CFR Citation: 29 CFR 1910

Abstract: Employees in oil and gas well drilling and servicing are exposed to a variety of safety hazards which are not specifically covered by present OSHA safety standards. It has proved difficult to apply the existing general industry standards to control the unique nature of this industry. OSHA is considering a standard which will address the unique problems of oil and gas well drilling and servicing.

Timetable:

Action	Date	FR Cite
NPRM	12/28/83	48 FR 57202
NPRM Comment Period End	06/04/84	49 FR 9913
Public Hearing Held 07/24/84 thru	08/10/84	49 FR 9913
Decision whether to issue a revised NPRM, final or whether a standard is needed	10/00/85	

Small Entity: Yes

Agency Contact: Barry White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, Rm N3605, FPBldg, 200 Constitution Ave., NW, Washington, DC 20210, 202 523-8061

RIN: 1218-AA34

115. EXCAVATIONS (EXCAVATIONS, TRENCHING, AND SHORING)

Priority: Agency Determination

Legal Authority: 29 USC 655(b); 40 USC 333

CFR Citation: 29 CFR 1926.650 to 1926.653

Abstract: This rule prescribes and recommends the minimum measures to be taken to protect employees from injury during excavation work. A revision of the existing rule is being considered because trench and excavation sidewall failures that have resulted in death and injury to workers continue in significant numbers. Claims that the standards are ambiguous and too restrictive, especially with respect to the type of soil involved, have also been made.

Timetable:

Action	Date	FR Cite
NPRM	06/00/85	

Small Entity: Undetermined

Agency Contact: Barry White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, Rm N3605, FPBldg, 200 Constitution Ave., NW, Washington, DC 20210, 202 523-8061

RIN: 1218-AA36

116. FALL PROTECTION (CONSTRUCTION)

Priority: Agency Determination

Legal Authority: 29 USC 655(b); 40 USC 333

CFR Citation: 29 CFR 1926.500 to 1926.502

Abstract: The existing standard is being proposed for revision because it is poorly formatted, ambiguous, omits coverage of several areas needing fall protection and is misnamed. The standard has resulted in industry and trade confusion as well as compliance officer misapplication because of its present format and language.

Timetable:

Action	Date	FR Cite
NPRM	11/00/85	
Final Action	11/00/86	

Small Entity: Undetermined

Agency Contact: Barry White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, Rm N3605, FPBldg, 200 Constitution Ave., NW, Washington, DC 20210, 202 523-8061

RIN: 1218-AA37

117. UNDERGROUND CONSTRUCTION (TUNNELS AND SHAFTS)

Priority: Agency Determination

Legal Authority: 29 USC 655(b); 40 USC 333

CFR Citation: 29 CFR 1926.800

Abstract: The existing standards may be revised to update the treatment of hazards of construction in underground locations such as tunnels, shafts, chambers, passageways and covered excavations. In some cases, the existing standard may be too restrictive. Additionally, some of the language is ambiguous.

Timetable:

Action	Date	FR Cite
NPRM	08/05/83	48 FR 35774
NPRM Comment Period extended to	02/17/84	48 FR 56087
Public Hearing Held	03/13/84	
Final Action	09/00/85	

Small Entity: No

Agency Contact: Barry White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, Rm N3605, FPBldg, 200 Constitution Ave., NW, Washington, DC 20210, 202 523-8061

RIN: 1218-AA38

118. ELECTRICAL STANDARDS - CONSTRUCTION

Priority: Agency Determination

Legal Authority: 29 USC 655(b); 40 USC 333 Sec 107

CFR Citation: 29 CFR 1926

Abstract: The current OSHA standard incorporates the old (1971) National Electrical Code by reference and is in need of updating. The agency is examining the rule in light of repeated criticisms that many details in the present standard either conflict with or limit the implementation of current construction practices.

Timetable:

Action	Date	FR Cite
NPRM	10/07/83	48 FR 45872
NPRM Comment Period extended to	12/31/83	48 FR 54652
Final Action	06/00/85	

Small Entity: No

Affected Sectors: Multiple

Government Levels Affected: Local, State, Federal

Agency Contact: Barry White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, Rm N3605, FPBldg, 200 Constitution Ave., NW, Washington, DC 20210, 202 523-8061

RIN: 1218-AA39

119. SCAFFOLDS (CONSTRUCTION)

Priority: Agency Determination

Legal Authority: 29 USC 655(b); 40 USC 333

CFR Citation: 29 CFR 1926.450 to 1926.452

Abstract: This standard is being proposed for revision to address several significant problem areas including (1) the maximum distance between the scaffold and the wall; (2) whether cross-bracing may be used in lieu of guardrails; and (3) whether cross-bracing may be used as guardrails.

Timetable:

Action	Date	FR Cite
NPRM	11/00/85	
Final Action	11/00/86	

Small Entity: Undetermined

Agency Contact: Barry White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, Rm N3605, FPBldg, 200 Constitution Ave., NW, Washington, DC 20210, 202 523-8061

RIN: 1218-AA40

120. SAFETY TESTING OR CERTIFICATION OF CERTAIN WORKPLACE EQUIPMENT AND MATERIALS (FORMERLY ENTITLED ACCREDITATION OF TESTING LABORATORIES)

Priority: Agency Determination

Legal Authority: 29 USC 655; 29 USC 657

CFR Citation: 29 CFR 1936; 29 CFR 1907; 29 CFR 1910; 29 CFR 1935

Abstract: This proposal addresses various requirements in the General Industry standards (Part 1910) for either "safety testing" of certain workplace equipment and materials or the use of equipment/materials "certified for safety." It would include many self-regulatory and standards-developing efforts in the private sector and use already existing systems (in private sector or Government) for (1) the accreditation of testing laboratories and third-party certification programs, and (2) the certification for safety of workplace equipment. New Part 1936 would affect only applicants seeking system recognition by OSHA. New Part 1935 would contain those test methods/procedures already specified in OSHA standards or adopted through 6(b) rulemaking. Amended Part 1910 would (1) clarify employer responsibilities, (2) require valid test results or certifications, and (3) provide uniformity in OSHA terminology for several already-existing requirements and definitions. The remainder of Part 1907 would be revoked.

Timetable:

Action	Date	FR Cite
ANPRM	01/04/83	48 FR 270
ANPRM Comment Period Begin	01/04/83	48 FR 7204
ANPRM Comment Period End	03/15/83	
NPRM	03/06/84	49 FR 8326
Informal Public Hearing	09/25/84	49 FR 28739
NPRM Comment Period Begin	11/30/84	49 FR 47049
NPRM Comment Period End	12/31/84	
Interim Final Rule	07/00/85	

Small Entity: No

Agency Contact: Barry J. White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, Rm N3605, FPBldg., 200 Constitution Ave., NW, Washington, D.C. 20210, 202 523-8061

RIN: 1218-AA42

121. CRANE OR DERRICK SUSPENDED PERSONNEL PLATFORMS (CONSTRUCTION)

Priority: Agency Determination

Legal Authority: 29 USC 655

CFR Citation: 29 CFR 1926.550(g)

Abstract: The use of cranes and derricks to suspend personnel in platforms is a hazardous operation that is not currently covered by OSHA Construction Standards. OSHA has issued administrative instructions on this practice, but this alternative to rulemaking has not been successful. This NPRM has been developed to reduce the number of accidents, many of which involve multiple fatalities, that result from equipment inadequacies and failures or improper work practices. Data to determine the potential costs and benefits from this rulemaking are currently being collected by OSHA's Office of Regulatory Analysis.

Timetable:

Action	Date	FR Cite
NPRM	02/17/84	49 FR 6280
NPRM Comment Period End	08/10/84	49 FR 25248
Public Hearing Held	09/18/84	
NPRM	09/00/85	

Small Entity: No

Affected Sectors: 15 BUILDING CONSTRUCTION - GENERAL CONTRACTORS AND OPERATIVE BUILDERS; 16 CONSTRUCTION OTHER THAN BUILDING CONSTRUCTION - GENERAL CONTRACTORS; 17 CONSTRUCTION - SPECIAL TRADE CONTRACTORS

Government Levels Affected: State, Federal

Analysis: Preliminary RIA 09/30/83; Draft RFA 09/30/83

Agency Contact: Barry White, Director, Department of Labor, Occupational Safety and Health Administration, Room N3605, 200 Constitution Ave. NW, Washington, DC 20210, 202 523-8061

RIN: 1218-AA45

122. SCAFFOLDS AND SIMILAR WORK SURFACES (GENERAL INDUSTRY)

Priority: Agency Determination

Legal Authority: 29 USC 655(b)

CFR Citation: 29 CFR 1910

Abstract: Existing standards for scaffolds and similar working surfaces need to be revised because they are out of date and restrict technological innovation. The proposed revision is performance oriented and permits flexibility for compliance.

Timetable:

Action	Date	FR Cite
NPRM	06/00/85	

Small Entity: Undetermined

Agency Contact: Barry White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, Room No. N3605 FPBldg., 200 Constitution Avenue, N.W., Washington, D.C. 20210, **202 523-8061**

RIN: 1218-AA46

123. FALL PROTECTION SYSTEMS (GENERAL INDUSTRY)

Priority: Agency Determination

Legal Authority: 29 USC 655(b)

CFR Citation: 29 CFR 1910

Abstract: Existing standards do not contain criteria for fall protection systems. Consequently, requirements containing criteria for fall protection systems would be added to 29 CFR Part 1910; Subpart I, Personal Protective Equipment, to enhance employee protection from injury and death due to falls to different elevations.

Timetable:

Action	Date	FR Cite
NPRM	04/00/85	

Small Entity: No

Agency Contact: Barry J. White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, Room N3605 FP Building, 200 Constitution Ave., Washington, DC 20210, **202 523-8061**

RIN: 1218-AA48

124. ACCIDENT PREVENTION TAGS

Priority: Agency Determination

Legal Authority: 29 USC 655(b)

CFR Citation: 29 CFR 1910

Abstract: Standards for accident prevention tags, contained in 29 CFR Part 1910; Subpart J, would be revised to update existing criteria, and to provide more flexibility by correcting problems associated with the specificity of some of the existing requirements. The proposed revision would also recognize the use of symbols or pictographs rather than only written legends, and would ensure that tags are designed and used properly to enhance their function in identifying hazards to employees.

Timetable:

Action	Date	FR Cite
NPRM	04/24/84	49 FR 17541
NPRM Comment Period Begin	04/24/84	49 FR 17542
NPRM Comment Period End	06/08/84	
Final Action	04/00/85	

Small Entity: Undetermined

Agency Contact: Barry J. White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, Room N3605, FP Building, 200 Constitution Ave., NW, Washington, DC 20210, **202 523-8061**

RIN: 1218-AA49

125. LADDERS AND SIMILAR CLIMBING DEVICES (GENERAL INDUSTRY)

Priority: Agency Determination

Legal Authority: 29 USC 655(b)

CFR Citation: 29 CFR 1910

Abstract: Existing standards for ladders and similar climbing devices need to be revised because they are out of date and restrict technological innovation. The proposed revision is performance oriented and permits flexibility for compliance.

Timetable:

Action	Date	FR Cite
NPRM	06/00/85	

Small Entity: Undetermined

Agency Contact: Barry White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, Room No. N3605 FPBldg., 200 Constitution Ave., NW, Washington, DC 20210, **202 523-8061**

RIN: 1218-AA50

126. CONFINED SPACE (GENERAL INDUSTRY)

Priority: Agency Determination

Legal Authority: 29 USC 655(b)

CFR Citation: 29 CFR 1910

Abstract: Entry into confined spaces has been responsible for many employee deaths and injuries. However, current standards do not specifically address the hazards associated with entry into confined spaces. Therefore, OSHA is proposing certain criteria and precautions which are necessary to minimize the hazards associated with employees entering confined spaces.

Timetable:

Action	Date	FR Cite
NPRM	09/00/85	
Final Action	09/00/86	

Small Entity: Undetermined

Agency Contact: Barry J. White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, Room N3605 FP Building, 200 Constitution Ave., NW, Washington, DC 20210, **202 523-8061**

RIN: 1218-AA51

127. LOGGING

Priority: Agency Determination

Legal Authority: 29 USC 655(b)

CFR Citation: 29 CFR 1910.266, (Revision)

Abstract: Logging is a very hazardous industry. It has an incidence rate nearly twice that of manufacturing, and reflecting the seriousness of the injuries incurred, a lost workday rate nearly four times as high. The purpose of the standard will be to protect workers from the ever-present hazards of chain saw operation, falling objects (trees, branches), rolling or sliding logs, falls from trees, and materials handling accidents. At present there is no OSHA standard specifically applicable to logging in general. There is a standard, 29 CFR 1910.266, applicable only to pulpwood logging; however, pulpwood is logging estimated to account for less than half of the logging activity in the United States. Development of a national OSHA standard addressing all types of logging will provide coverage for those loggers not now protected. The new regulation will provide coverage where there is no approved state regulation and will set a minimum safety level for those states that chose to develop a state regulation.

Timetable:

Action	Date	FR Cite
NPRM	06/00/85	
Final Action	05/00/86	

Small Entity: Undetermined

Additional Information: A preproposal draft standard was circulated for public comment. The proposed standard will be developed to incorporate public comment as appropriate.

Affected Sectors: 24 LUMBER AND WOOD PRODUCTS, EXCEPT FURNITURE

Government Levels Affected: State, Federal

Agency Contact: Mr. Barry J. White, Director, Safety Standards, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Ave., NW, Rm. N3605, Washington, DC 20210, 202 523-8061

RIN: 1218-AA52

128. CONTROL OF HAZARDOUS ENERGY SOURCES (LOCKOUT/TAGOUT) (GENERAL INDUSTRY)

Priority: Agency Determination

Legal Authority: 29 USC 655(b)

CFR Citation: 29 CFR 1910. (New)

Abstract: The proposed standard will fill a major gap in our current regulations which now depend for enforcement on the general duty clause, 5(a)(1). It will apply to those situations where the unexpected energization, start up or the release of stored energy would cause injury to employees. Providing comprehensive and uniform control procedures is also expected to reduce significantly the potential for injury and death of employees because the hazards targeted for control exist in virtually every workplace. Further, the proposed standard will respond to the concerns of organized labor who petitioned OSHA in 1979 and again in 1982 for regulatory action to protect employees and to the American National Standards Institute's petition for OSHA to adopt its consensus standard ANSI Z244.1-1982. Regulatory options involve developing a comprehensive standard covering all potentially hazardous energy sources or limiting the scope and application to those certain machines or industries that are causing most of the injuries. The potential cost and benefits cannot be assessed until a regulatory impact analysis is conducted.

Timetable:

Action	Date	FR Cite
ANPRM	06/17/80	45 FR 41012
ANPRM Comment Period Begin	06/17/80	
ANPRM Comment Period End	09/15/80	
Preproposal Draft Submitted	07/00/83	
NPRM	10/00/85	
Final Action	05/00/86	

Small Entity: Yes

Affected Sectors: Multiple

Government Levels Affected: State, Federal

Agency Contact: Mr. Barry J. White, Director, Safety Standards, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Ave., NW, Rm. N3605, Washington, DC 20210, 202 523-8061

RIN: 1218-AA53

129. MECHANICAL POWER PRESSES

Priority: Agency Determination

Legal Authority: 29 USC 655(b)

CFR Citation: 29 CFR 1910.211, (Revision); 29 CFR 1910.217, (Revision)

Abstract: This regulatory action will remove an existing provision which prohibits Presence Sensing Device Initiation of Mechanical power presses, and will add provisions which will enable the Presence Sensing Device Initiation to be done safely. Presence Sensing Device Initiation has been identified as presenting potential increases in safety and productivity with an ergonomic advantage of less worker fatigue. A regulatory impact analysis is in progress.

Timetable:

Action	Date	FR Cite
NPRM	03/00/85	
NPRM Comment Period Begin	03/00/85	
NPRM Comment Period End	05/00/85	

Small Entity: Undetermined

Additional Information: A preproposal draft standard was circulated for public comment. The proposed standard will be developed to incorporate public comment as appropriate.

Affected Sectors: Multiple

Government Levels Affected: State, Federal

Agency Contact: Mr. Barry J. White, Director, Safety Standards, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Ave., NW, Rm. N3605, Washington, DC 20210, 202 523-8061

RIN: 1218-AA54

130. STAIRWAYS AND LADDERS (CONSTRUCTION)

Priority: Agency Determination

Legal Authority: 29 USC 655(b); 40 USC 333

CFR Citation: 29 CFR 1926.1050 to 1926.1051

Abstract: The use of stairways and ladders during construction can be extremely hazardous for employees. OSHA presently has regulations covering the construction, use, and maintenance of stairways and ladders, used on construction worksites. However, this NPRM has been developed to streamline those requirements and to reduce the number of accidents that result from insufficient fall protection provisions. Data to determine the potential costs and benefits from this rulemaking are currently being collected and analyzed by OSHA's Office of Regulatory Analysis.

Timetable:

Action	Date	FR Cite
NPRM	11/00/85	
Final Action	11/00/86	

Small Entity: Undetermined

Additional Information: This new Subpart X is a revision of the ladder and stairway portions of existing Subparts L (ladders and scaffolds) and M (Floor and Wall Openings and Stairways). The remaining portions of Subparts L and M are being revised as Subparts L (scaffolds) and M (Fall Protection). (RIN 1218-AA37 - Fall Protection; RIN 1218-AA40 - Scaffolds.)

Affected Sectors: Multiple

Government Levels Affected: State, Federal

Agency Contact: Barry White, Director, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue, NW, Room N-3605, FPBldg., Washington, DC 20210, 202 523-8061

RIN: 1218-AA57

131. ELECTRIC POWER GENERATION, TRANSMISSION AND DISTRIBUTION

Priority: Agency Determination

Legal Authority: 29 USC 655(b)

CFR Citation: 29 CFR 1910

Abstract: A major area of coverage not addressed in the current OSHA electrical standards for general industry (29 CFR 1910) involves the maintenance and operation practices associated with electrical transmission and distribution lines, substations and generating stations. It is intended that the proposed standard fill this void by establishing minimum requirements for electrical safety work practices for employees working on or near facilities whose purpose is the generation and distribution of electricity.

Timetable:

Action	Date	FR Cite
NPRM	11/00/85	

Small Entity: No

Affected Sectors: Multiple

Government Levels Affected: Local, State, Federal

Agency Contact: Barry White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, Rm. N3605, FP Bldg., 200 Constitution Ave., NW, Washington, DC 20210, **202 523-8061**

RIN: 1218-AA59

132. REVISION OF RECORDKEEPING REQUIREMENTS FOR TESTING AND MAINTENANCE CHECKS

Priority: Agency Determination

Legal Authority: 29 USC 655(b); 40 USC 333

CFR Citation: 29 CFR 1910; 29 CFR 1915; 29 CFR 1918; 29 CFR 1926

Abstract: The purpose of this regulatory action is to revise 24 provisions in Parts 1910, 1915, 1918, and 1926 to allow employers to certify that regulatory requirements have been met instead of requiring employers to maintain extensive and burdensome records of the results and findings of various tests, inspections and maintenance checks required in the standards. OSHA is undertaking this action in compliance with the Paperwork Reduction Act of 1980.

Timetable:

Action	Date	FR Cite
NPRM	07/00/85	

Small Entity: No

Agency Contact: Barry J. White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, N3605, FP Building, 200 Constitution Avenue, NW, Washington, DC 20210, **202 523-8061**

RIN: 1218-AA60

133. PULP, PAPER AND PAPERBOARD MILLS

Priority: Agency Determination

Legal Authority: 29 USC 655(b)

CFR Citation: 29 CFR 1910.261, (Revision)

Abstract: This regulatory action will revise the existing standards covering mills where pulp, paper, and paperboard are manufactured and converted. The revision will develop performance oriented standards that address current gaps in coverage, the use of new technology, the elimination of outmoded or redundant provisions, and the use of appropriate OSHA general industry standards.

Timetable:

Action	Date	FR Cite
NPRM	09/00/85	
Final Action	09/00/86	

Small Entity: Undetermined

Affected Sectors: 26 PAPER AND ALLIED PRODUCTS

Government Levels Affected: State, Federal

Agency Contact: Barry J. White, Director, Safety Standards, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Ave., NW, Room N-3605, Washington, DC 20210, **202 523-8061**

RIN: 1218-AA61

134. ● FALL PROTECTION (SHIPYARD)

Priority: Agency Determination

Legal Authority: 29 USC 655

CFR Citation: 29 CFR 1915.201 to .203, (Revision)

Abstract: This regulatory action will revise the existing shipyard standard covering fall protection and will consolidate all related and applicable 29 CFR 1910 provisions into 29 CFR 1915. The revision will develop, in part, performance-oriented standards, address current gaps in coverage, address new technology and eliminate outmoded and redundant provisions.

Timetable:

Action	Date	FR Cite
NPRM	10/00/85	

Small Entity: Undetermined

Additional Information: 1218-AA62 Shipyard Standard

Agency Contact: Barry J. White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue, NW. Room N3605, FPBldg., Washington, DC 20210, **202 523-8061**

RIN: 1218-AA66

135. ● SCAFFOLDS (SHIPYARD)

Priority: Agency Determination

Legal Authority: 29 USC 655

CFR Citation: 29 CFR 1915.251 to .253, (Revision)

Abstract: This regulatory action will revise the existing shipyard standards covering scaffolds and will consolidate all related and applicable 29 CFR 1910 provisions into 29 CFR 1915. The revision will develop, in part, performance-oriented standards, address current gaps in coverage, address new technology, and eliminate outmoded and redundant provisions.

Timetable:

Action	Date	FR Cite
NPRM	10/00/85	

Small Entity: Undetermined

Additional Information: 1218-AA62 Shipyard Standard

Agency Contact: Barry J. White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue, NW, Room N3605, FPBldg., Washington, DC 20210, **202 523-8061**

RIN: 1218-AA68

136. ● ACCESS AND EGRESS (SHIPYARD)

Priority: Agency Determination

Legal Authority: 29 USC 655; 33 USC 941

CFR Citation: 29 CFR 1915.71 to .90, (Revision)

Abstract: This regulatory action will revise the existing shipyard standards covering access and egress and will consolidate all related and applicable 29 CFR 1910 provisions into 29 CFR 1915. The revision will develop, in part, performance-oriented standards, address current gaps in coverage, address new technology, and eliminate outmoded and redundant provisions.

Timetable:

Action	Date	FR Cite
NPRM	10/00/85	

Small Entity: Undetermined

Additional Information: 1218-AA62 Shipyard Standards

Agency Contact: Barry J. White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue, NW, Room N3605, FPBldg., Washington, DC 20210, **202 523-8061**

RIN: 1218-AA70

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137. ● WELDING, CUTTING AND HEATING (SHIPYARD)

Priority: Agency Determination

Legal Authority: 29 USC 655; 33 USC 941

CFR Citation: 29 CFR 1915 51 to .54, (Revision)

Abstract: This regulatory action will revise the existing shipyard standard covering welding, cutting, and heating. The revision will develop, in part, a performance-oriented standard, address current gaps in coverage, recognize new technology, and eliminate outmoded or redundant provisions. In addition, it will consolidate 29 CFR 1915 standards and applicable 29 CFR 1910 standards into one set of provisions.

Timetable:

Action	Date	FR Cite
NPRM	10/00/85	

Small Entity: Undetermined

Additional Information: 1218-AA62 Shipyard Standards

Agency Contact: Barry J. White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue, NW, Room N3605, FPBldg., Washington, DC 20210, **202 523-8061**

RIN: 1218-AA73

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138. ● PERSONAL PROTECTIVE EQUIPMENT (SHIPYARD)

Priority: Agency Determination

Legal Authority: 29 USC 655; 33 USC 941

CFR Citation: 29 CFR 1915.151 to .159, (Revision)

Abstract: This regulatory action will revise the existing shipyard standard covering personal protective equipment. The revision will develop, in part, a performance-oriented standard, address current gaps in coverage, recognize new technology, and eliminate outmoded or redundant provisions. It will consolidate 29 CFR 1915 standards and applicable 29 CFR 1910 standards into one set of provisions.

Timetable:

Action	Date	FR Cite
NPRM	10/00/85	

Small Entity: Undetermined

Additional Information: 1218-AA62 Shipyard Standards

Agency Contact: Barry J. White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue, NW, Room N3605, FPBldg., Washington, DC 20210, **202 523-8061**

RIN: 1218-AA74

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139. ● MARINE TERMINALS

Priority: Agency Determination

Legal Authority: 29 USC 655; 29 USC 941

CFR Citation: 29 CFR 1917, (Revision)

Abstract: OSHA intends to revise 1917.44(o) to include the servicing of single piece rim wheels. When the general industry rule for single piece rim wheels was issued (02/03/84), the Agency spoke of its desire to extend the same type of coverage to the maritime industry. The Agency has recently been petitioned by maritime labor and management groups to inititate this action.

Timetable:

Action	Date	FR Cite
NPRM	10/00/85	

Small Entity: Undetermined

Agency Contact: Barry J. White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, Room N3605 FP Building, 200 Constitution Avenue, NW, Washington, DC 20210, **202 523-8061**

RIN: 1218-AA75

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140. ● COMPRESSED AIR (CONSTRUCTION)

Priority: Agency Determination

Legal Authority: 29 USC 655(b); 40 USC 333

CFR Citation: 29 CFR 1926.803

Abstract: The purpose of this action is to investigate the claims that the current decompression tables for tunneling are inadequate. If these claims are valid, OSHA would proceed to develop and implement a set of decompression tables which would be safer than the current tables in that the revised tables would be reasonably expected to produce a reduction in the incidence and severity of decompression sickness, especially dysbaric osteonecrosis.

Timetable:

Action	Date	FR Cite
Request for Comments and Information	03/00/85	

Small Entity: Undetermined

Agency Contact: Barry J. White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue, NW, Room N3605, FPBldg., Washington, DC 20210, **202 523-8061**

RIN: 1218-AA76

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141. ● HAZARDOUS MATERIALS—FLAMMABLE AND COMBUSTIBLE LIQUIDS

Priority: Agency Determination

Legal Authority: 29 USC 655(b)

CFR Citation: 29 CFR 1910

DOL—OSHA **Current and Projected Rulemakings**

Abstract: Standards for flammable and combustible liquids, contained in 29 CFR 1910, Subpart H, would be revised to update existing criteria and to provide more flexibility by correcting problems associated with the specificity of some of the existing requirements. The proposed revision would address current problem areas as liquid transfer, system leakage, and vapor recovery.

Timetable:

Action	Date	FR Cite
ANPRM	01/23/81	46 FR 7692
ANPRM Comment Period Begin	01/23/81	46 FR 7692
ANPRM Comment Period End	02/01/82	
NPRM	01/00/86	

Small Entity: Undetermined

Additional Information: 1218-AA31 -- Hazardous Materials

Affected Sectors: Multiple

Government Levels Affected: State, Federal

Agency Contact: Barry J. White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, Room N3605, FP Building, 200 Constitution Avenue, NW, Washington, DC 20210, **202 523-8061**

RIN: 1218-AA77

DEPARTMENT OF LABOR (DOL)

Occupational Safety and Health Administration (OSHA)

Existing Regulations Under Review

142. ● MOTOR VEHICLES, MECHANIZED EQUIPMENT, AND MARINE OPERATIONS (CONSTRUCTION)

Priority: Undetermined

Legal Authority: 29 USC 655(b); 40 USC 333

CFR Citation: 29 CFR 1926, Subpart O

Abstract: This rule is being reviewed to determine if the rule should be continued without change, or should be amended or rescinded.

Timetable:

Action	Date	FR Cite
Begin Review	01/04/85	
End Review	06/00/85	

Small Entity: Undetermined

Affected Sectors: All

Government Levels Affected: Local, State, Federal

Agency Contact: Barry J. White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, Room N3605, FP Building, 200 Constitution Avenue, NW, Washington, DC 20210, **202 523-8061**

RIN: 1218-AA63

143. ● STEEL ERECTION

Priority: Undetermined

Legal Authority: 29 USC 655; 29 USC 333

CFR Citation: 29 CFR 1926.750 to .752, (Revision)

Abstract: This rule is being reviewed to determine if the rule should be continued without change, or should be amended or rescinded.

Timetable:

Action	Date	FR Cite
Begin Review	01/02/85	
End Review	06/00/85	

Small Entity: Yes

Agency Contact: Barry J. White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, Room N3605, FP Building, 200 Constitution Avenue, NW, Washington, DC 20210, **202 523-8061**

RIN: 1218-AA65

144. ● PERSONAL PROTECTIVE EQUIPMENT (FACE, HEAD, AND EYE PROTECTION) (GENERAL INDUSTRY)

Priority: Agency Determination

Legal Authority: 29 USC 655(b)

CFR Citation: 29 CFR 1910

Abstract: Existing standards for eye, face, and head protection reference outdated national consensus standards which have been updated and improved. Consequently, criteria for personal protective equipment for eye, face, and head would be revised to reflect improved developments in these equipment. This would allow the use of better personal protective equipment and would result in improved employee protection from eye, face, and head hazards.

Timetable:

Action	Date	FR Cite
End Review	01/00/86	
NPRM	02/00/86	

Small Entity: Undetermined

Agency Contact: Barry J. White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, Room N3605 FP Building, 200 Constitution Avenue, NW, Washington, DC 20210, **202 523-8061**

RIN: 1218-AA71

145. ● WELDING, CUTTING AND BRAZING (GENERAL INDUSTRY)

Priority: Agency Determination

Legal Authority: 29 USC 655(b)

CFR Citation: 29 CFR 1910

Abstract: OSHA proposes to revise and update its existing Subpart Q covering welding, cutting and brazing operations, and to develop performance-oriented standards designed to reduce the number of deaths and injuries due to unsafe equipment and unsafe operations. There has been no substantial revision to Subpart Q since its adoption in 1971. A complete and comprehensive revision of the present is needed at this time to bring the standard into line with the current state-of-the-art and updated consensus standards.

Timetable:

Action	Date	FR Cite
End Review	01/00/86	
NPRM	02/00/86	

DOL—OSHA

Existing Regulations Under Review

Small Entity: Undetermined

Affected Sectors: Multiple

Agency Contact: Barry J. White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, Room N3605, FP Building, 200 Constitution Avenue, NW, Washington, DC 20210, 202 523-8061

RIN: 1218-AA72

DEPARTMENT OF LABOR (DOL)
Occupational Safety and Health Administration (OSHA)

Completed Actions

COMPLETED RULEMAKINGS

146. ETHYLENE OXIDE (ETO)

Priority: Major

Legal Authority: 29 USC 655(b)

CFR Citation: 29 CFR 1910.1047

Abstract: OSHA has amended its standard for occupational exposure to ethylene oxide. The new standard establishes a permissible exposure limit of 1 part ethylene oxide (Et0) per million parts of air and requires, among other things, personal protective equipment, exposure measurement, training, medical surveillance, signs and labels, and recordkeeping. The basis for this action is OSHA's determination that exposure to Et0 presents a carcinogenic, mutagenic, genotoxic, reproductive, neurologic and sensitization hazard to workers.

Timetable:

Action	Date	FR Cite
ANPRM	01/26/82	47 FR 3566
ANPRM Comment Period End	03/31/82	
NPRM	04/21/83	48 FR 17284
NPRM Comment Period Begin	04/21/83	
NPRM Comment Period End	06/17/83	
Final Rule	06/22/84	49 FR 25734
Final Action per Court Order	12/17/84	
Final Action	01/02/85	50 FR 64
Final Action Effective	01/02/85	50 FR 64

Small Entity: Yes

Public Compliance Cost: Yearly Recurring Cost: $72,400,000; Base Year for Dollar Estimates: 1982

Affected Sectors: Multiple

Government Levels Affected: State, Federal

Agency Contact: Dr. Leonard Vance, Director, Health Standards Programs, Department of Labor, Occupational Safety and Health Administration, Rm N3718, FPBldg, 200 Constitution Ave., NW, Washington, DC 20210, 202 523-7075

RIN: 1218-AA03

147. COMMERCIAL DIVING OPERATIONS: WHOLE STANDARD

Priority: Task Force

Legal Authority: 29 USC 655(b); 40 USC 333, 33 USC 941

CFR Citation: 29 CFR 1910

Abstract: OSHA has received insufficient data and information from the Advance Notice of Proposed Rulemaking (ANPR) to revise the standard for commercial diving operations. Therefore, the entry will be withdrawn.

Timetable:

Action	Date	FR Cite
ANPRM	02/26/82	47 FR 8379
Extend Comment Period from 04/12/82	04/16/82	
ANPRM Comment Period End	06/14/82	
Withdrawn	02/27/35	

Small Entity: Undetermined

Agency Contact: Barry White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, Rm N3605, FPBldg, 200 Constitution Ave., NW, Washington, DC 20210, 202 523-8061

RIN: 1218-AA23

148. SHIPYARD STANDARDS

Priority: Agency Determination

Legal Authority: 29 USC 655

CFR Citation: 29 CFR 1915, (Revision)

Abstract: This regulatory action will revise the existing standards covering shipyard employment. The revision will develop, in part, performance-oriented standards, address current gaps in coverage, recognize new technology, and eliminate outmoded or redundant provisions. This project will be coordinated with RIN 1218-AA55, a project to include all pertinent 1910 standards into Part 1915. Later this project may be broken down into separate Subparts.

Timetable:

Action	Date	FR Cite
Withdrawn	02/27/85	

Small Entity: Undetermined

Affected Sectors: 373 Ship and Boat Building and Repairing

Government Levels Affected: State, Federal

Agency Contact: Barry J. White, Director, Safety Standards Programs, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Ave., NW, Room N3605, Washington, DC 20210, 202 523-8063

RIN: 1218-AA62

[FR Doc. 85-9448 Filed 04-26-85; 8:45 am]

BILLING CODE 4510-23-T

DEPARTMENT OF LABOR (DOL) **Current and Projected Rulemakings**

Office of the Assistant Secretary for Veteran's Employment & Training Service (ASVET)

149. ANNUAL REPORT FROM FEDERAL CONTRACTORS

Legal Authority: 38 USC 2012(d)

CFR Citation: 41 CFR 61-250

Abstract: Implements requirements of 38 USC 2012(d) for an annual report from entities having contracts of $10,000 or more with Federal agencies or departments. Specifies that the report shall include the number of special disabled and Vietnam-era veterans in the contractor's work force by job category and hiring location, number of employees hired and of those hired, the number of special disabled and Vietnam-era veterans.

Timetable:

Action	Date	FR Cite
ANPRM	05/00/85	
NPRM	10/00/85	
Final Action	01/00/86	

Small Entity: Undetermined

Agency Contact: **Joseph C. Juarez**, Dir., Ofc. of Veterans' Emp. & Trng Programs, Department of Labor, Office of the Assistant Secretary for Veteran's Employment & Training Service, Rm S1316, FPBldg., 200 Constitution Ave., NW, Washington, DC 20210, **202 523-9110**

RIN: 1293-AA01

[FR Doc. 85-6486 Filed 04-26-85, 8:45 am]

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Federal Register

Monday
April 29, 1985

Part XIII

Department of State

Semiannual Regulatory Agenda

STATE

DEPARTMENT OF STATE

22 CFR Ch. I

[Docket No. SD-191]

Semiannual Agenda of Regulations and Regulatory Flexibility Agenda

AGENCY: Department of State.

ACTION: Publication of regulatory agenda.

SUMMARY: As required by Executive Order 12291 and OMB Bulletin 85-6, the April 1985 agenda of regulations of the Department of State is set forth below. The agenda also contains regulatory flexibility information required by the Regulatory Flexibility Act of 1980 (Pub. L. 96-354).

FOR FURTHER INFORMATION CONTACT: K. E. Malmborg, Assistant Legal Adviser for Management, Department of State, Room 4427A, 2201 C Street, N.W., Washington, D.C. 20520, telephone (202) 632-2350.

DATED: March 7, 1985.

Ronald I. Spiers,

Under Secretary for Management.

DEPARTMENT OF STATE (STATE)

Current and Projected Rulemakings

FOREIGN MISSIONS ACT REGULATIONS

Legal Authority: 22 USC 4301 et seq; 22 USC 254(e)

CFR Citation: Not yet determined

Abstract: The Foreign Missions Act creates certain authorities for the Secretary of State relating to the regulation of foreign missions, diplomatic, consular, and international organizations. Exercise of those authorities could involve restricting or controlling the access of such missions to American vendors of goods and services. Exercise of other authorities in the Foreign Missions Act could affect the location of premises of foreign missions. Exercise of authority in the Diplomatic Relations Act, 22 USC 254(a) et seq., as amended by Title VI of P.L. 98-164, will have an impact on the acquisition of liability insurance coverage for the operation of motor vehicles, vessels, and aircraft by personnel of foreign missions, and could in certain situations, subject foreign missions to surcharges or fees. The regulations under consideration would provide procedures for exercise of these authorities. These regulations are at the stage of preliminary consideration. No timetable has been established other than that established in Title VI of P.L. 98-164.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Agency Contact: James E. Nolan, Director, Office of Foreign Missions, Department of State, Room 2105, 2201 C Street, NW, Washington, D.C. 20520, 202 632-3416

RIN: 1400-AA00

DEPARTMENT OF STATE (STATE)

Completed Actions

COMPLETED RULEMAKINGS

INTERNATIONAL TRAFFIC IN ARMS

Priority: Agency Determination

CFR Citation: 22 CFR 120

Completed:

Reason	Date	FR Cite
Final Action	12/06/84	49 FR 47682
Final Action Effective	01/01/85	

Small Entity: No

Agency Contact: William B. Robinson 202 632-9755

RIN: 1400-AA02

[FR Doc 85-6489 Filed 04-26-85, 8:45 am]

BILLING CODE 4710-08-T

Federal Register

Monday
April 29, 1985

Part XIV

Department of Transportation

Semiannual Regulatory Agenda

DOT

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

14 CFR Chs. I and II

23 CFR Chs. I and II

33 CFR Chs. I and IV

41 CFR Ch. 12

46 CFR Chs. I and III

49 CFR Subtitle A, Chs. I-VI

[OST Docket No. 59; Notice 85-2]

Department Regulations Agenda; Semiannual Summary

AGENCY: Department of Transportation.

ACTION: Department Regulations Agenda.

SUMMARY: The Regulations Agenda is a semiannual summary of all current and projected rulemakings, reviews of existing regulations and completed actions of the Department. These are matters on which action has begun or is projected during the succeeding twelve months or such longer period as may be anticipated, or for which action has been completed since the last Agenda. The Agenda provides the public with information about the Department of Transportation's regulatory activity. It is expected that this information will enable the public to be more aware of, and allow it to more effectively participate in, the Department's regulatory activity.

ADDRESSES: The mailing address for the initiating offices of the Department which appear in the Agenda are 400 Seventh Street, S.W., Washington, D.C. 20590, except for the Federal Aviation Administration which is located at 800 Independence Avenue, S.W., Washington, D.C. 20591; the U.S. Coast Guard, which is located at 2100 Second Street, S.W., Washington, D.C. 20593; and the Saint Lawrence Seaway Development Corporation, which is located at 400 Seventh Street, S.W., Box 44090, Washington, D.C. 20026-4090.

FOR FURTHER INFORMATION CONTACT:

General

For further information on the Agenda, in general, contact: Neil R. Eisner, Assistant General Counsel for Regulation and Enforcement, Department of Transportation, 400 Seventh Street, S.W., Washington, D.C. 20590, 202-426-4723.

Specific

For further information about any particular item on the Agenda, contact the individual listed in the column headed "Agency Contact" for that item.

SUPPLEMENTARY INFORMATION:

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Background

Improvement of government regulations is a prime goal of the Reagan Administration. There should be no more regulations than necessary, and those that are issued should be simpler, more comprehensible, and less burdensome. Regulations should not be issued without appropriate involvement of the public; once issued, they should be periodically reviewed and revised, as needed, to assure that they continue to meet the needs for which they originally were designed.

To help the Department of Transportation ("Department") achieve these goals, and in accordance with Executive Order 12291 ("Federal Regulation"; 46 FR 13193; February 19, 1981) and the Department's Regulatory Policies and Procedures (44 FR 11034; February 26, 1979), the Department prepares a semiannual Regulations Agenda for publication in the **Federal Register.** The Agenda summarizes all current and projected rulemaking, reviews of existing regulations and completed actions of the Department. These are matters on which action has begun or is projected during the succeeding twelve months or such longer period as may be anticipated or for which action has been completed since the last Agenda.

The Agendas are based on reports submitted by the initiating offices in January and July each year. After these reports are consolidated for, and reviewed by, the Department Regulations Council, the Department's Regulations Agenda is prepared and published in the **Federal Register.** The Department's last Agenda was published in the **Federal Register** on October 22, 1984 (49 FR 41857). The next one is scheduled for publication in the **Federal Register** in October 1985.

Regulatory Flexibility Act

In 1980, Congress passed the Regulatory Flexibility Act (RFA), Pub. L. 96-354, which requires the designation of those regulations for which a Regulatory Flexibility Analysis will be prepared, i.e., those regulations that would have a significant economic impact on a substantial number of small entities. The heading "Small Entity" will indicate whether a Regulatory Flexibility Analysis is required by a "yes" or a "no." If a regulatory flexibility analysis will be prepared for a particular rulemaking, that fact also will be noted under the heading "Analysis."

The RFA also requires that each year the Department publish a list of those regulations that have a significant economic impact on a substantial number of small entities and are to be reviewed under the Act during the succeeding twelve months. The Agenda includes those regulations to be reviewed under the RFA or those for which review has been concluded since the last Agenda. A "yes" or "no" will be found under the heading "small entity," for each such regulation. It should be noted, however, that after a preliminary assessment of the regulations listed for RFA review, it may be found that the regulations, in fact, do not have a significant economic impact on a substantial number of small entities and a full RFA review will be unnecessary.

DOT

Definitions

The Agenda covers all rules and regulations of the Department, including those that establish conditions for financial assistance. The following definitions are provided for ease in understanding the information in this document.

(1) *Initiating office* means an operating administration or other organizational element within the Department, the head of which is authorized by law or delegation to issue regulations or to formulate regulations for issuance by the Secretary.

(2) *Significant regulation* means a regulation that is not an emergency regulation and that in the judgment of the head of the initiating office, or the Secretary, or the Deputy Secretary

(a) Is a major regulation;

(b) Concerns a matter on which there is substantial public interest or controversy;

(c) Has a major impact on another operating administration or other parts of the Department or other Federal Agency;

(d) Has a substantial effect on State and local governments;

(e) Has a substantial impact on a major transportation safety problem;

(f) Initiates a substantial regulatory program or change in policy;

(g) Is substantially different from international requirements or standards; or

(h) Otherwise involves important Department policy.

(3) *Major regulation* means a significant regulation for which a Regulatory Impact Analysis is required to be prepared.

(4) *Emergency regulation* means (a) a regulation that, in the judgment of the head of the initiating office, circumstances require to be issued without notice and opportunity for public comment or made effective in less than 30 days after publication in the **Federal Register**; or (b) is governed by short-term statutory or judicial deadlines.

(5) *Nonsignificant regulation* means a regulation that, in the judgment of the head of the initiating office, is neither a significant nor an emergency regulation.

A preliminary and final Regulatory Impact Analysis is required for each proposed and final regulation, respectively that

(1) Is likely to result in:

(a) An annual effect on the economy of $100 million or more;

(b) A major effect on the general economy in terms of costs, consumer prices, or production;

(c) A major increase in costs or prices for consumers; individual industries; Federal, State, or local government agencies; or geographic regions;

(d) Significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets; or

(2) The Secretary or head of the initiating office determines deserves such an analysis.

Explanation of Information on the Agenda

The format for this Agenda is required by Office of Management and Budget Bulletin No. 85-6 (December 13, 1984).

First, the Agenda is divided by initiating offices. Then, in accordance with the OMB Bulletin, for each initiating office the Agenda is divided into three categories: (1) current and projected rulemakings, (2) reviews of existing regulations, and (3) completed actions. These categories are further subdivided into priority rulemakings (or regulations) and other rulemakings. Priority rulemakings are divided into major and non-major, with non-major including all significant rulemakings that do not require a regulatory impact analysis. The priority entries include those regulations that were designated for review by the Presidential Task Force on Regulatory Relief. The "other rulemakings" include all those defined by the Department as nonsignificant, including the routine and frequent rulemakings. For each entry, the Agenda provides the following information: (1) a short descriptive title; (2) the legal basis for the action being taken or the regulation being reviewed; (3) the related regulatory citation in the Code of Federal Regulations; (4) an abstract of the review or the proposed or final regulation; (5) a timetable, including the earliest expected date for a decision on whether to issue the proposed or final regulation, or complete the review and determine the corrective action to be taken. (The action taken can be revocation or revision of the regulation, or it can be a determination that no regulatory action is necessary because the regulation is found to be achieving its goals and the goals and objectives of Executive Order 12291 and the Department's Regulatory Policies and Procedures.); (6) a statement as to whether the Regulatory Flexibility Act applies because of the rulemaking's effect on small entities; (7) if there is information that does not fit in the other categories, it will be included under a separate heading, entitled "Additional Information"; (8) a listing of any analyses an initiating office will prepare or has prepared for the rulemaking document; e.g., a Regulatory Impact Analysis or Evaluation, an Environmental Impact Statement (EIS), a Regulatory Flexibility Analysis, or an Urban Impact Analysis. (It should be noted that, even though a Regulatory Impact Analysis is not required for some items on the Agenda, the Department requires an economic analysis for all of its regulations. This economic analysis is contained in the Regulatory Evaluation.); (9) an agency contact office or official who can provide further information, including advice on how to obtain documents referenced in the Agenda; and (10) a "RIN" number assigned solely to identify an individual action in the Agenda. Finally, for priority rulemakings, the method by which it was determined that the rulemaking was "priority" is also provided.

For nonsignificant regulations issued routinely and frequently as a part of an established body of technical requirements (such as the Federal Aviation Administration's Airspace Rules) to keep those requirements operationally current, only the general category of the regulations, the identity of a contact office or official, and an indication of the expected number of regulations are included; individual regulations are not listed.

If a regulatory docket number has already been established, it may be provided under the "Additional Information" heading. If a member of the public desires further information regarding a particular proposal or regulation, reference should be made to this docket number. The Federal Highway Administration also provides an FHPM number at this point for easier reference by those who use the Federal-

aid Highway Program Manual (FHPM). The numbers following the FHPM represent, respectively, the volume, chapter, section and subsection at which the material is located in the FHPM.

In the "Timetable" column, abbreviations are used to indicate the particular documents being considered for issuance by that date. ANPRM stands for Advance Notice of Proposed Rulemaking, SNPRM for Supplemental Notice of Proposed Rulemaking, NPRM for Notice of Proposed Rulemaking, and FR for Final Rule. Listing a future date in this column is not an indication that a proposed or a final rule will be issued on that date; it is the earliest date on which a decision is expected to be made on whether to issue the document listed. Submittal of any proposed or final rule to the Office of Management and Budget for review, under Executive Order 12291, must follow such a decision. For major rules, this review could take 60 days or more. If any document is issued, publication in the **Federal Register** would follow within a few days. In addition, these dates are based on current schedules. Subsequently received information could result in a decision not to take regulatory action or in changes to proposed publication dates. For example, the need for further evaluation could result in a later publication date; evidence of a greater need for the regulation could result in an earlier publication date.

It should be noted that some of the items on the Agenda result from programs that were established to review existing regulations and revoke or revise those regulations that the initiating office determined were not achieving their intended purpose. Projects under regulatory development that resulted from a review of existing regulations to determine whether they should be revoked or revised are preceded by the word "Review" in the "Title" column. Because some reviews can be large-scale undertakings, and because there are already a number of these in the regulatory development process, the Department thought it would provide the public with valuable information if it indicated not only which regulatory reviews are under consideration but also which reviews have now reached the stage where proposed revisions are being, or have been, prepared. The number of regulatory projects that an initiating office can handle is limited by available resources. Therefore, the number of projects in the regulatory development stage may limit the number of reviews that can be added.

General

To allow for easier use of the Agenda and for quick comparison with earlier Agendas, the Department has instituted the following additional procedures in the Agenda: (1) Items listed on the Agenda retain the same order in each semiannual publication. If subheadings are used within an initiating office's listing, then the same order is retained within each subheading. (2) New items generally are added at the end of the appropriate portion of the Agenda. A dot (●) preceding an entry indicates that the entry appears in its present section of the Agenda for the first time.

Civil Aeronautics Board

The Civil Aeronautics Board (CAB) ceased operations on December 31, 1984. Under the Federal Aviation Act, as amended, most of the continuing functions transferred to the Department of Transportation. As explicitly noted in the "Civil Aeronautics Board Sunset Act of 1984" (Pub. L. 98-443, October 4, 1984), most of the CAB rules and pending rulemakings were carried over to DOT intact. All the rulemaking actions of the CAB completed between the publication of the last Unified Agenda and the end of 1984 are listed in a separate "CAB Completed Actions section". All rulemaking actions completed since January 1, 1985, or currently pending at DOT are listed in this document under "Office of the Secretary".

When the word "Act" is used in conjunction with the former CAB rules, it means the Federal Aviation Act of 1958, as amended, 49 U.S.C. 1301 *et seq.*, including amendments made by the Airline Deregulation Act of 1978 (Pub. L. 95-504, 92 Stat. 1705), the Civil Aeronautics Board Sunset Act of 1984 (Pub. L. 98-443, October 4, 1984), and the International Air Transportation Competition Act (Pub. L. 96-192, 94 Stat. 35).

ER-, EDR-, SPR-, SPDR-, and similar designations appearing in parentheses were the internal designations for final rules and proposed rules used by the Civil Acronautics Board. NPRMs and final rules issued by the Department relating to aviation economic matters are referenced with the DOT internal designation system. Docket numbers, however, remain the same as assigned by the CAB if the proceeding was initiated by that agency.

Mailing Lists for Regulatory Documents

To assist the public in obtaining regulatory documents issued within the Department of Transportation, an Appendix A has been included in this document. The appendix contains instructions on how to be placed on mailing lists for copies of regulatory documents, including the Department's Semiannual Regulations Agenda, issued by the operating administrations of the Department and the Office of the Secretary. There is no charge for this service; however, because of the costs involved, the number of copies of a document forwarded to an individual requestor may be limited. Persons already on mailing lists for particular documents within the Department will remain on those lists and should not reapply.

By following the instructions specified in the appendix, a person can be placed on a mailing list for future copies of the Department's Regulations Agenda, which will be updated and published in the **Federal Register** every year during April and October. By using the Agenda, individuals can determine which Notice or Advance Notice of Proposed Rulemaking, to be issued by elements of the Department, is of interest to them. Then, using the instructions in the appendix, such persons also can be placed on a mailing list to ensure that, after the document of interest is issued, a copy will be mailed to them for their review and comment. In this way, individuals will be relieved of the burden of having to review the **Federal Register**, perhaps on a daily basis. The Department expects that this process will ensure that those people placed on mailing lists will receive early notice so that their views on the document can be adequately prepared and presented within the established comment period.

General Rulemaking Contact Persons

To assist persons desiring to obtain general information concerning the rulemaking process within the Department's operating administrations, an Appendix B has been added to the Agenda. This appendix sets forth the addresses and the telephone numbers of the persons who can respond quickly to requests for general rulemaking information. Please note, however, that questions related to particular rulemaking actions should still be

referred to the contact person listed with the particular rulemaking on the Agenda.

Public Rulemaking Dockets

To facilitate the inspection of docket files and the submission of comments by the public, an Appendix C sets forth the addresses and working hours for the Rules Docket for each operating administration.

Request for Comments

Agenda

Our Agenda is intended primarily for the use of the public. Since its inception, we have made modifications and refinements that we believe provide the public with more helpful information as well as make the Agenda easier to use. We would also like you, the public, to make suggestions or comments on how the Agenda could be further improved. For example, do you find the information presented in an easily understandable manner? Do you find it easy to follow a regulation's development from Agenda to Agenda? Do you find that the format for setting out the information enables you to use the Agenda easily? Do you find that the explanation of the information in the Agenda is clearly explained in the preamble to the Agenda? Your responses to these questions or any other comments or suggestions you may have should be sent to Neil R. Eisner, whose address appears above.

Reviews

In an effort to comply further with the spirit of Executive Order 12291 and the Regulatory Flexibility Act, we are also seeking suggestions on existing regulations that should be included in our review of existing regulations list; that is, which existing regulations issued by an operating administration of the Department or the Office of the Secretary do you believe need to be reviewed to determine whether they should be revised or revoked? The Department is particularly interested in obtaining information on requirements that have a "significant economic impact on small entities" and therefore, must be reviewed under the Regulatory Flexibility Act. If you have any suggested regulations, please send them, along with your explanation of why they should be reviewed, to the concerned operating administration or the Office of the Secretary, at the appropriate address noted in the "Addresses" paragraph above.

In accordance with the Regulatory Flexibility Act, comments are specifically invited on regulations that are targeted for review under the RFA. Those comments should be addressed to the "contact" person of the operating administration involved, at the appropriate address noted in the "Addresses" paragraph above.

Purpose

The Department is publishing this Regulations Agenda in the **Federal Register** to share with interested members of the public the Department's preliminary expectations regarding its future regulatory actions. This should enable the public to be more aware of the Department's regulatory activity. Knowledge of the nature and scope of this activity, as well as the specific proposals and reviews being considered, should result in more effective public participation in the Department's regulatory activity. For example, awareness of the dates when notices may be issued seeking public comment should allow appropriate planning and more efficient use of the comment period. By providing the expected date for a decision on whether to issue a final rule, the Department expects that more appropriate planning by those concerned with the regulation will also be possible. This publication in the **Federal Register** does not impose any binding obligation on the Department, or any of the offices within the Department, with regard to any specific item on the Agenda or the Review List. Regulatory action in addition to the items listed is not precluded. If further information is desired on any of the items listed in the Agenda or the Review List, the public is encouraged to contact the individual listed for the particular item. Additional information concerning the Agenda, in general, or the Department's Regulatory Policies and Procedures may be obtained from Neil R. Eisner, whose address and telephone number appear above.

Issued in Washington, D.C. on March 29, 1985.

Elizabeth Hanford Dole,

Secretary of Transportation.

Appendix A - Instructions for Obtaining Copies of Regulatory Documents

United States Coast Guard (USCG)

Persons who desire to obtain a copy of any regulatory document to be issued by the USCG that is listed in this Agenda should communicate with the contact person listed with the regulation either by telephone or by letter to the contact person at the following address: (Name of contact person), United States Coast Guard, 2100 Second Street, S.W., Washington, D.C. 20593.

Federal Aviation Administration (FAA)

The FAA has a mailing list system for Notices and Advance Notices of Proposed Rulemaking (NPRMs and ANPRMs). Persons interested in obtaining future copies of all of those documents to be issued by the FAA or only of those concerning certain parts of the Federal Aviation Regulations should request a copy of Advisory Circular No. 11-2, which describes the application procedure, by calling 202-426-8058 or by writing to: Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue, S.W., Washington, D.C. 20591.

Federal Highway Administration (FHWA)

The FHWA maintains a consumer mailing list for individuals and agencies wishing to routinely receive Federal-aid highway related rulemaking actions. Persons may selectively choose to receive rulemaking materials in a number of separately identified program categories from the Code of Federal Regulations, Title 23. Those wishing to take advantage of the FHWA consumer mailing list may obtain additional information by writing to: Consumer Affairs Representative, Office of Public Affairs, Room 4208, Federal Highway Administration, 400 7th Street, S.W., Washington, D.C. 20590.

Persons who desire to obtain a copy of any regulatory document to be issued by the FHWA that is listed in this Agenda should communicate with the contact person listed with the regulation either by telephone or by letter to the contact person at the following address: (Name of contact person), Federal Highway Administration, 400 7th Street, S.W., Washington, D.C. 20590.

Federal Railroad Administration (FRA)

Persons who desire to obtain a copy of any regulatory document to be issued by the FRA that is listed in this Agenda should communicate with the contact person listed with the regulation either by telephone or by letter to the contact person at the following address: (Name

of contact person), Federal Railroad Administration, 400 7th Street, S.W., Washington, D.C. 20590.

National Highway Traffic Safety Administration (NHTSA)

Persons who desire to obtain a copy of any other regulatory document to be issued by the NHTSA that is listed in this Agenda should communicate with the contact person listed with the regulation either by telephone or by letter to the contact person at the following address: (Name of contact person), National Highway Traffic Safety Administration, 400 7th Street, S.W., Washington, D.C. 20590.

Urban Mass Transportation Administration (UMTA)

Persons who desire to obtain a copy of any regulatory document to be issued by UMTA that is listed in this Agenda should communicate with the contact person listed with the regulation either by telephone or by letter to the contact person at the following address: (Name of contact person), Urban Mass Transit Administration, 400 7th Street, S.W., Washington, D.C. 20590.

Saint Lawrence Seaway Development Corporation (SLSDC)

Persons who desire to obtain a copy of any regulatory document to be issued by SLSDC that is listed in this Agenda should communicate with the contact person listed with the regulation either by telephone or by letter to the contact person at the address specified below: (Name of contact person), Saint Lawrence Seaway Development Corporation, 400 7th Street, S.W., Room 5424, P.O. Box 44090, Washington, D.C. 20026-4090.

Research and Special Programs Administration (RSPA)

Persons wishing to be placed on mailing lists for regulatory documents to be issued by RSPA should contact: Mr. Roosevelt McKinley, Jr., Information Services Division, DMT-11, 400 7th Street, S.W., Washington, D.C. 20590.

Maritime Administration (MARAD)

Any one desiring a copy of a MARAD regulatory document referred to in the Agenda may request a copy of that document by contacting Mrs. Georgia Stamas, Secretary, Maritime Administration, 400 Seventh Street, S.W. (Room 7300), Washington, D.C. 20590, (202) 426-5746.

Office of the Secretary (OST)

Persons desiring to receive future copies of the Regulations Agenda should submit their request to: Assistant General Counsel for Regulation and Enforcement, C-50, Office of the General Counsel, Department of Transportation, Washington, D.C. 20590, (202) 426-4723.

Persons who have an interest in specific regulatory documents to be issued by the Office of the Secretary should forward requests for copies of those documents to the same address. These requests should fully identify the document desired. Persons requesting a rulemaking document on an aviation matter (of the kind formerly handled by the CAB) will be placed on a mailing list for all OST aviation related rulemakings.

Appendix B - General Rulemaking Contact Persons

The following is a list of persons who can be contacted within the Department for general information concerning the rulemaking process within the various operating administrations.

USCG - Capt. Chris Hoiland, Marine Safety Council, USCG Headquarters Building, Room 4402, 2100 Second Street, S.W., Washington, D.C. 20593. Telephone: 202/426-1477.

FAA - John H. Cassidy, Office of Chief Counsel, Regulations and Enforcement Division, 800 Independence Ave., S.W., Room 915A, Washington, D.C. 20591. Telephone: 202/426-3073.

FHWA - Michael J. Laska, Office of the Chief Counsel, 400 7th Street, S.W., Room 4223, Washington, D.C. 20590. Telephone: 202/426-0761.

FRA - Mike Haley, Office of Chief Counsel, 400 7th Street, S.W., Room 8201, Washington, D.C. 20590. Telephone: 202/472-9042.

NHTSA - Roger Fairchild, Office of Chief Counsel, 400 7th Street, S.W., Room 5219, Washington, D.C. 20590. Telephone: 202/426-2992.

UMTA - Katherine Cowen, Office of Chief Counsel, 400 7th Street, S.W., Room 9228, Washington, D.C. 20590. Telephone: 202/426-4011.

SLSDC - Fredrick A. Bush, General Counsel's Office, 400 7th Street, S.W., Room 5424, P.O. Box 44090, Washington, D.C. 20026-4090. Telephone: 202/426-3574.

RSPA - Vita Simon, Office of Chief Counsel, 400 7th Street, S.W., Room 8420, Washington, D.C. 20590. Telephone: 202/755-4972.

MARAD - Mrs. Georgia Stamas, Secretary, Maritime Administration, 400 7th Street, S.W., Room 7300B, Washington, D.C. 20590. Telephone: 202/426-5746.

OST - Neil Eisner, Office of Regulation and Enforcement, 400 7th Street, S.W., Room 10424, Washington, D.C. 20590. Telephone: 202/426-4723.

Appendix C - Public Rulemaking Dockets

The following is a list of Rule Docket locations for the various operating administrations where the public may review regulatory dockets and hand deliver comments on advance notices and notices of proposed rulemaking:

USCG - Marine Safety Council, 2100 2nd Street, S.W., Room 4402, Washington, D.C. 20593. Working Hours: 7:30-4:00 (Monday-Friday).

FAA - Rules Docket, Office of Chief Counsel, Regulations and Enforcement Division, 800 Independence Ave., S.W., Room 915G, Washington, D.C. 20591. Working Hours: 8:30-5:00.

FHWA - Docket Room, 400 7th Street, S.W., Room 4205, (Federal Motor Carrier Safety Regulations in Room 3404), Washington, D.C. 20590. Working Hours: 7:45-4:15.

FRA - Docket Clerk, 400 7th Street, S.W., Room 8201, Washington, D.C. 20590. Working Hours: 8:30-5:00.

NHTSA - Docket Room, 400 7th Street, S.W., Room 5109, Washington, D.C. 20590. Working Hours: 8:00-4:00.

UMTA - Docket Clerk, 400 7th Street, S.W., Room 9223, Washington, D.C. 20590. Working Hours: 8:30-5:00.

SLSDC - 400 7th Street, S.W., Room 5424, P.O. Box 44090, Washington, D.C. 20026-4090. Working Hours: 8:15-4:45.

RSPA - Docket Branch, 400 7th Street, S.W., Room 8426, Washington, D.C. 20590. Working Hours: 8:30-5:00.

MARAD - Docket Clerk, 400 7th Street, S.W., Room 7300, Washington, D.C. 20590. Working Hours: 9:00-5:30.

OST - Docket Clerk, 400 7th Street, S.W., Room 4107, Washington, D.C. 20590. Working Hours: 9:00-5:30.

DOT

Appendix D - Index of CAB Regulations with Their Corresponding New RIN Numbers

New OST RIN	Old CAB RIN	Title
2105-AA35	3024-AA00	Essential Air Service Subsidy Guidelines
2105-AA36	3024-AA02	Obligation of Carriers to Provide Adequate Service at Eligible Points
2105-AA37	3024-AA07	Elimination of Mandatory Joint Fares
2105-AA38	3024-AA12	Hawaiian Joint Fares
2105-AA39	3024-AA16	Airline Time and Mileage Guides
2105-AA40	3024-AA18	Direct Air Carrier Responsibility for Returning Stranded Charter Passengers
2105-AA41	3024-AA19	Liberalization of Air Carrier Charter Rules
2105-AA42	3024-AA21	Nondiscrimination on the Basis of Handicap by Airlines
2105-AA43	3024-AA22	Consumer Protections for Members of Scheduled-Service Tour Groups
2105-AA44	3024-AA24	Zones for Airline Mail Rates
2105-AA45	3024-AA25	Air Travelers: Age Discrimination
2105-AA46	3024-AA26	Policy Statement on Airline Preemption
2105-AA47	3024-AA31	Insurance for On-Demand Air Taxi Operators and Canadian Air Taxis
2105-AA48	3024-AA34	Indirect Air Carriers-Group Contractor Exemptions
2105-AA49	3024-AA38	Duration of Certificate Authority and Analysis of Criteria for Air Carrier Selection in Limited Designation International Markets
2105-AA50	3024-AA42	Modification or Withdrawal of Exemption to Foreign Air Carriers to Carry Travel Agents or Other Travel Promoters Free or at Reduced Rates
2105-AA51	3024-AA44	On-Time Arrival Standards for Airlines
2105-AA52	3024-AA46	Alignment of Airline Uniform System of Accounts and Reports with Generally Accepted Accounting Principles
2105-AA53	3024-AA47	Revise Definition of Airline Revenue and Nonrevenue Passengers
2105-AA54	3024-AA48	Reduce Reporting Requirements of the Air Carrier Uniform System of Accounts and Reports
2105-AA55	3024-AA49	Large Aircraft Certificated Carriers: Change the Applicability of Form 41
2105-AA56	3024-AA50	Reduce Air Carrier Service Segment Data Reports
2105-AA57	3024-AA52	Exemptions from Reporting Airline Stock Ownership
2105-AA58	3024-AA53	Revision of Stock Ownership Reports by Affiliates of Air Carriers
2105-AA59	3024-AA59	Alaskan Air Service Subcontract Agreements
2105-AA60	3024-AA61	Revising the Definition of Commuter Air Carrier
2105-AA61	3024-AA62	Small Aircraft Certificated Air Carriers: Amend Applicability of Part 298 and Revise Reporting on CAB Form 298 C
2105-AA62	3024-AA63	Requests for Confidential Treatment of Aviation Economics-Related Materials Filed with DOT
2105-AA63	3024-AA65	Air Service Terminations in Foreign Markets
2105-AA64	3024-AA66	Employee Responsibilities and Conduct
2105-AA65	3024-AA67	Navigation of Foreign Civil Aircraft
2105-AA66	3024-AA68	Nondiscrimination in Federally-Assisted Aviation Economics Related Programs of DOT
2105-AA67	3024-AA71	Overseas Military Personnel Air Charter Tariffs
2105-AA68	3024-AA72	Effect of Expiration of a Bilateral on Foreign Air Carrier Authority
2105-AA69	3024-AA73	Joint Tariff Filing by Foreign Air Freight Forwarders
2105-AA70	3024-AA76	Unfair and Deceptive Practices by Airline Ticket Agents
2105-AA71	3024-AA77	Streamline Airline Passenger Origin-Destination Survey Reporting
2105-AA72	3024-AA82	Smoking Aboard Aircraft; Notice to Passengers
2105-AA73	3024-AA83	Direct Flights
2105-AA74	3024-AA86	Reconsideration of the 1-Hour Exemption for Denied Boarding Compensation
2105-AA75	3024-AA87	Price Advertising
2105-AA76	3024-AA88	Require Specific Categories of Records and Retention Periods for Commuter Air Carriers Receiving Subsidy
2105-AA77	3024-AA90	Implementation of Statute Requiring Interest on Subsidy Claims
2105-AA78	3024-AA92	Diversion of Flights Within a Metropolitan Area
2105-AA79	3024-AA97	Removal of Policy Statement on Standard Conditions in Foreign Air Carrier Permits
2105-AA80	3024-AB02	Guidelines for Allocating Costs for Air Carriers Providing "Hold In" Service Under Section 419
2105-AA81	3024-AB03	Nondiscrimination on the Basis of Handicap by the Board
2105-AA82	3024-AB04	Simplified Aviation Exemption Procedures
2105-AA83	3024-AB05	Filing Requirements for International Air Cargo Tariffs
2105-AA84	3024-AB06	Baggage Liability Notices in International Air Transportation
2105-AA85	3024-AB07	Airline Interline Agreements
2105-AA86	3024-AB09	Essential Air Service Subsidy for the Freely Associated States
2105-AA87	3024-AB10	Currency-Related Adjustments for International Air Cargo Rates
2105-AA88	3024-AB11	Simplified Airline Countersign Notices
2105-AA89	3024-AB12	Policy Statement on Standard Foreign Fare Level for Air Carriers
2105-AA90	3024-AB14	Sharing of Single Air Carrier Designator Codes
2105-AA91	3024-AB15	Disclosure of CRS-Generated Data, Display Criteria and Loading Formats
2105-AA92	3024-AB16	Employment Discrimination Against Handicapped Persons by Air Carriers
2105-AA93	3024-AB17	Nine Point Connection Rule
2105-AA94	3024-AB18	Placement of International Airline Baggage Liability Notices
2105-AA95	3024-AB19	Confidentiality of Parts 241 and 298 Airline Report
2105-AA96	3024-AB20	Denied Boarding Compensation for Change in Class of Service

DOT

Appendix D - Index of CAB Regulations with Their Corresponding New RIN Numbers—Continued

New OST RIN	Old CAB RIN	Title
2105-AA97	3024-AB21	Payment of Denied Aircraft Boarding Compensation by Vouchers
2105-AA98	3024-AB25	Consumer Protection for Default by Scheduled Air Carriers

Office of the Secretary—Priority Rulemakings: Major—Current and Projected Rulemakings

Sequence Number	Title	Regulation Identifier Number
1	*Allocation of "Slots" at Washington National Airport	2105-AA00
2	*Nondiscrimination on the Basis of Handicap (Mass Transit Programs)	2105-AA01
3	*Construction Differential Subsidy (CDS) Repayments; Total Repayment Policy	2105-AA15

*Indicates priority regulation.

Office of the Secretary—Priority Rulemakings: Non-Major—Current and Projected Rulemakings

Sequence Number	Title	Regulation Identifier Number
4	*Minority Business Enterprise Program (Direct Contracting)	2105-AA03
5	*Review: Minority Business Enterprise Program (Financial Assistance Programs)	2105-AA04
6	*Public Availability of Information	2105-AA05
7	*Nondiscrimination in Federally-Assisted Programs of the Department of Transportation--State Transportation Agencies' EEO Affirmative Action Programs	2105-AA06
8	*Nondiscrimination on the Basis of Handicap (Air Travel)	2105-AA18
9	*Implementation of CAB Antitrust Authority	2105-AA23
10	*Commercial Space Transportation: Licensing Commercial Space Launch Activities	2105-AA25
11	*Commercial Space Transportation: Third-Party Liability Insurance for Commercial Space Launch Activities	2105-AA26
12	*Policy Statement: Commercial Space Transportation: Licensing of Commercial Launch Sites	2105-AA27
13	*Review of Sample Size and Administration of the Airline Passenger Origin-Destination Survey	2105-AA30
14	*Review of the Form 41 Report of Financial and Operating Statistics for Large Certificated Air Carriers	2105-AA32
15	*Liberalization of Air Carrier Charter Rules	2105-AA41
16	*Nondiscrimination on the Basis of Handicap by Airlines	2105-AA42
17	*Insurance for On-Demand Air Taxi Operators and Canadian Air Taxis	2105-AA47
18	*Duration of Certificate Authority and Analysis of Criteria for Air Carrier Selection in Limited Designation International Markets	2105-AA49
19	*Nondiscrimination in Federally-Assisted Aviation Economics Related Programs of DOT	2105-AA66
20	*Effect of Expiration of a Bilateral on Foreign Air Carrier Authority	2105-AA68
21	*Airline Interline Agreements	2105-AA85
22	*Sharing of Single Air Carrier Designator Codes	2105-AA90
23	*Consumer Protection for Default by Scheduled Air Carriers	2105-AA98
24	*Electronic Filing of Tariffs	2105-AB00
25	*Department of Transportation Acquisition Regulation 48 CFR Chapter 12 - Final Rule	2105-AB02

*Indicates priority regulation.

Office of the Secretary—Other Rulemakings—Current and Projected Rulemakings

Sequence Number	Title	Regulation Identifier Number
26	Title VI Civil Rights Regulation	2105-AA02
27	Consolidation of Transportation Grants to U.S. Territories	2105-AA08
28	Nondiscrimination on the Basis of Age in DOT Financial Assistance Programs	2105-AA09
29	Minority Business Enterprise Program (Financial Assistance Programs); counting credit for suppliers and other service providers	2105-AA20
30	Nondiscrimination on the Basis of Handicap (Directly Conducted Programs)	2105-AA29
31	Air Carrier Cargo Tariff Publications	2105-AA31
32	Collection of Service Segment Data from Foreign Air Carriers	2105-AA33

DOT

Office of the Secretary—Other Rulemakings—Current and Projected Rulemakings—Continued

Sequence Number	Title	Regulation Identifier Number
33	Collection of Financial Information from the Commuter Air Carrier Industry	2105-AA34
34	Airline Time and Mileage Guides	2105-AA39
35	Direct Air Carrier Responsibility for Returning Stranded Charter Passengers	2105-AA40
36	Zones for Airline Mail Rates	2105-AA44
37	Air Travelers: Age Discrimination	2105-AA45
38	Policy Statement on Airline Preemption	2105-AA46
39	Indirect Air Carriers-Group Contractor Exemptions	2105-AA48
40	Alignment of Airline Uniform System of Accounts and Reports with Generally Accepted Accounting Principles	2105-AA52
41	Revise Definition of Airline Revenue and Nonrevenue Passengers	2105-AA53
42	Reduce Air Carrier Service Segment Data Reports	2105-AA56
43	Revising the Definition of Commuter Air Carrier	2105-AA60
44	Requests for Confidential Treatment of Aviation Economics- Related Materials Filed with DOT	2105-AA62
45	Navigation of Foreign Civil Aircraft	2105-AA65
46	Overseas Military Personnel Air Charter Tariffs	2105-AA67
47	Joint Tariff Filing by Foreign Air Freight Forwarders	2105-AA69
48	Unfair and Deceptive Practices by Airline Ticket Agents	2105-AA70
49	Streamline Airline Passenger Origin-Destination Survey Reporting	2105-AA71
50	Smoking Aboard Aircraft; Notice to Passengers	2105-AA72
51	Direct Flights	2105-AA73
52	Require Specific Categories of Records and Retention Periods for Commuter Air Carriers Receiving Subsidy	2105-AA76
53	Implementation of Statute Requiring Interest on Subsidy Claims	2105-AA77
54	Diversion of Flights Within a Metropolitan Area	2105-AA78
55	Guidelines for Allocating Costs for Air Carriers Providing "Hold-In" Service Under Section 419	2105-AA80
56	Simplified Aviation Exemption Procedures	2105-AA82
57	Filing Requirements for International Air Cargo Tariffs	2105-AA83
58	Baggage Liability Notices in International Air Transportation	2105-AA84
59	Essential Air Service Subsidy for the Freely Associated States	2105-AA86
60	Currency-Related Adjustments for International Air Cargo Rates	2105-AA87
61	Simplified Airline Countersign Notices	2105-AA88
62	Policy Statement on Standard Foreign Fare Level for Air Carriers	2105-AA89
63	Employment Discrimination Against Handicapped Persons by Air Carriers	2105-AA92
64	Confidentiality of Parts 241 and 298 Airline Reports	2105-AA95
65	Cargo Rate Changes on 30 Days Notice	2105-AA99
66	Establishment of New Class Service Mail Rate for Bush Operations Within Alaska	2105-AB01

Office of the Secretary—Priority Reviews—Existing Regulations Under Review

Sequence Number	Title	Regulation Identifier Number
67	*Comprehensive Review of CAB Consumer Rules	2105-AB03

*Indicates priority regulation.

Office of the Secretary—Priority Rulemakings: Non-Major—Completed Actions

Sequence Number	Title	Regulation Identifier Number
68	*Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970	2105-AA16
69	*Conversion of CAB Procedural Rules to DOT Rules	2105-AA19

*Indicates priority regulation.

DOT

Office of the Secretary—Other Rulemakings—Completed Actions

Sequence Number	Title	Regulation Identifier Number
70	Assignment of Certain Aviation Economic Functions	2105-AA21
71	Transfer of CAB Functions - Delegations to Secretarial Officers	2105-AA22

Office of the Secretary—Civil Aeronautics Board—Completed Actions

Sequence Number	Title	Regulation Identifier Number
72	Essential Air Service Subsidy Guidelines	2105-AA35
73	Obligation of Carriers to Provide Adequate Service at Eligible Points	2105-AA36
74	Elimination of Mandatory Joint Fares	2105-AA37
75	Hawaiian Joint Fares	2105-AA38
76	Consumer Protections for Members of Scheduled-Service Tour Groups	2105-AA43
77	Modification or Withdrawal of Exemption to Foreign Air Carriers to Carry Travel Agents or Other Travel Promoters Free or at Reduced Rates	2105-AA50
78	On-Time Arrival Standards for Airlines	2105-AA51
79	Reduce Reporting Requirements of the Air Carrier Uniform System of Accounts and Reports	2105-AA54
80	*Large Aircraft Certificated Carriers: Change the Applicability of Form 41	2105-AA55
81	Exemptions from Reporting Airline Stock Ownership	2105-AA57
82	Revision of Stock Ownership Reports by Affiliates of Air Carriers	2105-AA58
83	Alaskan Air Service Subcontract Agreements	2105-AA59
84	Small Aircraft Certificated Air Carriers: Amend Applicability of Part 298 and Revise Reporting on CAB Form 298 C	2105-AA61
85	Air Service Terminations in Foreign Markets	2105-AA63
86	Employee Responsibilities and Conduct	2105-AA64
87	Reconsideration of the 1-Hour Exemption for Denied Boarding Compensation	2105-AA74
88	Price Advertising	2105-AA75
89	Removal of Policy Statement on Standard Conditions in Foreign Air Carrier Permits	2105-AA79
90	Nondiscrimination on the Basis of Handicap by the Board	2105-AA81
91	Disclosure of CRS-Generated Data, Display Criteria and Loading Formats	2105-AA91
92	Nine Point Connection Rule	2105-AA93
93	Placement of International Airline Baggage Liability Notices	2105-AA94
94	Denied Boarding Compensation for Change in Class of Service	2105-AA96
95	Payment of Denied Aircraft Boarding Compensation by Vouchers	2105-AA97

*Indicates priority regulation.

U.S. Coast Guard—Priority Rulemakings: Major—Current and Projected Rulemakings

Sequence Number	Title	Regulation Identifier Number
96	*Damage Stability and Flooding Protection Standards for Great Lakes Bulk Dry Cargo Vessels (80-159)	2115-AA01
97	*Segregated Ballast, Dedicated Clean Ballast, and Crude Oil Washing on Existing Tank Vessels of 20,000 to 40,000 Deadweight Tons (82-028)	2115-AA05
98	*Shipping Fairway System off the Coast of California (83-032)	2115-AB29

*Indicates priority regulation.

U.S. Coast Guard—Priority Rulemakings: Non-Major—Current and Projected Rulemakings

Sequence Number	Title	Regulation Identifier Number
99	*Review: Licensing of Pilots; Manning of Vessels--Pilots (77-084)	2115-AA04
100	*Review: Qualifications of the Person in Charge of Oil Transfer Operations, Tankerman Requirements (79-116)	2115-AA03
101	*Licensing of Officers and Motorboat Operators and Registration of Staff Officers (81-059)	2115-AA64
102	*Intervals for Drydocking and Tailshaft Examination on Inspected Vessels (84-024)	2115-AB58
103	*Safety Rules for Vessels Engaged in Chemical Waste Incineration at Sea (84-025)	2115-AB60

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U.S. Coast Guard—Priority Rulemakings: Non-Major—Current and Projected Rulemakings—Continued

Sequence Number	Title	Regulation Identifier Number
104	*User Fees for Coast Guard Services (84-026)	2115-AB73
105	*Licensing of Pilots-Manning of Vessels-Pilots (84-060)	2115-AB67

*Indicates priority regulation.

U.S. Coast Guard—Other Rulemakings—Current and Projected Rulemakings

Sequence Number	Title	Regulation Identifier Number
106	VTS Houston-Galveston, TX (74-029)	2115-AA07
107	Review: Fixed Fire Extinguishing Systems on Uninspected Vessels (74-284)	2115-AA08
108	Review: Stability Standards for Hopper Dredges (76-080)	2115-AA11
109	Review: Construction and Equipment, Existing Self-Propelled Vessels Carrying Bulk Liquefied Gases (77-069)	2115-AA00
110	Requirement for First Purchaser List Kept by Boat Dealers (77-115)	2115-AA16
111	Review: Miscellaneous Changes to 46 CFR 56 (77-140)	2115-AA17
112	Lifesaving Systems for Great Lakes Vessels (77-202)	2115-AA19
113	Reception Facilities (78-035)	2115-AA21
114	Liquefied Natural Gas Waterfront Facility (78-038)	2115-AA22
115	Review: Private Aids to Navigation and State Aids to Navigation (78-157)	2115-AA27
116	Review: Aids to Navigation - General Interference with, Damages to and Charges for Aids to Navigation (78-159)	2115-AA28
117	Approval of Inflatable Personal Flotation Devices (PFDs) (78-174)	2115-AA29
118	Crane Operator Qualifications and Standards for Offshore Crane Design Inspection, Testing and Operation (79-059)	2115-AA34
119	Workplace Safety and Health Requirements for Facilities on the Outer Continental Shelf (79-077)	2115-AA35
120	Vessel Personnel Licensing and Certification Standards of Foreign Countries (79-081)	2115-AA36
121	Joint U.S.-Canada Vessel Traffic Management regulations for the Pacific region (79-131)	2115-AA39
122	Deepwater Port Liability Fund Requirements (79-158)	2115-AA41
123	Modification to Line Throwing Device Requirements (79-160)	2115-AA42
124	Launching Devices for Liferafts (79-168)	2115-AA45
125	Inflatable Liferaft Stability (80-113)	2115-AA50
126	Maneuvering Performance Regulations (80-136)	2115-AA53
127	Servicing Inflatable Liferafts (81-010)	2115-AA57
128	Personal Flotation Devices (81-023)	2115-AA58
129	Automated Main and Auxiliary Machinery (81-030)	2115-AA59
130	Safety Rules for Self-propelled Vessels Carrying Hazardous Liquids and Bulk Liquefied Gases (81-052)	2115-AA62
131	General Bridge Permit Regulations (81-057)	2115-AA61
132	Relocation of Boundary Lines (81-058)	2115-AA63
133	Update of 46 CFR part 153 (81-078)	2115-AA66
134	Acceptance of ASME Boilers with ASME S, E, A, and H stamps (81-079)	2115-AA67
135	Shipping Safety Fairway Amendments, Gulf of Mexico (81-080)	2115-AB57
136	General Revision of 46 CFR 151, Barges Carrying Certain Bulk Dangerous Cargoes (81-082)	2115-AA70
137	Tank Vessels Carrying Noxious Liquid Substances in Bulk; Pollution Prevention and Control, Equipment and Operational Requirements (81-101)	2115-AA73
		2115-AA74
138	Fairways on the Southern Coast of Alaska (81-103)	2115-AA75
139	Fees for Numbering of Undocumented Vessels (82-001)	2115-AA76
140	Suspension and Revocation Proceedings (82-002)	2115-AA77
141	OSV Subchapter (82-004)	2115-AA78
142	Subchapter "D" & "O" Barges - Internal Inspections (82-005)	2115-AA82
143	Casualty Reporting Requirements for Recreational Boats (82-015)	2115-AA88
144	Rewrite of 33 CFR Part 157 (82-030)	2115-AA91
145	Hand Held Flashlights, Independent Inspection Agencies (82-042)	2115-AA92
146	Aids to Navigation on Outer Continental Shelf (82-054)	2115-AA94
147	Natural Ventilation Regulations for Small Boats (82-056)	2115-AA95
148	Update Bulk Liquefied Gas Tanker Requirements (82-058)	2115-AB30
149	Casualty Reporting Requirements (82-069)	2115-AB18
150	Visual Distress Signals-Strobe Lights (82-084)	2115-AB21
151	Nautical Schools: Implementing the Maritime Educational Training Act of 1980 (82-092)	2115-AB2.
152	Documentation of Vessels; Controlling Interest (82-105)	2115-AB3?
153	Sailing School Vessel Regulations (83-005)	2115-AB33
154	Revocation of Military Explosives Regulations (83-006)	
155	Carriage and Use of Liquefied or Non-liquefied Flammable Gas as Cooking Fuels on Vessels Carrying Passengers for Hire (83-013)	2115-AB35

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U.S. Coast Guard—Other Rulemakings—Current and Projected Rulemakings—Continued

Sequence Number	Title	Regulation Identifier Number
156	Reassessment of Coast Guard Fire Protection Regulations to Incorporate SOLAS 1974 (83-026)	2115-AB36
157	Extend Applicability of Certain Western Rivers Provisions of the Inland Navigation Rules to Other Waters (83-028)	2115-AB37
158	Independent Laboratory Inspection of Lifesaving Equipment (83-030)	2115-AB38
159	Reassessment of Coast Guard Marine Engineering Regulations – Incorporation of SOLAS 74 Amendments (83-043)	2115-AB41
160	Requirement for Federal Pilots on Foreign Trade Vessels Where a Pilot is not Required by State Law; State of Maine (83-044)	2115-AB48
161	Compatibility of Cargoes (83-047)	2115-AB49
162	Revisions to the Advance Notice of Arrival and Departure Regulations (83-048)	2115-AB50
163	Editorial Changes to Title 46 CFR Resulting from P.L. 98-89 (83-067)	2115-AB54
164	Simplified Admeasurement (83-070)	2115-AB51
165	Requirements for Mobile Offshore Drilling Units (83-071)	2115-AB56
166	Amendments to Bridge Lighting Requirements (84-022)	2115-AB62
167	Documentation of Vessels, Hailing Port Markings (84-027)	2115-AB64
168	Cargoes of Particular Hazard (84-039)	2115-AB63
169	Marine Portable Tanks (84-043)	2115-AB69
170	Ships' Stores and Supplies of Hazardous Materials (84-044)	2115-AB65
171	Oil-Water Interface Detectors (CGD 84-052)	2115-AB66
172	River Service Dry Cargo Barges; Load Line Regulations (84-058)	2115-AB71
173	Personal Flotation Device Components (84-068)	2115-AB70
174	Lifesaving Equipment--Implementation of 1983 Amendments to SOLAS 1974 (84-069)	2115-AB72
175	Accommodations, Rails and Guards (84-073)	2115-AB68

U.S. Coast Guard—Other Rulemakings: Routine and Frequent—Current and Projected Rulemakings

Sequence Number	Title	Regulation Identifier Number
176	Safety/Security Zone Regulations	2115-AA97
177	Anchorage Area Regulations	2115-AA98
178	Drawbridge Regulations	2115-AA99

U.S. Coast Guard—Priority Reviews—Existing Regulations Under Review

Sequence Number	Title	Regulation Identifier Number
179	*Vessel Reporting Requirements	2115-AB28

*Indicates priority regulation.

U.S. Coast Guard—Other Reviews—Existing Regulations Under Review

Sequence Number	Title	Regulation Identifier Number
180	Regulatory Flexibility Act Reviews	2115-AB01
181	Equipment for Lifeboats, Life Rafts, Lifefloats, and Buoyant Apparatus for Passenger Vessels	2115-AB42
182	Oceanographic Research Vessels, Handling, Use and Control of Explosives and Other Dangerous Articles: Magazines	2115-AB43
183	Annual Inspections, Passenger Vessels	2115-AB44
184	Logbook Entries, Cargo Vessels	2115-AB45
185	General Lifesaving Requirements, Tank Vessels	2115-AB46
186	Special Operating Requirements, Uninspected Vessels	2115-AB47

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U.S. Coast Guard—Other Rulemakings—Completed Actions

Sequence Number	Title	Regulation Identifier Number
187	Valve Inspection for Thermal Fluid Heaters (80-064)	2115-AA49
188	Numbering System Requirements (82-076)	2115-AB17
189	Shipboard Navigational Equipment (83-004)	2115-AB31
190	Miscellaneous Amendments to Recreational Boating Standards (83-012)	2115-AB34
191	Emergency Position Indicating Radiobeacons (EPIRB) (80-024)	2115-AA48
192	Material Standards for Fixed Structures (83-035)	2115-AB40
193	Redocumentation of Vessels Sold at Sea (83-066)	2115-AB52

Federal Aviation Administration—Priority Rulemakings: Non-Major—Current and Projected Rulemakings

Sequence Number	Title	Regulation Identifier Number
194	*Parts Manufacturer Approvals	2120-AA00
195	*Airborne Low-Level Wind Shear Equipment Requirements	2120-AA01
196	*Review: Update of Part 139	2120-AA10
197	*Use of Alcohol or Drugs	2120-AA16
198	*Aircraft Owners and Pilot Association - Duration of Airman Medical Certificates	2120-AA41
199	*Certification: Student Recreational, Recreational, Student Other Than Recreational and Private Pilots	2120-AA54
200	*Amend Part 23 to Include Requirements for Crash-Resistant Fuel Systems	2120-AA57
201	*High Density Airport Traffic Rule	2120-AA72
202	*Airplane Cabin Fire Protection	2120-AA87
203	*Metropolitan Washington Airports Policy	2120-AA89
204	*Expansion of CVR/FDR Equipment Requirements on U.S. Aircraft	2120-AA95
205	*Mode S Transponder	2120-AB03
206	*Improved Criteria for Seat Safety Standards	2120-AB21
207	*Airplane Cabin Fire Protection	2120-AB22
208	*Civil Helicopter Noise Certification	2120-AB33
209	*Improved Flammability Standards for Materials Used in the Interiors of Transport Category Airplane Cabins	2120-AB34
210	*Slot Transfer Methods	2120-AB37
211	*Slot Allocation Alternative Methods	2120-AB38
212	*Proposed Department of Energy Prohibited Areas	2120-AB39
213	*Aviation Consumer Action Project Public Citizen Health Research Group, Petition to Amend Part 121 - Medical Equipment Requirements	2120-AB40
214	*Anti-Misting Kerosene	2120-AB41
215	*Elimination of Airport Delays	2120-AB42
216	*Shoulder Harnesses in Normal, Utility, and Acrobatic Category Airplanes	2120-AB43
217	*Proposed Revision to Noise Certification Standards for Propeller Driven Small Airplanes	2120-AB47
218	*Charges for Use of Metropolitan Washington Airports	2120-AB48
219	*Proposed Limits on the Growth of Noise from Certain Airplanes and Airplane Types	2120-AB50

*Indicates priority regulation.

Federal Aviation Administration—Other Rulemakings—Current and Projected Rulemakings

Sequence Number	Title	Regulation Identifier Number
220	Review: Part 91 Notice	2120-AA07
221	Review: Part 91 Review Lost Communications	2120-AA08
222	Review: Objects Affecting Navigable Airspace	2120-AA09
223	Pilot Oxygen Mask Requirements	2120-AA11
224	Review: Metropolitan Washington Airports Regulations	2120-AA12
225	Review: Revision of Part 91	2120-AA13
226	Recording of Aircraft Titles and Security Documents - Notice of Lien	2120-AA14
227	Cessna Finance Petition	2120-AA15
228	Inoperative Instruments or Equipment	2120-AA19
229	Parachute Jumping, Notice and Authorization Requirements	2120-AA21
230	Terminal Control Area (TCA) New York (Modification)	2120-AA24
231	Terminal Control Area (TCA) Las Vegas (Modification)	2120-AA25

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Federal Aviation Administration—Other Rulemakings—Current and Projected Rulemakings—Continued

Sequence Number	Title	Regulation Identifier Number
232	Flight Operations Control Systems	2120-AA26
233	Review: Rotorcraft Regulatory Review Program Notice No. 3	2120-AA28
234	Review: Rotorcraft Regulatory Review Program Notice No. 4	2120-AA29
235	Review: Rotorcraft Review Notice No. 5-Operations and Maintenance	2120-AA30
236	Temporary Flight Restrictions	2120-AA34
237	Foreign Air Carriers and Operators of Certain Large U.S.- Registered Airplanes	2120-AA42
238	Standards for Approval of an Automatic Takeoff Thrust Control System	2120-AA46
239	Special Review: Transport Category Airplane Airworthiness Standards	2120-AA47
240	Flight After Structural Failure	2120-AA48
241	Implementation of SAFER Propulsion System Recommendations	2120-AA49
242	FY-1982 Miscellaneous Amendments	2120-AA50
243	Proposed Minimum Aeronautical Experience Requirements - Instrument Rating	2120-AA52
244	Amend Part 23 to Include Empennage Fatigue Requirements	2120-AA58
245	Regulation of Motor Vehicles Carrying Passengers for Hire at Washington National Airport	2120-AA62
246	Airport Improvement Program	2120-AA73
247	Noise Standards: Aircraft Type and Airworthiness Certification	2120-AA74
248	Revise Part 23 to Include Commuter Category Airplanes	2120-AA77
249	SFAR 38-1--Certification and Operating Requirements	2120-AA78
250	Accelerated Ground Training - Flight Engineers' Skill Requirements	2120-AA79
251	Instrument Flight Rule Requirements	2120-AA82
252	Airplane Simulator Use in Airman Certification	2120-AA83
253	Transport Rotorcraft Structural Fatigue and Damage Tolerance	2120-AA84
254	Fire Protection Requirements for Cargo or Baggage Compartments	2120-AA90
255	FAR 23.49(b) Stall Speeds for Single Engine and Multiengine Airplanes of 6,000 lbs. or less	2120-AA92
256	Use of X-Ray Systems	2120-AA96
257	Mechanical Reliability Reports	2120-AA97
258	Amendment of Sections 91.171, 91.172, and Appendices E and F of Part 43	2120-AA98
259	Renewal of Inspection Authorization	2120-AA99
260	National Airspace Review (NAR) Terminal Airspace Task Group Recommendations	2120-AB02
261	General Aviation Safety Panel's Recommendations on Weather Minimums	2120-AB04
262	Fatigue Limit Test (Propellers)	2120-AB05
263	Electronic Fuel Controls	2120-AB06
264	Turbo Prop Engine Propeller Brake Proposals	2120-AB07
265	Flight Time, Duty Time and Rest Requirements	2120-AB08
266	Standards for Approval of A Reduced V1 Methodology for Takeoff on Wet Runways and Flight Path Requirements for Engine Loss During Takeoff	2120-AB17
267	Standards for Approval for High Altitude Operation of Subsonic Airplanes	2120-AB18
268	Subpart F -- Equipment Airworthiness Regulations	2120-AB19
269	Appendix G, Continuous Turbulence Criteria	2120-AB20
270	Review of FAR 33.87(a)(7)	2120-AB24
271	Advanced V/Stol Rotorcraft Standards	2120-AB25
272	Rebuilt Engine Maintenance Records	2120-AB29
273	Protective Breathing Equipment	2120-AB32
274	Occupant Protection/Restraint Standards for Parts 27 and 29 Rotorcraft	2120-AB35
275	Transport Rotorcraft Performance	2120-AB36
276	Type Certification Procedures - Special Categories of Aircraft	2120-AB44
277	Enforcement of Passenger Information Regulations	2120-AB45
278	Low Fuel Quantity Indicators	2120-AB46
279	Dealer's Aircraft Registration Certificate	2120-AB49

Federal Aviation Administration—Other Rulemakings: Routine and Frequent—Current and Projected Rulemakings

Sequence Number	Title	Regulation Identifier Number
280	Part 95 Instrument Flight Rules	2120-AA63
281	Airworthiness Directives	2120-AA64
282	Standard Instrument Approach Procedures	2120-AA65
283	Airspace Actions	2120-AA66

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Federal Aviation Administration—Priority Reviews—Existing Regulations Under Review

Sequence Number	Title	Regulation Identifier Number
284	*Airmen Medical Standards	2120-AA70

*Indicates priority regulation.

Federal Aviation Administration—Other Reviews—Existing Regulations Under Review

Sequence Number	Title	Regulation Identifier Number
285	Terminal Control Areas (TCA's): Phoenix	2120-AA22
286	FAR 23 Airworthiness Review	2120-AA75
287	Part 21--Certification Procedures for Products and Parts	2120-AB09
288	Part 61--Certification: Pilots and Flight Instructors	2120-AB12
289	Part 67--Medical Standards and Certification	2120-AB13
290	Part 141--Pilot Schools	2120-AB14
291	Part 121 -- Certification and Operations: Domestic, Flag, and Supplemental Air Carriers and Commercial Operators of Large Aircraft	2120-AB27
292	Part 135 -- Air Taxi Operators and Commercial Operators	2120-AB28

Federal Aviation Administration—Priority Rulemakings: Non-Major—Completed Actions

Sequence Number	Title	Regulation Identifier Number
293	*Airport Noise Compatibility Planning	2120-AA03
294	*Floor Proximity Emergency Escape Path Marking	2120-AA86
295	*Flammability Requirement for Aircraft Seat Cushions	2120-AA88
296	*Improved Cabin Materials -- FAR 25.853	2120-AB23

*Indicates priority regulation.

Federal Aviation Administration—Other Rulemakings—Completed Actions

Sequence Number	Title	Regulation Identifier Number
297	Review: Rotorcraft Regulatory Review Program Amendment No. 2	2120-AA27
298	Primary Category Aircraft	2120-AA51
299	All-Engine Flight Path	2120-AB16
300	Market Survey Experimental Certificates for Aircraft Modifiers	2120-AB30

Federal Aviation Administration—Other Reviews—Completed Actions

Sequence Number	Title	Regulation Identifier Number
301	Maintenance, Preventive Maintenance, Rebuilding, and Alteration	2120-AB10
302	Part 45--Identification and Registration Marking	2120-AB11

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Federal Highway Administration—Priority Rulemakings: Major—Current and Projected Rulemakings

Sequence Number	Title	Regulation Identifier Number
303	*Splash/Spray Suppressant Devices on Truck Tractors, Semitrailers and Trailers	2125-AA84

*Indicates priority regulation.

Federal Highway Administration—Priority Rulemakings: Major—Completed Actions

Sequence Number	Title	Regulation Identifier Number
304	*Driver's Record of Duty Status	2125-AB22

*Indicates priority regulation.

Federal Highway Administration—Priority Rulemakings: Non-Major—Current and Projected Rulemakings

Sequence Number	Title	Regulation Identifier Number
305	*Review: Design Standards for Highways	2125-AA15
306	*Truck Size and Weight; Interpretation and Policy Statement; Proposed Rulemaking	2125-AB28
307	*Federal Motor Carrier Safety Regulations	2125-AB35
308	*Review: Outdoor Advertising Control and Acquisition	2125-AA04
309	*Review: Environmental Impact and Related Procedures	2125-AA05
310	*Air Quality Procedures for Use in Federal-Aid Highway and Federally Funded Transit Programs	2125-AB10

*Indicates priority regulation.

Federal Highway Administration—Other Rulemakings—Current and Projected Rulemakings

Sequence Number	Title	Regulation Identifier Number
311	Review: Civil Rights Requirements	2125-AA08
312	State Highway Agency Construction Contract Equal Opportunity Compliance Review Program Requirements	2125-AB08
313	Review: Contract Procedures	2125-AA18
314	Review: General Materials Requirements	2125-AA19
315	Review: Accommodation of Utilities	2125-AA20
316	Review: Utility Relocation, Adjustments and Reimbursement	2125-AA21
317	Emergency Relief	2125-AA50
318	Acceleration of Projects	2125-AA87
319	Pavement Design Policy	2125-AA88
320	Skid Accident Reduction Program	2125-AA90
321	Participation in Contract Claim Awards and Settlements	2125-AB02
322	Highway Construction or Alteration Necessitated by Construction of Water Resources Development Projects	2125-AB04
323	Erosion and Sediment Control on Highway Construction Projects	2125-AB05
324	Navigational Clearances for Bridges	2125-AB07
325	Equal Employment Opportunity on Federal and Federal-Aid Construction Contracts (Including Supportive Services); Report Requirements	2125-AB15
326	Federal-Aid Program Approval and Project Authorization	2125-AB18
327	Supportive Services for Disadvantaged and Women Business Enterprises	2125-AB19
328	Required Contract Provisions	2125-AB20
329	Contract Procedures; Advertising For Bids; Noncollusion Affidavit	2125-AB21
330	Public Lands Highways	2125-AB23
331	Railroad-Highway Projects	2125-AB25
332	Truck Size and Weight: Revisions	2125-AB26
333	Equal Employment Opportunity on Federal and Federal-aid Construction Contracts (Including Supportive Services)	2125-AB27
334	Samples and Testing of Materials and Construction	2125-AB31
335	Labor and Employment	2125-AB37
336	Ambient Temperature in Heavy Duty Truck Cabs	2125-AA26

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Federal Highway Administration—Other Rulemakings—Current and Projected Rulemakings—Continued

Sequence Number	Title	Regulation Identifier Number
337	Review: Compliance with Motor Carrier Noise Standards	2125-AA27
338	Written Examination	2125-AA33
339	Retail Fertilizer Distribution Exemption	2125-AA34
340	Review: Notification, Reporting and Recording of Accidents	2125-AA35
341	Railroad Grade Crossings	2125-AA36
342	Review: Disqualification of Drivers (Traffic Records)	2125-AA79
343	Citizen Band Radios on Buses	2125-AB33
344	Parts and Accessories Necessary for Safe Operation and Inspection, Repair, and Maintenance	2125-AB34
345	Transfer of Federal-Aid Highway Funds	2125-AA64
346	Federal-Aid Highway Programs: State Internal Audit Responsibilities	2125-AB29
347	Administration of Negotiated Contracts	2125-AB30
348	Review: Highway Planning Program Administration	2125-AA10
349	Use and Disposition of Property Previously Acquired By States For Withdrawn Interstate Segments	2125-AA11
350	Review: Coordination of Federal and Federally Assisted Programs and Projects	2125-AA12
351	Mass Transit and Special Use Highway Projects	2125-AB01
352	Certification of Enforcement of Heavy Vehicle Use Tax	2125-AB36
353	Review: The Acquisition Function	2125-AA23
354	Review: Relocation Assistance	2125-AA81
355	Public Hearings and Location Design Approval	2125-AB09
356	Highway Beautification: Outdoor Advertising: Technical Amendment	2125-AB32

Federal Highway Administration—Other Rulemakings: Routine and Frequent—Current and Projected Rulemakings

Sequence Number	Title	Regulation Identifier Number
357	Manual on Uniform Traffic Control Devices	2125-AA37
358	Relocation Assistance-Moving Payments-Moving Expense Schedules	2125-AA38

Federal Highway Administration—Other Reviews—Existing Regulations Under Review

Sequence Number	Title	Regulation Identifier Number
359	Rear End Underride Protection	2125-AA58

Federal Highway Administration—Priority Rulemakings: Non-Major—Completed Actions

Sequence Number	Title	Regulation Identifier Number
360	*Employee Safety and Health Standards	2125-AA06

*Indicates priority regulation.

Federal Highway Administration—Other Rulemakings—Completed Actions

Sequence Number	Title	Regulation Identifier Number
361	Forest Highways	2125-AB03
362	Toxic Gases in Truck Cabs	2125-AA25
363	Review: Disqualifying Offenses, Drugs	2125-AA31
364	Reimbursement; State Highway Agency Audit Expense	2125-AA63

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Federal Highway Administration—Other Rulemakings—Completed Actions—Continued

Sequence Number	Title	Regulation Identifier Number
365	Transfers of Allocated Urban Funds	2125-AA65
366	Minimum Levels of Financial Responsibility for Motor Carriers of Passengers	2125-AB24

Federal Highway Administration—Other Reviews—Completed Actions

Sequence Number	Title	Regulation Identifier Number
367	Motorist Aid Systems	2125-AA48

National Highway Traffic Safety Administration—Priority Rulemakings: Major—Current and Projected Rulemakings

Sequence Number	Title	Regulation Identifier Number
368	*Heavy Duty Vehicle Brake Systems (Formerly Truck and Trailer Brake Systems)	2127-AA00
369	*Occupant Crash Protection - Test procedures and other issues	2127-AB20
370	*Post-1985 Passenger Car Fuel Economy Standards	2127-AB32
371	*MY 1987 Light Truck Fuel Economy Standards	2127-AB33
372	*Crashworthiness Ratings	2127-AA03

*Indicates priority regulation.

National Highway Traffic Safety Administration—Priority Rulemakings: Major—Completed Actions

Sequence Number	Title	Regulation Identifier Number
373	*MY 1985-1986 Light Truck Fuel Economy Standards	2127-AA75
374	*MY 1984-1985 Light Truck Average Fuel Economy Standards	2127-AB22

*Indicates priority regulation.

National Highway Traffic Safety Administration—Priority Rulemakings: Non-Major—Current and Projected Rulemakings

Sequence Number	Title	Regulation Identifier Number
375	*National Minimum Drinking Age	2127-AB30
376	*Heavy Trailer Stability	2127-AB42
377	*Child Restraint Tether Anchorages	2127-AA39
378	*National Driver Register	2127-AA98
379	*Theft Prevention Standard	2127-AB31
380	*Splash and Spray Suppression Devices	2127-AA97
381	*Uniform Tire Quality Grading Standards - Treadwear Amendments	2127-AB21

*Indicates priority regulation.

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National Highway Traffic Safety Administration—Other Rulemakings—Current and Projected Rulemakings

Sequence Number	Title	Regulation Identifier Number
382	Truck Rear Underride Protection	2127-AA43
383	Flammability of School Bus Interior Materials	2127-AA44
384	Pedestrian Protection	2127-AA45
385	Seating Reference Point/Motor Vehicle Driver's Eye Range	2127-AA46
386	Controls and Displays	2127-AA06
387	Windshield Defoggers	2127-AA91
388	Brake Systems	2127-AA13
389	Hydraulic and Air Brake Systems	2127-AA92
390	Hydraulic Brake Systems	2127-AA94
391	Brake Hoses	2127-AA90
392	Commercial Vehicle Conspicuity	2127-AA12
393	Lamps, Reflective Devices, and Associated Equipment	2127-AA16
394	Lamps, Reflective Devices, and Associated Equipment	2127-AA17
395	Lamps, Reflective Devices, and Associated Equipment	2127-AA18
396	Lamps, Reflective Devices, and Associated Equipment	2127-AA19
397	Lamps, Reflective Devices, and Associated Equipment	2127-AA77
398	Lamps, Reflective Devices, and Associated Equipment	2127-AB35
399	Lamps, Reflective Devices and Associated Equipment	2127-AB37
400	Lamps, Reflective Devices and Associated Equipment	2127-AB39
401	Lamps, Reflective Devices and Associated Equipment	2127-AB40
402	Rear View Mirror Systems	2127-AA21
403	Rear View Mirror Systems	2127-AA23
404	Rear View Mirrors	2127-AA88
405	Referee Brake Fluids	2127-AB09
406	Air Brake Systems	2127-AA27
407	New Pneumatic Tires for Motor Vehicles Other Than Passenger Cars and Tire Identification and Recordkeeping	2127-AB34
408	Steering Control Rearward Displacement	2127-AA32
409	Door Locks and Door Retention Components	2127-AB13
410	Seat Belt Assemblies	2127-AA35
411	Occupant Crash Protection - Response to Petitions for Reconsideration	2127-AB45
412	Seat Belt Assembly Anchorages	2127-AA95
413	Child Seating Systems	2127-AA80
414	Child Restraint Systems	2127-AB41
415	Motorcycle Helmets	2127-AA40
416	Tire Identification and Recordkeeping	2127-AB36
417	Air Brake Systems	2127-AB12
418	Highway Safety Standards	2127-AA96
419	Incentive Grant Criteria for Alcohol Traffic Safety Programs--Amendment	2127-AB23
420	Vehicle Classification - Compact Vans/Station Wagons	2127-AA57
421	Anthropomorphic Test Dummies	2127-AA48
422	Defect and Noncompliance Reports	2127-AB44
423	Consumer Information--Stopping Distance	2127-AA50
424	Consumer Information - Wet Stopping Distance	2127-AA56

National Highway Traffic Safety Administration—Priority Reviews—Existing Regulations Under Review

Sequence Number	Title	Regulation Identifier Number
425	*Lamps, Reflective Devices, and Associated Equipment	2127-AA60
426	*Head Restraints	2127-AA58
427	*Side Door Strength	2127-AA59
428	*Federal Motor Vehicle Safety Standard No. 301 - Fuel System Integrity	2127-AB43

*Indicates priority regulation.

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National Highway Traffic Safety Administration—Other Reviews—Existing Regulations Under Review

Sequence Number	Title	Regulation Identifier Number
429	Occupant Protection In Interior Impact	2127-AB16
430	Windshield Glazing Materials	2127-AA73
431	Seating Systems	2127-AA69
432	Windshield Mounting	2127-AA74
433	Child Seating Systems	2127-AA70
434	School Bus Seating System	2127-AA65
435	Highway Safety Programs; Assessment and Status	2127-AB19
436	Voluntary Tire Registration	2127-AB18
437	Uniform Tire Quality Grading	2127-AA52

National Highway Traffic Safety Administration—Priority Rulemakings: Non-Major—Completed Actions

Sequence Number	Title	Regulation Identifier Number
438	*Child Seating Systems	2127-AB08

*Indicates priority regulation.

National Highway Traffic Safety Administration—Other Rulemakings—Completed Actions

Sequence Number	Title	Regulation Identifier Number
439	Controls & Displays	2127-AA05
440	Brake Hoses	2127-AA09
441	Lamps, Reflective Devices, and Associated Equipment	2127-AA79
442	Lamps, Reflective Devices, and Associated Equipment	2127-AB10
443	Lamps, Reflective Devices, and Associated Equipment	2127-AB11
444	Motorcycle Controls	2127-AA28
445	Motorcycle Controls and Displays	2127-AA29
446	Seat Belt Assemblies	2127-AA37
447	Evidential Breath Testing Devices	2127-AA99
448	Calibrating Devices for Evidential Breath Testing Devices	2127-AB00

National Highway Traffic Safety Administration—Priority Reviews—Completed Actions

Sequence Number	Title	Regulation Identifier Number
449	*Hydraulic Brake Systems	2127-AA62
450	*Fuel System Integrity	2127-AA61

*Indicates priority regulation.

Federal Railroad Administration—Priority Rulemakings: Non-Major—Current and Projected Rulemakings

Sequence Number	Title	Regulation Identifier Number
451	*Alcohol and Drugs	2130-AA18

*Indicates priority regulation.

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Federal Railroad Administration—Other Rulemakings—Current and Projected Rulemakings

Sequence Number	Title	Regulation Identifier Number
452	Safety Standards for Cabooses	2130-AA01
453	Amendments to Regulations Implementing Section 905 of the 4R Act	2130-AA04
454	Special Safety Inquiry	2130-AA06
455	Rules of Practice	2130-AA07
456	Special Safety Inquiry; Rail Passenger Equipment	2130-AA25
457	Special Safety Inquiry; Rail-Highway Grade Crossing Safety	2130-AA27
458	Special Safety Inquiry; Railroad Power Brakes	2130-AA28
459	Railroad Locomotive Safety Standards	2130-AA29
460	Railroad Operating Rules	2130-AA30
461	Freight Car Safety Standards	2130-AA31
462	Review of Locomotive Cab Safety	2130-AA32
463	Review of Radio Communication	2130-AA34

Federal Railroad Administration—Other Reviews—Existing Regulations Under Review

Sequence Number	Title	Regulation Identifier Number
464	Regulatory Flexibility Act Reviews	2130-AA10

Federal Railroad Administration—Other Rulemakings—Completed Actions

Sequence Number	Title	Regulation Identifier Number
465	Adjustment of Monetary Threshold For Reporting Accidents/Incidents	2130-AA33

Urban Mass Transportation Administration—Priority Rulemakings: Major—Current and Projected Rulemakings

Sequence Number	Title	Regulation Identifier Number
466	*"Buy America" Requirements of the Surface Transportation Assistance Act of 1982	2132-AA15

*Indicates priority regulation.

Urban Mass Transportation Administration—Priority Rulemakings: Non-Major—Current and Projected Rulemakings

Sequence Number	Title	Regulation Identifier Number
467	*Implementation of Section 19 of the Urban Mass Transportation Acts of 1964 -- Nondiscrimination	2132-AA01
468	*Environmental Impact and Related Procedures	2132-AA03
469	*Charter Bus Regulations	2132-AA04
470	*Air Quality Procedures for Use in Federal-Aid Highway and Federally Funded Transit Programs	2132-AA19
471	*Major Capital Investment Projects	2132-AA22
472	*Extension of Safety Requirements to all Federally Assisted Buses	2132-AA24

*Indicates priority regulation.

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Urban Mass Transportation Administration—Other Rulemakings—Current and Projected Rulemakings

Sequence Number	Title	Regulation Identifier Number
473	Innovative Techniques and Methods	2132-AA05
474	Miscellaneous Amendments - Organization, Functions, and Procedures	2132-AA06
475	Technology Introduction	2132-AA07
476	School Bus Operations	2132-AA09
477	Private Enterprise Participation	2132-AA20
478	Section 15 Reporting Requirements for Section 9 Apportionment Grants; Penalty Procedures for Non-compliance	2132-AA23

Saint Lawrence Seaway Development Corporation—Other Rulemakings—Completed Actions

Sequence Number	Title	Regulation Identifier Number
479	St. Lawrence Seaway Tariff of Tolls Amendment	2135-AA06

Research and Special Programs Administration—Priority Rulemakings: Non-Major—Current and Projected Rulemakings

Sequence Number	Title	Regulation Identifier Number
480	*Review: Performance-Oriented Packaging Standards	2137-AA01
481	*Data Collection and Reporting: Hazardous Materials Incident Reports	2137-AA51
482	*Reportable Quantities of Hazardous Substances	2137-AA68
483	*Packaging and Placarding Requirements for Liquids Toxic by Inhalation	2137-AA76

*Indicates priority regulation.

Research and Special Programs Administration—Other Rulemakings—Current and Projected Rulemakings

Sequence Number	Title	Regulation Identifier Number
484	Definition of a Flammable Solid	2137-AA05
485	Review: Revision of Operating Procedures for Motor Vehicles	2137-AA07
486	Use of Interested Inspectors for Cylinder Inspections	2137-AA08
487	Consolidation and Revision of Requirements for the Carriage of Explosives by Vessel	2137-AA10
488	Oxidizing Materials Definition, Criteria and Proposed Regulations	2137-AA11
489	Interior Piping	2137-AA21
490	Miscellaneous Hazardous Materials Communications Regulations	2137-AA25
491	Radiation Level Specifications	2137-AA27
492	Private Carriers Licensed to Use Radioactive Materials	2137-AA28
493	Specification Packages of Type B and Fissile Radioactive Materials	2137-AA29
494	Quality Assurance for Radioactive Materials Shippers	2137-AA30
495	Placarding of Empty Tank Cars	2137-AA35
496	DOT Specification 51 Portable Tanks	2137-AA36
497	Monitoring External Corrosion Control	2137-AA38
498	Steel Pipe	2137-AA40
499	Specification and Use Requirements for MC 306, MC 307, and MC 312 Cargo Tanks (Including Proj. 301-83 and Incorporates Docket HM 183)	2137-AA42
500	Reclassification of Cordeau Detonant Fuse	2137-AA54
501	Records for Hydrostatic Testing, Operation and Maintenance and Accident Reporting	2137-AA58
502	Nondestructive Testing of Girth Welds	2137-AA59
503	Intrastate Liquid Pipelines	2137-AA60
504	Confirmation or Revision of Maximum Operating Pressure for Certain Changes in Class Location	2137-AA62
505	Specification 8W and 8WA Welded Steel Cylinders	2137-AA63
506	Revision of the IM Tank Table	2137-AA64

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Research and Special Programs Administration—Other Rulemakings—Current and Projected Rulemakings—Continued

Sequence Number	Title	Regulation Identifier Number
507	Cylinder Retester Identification Numbers	2137-AA65
508	Clarification of Welding Requirements for Gas Pipelines	2137-AA69
509	Ovality of Field Bends in Steel Pipe	2137-AA70
510	Damage Prevention Program for Gas Pipelines (Docket No. PS-59)	2137-AA71
511	Modifications to DOT Specification 21PF-1 Overpacks	2137-AA72
512	Marking Owner's Symbols on Compressed Gas Cylinders	2137-AA74
513	Tritium and Carbon-14; Low Specific Activity Radioactive Materials Transported for Disposal	2137-AA75
514	Exceptions for Specified Quantities of Radioactive Materials	2137-AA77
515	Reclassification of Special Fireworks	2137-AA78
516	Designation of Testing Laboratories; United Nations Packagings	2137-AA80

Research and Special Programs Administration—Other Rulemakings: Routine and Frequent—Current and Projected Rulemakings

Sequence Number	Title	Regulation Identifier Number
517	Conversion of Individual Exemptions to Regulations of General Applicability	2137-AA43
518	Minor Regulatory Adjustments to Regulations of General Applicability	2137-AA44
519	Matter Incorporated by Reference (Hazardous Materials)	2137-AA45

Research and Special Programs Administration—Other Reviews—Existing Regulations Under Review

Sequence Number	Title	Regulation Identifier Number
520	Rewrite and Recodification of Section 173.34	2137-AA73

Research and Special Programs Administration—Other Rulemakings—Completed Actions

Sequence Number	Title	Regulation Identifier Number
521	Shipment of Matches	2137-AA13
522	Location, Size, and Operating Pressure of Pipelines	2137-AA22
523	Isolated Corrosion Pitting	2137-AA57

Research and Special Programs Administration—Other Rulemakings: Routine and Frequent—Completed Actions

Sequence Number	Title	Regulation Identifier Number
524	Implementation of the ICAO Technical Instructions	2137-AA48

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Maritime Administration—Priority Rulemakings: Major—Current and Projected Rulemakings

Sequence Number	Title	Regulation Identifier Number
525	*Vessel Obligation Guarantees; Vessel Requirements, United States Construction	2133-AA29

*Indicates priority regulation.

Maritime Administration—Priority Rulemakings: Non-Major—Current and Projected Rulemakings

Sequence Number	Title	Regulation Identifier Number
526	*Cargo Preference-U.S. Flag Vessels-Determination of Fair and Reasonable Rates for Liner Vessels	2133-AA02
527	*Award and Administration of Operating-Differential Subsidy (ODS) for Dry Bulk Cargo Vessels	2133-AA04
528	*Review: Operating-Differential Subsidy (ODS) Rates for Liner Vessels	2133-AA07
529	*Participation by Vessels Built with CDS in the Carriage of Oil from Alaska in the Domestic Trade	2133-AA19
530	*Obligation Guarantees	2133-AA30
531	*Establishment of Mandatory Position Reporting System for Vessels	2133-AA31
532	*Determinations of Non-availability of U.S.-Flag Vessels	2133-AA36
533	*Cargo Preference - U.S. Flag Vessels - Determination of Fair and Reasonable Rates for Bulk Vessels	2133-AA43
534	*Notice of Intent to Redesignate Essential Trade Routes	2133-AA44

*Indicates priority regulation.

Maritime Administration—Other Rulemakings—Current and Projected Rulemakings

Sequence Number	Title	Regulation Identifier Number
535	Federal Income Tax Aspects of the Capital Construction Fund	2133-AA05
536	Requirements and Procedures for the Administration of Condition Surveys and Maintenance and Repair Subsidy	2133-AA08
537	Requirements for Establishing United States Citizenship	2133-AA15
538	Statistical Data for Use In Operating-Differential Subsidy (ODS) Application Hearings	2133-AA16
539	Suspension of ODS Agreements for All or Portion of the Vessels Included Therein	2133-AA17
540	Rules of Practice and Procedures; for Hearing in Operating-Differential Subsidy (ODS) Application; Applications for Subsidies and Other Direct Financial Aid	2133-AA20
541	Federal Tort Claims	2133-AA32
542	Vessel Obligation Guarantees; Waivers for Foreign-Built Main Diesel Engines	2133-AA33
543	Making Excess or Surplus Federal Property Available to the United States Merchant Marine Academy (USMMA), State Maritime Academies and Approved Nonprofit Maritime Training Institutions	2133-AA34
544	Blanket Approval for Bareboat Charters and Sales of Pleasure Boats to Non-citizens	2133-AA40
545	Merchant Marine Training; Regulations and Minimum Standards for State, Territorial or Regional Maritime Academies and Colleges	2133-AA42
546	Elimination of Restrictions on Non-Subsidized Voyages by Subsidized Liner Companies	2133-AA45
547	General Procedures for Determining Operating-Differential Subsidy (ODS) for Liner Vessels	2133-AA46

Maritime Administration—Priority Rulemakings: Non-Major—Completed Actions

Sequence Number	Title	Regulation Identifier Number
548	*Obligation Guarantees	2133-AA30
549	*Cargo Preference; U.S.-Flag Vessels	2133-AA37

*Indicates priority regulation.

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Maritime Administration—Other Rulemakings—Completed Actions

Sequence Number	Title	Regulation Identifier Number
550	Treatment of Subsidy During Voyage Deviations	2133-AA18
551	Priority Use and Allocation of Shipping Services, Containers and Port Facilities and Services for National Defense Operations	2133-AA39
552	Admission and Training of Midshipmen at the United States Merchant Marine Academy	2133-AA41

DEPARTMENT OF TRANSPORTATION (DOT)

Office of the Secretary (OST)

Current and Projected Rulemakings

Priority Rulemakings: Major

1. ALLOCATION OF "SLOTS" AT WASHINGTON NATIONAL AIRPORT

Priority: Major

Legal Authority: 49 USC 1303; 49 USC 1347; 49 USC 1348(a); 49 USC 1348(b); 49 USC 1348(c); 49 USC 1354(a); Federal Aviation Act of 1958, as amended, Sec 103; Federal Aviation Act of 1958, as amended, Sec 306; Federal Aviation Act of 1958, as amended, Sec 307(a); Federal Aviation Act of 1958, as amended, Sec 307(b); Federal Aviation Act of 1958, as amended, Sec 307(c); Federal Aviation Act of 1958, as amended, Sec 313(a); 49 USC 106(g); Act for the Administration of Washington Natl Airport, Sec 2

CFR Citation: 14 CFR 93

Abstract: Proposed amendment to establish procedures for allocating the hourly number of instrument flight operations (takeoffs and landings) or "slots" that may be reserved at Washington National Airport (WNA) in accordance with the FAA's High Density Rule. This proposal is considered a significant rulemaking project due to substantial public interest and potential costs to airlines. The Department of Justice has expressed concerns about continuing the antitrust immunity under which the airline scheduling committees currently allocate slots at WNA. A new method of allocation may become necessary.

Timetable:

Action	Date	FR Cite
NPRM	10/27/80	45 FR 71236
Emergency Regulation	11/03/80	45 FR 72637
Comment Period extended	01/05/81	46 FR 932
Public Hearing	02/03/81	
To be withdrawn	00/00/00	

Small Entity: No

Additional Information: The CAB in conjunction with the FAA commissioned the Polinomics Research Laboratories, Inc., to research the allocation problem. A report of its findings has been prepared. Another report by Econ, Inc., analyzing a slot allocation auction procedure has been prepared under an FAA contract. The emergency regulation was published in the Federal Register on November 3, 1980 (45 FR 72637). The NPRM for a long term solution to the slot allocation problem was issued on October 27, 1980 (45 FR 71236). A public hearing was held on February 13, 1981, and the comment period was extended until February 26, 1981 (46 FR 932, January 5, 1981). On June 1, 1984, the FAA issued NPRM 84-6, dealing with slot transfers among carriers, and NPRM 84-7 proposing a slot allocation method for use if a scheduling committee should fail to allocate slots. These NPRMs are discussed in the FAA portion of the agenda.The withdrawal of this NPRM might be accomplished in conjunction with final action on NPRMs 84-6 and 84-7.

Analysis: Preliminary RIA 10/27/80

Agency Contact: Harvey Safeer, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, 202 426-3331

RIN: 2105-AA00

2. NONDISCRIMINATION ON THE BASIS OF HANDICAP (MASS TRANSIT PROGRAMS)

Priority: Major

Legal Authority: 29 USC 794 Rehabilitation Act of 1973, as amended; 49 USC 1612(a) Urban Mass Trans. Act of 1964, as amended; 23 USC 142 Note Federal-aid Highway Act of 1973, as amended; 49 USC 1612(d) Urban Mass Trans. Act of 1964, as amended

CFR Citation: 49 CFR 27

Abstract: The Department's rule concerning mass transit service for handicapped persons is currently an interim final rule published July 20, 1981 (48 FR 37488). This rule was issued after a court decision said that section 504 did not authorize the Department's previous mass transit requirements. In 1983, Congress enacted section 317(c) of the Surface Transportation Assistance Act of 1982, which requires the Department to publish a new rule. The Department published an NPRM for this new rule on September 8, 1983 (48 FR 40684). The Department will review the comments and publish a final rule based on this NPRM.

Timetable:

Action	Date	FR Cite
NPRM	09/08/83	48 FR 40684
Extension of Comment Period	10/31/83	48 FR 50125
Final Action	04/00/85	

Small Entity: Yes

Analysis: Preliminary RIA 09/08/83

Agency Contact: Robert C. Ashby, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, 202 426-4723

RIN: 2105-AA01

3. CONSTRUCTION DIFFERENTIAL SUBSIDY (CDS) REPAYMENTS; TOTAL REPAYMENT POLICY

Priority: Major

Legal Authority: 46 USC 1114(b)Merchant Marine Act, 1936, as amended, Sec. 204(6); 46 USC 1117 Merchant Marine Act, 1936, as amended, Sec. 207; 46 USC 1156 Merchant Marine Act, 1936, as amended, Sec. 506; 46

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Current and Projected Rulemakings
Priority Rulemakings: Major

USC 1204 Merchant Marine Act, 1936, as amended, Sec. 714

CFR Citation: 46 CFR 276

Abstract: The regulation would amend 46 CFR 276 which would set forth the Department's policy in considering requests for repayment of construction-differential subsidy as authorized under the provisions of the Merchant Marine Act of 1936, as amended.

Timetable:

Action	Date	FR Cite
First NPRM	11/02/78	43 FR 51045
Second NPRM	05/05/80	45 FR 29610
Interim Rulemaking	10/15/80	45 FR 68393
Amendment to Interim Rule	11/24/80	45 FR 77445
Third NPRM	01/31/83	48 FR 4408
NPRM Public Comment Period closed	04/01/83	
NPRM Comment Period extended to	05/02/83	

Next Action Undetermined

Small Entity: No

Additional Information: First NPRM, November 2, 1978 (43 FR 51045). Second NPRM, May 5, 1980 (45 FR 29610). Interim Rulemaking, October 15, 1980 (45 FR 68393). Amendment to Interim Rule, November 24, 1980 (45 FR 77445). The interim rule was invalidated by the U.S. Court of Appeals of the D.C. Circuit in 1982. Third NPRM, January 31, 1983 (48 FR 4408). Public comment period closed on April 1, 1983. Comment period on NPRM extended until May 2, 1983. The FY 1985 Commerce, Justice and State Department Appropriations Act prohibits enforcement of any new CDS payback rule until May 15, 1985.

Analysis: Regulatory Evaluation 01/31/83

Agency Contact: Warren Dean, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, 202 426-2972

RIN: 2105–AA15

[FR Doc. 85-8370 Filed 04-26-85; 8:45 am]

BILLING CODE 4910-62-T

DEPARTMENT OF TRANSPORTATION (DOT)
Office of the Secretary (OST)

Current and Projected Rulemakings
Priority Rulemakings: Non-Major

4. MINORITY BUSINESS ENTERPRISE PROGRAM (DIRECT CONTRACTING)

Priority: Agency Determination

Legal Authority: EO 11625; EO 12138; 45 USC 803; PL 95-507

CFR Citation: 49 CFR 23

Abstract: As part of the NPRM that proposed its minority business program rule, (49 CFR Part 23), the Department proposed rules concerning minority business involvement in direct DOT procurement. However, because of the program established by Public Law 95-507, these proposed rules became unnecessary, and were never finalized. That program provides for subcontracting plans and goals in certain direct Federal contracts as well as for disadvantaged business set-asides under the Small Business Administration 8(a) program. The Department intends to withdraw this proposal.

Timetable:

Action	Date	FR Cite
NPRM	05/17/79	44 FR 28928
NPRM Comment Period End	07/16/79	
Final Action concerning financial assistance programs	03/31/80	45 FR 21172
Withdraw Proposed Rule	00/00/00	

Small Entity: No

Additional Information: The Department published a final rule concerning its financial assistance programs on March 31, 1980 (45 FR 21172). The Department has concluded that further rulemaking in the direct contracting field is unnecessary at this time, and intends to withdraw this proposed rule.

Analysis: Regulatory Evaluation 05/17/79

Agency Contact: Robert C. Ashby, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, 202 426-4723

RIN: 2105–AA03

5. REVIEW: MINORITY BUSINESS ENTERPRISE PROGRAM (FINANCIAL ASSISTANCE PROGRAMS)

Priority: Agency Determination

Legal Authority: 42 USC 2000d Civil Rights Act of 1964, Title VI; 49 USC 1730; 45 USC 906; 49 USC 1615; PL 97-424, Sec 105(f)

CFR Citation: 49 CFR 23

Abstract: The Department is reviewing its regulation establishing a minority business enterprise (MBE) program in its financial assistance programs (49 CFR Part 23). This regulation has been controversial, is of interest to most DOT grant recipients and contractors, and affects the operations of all DOT financial assistance programs. As part of the Administration's program of reviewing regulations that are costly or controversial, the Department has decided that it is necessary to consider revisions of the existing rule. The aim of the revisions would be to reduce regulatory burdens associated with the present rule and clarify the administration of some provisions about which questions have been raised. On the basis of this review, the Department intends to publish an NPRM that would propose changes in the administrative mechanism through which the Department's minority business program is carried out. This review is to improve the administration of the existing program, and it is not intended to affect the major policy provisions of the regulation.

Timetable:

Action	Date	FR Cite
Final Action	03/31/80	45 FR 21172
NPRM make interim amend to final rule, pend. revision of entire rule	03/12/81	46 FR 16282
Final Action for interim amendment	04/27/81	46 FR 23457
NPRM	06/00/85	

Small Entity: Yes

Additional Information: Final Rule published March 31, 1980 (45 FR 21172). NPRM to make interim amendment to this final rule, propósing to delete two controversial provisions, pending revision of the entire rule published

March 12, 1981 (46 FR 16282). Final rule for interim amendment published April 27, 1981 (46 FR 16202). Further action to revise existing rule under consideration.

Analysis: Final RFA 04/27/81; Regulatory Evaluation 04/27/81

Agency Contact: Robert C. Ashby, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, 202 426-4723

RIN: 2105-AA04

6. PUBLIC AVAILABILITY OF INFORMATION

Priority: Agency Determination

Legal Authority: 5 USC 552 Freedom of Information Act

CFR Citation: 49 CFR 7

Abstract: This involves a revision of DOT's Freedom of Information Act regulations. Specific areas to be addressed include fees to be charged for search and reproduction costs and the establishment of more precise criteria to enable the Department to determine when a waiver of fees is in the public interest. It would also address records relating to those functions of the Civil Aeronautics Board that were transferred to the Department. This rulemaking is significant because of substantial public interest. It is needed because the Freedom of Information Regulations need periodic revision to keep current with changes in case law, policy, and implementation costs.

Timetable:

Action	Date	FR Cite
NPRM	04/00/85	
NPRM Comment Period Begin	04/00/85	
NPRM Comment Period End	06/00/85	

Small Entity: No

Additional Information: The regulations were last revised in 1975 (40 FR 7915). A new revision is currently under internal development.

Agency Contact: Rebecca H. Lima, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, 202 426-4542

RIN: 2105-AA05

7. NONDISCRIMINATION IN FEDERALLY-ASSISTED PROGRAMS OF THE DEPARTMENT OF TRANSPORTATION--STATE TRANSPORTATION AGENCIES' EEO AFFIRMATIVE ACTION PROGRAMS

Priority: Agency Determination

Legal Authority: Federal-Aid Highway Act of 1968, as amended, Sec 22(a); RR Revitalization & Regulatory Reform Act of 1976, Sec 905; 49 USC 1615 Urban Mass Transportation Act of 1964, as amended; 29 USC 794 Rehabilitation Act of 1973, Sec 504

CFR Citation: 49 CFR 1.48(c), 49 CFR 2.49(u); 49 CFR 1.51(a)

Abstract: The proposed regulation would set forth requirements and procedures for all State Departments of Transportation (DOTs) equal employment opportunity compliance programs. It would also consolidate FHWA, FRA, and UMTA responsibilities in this area. This proposed regulation is significant because it would affect the equal opportunity employment programs of all State transportation agencies. It is needed because OST, FHWA, FRA, and UMTA each have responsibility for implementing the equal employment opportunity programs of State DOTs. This proposed rule would assure full coordination among these departmental elements, reduce the burden on the recipients, simplify reporting requirements, and eliminate duplication of effort.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Additional Information: The proposed regulation was forwarded to EEOC for review and coordination. The primary issue addressed by this proposal was raised in the course of reviewing a related regulation. Further action will be delayed pending the outcome of that review.

Agency Contact: Dorsey Thomas, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, 202 426-4754

RIN: 2105-AA06

8. NONDISCRIMINATION ON THE BASIS OF HANDICAP (AIR TRAVEL)

Priority: Agency Determination

Legal Authority: 29 USC 794; PL 97-248, Sec. 511-519 Airport and Airway Improv. Act of 1982

CFR Citation: 49 CFR 27; 14 CFR 382

Abstract: The Civil Aeronautics Board (CAB) has a regulation providing protection of the rights of handicapped air travellers. Based on recent Congressional action, DOT began enforcing this regulation on January 1, 1985. DOT is preparing an NPRM that would extend to passengers on all airlines the provisions of subparts B and C of the rule, which now applies only to subsidized carriers. This NPRM would respond to the decision of the U.S. Court of Appeals for the D.C. Circuit in Paralyzed Veterans of America v. Civil Aeronautics Board, which said that Section 504 applied to all air carriers, whether or not they receive a direct Federal subsidy.

Timetable:

Action	Date	FR Cite
NPRM	05/00/85	

Small Entity: No

Agency Contact: Robert C. Ashby, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, 202 426-4723

RIN: 2105-AA18

9. ● IMPLEMENTATION OF CAB ANTITRUST AUTHORITY

Priority: Agency Determination

Legal Authority: 49 USC Subtitle I; 49 USC 1378; 49 USC 1379; 49 USC 1382; 49 USC 1384; 49 USC 1386; 49 USC 1551

CFR Citation: 49 CFR 251; 49 CFR 261; 49 CFR 287; 49 CFR 291; 49 CFR 296; 49 CFR 298; 49 CFR 299; 49 CFR 302; 49 CFR 303; 49 CFR 315

Abstract: On January 1, 1985, the authority of the Civil Aeronautics Board (CAB) to approve and grant antitrust immunity to certain aviation-related agreements, mergers, consolidations, acquisitions of control and interlocking relationships transferred to DOT. In order to implement this authority, the Department is proposing regulations

that 1) specify the information that must be submitted when Department approval is sought; 2) set out the procedures to be followed when an application for approval has been filed; and 3) exempt certain transactions and relationships from the requirement to obtain Department approval. The proposed regulations are, in most respects, very similar to existing regulations of the same subject matter, and were drafted in cooperation with the Antitrust Division, Department of Justice.

Timetable:

Action	Date	FR Cite
NPRM	02/06/85	50 FR 5214
NPRM Comment Period Begin	02/06/85	
NPRM Comment Period End	03/08/85	
Final Action	04/00/85	

Small Entity: No

Affected Sectors: Multiple

Government Levels Affected: Federal

Agency Contact: Warren Dean, Ass't General Counsel for International Law, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, 202 426-2972

RIN: 2105-AA23

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10 ● COMMERCIAL SPACE TRANSPORTATION: LICENSING COMMERCIAL SPACE LAUNCH ACTIVITIES

Priority: Agency Determination

Legal Authority: PL 98-575

CFR Citation: 14 CFR 400 to 405; 14 CFR 411 to 422; 14 CFR 440 to 441

Abstract: This rulemaking addresses the components of the launch license required by the Commercial Space Launch Act of 1984 and describes the Federal interagency process for evaluating license applications. The ANPRM proposes a two-part process for reviewing license applications: 1) Mission Review, focusing on national security and foreign policy issues; and 2) Launch Safety Review, focusing on issues affecting public safety, including the safety of property. This rulemaking will also address regulatory actions necessary to meet U.S. obligations under international law to authorize and supervise private space launches as well as to protect U.S. national security, foreign policy and public safety interests. The ANPRM states that DOT will regulate private space launches only to the extent necessary to fulfill these objectives. This regulation is significant because it involves substantial public interest and important Departmental policy.

Timetable:

Action	Date	FR Cite
ANPRM and Notice of Policy	03/00/85	
ANPRM Comment Period 03/00/85 -	04/00/85	
NPRM	05/00/85	

Small Entity: No

Agency Contact: Gerald Musarra, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, 202 426-4723

RIN: 2105-AA25

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11. ● COMMERCIAL SPACE TRANSPORTATION: THIRD-PARTY LIABILITY INSURANCE FOR COMMERCIAL SPACE LAUNCH ACTIVITIES

Priority: Agency Determination

Legal Authority: PL 98-575, Sec 16 Commercial Space Launch Act

CFR Citation: 14 CFR 410

Abstract: Statute prohibits commercial rocket launches unless they meet third-party liability financial responsibility requirements set by DOT. This regulation will set financial responsibility levels for launchers of rockets and operators of payloads attending a launch and launch sites.

Timetable:

Action	Date	FR Cite
ANPRM	03/00/85	
ANPRM Comment Period Begin	03/00/85	
ANPRM Comment Period End	05/00/85	
NPRM	08/00/85	

Small Entity: No

Additional Information: The CFR citations are tentative at this point.

Agency Contact: Robert I. Ross, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, 202 472-5580

RIN: 2105-AA26

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12. ● POLICY STATEMENT: COMMERCIAL SPACE TRANSPORTATION: LICENSING OF COMMERCIAL LAUNCH SITES

Priority: Agency Determination

Legal Authority: PL 98-575

CFR Citation: Not applicable

Abstract: Describes the Department's policy for licensing private commercial launch sites. Discusses development of standards to be met for location, construction and operation of launch sites.

Timetable:

Action	Date	FR Cite
Issuance of Notice of Policy	05/00/85	

Small Entity: No

Agency Contact: Gerald W. Musarra, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, 202 426-4723

RIN: 2105-AA27

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13. ● REVIEW OF SAMPLE SIZE AND ADMINISTRATION OF THE AIRLINE PASSENGER ORIGIN-DESTINATION SURVEY

Priority: Agency Determination

Legal Authority: 49 USC 1324; 49 USC 1371; 49 USC 1377; 49 USC 1382

CFR Citation: 14 CFR 241

Abstract: OMB has mandated that the 10 percent sampling requirement contained in the Passenger Origin-Destination Survey be eliminated and that a requirement that the collection include a statistically valid sample be substituted. The NPRM will request comments on the size of the sample and invite the public to propose alternative methods of administering the statutory data collection requirements contained in the Civil Aeronautics Board Sunset Act of 1984. This change has the potential for reducing the burden on the industry. This rulemaking is significant because it may substantially change the reporting requirements for the aviation

industry and significantly reduce the associated paperwork burdens.

Timetable:

Action	Date	FR Cite
ANPRM	01/02/85	50 FR 101
NPRM	03/00/85	
Final Action	05/00/85	

Small Entity: No

Affected Sectors: 45 TRANSPORTATION BY AIR

Agency Contact: Jack Calloway, Chief, Department of Transportation, Office of the Secretary, Data Requirements & Public Reports Division, DAI-10/Room 4125, 400 Seventh Street, SW, Washington, DC 20590, 202 426-7372

RIN: 2105-AA30

14. ● REVIEW OF THE FORM 41 REPORT OF FINANCIAL AND OPERATING STATISTICS FOR LARGE CERTIFICATED AIR CARRIERS

Priority: Agency Determination

Legal Authority: 49 USC 1324; 49 USC 1371; 49 USC 1377; 49 USC 1387

CFR Citation: 14 CFR 241

Abstract: OMB stated that the continuation of uniform, detailed financial and operating reporting of domestic air transportation appears to be contrary to airline deregulation. It has mandated that an NPRM be issued soliciting specific recommendations from the affected public. The NPRM will be broad enough in scope to accommodate a wide range of alternatives, including complete elimination of all requirements. The NPRM will specifically request comments on the need for, and frequency of, the collection in the light of the information collection requirements imposed on the airlines by other Federal agencies. Additionally, the NPRM will request specific comments from other agencies that presently use the Form 41 data. This rulemaking is significant because it may substantially change the reporting requirements for the aviation industry and significantly reduce the associated paperwork burdens.

Timetable:

Action	Date	FR Cite
ANPRM	01/02/85	50 FR 101
NPRM	03/00/85	

Small Entity: No

Affected Sectors: 45 TRANSPORTATION BY AIR

Agency Contact: Jack Calloway, Chief, Department of Transportation, Office of the Secretary, Data Requirements & Public Reports Division, DAI-10/Room 4125, 400 Seventh Street, SW, Washington, DC 20590, 202 426-7372

RIN: 2105-AA32

15. LIBERALIZATION OF AIR CARRIER CHARTER RULES

Priority: Agency Determination

Legal Authority: 49 USC 1324; 49 USC 1371; 49 USC 1372; 49 USC 1381, 49 USC 1386

CFR Citation: 14 CFR 207; 14 CFR 208; 14 CFR 212; 14 CFR 298; 14 CFR 380

Abstract: The CAB proposed new charter rules for direct and indirect air carriers. The proposed rules retain the financial protections of existing rules for direct air carriers while eliminating rules restricting the types of groups (such as "affinity" or "single-entity") to whom charters may be sold. The proposal would also retain a security instrument and depository system for indirect air carriers, along with contract rules for public protection. The proposal also highlights depository bank and travel agent responsibilities in handling passenger funds. The proposal replaces one made earlier. DOT is considering what action should be taken. This rulemaking is significant because it is potentially controversial and because it affects the interests of charter carriers and the traveling public.

Timetable:

Action	Date	FR Cite
NPRM (EDR-439/SPDR-86, Docket 40336)	02/19/82	47 FR 7443
NPRM Comment Period End	04/20/82	
Reply Comment Period End	05/10/82	
NPRM (EDR-456/SPDR-88, Docket 40336)	04/12/83	48 FR 15639
NPRM Comment Period End	06/13/83	
Reply Comment Period End	06/28/83	
Final Action	08/00/85	

Small Entity: Yes

Agency Contact: Sam Whitehorn, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, 202 472-5577

RIN: 2105-AA41

16. NONDISCRIMINATION ON THE BASIS OF HANDICAP BY AIRLINES

Priority: Agency Determination

Legal Authority: 29 USC 794

CFR Citation: 14 CFR 382

Abstract: The CAB considered whether to include provisions regulating carrier employment practices. An NPRM was adopted by the Board on May 31, 1984. It was sent to DOJ and EEOC for approval as required by the Rehabilitation Act. The rulemaking is significant because it involves important Departmental policy and substantial public interest. The current rule is involved in litigation and a Federal Court of Appeals has ordered DOT to redraft it to apply all provisions of the rule to all carriers. The Department of Justice has asked for a rehearing in the case.

Timetable:

Action	Date	FR Cite
NPRM adopted by Board	05/31/84	

Next Action Undetermined

Small Entity: No

Agency Contact: Robert Ashby, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, 202 426-4723

RIN: 2105-AA42

17. INSURANCE FOR ON-DEMAND AIR TAXI OPERATORS AND CANADIAN AIR TAXIS

Priority: Agency Determination

Legal Authority: PL 95-504; 49 USC 1371; 49 USC 1374; 49 USC 1386

CFR Citation: 14 CFR 205; 14 CFR 298

Abstract: This rule would set the minimum per-person aircraft accident liability insurance limits for U.S. and Canadian on-demand air taxi operators at $150,000, instead of at $300,000 as it is for other air carriers. The NPRM further includes alternative proposals to set the per-person limit at $75,000 or $100,000 or to eliminate all minimum amounts, requiring a public notice instead. Other rules for insurance

coverage for these carriers would be as in 14 CFR Part 205, including the prohibition on safety-related exclusions. This rulemaking is significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
NPRM (EDR-395, Docket 37531)	02/04/80	45 FR 7566
NPRM (EDR-395B, Docket 37531)	10/27/81	46 FR 52585
NPRM Comment Period End	12/28/81	
Reply Comment Period End	01/18/82	
NPRM (EDR-395C, Docket 37531)	03/10/83	48 FR 10073
Comment Period End	05/17/83	
Final Action	06/00/85	

Small Entity: Yes

Agency Contact: Gwyneth Jones, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, 202 472-5577

RIN: 2105-AA47

18. DURATION OF CERTIFICATE AUTHORITY AND ANALYSIS OF CRITERIA FOR AIR CARRIER SELECTION IN LIMITED DESIGNATION INTERNATIONAL MARKETS

Priority: Agency Determination

Legal Authority: 49 USC 1371

CFR Citation: 14 CFR 399

Abstract: This action will enable the Department to establish criteria upon which carriers will be selected to serve those markets where the number of U.S. flag carriers is restricted under current bilateral arrangements. The proposal will also examine whether certificate authority should be awarded for a limited duration or on a permanent basis. This rulemaking is significant because it could potentially establish new policy and legal precedent in the selection of carriers for limited designation markets and the duration of the authority which these carriers are awarded.

Timetable:

Action	Date	FR Cite
ANPRM (PSDR-78, Docket 40823)	07/27/82	47 FR 32442
NPRM (PSDR-78A)	09/24/82	47 FR 42122
ANPRM Comment Period End	09/27/82	
Reply Comment Period End	10/12/82	
NPRM Comment Period End	11/27/82	
Reply Comment Period End	12/14/82	
NPRM	03/00/85	

Small Entity: No

Agency Contact: Jeffrey N. Shane, Deputy Asst. Secretary, Department of Transportation, Office of the Secretary, Policy and International Affairs, 400 Seventh Street, SW, Washington, DC 20590, 202 426-4551

RIN: 2105-AA49

19. NONDISCRIMINATION IN FEDERALLY-ASSISTED AVIATION ECONOMICS RELATED PROGRAMS OF DOT

Priority: Agency Determination

Legal Authority: 42 USC 2000d-1

CFR Citation: 14 CFR 379

Abstract: The CAB reviewed its rules that implement Title VI of the Civil Rights Act of 1964, in response to suggestions from the Department of Justice. An NPRM was approved by the Board on June 15, 1982, and was forwarded to the Justice Department for review in accordance with Executive Order 12250. This regulation and its relationship to the DOT Title VI regulation (49 CFR Part 21) are now under review in the Department. The regulation is significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
NPRM approved by Board	06/15/82	

Next Action Undetermined

Small Entity: No

Additional Information: The Justice Department is reviewing the NPRM.

Agency Contact: Robert Ashby, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, 202 426-4723

RIN: 2105-AA66

20. EFFECT OF EXPIRATION OF A BILATERAL ON FOREIGN AIR CARRIER AUTHORITY

Priority: Agency Determination

Legal Authority: 49 USC 1159b; 49 USC 1324; 49 USC 1372; 49 USC 1386; 49 USC 1481; 49 USC 1502; 5 USC 558; 5 USC 559

CFR Citation: 14 CFR 377

Abstract: In the past, the CAB had held that a foreign air carrier's permit or exemption authority continues after the underlying bilateral Service Agreement expired, by virtue of section 558(c) of the Administrative Procedure Act. This rule would reverse that policy in order to ensure equal competitive opportunities for U.S. carriers. This rulemaking is significant because it involves substantial public interest. It affects the relationship between U.S. and foreign carriers.

Timetable:

Action	Date	FR Cite
NPRM (SPDR-89 and SPDR-89A, Docket 41497)	06/03/83	48 FR 24923
NPRM Comment Period Begin	06/03/83	
NPRM Comment Period End	08/02/83	
Final Action	06/00/85	

Small Entity: No

Agency Contact: Paul Gretch, Ass't General Counsel for International Law, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Room 10105, Washington, DC 20590, 202 472-5434

RIN: 2105-AA68

21. AIRLINE INTERLINE AGREEMENTS

Priority: Agency Determination

Legal Authority: 49 USC 1324; 49 USC 1371 to 1379; 49 USC 1381; 49 USC 1382; 49 USC 1384; 49 USC 1386; 49 USC 1461; 49 USC 1481; 49 USC 1482; 49 USC 1502; 49 USC 1504

CFR Citation: 14 CFR 399

Abstract: Republic Airlines petitioned the CAB for emergency rulemaking and other relief concerning changes in carrier interline practices. It stated that a number of major carriers have withdrawn from the current multilateral interline traffic agreement and henceforth will maintain interline arrangements only pursuant to bilateral agreements that are terminable monthly

without notice. It alleged that failure to notify passengers that interlining may cease abruptly and without notice could constitute an unfair or deceptive practice within the meaning of section 411 of the Federal Aviation Act of 1958. In addition, it argued that the right to terminate interline agreements without notice could be used for anticompetitive purposes. Republic asked the CAB to adopt interim rules requiring notice to passengers and to institute a rulemaking proceeding to determine whether these no-notice bilateral interline agreements are an unfair method of competition. The CAB denied the request for emergency rules. DOT is now considering the subject of interlining and whether to begin a rulemaking proceeding. This rulemaking would be significant because it would affect competition in a (cont)

Timetable:

Action	Date	FR Cite
Order 83-12-3 Denial of Emergency Action		
Petition filed in Docket 41825		
Petition under consideration		

Next Action Undetermined

Small Entity: No

Additional Information: ABSTRACT: deregulated environment and may affect the convenience of travel for passengers.

Agency Contact: Joanne Petrie, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, 202 472-5577

RIN: 2105-AA85

22. SHARING OF SINGLE AIR CARRIER DESIGNATOR CODES

Priority: Agency Determination

Legal Authority: 49 USC 1302; 49 USC 1324; 49 USC 1381

CFR Citation: 14 CFR 399

Abstract: The CAB proposed adding a policy statement that it would regard it as an unfair and deceptive practice and an unfair method of competition if two or more carriers share a single carrier designator code without giving reasonable notice to consumers of the identity of carriers actually providing service under the shared code and the nature of the relationship between carriers involved. The Board considered a final rule but took no final action. DOT is now considering what action to take. This rulemaking is significant because consumers may be at a disadvantage without full disclosure of the identity of carriers providing services for all parts of the trip.

Timetable:

Action	Date	FR Cite
NPRM PSDR-85, Docket 42199	10/31/84	49 FR 43709
Final Action	06/00/85	

Small Entity: No

Agency Contact: Bob Young, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, 202 426-7410

RIN: 2105-AA90

23. CONSUMER PROTECTION FOR DEFAULT BY SCHEDULED AIR CARRIERS

Priority: Agency Determination

Legal Authority: 49 USC 1371; 49 USC 1372; 49 USC 1381

Abstract: Transamerica petitioned the CAB to investigate ways to protect consumers against service defaults by scheduled air carriers in domestic, overseas, and foreign air transportation. Transamerica suggested that the Board condition the award of operating authority to perform direct carrier scheduled service on air carriers developing a default protection plan. For foreign air travel, it suggested that the obligation be limited to outbound flights. The petitioner argued that prompt action is necessary in order to ensure continued public confidence in scheduled air service and to protect passengers from unnecessary financial hardship. DOT is considering what action should be taken on the petition.

Timetable:

Action	Date	FR Cite
Petition filed in Docket 42368		

Next Action Undetermined

Small Entity: No

Agency Contact: Joanne Petrie, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, 202 472-5577

RIN: 2105-AA98

24. ● ELECTRONIC FILING OF TARIFFS

Priority: Agency Determination

Legal Authority: 49 USC 1373

CFR Citation: 14 CFR 221

Abstract: DOT will examine whether conversion from a paper document system to a computerized system of filing and monitoring air carrier tariffs can reduce paper flow, speed up processing, and allow the industry to utilize computer and telecommunications technology to communicate with DOT. The alternative is to maintain the current paper tariffs system. Potential savings to the industry may be greater than to the government, since airlines already utilize automated fare and rate systems. In addition, airlines may be able to implement changes faster, thus responding more quickly to market conditions, and may be less burdened with the cost of producing and transmitting paper documents. The Department may reduce paper flow, experience savings in processing time and staffing, and improve the accuracy and control of tariff data. Costs to the government include systems design and the hardware, software and telecommunications facilities to operate the system.

Timetable:

Action	Date	FR Cite
Request for comments	06/00/85	

Small Entity: Undetermined

Additional Information: ADDITIONAL AGENCY CONTACT: Thomas Moore, Chief, Tariffs Division, 400 - 7th Street, SW, Washington, DC 20590, (202) 472-5573

Agency Contact: Desta McDowell, Transportation Industry Analyst, Department of Transportation, Office of the Secretary, 400 7th Street, SW, Washington, DC 20590, 202 472-5573

RIN: 2105-AB00

DOT—OST

Current and Projected Rulemakings
Priority Rulemakings: Non-Major

25. ● DEPARTMENT OF TRANSPORTATION ACQUISITION REGULATION 48 CFR CHAPTER 12 - FINAL RULE

Priority: Agency Determination

Legal Authority: 40 USC 486(c); 10 USC 2301; 48 CFR 1.301; 49 CFR 1.59

CFR Citation: 48 CFR 1201

Abstract: The Department of Transportation Acquisition Regulation (TAR) is established to implement and supplement the Federal Acquisition Regulations (FAR), (Far Title 48 CFR Chapter 1). The intended effect of the Department's acquisition regulation is to implement the FAR where required and to supplement the FAR in areas where there is no FAR coverage of policies unique to DOT. Lack of a particular subject area in the TAR means the Department accepts the FAR coverage without further implementation. The proposed TAR was published in the FEDERAL REGISTER on June 1, 1984, 49 FR 22922, as an interim final rule inviting public comments. The changes that were made were appropriate to incorporate the comments received as well as other administrative and editorial changes, and these changes will be made, as appropriate, to incorporate typographical corrections discovered by the Department.

Timetable:

Action	Date	FR Cite
NPRM Comment Period Begin	06/01/84	49 FR 22922
Interim Final Rule	06/01/84	49 FR 22922
NPRM Comment Period End	07/31/84	
Final Action Effective	01/31/85	
Final Action	04/00/85	

Small Entity: No

Additional Information: This final rule would not represent a significant change. Changes are principally in the areas of format and internal procedures. It is the result of: (1) Reformatting the existing DOT Procurement Regulations (41 CFR Chapter 12); (2) removing old portions which would duplicate new FAR coverage of subject matter not previously contained in Federal Procurement Regulations (41 CFR Chapter 1); and (3) inserting necessary Departmental procedures at those places where the FAR requires agency implementation.

Agency Contact: Roger C. Martino, Chief, Procurement Management Division, Department of Transportation, Office of the Secretary, 400 7th Street, SW., Room 9100, Washington, DC 20590, 202 426-4237

RIN: 2105–AB02

[FR Doc. 85-8370 Filed 04-26-85; 8:45 am]

BILLING CODE 4910-62-T

DEPARTMENT OF TRANSPORTATION (DOT)
Office of the Secretary (OST)

Current and Projected Rulemakings
Other Rulemakings

26. TITLE VI CIVIL RIGHTS REGULATION

Legal Authority: 42 USC 2000d-4

CFR Citation: 49 CFR 21

Abstract: In 1981, the Department proposed a consolidation and expansion of its existing Title VI regulation (49 CFR Part 21). Few comments were received on this NPRM, and a final regulation was never published. The Department reviewed the existing regulation to determine if changes were needed. It was concluded that the Department can continue to enforce Title VI appropriately through the existing regulation. Consequently the Department does not anticipate further rulemaking action, and intends to withdraw the NPRM.

Timetable:

Action	Date	FR Cite
NPRM	01/19/81	46 FR 5588
NPRM Comment Period End	04/20/81	
To be withdrawn	00/00/00	

Small Entity: No

Additional Information: NPRM published in the Federal Register January 19, 1981 (46 FR 5588). Comment period closed April 20, 1981. No further action is anticipated on this NPRM.

Analysis: Regulatory Evaluation 01/19/81

Agency Contact: Dorsey Thomas, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, 202 426-4754

RIN: 2105–AA02

27. CONSOLIDATION OF TRANSPORTATION GRANTS TO U.S. TERRITORIES

Legal Authority: PL 95-134, Title V

CFR Citation: 49 CFR 29

Abstract: The regulation would comply with Title V of Pub. L. 95-134, which permits departments and agencies to consolidate grant programs, reduce reporting requirements, and waive local matching fund requirements.

Timetable:

Action	Date	FR Cite
NPRM	01/08/79	44 FR 1765

Next Action Undetermined

Small Entity: No

Agency Contact: Irving Glasser, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, 202 426-4455

RIN: 2105–AA08

28. NONDISCRIMINATION ON THE BASIS OF AGE IN DOT FINANCIAL ASSISTANCE PROGRAMS

Legal Authority: PL 94-135, Title III

Abstract: This regulation would prohibit age discrimination by recipients of DOT financial assistance programs. Few comments were received on the NPRM. The Department intends to publish a final rule later this year.

Timetable:

Action	Date	FR Cite
NPRM	10/22/79	44 FR 60946

Next Action Undetermined

Small Entity: No

Agency Contact: Joseph Austin, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, 202 426-4754

RIN: 2105–AA09

29. MINORITY BUSINESS ENTERPRISE PROGRAM (FINANCIAL ASSISTANCE PROGRAMS); COUNTING CREDIT FOR SUPPLIERS AND OTHER SERVICE PROVIDERS

Legal Authority: 42 USC 2000d; 49 USC 1730; 45 USC 906; 49 USC 1615; PL 97-424, Sec 105(f), Surface Transp. Assist. Act of 1982

CFR Citation: 49 CFR 27.47(e)(f)

Abstract: The current DOT MBE rule provides that recipients and contractors may receive only 20 percent credit for the cost of goods purchased from MBE suppliers who do not manufacture the goods. The Department intends to propose a regulation to correct the perceived inequities resulting from this approach.

Timetable:

Action	Date	FR Cite
NPRM	03/00/85	

Small Entity: No

Agency Contact: Robert C. Ashby, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, 202 426-4723

RIN: 2105-AA20

30. ● NONDISCRIMINATION ON THE BASIS OF HANDICAP (DIRECTLY CONDUCTED PROGRAMS)

Legal Authority: 29 USC 794

CFR Citation: 49 CFR 28

Abstract: This regulation would implement the 1978 amendments to section 504 of the Rehabilitation Act of 1973 which made its prohibition of discrimination on the ground of handicap applicable to the directly conducted programs of Federal agencies as well as to their financial assistance programs. The rule would apply to DOT facilities, personnel practices, and regulatory programs. It would be based on a model rule developed by the Department of Justice. The rule would also apply to DOT activities and functions transferred from the Civil Aeronautics Board after that agency's "sunset". A CAB NPRM that was being developed on this subject will be subsumed in this project.

Timetable:

Action	Date	FR Cite
NPRM	06/00/85	

Small Entity: Undetermined

Agency Contact: Robert Ashby, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, 202 472-5577

RIN: 2105-AA29

31. ● AIR CARRIER CARGO TARIFF PUBLICATIONS

Legal Authority: 49 USC 1324; 49 USC 1373; 49 USC 1482

CFR Citation: 14 CFR 221.171; 14 CFR 221.173

Abstract: This petition proposes to amend the requirement that air carriers post cargo tariffs at stations, offices, and locations other than their principal office. The petitioners proposed to allow carriers to maintain a memorandum tariff at each location and have a toll-free number for shippers to obtain access to complete tariff information. Petitioners alleged that such a change would substantially reduce the cost and time burden of maintaining and continually updating voluminous files of current and past tariffs at each location.

Timetable:

Action	Date	FR Cite
Petition Filed in Docket 42660	11/27/84	

Next Action Undetermined

Small Entity: No

Additional Information: Petition under consideration.

Agency Contact: Gwyneth Jones, Attorney, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, 202 472-5577

RIN: 2105-AA31

32. ● COLLECTION OF SERVICE SEGMENT DATA FROM FOREIGN AIR CARRIERS

Legal Authority: 49 USC 1301; 49 USC 1374; 49 USC 1381; 49 USC 1386; 49 USC 1482

CFR Citation: Not yet determined

Abstract: DOT is considering a rule that would require submission to DOT of nonstop market data from foreign carriers providing scheduled service between their home countries and the United States. This information is needed to assess potential and actual benefits of bilateral agreements. The estimated cost would be about $250,000 a year.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Affected Sectors: 45 TRANSPORTATION BY AIR

Agency Contact: Jack Calloway, Chief, Department of Transportation, Office of the Secretary, Data Requirements & Public Reports Division, DAI-10/Room 4125, 400 Seventh Street, SW, Washington, DC 20590, 202 426-7372

RIN: 2105-AA33

33. ● COLLECTION OF FINANCIAL INFORMATION FROM THE COMMUTER AIR CARRIER INDUSTRY

Legal Authority: 49 USC 1324; 49 USC 1371; 49 USC 1374; 49 USC 1386

CFR Citation: 14 CFR 298

Abstract: DOT is considering proposing to collect basic financial information from the commuter air carrier industry. Data would be used for safety purposes, fitness reviews, and various economic analysis such as trust fund revenue generation, and airport and airways development.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: Yes

Agency Contact: Jack Calloway, Chief, Department of Transportation, Office of the Secretary, Data Requirements & Public Reports Division, DAI-10/Room 4125, 400 Seventh Street, SW, Washington, DC 20590, 202 426-7372

RIN: 2105-AA34

34. AIRLINE TIME AND MILEAGE GUIDES

Legal Authority: 49 USC 1302; 49 USC 1324; 49 USC 1371 to 1374; 49 USC 1381; 49 USC 1386; 49 USC 1481; 49 USC 1482

CFR Citation: 14 CFR 221

Abstract: The DOT currently prohibits fares or rates based upon units of time. This rule would remove these restrictions.

Timetable:

Action	Date	FR Cite
NPRM (EDR-448, Docket 41034)	10/27/82	47 FR 47599
NPRM Comment Period End	12/13/82	
Final Action	06/00/85	

Small Entity: No

Agency Contact: Joanne Petrie, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, **202 472-5577**

RIN: 2105–AA39

35. DIRECT AIR CARRIER RESPONSIBILITY FOR RETURNING STRANDED CHARTER PASSENGERS

Legal Authority: 49 USC 1324; 49 USC 1371

CFR Citation: 14 CFR 207; 14 CFR 208

Abstract: This rule would make direct air carriers responsible for returning charter passengers stranded by strikes or other interruptions of their services by eliminating the force majeure clause from charter contracts. However, the Department is considering a comprehensive proposal (RIN 2105-AA41 in this agenda) to revise and simplify air charter rules. The Department's final action in this proceeding will be consistent with the comprehensive review of the charter rule.

Timetable:

Action	Date	FR Cite
NPRM (EDR-405, Docket 37169)	07/11/80	45 FR 46812
NPRM Comment Period End	09/25/80	
Reply Comment Period End	10/10/80	
Final Action	08/00/85	

Small Entity: No

Agency Contact: Sam Whitehorn, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, **202 472-5577**

RIN: 2105–AA40

36. ZONES FOR AIRLINE MAIL RATES

Legal Authority: 49 USC 1302; 49 USC 1324; 49 USC 1376

CFR Citation: 14 CFR 233, (Proposed)

Abstract: This proposed rule would end the current practice of prescribing fixed rates for the transportation of mail by air, and in its place establish zones for each category of mail. Each zone would be defined by maximum and minimum rates prescribed by DOT, and airlines would be free to contract with the Postal Service for the carriage of mail at any price within the zone.

Timetable:

Action	Date	FR Cite
NPRM (EDR-387/PDR-68, Docket 36497)	09/07/79	44 FR 52246
Supplemental NPRM (EDR-387C/PDR-68C)	12/18/80	45 FR 83510
Comment Period End	02/17/81	
NPRM Comment Period End	07/17/81	
Next Action Undetermined		

Small Entity: No

Additional Information: ADDITIONAL AGENCY CONTACT: Lawrence Myers (202) 426-5621.

Agency Contact: Barry Molar, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, **202 426-7410**

RIN: 2105–AA44

37. AIR TRAVELERS: AGE DISCRIMINATION

Legal Authority: 42 USC 6102

CFR Citation: 14 CFR 376, (Proposed)

Abstract: This rule will prohibit discrimination against air travelers on the basis of age and implement the Age Discrimination Act of 1975. A final rule was adopted by the CAB on April 10, 1980, and was forwarded to the Secretary of HHS for approval, as required by the Age Discrimination Act. The rule was approved by HHS on July 13, 1984, with changes. DOT is making these changes and will publish the final rule shortly.

Timetable:

Action	Date	FR Cite
NPRM (SPDR-74, Docket 36639)	09/26/79	44 FR 55383
Final Rule adopted by the Board	04/10/80	
HHS approved Final Rule with changes	07/13/84	
Final Action	06/00/85	

Small Entity: No

Agency Contact: Robert Ashby, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, **202 426-4723**

RIN: 2105–AA45

38. POLICY STATEMENT ON AIRLINE PREEMPTION

Legal Authority: 49 USC 1305

CFR Citation: 14 CFR 399

Abstract: This rule will set out Department policies for regulation of the rates, routes, and services of airlines that have interstate authority. The CAB concluded that under section 105 of the Federal Aviation Act of 1958 it, not the States, was responsible for economic regulation (or deregulation, as the case may be) of all the routes, rates, or services of any airline holding either (i) a certificate of public convenience and necessity to provide interstate air transportation, or (ii) an exemption under section 416 of the Act from the requirement for such a certificate.

Timetable:

Action	Date	FR Cite
Interim Rule (PS-83, Docket 34684)	02/15/79	44 FR 9948
Request for comments on Interim Rule (PSDR-56, Docket 34684)	02/15/79	44 FR 9953
Comment Period End	04/16/79	
Final Action	09/00/85	

Small Entity: Yes

Agency Contact: Lawrence Myers, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, **202 472-5621**

RIN: 2105–AA46

39. INDIRECT AIR CARRIERS-GROUP CONTRACTOR EXEMPTIONS

Legal Authority: 49 USC 1371; 49 USC 1386

Abstract: This rule would codify the Department's treatment of group contractors. A group contractor, like a charter operator, is an indirect air carrier that purchases air transportation from a direct air carrier and sells it to passengers as a principal rather than as an agent. Unlike charter operators, however, a group contractor is backed up financially by the direct carrier so that a passenger may look to the direct carrier for transportation or refund if the group contractor defaults. Group contracts are currently governed by the CAB Order 81-7-109, July 31, 1981, as modified by Order 82-3-132, March 24, 1982. They are sometimes referred to as "contract bulk fare operators."

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Agency Contact: Joanne Petrie, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, 202 472-5577

RIN: 2105-AA48

40. ALIGNMENT OF AIRLINE UNIFORM SYSTEM OF ACCOUNTS AND REPORTS WITH GENERALLY ACCEPTED ACCOUNTING PRINCIPLES

Legal Authority: 49 USC 1324; 49 USC 1371; 49 USC 1377

CFR Citation: 14 CFR 241

Abstract: As part of the continuing effort to align the DOT's aviation accounting rules with generally accepted accounting principles, certain sections of the Uniform System of Accounts and Reports need to be deleted or amended. These changes would provide relief from the present requirements for most air carriers.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Affected Sectors: 45 TRANSPORTATION BY AIR

Agency Contact: Jack Calloway, Chief, Department of Transportation, Office of the Secretary, Data Requirements & Public Reports Division, DAI-10/Room 4125, 400 Seventh Street, SW, Washington, DC 20590, 202 426-7372

RIN: 2105-AA52

41. REVISE DEFINITION OF AIRLINE REVENUE AND NONREVENUE PASSENGERS

Legal Authority: 49 USC 1324; 49 USC 1373

CFR Citation: 14 CFR 241

Abstract: The present definition of revenue and nonrevenue passengers for aviation reporting purposes is stated in terms of the exemptions for free and reduced-rate transportation in sections 403(b) of the Federal Aviation Act of 1958. These definitions have become outmoded in the process of air fare deregulation. The DOT is considering several options for revising these definitions.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Agency Contact: Jack Calloway, Chief, Department of Transportation, Office of the Secretary, Data Requirements & Public Reports Division, DAI-10/Room 4125, 400 Seventh Street, SW, Washington, DC 20590, 202 426-7372

RIN: 2105-AA53

42. REDUCE AIR CARRIER SERVICE SEGMENT DATA REPORTS

Legal Authority: 49 USC 1324; 49 USC 1371; 49 USC 1377; 49 USC 1387

CFR Citation: 14 CFR 241

Abstract: This proposed rule would standardize service segment data reporting for aviation. Presently, larger carriers file very detailed service segment data in ADP format while smaller carriers file a condensed version on a hardcopy report. This rule would standardize domestic service segment data at the condensed level.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Affected Sectors: 45 TRANSPORTATION BY AIR

Agency Contact: Jack Calloway, Chief, Department of Transportation, Office of the Secretary, Data Requirements & Public Reports Division, DAI-10/Room 4125, 400 Seventh Street, SW, Washington, DC 20590, 202 426-7372

RIN: 2105-AA56

43. REVISING THE DEFINITION OF COMMUTER AIR CARRIER

Legal Authority: 49 USC 1324; 49 USC 1386

CFR Citation: 14 CFR 298

Abstract: This rule would clarify the status and obligations of an air taxi that enters into a subcontract with a commuter to operate some of that commuter's scheduled routes.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: Yes

Agency Contact: Gwyneth Jones, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, 202 472-5577

RIN: 2105-AA60

44. REQUESTS FOR CONFIDENTIAL TREATMENT OF AVIATION ECONOMICS- RELATED MATERIALS

FILED WITH DOT

Legal Authority: 49 USC 1324; 49 USC 1482

CFR Citation: 14 CFR 302

Abstract: This rule would revise the procedures governing requests to confidential treatment of material filed with the Department to clarify the relation between those procedures and the Freedom of Information Act.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Agency Contact: Gwyneth Jones, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, 202 472-5577

RIN: 2105-AA62

45. NAVIGATION OF FOREIGN CIVIL AIRCRAFT

Legal Authority: 49 USC 1324; 49 USC 1372; 49 USC 1508

CFR Citation: 14 CFR 375

Abstract: The CAB proposed to simplify and clarify its rules governing the navigation of foreign aircraft that are not engaged in foreign air transportation. The proposed rule would delete outdated provisions and conform the language of the rule to FAA regulations. In addition, the rule would expand the definition of foreign and civil aircraft to include U.S. registered aircraft owned by non U.S. citizens and would revise the application procedures for foreign aircraft permits to expedite their processing.

Timetable:

Action	Date	FR Cite
NPRM	10/25/84	49 FR 42948
NPRM Comment Period Begin	10/25/84	
Extension of comment period (SPDR-91A)	12/13/84	49 FR 48659
NPRM Comment Period End	12/28/84	
Final Action	06/00/85	

Small Entity: No

Additional Information: ADDITIONAL AGENCY CONTACT: Joanne Petrie, (202) 472-5577.

Agency Contact: George Wellington, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, 202 755-3800

RIN: 2105-AA65

46. OVERSEAS MILITARY PERSONNEL AIR CHARTER TARIFFS

Legal Authority: 49 USC 1373; 49 USC 1386

CFR Citation: 14 CFR 372

Abstract: The reference to tariffs in the rule governing Overseas Military Personnel Charters (OMPC) has become obsolete, at least with respect to domestic air transportation. The CAB was considering whether to eliminate the tariff requirement for all OMPC's and replace it with consumer protection requirements similar to those in its Public Charter rule in Part 380. This proposal is still being considered by DOT.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Agency Contact: Joanne Petrie, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, 202 472-5577

RIN: 2105-AA67

47. JOINT TARIFF FILING BY FOREIGN AIR FREIGHT FORWARDERS

Legal Authority: 49 USC 1373; 49 USC 1386

CFR Citation: 14 CFR 296; 14 CFR 221

Abstract: This rule would permit indirect cargo air carriers to participate in joint tariffs filed by direct air carriers and direct foreign air carriers for the foreign air transportation of cargo. The rule would require that advance notice be given to the shipper that the shipment will be interlined, and that the shipment is not otherwise consolidated for rating purposes.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Agency Contact: Lawrence Myers, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, 202 472-5621

RIN: 2105-AA69

48. UNFAIR AND DECEPTIVE PRACTICES BY AIRLINE TICKET AGENTS

Legal Authority: 49 USC 1378; 49 USC 1381

CFR Citation: 14 CFR 399

Abstract: Enforcement policies currently make reference to tariffs. DOT is considering whether to limit these provisions to foreign air transportation or to eliminate them entirely.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Agency Contact: Joanne Petrie, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, 202 472-5577

RIN: 2105-AA70

49. STREAMLINE AIRLINE PASSENGER ORIGIN-DESTINATION SURVEY REPORTING

Legal Authority: 49 USC 1324; 49 USC 1371; 49 USC 1377; 49 USC 1382

CFR Citation: 14 CFR 241

Abstract: This rule would standardize reporting instructions for old (pre-deregulation) and new air carriers, limit interline reporting to large carriers (over $75 million in operating revenues), and seek suggestions on ways to further reduce and simplify the survey systems' reporting requirements.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Agency Contact: Jack Calloway, Chief, Department of Transportation, Office of the Secretary, Data Requirements & Public Reports Division, DAI-10/Room 4125, 400 Seventh Street, SW, Washington, DC 20590, 202 426-7372

RIN: 2105-AA71

50. SMOKING ABOARD AIRCRAFT; NOTICE TO PASSENGERS

Legal Authority: 49 USC 1324; 49 USC 1374; 49 USC 1377; 49 USC 1381; 49 USC 1386

CFR Citation: 14 CFR 252; 14 CFR 253

Abstract: This rule would inform passengers of their right to a seat in non-smoking section of an aircraft by one of two proposed alternatives. The first would require airlines to include a prescribed notice on or with their tickets. The second would include smoking in the list of subjects incorporated by reference in the contract of carriage, which would inform passengers that additional information may be obtained from the place of ticketing.

Timetable:

Action	Date	FR Cite
NPRM (EDR-449, Docket 41009)	11/19/82	47 FR 52190
NPRM Comment Period End	12/20/82	
Final Action	08/00/85	

Small Entity: Yes

Agency Contact: Joanne Petrie, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, 202 472-5577

RIN: 2105-AA72

51. DIRECT FLIGHTS

Legal Authority: 49 USC 1381

CFR Citation: 14 CFR 399

Abstract: Donald L. Pevsner petitioned the CAB to institute a rulemaking proceeding to ban use of the term "direct flight" because it is deceptive, and to declare use of the term to be a prima facie violation of section 411 of the Federal Aviation Act of 1958. The Department is now considering what action to take in response to the petition.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Additional Information: Petition under consideration. It has been filed in Docket 41217.

Agency Contact: Joanne Petrie, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, 202 472-5577

RIN: 2105-AA73

52. REQUIRE SPECIFIC CATEGORIES OF RECORDS AND RETENTION PERIODS FOR COMMUTER AIR CARRIERS RECEIVING SUBSIDY

Legal Authority: 49 USC 1324; 49 USC 1371 to 1374; 49 USC 1377; 49 USC 1381, 49 USC 1386; 49 USC 1482

CFR Citation: 14 CFR 249

Abstract: This rule would require commuter air carriers receiving subsidy to retain certain records in support of their claims for subsidy; modify or eliminate several of the records prescribed for retention by certificated carriers; and clarify one of the records prescribed for retention by public charter operators and overseas military personnel charter operators. In addition, the proposal would transfer the record retention requirements contained in Part 374a to Part 249.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: Yes

Agency Contact: Jack Calloway, Chief, Department of Transportation, Office of the Secretary, Data Requirements & Public Reports Division, DAI-10/Room 4125, 400 Seventh Street, SW, Washington, DC 20590, 202 426-7372

RIN: 2105-AA76

53. IMPLEMENTATION OF STATUTE REQUIRING INTEREST ON SUBSIDY CLAIMS

Legal Authority: 49 USC 1324; 49 USC 1359, 49 USC 1376; 49 USC 1386; PL 97-369

CFR Citation: 14 CFR 326, (Proposed)

Abstract: Under section 322 of the FY 1983 Transportation Appropriations Act, interest may be paid on certain "hold-in" subsidy claims by certificated air carriers under sections 419 and 406 of the Act. This rule would set procedures for payment of that interest.

Timetable:

Action	Date	FR Cite
NPRM (PDR-87, Docket 41855)	12/21/83	48 FR 56599
NPRM Comment Period End	02/21/84	
Reply Comment Period End	03/02/84	
Final Action	06/00/85	

Small Entity: No

Agency Contact: Kip Tourtellot, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, 202 472-5621

RIN: 2105-AA77

54. DIVERSION OF FLIGHTS WITHIN A METROPOLITAN AREA

Legal Authority: 49 USC 1301; 49 USC 1302; 49 USC 1305; 49 USC 1324; 49 USC 1371; 49 USC 1375; 49 USC 1377 to 1379, 49 USC 1381; 49 USC 1382; 49 USC 1386; 49 USC 1461; 49 USC 1481; 49 USC 1482; 49 USC 1502; 49 USC 1504; ...

CFR Citation: 14 CFR 253; 14 CFR 399

Abstract: The CAB proposed to amend its rules requiring notice of contract terms for domestic travel to require that actual notice be given passengers of terms absolving carriers from any responsibility to transport a passenger to the destination named on the ticket, or to reimburse the passenger for expenses in reaching the airport noted on the ticket when a flight is diverted to another airport in the same metropolitan area. Alternatively, the Board proposed to declare it to be an unfair and deceptive practice to divert a passenger without arranging and paying for alternate transportation to the destination airport named on the passenger's ticket. The Board considered a final rule but did not

decide what action to take. DOT is now considering what action to take.

Timetable:

Action	Date	FR Cite
NPRM (EDR-468/PSDR-81, Docket 41683)	09/23/83	48 FR 43343
NPRM Comment Period End	11/07/83	
Reply Comment Penod End	11/28/83	

Next Action Undetermined

Small Entity: No

Additional Information: ADDITIONAL LEGAL AUTHORITIES: PL 96-354; 5 USC 601.

Agency Contact: Joanne Petrie, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, 202 472-5577

RIN: 2105-AA78

55. GUIDELINES FOR ALLOCATING COSTS FOR AIR CARRIERS PROVIDING "HOLD-IN" SERVICE UNDER SECTION 419

Legal Authority: 49 USC 1324; 49 USC 1377; 49 USC 1389

CFR Citation: 14 CFR 324

Abstract: DOT subsidizes certain air carriers to provide essential air service to some small communities in the U.S. If a subsidized carrier wants to reduce or suspend its air service to certain communities, DOT "holds-in" the subsidized air carrier until a replacement air carrier can be found to provide the essential level of air service. DOT is considering expanding Part 324 to include a description of the costing methodology used to determine the compensation for losses in such hold-in cases. It is also considering including a description of the types of situations where the various methodologies would be appropriate.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Additional Information: ADDITIONAL AGENCY CONTACT: Robert Ashby, (202) 426-4723.

Agency Contact: Wayne Watkins, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, 202 426-5950

RIN: 2105-AA80

56. SIMPLIFIED AVIATION EXEMPTION PROCEDURES

Legal Authority: 49 USC 1371; 49 USC 1372; 49 USC 1386

CFR Citation: 14 CFR 302; 14 CFR 389, 14 CFR 399

Abstract: The CAB proposed updating its rules applicable to exemption procedures to conform the rules to the changes brought about by the Airline Deregulation Act and the International Air Transportation Competition Act of 1979, and to modernize the evidentiary and service requirements.

Timetable:

Action	Date	FR Cite
NPRM (PDR-88/ODR-27/PSDR-83)	10/05/84	49 FR 39337
Reply comments due	12/04/84	
Notice of Final Action	06/00/85	

Small Entity: No

Additional Information: ADDITIONAL AGENCY CONTACT: Nancy Trowbridge, (202) 755-3805.

Agency Contact: Gwyneth Jones, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, 202 472-5577

RIN: 2105-AA82

57. FILING REQUIREMENTS FOR INTERNATIONAL AIR CARGO TARIFFS

Legal Authority: 49 USC 1301, 49 USC 1324; 49 USC 1371 to 1374

CFR Citation: 14 CFR 221

Abstract: The Department is considering shortening the filing requirements from 60 to 30 days for international cargo tariffs that are within the Standard Foreign Rate Level. This rule would encourage pricing flexibility and standardize the tariff-filing requirements for cargo rates and passenger fares that are within the zone.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Agency Contact: Gwyneth Jones, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, 202 472-5577

RIN: 2105-AA83

58. BAGGAGE LIABILITY NOTICES IN INTERNATIONAL AIR TRANSPORTATION

Legal Authority: 49 USC 1302; 49 USC 1324; 49 USC 1371; 49 USC 1372; 49 USC 1373; 49 USC 1374; 49 USC 1381; 49 USC 1386; 49 USC 1481; 49 USC 1482

CFR Citation: 14 CFR 221

Abstract: In response to a petition by Mr. Howard Boros, the CAB proposed to amend the baggage liability notices provided to passengers in foreign air travel. The NPRM proposed to eliminate the disclaimer of liability for fragile and perishable items because that notice is false and misleading.

Timetable:

Action	Date	FR Cite
NPRM (EDR-477, Docket 41690)	12/18/84	49 FR 4911
NPRM Comment Period Begin	12/18/84	
NPRM Comment Period End	03/19/85	
Final Action	05/00/85	

Small Entity: No

Agency Contact: Joanne Petrie, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, 202 472-5577

RIN: 2105-AA84

59. ESSENTIAL AIR SERVICE SUBSIDY FOR THE FREELY ASSOCIATED STATES

Legal Authority: 49 USC 1324; 49 USC 1502; S.J. Res. 286 Compact of Free Association; H. Doc. 98-192 Compact of Free Association

CFR Citation: 14 CFR 211; 14 CFR 272 (Proposed); 14 CFR 302

Abstract: The Compact of Free Association between the U.S. and the governments of certain territories in the

Trust Territory of the Pacific Islands is pending adoption before the U.S. Congress. The Compact of Free Association and related Article IX of the Federal Programs and Services Agreement would make provision for payment of subsidy, if necessary, to maintain essential air transportation to the Federated States of Micronesia and the Marshall Islands when they acquire their new status. The Compact and Agreement also permit the Department under certain conditions to pay subsidy to freely Associated States air carriers and to authorize these carriers to carry local air traffic between Guam, the Commonwealth of the Northern Mariana Islands, and Honolulu, Hawaii. This rule would establish the requirements and procedures for implementing these provisions.

Timetable:

Action	Date	FR Cite
NPRM (EDR-478/PDR-89, Docket 42721)	01/02/85	50 FR 95
NPRM Comment Period End	04/04/85	
Reply to Comments due	04/25/85	

Small Entity: No

Agency Contact: Peter Schwarzkopf, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, 202 472-5621

RIN: 2105-AA86

60. CURRENCY-RELATED ADJUSTMENTS FOR INTERNATIONAL AIR CARGO RATES

Legal Authority: 49 USC 1324; 49 USC 1371 to 1379; 49 USC 1381; 49 USC 1384; 49 USC 1386; 49 USC 1461; 49 USC 1481; 49 USC 1482; 49 USC 1502; 49 USC 1504

CFR Citation: 14 CFR 399

Abstract: TWA petitioned the CAB to establish an expanded policy of international cargo rate flexibility by which carriers would file for expedited effectiveness certain increased cargo rates on inbound traffic to the United States. The rate changes involved would be currency-related adjustments that carriers file in response to foreign government orders. TWA stated that this change is needed so that airlines are not exposed to penalties for failing to comply with foreign government directives. In addition, it argued that protracted review of these filings has a severe impact on airline revenues because an airline cannot change its tariffs to reflect currency devaluations. DOT is considering what action to take in response to this petition.

Timetable:

Action	Date	FR Cite
Petition filed in Docket 41786		

Next Action Undetermined

Small Entity: No

Agency Contact: Gwyneth Jones, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, 202 472-5577

RIN: 2105-AA87

61. SIMPLIFIED AIRLINE COUNTERSIGN NOTICES

Legal Authority: 49 USC 1301; 49 USC 1302; 49 USC 1324; 49 USC 1371 to 1374; 49 USC 1381; 49 USC 1386; 49 USC 1481; 49 USC 1482

CFR Citation: 14 CFR 221; 14 CFR 250; 14 CFR 256

Abstract: The American Association of Airport Executives, the Airport Operators Council International and the Air Transport Association of America petitioned the CAB to simplify its countersign requirements. Presently, airlines are required to display four different consumer protection notices on their ticket counters. The petitioners alleged that the current notices are hard to read and, therefore, do not provide much notice to passengers. They proposed replacing the four notices with one simplified countersign. The CAB adopted an NPRM that proposed a number of alternatives, such as a long and/or short notice, where the notices would be required to be posted and whether a smoking notice should be included. DOT is now considering what action to take in response to the notice and comments filed.

Timetable:

Action	Date	FR Cite
NPRM (EDR-474, Docket 41971)	08/01/84	49 FR 30742
NPRM Comment Period End	09/17/84	
Reply Comment Period End	10/02/84	
Final Action	06/00/85	

Small Entity: Yes

Agency Contact: Joanne Petrie, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, 202 472-5577

RIN: 2105-AA88

62. POLICY STATEMENT ON STANDARD FOREIGN FARE LEVEL FOR AIR CARRIERS

Legal Authority: 49 USC 1371; 49 USC 1375; 49 USC 1377; 49 USC 1378; 49 USC 1379; 49 USC 1381; 49 USC 1382; 49 USC 1386; 49 USC 1461; 49 USC 1481; 49 USC 1482; 49 USC 1502; 49 USC 1504

CFR Citation: 14 CFR 399

Abstract: The CAB considered adopting a policy statement that would combine the CAB's policies on Standard Foreign Fare Level (SFFL), which are found in numerous orders, into a single, comprehensive rule. DOT is considering what should be included in the rule.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Agency Contact: Gwyneth Jones, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, 202 472-5577

RIN: 2105-AA89

63. EMPLOYMENT DISCRIMINATION AGAINST HANDICAPPED PERSONS BY AIR CARRIERS

Legal Authority: 29 USC 794; 49 USC 1324; 49 USC 1371; 49 USC 1374; 49 USC 1376; 49 USC 1377; 49 USC 1386; 49 USC 1389; EO 12250 45 FR 72995

CFR Citation: 14 CFR 382

Abstract: The CAB was considering new rules prohibiting unlawful discrimination against otherwise qualified handicapped persons who are employed by, or are seeking employment from, airlines. This proposed rule is required by the Rehabilitation Act of 1973. This action is under consideration at DOT.

DOT—OST

Current and Projected Rulemakings
Other Rulemakings

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Agency Contact: Robert Ashby, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, 202 426-4723

RIN: 2105-AA92

64. CONFIDENTIALITY OF PARTS 241 AND 298 AIRLINE REPORTS

Legal Authority: 49 USC 1324; 49 USC 1373; 49 USC 1371; 49 USC 1374; 49 USC 1386

CFR Citation: 14 CFR 241; 14 CFR 298

Abstract: This rule would consider whether some components of individual carrier's reports submitted under Parts 241 and 298 should be kept confidential and for how long.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Agency Contact: Jack Calloway, Chief, Department of Transportation, Office of the Secretary, Data Requirements & Public Reports Division, DAI-10/Room 4125, 400 Seventh Street, SW, Washington, DC 20590, 202 426-7372

RIN: 2105-AA35

65. ● CARGO RATE CHANGES ON 30 DAYS NOTICE

Legal Authority: 49 USC 1373

CFR Citation: 14 CFR 221.160

Abstract: Would propose to amend regulations to allow cargo tariffs which are within the zones established under 14 CFR 399.41 to be filed on 30 days' notice. There are two alternatives: either maintain the status quo (60 days' notice) or change cargo tariff filing regulations to 30 days' notice to be consistent with passenger tariff filing requirements. Standardization of the regulatory tariff filing requirements for both cargo and passenger tariffs would benefit the industry.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity:

Undetermined

Agency Contact: Tom Moore, Chief, Tariffs Division, Department of Transportation, Office of the Secretary, 400 7th Street, SW, Washington, DC 20590, 202 472-5373

RIN: 2105-AA99

66. ● ESTABLISHMENT OF NEW CLASS SERVICE MAIL RATE FOR BUSH OPERATIONS WITHIN ALASKA

Priority: Undetermined

Legal Authority: 49 USC 1376

Abstract: CAB Sunset Act of 1984 extends Intra-Alaska mail rate authority through December 1988. This rulemaking would consider the establishment of new service mail rates to bush points in Alaska. It would also consider the data reporting requirements and appropriate updating procedures to support the establishment and future revision of these rates.

Timetable:

Action	Date	FR Cite
ANPRM	03/00/85	

Small Entity: Undetermined

Agency Contact: Julien R. Schrenk, Transportation Economist, Department of Transportation, Office of the Secretary, 400 7th Street, NW, Washington, DC 20590, 202 472-5126

RIN: 2105-AC01

[FR Doc. 85-8370 Filed 04-26-85; 8:45 am]

BILLING CODE 4910-62-T

DEPARTMENT OF TRANSPORTATION (DOT)
Office of the Secretary (OST)

Existing Regulations Under Review
Priority Reviews

67. ● COMPREHENSIVE REVIEW OF CAB CONSUMER RULES

Priority: Agency Determination

Legal Authority: 49 USC 1301 et seq Federal Aviation Act of 1958, as amended

CFR Citation: 14 CFR 201.6; 14 CFR 203; 14 CFR 205; 14 CFR 221, Subpart N; 14 CFR 249; 14 CFR 250; 14 CFR 252; 14 CFR 253; 14 CFR 254; 14 CFR 296.6 and 297.30; 14 CFR 298.30; 14 CFR 379; 14 CFR 380; 14 CFR 382; 14 CFR 399, Subpart G

Abstract: The Civil Aeronautics Board was an independent agency; its rules have now been transferred to DOT, a cabinet department. This review will identify any CAB rules which are not consistent with Department or Administration regulatory criteria, such as those that impose an unnecessarily high cost or those with paperwork burdens that can be reduced or which involve a level of benefits or costs which are either higher or lower than necessary. The review will examine all alternatives, from strengthening a given rule to eliminating it. Non-regulatory approaches, including the supplying of information by the government, or regulation by another level of government, will be also considered. The benefits and costs will be known only after these alternatives have been developed. This review is a priority because it involves important departmental policy.

Timetable:

Action	Date	FR Cite
Begin Review	02/25/85	
End Review	12/31/85	

Small Entity: Yes

Additional Information: The committee conducting this review will examine all CAB consumer rules. Rulemaking proceedings on individual regulations may follow, depending on the committee's findings and recommendations.

DOT—OST

Existing Regulations Under Review
Priority Reviews

Agency Contact: Timothy J. Kelly, Transportation Industry Analyst, Department of Transportation, Office of the Secretary, 400 7th Street, SW, Room 10405, Washington, DC 20590, 202 755-2220

RIN: 2105-AB03

[FR Doc. 85-8370 Filed 04-26-85; 8:45 am]

BILLING CODE 4910-62-T

DEPARTMENT OF TRANSPORTATION (DOT)
Office of the Secretary (OST)

Completed Actions
Priority Rulemakings: Non-Major

COMPLETED RULEMAKINGS

68. UNIFORM RELOCATION ASSISTANCE AND REAL PROPERTY ACQUISITION POLICIES ACT OF 1970

Priority: Agency Determination

Legal Authority: 42 USC 4601 et seq

CFR Citation: 49 CFR 25

Abstract: This regulation would establish cost-effective policies and procedures governing Federal and Federally-assisted relocation assistance and real property acquisition programs under the Uniform Act. The Department published this NPRM at the request of OMB, and it is anticipated that when a final rule is issued, it will serve as a model for other Federal agencies covered by the Uniform Act.

Timetable:

Action	Date	FR Cite
NPRM	04/14/83	48 FR 16198
Final Action	03/05/85	50 FR 8955
Final Action Effective	07/03/85	

Small Entity: No

Additional Information: This regulation may become effective at an earlier date at the option of the displacing agency.

Government Levels Affected: Local, State

Analysis: Regulatory Evaluation 04/14/83

Agency Contact: Wayne F. Kennedy, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, 202 426-0342

RIN: 2105-AA16

69. CONVERSION OF CAB PROCEDURAL RULES TO DOT RULES

Priority: Agency Determination

Legal Authority: PL 95-504, Airline Deregulation Act of 1978; 49 USC 1301 et seq, Federal Aviation Act of 1958, as amended; 49 USC Subtitle I

CFR Citation: 49 CFR Chapter II, Subchapter B

Abstract: On January 1, 1985, the Civil Aeronautics Board terminated and most of the continuing functions of the CAB transferred to DOT. This rulemaking would revise the CAB procedural rules by deleting unnecessary and redundant provisions and designating the appropriate DOT Offices to handle transferred responsibilities. This rulemaking is significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
NPRM	11/01/84	49 FR 46006
NPRM Comment Period Begin	11/21/84	49 FR 46006
NPRM Comment Penod End	12/11/84	
Final Action Effective	01/01/85	
Final Action	01/16/85	50 FR 2374

Small Entity: No

Agency Contact: Warren Dean, Assistant General Counsel for Int'l Law, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, 202 426-2972

RIN: 2105-AA19

[FR Doc. 85-8370 Filed 04-26-85; 8:45 am]

BILLING CODE 4910-62-T

DEPARTMENT OF TRANSPORTATION (DOT)
Office of the Secretary (OST)

Completed Actions
Other Rulemakings

ACTIONS THAT STARTED AND ENDED BETWEEN ISSUES OF THE UNIFIED AGENDA

70. ● ASSIGNMENT OF CERTAIN AVIATION ECONOMIC FUNCTIONS

Legal Authority: 49 USC Subtitle I; 49 USC 1301 et seq; PL 95-504 Airline Deregulation Act of 1978; PL 98-443 Civil Aeronautics Board Sunset Act of 1984

CFR Citation: 14 CFR 385

Abstract: This rule reissues, in a new form, the CAB rule dealing with the delegation of certain discretionary functions. The functions are assigned to DOT officials to implement DOT sunset.

Timetable:

Action	Date	FR Cite
Final Action	12/31/84	49 FR 50984
Final Action Effective	01/01/85	49 FR 50984

Small Entity: No

Affected Sectors: Multiple

Government Levels Affected: Federal

Agency Contact: Warren Dean, Ass't General Counsel for International Law, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Rm. 10105, Washington, DC 20590, 202 426-2972

RIN: 2105-AA21

71. ● TRANSFER OF CAB FUNCTIONS - DELEGATIONS TO SECRETARIAL OFFICERS

Legal Authority: 49 USC Subtitle I; 49 USC 1301 et seq; PL 95-504 Airline Deregula-

DOT—OST

Completed Actions
Other Rulemakings

tion Act of 1978; PL 98-443 Civil Aeronautics Board Sunset Act of 1984

CFR Citation: 49 CFR 1

Abstract: This final rule delegates CAB authority to DOT Secretarial officers to implement CAB sunset.

Timetable:

Action	Date	FR Cite
Final Action	12/31/84	49 FR 50994
Final Action Effective	01/01/85	49 FR 50994

Small Entity: No

Affected Sectors: Multiple

Government Levels Affected: Federal

Agency Contact: Warren Dean, Ass't General Counsel for International Law, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Rm. 10104, Washington, DC 20590, 202 426-2972

RIN: 2105-AA22

[FR Doc. 85-8370 Filed 04-26-85, 8:45 am]

BILLING CODE 4910-62-T

DEPARTMENT OF TRANSPORTATION (DOT)
Office of the Secretary (OST)

Completed Actions
Civil Aeronautics Board

COMPLETED RULEMAKINGS

72. ESSENTIAL AIR SERVICE SUBSIDY GUIDELINES

Legal Authority: 49 USC 1324

CFR Citation: 14 CFR 271

Abstract: The Board provided subsidy to airlines to ensure that small communities receive essential air service at a level determined in accordance with 14 CFR Part 338. This rule implements section 419(d) of the Act, which directed the CAB and DOT to establish guidelines for computing the fair and reasonable amount of compensation necessary to guarantee that level of service.

Timetable:

Action	Date	FR Cite
NPRM (EDR-415, Docket 39041)	12/18/80	45 FR 83254
NPRM Comment Period End	02/17/81	
Final Action (ER-1398, Docket 39041)	12/24/84	49 FR 49842

Small Entity: No

Additional Information: ADDITIONAL AGENCY CONTACT: Joanne Petrie, (202) 472-5577.

Agency Contact: John R. Hokanson, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, 202 426-5950

RIN: 2105-AA35

73. OBLIGATION OF CARRIERS TO PROVIDE ADEQUATE SERVICE AT ELIGIBLE POINTS

Legal Authority: 49 USC 1374; 49 USC 1389

CFR Citation: 14 CFR 399

Abstract: The CAB set essential air service levels under section 419 of the Act for eligible points (small communities). Some of these points were being served by air carriers that were not providing the required level of service. This rule would have established a new policy under which the CAB would have relied on the "adequate service" provision of section 404(a) of the Act as authority to order these carriers to provide adequate (i.e., essential) service at points they now serve. The rulemaking was withdrawn because it was no longer necessary.

Timetable:

Action	Date	FR Cite
Withdrawn (PSDR-68A)	10/12/84	49 FR 40043

Small Entity: No

Agency Contact: Joanne Petrie, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, 202 472-5577

RIN: 2105-AA36

74. ELIMINATION OF MANDATORY JOINT FARES

Legal Authority: 49 USC 1374; 49 USC 1484; 49 USC 1601

CFR Citation: 14 CFR 399

Abstract: The mandatory joint fare requirements established in the Domestic Passenger Fare Investigation ended on January 1, 1983, with the end of the CAB's jurisdiction over domestic passenger fares. The CAB issued a proposal on its own initiative and in response to a petition filed by American Airlines to change the joint fare requirements in 1 of 3 ways. The CAB considered eliminating the system in some or all markets, or making interlining mandatory upon request. The rulemaking was terminated because the CAB no longer had authority to regulate this area.

Timetable:

Action	Date	FR Cite
NPRM Comment Period End	07/31/81	
Withdrawn (PSDR-70B)	10/03/84	49 FR 39069

Small Entity: Yes

Agency Contact: Joanne Petrie, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, 202 472-5577

RIN: 2105-AA37

75. HAWAIIAN JOINT FARES

Legal Authority: 49 USC 1374; 49 USC 1484; 49 USC 1601

CFR Citation: 14 CFR 399

Abstract: The CAB proposed to require certain airlines to provide interline service in Hawaii until the end of 1982, to aid in the transition to domestic fare deregulation. This rulemaking was terminated because the CAB no longer had authority to regulate fares in domestic air transportation.

Timetable:

Action	Date	FR Cite
Supplemental NPRM (PSDR-75A, Docket 38585)	05/03/82	47 FR 18913
NPRM Comment Period End	06/24/82	
Final Action (PSDR - 75B)	10/03/84	49 FR 39069
Withdrawn (PSDR - 75B)	10/03/84	49 FR 39069

Small Entity: No

DOT—OST

Completed Actions
Civil Aeronautics Board

Agency Contact: Joanne Petrie, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, 202 472-5577

RIN: 2105-AA38

76. CONSUMER PROTECTIONS FOR MEMBERS OF SCHEDULED-SERVICE TOUR GROUPS

Legal Authority: 49 USC 1324; 49 USC 1371; 49 USC 1372; 49 USC 1374; 49 USC 1381; 49 USC 1386

Abstract: The CAB considered whether consumer protection rules were needed for scheduled-service tours. The Board decided not to issue a notice of proposed rulemaking and closed the docket because there were not significant consumer protection problems in this area.

Timetable:

Action	Date	FR Cite
ANPRM (SPDR-71, Docket 34997)	07/25/79	44 FR 43481
ANPRM Comment Period End	10/23/79	
Reply Comment Period End	11/22/79	
Final Action (SPDR-71A)	01/04/85	50 FR 482

Small Entity: No

Agency Contact: Joanne Petrie, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, 202 472-5577

RIN: 2105-AA43

77. MODIFICATION OR WITHDRAWAL OF EXEMPTION TO FOREIGN AIR CARRIERS TO CARRY TRAVEL AGENTS OR OTHER TRAVEL PROMOTERS FREE OR AT REDUCED RATES

Legal Authority: 49 USC 1324; 49 USC 1373; 49 USC 1374; 49 USC 1386

CFR Citation: 14 CFR 223

Abstract: This rule would have allowed the CAB to modify or terminate exemptions granted to foreign air carriers to carry travel agents or other travel promoters free or at reduced rates at any time without hearing, as the public interest may require. The CAB terminated the rulemaking because there has not been a problem recently in this area.

Timetable:

Action	Date	FR Cite
NPRM (EDR-428, Docket 39794)	07/15/81	46 FR 36714
NPRM Comment Period End	08/07/81	
Supplemental NPRM (EDR-428A)	08/13/81	46 FR 40896
NPRM Comment Period End	08/21/81	
Withdrawn (EDR-428B)	01/04/85	50 FR 480

Small Entity: No

Agency Contact: Joanne Petrie, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, 202 472-5577

RIN: 2105-AA50

78. ON-TIME ARRIVAL STANDARDS FOR AIRLINES

Legal Authority: 49 USC 1324; 49 USC 1374; 49 USC 1375; 49 USC 1381

CFR Citation: 14 CFR 399

Abstract: The CAB amended its rules to include a policy statement that unrealistic scheduling will be considered an unfair or deceptive practice or an unfair method of competition under Section 411 of the Act. The requirement that certificated air carriers report their scheduled arrival performance, which was waived temporarily, was also eliminated because it was unnecessary.

Timetable:

Action	Date	FR Cite
NPRM (EDR-301, Docket 27891)	07/29/76	41 FR 31568
NPRM Comment Period End	09/13/76	
NPRM (EDR-301B/PSDR-79)	06/29/83	48 FR 29879
Comment Period End	08/29/83	
Reply Comment Period End	09/13/83	
Final Action (PS-111)	10/17/84	49 FR 40567

Small Entity: No

Agency Contact: Joanne Petrie, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, 202 472-5577

RIN: 2105-AA51

79. REDUCE REPORTING REQUIREMENTS OF THE AIR CARRIER UNIFORM SYSTEM OF ACCOUNTS AND REPORTS

Legal Authority: 49 USC 1324; 49 USC 1371; 49 USC 1377; 49 USC 1387

CFR Citation: 14 CFR 241

Abstract: This rule would eliminate from the Aviation Uniform System of Accounts and Reports (USAR) 16 financial and statistical schedules, 4 yearly summarization schedules and 9 accounting policy standards. In addition, it would simplify the reporting on some of the remaining schedules for the airline industry.

Timetable:

Action	Date	FR Cite
NPRM (EDR-472, Docket 42114)	05/02/84	49 FR 18509
NPRM Comment Period End	07/05/84	
Final Action (EDR-472, Docket 42114)	11/28/84	50 FR 232
Final Action Effective	01/01/85	

Small Entity: No

Agency Contact: Jack Calloway, Chief, Department of Transportation, Office of the Secretary, Data Requirements & Public Reports Division, DAI-10/Room 4125, 400 Seventh Street, SW, Washington, DC 20590, 202 426-7372

RIN: 2105-AA54

80. LARGE AIRCRAFT CERTIFICATED CARRIERS: CHANGE THE APPLICABILITY OF FORM 41

Priority: Agency Determination

Legal Authority: 49 USC 1324; 49 USC 1371; 49 USC 1377; 49 USC 1387

CFR Citation: 14 CFR 241

Abstract: This rule would require only those certificated carriers operating large aircraft (more than 60 seats or more than 18,000 pounds of payload) to file the Form 41 report. Carriers operating other than large aircraft would report under Part 298. This rulemaking is significant because it may significantly impact on the aviation industry and may lead to a reduction in paperwork burdens.

DOT—OST

Completed Actions
Civil Aeronautics Board

Timetable:

Action	Date	FR Cite
NPRM (EDR-465/ODR-26, Docket 41607)	08/12/83	48 FR 36601
NPRM Comment Period End	10/10/83	
Reply Comment Period End	10/31/83	
Final Action (ER-1401,/OR-217, Docket 41607)	12/21/84	50 FR 10
Final Action Effective	01/01/85	

Small Entity: Yes

Agency Contact: Jack Calloway, Chief, Department of Transportation, Office of the Secretary, Data Requirements & Public Reports Division, DAI-10/Room 4125, 400 Seventh Street, SW, Washington, DC 20590, 202 426-7372

RIN: 2105–AA55

81. EXEMPTIONS FROM REPORTING AIRLINE STOCK OWNERSHIP

Legal Authority: 49 USC 1377; 49 USC 1386

CFR Citation: 14 CFR 245

Abstract: The CAB considered whether to change its rules to exempt owners of more than five percent of any class of capital stock or capital of an airline from the filing of reports required by section 407(c) of the Act. The filing of these reports was waived under delegated authority pending the outcome of this rulemaking. The CAB terminated the rulemaking and removed Part 245 because its authority to regulate this area ceased on December 31, 1984.

Timetable:

Action	Date	FR Cite
Action terminated	12/31/84	

Small Entity: No

Agency Contact: Joanne Petrie, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, 202 472-5577

RIN: 2105–AA57

82. REVISION OF STOCK OWNERSHIP REPORTS BY AFFILIATES OF AIR CARRIERS

Legal Authority: 49 USC 1377; 49 USC 1386

CFR Citation: 14 CFR 246

Abstract: The CAB considered changing a reporting requirement that affiliates of an airline disclose information on their major stockholders in order to improve the ability to monitor foreign citizen ownership of U.S. air carriers. The CAB terminated this rulemaking and removed Part 246 because its authority to regulate this area ceased on December 31, 1984.

Timetable:

Action	Date	FR Cite
Action terminated	12/31/84	

Small Entity: No

Agency Contact: Joanne Petrie, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, 202 472-5577

RIN: 2105–AA58

83. ALASKAN AIR SERVICE SUBCONTRACT AGREEMENTS

Legal Authority: 49 USC 1386; 49 USC 1389

CFR Citation: 14 CFR 293

Abstract: Part 293 applies to subcontract agreements involving the operation of scheduled air services by air taxi operators over Alaskan bush routes on a certificated air carrier. The CAB eliminated the current filing requirements and terminated the proposal to require that the certificated carrier file a notice when it intended to subcontract with a different air taxi or when the incumbent on air taxi intended to terminate or reduce the service on the route.

Timetable:

Action	Date	FR Cite
NPRM (EDR-431/PDR-76, Docket 39990)	09/21/81	46 FR 46592
NPRM Comment Period End	11/20/81	
Final Action (ER-1388)	09/27/84	49 FR 38075
Final Action Effective	10/29/84	

Small Entity: Yes

Agency Contact: Joanne Petrie, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, 202 472-5577

RIN: 2105–AA59

84. SMALL AIRCRAFT CERTIFICATED AIR CARRIERS: AMEND APPLICABILITY OF PART 298 AND REVISE REPORTING ON CAB FORM 298 C

Legal Authority: 49 USC 1324; 49 USC 1371; 49 USC 1374; 49 USC 1386

CFR Citation: 14 CFR 298

Abstract: This rule extended the applicability of Form 298-C reporting to certificated air carriers operating small aircraft (60 or fewer seats or 18,000 pounds or less payload), eliminated mail and cargo data from the reporting requirements for all but intra-Alaskan carriers, required all carriers to file four financial data elements, required small certificated carriers to file direct operating expenses by aircraft type and indirect expense in total, and required small certificated carriers to file nonscheduled passenger enplanements by airport.

Timetable:

Action	Date	FR Cite
NPRM (EDR-465/ODR-26, Docket 41607)	08/12/83	48 FR 36601
NPRM Comment Period End	10/10/83	
Reply Comment Period End	10/31/83	
Final Action (ER-1400, Docket 41607)	12/21/84	50 FR 14
Final Action Effective	01/01/85	

Small Entity: Yes

Agency Contact: Jack Calloway, Chief, Department of Transportation, Office of the Secretary, Data Requirements & Public Reports Division, DAI-10/Room 4125, 400 Seventh Street, SW, Washington, DC 20590, 202 426-7372

RIN: 2105–AA61

85. AIR SERVICE TERMINATIONS IN FOREIGN MARKETS

Legal Authority: 49 USC 1324; 49 USC 1377

CFR Citation: 14 CFR 323

Abstract: The CAB eliminated all advance notice requirements for terminations of service in foreign air transportation. This created problems in some limited designation markets where the incumbent carrier terminated service without informing the CAB. The CAB proposed to require carriers to report to the CAB if they were

terminating foreign air service so that the CAB would have time to find a replacement, if necessary. The CAB terminated the rulemaking because it was unnecessary and because there were no significant problems in the area for the last 2 years.

Timetable:

Action	Date	FR Cite
NPRM (PDR-80, Docket 40903)	08/20/82	47 FR 36433
NPRM Comment Period End	10/19/82	
Withdrawn (PDR-80A)	01/04/85	50 FR 481

Small Entity: No

Agency Contact: Joanne Petrie, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, 202 472-5577

RIN: 2105-AA63

86. EMPLOYEE RESPONSIBILITIES AND CONDUCT

Legal Authority: PL 95-521

CFR Citation: 14 CFR 370; 14 CFR 300

Abstract: The CAB considered revisions of its ethics rules to reflect its experience since the last revision and to conform to the Ethics in Government Act, Pub. L. 95-521. The rulemaking is no longer necessary because DOT has its own ethics rules.

Timetable:

Action	Date	FR Cite
Action terminated	12/31/84	

Small Entity: No

Agency Contact: Joanne Petrie, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, 202 472-5577

RIN: 2105-AA64

87. RECONSIDERATION OF THE 1-HOUR EXEMPTION FOR DENIED BOARDING COMPENSATION

Legal Authority: 49 USC 1324; 49 USC 1371 to 1374; 49 USC 1377; 49 USC 1381; 49 USC 1386; 49 USC 1482

CFR Citation: 14 CFR 250

Abstract: The CAB denied a petition by the Aviation Consumer Action Project (ACAP) to modify the 1-hour exemption to the oversales rule. The exemption provides that carriers need not pay denied boarding compensation to passengers who are accommodated on alternative flights that are scheduled to arrive within 1-hour of the scheduled arrival time of the original flight. ACAP argued that this change will increase overbooking, undermine volunteer solicitation, and result in no compensation to passengers who are injured.

Timetable:

Action	Date	FR Cite
Order 84-12-128 Denial of Petition for Rulemaking	12/28/84	

Small Entity: No

Additional Information: Petition filed in Docket 39932

Agency Contact: Joanne Petrie, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, 202 472-5577

RIN: 2105-AA74

88. PRICE ADVERTISING

Legal Authority: 49 USC 1371; 49 USC 1372; 49 USC 1381; 49 USC 1386

CFR Citation: 14 CFR 380

Abstract: The CAB adopted a rule requiring advertising of charter flights, charter tours, or components of charter tours to state the entire price that a passenger must pay for the flight, tour or tour component. The rule will apply to advertising distributed after March 18, 1985.

Timetable:

Action	Date	FR Cite
NPRM (SPDR-90/PSDR-82, Docket 41184)	11/04/83	48 FR 5090
NPRM Comment Period Begin	11/04/83	
NPRM Comment Period End	01/03/84	
Reply Comment Period End	01/18/84	
Final Action (SPR-195/PS-113)	12/20/84	49 FR 49438

Small Entity: No

Agency Contact: Joanne Petrie, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, 202 472-5577

RIN: 2105-AA75

89. REMOVAL OF POLICY STATEMENT ON STANDARD CONDITIONS IN FOREIGN AIR CARRIER PERMITS

Legal Authority: 49 USC 1301; 49 USC 1302; 49 USC 1305; 49 USC 1324; 49 USC 1371; 49 USC 1372; 49 USC 1386; 49 USC 1373; 49 USC 1374; 49 USC 1375; 49 USC 1376; 49 USC 1377; 49 USC 1378; 49 USC 1379; 49 USC 1381; ...

CFR Citation: 14 CFR 399

Abstract: The CAB had standard conditions that it placed on permits given to foreign air carriers. Some, but not all of those conditions were listed in the CAB's (now DOT's) statements of general policy for convenience. This rule eliminated the statement of policy because it was duplicative. The conditions, however, remain unchanged and will continue to be included on each foreign air carrier permit.

Timetable:

Action	Date	FR Cite
NPRM (PSDR-80, Docket 41597)	08/03/83	48 FR 35119
NPRM Comment Period End	10/03/83	
Reply Comment Period End	10/18/83	
Final Action (PS-112)	11/28/84	49 FR 49440

Small Entity: No

Additional Information: ADDITIONAL LEGAL AUTHORITIES: 49 USC 1382, 49 USC 1481, 49 USC 1482, 49 USC 1502, 49 USC 1504

Agency Contact: Joanne Petrie, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, 202 472-5577

RIN: 2105-AA79

90. NONDISCRIMINATION ON THE BASIS OF HANDICAP BY THE BOARD

Legal Authority: 29 USC 794; 49 USC 1324

CFR Citation: 14 CFR 383, (Proposed)

Abstract: The CAB had rules that prohibited discrimination against the handicapped by air carriers. The CAB considered developing rules to prohibit such discrimination by the CAB itself. This rulemaking was terminated because DOT already has a broader rulemaking on this subject.

DOT—OST

Completed Actions

Civil Aeronautics Board

Timetable:

Action	Date	FR Cite
Action terminated	12/31/84	

Small Entity: No

Agency Contact: Robert Ashby, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, 202 426-4723

RIN: 2105-AA81

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91. DISCLOSURE OF CRS-GENERATED DATA, DISPLAY CRITERIA AND LOADING FORMATS

Legal Authority: 49 USC 1302; 49 USC 1324; 49 USC 1374; 49 USC 1381; 49 USC 1389; 49 USC 1502

CFR Citation: 14 CFR 255

Abstract: The CAB amended its rules to forbid release of computer-generated sales data on any U.S. air carrier to foreign carriers without the consent of the U.S. carrier. In addition, the CAB adopted rules that would require airline CRS vendors to disclose current display and edit criteria and weights, connect points, and data base update procedures and formats to all interested persons.

Timetable:

Action	Date	FR Cite
NPRM (EDR-476)	09/10/84	49 FR 35507
NPRM Comment Period End	09/25/84	
Reply Comment Period End	10/05/84	
Final Action (ER-1396)	11/26/84	49 FR 46347

Small Entity: No

Agency Contact: Paul Smith, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, 202 426-7410

RIN: 2105-AA91

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92. NINE POINT CONNECTION RULE

Legal Authority: 49 USC 1302; 49 USC 1324; 49 USC 1374; 49 USC 1381; 49 USC 1389; 49 USC 1502

CFR Citation: 14 CFR 255

Abstract: The CAB adopted rules that require airline-owned computer reservations systems to maintain the capacity to display connecting flights over a minimum of nine connect points in city-pair markets. This action was a result of the CAB's ongoing effort to eliminate unfair practices in the computerized reservations system industry.

Timetable:

Action	Date	FR Cite
ANPRM (EDR-471, Docket 41686)	03/27/84	49 FR 11643
ANPRM Comment Period End	04/26/84	
Reply Comment Period End	05/11/84	
NPRM (EDR-475)	08/07/84	49 FR 31436
NPRM Comment Period End	08/22/84	
Reply Comment Period End	09/03/84	
Final Action (ER-1395)	11/07/84	49 FR 44451

Small Entity: Yes

Agency Contact: Bob Young, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, 202 426-7410

RIN: 2105-AA93

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93. PLACEMENT OF INTERNATIONAL AIRLINE BAGGAGE LIABILITY NOTICES

Legal Authority: 49 USC 1324; 49 USC 1372

CFR Citation: 14 CFR 221

Abstract: The CAB adopted an interpretative amendment to clarify its rules concerning placement of the notice of limitations of baggage liability in international air transportation. The prior rule stated that the notice must be provided "on" the ticket. USAir asked that airlines be allowed to provide the notice "on" or "with" the ticket to permit use of automated ticketing and boarding passes. The final rule granted USAir's request.

Timetable:

Action	Date	FR Cite
Final Action (ER-1390)	10/12/84	40 FR 004

Small Entity: No

Agency Contact: Joanne Petrie, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, 202 472-5577

RIN: 2105-AA94

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94. DENIED BOARDING COMPENSATION FOR CHANGE IN CLASS OF SERVICE

Legal Authority: 49 USC 1324; 49 USC 1371 to 1374; 49 USC 1377; 49 USC 1381; 49 USC 1386; 49 USC 1482

CFR Citation: 14 CFR 250

Abstract: The CAB denied a petition by Mr. Sam A. Gallo to amend the oversales rule to provide compensation to passengers who are involuntarily changed from one class of service to a lower class.

Timetable:

Action	Date	FR Cite
Order 84-12-43 Denial of Petition for Rulemaking	12/13/84	

Small Entity: No

Agency Contact: Joanne Petrie, Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, 202 472-5577

RIN: 2105-AA96

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95. PAYMENT OF DENIED AIRCRAFT BOARDING COMPENSATION BY VOUCHERS

Legal Authority: 49 USC 1324; 49 USC 1371 to 1374; 49 USC 1377; 49 USC 1381; 49 USC 1386; 49 USC 1482

CFR Citation: 14 CFR 250

Abstract: People Express petitioned the CAB to clarify, interpret or amend its oversales rule to allow air carriers to give involuntarily bumped passengers vouchers instead of checks. These vouchers could be used for transportation or mailed in to the airline for a refund. People Express argued that such a change would benefit consumers because it would give them the option to choose a cash refund or free or reduced-rate air transportation without having to make a decision on the spot. The CAB denied the petition because such vouchers would not satisfy the "immediate negotiability" requirement of the rule.

Timetable:

Action	Date	FR Cite
Final Action (ER-1394)	10/31/84	49 FR 43622
Final Action Effective	11/30/84	

Small Entity: No

DOT—OST

Completed Actions
Civil Aeronautics Board

Agency Contact: Joanne Petrie,
Department of Transportation, Office of the Secretary, 400 Seventh Street, SW, Washington, DC 20590, **202 472-5577**

RIN: 2105-AA97

[FR Doc. 85-8370 Filed 04-26-85; 8:45 am]
BILLING CODE 4910-62-T

DEPARTMENT OF TRANSPORTATION (DOT)
U.S. Coast Guard (USCG)

Current and Projected Rulemakings
Priority Rulemakings: Major

96. DAMAGE STABILITY AND FLOODING PROTECTION STANDARDS FOR GREAT LAKES BULK DRY CARGO VESSELS (80-159)

Priority: Major

Legal Authority: 46 USC 3306

CFR Citation: 46 CFR 45; 46 CFR 93

Abstract: Would require a level of subdivision for new ships which is at least equivalent to that required for Maritime Administration construction loan guarantees. Would reduce the risk of catastrophic sinking and increase the time available to utilize recently improved survival gear. This project is significant because it would initiate a significant change in policy which differs substantially from international standards. Additionally, it could result in a major price increase for an individual industry.

Timetable:

Action	Date	FR Cite
ANPRM	02/28/83	48 FR 8312
NPRM	06/00/85	

Small Entity: No

Additional Information: Docket No. CGD 80-159.

Analysis: Preliminary RIA 06/00/85

Agency Contact: Mr. F. Michael, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, **202 426-2187**

RIN: 2115-AA01

97. SEGREGATED BALLAST, DEDICATED CLEAN BALLAST, AND CRUDE OIL WASHING ON EXISTING TANK VESSELS OF 20,000 TO 40,000 DEADWEIGHT TONS (82-028)

Priority: Major

Legal Authority: 46 USC 3705(c); 46 USC 3706(d); 46 USC 2104; 46 USC 3306

CFR Citation: 33 CFR 157

Abstract: This project would amend 33 CFR pt. 157 for the purpose of implementing the tanker construction and equipment standards in 46 USC 3705(c) and 46 USC 3706(d). These statutes require tank vessels of 20,000 to 40,000 DWT that are 15 years old or older to have segregated ballast tanks, dedicated clean ballast tanks or a crude oil washing system by January 1, 1986 or the date they reach 15 years of age; whichever occurs later. This rulemaking is considered significant because of the economic impact of the statute on industry, and Congressional and Administration interest. It is needed because implementing standards mandated by the Port and Tanker Safety Act, will reduce operational pollution from ballasting, tank cleaning and sludge removal on existing tank vessels that are 15 years old or older.

Timetable:

Action	Date	FR Cite
Notice of Intent to Develop Regs	03/18/82	47 FR 11724
Notice of Intent Comment ends	05/03/82	
NPRM	01/24/84	49 FR 2998
Supplemental Information	11/26/84	49 FR 46440
Final Action	04/00/85	

Small Entity: No

Additional Information: A notice of intent to develop regulations under this docket was published on March 18, 1982 (47 FR 11724). Comment period on Notice of intent closed May 3, 1983.

Analysis: Preliminary RIA 10/01/83; Environmental Impact Statement 01/24/84

Agency Contact: Lt. Lantz, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, **202 426-4431**

RIN: 2115-AA05

98. SHIPPING FAIRWAY SYSTEM OFF THE COAST OF CALIFORNIA (83-032)

Priority: Major

Legal Authority: 33 USC 1223; 33 USC 1224

CFR Citation: 33 CFR 166; 33 CFR 167

Abstract: Would implement the results of the Port Access Route Study mandated by the Ports and Waterways Safety Act. As a result of the study, the Coast Guard has preliminarily determined that potential conflicts between oil drilling and shipping require creation of a fairway system off the coast of California from the vicinity of San Francisco to Los Angeles/Long Beach and changes to the San Francisco and Santa Barbara channel traffic separation schemes. No structures would be permitted in the fairway.

Timetable:

Action	Date	FR Cite
NPRM	06/00/85	

Small Entity: No

Additional Information: Results of the Port Access Study for California were published in the Federal Register on June 24, 1982 (47 FR 27430) and on October 14, 1982 (47 FR 46043). Disapproval of one section of the proposed system by the International Maritime Organization will require a new study of a limited geographical area and may delay publication of the NPRM.

Analysis: Preliminary RIA 06/00/85

Agency Contact: Mr. C. Young, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, **202 245-0108**

RIN: 2115-AB29

[FR Doc. 85-8370 Filed 04-26-85; 8:45 am]
BILLING CODE 4910-62-T

DEPARTMENT OF TRANSPORTATION (DOT)
U.S. Coast Guard (USCG)

Current and Projected Rulemakings
Priority Rulemakings: Non-Major

99. REVIEW: LICENSING OF PILOTS; MANNING OF VESSELS--PILOTS (77-084)

Priority: Agency Determination

Legal Authority: 46 USC 2104; 46 USC 3306; 46 USC 7101; 46 USC 7109; 46 USC 7112; 46 USC 8101; 46 USC 7301

CFR Citation: 46 CFR 10; 46 CFR 157

Abstract: This proposal would: (1) set the minimum age requirement of 21 years, (2) reflect the statutory requirement that requires pilots to have an annual physical examination, (3) change the experience requirement for a tonnage endorsement of "any gross tons," (4) require pilots to maintain knowledge of the routes on their licenses, (5) maintain the authority of the Coast Guard to establish limitations on licenses.

Timetable:

Action	Date	FR Cite
NPRM	11/28/80	45 FR 79258
Supplemental NPRM	01/27/83	48 FR 3912
Notice of Additional Hearings and Extension of Comment Period	06/30/83	48 FR 30152
Public Hearings	07/06/83 to 06/08/83	
Notice of Reopening and Extension of Comment Period	10/13/83	48 FR 46556
Supplemental NPRM	10/13/83	48 FR 46556
Final Action	04/00/85	

Small Entity: No

Additional Information: Docket No. CGD 77-084. A Regulatory Analysis and Work Plan were completed in October 1978. NPRM published November 28, 1980 (45 FR 79258). Public hearings were held in January and February 1981. A SNPRM was published January 27, 1983 (48 FR 3912). Notice of Public Hearings; Reopening and Extension of Comment Period was published May 9, 1983 (48 FR 20770). Notice of additional public hearing and extension of comment period was published June 30, 1983 (48 FR 30152). Public hearings were held in June and July 1983. Extension and reopening of comment period was published October 13, 1983 (48 FR 46556). A final rule and NPRM are in the clearance process.

Analysis: Regulatory Evaluation 11/28/80 (45 FR 79258)

Agency Contact: Mr. J. Hartke, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, 202 426-2985

RIN: 2115-AA04

100. REVIEW: QUALIFICATIONS OF THE PERSON IN CHARGE OF OIL TRANSFER OPERATIONS, TANKERMAN REQUIREMENTS (79-116)

Priority: Agency Determination

Legal Authority: 46 USC 3703; 46 USC 7317; 46 USC 8703; 46 USC 9101; 46 USC 9102

CFR Citation: 33 CFR 155, 46 CFR 12; 46 CFR 13; 46 CFR 30, 46 CFR 31; 46 CFR 35; 46 CFR 70; 46 CFR 90; 46 CFR 98; 46 CFR 105; 46 CFR 151; 46 CFR 153; 46 CFR 157

Abstract: Would redefine and establish qualifying criteria for certifying individuals engaged in the carriage and transfer of the various categories of dangerous cargoes in bulk. This is considered significant because of passage of the Port and Tanker Safety Act of 1978 and the fact that the International Convention on the Standards for Training, Certification and Watchkeeping for Seafarers of 1978 will enter into force on April 28, 1984. This rulemaking is necessary because most pollution incidents are the result of personnel error; consequently, the minimum qualifications of persons involved in handling polluting substances should be specified.

Timetable:

Action	Date	FR Cite
NPRM	12/18/80	45 FR 83268
Begin Public Hearings	01/00/81	
End Public Hearings	02/00/81	
Supplemental NPRM	12/00/84	
Final Action	12/00/85	

Small Entity: Yes

Additional Information: Docket No. CGD 79-116 and 79-116a. Environmental Analysis and Inflationary Impact Statement completed February 1977. Extensive comments were received on the April 25, 1977 NPRM and it was withdrawn on April 30, 1979. NPRM published December 1980 (45 FR 83268 and 45 FR 83290). ADDITIONAL ANALYSIS: Inflationary Impact Statement.

Analysis: Regulatory Evaluation 12/00/85; Environmental Impact Statement 12/00/85

Agency Contact: LCDR Pendegraft, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, 202 426-2241

RIN: 2115-AA03

101. LICENSING OF OFFICERS AND MOTORBOAT OPERATORS AND REGISTRATION OF STAFF OFFICERS (81-059)

Priority: Agency Determination

Legal Authority: 46 USC 3306; 46 USC 7101; 46 USC 7102; 46 USC 7103; 46 USC 7104; 46 USC 7105; 46 USC 7106; 46 USC 7107; 46 USC 7108; 46 USC 7009; 46 USC 7110; 46 USC 7111; 46 USC 7112; 46 USC 7113, 46 USC 7114; ...

CFR Citation: 46 CFR 10; 46 CFR 157; 46 CFR 186; 46 CFR 187

Abstract: Would amend the licensing regulations to simplify administration and improve readability to the public. Also to provide a license structure for all mariners with which to advance in an orderly career pattern. Will also delete many unnecessary and outdated licenses. This regulation has been made significant because of its far reaching impact on all licensed officers of the merchant marine.

Timetable:

Action	Date	FR Cite
ANPRM	10/29/81	46 FR 53624
NPRM	08/08/83	48 FR 35920
Comment Period extended	11/10/83	48 FR 51650
Supplemental NPRM	06/00/85	

Small Entity: No

Additional Information: ADDITIONAL LEGAL AUTHORITIES: 46 USC 8101; 46 USC 8105; 46 USC 8104; 46 USC 8301; 46 USC 8302; 46 USC 8303; 46 USC 8304; 46 USC 8502; 46 USC 7701; 46 USC 7702; 46 USC 7703;

Analysis: Regulatory Evaluation 08/06/83

Agency Contact: CDR Naccara, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, 202 426-2240

RIN: 2115-AA64

102. INTERVALS FOR DRYDOCKING AND TAILSHAFT EXAMINATION ON INSPECTED VESSELS (84-024)

Priority: Agency Determination

Legal Authority: 46 USC 3306

CFR Citation: 46 CFR 31; 46 CFR 61; 46 CFR 71; 46 CFR 91; 46 CFR 107; 46 CFR 167; 46 CFR 189; 46 CFR 176

Abstract: Various Coast Guard regulations specify the intervals for drydocking and tailshaft examinations on inspected vessels. The Coast Guard is considering changing these intervals. Extending the interval between drydockings, if it could be accomplished without diminishing overall vessel safety, could result in significant savings to vessel operators. The ANPRM sought information from industry on developing technology. This regulation is significant because it involves important departmental safety policy.

Timetable:

Action	Date	FR Cite
ANPRM	05/04/84	49 FR 19050
NPRM	08/00/85	

Small Entity: Yes

Analysis: Regulatory Evaluation 08/00/85

Agency Contact: LT Potvin, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, **202 426-4431**

RIN: 2115-AB58

103. SAFETY RULES FOR VESSELS ENGAGED IN CHEMICAL WASTE INCINERATION AT SEA (84-025)

Priority: Agency Determination

Legal Authority: 46 USC 3703

CFR Citation: 46 CFR 153

Abstract: Would establish safety rules for the design of vessels engaged in the incineration of chemical wastes at sea. This regulation is significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
NPRM	06/00/85	

Small Entity: No

Analysis: Regulatory Evaluation 06/00/85

Agency Contact: LCDR D. B. Crawford, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, **202 426-1217**

RIN: 2115-AB60

104. ● USER FEES FOR COAST GUARD SERVICES (84-026)

Priority: Agency Determination

Legal Authority: 31 USC 9701; 46 USC 3306; 46 USC 3703; 49 USC 108

CFR Citation: 33 CFR 27; 33 CFR 66; 33 CFR 74; 33 CFR 100; 46 CFR 159

Abstract: This proposal would impose fees for certain Coast Guard services in keeping with the Administration's policy of recovering costs of services provided by the Federal Government to identifiable beneficiaries to the extent practicable. This rulemaking is significant because it will set precedent for a whole range of anticipated Coast Guard initiatives and is likely to create an adverse public reaction. It may also involve substantial cost.

Timetable:

Action	Date	FR Cite
NPRM	04/00/85	

Small Entity: No

Agency Contact: Mr. J. Kursban, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, **202 426-2430**

RIN: 2115-AB73

105. ● LICENSING OF PILOTS-MANNING OF VESSELS-PILOTS (84-060)

Priority: Agency Determination

Legal Authority: 46 USC 2104; 46 USC 3306; 46 USC 7101; 46 USC 7109; 46 USC 7112; 46 USC 8101

CFR Citation: 46 CFR 157; 46 CFR 10.05-39

Abstract: This proposal would define "pilotage waters" and "coastwise seagoing vessel." In addition, it would increase the gross tonnage authorization of licensed officers to serve as pilot on self-propelled coastwise seagoing vessels from 1,000 gross tons to 1,600 gross tons.

Timetable:

Action	Date	FR Cite
NPRM	04/00/85	

Small Entity: No

Additional Information: This proposal has been split from a previously published NPRM identified by the same title with Coast Guard Docket number 77-084 and RIN 2115-AA04. The project is considered significant because of its far-reaching impact on licensed officers.

Analysis: Regulatory Evaluation 04/00/85

Agency Contact: Mr. J. Hartke, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, **202 426-2985**

RIN: 2115-AB67

[FR Doc. 85-8370 Filed 04-26-85; 8:45 am]
BILLING CODE 4910-62-T

106. VTS HOUSTON-GALVESTON, TX (74-029)

Legal Authority: 33 USC 1223

CFR Citation: 33 CFR 161

Abstract: Would make mandatory a now voluntary vessel traffic service.

Timetable:

Action	Date	FR Cite
NPRM	09/18/80	45 FR 62158

Next Action Undetermined

Small Entity: No

Additional Information: Docket No. CGD 74-029.

Analysis: Regulatory Evaluation 09/18/80

Agency Contact: Mr. E. LaRue, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, **202 426-5116**

RIN: 2115-AA07

107. REVIEW: FIXED FIRE EXTINGUISHING SYSTEMS ON UNINSPECTED VESSELS (74-284)

Legal Authority: 46 USC 2104; 46 USC 4104; 46 USC 4105; 46 USC 4302; 49 USC 108

CFR Citation: 46 CFR 162.029

Abstract: Would establish standards for the construction and installation of Halon 1301 and other fixed fire extinguishing systems as optional systems for compliance with existing regulations.

Timetable:

Action	Date	FR Cite
NPRM	04/19/82	47 FR 16648
Final Action	09/00/85	

Small Entity: No

Additional Information: Docket No. CGD 74-284.

Analysis: Regulatory Evaluation 04/19/82

Agency Contact: Mr. K. Wahle, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, 202 426-1444

RIN: 2115-AA08

108. REVIEW: STABILITY STANDARDS FOR HOPPER DREDGES (76-080)

Legal Authority: 46 USC 88; 46 USC 362; 46 USC 367

CFR Citation: 46 CFR 42; 46 CFR 45

Abstract: Would permit a deeper load line assignment for hopper dredges which meet the proposed damage stability standards.

Timetable:

Action	Date	FR Cite
NPRM	12/10/79	44 FR 70791
Final Action	09/00/85	

Small Entity: No

Additional Information: Docket No. CGD 76-080. Alternative procedure under consideration.

Analysis: Regulatory Evaluation 12/10/79

Agency Contact: LCDR Letourneau, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, 202 426-2187

RIN: 2115-AA11

109. REVIEW: CONSTRUCTION AND EQUIPMENT; EXISTING SELF-PROPELLED VESSELS CARRYING BULK LIQUEFIED GASES (77-069)

Legal Authority: 46 USC 3703

CFR Citation: 46 CFR 154

Abstract: Would amend regulations for existing self-propelled vessels that carry bulk liquefied gases by including the substantive requirements for the "Code for Existing Ships Carrying Liquefied Gases in Bulk" adopted by the International Maritime Organization (IMO). These amended regulations would increase safety levels for existing ships carrying gas.

Timetable:

Action	Date	FR Cite
ANPRM	06/30/77	42 FR 33353
NPRM	06/00/85	

Small Entity: No

Additional Information: Docket No. 77-069.

Analysis: Regulatory Evaluation 06/00/85

Agency Contact: Dr. A. Rowek, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, 202 426-1217

RIN: 2115-AA00

110. REQUIREMENT FOR FIRST PURCHASER LIST KEPT BY BOAT DEALERS (77-115)

Legal Authority: 46 USC 1464

CFR Citation: 33 CFR 179

Abstract: Would require boat dealers to assist in creating a list of retail purchasers so manufacturers could send notice to alert for safety defects.

Timetable:

Action	Date	FR Cite
NPRM	12/29/80	45 FR 85475

Next Action Undetermined

Small Entity: No

Additional Information: Docket No. CGD 77-115.

Analysis: Regulatory Evaluation 12/29/80

Agency Contact: Mr. Ellison, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, 202 426-1065

RIN: 2115-AA16

111. REVIEW: MISCELLANEOUS CHANGES TO 46 CFR 56 (77-140)

Legal Authority: 46 USC 3301; 46 USC 3305; 46 USC 3306

CFR Citation: 46 CFR 56

Abstract: Would update Title 46, Subchapter F - Marine Engineering. Some facets of these regulations for shipboard piping systems have become obsolete as a result of technological developments and changes in cited codes and standards.

Timetable:

Action	Date	FR Cite
NPRM	01/09/85	50 FR 1073
NPRM Comment Period Begin	01/09/85	
NPRM Comment Period End	03/11/85	
Final Action	09/00/85	

Small Entity: No

Additional Information: Docket No. CGD 77-140.

Analysis: Regulatory Evaluation 01/09/85

Agency Contact: Mr. F. Weidner, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, 202 426-2160

RIN: 2115-AA17

112. LIFESAVING SYSTEMS FOR GREAT LAKES VESSELS (77-202)

Legal Authority: 46 USC 3306(a)

CFR Citation: 46 CFR Subchapter D; 46 CFR Subchapter H; 46 CFR Subchapter I; 46 CFR Subchapter T; 46 CFR Subchapter Q

Abstract: Would amend regulations for lifeboats and other equipment to improve chances of personnel survival following abandonment of vessel.

Timetable:

Action	Date	FR Cite
NPRM	09/00/85	

Small Entity: No

Additional Information: Docket No. CGD 77-202.

Analysis: Regulatory Evaluation 09/00/85

Agency Contact: Mr. R. Markle, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, 202 426-1445

RIN: 2115-AA19

113. RECEPTION FACILITIES (78-035)

Legal Authority: 33 USC 1905

CFR Citation: 33 CFR 154

Abstract: Would require ports and terminals to ensure waste reception facilities are provided to receive vessel oil and chemical wastes.

Timetable:

Action	Date	FR Cite
ANPRM	03/24/83	48 FR 12395
NPRM	06/19/84	49 FR 25196
Final Action	04/00/85	

Small Entity: No

Additional Information: Docket No. CGD 78-035.

Analysis: Regulatory Evaluation 04/00/85

Agency Contact: LT Davison, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, **202 426-9578**

RIN: 2115-AA21

114. LIQUEFIED NATURAL GAS WATERFRONT FACILITY (78-038)

Legal Authority: 50 USC 191; 33 USC 1224

CFR Citation: 33 CFR 126

Abstract: Would establish LNG Waterfront Facility Safety Regulations in accordance with Memorandum of Understanding between USCG and Materials Transportation Bureau, RSPA.

Timetable:

Action	Date	FR Cite
ANPRM	08/03/78	43 FR 34362
Supplementary ANPRM	03/08/79	44 FR 12693
NPRM	03/00/85	

Small Entity: Yes

Additional Information: Docket No. CGD 78-038.

Analysis: Regulatory Evaluation 03/00/85

Agency Contact: LT Davison, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, **202 426-9579**

RIN: 2115-AA22

115. REVIEW: PRIVATE AIDS TO NAVIGATION AND STATE AIDS TO NAVIGATION (78-157)

Legal Authority: 14 USC 2; 14 USC 83; 14 USC 85; 5 USC 610

CFR Citation: 33 CFR 66

Abstract: Would codify and clarify the regulations concerning State and private aids to navigation.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Additional Information: Docket No. CGD 78-157.

Agency Contact: Mr. Tarrentino, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, **202 426-1974**

RIN: 2115-AA27

116. REVIEW: AIDS TO NAVIGATION - GENERAL INTERFERENCE WITH, DAMAGES TO AND CHARGES FOR AIDS TO NAVIGATION (78-159)

Legal Authority: 14 USC 81; 14 USC 87; 14 USC 92

CFR Citation: 33 CFR 60; 33 CFR 62; 33 CFR 66; 33 CFR 70; 33 CFR 74; 33 CFR 76

Abstract: Would codify, revise and clarify the existing regulations.

Timetable:

Action	Date	FR Cite
NPRM	09/00/85	

Small Entity: No

Additional Information: Docket No. CGD 78-159.

Analysis: Regulatory Evaluation 09/00/85

Agency Contact: LT(jg) Bittner, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, **202 426-1973**

RIN: 2115-AA28

117. APPROVAL OF INFLATABLE PERSONAL FLOTATION DEVICES (PFDS) (78-174)

Legal Authority: 46 USC 3306; 46 USC 3703; 46 USC 4102; 46 USC 4302

CFR Citation: 46 CFR 160

Abstract: Would establish performance standards for inflatable and hybrid PFDs and procedures for granting product approval to these devices.

Timetable:

Action	Date	FR Cite
ANPRM	03/15/79	44 FR 15933
NPRM	05/00/85	

Small Entity: No

Additional Information: Docket No. CGD 78-174.

Analysis: Regulatory Evaluation 05/00/85

Agency Contact: Mr. S. Wehr, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, **202 426-1444**

RIN: 2115-AA29

118. CRANE OPERATOR QUALIFICATIONS AND STANDARDS FOR OFFSHORE CRANE DESIGN INSPECTION, TESTING AND OPERATION (79-059)

Legal Authority: 46 USC 2104; 46 USC 3306; 46 USC 6101; 46 USC 6301; 49 USC 108

CFR Citation: 33 CFR 140; 33 CFR 143; 33 CFR 149; 46 CFR 107; 46 CFR 108; 46 CFR 109

Abstract: Would develop required qualifications for crane operators employed on the Outer Continental Shelf and standards for crane design, inspection, and testing.

Timetable:

Action	Date	FR Cite
ANPRM	01/10/80	45 FR 2052
NPRM	07/00/85	

Small Entity: No

Additional Information: Docket No. CGD 79-059.

Analysis: Regulatory Evaluation 07/00/85

Agency Contact: LT. W. Burke, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, **202 426-2307**

RIN: 2115-AA34

119. WORKPLACE SAFETY AND HEALTH REQUIREMENTS FOR FACILITIES ON THE OUTER CONTINENTAL SHELF (79-077)

Legal Authority: 43 USC 1333; 43 USC 1347

CFR Citation: 33 CFR 142

Abstract: This regulation would develop occupational safety and health standards for personnel working on OCS facilities.

Timetable:

Action	Date	FR Cite
Notice of Meeting	03/05/81	46 FR 15402
Correction of Notice	03/19/81	46 FR 17702

Action	Date	FR Cite
NPRM	01/09/84	49 FR 1085
Correction	02/20/84	49 FR 7253
Final Action	07/00/85	

Small Entity: Yes

Additional Information: Docket No. CGD 79-077.

This action is taken in concert with OSHA.

Analysis: Regulatory Evaluation 01/09/84

Agency Contact: LCDR Cross, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, 202 426-2307

RIN: 2115-AA35

120. VESSEL PERSONNEL LICENSING AND CERTIFICATION STANDARDS OF FOREIGN COUNTRIES (79-081)

Legal Authority: 46 USC 9101

CFR Citation: 46 CFR 30

Abstract: Establishes procedures for verification of training, qualification and watchkeeping standards of personnel serving on foreign tank vessels.

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/07/80	45 FR 23425

Next Action Undetermined

Small Entity: No

Additional Information: Docket No. CGD 79-081(a).

Analysis: Regulatory Evaluation 04/07/80

Agency Contact: LCDR G. Naccara, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, 202 426-2240

RIN: 2115-AA36

121. JOINT U.S.-CANADA VESSEL TRAFFIC MANAGEMENT REGULATIONS FOR THE PACIFIC REGION (79-131)

Legal Authority: 33 USC 1221

CFR Citation: 33 CFR 161

Abstract: Would implement the provisions of an agreement for a cooperative vessel traffic management system for the Pacific region.

Timetable:

Action	Date	FR Cite
NPRM	08/18/83	48 FR 37433

Next Action Undetermined

Small Entity: No

Additional Information: Next action dependent upon Canadian Government.

Analysis: Regulatory Evaluation 08/18/83

Agency Contact: LCDR T. Thompson, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, 202 426-1940

RIN: 2115-AA39

122. DEEPWATER PORT LIABILITY FUND REQUIREMENTS (79-158)

Legal Authority: 33 USC 1509; 33 USC 1517

CFR Citation: 33 CFR 137; 33 CFR 150

Abstract: Would implement provisions of the Deepwater Port Act of 1974 to establish and administer liability limits and compensation relative to accidental oil spills at deep water port sites.

Timetable:

Action	Date	FR Cite
NPRM	10/02/80	45 FR 67708
Interim Final Rule	06/24/82	47 FR 27478
Final Action	04/00/85	

Small Entity: No

Additional Information: Docket No. CGD 79-158.

Analysis: Regulatory Evaluation 06/24/82

Agency Contact: Mr. F. Martin, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, 202 472-5052

RIN: 2115-AA41

123. MODIFICATION TO LINE THROWING DEVICE REQUIREMENTS (79-160)

Legal Authority: 46 USC 2104; 46 USC 3306

CFR Citation: 46 CFR 33; 46 CFR 75; 46 CFR 78; 46 CFR 94; 46 CFR 97; 46 CFR 108; 46 CFR 160; 46 CFR 167; 46 CFR 192; 46 CFR 196

Abstract: Would modify the regulation requiring a line throwing device only in cargo vessels over 500 gross tons and passenger vessels on international voyages. This project is to be withdrawn due to adverse comments received during the NPRM stage.

Timetable:

Action	Date	FR Cite
NPRM	12/11/80	45 FR 81616
To be withdrawn	04/00/85	

Small Entity: No

Additional Information: Docket No. CGD 79-160.

Analysis: Regulatory Evaluation 12/11/80

Agency Contact: LT Gold, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, 202 426-2183

RIN: 2115-AA42

124. LAUNCHING DEVICES FOR LIFERAFTS (79-168)

Legal Authority: 46 USC 2104; 46 USC 3306

CFR Citation: 46 CFR 160; 46 CFR 163

Abstract: Proposed specification for approval of devices used for launching inflatable liferafts.

Timetable:

Action	Date	FR Cite
NPRM	08/00/85	

Small Entity: No

Additional Information: Docket No. CGD 79-168.

Analysis: Regulatory Evaluation 08/00/85

Agency Contact: LCDR Riley, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, 202 426-1445

RIN: 2115-AA45

125. INFLATABLE LIFERAFT STABILITY (80-113)

Legal Authority: 46 USC 3306

CFR Citation: 46 CFR 160

Abstract: Would provide specific rules for function, size, and placement of stability appendages.

Timetable:

Action	Date	FR Cite
ANPRM	06/29/81	46 FR 33341
NPRM	01/11/85	50 FR 1538
NPRM Comment Period Begin	01/11/85	
NPRM Comment Period End	04/11/85	
Final Action	01/00/86	

Small Entity: No

Additional Information: Docket No. CGD 80-113.

Analysis: Regulatory Evaluation 01/11/85

Agency Contact: Mr. M. Daniels, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, **202 426-1445**

RIN: 2115-AA50

126. MANEUVERING PERFORMANCE REGULATIONS (80-136)

Legal Authority: 46 USC 3703

CFR Citation: 46 CFR 1

Abstract: Would establish requirements to improve ship maneuvering and stopping ability for new tank vessels and possibly all vessels in response to mandates in 46 USC 3703. International Maritime Organization recommendations will be considered.

Timetable:

Action	Date	FR Cite
ANPRM	09/14/81	46 FR 45631
ANPRM	07/17/84	49 FR 28893
NPRM	06/00/85	

Small Entity: No

Additional Information: Docket No. CGD 80-136. Supplemental ANPRM published 7/17/84, 49 FR 28893.

Analysis: Regulatory Evaluation 06/00/85

Agency Contact: Mr. J. Spencer, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, **202 426-2188**

RIN: 2115-AA53

127. SERVICING INFLATABLE LIFERAFTS (81-010)

Legal Authority: 46 USC 2104; 46 USC 3306

CFR Citation: 46 CFR 160

Abstract: Would allow liferaft servicing in U.S. and foreign ports without Coast Guard Marine inspectors.

Timetable:

Action	Date	FR Cite
NPRM	09/00/85	

Small Entity: No

Additional Information: Docket No. CGD 81-010.

Analysis: Regulatory Evaluation 09/00/85

Agency Contact: LT Keegan, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, **202 426-1444**

RIN: 2115-AA57

128. PERSONAL FLOTATION DEVICES (81-023)

Legal Authority: 46 USC 1454; 46 USC 1488

CFR Citation: 33 CFR 175; 33 CFR 181

Abstract: Revokes an obsolete provision and makes several editorial changes.

Timetable:

Action	Date	FR Cite
NPRM	04/12/82	47 FR 15606

Next Action Undetermined

Small Entity: No

Additional Information: Docket No. CGD 81-023.

Analysis: Regulatory Evaluation 04/12/82

Agency Contact: Mr. R. Franseen, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, **202 426-0108**

RIN: 2115-AA58

129. AUTOMATED MAIN AND AUXILIARY MACHINERY (81-030)

Legal Authority: 46 USC 3306

CFR Citation: 46 CFR 62

Abstract: Would implement the provisions for periodically unattended machinery spaces and automated machinery in the 1974 SOLAS Amendments and the guidance on system design in the Coast Guard Navigation and Inspection Circular on Automated Main and Auxiliary Machinery.

Timetable:

Action	Date	FR Cite
NPRM	06/00/85	

Small Entity: No

Additional Information: Docket No. CGD 81-030.

Analysis: Regulatory Evaluation 06/00/85

Agency Contact: LT Randall, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, **202 426-2206**

RIN: 2115-AA59

130. SAFETY RULES FOR SELF-PROPELLED VESSELS CARRYING HAZARDOUS LIQUIDS AND BULK LIQUEFIED GASES (81-052)

Legal Authority: 46 USC 3703

CFR Citation: 46 CFR 1; 46 CFR 153; 46 CFR 154

Abstract: Would revise application and examination procedures by which foreign vessels carrying chemicals and liquified gases obtain a letter of compliance (LOC).

Timetable:

Action	Date	FR Cite
NPRM	05/10/82	47 FR 20084
Final Action	03/00/85	

Small Entity: No

Additional Information: Docket No. CGD 81-052.

Analysis: Regulatory Evaluation 05/10/82 (47 FR 20084)

Agency Contact: Mr. E. Pfersich, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, **202 426-1217**

RIN: 2115-AA62

131. GENERAL BRIDGE PERMIT REGULATIONS (81-057)

Legal Authority: 33 USC 401

CFR Citation: 33 CFR 115

Abstract: Would establish rules for issuing general bridge permits.

Timetable:

Action	Date	FR Cite
NPRM	09/23/82	47 FR 41988
Final Action	06/00/85	

Small Entity: No

Additional Information: Docket No. CGD 81-057.

Analysis: Regulatory Evaluation 06/00/85

Agency Contact: Mr. J. Schwartz, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, **202 755-7620**

RIN: 2115-AA61

132. RELOCATION OF BOUNDARY LINES (81-058)

Legal Authority: 33 USC 151

CFR Citation: 46 CFR 7

Abstract: Would relocate boundary lines in Part 46 CFR Part 7 in accordance with PL 96-324.

Timetable:

Action	Date	FR Cite
NPRM	06/07/82	47 FR 24604
SNPRM	09/15/83	48 FR 41454
Comment Period reopened	03/00/84	49 FR 908
SNPRM	08/13/84	49 FR 32229
Final Action	05/00/85	

Small Entity: No

Additional Information: Public hearings were held 10/18/83 and 10/26/83 and a meeting was held on 1/17/84 with the TSAC working group. Comment period reopened until 3/1/84 (49 FR 908).

Analysis: Regulatory Evaluation 06/07/82

Agency Contact: LCDR B. Parsons, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, 202 426-4431

RIN: 2115-AA63

133. UPDATE OF 46 CFR PART 153 (81-078)

Legal Authority: 46 USC 3703

CFR Citation: 46 CFR 153

Abstract: Would revise and update 46 CFR part 153 through the ninth set of amendments to the IMO Chemical Code.

Timetable:

Action	Date	FR Cite
NPRM	05/12/83	48 FR 19755
Final Action	05/00/85	

Small Entity: No

Additional Information: Docket No. CGD 81-078.

Analysis: Regulatory Evaluation 05/12/83

Agency Contact: Mr. R. Query, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, 202 426-1217

RIN: 2115-AA66

134. ACCEPTANCE OF ASME BOILERS WITH ASME S, E, A, AND H STAMPS (81-079)

Legal Authority: 46 USC 3301; 46 USC 3305; 46 USC 3306

CFR Citation: 46 CFR 52; 46 CFR 53

Abstract: Would delete requirement that Coast Guard review plans and inspect power and heating boilers when stamped with ASME S, E, A, or H symbol stamps.

Timetable:

Action	Date	FR Cite
NPRM	08/18/83	48 FR 37441
Supplemental NPRM	11/03/83	48 FR 50781
Final Action	06/00/85	

Small Entity: No

Additional Information: Docket No. CGD 81-079.

Analysis: Regulatory Evaluation 08/18/83 (48 FR 37441)

Agency Contact: Mr. H. Hime, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, 202 426-2160

RIN: 2115-AA67

135. SHIPPING SAFETY FAIRWAY AMENDMENTS, GULF OF MEXICO (81-080)

Legal Authority: 33 USC 1223; 33 USC 1224

CFR Citation: 33 CFR 166

Abstract: The Coast Guard is proposing to amend existing shipping fairways and to establish new fairway anchorages in the Gulf of Mexico. The fairway modifications and anchorages are necessary to provide for safe access routes in areas of high traffic density and offshore structures.

Timetable:

Action	Date	FR Cite
NPRM	08/09/82	47 FR 34432
Supplemental NPRM	03/30/84	49 FR 12715
Supplemental NPRM	05/03/84	49 FR 18870
Final Action	08/00/85	

Small Entity: No

Additional Information: This supplementary NPRM continues an action originated in 1982 which proposed changes to part 166. A final rule was published on 6/30/83 promulgating only editorial changes to part 166. This NPRM contains specific proposals for changes to fairways and anchorages.

Analysis: Regulatory Evaluation 08/09/82

Agency Contact: Mr. C. Young, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, 202 245-0108

RIN: 2115-AB57

136. GENERAL REVISION OF 46 CFR 151, BARGES CARRYING CERTAIN BULK DANGEROUS CARGOES (81-082)

Legal Authority: 46 USC 3703

CFR Citation: 46 CFR 151

Abstract: Would revise the rules for barges carrying bulk cargoes by clarifying the language, eliminating unnecessary requirements and upgrading some existing requirements.

Timetable:

Action	Date	FR Cite
ANPRM	06/04/84	49 FR 23085
NPRM	12/00/85	

Small Entity: No

Additional Information: Docket No. CGD 81-082.

Analysis: Regulatory Evaluation 12/00/85

Agency Contact: R.M. Query, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, 202 426-1217

RIN: 2115-AA70

137. TANK VESSELS CARRYING NOXIOUS LIQUID SUBSTANCES IN BULK; POLLUTION PREVENTION AND CONTROL, EQUIPMENT AND OPERATIONAL REQUIREMENTS (81-101)

Legal Authority: 33 USC 1901 et seq.

CFR Citation: 33 CFR 157

Abstract: Would limit and restrict the discharge of noxious liquid substances made by chemical tankers.

Timetable:

Action	Date	FR Cite
ANPRM	01/13/82	48 FR 1519
NPRM	09/00/85	

Small Entity: No

Additional Information: Docket No. CGD 81-101.

Analysis: Regulatory Evaluation 09/00/85

Agency Contact: F. Wybenga, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, **202 426-1217**

RIN: 2115-AA73

138. FAIRWAYS ON THE SOUTHERN COAST OF ALASKA (81-103)

Legal Authority: 33 USC 1223; 33 USC 1224

CFR Citation: 33 CFR 166

Abstract: Would establish fairways on the southern coast of Alaska implementing the result of a Port Access Route Study.

Timetable:

Action	Date	FR Cite
NPRM	03/00/85	

Small Entity: No

Additional Information: Docket No. CGD 81-103.

Analysis: Regulatory Evaluation 03/00/85

Agency Contact: Mr. C. Young, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, **202 245-0108**

RIN: 2115-AA74

139. FEES FOR NUMBERING OF UNDOCUMENTED VESSELS (82-001)

Legal Authority: 46 USC 1472

CFR Citation: 33 CFR 173

Abstract: Would raise fees for the numbering of undocumented vessels in areas where the Coast Guard is the issuing authority.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Additional Information: Docket No. CGD 82-001.

Agency Contact: Mr. R. Franseen, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, 202 426-0108

RIN: 2115-AA75

140. SUSPENSION AND REVOCATION PROCEEDINGS (82-002)

Legal Authority: 46 USC 7701

CFR Citation: 46 CFR 5

Abstract: Revise and Amend 46 CFR Part 5 to (1) incorporate changes due to recent legislative actions (2) improve clarity and conciseness and (3) make substantive procedural changes.

Timetable:

Action	Date	FR Cite
NPRM	09/30/83	48 FR 44851
Final Action	04/00/85	

Small Entity: No

Additional Information: Docket No. CGD 82-002.

Analysis: Regulatory Evaluation 09/30/83

Agency Contact: CDR Stansell, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, **202 426-2215**

RIN: 2115-AA76

141. OSV SUBCHAPTER (82-004)

Legal Authority: 46 USC 3301(3); 46 USC 3305; 46 USC 3306

CFR Citation: 46 CFR 125 to 136

Abstract: Create new 46 CFR subchapter governing Offshore Supply Vessels.

Timetable:

Action	Date	FR Cite
ANPRM	02/14/83	48 FR 6636
NPRM	06/00/85	

Small Entity: No

Additional Information: Docket No. CGD 82-004.

Analysis: Regulatory Evaluation 06/00/85

Agency Contact: LCDR Gilmour, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, **202 426-2160**

RIN: 2115-AA77

142. SUBCHAPTER "D" & "O" BARGES - INTERNAL INSPECTIONS (82-005)

Legal Authority: 46 USC 3306; 46 USC 3307

CFR Citation: 46 CFR 151

Abstract: Change Subchapter "O" Regulation on internal inspection to coincide with drydock interval.

Timetable:

Action	Date	FR Cite
NPRM	05/00/85	

Small Entity: No

Additional Information: Docket No. CGD 82-005.

Analysis: Regulatory Evaluation 05/00/85

Agency Contact: CDR Strasser, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, **202 426-4431**

RIN: 2115-AA78

143. CASUALTY REPORTING REQUIREMENTS FOR RECREATIONAL BOATS (82-015)

Legal Authority: 46 USC 1486

CFR Citation: 33 CFR 173; 33 CFR 174

Abstract: Amend casualty and accident reporting requirements for operators of recreational boats involved in boating accidents.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Additional Information: Docket No. CGD 82-015.

Agency Contact: Mr. R. Franseen, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593 **202 426-0108**

RIN: 2115-AA82

144. REWRITE OF 33 CFR PART 157 (82-030)

Legal Authority: 46 USC 3306; 46 USC 2104; 46 USC 3703

CFR Citation: 33 CFR 157

Abstract: Amend pollution regulations to clarify, correct minor errors, and incorporate policy decisions and international interpretations.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Additional Information: This project is related to CGD 82-028, Segregated Ballast, Dedicated Clean Ballast, and Crude Oil Washing. Any further action on this project must wait until the rulemaking process for CGD 82-028 is completed because any policy decisions that result will be applicable to this rulemaking.

Agency Contact: LT. Lantz, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, **202 426-4431**

RIN: 2115-AA88

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145. HAND HELD FLASHLIGHTS, INDEPENDENT INSPECTION AGENCIES (82-042)

Legal Authority: 46 USC 3306; 46 USC 3703

CFR Citation: 46 CFR 161

Abstract: Would remove two-cell flashlight requirements, and revise material and testing requirements in flashlight approval specification, change "independent laboratory" to "independent inspection agency," throughout Subchapter Q and revise other regulations accordingly.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Additional Information: Docket No. CGD 82-042.

Agency Contact: LCDR Miante, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, **202 426-2206**

RIN: 2115-AA91

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146. AIDS TO NAVIGATION ON OUTER CONTINENTAL SHELF (82-054)

Legal Authority: 14 USC 2; 14 USC 83; 14 USC 85; 14 USC 92; 14 USC 633

CFR Citation: 33 CFR 67

Abstract: Would allow manufacturer certification of lights for marking artificial islands and fixed structures.

Timetable:

Action	Date	FR Cite
NPRM	03/00/85	

Small Entity: No

Additional Information: Docket No. 82-054.

Analysis: Regulatory Evaluation 03/00/85

Agency Contact: LT Hayden, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, **202 426-1973**

RIN: 2115-AA92

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147. NATURAL VENTILATION REGULATIONS FOR SMALL BOATS (82-056)

Legal Authority: 46 USC 1454

CFR Citation: 33 CFR 183

Abstract: Would replace existing regulations with voluntary industry standard.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Additional Information: Docket No. 82-056.

Agency Contact: Mr. L. Gray, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, **202 426-4027**

RIN: 2115-AA94

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148. UPDATE BULK LIQUEFIED GAS TANKER REQUIREMENTS (82-058)

Legal Authority: 46 USC 3703

CFR Citation: 46 CFR 154

Abstract: Would update and revise standards for self-propelled vessels carrying bulk liquefied gases.

Timetable:

Action	Date	FR Cite
NPRM	12/00/85	

Small Entity: No

Additional Information: Docket No. 82-058.

Analysis: Regulatory Evaluation 12/00/85

Agency Contact: Mr. F. Wybenga, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, **202 426-1217**

RIN: 2115-AA95

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149. CASUALTY REPORTING REQUIREMENTS (82-069)

Legal Authority: 43 USC 1333; 43 USC 1348; 33 USC 1509(a)

CFR Citation: 33 CFR 146; 33 CFR 150

Abstract: Would eliminate the cost of salvage, cleaning, gas freeing, and drydocking from damage costs in Title 33.

Timetable:

Action	Date	FR Cite
NPRM	10/19/83	48 FR 48475
Final Action	04/00/85	

Small Entity: No

Additional Information: Docket No. 82-069a.

Analysis: Regulatory Evaluation 10/19/83 (48 FR 48475)

Agency Contact: LT Diaduk, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, **202 426-1455**

RIN: 2115-AB30

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150. VISUAL DISTRESS SIGNALS-STROBE LIGHTS (82-084)

Legal Authority: 46 USC 1454

CFR Citation: 33 CFR 175

Abstract: Would add strobe lights as an optional carriage item for inland rule waters.

DOT—USCG

Current and Projected Rulemakings
Other Rulemakings

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Additional Information: Docket No. CGD 82-084.

Agency Contact: Mr. R. Franseen. Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, 202 426-1080

RIN: 2115-AB18

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151. NAUTICAL SCHOOLS: IMPLEMENTING THE MARITIME EDUCATIONAL TRAINING ACT OF 1980 (82-092)

Legal Authority: 46 USC 3306; 46 USC 12959(e)

CFR Citation: 46 CFR 166; 46 CFR 167; 46 CFR 168

Abstract: Would update authority cites for Nautical Schools Inspection Regulations (46 CFR Subchapter "R") and update certain parts to conform with current inspection policies. Nautical School vessels operated by the United States (formerly called "Public Nautical School Ships") between 15 and 300 gross tons would be subject to inspection for the first time.

Timetable:

Action	Date	FR Cite
NPRM	10/00/85	

Small Entity: No

Additional Information: Docket No. CGD 82-092.

Analysis: Regulatory Evaluation 10/00/85

Agency Contact: LCDR Morani. Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, 202 426-4331

RIN: 2115-AB21

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152. DOCUMENTATION OF VESSELS; CONTROLLING INTEREST (82-105)

Legal Authority: 46 USC 12121, 49 USC 108

CFR Citation: 46 CFR 67

Abstract: Solicits comments on the term "controlling interests" for the purpose of documenting vessels owned by partnerships.

Timetable:

Action	Date	FR Cite
ANPRM	11/12/82	47 FR 51170
NPRM	07/16/84	49 FR 28744
NPRM Comment Period Begin	07/16/84	49 FR 35967
NPRM Comment Period End	10/15/84	
Final Action	04/00/85	

Small Entity: Undetermined

Additional Information: Docket No. CGD 82-105. Comment period extended 9/13/84.

Analysis: Regulatory Evaluation 07/16/84

Agency Contact: LCDR Meeks. Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, 202 426-1492

RIN: 2115-AB27

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153. SAILING SCHOOL VESSEL REGULATIONS (83-005)

Legal Authority: 46 USC 2104; 46 USC 3306

CFR Citation: 46 CFR 169

Abstract: Would generate a new set of inspection regulations for sailing school vessels as mandated by the Sailing School Vessel Act of 1982.

Timetable:

Action	Date	FR Cite
NPRM	12/24/84	49 FR 49974
NPRM Comment Period Begin	12/24/84	
NPRM Comment Period End	02/22/85	
Final Action	09/00/85	

Small Entity: Yes

Additional Information: Docket No CGD 83-005.

Analysis: Regulatory Evaluation 12/24/84 (49 FR 49974)

Agency Contact: LT Astley. Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, 202 426-4431

RIN: 2115-AB32

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154. REVOCATION OF MILITARY EXPLOSIVES REGULATIONS (83-006)

Legal Authority: 49 USC 1803; 49 USC 1804; 49 USC 1805; 49 USC 1806; 49 USC 1807; 49 USC 1808; 46 USC 170

CFR Citation: 46 CFR 146

Abstract: Would revoke 46 CFR concurrently with the Research and Special Programs Administration's Materials Transportation Bureau (MTB) rulemaking and revise other sections in Title 46 accordingly.

Timetable:

Action	Date	FR Cite
NPRM	05/00/85	

Small Entity: No

Additional Information: Docket No. CGD 83-006. To be published concurrently with Materials Transportation Board rulemaking.

Analysis: Regulatory Evaluation 03/00/85

Agency Contact: Mr. F. Thompson. Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, 202 426-1577

RIN: 2115-AB33

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155. CARRIAGE AND USE OF LIQUEFIED OR NON-LIQUEFIED FLAMMABLE GAS AS COOKING FUELS ON VESSELS CARRYING PASSENGERS FOR HIRE (83-013)

Legal Authority: 46 USC 2104; 46 USC 3306; 46 USC 4104; 46 USC 4105; 46 USC 4302

CFR Citation: 46 CFR 25; 46 CFR 58; 46 CFR 147; 46 CFR 184

Abstract: Proposed requirements for the use of liquefied flammable gas as cooking fuel.

Timetable:

Action	Date	FR Cite
NPRM	03/22/84	49 FR 10685
Supplemental NPRM	06/00/85	

Small Entity: Yes

Additional Information: Docket No. CGD 83-013.

Analysis: Draft RFA 03/22/84, Regulatory Evaluation 03/22/84 (49 FR 10685)

Agency Contact: LCDR Parsons. Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, 202 426-4431

RIN: 2115-AB35

156. REASSESSMENT OF COAST GUARD FIRE PROTECTION REGULATIONS TO INCORPORATE SOLAS 1974 (83-026)

Legal Authority: 46 USC 3301; 46 USC 3305; 46 USC 3306; 46 USC 3503; 46 USC 3703

CFR Citation: 46 CFR Subchapter D; 46 CFR Subchapter H; 46 CFR Subchapter I

Abstract: Would bring Coast Guard regulations into agreement with the international requirements of SOLAS 1974.

Timetable:

Action	Date	FR Cite
ANPRM	10/01/84	49 FR 38672
ANPRM Comment Period Begin	10/01/84	
ANPRM Comment Period End	11/30/84	
NPRM	06/00/85	

Small Entity: No

Additional Information: Docket No. CGD 83-026. Incorporates part of docket CGD 81-090.

Analysis: Regulatory Evaluation 06/00/85

Agency Contact: Mr. D. Kerlin, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, **202 426-2197**

RIN: 2115-AB36

157. EXTEND APPLICABILITY OF CERTAIN WESTERN RIVERS PROVISIONS OF THE INLAND NAVIGATION RULES TO OTHER WATERS (83-028)

Legal Authority: 33 USC 2071

CFR Citation: 33 CFR 94

Abstract: Would designate certain waters upon which rules 9(a)(ii), 15(b), and 24(i) of the Inland Navigation Rules will apply.

Timetable:

Action	Date	FR Cite
NPRM	12/08/83	48 FR 54977
Supplemental NPRM	05/03/84	49 FR 18870
Final Action	09/00/85	

Small Entity: Yes

Additional Information: Docket No. CGD 83-028.

Analysis: Regulatory Evaluation 12/08/83 (48 FR 54977)

Agency Contact: LCDR J. Kirkpatrick, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, **202 245-0108**

RIN: 2115-AB37

158. INDEPENDENT LABORATORY INSPECTION OF LIFESAVING EQUIPMENT (83-030)

Legal Authority: 46 USC 3306(a)

CFR Citation: 46 CFR 159; 46 CFR 160

Abstract: Would establish independent laboratory inspection of lifeboats, liferafts, and launching equipment to replace Coast Guard inspection.

Timetable:

Action	Date	FR Cite
NPRM	08/27/84	49 FR 38151
NPRM Comment Period Begin	08/27/84	
NPRM Comment Period End	12/26/84	
Final Action	10/00/85	

Small Entity: No

Additional Information: Docket No. CGD 83-030.

Analysis: Regulatory Evaluation 08/27/84 (49 FR 38151)

Agency Contact: Mr. R. Markle, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, **202 426-1444**

RIN: 2115-AB38

159. REASSESSMENT OF COAST GUARD MARINE ENGINEERING REGULATIONS -- INCORPORATION OF SOLAS 74 AMENDMENTS (83-043)

Legal Authority: 46 USC 3301; 46 USC 3305; 46 USC 3306

CFR Citation: 46 CFR Subchapter F

Abstract: Would effect a general reassessment of Subchapter F and incorporation of international requirements becoming effective 1 Sept. 1984.

Timetable:

Action	Date	FR Cite
NPRM	06/00/85	

Small Entity: No

Additional Information: Docket No. CGD 83-043.

Analysis: Regulatory Evaluation 06/00/85

Agency Contact: LCDR Miante, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, **202 426-2160**

RIN: 2115-AB41

160. REQUIREMENT FOR FEDERAL PILOTS ON FOREIGN TRADE VESSELS WHERE A PILOT IS NOT REQUIRED BY STATE LAW; STATE OF MAINE (83-044)

Legal Authority: 33 USC 1226

CFR Citation: 33 CFR 161

Abstract: Would require Federally-licensed pilots on certain self-propelled vessels engaged in foreign trade, when operating in several specified areas in the navigable waters of the United States within the State of Maine, where a pilot is not otherwise required by State law.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Additional Information: Docket No. CGD 83-044.

Agency Contact: Mr. E. LaRue, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, **202 426-5116**

RIN: 2115-AB48

161. COMPATIBILITY OF CARGOES (83-047)

Legal Authority: 46 USC 3703

CFR Citation: 46 CFR 150

Abstract: Would consolidate requirements for compatible storage of bulk liquid hazardous materials on tank vessels; would update table from April 14, 1983.

Timetable:

Action	Date	FR Cite
NPRM	01/11/85	50 FR 1551
NPRM Comment Period Begin	01/11/85	
NPRM Comment Period End	02/11/85	
Final Action	12/00/85	

Small Entity: No

Additional Information: Docket No. CGD 83-047.

ADDITIONAL LEGAL AUTHORITY: 48 CFR 1.46(t) also applies.

Analysis: Regulatory Evaluation 02/00/85

Agency Contact: Dr. M. Parnorouskis, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, 202 426-6262

RIN: 2115-AB49

162. REVISIONS TO THE ADVANCE NOTICE OF ARRIVAL AND DEPARTURE REGULATIONS (83-048)

Legal Authority: 33 USC 1221

CFR Citation: 33 CFR 160; 33 CFR 161

Abstract: This project would remove the reporting requirements for certain dangerous cargoes. The reporting requirements for "cargoes of particular hazard" will be retained, though.

Timetable:

Action	Date	FR Cite
NPRM	04/00/85	

Small Entity: Yes

Analysis: Regulatory Evaluation 04/00/85

Agency Contact: LT Evans, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, 202 426-9578

RIN: 2115-AB50

163. EDITORIAL CHANGES TO TITLE 46 CFR RESULTING FROM P.L. 98-89 (83-067)

Legal Authority: PL 98-89

CFR Citation: 46 CFR Chapter 1

Abstract: Would amend Title 46, CFR to reflect 46 U.S.C. citations for marine safety laws consolidated and reenacted by P.L. 98-89.

Timetable:

Action	Date	FR Cite
First Rule	10/04/84	49 FR 39161
Second Rule	01/11/85	50 FR 1524
Third Rule	09/00/85	

Small Entity: No

Additional Information: Docket No. CGD 83-067.

This is an ongoing project which will include numerous revisions to the citations. Accordingly there will be several final rules published under the same docket number.

Analysis: Regulatory Evaluation 10/04/84 (49 FR 39161)

Agency Contact: LCDR D. Parsons, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, 202 426-2197

RIN: 2115-AB54

164. SIMPLIFIED ADMEASUREMENT (83-070)

Legal Authority: PL 96-594

CFR Citation: 46 CFR 69

Abstract: This project would unify various separate parts in 46 CFR dealing with admeasurement.

Timetable:

Action	Date	FR Cite
NPRM	03/00/85	

Small Entity: No

Additional Information: Docket No. CGD 83-070.

Analysis: Regulatory Evaluation 03/00/85

Agency Contact: Mr. D. Lamont, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, 202 426-2192

RIN: 2115-AB51

165. REQUIREMENTS FOR MOBILE OFFSHORE DRILLING UNITS (83-071)

Legal Authority: 46 USC 2104; 46 USC 2303; 46 USC 3305; 46 USC 3306; 46 USC 3311; 46 USC 3312; 46 USC 3316

CFR Citation: 46 CFR Subchapter I-A

Abstract: This project would generally update the regulations pertaining to mobile offshore drilling units. These regulations have not been updated since 1978 and need to reflect provisions of the Outer Continental Shelf Lands Act Amendments of 1978 and 1982 and the treaty for Safety of Life at Sea (1974), which has been accepted by the United States.

Timetable:

Action	Date	FR Cite
ANPRM	06/01/84	49 FR 22836
NPRM	05/00/85	

Small Entity: No

Additional Information: Docket No. CGD 83-071.

Analysis: Regulatory Evaluation 05/00/85

Agency Contact: LCDR J. Veentjer, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, 202 426-2197

RIN: 2115-AB56

166. AMENDMENTS TO BRIDGE LIGHTING REQUIREMENTS (84-022)

Legal Authority: 33 USC 494; 33 USC 499

CFR Citation: 33 CFR 117; 33 CFR 118

Abstract: Would provide regulatory standards for prescribing or approving signals other than lighting on bridges.

Timetable:

Action	Date	FR Cite
NPRM	03/00/85	

Small Entity: No

Analysis: Regulatory Evaluation 03/00/85

Agency Contact: Mr. A. Meschter, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, 202 426-0942

RIN: 2115-AB62

167. DOCUMENTATION OF VESSELS, HAILING PORT MARKINGS (84-027)

Legal Authority: 46 USC 12121; 49 USC 108

CFR Citation: 46 CFR 67

Abstract: Solicits comments on whether regulations requiring marking of hailing port on vessels should be continued and, if so, what changes should be made in methods for determining port to be marked.

Timetable:

Action	Date	FR Cite
ANPRM	05/17/84	49 FR 20872
NPRM	11/19/84	49 FR 45623
NPRM Comment Period Begin	11/19/84	49 FR 45623
NPRM Comment Period End	02/19/85	
Final Action	04/00/85	

Small Entity: Undetermined

Analysis: Regulatory Evaluation 11/19/84 (49 FR 45623)

Agency Contact: LCDR Meeks, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, 202 426-1492

RIN: 2115-AB64

168. CARGOES OF PARTICULAR HAZARD (84-039)

Legal Authority: 33 USC 1221

CFR Citation: 33 CFR 126

Abstract: Would update regulations defining "cargo of particular hazard" to make them consistent with Research and Special Programs Administration (RSPA) definitions found elsewhere in the CFR.

Timetable:

Action	Date	FR Cite
NPRM	11/19/84	49 FR 45597
NPRM Comment Period Begin	11/19/84	49 FR 45597
NPRM Comment Period End	01/03/85	
Final Action	09/00/85	

Small Entity: No

Analysis: Regulatory Evaluation 11/19/84 (49 FR 45537)

Agency Contact: LT E. Davison, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, 202 426-9578

RIN: 2115-AB63

169. ● MARINE PORTABLE TANKS (84-043)

Legal Authority: 49 USC 1801

CFR Citation: 46 CFR 64

Abstract: This proposal would discontinue the Coast Guard specification for Marine Portable Tanks. In their place, the Coast Guard would recognize tanks approved by the Department of Transportation, Research and Special Programs Administration as Intermodal Tanks.

Timetable:

Action	Date	FR Cite
NPRM	09/00/85	

Small Entity: No

Analysis: Regulatory Evaluation 09/00/85

Agency Contact: Mr. F. Thompson, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, 202 426-1577

RIN: 2115-AB69

170. ● SHIPS' STORES AND SUPPLIES OF HAZARDOUS MATERIALS (84-044)

Legal Authority: 46 USC 3306

CFR Citation: 46 CFR 147

Abstract: Would apply rules for hazardous materials used as ships' stores to offshore structures as well as vessels. Also would reduce the burden on shippers and manufacturers by deleting the requirement for separate Coast Guard classification of Ships' Stores and adopting the classification and identification provisions of the Research and Special Programs Administration found in 49 CFR Subchapter C which are already required for the transportation of hazardous materials.

Timetable:

Action	Date	FR Cite
NPRM	08/00/85	

Small Entity: No

Analysis: Regulatory Evaluation 08/00/85

Agency Contact: Ms. A. Fanto, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, 202 426-1577

RIN: 2115-AB65

171. ● OIL-WATER INTERFACE DETECTORS (CGD 84-052)

Legal Authority: 46 USC 3306; 46 USC 3703

CFR Citation: 46 CFR 162

Abstract: This project would propose a new specification for approval of oil-water interface detectors presently required by Annex 1 of MARPOL 73/78.

Timetable:

Action	Date	FR Cite
NPRM	09/00/85	

Small Entity: No

Analysis: Regulatory Evaluation 09/00/85

Agency Contact: Lt. T. Keegan, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, 202 426-1444

RIN: 2115-AB66

172. ● RIVER SERVICE DRY CARGO BARGES; LOAD LINE REGULATIONS (84-058)

Legal Authority: 46 USC 88

CFR Citation: 46 CFR 45

Abstract: This proposal would exempt dry cargo river barges operating on short voyages in Lake Michigan from the requirements to obtain a Load Line Certificate.

Timetable:

Action	Date	FR Cite
NPRM	12/14/84	49 FR 48762
NPRM Comment Period Begin	12/14/84	
NPRM Comment Period End	02/12/85	
Final Action	09/00/85	

Small Entity: No

Analysis: Regulatory Evaluation 12/14/84

Agency Contact: Lt. R. Fiebrandt, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, 202 426-2606

RIN: 2115-AB71

173. ● PERSONAL FLOTATION DEVICE COMPONENTS (84-068)

Legal Authority: 46 USC 3306(a); 46 USC 4102; 46 USC 4302

CFR Citation: 46 CFR 164; 46 CFR 160

Abstract: This project would add state-of-the-art synthetic materials as standard components, add performance requirements for nonstandard components, and upgrade out-dated requirements.

Timetable:

Action	Date	FR Cite
NPRM	07/00/85	

Small Entity: No

Analysis: Regulatory Evaluation 07/00/85

Agency Contact: Mr. S. Wehr, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, 202 426-1444

RIN: 2115-AB70

174. ● LIFESAVING EQUIPMENT—IMPLEMENTATION OF 1983 AMENDMENTS TO SOLAS 1974 (84-069)

Legal Authority: 46 USC 3306

CFR Citation: 33 CFR 175; 46 CFR 31; 46 CFR 33; 46 CFR 35; 46 CFR 71; 46 CFR 75; 46 CFR 78; 46 CFR 91; 46 CFR 94; 46 CFR 97; 46 CFR 107; 46 CFR 108; 46 CFR 109; 46 CFR 154; 46 CFR 160; ...

Abstract: This project would implement the provisions of the 1983 amendments to SOLAS 1974 which come into force in July of 1986. It would also reorganize the lifesaving equipment regulations in order to simplify, clarify and reduce redundancy.

DOT—USCG — **Current and Projected Rulemakings**
Other Rulemakings

Timetable:

Action	Date	FR Cite
ANPRM	12/31/84	49 FR 50745
ANPRM Comment Period Begin	12/31/84	
ANPRM Comment Period End	03/01/85	
NPRM	05/00/85	

Small Entity: No

Additional Information: 46 CFR 30; 46 CFR 90; 46 CFR 112; 46 CFR 113; 46 CFR 167; 46 CFR 189; 46 CFR 192; 46 CFR 196; 46 CFR 199

Analysis: Regulation Evaluation 05/00/85

Agency Contact: Mr. R. Markle, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, **202 426-1444**

RIN: 2115–AB72

175. ● ACCOMMODATIONS, RAILS AND GUARDS (84-073)

Legal Authority: 46 USC 2103; 46 USC 3306; 46 USC 3703; 46 USC 10104

CFR Citation: 46 CFR 32; 46 CFR 77; 46 CFR 96; 46 CFR 195

Abstract: This proposal would eliminate duplicative regulations and clarify language in certain areas.

Timetable:

Action	Date	FR Cite
NPRM	03/00/85	

Small Entity: No

Analysis: Regulatory Evaluation 03/00/85

Agency Contact: Lt. V. Mihal, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, **202 426-2197**

RIN: 2115–AB68

[FR Doc. 85-8370 Filed 04-26-85; 8:45 am]

BILLING CODE 4910-62-T

DEPARTMENT OF TRANSPORTATION (DOT)
U.S. Coast Guard (USCG) — **Current and Projected Rulemakings**
Other Rulemakings: Routine and Frequent

176. SAFETY/SECURITY ZONE REGULATIONS

Abstract: Nonsignificant regulations issued routinely and frequently as a part of an established body of technical requirements to keep those requirements operationally current. Total actions expected to range from 4/85 to 10/85.

Timetable:

Action	Date	FR Cite
Total actions expected to end	10/00/85	

Small Entity: No

Agency Contact: CAPT Moran, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, **202 426-5116**

RIN: 2115–AA97

177. ANCHORAGE AREA REGULATIONS

Abstract: Nonsignificant regulations issued routinely and frequently as a part of an established body of technical requirements to keep those requirements operationally current. Total actions expected to range from 04/85 to 10/85.

Timetable:

Action	Date	FR Cite
Total actions expected to end	10/00/85	

Small Entity: No

Agency Contact: Mr. L. Manoliades, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, **202 426-5116**

RIN: 2115–AA98

178. DRAWBRIDGE REGULATIONS

Abstract: Nonsignificant regulations issued routinely and frequently as a part of an established body of technical requirements to keep those requirements operationally current. Total actions expected - 50. Action dates range from 04/85 to 10/85.

Timetable:

Action	Date	FR Cite
Total actions expected to end	10/00/85	

Small Entity: No

Agency Contact: Mr. Meschter, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, **202 426-1380**

RIN: 2115–AA99

[FR Doc. 85-8370 Filed 04-26-85; 8:45 am]

BILLING CODE 4910-62-T

DEPARTMENT OF TRANSPORTATION (DOT)
U.S. Coast Guard (USCG) — **Existing Regulations Under Review**
Priority Reviews

179. VESSEL REPORTING REQUIREMENTS

Priority: Agency Determination

Legal Authority: 46 USC 391a

CFR Citation: 33 CFR 161

Abstract: These regulations were developed and promulgated pursuant to the Port and Tanker Safety Act. They require vessel owners to report their locations, arrivals and departures when carrying certain hazardous cargoes. The barge industry and certain boat owners in the past have opposed these regulations. These regulations are being reviewed because of their controversy and impact on the barge and towing industry.

Timetable:

Action	Date	FR Cite
Begin Review	04/01/84	
End Review	06/00/85	

Small Entity: No

Analysis: Regulatory Evaluation 06/00/85

DOT—USCG

Existing Regulations Under Review
Priority Reviews

Agency Contact: LT Franchini, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, 202 755-1357

RIN: 2115-AB28

[FR Doc. 85-8370 Filed 04-26-85; 8:45 am]
BILLING CODE 4910-62-T

DEPARTMENT OF TRANSPORTATION (DOT)
U.S. Coast Guard (USCG)

Existing Regulations Under Review
Other Reviews

180. REGULATORY FLEXIBILITY ACT REVIEWS

CFR Citation: 33 CFR 1 to 199; 46 CFR 1 to end

Abstract: In accordance with the Regulatory Flexibility Act, the Coast Guard has been publishing a list of regulations in the Agenda which have been using the Small Business Administration definition of a small entity. The Coast Guard is now considering developing its own definition.

Timetable:

Action	Date	FR Cite
Begin Review	06/29/81	46 FR 33404
End Review	09/00/85	

Small Entity: Yes

Additional Information: Review in Process.

Agency Contact: Mr. Bruce Novak, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, 202 426-1477

RIN: 2115-AB01

181. EQUIPMENT FOR LIFEBOATS, LIFE RAFTS, LIFEFLOATS, AND BUOYANT APPARATUS FOR PASSENGER VESSELS

Legal Authority: 46 USC 2104; 46 USC 3306

CFR Citation: 46 CFR 75.20

Abstract: Regulations require certain specific items of emergency equipment for use in lifeboats, life rafts and so on. This part is being reviewed as part of the Coast Guard's ongoing program of reviewing all existing regulations periodically.

Timetable:

Action	Date	FR Cite
Begin Review	04/01/84	
End Review	05/00/85	

Small Entity: No

Agency Contact: Mr. R. Markle, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, 202 426-1444

RIN: 2115-AB42

182. OCEANOGRAPHIC RESEARCH VESSELS, HANDLING, USE AND CONTROL OF EXPLOSIVES AND OTHER DANGEROUS ARTICLES: MAGAZINES

Legal Authority: 46 USC 2104; 46 USC 3306

CFR Citation: 46 CFR 194.10

Abstract: Regulations contain specifications for construction, location and maintenance of explosives magazines. This review is being conducted because these regulations will have an impact on small businesses and as such should be reviewed under the authority of the Regulatory Flexibility Act.

Timetable:

Action	Date	FR Cite
Begin Review	04/01/84	
End Review	05/00/85	

Small Entity: Yes

Agency Contact: LCDR W. Morani, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, 202 426-4431

RIN: 2115-AB43

183. ANNUAL INSPECTIONS, PASSENGER VESSELS

Legal Authority: 46 USC 2104; 46 USC 3306

CFR Citation: 46 CFR 71.25

Abstract: Regulations contain specific annual inspection requirements and methods of carrying out those inspections. This regulation is being reviewed to see if there may be some way to reduce inspection costs while maintaining or improving levels of safety.

Timetable:

Action	Date	FR Cite
Begin Review	04/01/84	
End Review	05/00/85	

Small Entity: No

Agency Contact: LCDR D. Parsons, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, 202 426-4431

RIN: 2115-AB44

184. LOGBOOK ENTRIES, CARGO VESSELS

Legal Authority: 46 USC 2104; 46 USC 201; 46 USC 11304

CFR Citation: 46 CFR 97.35

Abstract: The regulations list requirements for keeping logbooks on Cargo Vessels. This review is part of the Coast Guard's ongoing program to periodically review all regulations for costs and effectiveness.

Timetable:

Action	Date	FR Cite
Begin Review	04/01/84	
End Review	05/00/85	

Small Entity: No

Agency Contact: LCDR. W. Morani, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, 202 426-4431

RIN: 2115-AB45

185. GENERAL LIFESAVING REQUIREMENTS, TANK VESSELS

Legal Authority: 46 USC 2104; 46 USC 3305; 46 USC 3306

CFR Citation: 46 CFR 33.01

Abstract: Contains general requirements for construction,

maintenance and inspection of life rafts, lifeboats and personal flotation devices. This review is part of the Coast Guard's ongoing program to periodically review all regulations for costs and effectiveness.

Timetable:

Action	Date	FR Cite
Begin Review	04/01/84	
End Review	05/00/85	

Small Entity: No

Agency Contact: CDR D. Strasser, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, **202 426-2190**

RIN: 2115-AB46

186. SPECIAL OPERATING REQUIREMENTS, UNINSPECTED VESSELS

Legal Authority: 46 USC 2104; 46 USC 523p; 46 USC 4104; 46 USC 4105; 46 USC 4302

CFR Citation: 46 CFR 26.03

Abstract: Contains requirements for action to be taken in emergencies. This review is being conducted in accordance with requirements in the Regulatory Flexibility Act because it affects small entities.

Timetable:

Action	Date	FR Cite
Begin Review	04/01/84	
End Review	05/00/85	

Small Entity: Yes

Agency Contact: LCDR W. Morani, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, **202 426-4431**

RIN: 2115-AB47

[FR Doc. 85-8370 Filed 04-26-85, 8:45 am]

BILLING CODE 4910-62-T

DEPARTMENT OF TRANSPORTATION (DOT)
U.S. Coast Guard (USCG)

Completed Actions
Other Rulemakings

COMPLETED RULEMAKINGS

187. VALVE INSPECTION FOR THERMAL FLUID HEATERS (80-064)

Legal Authority: 43 USC 1333(d); 46 USC 2104; 46 USC 3301; 46 USC 3305; 46 USC 3306; 46 USC 3307; 46 USC 3316; 50 USC 198

CFR Citation: 46 CFR 61

Abstract: Would clarify the inspection standards for valves on thermal heaters.

Timetable:

Action	Date	FR Cite
NPRM	10/18/82	47 FR 46336
Final Action	08/13/84	49 FR 32192
Final Action Effective	09/12/84	

Small Entity: No

Additional Information: Docket No. CGD 80-064.

Analysis: Regulatory Evaluation 08/13/84 (49 FR 32192)

Agency Contact: LCDR Riley, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, **202 426-2183**

RIN: 2115-AA49

188. NUMBERING SYSTEM REQUIREMENTS (82-076)

Legal Authority: 46 USC 1454

CFR Citation: 33 CFR 174

Abstract: Would give states greater flexibility in the managing of their numbering systems.

Timetable:

Action	Date	FR Cite
Project Terminated	03/01/85	

Small Entity: No

Additional Information: Docket No. CGD 82-076.

Agency Contact: Mr. R. Franseen, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, **202 426-1080**

RIN: 2115-AB17

189. SHIPBOARD NAVIGATIONAL EQUIPMENT (83-004)

Legal Authority: 46 USC 391(a)

CFR Citation: 33 CFR 164

Abstract: Would implement the requirements of the first set of amendments to the International Convention for the Safety of Life at Sea (SOLAS). The amendments concern requirements for speed logs, rate of turn indicators, RPM indicators, and pitch and mode indicators on vessels fitted with variable pitch propellers.

Timetable:

Action	Date	FR Cite
NPRM	10/14/83	48 FR 46819
Final Action	10/29/84	49 FR 43463
Final Action Effective	11/29/84	

Small Entity: No

Additional Information: Docket No. CGD 83-004.

Analysis: Regulatory Evaluation 10/29/84 (49 FR 43463)

Agency Contact: Capt. Moran, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, **202 426-4958**

RIN: 2115-AB31

190. MISCELLANEOUS AMENDMENTS TO RECREATIONAL BOATING STANDARDS (83-012)

Legal Authority: 46 USC 1454

CFR Citation: 33 CFR 183

Abstract: Would revoke unnecessary regulations.

Timetable:

Action	Date	FR Cite
NPRM	04/12/84	44 FR 14538
Final Action	10/05/84	49 FR 39327
Final Action Effective	04/03/85	49 FR 39327

Small Entity: No

Additional Information: Docket No. CGD 83-012.

Analysis: Regulatory Evaluation 10/05/84 (49 FR 39327)

Agency Contact: Mr. A. Colihan, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, **202 426-1063**

RIN: 2115-AB34

DOT—USCG

Completed Actions
Other Rulemakings

191. EMERGENCY POSITION INDICATING RADIOBEACONS (EPIRB) (80-024)

Legal Authority: 46 USC 3306(a)

CFR Citation: 46 CFR 33; 46 CFR 35; 46 CFR 75; 46 CFR 78; 46 CFR 94; 46 CFR 97; 46 CFR 160; 46 CFR 161; 46 CFR 167; 46 CFR 180; 46 CFR 185; 46 CFR 192

Abstract: Would require use of EPIRB's on vessels operating on the Great Lakes.

Timetable:

Action	Date	FR Cite
NPRM	10/04/82	47 FR 43736
Final Action	10/16/84	49 FR 40407
Final Action Effective	03/29/85	

Small Entity: No

Additional Information: Docket No. CGD 80-024.

Analysis: Regulatory Evaluation 10/16/84 (49 FR 40407)

Agency Contact: Mr. Markle, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, 202 426-1444

RIN: 2115-AA48

192. MATERIAL STANDARDS FOR FIXED STRUCTURES (83-035)

Legal Authority: 43 USC 1331

CFR Citation: 46 CFR Subchapter N

Abstract: Would have implemented the Best Available and Safest Technology (BAST) requirement of the Outer Continental Shelf Lands Act Amendments, 1978. This rulemaking has been terminated because there has not been sufficient demonstrated need to continue with the project.

Timetable:

Action	Date	FR Cite
Project Terminated	02/00/85	

Small Entity: No

Additional Information: Docket No. CGD 83-035. Incorporated docket number CGD 80-160.

Agency Contact: LCDR Cross, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, 202 426-2307

RIN: 2115-AB40

193. REDOCUMENTATION OF VESSELS SOLD AT SEA (83-066)

Legal Authority: 46 USC 12121; 49 USC 108

CFR Citation: 46 CFR 67

Abstract: Would describe procedures for redocumenting a vessel which is sold while the vessel is at sea.

Timetable:

Action	Date	FR Cite
NPRM	07/19/84	49 FR 29249
NPRM Comment Period Begin	07/19/84	49 FR 29249
NPRM Comment Period End	09/17/84	
Final Action	02/25/85	50 FR 7596
Final Action Effective	02/25/85	

Small Entity: No

Additional Information: Docket No. CGD 83-066.

Analysis: Regulatory Evaluation 07/19/84 (49 FR 29249)

Agency Contact: LCDR Meeks, Department of Transportation, U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, 202 426-1492

RIN: 2115-AB52

[FR Doc. 85-8370 Filed 04-26-85; 8:45 am]

BILLING CODE 4910-62-T

DEPARTMENT OF TRANSPORTATION (DOT)
Federal Aviation Administration (FAA)

Current and Projected Rulemakings
Priority Rulemakings: Non-Major

194. PARTS MANUFACTURER APPROVALS

Priority: Agency Determination

Legal Authority: 49 USC 1354(a) Federal Aviation Act of 1958, Sec. 313(a); 49 USC 1421 Federal Aviation Act of 1958, Sec. 601; 49 USC 1423 Federal Aviation Act of 1958, Sec. 603

CFR Citation: 14 CFR 21

Abstract: Would (1) simplify the procedure for approving a PMA applicant's design on the basis of identicality to an already approved design; (2) reduce PMA application and reporting requirements; and (3) add a marking requirement which will facilitate field installation of replacement parts manufactured under a PMA and help avoid use of incorrect parts. The proposed revision is considered to be significant because it is controversial. Differences of opinion exist with respect to the methods available for showing identicalness of parts. Also the Parts Manufacturer Approval application and reporting requirements may be unnecessarily burdensome. Public comments, agency discussions, and information from other Federal departments and agencies indicate that there is substantial confusion about the PMA process and misinterpretation of PMA regulations. Thus, the agency has commissioned a study and evaluation of the PMA process to determine whether any regulatory changes are necessary. The study is completed and is being reviewed.

Timetable:

Action	Date	FR Cite
NPRM	12/23/75	42 FR 43985
Second NPRM	01/15/81	46 FR 3775
Third NPRM	09/00/85	

Small Entity: Yes

Additional Information: Docket No. 17147. This project was initiated December 23, 1975. NPRM No. 77-19 was published in the Federal Register (42 FR 43985). Comment period later reopened until January 4, 1978 (NPRM No. 77-19A, 42 FR 61048) and again reopened until May 15, 1978 (NPRM No. 77-19B, 43 FR 15432). Portions of NPRM 77-19 dealing with other subjects were handled separately. Supplemental Notice of Proposed Rulemaking (SNPRM) was published January 15, 1981 (46 FR 3775). Initial comment period closed April 15, 1981; reply comment period closed May 15, 1981. NPRM 77-19D reopening the comment period until August 24, 1981, and the reply comment period until September 21, 1981, was published July 23, 1981 (46 FR 38062). In view of the Congressional, Federal Agency, and public comments on this rulemaking, a Regulatory Flexibility Analysis will be prepared, in conjunction with any future rulemaking.

whether or not required by the Regulatory Flexibility Act.

Agency Contact: Michele Owsley, Department of Transportation, Federal Aviation Administration, P. O. Box 1689, Ft. Worth, TX 76101, 817 877-2076

RIN: 2120-AA00

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195. AIRBORNE LOW-LEVEL WIND SHEAR EQUIPMENT REQUIREMENTS

Priority: Agency Determination

Legal Authority: 49 USC 1354(a) Federal Aviation Act of 1958, Sec. 313(a); 49 USC 1421 Federal Aviation Act of 1958, Sec. 601; 49 USC 1424 Federal Aviation Act of 1958, Sec. 604

CFR Citation: 14 CFR 121

Abstract: Would revise existing regulation to require all large passenger-carrying aircraft be equipped with a device that will display wind shear information to the pilots. This action is considered a significant project because it will generate substantial public interest and will be controversial. As a result of several accidents involving wind shear, it is necessary to identify equipment that will enable pilots to identify low level wind shear conditions.

Timetable:

Action	Date	FR Cite
ANPRM	05/03/79	44 FR 25807

Next Action Undetermined

Small Entity: No

Additional Information: Docket No. 19110. In 1975, the FAA began a two year effort to develop a wind shear program. As part of the program, FAA began work to develop a wind shear warning and pilot aiding device which has achieved encouraging results. Following the initial announcement of this proposal it was determined that a regulatory analysis would not be required; however, an evaluation will be made and docketed. ANPRM No. 79-11 was published on May 3, 1979 (44 FR 25807) and comment period closed August 3, 1979. (14 CFR Parts 91, 121 & 135.)

Agency Contact: David L. Caley, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 426-8096

RIN: 2120-AA01

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196. REVIEW: UPDATE OF PART 139

Priority: Agency Determination

Legal Authority: 49 USC 1354 Federal Aviation Act of 1958, Sec. 313; 49 USC 1429 Federal Aviation Act of 1958, Sec. 609; 49 USC 1430 Federal Aviation Act of 1958, Sec. 610; 49 USC 1432 Federal Aviation Act of 1958, Sec. 612

CFR Citation: 14 CFR 139

Abstract: Revision of 14 CFR Part 139 to update and clarify the part including fire-fighting, rescue, and airport fueling operation requirements. This rulemaking is significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
NPRM	03/00/85	

Small Entity: No

Additional Information: This project was initiated on June 25, 1975, in response to a GAO evaluation of the FAA's Airport Certification Program and the result it has on improving the safety of airports. The project has been delayed for a number of reasons that impacted completion and publication of an NPRM. Some of these reasons are: FAA cost benefit analysis of CFR services, recent changes to the F.A. Act and proposed sunset of CAB. On November 22, 1982 FAA conducted a listening session with aviation industry representatives. A public meeting was held on July 14, 1983, to discuss areas of concern such as airport crash, fire and rescue equipment requirements, snow removal and extended safety areas.

Analysis: Regulatory Evaluation 03/00/85

Agency Contact: Jose Roman, Jr., Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 426-3087

RIN: 2120-AA10

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197. USE OF ALCOHOL OR DRUGS

Priority: Agency Determination

Legal Authority: 49 USC 1348(a) Federal Aviation Act of 1958, Sec. 307(a); 49 USC 1348(c) Federal Aviation Act of 1958, Sec. 307(c); 49 USC 1354(a) Federal Aviation Act of 1958, Sec. 313(a); 49 USC 1355 Federal Aviation Act of 1958, Sec. 314; 49 USC 1421(a) Federal Aviation Act of 1958, Sec 601(a); 49 USC 1422 Federal Aviation Act of 1958, Sec. 602

CFR Citation: 14 CFR 61; 14 CFR 91

Abstract: Proposed rule which will subject Certificated Flight Crewmembers suspected of being under the influence of alcohol to blood-alcohol tests and establish a specific blood-alcohol content level at which a pilot is considered to be intoxicated. This rulemaking is significant because it may involve important departmental policy.

Timetable:

Action	Date	FR Cite
NPRM	07/27/81	46 FR 36480
Combination SNPRM and Final Rule	03/00/85	

Small Entity: No

Additional Information: Docket No. 21956.

Analysis: Regulatory Evaluation 07/27/81

Agency Contact: Roger Baker, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 426-8194

RIN: 2120-AA16

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198. AIRCRAFT OWNERS AND PILOT ASSOCIATION - DURATION OF AIRMAN MEDICAL CERTIFICATES

Priority: Agency Determination

Legal Authority: 49 USC 1354(a) Federal Aviation Act of 1958, Sec. 313(a); 49 USC 1355 Federal Aviation Act of 1958, Sec. 314; 49 USC 1421 Federal Aviation Act of 1958, Sec. 601; 49 USC 1422 Federal Aviation Act of 1958, Sec. 602

CFR Citation: 14 CFR 61

Abstract: Petition to extend the validity period of third-class medical certificates from 24 months to 36 months. This regulation is significant because it involves important departmental policy.

Timetable:

Action	Date	FR Cite
NPRM	12/02/82	47 FR 54414
Final Action	05/00/85	

Small Entity: No

Additional Information: Docket No. 19175.

Analysis: Regulatory Evaluation 12/02/82

Agency Contact: William H. Hark, M.D., Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, **202 426-3802**

RIN: 2120-AA41

199. CERTIFICATION: STUDENT RECREATIONAL, RECREATIONAL, STUDENT OTHER THAN RECREATIONAL AND PRIVATE PILOTS

Priority: Agency Determination

Legal Authority: 49 USC 1354(a) Federal Aviation Act of 1958, Sec. 313(a); 49 USC 1355 Federal Aviation Act of 1958, Sec. 314; 49 USC 1421 Federal Aviation Act of 1958, Sec. 601; 49 USC 1422 Federal Aviation Act of 1958, Sec. 602

CFR Citation: 14 CFR 61

Abstract: This petition proposes to establish a new concept in the certification of pilots to permit the issuance of a student recreational, a recreational, a student other than recreational, and a private pilot certificate. This rulemaking is significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Agency Contact: James F. Byers, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, **202 426-8196**

RIN: 2120-AA54

200. AMEND PART 23 TO INCLUDE REQUIREMENTS FOR CRASH-RESISTANT FUEL SYSTEMS

Priority: Agency Determination

Legal Authority: 49 USC 1354 Federal Aviation Act of 1958, Sec. 313; 49 USC 1421 Federal Aviation Act of 1958, Sec. 601; 49 USC 1423 Federal Aviation Act of 1958, Sec. 603

CFR Citation: 14 CFR 23

Abstract: This action would amend Part 23 to include requirements for crash-resistant fuel tanks, lines and fittings. This rulemaking is significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
ANPRM	03/00/85	

Small Entity: No

Analysis: Regulatory Evaluation 03/00/85

Agency Contact: Earsa L. Tankesley, Department of Transportation, Federal Aviation Administration, 601 E. 12th Street, Kansas City, MO 64106, **816 374-6930**

RIN: 2120-AA57

201. HIGH DENSITY AIRPORT TRAFFIC RULE

Priority: Agency Determination

Legal Authority: 49 USC 1303 Federal Aviation Act of 1958, Sec. 103; 49 USC 1348 Federal Aviation Act of 1958, Sec. 307; 49 USC 1354(a) Federal Aviation Act of 1958, Sec. 313(a); 49 USC 1421(a) Federal Aviation Act of 1958, Sec. 601(a)

CFR Citation: 14 CFR 93

Abstract: Would rescind the operations reservations rule as it applies to the John F. Kennedy, LaGuardia, and Chicago O'Hare Airports. Under the current rule, an operator must secure a reservation for any instrument flight rule departure or arrival operation at those airports during designated hours. The proposal is considered significant because of the public interest it is likely to generate.

Timetable:

Action	Date	FR Cite
NPRM	03/31/83	48 FR 13434
Interim Final Rule	03/06/84	49 FR 8237
Final Action	10/00/85	48 FR 8237

Small Entity: No

Additional Information: Docket No. 22471. The rule was originally promulgated to reduce air traffic congestion and delay. With the advent of improved programs, procedures, and air traffic flow management, the rule is felt to be unnecessary. On March 6, 1984, the FAA issued an interim final rule that amended the High Density Rule (49 FR 8237; March 6, 1984). The agency will reexamine within the next 6-9 months (from the 3/1/84 issuance date) the capability of the air traffic control system to handle the unusual demands that a less constrained system may create, such as significant airborne holding and multiple requests by operators for release from gates. This will be examined in connection with airport capacity and the experience levels of air traffic control personnel.

Analysis: Regulatory Evaluation 03/31/83

Agency Contact: William C. Davis, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, **202 426-8783**

RIN: 2120-AA72

202. AIRPLANE CABIN FIRE PROTECTION

Priority: Agency Determination

Legal Authority: 49 USC 1354 Federal Aviation Act of 1958, Sec. 313; 49 USC 1421 Federal Aviation Act of 1958, Sec. 601; 49 USC 1423 Federal Aviation Act of 1958, Sec. 603; 49 USC 1424 Federal Aviation Act of 1958, Sec. 604

CFR Citation: 14 CFR 25; 14 CFR 121

Abstract: This action proposes a new requirement for smoke detectors in lavatories and automatic fire extinguishers in lavatory trash receptacles in air carrier airplanes.

Timetable:

Action	Date	FR Cite
NPRM	05/17/84	49 FR 21010
NPRM Comment Period Begin	05/17/84	49 FR 21010
NPRM Comment Period End	09/14/84	
Final Action	04/00/85	

Small Entity: No

Agency Contact: Henri P. Branting, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, **202 462-8382**

RIN: 2120-AA87

203. METROPOLITAN WASHINGTON AIRPORTS POLICY

Priority: Agency Determination

Legal Authority: 49 USC 1303 Federal Aviation Act of 1958, Sec. 103; 49 USC 1348(a) Federal Aviation Act of 1958, Sec. 307(a); 49 USC 1348(b) Federal Aviation Act of 1958, Sec. 307(b); 49 USC 1348(c) Federal Aviation Act of 1958, Sec. 307(c); 49 USC 1354(a) Federal Aviation Act of 1958, Sec. 313(a); Act for the Administration of Washington National Airport; Second Washington Airport Act; 64 Stat. 770, Sec. 4

CFR Citation: 14 CFR 93

Abstract: This rulemaking proposes to change the annual passenger ceiling at

Washington National Airport from 16 million to 14.8 million or to a figure between 14.8 million and 16 million depending upon the highest annual passenger level forecasted within the next 2 years. It also proposes to allow commuter carriers utilizing smaller, quieter aircraft to conduct a limited number of "stol runway" operations at National Airport in addition to the operations permitted by the current limitations. This amendment is proposed to guide the future operation and development of Washington National and Dulles International Airports and to improve the quality of the environment in the areas around National. This rulemaking is considered to be significant because of possible public interest.

Timetable:

Action	Date	FR Cite
SNPRM	06/14/84	49 FR 24626
SNPRM Comment Period	07/15/84	

Next Action Undetermined

Small Entity: No

Additional Information: Docket No. 21955.

Analysis: Regulatory Evaluation 06/14/84

Agency Contact: Edward P. Faberman, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 426-3773

RIN: 2120-AA89

204. EXPANSION OF CVR/FDR EQUIPMENT REQUIREMENTS ON U.S. AIRCRAFT

Priority: Agency Determination

Legal Authority: 49 USC 1354 Federal Aviation Act of 1958, Sec. 313; 49 USC 1421 Federal Aviation Act of 1958, Sec. 601; 49 USC 1424 Federal Aviation Act of 1958, Sec. 604

CFR Citation: 14 CFR 121; 14 CFR 135

Abstract: This action proposes to change the regulations to expand the minimum flight data recorder (FDR) requirements for existing and newly manufactured pre-1969 type certificated aircraft operating under Part 121. This proposed action also would amend Part 135 to require cockpit voice recorders (CVR) on multiengine-powered, fixed-wing aircraft manufactured after a certain date if the aircraft requires two pilots and is certificated to carry six or more passengers. This is in response to an NTSB recommendation.

Timetable:

Action	Date	FR Cite
NPRM	01/08/85	50 FR 949

Next Action Undetermined

Small Entity: No

Agency Contact: John W. Flavin, Department of Transportation, Federal Aviation Administration, 600 Independence Avenue, SW, Washington, DC 20591, 202 426-8177

RIN: 2120-AA95

205. MODE S TRANSPONDER

Priority: Agency Determination

Legal Authority: 49 USC 1348 Federal Aviation Act of 1958, Sec 307; 49 USC 1353 Federal Aviation Act of 1958, Sec. 312; 49 USC 1354 Federal Aviation Act of 1958, Sec. 313; 49 USC 1421 Federal Aviation Act of 1958, Sec. 601

CFR Citation: 14 CFR 43; 14 CFR 91; 14 CFR 121; 14 CFR 127; 14 CFR 135

Abstract: Proposes use of Mode S transponder within terminal control areas and generally above 12,500 feet MSL. Also proposes that ATCRBS transponder may be used in those airspace areas. This regulation is significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
ANPRM	10/18/83	48 FR 48364
NPRM	03/00/85	

Small Entity: Undetermined

Additional Information: Docket No. 23799. Mode S is considered to be the key airborne link to the new automated National Airspace System. It will also figure as a key component in data-linking information between air and ground.

Analysis: Regulatory Evaluation 10/18/83

Agency Contact: Gene Falsetti, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, S.W., Washington, DC 20591, 202 426-8783

RIN: 2120-AB03

206. IMPROVED CRITERIA FOR SEAT SAFETY STANDARDS

Priority: Agency Determination

Legal Authority: 49 USC 1354 Federal Aviation Act of 1958, Sec. 313; 49 USC 1421 Federal Aviation Act of 1958, Sec. 601; 49 USC 1423 Federal Aviation Act of 1958, Sec. 603

CFR Citation: 14 CFR 25

Abstract: To develop improved load test criteria for occupant seat/ restraint systems on transport airplanes based on the on-going joint FAA/NASA/industry transport airplane crashworthiness program which encompasses tests and studies of past survivable accident data. This rulemaking is significant because it involves important Departmental policy.

Timetable:

Action	Date	FR Cite
NPRM	06/00/85	

Small Entity: No

Analysis: Regulatory Evaluation 06/00/85

Agency Contact: Iven Connally, Department of Transportation, Federal Aviation Administration, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168, 206 431-2120

RIN: 2120-AB21

207. AIRPLANE CABIN FIRE PROTECTION

Priority: Agency Determination

Legal Authority: 49 USC 1354 Federal Aviation Act of 1958, Sec. 313; 49 USC 1421 Federal Aviation Act of 1958, Sec. 601; 49 USC 1423 Federal Aviation Act of 1958, Sec. 603

CFR Citation: 14 CFR 25

Abstract: To develop a revision to FAR 25.853 to improve fire protection for lavatories and galleys by requiring that smoke detectors and fire extinguishers, among other things, be installed. This rulemaking is significant because it involves important Departmental policy.

Timetable:

Action	Date	FR Cite
NPRM	05/17/84	49 FR 21010
Final Action	04/00/85	

Small Entity: No

Additional Information: Project is to follow completion of Part 121 rulemaking.

Analysis: Regulatory Evaluation 05/17/84

Agency Contact: Dick Nelson, Department of Transportation, Federal Aviation Administration, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168, 206 431-2121

RIN: 2120-AB22

208. CIVIL HELICOPTER NOISE CERTIFICATION

Priority: Agency Determination

Legal Authority: 49 USC 1354(a) Federal Aviation Act of 1958, Sec. 313(a); 49 USC 1421(a) Federal Aviation Act of 1958, Sec. 601(a); 49 USC 1423 Federal Aviation Act of 1958, Sec. 603; 49 USC 1431(b) Federal Aviation Act of 1958, Sec. 611(b); 42 USC 4321 et seq. National Environmental Policy Act, Title I; EO 11514

CFR Citation: 14 CFR 21; 14 CFR 36

Abstract: Would revise noise certification standards for aircraft to add provisions applicable to helicopters. These would apply to civil helicopters in the normal, transport, and restricted categories, and would provide noise level limits and test procedures for the issuance of new and amended type certificates. It would also prohibit changes in type design of helicopters that might increase their noise levels beyond certain limits. Although this notice contains several provisions similar to those in an earlier notice, which was withdrawn in 1981, it differs from that notice in several important aspects. One is the absence of any limit on manufacture of older non-conforming types; another is the increased commonality between these proposed standards and those adopted by the International Civil Aviation Organization (ICAO).

Timetable:

Action	Date	FR Cite
NPRM	06/00/85	

Small Entity: No

Additional Information: Part 36 of the Federal Aviation Regulations (14 CFR Part 36) contains noise standards for aircraft type and airworthiness certification. As the part is currently organized, Subparts B and C and Appendices A, B, and C apply to transport category large airplane and subsonic turbojet powered airplanes regardless of category. Appendix F contains the provisions applicable to propeller driven light airplanes. This notice proposes to prescribe noise levels and test procedures for civil helicopters certificated in the normal, transport, and restricted categories. These proposals include rules governing the issuance of new and amended type certificates for helicopters for which application is made on and after the publication date of this notice. The proposed rule would prohibit certain growth or other design changes if those changes might result in noise levels beyond prescribed limits. The proposed rule also provides the test conditions and procedures for conducting helicopter noise tests to demonstrate compliance with the prescribed noise levels.

Analysis: Regulatory Evaluation 06/00/85; Environmental Analysis 06/00/85

Agency Contact: Richard N. Tedrick, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 755-9027

RIN: 2120-AB33

209. IMPROVED FLAMMABILITY STANDARDS FOR MATERIALS USED IN THE INTERIORS OF TRANSPORT CATEGORY AIRPLANE CABINS

Priority: Agency Determination

Legal Authority: 49 USC 1354 Federal Aviation Act of 1958, Sec. 313; 49 USC 1421 Federal Aviation Act of 1958, Sec. 601; 49 USC 1423 Federal Aviation Act of 1958, Sec. 603

CFR Citation: 14 CFR 25; 14 CFR 121

Abstract: To develop a revision to FAR 25.853 to improve fire test methods of interior materials that will improve the safety in cabin seating environments. This regulation has been made significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
NPRM	04/00/85	

Small Entity: No

Public Compliance Cost: Initial Cost: $4,000,000; Yearly Recurring Cost: $0; Base Year for Dollar Estimates: 1987

Affected Sectors: Multiple

Analysis: Regulatory Evaluation 04/00/85

Agency Contact: Dick Nelson, Department of Transportation, Federal Aviation Administration, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168, 206 431-2121

RIN: 2120-AB34

210. SLOT TRANSFER METHODS

Priority: Agency Determination

Legal Authority: 49 USC 1303 Federal Aviation Act of 1958, Sec. 103; 49 USC 1348 Federal Aviation Act of 1958, Sec. 307; 49 USC 1354(a) Federal Aviation Act of 1958, Sec. 313; 49 USC 1421(a) Federal Aviation Act of 1958, Sec. 601

CFR Citation: 14 CFR 93

Abstract: This notice proposes a mechanism which would remove Government restrictions on the transfer of slots used by operators at high density airports. The proposal is, in part, in response to recommendations made by a number of air carriers in connection with the FAA's High Density Rulemaking. A separate NPRM on a procedure for initial allocation of slots in the event a scheduling committee is unable to allocate capacity at a high density airport has also been issued. This regulation is significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
NPRM	06/07/84	49 FR 23806
NPRM Comment Period Begin	06/07/84	
NPRM Comment Period End	08/06/84	

Next Action Undetermined

Small Entity: No

Analysis: Regulatory Evaluation 06/07/84

Agency Contact: Edward P. Faberman, Acting Chief Counsel, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 426-3773

RIN: 2120-AB37

211. SLOT ALLOCATION ALTERNATIVE METHODS

Priority: Agency Determination

Legal Authority: 49 USC 1303 Federal Aviation Act of 1958, Sec. 103; 49 USC 1348 Federal Aviation Act of 1958, Sec. 307; 49 USC 1354(a) Federal Aviation Act of 1958,

Sec. 313, 49 USC 1421(a) Federal Aviation Act of 1958, Sec. 601

CFR Citation: 14 CFR 93

Abstract: This notice set forth a procedure to be used if the scheduling committees are unable to allocate newly available slots at the high density airports. The proposal is, in part, a response to the recommendations made by a number of air carriers and commuters in response to the FAA's High Density Rulemaking. Those commenters stated that they are concerned that the scheduling committees may deadlock. A separate NPRM on the transfer of slots has also been issued. This regulation is significant because it involves important departmental policy.

Timetable:

Action	Date	FR Cite
NPRM	06/07/84	49 FR 23788
NPRM Comment Period Begin	06/07/84	
NPRM Comment Period End	08/06/84	

Next Action Undetermined

Small Entity: No

Analysis: Regulatory Evaluation 05/30/84

Agency Contact: Edward P. Faberman, Acting Chief Counsel, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 426-3773

RIN: 2120-AB38

212. PROPOSED DEPARTMENT OF ENERGY PROHIBITED AREAS

Priority: Agency Determination

Legal Authority: 49 USC 1348(a) Federal Aviation Act of 1958, Sec. 307(a); 49 USC 1354(a) Federal Aviation Act of 1958, Sec. 313(a); 49 USC 106(g) Revised, Pub. L. 97-449, January 12, 1983

CFR Citation: 14 CFR 11.65; 14 CFR 73

Abstract: The proposed establishment or modification of prohibited airspace over these sites is one segment of a Department of Energy (DOE) comprehensive effort to enhance the protection of vital nuclear weapons research, development, and production facilities. If established, helicopter operations at any altitude over the designated sites would be prohibited without prior DOE authorization. This rulemaking is significant because it may be controversial.

Timetable:

Action	Date	FR Cite
ANPRM	02/08/84	49 FR 04765
Public Hearings Announced	07/20/84	49 FR 29411
Extension of Comment Period	08/07/84	49 FR 31435
ANPRM Comment Period End	11/16/84	

Next Action Undetermined

Small Entity: Yes

Agency Contact: Brent A. Fernald, AAT-238, Airspace & Traffic Rules Br., Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 426-8626

RIN: 2120-AB39

213. AVIATION CONSUMER ACTION PROJECT PUBLIC CITIZEN HEALTH RESEARCH GROUP, PETITION TO AMEND PART 121 - MEDICAL EQUIPMENT REQUIREMENTS

Priority: Agency Determination

Legal Authority: 49 USC 1354 Federal Aviation Act of 1958, Sec. 313; 49 USC 1421 Federal Aviation Act of 1958, Sec. 601; 49 USC 1424 Federal Aviation Act of 1958, Sec. 604

CFR Citation: 14 CFR 121.309(d); 14 CFR 121.333(c)

Abstract: This notice proposes to require air carriers to provide medical equipment for use in the diagnosis and treatment of in-flight medical emergencies by qualified personnel. The notice further proposes to require air carriers to report such in-flight medical emergencies, how the medical equipment was used, and the disposition of the patient. The intended effect of this proposal is to enhance the potential for diagnosis and initial treatment of in-flight medical emergencies prior to care at a surface facility. This regulation is significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
NPRM	03/00/85	

Small Entity: No

Agency Contact: Andrew Horne, M.D., Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 426-3435

RIN: 2120-AB40

214. ANTI-MISTING KEROSENE

Priority: Agency Determination

Legal Authority: 49 USC 1354 Federal Aviation Act of 1958, Sec. 313; 49 USC 1421 Federal Aviation Act of 1958, Sec. 601; 49 USC 1424 Federal Aviation Act of 1958, Sec 604

CFR Citation: 14 CFR 121; 14 CFR 135

Abstract: This notice proposes to require turbine engine operations under Part 121 and 135 to be conducted with anti-misting kerosene to reduce the post-crash fire hazard due to ignition of fuel released from a ruptured fuel tank in an impact survivable accident. This rule is significant because of substantial public interest.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: Undetermined

Agency Contact: Robert Allen, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 426-8161

RIN: 2120-AB41

215. ELIMINATION OF AIRPORT DELAYS

Priority: Agency Determination

Legal Authority: 49 USC 1303 Federal Aviation Act of 1958, Sec. 103; 49 USC 1348 Federal Aviation Act of 1958, Sec. 307; 49 USC 1354(a) Federal Aviation Act of 1958, Sec. 313(a); 49 USC 1421(a) Federal Aviation Act of 1958, Sec. 601(a); 14 CFR 11.49

CFR Citation: 14 CFR 93

Abstract: This proposed rule is designed to alleviate increased delays throughout the air traffic system. If implemented, the FAA would alter current airline scheduling through a lottery process to more evenly space arrivals and departures throughout the day. Alternatives include voluntary schedule changes by the airlines. The rule, or the alternatives, would benefit the airline industry and the public by limiting delays. This regulation is

significant because of its involvement with important departmental policy.

Timetable:

Action	Date	FR Cite
NPRM	08/20/84	49 FR 33082

Next Action Undetermined

Small Entity: No

Additional Information: Docket No. 24206.

Agency Contact: Edward P. Faberman, Acting Chief Counsel, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 426-3775

RIN: 2120-AB42

216. SHOULDER HARNESSES IN NORMAL, UTILITY, AND ACROBATIC CATEGORY AIRPLANES

Priority: Agency Determination

Legal Authority: 49 USC 1354 Federal Aviation Act of 1958, Sec 313; 49 USC 1421 Federal Aviation Act of 1958, Sec 601; 49 USC 1423 Federal Aviation Act of 1958, Sec 603

CFR Citation: 14 CFR 23; 14 CFR 91

Abstract: This notice proposes to amend Parts 23 and 91 of the Federal Aviation Regulations (FAR) to require the installation of shoulder harnesses at all seats of normal, utility, and acrobatic category airplanes with a passenger seating configuration, excluding pilot seats, of nine or less, manufactured after December 31, 1984, and to require the pilot-in-command to brief passengers on how to fasten and unfasten their shoulder harness for takeoff and landings if shoulder harnesses are installed. This proposal responds to the conclusions of an FAA Crashworthiness Study Report, a Petition for Rulemaking from the General Aviation Manufacturers Association (GAMA), and Safety Recommendations from the National Transportation Safety Board (NTSB). This proposal will enhance the crashworthiness of small airplanes manufactured after December 31, 1984. This regulation is significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
NPRM	03/00/85	

Small Entity: Undetermined

Analysis: Regulatory Evaluation 03/00/85

Agency Contact: J. Robert Ball, Department of Transportation, Federal Aviation Administration, 601 East 12th Street, Kansas City, Missouri 64106, 816 847-5688

RIN: 2120-AB43

217. ● PROPOSED REVISION TO NOISE CERTIFICATION STANDARDS FOR PROPELLER DRIVEN SMALL AIRPLANES

Priority: Agency Determination

Legal Authority: 49 USC 1354 Federal Aviation Act of 1958, Sec. 313; 49 USC 1421 Federal Aviation Act of 1958, Sec. 601; 49 USC 1423 Federal Aviation Act of 1958, Sec. 603, 49 USC 1431 Federal Aviation Act of 1958, Sec. 611

CFR Citation: 14 CFR 21; 14 CFR 36

Abstract: Would revise noise certification standards for propeller-driven small airplanes to substitute the use of actual takeoff tests for the level flyover tests currently specified. This proposal would revise test procedures applicable to noise certification tests conducted on or after January 1, 1987. It would also revise the noise level limit numbers to approximate the equivalent of the sound levels measured and corrected in accordance with the current standard. These proposals result from industry requests for certification to be more directly based upon typical inservice noise measurements and from studies conducted in several nations over a three year period under the auspices of the International Civil Aviation Organization. In addition, the FAA proposes to exempt antique airplanes and changes involving the addition of floats or skis from the acoustical change measurement and documentation requirements of Part 21. This regulation is significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
NPRM	06/00/85	

Small Entity: Undetermined

Analysis: Draft Regulatory Evaluation 08/00/85

Agency Contact: Richard N. Tedrick, Manager, Noise Policy and Regulatory Branch, Department of Transportation, Federal Aviation Administration, 800 Independence Ave., SW, Washington, DC 20591, 202 755-9027

RIN: 2120-AB47

218. ● CHARGES FOR USE OF METROPOLITAN WASHINGTON AIRPORTS

Priority: Agency Determination

Legal Authority: 49 USC 2402 Admin. of Washington National Airport Act; 49 USC 2405 Admin. of Washington National Airport Act

CFR Citation: 14 CFR 159.181 to 185

Abstract: Proposed revision to reflect changed costs of operating the airports. This rulemaking is significant because it may involve possible controversy resulting from increased landing fees. It is of special interest to the airline industry.

Timetable:

Action	Date	FR Cite
NPRM	04/00/85	

Small Entity: No

Agency Contact: Edward S. Faggen, Department of Transportation, Federal Aviation Administration, Washington National Airport, Hanger 9, Washington, DC 20001, 703 557-8123

RIN: 2120-AB48

219. ● PROPOSED LIMITS ON THE GROWTH OF NOISE FROM CERTAIN AIRPLANES AND AIRPLANE TYPES

Priority: Agency Determination

Legal Authority: 49 USC 1354(a) Federal Aviation Act of 1958, Sec. 313(a); 49 USC 1421(a) Federal Aviation Act of 1958, Sec. 601(a); 49 USC 1423 Federal Aviation Act of 1958, Sec. 603; 49 USC 1431(b) Federal Aviation Act of 1958, Sec. 611(b); 49 USC 1421 et seq National Environmental Policy Act, Title I; EO 11514; 49 USC 106(g)

CFR Citation: 14 CFR 36; 14 CFR 91

Abstract: Would revise both noise certification standards and operating noise rules to ensure that aircraft certificated within certain broad noise groups or "stages" remain within those stages. Those proposals would apply to transport category large aircraft and to turbojet powered aircraft regardless of category. The proposed rule would prohibit modification of both individual

airplanes and whole airplane types where those modifications would result in the growth of noise beyond the limits of the airplane's current stage. While the proposal would not restrict airplane changes that result in lower noise, it would in some cases prohibit re-modification of those aircraft to return to their original noise levels. The FAA believes that these rules are necessary to correct a defect in the current regulations and to protect airports, aircraft operators and the public from the effects of that defect. This rulemaking is significant because of intense public interest.

Timetable:

Action	Date	FR Cite
NPRM	06/00/85	

Small Entity: Undetermined

Analysis: Draft Regulatory Evaluation 06/00/85

Agency Contact: Richard N. Tedrick, Manager, Noise Policy and Regulatory Branch, Department of Transportation, Federal Aviation Administration, 800 Independence Ave., SW, Washington, DC 20591, 202 755-9027

RIN: 2120-AB50

[FR Doc. 85-8370 Filed 04-26-85; 8:45 am]

BILLING CODE 4910-62-T

DEPARTMENT OF TRANSPORTATION (DOT)
Federal Aviation Administration (FAA)

Current and Projected Rulemakings
Other Rulemakings

220. REVIEW: PART 91 NOTICE

Legal Authority: 49 USC 1348(a) Federal Aviation Act of 1958, Sec. 307(a); 49 USC 1348(c) Federal Aviation Act of 1958, Sec. 307(c); 49 USC 1354(a) Federal Aviation Act of 1958, Sec. 313(a); 49 USC 1421(a) Federal Aviation Act of 1958, Sec. 601(a)

CFR Citation: 14 CFR 91

Abstract: The agency conducted a Regulatory Review Conference of 14 CFR Part 91, Subpart B, in September 1977, in order to update that part. This action will cover all proposals covered by the review except for lost communications.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Additional Information: Docket No. 16431.

Agency Contact: Burton Chandler, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 426-8626

RIN: 2120-AA07

221. REVIEW: PART 91 REVIEW LOST COMMUNICATIONS

Legal Authority: 49 USC 1348(a) Federal Aviation Act of 1958, Sec. 307(a); 49 USC 1348(c) Federal Aviation Act of 1958, Sec. 307(c); 49 USC 1354(a) Federal Aviation Act of 1958, Sec. 313(a); 49 USC 1421(a) Federal Aviation Act of 1958, Sec. 601(a)

CFR Citation: 14 CFR 91

Abstract: Proposed amendment to simplify lost communications procedures.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Additional Information: Docket No. 16431.

Agency Contact: William C. Davis, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 426-8783

RIN: 2120-AA08

222. REVIEW: OBJECTS AFFECTING NAVIGABLE AIRSPACE

Legal Authority: 49 USC 1304 Federal Aviation Act of 1958, Sec. 104; 49 USC 1348 Federal Aviation Act of 1958, Sec. 307; 49 USC 1354 Federal Aviation Act of 1958, Sec. 313; 49 USC 1431 Federal Aviation Act of 1958, Sec. 611; 49 USC 1501 Federal Aviation Act of 1958, Sec. 1101

CFR Citation: 14 CFR 77

Abstract: Would revise and reorganize 14 CFR Part 77 in a more logical sequence and present regulatory requirements relating to proposed construction or alteration and their impact on navigable airspace. It is also intended to clarify and strengthen agency actions in determining whether a particular object would be a hazard to air navigation.

Timetable:

Action	Date	FR Cite
Notice of Review	06/19/78	43 FR 26322
Review Conference	12/08/80	
National Airspace Review Begins	07/09/84	
NPRM	07/00/85	

Small Entity: No

Additional Information: Docket No. 16920.

Analysis: Regulatory Evaluation 07/30/84

Agency Contact: Sid Wugalter, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 426-8790

RIN: 2120-AA09

223. PILOT OXYGEN MASK REQUIREMENTS

Legal Authority: 49 USC 1348(a) Federal Aviation Act of 1958, Sec. 307(a); 49 USC 1348(c) Federal Aviation Act of 1958, Sec. 307(c); 49 USC 1421 to 1430 Fed. Aviation Act of 1958, Secs. 601 to 610; 49 USC 1502 Federal Aviation Act of 1958, Sec. 1102

CFR Citation: 14 CFR 91; 14 CFR 121; 14 CFR 135

Abstract: Proposed rule to permit certain widebody turbojet airplanes to operate up to flight level of 45,000 feet above sea level without requirements for the pilot to use supplemental oxygen.

Timetable:

Action	Date	FR Cite
NPRM	08/12/82	47 FR 35146
Final Action	05/00/85	

Small Entity: No

Additional Information: Docket No. 23243.

Analysis: Regulatory Evaluation 08/12/82

Agency Contact: Larry Bedore, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, **202 426-8096**

RIN: 2120-AA11

224. REVIEW: METROPOLITAN WASHINGTON AIRPORTS REGULATIONS

Legal Authority: Administration of Washington National Airport Act, Secs. 2 & 5; Second Washington Airport Act; 64 Stat. 770, 72 Stat. 731

CFR Citation: 14 CFR 159

Abstract: Proposed revision to reflect changed operational conditions and policies and to simplify, clarify and consolidate the regulations pertaining to the National Capital Airports.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Agency Contact: Edward S. Faggen, Department of Transportation, Federal Aviation Administration, Washington National Airport Hangar 9, Washington, DC 20001, **703 557-8123**

RIN: 2120-AA12

225. REVIEW: REVISION OF PART 91

Legal Authority: 49 USC 1348 Federal Aviation Act of 1958, Sec. 307; 49 USC 1354 Federal Aviation Act of 1958, Sec. 313; 49 USC 1354(a) Federal Aviation Act of 1958, Sec. 313(a); 49 USC 1355 Federal Aviation Act of 1958, Sec. 314; 49 USC 1401 Federal Aviation Act of 1958, Sec 501; 49 USC 1402 Federal Aviation Act of 1958, Sec. 502; 49 USC 1421 Federal Aviation Act of 1958, Sec. 601; 49 USC 1422 to 1430 Fed. Aviation Act of 1958, Secs. 602 to 610; 49 USC 1502 Federal Aviation Act of 1958, Sec. 1102

CFR Citation: 14 CFR 91

Abstract: This review deals with the air traffic and general operating rules in Part 91 - the most fundamental aviation regulations. This action would reorganize and rearrange the rules without substantive change, to make them easier to use and understand. (Phase I). A later action will review and revise them to eliminate unnecessary burdens in keeping with E.O. 12291. (Phase II). AOPA withdrew its petition on November 20, 1980, so the FAA could proceed with this two-step review. ANPRM 79-2 published the original AOPA petition for comment on January 22, 1979 (44 FR 4571). NPRM 79-2A proposing reorganization of Part 91 was published on September 10, 1981 (46 FR 45256). NPRM 79-2B extended the comment period to April 9, 1982 (December 10, 1981; 46 FR 60461). Comments received on NPRM 79-2A will form a basis for proceeding with Phase II.

Timetable:

Action	Date	FR Cite
ANPRM	01/22/79	44 FR 4571
NPRM	09/10/81	46 FR 45256

Next Action Undetermined

Small Entity: No

Additional Information: Docket No. 18334.

Analysis: Regulatory Evaluation 09/10/81

Agency Contact: James R. Kelln, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, **202 426-8150**

RIN: 2120-AA13

226. RECORDING OF AIRCRAFT TITLES AND SECURITY DOCUMENTS - NOTICE OF LIEN

Legal Authority: 49 USC 1354 Federal Aviation Act of 1958, Sec. 313; 49 USC 1401 Federal Aviation Act of 1958, Sec. 501; 49 USC 1403 Federal Aviation Act of 1958, Sec. 503; 49 USC 1405 Federal Aviation Act of 1958, Sec. 505; 49 USC 1502 Federal Aviation Act of 1958, Sec. 1102

CFR Citation: 14 CFR 49

Abstract: Proposed amendment to prescribe specific procedures for filing Notice of Lien with the Aircraft Registry. This proposal would also require release of the Notice filed upon satisfaction of the lien.

Timetable:

Action	Date	FR Cite
NPRM	01/13/75	40 FR 2445

Next Action Undetermined

Small Entity: No

Additional Information: Docket No. 14236.

Agency Contact: Les Dunlop, Aircraft Registration Program Officer, Department of Transportation, Federal Aviation Administration, PO Box 25724, Okla City, OK 73125, **405 686-2284**

RIN: 2120-AA14

227. CESSNA FINANCE PETITION

Legal Authority: 49 USC 1348 Federal Aviation Act of 1958, Sec. 307; 49 USC 1354 Federal Aviation Act of 1958, Sec. 313; 49 USC 1401 Federal Aviation Act of 1958, Sec. 501; 49 USC 1403 Federal Aviation Act of 1958, Sec. 503; 49 USC 1405 Federal Aviation Act of 1958, Sec. 505; 49 USC 1406 Federal Aviation Act of 1958, Sec. 506; 49 USC 1502 Federal Aviation Act of 1958, Sec. 1102

CFR Citation: 14 CFR 47

Abstract: Petition for rulemaking to amend Part 47 to provide all persons who hold a security interest in aircraft the same protection now afforded the seller of an aircraft under a conditional sales contract.

Timetable:

Action	Date	FR Cite
ANPRM	10/20/77	42 FR 55891
NPRM	05/22/80	45 FR 34826

Next Action Undetermined

Small Entity: No

Additional Information: Docket No. 17311.

Analysis: Regulatory Evaluation 05/22/80

Agency Contact: Les Dunlop, Aircraft Registration Program Officer, Department of Transportation, Federal Aviation Administration, PO Box 25724, Okla City, OK 73125, **405 686-2284**

RIN: 2120-AA15

228. INOPERATIVE INSTRUMENTS OR EQUIPMENT

Legal Authority: 49 USC 1348(a) Federal Aviation Act of 1958, Sec. 307(a); 49 USC 1348(c) Federal Aviation Act of 1958, Sec. 307(c); 49 USC 1354 Federal Aviation Act of 1958, Sec. 313; 49 USC 1354(a) Federal Aviation Act of 1958, Sec.313(a); 49 USC 1355 Federal Aviation Act of 1958, Sec. 314; 49 USC 1355(a) Federal Aviation Act of 1958, Sec. 314(a); 49 USC 1421(a) to 1430 Fed. Av. Act 1958, Secs. 601(a) to 610; 49 USC 1502 Federal Aviation Act of 1958, Sec. 1102

CFR Citation: 14 CFR 43; 14 CFR 91; 14 CFR 121; 14 CFR 125; 14 CFR 135

Abstract: Proposed rule to revise Part 91 to include provisions that will allow the operation of powered aircraft with

certain installed instruments and equipment inoperative. The proposal would consolidate minimum equipment list requirements presently contained in various parts of the Federal Aviation Regulations into one regulation.

Timetable:

Action	Date	FR Cite
NPRM	10/26/81	46 FR 52278
Final Action	04/00/85	

Small Entity: No

Additional Information: Docket No. 22320.

Analysis: Regulatory Evaluation 10/26/81

Agency Contact: Dale C. Ruoff, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 426-8194

RIN: 2120-AA19

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229. PARACHUTE JUMPING, NOTICE AND AUTHORIZATION REQUIREMENTS

Legal Authority: 49 USC 1348 Federal Aviation Act of 1958, Sec. 307; 49 USC 1354(a) Federal Aviation Act of 1958, Sec. 313(a); 49 USC 1421 Federal Aviation Act of 1958, Sec. 601

CFR Citation: 14 CFR 105

Abstract: Proposed amendments would require notice of parachute jumps in terms of above mean sea level and would require ATC authorization for jumps in/into a terminal control area.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Agency Contact: Gene Falsetti, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 426-8783

RIN: 2120-AA21

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230. TERMINAL CONTROL AREA (TCA) NEW YORK (MODIFICATION)

Legal Authority: 49 USC 1348(a) Federal Aviation Act of 1958, Sec. 307(a); 49 USC 1354(a) Federal Aviation Act of 1958, Sec. 313(a); 49 USC 1510 Federal Aviation Act of 1958, Sec. 1110

CFR Citation: 14 CFR 71

Abstract: Terminal Control Areas (TCA's) are proposed to reduce the midair collision potential by eliminating the mix of controlled and uncontrolled aircraft in a higher density terminal environment.

Timetable:

Action	Date	FR Cite
NPRM	01/08/81	46 FR 2088

Next Action Undetermined

Small Entity: No

Additional Information: Docket No. 18605.

Analysis: Regulatory Evaluation 01/08/81

Agency Contact: William C. Davis, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 426-8783

RIN: 2120-AA24

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231. TERMINAL CONTROL AREA (TCA) LAS VEGAS (MODIFICATION)

Legal Authority: 49 USC 1348(a) Federal Aviation Act of 1958, Sec. 307(a); 49 USC 1354(a) Federal Aviation Act of 1958, Sec. 313(a); 49 USC 1510 Federal Aviation Act of 1958, Sec. 1110

CFR Citation: 14 CFR 71

Abstract: Terminal Control Areas (TCA's) are proposed to reduce the midair collision potential by eliminating the mix of controlled and uncontrolled aircraft in a higher density terminal environment.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Agency Contact: Lewis W. Still, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 426-8626

RIN: 2120-AA25

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232. FLIGHT OPERATIONS CONTROL SYSTEMS

Legal Authority: 49 USC 1354(a) Federal Aviation Act of 1958, Sec. 313 (a); 49 USC 1421 to 1430 Fed. Aviation Act of 1958, Secs. 601 to 610; 49 USC 1502 Federal Aviation Act of 1958; Sec. 1102

CFR Citation: 14 CFR 121

Abstract: Based upon a Transamerican Airlines (TIAS) and World Airways (WRLS) joint petition for rulemaking, the FAA is considering amending Part 121 to allow among other things all operations to be conducted under a flight operations control system. Advance Notice 80-16 (14 FR 67103) issued Oct. 2, 1980, published the entire petition and requested comments to assist the FAA in determining what if any regulatory proposals should be developed.

Timetable:

Action	Date	FR Cite
ANPRM	10/02/80	45 FR 67103
NPRM	05/00/85	

Small Entity: No

Additional Information: Docket No. 18591.

Agency Contact: Roger E. Riviere, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 426-8096

RIN: 2120-AA26

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233. REVIEW: ROTORCRAFT REGULATORY REVIEW PROGRAM NOTICE NO. 3

Legal Authority: 49 USC 1354 Federal Aviation Act of 1958, Sec. 313; 49 USC 1421 Federal Aviation Act of 1958, Sec. 601; 49 USC 1423 Federal Aviation Act of 1958, Sec. 603

CFR Citation: 14 CFR 1; 14 CFR 27; 14 CFR 29; 14 CFR 33

Abstract: This NPRM proposes changes to Parts 1, 27, 29, and 33 in the area of propulsion system requirements. Over 100 individual changes are being considered. Significant new rules or changes to rules are being considered in the areas of engine ratings, detailed

combustion heater requirements, lightning protection, fuel jettisoning systems, fuel system tests, and oil requirements.

Timetable:

Action	Date	FR Cite
NPRM	11/27/84	49 FR 46670
NPRM Comment Period Begin	11/27/84	
NPRM Comment Period End	03/26/85	

Small Entity: No

Analysis: Regulatory Evaluation 11/27/84

Agency Contact: Wilbur Wells, Department of Transportation, Federal Aviation Administration, PO Box 1689, Ft Worth, TX 76101, 817 877-2551

RIN: 2120-AA28

234. REVIEW: ROTORCRAFT REGULATORY REVIEW PROGRAM NOTICE NO. 4

Legal Authority: 49 USC 1354 Federal Aviation Act of 1958, Sec. 313; 49 USC 1421 Federal Aviation Act of 1958, Sec. 601; 49 USC 1423 Federal Aviation Act of 1958, Sec. 603

CFR Citation: 14 CFR 27; 14 CFR 29

Abstract: This is the fourth of a series of notices to be issued as part of the FAA's comprehensive Rotorcraft Regulatory Review Program. This notice contains proposals which would amend and update the airframe and related equipment requirements in Parts 27 and 29 of the Federal Aviation Regulations.

Timetable:

Action	Date	FR Cite
NPRM	04/00/85	

Small Entity: No

Analysis: Regulatory Evaluation 04/00/85

Agency Contact: James Major, Department of Transportation, Federal Aviation Administration, PO Box 1689, Ft Worth, TX 76101, 817 877-2549

RIN: 2120-AA29

235. REVIEW: ROTORCRAFT REVIEW NOTICE NO. 5-OPERATIONS AND MAINTENANCE

Legal Authority: 49 USC 1341 Federal Aviation Act of 1958, Sec. 301; 49 USC 1348(a) Federal Aviation Act of 1958, Sec. 307(a); 49 USC 1348(c) Federal Aviation Act of 1958, Sec. 307(c); 49 USC 1354(a) Federal Aviation Act of 1958, Sec. 313(a); 49 USC 1355 Federal Aviation Act of 1958, Sec. 314; 49 USC 1401 Federal Aviation Act of 1958, Sec. 501; 49 USC 1402 Federal Aviation Act of 1958, Sec. 502; 49 USC 1421(a) Federal Aviation Act of 1958, Sec. 601; 49 USC 1430 Federal Aviation Act of 1958, Sec. 610; 49 USC 1502 Federal Aviation Act of 1958, Sec. 1102

CFR Citation: 14 CFR 43; 14 CFR 45; 14 CFR 61; 14 CFR 91; 14 CFR 121; 14 CFR 127; 14 CFR 133; 14 CFR 135

Abstract: This is the fifth of a series of notices to be issued as part of the FAA's comprehensive Rotorcraft Regulatory Review Program. This notice contains proposals which would amend and update the operations and maintenance requirements pertaining to rotorcraft and covered in Parts 43, 45, 61, 91, 121, 127, 133, and 135 of the Federal Aviation Regulations. Part 1 would also be amended to add a definition of a Class D rotorcraft load combination.

Timetable:

Action	Date	FR Cite
NPRM	03/00/85	

Small Entity: No

Analysis: Regulatory Evaluation 03/00/85

Agency Contact: Roger Baker, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 426-8191

RIN: 2120-AA30

236. TEMPORARY FLIGHT RESTRICTIONS

Legal Authority: 49 USC 1348 Federal Aviation Act of 1958, Sec. 307; 49 USC 1354(a) Federal Aviation Act of 1958, Sec. 313(a)

CFR Citation: 14 CFR 91

Abstract: This proposal features provisions that would allow the Administrator to restrict all flight operations within a designated area under specified situations.

Timetable:

Action	Date	FR Cite
NPRM	04/29/82	47 FR 18560

Next Action Undetermined

Small Entity: No

Additional Information: Docket No. 22951.

Analysis: Regulatory Evaluation 04/29/82

Agency Contact: William C. Davis, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 426-8783

RIN: 2120-AA34

237. FOREIGN AIR CARRIERS AND OPERATORS OF CERTAIN LARGE U.S.- REGISTERED AIRPLANES

Legal Authority: 49 USC 1354 Federal Aviation Act of 1958, Sec. 313; 49 USC 1354(a) Federal Aviation Act of 1958, Sec. 313(a); 49 USC 1421 to 1430 Fed Aviation Act of 1958, Secs. 601 to 610; 49 USC 1502 Federal Aviation Act of 1958, Sec. 1102

CFR Citation: 14 CFR 91; 14 CFR 121; 14 CFR 125; 14 CFR 129; 14 CFR 135

Abstract: This document proposes changes in regulations pertaining to (1) U.S. registered aircraft operated by foreign persons in common carriage and (2) certain large U.S. registered airplanes not operated in common carriage.

Timetable:

Action	Date	FR Cite
NPRM	07/00/85	

Small Entity: No

Agency Contact: Lawrence P. Bedore, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 426-8096

RIN: 2120-AA42

238. STANDARDS FOR APPROVAL OF AN AUTOMATIC TAKEOFF THRUST CONTROL SYSTEM

Legal Authority: 49 USC 1354 Federal Aviation Act of 1958, Sec. 313; 49 USC 1421 Federal Aviation Act of 1958, Sec. 601; 49 USC 1423 Federal Aviation Act of 1958, Sec. 603

CFR Citation: 14 CFR 25

Abstract: This action would review certain special conditions issued for Part 25 airplanes and incorporate in Part 25 those that have not been previously incorporated.

Timetable:

Action	Date	FR Cite
NPRM	04/27/84	49 FR 18240
NPRM Comment Period Begin	04/27/84	
Extension of Comment Period	07/20/84	49 FR 29410

Action	Date	FR Cite
NPRM Comment Period End	08/27/84	

Next Action Undetermined

Small Entity: No

Additional Information: The special conditions included in this project are automatic take-off thrust control systems (ATTCS). Docket No. 24046.

Public Compliance Cost: Initial Cost: $0; Yearly Recurring Cost: $0

Affected Sectors: Multiple

Analysis: Regulatory Evaluation 04/27/84

Agency Contact: James M. Walker, Department of Transportation, Federal Aviation Administration, NorthWest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, WA 98168, **206 431-2116**

RIN: 2120-AA46

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239. SPECIAL REVIEW: TRANSPORT CATEGORY AIRPLANE AIRWORTHINESS STANDARDS

Legal Authority: 49 USC 1354 Federal Aviation Act of 1958, Sec. 313; 49 USC 1421 Federal Aviation Act of 1958, Sec. 601; 49 USC 1423 Federal Aviation Act of 1958, Sec. 603

CFR Citation: 14 CFR 25

Abstract: This action would amend the airworthiness standards contained in Part 25 applicable to transport category airplanes to: (1) relieve the regulatory burden wherever possible, (2) ensure the airworthiness standards are practicable for the light transport airplanes common to regional air carrier operation, and (3) update Part 25 for clarity and accuracy.

Timetable:

Action	Date	FR Cite
NPRM	12/03/84	49 FR 47358
NPRM Comment Period Begin	12/03/84	
NPRM Comment Period End	04/04/85	

Small Entity: No

Additional Information: Docket No. 24344

Affected Sectors: Multiple

Analysis: Regulatory Evaluation 12/03/84

Agency Contact: Gary Killion, Department of Transportation, Federal Aviation Administration, NorthWest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, WA 98168, **206 431-2112**

RIN: 2120-AA47

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240. FLIGHT AFTER STRUCTURAL FAILURE

Legal Authority: 49 USC 1354 Federal Aviation Act of 1958, Sec. 313; 49 USC 1421 Federal Aviation Act of 1958, Sec. 601; 49 USC 1423 Federal Aviation Act of 1958, Sec. 603

CFR Citation: 14 CFR 25

Abstract: This ANPRM would request information necessary to conduct safety benefit, cost, environmental, and energy impact analyses for a proposed Part 25 requirement for continued safe flight and landing after failure of any single structural element.

Timetable:

Action	Date	FR Cite
ANPRM	07/11/83	48 FR 31842
Notice of Comment Period extension	08/22/83	48 FR 38004

Next Action Undetermined

Small Entity: No

Additional Information: Docket No. 23690.

Agency Contact: Iven Connally, Department of Transportation, Federal Aviation Administration, NorthWest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, WA 98168, **206 431-2120**

RIN: 2120-AA48

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241. IMPLEMENTATION OF SAFER PROPULSION SYSTEM RECOMMENDATIONS

Legal Authority: 49 USC 1354 Federal Aviation Act of 1958, Sec. 313; 49 USC 1421 Federal Aviation Act of 1958, Sec. 601; 49 USC 1423 Federal Aviation Act of 1958, Sec. 603

CFR Citation: 14 CFR 25

Abstract: This action would amend Sec 25.975 to require fuel tank vent protection during ground fires and Sec 25.1189 to require design practices which maximize the probability of engine fuel supply shut-off in a potential fire situation.

Timetable:

Action	Date	FR Cite
ANPRM	09/26/84	49 FR 38078
ANPRM Comment Period Begin	09/26/84	
ANPRM Comment Period End	01/25/85	

Next Action Undetermined

Small Entity: No

Additional Information: Docket No. 24251

Agency Contact: James M. Walker, Department of Transportation, Federal Aviation Administration, NorthWest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, WA 98168, **206 431-2116**

RIN: 2120-AA49

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242. FY-1982 MISCELLANEOUS AMENDMENTS

Legal Authority: 49 USC 1352 Federal Aviation Act of 1958, Sec. 311; 49 USC 1354 Federal Aviation Act of 1958, Sec. 313; 49 USC 1354(a) Federal Aviation Act of 1958, Sec. 313(a); 49 USC 1355(a) Federal Aviation Act of 1958, Sec. 314(a); 49 USC 1421 to 1430 Fed Aviation Act of 1958, Secs. 601 to 610; 49 USC 1502 Federal Aviation Act of 1958, Sec. 1102

CFR Citation: 14 CFR 21; 14 CFR 65; 14 CFR 107; 14 CFR 121; 14 CFR 135; 14 CFR 145

Abstract: This action would amend various sections of the regulations. The proposed amendments are clarifying, editorial, or corrective in nature.

Timetable:

Action	Date	FR Cite
NPRM	10/03/83	48 FR 45214

Next Action Undetermined

Small Entity: No

Additional Information: Docket No. 23781.

Analysis: Regulatory Evaluation 10/03/83

Agency Contact: Ida Cronauer, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, **202 426-8357**

RIN: 2120-AA50

243. PROPOSED MINIMUM AERONAUTICAL EXPERIENCE REQUIREMENTS - INSTRUMENT RATING

Legal Authority: 49 USC 1354(a) Federal Aviation Act of 1958, Sec. 313(a); 49 USC 1355 Federal Aviation Act of 1958, Sec. 314; 49 USC 1421 Federal Aviation Act of 1958, Sec. 601; 49 USC 1427 Federal Aviation Act of 1958, Sec. 607

CFR Citation: 14 CFR 61

Abstract: This action would amend Sec 61.65(a)(1) to delete the words "or commercial" and would amend Sec 61.65(e)(1) to decrease the required hours of pilot flight time.

Timetable:

Action	Date	FR Cite
NPRM	06/20/83	48 FR 28104

Next Action Undetermined

Small Entity: No

Additional Information: Docket No. 23672

Analysis: Regulatory Evaluation 06/20/83

Agency Contact: Lauren D. Basham, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 426-8196

RIN: 2120-AA52

244. AMEND PART 23 TO INCLUDE EMPENNAGE FATIGUE REQUIREMENTS

Legal Authority: 49 USC 1354 Federal Aviation Act of 1958, Sec. 313; 49 USC 1421 Federal Aviation Act of 1958, Sec. 601; 49 USC 1423 Federal Aviation Act of 1958, Sec. 603

CFR Citation: 14 CFR 23

Abstract: This action would provide for fatigue integrity of small airplane empennage structure where present Part 23 fatigue requirements apply only to the wing

Timetable:

Action	Date	FR Cite
NPRM	03/28/85	

Small Entity: No

Additional Information: The FAA is evaluating additional data obtained from NASA.

Analysis: Regulatory Evaluation 03/00/85

Agency Contact: Earsa L. Tankesley, Department of Transportation, Federal Aviation Administration, 601 E. 12th Street, Kansas City, MO 64106, 816 374-6930

RIN: 2120-AA58

245. REGULATION OF MOTOR VEHICLES CARRYING PASSENGERS FOR HIRE AT WASHINGTON NATIONAL AIRPORT

Legal Authority: 49 USC 1354 F.A. Act of 1958, Sec. 313; F.A. Act, Sec. 5 of Act for Admin of Wash National Airport

CFR Citation: 14 CFR 159

Abstract: Amendment to require taxicab drivers and other drivers of ground vehicles carrying passengers for hire to and from Washington National Airport to obtain a permit from the FAA Metropolitan Washington Airports. Regulation would prescribe procedures for issuance and revocation of permits.

Timetable:

Action	Date	FR Cite
ANPRM	05/02/83	48 FR 19838
NPRM	07/00/85	

Small Entity: Yes

Analysis: Regulatory Evaluation 07/00/85

Agency Contact: Edward S. Faggen, Department of Transportation, Federal Aviation Administration, Washington National Airport, Hangar 9, Washington, DC 20001, 703 557-8123

RIN: 2120-AA62

246. AIRPORT IMPROVEMENT PROGRAM

Legal Authority: PL 97-248 Airport and Airway Improvement Act of 1982

CFR Citation: 14 CFR 156. (Proposed)

Abstract: This action would prescribe requirements and procedures for applicants desiring to receive financial assistance under the Airport and Airway Improvement Act of 1982. The program provides grants for planning and developing public-use airports and the implementation of noise compatibility programs. Generally, to receive funds, the applicant must be a public agency; although, in some instances, private airport owners may receive funds. Contents of the regulation will be governed by the requirements of the Act and OMB Circular A-102.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: Undetermined

Additional Information: In September 1982, legislation authorizing the Airport Improvement Program was enacted. This same legislation repealed the Airport and Airway Development Act of 1970 which authorized the Airport Development Aid Program (CFR Pt. 152).

Agency Contact: Bob David, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 426-8590

RIN: 2120-AA73

247. NOISE STANDARDS: AIRCRAFT TYPE AND AIRWORTHINESS CERTIFICATION

Legal Authority: 49 USC 1354 Federal Aviation Act of 1958, Sec. 313; 49 USC 1421 Federal Aviation Act of 1958, Sec. 601; 49 USC 1423 Federal Aviation Act of 1958, Sec. 603; 49 USC 1431 Federal Aviation Act of 1958, Sec. 611

CFR Citation: 14 CFR 36

Abstract: Part 36 prescribes noise type certification standards for turbo jet powered airplanes and propeller driven small airplanes regardless of category. This review will examine the need to reorganize and realign the noise standards to make them more understandable and easier to use. This review would reorganize existing material into several new subparts, and utilize an improved numbering system to provide for the easier inclusion of future changes. Other improvements would be made by deleting redundancies, obsolete compliance dates, and making other minor changes. Additionally, Part 36 will be reviewed in accordance with Executive Order 12291 to reduce regulatory burdens on the public, including the preparation of both a Regulatory Evaluation and a Regulatory Flexibility Analysis.

Timetable:

Action	Date	FR Cite
NPRM	01/29/85	50 FR 4172

Next Action Undetermined

Small Entity: Yes

Additional Information: Will also consider Petition for Rulemaking from the Aerospace Industries of America (Docket No. 23340; Petition Notice No. PR-82-13). Comment Period closed January 20, 1983.

Analysis: Draft RFA 01/29/85; Environmental Assessment 01/29/85; Regulatory Evaluation 01/29/85

Agency Contact: Richard Tedrick, Department of Transportation, Federal Aviation Administration, 800 Independence Ave., SW, Washington, DC 20591, **202 755-9027**

RIN: 2120-AA74

248. REVISE PART 23 TO INCLUDE COMMUTER CATEGORY AIRPLANES

Legal Authority: 49 USC 1354 Federal Aviation Act of 1958, Sec. 313; 49 USC 1421 Federal Aviation Act of 1958, Sec. 601; 49 USC 1423 Federal Aviation Act of 1958, Sec. 603

CFR Citation: 14 CFR 23

Abstract: This action would amend Part 23 to include airworthiness standards for multi-engine airplanes having a maximum passenger seating configuration, excluding any pilot seat, of 19 seats, and with a maximum takeoff weight of up to 19,000 pounds.

Timetable:

Action	Date	FR Cite
NPRM	11/15/83	48 FR 52010
Final Action	03/00/85	

Small Entity: No

Additional Information: Docket No. 23516.

Analysis: Regulatory Evaluation 11/15/83

Agency Contact: Earsa L. Tankesley, Department of Transportation, Federal Aviation Administration, 601 E. 12th St., Kansas City, MO 64106, **816 374-6930**

RIN: 2120-AA77

249. SFAR 38-1--CERTIFICATION AND OPERATING REQUIREMENTS

Legal Authority: 49 USC 1354(a) Federal Aviation Act of 1958, Sec. 313(a); 49 USC 1421 Federal Aviation Act of 1958, Sec. 601; 49 USC 1424 Federal Aviation Act of 1958, Sec. 604

CFR Citation: 14 CFR 121; 14 CFR 127

Abstract: This notice would amend SFAR 38 by clearly defining the applicable certification and operating rules appropriate to the operation to be conducted.

Timetable:

Action	Date	FR Cite
Extension of Expiration Date	01/04/85	50 FR 450
NPRM	01/30/85	50 FR 4472
Final Action	05/00/85	

Small Entity: No

Agency Contact: Daniel Keenan, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, **202 426-8096**

RIN: 2120-AA78

250. ACCELERATED GROUND TRAINING - FLIGHT ENGINEERS' SKILL REQUIREMENTS

Legal Authority: 49 USC 1348(a) Federal Aviation Act of 1958, Sec. 307(a); 49 USC 1348(c) Federal Aviation Act of 1958, Sec. 307(c); 49 USC 1354(a) Federal Aviation Act of 1958, Sec. 313(a); 49 USC 1421(a) Federal Aviation Act of 1958, Sec. 601(a)

CFR Citation: 14 CFR 63; 14 CFR 91; 14 CFR 125

Abstract: This proposed action would amend the regulations to allow the flight engineers' normal procedure practical test to be conducted in an approved flight simulator in lieu of conducting it, in flight, in an airplane.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Additional Information: Docket No. 22781.

Agency Contact: Gary Davis, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, **202 426-8096**

RIN: 2120-AA79

251. INSTRUMENT FLIGHT RULE REQUIREMENTS

Legal Authority: 49 USC 1348(a) Federal Aviation Act of 1958, Sec. 307(a); 49 USC 1348(c) Federal Aviation Act of 1958, Sec. 307(c); 49 USC 1354(a) Federal Aviation Act of 1958, Sec. 313(a); 49 USC 1421(a) Federal Aviation Act of 1958, Sec. 601(a)

CFR Citation: 14 CFR 135

Abstract: This proposed action would amend the regulations to: (1) allow operation of single-engine aircraft in IFR conditions; (2) permit IFR operations en route with a VFR buffer zone underneath the cloud ceiling and an IFR approach at destination; (3) change IFR minimums at U.S. military airports to be compatible with U.S. civil airport requirements; provide drift down standards during en route operations in IFR conditions in multi-engine aircraft; and provide consistency in regulations regarding references to instrument approach requirements.

Timetable:

Action	Date	FR Cite
NPRM	09/00/85	

Small Entity: No

Additional Information: Docket No. 20164

Agency Contact: Roger E. Riviere, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, **202 426-8096**

RIN: 2120-AA82

252. AIRPLANE SIMULATOR USE IN AIRMAN CERTIFICATION

Legal Authority: 49 USC 1354(a) Federal Aviation Act of 1958, Sec. 313(a); 49 USC 1421 Federal Aviation Act of 1958, Sec. 601; 49 USC 1424 Federal Aviation Act of 1958, Sec. 604

CFR Citation: 14 CFR 61; 14 CFR 121

Abstract: This proposed action would amend the regulations to objectively match maneuver and procedure requirements with a catalog of simulation devices. The amendment should extend the maximum credit to simulation devices that objective requirements will permit.

Timetable:

Action	Date	FR Cite
NPRM	11/00/85	

Small Entity: No

Agency Contact: David C. Gilliom, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW. Washington, DC 20591, 202 426-3460

RIN: 2120-AA83

253. TRANSPORT ROTORCRAFT STRUCTURAL FATIGUE AND DAMAGE TOLERANCE

Legal Authority: 49 USC 1348 Federal Aviation Act of 1958, Sec. 307; 49 USC 1348(a) Federal Aviation Act of 1958, Sec. 307(a); 49 USC 1348(c) Federal Aviation Act of 1958, Sec. 307(c); 49 USC 1351 Federal Aviation Act of 1958, Sec. 310; 49 USC 1354 Federal Aviation Act of 1958, Sec. 313; 49 USC 1355 Federal Aviation Act of 1958, Sec. 314; 49 USC 1355(a) Federal Aviation Act of 1958, Sec. 314(a); 49 USC 1401 Federal Aviation Act of 1958, Sec. 501; 49 USC 1402 Federal Aviation Act of 1958, Sec. 502; 49 USC 1421 Federal Aviation Act of 1958, Sec. 611; 49 USC 1502 Federal Aviation Act of 1958, Sec. 1102; 49 USC 1423 Federal Aviation Act of 1958, Sec. 603

CFR Citation: 14 CFR 29

Abstract: This notice proposes to change Section 29.571 governing the requirements for fatigue substantiation of transport category helicopter structure. It adds a requirement that damage tolerance criteria be used "unless shown to be impractical." The proposal is intended to obtain consistent use of state-of-the-art damage tolerant materials and design features in transport category aircraft.

Timetable:

Action	Date	FR Cite
ANPRM	01/06/83	48 FR 772
NPRM	07/00/85	

Small Entity: No

Additional Information: Docket No. 23485.

Public meeting held on February 8, 1983.

Analysis: Regulatory Evaluation 07/00/85

Agency Contact: Robert T. Weaver, Department of Transportation, Federal Aviation Administration, PO Box 1689, Ft Worth, TX 76101, 817 877-2548

RIN: 2120-AA84

254. FIRE PROTECTION REQUIREMENTS FOR CARGO OR BAGGAGE COMPARTMENTS

Legal Authority: 49 USC 1354 Federal Aviation Act of 1958, Sec. 313; 49 USC 1421 Federal Aviation Act of 1958, Sec. 601; 49 USC 1423 Federal Aviation Act of 1958, Sec. 603

CFR Citation: 14 CFR 25

Abstract: To develop criteria for cargo compartment liners required for all categories of cargo compartments except Class A and to investigate compartment volume, ventilation and detection and fire prevention capabilities of certain approved self-extinguishing materials used for cargo compartment liners.

Timetable:

Action	Date	FR Cite
NPRM	08/08/84	49 FR 31830
Extension of Comment Period	10/12/84	49 FR 40041
Comment Period Closes	01/10/85	

Next Action Undetermined

Small Entity: No

Additional Information: Docket No. 24185. This regulation was formerly titled "Cargo Compartment Classification."

Analysis: Regulatory Evaluation 08/08/84

Agency Contact: Richard Nelson, Department of Transportation, Federal Aviation Administration, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168, 206 431-2121

RIN: 2120-AA90

255. FAR 23.49(B) STALL SPEEDS FOR SINGLE ENGINE AND MULTIENGINE AIRPLANES OF 6,000 LBS. OR LESS

Legal Authority: 49 USC 1354 F.A. Act, Sec. 313; 49 USC 1421 F.A. Act, Sec. 601; 49 USC 1423 F.A. Act, Sec. 603

CFR Citation: 14 CFR 23

Abstract: This action would relieve the current 61-knot stall speed requirements of Part 23 by either deleting the requirement or specifying an alternative requirement.

Timetable:

Action	Date	FR Cite
NPRM	03/00/85	

Small Entity: Yes

Additional Information: A new generation of turbo-powered, single-engine airplanes is being developed whose operating efficiency and performance will be greatly reduced if they are required to meet the current stall speed requirements. The object of this rulemaking activity is to permit design and certification of higher performance, single-engine airplanes that may achieve higher cruise speeds with better specific fuel consumption by increasing wing loading.

Analysis: Regulatory Evaluation 03/00/85; Draft RFA 03/00/85

Agency Contact: Earsa Tankesley, Department of Transportation, Federal Aviation Administration, 601 East 12th Street, Kansas City, MO 64106, 816 374-6930

RIN: 2120-AA92

256. USE OF X-RAY SYSTEMS

Legal Authority: 49 USC 1354 Federal Aviation Act of 1958, Sec. 313; 49 USC 1421 Federal Aviation Act of 1958, Sec. 601; 49 USC 1424 Federal Aviation Act of 1958, Sec. 604; 49 USC 1425 Federal Aviation Act of 1958, Sec. 605

CFR Citation: 14 CFR 108; 14 CFR 129

Abstract: This proposed action would amend the regulations to delete reference to 1 milliroentgen and to change wording of sign at each X-ray screening station. It also proposes that the new American Society for Testing and Materials Standards F792-82 be adopted in place of the requirement that the X-ray system have the capability of distinguishing insulated 24-gauge copper wire.

Timetable:

Action	Date	FR Cite
NPRM	06/18/84	49 FR 24974
NPRM Comment Period Begin	06/18/84	49 FR 24974
NPRM Comment Period End	08/17/84	
Final Action	06/00/85	

Small Entity: No

Additional Information: Docket No. 24115

Analysis: Regulatory Evaluation 06/18/84

Agency Contact: Theofulus P. Tsacoumis, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, S.W., Washington, DC 20591, 202 426-4817

RIN: 2120-AA96

257. MECHANICAL RELIABILITY REPORTS

Legal Authority: 49 USC 1354 Federal Aviation Act of 1958, Sec. 313; 49 USC 1421 Federal Aviation Act of 1958, Sec. 601; 49 USC 1424 Federal Aviation Act of 1958, Sec. 604

CFR Citation: 14 CFR 121

Abstract: This action would allow certificate holders to mail or deliver mechanical reliability reports to the responsible FAA office within 72 hours after the 24-hour reporting period.

Timetable:

Action	Date	FR Cite
NPRM	08/13/84	49 FR 32306
NPRM Comment Period Begin	08/13/84	
NPRM Comment Period End	10/12/84	

Next Action Undetermined

Small Entity: No

Additional Information: Docket No. 24182

Agency Contact: Fred W. Crenshaw, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, S.W., Washington, DC 20591, **202 426-8098**

RIN: 2120-AA97

258. AMENDMENT OF SECTIONS 91.171, 91.172, AND APPENDICES E AND F OF PART 43

Legal Authority: 49 USC 1354 Federal Aviation Act of 1958, Sec. 313; 49 USC 1421 Federal Aviation Act of 1958, Sec. 601

CFR Citation: 14 CFR 43; 14 CFR 91

Abstract: This action would delay an October 15, 1982, compliance date to afford operators additional time to accomplish tests and inspections required by Sec. 91.171, correct inappropriate references, and delete a requirement for integrated system tests of ATC transponders by operators

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Agency Contact: Charles J. Sarich, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, S.W., Washington, DC 20591, **202 426-8177**

RIN: 2120-AA98

259. RENEWAL OF INSPECTION AUTHORIZATION

Legal Authority: 49 USC 1354 Federal Aviation Act of 1958, Sec. 313; 49 USC 1421 Federal Aviation Act of 1958, Sec. 601; 49 USC 1422 Federal Aviation Act of 1958, Sec 602

CFR Citation: 14 CFR 65

Abstract: This action would reconsider Amendment 65-22 which was issued to clarify rules and to adopt additional rules applicable to applicants for, and holders of, an inspection authorization. If necessary, the action would also revise the regulations to improve enforcement procedures pertaining to mechanics' certificates and inspection authorizations.

Timetable:

Action	Date	FR Cite
NPRM	09/11/84	49 FR 35652
NPRM Comment Period Begin	09/11/84	
NPRM Comment Period End	10/11/84	

Next Action Undetermined

Small Entity: No

Agency Contact: Charles W. Mayernik, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, S.W., Washington, DC 20591, **202 426-8203**

RIN: 2120-AA99

260. NATIONAL AIRSPACE REVIEW (NAR) TERMINAL AIRSPACE TASK GROUP RECOMMENDATIONS

Legal Authority: 49 USC 1348 Federal Aviation Act of 1958, Sec. 307; 49 USC 1354(a) Federal Aviation Act of 1958, Sec. 313(a)

CFR Citation: 14 CFR 91

Abstract: Would (1) term "Terminal control area"; (2) change operating requirements in terminal control areas; (3) change name of airport traffic area to control tower area; (4) standardize two-way radio communications requirements at all airports with operating control towers; (5) adopt a new definition for airport traffic area; (6) redefine control zone ceiling and lateral dimension limitations; and (7) replace statute miles with nautical mile designations.

Timetable:

Action	Date	FR Cite
ANPRM	02/05/85	50 FR 5054

Next Action Undetermined

Small Entity: No

Agency Contact: Burton Chandler, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, S.W., Washington, DC 20591, **202 426-8626**

RIN: 2120-AB02

261. GENERAL AVIATION SAFETY PANEL'S RECOMMENDATIONS ON WEATHER MINIMUMS

Legal Authority: 49 USC 1348 Federal Aviation Act of 1958, Sec. 307; 49 USC 1354(a) Federal Aviation Act of 1958, Sec. 313(a)

CFR Citation: 14 CFR 91

Abstract: Would standardize weather minimums in all airspace at night.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Agency Contact: Burton Chander, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, S.W., Washington, DC 20591, **203 406-8626**

RIN: 2120-AB04

262. FATIGUE LIMIT TEST (PROPELLERS)

Legal Authority: 49 USC 1354 Federal Aviation Act of 1958, Sec. 313; 49 USC 1421 Federal Aviation Act of 1958, Sec. 601; 49 USC 1423 Federal Aviation Act of 1958, Sec. 603

CFR Citation: 14 CFR 35

Abstract: Would revise Part 35 Fatigue Limit Test (Propellers) to add requirement for composite propellers to include environmental effects in fatigue evaluation bird impact and lightning protection.

Timetable:

Action	Date	FR Cite
NPRM	03/30/85	

Small Entity: No

Analysis: Regulatory Evaluation 03/00/85

Agency Contact: M. Buckman, Department of Transportation, Federal Aviation Administration, ANE-110, FAA NE Region, 12 New England Executive Park, Burlington, MA 01803, 617 273-7079

RIN: 2120-AB05

263. ELECTRONIC FUEL CONTROLS

Legal Authority: 49 USC 1354 Federal Aviation Act of 1958, Sec. 313; 49 USC 1421 Federal Aviation Act of 1958, Sec. 601; 49 USC 1423 Federal Aviation Act of 1958, Sec. 603

CFR Citation: 14 CFR 33

Abstract: Would revise FAR 33.67 to incorporate requirements for electronic fuel controls for gas turbines.

Timetable:

Action	Date	FR Cite
NPRM	03/00/85	

Small Entity: No

Analysis: Regulatory Evaluation 03/00/85

Agency Contact: H. Alden Jackson, Department of Transportation, Federal Aviation Administration, ANE-110, FAA NE Region, 12 New England Executive Park, Burlington, MA 01803, 617 273-7078

RIN: 2120-AB06

264. TURBO PROP ENGINE PROPELLER BRAKE PROPOSALS

Legal Authority: 49 USC 1354 Federal Aviation Act of 1958, Sec. 313; 49 USC 1421 Federal Aviation Act of 1958, Sec. 601; 49 USC 1423 Federal Aviation Act of 1958, Sec. 603

CFR Citation: 14 CFR 33

Abstract: Would revise Part 33 by adding a new section entitled "Engine Propeller Brake Systems Tests." This new section would require tests of the propeller brake with respect to ground locking, dynamic braking, and engine starts and stops.

Timetable:

Action	Date	FR Cite
NPRM	12/14/84	49 FR 48760

Next Action Undetermined

Small Entity: No

Analysis: Regulatory Evaluation 12/14/84

Agency Contact: Donald F. Perrault, Department of Transportation, Federal Aviation Administration, ANE-110, FAA NE Region, 12 New England Executive Park, Burlington, MA 01803, 617 273-7081

RIN: 2120-AB07

265. FLIGHT TIME, DUTY TIME AND REST REQUIREMENTS

Legal Authority: 49 USC 1354 Federal Aviation Act of 1958, Sec. 313; 49 USC 1421 Federal Aviation Act of 1958, Sec. 601; 49 USC 1424 Federal Aviation Act of 1958, Sec. 604

CFR Citation: 14 CFR 121; 14 CFR 135

Abstract: This rulemaking is directed at improving the flight time, duty time and rest requirements applicable to flight crewmembers employed by air carriers, air taxis and commuter operators.

Timetable:

Action	Date	FR Cite
NPRM	03/28/84	49 FR 12136
Final Action	04/00/85	

Small Entity: Undetermined

Additional Information: Docket No. 23634. The Regulatory Negotiation Advisory Committee was established on June 27, 1983 to develop recommended rulemaking proposals for this rulemaking (48 FR 21339 and 29771; May 12 and June 28, 1983). The committee met through the summer to discuss such proposals.

Analysis: Regulatory Evaluation 03/28/84

Agency Contact: Edward P. Faberman, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, S.W., Washington, DC 20591, 202 426-3773

RIN: 2120-AB08

266. STANDARDS FOR APPROVAL OF A REDUCED V1 METHODOLOGY FOR TAKEOFF ON WET RUNWAYS AND FLIGHT PATH REQUIREMENTS FOR ENGINE LOSS DURING TAKEOFF

Legal Authority: 49 USC 1354 Federal Aviation Act of 1958, Sec. 313; 49 USC 1421 Federal Aviation Act of 1958, Sec. 601; 49 USC 1423 Federal Aviation Act of 1958, Sec. 603

CFR Citation: 14 CFR 25, 14 CFR 121

Abstract: This proposal would amend Parts 25 and 121 to allow the use of the reduced V1/reduced screen height concept for transport category airplanes when taking off on wet runways and to ensure obstacle clearance during takeoff when the all-engine operating and the one-engine inoperative intended track are different.

Timetable:

Action	Date	FR Cite
NPRM	06/00/85	

Small Entity: No

Additional Information: The rulemaking entitled All-Engine Flight Path (RIN 2120-AB16) has been merged with this project.

Analysis: Regulatory Evaluation 06/00/85

Agency Contact: Bill Boxwell, Department of Transportation, Federal Aviation Administration, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168, 206 431-2119

RIN: 2120-AB17

267. STANDARDS FOR APPROVAL FOR HIGH ALTITUDE OPERATION OF SUBSONIC AIRPLANES

Legal Authority: 49 USC 1354 Federal Aviation Act of 1958, Sec. 313; 49 USC 1421 Federal Aviation Act of 1958, Sec. 601; 49 USC 1423 Federal Aviation Act of 1958, Sec. 603

CFR Citation: 14 CFR 25

Abstract: This proposal would review special conditions issued for high altitude operation and to consolidate and incorporate these special conditions into Part 25.

Timetable:

Action	Date	FR Cite
NPRM	03/00/85	

Small Entity: No

Affected Sectors: Multiple

Analysis: Regulatory Evaluation 03/00/85

DOT—FAA

Current and Projected Rulemakings
Other Rulemakings

Agency Contact: Mark Quam, Department of Transportation, Federal Aviation Administration, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168, **206 431-2134**

RIN: 2120-AB18

268. SUBPART F -- EQUIPMENT AIRWORTHINESS REGULATIONS

Legal Authority: 49 USC 1354 Federal Aviation Act of 1958, Sec. 313; 49 USC 1421 Federal Aviation Act of 1958, Sec. 601; 49 USC 1423 Federal Aviation Act of 1958, Sec. 603

CFR Citation: 14 CFR 25

Abstract: To amend Subpart F and other associated subparts such that the regulatory requirements are stated on a functional basis to facilitate certification of 1985 and later airplanes.

Timetable:

Action	Date	FR Cite
NPRM	08/00/86	

Small Entity: No

Analysis: Regulatory Evaluation 08/00/86

Agency Contact: Edwin L. Ross, Department of Transportation, Federal Aviation Administration, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168, **206 431-2115**

RIN: 2120-AB19

269. APPENDIX G, CONTINUOUS TURBULENCE CRITERIA

Legal Authority: 49 USC 1354 Federal Aviation Act of 1958, Sec. 313; 49 USC 1421 Federal Aviation Act of 1958, Sec. 601; 49 USC 1423 Federal Aviation Act of 1958, Sec. 603

CFR Citation: 14 CFR 25

Abstract: This proposal would review Appendix G of Part 25 for possible revision of design criteria.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Agency Contact: Iven Connally, Department of Transportation, Federal Aviation Administration, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168, **206 431-2120**

RIN: 2120-AB20

270. REVIEW OF FAR 33.87(A)(7)

Legal Authority: 49 USC 1354 Federal Aviation Act of 1958, Sec. 313; 49 USC 1421 Federal Aviation Act of 1958, Sec. 601; 49 USC 1423 Federal Aviation Act of 1958, Sec. 603

CFR Citation: 14 CFR 33

Abstract: This action would revise Part 33 to better define requirements for stabilization of oil temperature during 5-minute periods of the endurance test.

Timetable:

Action	Date	FR Cite
NPRM	06/00/85	

Small Entity: No

Analysis: Regulatory Evaluation 06/00/85

Agency Contact: H. Alden Jackson, Department of Transportation, Federal Aviation Administration, New England Region, 12 New England Executive Park, ANE-110, Burlington, Massachusetts 01803, **617 273-7078**

RIN: 2120-AB24

271. ADVANCED V/STOL ROTORCRAFT STANDARDS

Legal Authority: 49 USC 1354 Federal Aviation Act of 1958, Sec. 313; 49 USC 1421 Federal Aviation Act of 1958, Sec. 601; 49 USC 1423 Federal Aviation Act of 1958, Sec. 603

CFR Citation: 14 CFR 00, (New)

Abstract: This proposed action would establish airworthiness standards for advanced V/Stol rotorcraft. This action is needed since current rotorcraft airworthiness standards in Parts 27 and 29 are insufficient for anticipated tilt rotor and other advanced design rotorcraft.

Timetable:

Action	Date	FR Cite
ANPRM	03/00/86	

Small Entity: No

Analysis: Regulatory Evaluation 03/00/86

Agency Contact: Jim Honaker, Department of Transportation, Federal Aviation Administration, Southwest Region, P.O. Box 1689, Fort Worth, Texas 76101, **817 877-2552**

RIN: 2120-AB25

272. REBUILT ENGINE MAINTENANCE RECORDS

Legal Authority: 49 USC 1348 Federal Aviation Act of 1958, Sec. 307; 49 USC 1354(a) Federal Aviation Act of 1958, Sec. 313(a); 49 USC 1421 Federal Aviation Act of 1958, Sec. 601; 49 USC 1424 Federal Aviation Act of 1958, Sec. 604; 49 USC 1502 Federal Aviation Act of 1958, Sec. 1102

CFR Citation: 14 CFR 91

Abstract: This action would propose to delete the rule that allows engine manufacturers to designate their overhaul engines as being "zero time engines."

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Agency Contact: Robert J. Baker, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, **202 426-8098**

RIN: 2120-AB29

273. PROTECTIVE BREATHING EQUIPMENT

Legal Authority: 49 USC 1354 Federal Aviation Act of 1958, Sec. 313; 49 USC 1421 Federal Aviation Act of 1958, Sec. 601; 49 USC 1423 Federal Aviation Act of 1958, Sec. 603; 49 USC 1424 Federal Aviation Act of 1958, Sec. 604

CFR Citation: 14 CFR 121

Abstract: This action proposes to update the regulations applicable to protective breathing equipment (PBE) and require compliance with Technical Standard Order-C99 (TSO-C99). The proposed changes would specify additional requirements for portable PBE at all required hand fire extinguisher locations and training requirements for crewmembers using PBE.

Timetable:

Action	Date	FR Cite
NPRM	05/00/85	

Small Entity: No

Agency Contact: Roger E. Riviere, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, **202 426-8096**

RIN: 2120-AB32

274. OCCUPANT PROTECTION/RESTRAINT STANDARDS FOR PARTS 27 AND 29 ROTORCRAFT

Legal Authority: 49 USC 1354 Federal Aviation Act of 1958, Sec. 313; 49 USC 1421 Federal Aviation Act of 1958, Sec. 611; 49 USC 1423 Federal Aviation Act of 1958, Sec. 603

CFR Citation: 14 CFR 27; 14 CFR 29

Abstract: This project is to amend Parts 277 and 29 to establish occupant protection standards in minor crashes at a level consistent with the present state of the art without imposing unreasonable economic burdens on industry.

Timetable:

Action	Date	FR Cite
NPRM	06/00/85	

Small Entity: No

Agency Contact: James Major, Department of Transportation, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101, **817 877-2549**

RIN: 2120-AB35

275. TRANSPORT ROTORCRAFT PERFORMANCE

Legal Authority: 49 USC 1354 Federal Aviation Act of 1958, Sec. 313; 49 USC 1421 Federal Aviation Act of 1958, Sec. 601; 49 USC 1423 Federal Aviation Act of 1958, Sec. 603

CFR Citation: 14 CFR 29

Abstract: This project is to revise and clarify transport rotorcraft performance airworthiness standards and to establish minimum gradients of climb during takeoff.

Timetable:

Action	Date	FR Cite
ANPRM	08/00/85	

Small Entity: Undetermined

Agency Contact: Jim S. Honaker, Department of Transportation, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101, **817 877-2552**

RIN: 2120-AB36

276. ● TYPE CERTIFICATION PROCEDURES - SPECIAL CATEGORIES OF AIRCRAFT

Legal Authority: 49 USC 1354(a) Federal Aviation Act of 1958 Sec. 313(a); 49 USC 1421 Federal Aviation Act of 1958 Sec. 601; 49 USC 1423 Federal Aviation Act of 1958 Sec. 603; 49 USC 1424 Federal Aviation Act of 1958 Sec. 604

CFR Citation: 14 CFR 21

Abstract: This notice would propose to amend Part 21 to address procedures which will permit establishing airworthiness requirements for the type certification of special categories of aircraft such as gliders, airships, and compound aircraft for which no airworthiness standards have been issued under Chapter I of 14 CFR.

Timetable:

Action	Date	FR Cite
NPRM	07/00/85	

Small Entity: Undetermined

Analysis: Regulatory Evaluation 07/00/85

Agency Contact: James Zahringer, Department of Transportation, Federal Aviation Administration, 800 Independence Ave., SW, Washington, DC 20591, **202 426-8374**

RIN: 2120-AB44

277. ● ENFORCEMENT OF PASSENGER INFORMATION REGULATIONS

Legal Authority: 49 USC 1354 Federal Aviation Act of 1958 Sec. 313(a); 49 USC 1421 Federal Aviation Act of 1958 Sec. 601; 49 USC 1423 Federal Aviation Act of 1958 Sec. 603; 49 USC 1424 Federal Aviation Act of 1958 Sec. 604

CFR Citation: 14 CFR 121

Abstract: This notice would propose to amend existing regulations pertaining to passenger compliance with no smoking and seatbelt signs and instructions given to them by crewmembers by upgrading those rules to ensure their enforceability.

Timetable:

Action	Date	FR Cite
NPRM	11/00/85	

Small Entity: Undetermined

Analysis: Regulatory Evaluation 11/00/85

Agency Contact: Gary Davis, Department of Transportation, Federal Aviation Administration, 800 Independence Ave., SW, Washington, DC 20591, **202 426-8096**

RIN: 2120-AB45

278. ● LOW FUEL QUANTITY INDICATORS

Legal Authority: 49 USC 1354 Federal Aviation Act of 1958, Sec. 313; 49 USC 1421 Federal Aviation Act of 1958, Sec. 601; 49 USC 1423 Federal Aviation Act of 1958, Sec. 603

CFR Citation: 14 CFR 25

Abstract: To revise Far 25.1305 to include a requirement to install a means to alert the flightcrew of potentially unsafe low fuel quantities.

Timetable:

Action	Date	FR Cite
NPRM	06/00/85	

Small Entity: No

Analysis: Regulatory Evaluation 06/00/85

Agency Contact: Neil Schalekamp, Department of Transportation, Federal Aviation Administration, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168, **206 431-2135**

RIN: 2120-AB46

279. ● DEALER'S AIRCRAFT REGISTRATION CERTIFICATE

Legal Authority: 49 USC 1348 Federal Aviation Act of 1958, Sec. 307; 49 USC 1354 Federal Aviation Act of 1958, Sec. 313; 49 USC 1401 Federal Aviation Act of 1958, Sec. 501

CFR Citation: 14 CFR 47

Abstract: Proposed amendment to expand eligibility for obtaining a Dealer's Registration Certificate to resident aliens and certain non-citizen corporations.

Timetable:

Action	Date	FR Cite
NPRM	08/00/85	

Small Entity: Undetermined

DOT—FAA

Current and Projected Rulemakings
Other Rulemakings

Agency Contact: Julie A. Stanford, Aircraft Regulation Specialist, Department of Transportation, Federal Aviation Administration, P.O. Box 25724, Oklahoma City, OK 73125, 405 686-2284

RIN: 2120-AB49

[FR Doc. 85-8370 Filed 04-26-85; 8:45 am]
BILLING CODE 4910-62-T

DEPARTMENT OF TRANSPORTATION (DOT)
Federal Aviation Administration (FAA)

Current and Projected Rulemakings
Other Rulemakings: Routine and Frequent

280. PART 95 INSTRUMENT FLIGHT RULES

Legal Authority: 49 USC 1348 F.A. Act of 1958, Sec. 307; 49 USC 1510 F.A. Act of 1958, Sec. 1110

CFR Citation: 14 CFR 95

Abstract: Nonsignificant regulations issued routinely and frequently as a part of an established body of technical requirements to keep those requirements operationally current. Total actions expected--2500. 04/00/85 - 04/00/86.

Timetable:

Action	Date	FR Cite
Total actions expected to end	04/00/86	

Small Entity: No

Agency Contact: Don Tuna, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 426-8277

RIN: 2120-AA63

281. AIRWORTHINESS DIRECTIVES

Legal Authority: 49 USC 1354(a) F.A. Act, Sec. 313(a); 49 USC 1421 F.A. Act, Sec. 601; 49 USC 1423 F.A. Act, Sec. 603; 49 USC 1431(b) F.A. Act, Sec. 611(b)

CFR Citation: 14 CFR 39

Abstract: Nonsignificant regulations issued routinely and frequently as a part of an established body of technical requirements to keep those requirements operationally current. Total actions expected--300. 04/00/85 - 04/00/86.

Timetable:

Action	Date	FR Cite
Total actions expected to end	04/00/86	

Small Entity: No

Agency Contact: Jack McGrath, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 426-8192

RIN: 2120-AA64

282. STANDARD INSTRUMENT APPROACH PROCEDURES

Legal Authority: 49 USC 1348 F.A. Act, Sec. 307; 49 USC 1354(a) F.A. Act, Sec. 313(a); 49 USC 1421 F.A. Act, Sec. 601; 49 USC 1510 F.A. Act, Sec. 1110

CFR Citation: 14 CFR 97

Abstract: Nonsignificant regulations issued routinely and frequently as a part of an established body of technical requirements to keep those requirements operationally current. Total actions expected--2800. 04/00/85 - 04/00/86.

Timetable:

Action	Date	FR Cite
Total actions expected to end	04/00/86	

Small Entity: No

Agency Contact: Don Tuna, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 426-8277

RIN: 2120-AA65

283. AIRSPACE ACTIONS

Legal Authority: 49 USC 1348(a) F.A. Act, Sec. 307(a); 49 USC 1354(a) F.A. Act, Sec. 313(a)

CFR Citation: 14 CFR 71; 14 CFR 73; 14 CFR 75

Abstract: Nonsignificant regulations issued routinely and frequently as a part of an established body of technical requirements to keep those requirements operationally current. Total actions expected--525. 04/00/85 - 04/00/86.

Timetable:

Action	Date	FR Cite
Total actions expected to end	04/00/86	

Small Entity: No

Agency Contact: Hal Becker, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 426-8783

RIN: 2120-AA66

[FR Doc. 85-8370 Filed 04-26-85; 8:45 am]
BILLING CODE 4910-62-T

DEPARTMENT OF TRANSPORTATION (DOT)
Federal Aviation Administration (FAA)

Existing Regulations Under Review
Priority Reviews

284. AIRMEN MEDICAL STANDARDS

Priority: Agency Determination

Legal Authority: 49 USC 1354(a) Federal Aviation Act of 1958, Sec. 313(a); 49 USC 1355 Federal Aviation Act of 1958, Sec. 314; 49 USC 1421 Federal Aviation Act of 1958,

DOT—FAA

Existing Regulations Under Review
Priority Reviews

Sec. 601; 49 USC 1427 Federal Aviation Act of 1958, Sec. 607

CFR Citation: 14 CFR 67

Abstract: These regulations specify the medical standards which must be met before a medical certificate is issued to an airman. For example, a medical certificate is required before a person can obtain a pilot license. During a recent rulemaking involving these regulations, a considerable number of commenters expressed the belief that the current standards should and could be revised to state, in generally applicable objective terms, all those circumstances in which the FAA will issue medical certificates. In the past, some certificates have been issued on a case-by-case basis, with appropriate limitations, under exemption and waiver provisions where strict compliance with the existing standards was not essential in the interest of safety. A comprehensive review of these regulations is necessary to determine if the commenters' arguments are correct. If they are and the requested regulatory changes are possible, it could greatly reduce burdens, both on the FAA and airmen, associated with the processing of medical certificates.

Timetable:

Action	Date	FR Cite
End Review	12/00/85	

Small Entity: No

Additional Information: Docket No. 23190.

Agency Contact: William H. Hark, M.D., Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 426-3802

RIN: 2120-AA70

[FR Doc. 85-8370 Filed 04-26-85; 8:45 am]

BILLING CODE 4910-62-T

DEPARTMENT OF TRANSPORTATION (DOT)
Federal Aviation Administration (FAA)

Existing Regulations Under Review
Other Reviews

285. TERMINAL CONTROL AREAS (TCA'S): PHOENIX

Legal Authority: 49 USC 1348(a) Federal Aviation Act of 1958, Sec. 307(a); 49 USC 1354(a) Federal Aviation Act of 1958, Sec. 313(a); 49 USC 1510 Federal Aviation Act of 1958, Sec. 1110

CFR Citation: 14 CFR 71

Abstract: Terminal Control Areas (TCA's) are proposed to reduce the midair collision potential by eliminating the mix of controlled and uncontrolled aircraft in a higher density terminal environment.

Timetable:

Action	Date	FR Cite
NPRM	04/07/80	45 FR 23457
SNPRM	06/15/81	46 FR 31269

Next Action Undetermined

Small Entity: No

Additional Information: Docket No. 18605/79-AWE-18.

Analysis: Regulatory Evaluation 06/15/81

Agency Contact: Lewis W. Still, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 426-8626

RIN: 2120-AA22

286. FAR 23 AIRWORTHINESS REVIEW

Legal Authority: 49 USC 1354 Federal Aviation Act of 1958, Sec. 313; 49 USC 1421 Federal Aviation Act of 1958, Sec. 601; 49 USC 1423 Federal Aviation Act of 1958, Sec. 603

CFR Citation: 14 CFR 23

Abstract: This action would update Part 23 to be compatible with current technology, reduce the regulatory burden on the public and where possible, state the requirements more objectively.

Timetable:

Action	Date	FR Cite
Announcement of Review	01/31/83	48 FR 4290
Notice of Reopening of Comment Period	06/09/83	48 FR 26623
Compilation of Proposals and Announcement of Conference	10/22/84	49 FR 144
NPRM	09/00/85	

Small Entity: No

Additional Information: Docket No. 23494. Other regulatory projects affecting Part 23, and not needing analysis more in-depth than would occur as part of this review, are being included in this review to assure efficient use of the affected FAA rulemaking resources. Current projects in this category include the project to revise Part 23 to include Special Conditions and the project to amend Part 23 to include Marking Requirements for External Openable Exits. A public meeting is planned as a result of proposals received and four separate NPRM's are planned to resolve the known issues, the first of which is anticipated for mid summer '85.

Analysis: Regulatory Evaluation 12/00/85

Agency Contact: Earsa L. Tankesley, Department of Transportation, Federal Aviation Administration, 601 E. 12th St., Kansas City, MO 64106, 816 374-6930

RIN: 2120-AA75

287. PART 21--CERTIFICATION PROCEDURES FOR PRODUCTS AND PARTS

Legal Authority: 49 USC 1354(a) Federal Aviation Act of 1958, Sec. 313(a); 49 USC 1421 Federal Aviation Act of 1958, Sec. 601; 49 USC 1423 Federal Aviation Act of 1958, Sec. 603; 49 USC 1424 Federal Aviation Act of 1958, Sec. 604

CFR Citation: 14 CFR 21

Abstract: This part prescribes procedural requirements for the issuance of type certificates and changes to those certificates; the issuance of production certificates; the issuance of airworthiness certificates; and the issuance of export airworthiness approvals. In addition it prescribes rules governing the holders of these certificates and procedural requirements for the approval of certain materials, parts, processes, and appliances. The review will also analyze the impact on small entities in accordance with the Regulatory Flexibility Act.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: Undetermined

Agency Contact: M. C. Beard, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, S.W., Washington, DC 20591, **202 426-8235**

RIN: 2120-AB09

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288. PART 61--CERTIFICATION: PILOTS AND FLIGHT INSTRUCTORS

Legal Authority: 49 USC 1354(a) Federal Aviation Act of 1958, Sec. 313(a); 49 USC 1355 Federal Aviation Act of 1958, Sec. 314; 49 USC 1421 Federal Aviation Act of 1958, Sec. 601; 49 USC 1422 Federal Aviation Act of 1958, Sec. 602

CFR Citation: 14 CFR 61

Abstract: This part prescribes the requirements for issuing pilot and flight instructor certificates and ratings, the conditions under which these ratings are necessary, and the privileges and limitations of those certificates and ratings. The review will also analyze the impact on small entities in accordance with the Regulatory Flexibility Act.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: Undetermined

Agency Contact: Kenneth S. Hunt, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, S.W., Washington, DC 20591, **202 426-8237**

RIN: 2120-AB12

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289. PART 67--MEDICAL STANDARDS AND CERTIFICATION

Legal Authority: 49 USC 1354(a) Federal Aviation Act of 1958, Sec. 313(a); 49 USC 1355 Federal Aviation Act of 1958, Sec. 314; 49 USC 1421 Federal Aviation Act of 1958, Sec. 601; 49 USC 1427 Federal Aviation Act of 1958, Sec. 607

CFR Citation: 14 CFR 67

Abstract: This part prescribes the medical standards and procedures that apply to the issuance of medical certificates to airmen. The review will also analyze the impact on small entities in accordance with the Regulatory Flexibility Act.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: Undetermined

Agency Contact: William Hark, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, S.W., Washington, DC 20591, **202 426-3802**

RIN: 2120-AB13

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290. PART 141--PILOT SCHOOLS

Legal Authority: 49 USC 1354(a) Federal Aviation Act of 1958, Sec. 313(a); 49 USC 1355 Federal Aviation Act of 1958, Sec. 314; 49 USC 1421 Federal Aviation Act of 1958, Sec. 601; 49 USC 1422 Federal Aviation Act of 1958, Sec. 602; 49 USC 1427 Federal Aviation Act of 1958, Sec. 607

CFR Citation: 14 CFR 141

Abstract: This part prescribes the requirements for issuing pilot school certificates, provisional pilot school certificates, and associated ratings and the general operating rules for the holders of those certificates and ratings; the personnel and aircraft requirements for a pilot school or a provisional pilot school certificate; and the facilities an applicant must have available to hold a pilot school or provisional pilot school certificate. Also prescribed are the curriculum and course outline requirements for the issuance of a pilot school or provisional pilot school certificate or rating; the requirements for the issuance of an examining authority to the holder of a pilot school certificate and the privileges and limitations of that authority; and the operating rules that are applicable to a pilot school or provisional pilot school certificated under this part. The review will also analyze the impact on small entities in accordance with the Regulatory Flexibility Act.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: Undetermined

Agency Contact: Kenneth S. Hunt, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, **202 426-8237**

RIN: 2120-AB14

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291. PART 121 – CERTIFICATION AND OPERATIONS: DOMESTIC, FLAG, AND SUPPLEMENTAL AIR CARRIERS AND COMMERCIAL OPERATORS OF LARGE AIRCRAFT

Legal Authority: 49 USC 1354(a) Federal Aviation Act of 1958, Sec. 313(a); 49 USC 1401 Federal Aviation Act of 1958, Sec. 501; 49 USC 1421 to 1430 Federal Aviation Act of 1958, Secs. 601-610; 49 USC 1502 Federal Aviation Act of 1958, Sec. 1102

CFR Citation: 14 CFR 121

Abstract: Review of rules governing the certification and operations of air carriers, supplemental air carriers, and commercial air carriers engaging in: (1) interstate or overseas transportation under a certificate of public convenience and necessity; (2) foreign air transportation under a certificate of public convenience and necessity; (3) charter flights or other special service operations; and (4) carriage of persons or property in air commerce for compensation or hire. These regulations are being reviewed to comply with the Regulatory Flexibility Act.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: Undetermined

Agency Contact: Kenneth S. Hunt, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, **202 426-8237**

RIN: 2120-AB27

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292. PART 135 – AIR TAXI OPERATORS AND COMMERCIAL OPERATORS

Legal Authority: 49 USC 1354(a) Federal Aviation Act of 1958, Sec. 313(a); 49 USC 1355(a) Federal Aviation Act of 1958, Sec.

314(a); 49 USC 1421 to 1430 Federal Aviation Act of 1958, Secs 601-610; 49 USC 1502 Federal Aviation Act of 1958, Sec. 1102

CFR Citation: 14 CFR 135

Abstract: Review of rules governing: (1) air taxi operations conducted under Part 298; (2) transportation of mail by aircraft conducted under a postal service contract; and (3) carriage of persons or property for compensation or hire as a commercial operator in specified aircraft. These regulations are being reviewed to comply with the Regulatory Flexibility Act.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: Undetermined

Agency Contact: Kenneth S. Huntivan, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 426-8237

RIN: 2120-AB28

[FR Doc. 85-8370 Filed 04-26-85; 8:45 am]

BILLING CODE 4910-62-T

DEPARTMENT OF TRANSPORTATION (DOT)
Federal Aviation Administration (FAA)

Completed Actions
Priority Rulemakings: Non-Major

COMPLETED RULEMAKINGS

293. AIRPORT NOISE COMPATIBILITY PLANNING

Priority: Agency Determination

Legal Authority: 49 USC 1341(a) Federal Aviation Act of 1958, Sec. 301(a); 49 USC 1348 Federal Aviation Act of 1958 Sec. 307; 49 USC 1354(a) Federal Aviation Act of 1958, Sec 313(a); 49 USC 1421 Federal Aviation Act of 1958, Sec. 601; 49 USC 1431 Federal Aviation Act of 1958, Sec. 611; 49 USC 2101 Aviation Safety and Noise Abatement Act of 1979; 49 USC 2102 Aviation Safety and Noise Abatement Act of 1979, 49 USC 2103(a) Aviation Safety and Noise Abatement Act of 1979; 49 USC 2104(a) Aviation Safety and Noise Abatement Act of 1979; 49 USC 2104(b) Aviation Safety and Noise Abatement Act of 1979; 49 USC 2201 et seq Airport and Airway Improvement Act of 1982

CFR Citation: 14 CFR 150

Abstract: Revises and replaces with a final rule the interim rule (FAR Part 150) on this subject. (1) prescribing requirements for airport operators choosing to submit an airport noise exposure map or an airport noise compatibility program. (2) establishing a single system of measuring aircraft noise and a single system for determining the exposure of individuals to noise in the vicinity of airports. and (3) identifying land uses that are normally compatible (or noncompatible) with various levels of noise around airports. The regulation is significant because it is of substantial interest to the public, potentially affecting State and local governments and the aviation community. The Aviation Safety and Noise Abatement Act of 1979 requires the Secretary of Transportation (and through delegation, the Administrator of the FAA) to establish items (1), (2), and (3).

Timetable:

Action	Date	FR Cite
Comments invited until 06-14-85		
Final Action Effective	01/18/84	49 FR 49260
Final Action Comments invited until 06/14/85	12/18/84	49 FR 49260

Small Entity: No

Additional Information: LEGAL AUTHORITY: 49 CFR 1.47(m) also applies. The Aviation Noise Abatement Policy, issued November 18, 1976, established a pilot noise abatement planning program, the Airport Noise Control and Land Use Compatibility (ANCLUC) Program. The Aviation Safety and Noise Abatement Act of 1979 establishes the basis and legal requirement for this and the interim rule FAR Part 150. FAR Part 150, the interim rule, was adopted January 19, 1981, and became effective February 28, 1981. Comments were received on the interim rule through December 1, 1981. Comments are invited until June 14, 1985.

Analysis: Regulatory Evaluation 12/18/84

Agency Contact: Richard Tedrick, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 755-9027

RIN: 2120-AA03

294. FLOOR PROXIMITY EMERGENCY ESCAPE PATH MARKING

Priority: Agency Determination

Legal Authority: 49 USC 1354 Federal Aviation Act of 1958, Sec. 313; 49 USC 1421 Federal Aviation Act of 1958, Sec. 601; 49 USC 1423 Federal Aviation Act of 1958, Sec. 603; 49 USC 1424 Federal Aviation Act of 1958, Sec. 604

CFR Citation: 14 CFR 21; 14 CFR 25

Abstract: This action proposes new performance standards for floor proximity emergency lighting which would be capable of providing visual guidance for emergency evacuation when all sources of cabin illumination more than 4 feet above the aisle floor are totally obscured by smoke.

Timetable:

Action	Date	FR Cite
NPRM	10/11/83	48 FR 46218
Final Action	10/26/84	49 FR 43182
Final Action Effective	11/26/84	49 FR 43182

Small Entity: Yes

Additional Information: Docket No. 23792.

Analysis: Regulatory Evaluation 10/26/84; Draft RFA 10/26/94

Agency Contact: Henri P. Branting, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 426-8382

RIN: 2120-AA86

295. FLAMMABILITY REQUIREMENT FOR AIRCRAFT SEAT CUSHIONS

Priority: Agency Determination

DOT—FAA

Completed Actions

Priority Rulemakings: Non-Major

Legal Authority: 49 USC 1354 Federal Aviation Act of 1958, Sec. 313; 49 USC 1421 Federal Aviation Act of 1958, Sec. 601; 49 USC 1423 Federal Aviation Act of 1958, Sec. 603; 49 USC 1424 Federal Aviation Act of 1958, Sec. 604

CFR Citation: 14 CFR 25, 14 CFR 29; 14 CFR 121

Abstract: This proposed action would establish in a Special Federal Aviation Regulation new and more stringent flammability requirements for seat cushions and would require that the cushions in airplanes operating under Part 121 comply with these new requirements after a specified date.

Timetable:

Action	Date	FR Cite
NPRM	10/11/83	48 FR 46250
Final Action	10/26/84	49 FR 43168
Final Action Effective	11/26/84	49 FR 43168

Small Entity: Yes

Additional Information: Docket No. 23791.

Analysis: Draft RFA 10/11/83; Regulatory Evaluation 10/26/84

Agency Contact: Henri P. Branting, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, **202 426-8382**

RIN: 2120-AA88

296. IMPROVED CABIN MATERIALS – FAR 25.853

Priority: Agency Determination

Legal Authority: 49 USC 1354 Federal Aviation Act of 1958, Sec. 313; 49 USC 1421 Federal Aviation Act of 1958, Sec. 601; 49 USC 1423 Federal Aviation Act of 1958, Sec. 603

CFR Citation: 14 CFR 25

Abstract: To develop criteria for interior cabin materials specified in FAR 25.853 that will improve safety in the cabin seating environment. This rulemaking is significant because it involves important Departmental policy.

Timetable:

Action	Date	FR Cite
Project Merged with RIN 2120-AB34	12/01/84	

Small Entity: No

Additional Information: This NPRM combined with Improved Flammability Standards for Materials Used in the Interiors of Transport Category Airplane Cabins RIN 2120-AB34.

Analysis: Regulatory Evaluation 04/00/85

Agency Contact: Dick Nelson, Department of Transportation, Federal Aviation Administration, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168, **206 431-2121**

RIN: 2120-AB23

[FR Doc. 85-8170 Filed 04-26-85; 8:45 am]

BILLING CODE 4910-62-T

DEPARTMENT OF TRANSPORTATION (DOT)

Federal Aviation Administration (FAA)

Completed Actions

Other Rulemakings

COMPLETED RULEMAKINGS

297. REVIEW: ROTORCRAFT REGULATORY REVIEW PROGRAM AMENDMENT NO. 2

Legal Authority: 49 USC 1348(a) Federal Aviation Act of 1958, Sec. 307(a); 49 USC 1348(c) Federal Aviation Act of 1958, Sec. 307(c); 49 USC 1354 Federal Aviation Act of 1958, Sec. 313; 49 USC 1354(a) Federal Aviation Act of 1958, Sec. 313(a); 49 USC 1421 Federal Aviation Act of 1958, Sec. 601; 49 USC 1421(a) Federal Aviation Act of 1958, Sec. 601(a); 49 USC 1423 Federal Aviation Act of 1958, Sec. 603

CFR Citation: 14 CFR 27, 14 CFR 29, 14 CFR 91

Abstract: This notice is the second of a series of notices that propose to add new airworthiness, operation, and maintenance standards for rotorcraft. This particular notice proposes changes to Parts 27, 29, and 91 and deals only with the flight controls and associated systems on rotorcraft.

Timetable:

Action	Date	FR Cite
NPRM	08/26/82	47 FR 37806
Final Action	11/06/84	49 FR 44422
Final Action Effective	12/06/84	

Small Entity: No

Additional Information: Docket No. 23266.

Analysis: Regulatory Evaluation 11/06/84

Agency Contact: Jim Honaker, Department of Transportation, Federal Aviation Administration, PO Box 1689, Ft Worth, TX 76101, **817 877-2552**

RIN: 2120-AA27

298. PRIMARY CATEGORY AIRCRAFT

Legal Authority: 49 USC 1352 Federal Aviation Act of 1958, Sec. 311; 49 USC 1354 Federal Aviation Act of 1958, Sec. 313; 49 USC 1355 Federal Aviation Act of 1958, Sec. 314; 49 USC 1421 Federal Aviation Act of 1958, Sec. 601; 49 USC 1423 Federal Aviation Act of 1958, Sec. 603; 49 USC 1427 Federal Aviation Act of 1958, Sec. 607; 49 USC 1428 Federal Aviation Act of 1958, Sec. 608; 49 USC 1429 Federal Aviation Act of 1958, Sec. 609; 49 USC 1502 Federal Aviation Act of 1958, Sec. 1102

CFR Citation: 14 CFR 21; 14 CFR 31; 14 CFR 43; 14 CFR 91

Abstract: This action is to determine what role the Federal Government should take in protecting the safety of individuals who have decided freely to participate in airborne recreational and personal activities by regulating the airworthiness of the equipment to be used.

Timetable:

Action	Date	FR Cite
Terminated	12/00/84	

Small Entity: No

Additional Information: Project terminated because it duplicates action underway in response to a petition for rulemaking.

Agency Contact: James F. Zahringer, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, **202 426-8323**

RIN: 2120-AA51

299. ALL-ENGINE FLIGHT PATH

Legal Authority: 49 USC 1354 Federal Aviation Act of 1958, Sec. 313; 49 USC 1421 Federal Aviation Act of 1958, Sec. 601; 49 USC 1423 Federal Aviation Act of 1958, Sec. 603

CFR Citation: 14 CFR 25

DOT—FAA

Completed Actions
Other Rulemakings

Abstract: To ensure obstacle clearance during takeoff when the all-engine operating and the one-engine inoperative intended track are different.

Timetable:

Action	Date	FR Cite
Project merged with Reduced V-1 Methodology (RIN 2120-AA17)	02/28/85	

Small Entity: No

Additional Information: This rulemaking project has been combined with RIN 212-AB17, entitled Standard for Approval for a Reduced V1 Methodology for a Takeoff on Wet Runways and Flight Path Requirements for Engine Loss During Takeoff.

Agency Contact: Bill Boxwell, Department of Transportation, Federal Aviation Administration, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168, 206 431-2119

RIN: 2120-AB16

300. MARKET SURVEY EXPERIMENTAL CERTIFICATES FOR AIRCRAFT MODIFIERS

Legal Authority: 49 USC 1352 Federal Aviation Act of 1958, Sec. 311; 49 USC 1354(a) Federal Aviation Act of 1958, Sec. 313(a); 49 USC 1355 Federal Aviation Act of 1958, Sec. 314; 49 USC 1421 Federal Aviation Act of 1958, Sec. 601; 49 USC 1423 Federal Aviation Act of 1958, Sec. 603; 49 USC 1427 to 1429 Federal Aviation Act of 1958, Secs. 607-609; 49 USC 1502 Federal Aviation Act of 1958, Sec. 1102

CFR Citation: 14 CFR 21

Abstract: This action proposes to amend the regulations to permit certain aircraft modifiers to apply for an experimental certificate to use the modified aircraft for market surveys, sale demonstrations, or customer crew training in the same manner as aircraft and aircraft engine manufacturers.

Timetable:

Action	Date	FR Cite
NPRM	02/21/84	49 FR 6468
NPRM Comment Period Begin	02/21/84	49 FR 6468
NPRM Comment Period End	04/23/84	
Final Action	10/09/84	49 FR 39650
Final Action Effective	11/08/84	

Small Entity: No

Additional Information: Docket No. 23544

Analysis: Regulatory Evaluation 11/09/84

Agency Contact: Alphonse G. Santarelli, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591, 202 426-8361

RIN: 2120-AB30

[FR Doc. 85-6370 Filed 04-26-85; 8:45 am]

BILLING CODE 4910-62-T

DEPARTMENT OF TRANSPORTATION (DOT)
Federal Aviation Administration (FAA)

Completed Actions
Other Reviews

COMPLETED REVIEWS

301. MAINTENANCE, PREVENTIVE MAINTENANCE, REBUILDING, AND ALTERATION

Legal Authority: 49 USC 1354 Federal Aviation Act of 1958, Sec. 313; 49 USC 1421 Federal Aviation Act of 1958, Sec. 601; 49 USC 1422 Federal Aviation Act of 1958, Sec. 602; 49 USC 1423 Federal Aviation Act of 1958, Sec. 603; 49 USC 1424 Federal Aviation Act of 1958, Sec. 604

CFR Citation: 14 CFR 43

Abstract: This part prescribes rules governing the maintenance, preventive maintenance, rebuilding, and alteration of any aircraft having a U.S. airworthiness certificate; foreign-registered civil aircraft used in common carriage or carriage of mail, and airframes, aircraft engines, propellers, appliances, and component parts of such aircraft. The review will also analyze the impact on small entities in accordance with the Regulatory Flexibility Act.

Timetable:

Action	Date	FR Cite
End Review	02/28/85	

Small Entity: Undetermined

Additional Information: Initial Regulatory Flexibility Act Study found no section of Part 43 has a significant economic impact on a substantial number of small entities.

Agency Contact: M. C. Beard, Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, S.W., Washington, DC 20591, 202 426-8235

RIN: 2120-AB10

302. PART 45—IDENTIFICATION AND REGISTRATION MARKING

Legal Authority: 49 USC 1348 Federal Aviation Act of 1958, Sec. 307; 49 USC 1354 Federal Aviation Act of 1958, Sec. 313; 49 USC 1401 Federal Aviation Act of 1958, Sec. 501; 49 USC 1402 Federal Aviation Act of 1958, Sec. 502; 49 USC 1421 Federal Aviation Act of 1958, Sec. 601; 49 USC 1423 Federal Aviation Act of 1958, Sec. 603

CFR Citation: 14 CFR 45

Abstract: This part prescribes the requirements for identification of aircraft, aircraft engines, and propellers that are manufactured under the terms of a type or production certificate; identification of certain replacement and modified parts produced for installation on type certificated products; and nationality and registration marking of U.S. registered aircraft. The review will also analyze the impact on small entities in accordance with the Regulatory Flexibility Act.

Timetable:

Action	Date	FR Cite
End Review	02/28/85	

Small Entity: Undetermined

Additional Information: Initial Regulatory Flexibility Act study found no section of Part 45 has a significant economic impact on a substantial number of small entities.

DOT—FAA **Completed Actions**
Other Reviews

Agency Contact: M. C. Beard.
Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, S.W., Washington, DC 20591, 202 426-8235

RIN: 2120-AB11

[FR Doc. 85-8370 Filed 04-26-85; 8:45 am]
BILLING CODE 4910-62-T

DEPARTMENT OF TRANSPORTATION (DOT)
Federal Highway Administration (FHWA)

Current and Projected Rulemakings
Priority Rulemakings: Major

FEDERAL MOTOR CARRIER SAFETY REGULATIONS

303. SPLASH/SPRAY SUPPRESSANT DEVICES ON TRUCK TRACTORS, SEMITRAILERS AND TRAILERS

Priority: Major

Legal Authority: 49 USC 2314; 49 USC 3102; Section 414 of STAA of 1982

CFR Citation: 49 CFR 393

Abstract: Section 414 of the Surface Transportation Assistance Act of 1982 (Pub. L. 97-424) states that Congress declares the visibility on wet roadways in the Interstate System should be improved by reducing splash and spray from truck tractors, semitrailers and trailers. Congress instructed the Secretary to establish, by regulation, minimum standards with respect to the performance and installation of splash and spray suppression devices on truck tractors, semitrailers and trailers. Further, Congress mandated that all vehicles in use 5 years from date of enactment, be equipped with such devices. The revisions to 49 CFR .393 will implement this mandate. This rulemaking is considered significant because of its economic impact on the motor carrier industry.

Timetable:

Action	Date	FR Cite
NPRM	03/00/85	

Small Entity: Yes

Agency Contact: Neill Thomas, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20591, 202 426-9767

RIN: 2125-AA84

DEPARTMENT OF TRANSPORTATION (DOT)
Federal Highway Administration (FHWA)

Completed Actions
Priority Rulemakings: Major

COMPLETED RULEMAKINGS

304. DRIVER'S RECORD OF DUTY STATUS

Priority: Major

Legal Authority: 49 USC 3102

CFR Citation: 49 CFR 395

Abstract: A final rule with a request for comments was issued to comply with an opinion issued by the United States Court of Appeals for the District of Columbia. The FHWA is amending the Federal Motor Carrier Safety Regulations (FMCSR) to (1) reinstate the 12 hour limitation in the 100 mile exemption provision in lieu of the present 15 consecutive hours, and (2) reinstate the 7 data items deleted from the recordkeeping requirement of the driver's record of duty status. The Court stated that the FHWA had not adequately demonstrated that the enforcement of drivers' hour requirements would not be compromised by the omission of the seven items or the expansion of the exception. A public docket is being opened and FHWA will determine if such a factual basis for future rulemaking can be demonstrated.

Timetable:

Action	Date	FR Cite
Final Action	11/23/84	49 FR 47494
Final Action Effective	11/23/84	49 FR 47494

Small Entity: No

Additional Information: Upon issuance of the final rule, a comment period was established (11/23/84 - 1/31/85) (Docket No. MC-99-1). This docket will be formally closed and another public docket established. See "Other Rulemakings" portion of agenda. This action is being taken to comply with section 206 of the Motor Carrier Safety Act of 1984 which requires reissuance of all motor carrier safety regulations. The subject matter of this rulemaking will be dealt with in Federal Motor Carrier Safety Regulations (RIN=2125-AB35). All comments submitted on this regulation will be considered in that rulemaking.

Analysis: Final RFA 11/26/82 (47 FR 53383); Reg. Evaluation 11/26/82 (47 FR 53383)

Agency Contact: Neill L. Thomas, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 426-9767

RIN: 2125-AB22

[FR Doc. 85-8370 Filed 04-26-85; 8:45 am]
BILLING CODE 4910-62-T

DEPARTMENT OF TRANSPORTATION (DOT)
Federal Highway Administration (FHWA)

Current and Projected Rulemakings
Priority Rulemakings: Non-Major

ENGINEERING AND TRAFFIC OPERATIONS

305. REVIEW: DESIGN STANDARDS FOR HIGHWAYS

Priority: Agency Determination

Legal Authority: 23 USC 109; 23 USC 315; 23 USC 402

CFR Citation: 23 CFR 625

Abstract: This regulation amends the existing geometric design standards for highways for the new construction and major reconstruction of Federal-aid highways by replacing several publications incorporated by reference in 23 CFR Part 625 with a single new publication. Public comments were requested on the geometric design criteria as presented in a draft of the new publication, "A Policy on Geometric Design of Highways and Streets" prepared by the American Association of State Highway and Transportation Officials (AASHTO). Comments received as a result of NPRM published February 14, 1980 (45 FR 10236) have been evaluated and recommended changes submitted to AASHTO for consideration.

Timetable:

Action	Date	FR Cite
NPRM	02/14/80	45 FR 10236
Final Action	03/00/85	

Small Entity: No

Additional Information: Docket No. 80-2. CFR CITATION: FHPM 6-2-1-1 also applies.

Agency Contact: Wilson B. Harkins, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 426-0313

RIN: 2125-AA15

306. ● TRUCK SIZE AND WEIGHT; INTERPRETATION AND POLICY STATEMENT; PROPOSED RULEMAKING

Priority: Agency Determination

Legal Authority: 23 USC 315; PL 97-424, Sec 133; PL 97-424, Sec 411; PL 97-424, Sec 412; PL 97-424, Sec 413; PL 97-424, Sec 416

CFR Citation: 23 CFR 658

Abstract: The FHWA is proposing to provide a statement of FHWA interpretation and policy addressing the size and weight provisions contained in the Tandem Truck Safety Act of 1984 (TTSA) which amended the Surface Transportation Assistance Act of 1982 (STAA). This action will also identify for re-examination specific routes with lanes less than 12 feet wide that are in States which do not provide authority for 102-inch vehicles to use the public highway. Comments are being requested on the ability of specific segments with less than 12 foot lanes to safely accommodate the longer dimensioned trucks authorized by the STAA. This rulemaking is significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
ANPRM	04/00/85	

Small Entity: No

Analysis: Regulatory Evaluation 04/00/85

Agency Contact: David C. Oliver, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 426-0825

RIN: 2125-AB28

FEDERAL MOTOR CARRIER SAFETY REGULATIONS

307. ● FEDERAL MOTOR CARRIER SAFETY REGULATIONS

Priority: Agency Determination

Legal Authority: 42 USC 3102; PL 98-554, Sec 206

CFR Citation: 49 CFR 390 to 399

Abstract: Section 206 of the Motor Carrier Act of 1984 (Pub. L 98-554) (the Act) directs the Secretary of Transportation to issue regulations pertaining to commercial motor vehicle safety. The Department has issued regulations, the Federal Motor Carrier Safety Regulations (FMCSR), on this subject under earlier authority (49 U.S.C. 3102). The purpose of this advance notice of proposed rulemaking (ANPRM) is to identify and solicit comment on specific changes which should be made to the FMCSR prior to reissuance in order to effectuate the purposes of the Act. The purposes of the Act are to ensure that: commercial motor vehicles are safely maintained, equipped, loaded and operated; the responsibilities of drivers do not impair their ability to drive safely; the physical condition of drivers is adequate to enable them to drive safely; and the operation of the vehicles does not have deleterious effects on drivers. This rulemaking will be a comprehensive effort, and thus the Agency will incorporate certain other regulatory actions which have been proposed but have not yet been completed. There is no alternative to the overall reissuance of the FMCSR. However,

Timetable:

Action	Date	FR Cite
ANPRM	01/23/85	50 FR 2998
ANPRM Comment Period Begin	01/23/85	
ANPRM Comment Period End	03/11/85	
NPRM	06/00/85	

Small Entity: No

Additional Information: (ABSTRACT CONT:) the agency intends to propose specific changes to the FMCSR which will then be fully analyzed, including a full range of alternatives to each proposal. Similarly, potential costs and benefits cannot now be identified, but rather must await the development of a notice of proposed rulemaking. This rulemaking is significant because of substantial public interest.

Analysis: Regulatory Evaluation 06/00/85

Agency Contact: Neill L. Thomas, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 426-9767

RIN: 2125-AB35

RIGHT-OF-WAY AND ENVIRONMENT

308. REVIEW: OUTDOOR ADVERTISING CONTROL AND ACQUISITION

Priority: Agency Determination

Legal Authority: 23 USC 131; 23 USC 148; 23 USC 315

CFR Citation: 23 CFR 750, Subpart G

Abstract: This regulation would provide a definition of "effective control" of outdoor advertising as required by 23 U.S.C. 131. It would also set further requirements for signs exempt from control under the statute and establish the basic framework for State development of police power regulations and procedures. The regulation would also outline the requirements for Federal participation in the acquisition of compensable nonconforming outdoor advertising devices. This proposal is significant because it may involve substantial

public interest, is controversial and involves important departmental policy. This regulation is necessary for the maintenance of national uniformity in the outdoor advertising control program. Since 23 U.S.C. 131 is regulatory in nature, it is necessary to establish and maintain minimum Federal program requirements. The proposal involves the consolidation of two existing regulations, 23 CFR pt. 750, subpts. D and G, and one interim regulation 23 CFR pt. 750, subpt. E. The regulations have been in effect since September 16, 1975 and July 29, 1974, respectively. The interim regulations have been in effect (cont)

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Additional Information: CFR CITATION: FHPM 7-6-2 also applies.

LEGAL AUTHORITY: 49 CFR 1.48 also applies.

ABSTRACT CONT: since October 18, 1976. The proposed consolidation will be issued as an NPRM. An ANPRM, published April 30, 1979, (44 CFR 25387) and a Notice, published May 17, 1979, (44 CFR 28946) announced public hearings as part of an overall review of the Highway Beautification Program. These currently proposed regulations may be modified as a result of this review. A Notice published June 15, 1979 (44 CFR 34516) announced a hearing site change and a change in hearing procedures. On June 25, 1979 (44 FR 37100), a Notice announced amendments to the Highway Beautification Act by the Surface Transportation Assistance Act of 1978. A Notice published on July 12, 1979 (44 FR 40781) announced the establishment of a National Advisory Committee on Outdoor Advertising and Motorist Information. The need for further action is being reviewed by the Department of Transportation.

Agency Contact: Myron Laible, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 426-0142

RIN: 2125-AA04

309. REVIEW: ENVIRONMENTAL IMPACT AND RELATED PROCEDURES

Priority: Agency Determination

Legal Authority: 42 USC 4321 et seq; 23 USC 101 et seq; 49 USC 1601 et seq; 49 USC 303(c)

CFR Citation: 23 CFR 771; 49 CFR 622

Abstract: This regulation covers the preparation of environmental impact statements and related documents and compliance with other Federal environmental requirements under FHWA and UMTA grant programs. The changes are intended to streamline the project development process and provide increased decisionmaking authority to agency field offices. The amendments are significant because they involve important departmental policy. They are needed to reduce burdens associated with the environmental review process.

Timetable:

Action	Date	FR Cite
Notice and Request for Comments on Priority Review	04/13/81	46 FR 21620
NPRM	08/01/83	48 FR 34894
Final Action	04/00/85	

Small Entity: No

Additional Information: ADDITIONAL AGENCY CONTACT: A. Marner, UMTA (202) 426-0096.

Analysis: Regulatory Evaluation 08/01/83

Agency Contact: R. E. Gatz, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 426-0106

RIN: 2125-AA05

310. AIR QUALITY PROCEDURES FOR USE IN FEDERAL-AID HIGHWAY AND FEDERALLY FUNDED TRANSIT PROGRAMS

Priority: Agency Determination

Legal Authority: 23 USC 109(h); 23 USC 109(j); 23 USC 315; 42 USC 4332; 42 USC 7401; 42 USC 7506

CFR Citation: 23 CFR 770

Abstract: This regulation proposes to consolidate and amend existing air quality requirements for transportation projects into a single amended air quality regulation. The amended regulation is intended to streamline and simplify (1) the process of determining which highway projects are exempt from the Federal assistance limitations of section 176(a) of the Clean Air Act (CAA), and (2) the conformity and priority procedures contained in 23 CFR 770. The amendments are also intended to provide more authority and flexibility to State and local agencies and to meet the objectives of the CAA in the most cost-effective and expeditious manner. The amendments are significant because they involve important departmental policy.

Timetable:

Action	Date	FR Cite
NPRM	12/00/85	

Small Entity: No

Additional Information: ADDITIONAL AGENCY CONTACT: James Getzewich, (202) 426-7182, of UMTA.

Analysis: Reg. Evaluation 12/00/85

Agency Contact: James M. Shrouds, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 426-4838

RIN: 2125-AB10

[FR Doc. 85-8370 Filed 04-26-85; 8:45 am]
BILLING CODE 4910-62-T

DEPARTMENT OF TRANSPORTATION (DOT)
Federal Highway Administration (FHWA)

Current and Projected Rulemakings
Other Rulemakings

CIVIL RIGHTS

311. REVIEW: CIVIL RIGHTS REQUIREMENTS

Legal Authority: 23 USC 140; 23 USC 315; 23 USC 324

CFR Citation: 23 CFR 230

Abstract: These regulations contain the policies, procedures and guides for implementing equal employment opportunity requirements under the Federal and Federal-aid highway programs. The changes are intended to eliminate unnecessary requirements, streamline procedures and reduce recordkeeping and reporting requirements.

Timetable:

Action	Date	FR Cite
Notice and Request for Comments on Priority Review	04/13/81	46 FR 21620
NPRM	04/00/85	

Small Entity: No

Additional Information: CFR CITATION: FHPM 6-4-1-2, 2-2-2, and 2-2-3 also apply. Notice and request for comments on priority review published 04/13/81 (46 FR 21620).

Analysis: Reg. Evaluation (Minimal impact) 04/00/85

Agency Contact: Edward W. Morris, Jr., Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 426-0471

RIN: 2125-AA08

312. STATE HIGHWAY AGENCY CONSTRUCTION CONTRACT EQUAL OPPORTUNITY COMPLIANCE REVIEW PROGRAM REQUIREMENTS

Legal Authority: 23 USC 112(b); 23 USC 140(a); 23 USC 315

CFR Citation: 23 CFR 230

Abstract: The proposed revisions would amend the existing FHWA regulation governing construction contract equal employment opportunity (EEO) compliance procedures, which concern the employment practices of construction contractors on Federal highway projects. This proposal would eliminate existing detailed compliance procedures and allow States flexibility in adopting a procedure with respect to contract compliance.

Timetable:

Action	Date	FR Cite
NPRM	04/00/85	

Small Entity: No

Analysis: Reg. Evaluation 04/00/85

Agency Contact: Glen R. Reed, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 426-0471

RIN: 2125-AB08

ENGINEERING AND TRAFFIC OPERATIONS

313. REVIEW: CONTRACT PROCEDURES

Legal Authority: 23 USC 112; 23 USC 113; 23 USC 114; 23 USC 117; 23 USC 128

CFR Citation: 23 CFR 635

Abstract: This revision to an existing regulation would simplify Federal-aid contract procedures.

Timetable:

Action	Date	FR Cite
NPRM	08/18/78	43 FR 36685
Supplemental NPRM	03/00/85	

Small Entity: No

Additional Information: An initial NPRM was issued on 08/18/78, 43 FR 36685. It has been determined to issue another NPRM after further review.

Agency Contact: P.E. Cunningham, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 426-0392

RIN: 2125-AA18

314. REVIEW: GENERAL MATERIALS REQUIREMENTS

Legal Authority: 23 USC 112; 23 USC 113; 23 USC 114; 23 USC 117; 23 USC 128

CFR Citation: 23 CFR 635D

Abstract: This regulation would simplify procedures relating to general material requirements for Federal-aid construction work.

Timetable:

Action	Date	FR Cite
NPRM	12/00/85	

Small Entity: No

Additional Information: An initial NPRM was issued on 01/29/81 (46 FR 9642). It has been determined to issue another NPRM based on further review.

Analysis: Reg. Evaluation (Minimal impact) 12/00/85

Agency Contact: P.E. Cunningham, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 426-0392

RIN: 2125-AA19

315. REVIEW: ACCOMMODATION OF UTILITIES

Legal Authority: 23 USC 109; 23 USC 116; 23 USC 315

CFR Citation: 23 CFR 645

Abstract: This revision to an existing regulation would update and simplify policies and procedures for accommodating utility facilities on the right-of-way of Federal-aid and direct Federal highway projects.

Timetable:

Action	Date	FR Cite
Previous NPRM	04/17/80	45 FR 26280
NPRM	01/10/84	49 FR 1219
NPRM Comment Period Begin	01/10/84	49 FR 1219
NPRM Comment Period End	03/12/84	
Final Action	03/00/85	

Small Entity: No

Analysis: Reg. Evaluation (Minimal impact) 03/00/85 (49 FR 1219)

Agency Contact: J. A. Carney, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 426-0450

RIN: 2125-AA20

316. REVIEW: UTILITY RELOCATION, ADJUSTMENTS AND REIMBURSEMENT

Legal Authority: 23 USC 123; 23 USC 315

CFR Citation: 23 CFR 645

Abstract: This revision to an existing regulation would update and simplify the policies and procedures for the adjustment and relocation of utility facilities on Federal-aid highway projects and projects under the direct supervision of the Federal Highway Administration.

Timetable:

Action	Date	FR Cite
ANPRM	03/08/79	44 FR 12209
NPRM	11/20/80	45 FR 76924
Final Action	03/00/85	

Small Entity: No

Analysis: Reg. Evaluation (Minimal impact) 03/00/85

Agency Contact: J. A. Carney, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 426-0450

RIN: 2125-AA21

317. EMERGENCY RELIEF

Legal Authority: 23 USC 101; 23 USC 120(f); 23 USC 315; 42 USC 5155

CFR Citation: 23 CFR 668

Abstract: This rulemaking will revise procedures for the administration of emergency funds for the repair or reconstruction of Federal-aid highways, which are found to have suffered serious damage by natural disasters over a wide area or catastrophic failures. These revisions will improve the effectiveness of program implementation.

Timetable:

Action	Date	FR Cite
NPRM	04/00/85	

Small Entity: No

Additional Information: This rulemaking resulted from a review of the regulation (RIN 2125-AA50).

Analysis: Reg. Evaluation (Minimal impact) 04/00/85

Agency Contact: J. A. Carney, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 426-0450

RIN: 2125-AA50

318. ACCELERATION OF PROJECTS

Legal Authority: 23 USC 140; 23 USC 315; Surface Transportation Assistance Act of 1982, Sec. 129

CFR Citation: 23 CFR 630

Abstract: This revision would expedite the processing of Federal-aid highways projects by promoting wider use of the findings and recommendations of the demonstration project carried out under section 141 of the 1976 Federal-Aid Highway Act. This action is also being taken pursuant to section 129 of the Surface Transportation Assistance Act of 1982.

Timetable:

Action	Date	FR Cite
ANPRM	08/26/83	48 FR 38854
ANPRM Comment Period Begin	08/26/83	48 FR 57330
ANPRM Comment Period End	11/25/83	
To be withdrawn	04/00/85	

Small Entity: No

Additional Information: Additional Information: An interim policy statement was published 6/6/83 (48 FR 25181) to implement acceleration methods for selected projects within existing regulations. Initially, FHWA had considered issuing a new regulation as a vehicle for accelerating Federal-aid projects pursuant to Section 129 of the STAA of 1982. However, it has been determined that the objectives of Section 129 can be best implemented by revisions to existing regulations. Therefore, separate regulations will not be issued regarding the acceleration program. This approach received the concurrence of Deputy Administrator Lamm on April 11, 1984. This regulation will be withdrawn.

Agency Contact: S. M. Silence, Department of Transportation, Federal Highway Administration, 400 Seventh Street, NW, Washington, DC 20590, 202 426-0334

RIN: 2125-AA87

319. PAVEMENT DESIGN POLICY

Legal Authority: 23 USC 109(a)(b)(c); 23 USC 315

CFR Citation: 23 CFR 626; 23 CFR 625

Abstract: The existing regulation on pavement design would be modified to eliminate unnecessary requirements and duplicative provisions. Currently, the Federal Highway Administration (FHWA) uses the "American Association of State Highway and Transportation Officials (AASHTO) Interim Guide for Design of Pavement Structures, 1972," Chapter III Revised, 1981, to evaluate the adequacy of the proposed pavement designs for Federal-aid projects. AASHTO is in the process of updating this guide. A draft of the update is scheduled for early 1985. FHWA will solicit comments on the update and evaluate whether the new guide should be adopted.

Timetable:

Action	Date	FR Cite
ANPRM	04/00/85	
NPRM	08/00/85	

Small Entity: No

Additional Information: Action is being deferred pending completion of the AASHTO (States) guide on pavement design.

Analysis: Reg. Evaluation (Minimal impact) 08/00/85

Agency Contact: Leon Noel, Department of Transportation, Federal Highway Administration, 400 Seventh Street, NW, Washington, DC 20590, 202 426-0327

RIN: 2125-AA88

320. SKID ACCIDENT REDUCTION PROGRAM

Legal Authority: 23 USC 109(a)(b)(c); 23 USC 315; 23 USC 401; 23 USC 402; 49 USC 1655

CFR Citation: 23 CFR 626; 23 CFR 1204

Abstract: The FHWA issued an ANPRM to solicit comments on the adequacy of the current policy on skid accident reduction. Comments were also requested on several specific issues raised concerning the current policy. Twenty-nine formal replies were received including twenty-two from State highway agencies.

Timetable:

Action	Date	FR Cite
ANPRM	05/25/84	49 FR 0604
ANPRM Comment Period Begin	05/25/84	49 FR 0604
ANPRM Comment Period End	09/25/84	
NPRM	04/00/85	

Small Entity: No

Analysis: Reg. Evaluation (Minimal impact) 04/00/85

Agency Contact: Leon Noel, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 426-0327

RIN: 2125-AA90

321. PARTICIPATION IN CONTRACT CLAIM AWARDS AND SETTLEMENTS

Legal Authority: 23 USC 110; 23 USC 120; 23 USC 315

CFR Citation: 23 CFR 635

Abstract: The revisions would address the extent to which Federal-aid highway funds may participate in awards and settlements of Federal-aid highway contract claims brought by private contractors against State Highway Agencies. The revisions would clarify the existing regulation by specifying more definitive criteria in determining eligibility for participation. It is anticipated that the revised regulation would enable State Highway Agencies to submit more specific information supporting their requests for participation determinations more consistent State-to-State.

Timetable:

Action	Date	FR Cite
NPRM	03/27/84	49 FR 11678
NPRM Comment Period Begin	03/27/84	49 FR 23663
NPRM Comment Period End	07/30/84	
Final Action	06/00/85	

Small Entity: No

Additional Information: Docket No. 84-3

Analysis: Reg. Evaluation (Minimal impact) 03/27/84 (49 FR 11678)

Agency Contact: Paul E. Cunningham, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 426-0392

RIN: 2125-AB02

322. HIGHWAY CONSTRUCTION OR ALTERATION NECESSITATED BY CONSTRUCTION OF WATER RESOURCES DEVELOPMENT PROJECTS

Legal Authority: 23 USC 109(a); 23 USC 315

CFR Citation: 23 CFR 620

Abstract: The proposed regulation would prescribe policies and procedures for the coordination of highway and water resources development projects; the financing of the alteration of highway on any of the Federal-aid highway systems made necessary by the construction of water resources development projects; and the financing of new highway construction through areas that may be inundated by proposed water resources development projects. The proposed regulation essentially retains existing FHWA policy and procedures.

Timetable:

Action	Date	FR Cite
NPRM	04/00/85	

Small Entity: No

Additional Information: A 60 day comment period will be provided.

Analysis: Reg. Evaluation (Minimal impact) 04/00/85

Agency Contact: Daniel O'Connor, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 472-7690

RIN: 2125-AB04

323. EROSION AND SEDIMENT CONTROL ON HIGHWAY CONSTRUCTION PROJECTS

Legal Authority: 23 USC 109(g); 23 USC 315; 23 USC 109(h); 33 USC 1323

CFR Citation: 23 CFR 650

Abstract: The proposed regulation will adopt AASHTO Guide Specifications for water pollution control. It has been determined that AASHTO Specifications are adequate and appropriate for managing and enforcing erosion and sediment control activities on Federal-aid projects.

Timetable:

Action	Date	FR Cite
NPRM	01/18/85	50 FR 2694
NPRM Comment Period Begin	01/18/85	
NPRM Comment Period End	03/18/85	
Final Action	09/00/85	

Small Entity: No

Additional Information: A 60 day comment period will be provided.

Analysis: Reg. Evaluation (Minimal impact) 01/18/85

Agency Contact: Daniel S. O'Connor, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 472-7690

RIN: 2125-AB05

324. NAVIGATIONAL CLEARANCES FOR BRIDGES

Legal Authority: 23 USC 144(h); 23 USC 315; 33 USC 401; 33 USC 491; 33 USC 511; 33 USC 525; 33 USC 535

CFR Citation: 23 CFR 650

Abstract: The proposed regulation would establish FHWA policy and would set forth coordination procedures for Federal-aid highway bridges which require navigational clearances.

Timetable:

Action	Date	FR Cite
NPRM	03/00/85	

Small Entity: No

Additional Information: A 60 day comment period will be provided.

Analysis: Reg. Evaluation (Minimal impact) 03/00/85

Agency Contact: Philip Thompson, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 426-7690

RIN: 2125-AB07

325. EQUAL EMPLOYMENT OPPORTUNITY ON FEDERAL AND FEDERAL-AID CONSTRUCTION CONTRACTS (INCLUDING SUPPORTIVE SERVICES); REPORT REQUIREMENTS

Legal Authority: 23 USC 101; 23 USC 112; 23 USC 117; 23 USC 140; 23 USC 315

CFR Citation: 23 CFR 230; 23 CFR 640; 23 CFR 642

Abstract: The FHWA is amending its regulation on recordkeeping and reporting requirements for on-the-job training on Federal-aid construction contracts. The revised regulation would no longer require contractors to submit the Federal-Aid Highway Construction Contractor's Semi-Annual Training Report (OMB No. 2125-0021) and would no longer require State Highway Agencies to complete and submit the Federal-Aid Highway Construction Semi-Annual Training Report (OMB No. 2125-0021). In addition, the specific recordkeeping requirement and documentation of contractor performance under the training special provision would be eliminated. The revisions are being proposed as a result of an effort to carry out an internal Cost Avoidance, Reduction, Efficiency, and Effectiveness (CARE) program.

Timetable:

Action	Date	FR Cite
NPRM	11/22/82	47 FR 52470
NPRM Comment Period Begin	11/22/82	47 FR 52470
NPRM Comment Period End	12/22/82	
Final Action	07/00/85	

Small Entity: No

Analysis: Reg. Evaluation (Minimal impact) 11/22/82 (47 FR 52470)

Agency Contact: Paul E. Cunningham, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 426-0392

RIN: 2125-AB15

326. FEDERAL-AID PROGRAM APPROVAL AND PROJECT AUTHORIZATION

Legal Authority: 23 USC 105; 23 USC 106; 23 USC 118; 23 USC 134; 23 USC 315

CFR Citation: 23 CFR 630

Abstract: This action addresses FHWA's programming and authorization policies and procedures for projects under the Federal-aid program. The purpose of this action will be to determine if revisions are warranted in order to improve overall management of the Federal-aid highway program.

Timetable:

Action	Date	FR Cite
ANPRM	08/03/84	49 FR 31079
NPRM	04/00/85	

Small Entity: Undetermined

Analysis: Reg. Evaluation (Minimal impact) 04/00/85

Agency Contact: James A. Carney, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 426-0450

RIN: 2125-AB18

327. SUPPORTIVE SERVICES FOR DISADVANTAGED AND WOMEN BUSINESS ENTERPRISES

Legal Authority: 23 USC 140; 23 USC 101; 23 USC 304; 23 USC 315

CFR Citation: 23 CFR 230

Abstract: This regulation will prescribe procedures for supportive services programs to provide training and assistance to women business enterprises and disadvantaged businesses in Federal-aid highway contracting activities. It will implement the statutory provisions of Section 119(b) of the Surface Transportation Assistance Act of 1982.

Timetable:

Action	Date	FR Cite
NPRM	03/00/85	

Small Entity: Undetermined

Analysis: Reg. Evaluation (Minimal impact) 03/00/85

Agency Contact: P. E. Cunningham, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 426-0392

RIN: 2125-AB19

328. REQUIRED CONTRACT PROVISIONS

Legal Authority: 23 USC 144; 23 USC 315

CFR Citation: 23 CFR 633

Abstract: This revision will update the existing regulation by including in the required contract provisions new labor standard provisions issued by the Department of Labor, disadvantaged business requirements issued by the Department of Transportation, changes in subcontracting requirements previously issued by FHWA and contract termination provisions issued by Office of Management and Budget.

Timetable:

Action	Date	FR Cite
Interim Final Rule	03/00/85	

Small Entity: No

Analysis: Reg. Evaluation (Minimal impact) 03/00/85

Agency Contact: P. E. Cunningham, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 426-0392

RIN: 2125-AB20

329. CONTRACT PROCEDURES; ADVERTISING FOR BIDS; NONCOLLUSION AFFIDAVIT

Legal Authority: 23 USC 112; 23 USC 315

CFR Citation: 23 CFR 635

Abstract: The revisions would require all persons submitting bids on a Federal-aid highway project to submit with the bid an affidavit on non-collusion. The submission of an affidavit of non-collusion will serve to notify bidders that collusion on bidding is a violation of law and will serve in a court or administrative hearing as evidence of intent when other evidence that demonstrates the act of collusion is presented.

Timetable:

Action	Date	FR Cite
NPRM	04/00/85	

Small Entity: No

Analysis: Reg. Evaluation (Minimal impact) 04/00/85

Agency Contact: Mr. Leon Witman, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 426-0355

RIN: 2125-AB21

330. PUBLIC LANDS HIGHWAYS

Legal Authority: 23 USC 202(c); 23 USC 204; 23 USC 315

CFR Citation: 23 CFR 667

Abstract: The proposed revisions are intended to bring the existing regulation up to date considering recent legislative and administrative changes in the program. Public Lands Highways are Federal-aid highways which are bounded on both sides by unappropriated or unreserved public lands, nontaxable Indian lands or other Federal reservations. The regulation would specify procedures for allocation of funds and project administration and provides guidance on eligibility of work.

Timetable:

Action	Date	FR Cite
NPRM	09/19/84	49 FR 36657
NPRM Comment Period Begin	09/19/84	
NPRM Comment Period End	10/19/84	
Final Action	04/00/85	

Small Entity: No

Analysis: Regulatory Evaluation (min. impact) 09/19/84 (49 FR 36657)

Agency Contact: James A. Carney, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 426-0450

RIN: 2125-AB23

331. ● RAILROAD-HIGHWAY PROJECTS

Legal Authority: 23 USC 109(e); 23 USC 120(d); 23 USC 130; 23 USC 315; 23 USC 405

CFR Citation: 23 CFR 646

Abstract: The FHWA is proposing to amend its regulation prescribing policies and procedures for advancing Federal-aid and direct Federal highway projects involving railroad facilities. The proposed amendment will incorporate and clarify existing FHWA policy regarding participation with Federal-aid highway funds in providing specified horizontal and vertical clearances for railroad overpass and underpass structures at highways.

Timetable:

Action	Date	FR Cite
NPRM	02/20/85	50 FR 7067
NPRM Comment Period Begin	02/20/85	
NPRM Comment Period End	04/22/85	

Small Entity: No

Additional Information: A 60-day comment period is being provided.

Analysis: Regulatory Evaluation (min. impact)

Agency Contact: James A. Carney, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 426-0450

RIN: 2125-AB25

332. ● TRUCK SIZE AND WEIGHT: REVISIONS

Legal Authority: PL 97-424, Sec 133; PL 97-424, Sec 411; PL 97-424, Sec 412; PL 97-424, Sec 413; PL 97-424, Sec 416

CFR Citation: 23 CFR 658

Abstract: The FHWA is proposing revisions to certain provisions as established by the final rule on truck size and weight published on June 5, 1984 (49 FR 23302). This action proposes: (1) to determine maximum semitrailer dimensions in use in each State on December 1, 1982, as referenced in 23 CFR Part 658.13(c)(2), and (2) to propose an interpretation of 23 CFR Part 658.13 that the combination vehicle described as a truck-tractor semitrailer-semitrailer be considered as a truck-tractor semitrailer-trailer for the purposes described in 23 CFR Part 658.

Timetable:

Action	Date	FR Cite
NPRM Comment Period Begin	03/00/85	

Small Entity: No

Additional Information: A Regulatory Impact Analysis has been prepared for the June 5 rulemaking and is available for inspection in the headquarters office of FHWA, 400 Seventh Street, S.W., Washington, D.C.

Analysis: Regulatory Evaluation (min. impact)

Agency Contact: Harold J. Brown, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 426-1993

RIN: 2125-AB26

333. ● EQUAL EMPLOYMENT OPPORTUNITY ON FEDERAL AND FEDERAL-AID CONSTRUCTION CONTRACTS (INCLUDING SUPPORTIVE SERVICES)

Legal Authority: 23 USC 140; 23 USC 315

CFR Citation: 23 CFR 230A

Abstract: This revision will amend and update the existing policies and procedures relative to the equal employment opportunity program on Federal and Federal-aid highway construction contracts. In addition, this revision will amend the on-the-job (OJT) training special provisions and procedures for implementation of OJT supportive services programs to increase program effectiveness and address the current need for upgrading minorities and women in the skilled construction trades.

Timetable:

Action	Date	FR Cite
NPRM	12/00/85	

Small Entity: Undetermined

Analysis: Regulatory Evaluation (min. impact) 12/00/85

Agency Contact: Paul E. Cunningham, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 426-0392

RIN: 2125-AB27

334. ● SAMPLES AND TESTING OF MATERIALS AND CONSTRUCTION

Legal Authority: 23 USC 114; 23 USC 204; 23 USC 206; 23 USC 209; 23 USC 210; 23 USC 315

CFR Citation: 23 CFR 637

Abstract: The FHWA is proposing to provide a more effective policy and procedure with regard to sampling and testing of materials and construction in Federal-aid highway projects. The amendments will clarify requirements and provide additional guidance in the areas of acceptance sampling and testing laboratory inspection programs and material certifications.

Timetable:

Action	Date	FR Cite
NPRM	04/00/85	

Small Entity: No

Additional Information: A 60-day comment period will be provided.

Analysis: Regulatory Evaluation (min. impact) 04/00/85

Agency Contact: P. E. Cunningham, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 426-0392

RIN: 2125-AB31

335. ● LABOR AND EMPLOYMENT

Legal Authority: 23 USC 113; 23 USC 315

CFR Citation: 23 CFR 635

Abstract: This amendment would revise the existing regulation prescribing the inclusion of prevailing wage rates determined by the Secretary of Labor in advertisements and contracts for Federal-aid highway projects. The proposed amendment would preclude the States from imposing any prevailing wage rate on such projects higher than those determined by the Secretary of Labor.

Timetable:

Action	Date	FR Cite
NPRM	04/00/85	

Small Entity: No

Analysis: Reg. Evaluation (minimal impact) 04/00/85

Agency Contact: Hugh T. O'Reilly, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 426-0780

RIN: 2125-AB37

FEDERAL MOTOR CARRIER SAFETY REGULATIONS

336. AMBIENT TEMPERATURE IN HEAVY DUTY TRUCK CABS

Legal Authority: 49 USC 3102

CFR Citation: 49 CFR 399

Abstract: This regulation would set maximum permissible ambient temperatures in truck cabs. No further action is anticipated within the next 6 months.

Timetable:

Action	Date	FR Cite
ANPRM	02/08/79	43 FR 5397

Next Action Undetermined

Small Entity: No

Additional Information: Docket No. MC-81.

Agency Contact: Neill Thomas, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 426-9767

RIN: 2125-AA26

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337. REVIEW: COMPLIANCE WITH MOTOR CARRIER NOISE STANDARDS

Legal Authority: 49 USC 3102

CFR Citation: 49 CFR 325

Abstract: The FHWA is considering amending the noise emission standards to add a new minimum distance of 31 feet from which to measure highway noise. FHWA is also considering eliminating the correction factor which allowed a variance for noise tests taken at hard sites, e.g., asphalt, compared to those taken at soft sites, e.g. grassy areas.

Timetable:

Action	Date	FR Cite
NPRM	04/03/80	45 FR 22120

Next Action Undetermined

Small Entity: No

Agency Contact: Neill Thomas, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 426-9767

RIN: 2125-AA27

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338. WRITTEN EXAMINATION

Legal Authority: 49 USC 3102; PL 98-554, Sec 206

CFR Citation: 49 CFR 391.35

Abstract: The FHWA is considering a revision of the written examination requirement for commercial vehicle drivers. The options being considered are (1) rescission of the requirement, (2) leaving the requirement as it is and updating the questions, or (3) changing the requirement to a pass/fail situation. An ANPRM was issued on 03/04/82 (47 FR 4256). The ANPRM issued on 3/4/82 (47 FR 4256) is being withdrawn pursuant to section 206 of the Motor Carrier Act of 1984. Section 206 requires the reissuance of regulations pertaining to commercial motor vehicle safety by April 30, 1986. Comments received in response to the ANPRM will be incorporated into a new rulemaking action. See "Other Rulemakings" portion of agenda.

Timetable:

Action	Date	FR Cite
ANPRM	03/04/82	47 FR 4256
To be withdrawn	03/00/85	

Small Entity: No

Agency Contact: Neill Thomas, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 426-9767

RIN: 2125-AA33

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339. RETAIL FERTILIZER DISTRIBUTION EXEMPTION

Legal Authority: 49 USC 3102; PL 98-554, Sec 206

CFR Citation: 49 CFR 390

Abstract: The FHWA proposes to exempt drivers and vehicles transporting fertilizer, dry and liquid, in specific fertilizer distribution and application equipment from the Federal Motor Carrier Safety Regulations with few exceptions. The ANPRM issued on 2/10/82 (47 FR 5273) is being withdrawn pursuant to section 206 of the Motor Carrier Safety Act of 1984. Section 206 requires the reissuance of regulations pertaining to commercial motor vehicle safety by April 30, 1986. Comments received in response to the ANPRM will be incorporated into a new rulemaking action. See "Other Rulemakings" portion of agenda.

Timetable:

Action	Date	FR Cite
ANPRM	02/00/82	47 FR 5273
To be withdrawn	03/00/85	

Small Entity: No

Agency Contact: Joseph J. Fulnecky, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 426-0033

RIN: 2125-AA34

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340. REVIEW: NOTIFICATION, REPORTING AND RECORDING OF ACCIDENTS

Legal Authority: 49 USC 3102; PL 98-554, Sec 206

CFR Citation: 49 CFR 394

Abstract: The revision deals primarily with revising the truck and bus accident report forms. Being considered are (1) the consolidation of both forms into one, (2) reducing the number of copies to be filed and (3) raising the reporting threshold from the present $2,000 to a higher figure. The NPRM issued on 1/16/84 (49 FR 1912) is being withdrawn pursuant to section 206 of the Motor Carrier Safety Act of 1984. Section 206 requires the reissuance of regulations concerning commercial motor vehicle safety by April 30, 1986. The comments received in response to the NPRM will be incorporated into a new rulemaking action. See "Other Rulemakings" portion of agenda.

Timetable:

Action	Date	FR Cite
NPRM	01/16/84	49 FR 1912
NPRM Comment Period Begin	01/16/84	
NPRM Comment Period End	03/16/84	

Action	Date	FR Cite
Comment Period extended to 06/01/84	04/05/84	
To be withdrawn	03/00/85	

Small Entity: No

Agency Contact: James K. O'Steen, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 426-1700

RIN: 2125-AA35

341. RAILROAD GRADE CROSSINGS

Legal Authority: 49 USC 3102

CFR Citation: 49 CFR 392.10

Abstract: The FHWA is considering a revision that would make this Federal regulation more consistent with the Uniform Vehicle Code with respect to stopping requirements. No action is anticipated within the next 12 months.

Timetable:

Action	Date	FR Cite
ANPRM	11/18/82	47 FR 51904
Next Action Undetermined		

Small Entity: No

Agency Contact: Joseph J. Fulnecky, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 426-0033

RIN: 2125-AA36

342. REVIEW: DISQUALIFICATION OF DRIVERS (TRAFFIC RECORDS)

Legal Authority: 49 USC 3102; PL 98-554, Sec 206

CFR Citation: 49 CFR 391, Subpart B

Abstract: This proposal would require the disqualification of Interstate truck and bus drivers based on the driver's traffic or accident record. The ANPRM issued on 9/27/82 (47 FR 42383) is being withdrawn pursuant to section 206 of the Motor Carrier Safety Act of 1984. Section 206 requires the reissuance of regulations pertaining to commercial motor carrier safety by April 30, 1986. Comments received in response to the ANPRM will be incorporated into a new rulemaking action. See "Other Rulemakings" portion of agenda.

Timetable:

Action	Date	FR Cite
ANPRM	09/27/82	47 FR 42383
To be withdrawn	03/00/85	

Small Entity: No

Agency Contact: Neill L. Thomas, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 426-9767

RIN: 2125-AA79

343. ● CITIZEN BAND RADIOS ON BUSES

Legal Authority: 49 USC 3102; PL 97-261, Sec 25

CFR Citation: 49 CFR 393

Abstract: The FHWA is requesting comments on a recommendation by the National Research Council, Transportation Research Board, of the National Academy of Sciences (NAS) concerning the use of citizen band radios (CB's) on buses. This action is required by section 25 of the Bus Regulatory Reform Act of 1982. The NAS has recommended that FHWA maintain the status quo and allow motor carriers of passengers to continue to decide whether their drivers should be permitted to use CB's in buses, subject to collective bargaining.

Timetable:

Action	Date	FR Cite
ANPRM	01/11/85	50 FR 1603
ANPRM Comment Period Begin	01/11/85	
ANPRM Comment Period End	02/10/85	
NPRM	05/00/85	

Small Entity: No

Additional Information: A 30-day public comment period was provided.

Analysis: Regulatory Evaluation 05/00/85

Agency Contact: Neill L. Thomas, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 426-9767

RIN: 2125-AB33

344. ● PARTS AND ACCESSORIES NECESSARY FOR SAFE OPERATION AND INSPECTION, REPAIR, AND MAINTENANCE

Legal Authority: 49 USC 3102; PL 98-554, Sec 210

CFR Citation: 49 CFR 393; 49 CFR 396

Abstract: The FHWA is seeking public comment concerning the development of Federal commercial motor vehicle inspection standards which would be applicable to motor carriers engaged in interstate or foreign commerce. This rulemaking action also requests comments on the regulations which address the parts and accessories necessary for the safe operation of commercial motor vehicles. This action is required by section 210 of the Motor Carrier Safety Act of 1984.

Timetable:

Action	Date	FR Cite
ANPRM	01/10/85	50 FR 1245
ANPRM Comment Period Begin	01/10/85	
ANPRM Comment Period End	02/24/85	
NPRM	05/00/85	

Small Entity: Undetermined

Analysis: Regulatory Evaluation 05/00/85

Agency Contact: J. J. Fulnecky, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 426-0033

RIN: 2125-AB34

PAYMENT PROCEDURES

345. TRANSFER OF FEDERAL-AID HIGHWAY FUNDS

Legal Authority: Surface Transportation Assistance Act of 1982, Sec. 116

CFR Citation: 23 CFR 160, Subpart A; 23 CFR 160, Subpart B; 23 CFR 160, Subpart C

Abstract: This regulation revision will reflect the required statutory changes included in section 116 of the STAA of 1982 regarding the transfer of Interstate construction funds.

Timetable:

Action	Date	FR Cite
Final Action	04/00/85	

Small Entity: No

Analysis: Reg. Evaluation (Minimal impact) 04/00/85

Agency Contact: Carla Child, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 426-0674

RIN: 2125-AA64

346. ● FEDERAL-AID HIGHWAY PROGRAMS: STATE INTERNAL AUDIT RESPONSIBILITIES

Legal Authority: PL 98-502 Single Audit Act of 1982; 23 USC 315

CFR Citation: 23 CFR 12

Abstract: Revisions to the existing regulation will be made to comply with the requirements of PL 98-502, the Single Audit Act of 1982.

Timetable:

Action	Date	FR Cite
NPRM	06/00/85	

Small Entity: No

Additional Information: A 60-day comment period will be provided.

Analysis: Regulatory Evaluation (min. impact) 06/00/85

Agency Contact: Max Inman, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 426-0562

RIN: 2125-AB29

347. ● ADMINISTRATION OF NEGOTIATED CONTRACTS

Legal Authority: 23 USC 315; 23 USC 104(f); 23 USC 114(a); 23 USC 307(c); 23 USC 402

CFR Citation: 23 CFR 172

Abstract: Revisions to the existing regulation will be made to update minimum requirements and to conform to the new Federal acquisition regulations.

Timetable:

Action	Date	FR Cite
NPRM	06/00/85	

Small Entity: No

Additional Information: A 60-day comment period will be provided.

Government Levels Affected: Local, State

Analysis: Regulatory Evaluation (min. impact) 06/00/85

Agency Contact: Max Inman, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 426-0562

RIN: 2125-AB30

PLANNING

348. REVIEW: HIGHWAY PLANNING PROGRAM ADMINISTRATION

Legal Authority: 23 USC 104; 23 USC 307; 23 USC 315

CFR Citation: 23 CFR 420, Subpart A; 23 CFR 450, Subpart C

Abstract: This revision to an existing regulation would reflect policy changes in management of the highway planning and research program, e.g., allowing separate projects for components of the program (urbanized area planning, statewide planning, research and development), and applying matching rates to time periods rather than a fiscal year fund, etc. NPRM was published January 11, 1979 (44 FR 2400). As a result of comments received to the Docket, as well as internal coordination, FHWA is considering combining this regulation with 23 CFR Part 450, Subpart C, Metropolitan Planning Funds, since both deal with program administration. A revised NPRM combining parts 420 and 450 and incorporating requirements mandated by the Surface Transportation Assistance Act of 1982 is being prepared.

Timetable:

Action	Date	FR Cite
NPRM	01/11/79	44 FR 2400
NPRM	04/00/85	
Final Action	10/00/85	

Small Entity: No

Additional Information: Docket No. 78-24. CFR CITATION: FHPM 4-1-2-1 and 4-4-7 also applies. ADDITIONAL AGENCY CONTACT: Sam W. P. Rea, (202) 426-2961. A 60 day comment period will be provided.

Analysis: Reg. Evaluation (Minimal impact) 04/00/85

Agency Contact: Barna Juhasz, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 426-0175

RIN: 2125-AA10

349. USE AND DISPOSITION OF PROPERTY PREVIOUSLY ACQUIRED BY STATES FOR WITHDRAWN INTERSTATE SEGMENTS

Legal Authority: 23 USC 103(e)(5)(6); PL 96-106, Sec 2(c)

CFR Citation: 23 CFR 480

Abstract: Federal Highway Administration regulations in 23 CFR Part 480 prescribe the circumstances under which states must repay the Federal Government for the Federal contribution to the purchase of property for Interstate highway projects that are later withdrawn. Congress, in Public Law 96-106, amended 23 U.S.C. 103(e) to change the circumstances under which repayment must be made. This revision to an existing regulation would incorporate the legislative changes in 23 CFR Part 480.

Timetable:

Action	Date	FR Cite
NPRM	11/20/80	45 FR 76705
NPRM	03/00/85	

Small Entity: No

Additional Information: This regulation was formerly titled Review: Payback Regulation Amendments.

Analysis: Reg. Evaluation (Minimal impact) 03/00/85

Agency Contact: C. L. Shufflebarger, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 426-0404

RIN: 2125-AA11

350. REVIEW: COORDINATION OF FEDERAL AND FEDERALLY ASSISTED PROGRAMS AND PROJECTS

Legal Authority: EO 12372

CFR Citation: 49 CFR 17

Abstract: This revision would implement Executive Order 12372 and related OMB implementing procedures regarding intergovernmental review of Federal programs.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Additional Information: The operating procedures governing intergovernmental review of FHWA programs are contained in 49 CFR 17 as published by the Office of the Secretary (48 FR 29264, 6/24/83). It has not yet been determined whether additional regulations will be issued by the FHWA.

Agency Contact: Sam Rea, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 426-2961

RIN: 2125-AA12

351. MASS TRANSIT AND SPECIAL USE HIGHWAY PROJECTS

Legal Authority: 23 USC 137 (Sec 118 of STAA); 23 USC 142 (Sec 120 of STAA); 23 USC 146 (Sec 163 of STAA); 23 USC 149; 23 USC 315

CFR Citation: 23 CFR 810

Abstract: The existing regulation would be revised to incorporate statutory changes mandated by the Surface Transportation Assistance Act of 1982 (STAA) and to make other revisions to update references to other regulations or statutes and to reflect administrative changes. The revisions would provide the basic criteria for determining whether mass transit and special use highway projects are eligible for Federal-aid funding under 23 USC 137, 142, and 149. This rulemaking consolidates previous projected rulemakings under the headings Fringe and Corridor Parking and High Occupancy Lanes.

Timetable:

Action	Date	FR Cite
NPRM	04/26/84	49 FR 17968
NPRM Comment Period Begin	04/26/84	49 FR 17969
NPRM Comment Period End	06/25/84	
Final Action	04/00/85	

Small Entity: No

Additional Information: ADDITIONAL AGENCY CONTACT: George Schoener, (202) 426-0210.

Analysis: Reg. Evaluation (Minimal impact) 04/26/84 (49 FR 17968)

Agency Contact: James Carney, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 426-0450

RIN: 2125-AB01

352. ● CERTIFICATION OF ENFORCEMENT OF HEAVY VEHICLE USE TAX

Legal Authority: 23 USC 141(d); 23 USC 315

CFR Citation: 23 CFR 669

Abstract: The FHWA is proposing procedures to be followed by each State for certifying that it is obtaining proof of payment of the heavy vehicle use tax imposed by section 4481 of the Internal Revenue Code of 1954, as amended, before such vehicles are lawfully registered in the State.

Timetable:

Action	Date	FR Cite
NPRM	04/00/85	

Small Entity: No

Additional Information: A 45-day public comment period will be provided.

Analysis: Regulatory Evaluation (min. impact) 04/00/85

Agency Contact: James R. Link, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 426-0570

RIN: 2125-AB36

RIGHT-OF-WAY AND ENVIRONMENT

353. REVIEW: THE ACQUISITION FUNCTION

Legal Authority: 42 USC 2000d-1; 42 USC 4633; 42 USC 4651 to 4655; 23 USC 315; 23 USC 323

CFR Citation: 23 CFR 712

Abstract: This revision would reduce regulatory burdens and associated costs to State highway agencies in the area of acquisition of real property for rights-of-way on Federal-aid highway projects. Further action to be determined pending issuance of government-wide relocation and acquisition regulations.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Agency Contact: Douglas A. Wubbels, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 426-0142

RIN: 2125-AA23

354. REVIEW: RELOCATION ASSISTANCE

Legal Authority: 42 USC 4601 et seq; 23 USC 315

CFR Citation: 23 CFR 740

Abstract: This revision would reduce Federal requirements related to the relocation assistance program. Priority review completed. Further action to be determined pending issuance of government-wide relocation and acquisition regulations.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Agency Contact: Robert J. Moore, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 426-0116

RIN: 2125-AA81

355. PUBLIC HEARINGS AND LOCATION DESIGN APPROVAL

Legal Authority: 23 USC 101 et seq; 23 USC 109(h); 23 USC 128; 23 USC 315; 49 USC 1651; 49 USC 1657(e)(1)

CFR Citation: 23 CFR 790; 23 CFR 771.111(h)

Abstract: The existing regulation contains duplicative provisions that are contained in 23 CFR 771. The rescission of 23 CFR 790 will simplify and consolidate project development processes preceding PS & E (Plans, Specifications, and Estimates) under the NEPA process and will consolidate requirements for public hearings in a single regulation.

DOT—FHWA

Current and Projected Rulemakings
Other Rulemakings

Timetable:

Action	Date	FR Cite
NPRM	03/00/85	

Small Entity: Undetermined

Analysis: Reg. Evaluation 03/00/85

Agency Contact: Florence Mills, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 426-0303

RIN: 2125-AB09

356. ● HIGHWAY BEAUTIFICATION: OUTDOOR ADVERTISING: TECHNICAL AMENDMENT

Legal Authority: 23 USC 131; 23 USC 315

CFR Citation: 23 CFR 750

Abstract: The FHWA is proposing to amend its regulations in order to clarify existing FHWA policy that temporary political campaign signs and other signs, displays, and devices associated with Federal, State, or local elections may be permitted without violating the Highway Beautification Act.

Timetable:

Action	Date	FR Cite
NPRM	04/00/85	

Small Entity: No

Additional Information: A 45-day public comment period will be provided.

Analysis: Regulatory Evaluation (min. impact) 04/00/85

Agency Contact: Edward V. A. Kussy, Department of Transportation, Federal Highway Administration, 700 Seventh Street, SW, Washington, DC 20590, 202 426-0791

RIN: 2125-AB32

[FR Doc. 85-8370 Filed 04-26-85; 8:45 am]

BILLING CODE 4910-62-T

DEPARTMENT OF TRANSPORTATION (DOT)
Federal Highway Administration (FHWA)

Current and Projected Rulemakings
Other Rulemakings: Routine and Frequent

ENGINEERING AND TRAFFIC OPERATIONS

357. MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES

Legal Authority: 23 USC 109(b); 23 USC 109(d); 23 USC 402(a)

CFR Citation: 23 CFR 655

Abstract: Nonsignificant regulations issued routinely and frequently as a part of an established body of technical requirements to keep those requirements operationally current. Total actions expected--2. 12/00/85.

Timetable:

Action	Date	FR Cite
Total actions expected to end	12/00/85	

Small Entity: No

Agency Contact: P. Russell, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 426-0411

RIN: 2125-AA37

RIGHT-OF-WAY AND ENVIRONMENT

358. RELOCATION ASSISTANCE-MOVING PAYMENTS-MOVING EXPENSE SCHEDULES

Legal Authority: 42 USC 4601 et seq; 23 USC 315

CFR Citation: 23 CFR 740

Abstract: Nonsignificant regulations issued routinely and frequently as a part of an established body of technical requirements to keep those requirements operationally current. Revisions are published annually. Total actions expected--1. 07/00/85.

Timetable:

Action	Date	FR Cite
Total actions expected to end	07/00/85	

Small Entity: No

Agency Contact: Gerald Starkweather, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 426-0117

RIN: 2125-AA38

[FR Doc. 85-8370 Filed 04-26-85; 8:45 am]

BILLING CODE 4910-62-T

DEPARTMENT OF TRANSPORTATION (DOT)
Federal Highway Administration (FHWA)

Existing Regulations Under Review
Other Reviews

FEDERAL MOTOR CARRIER SAFETY REGULATIONS

359. REAR END UNDERRIDE PROTECTION

Legal Authority: 49 USC 304; 49 USC 1655

CFR Citation: 49 CFR 393

Abstract: This regulation has been selected for review to improve rear end protection on heavy motor vehicles in conjunction with action taken by the National Highway Traffic Safety Administration on January 18, 1981.

Timetable:

Action	Date	FR Cite
Begin Review	06/00/83	
End Review	06/00/85	

Small Entity: No

DOT—FHWA

Existing Regulations Under Review
Other Reviews

Agency Contact: Neill Thomas, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 426-9767

RIN: 2125–AA58

[FR Doc. 85-8370 Filed 04-26-85; 8:45 am]
BILLING CODE 4910-62-T

DEPARTMENT OF TRANSPORTATION (DOT)
Federal Highway Administration (FHWA)

Completed Actions
Priority Rulemakings: Non-Major

COMPLETED RULEMAKINGS

360. EMPLOYEE SAFETY AND HEALTH STANDARDS

Priority: Agency Determination

Legal Authority: PL 98-544, Sec 206; 49 USC 3102

CFR Citation: 49 CFR 399

Abstract: This regulation would provide safety and health standards to govern employees engaged in the operation, maintenance, and loading and unloading of motor vehicles, designed to eliminate uncertainty with regard to the jurisdictional authority of the Occupational Safety and Health Administration (OSHA). This proposal is significant because it may have a significant impact on OSHA. These standards are needed because they are designed to eliminate uncertainty with regard to the jurisdictional authority of the OSHA and to improve safety and health standards for employees of motor carriers. The NPRM issued on 3/2/78 (43 FR 8566) is being withdrawn pursuant to section 206 of the Motor Carrier Act of 1984. Section 206 requires the reissuance of regulations pertaining to commercial motor vehicle safety by April 30, 1986. Comments received concerning this rulemaking will be incorporated into a new rulemaking action. See "Other Rulemakings" portion of agenda.

Timetable:

Action	Date	FR Cite
NPRM	03/02/78	43 FR 8566
NPRM Comment Period End	05/31/78	
Notice ext. Comm. Pd to 06/30/78	06/09/78	43 FR 25145
Withdrawn	03/00/85	

Small Entity: No

Additional Information: DOCKET NO. MC-64. An NPRM was issued March 2, 1978 (43 FR 8566) and the closing date for the comment period was May 31, 1978. A notice of June 9, 1978 (43 FR 25143) extended the comment period to June 30, 1978.

Analysis: Regulatory Evaluation 03/02/78

Agency Contact: Neill Thomas, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 426-9767

RIN: 2125–AA06

[FR Doc. 85-8370 Filed 04-26-85; 8:45 am]
BILLING CODE 4910-62-T

DEPARTMENT OF TRANSPORTATION (DOT)
Federal Highway Administration (FHWA)

Completed Actions
Other Rulemakings

COMPLETED RULEMAKINGS

361. FOREST HIGHWAYS

Legal Authority: 23 USC 202; PL 97-424, Sec 126

CFR Citation: 23 CFR 660

Abstract: The revision would provide a method for allocating forest highway funds based upon the relative transportation needs of the national forest system pursuant to section 126 of the Surface Transportation Assistance Act of 1982. The FHWA and United States Forest Service have jointly developed the proposed allocation method based upon transportation needs of renewable resource outputs and backlog of forest related improvement costs of public roads designated as forest highways.

Timetable:

Action	Date	FR Cite
NPRM	03/27/84	49 FR 11681
NPRM Comment Period Begin	03/27/84	49 FR 11681
NPRM Comment Period End	05/11/84	
Final Action	10/12/84	49 FR 40006
Final Action Effective	10/12/84	49 FR 40006

Small Entity: No

Additional Information: Docket No. 84-2

Analysis: Reg. Evaluation (Minimal impact) 10/12/84 (49 FR 40006)

Agency Contact: Allen W. Burden, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 426-0456

RIN: 2125–AB03

362. TOXIC GASES IN TRUCK CABS

Legal Authority: 49 USC 3102

CFR Citation: 49 CFR 392

Abstract: This rulemaking action has been withdrawn until research produces further data in order to determine if future action is justified.

Timetable:

Action	Date	FR Cite
ANPRM	01/00/78	43 FR 120
NPRM	06/18/79	44 FR 34992

Action	Date	FR Cite
Withdrawn	01/23/85	50 FR 3000

Small Entity: No

Additional Information: Docket No. MC-80.

Agency Contact: Neill Thomas, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 426-9767

RIN: 2125-AA25

363. REVIEW: DISQUALIFYING OFFENSES, DRUGS

Legal Authority: 49 USC 3102

CFR Citation: 49 CFR 391

Abstract: The FHWA amended the Disqualification of Drivers regulation (49 CFR 391.15) by reviewing and enlarging that group of substances and drugs whose use by drivers operating commercial motor vehicles is forbidden and is considered a disqualifying offense.

Timetable:

Action	Date	FR Cite
NPRM	11/24/80	45 FR 77466
Final Action	11/05/84	49 FR 44210
Final Action Effective	11/05/84	49 FR 44210

Small Entity: No

Analysis: Reg. Evaluation (Minimal impact) 11/05/84 (49 FR 44210)

Agency Contact: Neill Thomas, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 426-9767

RIN: 2125-AA31

364. REIMBURSEMENT; STATE HIGHWAY AGENCY AUDIT EXPENSE

Legal Authority: Surface Transportation Assistance Act of 1982, Sec. 159

CFR Citation: 23 CFR 140

Abstract: Section 159 of the STAA of 1982 expanded the definition of the term "construction" in section 101(a), title 23, United States Code, to include costs incurred by the States in performing Federal-aid project related audits which directly benefit the Federal-aid highway program. 23 CFR Part 140 is revised to reflect the statutory amendment.

Timetable:

Action	Date	FR Cite
NPRM	02/24/84	49 FR 6921
NPRM Comment Period End	04/24/84	
Final Action	11/19/84	49 FR 45577
Final Action Effective	12/19/84	49 FR 45577

Small Entity: No

Analysis: Reg. Evaluation (Minimal impact) 11/19/84 (49 FR 45577)

Agency Contact: Harvey Wood, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 426-0562

RIN: 2125-AA63

365. TRANSFERS OF ALLOCATED URBAN FUNDS

Legal Authority: 23 USC 150; PL 97-424, Sec 124

CFR Citation: 23 CFR 160

Abstract: These regulations will implement increased flexibility authorized by Section 124 of the Highway Improvement Act of 1982 by providing procedures for approval of requests for transfer of Federal-aid Urban System funds (out of allocation to an urbanized area) to other urban areas in the State. Section 124 has been implemented with guidance directed to FHWA Regional Offices. Regulatory changes will be made in the future as part of an overall update of 23 CFR 160 and, therefore, this rulemaking action has been terminated.

Timetable:

Action	Date	FR Cite
Action terminated	12/10/84	

Small Entity: No

Additional Information: Additional Agency Contact: K.C. Kippley (see Agency Contact heading for address) (202) 426-0673.

Agency Contact: Gary Maring, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 426-0150

RIN: 2125-AA65

ACTIONS THAT STARTED AND ENDED BETWEEN ISSUES OF THE UNIFIED AGENDA

366. ● MINIMUM LEVELS OF FINANCIAL RESPONSIBILITY FOR MOTOR CARRIERS OF PASSENGERS

Legal Authority: PL 97-261, Sec 18(d); PL 98-554, Sec 224; 49 USC 3102

CFR Citation: 49 CFR 387

Abstract: The FHWA is amending the Federal Motor Carrier Safety Regulations (FMCSR) to implement provisions required by section 224 of the Motor Carrier Safety Act of 1984. Section 224 amended section 18(d) of the Bus Regulatory Reform Act of 1982 by: (1) requiring motor carriers of passengers domiciled in any contiguous foreign country to carry on board each vehicle it operates in the United States evidence of financial responsibility, and (2) providing the Secretaries of Transportation and Treasury authority to deny entry into the United States of any passenger carrying vehicle which does not have the required evidence of financial responsibility in the vehicle.

Timetable:

Action	Date	FR Cite
Final Action	02/20/85	50 FR 7061

Small Entity: No

Analysis: Regulatory Evaluation (min impact)

Agency Contact: Neill L. Thomas, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 426-9767

RIN: 2125-AB24

[FR Doc. 85-8570 Filed 04-26-85; 8:45 am]
BILLING CODE 4910-62-T

DEPARTMENT OF TRANSPORTATION (DOT)
Federal Highway Administration (FHWA)

Completed Actions
Other Reviews

COMPLETED REVIEWS

367. MOTORIST AID SYSTEMS

Legal Authority: 23 USC 104; 23 USC 105; 23 USC 307; 23 USC 315

CFR Citation: 23 CFR 655

Abstract: This regulation has been selected for review because of FHWA policy on minimization of red tape. Based on results of review, it has been determined that no further action is necessary.

Timetable:

Action	Date	FR Cite
Begin Review	06/00/83	
End Review	10/15/84	

Small Entity: No

Agency Contact: Robert Harp, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 426-0411

RIN: 2125-AA48

[FR Doc. 85-8370 Filed 04-26-85; 8:45 am]

BILLING CODE 4910-62-T

DEPARTMENT OF TRANSPORTATION (DOT)
National Highway Traffic Safety Administration (NHTSA)

Current and Projected Rulemakings
Priority Rulemakings: Major

FEDERAL MOTOR VEHICLE SAFETY STANDARDS

368. HEAVY DUTY VEHICLE BRAKE SYSTEMS (FORMERLY TRUCK AND TRAILER BRAKE SYSTEMS)

Priority: Major

Legal Authority: 15 USC 1392 National Traffic & Motor Vehicle Safety Act of 1966; 15 USC 1407 National Traffic & Motor Vehicle Safety Act of 1966

CFR Citation: 49 CFR 571.121; 49 CFR 571.105

Abstract: Would establish a new brake standard for all trucks, buses and trailers with a Gross Vehicle Weight Rating (GVWR) over 10,000 pounds. This standard would replace Standard No. 121, Air Brake Systems, and that portion of Standard No. 105, Hydraulic Brake Systems, that applies to vehicles with a GVWR over 10,000 pounds. It would also establish new requirements for heavy trailers having other than air-actuated brakes. In developing the standard, the agency will consider compatibility with international regulations. Research programs in support of this new standard and possible future upgradings of the standard will investigate such long-term advanced braking system concepts as automatic brake adjustors, load-sensing proportioning valves, air driers, and retarders for heavy trucks, buses and trailers. This rule is considered significant because of the level of public and Congressional interest. It is necessary to prevent and reduce the severity of accidents involving heavy vehicles by providing increased accident avoidance capability.

Timetable:

Action	Date	FR Cite
Previous ANPRM	02/15/79	44 FR 9783
ANPRM	02/28/80	45 FR 13155

Next Action Undetermined

Small Entity: No

Additional Information: Docket No. 79-03. ANPRM, Notice 1; Second ANPRM, Notice 3.

Research underway.

Agency Contact: R. Hitchcock, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 426-0842

RIN: 2127-AA00

369. OCCUPANT CRASH PROTECTION - TEST PROCEDURES AND OTHER ISSUES

Priority: Major

Legal Authority: 15 USC 1392 National Traffic and Motor Vehicle Safety Act ETC; 15 USC 1407 National Traffic and Motor Vehicle Safety Act ETC

CFR Citation: 49 CFR 571.208; 49 CFR 572

Abstract: This rulemaking addresses the test procedures used in compliance testing, the dummy used for such testing, and the oblique angle test requirement in the automatic occupant crash protection standard. It also addresses some related issues including the standard's applicability to convertibles, reporting requirements for manufacturers, and the exercise of "due care" by manufacturers, in complying with the standard. This rulemaking will consider whether the Hybrid III dummy or a variation may be substituted for the dummy currently specified in 49 CFR 572 at some future time with corresponding changes in, or additions to the injury criteria established by the existing Federal Motor Vehicle Safety Standard 208. The costs and benefits of these various proposed changes are not yet known. This regulation is significant because of its involvement with departmental policy.

Timetable:

Action	Date	FR Cite
NPRM	03/00/85	

Small Entity: Undetermined

Analysis: Preliminary RIA 09/30/84

Agency Contact: Barry Felrice, Associate Administrator for Rulemaking, Department of Transportation, National Highway Traffic Safety Administration, NRM-01, 400 Seventh Street, S.W., Washington, DC 20590, 202 426-1810

RIN: 2127-AB20

FUEL ECONOMY STANDARDS

370. ● POST-1985 PASSENGER CAR FUEL ECONOMY STANDARDS

Priority: Major

Legal Authority: 15 USC 2002

CFR Citation: 49 CFR 531

Abstract: The agency has granted a petition from the Center for Auto Safety to examine the feasibility of raising the existing post-1985 passenger car average fuel economy standard of 27.5 mpg. The agency has published a grant notice of the petition (49 FR 46770) and a request for comments (49 FR 48064). After review and analysis of available data and the responses to the request for comments, the agency will decide on whether to proceed with rulemaking.

DOT—NHTSA

Current and Projected Rulemakings
Priority Rulemakings: Major

Timetable:

Action	Date	FR Cite
Grant for petition for Rulemaking	11/28/84	49 FR 6770
Request for comments	12/10/84	49 FR 48064

Next Action Undetermined

Small Entity: No

Analysis: To Be Determined

Agency Contact: William Boehly, Director, Office of Market Incentives, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 426-1740**

RIN: 2127-AB32

371. ● MY 1987 LIGHT TRUCK FUEL ECONOMY STANDARDS

Priority: Major

Legal Authority: 15 USC 2002

CFR Citation: 49 CFR 533

Abstract: In accordance with the mandatory requirements of Section 502 (b) of the Motor Vehicle Information and Cost Savings Act, this rulemaking would establish light truck average fuel economy standards for model year 1987. The initial NPRM proposed standards for model year 1986 and 1987. The Standards for model year 1986 were published on October 22, 1984 (49 FR 41250).

Timetable:

Action	Date	FR Cite
NPRM	03/08/84	49 FR 8637
NPRM Comment Period Begin	03/08/84	49 FR 8637
NPRM Comment Period End	04/09/84	
Final Action	03/00/85	

Small Entity: No

Analysis: Preliminary RIA 03/08/84; Final RIA 03/00/85

Agency Contact: William Boehly, Director, Office of Market Incentives, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 426-1740**

RIN: 2127-AB33

REGULATIONS OTHER THAN SAFETY STANDARDS AND FUEL ECONOMY STANDARDS/EXEMPTIONS

372. CRASHWORTHINESS RATINGS

Priority: Major

Legal Authority: 15 USC 1401; 15 USC 1941

CFR Citation: 49 CFR Chapter 5

Abstract: Ratings: Would require manufacturers to disseminate crashworthiness performance information concerning their cars to the public, to provide consumers with comparative information on the crashworthiness performance of new car models. This rulemaking is considered significant because of the impact on manufacturers, the interest shown by consumers, and the potential significant effects on the automotive marketplace.

Timetable:

Action	Date	FR Cite
NPRM	01/22/81	46 FR 7025

Next Action Undetermined

Small Entity: No

Additional Information: Docket No. 79-17. NPRM, Notice 1. Comment due date extended to October 22, 1981 by notice published April 2, 1981 (46 FR 19947; Notice 2).

Analysis: Preliminary RIA 01/22/81

Agency Contact: William Boehly, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 426-1740**

RIN: 2127-AA03

DEPARTMENT OF TRANSPORTATION (DOT)
National Highway Traffic Safety Administration (NHTSA)

Completed Actions
Priority Rulemakings: Major

COMPLETED RULEMAKINGS

373. MY 1985-1986 LIGHT TRUCK FUEL ECONOMY STANDARDS

Priority: Major

Legal Authority: 15 USC 2002

CFR Citation: 49 CFR 533

Abstract: In accordance with the mandatory requirements of section 502(b) of the Motor Vehicle Information and Cost Savings Act, this rulemaking establishes light truck average fuel economy standards for model year 1986 and revises the model year 1985 standard. The initial NPRM had proposed standards for MY 1987. That portion of the first proposal will be covered in a subsequent rulemaking. A second NPRM responded to a Ford Motor Co. petition for rulemaking to reconsider the model year 1984 and 1985 light truck fuel economy standards. The second NPRM proposed the maintenance of the 1984 standards and a lowering of the 1985 standards.

Timetable:

Action	Date	FR Cite
NPRM	03/08/84	49 FR 8637
NPRM Comment Period Begin	03/08/84	49 FR 8637
NPRM Comment Period End	04/09/84	
NPRM	05/30/84	49 FR 22516
NPRM Comment Period Begin	05/30/84	49 FR 22516
NPRM Comment Period End	06/29/84	
Final Action	10/22/84	49 FR 41250
Final Action Effective	11/21/84	49 FR 41250

Small Entity: No

Analysis: Preliminary RIA 03/08/84

Agency Contact: William Boehly, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 426-1740**

RIN: 2127-AA75

374. MY 1984-1985 LIGHT TRUCK AVERAGE FUEL ECONOMY STANDARDS

Priority: Major

Legal Authority: 15 USC 2002

CFR Citation: 49 CFR 533

Abstract: In response to a petition for rulemaking from Ford Motor Co., and in accordance with the requirements of Section 502 of the Motor Vehicle Information and Cost Savings Act, reconsidered the level of light truck average fuel economy standards established for model years 1984 and

DOT—NHTSA

Completed Actions
Priority Rulemakings: Major

1985. An NPRM proposing the maintenance of the 1984 standards and the lowering of the 1985 standard was published in May, 1984. This regulation is significant because of the substantial cost it may involve. The Final Rule adopted the proposals of the NPRM.

Timetable:

Action	Date	FR Cite
NPRM	05/30/84	49 FR 22516
NPRM Comment Period Begin	05/30/84	
NPRM Comment Period End	06/29/84	
Final Action	10/22/84	49 FR 41250
Final Action Effective	11/21/84	49 FR 41250

Small Entity: No

Additional Information: Final action on this NPRM was taken in conjunction with the rulemaking on Post-MY-1985/86 Light Truck Fuel Economy Standards (RIN 2127-AA75).

Agency Contact: William Boehly, Director, Office of Market Incentives, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 426-1740**

RIN: 2127-AB22

[FR Doc. 85-8370 Filed 04-26-85; 8:45 am]

BILLING CODE 4910-62-T

DEPARTMENT OF TRANSPORTATION (DOT)
National Highway Traffic Safety Administration (NHTSA)

Current and Projected Rulemakings
Priority Rulemakings: Non-Major

FEDERAL MOTOR VEHICLE SAFETY STANDARDS

375. NATIONAL MINIMUM DRINKING AGE

Priority: Agency Determination

Legal Authority: 23 USC 158

CFR Citation: 23 CFR 1206, (New)

Abstract: Would prescribe requirements necessary to implement 23 U.S.C. 158, which provides penalties for States that don't adopt twenty-one as the Minimum Drinking Age. This regulation is significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
SNPRM	03/00/85	

Small Entity: No

Government Levels Affected: State

Agency Contact: George Reagle, Associate Administrator, Department of Transportation, National Highway Traffic Safety Administration, for Traffic Safety Programs, 400 Seventh Street, SW, Washington, DC 20590, **202 426-0837**

RIN: 2127-AB30

376. ● HEAVY TRAILER STABILITY

Priority: Agency Determination

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571

Abstract: In response to a petition for rulemaking, the agency is proposing a new regulation to add a requirement that 102-inch wide trailers be equipped with axle tracks having a minimum axle width of 77 inches. An advanced notice of proposed rulemaking seeking comments on the safety issue raised by the petition was published on May 22, 1984 (49 FR 21551). This rulemaking is significant because of the possible substantial impact on the industry and because it is a joint venture involving two operating administrations.

Timetable:

Action	Date	FR Cite
ANPRM	05/22/84	49 FR 21551
ANPRM Comment Period Begin	05/22/84	49 FR 21551
ANPRM Comment Period End	08/20/84	

Next Action Undetermined

Small Entity: Yes

Additional Information: This regulation is a joint endeavor of NHTSA and the Bureau of Motor Carrier Safety (BMCS). A departmental task force will be formed in February 1985 to analyze the economic issues associated with this undertaking. Thus, further public action awaits the results of the task force analysis, which are anticipated in June 1985.

Analysis: To Be Determined

Agency Contact: Ralph J. Hitchcock, Director, Department of Transportation, National Highway Traffic Safety Administration, Office of Vehicle Safety Standards, 400 Seventh Street, SW, Washington, DC 20590, **202 426-0842**

RIN: 2127-AB42

377. CHILD RESTRAINT TETHER ANCHORAGES

Priority: Agency Determination

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.210

Abstract: Would require lap belt and tether anchorages for use with child restraint systems. Alternatives being considered are whether to require anchorages and how many anchorages per car should be provided. This rulemaking is significant because it involves important Departmental policy.

Timetable:

Action	Date	FR Cite
NPRM	12/11/80	45 FR 81625

Next Action Undetermined

Small Entity: No

Additional Information: Docket No. 80-18, NPRM, Notice 1.

Agency Contact: R. Hitchcock, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 426-0842**

RIN: 2127-AA39

REGULATIONS OTHER THAN SAFETY STANDARDS AND FUEL ECONOMY STANDARDS/EXEMPTIONS

378. NATIONAL DRIVER REGISTER

Priority: Agency Determination

Legal Authority: 23 USC 401 Note

Abstract: The National Driver Register Act of 1982 directs the agency to establish a new National Driver Register (NDR) that will assist states in

electronically exchanging information about problem drivers. This rulemaking will establish the procedures for making an orderly transition from the current NDR system to the electronic system mandated by the act. This regulation is significant because it involves important departmental policy.

Timetable:

Action	Date	FR Cite
NPRM	10/01/84	49 FR 38648
NPRM Comment Period Begin	10/01/84	
NPRM Comment Period End	10/31/84	
Final Action	03/00/85	

Small Entity: No

Additional Information: CFR citation to be determined.

Analysis: Regulatory Evaluation 10/01/84

Agency Contact: Clay Hatch, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Avenue, SW, Washington, DC 20590, **202 426-4932**

RIN: 2127-AA98

379. ● THEFT PREVENTION STANDARD

Priority: Agency Determination

Legal Authority: PL 98-547 Motor Vehicle Theft Law Enforcement Act of 1984

CFR Citation: 49 CFR 541

Abstract: In response to the provisions of the Motor Vehicle Theft Law Enforcement Act of 1984, a new standard would be established that would require certain major vehicle parts determined to have high theft potential be marked with the vehicle identification number or a derivative thereof.

Timetable:

Action	Date	FR Cite
NPRM	03/00/85	

Small Entity: Yes

Government Levels Affected: Local, State, Federal

Analysis: Preliminary Regulatory Evaluation 03/00/85

Agency Contact: William Boehly, Director, Office of Market Incentives, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 426-1740**

RIN: 2127-AB31

380. SPLASH AND SPRAY SUPPRESSION DEVICES

Priority: Agency Determination

Legal Authority: 49 USC 2314

CFR Citation: 49 CFR 583

Abstract: In accordance with the mandate of section 414 of the Surface Transportation Assistance Act of 1982, would establish minimum standards with respect to the performance of splash and spray suppression devices on truck tractors, semitrailers and trailers. Would also establish minimum standards with respect to the installation of splash and spray suppression devices on new vehicles. This regulation is significant because it is potentially controversial.

Timetable:

Action	Date	FR Cite
NPRM	03/00/85	

Small Entity: Yes

Additional Information: NHTSA's rulemaking would only affect new vehicles and equipment. However, section 414 of the Surface Transportation Assistance Act also mandates that the Department of Transportation establish minimum standards with respect to the installation of splash and spray devices for vehicles already in service. The Federal Highway Administration will conduct the rulemaking to satisfy that mandate. The Federal Highway Administration has classified its rulemaking as major. The costs of that rulemaking are expected to be much greater than NHTSA's rulemaking since (1) the population of vehicles in service is many times the annual production of new trucks, (2) a truck manufacturer will pay less per unit for each splash and spray suppression device when ordered in large quantities, and (3) the labor time to install the devices is far less for a new truck manufacturer, since it can be done at the assembly plant. In 1984, the Surface Transportation Assistance Act was amended to change the implementation date from 1/1/85, for new vehicles and 1/1/88, for vehicles in service, to one year after publication of the Final Rule for new vehicles & 3 years later for vehicles in service.

Analysis: Regulatory Evaluation 03/00/85

Agency Contact: R. Hitchcock, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Avenue, SW, Washington, DC 20590, **202 426-0842**

RIN: 2127-AA97

381. UNIFORM TIRE QUALITY GRADING STANDARDS - TREADWEAR AMENDMENTS

Priority: Agency Determination

Legal Authority: 15 USC 1423

CFR Citation: 49 CFR 575

Abstract: Would amend treadwear grading procedures of the Uniform Tire Quality Grading Standards to assure greater reliability of grading information for consumers. Test procedures would be amended to reduce variability and uniform grade assignment procedure would be established. This regulation is significant because it involves important departmental policy.

Timetable:

Action	Date	FR Cite
NPRM	05/00/85	

Small Entity: No

Additional Information: Merged with RIN 2127-AA51, Uniform Tire Quality Grading

Agency Contact: William Boehly, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, S.W., Washington, DC 20590, **202 426-1740**

RIN: 2127-AB21

[FR Doc. 85-8370 Filed 04-26-85; 8:45 am]
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DEPARTMENT OF TRANSPORTATION (DOT)
National Highway Traffic Safety Administration (NHTSA)

FEDERAL MOTOR VEHICLE SAFETY STANDARDS

382. TRUCK REAR UNDERRIDE PROTECTION

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571

Abstract: Would require protective devices to reduce vehicle penetration under the rear-ends of heavy trucks and trailers (without resulting in overly severe forces being transmitted to restrained and unrestrained occupants in vehicles that crash into the devices).

Timetable:

Action	Date	FR Cite
NPRM	01/08/81	46 FR 2136

Next Action Undetermined

Small Entity: Undetermined

Additional Information: Docket No. 1-11. NPRM, Notice 8.

Research underway.

Analysis: Draft RFA 01/08/81

Agency Contact: R. Hitchcock, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 426-0842

RIN: 2127-AA43

383. FLAMMABILITY OF SCHOOL BUS INTERIOR MATERIALS

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571

Abstract: Would utilize guidelines prescribed by UMTA to define flammability characteristics of School Bus Interior Materials.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: Yes

Agency Contact: R. Hitchcock, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 426-0842

RIN: 2127-AA44

384. PEDESTRIAN PROTECTION

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571

Abstract: Would reduce adult pedestrian leg injuries and child injuries through modification of the bumper area.

Timetable:

Action	Date	FR Cite
NPRM	01/22/81	46 FR 7015

Next Action Undetermined

Small Entity: Yes

Additional Information: Docket No. 78-19. NPRM, Notice 1. Research underway.

Agency Contact: R. Hitchcock, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 426-0842

RIN: 2127-AA45

385. SEATING REFERENCE POINT/MOTOR VEHICLE DRIVER'S EYE RANGE

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571

Abstract: Would update the definition of Seating Reference Point to incorporate latest industry practices and amend Standards 103, 104, 107 and 111 to reference SAE Recommended Practice J941e, Motor Vehicle Driver's Eye Range, instead of an earlier version of that recommended practice.

Timetable:

Action	Date	FR Cite
ANPRM	03/00/82	47 FR 9865
NPRM	04/00/85	

Small Entity: No

Additional Information: Docket No. 82-05.

Analysis: Regulatory Evaluation 04/00/85

Agency Contact: R. Hitchcock, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 426-0842

RIN: 2127-AA46

386. CONTROLS AND DISPLAYS

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.101

Abstract: Would amend the light intensity requirements of Standard No. 101 to permit informational readout displays to be used for telltales. The agency plans to issue a supplementary NPRM with respect to these and other possible issues relating to the application of new electronic technology to controls and displays.

Timetable:

Action	Date	FR Cite
NPRM	02/01/82	47 FR 4541
SNPRM	05/00/85	

Small Entity: No

Additional Information: Docket No. 1-18. NPRM, Notice 21. The comments to the Notice of Proposed Rulemaking, NPRM, of 02/01/82 (47 FR 4541) and an agency task force review have led to the decision to issue a new NPRM on the subject.

Analysis: Regulatory Evaluation (minimal) 05/00/85

Agency Contact: R. Hitchcock, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 426-0842

RIN: 2127-AA06

387. WINDSHIELD DEFOGGERS

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.103

Abstract: In response to a petition for rulemaking, would require windshield defogging systems in passenger cars, multipurpose passenger vehicles, trucks and buses built for sale in parts of the United States other than the continental portion. (Defogging systems are already required for vehicles built for sale in the continental United States.)

Timetable:

Action	Date	FR Cite
NPRM	07/14/83	48 FR 32200
Final Action	04/00/85	

Small Entity: No

Additional Information: Docket No. 83-10. NPRM, Notice 1.

Analysis: Regulatory Evaluation 04/00/85

Agency Contact: R. Hitchcock, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, S.W., Washington, D.C. 20590, **202 426-0842**

RIN: 2127-AA91

388. BRAKE SYSTEMS

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.105

Abstract: Would propose a new brake standard compatible with the harmonized brake standard now being developed by the United Nations Economic Commission for Europe (ECE). Initial efforts are directed toward requirements for passenger cars.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Additional Information: Docket No. 79-18.

Agency Contact: R. Hitchcock, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 426-0842**

RIN: 2127-AA13

389. HYDRAULIC AND AIR BRAKE SYSTEMS

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.105; 49 CFR 571.121

Abstract: In response to a petition for rulemaking, would amend the brake burnish procedures specified for vehicles over 10,000 pounds by Standards No. 105 and No. 121. Based on comments to NPRM of 06/27/83 (48 FR 29560) a new NPRM is deemed necessary.

Timetable:

Action	Date	FR Cite
NPRM	06/27/83	48 FR 29560
SNPRM	04/00/85	

Small Entity: No

Additional Information: Docket Nos. 70-27 and 83-07. NPRM, Docket No. 70-27, Notice 26; Docket No. 83-07, Notice 1.

Analysis: Regulatory Evaluation (minimal) 04/00/85

Agency Contact: R. Hitchcock, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, S.W., Washington, DC 20590, **202 426-0842**

RIN: 2127-AA92

390. HYDRAULIC BRAKE SYSTEMS

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.105

Abstract: In response to a petition for rulemaking, would permit smaller brake fluid reservoirs in vehicles with a GVWR greater than 10,000 pounds that are equipped with self-adjusting brakes and brake fluid level indicators.

Timetable:

Action	Date	FR Cite
NPRM	07/28/83	48 FR 34306
Final Action	03/00/85	

Small Entity: No

Additional Information: Docket No. 70-27.

Analysis: Regulatory Evaluation (minimal) 03/00/85

Agency Contact: R. Hitchcock, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, S.W., Washington, DC 20590, **202 426-0842**

RIN: 2127-AA94

391. BRAKE HOSES

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.106

Abstract: Would consider amending portions of the standard that relate to adhesion properties of hose layers on air and vacuum brake hoses. This action results from a petition for rulemaking.

Timetable:

Action	Date	FR Cite
Notice granting petition for Rulemaking	02/18/82	47 FR 7293
NPRM	04/00/85	

Small Entity: No

Additional Information: Docket No. 82-02.

Analysis: Regulatory Evaluation 04/00/85

Agency Contact: R. Hitchcock, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 426-0842**

RIN: 2127-AA90

392. COMMERCIAL VEHICLE CONSPICUITY

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.108

Abstract: Would improve the conspicuity of commercial vehicles by establishing in FMVSS 108 performance requirements for the total lighting and marking system of commercial vehicles (excluding headlights).

Timetable:

Action	Date	FR Cite
ANPRM	05/27/80	45 FR 35405

Next Action Undetermined

Small Entity: No

Additional Information: Docket No. 80-9.

Research underway.

Analysis: Draft RFA 00/00/00

Agency Contact: R. Hitchcock, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 426-0842**

RIN: 2127-AA12

393. LAMPS, REFLECTIVE DEVICES, AND ASSOCIATED EQUIPMENT

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.108

Abstract: In response to a petition, would delete the requirement for use of a "Test Bulb" with stringent filament location specifications in testing lamp assemblies.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Agency Contact: R. Hitchcock, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 426-0842

RIN: 2127-AA16

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394. LAMPS, REFLECTIVE DEVICES, AND ASSOCIATED EQUIPMENT

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.108

Abstract: In response to a petition for rulemaking, would amend the standard to reduce from 12 to 8 square inches the minimum effective projected luminous lens area of rear stop and turn signal lamps for large vehicles 80 inches or more in overall width.

Timetable:

Action	Date	FR Cite
NPRM	10/22/81	46 FR 51793

Next Action Undetermined

Small Entity: No

Additional Information: Docket No. 81-19. NPRM, Notice 1.

Agency Contact: R. Hitchcock, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 426-0842

RIN: 2127-AA17

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395. LAMPS, REFLECTIVE DEVICES, AND ASSOCIATED EQUIPMENT

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.108

Abstract: In response to a petition for rulemaking, would provide an alternative location for front identification lamps on vehicles whose overall width exceeds 80 inches, allowing them to be mounted on the top of the vehicle.

Timetable:

Action	Date	FR Cite
NPRM	02/22/82	47 FR 7911
Final Action	10/00/85	

Small Entity: No

Additional Information: Docket No. 82-04. NPRM, Notice 1.

Analysis: Regulatory Evaluation (minimal) 10/00/85

Agency Contact: R. Hitchcock, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 426-0842

RIN: 2127-AA18

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396. LAMPS, REFLECTIVE DEVICES, AND ASSOCIATED EQUIPMENT

Legal Authority: 15 USC 1392, 15 USC 1407

CFR Citation: 49 CFR 571.108

Abstract: In response to a petition for rulemaking, would consider whether the cab of a vehicle is an acceptable alternative location for the mounting of clearance lamps.

Timetable:

Action	Date	FR Cite
NPRM	10/00/85	

Small Entity: No

Additional Information: Docket No. 82-03.

Agency Contact: R. Hitchcock, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 426-0842

RIN: 2127-AA19

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397. LAMPS, REFLECTIVE DEVICES, AND ASSOCIATED EQUIPMENT

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.108

Abstract: Would amend FMVSS 108 to allow installation of a modulating headlamp on motorcycles. The agency's review of comments to the August 1983 NPRM suggests alternatives not proposed by that notice. The agency therefore plans to issue a supplementary NPRM.

Timetable:

Action	Date	FR Cite
NPRM	09/23/82	47 FR 42009
SNPRM	08/28/84	49 FR 34049
Final Action	04/00/85	

Small Entity: No

Additional Information: Docket No. 82-16. NPRM, Notice 1.

Analysis: Regulatory Evaluation (minimal) 08/28/84

Agency Contact: R. Hitchcock, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 426-0842

RIN: 2127-AA77

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398. ● LAMPS, REFLECTIVE DEVICES, AND ASSOCIATED EQUIPMENT

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571 108

Abstract: In response to a petition, would amend Safety Standard No. 108 to allow clearance and identification lamps of large vehicles to flash when the hazard warning system is operating. The proposed change could enhance the conspicuity of large, disabled vehicles.

Timetable:

Action	Date	FR Cite
NPRM Comment Period Begin	10/25/84	49 FR 42965
NPRM Comment Period End	12/10/84	
Final Action	06/00/85	
NPRM	10/25/85	49 FR 42965

Small Entity: No

Analysis: Final Regulatory Evaluation 06/00/85

Agency Contact: Ralph J. Hitchcock, Director, Office of Vehicle Safety Standards, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 426-0842

RIN: 2127-AB35

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399. ● LAMPS, REFLECTIVE DEVICES AND ASSOCIATED EQUIPMENT

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.108

Abstract: In response to a petition, Safety Standard No. 108 (Lamps, Reflective Devices and Associated Equipment) would be amended to permit the use of two new miniature standardized replaceable light sources in replaceable bulb headlamp systems.

Timetable:

Action	Date	FR Cite
NPRM	03/00/85	

Small Entity: No

Analysis: Regulatory Evaluation (minimal) 03/00/85

Agency Contact: Ralph J. Hitchcock, Director, Department of Transportation, National Highway Traffic Safety Administration, Office of Vehicle Safety Standards, 400 Seventh Street, SW, Washington, DC 20590, **202 426-0842**

RIN: 2127-AB37

400. ● LAMPS, REFLECTIVE DEVICES AND ASSOCIATED EQUIPMENT

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.108

Abstract: In response to a petition, Safety Standard No. 108 (Lamps, Reflective Devices and Associated Equipment), would be amended to permit simultaneous use of lower and upper beams, co-aiming and optional availability of an auxiliary filament in a lower beam lamp, for Type F sealed beam headlamp systems.

Timetable:

Action	Date	FR Cite
NPRM	03/00/85	

Small Entity: No

Additional Information: This proposed rulemaking is a continuation of the final rule (49 FR 50176) in which Type F sealed beam headlamp system was permitted for use on new motor vehicles after July 1, 1985.

Analysis: Regulatory Evaluation (minimal) 03/00/85

Agency Contact: Ralph J. Hitchcock, Director, Department of Transportation, National Highway Traffic Safety Administration, Office of Vehicle Safety Standards, 400 Seventh Street, SW, Washington, DC 20590, **202 426-0842**

RIN: 2127-AB39

401. ● LAMPS, REFLECTIVE DEVICES AND ASSOCIATED EQUIPMENT

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.108

Abstract: In response to a petition for rulemaking, Safety Standard No. 108 (Lamps, Reflective Devices and Associated Equipment) would be amended to allow motor vehicles to be equipped with replaceable bulb headlamp systems consisting of either four lamps with single standardized replaceable light sources, or two lamps with two such light sources. Currently, Standard No. 108 only permits replaceable bulb systems comprised of two lamps with single standardized light sources. The proposed amendment would relieve the current design restriction that allows only two lamp single light source systems.

Timetable:

Action	Date	FR Cite
NPRM	12/07/84	49 FR 47880
NPRM Comment Period Begin	12/07/84	49 FR 47880
NPRM Comment Period End	01/14/85	
Final Action	05/00/85	

Small Entity: No

Analysis: Preliminary Regulatory Evaluation 12/07/84; Final Regulatory Evaluation 05/00/85

Agency Contact: Ralph J. Hitchcock, Director, Department of Transportation, National Highway Traffic Safety Administration, Office of Vehicle Safety Standards, 400 Seventh Street, SW, Washington, DC 20590, **202 426-0842**

RIN: 2127-AB40

402. REAR VIEW MIRROR SYSTEMS

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.111

Abstract: Would amend FMVSS No. 111 to improve mirror systems for trucks, buses and multipurpose passenger vehicles with a GVWR over 10,000 pounds.

Timetable:

Action	Date	FR Cite
NPRM	11/06/78	43 FR 51657

Next Action Undetermined

Small Entity: No

Additional Information: Docket No. 71-3a, NPRM, Notice 4.

Research underway.

Agency Contact: R. Hitchcock, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 426-0842**

RIN: 2127-AA21

403. REAR VIEW MIRROR SYSTEMS

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.111

Abstract: Would amend FMVSS No. 111 to improve mirror systems for trucks, buses and multipurpose passenger vehicles with a GVWR of 10,000 pounds or less.

Timetable:

Action	Date	FR Cite
NPRM	11/06/78	43 FR 51657

Next Action Undetermined

Small Entity: No

Additional Information: Docket No. 71-3a, NPRM, Notice 4.

Agency Contact: R. Hitchcock, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 426-0842**

RIN: 2127-AA23

404. REAR VIEW MIRRORS

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.111

Abstract: This proposal would amend FMVSS 111 by establishing requirements for passenger cars to: a) reduce the blind areas by upgrading mirror visibility using improved compliance testing procedures, b) upgrade occupant protection requirements and add pedestrian protection requirements using shatter resistant and breakaway or foldaway tests, c) set specifications for day-night reflectance requirements to reduce headlight glare, d) set specifications for convex mirror quality and use, and e) minimize obstruction of the forward view by establishing mirror location specifications. FR to permit use of passenger side convex mirrors published. FR responding to petitions and clarifying 1982 FR published. The agency plans to terminate rulemaking with respect to remaining issues.

Timetable:

Action	Date	FR Cite
NPRM	11/06/78	43 FR 51657
Final Action to permit use of passenger side convex mirrors published	09/02/82	47 FR 38698
Final Action responding to petitions and clarifying 1982 FR published	08/26/83	48 FR 39842

Next Action Undetermined

Small Entity: No

Additional Information: Docket No. 71-3a. NPRM, Notice 4; FR, Notice 6; FR, Notice 7.

Action to be terminated with respect to other issues.

Agency Contact: R. Hitchcock, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 426-0842

RIN: 2127-AA88

405. REFEREE BRAKE FLUIDS

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.116

Abstract: Would amend the requirements of Standards 106 and 116 to specify new material composition for the referee brake fluid used for compatibility testing. The referee brake fluid currently specified is difficult to obtain and would be replaced by new materials specified by SAE.

Timetable:

Action	Date	FR Cite
NPRM	03/00/85	

Small Entity: No

Analysis: Regulatory Evaluation (minimal) 03/00/85

Agency Contact: Ralph Hitchcock, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 426-0842

RIN: 2127-AB09

406. AIR BRAKE SYSTEMS

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.121

Abstract: Would revise the requirements in Standard No. 121 for parking and emergency brake functions for trailers. Based on comments to NPRM of 02/23/81 (46 FR 37952) a new NPRM is deemed necessary.

Timetable:

Action	Date	FR Cite
NPRM	07/23/81	46 FR 37952
SNPRM	10/00/85	

Small Entity: No

Additional Information: Docket No. 79-03. NPRM, Notice 5.

Agency Contact: R. Hitchcock, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 426-0842

RIN: 2127-AA27

407. ● NEW PNEUMATIC TIRES FOR MOTOR VEHICLES OTHER THAN PASSENGER CARS AND TIRE IDENTIFICATION AND RECORDKEEPING

Legal Authority: 15 USC 1392; 15 USC 1407; 15 USC 1421

CFR Citation: 49 CFR 571.19; 49 CFR 574

Abstract: In response to a petition, the labeling requirements of Standards No. 119 and regulation part 574 would be amended to accommodate a new tire concept.

Timetable:

Action	Date	FR Cite
NPRM	09/26/84	49 FR 37815
NPRM Comment Period Begin	09/26/84	49 FR 37815
NPRM Comment Period End	11/13/84	
Final Action	03/00/85	

Small Entity: No

Analysis: Regulatory Evaluation (minimal) 03/00/85

Agency Contact: Ralph J. Hitchcock, Director, Office of Vehicle Safety Standard, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 426-0842

RIN: 2127-AB34

408. STEERING CONTROL REARWARD DISPLACEMENT

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.204

Abstract: Would extend the applicability of the Standard from vehicles with an unloaded weight of 4,000 pounds to vehicles with an unloaded weight of 5,500 pounds.

Timetable:

Action	Date	FR Cite
NPRM	03/00/85	

Small Entity: No

Analysis: Regulatory Evaluation 03/00/85; Draft RFA 00/00/00

Agency Contact: R. Hitchcock, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 426-0842

RIN: 2127-AA32

409. DOOR LOCKS AND DOOR RETENTION COMPONENTS

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.206

Abstract: Would change the applicability of the standard to exempt side doors equipped with wheel chair lifting devices.

Timetable:

Action	Date	FR Cite
NPRM	09/26/84	49 FR 37813
NPRM Comment Period Begin	09/26/84	49 FR 37813
NPRM Comment Period End	11/26/84	
Final Action	04/00/85	

Small Entity: No

Analysis: Regulatory Evaluation (minimal) 04/00/85

Agency Contact: Ralph Hitchcock, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 426-0842

RIN: 2127-AB13

410. SEAT BELT ASSEMBLIES

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.208

Abstract: To improve seat belt comfort, convenience, reliability and effectiveness by prescribing parameters for performance of seat belt assemblies. Subject to review under Executive Order 12291. Final Rule in partial response to petitions for reconsideration deferring effective date from September 1, 1982, to September 1, 1983, published February 18, 1982 (47 FR 7254). FR deferring effective date to September 1, 1985, published June 2, 1983 (48 FR 24717). NHTSA plans to amend certain of the previous requirements.

Timetable:

Action	Date	FR Cite
Previous NPRM	12/31/79	44 FR 77210
Final Action	01/08/81	46 FR 2064
Final Action deferring effective date to 09/01/83	02/18/82	47 FR 7254
NPRM to defer effective date to 09/01/85	11/15/82	47 FR 51432
Final Action to defer effective date to 09/01/85	06/02/83	48 FR 24717
NPRM	03/00/85	

Small Entity: No

Additional Information: Docket No. 74-14, NPRM, Notice 17; FR, Notice 19; FR deferring effective date, Notice 24; NPRM for additional deferral of effective date, Notice 29, FR for additional deferral, Notice 30.

Analysis: Regulatory Evaluation 03/00/85

Agency Contact: R. Hitchcock, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 426-0842**

RIN: 2127-AA35

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411. ● OCCUPANT CRASH PROTECTION - RESPONSE TO PETITIONS FOR RECONSIDERATION

Legal Authority: 15 USC 1392 National Traffic and Motor Vehicle Safety Act ETC; 15 USC 1407 National Traffic and Motor Vehicle Safety Act ETC

CFR Citation: 49 CFR 571.208

Abstract: This rulemaking responds to petitions for reconsideration of the Secretary's final rule on Standard No. 208. The petitions requested changes on the following actions: permitting compliance with the automatic restraint requirement by installing driver-only, non-belt systems during the phase-in period; rescinding the standard; requiring automatic restraints regardless of what action States take in adopting mandatory belt use laws (MULs); providing additional leadtime for implementation of the automatic restraint requirements; allowing States to authorize waivers from a belt use requirement if use of a belt interferes unduly with job-related use of vehicles; deleting the mitigation of damages provision from the MUL criteria; and eliminating the MUL criteria on the penalty for not wearing a belt and State enforcement efforts.

Timetable:

Action	Date	FR Cite
Final Action	03/00/85	

Small Entity: No

Government Levels Affected: Federal

Agency Contact: Barry Felrice, Associate Administrator for Rulemaking, Department of Transportation, National Highway Traffic Safety Administration, NRM-01, 400 7th Street, SW, Washington, DC 20590, **202 426-1810**

RIN: 2127-AB45

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412. SEAT BELT ASSEMBLY ANCHORAGES

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.210

Abstract: Would propose amending Standard No. 210 to harmonize the strength of the anchorage test with the United Nations Economic Commission for Europe (ECE) Regulation No. 14 and to upgrade other requirements and clarify language.

Timetable:

Action	Date	FR Cite
NPRM	06/00/85	

Small Entity: No

Analysis: Regulatory Evaluation 06/00/85

Agency Contact: R. Hitchcock, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 426-0842**

RIN: 2127-AA95

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413. CHILD SEATING SYSTEMS

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.213

Abstract: Would amend FMVSS 213 to change its buckle release pressure requirements.

Timetable:

Action	Date	FR Cite
NPRM	05/05/83	48 FR 20259
Final Action	05/00/85	

Small Entity: No

Additional Information: Docket No. 74-09, NPRM, Notice 12.

Analysis: Regulatory Evaluation (minimal) 05/00/85

Agency Contact: R. Hitchcock, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 426-0842**

RIN: 2127-AA80

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414. ● CHILD RESTRAINT SYSTEMS

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.213

Abstract: Would amend Safety Standard No. 213, Child Restraint Systems, to specify more objective criteria for the testing procedures and determine compliance with the inversion requirement specified in this standard. The inversion test was added to the standard in a final rule (49 FR 34357), and is an optional requirement with which compliance must be certified if a child restraint manufacturer wishes to certify its restraints for use in both motor vehicles and aircraft.

Timetable:

Action	Date	FR Cite
NPRM	08/30/84	49 FR 34374
NPRM Comment Period Begin	08/30/84	49 FR 34374
NPRM Comment Period End	10/15/84	
Final Action	03/00/85	

Small Entity: No

Analysis: Regulatory Evaluation (minimal) 03/00/85

Agency Contact: Ralph J. Hitchcock, Director, Department of Transportation, National Highway Traffic Safety Administration, Office of Vehicle Safety Standards, 400 Seventh Street, SW, Washington, DC 20590, **202 426-0842**

RIN: 2127-AB41

415. MOTORCYCLE HELMETS

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.218

Abstract: The proposal would add new headform sizes to FMVSS 218.

Timetable:

Action	Date	FR Cite
NPRM	05/00/85	

Small Entity: Undetermined

Agency Contact: R. Hitchcock, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 426-0842**

RIN: 2127-AA40

416. ● TIRE IDENTIFICATION AND RECORDKEEPING

Legal Authority: 15 USC 1392; 15 USC 1407; 15 USC 1421

CFR Citation: 49 CFR 574

Abstract: Would amend the regulation to give retreaders of tires for motor vehicles other than passenger cars on option, during the retreading process, of either removing the original manufacturer's DOT symbol from the retreaded tire or leaving the symbol on the tire.

Timetable:

Action	Date	FR Cite
NPRM	05/17/84	49 FR 20880
NPRM Comment Period Begin	05/17/84	49 FR 20880
NPRM Comment Period End	07/16/84	
Final Action	03/00/85	

Small Entity: No

Analysis: Regulatory Evaluation (minimal) 03/00/85

Agency Contact: Ralph J. Hitchcock, Director, Department of Transportation, National Highway Traffic Safety Administration, Office of Vehicle Safety Standards, 400 Seventh Street, SW, Washington, DC 20590, **202 426-0842**

RIN: 2127-AB36

417. AIR BRAKE SYSTEMS

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.121

Abstract: Would amend the brake application and release timing requirements and test devices in FMVSS No. 121 in order to better simulate the real world performance with respect to towing and towed units, especially multi-trailer combinations.

Timetable:

Action	Date	FR Cite
NPRM	04/00/85	

Small Entity: No

Analysis: Regulatory Evaluation (minimal) 04/00/85

Agency Contact: Ralph Hitchcock, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 426-0842**

RIN: 2127-AB12

REGULATIONS OTHER THAN SAFETY STANDARDS AND FUEL ECONOMY STANDARDS/EXEMPTIONS

418. HIGHWAY SAFETY STANDARDS

Legal Authority: 23 USC 402

CFR Citation: 23 CFR 1204

Abstract: This joint NHTSA/FHWA rulemaking would amend seven of the 18 Highway Safety Standards to eliminate apparent Federal paperwork requirements.

Timetable:

Action	Date	FR Cite
NPRM	08/31/84	49 FR 34513
NPRM Comment Period Begin	08/31/84	49 FR 34513
NPRM Comment Period End	10/01/84	
Final Action	04/00/85	

Small Entity: No

Agency Contact: George Reagle, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 426-0837**

RIN: 2127-AA96

419. INCENTIVE GRANT CRITERIA FOR ALCOHOL TRAFFIC SAFETY PROGRAMS--AMENDMENT

Legal Authority: 23 USC 408

CFR Citation: 23 CFR 1209

Abstract: Would amend the 408 grant program to expand the scope of the regulation to include programs for the treatment, rehabilitation of and research into drugged driving and to establish a special grant for states with minimum sentencing requirements.

Timetable:

Action	Date	FR Cite
NPRM	03/00/85	

Small Entity: No

Government Levels Affected: State

Agency Contact: George Reagle, Assoc. Administrator for Traffic Safety Prgm, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 426-0837**

RIN: 2127-AB23

420. VEHICLE CLASSIFICATION - COMPACT VANS/STATION WAGONS

Legal Authority: 15 USC 1392; 15 USC 1407; 15 USC 2001

CFR Citation: 49 CFR 571; 49 CFR 523

Abstract: Would invite comment on possible amendments to the safety and fuel economy regulations, with respect to the manner in which compact vans/station wagons and certain other vehicles are classified.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Agency Contact: S. Wood, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 426-2992**

RIN: 2127-AA57

421. ANTHROPOMORPHIC TEST DUMMIES

Legal Authority: 15 USC 1392, 15 USC 1407

CFR Citation: 49 CFR 572

Abstract: Would provide performance criteria for the adult surrogate dummies which would be required in dynamic testing of vehicles if Standard 214, Side Door Strength, is upgraded.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Agency Contact: R. Hitchcock, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 426-0842**

RIN: 2127-AA48

422. ● DEFECT AND NONCOMPLIANCE REPORTS

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 573

Abstract: In response to a petition, the agency would propose to delete certain information currently required to be included in the quarterly reports submitted to NHTSA by a motor vehicle or motor vehicle equipment manufacturer conducting a defect or noncompliance notification campaign.

Timetable:

Action	Date	FR Cite
NPRM	03/00/85	

Small Entity: No

Analysis: Regulatory Evaluation (minimal) 03/00/85

Agency Contact: George Parker, Associate Administrator for Enforcement, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 426-9700**

RIN: 2127-AB44

423. CONSUMER INFORMATION--STOPPING DISTANCE

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 575.101

Abstract: Would modify requirements for stopping distance consumer information. A notice was published approving various alternatives concerning the requirement to provide stopping distance information. Comments are under review and analysis.

Timetable:

Action	Date	FR Cite
NPRM	06/30/83	48 FR 30166
NPRM Comment Period Begin	06/30/83	
NPRM Comment Period End	08/05/83	

Next Action Undetermined

Small Entity: No

Additional Information: Docket No. 83-09, NPRM, Notice 1.

Agency Contact: William Boehly, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 426-1740**

RIN: 2127-AA50

424. CONSUMER INFORMATION - WET STOPPING DISTANCE

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 575.105

Abstract: Would develop a new rule for consumer information if tests indicate that there are significant differences in wet stopping distances among different models of cars on asphalt or concrete road surfaces.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Agency Contact: William Boehly, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 426-1740**

RIN: 2127-AA56

[FR Doc. 85-8370 Filed 04-26-85; 8:45 am]
BILLING CODE 4910-62-T

DEPARTMENT OF TRANSPORTATION (DOT)
National Highway Traffic Safety Administration (NHTSA)

Existing Regulations Under Review
Priority Reviews

FEDERAL MOTOR VEHICLE SAFETY STANDARDS

425. LAMPS, REFLECTIVE DEVICES, AND ASSOCIATED EQUIPMENT

Priority: Agency Determination

Legal Authority: 15 USC 1392, 15 USC 1407

CFR Citation: 49 CFR 571.108

Abstract: This standard, which is applicable to both motor vehicles and equipment, specifies requirements for original and replacement lamps, reflective devices, and associated equipment necessary for signaling and for the safe operation of motor vehicles during darkness and other conditions of reduced visibility. The standard is being reviewed because of its relatively high costs and to refine previous agency estimates of its effectiveness. At the present time, the review is limited to the standards requirements for side marker lamps. An evaluation report will be prepared and made available for public comment before completion of the review. At that time, the agency will consider whether changes should be made in the standard's requirements.

A review has determined that this rule has minimal effects on small entities and therefore a Regulatory Flexibility Act Review (RFA Review) is not required. The rule will still be reviewed as a priority review item.

Timetable:

Action	Date	FR Cite
Comments docketed		
Evaluation Report published	08/01/83	48 FR 34783

Next Action Undetermined

Small Entity: No

Agency Contact: Frank Ephraim, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 426-1574

RIN: 2127-AA60

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426. HEAD RESTRAINTS

Priority: Agency Determination

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.202

Abstract: This regulation, which was promulgated in 1969, is designed to reduce the frequency and severity of neck injuries in passenger car accidents. It is estimated that the rule requires a recurring investment of $130 million (an additional cost of $19 per vehicle). This review is completed. An evaluation report was published in February 1982. Public comments were received, summarized and docketed. Future action resulting from this review is undetermined at this time.

Timetable:

Action	Date	FR Cite
Comments docketed		
Evaluation Report published	02/18/82	47 FR 7291
End Review	03/00/85	

Small Entity: No

Agency Contact: Frank Ephraim, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 426-1574

RIN: 2127-AA58

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427. SIDE DOOR STRENGTH

Priority: Agency Determination

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.214

Abstract: This regulation provides minimum standards for side door crash resistance for passenger cars under static test conditions. NHTSA estimates that the standard saves 2,800 lives and averts 7,000 injuries a year. A recurring cost of $300 million (an additional cost of $38 per vehicle) is associated with the requirement. An initial review of this regulation, originally promulgated in 1974, was completed in 1979.

Timetable:

Action	Date	FR Cite
Comments docketed		
Evaluation Report published	12/06/82	47 FR 54839

Next Action Undetermined

Small Entity: No

Agency Contact: Frank Ephraim, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 426-1574

RIN: 2127-AA59

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428. ● FEDERAL MOTOR VEHICLE SAFETY STANDARD NO. 301 - FUEL SYSTEM INTEGRITY

Priority: Agency Determination

Legal Authority: EO 12291

CFR Citation: 49 CFR 571.301

Abstract: This standard, which is applicable to passenger cars, light trucks, and school buses, specifies requirements for the integrity of motor vehicle fuel systems. The purpose of the standard is to reduce deaths and injuries caused by fires which result from fuel spillage or after motor vehicle crashes. This evaluation follows up and expands on a prior study on passenger cars which showed that while the regulation was effective in preventing deaths and injuries, the incidence of crash fires appeared to be increasing. This evaluation will also provide the initial assessment of the regulation as it applies to light trucks. A review has determined that this rule has minimal effects on small entities, and therefore a Regulatory Flexibility Act Review is not required. The rule will still be reviewed as a priority review item. Subsequent to completion of the study and provision for public comment, the Agency will consider whether changes should be made in the standard's requirements.

Timetable:

Action	Date	FR Cite
Begin Review	04/01/84	
End Review	03/31/86	

Small Entity: No

Agency Contact: Frank Ephraim, Director, Office of Program Evaluation, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 426-1574

RIN: 2127-AB43

[FR Doc. 85-9370 Filed 04-26-85, 8:45 am]

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DEPARTMENT OF TRANSPORTATION (DOT)
National Highway Traffic Safety Administration (NHTSA)

Existing Regulations Under Review
Other Reviews

FEDERAL MOTOR VEHICLE SAFETY STANDARDS

429. OCCUPANT PROTECTION IN INTERIOR IMPACT

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.201

Abstract: This standard, which is applicable to passenger cars, light trucks and buses, and multi-purpose passenger vehicles, includes requirements for padded instrument panels, seat backs, sun visors and arm rests. Its purpose is to provide impact protection for occupants. This regulation was selected for review because of costs, safety benefits and public interest.

Timetable:

Action	Date	FR Cite
Begin Review	01/00/86	
End Review	12/00/86	

Small Entity: No

Agency Contact: Frank Ephraim, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 426-1574**

RIN: 2127-AB16

430. WINDSHIELD GLAZING MATERIALS

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.205

Abstract: This regulation was selected for review because of costs, and safety benefits.

Timetable:

Action	Date	FR Cite
Begin Review	02/00/84	
End Review	03/00/85	

Small Entity: No

Additional Information: Evaluation Report will be completed.

Agency Contact: Frank Ephraim, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 426-1574**

RIN: 2127-AA73

431. SEATING SYSTEMS

Legal Authority: 15 USC 1392; 15 USC 140/

CFR Citation: 49 CFR 571.207

Abstract: This regulation was selected for review because of costs.

Timetable:

Action	Date	FR Cite
Begin Review	05/00/85	
End Review	10/00/85	

Small Entity: No

Agency Contact: Frank Ephraim, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 426-1574**

RIN: 2127-AA69

432. WINDSHIELD MOUNTING

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.212

Abstract: This regulation was selected for review because of costs, and safety benefits.

Timetable:

Action	Date	FR Cite
Begin Review	02/00/84	
End Review	03/00/85	

Small Entity: No

Additional Information: Evaluation report will be completed.

Agency Contact: Frank Ephraim, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 426-1574**

RIN: 2127-AA74

433. CHILD SEATING SYSTEMS

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.213

Abstract: This regulation was selected for review because of public interest.

Timetable:

Action	Date	FR Cite
Begin Review	11/00/84	
End Review	06/00/85	

Small Entity: No

Agency Contact: Frank Ephraim, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 426-1574**

RIN: 2127-AA70

434. SCHOOL BUS SEATING SYSTEM

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.222

Abstract: This regulation was selected for review because of public interest.

Timetable:

Action	Date	FR Cite
Begin Review	01/00/86	
End Review	06/00/86	

Small Entity: No

Agency Contact: Frank Ephraim, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 426-1574**

RIN: 2127-AA65

REGULATIONS OTHER THAN SAFETY STANDARDS AND FUEL ECONOMY STANDARDS/EXEMPTIONS

435. HIGHWAY SAFETY PROGRAMS; ASSESSMENT AND STATUS

Legal Authority: 23 USC 402

CFR Citation: 23 CFR 1205

Abstract: This regulation identified five NHTSA areas for priority funding under the State and Community Highway Safety Grant Program. The review will assess the state of highway safety activity and determine the effect of the regulation nationwide, provide a trend analysis of changes in activity over several years and compare these trends with earlier periods of time. (A sixth area is covered by FHWA and will be reviewed by that agency.)

Timetable:

Action	Date	FR Cite
End Review	00/00/00	

Small Entity: No

Additional Information: An Evaluation report will be completed.

DOT—NHTSA

Existing Regulations Under Review
Other Reviews

Agency Contact: Frank Ephraim, Department of Transportation, National Highway Traffic Safety Administration 400 Seventh Street, SW, Washington, DC 20590, 202 426-1574

RIN: 2127-AB19

436. VOLUNTARY TIRE REGISTRATION

Legal Authority: 15 USC 1392; 15 USC 1401; 15 USC 1407; 15 USC 1418; 15 USC 1421

CFR Citation: 49 CFR 574

Abstract: This regulation requires that independent tire dealers provide customers with a card to register newly purchased tires so that the customer may send in the completed card. These dealers were formerly required to register the tires for the customer, a requirement which has been retained for manufacturer-owned stores. The Motor Vehicle Safety and Cost Savings Authorization Act of 1982 requires that an evaluation be conducted.

Timetable:

Action	Date	FR Cite
Begin Review	07/00/83	
Evaluation and Report	05/00/85	

Small Entity: No

Agency Contact: Frank Ephraim, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 426-1574

RIN: 2127-AB18

437. UNIFORM TIRE QUALITY GRADING

Priority: Undetermined

Legal Authority: 15 USC 1423

CFR Citation: 49 CFR 575

Abstract: Would include rolling resistance for tires as a substitute for top temperature resistance grade in the Uniform Tire Quality Grading Standards.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Agency Contact: William Boehly, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 426-1740

RIN: 2127-AA52

[FR Doc. 85-8370 Filed 04-26-85; 8:45 am]

BILLING CODE 4910-62-T

DEPARTMENT OF TRANSPORTATION (DOT)
National Highway Traffic Safety Administration (NHTSA)

Completed Actions
Priority Rulemakings: Non-Major

COMPLETED RULEMAKINGS

438. CHILD SEATING SYSTEMS

Priority: Agency Determination

Legal Authority: 14 USC 1392; 14 USC 1407

CFR Citation: 49 CFR 571.213

Abstract: Amends Standard No. 213, Child Restraint Systems, so that child restraint systems may be certified for use in motor vehicles, or for use in both motor vehicles and aircraft.

Timetable:

Action	Date	FR Cite
NPRM	08/15/83	48 FR 36849
Final Action	08/30/84	49 FR 34357
Final Action Effective	02/26/85	49 FR 34357

Small Entity: No

Additional Information: Docket No. 74-09, NPRM, Notice 13.

Analysis: Regulatory Evaluation (minimal) 08/30/84

Agency Contact: R. Hitchcock, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 426-0842

RIN: 2127-AB08

[FR Doc. 85-8370 Filed 04-26-85; 8:45 am]

BILLING CODE 4910-62-T

DEPARTMENT OF TRANSPORTATION (DOT)
National Highway Traffic Safety Administration (NHTSA)

Completed Actions
Other Rulemakings

COMPLETED RULEMAKINGS

439. CONTROLS & DISPLAYS

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.101

Abstract: This final rule amends several of the identification requirements of the standard to improve the system by providing easily recognizable, international symbols and to relieve unnecessary restrictions on manufacturers by providing additional flexibility in their ability to identify controls and displays. Some amendments are of an optional nature. Others are optional now and become mandatory on September 1, 1987.

Timetable:

Action	Date	FR Cite
NPRM	11/04/82	47 FR 49993
Final Action	07/27/84	49 FR 30191
Final Action Effective	07/27/84	49 FR 30191

Small Entity: No

Additional Information: Docket No. 1-18, NPRM, Notice 23.

Analysis: Regulatory Evaluation (minimal) 07/27/84 (49 FR 30191)

Agency Contact: R. Hitchcock, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 426-0842

RIN: 2127-AA05

440. BRAKE HOSES

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.106

Abstract: In response to a petition for rulemaking, a final rule was issued allowing the use of brake hoses and

end fittings which are labeled in metric units.

Timetable:

Action	Date	FR Cite
NPRM	04/12/82	47 FR 15612
Final Action	01/22/85	50 FR 4688

Small Entity: No

Additional Information: Docket No. 82-09. NPRM, Notice 1.

Analysis: Regulatory Evaluation (minimal) 01/22/85

Agency Contact: R. Hitchcock, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 426-0842

RIN: 2127-AA09

441. LAMPS, REFLECTIVE DEVICES, AND ASSOCIATED EQUIPMENT

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.108

Abstract: Amends Safety Standard No. 108 by adopting changes in rear yellow turn signal photometrics, license plate lamp requirements, minimum headlamp mounting heights and test grids for stop, turn, parking and tail lamps. The primary purpose of the amendments is to bring the requirements in the standard closer to those of the Economic Commission for Europe of the United Nations (ECE). The amendments will permit cost savings without adversely affecting safety.

Timetable:

Action	Date	FR Cite
NPRM	08/01/83	48 FR 34784
Final Action	11/26/84	49 FR 46386
Final Action Effective	12/26/84	49 FR 46386

Small Entity: No

Additional Information: Docket No. 83-12. NPRM, Notice 1.

Analysis: Regulatory Evaluation 11/26/84

Agency Contact: R. Hitchcock, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 426-0842

RIN: 2127-AA79

442. LAMPS, REFLECTIVE DEVICES, AND ASSOCIATED EQUIPMENT

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.108

Abstract: Amends Safety Standard No. 108 to allow motor vehicles to be equipped with a new four lamp rectangular sealed beam headlamp system smaller than that currently allowed. The system, to be known as Type E, consists of two lamps which produce lower beam light and two lamps which produce upper beam light.

Timetable:

Action	Date	FR Cite
NPRM	04/30/84	49 FR 18321
NPRM Comment Period Begin	04/30/84	
NPRM Comment Period End	05/30/84	
Final Action	12/27/84	49 FR 50176
Final Action Effective	07/01/85	49 FR 50176

Small Entity: No

Analysis: Regulatory Evaluation 12/27/84

Agency Contact: Ralph Hitchcock, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 426-0842

RIN: 2127-AB10

443. LAMPS, REFLECTIVE DEVICES, AND ASSOCIATED EQUIPMENT

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.108

Abstract: Amends the corrosion test requirements and procedures in Motor Vehicle Safety Standard No. 108 applicable to semi-sealed replaceable bulb headlamps and lens/reflector components of such headlamps.

Timetable:

Action	Date	FR Cite
NPRM	09/30/83	48 FR 44866
Final Action	11/23/84	49 FR 44899
Final Action Effective	09/01/85	49 FR 47397

Small Entity: No

Additional Information: Docket No. 81-11. NPRM, Notice 5.

Analysis: Regulatory Evaluation (minimal) 11/23/84

Agency Contact: Ralph Hitchcock, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 426-0842

RIN: 2127-AB11

444. MOTORCYCLE CONTROLS

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.123

Abstract: Amends Safety Standards No. 123. Motorcycle Controls and Displays to allow greater flexibility in mounting the manual fuel control shut off valve. Its primary benefit is that it will relieve a current design restriction which is deemed no longer necessary for motor vehicle safety.

Timetable:

Action	Date	FR Cite
NPRM	09/06/83	48 FR 40286
Final Action	09/07/84	49 FR 35380
Final Action Effective	10/09/84	49 FR 35380

Small Entity: No

Additional Information: Docket No. 83-13. NPRM, Notice 1.

Analysis: Regulatory Evaluation (minimal) 09/07/84

Agency Contact: R. Hitchcock, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 426-0842

RIN: 2127-AA28

445. MOTORCYCLE CONTROLS AND DISPLAYS

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.123

Abstract: Amends Standard No. 123 by adding symbols as an option to the words which are presently required to identify motorcycle controls and displays. This amendment brings the standard into harmony with latest documents promulgated by the International Standards Organization. The changes should reduce compliance costs by promoting international harmonization.

Timetable:

Action	Date	FR Cite
NPRM	09/06/83	48 FR 40282
Final Action	09/10/84	49 FR 35503
Final Action Effective	10/10/84	49 FR 35503

Small Entity: No

Additional Information: Docket No. 83-14. NPRM, Notice 1.

Analysis: Regulatory Evaluation (minimal) 09/10/84

Agency Contact: R. Hitchcock, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 426-0842**

RIN: 2127-AA29

446. SEAT BELT ASSEMBLIES

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.209

Abstract: Would amend FMVSS 209 to modify resistance to light test procedures. This action is in response to a petition for rulemaking. Subsequent to 1980 NPRM, new test procedures were developed, necessitating a new NPRM.

Timetable:

Action	Date	FR Cite
Previous NPRM	06/01/80	45 FR 29102
NPRM	11/28/83	48 FR 53583
Final Action	09/18/84	49 FR 36507
Final Action Effective	09/18/84	49 FR 36507

Small Entity: No

Additional Information: Docket No. 80-06. NPRM, Notice 1. Second NPRM, Notice 2.

Analysis: Regulatory Evaluation (minimal) 09/18/84

Agency Contact: R. Hitchcock, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 426-0842**

RIN: 2127-AA37

447. EVIDENTIAL BREATH TESTING DEVICES

Legal Authority: 23 USC 402; 23 USC 403

Abstract: Would convert NHTSA's standard on evidential breath testing devices to guidelines.

Timetable:

Action	Date	FR Cite
NPRM	05/11/84	49 FR 20100
NPRM Comment Period Begin	05/11/84	
NPRM Comment Period End	06/11/84	
Final Action	12/14/84	49 FR 48854

Small Entity: No

Additional Information: In the past, states using Federal funds to purchase evidential breath testing devices were required to purchase devices meeting NHTSA specifications, which were set forth in a standard. Since this requirement no longer applies to states, the reason for maintaining a standard no longer exists. The agency therefore plans to maintain the information in the form of guidelines.

Analysis: Regulatory Evaluation (minimal) 12/14/84

Agency Contact: R. Engle, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 426-9581**

RIN: 2127-AA99

448. CALIBRATING DEVICES FOR EVIDENTIAL BREATH TESTING DEVICES

Legal Authority: 23 USC 402; 23 USC 403

Abstract: Would convert NHTSA's standard on calibrating devices for evidential breath testing devices to guidelines.

Timetable:

Action	Date	FR Cite
NPRM	05/11/84	49 FR 20102
NPRM Comment Period Begin	05/11/84	
NPRM Comment Period End	06/11/84	
Final Action	12/14/84	49 FR 48864

Small Entity: No

Additional Information: In the past, states using Federal funds to purchase calibrating devices for evidential breath testing devices were required to purchase devices meeting NHTSA specifications, which were set forth in a standard. Since this requirement no longer applies to states, the reason for maintaining a standard no longer exists. The agency therefore plans to maintain the information in the form of guidelines.

Analysis: Regulatory Evaluation (minimal) 05/11/84

Agency Contact: R. Engle, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 426-9581**

RIN: 2127-AB00

[FR Doc. 85-8370 Filed 04-26-85; 8:45 am]

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COMPLETED REVIEWS

449. HYDRAULIC BRAKE SYSTEMS

Priority: Agency Determination

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.105

Abstract: This standard, which currently applies to passenger cars and school buses, specifies requirements for hydraulic service brake and associated parking brake systems. (The standard became applicable, in modified form, to hydraulic braked trucks, all types of buses, and multipurpose passenger vehicles, in 1983. A priority review of this extension of the standard has already been completed.) The purpose of the standard is to ensure safe braking performance under normal and emergency conditions. The standard is being reviewed because of its relatively high costs, and the controversial nature of some of its requirements, as well as to refine previous agency estimates of

DOT—NHTSA

Completed Actions
Priority Reviews

its effectiveness. An evaluation report will be prepared and made available for public comment before completion of the review. At that time, the agency will consider whether changes should be made in the standard's requirements. It should also be noted that the agency is actively involved with the Economic Commission for Europe (ECE) in international harmonization efforts in this area. A review has determined that this rule has minimal effects on small entities, and therefore a Regulatory Flexibility Act Review (cont)

Timetable:

Action	Date	FR Cite
Comments docketed		
Evaluation Report published	03/10/83	48 FR 10096
End Review	01/00/85	

Small Entity: No

Additional Information: ABSTRACT CONT: (RFA Review) is not required. The rule will still be reviewed as a priority review item. This review is completed.

Agency Contact: Frank Ephraim, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 426-1574

RIN: 2127-AA52

450. FUEL SYSTEM INTEGRITY

Priority: Agency Determination

Legal Authority: 15 USC 1392; 15 USC 1407

CFR Citation: 49 CFR 571.301

Abstract: This review is completed. The review found that while the standard was effective in reducing fatalities and injuries in passenger car crashes, the incidence of crash fires appeared to be on the increase. A new evaluation will be initiated to assess the significance of this trend and also to evaluate, for the first time, the effectiveness of the standard as it applies to light trucks.

Timetable:

Action	Date	FR Cite
Comments docketed		
Evaluation Report published	01/10/83	48 FR 1089
End Review	12/31/84	

Small Entity: No

Agency Contact: Frank Ephraim, Department of Transportation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 426-1574

RIN: 2127-AA61

[FR Doc. 85-8370 Filed 04-26-85; 8:45 am]
BILLING CODE 4910-62-T

DEPARTMENT OF TRANSPORTATION (DOT)
Federal Railroad Administration (FRA)

Current and Projected Rulemakings
Priority Rulemakings: Non-Major

451. ALCOHOL AND DRUGS

Priority: Agency Determination

Legal Authority: 45 USC 431

CFR Citation: 49 CFR 218

Abstract: The NPRM invites comments on a proposed rule to address the problem of alcohol and drug use by employees engaged in rail operations. Alcohol and drugs may impair the performance of operating employees such as train and engine crews, and such impairment has been implicated in a number of serious railroad accidents. This rulemaking is significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
ANPRM	07/05/83	49 FR 30723
NPRM	06/12/84	49 FR 24252
Public Hearing, Denver, Colorado to gather information	07/17/84	
Public Hearing, Chicago, Illinois to gather information	07/19/84	
Public Hearing, New Orleans, LA to gather information	07/23/84	
Technical Conference, Arlington, VA to gather information	08/01/84	
Public Hearing, Wash., DC to gather information	08/02/84	
Final Action	03/00/85	

Small Entity: No

Additional Information: Docket No. RSOR-6. FRA held public hearings previously at the ANPRM stage to gather information. Hearings were held in Atlanta, Georgia (July 25, 1983), Kansas City, Missouri (July 26, 1983), Sacramento, California (July 28, 1983), and Washington, D.C. (September 1, 1983).

Analysis: Regulatory Evaluation 03/00/85

Agency Contact: Walter Rockey, Department of Transportation, Federal Railroad Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 426-0895

RIN: 2130-AA18

[FR Doc. 85-8370 Filed 04-26-85; 8:45 am]
BILLING CODE 4910-62-T

452. SAFETY STANDARDS FOR CABOOSES

Legal Authority: 45 USC 431; 45 USC 438

CFR Citation: 49 CFR 237

Abstract: The proposed rule would seek to establish comprehensive safety standards for cabooses.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Additional Information: Docket No. RSC-76-6

Analysis: Regulatory Evaluation

Agency Contact: Philip Olekszyk, Department of Transportation, Federal Railroad Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 426-0897

RIN: 2130-AA01

453. AMENDMENTS TO REGULATIONS IMPLEMENTING SECTION 905 OF THE 4R ACT

Legal Authority: PL 94-210

CFR Citation: 49 CFR 265

Abstract: This action would amend 49 CFR Part 265 to make changes necessitated by the promulgation of the Department of Transportation's comprehensive Minority Business Enterprise regulation (49 CFR Part 23). Part 265 will be revised to omit those provisions now covered in Part 23.

Timetable:

Action	Date	FR Cite
NPRM	06/00/85	

Small Entity: No

Analysis: Regulatory Evaluation

Agency Contact: Mark H. Tessler, Department of Transportation, Federal Railroad Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 426-7737

RIN: 2130-AA04

454. SPECIAL SAFETY INQUIRY

Legal Authority: PL 96-354

Abstract: FRA has initiated a Railroad Safety Inquiry to obtain information from the public to assist in evaluating and improving its safety regulatory program as it applies to "small railroads." The inquiry will also assist in meeting the goals of the Regulatory Flexibility Act by obtaining data that will assist in defining the economic impact of existing rules on small railroads.

Timetable:

Action	Date	FR Cite
Notice of Hearings	08/03/81	46 FR 39461
Public Hearings 09/00/81, 10/00/81, and	11/00/81	

Next Action Undetermined

Small Entity: Yes

Analysis: Regulatory Evaluation

Agency Contact: Philip Olekszyk, Department of Transportation, Federal Railroad Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 426-0895

RIN: 2130-AA06

455. RULES OF PRACTICE

Legal Authority: PL 96-354

CFR Citation: 49 CFR 211

Abstract: This proposed rule would amend 49 CFR Part 211 to respond to the provisions of the Regulatory Flexibility Act of 1980 by defining the criteria used by FRA in determining whether any regulatory proposal or final rule will have a significant economic impact on a substantial number of small entities.

Timetable:

Action	Date	FR Cite
NPRM	06/00/85	

Small Entity: No

Analysis: Regulatory Evaluation 06/00/85

Agency Contact: Lawrence I. Wagner, Department of Transportation, Federal Railroad Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 426-8836

RIN: 2130-AA07

456. SPECIAL SAFETY INQUIRY; RAIL PASSENGER EQUIPMENT

Legal Authority: 45 USC 431; 45 USC 438

Abstract: Special Safety Inquiry will obtain information to assess the potential impact of technological developments and operational changes on rail passenger equipment.

Timetable:

Action	Date	FR Cite
Notice of Special Safety Inquiry	01/17/84	49 FR 02045
Public Hearing	05/29/84	

Next Action Undetermined

Small Entity: No

Additional Information: A public hearing was held in Washington, D.C. on May 29, 1984 (Docket No. RSSI-84-1).

Agency Contact: Phil Olekszyk, Department of Transportation, Federal Railroad Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 426-0897

RIN: 2130-AA25

457. SPECIAL SAFETY INQUIRY; RAIL-HIGHWAY GRADE CROSSING SAFETY

Legal Authority: 45 USC 431; 45 USC 437

Abstract: The inquiry will obtain information from the public to assist in evaluating possible future courses of action to enhance public safety at railroad-highway grade crossings.

Timetable:

Action	Date	FR Cite
Notice of Special Safety Inquiry	06/18/84	49 FR 24968
Public Hearing, St. Paul, Minnesota	07/16/84	
Notice of Special Safety Inquiry	12/24/84	49 FR 49961
Public Hearing, Washington, D.C. begins 01/23/85	01/24/85	

Next Action Undetermined

Small Entity: No

Additional Information: Docket No. RSSI - 84-3.

Agency Contact: Philip Olekszyk, Department of Transportation, Federal Railroad Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 426-0897

RIN: 2130-AA27

458. SPECIAL SAFETY INQUIRY; RAILROAD POWER BRAKES

Legal Authority: 45 USC 431; 45 USC 437

CFR Citation: 49 CFR 232.13

Abstract: The inquiry will obtain information from the public to assist FRA in evaluating currently available devices that can determine the brake pipe pressure on the rear car of a train and transmit the pressure reading to the cab of the controlling locomotive.

Timetable:

Action	Date	FR Cite
Notice of Special Safety Inquiry	05/07/84	49 FR 19359
Public Hearing, Washington, D.C.	06/05/84	
ANPRM	03/00/85	

Small Entity: No

Additional Information: Docket No. RSSI-84-2, Notice No. 1.

Agency Contact: Philip Olekszyk, Department of Transportation, Federal Railroad Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 426-0897

RIN: 2130-AA28

459. RAILROAD LOCOMOTIVE SAFETY STANDARDS

Legal Authority: 45 USC 22; 45 USC 23; 45 USC 28; 45 USC 34

CFR Citation: 49 CFR 229

Abstract: This proposal would revise 49 CFR Part 229 to reduce or eliminate certain reporting and recordkeeping requirements pertaining to railroad locomotive inspections.

Timetable:

Action	Date	FR Cite
NPRM	05/11/84	49 FR 20029
Final Action	03/00/85	

Small Entity: No

Additional Information: Docket No. LI-7, Notice No. 1.

Agency Contact: Philip Olekszyk, Department of Transportation, Federal Railroad Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 426-0897

RIN: 2130-AA29

460. RAILROAD OPERATING RULES

Legal Authority: 45 USC 431

CFR Citation: 49 CFR 217.13

Abstract: The proposed rule would eliminate the annual report requirement in 49 CFR 217.13 for railroads that employ 15 or fewer employees subject to the Hours of Service Act (45 USC 61-64b).

Timetable:

Action	Date	FR Cite
NPRM	05/11/84	49 FR 20028
Final Action	03/00/85	

Small Entity: No

Additional Information: Docket No. RSOR-8, Notice No. 1.

Analysis: Regulatory Evaluation 03/00/85

Agency Contact: Philip Olekszyk, Department of Transportation, Federal Railroad Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 426-0897

RIN: 2130-AA30

461. FREIGHT CAR SAFETY STANDARDS

Legal Authority: 45 USC 431; 45 USC 438

CFR Citation: 49 CFR 215.103

Abstract: The proposed rule would clarify the definition of a defective wheel. The NPRM proposes a technical correction to 49 CFR 215.103 to eliminate confusion over the proper measurement and extensiveness of discoloration found on freight car wheels due to an oxidation process that occurs after a wheel has been subject to thermal abuse.

Timetable:

Action	Date	FR Cite
NPRM	06/22/84	49 FR 25645
Public Hearing, Washington, D.C.	07/26/84	
Notice of Additional Public Hearings	12/17/84	49 FR 48952
Public Hearing, Washington, D.C.	01/17/85	
Public Hearing, Washington, D.C.	03/12/85	

Small Entity: No

Additional Information: Docket No. RSFC-6

Agency Contact: Philip Olekszyk, Department of Transportation, Federal Railroad Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 426-0897

RIN: 2130-AA31

462. REVIEW OF LOCOMOTIVE CAB SAFETY

Legal Authority: 45 USC 431; 45 USC 437; 45 USC 22; 45 USC 23; 45 USC 28; 45 USC 34

CFR Citation: 49 CFR 229

Abstract: The Agency is engaged in a review of the issue of locomotive cab environment. The review will evaluate possible future courses of action to enhance the safety of railroad employees who occupy locomotive cabs.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Agency Contact: Philip Olekszyk, Department of Transportation, Federal Railroad Administration, 400 Seventh Street, Washington, DC 20590, 202 426-0897

RIN: 2130-AA32

463. ● REVIEW OF RADIO COMMUNICATION

Legal Authority: 45 USC 431; 45 USC 437

CFR Citation: 49 CFR 220

Abstract: The Agency is engaged in a review of the issue of radio communication in the railroad industry. The review will evaluate possible future courses of action to enhance the safety of railroad operations involving radio communication.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Agency Contact: Philip Olekszyk, Department of Transportation, Federal Railroad Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 426-0897

RIN: 2130-AA34

[FR Doc. 85-8370 Filed 04-26-85, 8:45 am]

BILLING CODE 4910-62-T

DEPARTMENT OF TRANSPORTATION (DOT)
Federal Railroad Administration (FRA)

Existing Regulations Under Review
Other Reviews

464. REGULATORY FLEXIBILITY ACT REVIEWS

Legal Authority: PL 96-354

Abstract: In accordance with the Regulatory Flexibility Act (RFA) review plan published in the Federal Register on June 30, 1981 (46 FR 33693), FRA has not selected any specific regulations for RFA review at this time. Instead, FRA has established a plan to develop regulatory definitions of the criteria used in the RFA for the selection of regulations to be reviewed. A notice was published in the Federal Register on August 3, 1981 (46 FR 39461) initiating a safety inquiry to evaluate the effectiveness of the safety regulatory program as it applies to small railroads.

Timetable:

Action	Date	FR Cite
Review Plan	06/30/81	46 FR 33693
Notice of Safety Inquiry Review	08/03/81	46 FR 39461

Next Action Undetermined

Small Entity: Yes

Agency Contact: Lawrence I. Wagner, Department of Transportation, Federal Railroad Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 426-8836

RIN: 2130-AA10

[FR Doc. 85-8370 Filed 04-26-85; 8:45 am]

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DEPARTMENT OF TRANSPORTATION (DOT)
Federal Railroad Administration (FRA)

Completed Actions
Other Rulemakings

ACTIONS THAT STARTED AND ENDED BETWEEN ISSUES OF THE UNIFIED AGENDA

465. ● ADJUSTMENT OF MONETARY THRESHOLD FOR REPORTING ACCIDENTS/INCIDENTS

Legal Authority: 45 USC 38; 45 USC 42; 45 USC 431; 45 USC 437; 49 USC 1655

CFR Citation: 49 CFR 225

Abstract: The rule revises the reporting threshold from $4,500 to $4,900 for railroad accidents/incidents involving property damage that occur during the calendar year 1985.

Timetable:

Action	Date	FR Cite
Final Action	12/17/84	49 FR 48938
Final Action Effective	01/01/85	

Small Entity: No

Agency Contact: Robert Finkelstein, Department of Transportation, Federal Railroad Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 426-2760

RIN: 2130-AA33

[FR Doc. 85-8370 Filed 04-26-85; 8:45 am]

BILLING CODE 4910-62-T

DEPARTMENT OF TRANSPORTATION (DOT)
Urban Mass Transportation Administration (UMTA)

Current and Projected Rulemakings
Priority Rulemakings: Major

466. "BUY AMERICA" REQUIREMENTS OF THE SURFACE TRANSPORTATION ASSISTANCE ACT OF 1982

Priority: Major

Legal Authority: PL 97-424 Surface Transportation Assistance Act of 1982 Sec 165

CFR Citation: 49 CFR 661

Abstract: This rulemaking implements Section 165 of the Surface Transportation Assistance Act of 1982 (PL 97-424).

Timetable:

Action	Date	FR Cite
Emergency Final Rule	09/15/83	49 FR 41562

Next Action Undetermined

Small Entity: Yes

Additional Information: UMTA issued this regulation as an emergency regulation in September 1983. UMTA took this action since the requirements in Section 165 of the 1982 STAA apply to all UMTA funds obligated after January 6, 1983. UMTA will determine what, if any further regulatory activities to take based on a review of the comments.

Agency Contact: Edward J. Gill, Jr., Department of Transportation, Urban Mass Transportation Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 426-4063

RIN: 2132-AA15

[FR Doc. 85-8370 Filed 04-26-85; 8:45 am]

BILLING CODE 4910-62-T

DEPARTMENT OF TRANSPORTATION (DOT)
Urban Mass Transportation Administration (UMTA)

Current and Projected Rulemakings
Priority Rulemakings: Non-Major

467. IMPLEMENTATION OF SECTION 19 OF THE URBAN MASS TRANSPORTATION ACTS OF 1964 -- NONDISCRIMINATION

Priority: Agency Determination

Legal Authority: 49 USC 1615 UMT Act Sec. 19

CFR Citation: 49 CFR 626

Abstract: The proposed regulations would unify the civil rights regulations that recipients of funds under the Urban Mass Transportation Act must meet. This rulemaking is significant because substantial public interest is anticipated. Regulations are needed to implement a new statutory provision which consolidates UMTA's authority to assure effective and uniform compliance with civil rights and equal employment opportunity requirements in a manner comparable to other agencies within the Department of Transportation.

Timetable:

Action	Date	FR Cite
NPRM	07/00/85	

Small Entity: No

Additional Information: Section 19 was added to the UMT Act in November 1978 by the Surface Transportation Assistance Act of 1978. UMTA plans to issue an NPRM in 1985.

Analysis: Regulatory Evaluation 07/00/85

Agency Contact: Harry Takai, Department of Transportation, Urban Mass Transportation Administration, 400 Seventh Street, SW, Room 7412, Washington, DC 20590, **202 426-6371**

RIN: 2132-AA01

468. ENVIRONMENTAL IMPACT AND RELATED PROCEDURES

Priority: Agency Determination

Legal Authority: 42 USC 4321 et seq; 23 USC 101 et seq; 49 USC 1601 et seq; 49 USC 1653(f)

CFR Citation: 23 CFR 771; 49 CFR 622

Abstract: This regulation covers the preparation of environmental impact statements and related documents and compliance with other Federal environmental requirements under UMTA and FHWA grant programs. The changes are intended to streamline the project development process and provide increased decisionmaking authority to agency field offices. This rulemaking is significant because it involves important departmental policy. It is needed to reduce burdens associated with the environmental review process.

Timetable:

Action	Date	FR Cite
Notice and Request for Comments	04/13/81	46 FR 21620
NPRM	08/01/83	48 FR 34894
Final Action	07/00/85	

Small Entity: No

Additional Information: ADDITIONAL AGENCY CONTACT: Robert Gatz, FHWA, (202) 426-0106. Notice and request for comments on priority review of environmental process published on April 13, 1981 (46 FR 21620). An NPRM was published on August 1, 1983.

Analysis: Regulatory Evaluation 08/01/83

Agency Contact: Abbe Marner, Department of Transportation, Urban Mass Transportation Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 426-0096**

RIN: 2132-AA03

469. CHARTER BUS REGULATIONS

Priority: Task Force

Legal Authority: 49 USC 1602(f); 49 USC 1608(c)

CFR Citation: 49 CFR 604

Abstract: These regulations provide information regarding the restrictions imposed by section 3(f) of the UMT Act (49 USC 1602(f)) on charter bus operations by UMTA recipients. UMTA will publish an NPRM in March, 1985.

Timetable:

Action	Date	FR Cite
ANPRM	10/12/82	47 FR 44795
NPRM	03/00/85	

Small Entity: Yes

Additional Information: ADDITIONAL LEGAL AUTHORITY: 49 CFR 1.51 also applies. UMTA originally published these regulations on April 1, 1976 (41 FR 14123). UMTA published an ANPRM on January 19, 1981, that proposed extensive changes to the regulations. (46 FR 5394). The comment period closed on March 5, 1981. UMTA reviewed the comments received and recognized that there were many fundamental issues that needed further exploration. Consequently, UMTA decided to issue a new ANPRM rather than to continue to develop the previously issued ANPRM into an NPRM. The new ANPRM was published on October 12, 1982, and the public comment period closed on Nov. 26, 1982. Based on comments to the ANPRM, UMTA will publish an NPRM in 1985.

Analysis: Draft RFA 03/00/85; Regulatory Evaluation 03/00/85

Agency Contact: Douglas G. Gold, Department of Transportation, Urban Mass Transportation Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 426-1936**

RIN: 2132-AA04

470. AIR QUALITY PROCEDURES FOR USE IN FEDERAL-AID HIGHWAY AND FEDERALLY FUNDED TRANSIT PROGRAMS

Priority: Agency Determination

Legal Authority: 23 USC 109(h); 23 USC 109(j); 23 USC 315; 42 USC 4332; 42 USC 7401; 42 USC 7506

CFR Citation: 23 CFR 770

Abstract: This regulation proposes to consolidate and amend existing air quality requirements for transportation projects into a single amended air quality regulation. The amended regulation is intended to streamline and simplify (1) the process of determining which highway projects are exempt from the Federal assistance limitations of section 176(a) of the Clean Air Act (CAA), and (2) the conformity and priority procedures contained in 23 CFR 770. The amendments are also intended to provide more authority and flexibility to State and local agencies and to meet the objectives of the CAA in the most cost-effective and expeditious manner. The amendments are significant because they involve important departmental policy.

Timetable:

Action	Date	FR Cite
NPRM	07/00/85	

Small Entity: No

Additional Information: ADDITIONAL AGENCY CONTACT: James N. Shrouds, (202) 426-4838, of FHWA.

Analysis: Regulatory Evaluation 07/00/85

DOT—UMTA

Current and Projected Rulemakings
Priority Rulemakings: Non-Major

Agency Contact: James Getzewich, Department of Transportation, Urban Mass Transportation Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 426-7182**

RIN: 2132-AA19

471. MAJOR CAPITAL INVESTMENT PROJECTS

Priority: Agency Determination

Legal Authority: 49 USC 1602; 49 USC 1604; 49 USC 1607; 49 USC 1607a-1; 23 USC 103(e)(4); 23 USC 142

CFR Citation: 49 CFR 615

Abstract: This regulation will set out the process applicants for grants under the UMT Act (49 USC 1601 et seq.) and the Federal-Aid Highway Act should follow in order to be eligible for Federal financial assistance for major capital investment projects. UMTA plans to issue an NPRM in 1985. This regulation is significant because it involves important departmental policy.

Timetable:

Action	Date	FR Cite
NPRM	06/00/85	

Small Entity: Undetermined

Agency Contact: Don Emerson/Gerald Musarra, Department of Transportation, Urban Mass Transportation Administration, 400 Seventh Street, SW, Room 9228, Washington, DC 20590, **202 426-1936**

RIN: 2132-AA22

472. ● EXTENSION OF SAFETY REQUIREMENTS TO ALL FEDERALLY ASSISTED BUSES

Priority: Agency Determination

Legal Authority: 49 USC 1602; 49 USC 1607

Abstract: On October 1, 1982, UMTA rescinded its policy making advanced design bus specifications (The "White Book") mandatory for its grantees, but continued to mandate certain safety requirements applicable to such buses. On October 16, 1984, UMTA issued an ANPRM on whether these safety requirements should be extended to other buses financed by UMTA. This rulemaking is significant because of substantial public interest and controversy and because of the potential impact on the bus industry.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: Undetermined

Additional Information: ANPRM asked for comments on what benefits would be derived from mandating these requirements; what their financial impact on manufacturers and grantees would be; and whether competition in bus markets would significantly be affected by these.

Government Levels Affected: Local, State

Agency Contact: Kenneth E. Bolton, Director of Policy, Department of Transportation, Urban Mass Transportation Administration, 400 Seventh Street, SW, Room 9300, Washington, DC 20590, **202 426-4060**

RIN: 2132-AA24

[FR Doc. 85-8370 Filed 04-26-85; 8:45 am]

BILLING CODE 4910-62-T

DEPARTMENT OF TRANSPORTATION (DOT)
Urban Mass Transportation Administration (UMTA)

Current and Projected Rulemakings
Other Rulemakings

473. INNOVATIVE TECHNIQUES AND METHODS

Legal Authority: 49 USC 1603(i)

CFR Citation: 49 CFR 644

Abstract: These regulations would prescribe policies and procedures for administering the grant programs for projects using innovative techniques and methods in the management and operation of public transportation services under Section 4(i) of the UMT Act as amended.

Timetable:

Action	Date	FR Cite
NPRM	12/01/80	45 FR 79669
To be withdrawn	00/00/00	

Small Entity: No

Additional Information: UMTA will prepare a Circular dealing with Innovative Techniques and Methods 4(i). UMTA will withdraw the NPRM and publish a Circular that will be described in the Federal Register. Until then, however, the NPRM should be used as guidance.

Analysis: Regulatory Evaluation 12/01/80

Agency Contact: Ray Lopez, Department of Transportation, Urban Mass Transportation Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 426-8483**

RIN: 2132-AA05

474. MISCELLANEOUS AMENDMENTS - ORGANIZATION, FUNCTIONS, AND PROCEDURES

Legal Authority: 49 USC 1657; 49 USC 1659

CFR Citation: 49 CFR 601

Abstract: These amendments will reflect modifications in the organization and distribution of functions as well as changes in the delegations of authority within the Urban Mass Transportation Administration.

Timetable:

Action	Date	FR Cite
Final Action	04/00/85	

Small Entity: No

Analysis: Regulatory Evaluation 04/00/85

Agency Contact: Mary Pat Stephenson, Department of Transportation, Urban Mass Transportation Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 426-4022**

RIN: 2132-AA06

475. TECHNOLOGY INTRODUCTION

Legal Authority: 49 USC 1602(a)(1)(c)

CFR Citation: 49 CFR 641

Abstract: These regulations would implement Section 3(a)(1)(c) of the UMT Act of 1964, as amended, by prescribing policies and procedures for administering the grant program for projects that would introduce new technology into public transportation.

DOT—UMTA

Current and Projected Rulemakings
Other Rulemakings

Timetable:

Action	Date	FR Cite
NPRM	01/19/81	46 FR 5832
To be withdrawn	00/00/00	

Small Entity: Yes

Additional Information: UMTA will prepare a Circular dealing with Technology Introduction 3(a)(1)(c). UMTA has decided to withdraw this rulemaking activity and to issue it as a Circular that will be described in the Notice section of the Federal Register. Until then, the January 19, 1981, NPRM should be used as guidance.

Analysis: Regulatory Evaluation 01/19/81

Agency Contact: Ray Lopez, Department of Transportation, Urban Mass Transportation Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 426-8483**

RIN: 2132-AA07

476. SCHOOL BUS OPERATIONS

Legal Authority: 49 USC 1602(g); 49 USC 1608(c)(6); 23 USC 103(e)(4); 23 USC 142(a); 23 USC 142(c)

CFR Citation: 49 CFR 605

Abstract: This regulation provides information regarding the restrictions imposed by section 3(g) of the UMT Act (49 USC 1602(g)) on the school bus operations by UMTA recipients. UMTA plans to issue an NPRM based on the October 12, 1982 ANPRM in 1985.

Timetable:

Action	Date	FR Cite
ANPRM	10/12/82	47 FR 44795
ANPRM Comment Period End	11/26/82	
NPRM	07/00/85	

Small Entity: Yes

Additional Information: UMTA originally issued this regulation on April 1, 1976 (41 FR 14128). UMTA reviewed this regulation and issued an ANPRM that proposed three alternatives to the current regulation: (1) retain the existing regulation, (2) modify the definition of "tripper services," and (3) define "exclusive" school bus service.The public comment period closed November 26, 1982.

Analysis: Draft RFA 07/00/85, Regulatory Evaluation 07/00/85

Agency Contact: Katherine Cowen, Department of Transportation, Urban Mass Transportation Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 426-4011**

RIN: 2132-AA09

477. PRIVATE ENTERPRISE PARTICIPATION

Legal Authority: 49 USC 1607(e); 49 USC 1602(e)

CFR Citation: 49 CFR 614

Abstract: This regulation will implement two provisions of the UMT Act concerned with private enterprise participation: Section 8(e) of the Act (49 U.S.C. 1607(e)) which addresses the maximum feasible participation of private enterprise in the plans and programs funded by UMTA; and Section 3(e) of the Act (49 U.S.C. 1602(e)) which addresses the findings the Secretary must make, as a precondition to the provision of financial assistance under the Act, as a means of protecting the position of existing mass transportation companies.

Timetable:

Action	Date	FR Cite
NPRM	05/00/85	

Small Entity: Yes

Analysis: Regulatory Evaluation 05/00/85

Agency Contact: Gerald Musarra, Attorney Adviser, Department of Transportation, Urban Mass Transportation Administration, 400 7th Street, SW, Room 9223, Washington, DC 20590, **202 426-1936**

RIN: 2132-AA20

478. ● SECTION 15 REPORTING REQUIREMENTS FOR SECTION 9 APPORTIONMENT GRANTS; PENALTY PROCEDURES FOR NON-COMPLIANCE

Legal Authority: 49 USC 1607; 49 USC 1611

CFR Citation: 49 CFR 630

Abstract: This regulation would implement procedures to handle late reporters, missing certifications and dead head miles in order to provide more timely Section 9 formula apportionments based on the most valid data available.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Agency Contact: Ron Fisher, Director, Information Services, Department of Transportation, Urban Mass Transportation Administration, URT-7, **202 426-9157**

RIN: 2132-AA23

[FR Doc. 85-8370 Filed 04-26-85; 8:45 am]
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DEPARTMENT OF TRANSPORTATION (DOT)
Saint Lawrence Seaway Development Corporation (SLSDC)

Completed Actions
Other Rulemakings

COMPLETED RULEMAKINGS

479. ST. LAWRENCE SEAWAY TARIFF OF TOLLS AMENDMENT

Legal Authority: 33 USC 988 68 Stat. 96

CFR Citation: 33 CFR 402

Abstract: Revision of 33 CFR Part 402 in accordance with the statutory requirements of 33 USC 988. The NPRM will set forth proposed changes to the charges to be assessed for the full or partial transit of the Saint Lawrence Seaway in 1985 and thereafter as appropriate. The changes will be the result of international negotiations between the Saint Lawrence Seaway Development Corporation and the St. Lawrence Seaway Authority of Canada. Cost will be borne primarily by foreign vessels, since these regulations relate to commercial users of the Seaway. The economic benefits to be derived from a safe and efficiently operated St. Lawrence Seaway are considerable.

Timetable:

Action	Date	FR Cite
NPRM	07/25/84	49 FR 29971
NPRM Comment Period Begin	07/25/84	
NPRM Comment Period End	09/10/84	
Final Action	10/29/84	49 FR 46893

DOT—SLSDC

Completed Actions
Other Rulemakings

Final Action Effective 11/29/84 49 FR 46893

Small Entity: No

Agency Contact: Frederick A. Bush, Chief Counsel, Department of Transportation, Saint Lawrence Seaway Development Corporation, 400 7th Street, S.W., Room 5424, P.O. Box 44090, Washington, D.C. 20026-4090, 202 426-3574

RIN: 2135-AA06

[FR Doc. 85-8370 Filed 04-26-85; 8:45 am]

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DEPARTMENT OF TRANSPORTATION (DOT)
Research and Special Programs Administration (RSPA)

Current and Projected Rulemakings
Priority Rulemakings: Non-Major

480. REVIEW: PERFORMANCE-ORIENTED PACKAGING STANDARDS

Priority: Agency Determination

Legal Authority: 49 USC 1803; 49 USC 1804; 49 USC 1808

CFR Citation: 49 CFR 172; 49 CFR 173; 49 CFR 178

Abstract: To develop performance-oriented packaging standards for small packagings based on the Recommendation of the United Nations Committee of Experts on the Transport of Dangerous Goods. Also includes former non-significant rulemakings entitled "Consolidation of Specifications and Establishment of Performance Standards for Specification Bags" (Docket No. HM-153), "Specifications for and use of Specification 17 Steel Drums" (Docket No. HM-182), and "Organic Peroxide Requirements" (Project 186-72). The rulemaking is significant because a large number of specifications for packaging in the Hazardous Materials Regulations would be affected by this project. To a large extent the complexity and mass of the present Hazardous Materials Regulations are due to the detailed specification-type packaging standards contained in these regulations. To replace these with standards based on the U.N. system would both simplify the present regulations and facilitate international trade.

Timetable:

Action	Date	FR Cite
ANPRM	04/15/82	47 FR 16268
Corrections Docum & Notice of Meeting	06/17/82	47 FR 26172
Extension of Comment Period to 01/13/83	09/00/82	47 FR 40816
NPRM	03/00/85	

Small Entity: No

Additional Information: Docket No. HM-181. Further action to be determined from evaluation of comments received on ANPRM.

Agency Contact: T. Charlton, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 426-2075

RIN: 2137-AA01

481. DATA COLLECTION AND REPORTING: HAZARDOUS MATERIALS INCIDENT REPORTS

Priority: Agency Determination

Legal Authority: 49 USC 1803; 49 USC 1804; 49 USC 1809

CFR Citation: 49 CFR 171

Abstract: The current regulations require reports of hazardous material incidents. The objective of this review is to determine if the current data requirements can be modified to reduce the burden on industry but still result in the collection of the information needed for the hazardous materials safety program. Although safety programs, such as the one covered by these regulations, require data in order to function properly, it is possible that the data collection can be made less burdensome.

Timetable:

Action	Date	FR Cite
ANPRM	03/16/84	49 FR 10042
NPRM	03/00/85	

Small Entity: No

Additional Information: Docket HM-36B.

Agency Contact: R. Abis, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 426-2075

RIN: 2137-AA51

482. REPORTABLE QUANTITIES OF HAZARDOUS SUBSTANCES

Priority: Agency Determination

Legal Authority: 49 USC 1804

CFR Citation: 49 CFR 171; 49 CFR 172; 49 CFR 173

Abstract: Requested comments on the burdens and benefits associated with incorporating EPA revised Reportable Quantities of Hazardous Substances into the Hazardous Materials Regulations. Discussion of the regulatory alternatives being considered is included. Potential costs and benefits are unknown at this time. This regulation is significant because of substantial public interest and because it is potentially controversial.

Timetable:

Action	Date	FR Cite
ANPRM	08/08/83	48 FR 35965
ANPRM Comment Period Begin	08/08/83	
ANPRM Comment Period End	10/12/83	
Extension of time for public comment till 11/16/83.	10/19/83	48 FR 48483
NPRM	06/00/85	

Small Entity: No

DOT—RSPA

Current and Projected Rulemakings
Priority Rulemakings: Non-Major

Agency Contact: L. Jackson, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 426-2075

RIN: 2137-AA68

483. ● PACKAGING AND PLACARDING REQUIREMENTS FOR LIQUIDS TOXIC BY INHALATION

Priority: Agency Determination

Legal Authority: 49 USC 1803 to 1806

CFR Citation: 49 CFR 172; 49 CFR 173

Abstract: This rulemaking involves a revision of packaging requirements pertaining to certain types of toxic materials, and requirements for dual placarding without regard to the quantity in a transport vehicle. The intended effect of this action is to establish a higher level of safety in the transportation of toxic materials. This action is significant because it concerns a matter on which there is substantial public interest. A Regulatory Analysis is not required.

Timetable:

Action	Date	FR Cite
NPRM	02/07/85	50 FR 5270
NPRM Comment Period Begin	02/07/85	
NPRM Comment Period End	03/07/85	
Final Action	04/00/85	

Small Entity: No

Analysis: Regulatory Evaluation 02/07/85

Agency Contact: T. Allan, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 426-2075

RIN: 2137-AA76

[FR Doc. 85-8370 Filed 04-26-85; 8:45 am]

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DEPARTMENT OF TRANSPORTATION (DOT)
Research and Special Programs Administration (RSPA)

Current and Projected Rulemakings
Other Rulemakings

484. DEFINITION OF A FLAMMABLE SOLID

Legal Authority: 49 USC 1803 to 1806

CFR Citation: 49 CFR 173

Abstract: Consideration of new standards for classifying a material as a flammable solid. Previously part of Docket HM-118 which was terminated May 22, 1980 (45 FR 34560) to permit publication of ANPRM.

Timetable:

Action	Date	FR Cite
ANPRM	05/07/81	46 FR 25492

Next Action Undetermined

Small Entity: No

Additional Information: Docket No. HM-178

Agency Contact: C. Ke, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 426-2311

RIN: 2137-AA05

485. REVIEW: REVISION OF OPERATING PROCEDURES FOR MOTOR VEHICLES

Legal Authority: 49 USC 1803 to 1806

CFR Citation: 49 CFR 177

Abstract: Proposed simplification and recodification of the existing operating procedures for transportation of hazardous materials by motor vehicles as prescribed in Part 177. Development of driver training requirements (formerly Project 270-78).

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Additional Information: Project 261-78

Agency Contact: M. Morris, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 426-2075

RIN: 2137-AA07

486. USE OF INTERESTED INSPECTORS FOR CYLINDER INSPECTIONS

Legal Authority: 49 USC 1803 to 1806

CFR Citation: 49 CFR 178

Abstract: Proposal would result in ending of permitting "Interested" inspectors to perform inspections and testing of domestically manufactured low pressure gas cylinders.

Timetable:

Action	Date	FR Cite
NPRM	03/17/76	44 FR 11179

Next Action Undetermined

Small Entity: No

Additional Information: Docket No. HM-74A

Agency Contact: H. Mitchell, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 426-2075

RIN: 2137-AA08

487. CONSOLIDATION AND REVISION OF REQUIREMENTS FOR THE CARRIAGE OF EXPLOSIVES BY VESSEL

Legal Authority: 49 USC 1803 to 1806

CFR Citation: 49 CFR 176

Abstract: Proposed consolidation and revision of requirements for the carriage of military and commercial explosives by vessel and adoption of United Nations scheme for classification and compatibility of explosives for the water mode.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Additional Information: Project 279-78

Agency Contact: T. Allan, Department of Transportation, Research and Special

Programs Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 426-1577

RIN: 2137-AA10

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488. OXIDIZING MATERIALS DEFINITION, CRITERIA AND PROPOSED REGULATIONS

Legal Authority: 49 USC 1803 to 1806

CFR Citation: 49 CFR 173

Abstract: Development of new standards for classifying a material as an oxidizing material.

Timetable:

Action	Date	FR Cite
ANPRM	06/15/81	46 FR 31294
NPRM	03/00/85	

Small Entity: No

Additional Information: Docket No. HM-179

Analysis: Regulatory Evaluation 03/00/85

Agency Contact: C. Schultz, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 426-2311

RIN: 2137-AA11

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489. INTERIOR PIPING

Legal Authority: 49 USC 1672

CFR Citation: 49 CFR 192

Abstract: The adequacy of existing standards with regard to safety problems concerning interior piping would be examined and new standards may be proposed. Responses to the ANPRM indicate that State and local safety regulations adequately cover gas piping in a building. Proposed change in "Service Line" definition would recognize this situation.

Timetable:

Action	Date	FR Cite
ANPRM	04/03/80	45 FR 22118
NPRM	03/00/85	

Small Entity: No

Additional Information: Docket No. PS-67.

Analysis: Regulatory Evaluation 03/00/85

Agency Contact: R. Langley, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 426-2392

RIN: 2137-AA21

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490. MISCELLANEOUS HAZARDOUS MATERIALS COMMUNICATIONS REGULATIONS

Legal Authority: 49 USC 1803 to 1806

CFR Citation: 49 CFR 172

Abstract: Development of miscellaneous proposals dealing with the communications regulations and odorization of LP gas.

Timetable:

Action	Date	FR Cite
NPRM	03/00/85	

Small Entity: No

Additional Information: Docket No. HM-126E

Analysis: Regulatory Evaluation 03/00/85

Agency Contact: L. Metcalfe, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 426-2075

RIN: 2137-AA25

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491. RADIATION LEVEL SPECIFICATIONS

Legal Authority: 49 USC 1803 to 1806; 49 USC 1808

CFR Citation: 49 CFR 173.441(b)

Abstract: Proposed rewrite of 49 CFR 173.441(b) for clarity and enforceability.

Timetable:

Action	Date	FR Cite
NPRM	10/07/82	47 FR 44356
Final Action	03/00/85	

Small Entity: No

Additional Information: Docket No. HM-166P.

Analysis: Regulatory Evaluation 10/07/82

Agency Contact: W. Carriker, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 426-2311

RIN: 2137-AA27

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492. PRIVATE CARRIERS LICENSED TO USE RADIOACTIVE MATERIALS

Legal Authority: 49 USC 1803 to 1806; 49 USC 1808

CFR Citation: 49 CFR 173; 49 CFR 177

Abstract: Proposed exceptions for private carriers who also are licensed to use radioactive materials in the course of their businesses.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Additional Information: Project 298-82.

Agency Contact: W. Carriker, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 426-2311

RIN: 2137-AA28

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493. SPECIFICATION PACKAGES OF TYPE B AND FISSILE RADIOACTIVE MATERIALS

Legal Authority: 49 USC 1803 to 1806; 49 USC 1808

CFR Citation: 49 CFR 173

Abstract: Advance notice to address feasibility of continued use and needed modifications of certain radioactive materials package designs.

Timetable:

Action	Date	FR Cite
ANPRM	05/00/85	

Small Entity: No

Additional Information: Project 300-83.

Analysis: Regulatory Evaluation 05/00/85

Agency Contact: R. Rawl, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 426-2311

RIN: 2137-AA29

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494. QUALITY ASSURANCE FOR RADIOACTIVE MATERIALS SHIPPERS

Legal Authority: 49 USC 1803 to 1806; 49 USC 1808

CFR Citation: 49 CFR 173

Abstract: Advance notice to solicit comments on the desirability of establishing quality assurance program

requirements for all shippers of radioactive materials.

Timetable:

Action	Date	FR Cite
ANPRM	03/00/85	

Small Entity: No

Additional Information: Project 291-80.

Analysis: Regulatory Evaluation 03/00/85

Agency Contact: R. Rawl, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 426-2311

RIN: 2137-AA30

495. PLACARDING OF EMPTY TANK CARS

Legal Authority: 49 USC 1803 to 1806

CFR Citation: 49 CFR 172.510

Abstract: An advance notice requesting comments on the International Association of Fire Chiefs' petition for removal of the requirement for displaying the EMPTY placard on tank cars.

Timetable:

Action	Date	FR Cite
ANPRM	07/23/81	46 FR 37953
NPRM	08/10/84	49 FR 32090
Final Action	05/00/85	

Small Entity: No

Additional Information: Docket No. HM-180

Analysis: Regulatory Evaluation 05/00/85

Agency Contact: L. Metcalfe, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 426-2075

RIN: 2137-AA35

496. DOT SPECIFICATION 51 PORTABLE TANKS

Legal Authority: 49 USC 1803 to 1806

CFR Citation: 49 CFR 178

Abstract: Consideration of revisions of DOT Specification 51 Portable Tanks, including waiver of requirements for post-weld heat treatment for certain steels and use of bottom outlets.

Timetable:

Action	Date	FR Cite
ANPRM	03/00/85	

Small Entity: No

Additional Information: Project 302-83.

Agency Contact: L. Jackson, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 426-2075

RIN: 2137-AA36

497. MONITORING EXTERNAL CORROSION CONTROL

Legal Authority: 49 USC 1672

CFR Citation: 49 CFR 192

Abstract: The requirement to annually check the performance of cathodic protection on pipeline under paving and other corrosion survey regulations would be made more appropriate.

Timetable:

Action	Date	FR Cite
ANPRM	03/10/83	48 FR 10092
NPRM	03/00/85	

Small Entity: No

Additional Information: Docket No. PS-76

Analysis: Regulatory Evaluation 03/00/85

Agency Contact: P. Cory, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 426-2082

RIN: 2137-AA38

498. STEEL PIPE

Legal Authority: 49 USC 1672

CFR Citation: 49 CFR 192

Abstract: Development of performance standards for qualifying steel pipe for use in gas pipelines.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Additional Information: Action deferred pending development of industry standard by Voluntary Standards Committee.

Agency Contact: P. Cory, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 426-2082

RIN: 2137-AA40

499. SPECIFICATION AND USE REQUIREMENTS FOR MC 306, MC 307, AND MC 312 CARGO TANKS (INCLUDING PROJ. 301-83 AND INCORPORATES DOCKET HM 183)

Legal Authority: 49 USC 1803; 49 USC 1804; 49 USC 1805

CFR Citation: 49 CFR 173; 49 CFR 177; 49 CFR 178

Abstract: Modify cargo tank specifications in sections 178.340-178.342 for clarity, provide for manufacture of vacuum-loaded cargo tanks, establish standards for corrosion in cargo tanks. (In conjunction with BMCS.)

Timetable:

Action	Date	FR Cite
ANPRM	06/28/82	47 FR 27876
NPRM	03/00/85	

Small Entity: Undetermined

Additional Information: Docket No. HM-183A

Agency Contact: H. Mitchell/ J. Pena, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 426-0033

RIN: 2137-AA42

500. RECLASSIFICATION OF CORDEAU DETONANT FUSE

Legal Authority: 49 USC 1803 to 1806

CFR Citation: 49 CFR 172; 49 CFR 173; 49 CFR 177

Abstract: Proposal would change the hazard classification of certain types and quantities of cordeau detonant fuse from Class C explosive to Class A explosive.

Timetable:

Action	Date	FR Cite
NPRM	05/17/84	49 FR 20873
Final Action	03/00/85	

Small Entity: Undetermined

Additional Information: Project 297-82. Docket No. HM-191.

Analysis: Regulatory Evaluation 05/17/84

Agency Contact: T. Allan, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 426-2075

RIN: 2137-AA54

501. RECORDS FOR HYDROSTATIC TESTING, OPERATION AND MAINTENANCE AND ACCIDENT REPORTING

Legal Authority: 49 USC 2002

CFR Citation: 49 CFR 195

Abstract: Records of hydrostatic testing would be permitted to be kept in supporting documents as well as the pressure recording chart. The retention period for records of operations would be reduced from three years to one year. Inspection and maintenance records for components other than pipe would be kept for one year rather than three years. Revised reporting requirements would be proposed.

Timetable:

Action	Date	FR Cite
NPRM	11/13/84	49 FR 44928
Final Action	05/00/85	

Small Entity: No

Analysis: Regulatory Evaluation 11/13/84

Agency Contact: F. Robinson, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 426-2392

RIN: 2137-AA58

502. NONDESTRUCTIVE TESTING OF GIRTH WELDS

Legal Authority: 49 USC 2002

CFR Citation: 49 CFR 195

Abstract: The requirement to nondestructively test 100 percent of the girth welds would be reduced to 90 percent at certain locations.

Timetable:

Action	Date	FR Cite
NPRM	03/00/85	
Final Action	05/00/85	

Small Entity: No

Analysis: Regulatory Evaluation 03/00/85

Agency Contact: F. Robinson, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 426-2392

RIN: 2137-AA59

503. INTRASTATE LIQUID PIPELINES

Legal Authority: 49 USC 2002

CFR Citation: 49 CFR 195

Abstract: The applicability of Part 195 would be extended to include intrastate pipelines transporting petroleum, petroleum products or anhydrous ammonia. New definitions to be proposed.

Timetable:

Action	Date	FR Cite
NPRM	03/26/84	49 FR 11226
NPRM	03/00/85	

Small Entity: No

Analysis: Regulatory Evaluation 03/00/85

Agency Contact: F. Robinson, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 426-2392

RIN: 2137-AA60

504. CONFIRMATION OR REVISION OF MAXIMUM OPERATING PRESSURE FOR CERTAIN CHANGES IN CLASS LOCATION

Legal Authority: 49 USC 1672

CFR Citation: 49 CFR 192

Abstract: Proposal would change the requirement for confirmation or revision of the maximum allowable operating pressure for certain pre-tested gas pipelines when changed conditions adjacent to the pipeline meet the class location definition of 49 CFR 192.5(d)(2).

Timetable:

Action	Date	FR Cite
NPRM	03/00/85	

Small Entity: No

Analysis: Regulatory Evaluation 03/00/85

Agency Contact: R. Langley, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 426-2392

RIN: 2137-AA62

505. SPECIFICATION 8W AND 8WA WELDED STEEL CYLINDERS

Legal Authority: 49 USC 1803; 49 USC 1804; 49 USC 1808

CFR Citation: 49 CFR 171; 49 CFR 173; 49 CFR 178

Abstract: Would eliminate existing Specifications 8 and 8AL and provide a consolidated specification for the manufacture of acetylene cylinders.

Timetable:

Action	Date	FR Cite
NPRM	03/00/85	

Small Entity: No

Additional Information: Docket No. HM-23.

Analysis: Regulatory Evaluation 03/00/85

Agency Contact: M. Morris, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 426-2075

RIN: 2137-AA63

506. REVISION OF THE IM TANK TABLE

Legal Authority: 49 USC 1803 to 1806

CFR Citation: 49 CFR 173

Abstract: Would revise the IM Tank Table to incorporate interim approvals issued since April of 1981 and other changes.

Timetable:

Action	Date	FR Cite
NPRM	05/00/85	

Small Entity: No

Additional Information: Docket No. HM-167A

Analysis: Regulatory Evaluation 05/00/85

Agency Contact: L. Jackson, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 426-2311

RIN: 2137-AA64

507. CYLINDER RETESTER IDENTIFICATION NUMBERS

Legal Authority: 49 USC 1803 to 1806

CFR Citation: 49 CFR 173

Abstract: Proposal to incorporate procedures applicable to cylinder retesters.

Timetable:

Action	Date	FR Cite
NPRM	10/04/84	49 FR 39172

Next Action Undetermined

Small Entity: No

Additional Information: Docket No. HM-172B

Agency Contact: D. Henry, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 472-5982

RIN: 2137-AA65

508. CLARIFICATION OF WELDING REQUIREMENTS FOR GAS PIPELINES

Legal Authority: 49 USC 1672

CFR Citation: 49 CFR 192.223; 49 CFR 192.225; 49 CFR 192.227; 49 CFR 192.237; 49 CFR 192.239

Abstract: Clarification of requirements for preheating and stress relieving to be proposed; redundancies in welding and welder qualification would be removed (Part 192, Subpart E).

Timetable:

Action	Date	FR Cite
NPRM	03/00/85	

Small Entity: No

Agency Contact: William A. Gloe, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 426-2082

RIN: 2137-AA69

509. OVALITY OF FIELD BENDS IN STEEL PIPE

Legal Authority: 49 USC 1672

CFR Citation: 49 CFR 192.313

Abstract: Limitations of Sec. 192.313(a)(2) being reviewed in light of petition by INGAA claiming impracticality of the rule. Data on hand indicates the ovality limitations may well be unnecessary for safety.

Timetable:

Action	Date	FR Cite
NPRM	10/31/84	49 FR 43728
Final Action	03/00/85	

Small Entity: No

Agency Contact: William A. Gloe, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 426-2082

RIN: 2137-AA70

510. DAMAGE PREVENTION PROGRAM FOR GAS PIPELINES (DOCKET NO. PS-59)

Legal Authority: 49 USC 1672

CFR Citation: 49 CFR 192.614

Abstract: Proposed wording change on requirement for operator response to notice from excavator would facilitate more effective programs.

Timetable:

Action	Date	FR Cite
NPRM	03/00/85	

Small Entity: No

Agency Contact: Melvin A. Judah, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 426-2082

RIN: 2137-AA71

511. MODIFICATIONS TO DOT SPECIFICATION 21PF-1 OVERPACKS

CFR Citation: 49 CFR 178

Abstract: This rulemaking responds to a Department of Energy request that we improve the water resistance of overpacks used in the transportation of uranium hexafluoride. The natural form of mined uranium has low radioactivity; it must be purified to produce a form suitable for certain commercial uses. The purification process produces a small amount of radioactive uranium hexafluoride and a large amount of waste uranium hexafluoride enriched in the fissionable U-235 isotope that is of low radioactivity. This rulemaking addresses the packaging for the more highly radioactive, enriched uranium hexafluoride. It does not address the low level radioactive waste uranium hexafluoride, which is transported in plain cylinders. In the recent capsize of a French vessel carrying uranium hexafluoride, there was a danger of radioactive contamination because the vessel was carrying a variety of uranium hexafluoride packages; some contained material that had been removed from spent reactor fuel and reprocessed for reuse. In the United States, this material is never reprocessed, furthermore, the enriched form of uranium hexafluoride is always carried (cont)

Timetable:

Action	Date	FR Cite
NPRM	08/16/84	49 FR 32774
NPRM Comment Period Begin	08/16/84	
NPRM Comment Period End	09/12/84	
Final Action	06/00/85	

Small Entity: No

Additional Information: Docket No. HM-190 ABSTRACT CONT: in the United States in the overpacks that are addressed in this rulemaking. RSPA has no data showing any releases of radioactivity from these overpacks. DOE has been rejecting some deliveries from its contractors because of water in the overpacks; this rulemaking would increase the resistance of the overpacks to water penetration and retention.

Agency Contact: R. Rawl, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 426-2313

RIN: 2137-AA72

512. MARKING OWNER'S SYMBOLS ON COMPRESSED GAS CYLINDERS

Legal Authority: 49 USC 1804

CFR Citation: 49 CFR 173.34(c)(1)

Abstract: Currently the regulations allow more than one owner symbol on a cylinder. This revision would prohibit the display of more than one owner symbol on a compressed gas cylinder. This will promote easy identification of cylinders and reduce theft problems associated with these cylinders.

Timetable:

Action	Date	FR Cite
ANPRM	04/11/84	49 FR 14405
ANPRM Comment Period Begin	04/11/84	

Action	Date	FR Cite
ANPRM	05/23/84	
Comment Period End		

Next Action Undetermined

Small Entity: No

Additional Information: Docket No HM-172A

Agency Contact: L. Jackson, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 426-2075

RIN: 2137-AA74

513. TRITIUM AND CARBON-14; LOW SPECIFIC ACTIVITY RADIOACTIVE MATERIALS TRANSPORTED FOR DISPOSAL

Legal Authority: 49 USC 1803; 49 USC 1804; 49 USC 1808

CFR Citation: 49 CFR 173.425(d)

Abstract: Currently, the transportation of tritium and carbon-14 is more strictly regulated than their disposal. In order to correct this disparity, MTB proposes to regulate their transportation to a degree more appropriate to the limited risk which they present. The proposal would permit shippers to disregard the radioactive hazard if the specific activity of the material does not exceed 0.05 microcuries per gram. This will permit disposal of these materials at other than radioactive material disposal sites. As this is a relaxation of the current rules there would be a cost savings to shippers. In addition, the scarce disposal sites for radioactive materials could be more efficiently used for the containment of more highly radioactive wastes.

Timetable:

Action	Date	FR Cite
NPRM	08/23/84	49 FR 33469
NPRM Comment Period Begin	08/23/84	
NPRM Comment Period End	09/24/84	
Final Action	03/00/85	

Small Entity: Undetermined

Additional Information: Docket No. HM-193

Agency Contact: Richard R. Rawl, Chief, Radioactive Materials Branch, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 426-2313

RIN: 2137-AA75

514. ● EXCEPTIONS FOR SPECIFIED QUANTITIES OF RADIOACTIVE MATERIALS

Legal Authority: 49 USC 1806

CFR Citation: 49 CFR 173.4; 49 CFR 173.421-1; 49 CFR 173.421-2

Abstract: Materials Transportation Bureau is proposing to renew for two years the exceptions provided for Limited Quantities of Radioactive Materials. These exceptions are in 49 CFR 173.4, 173.421-1 and 173.421-2. These exceptions permit the transportation of Radioactive Material aboard passenger-carrying aircraft.

Timetable:

Action	Date	FR Cite
NPRM	03/00/85	
Final Action	04/00/85	

Small Entity: No

Agency Contact: L. Jackson, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, S.W., Washington, D.C. 20590, 202 425-2075

RIN: 2137-AA77

515. ● RECLASSIFICATION OF SPECIAL FIREWORKS

Legal Authority: 49 USC 1801

CFR Citation: 49 CFR 172.101; 49 CFR 173.88; 49 CFR 173.100

Abstract: This notice solicits comments on the merits of a petition of rulemaking proposing to reclassify certain fireworks currently classified as class B explosives to class C explosives.

Timetable:

Action	Date	FR Cite
ANPRM	11/19/84	49 FR 45627
ANPRM Comment Period Begin	11/19/84	49 FR 45627
ANPRM Comment Period End	02/14/85	

Next Action Undetermined

Small Entity: Undetermined

Agency Contact: Irving R. Abis, Transportation Regulations Specialist, Department of Transportation, Research and Special Programs Administration, 400 Seventh St, SW, Washington, DC 20590, 202 426-2075

RIN: 2137-AA78

516. ● DESIGNATION OF TESTING LABORATORIES; UNITED NATIONS PACKAGINGS

Legal Authority: 49 USC 1804

CFR Citation: 49 CFR 107.401; 49 CFR 107.402; 49 CFR 107.404

Abstract: Most European countries are expected to require, beginning May 1, 1985, the certification by the national competent authority of packagings marked as conforming to performance standards specified in the United Nations Recommendations for the Transport of Dangerous Goods. That rule effectively eliminates use of packagings produced in the U.S. To assure acceptance of U.S.-produced packagings in Europe, DOT proposes a voluntary system of third-party packaging certification. Other alternatives considered were to do nothing and to issue certifications directly by DOT. Benefits and cost have not been quantified. However, as the proposed rule is strictly voluntary, it may be stated that there are no imposed costs. Benefits accrue when the affected parties avoid costs associated with having their packagings certified by a foreign Competent Authority. To receive such a certification the packaging must be sent to Europe for testing, or an agent of the foreign Competent Authority must be reimbursed for costs incurred in traveling to the U.S. to conduct an examination and testing. Both of those processes are costly to the party seeking the (cont)

Timetable:

Action	Date	FR Cite
NPRM	10/12/84	49 FR 40056
NPRM Comment Period Begin	10/12/84	49 FR 40056
NPRM Comment Period End	11/13/84	
Interim Final Rule	03/00/85	

Small Entity: No

DOT—RSPA

Current and Projected Rulemakings
Other Rulemakings

Additional Information: ABSTRACT CONT: certification. Similar examinations and testings conducted by U.S.-based laboratories should be available at a greatly reduced cost.

Docket HM-194.

Agency Contact: Thomas G. Allan, Transportation Regulations Specialist, Department of Transportation, Research and Special Programs Administration, 400 Seventh St., SW. Washington, DC 20590, 202 426-2075

RIN: 2137–AA80

[FR Doc. 85-8370 Filed 04-26-85; 8:45 am]

BILLING CODE 4910-62-T

DEPARTMENT OF TRANSPORTATION (DOT)
Research and Special Programs Administration (RSPA)

Current and Projected Rulemakings
Other Rulemakings: Routine and Frequent

517. CONVERSION OF INDIVIDUAL EXEMPTIONS TO REGULATIONS OF GENERAL APPLICABILITY

Legal Authority: 49 USC 1803 to 1806

CFR Citation: 49 CFR 171 to 178

Abstract: Nonsignificant regulations issued routinely and frequently as a part of an established body of technical requirements to keep those requirements operationally current. NPRM approximately every four months; with FR targeted approximately two months thereafter. 01/00/85-12/00/85.

Timetable:

Action	Date	FR Cite
Periodic Update	01/19/84	49 FR 2250
NPRM	08/28/84	49 FR 34044
Final Action	12/00/85	

Small Entity: Undetermined

Additional Information: Docket No HM-139

Agency Contact: D. Raines, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW. Washington, DC 20590, 202 472-2726

RIN: 2137–AA43

518. MINOR REGULATORY ADJUSTMENTS TO REGULATIONS OF GENERAL APPLICABILITY

Legal Authority: 49 USC 1803 to 1806

CFR Citation: 49 CFR 171 to 178

Abstract: Nonsignificant regulations issued routinely and frequently as a part of an established body of technical requirements to keep those requirements operationally current. NPRM approximately every four months, with FR targeted approximately two months thereafter. 01/00/84-12/00/84.

Timetable:

Action	Date	FR Cite
NPRM	03/22/84	49 FR 10780
Periodic Update	03/22/84	49 FR 10780
Final Action	03/00/85	

Small Entity: Undetermined

Additional Information: Docket No. HM-166R.

Analysis: Regulatory Evaluation 03/22/84

Agency Contact: D. Raines, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 472-2726

RIN: 2137–AA44

519. MATTER INCORPORATED BY REFERENCE (HAZARDOUS MATERIALS)

Legal Authority: 49 USC 1803 to 1806

CFR Citation: 49 CFR 171

Abstract: Nonsignificant regulations issued routinely and frequently as a part of an established body of technical requirements to keep those requirements operationally current. NPRM approximately every six months, with FR targeted two months thereafter. 01/00/84-12/00/84.

Timetable:

Action	Date	FR Cite
NPRM	03/00/85	

Small Entity: No

Additional Information: Docket No. HM-22A.

Analysis: Regulatory Evaluation 03/00/85

Agency Contact: E. Mazzullo, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 426-2075

RIN: 2137–AA45

[FR Doc. 85-8370 Filed 04-26-85; 8:45 am]

BILLING CODE 4910-62-T

DEPARTMENT OF TRANSPORTATION (DOT)
Research and Special Programs Administration (RSPA)

Existing Regulations Under Review
Other Reviews

520. REWRITE AND RECODIFICATION OF SECTION 173.34

Legal Authority: 49 USC 1803 to 1806

CFR Citation: 49 CFR 173.34, Rewrite and Recodification

Abstract: The recodification of Sec. 173.34 will provide industry with regulations set up by the functions to be performed. The rewrite should make it possible to understand the regulations more readily, and simplify the process of determining how to apply specific requirements. The potential cost has tentatively been determined to be minimal.

Timetable:

Action	Date	FR Cite
ANPRM	05/00/85	
End Review	07/00/85	

Small Entity: No

Additional Information: Project No. 305-83

Agency Contact: Charles Hochman, Technical Staff, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 755-4906

RIN: 2137-AA73

[FR Doc. 85-8370 Filed 04-26-85; 8:45 am]
BILLING CODE 4910-62-T

COMPLETED RULEMAKINGS

521. SHIPMENT OF MATCHES

Legal Authority: 49 USC 1803 to 1806

CFR Citation: 49 CFR 172; 49 CFR 173

Abstract: Revision and simplification of requirements concerning matches.

Timetable:

Action	Date	FR Cite
NPRM	06/09/83	48 FR 26650
Final Action	09/13/84	49 FR 35950

Small Entity: No

Additional Information: Docket No. HM-186.

Analysis: Regulatory Evaluation 06/09/83

Agency Contact: H. Mitchell, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 426-2075

RIN: 2137-AA13

522. LOCATION, SIZE, AND OPERATING PRESSURE OF PIPELINES

Legal Authority: 49 USC 1672

CFR Citation: 49 CFR 192

Abstract: Operators would not be required to maintain maps and records to identify the location, size, and operating pressure of all pipelines.

Timetable:

Action	Date	FR Cite
ANPRM	11/29/79	44 FR 68493
Withdrawn	09/17/84	49 FR 36415

Small Entity: No

Additional Information: Docket No. PS-61. Present regulations include maps and records requirements for corrosion control (Sec 192.491); damage prevention program (Sec 192.614); transmission line recordkeeping (Sec 192.707); plus those documents implied and necessary for continuing surveillance, leakage surveys, distribution and transmission line patrol, changes in classification and emergency plans. Study showed benefits do not exceed costs for additional requirements.

Agency Contact: R. Langley, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 426-2392

RIN: 2137-AA22

523. ISOLATED CORROSION PITTING

Legal Authority: 49 USC 2002

CFR Citation: 49 CFR 195

Abstract: Language would be amended to clearly state that a reduction in operating pressure is an acceptable remedy for isolated corrosion pitting.

Timetable:

Action	Date	FR Cite
NPRM	10/13/83	48 FR 46589
Final Action	09/17/84	49 FR 36383

Small Entity: No

Additional Information: Docket No. PS-77.

Analysis: Regulatory Evaluation 09/17/84

Agency Contact: F. Robinson, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 426-2392

RIN: 2137-AA57

[FR Doc. 85-8370 Filed 04-26-85; 8:45 am]
BILLING CODE 4910-62-T

COMPLETED RULEMAKINGS

524. IMPLEMENTATION OF THE ICAO TECHNICAL INSTRUCTIONS

Legal Authority: 49 USC 1803 to 1806; 49 USC 1808

CFR Citation: 49 CFR 171 to 175

Abstract: These amendments permit the offering, acceptance and transportation by aircraft, and by motor vehicle incident to transportation by aircraft, of hazardous materials shipments conforming to the provisions of the International Civil Aviation Organization's (ICAO) Technical Instructions for the Safe Transport of Dangerous Goods by Air, in order to facilitate continued shipment of hazardous materials in international commerce by air. They will be updated annually.

Timetable:

Action	Date	FR Cite
NPRM	07/08/84	49 FR 27180
Final Action	11/20/84	49 FR 45749

Small Entity: No

DOT—RSPA

Completed Actions
Other Rulemakings: Routine and Frequent

Additional Information: Docket HM-184, HM-184A, HM-184B. This rulemaking is updated annually. For reference, see the following: NPRM 08/02/82, 47 FR 33295; Final Action 12/06/82, 47 FR 54817; NPRM 08/04/83, 48 FR 35491 and Final Action 11/29/83, 48 FR 53710.

Analysis: Regulatory Evaluation 07/08/84

Agency Contact: Edward A. Altemos, Department of Transportation, Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 426-0656**

RIN: 2137-AA48

[FR Doc. 85-8370 Filed 04-26-85; 8:45 am]

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DEPARTMENT OF TRANSPORTATION (DOT)
Maritime Administration (MarAd)

Current and Projected Rulemakings
Priority Rulemakings: Major

525. VESSEL OBLIGATION GUARANTEES; VESSEL REQUIREMENTS, UNITED STATES CONSTRUCTION

Priority: Major

Legal Authority: 46 USC 1114(b)

CFR Citation: 46 CFR 298.11

Abstract: MARAD is considering amending 46 CFR 298.11 to relax the requirement that where practicable only articles, materials, and supplies of U.S. origin be used in vessels receiving obligation guarantees.

Timetable:

Action	Date	FR Cite
NPRM	03/00/85	

Small Entity: No

Additional Information: ADDITIONAL AGENCY CONTACT: John M. Hotaling,(202) 426-5727 (See Agency Contact heading for address).

Analysis: Preliminary RIA 03/00/85

Agency Contact: Norman Hammer, Department of Transportation, Maritime Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 426-5733**

RIN: 2133-AA29

[FR Doc. 85-8370 Filed 04-26-85; 8:45 am]

BILLING CODE 4910-62-T

DEPARTMENT OF TRANSPORTATION (DOT)
Maritime Administration (MarAd)

Current and Projected Rulemakings
Priority Rulemakings: Non-Major

526. CARGO PREFERENCE-U.S. FLAG VESSELS-DETERMINATION OF FAIR AND REASONABLE RATES FOR LINER VESSELS

Priority: Agency Determination

Legal Authority: 46 USC 1241(b); 46 USC 1114(b)

CFR Citation: 46 CFR 382, (New)

Abstract: Regulation would require provision of rate and cost data to MARAD so it can determine fair and reasonable rates for carriage of preference cargo at the request of concerned Federal agencies. This rulemaking is significant because it concerns a matter on which there is substantial public interest. It is needed to clarify the meaning of a statutory term.

Timetable:

Action	Date	FR Cite
NPRM	05/00/85	

Small Entity: No

Analysis: Draft Regulatory Evaluation 05/00/85

Agency Contact: Frederick R. Larson, Department of Transportation, Maritime Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 382-6036**

RIN: 2133-AA02

527. AWARD AND ADMINISTRATION OF OPERATING-DIFFERENTIAL SUBSIDY (ODS) FOR DRY BULK CARGO VESSELS

Priority: Agency Determination

Legal Authority: 46 USC 1114(b); 46 USC 1171 to 1176

CFR Citation: 46 CFR 254, (New)

Abstract: Regulation states conditions for award of ODS for dry bulk cargo vessels engaged in worldwide trade. This rulemaking is significant because it reflects a change in policy on a matter of substantial public interest. It is needed because it would recognize unique economic aspects of dry bulk carriers and is intended to afford sufficient flexibility to allow them to compete in worldwide trade.

Timetable:

Action	Date	FR Cite
NPRM	09/06/79	44 FR 52002
To be withdrawn	03/00/85	

Small Entity: No

Additional Information: There are only 3 dry bulk carriers now under ODS agreements. Those vessels are carrying preference cargoes without subsidy. Since it is unlikely that there will be approval of new ODS applications, this regulation is no longer considered necessary.

Agency Contact: Frederick R. Larson, Department of Transportation, Maritime Administration, 400 Seventh Street, SW, Washington, DC 20590. **202 382-6036**

RIN: 2133-AA04

528. REVIEW: OPERATING-DIFFERENTIAL SUBSIDY (ODS) RATES FOR LINER VESSELS

Priority: Agency Determination

Legal Authority: 46 USC 1171 to 1176; 46 USC 1114(b)

CFR Citation: 46 CFR 280

Abstract: New provisions would establish subsidy rates for liner vessels under ODS agreements. This rulemaking is significant because it involves a program with substantial public interest. It would formalize, in a regulation, policy of the Maritime

Subsidy Board concerning subsidy rates now published in manual form.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Additional Information: Rulemaking action was suspended pending completion of review of all ODS Regulations for purposes of possible consolidation and simplification. Review has been completed. Development of regulation is awaiting policy decision on procedure for determining subsidy rates.

Agency Contact: Frederick R. Larson, Department of Transportation, Maritime Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 382-6036**

RIN: 2133–AA07

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529. PARTICIPATION BY VESSELS BUILT WITH CDS IN THE CARRIAGE OF OIL FROM ALASKA IN THE DOMESTIC TRADE

Priority: Agency Determination

Legal Authority: 46 USC 1156; 46 USC 1114(b)

CFR Citation: 46 CFR 250

Abstract: This advance notice would reassess and ask for comments on whether there is still a need for the current 100,000 deadweight ton criterion for carriage of oil from Alaska to the Panama Canal. This regulation is significant because of substantial public interest.

Timetable:

Action	Date	FR Cite
ANPRM	03/00/85	

Small Entity: No

Agency Contact: Edmond J. Fitzgerald, Department of Transportation, Maritime Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 382-0374**

RIN: 2133–AA19

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530. ● OBLIGATION GUARANTEES

Priority: Agency Determination

Legal Authority: 46 USC 1114 (b); 46 USC 1279 (b); 49 CFR 1.66

CFR Citation: 46 CFR 298

Abstract: This NPRM asks for comments on the following issues: procedures for the calculation of the internal rate of return, used to assist in determining the economic soundness of a project proposed for an obligation guarantee; the anticipated economic impact of the proposed requirement; and proposed changes to confidential information disclosure and insurance reporting requirements pertaining to obligation guarantees applications. This NPRM proposes specific, clear procedures for complying with the internal rate of return analysis required in the final rule on obligation guarantees (see Additional Information). The proposed calculation procedures would produce more accurate information to assist the Maritime Administration in selecting successful applicants. The cost of this NPRM would be an increase in the paperwork burden on applicants required to calculate the internal rate of return. Applicants would benefit from the institution of a more uniform, fair procedure. This rulemaking involves important Departmental policy and is, therefore, significant.

Timetable:

Action	Date	FR Cite
NPRM	03/08/85	50 FR 9532
NPRM Comment Period Begin	03/08/85	
NPRM Comment Period End	04/08/85	
Final Action	09/00/85	

Small Entity: No

Additional Information: Simultaneously with the publication of this NPRM, a Final Rule on Obligation Guarantees will be published. The Final Rule prescribes conditions, terms and procedures for applying for and administering Federal ship financing assistance in the form of obligation guarantees. However, the Final Rule does not specify the method for calculating the internal rate of return. This NPRM asks for comments on the procedures for calculating the internal rate of return. (See the Completed Action section, RIN 2133-AA30.)

Agency Contact: James L. Westcott, Director, Office of Ship Financing, Department of Transportation, Maritime Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 382-0389**

RIN: 2133–AA30

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531. ESTABLISHMENT OF MANDATORY POSITION REPORTING SYSTEM FOR VESSELS

Priority: Agency Determination

Legal Authority: 46 USC 1122a; 46 USC 1283

CFR Citation: 46 CFR 307, (New)

Abstract: The Maritime Administrator and the Commandant of the Coast Guard have agreed to merge MARAD's U.S. Merchant Vessel Locator Filing System (USMER) with Coast Guard's Automated Mutual-Assistance Vessel Rescue System (AMVER). Under the new reporting system, USMER reports will be suspended and AMVER reports will be mandatory for all vessels that were previously subject to USMER reporting requirements. This rulemaking is significant because it may involve important Departmental policy.

Timetable:

Action	Date	FR Cite
Final Action	03/00/85	

Small Entity: No

Agency Contact: Walter Lockland, Department of Transportation, Maritime Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 426-5743**

RIN: 2133–AA31

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532. DETERMINATIONS OF NON-AVAILABILITY OF U.S.-FLAG VESSELS

Priority: Agency Determination

Legal Authority: 46 USC 1114(b); 46 USC 1122(d); 46 USC 1241(b); PL 97-31

CFR Citation: 46 CFR 381.8

Abstract: This regulation is intended to provide Government agencies and departments guidance in complying with the provisions of the Cargo Preference Act of 1954, 68 Stat. 832 (46 USC 1241(b)), commonly known as Pub. L. 664. This rulemaking is significant because it involves important Departmental policy.

Timetable:

Action	Date	FR Cite
Final Action	04/00/85	

Small Entity: No

DOT—MarAd

Current and Projected Rulemakings
Priority Rulemakings: Non-Major

Agency Contact: S. Thomas Romeo, Department of Transportation, Maritime Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 426-1765

RIN: 2133-AA36

533. ● CARGO PREFERENCE - U.S. FLAG VESSELS - DETERMINATION OF FAIR AND REASONABLE RATES FOR BULK VESSELS

Priority: Agency Determination

Legal Authority: 46 USC 1241(b); 46 USC 1114(b)

CFR Citation: 46 CFR 382, (New)

Abstract: This regulation would require provision of rate and cost data to MARAD so it can determine fair and reasonable rates for carriage of preference cargo in bulk vessels at the request of concerned Federal agencies. This rulemaking is significant because it concerns a matter on which there is substantial public interest. It would clarify the meaning of a statutory term.

Timetable:

Action	Date	FR Cite
NPRM	04/00/85	

Small Entity: No

Additional Information: This rulemaking has split from an earlier rulemaking: Cargo Preference - U.S. Flag Vessels - Determination of Fair and Reasonable Rates for Liners (RIN = 2133-AA02). Cargo preference regulation was last revised in 1977 (46 CFR 381).

Agency Contact: Frederick D. Larson, Department of Transportation, Maritime Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 382-6036

RIN: 2133-AA43

534. ● NOTICE OF INTENT TO REDESIGNATE ESSENTIAL TRADE ROUTES

Priority: Agency Determination

Legal Authority: 46 USC 1121

CFR Citation: Not applicable

Abstract: The Maritime Administration intends to redesignate U.S., foreign trade routes determined to be essential for the promotion, development, expansion and maintenance of the foreign commerce of the United States, under authority in the Merchant Marine Act, 1936. There have been no substantial changes in essential trade route designations since the Act's enactment, other than inclusion of the U.S. Great Lakes. This action recognizes that in recent years major changes in shipping technology and U.S. trade patterns have emerged. It consolidates the present 29 essential trade routes and essential trade areas into eight essential trade areas.

Timetable:

Action	Date	FR Cite
Notice of Intent to Redesignate Essential Trade Routes	03/08/85	50 FR 9532
Public Comment Period Begins	03/08/85	
Public Comment Period Ends	04/22/85	

Small Entity: No

Additional Information: It reflects the current pattern of vessel operations. It contemplates amendments to the Operating-Differential Subsidy Agreement for a subsidized operator upon request made to the Maritime Subsidy Board. A detailed discussion of the factors supporting this action is contained in a study of the Agency, Reevaluation of U.S. Liner Trade Routes. This study is available upon request.

Agency Contact: Edmond J. Fitzgerald, Director, Office of Trade Studies - MARAD, Department of Transportation, Maritime Administration, 400 Seventh Street, SW - Room 8117, Washington, DC 20590, 202 382-0374

RIN: 2133-AA44

[FR Doc. 85-9370 Filed 04-26-85; 8:45 am]
BILLING CODE 4910-62-T

DEPARTMENT OF TRANSPORTATION (DOT)
Maritime Administration (MarAd)

Current and Projected Rulemakings
Other Rulemakings

535. FEDERAL INCOME TAX ASPECTS OF THE CAPITAL CONSTRUCTION FUND

Legal Authority: 46 USC 1177; 46 USC 1114(b)

CFR Citation: 46 CFR 391

Abstract: Joint rulemaking with Treasury Department would finalize technical regulations governing the utilization of Capital Construction Fund (CCF) - comprised of deposits of the deferred income from shipping operations, related income, and CCF investment income. To be withdrawn pending further study.

Timetable:

Action	Date	FR Cite
NPRM	06/15/72	37 FR 11887
To be withdrawn	03/00/85	

Small Entity: No

Additional Information: NPRM published jointly with Treasury Department on June 15, 1972 (37 FR 11887).

Agency Contact: James L. Westcott, Department of Transportation, Maritime Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 382-0395

RIN: 2133-AA05

536. REQUIREMENTS AND PROCEDURES FOR THE ADMINISTRATION OF CONDITION SURVEYS AND MAINTENANCE AND REPAIR SUBSIDY

Legal Authority: 46 USC 1114(b); 46 USC 1171(a)

CFR Citation: 46 CFR 272

Abstract: Regulation clarifies and liberalizes MARAD policy and procedure for administering that part of the Operating-Differential Subsidy (ODS) program relating to requirement for conducting condition surveys of vessels under ODS agreements which provide maintenance and repair (M&R) subsidy.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Additional Information: Separate rulemaking action was suspended pending completion of review of all ODS regulations for purposes of possible consolidation and simplification. Review has been completed. Development of regulation is awaiting policy decision on procedure for determining subsidy rates for maintenance and repair.

Agency Contact: John J. Davis, Department of Transportation, Maritime Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 426-5743

RIN: 2133-AA08

537. REQUIREMENTS FOR ESTABLISHING UNITED STATES CITIZENSHIP

Legal Authority: 46 USC 802; 46 USC 803; 46 USC 808; 46 USC 835; 46 USC 838; 46 USC 839; 46 USC 841; 46 USC 1151; 46 USC 1171; 46 USC 1276

CFR Citation: 46 CFR 355

Abstract: Proof of U.S. citizenship is required under MARAD financial assistance and vessel transfer programs. These amendments would amend citizenship regulations to simplify proof of corporate citizenship and to ensure corporate control by U.S. citizens under existing corporate organizational structures. It has been determined that this rulemaking is not necessary at this time.

Timetable:

Action	Date	FR Cite
NPRM	10/12/79	44 FR 58928
To be withdrawn	03/00/85	

Small Entity: No

Agency Contact: Doris Lansberry, Department of Transportation, Maritime Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 426-5711

RIN: 2133-AA15

538. STATISTICAL DATA FOR USE IN OPERATING-DIFFERENTIAL SUBSIDY (ODS) APPLICATION HEARINGS

Legal Authority: 46 USC 1175

CFR Citation: 46 CFR 207

Abstract: The amendment proposes procedures that would assist in preparation of standard forecasts of liner cargo (if a Final Rule covering ODS application hearing procedures is issued) in which forecast procedures would be included.

Timetable:

Action	Date	FR Cite
NPRM	05/00/85	

Small Entity: No

Agency Contact: Edmond J. Fitzgerald, Department of Transportation, Maritime Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 382-0374

RIN: 2133-AA16

539. SUSPENSION OF ODS AGREEMENTS FOR ALL OR PORTION OF THE VESSELS INCLUDED THEREIN

Legal Authority: 46 USC 1184; 46 USC 1114(b); PL 97-35

CFR Citation: 46 CFR 295. (New)

Abstract: These regulations are necessary to implement Sec. 1603 of the Omnibus Budget Reconciliation Act of 1981 (P.L. 97-35), which adds a new Sec. 614 to the Merchant Marine Act, 1936.

Timetable:

Action	Date	FR Cite
NPRM	08/18/83	48 FR 37449
Final Action	05/00/85	

Small Entity: No

Analysis: Draft Regulatory Evaluation 08/18/83; Final Regulatory Evaluation 05/00/85

Agency Contact: Raymond Barberesi, Department of Transportation, Maritime Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 382-0382

RIN: 2133-AA17

540. RULES OF PRACTICE AND PROCEDURES; FOR HEARING IN OPERATING-DIFFERENTIAL SUBSIDY (ODS) APPLICATION; APPLICATIONS FOR SUBSIDIES AND OTHER DIRECT FINANCIAL AID

Legal Authority: 46 USC 1114(b)

CFR Citation: 46 CFR 201; 46 CFR 208; 46 CFR 251

Abstract: Amendments to existing agency rules of practice and procedure and regulations governing applications for financial assistance, as well as new Part 208 that would establish a standard discovery order and standard techniques for forecasting the adequacy of U.S. flag liner service in hearings required under the Merchant Marine Act, 1936.

Timetable:

Action	Date	FR Cite
NPRM	06/25/79	44 FR 37003
Final Action	05/00/85	

Small Entity: No

Analysis: Regulatory Evaluation 05/00/85

Agency Contact: Robert J. Patton, Jr., Department of Transportation, Maritime Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 426-5711

RIN: 2133-AA20

541. FEDERAL TORT CLAIMS

Legal Authority: 28 USC 2672

CFR Citation: 46 CFR 204. (New)

Abstract: This rule establishes a system for processing Federal tort claims involving the Maritime Administration and provides information to the public on filing such claims.

Timetable:

Action	Date	FR Cite
NPRM	08/30/84	49 FR 34368
NPRM Comment Period Begin	08/30/84	
NPRM Comment Period End	10/29/84	
Final Action	04/00/85	

Small Entity: No

Additional Information: LEGAL AUTHORITY: 28 CFR 14.11; 49 CFR 1.45(a)(2) and (3).

Agency Contact: Michael J. McMorrow, Department of Transportation, Maritime Administration, 400 Seventh Street, SW, Washington,DC 20590, 202 426-6321

RIN: 2133-AA32

542. VESSEL OBLIGATION GUARANTEES; WAIVERS FOR FOREIGN-BUILT MAIN DIESEL ENGINES

Legal Authority: 46 USC 1271 to 1279; 46 USC 1114(b)

CFR Citation: 46 CFR 298.11

Abstract: The proposed amendment would adopt a policy to allow all applications for waiver of the "Buy American" requirement with respect to foreign-built high and medium speed diesel engines that are not built in the United States and which afford a specified energy savings. This

rulemaking is being withdrawn because the subject matter is within the scope of a separate, more comprehensive, rulemaking action titled Vessel Obligation Guarantees; Vessel Requirements, United States Construction (RIN = 2133-AA29).

Timetable:

Action	Date	FR Cite
ANPRM	04/21/83	48 FR 17120
ANPRM Comment Period Begin	04/21/83	48 FR 17120
ANPRM Comment Period End	06/20/83	
To be withdrawn	03/00/85	

Small Entity: No

Agency Contact: Paul E. Speicher, Jr., Department of Transportation, Maritime Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 426-5727

RIN: 2133-AA33

543. MAKING EXCESS OR SURPLUS FEDERAL PROPERTY AVAILABLE TO THE UNITED STATES MERCHANT MARINE ACADEMY (USMMA), STATE MARITIME ACADEMIES AND APPROVED NONPROFIT MARITIME TRAINING INSTITUTIONS

Legal Authority: 46 USC 1295g

CFR Citation: 46 CFR 310

Abstract: MARAD proposes to implement a provision in the Maritime Education and Training Act of 1980 to make excess or surplus vessels, shipboard equipment and other marine equipment available to the USMMA, State Maritime Academies and other nonprofit training institutions approved jointly by MARAD and the Coast Guard.

Timetable:

Action	Date	FR Cite
NPRM	12/01/83	48 FR 54254
NPRM Comment Period Begin	12/01/83	48 FR 54254
NPRM Comment Period End	01/16/84	
Final Action	04/00/85	

Small Entity: No

Additional Information: Reference to this rulemaking has been moved from inclusion in the entry "Merchant Marine Training," in the "Priority Rulemakings: Non-Major" section of MARAD's portion of the Agenda.

Analysis: Draft Regulatory Evaluation 12/01/83 (48 FR 54254); Final Regulatory Evaluation 04/00/85

Agency Contact: Arthur Friedberg, Department of Transportation, Maritime Administration, 400 Seventh Street, SW, Washington,DC 20590, 202 426-5755

RIN: 2133-AA34

544. BLANKET APPROVAL FOR BAREBOAT CHARTERS AND SALES OF PLEASURE BOATS TO NON-CITIZENS

Legal Authority: 46 USC 808; 46 USC 839; 46 USC 841a

CFR Citation: 46 CFR 221

Abstract: These amendments would expand the scope of a general provision for the blanket approval of certain vessel charters and sales to non-citizens.

Timetable:

Action	Date	FR Cite
NPRM	04/00/85	

Small Entity: Yes

Additional Information: Reference to this rulemaking has been moved from inclusion in the entry, "Documentation, Transfer or Charter of Vessels," in the "Other Rulemakings" section of MARAD's portion of the Agenda.

Analysis: Draft RFA 04/00/85; Regulatory Evaluation 04/00/85

Agency Contact: Jessie Fernanders, Department of Transportation, Maritime Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 426-5821

RIN: 2133-AA40

545. ● MERCHANT MARINE TRAINING; REGULATIONS AND MINIMUM STANDARDS FOR STATE, TERRITORIAL OR REGIONAL MARITIME ACADEMIES AND COLLEGES

Legal Authority: 46 USC 1114(b); PL 97-31

CFR Citation: 46 CFR 310

Abstract: The Maritime Administration is amending its merchant marine training regulations to rescind a 10 percent reduction in the number of student incentive payments offered to incoming students at the state maritime academies/colleges. The reduction which is being rescinded was published in the Federal Register on April 4, 1984, as one of a number of amendments to 46 CFR Part 310 (49 FR 13364). This action is necessary because the 1985 funding level for Maritime Training contained in appropriation legislation exceeds the funding level that had been reflected in the MARAD April rulemaking action.

Timetable:

Action	Date	FR Cite
Final Action	03/00/85	

Small Entity: No

Additional Information: LEGAL AUTHORITY: 49 CFR 1.66.

Agency Contact: Edwin M. Hackett, Department of Transportation, Maritime Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 426-5759

RIN: 2133-AA42

546. ● ELIMINATION OF RESTRICTIONS ON NON-SUBSIDIZED VOYAGES BY SUBSIDIZED LINER COMPANIES

Legal Authority: 46 USC 1173; 46 USC 1114(b)

CFR Citation: 46 CFR 281

Abstract: The Maritime Administration (MARAD) proposes to amend its regulations with respect to procedures now required under liner operating-differential subsidy agreements (ODSA) for Approval of "Non-Subsidized Voyages." This proposed rulemaking would revoke existing requirements that the subsidized operator obtain MARAD approval before it or a related company undertakes a non-subsidized voyage.

Timetable:

Action	Date	FR Cite
NPRM	06/00/85	

Small Entity: No

Agency Contact: Edmond J. Fitzgerald, Director, Office of Trade Studies - MARAD, Department of Transportation, Maritime Administration, 400 Seventh Street, SW, Washington, DC 20590, 202 382-0374

RIN: 2133-AA45

547. ● GENERAL PROCEDURES FOR DETERMINING OPERATING-DIFFERENTIAL SUBSIDY (ODS) FOR LINER VESSELS

Legal Authority: 46 USC 1173; 46 USC 1114(b)

Abstract: The procedure that MARAD now follows in determining ODS for liner vessels is set forth in a manual, rather than in a regulation. Under the existing procedure, final subsidy payments are delayed on the average of three years. The proposed rule prescribes a system of fixed and final ODS rates that would permit administration of the ODS program on a more current basis. A change in procedures for determining foreign competition more accurately could result in annual ODS savings of up to $4 million.

Timetable:

Action	Date	FR Cite
NPRM	05/00/85	

Small Entity: No

Agency Contact: Fred Larson, Director, Department of Transportation, Maritime Administration, Office of Ship Operating Costs-MARAD, 400 Seventh Street, SW-Room 8114, Washington, DC 20590, **202 382-0374**

RIN: 2133–AA46

[FR Doc. 85-8370 Filed 04-26-85; 8:45 am]

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DEPARTMENT OF TRANSPORTATION (DOT)
Maritime Administration (MarAd)

COMPLETED RULEMAKINGS

548. OBLIGATION GUARANTEES

Priority: Agency Determination

Legal Authority: 46 USC 1271 to 1279; 46 USC 1114(b)

CFR Citation: 46 CFR 298

Abstract: The amendments proposed in this rulemaking are intended to streamline procedures for processing applications for obligation guarantees under Title XI of the Merchant Marine Act, 1936, as amended, and to make those procedures more efficient and responsive; clarify the criteria that will be applied in evaluating Title XI applications; provide more detailed financial requirements; and establish specific criteria and procedures for reviewing and evaluating requests by Title XI obligors for advances to pay for debt service, insurance payments and other vessel-related expenses. The proposed rule is significant because it may involve important Departmental policy.

Timetable:

Action	Date	FR Cite
NPRM	08/18/83	48 FR 37453
NPRM Comment Period Begin	08/18/83	48 FR 46825
NPRM Comment Period End	11/17/83	
Final Action	03/08/85	50 FR 9437

Small Entity: No

Additional Information: Simultaneously with the Final Rule, an NPRM was published requesting comments on the calculation of the internal rate of return. See Current and Projected Rulemakings: Obligation Guarantees, RIN=2133-AA30.

Analysis: Draft Regulatory Evaluation 08/18/83; Final Regulatory Evaluation 03/00/85

Agency Contact: James L. Westcott, Director, Office of Ship Financing, Department of Transportation, Maritime Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 382-0389**

RIN: 2133–AA30

549. CARGO PREFERENCE; U.S.-FLAG VESSELS

Priority: Agency Determination

Legal Authority: 46 USC 1114(b); 46 USC 1241(b)(2); PL 97-31

CFR Citation: 46 CFR 381

Abstract: The rule sets forth procedures governing the evaluation by U.S. departments or agencies of bids from subsidized U.S.-flag bulk vessel operators for the carriage of dry bulk preference cargoes. It is significant because it is of substantial interest to the various U.S. shipper departments and agencies and to the maritime industry for which the shipment of preference cargoes represents a major source of business.

Timetable:

Action	Date	FR Cite
Interim Final Rule	01/24/84	49 FR 2897
Final Action	10/11/84	49 FR 39847
Final Action Effective	10/11/84	49 FR 39847

Small Entity: No

Additional Information: While the interim rule was effective upon publication, comments were invited on issues raised by the rulemaking and were received. The final rule was issued on 10/11/84.

Agency Contact: Frederick R. Larson, Department of Transportation, Maritime Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 382-6036**

RIN: 2133–AA37

[FR Doc. 85-8370 Filed 04-26-85; 8:45 am]

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DEPARTMENT OF TRANSPORTATION (DOT)
Maritime Administration (MarAd)

Completed Actions
Other Rulemakings

COMPLETED RULEMAKINGS

550. TREATMENT OF SUBSIDY DURING VOYAGE DEVIATIONS

Legal Authority: 46 USC 1173(a); 46 USC 1114(b)

CFR Citation: 46 CFR 281.6

Abstract: This regulation would have clarified existing MARAD policy of generally not paying ODS to an operator for any period of operation attributable solely to a deviation from the contractually authorized subsidized service.

Timetable:

Action	Date	FR Cite
Action terminated	12/14/84	

Small Entity: No

Additional Information: Rulemaking action was suspended pending completion of review of all ODS regulations for purposes of possible consolidation and simplification. Review has been completed. It has been determined that this subject does not require such action at this time.

Agency Contact: Edmond J. Fitzgerald, Department of Transportation, Maritime Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 382-0374**

RIN: 2133-AA18

551. PRIORITY USE AND ALLOCATION OF SHIPPING SERVICES, CONTAINERS AND PORT FACILITIES AND SERVICES FOR NATIONAL DEFENSE OPERATIONS

Legal Authority: 50 USC App 2061 et seq; EO 11490

CFR Citation: 46 CFR 340, (New)

Abstract: This regulation establishes procedures for requesting priority use and allocation of certain civil transportation resources under authority of Title I of the Defense Production Act of 1950 (50 U.S.C. App. 2061 et seq.). It will apply under circumstances in which there is either the imminent or actual deployment of the Armed Forces of the United States.

Timetable:

Action	Date	FR Cite
NPRM	08/30/82	47 FR 38157
NPRM Comment Period Begin	08/30/82	47 FR 38157
NPRM Comment Period End	10/29/82	
Final Action	12/21/84	49 FR 49630
Final Action Effective	01/22/85	49 FR 49630

Small Entity: No

Additional Information: Reference to this rulemaking has been moved from inclusion in the entry, "National Shipping Authority," in the "Other Rulemakings" section of MARAD's portion of the Agenda.

Agency Contact: Frank B. Case, Department of Transportation, Maritime Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 382-6100**

RIN: 2133-AA39

ACTIONS THAT STARTED AND ENDED BETWEEN ISSUES OF THE UNIFIED AGENDA

552. ● ADMISSION AND TRAINING OF MIDSHIPMEN AT THE UNITED STATES MERCHANT MARINE ACADEMY

Legal Authority: 46 USC 1114(b); PL 97-31

CFR Citation: 46 CFR 310

Abstract: The Maritime Administration has amended its regulations to change the deadline date by which a candidate seeking admission to the United States Merchant Marine Academy must have attained 17 years of age but not have passed his or her 25th birthday. The purpose of the amendment is to establish for the Academy a deadline date of July 1 which is consistent with all other Federal Service academies.

Timetable:

Action	Date	FR Cite
Final Action	11/21/84	49 FR 45857
Final Action Effective	11/21/84	49 FR 45857

Small Entity: No

Additional Information: LEGAL AUTHORITY: 49 CFR 1.66.

Agency Contact: Edwin M. Hackett, Department of Transportation, Maritime Administration, 400 Seventh Street, SW, Washington, DC 20590, **202 426-5759**

RIN: 2133-AA41

[FR Doc. 85-9870 Filed 04-26-85; 8:45 am]
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S.J. Res. 63 / Pub. L. 99-28

To designate the week of April 21, 1985, through April 27, 1985, as "National DES Awareness Week". (Apr. 25, 1985; 99 Stat. 54) Price $1.00

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1–40	9.50	Oct. 1, 1984
41–69	9.50	Oct. 1, 1984
70–89	6.00	Oct. 1, 1984
90–139	9.00	Oct. 1, 1984
140–155	9.50	Oct. 1, 1984
156–165	10.00	Oct. 1, 1984
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200–499	13.00	Oct. 1, 1984
*500–End	7.50	Dec. 31, 1984
47 Parts:		
0–19	13.00	Oct. 1, 1984
20–69	14.00	Oct. 1, 1984
70–79	13.00	Oct. 1, 1984
80–End	14.00	Oct. 1, 1984
48 Chapters:		
1 (Parts 1–51)	13.00	Oct. 1, 1984
1 (Parts 52–99)	13.00	Oct. 1, 1984
2	13.00	Oct. 1, 1984
3–6	12.00	Oct. 1, 1984
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15–End	12.00	Oct. 1, 1984
49 Parts:		
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100–177	14.00	Nov. 1, 1984
178–199	13.00	Nov. 1, 1984
200–399	13.00	Oct. 1, 1984
400–999	13.00	Oct. 1, 1984
1000–1199	13.00	Oct. 1, 1984
1200–1299	13.00	Oct. 1, 1984
1300–End	3.75	Oct. 1, 1984
50 Parts:		
1–199	9.50	Oct. 1, 1984
200–End	14.00	Oct. 1, 1984
CFR Index and Findings Aids	18.00	Jan. 1, 1985
Complete 1985 CFR set	550.00	1985
Microfiche CFR Edition:		
Complete set (one-time mailing)	155.00	1983
Subscription (mailed as issued)	200.00	1984
Individual copies	2.25	1984
Subscription (mailed as issued)	185.00	1985
Individual copies	3.75	1985

[1] No amendments to this volume were promulgated during the period Apr. 1, 1980 to March 31, 1984. The CFR volume issued as of Apr. 1, 1980, should be retained.

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Vol. 50 No. 82

Federal Register

Monday
April 29, 1985

Book 2 of 2 Books

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BOOK 2:
Pages 17615-18218

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Federal Register

Monday
April 29, 1985

Part XV

Department of the Treasury

Semiannual Regulatory Agenda

TREAS

DEPARTMENT OF THE TREASURY (TREAS)
Office of the Secretary (OS)

DEPARTMENT OF THE TREASURY

Office of the Secretary

31 CFR Subtitle A, Chs. I and II

Semiannual Agenda

AGENCY: Office of the Secretary, Treasury.

ACTION: Semiannual agenda.

SUMMARY: This notice is given pursuant to the requirements of the "Regulatory Flexibility Act" (Pub. L. 96-354, September 19, 1980) and Executive Order 12291 ("Federal Regulation," February 17, 1981), which require the publication of a semiannual agenda of regulations. The semiannual agenda of the Department of the Treasury conforms to the Unified Agenda Format developed by the Regulatory Information Service Center.

FOR FURTHER INFORMATION CONTACT: For additional information about a specific Office of the Secretary regulation contained in this agenda, contact the "agency contact" listed in the specific regulatory action. For general information concerning the agenda of the Department of the Treasury, contact Richard S. Carro, Director, Office of Legislation and Regulations, Office of the General Counsel, Room 1422, 1500 Pennsylvania Avenue, N.W., Washington, D.C. 20220, (202) 566-8464.

SUPPLEMENTARY INFORMATION: The semiannual agenda of the Office of the Secretary includes the Office of the General Counsel and the Office of Revenue Sharing.

By direction of the Secretary.
DATED: February 25, 1985.
Edward J. Stucky,
Acting Executive Secretary.

Office of the Secretary—Current and Projected Rulemakings

Sequence Number	Title	Regulation Identifier Number
1	*31 CFR 1.1 Disclosure of Records	1505-AA01
2	31 CFR 103 Amendments to Implementing Regulations--Currency and Foreign Transactions Reporting Act	1505-AA05
3	31 CFR 10 Continued Professional Education for Individuals Enrolled to Practice Before the Internal Revenue Service	1505-AA07
4	31 CFR 128 Reporting of International Capital and Foreign Currency Transactions and Holdings, Transfers of Credit, and Export of Coin and Currency	1505-AA13
5	31 CFR 10 Discipline of Appraisers Against Whom Aiding and Abetting Penalties Under the Internal Revenue Code Have Been Assessed	1505-AA14

*Indicates priority regulation.

Office of the Secretary—Completed Actions

Sequence Number	Title	Regulation Identifier Number
6	31 CFR 103 Casinos Regulations	1505-AA10

DEPARTMENT OF THE TREASURY (TREAS)
Office of the Secretary (OS)

Current and Projected Rulemakings

1. DISCLOSURE OF RECORDS

Priority: Agency Determination

Legal Authority: 5 USC 552; 5 USC 552a; 31 USC 321

CFR Citation: 31 CFR 1.1

Abstract: This regulation amends the Department of Treasury's regulations implementing the Freedom of Information and Privacy Acts. The proposed amendments are intended to facilitate and simplify public requests for information, and to assure accurate and consistent application of policies and procedures throughout the Department. The regulation revises fees charged by the Department for duplication, search and other services to reflect increased costs to the Department.

Timetable:

Action	Date	FR Cite
NPRM	06/00/85	
Final Action	09/00/85	

Small Entity: No

Agency Contact: Phyllis De Piazza, Departmental Disclosure Officer, Department of the Treasury, Office of the Secretary, **202 566-2789**

RIN: 1505–AA01

2. AMENDMENTS TO IMPLEMENTING REGULATIONS–CURRENCY AND FOREIGN TRANSACTIONS REPORTING ACT

Legal Authority: 31 USC 5314 Currency and Foreign Transactions Reporting Act

CFR Citation: 31 CFR 103

Abstract: This regulation would establish a mechanism through which the Secretary of the Treasury, exercising the authority conferred on him by the Currency and Foreign Transactions Reporting Act, could issue substantive regulations requiring financial institutions in the United States to submit reports of financial transactions with foreign financial agencies.

Timetable:

Action	Date	FR Cite
NPRM	04/05/84	49 FR 13548
NPRM Comment Period Begin	04/05/84	49 FR 13548
NPRM Comment Period End	06/04/84	
Final Action	03/00/85	
Final Action Effective	04/00/85	

Small Entity: Undetermined

Agency Contact: Robert Stankey, Financial Crimes & Frauds, Advisor to the Ass't Secy (Enforcement), Department of the Treasury, Office of the Secretary, Room 1458, 1500 Pennsylvania Avenue, NW, Washington, DC 20220, **202 566-8022**

RIN: 1505–AA05

3. CONTINUED PROFESSIONAL EDUCATION FOR INDIVIDUALS ENROLLED TO PRACTICE BEFORE THE INTERNAL REVENUE SERVICE

Legal Authority: 31 USC 330

CFR Citation: 31 CFR 10

Abstract: This notice reflects advance notice of an intention to modify the regulations governing practice before the Internal Revenue Service. The modification would require continuing professional education as a condition for the maintenance of good standing for enrollment to practice before the Internal Revenue Service.

Timetable:

Action	Date	FR Cite
ANPRM	07/03/84	49 FR 27326
ANPRM Comment Period Begin	07/03/84	49 FR 27326
ANPRM Comment Period End	09/04/84	
NPRM	04/00/85	
NPRM Comment Period Begin	04/00/85	
NPRM Comment Period End	06/00/85	

Small Entity: No

Agency Contact: Mr. Leslie S. Shapiro, Director of Practice, Department of the Treasury, Office of the Secretary, Internal Revenue Service, Washington, DC 20224, **202 535-6787**

RIN: 1505–AA07

4. ● REPORTING OF INTERNATIONAL CAPITAL AND FOREIGN CURRENCY TRANSACTIONS AND HOLDINGS, TRANSFERS OF CREDIT, AND EXPORT OF COIN AND CURRENCY

Legal Authority: 31 USC 5315

CFR Citation: 31 CFR 128

Abstract: Part 128 of Title 31, CFR, sets forth the requirements and describes the forms used for reporting international capital and foreign currency transactions and holdings. Large amounts of offshore loans to U.S. nonbank residents are not being properly reported on the TIC C-series forms prescribed in Subpart B of Part 128. Much of this underreporting results from confusion among nonbank borrowers over whether the source of their loans is domestic or foreign. This confusion is exacerbated by the failure of U.S. intermediaries to comply with existing obligations, specified in the Form BL-2 instructions, either to report certain foreign transactions on behalf of their U.S. customers or to inform those customers of foreign ownership of claims held against them. This final rule describes and authorizes the issuance of TIC Form BL-3, designed for use by a bank or other financial intermediary in the U.S. to notify a nonbanking customer that a foreign loan has been arranged and that the customer has an obligation to report on TIC Form CQ-1.

Timetable:

Action	Date	FR Cite
Final Action	04/00/85	

Small Entity: No

Agency Contact: Gary A. Lee, Department of the Treasury, Office of the Secretary, Room 5453, 1500 Pennsylvania Avenue, NW, Washington, DC 20220, **202 566-3114**

RIN: 1505–AA13

5. ● DISCIPLINE OF APPRAISERS AGAINST WHOM AIDING AND ABETTING PENALTIES UNDER THE INTERNAL REVENUE CODE HAVE BEEN ASSESSED

Legal Authority: 5 USC 301; 31 USC 321

CFR Citation: 31 CFR 10

Abstract: This notice solicits public comment on proposed regulations implementing section 156 of the Deficit Reduction Act of 1984 (98 Stat. 695). Section 156 provides for the disqualification of appraisals and appraiser testimony in connection with Treasury Department or Internal Revenue Service proceedings with respect to any appraiser who has been assessed an aiding and abetting penalty under 26 USC 7601(a) after July 18, 1984.

Timetable:

Action	Date	FR Cite
NPRM	02/20/85	50 FR 07075
NPRM Comment Period Begin	02/20/85	50 FR 07075
NPRM Comment Period End	04/21/85	
Final Action	09/00/85	

Small Entity: No

Agency Contact: Mr. Leslie S. Shapiro, Director of Practice, Department of the Treasury, Internal Revenue Service, 1111 Constitution Avenue, NW, Washington, DC 20224, **202 535-6787**

RIN: 1505–AA14

DEPARTMENT OF THE TREASURY (TREAS)
Office of the Secretary (OS)

Completed Actions

COMPLETED RULEMAKINGS

6. CASINOS REGULATIONS

Legal Authority: 31 USC 5311 to 5322 Bank Secrecy Act; 12 USC 1829b Bank Secrecy Act; 12 USC 1951 to 1959 Bank Secrecy Act

CFR Citation: 31 CFR 103

Abstract: The proposed rule would subject gambling casinos, not otherwise exempted under the proposed rule, to the reporting and recordkeeping requirements of Titles I and II of Public Law 91-508, commonly referred to as the "Bank Secrecy Act."

Timetable:

Action	Date	FR Cite
NPRM	08/00/84	
NPRM Comment Period Begin	08/00/84	
NPRM Comment Period End	12/00/84	
Final Action	02/06/85	50 FR 5065
Final Action Effective	05/07/85	50 FR 5065

Small Entity: No

Agency Contact: Robert J. Stankey, Federal Crimes & Fraud Advisor, Department of the Treasury, Office of the Secretary, 1500 Pennsylvania Avenue, NW, Room 1458, Washington, DC 20220, **202 566-8022**

RIN: 1505-AA10

[FR Doc. 85-6370 Filed 04-26-85; 8:45 am]
BILLING CODE 4810-25-T

Office of Revenue Sharing—Current and Projected Rulemakings

Sequence Number	Title	Regulation Identifier Number
7	*31 CFR 51 Wind Down of Revenue Sharing Program	1507-AA09

*Indicates priority regulation.

Office of Revenue Sharing—Existing Regulations Under Review

Sequence Number	Title	Regulation Identifier Number
8	31 CFR 51 Subpart G Revision of Subpart G	1507-AA08

Office of Revenue Sharing—Completed Actions

Sequence Number	Title	Regulation Identifier Number
9	31 CFR 51 Regulations to Implement Legislation Renewing the General Revenue Sharing Program	1507-AA00
10	31 CFR 51 Age Discrimination Regulations	1507-AA02

DEPARTMENT OF THE TREASURY (TREAS)
Office of Revenue Sharing (ORS)

Current and Projected Rulemakings

7. ● WIND DOWN OF REVENUE SHARING PROGRAM

Priority: Agency Determination

Legal Authority: 31 USC 6701 to 6724 The Revenue Sharing Act

CFR Citation: 31 CFR 51

Abstract: The administration is recommending termination of the Revenue Sharing Program one year in advance of the current authorization. The last payments would be made during the current FY instead of during FY 1986. A number of provisions of the regulations will have to be revised to permit the ORS to take certain actions before they are required by regulation. No alternative to wind down is available. It is expected that early termination of the program will effect a substantial cost savings.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: Undetermined

Additional Information: ADDITIONAL AGENCY CONTACT: Jacqueline L. Jackson, Attorney Advisor. (See contact heading for address and phone.)

Public Compliance Cost: Initial Cost: $0; Yearly Recurring Cost: $0; Base Year for Dollar Estimates: 1985

Government Levels Affected: Local, Federal

Agency Contact: **Richard S. Isen**, Chief Counsel for Revenue Sharing, Department of the Treasury, Office of Revenue Sharing, 2401 E Street, NW, Washington, DC 20226, **202 634-5182**

RIN: 1507-AA09

DEPARTMENT OF THE TREASURY (TREAS)
Office of Revenue Sharing (ORS)

Existing Regulations Under Review

8. ● REVISION OF SUBPART G

Legal Authority: 31 USC 6701 to 6724 The Revenue Sharing Act

CFR Citation: 31 CFR 51 Subpart G

Abstract: Subpart G contains the administrative hearing procedures to be used when a violation of the Revenue Sharing Act has occurred. These regulations have not been substantially reviewed since 1979 and need to be clarified and updated. No cost to the public or the Federal government is expected to be incurred as a result of this regulation.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Additional Information: ADDITIONAL AGENCY CONTACT: Jacqueline L. Jackson, Attorney Advisor. (See contact heading for address and phone.)

Public Compliance Cost: Initial Cost: $0; Yearly Recurring Cost: $0; Base Year for Dollar Estimates: 1985

Government Levels Affected: Local, Federal

Agency Contact: **Richard S. Isen**, Chief Counsel for Revenue Sharing, Department of the Treasury, Office of Revenue Sharing, 2401 E Street, NW, Washington, DC 20226, **202 634-5182**

RIN: 1507-AA08

DEPARTMENT OF THE TREASURY (TREAS)
Office of Revenue Sharing (ORS)

Completed Actions

COMPLETED RULEMAKINGS

9. REGULATIONS TO IMPLEMENT LEGISLATION RENEWING THE GENERAL REVENUE SHARING PROGRAM

Legal Authority: 31 USC 6701 to 6724; PL 98-185

CFR Citation: 31 CFR 51

Abstract: The General Revenue Sharing Program was renewed in 1983. The Office of Revenue Sharing is developing regulations to implement that legislation. Included within this regulatory project will be revision of policy concerning reservation of entitlement funds, adjustment of allocations described below.

Timetable:

Action	Date	FR Cite
NPRM	07/06/84	49 FR 2777
NPRM Comment Period Begin	07/06/84	
NPRM Comment Period End	08/20/84	
Final Action	01/24/85	50 FR 3454
Final Action Effective	02/25/85	

Small Entity: No

Additional Information: ADDITIONAL AGENCY CONTACT: Jacqueline L. Jackson, Attorney Advisor. (See agency contact heading for address and phone.)

Government Levels Affected: Local

Agency Contact: **Richard S. Isen**, Chief Counsel, Department of the Treasury, Office of Revenue Sharing, Office of Chief Counsel, Washington, DC 20226, **202 634-5182**

RIN: 1507-AA00

10. AGE DISCRIMINATION REGULATIONS

Legal Authority: 31 USC 6701 to 6724 The Revenue Sharing Act; 42 USC 6701 et seq Age Discrimination Act of 1975

CFR Citation: 31 CFR 51

Abstract: The Office of Revenue Sharing is required, pursuant to the Age Discrimination Act of 1975, to issue regulations implementing that Act. A proposed rule containing these

TREAS—ORS **Completed Actions**

regulations was issued on December 31, 1979 (44 FR 77456), as part of the overall revision of the revenue sharing regulations. Final regulations were drafted and submitted in 1979 for approval to HHS. The regulations will be issued shortly after HHS provides final approval.

Timetable:

Action	Date	FR Cite
Final Action	01/24/85	50 FR 3454
Final Action Effective	02/25/85	

Small Entity: No

Additional Information: ADDITIONAL AGENCY CONTACT: Jacqueline L. Jackson, Attorney Advisor. (See agency contact heading for address and phone.)

Government Levels Affected: Local

Agency Contact: Richard S. Isen, Chief Counsel, Department of the Treasury, Office of Revenue Sharing, Office of Chief Counsel, Washington, DC 20226, 202 634-5182

RIN: 1507-AA02

[FR Doc. 85-6370 Filed 04-26-85; 8:45 am]

BILLING CODE 4810-28-T

DEPARTMENT OF THE TREASURY (TREAS)
Financial Management Service (FMS)

Financial Management Service, Fiscal Service

31 CFR Ch. II

Semiannual Agenda

AGENCY: Financial Management Service, Treasury.

ACTION: Semiannual agenda.

SUMMARY: This notice is given pursuant to the requirements of the "Regulatory Flexibility Act" (Pub. L. 96-354, September 19, 1980) and Executive Order 12291 ("Federal Regulation," February 17, 1981), which require the publication of a semiannual agenda of regulations under development or review.

FOR FURTHER INFORMATION CONTACT: For additional information about a specific regulation contained in this agenda, contact the "agency contact" listed in the specific regulatory action.

SUPPLEMENTARY INFORMATION: The proposed regulations are not considered to be major regulations within the meaning of E.O. 12291 and will not have a significant impact on small entities within the meaning of the Regulatory Flexibility Act.

DATED: February 15, 1985.

W. E. Douglas,

Commissioner.

TREAS—FMS

Financial Management Service—Current and Projected Rulemakings

Sequence Number	Title	Regulation Identifier Number
11	31 CFR 205 Revision of Treasury Department Circular (TDC) No. 1075, Regulations Governing Withdrawal of Cash from the Treasury for Advances Under Federal Grant and Other Programs	1510-AA00
12	31 CFR 223.1 Regulations Governing Surety Companies Doing Business with the United States	1510-AA05
13	*31 CFR 206 Regulations Governing the Management of Federal Agency Receipts and Operation of the Cash Management Improvements Fund	1510-AA06

*Indicates priority regulation.

Financial Management Service—Completed Actions

Sequence Number	Title	Regulation Identifier Number
14	31 CFR 210 Federal Recurring Payments Through Financial Organizations by Means Other Than Checks	1510-AA01
15	*00 CFR Not yet determined Regulations Applicable to the Billing, Collection and Deposit of Federal Agency Receipts	1510-AA07

*Indicates priority regulation.

DEPARTMENT OF THE TREASURY (TREAS)
Financial Management Service (FMS)

Current and Projected Rulemakings

11. REVISION OF TREASURY DEPARTMENT CIRCULAR (TDC) NO. 1075, REGULATIONS GOVERNING WITHDRAWAL OF CASH FROM THE TREASURY FOR ADVANCES UNDER FEDERAL GRANT AND OTHER PROGRAMS

Legal Authority: 5 USC 301; 31 USC 6503; 42 USC 4213

CFR Citation: 31 CFR 205

Abstract: Revision of TDC No. 1075 will formally establish the Letter of Credit-Treasury Financial Communications System (LOC-TFCS). The two established letter of credit systems, the Letter of Credit-Federal Reserve Bank System and the Letter of Credit-Treasury Regional Disbursing Office System, do not provide the combination of Federal agency preaudit of payment requests and guaranteed payment time. The LOC-TFCS provides both of these features, thus enabling improved Federal control of advances made through letter of credit. In addition, other financing issues, such as developing more definitive guidelines for the immediate cash requirements of recipient organizations receiving advances of Federal funds, will be addressed at this time.

Timetable:

Action	Date	FR Cite
NPRM	06/00/85	
Decision pending	00/00/00	

Small Entity: No

Additional Information: In addition, new funding techniques developed through the Federal/State Equity Program will be incorporated into the regulations.

Government Levels Affected: Local, State, Federal

Agency Contact: Katherine Payne, Manager, Treasury Programs Branch, Department of the Treasury, Financial Management Service, Treasury Anx. 1, PB 802, Madison Place and Pennsylvania, NW, Washington, DC 20226, 202 634-5701

RIN: 1510-AA00

12. REGULATIONS GOVERNING SURETY COMPANIES DOING BUSINESS WITH THE UNITED STATES

Legal Authority: 31 USC 9305

CFR Citation: 31 CFR 223.1; 31 CFR 223.2; 31 CFR 223.3, 31 CFR 223.8; 31 CFR 223.10, 31 CFR 223.11; 31 CFR 223.12; 31 CFR 223.14; 31 CFR 223.16; 31 CFR 223.17; 31 CFR 223.21; 31 CFR 223.22

Abstract: The amended regulations will revise United States Code references; revise titles of designated officials; reduce quarterly reporting requirements of insurance companies from an estimated 4,000 hours annually to approximately 2,000 hours; eliminate the admitted reinsurer requirement thereby eliminating the reporting requirements and fees of 150 companies and saving approximately 900 staff review hours. Other benefits will include the reduction in application and renewal fees currently $1,050 and $700 respectively (by 30 to 50 percent); reduction in staff hours required for annual reviews (cut from 3700 hours to 1850 hours); reduction in staff hours required for application reviews (cut from 1800 to 900) and quarterly reviews (cut from 200 to 100 hours). Purpose of the revisions is to substantially reduce the human and material resources needs of this operation.

Timetable:

Action	Date	FR Cite
NPRM	08/07/84	49 FR 31454
NPRM Comment Period Begin	08/07/84	
NPRM Comment Period End	10/09/84	
Final Action	00/00/00	

TREAS—FMS — **Current and Projected Rulemakings**

Small Entity: Not Applicable

Agency Contact: Terry L. Boyer, Manager, Surety Bond Branch, Department of the Treasury, Financial Management Service, 615 Matomic Bldg., 1717 H Street, NW, Washington, DC 20226, **202 634-2345**

RIN: 1510-AA05

13. REGULATIONS GOVERNING THE MANAGEMENT OF FEDERAL AGENCY RECEIPTS AND OPERATION OF THE CASH MANAGEMENT IMPROVEMENTS FUND

Priority: Agency Determination

Legal Authority: 31 USC 321; 31 USC 3301; 31 USC 3302; 31 USC 3720

CFR Citation: 31 CFR 206

Abstract: This proposed regulation implements the Deficit Reduction Act of 1984, Title VI, Subtitle C, Section 2652. This regulation prescribes the policies and guidelines for promoting effective cash management through improved billing, collection, and deposit that results in improved availability of funds.

Timetable:

Action	Date	FR Cite
NPRM	04/00/85	

Small Entity: Not Applicable

Additional Information: Previous reporting proposed two regulations to implement Section 2652 of the Deficit Reduction Act of 1984 (RIN 1510-AA06 and AA07). The two regulations have now been combined into one regulation. Therefore, RIN 1510-AA07 is withdrawn.

Agency Contact: Susan Veintemillas, Program Analyst, Department of the Treasury, Financial Management Service, Cash Management Division, Rm 711 Premier Building 1725 "I" St. NW, Washington, DC 20226, **202 634-2016**

RIN: 1510-AA06

DEPARTMENT OF THE TREASURY (TREAS)
Financial Management Service (FMS)

Completed Actions

COMPLETED RULEMAKINGS

14. FEDERAL RECURRING PAYMENTS THROUGH FINANCIAL ORGANIZATIONS BY MEANS OTHER THAN CHECKS

Legal Authority: 5 USC 301; 12 USC 391

CFR Citation: 31 CFR 210

Abstract: Analysis showed the need to simplify and clarify the reclamation sections of the regulation, and to provide notice to account owners when the Government seeks recovery of post-death direct deposit/EFT payments from financial institutions. A notice of proposed rulemaking published August 7, 1984 explains the reasons for these changes. See 49 FR 31450.

Timetable:

Action	Date	FR Cite
NPRM	08/07/84	49 FR 31450
NPRM Comment Period Begin	08/07/84	49 FR 31450
NPRM Comment Period End	10/09/84	
Final Action	12/17/84	49 FR 48918
Final Action Effective	04/21/85	

Small Entity: No

Agency Contact: Dan Gordon, Project Analyst, Department of the Treasury, Financial Management Service, ACH Program Branch, Room 224, Treasury Anx. 1, Washington, DC 20226, **202 535-6320**

RIN: 1510-AA01

15. REGULATIONS APPLICABLE TO THE BILLING, COLLECTION AND DEPOSIT OF FEDERAL AGENCY RECEIPTS

Priority: Agency Determination

Legal Authority: 5 USC 301; 31 USC 3301 to 3302; 31 USC 3720

CFR Citation: Not yet determined

Abstract: Authority to prescribe the timing and mechanisms for collection and deposit of Federal Agency Receipts will result in a development of an integrated government collection system, thereby reducing interest losses on collection float, providing accurate and timely cash position and account balance data, and provide for efficient handling of transactions. Regulations are required by Deficit Reduction Act of 1984, Division B, Title 6, Subtitle C, Section 2652.

Timetable:

Action	Date	FR Cite
Withdrawn	02/00/85	

Small Entity: Not Applicable

Agency Contact: Susan Veintemillas, Program Analyst, Department of the Treasury, Financial Management Service, Cash Management Division, Rm 711 Premier Building 1725 "I" St. NW, Washington, DC 20226, **202 634-2016**

RIN: 1510-AA07

[FR Doc. 85-6374 Filed 04-26-85; 8:45 am]

BILLING CODE 4810-35-T

DEPARTMENT OF THE TREASURY (TREAS)

Bureau of Alcohol, Tobacco and Firearms (BATF)

Bureau of Alcohol, Tobacco and Firearms

27 CFR Ch. I

[Notice No. 563]

Unified Agenda of Federal Regulations

AGENCY: Bureau of Alcohol, Tobacco and Firearms (ATF); Department of the Treasury.

ACTION: General notice; Unified Agenda of Federal Regulations of regulatory projects under development, consideration, and review.

SUMMARY: Pursuant to section 5 of Executive Order 12291, entitled "Federal Regulations," ATF is publishing an agenda of proposed regulations that are expected to be issued and of proposed regulations that have been issued and an agenda of existing regulations that are being reviewed under the terms of the Executive Order, within the next six months. The latter agenda also lists regulatory projects identified for review pursuant to the ATF Regulatory Reform Program. Pursuant to section 610 of the Regulatory Flexibility Act (Pub. L. 96-354; 5 U.S.C. 610), ATF is also indicating whether a regulatory project is likely to have a significant economic impact upon a substantial number of small entities.

This general notice is designed to give the public adequate notice of the regulatory activities being contemplated by ATF.

The agenda is based on information available at the present time. The next Unified Agenda of Federal Regulations will be published in the **Federal Register** of October 1985.

FOR FURTHER INFORMATION CONTACT: For information about any particular regulatory project, contact the person listed in the subheading "Agency Contact," for the regulatory project.

For general information about this general notice, contact Lori Weiss, FAA, Wine and Beer Branch, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, N.W., Washington, D.C. 20226; (202) 566-7626.

Following is a table of abbreviations used throughout the agenda.

TABLE OF ABBREVIATIONS

ABBREVIATION	MEANING
ANPRM	Advance notice of proposed rulemaking
ATF	Bureau of Alcohol, Tobacco and Firearms

TABLE OF ABBREVIATIONS—Continued

ABBREVIATION	MEANING
CFR	Code of Federal Regulations
DSP	Distilled Spirits Plant
E.O.	Executive Order
FR	Federal Register
FAA Act	Federal Alcohol Administration Act
NPRM	Notice of proposed rulemaking
OFR	Office of the Federal Register
OMB	Office of Management and Budget
Pub. L.	Public Law
T.D.	Treasury Decision
T.D. with N.	(Temporary) Treasury Decision with Notice
T.D. w/o N.	Treasury Decision without Notice
Treasury	Department of the Treasury

Issuance

By direction of the Secretary of the Treasury, this general notice reads as set forth below.

SIGNED: February 15, 1985.

W. T. Drake,

Acting Director.

Bureau of Alcohol, Tobacco and Firearms—Current and Projected Rulemakings

Sequence Number	Title	Regulation Identifier Number
16	*27 CFR 19.11 Implementation of the "Wine Impact Bill"	1512-AA06
17	*27 CFR 9 American Viticultural Areas	1512-AA07
18	*27 CFR 19.377 Reporting Taxes Due to the Governments of Puerto Rico and the Virgin Islands	1512-AA09
19	*27 CFR 5.22 Standard of Identity for Vodka	1512-AA10
20	*27 CFR 4 Recodification of 27 CFR Part 4	1512-AA17
21	*27 CFR 197 Nonbeverage Drawback	1512-AA20
22	*27 CFR 245 Recodification of Beer Regulations	1512-AA24
23	*27 CFR 4.29 Grape Harvest Labeling for Wine	1512-AA31
24	27 CFR 5.22(b)(1)(iii) Change in Standard of Identity for Straight Whiskies of the Same Type	1512-AA32
25	*27 CFR 4.26 Estate Bottled	1512-AA34
26	27 CFR 252 Effect of Reduced Customs Staffing at Customs Bonded Warehouses	1512-AA35
27	27 CFR 5.22 Reduced Proof Distilled Spirits Products	1512-AA36
28	*27 CFR 4.39(i) Geographic Brand Names	1512-AA37
29	*27 CFR 5.47a 375 ml and 500 ml Containers for Distilled Spirits	1512-AA39
30	*27 CFR 240.180 to 240.400 Recodification of Wine Regulations (Subparts A to O)	1512-AA42
31	*27 CFR 13.31 Denatured Alcohol - Measurement of Proof	1512-AA43
32	*27 CFR 19.42 Caribbean Basin Economic Recovery Act	1512-AA45
33	*27 CFR 5.22(h)(3) 2 1/2% Alcohol Flavoring	1512-AA46
34	*27 CFR 4 Labeling and Advertising of Wine, Distilled Spirits and Malt Beverages; Use of the Word Light (Lite)	1512-AA48
35	*27 CFR 4 Labeling and Advertising of Wine, Distilled Spirits and Malt Beverages; Appearance of Athletes and Depiction of Athletic Events	1512-AA50
36	*27 CFR 240 Materials and Processes for the Production and Treatment of Wine	1512-AA61
37	*27 CFR 5.37 Replacement of Proof Statement with Percentage-of-Alcohol- by-Volume Statement on Distilled Spirits Labels	1512-AA62

TREAS—BATF

Bureau of Alcohol, Tobacco and Firearms—Current and Projected Rulemakings—Continued

Sequence Number	Title	Regulation Identifier Number
38	*27 CFR 19 Repeal of Strip Stamp Requirement on Distilled Spirits Containers	1512-AA63
39	*27 CFR 178.121(a) Federal Firearms License Record Retention	1512-AA40
40	*27 CFR 179 Removal of References to United States Attorneys and United States Marshalls as Possible Certifying Officials and Minor Changes to Identification Procedures	1512-AA51
41	*27 CFR 55 Information Gathering on Fireworks Regulations	1512-AA52
42	*27 CFR 47 Revision of 27 CFR Part 47 to Conform to the Revision of the International Traffic in Arms Regulations (ITAR)	1512-AA59
43	*27 CFR 47.11 Importation of Firearms and Other Miscellaneous Amendments Relating to Firearms and Ammunition	1512-AA60
44	*27 CFR 55 Firearms License and Explosives License or Permit Application and Renewal Procedures	1512-AA64
45	*27 CFR 270.11 Manufacturer's Identification on Tobacco Products Packages	1512-AA28
46	27 CFR 285 27 CFR Part 285, Manufacture of Cigarette Papers and Tubes	1512-AA33

*Indicates priority regulation.

Bureau of Alcohol, Tobacco and Firearms—Completed Actions

Sequence Number	Title	Regulation Identifier Number
47	*27 CFR 5 Implementation of the Distilled Spirits Tax Revision Act of 1979 and Revision of Vinegar Regulations	1512-AA08
48	*27 CFR 240 Materials and Processes for the Production and Treatment of Wine	1512-AA12
49	*27 CFR 211 Recodification of 27 CFR Parts 211 and 213 as 27 CFR Parts 20 and 22	1512-AA21
50	*27 CFR 240.1 to 240.145 Recodification of Wine Regulations (Subparts A to E)	1512-AA30
51	*27 CFR 4.25a Appellation of Origin, Name and Address, and Net Contents	1512-AA38
52	*27 CFR 19.409 Overprinting Strip Stamps with the Word "Export"	1512-AA41
53	*27 CFR 4 Labeling and Advertising of Wine, Distilled Spirits, and Malt Beverages; Incorporation of Voluntary Industry Codes into the Federal Regulations	1512-AA47
54	*27 CFR 4 Labeling and Advertising of Wine, Distilled Spirits and Malt Beverages; Use of the Word "Natural"	1512-AA49
55	*27 CFR 178.41(b) Sales of Firearms and Ammunition by Licensees at Gun Shows	1512-AA44

*Indicates priority regulation.

DEPARTMENT OF THE TREASURY (TREAS)

Bureau of Alcohol, Tobacco and Firearms (BATF)

Current and Projected Rulemakings

ALCOHOL

16. IMPLEMENTATION OF THE "WINE IMPACT BILL"

Priority: Agency Determination

Legal Authority: 26 USC 5010

CFR Citation: 27 CFR 19.11; 27 CFR 19.37 to 19.40; 27 CFR 19.42; 27 CFR 19.346; 27 CFR 19.372; 27 CFR 19.402; 27 CFR 19.505; 27 CFR 19.566; 27 CFR 19.681; 27 CFR 19.748; 27 CFR 19.763; 27 CFR 19.764; 27 CFR 19.778 to 19.780; 27 CFR 170.681 to 170.691; 27 CFR 197.105; ...

Abstract: Restores the tax system which existed for distilled spirits products containing wine or alcoholic flavoring materials prior to the enactment of the Distilled Spirits Tax Revision Act of 1979; also permits spirits bottled for industrial purposes to be transferred in bond between distilled spirits plants.

Timetable:

Action	Date	FR Cite
NPRM	04/00/85	
Interim Final Rule	00/00/00	

Small Entity: No

Agency Contact: Richard C. Langford, ATF Coordinator, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, NW, Washington, DC 20226, 202 566-7531

RIN: 1512-AA06

17. AMERICAN VITICULTURAL AREAS

Priority: Agency Determination

Legal Authority: 27 USC 205

CFR Citation: 27 CFR 9

Abstract: Establishes grape-growing regions as American viticultural areas for purposes of labeling and advertising of wine.

Supplemental Timetable:

Alexander Valley, CA (contact Charles Bacon)
NPRM 08/19/82 (47 FR 35521)
NPRM Comment Period End 10/18/82
Final Action 10/24/84 (49 FR 42719)

Arkansas Mountain, AR (contact Steve Simon)
NPRM 10/00/85

Armendaris, NM (contact Ed Reisman)
NPRM 12/00/85

Bonny Doon, CA (contact Roger Arnold)
NPRM 10/00/85

Central Coast, CA (contact John Linthicum)
NPRM 07/12/84 (49 FR 28257)
NPRM Comment Period End 09/10/84
Final Action 10/00/85

Coastal Sonoma, CA (contact John Linthicum)

NPRM 12/00/85
Columbia Valley, WA and OR (contact Charles Bacon)
NPRM 08/24/83 (48 FR 38497)
NPRM Comment Period End 10/11/83
Final Action 11/13/84 (49 FR 44895)
Cumberland Valley, MD and PA (contact Michael Breen)
NPRM 02/28/85 (50 FR 8142)
George Washington's Birthplace, VA (contact Ed Reisman)
NPRM 06/00/85
Kanawha River Valley, WVA (contact John Linthicum)
NPRM 10/00/85
King City, CA (contact Roger Arnold)
NPRM 10/00/85
Lodi, CA (contact Roger Arnold)
NPRM 06/00/85
Madera, CA (contact Charles Bacon)
NPRM 01/26/82 (46 FR 3564)
NPRM Comment Period End 03/12/82
Final Action 12/07/84 (49 FR 47831)
Martha's Vineyard, MA (contact Charles Bacon)
NPRM 08/04/83 (48 FR 35462)
NPRM Comment Period End 09/19/83
Final Action 01/03/85 (50 FR 255)
Mesilla Valley, NM and TX (contact Ed Reisman)
NPRM 07/12/84 (49 FR 28260)
NPRM Comment Period End 08/27/84
Final Action 02/14/85 (50 FR 6161)
Mimbres Valley, NM (contact Ed Reisman)
NPRM 02/12/85 (50 FR 5775)
North Fork of Long Island, NY (contact Ed Reisman)
NPRM 06/00/85
North Yuba, CA (contact Mike Breen)
NPRM 10/00/85
Northern Sonoma, CA (contact John Linthicum)
NPRM 06/27/83 (48 FR 29539)
NPRM Comment Period End 08/11/83
Final Action 03/00/85
Ozark Mountains, AR, OK, MO (contact Steve Simon)
NPRM 07/00/85
San Benito, CA (contact Steve Simon)
NPRM 10/00/85
San Lucas, CA (contact Roger Arnold)
NPRM 10/00/85
Santa Clara, CA (contact Ed Reisman)
NPRM 12/00/85
Sonoma Mountain, CA (contact John Linthicum)
NPRM 09/05/84 (49 FR 35027)
NPRM Comment Period End 10/22/84
Final Action 01/23/85 (50 FR 2978)
South Coast, CA (contact Steve Simon)
NPRM 04/00/85
Temecula, Murrieta and Rancho Calif., CA (contact John Linthicum)
NPRM 07/27/82 (47 FR 32450)
Hearing Held 01/20/83
End Comment Period 02/20/83
Final Action 10/23/84 (49 FR 42563)
The Hamptons, Long Island, NY (contact Ed Reisman)
NPRM 08/13/84 (49 FR 32223)
NPRM Comment Period End 09/27/84
Final Action 04/00/85
Treasure Valley, ID and OR (contact Steve Simon)
NPRM 12/00/85

Small Entity: No

Agency Contact: See supplemental timetable, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, NW, Washington, DC 20226, **202 566-7626**

RIN: 1512-AA07

18. REPORTING TAXES DUE TO THE GOVERNMENTS OF PUERTO RICO AND THE VIRGIN ISLANDS

Priority: Agency Determination

Legal Authority: 26 USC 5555; 26 USC 5207

CFR Citation: 27 CFR 19.377

Abstract: Changes the reporting requirements for most Puerto Rican and Virgin Islands spirits bottled at domestic distilled spirits plants. The reporting requirement will remain as a line item on the proprietor's monthly reports. However, the time for recording tax determination of insular spirits will change from the time these spirits enter the processing account to the time of tax determination.

Timetable:

Action	Date	FR Cite
NPRM	04/13/81	46 FR 21624
Amended NPRM	03/00/85	

Small Entity: No

Agency Contact: Susan M. McCarron, ATF Specialist, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, NW, Washington, DC 20226, **202 566-7531**

RIN: 1512-AA09

19. STANDARD OF IDENTITY FOR VODKA

Priority: Agency Determination

Legal Authority: 27 USC 205

CFR Citation: 27 CFR 5.22

Abstract: Considers clarifying the standard of identity for vodka by revoking Revenue Ruling 56-98 which permits the use of small quantities of sugar or citric acid in vodka; or would propose a new class and type of vodka which contains trace amounts of sugar or citric acid.

Timetable:

Action	Date	FR Cite
ANPRM	01/11/82	47 FR 1148
ANPRM Comment Period End	07/11/82	
NPRM	06/00/85	

Small Entity: No

Additional Information: Additional Agency Contact: Ed Reisman.

Agency Contact: Charles Bacon, ATF Coordinator, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, NW, Washington, DC 20226, **202 566-7626**

RIN: 1512-AA10

20. RECODIFICATION OF 27 CFR PART 4

Priority: Agency Determination

Legal Authority: 27 USC 205

CFR Citation: 27 CFR 4

Abstract: To revise the wine labeling and advertising regulations; where applicable, to incorporate production regulations; and due to statutory amendments requested, may result in a legislative submission.

Timetable:

Action	Date	FR Cite
NPRM	10/00/85	

Small Entity: No

Additional Information: Additional Agency Contact: Ed Reisman

Agency Contact: James Hunt, ATF Coordinator, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, NW, Washington, DC 20226, **202 566-7626**

RIN: 1512-AA17

21. NONBEVERAGE DRAWBACK

Priority: Agency Determination

Legal Authority: 26 USC 5131 et seq

CFR Citation: 27 CFR 197

Abstract: To update, clarify, simplify, and recodify the regulations relating to drawback of tax on distilled spirits used in the manufacture of non-beverage products.

Timetable:

Action	Date	FR Cite
NPRM	05/00/85	

Small Entity: Yes

Additional Information: SMALL BUSINESSES CONT: This regulation affects approximately 500 entities.

Agency Contact: **Steve Simon**, ATF Specialist, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, NW, Washington, DC 20226, **202 566-7626**

RIN: 1512-AA20

22. RECODIFICATION OF BEER REGULATIONS

Priority: Agency Determination

Legal Authority: 26 USC 5051 et seq; 26 USC 5401 et seq

CFR Citation: 27 CFR 245

Abstract: To simplify and clarify regulations relating to the production and taxpayment of beer; to simplify and reduce paperwork and recordkeeping requirements imposed on industry; and to reflect technological advances in the beer industry since the regulations were last revised.

Timetable:

Action	Date	FR Cite
NPRM	02/03/83	48 FR 4803
NPRM Comment Period End	05/04/83	
Final Action	06/00/85	

Small Entity: No

Agency Contact: **Charles Bacon**, ATF Coordinator, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, NW, Washington, DC 20226, **202 566-7626**

RIN: 1512-AA24

23. GRAPE HARVEST LABELING FOR WINE

Priority: Agency Determination

Legal Authority: 27 USC 205E; 27 USC 205F

CFR Citation: 27 CFR 4.29

Abstract: Late harvest designations, based on the Brix (percent by weight) level of the grapes at harvest would indicate to consumers that the grapes used to produce the wine were left on the vine for express purpose of increasing the sugar content. The designations would indicate additional techniques and processes were used in the production of the wine.

Timetable:

Action	Date	FR Cite
NPRM	10/00/85	

Small Entity: No

Agency Contact: **Michael Breen**, ATF Specialist, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, NW, Washington, DC 20226, **202 566-7626**

RIN: 1512-AA31

24. CHANGE IN STANDARD OF IDENTITY FOR STRAIGHT WHISKIES OF THE SAME TYPE

Legal Authority: 27 USC 205

CFR Citation: 27 CFR 5.22(b)(1)(iii); 27 CFR 19.346(b)

Abstract: Current regulations do not provide for distilled spirits plant proprietors to mingle and still designate as straight whiskies of the same type produced at different distilleries or produced by different distillers. This project will allow such whiskies to be labeled as straight as long as the whiskies are produced within the same state. Their only alternative is to leave the regulations as they are and to not allow such whiskies to be mingled and designated as straight. We do not anticipate any extra costs to result from this change in regulations. This change will result in greater flexibility for distilled spirits plant proprietors.

Timetable:

Action	Date	FR Cite
NPRM	05/08/84	49 FR 19333
NPRM Comment Period Begin	05/08/84	
NPRM Comment Period End	07/06/84	
NPRM Comment Period Extended	07/13/84	49 FR 30538
Extended NPRM Comment Period Ends	10/29/84	
Final Action	08/00/85	

Small Entity: No

Agency Contact: **Robert White**, ATF Specialist, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, NW, Washington, DC 20226, **202 566-7531**

RIN: 1512-AA32

25. ESTATE BOTTLED

Priority: Agency Determination

Legal Authority: 27 USC 205

CFR Citation: 27 CFR 4.26

Abstract: To redefine estate bottled requirements and provide for additional terms to provide requirements for imported wine.

Timetable:

Action	Date	FR Cite
NPRM	09/00/85	

Small Entity: No

Agency Contact: **John Linthicum**, ATF Coordinator, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, NW, Washington, DC 20226, **202 566-7626**

RIN: 1512-AA34

26. EFFECT OF REDUCED CUSTOMS STAFFING AT CUSTOMS BONDED WAREHOUSES

Legal Authority: 26 USC 7805

CFR Citation: 27 CFR 252; 27 CFR 251

Abstract: The Customs Bureau has withdrawn Customs Officers from Customs Bonded Warehouses, consequently, there are no Customs Officers present to certify ATF forms or to make gauges of distilled spirits. Because of possible jeopardy to the Federal Revenue, ATF has issued instructions to proprietors of customs bonded warehouses requesting them to certify ATF forms and make gauges of distilled spirits in the absence of customs officers. This change in regulations will formalize this procedure. The alternative to allowing customs bonded warehouse proprietors to sign forms and gauge spirits is to not require anyone to perform these functions. This would result in an unacceptable risk to the Federal Revenue. We do not anticipate any extra costs to result from this change in regulations. This change will ensure

that there is no jeopardy to the Federal Revenue.

Timetable:

Action	Date	FR Cite
Interim Final Rule	08/00/85	

Small Entity: No

Agency Contact: Robert White, ATF Specialist, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, NW, Washington, DC 20226, 202 566-7531

RIN: 1512-AA35

27. REDUCED PROOF DISTILLED SPIRITS PRODUCTS

Legal Authority: 27 USC 205

CFR Citation: 27 CFR 5.22

Abstract: ATF is publishing an ANPRM to gather information from consumers and industry on whether our regulations should be amended to provide for reduced proof distilled spirits products similar to "light beer," "light wine" and similar "light" products which have become increasingly popular with consumers in recent years. Since 1968, the words "light whisky" have referred to whisky produced by two processes which are different from other American whiskies and the term "light" does not refer to lower alcohol content. However, ATF is considering abolishing "light whisky" as a standard of identity, so that the word "light" can refer only to reduced alcohol content. Unlike wine and beer, distilled spirits products are usually sold at more than one bottling proof (e.g. whisky is frequently sold at 80 degrees, 86 degrees, and 100 degrees proof) with the difference in proof being the only distinction between products which are otherwise identical. Therefore, ATF must carefully consider labeling to insure there exists a clear cut difference in the minds of consumers between products at minimum bottling proof or above minimum bottling proof, and those which are reduced in proof.

Timetable:

Action	Date	FR Cite
ANPRM	08/04/83	48 FR 35460
ANPRM Comment Period Begin	08/04/83	48 FR 35460
ANPRM Comment Period End	11/02/83	
ANPRM Extended Comment Period Ends	01/31/84	
ANPRM Comment Period Extension	01/30/85	50 FR 4236
ANPRM Extended Comment Period Ends	04/15/85	
NPRM	09/00/85	

Small Entity: No

Additional Information: Based on the comments received, ATF will decide whether to publish a NPRM or withdraw the ANPRM.

Government Levels Affected: Federal

Agency Contact: Charles N. Bacon, ATF Coordinator, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, NW, Washington, DC 20226, 202 566-7626

RIN: 1512-AA36

28. GEOGRAPHIC BRAND NAMES

Priority: Agency Determination

Legal Authority: 27 USC 205

CFR Citation: 27 CFR 4.39(i)

Abstract: To propose alternatives to the present regulation which requires that the word "brand" appear in the same size type as the brand name itself.

Timetable:

Action	Date	FR Cite
NPRM	05/07/84	49 FR 19330
NPRM Comment Period Begin	05/07/84	
NPRM Comment Period End	07/06/84	
NPRM Comment Period Extended	07/13/84	49 FR 28417
NPRM Comment Period Extended	09/04/84	49 FR 34847
Extended NPRM Comment Period Ends	09/14/84	
NPRM Extended Comment Period Ends	01/02/85	
Final Action	09/00/85	

Small Entity: No

Agency Contact: John Linthicum, ATF Coordinator, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, NW, Washington, DC 20226, 202 566-7626

RIN: 1512-AA37

29. 375 ML AND 500 ML CONTAINERS FOR DISTILLED SPIRITS

Priority: Agency Determination

Legal Authority: 26 USC 5301; 27 USC 205

CFR Citation: 27 CFR 5.47a

Abstract: To determine if both sizes should be standards of fill or whether the 375 ml size should replace the 500 ml size.

Timetable:

Action	Date	FR Cite
NPRM	09/23/83	48 FR 43346
NPRM Comment Period Begin	09/23/83	
NPRM Comment Period Extended	03/21/84	49 FR 10553
NPRM Comment Period End	03/23/84	
Extended Comment Period Ends	01/02/85	
Final Action	08/00/85	

Small Entity: No

Additional Information: ADDITIONAL AGENCY CONTACT: Edward Reisman

Agency Contact: Charles Bacon, ATF Coordinator, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, NW, Washington, DC 20226, 202 566-7626

RIN: 1512-AA39

30. RECODIFICATION OF WINE REGULATIONS (SUBPARTS A TO O)

Priority: Agency Determination

Legal Authority: 26 USC 7805

CFR Citation: 27 CFR 240.180 to 240.400

Abstract: To update, simplify, and clarify regulations relating to wine; and

to incorporate ATF rulings into the Regulations.

Timetable:

Action	Date	FR Cite
NPRM	04/00/85	

Small Entity: No

Agency Contact: James Hunt, ATF Coordinator, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, NW, Washington, DC 20226, 202 566-7626

RIN: 1512-AA42

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31. DENATURED ALCOHOL - MEASUREMENT OF PROOF

Priority: Agency Determination

Legal Authority: 26 USC 7805 (68A Stat. 917, as amended)

CFR Citation: 27 CFR 13.31

Abstract: The regulation will prescribe procedures for proofing industrial alcohol containing volatile or non-volatile specific gravity obscuring solids.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Agency Contact: Robert Petrangelo, ATF Specialist, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, NW, Washington, DC 20226, 202 566-7531

RIN: 1512-AA43

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32. CARIBBEAN BASIN ECONOMIC RECOVERY ACT

Priority: Agency Determination

Legal Authority: PL 98-67, Title II (Caribbean Basin Economic Recovery Act); 26 USC 7652

CFR Citation: 27 CFR 19.42; 27 CFR 19.377; 27 CFR 19.517; 27 CFR 250.1; 27 CFR 250.30; 27 CFR 250.31; 27 CFR 250.35; 27 CFR 250.200

Abstract: Under current law (26 USC 7652), the excise taxes collected on all merchandise manufactured in Puerto Rico and the Virgin Islands, and shipped to the U.S., are deposited into the Treasury of either Puerto Rico or the Virgin Islands.

The Caribbean Basin Economic Recovery Act was passed to promote the economic revitalization of the Caribbean Basin area by removing the duty on certain merchandise from certified Caribbean Basin countries. In order to minimize any adverse effects this would have on Puerto Rico and the Virgin Islands, a provision was added to require that the excise taxes collected on all rum that is imported into the U.S. be deposited in the Treasuries of Puerto Rico and the Virgin Islands. This would be in addition to the amounts already transferred under 26 U.S.C. 7652 (a) and (b).

Timetable:

Action	Date	FR Cite
NPRM	03/00/85	

Small Entity: No

Agency Contact: Susan McCarron, ATF Specialist, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, NW, Washington, DC 20226, 202 566-7531

RIN: 1512-AA45

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33. 2 1/2% ALCOHOL FLAVORING

Priority: Agency Determination

Legal Authority: 27 USC 205

CFR Citation: 27 CFR 5.22(h)(3); 27 CFR 5.22(h)(4); 27 CFR 5.22(i); 27 CFR 5.35; 27 CFR 5.42(b); 27 CFR 5.65(a)

Abstract: Ten standard of identity products will be held more closely to the class and type of spirits indicated by their designation.

The class and type of distilled spirits contained in certain other products will be disclosed in greater detail.

Misleading impressions created by the use of the term "Distilled" on distilled spirits products containing coloring, flavoring, or blending materials will be eliminated.

Timetable:

Action	Date	FR Cite
NPRM	09/00/85	

Small Entity: No

Agency Contact: Robert Petrangelo, ATF Specialist, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, NW, Washington, DC 20226, 202 566-7531

RIN: 1512-AA46

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34. LABELING AND ADVERTISING OF WINE, DISTILLED SPIRITS AND MALT BEVERAGES; USE OF THE WORD LIGHT (LITE)

Priority: Agency Determination

Legal Authority: 27 USC 205e to f

CFR Citation: 27 CFR 4; 27 CFR 5; 27 CFR 7

Abstract: "Light (Lite)" was addressed to a limited extent in Notice No. 362 (45 FR 83530). However, subsequent to its publication ATF was petitioned by the Center for Science in the Public Interest (CSPI), requesting mandatory caloric labeling on all alcohol beverages, as well as the establishment of upper limits on calories in products labeled as "light (lite)." Comments will be requested on CSPI's petition as well as other issues involving use of the term "light (lite)."

Timetable:

Action	Date	FR Cite
NPRM	09/00/85	

Small Entity: No

Additional Information: ADDITIONAL AGENCY CONTACT: Charles Bacon.

Agency Contact: James Ficaretta, ATF Coordinator, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, NW, Washington, DC 20226, 202 566-7626

RIN: 1512-AA48

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35. LABELING AND ADVERTISING OF WINE, DISTILLED SPIRITS AND MALT BEVERAGES; APPEARANCE OF ATHLETES AND DEPICTION OF ATHLETIC EVENTS

Priority: Agency Determination

Legal Authority: 27 USC 205e to f

CFR Citation: 27 CFR 4; 27 CFR 5; 27 CFR 7

Abstract: Discusses present policy on prohibition of active athletes and requests comments on whether the policy should be relaxed, retained, expanded to include all celebrities. On

athletic events, comments are requested if the present prohibition should be expanded to include any athletic event, regardless of when the participants are shown consuming, or preparing to consume, alcohol beverages.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Additional Information: ADDITIONAL AGENCY CONTACT: Charles Bacon.

Agency Contact: James Ficaretta, ATF Coordinator, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, NW, Washington, DC 20226, 202 566-7626

RIN: 1512-AA50

36. ● MATERIALS AND PROCESSES FOR THE PRODUCTION AND TREATMENT OF WINE

Priority: Agency Determination

Legal Authority: 27 USC 5382

CFR Citation: 27 CFR 240

Abstract: Updates, clarifies, and simplifies the regulations relating to the production and treatment of wine.

Timetable:

Action	Date	FR Cite
NPRM	09/24/84	49 FR 37527
NPRM Comment Period Begin	09/24/84	
NPRM Comment Period Extended	01/22/85	50 FR 2832
NPRM Comment Period End	01/23/85	
Extended NPRM Comment Period Ends	03/01/85	

Small Entity: No

Additional Information: This was formerly part of RIN 1512-AA12 Materials and Processes for the Production and Treatment of Wine.

Agency Contact: Mike Breen, ATF Coordinator, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, NW, Washington, DC 20226, 202 566-7626

RIN: 1512-AA61

37. ● REPLACEMENT OF PROOF STATEMENT WITH PERCENTAGE-OF-ALCOHOL- BY-VOLUME STATEMENT ON DISTILLED SPIRITS LABELS

Priority: Agency Determination

Legal Authority: 26 USC 5206; 26 USC 5301; 27 USC 205(e)

CFR Citation: 27 CFR 5.37; 27 CFR 19.643

Abstract: Joseph E. Seagram and Sons, Inc. has petitioned ATF to require the statement of alcohol content on labels of distilled spirits to be stated in percentage-alcohol-by-volume instead of proof.

Timetable:

Action	Date	FR Cite
NPRM	10/00/85	

Small Entity: No

Agency Contact: John Linthicum, ATF Coordinator, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, NW, Washington, DC 20226, 202 566-7626

RIN: 1512-AA62

38. ● REPEAL OF STRIP STAMP REQUIREMENT ON DISTILLED SPIRITS CONTAINERS

Priority: Agency Determination

Legal Authority: PL 98-369, Sec 454

CFR Citation: 27 CFR 19; 27 CFR 170; 27 CFR 194; 27 CFR 197; 27 CFR 250; 27 CFR 251; 27 CFR 252

Abstract: The Deficit Reduction Act of 1984 (Pub. L. 98-369) eliminated the stamp requirement for containers of Distilled Spirits by repealing 26 U.S.C. 5205. Containers having a capacity of one wine gallon or less will be required to bear tamper-evident closures or other devices which are designed to require breaking to gain access to the contents of the container. The effective date of this provision is July 1, 1985. This saves the U.S. Government approximately $1.7 million dollars annually in printing costs that were incurred by supplying these stamps to the industry.

Timetable:

Action	Date	FR Cite
NPRM	06/00/85	
Interim Final Rule	06/00/85	

Small Entity: No

Agency Contact: Susan McCarron, ATF Specialist, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, NW, Washington, DC 20226, 202 566-7531

RIN: 1512-AA63

FIREARMS

39. FEDERAL FIREARMS LICENSE RECORD RETENTION

Priority: Agency Determination

Legal Authority: 18 USC 926 (82 Stat. 1226)

CFR Citation: 27 CFR 178.121(a); 27 CFR 178.124(b); 27 CFR 178.125(e)

Abstract: Firearms transaction records are now retained permanently under the Gun Control Act, may be disposed of after 20 years beginning December 10, 1988, excepting acquisition records retained by manufacturers and importers, which will continue to be held permanently. All transaction records obtained before the Gun Control Act of 1968, again with the exception of the acquisition records of manufacturers and importers, may be disposed of immediately.

Timetable:

Action	Date	FR Cite
NPRM	02/14/84	49 FR 5628
NPRM Comment Period End	04/16/84	
Final Action	04/00/85	

Small Entity: No

Agency Contact: J. Barry Fields, ATF Specialist, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, NW, Washington, DC 20226, 202 566-7591

RIN: 1512-AA40

40. REMOVAL OF REFERENCES TO UNITED STATES ATTORNEYS AND UNITED STATES MARSHALLS AS POSSIBLE CERTIFYING OFFICIALS AND MINOR CHANGES TO IDENTIFICATION PROCEDURES

Priority: Agency Determination

Legal Authority: PL 90-618 82 Stat. 1213

CFR Citation: 27 CFR 179

Abstract: To amend the regulations by deleting the regulatory references to United States Attorneys and United States Marshalls as law enforcement

officials available for certifying applications to make or transfer National Firearms Act (NFA) firearms.

Timetable:

Action	Date	FR Cite
Final Action	06/00/85	

Small Entity: No

Agency Contact: Larry White, ATF Specialist, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, NW, Washington, DC 20226, 202 566-7591

RIN: 1512-AA51

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41. INFORMATION GATHERING ON FIREWORKS REGULATIONS

Priority: Agency Determination

Legal Authority: 18 USC Chapter 40

CFR Citation: 27 CFR 55

Abstract: Information gathering on Safe Handling of Explosive Materials in the Fireworks industry is necessary due to accidental explosions causing death. Injuries and property damage have occurred at fireworks manufacturing and assembling plants. Damage has been in the millions of dollars and some regulatory changes are needed. This notice to gather information is to determine changes needed and potential costs.

Timetable:

Action	Date	FR Cite
General Notice	06/08/84	49 FR 23872
NPRM	11/00/86	

Small Entity: No

Agency Contact: Art Cunn, ATF Specialist, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, NW, Washington, DC 20226, 202 566-7591

RIN: 1512-AA52

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42. ● REVISION OF 27 CFR PART 47 TO CONFORM TO THE REVISION OF THE INTERNATIONAL TRAFFIC IN ARMS REGULATIONS (ITAR)

Priority: Agency Determination

Legal Authority: 22 USC 2778 Sec. 38, Arms Export Control Act of 1976; EO 11958 (42 FR 4311)

CFR Citation: 27 CFR 47

Abstract: On December 6, 1984, the Department of State published a final rule revising the International Traffic in Arms regulations. Subsequently, ATF is proposing to revise, simplify, and clarify regulations in 27 CFR Part 47 to conform to the revised ITAR and to improve the regulatory scheme established under the ARMS Export Control Act of 1976 to control the import of defense articles and defense services. The major changes consist of revision of the U.S. Munitions Import list articles, increase of the registration fees, procedures for filing the ATF Form 6A, revisions of the list of prescribed countries, and modification of the import provisions of articles coming from Canada.

Timetable:

Action	Date	FR Cite
NPRM	08/00/85	

Small Entity: No

Agency Contact: Teri Byers, Arms Imports Specialist, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, NW, Washington, DC 20226, 202 566-7151

RIN: 1512-AA59

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43. ● IMPORTATION OF FIREARMS AND OTHER MISCELLANEOUS AMENDMENTS RELATING TO FIREARMS AND AMMUNITION

Priority: Agency Determination

Legal Authority: 18 USC 926; 22 USC 2778

CFR Citation: 27 CFR 47.11; 27 CFR 47.52; 27 CFR 178, Subpart J

Abstract: Implements Section 233 of the Trade and Tariff Act of 1984 (Pub. L. 98-573, 98 Stat. 2991). This section of the Act amended Section 925 of Chapter 44 of Title 18, U.S.C., by adding a new paragraph (e). Under this paragraph, the importation by a licensed importer of all rifles and shotguns listed by the Director as curios or relics, and all handguns listed by the Director as curios or relics that are recognized as particularly suitable for or readily adaptable to sporting purposes is allowed not withstanding any other provision of Title 18. This includes such firearms that may be surplus military firearms. Also revises the regulations in Subpart J of 27 CFR Part 178 by removing certain penalty provisions from the regulations and by redesignating the remaining provisions.

Timetable:

Action	Date	FR Cite
Final Action	03/00/85	

Small Entity: No

Agency Contact: Dan Crowley, ATF Specialist, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, NW, Washington, DC 20226, 202 566-7591

RIN: 1512-AA60

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44. ● FIREARMS LICENSE AND EXPLOSIVES LICENSE OR PERMIT APPLICATION AND RENEWAL PROCEDURES

Priority: Agency Determination

Legal Authority: 18 USC Chapter 40 Section 841 to end; 18 USC Chapter 44 Section 921 to 928

CFR Citation: 27 CFR 55; 27 CFR 178

Abstract: Firearms licenses and Explosives licenses and Permits are currently acquired by an applicant filing an application with the Regional Director (Compliance) via the Director of the Internal Revenue Service Center for the area in which the applicant intends to engage in business.

This procedure will use a commercial lockbox operation for receiving, separating the forms and depositing the fees to the Governments account, and forward the applications to the right ATF licensing section expeditiously and at no cost to the Government.

This lockbox procedure will take the place of the receipt and collection function performed by the Internal Revenue Service Center.

Timetable:

Action	Date	FR Cite
NPRM	11/13/84	49 FR 44922
NPRM Comment Period Begin	11/13/84	
NPRM Comment Period End	12/13/84	
Final Action	03/00/85	

Small Entity: No

Agency Contact: Henry McMahon, ATF Firearms Specialist, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, NW, Washington, DC 20226, **202 566-7591**

RIN: 1512-AA64

TOBACCO PRODUCTS

45. MANUFACTURER'S IDENTIFICATION ON TOBACCO PRODUCTS PACKAGES

Priority: Agency Determination

Legal Authority: 26 USC 5723

CFR Citation: 27 CFR 270.11; 27 CFR 270.212; 27 CFR 275.163; 27 CFR 275.170; 27 CFR 275.172; 27 CFR 275.174; 27 CFR 290.11; 27 CFR 290.181; 27 CFR 290.185; 27 CFR 290.241 to 290.267; 27 CFR 295.42

Abstract: To liberalize requirements relating to manufacturer identification on tobacco products packages and to make other miscellaneous changes.

Timetable:

Action	Date	FR Cite
NPRM	06/00/85	

Small Entity: No

Agency Contact: Cliff Mullen, ATF Specialist, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, NW, Washington, DC 20226, **202 566-7531**

RIN: 1512-AA28

46. 27 CFR PART 285, MANUFACTURE OF CIGARETTE PAPERS AND TUBES

Priority: Undetermined

Legal Authority: 26 USC 7805 (68A Stat 917)

CFR Citation: 27 CFR 285

Abstract: Administrative and recordkeeping burdens under 27 CFR Part 285 and their reduction or elimination.

Timetable:

Action	Date	FR Cite
ANPRM	09/01/84	
ANPRM Comment Period Begin	09/02/84	
ANPRM Comment Period End	10/02/84	
Final Action	06/00/85	

Small Entity: Undetermined

Agency Contact: Cliff Mullen, ATF Specialist, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, NW, Washington, DC 20226, **202 566-7531**

RIN: 1512-AA33

DEPARTMENT OF THE TREASURY (TREAS) Completed Actions

Bureau of Alcohol, Tobacco and Firearms (BATF)

COMPLETED RULEMAKINGS

47. IMPLEMENTATION OF THE DISTILLED SPIRITS TAX REVISION ACT OF 1979 AND REVISION OF VINEGAR REGULATIONS

Priority: Agency Determination

Legal Authority: 26 USC 5001 to 5691

CFR Citation: 27 CFR 5; 27 CFR 13; 27 CFR 19; 27 CFR 170; 27 CFR 173; 27 CFR 194; 27 CFR 195; 27 CFR 196; 27 CFR 197; 27 CFR 200; 27 CFR 211; 27 CFR 212; 27 CFR 213; 27 CFR 231; 27 CFR 240; ...

Abstract: Eliminates the wine gallon method of imposing the distilled spirits tax and the rectification tax; converts DSP from the former distilled spirits tax system to an all-in-bond tax system; incorporates other amendments from prior projects.

Timetable:

Action	Date	FR Cite
NPRM	07/18/79	
Temporary Regulations	12/11/79	
Final Action	03/01/85	50 FR 8456
Final Action Effective	06/01/85	

Small Entity: No

Agency Contact: Richard Langford, ATF Specialist, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, NW, Washington, DC 20226, **202 566-7531**

RIN: 1512-AA08

48. MATERIALS AND PROCESSES FOR THE PRODUCTION AND TREATMENT OF WINE

Priority: Agency Determination

Legal Authority: 27 USC 5382

CFR Citation: 27 CFR 240

Abstract: Updates, clarifies, and simplifies the regulations relating to the production and treatment of wine.

Timetable:

Action	Date	FR Cite
NPRM	06/18/82	47 FR 26399
NPRM Comment Period Begin	06/18/82	47 FR 41402
NPRM Comment Period End	12/20/82	
Final Action	09/24/84	49 FR 37510
Final Action Effective	10/24/84	

Small Entity: No

Agency Contact: Mike Breen, ATF Specialist, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, NW, Washington, DC 20226, **202 566-7626**

RIN: 1512-AA12

49. RECODIFICATION OF 27 CFR PARTS 211 AND 213 AS 27 CFR PARTS 20 AND 22

Priority: Agency Determination

Legal Authority: 26 USC 5271 to 5275

CFR Citation: 27 CFR 211; 27 CFR 213; 27 CFR 19; 27 CFR 20; 27 CFR 21; 27 CFR 22; 27 CFR 30; 27 CFR 173; 27 CFR 200; 27 CFR 250; 27 CFR 251; 27 CFR 252

Abstract: To liberalize the qualification, bonding, operational, recordkeeping, and reporting requirements imposed on users and dealers of specially denatured spirits and users of tax-free alcohol.

Timetable:

Action	Date	FR Cite
NPRM	10/23/81	
NPRM Comment Period End	01/21/82	
Final Action	03/06/85	50 FR 9152
Final Action Effective	06/04/85	

Small Entity: No

Additional Information: 17 comments received during the comment period are being studied for incorporation in the temporary rule. A temporary rule will be issued with a nine-month comment period.

Government Levels Affected: Local, State, Federal

Agency Contact: John Linthicum, ATF Coordinator, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, NW, Washington, DC 20226, 202 566-7626

RIN: 1512-AA21

50. RECODIFICATION OF WINE REGULATIONS (SUBPARTS A TO E)

Priority: Agency Determination

Legal Authority: 26 USC 7805

CFR Citation: 27 CFR 240.1 to 240.145

Abstract: To update, simplify and clarify regulations relating to wine; and to incorporate ATF Rulings.

Timetable:

Action	Date	FR Cite
Merged with RIN 1512-AA42	01/00/85	

Small Entity: No

Agency Contact: Jim Whitley, ATF Specialist, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, NW, Washington, DC 20226, 202 566-7531

RIN: 1512-AA30

51. APPELLATION OF ORIGIN, NAME AND ADDRESS, AND NET CONTENTS

Priority: Agency Determination

Legal Authority: 27 USC 205

CFR Citation: 27 CFR 4.25a; 27 CFR 4.35; 27 CFR 4.37

Abstract: To propose to relax the appellation of origin type size requirement to substantially as conspicuous in lieu of same size as the class and type designation; to propose to allow the name and address and net content statement to appear on any label in lieu of only the brand label; and to propose multi-viticultural area appellations of origin.

Timetable:

Action	Date	FR Cite
NPRM Comment Period Extension	11/13/83	49 FR 1752
NPRM	11/16/83	48 FR 52088
NPRM Comment Period Begin	11/16/83	
NPRM Comment Period End	01/16/84	
NPRM Comment Period Extension Ends	02/27/84	
Final Action	01/07/85	50 FR 759
Final Action Effective	02/06/85	

Small Entity: No

Agency Contact: James Ficaretta, ATF Specialist, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, NW, Washington, DC 20226, 202 566-7626

RIN: 1512-AA38

52. OVERPRINTING STRIP STAMPS WITH THE WORD "EXPORT"

Priority: Agency Determination

Legal Authority: 26 USC 7805 (68A Stat. 917, as amended)

CFR Citation: 27 CFR 19.409; 27 CFR 19.661; 27 CFR 250.252a; 27 CFR 251.72; 27 CFR 251.85a; 27 CFR 252.102

Abstract: Currently, exporters of bottled distilled spirits are required to overprint the word "EXPORT" on the strip stamps (or alternative devices) affixed to each bottle that is exported (a tax-free removal). This requirement is burdensome for exporters in that it restricts flexibility over bottling operations.

ATF is proposing to eliminate this requirement, provided the exporter's records can be relied upon to accurately reflect all export transactions. Cases of bottled spirits will still be required to be marked in accordance with 27 CFR 252.103.

Timetable:

Action	Date	FR Cite
Withdrawn	07/18/84	

Small Entity: No

Agency Contact: Susan McCarron, ATF Specialist, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, NW, Washington, DC 20226, 202 566-7531

RIN: 1512-AA41

53. LABELING AND ADVERTISING OF WINE, DISTILLED SPIRITS, AND MALT BEVERAGES; INCORPORATION OF VOLUNTARY INDUSTRY CODES INTO THE FEDERAL REGULATIONS

Priority: Agency Determination

Legal Authority: 27 USC 205e to f

CFR Citation: 27 CFR 4; 27 CFR 5; 27 CFR 7

Abstract: Discusses voluntary advertising standards of various Trade Organizations, and the possibility of incorporating them into the Federal regulations.

Timetable:

Action	Date	FR Cite
Withdrawn - to be issued as a policy statement	02/27/85	

Small Entity: No

Additional Information: ADDITIONAL AGENCY CONTACT: Charles Bacon.

Agency Contact: James F. Ficaretta, ATF Coordinator, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, NW, Washington, DC 20226, 202 566-7626

RIN: 1512-AA47

54. LABELING AND ADVERTISING OF WINE, DISTILLED SPIRITS AND MALT BEVERAGES; USE OF THE WORD "NATURAL"

Priority: Agency Determination

Legal Authority: 27 USC 205e to f

CFR Citation: 27 CFR 4; 27 CFR 5; 27 CFR 7

Abstract: Use of the word "natural" was initially addressed by ATF in Notice No. 362 (45 FR 83530). ATF had proposed a regulatory standard for use of the term natural, based upon the one proposed by FTC. However, due to the subsequent termination by FTC of a

definition for "natural," and pertinent information received from FDA, ATF is reconsidering its earlier decision to define the term "natural."

Timetable:

Action	Date	FR Cite
Withdrawn	01/08/85	50 FR 960

Small Entity: No

Additional Information: ADDITIONAL AGENCY CONTACT: Charles Bacon.

Agency Contact: James Ficaretta, ATF Coordinator, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, NW, Washington, DC 20226, 202 566-7626

RIN: 1512-AA49

55. SALES OF FIREARMS AND AMMUNITION BY LICENSEES AT GUN SHOWS

Priority: Agency Determination

Legal Authority: 18 USC 926 (82 Stat. 1226)

CFR Citation: 27 CFR 178.41(b); 27 CFR 178.50; 27 CFR 178.100; 27 CFR 178.101

Abstract: Sales of firearms and ammunition are now restricted to the licensed premises of licensees. This proposed change will allow licensees to sell at organized gun shows held within the State of the licensed premises.

Timetable:

Action	Date	FR Cite
ANPRM	04/22/80	45 FR 26982
NPRM	09/27/83	48 FR 44089
NPRM Comment Period reopened	12/12/83	48 FR 55298
Final Action	11/29/84	49 FR 46889
Final Action Effective	11/29/84	

Small Entity: No

Agency Contact: J. Barry Fields, ATF Specialist, Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, NW, Washington, DC 20226, 202 566-7591

RIN: 1512-AA44

[FR Doc. 85-6371 Filed 04-26-85; 8:45 am]

BILLING CODE 4810-31-T

DEPARTMENT OF THE TREASURY (TREAS)
Comptroller of the Currency (OCC)

Comptroller of the Currency

12 CFR Ch. I

Semiannual Agenda of Regulatory Actions

AGENCY: Office of the Comptroller of the Currency, Department of the Treasury.

ACTION: Semiannual agenda of regulations.

SUMMARY: As required by the Regulatory Flexibility Act and Executive Order 12291, the Office of the Comptroller of the Currency (Office) has prepared this semiannual agenda of its rules and regulations currently under review and scheduled for review. Regulatory actions taken since the publication of the Office's previous semiannual agenda on October 22, 1984 (49 FR 41995) are also included. It is expected that this semiannual agenda will enable the public to be more aware of, and allow it to more effectively participate in, the Office's regulatory activity.

ADDRESS: The mailing address for all contacts: Office of the Comptroller of the Currency, 490 L'Enfant Plaza East, S.W., Washington, D.C. 20219.

FOR FURTHER INFORMATION CONTACT: For general information about this semiannual agenda contact Nancy Lowther, Financial Analyst, Legislative and Regulatory Analysis Division, (202) 447-1177.

For additional information about a particular item on this semiannual agenda contact the individual identified as the contact person.

SUPPLEMENTARY INFORMATION: The Office has determined that none of the rulemakings discussed in this semiannual agenda requires a regulatory flexibility analysis, although an analysis was prepared for Assessment of Fees; all entries have been determined not to have a "significant impact on a substantial number of small entities," and therefore are not subject to the provisions of the Act. Additionally, none of the rules, with the exception of Minimum Capital Ratios, is a "major" rule as defined by Executive Order 12291. Executive Order 12291 defines a "major" rule as one likely to result in:

(1) An annual effect on the economy of $100 million or more;

(2) A major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or

(3) Significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

DATED: February 21, 1985.

C. T. Conover,

Comptroller of the Currency.

Comptroller of the Currency—Current and Projected Rulemakings

Sequence Number	Title	Regulation Identifier Number
56	*12 CFR 5 Rules, Policies, and Procedures for Corporate Activities	1557-AA00
57	12 CFR 9 Fiduciary Powers of National Banks and Collective Investment Funds	1557-AA04
58	12 CFR 11 Securities Exchange Act Disclosure Rules	1557-AA06

TREAS—OCC

Comptroller of the Currency—Current and Projected Rulemakings—Continued

Sequence Number	Title	Regulation Identifier Number
59	12 CFR 17 Required Notification To Nominate Bank Directors	1557-AA07
60	12 CFR 7.5225 Reporting of Bank-Related Crimes and Mysterious Disappearances of Funds	1557-AA12
61	12 CFR 27 Fair Housing Home Loan Data System	1557-AA14
62	00 CFR Not yet determined Bankers' Banks	1557-AA17
63	12 CFR 5, (New Subsection) Bank Service Corporations	1557-AA23
64	12 CFR 5.52 Brokerage Activities to be Conducted in an Operating Subsidiary	1557-AA34
65	12 CFR 19 Rules of Practice and Procedure	1557-AA43
66	Disclosure of Financial and Other Information Regarding National Banks	1557-AA44
67	12 CFR 5.50(i) Rules, Policies, and Procedures for Corporate Activities	1557-AA51
68	12 CFR 12 Recordkeeping and Confirmation Requirements for Securities Practices	1557-AA52

*Indicates priority regulation.

Comptroller of the Currency—Completed Actions

Sequence Number	Title	Regulation Identifier Number
69	12 CFR 8 Assessment of Fees; National Banks; District of Columbia Banks	1557-AA45
70	*12 CFR 3, (New) Minimum Capital Ratios; Issuance of Directives	1557-AA46
71	*12 CFR 8.2 Assessment of Fees; National Banks; District of Columbia Banks	1557-AA50

*Indicates priority regulation.

DEPARTMENT OF THE TREASURY (TREAS)
Comptroller of the Currency (OCC)

Current and Projected Rulemakings

56. RULES, POLICIES, AND PROCEDURES FOR CORPORATE ACTIVITIES

Priority: Agency Determination

Legal Authority: 12 USC 1 et seq

CFR Citation: 12 CFR 5

Abstract: The Office is engaged in a comprehensive review of its rules, policies, and procedures governing corporate activities. On August 27, 1984 at 49 FR 33846, the Office issued a final rule amending its policies and procedures on chartering national banks. The final rule expedited the application process for certain organizers, eliminated a duplicative publication requirement for bank holding companies, and clarified certain Office policies. On January 11, 1985 at 50 FR 1439, a final rule was published which set forth the Office procedures for determining fees for processing filings under 12 CFR Part 5 and eliminated reference to specific fee amounts appearing in different sections of Part 5. The Office will annually publish a single schedule of all processing fees eliminating confusion that may result from annually amending different sections of Part 5. The Office will provide copies of the analysis that underlies the fee schedule to interested parties. On April 25, 1984 at 49 FR 17764, the Office issued a proposed rule on equity capital and subordinated debt. On November 14, 1984 at 49 FR 45007, the Office issued a proposed rule on (cont)

Timetable:

Action	Date	FR Cite
NPRM equity capital and subordinated debt	04/25/84	49 FR 17764
Final Action policies and procedures - chartering	08/27/84	49 FR 33846
NPRM establishment of domestic branches, seasonal agencies and CBCTs	11/14/84	49 FR 45007
Final Action fees for processing filings under 12 CFR Part 5	01/11/85	50 FR 1439
Final Action equity capital and subordinated debt	04/00/85	
Final Action establishment of domestic branches, seasonal agencies and CBCTs	00/00/00	

Small Entity: No

Additional Information: ABSTRACT CONT: the establishment of domestic branches, seasonal agencies and customer bank communication terminals (CBCTs). These proposals are expected to benefit national banks and the Office by removing burdensome and costly regulatory requirements, while maintaining the Office's ability to render an informed decision on the proposed activity. The effect on small

entities is considered in the development of each rulemaking.

Agency Contact: Randall J. Miller, Director for Licensing Policy and Systems, Department of the Treasury, Comptroller of the Currency, Bank Organization & Structure Division, 490 L'Enfant Plaza East, SW, Washington, DC 20219, **202 447-1184**

RIN: 1557-AA00

57. FIDUCIARY POWERS OF NATIONAL BANKS AND COLLECTIVE INVESTMENT FUNDS

Legal Authority: Sec 1, 77 Stat 668; 12 USC 92a; 12 USC 481

CFR Citation: 12 CFR 9

Abstract: Comments in response to a prior rulemaking Final rule Docket No. 80-16 (46 FR 71571) published October 29, 1980 included recommendations that additional amendments should be made to 12 CFR Part 9. The Office believes that the issues raised by the commenters can best be addressed through a comprehensive review of its regulations concerning national bank fiduciary powers and collective investment funds. The Office requested comments from the public as to the desirability and feasibility of a comprehensive review of its trust regulations pertaining to collective investment funds, including specific matters which should be addressed. The effect on small entities will be considered in the development of this rulemaking.

Timetable:

Action	Date	FR Cite
ANPRM	06/25/82	47 FR 27833
ANPRM Comment Period Begin	06/25/82	47 FR 27833
ANPRM Comment Period End	09/23/82	
NPRM	08/00/85	
NPRM Comment Period Begin	08/00/85	
NPRM Comment Period End	11/00/85	
Final Action	01/00/86	

Small Entity: No

Agency Contact: Charles M. Horn, Assistant Director, Department of the Treasury, Comptroller of the Currency, Securities & Corporate Practices Division, 490 L'Enfant Plaza East, SW, Washington, DC 20219, **202 447-1954**

RIN: 1557-AA04

58. SECURITIES EXCHANGE ACT DISCLOSURE RULES

Legal Authority: 15 USC 78

CFR Citation: 12 CFR 11

Abstract: Rule proposal addresses a series of amendments to the securities disclosure regulations of the Office. The proposed amendments govern such matters as the form and content of financial statements of national banks, prescribed formats for financial statements and schedules, and requirements prohibiting the falsification of accounting records and misrepresentations by officers and directors of national banks. The Office seeks to minimize the regulatory burden of the Securities Exchange Act disclosure requirements and to make these rules more understandable. The Office is particularly interested in meeting these goals in order to facilitate the development of conforming regulations concerning Securities Exchange Act disclosure requirements. The Office, together with the other banking agencies, is coordinating with the SEC in these efforts. The effect on small entities will be considered in the development of this rulemaking.

Timetable:

Action	Date	FR Cite
NPRM	09/21/84	49 FR 37246
NPRM Comment Period Begin	09/21/84	49 FR 37246
NPRM Comment Period End	11/20/84	
Final Action	04/00/85	

Small Entity: No

Agency Contact: Michael C. Dugas, Attorney, Department of the Treasury, Comptroller of the Currency, Securities & Corporate Practices Division, 490 L'Enfant Plaza East, SW, Washington, DC 20219, **202 447-1954**

RIN: 1557-AA06

59. REQUIRED NOTIFICATION TO NOMINATE BANK DIRECTORS

Legal Authority: 12 USC 1 et seq

CFR Citation: 12 CFR 17

Abstract: This regulation states that national banks may adopt bylaws or articles of association that require any shareholder proposing to nominate a director, other than a management nominee, to file certain information in advance with the Office and the bank. A proposal to rescind this regulation was published in the Federal Register. Because of the comments received on that proposal, the Office is now considering retaining the regulation in revised form. Alternative approaches are being considered together with revisions of other rules affecting the corporate governance of national banks with a view toward developing uniform federal standards. The effect on small entities will be considered in the development of this rulemaking.

Timetable:

Action	Date	FR Cite
NPRM	04/14/80	45 FR 25078
NPRM Comment Period Begin	04/14/80	45 FR 25078
NPRM Comment Period End	06/13/80	
Final Action	00/00/00	

Small Entity: No

Agency Contact: James T. Pitts, Assistant Director, Department of the Treasury, Comptroller of the Currency, Securities and Corporate Practices Division, 490 L'Enfant Plaza East, SW, Washington, DC 20219, **202 447-1954**

RIN: 1557-AA07

60. REPORTING OF BANK-RELATED CRIMES AND MYSTERIOUS DISAPPEARANCES OF FUNDS

Legal Authority: 12 USC 1 et seq; 12 USC 93a; 12 USC 1818; 12 USC 1881 et seq

CFR Citation: 12 CFR 7.5225

Abstract: This ruling governs the reporting of crimes involving bank personnel or bank funds. The Office is considering changing the ruling into a regulation and making revisions to decrease the reporting requirements of banks. Topics under review include the number of offices with which reports must be filed, the $1,000 threshold for reporting mysterious disappearances of funds, and the range of crimes intended to be covered by the reporting requirements. The effect on small entities will be considered in the development of this rulemaking.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Agency Contact: Robert S. Pasley, Assistant Director, Department of the Treasury, Comptroller of the Currency, Enforcement and Compliance Division, 490 L'Enfant Plaza East, SW, Washington, DC 20219, 202 447-1818

RIN: 1557-AA12

61. FAIR HOUSING HOME LOAN DATA SYSTEM

Legal Authority: 15 USC 1 et seq; 15 USC 481; 15 USC 1818; 15 USC 1691 et seq; 42 USC 3601 et seq

CFR Citation: 12 CFR 27

Abstract: This regulation requires national banks to record and retain information on age, race, sex, and marital status of applicants for home loans. Its purpose is to gather data necessary to statistically analyze lending practices to detect possible illegal discrimination. The Office anticipates amending this regulation only if it should become inconsistent with Regulation B data collection and recordkeeping requirements promulgated by the Board of Governors of the Federal Reserve System. The effect on small entities will be considered in the development of this rulemaking.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Agency Contact: Patrick J. Marr, Senior Fair Lending Specialist, Department of the Treasury, Comptroller of the Currency, Consumer Examinations Division, 490 L'Enfant Plaza East, SW, Washington, DC 20219, 202 447-1600

RIN: 1557-AA14

62. BANKERS' BANKS

Legal Authority: 12 USC 24(7); 12 USC 27

CFR Citation: Not yet determined

Abstract: The Garn-St. Germain Depository Institutions Act of 1982, PL 97-320, empowered this Office to charter bankers' banks, i.e., limited purpose national associations which will be owned exclusively by--and provide services solely to--depository institutions. On January 26, 1983, this office published an advance notice of proposed rulemaking Docket No. 83-3 (48 FR 3624) in order to solicit comments on what is virtually a new area of law. The effect on small entities will be considered in the development of this rulemaking. However, the Office is considering withdrawing the rulemaking proposal and issuing a policy statement.

Timetable:

Action	Date	FR Cite
ANPRM	01/26/83	48 FR 03624
ANPRM Comment Period Begin	01/26/83	48 FR 03624
ANPRM Comment Period End	02/25/83	
NPRM	00/00/00	

Small Entity: No

Additional Information: ADDITIONAL AGENCY CONTACT: Joseph Daly, Attorney, Legal Advisory Services Division, 202 447-1880, 490 L'Enfant Plaza East, SW, Washington, DC 20219.

Agency Contact: Randall J. Miller, Director for Licensing Policy and Systems, Department of the Treasury, Comptroller of the Currency, Bank Organization and Structure, 490 L'Enfant Plaza East, SW, Washington, DC 20219, 202 447-1184

RIN: 1557-AA17

63. BANK SERVICE CORPORATIONS

Legal Authority: 12 USC 1861 et seq

CFR Citation: 12 CFR 5, (New Subsection)

Abstract: The Bank Service Corporation Act was significantly amended by Section 709 of the Garn-St. Germain Depository Institutions Act of 1982, PL 97-320. Under the amended Act, a national bank may now invest up to 10% of paid-in and unimpaired capital and surplus in a bank service corporation. Prior approval of the appropriate federal regulator is necessary for a national bank to invest in a bank service corporation under certain conditions. The Office published notice of proposed rulemaking to solicit comments on proposed policies and procedures for obtaining the required approval. The effect on small entities will be considered in the development of this rulemaking.

Timetable:

Action	Date	FR Cite
NPRM	10/03/84	49 FR 39066
NPRM Comment Period Begin	10/03/84	49 FR 39066
NPRM Comment Period End	12/03/84	
Final Action	05/00/85	
Final Action Effective	06/00/85	

Small Entity: No

Additional Information: ADDITIONAL AGENCY CONTACT: Joseph Daly, Attorney, Legal Advisory Services Division, 202 447-1880, 490 L'Enfant Plaza East, SW, Washington, DC 20219

Agency Contact: Randall J. Miller, Director for Licensing Policy and Systems, Department of the Treasury, Comptroller of the Currency, Bank Organization and Structure, 490 L'Enfant Plaza East, SW, Washington, DC 20219, 202 447-1184

RIN: 1557-AA23

64. BROKERAGE ACTIVITIES TO BE CONDUCTED IN AN OPERATING SUBSIDIARY

Legal Authority: 12 USC 1 et seq; 12 USC 24(7); 12 USC 92a; 12 USC 93a

CFR Citation: 12 CFR 5.52; 12 CFR 12.6(e)

Abstract: Rule proposal addresses circumstances under which the brokerage activities of national banks should be conducted in operating subsidiaries of such banks. Such arrangements would appear to provide this Office with a more efficient means of supervising and examining bank brokerage activities. The effect on small entities will be considered in the development of this rulemaking.

Timetable:

Action	Date	FR Cite
NPRM	04/17/84	49 FR 15089
NPRM Comment Period Begin	04/17/84	49 FR 15089
NPRM Comment Period End	06/01/84	
NPRM Comment Period Extended To 07/16/84	06/15/84	49 FR 24748
Final Action	06/00/85	
Final Action Effective	06/00/85	

Small Entity: No

Agency Contact: Linda Gottfried, Attorney, Department of the Treasury, Comptroller of the Currency, Securities & Corporate Practices Division, 490 L'Enfant Plaza East, SW, Washington, DC 20219, **202 447-1954**

RIN: 1557-AA34

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65. RULES OF PRACTICE AND PROCEDURE

Legal Authority: 12 USC 1818

CFR Citation: 12 CFR 19

Abstract: The proposed regulation will set forth amendments to the hearing rules for administrative hearings. The effect on small entities will be considered in the development of this rulemaking.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Agency Contact: Robert L. Davis, Attorney, Department of the Treasury, Comptroller of the Currency, Enforcement and Compliance Division, 490 L'Enfant Plaza East, SW, Washington, DC 20219, **202 447-1818**

RIN: 1557-AA43

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66. DISCLOSURE OF FINANCIAL AND OTHER INFORMATION REGARDING NATIONAL BANKS

Legal Authority: 12 USC 1 et seq; 12 USC 93a

Abstract: The advance notice of proposed rulemaking requests comments on whether changes should be made in the current public disclosures required of national banks. The comments received in response to the 25 questions posed will be used in the assessment of the need for and content of a regulation regarding financial disclosure. These questions are in four general areas: general characteristics of an effective disclosure system, additional information about operations and management, additional disclosure of administrative enforcement actions, and cost-benefit considerations of possible changes. The effect on small entities will be considered in the development of this rulemaking.

Timetable:

Action	Date	FR Cite
ANPRM	07/13/84	49 FR 28566
ANPRM Comment Period Begin	07/13/84	49 FR 28566
ANPRM Comment Period End	10/11/84	
NPRM	06/00/85	
Final Action	12/00/85	

Small Entity: No

Additional Information: ADDITIONAL AGENCY CONTACT: David G. Hayes, Senior Economic Advisor, Legislative and Regulatory Analysis Division, 202 447-1177, 490 L'Enfant Plaza East, SW, Washington, DC 20219.

Agency Contact: Emily R. McNaughton, National Bank Examiner, Department of the Treasury, Comptroller of the Currency, Commercial Examinations Division, 490 L'Enfant Plaza East, SW, Washington, DC 20219, **202 447-1165**

RIN: 1557-AA44

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67. ● RULES, POLICIES, AND PROCEDURES FOR CORPORATE ACTIVITIES

Legal Authority: 12 USC 1817(j)(13)

CFR Citation: 12 CFR 5.50(i)

Abstract: The proposed regulation revises the disclosure policy adopted under the Change in Bank Control Act to provide for the publication of notices of changes in control filed pursuant to the Act. The effect on small entities will be considered in the development of this rulemaking.

Timetable:

Action	Date	FR Cite
NPRM	08/00/85	

Small Entity: No

Agency Contact: James T. Pitts, Assistant Director, Department of the Treasury, Comptroller of the Currency, Securities and Corporate Practices Division, 490 L'Enfant Plaza East, SW, Washington, DC 20219, **202 447-1954**

RIN: 1557-AA51

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68. ● RECORDKEEPING AND CONFIRMATION REQUIREMENTS FOR SECURITIES PRACTICES

Legal Authority: 12 USC 24; 12 USC 92a, 12 USC 93a

CFR Citation: 12 CFR 12

Abstract: The proposed rule will relate to a national bank's obligation to forward proxy material and related information to bank customers owning securities held by the bank in its name or that of a bank nominee. Delays, inconsistent practices, voting difficulties, and other problems will be addressed. The rulemaking is expected to benefit bank customers by ensuring that they receive in a timely fashion those materials needed to make informed decisions on shareholder matters. The effect on small entities will be considered in the development of this rulemaking.

Timetable:

Action	Date	FR Cite
NPRM	05/00/85	

Small Entity: No

Agency Contact: Michael C. Dugas, Attorney, Department of the Treasury, Comptroller of the Currency, Securities and Corporate Practices Division, 490 L'Enfant Plaza East, SW, Washington, DC 20219, **202 447-1954**

RIN: 1557-AA52

DEPARTMENT OF THE TREASURY (TREAS)
Comptroller of the Currency (OCC)

Completed Actions

COMPLETED RULEMAKINGS

69. ASSESSMENT OF FEES; NATIONAL BANKS; DISTRICT OF COLUMBIA BANKS

Legal Authority: 12 USC 1 et seq; 12 USC 481; 12 USC 482

CFR Citation: 12 CFR 8; 12 CFR 5

Abstract: This final rule revised the fees charged by the Office for special examinations and investigations of national banking associations and District of Columbia banks, for examinations of the affiliates of such institutions, for examinations of fiduciary activities of such institutions exercising fiduciary powers, and for examinations and investigations made pursuant to Rules, Policies, and Procedures for Corporate Activities. This rule permits the Office to recover the expenses it incurs in performing these supervisory functions. The regulation does not impose additional reporting or recordkeeping requirements on any banks subject to the jurisdiction of this Office, nor does it have a significant impact on a substantial number of small entities.

Timetable:

Action	Date	FR Cite
NPRM	09/12/84	49 FR 35784
NPRM Comment Period Begin	09/12/84	49 FR 35784
NPRM Comment Period End	10/29/84	
Final Action	12/31/84	49 FR 50603
Final Action Effective	01/30/85	49 FR 50603

Small Entity: No

Agency Contact: Dennis J. Arczynski, Project Manager, Department of the Treasury, Comptroller of the Currency, Financial Operations, 490 L'Enfant Plaza East, SW, Washington, DC 20219, 202 447-1878

RIN: 1557-AA45

70. MINIMUM CAPITAL RATIOS; ISSUANCE OF DIRECTIVES

Priority: Agency Determination, Major

Legal Authority: 12 USC 1 et seq; 12 USC 93a; 12 USC 161; 12 USC 1818; 12 USC 3907; 12 USC 3909

CFR Citation: 12 CFR 3, (New); 12 CFR 7.1100

Abstract: The proposed regulation would establish required minimum levels of capital for national banks and procedures to assure that national banks achieve and maintain adequate capital. This action is required by section 908 of the International Lending Supervision Act of 1983, 12 USC 3907. The proposed minimum ratios of capital to assets, definitions of primary and secondary capital, procedures, and other issues have been presented for comment and alternatives on these issues will be considered in conjunction with the final regulation. Because some banks, including several large banks, would need to raise or generate additional capital to meet the minimum ratios, underwriting costs may be significant, competition in capital markets is likely to increase, and dividends could be lower than historical averages until the required capital ratios have been achieved. Benefits of the proposal would include an increased capacity for banks to fund economic growth and to withstand losses, and increased stability in the nation's financial system. The minimum capital levels required by the regulation are lower than those currently contained in agency guidelines used to evaluate (cont)

Timetable:

Action	Date	FR Cite
NPRM	09/04/84	49 FR 34838
NPRM Comment Period Begin	09/04/84	49 FR 34838
NPRM Comment Period End	11/05/84	
Final Action	03/14/85	
Final Action Effective	04/15/85	

Small Entity: No

Additional Information: ABSTRACT CONT: the adequacy of capital in small national banks. Therefore, nearly all small national banks meet the minimum ratios contained in the proposed regulation.

Agency Contact: Dorothy A. Sable, Senior Attorney, Department of the Treasury, Comptroller of the Currency, Legal Advisory Services Division, 490 L'Enfant Plaza East, SW, Washington, DC 20219, 202 447-1880

RIN: 1557-AA46

ACTIONS THAT STARTED AND ENDED BETWEEN ISSUES OF THE UNIFIED AGENDA

71. ● ASSESSMENT OF FEES; NATIONAL BANKS; DISTRICT OF COLUMBIA BANKS

Priority: Agency Determination

Legal Authority: 12 USC 1 et seq; 12 USC 481; 12 USC 482

CFR Citation: 12 CFR 8 2

Abstract: The Office of the Comptroller of the Currency has increased the rates in its semiannual assessment schedule for national banks, District of Columbia banks, and federally licensed branches and agencies. Unchanged for eight years, the old schedule failed to produce revenue sufficient to cover operating costs, which were boosted by inflation, an increase in responsibilities, and a modernization of bank examination techniques. The new schedule, like the old one, conforms to this Office's philosophy that the assessments paid by a bank should reflect, to the extent possible under existing statutory provisions, the costs of supervising it. On a per-dollar-of-assets basis, those costs decline as bank size increases. In addition, the Office will offset declines in the overall average assessment rate due solely to inflationary growth in bank assets by indexing the schedule annually to changes in the general price level. The immediate effect of the revision will be to increase national bank assessments by approximately $15 million in 1985. The regulation does not impose additional reporting or recordkeeping requirements on any banks subject to the jurisdiction of this Office. An (cont)

Timetable:

Action	Date	FR Cite
NPRM	11/14/84	49 FR 45102
NPRM Comment Period Begin	11/14/84	49 FR 45102
NPRM Comment Period End	12/14/84	
Final Action	12/31/84	49 FR 50600
Final Action Effective	01/31/85	49 FR 50600

Small Entity: No

Additional Information: ABSTRACT CONT: initial and final regulatory flexibility analysis were prepared.

TREAS—OCC

Completed Actions

Agency Contact: Roger Tufts, Financial Economist, Department of the Treasury, Comptroller of the Currency, Economic and Policy Analysis Division, 490 L'Enfant Plaza East, SW, Washington, DC 20219, 202 447-1924

RIN: 1557-AA50

[FR Doc. 85-6372 Filed 04-26-85; 8:45 am]

BILLING CODE 4810-33-T

DEPARTMENT OF THE TREASURY (TREAS)
United States Customs Service (CUSTOMS)

Customs Service

19 CFR Ch. I

Semiannual Agenda

AGENCY: U.S. Customs Service, Department of the Treasury.

ACTION: Semiannual agenda.

SUMMARY: In response to Pub. L. 96-354, the "Regulatory Flexibility Act," and Executive Order 12291, "Federal Regulations," Customs has prepared and is publishing for public information a list of regulations either under development or under review.

FOR FURTHER INFORMATION CONTACT: For additional information regarding the substance of any particular regulatory project described in the agenda, please communicate with the person identified as the "Agency Contact." All agency contact persons are located at U.S. Customs Service Headquarters, the address of which is noted below. Comments or inquiries of a general nature about the agenda itself should be directed to Gertrude A. Bresnahan, Regulations Control Branch, Office of Regulations and Rulings, Headquarters, U.S. Customs Service, Room 2426, 1301 Constitution Avenue, N.W., Washington, D.C. 20229 (202-566-8237).

SUPPLEMENTARY INFORMATION:

Background

Public Law 96-354, the "Regulatory Flexibility Act" (RFA) and Executive Order (E.O.) 12291 of February 17, 1981, "Federal Regulation," require semiannual publication, in April and October of each year, of an agenda of regulations which are "likely to have a significant economic impact on a substantial number of small entities" and "major" regulations, respectively. The RFA and E.O. 12291 also require agencies to include in their agendas currently effective rules which are under agency review. Customs agenda includes a brief abstract of each regulatory project ("project") being considered, an indication of whether the project will have an RFA impact, the section(s) of the Code of Federal Regulations affected, the legal authority for the action being taken, the name, title, and telephone number of an agency contact and, where applicable, an approximate timetable of completing action on any project for which Customs has published a notice of proposed rulemaking. In addition, the status of projects referred to in previously published agendas is shown.

The following is the ninth semiannual agenda to be published by Customs under the RFA and E.O. 12291. It has been determined that none of the projects listed as being under development meets the standards required of a "major" regulation provided in E.O. 12291.

General Statutory authority for the development or review of regulations relating to Customs matters is found in section 301, title 5, United States Code (5 U.S.C. 301), and in sections 66 and 1624, title 19, United States Code (19 U.S.C. 66, 1624). When appropriate, additional specific statutory authority is indicated as the legal authority for the project.

DATED: February 15, 1985.

John P. Simpson,

Director, Office of Regulations and Rulings.

United States Customs Service—Current and Projected Rulemakings

Sequence Number	Title	Regulation Identifier Number
72	19 CFR 111 Customhouse Brokers	1515-AA04
73	19 CFR 133 Copyright	1515-AA07
74	19 CFR 142 Entry of Merchandise; Bonds	1515-AA09
75	19 CFR 24 3a, (New) Accounting; Interest on Delinquent Accounts	1515-AA18
76	19 CFR 19 Customs Warehouses; Duty-Free Stores	1515-AA22
77	19 CFR 4 Entry and Clearance of Vessels	1515-AA23
78	19 CFR 18 Foreign Trade Zones	1515-AA30
79	19 CFR 4 Passengers on Foreign Vessels	1515-AA31
80	19 CFR 10.8-10.9 Waiver of Certificate of Registration for Articles Exported for Repairs, Alterations or Processing	1515-AA40
81	19 CFR 18.8 Liquidated Damages Claims Against Bonded Carriers	1515-AA41
82	19 CFR 171.21 District Directors Authority Over Fines, Penalties and Liquidated Damages Cases	1515-AA42
83	19 CFR 158.2 Entry Summary Filing	1515-AA43

TREAS—CUSTOMS

United States Customs Service—Current and Projected Rulemakings—Continued

Sequence Number	Title	Regulation Identifier Number
84	19 CFR 12.104-12.14h, (New) Implementation of Convention on Cultural Property	1515-AA45

United States Customs Service—Existing Regulations Under Review

Sequence Number	Title	Regulation Identifier Number
85	19 CFR 162.32 Fines, Penalties, and Forfeiture Procedures	1515-AA44

United States Customs Service—Completed Actions

Sequence Number	Title	Regulation Identifier Number
86	19 CFR 113 Customs Bonds	1515-AA05
87	19 CFR 18 Transportation of Bonded Merchandise	1515-AA24
88	19 CFR 10 Elimination of Duty on Articles for Handicapped Persons	1515-AA25
89	19 CFR 10 Canbbean Basin Initiative	1515-AA27
90	19 CFR 6 Aircraft Reporting Requirements	1515-AA28
91	19 CFR 6 Textiles and Textile Products	1515-AA29
92	19 CFR 134 Country of Origin Marking - Rotary Metal Cutting Tools	1515-AA32

DEPARTMENT OF THE TREASURY (TREAS)
United States Customs Service (CUSTOMS)

Current and Projected Rulemakings

72. CUSTOMHOUSE BROKERS

Legal Authority: 19 USC 1641

CFR Citation: 19 CFR 111

Abstract: Amend Customs Regulations to clarify responsibilities of customhouse brokers and to ensure uniform compliance with applicable regulations. Customs has under consideration as part of project issue of extent to which brokers should be regulated. Work plan 79-5 approved.

Timetable:

Action	Date	FR Cite
NPRM	04/07/83	48 FR 15154
NPRM Comment Period Begin	04/07/83	
Extension of Comment Period	05/12/83	48 FR 21343
NPRM Comment Period End	07/05/83	
New NPRM Under Development	06/00/85	

Small Entity: Undetermined

Additional Information: SMALL BUSINESSES CONT: Determination of RFA impact to be made concurrent with publication of NPRM.

Agency Contact: Margaret M. O'Rourke, Director, Department of the Treasury, United States Customs Service, Office of Trade Operations, Room 2426, 1301 Constitution Avenue, NW, Washington, DC 20229, **202 566-8047**

RIN: 1515-AA04

73. COPYRIGHT

Legal Authority: 17 USC 1603

CFR Citation: 19 CFR 133

Abstract: Amendments to Customs Regulations relating to recordation of copyrights with Customs, to implement provisions of Pub. L. 94-533, "Copyright Act of 1976." The project would reduce administrative costs to Customs and copyright applicants. Work plan 82-17 approved.

Timetable:

Action	Date	FR Cite
NPRM	07/07/83	48 FR 31245
NPRM Comment Period Begin	07/07/83	
NPRM Comment Period End	10/05/83	
In Treasury Review	11/13/84	
Final Action	04/00/85	

Small Entity: No

Agency Contact: Samuel Orandle, Attorney, Department of the Treasury, United States Customs Service, Room 2426, 1301 Constitution Avenue, NW, Washington, DC 20229, **202 566-5765**

RIN: 1515-AA07

74. ENTRY OF MERCHANDISE; BONDS

Legal Authority: 19 USC 1623

CFR Citation: 19 CFR 142

Abstract: Acceptance of formal entries with unsecured bonds for certain importations. The project would decrease costs to an importer of merchandise valued less than $1,000. Work plan 81-15 approved.

Timetable:

Action	Date	FR Cite
NPRM	12/21/83	48 FR 56401
NPRM Comment Period Begin	12/21/83	
NPRM Comment Period End	02/21/84	
In Customs Review	11/28/84	
Final Action	06/00/85	

Small Entity: No

Agency Contact: Herbert Geller, Operations Officer, Department of the Treasury, United States Customs Service, Room 2426, 1301 Constitution Avenue, NW, Washington, DC 20229, 202 566-5307

RIN: 1515-AA09

75. ACCOUNTING; INTEREST ON DELINQUENT ACCOUNTS

Legal Authority: 19 USC 197; 19 USC 198; 19 USC 1484; 19 USC 1500; 19 USC 1505; 19 USC 1623; 31 USC 483a

CFR Citation: 19 CFR 24.3a, (New); 19 CFR 113.4, (New)

Abstract: Establish interest charges for the last payment of supplemental duty bills (bills for additional duties ascertained upon liquidation), reimbursable services, and miscellaneous bills issued by Customs to organizations outside the Government. Provide incentive for prompt payment or reimbursement of interest costs resulting from Government borrowing. Work Plan 80-2 approved.

Timetable:

Action	Date	FR Cite
NPRM	03/10/83	48 FR 10077
NPRM Comment Period Begin	03/10/83	
NPRM Comment Period End	05/09/83	
Treasury Review Began	12/31/84	
Final Action	06/00/85	

Small Entity: No

Agency Contact: Robert B. Hamilton, Accountant, Department of the Treasury, United States Customs Service, Room 2426, 1301 Constitution Avenue, NW, Washington, DC 20229, 202 566-2596

RIN: 1515-AA18

76. CUSTOMS WAREHOUSES; DUTY-FREE STORES

Legal Authority: 19 USC 1556; 19 USC 1565; 19 USC 1623

CFR Citation: 19 CFR 19; 19 CFR 144

Abstract: Consideration of various actions in regard to administration of duty-free stores. Actions range from abolition of stores to their designation as class of bonded warehouse and/or increased regulation. Actions necessary due to need for increased efficiency of store administration by Customs and to address enforcement problems related to stores. Public comment requested on actions under consideration, as well as store operations in general. Work Plan 83-1 approved.

Timetable:

Action	Date	FR Cite
ANPRM	07/21/83	48 FR 33318
ANPRM Comment Period Begin	07/21/83	
ANPRM Comment Period End	09/19/83	
Pending Congressional Action	00/00/00	

Small Entity: No

Agency Contact: John R. Holl, Operation Officer, Department of the Treasury, United States Customs Service, Room 2426, 1301 Constitution Avenue, NW, Washington, DC 20229, 202 566-5354

RIN: 1515-AA22

77. ENTRY AND CLEARANCE OF VESSELS

Legal Authority: 19 USC 66; 19 USC 1624; 46 USC 2; 46 USC 3

CFR Citation: 19 CFR 4

Abstract: Amends Customs Regulations relating to the application of the entry and clearance requirements of the navigation laws to vessels engaged in the lightering of import and export cargo between the U.S. and vessels located beyond the territorial waters of the U.S.

Timetable:

Action	Date	FR Cite
ANPRM	10/14/83	48 FR 46808
ANPRM Comment Period Begin	10/14/83	
ANPRM Comment Period End	12/13/83	
NPRM	10/03/84	49 FR 39072
NPRM Comment Period Begin	10/03/84	
NPRM Comment Period End	12/03/84	
T. D. Under Development	02/00/85	
Final Action	06/00/85	

Small Entity: No

Agency Contact: Edward B. Gable, Jr., Attorney, Department of the Treasury, United States Customs Service, Room 2426, 1301 Constitution Avenue, NW, Washington, DC 20229, 202 566-5732

RIN: 1515-AA23

78. FOREIGN TRADE ZONES

Legal Authority: 5 USC 301; 19 USC 66; 19 USC 81a to 81u; 19 USC 1202; 19 USC 1623; 19 USC 1624; 31 USC 9701

CFR Citation: 19 CFR 18; 19 CFR 24; 19 CFR 112; 19 CFR 141; 19 CFR 144; 19 CFR 146; 19 CFR 191

Abstract: Amends Customs Regulations to incorporate new audit-inspection method of zone supervision by Customs, as well as to set forth revised general provisions applicable to the administration of zones.

Timetable:

Action	Date	FR Cite
NPRM	07/17/84	49 FR 28855
NPRM Comment Period Begin	07/17/84	
NPRM Comment Period End	10/15/84	
Comments being analysed	12/00/84	
Final Action	06/00/85	

Small Entity: Undetermined

Agency Contact: John Holl, Operations Officer, Department of the Treasury, United States Customs Service, Room 2426, 1301 Constitution Avenue, NW, Washington, DC 20229, 202 566-8151

RIN: 1515-AA30

79. PASSENGERS ON FOREIGN VESSELS

Legal Authority: 19 USC 66; 19 USC 1624; 46 USC 2; 46 USC 3

CFR Citation: 19 CFR 4

Abstract: Amends Customs Regulations relating to transportation of passengers by a foreign vessel between ports or places in the U.S., either directly or by way of foreign port. It would provide that, with certain exceptions, such transportation is prohibited when passengers are actually embarked at one port or place in the U.S. and disembarked at another port or place in the U.S.

Timetable:

Action	Date	FR Cite
ANPRM	04/25/84	49 FR 17769
ANPRM Comment Period Begin	04/25/84	
ANPRM Comment Period End	06/25/84	
NPRM	01/09/85	50 FR 1060
NPRM Comment Period Begin	01/09/85	
NPRM Comment Period End	03/11/85	

Small Entity: Undetermined

Agency Contact: Edward B. Gable, Jr., Attorney, Department of the Treasury, United States Customs Service, Room 2426, 1301 Constitution Avenue, NW, Washington, DC 20229, 202 566-5732

RIN: 1515-AA31

80. ● WAIVER OF CERTIFICATE OF REGISTRATION FOR ARTICLES EXPORTED FOR REPAIRS, ALTERATIONS OR PROCESSING

Legal Authority: 19 USC 66; 19 USC 197; 19 USC 198; 19 USC 1624; 19 USC 1641; 19 USC 1648

CFR Citation: 19 CFR 10.8-10.9

Abstract: Provides for waiver of the Certificate of Registration required for entry of articles exported for repair, alteration, or processing abroad, upon payment of duty on only the value of the work done abroad, when the importer satisfies Customs that exportation of the articles occurred.

Timetable:

Action	Date	FR Cite
NPRM	09/10/84	49 FR 35509
NPRM Comment Period Begin	09/10/84	
NPRM Comment Period End	11/09/84	
Final Action T. D. under development	06/00/85	

Small Entity: No

Agency Contact: Leo Wells, Operations Officer, Department of the Treasury, United States Customs Service, 1301 Constitution Avenue, NW, Room 4114, Washington, DC 20229, 202 566-2957

RIN: 1515-AA40

81. ● LIQUIDATED DAMAGES CLAIMS AGAINST BONDED CARRIERS

Legal Authority: 19 USC 66; 19 USC 1624; 49 USC 1509

CFR Citation: 19 CFR 18.8

Abstract: To assure uniform assessment of liquidated damages claims against carriers, as well as cartman, revises regulations relating to liability for shortages, irregular delivery, or nondelivery of imported merchandise.

Timetable:

Action	Date	FR Cite
NPRM	01/11/85	50 FR 1545
NPRM Comment Period Begin	01/11/85	
NPRM Comment Period End	03/12/85	
Final Action	07/00/85	

Small Entity: No

Agency Contact: William Rosoff, Attorney, Department of the Treasury, United States Customs Service, 1301 Constitution Avenue, NW, Room 2414, Washington, DC 20229, 202 566-5732

RIN: 1515-AA41

82. ● DISTRICT DIRECTORS AUTHORITY OVER FINES, PENALTIES AND LIQUIDATED DAMAGES CASES

Legal Authority: 19 USC 66; 19 USC 1618; 19 USC 1623; 19 USC 1624; 19 USC 1641; 46 USC 7; 46 USC 320

CFR Citation: 19 CFR 171.21; 19 CFR 171.33

Abstract: Increases the authority of district directors to act on petitions for relief in administrative cases involving penalties, forfeitures, or claims for liquidated damages, incurred for violations of the Customs or navigation laws or regulations.

Timetable:

Action	Date	FR Cite
NPRM	07/17/84	49 FR 28883
NPRM Comment Period Begin	07/17/84	
NPRM Comment Period End	09/17/84	
Final Action	03/00/85	

Small Entity: No

Agency Contact: Jeremy Baskin, Attorney, Department of the Treasury, United States Customs Service, 1301 Constitution Avenue, NW, Room 2332, Washington, DC 20229, 202 566-5746

RIN: 1515-AA42

83. ● ENTRY SUMMARY FILING

Legal Authority: 19 USC 66; 19 USC 197; 19 USC 198; 19 USC 1624; 19 USC 1641; 19 USC 1648

CFR Citation: 19 CFR 158.2

Abstract: Allows importers to file entry summaries and pay duty for less than the invoiced and manifested number of packages in a permitted shipment, provided the importer submits both a discrepancy report and, in lieu of the carrier's declaration on the report (attesting to the shortage), copies of the dock receipt or other documents evidencing nonreceipt of the lost or missing packages.

Timetable:

Action	Date	FR Cite
NPRM	10/23/84	49 FR 42576
NPRM Comment Period Begin	10/23/84	
NPRM Comment Period End	12/24/84	
Comments being analysed	01/00/85	
Final Action	06/00/85	

Small Entity: No

Agency Contact: Jerry C. Laderberg, Attorney, Department of the Treasury, United States Customs Service, 1301 Constitution Avenue, NW, Room 2417, Washington, DC 20229, 202 566-5765

RIN: 1515-AA43

TREAS—CUSTOMS **Current and Projected Rulemakings**

84. ● IMPLEMENTATION OF CONVENTION ON CULTURAL PROPERTY

Legal Authority: 19 USC 66; 19 USC 1624; 19 USC 2612

CFR Citation: 19 CFR 12.104-12.14h, (New)

Abstract: Amends regulations to implement Convention on Cultural Property which prohibits illicit traffic in cultural property while allowing the exchange of national treasures for legitimate scientific, educational, and cultural purposes. Certification or other documentation must be presented to show that exportation was not in violation of laws of country from which article originates.

Timetable:

Action	Date	FR Cite
Interim Final Rule in Customs Review	01/00/85	
Interim Final Rule	06/00/85	

Small Entity: No

Agency Contact: Harrison Feese, Operations Officer, Department of the Treasury, United States Customs Service, 1301 Constitution Avenue, NW, Room 4114, Washington, DC 20229, 202 566-8652

RIN: 1515-AA45

DEPARTMENT OF THE TREASURY (TREAS)
United States Customs Service (CUSTOMS) **Existing Regulations Under Review**

85. ● FINES, PENALTIES, AND FORFEITURE PROCEDURES

Legal Authority: 19 USC 66; 19 USC 1603; 19 USC 1609; 19 USC 1610; 19 USC 1611; 19 USC 1612; 19 USC 1618; 19 USC 1624, 19 USC 1641; 19 USC 1705; 46 USC 7; 46 USC 320

CFR Citation: 19 CFR 162.32; 19 CFR 162.45; 19 CFR 162.46; 19 CFR 171.12; 19 CFR 171.33

Abstract: To implement provisions of the Trade and Tariff Act of 1984, revises the administrative petitioning process and the summary forfeiture process relating to the disposal of merchandise seized and forfeited for violations of the Customs laws and regulations.

Timetable:

Action	Date	FR Cite
NPRM	04/00/85	

Small Entity: No

Agency Contact: Jeremy Baskin, Attorney, Department of the Treasury, United States Customs Service, 1301 Constitution Avenue, NW, Room 2332, Washington, DC 20229, 202 566-5746

RIN: 1515-AA44

DEPARTMENT OF THE TREASURY (TREAS)
United States Customs Service (CUSTOMS) **Completed Actions**

COMPLETED RULEMAKINGS

86. CUSTOMS BONDS

Legal Authority: 19 USC 1623

CFR Citation: 19 CFR 113

Abstract: Consolidation of Customs bonds and related forms to simplify bond structure and language preparatory to automated program. Project would simplify transactions between Customs and importing public by clarifying bond language and reducing number of bonds. Work plan 81-2 approved.

Timetable:

Action	Date	FR Cite
ANPRM	05/26/81	46 FR 28172
ANPRM Comment Period Begin	05/26/81	
ANPRM Comment Period End	07/25/81	
NPRM	03/15/83	48 FR 11032
NPRM Comment Period Begin	03/15/83	
NPRM Comment Period End	06/13/83	
T. D. in Treasury Review	05/17/84	
Final Action T. D. 84-213	10/19/84	49 FR 41152
Final Action Effective	02/18/85	

Small Entity: Undetermined

Additional Information: SMALL BUSINESSES CONT: Determination on RFA impact to be made after receipt of comments received in response to expected NPRM.

Agency Contact: Joseph Goody, Operations Officer, Department of the Treasury, United States Customs Service, Room 2426, 1301 Constitution Avenue, NW, Washington, DC 20229, 202 566-2812

RIN: 1515-AA05

87. TRANSPORTATION OF BONDED MERCHANDISE

Legal Authority: 19 USC 66; 19 USC 1552; 19 USC 1553; 19 USC 1557; 19 USC 1623; 19 USC 1624

CFR Citation: 19 CFR 18; 19 CFR 123; 19 CFR 144

Abstract: Amends Customs Regulations to provide more control over imported merchandise transported in bond from the port of entry to the port of designation or port of exportation. Establishes time periods for the receipt, delivery, and notification to Customs of arrival of imported merchandise transported in bond within the U.S. Provides that presentation to Customs of in-bond document accompanying the merchandise will be acceptable as proof of delivery and that new in-bond control system will be applicable to truck shipments of in-bond merchandise transiting the U.S. to Canada or Mexico.

TREAS—CUSTOMS **Completed Actions**

Timetable:

Action	Date	FR Cite
NPRM	10/14/83	48 FR 46812
NPRM Comment Period Begin	10/14/83	
NPRM Comment Period End	12/13/83	
T. D. in Treasury Review	08/14/84	
Final Action T. D. 84-212	10/03/84	49 FR 39044
Final Action Effective	11/02/84	

Small Entity: No

Agency Contact: J. Bradley Lund, Operations Officer, Department of the Treasury, United States Customs Service, Room 2426, 1301 Constitution Avenue, NW, Washington, DC 20229, 202 566-5354

RIN: 1515-AA24

88. ELIMINATION OF DUTY ON ARTICLES FOR HANDICAPPED PERSONS

Legal Authority: 5 USC 301; 19 USC 66; 19 USC 1202; 19 USC 1624

CFR Citation: 19 CFR 10

Abstract: Amends Customs Regulations to provide a procedure for duty-free treatment of imported articles specially designed or adapted for the use or benefit of physically or mentally handicapped persons. Describes a new law which expands coverage to encompass most articles specially designed or adapted for use by the handicapped other than articles solely for the blind.

Timetable:

Action	Date	FR Cite
NPRM	01/12/84	49 FR 1482
NPRM Comment Period Begin	01/12/84	
NPRM Comment Period End	03/12/84	
T. D. in Customs Review	07/09/84	
Final Action T. D. 84-233	11/26/84	49 FR 46363
Final Action Effective	12/26/84	

Small Entity: No

Agency Contact: Herbert Geller, Operations Officer, Department of the Treasury, United States Customs Service, Room 2426, 1301 Constitution Avenue, NW, Washington, DC 20229, 202 566-5307

RIN: 1515-AA25

89. CARIBBEAN BASIN INITIATIVE

Legal Authority: PL 98-67; 19 USC 66; 19 USC 1523; 19 USC 1624; 19 USC 2701

CFR Citation: 19 CFR 10

Abstract: Amends the Customs Regulations to implement the duty-free aspects of the Caribbean Basin Economic Recovery Act, commonly referred to as the Caribbean Basin Initiative. Provides for the waiver of duties on most products imported from Caribbean and Central American countries designated by the President as beneficiary countries.

Timetable:

Action	Date	FR Cite
NPRM	01/05/84	49 FR 852
NPRM Comment Period Begin	01/05/84	
NPRM Comment Period End	03/05/84	
Final Action T. D. 84-237	12/07/84	49 FR 47986
Final Action Effective	01/07/85	

Small Entity: No

Agency Contact: Frank Foote, Attorney, Department of the Treasury, United States Customs Service, Room 2426, 1301 Constitution Avenue, NW, Washington, DC 20229, 202 566-2938

RIN: 1515-AA27

90. AIRCRAFT REPORTING REQUIREMENTS

Legal Authority: 19 USC 66; 19 USC 1624; 49 USC 1509

CFR Citation: 19 CFR 6

Abstract: Amends Customs Regulations to extend to certain commercial aircraft, the reporting requirements currently applicable to private aircraft arriving from areas south of the U.S. This includes a list of designated airports at which designated aircraft must land to report their arrival to Customs. The change is being made to expand the effectiveness of drug smuggling enforcement.

Timetable:

Action	Date	FR Cite
NPRM	07/31/84	49 FR 30527
NPRM Comment Period Begin	07/31/84	
NPRM Comment Period End	10/01/84	
Final Action T. D. 84-236	11/29/84	49 FR 46885
Comments being analysed	12/00/84	
Final Action Effective	12/31/84	

Small Entity: Undetermined

Agency Contact: Galen G. Garlick, Operations Officer, Department of the Treasury, United States Customs Service, Room 2426, 1301 Constitution Avenue, NW, Washington, DC 20229, 202 566-5607

RIN: 1515-AA28

91. TEXTILES AND TEXTILE PRODUCTS

Legal Authority: 7 USC 1854; 19 USC 66; 19 USC 1494; 19 USC 1624

CFR Citation: 19 CFR 6; 19 CFR 12; 19 CFR 18; 19 CFR 19; 19 CFR 141; 19 CFR 142; 19 CFR 144; 19 CFR 146

Abstract: Implements Executive Order 12475 of May 9, 1984, by amending Customs Regulations relating to the entry of imported textiles and textile products. The regulations provide criteria for determining country of origin of articles and require a declaration as to the origin and the manufacturing or processing operations performed.

Timetable:

Action	Date	FR Cite
NPRM	08/03/84	49 FR 31248
NPRM Comment Period Begin	08/03/84	
NPRM Comment Period End	10/02/84	
Final Action T.D. 85-38	03/05/85	50 FR 8710

Small Entity: Undetermined

Agency Contact: Philip Robins, Attorney, Department of the Treasury, United States Customs Service, Room 2426, 1301 Constitution Avenue, NW, Washington, DC 20229, 202 566-8181

RIN: 1515-AA29

TREAS—CUSTOMS **Completed Actions**

92. COUNTRY OF ORIGIN MARKING - ROTARY METAL CUTTING TOOLS

Legal Authority: 19 USC 1304

CFR Citation: 19 CFR 134

Abstract: Changes practice relating to exempting imported rotary metal cutting tools from being marked individually with the country of origin. Designed to ensure that ultimate purchaser in U.S. is aware of the country of origin of the article.

Timetable:

Action	Date	FR Cite
NPRM	04/25/84	49 FR 17772
NPRM Comment Period Begin	04/25/84	
NPRM Comment Penod End	06/25/84	
Final Action T. D. 84-214	10/18/84	49 FR 40802
Final Action Effective	01/16/85	

Small Entity: Undetermined

Agency Contact: Harold Loring, Attorney, Department of the Treasury, United States Customs Service, Room 2426, 1301 Constitution Avenue, NW, Washington, DC 20229, **202 566-5765**

RIN: 1515-AA32

[FR Doc. 85-6373 Filed 04-26-85; 8:45 am]

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DEPARTMENT OF THE TREASURY (TREAS)

Internal Revenue Service (IRS)

Internal Revenue Service

26 CFR Ch. I

Improving Government Regulations; Semiannual Agenda of Regulations

AGENCY: Internal Revenue Service, Treasury.

ACTION: Semiannual agenda of regulations.

SUMMARY: This semiannual agenda lists the regulations determined as of January 31, 1985, that the Internal Revenue Service will be developing from January 31, 1985 through April 15, 1986. The purpose of this semiannual agenda is to give the public adequate notice of regulatory activities of the Internal Revenue Service.

FOR FURTHER INFORMATION CONTACT: Robert A. Bley, Executive Assistant to the Director, Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, Attention: CC:LR (202-566-3331), not a toll-free call.

SUPPLEMENTARY INFORMATION:

General

Section 5 of Executive Order 12291 and section 602 of the Regulatory Flexibility Act and the Treasury Directive implementing that Act all require that a semiannual agenda of regulations under development and review be published in the **Federal Register**. The next semiannual agenda of the Internal Revenue Service will be published in the **Federal Register** in October of 1985.

Description

This Semiannual Agenda of Regulations lists all projects within the Internal Revenue Service (I.R.S.) as of January 31, 1985, for the development of regulations to appear in the Code of Federal Regulations. This agenda lists existing regulations under development by the Legislation and Regulations Division and the Employee Plans and Exempt Organizations Division of the Office of Chief Counsel, I.R.S. The following information is provided for each regulation project: The title; priority status; whether the regulation is currently under review; its effect, if any, on small businesses; the part of the Code of Federal Regulations affected; the legal authority for issuing the regulation; a brief description of the problem to be addressed in the regulation; and a timetable of action taken and to be taken. Under additional information there is provided the control number of the project within the Chief Counsel's Office, and the name and telephone numbers of the drafting and reviewing attorneys.

By direction of the Secretary of the Treasury.

Roscoe L. Egger, Jr.,

Commissioner of Internal Revenue.

Internal Revenue Service—Current and Projected Rulemakings

Sequence Number	Title	Regulation Identifier Number
93	26 USC 7872 Temporary Income Tax Regulations Under the Tax Return Act of 1984, Relating to Below-Market Loans	1545-AG82
94	26 USC 7872 Regulations on Income Tax Under the Tax Reform Act of 1984, Relating to Below-Market Loans.	1545-AH36
95	26 USC 25 To Provide Temporary Regulations Relating to Mortgage Credit Certificates	1545-AG90
96	26 USC 25 To Provide Regulations Relating to Mortgage Credit Certificates	1545-AH06
97	26 USC 26 Limitation on Credits Based on Tax Liability	1545-AH58
98	26 USC 39 General Business Credit and Carryforward and Carryback of Unused Business Credit	1545-AH57
99	26 USC 44F Income Tax--Credit for Increasing Research Activities	1545-AA07
100	26 USC 41 Income Tax--Employee Stock Ownership Plan Credit	1545-AD56
101	26 USC 7805 Rules Relating to Various Sections Concerning Dependency and Family Status of Individuals Living Apart	1545-AH44
102	26 USC 44C Income Tax--Joint Ownership of Energy Items & Renewable Energy Source Expenditures for Purposes of the Residential Energy Credit to Conform to Secs 201(a) & 202 of the ETC	1545-AA03
103	Credit for Clinical Testing Expenses for Certain Drugs for Rare Diseases or Conditions	1545-AF64

TREAS—IRS

Internal Revenue Service—Current and Projected Rulemakings—Continued

Sequence Number	Title	Regulation Identifier Number
104	26 USC 46 Synchronization of Interest	1545-AH69
105	26 USC 46 Income Tax--Investment Credit for Cooperatives	1545-AA09
106	26 USC 46 Income Tax--The Investment Credit for Qualified Progress Expenditures	1545-AA13
107	26 USC 46 Income Tax--Investment Credit for Commuter Highway Vehicles	1545-AA08
108	26 USC 46(c)(8) Income Tax--At Risk Limitations on Investment Credit	1545-AA15
109	26 USC 46(a) Income Tax--Changes Made by Secs 222(a) and 223(b) of the Crude Oil Windfall Profit Tax Act of 1980	1545-AA14
110	26 USC 38 Income Tax--Tax Treatment of Mass Assets for Investment Credit Purposes	1545-AA10
111	26 USC 47 Income Tax--Amendment of Recapture Rules	1545-AA18
112	26 USC 47 Amendment of Income Tax Regulations Under Sections 47, 48 and 196 Relating to Basis Adjustment to Reflect Investment Tax Credit	1545-AF06
113	26 USC 48 Income Tax--Increase in Investment Tax Credit for Qualified Rehabilitation Expenditures	1545-AA12
114	26 USC 48 Income Tax--Investment Credit for Rehabilitated Structures	1545-AA21
115	26 USC 48(l) Income Tax--Special Rules Added by Sec 223(c) of Crude Oil Windfall Profit Tax Act 1980, Relating to Reduction of Credit Where Property Is Financed by Subsidized ETC	1545-AA26
116	26 USC 48 (l) (16) Amendment of the Income Tax Regulations Under Section 48 (l) (16), Relating to the Energy Investment Credit for Qualified Intercity Buses That Are Leased	1545-AG31
117	26 USC 48(k) Income Tax--Definition of Films That Are "Topical or Otherwise Essentially Transitory in Nature"	1545-AA22
118	26 USC 51 Income Tax--Adjustments to New Jobs Credit	1545-AA31
119	26 USC 55 Income Tax--Alternative Minimum Tax	1545-AE80
120	26 USC 56 Income Tax--Tax Benefit Rule for Minimum Tax	1545-AA33
121	26 USC 57 Income Tax-Minimum Tax. Item of Tax Preference for Intangible Drilling Costs Incurred in Drilling Oil, Gas or Geothermal Wells	1545-AA34
122	26 USC 61 Income Tax--Nonqualified Salary Reduction Agreements	1545-AA35
123	26 USC 66 Income Tax--Treatment of Income of Certain Innocent Spouses in Community Property States	1545-AA37
124	26 USC 72 Income Tax--Unisex Annuity Tables	1545-AA38
125	26 USC 72 Income Tax--Clarification of the Income Tax Regulations with Respect to the Taxation of Distribution from Qualified Plans Providing Life Insurance Protection	1545-AD60
126	26 USC 72(o) Income Tax--Certain Distributions, Contributions, ETC	1545-AD61
127	26 USC 72 Loans Treated as Distributions	1545-AE41
128	26 USC 72 Income Tax--Early Withdrawals from Deferred Annuities	1545-AF08
129	26 USC 79 Income Tax--Group Term Life Insurance--Evidence of Insurability	1545-AA39
130	26 USC 79(d) Nondiscrimination Requirements for Employer-Provided Group-Term Life Insurance	1545-AE89
131	26 USC 83 Income Tax--To Make Certain Amendatory Changes to Rules Relating to Property Transferred in Connection with Performance of Services	1545-AA41
132	26 USC 86 Regulations on Income Tax Under the Social Security Amendments Act of 1983 Relating to the Taxation of Social Security Benefits	1545-AG29
133	26 USC 101(f) Income Tax--Flexible Premium Contracts	1545-AF28
134	26 USC 103(b) Income Tax--Industrial Development Bonds for Vehicles Used for Mass Commuting	1545-AA43
135	26 USC 103 Income Tax--To Amend the Regulations Under Sections 1.103-13 and 1.103-14 with Respect to the Calculations of "Overissuance" and "Cumulative Cash Flow Deficit"	1545-AA44
136	26 USC 103 Income Tax--To Amend the Regulations Relating to the Treatment of Replacement Funds	1545-AA45
137	26 USC 103 Income Tax--To Provide for the Tax Consequences of Refunding Industrial Development Bonds to the Issuer, Bond-Holder & Industrial User	1545-AA47
138	26 USC 103(b)(4) Income Tax--Exemption for Industrial Development Bonds for Water Facilities	1545-AA49
139	26 USC 103(b) Income Tax--To Clarify the "Substantially All" Test	1545-AA50
140	26 USC 103 Income Tax--To Clarify the "Public Use" and "Functionally Related" Requirements	1545-AA51
141	26 USC 103 Income Tax--To Provide "Timing" Requirements for Exempt Small Issues	1545-AA52
142	26 USC 103(b)(6) Income Tax--To Clarify the Definition of the Term "Issue"	1545-AA54
143	26 USC 103(b) Income Tax--To Define the Term "Principal User of a Facility"	1545-AA56
144	26 USC 103(b)(6)(D) Income Tax--Increase in Limit on Small Issues of Industrial Development Bonds	1545-AA57
145	26 USC 103(b) Income Tax--To Clarify the Definition of Property Which is a Pollution Control Facility	1545-AA58
146	26 USC 103(b)(6) Income Tax--Manner of Electing $10 Million Limitation on Exempt Small Issues	1545-AA59
147	26 USC 103 Income Tax--To Define the Term "Facility"	1545-AA60
148	26 USC 103A Income Tax--Mortgage Subsidy Bonds	1545-AA63
149	26 USC 103(b) Income Tax--To Clarify the Definition of Property That is a Solid Waste Disposal Facility & to Conform to Statutory Exemption for Industrial Development Bonds for Qualifi ETC	1545-AA64
150	26 USC 103 To Provide Regulations Requiring Certain Debt Obligations To Be Issued in Registered Form	1545-AE18
151	26 USC 103 To Provide Regulations Under Section 103(b)(10) Relating to Local District Heating and Cooling Facilities	1545-AE22
152	26 USC 103 To Provide Regulations Under Section 103(k) and (l)-- Relating to Public Approval and Information Reporting Requirements for Private Activity Bonds	1545-AE24
153	26 USC 103 To Provide Regulations Under Section 103(b)(14)-- Relating to Limitation on Maturity of Industrial Development Bonds	1545-AE69

TREAS—IRS

Internal Revenue Service—Current and Projected Rulemakings—Continued

Sequence Number	Title	Regulation Identifier Number
154	26 USC 103A To Provide Regulations Under Section 103A Relating to Mortgage Subsidy Bonds for Cooperative Housing Corporations	1545-AF36
155	26 USC 103(m) Interest Exempt Other than Under the Internal Revenue Code	1545-AF49
156	26 USC 103 To Provide Regulations Under Section 103 (b) (6) (0) Relating to Restrictions on Financing Certain Facilities with Exempt Small Issues	1545-AF53
157	26 USC 103(c) Arbitrage: Treatment of Issue Price and Administrative Costs	1545-AF75
158	26 USC 103 Regulations Relating to Federally Guaranteed Bonds	1545-AG84
159	26 USC 103 (b) (6) To Clarify Regulations Relating to Failure by Principal Users to Timely File Capital Expenditure Statements	1545-AH18
160	26 USC (b) (15) Regulations Relating to $40 Million Small Issue Limit on Tax-Exempt Bonds Per Taxpayer	1545-AH19
161	26 USC 103 Temporary Regulations Relating to Federally Guaranteed Bonds	1545-AH20
162	26 USC 103 (b) Income Tax Regulations--To Provide Regulations Under Section 103 (b) (16) and (17) Relating to Acquisition of Land and Existing Facilities	1545-AH45
163	26 USC 103 (b) To Provide Regulations Relating to the Tax Exemption of Obligations to Finance Mixed-Use Residential Rental Property	1545-AH68
164	26 USC 103 (c) (6) Amendment of Regulations Relating to Arbitrage on Nonpurpose Obligations to Reflect Section 624 of TRA of 1984	1545-AH07
165	26 USC 103 (n) To Provide Regulations Under Section 103 (n) Relating to Carryforward Elections and Election to Allocate State Ceiling to Facilities for Local Furnishing of Electricity	1545-AG91
166	26 USC 103 (n) To Provide Regulations Relating to the State Volume Cap on Private Activity Bonds	1545-AH62
167	26 USC 7805 To Revise Definition of Areas of Chronic Economic Distress for Purposes of Mortgage Subsidy Bonds	1545-AG88
168	26 USC 103A To Provide Regulations Relating to Extension of Mortgage Subsidy Bonds	1545-AH66
169	26 USC 104(a) Income Tax--Changes in Exclusion for Sick Pay & Certain Military, Etcetera, Disability Pensions; Certain Disability Income	1545-AA66
170	26 USC 105(h) Income Tax Regulations Under the Revenue Act of 1978, Relating to Self-Insured Medical Expenses Reimbursement Plans	1545-AG34
171	26 USC 108 Income Tax--Discharge of Indebtedness	1545-AA67
172	26 USC 111 Income Tax--Part 1--Income Tax Regulations Under Section 111 Relating to Inclusion of Tax Benefit Items	1545-AH17
173	26 USC 116 Income Tax--Partial Exclusion of Dividends and Interest Received by Individuals	1545-AA69
174	26 USC 117(c) Income Tax--Relating to Federal Grant Not Includable in Gross Income in Certain Cases	1545-AA70
175	26 USC 118(b) Income Tax--Contributions in Aid of Construction for Certain Utilities	1545-AA71
176	26 USC 120 Income Tax--Prepaid Legal Expenses	1545-AD62
177	26 USC 125 Income Tax--Tax Treatment of Cafeteria Plans	1545-AD63
178	26 USC 126 Income Tax-Exclusion from Income of Certain Cost-Sharing Payments Under Government Programs	1545-AA73
179	26 USC 129 Income Tax--Dependent Care Assistance Programs	1545-AD65
180	26 USC 130 Income Tax--Part 1 Personal Injury Liability Assignments	1545-AF39
181	Income Tax--Part I Exclusion from Gross Income for Certain Foster Care Payments	1545-AF52
182	26 USC 132 Income Taxes, Employment Taxes, Excise Taxes--Taxation of Fringe Benefits	1545-AH52
183	Income Tax--Notice of Proposed Rulemaking Relating to the Exclusion from Gross Income of Certain Fringe Benefits	1545-AH56
184	26 USC 133 Interest on ESOP Securities Acquisition Loans	1545-AG46
185	26 USC 162 Income Tax--Empl. Tax--Deductibility of Certain Transportation Expenses	1545-AA76
186	26 USC 162 Income Tax--To Add Provisions Relating to State Legislators' Travel Expenses	1545-AA78
187	26 USC 162 Income Tax--To Provide Better Definitions in the Area of Political Advertising & Grassroots Lobbying	1545-AA79
188	26 USC 163(d) Income Tax--Limitation on Interest Deduction	1545-AA80
189	26 USC 165 Sanctions on Issuers and Holders of Registration-Required Obligations Not in Registered Form	1545-AF63
190	26 USC 165 Income Tax Regulations--Tax Straddles Relating to Section 108 of the Tax Reform Act of 1984	1545-AG57
191	26 USC 166(f) Income Tax--Deductions for Addition to a Reserve for Certain Guaranteed Debt Obligations	1545-AA81
192	26 USC 168 Income Tax--Accelerated Cost Recovery System	1545-AA87
193	26 USC 168(e)(3) Income Tax--Normalization Requirement for Public Utility Property	1545-AA88
194	26 USC 168(f)(8) Income Tax--Relating to Terminal Rental Adjustment Clauses in Certain Motor Vehicle Leases	1545-AF32
195	Finance Leases--Definition and Special Rules	1545-AF54
196	26 USC 168 To Provide Regulations Under Section 168 Relating to Intangible Property	1545-AF78
197	26 USC 168 Temporary Regulations Under the Tax Reform Act of 1984, Relating to Tax-Exempt Entity Leasing	1545-AG26
198	26 USC 169 Income Tax--Amortization of Certain Pollution Control Facilities	1545-AA89
199	26 USC 170 Income Tax--Charitable Contributions of Scientific Property Used for Research	1545-AA90
200	26 USC 170(f)(3) Income Tax--Estate & Gift Taxes--Transfers of Partial Interests in Property for Conservation Purposes--To Extend Certain Temporary Tax Provisions	1545-AA91
201	26 USC 170 (a) (1) Deductions in Excess of $5,000 Claimed for Certain Charitable Contributions of Property and Information Reporting by Donees Who Make Certain Dispositions of Donated Property	1545-AG86
202	26 USC 172 Income Tax--Net Operating Losses Attributable to Product Liability Losses	1545-AA93
203	26 USC 172(b)(1)(E) Income Tax--Net Operating Losses for Certain Real Estate Investment Trusts	1545-AA94

TREAS—IRS

Internal Revenue Service—Current and Projected Rulemakings—Continued

Sequence Number	Title	Regulation Identifier Number
204	26 USC 179 Income Tax--Election to Expense Certain Depreciable Assets	1545-AA95
205	26 USC 183 (e) (3) Election to Postpone Determination with Respect to the Presumption That an Activity is Engaged In for Profit	1545-AG27
206	26 USC 189 Income Tax--Amortization of Real Property Construction Period Interest & Taxes	1545-AA97
207	26 USC 195 Income Tax--To Add Provisions Relating to Start-Up Expenditures	1545-AB02
208	26 USC 213 Medical Deduction for Lodging Away from Home	1545-AH21
209	*Income Tax--Estate Tax--Gift Tax--Procedure and Administration--Retirement Savings	1545-AD66
210	26 USC 219(f)(3) Income Tax--Various Pension, etc. Provisions	1545-AG62
211	26 USC 62 Income Tax--Gift Tax--Employment Taxes--Retirement Income Plan Excise Taxes--Procedure and Administration--Spousal Individual Retirement Accounts Simplified Employee ETC	1545-AD59
212	26 USC 246 (c) Income Tax-Notice of Proposed Rulemaking-Holdings Periods for Dividends Received Deductions	1545-AH40
213	26 USC 246A Income Tax-Debt-Financed Portfolio Stock	1545-AH39
214	26 USC 263 Income Tax--Prepublication Expenditures of Publishers	1545-AA36
215	26 USC 263 (h) Income Tax - Notice of Proposed Rulemaking - Payments in Lieu of Dividends in Connection with Short Sales, Section 263 (h) of the Internal Revenue Code and Section 56 (a) of the TRA 1984	1545-AH37
216	26 USC 266 Income Tax--To Clarify Treatment of Taxes Measured by Compensation Paid Employees	1545-AB03
217	26 USC 267 Regulations Under Section 267 IRC to Reflect Section 174 of the Tax Reform Act of 1984 Relating to Losses, Expenses, and Interest in Transactions Between Related Taxpayers	1545-AG11
218	26 USC 269A Income Tax--Personal Service Corporations	1545-AF11
219	26 USC 274(h) Income Tax--To Add Provisions Relating to Foreign Conventions (as Amended by Section 4 of Public Law 96-608)	1545-AB04
220	26 USC 274(a) Income Tax--Disallowance of Certain Entertainment Expenses--To Conform to Section 361, Revenue Act of 1978	1545-AB05
221	26 USC 274(b) Income Tax--Deductibility of Gifts by Employers	1545-AB06
222	26 USC 277 Income Tax--Taxation of Nonexempt Membership Organizations	1545-AB07
223	26 USC 280 Income Tax--Amortization of Production Cost of Motion Pictures, Books, Records, and Other Similar Property	1545-AB08
224	26 USC 280A Income Tax--Deductions for Expenses Attributable to Business Use of Homes, Rental of Vacation Homes	1545-AB09
225	26 USC 280F Limitations on Amount of Depreciation and Investment Tax Credit for Luxury Automobiles and Certain Other Property	1545-AG99
226	26 USC 280G Notice of Proposed Rulemaking Relating to Restrictions on Golden Parachute Payments	1545-AH49
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228	26 USC 302(c)(2) Waiver of Family Attribution by Entities	1545-AF13
229	26 USC 303 Income Tax--Distribution in Redemption of Stock to Pay Death Taxes	1545-AB13
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232	26 USC 312 Income Tax - Amendments to Statutory Provisions Relating to Earnings and Profits	1545-AG30
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247	26 USC 368(a)(2)(E) Income Tax--Acquisition of a Corporation by Merger of a Corporation Controlled by the Acquiring Corporation	1545-AB30
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255	26 USC 401(a)(9) Income Tax--Required Distributions from Qualified Plans and Individual Retirement Accounts and Partial Rollovers of Individual Retirement Accounts	1545-AE95
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258	26 USC 401(l) Nondiscriminatory Coordination of Defined Contribution Plans with Old Age, Survivors, and Disability Insurance	1545-AE93
259	26 USC 402(a)(2) Income Tax--Treatment of Certain Lump Sum Distributions	1545-AD73
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261	Retirement Arrangements of Churches	1545-AE25
262	26 USC 403(b)(7) Income Tax--Taxability of Beneficiary Under Annuity Purchase by Sec. 501(c) Organization or Public School	1545-AD75
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265	26 USC 404(a)(9) Income Tax--Employee Stock Ownership Plan Loan Payments	1545-AD77
266	26 USC 404(d) Income Tax--Deductibility of Payments of Deferred Compensation to Independent Contractors	1545-AD78
267	26 USC 404(g) Income Tax--Deduction of Employer Liability Payments, Notice of Reorganization and Funding Requirements	1545-AD80
268	26 USC 404A Income Tax--Deduction for Certain Foreign Deferred Compensation Plans	1545-AD81
269	26 USC 408 Annual Information Reports by Trustees and Issuers of Individual Retirement Plans	1545-AF93
270	26 USC 409 Income Tax--Requirements for Tax Credit Employee Stock Ownership Plans, Employee Plan Credit, and Defined Contribution Plan Voting Rights	1545-AD82
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272	26 USC 7805 Restrictions on Cash-Outs Under the Retirement Equity Act of 1984	1545-AH01
273	26 USC 7805 Temporary Regulations on Restrictions on Cash-Outs Under the Retirement Equity Act of 1984	1545-AH02
274	26 USC 411(d)(1) Income Tax--Coordination of Vesting and Nondiscrimination Requirements for Qualified Plans	1545-AD83
275	26 USC 410 Rules Clarifying the Income Tax Regulations, Part 1, with Respect to Service Computation Under Pension, etc Plans	1545-AE29
276	26 USC 412 Income Tax--Excise Tax Regulations--Funding for Qualified Plans	1545-AD84
277	26 USC 412(b) Income Tax--Pension Excise Taxes--Miscellaneous Funding Provisions	1545-AD85
278	26 USC 412(c)(3) Income Tax--Term, Etc Funding for Ancillary Benefits	1545-AD86
279	26 USC 414(b) Income Tax--Definitions & Special Rules	1545-AB35
280	26 USC 414(a) Income Tax--Definitions and Special Rules: Service for Predecessor	1545-AD87
281	26 USC 414(e) Income Tax--Church Plans	1545-AD88
282	26 USC 414(f) Income Tax--Definition of Multiemployer Plan	1545-AD89
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286	26 USC 417 Joint and Survivor Annuities	1545-AG72
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297	26 USC 453 Income Tax--General Rules Relating to Installment Sales	1545-AB42
298	26 USC 453 Income Tax Regulations--Part I. Installment Sales by Nontaxable Entities	1545-AF73
299	26 USC 453 Income Tax Regulations--Part 1--Special Rules Relating to Installment Obligations That Are Readily Tradable or Payable on Demand	1545-AG37
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309	26 USC 461(h) Temporary Income Tax Regulations--Effective Dates Relating to the Economic Performance Requirement	1545-AH28
310	26 USC 461(h) Income Tax Regulations--The Economic Performance Requirements	1545-AH32
311	26 USC 461 (h) Temporary Income Tax Regulations--The Economic Performance Requirement	1545-AH33
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314	26 USC 463 Income Tax--Accrual of Vacation Pay	1545-AB50
315	Income Taxes--Election for Accrued Vacation Pay Under Transitional Rule Provided in Section 91(i) of the Tax Reform Act of 1984	1545-AH16
316	26 USC 464 Income Tax--Limitation on Deductions in Case of Farming Syndicates	1545-AB51
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320	26 USC 467 Income Tax Regulations-Deferred Payments for Use of Property or Services	1545-AG80
321	26 USC 467 Temporary Income Tax Regulations-Deferred Payments for Use of Property or Services	1545-AG81
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323	26 USC 471 Income Tax--Inventories at Cost or Market, Whichever is Lower	1545-AB54
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326	26 USC 473 Income Tax--Qualified Liquidations of LIFO Inventories	1545-AB56
327	26 USC 474 Use of One Inventory Pool by Small Business Electing LIFO Method of Accounting	1545-AF92
328	26 USC 482 Income Tax--Allocation of Income & Deductions Among Taxpayers to Revise Percentage Applied in Determining Rental Charge for Use of Tangible Property	1545-AB57
329	26 USC 483(g) Income Tax--Maximum Rate of Imputed Interest for Sale of Land Between Related Persons	1545-AB58
330	26 USC 483 Income Tax--Semiannual Compounding of the Test Rate Under Section 483	1545-AF59
331	26 USC 501(k) Income Tax-Child Care Organizations	1545-AG64
332	26 USC 501(c)(12) Income Tax--Rules Clarifying the Regulations With Respect to the Computation of "Gross Income" of an Electric Cooperative	1545-AD99
333	26 USC 501(e) Income Tax--Amendment of Regulations to Reflect the Grant of Tax Exempt Status to Certain Hospital Service Organizations	1545-AE01
334	26 USC 501(c)(7) Income Tax--Tax Treatment of Certain Social Clubs & Prohibition of Discrimination by Certain Social Clubs	1545-AD98
335	26 USC 505 (a) Nondiscrimination Requirements under Sections 501 (c) (9) and (20)	1545-AG23
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337	26 USC 512(a)(3) Income Tax--Social Clubs Unrelated Business Income	1545-AB59
338	26 USC 513(e) Income Tax--Hospital Services Not to Constitute an Unrelated Trade or Business	1545-AE05
339	26 USC 512(a) Income Tax--Unrelated Trade or Business Income	1545-AE00
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342	26 USC 585 Income Tax--Limitation on Additions to Bank Loss Reserves	1545-AB66
343	26 USC 595 Treatment of Foreclosed Property by Certain Creditors	1545-AF00
344	26 USC 612 Income Tax--Restoration of Depletion Deductions on Bonus and Advanced Royalties in Certain Cases	1545-AB69
345	26 USC 613(A) Income Tax--Supplementary Rules on Limitations on Percentage Depletion for Oil & Gas	1545-AB73
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347	26 USC 642(g) Income Tax--Disallowance of Certain Items as Deductions for Estate and Income Tax Purposes	1545-AB75
348	26 USC 644 Income Tax--Special Rule for Property Transferred at Less Than Fair Market Value	1545-AB76
349	26 USC 667 Income Tax--Procedure & Administration--Accumulation Trusts	1545-AB78
350	26 USC 679 Income Tax--Procedure & Administration--Foreign Trusts Having U.S. Beneficiaries	1545-AB79
351	26 USC 704(b) Income Tax--Determination of Partner's Distributive Share	1545-AB80
352	Amendment of Section 1.704-1 to Provide Rules on Partner's Distributive Shares of Items Attrib. to Nonrecourse Debt and the Interrelationship of Subsections (b) and (c) of Section 704	1545-AG00
353	26 USC 7805 Allocations of Income Gain, Loss, and Deduction with Respect to Property Contributed to a Partnership	1545-AG98
354	26 USC 706(c)(2)(B) Income Tax--Items Allocated to Portion of Year Partner Held Interest	1545-AB81

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357	26 USC 724 Contributions to a Partnership of Unrealized Receivables, Inventory Items or Capital Loss Property	1545-AG85
358	26 USC 731 Income Tax--Amendment of Sec 1.731-1(c) to Clarify the Tax Treatment of a Distribution of Property by a Partnership to a Partner Who Had Recently Contributed Other Property	1545-AB84
359	26 USC 751 Income Tax--Treatment of Unrealized Receivables and Inventory Items Held by Tiered Partnerships	1545-AH67
360	PL 98-369, Sec 79 Partner's Share of Partnership Liabilities	1545-AH26
361	26 USC 809(d) Imputed Earnings Rate for Mutual Life Insurance Companies	1545-AG63
362	26 USC 817 Temporary Income Tax Regulations- Diversification Requirements for Variable Annuity, Endowment, and Life Insurance Contracts	1545-AG78
363	26 USC 817 Income Tax Regulations-Diversification Requirements for Variable Annuity, Endowment, and Life Insurance Contracts	1545-AG79
364	26 USC 818(c) Treatment of Graded Premium Policies Under the Approximate Revaluation Method of Recomputing Reserves	1545-AF03
365	26 USC 809 Income Tax--To Clarify the Treatment of Certain Amounts Refunded in Reinsurance Transactions	1545-AB86
366	26 USC 852 Extension of Holding Period for Losses Attributable to Capital Gain Dividends of RIC's and REIT's	1545-AH64
367	26 USC 861(a)(7) Income Tax--Source of Income of Underwriting Income	1545-AB89
368	26 USC 861 Source of Interest and Dividends	1545-AF15
369	26 USC 861 Amendment of the Income Tax Regulations Under Sec. 1.861-8 to Provide for the Allocation and Apportionment of Partnership Expenses	1545-AF57
370	26 USC 871 Income Tax--Original Issue Discount	1545-AB93
371	26 USC 871 Repeal of 30 Percent Withholding by the Tax Reform Act of 1984	1545-AG66
372	26 USC 871 Employment Taxes: Application of the Repeal of 30% Withholding by the Tax Reform Act of 1984 and of Information Reporting and Backup Withholding in Light of Such Repeal	1545-AH15
373	26 USC 892 Income Tax--Rules for Determining Whether Loans or Net Leases Are Commercial Activities	1545-AB94
374	26 USC 897(e)(2) Income Tax--Partnership, Trust, and Estate Rules Regarding Taxation of Foreign Investment in U.S. Real Property Interests	1545-AB98
375	26 USC 897 Income Tax--Taxation of Foreign Investment in U.S. Real Property and Information Returns Concerning Foreign Ownership of U.S. Real Property	1545-AB99
376	26 USC 897 Notice of Proposed Rulemaking--Nonrecognition Corporate Distributions and Reorganizations Under the Foreign Investment in Real Property Tax Act	1545-AF17
377	26 USC 902 Income Tax--To Clarify Rules for Determining Earnings & Profits of a Foreign Corporation & Amount of Creditable Foreign Taxes	1545-AC02
378	26 USC 904(f) Income Tax--Recapture of Overall Foreign Losses	1545-AC05
379	26 USC 905(c) Income Tax--Procedure & Administration--Taxpayer's Obligation to File a Notice of Redetermination of Foreign Tax and Civil Penalties for Failure to File	1545-AC06
380	26 USC 905(c) Income Tax--Temporary Regulations--Taxpayer's Obligation to File a Notice of Redetermination of Foreign Tax and Civil Penalties for Failure to File	1545-AC09
381	26 USC 907 Amendment of Regulations Under Section 907 of the Internal Revenue Code of 1954 to Conform Them to Section 211 of the Tax Equity and Fiscal Responsibility Act of 1982	1545-AE34
382	26 USC 921 FSC General Rules, Requirements, Definitions, and Special Rules	1545-AH14
383	26 USC 984 (d) (4) Income Tax Regulations Relating to Foreign Management and Foreign Economic Processes Requirements of a Foreign Sales Corporation	1545-AH10
384	26 USC 936 Amendment of Regulations Under Sections 934 and 936 to Conform to Changes Made by Section 213 of the Tax Equity and Fiscal Responsibility Act of 1982	1545-AF21
385	26 USC 936(d)(2) Income Tax--Definition of Qualified Possession Source Investment Income for Purposes of Puerto Rico & Possession Tax Credit	1545-AC10
386	26 USC 954 Current Taxation of Foreign Oil Related Income of Controlled Foreign Corporations	1545-AE38
387	26 USC 995 Temporary Income Tax Regulations Under the Tax Reform Act of 1984 Relating to INTEREST CHARGE DISCs	1545-AG71
388	26 USC 1014(e) Income Tax--Basis of Certain Appreciated Property Transferred to Decedent, ETC	1545-AC18
389	26 USC 7805 Rules Relating to the Inapplicability of Section 1031 to Partnership Interests and the Limitation on the Period During Which Like Kind Exchanges May Be Made	1545-AH43
390	26 USC 4978 Stock Sales, Etc, to and by ESOP's, Etc	1545-AG21
391	26 USC 1056 Income Tax--Basis Limitation & Recapture of Depreciation on Player Contracts	1545-AC19
392	26 USC 1058 Income Tax--Transfers of Securities Under Certain Agreements	1545-AC20
393	26 USC 1059 Income Tax--Notice of Proposed Rulemaking - Amendment of Regulations Relating to Basis Reductions for Non-Taxed Portion of Extraordinary Dividends to Reflect TRA 1984	1545-AH41
394	26 USC 1092 Income Tax--Tax Straddles	1545-AC21
395	26 USC 1092 (b) (1) Income Tax Regulations Under the Tax Reform Act of 1984 Relating to Mixed Straddles	1545-AH59
396	26 USC 1092 (b) Income Tax Regulations Under the Economic Recovery Tax Act of 1981 and the Tax Reform Act of 1984, Relating to Straddles	1545-AH60
397	26 USC 1239 Income Tax--Time for Determining Relatedness Under Section 1239--Relating to Transfer of Depreciable Property Between Related Persons	1545-AC29

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400	26 USC 1254 Income Tax--Gain from Disposition of Interest in Oil or Gas Property	1545-AC35
401	26 USC 483 Income Tax--Temporary Regulations Under Section 1274 and 483 Relating to Deferred Payments Under the Tax Reform Act of 1984	1545-AG59
402	26 USC 1275 Original Issue Discount Reporting Requirements	1545-AG50
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404	26 USC 1361 Income Tax--Treatment of Obligations Which Purport to Represent Debt as a Second Class of Stock	1545-AC37
405	26 USC 1361 Income Tax--Definition of S Corporation	1545-AE86
406	Amendment of Income Tax Regulations Under Code Sections 1362 and 1363 Relating to the Election, Revocation, and Termination of an S Corporation	1545-AE26
407	26 USC 1366 Income Tax--Pass-Thru of S Corporation Items to Shareholders	1545-AE85
408	26 USC 1367 Income Tax--Rules Relating to Adjustment to Basis of Stock of Shareholders of S Corporation and to Determination of Basis of Property Distribution by Corporation	1545-AE88
409	26 USC 1371 Income Tax--Certain Rules Relating to Shareholders of Subchapter S Corporations	1545-AC38
410	26 USC 1371 Income Tax--Application of Subchapter C Rules to S Corporations	1545-AE90
411	Income Tax--Treatment of S corporation as a Partnership for Certain Purposes of the Internal Revenue Code of 1954	1545-AE28
412	Amendment of Income Tax Regulations Under Sections 1374 and 1375 Relating to the Imposition of Tax on Capital Gains and Passive Investment Income	1545-AE92
413	26 USC 1377 Income Tax--Definitions and Special Rules Pertaining to S Corporation	1545-AE94
414	26 USC 1361 Income Tax--Certain Elections Under the Subchapter S Revision Act of 1982	1545-AF30
415	26 USC 1382 Income Tax--To Clarify Section 1.1382-6 with Regard to Inventory Pools	1545-AB32
416	26 USC 1382 Income Tax--Distributions Qualifying as Patronage Dividends	1545-AC39
417	26 USC 1445 Income Tax: Withholding Upon Dispositions of U.S. Real Property Interest by Foreign Persons	1545-AG70
418	26 USC 1502 26 CFR Part I--Amendment of the Income Tax Regulations Under Section 1502 of the Code to Reflect Section 224 of Tax Equity and Fiscal Responsibility Act of 1982	1545-AF41
419	26 USC 1502 Amendment of Consolidated Returns Regulations Relating to Life-Life Consolidations	1545-AF67
420	26 USC 1502 Amendment of Section 1.1502-14 to Modify Treatment of Stock Redemptions and Nondividend Distributions in Excess of Basis	1545-AG35
421	26 USC 1502 Income Tax--Consolidated Return/Accumulated Earnings Tax-Earnings and Profits when a Member is a Personal Holding Company	1545-AC51
422	26 USC 1502 Income Tax--Credit & Deductions etc., for Consolidated Returns	1545-AC48
423	26 USC 1502 Income Tax--To Reflect Amendments of Consolidated Return Regulations to Reflect Merchant Marine Act of 1970 Concerning Merchant Marine & Fisheries Capital ETC	1545-AC52
424	26 USC 1502 Income Tax--Accelerated Depreciation in Investment Adjustments	1545-AC47
425	26 USC 1502 Income Tax--At Risk Limitations of Section 465	1545-AC55
426	26 USC 1504 Income Tax--Includibility in an Affiliated Group of Subsidiaries Formed to Comply with Foreign Laws	1545-AC58
427	26 USC 6695 Income Tax -- Amendment of Regulations Under Section 1504 (a) of the Code, as Amended by Section 60 of the Tax Reform Act of 1984, Defining "Affiliated Group"	1545-AH09
428	26 USC 1563(a)(2) Income Tax--To Reflect the U.S. Supreme Court in U.S. v. Vogel Fertilizer Co., Holding that Each Member of Stockgroup must Own Stock in Each Brother-Sister Corp	1545-AC59
429	26 USC 2001 Estate and Gift Taxes, Income Taxes-Unified Credit in Lieu of Exemptions, Unified Rate Schedule for Estate and Gift Taxes Situs of Foreign Partnerships for Estate Taxation	1545-AC60
430	26 USC 2032A Estate Tax--Valuation of Certain Farm, etc. Real Property	1545-AC62
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432	26 USC 2012 Estate and Gift Taxes--Increase in Limitations on Marital Deductions	1545-AC67
433	26 USC 2210 Assumption of Estate Tax Liability by ESOP's	1545-AG38
434	26 USC 2518(c) Gift Tax--Certain Transfers Treated as Qualified Disclaimers	1545-AC70
435	26 USC 2518 Estate & Gift Taxes--Disclaimers	1545-AC71
436	26 USC 2621 Estate & Gift Tax--Generation-Skipping Transfers Tax Return Requirement, ETC	1545-AC74
437	26 USC 3121(t) Empl. Tax--Social Security Tax on Employees of Individuals who Receive Income from Tips	1545-AC76
438	26 USC 3121 Employment Tax--To Require Withholding of Social Security and Railroad Retirement Tax from Certain Payments of Sick Pay	1545-AC77
439	26 USC 3121 Amendment of the Employment Tax Regulations Under Code Section 3121 to Conform to Section 321 of the Social Security Amendments of 1983	1545-AF91
440	26 USC 3121 (w) Elections by Churches and Qualified Church-Controlled Organizations to Exclude Service Performed in Their Employ from Employment	1545-AH63
441	26 USC 7805 Amend the Regulations to Clarify the Trucking Exception to the Definition of "Employee" for Purpose of the RRTA	1545-AG74
442	Treatment of Certain Deferred Compensation and Salary Reduction Arrangements	1545-AF97
443	Employment Tax--Withholding from Pensions, Annuities, and Other Deferred Income	1545-AE98
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446	26 USC 3508 Treatment of Real Estate Agents and Direct Sellers as Nonemployees for Employment Tax Purposes--Reporting Requirements with Respect to Direct Sellers	1545-AE62
447	26 USC 4041 Excise Tax--Applicable to Articles Sold on and After 1964	1545-AC85
448	26 USC 4051 Excise Tax--Retailers Excise Taxes on Motor Vehicles	1545-AF61
449	26 USC 4051 Temporary Regulation Excise Taxes on Heavy Trucks, Truck Trailers and Semitrailers, and Tractors Sold at Retail	1545-AF79
450	26 USC 4061 Excise Tax--Manufacturers Excise Taxes on Motor Vehicles	1545-AC86
451	26 USC 4064 Excise Tax--Gas Guzzler Tax	1545-AC87
452	26 USC 4071 Manufacturers & Retailers Excise Tax--Relating to Recapped or Retreaded Tires	1545-AC89
453	26 USC 4071(a)(1) Manuf. & Ret. Excise Tax--Refund for Certain Uses of Tread Rubber & Adjustments Pursuant to Warranty; Misc. Excise Taxes --Tax on Policies of Insurance Issued by Foreign Insurers	1545-AC88
454	26 USC 4041 Manufacturers and Retailers Excise Taxes--Taxes on Fuels, Tires and Gasoline	1545-AF58
455	26 USC 4481 Heavy Vehicle Use Tax and Tax on Diesel Fuel	1545-AF62
456	26 USC 4611 Excise Tax--Environmental Taxes--Imposition of Taxes on Petroleum and Certain Chemicals	1545-AC91
457	26 USC 4681 Excise Tax--Environmental Taxes--Imposition of Tax on Hazardous Wastes	1545-AC92
458	26 USC 4701 Excise Tax--Tax on Issuer of Registration-Required Obligation Not in Registered Form	1545-AF31
459	26 USC 501(h) Income Tax--Lobbying by Public Charities	1545-AE02
460	26 USC 4943 Foundation Excise Tax-Excess Business Holdings	1545-AG49
461	26 USC 4941 Foundation Excise Tax--Procedure and Administration--Revision of Second Tier Excise Tax Provisions, etc. Under Chapters 42 and 43	1545-AE09
462	26 USC 4962 Income Tax--Excise Tax--Procedure and Administration--Various Private Foundation Provisions	1545-AG18
463	26 USC 4976 Tax with Respect to Certain Funded Welfare Benefit Plans	1545-AG12
464	26 USC 4997 Excise Tax--Definition of Newly Discovered Oil	1545-AC96
465	26 USC 4991 Excise Tax--With Respect to the Definition of Taxable Crude Oil	1545-AD00
466	26 USC 4986 to 4998 Excise Tax--Issues Arising Where Multiple Parties Share in Production, Including Unitizations, Partnerships, Trusts and Estates	1545-AC94
467	26 USC 4993 Excise Tax--Incremental Tertiary Oil	1545-AD04
468	26 USC 4994 Excise Tax--Exemptions for Qualified Governmental Interests, Qualified Charitable Interests (Including Residential Child Care Agencies), Indian Oil, Alaskan ETC	1545-AD05
469	26 USC 4994(c) Excise Tax--Exempt Front-End Oil Under the Crude Oil Windfall Profit Tax Act 1980	1545-AD06
470	26 USC 4991 Excise Tax--Oil From a Stripper Well Property	1545-AD01
471	26 USC 4996 Excise Tax--Definition of Oil Removed from the Premises	1545-AC95
472	26 USC 4996 Excise Tax--Definition of Property Under the Crude Oil Windfall Profit Tax Act 1980	1545-AD08
473	26 USC 4996 Excise Tax--Amendment of Sec 51.4996-1(b) With Respect to the Treatment of Net Profits Interests for Windfall Profits Tax Purposes	1545-AD09
474	26 USC 6011 Returns Required on Magnetic Media	1545-AF12
475	26 USC 6012 Form of Individual Tax Return	1545-AF24
476	To Provide Regulations Relating to New Exception to Estimated Tax Penalty Where Individual Has No Tax Liability for Preceding Taxable Year	1545-AE71
477	26 USC 6015 Conform Regulations Under Sections 6015, 6154, 6654 and 6655 to Section 201(j) of the Technical Corrections Act of 1982	1545-AF66
478	26 USC 6031 Income Tax-Amendments to Requirements for Return of Partnership Income	1545-AE40
479	26 USC 6033 Income Tax--Procedure & Administration--Return and Reporting Requirements	1545-AE14
480	26 USC 6035 Income Tax-To Amend Regulations Under Internal Revenue Code Sections 6035 and 6679 Relating to Returns of Foreign Personal Holding Companies	1545-AE29
481	26 USC 6037 Proposed Regulations Under Section 6037 Relating to Information Required to Be Furnished to Shareholders to S Corporations	1545-AH48
482	26 USC 6038 Income Tax--Information Returns Required of Certain Foreign-Owned Corporations; Foreign Corporation Reporting Requirements and Penalties	1545-AE43
483	26 USC 6041 Return of Information as to Payments of $600 or More	1545-AF37
484	26 USC 6045 Information Returns of Brokers	1545-AG02
485	26 USC 6045 Furnishing Statements Required with Respect to Certain Substitute Payments	1545-AG15
486	26 USC 6045 Information Returns of Brokers	1545-AG52
487	26 USC 6046A Income Tax--Regulations Relating to Returns as to Interests in Foreign Partnerships	1545-AE47
488	26 USC 6050E Reporting of State and Local Income Tax Refunds	1545-AE76
489	26 USC 6050D Notice of Proposed Rulemaking-Information Returns with Respect to Subsidized Energy Financing or Grants	1545-AG01
490	26 USC 6050J Notice of Proposed Rulemaking Relating to Reporting of Transfers of Security to a Person Other than the Lender Under the Tax Reform Act of 1984	1545-AG51
491	26 USC 6050H Income Tax--Mortgage Interest Reporting	1545-AG93
492	26 USC 6050H Income Tax--Mortgage Interest Reporting	1545-AH27

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Internal Revenue Service—Current and Projected Rulemakings—Continued

Sequence Number	Title	Regulation Identifier Number
493	26 USC 6050I Temporary Income Tax Regulations Under the Tax Reform Act of 1984 Relating to Cash in Excess of $10,000 Received in a Trade or Business	1545-AG96
494	20 USC 6060I Temporary Income Tax Regulations Under the Tax Reform Act of 1984 Relating to Cash in Excess of $10,000 Received in a Trade or Business	1545-AG97
495	26 USC 6050J Notice of Proposed Rulemaking Relating to Reporting of Foreclosures and Abandonments of Security Under the Tax Reform Act of 1984	1545-AG48
496	26 USC 6050K Returns Relating to Sales or Exchanges of Certain Partnership Interests	1545-AH42
497	PL 98-369, Sec 1072 (b) Employee Tip Reporting and Recordkeeping Requirements	1545-AH24
498	26 USC 6104(b) Public Inspection of Exempt Organization Returns	1545-AE16
499	26 USC 6111 Proposed Regulations Under Sections 6111 and 6709, Relating to Tax Shelter Registration	1545-AG45
500	26 USC 6111 Procedure and Administration Regulations Relating to Tax Shelter Registration and the Requirement to Maintain Lists of Investors	1545-AH29
501	26 USC 6111 Temporary Regulations Relating to Tax Shelter Registration	1545-AH30
502	26 USC 6112 Requirement to Maintain Lists of Investors in Potentially Abusive Tax Shelters	1545-AG58
503	26 USC 6166 Estate Tax--Procedure and Administration--Deferral and Installment Payment of Estate Tax	1545 AD23
504	26 USC 6222 Miscellaneous Rules Relating to Consolidated Administrative and Judicial Proceedings to Determine the Tax Treatment of Partnership Items	1545-AE51
505	26 USC 6231(a)(7) Designation of Tax Matters Partner for Purposes of Determining the Tax Treatment of Partnership Items	1545-AE53
506	26 USC 6231(a)(3) Definition of "Partnership Item"	1545-AF09
507	26 USC 6231 (c)(3) Special Rules for Certain Refund Claims Treated as Special Enforcement Areas Under Rules for Consolidated Partnership Proceedings	1545-AH00
508	26 USC 6232 Proposed Regulations of Section 6232, Relating to the Applicability of Partnership Audit Rules to the Windfall Profit Tax	1545-AG54
509	26 USC 6241 Determination of the Tax Treatment of Subchapter S Items at the Corporate Level	1545-AE96
510	26 USC 6325 Procedure and Administration--Release of Liens, Notice Before Levy, Property Exempt from Levy Redemption of Levied Real Property and Amount of Damages in Case of Wrongful Levy	1545-AE82
511	Proposed Regulations Under the Spending Reduction Act of 1984, Relating to Reduction of Tax Overpayments by the Amount of Past-Due Legally on Forceable Debt Owed to Federal Agency	1545-AG95
512	26 USC 6411 Income Tax--Tentative Refund of Tax Under Claim of Right Adjustment	1545-AD30
513	26 USC 6001 to 6427 Excise Tax--Sporting Goods and Firearms & Administration Provisions of Special Application to Manufacturers & Retailers Excise Tax	1545-AD12
514	26 USC 6602 Regulations on Procedure and Admin	1545-AG42
515	26 USC 6611 Modification of Interest Payments for Certain Periods	1545-AF10
516	26 USC 6621 Procedure and Administration Regulations - Increased Rate of Interest on Substantial Underpayments Attributable to Certain Tax Motivated Transactions	1545-AG75
517	26 USC 6652 Income Tax--Penalties for Failure to Make Returns or Furnish Statements (As Amended by Sec. 1123 of Subtitle C of Title II--Omnibus Reconciliation Act of 1980)	1545-AD35
518	26 USC 6655 To Provide Regulations Relating to Accelerated Payment of Estimated Taxes by Corporations	1545-AE37
519	26 USC 6659 Procedure & Administration--Addition to Tax in the Case of Valuation Overstatements, & Increase in the Negligence Penalty	1545-AD39
520	26 USC 6661 Income Tax--Addition to Tax for a Substantial Understatement of Liability	1545-AF05
521	26 USC 6695 Income Tax--Amendment of Return Preparer Regulations	1545-AH38
522	26 USC 6700 Penalty for Promoting Abusive Tax Shelters	1545-AE99
523	26 USC 6701 Penalty for Aiding and Abetting in the Understatement of Tax Liability	1545-AF01
524	Amendment of the Income Tax Regulations Under Section 6815(d) Dealing with Certificates of Compliance with the Income Tax Laws Issued to Aliens Departing the United States	1545-AF80
525	26 USC 6867 Income Tax--Presumption of Jeopardy in the Case of Illegal Activity Cash	1545-AE30
526	26 USC 7502 Procedure and Administration--Amendment of Regulations Relating to the Timely Mailing of Returns, Taxes and Deposits	1545-AD42
527	26 USC 7609 Administrative Summonses	1545-AF33
528	26 USC 7611 Procedure and Administration--Restrictions on Church Tax Inquiries and Examinations	1545-AG61
529	26 USC 38(b) Income Tax--Investment Credit in Case of Property Used by Tax Exempt Organizations & Governmental Units; Practice & Procedure--Def. of Service Contracts & Other Arrangements	1545-AA23
530	26 USC 7805 Amendments of the Regulations on Procedure and Administration Under Section 7701 Relating to Classification of Certain Investment Arrangements	1545-AG2C
531	26 USC 7701(b) Amendment of Procedure and Administration Regulations Under Section 7701(b) (Definition of Resident Aliens) to Reflect Section 138 of the Tax Reform Act of 1984 (P.L. 98-369)	1545-AH13
532	26 USC 7805 Proposed Regulations Under the Tax Reform Act of 1984, Relating to the Definition of Fair Market Value of Property for Purposes of Determining Gain or Loss	1545-AG94
533	26 USC 7805 Procedure and Administration Part 602--To Provide Regulations Relating to the Display of Control Number Assigned by OMB	1545-AF94
534	Temporary Regulations on Effective Dates and Other Questions Arising Under the Employee Benefit Provisions of the Tax Reform Act of 1984	1545-AG41

TREAS—IRS

Internal Revenue Service—Current and Projected Rulemakings—Continued

Sequence Number	Title	Regulation Identifier Number
535	26 USC 7701 Indian Tribal Governments Treated as States for Certain Purposes	1545-AF77
536	46 USC 1177 Income Tax--Maritime Capital Construction Fund	1545-AD46
537	Statement of Procedural Rules--Amendments to Statement of Procedural Rules--1981-1	1545-AD85
538	Statement of Procedural Rules--Special Amendment	1545-AF58

*Indicates priority regulation

Internal Revenue Service—Completed Actions

Sequence Number	Title	Regulation Identifier Number
539	26 USC 48(l) Income Tax--Definition of Energy Property, to Reflect Addition by Sec 222(h) of the Crude Oil Windfall Profit Tax Act of 1980 of Qualified Intercity Buses as Energy Property	1545-AA24
540	26 USC 103(c) Income Tax--Income Tax Regulations Under Section 103(c) to Make Certain Corrective and Clarifying Changes to the Arbitrage Regulations	1545-AA61
541	26 USC 103 Definition of "Materially Higher" for Acquired Purpose Obligations Guaranteed by Federal Depository Insurance	1545-AE73
542	26 USC 103(n) Limitation on Aggregate Amount of Private Activity Bonds	1545-AG08
543	26 USC 165 Temporary Income Tax Regulations. Tax Straddles Relating to Section 108 of the Tax Reform Act of 1984	1545-AG60
544	26 USC 170(i) Income Tax--Charitable Contributions Deduction for Nonitemizers	1545-AA92
545	26 USC 193 Income Tax--To Add Provisions Relating to Tertiary Injectants to Conform to Sec 251, Crude Oil Windfall Profit Tax Act 1980	1545-AA99
546	26 USC 267 Temporary Regulations Under Section 267 IRC to Reflect Section 174 of the Tax Reform Act of 1984 Relating to Losses, Expenses, and Interest in Transactions Between Related Taxpayers	1545-AG10
547	26 USC 280F Temporary Regulations Under the Tax Reform Act of 1984, Relating to Limitations on Investment Tax Credit and Cost Recovery Deductions for Luxury Automobiles and Certain Other Property	1545-AG24
548	26 USC 304 Income Tax--Extension of Anti-Bailout Provisions to Corporation Formed or Availed of to Avoid These Provisions	1545-AF27
549	26 USC 305 Income Tax--Temporary Regulations--Dividend Reinvestment in Stock of Public Utilities	1545-AB16
550	26 USC 7805 Temporary Regulations Relating to Elections and Miscellaneous Matters Under Section 338 of the Internal Revenue Code	1545-AG09
551	26 USC 338(i) Anti-Avoidance Rules Under Sections 338 and 346 of the Internal Revenue Code of 1954	1545-AE32
552	26 USC 385 Income Tax--Characterization in International Transactions of Interests in Corporations as Stock or Indebtedness	1545-AB34
553	26 USC 401 Certain Cash or Deferred Arrangements	1545-AG36
554	*Income Tax--Amendment of Qualified Joint and Survivor Annuity Regulations	1545-AD70
555	26 USC 416 Questions and Answers on Top-Heavy Plans	1545-AF18
556	26 USC 416 Income Tax--Top-Heavy Plans	1545-AE87
557	26 USC 501(c)(3) Income Tax--Estate Tax--Gift Tax--Exemption of Certain Amateur Athletic Organizations From Tax	1545-AD97
558	*Income Tax--Computation of Taxable Income from Sources Within and Without the United States	1545-AB88
559	26 USC 907 Income Tax--Limitation on Foreign Tax Credit for Foreign Oil and Gas Taxes	1545-AF60
560	26 USC 911 Income Tax--Income of U.S. Citizens & Residents Working Abroad, Exclusions and Deduction from Gross Income	1545-AC08
561	26 USC 995 Income Tax--Amendments Affecting DISC Pertaining to Military Sales & Incremental Export Gross Receipts	1545-AC17
562	26 USC 1232A Regulations Under Section 1232A Relating to Original Issue Discount Taken into Account on Basis of Constant Interest Rate	1545-AE27
563	26 USC 1232B Regulations Under Section 1232B Relating to the Tax Treatment of Stripped Bonds	1545-AE21
564	26 USC 1092(a) Income Tax Regulations--Part 1--Tax Straddle Identification Rules	1545-AC24
565	Regulations Relating to Foreign Currency Contracts Under Section 1256 of the Internal Revenue Code	1545-AF50
566	26 USC 1441 Income Tax--Personal Services Income of Nonresident Alien Individuals	1545-AC43
567	26 USC 1491 Income Tax--Excise Tax on Transfers of Property to Foreign Persons to Avoid the Federal Income Tax	1545-AC44
568	26 USC 2503 Gift Tax--Transitional Rule for the Increased Annual Gift Tax Exclusion and the Unlimited Exclusion for Certain Transfers	1545-AC69
569	26 USC 4992(e) Excise Tax--Independent Producer Oil Allocations Within a Related Group Under the Crude Oil Windfall Profit Tax Act 1980	1545-AD03
570	26 USC 6045 Furnishing Statements Required with Respect to Certain Substitute Payments	1545-AG17

TREAS—IRS

Internal Revenue Service—Completed Actions—Continued

Sequence Number	Title	Regulation Identifier Number
571	Amendment of the Income Tax Regulations Under Section 6049(b) (2)(D) of the Internal Revenue Code of 1954 to Clarify When Interest Is Paid Outside the United States	1545-AF89
572	26 USC 6050J Temporary Regulation Relating to Reporting of Foreclosures and Abandonments of Security Under the Tax Reform Act of 1984	1545-AG43
573	26 USC 6112 Requirement to Maintain Lists of Investors in Potentially Abusive Tax Shelters	1545-AG55
574	26 USC 6232 Extension of Rules for Partnership-Level Determination of Partnership Items to the Windfall Profit Tax	1545-AF88
575	26 USC 7872 Temporary Income Tax Regulations Under the Tax Reform Act of 1984, Relating to Below-Market Interest Rate Loans	1545-AG39
576	Amendments to the Statement of Procedural Rules 1982-2	1545-AF40
577	26 USC 103 (c) To Provide Temporary Regulations Relating to Arbitrage on Nonpurpose Obligations	1545-AG87
578	26 USC 103 (n) Temporary Regulations Under Section 103 (n) Relating to Carryforward Elections and Election to Allocate State Ceiling to Certain Electric Facilities	1545-AG89
579	26 USC 103A To Provide Temporary Regulations Relating to Extension of Mortgage Subsidy Bonds	1545-AG92
580	26 USC 132 Income Taxes, Employment Taxes, Excise Taxes--Taxation of Fringe Benefits	1545-AH50
581	26 USC 163 Sanctions on Issues and Holders of Registration-Required Obligations Not in Registered Form	1545-AH11
582	26 USC 170 (a) (1) Deductions in Excess of $5,000 Claimed for Certain Charitable Contributions of Property and Information Reporting by Donee Who Makes Certain Disposition of Donated Property	1545-AH61
583	26 USC 72(m)(10) Assignment in Divorce Proceedings, ETC	1545-AH05
584	26 USC 817 Temporary Income Tax Regulations - Effective Date for Regulations Relating to Diversification Requirements for Variable Annuity, Endowment, and Life Insurance Contracts	1545-AG77
585	26 USC 871 Employment Taxes; Application of the Repeal of 30 Percent Withholding by the Tax Reform Act of 1984 and of Information Reporting and Backup Withholding in Light of Such Repeal	1545-AH12
586	26 USC 921 FSC General Rules, Requirements, Definitions, and Special Rules	1545-AG67
587	PL 98-369, Temporary Income Tax Regulations Under the Tax Reform Act of 1984, Relating to Transition Rules for DISCs and FSCs	1545-AH65
588	26 USC 924(d)(4) Temporary Income Tax Regulation Under the Tax Reform Act of 1984 Relating to Foreign Management and Foreign Economic Processes Requirements of a Foreign Sales Corporation	1545-AG73
589	26 USC 1041 Treatment of Transfer of Property Between Spouses, Tax Treatment of Alimony and Separate Maintenance Payments, and Dependency Exemption in the Case of Child of Divorced Parents	1545-AH51
590	26 USC 1092 (b) Temporary Income Tax Regulations Under the Economic Recovery Tax Act of 1981 and the Tax Reform Act of 1984, Relating to Straddles	1545-AH53
591	26 USC 1092 (b) (1) Temporary Income Tax Regulations Under the Tax Reform Act of 1984 Relating to Mixed Straddles	1545-AH54
592	PL 98-369, Sec 102 (d) (3) Special Election by Commodities Dealers and Options Dealers to Be an S Corporation Under Section 102 (d) (3) of the Tax Reform Act of 1984	1545-AH25
593	26 USC 1445 Income Tax: Withholding Upon Dispositions of U.S. Real Property Interests by Foreign Persons	1545-AG69
594	26 USC 4041 Heavy Vehicle Use Tax and Tax on Diesel Fuel	1545-AH55
595	26 USC 6111 Temporary Procedure and Administration Regulations Relating to Tax Shelter Registration and the Requirement to Maintain Lists of Investors	1545-AH34
596	26 USC 6231 (c) (3) Temporary Regulations Under TEFRA Relating to Special Enforcement Areas Under the Rules for Consolidated Partnership Proceedings	1545-AH47
597	26 USC 6621 Temporary Procedure and Administration Regulations - Increased Rate of Interest on Substantial Underpayments Attributable to Certain Tax Motivated Transactions	1545-AG76
598	26 USC 7805 Certain Elections Under the Deficit Reduction Act of 1984	1545-AH23

*Indicates priority regulation.

DEPARTMENT OF THE TREASURY (TREAS)

Internal Revenue Service (IRS)

Current and Projected Rulemakings

93. ● TEMPORARY INCOME TAX REGULATIONS UNDER THE TAX RETURN ACT OF 1984, RELATING TO BELOW-MARKET LOANS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 7872 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: These temporary regulations provide taxpayers with a list of loan transactions that are not subject to section 7872. If a loan is subject to section 7872, the below-market loan is recharacterized as a market-interest rate loan coupled with a payment by the lender to the borrower in an amount generally equal to the amount of imputed interest. Taxpayers who are parties to a loan listed in these regulations are not subject to section 7872 with respect to that loan. Accordingly, no amounts are imputed under section 7872.

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/30/85	

Small Entity: Not Applicable

Additional Information: LR-309-84.

Drafting attorney: Howard A. Balikov (202) 566-3828.

Reviewing attorney: John Fischer.

Treasury attorney: Fairlea Sheehy.

Agency Contact: Howard A. Balikov, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3828

RIN: 1545-AG82

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94. ● REGULATIONS ON INCOME TAX UNDER THE TAX REFORM ACT OF 1984, RELATING TO BELOW-MARKET LOANS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 7872 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: These regulations provide guidance to taxpayers who enter into certain below-market interest rate loan transactions. The regulations explain what type of transactions are treated as loans and what type of loans are subject to the provisions of section 7872. If the loan is subject to section 7872, the below-market loan will be recharacterized as an arm's-length market-interest rate loan coupled with a payment by the lender to the borrower in an amount generally equal to the amount of imputed interest. The regulations provide rules for determining the amount and the character of the imputed transfers.

Timetable:

Action	Date	FR Cite
NPRM	04/30/85	

Small Entity: Not Applicable

Additional Information: LR-165-84.

Drafting attorney: Howard A. Balikov (202) 566-3828.

Reviewing attorney: John Fischer.

Treasury attorney: Fairlea Sheehy.

Agency Contact: Howard A. Balikov, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3828

RIN: 1545-AH36

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95. ● TO PROVIDE TEMPORARY REGULATIONS RELATING TO MORTGAGE CREDIT CERTIFICATES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 25 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1.25-1T, 26 CFR 1.6709-1T

Abstract: The regulations will provide rules on the issuance of mortgage credit certificates. Rules will be provided with respect to the various eligibility requirements that must be satisfied by mortgagors as well as the various program requirements that must be satisfied by issuers.

Timetable:

Action	Date	FR Cite
Interim Final Rule	06/00/85	

Small Entity: Not Applicable

Additional Information: LR-191-84.

Drafting attorney: Mitchell H. Rapaport (202) 566-3294.

Reviewing attorney: John M. Coulter, Jr. (202) 566-4473.

Treasury attorney: Suzanne R. McDowell (202) 566-8277.

Agency Contact: Mitchell H. Rapaport, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3294

RIN: 1545-AG90

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96. ● TO PROVIDE REGULATIONS RELATING TO MORTGAGE CREDIT CERTIFICATES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 25 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1.25-1 to 1.25-8T; 26 CFR 1.6709-1

Abstract: The regulations will provide guidance on the issuance of mortgage credit certificates rules. Guidance will be provided with respect to the various eligibility requirements that mortgagors must satisfy as well as the various program requirements that issuers must satisfy.

Timetable:

Action	Date	FR Cite
NPRM	06/00/85	

Small Entity: Not Applicable

Additional Information: LR-245-84.

Drafting attorney: Mitchell H. Rapaport (202) 566-3294.

Reviewing attorney: John M. Coulter, Jr. (202) 566-4473.

Treasury attorney: Suzanne R. McDowell (202) 566-8277.

Agency Contact: Mitchell H. Rapaport, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3294

RIN: 1545-AH06

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97. ● LIMITATION ON CREDITS BASED ON TAX LIABILITY

Legal Authority: 26 USC 26 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: These regulations provide for the grouping of tax credits and credit limitation based on tax liability. The current regulations concerning credits will be renumbered to conform to amendments made by the Tax Reform Act of 1984.

Timetable:

Action	Date	FR Cite
NPRM	08/00/85	

Small Entity: Not Applicable

Additional Information: LR-290-84.

Drafting attorney: Stuart G. Wessler (202) 566-3297.

Reviewing attorney: John B. Bromell (202) 566-3326.

Agency Contact: Stuart G. Wessler, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3297

RIN: 1545-AH58

98. ● GENERAL BUSINESS CREDIT AND CARRYFORWARD AND CARRYBACK OF UNUSED BUSINESS CREDIT

Legal Authority: 26 USC 38 Internal Revenue Code of 1954; 26 USC 39 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: These regulations will provide rules relating to the general business credit established in the Tax Reform Act of 1984. These regulations will also provide rules for the carryback and carryforward of unused business credits. The regulations will define the general business credit, set forth limitations on the amount of credit allowed for the taxable year and set forth treatment of credit amounts in excess of the limitation.

Timetable:

Action	Date	FR Cite
NPRM	12/00/85	

Small Entity: Not Applicable

Additional Information: LR-300-84.

Drafting attorney: Stuart G. Wessler (202) 566-3297.

Reviewing attorney: Walter H. Woo (202) 566-3297.

Agency Contact: Stuart G. Wessler, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3297

RIN: 1545-AH57

99. INCOME TAX--CREDIT FOR INCREASING RESEARCH ACTIVITIES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 44F Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations will provide the extent to which taxpayers will be entitled to an income tax credit for increases in certain research activity.

Timetable:

Action	Date	FR Cite
NPRM	01/21/83	
NPRM Comment Period Begin	01/21/83	
NPRM Comment Period End	03/19/83	
Hearing	04/19/83	
Final Action	02/28/86	

Small Entity: Not Applicable

Additional Information: LR-236-81.

Drafting attorney: David R. Haglund (202) 566-3297.

Reviewing attorney: Paul A. Francis (202) 566-3930.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Quinn.

Agency Contact: David R. Haglund, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3297

RIN: 1545-AA07

100. INCOME TAX--EMPLOYEE STOCK OWNERSHIP PLAN CREDIT

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 41 Internal Revenue Code of 1954; 26 USC 404(i) Internal Revenue Code of 1954; 26 USC 409 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations provide guidance for electing the employee stock ownership credit based on contributions to a tax credit employee stock ownership plan. The maximum credit is determined as a percentage of aggregate compensation of employees under the plan which cannot exceed 0.5 for 1983 and 1984, and .75 for 1985 through 1987.

Timetable:

Action	Date	FR Cite
NPRM	08/00/85	

Small Entity: Not Applicable

Additional Information: EE-151-81.

Drafting attorney: John C. Khil (202) 566-6212.

Reviewing attorney: Michael A Thrasher (202) 566-3961.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Conaway.

Agency Contact: John C. Khil, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave, N.W., Washington, D.C. 20224, 202 566-6212

RIN: 1545-AD56

101. ● RULES RELATING TO VARIOUS SECTIONS CONCERNING DEPENDENCY AND FAMILY STATUS OF INDIVIDUALS LIVING APART

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: This regulation will clarify the treatment of a dependent of both parents for medical expense deduction and provide consistent rules among various inter-related sections concerning the family status of individuals living apart.

Timetable:

Action	Date	FR Cite
NPRM	11/00/85	

Small Entity: Not Applicable

Additional Information: LR-238-84.

Drafting attorney: Robert E. Shaw (202) 566-3297.

Reviewing attorney: John B. Bromell (202) 566-3326.

Treasury attorney: Victor Thuronyi (202) 566-2566.

Agency Contact: Robert E. Shaw, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3297

RIN: 1545-AH44

102. INCOME TAX--JOINT OWNERSHIP OF ENERGY ITEMS & RENEWABLE ENERGY SOURCE EXPENDITURES FOR PURPOSES OF THE RESIDENTIAL ENERGY CREDIT TO CONFORM TO SECS 201(A) & 202 OF THE ETC

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 44C Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations would provide the public with guidance to comply with changes made to section 44C by the Energy Tax Act of 1978 and the Windfall Profit Tax Act of 1980 relating to defining passive and active solar system, subsidized energy financing and other terms pertaining to the residential energy credit.

Timetable:

Action	Date	FR Cite
NPRM	12/01/85	

Small Entity: Not Applicable

Additional Information: LR-73-80.

Drafting attorney: Beverly A. Baughman (202) 566-3297.

Reviewing attorney: John B. Bromell (202) 566-3326.

Treasury attorney: Moshe Schuldinger (202) 566-2928.

Agency Contact: Beverly A. Baughman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3297**

RIN: 1545-AA03

103. CREDIT FOR CLINICAL TESTING EXPENSES FOR CERTAIN DRUGS FOR RARE DISEASES OR CONDITIONS

Legal Authority: 26 USC 7805; 26 USC 44H(d)(5); 26 USC 280C(c)(3)

CFR Citation: 26 CFR 44H; 26 CFR 280C

Abstract: Proposal would amend the Income Tax Regulations in order to conform the regulations to sections 44H and 280C(c) of the Internal Revenue Code of 1954, relating to the new credit for clinical testing expenses for certain drugs for rare diseases or conditions. The proposal would provide the public with the guidance needed to comply with the law and would affect taxpayers seeking to obtain the new credit.

Timetable:

Action	Date	FR Cite
NPRM	05/01/85	

Small Entity: Not Applicable

Additional Information: LR-55-83.

Drafting attorney: Nerman Dobynes Hubbard (202) 566-3289.

Reviewing attorney: John Bromell (202) 566-3326.

Office of Tax Legislative Counsel reviewing attorney: Fairlea Sheehy.

In the Office of the Commissioner for Signature.

Agency Contact: Nerman Dobynes Hubbard, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3289**

RIN: 1545-AF64

104. ● SYNCHRONIZATION OF INTEREST

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 46 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: This project will provide rules relating to the synchronization of interest.

Timetable:

Action	Date	FR Cite
NPRM	12/00/85	

Small Entity: Undetermined

Additional Information: LR-227-84.

Drafting attorney: Paulette Chernyshev (202) 566-3288.

Reviewing attorney: John Parcell (202) 566-3336.

Treasury attorney: Eric Elfman (202) 566-8527.

Agency Contact: Paulette Chernyshev, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3288**

RIN: 1545-AH69

105. INCOME TAX--INVESTMENT CREDIT FOR COOPERATIVES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 46 Internal Revenue Code of 1954; 26 USC 47 Internal Revenue Code of 1954; PL 95-600, Sec 316

CFR Citation: 26 CFR 1

Abstract: The regulation would provide guidance with respect to the investment tax credit for cooperatives and their patrons.

Timetable:

Action	Date	FR Cite
NPRM	12/27/83	48 FR 56965
NPRM Comment Period Begin	12/27/83	48 FR 56965
NPRM Comment Period End	02/27/84	
Final Action	05/00/85	

Small Entity: Not Applicable

Additional Information: LR-4-78.

Drafting attorney: Patricia K. Keesler (202) 566-3430.

Reviewing attorney: Robert H. Waltuch (202) 566-3287.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: D'Avino.

Agency Contact: Patricia K. Keesler, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3430**

RIN: 1545-AA09

106. INCOME TAX--THE INVESTMENT CREDIT FOR QUALIFIED PROGRESS EXPENDITURES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 46 Internal Revenue Code of 1954; 26 USC 47 Internal Revenue Code of 1954; 26 USC 48 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The proposed regulations add a new section to provide rules for claiming the investment credit for qualified progress expenditures.

Timetable:

Action	Date	FR Cite
NPRM	01/30/79	44 FR 05910
NPRM Comment Period Begin	01/30/79	44 FR 05910
NPRM Comment Period End	04/01/79	
Hearing	06/27/79	
Final Action	12/31/85	

Small Entity: Not Applicable

Additional Information: LR-73-75.

Drafting attorney: Michel A. Daze (202) 566-3458.

Reviewing attorney: Charles M. Whedbee (202) 566-3458.

Treasury attorney: Garlock.

Agency Contact: Michel A. Daze, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3829**

RIN: 1545-AA13

107. INCOME TAX--INVESTMENT CREDIT FOR COMMUTER HIGHWAY VEHICLES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 46 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: Proposal would interpret the rules contained in sections 46 and 47 of the Internal Revenue Code of 1954 dealing with the investment tax credit for certain commuter highway vehicles, thereby providing needed guidance to the public on how the Internal Revenue

Service intends to interpret those sections of the Code.

Timetable:

Action	Date	FR Cite
NPRM	10/05/84	49 FR 39344
NPRM Comment Period Begin	10/05/84	49 FR 39344
NPRM Comment Period End	12/04/84	
Final Action	09/30/85	

Small Entity: Not Applicable

Additional Information: LR-169-79.

Drafting attorney: Patricia Wendlandt (202) 566-3458.

Reviewing attorney: Charles M. Whedbee (202) 566-3458.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Schuldinger.

Agency Contact: Patricia Wendlandt, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3458

RIN: 1545-AA08

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108. INCOME TAX—AT RISK LIMITATIONS ON INVESTMENT CREDIT

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 46(c)(8) Internal Revenue Code of 1954; 26 USC 46(c)(9) Internal Revenue Code of 1954; 26 USC 47(d) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations will explain and illustrate the application of the investment tax credit at risk rules under which (with certain exceptions) a taxpayer's credit base for section 38 property for purposes of calculating the amount of investment credit (for certain taxpayers engaged in certain activities) shall be reduced by the nonqualified nonrecourse financing with respect to such property.

Timetable:

Action	Date	FR Cite
NPRM	12/01/85	

Small Entity: Not Applicable

Additional Information: LR-240-81.

Drafting attorney: Keith E. Stanley (202) 566-3458.

Reviewing attorney: Marcus B. Blumkin (202) 566-3463.

Treasury attorney: Rick D'Avino (202) 566-4518.

Agency Contact: Keith E. Stanley, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3458

RIN: 1545-AA15

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109. INCOME TAX—CHANGES MADE BY SECS 222(A) AND 223(B) OF THE CRUDE OIL WINDFALL PROFIT TAX ACT OF 1980

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 46(a) Internal Revenue Code of 1954; 26 USC 48(l)

CFR Citation: 26 CFR 1

Abstract: The proposed regulations will reflect the repeal of the refundable feature of the solar and wind energy credits and the extension of the energy credit through 1990 for certain long-term energy projects.

Timetable:

Action	Date	FR Cite
NPRM	11/00/85	

Small Entity: Not Applicable

Additional Information: LR-150-80.

Drafting attorney: William A. Jackson (202) 566-4336.

Reviewing attorney: Robert B. Coplan (202) 566-3287.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Schuldinger.

In Office of Chief Counsel (Legislative and Regulations Division) for preparation of notice.

Agency Contact: William A. Jackson, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-4336

RIN: 1545-AA14

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110. INCOME TAX—TAX TREATMENT OF MASS ASSETS FOR INVESTMENT CREDIT PURPOSES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 38 Internal Revenue Code of 1954; 26 USC 46 Internal Revenue Code of 1954; 26 USC 47 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: Proposal would clarify the investment tax credit recapture treatment of mass assets thereby giving needed guidance to the public on how the Internal Revenue Service intends to interpret this area.

Timetable:

Action	Date	FR Cite
NPRM	05/00/85	

Small Entity: Not Applicable

Additional Information: LR-92-73.

Drafting attorney: Sandra E. Wallach (202) 566-3458.

Reviewing attorney: Carolyn Swift (202) 566-3458.

Agency Contact: Sandra E. Wallach, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3458

RIN: 1545-AA10

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111. INCOME TAX—AMENDMENT OF RECAPTURE RULES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 47 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The investment tax credit recapture regulations will be updated to explain the recapture treatment for recovery property.

Timetable:

Action	Date	FR Cite
NPRM	11/30/85	

Small Entity: Not Applicable

Additional Information: LR-315-81.

Drafting attorney: Patricia Wendlandt (202) 566-3458.

Reviewing attorney: Charles M. Whedbee (202) 566-3458.

Agency Contact: Patricia Wendlandt, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3458

RIN: 1545-AA18

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112. AMENDMENT OF INCOME TAX REGULATIONS UNDER SECTIONS 47, 48 AND 196 RELATING TO BASIS ADJUSTMENT TO REFLECT INVESTMENT TAX CREDIT

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 47 Internal Revenue Code of 1954; 26 USC 48 Internal

Revenue Code of 1954; 26 USC 196 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The proposed regulations would provide rules concerning a basis adjustment in the case of the investment tax credit.

Timetable:

Action	Date	FR Cite
NPRM	12/00/85	

Small Entity: Not Applicable

Additional Information: LR-183-82.

Drafting attorney: Gail H. Morse (202) 566-3297.

Reviewing attorney: Walter H. Woo (202) 566-3297.

Agency Contact: Gail H. Morse, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3297

RIN: 1545-AF06

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113. INCOME TAX--INCREASE IN INVESTMENT TAX CREDIT FOR QUALIFIED REHABILITATION EXPENDITURES

Legal Authority: 26 USC 7805 Internal Revenue Code; 26 USC 48 Internal Revenue Code

CFR Citation: 26 CFR 1

Abstract: The regulations provide rules and definitions relating to terms such as qualified rehabilitated expenditures, qualified rehabilitated building, substantial rehabilitation and certified historic structure.

Timetable:

Action	Date	FR Cite
Notice	04/30/84	
NPRM	06/30/85	

Small Entity: Not Applicable

Additional Information: LR-238-81.

Drafting attorney: John Schmalz (202) 566-3297.

Reviewing attorney: Walter H. Woo (202) 566-3297.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: D'Avino.

Agency Contact: John Schmalz, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3287

RIN: 1545-AA12

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114. INCOME TAX--INVESTMENT CREDIT FOR REHABILITATED STRUCTURES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 48 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations would provide rules and definitions relating to terms such as qualified rehabilitated building, qualified rehabilitated expenditure, and major portion.

Timetable:

Action	Date	FR Cite
NPRM	10/28/80	
Hearing	03/31/81	
Final Action	06/30/85	

Small Entity: Not Applicable

Additional Information: LR-191-78.

Drafting attorney: John Schmalz (202) 566-3297.

Reviewing attorney: Walter H. Woo (202) 566-3297.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: D'Avino.

Agency Contact: John Schmalz, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3297

RIN: 1545-AA21

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115. INCOME TAX--SPECIAL RULES ADDED BY SEC 223(C) OF CRUDE OIL WINDFALL PROFIT TAX ACT 1980, RELATING TO REDUCTION OF CREDIT WHERE PROPERTY IS FINANCED BY SUBSIDIZED ETC

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 48(l) Internal Revenue Code of 1954; PL 96-223, Sec 223(c)

CFR Citation: 26 CFR 1

Abstract: The regulations will provide that subsidized energy financing and proceeds of exempt industrial development bonds used to finance a facility reduce the qualified investment in the energy property contained in that facility for purposes of determining the amount of the energy tax credit.

Timetable:

Action	Date	FR Cite
NPRM	01/26/82	47 FR 03559
NPRM Comment Period Begin	01/26/82	47 FR 03559
NPRM Comment Period End	03/20/82	
Hearing	06/03/82	
Final Action	07/00/85	

Small Entity: Not Applicable

Additional Information: LR-176-80.

Drafting attorney: Charles W. Culmer (202) 566-4336.

Reviewing attorney: Marcus B. Blumkin (202) 566-3463.

Treasury attorney: Moshe Schuldinger (202) 566-2928.

Agency Contact: Charles W. Culmer, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-4336

RIN: 1545-AA26

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116. AMENDMENT OF THE INCOME TAX REGULATIONS UNDER SECTION 48 (L) (16), RELATING TO THE ENERGY INVESTMENT CREDIT FOR QUALIFIED INTERCITY BUSES THAT ARE LEASED

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 48 (l) (16) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The amendments to the regulations will provide guidance for determining the eligibility of taxpayers for the energy credit when a qualified intercity bus is leased.

Timetable:

Action	Date	FR Cite
NPRM	10/09/84	49 FR 39571
Hearing held	01/09/85	
Final Action	06/30/85	

Small Entity: Not Applicable

Additional Information: LR-69-84.

Drafting attorney: Michel A. Daze (202) 566-3458.

Reviewing attorney: Marcus B. Blumkin (202) 566-3463.

Treasury attorney: Moshe Schuldinger (202) 566-2928.

Agency Contact: Michel A. Daze, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3829

RIN: 1545-AG31

117. INCOME TAX--DEFINITION OF FILMS THAT ARE "TOPICAL OR OTHERWISE ESSENTIALLY TRANSITORY IN NATURE"

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 48(k) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The proposed regulations more specifically define what movie and television films and videotapes qualify for the investment credit.

Timetable:

Action	Date	FR Cite
NPRM	06/03/82	47 FR 24142
NPRM Comment Period Begin	06/03/82	47 FR 24142
NPRM Comment Period End	08/02/82	
Final Action	04/30/85	

Small Entity: Not Applicable

Additional Information: LR-143-80.

Drafting attorney: David R. Haglund (202) 566-3297.

Reviewing attorney: John B. Bromell (202) 566-3326.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Thuronyi.

Agency Contact: David R. Haglund, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3297

RIN: 1545-AA22

118. INCOME TAX--ADJUSTMENTS TO NEW JOBS CREDIT

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 51 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations would provide rules and definitions relating to the targeted job as amended by the Economic Recovery Tax Act of 1981.

Timetable:

Action	Date	FR Cite
NPRM	11/23/83	48 FR 52943
NPRM Comment Period Begin	11/23/83	48 FR 52943
NPRM Comment Period End	01/23/84	
Final Action	06/30/85	

Small Entity: Not Applicable

Additional Information: LR-218-81.

Drafting attorney: John Schmalz (202) 566-3297.

Reviewing attorney: Walter H. Woo (202) 566-3297.

Office of Tax Legislative Counsel (Treasury) reviewing attorneys: Thuronyi, McCarty.

Agency Contact: John Schmalz, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3297

RIN: 1545-AA31

119. INCOME TAX--ALTERNATIVE MINIMUM TAX

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 55 Internal Revenue Code of 1954; 26 USC 57 Internal Revenue Code of 1954; 26 USC 58 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The Regulations will provide rules for the computation of the alternative minimum tax and the computation of the credits that may be used to reduce that tax, as well as rules for determining the amount of tax preference for excluded dividends and interest, mining exploration and development costs, and circulation, research and experimental expenditures. The Regulations will also provide rules relating to the optional 10 year write off of certain tax preferences.

Timetable:

Action	Date	FR Cite
NPRM	12/00/85	

Small Entity: Not Applicable

Additional Information: LR-235-82.

Drafting attorney: Neil W. Zyskind (202) 566-3287.

Reviewing attorney: Robert B. Coplan (202) 566-3287.

In Legislation and Regulations for preparation of notice.

Agency Contact: Neil W. Zyskind, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3287

RIN: 1545-AE80

120. INCOME TAX--TAX BENEFIT RULE FOR MINIMUM TAX

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 56 Internal Revenue Code of 1951; 26 USC 57 Internal Revenue Code of 1954; 26 USC 58 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations will provide tax benefit rules with respect to the minimum tax for tax preferences.

Timetable:

Action	Date	FR Cite
NPRM	12/00/85	

Small Entity: Not Applicable

Additional Information: LR-151-76.

Drafting attorney: Margaret O'Connor (202) 566-3287.

Reviewing attorney: Robert B. Coplan (202) 566-3287.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Garlock.

Agency Contact: Margaret O'Connor, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3287

RIN: 1545-AA33

121. INCOME TAX-MINIMUM TAX. ITEM OF TAX PREFERENCE FOR INTANGIBLE DRILLING COSTS INCURRED IN DRILLING OIL, GAS OR GEOTHERMAL WELLS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 57 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: These regulations will explain the application and determination of the tax preference item for intangible drilling costs which was added by the Tax Reform Act of 1976. The regulations will provide rules for determining a taxpayer's net income from oil and gas properties, rules for determining if a well is nonproductive

and rules for determining the proper preference tax if a well proves to be nonproductive after the close of a taxable year for which a tax return has already been filed.

Timetable:

Action	Date	FR Cite
NPRM	12/00/85	

Small Entity: Not Applicable

Additional Information: LR-209-78.

Drafting attorney: Margaret O'Connor (202) 566-3287.

Reviewing attorney: Robert B Coplan (202) 566-3287

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Hevener.

Agency Contact: Margaret O'Connor, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3287

RIN: 1545-AA34

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122. INCOME TAX--NONQUALIFIED SALARY REDUCTION AGREEMENTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 61 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: This regulation would provide guidance regarding the tax treatment of nonqualified deferred compensation arrangements established by tax exempt charitable organizations such as non-profit hospitals for their employees.

Timetable:

Action	Date	FR Cite
NPRM	02/03/78	43 FR 4638
NPRM Comment Period Begin	02/03/78	43 FR 4638
Final Action Effective	03/06/78	
NPRM Comment Period End	04/04/78	
Hearing	05/14/78	
News release issued for comment	06/11/79	
Hearing	11/27/79	
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-194-77.

Drafting attorney: John A. Tolleris (202) 566-3590.

Reviewing attorney: John M. Coulter, Jr. (202) 566-4473.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Conaway.

Agency Contact: John A. Tolleris, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3590

RIN: 1545-AA35

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123. INCOME TAX--TREATMENT OF INCOME OF CERTAIN INNOCENT SPOUSES IN COMMUNITY PROPERTY STATES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 66 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations would provide rules for determining acceptable amounts of community earned income transferred between spouses living apart in community property states, which will not preclude the disregard of community property laws for federal tax purposes.

Timetable:

Action	Date	FR Cite
NPRM	09/30/85	

Small Entity: Not Applicable

Additional Information: LR-41-81.

Drafting attorney: Ewan Purkiss (202) 566-3238.

Reviewing attorney: John H. Parcell (202) 566-3336.

Agency Contact: Ewan Purkiss, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3238

RIN: 1545-AA37

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124. INCOME TAX--UNISEX ANNUITY TABLES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 72 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations would provide unisex tables to be used in reporting payments received on annuity contracts. The unisex tables would replace the tables currently prescribed in the regulations. The current tables are different for men and women.

Timetable:

Action	Date	FR Cite
NPRM	06/00/85	

Small Entity: Not Applicable

Additional Information: LR-19-80.

Drafting attorney: Annette J. Guarisco (202) 566-3238.

Reviewing attorney: John H. Parcell (202) 566-3288.

Agency Contact: Annette J. Guarisco, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3238

RIN: 1545-AA38

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125. INCOME TAX--CLARIFICATION OF THE INCOME TAX REGULATIONS WITH RESPECT TO THE TAXATION OF DISTRIBUTION FROM QUALIFIED PLANS PROVIDING LIFE INSURANCE PROTECTION

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 72 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: Proposal would simplify income tax treatment of amounts distributed from qualified employee plans that provide life insurance.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: EE-44-80.

Drafting attorney: Charles M. Watkins (202) 566-3430.

Reviewing attorney: Richard J. Wickersham (202) 566-3250.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Conaway.

Agency Contact: Charles M. Watkins, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3430

RIN: 1545-AD60

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126. INCOME TAX--CERTAIN DISTRIBUTIONS, CONTRIBUTIONS, ETC

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 72(o) Internal Revenue Code of 1954; 26 USC 72(m) Inter-

nal Revenue Code of 1954; 26 USC 405(d)(3) Internal Revenue Code of 1954; 26 USC 401(d)(5) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: Regulation will provide taxpayers with guidance regarding income tax treatment of distributions of qualified voluntary employee contributions from qualified employee plans.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: EE-149-81.

Drafting attorney: Charles M. Watkins (202) 566-3430.

Reviewing attorney: Richard J. Wickersham (202) 566-3250.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Conaway.

Agency Contact: Charles M. Watkins, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3430**

RIN: 1545-AD61

127. LOANS TREATED AS DISTRIBUTIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 72 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulation will provide guidance on the application of new rules for determining the income tax treatment to be accorded loans to participants or beneficiaries from qualified employer plans. The new loan rules are provided in new section 72(p) of the Internal Revenue Code of 1954.

Timetable:

Action	Date	FR Cite
NPRM	12/00/85	

Small Entity: Not Applicable

Additional Information: EE-106-82.

Drafting attorney: Calder L. Robertson, Jr., (202) 566-3544.

Reviewing attorney: Michael A. Thrasher, (202) 566-3961.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Jeffrey A. Quinn, (202) 566-2175.

Agency Contact: Calder L. Robertson, Jr., Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3544**

RIN: 1545-AE41

128. INCOME TAX--EARLY WITHDRAWALS FROM DEFERRED ANNUITIES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 72 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: Proposal will provide rules for reporting amounts withdrawn from deferred annuities.

Timetable:

Action	Date	FR Cite
NPRM	09/00/85	

Small Entity: Not Applicable

Additional Information: LR-279-82.

Drafting attorney: Linda M. Kroening (202) 566-3238.

Reviewing attorney: John H. Parcell (202) 566-3336.

Treasury attorney: Donald Rocap (202) 566-8527.

Agency Contact: Linda M. Kroening, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3238**

RIN: 1545-AF08

129. INCOME TAX--GROUP TERM LIFE INSURANCE--EVIDENCE OF INSURABILITY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 79 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: Regulations will provide guidance in determining whether term life-insurance is group-term life insurance within the meaning of section 79 of the Internal Revenue Code of 1954.

Timetable:

Action	Date	FR Cite
NPRM	10/07/82	47 FR 44343
NPRM Comment Period Begin	10/07/82	47 FR 44343
NPRM Comment Period End	12/06/82	
Hearing	01/19/83	47 FR 53745
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-42-78.

Drafting attorney: Annette J. Guarisco (202) 566-3238.

Reviewing attorney: John H. Parcell (202) 566-3288.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Garlock.

Agency Contact: Annette J. Guarisco, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3238**

RIN: 1545-AA39

130. NONDISCRIMINATION REQUIREMENTS FOR EMPLOYER-PROVIDED GROUP-TERM LIFE INSURANCE

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 79(d) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations would provide guidance relating to the nondiscrimination requirements for group-term life insurance purchased for employees.

Timetable:

Action	Date	FR Cite
NPRM	05/00/85	

Small Entity: Not Applicable

Additional Information: EE-110-82.

Drafting attorney: Nancy J. Marks (202) 566-3430.

Reviewing attorney: James L. Brokaw (202) 566-4173.

Office of Tax Legislative Counsel reviewing attorneys: Garlock, Pike.

Agency Contact: Nancy J. Marks, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3430**

RIN: 1545-AE89

131. INCOME TAX--TO MAKE CERTAIN AMENDATORY CHANGES TO RULES RELATING TO PROPERTY TRANSFERRED IN CONNECTION WITH PERFORMANCE OF SERVICES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 83 Internal Revenue Code of 1954; Section 252 Economic Recovery Tax Act of 1981

CFR Citation: 26 CFR 1

Abstract: The regulations would provide guidance to taxpayers who transfer and receive property in connection with the performance of services. The amendments relate to the definition of property, the effect of section 16(b) of the Securities Exchange Act of 1934 on transferred stock, when an employer may receive a deduction for compensation paid, and the consequences to a shareholder who transfers stock to an employee of the subject corporation.

Timetable:

Action	Date	FR Cite
NPRM	11/16/83	48 FR 52079
NPRM Comment Period Begin	11/16/83	48 FR 52079
NPRM Comment Period End	01/16/84	
Final Action Effective	05/31/85	

Small Entity: Not Applicable

Additional Information: LR-16-80.

Drafting attorney: Bruce H. Jurist (202) 566-3238.

Reviewing attorney: John H. Parcell (202) 566-3288.

Office of Tax Legislative Counsel reviewing attorney: Fairlea Sheehy (202) 566-2565.

Agency Contact: Bruce H. Jurist, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3238

RIN: 1545-AA41

132. REGULATIONS ON INCOME TAX UNDER THE SOCIAL SECURITY AMENDMENTS ACT OF 1983 RELATING TO THE TAXATION OF SOCIAL SECURITY BENEFITS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 86 Internal Revenue Code of 1954; 26 USC 6050F Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations provide rules relating to the taxation of social security benefits.

The regulations explain the calculation for determining the amount of social security benefits includible in the gross income of the recipient of the benefits. The regulations also provide rules for information reporting with respect to the benefit payments which require the furnishing of the amount of social security benefits paid to and repaid by the recipient along with the name, address, and taxpayer identification number of the recipient.

Timetable:

Action	Date	FR Cite
NPRM	12/03/85	

Small Entity: Not Applicable

Additional Information: LR-81-84.

Drafting attorney: Howard A. Balikov (202) 566-3288.

Reviewing attorney: John H. Parcell (202) 566-3336.

Agency Contact: Howard A. Balikov, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3288

RIN: 1545-AG29

133. INCOME TAX--FLEXIBLE PREMIUM CONTRACTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 101(f) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: Proposal will provide rules for determining what portion (if any) of a flexible premium life insurance contract is life insurance for purposes of section 101 of the Internal Revenue Code.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-308-82.

Drafting attorney: Linda M. Kroening (202) 566-3238.

Reviewing attorney: John H. Parcell (202) 566-3288.

Treasury attorney: Donald Rocap (202) 566-8527.

Agency Contact: Linda M. Kroening, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3238

RIN: 1545-AF28

134. INCOME TAX--INDUSTRIAL DEVELOPMENT BONDS FOR VEHICLES USED FOR MASS COMMUTING

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 103(b) Internal Revenue Code of 1954; Economic Recovery Tax Act of 1981, section 811

CFR Citation: 26 CFR 1

Abstract: The regulations would define a qualified mass commuting vehicle for purposes of issuance of tax-exempt bonds. A qualified mass commuting vehicle is a bus, subway car or similar equipment that is leased to a mass transit system wholly owned by one or more governmental units and that is used by the mass transit system in providing mass commuting services.

Timetable:

Action	Date	FR Cite
NPRM	12/31/81	46 FR 63326
NPRM Comment Period Begin	12/31/81	46 FR 63326
NPRM Comment Period End	03/03/82	
Final Action	12/31/85	

Small Entity: Not Applicable

Additional Information: LR-192-81.

Drafting attorney: Susan Thompson Baker (202) 566-3294.

Reviewing attorney: John M. Coulter, Jr. (202) 566-4473.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: McCarty.

Agency Contact: Susan Thompson Baker, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3294

RIN: 1545-AA43

135. INCOME TAX--TO AMEND THE REGULATIONS UNDER SECTIONS 1.103-13 AND 1.103-14 WITH RESPECT TO THE CALCULATIONS OF "OVERISSUANCE" AND "CUMULATIVE CASH FLOW DEFICIT"

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 103 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations would clarify rules relating to the proper method for determining whether the amount of tax-exempt obligations exceeds the amount necessary for the governmental purpose for which the proceeds of the obligations are to be used.

Timetable:

Action	Date	FR Cite
NPRM	03/29/83	48 FR 13051
NPRM Comment Period Begin	03/29/83	48 FR 13051
NPRM Comment Period End	05/31/83	
Hearing	06/08/83	
Final Action	12/00/85	

Small Entity: No

Additional Information: LR-82-82.

Drafting attorney: Mitchell H. Rapaport (202) 566-3294.

Reviewing attorney: John M. Coulter (202) 566-4473.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Pike.

Notice to Treasury for formal approval 06/17/82.

Agency Contact: Mitchell H. Rapaport, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3294

RIN: 1545-AA44

136. INCOME TAX--TO AMEND THE REGULATIONS RELATING TO THE TREATMENT OF REPLACEMENT FUNDS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 103 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations would provide guidance to issuers, purchasers and users of tax-exempt obligations relating to whether amounts are replaced by the proceeds of such obligations. As such, such amounts will be treated as proceeds of such obligation and would be required to be invested at less than a materially higher yield. If such amounts are not invested at less than a materially higher yield than the yield on the obligations then the obligations would be arbitrage bonds.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Additional Information: LR-99-82.

Drafting attorney: Mitchell H. Rapaport (202) 566-3294.

Reviewing attorney: John M. Fischer (202) 566-3394.

Office of Tax Legislative Counsel reviewing attorney: Pike.

In Legislation and Regulations Division for Preparation of Notice.

Agency Contact: Mitchell H. Rapaport, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3294

RIN: 1545-AA46

137. INCOME TAX--TO PROVIDE FOR THE TAX CONSEQUENCES OF REFUNDING INDUSTRIAL DEVELOPMENT BONDS TO THE ISSUER, BOND-HOLDER & INDUSTRIAL USER

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 103 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations would provide that advance refunding issues defined as those refunding issues issued more than 180 days before the redemption of the issue to be refunded may be exempt issues if issued to refund qualified public facilities. A definition of qualified public facilities is provided. Special rules for multipurpose issues are also provided.

Timetable:

Action	Date	FR Cite
Previous Notice	12/06/77	42 FR 61613
Hearing	03/15/78	
Previous Notice	02/06/79	44 FR 7177
NPRM	06/30/85	

Small Entity: Not Applicable

Additional Information: LR-70-77.

Drafting attorney: Susan Thompson Baker (202) 566-3294.

Reviewing attorney: John M. Coulter, Jr. (202) 566-4473.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Woodward.

Agency Contact: Susan Thompson Baker, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3294

RIN: 1545-AA47

138. INCOME TAX--EXEMPTION FOR INDUSTRIAL DEVELOPMENT BONDS FOR WATER FACILITIES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 103(b)(4) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: This regulation would provide guidance to determine the rules under which facilities for furnishing water to members of the general public can be financed with tax-exempt industrial development bonds under section 103 (b) (4) of the Internal Revenue Code of 1954.

Timetable:

Action	Date	FR Cite
Final Action Effective	11/07/78	
NPRM	08/22/84	49 FR 33283
NPRM Comment Period Begin	08/22/84	49 FR 33283
NPRM Comment Period End	10/22/84	
Public Hearing	01/30/85	
Final Action	01/00/86	

Small Entity: Not Applicable

Additional Information: LR-190-78.

Drafting attorney: John A. Tolleris (202) 566-3590.

Reviewing attorney: John M. Coulter, Jr. (202) 566-4473.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Krolikowski.

Agency Contact: John A. Tolleris, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3590

RIN: 1545-AA49

139. INCOME TAX--TO CLARIFY THE "SUBSTANTIALLY ALL" TEST

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 103(b) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations will provide guidance in determining the amount of

proceeds of an issue of industrial development bonds. Generally such bonds are exempt only if substantially all of the issue proceeds are used for a purpose designated in 26 USC 103 (b).

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-182-79.

Drafting attorney: Mitchell H. Rapaport (202) 566-3294.

Reviewing attorney: John M. Coulter, Jr. (202) 566-4473.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Mundstock.

Draft of notice returned to Legislation and Regulations Division for revision.

Agency Contact: Mitchell H. Rapaport, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3294

RIN: 1545-AA50

140. INCOME TAX--TO CLARIFY THE "PUBLIC USE" AND "FUNCTIONALLY RELATED" REQUIREMENTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 103 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The amendments to the regulations would provide additional rules to determine under what circumstances property is treated as functionally related and subordinate to an exempt facility, such as a dock or wharf, and, therefore financeable with tax-exempt industrial development bonds. Furthermore, the regulations would examine the public use requirement which generally restricts tax-exempt financing to exempt facilities used by the general public.

Timetable:

Action	Date	FR Cite
NPRM	12/00/85	

Small Entity: Not Applicable

Additional Information: LR-51-79.

Drafting attorney: Mitchell H. Rapaport (202) 566-3294.

Reviewing attorney: John M. Coulter, Jr. (202) 566-4473.

Office of Tax Legislative Counsel Reviewing attorney: Lokey.

Agency Contact: Mitchell H. Rapaport, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3294

RIN: 1545-AA51

141. INCOME TAX--TO PROVIDE "TIMING" REQUIREMENTS FOR EXEMPT SMALL ISSUES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 103 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The rules will provide "timing" requirements for exempt small issues of industrial development bonds. They will address the nature of the governmental action necessary to approve such an issue and the relationship in time between that action and various expenditures to be funded by the issue.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-245-79.

Drafting attorney: Robert Beatson (202) 566-3459.

Reviewing attorney: John M. Coulter, Jr. (202) 566-4473.

Office of Tax Legislative Counsel reviewing attorney: Lokey.

Agency Contact: Robert Beatson, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3459

RIN: 1545-AA52

142. INCOME TAX--TO CLARIFY THE DEFINITION OF THE TERM "ISSUE"

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 103(b)(6) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations would provide guidance to issuers, purchasers, and users of industrial development bonds relating to whether multiple lots of obligations will be treated as part of the same issue under section 103 (b).

Timetable:

Action	Date	FR Cite
NPRM	10/08/81	46 FR 50014
NPRM Comment Period Begin	10/08/81	46 FR 50014
Hearing	11/12/81	
NPRM Comment Period End	01/06/82	
Final Action	12/15/85	

Small Entity: Not Applicable

Additional Information: LR-264-81.

Drafting attorney: unassigned.

Reviewing attorney: unassigned.

A revised notice of proposed rulemaking is currently under consideration in Office of Chief Counsel (Legislation and Regulations Division).

Agency Contact: John M. Coulter, Jr., Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3459

RIN: 1545-AA54

143. INCOME TAX--TO DEFINE THE TERM "PRINCIPAL USER OF A FACILITY"

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 103(b) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: This regulation would define the meaning of the term "principal user of a facility" for purposes of applying the limitation set by the Internal Revenue Code upon the permissible size of a small issue of tax-exempt industrial development bonds, as diminished by certain other capital expenditures. This regulation would help identify other facilities the capital expenditures from which must be taken into account in determining whether that issue exceeds the small issue limitation.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-59-74.

Drafting attorney: John A. Tolleris (202) 566-3590.

Reviewing attorney: John M. Coulter, Jr. (202) 566-4473.

Office of Tax Legislative Counsel reviewing attorney: Furer.

Agency Contact: John A. Tolleris, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3590

RIN: 1545-AA56

144. INCOME TAX--INCREASE IN LIMIT ON SMALL ISSUES OF INDUSTRIAL DEVELOPMENT BONDS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 103(b)(6)(D) Internal Revenue Code of 1954; 26 USC 103(b)(6)(I) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulation would provide guidance regarding the effect of an urban development action grant with respect to a specific facility, upon the capital expenditures limitation with respect to a small issue of tax-exempt industrial bonds issued to finance such facility. The regulation may also provide guidance regarding the required size of such grant in relation to the cost of the facility to be financed by the bond issue, and the nexus between the grant and the financed facility.

Timetable:

Action	Date	FR Cite
Final Action Effective	10/01/79	
NPRM	00/00/00	
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-117-79.

Drafting attorney: John A. Tolleris (202) 566-3590.

Reviewing attorney: John M. Coulter, Jr. (202) 566-4473.

Office of Tax Legislative Counsel reviewing attorney: Furer.

Notice pending Treasury review.

Agency Contact: John A. Tolleris, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3590

RIN: 1545-AA57

145. INCOME TAX--TO CLARIFY THE DEFINITION OF PROPERTY WHICH IS A POLLUTION CONTROL FACILITY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 103(b) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations will define the term "air or water pollution control facilities". The regulations will further determine the portion of the cost of such facilities that may be financed with tax-exempt industrial development bonds, whenever the facilities also serve certain other purposes.

Timetable:

Action	Date	FR Cite
NPRM	08/20/75	40 FR 36371
NPRM Comment Period Begin	08/20/75	40 FR 36371
Hearing	11/21/75	
NPRM Comment Period End	11/28/75	
Final Action	12/00/85	
Final Action Effective	12/00/85	

Small Entity: Not Applicable

Additional Information: LR-9-75.

Drafting attorney: Robert Beatson (202) 566-3459.

Reviewing attorney: John M. Coulter, Jr. (202) 566-4473.

TLC reviewing attorney: Joe Krolikowski (202) 566-2927.

Agency Contact: Robert Beatson, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3459

RIN: 1545-AA58

146. INCOME TAX--MANNER OF ELECTING $10 MILLION LIMITATION ON EXEMPT SMALL ISSUES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 103(b)(6) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: This regulation would establish revised procedures whereby the issuer of a small issue of tax-exempt industrial development bonds can elect to have a $10 million limitation rather than a $1 million limitation apply in determining the maximum allowable size of such issue. This regulation would centralize the filing of documents relating to this election to make its requirements more administrable.

Timetable:

Action	Date	FR Cite
NPRM	06/22/82	47 FR 26854
NPRM Comment Period Begin	06/22/82	47 FR 26854
NPRM Comment Period End	08/23/82	
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-50-80.

Drafting attorney: John A. Tolleris (202) 566-3590.

Reviewing attorney: John M. Coulter, Jr. (202) 566-4473.

Office of Tax Legislative Counsel reviewing attorney: Krolikowski.

Presently under review in Office of Tax Policy.

Agency Contact: John A. Tolleris, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3590

RIN: 1545-AA59

147. INCOME TAX--TO DEFINE THE TERM "FACILITY"

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 103 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations would clarify meaning of term "FACILITY" for purposes of exempt small issues of industrial development bonds. This will affect whether something could qualify for the small issue exemption from the definition of industrial development bonds.

Timetable:

Action	Date	FR Cite
NPRM	05/01/85	
Final Action Effective	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-227-80.

Drafting attorney: Renay France (202) 566-3459.

Reviewing attorney: John M. Coulter, Jr. (202) 566-4473.

In Office of Chief Counsel (Legislation and Regulations Division) for preparation of notice.

Agency Contact: Renay France, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3459**

RIN: 1545-AA60

148. INCOME TAX--MORTGAGE SUBSIDY BONDS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 103A Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations would provide rules which interpret the provisions of section 103a, relating to Mortgage Subsidy Bonds. Mortgage Subsidy Bonds are any obligations a significant portion of the proceeds of which are used to provide financing for owner-occupied residences

Timetable:

Action	Date	FR Cite
Previous NPRM	07/01/81	46 FR 34348
Hearing	11/05/81	
NPRM	11/10/81	46 FR 55513
NPRM Comment Period Begin	11/10/81	46 FR 55513
NPRM Comment Period End	01/09/82	
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-20-81.

Drafting attorney: Mitchell H. Rapaport (202) 566-3294.

Reviewing attorney: John M. Coulter, Jr. (202) 566-4473.

Office of Tax Legislative Counsel reviewing attorney: McDowell.

Presently under consideration in Office of Chief Counsel (Legislation and Regulations Division).

Agency Contact: Mitchell H. Rapaport, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3294**

RIN: 1545-AA63

149. INCOME TAX--TO CLARIFY THE DEFINITION OF PROPERTY THAT IS A SOLID WASTE DISPOSAL FACILITY & TO CONFORM TO STATUTORY EXEMPTION FOR INDUSTRIAL DEVELOPMENT BONDS FOR QUALIFI ETC

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 103(b) Internal Revenue Code of 1954; 26 USC 103(g) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations will provide rules to determine whether property is a sewage or solid waste disposal facility or a facility for the local furnishing of electric energy or gas. Qualifying property may be financed with tax exempt industrial development bonds.

Timetable:

Action	Date	FR Cite
NPRM	12/15/85	

Small Entity: Not Applicable

Additional Information: LR-100-75.

Drafting attorney: George T. Magnatta (202) 566-3294.

Reviewing attorney: John M. Coulter, Jr. (202) 566-4473.

Office of Tax Legislative Counsel reviewing attorney: Lokey.

Agency Contact: George T. Magnatta, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3294**

RIN: 1545-AA64

150. TO PROVIDE REGULATIONS REQUIRING CERTAIN DEBT OBLIGATIONS TO BE ISSUED IN REGISTERED FORM

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 103 Internal Revenue Code of 1954; 26 USC 163 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The rules will provide that certain debt obligations issued after December 31, 1982, must be in registered form. The rules will provide examples of certain obligations that are not subject to the registration requirements. The sanctions for not issuing an obligation in registered form are the denial of an interest deduction and the denial that the interest is tax exempt.

Timetable:

Action	Date	FR Cite
NPRM	11/15/82	47 FR 51414
NPRM Comment Period Begin	11/15/82	47 FR 51414
Final Action Effective	12/31/82	
NPRM Comment Period End	01/14/83	
Hearing	01/25/83	47 FR 51413
Final Action	12/00/85	

Small Entity: Not Applicable

Additional Information: LR-255-82.

Drafting attorney: Robert Beatson (202) 566-3459.

Reviewing attorney: John M. Coulter, Jr., (202) 566-4473.

Office of Tax Legislative Counsel reviewing attorney: Mark Perlis.

Agency Contact: Robert Beatson, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3459**

RIN: 1545-AE18

151. TO PROVIDE REGULATIONS UNDER SECTION 103(B)(10) RELATING TO LOCAL DISTRICT HEATING AND COOLING FACILITIES

Legal Authority: 26 USC 7805 Internal Revenue Code; 26 USC 103 Internal Revenue Code

CFR Citation: 26 CFR 1

Abstract: The regulations would provide guidance to issuers, purchasers and users of industrial development bonds substantially all of the proceeds of which are to be used to provide local district heating and cooling. As such, the regulations will provide guidance with respect to which parts of heating and cooling facilities may be financed with the proceeds of such bonds.

Timetable:

Action	Date	FR Cite
Final Action Effective	09/03/82	
NPRM	09/01/85	

Small Entity: Not Applicable

Additional Information: LR-219-82.

Drafting attorney: Renay France (202) 566-3459.

Reviewing attorney: John M. Coulter, Jr. (202) 566-4473.

Agency Contact: Renay France, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3459

RIN: 1545-AE22

152. TO PROVIDE REGULATIONS UNDER SECTION 103(K) AND (L)--RELATING TO PUBLIC APPROVAL AND INFORMATION REPORTING REQUIREMENTS FOR PRIVATE ACTIVITY BONDS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 103 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The proposal will clarify the information reporting requirements with respect to private activity bonds. Industrial development bonds must be publicly approved--failure to fulfill this requirement results in loss of tax exemption for the interest on these bonds. Issuers of student loan bonds, charitable use bonds and industrial development bonds are required to supply certain information to the Internal Revenue Service. Failure to comply with this requirement will result in the loss of tax exemption for the bond's interest.

Timetable:

Action	Date	FR Cite
NPRM	05/11/83	48 FR 21166
NPRM Comment Period Begin	05/11/83	48 FR 21166
NPRM Comment Period End	07/11/83	
Final Action	08/15/85	

Small Entity: Not Applicable

Additional Information: LR-221-82.

Drafting attorney: George T. Magnatta (202) 566-3294.

Reviewing attorney: John M. Coulter, Jr. (202) 566-4473.

Office of Tax Legislative Counsel reviewing attorney:

Agency Contact: George T. Magnatta, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3294

RIN: 1545-AE24

153. TO PROVIDE REGULATIONS UNDER SECTION 103(B)(14)--RELATING TO LIMITATION ON MATURITY OF INDUSTRIAL DEVELOPMENT BONDS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 103 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: Rules will provide guidance with respect to computation of average weighted economic life and average weighted maturity. Rules limit the average length of the maturity of all industrial development bonds.

Timetable:

Action	Date	FR Cite
NPRM	12/15/85	

Small Entity: Not Applicable

Additional Information: LR-220-82.

Drafting attorney: George T. Magnatta (202) 566-3294.

Reviewing attorney: John M. Coulter, Jr., (202) 566-4473.

Office of Tax Legislative Counsel reviewing attorney: James Lokey.

Agency Contact: George T. Magnatta, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3294

RIN: 1545-AE69

154. ● TO PROVIDE REGULATIONS UNDER SECTION 103A RELATING TO MORTGAGE SUBSIDY BONDS FOR COOPERATIVE HOUSING CORPORATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code; 26 USC 103A Internal Revenue Code

CFR Citation: 26 CFR 1

Abstract: The regulations will interpret the rules under section 103A, relating to mortgage subsidy bonds, as those rules relate to cooperatives. A mortgage subsidy bond is an obligation a significant portion of the proceeds of which are used to provide financing for single-family, owner-occupied residences. The proposed regulations also would provide rules for the treatment of certain leasing cooperatives under section 103 (b) (4) (A), relating to industrial development bonds for residential rental projects.

Timetable:

Action	Date	FR Cite
NPRM	12/00/85	

Small Entity: Not Applicable

Additional Information: LR-16-83.

Drafting attorney: Mitchell H. Rapaport (202) 566-3294.

Reviewing attorney: John M. Coulter, Jr. (202) 566-4473.

Office of Tax Legislative Counsel reviewing attorney: Suzanne McDowell (202) 566-8527.

Agency Contact: Mitchell H. Rapaport, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3294

RIN: 1545-AF36

155. INTEREST EXEMPT OTHER THAN UNDER THE INTERNAL REVENUE CODE

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 103(m) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The proposal would describe the application of new Code section 103 (m) to interest earned on obligations which are exempt from taxation under Federal laws outside the Internal Revenue Code. Section 103 (m) broadens the types of obligations described in section 103 (a) to include obligations on which the interest is tax-exempt under provisions of Federal law outside of the Code. Section 103 (m) provides that interest on obligations described in section 103 (m) is considered to be interest described in section 103 (a) for all purposes of the Code.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Additional Information: LR-34-83.

Drafting attorney: Mitchell H. Rapaport (202) 566-3294.

Reviewing attorney: John M. Coulter, Jr. (202) 566-4473.

Office of Tax Legislative Counsel reviewing attorney:

In Legislation and Regulations Division for preparation of Notice of proposed rulemaking

Agency Contact: Mitchell H. Rapaport, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3294

RIN: 1545-AF49

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156. TO PROVIDE REGULATIONS UNDER SECTION 103 (B) (6) (0) RELATING TO RESTRICTIONS ON FINANCING CERTAIN FACILITIES WITH EXEMPT SMALL ISSUES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 103 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: Proposed regulations would define the types of projects which may not be financed with the proceeds of tax-exempt obligations. The amendments will conform the regulations to changes made in section 103 (b) (6) by section 214 (e), Tax Equity and Fiscal Responsibility Act of 1982.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Additional Information: LR-84-83.

Drafting attorney: John A. Tolleris (202) 566-3590.

Reviewing attorney: John M. Coulter, Jr. (202) 566-4473.

Office of Tax Legislative Counsel reviewing attorney: Joe Krolikowski.

Agency Contact: John A. Tolleris, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3590

RIN: 1545-AF53

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157. ARBITRAGE: TREATMENT OF ISSUE PRICE AND ADMINISTRATIVE COSTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 103(c) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1.103-13

Abstract: This regulation would provide guidance to issuers of municipal bonds as to the proper treatment of administrative costs and determination of issue price. This regulation would replace the existing regulation which was invalidated by the D.C. Circuit Court of Appeals.

Timetable:

Action	Date	FR Cite
NPRM	12/00/85	
Final Action	00/00/00	
Final Action Effective	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-32-83.

Drafting attorney: Mitchell H. Rapaport (202) 566-3294.

Reviewing attorney: John Fischer (202) 566-3394.

In Legislation and Regulations Division, Office of Chief Counsel, Internal Revenue Service, for preparation of notice.

Agency Contact: Mitchell H. Rapaport, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3294

RIN: 1545-AF75

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158. ● REGULATIONS RELATING TO FEDERALLY GUARANTEED BONDS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 103 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: These regulations would provide guidance regarding the provisions enacted by the Tax Reform Act of 1984 which denies Federal income tax exemption for bonds issued by State or local governmental units if payments of principal or interest with respect to such bonds are directly or indirectly guaranteed by the Federal Government.

Timetable:

Action	Date	FR Cite
NPRM	05/31/85	

Small Entity: Not Applicable

Additional Information: LR-156-84.

Drafting attorney: John A. Tolleris (202) 566-3590.

Reviewing attorney: John M. Coulter, Jr. (202) 566-3740.

Treasury attorney: Joseph Krolikowski (202) 566-2927.

Agency Contact: John A. Tolleris, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3590

RIN: 1545-AG84

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159. ● TO CLARIFY REGULATIONS RELATING TO FAILURE BY PRINCIPAL USERS TO TIMELY FILE CAPITAL EXPENDITURE STATEMENTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 103 (b) (6) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: These regulations would clarify the consequences of failure to file capital expenditure statements concerning the election of the $10 million limitation upon the size of a small issue of tax-exempt industrial development bonds.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-185-84.

Drafting attorney: John A. Tolleris (202) 566-3590.

Reviewing attorney: John M. Coulter, Jr. (202) 566-3740.

Office of Tax Legislative Counsel reviewing attorney: Joseph Krolikowski.

Agency Contact: John A. Tolleris, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3590

RIN: 1545-AH18

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160. ● REGULATIONS RELATING TO $40 MILLION SMALL ISSUE LIMIT ON TAX-EXEMPT BONDS PER TAXPAYER

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC (b) (15) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: These regulations would provide guidance regarding the provision enacted by the Tax Reform Act of 1984 which generally denies Federal income tax exemption for a small issue of development bonds if any of its beneficiaries receives the benefits of more than $40 million of prior outstanding industrial

development bonds allocated to itself, including its allocated portion of the small issue in question. These regulations would also provide guidance regarding how the proceeds of an issue of industrial development bonds are to be allocated among its beneficiaries.

Timetable:

Action	Date	FR Cite
NPRM	08/31/85	
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-157-84.

Drafting attorney: John A. Tolleris (202) 566-3590.

Reviewing attorney: John M. Coulter, Jr. (202) 566-3740.

Office of Tax Legislative Counsel reviewing attorney: Thuronyi.

Agency Contact: John A. Tolleris, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3590

RIN: 1545-AH19

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161. ● TEMPORARY REGULATIONS RELATING TO FEDERALLY GUARANTEED BONDS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 103 Internal Revenue Code of 1954

CFR Citation: 26 CFR IT

Abstract: These regulations will provide guidance regarding the provisions enacted by the Tax Reform Act of 1984 which denies Federal income tax exemption for bonds issued by State or local governmental units if payments of principal or interest with respect to such bonds are directly or indirectly guaranteed by the Federal Government.

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/31/85	

Small Entity: Not Applicable

Additional Information: LR-155-84.

Drafting attorney: John A. Tolleris (202) 566-3590.

Reviewing attorney: John M. Coulter, Jr. (202) 566-3740.

Treasury attorney: Joseph Krolikowski (202) 566-2927.

Agency Contact: John A. Tolleris, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3590

RIN: 1545-AH20

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162. ● INCOME TAX REGULATIONS--TO PROVIDE REGULATIONS UNDER SECTION 103 (B) (16) AND (17) RELATING TO ACQUISITION OF LAND AND EXISTING FACILITIES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 103 (b) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1.103

Abstract: The regulations will provide rules relating to the prohibition on use of more that 25 percent of the proceeds to acquire land and the exception for first time farmers. The regulations will also provide rules on the prohibition on use of proceeds to acquire existing property and the exception for rehabilitations.

Timetable:

Action	Date	FR Cite
NPRM	12/00/85	

Small Entity: Not Applicable

Additional Information: LR-219-84.

Drafting Attorney: Mitchell H. Rapaport (202) 566-3294.

Reviewing attorney: George T. Magnatta (202) 566-3294.

Treasury attorney: Joe Krolikowski (202) 566-2927.

Agency Contact: Mitchell H. Rapaport, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3294

RIN: 1545-AH45

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163. ● TO PROVIDE REGULATIONS RELATING TO THE TAX EXEMPTION OF OBLIGATIONS TO FINANCE MIXED-USE RESIDENTIAL RENTAL PROPERTY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 103 (b) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1.103-8

Abstract: The regulations will clarify the rule relating to obligations to provide residential rented property. The regulations will make clear that a residential rental project can consist in part of non-residential rental property.

Timetable:

Action	Date	FR Cite
NPRM	06/00/85	

Small Entity: Not Applicable

Additional Information: LR-269-84

Drafting attorney: Mitchell H. Rapaport (202) 566-3294.

Reviewing attorney: John M. Coulter (202) 566-4473.

Treasury attorney: Joe Krolikowski (202) 566-2927.

Agency Contact: Mitchell H. Rapaport, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3294

RIN: 1545-AH68

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164. ● AMENDMENT OF REGULATIONS RELATING TO ARBITRAGE ON NONPURPOSE OBLIGATIONS TO REFLECT SECTION 624 OF TRA OF 1984

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 103 (c) (6) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1.103-15AT

Abstract: The regulations will provide rules relating to arbitrage on nonpurpose investments with respect to industrial development bonds. Rules will be the limitation on nonpurpose investments and the rebate requirement.

Timetable:

Action	Date	FR Cite
NPRM	01/07/85	50 FR 00837
NPRM Comment Period Begin	01/07/85	50 FR 00837
NPRM Comment Period End	03/08/85	
Final Action	12/00/85	

Small Entity: Not Applicable

Additional Information: LR-192-84.

Drafting attorney: Mitchell H. Rapaport (202) 566-3294.

Reviewing attorney: John Fischer (202) 566-3394.

Treasury attorney: Joseph Krolikowski.

Agency Contact: Mitchell H. Rapaport, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3294**

RIN: 1545-AH07

165. ● TO PROVIDE REGULATIONS UNDER SECTION 103 (N) RELATING TO CARRYFORWARD ELECTIONS AND ELECTION TO ALLOCATE STATE CEILING TO FACILITIES FOR LOCAL FURNISHING OF ELECTRICITY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 103 (n) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1.103 (n)-6; 26 CFR 1.103 (n)-7

Abstract: The regulations will clarify the rules relating to carryforward of unused private activity bond limit and extend the deadline for making such elections. The regulations will also provide rules relating to the election to allocate state ceiling to certain facilities for local furnishing of electricity.

Timetable:

Action	Date	FR Cite
NPRM	12/28/84	49 FR 50405
NPRM Comment Period Begin	12/28/84	49 FR 50405
Final Action	12/00/85	

Small Entity: Not Applicable

Additional Information: LR-304-84.

Drafting attorney: Mitchell H. Rapaport (202) 566-3294.

Reviewing attorney: John M. Coulter, Jr. (202) 566-4473.

Treasury attorney: Jim Lokey (202) 566-5453.

Agency Contact: Mitchell H. Rapaport, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3294**

RIN: 1545-AG91

166. ● TO PROVIDE REGULATIONS RELATING TO THE STATE VOLUME CAP ON PRIVATE ACTIVITY BONDS

Legal Authority: 26 USC 7805 Internal Revenue Code 1954; 26 USC 103 (n) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1.103-1T; 26 CFR 1.103-2T; 26 CFR 1.103-3T; 26 CFR 1.103-4T; 26 CFR 1.103-5T; 26 CFR 1.103-6T

Abstract: These regulations will provide rules relating to the limitation on the aggregate amount of private activity bonds. The regulations will define the terms private activity bond and state ceiling. The regulations will also provide rules for carrying forward any unused private activity bond limit.

Timetable:

Action	Date	FR Cite
NPRM	10/05/84	49 FR 39344
NPRM Comment Period Begin	10/05/84	49 FR 39344
NPRM Comment Period End	12/04/84	
Final Action	12/00/85	

Small Entity: Not Applicable

Additional Information: LR-144-84.

Drafting attorney: Mitchell H. Rapaport (202) 566-3294.

Reviewing attorney: John M. Coulter (202) 566-4473.

Treasury attorney: Jim Lokey (202) 566-5453.

Agency Contact: Mitchell H. Rapaport, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3294**

RIN: 1545-AH62

167. ● TO REVISE DEFINITION OF AREAS OF CHRONIC ECONOMIC DISTRESS FOR PURPOSES OF MORTGAGE SUBSIDY BONDS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1.103A-2

Abstract: The regulations will clarify the rules under section 103A relating to designations of areas of chronic economic distress. The regulations would provide objective tests to be used in analyzing requests for such designations.

Timetable:

Action	Date	FR Cite
NPRM	06/00/85	

Small Entity: Not Applicable

Additional Information: LR-307-84.

Drafting attorney: Mitchell H. Rapaport (202) 566-3294.

Reviewing attorney: John M. Coulter, Jr. (202) 566-4473.

Treasury attorney: Suzanne R. McDowell (202) 566-8277.

Agency Contact: Mitchell H. Rapaport, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3294**

RIN: 1545-AG88

168. ● TO PROVIDE REGULATIONS RELATING TO EXTENSION OF MORTGAGE SUBSIDY BONDS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 103A Internal Revenue Code of 1954

CFR Citation: 26 CFR 6a.103A-2

Abstract: These regulations will provide rules relating to the extension of authority to issue mortgage subsidy bonds. The regulations will explain the form and manner in which information is to be reported to the Internal Revenue Service. The regulations will also provide rules relating to the requirement that an annual policy statement be filed and the requirement that a state certification be executed for each issue.

Timetable:

Action	Date	FR Cite
NPRM	12/12/84	49 FR 48323
NPRM Comment Period Begin	12/12/84	49 FR 48323
NPRM Comment Period End	02/12/85	
Final Action	12/00/85	

Small Entity: Not Applicable

Additional Information: LR-240-84.

Drafting attorney: Mitchell H. Rapaport (202) 566-3294.

Reviewing attorney: John M. Coulter (202) 566-4473.

Treasury attorney: Suzanne McDowell (202) 566-8277.

Agency Contact: Mitchell H. Rapaport, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3294**

RIN: 1545-AH66

169. INCOME TAX--CHANGES IN EXCLUSION FOR SICK PAY & CERTAIN MILITARY, ETCETERA, DISABILITY PENSIONS; CERTAIN DISABILITY INCOME

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 104(a) Internal Revenue Code of 1954; 26 USC 104(b) Internal Revenue Code of 1954; 26 USC 105(d) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations would relate to annuities, unemployment compensation, compensation for injuries or sickness, amount received under accident or health plans, and contributions by employees to accident and health plans. Exclusions from income would be clarified.

Timetable:

Action	Date	FR Cite
NPRM	07/09/80	45 FR 46082
NPRM Comment Period Begin	07/09/80	45 FR 46082
NPRM Comment Period End	09/08/80	
Final Action	12/01/85	

Small Entity: Not Applicable

Additional Information: LR-159-76.

Drafting attorney: Beverly A. Baughman (202) 566-3297.

Reviewing attorney: John M. Fischer (202) 566-3394.

Agency Contact: Beverly A. Baughman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW, Washington DC 20224, 202 566-3297

RIN: 1545-AA66

170. INCOME TAX REGULATIONS UNDER THE REVENUE ACT OF 1978, RELATING TO SELF-INSURED MEDICAL EXPENSES REIMBURSEMENT PLANS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 105(h) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: These regulations will provide rules relating to self-insured medical reimbursement plans. The regulations will explain whether policies issued by captive insurance companies are considered self-insured.

Timetable:

Action	Date	FR Cite
NPRM	05/00/85	

Small Entity: Not Applicable

Additional Information: EE-28-84.

Drafting attorney: Richard J. Wickersham (202) 566-3250.

Treasury attorney: Harry Conaway.

Agency Contact: Roberto E. Rivera, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3430

RIN: 1545-AG34

171. INCOME TAX--DISCHARGE OF INDEBTEDNESS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 108 Internal Revenue Code of 1954; 26 USC 1017 Internal Revenue Code of 1954; PL 96-589, Sec 2 Bankruptcy Tax Act 1980

CFR Citation: 26 CFR 1

Abstract: This proposal would provide rules relating to certain income from the discharge of indebtedness, including rules relating to the election to reduce the basis of assets in lieu of recognizing income.

Timetable:

Action	Date	FR Cite
NPRM	11/00/85	

Small Entity: Not Applicable

Additional Information: LR-91-81

Drafting attorney: Duane Pellervo (202) 566-3458.

Reviewing attorney: Charles M. Whedbee (202) 566-3458.

Office of Tax Legislative Counsel reviewing attorney: Lokey.

Agency Contact: Charles M. Whedbee, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3474

RIN: 1545-AA67

172. ● INCOME TAX--PART 1--INCOME TAX REGULATIONS UNDER SECTION 111 RELATING TO INCLUSION OF TAX BENEFIT ITEMS

Legal Authority: 26 USC 111 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: This regulation will revise the rules for determining whether the recovery of an amount deducted in a prior taxable year must be included in income, to reflect changes in section 111 made by section 170 of the Tax Reform Act of 1984.

Timetable:

Action	Date	FR Cite
NPRM	03/00/86	

Small Entity: Not Applicable

Additional Information: LR-303-84.

Drafting attorney: John Broadbent (202) 566-3287.

Reviewing attorney: Robert B. Coplan (202) 566-3287.

Treasury attorney: James Bridgeman (202) 566-4902.

Agency Contact: John Broadbent, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3287

RIN: 1545-AH17

173. INCOME TAX--PARTIAL EXCLUSION OF DIVIDENDS AND INTEREST RECEIVED BY INDIVIDUALS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 116 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: Proposal would provide rules relating to the partial exclusion of dividends and interest for 1981.

Timetable:

Action	Date	FR Cite
NPRM	02/09/81	47 FR 5902
NPRM Comment Period Begin	02/09/81	47 FR 5902
NPRM Comment Period End	04/12/81	
Hearing	06/22/82	47 FR 20802
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-83-80.

Drafting attorney: Phoebe A. Mix (202) 566-3238.

Reviewing attorney: Paul A. Francis (202) 566-3930.

Office of Tax Legislative Counsel reviewing attorneys: not assigned.

Agency Contact: Phoebe A. Mix, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3238**

RIN: 1545-AA69

174. INCOME TAX--RELATING TO FEDERAL GRANT NOT INCLUDABLE IN GROSS INCOME IN CERTAIN CASES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 117(c) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations will revise existing regulations in order to allow an exclusion for a grant received under a Federal program, which would have been excludable from gross income under the general rules of section 117 but for the requirement under the grant that the recipient perform future services as a federal employee.

Timetable:

Action	Date	FR Cite
NPRM	08/22/84	49 FR 33281
NPRM Comment Period Begin	08/22/84	49 FR 33281
NPRM Comment Period End	10/22/84	
Final Action	02/00/86	

Small Entity: Not Applicable

Additional Information: LR-72-81.

Drafting attorney: Margaret O'Connor (202) 566-3287.

Reviewing attorney: Robert Waltuch (202) 566-3287.

Agency Contact: Margaret O'Connor, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3287**

RIN: 1545-AA70

175. INCOME TAX--CONTRIBUTIONS IN AID OF CONSTRUCTION FOR CERTAIN UTILITIES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 118(b) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: Notice would define and interpret when a utility has received a contribution in aid of construction. Changes to the applicable law were made by section 2120 of the Tax Reform Act of 1976 and section 364 of the Tax Reform Act of 1978.

Timetable:

Action	Date	FR Cite
Previous NPRM	09/27/78	
NPRM	06/00/85	

Small Entity: Not Applicable

Additional Information: LR-136-76.

Drafting attorney: Sandra E. Wallach (202) 566-3458.

Reviewing attorney: Marcus B. Blumkin (202) 566-3463.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Rocap.

Agency Contact: Sandra E. Wallach, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3458**

RIN: 1545-AA71

176. INCOME TAX--PREPAID LEGAL EXPENSES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 120 Internal Revenue Code of 1954; 26 USC 501(c)(20) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations would provide rules relating to the establishment and operation of a qualified group legal services plan. Employer contributions to, and benefits provided under, a qualified plan are excluded from an employee's gross income.

Timetable:

Action	Date	FR Cite
NPRM	04/29/80	45 FR 28360
NPRM Comment Period Begin	04/29/80	45 FR 28360
NPRM Comment Period End	06/30/80	
Hearing 09/04/80	07/25/80	45 FR 49596
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: EE-5-78.

Drafting attorney: Monice Rosenbaum (202) 566-3422.

Reviewing attorney: Jonathan P. Marget (202) 566-3651.

Office of Tax Legislative Counsel (Treasury) reviewing attorney:

Agency Contact: Monice Rosenbaum, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3422**

RIN: 1545-AD62

177. INCOME TAX--TAX TREATMENT OF CAFETERIA PLANS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 125 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations establish rules for the tax treatment of cafeteria plans meeting certain nondiscrimination standards. A cafeteria plan permits participating employees to select the particular fringe benefits desired from a package of employer-provided benefits, some of which are taxable and some of which are nontaxable.

Timetable:

Action	Date	FR Cite
NPRM	12/31/84	49 FR 50733
NPRM Comment Period Begin	12/31/84	
NPRM Comment Period End	01/30/85	
Hearing	04/11/85	
Final Action	12/00/85	

Small Entity: Not Applicable

Additional Information: EE-16-79.

Drafting attorney: Harry Beker (202) 566-6212.

Reviewing attorney: Michael A. Thrasher (202) 566-3961.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Conaway.

Agency Contact: Harry Beker, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-6212**

RIN: 1545-AD63

178. INCOME TAX-EXCLUSION FROM INCOME OF CERTAIN COST-SHARING PAYMENTS UNDER GOVERNMENT PROGRAMS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 126 Internal Revenue Code of 1954; 26 USC 1255 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulation will provide rules on the exclusion from income of certain cost sharing payments and on the amount recaptured when the property improved with government payments is sold within a certain specified period of time.

Timetable:

Action	Date	FR Cite
NPRM	05/21/81	46 FR 27723
NPRM Comment Period Begin	05/21/81	46 FR 27723
NPRM Comment Period End	07/20/81	
Hearing	12/01/81	46 FR 50808
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-222-78.

Drafting attorney: Annette J. Guarisco (202) 566-3238.

Reviewing attorney: Linda M. Kroening (202) 566-3288.

Agency Contact: Annette J. Guarisco, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3238

RIN: 1545-AA73

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179. INCOME TAX—DEPENDENT CARE ASSISTANCE PROGRAMS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 129 Internal Revenue Code of 1954; 26 USC 3121(a)(18) Internal Revenue Code of 1954; 26 USC 3306(b)(13) Internal Revenue Code of 1954; 26 USC 3401(a)(18) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1; 26 CFR 31

Abstract: Internal Revenue Code section 129 excludes from an employee's gross income amounts paid or expenses incurred by an employer for dependent care assistance provided to an employee pursuant to a qualified program. Payments or benefits excluded under this section are not wages and consequently are not subject to tax under the Federal Insurance Contributions Act and the Federal Unemployment Act and are not subject to withholding. The regulation sets forth plan requirements and related rules.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: EE-147-81.

Drafting attorney: Monice L. Rosenbaum (202) 566-3422.

Reviewing attorney: James L. Brokaw (202) 566-4173.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Conaway.

Agency Contact: Monice Rosenbaum, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3422

RIN: 1545-AD65

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180. INCOME TAX—PART 1 PERSONAL INJURY LIABILITY ASSIGNMENTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 130 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: This regulation project will provide rules on the exclusion from gross income for amounts received for agreeing to the assignment of a liability to make periodic payments as damages on account of personal injury or sickness.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Additional Information: LR-82-83.

Docket attorney: Cynthia L. Clark (202) 566-3288.

Reviewing attorney: John Parcell (202) 566-3336.

Tax Legislative Counsel attorney:

Agency Contact: Cynthia L. Clark, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3288

RIN: 1545-AF39

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181. INCOME TAX—PART I EXCLUSION FROM GROSS INCOME FOR CERTAIN FOSTER CARE PAYMENTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 131

CFR Citation: 26 CFR 1

Abstract: This regulation project will explain what foster child care payments may be excluded from the gross income of a foster parent.

Timetable:

Action	Date	FR Cite
NPRM	02/01/85	50 FR 4702
NPRM Comment Period Begin	02/01/85	50 FR 4702
NPRM Comment Period End	04/02/85	
Final Action	12/00/85	

Small Entity: No

Additional Information: LR-83-83.

Docket attorney: Cynthia L. Clark (202) 566-3288.

Reviewing attorney: John H. Parcell (202) 566-3336.

Tax Legislative Counsel attorney:

Agency Contact: Cynthia L. Clark, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3288

RIN: 1545-AF52

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182. ● INCOME TAXES, EMPLOYMENT TAXES, EXCISE TAXES—TAXATION OF FRINGE BENEFITS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 132 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1; 26 CFR 31; 26 CFR 54

Abstract: The regulations propose rules concerning the treatment of taxable and nontaxable fringe benefits, including the valuation of taxable fringe benefits for purposes of income and employment tax withholding. The regulations also include proposed special rules for valuing certain fringe benefits.

Timetable:

Action	Date	FR Cite
NPRM	01/07/85	50 FR 836
NPRM Comment Period Begin	01/07/85	50 FR 836
NPRM Comment Period End	03/08/85	
Final Action	12/00/85	

Small Entity: Undetermined

Additional Information: LR-216-84.

Drafting attorney: Annette J. Guarisco (202) 566-3238.

Reviewing attorney: Philip R. Bosco (202) 566-3430.

Treasury attorney: Kent A. Mason (202) 535-6964.

Agency Contact: Annette J. Guarisco, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3238**

RIN: 1545-AH52

183. ● INCOME TAX--NOTICE OF PROPOSED RULEMAKING RELATING TO THE EXCLUSION FROM GROSS INCOME OF CERTAIN FRINGE BENEFITS

Legal Authority: 26 USC 132

CFR Citation: 26 CFR 1

Abstract: The regulations will propose rules concerning the exclusion from gross income of certain fringe benefits.

Timetable:

Action	Date	FR Cite
NPRM	10/01/85	

Small Entity: Undetermined

Additional Information:

Drafting attorney: Annette J. Guarisco (202) 566-3238.

Reviewing attorney: Philip R. Bosco (202) 566-3430.

Treasury attorney: Kent A. Mason (202) 535-6964.

Agency Contact: Annette J. Guarisco, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3238**

RIN: 1545-AH56

184. INTEREST ON ESOP SECURITIES ACQUISITION LOANS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 133 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations will provide guidance concerning the treatment of interest on ESOP securities acquisition loans.

Timetable:

Action	Date	FR Cite
NPRM	06/30/85	

Small Entity: Not Applicable

Additional Information: EE-73-84.

Drafting Attorney: John T. Ricotta (202) 566-3544.

Reviewing Attorney: Michael A. Thrasher (202) 566-3961.

Treasury Attorney: Harry Conaway (202) 566-4902.

Agency Contact: John T. Ricotta, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3544**

RIN: 1545-AG46

185. INCOME TAX--EMPL. TAX--DEDUCTIBILITY OF CERTAIN TRANSPORTATION EXPENSES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 162 Internal Revenue Code of 1954; 26 USC 62 Internal Revenue Code of 1954; 26 USC 262 Internal Revenue Code of 1954; 26 USC 3121 Internal Revenue Code of 1954; 26 USC 3306 Internal Revenue Code of 1954; 26 USC 3401 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1; 26 CFR 31

Abstract: The regulations would provide guidelines for determining when a taxpayer may deduct some transportation expenses incurred in traveling between his home and some places of work.

Timetable:

Action	Date	FR Cite
NPRM	12/01/85	

Small Entity: Not Applicable

Additional Information: LR-173-77.

Drafting attorney: Beverly A. Baughman (202) 566-3297.

Reviewing attorney: Paul A. Francis (202) 566-3930.

Treasury attorney: Fairlea Sheehy (202) 566-4902.

Agency Contact: Beverly A. Baughman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3297**

RIN: 1545-AA76

186. INCOME TAX--TO ADD PROVISIONS RELATING TO STATE LEGISLATORS' TRAVEL EXPENSES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 162 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations would provide guidance to state legislators who elect to deduct a set per diem in lieu of having to substantiate their actual travel expenses arising from their trade or business as a state legislator.

Timetable:

Action	Date	FR Cite
NPRM	08/09/83	48 FR 36137
Final Action Effective	03/00/85	

Small Entity: Not Applicable

Additional Information: LR-5-82.

Drafting attorney: Linda M. Kroening (202) 566-3238.

Reviewing attorney: Paul A. Francis (202) 566-3930.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Lokey.

Agency Contact: Linda M. Kroening, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3238**

RIN: 1545-AA78

187. INCOME TAX--TO PROVIDE BETTER DEFINITIONS IN THE AREA OF POLITICAL ADVERTISING & GRASSROOTS LOBBYING

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 162 Internal Revenue Code of 1954; 26 USC 4945 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulation would provide better definitions in the area of political advertising and grassroots lobbying.

Timetable:

Action	Date	FR Cite
NPRM	11/25/80	45 FR 78167
NPRM Comment Period Begin	11/25/80	45 FR 78167
NPRM Comment Period End	01/26/81	
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-190-77.

Drafting attorney: David R. Haglund (202) 566-3297.

Reviewing attorney: Paul A. Francis (202) 566-3930.

Office of Tax Legislative Counsel reviewing attorney: McDowell.

Agency Contact: David R. Haglund, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3297

RIN: 1545-AA79

188. INCOME TAX--LIMITATION ON INTEREST DEDUCTION

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 163(d) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations would provide rules relating to the deductibility of interest on indebtedness incurred to purchase or carry investment property.

Timetable:

Action	Date	FR Cite
NPRM	05/00/85	

Small Entity: Not Applicable

Additional Information: LR-1639.

Drafting attorney: C. Scott McLeod (202) 566-3288.

Reviewing attorney: John M. Fischer (202) 566-3394.

Agency Contact: C. Scott McLeod, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3288

RIN: 1545-AA80

189. SANCTIONS ON ISSUERS AND HOLDERS OF REGISTRATION-REQUIRED OBLIGATIONS NOT IN REGISTERED FORM

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 165 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The temporary regulations provide rules for determining whether an issuer may claim an interest deduction for interest paid on an obligation in bearer form, which is otherwise a registration required obligation because the issuer satisfies the conditions set forth in section 163 (f) (2) (B). In addition, the temporary regulations provide rules which define the circumstances under which a United States person may hold a registration-required obligation in bearer form.

Timetable:

Action	Date	FR Cite
NPRM	08/22/84	49 FR 33276
NPRM Comment Period Begin	08/22/84	49 FR 33276
Interim Final Rule	08/22/84	
NPRM Comment Period End	10/22/84	
Final Action	12/31/85	

Small Entity: No

Additional Information: LR-151-83.

Drafting attorney: P. Ann Fisher (202) 566-3289.

Reviewing attorney: Carol T. Doran (202) 566-3289.

Agency Contact: P. Ann Fisher or Carol T. Doran, Attorney, Office of Chief Counsel, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3289

RIN: 1545-AF63

190. INCOME TAX REGULATIONS--TAX STRADDLES RELATING TO SECTION 108 OF THE TAX REFORM ACT OF 1984

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 165 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: These regulations will provide rules under section 108 of the Tax Reform Act of 1984, relating to the treatment of certain losses on straddles entered into before the effective date of the Economic Recovery Tax Act of 1981.

Timetable:

Action	Date	FR Cite
NPRM	08/23/84	49 FR 33458
NPRM Comment Period Begin	08/23/84	49 FR 33458
NPRM Comment Period End	10/22/84	
Final Action	09/00/85	

Small Entity: Not Applicable

Additional Information: LR-147-84.

Drafting attorney: Neil W. Zyskind (202) 566-3287.

Reviewing attorney: John Fischer (202) 566-3394.

Treasury attorney: Linda Carlisle (202) 566-4519.

Agency Contact: Neil W. Zyskind, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3287

RIN: 1545-AG57

191. INCOME TAX--DEDUCTIONS FOR ADDITION TO A RESERVE FOR CERTAIN GUARANTEED DEBT OBLIGATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 166(f) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: Proposal will provide rules for establishing a suspense account for certain guaranteed debt obligations.

Timetable:

Action	Date	FR Cite
NPRM	07/11/80	45 FR 46815
NPRM Comment Period Begin	07/11/80	45 FR 46815
NPRM Comment Period End	09/09/80	
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-1173

Drafting attorney: Phoebe A. Mix (202) 566-3238.

Reviewing attorney: John H. Parcell (202) 566-3288.

Tax Legislative reviewing attorney: Mary Hutton.

Agency Contact: Bruce H. Jurist, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3233

RIN: 1545-AA81

192. INCOME TAX--ACCELERATED COST RECOVERY SYSTEM

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 168 Internal Revenue Code of 1954; 26 USC 179 Internal Revenue Code of 1954; 26 USC 1245 Internal Revenue Code of 1954; 26 USC 453 Internal Revenue Code of 1954; 26 USC 167 Internal Revenue Code of 1954; 26 USC 1250 Internal Revenue Code of 1954; 26 USC 57(a)(12) Internal Revenue Code of 1954; 26 USC 312(k) Internal Revenue Code of 1954; 26 USC 172(b) Internal Revenue Code of 1954; 26 USC 812(b) Internal Revenue Code of 1954; 26 USC 46(b) Internal Revenue Code of 1954; 26 USC 53(c) Internal Revenue Code of 1954; 26 USC 381(c) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: To provide regulations under section 168 and accompanying provisions clarifying the operation of the new accelerated cost recovery scheme. This new cost recovery system generally applies to property placed in service after December 31, 1980. Generally, section 168 applies to "recovery property" which is defined as tangible property of a character subject to the allowance for depreciation which is used in a trade or business, or held for the production of income.

Timetable:

Action	Date	FR Cite
NPRM	02/16/84	49 FR 5940
NPRM Comment Period Begin	02/16/84	49 FR 5940
NPRM Comment Period End	05/16/84	
Hearing held	05/21/84	
Final Action	06/00/85	

Small Entity: Not Applicable

Additional Information: LR-185-81.

Drafting attorney: Ada S. Rousso (202) 566-3297.

Reviewing attorney: George T Magnatta (202) 566-3294.

Treasury attorney: Neil Kimmelfield (202) 566-8527

Agency Contact: Ada S. Rousso, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3297**

RIN: 1545-AA87

193. INCOME TAX--NORMALIZATION REQUIREMENT FOR PUBLIC UTILITY PROPERTY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 168(e)(3) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The temporary regulations would provide guidance to public utilities relating to the transitional rules for the public utility normalization requirements of ACRS under section 168 (e) (3). Prior to ACRS some public utilities did not have to normalize in order to use accelerated depreciation Under the transitional rule these utilities are given until January 1, 1983 to meet the normalization requirements of section 168 (e) (3).

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-244-81

Drafting attorney: Paulette Chernyshev (202) 566-3288.

Reviewing attorney: John H. Parcell (202) 566-3288.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Elfman.

Agency Contact: Paulette Chernyshev, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3288**

RIN: 1545-AA88

194. INCOME TAX--RELATING TO TERMINAL RENTAL ADJUSTMENT CLAUSES IN CERTAIN MOTOR VEHICLE LEASES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 168(f)(8) Internal Revenue Code of 1954; Tax Equity and Fiscal Responsibility Act of 1982, Section 210

CFR Citation: 26 CFR 1

Abstract: Proposal would provide rules for determining whether certain motor vehicle agreements which contain terminal rental adjustment clauses are conditional sales agreements or lease agreements.

Timetable:

Action	Date	FR Cite
NPRM	11/23/82	47 FR 52729
NPRM Comment Period Begin	11/23/82	
NPRM Comment Period End	01/24/83	
Hearing	02/10/83	
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-187-82.

Drafting attorney: Linda M. Kroening (202) 566-3238.

Reviewing attorney: John M. Fischer (202) 566-3394.

Agency Contact: Linda M. Kroening, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3238**

RIN: 1545-AF32

195. FINANCE LEASES--DEFINITION AND SPECIAL RULES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954, 26 USC 168

CFR Citation: 26 CFR 1

Abstract: This regulations project would provide rules regarding what transaction would qualify as a finance lease, a new tax law concept enacted by the Tax Equity and Fiscal Responsibility Act of 1982. This project would also provide guidelines for determining whether a transaction characterized as a lease is really a lease for Federal tax purposes as opposed to a conditional sale or a financing arrangement.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Additional Information: LR-90-83.

Drafting attorney: Robert Beatson (202) 566-3590.

Reviewing attorney: John A. Tolleris (202) 566-3590.

Office of Tax Legislative Counsel reviewing attorney: Rubin (202) 535-6968.

Agency Contact: Robert Beatson, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3590**

RIN: 1545-AF54

196. TO PROVIDE REGULATIONS UNDER SECTION 168 RELATING TO INTANGIBLE PROPERTY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 168 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The project will clarify what type of property is "tangible" property subject to the allowance for depreciation under the accelerated cost recovery system.

Timetable:

Action	Date	FR Cite
NPRM	08/00/85	

Small Entity: Not Applicable

Additional Information: LR-17-84.

Drafting attorney: Ada S. Rousso (202) 566-3297.

Reviewing attorney: George T. Magnatta (202) 566-3294.

Agency Contact: Ada S. Rousso, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3297

RIN: 1545-AF78

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197. TEMPORARY REGULATIONS UNDER THE TAX REFORM ACT OF 1984, RELATING TO TAX-EXEMPT ENTITY LEASING

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 168 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: These regulations will provide rules relating to tax-exempt entity leasing. The regulations will explain a number of basic issues concerning tax-exempt use property, tax-exempt entities, depreciation, partnerships, high technology equipment, service contracts, lease terms, and transitional rules.

Timetable:

Action	Date	FR Cite
Interim Final Rule	03/01/85	

Small Entity: Not Applicable

Additional Information: LR-124-84.

Drafting attorney: Robert Beatson (202) 566-3590.

Reviewing attorney: John A. Tolleris (202) 566-3590.

Treasury attorney: Blake Rubin (202) 535-6968.

Agency Contact: Robert Beatson, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3590

RIN: 1545-AG26

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198. INCOME TAX--AMORTIZATION OF CERTAIN POLLUTION CONTROL FACILITIES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 169 Internal Revenue Code of 1954; Tax Reform Act of 1976 sec 2112

CFR Citation: 26 CFR 1

Abstract: The regulations would provide a definition of "Pollution Control Facility" for purposes of amortization. An eligible taxpayer would be permitted to amortize the basis of the pollution control facility over a period of five years.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-193-76.

Drafting attorney: Robert Beatson (202) 566-3459.

Reviewing attorney: John M. Coulter, Jr. (202) 566-4473.

TLC reviewing attorney: Joe Krolikowski (202) 566-2927.

Agency Contact: Robert Beatson, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3459

RIN: 1545-AA89

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199. INCOME TAX--CHARITABLE CONTRIBUTIONS OF SCIENTIFIC PROPERTY USED FOR RESEARCH

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 170 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations would provide guidance to corporations making a qualified research contribution of scientific equipment or apparatus to an institution of higher education.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information:

LR-219-81.

Drafting attorney: David R. Haglund (202) 566-3297.

Reviewing attorney: Walter H. Woo (202) 566-3297.

Agency Contact: David R. Haglund, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3297

RIN: 1545-AA90

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200. INCOME TAX--ESTATE & GIFT TAXES--TRANSFERS OF PARTIAL INTERESTS IN PROPERTY FOR CONSERVATION PURPOSES--TO EXTEND CERTAIN TEMPORARY TAX PROVISIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 170(f)(3) Internal Revenue Code of 1954; 26 USC 170(h) Internal Revenue Code of 1954; 26 USC 2055(e)(2) Internal Revenue Code of 1954; 26 USC 2522(c)(2) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1; 26 CFR 20, 26 CFR 25

Abstract: These regulations will provide to what extent a taxpayer can obtain a charitable deduction for a charitable contribution of a partial interest in real property.

Timetable:

Action	Date	FR Cite
NPRM	05/23/83	48 FR 22940
NPRM Comment Period Begin	05/23/83	48 FR 22940
NPRM Comment Period End	07/22/83	
Hearing	09/15/83	
Final Action	08/00/85	

Small Entity: Not Applicable

Additional Information: LR-200-76.

Drafting attorney: Ada S. Rousso (202) 566-3297.

Reviewing attorney: Robert H. Waltuch (202) 566-3287.

Office of Tax Legislative Counsel (Treasury) reviewing attorneys: Hutton, Levinson.

Agency Contact: Ada S. Rousso, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington D.C. 20224, 202 566-3297

RIN: 1545-AA91

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201. ● DEDUCTIONS IN EXCESS OF $5,000 CLAIMED FOR CERTAIN CHARITABLE CONTRIBUTIONS OF PROPERTY AND INFORMATION REPORTING BY DONEES WHO MAKE CERTAIN DISPOSITIONS OF DONATED PROPERTY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 170 (a) (1) Internal Revenue Code of 1954; 26 USC 6050L Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: These regulations will provide rules relating to deductions for charitable contributions. The regulations provide that deductions for certain charitable contributions made by an individual, closely held corporations, personal service corporation, partnership, or S corporation shall not be allowed unless the donor obtains a qualified appraisal and attaches an appraisal summary to the donor's return on which the deduction is first claimed. Additionally, the regulations require the donee of certain charitable deduction property to make an information return

Timetable:

Action	Date	FR Cite
NPRM	12/31/84	49 FR 50740
NPRM Comment Period Begin	12/31/84	49 FR 50740
NPRM Comment Period End	03/01/85	
Final Action	09/01/85	

Small Entity: Not Applicable

Additional Information: I.R-200-84.

Drafting attorney: Beverly A. Baughman (202) 566-3297.

Reviewing attorney: John B. Bromell (202) 566-3326.

Treasury attorney: Richard D'Avino (202) 566-4979.

Agency Contact: Beverly A. Baughman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3297**

RIN: 1545-AG86

202. INCOME TAX--NET OPERATING LOSSES ATTRIBUTABLE TO PRODUCT LIABILITY LOSSES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 172 Internal Revenue Code of 1954; 26 USC 537(b) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations will provide the necessary guidance with respect to product liability losses and accumulations for the payment of reasonably anticipated product liability losses. Product liability losses may be carried back ten years instead of three years.

Timetable:

Action	Date	FR Cite
Final Action Effective	09/30/79	
NPRM	03/25/83	48 FR 12557
NPRM Comment Period Begin	03/25/83	48 FR 12557
NPRM Comment Period End	05/24/83	
Final Action	12/15/85	

Small Entity: Not Applicable

Additional Information: I.R-218-78

Drafting attorney: George T. Magnatta (202) 566-3294.

Reviewing attorney: John M. Coulter, Jr. (202) 566-4473.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Furer.

Agency Contact: George T. Magnatta, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3294**

RIN: 1545-AA93

203. INCOME TAX--NET OPERATING LOSSES FOR CERTAIN REAL ESTATE INVESTMENT TRUSTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 172(b)(1)(E) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: To provide guidance to Real Estate Investment Trusts with net operating loss carryovers. A net operating loss for a year in which the taxpayer was a REIT shall not be a net operating loss carryback to any taxable year preceding the taxable year of such loss, and shall be a net operating loss carryover to each of the 15 taxable years following the taxable year of such loss. In the case of any net operating loss for a taxable year which is not a REIT year, such loss shall not be carried back to any taxable year which is a REIT year.

Timetable:

Action	Date	FR Cite
NPRM	06/26/84	84 FR 16876
NPRM Comment Period Begin	06/26/84	
NPRM Comment Period End	08/26/84	
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-26-81.

Drafting attorney: Mitchell H. Rapaport (202) 566-3294.

Reviewing attorney: John M. Coulter, Jr. (202) 566-4473.

In Office of Chief Counsel (Legislation and Regulations Division) for revision of notice.

Agency Contact: Mitchell H. Rapaport, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3294**

RIN: 1545-AA94

204. INCOME TAX--ELECTION TO EXPENSE CERTAIN DEPRECIABLE ASSETS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 179 Internal Revenue Code of 1954; 26 USC 263 Internal Revenue Code of 1954; 26 USC 1033 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulation will provide rules relating to the election to expense certain depreciable business assets. The regulations determine the type of property to which section 179 applies. In addition, the regulations set forth the maximum amount of section 179 expense allowed and the procedures that must be followed in claiming the expense.

Timetable:

Action	Date	FR Cite
NPRM	12/00/85	

Small Entity: Not Applicable

Additional Information: LR-233-81.

Drafting attorney: Neil W. Zyskind (202) 566-3287.

Reviewing attorney: Robert B. Coplan (202) 566-3287.

Office of Tax Legislative Counsel (Treasury) reviewing attorneys: Thuronyi, Rollyson.

Agency Contact: Neil W. Zyskind, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington D.C. 20224, **202 566-3287**

RIN: 1545-AA95

205. ELECTION TO POSTPONE DETERMINATION WITH RESPECT TO THE PRESUMPTION THAT AN ACTIVITY IS ENGAGED IN FOR PROFIT

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 183 (e) (3) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations will provide rules relating to the election to postpone the determination whether the section 183 (d) presumption applies until the activity has been conducted for five (or seven) years. The regulations will specify who can make the election and the time and manner of making the election.

Timetable:

Action	Date	FR Cite
NPRM	05/00/85	

Small Entity: Not Applicable

Additional Information: LR-73-84.

Drafting attorney: C. Scott McLeod (202) 566-3288.

Reviewing attorney: Cynthia L. Clark (202) 566-3288.

Agency Contact: C. Scott McLeod, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. N.W., Washington, D.C. 20224, 202 566-3288

RIN: 1545-AG27

206. INCOME TAX--AMORTIZATION OF REAL PROPERTY CONSTRUCTION PERIOD INTEREST & TAXES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 189 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulation would provide that only a portion of the real property construction period interest and taxes are deductible for the taxable year they are paid or accrued. The remaining amounts are amortized over varying periods of time depending on the category of real property to which such amounts are attributable and the taxable year the interest and taxes are paid or accrued.

Timetable:

Action	Date	FR Cite
NPRM	12/31/85	

Small Entity: Not Applicable

Additional Information: LR-145-76.

Drafting attorney: Howard A. Balikov (202) 566-3288.

Reviewing attorney: John H. Parcell (202) 566-3336.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: D'Avino.

Agency Contact: Howard A. Balikov, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3288

RIN: 1545-AA97

207. INCOME TAX--TO ADD PROVISIONS RELATING TO START-UP EXPENDITURES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 195 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations would provide guidance to taxpayers electing to amortize start-up expenditures relating to the creation or acquisition of an active trade or business.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-36-81.

Drafting attorney: David R. Haglund (202) 566-3297.

Reviewing attorney: Paul A. Francis (202) 566-3930.

Agency Contact: David R. Haglund, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3297

RIN: 1545-AB02

208. ● MEDICAL DEDUCTION FOR LODGING AWAY FROM HOME

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 213 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: These regulations will provide rules relating to the deduction for medical expenses incurred for lodging away from home.

Timetable:

Action	Date	FR Cite
NPRM	02/15/86	

Small Entity: Not Applicable

Additional Information: LR-402-84.

Drafting attorney: Stuart G. Wessler (202) 566-3297.

Reviewing attorney: John B. Bromell (202) 566-3526.

Agency Contact: Stuart G. Wessler, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3297

RIN: 1545-AH21

209. INCOME TAX--ESTATE TAX--GIFT TAX--PROCEDURE AND ADMINISTRATION--RETIREMENT SAVINGS

Priority: Task Force

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 219 Internal Revenue Code of 1954; 26 USC 408 Internal Revenue Code of 1954; 26 USC 409 Internal Revenue Code of 1954; 26 USC 415 Internal Revenue Code of 1954; 26 USC 2039 Internal Revenue Code of 1954; 26 USC 2517 Internal Revenue Code of 1954; 26 USC 6652 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1; 26 CFR 20; 26 CFR 25; 26 CFR 301

Abstract: These regulations set forth rules for individual retirement plans, simplified employee pensions, and qualified voluntary employee contributions after amendment of the Internal Revenue Code of 1954 by the Economic Recovery Tax Act of 1981.

Timetable:

Action	Date	FR Cite
NPRM	01/23/84	49 FR 2794
NPRM Comment Period Begin	01/23/84	49 FR 2794
NPRM Comment Period End	03/23/84	
Final Action	09/00/85	

Small Entity: No

Additional Information: EE-148-81.

Drafting attorney: William D. Gibbs (202) 566-3430.

Reviewing attorney: Richard J. Wickersham (202) 566-3250.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Conaway.

Agency Contact: William D. Gibbs, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3430**

RIN: 1545-AD66

210. INCOME TAX--VARIOUS PENSION, ETC. PROVISIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 219(f)(3) Internal Revenue Code of 1954; 26 USC 405 Internal Revenue Code of 1954; 26 USC 408(i) Internal Revenue Code of 1954; 26 USC 409 Internal Revenue Code of 1954; 26 USC 6693 Internal Revenue Code of 1954, PL 98-369, Sec 147; PL 98-369, Sec 491; PL 98-369, Sec 523; PL 98-369, Sec 524; PL 98-369, Sec 525; PL 98-369, Sec 526; PL 98-369, Sec 529; PL 98-369, Sec 713(d)(2), (f),(j)

Abstract: This regulations project contains various miscellaneous pension-related matters including amendments relating to IRA contributions, reporting requirements and non-filing penalties; termination of rules relating to qualified bond purchase plans and retirement bonds; treatment of distributions where substantially all contributions are employee contributions; provisions relating to top-heavy plans; repeal of estate tax exclusion for qualified pension plan benefits; affiliated service groups, employee leasing arrangements and collective bargaining agreements; certain alimony treated as compensation; and technical corrections related to sections 238, 240, and 249.

Timetable:

Action	Date	FR Cite
NPRM	03/00/85	

Small Entity: Not Applicable

Additional Information: EE-77-84.

Drafting attorney: Philip R. Bosco (202) 566-3430.

Reviewing attorney: Richard J. Wickersham (202) 566-3250.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Conaway.

Agency Contact: Philip R. Bosco, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3430**

RIN: 1545-AG62

211. INCOME TAX--GIFT TAX--EMPLOYMENT TAXES--RETIREMENT INCOME PLAN EXCISE TAXES--PROCEDURE AND ADMINISTRATION--SPOUSAL INDIVIDUAL RETIREMENT ACCOUNTS SIMPLIFIED EMPLOYEE ETC

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 62 Internal Revenue Code of 1954; 26 USC 219 Internal Revenue Code of 1954; 26 USC 220 Internal Revenue Code of 1954; 26 USC 404(h) Internal Revenue Code of 1954; 26 USC 408 Internal Revenue Code of 1954; 26 USC 409 Internal Revenue Code of 1954; 26 USC 2503 Internal Revenue Code of 1954; 26 USC 3121 Internal Revenue Code of 1954; 26 USC 3306 Internal Revenue Code of 1954; 26 USC 4973 Internal Revenue Code of 1954; 26 USC 4974 Internal Revenue Code of 1954; 26 USC 6693 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1; 26 CFR 25; 26 CFR 31; 26 CFR 54; 26 CFR 301

Abstract: The regulations set forth rules for sponsors of and participants in individual retirement plans, spousal individual retirement plans, and simplified employee pensions.

Timetable:

Action	Date	FR Cite
NPRM	07/14/81	46 FR 36198
NPRM Comment Period Begin	07/14/81	46 FR 36198
NPRM Comment Period End	09/14/81	
Final Action	06/00/85	

Small Entity: Not Applicable

Additional Information: EE-7-78.

Drafting attorney: William D. Gibbs (202) 566-3430.

Reviewing attorney: Richard J. Wickersham (202) 566-3250.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Conaway.

Agency Contact: William D. Gibbs, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3430**

RIN: 1545-AD59

212. ● INCOME TAX-NOTICE OF PROPOSED RULEMAKING-HOLDINGS PERIODS FOR DIVIDENDS RECEIVED DEDUCTIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 246 (c) Internal Revenue Code of 1954; 26 USC 1059 Internal Revenue Code of 1954; 26 USC 854 Internal Revenue Code of 1954; 26 USC 7701 (f) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: Amendment of the regulations under section 246 (c) and related sections of the Internal Revenue Code of 1954 to interpret the limitations on qualification for a dividends received deduction imposed by the holding period. The regulations will explain how that holding period is effected when a taxpayer has diminished his risk of loss.

Timetable:

Action	Date	FR Cite
NPRM	10/01/85	

Small Entity: Not Applicable

Additional Information: LR-8-85.

Drafting attorney: Sandra E. Wallach (202) 566-3458.

Reviewing attorney: Charles M. Whedbee (202) 566-3458.

Agency Contact: Sandra E. Wallach, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3458**

RIN: 1545-AH40

213. ● INCOME TAX-DEBT-FINANCED PORTFOLIO STOCK

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 246A Internal Revenue Code of 1954; 26 USC 7701(f) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: Amendment of the regulations to interpret the rule contained in section 246A of the Internal Revenue Code of 1954 relating to the dividends received deduction where portfolio stock is debt financed.

Timetable:

Action	Date	FR Cite
NPRM	01/30/86	

Small Entity: Not Applicable

Additional Information: LR-261-84.

Drafting attorney: Patricia Wendlandt (202) 566-3458.

Reviewing attorney: Charles M. Whedbee (202) 566-3458.

Agency Contact: Patricia Wendlandt, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3458

RIN: 1545-AH39

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214. INCOME TAX--PREPUBLICATION EXPENDITURES OF PUBLISHERS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 263 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations would provide guidance to taxpayers relating to the capitalization of pre-publication expenses of publishers and authors.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-253-76.

Drafting attorney: Annette J. Guarisco (202) 566-3238.

Reviewing attorney: John H. Parcell (202) 566-3288.

Agency Contact: Annette J. Guarisco, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3238

RIN: 1545-AA36

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215. ● INCOME TAX - NOTICE OF PROPOSED RULEMAKING - PAYMENTS IN LIEU OF DIVIDENDS IN CONNECTION WITH SHORT SALES, SECTION 263 (H) OF THE INTERNAL REVENUE CODE AND SECTION 56 (A) OF THE TRA 1984

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 263 (h) Internal Revenue Code of 1954; 26 USC 265 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: These regulations will provide rules relating to the disallowance of deductions for payments made in lieu of dividends in connection with short sales as required by section 263 (h) of the Internal Revenue Code of 1954.

Timetable:

Action	Date	FR Cite
NPRM	04/15/86	

Small Entity: Not Applicable

Additional Information: LR-9-85.

Drafting attorney: Sandra E. Wallach (202) 566-3458.

Reviewing attorney: Charles M. Whedbee (202) 566-3458.

Agency Contact: Sandra E. Wallach, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3458

RIN: 1545-AH37

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216. INCOME TAX--TO CLARIFY TREATMENT OF TAXES MEASURED BY COMPENSATION PAID EMPLOYEES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 266 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations would provide rules for electing to capitalize certain taxes and carrying charges that are otherwise expressly deductible under subtitle A of the Code.

Timetable:

Action	Date	FR Cite
NPRM	12/31/85	

Small Entity: Not Applicable

Additional Information: LR-22-82.

Drafting attorney: Howard A. Balikov (202) 566-3288.

Reviewing attorney: John H. Parcell (202) 566-3288.

Agency Contact: Howard A. Balikov, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3288

RIN: 1545-AB03

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217. REGULATIONS UNDER SECTION 267 IRC TO REFLECT SECTION 174 OF THE TAX REFORM ACT OF 1984 RELATING TO LOSSES, EXPENSES, AND INTEREST IN TRANSACTIONS BETWEEN RELATED TAXPAYERS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 267 Internal Revenue Code of 1954; 26 USC 706 Internal Revenue Code of 1954; 26 USC 1502 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulation deals with changes in section 267 arising from section 174 of the Tax Reform Act of 1984. It deals with the matching of payor deductions and payee income items in the case of expenses and interest where the accrual method payor and the cash method payee are related persons. The regulation also deals with the deferral and restoration of loss on the sale or exchange of property from one member of a controlled group of corporations to another member.

Timetable:

Action	Date	FR Cite
NPRM Comment Period Begin	11/29/84	49 FR 47048
NPRM	11/30/84	49 FR 47048
NPRM Comment Period End	01/29/85	
Final Action	05/01/85	

Small Entity: No

Additional Information: LR-183-84.

Drafting attorneys: Keith E. Stanley (202) 566-3458, John G. Schmalz and Robert H. Ginsburgh (202) 566-3297.

Reviewing attorney: Mark B. Blumkin (202) 566-3463.

Treasury attorneys: Jim Lokey (202) 566-5453, Eric Elfman (202) 566-8527, Jane Sarosdy (202) 566-8275.

Agency Contact: Keith E. Stanley, John G. Schmalz, Attorneys, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3458

RIN: 1545-AG11

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218. INCOME TAX--PERSONAL SERVICE CORPORATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 269A Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: Proposal will provide rules for determining when the Internal Revenue Service may reallocate income or tax benefits between a personal service corporation and its employee-owners.

Timetable:

Action	Date	FR Cite
NPRM	03/31/83	48 FR 13438
NPRM Comment Period Begin	03/31/83	48 FR 13438
NPRM Comment Period End	05/31/83	
Hearing	07/19/83	
Final Action	12/31/85	

Small Entity: Not Applicable

Additional Information: LR-188-82.

Drafting attorney: Phoebe A. Mix (202) 566-3238.

Reviewing attorney: John M. Fischer (202) 566-3394.

Agency Contact: Howard A. Balikov, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3828**

RIN: 1545-AF11

219. INCOME TAX--TO ADD PROVISIONS RELATING TO FOREIGN CONVENTIONS (AS AMENDED BY SECTION 4 OF PUBLIC LAW 96-608)

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 274(h) Internal Revenue Code of 1954; PL 96-608, Sec 4; PL 97-424, Sec 543; PL 98-67, Sec 222

CFR Citation: 26 CFR 1

Abstract: The regulations would provide rules to assist taxpayers in determining whether it is as reasonable to hold a convention, seminar, or similar meeting outside North America as within it, and thus whether expenses relating to attendance at the convention are deductible.

Timetable:

Action	Date	FR Cite
NPRM	09/00/85	

Small Entity: Not Applicable

Additional Information: LR-114-81.

Drafting attorney: Ada S. Rousso (202) 566-4336.

Reviewing attorney: John M. Fischer (202) 566-3394.

Draft of notice to Treasury for review 11/08/82.

Agency Contact: Ada S. Rousso, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3297**

RIN: 1545-AB04

220. INCOME TAX--DISALLOWANCE OF CERTAIN ENTERTAINMENT EXPENSES--TO CONFORM TO SECTION 361, REVENUE ACT OF 1978

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 274(a) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations would conform section 274 (a) (l) (B) to changes made by section 361 of the Revenue Act of 1978. The regulations disallow expenditures paid or incurred with respect to a facility used in connection with entertainment.

Timetable:

Action	Date	FR Cite
NPRM	09/26/83	48 FR 43698
NPRM Comment Period Begin	09/26/83	48 FR 43698
NPRM Comment Period End	11/22/83	
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-203-78.

Drafting attorney: Donald W. Stevenson (202) 566-3297.

Reviewing attorney: Scott.

Office of Tax Legislative Counsel reviewing attorney: Reinhold.

Agency Contact: Donald W. Stevenson, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3297**

RIN: 1545-AB05

221. INCOME TAX--DEDUCTIBILITY OF GIFTS BY EMPLOYERS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 274(b) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations would reflect the modification by the Economic Recovery Tax Act of 1981 of the third exception to the term "gift" (i.e., the exception within certain dollar limitations for awards of tangible personal property). The regulations would define the term "qualified plan award." The regulations would clarify the existing regulations under section 274 (b) of the Internal Revenue Code of 1954 by excluding from the term "tangible personal property" any award of cash, or of a gift certificate, or of a right to choose among 5 or more different items.

Timetable:

Action	Date	FR Cite
NPRM	12/16/82	47 FR 56367
NPRM Comment Period Begin	12/16/82	47 FR 56367
NPRM Comment Period End	02/14/83	
Final Action	12/30/85	

Small Entity: Not Applicable

Additional Information: LR-252-81.

Drafting attorney: Robert H. Ginsburgh (202) 566-3297.

Reviewing attorney: John B. Bromell (202) 566-3326.

Agency Contact: Robert H. Ginsburgh, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3297**

RIN: 1545-AB06

222. INCOME TAX--TAXATION OF NONEXEMPT MEMBERSHIP ORGANIZATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 277 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations would relate to the taxation of nonexempt membership organizations. The regulations would clarify the deductibility to the organization for furnishing services, facilities, et cetera, to its members.

Timetable:

Action	Date	FR Cite
NPRM	05/06/72	
Hearing	08/08/72	
Final Action Effective	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-1721.

Drafting attorney: Bruce H. Jurist (202) 566-3238.

Reviewing attorney: Cynthia Clark (202) 566-3288.

Agency Contact: Bruce H. Jurist, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington DC 20224, 202 566-3238

RIN: 1545-AB07

223. INCOME TAX--AMORTIZATION OF PRODUCTION COST OF MOTION PICTURES, BOOKS, RECORDS, AND OTHER SIMILAR PROPERTY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 280 Internal Revenue Code of 1954; Section 210 Tax Reform Act of 1976

CFR Citation: 26 CFR 1

Abstract: The regulations would provide guidance to taxpayers relating to the amortization of certain production costs that are otherwise not capitalized. The regulations relate to production costs for motion pictures, books, records, and similar property.

Timetable:

Action	Date	FR Cite
NPRM	01/00/86	

Small Entity: Not Applicable

Additional Information: LR-220-76.

Drafting attorney: Annette J. Guarisco (202) 566-3238.

Reviewing attorney: John H. Parcell (202) 566-3288.

Agency Contact: Annette J. Guarisco, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3238

RIN: 1545-AB08

224. INCOME TAX--DEDUCTIONS FOR EXPENSES ATTRIBUTABLE TO BUSINESS USE OF HOMES, RENTAL OF VACATION HOMES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 280A Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations would provide rules for determining the deductibility of expenses incurred in connection with the business use, or rental to others, of a dwelling unit. The regulations provide rules for determining when the taxpayer uses a dwelling unit for personal use or when use by another person of the unit is treated as personal use of the unit by the taxpayer.

Timetable:

Action	Date	FR Cite
NPRM	07/21/83	48 FR 33326
NPRM Comment Period Begin	07/21/83	
NPRM Comment Period End	09/21/83	
Hearing	10/04/83	
Final Action	12/00/85	

Small Entity: Not Applicable

Additional Information: LR-261-76.

Drafting attorney: Gail H. Morse (202) 566-3297.

Reviewing attorney: Paul A. Francis (202) 566-3930.

Office of Tax Legislative Counsel reviewing attorney: Yecies.

Agency Contact: Gail H. Morse, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3297

RIN: 1545-AB09

225. ● LIMITATIONS ON AMOUNT OF DEPRECIATION AND INVESTMENT TAX CREDIT FOR LUXURY AUTOMOBILES AND CERTAIN OTHER PROPERTY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 280F Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations will clarify the rules limiting the investment tax credit and cost recovery deductions allowable with respect to passenger automobiles and certain other "listed property." The regulations will also provide rules relating to the substantiation requirements for "listed property" under section 274 (d) (4).

Timetable:

Action	Date	FR Cite
NPRM	10/24/84	49 FR 42743
NPRM Comment Period Begin	10/24/84	49 FR 42743
NPRM Comment Period End	12/24/84	
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-145-84.

Drafting attorneys: George T. Magnatta (202) 566-6456 and Michel A. Daze (202) 566-3829.

Reviewing attorney: Paul A. Francis (202) 566-3930.

Treasury attorney: Jeff Quinn (202) 566-2175.

Agency Contact: Michel Daze, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3829

RIN: 1545-AG99

226. ● NOTICE OF PROPOSED RULEMAKING RELATING TO RESTRICTIONS ON GOLDEN PARACHUTE PAYMENTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 280G Internal Revenue Code of 1954

CFR Citation: 26 CFR 280G

Abstract: These regulations will provide rules relating to restrictions on golden parachute payments. The regulations will provide guidance to taxpayers, who must comply with section 280G, by delineating the circumstances under which payments may be considered excess parachute payments.

Timetable:

Action	Date	FR Cite
NPRM	05/01/85	

Small Entity: Not Applicable

Additional Information: LR-217-84.

Drafting attorney: Annie R. Alexander (202) 566-3297.

Reviewing attorney: John Fischer (202) 566-3394.

Treasury attorney: Don Rocap (202) 566-2926.

Agency Contact: Annie R. Alexander, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3297

RIN: 1545-AH49

227. INCOME TAX--SPECIAL RULES RELATING TO CORPORATE PREFERENCE ITEMS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 291 Internal Revenue Code of 1954; 26 USC 57(b) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: These regulations will provide rules relating to the determination of the reduction for certain corporate preference items.

Timetable:

Action	Date	FR Cite
NPRM	08/00/85	

Small Entity: Not Applicable

Additional Information: LR-234-82.

Drafting attorney: Timothy J. McKenna (202) 566-4336.

Reviewing attorney: Robert B. Coplan (202) 566-3287.

Agency Contact: Timothy J. McKenna, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-4336**

RIN: 1545-AE78

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228. WAIVER OF FAMILY ATTRIBUTION BY ENTITIES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 302(c)(2) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: Proposal would interpret the definitions and special rule for waiver of family attribution by entities contained in section 302 (c) (2) of the Internal Revenue Code of 1954, which relates to the tax treatment of certain redemptions of corporate stock.

Timetable:

Action	Date	FR Cite
NPRM	12/31/85	

Small Entity: Not Applicable

Additional Information: LR-189-82.

Drafting attorney: Michel A. Daze (202) 566-3829.

Reviewing attorney: Charles M. Whedbee (202) 566-3487.

Treasury attorney: Rick D'Avino.

Draft of notice to Treasury 12/23/83.

Agency Contact: Michel A. Daze, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3829**

RIN: 1545-AF13

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229. INCOME TAX--DISTRIBUTION IN REDEMPTION OF STOCK TO PAY DEATH TAXES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 303 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations will provide rules for treating distributions in redemption of stock to pay death taxes to be treated as a distribution in full payment in exchange for the stock. The regulations provide rules with respect to stock that is redeemed from a shareholder whose interest in the estate is reduced by any payment of the death taxes or funeral and administrative expenses of the estate.

Timetable:

Action	Date	FR Cite
NPRM	08/22/84	49 FR 33277
NPRM Comment Period Begin	08/22/84	49 FR 33277
NPRM Comment Period End	10/22/84	
Final Action	12/00/85	

Small Entity: Not Applicable

Additional Information: LR-124-76.

Drafting attorney: Neil W. Zyskind (202) 566-3287.

Reviewing attorney: Fred E. Grundeman (202) 566-3287.

Treasury attorney: Victor Thuronyi (202) 566-2566.

Agency Contact: Neil W. Zyskind, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington D.C. 20224, **202 566-3287**

RIN: 1545-AB13

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230. INCOME TAX--TO CLARIFY MEANING OF TERM "REASONABLE REDEMPTION PREMIUM"

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 305 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations would provide rules to determine when the difference between redemption price and issue price of preferred stock will be treated as a stock distribution.

Timetable:

Action	Date	FR Cite
NPRM	10/00/85	

Small Entity: Not Applicable

Additional Information: LR-91-74.

Drafting attorney: Sandra E. Wallach (202) 566-3458.

Reviewing attorney: Marcus B. Blumkin (202) 566-3463.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Garlock.

Notice to Department of Treasury for review 01/16/84.

Agency Contact: Sandra E. Wallach, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3458**

RIN: 1545-AB15

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231. INCOME TAX--DIVIDEND REINVESTMENT IN STOCK OF PUBLIC UTILITIES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 305 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: Notice would define and interpret when a qualified public utility may set up a qualified dividend reinvestment plan so that its shareholders may elect to receive qualified common stock and exclude a certain portion from income. Changes to the applicable law were made by the Economic Tax Recovery Act of 1981.

Timetable:

Action	Date	FR Cite
NPRM	06/30/83	48 FR 30146
NPRM Comment Period Begin	06/30/83	48 FR 30146
NPRM Comment Period End	08/29/83	
Hearing	10/05/83	
Final Action	12/31/85	

Small Entity: Not Applicable

Additional Information: LR-241-81.

Drafting attorney: Michel A. Daze (202) 566-3829.

Reviewing attorney: Marcus B. Blumkin (202) 566-3463.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Lokey.

Agency Contact: Michel A. Daze, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, DC 20224, 202 566-3829

RIN: 1545-AB14

232. INCOME TAX - AMENDMENTS TO STATUTORY PROVISIONS RELATING TO EARNINGS AND PROFITS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 312 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations would provide rules for the calculation of earnings and profits to reflect changes in the law made by section 61 of the Deficit Reduction Act of 1984.

Timetable:

Action	Date	FR Cite
NPRM	08/15/85	

Small Entity: Not Applicable

Additional Information: LR-154-84.

Drafting attorney: Sandra E. Wallach (202) 566-3458.

Reviewing attorney: Charles M. Whedbee (202) 566-3458.

Treasury attorney: Eric Elfman (202) 566-8527.

Agency Contact: Sandra E. Wallach, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW, Washington, D.C. 20224, 202 566-3458

RIN: 1545-AG30

233. INCOME TAX--MISCELLANEOUS CORPORATE AMENDMENTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 302 Internal Revenue Code of 1954; 26 USC 337 Internal Revenue Code of 1954; 26 USC 1371 Internal Revenue Code of 1954; 26 USC 351 Internal Revenue Code of 1954; 26 USC 312 Internal Revenue Code of 1954; 26 USC 542(c) Internal Revenue Code of 1954, PL 96-589, Sec 5

CFR Citation: 26 CFR 1

Abstract: The regulation would amend the Income Tax Regulations to conform them to miscellaneous corporate amendments made by the Bankruptcy Tax Act of 1980.

Timetable:

Action	Date	FR Cite
NPRM	12/31/85	

Small Entity: Not Applicable

Additional Information: LR-71-81.

Drafting attorney: Patricia Wendlandt (202) 566-3458.

Reviewing attorney: Duane H. Pellervo (202) 566-3458.

In Office of Chief Counsel (Legislation and Regulations Division) for preparation of notice.

Agency Contact: Patricia Wendlandt, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3458

RIN: 1545-AB12

234. INCOME TAX--SIMULTANEOUS LIQUIDATION OF A PARENT AND SUBSIDIARY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 337 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations would provide rules relating to the nonrecognition treatment following the sale of assets of a subsidiary corporation provided that the subsidiary and certain other corporations in its affiliated group liquidate within a 12-month period.

Timetable:

Action	Date	FR Cite
NPRM	01/10/84	49 FR 1225
NPRM Comment Period Begin	01/10/84	
NPRM Comment Period End	03/10/84	
Final Action	12/31/85	

Small Entity: Not Applicable

Additional Information: LR-130-76.

Drafting attorney: Michel A. Daze (202) 566-3829.

Reviewing attorney: Charles M. Whedbee (202) 566-3458.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Elfman.

Agency Contact: Michel A. Daze, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3829

RIN: 1545-AB18

235. INCOME TAX-ELECTIONS UNDER SECTION 338, AS ADDED BY SECTION 224 OF THE TAX EQUITY AND FISCAL RESPONSIBILITY ACT OF 1982 AS AMENDED BY THE TECHNICAL CORRECTIONS ACT OF 1982

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 338 Internal Revenue Code of 1954; PL 97-248, Sec 224; PL 97-448, Sec 306

CFR Citation: 26 CFR 1

Abstract: This regulation will provide rules for making elections under section 338, which permits certain stock purchases to be treated as asset acquisitions.

Timetable:

Action	Date	FR Cite
NPRM	09/06/84	49 FR 35144
NPRM Comment Period Begin	09/06/84	
NPRM Comment Period End	11/05/84	
Final Action	11/15/85	

Small Entity: Not Applicable

Additional Information: LR-26-83.

Drafting attorney: Duane H. Pellervo (202) 566-3458.

Reviewing attorney: Mark Blumkin (202) 566-3463.

Treasury attorney: Eric Elfman.

At Treasury for signature 01/09/84.

Agency Contact: Duane H. Pellervo, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3458

RIN: 1545-AF38

236. REGULATIONS UNDER SECTION 338 (H) (10) AS ADDED TO THE CODE BY SECTION 306 OF THE TECHNICAL CORRECTIONS ACT OF 1982, RELATING TO SPECIAL ELECTIVE RECOGNITION OF GAIN OR LOSS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 338 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: Proposal would interpret the rules of section 338 (h) (10) under which a special election can be made so that target recognizes gain or loss on the deemed sale of its assets. The proposal is necessary so that affected taxpayers can make election under the provision.

Timetable:

Action	Date	FR Cite
NPRM	06/06/85	

Small Entity: Not Applicable

Additional Information: LR-218-83.

Drafting attorney: Bennett Steinhauer (202) 566-4336.

Reviewing attorney: Duane H. Pellervo (202) 566-3458.

Agency Contact: Bennett Steinhauer, Attorney-Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-4336**

RIN: 1545-AF93

237. INCOME TAX--APPLICATION OF SECTION 338 TO STOCK AND ASSET ACQUISITIONS IN THE INTERNATIONAL CONTEXT

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 338 Internal Revenue Code of 1954

CFR Citation: 26 CFR 338

Abstract: These regulations will provide rules relating to section 338 as it applies to stock and asset acquisitions in the International Context.

Timetable:

Action	Date	FR Cite
NPRM	06/15/85	

Small Entity: Not Applicable

Additional Information: LR-35-84.

Drafting attorney: Mary Frances Pearson (202) 566-3289.

Reviewing attorney: Charles C. Saverude (202) 566-3323.

Treasury attorney: Steve Shay (202) 566-5992.

Agency Contact: Mary Frances Pearson, Attorney, Department of the Treasury, Internal Revenue Service, **202 566-3289**

RIN: 1545-AG13

238. TEMPORARY REGULATIONS--QUESTIONS AND ANSWERS ON MISCELLANEOUS MATTERS UNDER SECTION 338 OF THE INTERNAL REVENUE CODE

Legal Authority: 26 USC 338 Internal Revenue Code of 1954; 26 USC 7805 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: These regulations will provide guidance on a broad range of issues arising under section 338.

Timetable:

Action	Date	FR Cite
Final Action	03/25/85	

Small Entity: Not Applicable

Additional Information: LR-6-84.

Drafting attorney: Duane H. Pellervo (202) 566-3458.

Reviewing attorney: Marcus B. Blumkin (202) 566-3463.

Treasury attorney: Eric Elfman (202) 566-8527.

Agency Contact: Duane H. Pellervo, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3458**

RIN: 1545-AG25

239. DEEMED SALE PRICE WHEN CERTAIN STOCK PURCHASES ARE TREATED AS ASSET ACQUISITIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 338 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: Proposal will prescribe rules for computing the basis of stock purchased in certain stock acquisitions and for allocating this basis among the assets of the corporation whose stock was thus acquired.

Timetable:

Action	Date	FR Cite
NPRM	11/00/85	

Small Entity: Not Applicable

Additional Information: LR-191-82.

Drafting attorney: Bennett C. Steinhauer (202) 566-4336.

Reviewing attorney: Charles Whedbee (202) 566-3487.

Office of Tax Legislative Counsel reviewing attorney: Eric Elfman.

Agency Contact: Bennett C. Steinhauer, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-4336**

RIN: 1545-AF29

240. INCOME TAX--REGULATIONS UNDER SECTION 338 (A)

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 338 Internal Revenue Code of 1954; PL 97-248, Sec 224; PL 97-448, Sec 306

CFR Citation: 26 CFR 1

Abstract: This regulation would establish general rules relating to the effect of an election under section 338 (g), which permits certain stock purchases to be treated as asset acquisitions.

Timetable:

Action	Date	FR Cite
NPRM	12/30/85	

Small Entity: Not Applicable

Additional Information: LR-212-82.

Drafting attorney: Duane H. Pellervo (202) 566-3458.

Reviewing attorney: Charles M. Whedbee (202) 566-3458.

Treasury attorney: Eric Elfman.

In Legislation and Regulations Division for preparation of notice of proposed rulemaking.

Agency Contact: Duane H. Pellervo, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3458**

RIN: 1545-AE60

241. AMENDMENT OF THE INCOME TAX REGULATIONS UNDER SECTION 341, RELATING TO COLLAPSIBLE CORPORATIONS, TO REFLECT THE TAX REFORM ACT OF 1984

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 341 (d) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: These changes to the regulations will amend the definition of a collapsible corporation and will provide rules for the aggregation of certain types of property for purposes of limiting the application of section 341 to certain corporations.

Timetable:

Action	Date	FR Cite
NPRM	08/31/84	49 FR 34523
NPRM Comment Period Begin	08/31/84	49 FR 34523
NPRM Comment Period End	10/30/84	
Final Action	12/31/85	

Small Entity: Not Applicable

Additional Information: LR-107-84.

Drafting attorney: Michel A. Daze (202) 566-3829.

Reviewing attorney: Charles M. Whedbee (202) 566-3458.

Treasury attorney: Neil Kimmelfield (202) 535-6068.

Agency Contact: Michel A. Daze, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. N.W., Washington, D.C. 20224, 202 566-3829

RIN: 1545-AG33

242. INCOME TAX—CORPORATE DISTRIBUTIONS OF APPRECIATED PROPERTY AND PARTIAL LIQUIDATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 346(b) Internal Revenue Code of 1954; 26 USC 302(b) Internal Revenue Code of 1954; 26 USC 302(e) Internal Revenue Code of 1954; 26 USC 311(d) Internal Revenue Code Of 1954; 26 USC 311(e) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: Proposal would interpret and prevent the circumvention of the repeal of the special tax treatment for partial corporate liquidations as effected by section 222 of the Tax Equity and Fiscal Responsibility Act of 1982. Proposal would also interpret the definitions and special rules relating to appreciated property used to redeem stock contained in section 311 of the Internal Revenue Code of 1954.

Timetable:

Action	Date	FR Cite
NPRM	09/00/85	

Small Entity: Not Applicable

Additional Information: LR-218-82.

Drafting attorney: Charles W. Culmer (202) 566-4336.

Reviewing attorney: Marcus B. Blumkin (202) 566-3463.

Treasury attorney: David C. Garlock (202) 566-2566.

Agency Contact: Charles W. Culmer, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-4336

RIN: 1545-AF16

243. INCOME TAX--DISTRIBUTION OF STOCK AND SECURITIES OF A CONTROLLED CORPORATION

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 355 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The proposal relates to the income tax treatment of the distribution of stock and securities of a controlled corporation.

Timetable:

Action	Date	FR Cite
NPRM	01/21/77	42 FR 3866
NPRM Comment Period Begin	01/21/77	42 FR 3866
NPRM Comment Period End	03/22/77	
Final Action	06/00/85	

Small Entity: Not Applicable

Additional Information: LR-936.

Drafting attorney: Charles W. Culmer (202) 566-4336.

Reviewing attorney: Marcus B. Blumkin (202) 566-3463.

Treasury attorney: Richard D'Avino (202) 566-4979.

Agency Contact: Charles W. Culmer, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-4336

RIN: 1545-AB20

244. INCOME TAX--TRIANGULAR REORGANIZATIONS, BASIS AND OTHER CONSEQUENCES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 368 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations would provide rules relating to basis of stock of a corporation acquiring property in exchange for stock of a corporation in control of the acquiring corporation.

Timetable:

Action	Date	FR Cite
NPRM	01/02/81	46 FR 112
NPRM Comment Period Begin	01/02/81	46 FR 112
NPRM Comment Period End	03/03/81	
Final Action	01/03/86	

Small Entity: Not Applicable

Additional Information: LR-1993.

Drafting attorney: Andrew B. Pullman (202) 566-3458.

Reviewing attorney: Carolyn Swift (202) 566-3458.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: D'Avino.

Presently under consideration in Office of Chief Counsel (Legislation and Regulations Division).

Agency Contact: Andrew B. Pullman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3458

RIN: 1545-AB21

245. ● AMENDMENT OF THE INCOME TAX REGULATIONS UNDER SECTION 367 OF THE CODE (TRANSFERS TO FOREIGN CORPORATIONS) TO REFLECT SECTION 131 OF THE TAX REFORM ACT OF 1984 (P.L. 98-369)

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 367 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1T

Abstract: The Income Tax Regulations under section 367 will be amended to reflect the changes made to that section by the Tax Reform Act of 1984. Section 367 now provides generally that a foreign corporation will not be considered to be a corporation, for purposes of certain nonrecognitions provisions of the Code, upon the transfer of property to such corporation by a U.S. person. The statute provides certain exceptions to that rule, exemptions to those exceptions, and special rules applicable to certain specified transfers. The regulations will provide guidance concerning the applicability of the general rule and its exceptions and special rules, including guidance concerning transfers of assets for use in the section conduct of a trade or business, stock transfers, transfers of intangible assets, and transfers of

branch operations that have operated at a loss.

Timetable:

Action	Date	FR Cite
NPRM	07/01/85	

Small Entity: Not Applicable

Additional Information: LR-150-84.

Drafting attorney: Robert E. Culbertson, Jr. (202) 566-3289.

Reviewing attorney: Charles C. Saverude (202) 566-3323.

Treasury attorney: Joseph L. Andrus (202) 566-2964.

Agency Contact: Robert E. Culbertson, Jr., Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3289

RIN: 1545-AG68

246. INCOME TAX--TREATMENT OF EXCHANGES DESCRIBED IN SECTION 367 (B)

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 367(b) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations would provide the conditions necessary to prevent the avoidance of Federal income taxes on transfers described in section 367 (b).

Timetable:

Action	Date	FR Cite
NPRM	12/30/77	42 FR 65152
NPRM Comment Period Begin	12/30/77	42 FR 65152
NPRM Comment Period End	03/01/78	
Notice amended	10/02/79	44 FR 57390
Notice amended	12/27/82	47 FR 57502
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-2-78.

Drafting attorney: Yerachmiel E. Weinstein (202) 566-3289.

Reviewing attorney: Charles C. Saverude (202) 566-3323.

Office of International Tax Counsel (Treasury) reviewing attorneys: Wold: Granwell.

In Office of Chief Counsel (Legislation and Regulations Division) for preparation of Treasury decision.

Agency Contact: Yerachmiel E. Weinstein, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave, N.W., Washington, D.C. 20224, 202 566-3289

RIN: 1545-AB26

247. INCOME TAX--ACQUISITION OF A CORPORATION BY MERGER OF A CORPORATION CONTROLLED BY THE ACQUIRING CORPORATION

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 368(a)(2)(E) Internal Revenue Code of 1954; 26 USC 368(b)(2) Internal Revenue Code of 1954; PL 91-693

CFR Citation: 26 CFR 1

Abstract: The regulations would provide rules relating to the statutory merger of a controlled corporation into an acquiring corporation using the voting stock of the corporation controlling the merged corporation (reverse triangular merger).

Timetable:

Action	Date	FR Cite
NPRM	01/02/81	46 FR 114
NPRM Comment Period Begin	01/02/81	46 FR 114
NPRM Comment Period End	03/03/81	
Final Action	01/01/86	

Small Entity: Not Applicable

Additional Information: LR-1994.

Drafting attorney: Andrew B. Pullman (202) 566-3458.

Reviewing attorney: Carolyn Swift (202) 566-3458.

Office of Tax Legislative Counsel (Treasury) reviewing attorneys: Yecies, McKee.

Presently under consideration in Office of Chief Counsel (Legislation and Regulations Division).

Agency Contact: Andrew B. Pullman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3458

RIN: 1545-AB30

248. INCOME TAX--EXCHANGE FUNDS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 368(a)(2)(F) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations would provide rules relating to reorganizations of undiversified investment companies.

Timetable:

Action	Date	FR Cite
NPRM	01/07/81	46 FR 1744
NPRM Comment Period Begin	01/07/81	46 FR 1744
NPRM Comment Period End	03/08/81	
Final Action	12/00/85	

Small Entity: Not Applicable

Additional Information: LR-135-76.

Drafting attorney: Neil W. Zyskind (202) 566-3287.

Reviewing attorney: Marcus B. Blumkin (202) 566-3463.

Presently under consideration in Office of Chief Counsel (Legislation and Regulations Division).

Agency Contact: Neil W. Zyskind, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3287

RIN: 1545-AB31

249. INCOME TAX--CORPORATE REORGANIZATION AMENDMENTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 368 Internal Revenue Code of 1954; 26 USC 354 Internal Revenue Code of 1954; 26 USC 358 Internal Revenue Code of 1954; 26 USC 361 Internal Revenue Code of 1954; 26 USC 362 Internal Revenue Code of 1954; 26 USC 381 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: Provision would provide regulations with respect to amendments to the provisions of the Internal Revenue Code of 1954 dealing with bankruptcy and other insolvency reorganizations, thereby giving the public needed guidance on how the Internal Revenue Service intends to interpret those amendments.

Timetable:

Action	Date	FR Cite
NPRM	01/01/86	

Small Entity: Not Applicable

Additional Information: LR-63-81.

Drafting attorney: Andrew B. Pullman (202) 566-3458.

Reviewing attorney: Charles M. Whedbee (202) 566-3458.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Lokey.

Partial revised draft of notice of proposed rulemaking returned with comments to Legislation and Regulations Division. 12/29/82.

Agency Contact: Andrew B. Pullman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3458

RIN: 1545-AB29

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250. INCOME TAX--TEMPORARY REGULATIONS--REORGANIZATIONS INVOLVING FINANCIALLY TROUBLED THRIFT INSTITUTIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 368 Internal Revenue Code of 1954; 26 USC 382 Internal Revenue Code of 1954; 26 USC 381 Internal Revenue Code of 1954; 26 USC 597 Internal Revenue Code of 1954

CFR Citation: 26 CFR 5c

Abstract: Provision would provide temporary regulations dealing with reorganizations of financially troubled thrift institutions and with the tax consequences of financial assistance payments made to such an institution by a supervisory governmental agency, thereby giving the public needed guidance on how the Internal Revenue Service intends to interpret these issues.

Timetable:

Action	Date	FR Cite
Interim Final Rule	01/00/86	

Small Entity: Not Applicable

Additional Information: LR-230-81.

Drafting attorney: Andrew B. Pullman (202) 566-3458.

Reviewing attorney: Marcus B. Blumkin (202) 566-3463.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Quinn.

Draft of Treasury Decision returned with comments to Legislation and Regulations Division. 12/29/82.

Agency Contact: Andrew B. Pullman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington D.C. 20224, 202 566-3458

RIN: 1545-AB28

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251. DEFINED BENEFIT PLAN TERMINATIONS AND THE REVERSION OF ASSETS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 401 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations describe when, in fact, a defined benefit pension plan has been terminated so as to permit reversion to the employer of excess assets.

Timetable:

Action	Date	FR Cite
NPRM	12/00/85	

Small Entity: Not Applicable

Additional Information: EE-106-83.

Drafting attorney: Suzanne K. Tank (202) 566-3422.

Reviewing attorney: James L. Brokaw (202) 566-4173.

Treasury attorney: Conaway.

Agency Contact: Suzanne K. Tank, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3422

RIN: 1545-AF81

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252. ● TEMPORARY REGULATIONS ON EFFECTIVE DATES AND OTHER ISSUES ARISING UNDER THE RETIREMENT EQUITY ACT OF 1984

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; PL 98-397, Sec 303(e)(4) Retirement Equity Act of 1984; 26 USC 417 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1.401(a)-11T; 26 CFR 1.402(f)-1T; 26 CFR 1.410(a)-5T; 26 CFR 1.410(a)-7T

Abstract: The regulations will provide rules relating to participation and vesting, qualified joint and survivor annuities, and notices required to be provided to recipients of certain distributions from qualified plans.

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/00/85	

Small Entity: Not Applicable

Additional Information: EE-110-84.

Drafting attorney: Charles M. Watkins (202) 566-3430.

Reviewing attorney: Richard J. Wickersham (202) 566-3250.

Office of Tax Legislative Counsel reviewing attorney: Harry J. Conaway.

Agency Contact: Charles M. Watkins, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3430

RIN: 1545-AH04

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253. INCOME TAX--REFUND OF MISTAKEN CONTRIBUTIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 401(a)(2) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations describe those circumstances under which an employer contribution or withdrawal liability payment to a multiemployer pension plan may be refunded due to a mistake of law or fact.

Timetable:

Action	Date	FR Cite
NPRM	03/11/83	48 FR 10374
NPRM Comment Period Begin	03/11/83	48 FR 10374
NPRM Comment Period End	05/10/83	
Final Action	06/00/85	

Small Entity: Not Applicable

Additional Information: EE-133-80.

Drafting attorney: John T. Ricotta (202) 566-3544.

Reviewing attorney: Michael A. Thrasher (202) 566-3961.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Conaway.

Agency Contact: John T. Ricotta, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3544

RIN: 1545-AD68

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254. INCOME TAX--COMPARABILITY OF PLANS FOR VESTING

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 401(a)(5) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations would provide guidance relating to the comparability of contributions and

benefits provided under two or more pension, profit-sharing, or stock bonus plans of an employer that are considered as a single plan for purposes of satisfying the nondiscrimination requirements of the Internal Revenue Code of 1954.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: EE-8-78.

Drafting attorney: Roberto E. Rivera (202) 566-3430.

Reviewing attorney: Richard J. Wickersham (202) 566-3250.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Conaway.

Revised preliminary draft of notice to Actuarial Division, 02/07/80.

Agency Contact: Roberto E. Rivera, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3430**

RIN: 1545-AD69

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255. INCOME TAX--REQUIRED DISTRIBUTIONS FROM QUALIFIED PLANS AND INDIVIDUAL RETIREMENT ACCOUNTS AND PARTIAL ROLLOVERS OF INDIVIDUAL RETIREMENT ACCOUNTS

Legal Authority: 26 USC 408(a)(6) Internal Revenue Code of 1954; 26 USC 401(a)(9) Internal Revenue Code of 1954; 26 USC 408(b)(3) Internal Revenue Code of 1954; 26 USC 408(d)(3)(C) Internal Revenue Code of 1954; 26 USC 408(j) Internal Revenue Code of 1954; 26 USC 408(k) Internal Revenue Code of 1954; 26 USC 409(b)(3)(C) Internal Revenue Code of 1954; 26 USC 219(d)(4) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: This project will revise the Income Tax Regulations to incorporate the changes made in the law by the Tax Equity and Fiscal Responsibility Act of 1982 and the Tax Reform Act of 1984 concerning required distributions from qualified plans and individual retirement accounts and partial rollovers of individual retirement accounts.

Timetable:

Action	Date	FR Cite
NPRM	05/00/85	

Small Entity: Not Applicable

Additional Information: EE-113-82.

Drafting attorney: Marjorie Hoffman (202) 566-3430.

Reviewing attorney: Richard J. Wickersham (202) 566-3250.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Conaway.

Agency Contact: Marjorie Hoffman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3430**

RIN: 1545-AE95

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256. VARIOUS PENSION PARITY, ETC. PROVISIONS UNDER THE TAX EQUITY AND FISCAL RESPONSIBILITY ACT OF 1982 AND THE ECONOMIC RECOVERY TAX ACT OF 1981

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 72 Internal Revenue Code of 1954; 26 USC 101 Internal Revenue Code of 1954; 26 USC 401 Internal Revenue Code of 1954; 26 USC 404 Internal Revenue Code of 1954; 26 USC 408 Internal Revenue Code of 1954; 26 USC 457 Internal Revenue Code of 1954; 26 USC 1379 Internal Revenue Code of 1954; 26 USC 2039 Internal Revenue Code of 1954; 26 USC 4972 Internal Revenue Code of 1954; PL 95-600, Sec 131 Revenue Act of 1978; PL 97-248, Sec 237; PL 97-248, Sec 238; PL 97-248, Sec 245; PL 97-248, Sec 252; ...

CFR Citation: 26 CFR 1; 26 CFR 20; 26 CFR 54

Abstract: Regulations will interpret changes in sections 72, 101, 401, 404, 408, 457, 1379, 2039, and 4972 of the Internal Revenue Code relating to the elimination of distinctions between corporate pension plans and plans covering self-employed individuals.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: EE-108-82.

Drafting attorney: Charles M. Watkins (202) 566-3430.

Reviewing attorney: Richard J. Wickersham (202) 566-3250.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Conaway.

Agency Contact: Charles M. Watkins, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3430**

RIN: 1545-AE84

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257. INCOME TAX—CERTAIN CASH OR DEFERRED ARRANGEMENTS

Legal Authority: 26 USC 7805 Internal Revenue Act of 1954; 26 USC 401(k) Internal Revenue Act of 1954; 26 USC 402(a)(8) Internal Revenue Act of 1954; PL 95-600, Sec 135 Revenue Act of 1978

CFR Citation: 26 CFR 1

Abstract: Regulation will provide definitions and interpretations governing qualified cash or deferred arrangements described in section 401(k) of the Internal Revenue Code of 1954.

Timetable:

Action	Date	FR Cite
NPRM	11/10/81	46 FR 55544
NPRM Comment Period Begin	11/10/81	47 FR 00988
NPRM Comment Period End	02/15/82	
Notice of Hearing	02/24/82	47 FR 08028
Hearing	04/20/82	
Final Action	06/00/85	

Small Entity: Not Applicable

Additional Information: EE-169-78.

Drafting attorney: Charles M. Watkins (202) 566-3430.

Reviewing attorney: Richard J. Wickersham (202) 566-3250.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Conaway.

Agency Contact: Charles M. Watkins, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3430**

RIN: 1545-AD72

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258. NONDISCRIMINATORY COORDINATION OF DEFINED CONTRIBUTION PLANS WITH OLD AGE, SURVIVORS, AND DISABILITY INSURANCE

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 401(l) Inter-

nal Revenue Code of 1954; PL 97-248, Sec 249

CFR Citation: 26 CFR 1

Abstract: Regulations will define and interpret rules governing the integration of qualified defined contribution pension, profit sharing, and stock bonus plans with benefits paid under Social Security.

Timetable:

Action	Date	FR Cite
NPRM	12/00/85	

Small Entity: Not Applicable

Additional Information: EE-112-82.

Drafting attorney: Suzanne K. Tank (202) 566-3422.

Reviewing attorney: James L. Brokaw (202) 566-4173.

Treasury attorney: Conaway.

Agency Contact: **Suzanne K. Tank**, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3422**

RIN: 1545-AE93

259. INCOME TAX—TREATMENT OF CERTAIN LUMP SUM DISTRIBUTIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 402(a)(2) Internal Revenue Code of 1954; 26 USC 402(e) Internal Revenue Code of 1954; 26 USC 403(a)(2)(A)(iii) Internal Revenue Code of 1954; 26 USC 411(d)(1) Internal Revenue Code of 1954; PL 93-406, Sec 2005 Employee Retirement Income Security Act; PL 94-455, Sec 1512 Tax Reform Act of 1976

CFR Citation: 26 CFR 1

Abstract: Regulations will provide definitions and other guidance relating to income tax treatment of certain distributions from qualified employee plans.

Timetable:

Action	Date	FR Cite
NPRM	04/30/75	40 FR 18798
NPRM Comment Period Begin	04/30/75	40 FR 18798
Corrected Notice of Proposed Rule	05/23/75	40 FR 22548
NPRM Comment Period End	06/16/75	
Notice of Hearing	07/03/75	40 FR 28102
Hearing	08/12/75	
Additional Notice of Proposed Rule	05/31/79	44 FR 31228
Comment Period until	07/30/79	44 FR 31228
Final Action	05/00/85	

Small Entity: Not Applicable

Additional Information: EE-14-78.

Drafting attorney: Charles M. Watkins (202) 566-3430.

Reviewing attorney: Richard J. Wickersham (202) 566-3250.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Conaway.

Treasury decision to Assistant Secretary (Tax Policy) for signature, 09/16/82.

Agency Contact: **Charles M. Watkins**, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3430**

RIN: 1545-AD73

260. INCOME TAX—TAX-FREE ROLLOVERS OF LUMP SUM DISTRIBUTIONS AND PLAN TERMINATION PAYMENTS. LUMP SUM DISTRIBUTIONS MADE WITH RESPECT TO A DECEDENT

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 402(a)(5) Internal Revenue Code of 1954; 26 USC 402(a)(6) Internal Revenue Code of 1954; 26 USC 402(a)(7) Internal Revenue Code of 1954; 26 USC 401(a)(20) Internal Revenue Code of 1954; 26 USC 403(a)(4) Internal Revenue Code of 1954; 26 USC 403(a)(5) Internal Revenue Code of 1954; 26 USC 403(b)(1) Internal Revenue Code of 1954; 26 USC 403(b)(8) Internal Revenue Code of 1954; 26 USC 404(a)(2) Internal Revenue Code of 1954; 26 USC 691(c)(5) Internal Revenue Code of 1954; PL 94-267; PL 95-438, Sec 4; PL 95-600, Sec 156 Revenue Act of 1978; PL 96-222, Sec 101(a)(8)(A); ...

CFR Citation: 26 CFR 1

Abstract: This regulation provides rules governing the tax-free rollover of lump sum distributions and plan termination payments under a qualified employee plan.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: EE-15-78.

Drafting attorney: Charles M. Watkins (202) 566-3430.

Reviewing attorney: Richard J. Wickersham (202) 566-3250.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Conaway.

Agency Contact: **Charles M. Watkins**, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3430**

RIN: 1545-AD74

261. RETIREMENT ARRANGEMENTS OF CHURCHES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954.; 26 USC 403; 26 USC 415

CFR Citation: 26 CFR 1

Abstract: The regulations will provide guidance on the application of amendments to sections 403 and 415 of the Internal Revenue Code of 1954. The amendments revise the present law rules relating to tax-sheltered annuity programs maintained by churches for their employees. The new rules generally increase the ability of churches to provide retirement income for their employees and clarify the status of such programs.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: EE-114-82.

Drafting attorney: Calder L. Robertson, Jr., (202) 566-3544.

Reviewing attorney: James L. Brokaw (202) 566-4173.

In Employee Plans and Exempt Organizations Division for preparation of Notice.

Agency Contact: **Calder L. Robertson, Jr.**, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3544**

RIN: 1545-AE25

262. INCOME TAX—TAXABILITY OF BENEFICIARY UNDER ANNUITY PURCHASE BY SEC. 501(C) ORGANIZATION OR PUBLIC SCHOOL

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 403(b)(7) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations provide guidance on employer contributions of funds, on behalf of employees, to regulated investment company stock (mutual funds). Employer contributions and the earnings on those contributions are exempt from income tax.

Timetable:

Action	Date	FR Cite
NPRM	02/10/78	43 FR 5852
NPRM Comment Period Begin	02/10/78	43 FR 5852
NPRM Comment Period End	04/04/78	
Partial Revised Notice	12/30/80	45 FR 85786
Hearing	06/04/81	46 FR 17229
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: EE-17-78.

Drafting attorney: Harry Beker (202) 566-6212.

Reviewing attorney: Michael A Thrasher (202) 566-3961.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Conaway.

Agency Contact: Harry Beker, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-6212**

RIN: 1545-AD75

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263. PROCEDURE AND ADMINISTRATION REGULATIONS UNDER THE TAX REFORM ACT OF 1984 RELATING TO DIVIDENDS FROM ESOP'S

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 404(k); 26 USC 116(e); 26 USC 3405(d); 26 USC 3405(l)

CFR Citation: 26 CFR 1, 26 CFR 301

Abstract: The regulations would provide guidance relating to the deduction rules when a corporation pays a dividend with respect to stock held by a tax credit employee stock ownership plan or by an employee stock ownership plan.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: EE-72-84.

Drafting attorney: Calder L. Robertson, Jr. (202) 566-3544.

Reviewing attorney: Michael A. Thrasher (202) 566-3961.

Treasury attorney: Harry Conaway (202) 566-4902.

Agency Contact: Calder L. Robertson, Jr., Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3544**

RIN: 1545-AG65

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264. INCOME TAX--DEDUCTION LIMITATIONS AND FUNDING RULES FOR VALUING CERTAIN AGREEMENTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 404(a)(1) Internal Revenue Code of 1954; 26 USC 404(a)(6) Internal Revenue Code of 1954; 26 USC 404(a)(7) Internal Revenue Code of 1954; 26 USC 404(a)(3)(A) Internal Revenue Code of 1954; 26 USC 404(g) Internal Revenue Code of 1954; 26 USC 412(c)(2)(A) Internal Revenue Code of 1954; 26 USC 413(b)(7) Internal Revenue Code of 1954; 26 USC 413(c)(6) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations provide rules for taking into account the fair market value of certain insurance products in the valuation of assets for pension plans. In addition, the regulations amend the regulations to reflect changes made by the Employee Retirement Income Security Act of 1974 to sections 404 and 413 of the Internal Revenue Code.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: EE-141-79.

Drafting attorney: Harry Beker (202) 566-6212.

Reviewing attorney: Jonathan P. Marget (202) 566-3651.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Conaway.

Agency Contact: Harry Beker, Attorney, Department of the Treasury Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-6212**

RIN: 1545-AD76

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265. INCOME TAX--EMPLOYEE STOCK OWNERSHIP PLAN LOAN PAYMENTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 404(a)(9) Internal Revenue Code of 1954; 26 USC 415(c)(6) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations would provide guidance relating to the deduction limitations when employer contributions to an employee stock ownership plan are used to repay the principal and interest of an exempt loan that was made to the employee stock ownership plan.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: EE-152-81.

Drafting attorney: Calder L. Robertson, Jr. (202) 566-3544.

Reviewing attorney: Michael A. Thrasher (202) 566-3961.

Agency Contact: Calder L. Robertson, Jr., Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3544**

RIN: 1545-AD77

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266. INCOME TAX--DEDUCTIBILITY OF PAYMENTS OF DEFERRED COMPENSATION TO INDEPENDENT CONTRACTORS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 404(d) Internal Revenue Code of 1954; 26 USC 404(b) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations provide rules for taking a deduction under section 404(d) of the Internal Revenue Code for deferred compensation paid to independent contractors. A deduction is permitted only when there is a corresponding income inclusion by the plan participant. In addition, the regulations provide guidance with regard to the amendment of section 404(b) of the Internal Revenue Code by section 133 of the Revenue Act of 1978, which clarified that a method of compensation or contributions having the effect of a plan deferring the receipt of compensation does not have to be similar to a stock bonus, pension, profit-sharing, or annuity plan to be

subject to 404(a) of the Internal Revenue Code. The regulations describe methods of compensation or contributions subject to the section 404(a) rules. The regulations also reflect the amendment of section 404(b) of the Internal Revenue Code by the Tax Reform Act of 1984. That amendment provides that certain deferred benefits shall be treated as deferred compensation for purposes of section 404(a).

Timetable:

Action	Date	FR Cite
NPRM	12/00/85	

Small Entity: Not Applicable

Additional Information: EE-44-79.

Drafting attorney: John C. Khil (202) 566-6212.

Reviewing attorney: Michael A. Thrasher (202) 566-3961.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Conaway.

In Office of Chief Counsel (Employee Plans and Exempt Organizations Division) for preparation of revised preliminary draft of notice.

Agency Contact: John C. Khil, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C 20224, 202 566-6212

RIN: 1545-AD78

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267. INCOME TAX--DEDUCTION OF EMPLOYER LIABILITY PAYMENTS, NOTICE OF REORGANIZATION AND FUNDING REQUIREMENTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 404(g) Internal Revenue Code of 1954; 26 USC 418A Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: This project will provide guidance to employers on when they may deduct employer liability payments paid under section 4062, 4063, or 4064, or part 1 of subtitle E of title IV of the Employee Retirement Income Security Act of 1974.

Timetable:

Action	Date	FR Cite
NPRM	12/00/85	

Small Entity: Not Applicable

Additional Information: EE-130-80.

Drafting attorney: Marjorie Hoffman (202) 566-3430.

Reviewing attorney: Richard J. Wickersham (202) 566-3250.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Conaway.

Agency Contact: Marjorie Hoffman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3430

RIN: 1545-AD80

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268. INCOME TAX--DEDUCTION FOR CERTAIN FOREIGN DEFERRED COMPENSATION PLANS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 404A Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations would provide guidance relating to the limitations on deductions and adjustments to earnings and profits (or accumulated profits) with respect to certain foreign deferred compensation plans.

Timetable:

Action	Date	FR Cite
NPRM	05/00/85	

Small Entity: Not Applicable

Additional Information: EE-14-81.

Drafting attorney: Calder L. Robertson, Jr. (202) 566-3544.

Reviewing attorney: Michael A. Thrasher (202) 566-3961.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Conaway.

Agency Contact: Calder L. Robertson, Jr., Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3544

RIN: 1545-AD81

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269. ANNUAL INFORMATION REPORTS BY TRUSTEES AND ISSUERS OF INDIVIDUAL RETIREMENT PLANS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 408 Internal Revenue Code of 1954; PL 98-369, Sec 147

CFR Citation: 26 CFR 1

Abstract: On June 28, 1983, the Internal Revenue Service issued news release IR-83-88 requiring new information reporting by trustees of individual retirement accounts and issuers of individual retirement annuities (including accounts and annuities that are simplified employee pensions). Form 5498, Individual Retirement Arrangement Information, was prescribed in the news release as the information return to be used for this purpose. This regulation project will amend the regulations under section 408 to conform them to the reporting requirements announced in the news release. In addition, section 147 of the Tax Reform Act of 1984 amended section 408 (i) of the Code to require that contributions be identified as to the taxable year to which they apply. This amendment will be included in this regulation period.

Timetable:

Action	Date	FR Cite
NPRM	11/16/84	49 FR 45450
NPRM Comment Period Begin	11/16/84	49 FR 45450
NPRM Comment Period End	01/15/85	
Final Action	05/00/85	

Small Entity: Not Applicable

Additional Information: EE 65-83.

Drafting attorney: Philip R. Bosco (202) 566-3430.

Reviewing attorney: Richard J. Wickersham (202) 566-3250.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Conaway.

Agency Contact: Philip R. Bosco, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3430

RIN: 1545-AF83

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270. INCOME TAX--REQUIREMENTS FOR TAX CREDIT EMPLOYEE STOCK OWNERSHIP PLANS, EMPLOYEE PLAN CREDIT, AND DEFINED CONTRIBUTION PLAN VOTING RIGHTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 409 Internal Revenue Code of 1954; 26 USC 48 Internal Revenue Code of 1954; 26 USC 401 Internal Revenue Code of 1954; 26 USC 6699 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations provide rules for electing the employee plan credit under section 48 of the Internal Revenue Code, establishing a tax credit employee stock ownership plan under section 409 of the Internal Revenue Code and providing voting rights to participants of certain defined contribution plans under section 401(a)(22) of the Internal Revenue Code. Further, the regulations provide guidance for determining the applicability of and calculating the assessable penalties relating to tax credit employee stock ownership plans under section 6699 of the Internal Revenue Code. The regulations reorganize and modify the current regulations which are based on section 301(d), (e), and (f) of the Tax Reduction Act of 1975, and provide a single set of rules that would apply to tax credit employee stock ownership plans established under the provisions of the Tax Reduction Act of 1975 and the 1978 Revenue Act.

Timetable:

Action	Date	FR Cite
NPRM	08/00/85	

Small Entity: Not Applicable

Additional Information: EE-49-80.

Drafting attorney: John C. Khil (202) 566-6212.

Reviewing attorney: Michael A. Thrasher (202) 566-3961.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Conaway.

Revised preliminary draft notice to Office of Tax Legislative Counsel (Treasury), 08/31/83.

Agency Contact: John C. Khil, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-6212**

RIN: 1545-AD82

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271. ● RETIREMENT EQUITY ACT CHANGES TO PARTICIPATION, VESTING, ETC. RULES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; PL 98-297, Sec 301 Retirement Equity Act of 1984

CFR Citation: 26 CFR 1.410(a)-3; 26 CFR 1.410(a)-7; 26 CFR 1.411(a)-5; 26 CFR 1.411(b)-1

Abstract: These regulations provide rules relating to amendments to section 401(a)(25), 402(f), 410, 411, 6057(e), and 6652(j) of the Code, enacted by the Retirement Equity Act of 1984. The regulations will apply changes in the participation and vesting rules to plans that use the elapsed time method of service counting, and to class-year plans. In addition, the rules provide a sample notice that may be used to satisfy section 402(f). Rules governing reductions in accrued benefits will also be provided.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: EE-95-84.

Drafting attorney: Charles M. Watkins (202) 566-3430.

Reviewing attorney: Richard J. Wickersham (202) 566-3250.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Harry J. Conaway (202) 566-4902.

Agency Contact: Charles M. Watkins, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3430**

RIN: 1545-AH03

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272. ● RESTRICTIONS ON CASH-OUTS UNDER THE RETIREMENT EQUITY ACT OF 1984

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1.411(a) (11)-1T; 26 CFR 1.417(e)-1T

Abstract: The regulations will provide rules governing cash-outs of accrued benefits in excess of $3,500.

Timetable:

Action	Date	FR Cite
NPRM	05/00/85	

Small Entity: Not Applicable

Additional Information: EE-3-85

Drafting attorney: Charles M. Watkins (202) 566-3430.

Reviewing attorney: Richard J. Wickersham (202) 566-3250.

Office of Tax Legislative Counsel reviewing attorney: Harry J. Conaway.

Agency Contact: Charles M. Watkins, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3430**

RIN: 1545-AH01

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273. ● TEMPORARY REGULATIONS ON RESTRICTIONS ON CASH-OUTS UNDER THE RETIREMENT EQUITY ACT OF 1984

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1.411(a) (11)-1T; 26 CFR 1.417(e)-1T

Abstract: The regulations will provide rules governing cash-outs of accrued benefits in excess of $3,500 under sections 411(a) (11) and 417 of the Code, as amended by sections 203 and 205 of the Retirement Equity Act of 1984.

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/00/85	

Small Entity: Not Applicable

Additional Information: EE-2-85.

Drafting attorney: Charles M. Watkins (202) 566-3430.

Reviewing attorney: Richard J. Wickersham (202) 566-3250.

Office of Tax Legislative Counsel reviewing attorney: Harry J. Conaway.

Agency Contact: Charles M. Watkins, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3430**

RIN: 1545-AH02

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274. INCOME TAX--COORDINATION OF VESTING AND NONDISCRIMINATION REQUIREMENTS FOR QUALIFIED PLANS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 411(d)(1) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: This project was developed to prescribe rules for determining if the vesting schedule of a qualified plan discriminates in favor of employees who are officers, shareholders, or highly compensated.

Timetable:

Action	Date	FR Cite
NPRM	04/09/80	45 FR 24201
Partial Revised Notice	06/12/80	45 FR 39869
Hearing	07/10/80	45 FR 29308
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: EE-164-78.

Drafting attorney: Marjorie Hoffman (202) 566-3430.

Reviewing attorney: Richard J. Wickersham (202) 566-3250.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Conaway.

Agency Contact: Marjorie Hoffman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3430

RIN: 1545-AD83

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275. RULES CLARIFYING THE INCOME TAX REGULATIONS, PART 1, WITH RESPECT TO SERVICE COMPUTATION UNDER PENSION, ETC. PLANS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 410 Internal Revenue Code of 1954; 26 USC 411 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: This project was undertaken in order to clarify permissible methods of crediting service by qualified plans for purposes of vesting and participation.

Timetable:

Action	Date	FR Cite
NPRM	06/00/85	

Small Entity: Not Applicable

Additional Information: EE-65-82.

Drafting attorney: Nancy J. Marks (202) 566-3430.

Reviewing attorney: Richard J. Wickersham (202) 566-3250.

Office of Tax Legislative Counsel (Treasury) reviewing attorneys: Conaway, McCarty.

Agency Contact: Nancy J. Marks, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3430

RIN: 1545-AE39

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276. INCOME TAX--EXCISE TAX REGULATIONS--FUNDING FOR QUALIFIED PLANS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 412 Internal Revenue Code of 1954; 26 USC 413(b) Internal Revenue Code of 1954; PL 93-406, Sec 1013

CFR Citation: 26 CFR 1; 26 CFR 54

Abstract: The regulations would provide guidance relating to the minimum funding requirements for employee pension benefit plans, and to excise taxes for failure to meet the minimum funding standards.

Timetable:

Action	Date	FR Cite
NPRM	12/01/82	47 FR 54093
NPRM Comment Period Begin	12/01/82	47 FR 54093
NPRM Comment Period End	01/31/83	
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: EE-99-78.

Reviewing attorney: George B. Baker (202) 566-3422.

Reviewing Attorney: Jonathan P. Marget (202) 566-3651.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Conaway.

Agency Contact: George B. Baker, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3422

RIN: 1545-AD84

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277. INCOME TAX--PENSION EXCISE TAXES--MISCELLANEOUS FUNDING PROVISIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 412(b) Internal Revenue Code of 1954; 26 USC 412(j) Internal Revenue Code of 1954; 26 USC 412(k) Internal Revenue Code of 1954; 26 USC 4971(d) Internal Revenue Code of 1954; 26 USC 414(l) Internal Revenue Code of 1954; 26 USC 412(a) Internal Revenue Code of 1954; 26 USC 413(b)(6) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1; 26 CFR 54

Abstract: The regulations would provide guidance relating to the minimum funding requirements for multiemployer pension plans.

Timetable:

Action	Date	FR Cite
NPRM	12/31/85	

Small Entity: Not Applicable

Additional Information: EE-129-80.

Drafting attorney: George B. Baker (202) 566-3422.

Reviewing attorney: Jonathan P. Marget (202) 566-3651.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Conaway.

Agency Contact: George B. Baker, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3422

RIN: 1545-AD85

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278. INCOME TAX--TERM, ETC. FUNDING FOR ANCILLARY BENEFITS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 412(c)(3) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations would provide guidance relating to the cost range within which an ancillary cost must fall in order to utilize 1-year term funding.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: EE-151-80.

Drafting attorney: Calder L. Robertson, Jr. (202) 566-3544.

Reviewing attorney: Jonathan P. Marget (202) 566-3651.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Conaway.

In Office of Chief Counsel (Employee Plans and Exempt Organizations Division) for preparation of notice.

Agency Contact: Calder L. Robertson, Jr., Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3544**

RIN: 1545-AD86

279. INCOME TAX--DEFINITIONS & SPECIAL RULES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 414(b) Internal Revenue Code of 1954; 26 USC 414(c) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations relate to the definition of controlled groups of corporations and businesses under common control for purposes of certain provisions of the Employee Retirement Income Security Act of 1974 and pension related provisions of the Internal Revenue Code.

Timetable:

Action	Date	FR Cite
NPRM	11/05/75	40 FR 51467
NPRM Comment Period Begin	11/05/75	40 FR 51467
NPRM Comment Period End	01/04/76	
Final Action	12/31/85	

Small Entity: Not Applicable

Additional Information: LR-209-74.

Drafting attorney: Michel A. Daze (202) 566-3829.

Reviewing attorney: Charles M. Whedbee (202) 566-3458.

Treasury attorney: Conaway.

Agency Contact: Michel A. Daze, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3829**

RIN: 1545-AB35

280. INCOME TAX--DEFINITIONS AND SPECIAL RULES; SERVICE FOR PREDECESSOR

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 414(a) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: Regulation will provide guidance to employers maintaining plans on when service with a predecessor employer must or may be treated as service under their plan.

Timetable:

Action	Date	FR Cite
NPRM	12/00/85	

Small Entity: Not Applicable

Additional Information: EE-22-78.

Drafting attorney: Marjorie Hoffman (202) 566-3430.

Reviewing attorney: Richard J. Wickersham (202) 566-3250.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Conaway.

Agency Contact: Marjorie Hoffman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3430**

RIN: 1545-AD87

281. INCOME TAX--CHURCH PLANS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 414(e) Internal Revenue Code of 1954; PL 96-364, Sec 407

CFR Citation: 26 CFR 1

Abstract: This regulation project relates to the determination of whether a retirement plan is a church plan. Changes to the applicable tax law were made by the Multiemployer Pension Plan Amendments Act of 1980. The regulations would provide persons responsible for the administration of retirement plans with the guidance needed to determine whether their plan is entitled to the special benefits afforded church plans.

Timetable:

Action	Date	FR Cite
NPRM	06/00/85	

Small Entity: Not Applicable

Additional Information: EE-123-80.

Drafting attorney: John T. Ricotta (202) 566-3544.

Reviewing attorney: Michael A. Thrasher (202) 566-3961.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Conaway.

Agency Contact: John T. Ricotta, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3544**

RIN: 1545-AD88

282. INCOME TAX--DEFINITION OF MULTIEMPLOYER PLAN

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 414(f) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations would provide guidance relating to the definition of a "multiemployer plan" which was changed by Public Law 96-364.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: EE-131-80.

Drafting attorney: Calder L. Robertson, Jr. (202) 566-3544.

Reviewing attorney: Michael A. Thrasher (202) 566-3961.

Office of Tax Legislative Counsel (Treasury) reviewing attorney:

Agency Contact: Calder L. Robertson, Jr., Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3544**

RIN: 1545-AD89

283. INCOME TAX--EMPLOYEES OF AN AFFILIATED SERVICE GROUP

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 414(m) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations would provide rules with regard to the aggregation of employees of certain organizations for purposes of certain pension requirements.

Timetable:

Action	Date	FR Cite
NPRM	02/28/83	48 FR 8293
NPRM Comment Period Begin	02/28/83	
NPRM Comment Period End	04/29/83	
Final Action	05/00/85	

Small Entity: Not Applicable

Additional Information: EE-3-81.

Drafting attorney: Philip R. Bosco (202) 566-3430.

Reviewing attorney: Richard J. Wickersham (202) 566-3250.

Office of Tax Legislative Counsel (Treasury) reviewing attorneys: Conaway, McCarty.

Agency Contact: Philip R. Bosco, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3430**

RIN: 1545-AD90

284. INCOME TAX REGULATIONS—AFFILIATED SERVICE GROUPS AND EMPLOYEE LEASING

Legal Authority: 26 USC 7805; 26 USC 414(n)

CFR Citation: 26 CFR 1

Abstract: The regulations will provide rules regarding the treatment of certain leased employees. In addition, the regulations will provide guidance regarding the aggregation of certain management companies as affiliated service groups.

Timetable:

Action	Date	FR Cite
NPRM	05/00/85	

Small Entity: Not Applicable

Additional Information: EE-111-82.

Drafting attorney: Philip R. Bosco (202) 566-3430.

Reviewing attorney: Richard J. Wickersham (202) 566-3250.

Office of Tax Legislative Counsel reviewing attorney: Conaway.

In Employee Plans and Exempt Organizations Division for preparation of Notice.

Agency Contact: Philip R. Bosco, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3430**

RIN: 1545-AE91

285. LIMITATIONS ON BENEFITS AND CONTRIBUTIONS UNDER QUALIFIED PLANS

Legal Authority: 26 USC 7805; 26 USC 415; 26 USC 404(a)(3)(B); 26 USC 404(j)

CFR Citation: 26 CFR 1

Abstract: The regulations deal with the amendments to Internal Revenue Code section 415, which lower the limitations on benefits and contributions under qualified plans and the amendments to Internal Revenue Code section 404 which deal with the corresponding deduction for employer payments made to a qualified plan. The regulation also provides special rules for contributions made on behalf of disabled participants and special rules for church plans.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: EE-107-82.

Drafting attorney: Monice Rosenbaum (202) 566-3422.

Reviewing attorney: Richard J. Wickersham (202) 566-3250.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Conaway.

Agency Contact: Monice Rosenbaum, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3422**

RIN: 1545-AE75

286. ● JOINT AND SURVIVOR ANNUITIES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 417 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: These regulations will provide rules on how plans which intend to qualify under section 401 can comply with the qualified joint and survivor annuity rules added to the Code by the Retirement Equity Act of 1984. The regulations will deal with which plans must provide survivor annuities, in what forms the survivor annuities may be paid, the notice and election procedures for survivor annuities and restrictions on a plan's ability to cash out a participant and spouse.

Timetable:

Action	Date	FR Cite
NPRM	09/00/85	

Small Entity: Not Applicable

Additional Information: EE-94-84.

Drafting attorney: William D. Gibbs (202) 566-3430.

Reviewing attorney: Richard J. Wickersham (202) 566-3250.

Treasury attorney: Harry J. Conaway (202) 566-4902.

Agency Contact: William D. Gibbs, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3430**

RIN: 1545-AG72

287. INCOME TAX—REORGANIZATION STATUS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 418 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations would provide rules for the determination of whether a multiemployer pension plan is in reorganization as described in section 418 of the Internal Revenue Code of 1954.

Timetable:

Action	Date	FR Cite
NPRM	07/00/85	

Small Entity: Not Applicable

Additional Information: EE-124-80.

Drafting attorney: Paul G. Accettura (202) 566-3544.

Reviewing attorney: Richard J. Wickersham (202) 566-3250.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Conaway.

Agency Contact: Paul G. Accettura, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3544**

RIN: 1545-AD91

288. INCOME TAX—MINIMUM CONTRIBUTION REQUIREMENT, IN GENERAL

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 418B Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulation project will focus on a special rule to compute the minimum contribution that employers

must make to a multiemployer plan when the plan is in reorganization in order for the special funding requirements for multiemployer plans in reorganization to be met.

Timetable:

Action	Date	FR Cite
NPRM	12/00/85	

Small Entity: Not Applicable

Additional Information: EE-125-80.

Drafting attorney: Marjorie Hoffman (202) 566-3430.

Reviewing attorney: Richard J. Wickersham (202) 566-3250.

Office of Tax Legislative Counsel (Treasury) reviewing attorneys: Hevener, Levinson.

Agency Contact: Marjorie Hoffman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3430

RIN: 1545-AD92

289. INCOME TAX--OVERBURDEN CREDIT AGAINST MINIMUM CONTRIBUTION REQUIREMENT

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 418C Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations provide that a multiemployer plan that is in reorganization and is overburdened with retirees is eligible for a special overburden credit which will reduce the otherwise required minimum contribution requirement.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: EE-127-80.

Drafting attorney: Harry Beker (202) 566-6212.

Reviewing attorney: Michael A. Thrasher (202) 566-3961.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Conaway.

Agency Contact: Harry Beker, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-6212

RIN: 1545-AD94

290. INCOME TAX--ADJUSTMENTS IN ACCRUED BENEFITS; INSOLVENT PLANS; RELATED VESTING PROVISIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 418D Internal Revenue Code of 1954; 26 USC 418E Internal Revenue Code of 1954; 26 USC 411(a)(3) Internal Revenue Code of 1954; 26 USC 411(a)(4) Internal Revenue Code of 1954; 26 USC 411(d)(6) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulation would provide rules under 26 USC 418D and 418E concerning adjustment of accrued benefits by a multiemployer plan in reorganization and suspension of benefit payments by an insolvent multiemployer plan. Conforming changes will be made to regulations under section 411 concerning permitted forfeitures and concerning the computation of the period of service in determining an employee's nonforfeitable percentage.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: EE-128-80.

Drafting attorney: George B. Baker (202) 566-3422.

Reviewing attorney: James L. Brokaw (202) 566-4173.

Agency Contact: George B. Baker, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3422

RIN: 1545-AD95

291. TREATMENT OF FUNDED WELFARE BENEFIT PLANS

Legal Authority: 26 USC 419 Internal Revenue Code of 1954; 26 USC 419A Internal Revenue Code of 1954; 26 USC 1239(d) Internal Revenue Code of 1954; 26 USC 7805 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations will provide guidance concerning the treatment of contributions made by an employer to a welfare benefit plan.

Timetable:

Action	Date	FR Cite
NPRM	06/30/85	

Small Entity: Not Applicable

Additional Information: EE-66-84.

Drafting attorneys: John T. Ricotta/John C. Khil (202) 566-3544 or 566-6212.

Reviewing attorney: Michael A. Thrasher (202) 566-3961.

Treasury attorney: Harry Conaway (202) 566-4902.

Agency Contact: John T. Ricotta/John C. Khil, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, DC 20224, 202 566-3544

RIN: 1545-AG14

292. INCOME TAX--CREATION & TREATMENT OF INCENTIVE STOCK OPTIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 422A Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations would provide guidance for taxpayers who either grant or receive incentive stock options. The grant of an incentive stock option to an employee by, generally, the employer, will not be a taxable event. At the time such an option is exercised by the employee, no amount of the spread will be included in the employee's gross income. When the stock acquired subject in the option is sold, the entire gain will be treated as capital gain and not ordinary income.

Timetable:

Action	Date	FR Cite
NPRM	02/07/84	49 FR 4504
NPRM Comment Period Begin	02/07/84	49 FR 4504
NPRM Comment Period End	04/09/84	
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-279-81.

Drafting attorney: Bruce H. Jurist (202) 566-3238.

Reviewing attorney: John H. Parcell (202) 566-3288.

Treasury attorney: Fairlea Sheehy (202) 566-2565.

Agency Contact: Bruce H. Jurist, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW, Washington, D.C. 20224, 202 566-3238

RIN: 1545-AB36

293. INCOME TAX--REQUESTS FOR CHANGE OF METHOD OF ACCOUNTING FROM AN ERRONEOUS METHOD OF ACCOUNTING

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 446(e) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations would clarify the procedures for changing from an erroneous method of accounting to a proper method of accounting. Generally, taxpayers must obtain the Commissioner's consent to change their method of accounting.

Timetable:

Action	Date	FR Cite
NPRM	12/31/85	

Small Entity: Not Applicable

Additional Information: LR-188-79.

Drafting attorney: (202) 566-3238.

Reviewing attorney: John H. Parcell (202) 566-3288.

Agency Contact: Alice Bennett, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3238

RIN: 1545-AB37

294. INCOME TAX--CLARIFICATION OF RELATIONSHIP BETWEEN SECTIONS 446(E) AND 481

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 446(e) Internal Revenue Code of 1954; 26 USC 481 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations would clarify that in order to secure the Commissioner's permission to adopt a new accounting method the taxpayer must take any adjustment required by section 481 into income over the period prescribed by the Commissioner.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-47-80.

Drafting attorney: Joseph Rosenthal (202) 566-3238.

Reviewing attorney: John H. Parcell (202) 566-3288.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Elfman.

Agency Contact: Joseph Rosenthal, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3238

RIN: 1545-AB38

295. INCOME TAX--METHOD OF ACCOUNTING FOR CORPORATIONS ENGAGED IN FARMING

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 447 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations would provide rules and definitions needed to determine which corporations and partnerships with a corporate partner are subject to the requirement that income from farming be reported on the accrual method of accounting with the capitalization of preproductive expenses.

Timetable:

Action	Date	FR Cite
NPRM	12/31/85	

Small Entity: Not Applicable

Additional Information: LR-143-76.

Drafting attorney: Ewan Purkiss (202) 566-3238.

Reviewing attorney: Cynthia Clark (202) 566-3238.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: assigned.

Agency Contact: Ewan Purkiss, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3238

RIN: 1545-AB39

296. INCOME TAX--TO CLARIFY TREATMENT OF CERTAIN COSTS INCURRED WITH RESPECT TO LONG TERM CONTRACTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 451 Internal Revenue Code of 1954; Tax Equity and Fiscal Responsibility Act of 1982, Section 229

CFR Citation: 26 CFR 1

Abstract: The regulations would clarify when contracts are completed and when contracts are to be severed or aggregated. The regulations would also provide rules for determining the costs properly allocable to extended period long-term contracts.

Timetable:

Action	Date	FR Cite
NPRM	03/14/83	48 FR 10702
NPRM Comment Period Begin	03/14/83	48 FR 10702
NPRM Comment Period End	05/13/83	
Hearing	06/29/83	
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-274-81.

Drafting attorney: Paulette Chernyshev (202) 566-3288.

Reviewing attorney: John M. Fischer (202) 566-3394.

Office of Tax Legislative Counsel (Treasury) reviewing attorneys: Hutton; Elfman.

Agency Contact: Paulette Chernyshev, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N. W., Washington, D.C. 20224, 202 566-3238

RIN: 1545-AB40

297. INCOME TAX--GENERAL RULES RELATING TO INSTALLMENT SALES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 453 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: Treasury decision will provide general rules and rules for reporting contingent installment obligations.

Timetable:

Action	Date	FR Cite
NPRM	02/04/81	46 FR 10749
NPRM Comment Period Begin	02/04/81	46 FR 10749

Action	Date	FR Cite
NPRM Comment Period End	04/06/81	
Hearing	10/01/81	46 FR 40774
Final Action	00/00/00	

Small Entity: Yes

Additional Information: LR-173-80.

Drafting attorney: Linda M. Kroening (202) 566-3238.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Suzanne McDowell (202) 566-8527.

Agency Contact: Linda M. Kroening, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3238**

RIN: 1545-AB42

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298. INCOME TAX REGULATIONS--PART I. INSTALLMENT SALES BY NONTAXABLE ENTITIES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 453 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: This project will provide rules relating to installment sales by nontaxable entities and the election provision by foreign personal holding companies.

Timetable:

Action	Date	FR Cite
NPRM	06/00/85	

Small Entity: No

Additional Information: LR-143-83.

Drafting attorney: Linda M. Kroening (202) 566-3238.

Reviewing attorney: John H. Parcell (202) 566-3288.

Office of Tax Legislative Counsel reviewing attorney: Suzanne McDowell (202) 566-8527.

Agency Contact: Linda M. Kroening, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3238**

RIN: 1545-AF73

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299. INCOME TAX REGULATIONS--PART 1--SPECIAL RULES RELATING TO INSTALLMENT OBLIGATIONS THAT ARE READILY TRADABLE OR PAYABLE ON DEMAND

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954, 26 USC 453 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: These regulations will provide rules relating to installment obligations that are readily tradable or payable on demand.

Timetable:

Action	Date	FR Cite
NPRM	06/00/85	

Small Entity: Undetermined

Additional Information: LR-54-84.

Drafting attorney: Linda M. Kroening (202) 566-3238.

Reviewing attorney: John H. Parcell (202) 566-3336.

Treasury attorney: Suzanne McDowell (202) 566-8527.

Agency Contact: Linda M. Kroening, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3238**

RIN: 1545-AG37

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300. INCOME TAX--INSTALLMENT OBLIGATIONS RECEIVED FROM A LIQUIDATING CORPORATION

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 453 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: Proposal would provide rules for reporting gain in respect of installment obligations received as liquidating distributions from corporations under a plan of complete liquidation.

Timetable:

Action	Date	FR Cite
NPRM	01/13/84	49 FR 1742
NPRM Comment Period Begin	01/13/84	49 FR 1742
NPRM Comment Period End	03/16/84	
Final Action	09/00/85	

Small Entity: Not Applicable

Additional Information: LR-184-80.

Drafting attorney: Linda Kroening (202) 566-3238.

Reviewing attorney: John H. Parcell (202) 566-3288.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Suzanne McDowell (202) 566-8527.

Agency Contact: Linda M. Kroening, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3238**

RIN: 1545-AB43

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301. INCOME TAX--INSTALLMENT OBLIGATIONS RECEIVED IN TRANSACTIONS IN WHICH GAIN OR LOSS IS GENERALLY NOT RECOGNIZED

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 453 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: Proposal would provide rules for reporting installment obligations that are received as boot in certain exchanges in which gain is not generally recognized.

Timetable:

Action	Date	FR Cite
NPRM	05/03/84	49 FR 18866
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-186-80.

Drafting attorney: Linda M. Kroening (202) 566-3238.

Reviewing attorney: John H. Parcell (202) 566-3288.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Suzanne McDowell (202) 566-8527.

Agency Contact: Linda M. Kroening, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3238**

RIN: 1545-AB44

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302. INCOME TAX—INSTALLMENT SALES BETWEEN RELATED PARTIES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 453 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: Proposal would provide rules for reporting installment sales between related parties.

Timetable:

Action	Date	FR Cite
NPRM	09/00/85	

Small Entity: Not Applicable

Additional Information: LR-2-81.

Drafting attorney: Linda M. Kroening (202) 566-3238.

Reviewing attorney: John H. Parcell (202) 566-3288.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Suzanne McDowell (202) 566-8527.

Agency Contact: Linda M. Kroening, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3238**

RIN: 1545-AB45

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303. INCOME TAX--INSTALLMENT METHOD REPORTING BY DEALERS IN PERSONAL PROPERTY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 453A Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: Proposal would provide rules for installment method reporting by dealers in personal property.

Timetable:

Action	Date	FR Cite
NPRM	04/00/85	

Small Entity: Not Applicable

Additional Information: LR-146-81.

Drafting attorney: Linda M. Kroening (202) 566-3238.

Reviewing attorney: John H. Parcell (202) 566-3288.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Suzanne McDowell (202) 566-8527.

Agency Contact: Linda M. Kroening, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3238**

RIN: 1545-AB47

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304. INCOME TAX -- GAIN OR LOSS ON THE DISPOSITION OF AN INSTALLMENT OBLIGATION

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 453B Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: Proposal would provide rules for reporting gain or loss upon the disposition of an installment obligation.

Timetable:

Action	Date	FR Cite
NPRM	09/00/85	

Small Entity: Not Applicable

Additional Information: LR-103-81.

Drafting attorney: Linda M. Kroening (202) 566-3238.

Reviewing attorney: John H. Parcell (202) 566-3336.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Suzanne McDowell (202) 566-8527.

Agency Contact: Linda M. Kroening, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3238**

RIN: 1545-AB41

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305. INCOME TAX--INSTALLMENT SALES REVISION ACT OF 1980, REGULATIONS RELATING TO WRAP-AROUND MORTGAGES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 453 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: Proposal would provide regulations for reporting sales of property under a wrap-around mortgage arrangement.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-147-82.

Drafting attorney: Linda M. Kroening (202) 566-3238.

Reviewing attorney: John H. Parcell (202) 566-3288.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Suzanne McDowell (202) 566-8527.

Agency Contact: Linda M. Kroening, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3238**

RIN: 1545-AB46

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306. INCOME TAX REGULATIONS--PART 1. INSTALLMENT SALE BY DEALERS IN PERSONAL PROPERTY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 453A Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: This project will provide rules relating to sales by dealers of personal property on the installment plan.

Timetable:

Action	Date	FR Cite
Final Action	06/00/85	

Small Entity: No

Additional Information: LR-141-83.

Drafting attorney: Linda M. Kroening (202) 566-3238.

Reviewing attorney: John H. Parcell (202) 566-3288.

Office of Tax Legislative Counsel reviewing attorney: Suzanne McDowell (202) 566-8527.

Agency Contact: Linda M. Kroening, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3238**

RIN: 1545-AF71

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307. INCOME TAX--EXCLUSION FROM GROSS INCOME WITH RESPECT TO MAGAZINES, PAPERBACKS, AND RECORD RETURNS AFTER CLOSE OF TAXABLE YEAR

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 458 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulation will provide rules on the exclusion from gross income of income attributable to the sale of magazines, paperbacks, or records that are returned.

Timetable:

Action	Date	FR Cite
NPRM	08/31/84	49 FR 34520
Final Action	08/31/85	

Small Entity: Not Applicable

Additional Information: LR-195-78.

Drafting attorney: Annette J. Guarisco (202) 566-3238.

Reviewing attorney: John H. Parcell (202) 566-3288.

Agency Contact: Annette J. Guarisco, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3238**

RIN: 1545-AB48

308. INCOME TAX--TREATMENT OF PREPAID INTEREST

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 461 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations would provide guidance to cash basis taxpayers regarding the deductibility of interest allocable to periods beyond the close of the taxable year.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-190-76.

Drafting attorney: Linda M. Kroening (202) 566-3238.

Reviewing attorney: John H. Parcell (202) 566-3288.

Agency Contact: Linda M. Kroening, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3238**

RIN: 1545-AB49

309. ● TEMPORARY INCOME TAX REGULATIONS--EFFECTIVE DATES RELATING TO THE ECONOMIC PERFORMANCE REQUIREMENT

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 461(h) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: These regulations will provide guidance relating to the general effective date of section 461 (h) , the effect of electing alternative effective dates, the manner of making the elections, the scope of the elections and the section 481 (a) adjustment required by the elections.

Timetable:

Action	Date	FR Cite
Interim Final Rule	03/15/85	

Small Entity: Not Applicable

Additional Information: LR-170-84.

Drafting attorney: C. Scott McLeod (202) 566-3288.

Reviewing attorney: John H. Parcell (202) 566-3336.

Treasury attorney: Mark Perlis (202) 566-8278.

Agency Contact: C. Scott McLeod, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3288**

RIN: 1545-AH28

310. ● INCOME TAX REGULATIONS--THE ECONOMIC PERFORMANCE REQUIREMENTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 461(h) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: These regulations will provide guidance relating to when economic performance occurs with respect to a liability and how the recurring item exception applies.

Timetable:

Action	Date	FR Cite
NPRM	09/00/85	

Small Entity: Not Applicable

Additional Information: LR-258-84.

Drafting attorney: C. Scott McLeod (202) 566-3288.

Reviewing attorney: John H. Parcell (202) 566-3336.

Agency Contact: C. Scott McLeod, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3288**

RIN: 1545-AH32

311. ● TEMPORARY INCOME TAX REGULATIONS--THE ECONOMIC PERFORMANCE REQUIREMENT

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 461 (h) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: These regulations will provide guidance relating to when economic performance occurs with respect to a liability and how the recurring item exception applies.

Timetable:

Action	Date	FR Cite
Interim Final Rule	09/00/85	

Small Entity: Not Applicable

Additional Information: LR-257-84.

Drafting attorney: C. Scott McLeod (202) 566-3288.

Reviewing attorney: John H. Parcell (202) 566-3336.

Agency Contact: C. Scott McLeod, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3288**

RIN: 1545-AH33

312. ● TEMPORARY INCOME TAX REGULATIONS--TAXABLE YEAR OF DEDUCTION FOR AMOUNTS PAID BY CASH METHOD TAX SHELTERS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 461(i) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: These regulations will provide rules relating to the taxable year of deduction for amounts paid by cash method tax shelters. The regulations will provide guidance with respect to the definition of a tax shelter, the time when economic performance occurs and the calculation of cash basis.

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/00/85	

Small Entity: Not Applicable

Additional Information: LR-161-84.

Drafting attorneys: C. Scott McLeod/Sharon L. Hall (202) 566-3288.

Reviewing attorney: Cynthia L. Clark (202) 566-3288.

Agency Contact: C. Scott McLeod, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3288**

RIN: 1545-AH31

313. ● INCOME TAX REGULATIONS--TAXABLE YEAR OF DEDUCTION FOR AMOUNTS PAID BY CASH METHOD TAX SHELTERS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 461 (i) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: These regulations will provide rules relating to the taxable year of deduction for amounts paid by cash method tax shelters. The regulations will provide guidance with respect to the definition of a tax shelter, the time when economic performance occurs and the calculation of cash basis.

Timetable:

Action	Date	FR Cite
NPRM	05/00/85	

Small Entity: Not Applicable

Additional Information: LR-259-84.

Drafting attorneys: C. Scott McLeod/Sharon L. Hall (202) 566-3288.

Reviewing attorney: Cynthia L. Clark (202) 566-3288.

Agency Contact: C. Scott McLeod, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3288**

RIN: 1545-AH35

314. INCOME TAX--ACCRUAL OF VACATION PAY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 463 Internal Revenue Code of 1954; 26 USC 81 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulation will provide rules which require a taxpayer to include in its gross income for the taxable year the amount of the increase, if any, in the suspense account created under section 463. The regulation will also provide rules under section 463 which allow a taxpayer who computes income on the accrual method of accounting to deduct its accrued liabilities for vacation pay in the year the vacation pay is earned by the employee so long as such pay is payable or expected to be paid during the tax year or twelve month period following the close of the year.

Timetable:

Action	Date	FR Cite
NPRM	12/00/85	

Small Entity: Not Applicable

Additional Information: LR-6-75.

Drafting attorney: Annette J. Guarisco (202) 566-3238.

Reviewing attorney: Cynthia L. Clark (202) 566-3288.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Mark Perlis.

Agency Contact: Annette J. Guarisco, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3238**

RIN: 1545-AB50

315. ● INCOME TAXES--ELECTION FOR ACCRUED VACATION PAY UNDER TRANSITIONAL RULE PROVIDED IN SECTION 91(I) OF THE TAX REFORM ACT OF 1984

Legal Authority: 26 USC 463

CFR Citation: 26 CFR 1

Abstract: The regulations provide rules relating to the election for accrued vacation pay under the transitional rule provided in section 91 (i) of the Tax Reform Act of 1984.

Timetable:

Action	Date	FR Cite
Interim Final Rule	07/01/85	

Small Entity: Not Applicable

Additional Information: LR-255-84.

Drafting attorney: Annette J. Guarisco (202) 566-3238.

Reviewing attorney: Cynthia L. Clark (202) 566-3828.

Treasury attorney: Mark Perlis (202) 566-8278.

Agency Contact: Annette J. Guarisco, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3238**

RIN: 1545-AH16

316. INCOME TAX--LIMITATION ON DEDUCTIONS IN CASE OF FARMING SYNDICATES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 464 Internal Revenue Code of 1954; 26 USC 278(b) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations would provide that enterprises which qualify as farming syndicates must deduct expenses for feed, seed fertilizer, etcetera, only when used or consumed and to capitalize certain cost of poultry. Furthermore, farming syndicates are to capitalize certain expenses of groves, orchards and vineyard to the extent such expenses are incurred before the grove, orchard or vineyard becomes productive.

Timetable:

Action	Date	FR Cite
NPRM	11/15/83	48 FR 51936
NPRM Comment Period Begin	11/15/83	48 FR 51936
NPRM Comment Period End	01/16/84	
Hearing	03/08/84	
Final Action	12/31/85	

Small Entity: Not Applicable

Additional Information: LR-144-76.

Drafting attorney: Howard A. Balikov (202) 566-3288.

Reviewing attorney: Cynthia C. Clark (202) 566-3288.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Thuronyi.

Agency Contact: Howard A. Balikov, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3288**

RIN: 1545-AB51

317. INCOME TAX--DETERMINATION OF AMOUNTS AT RISK WITH RESPECT TO CERTAIN ACTIVITIES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 465 Internal Revenue Code of 1954; Section 204 Tax Reform Act of 1976

CFR Citation: 26 CFR 1

Abstract: The regulations would provide guidance to taxpayers for purposes of determining the amount the taxpayer is at risk in certain activities. This guidance is necessary because a

taxpayer's deductions are limited to the amount the taxpayer is at risk in the activity. This at risk limit applies to most activities except the holding of real property and certain equipment leasing by closely-held corporations.

Timetable:

Action	Date	FR Cite
NPRM	06/05/79	44 FR 32235
NPRM Comment Period Begin	06/05/79	44 FR 32235
NPRM Comment Period End	08/06/79	
Hearing	09/27/79	44 FR 49701
Final Action	12/15/85	

Small Entity: Not Applicable

Additional Information: LR-168-76.

Drafting attorneys: Alice Bennett and Ewan Purkiss (202) 566-3238.

Reviewing attorney: John H. Parcell (202) 566-3336.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: D'Avino.

Agency Contact: Alice Bennett or Ewan Purkiss, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3238

RIN: 1545-AB52

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318. EXTENSION OF THE AT-RISK RULES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 465 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations would provide guidance to taxpayers with respect to the extension of the at-risk rules to all activities other than the holding of real property. The regulations would also provide guidance with respect to the exception to the at-risk rules for closely-held corporations actively engaged in equipment leasing, and the recapture provision.

Timetable:

Action	Date	FR Cite
NPRM	12/15/85	

Small Entity: Not Applicable

Additional Information: LR-192-78.

Drafting attorneys: Alice Bennett and Ewan Purkiss (202) 566-3238.

Reviewing attorney: John H. Parcell (202) 566-3336.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: D'Avino.

Agency Contact: Alice Bennett or Ewan Purkiss, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3238

RIN: 1545-AF86

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319. INCOME TAX--QUALIFIED DISCOUNT COUPONS RETURNED AFTER CLOSE OF TAXABLE YEAR

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 466 Internal Revenue Code of 1954; Section 373(c), Revenue Act of 1978

CFR Citation: 26 CFR 1

Abstract: The regulations would provide guidance to taxpayers relating to the election to deduct redemption costs of qualified discount coupons returned after the close of the taxable year.

Timetable:

Action	Date	FR Cite
NPRM	08/03/84	49 FR 31080
NPRM Comment Period Begin	08/03/84	49 FR 31080
NPRM Comment Period End	10/02/84	
Final Action	06/15/85	

Small Entity: Not Applicable

Additional Information: LR-217-78.

Drafting attorney: Alice Bennett (202) 566-3238.

Reviewing attorney: John H. Parcell (202) 566-3336.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Hutton.

Agency Contact: Alice Bennett, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3238

RIN: 1545-AB53

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320. ● INCOME TAX REGULATIONS-DEFERRED PAYMENTS FOR USE OF PROPERTY OR SERVICES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 467 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations will provide rules relating to the accrued of rent for the use of tangible property (and interest on rent that accrued but is not paid) under a section 467 rental agreement. A section 467 rental agreement will be deferred. Certain tax avoidance transactions will be deferred. Rules will be provided for the recapture of prior understated inclusions. Comparable rules for services will be provided.

Timetable:

Action	Date	FR Cite
NPRM	06/00/85	

Small Entity: Not Applicable

Additional Information: LR-293-84.

Drafting attorney: Linda M. Kroening (202) 566-3238.

Reviewing attorney: John H. Parcell (202) 566-3336.

Treasury attorney: Jeffrey Quinn (202) 566-2175.

Agency Contact: Linda M. Kroening, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3238

RIN: 1545-AG80

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321. ● TEMPORARY INCOME TAX REGULATIONS-DEFERRED PAYMENTS FOR USE OF PROPERTY OR SERVICES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 467 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1T

Abstract: The regulations will provide rules to the accrual of rents for the use of tangible property (and interest on rent that accrues but is not paid) under a section 467 rental agreement. A section 467 rental agreement will be deferred. Certain tax avoidance transactions will be deferred. Rules will be provided for the recapture of prior understated inclusions. Comparable rules for services will be provided.

Timetable:

Action	Date	FR Cite
Interim Final Rule	06/00/85	

Small Entity: Not Applicable

Additional Information: LR-292-84.

Drafting attorney: Linda M. Kroening (202) 566-3238.

Reviewing attorney: John H. Parcell (202) 566-3336.

Treasury attorney: Jeffrey Quinn (202) 566-2175.

Agency Contact: Linda M. Kroening, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3238

RIN: 1545-AG81

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322. ● TEMPORARY INCOME TAX REGULATION--SPECIAL RULES RELATING TO NUCLEAR DECOMMISSIONING COSTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 468A Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations will provide rules relating to the treatment of nuclear power plant decommissioning costs. The regulations will provide guidance with respect to the manner of making the election, the determination of the amount to be deducted and the qualification requirements for the nuclear decommissioning fund.

Timetable:

Action	Date	FR Cite
NPRM	05/00/85	

Small Entity: Not Applicable

Additional Information: LR-228-84.

Drafting attorney: C. Scott McLeod (202) 566-3288.

Reviewing attorney: John H. Parcell (202) 566-3336.

Agency Contact: C. Scott McLeod, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3288

RIN: 1545-AH08

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323. INCOME TAX--INVENTORIES AT COST OR MARKET, WHICHEVER IS LOWER

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 471 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations would revise and clarify the computation of ending inventory at cost or market whichever is lower.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-2158.

Drafting attorney: Joseph Rosenthal (202) 566-3289.

Reviewing attorney: John H. Parcell (202) 566-3336.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Elfman.

Agency Contact: Joseph Rosenthal, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3289

RIN: 1545-AB54

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324. INCOME TAX--THREE-YEAR AVERAGING FOR INCREASES IN INVENTORY VALUE WHEN ELECTING LIFO METHOD OF ACCOUNTING; VALUE WHEN ELECTING LIFO METHOD OF ACCOUNTING

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 472(d) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations would provide for three-year averaging for increases in inventory value when electing the LIFO method of accounting.

Timetable:

Action	Date	FR Cite
NPRM	02/10/83	48 FR 6134
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-254-81.

Drafting attorney: Bruce H. Jurist (202) 566-3238.

Reviewing attorney: John H. Parcell (202) 566-3336.

Treasury attorney: Eric Elfman (202) 566-8527.

Agency Contact: Bruce H. Jurist, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3238

RIN: 1545-AB55

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325. INVENTORY COMPUTED BY USE OF CONSUMER OR PRODUCER PRICE INDEXES

Legal Authority: 26 USC 472 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The proposed regulations would provide examples and further clarification of the existing regulations.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Additional Information: LR-57-83.

Drafting attorney: Howard A. Balikov (202) 566-3288.

Reviewing attorney: Philip R. Bosco (202) 566-3238.

Agency Contact: Howard A. Balikov, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3288

RIN: 1545-AF65

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326. INCOME TAX--QUALIFIED LIQUIDATIONS OF LIFO INVENTORIES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 473 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations would provide interpretative and procedural rules relating to qualified liquidations of certain inventories accounted for under the LIFO method.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-82-80.

Drafting attorney: Sharon Hall (202) 566-3288.

Reviewing attorney: John H. Parcell (202) 566-3336.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Elfman.

Agency Contact: Sharon Hall, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3288

RIN: 1545-AB56

327. USE OF ONE INVENTORY POOL BY SMALL BUSINESS ELECTING LIFO METHOD OF ACCOUNTING

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 474 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: This project provides regulations pertaining to an election by a small business, which employs the dollar value LIFO method of pricing inventories, to use a single inventory pool. The regulations define "small business," thereby giving the rules of eligibility under this provision. Further, the regulations set forth the procedures of making a proper election and give transitional rules to govern pricing in the year of election.

Timetable:

Action	Date	FR Cite
NPRM	06/30/85	

Small Entity: Not Applicable

Additional Information: LR-185-83.

Drafting attorney: Bruce H. Jurist (202) 566-3238.

Reviewing attorney: Cynthia L. Clark (202) 566-3288.

Agency Contact: Bruce H. Jurist, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, ATTN: CC:LR:T, **202 566-3238**

RIN: 1545-AF92

328. INCOME TAX--ALLOCATION OF INCOME & DEDUCTIONS AMONG TAXPAYERS TO REVISE PERCENTAGE APPLIED IN DETERMINING RENTAL CHARGE FOR USE OF TANGIBLE PROPERTY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 482 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations would amend the current Income Tax Regulations under Internal Revenue Code section 482, relating to allocations made by the Internal Revenue Service between persons that are owned or controlled by the same interests. The amendments would adjust the deemed arm's length rental charge for the use of tangible property to reflect current market rates.

Timetable:

Action	Date	FR Cite
NPRM	06/00/85	

Small Entity: Not Applicable

Additional Information: LR-307-76.

Drafting attorney: Robert E. Culbertson Jr (202) 566-3289.

Reviewing attorney: Charles C. Saverude (202) 566-3323.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Reinhold.

Office of International Tax Counsel (Treasury) reviewing attorneys: Sarosdy; Lainoff.

Agency Contact: Robert E. Culbertson Jr., Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3289**

RIN: 1545-AB57

329. INCOME TAX—MAXIMUM RATE OF IMPUTED INTEREST FOR SALE OF LAND BETWEEN RELATED PERSONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 483(g) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations would provide guidance for determining if sales of land between related persons qualify for a lower imputed rate of interest. More specifically, the regulations would provide for a definition of land and for rules to compute the maximum dollar limitation on which the lower imputed rate of interest is to apply.

Timetable:

Action	Date	FR Cite
NPRM	06/30/85	

Small Entity: Not Applicable

Additional Information: LR-246-81.

Drafting attorney: Ewan Purkiss (202) 566-3238.

Reviewing attorney: John H. Parcell (202) 566-3336.

Agency Contact: Ewan Purkiss, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3238**

RIN: 1545-AB58

330. INCOME TAX—SEMIANNUAL COMPOUNDING OF THE TEST RATE UNDER SECTION 483

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 483 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations would provide for the semiannual compounding of the test rate of interest used to determine if a deferred payments contract contains unstated interest. Thus, in the case of a contract for the sale of property that provides for no interest or an unreasonably low rate of interest that does not satisfy the test rate of interest compounded semiannually, interest will be imputed under the contract.

Timetable:

Action	Date	FR Cite
NPRM	06/30/85	

Small Entity: Not Applicable

Additional Information: LR-12-83.

Drafting attorney: Ewan Purkiss (202) 566-3238.

Reviewing attorney: John H. Parcell (202) 566-3336.

Agency Contact: Ewan Purkiss, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3238**

RIN: 1545-AF59

331. INCOME TAX-CHILD CARE ORGANIZATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 501(k) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: Nonprofit organizations which provide care for children are deemed to be tax-exempt if substantially all of the child care provided by the organization is for the purpose of enabling individuals (the parents) to be gainfully employed and the services are available to the general public.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: EE-75-84.

Drafting attorney: Ronald Weinstock (202) 566-3422.

Reviewing attorney: James L. Brokaw (202) 566-4173.

Agency Contact: Ronald Weinstock, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3422

RIN: 1545-AG64

332. INCOME TAX--RULES CLARIFYING THE REGULATIONS WITH RESPECT TO THE COMPUTATION OF "GROSS INCOME" OF AN ELECTRIC COOPERATIVE

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 501(c)(12) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations would provide that electric cooperatives would take into account costs of goods sold when determining income under the 85 percent member-income test. In addition, the regulations would solicit comments from the public regarding how to compute costs of goods sold.

Timetable:

Action	Date	FR Cite
NPRM	01/10/84	49 FR 1244
NPRM Comment Period Begin	01/10/84	49 FR 1244
NPRM Comment Period End	03/12/84	
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: EE-17-81.

Drafting attorney: Roberto E. Rivera (202) 566-3430.

Reviewing attorney: Richard J. Wickersham (202) 566-3250.

Office of Tax Legislative Counsel (Treasury) reviewing attorneys: Jewett; McCarty.

Agency Contact: Roberto E. Rivera, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3430

RIN: 1545-AD99

333. INCOME TAX--AMENDMENT OF REGULATIONS TO REFLECT THE GRANT OF TAX EXEMPT STATUS TO CERTAIN HOSPITAL SERVICE ORGANIZATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 501(e) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations provide the rules for tax exemption for cooperative hospital service organizations. These organizations provide specified services to exempt hospitals on a centralized basis.

Timetable:

Action	Date	FR Cite
NPRM	01/11/84	49 FR 1384
NPRM Comment Period Begin	01/11/84	
NPRM Comment Period End	03/12/84	
Hearing	05/31/84	
Final Action	12/31/85	

Small Entity: Not Applicable

Additional Information: EE-44-78.

Drafting attorney: Sylvia F. Hunt (202) 566-6212.

Reviewing attorney: Harry Beker (202) 566-6212.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Conaway.

Notice of proposed rulemaking published 1/11/84.

Agency Contact: Sylvia F. Hunt, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-6212

RIN: 1545-AE01

334. INCOME TAX--TAX TREATMENT OF CERTAIN SOCIAL CLUBS & PROHIBITION OF DISCRIMINATION BY CERTAIN SOCIAL CLUBS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 501(c)(7) Internal Revenue Code of 1954; 26 USC 501(i) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations describe the requirements that a club must meet to qualify for tax exemption, explain the social character required of an exempt club, and prescribe the circumstances in which nonmember support is taken into account in determining whether substantially all of the club's activities are for its exempt purposes. Exemption is denied to clubs which by written policy discriminate on the basis of race, color, or religion.

Timetable:

Action	Date	FR Cite
NPRM	01/00/86	

Small Entity: Not Applicable

Additional Information: EE-43-78.

Drafting attorney: Sylvia F. Hunt (202) 566-6212.

Reviewing attorney: Michael A. Thrasher (202) 566-3961.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: McDowell.

Agency Contact: Sylvia F. Hunt, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-6212

RIN: 1545-AD98

335. NONDISCRIMINATION REQUIREMENTS UNDER SECTIONS 501 (C) (9) AND (20)

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 505 (a) Internal Revenue Code of 1954; 26 USC 505 (b) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations would provide guidance to the nondiscrimination requirements for voluntary employees' beneficiary associations and group legal service plans.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: EE-68-84.

Drafting attorney: Calder L. Robertson, Jr., (202) 566-3544.

Reviewing attorney: Michael A. Thrasher (202) 566-3961.

Treasury attorney: Harry Conaway (202) 566-4902.

Agency Contact: Calder L. Robertson, Jr., Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3544**

RIN: 1545-AG23

336. NOTIFICATION REQUIREMENT FOR SECTION 501(C) (9) AND (20) ORGANIZATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 505 (c) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: Section 505(c) requires that new VEBAs group legal service plans and plans providing for the payment of supplemental unemployment must timely file and advise the Service that it is applying for tax exempt status.

Timetable:

Action	Date	FR Cite
NPRM	08/31/85	

Small Entity: Not Applicable

Additional Information: EE-69-84.

Drafting attorney: Sylvia F. Hunt (202) 566-6212.

Reviewing attorney: Harry Beker (202) 566-6212.

Treasury attorney: Harry Conaway (202) 566-4902.

Agency Contact: Sylvia F. Hunt, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-6212**

RIN: 1545-AG44

337. INCOME TAX--SOCIAL CLUBS UNRELATED BUSINESS INCOME

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 512(a)(3) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: Proposal will provide rules for determining the unrelated business taxable income of certain organizations exempt from taxation under sections 501 (c) (7) and (c) (9) of the Internal Revenue Code of 1954.

Timetable:

Action	Date	FR Cite
NPRM	05/13/71	36 FR 8808
NPRM Comment Period Begin	05/13/71	36 FR 8808
NPRM Comment Period End	06/14/71	
Hearing	08/31/71	36 FR 13034
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: EE-105-83.

Drafting attorney: Sylvia F. Hunt (202) 566-6212.

Reviewing attorney: Michael A. Thrasher.

Office of Tax Legislative Counsel (Treasury) reviewing attorney:

Agency Contact: Sylvia F. Hunt, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-6212**.

RIN: 1545-AB59

338. INCOME TAX--HOSPITAL SERVICES NOT TO CONSTITUTE AN UNRELATED TRADE OR BUSINESS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 513(e) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations provide rules relating to the circumstances under which services provided by a tax-exempt hospital to other such hospitals will not be treated as an unrelated trade or business.

Timetable:

Action	Date	FR Cite
NPRM	12/13/82	47 FR 55696
NPRM Comment Period Begin	12/13/82	47 FR 55696
NPRM Comment Period End	02/08/83	
Final Action	12/00/85	

Small Entity: Not Applicable

Additional Information: EE-46-78.

Drafting attorney: Calder L. Robertson, Jr., (202) 566-3544.

Reviewing attorney: James L. Brokaw (202) 566-4173.

Office of Tax Legislative Counsel (Treasury) reviewing attorney:

Agency Contact: Calder L. Robertson, Jr., Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3544**

RIN: 1545-AE05

339. INCOME TAX--UNRELATED TRADE OR BUSINESS INCOME

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 512(a) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulation will address the issue of what constitutes real property acquired by a qualified trust. The guidance provided on this issue will determine the scope of the exception under 26 USC 514(c)(9) for such acquisitions from the term acquisition indebtedness. Under 26 USC 514, the existence of such indebtedness on income producing property gives rise to unrelated debt-financed taxable income. The regulation will also address the issue of the proper allocation method to determine fixed indirect expenses connected with the unrelated trade or business use of an exempt organization's property.

Timetable:

Action	Date	FR Cite
NPRM	12/00/85	

Small Entity: Not Applicable

Additional Information: EE-27-81.

Drafting attorney: Calder L. Robertson, Jr. (202) 566-3544.

Reviewing attorney: James L. Brokaw (202) 566-4173.

Agency Contact: Calder L. Robertson, Jr., Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3544**

RIN: 1545-AE00

340. INCOME TAX--RATES OF TAX FOR PRINCIPAL CAMPAIGN COMMITTEES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 527 Internal Revenue Code of 1954; PL 97-34, Sec 128

CFR Citation: 26 CFR 1

Abstract: The regulations would provide rules relating to the manner of designation of a principal campaign committee by a member of Congress. A

candidate for Congress may make such a designation in order to permit a campaign committee to compute its income tax by multiplying its political organization taxable income by the appropriate rates of tax specified in section 11 (b) of the Code.

Timetable:

Action	Date	FR Cite
NPRM	04/20/83	48 FR 16911
NPRM Comment Period Begin	04/20/83	48 FR 16911
NPRM Comment Period End	06/20/83	
Final Action	09/30/85	

Small Entity: Not Applicable

Additional Information: LR-243-81.

Drafting attorney: Susan Thompson Baker (202) 566-3294.

Reviewing attorney: John M. Coulter, Jr. (202) 566-4473.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Reinhold.

Agency Contact: Susan Thompson Baker, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3294

RIN: 1545-AB60

341. INCOME TAX—RELATIONSHIP BETWEEN SECTION 527 AND THE FEDERAL ELECTION CAMPAIGN ACT

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 527 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations would provide guidance on the interaction of section 527 of the Internal Revenue Code of 1954 with the Federal Election Campaign Act.

Timetable:

Action	Date	FR Cite
NPRM	11/00/85	

Small Entity: Not Applicable

Additional Information: EE-6-81.

Drafting attorney: Paul G. Accettura (202) 566-3544.

Reviewing attorney: James L. Brokaw (202) 566-4173.

Agency Contact: Paul G. Accettura, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3544

RIN: 1545-AE06

342. INCOME TAX—LIMITATION ON ADDITIONS TO BANK LOSS RESERVES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 585 Internal Revenue Code of 1954; PL 97-34, Sec 273

CFR Citation: 26 CFR 1

Abstract: The regulations would impose a requirement of a minimum addition to bad debt reserves of mutual savings banks in order to conform the treatment of these institutions to financial institutions described in section 585.

Timetable:

Action	Date	FR Cite
NPRM	12/19/83	48 FR 56083
NPRM Comment Period Begin	12/19/83	48 FR 56083
NPRM Comment Period End	02/17/84	
Final Action	06/00/85	

Small Entity: No

Additional Information: LR-152-79.

Drafting attorney: Ada S. Rousso (202) 566-3297.

Reviewing attorney: Susan Thompson Baker (202) 566-3294.

Agency Contact: Ada S. Rousso, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3297

RIN: 1545-AB66

343. TREATMENT OF FORECLOSED PROPERTY BY CERTAIN CREDITORS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 595 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: Proposed regulation would amend the existing regulations relating to the treatment of amounts realized and expended with respect to property securing loans which have been foreclosed on by certain banks.

Timetable:

Action	Date	FR Cite
NPRM	12/31/85	

Small Entity: Not Applicable

Additional Information: LR-83-82.

Drafting attorney: Mitchell H. Rapaport (202) 566-3459.

Reviewing attorney: John M. Coulter, Jr., (202) 566-3294.

Office of Tax Legislative Counsel reviewing attorney: Andrew E. Furer (202) 566-2927.

Preliminary draft of notice of proposed rulemaking sent to Treasury- 5/19/83.

Agency Contact: Mitchell H. Rapaport, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3294

RIN: 1545-AF00

344. INCOME TAX—RESTORATION OF DEPLETION DEDUCTIONS ON BONUS AND ADVANCED ROYALTIES IN CERTAIN CASES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 612 Internal Revenue Code of 1954; 26 USC 613 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations would provide rules relating to the restoration of depletion deductions on bonuses and advanced royalties and the deferment of the exclusion of advanced royalties from gross income from the property.

Timetable:

Action	Date	FR Cite
NPRM	12/00/85	

Small Entity: Not Applicable

Additional Information: LR-1148.

Drafting attorney: Walter H. Woo (202) 566-3297.

Reviewing attorney: John B. Bromell (202) 566-3326.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Schuldinger.

Agency Contact: Walter H. Woo, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3297

RIN: 1545-AB69

345. ● INCOME TAX--SUPPLEMENTARY RULES ON LIMITATIONS ON PERCENTAGE DEPLETION FOR OIL & GAS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 613(A) Internal Revenue Code of 1954; 26 USC 703(a) Internal Revenue Code of 1954; 26 USC 705(a) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations would clarify the circumstances under which percentage depletion will be available in the case of oil and gas wells.

Timetable:

Action	Date	FR Cite
NPRM	05/13/77	
Hearing	08/31/78	
Final Action	12/00/85	

Small Entity: Not Applicable

Additional Information: LR-105-75.

Drafting attorney: Walter H. Woo (202) 566-3297.

Reviewing attorney: John B. Bromell (202) 566-3326.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Schuldinger.

Agency Contact: **Walter H. Woo**, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3297**

RIN: 1545-AB73

346. INCOME TAX--TO CONFORM TO SEC 3 OF THE ACT OF 12/28/80

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 613A(c)(10) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulation would provide guidance to taxpayers using the section 613A(c)(10) exception to the transfer rules under section 613A(c)(9). In general section 613A(c)(9) disallows percentage depletion to the transferee of proven oil or gas property. Section 613A(c)(10) relates to the transfer of qualified property by an individual to a qualified transferee corporation solely in exchange for stock.

Timetable:

Action	Date	FR Cite
NPRM	10/03/84	49 FR 39076
NPRM Comment Period Begin	10/03/84	49 FR 39076
NPRM Comment Period End	12/03/84	
Final Action	07/00/85	

Small Entity: Not Applicable

Additional Information: LR-35-81.

Drafting attorney: David R. Haglund (202) 566-3297.

Reviewing attorney: Walter H. Woo (202) 566-3297.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Schuldinger.

Agency Contact: **David R. Haglund**, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3297**

RIN: 1545-AB74

347. INCOME TAX--DISALLOWANCE OF CERTAIN ITEMS AS DEDUCTIONS FOR ESTATE AND INCOME TAX PURPOSES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 642(g) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations will provide that section 2053 and 2054 deductions are not allowed in computing the taxable income of the estate or any other person or as an offset against sales of property unless a waiver is filed stating that on the estate tax return these deductions were not claimed.

Timetable:

Action	Date	FR Cite
NPRM	02/08/83	48 FR 5762
NPRM Comment Period Begin	02/08/83	48 FR 5762
NPRM Comment Period End	04/11/83	
Final Action	09/00/85	

Small Entity: Not Applicable

Additional Information: LR-183-76.

Drafting attorney: Fred E. Grundeman (202) 566-3287.

Reviewing attorney: Robert H. Waltuch (202) 566-3287.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Garlock.

Agency Contact: **Fred E. Grundeman**, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3287**

RIN: 1545-AB75

348. INCOME TAX--SPECIAL RULE FOR PROPERTY TRANSFERRED AT LESS THAN FAIR MARKET VALUE

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 644 Internal Revenue Code of 1954; 26 USC 641(c) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations will explain how to compute the tax imposed by section 644 on the includible gain recognized on the sale or exchange within two years after transfer to a trust of certain property.

Timetable:

Action	Date	FR Cite
NPRM	12/00/85	

Small Entity: Not Applicable

Additional Information: LR-188-76.

Drafting attorney: Neil W. Zyskind (202) 566-3287.

Reviewing attorney: Robert H. Waltuch (202) 566-3287.

Office of Tax Legislative Counsel reviewing attorney: Garlock.

Agency Contact: **Neil W. Zyskind**, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3287**

RIN: 1545-AB76

349. INCOME TAX--PROCEDURE & ADMINISTRATION--ACCUMULATION TRUSTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 667 Internal Revenue Code of 1954; 26 USC 666(e) Internal Revenue Code of 1954; 26 USC 668 Internal Revenue Code of 1954; 26 USC 665(b) Internal Revenue Code of 1954; 26 USC 665(e) to 665(g) Internal Revenue Code of 1954; 26 USC 669 Internal Revenue Code of 1954; 26 USC 1302(a)(2)(B) Internal Revenue Code of 1954; 26 USC 1302(b)(2)(B) Internal Revenue Code of 1954; 26 USC 6401(b) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1; 26 CFR 301

Abstract: These regulations will clarify the amount of tax imposed on a beneficiary for distributions from a trust of income accumulated by the trust in prior tax years.

Timetable:

Action	Date	FR Cite
NPRM	05/00/85	

Small Entity: Not Applicable

Additional Information: LR-184-76.

Drafting attorney: Neil W. Zyskind (202) 566-3287.

Reviewing attorney: Robert B. Coplan (202) 566-3287.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: D'Avino.

Office of International Tax Counsel (Treasury) reviewing attorneys: Silver; Lainoff.

Agency Contact: Neil W. Zyskind, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3287

RIN: 1545-AB78

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350. INCOME TAX--PROCEDURE & ADMINISTRATION--FOREIGN TRUSTS HAVING U.S. BENEFICIARIES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 679 Internal Revenue Code of 1954; 26 USC 678(b) Internal Revenue Code of 1954; 26 USC 643(a) Internal Revenue Code of 1954; 26 USC 643(c)(6)(C) Internal Revenue Code of 1954; 26 USC 643(c)(6)(D) Internal Revenue Code of 1954; 26 USC 643(d) Internal Revenue Code of 1954; 26 USC 6048 Internal Revenue Code of 1954; 26 USC 6677 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1; 26 CFR 301

Abstract: These regulations will provide to what extent a grantor of a foreign trust with United States beneficiaries will be treated as an owner of that trust, and thus taxed currently on the trust's income.

Timetable:

Action	Date	FR Cite
NPRM	08/00/85	

Small Entity: Not Applicable

Additional Information: LR-187-76.

Drafting attorney: Fred E. Grundeman (202) 566-3287.

Reviewing attorney: Robert H. Waltuch (202) 566-3287.

Office of International Tax Counsel (Treasury) reviewing attorney: Lainoff.

Agency Contact: Fred E. Grundeman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3287

RIN: 1545-AB79

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351. INCOME TAX--DETERMINATION OF PARTNER'S DISTRIBUTIVE SHARE

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 704(b) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations provide rules and examples relating to the substantial economic effect test and the determination of a partner's interest in the partnership.

Timetable:

Action	Date	FR Cite
NPRM	03/09/83	48 FR 9871
NPRM Comment Period Begin	03/09/83	48 FR 9871
NPRM Comment Period End	04/27/83	
Final Action	06/30/85	

Small Entity: Not Applicable

Additional Information: LR-262-76.

Drafting attorney: John Schmalz (202) 566-3297.

Reviewing attorney: John B. Bromell (202) 566-3326.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Lokey.

Agency Contact: John Schmalz, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3297

RIN: 1545-AB80

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352. AMENDMENT OF SECTION 1.704-1 TO PROVIDE RULES ON PARTNER'S DISTRIBUTIVE SHARES OF ITEMS ATTRIB. TO NONRECOURSE DEBT AND THE INTERRELATIONSHIP OF SUBSECTIONS (B) AND (C) OF SECTION 704

Legal Authority: 26 USC 7805

CFR Citation: 26 CFR 1

Abstract: This project will provide proposed regulations under section 704 (b) relating to a partner's distributive share of losses and deductions attributable to nonrecourse debt. Rules concerning the interrelationship between section 704 (b) and (c) will also be provided.

Timetable:

Action	Date	FR Cite
NPRM	06/30/85	

Small Entity: Not Applicable

Additional Information: LR-191-83.

Drafting attorney: John G. Schmalz (202) 566-3297.

Reviewing attorney: John B. Bromell (202) 566-3326.

Treasury attorney: James Lokey (202) 566-4518.

Agency Contact: John G. Schmalz, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3297

RIN: 1545-AG00

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353. ● ALLOCATIONS OF INCOME GAIN, LOSS, AND DEDUCTION WITH RESPECT TO PROPERTY CONTRIBUTED TO A PARTNERSHIP

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954

CFR Citation: 26 CFR 704(c)

Abstract: The regulations will provide rules and examples relating to the requirement to allocate income, gain, loss, and deduction so as to take into account the variation between the basis of the property and its fair market value at the time of contribution.

Timetable:

Action	Date	FR Cite
NPRM	10/31/85	

Small Entity: No

Additional Information: LR-164-83.

Drafting attorney: John G. Schmalz (202) 566-3297.

Reviewing attorney: John B. Bromell (202) 566-3326.

Treasury attorney: Jim Lokey (202) 566-8278.

Agency Contact: John G. Schmalz, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3297

RIN: 1545-AG98

354. INCOME TAX–ITEMS ALLOCATED TO PORTION OF YEAR PARTNER HELD INTEREST

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 706(c)(2)(B) Internal Revenue Code of 1954; 26 USC 704 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations would provide the methods to be used for allocating partnership items to partners whenever a partner's interest varies during the partnership taxable year.

Timetable:

Action	Date	FR Cite
NPRM	12/30/85	

Small Entity: Not Applicable

Additional Information: LR-265-76.

Drafting attorney: Robert Ginsburgh (202) 566-3297.

Reviewing attorney: Paul A. Francis (202) 566-3930.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Lokey.

Agency Contact: **Robert H. Ginsburgh**, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3297**

RIN: 1545–AB81

355. ● INCOME TAX–TREATMENT OF PAYMENTS TO PARTNERS NOT ACTING IN THEIR CAPACITY AS PARTNERS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 707 Internal Revenue Code of 1954

Abstract: These regulations will provide guidance to taxpayers relating to the treatment of certain allocations and distributions to partners for services and transfers of property where the partner is not acting in his capacity as a partner.

Timetable:

Action	Date	FR Cite
NPRM	02/00/86	

Small Entity: Not Applicable

Additional Information: LR-234-84.

Drafting attorney: David R. Haglund (202) 566-3297.

Reviewing attorney: John B. Bromell (202) 566-3326.

Treasury attorney: Neil Kimmelfield (202) 566-8527.

Agency Contact: **David R. Haglund**, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3297**

RIN: 1545–AG83

356. ● AMENDMENT OF INCOME TAX REGULATIONS WITH RESPECT TO TREATMENT OF DISGUISED SALES BY PARTNERS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 707 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: These regulations will provide rules for determining when partnership transactions are to be treated as disguised sales.

Timetable:

Action	Date	FR Cite
NPRM	12/30/85	

Small Entity: Not Applicable

Additional Information: LR-163-84.

Drafting attorney: Robert H. Ginsburgh (202) 566-3297.

Reviewing attorney: John B. Bromell (202) 566-3297.

Treasury attorney: Neil Kimmelfield (202) 566-8527.

Agency Contact: **Robert H. Ginsburgh**, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3297**

RIN: 1545–AH22

357. ● CONTRIBUTIONS TO A PARTNERSHIP OF UNREALIZED RECEIVABLES, INVENTORY ITEMS OR CAPITAL LOSS PROPERTY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 724 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulation will provide rules for determining the character of gain or loss upon the disposition by a partnership of unrealized receivables, inventory items or capital loss property contributed to the partnership by a partner.

Timetable:

Action	Date	FR Cite
NPRM	12/01/85	

Small Entity: Not Applicable

Additional Information: LR-232-84.

Drafting attorney: Beverly A. Baughman (202) 566-3297.

Reviewing attorney: John G. Schmalz (202) 566-3297.

Agency Contact: **Beverly A. Baughman**, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3297**

RIN: 1545–AG85

358. INCOME TAX–AMENDMENT OF SEC 1.731-1(C) TO CLARIFY THE TAX TREATMENT OF A DISTRIBUTION OF PROPERTY BY A PARTNERSHIP TO A PARTNER WHO HAD RECENTLY CONTRIBUTED OTHER PROPERTY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 731 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations provide that if property is contributed to a partnership and within a short period other property is distributed to the contributing partner, the distribution may fall outside of the nonrecognition provision of section 731. The regulations would provide that the substance of the transaction, rather than its form, determines whether the distribution is tax-free. The regulations would provide examples illustrating contribution/distribution transactions that will be treated as a taxable sale or exchange.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-39-82.

Drafting attorney: Donald W. Stevenson (202) 566-3297.

Reviewing attorney: John B. Bromell (202) 566-3326.

Agency Contact: Donald W. Stevenson, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3297**

RIN: 1545–AB84

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359. ● INCOME TAX–TREATMENT OF UNREALIZED RECEIVABLES AND INVENTORY ITEMS HELD BY TIERED PARTNERSHIPS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 751 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations would provide guidance to taxpayers relating to the treatment of unrealized receivables and inventory items held by tiered partnerships.

Timetable:

Action	Date	FR Cite
NPRM	10/00/85	

Small Entity: Not Applicable

Additional Information: LR-235-84.

Drafting attorney: David R. Haglund (202) 566-3297.

Reviewing attorney: John B. Bromell (202) 566-3328.

Treasury attorney: Neil Kimmelfield (202) 566-8527.

Agency Contact: David R. Haglund, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3297**

RIN: 1545–AH67

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360. ● PARTNER'S SHARE OF PARTNERSHIP LIABILITIES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; PL 98-369, Sec 79 Tax Reform Act of 1984

CFR Citation: 26 CFR 1

Abstract: These regulations revise the Income Tax Regulations under section 752 of the Internal Revenue Code of 1954 to conform such regulations to changes in the law with respect to a partner's share of partnership liabilities.

Timetable:

Action	Date	FR Cite
NPRM	06/00/85	

Small Entity: Not Applicable

Additional Information: LR-229-84.

Drafting attorney: Gail H. Morse (202) 566-3297.

Treasury attorneys: James Lokey/Richard D'Avino (202) 566-8278.

Agency Contact: Gail H. Morse, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3297**

RIN: 1545–AH26

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361. IMPUTED EARNINGS RATE FOR MUTUAL LIFE INSURANCE COMPANIES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 809(d) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations will provide guidance to mutual life insurance companies regarding the computation of the imputed earnings rate.

Timetable:

Action	Date	FR Cite
NPRM	10/00/85	

Small Entity: Not Applicable

Additional Information: LR-159-84.

Drafting attorney: Sharon L. Hall (202) 566-3288.

Reviewing attorney: Alice Bennett (202) 566-3238.

Agency Contact: Sharon L. Hall, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3288**

RIN: 1545–AG63

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362. ● TEMPORARY INCOME TAX REGULATIONS- DIVERSIFICATION REQUIREMENTS FOR VARIABLE ANNUITY, ENDOWMENT, AND LIFE INSURANCE CONTRACTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 817 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1T

Abstract: The regulations will provide diversification requirements for variable annuity, endowment and life insurance contracts. The requirements will also provide rules relating to the testing of diversification for variable periods, and applicable effective dates.

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/00/85	

Small Entity: Not Applicable

Additional Information: LR-294-84.

Drafting attorney: Linda M. Kroening (202) 566-3238.

Reviewing attorney: John H. Parcell (202) 566-3336.

Treasury attorney: Donald Rocap (202) 566-8527.

Agency Contact: Linda M. Kroening, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3238**

RIN: 1545–AG78

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363. ● INCOME TAX REGULATIONS- DIVERSIFICATION REQUIREMENTS FOR VARIABLE ANNUITY, ENDOWMENT, AND LIFE INSURANCE CONTRACTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 817 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations will provide diversification requirements for variable annuity, endowment, and life insurance contracts. The testing of diversification for various periods and applicable effective dates.

Timetable:

Action	Date	FR Cite
NPRM	04/00/85	

Small Entity: Not Applicable

Additional Information: LR-295-84.

Drafting attorney: Linda M. Kroening (202) 566-3238.

Reviewing attorney: John H. Parcell (202) 566-3336.

Treasury attorney: Donald Rocap (202) 566-8527.

Agency Contact: Linda M. Kroening, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3238**

RIN: 1545–AG79

364. TREATMENT OF GRADED PREMIUM POLICIES UNDER THE APPROXIMATE REVALUATION METHOD OF RECOMPUTING RESERVES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 818(c) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations would provide rules relating to the treatment by life insurance companies of graded premium policies for purposes of recomputing life insurance reserves under the approximate revaluation method.

Timetable:

Action	Date	FR Cite
NPRM	11/08/83	48 FR 51331
NPRM Comment Period Begin	11/08/83	48 FR 51331
NPRM Comment Period End	01/09/84	
Final Action	08/15/85	

Small Entity: Not Applicable

Additional Information: LR-276-82.

Drafting attorney: Alice Bennett (202) 566-3238.

Reviewing attorney: John H. Parcell (202) 566-3336.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Garlock.

Agency Contact: Alice Bennett, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3238**

RIN: 1545-AF03

365. INCOME TAX--TO CLARIFY THE TREATMENT OF CERTAIN AMOUNTS REFUNDED IN REINSURANCE TRANSACTIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 809 Internal Revenue Code of 1954; 26 USC 820 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The rules will clarify the treatment of certain amounts refunded in reinsurance transaction, and provide rules with respect to the allocation of certain items in modified coinsurance contracts for purposes of an election under section 820. These regulations would affect life insurance companies that enter into coinsurance and modified coinsurance transactions.

Timetable:

Action	Date	FR Cite
NPRM	03/19/82	47 FR 11882
NPRM Comment Period Begin	03/19/82	47 FR 11882
NPRM Comment Period End	05/18/82	
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-276-81.

Drafting attorney: Alice Bennett (202)566-3238.

Reviewing attorney: John H. Parcell (202) 566-3336.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Garlock.

Agency Contact: Alice Bennett, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3238**

RIN: 1545-AB86

366. ● EXTENSION OF HOLDING PERIOD FOR LOSSES ATTRIBUTABLE TO CAPITAL GAIN DIVIDENDS OF RIC'S AND REIT'S

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 852 Internal Revenue Code of 1954; 26 USC 857 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: Proposed regulations would interpret the rules of sections 852 and 857 dealing with the extension of holding period for losses attributable to capital gain dividends of REIT's and RIC's and also dealing with personal holding companies eligible for RIC status.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-263-84.

Drafting attorney: Bennett C. Steinhauer (202) 566-4336.

Reviewing attorney: Charles M. Whedbee (202) 566-3458.

Agency Contact: Bennett C. Steinhauer, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-4336**

RIN: 1545-AH64

367. INCOME TAX--SOURCE OF INCOME OF UNDERWRITING INCOME

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 861(a)(7) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulation will provide rules for determining whether the source of underwriting income is income from sources within the United States to be included in gross income and for clarifying the meaning of United States risks upon which such income determination is made.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-71-77.

Drafting attorney: Linda M. Kroening (202) 566-3238.

Reviewing attorney: John H. Parcell (202) 566-3336.

Agency Contact: Linda M. Kroening, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3238**

RIN: 1545-AB89

368. SOURCE OF INTEREST AND DIVIDENDS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 861 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: Proposal would treat interest and dividends paid by a domestic corporation having substantial gross income from certain possessions of the United States as income from sources within the United States.

Timetable:

Action	Date	FR Cite
NPRM	12/29/82	47 FR 57972
NPRM Comment Period Begin	12/29/82	47 FR 57972
NPRM Comment Period End	02/28/83	
Hearing	05/24/83	48 FR 11465
Final Action	12/00/85	

Small Entity: Not Applicable

Additional Information: LR-296-82.

Drafting attorney: Mary Frances Pearson (202) 566-3289.

Reviewing attorney: Charles C. Saverude (202) 566-3323.

Office of International Tax Counsel reviewing attorney: Steve Shay.

Notice of Proposed rulemaking published. Hearing held.

In Legislation and Regulations Division for preparation of Treasury decision.

Agency Contact: Mary Frances Pearson, Attorney - Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 568-3289

RIN: 1545-AF15

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369. AMENDMENT OF THE INCOME TAX REGULATIONS UNDER SEC. 1.861-8 TO PROVIDE FOR THE ALLOCATION AND APPORTIONMENT OF PARTNERSHIP EXPENSES

Legal Authority: 26 USC 7805 Internal Revenue of Code 1954; 26 USC 861 Internal Revenue of Code 1954; 26 USC 882 Internal Revenue of Code 1954

CFR Citation: 26 CFR 1

Abstract: The regulations will indicate whether partnership expenses are to be allocated and apportioned under Sec. 1.861-8 of the partnership level or at the partner level.

Timetable:

Action	Date	FR Cite
NPRM	05/29/84	49 FR 22344
NPRM Comment Period Begin	05/29/84	
NPRM Comment Period End	07/30/84	
Final Action	07/31/85	

Small Entity: No

Additional Information: LR-101-83.

Drafting attorney: Marnie J. Carro (202) 566-3289.

Reviewing attorney: Charles C. Saverude (202) 566-3323.

To Commissioner for signature 01/14/84.

Agency Contact: Marnie J. Carro, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3289

RIN: 1545-AF57

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370. INCOME TAX—ORIGINAL ISSUE DISCOUNT

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 871 Internal Revenue Code of 1954; 26 USC 881 Internal Revenue Code of 1954; 26 USC 1441 Internal Revenue Code of 1954; 26 USC 1442 Internal Revenue Code of 1954; 26 USC 3401 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1; 26 CFR 31

Abstract: The regulations would provide rules with respect to the taxation of original issue discount on bonds and obligations held by nonresident alien individuals and foreign corporations. The regulations would also provide guidance to withholding agents for withholding tax on original issue discount on such bonds and obligations.

Timetable:

Action	Date	FR Cite
NPRM	07/12/76	41 FR 28517
NPRM Comment Period Begin	07/12/76	41 FR 28517
NPRM Comment Period End	09/09/76	
Hearing	11/18/76	
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-2043.

Drafting attorney: David J. Dean (202) 566-3289.

Reviewing attorney: Charles C. Saverude (202) 566-3323.

Office of International Tax Counsel (Treasury) reviewing attorneys: Shay, Lainoff.

Agency Contact: Unassigned, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, DC 20224, 202 566-3289

RIN: 1545-AB93

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371. ● REPEAL OF 30 PERCENT WITHHOLDING BY THE TAX REFORM ACT OF 1984

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 871 Internal Revenue Code of 1954; 26 USC 881 Internal Revenue Code of 1954; 26 USC 1441 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: These regulations will provide rules relating to the definition of portfolio interest, the certifications required in the case of obligations that are issued in registered form, and related matters.

Timetable:

Action	Date	FR Cite
NPRM	12/31/85	

Small Entity: Not Applicable

Additional Information: LR-168-84

Drafting attorney: P. Ann Fisher (202) 566-3289.

Reviewing attorney: Charles C. Saverude (202) 566-3323.

Treasury attorney: Peter Daub (202) 566-5791.

Agency Contact: P. Ann Fisher, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3289

RIN: 1545-AG66

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372. ● EMPLOYMENT TAXES: APPLICATION OF THE REPEAL OF 30% WITHHOLDING BY THE TAX REFORM ACT OF 1984 AND OF INFORMATION REPORTING AND BACKUP WITHHOLDING IN LIGHT OF SUCH REPEAL

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 871 Internal Revenue Code of 1954; 26 USC 881 Internal Revenue Code of 1954; 26 USC 1441 Internal Revenue Code of 1954; 26 USC 1442 Internal Revenue Code of 1954; 26 USC 3406 Internal Revenue Code of 1954; 26 USC 6041 Internal Revenue Code of 1954; 26 USC 6045 Internal Revenue Code of 1954; 26 USC 6049 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: These regulations provide rules relating to the repeal of 30 percent withholding by the Tax Reform Act of 1984 and to the application of information reporting and backup withholding in light of such repeal.

Timetable:

Action	Date	FR Cite
NPRM	08/22/84	49 FR 33275
NPRM Comment Period Begin	08/22/84	49 FR 33275
NPRM Comment Period End	10/22/84	
Final Action	00/00/00	

Small Entity: No

Additional Information: LR-179-84.

Drafting attorney: P. Ann Fisher (202) 566-3289.

Reviewing attorney: Charles C. Saverude (202) 566-3323.

Treasury attorney: Peter Daub (202) 566-5791.

Agency Contact: P. Ann Fisher, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Room 4109, Washington, D.C. 20224, **202 566-3289**

RIN: 1545-AH15

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373. INCOME TAX--RULES FOR DETERMINING WHETHER LOANS OR NET LEASES ARE COMMERCIAL ACTIVITIES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 892 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations would establish the activities with respect to loans or the ownership of real property that will be considered investment activities of foreign sovereigns. Income from such investments by foreign sovereigns would be exempt from U.S. tax.

Timetable:

Action	Date	FR Cite
NPRM	07/22/80	
NPRM Comment Period Begin	07/22/80	
NPRM Comment Period End	09/22/80	
Final Action	12/00/85	

Small Entity: Not Applicable

Additional Information: LR-110-80.

Drafting attorney: Robert E. Culbertson, Jr. (202) 566-3289.

Reviewing attorney: Carol T. Doran (202) 566-3289.

Office of International Tax Counsel (Treasury) reviewing attorneys: Andrus, Lainoff.

Agency Contact: Robert E. Culbertson, Jr., Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3289**

RIN: 1545-AB94

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374. INCOME TAX--PARTNERSHIP, TRUST, AND ESTATE RULES REGARDING TAXATION OF FOREIGN INVESTMENT IN U.S. REAL PROPERTY INTERESTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 897(e)(2) Internal Revenue Code of 1954; 26 USC 897(g) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: This regulation would provide rules for foreign partners to compute gain or loss on the sale or disposition of United States real property interests upon the sale of a partnership interest or a distribution in liquidation of a partnership interest.

Timetable:

Action	Date	FR Cite
NPRM	07/00/85	

Small Entity: Not Applicable

Additional Information: LR-37-82.

Drafting attorney: Jacob Feldman (202) 566-3289.

Reviewing attorney: Charles C. Saverude (202) 566-3323.

Office of International Tax Counsel (Treasury) reviewing attorney: Lainoff.

In Office of International Tax Counsel for comment, May 27, 1983.

Agency Contact: Jacob Feldman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3289**

RIN: 1545-AB98

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375. INCOME TAX--TAXATION OF FOREIGN INVESTMENT IN U.S. REAL PROPERTY AND INFORMATION RETURNS CONCERNING FOREIGN OWNERSHIP OF U.S. REAL PROPERTY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 897 Internal Revenue Code of 1954; 26 USC 6039C Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: These proposed regulations concern the information returns which must be filed with respect to foreign investment in United States real property interests by certain corporations, partnerships, trusts, estates and nonresident alien individuals. They also concern procedures for establishing that a corporation is not a United States real property holding corporation, and for foreign corporations to elect to be treated as domestic corporations. The proposed regulations also contain provisions defining relevant terms.

Timetable:

Action	Date	FR Cite
NPRM	09/21/82	47 FR 41581
NPRM Comment Period Begin	09/21/82	
NPRM Comment Period End	11/22/82	
Second NPRM	11/03/83	48 FR 50751
Second Hearing	12/13/83	
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-154-82.

Drafting attorney: Robert Culbertson (202) 566-3289.

Reviewing attorney: Charles C. Saverude.

Agency Contact: Robert E. Culbertson, Jr., Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3289**

RIN: 1545-AB99

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376. NOTICE OF PROPOSED RULEMAKING--NONRECOGNITION CORPORATE DISTRIBUTIONS AND REORGANIZATIONS UNDER THE FOREIGN INVESTMENT IN REAL PROPERTY TAX ACT

Legal Authority: 26 USC 897 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: Proposal would provide rules concerning the effect of certain distributions, including dividends, redemptions, distributions pursuant to reorganizations, and liquidations on corporations and their shareholders under the Foreign Investment in Real Property Tax Act. Proposal would also provide rules for determining the extent to which nonrecognition would apply to certain transfers of real property interests and the extent to which certain reorganizations will be treated as sales of property at fair market value.

Timetable:

Action	Date	FR Cite
NPRM	06/00/85	

Small Entity: Not Applicable

Additional Information: LR-297-82.

Drafting attorney: Robert E. Culbertson, Jr. (202) 566-3289.

Reviewing attorney: Charles C. Saverude (202) 566-3323.

Office of International Tax Counsel reviewing attorney: Wold/Granwell.

Notice to Treasury for comment 01/10/84 for review.

Agency Contact: Robert E. Culbertson, Jr., Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3289

RIN: 1545-AF17

377. INCOME TAX--TO CLARIFY RULES FOR DETERMINING EARNINGS & PROFITS OF A FOREIGN CORPORATION & AMOUNT OF CREDITABLE FOREIGN TAXES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 902 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations will provide one consistent method for determining the earnings and profits of a foreign corporation for all purposes. "The regulation will also" provide new rules concerning the determination of an entity's functional currency and the recognition of currency gain or loss on transactions that are denominated in a foreign currency.

Timetable:

Action	Date	FR Cite
NPRM	01/31/86	

Small Entity: Not Applicable

Additional Information: LR-196-75.

Drafting attorney: P. Ann Fisher (202) 566-3289.

Reviewing attorneys: Carol T. Doran (202) 566-3289, Charles C. Saverude (202) 566-3323.

Office of International Tax Counsel (Treasury) reviewing attorney: Shay.

Draft of notice to Office of International Tax Counsel (Treasury), 07/09/82.

Agency Contact: P. Ann Fisher, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Room 4109, Washington, D.C. 20224, 202 566-3289

RIN: 1545-AC02

378. INCOME TAX--RECAPTURE OF OVERALL FOREIGN LOSSES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 904(f) Internal Revenue Code of 1954; PL 97-248, Sec 211

CFR Citation: 26 CFR 1

Abstract: The regulations would provide rules for determining the amount of and recapturing overall foreign losses. An overall foreign loss under any one of the separate limitations on the foreign tax credit may offset the taxpayer's United States tax on United States source income in the year of the loss. The recapture rules provide that a portion of the taxpayer's foreign taxable income under the same limitation in subsequent years is to be recharacterized as United States source income, thereby reducing the taxpayer's foreign tax credit and preventing a double tax benefit from the loss.

Timetable:

Action	Date	FR Cite
NPRM	06/00/85	

Small Entity: Not Applicable

Additional Information: LR-3-77.

Drafting attorney: Nerman D. Hubbard (202) 566-3289.

Reviewing attorney: Jacob Feldman (202) 566-3289.

Office of International Tax Counsel (Treasury) reviewing attorneys: Silver, Lainoff.

Agency Contact: Nerman D. Hubbard, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3289

RIN: 1545-AC05

379. INCOME TAX--PROCEDURE & ADMINISTRATION--TAXPAYER'S OBLIGATION TO FILE A NOTICE OF REDETERMINATION OF FOREIGN TAX AND CIVIL PENALTIES FOR FAILURE TO FILE

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 905(c) Internal Revenue Code of 1954; 26 USC 6689 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1; 26 CFR 301

Abstract: The regulations will establish procedures for taxpayers by which they must notify the Service of a change in foreign tax liability for a taxable year for which they claimed the foreign tax credit. The regulations provide special rules for redetermining the taxpayer's United States tax liability when the dollar value of the foreign currency fluctuates between the time for which the foreign tax credit is originally claimed and the time for which the foreign tax credit is redetermined. In addition, the regulations set forth deadlines for compliance with the notification requirements.

Timetable:

Action	Date	FR Cite
NPRM	12/31/85	

Small Entity: Not Applicable

Additional Information: LR-34-81.

Drafting attorney: Carol T. Doran (202) 566-3289.

Reviewing attorney: Jacob Feldman (202) 566-3289.

Office of International Tax Counsel (Treasury) reviewing attorney: Shay.

Draft of the notice to International Tax Counsel of October 19, 1982.

Agency Contact: Carol T. Doran, Assistant Chief, Branch 5, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Room 4109, Washington, D.C. 20224, 202 566-3289

RIN: 1545-AC06

380. INCOME TAX--TEMPORARY REGULATIONS--TAXPAYER'S OBLIGATION TO FILE A NOTICE OF REDETERMINATION OF FOREIGN TAX AND CIVIL PENALTIES FOR FAILURE TO FILE

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 905(c) Internal Revenue Code of 1954; 26 USC 6689 Internal Revenue Code of 1954

CFR Citation: 26 CFR 4

Abstract: The regulations will establish procedures for taxpayers by which they must notify the Service of a change in foreign tax liability for a taxable year for which they claimed the foreign tax credit. The regulations provide special rules for redetermining the taxpayer's United States tax liability when the dollar value of the foreign currency fluctuates between the time for which the foreign tax credit is originally claimed and the time for which the foreign tax credit is redetermined. In addition, the regulations set forth

deadlines for compliance with the notification requirements.

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/31/85	
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-118-82.

Drafting attorney: Carol T. Doran (202) 566-3289.

Reviewing attorney: Jacob Feldman (202) 566-3289.

Office of International Tax Counsel (Treasury) reviewing attorney: Shay

Draft of the Treasury decision to International Tax Counsel, on October 19, 1982.

Agency Contact: Carol T. Doran. Assistant Chief, Branch 5, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Room 4109, Washington, D.C. 20224, **202 566-3289**

RIN: 1545-AC09

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381. AMENDMENT OF REGULATIONS UNDER SECTION 907 OF THE INTERNAL REVENUE CODE OF 1954 TO CONFORM THEM TO SECTION 211 OF THE TAX EQUITY AND FISCAL RESPONSIBILITY ACT OF 1982

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 907 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: Proposal would amend the regulations under section 907 of the Internal Revenue Code of 1954, relating to the foreign tax credit for taxes on oil and gas income, to conform them to section 211 of the Tax Equity and Fiscal Responsibility Act of 1982.

Timetable:

Action	Date	FR Cite
NPRM	11/00/85	

Small Entity: Not Applicable

Additional Information: LR-193-82.

Drafting attorney: Richard Chewning (202) 566-4336.

Reviewing attorney: Mary Frances Pearson (202) 566-3289.

Office of International Tax Counsel (Treasury) reviewing attorney: Lainoff. In Legislation and Regulations Division for preparation of notice of proposed rulemaking.

Agency Contact: Richard Chewning, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3289**

RIN: 1545-AE34

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382. ● FSC GENERAL RULES, REQUIREMENTS, DEFINITIONS, AND SPECIAL RULES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 921 Internal Revenue Code of 1954; 26 USC 922 Internal Revenue Code of 1954; 26 USC 927 Internal Revenue Code of 1954; 26 USC 367 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: These regulations provide general rules regarding the requirements that a corporation must meet to be a foreign sales corporation (FSC) (or small FSC) and tax treatment of a FSC (or a small FSC) and specific rules regarding the requirements for FSC or small FSC status, the methods of elections and terminating FSC status, and the definition of and computation of carrying charges on sales of property by an FSC.

Timetable:

Action	Date	FR Cite
NPRM	12/12/84	49 FR 48322
NPRM Comment Period Begin	12/12/84	49 FR 48322
NPRM Comment Period End	02/11/85	
Final Action	12/31/85	

Small Entity: Not Applicable

Additional Information: LR-167-84.

Drafting attorney: P. Ann Fisher (202) 566-3289.

Reviewing attorney: Jack Feldman (202) 566-3289.

Treasury attorney: J. Sarosdy (202) 566-3289.

Agency Contact: P. Ann Fisher. Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3289**

RIN: 1545-AH14

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383. ● INCOME TAX REGULATIONS RELATING TO FOREIGN MANAGEMENT AND FOREIGN ECONOMIC PROCESSES REQUIREMENTS OF A FOREIGN SALES CORPORATION

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 984 (d) (4) Internal Revenue Code of 1954; 26 USC 925(b) Internal Revenue Code of 1954; 26 USC 927(d) (2) (B) Internal Revenue Code of 1954

CFR Citation: 26 CFR 924; 26 CFR 925; 26 CFR 927

Abstract: These regulations provide rules for determining whether a FSC shall be treated as having foreign trading gross receipts by complying with the requirement that certain management activities of the FSC take place outside the United States, and rules for determining whether a transaction is treated as producing foreign trading gross receipts because certain sales activities and activities relating to the disposition of export property are performed by the FSC outside the United States.

Timetable:

Action	Date	FR Cite
NPRM	12/12/84	49 FR 48321
NPRM Comment Period Begin	12/12/84	49 FR 48321
NPRM Comment Period End	02/11/85	
Final Action	02/00/86	

Small Entity: Not Applicable

Additional Information: LR-134-84.

Drafting attorney: Nerman Dobynes Hubbard (202) 566-3289.

Reviewing attorney: Jack Feldman (202) 566-3289.

Treasury attorney:

Agency Contact: Nerman Dobynes Hubbard. Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3289**

RIN: 1545-AH10

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384. AMENDMENT OF REGULATIONS UNDER SECTIONS 934 AND 936 TO CONFORM TO CHANGES MADE BY SECTION 213 OF THE TAX EQUITY AND FISCAL RESPONSIBILITY ACT OF 1982

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 936 Internal

Revenue Code of 1954; 26 USC 934 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: This regulation would amend sections 936 and 934 of the Internal Revenue Code of 1954 to conform to changes made by section 213 of the Tax Equity and Responsibility Act of 1982. These changes relate to the Puerto Rico and possession tax credit and the income tax liability incurred to the Virgin Island general rules.

Timetable:

Action	Date	FR Cite
ANPRM	11/29/82	47 FR 53746
ANPRM Comment Period Begin	11/29/82	47 FR 53746
ANPRM Comment Period End	12/29/82	
NPRM	01/10/84	49 FR 1227
NPRM Comment Period Begin	01/10/84	49 FR 1227
NPRM Comment Period End	03/12/84	
Hearing	04/03/84	49 FR 1243
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-194-82.

Drafting attorneys: Carol T. Doran, Jacob Feldman (202) 566-3289.

Reviewing attorney: Charles C. Saverude (202) 566-3323.

Office of International Tax Counsel reviewing attorney: Steven Lainoff.

Agency Contact: Carol T. Doran and Jacob Feldman, Attorneys, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3289

RIN: 1545-AF21

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385. INCOME TAX—DEFINITION OF QUALIFIED POSSESSION SOURCE INVESTMENT INCOME FOR PURPOSES OF PUERTO RICO & POSSESSION TAX CREDIT

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 936(d)(2) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: This regulation would provide rules with respect to what constitutes qualified possession source investment income for purposes of the Puerto Rico and possession tax credit.

Timetable:

Action	Date	FR Cite
NPRM	03/31/85	

Small Entity: Not Applicable

Additional Information: LR-106-77.

Drafting attorney: Jacob Feldman (202) 566-3289.

Reviewing attorney: Charles C. Saverude (202) 566-3323.

Office of International Tax Counsel (Treasury) reviewing attorney: Lainoff.

Agency Contact: Jacob Feldman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3289

RIN: 1545-AC10

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386. CURRENT TAXATION OF FOREIGN OIL RELATED INCOME OF CONTROLLED FOREIGN CORPORATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 954 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: Proposal would define and interpret when foreign oil related income will be subject to current taxation under section 954 of the Internal Revenue Code of 1954. Changes to the applicable law were made by section 212 of the Tax Equity and Fiscal Responsibility Act of 1982.

Timetable:

Action	Date	FR Cite
NPRM	11/00/85	
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-197-82.

Drafting attorney: Mary Frances Pearson (202) 566-3289.

Reviewing attorney: Charles C. Saverude (202) 566-3323.

Office of International Tax Counsel reviewing attorney: Steve Lainoff.

In Legislation and Regulations Division for preparation of a Notice of Proposed Rulemaking.

Agency Contact: Mary Frances Pearson, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3289

RIN: 1545-AE38

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387. ● TEMPORARY INCOME TAX REGULATIONS UNDER THE TAX REFORM ACT OF 1984 RELATING TO INTEREST CHARGE DISCS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 995 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1T

Abstract: The Regulations will provide questions and answers relating to the Interest Charge imposed on DISC shareholders for taxable years ending after 1984. The regulations will explain how the Deemed Distribution is computed and how the Interest Charge is computed.

Timetable:

Action	Date	FR Cite
Interim Final Rule	06/00/85	

Small Entity: Not Applicable

Additional Information: LR-172-84.

Drafting attorney: Joseph M. Rosenthal (202) 566-3289.

Reviewing attorney: Jacob Feldman (202) 566-3289.

Treasury attorney: Jane Sarosdy (202) 566-8275.

Agency Contact: Joseph M. Rosenthal, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3289

RIN: 1545-AG71

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388. INCOME TAX—BASIS OF CERTAIN APPRECIATED PROPERTY TRANSFERRED TO DECEDENT, ETC

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 1014(e) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulation will explain the denial of a stepped-up basis for appreciated property acquired by decedent through gift within one year of death if such property passes, directly or indirectly, from donee-decedent to original donor or the donor's spouse.

Timetable:

Action	Date	FR Cite
NPRM	12/00/85	

Small Entity: Not Applicable

Additional Information: LR-235-81.

Drafting attorney: Margaret O'Connor (202) 566-3287.

Reviewing attorney: Robert B. Coplan (202) 566-3287.

Agency Contact: Margaret O'Connor, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3287**

RIN: 1545-AC18

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389. ● RULES RELATING TO THE INAPPLICABILITY OF SECTION 1031 TO PARTNERSHIP INTERESTS AND THE LIMITATION ON THE PERIOD DURING WHICH LIKE KIND EXCHANGES MAY BE MADE

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: This regulation will provide guidance with respect to changes made to section 1031 by the Tax Reform Act of 1984 including the inapplicability of section 1031 to partnership interests and the limitation on the period during which like kind exchanges may be made.

Timetable:

Action	Date	FR Cite
NPRM	08/00/85	

Small Entity: Not Applicable

Additional Information: LR-237-84.

Drafting attorney: Robert E. Shaw (202) 566-3297.

Reviewing attorney: John G. Schmalz (202) 566-3297.

Treasury attorney: Victor Thuronyi (202) 566-2566.

Agency Contact: Robert E. Shaw, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3297**

RIN: 1545-AH43

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390. STOCK SALES, ETC, TO AND BY ESOP'S, ETC

Legal Authority: 26 USC 1042 Internal Revenue Code of 1954; 26 USC 4978 Internal Revenue Code of 1954; 26 USC 7805 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations will provide guidance concerning the tax treatment of gain on certain sales of stock to and by ESOP's, etc.

Timetable:

Action	Date	FR Cite
NPRM	06/30/85	

Small Entity: Not Applicable

Additional Information: EE-71-84.

Drafting attorney: Sylvia F. Hunt (202) 566-6212.

Reviewing attorney: Michael A. Thrasher (202) 566-3961.

Treasury attorney: Harry Conaway (202) 566-4902.

Agency Contact: Sylvia F. Hunt, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-6212**

RIN: 1545-AG21

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391. INCOME TAX—BASIS LIMITATION & RECAPTURE OF DEPRECIATION ON PLAYER CONTRACTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 1056 Internal Revenue Code of 1954; 26 USC 1245 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations would provide rules for determining the basis of player contracts acquired by a purchaser upon the sale or exchange of a sports franchise. Generally, the purchaser's basis with respect to player contracts is to be determined by reference to the seller's adjusted basis and the gain the seller recognizes from the transfer of the player contracts. Exceptions are provided in the cases of certain corporate one-year liquidations, certain like-kind exchanges and for certain transfers relating to decedents. Furthermore, a presumption is provided that in the sale or exchange of a sports franchise, not more than 50-percent of the consideration will be allocable to player contracts unless the taxpayer can satisfy the Secretary it is proper to allocate an amount in excess of 50-percent.

Timetable:

Action	Date	FR Cite
NPRM	12/31/85	

Small Entity: Not Applicable

Additional Information: LR-222-76.

Drafting attorney: Howard A. Balikov (202) 566-3288.

Reviewing attorney: John H. Parcell (202) 566-3336.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Sheehy.

Agency Contact: Howard A. Balikov, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3288**

RIN: 1545-AC19

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392. INCOME TAX—TRANSFERS OF SECURITIES UNDER CERTAIN AGREEMENTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 1058 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations would provide that so long as the provisions of section 1058 and these regulations are met, the lender will neither recognize gain or loss on the transfer of securities nor upon the return of identical securities.

Timetable:

Action	Date	FR Cite
NPRM	07/26/83	48 FR 33912
NPRM Comment Period Begin	07/26/83	48 FR 33912
NPRM Comment Period End	09/26/83	
Final Action	12/31/85	

Small Entity: Not Applicable

Additional Information: LR-182-78.

Drafting attorney: Howard A. Balikov (202) 566-3288.

Reviewing attorney: Cynthia L. Clark (202) 566-3288.

Office of Tax Legislative Counsel (Treasury) reviewing attorneys: Kuller, Levinson.

Agency Contact: Howard A. Balikov, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3288

RIN: 1545-AC20

393. ● INCOME TAX—NOTICE OF PROPOSED RULEMAKING - AMENDMENT OF REGULATIONS RELATING TO BASIS REDUCTIONS FOR NON-TAXED PORTION OF EXTRAORDINARY DIVIDENDS TO REFLECT TRA 1984

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 1059 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: Amendment of the regulations to interpret the rule contained in section 1059 of the Internal Revenue Code of 1954 relating to the non-taxed portion of extraordinary dividends. The regulations will explain what dividends are extraordinary, the operations of the required basis reduction, the application of the holding period rule in section 246 (c), etc.

Timetable:

Action	Date	FR Cite
NPRM	10/15/85	

Small Entity: Not Applicable

Additional Information: LR-260-84.

Drafting attorney: Sandra E. Wallach (202) 566-3458.

Reviewing attorney: Charles M. Whedbee (202) 566-3458.

Agency Contact: Sandra E. Wallach, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3458

RIN: 1545-AH41

394. INCOME TAX—TAX STRADDLES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 1092 Internal Revenue Code of 1954; 26 USC 6653 Internal Revenue Code of 1954; 26 USC 263(g) Internal Revenue Code of 1954; 26 USC 1256 Internal Revenue Code of 1954; 26 USC 1212 Internal Revenue Code of 1954; 26 USC 1236 Internal Revenue Code of 1954; 26 USC 1234A Internal Revenue Code of 1954; 26 USC 1232 Internal Revenue Code of 1954; 26 USC 1221 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: These regulations will provide the rules under Title 5 of the Economic Recovery Tax Act of 1981 for tax straddles. These regulations will affect the tax treatment of regulated futures contracts, forward contracts, and positions in commodities.

Timetable:

Action	Date	FR Cite
NPRM	12/00/85	

Small Entity: Not Applicable

Additional Information: LR-187-81.

Drafting attorney: Neil W. Zyskind (202) 566-3287.

Reviewing attorney: John M. Fischer (202) 566-3394.

In Office of Chief Counsel (Legislation and Regulations Division) for preparation of notice.

Agency Contact: Neil W. Zyskind, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3287

RIN: 1545-AC21

395. ● INCOME TAX REGULATIONS UNDER THE TAX REFORM ACT OF 1984 RELATING TO MIXED STRADDLES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 1092 (b) (1) Internal Revenue Code of 1954; 26 USC 1092 (b) (2) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: These regulations will provide rules relating to mixed straddles. The regulations will explain the application of the straddle-by-straddle identification rules of mixed straddles and the establishment of mixed straddle accounts.

Timetable:

Action	Date	FR Cite
NPRM	01/24/85	50 FR 3351
NPRM Comment Period Begin	01/24/85	50 FR 3351
NPRM Comment Period End	03/25/85	
Final Action	09/00/85	

Small Entity: Not Applicable

Additional Information: LR-299-84.

Drafting attorney: Neil W. Zyskind (202) 566-3287.

Reviewing attorney: John M. Fischer (202) 566-3394.

Treasury attorney: Susan McDowell (202) 566-8278.

Agency Contact: Neil W. Zyskind, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3287

RIN: 1545-AH59

396. ● INCOME TAX REGULATIONS UNDER THE ECONOMIC RECOVERY TAX ACT OF 1981 AND THE TAX REFORM ACT OF 1984, RELATING TO STRADDLES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 1092 (b) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: These regulations will provide rules relating to tax straddles. The regulations will explain the general loss deferral rule under section 1092, the application of rules similar to section 1091 and 1233 to straddles.

Timetable:

Action	Date	FR Cite
NPRM	01/24/85	50 FR 3352
NPRM Comment Period Begin	01/24/85	50 FR 3352
NPRM Comment Period End	03/25/85	
Final Action	09/00/85	

Small Entity: Not Applicable

Additional Information: LR-297-84.

Drafting attorney: Neil W. Zyskind (202) 566-3287.

Reviewing attorney: John M. Fischer (202) 566-3294.

Treasury attorney: Linda Carlisle (202) 566-4519.

Agency Contact: Neil W. Zyskind, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3287

RIN: 1545-AH60

397. INCOME TAX—TIME FOR DETERMINING RELATEDNESS UNDER SECTION 1239—RELATING TO TRANSFER OF DEPRECIABLE PROPERTY BETWEEN RELATED PERSONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 1239 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The rule will provide that 80 percent relatedness determination under section 1239 is determined immediately before or after the sale or exchange of depreciable assets. A determination of relatedness under section 1239 converts what would otherwise be capital gain into ordinary gain.

Timetable:

Action	Date	FR Cite
NPRM	01/05/83	48 FR 00667
NPRM Comment Period Begin	01/05/83	48 FR 00667
NPRM Comment Period End	03/07/83	
Final Action	12/15/85	

Small Entity: Not Applicable

Additional Information: LR-104-81.

Drafting attorney: George T. Magnatta (202) 566-3294.

Reviewing attorney: John M. Coulter, Jr. (202) 566-4473.

Agency Contact: George T. Magnatta, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3294**

RIN: 1545-AC29

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398. INCOME TAX--GAIN FROM SALE OR EXCHANGE OF STOCK IN FOREIGN CORPORATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 1248 Internal Revenue Code of 1954; 26 USC 751 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations would amend existing regulations with respect to the section 1248 amount attributable to stock of lower tier subsidiaries and stock in less developed country corporations. The regulations would also provide rules for determining the section 1248 amount due to certain dispositions on which gain is not recognized. The regulations would also expand the foreign tax credit available with respect to the section 1248 amount attributable to third-tier subsidiaries.

Timetable:

Action	Date	FR Cite
NPRM	01/00/86	

Small Entity: Not Applicable

Additional Information: LR-232-76.

Drafting attorney: Carol T. Doran (202) 566-3289.

Reviewing attorney: Charles C. Saverude (202) 566-3323.

Office of International Tax Counsel (Treasury) reviewing attorney: Lainoff.

In Legislation and Regulations Division for revision of notice of proposed rulemaking.

Agency Contact: Carol T. Doran, Assistant Chief, Branch 5, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3289**

RIN: 1545-AC31

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399. INCOME TAX--TO CLARIFY TAX TREATMENT OF TRANSFERS OF FRANCHISES, TRADEMARKS, & TRADE NAMES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 1253 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: This regulation would clarify the tax treatment of the transfer of a franchise trademark, or trade name under section 1253 of the Internal Revenue Code of 1954. It would also provide guidance regarding how to allocate the basis among the portions of the sale proceeds which are treated as arising from the sale of a capital asset and other portions which are ordinary income.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	
Final Action	00/00/00	
Final Action Effective	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-183-81.

Drafting attorney: John A. Tolleris (202) 566-3590.

Reviewing attorney: John M. Coulter, Jr. (202) 566-4473.

Office of Tax Legislative Counsel attorney: Fairlea Sheehy.

Agency Contact: John A. Tolleris, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3590**

RIN: 1545-AC34

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400. INCOME TAX--GAIN FROM DISPOSITION OF INTEREST IN OIL OR GAS PROPERTY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 1254 Internal Revenue Code of 1954; 26 USC 751 Internal Revenue Code of 1954; Tax Reform Act of 1976, Section 705; Tax Reform Act of 1976, Section 1901; Energy Tax Act of 1978, Section 402

CFR Citation: 26 CFR 1

Abstract: The regulations will determine the tax treatment of gain from the disposition of certain oil, gas, or geothermal property to determine how much of the gain from the disposition is subject to recapture under section 1254 and accorded ordinary income treatment. The regulations also will define intangible drilling and development costs, disposition, and oil, gas and geothermal property for purposes of section 1254.

Timetable:

Action	Date	FR Cite
Final Action Effective	12/31/75	
NPRM	06/11/80	45 FR 39512
NPRM Comment Period Begin	06/11/80	45 FR 39512
NPRM Comment Period End	08/11/80	
Hearing	09/09/80	
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-276-76.

Drafting attorney: Michel A. Daze (202) 566-3829.

Reviewing attorney: John M. Coulter, Jr. (202) 566-4473.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Schuldinger.

Agency Contact: Michel A. Daze, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3829**

RIN: 1545-AC35

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401. INCOME TAX--TEMPORARY REGULATIONS UNDER SECTION 1274 AND 483 RELATING TO DEFERRED PAYMENTS UNDER THE TAX REFORM ACT OF 1984

Legal Authority: 26 USC 1274 Internal Revenue Code; 26 USC 483 Internal Revenue Code; 26 USC 7805 Internal Revenue Code

CFR Citation: 26 CFR 1

Abstract: The regulations would provide guidance under section 1274 with respect to the determination of the issue price (for the purposes of the original issue discount rules) of a debt instrument issued for property when neither the debt instrument nor the property is publicly traded. The regulations would also provide guidance under code section 483 relating to the manner in which unstated interest accrues in the case of a contract for the sale or exchange of property where there is inadequate stated interest.

Timetable:

Action	Date	FR Cite
Interim Final Rule	06/30/85	

Small Entity: Not Applicable

Additional Information: LR-158-84.

Drafting Attorney: Ewan Purkiss (202) 566-3238.

Reviewing Attorney: John H. Parcell (202) 566-3336.

Office of Tax Legislative Counsel reviewing attorneys: David Garlock/Jeff Quinn.

Agency Contact: Ewan Purkiss, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3238**

RIN: 1545-AG59

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402. ORIGINAL ISSUE DISCOUNT REPORTING REQUIREMENTS

Legal Authority: 26 USC 7805 Internal Revenue Code 1954; 26 USC 1275 Internal Revenue Code 1954

CFR Citation: 26 CFR 1

Abstract: Section 1275 (c) (2) of the Internal Revenue Code of 1954 as amended by section 41 of the Deficit Reduction Act of 1984 requires the issuer of a publicly offered debt instrument having original issue discount to furnish the Secretary certain information with respect to such an issue. These temporary regulations require that an issuer of a publicly offered debt instrument issued at a discount furnish the Secretary with his or her name, address, and taxpayer identification number, the issue date, maturity date, and CUSIP number of the issue, the amount of original issue discount for the entire issue, the issue price (expressed as a percentage of the stated redemption price at maturity), the stated redemption price at maturity, the stated interest rate and dates of interest payments, and a description of the issue. The information will be used to update Publication 1212, a list of publicly offered original issue discount obligations to enable brokers and other middlemen to identify publicly traded OID obligations.

Timetable:

Action	Date	FR Cite
Final Action	08/17/84	
Effective		
Final Action	03/31/85	

Small Entity: Not Applicable

Additional Information: LR-125-84.

Drafting attorney: Theresa E. Bearman (202) 566-3459.

Reviewing attorney: Susan Baker (202) 566-3294.

Treasury attorney: Jeff Quinn (202) 566-2175.

Agency Contact: Theresa E. Bearman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3459**

RIN: 1545-AG50

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403. ● REGULATIONS UNDER SECTION 1271 THROUGH 1275 RELATING TO TAX TREATMENT OF DEBT INSTRUMENTS HAVING ORIGINAL ISSUE DISCOUNT

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 1275 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: Regulations would provide guidance as to computation of amount to be included in income by holders and amount to be deducted by issuers of certain bonds issued after July 1, 1982. With respect to these bonds, original issue discount is computed on the basis original issue discount in special circumstances where the interest rate is variable, where put and call options are present, and in other circumstances.

Timetable:

Action	Date	FR Cite
NPRM	03/01/85	

Small Entity: Not Applicable

Additional Information: LR-183-84

Drafting attorney: Theresa E. Bearman (202) 566-3459.

Reviewing attorney: Susan T. Baker (202) 566-3294.

Treasury attorney: Jeff Quinn (202) 566-2175.

Agency Contact: Theresa E. Bearman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3459**

RIN: 1545-AH46

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404. INCOME TAX--TREATMENT OF OBLIGATIONS WHICH PURPORT TO REPRESENT DEBT AS A SECOND CLASS OF STOCK

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 1361 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations would provide guidance to shareholders and debt instrument holders who must comply with the law relating to subchapter S corporations. The regulations will provide rules relating to whether or not a subchapter S corporation has more than one class of stock.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-4-73.

Drafting attorney: David R. Haglund (202) 566-3297.

Reviewing attorney: Walter H. Woo (202) 566-3297.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Sheehy

Agency Contact: David R. Haglund, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington D.C. 20224, **202 566-3297**

RIN: 1545-AC37

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405. INCOME TAX--DEFINITION OF S CORPORATION

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 1361 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations would address the following matters: (1) the number of permitted shareholders of a small business corporation (2) the types of trusts that are permitted to be shareholders of a small business corporation, (3) whether shares are permitted to be owned as a split interest and (4) the rules relating to corporations that are ineligible to be an S corporation.

Timetable:

Action	Date	FR Cite
NPRM	12/30/85	

Small Entity: Not Applicable

Additional Information: LR-262-82.

Drafting attorney: Robert H. Ginsburgh (202) 566-3297.

Reviewing attorney: Walter H. Woo (202) 566-3297.

Agency Contact: Robert H. Ginsburgh, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3297

RIN: 1545-AE86

406. AMENDMENT OF INCOME TAX REGULATIONS UNDER CODE SECTIONS 1362 AND 1363 RELATING TO THE ELECTION, REVOCATION, AND TERMINATION OF AN S CORPORATION

Legal Authority: 26 USC 7805; 26 USC 1362; 26 USC 1363

CFR Citation: 26 CFR 1

Abstract: The regulations would provide guidelines for electing, revoking and terminating S corporation status.

Timetable:

Action	Date	FR Cite
NPRM	12/00/85	

Small Entity: Not Applicable

Additional Information: LR-260-82.

Drafting attorney: Gail H. Morse (202) 566-3297.

Reviewing attorney: Walter H. Woo (202) 566-3297.

Office of Tax Legislative Counsel reviewing attorney:

Agency Contact: Gail H. Morse, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3297

RIN: 1545-AE26

407. INCOME TAX--PASS-THRU OF S CORPORATION ITEMS TO SHAREHOLDERS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 1366 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations would provide rules relating to the tax treatment of income and loss items passed through to the shareholders.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-261-82.

Drafting attorney: Robert H. Ginsburgh (202) 566-3297.

Reviewing attorney: Walter H. Woo (202) 566-3297.

Treasury attorney: Sheehy (202) 566-4902.

Agency Contact: Robert H. Ginsburgh, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3297

RIN: 1545-AE85

408. INCOME TAX--RULES RELATING TO ADJUSTMENT TO BASIS OF STOCK OF SHAREHOLDERS OF S CORPORATION AND TO DETERMINATION OF BASIS OF PROPERTY DISTRIBUTION BY CORPORATION

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 1367 Internal Revenue Code of 1954; 26 USC 1368 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The proposed regulations would provide rules for adjusting the basis of stock of a shareholder in an S corporation and rules for determining the treatment of property distributions by an S corporation.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-264-82.

Drafting attorney: Robert H. Ginsburgh (202) 566-3297.

Reviewing attorney: Walter H. Woo (202) 566-3297.

Treasury attorney: Sheehy (202) 566-4902.

Agency Contact: Robert H. Ginsburgh, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3297

RIN: 1545-AE88

409. INCOME TAX--CERTAIN RULES RELATING TO SHAREHOLDERS OF SUBCHAPTER S CORPORATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 1371 Internal Revenue Code of 1954; 26 USC 1372 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations would address the following issues: (1) The number of permitted shareholders of a small business corporation, (2) The rules regarding stock held by a husband and wife, (3) The types of trusts that are permitted to be shareholders of a small business corporation, (4) Whether shares are permitted to be owned as a split interest, (5) The rules relating to the time period for making an election of status as a small business corporation and the manner for making such election, and (6) Rules relating to how a new shareholder may terminate a subchapter S election.

Timetable:

Action	Date	FR Cite
NPRM	04/17/80	45 FR 26092
NPRM Comment Period Begin	04/17/80	45 FR 26092
NPRM Comment Period End	06/13/80	
Hearing	10/08/80	
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-277-76.

Drafting attorney: Robert H. Ginsburgh (202) 566-3297.

Reviewing attorney: Charles C. Saverude (202) 566-3323.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Sheehy.

Agency Contact: Robert H. Ginsburgh, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3297

RIN: 1545-AC38

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410. INCOME TAX—APPLICATION OF SUBCHAPTER C RULES TO S CORPORATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 1371 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The proposal would amend the regulations under section 1371 to changes made by the subchapter S Revision Act of 1982 relating to the application of subchapter C rules to S corporations and other technical amendments under sections 2, 5, and 6 of the Act. The regulation would provide the public with guidance to comply with the Act.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-265-82.

Drafting attorney: Robert H. Ginsburgh (202) 566-3297.

Reviewing attorney: John B. Bromell (202) 566-3326.

Treasury attorney: Sheehy (202) 566-4902.

Agency Contact: Robert H. Ginsburgh, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3297

RIN: 1545-AE90

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411. INCOME TAX—TREATMENT OF S CORPORATION AS A PARTNERSHIP FOR CERTAIN PURPOSES OF THE INTERNAL REVENUE CODE OF 1954

Legal Authority: 26 USC 7805; 26 USC 1372; 26 USC 1373; 26 USC 613A; 26 USC 4996; 26 USC 48

CFR Citation: 26 CFR 1

Abstract: The regulation will provide guidance to taxpayers relating to the treatment of S corporation as partnership for purposes of certain provisions of the Internal Revenue Code of 1954.

Timetable:

Action	Date	FR Cite
NPRM	02/28/86	

Small Entity: Not Applicable

Additional Information: LR-266-83.

Drafting attorney: David R. Haglund (202) 566-3297.

Reviewing attorney: Walter H. Woo (202) 566-3297.

Office of Tax Legislative Counsel reviewing attorney: Fairlea Sheehy.

Agency Contact: David R. Haglund, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3297

RIN: 1545-AE28

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412. AMENDMENT OF INCOME TAX REGULATIONS UNDER SECTIONS 1374 AND 1375 RELATING TO THE IMPOSITION OF TAX ON CAPITAL GAINS AND PASSIVE INVESTMENT INCOME

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 1374; 26 USC 1375

CFR Citation: 26 CFR 1

Abstract: The proposed regulations will provide rules relating to a tax on capital gains and excess passive income in the case of certain subchapter S corporations.

Timetable:

Action	Date	FR Cite
NPRM	06/30/85	

Small Entity: Not Applicable

Additional Information: LR-267-82.

Drafting attorney: John G. Schmalz (202) 566-3297.

Reviewing attorney: Walter H. Woo (202) 566-3297.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Fairlea Sheehy.

Agency Contact: John G. Schmalz, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3297

RIN: 1545-AE92

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413. INCOME TAX—DEFINITIONS AND SPECIAL RULES PERTAINING TO S CORPORATION

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 1377 Internal Revenue Code of 1954; 26 USC 1378 Internal Revenue Code of 1954; 26 USC 1379 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: Proposal would define and interpret the definitions and special rules contained in section 1377 through 1379 of the Internal Revenue Code of 1954, thereby giving needed guidance to the public on how the Internal Revenue Service intends to interpret those sections of the Code.

Timetable:

Action	Date	FR Cite
NPRM	05/01/85	

Small Entity: Not Applicable

Additional Information: LR-268-82.

Drafting attorney: Nerman Dobynes Hubbard (202) 566-3289.

Reviewing attorney: Walter H. Woo (202) 566-3297.

Agency Contact: Nerman Dobynes Hubbard, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3289

RIN: 1545-AE94

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414. INCOME TAX—CERTAIN ELECTIONS UNDER THE SUBCHAPTER S REVISION ACT OF 1982

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 1361 Internal Revenue Code of 1954; 26 USC 1362 Internal Revenue Code of 1954; 26 USC 1377 Internal Revenue Code of 1954; 26 USC 1378 Internal Revenue Code of 1954; 26 USC 1379 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations relate to the time and manner of making certain elections, consents, and refusals under the Subchapter S Revision Act of 1982 and to the taxable year which a

corporation may select in order to make the election to be an S corporation.

Timetable:

Action	Date	FR Cite
NPRM	01/26/83	48 FR 03637
NPRM Comment Period Begin	01/26/83	48 FR 03637
NPRM Comment Period End	03/28/83	
Final Action	12/30/85	

Small Entity: Not Applicable

Additional Information: LR-1-83.

Drafting attorney: Robert H. Ginsburgh (202) 566-3297.

Reviewing attorney: Walter H. Woo (202) 566-3297.

Office of Tax Legislative Counsel reviewing attorney: Sheehy.

Agency Contact: Robert H. Ginsburgh, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3297**

RIN: 1545-AF30

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415. INCOME TAX--TO CLARIFY SECTION 1.1382-6 WITH REGARD TO INVENTORY POOLS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 1382 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: These regulations would provide guidance to cooperatives with regard to inventory pools that remain open at the end of the taxable year.

Timetable:

Action	Date	FR Cite
NPRM	12/00/85	

Small Entity: Not Applicable

Additional Information: LR-63-82.

Drafting attorney: Cynthia L. Clark (202) 566-3288.

Reviewing attorney: John H. Parcell (202) 566-3288.

Office of Tax Legislative Counsel reviewing attorney: Andy Pike.

Agency Contact: Cynthia L. Clark, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3288**

RIN: 1545-AB32

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416. INCOME TAX--DISTRIBUTIONS QUALIFYING AS PATRONAGE DIVIDENDS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 1382 Internal Revenue Code of 1954; 26 USC 1388 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations would provide rules for netting the income and losses of allocation units within the cooperative. In addition the regulations clarify the meaning of preexisting legal obligation.

Timetable:

Action	Date	FR Cite
NPRM	12/01/85	

Small Entity: Not Applicable

Additional Information: LR-268-79.

Drafting attorney: Annette J. Guarisco (202) 566-3238.

Reviewing attorney: Cynthia L. Clark (202) 566-3288.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Pike.

Agency Contact: Annette J. Guarisco, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3238**

RIN: 1545-AC39

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417. ● INCOME TAX: WITHHOLDING UPON DISPOSITIONS OF U.S. REAL PROPERTY INTEREST BY FOREIGN PERSONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 1445 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: These regulations provide rules relating to the withholding tax imposed under section 1445 upon any person that acquired a U.S. real property interest from a foreign person. The regulations explain where withholding is required and how that requirement can be modified pursuant to an agreement with the IRS, and also provide rules relating to the manner in which amounts withheld are to be reported and paid over to the IRS.

Timetable:

Action	Date	FR Cite
NPRM	12/31/84	49 FR 50739
NPRM Comment Period Begin	12/31/84	49 FR 50739
NPRM Comment Period End	03/01/85	
Final Action	01/01/86	

Small Entity: Not Applicable

Additional Information: LR-151-84.

Drafting attorney: Robert E. Culbertson, Jr. (202) 566-3289.

Reviewing attorney: Charles C. Saverude (202) 566-3323.

Treasury attorney: Joseph L. Andrus (202) 566-2964.

Agency Contact: Robert E. Culbertson, Jr., Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3289**

RIN: 1545-AG70

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418. 26 CFR PART I--AMENDMENT OF THE INCOME TAX REGULATIONS UNDER SECTION 1502 OF THE CODE TO REFLECT SECTION 224 OF TAX EQUITY AND FISCAL RESPONSIBILITY ACT OF 1982

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 1502 Internal Revenue Code of 1954; 26 USC 338 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: Proposal would make amendments to the Consolidated Return Regulations to conform them to section 338 of the Code, as added by section 224 of the Tax Equity and Fiscal Responsibility Act of 1982, as amended by section 306 of the Technical Corrections Act of 1982.

Timetable:

Action	Date	FR Cite
NPRM	12/30/85	

Small Entity: No

Additional Information: LR-80-83.

Drafting attorney: Duane H. Pellervo (202) 566-3458.

Reviewing attorney: Marcus B. Blumkin (202) 566-3463.

Treasury attorney: Eric Elfman (202) 566-8527.

Agency Contact: Duane H. Pellervo, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3458**

RIN: 1545-AF41

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419. AMENDMENT OF CONSOLIDATED RETURNS REGULATIONS RELATING TO LIFE-LIFE CONSOLIDATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 1502 Internal Revenue Code of 1954; 26 USC 1504 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: Proposal would deal with issues relating to life-life consolidations which were reserved by Treasury Decision 7877 for further study.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Additional Information: LR-66-83.

Drafting attorney: Keith E. Stanley (202) 566-3458.

Reviewing attorney: Mark Blumkin (202) 566-3463.

Agency Contact: Keith E. Stanley, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3458**

RIN: 1545-AF67

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420. AMENDMENT OF SECTION 1.1502-14 TO MODIFY TREATMENT OF STOCK REDEMPTIONS AND NONDIVIDEND DISTRIBUTIONS IN EXCESS OF BASIS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 1502 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The amendment will coordinate the consolidated return treatment of stock redemptions and nondividend distributions in excess of basis with changes made by the Tax Equity and Fiscal Responsibility Act of 1982.

Timetable:

Action	Date	FR Cite
NPRM	08/00/85	

Small Entity: No

Additional Information: LR-40-84.

Drafting attorney: Charles W. Culmer (202) 566-4336.

Reviewing attorney: Marcus B. Blumkin (202) 566-3463.

Treasury attorney: Eric Elfman (202) 566-8527.

Agency Contact: Charles W. Culmer, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-4336**

RIN: 1545-AG35

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421. INCOME TAX—CONSOLIDATED RETURN/ACCUMULATED EARNINGS TAX-EARNINGS AND PROFITS WHEN A MEMBER IS A PERSONAL HOLDING COMPANY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 1502 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The proposal would provide rules relating to the application of the accumulated earnings tax to a group of corporations filing a consolidated income tax return when one or more members of the group is a personal holding company.

Timetable:

Action	Date	FR Cite
NPRM	11/00/85	

Small Entity: No

Additional Information: LR-256-79.

Drafting attorney: Charles M. Whedbee (202) 566-3458.

Reviewing attorney: Marcus B. Blumkin (202) 566-3463.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Elfman.

Pending in Chief Counsel (Legislation and Regulations Division).

Agency Contact: Charles M. Whedbee, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3458**

RIN: 1545-AC51

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422. INCOME TAX—CREDIT & DEDUCTIONS ETC., FOR CONSOLIDATED RETURNS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 1502 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: Provision would amend the consolidated returns regulations to clarify, among other things, the rules relating to net operating loss carrybacks of a member of an affiliated group filing consolidated returns to a year in which the member was not in existence, thereby giving the public needed guidance on what the rule is in that situation.

Timetable:

Action	Date	FR Cite
NPRM	07/31/84	49 FR 30528
NPRM Comment Period Begin	07/31/84	49 FR 30528
NPRM Comment Period End	10/01/84	
Hearing held	12/10/84	
Final Action	03/00/85	

Small Entity: No

Additional Information: LR-97-79.

Drafting attorney: Bennett C. Steinhauer (202) 566-4336.

Reviewing attorney: Marcus B. Blumkin (202) 566-3463.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Elfman.

Final draft of notice of proposed rulemaking sent to Office of Tax Legislative Counsel, 8/9/82.

Agency Contact: Bennett C. Steinhauer, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C., **202 566-4336**

RIN: 1545-AC48

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423. INCOME TAX—TO REFLECT AMENDMENTS OF CONSOLIDATED RETURN REGULATIONS TO REFLECT MERCHANT MARINE ACT OF 1970 CONCERNING MERCHANT MARINE & FISHERIES CAPITAL ETC

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 1502 Internal Revenue Code of 1954; 11 USC 1177 Merchant Marine Act of 1936

CFR Citation: 26 CFR 3

Abstract: The proposal would provide rules for the income tax treatment, by

corporations filing consolidated returns, with respect to capital construction funds for certain vessels.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Additional Information: LR-29-76.

Drafting attorney: Andrew B. Pullman (202) 566-3458.

Reviewing attorney: Marcus B. Blumkin (202) 566-3463.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Pike.

Notice pending Treasury review.

Agency Contact: **Andrew B. Pullman**, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3458**

RIN: 1545-AC52

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424. INCOME TAX--ACCELERATED DEPRECIATION IN INVESTMENT ADJUSTMENTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 1502 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: Provision would amend the consolidated returns investment adjustment rules to reflect the proper treatment of accelerated depreciation thereby giving the public needed guidance on what that proper treatment is.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Additional Information: LR-222-81.

Drafting attorney: Bennett C. Steinhauer (202) 566-4336.

Reviewing attorney: John Broadbent (202) 566-3287.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Elfman.

Draft of notice to Office of Chief Counsel (Corporation Tax Division) & Office of Tax Legislative Counsel (Treasury), 03/23/82.

Agency Contact: **Bennett C. Steinhauer**, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-4336**

RIN: 1545-AC47

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425. INCOME TAX--AT RISK LIMITATIONS OF SECTION 465

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 1502 Internal Revenue Code of 1954; 26 USC 465 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: Provision would amend the consolidated returns regulations to provide rules applying the at-risk limitations of section 465 of the Internal Revenue Code of 1954 to affiliated groups filing consolidated returns, thereby giving the public needed guidance as to how these rules apply to such groups.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Additional Information: LR-75-79.

Drafting attorney: Keith E. Stanley (202) 566-3458.

Reviewing attorney: Marcus B. Blumkin (202) 566-3463.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Elfman.

In Legislation and Regulations Division for preparation of notice of proposed rulemaking.

Agency Contact: **Keith E. Stanley**, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3458**

RIN: 1545-AC55

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426. INCOME TAX--INCLUDIBILITY IN AN AFFILIATED GROUP OF SUBSIDIARIES FORMED TO COMPLY WITH FOREIGN LAWS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 1504 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations would provide rules relating to an election to treat a foreign subsidiary of a United States corporation as a domestic corporation if the subsidiary is formed in a contiguous country to comply with foreign law.

Timetable:

Action	Date	FR Cite
NPRM	09/00/85	

Small Entity: Not Applicable

Additional Information: LR-189-77.

Drafting attorney: Sandra E. Wallach (202) 566-3458.

Reviewing attorney: Charles M. Whedbee (202) 566-3458.

Office of Tax Legislative Counsel (Treasury) reviewing attorneys: Shay, Lainoff.

Notice pending Treasury review.

Agency Contact: **Sandra E. Wallach**, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3458**

RIN: 1545-AC58

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427. ● INCOME TAX -- AMENDMENT OF REGULATIONS UNDER SECTION 1504 (A) OF THE CODE, AS AMENDED BY SECTION 60 OF THE TAX REFORM ACT OF 1984, DEFINING "AFFILIATED GROUP"

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 6695 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: These regulations will provide rules defining "affiliated group" for purposes of subtitle A of the Code.

Timetable:

Action	Date	FR Cite
NPRM	08/01/85	

Small Entity: Not Applicable

Additional Information: LR-152-84.

Drafting attorney: Andrew B. Pullman (202) 566-3458.

Reviewing attorney: Marcus B. Blumkin (202) 566-3463.

Agency Contact: **Andrew B. Pullman**, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3458**

RIN: 1545-AH09

428. INCOME TAX—TO REFLECT THE U.S. SUPREME COURT IN U.S. V. VOGEL FERTILIZER CO., HOLDING THAT EACH MEMBER OF STOCKGROUP MUST OWN STOCK IN EACH BROTHER-SISTER CORP

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 1563(a)(2) Internal Revenue Code of 1954; 26 USC 52 Internal Revenue Code of 1954; 26 USC 414(c) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations relating to the definition of a brother-sister controlled group of corporations are to be amended to conform to the Supreme Court decision in U.S. v. Vogel Fertilizer Company, which held that a person's stock ownership is not taken into account for purposes of the 80% ownership test unless that person owns stock in each brother-sister corporation.

Timetable:

Action	Date	FR Cite
NPRM	11/16/83	48 FR 52081
NPRM Comment Period Begin	11/16/83	48 FR 52081
NPRM Comment Period End	01/16/84	
Final Action	12/31/85	

Small Entity: Not Applicable

Additional Information: LR-35-82.

Drafting attorney: Michel A. Daze (202) 566-3458.

Reviewing attorney: Charles M. Whedbee (202) 566-3458.

Treasury attorney: Rocap.

Agency Contact: Michel A. Daze, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3458

RIN: 1545-AC59

429. ESTATE AND GIFT TAXES, INCOME TAXES-UNIFIED CREDIT IN LIEU OF EXEMPTIONS, UNIFIED RATE SCHEDULE FOR ESTATE AND GIFT TAXES SITUS OF FOREIGN PARTNERSHIPS FOR ESTATE TAXATION

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 2001 Internal Revenue Code of 1954; 26 USC 2010 Internal Revenue Code of 1954; 26 USC 2011 Internal Revenue Code of 1954; 26 USC 2012(a) Internal Revenue Code of 1954; 26 USC 2012(c) Internal Revenue Code of 1954; 26 USC 2013(b) Internal Revenue Code of 1954; 26 USC 2013(e)(1) Internal Revenue Code of 1954; 26 USC 2014(b)(2) Internal Revenue Code of 1954; 26 USC 2035 Internal Revenue Code of 1954; 26 USC 2038(a) Internal Revenue Code of 1954; 26 USC 2044 Internal Revenue Code of 1954; 26 USC 2052 Internal Revenue Code of 1954; 26 USC 2104 Internal Revenue Code of 1954; 26 USC 2106 Internal Revenue Code of 1954; ...

CFR Citation: 26 CFR 20; 26 CFR 25; 26 CFR 1

Abstract: The unified rate schedule for estate and gift taxes and unified credit in lieu of exemptions will be implemented by the regulation. The regulations also relate to the estate tax consequences of transfers made within three years of death. In addition, the regulations clarify the situs test of foreign partnerships for purposes of the estate taxation of nonresident alien decedents. The regulations also provide rules relating to charitable remainder trusts.

Timetable:

Action	Date	FR Cite
NPRM	12/00/85	

Small Entity: Not Applicable

Additional Information: LR-212-76.

Drafting attorney: Margaret O'Connor (202) 566-3287.

Reviewing attorney: Fred E. Grundeman (202) 566-3287.

Agency Contact: Margaret O'Connor, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington D.C. 20224, 202 566-3287

RIN: 1545-AC60

430. ESTATE TAX—VALUATION OF CERTAIN FARM, ETC. REAL PROPERTY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 2032A Internal Revenue Code of 1954; 26 USC 2013(f) Internal Revenue Code of 1954; 26 USC 1016(c) Internal Revenue Code of 1954; 26 USC 1040 Internal Revenue Code of 1954

CFR Citation: 26 CFR 20; 26 CFR 1

Abstract: Special use valuation of certain farm and closely held business real property is available to qualifying estates. The regulation will contain definitions and rules relating to the various requirements which an estate must satisfy and will provide rules governing the imposition and payment of the "additional estate tax" should a qualified heir fail to meet the post-death requirements.

Timetable:

Action	Date	FR Cite
NPRM	07/15/85	

Small Entity: Not Applicable

Additional Information: LR-209-81.

Drafting attorney: Fred E. Grundeman (202) 566-3287.

Reviewing attorney: Robert H. Waltuch (202) 566-3287.

Office of the Tax Legislative Counsel (Treasury) reviewing attorneys: Garlock, Woodward.

Agency Contact: Fred E. Grundeman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3287

RIN: 1545-AC62

431. ESTATE & GIFT TAXES—INCLUSION OF STOCK IN ESTATE WHERE DECEDENT RETAINED VOTING RIGHTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 2036(a) Internal Revenue Code of 1954

CFR Citation: 26 CFR 20

Abstract: These regulations will provide the extent to which the retention of voting rights by a transferor of stock will require that the value of that stock be included in the transferor's gross estate.

Timetable:

Action	Date	FR Cite
NPRM	08/03/83	48 FR 35143
NPRM Comment Period Begin	08/03/83	48 FR 35143
NPRM Comment Period End	11/03/83	
Final Action	08/00/85	

Small Entity: Not Applicable

Additional Information: LR-181-76.

Drafting attorney: Fred E. Grundeman (202) 566-3287.

Reviewing attorney: Robert H. Waltuch (202) 566-3287.

Office of Tax Legislative Counsel (Treasury) reviewing attorneys: Garlock, Woodward.

Agency Contact: Fred E. Grundeman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3287

RIN: 1545-AC63

432. ESTATE AND GIFT TAXES—INCREASE IN LIMITATIONS ON MARITAL DEDUCTIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 2012 Internal Revenue Code of 1954; 26 USC 2014 Internal Revenue Code of 1954; 26 USC 2055 Internal Revenue Code of 1954; 26 USC 2056 Internal Revenue Code of 1954; 26 USC 2207A Internal Revenue Code of 1954; 26 USC 2519 Internal Revenue Code of 1954; 26 USC 2523 Internal Revenue Code of 1954; 26 USC 6019 Internal Revenue Code of 1954

CFR Citation: 26 CFR 20; 26 CFR 25

Abstract: These regulations will clarify the estate and gift tax treatment of transfers of property between spouses. They will provide how an executor may elect to treat certain property as qualified terminable interest property, in which case the imposition of transfer taxes will be delayed until the latter of (1) the surviving spouse's disposition of an interest in the property or (2) the surviving spouse's death.

Timetable:

Action	Date	FR Cite
NPRM	05/21/84	49 FR 21350
NPRM Comment Period Begin	05/21/84	49 FR 21350
NPRM Comment Period End	07/20/84	
Final Action	08/00/85	

Small Entity: Not Applicable

Additional Information: LR-211-76.

Drafting attorney: Robert B. Coplan (202) 566-3287.

Reviewing attorney: Robert H. Waltuch (202) 566-3287.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Thuronyi.

Agency Contact: Robert B. Coplan, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3287

RIN: 1545-AC67

433. ASSUMPTION OF ESTATE TAX LIABILITY BY ESOP'S

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 2210 Internal Revenue Code of 1954; 26 USC 2002 Internal Revenue Code of 1954; 26 USC 6018 (c) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: Allows estate tax liability for employer securities to be assumed by ESOP's rather than by the executor. To qualify, a qualified amount of employer securities must be acquired by the ESOP from "or on behalf of" the decedent. In addition, the executor must elect, in writing, to assume the attributable estate tax liability on behalf of the ESOP. The ESOP then becomes liable for the estate tax.

Timetable:

Action	Date	FR Cite
NPRM	08/31/85	

Small Entity: Not Applicable

Additional Information: EE-74-84.

Drafting attorney: Sylvia F. Hunt (202) 566-6212.

Reviewing attorney: Harry Beker (202) 566-6212.

Treasury attorney: Harry Conaway (202) 566-4902.

Agency Contact: Sylvia F. Hunt, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-6212

RIN: 1545-AG38

434. GIFT TAX—CERTAIN TRANSFERS TREATED AS QUALIFIED DISCLAIMERS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 2518(c) Internal Revenue Code of 1954

CFR Citation: 26 CFR 25

Abstract: The regulations will provide that certain transfers will be qualified disclaimers for purposes of section 2518 (a).

Timetable:

Action	Date	FR Cite
NPRM	11/00/85	

Small Entity: Not Applicable

Additional Information: LR-212-81.

Drafting attorney: William A. Jackson (202) 566-4336.

Reviewing attorney: Robert H. Waltuch (202) 566-3287.

Agency Contact: William A. Jackson, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-4336

RIN: 1545-AC70

435. ESTATE & GIFT TAXES—DISCLAIMERS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 2518 Internal Revenue Code of 1954; 26 USC 2045 Internal Revenue Code of 1954; 26 USC 2041(a)(2) Internal Revenue Code of 1954; 26 USC 2055(a) Internal Revenue Code of 1954; 26 USC 2056 Internal Revenue Code of 1954; 26 USC 2504 Internal Revenue Code of 1954

CFR Citation: 26 CFR 20; 26 CFR 25

Abstract: This project will give guidance on the requirement under section 2518 on how to make a qualified disclaimer of a gift or inheritance. If it is qualified, it will not be treated as a gift.

Timetable:

Action	Date	FR Cite
Hearing	11/18/80	
NPRM	07/22/82	45 FR 48922
Final Action	11/00/85	

Small Entity: Not Applicable

Additional Information: LR-213-76.

Drafting attorney: William A. Jackson (202) 566-4336.

Reviewing attorney: Robert H. Waltuch (202) 566-3287.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Garlock.

Agency Contact: William A. Jackson, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-4336

RIN: 1545-AC71

436. ESTATE & GIFT TAX—GENERATION-SKIPPING TRANSFERS TAX RETURN REQUIREMENT, ETC

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 2621 Internal Revenue Code of 1954; 26 USC 2601 to 2614 Internal Revenue Code of 1954

CFR Citation: 26 CFR 26

Abstract: This project will establish the forms to be used in reporting a generation-skipping transfer and also

will establish the date on which the return must be filed and the tax paid. It will also interpret the definitions and special rules and illustrate how to compute the tax.

Timetable:

Action	Date	FR Cite
NPRM	08/05/80	45 FR 51771
Hearing	11/05/80	
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-234-79.

Drafting attorney: William A. Jackson (202) 566-4336.

Reviewing attorney: Robert H. Waltuch (202) 566-3287.

Treasury attorney: David Garlock (202) 566-8277.

Agency Contact: William A. Jackson, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-4336

RIN: 1545-AC74

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437. EMPL. TAX--SOCIAL SECURITY TAX ON EMPLOYERS OF INDIVIDUALS WHO RECEIVE INCOME FROM TIPS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 3121(t) Internal Revenue Code of 1954

CFR Citation: 26 CFR 31

Abstract: The regulations would provide guidance for determining the amount of wages on which an employer of a tipped employee must pay social security tax if the employer pays the employee less than the minimum wage.

Timetable:

Action	Date	FR Cite
NPRM	12/01/85	

Small Entity: Not Applicable

Additional Information: LR-35-78.

Drafting attorney: Beverly Baughman (202) 566-3297.

Reviewing attorney: John B. Bromell (202) 566-3326.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: D'Avino.

Agency Contact: Beverly A. Baughman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3297

RIN: 1545-AC76

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438. EMPLOYMENT TAX--TO REQUIRE WITHHOLDING OF SOCIAL SECURITY AND RAILROAD RETIREMENT TAX FROM CERTAIN PAYMENTS OF SICK PAY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 3121 Internal Revenue Code of 1954; 26 USC 3231 Internal Revenue Code of 1954; PL 97-123, Sec 3

CFR Citation: 26 CFR 31

Abstract: The regulations will provide guidance to third parties paying sick pay which is subject to social security or railroad retirement tax, employees receiving the sick pay, and employers of the employees.

Timetable:

Action	Date	FR Cite
Final Action Effective	01/01/82	
NPRM	07/06/82	47 FR 29266
NPRM Comment Period Begin	07/06/82	
NPRM Comment Period End	09/06/82	
Final Action	08/01/85	

Small Entity: Not Applicable

Additional Information: LR-23-82.

Drafting attorney: Renay France (202) 566-3459.

Reviewing attorney: John M. Coulter, Jr. (202) 566-4473.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Hevener.

01/04/83 Final regulations sent to Office of Tax Legislative Counsel for review.

Agency Contact: Renay France, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3459

RIN: 1545-AC77

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439. AMENDMENT OF THE EMPLOYMENT TAX REGULATIONS UNDER CODE SECTION 3121 TO CONFORM TO SECTION 321 OF THE SOCIAL SECURITY AMENDMENTS OF 1983

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 3121 Internal Revenue Code of 1954

CFR Citation: 26 CFR 36

Abstract: The regulation would provide guidance to taxpayers with respect to agreements entered into under section 3121 of the Internal Revenue Code of 1954 as that Section was amended by section 321 of the Social Security Amendments of 1983.

Timetable:

Action	Date	FR Cite
NPRM	06/00/85	

Small Entity: Not Applicable

Additional Information: LR-192-83.

Drafting attorney: Gail H. Morse (202) 566-3297.

Reviewing attorney: John B. Bromell (202) 566-3297.

Agency Contact: Gail H. Morse, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3297

RIN: 1545-AF91

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440. ● ELECTIONS BY CHURCHES AND QUALIFIED CHURCH-CONTROLLED ORGANIZATIONS TO EXCLUDE SERVICE PERFORMED IN THEIR EMPLOY FROM EMPLOYMENT

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 3121 (w) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1; 26 CFR 5h; 26 CFR 31

Abstract: These regulations provide the manner in which churches and qualified church-controlled organizations may elect to exclude service performed in their employ from employment and the subsequent treatment of remuneration from such excluded service with respect to self employment taxes.

Timetable:

Action	Date	FR Cite
NPRM	08/00/85	

Small Entity: Not Applicable

Additional Information: LR-239-84.

Drafting attorney: Robert E. Shaw (202) 566-3297.

Reviewing attorney: John G. Schmalz (202) 566-3297.

Treasury attorney: Kent Mason (202) 566-6964.

Agency Contact: Robert E. Shaw, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3297**

RIN: 1545-AH63

441. ● AMEND THE REGULATIONS TO CLARIFY THE TRUCKING EXCEPTION TO THE DEFINITION OF "EMPLOYEE" FOR PURPOSE OF THE RRTA

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954

CFR Citation: 26 CFR 301

Abstract: These regulations will clarify the scope of the "trucking service" and "casual service" exceptions to the definition of "employer" in section 3231 (a).

Timetable:

Action	Date	FR Cite
NPRM	05/00/85	

Small Entity: Not Applicable

Additional Information: LR-212-84.

Drafting attorney: Robert Beatson (202) 566-3459.

Reviewing attorney: John M. Coulter (202) 566-4473.

Treasury attorney: Kent Mason (202) 535-6964.

Agency Contact: Robert Beatson, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3459**

RIN: 1545-AG74

442. TREATMENT OF CERTAIN DEFERRED COMPENSATION AND SALARY REDUCTION ARRANGEMENTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 6302(c)

CFR Citation: 26 CFR 31

Abstract: Proposal would provide rules concerning the treatment of certain deferred compensation and salary reduction arrangements under section 3121 (v) and section 3306 (r) of the Internal Revenue Code of 1954, thereby giving needed guidance to the public on how the Internal Revenue Service intends to interpret those sections of the code.

Timetable:

Action	Date	FR Cite
NPRM	05/01/85	

Small Entity: Not Applicable

Additional Information: LR-195-83.

Drafting attorney: Nerman Dobynes Hubbard (202) 566-3289.

Reviewing attorney: John B. Bromell (202) 566-3297.

Office of Tax Legislative Counsel reviewing attorney:

In Legislation and Regulations Division for preparation of Notice of Proposed Rulemaking.

Agency Contact: Nerman Dobynes Hubbard, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3289**

RIN: 1545-AF97

443. EMPLOYMENT TAX—WITHHOLDING FROM PENSIONS, ANNUITIES, AND OTHER DEFERRED INCOME

Legal Authority: 26 USC 7805; 26 USC 3405; 26 USC 6047(e)

CFR Citation: 26 CFR 35

Abstract: Proposed regulations would clarify and amend the temporary regulations relating to withholding from pensions, annuities, and other deferred income.

Timetable:

Action	Date	FR Cite
NPRM	06/00/85	

Small Entity: Not Applicable

Additional Information: EE-115-82.

Drafting attorney: Roberto E. Rivera (202) 566-3430.

Reviewing attorney: Richard J. Wickersham (202) 566-3250.

Agency Contact: Roberto E. Rivera, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3430**

RIN: 1545-AE98

444. TO PROVIDE REGULATIONS RELATING TO BACKUP WITHHOLDING UNDER SECTION 3406

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 3406 Internal Revenue Code of 1954

CFR Citation: 26 CFR 31

Abstract: The regulations will provide that a tax equal to 20 percent of any reportable payment is required to be withheld if certain conditions exist. With respect to reportable interest or dividends, backup withholding applies if (1) no number is provided in the manner required, (2) the Service notifies the payor that the payee's taxpayer identification number is not correct, (3) the payee is subject to backup withholding due to a notified payee underreporting, and (4) the payee fails to certify when required that he or she is not subject to backup withholding due to notified payee underreporting. With respect to other reportable payments (such as rents, royalties, nonemployee compensation, broker transactions, or barter exchanges), backup withholding applies if (1) no taxpayer identification number is provided, or (2) the Service notifies the payor that the payee's taxpayer identification number is not correct.

Timetable:

Action	Date	FR Cite
Final Action Effective	01/01/84	
NPRM Comment Period Begin	05/01/85	
End Review	00/00/00	
Final Action	00/00/00	
Begin Review	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-224-82.

Drafting attorney: Renay France (202) 566-3459.

Reviewing attorney: John M. Coulter, Jr. (202) 566-4473.

Office of Tax Legislative Counsel reviewing attorney: Richard D'Avino.

Agency Contact: Renay France, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3459**

RIN: 1545-AE20

445. TO PROVIDE TEMPORARY REGULATIONS RELATING TO BACKUP WITHHOLDING WHERE THE SERVICE NOTIFIES PAYOR TO WITHHOLD DUE TO AN INCORRECT TAXPAYER IDENTIFICATION NUMBER

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 3406 Internal Revenue Code of 1954

CFR Citation: 26 CFR 35a

Abstract: These regulations will prescribe when withholding is required when the Internal Revenue Service notifies the payor of an incorrect taxpayer identification number. The regulations will also describe that no withholding is required if the payee, within 30 days of the Service's notification, certifies under penalties of perjury that the name and taxpayer identification number are correct. If no certification is received within 30 days, backup withholding applies until such certification is received.

Timetable:

Action	Date	FR Cite
NPRM	05/01/85	
Final Action	05/01/85	

Small Entity: Not Applicable

Additional Information: LR-7-84.

Drafting attorney: Renay France (202) 566-3459.

Reviewing attorney: John M. Coulter, Jr. (202) 566-4473.

TLC attorney: Rick D'Avino.

Agency Contact: Renay France, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3459

RIN: 1545-AF90

446. TREATMENT OF REAL ESTATE AGENTS AND DIRECT SELLERS AS NONEMPLOYEES FOR EMPLOYMENT TAX PURPOSES--REPORTING REQUIREMENTS WITH RESPECT TO DIRECT SELLERS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 3508 Internal Revenue Code of 1954; 26 USC 3509 Internal Revenue Code of 1954; 26 USC 6041A Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The proposed regulations would provide rules for the treatment of real estate agents and direct sellers as independent contractors for employment tax purposes. The proposed rules would also provide guidance for the reporting requirements of sales to direct sellers.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-214-82.

Drafting attorney: Donald W. Stevenson (202) 566-3297.

Reviewing attorney: John Bromell (202) 566-3297.

Office of Legislative Counsel reviewing attorney: Chris Vaughn.

Draft of notice in Treasury pending review, 1/15/84.

Agency Contact: Robert E. Shaw, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3297

RIN: 1545-AE62

447. EXCISE TAX--APPLICABLE TO ARTICLES SOLD ON AND AFTER 1964

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 4041 Internal Revenue Code of 1954; 26 USC 4042 Internal Revenue Code of 1954; 26 USC 4054 Internal Revenue Code of 1954; 26 USC 4058 Internal Revenue Code of 1954

CFR Citation: 26 CFR 48

Abstract: The regulations would revise and update the existing regulations regarding manufacturers and retailers excise taxes on special fuels to reflect statutory changes made to section 4041 since 1964. The regulations would provide guidance to the public to comply with the laws.

Timetable:

Action	Date	FR Cite
NPRM	10/22/80	45 FR 69933
NPRM Comment Period Begin	10/22/80	45 FR 69933
NPRM Comment Period End	12/22/80	
Hearing	04/08/81	
Final Action	11/00/85	

Small Entity: Not Applicable

Additional Information: LR-2118.

Drafting attorney: William A. Jackson (202) 566-4336.

Reviewing attorneys: Robert H. Waltuch (202) 566-3287.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Schuldinger.

Agency Contact: William A. Jackson, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington D.C. 20224, 202 566-4336

RIN: 1545-AC85

448. EXCISE TAX--RETAILERS EXCISE TAXES ON MOTOR VEHICLES

Legal Authority: 26 USC 4052 Internal Revenue Code of 1954; 26 USC 4051 Internal Revenue Code of 1954; 26 USC 4053 Internal Revenue Code of 1954

CFR Citation: 26 CFR 48

Abstract: The regulations will provide guidance as to what kinds of vehicles are taxable and how the tax is computed.

Timetable:

Action	Date	FR Cite
NPRM	09/00/85	

Small Entity: No

Additional Information: LR-30-83.

Drafting attorney: Neil W. Zyskind (202) 566-3287.

Reviewing attorney: Robert B. Coplan (202) 566-3287.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Perlis.

Agency Contact: Neil W. Zyskind, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3287

RIN: 1545-AF61

449. TEMPORARY REGULATION EXCISE TAXES ON HEAVY TRUCKS, TRUCK TRAILERS AND SEMITRAILERS, AND TRACTORS SOLD AT RETAIL

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 4051 Internal Revenue Code of 1954; 26 USC 4052 Internal Revenue Code of 1954; 26 USC 4053 Internal Revenue Code of 1954

CFR Citation: 26 CFR 145

Abstract: The regulations will provide guidance to dealers in paying tax on the sale of heavy trucks, trailers, and tractors.

Timetable:

Action	Date	FR Cite
Interim Final Rule	09/00/85	

Small Entity: Not Applicable

Additional Information: LR-142-83.

Drafting attorney: Neil W. Zyskind (202) 566-3287.

Reviewing attorney: Robert B. Coplan (202) 566-3287.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Mark Perlis.

Agency Contact: Neil W. Zyskind, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3287**

RIN: 1545-AF79

450. EXCISE TAX--MANUFACTURERS EXCISE TAXES ON MOTOR VEHICLES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 4061 Internal Revenue Code of 1954; 26 USC 4063 Internal Revenue Code of 1954; 26 USC 4062 Internal Revenue Code of 1954

CFR Citation: 20 CFR 48; 20 CFR 142; 20 CFR 146

Abstract: The regulations will update and revise the existing regulations concerning Manufacturers and Retailers excise taxes on motor vehicles. The regulations substantially complete the task of updating the regulations under sections 4061 through 4063 of the Internal Revenue Code of 1954 to reflect statutory changes made to these sections since 1964.

Timetable:

Action	Date	FR Cite
NPRM	12/30/82	47 FR 58297
NPRM Comment Period Begin	12/30/82	47 FR 58297
NPRM Comment Period End	02/28/83	
Final Action	12/00/85	

Small Entity: Not Applicable

Additional Information: LR-2119.

Drafting attorney: Neil W. Zyskind (202) 566-3287.

Reviewing attorney: Robert H. Waltuch (202) 566-3287.

In Legislation and Regulations Division for preparation of Treasury decision.

Agency Contact: Neil W. Zyskind, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3287**

RIN: 1545-AC86

451. EXCISE TAX--GAS GUZZLER TAX

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 4064 Internal Revenue Code of 1954

CFR Citation: 26 CFR 48

Abstract: The regulations would define the terms sale, manufacturer, automobile, model year, model type, fuel economy and fuel. The regulations would outline the procedures to be followed by a small manufacturer seeking an alternate rate schedule.

Timetable:

Action	Date	FR Cite
NPRM	02/08/80	45 FR 08669
NPRM Comment Period Begin	02/08/80	45 FR 08669
NPRM Comment Period End	04/08/80	
Hearing	06/19/80	
Final Action	12/30/85	

Small Entity: Not Applicable

Additional Information: LR-205-78.

Drafting attorney: Robert H. Ginsburgh (202) 566-3297.

Reviewing attorney: Walter H. Woo (202) 566-3297.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Schuldinger.

Agency Contact: Robert H. Ginsburgh, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3297**

RIN: 1545-AC87

452. MANUFACTURERS & RETAILERS EXCISE TAX--RELATING TO RECAPPED OR RETREADED TIRES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 4071 Internal Revenue Code of 1954

CFR Citation: 26 CFR 48

Abstract: This project was opened to possibly amend the regulations so as to eliminate the distinction between shoulder to shoulder retread tires and bead to bead retread tires.

Timetable:

Action	Date	FR Cite
NPRM	02/08/84	49 FR 4790
NPRM Comment Period Begin	02/08/84	49 FR 4790
NPRM Comment Period End	03/09/84	
Final Action	05/00/85	

Small Entity: Not Applicable

Additional Information: LR-180-81.

Drafting attorney: Jane Wilson (202) 566-4069.

Reviewing attorney: Neal E. Sheldon (202) 566-3936.

In Office of Chief Counsel (Interpretative Division) for preparation of notice.

Agency Contact: Jane Wilson, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-4069**

RIN: 1545-AC89

453. MANUF. & RET. EXCISE TAX--REFUND FOR CERTAIN USES OF TREAD RUBBER & ADJUSTMENTS PURSUANT TO WARRANTY; MISC. EXCISE TAXES --TAX ON POLICIES OF INSURANCE ISSUED BY FOREIGN INSURERS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 4071(a)(1) Internal Revenue Code of 1954; 26 USC 4071(a)(2) Internal Revenue Code of 1954; 26 USC 4071(d)(1) Internal Revenue Code of 1954; 26 USC 4071(f) Internal Revenue Code of 1954; 26 USC 6416(b)(1) Internal Revenue Code of 1954; 26 USC 6416(b)(2)(G) Internal Revenue Code of 1954; 26 USC 6416(b)(3) Internal Revenue Code of 1954; 26 USC 6511(i) Internal Revenue Code of 1954; 26 USC 4374 Internal Revenue Code of 1954

CFR Citation: 26 CFR 48; 26 CFR 46

Abstract: The regulations will provide new regulations concerning excise tax refunds and credits in the case of certain uses of tread rubber and adjustments pursuant to warranty. The regulation will also deal with the excise tax on policies of insurance issued by foreign insurers.

Timetable:

Action	Date	FR Cite
NPRM	04/00/86	

Small Entity: Not Applicable

Additional Information: LR-28-81.

Drafting attorney: Timothy J. McKenna (202) 566-4336.

Reviewing attorney: Fredric E. Grundeman (202) 566-3287.

Office of Tax Legislative Counsel (Treasury) reviewing attorneys: Pike, Levinson.

In Office of Chief Counsel (Legislation and Regulations Division) for preparation of notice.

Agency Contact: Timothy J. McKenna, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-4336

RIN: 1545-AC88

454. MANUFACTURERS AND RETAILERS EXCISE TAXES--TAXES ON FUELS, TIRES AND GASOLINE

Legal Authority: 26 USC 4071 Internal Revenue Code of 1954; 26 USC 4041 Internal Revenue Code of 1954; 26 USC 4081 Internal Revenue Code of 1954; 26 USC 6420 Internal Revenue Code of 1954; 26 USC 6427 Internal Revenue Code of 1954

CFR Citation: 26 CFR 48

Abstract: The regulations will provide guidance concerning the rates of tax on certain fuels and gasohol. In addition, the regulations will provide guidance concerning the tax on tires.

Timetable:

Action	Date	FR Cite
NPRM	12/00/85	

Small Entity: Not Applicable

Additional Information: LR-119-83.

Drafting attorney: Margaret O'Connor (202) 566-3287.

Reviewing Attorney: Robert Waltuch (202) 566-3287.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Rocap.

Agency Contact: Margaret O'Connor, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3287

RIN: 1545-AF58

455. HEAVY VEHICLE USE TAX AND TAX ON DIESEL FUEL

Legal Authority: 26 USC 4041 Internal Revenue Code of 1954; 26 USC 4481 Internal Revenue Code of 1954; 26 USC 4482 Internal Revenue Code of 1954; 26 USC 4483 Internal Revenue Code of 1954; 26 USC 6427 Internal Revenue Code of 1954; 26 USC 7805 Internal Revenue Code of 1954

CFR Citation: 26 CFR 41; 26 CFR 48

Abstract: These regulations will impose a graduated use tax on heavy vehicles which use public highways. Heavy vehicles which use public highways for less than 5,000 miles (less than 7,500 miles in the case of agricultural vehicles) will be exempt. This tax will be effective July 1, 1984. There will be a one-year reduced rate available for truck fleets of 5 or less. The regulations will also impose an increase in the tax on diesel fuel to 15 cents a gallon and provide a one time credit or refund to original purchasers of lightweight diesel-powered highway vehicles. The increased diesel fuel tax is effective August 1, 1984.

Timetable:

Action	Date	FR Cite
NPRM	11/06/84	49 FR 44300
NPRM Comment Period Begin	11/06/84	49 FR 44300
NPRM Comment Period End	12/06/84	
Hearing held	12/14/84	
Final Action	11/00/85	

Small Entity: Not Applicable

Additional Information: LR-31-83.

Drafting attorney: William A. Jackson (202) 566-4336.

Reviewing attorney: Robert B. Coplan (202) 566-3287.

Treasury attorney: Mark Perlis (202) 566-4206.

Agency Contact: William A. Jackson, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-4336

RIN: 1545-AF62

456. EXCISE TAX--ENVIRONMENTAL TAXES--IMPOSITION OF TAXES ON PETROLEUM AND CERTAIN CHEMICALS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 4611 Internal Revenue Code of 1954; 26 USC 4612 Internal Revenue Code of 1954; 26 USC 4661 Internal Revenue Code of 1954; 26 USC 4662 Internal Revenue Code of 1954

CFR Citation: 26 CFR 52

Abstract: The regulations will provide rules for the computation of the environmental excise taxes on petroleum and certain chemicals. The regulations will also define such terms as entry and taxable chemicals and will explain how to get an exemption from tax for certain chemicals used to make fertilizer.

Timetable:

Action	Date	FR Cite
NPRM	10/21/83	48 FR 48839
NPRM Comment Period Begin	10/21/83	48 FR 50775
NPRM Comment Period End	01/20/84	
Hearing	02/16/84	
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-16-81.

Drafting attorney: Cynthia L. Clark (202) 566-4336.

Reviewing attorney: Larry E. Smith (202) 566-3287.

Office of Tax Legislative Counsel (Treasury) reviewing attorneys: Yecies, Levinson.

Agency Contact: Cynthia L. Clark, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3288

RIN: 1545-AC91

457. EXCISE TAX--ENVIRONMENTAL TAXES--IMPOSITION OF TAX ON HAZARDOUS WASTES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 4681 Internal Revenue Code of 1954; 26 USC 4682 Internal Revenue Code of 1954

CFR Citation: 26 CFR 52

Abstract: The regulations will explain the imposition of the hazardous waste tax on the receipt of hazardous waste at a qualified hazardous waste disposal facility.

Timetable:

Action	Date	FR Cite
NPRM	05/00/85	

Small Entity: Not Applicable

Additional Information: LR-341-81.

Drafting attorney: Ada S. Rousso (202) 566-4336.

Reviewing attorney: Cynthia L. Clark (202) 566-3288.

Agency Contact: Ada S. Rousso, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3297**

RIN: 1545-AC92

458. EXCISE TAX--TAX ON ISSUER OF REGISTRATION-REQUIRED OBLIGATION NOT IN REGISTERED FORM

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 4701 Internal Revenue Code of 1954

CFR Citation: 26 CFR 46

Abstract: This regulation will provide that registration-required obligations issued in non-registered form will have an excise tax imposed on the issuer.

Timetable:

Action	Date	FR Cite
NPRM	08/22/84	49 FR 33285
NPRM Comment Period Begin	08/22/84	49 FR 33285
NPRM Comment Period End	10/22/84	
Final Action	07/00/85	

Small Entity: Not Applicable

Additional Information: LR-9-83.

Drafting attorney: Timothy J. McKenna (202) 566-4336.

Reviewing attorney: Robert B. Coplan (202) 566-3287.

Agency Contact: Timothy J. McKenna, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-4336**

RIN: 1545-AF31

459. INCOME TAX--LOBBYING BY PUBLIC CHARITIES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 501(h) Internal Revenue Code of 1954; 26 USC 504 Internal Revenue Code of 1954; 26 USC 4911 Internal Revenue Code of 1954; 26 USC 170(f) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1; 26 CFR 53; 26 CFR 56

Abstract: The regulations will provide rules primarily applicable to tax exempt organizations described in section 501(c)(3) that elect to have the provisions of section 501(h) and 4911 apply to their lobbying expenditures.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: EE-154-78.

Drafting attorney: George B. Baker (202) 566-3422.

Reviewing attorney: Paul G. Accettura (202) 566-3544.

Office of Tax Legislative Counsel (Treasury) reviewing attorneys: McDowell, Bridgeman.

Agency Contact: George B. Baker, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3422**

RIN: 1545-AE02

460. FOUNDATION EXCISE TAX-EXCESS BUSINESS HOLDINGS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 4943 Internal Revenue Code of 1954; PL 91-172, Sec 101 Tax Reform Act of 1969; PL 98-369, Sec 307 Tax Reform Act of 1984; PL 98-369, Sec 308; PL 98-369, Sec 309; PL 98-369, Sec 310; PL 98-369, Sec 314

CFR Citation: 26 CFR 53.4943-1

Abstract: Amendments to conform regulations to provisions enacted by the Tax Reform Act of 1984.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: EE-65-84.

Drafting attorney: Roberto E. Rivera (202) 566-3430.

Reviewing attorney: Richard J. Wickersham (202) 566-3250.

Office of Tax Legislative Counsel (Treasury) reviewing attorney

Agency Contact: Roberto E. Rivera, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3430**

RIN: 1545-AG49

461. FOUNDATION EXCISE TAX--PROCEDURE AND ADMINISTRATION--REVISION OF SECOND TIER EXCISE TAX PROVISIONS, ETC. UNDER CHAPTERS 42 AND 43

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 4941 Internal Revenue Code of 1954; 26 USC 4942 Internal Revenue Code of 1954; 26 USC 4943 Internal Revenue Code of 1954; 26 USC 4944 Internal Revenue Code of 1954; 26 USC 4945 Internal Revenue Code of 1954; 26 USC 4951 Internal Revenue Code of 1954; 26 USC 4952 Internal Revenue Code of 1954; 26 USC 4971 Internal Revenue Code of 1954; 26 USC 4975 Internal Revenue Code of 1954; 26 USC 4961 Internal Revenue Code of 1954; 26 USC 4962 Internal Revenue Code of 1954

CFR Citation: 26 CFR 53; 26 CFR 301; 26 CFR 1; 26 CFR 54; 26 CFR 141

Abstract: This regulation provides rules related to second tier excise taxes as defined in section 4963. The regulations provide guidance to private foundations, black lung benefit trusts, pension trusts, and disqualified persons with respect to them, who may become liable for second tier excise taxes.

Timetable:

Action	Date	FR Cite
NPRM	02/13/84	49 FR 5350
Final Action	12/00/85	

Small Entity: Not Applicable

Additional Information: FE-16-81.

Drafting attorney: George B. Baker (202) 566-3422.

Reviewing attorney: James L. Brokaw (202) 566-4173.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Bridgeman.

Agency Contact: George B. Baker, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3422**

RIN: 1545-AE09

462. INCOME TAX--EXCISE TAX--PROCEDURE AND ADMINISTRATION--VARIOUS PRIVATE FOUNDATION PROVISIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 4962 Internal Revenue Code of 1954; 26 USC 507(d)(2)(c) Internal Revenue Code of 1954; 26 USC 4940(d) Internal Revenue Code of 1954; 26 USC 4940(e) Internal Revenue Code of 1954; 26 USC 4942 (a)(2) Internal Revenue Code of 1954; 26 USC 4942(f)(1) Internal Revenue

Code of 1954; 26 USC 4942(g)(4) Internal Revenue Code of 1954; 26 USC 4945(d)(1) Internal Revenue Code of 1954; 26 USC 4945(d)(4) Internal Revenue Code of 1954; 26 USC 4946(d) Internal Revenue Code of 1954; 26 USC 6104(d) Internal Revenue Code of 1954; 26 USC 6603(n)(3) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1; 26 CFR 53; 26 CFR 301

Abstract: These regulations will amend existing rules to reflect changes made by the Tax Reform Act of 1984 relating to the excise taxes on private foundations.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: EE-76-84.

Drafting attorney: George B. Baker (202) 566-3422.

Reviewing attorney: James L. Brokaw (202) 566-4173.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Bridgeman.

Agency Contact: George B. Baker, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3422

RIN: 1545-AG18

463. TAX WITH RESPECT TO CERTAIN FUNDED WELFARE BENEFIT PLANS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 4976 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations will provide rules relating to the tax imposed upon certain funded welfare benefit plans which provide "disqualified benefits".

Timetable:

Action	Date	FR Cite
NPRM	06/30/85	

Small Entity: Not Applicable

Additional Information: EE-67-84.

Drafting attorneys: John T. Ricotta/John C. Khil (202) 566-3544 or 566-6212.

Reviewing attorney: Michael A. Thrasher (202) 566-3961.

Treasury attorney: Harry Conaway (202) 566-4902.

Agency Contact: John T. Ricotta/John C. Khil, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3544

RIN: 1545-AG12

464. EXCISE TAX--DEFINITION OF NEWLY DISCOVERED OIL

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 4997 Internal Revenue Code of 1954; 26 USC 4991 Internal Revenue Code of 1954; 26 USC 4996 Internal Revenue Code of 1954

CFR Citation: 26 CFR 51

Abstract: The regulations would provide guidance on the requirements for the qualification of crude oil as newly discovered oil, as well as a definition of production in "commercial quantities" that affects the net income limitation on windfall profit and the exemption for Alaskan oil.

Timetable:

Action	Date	FR Cite
NPRM	11/05/82	47 FR 50306
NPRM Comment Period Begin	11/05/82	47 FR 50306
NPRM Comment Period End	01/04/83	
Final Action	06/28/85	

Small Entity: Not Applicable

Additional Information: LR-224-81.

Drafting attorney: Robert H. Ginsburgh (202) 566-3297.

Reviewing attorney: John B. Bromell (202) 566-3326.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Schuldinger.

Agency Contact: Robert H. Ginsburgh, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3297

RIN: 1545-AC96

465. EXCISE TAX--WITH RESPECT TO THE DEFINITION OF TAXABLE CRUDE OIL

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 4991 Internal Revenue Code of 1954

CFR Citation: 26 CFR 51

Abstract: These regulations would provide rules relating to the definitions of crude oil, condensate, and tar sand for purposes of the windfall profit tax. These definitions are important because only crude oil is subject to the windfall profit tax.

Timetable:

Action	Date	FR Cite
NPRM	12/01/85	

Small Entity: Not Applicable

Additional Information: LR-226-81.

Drafting attorney: Beverly A. Baughman (202) 566-3297.

Reviewing attorney: John B. Bromell (202) 566-3326.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Schuldinger.

Agency Contact: Beverly A. Baughman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3297

RIN: 1545-AD00

466. EXCISE TAX--ISSUES ARISING WHERE MULTIPLE PARTIES SHARE IN PRODUCTION, INCLUDING UNITIZATIONS, PARTNERSHIPS, TRUSTS AND ESTATES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 4986 to 4998 Internal Revenue Code of 1954

CFR Citation: 26 CFR 51

Abstract: These regulations would provide rules relating to production from a unitized property of imputed stripper well crude oil, imputed heavy crude oil, and imputed newly discovered crude oil for purposes of the windfall profit tax. The regulations would provide rules for determining the amount of imputed oil and rules for allocating the imputed oil among the producers of the unitized property.

Timetable:

Action	Date	FR Cite
NPRM	12/00/85	

Small Entity: Not Applicable

Additional Information: LR-225-81.

Drafting attorney: Gail H. Morse (202) 566-3297.

Reviewing attorney: John B. Bromell (202) 566-3326.

Agency Contact: Gail H. Morse, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3297**

RIN: 1545-AC94

467. EXCISE TAX--INCREMENTAL TERTIARY OIL

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 4993 Internal Revenue Code of 1954

CFR Citation: 26 CFR 51

Abstract: The regulations would clarify the rules relating to incremental tertiary oil. The regulations provide procedural rules for requesting approval from the Service of tertiary recovery methods which are not already approved under Department of Energy regulations. The regulations also define "project beginning date" and "tertiary injectant".

Timetable:

Action	Date	FR Cite
NPRM	09/10/84	49 FR 35517
NPRM Comment Period Begin	09/10/84	49 FR 35517
NPRM Comment Period End	11/09/84	
Final Action	12/01/85	

Small Entity: Not Applicable

Additional Information: LR-67-80.

Drafting attorney: Beverly A. Baughman (202) 566-3297.

Reviewing attorney: John B. Bromell (202) 566-3326.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Schuldinger.

Agency Contact: Beverly A. Baughman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3297**

RIN: 1545-AD04

468. EXCISE TAX--EXEMPTIONS FOR QUALIFIED GOVERNMENTAL INTERESTS, QUALIFIED CHARITABLE INTERESTS (INCLUDING RESIDENTIAL CHILD CARE AGENCIES), INDIAN OIL, ALASKAN ETC

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 4994 Internal Revenue Code of 1954

CFR Citation: 26 CFR 51

Abstract: The proposed regulations will provide rules and definitions relating to various exemptions from the windfall profit tax.

Timetable:

Action	Date	FR Cite
NPRM	02/12/85	50 FR 5770
NPRM Comment Period Begin	02/12/85	50 FR 5770
NPRM Comment Period End	04/15/85	
Final Action	02/00/86	

Small Entity: Not Applicable

Additional Information: LR-69-80.

Drafting attorney: John G. Schmalz (202) 566-3297.

Reviewing attorney: John B. Bromell (202) 566-3326.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Schuldinger.

Agency Contact: John G. Schmalz, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3297**

RIN: 1545-AD05

469. EXCISE TAX--EXEMPT FRONT-END OIL UNDER THE CRUDE OIL WINDFALL PROFIT TAX ACT 1980

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954, 26 USC 4994(c) Internal Revenue Code of 1954

CFR Citation: 26 CFR 51

Abstract: These regulations would provide rules relating to the treatment of front-end tertiary oil under the crude oil windfall profit tax. The proposed regulations explain the exemption from the windfall profit tax for domestic crude oil that is removed from the premises before October 1, 1981, and that is treated as front-end oil and used to finance a front-end tertiary project on one or more properties each of which is a qualified property.

Timetable:

Action	Date	FR Cite
NPRM	12/05/80	45 FR 80551
NPRM Comment Period Begin	12/05/80	45 FR 80551
NPRM Comment Period End	02/04/81	
Hearing	02/24/81	45 FR 80554
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-68-80.

Drafting attorney: Douglas W. Charnas (202) 566-3297.

Reviewing attorney: John B. Bromell (202) 566-3326.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Schuldinger.

Agency Contact: Douglas W. Charnas, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3297**

RIN: 1545-AD06

470. EXCISE TAX--OIL FROM A STRIPPER WELL PROPERTY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 4991 Internal Revenue Code of 1954; 26 USC 4992 Internal Revenue Code of 1954; 26 USC 4994 Internal Revenue Code of 1954

CFR Citation: 26 CFR 51

Abstract: The proposed regulations provide rules and definitions relating to oil from a stripper well property for purposes of tier 2 oil and exempt stripper well oil.

Timetable:

Action	Date	FR Cite
NPRM	01/20/83	48 FR 2552
NPRM Comment Period Begin	01/20/83	48 FR 2552
NPRM Comment Period End	03/20/83	
Final Action	04/30/85	

Small Entity: Not Applicable

Additional Information: LR-217-81.

Drafting attorney: John G. Schmalz (202) 566-3297.

Reviewing attorney: Walter H. Woo (202) 566-3297.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Schuldinger.

Agency Contact: John G. Schmalz, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3297**

RIN: 1545-AD01

471. EXCISE TAX—DEFINITION OF OIL REMOVED FROM THE PREMISES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 4996 Internal Revenue Code of 1954; 26 USC 4997 Internal Revenue Code of 1954

CFR Citation: 26 CFR 51

Abstract: This regulation would provide for exceptions to the general rule that crude oil is removed from the premises when it is physically transported off the premises. The exceptions are for certain uses of the crude oil on the premises, transportation to contiguous tracts and to storage tanks.

Timetable:

Action	Date	FR Cite
NPRM	01/14/83	48 FR 1762
NPRM Comment Period Begin	01/14/83	48 FR 1762
NPRM Comment Period End	03/15/83	
Hearing	06/28/83	
Final Action	09/01/85	

Small Entity: Not Applicable

Additional Information: LR-227-81.

Drafting attorney: Beverly A. Baughman (202) 566-3297.

Reviewing attorney: John B. Bromell (202) 566-3326.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Schuldinger.

Agency Contact: Beverly A. Baughman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3297

RIN: 1545–AC95

472. EXCISE TAX—DEFINITION OF PROPERTY UNDER THE CRUDE OIL WINDFALL PROFIT TAX ACT 1980

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 4996 Internal Revenue Code of 1954

CFR Citation: 26 CFR 51

Abstract: These proposed regulations would provide rules relating to the definition of "property" for purposes of the crude oil windfall profit tax. These regulations are important because the rate of tax depends, in part, on the characteristics of the property from which the crude oil is produced.

Timetable:

Action	Date	FR Cite
NPRM	11/10/82	47 FR 50924
NPRM Comment Period Begin	11/10/82	47 FR 50924
NPRM Comment Period End	01/09/83	
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-34-82.

Drafting attorney: Robert H. Ginsburgh (202) 566-3297.

Reviewing attorney: John B. Bromell (202) 566-3326.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Schuldinger.

Agency Contact: Robert H. Ginsburgh, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3297

RIN: 1545–AD08

473. EXCISE TAX—AMENDMENT OF SEC 51.4996-1(B) WITH RESPECT TO THE TREATMENT OF NET PROFITS INTERESTS FOR WINDFALL PROFITS TAX PURPOSES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 4996 Internal Revenue Code of 1954

CFR Citation: 26 CFR 51

Abstract: These proposed regulations would provide rules for determining the portion of crude oil removed from the premises attributable to the holder of a net profits interest.

Timetable:

Action	Date	FR Cite
NPRM	08/29/84	49 FR 34242
NPRM Comment Period Begin	08/29/84	49 FR 34243
NPRM Comment Period End	10/29/84	
Final Action	08/00/85	

Small Entity: Not Applicable

Additional Information: LR-38-82.

Drafting attorney: David R. Haglund (202) 566-3297.

Reviewing attorney: John B. Bromell (202) 566-3326.

Agency Contact: David R. Haglund, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3297

RIN: 1545–AD09

474. RETURNS REQUIRED ON MAGNETIC MEDIA

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 6011 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations would require certain returns to be filed on magnetic media. Prior to enactment of section 319 of the Tax Equity and Fiscal Responsibility Act of 1982, there was no statutory or regulatory requirement that any particular return be filed on magnetic media or in other machine-readable form. The regulations would provide standards for determining which returns would be required to be filed on magnetic medias.

Timetable:

Action	Date	FR Cite
NPRM	04/00/85	

Small Entity: Not Applicable

Additional Information: LR-289-82.

Drafting attorney: Linda M. Kroening (202) 566-3238.

Reviewing attorney: John H. Parcell.

Office of Tax Legislative Counsel reviewing attorney: Mark Perlis.

Agency Contact: Linda M. Kroening, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3238

RIN: 1545–AF12

475. FORM OF INDIVIDUAL TAX RETURN

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 6012 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulation would provide rules for an individual taxpayer for determining the appropriate return to file, for utilizing a substitute form and for attaining assistance from the Internal Revenue Service for computing the tax liability from the partially completed return.

Timetable:

Action	Date	FR Cite
NPRM	12/31/85	

Small Entity: Not Applicable

Additional Information: LR-300-82.

Drafting attorney: Howard Balikov (202) 566-3288.

Reviewing attorney: Ewan D. Purkiss (202) 566-3238.

Agency Contact: Howard A. Balikov, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3288**

RIN: 1545-AF24

476. TO PROVIDE REGULATIONS RELATING TO NEW EXCEPTION TO ESTIMATED TAX PENALTY WHERE INDIVIDUAL HAS NO TAX LIABILITY FOR PRECEDING TAXABLE YEAR

Legal Authority: 26 USC 7805; 26 USC 6015; 26 USC 6654

CFR Citation: 26 CFR 1

Abstract: The regulation will clarify the new exception to the individual estimated tax in the case of an individual who had no tax liability for the preceding taxable year. Rules also eliminate the requirement that individuals file a declaration of estimated tax.

Timetable:

Action	Date	FR Cite
NPRM	09/01/85	

Small Entity: Not Applicable

Additional Information: LR-226-82.

Drafting attorney: Renay France (202) 566-3459.

Reviewing attorney: John M. Coulter, Jr., (202) 566-4473.

Agency Contact: Renay France, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3294**

RIN: 1545-AE71

477. CONFORM REGULATIONS UNDER SECTIONS 6015, 6154, 6654 AND 6655 TO SECTION 201(J) OF THE TECHNICAL CORRECTIONS ACT OF 1982

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 6015 Internal Revenue Code of 1954; 26 USC 6154 Internal Revenue Code of 1954; 26 USC 6654 Internal Revenue Code of 1954; 26 USC 6655 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: This project would amend the regulations under sections 6015, 6154, 6654, and 6655 to reflect section 201(j) of the Technical Corrections Act of 1982 which adds to the definition of estimated tax an allowance for overpayment of the windfall profit tax in section 4986.

Timetable:

Action	Date	FR Cite
NPRM	08/29/84	49 FR 34240
NPRM Comment Period Begin	08/29/84	
NPRM Comment Period End	10/29/84	
Final Action	06/00/85	

Small Entity: No

Additional Information: LR-54-83.

Drafting attorney: Gail H. Morse (202) 566-3297.

Reviewing attorney: John B. Bromell (202) 566-3326.

Agency Contact: Gail H. Morse, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3297**

RIN: 1545-AF66

478. INCOME TAX-AMENDMENTS TO REQUIREMENTS FOR RETURN OF PARTNERSHIP INCOME

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 6031 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations would provide guidelines for determining when and what information a partnership must provide to its partners. The regulations also provide guidelines for determining what foreign partnerships must file information returns.

Timetable:

Action	Date	FR Cite
NPRM	11/01/85	

Small Entity: Not Applicable

Additional Information: LR-198-82.

Drafting attorney: Beverly A. Baughman (202) 566-3297.

Reviewing attorney: Paul A. Francis (202) 566-3930.

Treasury attorney: Steven R. Lainoff (202) 566-5046.

Agency Contact: Beverly A. Baughman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3297**

RIN: 1545-AE40

479. INCOME TAX--PROCEDURE & ADMINISTRATION--RETURN AND REPORTING REQUIREMENTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 6033 Internal Revenue Code of 1954; 26 USC 6034 Internal Revenue Code of 1954; 26 USC 6104 Internal Revenue Code of 1954; 26 USC 6652 Internal Revenue Code of 1954; 26 USC 6685 Internal Revenue Code of 1954; 26 USC 7207 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1; 26 CFR 53; 26 CFR 301

Abstract: The regulations simplify the private foundation return and reporting requirements.

Timetable:

Action	Date	FR Cite
NPRM	08/21/84	49 FR 33145
NPRM Comment Period Begin	08/21/84	49 FR 33145
NPRM Comment Period End	10/21/84	
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: EE-35-81.

Drafting attorney: James J. McGovern (202) 566-3422.

Reviewing attorney: James L. Brokaw (202) 566-4173.

Office of Tax Legislative Counsel (Treasury) reviewing attorney:

Agency Contact: Monice Rosenbaum, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3422**

RIN: 1545-AE14

480. INCOME TAX-TO AMEND REGULATIONS UNDER INTERNAL REVENUE CODE SECTIONS 6035 AND 6679 RELATING TO RETURNS OF FOREIGN PERSONAL HOLDING COMPANIES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 6035 Internal Revenue Code of 1954; 26 USC 6679 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: Proposal would amend the regulations under Internal Revenue Code sections 6035 and 6679 to conform to changes made by section 340 of the Tax Equity and Fiscal Responsibility Act of 1982. Those changes simplified the information reporting requirements imposed upon officers, directors and some shareholders of foreign personal holding companies, and added a new thousand-dollar penalty for failure to comply.

Timetable:

Action	Date	FR Cite
NPRM	09/06/84	49 FR 35145
NPRM Comment Period Begin	09/06/84	
NPRM Comment Period End	11/06/84	
Final Action	04/00/85	

Small Entity: Not Applicable

Additional Information: LR-200-82.

Drafting attorney: Marnie J. Carro (202) 566-3289.

Reviewing attorney: Mary Frances Pearson (202) 566-3289.

Office of International Tax Counsel (Treasury) reviewing attorney: Lainoff.

In Legislation and Regulations Division for preparation of notice of proposed rulemaking.

Agency Contact: Marnie Carro, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3289**

RIN: 1545–AE29

481. ● PROPOSED REGULATIONS UNDER SECTION 6037 RELATING TO INFORMATION REQUIRED TO BE FURNISHED TO SHAREHOLDERS TO S CORPORATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 6037 Internal Revenue Code of 1954

CFR Citation: 26 CFR 6037

Abstract: These regulations will provide rules relating to information required to be furnished to shareholders of S corporations. The regulations will require S corporations to furnish to each person who is a shareholder at any time during the taxable year a schedule K-1 of Form 1120S showing certain required information.

Timetable:

Action	Date	FR Cite
NPRM	05/01/85	

Small Entity: Undetermined

Additional Information: LR-233-84.

Drafting attorney: Annie R. Alexander (202) 566-3297.

Reviewing attorney: Walter H. Woo.

Treasury attorney:

Agency Contact: Annie R. Alexander, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3297**

RIN: 1545–AH48

482. INCOME TAX--INFORMATION RETURNS REQUIRED OF CERTAIN FOREIGN-OWNED CORPORATIONS; FOREIGN CORPORATION REPORTING REQUIREMENTS AND PENALTIES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 6038 Internal Revenue Code of 1954; 26 USC 6038A Internal Revenue Code of 1954; PL 97-248, Sec 338; PL 97-248, Sec 339

CFR Citation: 26 CFR 1

Abstract: The regulations would provide that certain foreign-owned corporations which transact business with other related corporations must furnish information about those transactions and the transacting corporations. The purpose of the reporting requirement is to verify that income is being reported accurately. The regulations would also amend existing penalty provisions for failure to supply information relating to certain foreign corporations, to conform those provisions to new statutory penalties imposed under the Tax Equity and Fiscal Responsibility Act of 1982.

Timetable:

Action	Date	FR Cite
NPRM	12/19/83	48 FR 56076
NPRM Comment Period Begin	12/19/83	48 FR 56076
NPRM Comment Period End	02/17/84	
Public Hearing held	03/29/84	49 FR 8261
Final Action	05/00/85	

Small Entity: Not Applicable

Additional Information: LR-201-82.

Drafting attorney: Charles C. Saverude (202) 566-3323.

Office of International Tax Counsel (Treasury) reviewing attorneys: Silver, Lainoff.

Agency Contact: Charles C. Saverude, Chief, Branch 5, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3323**

RIN: 1545–AE43

483. RETURN OF INFORMATION AS TO PAYMENTS OF $600 OR MORE

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 6041 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulation relates to the written statements that trustees and executors furnish to the Internal Revenue Service. The amendment to the regulation would provide that such information returns need not be furnished to the beneficiaries of the trusts or estates.

Timetable:

Action	Date	FR Cite
NPRM	12/00/85	
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-117-83.

Drafting attorney: Mitchell H. Rapaport (202) 566-3459.

Reviewing attorney: John M. Coulter, Jr. (202) 566-4473.

Tax Legislative Counsel reviewing attorney: Richard Reinhold (202) 566-2926.

Agency Contact: Mitchell H. Rapaport, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3294**

RIN: 1545–AF37

484. INFORMATION RETURNS OF BROKERS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 6045 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations in this project clarify the definition of the term "commodity" for purposes of broker reporting. Rules are provided for determining whether personal property (including gold and silver) is a commodity. Generally, the term "commodity" is defined as personal property that is deliverable in satisfaction of a regulated futures contract, certain specified personal property that the secretary determines is to be treated as a commodity or any form or quality of or any interest in such personal property. The term "commodity" does not include a security, regulated futures contract, forward contract, or a form of tangible personal property if the gross proceeds from its sale exceed by more than 15 percent its value as a commodity. The rules proposed include alternative methods (the "exact" and "approximate" methods) of tangible personal property valuation

Timetable:

Action	Date	FR Cite
NPRM	01/05/84	49 FR 646
NPRM Comment Period Begin	01/05/84	49 FR 646
NPRM Comment Period End	03/05/84	
Final Action	08/31/85	

Small Entity: No

Additional Information: LR-201-83.

Drafting attorney: Bruce H. Jurist (202) 566-3238.

Reviewing attorney: John Parcell (202) 566-3238.

Treasury attorney: Richard D'Avino (202) 566-4979.

Agency Contact: **Bruce H. Jurist**, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3238**

RIN: 1545-AG02

485. FURNISHING STATEMENTS REQUIRED WITH RESPECT TO CERTAIN SUBSTITUTE PAYMENTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 6045 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: These regulations were designed in order to alleviate certain situations in which multiple deductions or exclusions were being claimed with respect to a single payment made with respect to a single security. These situations developed because of shortcomings in the broker reporting system. These regulations provide that a broker must furnish statements to its customers with respect to certain substitute payments received by the broker on behalf of its customer. These regulations also provide that brokers must make returns of information respecting any customer to which such broker is required to furnish a statement.

Timetable:

Action	Date	FR Cite
NPRM	10/24/84	49 FR 42744
Final Action	05/00/85	

Small Entity: Not Applicable

Additional Information: LR-133-84.

Drafting attorney: Bruce H. Jurist (202) 566-3238.

Reviewing attorney: Cynthia L. Clark (202) 566-3288.

Treasury attorney: Linda Carlisle (202) 566-4979.

Agency Contact: **Bruce H. Jurist**, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3238**

RIN: 1545-AG15

486. INFORMATION RETURNS OF BROKERS

Legal Authority: 26 USC 7805 Internal Revenue Code; 26 USC 6045 Internal Revenue Code

CFR Citation: 26 CFR 1

Abstract: The regulations provide a special rule for broker reporting with respect to transactions made through a cash on delivery account (COD). In addition, these regulations make technical corrections to the list of recipients exempted from coverage under the reporting requirement, and expand the class of brokers which qualify for the multiple broker rule.

Timetable:

Action	Date	FR Cite
NPRM	05/29/84	49 FR 22343
NPRM Comment Period Begin	05/29/84	49 FR 22343
NPRM Comment Period End	07/30/84	
Final Action	07/00/85	

Small Entity: Not Applicable

Additional Information: LR-62-84.

Drafting attorneys: Bruce H. Jurist, (202) 566-3238;C. Scott McLeod, (202) 566-3288.

Reviewing attorney: John H. Parcell (202) 566-3336.

Treasury attorney: Richard D'Avino (202) 566-4979.

Agency Contact: **Bruce H. Jurist/C. Scott McLeod**, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3288**

RIN: 1545-AG52

487. INCOME TAX—REGULATIONS RELATING TO RETURNS AS TO INTERESTS IN FOREIGN PARTNERSHIPS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 6046A Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations would give guidance for determining which United States persons who acquire, dispose of or change their interests in foreign partnerships must report their activities. Additionally, guidance would be given as to how, when and where such persons must report and what information they must supply.

Timetable:

Action	Date	FR Cite
NPRM	12/01/85	

Small Entity: Not Applicable

Additional Information: LR-203-82.

Drafting attorney: Beverly A. Baughman (202) 566-3297.

Reviewing attorney: Paul A. Francis (202) 566-3930.

Treasury attorney: Steven Lainoff (202) 566-5046.

Agency Contact: Beverly A. Baughman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3297

RIN: 1545-AE47

488. REPORTING OF STATE AND LOCAL INCOME TAX REFUNDS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 6050E Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations would provide guidance to persons who make payments of refunds of State or local income taxes, or who allow credits or offsets with respect to such taxes, for purposes of reporting these amounts to the Service. The regulations would also prescribe rules for providing statements to the taxpayers receiving the refund or for whom the credit or offset is allowed.

Timetable:

Action	Date	FR Cite
NPRM	09/15/83	48 FR 41436
NPRM Comment Period Begin	09/15/83	48 FR 41436
NPRM Comment Period End	11/14/83	
Final Action	06/15/85	

Small Entity: Not Applicable

Additional Information: LR-233-82.

Drafting attorney: Alice M. Bennett (202) 566-3238.

Reviewing attorney: John H. Parcell (202)566-3336.

Office of Tax Legislative Counsel reviewing attorney: Reinhold.

Agency Contact: Alice M. Bennett, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3238

RIN: 1545-AE76

489. NOTICE OF PROPOSED RULEMAKING-INFORMATION RETURNS WITH RESPECT TO SUBSIDIZED ENERGY FINANCING OR GRANTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 6050D Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations would provide rules to be followed by persons who administer a Federal, State, or local program a principal purpose of which is to provide subsidized energy financing (as defined in section 446 (c) (10)) or grant for project to conserve or produce energy.

Timetable:

Action	Date	FR Cite
NPRM	08/02/84	49 FR 30971
NPRM Comment Period Begin	08/02/84	49 FR 30971
NPRM Comment Period End	10/01/84	
Final Action	05/00/85	
Final Action Effective	06/01/85	

Small Entity: No

Additional Information: LR-23-84.

Drafting attorney: Beverly A. Baughman (202) 566-3297.

Reviewing attorney: John B. Bromell (202) 566-3297.

Treasury attorney: Moshe Schuldinger (202) 566-2928.

Agency Contact: Beverly A. Baughman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3297

RIN: 1545-AG01

490. NOTICE OF PROPOSED RULEMAKING RELATING TO REPORTING OF TRANSFERS OF SECURITY TO A PERSON OTHER THAN THE LENDER UNDER THE TAX REFORM ACT OF 1984

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 6050J Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations propose rules relating to information reporting of transfers of security to persons other than the lender.

Timetable:

Action	Date	FR Cite
NPRM	08/31/84	49 FR 34518
NPRM Comment Period Begin	10/31/84	49 FR 34518
Final Action	08/31/85	

Small Entity: Not Applicable

Additional Information: LR-182-84.

Drafting attorney: Annette J. Guarisco (202) 566-3238.

Reviewing attorney: Alice M. Bennett (202) 566-3238.

Treasury attorney: Fairlea Sheehy (202) 566-4902.

Agency Contact: Annette J. Guarisco, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3238

RIN: 1545-AG51

491. ● INCOME TAX—MORTGAGE INTEREST REPORTING

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 6050H Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations will propose rules relating to information reporting of mortgage interest received in a trade or business from individuals, including the persons and interest subject to the reporting requirements.

Timetable:

Action	Date	FR Cite
NPRM	05/01/85	

Small Entity: Not Applicable

Additional Information: LR-214-84

Drafting attorney: Annette J. Guarisco (202) 566-3238.

Reviewing attorney: Linda M. Kroening (202) 566-3238.

Treasury attorney: Neil Kimmelfield (202) 566-8528.

Agency Contact: Annette J. Guarisco, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3238

RIN: 1545-AG93

492. ● INCOME TAX—MORTGAGE INTEREST REPORTING

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 6050H Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations will provide rules relating to information reporting of mortgage interest received in a trade or business from individuals, including the persons and interest subject to the reporting requirement.

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/01/85	

Small Entity: Not Applicable

Additional Information: LR-201-84.

Drafting attorney: Annette J. Guarisco (202) 566-3238.

Reviewing attorney: Linda M. Kroening (202) 566-3233.

Treasury attorney: Neal Kimmelfield (202) 566-8528.

Agency Contact: Annette J. Guarisco. Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3238

RIN: 1545-AH27

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493. ● TEMPORARY INCOME TAX REGULATIONS UNDER THE TAX REFORM ACT OF 1984 RELATING TO CASH IN EXCESS OF $10,000 RECEIVED IN A TRADE OR BUSINESS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 6050I Internal Revenue Code of 1954

CFR Citation: 26 CFR 1T

Abstract: These regulations will provide rules relating to the requirement of reporting cash in excess of $10,000 received in a trade or business. The regulations will explain what transactions must be reported, who must report with respect to cash transactions and how and when the reporting must be accomplished. The regulations also provide rules relating to Furnishing Statements to any person identified on a return of information.

Timetable:

Action	Date	FR Cite
Interim Final Rule	03/01/85	

Small Entity: Not Applicable

Additional Information: LR-256-84.

Drafting attorney: Bruce H. Jurist (202) 566-3238.

Reviewing attorney: Cynthia L. Clark (202) 566-3288.

Treasury attorney: Jim Bridgeman (202) 566-4902.

Agency Contact: Bruce H. Jurist, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3238

RIN: 1545-AG96

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494. ● TEMPORARY INCOME TAX REGULATIONS UNDER THE TAX REFORM ACT OF 1984 RELATING TO CASH IN EXCESS OF $10,000 RECEIVED IN A TRADE OR BUSINESS

Legal Authority: 20 USC 7805 Internal Revenue Code of 1954; 20 USC 6060I Internal Revenue Code of 1954

CFR Citation: 26 CFR 1T

Abstract: These regulations will provide rules relating to the requirement of reporting cash in excess of $10,000 received in a trade or business. The regulations will explain what transactions must be reported, who must report with respect to cash transactions and how and when the reporting must be accomplished. The regulations also provide rules relating to furnishing statements to any person identified or a return of information.

Timetable:

Action	Date	FR Cite
NPRM	03/01/85	

Small Entity: Not Applicable

Additional Information: LR-262-84.

Drafting attorney: Bruce H. Jurist (202) 566-3238.

Reviewing attorney: Cynthia L. Clark (202) 566-3288.

Treasury attorney: Jim Bridgeman (202) 566-4902.

Agency Contact: Bruce H. Jurist. Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3238

RIN: 1545-AG97

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495. NOTICE OF PROPOSED RULEMAKING RELATING TO REPORTING OF FORECLOSURES AND ABANDONMENTS OF SECURITY UNDER THE TAX REFORM ACT OF 1984

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 6050J Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations proposed rules relating to information reporting of foreclosures, abandonments, and other acquisitions of property securing indebtedness, including the persons and property subject to the reporting requirement and the information required to be reported, and when a person has reason to know that property has been abandoned.

Timetable:

Action	Date	FR Cite
NPRM	08/31/84	49 FR 34518
NPRM Comment Period End	10/31/84	49 FR 34518
Final Action	08/31/85	

Small Entity: Not Applicable

Additional Information: LR-181-84.

Drafting attorney: Annette J. Guarisco (202) 566-3238.

Reviewing attorney: Alice M. Bennett (202) 566-3238.

Treasury attorney: Fairlea Sheehy (202) 566-4902.

Agency Contact: Annette J. Guarisco. Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3238

RIN: 1545-AG48

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496. ● RETURNS RELATING TO SALES OR EXCHANGES OF CERTAIN PARTNERSHIP INTERESTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 6050K Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: This regulation will provide rules relating to the manner of filing and contents of returns, statements, and notifications with respect to certain sales or exchanges of interests in partnerships.

Timetable:

Action	Date	FR Cite
NPRM	06/00/85	

Small Entity: Not Applicable

Additional Information: LR-236-84

Drafting attorney: Robert E. Shaw (202) 566-3297.

Reviewing attorney: John B. Bromell (202) 566-3326.

Treasury attorney: Blake Rubin (202) 566-6968.

Agency Contact: Robert E. Shaw, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3297

RIN: 1545-AH42

497. ● EMPLOYEE TIP REPORTING AND RECORDKEEPING REQUIREMENTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; PL 98-369, Sec 1072 (b) Tax Reform Act of 1984

CFR Citation: 26 CFR 31

Abstract: The regulations contain rules relating to employee tip reporting and recordkeeping requirements to reflect changes in the tax law made by section 1072 of the Tax Reform Act of 1984.

Timetable:

Action	Date	FR Cite
NPRM	06/00/85	

Small Entity: Not Applicable

Additional Information: LR-162-84.

Drafting attorney: Gail H. Morse (202) 566-3297.

Reviewing attorney: John B. Bromell (202) 566-3326.

Treasury attorney: Richard D'Avino (202) 566-4979.

Agency Contact: Gail H. Morse, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3297

RIN: 1545-AH24

498. PUBLIC INSPECTION OF EXEMPT ORGANIZATION RETURNS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 6104(b) Internal Revenue Code of 1954

CFR Citation: 26 CFR 301

Abstract: The regulations set forth limitations on the information that will be disclosed to the public by the Internal Revenue Service with respect to the returns filed by certain exempt organizations.

Timetable:

Action	Date	FR Cite
NPRM	03/04/83	48 FR 9306
NPRM Comment Period Begin	03/04/83	48 FR 9306
NPRM Comment Period End	05/03/83	
Final Action	06/00/85	

Small Entity: Not Applicable

Additional Information: EE-111-80.

Drafting attorney: William D. Gibbs (202) 566-3430.

Reviewing attorney: Richard J. Wickersham (202) 566-3250.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Jewett.

Agency Contact: William D. Gibbs, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3430

RIN: 1545-AE16

499. PROPOSED REGULATIONS UNDER SECTIONS 6111 AND 6709, RELATING TO TAX SHELTER REGISTRATION

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 6111 Internal Revenue Code of 1954

CFR Citation: 26 CFR 301

Abstract: This project will provide rules explaining what investments are tax shelters that must be registered with the Internal Revenue Service. The project will also provide rules relating to the persons required to register tax shelters and to the furnishing of tax shelter registration numbers to investors in tax shelters.

Timetable:

Action	Date	FR Cite
NPRM	08/15/84	49 FR 32728
NPRM Comment Period Begin	08/15/84	49 FR 32728
NPRM Comment Period End	10/15/84	
Final Action	05/00/85	

Small Entity: Not Applicable

Additional Information: LR-142-84.

Drafting attorney: Cynthia L. Clark (202) 566-3288.

Reviewing attorney: John Parcell (202) 566-3336.

Treasury attorney: Richard D'Avino (202) 566-4979.

Agency Contact: Cynthia L. Clark, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3288

RIN: 1545-AG45

500. ● PROCEDURE AND ADMINISTRATION REGULATIONS RELATING TO TAX SHELTER REGISTRATION AND THE REQUIREMENT TO MAINTAIN LISTS OF INVESTORS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 6111 Internal Revenue Code of 1954

CFR Citation: 26 CFR 301T

Abstract: This project will provide rules to suspend the tax shelter registration requirements for tax shelters that are projected income investments.

Timetable:

Action	Date	FR Cite
NPRM	10/31/84	49 FR 43714
NPRM Comment Period Begin	10/31/84	49 FR 43714
NPRM Comment Period End	12/31/84	
Hearing held	01/17/85	
Final Action	06/00/85	

Small Entity: Not Applicable

Additional Information: LR-213-84.

Drafting attorney: Cynthia L. Clark (202) 566-3828.

Reviewing attorney: John H. Parcell (202) 566-3336.

Treasury attorney: Richard D'Avino (202) 566-4979.

Agency Contact: Cynthia L. Clark, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3828

RIN: 1545-AH29

501. ● TEMPORARY REGULATIONS RELATING TO TAX SHELTER REGISTRATION

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 6111 Internal Revenue Code of 1954

CFR Citation: 26 CFR 301T

Abstract: This project will remove section 301.6111-2T from the temporary tax shelter registration regulations published August 15, 1985.

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/09/85	

Small Entity: Not Applicable

Additional Information: LR-308-84.

Drafting attorney: Cynthia L. Clark (202) 566-3228.

Reviewing attorney: John H. Parcell (202) 566-3336.

Treasury attorney: Richard D'Avino (202) 566-4979.

Agency Contact: Cynthia L. Clark, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3228

RIN: 1545-AH30

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502. REQUIREMENT TO MAINTAIN LISTS OF INVESTORS IN POTENTIALLY ABUSIVE TAX SHELTERS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 6112 Internal Revenue Code of 1954; 26 USC 6708 Internal Revenue Code of 1954

CFR Citation: 26 CFR 301

Abstract: The regulations will provide guidance to organizers of and sellers of interests in potentially abusive tax shelters relating to the requirement to maintain lists identifying persons who acquire interests in those tax shelters.

Timetable:

Action	Date	FR Cite
NPRM	08/29/84	49 FR 34246
NPRM Comment Period Begin	08/29/84	49 FR 34246
NPRM Comment Period End	10/29/84	
Hearing	01/17/85	
Final Action	07/00/85	

Small Entity: Not Applicable

Additional Information: LR-149-84.

Drafting attorney: Alice M. Bennett (202) 566-3238.

Reviewing attorney: John H. Parcell (202) 566-3336.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: D'Avino.

Agency Contact: Alice M. Bennett, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3238

RIN: 1545-AG58

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503. ESTATE TAX--PROCEDURE AND ADMINISTRATION--DEFERRAL AND INSTALLMENT PAYMENT OF ESTATE TAX

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 6156 Internal Revenue Code of 1954; 26 USC 6161 Internal Revenue Code of 1954; 26 USC 6151 Internal Revenue Code of 1954

CFR Citation: 26 CFR 20; 26 CFR 301

Abstract: The regulations will provide guidance to executors wishing to extend the time for payment of estate tax where the estate contains an interest in a closely held business. The regulations will provide rules in determining what qualifies as an interest in a closely held business. In addition, the regulations will explain when the installment privileges allowed by section 6166 will be terminated.

Timetable:

Action	Date	FR Cite
NPRM	09/00/85	

Small Entity: Not Applicable

Additional Information: LR-210-76.

Drafting attorney: Neil W. Zyskind (202) 566-3287.

Reviewing attorney: Fred E. Grundeman (202) 566-3287.

Treasury attorney: Victor Thuronyi (202) 566-2566.

Agency Contact: Neil W. Zyskind, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3257

RIN: 1545-AD23

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504. MISCELLANEOUS RULES RELATING TO CONSOLIDATED ADMINISTRATIVE AND JUDICIAL PROCEEDINGS TO DETERMINE THE TAX TREATMENT OF PARTNERSHIP ITEMS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 6222 Internal Revenue Code of 1954; 26 USC 6223 Internal Revenue Code of 1954; 26 USC 6224 Internal Revenue Code of 1954; 26 USC 6227 Internal Revenue Code of 1954; 26 USC 6230 Internal Revenue Code of 1954; 26 USC 6231 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The proposed regulations would set forth miscellaneous procedural rules for consolidated administrative and judicial proceedings to determine the tax treatment of partnership items. The regulations would provide guidance for various elections under these new procedures and for filing requests for an administrative adjustment.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-205-82.

Drafting attorney: Donald W. Stevenson (202) 566-3297.

Reviewing attorney: Paul A. Francis (202) 566-3930.

Draft of notice in Treasury pending review, 10/1/83.

Agency Contact: Robert E. Shaw, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3297

RIN: 1545-AE51

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505. DESIGNATION OF TAX MATTERS PARTNER FOR PURPOSES OF DETERMINING THE TAX TREATMENT OF PARTNERSHIP ITEMS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 6231(a)(7) Internal Revenue Code of 1954; 26 USC 6230(k) Internal Revenue Code of 1954

CFR Citation: 26 CFR 5t

Abstract: Proposed regulations would set forth procedural rules for designating and revoking the designation of the "tax matters partner" for purposes of the new partnership-level audit procedures.

Timetable:

Action	Date	FR Cite
Interim Final Rule	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-206-82.

Drafting attorney: Donald W. Stevenson (202) 566-3297.

Reviewing attorney: Paul A. Francis (202) 566-3930.

Office of Tax Legislative Counsel reviewing attorney: Andrew Pike.

Draft of notice in Treasury pending review.

Agency Contact: Robert E. Shaw, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3297

RIN: 1545-AE53

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506. DEFINITION OF "PARTNERSHIP ITEM"

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 6231(a)(3) Internal Revenue Code of 1954; 26 USC 6230(k) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: Proposed regulations would define the term "partnership item" for purposes of new rules for determining the tax treatment of partnership items at the partnership level.

Timetable:

Action	Date	FR Cite
NPRM	01/14/83	48 FR 01759
NPRM Comment Period Begin	01/14/83	48 FR 01759
NPRM Comment Period End	03/15/83	
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-186-82.

Drafting attorney: Donald W. Stevenson (202) 566-3297.

Reviewing attorney: Paul A. Francis (202) 566-3930.

Office of Tax Legislative Counsel reviewing attorney: Andrew Pike.

Draft of Treasury decision at Treasury pending review.

Agency Contact: Robert E. Shaw, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3297

RIN: 1545-AF09

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507. ● SPECIAL RULES FOR CERTAIN REFUND CLAIMS TREATED AS SPECIAL ENFORCEMENT AREAS UNDER RULES FOR CONSOLIDATED PARTNERSHIP PROCEEDINGS

Legal Authority: 26 USC 6231 (c)(1) Internal Revenue Code of 1954; 26 USC 6231 (c)(3) Internal Revenue Code of 1954

CFR Citation: 26 CFR 301T

Abstract: These regulations will provide rules relating to special enforcement areas under the rules for consolidated partnership proceedings. Specifically they will identify certain applications for tentative adjustments ("Quick Refunds") and refund claims attributable to abusive tax shelters as areas that have been determined to present special enforcement considerations.

Timetable:

Action	Date	FR Cite
NPRM	12/13/84	49 FR 48573
NPRM Comment Period Begin	12/13/84	
NPRM Comment Period End	02/11/85	
Final Action	12/00/85	

Small Entity: Not Applicable

Additional Information: LR-242-84.

Drafting attorney: Nerman Dobynes Hubbard (202) 566-3289.

Reviewing attorney: Paul A. Francis (202) 566-3930.

Treasury attorney: Mark Perlis (202) 566-2926.

Agency Contact: Nerman Dobynes Hubbard, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3289

RIN: 1545-AH00

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508. PROPOSED REGULATIONS OF SECTION 6232, RELATING TO THE APPLICABILITY OF PARTNERSHIP AUDIT RULES TO THE WINDFALL PROFIT TAX

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 6232 Internal Revenue Code of 1954

CFR Citation: 26 CFR 301

Abstract: These regulations will provide rules relating to the extension of the partnership audit rules under Code sections 6221-6231 to the Windfall Profit Tax. These regulations provide rules under which the partnership may act on behalf of all partners in the assessment and determination of the Windfall Profit Tax.

Timetable:

Action	Date	FR Cite
NPRM	10/18/84	49 FR 40896
NPRM Comment Period Begin	10/18/84	49 FR 40896
NPRM Comment Period End	12/17/84	
Final Action	10/00/85	

Small Entity: Yes

Additional Information: LR-220-83.

Drafting attorney: Nerman Dobynes Hubbard (202) 566-3289.

Reviewing attorney: Paul A. Francis (202) 566-3930.

Treasury attorney: Moshe Schuldinger (202) 566-2929.

Agency Contact: Nerman Dobynes Hubbard, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3289

RIN: 1545-AG54

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509. DETERMINATION OF THE TAX TREATMENT OF SUBCHAPTER S ITEMS AT THE CORPORATE LEVEL

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 6241 Internal Revenue Code of 1954; 26 USC 6242 Internal Revenue Code of 1954; 26 USC 6243 Internal Revenue Code of 1954; 26 USC 6244 Internal Revenue Code of 1954; 26 USC 6245 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: Proposed regulations would provide new rules for determining the tax treatment of any subchapter S item at the corporate level. Regulations would provide rules similar to rules for determining the tax treatment of partnership items. The regulations would define the term "subchapter S item."

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-269-82.

Drafting attorney: Robert H. Ginsburgh (202) 566-3297.

Reviewing attorney: Walter H. Woo (202) 566-3297.

Treasury attorney: Sheehy (202) 566-4902.

Agency Contact: Robert H. Ginsburgh, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3297**

RIN: 1545-AE96

510. PROCEDURE AND ADMINISTRATION--RELEASE OF LIENS, NOTICE BEFORE LEVY, PROPERTY EXEMPT FROM LEVY REDEMPTION OF LEVIED REAL PROPERTY AND AMOUNT OF DAMAGES IN CASE OF WRONGFUL LEVY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 6325 Internal Revenue Code of 1954; 26 USC 6331 Internal Revenue Code of 1954; 26 USC 6334 Internal Revenue Code of 1954; 26 USC 6337 Internal Revenue Code of 1954; 26 USC 7426 Internal Revenue Code of 1954

CFR Citation: 26 CFR 301

Abstract: The regulation will provide guidance in obtaining the issuance of a certificate of release of a notice of Federal tax lien. The regulation will revise existing regulations relating to the size of the exemption from levy available for certain property. The proposed regulation also increases the size of post-sale redemption period currently specified in the regulations. The proposed regulations also provide rules notice and procedures to service employees administering the Code for providing notice of intention to levy upon the property of a delinquent taxpayer. The proposed regulations increase the amount of damages allowed where property has been levied wrongfully.

Timetable:

Action	Date	FR Cite
NPRM	12/00/85	

Small Entity: Not Applicable

Additional Information: LR-253-82.

Drafting attorney: Margaret O'Connor (202) 566-3287.

Reviewing attorney: Robert B. Coplan (202) 566-3287.

Agency Contact: Margaret O'Connor, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3287**

RIN: 1545-AE82

511. ● PROPOSED REGULATIONS UNDER THE SPENDING REDUCTION ACT OF 1984, RELATING TO REDUCTION OF TAX OVERPAYMENTS BY THE AMOUNT OF PAST-DUE LEGALLY ON FORCEABLE DEBT OWED TO FEDERAL AGENCY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 31 USC 3720A

CFR Citation: 26 CFR 6402-6

Abstract: These proposed regulations will provide rules relating to the reduction of a taxpayer's overpayment of tax (i.e., tax refund) by the amount of any past-due legally enforceable debt owed to a federal agency by the taxpayer. The regulations explain which debts qualify for offset, and the steps a federal agency must make to refer a debt to the Internal Revenue Service.

Timetable:

Action	Date	FR Cite
NPRM	06/00/85	

Small Entity: Not Applicable

Additional Information: LR-291-84.

Drafting attorney: Sharon L. Hall (202) 566-3288.

Reviewing attorney: David Dickenson (202) 566-6655.

Agency Contact: Sharon L. Hall, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3288**

RIN: 1545-AG95

512. INCOME TAX--TENTATIVE REFUND OF TAX UNDER CLAIM OF RIGHT ADJUSTMENT

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 6411 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The proposal provides rules with respect to a tentative refund of income tax when a taxpayer has a claim of right adjustment.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-45-79.

Drafting attorney: Biruta Kelly (202) 566-2456.

Reviewing attorney: Bruce Segal (202) 566-3224.

Office of Tax Legislative Counsel (Treasury) reviewing attorneys: Hutton, Levinson.

In Office of Chief Counsel (Interpretative Division) for preparation of notice.

Agency Contact: Biruta Kelly, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-2456**

RIN: 1545-AD30

513. EXCISE TAX--SPORTING GOODS AND FIREARMS & ADMINISTRATION PROVISIONS OF SPECIAL APPLICATION TO MANUFACTURERS & RETAILERS EXCISE TAX

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 6001 to 6427 Internal Revenue Code of 1954; 26 USC 4161 Internal Revenue Code of 1954; 26 USC 4181 Internal Revenue Code of 1954; 26 USC 4182 Internal Revenue Code of 1954

CFR Citation: 26 CFR 48

Abstract: This regulation will contain amendments which would revise and update the regulations concerning manufacturers excise taxes on sporting goods and firearms and other administrative provisions especially applicable to manufacturers and retailers excise taxes.

Timetable:

Action	Date	FR Cite
NPRM	01/05/83	48 FR 00442
NPRM Comment Period Begin	01/05/83	
NPRM Comment Period End	05/05/83	
Final Action	05/00/85	

Small Entity: Not Applicable

Additional Information: LR-2115.

Drafting attorney: Ada S. Rousso (202) 566-3297.

Reviewing attorney: Robert H. Waltuch (202) 566-3287.

Office of Tax Legislative Counsel (Treasury) reviewing attorneys: Hutton, Levinson.

Notice published 01/05/83.

Agency Contact: Ada S. Rousso, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington D.C. 20224, 202 566-3297

RIN: 1545-AD12

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514. REGULATIONS ON PROCEDURE AND ADMIN

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 6602 Internal Revenue Code of 1954

CFR Citation: 26 CFR 301

Abstract: These regulations will provide taxpayers with guidance for determining the period of time during which interest accrues on the amount of tax refunded erroneously to the taxpayer.

Timetable:

Action	Date	FR Cite
NPRM	12/31/85	

Small Entity: Not Applicable

Additional Information: LR-59-84.

Drafting attorney: Howard A. Balikov (202) 566-3288.

Reviewing attorney: Cynthia L. Clark (202) 566-3288.

Agency Contact: Howard A. Balikov, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3288

RIN: 1545-AG42

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515. MODIFICATION OF INTEREST PAYMENTS FOR CERTAIN PERIODS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 6611 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulation would provide rules for determining the period during which interest accrues on an underpayment or an overpayment of tax as provided in sections 6601 and 6611 of the Internal Revenue Code of 1954. The period would be determined, in part, by the dates the return and the claim for refund are filed and by whether they were filed in a way that they can be processed.

Timetable:

Action	Date	FR Cite
NPRM	10/09/84	49 FR 39566
NPRM Comment Period Begin	10/10/84	
NPRM Comment Period End	12/10/84	
Final Action	06/00/85	

Small Entity: Not Applicable

Additional Information: LR-280-82.

Drafting attorney: Howard A. Balikov (202) 566-3288.

Reviewing attorney: Cynthia L. Clark (202) 566-3288.

Agency Contact: Howard A. Balikov, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3288

RIN: 1545-AF10

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516. ● PROCEDURE AND ADMINISTRATION REGULATIONS - INCREASED RATE OF INTEREST ON SUBSTANTIAL UNDERPAYMENTS ATTRIBUTABLE TO CERTAIN TAX MOTIVATED TRANSACTIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 6621 Internal Revenue Code of 1954

CFR Citation: 26 CFR 301

Abstract: The regulations provide guidance to taxpayers subject to the increased rate of interest on substantial underpayments attributable to certain tax motivated transactions. The regulations define tax motivated transaction and accounting methods that may result in a substantial distortion of income. The regulations also provide rules for determining the amount of a tax motivated underpayment and the accrual of interest at the increased rate.

Timetable:

Action	Date	FR Cite
NPRM	12/28/84	49 FR 50406
NPRM Comment Period Begin	12/28/84	49 FR 50406
NPRM Comment Period End	02/26/85	
Final Action	09/00/85	

Small Entity: Not Applicable

Additional Information: LR-180-84.

Drafting attorney: Linda M. Kroening (202) 566-3238.

Reviewing attorney: John H. Parcell (202) 566-3336.

Treasury attorney: Richard D'Avino (202) 566-4979.

Agency Contact: Linda M. Kroening, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3238

RIN: 1545-AG75

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517. INCOME TAX—PENALTIES FOR FAILURE TO MAKE RETURNS OR FURNISH STATEMENTS (AS AMENDED BY SEC. 1123 OF SUBTITLE C OF TITLE II—OMNIBUS RECONCILIATION ACT OF 1980)

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 6652 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations would provide for the imposition of penalties on persons failing to make a return or to furnish a statement under section 6039C relating to returns with respect to United States real property interests.

Timetable:

Action	Date	FR Cite
NPRM	01/06/83	48 FR 675
NPRM Comment Period Begin	01/06/83	48 FR 675
NPRM Comment Period End	03/07/83	
Final Action	00/00/00	

Small Entity: Not Applicable

Additional Information: LR-153-81.

Drafting attorney: Robert E. Culbertson, Jr. (202) 566-3289.

Reviewing attorney: Charles S. Saverude (202) 566-3323.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Lainoff.

01/06/83 Notice of Proposed Rulemaking published.

Agency Contact: Robert E. Culbertson Jr., Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3289

RIN: 1545-AD35

518. TO PROVIDE REGULATIONS RELATING TO ACCELERATED PAYMENT OF ESTIMATED TAXES BY CORPORATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 6655 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: Rules will provide for acceleration of estimated payments by corporations, new seasonal income exception, and clarify the annualization rules. The amount of estimated tax payments required for all corporations is increased from 80 to 90 percent of current year's tax liability.

Timetable:

Action	Date	FR Cite
NPRM	03/26/84	49 FR 11186
Hearing held	06/26/84	
Final Action Effective	05/01/85	

Small Entity: Not Applicable

Additional Information: LR-228-82.

Drafting attorney: Renay France (202) 566-3829.

Reviewing attorney: George T Magnatta, Jr. (202) 566-3294.

Agency Contact: Renay France, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3829

RIN: 1545-AE37

519. PROCEDURE & ADMINISTRATION--ADDITION TO TAX IN THE CASE OF VALUATION OVERSTATEMENTS, & INCREASE IN THE NEGLIGENCE PENALTY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 6659 Internal Revenue Code of 1954; 26 USC 6653 Internal Revenue Code of 1954

CFR Citation: 26 CFR 301; 26 CFR 1

Abstract: The regulations would provide rules and definitions with respect to the addition to tax in the case of valuation overstatements, including rules for computing the portion of an underpayment that is attributable to a valuation overstatement. The regulations would also provide rules with respect to the increase in the negligence and fraud penalties.

Timetable:

Action	Date	FR Cite
NPRM	06/00/85	

Small Entity: Not Applicable

Additional Information: LR-272-81.

Drafting attorney: Linda M. Kroening (202) 566-3238.

Reviewing attorney: John H. Parcell (202) 566-3336.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: D'Avino.

Agency Contact: Linda M. Kroening, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3238

RIN: 1545-AD39

520. INCOME TAX--ADDITION TO TAX FOR A SUBSTANTIAL UNDERSTATEMENT OF LIABILITY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 6661 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations would provide rules for the computation of the addition to tax, the avoidance of the addition to tax, and for the waiver of such amounts. In connection with avoiding the addition to tax, the regulations would provide guidance on the meanings of substantial authority, adequate disclosure, the more likely than not standard, and the term "tax shelter".

Timetable:

Action	Date	FR Cite
NPRM	03/15/83	48 FR 10862
NPRM Comment Period Begin	03/15/83	48 FR 10862
NPRM Comment Period End	05/16/83	
Hearing	07/12/83	48 FR 24736
Final Action	06/30/85	

Small Entity: Not Applicable

Additional Information: LR-277-82.

Drafting attorney: Ewan Purkiss (202) 566-3238.

Reviewing attorney: John H. Parcell (202) 566-3336.

Office of Tax Legislative Counsel reviewing attorney: D'Avino.

Agency Contact: Ewan Purkiss, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3238

RIN: 1545-AF05

521. ● INCOME TAX--AMENDMENT OF RETURN PREPARER REGULATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 6695 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: Amendment of tax return preparer regulations to explain the rule that preparers must inform taxpayers of certain recordkeeping requirements and obtain written confirmation that the recordkeeping requirements were satisfied.

Timetable:

Action	Date	FR Cite
NPRM	10/30/85	

Small Entity: Not Applicable

Additional Information: LR-244-84.

Drafting attorney: Patricia Wendlandt (202) 566-3458.

Reviewing attorney: Charles M. Whedbee (202) 566-3458.

Agency Contact: Patricia Wendlandt, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3458

RIN: 1545-AH38

522. PENALTY FOR PROMOTING ABUSIVE TAX SHELTERS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 6700 Internal Revenue Code of 1954

CFR Citation: 26 CFR 301

Abstract: The regulations would provide rules and definitions relating to the penalty for promoting abusive tax shelters.

Timetable:

Action	Date	FR Cite
NPRM	08/15/85	

Small Entity: Not Applicable

Additional Information: LR-273-82.

Drafting attorneys: Alice Bennett (202) 566-3238 and Scott McLeod (202) 566-3288.

Reviewing attorney: John H. Parcell (202) 566-3336.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Perlis.

Agency Contact: Alice Bennett or Scott McLeod, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3288

RIN: 1545-AE99

523. PENALTY FOR AIDING AND ABETTING IN THE UNDERSTATEMENT OF TAX LIABILITY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 6701 Internal Revenue Code of 1954

CFR Citation: 26 CFR 301

Abstract: Proposal will provide rules with respect to the penalty imposed on a person who aids and abets in the understatement of a third party's tax liability. The proposal also provides the standards which will subject one to the penalty.

Timetable:

Action	Date	FR Cite
NPRM	05/00/85	

Small Entity: Not Applicable

Additional Information: LR-274-82.

Drafting attorney: C. Scott McLeod (202) 566-3288.

Reviewing attorney: Alice M. Bennett (202) 566-3238.

Office of Tax Legislative Counsel reviewing attorney: Mark Perlis.

Agency Contact: C. Scott McLeod, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3288

RIN: 1545-AF01

524. AMENDMENT OF THE INCOME TAX REGULATIONS UNDER SECTION 6815(D) DEALING WITH CERTIFICATES OF COMPLIANCE WITH THE INCOME TAX LAWS ISSUED TO ALIENS DEPARTING THE UNITED STATES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 2815(d)

CFR Citation: 26 CFR 1

Abstract: This regulation will clarify which classes of aliens departing the United States are required to obtain certificates of compliance with the income tax laws, providing the public with the guidance needed to comply with the law.

Timetable:

Action	Date	FR Cite
NPRM	06/01/85	

Small Entity: Not Applicable

Additional Information: LR-2-84.

Initiating attorney: Carol T. Doran (202) 566-3289.

Reviewing attorney: Charles C. Saverude (202) 566-3323.

In Legislation and Regulations Division for preparation of notice.

Agency Contact: Carol T. Doran, Assistant Chief, Branch 5, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3289

RIN: 1545-AF80

525. INCOME TAX—PRESUMPTION OF JEOPARDY IN THE CASE OF ILLEGAL ACTIVITY CASH

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 6867 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations would provide guidance for applying the presumptions that an amount of cash in excess of ten thousand dollars without an acknowledged owner (1) represents gross income to a single individual, (2) is taxable at a rate of fifty percent, and (3) that collection of the tax is in jeopardy for the purposes of sections 6851 and 6861.

Timetable:

Action	Date	FR Cite
NPRM	05/00/85	

Small Entity: Not Applicable

Additional Information: LR-309-82.

Drafting attorney: Cynthia L. Clark (202) 566-3288.

Reviewing Attorney: John H. Parcell (202) 566-3336.

Agency Contact: Cynthia L. Clark, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3288

RIN: 1545-AE30

526. PROCEDURE AND ADMINISTRATION—AMENDMENT OF REGULATIONS RELATING TO THE TIMELY MAILING OF RETURNS, TAXES AND DEPOSITS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 7502 Internal Revenue Code of 1954

CFR Citation: 26 CFR 301

Abstract: The regulations would amend existing regulations, relating to the timely mailing of documents, to provide for the timely mailing of returns, taxes and deposits.

Timetable:

Action	Date	FR Cite
NPRM	12/11/79	44 FR 71430
NPRM Comment Period Begin	12/11/79	44 FR 71430
NPRM Comment Period End	02/11/80	
Final Action	06/30/85	

Small Entity: Not Applicable

Additional Information: LR-1406.

Drafting attorney: Ewan Purkiss (202) 566-3238.

Reviewing attorney: John H. Parcell (202) 566-3336.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: unassigned.

Agency Contact: Ewan Purkiss, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3238

RIN: 1545-AD42

527. ADMINISTRATIVE SUMMONSES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 7609 Internal Revenue Code of 1954; 26 USC 7610 Internal Revenue Code of 1954

CFR Citation: 26 CFR 301

Abstract: An administrative summons is used by the Internal Revenue Service to obtain taxpayer records in the hands of a third party recordkeeper, such as a bank. Sections 331, 332, and 333 of the Tax Equity and Fiscal Responsibility

Act of 1982 amended sections 7602 and 7609 of the Internal Revenue Code of 1954 relating to administrative summonses. The amendments alter the circumstances under which an administrative summons may be issued and also alter the rights and obligations of the subject taxpayer and third-party recordkeeper. This regulation project will provide guidance relating to these new administrative summons procedures.

Timetable:

Action	Date	FR Cite
NPRM	06/01/85	

Small Entity: Not Applicable

Additional Information: LR-10-83.

Drafting attorney: Bruce H. Jurist (202) 566-3238.

Reviewing attorney: Alice Bennett (202) 566-3238.

Treasury attorney: Richard D'Avino (202) 566-4979.

Agency Contact: Bruce H. Jurist, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3238**

RIN: 1545-AF33

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528. PROCEDURE AND ADMINISTRATION--RESTRICTIONS ON CHURCH TAX INQUIRIES AND EXAMINATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 7611 Internal Revenue Code of 1954

CFR Citation: 26 CFR 301; 26 CFR 1

Abstract: This regulation will clarify IRS procedures concerning church tax inquiries and examinations.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: EE-64-84.

Drafting attorney: Monice Rosenbaum (202) 566-3422.

Reviewing attorney: Paul G. Accettura (202) 566-3544.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Sheehy.

Agency Contact: Monice Rosenbaum, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3422**

RIN: 1545-AG61

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529. INCOME TAX--INVESTMENT CREDIT IN CASE OF PROPERTY USED BY TAX EXEMPT ORGANIZATIONS & GOVERNMENTAL UNITS; PRACTICE & PROCEDURE--DEF. OF SERVICE CONTRACTS & OTHER ARRANGEMENTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 38(b) Internal Revenue Code of 1954; 26 USC 48(a)(4) Internal Revenue Code of 1954; 26 USC 48(a)(5) Internal Revenue Code of 1954; 26 USC 7701(e) Internal Revenue Code of 1954

CFR Citation: 26 CFR 301

Abstract: Proposal would change the definition of use of property by a tax exempt organization or a governmental unit, for purpose of applying rules relating to the investment tax credit. The regulations would also define service contracts and other arrangements, for purposes of analysis vis a vis leasing arrangements

Timetable:

Action	Date	FR Cite
NPRM	08/00/85	

Small Entity: Not Applicable

Additional Information: LR-223-78.

Drafting attorney: Timothy J. McKenna (202) 566-4336.

Reviewing attorney: Robert B. Coplan (202) 566-3287.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: McCarty.

In Office of Chief Counsel (Legislation and Regulations Division) for preparation of notice.

Agency Contact: Timothy J. McKenna, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington D.C. 20224, **202 566-4336**

RIN: 1545-AA23

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530. AMENDMENTS OF THE REGULATIONS ON PROCEDURE AND ADMINISTRATION UNDER SECTION 7701 RELATING TO CLASSIFICATION OF CERTAIN INVESTMENT ARRANGEMENTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954

CFR Citation: 26 CFR 301

Abstract: These regulations relate to the classification for federal tax purposes of investment arrangements allowing multiple classes of ownership. They make clear that the existing rules on "fixed investment trust" do not apply to such investment arrangements. An arrangement is a "fixed investment trust" only if it has one class of ownership.

Timetable:

Action	Date	FR Cite
NPRM	05/02/84	49 FR 18741
NPRM Comment Period Begin	05/02/84	49 FR 18741
NPRM Comment Period End	07/02/84	
Hearing held	07/31/84	
Final Action	05/01/85	

Small Entity: Not Applicable

Additional Information: LR-68-84.

Drafting attorney: Stuart G. Wessler (202) 566-3297.

Reviewing attorney: Paul A. Francis (202) 566-3930.

Treasury attorney: James Bridgeman (202) 566-4902.

Agency Contact: Stuart G. Wessler, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3297**

RIN: 1545-AG20

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531. ● AMENDMENT OF PROCEDURE AND ADMINISTRATION REGULATIONS UNDER SECTION 7701(B) (DEFINITION OF RESIDENT ALIENS) TO REFLECT SECTION 138 OF THE TAX REFORM ACT OF 1984 (P.L. 98-369)

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 7701(b) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1; 26 CFR 31; 26 CFR 301

Abstract: These regulations provide rules for determining whether an alien

individual is a resident or a nonresident alien of the United States.

Timetable:

Action	Date	FR Cite
NPRM	01/00/86	

Small Entity: Not Applicable

Additional Information: LR-234-84.

Drafting attorney: Marnie J. Carro (202) 566-3289.

Reviewing attorney: Carol T. Doran (202) 566-3289.

Treasury attorney: Mary Bennett (202) 566-5815.

Agency Contact: Marnie J. Carro, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3289

RIN: 1545-AH13

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532. ● PROPOSED REGULATIONS UNDER THE TAX REFORM ACT OF 1984, RELATING TO THE DEFINITION OF FAIR MARKET VALUE OF PROPERTY FOR PURPOSES OF DETERMINING GAIN OR LOSS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1.7701-1

Abstract: These proposed regulations provide clarification for the definition of fair market value in section 7701 (g) of the Internal Revenue Code. They state that, for purposes of determining gain or loss, the fair market value of property shall not be considered to be less than the amount of nonrecourse indebtedness to which property is subject.

Timetable:

Action	Date	FR Cite
NPRM	04/00/85	

Small Entity: Not Applicable

Additional Information: LR-264-84.

Drafting attorney: Sharon L. Hall (202) 566-3288.

Reviewing attorney: John H. Parcell (202) 566-3336.

Agency Contact: Sharon L. Hall, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3288

RIN: 1545-AG94

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533. PROCEDURE AND ADMINISTRATION PART 602--TO PROVIDE REGULATIONS RELATING TO THE DISPLAY OF CONTROL NUMBER ASSIGNED BY OMB

Priority: Undetermined

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954

CFR Citation: 26 CFR 602

Abstract: This project will provide a table of control numbers assigned to IRS regulations by OMB.

Timetable:

Action	Date	FR Cite
NPRM	06/30/85	

Small Entity: Not Applicable

Additional Information: LR-170-83.

Drafting attorney: Susan Thompson Baker (202) 566-3294.

Reviewing attorney: Charles M. Whedbee (202) 566-3458.

Tax Legislative Counsel attorney: Victor Thuronyi (202) 566-4902.

Agency Contact: Susan Thompson Baker, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3294

RIN: 1545-AF94

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534. TEMPORARY REGULATIONS ON EFFECTIVE DATES AND OTHER QUESTIONS ARISING UNDER THE EMPLOYEE BENEFIT PROVISIONS OF THE TAX REFORM ACT OF 1984

Legal Authority: PL 98-369, Sec 511 to 561

CFR Citation: 26 CFR 1

Abstract: These regulations will provide rules relating to effective dates and other questions arising under the employee benefits provisions of the Tax Reform Act of 1984.

Timetable:

Action	Date	FR Cite
Interim Final Rule	03/00/85	

Small Entity: Not Applicable

Additional Information: EE-63-84.

Drafting attorneys: John T. Ricotta/John C. Khil (202) 566-3544 or (202) 566-6212.

Reviewing attorney: Michael A. Thrasher (202) 566-3961.

Treasury attorney: Harry Conaway (202) 566-4902.

Agency Contact: John T. Ricotta/John C. Khil, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3544

RIN: 1545-AG41

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535. INDIAN TRIBAL GOVERNMENTS TREATED AS STATES FOR CERTAIN PURPOSES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 7701 Internal Revenue Code of 1954; 26 USC 7871 Internal Revenue Code of 1954

CFR Citation: 26 CFR 301

Abstract: The regulations would provide guidance to certain Indian tribal governments as to their treatment as States under designated sections of the Internal Revenue Code of 1954.

Timetable:

Action	Date	FR Cite
NPRM	05/07/84	49 FR 19329
Final Action	09/00/85	

Small Entity: Not Applicable

Additional Information: LR-221-83.

Drafting attorney: Linda M. Kroening.

Reviewing attorney: Cynthia L. Clark.

Office of Tax Legislative Counsel: Mark Perlis.

Agency Contact: Linda M. Kroening, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3238

RIN: 1545-AF77

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536. INCOME TAX--MARITIME CAPITAL CONSTRUCTION FUND

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 46 USC 1177 Merchant Marine Act of 1936

CFR Citation: 26 CFR 3

Abstract: The proposal would provide rules for the income tax treatment with respect to capital construction funds for certain vessels.

Timetable:

Action	Date	FR Cite
NPRM	01/29/76	41 FR 04280
NPRM Comment Period Begin	01/29/76	41 FR 04280

Action	Date	FR Cite
NPRM Comment Period End	03/29/76	
Hearing	07/07/76	
Final Action	01/01/86	

Small Entity: Not Applicable

Additional Information: LR-149-75.

Drafting attorney: Andrew B. Pullman (202) 566-3458.

Reviewing attorney: Marcus B. Blumkin (202) 566-3463.

In Office of Chief Counsel (Legislation and Regulations Division) for preparation of Treasury Decision.

Agency Contact: Andrew B. Pullman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington D.C. 20224, **202 566-3458**

RIN: 1545-AD46

537. STATEMENT OF PROCEDURAL RULES--AMENDMENTS TO STATEMENT OF PROCEDURAL RULES--1981-1

Legal Authority: 5 USC 552; 5 USC 301

CFR Citation: 26 CFR 601

Abstract: Semi-annual update of the Statement of Procedural Rules.

Timetable:

Action	Date	FR Cite
Final Action	11/00/85	

Small Entity: Not Applicable

Additional Information: LR-154-81.

Drafting attorney: William A. Jackson (202) 566-4336.

Reviewing attorney: Charles M. Whedbee (202) 566-3458.

In Office of Chief Counsel (Legislation and Regulations Division) for preparation.

Agency Contact: William A. Jackson, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington D.C. 20224, **202 566-4336**

RIN: 1545-AD55

538. STATEMENT OF PROCEDURAL RULES--SPECIAL AMENDMENT

Legal Authority: 5 USC 552; 5 USC 301

CFR Citation: 26 CFR 601

Abstract: These regulations will conform the Statement of Procedural Rules with Department of Treasury regulations increasing the fees to be charged for search and duplication services in implementing the Freedom of Information Act.

Timetable:

Action	Date	FR Cite
Final Action	04/00/85	

Small Entity: No

Additional Information: LR-108-83.

Drafting attorney: Sandra Wallach (202) 566-3458.

Reviewing attorney: Charles M. Whedbee (202) 566-3458.

In Office of Chief Counsel (Legislation and Regulations Division) for preparation.

Agency Contact: Sandra Wallach, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3458**

RIN: 1545-AF68

DEPARTMENT OF THE TREASURY (TREAS)

Internal Revenue Service (IRS)

Completed Actions

COMPLETED RULEMAKINGS

539. INCOME TAX--DEFINITION OF ENERGY PROPERTY, TO REFLECT ADDITION BY SEC 222(H) OF THE CRUDE OIL WINDFALL PROFIT TAX ACT OF 1980 OF QUALIFIED INTERCITY BUSES AS ENERGY PROPERTY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 48(l) Internal Revenue Code of 1954; 26 USC 46(a)

CFR Citation: 26 CFR 1

Abstract: The proposed regulations establish rules for claiming the energy investment credit for qualified intercity buses.

Timetable:

Action	Date	FR Cite
NPRM	09/03/82	47 FR 38918
NPRM Comment Period Begin	09/03/82	47 FR 38918
NPRM Comment Period End	11/02/82	
Final Action T.D. 7982	10/09/84	49 FR 39540

Small Entity: Not Applicable

Additional Information: LR-79-80.

Drafting attorney: Michel A. Daze (202) 566-3458.

Reviewing attorney: Marcus B. Blumkin (202) 566-3463.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Schuldinger.

Notice published in the Federal Register 09/03/82.

T.D. signed by Commissioner 8/22/83.

T.D. returned by Treasury for revision 1/12/84.

Agency Contact: Michel A. Daze, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington D.C. 20224, **202 566-3829**

RIN: 1545-AA24

540. INCOME TAX--INCOME TAX REGULATIONS UNDER SECTION 103(C) TO MAKE CERTAIN CORRECTIVE AND CLARIFYING CHANGES TO THE ARBITRAGE REGULATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 103(c) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations would provide miscellaneous changes to the arbitrage regulations. The changes would provide guidance to issuers, purchasers and users of tax-exempt obligations. The regulations would relate to the calculations of yield for purposes of determining whether obligations are tax-exempt. If the yield on obligations acquired with the proceeds of a governmental obligation are materially higher than the yield on the governmental obligation then the interest paid on the governmental obligation is not tax-exempt.

TREAS—IRS **Completed Actions**

Timetable:

Action	Date	FR Cite
Closed without regulations	09/06/84	

Small Entity: No

Additional Information: LR-101-79.

Drafting attorney: Pamela F. Olson (202) 566-3459.

Reviewing attorney: John M. Fischer (202) 566-3394.

Office of Tax Legislative Counsel reviewing attorney: Pike.

In Office of Chief Counsel (Legislation and Regulations Division) for preparation of notice.

Agency Contact: Pamela F. Olson. Attorney, Department of the Treasury. Internal Revenue Service. 1111 Constitution Ave., N.W., Washington. D.C. 20224, 202 566-3459

RIN: 1545-AA61

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541. DEFINITION OF "MATERIALLY HIGHER" FOR ACQUIRED PURPOSE OBLIGATIONS GUARANTEED BY FEDERAL DEPOSITORY INSURANCE

Legal Authority: 26 USC 7805 Internal Revenue Code; 26 USC 103 Internal Revenue Code

CFR Citation: 26 CFR 1

Abstract: The regulations would provide guidance to issuers, purchasers and users of tax-exempt obligations the proceeds of which are used to acquire acquired purpose obligations which are guaranteed by Federal Depository Insurance. Thus, the regulations would determine whether the yield produced by certificates of deposit are materially higher than the yield on the tax-exempt obligations. If the yield on acquired purpose obligations is materially higher than the yield on such obligations then the interest paid thereon is not tax-exempt.

Timetable:

Action	Date	FR Cite
Closed without regulations	12/15/84	

Small Entity: No

Additional Information: LR-231-82.

Drafting attorney: Pamela F. Olson (202) 566-3459.

Reviewing attorney: John M. Fischer (202) 566-3394.

Office of Tax Legislative Counsel reviewing attorney: Andrew Pike (202) 566-8277.

Put on Suspense List Pending Legislation.

Agency Contact: Pamela F. Olson. Attorney, Department of the Treasury. Internal Revenue Service, 1111 Constitution Ave., N.W., Washington. D.C. 20224, 202 566-3459

RIN: 1545-AE73

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542. LIMITATION ON AGGREGATE AMOUNT OF PRIVATE ACTIVITY BONDS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 103(n) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations would provide avoidance to issuers, purchasers, and users of private activity bond, as to the definition of the term private activity bond, and the limit on the amount of such bonds that an issuer may issue in a calendar year.

Timetable:

Action	Date	FR Cite
Final Action T.D. 7981	10/05/84	49 FR 39314

Small Entity: Not Applicable

Additional Information: LR-118-84.

Drafting attorney: Mitchell H. Rapaport (202) 566-3294.

Reviewing attorney: John M. Coulter, Jr. (202) 566-4473.

Agency Contact: Mitchell H. Rapaport. Attorney, Department of the Treasury. Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3294

RIN: 1545-AG08

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543. TEMPORARY INCOME TAX REGULATIONS. TAX STRADDLES RELATING TO SECTION 108 OF THE TAX REFORM ACT OF 1984

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 165 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1T

Abstract: These regulations will provide rules under section 108 of the Tax Reform Act of 1984 relating to the treatment of certain losses on straddles entered into before the effective date of the Economic Recovery Tax Act of 1981.

Timetable:

Action	Date	FR Cite
Final Action T.D. 7968	08/23/84	49 FR 33444

Small Entity: Not Applicable

Additional Information: LR-114-84.

Drafting attorney: Neil W. Zyskind (202) 566-3287.

Reviewing attorney: John Fischer (202) 566-3394.

Treasury attorney: Rick Reinhold (202) 566-5453.

Agency Contact: Neil W. Zyskind. Attorney, Department of the Treasury. Internal Revenue Service, 1111 Constitution Ave., N.W., Washington. D.C. 20224, 202 566-3287

RIN: 1545-AG60

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544. INCOME TAX--CHARITABLE CONTRIBUTIONS DEDUCTION FOR NONITEMIZERS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 170(i) Internal Revenue Code of 1954; 26 USC 63(b) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations would provide revised substantiation requirements for charitable contribution deductions. Due to the anticipated wide use of the charitable contribution deduction for nonitemizers, Congress intended that the Internal Revenue Service prescribe rules and procedures, in addition to the currently applicable requirements to assure substantiation and verification of charitable contributions.

Timetable:

Action	Date	FR Cite
NPRM	04/25/83	48 FR 17616
NPRM Comment Period Begin	04/25/83	48 FR 17616
NPRM Comment Period End	06/24/83	
Final Action T.D. 8002	12/31/84	49 FR 50663

Small Entity: Not Applicable

Additional Information: LR-255-81.

Drafting attorney: Beverly A. Baughman (202) 566-3297.

Reviewing attorney: John B. Bromell (202) 566-3326.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Lokey.

Agency Contact: Beverly A. Baughman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3297**

RIN: 1545-AA92

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545. INCOME TAX--TO ADD PROVISIONS RELATING TO TERTIARY INJECTANTS TO CONFORM TO SEC 251, CRUDE OIL WINDFALL PROFIT TAX ACT 1980

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 193 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations would provide guidance to taxpayers using tertiary recovery methods for the enhanced recovery of oil.

Timetable:

Action	Date	FR Cite
NPRM	01/14/83	48 FR 1761
NPRM Comment Period Begin	01/14/83	48 FR 1761
NPRM Comment Period End	03/15/83	
Final Action T.D. 7980	10/03/84	49 FR 39051

Small Entity: Not Applicable

Additional Information: LR-77-80.

Drafting attorney: David R. Haglund (202) 566-3297.

Reviewing attorney: Paul A. Francis (202) 566-3930.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Schuldinger.

Agency Contact: David R. Haglund, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3297**

RIN: 1545-AA99

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546. TEMPORARY REGULATIONS UNDER SECTION 267 IRC TO REFLECT SECTION 174 OF THE TAX REFORM ACT OF 1984 RELATING TO LOSSES, EXPENSES, AND INTEREST IN TRANSACTIONS BETWEEN RELATED TAXPAYERS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 267 Internal Revenue Code of 1954; 26 USC 706 Internal Revenue Code of 1954; 26 USC 1502 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The temporary regulation deals with changes in section 267 arising from section 174 of the Tax Reform Act of 1984. It deals with the matching of payor deductions and payee income items in the case of expenses and interest where the accrual method payor and the cash method payee are related persons. The temporary regulation also deals with the deferral and restoration of loss on the sale or exchange of property from one member of a controlled group of corporations to another member.

Timetable:

Action	Date	FR Cite
Final Action T.D. 7991	11/30/84	49 FR 46992

Small Entity: Not Applicable

Additional Information: LR-108-84.

Drafting attorneys: Keith E. Stanley (202) 566-3458, John G. Schmalz and Robert H. Ginsburgh, (202) 566-3297.

Reviewing attorney: Mark B. Blumkin (202) 566-3463.

Treasury attorneys: Jim Lokey (202) 566-5453, Eric Elfman (202) 566-8527, Jane Sarosdy (202) 566-8275.

Agency Contact: Keith E. Stanley, John G. Schmalz, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3458**

RIN: 1545-AG10

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547. TEMPORARY REGULATIONS UNDER THE TAX REFORM ACT OF 1984, RELATING TO LIMITATIONS ON INVESTMENT TAX CREDIT AND COST RECOVERY DEDUCTIONS FOR LUXURY AUTOMOBILES AND CERTAIN OTHER PROPERTY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 280F Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: These temporary regulations clarify the rules limiting the investment tax credit and cost recovery deductions allowable with respect to passenger automobiles and certain other "listed property." The temporary regulations also provide rules relating to the substantiation requirements for "listed property" under section 274.

Timetable:

Action	Date	FR Cite
Final Action T.D. 7986	10/24/84	49 FR 42701

Small Entity: Not Applicable

Additional Information: LR-122-84.

Drafting attorneys: George T. Magnatta (202) 566-6456; Michel A. Daze (202) 566-3829; Donald W. Stevenson (202) 566-3297.

Reviewing attorney: Paul A. Francis (202) 566-3980.

Treasury attorney: Jeff Quinn (202) 566-2175.

Agency Contact: Michel A. Daze, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3829**

RIN: 1545-AG24

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548. INCOME TAX--EXTENSION OF ANTI-BAILOUT PROVISIONS TO CORPORATION FORMED OR AVAILED OF TO AVOID THESE PROVISIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 304 Internal Revenue Code of 1954; 26 USC 306 Internal Revenue Code of 1954; 26 USC 351 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations will provide rules relating to the extension of the section 304 anti-bailout provisions to corporations formed or availed of to avoid these provisions by using section 351 to accomplish a tax-free incorporation. Thus the regulations provide rules for transactions involving the sections 304/351 overlap.

Timetable:

Action	Date	FR Cite
Closed without regulations	01/19/84	

Small Entity: Not Applicable

Additional Information: LR-190-82.

Drafting attorney: Keith Stanley (202) 566-3458.

Reviewing attorney: Marcus Blumkin (202) 566-3463.

Treasury attorney: Eric Elfman (202) 566-8527.

In Legislation and Regulations Division for preparation of notice of proposed rulemaking.

Agency Contact: Keith Stanley, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3458

RIN: 1545-AF27

549. INCOME TAX—TEMPORARY REGULATIONS—DIVIDEND REINVESTMENT IN STOCK OF PUBLIC UTILITIES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 305 Internal Revenue Code of 1954

CFR Citation: 26 CFR 5c

Abstract: Regulations would define and interpret when a qualified public utility may set up a qualified dividend reinvestment plan so that its shareholders may elect to receive qualified common stock and exclude a certain portion from income. Changes to the applicable law were made by section 321 of the Economic Tax Recovery Act of 1981.

Timetable:

Action	Date	FR Cite
Interim Final Rule	06/30/83	48 FR 30102
Final Action T.D. 7897	06/30/83	48 FR 30146

Small Entity: Not Applicable

Additional Information: LR-277-81.

Drafting attorney: Michel A. Daze (202) 566-3829.

Reviewing attorney: Marcus B. Blumkin (202) 566-3463.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Lokey.

Agency Contact: Michel A. Daze, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3829

RIN: 1545-AB16

550. TEMPORARY REGULATIONS RELATING TO ELECTIONS AND MISCELLANEOUS MATTERS UNDER SECTION 338 OF THE INTERNAL REVENUE CODE

Legal Authority: 26 USC 338 Internal Revenue Code of 1954; 26 USC 7805 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: These regulations will provide guidance relating to elections and miscellaneous matters under section 338.

Timetable:

Action	Date	FR Cite
Final Action T.D. 7975	09/06/84	49 FR 35086

Small Entity: Not Applicable

Additional Information: LR-141-84.

Drafting attorney: Duane H. Pellervo (202) 566-3458.

Reviewing attorney: Marcus B. Blumkin (202) 566-3463.

Treasury attorney: Eric Elfman (202) 566-8527.

Agency Contact: Duane H. Pellervo, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3458

RIN: 1545-AG09

551. ANTI-AVOIDANCE RULES UNDER SECTIONS 338 AND 346 OF THE INTERNAL REVENUE CODE OF 1954

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 338(i) Internal Revenue Code of 1954; 26 USC 346(b) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: Proposal would interpret the deemed election and consistency requirements of section 338 and the anti-avoidance rules under sections 338 and 346 of the Internal Revenue Code of 1954, which apply with respect to certain acquisitions of control of one corporation by another corporation.

Timetable:

Action	Date	FR Cite
Closed	10/00/84	

Small Entity: Not Applicable

Additional Information: LR-192-82.

Drafting attorney: Bennett C. Steinhauer (202) 566-4336.

Reviewing attorney: Marcus B. Blumkin (202) 566-3463.

Office of Tax Legislative Counsel reviewing attorney: Eric Elfman.

Agency Contact: Bennett C. Steinhauer, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. N.W., Washington, D.C. 20224, 202 566-4336

RIN: 1545-AE32

552. INCOME TAX—CHARACTERIZATION IN INTERNATIONAL TRANSACTIONS OF INTERESTS IN CORPORATIONS AS STOCK OR INDEBTEDNESS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 385 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulation would provide rules for determining when interests in corporations issued in international transactions will be treated as stock or indebtedness for tax purposes.

Timetable:

Action	Date	FR Cite
Closed	01/00/85	

Small Entity: No

Additional Information: LR-92-82.

Drafting attorney: Bennett C. Steinhauer (202) 566-4336.

Reviewing attorney: Marcus B. Blumkin (202) 566-3463.

Office of International Tax Counsel (Treasury) reviewing attorney: Shay.

Agency Contact: Bennett Steinhauer, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-4336

RIN: 1545-AB34

553. CERTAIN CASH OR DEFERRED ARRANGEMENTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 401 Internal Revenue Code of 1954; PL 98-369, Sec 527 Tax Reform Act of 1984

CFR Citation: 26 CFR 1.401(k)-1

Abstract: Amendments to conform the regulations to provisions enacted by section 527 of the Tax Reform Act of 1984.

Timetable:

Action	Date	FR Cite
Closed without regulations	01/31/85	

Small Entity: Not Applicable

Additional Information: EE-70-84.

Drafting attorney: Charles M. Watkins (202) 566-3430.

Reviewing attorney: Richard J. Wickersham (202) 566-3250.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Conaway.

Agency Contact: Charles M. Watkins, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3430**

RIN: 1545-AG36

554. INCOME TAX--AMENDMENT OF QUALIFIED JOINT AND SURVIVOR ANNUITY REGULATIONS

Priority: Task Force

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 401(a)(11) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: These new regulations conform the present regulations to BBS Associates, Inc. v. Commissioner of Internal Revenue, 74 T.C. 1118 (1980), affirmed 661 F. 2d 913 (1981).

Timetable:

Action	Date	FR Cite
NPRM	10/27/82	47 FR 47600
NPRM Comment Period Begin	10/27/82	47 FR 47600
NPRM Comment Period End	12/27/82	
File Closed Contents transferred to EE-94-84	01/31/85	

Small Entity: Not Applicable

Additional Information: EE-52-78.

Drafting attorney: William D. Gibbs (202) 566-3430.

Reviewing attorney: Richard J. Wickersham (202) 566-3250.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Conaway.

Agency Contact: William D. Gibbs, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3430**

RIN: 1545-AD70

555. QUESTIONS AND ANSWERS ON TOP-HEAVY PLANS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 416 Internal Revenue Code of 1954; 26 USC 401 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: These regulations will provide guidance to sponsors of and participants in pension, profit-sharing, and stock bonus plans. The regulations set forth rules for determining whether such plans are top-heavy and what provisions must be included in the plan if the plan is top-heavy. The regulations also set forth the time by which plans must be amended to conform to the top-heavy rules.

Timetable:

Action	Date	FR Cite
NPRM	03/15/83	48 FR 10868
NPRM Comment Period Begin	03/15/83	
NPRM Comment Period End	05/16/83	
Final Action T.D. 7997	12/31/84	49 FR 50643

Small Entity: Not Applicable

Additional Information: EE-140-82.

Drafting attorney: William D. Gibbs (202) 566-3430.

Reviewing attorney: Richard J. Wickersham (202) 566-3250.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Harry Conaway.

Agency Contact: William D. Gibbs, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3430**

RIN: 1545-AF18

556. INCOME TAX--TOP-HEAVY PLANS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 416 Internal Revenue Code of 1954; 26 USC 401 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: These regulations will provide guidance to sponsors of and participants in pension, profit-sharing, and stock bonus plans. The regulations set forth rules for determining whether such plans are top-heavy and what provisions must be included in the plan if the plan is top-heavy.

Timetable:

Action	Date	FR Cite
Closed without regulations	01/31/85	

Small Entity: Not Applicable

Additional Information: EE-109-82.

Drafting attorney: William D. Gibbs (202) 566-3430.

Reviewing attorney: Richard J. Wickersham (202) 566-3250.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Harry Conaway.

Agency Contact: William D. Gibbs, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3430**

RIN: 1545-AE87

557. INCOME TAX--ESTATE TAX--GIFT TAX--EXEMPTION OF CERTAIN AMATEUR ATHLETIC ORGANIZATIONS FROM TAX

Legal Authority: 26 USC 7805 Internal Revenue Act of 1954; 26 USC 501(c)(3) Internal Revenue Act of 1954; 26 USC 170(c)(2)(B) Internal Revenue Act of 1954; 26 USC 2055(a) Internal Revenue Act of 1954; 26 USC 2522(a) Internal Revenue Act of 1954; PL 97-248, Sec 286

CFR Citation: 26 CFR 1; 26 CFR 20; 26 CFR 25

Abstract: This regulation project relates to the exemption of certain amateur athletic organizations from tax and the deductibility of contributions to organizations that qualify for the exemption. Changes to the applicable tax law were made by the Tax Reform Act of 1976 and the Tax Equity and Fiscal Responsibility Act of 1982. The regulations affect organizations that foster national or international sports competition and provide them with guidance needed to determine whether they qualify for the exemption.

Timetable:

Action	Date	FR Cite
NPRM	05/10/79	44 FR 27446
NPRM Comment Period Begin	05/10/79	44 FR 27446
NPRM Comment Period End	07/09/79	
Hearing	10/09/79	45 FR 49275
Withdrawn	08/21/84	49 FR 33144

Small Entity: Not Applicable

Additional Information: EE-53-79.

Drafting attorney: John T. Ricotta (202) 566-3544.

Reviewing attorney: Michael A Thrasher (202) 566-3961.

Office of Tax Legislative Counsel (Treasury) reviewing attorneys: Yecies; McKee.

Agency Contact: John T. Ricotta, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3544

RIN: 1545-AD97

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558. INCOME TAX—COMPUTATION OF TAXABLE INCOME FROM SOURCES WITHIN AND WITHOUT THE UNITED STATES

Priority: Major

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 861 Internal Revenue Code of 1954; 26 USC 882 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The amendment would allow taxpayers to apply the regulations in 1.861-8 and 1.882-5 to open taxable years beginning before 01/01/77.

Timetable:

Action	Date	FR Cite
NPRM	08/30/82	47 FR 38149
NPRM Comment Period Begin	08/30/82	47 FR 38149
NPRM Comment Period End	10/29/82	
Final Action	02/03/84	49 FR 4206

Small Entity: Not Applicable

Additional Information: LR-215-78.

Drafting attorney: unassigned.

Reviewing attorney: Charles C. Saverude (202) 566-3323.

Office of International Tax Counsel (Treasury) reviewing attorneys: Shay, Lainoff.

Notice published 08/30/82.

Treasury decision to Treasury for signature 10/18/83.

Analysis: Preliminary RIA 08/30/82 (47 FR 38150)

Agency Contact: Charles C. Saverude, Chief, Branch 5, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3323

RIN: 1545-AB88

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559. INCOME TAX—LIMITATION ON FOREIGN TAX CREDIT FOR FOREIGN OIL AND GAS TAXES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 907 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: Notice would define and interpret certain rules that would apply in defining a taxpayer's extraction and oil-related income. Changes to the Applicable law were made by section 601 (a) of the Tax Reduction Act of 1975 (89 Stat. 54).

Timetable:

Action	Date	FR Cite
NPRM	06/27/84	49 FR 26256
NPRM Comment Period Begin	06/27/84	49 FR 26256
Final Action T.D. 7961	06/27/84	49 FR 26208
NPRM Comment Period End	08/27/84	

Small Entity: Not Applicable

Additional Information: LR-149-83.

Drafting attorney: Mary Frances Pearson (202) 566-3289.

Reviewing attorney: Charles Saverude (202) 566-3323.

Office of International Tax Counsel (Treasury) reviewing attorneys: Lainoff, Granwell.

In Legislation and Regulations Division for preparation of Notice of Proposed Rulemaking.

Agency Contact: Mary Frances Pearson, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3289

RIN: 1545-AF60

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560. INCOME TAX—INCOME OF U.S. CITIZENS & RESIDENTS WORKING ABROAD, EXCLUSIONS AND DEDUCTION FROM GROSS INCOME

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 911 Internal Revenue Code of 1954; 26 USC 119 Internal Revenue Code of 1954; 26 USC 913 Internal Revenue Code of 1954; 26 USC 3401(a)(8) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1; 26 CFR 31

Abstract: Section 911 provides two exclusions and one deduction that may be claimed by certain United States citizens and residents living and working abroad. The exclusions are for foreign earned income up to a ceiling ($75,000 in 1982, $80,000 in 1983-1987, $85,000 in 1988, $90,000 in 1989, and $95,000 after 1989) and for the housing cost amount of a qualified individual to the extent it is attributable to employer provided amounts. The deduction is for the portion of the housing cost amount that is not attributable to employer provided amounts. The total of the exclusions and deduction may not exceed foreign earned income for the taxable year. These regulations will provide rules relating to the section 911 exclusions and deduction.

Timetable:

Action	Date	FR Cite
Final Action Effective	01/01/82	50 FR 2959
NPRM	07/20/83	48 FR 33007
NPRM Comment Period Begin	07/20/83	48 FR 33007
NPRM Comment Period End	09/19/83	
Hearing	11/15/83	
Final Action T.D. 8006	01/23/85	50 FR 2959

Small Entity: Not Applicable

Additional Information: LR-208-81.

Drafting attorney: David J. Dean (202) 566-3289.

Reviewing attorney: Carol T. Doran (202) 566-3289.

Office of International Tax Counsel (Treasury) reviewing attorneys: Silver, Lainoff.

Agency Contact: David J. Dean, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave. N.W., Washington, DC 20224, 202 566-3289

RIN: 1545-AC08

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561. INCOME TAX--AMENDMENTS AFFECTING DISC PERTAINING TO MILITARY SALES & INCREMENTAL EXPORT GROSS RECEIPTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 995 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: This regulation would provide rules with respect to computing the incremental distribution and distributions with respect to military sales for purpose of the domestic international sales provisions.

TREAS—IRS **Completed Actions**

Timetable:

Action	Date	FR Cite
NPRM	01/09/84	49 FR 1075
NPRM Comment Period Begin	01/09/84	49 FR 1075
NPRM Comment Period End	03/09/84	
Final Action T.D. 7984	10/12/84	

Small Entity: Not Applicable

Additional Information: LR-246-76.

Drafting attorney: Jacob Feldman (202) 566-3289.

Reviewing attorney: Charles C. Saverude (202) 566-3323.

Office of International Tax Counsel (Treasury) reviewing attorneys: Shay, Lainoff.

Draft of Notice in Office of International Tax Counsel for comments, July 25, 1983.

Agency Contact: Jacob Feldman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3289**

RIN: 1545-AC17

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562. REGULATIONS UNDER SECTION 1232A RELATING TO ORIGINAL ISSUE DISCOUNT TAKEN INTO ACCOUNT ON BASIS OF CONSTANT INTEREST RATE

Legal Authority: 26 USC 163 Internal Revenue Code; 26 USC 1232A Internal Revenue Code

CFR Citation: 26 CFR 1

Abstract: Regulations would provide guidance as to computation of amount to be included in income by holders and amount to be deducted by issuers of certain bonds issued after July 1, 1982. With respect to these bonds, original issue discount is computed on the basis of a constant rate. Provision is made for the computation of original issue discount in special circumstances where the interest rate is variable, where put and call options are present, and in other circumstances.

Timetable:

Action	Date	FR Cite
Closed without regulations	10/17/84	

Small Entity: Not Applicable

Additional Information: LR-222-82.

Drafting attorney: Theresa E. Bearman (202) 566-3294.

Reviewing attorney: Susan Thompson Baker (202) 566-3294.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Richard Reinhold.

In Legislation and Regulations Division for preparation of notice.

Agency Contact: Susan Thompson Baker, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3294**

RIN: 1545-AE27

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563. REGULATIONS UNDER SECTION 1232B RELATING TO THE TAX TREATMENT OF STRIPPED BONDS

Legal Authority: 26 USC 1232B Internal Revenue Code

CFR Citation: 26 CFR 1

Abstract: Regulations would provide guidance as to treatment of proceeds of sale of stripped coupons and stripped bonds issued after July 14, 1982. If a stripped bond or stripped coupon is disposed of after July 1, 1982, the purchaser must include in income an amount computed under section 1232A(a). The stripper must allocate his basis in the bond components (stripped bond and stripped coupons) on the basis of their fair market value.

Timetable:

Action	Date	FR Cite
Closed without regulations	11/28/84	

Small Entity: Not Applicable

Additional Information: LR-223-82.

Drafting attorney: George T. Magnatta (202) 566-3294.

Reviewing attorney: Susan Thompson Baker (202) 566-3294.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Richard Reinhold.

In Legislation and Regulations Division for preparation of notice.

Agency Contact: George T. Magnatta, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3294**

RIN: 1545-AE21

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564. INCOME TAX REGULATIONS--PART 1--TAX STRADDLE IDENTIFICATION RULES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 1092(a) Internal Revenue Code of 1954; 26 USC 1092(c) Internal Revenue Code of 1954; 26 USC 1256 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: These regulations will provide the identification rules for identified straddles, mixed straddles, and hedging transactions. Proper identification is required by the statute if the taxpayer wants to utilize the special rules for identified straddles, mixed straddles, and hedging transactions.

Timetable:

Action	Date	FR Cite
Closed without regulations	09/26/84	

Small Entity: Not Applicable

Additional Information: LR-281-81.

Drafting attorney: Neil W. Zyskind (202) 566-3287.

Reviewing attorney: John M. Fischer (202) 566-3394.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Reinhold.

Agency Contact: Neil W. Zyskind, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3287**

RIN: 1545-AC24

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565. REGULATIONS RELATING TO FOREIGN CURRENCY CONTRACTS UNDER SECTION 1256 OF THE INTERNAL REVENUE CODE

Legal Authority: 26 USC 7805; 26 USC 1256

CFR Citation: 26 CFR 1

Abstract: These regulations will describe what contracts are foreign currency contracts and are therefore included in the definition of regulated futures contracts in 26 USC 1256. It is necessary to know the proper description of these contracts to determine their proper tax treatment.

TREAS—IRS **Completed Actions**

Timetable:

Action	Date	FR Cite
Closed without regulations	09/26/84	

Small Entity: No

Additional Information: LR-52-83.

Drafting attorney: Neil W. Zyskind (202) 566-3287.

Reviewing attorney: John Fischer (202) 566-3394.

TLC attorney: Suzanne McDowell (202) 566-2565.

Agency Contact: Neil W. Zyskind, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3287

RIN: 1545-AF50

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566. INCOME TAX--PERSONAL SERVICES INCOME OF NONRESIDENT ALIEN INDIVIDUALS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 1441 Internal Revenue Code of 1954; 26 USC 1461 Internal Revenue Code of 1954; 26 USC 1462 Internal Revenue Code of 1954; 26 USC 3401 Internal Revenue Code of 1954; 26 USC 7605 Internal Revenue Code of 1954; 26 USC 7701 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1; 26 CFR 31; 26 CFR 301

Abstract: The regulations would provide for exemptions from withholding of tax from independent personal service income of nonresident alien individuals, clarify the obligations of withholding agents, and update the rules with respect to Forms 1042 and 1042S.

Timetable:

Action	Date	FR Cite
NPRM	11/14/83	48 FR 51788
NPRM Comment Period Begin	11/14/83	48 FR 51788
NPRM Comment Period End	01/13/84	
Final Action T.D. 7977	09/24/84	49 FR 36830

Small Entity: Not Applicable

Additional Information: LR-165-78.

Drafting attorney: Carol T. Doran (202) 566-3289.

Reviewing attorney: Charles C. Saverude (202) 566-3323.

Office of International Tax Counsel (Treasury) reviewing attorneys: Silver, Lainoff.

Agency Contact: Carol T. Doran, Assistant Chief, Branch 5, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3289

RIN: 1545-AC43

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567. INCOME TAX--EXCISE TAX ON TRANSFERS OF PROPERTY TO FOREIGN PERSONS TO AVOID THE FEDERAL INCOME TAX

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 1491 Internal Revenue Code of 1954; 26 USC 1492 Internal Revenue Code of 1954; 26 USC 1494 Internal Revenue Code of 1954; 26 USC 1057 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The regulations would describe transfers by United States persons that are subject to the excise tax imposed by section 1491, would provide rules with respect to electing to treat the transfer as a taxable exchange, and would provide rules for establishing that tax avoidance was not a principal purpose of the transfer.

Timetable:

Action	Date	FR Cite
Closed without regulations	09/19/84	

Small Entity: Not Applicable

Additional Information: LR-236-76.

Drafting attorney: Unassigned.

Reviewing attorney: Charles C. Saverude (202) 566-3323.

Office of International Tax Counsel (Treasury) reviewing attorneys: Wold, Lainoff.

In Legislation and Regulations Division for preparation of notice of proposed rulemaking.

Agency Contact: Charles C. Saverude, Chief, Branch 5, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3323

RIN: 1545-AC44

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568. GIFT TAX--TRANSITIONAL RULE FOR THE INCREASED ANNUAL GIFT TAX EXCLUSION AND THE UNLIMITED EXCLUSION FOR CERTAIN TRANSFERS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 2503 Internal Revenue Code of 1954

CFR Citation: 26 CFR 25

Abstract: This regulation will provide a transitional rule that the increased annual gift tax exclusion does not apply to powers of appointment granted under certain trusts created before September 12, 1981. In addition, unlimited exclusions will be permitted for correct payments by donor for certain qualifying medical expenses not reimbursed by insurance and for educational expenses paid on behalf of an individual directly to a qualifying educational institution.

Timetable:

Action	Date	FR Cite
NPRM	01/06/84	49 FR 896
NPRM Comment Period Begin	01/06/84	
NPRM Comment Period End	03/06/84	
Final Action T.D. 7978	10/02/84	49 FR 38540

Small Entity: Not Applicable

Additional Information: LR-211-81.

Drafting attorney: Ada S. Rousso (202) 566-3297.

Reviewing attorney: Robert H. Waltuch (202) 566-3287.

Agency Contact: Ada S. Rousso, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington D.C. 20224, 202 566-3297

RIN: 1545-AC69

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569. EXCISE TAX--INDEPENDENT PRODUCER OIL ALLOCATIONS WITHIN A RELATED GROUP UNDER THE CRUDE OIL WINDFALL PROFIT TAX ACT 1980

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 4992(e) Internal Revenue Code of 1954; 26 USC 4997 Internal Revenue Code of 1954

CFR Citation: 26 CFR 51

Abstract: The regulations would define the members of a related group. Such members must share the 1000 barrel independent producer allocation which

is entitled to a lower rate of windfall profit tax.

Timetable:

Action	Date	FR Cite
NPRM	01/13/84	49 FR 1748
NPRM Comment Period Begin	01/14/84	49 FR 1748
NPRM Comment Period End	03/13/84	
Final Action T.D. 7988	10/25/84	49 FR 42923

Small Entity: Not Applicable

Additional Information: LR-66-80.

Drafting attorney: Beverly A. Baughman (202) 566-3297.

Reviewing attorney: Walter H. Woo (202) 566-3297.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: Schuldinger.

Agency Contact: Beverly A. Baughman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3297**

RIN: 1545-AD03

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570. FURNISHING STATEMENTS REQUIRED WITH RESPECT TO CERTAIN SUBSTITUTE PAYMENTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 6045 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1(T)

Abstract: These regulations were designed in order to alleviate certain situations in which deductions and exclusions were being claimed more than once with respect to payments made on the same securities. These situations developed because of shortcomings in the reporting system. These regulations provide that a broker must furnish statements to its customers with respect to certain substitute payments received by the broker on behalf of its customer. These regulations also provide that brokers must make returns of information respecting any customer to which such broker is required to furnish a statement.

Timetable:

Action	Date	FR Cite
Final Action T.D. 7987	10/24/84	49 FR 42715

Small Entity: Not Applicable

Additional Information: LR-115-84.

Drafting attorney: Bruce H. Jurist (202) 566-3238.

Reviewing attorney: Cynthia L. Clark (202) 566-3288.

Treasury attorney: Linda Carlisle (202) 566-4979.

Agency Contact: Bruce H. Jurist, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3238**

RIN: 1545-AG17

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571. AMENDMENT OF THE INCOME TAX REGULATIONS UNDER SECTION 6049(B) (2)(D) OF THE INTERNAL REVENUE CODE OF 1954 TO CLARIFY WHEN INTEREST IS PAID OUTSIDE THE UNITED STATES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 6049(b)

CFR Citation: 26 CFR 1

Abstract: This regulation clarifies when interest is considered paid outside the United States for purposes of the interest reporting requirements of section 6049 of the Internal Revenue Code of 1954 providing the public with the guidance necessary to comply with the law.

Timetable:

Action	Date	FR Cite
Closed without regulations	10/03/84	

Small Entity: Not Applicable

Additional Information: LR-193-83.

Initiating attorney: Yerachmiel E. Weinstein (202) 566-3289.

Reviewing attorney: Charles C. Saverude (202) 566-3323.

Office of International Tax Counsel attorney: Mary Kade Wold (202) 566-5791.

In Legislation and Regulations Division for preparation of notice.

Agency Contact: Yerachmiel E. Weinstein, Attorney--Advisor, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW, Washington, D.C. 20224, 202 566-3289

RIN: 1545-AF89

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572. TEMPORARY REGULATION RELATING TO REPORTING OF FORECLOSURES AND ABANDONMENTS OF SECURITY UNDER THE TAX REFORM ACT OF 1984

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 6050J Internal Revenue Code of 1954

CFR Citation: 26 CFR IT

Abstract: The regulations will provide rules relating to information reporting of foreclosures, abandonments and other acquisitions of property securing indebtedness, including the persons and property subject to the reporting requirements and the information required to be reported, and when a person has reason to know that property has been abandoned.

Timetable:

Action	Date	FR Cite
Final Action T.D. 7971	08/31/84	49 FR 34459

Small Entity: Not Applicable

Additional Information: LR-120-84.

Drafting attorney: Annette J. Guarisco (202) 566-3238.

Reviewing attorney: Alice M. Bennett (202) 566-3238.

Treasury attorney: Fairlea Sheehy (202) 566-4902.

Agency Contact: Annette J. Guarisco, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3238**

RIN: 1545-AG43

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573. REQUIREMENT TO MAINTAIN LISTS OF INVESTORS IN POTENTIALLY ABUSIVE TAX SHELTERS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 6112 Internal Revenue Code of 1954; 26 USC 6708 Internal Revenue COde of 1954

CFR Citation: 26 CFR 301

Abstract: The temporary regulations will provide guidance to organizers of and sellers of interests in potentially abusive tax shelters relating to the requirement to maintain lists identifying persons who acquire interests in those tax shelters.

TREAS—IRS **Completed Actions**

Timetable:

Action	Date	FR Cite
Final Action T.D. 7969	08/29/84	49 FR 34200

Small Entity: Not Applicable

Additional Information: LR-148-84.

Drafting attorney: Alice M. Bennett (202) 566-3238.

Reviewing attorney: John H. Parcell (202) 566-3336.

Office of Tax Legislative Counsel (Treasury) reviewing attorney: D'Avino.

Agency Contact: Alice M. Bennett, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3238

RIN: 1545-AG55

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574. EXTENSION OF RULES FOR PARTNERSHIP-LEVEL DETERMINATION OF PARTNERSHIP ITEMS TO THE WINDFALL PROFIT TAX

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 6232 Internal Revenue Code of 1954

CFR Citation: 26 CFR 51

Abstract: Temporary regulations set forth rules for extension of the partnership audit rules and procedures under sections 6221-6231 of the Internal Revenue Code to the windfall profit tax.

Timetable:

Action	Date	FR Cite
Interim Final Rule	10/18/84	49 FR 40804
Final Action T.D. 7985	10/18/84	49 FR 40804

Small Entity: Not Applicable

Additional Information: LR-5-84

Drafting attorney: Nerman Dobynes Hubbard (202) 566-3289.

Reviewing attorney: Paul A. Francis (202) 566-3930.

Office of Tax Legislative Counsel reviewing attorney: Andrew Pike.

Agency Contact: Nerman Dobynes Hubbard, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3289

RIN: 1545-AF88

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575. TEMPORARY INCOME TAX REGULATIONS UNDER THE TAX REFORM ACT OF 1984, RELATING TO BELOW-MARKET INTEREST RATE LOANS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 7872 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: These regulations provide guidance to taxpayers who enter into certain below-market interest rate loan transactions. The regulations will explain what type of transactions are treated as loans and what type of loans are subject to the provisions of section 7872. If the loan is subject to the provisions of section 7872, the below-market loan will be recharacterized as an arms-length market interest rate loan coupled with a payment by the lender to the borrower in an amount equal to the inputed interest. The regulations provide rules for determining the amount and character of the inputed transfers.

Timetable:

Action	Date	FR Cite
Closed without regulations	10/03/84	

Small Entity: Not Applicable

Additional Information: LR-123-84.

Drafting attorney: Howard A. Balikov (202) 566-3288.

Reviewing attorney: Paul A. Francis (202) 566-3930.

Treasury attorney: Fairlea Sheehy (202) 566-4902.

Agency Contact: Howard A. Balikov, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3288

RIN: 1545-AG39

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576. AMENDMENTS TO THE STATEMENT OF PROCEDURAL RULES 1982-2

Legal Authority: 5 USC 301, 5 USC 552

CFR Citation: 26 CFR 601

Abstract: Amendments to the statement of procedural rules will update or make corrections in these regulations and will also reflect changes in the procedures of the Internal Revenue Service.

Timetable:

Action	Date	FR Cite
Final Action	09/18/84	49 FR 36497

Small Entity: No

Additional Information: LR-79-83.

Drafting attorney: Michel A. Daze (202) 566-3829.

Reviewing attorney: Charles M. Whedbee (202) 566-3458.

In Legislation and Regulations Division for preparation of document.

Agency Contact: Michel A. Daze, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3829

RIN: 1545-AF40

ACTIONS THAT STARTED AND ENDED BETWEEN ISSUES OF THE UNIFIED AGENDA

577. ● TO PROVIDE TEMPORARY REGULATIONS RELATING TO ARBITRAGE ON NONPURPOSE OBLIGATIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 103 (c) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1.103-15AT

Abstract: The regulations will provide rules relating to arbitrage on industrial development bonds. Rules will be provided concerning the limitation on nonpurpose investments as well as the rebate requirement and exceptions to the rebate requirement.

Timetable:

Action	Date	FR Cite
Interim Final Rule		50 FR 00740
Final Action T.D. 8005	01/07/85	

Small Entity: Not Applicable

Additional Information: LR-267-84

Drafting attorney: Mitchell H. Rapaport (202) 566-3294.

Reviewing attorney: John M. Coulter, Jr. (202) 566-4473.

Treasury attorney: Suzanne R. McDowell (202) 566-8277.

TREAS—IRS **Completed Actions**

Agency Contact: Mitchell H. Rapaport, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3294**

RIN: 1545-AG87

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578. ● TEMPORARY REGULATIONS UNDER SECTION 103 (N) RELATING TO CARRYFORWARD ELECTIONS AND ELECTION TO ALLOCATE STATE CEILING TO CERTAIN ELECTRIC FACILITIES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 103 (n) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1.103 (n)-6T; 26 CFR 1.103 (n)-7T

Abstract: The regulations will clarify the temporary regulations relating to carryforwards of unused private activity bond limit and extend the deadline for making such elections. The regulations will also provide rules relating to the election to allocate state ceiling to facilities for local furnishing of electricity.

Timetable:

Action	Date	FR Cite
Final Action T.D. 8001	12/28/84	49 FR 50388

Small Entity: Not Applicable

Additional Information: LR-30-84

Drafting attorney: Mitchell Rapaport (202) 566-3294.

Reviewing attorney: John M. Coulter, Jr. (202) 566-4473.

Treasury attorney: Jim Lokey (202) 566-5453.

Agency Contact: Mitchell H. Rapaport, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3294**

RIN: 1545-AG89

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579. ● TO PROVIDE TEMPORARY REGULATIONS RELATING TO EXTENSION OF MORTGAGE SUBSIDY BONDS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954, 26 USC 103A Internal Revenue Code of 1954

CFR Citation: 26 CFR 6a.103A-2

Abstract: These regulations will provide rules relating to the extension of authority to issue mortgage subsidy bonds. The regulations will explain the form and manner in which information is to be reported to the Service. The regulations will also provide rules relating to the annual policy statement requirement and the state certification requirement.

Timetable:

Action	Date	FR Cite
Final Action T.D. 7995	12/12/84	49 FR 48292

Small Entity: Not Applicable

Additional Information: LR-190-84

Drafting attorney: Mitchell H. Rapaport (202) 566-3294.

Reviewing attorney: John M. Coulter, Jr. (202) 566-4473.

Treasury attorney: Suzanne R. McDowell (202) 566-8277.

Agency Contact: Mitchell H. Rapaport, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3294**

RIN: 1545-AG92

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580. ● INCOME TAXES, EMPLOYMENT TAXES, EXCISE TAXES--TAXATION OF FRINGE BENEFITS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 132 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1; 26 CFR 31; 26 CFR 54

Abstract: The regulations provide guidance on the treatment of taxable and nontaxable fringe benefits, including the valuation of taxable fringe benefits for purposes of income and employment tax withholding. The regulations also provide special rules for valuing certain fringe benefits.

Timetable:

Action	Date	FR Cite
Final Action T.D. 8004	01/07/85	50 FR 747

Small Entity: Undetermined

Additional Information: LR-215-84

Drafting attorney: Annette J. Guarisco (202) 566-3238.

Reviewing attorney: Philip R. Bosco (202) 566-3430.

Treasury attorney: Kent A. Mason (202) 535-6964.

Agency Contact: Annette J. Guarisco, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3238**

RIN: 1545-AH50

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581. ● SANCTIONS ON ISSUES AND HOLDERS OF REGISTRATION-REQUIRED OBLIGATIONS NOT IN REGISTERED FORM

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 163 Internal Revenue Code of 1954; 26 USC 165 Internal Revenue Code of 1954; 26 USC 1287 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: The temporary regulations provide rules for determining whether an issuer may claim an interest deduction for interest paid on an obligation in bearer form, which is otherwise a registration-required obligation because the issuer satisfies the conditions set forth in section 163 (f) (2) (B). In addition, the temporary regulations provide rules which define the circumstances under which a United States person may hold a registration-required obligation in bearer form.

Timetable:

Action	Date	FR Cite
Final Action T.D. 7965	08/22/84	49 FR 33228

Small Entity: No

Additional Information: LR-184-84

Drafting attorneys: P. Ann Fisher and Carol T. Doran (202) 566-3289.

Reviewing attorney: Carol T. Doran (202) 566-3289.

Treasury attorney: Peter Daub (202) 566-5791.

Agency Contact: P. Ann Fisher or Carol T. Doran, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3289**

RIN: 1545-AH11

582. ● DEDUCTIONS IN EXCESS OF $5,000 CLAIMED FOR CERTAIN CHARITABLE CONTRIBUTIONS OF PROPERTY AND INFORMATION REPORTING BY DONEE WHO MAKES CERTAIN DISPOSITION OF DONATED PROPERTY

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 170 (a) (1) Internal Revenue Code of 1954; 26 USC 6050L Internal Revenue Code of 1954

CFR Citation: 26 CFR 1T

Abstract: These regulations provide rules relating to deductions for charitable contributions. The regulations provide that deductions for certain charitable contributions made by an individual, closely held corporation, personal service corporation, partnership, or S corporation shall not be allowed unless the donor obtains a qualified appraisal and attaches an appraisal summary to the donor's return on which the deduction is first claimed. Additionally, the regulations require the donee of certain charitable deduction property to make an information return.

Timetable:

Action	Date	FR Cite
Final Action T.D. 8003	12/31/84	49 FR 50657

Small Entity: Not Applicable

Additional Information: LR-143-84.

Drafting attorney: Beverly A. Baughman (202) 566-3297.

Reviewing attorney: John B. Bromell (202) 566-3326.

Treasury attorney: Richard D'Avino (202) 566-4979.

Agency Contact: Beverly A. Baughman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3297

RIN: 1545-AH61

583. ● ASSIGNMENT IN DIVORCE PROCEEDINGS, ETC

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 72(m)(10) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: These regulations will provide rules on qualified domestic relations orders. A qualified domestic relations order is an order given to a plan pursuant to a state domestic relations law which directs payment of a participant's accrued benefit to someone other than the participant. The regulations will also set forth rules for the taxation of such payments.

Timetable:

Action	Date	FR Cite
Contents of file transferred to EE-95-84	01/31/85	

Small Entity: Not Applicable

Additional Information: EE-93-84.

Drafting attorney: William D. Gibbs (202) 566-3430.

Reviewing attorney: Richard J Wickersham (202) 566-3250.

Treasury attorney: Harry J. Conaway (202) 566-4902.

Agency Contact: William D. Gibbs, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3430

RIN: 1545-AH05

584. ● TEMPORARY INCOME TAX REGULATIONS - EFFECTIVE DATE FOR REGULATIONS RELATING TO DIVERSIFICATION REQUIREMENTS FOR VARIABLE ANNUITY, ENDOWMENT, AND LIFE INSURANCE CONTRACTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 817 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1T

Abstract: These regulations provide the effective date for forthcoming regulations relating to the diversification requirements for variable annuity, endowment, and life insurance contracts.

Timetable:

Action	Date	FR Cite
Final Action T.D. 7989	10/26/84	49 FR 43052

Small Entity: Not Applicable

Additional Information: LR-160-84.

Drafting attorney: Linda M. Kroening (202) 566-3238.

Reviewing attorney: John H. Parcell (202) 566-3336.

Treasury attorney: Donald Rocap (202) 566-8527.

Agency Contact: Linda M. Kroening, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3238

RIN: 1545-AG77

585. ● EMPLOYMENT TAXES; APPLICATION OF THE REPEAL OF 30 PERCENT WITHHOLDING BY THE TAX REFORM ACT OF 1984 AND OF INFORMATION REPORTING AND BACKUP WITHHOLDING IN LIGHT OF SUCH REPEAL

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 871 Internal Revenue Code of 1954; 26 USC 881 Internal Revenue Code of 1954; 26 USC 1441 Internal Revenue Code of 1954; 26 USC 1442 Internal Revenue Code of 1954; 26 USC 3406 Internal Revenue Code of 1954; 26 USC 6041 Internal Revenue Code of 1954; 26 USC 6045 Internal Revenue Code of 1954; 26 USC 6049 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: These regulations provide rules relating to the repeal of 30 percent withholding by the Tax Reform Act of 1984, and backup withholding in light of such repeal.

Timetable:

Action	Date	FR Cite
Final Action T.D. 7969	08/22/84	49 FR 33239

Small Entity: No

Additional Information: LR-178-84.

Drafting attorney: Ann Fisher (202) 566-3289.

Reviewing attorney: Charles C. Saverude (202) 566-3323.

Treasury attorney: Peter Daub (202) 566-5791.

Agency Contact: P. Ann Fisher, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Room 4109, Washington, D.C. 20224, 202 566-3289

RIN: 1545-AH12

586. ● FSC GENERAL RULES, REQUIREMENTS, DEFINITIONS, AND SPECIAL RULES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 921 Internal Revenue Code of 1954; 26 USC 922 Internal Revenue Code of 1954; 26 USC 927 Internal Revenue Code of 1954; 26 USC 367 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: These regulations provide general rules regarding the requirements that a corporation must meet to be a foreign sales corporation (FSC) (or a small FSC) and the tax treatment of a FSC (or a small FSC) and specific rules regarding the requirements for FSC or small FSC status, the methods of electing and terminating FSC status, and the definition of and computation of carrying charges on sales or property by a FSC.

Timetable:

Action	Date	FR Cite
Final Action T.D. 7993	12/12/84	49 FR 48283

Small Entity: Not Applicable

Additional Information: LR-265-84.

Drafting attorney: P. Ann Fisher (202) 566-3289.

Reviewing attorney: J. Feldman (202) 566-3289.

Treasury attorney: J. Sarosdy (202) 566-8275.

Agency Contact: P. Ann Fisher, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3289**

RIN: 1545-AG67

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587. ● TEMPORARY INCOME TAX REGULATIONS UNDER THE TAX REFORM ACT OF 1984, RELATING TO TRANSITION RULES FOR DISCS AND FSCS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; PL 98-369, Sec. 803 Tax Reform Act of 1984; PL 98-369, Sec. 805 Tax Reform Act of 1984

CFR Citation: 26 CFR 921T

Abstract: The regulations relate to the transition rules for DISCs and FSCs, small FSCs and interest charge DISCs conformity of accounting period for FSCs and interest charge DISCs and their shareholders and forgiveness of tax on a DISC's accumulated DISC income.

Timetable:

Action	Date	FR Cite
Final Action	10/12/84	49 FR 40011
Final Action Effective	10/12/84	49 FR 40011

Small Entity: Not Applicable

Additional Information: LR-146-84.

Drafting attorney: Jacob Feldman (202) 566-3289.

Reviewing attorney: Charles Saverude (202) 566-3323.

Treasury attorney: Jane Sarosdy (202) 566-3289.

Agency Contact: Jacob Feldman, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3289**

RIN: 1545-AH65

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588. ● TEMPORARY INCOME TAX REGULATION UNDER THE TAX REFORM ACT OF 1984 RELATING TO FOREIGN MANAGEMENT AND FOREIGN ECONOMIC PROCESSES REQUIREMENTS OF A FOREIGN SALES CORPORATION

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 924(d)(4) Internal Revenue Code of 1954; 26 USC 925(b) Internal Revenue Code of 1954; 26 USC 927(d)(2)(B) Internal Revenue Code of 1954

CFR Citation: 26 CFR 924; 26 CFR 925; 26 CFR 927

Abstract: These regulations will provide rules for determining whether an FSC shall be treated as having foreign trading gross receipts by complying with requirement that certain management activities of the FSC take place outside the United States, and rules for determining whether a transaction is treated as producing foreign trading gross receipts because certain sales activities and activities relating to the disposition of export property are performed by the FSC outside of the United States.

Timetable:

Action	Date	FR Cite
Final Action T.D. 7994	12/12/84	49 FR 48243

Small Entity: Not Applicable

Additional Information: LR-266-84.

Drafting attorney: Nerman Dobynes Hubbard (202) 566-3289.

Reviewing attorney: Jacob Feldman (202) 566-3289.

Treasury attorney:

Agency Contact: Nerman Dobynes Hubbard, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3289**

RIN: 1545-AG73

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589. ● TREATMENT OF TRANSFER OF PROPERTY BETWEEN SPOUSES, TAX TREATMENT OF ALIMONY AND SEPARATE MAINTENANCE PAYMENTS, AND DEPENDENCY EXEMPTION IN THE CASE OF CHILD OF DIVORCED PARENTS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 1041 Internal Revenue Code of 1954; 26 USC 152 Internal Revenue Code of 1954; 26 USC 215 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1

Abstract: These regulations will provide rules relating to the treatment of transfers of property between spouses or former spouses incident to divorce. The regulations provide that no gain or loss is recognized on such transfers. The regulations will also provide a new definition of alimony and separate maintenance payments. In addition, the regulations provide that such payments are deductible by the payor and includible in income by the payee. Finally, the regulations will provide that a custodial parent may release his/her claim to the dependency exemption to the noncustodial parent.

Timetable:

Action	Date	FR Cite
Final Action T.D. 7973	08/31/84	49 FR 34451

Small Entity: Not Applicable

Additional Information: LR-136-84.

Drafting attorney: Ada S. Rousso (202) 566-3297.

Reviewing attorney: Robert H. Waltuch (202) 566-3287.

Treasury attorney: Don Rocap (202) 566-2927.

Agency Contact: Ada S. Rousso, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3297**

RIN: 1545-AH51

TREAS—IRS

Completed Actions

590. ● TEMPORARY INCOME TAX REGULATIONS UNDER THE ECONOMIC RECOVERY TAX ACT OF 1981 AND THE TAX REFORM ACT OF 1984, RELATING TO STRADDLES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 1092 (b) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1T

Abstract: These regulations will provide rules relating to tax straddles. The regulations will explain the general loss deferral rule under section 1092, the application of rules similar to sections 1091 and 1233 to straddles, and the elections under section 1092 (b).

Timetable:

Action	Date	FR Cite
Final Action T.D. 8007	01/24/85	50 FR 3317
Final Action Effective	01/24/85	50 FR 3317

Small Entity: Not Applicable

Additional Information: LR-296-84.

Drafting attorney: Neil W. Zyskind (202) 566-3287.

Reviewing attorney: John M. Fischer (202) 566-3394.

Treasury attorney: Linda Carlisle (202) 566-4519.

Agency Contact: Neil W. Zyskind, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3287

RIN: 1545-AH53

591. ● TEMPORARY INCOME TAX REGULATIONS UNDER THE TAX REFORM ACT OF 1984 RELATING TO MIXED STRADDLES

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 1092 (b) (1) Internal Revenue Code of 1954; 26 USC 1092 (b) (2) Internal Revenue Code of 1954

CFR Citation: 26 CFR 1T

Abstract: These regulations will provide rules relating to mixed straddles. The regulations will explain the application of the straddle-by-straddle identification rules of mixed straddles and the establishment of mixed straddle accounts.

Timetable:

Action	Date	FR Cite
Final Action Effective	01/01/84	50 FR 3324
Final Action T.D. 8008	01/24/85	50 FR 3324

Small Entity: Not Applicable

Additional Information: LR-298-84.

Drafting attorney: Neil W. Zyskind (202) 566-3287.

Reviewing attorney: John M. Fischer (202) 566-3394.

Treasury attorney: Susan McDowell (202) 566-8278.

Agency Contact: Neil W. Zyskind, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3287

RIN: 1545-AH54

592. ● SPECIAL ELECTION BY COMMODITIES DEALERS AND OPTIONS DEALERS TO BE AN S CORPORATION UNDER SECTION 102 (D) (3) OF THE TAX REFORM ACT OF 1984

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; PL 98-369, Sec 102 (d) (3) Tax Reform Act of 1984

CFR Citation: 26 CFR 18

Abstract: Section 102 (d) (3) of the Tax Reform Act of 1984 provided commodities dealers and options dealers a special election to become an S corporation. The regulation provides rules with respect to the time and manner of making the election as well as the effect of such election.

Timetable:

Action	Date	FR Cite
Final Action T.D. 7979	10/01/84	49 FR 38920

Small Entity: Not Applicable

Additional Information: LR-188-84.

Drafting attorney: Gail H. Morse (202) 566-3297.

Reviewing attorney: Walter H. Woo (202) 566-3297.

Treasury attorney: Fairlea Sheehy (202) 566-4902.

Agency Contact: Gail H. Morse, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3297

RIN: 1545-AH25

593. ● INCOME TAX: WITHHOLDING UPON DISPOSITIONS OF U.S. REAL PROPERTY INTERESTS BY FOREIGN PERSONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 1445 Internal Revenue Code of 1954

CFR Citation: 26 CFR 1T

Abstract: These regulations provide rules relating to the withholding tax imposed under section 1445 upon any person that acquired a U.S. real property interest from a foreign person. The regulations explain where withholding is required and how that requirement can be modified pursuant to an agreement with the IRS, and also provide rules relating to the manner in which amounts withheld are to be reported and paid over to the IRS.

Timetable:

Action	Date	FR Cite
Final Action T.D. 8000	12/31/84	49 FR 50667
Final Action Effective	01/01/85	49 FR 50667

Small Entity: Not Applicable

Additional Information: LR-218-84.

Drafting attorney: Robert E. Culbertson, Jr. (202) 566-3289.

Reviewing attorney: Charles C. Saverude (202) 566-3323.

Treasury attorney: Joseph L. Andrus (202) 566-2964.

Agency Contact: Robert E. Culbertson, Jr., Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3289

RIN: 1545-AG69

594. ● HEAVY VEHICLE USE TAX AND TAX ON DIESEL FUEL

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 4041 Internal Revenue Code of 1954; 26 USC 4481 Internal Revenue Code of 1954; 26 USC 4482 Internal Revenue Code of 1954; 26 USC 4483 Internal Revenue Code of 1954; 26 USC 6427 Internal Revenue Code of 1954

CFR Citation: 26 CFR 41; 26 CFR 48

Abstract: These regulations will impose a graduated use tax on heavy vehicles which use the public highways. Vehicles which use the public highways for 5000 miles or less (7,500 miles or less in the case of agricultural vehicles) will be exempt. This tax will be

effective on July 1, 1984. The regulations will also impose an increase in the tax on diesel fuel to 15 cents a gallon and provide a one time credit or refund to original purchasers of diesel-powered highway vehicles. The increased diesel fuel tax is effective August 1, 1984.

Timetable:

Action	Date	FR Cite
Regulations project closed on	12/28/84	

Small Entity: Not Applicable

Additional Information: LR-268-84.

Drafting attorney: William A. Jackson.

Reviewing attorney: Robert Coplan.

Treasury attorney: Mark Perlis.

Agency Contact: William A. Jackson, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-4336**

RIN: 1545-AH55

595. ● TEMPORARY PROCEDURE AND ADMINISTRATION REGULATIONS RELATING TO TAX SHELTER REGISTRATION AND THE REQUIREMENT TO MAINTAIN LISTS OF INVESTORS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 6111 Internal Revenue Code of 1954

CFR Citation: 26 CFR 301T

Abstract: This project will provide rules to suspend the tax shelter registration requirements for tax shelters that are projected income investments.

Timetable:

Action	Date	FR Cite
Final Action Effective	09/01/84	49 FR 43640
Final Action T.D. 7990	10/31/84	49 FR 43640

Small Entity: Not Applicable

Additional Information: LR-186-84.

Drafting attorney: Cynthia L. Clark (202) 566-3288.

Reviewing attorney: John H. Parcell (202) 566-3336.

Treasury attorney: Richard D'Avino (202) 566-4979.

Agency Contact: Cynthia L. Clark, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., NW, Washington, D.C. 20224, **202 566-3288**

RIN: 1545-AH34

596. ● TEMPORARY REGULATIONS UNDER TEFRA RELATING TO SPECIAL ENFORCEMENT AREAS UNDER THE RULES FOR CONSOLIDATED PARTNERSHIP PROCEEDINGS

Legal Authority: 26 USC 6231 (c) (1) Internal Revenue Code of 1954; 26 USC 6231 (c) (3) Internal Revenue Code of 1954

CFR Citation: 26 CFR 301T

Abstract: These regulations will provide rules relating to special enforcement areas under the rules for consolidated partnership proceedings. Specifically, they will identify certain applications for tentative adjustments ("Quick Refunds") and refund claims attributable to abusive tax shelters as areas that have been determined to present special enforcement considerations.

Timetable:

Action	Date	FR Cite
Final Action Effective	12/10/84	49 FR 48536
Final Action T.D. 7996	12/13/84	49 FR 48536

Small Entity: Not Applicable

Additional Information: LR-241-84.

Drafting attorney: Nerman Dobynes Hubbard (202) 566-3289.

Reviewing attorney: Paul A. Francis (202) 566-3930.

Treasury attorney: Mark Perlis (202) 566-2926.

Agency Contact: Nerman Dobynes Hubbard, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3289**

RIN: 1545-AH47

597. ● TEMPORARY PROCEDURE AND ADMINISTRATION REGULATIONS - INCREASED RATE OF INTEREST ON SUBSTANTIAL UNDERPAYMENTS ATTRIBUTABLE TO CERTAIN TAX MOTIVATED TRANSACTIONS

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954; 26 USC 6621 Internal Revenue Code of 1954

CFR Citation: 26 CFR 301T

Abstract: The regulations provide guidance to taxpayers subject to the increased rate of interest on substantial underpayments attributable to certain tax motivated transactions. The regulations define tax motivated underpayment and accounting methods that may result in a substantial distortion of income. The regulations also provide rules for determining the amount of a tax motivated underpayment and the accrual of interest at the increased rate.

Timetable:

Action	Date	FR Cite
Final Action T.D. 7998	12/28/84	49 FR 50390

Small Entity: Not Applicable

Additional Information: LR-166-84.

Drafting attorney: Linda M. Kroening (202) 566-3238.

Reviewing attorney: John H. Parcell (202) 566-3336.

Treasury attorney: Richard D'Avino (202) 566-4979.

Agency Contact: Linda M. Kroening, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, **202 566-3238**

RIN: 1545-AG76

598. ● CERTAIN ELECTIONS UNDER THE DEFICIT REDUCTION ACT OF 1984

Legal Authority: 26 USC 7805 Internal Revenue Code of 1954

CFR Citation: 26 CFR 5h; 26 CFR 18

Abstract: The regulations provide rules with respect to the time and manner of making various elections under the Deficit Reduction Act of 1984.

TREAS—IRS

Completed Actions

Timetable:

Action	Date	FR Cite
Final Action T.D. 7976	09/10/84	49 FR 35486

Small Entity: Not Applicable

Additional Information: LR-132-84.

Drafting attorney: Gail H. Morse (202) 566-3297

Reviewing attorney: John M. Fischer (202) 566-3394

Treasury attorneys: Neil Kimmelfield/Jim Bridgeman (202) 566-8527.

Agency Contact: Gail H. Morse, Attorney, Department of the Treasury, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224, 202 566-3297

RIN: 1545-AH23

[FR Doc. 85-6375 Filed 04-26-85; 8:45 am]

BILLING CODE 4830-01-T

Federal Register

Monday
April 29, 1985

Part XVI

ACTION

Semiannual Regulatory Agenda

ACTION

ACTION

45 CFR Ch. XII

Executive Order 12291, Federal Regulation, Semiannual Agenda of Regulations

AGENCY: ACTION.

ACTION: Publication of semiannual agenda.

SUMMARY: This agenda announces the regulations that ACTION will have under development, revision or review during the 12 month period from April 1985 to April 1986. The purpose for publishing this agenda is to give notice of any regulatory activity by the Agency in order to allow the public an opportunity to participate in the rulemaking process.

FOR FURTHER INFORMATION CONTACT: The public is encouraged to contact the Agency official listed for the particular agenda item. For other information concerning ACTION regulations or this semiannual agenda contact Ronald C. Owens, Associate General Counsel, ACTION, 806 Connecticut Avenue, N.W., Washington, D.C. 20525, (202) 634-9333.

SUPPLEMENTARY INFORMATION: In accordance with Executive Order 12291, Federal Regulation, and the Regulatory Flexibility Act (5 U.S.C. 605) executive agencies are required to publish in the **Federal Register** semiannual regulatory agendas in April and October of each year.

The regulations being considered by ACTION are not "major" rules within the meaning of E.O. 12291 and no Regulatory Impact Analysis is required. ACTION has determined that the regulations under consideration will not impose compliance costs or reporting burdens on the public; and that the regulations will not have a significant economic impact on a substantial number of small entities. Accordingly, no Regulatory Analysis is required under 5 U.S.C. 602.

DATED: March 5, 1985.

Thomas W. Pauken,

Director, ACTION.

ACTION (ACTION) — Current and Projected Rulemakings

NONDISCRIMINATION IN FEDERALLY ASSISTED PROGRAMS

Legal Authority: 42 USC 2000(d)(1); 42 USC 5057; 42 USC 5060

CFR Citation: 45 CFR 1203

Abstract: In accordance with 42 USC 2000(d)(1) ACTION will promulgate regulations implementing provisions of title VI of the Civil Rights Act of 1964, title IX of the Education Amendments of 1972, as amended, and section 417 of the Domestic Volunteer Service Act of 1973, as amended, which prohibit discrimination on the basis of race, color, national origin, religion or sex, in federally assisted programs. Relevant provisions of existing ACTION title VI regulations will be subsumed into this new regulation.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Agency Contact: Jess Quintero, Deputy Director for Equal Opportunity, ACTION, Office of Compliance, 806 Connecticut Ave., NW, Washington, DC 20525, **202 634-9757**

RIN: 3001-AA06

ENFORCEMENT OF NONDISCRIMINATION ON THE BASIS OF HANDICAP IN ACTION PROGRAMS

Legal Authority: 29 USC 794; 42 USC 5057; 42 USC 5060

Abstract: In accordance with section 504 of the Rehabilitation Act of 1973, as amended (29 USC 794), ACTION will promulgate implementing regulations which prohibit discrimination on the basis of handicap in federally conducted programs and activities. ACTION regulations prohibiting discrimination on the basis of handicap in federally assisted programs are contained in 45 CFR 1232.

Timetable:

Action	Date	FR Cite
Pending DOJ review	00/00/00	

Small Entity: No

Agency Contact: Jess Quintero, Deputy Director for Equal Opportunity, ACTION, Office of Compliance, 806 Connecticut Ave., NW, Washington, DC 20525, **202 634-9757**

RIN: 3001-AA07

DENIAL OF APPLICATION FOR REFUNDING

Legal Authority: 42 USC 5052; 42 USC 5060

CFR Citation: 45 CFR 1206

Abstract: In accordance with Public Law 98-288, 1984 amendments to the Domestic Volunteer Service Act of 1973, ACTION will revise existing denial of refunding regulations.

Timetable:

Action	Date	FR Cite
NPRM	03/00/85	

Small Entity: No

Agency Contact: J. C. Argetsinger, General Counsel, ACTION, 806 Connecticut Ave., NW, M-607, Washington, DC 20525, **202 634-9333**

RIN: 3001-AA08

[FR Doc. 85-6376 Filed 04-26-85, 8:45 am]

BILLING CODE 6050-28-T

Federal Register

Monday
April 29, 1985

Part XVII

Advisory Council on Historic Preservation

Semiannual Regulatory Agenda

ACHP

ADVISORY COUNCIL ON HISTORIC PRESERVATION

36 CFR Ch. VIII

Regulatory Agenda

AGENCY: Advisory Council on Historic Preservation.

ACTION: Notice of regulatory agenda.

SUMMARY: This Regulatory Agenda is a semiannual summary of each proposed and each final regulation that the Advisory Council on Historic Preservation expects to publish in the **Federal Register** during the next twelve (12) months.

ADDRESS: Advisory Council on Historic Preservation, 1100 Pennsylvania Avenue, N.W., Suite 809, The Old Post Office Building, Washington, D.C. 20004.

FOR FURTHER INFORMATION CONTACT: John Fowler, General Counsel, Advisory Council on Historic Preservation, 202-786-0503.

DATED: March 15, 1985.

Robert R. Garvey, Jr.,

Executive Director.

ADVISORY COUNCIL ON HISTORIC PRESERVATION (ACHP) — Current and Projected Rulemakings

PROTECTION OF HISTORIC AND CULTURAL PROPERTIES

Priority: Agency Determination

Legal Authority: 16 USC 470 et seq

CFR Citation: 36 CFR 800

Abstract: In order to streamline and increase the effectiveness of the Council's regulations at 36 CFR Part 800, the Council is in the process of preparing revisions to its regulations. The reason for the revisions is to implement new regulatory authorities set forth in PL 96-515, and to improve the efficiency of the historic preservation review process. The alternative to revision of the regulations is to leave them as they are, which would not achieve the goals the Council seeks. The revisions are expected to reduce the cost of complying with the regulations.

Timetable:

Action	Date	FR Cite
Revisions to Regulations	00/00/00	

Small Entity: No

Agency Contact: John M. Fowler, General Counsel, Advisory Council on Historic Preservation, 1100 Pennsylvania Avenue NW, Suite 809, Washington, DC 20004, 202 786-0503

RIN: 3010-AA00

[FR Doc. 85-6691 Filed 04-26-85; 8:45 am]

BILLING CODE 4310-10-T

Monday
April 29, 1985

Part XVIII

Architectural and Transportation Barriers Compliance Board

Semiannual Regulatory Agenda

ATBCB

ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

36 CFR Ch. XI

Unified Agenda of Federal Regulations

AGENCY: Architectural and Transportation Barriers Compliance Board.

ACTION: Submission of Unified Agenda of Federal Regulations.

SUMMARY: The Architectural and Transportation Barriers Compliance Board submits the following agenda of proposed regulatory activities which may be conducted by the agency during the next twelve months. This regulatory agenda may be revised and/or refined by the agency during the coming months as a result of action taken by the Board. In addition to any regulatory actions, the Board may also consider issuing advisory standards and/or policy statements as part of its statutory responsibilities. When appropriate, these standards and policies will also be published in the **Federal Register.**

ADDRESS: U.S. Architectural and Transportation Barriers Compliance Board, 330 C Street, S.W., Room 1010, Washington, D.C. 20202.

FOR FURTHER INFORMATION CONTACT: For information concerning Board regulations and proposed actions, contact Ms. Sally Free, Office of Technical Services, 202/472-2700 voice or TDD or 202/245-1591 (messages--voice or TDD).

Charles Hauser,

Chairperson, Architectural and Transportation Barriers Compliance Board

ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD (ATBCB)

Current and Projected Rulemakings

ENFORCEMENT OF NONDISCRIMINATION ON THE BASIS OF HANDICAP IN ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD PROGRAMS

Priority: Undetermined

Legal Authority: 29 USC 794 Rehabilitation Act of 1973, as amended

CFR Citation: 36 CFR 1154

Abstract: This proposed regulation sets forth procedures and policies to assure nondiscrimination on the basis of handicap in programs and activities conducted by the Board. Patterned on the prototype regulation prepared by the Department of Justice, the draft regulation is under consideration by the Board.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Additional Information: Phone number of agency contact is voice or TDD.

Agency Contact: Merrily Raffa, General Counsel, Architectural and Transportation Barriers Compliance Board, 330 C Street, S.W., Room 1010, Washington, DC 20202, **202 245-1801**

RIN: 3014-AA02

ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD (ATBCB)

Existing Regulations Under Review

MINIMUM GUIDELINES AND REQUIREMENTS FOR ACCESSIBLE DESIGN

Priority: Agency Determination

Legal Authority: 29 USC 792(b)(7) Rehabilitation Act of 1973, as amended

CFR Citation: 36 CFR 1190

Abstract: Specific provisions of the ATBCB Minimum Guidelines and Requirements for Accessible Design have been reserved until such time as sufficient research, information, and/or field experience is obtained. In addition to these reserved provisions, the Board has indicated that additional information would be useful on other provisions contained in the regulation and on other access issues. As materials and experience become available in these areas, the Board plans to take the appropriate action to complete or revise these requirements. Information on alternatives being considered for addressing a particular provision, and the potential costs and benefits of the action being proposed will be provided during the rulemaking process. The last revision to the Minimum Guidelines and Requirements for Accessible Design was published 08/04/82 (47 FR 33862).

Timetable:

Action	Date	FR Cite
End Review	00/00/00	

Small Entity: No

Additional Information: Phone number of agency contact is voice or TDD.

Agency Contact: Ms. Sally Free, Director-Office of Technical Services, Architectural and Transportation Barriers Compliance Board, 330 C Street, S.W., Room 1010, Washington, DC 20202, **202 472-2700**

RIN: 3014-AA00

ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD (ATBCB)

Completed Actions

COMPLETED RULEMAKINGS

PRIVACY ACT REGULATION

Priority: Undetermined

Legal Authority: 5 USC 552a Privacy Act of 1974

CFR Citation: 36 CFR 1121

Abstract: The Privacy Act requires agencies to issue regulations to implement the Act. The purposes of these regulations are to establish procedures by which an individual can determine if the Board maintains a system of records which include a record pertaining to that individual and to establish procedures for individual access to the records for review, amendment and/or correction.

Timetable:

Action	Date	FR Cite
Final Action	01/29/84	50 FR 3904
NPRM	11/06/84	49 FR 44310
NPRM Comment Period Begin	11/06/84	
NPRM Comment Period End	12/06/84	

Small Entity: No

Agency Contact: Merrily Raffa, General Counsel, Architectural and Transportation Barriers Compliance Board, 330 C Street, S.W. Room 1010, Washington, DC 20202, 202 245-1801

RIN: 3014-AA01

[FR Doc. 85-6512 Filed 04-26-85; 8:45 am]

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Monday
April 29, 1985

Part XIX

Council on Environmental Quality

Semiannual Regulatory Agenda

CEQ

COUNCIL ON ENVIRONMENTAL QUALITY

40 CFR Ch. V

Semiannual Agenda of Regulations March 21, 1985.

AGENCY: Council on Environmental Quality.

ACTION: Publication of the semiannual agenda of regulations.

SUMMARY: Pursuant to the Regulatory Flexibility Act (5 U.S.C. 605) and Executive Order No. 12291, "Federal Regulations," dated February 17, 1981 the Council on Environmental Quality is required to publish in April and October of each year an agenda of proposed regulations that the Council has issued or expects to issue and current rules that are under agency review.

FOR FURTHER INFORMATION CONTACT: Questions should be addressed to: Dinah Bear, General Counsel, Council on Environmental Quality, 722 Jackson Place, N.W., Washington, D.C. 20006 (202) 395-5754.

A. Alan Hill,
Chairman.

COUNCIL ON ENVIRONMENTAL QUALITY (CEQ)

Existing Regulations Under Review

● NATIONAL ENVIRONMENTAL POLICY ACT REGULATION ON INCOMPLETE OR UNAVAILABLE INFORMATION

Priority: Agency Determination

Legal Authority: EO 11991; 42 USC 4321 to 4347

CFR Citation: 40 CFR 1502.22

Abstract: This was an Advance Notice of Proposed Rulemaking in which the Council requested public comments on specific questions relating to the regulation under review. 49 Fed. Reg. 50,744 (1984). The regulation has been under review for resolution of the issues raised by recent judicial opinions.

Timetable:

Action	Date	FR Cite
ANPRM	12/31/84	49 FR 50744
ANPRM Comment Period Begin	12/31/84	49 FR 50744
ANPRM Comment Period End	02/15/85	
NPRM	05/01/85	

Small Entity: Undetermined

Public Compliance Cost: Initial Cost: $0; Yearly Recurring Cost: $0

Affected Sectors: Multiple

Government Levels Affected: State, Federal

Agency Contact: Dinah Bear, General Counsel, Council on Environmental Quality, 722 Jackson Place, NW, Washington, DC 20006, 202 395-5754

RIN: 0331-AA01

[FR Doc. 85-7905 Filed 04-26-85; 8:45 am]

BILLING CODE 3125-01-T

federal register

Monday
April 29, 1985

Part XX

Environmental Protection Agency

Semiannual Regulatory Agenda

EPA

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Ch. I

[FRL #2803-8]

Regulatory Agenda

AGENCY: Environmental Protection Agency (EPA).

ACTION: Regulatory agenda.

SUMMARY: EPA revises the Regulatory Agenda semiannually and it appears in the **Federal Register** each April and October. It provides specific information on the status of regulations that are under development, revision, and review at the Agency. The Agenda is published to keep interested parties informed of the progress of EPA regulations.

ADDRESSES: For specific information on any item in the Agenda, please contact the person listed with each entry.

If you have any suggestions for improving this publication, or need general information about the Agenda, please call or write to Angela Tyler, Regulation Management Staff, Environmental Protection Agency, PM-223, Washington, D.C. 20460, (202) 382-7203.

If you want to be on the mailing list for future Agendas, please call or write to Penelope Parker, Regulation and Information Management Division, Environmental Protection Agency, PM-223, Washington, D.C., 20460, (202) 382-5475.

FOR FURTHER INFORMATION CONTACT: Angela Tyler, (202) 382-7203.

SUPPLEMENTARY INFORMATION:

Organization of the Agenda

The Agenda is organized by statutory area -- generally by the titles of the major legislation authorizing EPA's pollution control programs. In a few cases, the Agenda combines regulations with differing statutory authorities that have closely-related subject matter. For example, the Fuel Economy Data regulation under the Energy Policy and Conservation Act appears together with mobile source regulations under the Clean Air Act. Also, a list of abbreviations of terms used in this document is included as Appendix A.

The statutory areas appear in the following order:

Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)
Federal Food, Drug, and Cosmetics Act (FFDCA)
Toxic Substances Control Act (TSCA)
Clean Water Act (CWA)
Marine, Protection, Research, and Sanctuaries Act (MPRSA)
Atomic Energy Act (AEA)
Uranium Mill Tailings Radiation Act (UMTRA)
Safe Drinking Water Act (SDWA)
Resource Conservation and Recovery Act (RCRA)
Hazardous and Solid Waste Management Act (HSWA)
Clean Air Act (CAA)
Energy Policy and Conservation Act (EPCA)
Comprehensive Environmental Response, Compensation, and Liability Act (Superfund) (CERCLA)
General -- Other Acts (including general grant and procurement regulations and regulations that cut across several program areas)

This Agenda includes the HSWA amendments that reauthorized the RCRA program. The President signed HSWA into law on November 8, 1984. Many of the provisions are effective immediately; other provisions establish tight schedules for Agency rulemaking. Also, some sections of the statute establish "hammer" provisions -- i.e., requirements that are effective on a certain date by statute if EPA fails to issue regulations before that date.

The following is a summary of the law's major provisions:

- A new program for banning wastes from land disposal;
- Prohibition against certain land disposal practices;
- Minimum technological measures for landfills, surface impoundments and incinerators;
- Requirements for retrofitting certain existing surface impoundments with liners;
- Authority to expedite permits for new and innovative treatment technologies to foster research and development;
- Authority to require permit conditions beyond the scope of EPA's existing regulations;
- Tighter controls on small quantity generators of hazardous wastes;
- Requirements to identify additional hazardous wastes;
- A full assessment of the hazard posed by a waste before EPA may delist it;
- Requirements for thorough inspections of State and Federal facilities;
- Enhanced Federal enforcement authorities;
- Specific controls on the burning and blending of hazardous wastes as fuels;
- Specific requirements for the regulation of used oil;
- Tighter controls on the export of hazardous wastes;
- A new program for identifying health risks presented by individual surface impoundments and landfills;
- An expanded program for the regulation of solid waste management facilities;
- Greater citizen involvement in "imminent and substantial hazard" cases under section 7003;
- A major new program for regulating underground tanks; and
- Establishment of a National Groundwater Commission.

This Agenda addresses current Agency activities in response to HSWA. The Agency is indefinitely postponing some RCRA actions listed in the previous (October 1984) Agenda, because the Agency has given higher priority to implementing the new HSWA amendments.

Within each statutory area the entries are divided into three categories: (1) Regulations currently under development; (2) regulations under review; and (3) regulations and reviews of regulations that EPA is deleting from the Agenda because the Agency has completed, withdrawn, or postponed them indefinitely. Detailed information on each of these sections is presented below.

Current and Projected Regulations

Current and projected regulations are generally listed in the Agenda once they are within a year of scheduled publication as a notice of proposed rulemaking (NPRM) or final action. Very important regulations will usually appear when the scheduled publication dates are more than a year away.

The current and projected regulations appear as: (a) "New Regulations," i.e., actions that will create new CFR parts, subparts, or subsections; or (b) "Revised Regulations," i.e., actions that revise or amend already existing CFR parts, subparts, or subsections. The word "revision" will appear in parentheses after the title of each regulation undergoing revisions. All regulations

appearing in the Agenda for the first time are marked with bullets.

The regulations are ordered numerically, by section number of the authorizing legislation. For example, all air regulations under section 109 of the Clean Air Act will appear before those under section 111.

The current and projected listing include most of the regulations under development that:
- Are subject to Executive Order 12291;
- The Presidential Task Force on Regulatory Relief has identified; or
- The Agency has designated for priority development or revision.

However, the listings exclude: (a) Specialized categories of actions (such as EPA approvals of state plans and other actions that do not apply nationally); and (b) routine actions (such as pesticide tolerances and minor amendments to existing rules).

For each current and projected regulation the Agenda includes:
- The title,
- The priority classification (if applicable),
- The legal authority,
- The CFR reference,
- A short abstract,
- An analysis section (if the Agency is preparing a Regulatory Impact Analysis [RIA] and/or a Regulatory Flexibility Analysis [RFA]),
- A timetable of existing and scheduled actions,
- A reference to small entity impacts,
- An Agency contact, and
- An additional information section.

The additional information section includes the FTS phone number for the Agency contact. It also includes the Start Action Request (SAR) number, which is assigned to the regulation for internal tracking purposes.

Regulations Under Review

The Agenda identifies existing EPA regulations: (1) That are now under review, or (2) whose review will begin before EPA publishes the next Agenda. The purpose of such reviews is to determine whether the Agency should revise the rule, rescind it, or leave it unchanged. If EPA decides to revise or rescind the regulation, the action will appear in the following Agenda as an entry in the appropriate section for current and projected rules, and will state the timetable for completing the revision or rescission.

The review section also includes evaluations of major information collection activities the Agency is conducting under the Paperwork Reduction Act (PRA). The Agency is currently performing reviews in three regulatory areas: General Pretreatment, New Source Performance Standards, and Superfund. The purpose of these reviews is to assess the quality, utility, effectiveness and efficiency of information requirements.

For each regulation under review, the Agenda provides the title, a short abstract, legal authority, CFR reference, any analysis EPA is preparing, contact person, and the schedule for completing the review. It also indicates the "review authority," which in many cases is different from the regulation's statutory authority. EPA reviews regulations under various mandates, and some reviews satisfy more than one of these mandates. The principal mandates are:

Executive Order 12291 establishes the general policy that EPA should review its existing regulations to ensure that the costs of these regulations are justified by their benefits.

The Regulatory Flexibility Act (5 USC 610) requires that EPA review existing regulations that have a significant impact on a substantial number of small entities, including small businesses, small organizations, and small governments, at least once every ten years. EPA issued its plan for conducting these reviews on July 16, 1981, at 46 FR 36930, and asked for public comment. The Agency has used those comments in identifying candidates for review. EPA invites public comment on the need to revise this candidate list.

Reviews under the RFA are identified by a "Yes" in the "small entity" category. When the Agency completes reviews of regulations with a significant impact on small entities, the Agenda entry includes an abstract that announces the Agency's decision of whether to revise, rescind, or leave the regulation unchanged. This announcement complies with the RFA and EPA's July 1981 plan for reviewing regulations under the Act.

The Paperwork Reduction Act mandates Federal agencies to:
- Minimize the paperwork burden that they impose on the public, and on State and local governments;
- Minimize the cost to the Federal government of collecting, maintaining, using, and disseminating information; and
- Maximize the usefulness of information collected by the Federal government.

To fulfill this mandate, EPA reviews its information collection activities to determine that:
- The Agency needs and will actually use all of the information that will be collected;
- The information to be collected does not already exist at EPA or at some other Federal agency;
- The information will be collected, managed, and used as efficiently as possible;
- The information will be of high quality, appropriate to its intended use; and
- The costs of collecting the information -- both to the respondents and to EPA -- will be held to a minimum.

Completed Actions

These are actions that appeared in the last Agenda, but which EPA is deleting because they are completed or are no longer under consideration. The information given on these regulations and reviews of regulations is less detailed than for those that are still under consideration. Generally, entries include: (1) The date and **Federal Register** citation, if any, of the last action on the regulation, and (2) an explanation of why the Agency is deleting the regulation from the Agenda.

Milton Russell,

Assistant Administrator for Policy, Planning, and Evaluation.

DATED: March 27, 1985.

Appendix A: Abbreviations

ANPRM - Advance Notice of Proposed Rulemaking
AOD - Argon-Oxygen Decarbonization
BAT - Best Available Technology
BCT - Best Conventional Technology
BOD - Biochemical Oxygen Demand
BPT - Best Practicable Technology
CA - Cooperative Agreements
CAG - Carcinogenic Assessment Group
CBOD - Carbonaceous Biochemical Oxygen Demand
CEQ - Council on Environmental Quality
CFR - Code of Federal Regulations
DOE - Department of Energy
EAF - Electric Arc Furnaces
FR - Federal Register
FTS - Federal Telecommunications System
GCWR - Gross Combination Weight Rating
GVWR - Gross Vehicle Weight Rating

EPA

HDE - Heavy-Duty Engine
HDT - Heavy-Duty Truck
HDV - Heavy-Duty Vehicle
ICS - Intermittent Control System
LDT - Light-Duty Truck
LDV - Light-Duty Vehicle
MCL - Maximum Contaminant Level
NEPA - National Environmental Policy Act
NPDES - National Pollutant Discharge Elimination System
NPRM - Notice of Proposed Rulemaking
NRDC - Natural Resources Defense Council
NSO - Nonferrous Smelter Orders
NSPS - New Source Performance Standards
OAQPS - Office of Air Quality Planning and Standards
OPP - Office of Pesticide Programs
OPTS - Office of Pesticides and Toxic Substances
OSHA - Occupational Safety and Health Administration
PCB - Polychlorinated Biphenyl
POTW - Publicly Owned Treatment Work
PSD - Prevention of Significant Deterioration
PSES - Pretreatment Standards for Existing Sources
PSNS - Pretreatment Standards for New Sources
RFA - Regulatory Flexibility Act
RIA - Regulatory Impact Analysis
RIN - Regulatory Identifier Number
RMCL - Recommended Maximum Contaminant Level
SAR - Start Action Request
SIC - Standard Industrial Code
SSC - State Superfund Contracts
TSS - Total Suspended Solids
UIC - Underground Injection Control
USC - United States Code
VOC - Volatile Organic Chemical

Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)—Current and Projected Rulemakings

Sequence Number	Title	Regulation Identifier Number
1	SAR No. 1828. Restricted Use Classification for Certain Active Ingredients Used in Fumigants	2070-AA00
2	SAR No. 1964. Comprehensive Revision of Pesticide Registration, Labeling, and Classification Procedures (Revision)	2070-AA56
3	*SAR No. 1932. Special Review Criteria and Procedures (Revision)	2070-AA57
4	SAR No. 1965. Pesticide Products; Package Size Exemption for Child Resistant Packaging (Revision)	2070-AA93
5	SAR No. 2251. Pesticides Applied to Bodies of Water (Revision)	2070-AB32
6	SAR No. 2252. Pesticide Registration Standards: Docketing and Public Participation Procedures	2070-AB33
7	SAR No. 2123. Policy Statement Regarding Certain Microbial Products	2070-AB34
8	SAR No. 1963. Tolerance Fees for Pesticide Chemicals (Revision)	2070-AA46
9	SAR No. 2180. Enforcement Policy Regarding Failures to Report Information Under Section 6(a)(2) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)(REVISION)	2070-AB12
10	SAR No. 2179. Rescission of Efficacy Data Waiver for Vertebrate Control Products (Revision)	2070-AB19
11	SAR No. 1747. Registration of Pesticide Producing Establishment (Revision)	2070-AA04
12	SAR No. 2017. Rule Governing Issuance of Emergency Exemptions from FIFRA (Revision)	2070-AA41
13	SAR No. 2006. Guidelines on Disposal and Storage of Pesticides (Revision)	2070-AA61
14	SAR No. 1640. Worker Protection Standards for Agricultural Pesticides (Revision)	2070-AA49
15	SAR No. 2013 User Charges for Pesticide Registrations	2070-AA64

*Indicates priority regulation

Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)—Completed Actions

Sequence Number	Title	Regulation Identifier Number
16	*SAR No. 1837. Data Requirements for Registration (Revision)	2070-AA07

*Indicates priority regulation.

Toxic Substances Control Act (TSCA)—Current and Projected Rulemakings

Sequence Number	Title	Regulation Identifier Number
17	SAR No. 1137. Decisions on Test Rules for the Interagency Testing Committee (ITC) Priority Lists 1st Through 8th and 10th through 15th	2070-AB07
18	SAR No. 2253. Testing Rule and Requirements for Data Submission: Dioxins/Furans: Testing Rule and Requirements for Data Submission	2070-AB21
19	SAR No. 2245. General Exemption Policy for Test Rules (Revision)	2070-AB30
20	*SAR No. 1820. PMN Exemption for Low Volume Chemicals	2070-AA36
21	SAR No. 1923. Follow-up Rules on Existing Chemicals	2070-AA58
22	SAR No. 1976. Follow-up Rules on Non-5(e) New Chemicals	2070-AA59

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Toxic Substances Control Act (TSCA)—Current and Projected Rulemakings—Continued

Sequence Number	Title	Regulation Identifier Number
23	SAR No. 1134a. Premanufacture Notification: Stayed Provisions (Revision)	2070-AA94
24	SAR No. 2124. Section 5(b)(4) for Certain Chemical Substances	2070-AB17
25	SAR No. 2250. General Regulations on Significant New Use Rules (SNURs) (Revision)	2070-AB26
26	SAR No. 2246. Significant New Use Rules to Extend Provisions of Section 5(e) Orders	2070-AB27
27	SAR No. 2247. General Significant New Use Rule (SNUR)	2070-AB28
28	SAR No. 2123. Policy Statement Regarding Certain Microbial Products	2070-AB31
29	SAR No. 2056. PCB Transformers in Buildings (Revision)	2070-AA70
30	SAR No. 2032. Regulatory Investigation of 2-Ethoxyethanol, 2-Methoxyethanol and Their Acetates (Glycol Ethers)	2070-AA71
31	*SAR No. 2114. Section 9 Report on 1,3-Butadiene	2070-AB04
32	SAR No. 2149. Regulatory Investigation of Metalworking Fluids	2070-AB09
33	SAR No. 2146. Regulatory Investigation of Formaldehyde	2070-AB14
34	SAR No. 2150. Polychlorinated Biphenyls (PCBs): Renewal of Applications for Exemptions from the Ban on Manufacturing, Processing, and Distribution	2070-AB20
35	SAR No. Regulatory Investigation of 4,4'-Methylene bis (Chloroaniline) (MBOCA)	2070-AB22
36	SAR No.2243. Asbestos Abatement Building Occupant Protection Rule	2070-AB23
37	SAR No. Asbestos Abatement Worker Protection Rule	2070-AB24
38	SAR No.2244. Polychlorinated Biphenyls (PCBs): Manufacturing, Processing, Distribution in Commerce, and Use Prohibitions; Exclusions and Use Authorizations (Revision)	2070-AB25
39	SAR No. 1139b. Health and Safety Data Reporting; Submission of Tests and Copies of Health and Safety Data (Revision)	2070-AA76
40	SAR No. 1138a. Section 8(c) Records and Reports of Allegations of Significant Adverse Reactions to Health and the Environment (Revision)	2070-AA86
41	SAR No. 1137d. Chemical Information Rules; Additional Automatic Reporting (Revision)	2070-AA98
42	*SAR No. 2115. Partial Updating of Certain TSCA Inventory Data Base	2070-AA99
43	SAR No. 2178. Section 8 (a) Preliminary Assessment Information Rule	2070-AB08
44	SAR No. 1139a. Section 8(d) Health and Safety Data Reporting Rule	2070-AB11
45	SAR No. 2129. TSCA Section 8(a) Comprehensive Assessment Information Rule (CAIR)	2070-AB13
46	SAR No. 1139b. Section 8(d) Health and Safety Reporting Rule (revision)	2070-AB35
47	SAR No. 2176. Section 9 Report on 4,4'- Methylenedianiline (4,4'-MDA)	2070-AB15
48	SAR No. 2248. Section 9 Report on Asbestos	2070-AB29

*Indicates priority regulation.

Toxic Substances Control Act (TSCA)—Existing Regulations Under Review

Sequence Number	Title	Regulation Identifier Number
49	Review of TSCA Section 8(c) Adverse Reactions Reporting and Recordkeeping Requirements	2070-AB03

Toxic Substances Control Act (TSCA)—Completed Actions

Sequence Number	Title	Regulation Identifier Number
50	SAR No. 1669. General Exemption Policy for Test Rules	2070-AA15
51	*SAR No. 1881. PMN Exemption for Polymers	2070-AA37
52	*SAR No. 2150. Leaking Underground Storage Tanks; Initiation of Regulatory Action	2070-AB18
53	SAR No. 1529. Standards for Excluding Small Manufacturers from TSCA 8(a)	2070-AA31
54	SAR No. 2177. Section 8(a) Rules for Polybrominated Biphenyls (PBB) and Tris (2,3-dibromopropyl)phosphate	2070-AB16
55	*SAR No. 1627. Rules Restricting the Commercial and Industrial Use of Asbestos Fibers	2070-AA29

*Indicates priority regulation.

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Clean Water Act (CWA)—Current and Projected Rulemakings

Sequence Number	Title	Regulation Identifier Number
56	SAR No. 2163. State Sludge Program Regulations	2040-AA73
57	SAR No. 1722. Simplifying Construction Grants Regulations (Revision)	2040-AA70
58	SAR No. 2267. Cost Control of Construction Grant Increases Regulation (Revision)	2040-AA71
59	SAR No. 1725. NPDES New Source and Short Application Forms (Revision)	2040-AA00
60	SAR No. 1404. Requirements for Application for 301(c) Variances	2040-AA01
61	SAR No. 1634. Waivers from BAT for Nonconventional Pollutants under 301(g) (Revision)	2040-AA02
62	*SAR No. 1415. Effluent Guidelines for Organic Chemicals and Plastics and Synthetic Fibers	2040-AA05
63	SAR No. 1649. Effluent Guidelines for Offshore Oil and Gas Industry (Revision)	2040-AA12
64	SAR No. 1427. Effluent Guidelines for Pharmaceuticals (Revision)	2040-AA13
65	SAR No. 1411. Effluent Guidelines for Paint Formulation	2040-AA15
66	SAR No. 1411A. Effluent Guidelines for Ink Formulation	2040-AA16
67	SAR No. 1425. Effluent Guidelines for Gum and Wood (Revision)	2040-AA17
68	SAR No. 1426. Effluent Guidelines for Pesticides	2040-AA18
69	SAR No. 1432. Effluent Guidelines for Metal Molding and Casting (Foundries)	2040-AA20
70	SAR No. 1911. Effluent Guidelines for Nonferrous Metals (Phase II)	2040-AA27
71	SAR No. 1910. Effluent Guidelines for Adhesives and Sealants	2040-AA30
72	SAR No. 1908. Effluent Guidelines for Nonferrous Metals Forming	2040-AA32
73	SAR No. 1420. Effluent Guidelines for Rubber Processing (Revision)	2040-AA42
74	SAR No. 1969. Effluent Guidelines for Pulp, Paper, and Paperboard (PCB's) (Revision)	2040-AA63
75	SAR NO. 1413. Effluent Guidelines for Ore Mining and Dressing (Placer Mining)	2040-AA65
76	SAR No. 1414. Effluent Guidelines for Coal Mining (Revision)	2040-AA66
77	SAR No. 2213. Effluent Guidelines for Plastics Molding and Forming (Phthalates)	2040-AA77
78	SAR No. 2210. Secondary Treatment Regulations: Percent Removal Requirements (Revision)	2040-AA80
79	*SAR No. 1752. Best Conventional Pollutant Control Technology (BCT) Cost Test and BCT Effluent Guidelines	2040-AA45
80	SAR No. 1900. General Pretreatment Regulations: Definitions for Passthrough and Interference (Revision)	2040-AA46
81	SAR No. 1544. Removal of Oil and Hazardous Substance Discharges	2040-AA33
82	SAR No. 1451. Hazardous Substances Pollution Prevention for Facilities Subject to Permitting Requirements of Section 402	2040-AA34
83	SAR No. 1579. Discharge of Oil (Revision)	2040-AA48
84	SAR No. 2085. NPDES Permit Regulations for Noncompliance and Program Reporting (Revision)	2040-AA67
85	SAR No. 2200. NPDES Regulations: Stormwater Application Requirements (Revision)	2040-AA79
86	SAR No. 2212. General Pretreatment Regulations: Response to PIRT (Revision)	2040-AA81
87	SAR No. 2162. Technical Sludge Regulations	2040-AA74
88	SAR No. 1604. Ocean Dumping Criteria (Revision)	2040-AA52
89	SAR No. 2140. Ocean Incineration Regulations (Revision)	2040-AA72
90	SAR No. 2189 Comprehensive Revisions to Ocean Dumping Regulations	2040-AA78

*Indicates priority regulation.

Clean Water Act (CWA)—Existing Regulations Under Review

Sequence Number	Title	Regulation Identifier Number
91	Review of General Pretreatment Program Information Collection Requirements	2040-AA68

Clean Water Act (CWA)—Completed Actions

Sequence Number	Title	Regulation Identifier Number
92	SAR No. 1802. Water Quality Planning and Management Regulations (Revision)	2040-AA37
93	SAR No. 1909. Effluent Guidelines for Plastics Molding and Forming	2040-AA29
94	SAR No. 2161. General Sludge Regulations	2040-AA75
95	SAR No. 1584. Oil Pollution Prevention Regulation (Revision)	2040-AA49
96	SAR No. 1901. Consolidated Permits: NPDES Issues (Revision)	2040-AA35
97	*SAR No. 1868. NPDES Regulations: Regulatory Reform (Revision)	2040-AA50

*Indicates priority regulation.

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Atomic Energy Act (AEA)—Current and Projected Rulemakings

Sequence Number	Title	Regulation Identifier Number
98	SAR No. 1161. Guidance for Occupational Radiation Exposure (Revision)	2060-AA00
99	SAR No. 1162. Transuranium Elements	2060-AA01
100	*SAR No. 1525. Radiofrequency Radiation Guidance	2060-AA02
101	*SAR No. 1163. Environmental Protection Standards for High-level Radioactive Waste	2060-AA03
102	SAR No. 1727. Environmental Protection Standards for Low-Level Radioactive Waste	2060-AA04
103	*SAR No. 2073. Residual Radioactivity	2060-AB31

*Indicates priority regulation.

Safe Drinking Water Act (SDWA)—Current and Projected Rulemakings

Sequence Number	Title	Regulation Identifier Number
104	SAR No. 1567. National Primary Drinking Water Regulations: Maximum Contaminant Levels for Volatile Organic Chemicals Found in Drinking Water	2040-AA53
105	SAR No. 1755. National Primary Drinking Water Regulations: Inorganic and Organic Compounds and Microbiological Contaminants and Turbidity (Revision)	2040-AA55
106	SAR No. 1756. National Primary Drinking Water Regulations: Fluoride (Revision)	2040-AA56
107	SAR No. 2012. Underground Injection Control Program: Federally Administered Programs (Phase II)	2040-AA69
108	SAR No. 2131 Underground Injection Control Program: Indian Lands	2040-AA76

Noise Control Act (NCA)—Current and Projected Rulemakings

Sequence Number	Title	Regulation Identifier Number
109	SAR No. 2046. Withdrawal of Products from the Agency's Reports Identifying Major Noise Sources and Withdrawal of Proposed Rules	2060-AB24
110	SAR No. 2045. Motor Carriers Engaged in Interstate Commerce: Noise Emission Standards (Revision)	2060-AB20

Resource Conservation and Recovery Act (RCRA)—Current and Projected Rulemakings

Sequence Number	Title	Regulation Identifier Number
111	SAR No. 2187. Final Codification Rule for the 1984 Amendments	2050-AB35
112	SAR No. 2207. Containerized Liquids in Landfills	2050-AB12
113	*SAR No. 2211. Prohibition of Underground Injection of Wastes	2050-AB34
114	*SAR No. 2224 Criteria for Classification of Solid Waste Disposal Facilities and Practices	2050-AB21
115	SAR No. 2240. Air Emission Regulations for Treatment, Storage, and Disposal Area Sources	2050-AB33
116	SAR No. 2063. Identification and Listing of Hazardous Wastes: Ignitable Hazardous Waste	2050-AA77
117	SAR No. 2021. Identification and Listing of Hazardous Wastes: Michigan Petition	2050-AA84
118	SAR No. 2111. Identification and Listing of Hazardous Wastes: Acute Hazardous Waste Mixture Rule (Revision)	2050-AA85
119	SAR No. 2105. Identification and Listing of Hazardous Wastes: Listing of Commercial Chemical Products (Revision)	2050-AA87
120	SAR No. 2155. Identification and Listing of Hazardous Wastes: Nitrotoluenes/Toluidines Manufacturing Wastes	2050-AA92
121	SAR No. 2157. Identification and Listing of Hazardous Wastes: Methyl Bromide Manufacturing Wastes	2050-AA93
122	SAR No. 2156. Identification and Listing of Hazardous Wastes: Diphenylamine Manufacturing Wastes	2050-AA94
123	SAR No. 2154. Identification and Listing of Hazardous Waste: Linuron and Bromacil Manufacture Wastes	2050-AA95
124	*SAR No. 2153. Identification and Listing of Hazardous Wastes: Listing of Used Oil	2050-AA96
125	*SAR No. 2168. Proposed Reinterpretation of Mining Waste Exclusion (Smelting/Refining)	2050-AA99
126	SAR No. 2205. Identification and Listing of Hazardous Waste: Chlorotoluenes Production Wastes	2050-AB06
127	SAR No. 2172. Identification and Listing of Hazardous Waste: Carbon Disulfide Production Wastes	2050-AB07
128	SAR No. 2173. Identification and Listing of Hazardous Wastes: Lead Alkyls Production Wastes	2050-AB08
129	SAR No. 2174. Identification and Listing of Hazardous Wastes: Wood Preserving Wastes	2050-AB09
130	SAR No. 2171. Identification and Listing of Hazardous Wastes: Nitroanilines Production Wastes	2050-AB10
131	SAR No. 2219. Identification and Listing of Hazardous Wastes: Coal Slurry Pipeline Effluent	2050-AB16

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Resource Conservation and Recovery Act (RCRA)—Current and Projected Rulemakings—Continued

Sequence Number	Title	Regulation Identifier Number
132	SAR No. 2220. Identification and Listing of Hazardous Wastes: Paint Manufacturing Wastes	2050-AB17
133	SAR No. 2226. Identification and Listing of Hazardous Wastes: Petroleum Refinery Wastes	2050-AB24
134	SAR No. 2227. Identification and Listing of Hazardous Wastes: Listing of Coke By-Product Wastes	2050-AB25
135	SAR No. 2235. Identification and Listing of Hazardous Waste Inorganic Chemicals Industry Production	2050-AB32
136	SAR No. 2208. Hazardous Waste Exports	2050-AB13
137	*SAR No. 1713. Standards for the Management of Specific Hazardous Wastes: Waste Oil	2050-AA00
138	SAR No. 1761. Identification and Listing of Hazardous Wastes: Hexavalent Chromium Modification (Revision)	2050-AA06
139	SAR No. 1858. Identification and Listing of Hazardous Wastes: Revise and Expand Solvent Listings (Revision)	2050-AA09
140	SAR No. 1854. Identification and Listing of Hazardous Wastes: Residuals from Production of C1-C6 Chlorinated Aliphatic Compounds (Revision)	2050-AA11
141	*SAR No. 1935. RCRA Small Quantity Generator Rule (Revision)	2050-AA59
142	SAR No. 1954. Identification and Listing of Hazardous Wastes: Dimethylhydrazine Manufacturing Waste	2050-AA61
143	SAR No. 1862. Identification and Listing of Hazardous Wastes: Organobromine Manufacturing Wastes (Revision)	2050-AA62
144	SAR No. 1955. Identification and Listing of Hazardous Wastes: Toluene Diisocyanate Manufacturing Wastes	2050-AA63
145	SAR No. 1944. Identification and Listing of Hazardous Wastes: Dimethoate, Methomyl, and Famphur	2050-AA64
146	SAR No. 1861. Identification and Listing of Hazardous Wastes: Carbamate Manufacturing Wastes (Revision)	2050-AA65
147	SAR No. 2079. Hazardous Waste as Fuels: Administrative Standards	2050-AA74
148	*SAR No. 2062. Identification and Listing of Hazardous Wastes: Toxicity Characteristic Modification	2050-AA78
149	SAR No. 2043. Identification and Listing of Hazardous Wastes: Delisting Procedures (Revision)	2050-AA81
150	SAR No. 2068. Identification and Listing of Hazardous Wastes: Test Methods for Hazardous Waste (Revision)	2050-AA82
151	SAR No. 2166. Schedule for Reviewing Wastes for Possible Land Disposal Restriction	2050-AA97
152	SAR No. 2187. Codification Rule for the 1984 RCRA Amendments	2050-AB23
153	SAR No. 2228. Identification and Listing of Hazardous Wastes: Laboratory Waste Listing	2050-AB26
154	SAR No. 2231. Identification and Listing of Hazardous Wastes: EP Toxicity	2050-AB29
155	SAR No. 1817. Hazardous Waste Management: Miscellaneous and Experimental Units	2050-AA23
156	*SAR No. 1878. Restriction of Land Disposal of Certain Hazardous Wastes: Solvents, Dioxins and Establishing the Framework for EPA's Land Disposal Program	2050-AA30
157	SAR No. 1843. Standards for Owners/Operators of Hazardous Waste Facilities: Liquids and Landfills (Revision)	2050-AA34
158	*SAR No. 1844. Consolidated Permits: Class Permits	2050-AA36
159	SAR No. 1957. Standards for Storage or Treatment of Hazardous Waste in Tank Systems	2050-AA57
160	*SAR No. 1948. Standards for Owners/Operators of Waste Facilities: Corrective Action Financial Responsibility	2050-AA59
161	*SAR No. 2078. Hazardous Waste as Fuels: Technical Standards	2050-AA72
162	SAR No. 2080. Land Disposal Liner and Leak Detection Regulation	2050-AA76
163	SAR No. 2165. Standards for Owners and Operators of Waste Facilities: Closure and Post-Closure Care (Revision)	2050-AB00
164	SAR No. 2223. Alternate Concentration Limits (ACL)	2050-AB20
165	*SAR No. 2225. Financial Responsibility for Corrective Action: Prior Releases	2050-AB22
166	SAR No. 2229. Use of Appendix VIII for Groundwater Monitoring	2050-AB27
167	SAR No. 1805. Consolidated Permits: Minor Modifications to Existing RCRA Permits (Revision)	2050-AA37
168	SAR No. 1806. Consolidated Permits: Duration of Permits for Hazardous Waste Facilities (Revision)	2050-AA38
169	SAR No. 2158. Amendment to State Program Capability Requirements	2050-AB01
170	SAR No. 2206. Streamlining Approval of State Program Revisions	2050-AB11
171	SAR No. 2011. Guideline for Federal Procurement of Paper and Paper Products Containing Recovered Materials	2050-AA68
172	SAR No. 2159. Hazardous Waste Management System: Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage and Disposal Facilities: Conforming Changes	2050-AA98
173	SAR No. 2209. Notification Form for Underground Tanks	2050-AB14
174	*SAR No. 2202 Leaking Underground Storage Tanks: Performance Standards for New Tanks	2050-AB04
175	*SAR No. 2221. Leaking Underground Storage Tanks: Regulations for Existing Tanks	2050-AB18
176	SAR No. 2222. Interpretive Rule for the Lust Interim Prohibition	2050-AB19
177	SAR No. 2234. Requirements for Authorization of States: Underground Storage Tank Programs	2050-AB31

*Indicates priority regulation.

Resource Conservation and Recovery Act (RCRA)—Existing Regulations Under Review

Sequence Number	Title	Regulation Identifier Number
178	SAR No. 1810. Review of Groundwater Monitoring	2050-AA89
179	* Review of Standard Landfills for Owners/Operators of Waste Facilities	2050-AA50

EPA

Resource Conservation and Recovery Act (RCRA)—Existing Regulations Under Review—Continued

Sequence Number	Title	Regulation Identifier Number
180	* Review of Standards for Owners/Operators of Waste Facilities: Incinerators	2050-AA53

*Indicates priority regulation.

Resource Conservation and Recovery Act (RCRA)—Completed Actions

Sequence Number	Title	Regulation Identifier Number
181	SAR No. 1191. Identification and Listing of Hazardous Waste: Definition of Solid Waste (Revision)	2050-AA03
182	SAR No. 1863. Identification and Listing of Hazardous Wastes: Chlorinated Dioxins and Chlorinated Dibenzofurans (Revision)	2050-AA10
183	SAR No. 1968. Persons Managing Recycled Hazardous Wastes (Revision)	2050-AA56
184	SAR No. 1763. Identification and Listing of Hazardous Wastes: Definition of Household Waste (Revision)	2050-AA60
185	SAR No. 1767. Standards for Hazardous Waste Generators: "Satellite" Accumulation of Hazardous Waste (Revision)	2050-AA13
186	*SAR No. 1842. Standards for Hazardous Waste Generators: Alternate Manifest (Revision)	2050-AA16
187	SAR No. 1775. Standards for Owners/Operators of Waste Facilities: Storage of Ignitable and Reactive Waste; Buffer Zone Requirements (Revision)	2050-AA32
188	SAR No. 1807. Interim Status: Expansion and Modification of Facilities (Revision)	2050-AA35
189	SAR No. 1809. Enforcement of State Permits (Revision)	2050-AA40
190	*SAR No. 1958. Existing Portion Concept in Land Disposal Regulations (Revision)	2050-AA58
191	SAR No. 2007. Standard for Owners and Operators of Waste Facilities: Closure/Post-Closure Care and Cost Estimates and Financial Responsibility (Revision)	2050-AA70
192	SAR No. 2002. Land Disposal: Ground-Water Protection	2050-AA91
193	SAR No. 1814. Consolidated Permits: Construction Ban (Revision)	2050-AA39

*Indicates priority regulation.

Clean Air Act (CAA)—Current and Projected Rulemakings

Sequence Number	Title	Regulation Identifier Number
194	*SAR No. 1002. NAAQS for Sulfur Oxides (Revision)	2060-AA61
195	*SAR No. 1003. NAAQS for Particulate Matter (Revision)	2060-AA62
196	*SAR No. 1001. NAAQS for Carbon Monoxide (Revision)	2060-AA63
197	*SAR No. 1004. NAAQS for Nitrogen Dioxide (Revision)	2060-AA64
198	SAR No. 1845. New Source Review (Revision)	2060-AA68
199	SAR No. 2103. Stack Height Regulations (Revision)	2060-AB30
200	SAR No. 2102. Ambient Air Quality Surveillance (Revision)	2060-AB47
201	SAR No. 1503. Restructure CFR Parts 51, 52 (Revision)	2060-AB49
202	SAR No. 1741. Quality Assurance Procedures, Appendix F, Procedure 1	2060-AA09
203	SAR No. 1008. NSPS: Stationary Internal Combustion Engines	2060-AA11
204	SAR No. 1010. NSPS: Solvent Degreasing	2060-AA12
205	SAR No. 1119. NSPS: Perchloroethylene Dry Cleaning	2060-AA14
206	SAR No. 1612. NSPS: Volatile Organic Liquids Storage	2060-AA23
207	SAR No. 1615. NSPS: Rubber Products Industry-Tire Manufacturing	2060-AA24
208	SAR No. 1618. NSPS: Synthetic Organic Chemical Industry: Air Oxidation Process	2060-AA30
209	SAR No. 1695. NSPS: Solvent Degreasing(111d)	2060-AA33
210	SAR No. 1733. NSPS: Distillation Operations	2060-AA35
211	SAR No. 1736. NSPS: Petroleum Refinery, FCC Regenerators	2060-AA36
212	SAR No. 1691. NSPS: Polymer and Resin Manufacture	2060-AA37
213	SAR No. 1671. NSPS: Basic Oxygen Furnaces (Revision)	2060-AA72
214	SAR No. 1959. NSPS: Kraft Pulp Mills (Revision)	2060-AA97
215	SAR No. 2028. NSPS: Sewage Treatment Plants (Revision)	2060-AB05
216	SAR No. 1880. NSPS: Non-Metallic Minerals	2060-AB11
217	SAR No. 1915. NSPS: Wool Fiberglass Insulation	2060-AB21
218	SAR No. 2044. NSPS: Automobile and Light-Duty Truck Coating Operations (Revision)	2060-AB22
219	SAR No. 2109. NSPS: On-Shore Production for Volatile Organic Compounds	2060-AB26

EPA

Clean Air Act (CAA)—Current and Projected Rulemakings—Continued

Sequence Number	Title	Regulation Identifier Number
220	SAR No. 2110. NSPS: On-Shore Production for Sulfur Dioxide	2060-AB27
221	SAR No. 2083. NSPS: Fossil Fuel-Fired Steam Generators (Revision)	2060-AB29
222	*SAR No. 2075. NSPS: Industrial Boilers, S02	2060-AB33
223	SAR No. 2076 NSPS: Industrial Boilers--Particulate Matter and NOx	2060-AB35
224	SAR No. 2186 NSPS: Cement Plants (Revision)	2060-AB38
225	SAR No. 2070. NSPS: Reporting Requirements for Opacity	2060-AB42
226	SAR No. 1117. NSPS: Gas Turbines (Revision)	2060-AB43
227	SAR No. 2101. NSPS: Fired Process Heaters	2060-AB45
228	SAR No. 2164. NSPS: SOCMI Reactor Processes	2060-AB55
229	SAR No. 2236. NSPS: Surface Coating of Plastic Parts for Business Machines	2060-AB66
230	SAR No. 2237. NSPS: Polymeric Coating of Supporting Substrates	2060-AB67
231	*SAR No. 2238. NSPS: Residential Wood Combustion	2060-AB68
232	SAR No. 1869. Decision on Regulation of Cadmium	2060-AA38
233	SAR No. 1684. NESHAPS: Arsenic from Smelters and Other Sources	2060-AA41
234	SAR No. 1685. NESHAPS: Benzene in Coke Ovens/By-Products Plants	2060-AA42
235	SAR No. 1686. NESHAPS: Coke Oven Emissions from By-Product Coke Oven Charging, Door Leaks, and Topside Leaks on Wet-Coal Charged Batteries (Revision)	2060-AA48
236	SAR No. 1681. NESHAPS General Provisions (Revision)	2060-AA79
237	SAR No. 1971. NESHAPS: Vinyl Chloride (Revision)	2060-AB06
238	SAR No. 2137. NESHAPS: Mercury (Revision)	2060-AB44
239	SAR No. 1714. NESHAPS: Asbestos (Revision)	2060-AB51
240	SAR No. 2181. Decisions on Regulating Various Air Pollutants	2060-AB56
241	*SAR No. 2217 NESHAPS: Radionuclides: Uranium Mills	2060-AB57
242	SAR No. 2199. NESHAPS: Radionuclides: Underground Uranium Mines	2060-AB62
243	SAR No. 1893. Dispersion Techniques Implemented Before Enactment of the Clean Air Act Amendments of 1970	2060-AA49
244	SAR No. 1941. "Guideline on Air Quality Models" (Revision)	2060-AB13
245	SAR No. 2112. Emission Standards, Test Procedures and CAFE Equivalency Factors for Methanol-Fueled New Motor Vehicles	2060-AB28
246	SAR No. 1317. Importation of Motor Vehicles and Motor Vehicle Engines (Revision)	2060-AA54
247	SAR No. 1571. Nonconformance Penalties for 1985 Model Year Heavy-Duty Engines (HDEs)(Phase I)	2060-AA56
248	SAR No. 1632. Nonconformance Penalties for Light-Duty Trucks (Phase I)	2060-AA58
249	SAR No. 2143. Small-Volume Manufacturers Certification Procedure (Revision)	2060-AB54
250	SAR No. 2233. Nonconformance Penalties for Light-Duty Trucks (Phase II)	2060-AB65
251	SAR No. 2136. Emission Performance Warranty Regulations (Revision)	2060-AB53
252	SAR No. 2145 Voluntary Aftermarket Parts Certification Regulations (Revision)	2060-AB58
253	SAR No. 2232. Nonconformance Penalties for 1985 Model Year Heavy-Duty Engines (HDEs) (Phase II)	2060-AB64
254	*SAR No. 1328. Fuels and Fuel Additives	2060-AA59
255	SAR No. 2215 Fuel and Fuel Additives: Preventative Action Program to Prevent Self-Serve Fuel Switching	2060-AB59
256	*SAR No. 2214. Fuel and Fuel Additives: Gasoline Lead Content	2060-AB60
257	SAR No. 2033. Fuel Economy Test Procedures; Proposed Procedures for Adjustment to Test Results to Account for Test Procedure Changes	2060-AB19

*Indicates priority regulation.

Clean Air Act (CAA)—Existing Regulations Under Review

Sequence Number	Title	Regulation Identifier Number
258	*SAR No. 1919. NAAQS: Lead	2060-AA95
259	*SAR No. 1920. NAAQS: Ozone	2060-AA96
260	SAR No. 2026. NSPS: Sulfuric Acid Manufacture	2060-AB02
261	Review of Information Requirements in the New Source Performance Standards (NSPS) Program	2060-AB25
262	SAR No. 2263. NSPS: Ammonium Sulfate Manufacture	2060-AB34
263	SAR No. 2264. NSPS: Primary Aluminum Reduction Plants	2060-AB36
264	SAR No. 2265. NSPS: Secondary Lead Smelters	2060-AB39
265	SAR No. 2266. NSPS: Asphalt Concrete Plants	2060-AB41
266	SAR No. 2239. NSPS: Small Boilers	2060-AB69
267	SAR No. 2029. NESHAPS: Beryllium	2060-AB07
268	SAR No. 1307. Visibility Protection for Federal Class I Areas	2060-AB09

*Indicates priority regulation.

EPA

Clean Air Act (CAA)—Completed Actions

Sequence Number	Title	Regulation Identifier Number
269	SAR No. 2151. Determination for Interstate Air Pollution Control	2060-AB52
270	SAR No. 1007. NSPS: Glass Manufacturing	2060-AA73
271	SAR No. 1904. NSPS: Steel Plants: Electric Arc Furnaces and Argon-Oxygen Decarbonization Vessels (Revision)	2060-AA75
272	SAR No. 2050. NSPS: Secondary Brass and Bronze Production (Revision)	2060-AB04
273	*SAR No. 1595. NESHAPS: Airborne Radionuclides	2060-AA47
274	SAR No. 1799. Second Round Nonferrous Smelter Order Regulations	2060-AA81
275	*SAR No. 1310. Heavy-Duty Diesel Particulate Standards	2060-AA51
276	*SAR No. 1315. NOx Regulations for Light-Duty Trucks and Heavy-Duty Engines	2060-AA52
277	SAR No. 1570. Amendments to Selective Enforcement Auditing Procedures for Light-Duty Vehicles (Revision)	2060-AA89
278	*SAR No. 2152. Lead Phasedown (Revision)	2060-AB50
279	SAR No 2186. NSPS: Cement Plants	2060-AB38
280	SAR No. 2197 Fuel and Fuel Additives: Banking of Lead Rights	2060-AB61

*Indicates priority regulation.

Superfund (CERCLA)—Current and Projected Rulemakings

Sequence Number	Title	Regulation Identifier Number
281	SAR No. 1642B. Notification of Release of Hazardous Substances and Determination of Reportable Quantities	2050-AA46
282	SAR No. 2104. Adjustment of Reportable Quantities of Hazardous Substances Identified as Carcinogens and Chronically Toxic Substances (Revision)	2050-AA80
283	SAR No. 2065. Amendments to the National Oil and Hazardous Substances Pollution Contingency Plan	2050-AA75
284	SAR No. 2077. National Priority List (NPL) (Revision)	2050-AA79
285	SAR No. 1642D. Natural Resource Claims Procedure	2050-AA48
286	SAR No. 2160. Response Claims Procedures	2050-AA90

Superfund (CERCLA)—Completed Actions

Sequence Number	Title	Regulation Identifier Number
287	SAR No. 1642A. For further information contact RCRA/Superfund Designation of Additional Hazardous Substances	2050-AA45
288	SAR No. 1642C. Notification of Continuous Release of Hazardous Substances	2050-AA47
289	Review of Information Requirements in the Superfund Program	2050-AA86

General—Current and Projected Rulemakings

Sequence Number	Title	Regulation Identifier Number
290	SAR No. 1791. Public Information and Confidentiality Regulations (Revision)	2020-AA03
291	SAR No. 2049. Nondiscrimination on the Basis of Handicap for Programs Conducted by EPA	2020-AA05
292	SAR No. 2218 Nondiscrimination on the Basis of Age in Programs Receiving Financial Assistant from the EPA	2020-AA07
293	SAR No. 1835. Amending NEPA Procedures Relating to Wastewater Construction Grants (Revision)	2090-AA04
294	SAR No. 1605. Emissions Trading Policy (Revision)	2010-AA08
295	SAR No. 2014. List of Violating Facilities (Revision)	2060-AB17
296	*SAR No. 1973. Section 404 State Program Regulations (Revision)	2030-AA00
297	SAR No. 2196 Denial or Restriction of Disposal Sites (Revision)	2030-AA05
298	SAR No. 1825. Regulations for the Federal Claims Collection Act	2020-AA01
299	SAR No. 2195 Confidentiality Regulations: Special Rules Governing Certain Information Under FIFRA (Revision)	2020-AA06
300	SAR No. 2216 Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation of Suspension of Permits	2020-AA08

*Indicates priority regulation.

EPA

General—Completed Actions

Sequence Number	Title	Regulation Identifier Number
301	SAR No. 2048. Training and Fellowship Grants (Revision)	2010-AA09
302	SAR No. 2148. Judicial Review Under EPA-Administered Statutes; Races to the Courthouse	2090-AA08

ENVIRONMENTAL PROTECTION AGENCY (EPA)—Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)

Current and Projected Rulemakings

1. RESTRICTED USE CLASSIFICATION FOR CERTAIN ACTIVE INGREDIENTS USED IN FUMIGANTS

Legal Authority: 7 USC 136 / FIFRA 3

CFR Citation: 40 CFR 162.31

Abstract: FIFRA requires that pesticides be classified for either general use or restricted to trained, certified pesticide applicators, or people under their direct supervision. This rule would classify certain active ingredients in grain fumigants for restricted use based on an evaluation of the incremental risks and benefits of unrestricted use. Classification for restricted use permits the continued use of certain pesticides which, if used without restrictions may have unreasonable adverse effects on the environment.

Timetable:

Action	Date	FR Cite
NPRM	10/12/83	48 FR 46397
Final Action	04/00/85	

Small Entity: No

Additional Information: SAR No. 1828.

FTS: 8-557-0592.

Agency Contact: Robert Forrest, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-767-C), Washington, DC 20460, 703 557-0592

RIN: 2070-AA00

2. COMPREHENSIVE REVISION OF PESTICIDE REGISTRATION, LABELING, AND CLASSIFICATION PROCEDURES (REVISION)

Priority: Undetermined

Legal Authority: 7 USC 136(d) / FIFRA 3

CFR Citation: 40 CFR 162

Abstract: These regulations will revise procedures and requirements for the registration and reregistration of pesticide products, the labeling of such products, and the classification of pesticide products as restricted use products.

Timetable:

Action	Date	FR Cite
ANPRM	12/26/79	44 FR 76311
NPRM	09/26/84	49 FR 37915
Final Action	12/00/85	

Small Entity: No

Additional Information: SAR No. 1964.

FTS: 8-557-0592.

Analysis: RIA

Agency Contact: Jean Frane, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-767C), Washington, DC 20460, 703 557-0592

RIN: 2070-AA56

3. SPECIAL REVIEW CRITERIA AND PROCEDURES (REVISION)

Priority: Agency Determination

Legal Authority: 7 USC 136 / FIFRA 3

CFR Citation: 40 CFR 162.11

Abstract: The Agency is revising its criteria for initiating special reviews of pesticides (previously known as the Rebuttable Presumption Against Registration (RPAR) Process). These revisions will make the special review process consistent with statutory changes and program experience. The Agency is also revising the procedures for special review of chemicals to make the process more efficient and to promote public discussion. The criteria are being revised at the request of the President's Task Force on Regulatory Relief.

Timetable:

Action	Date	FR Cite
NPRM	03/27/85	50 FR 12188
Final Action	00/00/00	

Small Entity: No

Additional Information: SAR No. 1932.

FTS: 8-557-7400.

Agency Contact: Joanna Dizikes, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-767), Washington, DC 20460, 703 557-7400

RIN: 2070-AA57

4. PESTICIDE PRODUCTS; PACKAGE SIZE EXEMPTION FOR CHILD RESISTANT PACKAGING (REVISION)

Legal Authority: 7 USC 136d / FIFRA 3

CFR Citation: 40 CFR 162

Abstract: EPA is proposing to amend its regulations on the use of child resistant packaging for pesticide products to provide for exemptions for certain products based on the size of the package in which the product is distributed. This revision should reduce the cost of packaging for producers who market large-size containers to the pest control service segment of the user community.

Timetable:

Action	Date	FR Cite
NPRM	01/04/84	49 FR 423
Final Action	08/00/85	

Small Entity: No

Additional Information: SAR No. 1965.

FTS: 8-557-0592.

Agency Contact: Jean Frane, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-767c), Washington, DC 20460, **703 557-0592**

RIN: 2070-AA93

5. ● PESTICIDES APPLIED TO BODIES OF WATER (REVISION)

Legal Authority: 7 USC 136/FIFRA 3; 7 USC 136/FIFRA 12; 21 USC 346/FFDCA 408, 21 USC 346/FFDCA 409

CFR Citation: 40 CFR 162; 40 CFR 180

Abstract: This final notice of procedural changes modifies EPA's administrative procedures for regulating aquatic pesticide uses which result in pesticide residues in drinking water. Since the authority of FFDCA no longer applies to drinking water, these new procedures eliminate the requirement for establishing a food tolerance regulation. Instead, the Agency regulates such residues as described in the procedures under the authority of FIFRA. When residues result in drinking water following application of aquatic use pesticides, acceptable levels will be set through coordination of the Office of Pesticide Programs and the Office of Drinking Water. This procedure will relieve registration applicants from filing a food additive petition under the FFDCA, in addition to filing the application for registration under FIFRA.

Timetable:

Action	Date	FR Cite
Final Procedural Notice	05/00/85	

Small Entity: No

Additional Information: SAR No. 2251.

FTS:8-557-0592.

Agency Contact: Cheryl D. Smith, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-767), Washington DC 20460, **703 557-0592**

RIN: 2070-AB32

6. ● PESTICIDE REGISTRATION STANDARDS: DOCKETING AND PUBLIC PARTICIPATION PROCEDURES

Legal Authority: 7 USC 136/FIFRA 3

CFR Citation: 40 CFR 155

Abstract: This proposal would establish procedures for providing additional opportunities for public participation in the development of pesticide registration standards. The procedures would establish and provide for the maintenance of a docket for each registration standard, which would be indexed and made available to the public. The procedures would also provide for publication in the Federal Register of an annual schedule of registration standards under development, as well as announcements of the availability of the public docket and registration standards.

Timetable:

Action	Date	FR Cite
NPRM	04/00/85	

Small Entity: No

Additional Information: SAR No. 2252.

FTS:8-557-0592.

Agency Contact: Jean M. Frane, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-767), Washington, DC 20460, 703 557-0592

RIN: 2070-AB33

7. ● POLICY STATEMENT REGARDING CERTAIN MICROBIAL PRODUCTS

Legal Authority: 7 USC 136/FIFRA 3; 7 USC 136/FIFRA 5

CFR Citation: 40 CFR 172; 40 CFR 162

Abstract: New microorganisms developed through advanced techniques of genetic engineering and used for FIFRA commercial purposes will be subject to EPA requirements. OPTS is now developing general policies concerning the scope of PMN requirements for genetically engineered organisms, a policy for handling genetically engineered pesticides, and strategies for conducting risk assessments of these organisms. A proposed policy was published in December 1984. Comments are due on April 1, 1985. The policy will be revised, as appropriate, and a final statement will be prepared. In addition, OPTS is participating in a Cabinet Council working group on biotechnology to ensure that the overall Federal approach is integrated and consistent.

Timetable:

Action	Date	FR Cite
Notice of Proposed Policy	12/31/84	49 FR 50880
Notice of Final Policy	00/00/00	

Small Entity: Undetermined

Additional Information: SAR No. 2123.

FTS:8-557-9307.

Agency Contact: Fred Betz, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-769c), Washington, DC 20460, **703 557-9307**

RIN: 2070-AB34

8. TOLERANCE FEES FOR PESTICIDE CHEMICALS (REVISION)

Legal Authority: 21 USC 346(a) / FFDCA 408

CFR Citation: 40 CFR 180.33

Abstract: Section 408(a) of the Federal Food, Drug, and Cosmetic Act authorizes EPA to collect fees from registrants seeking approval of tolerance petitions. The tolerance fee structure originally was designed to cover the Agency's processing costs for reviewing tolerance petitions and for establishing tolerance levels for pesticides used on food products. The Agency has not modified its tolerance fee structure since 1972. This proposed regulation will establish a new tolerance fee structure based upon the Agency's increased costs for processing tolerance petitions.

Timetable:

Action	Date	FR Cite
NPRM	10/10/84	49 FR 39698
Final Action	07/00/85	

Small Entity: No

Additional Information: SAR No. 1963.

FTS: 8-557-1127.

Agency Contact: Ken Wetzel, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-757c), Washington, DC 20460, 703 557-1127

RIN: 2070-AA46

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9. ENFORCEMENT POLICY REGARDING FAILURES TO REPORT INFORMATION UNDER SECTION 6(A)(2) OF THE FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT (FIFRA)(REVISION)

Legal Authority: 7 USC 136d / FIFRA 6

CFR Citation: Not applicable

Abstract: FIFRA section 6 (a)(2) requires that registrants report to EPA additional factual information regarding unreasonable adverse effects of their products. In addition to reiterating enforcement policy established in July 1979, this policy notice will expand upon the types of factual information which must be reported, and establish a uniform timeframe in which they must comply.

Timetable:

Action	Date	FR Cite
Policy Notice	06/00/85	

Small Entity: No

Additional Information: SAR No. 2180.

FTS: 8-557-0592.

Agency Contact: David Alexander, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-767C), Washington, DC 20460, 703 557-0592

RIN: 2070-AB12

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10. RESCISSION OF EFFICACY DATA WAIVER FOR VERTEBRATE CONTROL PRODUCTS (REVISION)

Legal Authority: 7 USC 136 / FIFRA 3

CFR Citation: 40 CFR 136

Abstract: This rule revises the conditional registration regulations to provide that applicants routinely submit efficacy data to support the registration of pesticide products intended for control of vertebrate pests that may transmit human disease.

Timetable:

Action	Date	FR Cite
NPRM	09/12/84	49 FR 35804
Final Action	11/00/85	

Small Entity: No

Additional Information: SAR No. 2179.

FTS: 8-557-0592.

Agency Contact: Jean Frane, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-767C), Washington, DC 20460, 703 557-0592

RIN: 2070-AB19

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11. REGISTRATION OF PESTICIDE PRODUCING ESTABLISHMENT (REVISION)

Legal Authority: 7 USC 136 / FIFRA 7

CFR Citation: 40 CFR 167

Abstract: This regulation amends the existing regulations on registering establishments that produce pesticides. The regulation implements the Congressional mandate to register establishments that produce active ingredients used in pesticides.

Timetable:

Action	Date	FR Cite
NPRM	07/09/80	45 FR 46100
Final Action	12/00/85	

Small Entity: No

Additional Information: SAR No. 1747.

FTS: 8-382-7826.

Agency Contact: David Hannemann, Environmental Protection Agency, Pesticides and Toxic Substances, (EN-342), Washington, DC 20460, 202 382-7826

RIN: 2070-AA04

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12. RULE GOVERNING ISSUANCE OF EMERGENCY EXEMPTIONS FROM FIFRA (REVISION)

Legal Authority: 7 USC 136 / FIFRA 18

CFR Citation: 40 CFR 166

Abstract: The Agency intends to revise certain provisions of this rule. These revisions will reflect the results of the Agency's investigation of the consistency of decisions to grant emergency exemptions under FIFRA. These revisions will more clearly specify the conditions under which EPA will authorize emergency exemptions and permit the public an opportunity to comment on exemption requests for certain categories of pesticide chemicals, including new chemicals, chemicals suspected of posing risks, and chemicals previously cancelled or suspended by EPA. This rule is being developed as part of a pilot effort on negotiated rulemaking which would give interested parties outside the Agency greater involvement and commitment to the decision-making process.

Timetable:

Action	Date	FR Cite
NPRM	04/00/85	
Final Action	00/00/00	

Small Entity: No

Additional Information: SAR No. 2017.

FTS: 8-557-0592.

Agency Contact: Franklin Gee, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-767), Washington, DC 20460, 703 557-0592

RIN: 2070-AA41

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13. GUIDELINES ON DISPOSAL AND STORAGE OF PESTICIDES (REVISION)

Legal Authority: 7 USC 136q / FIFRA 19

CFR Citation: 40 CFR 165

Abstract: EPA's Office of Pesticide Programs is updating the Guidelines on Disposal and Storage of Pesticides to make them consistent with current regulations and technology. The Office of Pesticide Programs is also adding interpretive guidance on compliance with RCRA regulations on hazardous waste as they may apply to the disposal and storage of pesticides. These guidelines serve as guidance only and compliance is completely voluntary.

Timetable:

Action	Date	FR Cite
NPRM	12/00/85	

Small Entity: No

Additional Information: SAR No. 2006.

FTS: 8-557-7347.

EPA—FIFRA

Current and Projected Rulemakings

Agency Contact: Raymond R. Krueger, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-769C), Washington, DC 20460, 703 557-7347

RIN: 2070-AA61

14. WORKER PROTECTION STANDARDS FOR AGRICULTURAL PESTICIDES (REVISION)

Legal Authority: 7 USC 136 / FIFRA 25

CFR Citation: 40 CFR 170

Abstract: The worker protection standards for agricultural pesticides will be revised to reflect new and developing registration and reregistration of pesticide activities. The current standards need to be revised in order to update the provisions, clarify definitions and responsibilities, and improve implementation, compliance, and enforcement.

Timetable:

Action	Date	FR Cite
ANPRM	08/15/84	49 FR 32605
NPRM	11/00/85	

Small Entity: No

Additional Information: SAR No. 1640.

FTS: 8-557-7666.

Analysis: RIA

Agency Contact: Linda Billings, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-766C), Washington, DC 20460, 703 557-7666

RIN: 2070-AA49

15. USER CHARGES FOR PESTICIDE REGISTRATIONS

Legal Authority: 31 USC 9701 / Independent Offices Appropriation Act of 1952

CFR Citation: Not applicable

Abstract: Under the authority of the Independent Offices Appropriations Act (IOAA) of 1952, the Agency is proposing to establish user fees for processing pesticide registration actions which constitute special services to registrants. The proposed registration fee system would place part of the burden of payment for the Agency's services on those who benefit from the service rather than on the Agency.

Timetable:

Action	Date	FR Cite
NPRM	09/00/85	

Small Entity: No

Additional Information: SAR No. 2013.

FTS: 8-557-1485.

Analysis: RIA

Agency Contact: Joseph F. Powers, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-757C), Washington, DC 20460, 703 557-1485

RIN: 2070-AA64

ENVIRONMENTAL PROTECTION AGENCY (EPA)—Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)

Completed Actions

COMPLETED RULEMAKINGS

16. DATA REQUIREMENTS FOR REGISTRATION (REVISION)

Priority: Task Force

CFR Citation: 40 CFR 158

Completed:

Reason	Date	FR Cite
Final Action	10/24/84	49 FR 42856

Small Entity: No

Agency Contact: Frederick S. Betz 703 557-9307

RIN: 2070-AA07

[FR Doc. 85-7906 Filed 04-26-85, 8:45 am]

BILLING CODE 6560-50-T

ENVIRONMENTAL PROTECTION AGENCY (EPA)—Toxic Substances Control Act (TSCA)

Current and Projected Rulemakings

17. DECISIONS ON TEST RULES FOR THE INTERAGENCY TESTING COMMITTEE (ITC) PRIORITY LISTS 1ST THROUGH 8TH AND 10TH THROUGH 15TH

Legal Authority: 15 USC 2603 / TSCA 4

CFR Citation: 40 CFR 799

Abstract: Within the next year and a half, EPA will either require testing or provide adequate reasons for not requiring testing for chemicals listed on the 1st through 8th and 10th through 15th ITC priority lists.

Supplemental Timetable:

Alkyl Epoxides (ITC List 1)
ANPRM 01/04/84 (49 FR 449)
NPRM 10/00/85

Anilines (ITC List 4)
ANPRM 01/03/84 (49 FR 108)
NPRM 00/00/00

Anthraquinone(ITC List 15)
NPRM 11/00/85

Aryl Phosphates (ITC List 2)
ANPRM 12/29/83 (48 FR 57452)
NPRM 03/00/86

Biphenyl (ITC List 10)
NPRM 05/23/83 (48 FR 23080)
Final Action 09/00/85

Bisphenol (ITC List 14)
ANPRM 05/00/85
Final Action 06/00/86

Carbofuran Intermediates (ITC List 11)
ANPRM 08/00/85

Chlorinated Benzenes (environmental) (ITC List 1)
ANPRM 01/13/84 (49 FR 1760)
Final Action 12/00/85

Chlorinated Benzenes (health) (ITC List 1)
Notice 12/28/84 (49 FR 50408)
Final Action 06/30/86

Chloromethane (ITC List 1)
NPRM 07/18/80 (45 FR 48524)
Final Action 06/00/85

Cresols (ITC List 1)
NPRM 07/11/83 (48 FR 31812)
Final Action 08/00/85

Cumene (ITC List 15)
NPRM 11/00/85

Cyclohexanone (ITC List 4)
NPRM 01/03/84 (49 FR 136)
Final Action 00/00/00

Diethylenetriamine (ITC List 8)
NPRM 04/29/82 (47 FR 18386)
Final Action 05/00/85

Diisopropylbiphenyl (ITC List 14)
NPRM 05/00/85

Ethylene bis (oxyethylene) diacetate (ITC List 13)
Notice 11/19/84 (49 FR 45651)

Ethyltoluene (ITC List 10)

NPRM 05/23/83 (48 FR 23088)
Final Action 04/00/85

Fluoroalkenes (ITC List 7)
ANPRM 10/30/81 (46 FR 53704)
NPRM 06/04/84 (49 FR 23112)
Final Action 10/00/85

Glycidols (ITC List 3)
ANPRM 12/30/84 (48 FR 57562)
NPRM 00/00/00

Hexafluoropropylene Oxide (ITC List 2)
NPRM 12/30/83 (48 FR 57686)
Final Action 00/00/00

Hydroquinone (ITC List 5)
NPRM 01/04/84 (49 FR 438)
Final Action 10/00/85

Isopropylbiphenyl (ITC List 14)
NPRM 05/00/85

Mercaptobenzothiazole (ITC List 15)
NPRM 11/00/85

Mesityl Oxide (ITC List 4)
NPRM 07/05/83 (48 FR 30699)
Final Action 09/00/85

Methiolurea (ITC List 12)
NPRM 05/21/84 (49 FR 21371)
Final Action 00/00/00

Octamethyl Cyclotetrasilizane (ITC List 15)
NPRM 11/00/85

Oleylamine (ITC List 13)
NPRM 11/19/84 (49 FR 45610)
Final Action 00/00/00

Pentabromoethylbenzene (ITC List 15)
NPRM 11/00/85

Phenylenediamines and Toluenediamines (ITC List 6)
ANPRM 01/08/82 (47 FR 973)
NPRM 08/00/85

Propylene Oxide (ITC List 1)
NPRM 01/04/84 (49 FR 430)
Final Action 03/00/86

Pyridine (ITC List 2)
NPRM 12/29/82 (47 FR 58031)
Final Action 00/00/00

Quinone (ITC List 5)
NPRM 01/04/84 (49 FR 456)
Final Action 10/00/85

Sodium N-methyl-n-oleytaurine (ITC List 15)
NPRM 11/00/85

Trimethylbenzene (ITC List 10)
NPRM 05/23/83 (48 FR 23088)
Final Action 04/00/85

1,2-Dibromo-4(1,2-dibromethyl) cyclohexane (ITC List 14)
NPRM 05/00/85

1,2-Dichloropropane (ITC List 3)
NPRM 01/06/84 (49 FR 899)
Final Action 04/00/86

1,2,2,4,7,7-Hexachloronorbornadiene (ITC List 13)
NPRM 11/19/84 (49 FR 45654)

1,2,4-Tri- and 1,2,4,5-Tetrachlorobenzenes (ITC List 1)
NPRM 07/18/80 (45 FR 48524)
NPRM 12/07/83 (48 FR 54836)
Final Action 06/00/86

1,2,4,5-Tetrachlorobenzene (environmental testing) (ITC List 1)
ANPRM 01/13/84 (49 FR 1760)
Final Action 12/00/85

2-chloro-1,3-butadiene (ITC List 15)
NPRM 11/00/85

2-Ethylhexanoic acid (ITC List 14)
ANPRM 05/00/85

2, (2-Butoxyethoxy) ethylacetate (ITC List 13)
ANPRM 11/19/84 (49 FR 45606)
NPRM 00/00/00

2,4-Dichlorobenzotrifluoride (ITC List 14)
NPRM 00/00/00

Small Entity: No

Additional Information: SAR No. 1137.

FTS: 8-475-8130.

Agency Contact: Gary Timm, Environmental Protection Agency, Pesticides and Toxic Substances, TS-788, Washington, DC 20460, **202 475-8130**

RIN: 2070–AB07

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18. ● TESTING RULE AND REQUIREMENTS FOR DATA SUBMISSION: DIOXINS/FURANS: TESTING RULE AND REQUIREMENTS FOR DATA SUBMISSION

Legal Authority: 15 USC 2603 /TSCA 4; 15 USC 2607 /TSCA 8

CFR Citation: 40 CFR 799; 40 CFR 712

Abstract: EPA may propose to collect information on chemicals containing polyhalogenated dibenzo-p-dioxins (PHDD's) and polyhalogenated dibenzofurans (PHFD's). Rules may be proposed under sections 4 and 8 requiring submission of existing data and an analysis of chemicals to determine levels of PHDD's and PHFD's.

Timetable:

Action	Date	FR Cite
NPRM	02/00/86	

Small Entity: Undetermined

Additional Information: SAR No. 2253.

FTS:8-382-3933.

Agency Contact: Suzanne Rudzinski, Environmental Protection Agency, Pesticides and Toxic Substances, TS-794, Washington, DC 20460, **202 382-3933**

RIN: 2070–AB21

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19. ● GENERAL EXEMPTION POLICY FOR TEST RULES (REVISION)

Legal Authority: 15 USC 2603/TSCA 4

CFR Citation: 40 CFR 790

Abstract: This amends the test rule development and exemptions procedural rule published October 10, 1984 (49 FR 39776) to allow for rulemaking to be conducted in a single phase (i.e., a proposed rule and a final rule covering both the effects for which testing is necessary and the testing methodology.

Timetable:

Action	Date	FR Cite
Final Action	05/00/85	

Small Entity: No

Additional Information: SAR No. 2245.

FTS:8-475-8130.

Agency Contact: Gary Timm, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-777), Washington, DC 20560, **202 475-8130**

RIN: 2070–AB30

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20. PMN EXEMPTION FOR LOW VOLUME CHEMICALS

Priority: Task Force

Legal Authority: 15 USC 2604 / TSCA 5

CFR Citation: 40 CFR 723

Abstract: Section 5(a) of TSCA requires manufacturers of new chemical substances to submit a premanufacture notice (PMN) to EPA before manufacture or import begins. Section 5(h)(4) authorizes the Administrator to exempt any person from the provisions of section 5 if the Agency determines that the substance will not present an unreasonable risk. This rule exempts manufacturers of certain chemicals produced at 1,000 kg/yr or less. This revision is being made at the request of the President's Task Force on Regulatory Relief.

Timetable:

Action	Date	FR Cite
Notice	11/03/81	46 FR 54688
NPRM	08/04/82	47 FR 33896
Final Action	04/00/85	

Small Entity: No

Additional Information: SAR No. 1820.

Docket No. OPTS-50032.

FTS:8-382-3844.

Agency Contact: Joseph A. DeSantis, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-794), Washington, DC 20460, **202 382-3844**

RIN: 2070–AA36

21. FOLLOW-UP RULES ON EXISTING CHEMICALS

Legal Authority: 15 USC 2604 / TSCA 5; 15 USC 2607 / TSCA 8

CFR Citation: 40 CFR 704; 40 CFR 721

Abstract: EPA has instituted a program to monitor the commercial development of existing chemicals of concern and/or to gather information to support risk assessments on such chemicals. As these chemicals are identified, EPA will initiate rulemakings under TSCA section 5 and/or 8 to require reporting by the manufacturers, importers and/or processors of these chemicals. Individual proposed or final rules will be published at different times throughout the period of April 1985 to April 1986 on at least the following chemicals: 4,4'Methylene bis (2-chloroaniline); Hexamethylphosphoramide; Urethane; Methyl Butyl Ketone; 11-Aminoundecanoic Acid; Hexachloronorbornadiene; and Polybrominated Biphenyls and Tris/2,3-Dibromopropyl Phosphate.

Supplemental Timetable:

Hexachloronorbornadiene
NPRM 02/22/85 (50 FR 7351)

Hexamethylphosphoramide (HMPA) and Urethane
NPRM 10/10/84 (49 FR 39703)
Final Action 11/00/85

Methyl Butyl Ketone
NPRM 10/00/85

Polybrominated Biphenyls
NPRM 00/00/00

Tris/2,3-Dibromopropyl Phosphate
NPRM 00/00/00

11-Aminoundecanoic Acid
NPRM 10/00/85

4,4-Methylene-bis (2-chloroaniline) (MBOCA)
NPRM 04/00/85

Small Entity: Undetermined

Additional Information: SAR No. 1923.

FTS: 8-382-3436.

Agency Contact: Frank Kover, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-778), Washington, DC 20460, **202 382-3436**

RIN: 2070-AA58

22. FOLLOW-UP RULES ON NON-5(E) NEW CHEMICALS

Legal Authority: 15 USC 2604 / TSCA 5; 15 USC 2607 / TSCA 8

CFR Citation: 40 CFR 704; 40 CFR 721

Abstract: EPA has instituted a program to follow the commercial development of selected new chemicals that have completed premanufacture notice review. EPA will issue rules on new chemicals of concern as they are identified to require follow-up reporting under TSCA Section 5 or 8, by the manufacturers and processors of the chemicals. Individual proposed and final rules will be published at different times throughout the period of April 1985 to April 1986.

Supplemental Timetable:

Benzenediamine 4 Ethoxy, Sulfate
NPRM 08/30/83 (49 FR 39245)
Final Action 10/26/84 (49 FR 43058)

Benzoic Acid, 3,3'Methylenebis (6-Amino-, Di-2-Propenyl Ester)
NPRM 01/02/85 (50 FR 127)
Final Action 00/00/00

Certain Polyamino Chemical Substances
NPRM 12/27/84 (49 FR 50209)
Final Action 00/00/00

Dinitrophenyl Azo-2,4-Diamino-5-Methoxybenzene Derivatives
NPRM 10/25/84 (49 FR 42960)
Final Action 00/00/00

Isopropylamine and Ethylamine
NPRM 08/24/83 (48 FR 38502)
Final Action 11/26/84 (49 FR 46373)

Substituted Methylpyridine/Substituted 2-Phenoxypyridine
NPRM 02/06/84 (49 FR 4390)
Final Action 05/00/85

Small Entity: Undetermined

Additional Information: SAR No. 1976.

FTS: 8-382-3853.

Agency Contact: John Bowser, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-794), Washington, D.C. 20460, **202 382-3853**

RIN: 2070-AA59

23. PREMANUFACTURE NOTIFICATION: STAYED PROVISIONS (REVISION)

Legal Authority: 15 USC 2604 / TSCA 5

CFR Citation: 40 CFR 720

Abstract: On September 13, 1983, EPA stayed the effective date of sections 720.3(y), 720.36, 720.50(c), and 720.78(b) of the final premanufacture notification (PMN) rule issued under section 5 of the Toxic Substances Control Act (TSCA). The stayed provisions concerned the section 5(h)(3) research and development exemption, data requirements on related chemicals, and the definition of "possession and control". All other provisions are effective as of October 26, 1983. This reproposal will revise the stayed provisions only.

Timetable:

Action	Date	FR Cite
NPRM	12/27/84	49 FR 5020
Final Action	09/00/85	

Small Entity: Undetermined

Additional Information: SAR No. 1134a.

FTS: 8-382-3844.

Agency Contact: Joseph A. DeSantis, Environmental Protection Agency, Pesticides and Toxic Substances, TS-794, Washington, DC 20460, **202 382-3844**

RIN: 2070-AA94

24. SECTION 5(B)(4) FOR CERTAIN CHEMICAL SUBSTANCES

Legal Authority: 15 USC 2604(b)(4) / TSCA 5

CFR Citation: 40 CFR 700

Abstract: EPA is announcing a proposed rulemaking to implement TSCA Section 5(b)(4), which provides EPA authority to develop by rule a list of substances which present or may present an unreasonable risk of injury to health or the environment. Submitters of TSCA section 5 notices for substances on the list must submit data which they believe show that the substances will not present an unreasonable risk of injury. The rule under consideration would list categories of chemicals which have frequently presented risk concerns to the Agency in the Section 5 premanufacture (PMN) review process.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Undetermined

Additional Information: SAR No. 2124.

FTS: 8-382-3844.

Agency Contact: Joseph DeSantis, Environmental Protection Agency, Pesticides and Toxic Substances, TS-794, Washington, DC 20460, **202 382-3844**

RIN: 2070-AB17

25. ● GENERAL REGULATIONS ON SIGNIFICANT NEW USE RULES (SNURS) (REVISION)

Legal Authority: 15 USC 2604 /TSCA 5

CFR Citation: 40 CFR 721

Abstract: Subpart A of part 721 of 40 CFR contains general provisions for Significant New Use Rules (SNURs). The Agency has received comments requesting that the general provisions be modified to provide more flexibility in recordkeeping requirements; to revise its hazard communication provisions to make them more compatible with OSHA's Hazard Communication Standard; and to allow manufacturers and processors to seek Agency approval, outside the context of a PMN submission, for risk management measures which are equivalent to those described in a SNUR. Based on comments, EPA will revise the general provisions for SNURs.

Timetable:

Action	Date	FR Cite
NPRM	07/00/85	

Small Entity: No

Additional Information: SAR No. 2250.

FTS:8-382-3861.

Agency Contact: Ralph Wright, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-794), Washington, DC 20460, 202 382-3861

RIN: 2070-AB26

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26. ● SIGNIFICANT NEW USE RULES TO EXTEND PROVISIONS OF SECTION 5(E) ORDERS

Legal Authority: 15 USC 2604 /TSCA 5

CFR Citation: 40 CFR 721

Abstract: When the Agency determines that in the absence of adequate safety data, the uncontrolled manufacture, distribution, use or disposal of a PMN substance may present an unreasonable risk, it may issue a proposed order under section 5(e) to limit the aforementioned activities. However, section 5(e) orders apply only to the PMN submitter. Once the substance is placed on the TSCA chemical inventory, other persons are free to manufacture or process the substance without controls. Therefore EPA, by rule, designates manufacture or processing of the substances for use without the specified controls as a significant new use. These SNURs ensure that the original submitter is not at a competitive disadvantage and that no uncontrolled activities will occur without an opportunity for prior Agency review.

Supplemental Timetable:

Alkyl Aryl Phosphine (83-1023)
NPRM 09/20/84 (49 FR 36880)
Final Action 00/00/00

Alkyl Glycoether Acrylic Acid Derivative (84-27)
NPRM 12/24/84 (49 FR 49868)
Final Action 00/00/00

Brominated Aryl Alkyl Ether, Ethylated Amino Phenol Amino ETC
NPRM 09/28/84 (49 FR 38303)
Final Action 12/00/85

Certain Acrylate and Methacrylate Chemicals (84-176, 180-184)
NPRM 03/27/85 (50 FR 12046)

Dicarboxylic Acid Monoester (83-25)
NPRM 01/03/84 (49 FR 82)
Final Action 10/26/84 (49 FR 43061)

Disubstituted Diamino Anisole (83-822)
NPRM 12/07/84 (49 FR 47874)
NPRM 12/07/84 (49 FR 47874)
Final Action 00/00/00

Generic names to be determined (84-341/342/343/344)
NPRM 12/00/85

Halogenated Pyridine Alkyl Pyridine (83-1162, 1163)
NPRM 00/00/00

Methylphenol,bis-(substituted alkyl) (84-417)
NPRM 03/21/85 (50 FR 11391)

Poly(oxy-1,4-Butanediyl)-x-(1-oxy-2-propenyl)-w-c(1-oxo-2-propo
NPRM 12/00/85

Polyglycidyl benzeneamine (83-394)
NPRM 12/29/83 (48 FR 57440)
Final Action 10/31/84 (49 FR 43649)

Potassium N, N-bis (hydroxyethyl) Cocamine and Tallowmaine oxide
NPRM 02/17/83 (48 FR 7171)
Final Action 09/05/84 (49 FR 35011)

Substituted Bromothiophene (83-769)
NPRM 09/28/84 (49 FR 38310)
Final Action 00/00/00

Substituted Methylpyridine (83-237)
NPRM 02/06/84 (49 FR 4390)
Final Action 05/00/85

Substituted Methylpyridine and Substituted 2-Phenoxypyridine
NPRM 01/03/84 (49 FR 99)
Final Action 12/28/84 (49 FR 50396)

Substituted Tetrafluoro Alkanes and Alkanes (84-105/106/107)
NPRM 03/21/85 (50 FR 11384)

Tetrachloroethylene derivative (82-684)
NPRM 01/03/84 (49 FR 91)
Final Action 10/25/84 (49 FR 42928)

8-Acetyl -3-Dodecyl-7,7,9,9-Tetramethyl 1,3-8-Triazaspiro (ETC)
Final Action 00/00/00

8-Acetyl-3-Dodecyl-7,7,9,9-Tetramethyl 1,3-8-Triazaspiro (ETC)
NPRM 01/12/84 (49 FR 1753)

Small Entity: Undetermined

Additional Information: SAR No. 2246.

FTS:8-382-3853.

Agency Contact: John Bowser, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-794), Washington, DC 20460, 202 382-3853

RIN: 2070-AE27

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27. ● GENERAL SIGNIFICANT NEW USE RULE (SNUR)

Legal Authority: 15 USC 2604 /TSCA 5

CFR Citation: 40 CFR 721

Abstract: EPA is considering developing general SNURs which would designate certain activities as generic significant new uses. The rules will define situations in which follow-up reporting has been routinely required. General rules, setting forth criteria under which follow-up reporting is automatically required, will eliminate the need for individual rules each time such criteria are met.

Timetable:

Action	Date	FR Cite
ANPRM	04/00/86	

Small Entity: Undetermined

Additional Information: SAR No. 2247.

FTS:8-382-3853.

Agency Contact: John Bowser, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-794), Washington, DC 20460, 202 382-3853

RIN: 2070-AB28

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28. ● POLICY STATEMENT REGARDING CERTAIN MICROBIAL PRODUCTS

Legal Authority: 15 USC 2604/TSCA 5

CFR Citation: 40 CFR 721

Abstract: New microorganisms developed through advanced techniques of generic engineering and used for TSCA commercial purposes will be subject to EPA requirements. OPTS is now developing general policies concerning the scope of PMN requirements for genetically engineered organisms, a policy for handling genetically engineered pesticides, and strategies for conducting risk assessments of these organisms. A proposed policy was published in December 1984. Comments are due on April 1, 1985. The policy will be revised, as appropriate, and final statement will be prepared. In addition, OPTS is

participating in a Cabinet Council working group on biotechnology to ensure that the overall Federal approach is integrated and consistent.

Timetable:

Action	Date	FR Cite
Notice of Proposed Policy	12/31/84	49 FR 50880
Notice of Final Policy	00/00/00	

Small Entity: Undetermined

Additional Information: SAR No. 2123.

FTS:8:382-3826.

Agency Contact: Anne Hollander, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-794), Washington, DC 20460, 202 382-3826

RIN: 2070-AB31

29. PCB TRANSFORMERS IN BUILDINGS (REVISION)

Legal Authority: 15 USC 2605 / TSCA 6(e)

CFR Citation: 40 CFR 761.31

Abstract: Polychlorinated biphenyl (PCB) equipment is owned and operated by utilities and building owners throughout the U.S. Over the past two years, electrical transformers containing PCBs have been involved in several office fires. If the fire occurs in an occupied building, and ventilation ducts spread volatized toxic chemicals, such an incident could create a major public health problem. Although the intent of regulation would be to reduce the risk of future fires in PCB transformers that are located in buildings, the regulation would indirectly regulate the environmental dispersing of toxic chemicals that are created in transformer fires.

Timetable:

Action	Date	FR Cite
ANPRM	03/23/84	49 FR 11070
NPRM	10/11/84	49 FR 39966
Final Action	07/00/85	

Small Entity: No

Additional Information: SAR No. 2056.

FTS: 8-382-3935.

Analysis: RIA

Agency Contact: Suzanne Rudzinski, Environmental Protection Agency, Pesticides and Toxic Substances, TS-798, Washington, DC 20460, 202 382-3935

RIN: 2070-AA70

30. REGULATORY INVESTIGATION OF 2-ETHOXYETHANOL, 2-METHOXYETHANOL AND THEIR ACETATES (GLYCOL ETHERS)

Legal Authority: 15 USC 2605 / TSCA 6; 15 USC 2608 / TSCA 9

CFR Citation: 40 CFR 764

Abstract: Recent date indicate that inhalation of glycol ethers can cause teratogenic effects and testicular damage. EPA is exploring various control alternatives, including referral to other agencies under TSCA section 9 and section 6 regulatory action.

Timetable:

Action	Date	FR Cite
ANPRM	01/24/84	49 FR 2921
Notice	06/00/85	

Small Entity: No

Additional Information: SAR No. 2032.

FTS: 8-362-3945.

Analysis: RIA, RFA

Agency Contact: Richard Gross, Environmental Protection Agency, Pesticides and Toxic Substances, TS-794, Washington, DC 20460, 202 382-3945

RIN: 2070-AA71

31. SECTION 9 REPORT ON 1,3-BUTADIENE

Priority: Major

Legal Authority: 15 USC 2608 / TSCA 9

CFR Citation: 40 CFR 764

Abstract: 1,3-butadiene is a large scale, commercial chemical used primarily for manufacturing rubber and plastic products. It is a potent animal carcinogen and was the subject of a 180-day priority review by the Agency. An ANPR was issued in May 1984. EPA has determined that exposure to the chemical is primarily occupational.EPA is exploring various control alternatives, including section 9 referral to other agencies and/or section 6 regulations.

Timetable:

Action	Date	FR Cite
ANPRM	05/15/84	49 FR 20524
Final Action	07/00/85	

Small Entity: Undetermined

Additional Information: SAR No. 2114.

FTS: 8-382-3945.

Agency Contact: Richard Gross, Environmental Protection Agency, Pesticides and Toxic Substances, TS-794, Washington, DC 20460, 202 382-3945

RIN: 2070-AB04

32. REGULATORY INVESTIGATION OF METALWORKING FLUIDS

Legal Authority: 15 USC 2605 / TSCA 6; 15 USC 2608/TSCA 9

CFR Citation: 40 CFR 749

Abstract: The formulation of water-based metalworking fluids with nitrite in combination with alkanolamines may present an unreasonable risk to machinists due to the formulation of nitrosamines, particularly in n-nitrosodiethanolamine (NDELA). Recent studies indicate that NDELA is a potent animal carcinogen. EPA is investigating the regulatory options which would provide for rapid risk reduction in this area. The regulatory investigation centers on quantifying cancer risks and on the eificacy and cost of removing nitrites from metalworking fluids.

Timetable:

Action	Date	FR Cite
ANPRM	01/23/84	49 FR 2767
NPRM	11/00/85	

Small Entity: Yes

Additional Information: SAR No. 2149.

FTS: 8-382-3945.

Analysis: RIA; RFA

Agency Contact: Richard Gross, Environmental Protection Agency, Pesticides and Toxic Substances, TS-794, Washington, DC 20460, 202 382-3945

RIN: 2070-AB09

33. REGULATORY INVESTIGATION OF FORMALDEHYDE

Legal Authority: 15 USC 2605 / TSCA 6; 15 USC 2608 / TSCA 9

CFR Citation: 40 CFR 765

Abstract: As described in the Federal Register on May 23, 1984, the Agency is investigating regulatory options for the reduction of three categories of exposure to formaldehyde: 1) residents exposed to formaldehyde emissions from wood products used in the construction of mobile homes; 2) similarly exposed residents of conventional homes; 3) apparel manufacture employees exposed to formaldehyde released from treated fabrics. This investigation is being conducted in consultation with HUD, OSHA and CPSC. This investigation may lead to the initiation of various control alternatives, including section 9 referral to other agencies and/or section 6 regulations.

Timetable:

Action	Date	FR Cite
ANPRM	05/23/84	49 FR 21870
NPRM	00/00/00	

Small Entity: Undetermined

Additional Information: SAR No. 2146.

FTS: 8-382-3945.

Agency Contact: Richard Gross, Environmental Protection Agency, Pesticides and Toxic Substances, TS-794, Washington, DC 20460, 202 382-3945

RIN: 2070-AB14

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34. POLYCHLORINATED BIPHENYLS (PCBS): RENEWAL OF APPLICATIONS FOR EXEMPTIONS FROM THE BAN ON MANUFACTURING, PROCESSING, AND DISTRIBUTION

Legal Authority: 5 USC 556 / TSCA 6(e)(3)(B)

CFR Citation: 40 CFR 761

Abstract: Section 6(e)(3)(b) of TSCA provides that the Administrator may grant, by rule, exemptions from the prohibitions on the manufacture, processing and distribution in commerce of PCBs upon finding (1) that granting the exemption will not pose an unreasonable risk of injury to health or the environment, and (2) that good faith efforts have been made to develop a PCB substitute which does not pose an unreasonable risk of injury to health or the environment.

Timetable:

Action	Date	FR Cite
NPRM	05/00/85	

Small Entity: No

Additional Information: SAR No. 2150

FTS: 8-382-3935.

Analysis: RIA

Agency Contact: Suzanne Rudzinski, Environmental Protection Agency, Pesticides and Toxic Substances, TS 798, Washington, DC 20460, 202 382-3935

RIN: 2070-AB20

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35. ● REGULATORY INVESTIGATION OF 4,4'-METHYLENE BIS (CHLOROANILINE) (MBOCA)

Priority: Undetermined

Legal Authority: 15 USC 2605/ TSCA 6, 15 USC 2608/ TSCA 9

CFR Citation: 40 CFR 764

Abstract: MBOCA is a curing agent used in the manufacturing of elastomers and surface coatings. It has been shown to cause cancer in laboratory animals. Risks are primarily to workers, many of whom work for small businesses. The Agency is investigating regulatory options for reducing risks from exposure to MBOCA. Several studies are underway to determine the efficacy of various control methods including packaging requirements before proceeding with regulatory action. EPA is exploring various control alternatives, including referral to other agencies under TSCA.

Timetable:

Action	Date	FR Cite
ANPRM	05/23/83	48 FR 22954
NPRM	00/00/00	

Small Entity: Undetermined

Additional Information: SAR No

FTS:8-382-3945

Agency Contact: Richard Gross, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-794), Washington, DC 20460, 202 382-3945

RIN: 2070-AB22

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36. ● ASBESTOS ABATEMENT BUILDING OCCUPANT PROTECTION RULE

Legal Authority: 15 USC 2605/TSCA 6

CFR Citation: 40 CFR 764

Abstract: This rule would set standards for performance of Asbestos Abatement practices in buildings. The rule would protect occupants and users of buildings where asbestos abatement is occurring. The rule may be made immediately effective

Timetable:

Action	Date	FR Cite
NPRM	06/00/85	
Interim Final Rule	06/00/85	

Small Entity: Undetermined

Additional Information: SAR No.2243.

FTS:8-382-3844.

Agency Contact: Joseph DeSantis, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-794), Washington, DC 20460, 202 382-3844

RIN: 2070-AB23

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37. ● ASBESTOS ABATEMENT WORKER PROTECTION RULE

Legal Authority: 15 USC 2605 /TSCA 6

CFR Citation: 40 CFR 764

Abstract: This rule would establish worker protection provisions for public employees who conduct asbestos abatement work and are not covered by an OSHA rule or a rule developed under an approved state plan. The rule may be made immediately effective.

Timetable:

Action	Date	FR Cite
NPRM	06/00/85	
Interim Final Rule	06/00/85	

Small Entity: Undetermined

Additional Information: SAR No.

FTS:8-382-3844

Agency Contact: Joseph DeSantis, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-794), Washington, DC 20460, 202 382-3844

RIN: 2070-AB24

38. ● POLYCHLORINATED BIPHENYLS (PCBS): MANUFACTURING, PROCESSING, DISTRIBUTION IN COMMERCE, AND USE PROHIBITIONS; EXCLUSIONS AND USE AUTHORIZATIONS (REVISION)

Legal Authority: 5 USC 556 /TSCA 6

CFR Citation: 40 CFR 761

Abstract: On July 10, 1984, EPA promulgated a rule for inadvertently generated PCBs and authorizing the limited use of PCBs in heat transfer and hydraulic systems (49 FR 28172). EPA will issue policy statements on, and propose amendments to, the July 10 Rule in response to two petitions for judicial review of the Rule. The policy statements will clarify current provisions of the Rule. The proposed amendments will be based on EPA evaluation of new information submitted by the petitioners and other interested parties.

Timetable:

Action	Date	FR Cite
NPRM	10/00/85	
Final Action	10/00/86	

Small Entity: No

Additional Information: SAR No.2244.

FTS:8-382-3935.

Agency Contact: Suzanne Rudzinski, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-798), Washington, DC 20460, **202 382-3935**

RIN: 2070-AB25

39. HEALTH AND SAFETY DATA REPORTING; SUBMISSION OF TESTS AND COPIES OF HEALTH AND SAFETY DATA (REVISION)

Legal Authority: 15 USC 2607 / TSCA 8(d)

CFR Citation: 40 CFR 716

Abstract: This proposal would amend the automatic reporting provision of the Health and Safety Reporting rule under section 8(d) of the Toxic Substances Control Act (TSCA) (40 CFR Part 716 Subpart A) published on September 2, 1982 (47 FR 38780). The amendment will change 40 CFR 716.18(b) to require without separate proposal and comment, reporting of unpublished health and safety studies on chemicals recommended for testing by the Interagency Testing Committee (ITC) but not designated for action by EPA within 12 months. Two other amendments are also included. One would allow for the removal of ITC-recommended chemicals by the Assistant Administrator for Pesticides and Toxic Substances before the effective date of an amendment adding ITC-recommended chemicals to the section 8(d) rule. The other amendment would modify the procedures for requesting reporting deadline extensions.

Timetable:

Action	Date	FR Cite
NPRM	11/19/84	49 FR 45602
Final Action	02/00/86	

Small Entity: No

Additional Information: SAR No. 1139b.

FTS: 8-382-3436.

Docket No. OPTS 84010

Agency Contact: Frank Kover, Environmental Protection Agency, Pesticides and Toxic Substances, TS-778, Washington, DC 20460, **202 382-3436**

RIN: 2070-AA76

40. SECTION 8(C) RECORDS AND REPORTS OF ALLEGATIONS OF SIGNIFICANT ADVERSE REACTIONS TO HEALTH AND THE ENVIRONMENT (REVISION)

Legal Authority: 15 USC 2607(c)/TSCA 8(c)

CFR Citation: 40 CFR 717

Abstract: This amendment will clarify issues relating to coverage of the section 8(c) regulation, Records and Reports of Allegations of Significant Adverse Reactions to Health or the Environment. The amendments address the exemption of coincidental manufactures and clarify how SIC codes relate to processors subject to the rule.

Timetable:

Action	Date	FR Cite
NPRM	12/24/84	49 FR 49865
Final Action	09/00/85	

Small Entity: No

Additional Information: SAR No. 1138a.

FTS: 8-382-3436.

Docket No. OPTS 83001D

Agency Contact: Frank Kover, Environmental Protection Agency, Pesticides and Toxic Substances, TS-778, Washington, DC 20460, **202 382-3436**

RIN: 2070-AA86

41. CHEMICAL INFORMATION RULES; ADDITIONAL AUTOMATIC REPORTING (REVISION)

Legal Authority: 15 USC 2607 / TSCA 8(a)

CFR Citation: 40 CFR 712

Abstract: Current regulations provide that when the Interagency Testing Committee (ITC) recommends chemicals to EPA for priority consideration in the promulgation of test rules, the chemicals are automatically subject to the Section 8(a) Preliminary Assessment Information rule. This rule will amend the automatic reporting requirement to include for reporting those chemicals the ITC recommends for test rules, but are not designated for EPA's priority consideration. Manufacturers and importers of selected chemical substances must report general production, use, and exposure information with respect to the chemical substance.

Timetable:

Action	Date	FR Cite
NPRM	11/19/84	49 FR 45598
Final Action	02/00/86	

Small Entity: No

Additional Information: SAR No. 1137d.

FTS: 8-382-3436.

Docket No. OPTS 820040.

Agency Contact: Frank Kover, Environmental Protection Agency, Pesticides and Toxic Substances, TS-778, Washington, DC 20460, **202 382-3436**

RIN: 2070-AA98

42. PARTIAL UPDATING OF CERTAIN TSCA INVENTORY DATA BASE

Priority: Task Force

Legal Authority: 15 USC 2607 / TSCA 8(a)

CFR Citation: 40 CFR 1

Abstract: This proposal would update, under the authority of section 8(a) of TSCA, the production volume and plant

site data for certain substances reported for the TSCA Chemical Substances Inventory. The information is needed by EPA to perform a number of activities associated with the implementation of TSCA. The current Inventory data base was compiled in 1979, based on 1977 data. The obsolescence of the Inventory data base and the lack of an alternative source that can fully satisfy EPA's requirements have formed the basis for the proposed action. EPA proposes that certain manufacturers/importers of certain substances to report changes in production volume, plant site location, and site-limited status on an event-precipitated basis following the first reporting year during which time every person subject to this rule would be required to report.

Timetable:

Action	Date	FR Cite
NPRM	03/12/85	50 FR 9944
Final Action	12/00/85	

Small Entity: No

Additional Information: SAR No. 2115.

FTS: 8-382-3938.

Agency Contact: Linda Travers, Environmental Protection Agency, Pesticides and Toxic Substances, TS-793, Washington, DC 20460, 202 382-3938

RIN: 2070-AA99

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43. SECTION 8 (A) PRELIMINARY ASSESSMENT INFORMATION RULE

Legal Authority: 15 USC 2607a / TSCA 8(a)

CFR Citation: 40 CFR 712

Abstract: This rule adds chemicals to the list of chemicals and designated mixtures subject to the requirements of the TSCA Section 8(a) Preliminary Assessment Information Rule - manufacturer reporting (40 CFR Part 712). Manufacturers and importers are required to submit exposure-related data (EPA Form No. 7710-35) on the chemicals. These data will be used to monitor the levels of production, import and/or processing of these substances and the avenues of human and environmental exposure to these substances. It will also support risk assessment and test rule decisions. Individual proposed or final rules will be published at different times throughout the period of October 1984 to October 1985.

Supplemental Timetable:

Urea Formaldehyde
NPRM 11/05/84 (49 FR 44218)
Final Action 05/00/85

3,4, Dichlorobenzotrifluoride
NPRM 11/05/84 (49 FR 44218)
Final Action 06/00/85

Small Entity: No

Additional Information: SAR No. 2178.

FTS: 8-382-3436.

Agency Contact: Frank Kover, Environmental Protection Agency, Pesticides and Toxic Substances, TS-778, Washington, DC 20640, 202 382-3436

RIN: 2070-AB08

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44. SECTION 8(D) HEALTH AND SAFETY DATA REPORTING RULE

Legal Authority: 15 USC 2607(d)/TSCA 8(d)

CFR Citation: 40 CFR 716

Abstract: This rule adds chemicals to the list of chemicals and designated mixtures subject to the requirements of the TSCA Section 8(d) Health and Safety Data Reporting Rule. Manufacturers, importers, and processors are required to submit unpublished health and safety studies on these substances. The reports and data will be used to support risk assessment analyses and test rule decisions. Reporting Rules in the next year may be issued on 3,4-dichlorobenzotrifluoride and other chemicals.

Timetable:

Action	Date	FR Cite
NPRM	11/05/84	49 FR 44220
Final Action	06/00/85	

Small Entity: No

Additional Information: SAR No. 1139a.

FTS: 8-382-3436.

Docket No. OPTS 84012.

Agency Contact: Frank Kover, Environmental Protection Agency, Pesticides and Toxic Substances, TS-778, Washington, DC 20460, 202 382-3436

RIN: 2070-AB11

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45. TSCA SECTION 8(A) COMPREHENSIVE ASSESSMENT INFORMATION RULE (CAIR)

Legal Authority: 15 USC 2607(a) / TSCA 8(a)

CFR Citation: 40 CFR 712

Abstract: This rule will contain a comprehensive list of questions for industry reporting which will provide necessary information to complete chemical assessments. Each time EPA needs information on a chemical, the Agency will amend the rule to add the chemical. Not all questions will be selected for each chemical added to the rule; only the most relevant questions will be selected for each chemical. The information obtained by this rule will be used by EPA and other Federal Agencies to support assessments of and rulemaking on chemical substances.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Undetermined

Additional Information: SAR No. 2129.

FTS: 8-382-3436.

Agency Contact: Frank Kover, Environmental Protection Agency, Pesticides and Toxic Substances, TS-778, Washington, DC 20460, 202 382-3436

RIN: 2070-AB13

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46. ● SECTION 8(D) HEALTH AND SAFETY REPORTING RULE (REVISION)

Legal Authority: 15 USC 2607(d) /TSCA 8(d)

CFR Citation: 40 CFR 716

Abstract: EPA is considering amending the Toxic Substances Control Act (TSCA) Section 8(d) Health and Safety Data Reporting Rule by: removing the rule's sunset provision, limiting a certain reporting exemption, and clarifying the rule's confidentiality provisions. EPA believes that these three amendments will increase the number and usefulness of the health and safety data reports submitted to EPA, and will provide these reports during the same time period that EPA performs its chemical testing, hazard/risk assessment, and risk management determinations.

EPA—TSCA **Current and Projected Rulemakings**

Timetable:

Action	Date	FR Cite
NPRM	07/00/85	

Small Entity: No

Additional Information: SAR No. 1139b.

FTS:8-382-3436.

Agency Contact: Frank Kover, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-788), Washington, DC 20460, 202 382-3436

RIN: 2070-AB35

47. SECTION 9 REPORT ON 4,4'-METHYLENEDIANILINE (4,4'-MDA)

Legal Authority: 15 USC 2608 / TSCA 9

CFR Citation: 40 CFR 764

Abstract: On April 27, 1983, the Agency determined that there may be a reasonable basis to conclude that 4,4'MDA presents a significant risk to humans of serious harm from cancer, and announced initiation of a 180-day review of 4,4'-MDA under Section 4(f) of TSCA. The Agency has now concluded that the manufacture and use of, 4'MDA presents an unreasonable risk to the health of workers workers. A TSCA 9 Report is being prepared to refer this action to the Occupational Health and Safety Administration.

Timetable:

Action	Date	FR Cite
ANPRM	09/20/83	48 FR 42898
Final Action	05/00/85	

Small Entity: No

Additional Information: SAR No. 2176.

FTS: 8-382-3945.

Agency Contact: Richard Gross, Environmental Protection Agency, Pesticides and Toxic Substances, TS-794, Washington, DC 20460, 202 382-3945

RIN: 2070-AB15

48. ● SECTION 9 REPORT ON ASBESTOS

Legal Authority: 15 USC 2608 /TSCA 9

CFR Citation: 40 CFR 763

Abstract: EPA has determined that the manufacture, processing, distribution in commerce, use, and disposal of asbestos presents an unreasonable risk. EPA has also determined that the risk may be prevented or reduced to a sufficient extent through action by the Department of Labor (DOL) and the Consumer Product Safety Commission (CPSC). Therefore, EPA has submitted a report to DOL and CPSC describing the risks presented by asbestos and requesting that DOL and CPSC determine whether the risks can be sufficiently reduced by action under their respective authorities.

Timetable:

Action	Date	FR Cite
Notice	05/00/85	

Small Entity: Not Applicable

Additional Information: SAR No. 2248.

FTS:8-382-3844.

Agency Contact: Joseph DeSantis, Environmental Protection Agency, Pesticides and Toxic Substances, (TS-794), Washington, DC 20460, 202 382-3844

RIN: 2070-AB29

ENVIRONMENTAL PROTECTION AGENCY (EPA)—Toxic Substances Control Act (TSCA)

Existing Regulations Under Review

49. REVIEW OF TSCA SECTION 8(C) ADVERSE REACTIONS REPORTING AND RECORDKEEPING REQUIREMENTS

Legal Authority: 15 USC 2607 / TSCA 8

CFR Citation: 40 CFR 717

Abstract: Under Section 8(c) of the Toxic Substances Control Act, manufacturers, processors, and distributors are responsible for recording allegations that their products caused significant adverse reactions to health or the environment. As stated in the existing rule, EPA will, within 18 months, review the information requirements of the TSCA 8(c) to assess the quality, utility, effectiveness and efficiency of the requirements. This review will be conducted jointly with OPTS and the recommendations, where appropriate, will be implemented through revisions to the 8(c) rule.

Timetable:

Action	Date	FR Cite
Begin Review	03/00/85	
End Review	12/00/85	

Small Entity: No

Additional Information: REVIEW AUTHORITY: Paperwork Reduction Act.

FTS: 8-382-2741.

Agency Contact: Gary Deutsch, Environmental Protection Agency, Pesticides and Toxic Substances, PM-223, Washington, DC 20460, 202 382-2741

RIN: 2070-AB03

ENVIRONMENTAL PROTECTION AGENCY (EPA)—Toxic Substances Control Act (TSCA)

Completed Actions

COMPLETED RULEMAKINGS

50. GENERAL EXEMPTION POLICY FOR TEST RULES

CFR Citation: 40 CFR 790; 40 CFR 773

Completed:

Reason	Date	FR Cite
Final Action	10/10/84	49 FR 39776

Small Entity: No

Agency Contact: Gary Timm 202 475-8130

RIN: 2070-AA15

51. PMN EXEMPTION FOR POLYMERS

Priority: Task Force

EPA—TSCA — **Completed Actions**

CFR Citation: 40 CFR 723

Completed:

Reason	Date	FR Cite
Final Action	11/21/84	49 FR 46066

Small Entity: No

Agency Contact: Joseph A. DeSantis 202 382-7362

RIN: 2070-AA37

52. LEAKING UNDERGROUND STORAGE TANKS; INITIATION OF REGULATORY ACTION

Priority: Major

CFR Citation: 40 CFR 749

Completed:

Reason	Date	FR Cite
Withdrawn Combined with RINs 2050-AB04, AB14, and AB18	02/00/85	

Small Entity: Yes

Agency Contact: Suzanne Rudzinski 202 382-3935

RIN: 2070-AB18

53. STANDARDS FOR EXCLUDING SMALL MANUFACTURERS FROM TSCA 8(A)

CFR Citation: 40 CFR 704

Completed:

Reason	Date	FR Cite
Final Action	11/16/84	49 FR 45425

Small Entity: Yes

Agency Contact: Frank Kover 202 382-3436

RIN: 2070-AA31

54. SECTION 8(A) RULES FOR POLYBROMINATED BIPHENYLS (PBB) AND TRIS (2,3-DIBROMOPROPYL)PHOSPHATE

CFR Citation: 40 CFR 704

Completed:

Reason	Date	FR Cite
Withdrawn Combined with RIN 2070-AA58	02/00/85	

Small Entity: No

Agency Contact: Frank Kover 202 382-3436

RIN: 2070-AB16

COMPLETED REVIEWS

55. RULES RESTRICTING THE COMMERCIAL AND INDUSTRIAL USE OF ASBESTOS FIBERS

Priority: Major

CFR Citation: 40 CFR 763

Completed:

Reason	Date	FR Cite
Withdrawn Combined with RIN 2070-AB29	02/00/85	

Small Entity: Undetermined

Agency Contact: Richard Gross 202 382-3945

RIN: 2070-AA29

[FR Doc. 85-7908 Filed 04-26-85; 8:45 am]

BILLING CODE 6560-50-T

ENVIRONMENTAL PROTECTION AGENCY (EPA)—Clean Water Act (CWA) — **Current and Projected Rulemakings**

56. STATE SLUDGE PROGRAM REGULATIONS

Legal Authority: 33 USC 1256 /CWA 106; 33 USC 1285(g) /CWA 205(g); 33 USC 1288 /CWA 208; 33 USC 1313 /CWA 303; 42 USC 6942 /RCRA 4002

CFR Citation: 40 CFR 501

Abstract: This regulation provides information and general requirements applicable to sludge management, requires States to submit a description of their sewage sludge management program to EPA, and contains the requirements States must follow to obtain approval of their program. This regulation also describes how different Federal laws and regulations apply to sewage sludge management activities.

Timetable:

Action	Date	FR Cite
NPRM	05/00/85	
Final Action	02/00/86	

Small Entity: No

Additional Information: SAR No. 2163.

FTS: 8-382-7356.

Agency Contact: Charles E. Gross, Environmental Protection Agency, Water, (WH-547), Washington, DC 20460, 202 382-7356

RIN: 2040-AA73

57. SIMPLIFYING CONSTRUCTION GRANTS REGULATIONS (REVISION)

Legal Authority: 33 USC 1361 / CWA 201

CFR Citation: 40 CFR 35, Appendix A

Abstract: A revised interim final regulation describing allowable and unallowable costs for construction grant projects was published February 17, 1984. This rule will not be published as a final rule until after Congress acts on reauthorization of the construction grants program.

Timetable:

Action	Date	FR Cite
Previous NPRM	11/06/81	46 FR 55220
NPRM	05/12/82	47 FR 20470
Interim Final Rule	05/12/82	47 FR 20450
Revised Interim Final Rule	02/17/84	49 FR 6224
Final Action	06/00/86	

Small Entity: No

Additional Information: SAR No. 1722.

Docket No. G-81-5.

FTS: 8-382-7278.

Agency Contact: Patricia Power, Environmental Protection Agency, Water, (WH-595), Washington, DC 20460, 202 382-7278

RIN: 2040-AA70

58. COST CONTROL OF CONSTRUCTION GRANT INCREASES REGULATION (REVISION)

Legal Authority: 33 USC 1361 / CWA 201

CFR Citation: 40 CFR 35.2205

Abstract: This rule proposes to specify a maximum allowable project cost which will limit increases on grants for construction of publicly owned treatment works (POTW's). This limit is intended to provide additional incentive for communities to manage their grant funds as efficiently as possible. It will limit the allowable cost increase for grants awarded after the effective date of this rule.

Timetable:

Action	Date	FR Cite
NPRM	02/17/84	49 FR 6113
Final Action	04/00/85	

Small Entity: No

Additional Information: SAR No. 2267.

Docket No. C-82-06.

FTS: 8-382-5843.

Agency Contact: Walter Brodtman, Environmental Protection Agency, Water, (WH-547), Washington, DC 20460, 202 382-5843

RIN: 2040-AA71

59. NPDES NEW SOURCE AND SHORT APPLICATION FORMS (REVISION)

Legal Authority: 33 USC 1311 / CWA 301

CFR Citation: 40 CFR 122

Abstract: This action will develop an NPDES application form for new manufacturing, commercial, mining, and silvicultural operations. Besides obtaining information necessary for setting effluent discharge limitations, it will also help permit writers to determine whether the facility is a new source. This action will also develop a short, two-page application form for use by non-process wastewater dischargers. These dischargers usually contain only materials such as sanitary wastes and non-contact cooling water.

Timetable:

Action	Date	FR Cite
NPRM	10/01/84	49 FR 38812
Final Action	12/00/85	

Small Entity: No

Additional Information: SAR No. 1725.

FTS:8-426-2970.

Agency Contact: Gail Goldberg, Environmental Protection Agency, Water, (EN-336), Washington, DC 20460, 202 426-2970

RIN: 2040-AA00

60. REQUIREMENTS FOR APPLICATION FOR 301(C) VARIANCES

Legal Authority: 33 USC 1311 / CWA 311

CFR Citation: 40 CFR 125

Abstract: Section 301(c) of the Clean Water Act provides for variances on economic grounds of the strict requirements of BAT controls for non-toxic, non-conventional pollutants. The Agency is considering providing a guidance document which would set out ground rules and national criteria for granting variances from BAT requirements.

Timetable:

Action	Date	FR Cite
Guidance Document	00/00/00	

Small Entity: Undetermined

Additional Information: SAR No. 1404.

FTS: 8-382-2724.

Agency Contact: Karen Shafer, Environmental Protection Agency, Water, (PM-220), Washington, DC 20460, 202 382-2724

RIN: 2040-AA01

61. WAIVERS FROM BAT FOR NONCONVENTIONAL POLLUTANTS UNDER 301(G) (REVISION)

Legal Authority: 33 USC 1311 / CWA 301

CFR Citation: 40 CFR 125 F

Abstract: Section 301(g) allows NPDES permit applicants to request a waiver from BAT effluent limitations for nonconventional pollutants when the applicant can show that a less stringent permit limit will not interfere with the attainment or maintenance of water quality and will not endanger human health or the environment. This regulation will establish guidelines for evaluating waiver applications.

Timetable:

Action	Date	FR Cite
NPRM	08/07/84	49 FR 31462
Final Action	01/00/86	

Small Entity: No

Additional Information: SAR No. 1634.

FTS:8-426-7010.

Agency Contact: Robert Cantilli, Environmental Protection Agency, Water, (EN-336), Washington, DC 20460, 202 426-7010

RIN: 2040-AA02

62. EFFLUENT GUIDELINES FOR ORGANIC CHEMICALS AND PLASTICS AND SYNTHETIC FIBERS

Priority: Major

Legal Authority: 33 USC 1311 / CWA 301; 33 USC 1314 / CWA 304; 33 USC 1316 / CWA 306; 33 USC 1317 / CWA 307; 33 USC 1461 / CWA 501

CFR Citation: 40 CFR 414; 40 CFR 416

Abstract: The Agency has proposed BPT, BAT, NSPS and pretreatment standards for the organic chemicals portion of this industry (SIC 2865, 2869). Pollutants include aromatic chlorinated hydrocarbons, phenolic compounds, and metals. EPA also proposed BCT, BAT, BPT, NSPS, and pretreatment standards for the plastics and synthetics portion of this industry (SIC 2821, 2823, 2824). Pollutants of concern include phenols, acrolein, ethylbenzene, vinyl chloride, and metals.

Timetable:

Action	Date	FR Cite
NPRM	03/21/83	48 FR 11828
Notice	05/00/85	
Final Action	03/00/86	

Small Entity: Undetermined

Additional Information: SAR No. 1415.

FTS:8-382-7190.

Analysis: RIA

Agency Contact: E.H. Forsht, Environmental Protection Agency, Water, (WH-552), Washington, DC 20460, 202 382-7190

RIN: 2040-AA05

63. EFFLUENT GUIDELINES FOR OFFSHORE OIL AND GAS INDUSTRY (REVISION)

Legal Authority: 33 USC 1311 / CWA 301; 33 USC 1314 / CWA 304; 33 USC 1316 / CWA 306; 33 USC 1317 / CWA 307; 33 USC 1361 / CWA 501

CFR Citation: 40 CFR 435

Abstract: EPA published a final rule for BPT in 1979; NSPS and BAT standards, which had been proposed in 1975, were deferred and have subsequently been withdrawn. The agency plans to repropose regulations for NSPS and

BAT; propose BCT; and make certain amendments to BPT.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Additional Information: SAR No. 1649.

FTS:8-382-7161.

Agency Contact: Dennis Ruddy, Environmental Protection Agency, Water, (WH-552), Washington, DC 20460, 202 382-7165

RIN: 2040-AA12

64. EFFLUENT GUIDELINES FOR PHARMACEUTICALS (REVISION)

Legal Authority: 33 USC 1311 / CWA 301; 33 USC 1314 / CWA 304; 33 USC 1316 / CWA 306; 33 USC 1317 / CWA 307; 33 USC 1361 / CWA 501

CFR Citation: 40 CFR 439

Abstract: EPA has promulgated revised portions of the previous interim final BPT, BAT, NSPS, PSES, and PSNS effluent limitations and standards for the pharmaceutical manufacturing point source category. Additionally, the Agency is promulgating NSPS regulations to control the discharge of conventional pollutants for new source direct dischargers. The Agency further intends to promulgate limitations for the BCT control level. However, BCT limitations will not be established until the final BCT methodology POTW cost comparison test and industry cost effectiveness test is issued. The Agency has also postponed a final decision on the BAT and NSPS regulations that would control the discharge of the nonconventional COD pollutant.

Timetable:

Action	Date	FR Cite
NPRM	11/26/82	47 FR 53584
Final Action BPT, BAT, PSES, PSNS	10/27/83	48 FR 49808
Notice (BCT)	03/09/84	49 FR 8967
Final Action NSPS	07/00/85	
Final Action (BCT)	03/00/86	

Small Entity: No

Additional Information: SAR No. 1427.

FTS:8-382-7182.

Agency Contact: Frank Hund, Environmental Protection Agency, Water, (WH-552), Washington, DC 20460, 202 382-7182

RIN: 2040-AA13

65. EFFLUENT GUIDELINES FOR PAINT FORMULATION

Legal Authority: 33 USC 1311 / CWA 301; 33 USC 1314 / CWA 304; 33 USC 1316 / CWA 306; 33 USC 1317 / CWA 307; 33 USC 1361 / CWA 501

CFR Citation: 40 CFR 446

Abstract: The Agency is withdrawing the proposed BAT, NSPS, PSES, and PSNS effluent limitations and standards for the caustic and/or water wash subcategory, and also the pretreatment standards for the solvent wash subcategory. The authority for this decision is provided for under the EPA-NRDC Settlement Agreement, Paragraph 8. The Agency intends to publish a guidance document which will describe the details supporting its decision to exclude these standards from further regulation.

Timetable:

Action	Date	FR Cite
NPRM	01/03/80	45 FR 912
Notice of Availability - Guidance Document	09/00/85	

Small Entity: No

Additional Information: SAR No. 1411.

FTS:8-426-2554.

Agency Contact: Robert Dellinger, Environmental Protection Agency, Water, (WH-552), Washington, DC 20460, 202 426-2554

RIN: 2040-AA15

66. EFFLUENT GUIDELINES FOR INK FORMULATION

Legal Authority: 33 USC 1311 / CWA 301; 33 USC 1314 / CWA 304; 33 USC 1316 / CWA 306; 33 USC 1317 / CWA 307; 33 USC 1361 / CWA 501

CFR Citation: 40 CFR 447

Abstract: The Agency is withdrawing the proposed BAT, NSPS, PSES, and PSNS effluent limitations and standards for the caustic and/or water wash subcategory, and also the pretreatment standards for the solvent wash subcategory. The authority for this decision is provided for under the EPA-NRDC Settlement Agreement, Paragraph 8. The Agency intends to publish a guidance document which will describe the details supporting its decision to exclude these standards from further regulation.

Timetable:

Action	Date	FR Cite
NPRM	01/03/80	45 FR 928
Notice of Availability - Guidance Document	09/00/85	

Small Entity: No

Additional Information: SAR No. 1411A.

FTS:8-382-2554.

Agency Contact: Robert Dellinger, Environmental Protection Agency, Water, (WH-552), Washington, DC 20460, 202 382-2554

RIN: 2040-AA16

67. EFFLUENT GUIDELINES FOR GUM AND WOOD (REVISION)

Legal Authority: 33 USC 1311 / CWA 301; 33 USC 1314 / CWA 304; 33 USC 1316 / CWA 306; 33 USC 1317 / CWA 307; 33 USC 1361 / CWA 501

CFR Citation: 40 CFR 454

Abstract: The Agency intends to promulgate the proposed BPT standards for seven subcategories and NSPS standards for four subcategories. However, the Agency will be withdrawing the proposed BAT limitations and the proposed pretreatment standards. Authority for these exclusions is provided under paragraph 8 of the NRDC - EPA settlement agreements. In addition to publishing the final BPT and NSPS standards, the Agency will publish a guidance document describing the basis for the exclusion of the BAT and pretreatment standards.

Timetable:

Action	Date	FR Cite
NPRM	11/29/80	44 FR 68710
Final Action (BPT and NSPS)	12/00/84	
Notice of Availability - Guidance Document	09/00/85	

Small Entity: No

Additional Information: SAR No. 1425.

FTS:8-382-7186.

Agency Contact: Richard Williams, Environmental Protection Agency, Water, (WH-552), Washington, DC 20460, **202 382-7186**

RIN: 2040-AA17

68. EFFLUENT GUIDELINES FOR PESTICIDES

Legal Authority: 33 USC 1311 / CWA 301; 33 USC 1314 / CWA 304; 33 USC 1316 / CWA 306; 33 USC 1317 / CWA 307; 33 USC 1361 / CWA 501

CFR Citation: 40 CFR 455

Abstract: EPA is developing final effluent limitations and standards for BAT, BPT, BCT, NSPS, and Pretreatment (PSES, PSNS) controls for manufacturers and formulator/packagers of pesticides and related products. Pollutants of concern include active ingredient pesticides, organic solvents, and metals. The Agency also proposes to establish test procedures for the analysis of 66 of the 137 nonconventional pesticide pollutants for which effluent guidelines were proposed in November of 1982 (47 FR 53994). These analytical procedures will be used in supporting the final effluent guidelines and will also be used for filing applications for NPDES permits, state certifications, and for compliance monitoring under the Clean Water Act.

Timetable:

Action	Date	FR Cite
NPRM	11/30/82	47 FR 53994
NPRM (Guidance)	02/10/83	48 FR 6250
Notice	06/13/84	49 FR 24492
Notice	08/01/84	49 FR 30752
Notice	01/24/85	50 FR 3366
Final Action	08/00/85	

Small Entity: No

Additional Information: SAR No. 1426.

FTS:8-382-7180

Agency Contact: George Jett, Environmental Protection Agency, Water, (WH-552), Washington, DC 20460, **202 382-7180**

RIN: 2040-AA18

69. EFFLUENT GUIDELINES FOR METAL MOLDING AND CASTING (FOUNDRIES)

Legal Authority: 33 USC 1311 / CWA 301; 33 USC 1314 / CWA 304; 33 USC 1316 / CWA 306; 33 USC 1317 / CWA 307; 33 USC 1361 / CWA 501

CFR Citation: 40 CFR 464

Abstract: The Agency is promulgating BPT, BAT, NSPS, PSES, and PSNS for the aluminum casting, copper casting, iron and steel casting, magnesium casting, and zinc casting subcategories. The industry discharges approximately 1,200 lbs./day of toxic pollutants. Pollutants of concern include zinc, copper, lead, and phenolic compounds

Timetable:

Action	Date	FR Cite
NPRM	11/15/82	47 FR 51512
Notice	02/20/84	49 FR 10280
Notice	02/15/85	50 FR 6572
Final Action	06/00/85	

Small Entity: Yes

Additional Information: SAR No. 1432.

FTS: 6-382-7189.

Analysis: RFA 06/00/85

Agency Contact: Donald Anderson, Environmental Protection Agency, Water, (WH-552), Washington, DC 20460, **202 382-7189**

RIN: 2040-AA20

70. EFFLUENT GUIDELINES FOR NONFERROUS METALS (PHASE II)

Legal Authority: 33 USC 1311 / CWA 301; 33 USC 1314 / CWA 304; 33 USC 1316 / CWA 306; 33 USC 1317 / CWA 307; 33 USC 1361 / CWA 501

CFR Citation: 40 CFR 421

Abstract: The Agency will promulgate BPT, BAT, BCT, NSPS, PSES, and PSNS for the production and refining of metals from ore for several metals not covered by the Phase I nonferrous regulation. Such metals as beryllium, zirconium, hafnium, platinum, and titanium will be regulated. Principal pollutants considered are primarily toxic metals.

Timetable:

Action	Date	FR Cite
NPRM	06/27/84	49 FR 26352
Final Action	07/00/85	

Small Entity: No

Additional Information: SAR No. 1911.

FTS:8-382-7126.

Agency Contact: Maria Irizarry, Environmental Protection Agency, Water, (WH-552), Washington, DC 20460, **202 382-7126**

RIN: 2040-AA27

71. EFFLUENT GUIDELINES FOR ADHESIVES AND SEALANTS

Legal Authority: 33 USC 1311 / CWA 301; 33 USC 1314 / CWA 304; 33 USC 1316 / CWA 306; 33 USC 1317 / CWA 307; 33 USC 1361 / CWA 501

CFR Citation: 40 CFR 463

Abstract: The Agency has decided to exclude portions of the Adhesives and Sealants point source category from toxic pollutant regulation. Authority for this decision is provided under the EPA-NRDC Settlement Agreement, Paragraph 8. The Agency intends to publish a document that will provide a summary of technical findings for this industrial category.

Timetable:

Action	Date	FR Cite
Notice Summary of Technical Findings	06/00/86	

Small Entity: No

Additional Information: SAR No. 1910.

FTS:8-382-7190.

Agency Contact: Elwood Forsht, Environmental Protection Agency, Water, (WH-552), Washington, DC 20460, **202 382-7190**

RIN: 2040-AA30

72. EFFLUENT GUIDELINES FOR NONFERROUS METALS FORMING

Legal Authority: 33 USC 1311 / CWA 301; 33 USC 1314 / CWA 304; 33 USC 1316 / CWA 306; 33 USC 1317 / CWA 307; 33 USC 1361 / CWA 501

CFR Citation: 40 CFR 471

Abstract: The Agency has proposed BPT, BAT, BCT, NSPS, PSES, and PSNS for the forming (rolling, drawing, etc.) of nonferrous metals other than copper and aluminum. These limitations will apply to wastewater generated by these operations. Pollutants of concern include cadmium, chromium, lead, nickel, zinc, and toxic organics.

Timetable:

Action	Date	FR Cite
NPRM	03/05/84	49 FR 8112
Notice	02/04/85	50 FR 4872
Final Action	06/00/85	

Small Entity: No

Additional Information: SAR No. 1908.

FTS: 8-382-7152.

Agency Contact: Janet Goodwin, Environmental Protection Agency, Water, (WH-552), Washington, DC 20460, 202 382-7152

RIN: 2040–AA32

73. EFFLUENT GUIDELINES FOR RUBBER PROCESSING (REVISION)

Legal Authority: 33 USC 1311 / CWA 301; 33 USC 1314 / CWA 304; 33 USC 1316 / CWA 306; 33 USC 1317 / CWA 307; 33 USC 1361 / CWA 501

CFR Citation: 40 CFR 415

Abstract: EPA will withdraw BAT and substitute limits for COD and metals equivalent to BPT for nine subcategories. Lead limits for three subcategories were studied and revisions to these limits will be made. Rubber reclaimers covered by subparts H and I have been re-examined for BCT, BAT, and NSPS regulations. National regulations will not be issued for the two rubber reclaimed subcategories.

Timetable:

Action	Date	FR Cite
NPRM	12/18/79	44 FR 75016
Final Action	06/00/86	

Small Entity: No

Additional Information: SAR No. 1420.

FTS:8-382-7172.

Agency Contact: J. S. Vitalis, Environmental Protection Agency, Water, (WH-552), Washington, DC 20460, 202 382-7172

RIN: 2040–AA42

74. EFFLUENT GUIDELINES FOR PULP, PAPER, AND PAPERBOARD (PCB'S) (REVISION)

Legal Authority: 33 USC 1311 / CWA 301; 33 USC 1314 / CWA 304; 33 USC 1316 / CWA 306; 33 USC 1317 / CWA 307; 33 USC 1361 / CWA 501

CFR Citation: 40 CFR 430

Abstract: EPA has promulgated effluent limitations and standards for BPT, BAT, NSPS, PSNS, and PSES levels of control for the Pulp and Paper point source category. BCT limitations will not be established until promulgation of the general methodology for determining appropriate levels of conventional-pollutant control under BCT. The Agency has proposed BAT and NSPS regulations that would limit the discharge of PCBs into waters of the United States from mills in this industrial category where fine and tissue papers are made from deink wastepaper. In response to a court remand of the final 1977 BPT regulation, EPA has also proposed a revised BPT limitation for the conventional-pollutant BOD in the acetate grade production subpart of the dissolving sulfite pulp subcategory. The Agency further intends to promulgate limitations for the BCT technology control level, the control of the pollutant PCB (polychlorinated biphenyls), and the BOD limitation for the acetate grade production in the dissolving sulfite pulp subcategory.

Timetable:

Action	Date	FR Cite
NPRM (BOD)	03/12/80	45 FR 15952
NPRM (BCT)	10/29/82	46 FR 49176
NPRM (PCB)	11/16/82	47 FR 52066
Notice (BOD)	04/00/85	
Final Action (BOD)	09/00/85	
Final Action (PCB)	09/00/85	
Final Action (BCT)	03/00/86	

Small Entity: No

Additional Information: SAR No. 1969.

FTS:8-382-7137.

Agency Contact: Robert Dellinger, Environmental Protection Agency, Water, (WH-552), Washington, DC 20460, 202 382-7137

RIN: 2040–AA63

75. EFFLUENT GUIDELINES FOR ORE MINING AND DRESSING (PLACER MINING)

Legal Authority: 33 USC 1311 / CWA 301; 33 USC 1314 / CWA 304; 33 USC 1316 / CWA 306; 33 USC 1317 / CWA 307; 33 USC 1361 / CWA 501

CFR Citation: 40 CFR 144.103; 40 CFR 144.104

Abstract: The Agency is developing BAT and NSPS for mines and mills that beneficiate gold ores by gravity separation methods. These methods include mining of placer deposits, dredge mining, and hydraulic mining operations. These limitations will apply to wastewater generated by these operations and are an addition to those subcategories for which final regulations were issued on December 3, 1982.

Timetable:

Action	Date	FR Cite
NPRM	04/00/85	
Final Action	03/00/86	

Small Entity: No

Additional Information: SAR NO. 1413.

FTS 8-382-7164.

Agency Contact: B. Matthew Jarett, Environmental Protection Agency, Water, (WH-552), Washington, DC 20460, 202 382-7164

RIN: 2040–AA65

76. EFFLUENT GUIDELINES FOR COAL MINING (REVISION)

Legal Authority: 33 USC 1311 / CWA 301; 33 USC 1314 / CWA 304; 33 USC 1316 / CWA 306; 33 USC 1317 / CWA 307; 33 USC 1361 / CWA 501

CFR Citation: 40 CFR 434

Abstract: The Agency will promulgate amendments which limit the discharge of pollutants to U.S. waters from the coal mining industry. This action is a result of a Settlement Agreement executed on August 1, 1983 (National Coal Association, et al., v EPA).

Timetable:

Action	Date	FR Cite
NPRM	05/04/84	49 FR 19240
Final Action	00/00/00	

Small Entity: No

Additional Information: SAR No. 1414.

FTS:8-382-7141.

Agency Contact: Susan de Nagu, Environmental Protection Agency, Water, (WH-552), Washington, DC 20460, 202 382-7141

RIN: 2040–AA66

77. ● EFFLUENT GUIDELINES FOR PLASTICS MOLDING AND FORMING (PHTHALATES)

Legal Authority: 33 USC 1311 /CWA 301; 33 USC 1314 /CWA 304; 33 USC 1316 /CWA 306; 33 USC 1317 /CWA 307; 33 USC 1361 /CWA 501

CFR Citation: 40 CFR 463

Abstract: The Agency promulgated BPT, BAT, BCT, and NSPS limitations for the plastics molding and forming industry on December 17, 1984, with the exception of three phthalates in two subcategories. Limitations were reserved for the phthalates because the Agency does not have treatability data for the technology identified to control those pollutants (i.e., activated carbon absorption). The Agency plans to obtain those data through a treatability study and then to propose and promulgate limitations for phthalates, if appropriate. The phthalates in each subcategory are: 1) bis(2-ethylhexyl) phthalate, 2) di-n-butyl phthalate, and 3) dimethyl phthalate.

Timetable:

Action	Date	FR Cite
NPRM	04/00/86	
Final Action	06/00/87	

Small Entity: Undetermined

Additional Information: SAR No. 2213.

FTS: 8-382-7150

Agency Contact: Robert M. Southworth, Environmental Protection Agency, Water, (WH-552), Washington, DC 20460, 202 382-7150

RIN: 2040-AA77

78. ● SECONDARY TREATMENT REGULATIONS: PERCENT REMOVAL REQUIREMENTS (REVISION)

Legal Authority: 33 USC 1311 /CWA 301; 33 USC 1314 /CWA 304

CFR Citation: 40 CFR 133

Abstract: This regulation will set forth the final percent removal requirement for conventional secondary treatment and treatment equivalent to secondary treatment. The regulation also provides special consideration for lowering the percent removal requirements for facilities with less concentrated effluents.

Timetable:

Action	Date	FR Cite
NPRM	11/16/83	48 FR 52258
Interim Final Rule	09/20/84	49 FR 37006
Notice Additional Comments	09/20/84	49 FR 37010
Final Action	05/00/85	

Small Entity: No

Additional Information: SAR No. 2210.

FTS: 8-382-5843.

Docket No. G-81-3.

Agency Contact: James F. Wheeler, Environmental Protection Agency, Water, (WH-595), Washington, DC 20460, 202 382-5843

RIN: 2040-AA80

79. BEST CONVENTIONAL POLLUTANT CONTROL TECHNOLOGY (BCT) COST TEST AND BCT EFFLUENT GUIDELINES

Priority: Agency Determination

Legal Authority: 33 USC 1314 / CWA 304

CFR Citation: 40 CFR 405; 40 CFR 406; 40 CFR 407; 40 CFR 408; 40 CFR 409; 40 CFR 411; 40 CFR 412; 40 CFR 415; 40 CFR 422; 40 CFR 424; 40 CFR 425; 40 CFR 426; 40 CFR 429; 40 CFR 430; 40 CFR 431

Abstract: EPA is revising the cost reasonableness test for BCT effluent limitations for primary and secondary industries, primarily food processors and light manufacturers. EPA issued a notice withdrawing the existing BCT limitations on February 17, 1982 (47 FR 6835). EPA proposed new BCT limitations for the affected industries, including seafood processing and meat packing, pulp and paper, timber, metal finishing, inorganic chemicals, ore mining, and leather tanning. EPA is making these revisions in response to a court decision. This revision also fulfills the request for review of the program by the President's Task Force on Regulatory Relief.

Timetable:

Action	Date	FR Cite
NPRM	10/29/82	47 FR 49176
Notice	09/20/84	49 FR 37046
Final Action	03/00/86	

Small Entity: No

Additional Information: SAR No. 1752.

FTS: 8-382-5385.

On September 20, 1984, EPA issued a notice of data availability concerning the proposed rule for best conventional pollutant control technology (BCT). This notice requested comments on new information that EPA is considering using in the final BCT methodology. The new information focuses on the cost of secondary and advanced secondary treatment at publicly owned treatment works. The comment period ended on January 3, 1985. Following analysis of the comments, EPA will publish a final BCT methodology.

Agency Contact: Debra Maness, Environmental Protection Agency, Water, (WH-586), Washington, DC 20460, 202 382-5385

RIN: 2040-AA45

80. GENERAL PRETREATMENT REGULATIONS: DEFINITIONS FOR PASSTHROUGH AND INTERFERENCE (REVISION)

Legal Authority: 33 USC 1317 / CWA 307

CFR Citation: 40 CFR 403

Abstract: The Agency is preparing revisions to the Pretreatment Regulations which will redefine several terms and repromulgate other definitions of passthrough and interference. These revisions will address a remand by the Third Circuit Court of Appeals, and fulfills the request for review of the program by the President's Task Force Regulatory Relief.

Timetable:

Action	Date	FR Cite
NPRM	03/00/85	
Final Action	12/00/85	

Small Entity: No

Additional Information: SAR No. 1900.

FTS: 8-426-4793.

Agency Contact: Craig Jakubowics, Environmental Protection Agency, Water, (EN-336), Washington, DC 20460, 202 426-4793

RIN: 2040-AA46

81. REMOVAL OF OIL AND HAZARDOUS SUBSTANCE DISCHARGES

Legal Authority: 33 USC 1321 / CWA 311

CFR Citation: 40 CFR 111

Abstract: This regulation sets forth the methods and procedures for the

removal of oil and hazardous substances from inland waters of the United States, excluding the Great Lakes. Key elements of the regulation are voluntary removal guidelines for the proper removal and disposal of oil and hazardous substance discharges and mandatory provisions governing the use of chemical agents applied to discharges.

Timetable:

Action	Date	FR Cite
NPRM	12/23/80	45 FR 84942
Final Action	00/00/00	

Small Entity: Undetermined

Additional Information: SAR No. 1544.

FTS:8-382-2196.

Agency Contact: L. M. Flaherty, Environmental Protection Agency, Water, (WH-548B), Washington, DC 20460, 202 382-2196

RIN: 2040-AA33

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82. HAZARDOUS SUBSTANCES POLLUTION PREVENTION FOR FACILITIES SUBJECT TO PERMITTING REQUIREMENTS OF SECTION 402

Legal Authority: 33 USC 1321 / CWA 311

CFR Citation: 40 CFR 151

Abstract: This regulation's purpose is to prevent spills of hazardous substances into navigable waters. It sets forth requirements for the Spills Prevention Control and Countermeasure Plans for facilities which (a) are not related to transportation, (b) which store, manufacture or otherwise handle hazardous substances at their facilities, and (c) are subject to NPDES permits. The Agency will likely exempt any small facilities which store less than ten times the reportable quantities of spilled, hazardous substances.

Timetable:

Action	Date	FR Cite
NPRM	09/01/78	43 FR 39276
Final Action	00/00/00	

Small Entity: Undetermined

Additional Information: SAR No. 1451.

FTS:8-382-2196.

Agency Contact: L. M. Flaherty, Environmental Protection Agency, Water, (WH-548B), Washington, DC 20460, 202 382-2196

RIN: 2040-AA34

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83. DISCHARGE OF OIL (REVISION)

Legal Authority: 33 USC 1321 / CWA 311

CFR Citation: 40 CFR 110

Abstract: This revision will extend applicability to deep water ports and extend reporting requirements for oil to 200 miles offshore. It will provide for U.S. obligations under international MARPOL agreements. It will also provide for exemptions from reporting requirements for permitted dischargers and consider suggestions for exempting vegetable-oil based products from notification and employing a volumetric trigger for notification.

Timetable:

Action	Date	FR Cite
NPRM	03/00/85	
Final Action	05/00/86	

Small Entity: No

Additional Information: SAR No. 1579.

For information call the RCRA/Superfund Hotline (800-424-9346); in D.C. Metropolitan Area (382-3000).

Agency Contact: Jack Kooyoomjian, Environmental Protection Agency, Water, (WH-548B), Washington, DC 20460, 202 382-3000

RIN: 2040-AA48

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84. NPDES PERMIT REGULATIONS FOR NONCOMPLIANCE AND PROGRAM REPORTING (REVISION)

Legal Authority: 33 USC 1342 / CWA 402

CFR Citation: 40 CFR 123.45

Abstract: This rule will revise certain program reporting requirements for the National Pollutant Discharge Elimination System (NPDES). It will revise the program requirements for quarterly noncompliance reports (QNCR) on major dischargers which are prepared by EPA Regions and NPDES States. The primary reason for this change in the QNCR is to establish a consistent basis for reporting noncompliance. The change should produce a more accurate and meaningful assessment of permit noncompliance by major dischargers within each State.

Timetable:

Action	Date	FR Cite
NPRM	07/23/84	49 FR 29720
Final Action	06/00/85	

Small Entity: No

Additional Information: SAR No. 2086.

FTS: 8-475-8331.

Agency Contact: Edward S. Bender, Environmental Protection Agency, Water, (EN-338), Washington, DC 20460, 202 475-8331

RIN: 2040-AA67

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85. ● NPDES REGULATIONS: STORMWATER APPLICATION REQUIREMENTS (REVISION)

Legal Authority: 33 USC 1251 /CWA 402

CFR Citation: 40 CFR 122

Abstract: These revisions to the NPDES permit program application requirements for stormwater discharges are in response to concerns about the difficulty of complying the April 26, 1985 deadline for application submittals. These changes will address the deadline for application submission and the information required within the application.

Timetable:

Action	Date	FR Cite
NPRM	03/07/85	50 FR 9362
Final Action	09/00/85	

Small Entity: No

Additional Information: SAR No. 2200.

FTS. 8-426-7010.

Agency Contact: Martha Kirkpatrick, Environmental Protection Agency, Water, (EN-336), Washington, DC 20460, 202 426-7010

RIN: 2040-AA79

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86. ● GENERAL PRETREATMENT REGULATIONS: RESPONSE TO PIRT (REVISION)

Legal Authority: 33 USC 1317 /CWA 307

CFR Citation: 40 CFR 403

Abstract: Revisions to the General Pretreatment Regulations will be proposed to address final recommendations of the Pretreatment Implementation Review Task Force (PIRT) and the need for other adjustments to the regulations.

Timetable:

Action	Date	FR Cite
NPRM	02/00/86	
Final Action	00/00/00	

Small Entity: Undetermined

Additional Information: SAR No. 2212.

FTS: 8-426-4793.

Agency Contact: Hans Bjornson, Environmental Protection Agency, Water, (EN-336), Washington, DC 20460, 202 426-4793

RIN: 2040-AA81

87. TECHNICAL SLUDGE REGULATIONS

Legal Authority: 33 USC 1345 / CWA 405

CFR Citation: 40 CFR 503

Abstract: The Agency plans to provide technical criteria and management practices by issuing technical sludge regulations under Section 405 of the Clean Water Act. These regulations will address: Distribution and Marketing, Land Application to Food and Non-food Chain crops, Ocean Disposal, Incineration and Landfilling.

Timetable:

Action	Date	FR Cite
NPRM	09/00/86	

Small Entity: Undetermined

Additional Information: SAR No. 2162.

FTS: 8-755-0100.

Agency Contact: Patrick Tobin, Environmental Protection Agency, Water, WH-585, Washington, DC 20460, 202 755-0100

RIN: 2040-AA74

88. OCEAN DUMPING CRITERIA (REVISION)

Legal Authority: 33 USC 1401 et seq / MPRSA

CFR Citation: 40 CFR 220 to 229

Abstract: A proposed regulation will be issued to address changes in the regulations required by court action.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Undetermined

Additional Information: SAR No. 1604.

FTS:8-755-0356.

Agency Contact: Jack Lishman, Environmental Protection Agency, Water, (WH-556), Washington, DC 20460, 202 755-9231

RIN: 2040-AA52

89. OCEAN INCINERATION REGULATIONS (REVISION)

Legal Authority: 33 USC 1410 / MPRSA

CFR Citation: 40 CFR 234

Abstract: The Agency plans to provide specific permitting regulations for the ocean incineration of liquid hazardous and nonhazardous wastes. These regulations will be an independent part of the Ocean Dumping Regulations. The existing Ocean Dumping Regulations provide no specific criteria or standards for the review of ocean incineration permit applications.

Timetable:

Action	Date	FR Cite
NPRM	02/28/85	50 FR 8222
Final Action	10/00/85	

Small Entity: No

Additional Information: SAR No. 2140.

FTS: 8-755-0100.

Agency Contact: Patrick Tobin, Environmental Protection Agency, Water, (WH-585), Washington, DC 20460, 202 755-0100

RIN: 2040-AA72

90. ● COMPREHENSIVE REVISIONS TO OCEAN DUMPING REGULATIONS

Legal Authority: 33 USC 1401 et seq /MPRSA

CFR Citation: 40 CFR 220 to 229

Abstract: These amendments are necessary to clarify the existing regulations, incorporate program experience gained over the past several years, provide additional regulatory and technical guidance in response to the City of New York decision (546 F. 2d 1084), and address the results of the NWF v. Costle decision (629 F, 2d 118) which involved dredged material issues. Regulations will involve multi-media issues, such as how to compare impacts on small entities (i.e., small business and small governmental jurisdictions) seem unlikely, the potential for such impact will be further considered as regulations are developed.

Timetable:

Action	Date	FR Cite
NPRM	08/00/86	
Final Action	11/00/87	

Small Entity: Undetermined

Additional Information: SAR No. 2189

FTS: 8-755-4911

Agency Contact: Ronald DeCesare, Environmental Protection Agency, Water, (WH-556), Washington, DC 20460, 202 755-4911

RIN: 2040-AA78

ENVIRONMENTAL PROTECTION AGENCY (EPA)—Clean Water Act (CWA) Existing Regulations Under Review

91. REVIEW OF GENERAL PRETREATMENT PROGRAM INFORMATION COLLECTION REQUIREMENTS

Legal Authority: 33 USC 1342(b) / CWA 402(b)

CFR Citation: 40 CFR 403

Abstract: The pretreatment program requires designated states, publicly-owned treatment works and their industrial users to collect data, submit reports and maintain records on pollutant dischargers, compliance actions, and related facilities descriptions. EPA is reviewing the reporting and recordkeeping requirements to determine if improvements can be made, such as increasing efficiency or eliminating unnecessary requirements. Where appropriate, the recommendations will either be incorporated into the amendments to relevant regulations and/or they will appear as part of EPA's revised policy and guidance documents.

Timetable:

Action	Date	FR Cite
Begin Review	10/00/83	
End Review	04/00/85	

Small Entity: Yes

Additional Information:

FTS: 8-382-2709.

REVIEW AUTHORITY: Paperwork Reduction Act (44 USC 3506).

EPA—CWA

Existing Regulations Under Review

Agency Contact: Eric Strassler, Environmental Protection Agency, Water, (PM-223), Washington, DC 20460. 202 382-2709

RIN: 2040-AA68

ENVIRONMENTAL PROTECTION AGENCY (EPA)—Clean Water Act (CWA)

Completed Actions

COMPLETED RULEMAKINGS

92. WATER QUALITY PLANNING AND MANAGEMENT REGULATIONS (REVISION)

CFR Citation: 40 CFR 35 G

Completed:

Reason	Date	FR Cite
Final Action	01/11/85	50 FR 1774

Small Entity: No

Agency Contact: Ed Richards 202 382-7160

RIN: 2040-AA37

93. EFFLUENT GUIDELINES FOR PLASTICS MOLDING AND FORMING

CFR Citation: 40 CFR 463

Completed:

Reason	Date	FR Cite
Final Action	12/17/84	49 FR 49026

Small Entity: No

Agency Contact: Robert M. Southworth 202 382-7156

RIN: 2040-AA29

94. GENERAL SLUDGE REGULATIONS

CFR Citation: 40 CFR 500

Completed:

Reason	Date	FR Cite
Withdrawn Combined with RIN 2040-AA73	02/00/85	

Small Entity: Undetermined

Agency Contact: Charles E. Gross 202 382-7356

RIN: 2040-AA75

95. OIL POLLUTION PREVENTION REGULATION (REVISION)

CFR Citation: 40 CFR 112

Completed:

Reason	Date	FR Cite
Action has been deferred indefinitely	02/00/85	

Small Entity: Undetermined

Agency Contact: L. M. Flaherty 202 382-2196

RIN: 2040-AA49

96. CONSOLIDATED PERMITS: NPDES ISSUES (REVISION)

CFR Citation: 40 CFR 122 to 124

Completed:

Reason	Date	FR Cite
Final Action	09/26/84	49 FR 37998

Small Entity: No

Agency Contact: George Young 202 426-4793

RIN: 2040-AA35

97. NPDES REGULATIONS: REGULATORY REFORM (REVISION)

Priority: Task Force

CFR Citation: 40 CFR 122; 40 CFR 123; 40 CFR 125

Completed:

Reason	Date	FR Cite
Withdrawn	02/00/85	

Small Entity: No

Agency Contact: George Young 202 426-4793

RIN: 2040-AA50

[FR Doc. 85-7906 Filed 04-26-85, 8:45 am]

BILLING CODE 6560-50-T

ENVIRONMENTAL PROTECTION AGENCY (EPA)—Atomic Energy Act (AEA)

Current and Projected Rulemakings

98. GUIDANCE FOR OCCUPATIONAL RADIATION EXPOSURE (REVISION)

Legal Authority: 42 USC 2021(h) /AEA 274(h)/Reorganization Plan No. 3 of 1970

CFR Citation: Not applicable

Abstract: This guidance would update existing (1960) radiation occupational exposure limits for all workers except exposure of uranium miners to radon. It would lower allowable exposure per year and incorporate selected current recommendations of national and international radiation protection advisory bodies.

Timetable:

Action	Date	FR Cite
ANPRM	09/17/79	44 FR 53785
NPRM	01/23/81	46 FR 7836
Final Action	06/00/85	

Small Entity: No

Additional Information: SAR No. 1161. Docket No. A-79-46. FTS:8-557-8927.

Agency Contact: Allan Richardson, Environmental Protection Agency, Air and Radiation, (ANR 460), Washington, DC 20460. 703 557-8927

RIN: 2060-AA00

99. TRANSURANIUM ELEMENTS

Legal Authority: 42 USC 2021(h) /AEA 274(h) /Reorganization Plan No. 3 of 1970

CFR Citation: Not applicable

Abstract: This guidance to Federal Agencies will establish dose rate limits for people exposed to transuranium elements in the general environment.

Guidance is undergoing interagency review.

Timetable:

Action	Date	FR Cite
NPRM	11/30/77	42 FR 60956
Interim Final Rule	09/00/85	
Final Action	00/00/00	

Small Entity: No

Additional Information: SAR No. 1162.

FTS:8-557-0740.

Agency Contact: Gordon Burley, Environmental Protection Agency, Air and Radiation, (ANR-460), Washington, DC 20460, 703 557-9710

RIN: 2060-AA01

100. RADIOFREQUENCY RADIATION GUIDANCE

Legal Authority: 42 USC 2021(h) /AEA 274(h) /Reorganization Plan No. 3 of 1970

CFR Citation: Not applicable

Abstract: This guidance will serve to limit exposure of the general public to radiofrequency radiation, which may pose a potential health risk.

Timetable:

Action	Date	FR Cite
ANPRM	12/23/82	47 FR 57338
NPRM	09/00/85	
Final Action	09/00/86	

Small Entity: Undetermined

Additional Information: SAR No. 1525.

FTS: 8-557-7380.

Background Information Reports: a) Biological Effects of Radiofrequency Radiation, b) the Radiofrequency Radiation Environment, c) Analysis of the Radiofrequency Fields Produced by Broadcast Antennas, and d) Analysis of Economic Impact of Federal Radiation Protection Guidance (to Limit Exposure of the Public to Radiofrequency Radiation).

Agency Contact: Norbert Hankin, Environmental Protection Agency, Air and Radiation, (ANR-461), Washington, DC 20460, 703 557-7380

RIN: 2060-AA02

101. ENVIRONMENTAL PROTECTION STANDARDS FOR HIGH-LEVEL RADIOACTIVE WASTE

Priority: Major

Legal Authority: 42 USC 2021 / AEA 274

CFR Citation: 40 CFR 191

Abstract: EPA is developing environmental standards which state the public health and environmental requirements to be met for disposal of high-level radioactive waste. These consist of general design and site selection principles as well as numeric performance requirements for high-level waste repositories. DOE and NRC will use EPA's regulation to set their standards to govern the licensing, design and operation of permanent high-level radioactive waste disposal facilities.

Timetable:

Action	Date	FR Cite
ANPRM	12/06/76	41 FR 53363
NPRM	12/29/82	47 FR 58196
Final Action	06/00/85	

Small Entity: No

Additional Information: SAR No. 1163.

FTS:8-557-8610.

Analysis: RIA

Agency Contact: Dan Egan, Environmental Protection Agency, Air and Radiation, (ANR-460), Washington, DC 20460, 703 557-8610

RIN: 2060-AA03

102. ENVIRONMENTAL PROTECTION STANDARDS FOR LOW-LEVEL RADIOACTIVE WASTE

Legal Authority: 42 USC 2021(h) /AEA 274(h) /Reorganization Plan No. 3 of 1970

CFR Citation: 40 CFR 193

Abstract: The Agency intends to set generally applicable standards for the disposal of low-level radioactive wastes, possibly to include some natural and accelerator produced radioactive wastes. The Agency is considering a criteria for declaring certain wastes as below regulatory concern as part of this activity.

Timetable:

Action	Date	FR Cite
ANPRM	08/31/83	48 FR 39563
NPRM	02/00/86	
Final Action	01/00/87	

Small Entity: No

Additional Information: SAR No. 1727.

FTS:8-557-8610.

Agency Contact: G. Lewis Meyer, Environmental Protection Agency, Air and Radiation, (ANR-460), Washington, DC 20460, 703 557-8610

RIN: 2060-AA04

103. RESIDUAL RADIOACTIVITY

Priority: Major

Legal Authority: 42 USC 2201 / AEA 274; 42 USC 2021 / AEA 274

CFR Citation: 40 CFR 194

Abstract: The Agency is determining what standards and/or guidance is needed to control radiation exposure levels to the public from residual radioactivity after cleanup of sites and facilities where radionuclides were used and where unrestricted use will be allowed. This action may also control radiation exposure levels to the general public from materials contaminated with radionuclides which will be recycled into general commerce.

Timetable:

Action	Date	FR Cite
ANPRM	06/00/85	
NPRM	07/00/86	
Final Action	12/00/87	

Small Entity: Undetermined

Additional Information: SAR No. 2073.

FTS: 8-557-8927.

Analysis: RIA

Agency Contact: Stanley Lichtman, Environmental Protection Agency, Air and Radiation, ANR-460, Washington, DC 20460, 703 557-8927

RIN: 2060-AB31

[FR Doc. 85-7966 Filed 04-26-85; 8:45 am]

BILLING CODE 6560-50-T

ENVIRONMENTAL PROTECTION AGENCY (EPA)—Safe Drinking Water Act (SDWA)

Current and Projected Rulemakings

104. NATIONAL PRIMARY DRINKING WATER REGULATIONS: MAXIMUM CONTAMINANT LEVELS FOR VOLATILE ORGANIC CHEMICALS FOUND IN DRINKING WATER

Legal Authority: 42 USC 300 / SDWA 1412

CFR Citation: 40 CFR 141

Abstract: EPA has proposed Recommended Maximum Contaminant Levels (RMCLs) and Primary Drinking Water Regulations to certain volatile synthetic organic compounds (VOCs). These VOCs have been most commonly found in drinking water drawn from groundwater sources. These chemicals include such compounds as trichloroethylene, tetrachloroethylene, and vinyl chloride. Aeration and granular activated carbon (GAC) systems are treatment technologies that can reduce these contaminants to a low level. Preliminary estimates show that average residential monthly bills for affected systems could rise from $1 - $14 depending on the size of the drinking water system and the type of technology selected. The Agency will promulgate RMCLs (i.e. nonenforceable health goals) before it promulgates the Maximum Contaminant Levels (MCLs) (i.e., enforceable standard). Monitoring and reporting requirements for these VOCs as well as other unregulated VOCs will be proposed.

Timetable:

Action	Date	FR Cite
Previous ANPRM	07/14/76	41 FR 23991
ANPRM	03/04/82	47 FR 9350
NPRM	06/12/84	49 FR 24330
NPRM RMCLs	06/12/84	49 FR 24330
NPRM MCLs	05/00/85	
Final Action RMCLs	05/00/85	

Small Entity: Undetermined

Additional Information: SAR No. 1567.

FTS: 8-382-7575.

Agency Contact: Joseph Cotruvo, Environmental Protection Agency, Water, (WH-550), Washington, DC 20460, 202 382-7575

RIN: 2040-AA53

105. NATIONAL PRIMARY DRINKING WATER REGULATIONS: INORGANIC AND ORGANIC COMPOUNDS AND MICROBIOLOGICAL CONTAMINANTS AND TURBIDITY (REVISION)

Legal Authority: 42 USC 300 / SDWA 1412

CFR Citation: 40 CFR 141

Abstract: The monitoring requirements and MCLs in the National Interim Primary Drinking Water Regulations will be comprehensively reviewed for inorganic and organic compounds, microbiological contaminants and turbidity and radionuclides. EPA will conduct an assessment of exposure, analytical methods, potential health effects, and the performance and costs of treatment technologies. The Agency will promulgate Recommended Maximum Contaminant Levels (RMCLs) as non-enforceable health goals, before it promulgates the maximum contaminant levels (MCLs) as enforceable standards.

Timetable:

Action	Date	FR Cite
ANPRM	10/05/83	48 FR 45502
NPRM RMCLs	06/00/85	
NPRM MCLs	06/00/86	
Final Action RMCLs	06/00/86	

Small Entity: Yes

Additional Information: SAR No. 1755.

FTS:8-382-7575.

Agency Contact: Joseph Cotruvo, Environmental Protection Agency, Water, (WH-550), Washington, DC 20460, 202 382-7575

RIN: 2040-AA55

106. NATIONAL PRIMARY DRINKING WATER REGULATIONS: FLUORIDE (REVISION)

Legal Authority: 42 USC 300 / SDWA 1412

CFR Citation: 40 CFR 141

Abstract: The Agency will assess the maximum contaminant level (MCL) for fluoride in the National Interim Primary Drinking Water Regulations to determine if it reflects potential health effects and the performance and cost of available treatment technologies. Based on statutory requirements and recent technical information, the Agency is considering numerous options.

Timetable:

Action	Date	FR Cite
ANPRM	12/01/81	46 FR 58345
ANPRM	10/05/83	48 FR 45502
NPRM (RMCLs)	04/00/85	
NPRM (MCLS)	10/00/85	
Final Action (MCLs)	03/00/86	

Small Entity: Undetermined

Additional Information: SAR No. 1756.

FTS:8-382-7575.

Agency Contact: Joseph Cotruvo, Environmental Protection Agency, Water, (WH-550), Washington, DC 20460, 202 382-7575

RIN: 2040-AA56

107. UNDERGROUND INJECTION CONTROL PROGRAM: FEDERALLY ADMINISTERED PROGRAMS (PHASE II)

Legal Authority: 42 USC 300 / SDWA 1422

CFR Citation: 40 CFR 147

Abstract: EPA is required to prescribe an Underground Injection Control (UIC) program in states that do not have an approved UIC program. The Phase I UIC regulation will implement UIC programs in twenty-two states. This regulation will provide UIC programs for seven states and four Indian lands that are not included in the Phase I regulation.

Timetable:

Action	Date	FR Cite
NPRM	05/11/84	49 FR 20238
Final Action	00/00/00	

Small Entity: No

Additional Information: SAR No. 2012.

FTS: 8-382-5530.

Agency Contact: John B. Atcheson, Environmental Protection Agency, Water, (WH-550), Washington, DC 20460, 202 382-5530

RIN: 2040-AA69

108. ● UNDERGROUND INJECTION CONTROL PROGRAM: INDIAN LANDS

Legal Authority: 42 USC 300 /SDWA 1422

CFR Citation: 40 CFR 147

Abstract: EPA is required to prescribed an Underground Injection Control (UIC) program in States that do not have an

approved UIC program. In addition, all Indian lands not under the jurisdiction of an approved State program must be covered by a Federal program. The program is to take into consideration the unique conditions and the tribal concerns for each nation.

Timetable:

Action	Date	FR Cite
Interim Final Rule	09/00/85	
Final Action	12/00/85	

Small Entity: No

Additional Information: SAR No. 2131

FTS: 8-382-5530

Agency Contact: John B. Atcheson, Environmental Protection Agency, Water, (WH-550), Washington, DC 20460, **202 382-5530**

RIN: 2040-AA76

[FR Doc. 85-7906 Filed 04-26-85; 8:45 am]

BILLING CODE 6560-50-T

ENVIRONMENTAL PROTECTION AGENCY (EPA)—Noise Control Act (NCA)

Current and Projected Rulemakings

109. WITHDRAWAL OF PRODUCTS FROM THE AGENCY'S REPORTS IDENTIFYING MAJOR NOISE SOURCES AND WITHDRAWAL OF PROPOSED RULES

Legal Authority: 42 USC 4904(b)(1) / NCA 5(b)(1); 42 USC 4905 / NCA 6(a)(1)

CFR Citation: 40 CFR 51

Abstract: This action withdraws certain products from the Agency's report identifying major noise sources issued under authority of Section 5(b)(1) of the Noise Control Act of 1972. These products are: Truck Transport Refrigeration Units, Power Lawn Mowers, Pavement Breakers, Rock Drills, Wheel and Crawler Tractors and Buses. This action also withdraws proposed noise regulations for Wheel and Crawler Tractors, and Buses, issued under the authority of Section 6(a)(1) of the Act.

Timetable:

Action	Date	FR Cite
NPRM	12/01/82	47 FR 54108
Final Action	00/00/00	

Small Entity: No

Additional Information: SAR No. 2046.

FTS: 8-382-7748.

No CFR parts pertain. This action withdraws proposals which were not codified.

Agency Contact: Robert C. Rose, Environmental Protection Agency, Air and Radiation, Washington, DC 20460, **202 382-7748**

RIN: 2060-AB24

110. MOTOR CARRIERS ENGAGED IN INTERSTATE COMMERCE: NOISE EMISSION STANDARDS (REVISION)

Legal Authority: 42 USC 4917 / NCA 18

CFR Citation: 40 CFR 202

Abstract: This action proposes to amend the noise emission regulations for motor carriers engaged in interstate commerce. The amendment aligns the noise emission standards of this regulation with those of the regulation for newly manufactured medium and heavy trucks. The proposed revised standards apply only to trucks manufactured on or after January 1, 1978 (post-1977), that have a Gross Vehicle Weight Rating (GVWR) or a Gross Combination Weight Rating (GCWR) greater than 10,000 pounds.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Additional Information: SAR No. 2045.

FTS: 8-382-7748.

Agency Contact: Robert C. Rose, Environmental Protection Agency, Air and Radiation, Washington, DC 20460, **202 382-7748**

RIN: 2060-AB20

[FR Doc. 85-7906 Filed 04-26-85; 8:45 am]

BILLING CODE 6560-50-T

ENVIRONMENTAL PROTECTION AGENCY (EPA)—Resource Conservation and Recovery Act (RCRA)

Current and Projected Rulemakings

111. ● FINAL CODIFICATION RULE FOR THE 1984 AMENDMENTS

Legal Authority: 42 USC 6901

CFR Citation: 40 CFR 260 to 271; 40 CFR 122 to 124

Abstract: The purpose of this rule is to codify in regulations those requirements specified by the 1984 amendments to RCRA which take effect immediately upon enactment. The new regulatory provisions will, by large, follow the language of the statute. The intent of this package is not to substantively elaborate on these statutory provisions, but rather to introduce the new statutory language verbatim, to the extent possible, into the existing regulatory framework. In general, the need for such codification is several fold. First, by placing the new statutory requirements in the context of our existing regulatory standards, we can eliminate confusion in the regulated community. Second, by providing public notice of these changes through publication in the Federal Register, the Agency ensures that there will be sufficient notice for enforcement purposes. Finally, these regulations provide a framework to support the development of elaborate guidance documents and future rulemakings.

More specifically, this rule addresses such areas as minimum technology requirements for land disposal facilities; corrective action for prior releases at solid waste management units; (cont)

Timetable:

Action	Date	FR Cite
Final Action	05/00/85	

Small Entity: No

Additional Information: SAR No. 2187.

FTS -382-5864.

ABSTRACT CONT: banning the placement of bulk liquid hazardous waste and nonhazardous waste liquids in landfills; the ban on disposal in certain salt dome formations, caves, and underground mines; and the loss of interim status for facilities failing to submit Part B applications within specific deadlines.

Agency Contact: Mike Cook, Deputy Director, Environmental Protection Agency, Solid Waste and Emergency Response, WH-562, Washington, DC 20460, 202 382-5864

RIN: 2050–AB35

112. ● CONTAINERIZED LIQUIDS IN LANDFILLS

Legal Authority: 42 USC 6905 /RCRA 3004/RCRA 3005; 42 USC 6912(a) /RCRA 3004/RCRA 3005; 42 USC 6924 /RCRA 3004/RCRA 3005; 42 USC 6925 /RCRA 3004/RCRA 3005; 42 USC 6908 /RCRA 3004/RCRA 3005

CFR Citation: 40 CFR 264.314; 40 CFR 265.314

Abstract: The Agency will promulgate final regulations consistent with the Hazardous and Solid Waste Act of 1984. The final regulation will 1) minimize the placement of containers in landfills, 2) minimize the placement of free liquids in containers, and 3) prohibit the use of absorbents that biodegrade and release liquids when compressed.

Timetable:

Action	Date	FR Cite
Final Action	02/00/86	

Small Entity: No

Additional Information: SAR No. 2207.

FTS:8-382-4682

Agency Contact: Paul Cassidy, Environmental Protection Agency, Solid Waste and Emergency Response, (WH 565E), Washington, DC, 202 382-4682

RIN: 2050–AB12

113. ● PROHIBITION OF UNDERGROUND INJECTION OF WASTES

Priority: Agency Determination

CFR Citation: 40 CFR Not yet determined

Abstract: The Hazardous Waste Disposal Amendments of 1984 Sections 201 F&G require the Administrator to investigate the disposal of Hazardous Waste through underground injection wells, and to determine whether such practices are protective of human health and the environment.

Timetable:

Action	Date	FR Cite
ANPRM	08/00/86	
Interim Final Rule	09/00/87	
Final Action	08/00/88	

Small Entity: Undetermined

Additional Information: SAR No. 2211.

FTS: 8-382-5530.

Agency Contact: John B. Atcheson, Environmental Protection Agency, Solid Waste and Emergency Response, (WH-550), Washington, DC 20460, 202 382-5530

RIN: 2050–AB34

114. ● CRITERIA FOR CLASSIFICATION OF SOLID WASTE DISPOSAL FACILITIES AND PRACTICES

Priority: Major

Legal Authority: 42 USC 6907 (a)(3) / RCRA 3000 as amended by HSWA; 42 USC 6944(a) / RCRA 3000 as amended by HSWA

CFR Citation: 40 CFR 257

Abstract: The Hazardous and Solid Waste Amendments of 1984 require EPA, by November 8, 1987, to submit a report to Congress on the adequacy of the RCRA 1008(a) and 4004 Criteria in protecting human health and the environment from ground-water contamination, and on the need for additional authorities to enforce the Criteria. EPA must revise the criteria by March 31, 1988, for facilities that may receive hazardous household waste or small quantity generator waste. The revisions will include ground-water monitoring, location restrictions, and corrective action, as appropriate.

Timetable:

Action	Date	FR Cite
NPRM	02/00/87	
Final Action	03/00/88	

Small Entity: Undetermined

Additional Information: SAR No. 2224

FTS-382-4489

Agency Contact: Michael Flynn, Environmental Protection Agency, Solid Waste and Emergency Response, (WH-565E), Washington, DC, 202 382-4489

RIN: 2050–AB21

115. ● AIR EMISSION REGULATIONS FOR TREATMENT, STORAGE, AND DISPOSAL AREA SOURCES

Legal Authority: RCRA as Amended by HSWA section 201(N)

CFR Citation: 40 CFR 264

Abstract: Regulations are under development for monitoring and control of air emissions at hazardous waste treatment, storage, and disposal facilities, including open tanks, surface impoundments, and landfills, as may be necessary to protect human health and the environment.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Undetermined

Additional Information: SAR No. 2240.

FTS 629-5671

Agency Contact: James Durham, Environmental Protection Agency, Solid Waste and Emergency Response, (MD-13), Environmental Protection Agency, Research Triangle Park, NC 27711, 919 541-5671

RIN: 2050–AB33

116. IDENTIFICATION AND LISTING OF HAZARDOUS WASTES: IGNITABLE HAZARDOUS WASTE

Priority: Undetermined

Legal Authority: 42 USC 6905 / RCRA 1006; 42 USC 6912 / RCRA 2002; 42 USC 6921 / RCRA 3001; 42 USC 6922 / RCRA 3002

CFR Citation: 40 CFR 261.21

Abstract: The current ignitability characteristics deal only with liquids. To eliminate this lack of regulatory coverage, tests and hazard thresholds are being developed for identifying ignitable solid (physical) wastes.

Timetable:

Action	Date	FR Cite
NPRM	03/00/86	

Small Entity: Undetermined

Additional Information: SAR No. 2063.

FTS-8-382-4801.

Agency Contact: Florence Richardson, Environmental Protection Agency, Solid Waste and Emergency Response, (WH-562B), Washington, DC 20460, **202 382-4801**

RIN: 2050-AA77

117. IDENTIFICATION AND LISTING OF HAZARDOUS WASTES: MICHIGAN PETITION

Legal Authority: 42 USC 6905 / RCRA 1006; 42 USC 6912 / RCRA 2002; 42 USC 6921 / RCRA 3001; 42 USC 6922 / RCRA 3002

CFR Citation: 40 CFR 261

Abstract: This regulation will add 122 chemicals to the list of commercial chemical products defined as hazardous when discarded. Thirty-five of these chemicals would be classified as acutely hazardous wastes, and the remaining 87 would be classified as toxic hazardous waste. In addition, 120 compounds would be classified as hazardous constituents; their presence in other waste could, in the future, serve as a justification for listing hazardous waste streams. This action is in response to a petition filed by the State of Michigan.

Timetable:

Action	Date	FR Cite
NPRM	12/21/84	49 FR 49784
Final Action	00/00/00	

Small Entity: No

Additional Information: SAR No. 2021.

FTS-8-382-4770.

Agency Contact: David Friedman, Environmental Protection Agency, Solid Waste and Emergency Response, (WH-562-B), Washington, DC 20460, **202 382-4770**

RIN: 2050-AA84

118. IDENTIFICATION AND LISTING OF HAZARDOUS WASTES: ACUTE HAZARDOUS WASTE MIXTURE RULE (REVISION)

Legal Authority: 42 USC 6905 / RCRA 1006; 42 USC 6912 / RCRA 2002; 42 USC 6921 / RCRA 3001; 42 USC 6922 / RCRA 3002

CFR Citation: 40 CFR 261.33

Abstract: 40 CFR 261.33(e) currently includes disposal of commercial chemical products consisting of a single active ingredient. In addition, under the current regulations, all concentrations of the product are regulated. This action expands the definition to cover mixtures of acutely hazardous materials as well as establish deminimus concentration limits.

Timetable:

Action	Date	FR Cite
NPRM	09/00/85	

Small Entity: No

Additional Information: SAR No. 2111.

FTS-8-382-4770.

Agency Contact: David Friedman, Environmental Protection Agency, Solid Waste and Emergency Response, (WH-562B), Washington, DC 20460, **202 382-4770**

RIN: 2050-AA85

119. IDENTIFICATION AND LISTING OF HAZARDOUS WASTES: LISTING OF COMMERCIAL CHEMICAL PRODUCTS (REVISION)

Legal Authority: 42 USC 6905 / RCRA 1006; 42 USC 6912 / RCRA 2002; 42 USC 6921 / RCRA 3001; 42 USC 6922 / RCRA 3002

CFR Citation: 40 CFR 261.33

Abstract: This regulation will revise the current list of commercial chemical products defined as hazardous waste when disposed. The additional chemicals are derived from incorporating existing information and data from other EPA programs (i.e. Premanufacture Notification).

Timetable:

Action	Date	FR Cite
NPRM	03/00/86	
Final Action	00/00/00	

Small Entity: Undetermined

Additional Information: SAR No. 2105.

FTS: 8-382-4770.

Agency Contact: David Friedman, Environmental Protection Agency, Solid Waste and Emergency Response, (WH-562B), Washington, DC 20460, **202 382-4770**

RIN: 2050-AA87

120. IDENTIFICATION AND LISTING OF HAZARDOUS WASTES: NITROTOLUENES/TOLUIDINES MANUFACTURING WASTES

Legal Authority: 42 USC 6905/RCRA 1006; 42 USC 6912(a)/RCRA 2002(a); 42 USC 6921/RCRA 3001; 42 USC 6922/RCRA 3002

CFR Citation: 40 CFR 261.32

Abstract: This action will expand the list of hazardous wastes by listing wastes from the manufacture of nitrotoluenes/Toluidines.

Timetable:

Action	Date	FR Cite
NPRM	09/00/85	
Final Action	06/00/87	

Small Entity: No

Additional Information: SAR No. 2155.

FTS: 8-382-4775.

Agency Contact: Wanda Lebleubiswas, Environmental Protection Agency, Solid Waste and Emergency Response, (WH-562B), Washington, DC 20460, **202 382-5096**

RIN: 2050-AA92

121. IDENTIFICATION AND LISTING OF HAZARDOUS WASTES: METHYL BROMIDE MANUFACTURING WASTES

Legal Authority: 42 USC 6905/RCRA 1006; 42 USC 6912(a)/RCRA 2002(a); 42 USC 6921/RCRA 3001; 42 USC 6922/RCRA 3002

CFR Citation: 40 CFR 261.32

Abstract: This action will expand the list of hazardous wastes by listing wastes from the manufacture of methyl bromide.

Timetable:

Action	Date	FR Cite
NPRM	04/15/85	
Final Action	07/31/86	

Small Entity: No

Additional Information: SAR No. 2157.

FTS: 8-382-5219.

Agency Contact: Howard Fribush, Environmental Protection Agency, Solid Waste and Emergency Response, (WH-562B), Washington, DC 20460, **202 382-5219**

RIN: 2050-AA93

122. IDENTIFICATION AND LISTING OF HAZARDOUS WASTES: DIPHENYLAMINE MANUFACTURING WASTES

Legal Authority: 42 USC 6905 /RCRA 1006; 42 USC 6912(a) /RCRA 2002(a); 42 USC 6921 /RCRA 3001; 42 USC 6922 /RCRA 3002

CFR Citation: 40 CFR 261.32

Abstract: This action will expand the list of hazardous wastes by listing wastes from the manufacture of diphenylamine.

Timetable:

Action	Date	FR Cite
NPRM	12/00/85	
Final Action	12/00/86	

Small Entity: No

Additional Information: SAR No. 2156.

FTS: 8-382-4775.

Agency Contact: Edwin F. Abrams, Chemical Engineer, Environmental Protection Agency, Solid Waste and Emergency Response, (WH-562B), Washington, DC 20460, 202 382-4775

RIN: 2050-AA94

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123. IDENTIFICATION AND LISTING OF HAZARDOUS WASTE: LINURON AND BROMACIL MANUFACTURE WASTES

Legal Authority: 42 USC 6905 / RCRA 1006; 42 USC 6912(a) / RCRA 2002(a); 42 USC 6921 / RCRA 3001; 42 USC 6922 / RCRA 3002

CFR Citation: 40 CFR 261

Abstract: This action will expand the list of hazardous wastes by listing wastes from the production of linuron and bromacil.

Timetable:

Action	Date	FR Cite
NPRM	05/00/85	
Final Action	08/00/86	

Small Entity: No

Additional Information: SAR No. 2154.

FTS: 8-382-5096.

Agency Contact: Wanda Le Bleu-Biswas, Environmental Protection Agency, Solid Waste and Emergency Response, (WH-562B), Washington, DC 20460, 202 382-5096

RIN: 2050-AA95

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124. IDENTIFICATION AND LISTING OF HAZARDOUS WASTES: LISTING OF USED OIL

Priority: Major

Legal Authority: 42 USC 6905 / RCRA 1006; 42 USC 6912(a) / RCRA 2002(a); 42 USC 6921 / RCRA 3001; 42 USC 6922 / RCRA 3002

CFR Citation: 40 CFR 261.31

Abstract: This action will expand the list of hazardous waste by listing used oil.

Timetable:

Action	Date	FR Cite
NPRM	08/00/85	
Final Action	11/00/86	

Small Entity: Undetermined

Additional Information: SAR No. 2153.

FTS: 8-382-5218.

Analysis: RFA, RIA

Agency Contact: Bob Axelrad, Environmental Protection Agency, Solid Waste and Emergency Response, (WH-562), Washington, DC 20460, 202 382-5218

RIN: 2050-AA96

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125. PROPOSED REINTERPRETATION OF MINING WASTE EXCLUSION (SMELTING/REFINING)

Priority: Major

Legal Authority: 42 USC 6905 /RCRA 1006; 42 USC 6912(a) /RCRA 2002(a); 42 USC 6921 /RCRA 3001; 42 USC 6922 /RCRA 3002

CFR Citation: 40 CFR 261

Abstract: This action will add to 261.4(b)(7) of RCRA the phrase, "but not including wastes from processing beneficiated ores (other than smelter slag and phosphogypsum) or wastes from refining metals." Wastes removed from the exclusion therefore will be subject to Subtitle C regulation if they are hazardous. This action also will relist: aluminum spent potliners, copper acid plant blowdown sludge, lead surface impoundment solids, zinc sludges, and ferrochrome emission control dust/sludge.

Timetable:

Action	Date	FR Cite
NPRM	06/00/85	
Final Action	12/00/85	

Small Entity: Undetermined

Additional Information: SAR No. 2168.

FTS: 8-382-7917.

Agency Contact: Dr. Dexter Hinckley, Environmental Protection Agency, Solid Waste and Emergency Response, WH-565A, 202 382-7917

RIN: 2050-AA99

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126. ● IDENTIFICATION AND LISTING OF HAZARDOUS WASTE: CHLOROTOLUENES PRODUCTION WASTES

Legal Authority: 42 USC 6905 RCRA 1006; 42 USC 6912(a) /RCRA 2002(a); 42 USC 6921 /RCRA 3001; 42 USC 6922 /RCRA 3002

CFR Citation: 40 CFR 261.32

Abstract: This action expands the list of Hazardous wastes by listing wastes from the manufacture of chlorotoluenes.

Timetable:

Action	Date	FR Cite
NPRM	01/00/86	
Final Action	04/00/87	

Small Entity: No

Additional Information: SAR No. 2205.

FTS:8-475-6678

Agency Contact: Howard M. Fribush, Environmental Protection Agency, Solid Waste and Emergency Response, (WH-562B), Washington, DC 20460, 202 475-6678

RIN: 2050-AB06

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127. ● IDENTIFICATION AND LISTING OF HAZARDOUS WASTE: CARBON DISULFIDE PRODUCTION WASTES

Legal Authority: 42 USC 6905 /RCRA 1006; 42 USC 6912(a) /RCRA 2002(a); 42 USC 6921 /RCRA 3001; 42 USC 6922 /RCRA 3002

CFR Citation: 40 CFR 261.32

Abstract: This action expands the list of hazardous wastes by listing wastes from the manufacture of carbon disulfide.

Timetable:

Action	Date	FR Cite
NPRM	11/00/86	
Final Action	12/00/87	

Small Entity: No

Additional Information: SAR No. 2172.

FTS:8-382-4775

Agency Contact: Edwin F. Abrams, Environmental Protection Agency, Solid Waste and Emergency Response, (WH-562B), Washington, DC 20460, 202 382-4775

RIN: 2050-AB07

128. ● IDENTIFICATION AND LISTING OF HAZARDOUS WASTES: LEAD ALKYLS PRODUCTION WASTES

Legal Authority: 42 USC 6905 /RCRA 1006; 42 USC 6912(a) /RCRA 2002(a); 42 USC 6921 /RCRA 3001; 42 USC 6922 /RCRA 3002

CFR Citation: 40 CFR 261.32

Abstract: This action expands the list of hazardous wastes by listing wastes from the manufacture of lead alkyls.

Timetable:

Action	Date	FR Cite
NPRM	11/00/86	
Final Action	02/00/87	

Small Entity: No

Additional Information: SAR No. 2173.

FTS:8-475-6726

Agency Contact: Richard L. Dailey, Environmental Protection Agency, Solid Waste and Emergency Response, (WH-562B), Washington, DC, **202 475-6726**

RIN: 2050-AB08

129. ● IDENTIFICATION AND LISTING OF HAZARDOUS WASTES: WOOD PRESERVING WASTES

Legal Authority: 42 USC 6905 /RCRA 1006; 42 USC 6912(a) /RCRA 2002(a); 42 USC 6921 /RCRA 3001; 42 USC 6922 /RCRA 3002

CFR Citation: 40 CFR 261.32

Abstract: This action expands the list of hazardous waste by listing wood preserving wastes.

Timetable:

Action	Date	FR Cite
NPRM	09/00/86	
Final Action	12/00/87	

Small Entity: No

Additional Information: SAR No. 2174.

FTS:8-382-4788

Agency Contact: Cate Jenkins, Environmental Protection Agency, Solid Waste and Emergency Response, (WH-562B), Washington, DC, **202 382-4788**

RIN: 2050-AB09

130. ● IDENTIFICATION AND LISTING OF HAZARDOUS WASTES: NITROANILINES PRODUCTION WASTES

Legal Authority: 42 USC 6905 /RCRA 1006; 42 USC 6912(a) /RCRA 2002(a); 42 USC 6921 /RCRA 3001; 42 USC 6922 /RCRA 3002

CFR Citation: 40 CFR 261.32

Abstract: This action expands the list of hazardous wastes by listing wastes from the manufacture of nitroanilines.

Timetable:

Action	Date	FR Cite
NPRM	08/00/86	
Final Action	09/00/87	

Small Entity: No

Additional Information: SAR No. 2171.

FTS:8-382-4775

Agency Contact: Edwin F. Abrams, Environmental Protection Agency, Solid Waste and Emergency Response, (WH-562B), Washington, DC20460, **202 382-4775**

RIN: 2050-AB10

131. ● IDENTIFICATION AND LISTING OF HAZARDOUS WASTES: COAL SLURRY PIPELINE EFFLUENT

Legal Authority: 42 USC 6905 /RCRA 1006; 42 USC 6912 (a) /RCRA 2002(a); 42 USC 6921 /RCRA 3001; 42 USC 6922 /RCRA 3002

CFR Citation: 40 CFR 261.32

Abstract: This action will determine if the Agency will or will not list the effluent from coal slurry pipelines as hazardous.

Timetable:

Action	Date	FR Cite
Listing Decision	01/00/86	

Small Entity: No

Additional Information: SAR No. 2219.

FTS:8-475-6725

Agency Contact: Robert Scarberry, Environmental Protection Agency, Solid Waste and Emergency Response, (WH-562B), Washington, DC 20460, **202 475-6725**

RIN: 2050-AB16

132. ● IDENTIFICATION AND LISTING OF HAZARDOUS WASTES: PAINT MANUFACTURING WASTES

Legal Authority: 42 USC 6905 /RCRA 1006; 42 USC 6912(a) /RCRA 2002(a); 42 USC 6921 /RCRA 3001; 42 USC 6922 /RCRA 3002

CFR Citation: 40 CFR 261.31, 40 CFR 261.32

Abstract: This action will expand the list of hazardous wastes by listing additional wastes from the manufacture of paint.

Timetable:

Action	Date	FR Cite
NPRM	04/00/86	
Final Action	08/00/87	

Small Entity: No

Additional Information: SAR No. 2220.

FTS:8-475-6725

Agency Contact: Robert Scarberry, Environmental Protection Agency, Solid Waste and Emergency Response, (WH-562B), Washington, DC 20460, **202 475-6725**

RIN: 2050-AB17

133. ● IDENTIFICATION AND LISTING OF HAZARDOUS WASTES: PETROLEUM REFINERY WASTES

Legal Authority: 42 USC 6905 /RCRA 1006; 42 USC 6912(a) /RCRA 2002(a); 42 USC 6921 /RCRA 3001; 42 USC 6922 /RCRA 3002

CFR Citation: 40 CFR 261.32

Abstract: This action will determine the need and propose for listing Petroleum Refinery Wastes as hazardous.

Timetable:

Action	Date	FR Cite
Listing Decision	03/00/86	
NPRM	09/00/86	

Small Entity: No

Additional Information: SAR No. 2226.

FTS:8-382-4791

Agency Contact: Benjamin Smith, Environmental Protection Agency, Solid Waste and Emergency Response, (WH-562B), Washington, DC, **202 382-4791**

RIN: 2050-AB24

134. ● IDENTIFICATION AND LISTING OF HAZARDOUS WASTES: LISTING OF COKE BY-PRODUCT WASTES

Legal Authority: 42 USC 6905 /RCRA 1006; 42 USC 6912(a) /RCRA 2002(a); 42 USC 6921 /RCRA 3001; 42 USC 6922 /RCRA 3002

CFR Citation: 40 CFR 261.32

Abstract: This action will determine whether EPA should list coke by product production wastes as hazardous.

Timetable:

Action	Date	FR Cite
Listing Decision	01/00/86	

Small Entity: No

Additional Information: SAR No. 2227.

FTS:8-475-6725

Agency Contact: Robert Scarberry, Environmental Protection Agency, Solid Waste and Emergency Response, (WH-562B), Washington ,DC, 202 475-6725

RIN: 2050-AB25

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135. ● IDENTIFICATION AND LISTING OF HAZARDOUS WASTE INORGANIC CHEMICALS INDUSTRY PRODUCTION

Legal Authority: 42 USC 6905 /RCRA 1006; 42 USC 6912 /RCRA 2002(a); 42 USC 6921 /RCRA 3001; 42 USC 6922 /RCRA 3002

CFR Citation: 40 CFR 261.32

Abstract: This action will determine whether to list production wastes from the manufacture of inorganic chemicals.

Timetable:

Action	Date	FR Cite
Listing Decision	01/00/86	

Small Entity: No

Additional Information: SAR No. 2235.

FTS 382-4775

Agency Contact: Edwin F. Abrams, Environmental Protection Agency, Solid Waste and Emergency Response, (WH-562B), Washington, DC 20460, 202 382-4775

RIN: 2050-AB32

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136. ● HAZARDOUS WASTE EXPORTS

Legal Authority: RCRA as Amended by HSWA 245

CFR Citation: 40 CFR 260; 40 CFR 262; 40 CFR 271

Abstract: The primary purpose of the Exports regulation is for EPA to; formally notify foreign governments of exports of hazardous waste to their country, receive confirmation of approval or disapproval and formally notify the U.S. exporter. A notification of approval by EPA must accompany each waste shipment. Only a few hundred shipments of hazardous waste are exported annually, none by small entities.

Timetable:

Action	Date	FR Cite
NPRM	07/00/85	
Interim Final Rule	08/00/85	
Final Action	05/00/86	

Small Entity: No

Additional Information: SAR No. 2208.

FTS:8-382-2217

Agency Contact: Carolyn Barley, Environmental Protection Agency, Solid Waste and Emergency Response, (WH 563), Washington, DC, 202 382-2217

RIN: 2050-AB13

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137. STANDARDS FOR THE MANAGEMENT OF SPECIFIC HAZARDOUS WASTES: WASTE OIL

Priority: Major

Legal Authority: 42 USC 6921 / RCRA 3001; 42 USC 6932 / RCRA 3002

CFR Citation: 40 CFR 266

Abstract: Pursuant to the requirements of the Used Oil Recycling Act (incorporated into RCRA by amendments in 1980 and 1984), the Agency is evaluating what types of regulatory controls should apply to the re-use and re-cycling of used oil. EPA will propose regulations based on these evaluations. In addition, the has proposed on January 11, 1985 interim controls including notification requirements for facilities that blend, distribute, and burn used oil fuel sold to non-industrial boiler owners.

Timetable:

Action	Date	FR Cite
NPRM	12/18/78	43 FR 58946
RPRM	08/00/85	
Final Action	11/00/85	

Small Entity: Yes

Additional Information: SAR No. 1713.

Docket No. 3012.

FTS:8-382-7917.

Analysis: RIA, RFA

Agency Contact: Michael Petruska, Environmental Protection Agency, Solid Waste and Emergency Response, (WH-565), Washington, DC 20460, 202 382-7917

RIN: 2050-AA00

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138. IDENTIFICATION AND LISTING OF HAZARDOUS WASTES: HEXAVALENT CHROMIUM MODIFICATION (REVISION)

Legal Authority: 42 USC 6905 /RCRA 1006; 42 USC 6912(a) /RCRA 2002(a); 42 USC 6921 /RCRA 3001; 42 USC 6922 /RCRA 3002

CFR Citation: 40 CFR 261.24

Abstract: This action modifies the hazardous waste characteristics of extraction procedure (EP) toxicity. It amends the existing regulation (which regulates on the basis of total chromium) to a standard based on hexavalent chromium (CR (+6)). Recent studies indicate that Cr(3+) in water will convert to Cr (+6) if the water is chlorinated under conditions employed for disinfection purposes. Pending publication of a report on this study and review of public comments, no action will be taken on this proposal.

Timetable:

Action	Date	FR Cite
NPRM	10/30/80	45 FR 72029
Publication of Report	03/00/86	
Final Action	00/00/00	

Small Entity: No

Additional Information: SAR No. 1761.

Docket No. 3001.

FTS:8-382-4770.

Agency Contact: David Friedman, Environmental Protection Agency, Solid Waste and Emergency Response, (WH-562B), Washington, DC 20460, 202 382-4770

RIN: 2050-AA06

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139. IDENTIFICATION AND LISTING OF HAZARDOUS WASTES: REVISE AND EXPAND SOLVENT LISTINGS (REVISION)

Legal Authority: 42 USC 6905 /RCRA 1006; 42 USC 6912(a) /RCRA 2002(a); 42 USC 6921 /RCRA 3001; 42 USC 6922 /RCRA 3002

CFR Citation: 40 CFR 261.31; 40 CFR 261.32

Abstract: These listings will expand the present F001-F005 hazardous waste listings. EPA will also resolve the issue of which solvent mixtures should be regulated.

Timetable:

Action	Date	FR Cite
NPRM	08/00/85	
Final Action	08/00/86	

Small Entity: Undetermined

Additional Information: SAR No. 1858

Docket No. 3001.

FTS:8-382-4797.

Agency Contact: Jacqueline Sales, Environmental Protection Agency, Solid Waste and Emergency Response, (WH-562B), Washington, DC 20460, 202 382-4807

RIN: 2050-AA09

140. IDENTIFICATION AND LISTING OF HAZARDOUS WASTES: RESIDUALS FROM PRODUCTION OF C1-C6 CHLORINATED ALIPHATIC COMPOUNDS (REVISION)

Legal Authority: 42 USC 6905 /RCRA 1006; 42 USC 6912(a) /RCRA 2002(a); 42 USC 6921 /RCRA 3001; 42 USC 6922 /RCRA 3002'

CFR Citation: 40 CFR 261 32

Abstract: This action will add to the list of hazardous wastes the organic residuals from the production of chlorinated aliphatic hydrocarbons having chain lengths of one to five. This action also proposes to add additional organic residuals from the production of chlorinated aliphatic hydrocarbons to the list of hazardous waste.

Timetable:

Action	Date	FR Cite
NPRM	02/10/84	49 FR 5313
Interim Final Rule	02/10/84	49 FR 5308
Final Action	11/00/85	

Small Entity: No

Additional Information: SAR No. 1854.

Docket No. 3001.

FTS:8-382-4761.

Agency Contact: Cate Jenkins, Environmental Protection Agency, Solid Waste and Emergency Response, Washington, DC 20460, 202 382-4788

RIN: 2050-AA11

141. RCRA SMALL QUANTITY GENERATOR RULE (REVISION)

Priority: Major

Legal Authority: 42 USC 6921 / RCRA 3001

CFR Citation: 40 CFR 261 5

Abstract: Currently under Part 261 small generators of less than 1000 kilograms per month are exempt (although for certain more hazardous waste there are lower cut-off points). The Agency has begun a two-year study of alternatives which will result in an amendment to the current rule and proposal of a new set of standards applicable to small quantity generators. Congress, in amending RCRA, has lowered the 1000 kg/mo exemption which causes significantly more small businesses to come under the RCRA regulations.

Timetable:

Action	Date	FR Cite
NPRM	07/00/85	
Final Action	03/00/86	

Small Entity: Yes

Additional Information: SAR No. 1935.

FTS:8-382-4807.

Analysis: RFA; Final RIA 00/00/00; Draft RFA 00/00/00

Agency Contact: Bernard Stoll, Environmental Protection Agency, Solid Waste and Emergency Response, (WH-562B), Washington, DC 20460, 202 382-4761

RIN: 2050-AA59

142. IDENTIFICATION AND LISTING OF HAZARDOUS WASTES: DIMETHYLHYDRAZINE MANUFACTURING WASTE

Legal Authority: 42 USC 6905 / RCRA 1006; 42 USC 6912(a) / RCRA 2002(a); 42 USC 6921 / RCRA 3001; 42 USC 6922 / RCRA 3002

CFR Citation: 40 CFR 261.32

Abstract: This action will expand the list of hazardous wastes by adding waste from the manufacture of dimethylhydrazine.

Timetable:

Action	Date	FR Cite
NPRM	12/20/84	49 FR 49556
Final Action	04/00/86	

Small Entity: No

Additional Information: SAR No. 1954.

FTS:8-382-4761.

Agency Contact: Cate Jenkins, Environmental Protection Agency, Solid Waste and Emergency Response, (WH-562B), Washington, DC 20460, 202 382-4788

RIN: 2050-AA61

143. IDENTIFICATION AND LISTING OF HAZARDOUS WASTES: ORGANOBROMINE MANUFACTURING WASTES (REVISION)

Legal Authority: 42 USC 6905 / RCRA 1006; 42 USC 6912(a) / RCRA 2002(a); 42 USC 6921 / RCRA 3001; 42 USC 6922 / RCRA 3002

CFR Citation: 40 CFR 261.32

Abstract: This action will expand the list of hazardous wastes by listing wastes from the production of ethylene dibromide (EDB).

Timetable:

Action	Date	FR Cite
NPRM	11/08/84	49 FR 44718
Interim Final Rule	03/00/86	

Small Entity: No

Additional Information: SAR No. 1862.

FTS:8-382-4761.

Agency Contact: Wanda Le Bleu-Biswas, Environmental Protection Agency, Solid Waste and Emergency Response, (WH-562B), Washington, DC 20460, 202 382-5096

RIN: 2050-AA62

144. IDENTIFICATION AND LISTING OF HAZARDOUS WASTES: TOLUENE DIISOCYANATE MANUFACTURING WASTES

Legal Authority: 42 USC 6905/RCRA 1006; 42 USC 6912(a)/RCRA 2002(a); 42 USC 6921/RCRA 3001; 42 USC 6922/RCRA 3002

CFR Citation: 40 CFR 261.32

Abstract: This action will expand the list of hazardous wastes by listing additional wastes from the manufacture of toluene diisocyanate.

Timetable:

Action	Date	FR Cite
NPRM	05/08/84	49 FR 19608
Final Action	10/00/85	

Small Entity: No

Additional Information: SAR No. 1955.

FTS:8-382-4761.

Agency Contact: Wanda Le Bleu-Biswas, Environmental Protection Agency, Solid Waste and Emergency Response, (WH-562B), Washington, DC 20460, 202 382-5096

RIN: 2050-AA63

145. IDENTIFICATION AND LISTING OF HAZARDOUS WASTES: DIMETHOATE, METHOMYL, AND FAMPHUR

Legal Authority: 42 USC 6905 /RCRA 1006; 42 USC 6912(a) /RCRA 2002(a); 42 USC 6921 /RCRA 3001; 42 USC 6922 /RCRA 3002

CFR Citation: 40 CFR 261

Abstract: The Agency is proposing to amend its regulations under RCRA to change the hazard class under which certain discarded commercial chemical products are listed, specifically the categorization of waste dimethoate, methomyl, and famphur.

Timetable:

Action	Date	FR Cite
NPRM	10/03/83	48 FR 45210
Final Action	04/00/86	

Small Entity: No

Additional Information: SAR No. 1944.

FTS:8-382-4798.

Agency Contact: Alan S. Corson, Environmental Protection Agency, Solid Waste and Emergency Response, (WH-562B), Washington, DC 20460, 202 382-4770

RIN: 2050-AA64

146. IDENTIFICATION AND LISTING OF HAZARDOUS WASTES: CARBAMATE MANUFACTURING WASTES (REVISION)

Legal Authority: 42 USC 6905 / RCRA 1006; 42 USC 6912(a) / RCRA 2002(a); 42 USC 6921 / RCRA 3001; 42 USC 6922 / RCRA 3002

CFR Citation: 40 CFR 261 32

Abstract: This action will expand the list of hazardous waste by listing wastes from the manufacture of ethylene (bis)dicarbamate. (EDBC).

Timetable:

Action	Date	FR Cite
NPRM	12/20/84	49 FR 49562
Final Action	04/00/86	

Small Entity: No

Additional Information: SAR No. 1861.

FTS:8-382-4761.

Agency Contact: Howard Fribush, Environmental Protection Agency, Solid Waste and Emergency Response, (WH-565), Washington, DC 20460, 202 382-4761

RIN: 2050-AA65

147. HAZARDOUS WASTE AS FUELS: ADMINISTRATIVE STANDARDS

Legal Authority: 42 USC 6924 / RCRA 3001, 3002, 3004, 3007, 3010, 3012

CFR Citation: 40 CFR 264

Abstract: Burning of hazardous waste in boilers for the purpose of heat recovery is currently exempt from regulation under RCRA. The Hazardous and Solid Waste Amendments of 1984 require the Agency to regulate the burning and blending of hazardous waste fuels. This regulation will set specifications for used oil fuel and prohibit the burning of hazardous waste and off-spec used oil in residential, commercial and institutional boilers. The regulations will also establish notification manifest and recordkeeping procedures for industrial boilers and furnaces burning hazardous waste and off-spec used oil.

Timetable:

Action	Date	FR Cite
NPRM	01/11/85	50 FR 1684
Final Action	10/00/85	
Notification Requirements	02/00/86	

Small Entity: No

Additional Information: SAR No. 2079.

FTS-8-382-7917.

Contains previous RIN 2050-AA29 (Standards for Owners/Operators of Waste Facilities: Boilers) (Revision)

Agency Contact: Karen Walker, Environmental Protection Agency, Solid Waste and Emergency Response, (WH-565A), Washington, DC 20460, 202 382-7917

RIN: 2050-AA74

148. IDENTIFICATION AND LISTING OF HAZARDOUS WASTES: TOXICITY CHARACTERISTIC MODIFICATION

Priority: Major

Legal Authority: 42 USC 6921 / RCRA 3001

CFR Citation: 40 CFR 261

Abstract: A number of chemicals will be selected that pose a health hazard such as CAG carcinogens, pesticides, and compounds found to cause damage (these chemicals and concentration levels will be added to the toxicity characteristics). Using ADI's and CAG risk values, waste concentration values would be derived which would yield hazardous exposure levels. This revision would require that each waste generator assess this waste to determine if the waste exhibits this toxicity characteristic; a positive finding would then require its management as a hazardous waste.

Timetable:

Action	Date	FR Cite
NPRM	10/00/85	

Small Entity: Undetermined

Additional Information: SAR No. 2062.

FTS-8-382-4770.

Analysis: RIA

Agency Contact: David Friedman, Environmental Protection Agency, Solid Waste and Emergency Response, (WH-562B), Washington, DC 20460, 202 382-4770

RIN: 2050-AA78

149. IDENTIFICATION AND LISTING OF HAZARDOUS WASTES: DELISTING PROCEDURES (REVISION)

Legal Authority: 42 USC 6921 / RCRA 3001

CFR Citation: 40 CFR 260.22

Abstract: Under the current waste regulations, a listed waste can be excluded (delisted) from the list of hazardous waste if it can be demonstrated that the waste is non-hazardous based entirely on the factors and constituents of concern used by the Agency to list the waste. This amendment would allow the Agency to consider factors other than those for which the waste was listed if it is reasonable to believe that such additional factors could cause the waste to be a hazardous waste.

Timetable:

Action	Date	FR Cite
NPRM	05/00/85	
Final Action	08/00/86	

Small Entity: No

Additional Information: SAR No. 2043.

FTS-8-382-4805.

Includes previous RIN 2050-AA02

Agency Contact: Myles Morse, Environmental Protection Agency, Solid Waste and Emergency Response, (WH-565B), Washington, DC 20460, 202 382-4805

RIN: 2050-AA81

150. IDENTIFICATION AND LISTING OF HAZARDOUS WASTES: TEST METHODS FOR HAZARDOUS WASTE (REVISION)

Legal Authority: 42 USC 6921 / RCRA 3001; 42 USC 6924 / RCRA 3004; 42 USC 6922 / RCRA 3002

CFR Citation: 40 CFR 261

Abstract: This action updates the RCRA manual of approved test methods (test methods for Evaluating Solid Waste, SW-846) with respect to methods for ground water and incinerator monitoring. This action would codify the guidance given to the regulated community by requiring that these methods be used in all aspects of the RCRA program. At present the tests are required, as appropriate, for hazardous waste definition and for incinerator stack monitoring (for example, ground water monitoring and petitions for exclusion from regulation).

Timetable:

Action	Date	FR Cite
NPRM	10/01/84	49 FR 38786
Final Action	05/00/86	

Small Entity: No

Additional Information: SAR No. 2068.

FTS-8-382-4770.

Agency Contact: David Friedman, Environmental Protection Agency, Solid Waste and Emergency Response, (WH-562B), Washington, DC 20460, 202 382-4770

RIN: 2050-AA82

151. SCHEDULE FOR REVIEWING WASTES FOR POSSIBLE LAND DISPOSAL RESTRICTION

Legal Authority: 42 USC 6921 /RCRA 3001; 42 USC 6924 /RCRA 3004

CFR Citation: 40 CFR 264

Abstract: This action would set forth the Agency's schedule for reviewing hazardous wastes to determine if they should be restricted from land disposal. This schedule will identify when the Agency intends to review each hazardous waste listed in 40 CFR Part 261.

Timetable:

Action	Date	FR Cite
ANPRM	02/00/84	49 FR 5854
NPRM	10/00/86	

Small Entity: Undetermined

Additional Information: SAR No. 2166.

FTS: 8-382-4770.

This action was split off from RIN 2050-AA30.

Agency Contact: Susan Bromm, Program Manager, Environmental Protection Agency, Solid Waste and Emergency Response, WH-562B, Washington, DC20460, 202 382-4770

RIN: 2050-AA97

152. ● CODIFICATION RULE FOR THE L984 RCRA AMENDMENTS

Legal Authority: 42 USC 6901 /RCRA as amended by HSWA

CFR Citation: 40 CFR 260 to 271; 40 CFR 122 to 124

Abstract: The purpose of the rule is to codify those requirements specified by the 1984 amendments to RCRA which take effect immediately upon enactment. The new regulatory provisions will, for the most part, duplicate the language of the statue. The intent of this regulation is not to substantively elaborate on these statutory provisions, but rather to introduce the new statutory language verbatim, to the extent possible, into the existing regulatory framework. The need for the codification rule is threefold:

(1) By replacing the new statutory requirements in the context of our existing regulatory standards, we can eliminate confusion in the regulated community.

(2) By providing public notice of these changes through publication in the Federal Register the Agency ensures that there will be a sufficient notice for enforcement purposes.

(3) These regulations provide a framework to support the development of elaborative guidance documents and future rulemakings.

Timetable:

Action	Date	FR Cite
NPRM	03/00/85	
Final Action	00/00/00	

Small Entity: No

Additional Information: SAR No. 2187.

FTS:8-382-5864

Agency Contact: Michael Cook, Environmental Protection Agency, Solid Waste and Emergency Response, (WH-562), Washington, DC, 202 362-5864

RIN: 2050-AB23

153. ● IDENTIFICATION AND LISTING OF HAZARDOUS WASTES: LABORATORY WASTE LISTING

Legal Authority: 42 USC 6905 /RCRA 1006; 42 USC 6912(a) /RCRA 2002(a); 42 USC 6921 /RCRA 3001; 42 USC 6922 /RCRA 3002

CFR Citation: 40 CFR 261

Abstract: This action will create generic listings for hazardous wastes managed in lab packs (in accordance with 40 CFR Part 264),thereby significantly reducing the recordkeeping and reporting burden on generators of lab packs.

Timetable:

Action	Date	FR Cite
NPRM	09/00/85	
Final Action	09/00/86	

Small Entity: No

Additional Information: SAR No. 2228.

FTS 382-4770

Agency Contact: Susan E. Bromm, Environmental Protection Agency, Solid Waste and Emergency Response, (WH-562B), Washington, DC 20460, 202 382-4770

RIN: 2050-AB26

154. ● IDENTIFICATION AND LISTING OF HAZARDOUS WASTES: EP TOXICITY

Legal Authority: 42 USC 6905 /RCRA 1006; 42 USC 6912(a) /RCRA 2002(a); 42 USC 6921 /RCRA 3001; 42 USC 6922 /RCRA 3002

CFR Citation: 40 CFR 261

Abstract: This action develops and improves procedures suitable for estimating the mobility of organic toxicants in a landfill leachate if the

waste is codisposed with sanitary refuse.

Timetable:

Action	Date	FR Cite
NPRM	10/00/85	

Small Entity: No

Additional Information: SAR No. 2231.

FTS 382-4770

Agency Contact: David Friedman, Environmental Protection Agency, Solid Waste and Emergency Response, (WH-562B), Washington, DC, 202 382-4770

RIN: 2050-AB29

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155. HAZARDOUS WASTE MANAGEMENT: MISCELLANEOUS AND EXPERIMENTAL UNITS

Legal Authority: 42 USC 6924 / RCRA 3004; 42 USC 6925 / RCRA 3005

CFR Citation: 40 CFR 264; 40 CFR 266

Abstract: General performance requirements will be established for hazardous waste management units which 40 CFR part 264 does not currently address. These types of facilities include deep mines, silos, salt mines, thermal treatment units, and open detonation units. This action will also create performance requirements for facilities engaging in hazardous waste research activities. EPA's objective is to encourage research and development of hazardous waste management technology while assuring environmental protection.

Timetable:

Action	Date	FR Cite
NPRM	11/00/85	
Final Action	09/00/86	

Small Entity: Undetermined

Additional Information: SAR No. 1817.

Docket No. 3004.

FTS:8-382-4654.

Agency Contact: Robert Tonetti, Environmental Protection Agency, Solid Waste and Emergency Response, (WH-565), Washington, DC 20460, 202 382-4654

RIN: 2050-AA23

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156. RESTRICTION OF LAND DISPOSAL OF CERTAIN HAZARDOUS WASTES: SOLVENT$, DIOXINS AND ESTABLISHING THE FRAMEWORK FOR EPA'S LAND DISPOSAL PROGRAM

Priority: Major

Legal Authority: 42 USC 6924 / RCRA 3004

CFR Citation: 40 CFR 268

Abstract: This rule establishes the framework for EPA's land disposal restrictions program including setting treatment standards for hazardous wastes prior to land disposal, procedures for filing petitions for ban exemptions, criteria for setting effective dates for bans, and procedures for case-by-case effective date extensions. It will also include decisions for solvents wastes (EPA waste codes F001- F005) and dioxin containing wastes (EPA waste codes FO21-FO23 and FO26-FO28).

Timetable:

Action	Date	FR Cite
ANPRM	02/15/84	49 FR 5854
NPRM	11/00/85	
Final Action	11/00/86	

Small Entity: Undetermined

Additional Information: SAR No. 1878.

Docket No. 3001.

FTS:8-382-4770.

Analysis: RIA

Agency Contact: Susan Bromm, Environmental Protection Agency, Solid Waste and Emergency Response, (WH-562B), Washington, DC 20460, 202 382-4770

RIN: 2050-AA30

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157. STANDARDS FOR OWNERS/OPERATORS OF HAZARDOUS WASTE FACILITIES: LIQUIDS AND LANDFILLS (REVISION)

Legal Authority: 42 USC 6924 / RCRA 3004

CFR Citation: 40 CFR 264; 40 CFR 265

Abstract: The Agency will publish a test protocol that will be used to determine the presence of free liquids in waste materials that are to be landfilled. The Agency will also promulgate final rules for containers holding liquid hazardous waste.

Timetable:

Action	Date	FR Cite
NPRM	02/25/82	47 FR 8307
Interim Final Rule	03/22/82	47 FR 12316
Final Action	05/00/85	

Supplemental Timetable:

Containers

Final Action 02/00/86

Small Entity: No

Additional Information: SAR No. 1843.

Docket No. 3004.

FTS.8-382-4682.

Agency Contact: Paul Cassidy, Environmental Protection Agency, Solid Waste and Emergency Response, (WH-564), Washington, DC 20460, 202 382-4682

RIN: 2050-AA34

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158. CONSOLIDATED PERMITS: CLASS PERMITS

Priority: Task Force

Legal Authority: 42 USC 6924 / RCRA 3004; 42 USC 6925 / RCRA 3005

CFR Citation: 40 CFR 122; 40 CFR 124; 40 CFR 264; 40 CFR 266

Abstract: This regulation will amend EPA's hazardous waste management permitting regulations by establishing a class permit application form for use by facilities whose only activity subject to RCRA permitting consists of storing in above-ground tanks or containers hazardous wastes that have been generated on-site. Promulgation of this rule would expedite the permitting process for this class of facility. This is the first RCRA class/permit the Agency will issue.

Timetable:

Action	Date	FR Cite
NPRM	07/20/84	49 FR 29524
Final Action	09/00/85	

Small Entity: No

Additional Information: SAR No. 1844.

Docket No. 3005.

FTS:8-382-7292.

Agency Contact: Stephen Glomb, Environmental Protection Agency, Solid Waste and Emergency Response, (WH-565), Washington, DC 20460, 202 382-7917

RIN: 2050-AA36

159. STANDARDS FOR STORAGE OR TREATMENT OF HAZARDOUS WASTE IN TANK SYSTEMS

Legal Authority: 42 USC 6924 / RCRA 3004

CFR Citation: 40 CFR 264; 40 CFR 265

Abstract: The storage or treatment of hazardous waste in tanks systems raises considerable concern regarding potential risk to health or the environment posed by migration of the waste. The purpose of this action is to develop a more comprehensive regulatory strategy for the proper management of tank systems for storing or treating hazardous waste.

Timetable:

Action	Date	FR Cite
NPRM	04/00/85	
Final Action	04/00/86	

Small Entity: No

Additional Information: SAR No. 1957.

FTS:8-382-3081.

Agency Contact: William Kline, Environmental Protection Agency, Solid Waste and Emergency Response, (WH-565), Washington, DC 20460, **202 382-3081**

RIN: 2050–AA57

160. STANDARDS FOR OWNERS/OPERATORS OF WASTE FACILITIES: CORRECTIVE ACTION FINANCIAL RESPONSIBILITY

Priority: Major

Legal Authority: 42 USC 6924 / RCRA 3004/HSWA 208

CFR Citation: 40 CFR 264 H

Abstract: This rule would require owners and operators of hazardous waste disposal facilities to demonstrate financial responsibility for corrective action. Failures to undertake corrective action by owners or operators will result in increasing degradation of groundwater resources and increased clean-up costs to the public. Firms with low net worth may not be able to obtain or afford other financial assurance mechanisms as they are currently structured in 40 CFR Part 264, Subpart H. The Agency is examining the effects of a national fund and restructured financial assurance instruments.

Timetable:

Action	Date	FR Cite
ANPRM	07/26/82	47 FR 32279
NPRM	10/00/85	
Interim Final Rule	04/00/86	
Final Action	04/00/87	

Small Entity: Yes

Additional Information: SAR No. 1948.

FTS: 8-382-4761.

Analysis: RIA, RFA

Agency Contact: Carole Ansheles, Environmental Protection Agency, Solid Waste and Emergency Response, (WH-562), Washington, DC 20460, **202 382-4761**

RIN: 2050–AA69

161. HAZARDOUS WASTE AS FUELS: TECHNICAL STANDARDS

Priority: Major

Legal Authority: 42 USC 6924 / RCRA 3004, 3005

CFR Citation: 40 CFR 264

Abstract: Burning of hazardous waste in boilers for the purpose of heat recovery is currently exempt from regulation under RCRA. The Hazardous and Solid Waste Amendments of 1984 require the Agency to develop technical standards for the burning of hazardous waste fuels. This regulation will establish acceptable situations for use of hazardous waste fuel in industrial boilers and certain industrial furnaces. It will also establish prohibitions, operating parameters, and permit procedures.

Timetable:

Action	Date	FR Cite
NPRM	11/00/85	
Final Action	11/00/86	

Small Entity: No

Additional Information: SAR No. 2078.

FTS-8-382-7917.

Contains previous RIN 2050-AA29.

Analysis: RIA

Agency Contact: Robert Holloway, Environmental Protection Agency, Solid Waste and Emergency Response, (WH-565A), Washington, DC 20460, **202 382-7917**

RIN: 2050–AA72

162. LAND DISPOSAL LINER AND LEAK DETECTION REGULATION

Legal Authority: 42 USC 6924 / RCRA 3004

CFR Citation: 40 CFR 264; 40 CFR 265

Abstract: These amendments to the Agency's interim status and permitting rules may include requirements pertaining to double liner and leachate collection systems for certain units, liner retrofitting, leak detection systems, construction quality, assurance plans, removable coupons, and leachate level monitoring.

Timetable:

Action	Date	FR Cite
NPRM	04/00/86	
Final Action	04/00/87	

Small Entity: No

Additional Information: SAR No. 2080.

FTS-8-382-4654.

Includes previous RINs 2050-AA21, 2050-AA50, and 2050-AA52.

Analysis: RIA

Agency Contact: Robert Tonetti, Environmental Protection Agency, Solid Waste and Emergency Response, (WH-505), Washington, DC 20460, **202 382-4654**

RIN: 2050–AA76

163. STANDARDS FOR OWNERS AND OPERATORS OF WASTE FACILITIES: CLOSURE AND POST-CLOSURE CARE (REVISION)

Legal Authority: 42 USC 6924 /RCRA 3004; 42 USC 6925 /RCRA 3005

CFR Citation: 40 CFR 264; 40 CFR 265

Abstract: The Agency is planning revisions to the existing Subpart G and H regulations in accordance with the terms of the American Iron and Steel Institute (AISI) litigation. In addition, the revisions will clarify ambiguous language in the current regulations. Failure to promulgate these revisions directly violates the AISI settlement agreement. Failure to clarify ambiguous language will create problems as the Agency implements those closure and post closure requirements.

Timetable:

Action	Date	FR Cite
NPRM	03/00/85	
Final Action	09/00/85	

Small Entity: No

Additional Information: SAR No. 2165.

FTS: 8-382-4670.

Agency Contact: Susan Hughes, Environmental Protection Agency, Solid Waste and Emergency Response, WH562B, Washington, DC 20460, 202 382-4670

RIN: 2050-AB00

164. ● ALTERNATE CONCENTRATION LIMITS (ACL)

Legal Authority: 42 USC 6924 /RCRA3004

CFR Citation: 40 CFR 264

Abstract: Alternative concentration limits (ACLs) provide a variance for RCRA permits that allows for some leakage of hazardous constituents. The present regulations do not allow for the use of man- made hydrogeologic barriers as part of an ACL demonstration. This regulatory amendment would explicitly allow such use.

Timetable:

Action	Date	FR Cite
Interim Final Rule	08/00/86	

Small Entity: No

Additional Information: SAR No. 2223.

FTS-382-4495

Agency Contact: Vernon Myers, Environmental Protection Agency, Solid Waste and Emergency Response, (WH-565E), Washington, DC, 202 382-4495

RIN: 2050-AB20

165. ● FINANCIAL RESPONSIBILITY FOR CORRECTIVE ACTION: PRIOR RELEASES

Priority: Major

Legal Authority: 42 USC 6901 /RCRA 3004,HSWA 206

CFR Citation: 40 CFR 264

Abstract: The current RCRA regulations require owners/operators of hazardous waste management facilities to demonstrate financial responsibility for the costs of closure and post closure (if applicable) activities. The HSWA require that owners/operators seeking a RCRA permit also demonstrate financial responsibility for completing corrective actions for prior releases. OSW plans to write implementing regulations using the financial instruments in the current hazardous waste regulations.

Timetable:

Action	Date	FR Cite
NPRM	01/00/86	
Final Action	01/00/87	

Small Entity: No

Additional Information: SAR No. 2225.

FTS:8-382-4761

Agency Contact: Carole Ansheles, Environmental Protection Agency, Solid Waste and Emergency Response, (WH-562B), Washington, DC, 202 382-4761

RIN: 2050-AB22

166. ● USE OF APPENDIX VIII FOR GROUNDWATER MONITORING

Legal Authority: 42 USC 3251/RCRA 3004

CFR Citation: 40 CFR 264; 40 CFR 265

Abstract: The Appendix VIII of 40 CFR Part 26l is a list of hazardous constituents presently referenced in 40 CFR Part 264 and 265 for use in groundwater monitoring. This proposed amendment would modify the list for the purposes of this use.

Timetable:

Action	Date	FR Cite
NPRM	08/00/86	
Final Action	10/00/87	

Small Entity: No

Additional Information: SAR No. 2229.

FTS 382-4645

Agency Contact: Dr. Robert W. April, Environmental Protection Agency, Solid Waste and Emergency Response, (WH-565E), Washington, DC, 202 382-4654

RIN: 2050-AB27

167. CONSOLIDATED PERMITS: MINOR MODIFICATIONS TO EXISTING RCRA PERMITS (REVISION)

Legal Authority: 42 USC 6925 / RCRA 3005

CFR Citation: 40 CFR 270.42

Abstract: Existing regulations allow EPA to make specified minor modifications to existing RCRA permits without going through the draft permit and public participation procedures required to make more substantial changes to permits. Under the settlement agreement in NRDC v EPA, EPA is proposing an amendment which would expand the kinds of permit modifications that qualify as minor modifications and thus are exempt from most procedural requirements.

Timetable:

Action	Date	FR Cite
NPRM	03/15/84	49 FR 9850
Final Action	02/00/86	

Small Entity: No

Additional Information: SAR No. 1805.

Docket No. 3005.

FTS:8-382-4500.

Agency Contact: Brain Wilson, Environmental Protection Agency, Solid Waste and Emergency Response, (WH-563), Washington, DC 20460, 202 382-4534

RIN: 2050-AA37

168. CONSOLIDATED PERMITS: DURATION OF PERMITS FOR HAZARDOUS WASTE FACILITIES (REVISION)

Legal Authority: 42 USC 6925 / RCRA 3005; 42 USC 6926 / RCRA 3006

CFR Citation: 40 CFR 123; 40 CFR 264; 40 CFR 270.50

Abstract: Existing EPA regulations provide that EPA-issued permits for hazardous waste treatment, storage and disposal facilities are effective for a fixed term not to exceed ten years. Under the settlement agreement in NRDC v EPA, EPA is proposing to revise the regulation by making permits effective for the designed operating life of the facility. Permit terms for land disposal facilities would include the post-closure care period as well. EPA would also increase opportunities for the Agency to modify permits during their term. Section 3005(e) of RCRA was amended to prohibit the issuance of Lifetime permits. The Agency is proceeding to develop regulations on permit modifications.

Timetable:

Action	Date	FR Cite
NPRM	02/08/83	48 FR 5872
Final Action	05/00/85	

Small Entity: No

Additional Information: SAR No. 1806.

Docket No. 3005.

FTS:8-382-4535.

Agency Contact: Bryan Wilson, Environmental Protection Agency, Solid Waste and Emergency Response, (WH-563), Washington, DC 20460, **202 382-4534**

RIN: 2050-AA38

169. AMENDMENT TO STATE PROGRAM CAPABILITY REQUIREMENTS

Legal Authority: 49 USC 6926 / RCRA 3006

CFR Citation: 40 CFR 271.16

Abstract: This action will amend 40 CFR 271.16 to require a State either to have administrative penalty authority or to request that EPA use its administrative penalty authority when warranted. The new requirements would apply to States that have received final authorization by operation of the "money target" rule, which will provide that a State has a year (two years of a statute must be changed) to comply with federal regulations promulgated after the State obtained final authorization.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Additional Information: SAR No. 2158.

FTS: 8-382-4823.

Agency Contact: Anthony M. Montrone, Environmental Protection Agency, Solid Waste and Emergency Response, WH-527, Washington, DC 20460, **202 382-4823**

RIN: 2050-AB01

170. ● STREAMLINING APPROVAL OF STATE PROGRAM REVISIONS

Legal Authority: 42 USC 6926 /RCRA 3006

CFR Citation: 40 CFR 271

Abstract: The Hazardous and Solid Waste Amendments of l984 (HSWA) result in a number of amendments to the Federal regulations at various intervals. Currently, each time any Federal regulatory amendment is made, authorized States must revise their programs in accordance with one of two procedures in 40 CFR 271.21 -- depending on whether the revision was considered "substantial" or "non-substantial"--in order to retain authorization. This revision to 40 CFR Part 271.21 would streamline the process for EPA review and approval of proposed State program revisions by eliminating the "substantial" distinction and replacing the two review procedures with one.

Timetable:

Action	Date	FR Cite
NPRM	06/00/85	
Final Action	11/00/85	

Small Entity: No

Additional Information: SAR No. 2206.

FTS-382-2201

Agency Contact: Truett V. DeGeare, Environmental Protection Agency, Solid Waste and Emergency Response, (WH563), **202 382-2201**

RIN: 2050-AB11

171. GUIDELINE FOR FEDERAL PROCUREMENT OF PAPER AND PAPER PRODUCTS CONTAINING RECOVERED MATERIALS

Legal Authority: 42 USC 6962 / RCRA 6002

CFR Citation: 40 CFR 250

Abstract: This action is a requirement and necessary precedent to the implementation of affirmative recycled paper procurement programs. It would encourage the recovery of post consumer recovered materials and reduce the volume of solid waste.

Timetable:

Action	Date	FR Cite
NPRM	04/00/85	
Final Action	03/00/86	

Small Entity: No

Additional Information: SAR No. 2011.

FTS: 8-382-2550.

Agency Contact: Pat Fox, Environmental Protection Agency, Solid Waste and Emergency Response, (WH-565 A), Washington, DC 20460, **202 465-6672**

RIN: 2050-AA68

172. HAZARDOUS WASTE MANAGEMENT SYSTEM: INTERIM STATUS STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE TREATMENT, STORAGE AND DISPOSAL FACILITIES: CONFORMING CHANGES

Legal Authority: 42 USC 6905 /RCRA 1006; 42 USC 6912(a) /RCRA 2002(a); 42 USC 6924 /RCRA 3004

CFR Citation: 40 CFR 265

Abstract: This rulemaking action makes several conforming changes to the Part 265 interim status standards to provide consistency with the Part 264 permitting requirements. The regulation modifies the following portions of the interim status standards for surface impoundments, landfills, and land treatment units:

A. Surface Impoundments - General Operating Requirements

B. Landfill Closure and Post-closure Care

C. Surface Impoundments - Ignitable or Reactive Waste

D. Landfills - Special Requirements for Containers

E. Land Treatment - Interpretation of "Treatment."

Timetable:

Action	Date	FR Cite
Final Action	04/00/85	

Small Entity: No

Additional Information: SAR No. 2159.

FTS: 8-382-4654.

Agency Contact: Kent Anderson, Environmental Protection Agency, Solid Waste and Emergency Response, WH-565E, Washington, DC 20460, **202 382-4654**

RIN: 2050-AA98

173. ● NOTIFICATION FORM FOR UNDERGROUND TANKS

Legal Authority: 42 USC 6992 /RCRA 9002

CFR Citation: 40 CFR 280

Abstract: The HSWA requires owners of underground storage tanks holding regulated substances to notify state agencies by March 7, 1986 of the existence of these tanks; specifying the age, size, type, location, and use of the tank. EPA is required to prescribe a notification form to receive the

information. EPA will develop a rule that identifies those who must notify, the procedure for filing the notifications, and their content. The rule will also prescribe a form that must be used by tank owners unless the state where the tank is located has its own form that incorporates the same information.

Timetable:

Action	Date	FR Cite
NPRM	05/00/85	
Final Action	11/00/85	

Small Entity: No

Additional Information: SAR No. 2209.

FTS-382-7917

Agency Contact: Virginia Garelick, Environmental Protection Agency, Solid Waste and Emergency Response, (WH-565), Washington,DC, 202 382-7917

RIN: 2050-AB14

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174. ● LEAKING UNDERGROUND STORAGE TANKS: PERFORMANCE STANDARDS FOR NEW TANKS

Priority: Major

Legal Authority: 42 USC 6993 /RCRA 9003

CFR Citation: 40 CFR Not yet determined

Abstract: This regulation will establish performance standards for new tanks holding petroleum and other hazardous substances. These new tank regulations will at least include new tank design, construction, installation, release detection, and compatibility standards. EPA will conduct a regulatory flexibility analysis to determine the impacts of this rule on small business entities. This rule will, for the first time, establish national performance standards for new underground tanks storing regulated substances, including petroleum products. It will apply to underground tanks storing hazardous wastes, which are already regulated under Subtitle C of RCRA.

Timetable:

Action	Date	FR Cite
NPRM	02/00/86	
Final Action	02/00/87	

Small Entity: Undetermined

Additional Information: SAR No. 2202

FTS:8-382-7917

Agency Contact: David O'Brien, Environmental Protection Agency, Solid Waste and Emergency Response, (WH-565), Washington, DC 20460, 202 382-7917

RIN: 2050-AB04

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175. ● LEAKING UNDERGROUND STORAGE TANKS: REGULATIONS FOR EXISTING TANKS

Priority: Major

Legal Authority: 42 USC 6993 /RCRA 9003

CFR Citation: 40 CFR "Not yet determined"

Abstract: This regulation will establish, under Subtitle I of RCRA, requirements for leak detection, prevention, and closure of underground tanks holding petroleum and other regulated substances. Because of the large size of the regulated community, this rule could impact a significant number of small business entities and a Regulatory Flexibility Analysis would be conducted by EPA. Promulgation of this rule, will, for the first time, establish national requirements for the storage of regulated substances, including, petroleum products in underground tanks. It will not apply to underground tanks storing hazardous wastes, which are currently regulated under Subtitle C of RCRA.

Timetable:

Action	Date	FR Cite
NPRM	02/00/86	
Final Action	02/00/87	

Small Entity: No

Additional Information: SAR No. 2221.

FTS 382-7917

Agency Contact: David O'Brien, Environmental Protection Agency, Solid Waste and Emergency Response, (WH565), Washington, DC, 202 382-7917

RIN: 2050-AB18

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176. ● INTERPRETIVE RULE FOR THE LUST INTERIM PROHIBITION

Legal Authority: 42 USC 6993 /RCRA as amended by HSWA section 9003(g)

CFR Citation: 40 CFR "Not yet determined"

Abstract: This interpretive rule will present EPA's interpretation of the terms of the Interim Prohibition. Terms such as "operational life", "compatibility",and "cathodic protection" will be defined in this document. In addition, guidance will be provided on how to comply with the provisions of the Interim Prohibitions. Examples will be provided of design features and systems which are acceptable under the prohibition as well as those that are not acceptable.

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/00/85	

Small Entity: No

Additional Information: SAR No. 2222.

FTS:8-475-6673

Agency Contact: Stephen Nacht, Environmental Protection Agency, Solid Waste and Emergency Response, (WH 565), Washington, DC 20460, 202 475-6673

RIN: 2050-AB19

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177. ● REQUIREMENTS FOR AUTHORIZATION OF STATES: UNDERGROUND STORAGE TANK PROGRAMS

Legal Authority: 42 USC 3251 /RCRA 9004 as amended by HSWA

CFR Citation: 40 CFR "Not yet determined"

Abstract: The Hazardous and Solid Waste Amendments of 1984 (HSWA) allow EPA to approve State underground storage tank programs to operate in lieu of the Federal program. This rule will establish the requirements for the EPA approval of such State programs.

Timetable:

Action	Date	FR Cite
NPRM	03/00/86	
Final Action	02/00/87	

Small Entity: No

Additional Information: SAR No. 2234.

FTS:8-382-2210

Agency Contact: Truett V. DeGeare, Environmental Protection Agency, Solid Waste and Emergency Response, (WH-382-2210), Washington, DC 20460, 202 382-2210

RIN: 2050-AB31

ENVIRONMENTAL PROTECTION AGENCY (EPA)—Resource Conservation and Recovery Act (RCRA)

Existing Regulations Under Review

178. REVIEW OF GROUNDWATER MONITORING

Legal Authority: 42 USC 6921 / RCRA 3001

CFR Citation: 40 CFR 265

Abstract: EPA is reviewing the interim status groundwater monitoring requirements for hazardous waste facilities that manage wastes in surface impoundments, in landfills or through land treatment. One purpose of this review is to determine whether the groundwater monitoring procedures succeed in identifying which facilities are adversely affecting groundwater. Another purpose is to review how useful the data is for EPA and other agencies. EPA will determine whether the resource burdens imposed on these facilities are justified by the expected benefits of the monitoring program.

Timetable:

Action	Date	FR Cite
Begin Review	04/00/82	
End Review	05/00/85	

Small Entity: No

Additional Information: SAR No. 1810.

FTS: 8-382-4761

REVIEW AUTHORITY: Paperwork Reduction Act.

Agency Contact: Bernard Stoll, Environmental Protection Agency, Solid Waste and Emergency Response, (WH-562), Washington, DC 20460, 202 382-4761

RIN: 2050-AA89

179. REVIEW OF STANDARD LANDFILLS FOR OWNERS/OPERATORS OF WASTE FACILITIES

Priority: Task Force

Legal Authority: 42 USC 6924 / RCRA 3000

CFR Citation: 40 CFR 264

Abstract: At the request of the President's Task Force on Regulatory Relief, EPA is reviewing all land requirements for hazardous waste storage, treatment and disposal facilities. EPA will complete a RIA of alternatives, environmental benefits, costs and impacts before promulgating final land disposal regulations. EPA intends to use this analysis in making modifications to the liner standard (RIN 2050-AA76). There will be a final report on this review, available when the proposed rule is published in the Federal Register 4/86. The review will not be completed until the final rule is published 4/87.

Timetable:

Action	Date	FR Cite
Begin Review	01/00/83	
End Review	02/00/87	

Small Entity: Yes

Additional Information:

FTS: 8-382-2791.

REVIEW AUTHORITY: EO 12291, Regulatory Flexibility Act.

Agency Contact: Cliff Rothenstein, Environmental Protection Agency, Solid Waste and Emergency Response, (WH-565), Washington, DC 20460, 202 382-2791

RIN: 2050-AA50

180. REVIEW OF STANDARDS FOR OWNERS/OPERATORS OF WASTE FACILITIES: INCINERATORS

Priority: Task Force

Legal Authority: 42 USC 6924 / RCRA 3000

CFR Citation: 40 CFR 264

Abstract: At the request of the President's Task Force on Regulatory Relief, EPA is reviewing all incineration requirements for hazardous waste incineration facilities. EPA will complete an RIA on regulatory alternatives, environmental benefits, risks, costs and impacts of the present regulations prior to any revisions or final regulations.

Timetable:

Action	Date	FR Cite
Begin Review	01/00/82	
End Review	07/00/85	

Small Entity: Yes

Additional Information:

FTS:8-382-7927.

REVIEW AUTHORITY: EO 12291, Regulatory Flexibility Act.

Analysis: Final RIA

Agency Contact: Dale Ruhter, Environmental Protection Agency, Solid Waste and Emergency Response, (WH-565), Washington, DC 20460, 202 382-2791

RIN: 2050-AA53

ENVIRONMENTAL PROTECTION AGENCY (EPA)—Resource Conservation and Recovery Act (RCRA)

Completed Actions

COMPLETED RULEMAKINGS

181. IDENTIFICATION AND LISTING OF HAZARDOUS WASTE: DEFINITION OF SOLID WASTE (REVISION)

CFR Citation: 40 CFR 261.2; 40 CFR 261.6

Completed:

Reason	Date	FR Cite
Final Action	01/04/85	50 FR 614

Small Entity: No

Agency Contact: Matthew Straus 202 382-4770

RIN: 2050-AA03

182. IDENTIFICATION AND LISTING OF HAZARDOUS WASTES: CHLORINATED DIOXINS AND CHLORINATED DIBENZOFURANS (REVISION)

CFR Citation: 40 CFR 261.31; 40 CFR 261.32

Completed:

Reason	Date	FR Cite
Final Action	01/14/85	50 FR 1978

Small Entity: No

Agency Contact: Judith Bellin 202 382-4770

RIN: 2050-AA10

183. PERSONS MANAGING RECYCLED HAZARDOUS WASTES (REVISION)

CFR Citation: 40 CFR 261.6(b)

Completed:

Reason	Date	FR Cite
Combined with Definition of Solid Waste (RIN 2050-AA03)	02/27/85	

Small Entity: No

Agency Contact: Matthew Straus 202 382-4761

RIN: 2050-AA56

184. IDENTIFICATION AND LISTING OF HAZARDOUS WASTES: DEFINITION OF HOUSEHOLD WASTE (REVISION)

CFR Citation: 40 CFR 261.4(b)(1)

Completed:

Reason	Date	FR Cite
Final Action	11/13/84	49 FR 44978

Small Entity: No

Agency Contact: Filomena Chau 202 382-4797

RIN: 2050-AA60

185. STANDARDS FOR HAZARDOUS WASTE GENERATORS: "SATELLITE" ACCUMULATION OF HAZARDOUS WASTE (REVISION)

CFR Citation: 40 CFR 262.34

Completed:

Reason	Date	FR Cite
Final Action	12/20/84	49 FR 49568

Small Entity: No

Agency Contact: Chaz Miller 202 382-4535

RIN: 2050-AA13

186. STANDARDS FOR HAZARDOUS WASTE GENERATORS: ALTERNATE MANIFEST (REVISION)

Priority: Task Force

CFR Citation: 40 CFR 262

Completed:

Reason	Date	FR Cite
Postponed due to priorities established by the Reauthorization	02/27/85	

Small Entity: No

Agency Contact: John Thompson 202 382-4697

RIN: 2050-AA16

187. STANDARDS FOR OWNERS/OPERATORS OF WASTE FACILITIES: STORAGE OF IGNITABLE AND REACTIVE WASTE; BUFFER ZONE REQUIREMENTS (REVISION)

CFR Citation: 40 CFR 260; 40 CFR 264 40 CFR 265

Completed:

Reason	Date	FR Cite
Postponed indefinitely due to change in program priorities	02/27/85	

Small Entity: No

Agency Contact: Angela Wilkes 202 382-7938

RIN: 2050-AA32

188. INTERIM STATUS: EXPANSION AND MODIFICATION OF FACILITIES (REVISION)

CFR Citation: 40 CFR 122; 40 CFR 265. 40 CFR 267

Completed:

Reason	Date	FR Cite
Postponed work on this action due to RCRA reauthorization	02/27/85	

Small Entity: No

Agency Contact: Deborah Wolpe 202 382-2222

RIN: 2050-AA35

189. ENFORCEMENT OF STATE PERMITS (REVISION)

CFR Citation: 40 CFR 123

Completed:

Reason	Date	FR Cite
Postponed due to RCRA reauthorization	02/27/85	

Small Entity: No

Agency Contact: Deborah Wolpe 202 382-2222

RIN: 2050-AA40

190. EXISTING PORTION CONCEPT IN LAND DISPOSAL REGULATIONS (REVISION)

Priority: Major

CFR Citation: 40 CFR 265

Completed:

Reason	Date	FR Cite
Combined with various other RCRA regulations	02/27/85	

Small Entity: Undetermined

Agency Contact: Robert Tonetti 202 382-4654

RIN: 2050-AA58

191. STANDARD FOR OWNERS AND OPERATORS OF WASTE FACILITIES: CLOSURE/POST-CLOSURE CARE AND COST ESTIMATES AND FINANCIAL RESPONSIBILITY (REVISION)

CFR Citation: 40 CFR 264 40 CFR 265 G. 40 CFR 265 H

Completed:

Reason	Date	FR Cite
Combined with RIN 2050-AA70	02/27/85	

Small Entity: No

Agency Contact: Carol Ansheles 202 382-4761

RIN: 2050-AA70

192. LAND DISPOSAL: GROUND-WATER PROTECTION

CFR Citation: 40 CFR 264

Completed:

Reason	Date	FR Cite
Combined with RIN 2050-AB27	02/27/85	

Small Entity: No

Agency Contact: Burnell Vincent 202 382-4658

RIN: 2050-AA91

EPA—RCRA

Completed Actions

193. CONSOLIDATED PERMITS: CONSTRUCTION BAN (REVISION)

CFR Citation: 40 CFR 122; 40 CFR 123; 40 CFR 124

Completed:

Reason	Date	FR Cite
Section 3005(a) of RCRA was amended to prohibit this regulation	02/27/85	

Small Entity: No

Agency Contact: Deborah Wolpe 202 382-2222

RIN: 2050-AA39

[FR Doc. 85-9906 Filed 04-26-85; 8:45 am]

BILLING CODE 6560-50-T

ENVIRONMENTAL PROTECTION AGENCY (EPA)—Clean Air Act (CAA)

Current and Projected Rulemakings

194. NAAQS FOR SULFUR OXIDES (REVISION)

Priority: Major

Legal Authority: 42 USC 7409 / CAA 109

CFR Citation: 40 CFR 50.4

Abstract: EPA has reviewed the scientific criteria used as a basis for establishing ambient air quality standards for sulfur dioxide. The Agency will revise the standards where appropriate to protect public health and welfare.

Timetable:

Action	Date	FR Cite
ANPRM	10/02/79	44 FR 56730
NPRM	05/00/85	
Final Action	07/00/86	

Small Entity: Undetermined

Additional Information: SAR No. 1002.

Docket No. OAQPS-79-7.

FTS:8-629-5655.

Analysis: RIA

Agency Contact: Bruce Jordan, Environmental Protection Agency, Air and Radiation, (MD-12), Research Triangle Park, NC 27711, **919 541-5655**

RIN: 2060-AA61

195. NAAQS FOR PARTICULATE MATTER (REVISION)

Priority: Major

Legal Authority: 42 USC 7409 / CAA 109

CFR Citation: 40 CFR 50.6

Abstract: Particulate matter is one of the major pollutants in the ambient air. EPA has reviewed the scientific criteria used as a basis for establishing ambient air quality standards for particulate matter. The Agency proposes to revise the standards to better protect public health and welfare.

Timetable:

Action	Date	FR Cite
ANPRM	10/02/79	44 FR 56730
NPRM	03/20/84	49 FR 10408
Final Action	00/00/00	

Small Entity: No

Additional Information: SAR No. 1003.

Docket No. A-79-29.

FTS:8-629-5655.

Analysis: RIA; Final RIA 00/00/00

Agency Contact: Bruce Jordan, Environmental Protection Agency, Air and Radiation, (MD-12), Research Triangle Park, NC 27711, **919 541-5655**

RIN: 2060-AA62

196. NAAQS FOR CARBON MONOXIDE (REVISION)

Priority: Major

Legal Authority: 42 USC 7409 / CAA 109

CFR Citation: 40 CFR 50.8

Abstract: Carbon monoxide is a major source of air pollution which endangers people with heart and central nervous system diseases, pregnant women and other people (5-12% of U.S. population in all). EPA has reviewed the scientific criteria used as a basis for establishing ambient air quality standards for CO. The Agency will revise the standards where appropriate to protect public health and welfare.

Timetable:

Action	Date	FR Cite
ANPRM	12/01/78	43 FR 56250
NPRM	08/18/80	45 FR 55066
Final Action	00/00/00	

Small Entity: No

Additional Information: SAR No. 1001.

Docket No. OAQPS-79-7.

FTS:8-629-5655.

Analysis: RIA

Agency Contact: Bruce Jordan, Environmental Protection Agency, Air and Radiation, (MD-12), Research Triangle Park, NC 27711, **919 541-5655**

RIN: 2060-AA63

197. NAAQS FOR NITROGEN DIOXIDE (REVISION)

Priority: Major

Legal Authority: 42 USC 7409 / CAA 109

CFR Citation: 40 CFR 50.11

Abstract: EPA has reviewed the scientific criteria used as a basis for establishing ambient air quality standards for nitrogen dioxide. The Agency has proposed to retain the current annual ambient air quality standard for nitrogen dioxide.

Timetable:

Action	Date	FR Cite
NPRM	02/23/84	49 FR 6866
Final Action	00/00/00	

Small Entity: No

Additional Information: SAR No. 1004.

Docket No. OAQPS 78-9.

FTS: 8-629-5655.

Analysis: RIA

Agency Contact: Bruce Jordan, Environmental Protection Agency, Air and Radiation, (MD-12), Research Triangle Park, NC 27711, **919 541-5655**

RIN: 2060-AA64

198. NEW SOURCE REVIEW (REVISION)

Legal Authority: 42 USC 6910 / CAA 110

CFR Citation: 40 CFR 51; 40 CFR 52

Abstract: This action would revise EPA's new source requirements for new major stationary sources in PSD and Nonattainment areas. EPA is taking this action to implement a settlement agreement with Chemical

Manufacturer's Association and other parties who challenged the regulation amendments promulgated on August 7, 1980.

Timetable:

Action	Date	FR Cite
NPRM	08/25/83	49 FR 38742
Final Action	08/00/85	

Small Entity: No

Additional Information: SAR No. 1845.

FTS:8-629-5591.

Agency Contact: Kirt Cox, Environmental Protection Agency, Air and Radiation, MD-15, Research Triangle Park, NC 27711, **919 541-5591**

RIN: 2060-AA68

199. STACK HEIGHT REGULATIONS (REVISION)

Legal Authority: 42 USC 7410 / CAA 110; 42 USC 7423 / CAA 123; 42 USC 7601 / CAA 301

CFR Citation: 40 CFR 51

Abstract: The U.S. Court of Appeals recently ordered EPA to revise the Stack Height Regulations (40 CFR 51) promulgated on February 8, 1982, at 47 FR 5864. Sierra Club and NRDC v. EPA, No. 82-1384 et al. (D.C. Circuit October 11, 1983). EPA and NRDC have requested an extension of the final promulgation date until 5/13/85.

Timetable:

Action	Date	FR Cite
NPRM	11/00/84	
Final Action	05/00/85	

Small Entity: No

Additional Information: SAR No. 2103.

FTS: 8-629-5540.

Agency Contact: David Stonefield, Environmental Protection Agency, Air and Radiation, MD-15, Research Triangle Park, NC 27711, **919 541-5540**

RIN: 2060-AB30

200. AMBIENT AIR QUALITY SURVEILLANCE (REVISION)

Legal Authority: 42 USC 7410 / CAA 110; 42 USC 7601 / CAA 301; 42 USC 7619 / CAA 319

CFR Citation: 40 CFR 58

Abstract: This action will revise Part 58 to clarify and incorporate changes to the regulations deemed appropriate as a result of the past four years of experience. One of the principal revisions will propose allowing 120 days after the end of each quarter instead of the current 90 days for the submittal of National Air Monitoring System (NAMS) air quality and precision data to EPA. The 90 days were too short a time period to properly validate the air quality data. Another revision will propose to use the 1980 census data and urbanized area boundaries instead of the 1970 values for network design and evaluation purposes.

Timetable:

Action	Date	FR Cite
NPRM	03/08/85	50 FR 9538
Final Action	10/00/85	

Small Entity: No

Additional Information: SAR No. 2102.

FTS: 8-629-5651.

Agency Contact: Stanley F. Sleva, Environmental Protection Agency, Air and Radiation, MD-14, Research Triangle Park, NC 27711, **919 541-5651**

RIN: 2060-AB47

201. RESTRUCTURE CFR PARTS 51, 52 (REVISION)

Legal Authority: 42 USC 7410 / CAA 110

CFR Citation: 40 CFR 51; 40 CFR 52

Abstract: This rule will revise 40 CFR 51, which specifies the requirements for the adoption, preparation, and submittal of state implementation plans. The revisions will delete obsolete provisions, reduce reporting requirements, and clarify portions. References to Part 51 within Part 52 will be similarly revised. Certain portions of Part 51 such as the PSD provisions will not be restructured at this time.

Timetable:

Action	Date	FR Cite
NPRM	10/11/83	48 FR 46152
Final Action	12/00/85	

Small Entity: No

Additional Information: SAR No. 1503.

Docket No. A-81-25.

FTS: 8-629-5697.

Agency Contact: Joe Sableski, Environmental Protection Agency, Air and Radiation, (MD-15), Research Triangle Park, NC 27711, **919 541-5697**

RIN: 2060-AB49

202. QUALITY ASSURANCE PROCEDURES, APPENDIX F, PROCEDURE 1

Legal Authority: 42 USC 7411 / CAA 111; 42 USC 7414 / CAA; 42 USC 7601 / CAA

CFR Citation: 40 CFR 60, Appendix F

Abstract: This rule would add quality assurance requirements on gas continuous emission monitoring systems (CEMs) used for compliance. The purpose is to improve data quality and strengthen the basis for decisions made with regard to quality assurance.

Timetable:

Action	Date	FR Cite
NPRM	03/14/84	49 FR 9676
Final Action	06/00/85	

Small Entity: No

Additional Information: SAR No. 1741.

Docket No. A-80-29.

FTS:8-629-2415.

Agency Contact: Darryl von Lehmden, Environmental Protection Agency, Air and Radiation, (MD-77), Research Triangle Park, NC 27711, **919 541-2415**

RIN: 2060-AA09

203. NSPS: STATIONARY INTERNAL COMBUSTION ENGINES

Legal Authority: 42 USC 7411 / CAA 111

CFR Citation: 40 CFR 60, Subpart FF

Abstract: These regulations will require the application of best available demonstrated technology to control nitrogen oxide emissions from stationary diesel and dual-fuel internal combustion engines. Some small oil drilling companies and municipal electric generation facilities may be affected by this standard. EPA will issue separate standards for gas and gasoline-fueled stationary I.C. engines later. The Agency is considering exempting engines with a displacement of less than 560 cubic inches per cylinder.

Timetable:

Action	Date	FR Cite
NPRM	07/23/79	44 FR 43152
Final Action	00/00/00	

Small Entity: Yes

Additional Information: SAR No. 1008.

Docket No. OAQPS-79-5.

FTS:8-629-5578.

Agency Contact: Doug Bell, Environmental Protection Agency, Air and Radiation, (MD-13), Research Triangle Park, NC 27711, **919 541-5578**

RIN: 2060-AA11

204. NSPS: SOLVENT DEGREASING

Legal Authority: 42 USC 7411 / CAA 111

CFR Citation: 40 CFR 60, Subpart JJ

Abstract: Some new issues have arisen, and EPA is deciding whether to go forward with this rule.

Timetable:

Action	Date	FR Cite
NPRM	06/11/80	45 FR 39766
Final Action	00/00/00	

Small Entity: Yes

Additional Information: SAR No. 1010.

Docket No. OAQPS 78-12.

FTS:8-629-5624.

Agency Contact: Fred L. Porter, Environmental Protection Agency, Air and Radiation, (MD-13), Research Triangle Park, NC 27711, **919 541-5624**

RIN: 2060-AA12

205. NSPS: PERCHLOROETHYLENE DRY CLEANING

Legal Authority: 42 USC 7411 / CAA 111

CFR Citation: 40 CFR 60, Subpart OO

Abstract: Some new issues have arisen, and EPA is deciding whether to go forward with this rule. Some small perchloroethylene facilities may be affected by this standard.

Timetable:

Action	Date	FR Cite
NPRM	11/25/80	45 FR 78174
Decision on need for standard expected by	07/00/85	

Small Entity: Yes

Additional Information: SAR No. 1119.

Docket No. A-79-30.

FTS:8-629-5624.

Agency Contact: Doug Bell, Environmental Protection Agency, Air and Radiation, (MD-13), Research Triangle Park, NC 27711, **919 541-5624**

RIN: 2060-AA14

206. NSPS: VOLATILE ORGANIC LIQUIDS STORAGE

Legal Authority: 42 USC 7411 / CAA 111

CFR Citation: 40 CFR 60, Subpart AAA

Abstract: This standard will control volatile organic compound emissions from the storage of organic liquids. It will affect new, modified or reconstructed VOL storage vessels (including petroleum liquid storage vessels) with capacities of 10,000 gallons or more.

Timetable:

Action	Date	FR Cite
NPRM	07/23/84	49 FR 29698
Final Action	09/00/85	

Small Entity: No

Additional Information: SAR No. 1612.

Docket No. A-80-51.

FTS:8-629-5578.

Agency Contact: Doug Bell, Environmental Protection Agency, Air and Radiation, (MD-13), Research Triangle Park, NC 27711, **919 541-5578**

RIN: 2060-AA23

207. NSPS: RUBBER PRODUCTS INDUSTRY-TIRE MANUFACTURING

Legal Authority: 42 USC 7411 / CAA 111

CFR Citation: 40 CFR 60, Subpart BBB

Abstract: This standard will control VOC (volatile organic compound) emissions from solvent application during undertread/sidewall cementing, tread end cementing, bead cementing and green tire coating in rubber tire manufacturing plants. It will require use of less solvent or installation of a 75% efficient emission reduction system.

Timetable:

Action	Date	FR Cite
NPRM	01/20/83	48 FR 2676
Final Action	04/00/85	

Small Entity: No

Additional Information: SAR No. 1615.

Docket No. A-80-9.

FTS:8-629-5578.

Agency Contact: Gilbert Wood, Environmental Protection Agency, Air and Radiation, (MD-13), Research Triangle Park, NC 27711, **919 541-5578**

RIN: 2060-AA24

208. NSPS: SYNTHETIC ORGANIC CHEMICAL INDUSTRY: AIR OXIDATION PROCESS

Legal Authority: 42 USC 7411 / CAA 111

CFR Citation: 40 CFR 60, Subpart III

Abstract: This regulation will control emissions of volatile organic compounds from the manufacture of synthetic organic chemicals via air oxidation processes.

Timetable:

Action	Date	FR Cite
NPRM	10/21/83	48 FR 48932
Final Action	02/00/86	

Small Entity: No

Additional Information: SAR No. 1618.

FTS:8-629-5578.

Agency Contact: Doug Bell, Environmental Protection Agency, Air and Radiation, (MD-13), Research Triangle Park, NC 27711, **919 541-5578**

RIN: 2060-AA30

209. NSPS: SOLVENT DEGREASING(111D)

Legal Authority: 42 USC 7411 / CAA 111

CFR Citation: 40 CFR 60

Abstract: This action will require States to control organic solvent cleaners to reduce emissions of specific organic solvents designated under a separate NSPS action (SAR 1010). This action may impact any manufacturing operations that employ organic solvent cleaners to remove grease and oils from parts prior to assembly. Some new issues have arisen and EPA is deciding whether to go forward with this rule.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Yes

Additional Information: SAR No. 1695.

FTS:8-629-5624.

Agency Contact: Fred L. Porter, Environmental Protection Agency, Air and Radiation, (MD-13), Research Triangle Park, NC 27711, **919 541-5624**

RIN: 2060-AA33

210. NSPS: DISTILLATION OPERATIONS

Legal Authority: 42 USC 7411 / CAA 111

CFR Citation: 40 CFR 60

Abstract: This regulation will control emissions of volatile organic compounds from modified and reconstructed facilities at petroleum refineries and synthetic organic chemical plants.

Timetable:

Action	Date	FR Cite
NPRM	12/30/83	48 FR 57538
Final Action	02/00/86	

Small Entity: No

Additional Information: SAR No. 1733.

FTS:8-629-5578.

Agency Contact: Doug Bell, Environmental Protection Agency, Air and Radiation, (MD-13), Research Triangle Park, NC 27711, **919 541-5578**

RIN: 2060-AA35

211. NSPS: PETROLEUM REFINERY, FCC REGENERATORS

Legal Authority: 42 USC 7411 / CAA 111

CFR Citation: 40 CFR 60

Abstract: This standard will require control of sulfur dioxide from fluidized catalytic cracking units.

Timetable:

Action	Date	FR Cite
NPRM	01/17/84	49 FR 2058
Revised NPRM	08/00/85	
Final Action	06/00/86	

Small Entity: No

Additional Information: SAR No. 1736.

FTS:8-629-5624.

Agency Contact: Gilbert Wood, Environmental Protection Agency, Air and Radiation, (MD-13), Research Triangle Park, NC 27711, **919 541-5624**

RIN: 2060-AA36

212. NSPS: POLYMER AND RESIN MANUFACTURE

Legal Authority: 42 USC 7411 / CAA 111

CFR Citation: 40 CFR 60

Abstract: This rule will control volatile organic compound (VOC) emissions in exhaust streams from polymerization processes in the manufacture of organic polymers and resins.

Timetable:

Action	Date	FR Cite
NPRM	06/00/85	
Final Action	09/00/86	

Small Entity: No

Additional Information: SAR No. 1691.

Docket No. A-82-19.

FTS:8-629-5578.

Affected Sectors: Multiple

Agency Contact: Gilbert Wood, Environmental Protection Agency, Air and Radiation, (MD-13), Research Triangle Park, NC 27711, **919 541-5578**

RIN: 2060-AA37

213. NSPS: BASIC OXYGEN FURNACES (REVISION)

Legal Authority: 42 USC 7411 / CAA 111

CFR Citation: 40 CFR 60 N

Abstract: This action revises the existing NSPS which controls particulate emissions during air blowing in basic oxygen process furnaces in steel mills. The revision will extend coverage to charging and tapping cycles. This revision will ensure better control of particulate emissions from secondary sources and will remove some ambiguities in the existing standards for primary sources.

Timetable:

Action	Date	FR Cite
NPRM	01/20/83	48 FR 2658
Final Action	05/00/85	

Small Entity: No

Additional Information: SAR No. 1671.

Docket No. A-79-06.

FTS:8-629-5624.

Agency Contact: Doug Bell, Environmental Protection Agency, Air and Radiation, (MD-13), Research Triangle Park, NC 27711, **919 541-5624**

RIN: 2060-AA72

214. NSPS: KRAFT PULP MILLS (REVISION)

Legal Authority: 42 USC 7411 / CAA 111

CFR Citation: 40 CFR 60, Subpart BB

Abstract: EPA has reviewed this standard and is proposing to make five changes. These revisions would: (1) Exempt black liquor oxidation systems from the standards; (2) revise the existing total reduced sulfur (TRS) standard for smelt dissolving tanks; (3) revise the units of the TRS standard for smelt dissolving tanks; (4) delete the requirement to monitor the combustion temperature in lime kilns, power boilers, or recovery furnaces; and (5) change the frequency of excess emission reports from quarterly to semi-annually.

Timetable:

Action	Date	FR Cite
NPRM	01/19/84	48 FR 2448
Final Action	10/00/85	

Small Entity: No

Additional Information: SAR No. 1959.

FTS: 8-629-5578.

Agency Contact: Doug Bell, Environmental Protection Agency, Air and Radiation, MD-13, Research Triangle Park, N.C. 27711, **919 541-5578**

RIN: 2060-AA97

215. NSPS: SEWAGE TREATMENT PLANTS (REVISION)

Legal Authority: 42 USC 7411 / CAA 111

CFR Citation: 40 CFR 60

Abstract: EPA has reviewed this standard and determined that revisions to the monitoring, recordkeeping and reporting requirements are warranted. The review assessed the performance and cost of control systems as well as experience in implementing the existing standard. EPA will issue a notice in the Federal Register announcing the results of its review and proposing revisions to the standard.

Timetable:

Action	Date	FR Cite
NPRM	06/00/85	
Final Action	04/00/86	

Small Entity: No

Additional Information: SAR No. 2028.

FTS: 8-629-5601.

Agency Contact: James Crowder, Environmental Protection Agency, Air and Radiation, MD-13, Research Triangle Park, NC 27711, **919 541-5601**

RIN: 2060-AB05

216. NSPS: NON-METALLIC MINERALS

Legal Authority: 42 USC 7411 / CAA 111

CFR Citation: 40 CFR 60

Abstract: The regulation will control particulate emissions from crushing, grinding and handling facilities used in 18 non-metallic mineral industries. Separate standards had earlier been considered for some of these industries such as gypsum manufacture (SAR No. 1673).

Timetable:

Action	Date	FR Cite
NPRM	08/31/83	48 FR 39566
Final Action	07/00/85	

Small Entity: No

Additional Information: SAR No. 1880.

FTS: 8-629-5624.

Agency Contact: Doug Bell, Environmental Protection Agency, Air and Radiation, MD-13, Research Triangle Park, N.C. 27711, **919 541-5624**

RIN: 2060-AB11

217. NSPS: WOOL FIBERGLASS INSULATION

Legal Authority: 42 USC 7411 / CAA 111

CFR Citation: 40 CFR 60

Abstract: This regulation will control particulate emissions from wool fiberglass insulation manufacturing facilities that use the rotary spin forming process.

Timetable:

Action	Date	FR Cite
NPRM	02/07/84	49 FR 4590
Final Action	06/00/85	

Small Entity: No

Additional Information: SAR No. 1915.

FTS: 8-629-5624.

Agency Contact: Doug Bell, Environmental Protection Agency, Air and Radiation, ESES (MD-13), Research Triangle Park, NC 27711, **919 541-5624**

RIN: 2060-AB21

218. NSPS: AUTOMOBILE AND LIGHT-DUTY TRUCK COATING OPERATIONS (REVISION)

Legal Authority: 42 USC 7411 / CAA 111

CFR Citation: 40 CFR 60

Abstract: EPA is revising the NSPS for automobile and light-duty truck coating operations which was promulgated in December 1980 to reflect additional operational data of the best demonstrated prime coat system. This revision of the standard does not reflect a change in the basis of the prime coat standard, but a better understanding of the performance of the prime coat system upon which the standard was originally based.

Timetable:

Action	Date	FR Cite
NPRM	07/29/82	47 FR 32743
Final Action	00/00/00	

Small Entity: No

Additional Information: SAR No. 2044.

FTS: 8-629-5624.

Agency Contact: Gilbert Wood, Environmental Protection Agency, Air and Radiation, MD-13, Research Triangle Park, NC 27711, **919 541-5578**

RIN: 2060-AB22

219. NSPS: ON-SHORE PRODUCTION FOR VOLATILE ORGANIC COMPOUNDS

Legal Authority: 42 USC 7411 / CAA 111

CFR Citation: 40 CFR 60

Abstract: This regulation will control volatile organic compounds from new, modified and reconstructed facilities at natural gas processing plants.

Timetable:

Action	Date	FR Cite
NPRM	01/20/84	49 FR 2656
Final Action	06/00/85	

Small Entity: No

Additional Information: SAR No. 2109.

Contains previous RIN 2060-AA34 NSPS: On-Shore Production.

Agency Contact: Gilbert Wood, Environmental Protection Agency, Air and Radiation, MD-13, Research Triangle Park, NC 27711, **919 541-5578**

RIN: 2060-AB26

220. NSPS: ON-SHORE PRODUCTION FOR SULFUR DIOXIDE

Legal Authority: 42 USC 7411 / CAA 111

CFR Citation: 40 CFR 60

Abstract: This regulation will control sulfur dioxide compounds from new, modified and reconstructed facilities at natural gas processing plants.

Timetable:

Action	Date	FR Cite
NPRM	01/20/84	49 FR 2636
Final Action	09/00/85	

Small Entity: No

Additional Information: SAR No. 2110.

Split from previous RIN 2060-AA34--NSPS: On-Shore Production.

Agency Contact: Gilbert Wood, Environmental Protection Agency, Air and Radiation, MD-13, Research Triangle Park, NC 27711, **919 541-5578**

RIN: 2060-AB27

221. NSPS: FOSSIL FUEL-FIRED STEAM GENERATORS (REVISION)

Legal Authority: 42 USC 7411 / CAA 111; 42 USC 7601(a)

CFR Citation: 40 CFR 60

Abstract: These revisions to the existing NSPS for large fossil fuel-fired steam generators would establish sulfur dioxide compliance, emission monitoring, and reporting requirements on a 30-day rolling average basis.

Timetable:

Action	Date	FR Cite
NPRM	10/21/83	48 FR 48960
Final Action	00/00/00	

Small Entity: No

Additional Information: SAR No. 2083.

FTS: 8-629-5578.

Contains previous RIN 2060-AA25 (NSPS: Non-Fossil Fuel Fired Boilers Revision).

Agency Contact: Fred Porter, Environmental Protection Agency, Air and Radiation, MD-13, Research Triangle Park, NC 27711, **919 541-5578**

RIN: 2060-AB29

222. NSPS: INDUSTRIAL BOILERS, S02

Priority: Major

Legal Authority: 42 USC 7411 / CAA 111

CFR Citation: 40 CFR 60

Abstract: Industrial boilers are a major stationary source of sulfur dioxide. EPA is developing performance standards for industrial boilers to achieve continuous emission reduction. The Agency will base emission limits upon the best available system of control, taking costs, environmental impacts and energy requirements into account.

Timetable:

Action	Date	FR Cite
NPRM	09/00/85	
Final Action	11/00/86	

Small Entity: No

Additional Information: SAR No. 2075.

FTS: 8-629-5578.

Split from previous RIN 2060-AA22 (NSPS: Industrial Boilers)

Analysis: RIA

Agency Contact: Fred Porter, Environmental Protection Agency, Air and Radiation, MD-13, Research Triangle Park, NC 27711, 919 541-5578

RIN: 2060-AB33

223. NSPS: INDUSTRIAL BOILERS—PARTICULATE MATTER AND NOX

Legal Authority: 42 USC 7411 / CAA 111

CFR Citation: 40 CFR 60

Abstract: Industrial boilers are a major stationary source of Particulate Matter and Nitrogen Oxide emissions. EPA is developing performance standards for industrial boilers to achieve continuous emission reduction. The Agency will base emission limits upon the best available system of control, taking costs, environmental impacts and energy requirements into account.

Timetable:

Action	Date	FR Cite
NPRM	06/19/84	49 FR 25102
Final Action	09/00/85	

Small Entity: No

Additional Information: SAR No. 2076

Split from previous RIN 2060-AA22 (NSPS: Industrial Boilers)

Agency Contact: Fred Porter, Environmental Protection Agency, Air and Radiation, MD-13, Research Triangle Park, NC 27711, 919 541-5578

RIN: 2060-AB35

224. ● NSPS: CEMENT PLANTS (REVISION)

Legal Authority: 42 USC 7411 /CAA 111

CFR Citation: 40 CFR 60

Abstract: EPA has completed review of this action. As a result, the Agency intends to revise the standards to require installation of continuous opacity monitors on all kilns and clinker coolers subject to the standard after August 17, 1971.

Timetable:

Action	Date	FR Cite
NPRM	05/00/85	
Final Action	08/00/86	

Small Entity: No

Additional Information: SAR No. 2186

FTS: 8-629-5624

Agency Contact: Doug Bell, Environmental Protection Agency, Air and Radiation, (MD-13), Research Triangle Park, NC 27711, 919 541-5624

RIN: 2060-AB38

225. NSPS: REPORTING REQUIREMENTS FOR OPACITY

Legal Authority: 42 USC 7414 / CAA 111

CFR Citation: 40 CFR 60

Abstract: This regulation would require that owners and operators of affected facilities that are subject to opacity standards in 40 CFR 60 record and report the opacity of emissions at specific times. The intent of this rule is to ensure that adequate opacity data are obtained and recorded.

Timetable:

Action	Date	FR Cite
NPRM	07/31/84	49 FR 30676
Final Action	11/00/85	

Small Entity: No

Additional Information: SAR No. 2070.

FTS: 8-629-5578.

Agency Contact: Shirley Tabler, Environmental Protection Agency, Air and Radiation, MD-13, Research Triangle Park, NC 27711, 919 541-5578

RIN: 2060-AB42

226. NSPS: GAS TURBINES (REVISION)

Legal Authority: 42 USC 7411 / CAA 111

CFR Citation: 40 CFR 60

Abstract: A comprehensive study is now in process which will result in proposal and promulgation of some clarifications/changes to the existing regulation and which will extend the NSPS to cover large industrial gas turbines.

Timetable:

Action	Date	FR Cite
ANPRM	10/06/83	48 FR 45701
NPRM	01/00/86	
Final Action	03/00/87	

Small Entity: No

Additional Information: SAR No. 1117.

FTS: 8-629-5595.

Agency Contact: Kenneth Durkee, Environmental Protection Agency, Air and Radiation, MD-13, Research Triangle Park, NC 27711, 919 541-5595

RIN: 2060-AB43

227. NSPS: FIRED PROCESS HEATERS

Legal Authority: 42 USC 7411 / CAA 111

CFR Citation: 40 CFR 60

Abstract: This regulation will control emissions of nitrogen oxides from fired process heaters in the refining and chemical manufacturing industries. EPA is considering exempting facilities that have less than an as yet undetermined amount of heat input per hour.

Timetable:

Action	Date	FR Cite
NPRM	07/00/85	
Final Action	09/00/86	

Small Entity: No

Additional Information: SAR No. 2101.

FTS: 8-629-5601.

Agency Contact: James Crowder, Environmental Protection Agency, Air and Radiation, MD-13, Research Triangle Park, NC 27711, 919 541-5601

RIN: 2060-AB45

228. NSPS: SOCMI REACTOR PROCESSES

Legal Authority: 42 USC 7411 / CAA 111

CFR Citation: 40 CFR 60

Abstract: The scope of the SOCMI reactor processes NSPS includes all reactor processes (other than air oxidation reactor processes) used to manufacture 182 synthetic organic chemicals produced in quantities of at least 100 million lb/yr. These large-volume chemicals account for about 90 percent of the total domestic chemical production from the SOCMI. Furthermore, production of these large-volume chemicals is expected to have the greatest impact on nationwide VOC emissions, since the magnitude of

emissions from reactor process units are generally proportional to chemical production rates.

Timetable:

Action	Date	FR Cite
NPRM	06/00/85	
Final Action	08/00/86	

Small Entity: No

Additional Information: SAR No. 2164.

FTS:8-629-5691.

Agency Contact: Les Evans, Environmental Protection Agency, Air and Radiation, MD-13, Research Triangle Park, NC 27711, **919 541-5691**

RIN: 2060-AB55

229. ● NSPS: SURFACE COATING OF PLASTIC PARTS FOR BUSINESS MACHINES

Legal Authority: 42 USC 7411 /CAA 111

CFR Citation: 40 CFR 60

Abstract: This action would limit volatile organic compounds emissions from new, modified, and reconstructed plants that coat plastic parts for business machines.

Timetable:

Action	Date	FR Cite
NPRM	10/00/85	
Final Action	12/00/86	

Small Entity: Undetermined

Additional Information: SAR No. 2236.

FTS:8-629-5671.

Agency Contact: Susan Wyatt, Environmental Protection Agency, Air and Radiation, (MD-13), Environmental Protection Agency, Research Triangle Park, NC 27711, **919 541-5671**

RIN: 2060-AB66

230. ● NSPS: POLYMERIC COATING OF SUPPORTING SUBSTRATES

Legal Authority: 42 USC 7411 /CAA 111

CFR Citation: 40 CFR 60

Abstract: This regulation would limit volatile organic compounds emissions from new, modified, and reconstructed plants that coat polymeric compounds onto supporting substrates.

Timetable:

Action	Date	FR Cite
ANPRM	08/17/84	49 FR 32868
NPRM	01/00/86	
Final Action	03/00/87	

Small Entity: Undetermined

Additional Information: SAR No. 2237.

FTS:8-629-5671.

Agency Contact: Susan Wyatt, Environmental Protection Agency, Air and Radiation, (MD-13), Environmental Protection Agency, Research Triangle Park, NC 27711, **919 541-5671**

RIN: 2060-AB67

231. ● NSPS: RESIDENTIAL WOOD COMBUSTION

Priority: Major

Legal Authority: 42 USC 7411 /CAA 111

CFR Citation: 40 CFR 60

Abstract: A comprehensive study is in progress to determine the type and quantity of emissions from residential wood combustion devices. This study will assess the performance and costs of current technology utilized to control these emissions plus economic and technical developments within the industry.

Timetable:

Action	Date	FR Cite
ANPRM	03/00/85	
NPRM	00/00/00	

Small Entity: Undetermined

Additional Information: SAR No. 2238.

FTS:8-629-5595.

Agency Contact: Kenneth R. Durkee, Environmental Protection Agency, Air and Radiation, (MD-13), Environmental Protection Agency, Research Triangle Park, NC 27711, **919 541-5595**

RIN: 2060-AB68

232. DECISION ON REGULATION OF CADMIUM

Legal Authority: 42 USC 7422 / CAA 122

CFR Citation: 40 CFR 61

Abstract: EPA is currently reviewing relevant available information on emissions of cadmium into the ambient air that may be either by itself or in combination with cadmium intake from food and drinking water reasonably anticipated to endanger public health. EPA will issue a decision on the necessary regulatory action for public comment before it becomes final.

Timetable:

Action	Date	FR Cite
NPRM	09/00/85	
Final Action	06/00/86	

Small Entity: Undetermined

Additional Information: SAR No. 1869.

FTS:8-629-5645.

Agency Contact: David Patrick, Environmental Protection Agency, Air and Radiation, (MD-12), Research Triangle Park, NC 27711, **919 541-5645**

RIN: 2060-AA38

233. NESHAPS: ARSENIC FROM SMELTERS AND OTHER SOURCES

Legal Authority: 42 USC 7412 / CAA 112

CFR Citation: 40 CFR 61 N; 40 CFR 61 O; 40 CFR 61 P

Abstract: EPA proposed standards for inorganic arsenic emissions from existing and new primary copper smelters and glass manufacturing plants. In addition, EPA proposed not to develop standards for inorganic arsenic emissions from primary lead smelters, secondary lead smelters, primary zinc smelters, zinc oxide production plants, cotton gins, and arsenic chemical manufacturing plants.

Timetable:

Action	Date	FR Cite
NPRM	07/20/83	48 FR 33112
Final Action	04/00/85	

Small Entity: No

Additional Information: SAR No. 1684.

FTS:8-629-5624.

Agency Contact: Linda Chaput, Environmental Protection Agency, Air and Radiation, (MD-13), Research Triangle Park, NC 27711, **919 541-5624**

RIN: 2060-AA41

234. NESHAPS: BENZENE IN COKE OVENS/BY-PRODUCTS PLANTS

Legal Authority: 42 USC 7412 / CAA 112

CFR Citation: 40 CFR 61

Abstract: This regulation will control benzene emissions generated by the processing of gaseous and liquid streams at coke by-product plants. The emission sources to be controlled include process equipment, storage vessels, and fugitive emissions. The standards will consist of equipment

specifications, work practices, design specifications, and emission limits.

Timetable:

Action	Date	FR Cite
NPRM	06/06/84	49 FR 23528
Final Action	10/00/85	

Small Entity: No

Additional Information: SAR No. 1685.

FTS:8-629-5578.

Agency Contact: Gilbert Wood, Environmental Protection Agency, Air and Radiation, (MD-13), Research Triangle Park, NC 27711, **919 541-5578**

RIN: 2060-AA42

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235. NESHAPS: COKE OVEN EMISSIONS FROM BY-PRODUCT COKE OVEN CHARGING, DOOR LEAKS, AND TOPSIDE LEAKS ON WET-COAL CHARGED BATTERIES (REVISION)

Legal Authority: 42 USC 7412 / CAA 112

CFR Citation: 40 CFR 61 G

Abstract: This regulation will control emissions of organic pollutants designated as hazardous under section 112. It will require improved maintenance and operation to limit visible emissions from wet-coal-charged coke oven batteries. The standards apply to charging, and leaks from doors, lids or offtakes for all existing or new sources.

Timetable:

Action	Date	FR Cite
NPRM	11/00/85	
Final Action	01/00/87	

Small Entity: No

Additional Information: SAR No. 1686.

Docket No. A-79-15.

FTS:8-629-5624.

Agency Contact: Robert Ajax, Environmental Protection Agency, Air and Radiation, (MD-13), Research Triangle Park, NC 27711, **919 541-5624**

RIN: 2060-AA48

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236. NESHAPS GENERAL PROVISIONS (REVISION)

Legal Authority: 42 USC 7412 / CAA 112

CFR Citation: 40 CFR 61 A

Abstract: This action proposes to amend the emission testing, monitoring, and recordkeeping provisions of the National Emission Standards for Hazardous Air Pollutants. The proposed amendments will eliminate repetition in the subparts and add procedures and criteria to determine if: (1) proposed source changes constitute modification or reconstruction; and (2) equipment and/or procedures meet the relevant standards.

Timetable:

Action	Date	FR Cite
NPRM	06/06/84	49 FR 23568
Final Action	08/00/85	

Small Entity: No

Additional Information: SAR No. 1681.

Docket No. A-130.

FTS:8-629-5578.

Agency Contact: Gilbert Wood, Environmental Protection Agency, Air and Radiation, (MD-13), Research Triangle Park, NC 27711, **919 541-5578**

RIN: 2060-AA79

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237. NESHAPS: VINYL CHLORIDE (REVISION)

Legal Authority: 42 USC 7412 / CAA 112

CFR Citation: 40 CFR 61

Abstract: EPA has completed its review of the technological basis and administrative aspects of the current standard, which was promulgated in 1976. Conclusions of the review are the basis of (1) proposed administrative and clarifying revisions, (2) announced decisions pertaining to other aspects, and (3) withdrawal of the June 2, 1977, proposed revisions.

Timetable:

Action	Date	FR Cite
NPRM	01/09/85	50 FR 1182
Final Action	03/00/86	

Small Entity: No

Additional Information: SAR No. 1971.

FTS: 8-629-5671

Agency Contact: Gilbert Wood, Environmental Protection Agency, Air and Radiation, (MD-13), Research Triangle Park, N.C., 27711, **919 541-5578**

RIN: 2060-AB06

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238. NESHAPS: MERCURY (REVISION)

Legal Authority: 42 USC 7412 / CAA 112

CFR Citation: 40 CFR 61

Abstract: EPA has reviewed this standard and determined that revisions to the monitoring, recordkeeping, and reporting requirements are warranted. The review assessed the technological basis and administrative aspects of the existing standard. EPA has issued a notice in the Federal Register announcing the results of its review and proposing revisions to the standard.

Timetable:

Action	Date	FR Cite
NPRM	12/26/84	49 FR 50146
Final Action	02/00/86	

Small Entity: No

Additional Information: SAR No. 2137.

FTS:8-629-5578.

Agency Contact: Gilbert H. Wood, Environmental Protection Agency, Air and Radiation, MD-13, Research Triangle Park, NC 27711, **919 541-5578**

RIN: 2060-AB44

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239. NESHAPS: ASBESTOS (REVISION)

Legal Authority: 42 USC 7412 / CAA 112

CFR Citation: 40 CFR 61

Abstract: The Agency is analyzing possible changes in the emission standards for asbestos mills and manufacturing operations, and the possible addition of monitoring requirements for these sources. Possible changes in the exemptions for specified demolition and renovation operations in existing standards are also being analyzed. The Agency is considering changes in reporting requirements for demolition and renovation operations.

Timetable:

Action	Date	FR Cite
NPRM	05/00/86	
Final Action	08/00/87	

Small Entity: No

Additional Information: SAR No. 1714.

FTS 8-629-5601.

Agency Contact: James Crowder, Chief, Standards Support Section, Environmental Protection Agency, Air and Radiation, MD-13, RTP, North Carolina, **919 541-5601**

RIN: 2060-AB51

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240. DECISIONS ON REGULATING VARIOUS AIR POLLUTANTS

Legal Authority: 42 USC 1857 et seq / CAA

CFR Citation: 40 CFR 60

Abstract: The Agency is reviewing the health effects, sources, emissions to the ambient air, and the public exposure of these pollutants. The Agency will publish the decisions whether these pollutants should be controlled as a specified air pollutant under the Clean Air Act or other regulatory mechanisms in order to protect the public health.

Supplemental Timetable:

Acrylonitrile
Decision on Regulation 03/00/85
Carbon Tetrachloride
Decision on Regulation 06/00/85
Chlorobenzenes
Decision on Regulation 07/00/85
Chlorofluorocarbon-113 (F-113)
Decision on Regulation 02/00/85
Chloroform
Decision on Regulation 09/00/85
Chromium
Decision on Regulation 04/00/85
Epichlorohydrin
Decision on Regulation 07/00/85
Ethylene Dichloride
Decision on Regulation 09/00/85
Ethylene Oxide
Decision on Regulation 07/00/85
Hexachlorocyclopentadine
Decision on Regulation 07/00/85
Manganese
Decision on Regulation 03/00/85
Methyl Cloroform
Decision on Regulation 02/00/85
Methylene Chloride (Dichloromethane)
Decision on Regulation 11/00/85
Nickel
Decision on Regulation 07/00/85
Perchloroethylene (tetrachloroethylene)
Decision on Regulation 07/00/85
Trichloroethylene
Decision on Regulation 07/00/85
Vinylidene Chloride
Decision on Regulation 03/00/85

Small Entity: No

Additional Information: SAR No. 2181.

FTS 8-629-5655.

Agency Contact: David Patrick, Chief, Pollutant Assessment Branch, Environmental Protection Agency, Air and Radiation, MD-12, Research Triangle Park, NC 27711, **919 541-5655**

RIN: 2060-AB56

241. ● NESHAPS: RADIONUCLIDES: URANIUM MILLS

Priority: Major

Legal Authority: 42 USC 7412 /CAA 112

CFR Citation: 40 CFR 61

Abstract: EPA is studying uranium mills and tailings to determine if standards under Section 112 of the CAA are appropriate, and, if so, the format for proposed standards. Methods of control of RN-222 releases will be studies for the active period of mill operation. Other radioactive releases during operation and all releases after closure are controlled by other EPA standards. Information was solicited through an ANPRM on October 31, 1984.

Timetable:

Action	Date	FR Cite
ANPRM	10/31/84	49 FR 43196
NPRM	05/00/86	
Final Action	04/00/87	

Small Entity: Undetermined

Additional Information: SAR No. 2217

FTS: 8-557-8977

Agency Contact: Terrence A. McLaughlin, Environmental Protection Agency, Air and Radiation, (ANR-460), Washington, DC 20460, **703 557-8977**

RIN: 2060-AB57

242. ● NESHAPS: RADIONUCLIDES: UNDERGROUND URANIUM MINES

Legal Authority: 42 USC 7412 /CAA 112

CFR Citation: 40 CFR 61

Abstract: NESAHPs for underground uranium mines, proposed in April 1983 were withdrawn in October 1984 when EPA concluded that the proposed standard was not authorized under the CAA. An ANPRM was published at that time to announce that EPA was considering work practice standards. On December 11, 1984 a court order was issued to compel EPA to either promulgate standards in 120 days or delist radionuclides as hazardous air pollutants. EPA intends to comply with the court order.

Timetable:

Action	Date	FR Cite
ANPRM	10/31/84	49 FR 43915
NPRM	02/21/85	50 FR 7280
Final Action	04/00/85	

Small Entity: No

Additional Information: SAR No. 2199.

FTS: 8-557-8977.

Agency Contact: Terrence A. McLaughlin, Environmental Protection Agency, Air and Radiation, (ANR-460), Washington, DC 20460, **703 557-8977**

RIN: 2060-AB62

243. DISPERSION TECHNIQUES IMPLEMENTED BEFORE ENACTMENT OF THE CLEAN AIR ACT AMENDMENTS OF 1970

Legal Authority: 42 USC 7410 / CAA 123, 42 USC 7601(a); 42 USC 7423

CFR Citation: 40 CFR 51

Abstract: These regulations set the requirements for an implemented intermittent control system (ICS). If an operator can show that dispersion techniques implemented before December 31, 1970 meet the ICS requirements then the system can be used to reduce emissions in a State Implementation Plan to meet Federal ambient standards. These regulations are optional for States.

Timetable:

Action	Date	FR Cite
NPRM	09/24/84	49 FR 37542
Final Action	06/00/85	

Small Entity: No

Additional Information: SAR No. 1893.

Docket No. A-79-12.

FTS:8-629-5540.

Agency Contact: Bruce Polkowsky, Environmental Protection Agency, Air and Radiation, (MD-15), Research Triangle Park, NC 27711, **919 541-5540**

RIN: 2060-AA49

244. "GUIDELINE ON AIR QUALITY MODELS" (REVISION)

Legal Authority: CAA 165(e)

CFR Citation: 40 CFR 51.24(1); 40 CFR 52.21(m)

Abstract: This action proposes to revise the "Guideline on Air Quality Models" (issued in April 1978) to reflect changes to the state-of-the-science of modeling and changes to current practice and policies. Revisions to the Guideline were developed in 1980 and public hearings were held. Based on public comments, EPA has conducted studies to resolve some issues. Additional evaluation studies of models, suggested by commenters and performed in accordance with the recommendations of the American Meteorological Society.

are underway. Early results of both are now available and should become part of EPA's guidance. The revised guideline should greatly reduce inconsistencies in the development and revision of emission limitations and in the determination of PSD increment consumption. New modeling procedures allow potentially greater accuracy in modeling results and the attainment of clean air goals at less cost.

Timetable:

Action	Date	FR Cite
NPRM	12/07/84	
Final Action	03/00/86	

Small Entity: No

Additional Information: SAR No. 1941.

FTS: 8-629-5561.

Docket No. A-80-46.

Agency Contact: Joseph Tikvart, Environmental Protection Agency, Air and Radiation, MD-14, Research Triangle Park, N.C. 27711, 919 541-5561

RIN: 2060-AB13

245. EMISSION STANDARDS, TEST PROCEDURES AND CAFE EQUIVALENCY FACTORS FOR METHANOL-FUELED NEW MOTOR VEHICLES

Legal Authority: 42 USC 7521 / CAA 202, EPCA 301; 42 USC 7601; 15 USC 2001

CFR Citation: 40 CFR 86; 40 CFR 600

Abstract: This rule will develop emission standards and test standards and test procedures applicable to methanol-fueled light-duty vehicles, light-duty trucks and heavy-duty engines. Current regulations apply only to gasoline-fueled and diesel-powered vehicles. The lack of regulations is a hindrance to the development of methanol-fueled vehicles. This rule will also establish a methanol-gasoline equivalency factor for purposes of fuel economy testing.

Timetable:

Action	Date	FR Cite
ANPRM	04/10/84	49 FR 14244
NPRM	06/00/85	
Final Action	06/00/86	

Small Entity: Undetermined

Additional Information: SAR No. 2112.

FTS: 8-374-4227.

Agency Contact: Mike Gold, Environmental Protection Agency, Air and Radiation, ANR 455, Washington, DC 20460, 313 668-4227

RIN: 2060-AB28

246. IMPORTATION OF MOTOR VEHICLES AND MOTOR VEHICLE ENGINES (REVISION)

Legal Authority: 42 USC 7522 / CAA 203

CFR Citation: 40 CFR 85

Abstract: These revisions would allow only certified vehicles and engines to be imported, except that an individual may import an uncertified version for one time only. The purpose of this action is to improve the effectiveness and administration of EPA's present regulation. EPA will solicit additional comments on other ways these regulations may be revised with a supplemental NPRM.

Timetable:

Action	Date	FR Cite
NPRM	07/21/80	45 FR 48812
Supplemental NPRM	04/00/85	
Final Action	12/00/85	

Small Entity: Yes

Additional Information: SAR No. 1317.

Docket No. EN-79-9.

FTS:8-382-2499.

Agency Contact: Stanley B. Durkee, Environmental Protection Agency, Air and Radiation, (EN-340F), Washington, DC 20460, 202 382-2499

RIN: 2060-AA54

247. NONCONFORMANCE PENALTIES FOR 1985 MODEL YEAR HEAVY-DUTY ENGINES (HDES)(PHASE I)

Legal Authority: 42 USC 7525(g) / CAA 206; 42 USC 7601(a) / CAA 206

CFR Citation: 40 CFR 86

Abstract: This regulation will allow manufacturers of 1985 HDEs to sell their engines even though they fail to meet 1985 and later model year regulatory requirements for specific pollutants, provided that emissions do not exceed a specified maximum level and that the manufacturer pays a nonconformance penalty for each HDE sold. The penalty will remove any competitive advantage of noncompliance and still provide manufacturers with an incentive to meet the standard. This regulation is being developed through a regulatory negotiation project. Phase I of this rulemaking will establish a generic structure for nonconformance penalties. Phase II will provide specific levels of nonconformance penalties and what pollutants they apply to.

Timetable:

Action	Date	FR Cite
Previous NPRM	02/13/79	44 FR 9485
NPRM	03/06/85	50 FR 9204
Final Action	08/00/85	

Small Entity: No

Additional Information: SAR No. 1571.

FTS:8-382-2500.

Agency Contact: Robert Montgomery, Environmental Protection Agency, Air and Radiation, (EN-340), Washington, DC 20460, 202 382-2500

RIN: 2060-AA56

248. NONCONFORMANCE PENALTIES FOR LIGHT-DUTY TRUCKS (PHASE I)

Legal Authority: 42 USC 7527(g) / CAA 206; 42 USC 301(a) / CAA 206

CFR Citation: 40 CFR 86

Abstract: This regulation will allow manufacturers of 1985 light duty trucks over 6,000 pounds gross vehicle weight to sell their vehicles even though they fail to meet 1985 and later model year regulatory requirements for specific pollutants, provided that emissions do not exceed a specified maximum level and that the manufacturer pays a nonconformance penalty for each truck sold. The penalty will remove any competitive advantage of noncompliance. This regulation is being developed through a regulation negotiation project. Phase I of this rulemaking will establish a generic structure for nonconformance penalties. Phase II will provide specific levels of nonconformance penalties and what pollutants they apply to.

Timetable:

Action	Date	FR Cite
Previous NPRM	07/12/79	44 FR 40791
NPRM	03/06/85	50 FR 9204
Final Action	08/00/85	

Small Entity: Undetermined

Additional Information: SAR No. 1632.

FTS: 8-382-2500.

Agency Contact: Robert Montgomery, Environmental Protection Agency, Air and Radiation, (EN-340), Washington, DC 20460, **202 382-2500**

RIN: 2060-AA58

249. SMALL-VOLUME MANUFACTURERS CERTIFICATION PROCEDURE (REVISION)

Legal Authority: 42 USC 7401 / CAA 206

CFR Citation: 40 CFR 86

Abstract: This action will result in rules to provide for certification of emissions compliance for commercial importers and individuals importing vehicles into the United States. By a separate action, the Manufacturers Operations Division is revising its rules for individual vehicle importation. This action is necessary to provide an appropriate mechanism to import vehicles into the United States under certification regulations and assure their compliance with the exhaust emission standards. Current rules for small-volume manufacturers were not intended to apply to conversion of previously manufactured but uncertified configurations. However, increasingly large numbers of manufacturers who import vehicles for resale have applied for EPA certification as an alternative to individual vehicle importation. This will primarily impact small business organizations involved in importing motor vehicles. The likely impact of these changes will be increased costs to these organizations.

Timetable:

Action	Date	FR Cite
NPRM	11/00/85	
Final Action	11/00/86	

Small Entity: Yes

Additional Information: SAR No. 2143.

FTS: 8-374-4450.

Agency Contact: Eldert Bontekoe, Environmental Protection Agency, Air and Radiation, ANR-455, 2625 Plymouth Road, Ann Arbor, MI 48105, **313 668-4450**

RIN: 2060-AB54

250. ● NONCONFORMANCE PENALTIES FOR LIGHT-DUTY TRUCKS (PHASE II)

Legal Authority: 42 USC 7527(g) /CAA 206; 42 USC 301(a) /CAA 206

CFR Citation: 40 CFR 86

Abstract: This regulation will be developed apart from the Phase I Nonconformance Penalties for Light-Duty Trucks regulation. It will provide specific levels of nonconformance penalties and what pollutants they apply to.

Timetable:

Action	Date	FR Cite
NPRM	08/00/85	
Final Action	12/00/85	

Small Entity: Undetermined

Additional Information: SAR No. 2233.

FTS: 8-382-2500.

Agency Contact: Robert Montgomery, Environmental Protection Agency, Air and Radiation, (EN-340), Washington, DC 20460, **202 382-2500**

RIN: 2060-AB65

251. EMISSION PERFORMANCE WARRANTY REGULATIONS (REVISION)

Legal Authority: 42 USC 7541(b) / CAA 207(b)

CFR Citation: 40 CFR 85

Abstract: This rulemaking will address the issue of establishing: (1) test procedures and standards for heavy-duty gasoline vehicles, (2) new standards for light-duty vehicles and light-duty trucks, and (3) alternative dynamometer loadings for the loaded short tests. These amendments are necessary so that owners of heavy-duty vehicles will have emissions warranty protection and owners of light-duty vehicles and trucks will be entitled to warranty protection.

Timetable:

Action	Date	FR Cite
NPRM	07/00/85	
Final Action	04/00/86	

Small Entity: No

Additional Information: SAR No. 2136.

FTS: 8-374-8471.

Agency Contact: Jane Armstrong, Environmental Protection Agency, Air and Radiation, ANR-445, 2625 Plymouth Road, Ann Arbor, MI 48105, **313 668-8471**

RIN: 2060-AB53

252. ● VOLUNTARY AFTERMARKET PARTS CERTIFICATION REGULATIONS (REVISION)

Legal Authority: 42 USC 7541 /CAA 207(b)

CFR Citation: 40 CFR 85

Abstract: The U.S. Court of Appeals for the D.C. Circuit has directed EPA to amend the aftermarket parts certification regulations. There were four specific areas which the Court directed EPA to revisit. EPA was directed to develop better procedures for determining adequate grounds for manufacturer denial of a warranty claim; reconsider inclusion of specialty parts into the identification system, and improve the procedure for arbitration of warranty cost claims by vehicle manufacturers' against certified parts manufacturers.

Timetable:

Action	Date	FR Cite
NPRM	06/00/85	
Final Action	05/00/86	

Small Entity: Undetermined

Additional Information: SAR No. 2145

FTS: 8-374-4289

Agency Contact: Susan O'Conner, Environmental Protection Agency, Air and Radiation, 2565 Plymouth Road, Ann Arbor, Michigan 48105, (ANR-455), **313 668-4289**

RIN: 2060-AB58

253. ● NONCONFORMANCE PENALTIES FOR 1985 MODEL YEAR HEAVY-DUTY ENGINES (HDES) (PHASE II)

Legal Authority: 42 USC 7525(g) /CAA 206; 42 USC 7601(a) /CAA 206

CFR Citation: 40 CFR 86

Abstract: This regulation will be developed separately from the Nonconformance Penalties for 1985 Model Year Heavy-Duty Engines (HDEs) Phase I regulation. It will provide specific levels of nonconformance penalties and what pollutants they apply to.

Timetable:

Action	Date	FR Cite
NPRM	08/00/85	
Final Action	12/00/85	

Small Entity: No

Additional Information: SAR No. 2232.

FTS: 8-382-2500.

Agency Contact: Robert Montgomery, Environmental Protection Agency, Air and Radiation, (EN-340), Washington, DC 20460, 202 382-2500

RIN: 2060-AB64

254. FUELS AND FUEL ADDITIVES

Priority: Major

Legal Authority: 42 USC 7545 / CAA 211

CFR Citation: 40 CFR 79

Abstract: These protocols will help determine effects of fuel and fuel additives on public health and emission control devices. They will ensure that motor vehicle fuels and additives will not harm the public health. They will also ensure that they do not damage emission control devices in motor vehicles.

Timetable:

Action	Date	FR Cite
NPRM	01/00/87	

Small Entity: Undetermined

Additional Information: SAR No. 1328.

FTS:8-374-4339.

Agency Contact: Richard A. Rykowski, Environmental Protection Agency, Air and Radiation, 2565 Plymouth Road, Ann Arbor, MI 48105, 313 668-4339

RIN: 2060-AA59

255. ● FUEL AND FUEL ADDITIVES: PREVENTATIVE ACTION PROGRAM TO PREVENT SELF-SERVE FUEL SWITCHING

Legal Authority: 42 USC 7545 /CAA 211; 42 USC 7601(a) /CAA 301(a)

CFR Citation: 40 CFR 80.22; 40 CFR 80.23

Abstract: This action will develop a "Preventative Action Program" to be used by gasoline retailers to help prevent self-serve fuel switching. Retailers will be afforded an affirmative defense to allegations of "allowing" fuel switching if they have effectively implemented this program. This action would also change the language of the fuel switching regulation to prohibit fuel switching in all vehicles designed to use unleaded gasoline, and not just those that still have an "unleaded only" label or fuel inlet restrictor.

Timetable:

Action	Date	FR Cite
NPRM	06/00/85	
Final Action	10/00/85	

Small Entity: No

Additional Information: SAR No. 2215

FTS: 8-382-2633

Agency Contact: Richard Kozlowski, Environmental Protection Agency, Air and Radiation, (EN-397F), Washington, DC 20460, 202 382-2633

RIN: 2060-AB59

256. ● FUEL AND FUEL ADDITIVES: GASOLINE LEAD CONTENT

Priority: Major

Legal Authority: 42 USC 7545 /CAA 211; 42 USC 7601(a) /CAA 301(a)

CFR Citation: 40 CFR 80

Abstract: EPA is examining information relevant to a total ban on the use of lead in gasoline. The Agency is considering a set of alternatives ranging from no regulatory action to a ban as soon as January 1, 1988. This rule will have an impact on all refineries, including small refineries. A regulatory flexibility analysis will fully consider the effect of this action on small entities.

Timetable:

Action	Date	FR Cite
NPRM	03/07/85	50 FR 9386
Final Action	00/00/00	

Small Entity: Yes

Additional Information: SAR No. 2214.

FTS: 8-382-2633.

Analysis: RIA, RFA

Agency Contact: Richard Kozlowski, Environmental Protection Agency, Air and Radiation, (EN-397F), Washington, DC 20460, 202 382-2633

RIN: 2060-AB60

257. FUEL ECONOMY TEST PROCEDURES; PROPOSED PROCEDURES FOR ADJUSTMENT TO TEST RESULTS TO ACCOUNT FOR TEST PROCEDURE CHANGES

Legal Authority: 15 USC 2001 et seq / EPCA 301

CFR Citation: 40 CFR 600

Abstract: In January, 1982, the United States Court of Appeals for the Sixth Circuit issued an order requiring EPA to initiate rulemaking to establish adjustment factors for the 1980-85 Corporate Average Fuel Economy (CAFE) test results. This proposal is in response to the Court Order and will result in adjustments to EPA calculations of CAFE.

Timetable:

Action	Date	FR Cite
NPRM	12/21/83	48 FR 56526
Supplemental NPRM	12/07/84	49 FR 48024
Final Action	05/00/85	

Small Entity: No

Additional Information: SAR No. 2033.

FTS: 8-374-4403.

Agency Contact: Joseph Whitehead, Environmental Protection Agency, Air and Radiation, 2565 Plymouth Road, Ann Arbor, MI 48105, 313 668-4403

RIN: 2060-AB19

ENVIRONMENTAL PROTECTION AGENCY (EPA)—Clean Air Act (CAA)

Existing Regulations Under Review

258. NAAQS: LEAD

Priority: Major

Legal Authority: 42 USC 7408 / CAA 108; 42 USC 7409 / CAA 109

CFR Citation: 40 CFR 50

Abstract: EPA is reassessing the health and welfare information that has become available since the last revision of the standard.

Timetable:

Action	Date	FR Cite
End Review	02/00/86	

Small Entity: No

Additional Information: SAR No. 1919.

Agency Contact: Bruce Jordan, Environmental Protection Agency, Air and Radiation, (MD-12), Research Triangle Park, NC 27711, **919 541-5655**

RIN: 2060-AA95

259. NAAQS: OZONE

Priority: Major

Legal Authority: 42 USC 7408 / CAA 108; 42 USC 7409 / CAA 109

CFR Citation: 40 CFR 50

Abstract: EPA is reassessing the health and welfare information that has become available since the last revision of the standard. EPA plans to publish a proposed rule on 11/00/87.

Timetable:

Action	Date	FR Cite
End Review	08/00/86	

Small Entity: No

Additional Information: SAR No. 1920.

FTS: 8-629-5655.

REVIEW AUTHORITY: CAA 109.

Agency Contact: Bruce Jordan, Environmental Protection Agency, Air and Radiation, (MD-13), Research Triangle Park, NC 27711, **919 541-5655**

RIN: 2060-AA96

260. NSPS: SULFURIC ACID MANUFACTURE

Legal Authority: 42 USC 7411 / CAA 111

CFR Citation: 40 CFR 60, Subpart H

Abstract: EPA is reviewing this standard to determine whether revisions are warranted. The review will assess performance and costs of sulfuric acid plant control systems as well as the experience of the industry and control agencies in implementing the standards. EPA will issue a notice in the Federal Register announcing the results of its review.

Timetable:

Action	Date	FR Cite
Begin Review	10/00/83	
End Review	06/00/85	

Small Entity: No

Additional Information: SAR No. 2026.

FTS: 8-629-5601. REVIEW AUTHORITY: CAA 111.

Agency Contact: James Crowder, Environmental Protection Agency, Air and Radiation, (MD-13), Research Triangle Park, NC 27711, **919 541-5601**

RIN: 2060-AB02

261. REVIEW OF INFORMATION REQUIREMENTS IN THE NEW SOURCE PERFORMANCE STANDARDS (NSPS) PROGRAM

Legal Authority: 42 USC 7411 / CAA 111

CFR Citation: 40 CFR 60

Abstract: The NSPS program is a national program to develop and implement standards for emissions from new and modified stationary sources. EPA is reviewing the information requirements of five NSPS and conducting in-depth examinations of one of these standards. The purpose of the study is to assess the quality, utility, effectiveness, and efficiency of the information components. The study will collect data from affected facility owners; regional, state and local authorities responsible for monitoring the program; and primary users of the information. Where appropriate, the recommendations will be incorporated in the NSPS rules and associated Information Collection Requests (ICRs).

Timetable:

Action	Date	FR Cite
Begin Review	01/00/84	
End Review	05/00/85	

Small Entity: No

Additional Information: FTS: 8-382-2743.

REVIEW AUTHORITY: Paperwork Reduction Act.

Agency Contact: James Daley, Environmental Protection Agency, Air and Radiation, PM-223, Washington, DC 20460, **202 382-2743**

RIN: 2060-AB25

262. NSPS: AMMONIUM SULFATE MANUFACTURE

Legal Authority: 42 USC 7411 / CAA 111

CFR Citation: 40 CFR 60

Abstract: EPA is reviewing this standard to determine whether revisions are warranted. The review will assess performance and costs of ammonium sulfate manufacturing control systems as well as the experience of the industry and control agencies in implementing the standard. EPA will issue a notice in the Federal Register announcing the results of its review.

Timetable:

Action	Date	FR Cite
Begin Review	05/00/84	
End Review	05/00/85	

Small Entity: No

Additional Information: SAR No. 2263.

FTS: 8-629-5601.

Agency Contact: James Crowder, Environmental Protection Agency, Air and Radiation, MD-13, Research Triangle Park, NC 27711, **919 541-5601**

RIN: 2060-AB34

263. NSPS: PRIMARY ALUMINUM REDUCTION PLANTS

Legal Authority: 42 USC 7411 / CAA 111

CFR Citation: 40 CFR 60

Abstract: EPA is reviewing this item to determine whether revisions are warranted. The review will assess performance and costs of primary aluminum reduction plant control systems as well as the experience of the industry and control agencies in implementing the standard. EPA will issue a notice in the Federal Register announcing the results of its review.

Timetable:

Action	Date	FR Cite
Begin Review	03/00/85	
End Review	03/00/86	

Small Entity: No

Additional Information: SAR No. 2264

FTS: 8-629-5601.

Agency Contact: James Crowder, Environmental Protection Agency, Air and Radiation, MD-13, Research Triangle Park, NC 27711, **919 541-5601**

RIN: 2060-AB36

264. NSPS: SECONDARY LEAD SMELTERS

Legal Authority: 42 USC 7411 / CAA 111

CFR Citation: 40 CFR 60

Abstract: EPA is reviewing the standard to determine whether revisions are warranted. The review will assess performance and costs of secondary lead smelter control systems as well as the experience of the

industry and control agencies in implementing the standard. EPA will issue a notice in the Federal Register announcing the results of its review.

Timetable:

Action	Date	FR Cite
Begin Review	07/00/85	
End Review	07/00/86	

Small Entity: Yes

Additional Information: SAR No. 2265.

FTS: 8-629-5601.

Agency Contact: James Crowder, Environmental Protection Agency, Air and Radiation, MD-13, Research Triangle Park, NC 27711, **919 541-5601**

RIN: 2060-AB39

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265. NSPS: ASPHALT CONCRETE PLANTS

Legal Authority: 42 USC 7411 / CAA 111

CFR Citation: 40 CFR 60

Abstract: EPA is reviewing this standard to determine whether revisions are warranted. The review will assess performance and costs of control systems and economic and technological developments in the industry. Of particular interest are asphalt recycling plants which in some cases have experienced "blue haze" emissions. The review will seek information to identify and quantify the "blue haze" constituents and assess control techniques.

Timetable:

Action	Date	FR Cite
Begin Review	11/00/82	
End Review	00/00/00	

Small Entity: No

Additional Information: SAR No. 2266.

FTS: 8-629-5596.

Agency Contact: Kenneth Durkee, Environmental Protection Agency, Air and Radiation, MD-13, Research Triangle Park, NC 27711, **919 541-5596**

RIN: 2060-AB41

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266. ● NSPS: SMALL BOILERS

Legal Authority: 42 USC 7411 /CAA 111

CFR Citation: 40 CFR 60

Abstract: A Comprehensive study is in progress to determine whether standards should be developed for small boilers. The study will assess performance and costs of control systems. Pollutants being investigated are nitrogen oxides, sulfur dioxide and particulate matter. The study will also determine what the future growth will be for the various sizes and types of boilers.

Timetable:

Action	Date	FR Cite
Begin Review	01/00/85	
End Review	10/00/85	

Small Entity: Undetermined

Additional Information: SAR No. 2239.

FTS:8-629-5595.

Agency Contact: Kenneth Durkee, Environmental Protection Agency, Air and Radiation, (MD-13), Environmental Protection Agency, Research Triangle Park, NC 27711, **919 541-5595**

RIN: 2060-AB69

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267. NESHAPS: BERYLLIUM

Legal Authority: 42 USC 7412 / CAA 112

CFR Citation: 40 CFR 61

Abstract: EPA is reviewing the health and technological basis and administrative aspects of the national emission standard for beryllium. EPA will issue a notice in the Federal Register announcing the results of the review.

Timetable:

Action	Date	FR Cite
Begin Review	12/00/81	
End Review	00/00/00	

Small Entity: No

Additional Information: SAR No. 2029.

FTS: 8-629-5595.

REVIEW AUTHORITY: EO 12291.

Agency Contact: James Crowder, Environmental Protection Agency, Air and Radiation, (MD-13), Research Triangle Park, NC 27711, **919 541-5595**

RIN: 2060-AB07

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268. VISIBILITY PROTECTION FOR FEDERAL CLASS I AREAS

Legal Authority: 42 USC 7479 / CAA 169

CFR Citation: 40 CFR 51

Abstract: In response to petitions EPA is reviewing the visibility protection regulations promulgated on December 2, 1980 (45 FR 80084). EPA is reconsidering the concept of "integral vistas," the role of the Federal Land Managers, and new source review requirements. The Agency may decide to initiate changes as a result of this review.

Timetable:

Action	Date	FR Cite
Begin Review	01/00/81	
End Review	06/00/85	

Small Entity: No

Additional Information: SAR No. 1307.

FTS: 8-629-5540. REVIEW AUTHORITY: EO 12291.

Agency Contact: Bruce Polkowsky, Environmental Protection Agency, Air and Radiation, (MD-15), Research Triangle Park, NC 27711, **919 541-5540**

RIN: 2060-AB09

ENVIRONMENTAL PROTECTION AGENCY (EPA)—Clean Air Act (CAA)

Completed Actions

COMPLETED RULEMAKINGS

269. DETERMINATION FOR INTERSTATE AIR POLLUTION CONTROL

CFR Citation: 40 CFR 52

Completed:

Reason	Date	FR Cite
Final Action	12/10/84	49 FR 45152

Small Entity: No

Agency Contact: Larry Wilson 919 541-5540

RIN: 2060-AB52

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270. NSPS: GLASS MANUFACTURING

CFR Citation: 40 CFR 60, Subpart CC

Completed:

Reason	Date	FR Cite
Final Action	10/19/84	49 FR 41030

Small Entity: No

Agency Contact: Gilbert Wood 919 541-5578

RIN: 2060-AA73

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271. NSPS: STEEL PLANTS: ELECTRIC ARC FURNACES AND ARGON-OXYGEN DECARBONIZATION VESSELS (REVISION)

CFR Citation: 40 CFR 60, Subpart AA

Completed:

Reason	Date	FR Cite
Final Action	10/31/84	49 FR 43838

Small Entity: No

Agency Contact: Doug Bell 919 541-5578

RIN: 2060-AA75

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272. NSPS: SECONDARY BRASS AND BRONZE PRODUCTION (REVISION)

CFR Citation: 40 CFR 60, Subpart M

Completed:

Reason	Date	FR Cite
Final Action	10/30/84	49 FR 43616

Small Entity: No

Agency Contact: Doug Bell 919 541-5578

RIN: 2060 AB04

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273. NESHAPS: AIRBORNE RADIONUCLIDES

Priority: Major

CFR Citation: 40 CFR 61

Completed:

Reason	Date	FR Cite
Final Action	02/06/85	50 FR 5190

Small Entity: Undetermined

Agency Contact: Terrence McLaughlin 703 557-0704

RIN: 2060-AA47

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274. SECOND ROUND NONFERROUS SMELTER ORDER REGULATIONS

CFR Citation: 40 CFR 57

Completed:

Reason	Date	FR Cite
Final Action	02/15/85	50 FR 6434

Small Entity: No

Agency Contact: Roy Rathbun 202 382-2887

RIN: 2060-AA81

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275. HEAVY-DUTY DIESEL PARTICULATE STANDARDS

Priority: Major

CFR Citation: 40 CFR 86

Completed:

Reason	Date	FR Cite
Final Action	03/15/85	50 FR 10606

Small Entity: No

Agency Contact: Terry Newel 313 668-4462

RIN: 2060-AA51

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276. NOX REGULATIONS FOR LIGHT-DUTY TRUCKS AND HEAVY-DUTY ENGINES

Priority: Major

CFR Citation: 40 CFR 86

Completed:

Reason	Date	FR Cite
Final Action	03/15/85	50 FR 10606

Small Entity: No

Agency Contact: Terry Newel 313 668-4462

RIN: 2060-AA52

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277. AMENDMENTS TO SELECTIVE ENFORCEMENT AUDITING PROCEDURES FOR LIGHT-DUTY VEHICLES (REVISION)

CFR Citation: 40 CFR 86 G, 40 CFR 86 A

Completed:

Reason	Date	FR Cite
Final Action	12/12/84	49 FR 48474

Small Entity: No

Agency Contact: Stephen Sinkez 202 382-4104

RIN: 2060-AA89

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278. LEAD PHASEDOWN (REVISION)

Priority: Major

CFR Citation: 40 CFR 80

Completed:

Reason	Date	FR Cite
Final Action	03/07/85	50 FR 9386

Small Entity: Yes

Agency Contact: Richard Kozlowski 202 382-2633

RIN: 2060-AB50

COMPLETED REVIEWS

279. NSPS: CEMENT PLANTS

CFR Citation: 40 CFR 60

Completed:

Reason	Date	FR Cite
End Review	02/00/85	

Small Entity: No

Agency Contact: Kenneth R. Durkee 919 541-5596

RIN: 2060-AB38

ACTIONS THAT STARTED AND ENDED BETWEEN ISSUES OF THE UNIFIED AGENDA

260. ● FUEL AND FUEL ADDITIVES: BANKING OF LEAD RIGHTS

Legal Authority: 42 USC 7545 /CAA 211, 42 USC 7601(a) /CAA 301(a)

CFR Citation: 40 CFR 80

Abstract: EPA is planning to permit banking of lead usage rights for use or trading in future compliance periods. This banking will provide an efficient method of reducing total lead levels while allowing the industry greater flexibility to use more stringent lead levels. This rule should only have a beneficial impact on small entities.

Timetable:

Action	Date	FR Cite
NPRM	01/04/85	50 FR 718
Final Action	04/02/85	50 FR 13116

Small Entity: No

Additional Information: SAR No 2197

FTS: 8-382-2633

Agency Contact: Richard Kozlowski, Environmental Protection Agency, Air and Radiation, (EN-397F), Washington, DC 20460, 202 382-2633

RIN: 2060-AB61

[FR Doc. 85-7906 Filed 04-26-85; 8:45 am]

BILLING CODE 6560-50-T

ENVIRONMENTAL PROTECTION AGENCY (EPA)—Superfund (CERCLA)

Current and Projected Rulemakings

281. NOTIFICATION OF RELEASE OF HAZARDOUS SUBSTANCES AND DETERMINATION OF REPORTABLE QUANTITIES

Legal Authority: 42 USC 9602 / CERCLA 102

CFR Citation: 40 CFR 302

Abstract: EPA is developing reportable quantities for hazardous substances under Section 102 of CERCLA that will trigger the requirements in Section 103 of CERCLA. The rulemaking also amends 40 CFR 117.3 to make the reportable quantities of each hazardous substance under CERCLA 102 the reportable quantity for that substance under CWA 311(b)(2).

Timetable:

Action	Date	FR Cite
NPRM	05/25/83	48 FR 23552
Final Action	04/00/85	

Small Entity: No

Additional Information: SAR No. 1642B.

For further information contact RCRA/Superfund Hotline (800-424-9346); in Metropolitan D.C. Area (382-3000).

Agency Contact: Jack Kooyoomjian, Environmental Protection Agency, Solid Waste and Emergency Response, (WH-548B), Washington, DC 20460, **202 382-2814**

RIN: 2050-AA46

282. ADJUSTMENT OF REPORTABLE QUANTITIES OF HAZARDOUS SUBSTANCES IDENTIFIED AS CARCINOGENS AND CHRONICALLY TOXIC SUBSTANCES (REVISION)

Legal Authority: 42 USC 96021 / CERCLA 102; 33 USC 1321 / CWA 311

CFR Citation: 40 CFR 302

Abstract: EPA has developed proposed determinations of reportable quantities under Section 102 of CERCLA that trigger the notification requirements of Section 103 of CERCLA. This rule will amend the regulation on Determination of Reportable Quantities for Hazardous Substances (40 CFR 302) to adjust the reportable quantities for hazardous substances identified as carcinogens and chronically toxic substances. This rule will also amend 40 CFR 117.3 to make these requirements applicable under CWA 311 (b).

Timetable:

Action	Date	FR Cite
NPRM	12/00/85	
Final Action	09/00/86	

Small Entity: No

Additional Information: SAR No. 2104.

For further information contact the RCRA/Superfund Hotline (800-424-9346); in Metropolitan D.C. (382-3000).

Agency Contact: Jack Kooyoomjian, Environmental Protection Agency, Solid Waste and Emergency Response, (WH-548B), Washington, DC 20460, **202 382-2814**

RIN: 2050-AA80

283. AMENDMENTS TO THE NATIONAL OIL AND HAZARDOUS SUBSTANCES POLLUTION CONTINGENCY PLAN

Legal Authority: 33 USC 1321 / CWA 311

CFR Citation: 40 CFR 300.61

Abstract: These revisions will streamline the National Contingency Plan (NCP). This regulation will add provisions for consideration of community relations, address the use of environmental standards for determining appropriate response actions, clarify authorities and responsibilities of officials and Agencies involved in response.The agency is also considering different ways to advise the public of the status of Federal clean-up efforts at Federally-owned sites.

Timetable:

Action	Date	FR Cite
NPRM	02/12/85	50 FR 5862
Final Action	11/00/85	

Small Entity: No

Additional Information: SAR No. 2065.

FTS-8-382-2441.

Agency Contact: James Lounsbury, Environmental Protection Agency, Solid Waste and Emergency Response, (WH-548D), Washington, DC 20460, **202 382-2441**

RIN: 2050-AA75

284. NATIONAL PRIORITY LIST (NPL) (REVISION)

Legal Authority: 42 USC 7605(8)(B) / CERCLA 105

CFR Citation: 40 CFR 300.66

Abstract: This action revises the National Priority List in the National Contingency Plan. CERCLA requires that the National Priorities List be revised at least annually. Periodic revisions will allow EPA to include serious releases of hazardous substances identified as a result of site inspection programs and to delete sites that have been cleaned up.

Timetable:

Action	Date	FR Cite
Final Action First NPL Update(final)	09/21/84	49 FR 37070
NPRM Second NPL Update(NPRM)	10/15/84	49 FR 40320
NPRM Third NPL Update(NPRM)	03/00/85	
Final Action Second NPL Update(final)	06/00/85	

Small Entity: Undetermined

Additional Information: SAR No. 2077.

FTS: 8-382-8103.

Agency Contact: Hal Snyder, Environmental Protection Agency, Solid Waste and Emergency Response, (WH-548E), Washington, DC 20460, **202 382-8103**

RIN: 2050-AA79

285. NATURAL RESOURCE CLAIMS PROCEDURE

Legal Authority: 42 USC 9611 / CERCLA 111

CFR Citation: 40 CFR 306

Abstract: This action prescribes the procedures and circumstances under which natural resources claims may be presented to the Fund to recover the costs of restoration, rehabilitation, replacement or obtaining the equivalent of a damaged natural resource.

Timetable:

Action	Date	FR Cite
NPRM	03/08/85	50 FR 9586
Final Action	08/00/85	

Small Entity: No

Additional Information: SAR No. 1642D.

FTS:8-382-2184.

Analysis: RIA 00/00/00

EPA—CERCLA

Current and Projected Rulemakings

Agency Contact: William Ross, Environmental Protection Agency, Solid Waste and Emergency Response, (WH-548E), Washington, DC 20460, **202 382-4645**

RIN: 2050-AA48

286. RESPONSE CLAIMS PROCEDURES

Legal Authority: 42 USC 9611

CFR Citation: 40 CFR 307

Abstract: This action prescribes the procedures and circumstances under which claims may be presented to the FUND to recover the costs of cleanup. The allowable claims and necessary response costs uncovered by a party, other than the government, in carrying out the National Contingency Plan are identified in this regulation.

Timetable:

Action	Date	FR Cite
NPRM	04/00/85	
Final Action	09/00/85	

Small Entity: No

Additional Information: SAR No. 2160.

FTS: 8-382-4645.

Agency Contact: William Ross, Environmental Protection Agency, Solid Waste and Emergency Response, (WH-548E), Washington, DC 20460, **202 382-4645**

RIN: 2050-AA90

ENVIRONMENTAL PROTECTION AGENCY (EPA)—Superfund (CERCLA)

Completed Actions

COMPLETED RULEMAKINGS

287. DESIGNATION OF ADDITIONAL HAZARDOUS SUBSTANCES

CFR Citation: 40 CFR 302

Completed:

Reason	Date	FR Cite
Further action deferred indefinitely	02/27/85	

Small Entity: No

Agency Contact: Jack Kooyoomjian 202 382-3000

RIN: 2050-AA45

288. NOTIFICATION OF CONTINUOUS RELEASE OF HAZARDOUS SUBSTANCES

CFR Citation: 40 CFR 304

Completed:

Reason	Date	FR Cite
Further action deferred indefinitely.	02/27/85	

Small Entity: No

Agency Contact: Jack Kooyoomjian 202 382-2814

RIN: 2050-AA47

COMPLETED REVIEWS

289. REVIEW OF INFORMATION REQUIREMENTS IN THE SUPERFUND PROGRAM

CFR Citation: 40 CFR 303; 40 CFR 304

Completed:

Reason	Date	FR Cite
End Review	02/00/85	

Small Entity: No

Agency Contact: Oscar Morales 202 382-5495

RIN: 2050-AA86

[FR Doc. 85-7906 Filed 04-26-85; 8:45 am]

BILLING CODE 6560-50-T

ENVIRONMENTAL PROTECTION AGENCY (EPA)—General

Current and Projected Rulemakings

290. PUBLIC INFORMATION AND CONFIDENTIALITY REGULATIONS (REVISION)

Legal Authority: 5 USC 552; 42 USC 9604

CFR Citation: 40 CFR 2

Abstract: This action would make changes in EPA's procedures for handling requests under the Freedom of Information Act. It also adds a new section on procedures for treating confidential information under CERCLA. EPA will also modify its existing procedures for handling confidential information under RCRA.

Timetable:

Action	Date	FR Cite
NPRM	05/00/85	
Final Action	09/00/85	

Small Entity: No

Additional Information: SAR No. 1791.

FTS:8-382-5460.

Agency Contact: Jane Roemer, Environmental Protection Agency, General Counsel and Enforcement Counsel, (LE-132 G), Washington, DC 20460, **202 382-5460**

RIN: 2020-AA03

291. NONDISCRIMINATION ON THE BASIS OF HANDICAP FOR PROGRAMS CONDUCTED BY EPA

Legal Authority: 42 USC 794 / Rehabilitation Act 504

CFR Citation: 40 CFR 12

Abstract: The proposed regulation will provide for EPA's compliance with Section 504 of the Rehabilitation Act, which prohibits discrimination on the basis of handicap in the Agency's programs and activities. It will make the Agency's offices accessible to handicapped persons, and effect the necessary changes in the Agency's employment practices.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Additional Information: SAR No. 2049.

FTS: 8-382-4567.

Agency Contact: Nereid Maxey, Environmental Protection Agency, General Counsel and Enforcement Counsel, Office of Civil Rights, (A-105), Washington, DC 20460, **202 382-4567**

RIN: 2020-AA05

292. ● NONDISCRIMINATION ON THE BASIS OF AGE IN PROGRAMS RECEIVING FINANCIAL ASSISTANT FROM THE EPA

Legal Authority: 42 USC 6101 /Age Discrimination Act of 1979

CFR Citation: 40 CFR 7

Abstract: This action is necessary to add age as a basis for nondiscrimination to EPA's Federally-Assisted Nondiscrimination Regulation.

Timetable:

Action	Date	FR Cite
NPRM	01/01/81	46 FR 2306
Final Action	07/00/85	

Small Entity: No

Additional Information: SAR No. 2218

FTS: 8-382-382-4567

Agency Contact: Nereid Maxey, Environmental Protection Agency, General Counsel and Enforcement Counsel, Office of Civil Rights, (A-105), Washington, DC 20460, 202 382-4567

RIN: 2020-AA07

293. AMENDING NEPA PROCEDURES RELATING TO WASTEWATER CONSTRUCTION GRANTS (REVISION)

Legal Authority: 42 USC 4321 / NEPA

CFR Citation: 40 CFR 6 E

Abstract: This action will revise EPA's NEPA implementation procedures relating to wastewater treatment construction grants. It will make them consistent with the amendments for simplifying the construction grants regulations (see SAR No. 1722) and the 1981 Municipal Wastewater Treatment Construction Grant Amendments (P.L. No. 97-117).It will also make minor changes to the NEPA procedures that apply to other EPA programs.

Timetable:

Action	Date	FR Cite
NPRM	01/07/83	48 FR 1012
Final Action	05/00/85	

Small Entity: No

Additional Information: SAR No. 1835.

FTS:8-382-5910.

Agency Contact: John Gerba, Environmental Protection Agency, Office of the Administrator, (A-104), Washington, DC 20460, 202 382-5910

RIN: 2090-AA04

294. EMISSIONS TRADING POLICY (REVISION)

Legal Authority: 42 USC 7503 / CAA 110

CFR Citation: Not applicable

Abstract: EPA is refining the emissions trading policy governing the use of the bubble, emission offsets, netting, and emission reduction banking. This final policy and accompanying Technical Issues Document will provide states with a framework for incorporating emissions trading activities into their state implementation plans. Through the use of emissions trading industry can substitute more controls where costs are low for less control where costs are high. The final policy will clarify requirements and procedures based on experience under the 1982 interim policy -- particularly regarding baselines and modeling for bubbles, as well as bubbles in nonattainment areas with inadequate demonstrations.

Timetable:

Action	Date	FR Cite
Proposed Policy	04/07/82	47 FR 15076
Reproposed Policy	08/31/83	48 FR 39580
Final Action	07/00/85	

Small Entity: No

Additional Information: SAR No. 1605.

Docket No. G-81-2.

FTS:8-382-2727.

Agency Contact: Ivan Tether, Environmental Protection Agency, Policy Planning and Evaluation, (PM-223), Washington, DC 20460, 202 382-2727

RIN: 2010-AA08

295. LIST OF VIOLATING FACILITIES (REVISION)

Legal Authority: 42 USC 7606 / CAA 306; 33 USC 1368 / FWPCA 508

CFR Citation: 40 CFR 15

Abstract: The Agency will revise 40 CFR Part 15 which authorizes EPA to place facilities on the List of Violating Facilities because of recurring or continuing noncompliance with the Federal clean air or clean water standards. These revisions are required to enhance readability; ensure adequate procedural due process; and reflect organizational changes at the Agency.

Timetable:

Action	Date	FR Cite
NPRM	07/31/84	49 FR 30628
Final Action	05/00/85	

Small Entity: No

Additional Information: SAR No. 2014.

FTS: 8-475-8785.

Agency Contact: Allen Danzig, Environmental Protection Agency, Air and Radiation, LE-130A, Washington, DC 20460, 202 475-8785

RIN: 2060-AB17

296. SECTION 404 STATE PROGRAM REGULATIONS (REVISION)

Priority: Agency Determination

Legal Authority: 33 USC 1344 / CWA 404

CFR Citation: 40 CFR 124; 40 CFR 232, 40 CFR 233

Abstract: Under Section 404(g) of the Clean Water Act, EPA is responsible for approving and overseeing assumption of the 404 "dredge and fill" program by States. In response to comments from the States, EPA is revising its State program regulations (formerly part of the Consolidated Permit Regulations), to provide increased incentives and simplified procedures for State assumption of the Section 404 program.

Timetable:

Action	Date	FR Cite
NPRM	10/02/84	49 FR 39012
Final Action	09/00/85	

Small Entity: No

Additional Information: SAR No. 1973.

FTS: 8-382-5043.

Agency Contact: Suzanne Schwartz, Environmental Protection Agency, Office of the Administrator, (A-104), Washington, DC 20460, 202 382-5043

RIN: 2030-AA00

297. ● DENIAL OR RESTRICTION OF DISPOSAL SITES (REVISION)

Legal Authority: 33 USC 1344 /CWA 404(c)

CFR Citation: 40 CFR 231

Abstract: This action will revise EPA's existing 404(c) regulations, in effect since October 9, 1979. It will establish the procedures to be used when EPA is considering the use of Section 404(c) of

the CWA to prevent the discharge of dredged or fill material into a defined area of the waters of the United States. Section 404(c) gives the Administrator authority to prohibit or withdraw the specification of a site as a disposal site or to deny or restrict use of a disposal site. Prior to 1983, we have taken only one 404(c) action. Since that time, we have initiated six such actions. In the preamble to the 404(c) regulations, we indicated that we would do an evaluation of these regulations within four years of the effective date. We delayed this evaluation in order to carefully consider our recent experiences with these regulations. This review is completed, and we plan to revise the regulations to reflect our findings.

Timetable:

Action	Date	FR Cite
NPRM	10/00/85	
Final Action	03/00/86	

Small Entity: No

Additional Information: SAR No. 2196

FTS: 8-382-5043

Agency Contact: Suzanne Schwartz, Environmental Protection Agency, Administration and Resource Management, (A-104), Washington, DC 20460, 202 382-5043

RIN: 2030-AA05

298. REGULATIONS FOR THE FEDERAL CLAIMS COLLECTION ACT

Legal Authority: 31 USC 3711

CFR Citation: 40 CFR 13

Abstract: These regulations will set standards for EPA's debt collection actions under the Federal Claims Collection Act.

Timetable:

Action	Date	FR Cite
Interim Final Rule	07/00/85	

Small Entity: No

Additional Information: SAR No. 1825.

FTS: 8-382-5113.

Agency Contact: Joe Dillon, Environmental Protection Agency, General Counsel and Enforcement Counsel, (A-134), Washington, DC 20460, 202 382-5113

RIN: 2020-AA01

299. ● CONFIDENTIALITY REGULATIONS: SPECIAL RULES GOVERNING CERTAIN INFORMATION UNDER FIFRA (REVISION)

Legal Authority: 5 USC 552 / Freedom of Information Act ; 7 USC 136h / FIFRA 10

CFR Citation: 40 CFR 2.307

Abstract: This action would make changes in EPA's procedures for handling business information under FIFRA to reflect amendments to Section 10 of the Act. It would also clarify existing regulations on the treatment of confidential business information under FIFRA.

Timetable:

Action	Date	FR Cite
NPRM	12/00/85	
Final Action	05/00/86	

Small Entity: No

Additional Information: SAR No. 2195

FTS: 8-382-5460

Agency Contact: Jane Roemer, Environmental Protection Agency, General Counsel and Enforcement Counsel, (LE-132G), Washington, DC 20460, 202 382-5460

RIN: 2020-AA06

300. ● CONSOLIDATED RULES OF PRACTICE GOVERNING THE ADMINISTRATIVE ASSESSMENT OF CIVIL PENALTIES AND THE REVOCATION OF SUSPENSION OF PERMITS

CFR Citation: 40 CFR 22

Abstract: This action is designed to make minor amendments to the Agency's Consolidated Rules of Practice. These amendments may include a period for public notice and comment after the filing of administrative consent decrees, changing the recipient of administrative civil penalties to the Financial Management Division, and requiring respondents to provide information on their ability to pay civil penalties. Other amendments will be solicited.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Additional Information: SAR No. 2216

FTS: 8-475-8783

Agency Contact: Winston Haythe, Environmental Protection Agency, General Counsel and Enforcement Counsel, (LE-130A), Washington, DC 20460, 202 475-8783

RIN: 2020-AA08

ENVIRONMENTAL PROTECTION AGENCY (EPA)—General — Completed Actions

COMPLETED RULEMAKINGS

301. TRAINING AND FELLOWSHIP GRANTS (REVISION)

CFR Citation: 40 CFR 46; 40 CFR 45

Completed:

Reason	Date	FR Cite
Final Action	10/18/84	49 FR 41004

Small Entity: Undetermined

Agency Contact: Richard A. Johnson 202 382-5296

RIN: 2010-AA09

302. JUDICIAL REVIEW UNDER EPA-ADMINISTERED STATUTES; RACES TO THE COURTHOUSE

CFR Citation: 40 CFR 23; 40 CFR 100

Completed:

Reason	Date	FR Cite
Final Action	02/21/85	50 FR 7268

Small Entity: No

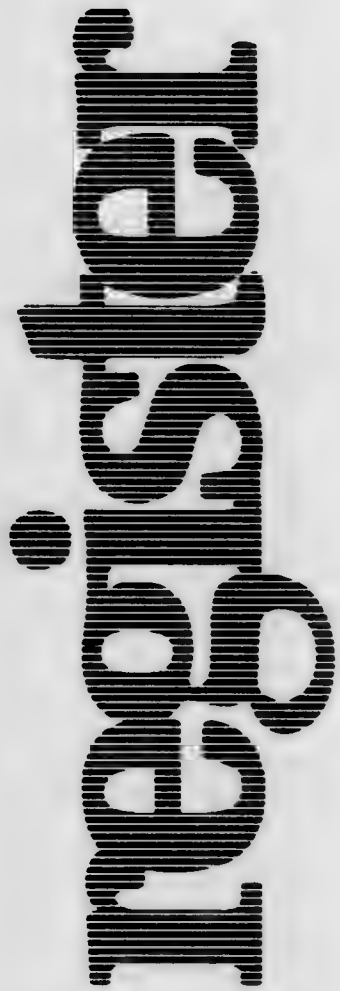
Agency Contact: Alan W. Eckert 202 382-7606

RIN: 2090-AA08

[FR Doc. 85-7906 Filed 04-26-85; 8:45 am]

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April 29, 1985

Part XXI

Equal Employment Opportunity Commission

Semiannual Regulatory Agenda

EEOC

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

29 CFR Ch. XIV

Semiannual Regulatory Agenda

AGENCY: Equal Employment Opportunity Commission.

ACTION: Semiannual regulatory agenda.

SUMMARY: The Equal Employment Opportunity Commission is publishing its semiannual regulatory agenda pursuant to Executive Order No. 12291, 3 CFR 127 (1981 Compilation) and the Regulatory Flexibility Act, 5 U.S.C. Chapter 6. The Agenda contains all regulations which are scheduled for review or development during the next twelve months.

FOR FURTHER INFORMATION CONTACT: Nicholas M. Inzeo, Acting Associate Legal Counsel, Legal Services, Office of Legal Counsel, Equal Employment Opportunity Commission, 2401 E Street, N.W., Washington, D.C. 20507; telephone (202) 634-6592.

SUPPLEMENTARY INFORMATION: The Commission has identified 14 current and projected rulemakings for inclusion in the agenda. Also listed are six (6) regulatory items which are under review. Two items were added to the agenda since the last semiannual agenda was published; both are existing regulations under review.

Signed at Washington, D.C. this 26th day of February 1985.

For the Commission.

Clarence Thomas,

Chairman, Equal Employment Opportunity Commission.

Current and Projected Rulemakings

Sequence Number	Title	Regulation Identifier Number
1	Collection of Applicant Data for Affirmative Action Purposes	3046-AA05
2	Equal Employment Opportunity in the Federal Government; Remedial Relief under Section 717	3046-AA06
3	The Equal Pay Act Interpretations	3046-AA07
4	Coordination of Federal Equal Employment Opportunity Programs	3046-AA10
5	Equal Employment Opportunity in the Federal Government	3046-AA13
6	Equal Employment Opportunity in the Federal Government	3046-AA14
7	Equal Employment Opportunity in the Federal Government	3046-AA15
8	Equal Employment Opportunity in the Federal Government	3046-AA16
9	Equal Employment Opportunity in the Federal Government	3046-AA17
10	Interpretative Bulletin on Employee Benefit Plans	3046-AA18
11	Substantive Regulations on Health Insurance Benefits for Employees Age 65 to 69	3046-AA19
12	Enforcement of Nondiscrimination on the Basis of Handicap in Equal Employment Opportunity Commission Programs	3046-AA20
13	Coverage of Apprenticeship Programs under the Age Discrimination in Employment Act	3046-AA21
14	Procedures for Administrative Exemptions under Section 9 of the Age Discrimination in Employment Act	3046-AA22

Existing Regulations Under Review

Sequence Number	Title	Regulation Identifier Number
15	*Uniform Guidelines on Employee Selection Procedures	3046-AA00
16	Recordkeeping Regulations	3046-AA03
17	Equal Employment Opportunity in the Federal Government	3046-AA11
18	Equal Employment Opportunity in the Federal Government	3046-AA12
19	Equal Employment Opportunity in the Federal Government	3046-AA23
20	*Uniform Guidelines on Employee Selection Procedures	3046-AA24

*Indicates priority regulation.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION (EEOC) — Current and Projected Rulemakings

1. COLLECTION OF APPLICANT DATA FOR AFFIRMATIVE ACTION PURPOSES

Legal Authority: 29 USC 791 Rehabilitation Act of 1973, as amended

CFR Citation: 29 CFR 1613.706

Abstract: This amendment permits federal agencies to collect handicap information from applicants for employment in order to implement and evaluate special recruitment programs undertaken for affirmative action purposes. Implementation of the final regulation is dependent on the development of an interagency report form which is in the process of being developed by OPM with the approval of OMB.

Timetable:

Action	Date	FR Cite
Interim Guidelines		46 FR 11285
Interim Guidelines effective	02/06/81	
Written Comment Period expired	04/07/81	
Final Action	00/00/00	

Small Entity: No

Agency Contact: Clayton G. Boyd, Equal Employment Opportunity Commission, Office of Program Operations, Public Sector Programs, 202 634-6753

RIN: 3046-AA05

2. EQUAL EMPLOYMENT OPPORTUNITY IN THE FEDERAL GOVERNMENT; REMEDIAL RELIEF UNDER SECTION 717

Legal Authority: 42 USC 2000e-16 Section 717 of the Civil Rights Act of 1964

CFR Citation: 29 CFR 1613

Abstract: Proposed amendments provide that an agency or the Commission may award a complainant reasonable attorney's fees and costs and backpay when an allegation of discrimination prohibited by Section 717 is resolved in favor of the complainant. Final regulations have been approved by the Commission and are in interagency coordination pursuant to Executive Order 12067. Changes to the Final regulations as a result of the interagency coordination are now being drafted.

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/09/80	45 FR 24130
Interim Regulations effective	04/11/80	
In Interagency Coordination	00/00/00	
Final Action	00/00/00	

Small Entity: No

Agency Contact: Nicholas M. Inzeo, Assistant Legal Counsel, Equal Employment Opportunity Commission, Legal Services, Office of Legal Counsel, 202 634-6592

RIN: 3046-AA06

3. THE EQUAL PAY ACT INTERPRETATIONS

Legal Authority: 29 USC 206(d) et seq Equal Pay Act of 1963; 29 USC 201 et seq Fair Labor Standards Act of 1938, as amended; 29 USC 255 Portal-to-Portal Act of 1947

CFR Citation: 29 CFR 1620.1 to 1620.18

Abstract: The Commission proposes interpretations with respect to the enforcement of the Equal Pay Act. These interpretations would replace those issued by the Department of Labor which appear at 29 CFR Part 800.

Timetable:

Action	Date	FR Cite
Previous NPRM	09/01/81	46 FR 43848
Comment Period for Prev. NPRM ended	11/02/81	
Final Action	06/00/85	

Small Entity: Undetermined

Additional Information: Interagency Coordination will occur under E.O. 12067 before final publication in Federal Register.

Government Levels Affected: Local, State, Federal

Agency Contact: Anthony J. De Marco, Assistant Legal Counsel, Legal Services, Equal Employment Opportunity Commission, Legal Services, Office of Legal Counsel, 202 634-6592

RIN: 3046-AA07

4. COORDINATION OF FEDERAL EQUAL EMPLOYMENT OPPORTUNITY PROGRAMS

Legal Authority: EO 12067 Sec 1-303; EO 12067 Sec 1-304

CFR Citation: 29 CFR 1690

Abstract: These amendments to 29 CFR 1690 will implement an agreement reached by EEOC and the Department of Justice with the Office of Management and Budget which clarified the sequence to be followed when agencies are required to seek prepublication clearance of equal employment opportunity rules from EEOC under E.O. 12067, DOJ under E.O. 12250, and from OMB under E.O. 12291 and the Paperwork Reduction Act. In addition to clearance by the EEOC under E.O. 12067, equal employment opportunity rules issued under Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, as amended, or any other provision of Federal statutory law which prohibits discrimination under any program or activity receiving Federal financial assistance, require clearance from DOJ under E.O. 12250. Technical amendments are being coordinated with affected Federal agencies.

Timetable:

Action	Date	FR Cite
Technical Amendments	00/00/00	

Small Entity: No

Agency Contact: Stuart Frisch, Assistant Legal Counsel, Equal Employment Opportunity Commission, Coordination and Guidance, Office of Legal Counsel, 202 634-7581

RIN: 3046-AA10

5. EQUAL EMPLOYMENT OPPORTUNITY IN THE FEDERAL GOVERNMENT

Legal Authority: 42 USC 2000e-16 Title VII of the Civil Rights Act; 29 USC 701 Rehabilitation Act of 1973, as amended; 29 USC 621 et seq Age Discrimination in Employment Act

CFR Citation: 29 CFR 1613

Abstract: Development of interim procedural regulations for the Federal sector requiring that all allegations of reprisal discrimination be processed as regular complaints. Staff draft transmitted to Federal agencies for comments, Sept. 1982.

Timetable:

Action	Date	FR Cite
Draft transmitted to agencies	09/00/82	
Interim Final Rule	05/02/83	48 FR 19705
Final Action	00/00/00	

Small Entity: No

Agency Contact: Douglas J. Bielan, Director, Equal Employment Opportunity Commission, Public Sector Programs, Office of Program Operations, 202 634-6753

RIN: 3046-AA13

6. EQUAL EMPLOYMENT OPPORTUNITY IN THE FEDERAL GOVERNMENT

Legal Authority: 42 USC 2000e-16 Title VII of the Civil Rights Act; 29 USC 701 Rehabilitation Act of 1973, as amended; 29 USC

621 et seq Age Discrimination in Employment Act

CFR Citation: 29 CFR 1613

Abstract: Development of interim procedural regulations for processing complaints of discrimination about personnel actions which are appealable to the Merit Systems Protection Board (mixed case complaints). Final Rule under development.

Timetable:

Action	Date	FR Cite
Draft transmitted to agencies	09/00/82	
Final Action	00/00/00	

Small Entity: No

Agency Contact: Douglas J. Bielan, Director, Equal Employment Opportunity Commission, Public Sector Programs, Office of Program Operations, **202 634-6753**

RIN: 3046-AA14

7. EQUAL EMPLOYMENT OPPORTUNITY IN THE FEDERAL GOVERNMENT

Legal Authority: 42 USC 2000e-16 Title VII of the Civil Rights Act; 29 USC 701 Rehabilitation Act of 1973, as amended; 29 USC 621 et seq Age Discrimination in Employment Act

CFR Citation: 29 CFR 1613

Abstract: Development of interim procedural regulations for administratively appealing decisions on grievances where an allegation of discrimination has been raised. Staff draft transmitted to Federal agencies for comments, Sept. 1982.

Timetable:

Action	Date	FR Cite
Draft transmitted to agencies	09/21/82	
Interim Final Rule	05/02/83	48 FR 19707
Final Action	00/00/00	

Small Entity: No

Agency Contact: Douglas J. Bielan, Director, Equal Employment Opportunity Commission, Public Sector Programs, Office of Program Operations, **202 634-6753**

RIN: 3046-AA15

8. EQUAL EMPLOYMENT OPPORTUNITY IN THE FEDERAL GOVERNMENT

Legal Authority: 29 USC 206(d) et seq Equal Pay Act of 1963; 29 USC 204(f) Fair Labor Standards Act of 1938, as amended; 29 USC 206(d) Fair Labor Standards Act of 1938, as amended

CFR Citation: 29 CFR 1613

Abstract: Development of procedural regulations for processing Federal sector complaints filed under the Equal Pay Act. Under development.

Timetable:

Action	Date	FR Cite
Final Action	00/00/00	

Small Entity: No

Agency Contact: Anthony J. De Marco, Assistant Legal Counsel, Legal Services, Equal Employment Opportunity Commission, Office of Legal Counsel, **202 634-6592**

RIN: 3046-AA16

9. EQUAL EMPLOYMENT OPPORTUNITY IN THE FEDERAL GOVERNMENT

Legal Authority: 42 USC 2000e-16 Sec 717 of Title VII of the Civil Rights Act; 29 USC 701 Rehabilitation Act of 1973, as amended; 29 USC 621 et seq Age Discrimination in Employment Act; 6 USC 7121 Civil Service Reform Act of 1978

CFR Citation: 29 CFR 1613

Abstract: The proposed notice of rule making is intended to address the processing of federal sector EEO appeals on the questions of finality, requests to reopen, compliance with, enforcement of, and clarity of Commission decisions.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Agency Contact: Robbie Dix, Director, Appeals Division, Equal Employment Opportunity Commission, Office of Review and Appeals, **703 756-6090**

RIN: 3046-AA17

10. INTERPRETATIVE BULLETIN ON EMPLOYEE BENEFIT PLANS

Legal Authority: 29 USC 628 The Age Discrimination in Employment Act of 1967

CFR Citation: 29 CFR 1625.10

Abstract: Comprehensive review of interpretations dealing with costs and benefits under employee benefit plans. The Commission is focusing particularly on interpretations on post normal retirement age pension accruals.

Timetable:

Action	Date	FR Cite
Publication of Request for Comments	09/15/83	
Final Action	00/00/00	

Small Entity: Yes

Agency Contact: John J. Pagano, Assistant Legal Counsel, Equal Employment Opportunity Commission, Legal Services, Office of Legal Counsel, **202 634-6592**

RIN: 3046-AA18

11. SUBSTANTIVE REGULATIONS ON HEALTH INSURANCE BENEFITS FOR EMPLOYEES AGE 65 TO 69

Legal Authority: 29 USC 621 et seq Age Discrimination in Employment Act of 1967

CFR Citation: 29 CFR 1625

Abstract: Implement Section 4(g) of the Age Discrimination in Employment Act of 1967, as amended, which was enacted by section 116(a) of the Tax Equity and Fiscal Responsibility Act of 1982; and as further amended by the Deficit Reduction Act of 1984.

Timetable:

Action	Date	FR Cite
Interim Final Rule	06/07/83	48 FR 26434
Begin Review	08/06/83	48 FR 26434
End Review	10/31/83	
Final Action	05/00/85	
Final Action Effective	05/00/85	

Small Entity: No

Agency Contact: John J. Pagano, Equal Employment Opportunity Commission, Legal Services, Office of Legal Counsel, 202 634-6592

RIN: 3046-AA19

12. ENFORCEMENT OF NONDISCRIMINATION ON THE BASIS OF HANDICAP IN EQUAL EMPLOYMENT OPPORTUNITY COMMISSION PROGRAMS

Legal Authority: 29 USC 794 Section 504, Rehabilitation Act of 1973, as amended

CFR Citation: 29 CFR 1615

Abstract: This regulation was approved by the Commission on February 28, 1984. It was submitted to the Department of Justice for review. If it is approved, it will later be published in the Federal Register.

Timetable:

Action	Date	FR Cite
Commission considers Regulations	02/28/84	
Justice Department considers Regulation	00/00/00	
Final Action	00/00/00	

Small Entity: No

Government Levels Affected: Federal

Agency Contact: S. Jennifer Johnson, Assistant Legal Counsel, Equal Employment Opportunity Commission, Legal Services, Office of Legal Counsel, 202 634-6592

RIN: 3046-AA20

13. COVERAGE OF APPRENTICESHIP PROGRAMS UNDER THE AGE DISCRIMINATION IN EMPLOYMENT ACT

Legal Authority: 29 USC 628 Age Discrimination in Employment Act of 1967

CFR Citation: 29 CFR 1625.13; 29 CFR 1625.21

Abstract: The Department of Labor on January 9, 1969, published an interpretative guideline which provided that apprenticeship programs were not covered by the ADEA. On July 1, 1979, the Commission assumed responsibility and authority for enforcement of the ADEA. On September 29, 1981, the Commission republished the Department of Labor's guideline, 29 CFR 1625.13. After an exhaustive review of the ADEA and its legislative history, the Commission proposes to rescind 29 CFR 1625.13, as it presently exists, and promulgate a substantive rule providing that apprenticeship programs are covered by the ADEA. The extension of ADEA coverage to apprenticeship programs is consistent with the purpose of the Act. It will allow those forty years of age and older the same opportunities to participate in apprenticeship programs as are currently enjoyed by younger individuals.

Timetable:

Action	Date	FR Cite
OMB Review under E.O. 12291 Proposed Regulation sent to OMB for review under E.O. 12291	07/13/84	
Final Action	00/00/00	

Small Entity: No

Public Compliance Cost: Initial Cost: $0; Yearly Recurring Cost: $0

Affected Sectors: Multiple

Government Levels Affected: Local, State

Agency Contact: John J. Pagano, Assistant Legal Counsel, Equal Employment Opportunity Commission, Legal Services, 202 634-6592

RIN: 3046-AA21

14. PROCEDURES FOR ADMINISTRATIVE EXEMPTIONS UNDER SECTION 9 OF THE AGE DISCRIMINATION IN EMPLOYMENT ACT

Legal Authority: 29 USC 628 Age Discrimination in Employment Act

CFR Citation: 29 CFR 1627.15

Abstract: The purpose of the proposed amendment to 29 CFR 1627.15 is to give those covered by the ADEA more specific information about what they should do if they do wish to seek an exemption from any or all of the ADEA's prohibitions. The advantage is that the establishment of a specific procedure will facilitate the processing of exemption requests.

Timetable:

Action	Date	FR Cite
Submission of Staff Recommendations to Commission	06/00/85	
Final Action	00/00/00	

Small Entity: No

Public Compliance Cost: Initial Cost: $0; Yearly Recurring Cost: $0

Affected Sectors: Multiple

Government Levels Affected: Local, State

Agency Contact: John J. Pagano, Assistant Legal Counsel, Equal Employment Opportunity Commission, Legal Services, 202 634-6592

RIN: 3046-AA22

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION (EEOC) Existing Regulations Under Review

15. UNIFORM GUIDELINES ON EMPLOYEE SELECTION PROCEDURES

Priority: Task Force

Legal Authority: 42 USC 2000e et seq Title VII of the Civil Rights Act of 1964

CFR Citation: 29 CFR 1607

Abstract: UGESP Recordkeeping Provisions. On March 15, 1983, the Commission voted to review those portions of the recordkeeping provisions of the Guidelines which relate to the maintenance of data necessary to determine adverse impact. Pursuant to that vote, the Commission published in the Federal Register a notice seeking public comment in general and on several specific questions about UGESP recordkeeping. 48 Fed. Reg. 34766 (Aug. 1, 1983). Approximately 45 comments were received. The Commission is currently reviewing the comments and is considering further action. On June 12, 1984, the Commission voted to prepare an NPRM concerning certain UGESP recordkeeping requirements. Prior to

publication for comment, co-signatories to UGESP will engage in discussion of recommended changes and other affected agencies will be consulted under E.O. 12067.

Timetable:

Action	Date	FR Cite
End Review	05/00/85	
NPRM	05/00/85	

Small Entity: No

Agency Contact: Anthony De Marco, Legal Services, Equal Employment Opportunity Commission, Office of Legal Counsel, 202 634-6592

RIN: 3046-AA00

16. RECORDKEEPING REGULATIONS

Legal Authority: 42 USC 2000e et seq Title VII of the Civil Rights Act of 1964

CFR Citation: 29 CFR 1602

Abstract: The Commission proposes to revise its recordkeeping regulations to require certain employers and labor unions to maintain lists of applicants for employment and to retain employment records for two years or until termination of a Commission or court processing. The Commission is considering further revisions to the proposed amendments as the result of a study on the feasibility of a uniform government-wide equal opportunity recordkeeping regulation. The study on the feasibility of a uniform government-wide EEO regulation is complete and will require further consideration by staff. Commission action on UGESP will require staff to evaluate impact of proposed regulations on 1602 recordkeeping.

Timetable:

Action	Date	FR Cite
NPRM	07/25/78	43 FR 32280
NPRM Comment Period End	09/21/78	
Public Hearing	09/21/78	
Record closed	10/01/78	
End Review	12/00/85	
Final Action	10/00/86	

Small Entity: Yes

Agency Contact: Anthony De Marco, Assistant Legal Counsel, Equal Employment Opportunity Commission, Legal Services, Office of Legal Counsel, 202 634-6592

RIN: 3046-AA03

17. EQUAL EMPLOYMENT OPPORTUNITY IN THE FEDERAL GOVERNMENT

Legal Authority: 42 USC 2000e-16 Title VII of the Civil Rights Act; 29 USC 701 Rehabilitation Act of 1973, as amended; 29 USC 621 et seq Age Discrimination in Employment Act

CFR Citation: 29 CFR 1613

Abstract: Comprehensive revision of regulations for processing individual and class EEO complaints in the Federal sector. Under development.

Timetable:

Action	Date	FR Cite
End Review	00/00/00	

Small Entity: No

Agency Contact: S. Jennifer Johnson, Assistant Legal Counsel, Equal Employment Opportunity Commission, Legal Services, Office of Legal Counsel, 202 634-6592

RIN: 3046-AA11

18. EQUAL EMPLOYMENT OPPORTUNITY IN THE FEDERAL GOVERNMENT

Legal Authority: 42 USC 2000e-16 Title VII of the Civil Rights Act; 29 USC 701 Rehabilitation Act of 1973, as amended; 29 USC 621 et seq Age Discrimination in Employment Act

CFR Citation: 29 CFR 1613

Abstract: Comprehensive revision of regulations on affirmative action in the Federal sector. Under development.

Timetable:

Action	Date	FR Cite
End Review	00/00/00	

Small Entity: No

Agency Contact: S. Jennifer Johnson, Assistant Legal Counsel, Equal Employment Opportunity Commission, Legal Services, Office of Legal Counsel, 202 634-6592

RIN: 3046-AA12

19. ● EQUAL EMPLOYMENT OPPORTUNITY IN THE FEDERAL GOVERNMENT

Legal Authority: 29 USC 621 et seq Rehabilitation Act of 1973, as amended

CFR Citation: 29 CFR 1613.701 et seq

Abstract: Definitional revisions will eliminate improper processing of matters more appropriately processed pursuant to other regulations and/or procedures.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Agency Contact: Robbie Dix, Director, Appeals Division, Equal Employment Opportunity Commission, Office of Review and Appeals, 703 756-6090

RIN: 3046-AA23

20. ● UNIFORM GUIDELINES ON EMPLOYEE SELECTION PROCEDURES

Priority: Agency Determination

Legal Authority: 42 USC 2000e et seq Title VII of the Civil Rights Act of 1964

CFR Citation: 29 CFR 1607

Abstract: On March 15, 1983, the Commission voted to review the recordkeeping portions of the Guidelines. During that review process, several questions arose which pertained to the substantive, non-recordkeeping provisions of the Guidelines. Consequently, the Commission decided to review the substantive portions of the Guidelines. The major substantive areas under review are: 1) the purpose of the Guidelines and whether there is still a need for the Guidelines; 2) the theory of adverse impact and the method of determining when such impact is significant; and 3) how to establish test validity. When the review is completed, the Commission will decide whether any regulatory revisions are needed.

Timetable:

Action	Date	FR Cite
Begin Review	10/01/84	
End Review	00/00/00	

Small Entity: No

Additional Information: This action resulted from splitting previous entry RIN 3046-AA00 Uniform Guidelines on Employee Selection Procedures.

EEOC **Existing Regulations Under Review**

Agency Contact: Nicholas M. Inzeo,
Assistant Legal Counsel, Legal Services,
Equal Employment Opportunity
Commission, Office of Legal Counsel,
202 634-6592

RIN: 3046-AA24

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Monday
April 29, 1985

Part XXII

Federal Emergency Management Agency

Semiannual Regulatory Agenda

FEMA

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Ch. I

Semiannual Agenda

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Semiannual agenda.

SUMMARY: Pursuant to section 5 of Executive Order 12291 (Federal Regulation) the Federal Emergency Management Agency is publishing its semiannual agenda for FEMA. The agenda lists regulations that will be under development or review during the period April 1, 1985 to April 1, 1986.

ADDRESS: Rules Docket Clerk, Office of General Counsel, Room 840, 500 C Street, S.W., Washington, D.C. 20472.

FOR FURTHER INFORMATION CONTACT: For general information contact William L. Harding, Assistant General Counsel, Legislation and Regulations, Office of General Counsel, Federal Emergency Management Agency, Washington, D.C. 20472 (202) 646-4096. For additional information about a specific regulation contact the person listed as the contact point in the agenda.

SUPPLEMENTARY INFORMATION: Executive Order 12291, "Federal Regulation," directs each Executive agency to adopt procedures to improve existing and future regulations. Publication of an agenda of significant regulations is called for at least semiannually in order to give the public adequate notice of agency rulemaking activities; also publication of a regulatory flexibility agenda concerning rules likely to have a significant impact on a substantial number of small entities must be published in accordance with 5 U.S.C. 602 and 605.

In fulfillment of requirements imposed by the Executive Order and 5 U.S.C. 601 *et seq.*, this agenda describes current and projected regulations, and regulations which will be under review during the period April 1, 1985 to April 1, 1986. This agenda also contains information on regulations on which action was completed since the last FEMA semiannual agenda published October 22, 1984, 49 FR 42208.

Public comment on the agenda, including that by State and local governments, is invited and should be submitted to the Rules Docket Clerk.

The agenda is not limited to major or significant rules and contains as much information as possible concerning all FEMA regulations to be published in the next 12 months except for routine flood elevation determinations, listing of eligible communities under the National Flood Insurance Program, listing of suspended communities and similar designations.

DATED: February 20, 1985.

George Jett,

General Counsel.

Current and Projected Rulemakings

Sequence Number	Title	Regulation Identifier Number
1	Nondiscrimination in Federally-Assisted Programs	3067-AA00
2	Part 205 - Federal Disaster Assistance (PL 93-288, Subpart M - Hazard Mitigation)	3067-AA13
3	Federal Disaster Assistance - Subpart N Coastal Barrier Resources Act	3067-AA24
4	Employment of Nondiscrimination on the Basis of Handicap in FEMA Programs	3067-AA42
5	Federal Disaster Assistance Sub-Part E Public Assistance	3067-AA53
6	Flood Plain Management Criteria for Flood-Prone Areas	3067-AA57
7	Procedures for Flood Insurance Map Changes	3067-AA58
8	Flood Insurance Program Arrangements With Insurance Industry	3067-AA60
9	Flood Insurance Policy Coverage and Rate Changes	3067-AA62
10	Criteria for Recognition of Flood Protection Structures on Flood Insurance Maps	3067-AA63
11	Duplication of Benefits	3067-AA65
12	Radiological Protection Program	3067-AA67
13	Population Protection Planning Program	3067-AA68
14	Uniform Relocation Assistance	3067-AA69
15	State Assistance Programs for Training and Education in Comprehensive Emergency Management	3067-AA70
16	Federal Acquisition Regulations	3067-AA71
17	Temporary Relocation Assistance - Superfund	3067-AA72
18	Implementation of Privacy Act	3067-AA73
19	Production or Disclosure of Information	3067-AA74
20	Reimbursement for Engineering Review of Proposed Projects to Remove Property from Flood Hazard Area Delineation	3067-AA75
21	Standards of Conduct	3067-AA78
22	National Flood Insurance Program Changes	3067-AA79
23	Riot Reinsurance Program	3067-AA80
24	Crime Insurance Program	3067-AA81

FEMA

Existing Regulations Under Review

Sequence Number	Title	Regulation Identifier Number
25	Preservation of the Mobilization Base Through the Placement of Procurement and Facilities in Labor Surplus Areas	3067-AA32
26	Policy Guidance and Delegation of Authorities for Use of Priorities and Allocations to Maximize Domestic Energy Supplies	3067-AA33
27	Use of Priorities and Allocation Authority for Federal Supply Classification (FSC) Common Use Items (DMO-12)	3067-AA34
28	General Policies for Strategic and Critical Materials Stockpiling (DMO-11)	3067-AA35
29	Policy on Use of Government-Owned Industrial Plant Equipment by Private Industry (DMO-10A)	3067-AA36
30	Policy Guidance for a National Emergency Blood Program	3067-AA37
31	Emergency Health and Medical Occupations	3067-AA38
32	National Security Policy Governing Scientific and Engineering Manpower (DMO-5)	3067-AA43
33	Guidance on Priority Use of Resources in Immediate Post Attack Period (DMO-4)	3067-AA44
34	Defense Production Priorities and Allocations Authority	3067-AA45
35	Maintenance of the Mobilization Base	3067-AA46
36	Dispersion and Protective Construction: Policy, Criteria Responsibilities (DMO-1)	3067-AA47
37	Contributions for Civil Defense Equipment	3067-AA48
38	Individual and Family Grant Program	3067-AA64
39	Civil Defense: State and Local Emergency Management Assistance Programs (EMA)	3067-AA66
40	Review and Approval of State and Local Emergency Response Plans	3067-AA76
41	Radiological Emergency Planning and Preparedness	3067-AA77

Completed Actions

Sequence Number	Title	Regulation Identifier Number
42	Disaster Assistance - Individual Assistance - Crisis Counseling	3067-AA11
43	Claims Under the Military Personnel and Civilian Employees' Claims Act of 1964	3067-AA20
44	Appeals of Cost Comparison Decisions Under OMB Circular A-76	3067-AA21
45	Public Safety Awards to Public Officers	3067-AA39
46	Claims	3067-AA61

FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) — Current and Projected Rulemakings

1. NONDISCRIMINATION IN FEDERALLY-ASSISTED PROGRAMS

Legal Authority: 42 USC 2000d-1; 29 USC 794; 20 USC 1682; 42 USC 6103; 42 USC 5151; Reorganization Plan No. 3 of 1978; EO 12127; EO 12148

CFR Citation: 44 CFR 7

Abstract: This rule effectuates for FEMA the nondiscrimination requirements of Title VI of the Civil Rights Act of 1964, section 504 of the Rehabilitation Act of 1973, Title IX of the Education Amendments of 1972, the Age Discrimination Act of 1975 and section 311 of the Disaster Relief Act of 1974. A draft regulation is undergoing interagency review. The Notice of proposed rulemaking will be issued as soon as interagency clearances are obtained.

Timetable:

Action	Date	FR Cite
NPRM	04/00/85	
NPRM Comment Period Begin	04/00/85	
NPRM Comment Period End	06/00/85	
Final Action	07/00/85	
Final Action Effective	09/00/85	

Small Entity: No

Agency Contact: John J. Brosnahan, Director, Office of Equal Opportunity, Federal Emergency Management Agency, 500 C Street, SW, Washington, DC 20472, **202 646-4121**

RIN: 3067-AA00

2. PART 205 - FEDERAL DISASTER ASSISTANCE (PL 93-288, SUBPART M - HAZARD MITIGATION)

Legal Authority: 42 USC 5201

CFR Citation: 44 CFR 205.400

Abstract: The proposed rule revision clarifies the hazard mitigation provisions of the Disaster Relief Act of 1974 by specifying general plan requirements and guidelines as well as other procedural requirements. The Hazard Mitigation Requirement is intended to serve as an aid to State and local governments in developing an overall mitigation program to minimize the costs of natural disasters.

Timetable:

Action	Date	FR Cite
NPRM	03/15/85	

Small Entity: No

FEMA — **Current and Projected Rulemakings**

Agency Contact: Laurence W. Zensinger, Acting Chief, Hazard Mitigation Branch, Federal Emergency Management Agency, Disaster Assistance Programs, Room 713, 500 C Street, SW, Washington, DC 20472, **202 646-3681**

RIN: 3067-AA13

3. FEDERAL DISASTER ASSISTANCE - SUBPART N COASTAL BARRIER RESOURCES ACT

Legal Authority: 16 USC 3501; 16 USC 3505; 42 USC 5201

CFR Citation: 44 CFR 205.500

Abstract: This rule will implement FEMA responsibilities under the Coastal Barrier Resources Act (PL 97-348) which was recently adopted.

Timetable:

Action	Date	FR Cite
NPRM	03/01/85	
NPRM Comment Period Begin	03/01/85	
NPRM Comment Period End	05/00/85	

Small Entity: No

Agency Contact: Charles Stuart, General Engineer, Federal Emergency Management Agency, 500 C Street, SW, Washington, DC 20472, **202 646-3691**

RIN: 3067-AA24

4. EMPLOYMENT OF NONDISCRIMINATION ON THE BASIS OF HANDICAP IN FEMA PROGRAMS

Legal Authority: 29 USC 794

CFR Citation: 44 CFR 16

Abstract: This rule effectuates for FEMA the nondiscrimination requirements of section 504 of the Rehabilitation Act of 1973, as amended in 1978 to include activities conducted directly by Federal agencies. A draft regulation has been prepared and submitted to the Department of Justice and the Equal Employment Opportunity Commission for review.

Timetable:

Action	Date	FR Cite
NPRM	06/00/85	
NPRM Comment Period Begin	06/00/85	
NPRM Comment Period End	08/00/85	

Small Entity: No

Agency Contact: John J. Brosnahan, Director, Office of Equal Opportunity, Federal Emergency Management Agency, 500 C Street, SW, Washington, DC 20472, **202 646-4121**

RIN: 3067-AA42

5. FEDERAL DISASTER ASSISTANCE SUB-PART E PUBLIC ASSISTANCE

Legal Authority: 42 USC 5201

CFR Citation: 44 CFR 205.70 et seq

Abstract: This proposed rule makes changes in the FEMA disaster assistance regulations implementing the Disaster Relief Act of 1974 (PL 93-288). Changes are made in the eligibility of costs of public assistance to State and local governments. This is being done in recognition of the commitment to the disaster effort now being made by applicants in the form of cost sharing of eligible costs.

Timetable:

Action	Date	FR Cite
NPRM	02/03/84	49 FR 4222
NPRM Comment Period Begin	02/03/84	
NPRM Comment Period End	06/04/84	
Additional Notice	05/15/85	
Final Action	00/00/00	

Small Entity: No

Agency Contact: Charles B. Stuart, General Engineer, Public Assist. Division, Federal Emergency Management Agency, 500 C Street, SW, Washington, DC 20472, **202 646-3691**

RIN: 3067-AA53

6. FLOOD PLAIN MANAGEMENT CRITERIA FOR FLOOD-PRONE AREAS

Legal Authority: 42 USC 4001 et seq; EO 12127

CFR Citation: 44 CFR 59, 44 CFR 60

Abstract: A rule will be issued that will revise the minimum floodplain management standards that deal with the placement and anchoring of mobile homes in floodprone areas. The rule will be based on comments received in response to an ANPRM (Dec. 13, 1982, 47 FR 55752) and data gathered by a mobile home study that is now underway. Other changes may include revisions to requirements for elevation certificates on new structures and to clarify or eliminate minor inconsistencies in program requirements.

Timetable:

Action	Date	FR Cite
NPRM	03/18/85	
NPRM Comment Period Begin	03/18/85	
NPRM Comment Period End	05/17/85	
Final Action	08/30/85	
Final Action Effective	10/01/85	

Small Entity: No

Agency Contact: Donald L. Collins, Assistant Administrator, FIA, Federal Emergency Management Agency, 500 C Street, SW, Washington, DC 20472, **202 646-3419**

RIN: 3067-AA57

7. PROCEDURES FOR FLOOD INSURANCE MAP CHANGES

Legal Authority: 42 USC 4001 et seq, EO 12127

CFR Citation: 44 CFR 65; 44 CFR 70

Abstract: Certain procedures for map changes need to be clarified and set forth as rules. These procedures are for revising maps under 44 CFR 65 and 44 CFR 70 and for permitting communities to revise regulatory floodways.

Timetable:

Action	Date	FR Cite
NPRM	12/27/85	
NPRM Comment Period Begin	12/27/85	
NPRM Comment Period End	02/27/86	
Final Action	08/29/86	
Final Action Effective	10/01/86	

Small Entity: No

Agency Contact: Donald L. Collins, Assistant Administrator, FIA, Federal Emergency Management Agency, 500 C Street, SW, Washington, DC 20472, **202 646-3419**

RIN: 3067-AA58

8. FLOOD INSURANCE PROGRAM ARRANGEMENTS WITH INSURANCE INDUSTRY

Priority: Undetermined

Legal Authority: 42 USC 4001 et seq; EO 12127

CFR Citation: 44 CFR 61; 44 CFR 62

Abstract: Involvements of private industry will enable program to be carried out under highest insurance standards in use in private sector, benefit the policyholders with better service, the taxpayers with cost containment efficiencies in use in private sector. NFIP will also broaden its marketing base, thereby capturing more premium and improving its underwriting base via greater spread of the risk. Negligible costs are compensated for by increased marketing at no cost to government. Procedures will be provided for this involvement, known as the Write-Your-Own (WYO) program. These procedures will include the standard WYO arrangement, to be published, along with effective date, premium collection and premium refund rules conforming to the customary business practices of WYO companies in their other similar lines of property insurance business (e.g., homeowners); and other insurance business rules, as needed, to conform the provision of flood insurance coverage by WYO companies with their customary business practices.

Timetable:

Action	Date	FR Cite
NPRM	12/13/84	49 FR 48652
NPRM Comment Period Begin	12/13/84	49 FR 48652
NPRM Comment Period End	02/15/85	
Final Action	04/26/85	
Final Action Effective	06/01/85	

Small Entity: No

Agency Contact: Donald L. Collins, Assistant Administrator, FIA, Federal Emergency Management Agency, 500 C Street, SW, Washington, DC 20472, 202 646-3419

RIN: 3067-AA60

9. FLOOD INSURANCE POLICY COVERAGE AND RATE CHANGES

Priority: Undetermined

Legal Authority: 42 USC 4001 et seq; EO 12127

CFR Citation: 44 CFR 61; 44 CFR 64; 44 CFR 66; 44 CFR 70; 44 CFR 75

Abstract: As a result of a continuing reappraisal of the National Flood Insurance Program, coverage changes will bring the insurance contract more in line with property insurance policies in the private sector, make the program more responsive to victims of catastrophe flood loss and promote fiscal soundness. There will be an increase in emergency program rates and in the minimum premium. Co-insurance will be implemented for risks incurring repetitive losses. Flood-risk zone designations on flood insurance rate maps will be revised for consistency with the existing rate tables.

Timetable:

Action	Date	FR Cite
NPRM	03/18/85	
NPRM Comment Period Begin	03/18/85	
NPRM Comment Period End	05/17/85	
Final Action	08/30/85	
Final Action Effective	10/01/85	

Small Entity: No

Agency Contact: Donald L. Collins, Assistant Administrator, FIA, Federal Emergency Management Agency, 500 C Street, SW, Washington, DC 20472, 202 646-3419

RIN: 3067-AA62

10. CRITERIA FOR RECOGNITION OF FLOOD PROTECTION STRUCTURES ON FLOOD INSURANCE MAPS

Priority: Undetermined

Legal Authority: 42 USC 4001 et seq; EO 12127

CFR Citation: 44 CFR 65

Abstract: The regulation will establish criteria defining when FEMA will credit flood protection structures with reducing the size of the Special Flood Hazard Area shown, or to be shown, on FEMA flood maps. The criteria will include design, operation and maintenance standards and requirements.

Timetable:

Action	Date	FR Cite
NPRM	12/27/85	
NPRM Comment Period Begin	12/27/85	
NPRM Comment Period End	02/27/86	
Final Action	08/29/86	
Final Action Effective	10/01/86	

Small Entity: No

Agency Contact: Donald L. Collins, Assistant Administrator, FIA, Federal Emergency Management Agency, 500 C Street, SW, Washington, DC 20472, 202 646-3419

RIN: 3067-AA63

11. DUPLICATION OF BENEFITS

Legal Authority: 42 USC 5155; 42 USC 5201

CFR Citation: 44 CFR 205.10

Abstract: This regulation will address the prevention of and remedies for duplication of benefits between disaster assistance programs under the Disaster Relief Act and other available assistance (insurance, other legislative authorities).

Timetable:

Action	Date	FR Cite
NPRM	12/15/84	
NPRM Comment Period Begin	03/25/85	
NPRM Comment Period End	05/24/85	
Final Action	07/01/85	

Small Entity: Not Applicable

Agency Contact: Donna M. Dannels, Federal Emergency Management Agency, Room 710, 500 C Street, SW, Washington, DC 20472, 202 646-3662

RIN: 3067-AA65

12. RADIOLOGICAL PROTECTION PROGRAM

Priority: Undetermined

Legal Authority: 50 USC App 2253 Sec 201 Federal Civil Defense Act of 1950; Reorganization Plan No. 3 of 1978 (3 CFR 1979, Comp. p. 329); EO 12148

CFR Citation: 44 CFR Chapter I, Subchapter E

Abstract: Review 44 CFR and PL 81-920 Federal Civil Defense Act of 1950, as amended, to determine if a part is needed in 44 CFR pertaining to the development and implementation of a radiological protection program at Federal, State, and local levels of government. The Radiological Protection Program provides for the protection of the citizens and property from the radiological hazards including nuclear attack and technological threats, that are a potential threat to the jurisdiction. Radiation threat of nuclear attack is unique. No alternative to this program is being considered.

Funding for this program is provided by FEMA. The major benefit of this program is to provide all levels of government the capability to respond and survive a nuclear attack or peacetime radiological incident.

Timetable:

Action	Date	FR Cite
ANPRM	03/00/85	
ANPRM Comment Period Begin	03/00/85	
ANPRM Comment Period End	04/15/85	
NPRM	06/01/85	
NPRM Comment Period Begin	06/15/85	
NPRM Comment Period End	08/15/85	
Interim Final Rule	01/30/86	
Determination of need to develop Regulation will be initiated in FY 85	00/00/00	

Small Entity: Not Applicable

Additional Information: If needed, regulatory development of this program will be initiated in FY 85 for possible issuance in FY 86.

Government Levels Affected: Local, State, Federal

Agency Contact: George C. Meyer, Sr. Health Physicist, Federal Emergency Management Agency, 500 C Street, SW, Washington, DC 20472, **202 646-3498**

RIN: 3067-AA67

13. POPULATION PROTECTION PLANNING PROGRAM

Priority: Undetermined

Legal Authority: 50 USC App. 2253 Sec 201, Federal Civil Defense Act of 1950; Reorganization Plan No. 3 of 1978 (3 CFR 1979 Comp. 329); EO 12148

CFR Citation: 44 CFR 313

Abstract: The Population Protection Planning Program is designed to insure the protection of people and property from hazards each jurisdiction is likely to face. It directly supports the Integrated Emergency Management System (IEMS) and provides for the development, exercise and maintenance of a single emergency operations plan detailing tasks and procedures for coping with natural disasters.

technological hazards and nuclear attack with specific procedures on sheltering and evacuation. No alternative to this program is being considered. Funding for this program is provided by FEMA. The major benefit of this program is to provide State and local jurisdictions the capability to respond and recover from a disaster, accident or incident.

Timetable:

Action	Date	FR Cite
ANPRM	03/01/85	
ANPRM Comment Period Begin	03/15/85	
ANPRM Comment Period End	04/15/85	
NPRM	07/30/85	
NPRM Comment Period Begin	09/30/85	
NPRM Comment Period End	10/30/85	
Interim Final Rule	02/15/86	
The regulatory development of this program will be initiated in FY85 for Regulation issuance FY86	00/00/00	

Small Entity: Not Applicable

Government Levels Affected: Local, State, Federal

Agency Contact: John E. Bokel, Chief, Planning Development Branch, Federal Emergency Management Agency, 500 C Street, SW, Washington, DC 20472, **202 646-3500**

RIN: 3067-AA68

14. UNIFORM RELOCATION ASSISTANCE

Legal Authority: 42 USC 4601 et seq

CFR Citation: 44 CFR 25

Abstract: FEMA will participate as one of the signatory agencies which will issue uniform policies and procedures implementing the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970.

Timetable:

Action	Date	FR Cite
NPRM	07/00/85	
NPRM Comment Period Begin	07/00/85	
NPRM Comment Period End	09/00/85	

Small Entity: No

Agency Contact: John L. Scheibel, Associate General Counsel, Federal Emergency Management Agency, 500 C Street, SW, Washington, DC 20472, **202 646-4100**

RIN: 3067-AA69

15. ● STATE ASSISTANCE PROGRAMS FOR TRAINING AND EDUCATION IN COMPREHENSIVE EMERGENCY MANAGEMENT

Legal Authority: Reorganization Plan No. 3,1978; EO 12127; EO 12148

CFR Citation: 44 CFR 360

Abstract: This regulation revises existing regulation governing the State Assistance Program for Training and Education in Comprehensive Emergency Management to reflect program and administrative changes occurring since issuance of the regulation in 1981.

Timetable:

Action	Date	FR Cite
NPRM	07/00/85	
NPRM Comment Period Begin	07/00/85	
NPRM Comment Period End	09/00/85	

Small Entity: No

Agency Contact: Joseph L. LeFleur, Superintendent, Emergency Mgmt. Institute, Federal Emergency Management Agency, Emmitsburg, MD 21727, **301 447-6771**

RIN: 3067-AA70

16. ● FEDERAL ACQUISITION REGULATIONS

Legal Authority: Interim Regulations Authority 48 CFR 1

CFR Citation: 48 CFR 44

Abstract: The Competition in Contracting Act (CICA) Title 7 of the Deficit Reduction Act 1984 becomes effective April 1, 1985. The Act makes changes to basic statutes underlying the Federal Acquisition Regulations (FAR). The FAR and also FEMA Acquisition Regulations have been amended to implement these major changes and corresponding requirements.

Timetable:

Action	Date	FR Cite
NPRM	04/01/85	
NPRM Comment Period Begin	04/01/85	

Action	Date	FR Cite
NPRM Comment Period End	05/01/85	

Small Entity: No

Agency Contact: Joseph A. Pegnato, Chief, Policy and Evaluation Division, Federal Emergency Management Agency, 500 C Street, SW, Room 728, Washington, DC 20472, 202 646-3743

RIN: 3067-AA71

17. ● TEMPORARY RELOCATION ASSISTANCE - SUPERFUND

Legal Authority: 42 USC 9601 et seq

CFR Citation: 44 CFR 220

Abstract: This part prescribes policy and program guidance to be followed when implementing temporary relocation assistance under the Comprehensive Environmental Response, Compensation and Liability Act, 1980 (CERCLA) Superfund.

Timetable:

Action	Date	FR Cite
NPRM	05/00/85	
NPRM Comment Period Begin	05/00/85	
NPRM Comment Period End	07/00/85	

Small Entity: No

Agency Contact: Kathleen M. Brody, Emergency Management Specialist, Federal Emergency Management Agency, Room 701, 500 C Street, SW, Washington, DC 20472, 202 646-3804

RIN: 3067-AA72

18. ● IMPLEMENTATION OF PRIVACY ACT

Legal Authority: 5 USC 552a; 31 USC 9701

CFR Citation: 44 CFR 6.82; 44 CFR 6.83; 44 CFR 6.85

Abstract: This regulation may revise fee schedule for privacy act requests to reflect inflation factor and consistency with schedules of other Federal agencies.

Timetable:

Action	Date	FR Cite
NPRM	07/00/85	
NPRM Comment Period Begin	07/00/85	
NPRM Comment Period End	09/00/85	

Small Entity: No

Agency Contact: Linda M. Keener, FOIA/Privacy Act Specialist, Federal Emergency Management Agency, 500 C Street, SW, Room 806, Washington, DC 20472, 202 646-3981

RIN: 3067-AA73

19. ● PRODUCTION OR DISCLOSURE OF INFORMATION

Legal Authority: 5 USC 552; 31 USC 9701

CFR Citation: 44 CFR 5.42; 44 CFR 5.44; 44 CFR 5.46

Abstract: This regulation may revise fee schedule for FOIA requests to reflect inflation factor and consistency with schedules of other Federal agencies.

Timetable:

Action	Date	FR Cite
NPRM	07/00/85	
NPRM Comment Period Begin	07/00/85	
NPRM Comment Period End	09/00/85	

Small Entity: No

Agency Contact: Linda M. Keener, FOIA/Privacy Act Specialist, Federal Emergency Management Agency, 500 C Street, SW, Room 806, Washington, DC 20472, 202 646-3981

RIN: 3067-AA74

20. ● REIMBURSEMENT FOR ENGINEERING REVIEW OF PROPOSED PROJECTS TO REMOVE PROPERTY FROM FLOOD HAZARD AREA DELINEATION

Legal Authority: 42 USC 4001 et seq; EO 12127

CFR Citation: 44 CFR 72

Abstract: The regulation will require that the costs expended by FEMA in the engineering review with respect to FEMA's flood insurance study of the effects of proposed projects to modify the hydrologic and/or hydraulic characteristics of a flooding source be reimbursed to the Federal Treasury by the individual, group or community requesting such review.

Timetable:

Action	Date	FR Cite
NPRM	03/18/85	
NPRM Comment Period Begin	03/18/85	
NPRM Comment Period End	05/17/85	

Small Entity: No

Agency Contact: Donald L. Collins, Assistant Administrator, Federal Emergency Management Agency, 500 C Street, SW, Washington, DC 20472, 202 646-3419

RIN: 3067-AA75

21. ● STANDARDS OF CONDUCT

Priority: Undetermined

Legal Authority: PL 95-521; EO 11222; 5 CFR 735; 5 CFR 737

CFR Citation: 44 CFR 3

Abstract: This will revise the FEMA standards of conduct regulation with emphasis on disclosure of financial interests requirements. These were issued in 1979 when the agency was formed and will now be updated.

Timetable:

Action	Date	FR Cite
NPRM	07/00/85	
NPRM Comment Period Begin	07/00/85	
NPRM Comment Period End	09/00/85	

Small Entity: No

Agency Contact: Lorri L. Jean, Attorney Advisor, Federal Emergency Management Agency, Office of General Counsel, Room 840, 500 C Street, SW, Washington, DC 20472, 202 646-4093

RIN: 3067-AA78

22. ● NATIONAL FLOOD INSURANCE PROGRAM CHANGES

Priority: Undetermined

Legal Authority: 42 USC 4001 et seq; EO 12127

CFR Citation: 44 CFR 59; 44 CFR 60; 44 CFR 61

Abstract: Possible changes to the insurance contract include mobile home changes. The floodplain management provisions of the NFIP dealing with mobile homes may also be revised, along with other floodplain management changes, including possible changes involving standards for application of sec. 1316 of the National Flood Insurance Act of 1968, additional guidance on community probation and suspension, placement of

mechanical and utility equipment, use of best available data, requirements for elevation certificates in unnumbered A-zones, floodproofing, variances, functionally dependent uses, residential basements, alluvial fans, openings in elevated building enclosures, and deletion of 44 CFR 76 (State Assistance Program regulations). Possible revisions to the NFIP premium rate structure include community rating, elevation rating outside Special Flood Hazard Areas and also for the Emergency Program, and a coastal shoreline rating system.

Timetable:

Action	Date	FR Cite
NPRM	12/27/85	
NPRM Comment Period Begin	12/27/85	
NPRM Comment Period End	02/27/86	
Final Action	08/29/86	
Final Action Effective	10/01/86	

Small Entity: No

Agency Contact: Donald L. Collins, Assistant Administrator, Federal Emergency Management Agency, 500 C Street, SW, Washington, DC 20472, 202 646-3419

RIN: 3067-AA79

23. ● RIOT REINSURANCE PROGRAM

Legal Authority: 12 USC 1749bbb-17

CFR Citation: 44 CFR 55; 44 CFR 56; 44 CFR 57

Abstract: This removes regulations governing the riot reinsurance program, authority for which terminated in 1983.

Timetable:

Action	Date	FR Cite
NPRM	01/31/85	50 FR 4543
NPRM Comment Period Begin	01/31/85	
NPRM Comment Period End	04/01/85	
Final Action	04/00/85	

Small Entity: No

Agency Contact: Robert J. DeHenzel, Director, Urban Property Insurance Operation, Federal Emergency Management Agency, 500 C Street, SW, Room 433, Washington, DC 20472, 202 646-3440

RIN: 3067-AA80

24. ● CRIME INSURANCE PROGRAM

Legal Authority: 12 USC 1749bbb-17

CFR Citation: 44 CFR 80; 44 CFR 82; 44 CFR 83

Abstract: This revises the Crime Insurance Regulation to introduce a new rating plan for commercial crime insurance policies; revise the list of commercial classifications of businesses; revise the number of premium classes by which applications for crime insurance are rated and amend the protective device requirements for some commercial business to permit a premium modification for specific degrees of protection. The proposed regulations also provide more detailed and helpful instructions for calculating premiums and identifying the classification of businesses. Those revisions are based upon the experience gained in administering the Federal Crime Insurance Program over the past thirteen (13) years.

Timetable:

Action	Date	FR Cite
NPRM	01/29/85	
NPRM Comment Period Begin	01/29/85	50 FR 3929
NPRM Comment Period End	04/01/85	
Final Action	05/01/85	

Small Entity: No

Agency Contact: Robert J. DeHenzel, Director, Urban Property Insurance Operation, Federal Emergency Management Agency, 500 C Street, SW, Room 433, Washington, DC 20472, 202 646-3440

RIN: 3067-AA81

FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) — Existing Regulations Under Review

25. PRESERVATION OF THE MOBILIZATION BASE THROUGH THE PLACEMENT OF PROCUREMENT AND FACILITIES IN LABOR SURPLUS AREAS

Legal Authority: EO 10480; EO 12148

CFR Citation: 44 CFR 331

Abstract: This part sets policy and makes assignments with respect to award of contracts, etc. in labor surplus areas for purposes of preserving the mobilization base.

Timetable:

Action	Date	FR Cite
Begin Review	08/15/85	
End Review	02/15/86	

Small Entity: No

Agency Contact: Audrey Reeg, Assistant Associate Director, Federal Emergency Management Agency, 500 C Street, SW, Washington, DC 20472, 202 646-2653

RIN: 3067-AA32

26. POLICY GUIDANCE AND DELEGATION OF AUTHORITIES FOR USE OF PRIORITIES AND ALLOCATIONS TO MAXIMIZE DOMESTIC ENERGY SUPPLIES

Legal Authority: 50 USC 2061 et seq; PL 94-163, Sec 104

CFR Citation: 44 CFR 330

Abstract: This regulation establishes policy guidance on determination and use of priorities and allocations for materials and equipment to maximize domestic energy supplies pursuant to section 101(c) of the Defense Production Act.

Timetable:

Action	Date	FR Cite
Begin Review	08/15/85	
End Review	02/15/86	

Small Entity: No

Agency Contact: Audrey Reeg, Assistant Associate Director, Federal Emergency Management Agency, 500 C Street, SW, Washington, DC 20472, 202 646-2653

RIN: 3067-AA33

27. USE OF PRIORITIES AND ALLOCATION AUTHORITY FOR FEDERAL SUPPLY CLASSIFICATION (FSC) COMMON USE ITEMS (DMO-12)

Legal Authority: 50 USC App 2061 et seq; EO 10480

CFR Citation: 44 CFR 329

Abstract: This part provides policy guidance concerning the use of priorities and allocations authority in Title I of Defense Production Act for the procurement of common use items in the Federal Supply Classification.

Timetable:

Action	Date	FR Cite
Begin Review	08/15/85	
End Review	04/15/86	

Small Entity: No

Agency Contact: Audrey Reeg, Assistant Associate Director, Federal Emergency Management Agency, 500 C Street, SW, Washington, DC 20472, 202 646-2653

RIN: 3067-AA34

28. GENERAL POLICIES FOR STRATEGIC AND CRITICAL MATERIALS STOCKPILING (DMO-11)

Legal Authority: 50 USC 98 et seq

CFR Citation: 44 CFR 328

Abstract: This part sets forth policies for the administration of strategic and critical materials stockpiling under the Strategic and Critical Materials Stock Piling Act.

Timetable:

Action	Date	FR Cite
Begin Review	08/15/85	
End Review	02/15/86	

Small Entity: No

Agency Contact: Audrey Reeg, Assistant Associate Director, Federal Emergency Management Agency, 500 C Street, SW, Washington, DC 20472, 202 646-2653

RIN: 3067-AA35

29. POLICY ON USE OF GOVERNMENT-OWNED INDUSTRIAL PLANT EQUIPMENT BY PRIVATE INDUSTRY (DMO-10A)

Legal Authority: 50 USC 404; 50 USC App 2061 et seq; EO 12148

CFR Citation: 44 CFR 327

Abstract: This part establishes policy on use by private industry of Government-owned industrial plant equipment to maintain a reserve of such equipment for emergency preparedness.

Timetable:

Action	Date	FR Cite
Begin Review	08/15/85	
End Review	02/15/86	

Small Entity: No

Agency Contact: Audrey Reeg, Assistant Associate Director, Federal Emergency Management Agency, 500 C Street, SW, Washington, DC 20472, 202 646-2653

RIN: 3067-AA36

30. POLICY GUIDANCE FOR A NATIONAL EMERGENCY BLOOD PROGRAM

Legal Authority: 50 USC 404; 50 USC App 2061 et seq; EO 12148

CFR Citation: 44 CFR 326

Abstract: This regulation prescribes objectives, policies and responsibilities of the National Emergency Blood Program.

Timetable:

Action	Date	FR Cite
Begin Review	08/15/85	
End Review	02/15/86	

Small Entity: No

Agency Contact: Audrey Reeg, Assistant Associate Director, Federal Emergency Management Agency, 500 C Street, SW, Washington, DC 20472, 202 646-2653

RIN: 3067-AA37

31. EMERGENCY HEALTH AND MEDICAL OCCUPATIONS

Legal Authority: 50 USC App 2061; EO 11490

CFR Citation: 44 CFR 325

Abstract: This regulation lists emergency health and medical occupations in support of functions under Executive Order Assigning Emergency Preparedness Functions.

Timetable:

Action	Date	FR Cite
Begin Review	08/15/85	
End Review	04/15/86	

Small Entity: No

Agency Contact: Audrey Reeg, Assistant Associate Director, Federal Emergency Management Agency, 500 C Street, SW, Washington, DC 20472, 202 646-2653

RIN: 3067-AA38

32. NATIONAL SECURITY POLICY GOVERNING SCIENTIFIC AND ENGINEERING MANPOWER (DMO-5)

Legal Authority: 50 USC 404; 50 USC App 2061 et seq; EO 12148

CFR Citation: 44 CFR 324

Abstract: This part provides policy on the training and utilization of the scientific and engineering workforce as it affects national security.

Timetable:

Action	Date	FR Cite
Begin Review	08/15/85	
End Review	04/15/86	

Small Entity: No

Agency Contact: Audrey Reeg, Assistant Associate Director, Federal Emergency Management Agency, 500 C Street, SW, Washington, DC 20472, 202 646-2653

RIN: 3067-AA43

33. GUIDANCE ON PRIORITY USE OF RESOURCES IN IMMEDIATE POST ATTACK PERIOD (DMO-4)

Legal Authority: 50 USC 404; 50 USC App 2061 et seq; EO 12148

CFR Citation: 44 CFR 323

Abstract: This regulation states policy on use of resources in a post attack period and provides general guidance for Federal, State and local governments on activities to be accorded priority in use of resources, and lists items essential to national survival.

Timetable:

Action	Date	FR Cite
Begin Review	08/15/85	
End Review	04/15/86	

Small Entity: No

Agency Contact: Audrey Reeg, Assistant Associate Director, Federal Emergency Management Agency, 500 C Street, SW, Washington, DC 20472, 202 646-2653

RIN: 3067-AA44

34. DEFENSE PRODUCTION PRIORITIES AND ALLOCATIONS AUTHORITY

Legal Authority: 50 USC App 2061 et seq; EO 10480

CFR Citation: 44 CFR 322

Abstract: This regulation establishes policy guidance and delegates authority with respect to priorities and allocation functions in the Defense Production Act.

Timetable:

Action	Date	FR Cite
Begin Review	08/15/85	
End Review	02/15/86	

Small Entity: No

Agency Contact: Audrey Reeg, Assistant Associate Director, Federal Emergency Management Agency, 500 C Street, SW, Washington, DC 20472, **202 646-2653**

RIN: 3067-AA45

35. MAINTENANCE OF THE MOBILIZATION BASE

Legal Authority: 50 USC 404; 50 USC App 2061 et seq; EO 12148

CFR Citation: 44 CFR 321

Abstract: This regulation deals with policies concerning the mobilization base for Department of Defense, Department of Energy, and Maritime Administration and includes procedures relating to selection and maintenance of the base.

Timetable:

Action	Date	FR Cite
Begin Review	08/15/85	
End Review	02/15/86	

Small Entity: No

Agency Contact: Audrey Reeg, Assistant Associate Director, Federal Emergency Management Agency, 500 C Street, SW, Washington, DC 20472, **202 646-2653**

RIN: 3067-AA46

36. DISPERSION AND PROTECTIVE CONSTRUCTION: POLICY, CRITERIA RESPONSIBILITIES (DMO-1)

Legal Authority: 50 USC 404; 50 USC App 2061 et seq; EO 12148

CFR Citation: 44 CFR 320

Abstract: This regulation establishes policy and criteria to encourage dispersal of facilities important to the national security and that these be located so as to reduce the risk of damage in event of attack.

Timetable:

Action	Date	FR Cite
Begin Review	08/15/85	
End Review	07/15/86	

Small Entity: No

Agency Contact: Audrey Reeg, Assistant Associate Director, Federal Emergency Management Agency, 500 C Street, SW, Washington, DC 20472, **202 646-2653**

RIN: 3067-AA47

37. CONTRIBUTIONS FOR CIVIL DEFENSE EQUIPMENT

Legal Authority: 50 USC App 2281(i)

CFR Citation: 44 CFR 301

Abstract: This regulation prescribes procedures and sets terms and conditions under which FEMA provides financial assistance to States and local governments for civil defense equipment, including emergency operations centers.

Timetable:

Action	Date	FR Cite
Begin Review	01/01/85	
End Review	06/00/85	

Small Entity: No

Agency Contact: Joseph Mealy, Chief, Emergency Management System Support, Federal Emergency Management Agency, 500 C Street, SW, Washington, DC 20472, **202 646-3083**

RIN: 3067-AA48

38. INDIVIDUAL AND FAMILY GRANT PROGRAM

Legal Authority: 42 USC 5178; 42 USC 5201

CFR Citation: 44 CFR 205.54

Abstract: The proposed revisions will address the problems of timeliness of grant assistance, introduce methods for speeding up the administrative processes used by FEMA and the States, and hopefully result in a more efficiently administrative program.

Timetable:

Action	Date	FR Cite
Begin Review	08/01/84	
NPRM	12/01/84	
NPRM Comment Period Begin	12/01/84	
NPRM Comment Period End	02/01/85	
Final Action	05/15/85	
Final Action Effective	07/15/85	
End Review	00/00/00	

Small Entity: Not Applicable

Agency Contact: Agnes C. Mravcak, Federal Emergency Management Agency, Room 710, 500 C Street, SW, Washington, DC 20472, **202 646-3660**

RIN: 3067-AA64

39. CIVIL DEFENSE: STATE AND LOCAL EMERGENCY MANAGEMENT ASSISTANCE PROGRAMS (EMA)

Legal Authority: 50 USC App. 2253 Sec. 401 Federal Civil Defense Act of 1950; Reorganization Plan No. 3 of 1978, 3 CFR 1979 Comp., p. 329; EO 12148

CFR Citation: 44 CFR 302, (Revision)

Abstract: 44 CFR 302 may be revised to change program requirements.

Timetable:

Action	Date	FR Cite
End Review	00/00/00	
Begin Review	00/00/00	

Small Entity: No

Government Levels Affected: Local, State, Federal

Agency Contact: John McKay, Acting Chief, Federal Emergency Management Agency, Emergency Management Systems, Dev., 500 C Street, SW, Washington, DC 20472, **202 646-3509**

RIN: 3067-AA66

40. ● REVIEW AND APPROVAL OF STATE AND LOCAL EMERGENCY RESPONSE PLANS

Legal Authority: 50 USC 5131; 50 USC 5201; 50 USC App 2253(g); EO 12148

CFR Citation: 44 CFR 350

Abstract: Review existing regulation governing policies and procedures for review and approval of State and local emergency plans and preparedness for the offsite effects of a radiological emergency which might occur at a commercial nuclear power plant.

FEMA **Existing Regulations Under Review**

Timetable:

Action	Date	FR Cite
Begin Review	04/00/85	
End Review	09/00/85	

Small Entity: No

Agency Contact: Marshall Sanders, Chief, Program Development Branch, Federal Emergency Management Agency, 500 C Street, SW, Washington, DC 20472, 202 646-4131

RIN: 3067-AA76

41. ● RADIOLOGICAL EMERGENCY PLANNING AND PREPAREDNESS

Legal Authority: EO 12148; EO 12241

CFR Citation: 44 CFR 351

Abstract: Review of regulation which sets out Federal agency roles and assigns tasks regarding Federal assistance to State and local government in their radiological emergency planning and preparedness activities application to radiological accidents at commercial nuclear power facilities.

Timetable:

Action	Date	FR Cite
Begin Review	04/00/85	
End Review	09/00/85	

Small Entity: No

Agency Contact: Marshall Sanders, Chief, Program Development Branch, Federal Emergency Management Agency, 500 C Street, SW, Washington, DC 20472, 202 646-4131

RIN: 3067-AA77

FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) Completed Actions

COMPLETED RULEMAKINGS

42. DISASTER ASSISTANCE - INDIVIDUAL ASSISTANCE - CRISIS COUNSELING

CFR Citation: 44 CFR 205.59

Completed:

Reason	Date	FR Cite
Final Action	03/11/85	
Final Action Effective	04/10/85	

Small Entity: No

Agency Contact: Donna M. Dannels 202 646-3662

RIN: 3067-AA11

43. CLAIMS UNDER THE MILITARY PERSONNEL AND CIVILIAN EMPLOYEES' CLAIMS ACT OF 1964

CFR Citation: 44 CFR 11.60 to 11.69

Completed:

Reason	Date	FR Cite
Final Action	02/28/85	50 FR 8112
Final Action Effective	04/01/85	

Small Entity: No

Agency Contact: George W. Watson 202 646-4091

RIN: 3067-AA20

44. APPEALS OF COST COMPARISON DECISIONS UNDER OMB CIRCULAR A-76

CFR Citation: 44 CFR 14

Completed:

Reason	Date	FR Cite
Withdrawn	02/01/85	

Small Entity: No

Agency Contact: George W. Watson 202 646-4091

RIN: 3067-AA21

45. PUBLIC SAFETY AWARDS TO PUBLIC OFFICERS

CFR Citation: 44 CFR 150

Completed:

Reason	Date	FR Cite
Final Action	10/11/84	49 FR 39844
Final Action Effective	11/13/84	

Small Entity: No

Agency Contact: Richard Buck 202 646-4094

RIN: 3067-AA39

46. CLAIMS

CFR Citation: 44 CFR 311

Completed:

Reason	Date	FR Cite
Final Action	09/28/84	49 FR 38267
Final Action Effective	10/29/84	

Small Entity: No

Agency Contact: George W. Watson 202 646-4091

RIN: 3067-AA61

[FR Doc. 85-6378 Filed 04-26-85; 8:45 am]

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Federal Register

Monday
April 29, 1985

Part XXIII

Federal Mediation and Conciliation Service

Semiannual Regulatory Agenda

FMCS

FEDERAL MEDIATION AND CONCILIATION SERVICE

29 CFR Ch. XII

Unified Agenda of Federal Regulations

AGENCY: Federal Mediation and Conciliation Service.

ACTION: Semiannual agenda required by the Regulatory Flexibility Act of 1980.

SUMMARY: The Federal Mediation and Conciliation Service is redrafting one regulation subject to the Regulatory Flexibility Act during the six month period from April 1985 to October 1985. That regulation is Arbitration Policy and Practice.

FOR FURTHER INFORMATION CONTACT: Daniel P. Dozier, Legal Counsel, 2100 K Street, N.W., Washington, D.C. 20427, (202) 653-5305.

DATED: March 12, 1985

Kay McMurray,

Director.

FEDERAL MEDIATION AND CONCILIATION SERVICE (FMCS) — Existing Regulations Under Review

REVIEW OF EXISTING ARBITRATION REGULATION

Legal Authority: 29 USC 172, 5 USC 552; 29 USC 173

CFR Citation: 29 CFR 1404

Abstract: The Federal Mediation and Conciliation Service is in the process of redrafting its existing Arbitration Services regulation at 29 CFR Part 1404. The Service will have completed its initial draft by October 1985. A proposed rule will be published soon thereafter and public comments solicited.

Timetable:

Action	Date	FR Cite
End Review	10/00/85	

Small Entity: No

Agency Contact: Daniel P. Dozier, Associate General Counsel, Federal Mediation and Conciliation Service, 2100 K Street NW, Washington, DC 20427, **202 653-5305**

RIN: 3076-AA01

[FR Doc. 85-9513 Filed 04-26-85; 8:45 am]

BILLING CODE 6732-01-T

Federal Register

Monday
April 29, 1985

Part XXIV

General Services Administration

Semiannual Regulatory Agenda

GSA

GENERAL SERVICES ADMINISTRATION

41 CFR Chs. 1, 101, 105, and 201

48 CFR Chs. 1 and 5

Unified Agenda of Federal Regulations

AGENCY: General Services Administration.

ACTION: Semiannual agenda.

SUMMARY: This agenda announces the proposed regulatory actions that GSA plans for the next 12 months and those actions that were completed since October 1984. This agenda was developed under the guidelines in OMB Bulletin No. 85-6, dated December 13, 1984. GSA's purpose in publishing this agenda is to allow interested persons an opportunity to participate in the rulemaking process.

FOR FURTHER INFORMATION CONTACT: William W. Hiebert, Chief, Directives and Reports Management Branch (202) 535-7647.

SUPPLEMENTARY INFORMATION: GSA has five priority regulations designated by the Agency. These regulations are listed under the category of current and projected rulemakings. Two regulations will have an effect on small businesses or other entities. These are listed under completed rulemakings. None of the regulations listed are considered major under Executive Order 12291, Federal Regulations.

February 27, 1985.

William A. Clinkscales,

Associate Administrator for Policy and Management Systems.

Current and Projected Rulemakings

Sequence Number	Title	Regulation Identifier Number
1	Utilization and Disposal of Personal Property	3090-AA45
2	Management of Buildings and Grounds	3090-AA69
3	Supply Sources and Related Programs	3090-AA89
4	General Services Administration Acquisition Regulation (GSAR)- Small Business Technical Advisors	3090-AB39
5	*General Services Administration Acquisition Regulation Change Competition in Contracting Act of 1984	3090-AB75
6	General Services Administration Acquisition Regulation Change Part 519	3090-AB76
7	*General Services Administration Acquisition Regulation, Change Part 570	3090-AB78
8	General Services Administration Acquisition Regulation Change Subpart 46.7	3090-AB82
9	General Services Administration Acquisition Regulation, Change Receipt of Proposals and Quotations	3090-AB83
10	General Services Administration Acquisition Regulation, Change Part 515	3090-AB84
11	General Services Administration Acquisition Regulation Change Part 513	3090-AB85
12	General Services Administration Acquisition Regulation Change Part 501	3090-AB86
13	General Services Administration Acquisition Regulation Change Part 552.103	3090-AB87
14	General Services Administration Acquisition Regulation, Change 504.8	3090-AB88
15	General Services Administration Acquisition Regulation Change Part 532	3090-AB89
16	*General Services Administration Acquisition Regulation Change Part 533	3090-AB93
17	General Services Administration Acquisition Regulation, Change Part 516	3090-AB96
18	Revision of U.S. Government Bill of Lading Standard Forms	3090-AA04
19	Department of Defense Reservist/Retiree Military Emergency Travel Warrant	3090-AA05
20	Interest Assessment on Overcharges (Receivables)	3090-AA74
21	Revision of U.S. Government Transportation Request, Standard Form 1169	3090-AB11
22	Administrative Offset and Interest Assessment on Delinquent Refunds for Totally Unused Tickets	3090-AB12
23	Change In Forms Sequence; SF 1103 Set, U.S. Government Bill of Lading	3090-AB15
24	Federal Property Management Regulations; Revises the Reporting Requirements for Real Property	3090-AB31
25	Amend Terms and Conditions Section of Standard Form 1103, U.S. Government Bill of Lading-Original	3090-AB33
26	Collection of Claims Owed the United States	3090-AB45
27	Revision of Standard Form 1170 and General Services Administration Form 7958	3090-AB68
28	Revision of Public Voucher for Transportation Charges, Standard Form 1113	3090-AB69
29	Revision of Voucher and Schedule of Payments Standard Form 1166 Instructions	3090-AB97
30	Use of Cash to Purchase Transportation	3090-AB98
31	National Defense Stockpile Disposal Regulations	3090-AA40
32	Negotiated Sales to Public Agencies	3090-AB09
33	Disposals to Public Agencies	3090-AB55
34	Holding Agency	3090-AB70
35	Acceptance of Offers	3090-AB71
36	Property for Correctional Facilities	3090-AB72
37	Donation of Personal Property	3090-AA23
38	Donation of Abandoned and Forfeited Personal Property	3090-AA24
39	Abandonment or Destruction of Personal Property	3090-AA28
40	Acquisition and Use of Excess Personal Property	3090-AA30
41	Utilization, Donation, Sale, Abandonment or Destruction of Hazardous Materials	3090-AA42
42	Transportation and Traffic Management	3090-AA73
43	Cost Effective Procurement of Personal Property	3090-AA95
44	Motor Equipment Management	3090-AB00
45	Interagency Fleet Management Systems	3090-AB02

GSA

Current and Projected Rulemakings—Continued

Sequence Number	Title	Regulation Identifier Number
46	Use of Carrier Contractors for Express Small Package Transportation	3090-AB63
47	Change to Federal Travel Regulations (FTR), FPMR 101-7 Supplement (unassigned)	3090-AB99
48	Change to Federal Travel Regulations (FTR), FPMR 101-7 Supplement (Unassigned)	3090-AC00
49	Change to Federal Travel Regulations (FTR), FPMR 101-7 Supplement (unassigned)	3090-AC01
50	Change to Federal Travel Regulations (FTR) (Supplement 14)	3090-AC02
51	Revision of Standard Form 121, Annual Report of Utilization and Disposal of Excess and Surplus Personal Property	3090-AC03
52	Instructions for Preparing Standard Form 120	3090-AC04
53	Additional Criteria for Exchange or Sale	3090-AC05
54	Exemption of ADP Procurement Authority based on the Defense Authorization Act of 1982 - Project 82.23T	3090-AA16
55	Obsolescence, Exchange/Sale and Reuse of Federal ADP Equip. Project 82.05/82.06A	3090-AA19
56	Performance Validation of ADP Systems, Project 84.80A	3090-AA90
57	Revision of Acquisition and Management Provisions regarding the Changing Telecommunication Marketplace, including the Detariffing of Customer Premises Equipment (84.06A)	3090-AB08
58	Agency Planning - Project 84.32A	3090-AB58
59	Triennial Review of Agency Administration and Operation of Information Management Activities - Project 84.33T	3090-AB60
60	FIRMR Revisions to Implement Public Laws 98-369 and 98-577 - Project 84.64A	3090-AB61
61	FIRMR Implementation of the ADP Dispute Resolution Section of the Competition in Contracting Act of 1984 - Project 84.63T	3090-AB64
62	Listening-in or Recording of Telephone Conversations - Project 84.25A	3090-AB79
63	Records Management - Project 85.15A	3090-AC06
64	Nondiscrimination in Federal Financial Assistance Programs	3090-AA00
65	Federal Advisory Committee Management	3090-AA62
66	*Assignment and Utilization of Space	3090-AA67
67	Federal Employee Parking	3090-AA68
68	*Work Space Management Reforms	3090-AB50

*Indicates priority regulation.

Completed Actions

Sequence Number	Title	Regulation Identifier Number
69	Vending Facility Program for Blind Persons	3090-AA70
70	General Services Administration Acquisition Regulation (GSAR)- Parts 536 and 552	3090-AB38
71	General Services Administration Acquisition Regulation (GSAR) FAC-84-1	3090-AB41
72	General Services Administration Acquisition Regulation (GSAR)- Rules of GSA Board of Contract Appeals	3090-AB42
73	Protests Against Award	3090-AB46
74	General Services Administration Acquisition Regulation (GSAR) Method of Payment	3090-AB56
75	General Services Administration Acquisition Regulation (GSAR) Miller Act	3090-AB57
76	Selective Service System National Emergency Travel Warrant and Department of Defense Reservist/Retiree Military Emergency Travel Warrant	3090-AA05
77	Unused Ticket Refund Procedures	3090-AA91
78	Eliminate Requirement to Certify Substitute Document	3090-AB32
79	Cancel Standard Form 1172, Certificate in Lieu of Lost U.S. Government Transportation Request	3090-AB34
80	Use of Travel Agencies for Official Travel	3090-AB65
81	Conveyance for Historic Monument Purposes	3090-AA35
82	Addition of Concurrent 30-Day Federal Agency and Public Use Screening Requirement	3090-AA77
83	FPMR Temporary Regulation G - Appearance Reconditioning of Motor Vehicles	3090-AA99
84	FPMR Temporary Regulation G- Use of Gasohol in Federal Motor Vehicles	3090-AB01
85	Travel and Transportation Expense Payment System using Contractor-Issued Charge Cards and Travelers Checks	3090-AB27
86	Supplement 11 to Federal Travel Regulations (FTR)	3090-AB30
87	Changes to Federal Travel Regulations (FTR) FPMR 101-7 (Supplement 12)	3090-AB47
88	Use of Contract Airline Service Between Selected City-Pairs	3090-AB48
89	Utilization and Donation of Foreign Gifts and Decorations	3090-AB62
90	Contracts with the Small Business Administration (SBA) for ADP Requirements - Project 82-17T	3090-AA13
91	Forms Management Responsibilities - Project 82.38P	3090-AA17
92	Interagency Reports Management Program - Project 84.14A	3090-AB53
93	Standard and Optional Forms - Project 84.56A	3090-AB54
94	Revisions to FIRMR Subpart 201-36.13, Implementation of Federal Information Processing and Federal Telecommunications Standards in Solicitation Documents - Project 84.51T	3090-AB59
95	General Services Administration Acquisition Regulation, Change 7	3090-AB77

GSA

Completed Actions—Continued

Sequence Number	Title	Regulation Identifier Number
96	General Services Administration Acquisition Regulation, Acquisition Circular 85-2	3090-AB80
97	General Services Administration Acquisition Regulation Acquisition Circular AC-85-1	3090-AB81
98	General Services Administration Acquisition Regulation Change 6	3090-AB90
99	General Services Administration Acquisition Regulation Change 5	3090-AB91
100	General Services Administration Acquisition Regulation, Acquisition Circular 84-8	3090-AB92
101	General Services Administration Acquisition Regulation, Acquisition Circular 84-7	3090-AB94
102	General Services Administration Acquisition Regulation, Acquisition Circular 84-2	3090-AB95
103	Civilian Executive Agency Aircraft Information System (AIS)	3090-AB73
104	Changes to Federal Travel Regulations (FTR), FPMR 101-7 (Supplement 13)	3090-AB74

GENERAL SERVICES ADMINISTRATION (GSA)

Current and Projected Rulemakings

ACQUISITION POLICY

1. UTILIZATION AND DISPOSAL OF PERSONAL PROPERTY

Legal Authority: 40 USC 486(c)

CFR Citation: 41 CFR 101-42; 41 CFR 101-43; 41 CFR 101-44; 41 CFR 101-45; 41 CFR 101-46; 41 CFR 101-48

Abstract: Parts 42-46 and Part 48 prescribe policies and procedures for the utilization and disposal of personal property by Federal agencies. A number of executive agencies have indicated that these parts need to be revised to update, improve, clarify, and streamline these regulations. GSA officials and representatives from the major executive agencies are developing a draft revision of these parts to meet their requirements more adequately.

Timetable:

Action	Date	FR Cite
Final Action	09/00/85	

Small Entity: No

Agency Contact: Emily Karam, Director of Regulatory Review, General Services Administration, Office of Acquisition Policy (V), Washington, DC 20405, 202 566-1177

RIN: 3090-AA45

2. MANAGEMENT OF BUILDINGS AND GROUNDS

Legal Authority: 40 USC 486(c)

CFR Citation: 41 CFR 101-20

Abstract: Part 101-20 prescribes policies and procedures for the management, operation, protection, and maintenance of Government-owned and leased buildings and grounds required by the Federal agencies to undertake their assigned missions. A number of executive agencies have indicated that this part needs to be revised to update, improve, clarify, and streamline these regulations. GSA officials and representatives from the major executive agencies are developing a draft revision of this part to meet their requirements more adequately.

Timetable:

Action	Date	FR Cite
Final Action	08/00/85	

Small Entity: No

Agency Contact: Emily Karam, Director of Regulatory Review, General Services Administration, Office of Acquisition Policy (V), Washington, DC 20405, 202 566-1177

RIN: 3090-AA69

3. SUPPLY SOURCES AND RELATED PROGRAMS

Legal Authority: 40 USC 486(c)

CFR Citation: 41 CFR 101-26

Abstract: Part 101-26 prescribes policies and procedures for the procurement of personal property and nonpersonal services by Federal agencies from established Government supply sources. A number of executive agencies have indicated that this part needs to be revised to update, improve, clarify and streamline these regulations. GSA officials and representatives from the major executive agencies are developing a draft revision of this part to meet their requirements more adequately.

Timetable:

Action	Date	FR Cite
Interim Final Rule	08/31/83	
Final Action	08/00/85	

Small Entity: No

Agency Contact: Emily Karam, Director of Regulatory Review, General Services Administration, Office of Acquisition Policy (V), Washington, DC 20405, 202 566-1177

RIN: 3090-AA89

4. GENERAL SERVICES ADMINISTRATION ACQUISITION REGULATION (GSAR)- SMALL BUSINESS TECHNICAL ADVISORS

Priority: Undetermined

Legal Authority: 40 USC 486(c) (Sec 205(c), 63 Stat. 390)

CFR Citation: 48 CFR 519

Abstract: The GSAR will be amended to delete mandatory annual review requirements of class set aside determinations and to reflect the function of the GSA Small Business Technical Advisors.

Timetable:

Action	Date	FR Cite
Final Action	03/00/85	
Final Action Effective	03/00/85	

Small Entity: Not Applicable

Agency Contact: Ida Ustad, Senior Procurement Analyst, General Services Administration, GSA Acquisition Policy and Regulations, 18th & F Sts., NW Room 4027, Washington, DC 20405, 202 523-4754

RIN: 3090-AB39

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5. ● GENERAL SERVICES ADMINISTRATION ACQUISITION REGULATION CHANGE COMPETITION IN CONTRACTING ACT OF 1984

Priority: Agency Determination

Legal Authority: 40 USC 486(c) Sec. 205(c), 63 Stat. 390

CFR Citation: 48 CFR 501 to 502; 48 CFR 504 to 515, 48 CFR 517; 48 CFR 519 to 520; 48 CFR 522 to 523; 48 CFR 525; 48 CFR 528 to 530; 48 CFR 532, 48 CFR 534; 48 CFR 536 to 537; 48 CFR 542 to 543; 48 CFR 546 to 550; 48 CFR 552 to 553

Abstract: To issue a GSAR amendment to implement and supplement the FAR coverage on the Competition in Contracting Act of 1984. This change will not include coverage on Protests or the Acquisition of Leasehold Interests in Real Property. Separate changes will be issued on these subjects.

Timetable:

Action	Date	FR Cite
NPRM	12/05/84	49 FR 47516
NPRM Comment Period Begin	12/05/84	49 FR 47516
NPRM Comment Period End	01/05/85	
Final Action Effective	04/01/85	

Small Entity: Undetermined

Agency Contact: Ida Ustad, Senior Procurement Analyst, General Services Administration, GSA Acquisition Policy and Regulations, 18th & F Sts., NW Room 4027, Washington, DC 20405, 202 523-4754

RIN: 3090-AB75

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6. ● GENERAL SERVICES ADMINISTRATION ACQUISITION REGULATION CHANGE PART 519

Priority: Undetermined

Legal Authority: 40 USC 486(c) Sec. 205(c), 63 Stat. 390

CFR Citation: 48 CFR 519

Abstract: To issue a GSAR amendment in Part 519, Small Business and Small Disadvantaged Business Concerns, regarding the subcontracting plan reporting requirements.

Timetable:

Action	Date	FR Cite
NPRM	04/00/85	
Final Action	06/00/85	

Small Entity: Not Applicable

Agency Contact: Ida Ustad, Senior Procurement Analyst, General Services Administration, GSA Acquisition Policy and Regulations, 18th & F Sts., NW Room 4027, Washington, DC 20405, 202 523-4754

RIN: 3090-AB76

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7. ● GENERAL SERVICES ADMINISTRATION ACQUISITION REGULATION, CHANGE PART 570

Priority: Agency Determination

Legal Authority: 40 USC 486(c) Sec. 205(c), 63 Stat. 390

CFR Citation: 48 CFR 570

Abstract: To issue a GSAR amendment to implement the Competition in Contracting Act of 1984 in Part 570, Acquisition of Leasehold Interests in Real Property.

Timetable:

Action	Date	FR Cite
NPRM	04/00/85	
Final Action	06/00/85	

Small Entity: Undetermined

Agency Contact: Ida Ustad, Senior Procurement Analyst, General Services Administration, GSA Acquisition Policy and Regulations, 18th & F Sts., NW Room 4027, Washington, DC 20405, 202 523-4754

RIN: 3090-AB78

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8. ● GENERAL SERVICES ADMINISTRATION ACQUISITION REGULATION CHANGE SUBPART 46.7

Priority: Undetermined

Legal Authority: 40 USC 486(c) Sec. 205(c), 63 Stat. 390

CFR Citation: 48 CFR 546

Abstract: GSA to issue a GSAR amendment to implement and supplement the FAR Subpart 46.7 by providing agency policies and procedures on the use of Warranties.

Timetable:

Action	Date	FR Cite
NPRM	03/00/85	
Final Action Effective	05/00/85	

Small Entity: Not Applicable

Agency Contact: Ida Ustad, Senior Procurement Analyst, General Services Administration, GSA Acquisition Policy and Regulations, 18th & F Sts., NW Room 4027, Washington, DC 20405, 202 523-4754

RIN: 3090-AB82

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9. ● GENERAL SERVICES ADMINISTRATION ACQUISITION REGULATION, CHANGE RECEIPT OF PROPOSALS AND QUOTATIONS

Priority: Undetermined

Legal Authority: 40 USC 486(c) Sec 205(c), 63 Stat. 390

CFR Citation: 48 CFR 515; 48 CFR 552

Abstract: GSA to issue a GSAR amendment which will (1) revise Section 515.411, Receipt of Proposals and Quotations, to require the use of the appropriate Business Service Center for receipt and safeguarding of proposals or quotations (except small purchases) unless an exemption is obtained; (2) amend Part 515 to establish a special Late Proposals provision for Multiple Award Federal Supply Schedules that will preclude an offeror from adding additional items to an offer after the time set for submission of offer; and (3) revise clause 552.210-78, Charges for Packaging and Packing.

Timetable:

Action	Date	FR Cite
NPRM	04/00/85	
Final Action Effective	05/00/85	

Small Entity: Not Applicable

Agency Contact: Ida Ustad, Senior Procurement Analyst, General Services Administration, GSA Acquistion Policy and Regulations, 18th & F Sts., NW Room 4027, Washington, DC 20405, 202 523-5754

RIN: 3090-AB83

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10. ● GENERAL SERVICES ADMINISTRATION ACQUISITION REGULATION, CHANGE PART 515

Priority: Undetermined

Legal Authority: 40 USC 486(c) Sec. 205(c), 63 Stat. 390

CFR Citation: 48 CFR 515

Abstract: To issue a GSAR amendment in Part 515, Contracting by Negotiation, regarding the establishment of guidance for source selection in competitively negotiated acquisitions.

Timetable:

Action	Date	FR Cite
NPRM	07/00/85	
Final Action Effective	09/00/85	

Small Entity: Not Applicable

Agency Contact: Ida Ustad, Senior Procurement Analyst, General Services Administration, GSA Acquisition Policy and Regulations, 18th & F Sts., NW Room 4027, Washington, DC 20405, 202 523-4754

RIN: 3090-AB84

11. ● GENERAL SERVICES ADMINISTRATION ACQUISITION REGULATION CHANGE PART 513

Priority: Undetermined

Legal Authority: 40 USC 486(c) Sec 205(c), 63 Stat. 390

CFR Citation: 48 CFR 513

Abstract: To amend Part 513, Small Purchases and Other Simplified Purchase Procedures, to make miscellaneous changes to further implement and supplement the FAR and to clarify various regulatory requirements.

Timetable:

Action	Date	FR Cite
NPRM	04/00/85	
Final Action Effective	05/00/85	

Small Entity: Not Applicable

Agency Contact: Ida Ustad, Senior Procurement Analyst, General Services Administration, GSA Acquisition Policy and Regulations, 18th & F Sts., NW Room 4027, Washington, DC 20405, 202 523-4754

RIN: 3090-AB85

12. ● GENERAL SERVICES ADMINISTRATION ACQUISITION REGULATION CHANGE PART 501

Priority: Undetermined

Legal Authority: 40 USC 486(c) Sec. 205(c), 63 Stat. 390

CFR Citation: 48 CFR 501

Abstract: To issue a GSAR amendment to implement the requirements of the Competition Enhancement Act of 1984 (Pub. L. 98-577) regarding publicizing proposed regulations in Part 501, General Services Administration Acquisition Regulations System.

Timetable:

Action	Date	FR Cite
NPRM	03/00/85	
Final Action Effective	05/00/85	

Small Entity: Not Applicable

Agency Contact: Ida Ustad, Senior Procurement Analyst, General Services Administration, GSA Acquisition Policy and Regulations, 18th & F Sts., NW Room 4027, Washington, DC 20405, 202 523-4754

RIN: 3090-AB86

13. ● GENERAL SERVICES ADMINISTRATION ACQUISITION REGULATION CHANGE PART 552.103

Priority: Undetermined

Legal Authority: 40 USC 486(c) Sec. 205(c), 63 Stat. 390

CFR Citation: 48 CFR 552

Abstract: To issue a GSAR amendment to expand the coverage in Part 552.103 regarding the identification of provisions and clauses.

Timetable:

Action	Date	FR Cite
NPRM	03/00/85	
Final Action Effective	05/00/85	

Small Entity: Not Applicable

Agency Contact: Ida Ustad, Senior Procurement Analyst, General Services Administration, GSA Acquisition Policy and Regulations, 18th & F Sts., NW Room 4027, Washington, DC 20405, 202 523-4754

RIN: 3090-AB87

14. ● GENERAL SERVICES ADMINISTRATION ACQUISITION REGULATION, CHANGE 504.8

Priority: Undetermined

Legal Authority: 40 USC 486(c) Sec. 205(c), 63 Stat. 390

CFR Citation: 48 CFR 504

Abstract: GSA to issue a GSAR amendment to amend Subpart 504.8, Contract Files, to provide additional guidance on the reassignment and transfer of contract files.

Timetable:

Action	Date	FR Cite
NPRM	04/00/85	
Final Action Effective	06/00/85	

Small Entity: Not Applicable

Agency Contact: Ida Ustad, Senior Procurement Analyst, General Services Administration, GSA Acquisition Policy and Regulations, 18th & F Sts., NW Room 4027, Washington, DC 20405, 202 523-4754

RIN: 3090-AB88

15. ● GENERAL SERVICES ADMINISTRATION ACQUISITION REGULATION CHANGE PART 532

Priority: Undetermined

Legal Authority: 40 USC 486(c) Sec. 205(c), 63 Stat. 390

CFR Citation: 48 CFR 532; 48 CFR 552

Abstract: To issue a GSAR amendment to incorporate into Part 532 Acquisition Circular AC-85-1, Payment Due Dates - Construction Contracts; to revise the payment due date clause used in recurring building service contracts over $25,000; and to revise the payment due date clause used in Architect-Engineer and other professional service contracts.

Timetable:

Action	Date	FR Cite
NPRM	04/00/85	
Final Action Effective	06/00/85	

Small Entity: Not Applicable

Agency Contact: Ida Ustad, Senior Procurement Analyst, General Services Administration, GSA Acquisition Policy and Regulations, 18th & F Sts., NW Room 4027, Washington, DC 20405, 202 523-4754

RIN: 3090-AB89

16. ● GENERAL SERVICES ADMINISTRATION ACQUISITION REGULATION CHANGE PART 533

Priority: Agency Determination

Legal Authority: 40 USC 486(c) Sec. 205(c), 63 Stat. 390

CFR Citation: 48 CFR 533

Abstract: To issue a GSAR amendment to implement and supplement the FAR in Part 533, Protests, Disputes, and Appeals, to implement the Competition in Contracting Act of 1984.

Timetable:

Action	Date	FR Cite
NPRM	04/00/85	
Final Action	06/00/85	

Small Entity: Undetermined

Agency Contact: Ida Ustad, Senior Procurement Analyst, General Services Administration, GSA Acquisition Policy and Regulations, 18th & F Streets, NW Room 4027, Washington, DC 20405, 202 523-4754

RIN: 3090-AB93

17. ● GENERAL SERVICES ADMINISTRATION ACQUISITION REGULATION, CHANGE PART 516

Priority: Undetermined

Legal Authority: 40 USC 486(c) Sec. 205(c), 63 Stat. 390

CFR Citation: 48 CFR 516

Abstract: To issue a GSAR amendment in Part 516, Types of Contracts, to provide supplementary guidance on the use of economic price adjustment clauses and provisions in GSA contracts and designate the approval authority for the use of various type of contracts.

Timetable:

Action	Date	FR Cite
NPRM	04/00/85	
Final Action	06/00/85	

Small Entity: Not Applicable

Agency Contact: Ida Ustad, Senior Procurement Analyst, General Services Administration, GSA Acquisition Policy and Regulations, 18th & F Sts., NW Room 4027, Washington, DC 20405, 202 523-4754

RIN: 3090-AB96

OFFICE OF THE COMPTROLLER

18. REVISION OF U.S. GOVERNMENT BILL OF LADING STANDARD FORMS

Legal Authority: 40 USC 486(c); 31 USC 3726

CFR Citation: 41 CFR 101-41

Abstract: This amendment prescribes the use of revised SF 1103, U.S. Government Bill of Lading (GBL); SF 1109, U.S. GBL Continuation Sheet, and SF 1131, U.S. Government Transit Bill of Lading. These revisions will make these transportation documents more efficient and more responsive to data information systems. To accomplish the provisions of this directive, there will be an outlay of resources by GSA to print the forms but this expenditure will be offset by income derived from purchases of these forms by other Federal agencies. The amendment will have no impact on the public.

Timetable:

Action	Date	FR Cite
NPRM	08/24/81	46 FR 42686
NPRM Comment Period Begin	08/24/81	46 FR 42686
NPRM Comment Period End	10/08/81	
Final Action	06/00/85	

Small Entity: No

Agency Contact: Louis Rosengarten, General Services Administration, Regulations and Procedures Section (BWCPR), Washington, DC 20405, 202 786-3012

RIN: 3090-AA04

19. ● DEPARTMENT OF DEFENSE RESERVIST/RETIREE MILITARY EMERGENCY TRAVEL WARRANT

Legal Authority: 31 USC 3726; 40 USC 486(c)

CFR Citation: 41 CFR 101-41

Abstract: The Department of Defense will use travel warrants to obtain transportation for selected Military Reservists and Retirees who are ordered to active duty. Implementation of the travel warrant program will provide a simple and efficient system to procure transportation and pay for services furnished, and will impose no additional burden on the Government or the public since the warrant will be used instead of GTR's.

Timetable:

Action	Date	FR Cite
ANPRM	06/00/85	

Small Entity: No

Additional Information: RIN 3090-AA05. The Selective Service System National Emergency Travel Warrant part of this rule making was published 10/11/84 49 FR 39918.

Agency Contact: John W. Sandfort, Chief, General Services Administration, Regulations, Procedures, and Claims Branch, (BWCP), Washington, DC 20405, 202 786-3014

RIN: 3090-AA05

20. INTEREST ASSESSMENT ON OVERCHARGES (RECEIVABLES)

Legal Authority: 31 USC 3726; 40 USC 486(c)

CFR Citation: 41 CFR 101-41

Abstract: This proposed rule will enable GSA to assess interest on overcharges issued to transportation carriers for freight and passenger services furnished for the account of the U.S. It will enhance debt collection procedures and compensate the Government for loss of funds resulting from carrier overbillings.

Timetable:

Action	Date	FR Cite
NPRM	05/12/83	48 FR 21351
NPRM Comment Period Begin	05/12/83	48 FR 21351
NPRM Comment Period End	07/11/83	
Final Action	06/00/85	

Small Entity: No

Agency Contact: John W. Sandfort, Chief, General Services Administration, Regulations, Procedures, and Claims Branch, (BWCP), Washington, DC 20405, 202 786-3014

RIN: 3090-AA74

21. REVISION OF U.S. GOVERNMENT TRANSPORTATION REQUEST, STANDARD FORM 1169

Legal Authority: 31 USC 3726; 40 USC 486(c)

CFR Citation: 41 CFR 101-41

Abstract: This rule revises the U.S. Government Transportation Request, SF 1169, to incorporate a reference to 41 CFR 101-41 as part of the contract of carriage. This change will avoid potential legal problems in connection with the use of the GTR.

Timetable:

Action	Date	FR Cite
NPRM	04/10/84	49 FR 14147
Final Action	06/00/85	

Small Entity: No

Agency Contact: James F. Fitzgerald, Chief, General Services Administration, Regulations and Procedures Section (BWCPR), Washington, DC 20405, 202 786-3014

RIN: 3090-AB11

22. ADMINISTRATIVE OFFSET AND INTEREST ASSESSMENT ON DELINQUENT REFUNDS FOR TOTALLY UNUSED TICKETS

Legal Authority: 31 USC 3701 to 3711; 31 USC 3726; 40 USC 486(c)

CFR Citation: 41 CFR 101-41

Abstract: This rule will enable Government agencies to collect by administrative offset when carriers fail to make refunds for totally unused passenger tickets in accordance with 41 CFR 101-41.210. It will also permit agencies to assess interest and penalties on delinquent refunds due the Government for totally unused tickets. It will further improve the efficiency of Government-wide efforts to collect debts owed the U.S. as prescribed by applicable Federal regulations.

Timetable:

Action	Date	FR Cite
NPRM	05/24/83	48 FR 23283
NPRM Comment Period Begin	05/24/83	48 FR 23283
Extension of Comment Period (end 08/11/83)	07/12/83	48 FR 31890
NPRM Comment Period End	07/25/83	
Final Action	06/00/85	

Small Entity: No

Agency Contact: John W. Sandfort, Chief, General Services Administration, Regulations, Procedures, and Claims Branch, (BWCP), Washington, DC 20405, 202 786-3014

RIN: 3090-AB12

23. CHANGE IN FORMS SEQUENCE; SF 1103 SET, U.S. GOVERNMENT BILL OF LADING

Legal Authority: 31 USC 3726; 40 USC 486(c)

CFR Citation: 41 CFR 101-41

Abstract: This rule proposes to change the sequence of the Standard Form 1103, set U.S. Government Bill of Lading, by positioning one copy of SF 1103-A, Memorandum Copy, as the third form in the set and the remaining SF 1103-A's to be positioned following the SF 1103-B. The purpose of this change is to provide a clearer copy for those agencies that transfer this document to microfilm and to provide a more legible copy for fiscal or administrative use.

Timetable:

Action	Date	FR Cite
NPRM	04/22/83	48 FR 17360
NPRM Comment Period Begin	04/22/83	48 FR 17360
NPRM Comment Period End	05/23/83	
Final Action	06/00/85	

Small Entity: No

Agency Contact: John W. Sandfort, Chief, General Services Administration, Regulations, Procedures, and Claims Branch (BWCP), Washington, DC 20405, 202 786-3014

RIN: 3090-AB15

24. FEDERAL PROPERTY MANAGEMENT REGULATIONS; REVISES THE REPORTING REQUIREMENTS FOR REAL PROPERTY

Legal Authority: EO 12411

CFR Citation: 41 CFR 101-3

Abstract: This regulation revises FPMR 101-3 with changes and additions to the data elements currently collected as part of the World-Wide Real Property Inventory System. It also displays the revised forms to be used when supplying this information. These changes are necessary to monitor government-wide space reduction initiatives mandated by Executive Order 12411 - Government Work Space Management Reforms and Temporary Regulation D-70-Work Space Management Plans.

The General Services Administration has determined this is not a major rule for the purposes of Executive Order 12291 of February 17, 1981, because it is not likely to result in an annual effect on the economy of $100 million or more; a major increase in costs to consumers or others; or significant adverse effects. Therefore, a Regulatory Impact Analysis has not been prepared. GSA has based all administrative decisions underlying this rule on adequate information concerning the need for, and the consequence of this rule; has determined that the potential benefits to society from this rule outweigh the potential (cont)

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Additional Information: ABSTRACT CONT: costs and has maximized the net benefits.

Agency Contact: Jerome Jackson, Chief, General Services Administration, Reports and Cash Management Branch (BCPR), Washington, DC 20405, 202 566-1260

RIN: 3090-AB31

25. AMEND TERMS AND CONDITIONS SECTION OF STANDARD FORM 1103, U.S. GOVERNMENT BILL OF LADING-ORIGINAL

Legal Authority: 40 USC 486(c); 31 USC 3726

CFR Citation: 41 CFR 101-41

Abstract: This proposed amendment will add a provision to the "Terms and Conditions" section of SF 1103, U.S. GBL-Original, advising users that interest will be assessed on overcharges issued by GSA's Office of Transportation Audits. Due to the passage of a law that permits the Government to collect interest on debts owed to the U.S., steps are being taken to include such a provision in the FPMR's. This provision added to the GBL will serve as a notice to carriers of the Government's intent.

Timetable:

Action	Date	FR Cite
NPRM	04/10/84	49 FR 14147
Final Action	06/00/85	

Small Entity: No

Agency Contact: Louis Rosengarten, Transportation Specialist, General Services Administration, Regulations and Procedures Section (BWCPR), Washington, DC 20405, 202 786-3012

RIN: 3090-AB33

26. COLLECTION OF CLAIMS OWED THE UNITED STATES

Legal Authority: PL 97-365, Sec 10

CFR Citation: 41 CFR 105-55, (New)

Abstract: The regulations will implement the Debt Collection Act of 1982 within the General Services Administration. The regulations are required by Section 10 of the Act and by means of these regulations GSA will be better equipped to pursue claims owed to the Government arising out of GSA activities. Although the benefit will be improved claims collections, there is no way to precisely quantify the costs or benefits at this time.

Timetable:

Action	Date	FR Cite
NPRM	07/26/84	49 FR 30080
NPRM Comment Period Begin	07/26/64	49 FR 30080
NPRM Comment Period End	08/27/84	
Final Action	04/01/85	

Small Entity: No

Agency Contact: David C. Fisher, Jr., Chief Counsel - Administration, General Services Administration, Office of General Counsel, General Law Division, 18th & F Sts., NW, Washington, DC 20405, 202 566-1460

RIN: 3090-AB45

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27. REVISION OF STANDARD FORM 1170 AND GENERAL SERVICES ADMINISTRATION FORM 7958

Legal Authority: 31 USC 3726; 40 USC 486(c)

CFR Citation: 41 CFR 101-41

Abstract: This rule revises the Standard Form 1170, Redemption of Unused Tickets, and General Services Administration Form 7958, Certificate of Indebtedness, by incorporating wording prescribed by the Debt Collection Act of 1982. This will improve Government-wide effort in collecting debts due the United States.

Timetable:

Action	Date	FR Cite
NPRM	04/00/85	

Small Entity: No

Agency Contact: John W. Sandfort, Chief, General Services Administration, Regulations, Procedures and Claims Branch, (BWCP), Washington, DC 20405, 202 786-3014

RIN: 3090-AB68

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28. REVISION OF PUBLIC VOUCHER FOR TRANSPORTATION CHARGES, STANDARD FORM 1113

Legal Authority: 31 USC 3726; 40 USC 486(c)

CFR Citation: 41 CFR 101-41

Abstract: This rule revises Public Voucher for Transportation Charges, Standard Form 1113, to eliminate various information blocks because certain agency fiscal control numbers are no longer required. This change will reduce the amount of time agencies spend in processing these documents.

Timetable:

Action	Date	FR Cite
Final Action	06/00/85	

Small Entity: No

Agency Contact: Theodore N. Rose, Transportation Specialist, General Services Administration, Review and Assistance Section (BWCP/A), Washington, DC 20405, 202 786-3016

RIN: 3090-AB69

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29. ● REVISION OF VOUCHER AND SCHEDULE OF PAYMENTS STANDARD FORM 1166 INSTRUCTIONS

Legal Authority: 31 USC 3726, 40 USC 486(c)

CFR Citation: 41 CFR 101-41

Abstract: This rule provides explicit instructions for handling voucher schedules to minimize payment accounting problems and ensure that proper payment information accompanies payment checks to carriers.

Timetable:

Action	Date	FR Cite
ANPRM	06/00/85	

Small Entity: No

Agency Contact: John W. Sandfort, Chief, General Services Administration, Regulations, Procedures and Claims Branch, (BWCP), Washington, DC 20405, 202 786-3014

RIN: 3090-AB97

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30. ● USE OF CASH TO PURCHASE TRANSPORTATION

Legal Authority: 31 USC 3726, 40 USC 486(c)

CFR Citation: 41 CFR 101-41

Abstract: This rule clarifies and makes permanent a Temporary Regulation concerning cash purchases of Passenger Transportation and the requirement that agencies need to obtain an exemption from GSA if a violation occurs.

Timetable:

Action	Date	FR Cite
ANPRM	05/00/85	

Small Entity: No

Agency Contact: Betty Brown, Transportation Specialist, General Services Administration, Regulations & Procedure Section (BWCP/R), Washington, DC 20405, 202 786-3011

RIN: 3090-AB98

FEDERAL PROPERTY RESOURCES SERVICE

31. NATIONAL DEFENSE STOCKPILE DISPOSAL REGULATIONS

Legal Authority: 50 USC 98 et seq Strat & Crit. Materials Stock Piling Act; EO 12155

CFR Citation: 41 CFR 101-14.4

Abstract: These regulations indicate the procedures for disposing of strategic and critical materials that are excess to National Defense Stockpile needs and have been authorized for disposal by Congress, pursuant to the Stock Piling Act of 1979 50 USC 98 et seq. These regulations will be responsive to public sector, intergovernment and intragovernment comments reflecting on the lack of published regulations governing GSA's stockpile disposal policies and procedures.

Timetable:

Action	Date	FR Cite
Final Action	09/30/85	

Small Entity: No

Public Compliance Cost: Initial Cost: $0, Yearly Recurring Cost: $0; Base Year for Dollar Estimates: 1983

Government Levels Affected: Federal

Agency Contact: Kent N. Knowles, Assistant Commissioner, General Services Administration, Office of Stockpile Transactions (DS), Washington, DC 20405, 202 535-7132

RIN: 3090-AA40

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32. NEGOTIATED SALES TO PUBLIC AGENCIES

Legal Authority: 40 USC 486(c)

CFR Citation: 41 CFR 101-47.304-9

Abstract: In order to eliminate the possibility of windfall profits and establish uniformity of the terms and conditions in all such negotiated sales of real property, GSA proposes to include a requirement for an excess profits clause in all negotiated sales to public bodies. The excess profits clause will run with the land for a period of three years.

Timetable:

Action	Date	FR Cite
NPRM	07/12/84	
NPRM Comment Period Begin	07/12/84	49 FR 28420
NPRM Comment Period End	08/13/84	
Final Action	04/00/85	

Small Entity: No

Agency Contact: James H. Pitts, Director, General Services Administration, Special Programs Division (DRP), Washington, DC 20405, 202 535-7067

RIN: 3090-AB09

33. DISPOSALS TO PUBLIC AGENCIES

Legal Authority: 40 USC 486(c)

CFR Citation: 41 CFR 101-47.303-2; 41 CFR 101-47.303-2(b)(1)(2)(3) and (4); 41 CFR 101-47.303-2(d); 41 CFR 101-47.303-2(e) and (e)(1); 41 CFR 101-47.303-2(b); 41 CFR 101-47.303-2(g); 41 CFR 101-47.4906; 41 CFR 101-47.4906-2

Abstract: Executive Order 12372 superseded OMB Circular A-95 and established new procedures for intergovernmental consultation on certain Federal programs and activities. The E.O. places certain requirements on GSA to notify and respond to state review process comments or recommendations concerning real property disposals to public agencies.

Timetable:

Action	Date	FR Cite
Final Action	04/01/85	

Small Entity: No

Agency Contact: James H. Pitts, Director, Special Programs Division (DRP), General Services Administration, 18th & F Sts., NW, Washington, DC 20405, 202 535-7067

RIN: 3090-AB55

34. ● HOLDING AGENCY

Priority: Undetermined

Legal Authority: 40 USC 486(c)

CFR Citation: 41 CFR 101-47.302-2

Abstract: Add underground water to the list of property for which the holding agency is designated as the disposal agency.

Timetable:

Action	Date	FR Cite
Final Action	06/01/85	

Small Entity: Undetermined

Agency Contact: Mr. James H. Pitts, Director, General Services Administration, Special Programs Division - DRP, Washington, DC 20405, 202 535-7067

RIN: 3090-AB70

35. ● ACCEPTANCE OF OFFERS

Priority: Undetermined

Legal Authority: 40 USC 486(c)

CFR Citation: 41 CFR 101-47.305-1(b)

Abstract: In order to ensure that the high bidder at a sealed bid or auction sale will have a reasonable period of time to increase a responsive bid that is less than the property's appraised fair market value.

Timetable:

Action	Date	FR Cite
Final Action	06/01/85	

Small Entity: Undetermined

Agency Contact: James H. Pitts, Director, General Services Administration, Special Programs Division, Washington, DC 20405, 202 535-7067

RIN: 3090-AB71

36. ● PROPERTY FOR CORRECTIONAL FACILITIES

Priority: Undetermined

Legal Authority: 40 USC 486(c)

CFR Citation: 41 CFR 101-47.308-9

Abstract: In order to implement Section 701 of P.L. 98-473 to transfer or convey to the several states, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, the Trust Territory of the Pacific Islands, the Commonwealth of the Northern Mariana Islands, or any political subdivision or instrumentality thereof surplus real and related personal property determined by the Attorney General to be required for correctional facility use. Transfers or conveyance under this authority shall be made by the Administrator without monetary consideration to the United States.

Timetable:

Action	Date	FR Cite
Final Action	06/01/85	

Small Entity: Undetermined

Agency Contact: James H. Pitts, Director, General Services Administration, Special Programs Division, Washington, DC 20405, 202 535-7067

RIN: 3090-AB72

FEDERAL SUPPLY AND SERVICES

37. DONATION OF PERSONAL PROPERTY

Legal Authority: 40 USC 486(c)

CFR Citation: 41 CFR 101-44.000; 41 CFR 101-44.001; 41 CFR 101-44.105; 41 CFR 101-44.106; 41 CFR 101-44.108; 41 CFR 101-44.112; 41 CFR 101-44.118; 41 CFR 101-44.120; 41 CFR 101-44.200; 41 CFR 101-44.204; 41 CFR 101-44.205; 41 CFR 101-44.207; 41 CFR 101-44.208; 41 CFR 101-44.4701; 41 CFR 101-44.4901-123; ...

Abstract: This rule updates GSA's policies and procedures concerning the Federal surplus personal property donation program. It would: (1) prescribe new and revised definitions; (2) implement Title IX of the Education Amendments of 1972; (3) change procedures for donating aircraft, drugs, biologicals, and reagents; (4) clarify cannibalization procedures; (5) add additional terms to the State agency distribution documents; (6) clarify that conditional title, not unrestricted title, passes to a donee at the time it takes possession of the property; (7) prohibit reimbursement to State agencies for certain sales expenses; (8) change reporting requirements; (9) establish an informal appeals procedure; and (10) revise eligibility criteria for educational activities. This amendment is necessary to comply with the provisions of Title IX of the Education Amendments of 1972, section 502(a) of Public Law 94-241, and the Congressional Reports Elimination Act of 1980 (Public Law 96-470). Its intent is to increase the efficiency and effectiveness of the

donation program. There should be no significant costs to the public as a result of this regulatory action. It has been determined that potential benefits to (cont)

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Additional Information: ABSTRACT CONT: society from this rule will outweigh the potential costs.

Agency Contact: George W. Kinney, Director, General Services Administration, Donation Division (FMD), Washington, DC 20406, 703 557-1234

RIN: 3090-AA23

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38. DONATION OF ABANDONED AND FORFEITED PERSONAL PROPERTY

Legal Authority: 26 USC 5688(a)

CFR Citation: 41 CFR 101-48.2

Abstract: This rule would emphasize that all forfeited distilled spirits, wine, or malt beverages donated to eleemosynary institutions are to be used only by their inpatients for medicinal purposes. Allegations of misuse of these donated spirits have created a need for this regulation. There should be no significant costs to the public as a result of this rule. It has been determined that potential benefits to society from this rule will outweigh potential costs.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Agency Contact: George W. Kinney, Director, General Services Administration, Donation Division (FMD), Washington, DC 20406, 703 557-1234

RIN: 3090-AA24

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39. ABANDONMENT OR DESTRUCTION OF PERSONAL PROPERTY

Legal Authority: 40 USC 483(h)

CFR Citation: 41 CFR 101-45.9, (Revision)

Abstract: This revision clarifies procedures for agencies' use in the abandonment and destruction of property.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Additional Information: The revision to Subchapter H of the Federal Property Management Regulations by the Interagency Subcommittee on Regulatory Review includes the subject revision to abandonment or destruction of personal property. The General Services Administration's Proponent of this amendment to subchapter H is the Office of Acquisition Policy (V).

Agency Contact: John Hansley, Property Marketing Specialist, General Services Administration, Office of Federal Supply and Services, Sales Division (FMS), Washington, DC 20406, 703 557-0814

RIN: 3090-AA28

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40. ACQUISITION AND USE OF EXCESS PERSONAL PROPERTY

Legal Authority: 40 USC 486(c)

CFR Citation: 41 CFR 101-43

Abstract: A number of miscellaneous changes will be made to clarify procedures for the acquisition and use of excess personal property by federal agencies and other authorized recipients.

Timetable:

Action	Date	FR Cite
Final Action	06/01/85	

Small Entity: No

Agency Contact: Mr. Stanley M. Duda, Director, General Services Administration, Utilization Division (FMU), Washington, DC 20406, 703 557-0807

RIN: 3090-AA30

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41. UTILIZATION, DONATION, SALE, ABANDONMENT OR DESTRUCTION OF HAZARDOUS MATERIALS

Legal Authority: 40 USC 486(c)

CFR Citation: 41 CFR 101-43; 41 CFR 101-44; 41 CFR 101-45; 41 CFR 101-46; 41 CFR 101-48; 41 CFR 101-49

Abstract: Revisions and additions to existing rules are proposed to establish a separate regulatory section concerning the utilization, donation, sale, abandonment or destruction of hazardous materials.

Timetable:

Action	Date	FR Cite
End Review	12/01/84	
Final Action	07/01/85	

Small Entity: No

Additional Information: Proposals are to be circulated among Federal agencies on an information basis before rulemaking consideration.

Agency Contact: Mr. Stanley M. Duda, Director, General Services Administration, Utilization Division (FMU), Washington, DC 20406, 703 557-0807

RIN: 3090-AA42

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42. TRANSPORTATION AND TRAFFIC MANAGEMENT

Legal Authority: 40 USC 486(c)

CFR Citation: 41 CFR 101-40, Amendment G

Abstract: The revision to 41 CFR 101-40 will update policy and procedures that apply to the management of transportation matters affecting the Federal civilian executive agencies.

Timetable:

Action	Date	FR Cite
NPRM	04/00/85	
NPRM Comment Period Begin	04/00/85	
Final Action	08/00/85	

Small Entity: No

Agency Contact: John B. Millington, Supervisory Traffic Management Specialist, General Services Administration, Travel&Transportation Regulations Div (FTA), Office of Federal Supply and Services, Washington, DC 20406, 703 557-1256

RIN: 3090-AA73

43. COST EFFECTIVE PROCUREMENT OF PERSONAL PROPERTY

Legal Authority: 40 USC 486(c)

CFR Citation: 41 CFR 101-26.100-2; 41 CFR 101-26.102-1(a); 41 CFR 101-26.301(b); 41 CFR 101-26.401-3; 41 CFR 101-26.501(b); 41 CFR 101-26.505-3

Abstract: Review regulations and determine changes needed to assure the most cost effective means of support are available in meeting agencies' needs for goods and services.

Timetable:

Action	Date	FR Cite
Begin Review	04/00/85	
End Review	07/00/85	

Small Entity: No

Additional Information: The proposed regulation, title: Waivers from the Use of GSA Supply Sources, is withdrawn because the proposed legislation on "Industrial Funding" was not enacted.

Agency Contact: Robert Renner, Director, Regulations Management Division, General Services Administration, Regulations Management Division (FEY), Office of Management, Washington, DC 20406, 703 557-7990

RIN: 3090-AA95

44. MOTOR EQUIPMENT MANAGEMENT

Legal Authority: 40 USC 491; 40 USC 486(c)

CFR Citation: 41 CFR 101-38

Abstract: The revision to 41 CFR 101-38 updates policy and procedures that apply to the management of the Federal Motor Vehicle Fleet affecting the Federal executive agencies and incorporates certain paragraphs from 101-25, 101-26, and 101-39 that apply to the Federal fleet.

Timetable:

Action	Date	FR Cite
NPRM	04/00/85	
NPRM Comment Period Begin	04/00/85	
NPRM Comment Period End	06/00/85	
Final Action	09/00/85	

Small Entity: No

Government Levels Affected: Federal

Agency Contact: John B. Millington, Supervisory Traffic Management Specialist, General Services Administration, Travel and Transportation Regulations Div., (FTA), Washington, DC 20406, 703 557-1256

RIN: 3090-AB00

45. INTERAGENCY FLEET MANAGEMENT SYSTEMS

Legal Authority: 40 USC 491; 40 USC 486(c)

CFR Citation: 41 CFR 101-39

Abstract: The revision to 41 CFR 101-39 updates policy and procedures that apply to the operation and management of Interagency Fleet Management Systems.

Timetable:

Action	Date	FR Cite
NPRM	04/00/85	
NPRM Comment Period Begin	04/00/85	
NPRM Comment Period End	06/00/85	
Final Action	09/00/85	

Small Entity: No

Agency Contact: John B. Millington, Supervisory Traffic Management Specialist, General Services Administration, Travel and Transportation Regulations Div., (FTA), Washington, DC 20406, 703 557-1256

RIN: 3090-AB02

46. USE OF CARRIER CONTRACTORS FOR EXPRESS SMALL PACKAGE TRANSPORTATION

Legal Authority: 40 USC 486(c)

CFR Citation: 41 CFR 101-40, (FPMR) Temp. Reg. A-23

Abstract: This supplement reflects the extension of the DHL Airways, Inc., contract for next-day transportation service on small packages to and from approximately 25,000 points in the United States, including Alaska and Hawaii. This contract is mandatory for use by Federal civilian agencies and optional for cost-reimbursable contractors and legislative and judicial branches of the Government.

Timetable:

Action	Date	FR Cite
Final Action	04/00/85	

Small Entity: No

Agency Contact: John B. Millington, Supervisory Traffic Management Specialist, General Services Administration, Travel&Transportation Regulations Div (FTA), Washington, DC 20406, 703 557-1256

RIN: 3090-AB63

47. ● CHANGE TO FEDERAL TRAVEL REGULATIONS (FTR), FPMR 101-7 SUPPLEMENT (UNASSIGNED)

Legal Authority: 40 USC 486(c); 5 USC 5707

CFR Citation: 41 CFR 101-7

Abstract: FTR change transmitted by GSA Bulletin FPMR A-40, Supplement (unassigned). FTR change implements new and/or revised high rate geographical areas and applicable maximum reimbursement rates for subsistence expenses incurred during official travel.

Timetable:

Action	Date	FR Cite
Final Action	05/28/85	

Small Entity: No

Agency Contact: Audrey E. Rish, Supervisory Traffic Management Specialist, General Services Administration, Travel & Transportation Regulations Division, Washington, DC 20406, 703 557-1253

RIN: 3090-AB99

48. ● CHANGE TO FEDERAL TRAVEL REGULATIONS (FTR), FPMR 101-7 SUPPLEMENT (UNASSIGNED)

Legal Authority: 40 USC 486(c); 5 USC 5707

CFR Citation: 41 CFR 101-7

Abstract: FTR Change transmitted by GSA Bulletin FPMR A-40, Supplement (unassigned). This FTR change will implement those provisions of OMB Circular A-126 which pertain to use of Government aircraft for official travel. Also included will be revised policies and procedures for use of rental cars in lieu of Government-contract rental vehicles under GSA Federal Supply Schedule Contracts.

Timetable:

Action	Date	FR Cite
Final Action	09/00/85	

Small Entity: No

Agency Contact: Audrey E. Rish, Supervisory Traffic Management Specialist, General Services Administration, Travel & Transportation Regulations Division, Washington, DC 20406, 703 557-1253

RIN: 3090-AC00

49. ● CHANGE TO FEDERAL TRAVEL REGULATIONS (FTR), FPMR 101-7 SUPPLEMENT (UNASSIGNED)

Legal Authority: 40 USC 486(c); 5 USC 5724c; EO 11609; EO 12466

CFR Citation: 41 CFR 101-7

Abstract: FTR change transmitted by GSA Bulletin FPMR A-40, Supplement (unassigned). FTR change will implement Presidential regulatory authority governing agency authority to contract with third party relocation companies to provide relocation services for transferred employees. Will replace guidelines issued by GSA and published in the Federal Register, August 27, 1984 (49 FR 33937-33940). (Transmitted by GSA Bulletin FPMR A-40, Supplement 11.)

Timetable:

Action	Date	FR Cite
Final Action	05/30/85	

Small Entity: No

Agency Contact: Audrey E. Rish, Supervisory Traffic Management Specialist, General Services Administration, Travel & Transportation Regulations Division, Washington, DC 20406, 703 557-1253

RIN: 3090-AC01

50. ● CHANGE TO FEDERAL TRAVEL REGULATIONS (FTR) (SUPPLEMENT 14)

Legal Authority: 40 USC 486(c); 5 USC 5724b; EO 11609; EO 12466

CFR Citation: 41 CFR 101-7

Abstract: FTR change transmitted by GSA Bulletin FPMR A-40, Supplement 14. This FTR change implements the Relocation Income Tax (RIT) allowance authorized by Pub. L. 98-151 and Pub. L. 98-473. The RIT allowance is authorized for transferred employees whose effective date of transfer is on or after November 14, 1983, and who incurred additional Federal, State, and local income taxes as a result of reimbursement by the Government for certain relocation expenses incident to their transfers.

Timetable:

Action	Date	FR Cite
Final Action	04/30/85	

Small Entity: No

Agency Contact: Audrey E. Rish, Supervisory Traffic Management Specialist, General Services Administration, Travel & Transportation Regulations Division, Washington, DC 20406, 703 557-1253

RIN: 3090-AC02

51. ● REVISION OF STANDARD FORM 121, ANNUAL REPORT OF UTILIZATION AND DISPOSAL OF EXCESS AND SURPLUS PERSONAL PROPERTY

Legal Authority: 40 USC 486(c)

CFR Citation: 41 CFR 101-43

Abstract: This proposed regulation provides for miscellaneous revisions to the Standard Form 121, Annual Report of Utilization and Disposal of Excess and Surplus Personal Property. Instructions for preparing the form have been revised to reflect the changes in the form.

Timetable:

Action	Date	FR Cite
Final Action	06/01/85	

Small Entity: No

Agency Contact: Mr. Stanley M. Duda, Director, General Services Administration, Utilization Division (FMU), Washington, DC 20406, 703 557-0807

RIN: 3090-AC03

52. ● INSTRUCTIONS FOR PREPARING STANDARD FORM 120

Legal Authority: 40 USC 486(c)

CFR Citation: 41 CFR 101-43

Abstract: This proposed regulation would update the listing of GSA regional offices to reflect current information and would amend the instructions for preparing Standard Form 120 to require standardized document and item numbers in FEDSTRIP/MILSTRIP format.

Timetable:

Action	Date	FR Cite
Final Action	05/01/85	

Small Entity: No

Agency Contact: Mr. Stanley M. Duda, Director, General Services Administration, Utilization Division (FMU), Washington, DC 20406, 703 557-0807

RIN: 3090-AC04

53. ● ADDITIONAL CRITERIA FOR EXCHANGE OR SALE

Legal Authority: 40 USC 486(c)

CFR Citation: 41 CFR 101-46

Abstract: This proposed regulation would introduce a definition of replacement, expand the one year use requirement for exchange/sale property, and introduce a special authorization for Federal museums to exchange historical items.

Timetable:

Action	Date	FR Cite
Final Action	06/01/85	

Small Entity: No

Agency Contact: Mr. Stanley M. Duda, Director, General Services Administration, Utilization Division (FMU), Washington, DC 20406, 703 557-0807

RIN: 3090-AC05

OFFICE OF INFORMATION RESOURCES MANAGEMENT

54. EXEMPTION OF ADP PROCUREMENT AUTHORITY BASED ON THE DEFENSE AUTHORIZATION ACT OF 1982 - PROJECT 82.23T

Legal Authority: 40 USC 486(c)

CFR Citation: 41 CFR 201-1; 41 CFR 201-32

Abstract: This directive will address Department of Defense exemptions to GSA Government-wide ADP regulations.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Additional Information: The FIRMR at section 201-1.102-3 paragraph (a) states the Department of Defense exclusion, see 49 FR 20998, May 17, 1984.

Agency Contact: Roger W. Walker, Chief, General Services Administration, Policy Branch (KMPP), Office of Information Resources Management, Washington, DC 20405, 202 566-0194

RIN: 3090-AA16

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55. OBSOLESCENCE, EXCHANGE/SALE AND REUSE OF FEDERAL ADP EQUIP. PROJECT 82.05/82.06A

Legal Authority: 40 USC 486(c)

CFR Citation: 41 CFR 201-11; 41 CFR 201-30; 41 CFR 201-32; 41 CFR 201-33

Abstract: This project will update and revise ADP reutilization management procedures. The intent is to reduce obsolescent ADP equipment in the Government inventory and reduce paperwork through interagency sharing and reutilization. Exchange/sale procedure for contracting activities will be added. A single FIRMR amendment will be issued.

Timetable:

Action	Date	FR Cite
NPRM	03/00/85	
Proposal for Agency comment	03/00/85	
Final Action	09/00/85	

Small Entity: No

Agency Contact: Phillip R. Patton, Procurement Analyst, General Services Administration, Policy Branch, (KMPP), Office of Information Resources Management, Washington, DC 20405, 202 566-0194

RIN: 3090-AA19

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56. PERFORMANCE VALIDATION OF ADP SYSTEMS, PROJECT 84.80A

Legal Authority: 40 USC 486(c)

CFR Citation: 41 CFR 201-2; 41 CFR 201-24; 41 CFR 201-30

Abstract: Benchmarks are costly and difficult to use in the ADP acquisition selection process. In September 1982 GSA contracted with FEDSIM for a technical study of benchmarking and alternative performance evaluation techniques. Completed in May 1984 the study concluded that in some circumstances more cost-effective alternative performance validation techniques are indicated and recommended a revision to Federal regulations to discourage the use of benchmarking as a performance validation tool for low dollar ADP acquisitions. GSA plans to amend the FIRMR to allow agencies more freedom in selecting and using appropriate capability and performance validation techniques based on an assessment of the inherent risks of the technique and how those risks impact agency mission.

Timetable:

Action	Date	FR Cite
End Review	10/00/84	
NPRM	02/22/85	50 FR 7356
Proposal for Agency comment	03/22/85	
Final Action	04/00/85	

Small Entity: No

Additional Information: This project was originally titled "Benchmarking in the Selection of Automatic Data Processing." The objective was to raise the dollar threshold and develop criteria for benchmark use. The project was retitled "Performance Validation of ADPE Systems" when GSA review of the FEDSIM study indicated that selection and use of any performance validation technique (including benchmarking) should primarily be a function of the risks associated with the technique and the impact on agency mission and not just a function of the dollar value of the acquisition.

Agency Contact: Carolyn A. Thomas, Program Analyst, General Services Administration, Policy Branch (KMPP), Office of Information Resources Management, Washington, DC 20405, 202 566-0194

RIN: 3090-AA90

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57. REVISION OF ACQUISITION AND MANAGEMENT PROVISIONS REGARDING THE CHANGING TELECOMMUNICATION MARKETPLACE, INCLUDING THE DETARIFFING OF CUSTOMER PREMISES EQUIPMENT (84.06A)

Legal Authority: 40 USC 486(c)

CFR Citation: 41 CFR 201-37

Abstract: This project revises FIRMR Provisions relating to Federal Telecommunications acquisition and management. It will include changes brought about by the Federal Communications Commission Computer II inquiry and the divestiture of AT&T. This regulation will provide an overview of GSA regulations and policies impacting Government-wide telecommunication management and will specifically address the need for requirements definition and analysis for local and intercity service. It will revise "major change" requirements and state what GSA needs from agencies if GSA is expected to provide services or if GSA is reviewing service for individual agency acquisitions. All obsolete provisions will be eliminated.

Timetable:

Action	Date	FR Cite
NPRM	04/00/85	
Final Action	09/00/85	

Small Entity: No

Additional Information: The telecommunication parts of the FIRMR as published in the Federal Register Jan. 30, 1985, are a restatement of the telecommunication provisions of the FPR and FPMR. No policy changes were made. This action revises the FIRMR to make telecommunication regulations current, clear, and concise.

Agency Contact: John F. Stewart, Supervisory Communications Specialist, General Services Administration, Policy Branch (KMPP), Office of Information Resources Management, Washington, DC 20405, 202 566-0834

RIN: 3090-AB08

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58. AGENCY PLANNING - PROJECT 84.32A

Legal Authority: 40 USC 486(c)

CFR Citation: 41 CFR 201-16; 41 CFR 201-17

Abstract: Federal agency information resources managers must do a better job of planning. This proposed FIRMR temporary regulation will provide more comprehensive guidance to Federal agencies on the subject of planning and how to do it effectively. The regulation shall also define and obtain from the agencies additional data elements (not provided in current planning documents) that are essential to improving information resources management and agency planning.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Additional Information: Regulatory development will be delayed approximately six months pending issuance of OMB policy relative to information systems and technology planning.

Agency Contact: Phillip R. Patton, Procurement Analyst, General Services Administration, Policy Branch (KMPP), Office of Information Resources Management, Washington, DC 20405, 202 566-0194

RIN: 3090-AB58

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59. TRIENNIAL REVIEW OF AGENCY ADMINISTRATION AND OPERATION OF INFORMATION MANAGEMENT ACTIVITIES - PROJECT 84.33T

Legal Authority: 40 USC 486(c)

CFR Citation: 41 CFR 201-19

Abstract: This proposed FIRMR temporary regulation will establish the Federal Information Resources Management (IRM) Review Program. It will prescribe the policies and procedures that Federal agencies and the General Services Administration will follow in carrying out the review responsibilities of the Paperwork Reduction Act (44 U.S.C. 3513). The review program's purpose is to ensure that Federal agencies are carrying out their information management activities in an efficient, effective, and economical manner.

Timetable:

Action	Date	FR Cite
NPRM	08/27/84	
NPRM Comment Period Begin	08/27/84	49 FR 33906
NPRM Comment Period End	09/30/84	
Final Action	04/00/85	

Small Entity: No

Agency Contact: Phillip R. Patton, Procurement Analyst, General Services Administration, Policy Branch, (KMPP), Ofc of Info Resources Management, Washington, DC 20405, 202 566-0194

RIN: 3090-AB60

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60. FIRMR REVISIONS TO IMPLEMENT PUBLIC LAWS 98-369 AND 98-577 - PROJECT 84.64A

Legal Authority: 40 USC 486(c)

CFR Citation: 41 CFR 201-4

Abstract: This project will revise existing FIRMR provisions to conform to the requirements of Public Law 98-369 and Public Law 98-577.

Timetable:

Action	Date	FR Cite
NPRM	03/00/85	

Small Entity: No

Additional Information: This project does not include the ADP dispute resolution section of Public Law 98-369. That section is being implemented in a separate project (84.63T).

Agency Contact: William R. Loy, Procurement Analyst, General Services Administration, Policy Branch, (KMPP), Ofc of Info Resources Management, Washington, DC 20405, 202 566-0194

RIN: 3090-AB61

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61. FIRMR IMPLEMENTATION OF THE ADP DISPUTE RESOLUTION SECTION OF THE COMPETITION IN CONTRACTING ACT OF 1984 - PROJECT 84.63T

Legal Authority: 40 USC 486(c)

CFR Citation: 41 CFR 201-32

Abstract: This project will add coverage to the FIRMR to address the ADP dispute resolution section of Public Law 98-369, the Competition in Contracting Act of 1984.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Additional Information: This regulatory proposal was delayed pending issuance of GSBCA and FAR implementing regulations. The publication of a notice of proposed rulemaking is being waived (pursuant to the Office of Federal Procurement Policy Act (41 USC 405(h)(1)) because of the January 15, 1985, effective date of the ADP protest resolution procedures.

Agency Contact: William R. Loy, Procurement Analyst, General Services Administration, Policy Branch, (KMPP), Ofc of Info Resources Management, Washington, DC 20405, 202 566-0194

RIN: 3090-AB64

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62. ● LISTENING-IN OR RECORDING OF TELEPHONE CONVERSATIONS - PROJECT 84.25A

CFR Citation: 41 CFR 201-6.2

Abstract: This regulation clarifies administrative reporting and oversight described in current regulations. The principal changes will require agencies to maintain logs and transcripts of recorded conversations and to improve record keeping and documentation. It also makes violations of this regulation subject to agency internal disciplinary procedures and includes penalties such as fines or dismissal.

Timetable:

Action	Date	FR Cite
NPRM	05/00/85	
Final Action	09/00/85	

Small Entity: No

Agency Contact: John F. Stewart, Supervisory Communications Specialist, General Services Administration, (KMPP), Office of Information Resources Management, Washington, DC 20405, 202 566-0834

RIN: 3090-AB79

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63. ● RECORDS MANAGEMENT - PROJECT 85.15A

Legal Authority: 40 USC 486(c)

CFR Citation: 41 CFR 201-22; 41 CFR 201-45

Abstract: This regulation incorporates some of the records management provisions of FPMR 101-11 into FIRMR Subparts 201-22, Records Management Programs, and 201-45, Management of Records. It consists of those provisions for which GSA will retain responsibility under Public Law 98-497, effective April 1, 1985. In addition to reflecting the division of responsibilities between NARA and GSA, it is intended to reformat the material into the FIRMR numbering system. The final regulation will only contain substantive changes

regarding forms management, Standard and Optional forms, and interagency reports management. However, these changes will be based on proposed regulations that were previously circulated for public comments.

Timetable:

Action	Date	FR Cite
NPRM	04/00/85	
Final Action	06/01/85	

Small Entity: No

Agency Contact: David R. Mullins, Procurement Analyst, General Services Administration, Policy Branch (KMPP), Office of Information Resources Management, Washington, DC 20405, 202 566-1651

RIN: 3090-AC06

OFFICE OF ORGANIZATION AND PERSONNEL

64. NONDISCRIMINATION IN FEDERAL FINANCIAL ASSISTANCE PROGRAMS

Legal Authority: Title VI of the Civil Rights Act of 1964; Section 504 of the Rehabilitation Act of 1973; Title IX of the Education Amendments of 1972, as amended; Sec 606 of the Fed Property & Admin Service Act of 1949; Age Discrimination Act of 1975, as amended

CFR Citation: 41 CFR 101-8

Abstract: The General Services Administration proposes this regulation to implement all of the above cited Federal laws. These statutes prohibit discrimination, in whole or in part, so that no person in the United States shall on the grounds of race, color, national origin, handicap, sex, or age be excluded from participation in, be denied the benefits of, or be subject to discrimination under any program or activity receiving Federal assistance from the General Services Administration. In addition, the objectives of the regulation are to streamline certain administrative procedural requirements by consolidating prohibitions of discrimination into one regulation and to make requirements clear and convenient for applicants and recipients to comply with, as well as making the regulation manageable for GSA to administer. This approach permits us to retain the substance of the prohibitions against discrimination, while reducing the cost of implementing and enforcing separate regulations for each of the four distinct laws for preventing discrimination.

Timetable:

Action	Date	FR Cite
NPRM	08/28/84	
NPRM Comment Period Begin	08/28/84	49 FR 34132
NPRM Comment Period End	12/26/84	
Age Discrimination Act	09/00/85	
Consolidated Regulation	09/00/85	
Final Action	06/00/86	

Small Entity: No

Additional Information: The Consolidated Regulation (Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, as amended and Section 606 of the Federal Property and Administrative Service Act of 1949) has been reviewed internally. Department of Justice is currently reviewing this regulation.

Agency Contact: Thomas E. Henderson, EEO Specialist, General Services Administration, Office of Civil Rights, Washington, DC 20405, 202 566-1368

RIN: 3090-AA00

65. FEDERAL ADVISORY COMMITTEE MANAGEMENT

Legal Authority: 40 USC 486(c); 5 USC App I

CFR Citation: 41 CFR 101-6.10; 41 CFR 101-11.12

Abstract: This regulation provides administrative and interpretive guidelines and management controls for Federal agencies concerning the implementation of the Federal Advisory Committee Act (FACA), as amended. It fulfills GSA's responsibilities under FACA and Executive Order 12024 and replaces OMB Circular A-63.

Timetable:

Action	Date	FR Cite
ANPRM	11/22/79	44 FR 66852
Previous NPRM	08/21/80	45 FR 55769
Interim Final Rule	04/28/83	48 FR 19324
Final Action	00/00/00	

Small Entity: No

Agency Contact: Ronald L. Martinson, Special Assistant, General Services Administration, Program Analysis and Improvement Division, Washington, DC 20405, 202 523-1343

RIN: 3090-AA62

PUBLIC BUILDINGS SERVICE

66. ASSIGNMENT AND UTILIZATION OF SPACE

Priority: Agency Determination

Legal Authority: 40 USC 486(c)

CFR Citation: 41 CFR 101-17

Abstract: This regulation provides revised procedures concerning the assignment and utilization of space in Federal facilities under the custody and control of GSA. It supersedes provisions in 41 CFR 101-17. The intent of the rule is to simplify and streamline GSA's space management regulations.

Timetable:

Action	Date	FR Cite
Temporary Regulation D-68	03/08/83	48 FR 9822
Extend D-68 expiration date	05/15/85	
Final Action	05/00/85	

Small Entity: No

Additional Information: This regulation will be combined with work space management reforms which has a projected issuance date of March 1, 1985.

Agency Contact: John Quigley, Director, General Services Administration, Assignment and Utilization Division (PRM), Washington, DC 20405, 202 566-1875

RIN: 3090-AA67

67. FEDERAL EMPLOYEE PARKING

Legal Authority: 40 USC 486(c)

CFR Citation: 41 CFR 101-20

Abstract: This regulation will revise procedures for the assignment of parking spaces at federally controlled facilities.

Timetable:

Action	Date	FR Cite
Temporary Regulation D-69	04/15/83	48 FR 16272
Extend D-69 expiration date	02/01/84	49 FR 9724

Action	Date	FR Cite
Final Action	09/30/85	

Small Entity: No

Agency Contact: John Quigley, Director, General Services Administration, Assignment and Utilization Division (PRM), Washington, DC 20405, 202 566-1875

RIN: 3090-AA68

68. WORK SPACE MANAGEMENT REFORMS

Priority: Agency Determination

Legal Authority: 40 USC 486(c); EO 12411 48 FR 13391; 63 Stat 377; 40 USC 285; 40 USC 304c; 40 USC 601 et seq; 86 Stat 674; 40 USC 490 Note; 90 Stat 2505; 42 USC 4201 to 4244; 40 USC 531 to 535; 42 USC 3601; EO 12348; 42 USC 4321

CFR Citation: 41 CFR 101-16; 41 CFR 101-17

Abstract: This regulation provides procedures for the development and maintenance of planning information and reporting systems to ensure the efficient utilization of Federal work space and related furnishings. It implements E.O. 12411 and merges FPMR Temporary Regulation D-68, which pertained to space assignment and Utilization of GSA-Controlled Space, with FPMR Temporary Regulation D-70, which pertained to all Federal work space.

The regulation vests major responsibility for the achievement of efficient utilization of space with the Heads of Agencies. GSA's major roles include receiving the streamlined and simplified space inventory reports and establishing objectives for work space use for each agency.

Through the achievement of more efficient work space utilization the administrative costs of the Federal Government will be reduced.

Timetable:

Action	Date	FR Cite
ANPRM	10/22/84	49 FR 42235
Final Action	06/00/85	

Small Entity: No

Additional Information: This regulation will merge completed rulemaking 3090-AB24, work space management plans (FPMR Temporary Regulation D-70, Supp. 1) and current rulemaking 3090-AA67, assignment and utilization of space.

Government Levels Affected: Federal

Agency Contact: John Quigley, Director, General Services Administration, Assignment and Utilization Division (PRM), Washington, DC 20405, 202 566-1875

RIN: 3090-AB50

GENERAL SERVICES ADMINISTRATION (GSA) Completed Actions

COMPLETED RULEMAKINGS

69. VENDING FACILITY PROGRAM FOR BLIND PERSONS

CFR Citation: 41 CFR 101-20.2

Completed:

Reason	Date	FR Cite
Withdrawn	01/03/85	

Small Entity: No

Agency Contact: Emily Karam 202 566-1177

RIN: 3090-AA70

70. GENERAL SERVICES ADMINISTRATION ACQUISITION REGULATION (GSAR)- PARTS 536 AND 552

Priority: Undetermined

CFR Citation: 48 CFR 536; 48 CFR 552

Completed:

Reason	Date	FR Cite
Final Action Acquisition Circular AC-84-5	09/18/84	49 FR 36505
Final Action Effective	09/10/84	

Small Entity: Not Applicable

Agency Contact: Ida Ustad 202 523-4754

RIN: 3090-AB38

71. GENERAL SERVICES ADMINISTRATION ACQUISITION REGULATION (GSAR) FAC-84-1

Priority: Undetermined

CFR Citation: 48 CFR 504

Completed:

Reason	Date	FR Cite
Final Action APD 2800.12. CHGE 4	10/17/84	49 FR 49577
Final Action Effective	10/05/84	

Small Entity: Not Applicable

Agency Contact: Ida Ustad 202 523-4754

RIN: 3090-AB41

72. GENERAL SERVICES ADMINISTRATION ACQUISITION REGULATION (GSAR)- RULES OF GSA BOARD OF CONTRACT APPEALS

Priority: Undetermined

CFR Citation: 48 CFR 533

Completed:

Reason	Date	FR Cite
Final Action APD 2800.12. CHGE 3	09/13/84	49 FR 35938
Final Action Effective	06/01/84	

Small Entity: Not Applicable

Agency Contact: Ida Ustad 202 523-4754

RIN: 3090-AB42

73. PROTESTS AGAINST AWARD

CFR Citation: 41 CFR 514.407 to 514.408

Completed:

Reason	Date	FR Cite
Withdrawn	10/30/84	

Small Entity: Yes

Agency Contact: John S. Miller, III 202 566-1480

RIN: 3090-AB46

74. GENERAL SERVICES ADMINISTRATION ACQUISITION REGULATION (GSAR) METHOD OF PAYMENT

Priority: Undetermined

CFR Citation: 48 CFR 532; 48 CFR 552

GSA

Completed Actions

Completed:

Reason	Date	FR Cite
Final Action Acquisition Circular AC-84-5	09/11/84	49 FR 35637
Final Action Effective	08/31/84	

Small Entity: Not Applicable

Agency Contact: Ida Ustad 202 523-4754

RIN: 3090-AB56

75. GENERAL SERVICES ADMINISTRATION ACQUISITION REGULATION (GSAR) MILLER ACT

Priority: Undetermined

CFR Citation: 48 CFR 528; 48 CFR 533; 48 CFR 549

Completed:

Reason	Date	FR Cite
Final Action APD 2800.12 CHGE 2	08/28/84	49 FR 34018
Final Action Effective	08/15/84	

Small Entity: Not Applicable

Agency Contact: Ida Ustad 202 523-4754

RIN: 3090-AB57

76. SELECTIVE SERVICE SYSTEM NATIONAL EMERGENCY TRAVEL WARRANT AND DEPARTMENT OF DEFENSE RESERVIST/RETIREE MILITARY EMERGENCY TRAVEL WARRANT

CFR Citation: 41 CFR 101-41

Completed:

Reason	Date	FR Cite
Final Action	10/11/84	49 FR 39918

Small Entity: No

Agency Contact: James F. Fitzgerald 202 786-3018

RIN: 3090-AA05

77. UNUSED TICKET REFUND PROCEDURES

CFR Citation: 41 CFR 101-41

Completed:

Reason	Date	FR Cite
Final Action	01/08/85	50 FR 938

Small Entity: No

Agency Contact: John W. Sandfort 202 786-3014

RIN: 3090-AA91

78. ELIMINATE REQUIREMENT TO CERTIFY SUBSTITUTE DOCUMENT

CFR Citation: 41 CFR 101-41

Completed:

Reason	Date	FR Cite
Final Action	10/25/84	49 FR 42932

Small Entity: No

Agency Contact: Louis Rosengarten 202 786-3012

RIN: 3090-AB52

79. CANCEL STANDARD FORM 1172, CERTIFICATE IN LIEU OF LOST U.S. GOVERNMENT TRANSPORTATION REQUEST

CFR Citation: 41 CFR 101-41

Completed:

Reason	Date	FR Cite
Final Action	11/07/84	49 FR 44470
Final Action Effective	11/07/84	

Small Entity: No

Agency Contact: James F. Fitzgerald 202 786-3014

RIN: 3090-AB34

80. USE OF TRAVEL AGENCIES FOR OFFICIAL TRAVEL

CFR Citation: 41 CFR 101-41

Completed:

Reason	Date	FR Cite
Final Action	12/13/84	49 FR 48547

Small Entity: Yes

Agency Contact: James F. Fitzgerald 202 786-3018

RIN: 3090-AB65

81. CONVEYANCE FOR HISTORIC MONUMENT PURPOSES

CFR Citation: 41 CFR 101-47.308-3(a)(3); 41 CFR 101-47.308-2(e)

Completed:

Reason	Date	FR Cite
Final Action FPMR Amendment H-150	10/18/84	49 FR 44471
Final Action Effective	10/18/84	49 FR 44471

Small Entity: No

Agency Contact: James H. Pitts 202 535-7067

RIN: 3090-AA35

82. ADDITION OF CONCURRENT 30-DAY FEDERAL AGENCY AND PUBLIC USE SCREENING REQUIREMENT

CFR Citation: 41 CFR 101-47.203-5(b)

Completed:

Reason	Date	FR Cite
Final Action FPMR Amendment H-149	08/27/84	49 FR 37091
Final Action Effective	08/27/84	

Small Entity: No

Agency Contact: James H. Pitts 202 535-7067

RIN: 3090-AA77

83. FPMR TEMPORARY REGULATION G - APPEARANCE RECONDITIONING OF MOTOR VEHICLES

CFR Citation: 41 CFR 101-38

Completed:

Reason	Date	FR Cite
Withdrawn	01/00/85	

Small Entity: No

Agency Contact: John B. Millington 703 557-1256

RIN: 3090-AA99

84. FPMR TEMPORARY REGULATION G- USE OF GASOHOL IN FEDERAL MOTOR VEHICLES

CFR Citation: 41 CFR 101-38

Completed:

Reason	Date	FR Cite
Withdrawn	12/00/84	

Small Entity: No

Agency Contact: John B. Millington 703 557-1256

RIN: 3090-AB01

GSA

Completed Actions

85. TRAVEL AND TRANSPORTATION EXPENSE PAYMENT SYSTEM USING CONTRACTOR-ISSUED CHARGE CARDS AND TRAVELERS CHECKS

CFR Citation: 41 CFR 101-40, (FPMR) Temp. Regulation A-25

Completed:

Reason	Date	FR Cite
Final Action FPMR Temporary Regulation A-25	08/22/84	49 FR 33248

Small Entity: No

Agency Contact: John B. Millington 703 557-1256

RIN: 3090-AB27

86. SUPPLEMENT 11 TO FEDERAL TRAVEL REGULATIONS (FTR)

CFR Citation: 41 CFR 101-7

Completed:

Reason	Date	FR Cite
Final Action	08/27/84	49 FR 33937
Final Action Effective	11/14/83	

Small Entity: No

Agency Contact: Rose Ann Grossman 703 557-1253

RIN: 3090-AB30

87. CHANGES TO FEDERAL TRAVEL REGULATIONS (FTR) FPMR 101-7 (SUPPLEMENT 12)

CFR Citation: 41 CFR 101-7

Completed:

Reason	Date	FR Cite
Final Action	11/19/84	49 FR 45662
Final Action Effective	10/01/84	

Small Entity: No

Agency Contact: Ray Price 703 557-1256

RIN: 3090-AB47

88. USE OF CONTRACT AIRLINE SERVICE BETWEEN SELECTED CITY-PAIRS

CFR Citation: 41 CFR 101-40, (FPMR) Temp. Reg. A-22

Completed:

Reason	Date	FR Cite
Final Action	12/13/84	49 FR 48544

Small Entity: No

Agency Contact: John B. Millington 703 557-1256

RIN: 3090-AB48

89. UTILIZATION AND DONATION OF FOREIGN GIFTS AND DECORATIONS

CFR Citation: 41 CFR 101-49

Completed:

Reason	Date	FR Cite
Final Action	01/02/85	50 FR 82

Small Entity: No

Agency Contact: George W. Kinney 703 557-1234

RIN: 3090-AB62

90. CONTRACTS WITH THE SMALL BUSINESS ADMINISTRATION (SBA) FOR ADP REQUIREMENTS - PROJECT 82-17T

Completed:

Reason	Date	FR Cite
Withdrawn	01/00/85	

Small Entity: Not Applicable

Agency Contact: William R. Loy 202 566-0194

RIN: 3090-AA13

91. FORMS MANAGEMENT RESPONSIBILITIES - PROJECT 82.38P

CFR Citation: 41 CFR 201-22; 41 CFR 201-45

Completed:

Reason	Date	FR Cite
Withdrawn	01/00/85	

Small Entity: No

Agency Contact: David R. Mullins 202 566-0194

RIN: 3090-AA17

92. INTERAGENCY REPORTS MANAGEMENT PROGRAM - PROJECT 84.14A

CFR Citation: 41 CFR 201-45

Completed:

Reason	Date	FR Cite
Withdrawn	01/00/85	

Small Entity: No

Agency Contact: David R. Mullins 202 566-0194

RIN: 3090-AB53

93. STANDARD AND OPTIONAL FORMS - PROJECT 84.56A

CFR Citation: 41 CFR 201-45

Completed:

Reason	Date	FR Cite
Withdrawn	01/00/85	

Small Entity: No

Agency Contact: David R. Mullins 202 566-0194

RIN: 3090-AB54

94. REVISIONS TO FIRMR SUBPART 201-36.13, IMPLEMENTATION OF FEDERAL INFORMATION PROCESSING AND FEDERAL TELECOMMUNICATIONS STANDARDS IN SOLICITATION DOCUMENTS - PROJECT 84.51T

CFR Citation: 41 CFR 201-36

Completed:

Reason	Date	FR Cite
Final Action	01/30/85	50 FR 4322
Final Action Effective	04/01/85	50 FR 4322

Small Entity: No

Agency Contact: Mary Anderson 202 566-0194

RIN: 3090-AB59

ACTIONS THAT STARTED AND ENDED BETWEEN ISSUES OF THE UNIFIED AGENDA

95. ● GENERAL SERVICES ADMINISTRATION ACQUISITION REGULATION, CHANGE 7

Priority: Undetermined

Legal Authority: 40 USC 486(c) Sec. 205(c), 63 Stat. 390

CFR Citation: 48 CFR 501; 48 CFR 515; 48 CFR 522; 48 CFR 552

Abstract: Change 7 to the GSAR (APD 2800.12 CHGE 7) incorporated the contents of Acquisition Circular AC-84-7, Ratification of Unauthorized Awards, into the regulation, added a list of OMB

Approval Numbers obtained in accordance with the Paperwork Reduction Act for Information collection requirements in the regulation, and made other miscellaneous changes in Parts 501, 515 and 552 based on comments from contracting activities.

Timetable:

Action	Date	FR Cite
Final Action Effective	01/04/85	
Final Action APD 2800.12 CHGE 7	01/16/85	50 FR 2284

Small Entity: Not Applicable

Agency Contact: Ida Ustad, Senior Procurement Analyst, General Services Administration, GSA Acquisition Policy and Regulations, 18th & F Sts., NW Room 4027, Washington, DC 20405, 202 523-4754

RIN: 3090-AB77

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96. ● GENERAL SERVICES ADMINISTRATION ACQUISITION REGULATION, ACQUISITION CIRCULAR 85-2

Priority: Undetermined

Legal Authority: 40 USC 486(c) Sec. 205(c), 63 Stat. 390

CFR Citation: 48 CFR 25

Abstract: GSA issued an Acquisition Circular AC-85-2, Threshold for Application of the Trade Agreements Act, which provided the new dollar threshold required for the applicability of the Trade Agreements Act of 1979, as authorized by the U.S. Trade Representative.

Timetable:

Action	Date	FR Cite
Final Action Effective	01/25/85	
Final Action Acquisition Circular AC-85-2	02/04/85	50 FR 4862

Small Entity: Not Applicable

Agency Contact: Ida Ustad, Senior Procurement Analyst, General Services Administration, GSA Acquisition Policy and Regulations, 18th & F Sts., NW Room 4027, Washington, DC 20405, 202 523-4754

RIN: 3090-AB80

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97. ● GENERAL SERVICES ADMINISTRATION ACQUISITION REGULATION ACQUISITION CIRCULAR AC-85-1

Priority: Undetermined

Legal Authority: 40 USC 486(c) Sec 205(c), 63 Stat. 390

CFR Citation: 48 CFR 552

Abstract: GSA issued an Acquisition Circular AC-85-1, Payment Due Date Clause, to revise the clause to provide for calculation of the payment due date for progress payments based on the date of receipt of a proper request for payment/invoice by the office designated to receive invoices. Also the clause is revised to establish an acceptance period for partial and final payments and to define a "proper" payment request.

Timetable:

Action	Date	FR Cite
Final Action Effective	01/23/85	
Final Action Acquisiton Circular AC-85-1	01/31/85	50 FR 4516

Small Entity: Not Applicable

Agency Contact: Ida Ustad, Senior Procurement Analyst, General Services Administration, GSA Acquisition Policy and Regulations, 18th & F Sts., NW Room 4027, Washington, DC 20405, 202 523-4754

RIN: 3090-AB81

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98. ● GENERAL SERVICES ADMINISTRATION ACQUISITION REGULATION CHANGE 6

Priority: Undetermined

Legal Authority: 40 USC 486(c) Sec 205(c), 63 Stat. 390

CFR Citation: 48 CFR 509, 48 CFR 532, 48 CFR 536; 48 CFR 552

Abstract: GSA issued a Change (APD 2800.12 CHGE 6) to incorporate the contents of Acquisition Circular AC-84-4, Contract Clauses; AC-84-5, Payment by Wire Transfer; and AC-84-6, Basis of Award for Construction Contracts into the regulation.

Timetable:

Action	Date	FR Cite
Final Action Effective	12/28/84	
Final Action APD 2800.12 CHGE 6	01/11/85	50 FR 1534

Small Entity: Not Applicable

Agency Contact: Ida Ustad, Senior Procurement Analyst, General Services Administration, GSA Acquisition Policy and Regulations, 18th & F Sts., NW Room 4027, Washington, DC 20405, 202 523-4754

RIN: 3090-AB90

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99. ● GENERAL SERVICES ADMINISTRATION ACQUISITION REGULATION CHANGE 5

Priority: Undetermined

Legal Authority: 40 USC 486(c) Sec 205(c), 63 Stat. 390

CFR Citation: 48 CFR 509

Abstract: GSA issued a Change (APD 2800.12 CHGE 5) to provide coverage on accessing the Automated Consolidated List of Debarred, Suspended, and Ineligible Contractors. Miscellaneous changes were also incorporated at this time.

Timetable:

Action	Date	FR Cite
Final Action Effective	12/03/84	
Final Action APD 2800.12 CHGE 5	12/14/84	49 FR 48726

Small Entity: Not Applicable

Agency Contact: Ida Ustad, Senior Procurement Analyst, General Services Administration, GSA Acquisition Policy and Regulations, 18th & F Sts., NW Room 4027, Washington, DC 20405, 202 523-4754

RIN: 3090-AB91

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100. ● GENERAL SERVICES ADMINISTRATION ACQUISITION REGULATION, ACQUISITION CIRCULAR 84-8

Priority: Undetermined

Legal Authority: 40 USC 486(c) Sec 205(c), 63 Stat. 390

CFR Citation: 48 CFR 533

Abstract: GSA issued Acquisition Circular AC-84-8 regarding the placement of documents in appeal files to conform with the June 1, 1984, rules of the GSA Board of Contract Appeals.

Timetable:

Action	Date	FR Cite
Final Action Effective	10/05/84	
Final Action Acquisition Circular AC-84-8	10/17/84	49 FR 40576

Small Entity: Not Applicable

Agency Contact: Ida Ustad, Senior Procurement Analyst, General Services Administration, GSA Acquisition Policy and Regulations, 18th & F Sts., NW Room 4027, Washington, DC 20405, 202 523-4754

RIN: 3090-AB92

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101. ● GENERAL SERVICES ADMINISTRATION ACQUISITION REGULATION, ACQUISITION CIRCULAR 84-7

Priority: Undetermined

Legal Authority: 40 USC 486(c) Sec. 205(c), 63 Stat. 390

CFR Citation: 48 CFR 501

Abstract: GSA issued Acquisition Circular AC-84-7 regarding the ratification of unauthorized contractual commitments to provide GSA contracting activities with guidance and procedures.

Timetable:

Action	Date	FR Cite
Final Action Effective	10/02/84	
Final Action Acquisition Circular AC-84-7	10/12/84	49 FR 40032

Small Entity: Not Applicable

Agency Contact: Ida Ustad, Senior Procurement Analyst, General Services Administration, GSA Acquisition Policy and Regulations, 18th & F Sts., NW Room 4027, Washington, DC 20405, 202 523-4754

RIN: 3090-AB94

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102. ● GENERAL SERVICES ADMINISTRATION ACQUISITION REGULATION, ACQUISITION CIRCULAR 84-2

Priority: Undetermined

Legal Authority: 40 USC 486(c) Sec. 205(c), 63 Stat. 390

CFR Citation: 48 CFR 522; 48 CFR 552

Abstract: GSA issued a supplement to Acquisition Circular AC-84-2 to extend the expiration date of the Circular from 12/14/84 to 06/14/85. Acquisition Circular 84-2 temporarily implements and supplements Item VII, Service Contract Act of 1965, in the Federal Acquisition Circular (FAC) 84-1 and Subpart 22.10 of the Federal Acquisition Regulation.

Timetable:

Action	Date	FR Cite
Final Action Effective	12/04/84	
Final Action Acquisition Circular AC-84-2 Supplement 1	01/08/85	50 FR 945

Small Entity: Not Applicable

Agency Contact: Ida Ustad, Senior Procurement Analyst, General Services Administration, GSA Acquisition Policy and Regulations, 18th & F Sts., NW Room 4027, Washington, DC 20405, 202 523-4754

RIN: 3090-AB95

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103. ● CIVILIAN EXECUTIVE AGENCY AIRCRAFT INFORMATION SYSTEM (AIS)

Legal Authority: 40 USC 486(c)

CFR Citation: 41 CFR 101-40, (FPMR) Temp. Reg. A-27

Abstract: This regulation establishes procedures for the development of a centralized Aircraft Information System (AIS) that will produce an inventory of aircraft and facilities, including cost and utilization data on all aircraft that are operated by or for Federal civilian agencies.

Timetable:

Action	Date	FR Cite
Final Action	02/08/85	50 FR 5386

Small Entity: No

Agency Contact: John B. Millington, Supervisory Traffic Management Specialist, General Services Administration, Travel & Transportation Regulations Div., Washington, DC 20406, 703 557-1254

RIN: 3090-AB73

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104. ● CHANGES TO FEDERAL TRAVEL REGULATIONS (FTR), FPMR 101-7 (SUPPLEMENT 13)

Legal Authority: 40 USC 486(c); 5 USC 5723; EO 11609; EO 12466

CFR Citation: 41 CFR 101-7

Abstract: FTR change transmitted by GSA Bulletin FPMR A-40, Supplement 13. This FTR change implements a statutory change to expand the eligibility criteria for Presidential appointees who may be authorized reimbursement of allowable travel and transportation expenses to their first duty stations. Previous eligibility requirement that appointment be "by and with advice and consent of the Senate" has been deleted.

Timetable:

Action	Date	FR Cite
Final Action Effective	10/12/84	
Final Action	02/28/85	

Small Entity: No

Agency Contact: Rose Ann Grossman, Traffic Management Specialist, General Services Administration, Travel & Transportation Regulations Division, Washington, DC 20406, 703 557-1253

RIN: 3090-AB74

[FR Doc. 85-6379 Filed 04-26-85; 8:45 am]

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Monday
April 29, 1985

Part XXV

United States International Development Cooperation Agency/Agency for International Development

Semiannual Regulatory Agenda

IDCA

INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Agency for International Development

22 CFR Ch. II

Federal Regulations; Agency Regulatory Agenda Semiannual Summary

AGENCY: Agency for International Development, IDCA.

ACTION: Agency regulations agenda.

SUMMARY: The Agency for International Development (A.I.D.) is publishing this Agenda as required by section 5(a) of Executive Order 12291, Federal Regulation (46 FR 13193, February 19, 1981) and by the Regulatory Flexibility Act (Pub. L. 96-354, September 30, 1980). This agenda reports the status of those regulations currently under review and gives A.I.D.'s plan for the issuance of proposed regulations during the next twelve months. It is expected that the information provided in this agenda will enable the public to be more aware of and more effectively participate in A.I.D.'s rulemaking process.

FOR FURTHER INFORMATION CONTACT:

General: For further information on the agenda or the review list, in general, contact: Mr. Fred D. Allen, Office of Information Resources Management, Agency for International Development, Washington, D.C. 20523, Telephone (202) 632-3378.

Specific: For further information about any particular item on the agenda, contact the individual listed as the contact for that item.

Regulatory Flexibility Act (RFA): The Agency does not have any rulemaking activity that falls within the requirements of RFA and does not anticipate any during the next reporting period.

R. T. Rollis, Jr.,

Assistant to the Administrator for Management.

UNITED STATES INTERNATIONAL DEVELOPMENT COOPERATION AGENCY/AGENCY FOR INTERNATIONAL DEVELOPMENT (IDCA) — Current and Projected Rulemakings

NONDISCRIMINATION ON THE BASIS OF SEX IN EDUCATION PROGRAMS AND ACTIVITIES RECEIVING OR BENEFITTING FROM FEDERAL FINANCIAL ASSISTANCE

Legal Authority: 20 USC 1681 to 1683; 20 USC 1686

CFR Citation: 22 CFR 219, (New)

Abstract: This regulation will address the problem of discrimination on the basis of sex in education programs and activities receiving or benefitting from financial assistance from the Agency for International Development. The regulation is intended to implement title IX of the Education Amendments of 1972, as amended. The regulation provides procedures for 1) assuring that such discrimination does not occur and 2) effecting compliance. The Agency is not considering any alternatives for addressing the problem. There will be some minor costs in administering the regulation; there are potential benefits to individuals who might otherwise be discriminated against.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: No

Agency Contact: Nancy D. Frame, Assistant General Counsel, United States International Development Cooperation Agency/Agency for International Development, Office of the General Counsel, A.I.D., Washington, DC 20523, 202 632-8218

RIN: 0412-AA04

DONATION OF DAIRY PRODUCTS TO ASSIST NEEDY PERSONS OVERSEAS (416 PROGRAM)

Priority: Agency Determination

Legal Authority: 7 USC 1431; PL 97-253, Sec 110

CFR Citation: 22 CFR 210, (New)

Abstract: This regulation sets forth provisions of the Agency for International Development (A.I.D.), acting as an Agent for the USDA/Commodity Credit Corporation (CCC), to carry out part of the responsibilities for selecting, approving, administering and implementing the Section 416 program of the Agricultural Act of 1949, as amended. This program will assist needy persons overseas and reduce surplus stocks of dairy products in CCC inventory. The donation of commodities under this new authority will be coordinated with, but not replace, assistance provided under the Agricultural Trade Development and Assistance Act of 1954, as amended, Pub. L. 83-480. The Agency is not considering any alternatives for addressing the problem. There are some minor costs in administering the regulation. The potential benefits will go to needy persons overseas.

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/24/84	49 FR 22024
Final Action	00/00/00	

Small Entity: No

Agency Contact: Jessie C. Vogler, Program Officer, United States International Development Cooperation Agency/Agency for International Development, Office of Food for Peace, Bureau for Food, for Peace and Voluntary Assistance, Washington, DC 20523, 703 235-9193

RIN: 0412-AA05

● AGENCY FOR INTERNATIONAL DEVELOPMENT ACQUISITION REGULATION (AIDAR)

Legal Authority: 22 USC 2381; EO 12163; PL 98-577

CFR Citation: 48 CFR 701; 48 CFR 727; 48 CFR 723

Abstract: The proposed revisions will implement and supplement federal Acquisition Circular 84-6, concerning the Small Business and Federal Procurement Enhancement Act of 1984.

Timetable:

Action	Date	FR Cite
NPRM	08/00/85	
NPRM Comment Period Begin	08/00/85	
NPRM Comment Period End	09/00/85	

Small Entity: No

Agency Contact: John F. Owens, Procurement Executive, United States International Development Cooperation Agency/Agency for International Development, M/AAA/SER, Washington, DC 20523, **703 235-1895**

RIN: 0412-AA10

● AGENCY FOR INTERNATIONAL DEVELOPMENT ACQUISITION REGULATION (AIDAR)

Legal Authority: 22 USC 2381; EO 12163; PL 98-369, Title VII

CFR Citation: 48 CFR 701; 48 CFR 702; 48 CFR 705; 48 CFR 706; 48 CFR 714; 48 CFR 715

Abstract: The proposed revisions will implement and supplement Federal Acquisition Circular 84-5, concerning the Competition in Contracting Act of 1984 (Title VII of P.L. 98-369).

Timetable:

Action	Date	FR Cite
NPRM	04/00/85	
NPRM Comment Period Begin	04/00/85	
NPRM Comment Period End	05/00/85	

Small Entity: No

Agency Contact: John F. Owens, Procurement Executive, United States International Development Cooperation Agency/Agency for International Development, M/AAA/SER, Washington, DC 20523, **703 235-1895**

RIN: 0412-AA11

UNITED STATES INTERNATIONAL DEVELOPMENT COOPERATION AGENCY/AGENCY FOR INTERNATIONAL DEVELOPMENT (IDCA) — Existing Regulations Under Review

NONDISCRIMINATION IN FEDERALLY ASSISTED PROGRAMS OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT, -- EFFECTUATION OF TITLE VI OF THE CIVIL RIGHTS ACT OF 1964

Legal Authority: 22 USC 2402

CFR Citation: 22 CFR 209

Abstract: The regulation will address the problem of discrimination on the basis of race, color, or national origin in any program or activity receiving assistance from the Agency for International Development. The regulation provides that no person in the United States on the ground of race, color or national origin, be excluded from participation in, be denied the benefits of or be subjected to discrimination under any program or activity receiving Federal financial assistance from AID. The regulation provides procedures for 1) assuring that such discrimination does not occur and 2) effecting compliance. The Agency is not considering any alternatives for addressing the problem. There will be some minor costs in administering the regulation; there are potential benefits to individuals who might otherwise be discriminated against.

Timetable:

Action	Date	FR Cite
End Review	00/00/00	

Small Entity: No

Agency Contact: Nancy Frame, United States International Development Cooperation Agency/Agency for International Development, Office of the General Counsel, Washington, DC 20523, **202 632-8218**

RIN: 0412-AA01

PUBLIC INFORMATION

Legal Authority: PL 89-487; 5 USC 552

CFR Citation: 22 CFR 212

Abstract: The regulation is being reviewed within the Agency to determine whether a modification is necessary. Further action will be determined by congressional determination on the future requirements of the Act.

Timetable:

Action	Date	FR Cite
End Review	00/00/00	

Small Entity: No

Agency Contact: Mr. Rhea Johnson, United States International Development Cooperation Agency/Agency for International Development, Bureau for External Affairs, Washington, DC 20523, **202 632-9614**

RIN: 0412-AA02

REGULATION FOR IMPLEMENTATION OF PRIVACY ACT OF 1974

Legal Authority: PL 93-579; 5 USC 552a

CFR Citation: 22 CFR 215

Abstract: The regulation is in the clearance process within the Agency and will be published for public comment.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Agency Contact: Mr. Rhea Johnson, United States International Development Cooperation Agency/Agency for International Development, Bureau for External Affairs, Washington, DC 20523, **202 632-9614**

RIN: 0412-AA03

TRANSFER OF FOOD COMMODITIES FOR USE IN DISASTER RELIEF AND ECONOMIC DEVELOPMENT AND OTHER ASSISTANCE

Legal Authority: 7 USC 1705; 7 USC 1721 to 1723; 7 USC 1693

CFR Citation: 22 CFR 211

Abstract: This regulation prescribes the terms and conditions governing the transfer of agricultural commodities to foreign governments, U.S. voluntary agencies, or intergovernmental organizations. The regulation is being reviewed to assess its current procedures and requirements with an intent to improve its effectiveness and

efficiency. There will be internal administrative and operational costs. There are potential benefits to aid-receiving countries.

Timetable:

Action	Date	FR Cite
Begin Review	12/15/83	
End Review	00/00/00	

Small Entity: No

Agency Contact: Jessie C. Vogler, Program Officer, United States International Development Cooperation Agency/Agency for International Development, Office of Food For Peace, Bureau For Food, For Peace and Voluntary Assistance, Washington, DC 20523, 703 235-9193

RIN: 0412-AA06

PER DIEM PAYMENTS TO AND ON BEHALF OF PARTICIPANTS IN NONMILITARY ECONOMIC DEVELOPMENT TRAINING PROGRAMS

Legal Authority: 22 USC 2396

CFR Citation: 22 CFR 205

Abstract: This regulation prescribes the terms and conditions governing the payments to and on behalf of participants in nonmilitary economic development training programs.

Timetable:

Action	Date	FR Cite
End Review	00/00/00	

Small Entity: No

Agency Contact: Brenda Colwell, United States International Development Cooperation Agency/Agency for International Development, Office of Participant Training Bureau for, Science and Technology, Washington, DC 20523, 703 235-1962

RIN: 0412-AA07

● DEBARMENT AND INELIGIBILITY

Legal Authority: 22 USC 2381

CFR Citation: 22 CFR 208

Abstract: These regulations currently apply to debarment and suspension of AID-financed suppliers of commodities and commodity-related services. The amendment expands the coverage to include direct AID agreements (e.g. grants and cooperative agreements) and all AID-financed agreements (e.g., host country contracts). The amendment also implements and supplements 48 CFR 709.4 (49 F.R. 13240, April 3, 1984) with respect to procurement contracts and subcontracts.

Timetable:

Action	Date	FR Cite
Begin Review	00/00/00	

Small Entity: No

Agency Contact: Jan W. Miller, United States International Development Cooperation Agency/Agency for International Development, Office of the General Counsel, Washington, DC 20523, 202 632-3348

RIN: 0412-AA08

● COLLECTION OF CLAIMS

Legal Authority: 22 USC 2381

CFR Citation: 22 CFR 213

Abstract: These regulations prescribe the procedures to be used by the Agency for International Development ("AID") in the collection of claims owed to AID and to the United States. It supplements the Federal Claims Collections Standards, 4 CFR Parts 101-105. This part sets forth procedures for a) collections, including administrative offset, of claims owed the United States, b) interest, penalties and administrative charges; c) disclosure to consumer reporting agencies and contracts with collection agencies.

Timetable:

Action	Date	FR Cite
End Review	00/00/00	

Small Entity: No

Agency Contact: Jan W. Miller, United States International Development Cooperation Agency/Agency for International Development, Office of the General Counsel, Washington, DC 20523, 202 632-3348

RIN: 0412-AA09

[FR Doc. 85-6380 Filed 04-26-85; 8:45 am]

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Monday
April 29, 1985

Part XXVI

Merit Systems Protection Board

Semiannual Regulatory Agenda

MSPB

MERIT SYSTEMS PROTECTION BOARD

5 CFR Ch. II

Regulatory Agenda

AGENCY: Merit Systems Protection Board.

ACTION: Semiannual agenda of regulations.

SUMMARY: The following Merit Systems Protection Board regulations are scheduled for review or development from April 1985 through April 1986. This agenda carries out the MSPB's responsibilities to publish a semiannual agenda under E.O. 12291, Federal Regulation, and the Regulatory Flexibility Act (5 U.S.C. Chapter 6).

Regulatory action in addition to the items listed is not precluded.

FOR FURTHER INFORMATION CONTACT: Richard Redenius, Managing Director, (202) 653-6842.

Merit Systems Protection Board.

DATED: February 14, 1985.

Herbert E. Ellingwood,

Chairman.

MERIT SYSTEMS PROTECTION BOARD (MSPB) — Current and Projected Rulemakings

● HEARING PROCEDURES FOR APPELLATE CASES

Legal Authority: 5 USC 1205(g); 5 USC 7701

CFR Citation: 5 CFR 1201.1 to 1201.222

Abstract: The proposed changes in these regulations are the result of a comprehensive review of the Board's experience with processing and adjudicating cases since January 1979. The proposed changes are intended to clarify existing rules and to improve the operating efficiency and effectiveness of the Board and the parties who practice before the Board.

Timetable:

Action	Date	FR Cite
ANPRM	04/00/85	
ANPRM Comment Period Begin	04/00/85	
ANPRM Comment Period End	05/00/85	
Final Action	07/00/85	
Final Action Effective	07/00/85	

Small Entity: No

Public Compliance Cost: Initial Cost: $0; Yearly Recurring Cost: $0

Affected Sectors: None

Government Levels Affected: Federal

Agency Contact: Paul D. Mahoney, Assistant Managing Director for Management, Merit Systems Protection Board, 1120 Vermont Avenue, NW, Washington, DC 20419, **202 653-8900**

RIN: 3124-AA00

ENFORCEMENT OF NONDISCRIMINATION ON THE BASIS OF HANDICAP IN PROGRAMS CONDUCTED BY THE MERIT SYSTEMS PROTECTION BOARD

Legal Authority: 29 USC 791

CFR Citation: 5 CFR 1207.1 to 1207.99, (New)

Abstract: To effectuate Section 119 of the Rehabilitation, Comprehensive Services, and Developmental Disabilities Amendments of 1978, amending Section 504 of P.L. 95-602.

Timetable:

Action	Date	FR Cite
NPRM	06/00/85	
NPRM Comment Period Begin	06/00/85	
NPRM Comment Period End	08/00/85	

Small Entity: No

Public Compliance Cost: Initial Cost: $0; Yearly Recurring Cost: $0

Affected Sectors: None

Government Levels Affected: Federal

Agency Contact: John H. Taylor, Director, Office of Equal Employment, Merit Systems Protection Board, 1120 Vermont Avenue, NW, Washington, DC 20419, **202 653-6180**

RIN: 3124-AA01

● PRACTICES AND PROCEDURES

Legal Authority: 5 USC 1205(g)

CFR Citation: 5 CFR 1201.114

Abstract: To provide more comprehensive rules to expedite the processing of petitions for Board review of initial decisions.

Timetable:

Action	Date	FR Cite
NPRM	08/10/84	49 FR 32072
NPRM Comment Period Begin	08/10/84	49 FR 32072
NPRM Comment Period End	09/09/84	
Final Action	04/00/85	
Final Action Effective	04/00/85	

Small Entity: No

Public Compliance Cost: Initial Cost: $0; Yearly Recurring Cost: $0

Affected Sectors: None

Government Levels Affected: Federal

Agency Contact: Robert E. Taylor, Clerk of the Board, Merit Systems Protection Board, 1120 Vermont Avenue, NW, Washington, DC 20419, **202 653-7200**

RIN: 3124-AA02

MERIT SYSTEMS PROTECTION BOARD (MSPB)

Completed Actions

COMPLETED REVIEWS

HEARING PROCEDURES FOR APPELLATE CASES

CFR Citation: 5 CFR 1201.11 to 1201.118

Completed:

Reason	Date	FR Cite
End Review	10/30/84	

Small Entity: No

Agency Contact: Paul D. Mahoney 202 653-8900

RIN: 3124-AA00

[FR Doc. 85-6361 Filed 04-26-85; 8:45 am]
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Monday
April 29, 1985

Part XXVII

National Aeronautics and Space Administration

Semiannual Regulatory Agenda

NASA

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

14 CFR Ch. V

Regulatory Agenda

AGENCY: National Aeronautics and Space Administration.

ACTION: Regulatory agenda.

SUMMARY: This regulatory agenda describes the proposed regulations being considered for development or amendment by NASA, the need and legal basis for the actions being considered, the name and telephone number of a knowledgeable official, whether a regulatory analysis is required, and the status of regulations previously reported.

ADDRESS: Director, Logistics Management and Information Programs Division (Code NI), Office of Management, NASA Headquarters, Washington, D.C. 20546.

FOR FURTHER INFORMATION CONTACT: Margaret M. Herring, 202/453-2922.

SUPPLEMENTARY INFORMATION: OMB Bulletin No. 85-6, "Unified Agenda of Federal Regulations," Executive Order 12291, "Federal Regulation," and NASA Management Instruction 1410.10E, "Federal Register: Delegation of Authority and Requirements for Publication of NASA Documents," require that a regulatory agenda of proposed regulations under development and review be published in the **Federal Register** each October and April.

L. W. Vogel,

Director, Logistics Management and Information Programs Division.

Current and Projected Rulemakings

Sequence Number	Title	Regulation Identifier Number
1	Space Transportation System; Insurance and Indemnification of NASA Space Vehicle Users	2700-AA00
2	Space Transportation System; Reimbursement for Spacelab Services	2700-AA01
3	Nondiscrimination on the Basis of Age in Programs and Activities Receiving Federal Financial Assistance	2700-AA02
4	Patent Waiver Regulations	2700-AA10
5	Space Transportation System; Payload Specialists	2700-AA12
6	General Provisions Regarding Flight of Reimbursable Payloads Aboard the Space Shuttle	2700-AA14
7	Monetary Claims (General); Collection of Civil Claims and Offset	2700-AA22
8	Nondiscrimination on the Basis of Handicap in Programs or Activities Conducted by NASA	2700-AA24
9	Statement of Organization and General Information	2700-AA26
10	Employees Personal Property Claims	2700-AA27
11	Space Transportation System; NASA Astronaut Candidate Recruitment and Selection Program	2700-AA28
12	Security Adjudication Procedures	2700-AA31
13	Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Uniform Act); Acquisition for Federal and Federally-Assisted Programs	2700-AA32
14	Multi-Year Contracting	2700-AA33
15	Purchasing System Reviews	2700-AA34
16	Airline Ticket Purchases	2700-AA35
17	SEB Manual	2700-AA36
18	Supply Sources	2700-AA37

Completed Actions

Sequence Number	Title	Regulation Identifier Number
19	Space Transportation System; Nonscientific Payloads	2700-AA19
20	Tracking and Data Relay Satellite System (TDRSS); Use and Reimbursement Policy for Non-U.S. Government Users	2700-AA29
21	Standards of Conduct	2700-AA30

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION (NASA) — Current and Projected Rulemakings

1. SPACE TRANSPORTATION SYSTEM; INSURANCE AND INDEMNIFICATION OF NASA SPACE VEHICLE USERS

Legal Authority: PL 96-48

CFR Citation: 14 CFR 1214, Subpart 13

Abstract: Describes the policy on when users of the Space Transportation System must obtain financial protection against third-party claims and the conditions under which NASA will provide insurance or indemnification of users. Comments on the proposed rule were received from several individuals.

NASA **Current and Projected Rulemakings**

Timetable:

Action	Date	FR Cite
NPRM	11/10/80	45 FR 74499

Next Action Undetermined

Small Entity: No

Agency Contact: Robert J. Wojtal, National Aeronautics and Space Administration, Office of General Counsel, Code GK, Washington, DC 20546, **202 453-2446**

RIN: 2700-AA00

2. SPACE TRANSPORTATION SYSTEM; REIMBURSEMENT FOR SPACELAB SERVICES

Legal Authority: 42 USC 2473

CFR Citation: 14 CFR 1214, Subpart 8

Abstract: Describes the policy for Spacelab services provided by NASA to users during the Second Phase of STS operations.

Timetable:

Action	Date	FR Cite
Final Action	03/00/85	

Small Entity: No

Agency Contact: Stanley R. Nichols, National Aeronautics and Space Administration, Office of Space Flight, Code MC, NASA Headquarters, Washington, DC 20546, **202 453-2205**

RIN: 2700-AA01

3. NONDISCRIMINATION ON THE BASIS OF AGE IN PROGRAMS AND ACTIVITIES RECEIVING FEDERAL FINANCIAL ASSISTANCE

Legal Authority: 42 USC 6101 et seq Age Discrimination Act of 1975 as amended

CFR Citation: 14 CFR 1252, Subpart 1

Abstract: Sets forth NASA's policies to implement the procedures under the Age Discrimination Act of 1975.

Timetable:

Action	Date	FR Cite
Final Action	04/00/85	

Small Entity: No

Additional Information: LEGAL AUTHORITY: 45 CFR 90 also applies.

Agency Contact: Richard N. Wolf, National Aeronautics and Space Administration, Office of General Counsel, Code GK, Washington, DC 20546, **202 453-2445**

RIN: 2700-AA02

4. PATENT WAIVER REGULATIONS

Legal Authority: 42 USC 2457 et seq

CFR Citation: 14 CFR 1245, Subpart 1

Abstract: To adopt Presidential Memorandum on Government Patent Policy of 02/18/83.

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/17/83	48 FR 22132
NPRM	02/00/84	
Final Action	07/00/85	

Small Entity: No

Agency Contact: Robert F. Kempf, Asst. Gen. Counsel for Patent Matters, National Aeronautics and Space Administration, Code GP, NASA Headquarters, Washington, DC 20546, **202 453-2424**

RIN: 2700-AA10

5. SPACE TRANSPORTATION SYSTEM; PAYLOAD SPECIALISTS

Legal Authority: 42 USC 2473

CFR Citation: 14 CFR 1214, Subpart 3

Abstract: Revises NASA's policy on Payload Specialists aboard STS flights to provide an opportunity to major payload reimbursable customers to select and utilize their own payload specialists.

Timetable:

Action	Date	FR Cite
NPRM	08/00/85	

Small Entity: No

Agency Contact: Stanley R. Nichols, National Aeronautics and Space Administration, Office of Space Flight, Code MC, NASA Headquarters, Washington, DC 20546, **202 453-2205**

RIN: 2700-AA12

6. GENERAL PROVISIONS REGARDING FLIGHT OF REIMBURSABLE PAYLOADS ABOARD THE SPACE SHUTTLE

Legal Authority: 42 USC 2473

CFR Citation: 14 CFR 1214, Subpart 1

Abstract: Sets forth the general provisions regarding flight of reimbursable payloads aboard the NASA Space Shuttle. Incorporates pricing principles for the Second Phase of STS operations.

Timetable:

Action	Date	FR Cite
NPRM	10/00/85	

Small Entity: No

Additional Information: RIN = 2700-AA13 merged with RIN = 2700-AA14.

Agency Contact: Stanley R. Nichols, National Aeronautics and Space Administration, Office of Space Flight, Code MC, NASA Headquarters, Washington, DC 20546, **202 453-2205**

RIN: 2700-AA14

7. MONETARY CLAIMS (GENERAL); COLLECTION OF CIVIL CLAIMS AND OFFSET

Legal Authority: 42 USC 2473(c); 5 USC 5514; 31 USC 3701

CFR Citation: 14 CFR 1261

Abstract: Proposed regulation to implement the claims collection and offset standards of the Debt Collection Act in accordance with the GAO/DOJ joint regulations and the salary offset OPM regulation.

Timetable:

Action	Date	FR Cite
NPRM	04/00/85	

Small Entity: No

Agency Contact: Sara Najjar, National Aeronautics and Space Administration, Office of General Counsel, Code GS, NASA Headquarters, Washington, DC 20546, **202 453-2432**

RIN: 2700-AA22

8. NONDISCRIMINATION ON THE BASIS OF HANDICAP IN PROGRAMS OR ACTIVITIES CONDUCTED BY NASA

Legal Authority: 29 USC 94

CFR Citation: 14 CFR 1251

Abstract: Implements agency's policy and procedures for implementing Section 504 of the Rehabilitation Act of 1973, as amended, which prohibits discrimination on the basis of handicap

in programs or activities conducted by Federal agencies.

Timetable:

Action	Date	FR Cite
NPRM	06/00/85	

Small Entity: No

Agency Contact: Roger D. Hamby, National Aeronautics and Space Administration, Office of General Counsel, Code GG, NASA Headquarters, Washington, DC 20546, 202 453-2465

RIN: 2700-AA24

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9. ● STATEMENT OF ORGANIZATION AND GENERAL INFORMATION

Legal Authority: 5 USC 552 as amended

CFR Citation: 14 CFR 1201

Abstract: Revises NASA Statement of Organization and General Information to reflect its current organizational structure.

Timetable:

Action	Date	FR Cite
Final Action	04/01/85	

Small Entity: No

Agency Contact: Richard G. Mulligan, National Aeronautics and Space Administration, Office of Management, NASA Headquarters (Code NIP), Washington, DC 20546, 202 453-2970

RIN: 2700-AA26

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10. ● EMPLOYEES PERSONAL PROPERTY CLAIMS

Legal Authority: 31 USC 3721

CFR Citation: 14 CFR 1261, Subpart 1

Abstract: To reflect the increase in the maximum amount pursuant to PL 97-266, amending the Military Personnel and Civilian Employees Claims Act of 1964.

Timetable:

Action	Date	FR Cite
NPRM	08/30/85	

Small Entity: No

Agency Contact: Sara Najjar, National Aeronautics and Space Administration, Office of General Counsel, NASA Headquarters (Code GS), Washington, DC 20546, 202 453-2432

RIN: 2700-AA27

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11. ● SPACE TRANSPORTATION SYSTEM; NASA ASTRONAUT CANDIDATE RECRUITMENT AND SELECTION PROGRAM

Legal Authority: 42 USC 2473

CFR Citation: 14 CFR 1214, Subpart 11

Abstract: Describes the process for the selection of astronauts to support Space Shuttle mission operations.

Timetable:

Action	Date	FR Cite
Final Action	03/01/85	

Small Entity: No

Agency Contact: Jesse W. Moore, National Aeronautics and Space Administration, Office of Space Flight, NASA Headquarters (Code M), Washington, DC 20546, 202 453-1132

RIN: 2700-AA28

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12. ● SECURITY ADJUDICATION PROCEDURES

Legal Authority: 5 USC 7532

CFR Citation: 14 CFR 1203

Abstract: Sets forth the general provisions regarding the implementation of 5 USC 7532, Suspension and Removal.

Timetable:

Action	Date	FR Cite
NPRM	05/31/85	

Small Entity: No

Agency Contact: Jerome Verba, National Aeronautics and Space Administration, NASA Security Office, NASA Headquarters (Code NIS), Washington, DC 20546, 202 453-2946

RIN: 2700-AA31

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13. ● UNIFORM RELOCATION ASSISTANCE AND REAL PROPERTY ACQUISITION POLICIES ACT OF 1970 (UNIFORM ACT); ACQUISITION FOR FEDERAL AND FEDERALLY-ASSISTED PROGRAMS

Legal Authority: 42 USC 4601

CFR Citation: 14 CFR 1204, Subpart 6

Abstract: Regulation establishes uniform cost-effective policies and procedures governing the implementation of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Uniform Act).

Timetable:

Action	Date	FR Cite
NPRM	05/15/85	

Small Entity: No

Agency Contact: Gitta Haber, National Aeronautics and Space Administration, Facilities Engineering Div., Office of Mgmt, NASA Headquarters-Code NXG, Washington, DC 20546, 202 453-1960

RIN: 2700-AA32

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14. ● MULTI-YEAR CONTRACTING

Priority: Undetermined

Legal Authority: 42 USC 2473(c)(1)

CFR Citation: 14 CFR 1817.102

Abstract: Conforming revision to statute allows certain multi-year service contracts.

Timetable:

Action	Date	FR Cite
Issuance	06/00/85	

Small Entity: Not Applicable

Agency Contact: S. Evans, National Aeronautics and Space Administration, 202 453-2090

RIN: 2700-AA33

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15. ● PURCHASING SYSTEM REVIEWS

Priority: Undetermined

Legal Authority: 42 USC 2473(c)(1)

CFR Citation: 14 CFR 1844.302-70

Abstract: Procedures for contractor's purchasing system reviews are made consistent with FAR.

Timetable:

Action	Date	FR Cite
Issuance	06/00/85	

Small Entity: Not Applicable

Agency Contact: S. Evans, National Aeronautics and Space Administration, 202 453-2090

RIN: 2700-AA34

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16. ● AIRLINE TICKET PURCHASES

Priority: Undetermined

Legal Authority: 42 USC 2473(c)(1)

CFR Citation: 14 CFR 1851.70

Abstract: Procedures are established for use of government discount passenger airfares.

Timetable:

Action	Date	FR Cite
Issuance	06/00/85	

Small Entity: Not Applicable

Agency Contact: S. Evans, National Aeronautics and Space Administration, 202 453-2090

RIN: 2700-AA35

17. ● SEB MANUAL

Priority: Undetermined

Legal Authority: 42 USC 2473(c)(1)

CFR Citation: 14 CFR 1815.613-71

Abstract: Use of SEB procedures are optional for procurement of ADPE subject to Brooks Bill.

Timetable:

Action	Date	FR Cite
Issuance	06/00/85	

Small Entity: Not Applicable

Agency Contact: S. Evans, National Aeronautics and Space Administration, 202 453-2090

RIN: 2700-AA36

18. ● SUPPLY SOURCES

Priority: Undetermined

Legal Authority: 42 USC 2473(c)(1)

CFR Citation: 14 CFR 1851.102(c)

Abstract: Procedures for authorizing contractor use of government supply source are clarified.

Timetable:

Action	Date	FR Cite
Issuance	06/00/85	

Small Entity: Not Applicable

Agency Contact: S. Evans, National Aeronautics and Space Administration, 202 453-2090

RIN: 2700-AA37

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION (NASA) Completed Actions

COMPLETED RULEMAKINGS

19. SPACE TRANSPORTATION SYSTEM; NONSCIENTIFIC PAYLOADS

CFR Citation: 14 CFR 1214

Completed:

Reason	Date	FR Cite
Final Action	08/28/84	49 FR 34445

Small Entity: No

Agency Contact: Russell Ritchie 202 453-8306

RIN: 2700-AA19

ACTIONS THAT STARTED AND ENDED BETWEEN ISSUES OF THE UNIFIED AGENDA

20. ● TRACKING AND DATA RELAY SATELLITE SYSTEM (TDRSS); USE AND REIMBURSEMENT POLICY FOR NON-U.S. GOVERNMENT USERS

Legal Authority: PL 85-568, Sec 203; 72 Stat 429, as amended; 42 USC 2473

CFR Citation: 14 CFR 1215

Abstract: Revised regulation to reflect the CY 1986 rate changes for TDRSS services.

Timetable:

Action	Date	FR Cite
Final Action	01/22/85	50 FR 2778

Small Entity: No

Agency Contact: Jack W. Wild, National Aeronautics and Space Administration, Office of Space Tracking and Data Systems, NASA Headquarters (Code T), Washington, DC 20546, 202 453-2030

RIN: 2700-AA29

21. ● STANDARDS OF CONDUCT

Legal Authority: 18 USC 207

CFR Citation: 14 CFR 1207

Abstract: Revised regulations to ensure conformity to the Ethics in Government Act of 1978 regarding the public financial disclosure statement.

Timetable:

Action	Date	FR Cite
Final Action	01/29/85	50 FR 3887

Small Entity: No

Agency Contact: Helen S. Kupperman, National Aeronautics and Space Administration, Office of General Counsel, NASA Headquarters (Code GG), Washington, DC 20546, 202 453-2465

RIN: 2700-AA30

[FR Doc. 85-6383 Filed 04-26-85, 8:45 am]

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Monday
April 29, 1985

Part XXVIII

National Archives and Records Administration

Semiannual Regulatory Agenda

NARA

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

36 CFR Ch. XII

Unified Agenda of Federal Regulations

AGENCY: National Archives and Records Administration.

ACTION: Semiannual agenda.

SUMMARY: This agenda announces the proposed regulatory actions that the National Archives and Records Administration (NARA) plans for the next 12 months and those actions that have been completed since October 1984. This agenda was developed under the guidelines in OMB Bulletin No. 85-6, dated December 13, 1984. NARA's purpose in publishing this agenda is to allow interested persons an opportunity to have more comprehensive documentation of NARA's regulatory plans and to provide a systematic means of monitoring regulatory activity in NARA.

FOR FURTHER INFORMATION CONTACT: John A. Kelley, Chief, Information Management and Directives Branch, (202) 523-3214.

SUPPLEMENTARY INFORMATION: On April 1, 1985, the National Archives and Records Administration (formerly the National Archives and Records Service of the General Services Administration, NARS/GSA) was established as an independent agency by Pub. L. 98-497. Previously, NARS/GSA regulations were published as part of the regulatory agenda of the General Services Administration and were contained in 41 CFR Chapters 101 and 105. NARA regulations are now being revised and reissued in a new Chapter XII of Title 36 of the CFR. None of the regulations listed in the agenda are considered major under Executive Order 12291, Federal Regulations.

Robert M. Warner,

Archivist of the United States.

NARA

Current and Projected Rulemakings

Sequence Number	Title	Regulation Identifier Number
1	Records Management	3095-AA00
2	Establishment of NARA Regulations in 36 CFR Chapter XII	3095-AA01
3	Disposition of Federal Records	3095-AA02
4	Fee Schedule	3095-AA03
5	NARA Regulations Implementing the Freedom of Information Act and the Privacy Act, Adopting Standards of Conduct for NARA Officials, and Other General Regulations	3095-AA05
6	Public Use of the National Archives Building	3095-AA06
7	Care and Handling of Magnetic Storage Media	3095-AA08
8	Preservation and Protection and Access to the Presidential Historical Materials of the Nixon Administration	3095-AA13

Existing Regulations Under Review

Sequence Number	Title	Regulation Identifier Number
9	Procedures for Transfer of Records to Federal Records Centers	3095-AA04
10	Adequate and Proper Documentation	3095-AA07

Completed Actions

Sequence Number	Title	Regulation Identifier Number
11	Annual Summary of Records Holdings	3095-AA09
12	Management of Electronic Records	3095-AA10
13	Revision of Fee Schedule	3095-AA11
14	Records Disposition	3095-AA12
15	Disposition of Federal Records	3095-AA14

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION (NARA) — Current and Projected Rulemakings

1. ● RECORDS MANAGEMENT

Legal Authority: 44 USC 2104(a) as added by Sec. 102 of PL 98-497

CFR Citation: 41 CFR 101-11; 36 CFR Chapter XII

Abstract: This regulation will revise existing records management regulations involving records disposition and adequacy of documentation and recodify them at 36 CFR Chapter XII. This recodification is due to the transfer of functions of the National Archives and Records Service of GSA to a new independent agency in the Executive Branch, the National Archives and Records Administration.

Timetable:

Action	Date	FR Cite
NPRM	04/00/85	
NPRM Comment Period Begin	04/00/85	
NPRM Comment Period End	05/00/85	
Final Action	06/00/85	

Small Entity: Not Applicable

Agency Contact: Adrienne C. Thomas, Director, National Archives and Records Administration, Program Policy and Evaluation Division (NAA), Washington, DC 20408, 202 523-3214

RIN: 3095-AA00

2. ● ESTABLISHMENT OF NARA REGULATIONS IN 36 CFR CHAPTER XII

Legal Authority: 41 USC 2104(a) as added by Sec. 102 of PL 98-497

CFR Citation: 41 CFR 101; 41 CFR 105; 36 CFR Chapter XII

Abstract: The National Archives and Records Service (NARS) became an independent agency, the National Archives and Records Administration (NARA), on April 1, 1985. This regulation will establish a new Chapter XII in Title 36, CFR, for NARA regulations. This regulation will also move to this chapter existing NARS regulations relating to disposition of Federal records (currently found at 41 CFR 101-11.4); National Historical Publications and Records Commission programs (currently found at 41 CFR

105-65); and public use of records, donated historical materials, and facilities (currently found at 41 CFR 105-61). There will be no substantive change in these regulations which are being moved to Title 36 from Title 41. Other NARA regulatory actions included in this Agenda will transfer and revise other records management regulatory material from Title 41 to Title 36, and establish NARA regulations pertaining to Standards of Conduct, Privacy Act, Freedom of Information Act, and related general regulations.

Timetable:

Action	Date	FR Cite
Final Action	04/00/85	
Final Action Effective	04/00/85	

Small Entity: Not Applicable

Agency Contact: Adrienne C. Thomas, Director, National Archives and Records Administration, Program Policy and Evaluation Division, Washington, DC 20408, 202 523-3214

RIN: 3095-AA01

3. ● DISPOSITION OF FEDERAL RECORDS

Legal Authority: 44 USC 3303(a) as amended by PL 98-497; 44 USC 2104(a) as added by Sec 102 of PL 98-497

CFR Citation: 41 CFR 101-11.4; 36 CFR Chapter XII

Abstract: This revision will clarify the procedures for scheduling Federal records for disposition and provide for the publication of notice of proposed schedules for public comment as required by 44 USC 3303(a), as amended by Section 204 of PL 98-497.

Timetable:

Action	Date	FR Cite
NPRM	04/00/85	
NPRM Comment Period Begin	04/00/85	
NPRM Comment Period End	05/00/85	
Final Action	06/00/85	
Final Action Effective	06/00/85	

Small Entity: Not Applicable

Agency Contact: Jean E. Keeting, Deputy Director, National Archives and Records Administration, Records Appraisal and Disposition Division, (NIR), Washington, DC 20408, 202 724-1492

RIN: 3095-AA02

4. ● FEE SCHEDULE

Legal Authority: 44 USC 2104(a) as added by Sec. 102 of PL 98-497

CFR Citation: 41 CFR 105-61.52; 36 CFR Chapter XII

Abstract: This regulation will revise the existing schedule of fees for reproduction of materials in the custody of the National Archives and Records Administration to reflect current costs and to eliminate a previously allowed Trust Fund profit factor.

Timetable:

Action	Date	FR Cite
NPRM	07/00/85	
NPRM Comment Period Begin	07/00/85	
NPRM Comment Period End	08/00/85	
Final Action	09/00/85	
Final Action Effective	10/01/85	

Small Entity: Not Applicable

Agency Contact: Adrienne C. Thomas, Director, National Archives and Records Administration, Program Policy and Evaluation Division (NAA), Washington, DC 20408, 202 523-3214

RIN: 3095-AA03

5. ● NARA REGULATIONS IMPLEMENTING THE FREEDOM OF INFORMATION ACT AND THE PRIVACY ACT, ADOPTING STANDARDS OF CONDUCT FOR NARA OFFICIALS, AND OTHER GENERAL REGULATIONS

Legal Authority: 44 USC 2104(a) as added by Sec. 102 of PL 98-497

CFR Citation: 36 CFR Chapter XII; 41 CFR 105-60; 41 CFR 105-64; 41 CFR 105-735

Abstract: These regulations will establish Standards of Conduct, Privacy Act, and FOIA regulations in NARA, as well as any other appropriate general agency regulations. Effective April 1, 1985, pursuant to PL 98-497, the National Archives and Records Service (NARS) of GSA has been established as an independent agency in the Executive Branch. Therefore, the new agency must adopt its own general regulations covering the topics cited above.

Timetable:

Action	Date	FR Cite
NPRM	04/00/85	
NPRM Comment Period Begin	04/00/85	
NPRM Comment Period End	05/00/85	
Final Action	06/00/85	
Final Action Effective	06/00/85	

Small Entity: Not Applicable

Agency Contact: Adrienne C. Thomas, Director, National Archives and Records Administration, Program Policy and Evaluation Division (NAA), Washington, DC 20408, 202 523-3214

RIN: 3095-AA05

6. PUBLIC USE OF THE NATIONAL ARCHIVES BUILDING

Legal Authority: 44 USC 2104(a) as added by Sec. 102 of PL 98-497

CFR Citation: 41 CFR 105-61.304; 36 CFR Chapter XII

Abstract: Existing regulations on public use of the National Archives Building do not cover all areas of the building to which the public has access. This rule will revise procedures under which outside organizations may request the use of National Archives Building public areas for lectures, meetings and other activities.

Timetable:

Action	Date	FR Cite
NPRM	09/00/85	
Final Action	01/00/86	

Small Entity: No

Additional Information: This regulation was carried in the October 1984 Unified Agenda of Federal Regulations as RIN 3090-AA83.

Agency Contact: Adrienne C. Thomas, Director, National Archives and Records Administration, Program Policy and Evaluation Division, (NAA), Washington, DC 20408, 202 523-3214

RIN: 3095-AA06

7. CARE AND HANDLING OF MAGNETIC STORAGE MEDIA

Legal Authority: 44 USC 2104(a) as added by Sec. 102 of PL 98-497

CFR Citation: 41 CFR 201-36; 36 CFR Chapter XII

Abstract: This regulation will revise requirements for the care and handling of magnetic computer tape and add procedures for agencies to follow on the care and handling of flexible disk cartridges as they relate to permanently valuable or unscheduled records. The regulation will reflect the latest scientific research on the proper handling and storage of this fragile medium.

Timetable:

Action	Date	FR Cite
NPRM Comment Period Begin	04/00/85	
NPRM Comment Period End	05/00/85	
Final Action	06/00/85	
Final Action Effective	06/00/85	

Small Entity: No

Additional Information: This regulation was carried in the October 1984 Unified Agenda of Federal Regulations as RIN 3090-AB04.

Agency Contact: Adrienne C. Thomas, Director, National Archives and Records Administration, Program Policy and Evaluation Division (NAA), Washington, DC 20408, 202 523-3214

RIN: 3095-AA08

8. PRESERVATION AND PROTECTION AND ACCESS TO THE PRESIDENTIAL HISTORICAL MATERIALS OF THE NIXON ADMINISTRATION

Legal Authority: 44 USC 2104(a) as added by Sec. 102 of PL 98-497

CFR Citation: 41 CFR 105-63; 36 CFR Chapter XII

Abstract: This rule provides for preserving and protecting the Presidential historical materials of the Nixon Administration and for providing access to these materials. The Archivist of the United States is required by law to issue these regulations.

Timetable:

Action	Date	FR Cite
NPRM	03/29/85	50 FR 12575
NPRM Comment Period Begin	03/29/85	
NPRM Comment Period End	05/28/85	
Final Action	07/00/85	

Small Entity: No

Additional Information: This regulation was carried in the October 1984 Unified Agenda of Federal Regulations as RIN 3090-AB52.

Agency Contact: Gary L. Brooks, Acting Director, National Archives and Records Administration, Legal Services Staff, (NSL), Washington, DC 20408, 202 523-3618

RIN: 3095-AA13

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION (NARA) Existing Regulations Under Review

9. ● PROCEDURES FOR TRANSFER OF RECORDS TO FEDERAL RECORDS CENTERS

Legal Authority: 44 USC 3103 as amended by PL 98-497; 44 USC 2907 as amended by PL 98-497; 44 USC 2104(a) as added by PL 98-497 (Sec. 102)

CFR Citation: 41 CFR 101-11.410; 36 CFR Chapter XII

Abstract: A review is being made of the current conditions under which the Federal Records Centers and the National Personnel Records Center will accept transfers of records from Federal agencies. This review may reveal a need for changes to those conditions, and, accordingly, changes to the cited regulations.

Timetable:

Action	Date	FR Cite
Begin Review	01/03/85	
End Review	12/00/85	

Small Entity: Not Applicable

Agency Contact: David F. Peterson, Asst. Archivist for Federal Records Centers, National Archives and Records Administration, 601 D St., NW Room 9100 (NC), Washington, DC 20408, 202 724-1614

RIN: 3095-AA04

10. ADEQUATE AND PROPER DOCUMENTATION

Legal Authority: 44 USC 2104(a) as added by Sec. 102 of PL 98-497; 44 USC 2901 to 2909; 40 USC 486(c)

CFR Citation: 41 CFR 101-11.202; 36 CFR Chapter XII

Abstract: The head of each Federal agency is required to make and preserve records containing adequate and proper documentation of the organization, functions, policies, decisions, procedures, and essential transactions of the agency. The introduction of modern technology into Federal records systems presents problems in meeting this requirement because of the erasable storage media and complex storage formats. The Administrator of General Services is required to provide guidance and standards to agencies and has delegated the responsibility to the Archivist of the United States. Thus the National Archives and Records Service is reviewing the regulations regarding proper and adequate documentation to determine if they are sufficient to insure proper retention and retrievability of the information until its authorized disposition under an approved records control schedule. If this review determines agencies need different or new guidance, consideration is being given to providing such information through the FPMR Bulletin Structure.

Timetable:

Action	Date	FR Cite
Begin Review	06/01/83	
End Review	09/00/85	

Small Entity: No

Additional Information: This regulation was carried in the October 1984 Unified Agenda of Federal Regulations as RIN 3090-AB03.

Agency Contact: Patricia Aronsson, Documentation Standards Division, National Archives and Records Administration, Office of Records Administration (NI), Washington, DC 20408, 202 724-1465

RIN: 3095-AA07

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION (NARA) — Completed Actions

COMPLETED RULEMAKINGS

11. ANNUAL SUMMARY OF RECORDS HOLDINGS

CFR Citation: 41 CFR 101-11.102-7

Completed:

Reason	Date	FR Cite
Final Action	01/02/85	50 FR 81
Final Action Effective	01/02/85	50 FR 81

Small Entity: No

Agency Contact: Linda K. Schrier 202 724-1592

RIN: 3095-AA09

12. MANAGEMENT OF ELECTRONIC RECORDS

CFR Citation: 41 CFR 101-11; 41 CFR 101-36

Completed:

Reason	Date	FR Cite
Withdrawn	02/01/85	

Small Entity: No

Agency Contact: Patricia Aronsson 202 724-1465

RIN: 3095-AA10

13. REVISION OF FEE SCHEDULE

CFR Citation: 41 CFR 105-61.52

Completed:

Reason	Date	FR Cite
Final Action	10/25/84	49 FR 42933
Final Action Effective	10/25/84	49 FR 42933

Small Entity: No

Agency Contact: Adrienne C. Thomas 202 523-3214

RIN: 3095-AA11

14. RECORDS DISPOSITION

CFR Citation: 41 CFR 101-11.406-9(b)

Completed:

Reason	Date	FR Cite
Withdrawn	02/01/85	

Small Entity: No

Agency Contact: Raymond A. Mosley 202 724-1614

RIN: 3095-AA12

15. DISPOSITION OF FEDERAL RECORDS

CFR Citation: 41 CFR 101-11.4

Completed:

Reason	Date	FR Cite
Final Action	08/22/84	49 FR 33251
Final Action Effective	08/22/84	49 FR 33251

Small Entity: No

Agency Contact: Adrienne C. Thomas 202 523-3214

RIN: 3095-AA14

[FR Doc. 85-6382 Filed 04-26-85, 8:45am]

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Monday
April 29, 1985

Part XXIX

National Capital Planning Commission

Semiannual Regulatory Agenda

NCPC

NATIONAL CAPITAL PLANNING COMMISSION

1 CFR Part 457

Semiannual Regulatory Agenda

AGENCY: National Capital Planning Commission.

ACTION: Semiannual regulatory agenda.

SUMMARY: Pursuant to Executive Order 12291 and the Regulatory Flexibility Act, the Commission is publishing its regulatory agenda.

FOR FURTHER INFORMATION CONTACT: Kathleen K. McKay, Assistant General Counsel, National Capital Planning Commission, 1325 G Street, N.W., Washington, D.C. 20576, (202) 724-0170.

February 27, 1985.

Kathleen K. McKay,

Assistant General Counsel.

NATIONAL CAPITAL PLANNING COMMISSION (NCPC) — Current and Projected Rulemakings

ENFORCEMENT OF NONDISCRIMINATION ON THE BASIS OF HANDICAP IN THE NATIONAL CAPITAL PLANNING COMMISSION PROGRAMS

Legal Authority: 20 USC 794 Sec. 504 of the Rehabilitation Act of 1973, as amend

CFR Citation: 1 CFR 47

Abstract: These regulations are designed to implement section 504 of the Rehabilitation Act of 1973, as amended, which requires each Executive agency to promulgate such regulations. The regulations are patterned on prototype regulations provided by the Department of Justice, under Executive Order 12280 (45 F.R. 72995, 3 CFR, 1980 Comp., p. 298)

Timetable:

Action	Date	FR Cite
NPRM	08/28/84	49 FR 34132
Final Action	06/00/85	

Small Entity: No

Public Compliance Cost: Initial Cost: $0; Yearly Recurring Cost: $0

Agency Contact: Kathleen K. McKay, Assistant General Counsel, National Capital Planning Commission, 1325 G Street, NW, Washington, DC 20576, 202 724-0170

RIN: 3125-AA02

[FR Doc. 85-6384 Filed 04-26-85; 8:45 am]

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Monday
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Part XXX

National Endowment for the Arts

Semiannual Regulatory Agenda

NEA

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

National Endowment for the Arts

45 CFR Ch. XI

Semiannual Agenda of Regulations

AGENCY: National Endowment for the Arts.

ACTION: Publication of the semiannual agenda.

SUMMARY: Pursuant to Executive Order 12291 and the Regulatory Flexibility Act (5 USC 605), the National Endowment for the Arts publishes this regulatory agenda describing agency regulations under development or review.

FOR FURTHER INFORMATION CONTACT: Mr. Arthur Warren, Assistant General Counsel, National Endowment for the Arts, 1100 Pennsylvania Avenue, N.W., Washington, D.C. 20506 or call (202) 682-5418.

Peter J. Basso,

Director of Administration, National Endowment for the Arts.

NATIONAL ENDOWMENT FOR THE ARTS (NEA) — Current and Projected Rulemakings

● NONDISCRIMINATION ON THE BASIS OF RACE, COLOR OR NATIONAL ORIGIN IN PROGRAMS OR ACTIVITIES RECEIVING FEDERAL FINANCIAL ASSISTANCE FROM NEA

Priority: Agency Determination

Legal Authority: 42 USC 2000d et seq Title VI of the Civil Rights Act of 1964; EO 12250

CFR Citation: 45 CFR 1110

Abstract: This regulation will be applicable only to the National Endowment for the Arts grantees. Modifications will be made in procedures and definitions. The draft notice of proposed rulemaking is currently under review within the Endowment. It will be published after completion of that review and review by the Department of Justice and the Office of Management and Budget.

Timetable:

Action	Date	FR Cite
NPRM	02/09/81	
NPRM Comment Period Begin	02/09/81	
NPRM Comment Period End	04/10/81	
NPRM	07/00/85	

Small Entity: Not Applicable

Agency Contact: Mr. Arthur Warren, Assistant General Counsel, National Endowment for the Arts, Office of the General Counsel, 1100 Pennsylvania Avenue, NW, Washington, DC 20506, 202 682-5418

RIN: 3135-AA00

● COLLECTION OF CLAIMS

Priority: Undetermined

Legal Authority: PL 97-365; 31 USC 3711; 31 USC 3716 to 3718; 5 USC 5514; 5 USC 552a

CFR Citation: 45 CFR 1150

Abstract: The proposed rule amends the National Endowment for the Arts regulation for collecting debts. Principally, the amendments implement the Debt Collection Act of 1982 (PL 97-365), which amended the Federal Claims Collection Act of 1966 (31 USC 3711, 3716-3718) to authorize among other things, charging of interest penalties and administrative costs, and the use of administrative offset, private collection agencies and credit agencies by the Government. The amendments also implement government-wide regulations issued by the Department of Justice and the General Accounting Office (49 FR 8889) and Office of Personnel Management (49 FR 27470).

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: Not Applicable

Agency Contact: Mr. Arthur Warren, Office of the General Counsel, National Endowment for the Arts, Office of the General Counsel, 1100 Pennsylvania Avenue, NW, Washington, DC 20506, 202 682-5418

RIN: 3135-AA01

● ENFORCEMENT OF NONDISCRIMINATION ON THE BASIS OF HANDICAP IN FEDERALLY CONDUCTED PROGRAMS

Priority: Agency Determination

Legal Authority: 29 USC 754

CFR Citation: 45 CFR 1153

Abstract: This final regulation provides for the enforcement of section 504 of the Rehabilitation Act of 1973, as amended, which prohibits discrimination on the basis of handicap in programs or activities conducted by the National Endowment for the Arts. This regulation has been developed jointly by a number of Federal agencies under the auspices of the Department of Justice.

Timetable:

Action	Date	FR Cite
NPRM	08/28/84	49 FR 34132
NPRM Comment Period Begin	08/28/84	
NPRM Comment Period End	12/26/84	
Final Action	06/01/85	
Final Action Effective	06/01/85	

Small Entity: No

Agency Contact: Mr. Arthur Warren, Assistant General Counsel, National Endowment for the Arts, Office of the General Counsel, 1100 Pennsylvania Avenue, NW, Washington, DC 20506. 202 682-5418

RIN: 3135-AA02

● NONDISCRIMINATION ON THE BASIS OF AGE

Priority: Agency Determination

Legal Authority: 42 USC 6101 et seq

CFR Citation: 45 CFR 1154

Abstract: This final rule prohibits discrimination on the basis of age in programs and activities receiving assistance from the National Endowment for the Arts. These regulations are issued pursuant to the requirements of the Age Discrimination Act and consistent with the general government-wide regulations issued by the Department of Health and Human Services.

Timetable:

Action	Date	FR Cite
NPRM	10/02/79	44 FR 56725
NPRM Comment Period Begin	10/02/79	44 FR 56725

Action	Date	FR Cite
NPRM Comment Period End	11/15/79	
Final Action	03/30/85	
Final Action Effective	03/30/85	

Small Entity: No

Agency Contact: Mr. Arthur Warren, Assistant General Counsel, National Endowment for the Arts, Office of the General Counsel, 1100 Pennsylvania Avenue, NW, Washington, DC 20506, 202 682-5418

RIN: 3135–AA03

[FR Doc. 85-8385 Filed 04-26-85; 8:45am]

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Monday
April 29, 1985

Part XXXI

National Endowment for the Humanities

Semiannual Regulatory Agenda

NEH

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

National Endowment for the Humanities

45 CFR Ch. XI

Semiannual Agenda of Regulations

AGENCY: National Endowment for the Humanities.

ACTION: Publication of the semiannual agenda of regulations.

SUMMARY: Pursuant to the Regulatory Flexibility Act, Pub. L. 96-354, and Executive Order 12291, "Federal Regulations," dated February 17, 1981 the National Endowment for the Humanities is required to publish in April and October of each year an agenda of proposed regulations that the Endowment has issued or expects to issue and current rules that are under agency review.

FOR FURTHER INFORMATION CONTACT: Mr. Stephen J. McCleary, Acting General Counsel, National Endowment for the Humanities, 1100 Pennsylvania Avenue, N.W., Washington, D.C. 20506, (202) 786-0322.

William J. Bennett,

Chairman.

NATIONAL ENDOWMENT FOR THE HUMANITIES (NEH) — Current and Projected Rulemakings

NONDISCRIMINATION ON THE BASIS OF AGE IN PROGRAMS OR ACTIVITIES RECEIVING FEDERAL FINANCIAL ASSISTANCE FROM NEH

Legal Authority: 42 USC 6101 et seq Age Discrimination Act of 1975

CFR Citation: 45 CFR 1172

Abstract: This regulation will prohibit discrimination on the basis of age in programs or activities receiving financial assistance from the National Endowment for the Humanities.

Timetable:

Action	Date	FR Cite
NPRM	10/04/79	44 FR 57130
Final Action	00/00/00	

Small Entity: No

Agency Contact: Ms. Carol M. Gordon, Director, National Endowment for the Humanities, Office of Equal Opportunity, 1100 Pennsylvania Avenue, NW, Washington, DC 20506, 202 786-0410

RIN: 3136-AA00

NONDISCRIMINATION ON THE BASIS OF SEX

Legal Authority: 20 USC 1681 et seq Title IX of the Education Amendments of 1972

CFR Citation: 45 CFR 1171

Abstract: This regulation will prohibit discrimination on the basis of sex under any education program or activity receiving financial assistance from the National Endowment for the Humanities. The final regulation is being drafted and will need approval by the Department of Justice and the Office of Management and Budget before it can be published.

Timetable:

Action	Date	FR Cite
NPRM	06/20/80	
Final Action	00/00/00	

Small Entity: No

Agency Contact: Ms. Carol M. Gordon, Director, National Endowment for the Humanities, Office of Equal Opportunity, 1100 Pennsylvania Avenue, NW, Washington, DC 20506, 202 786-0410

RIN: 3136-AA01

STATEMENT FOR THE GUIDANCE OF THE PUBLIC - ORGANIZATION, PROCEDURES AND AVAILABILITY OF INFORMATION

Legal Authority: 5 USC 552(a)(4)(A) Freedom of Information Act

CFR Citation: 45 CFR 1100

Abstract: The revised regulation will clarify the fees charged for document search and duplication. Information on the organization will be updated.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Agency Contact: Mr. Stephen J. McCleary, Deputy General Counsel, National Endowment for the Humanities, Office of the General Counsel, 1100 Pennsylvania Avenue, NW, Washington, DC 20506, 202 786-0322

RIN: 3136-AA03

● ENFORCEMENT OF NONDISCRIMINATION ON THE BASIS OF HANDICAP IN FEDERALLY CONDUCTED PROGRAMS

Legal Authority: 29 USC 794

CFR Citation: 45 CFR 1175

Abstract: This regulation will require that the National Endowment for the Humanities operate all of its programs and activities so that qualified handicapped persons are not subject to discrimination by the agency. The National Endowment for the Humanities will publish its final regulation along with other federal agencies following review by the Justice Department, the lead federal agency for this matter.

Timetable:

Action	Date	FR Cite
NPRM	01/11/84	49 FR 1458
NPRM Comment Period Begin	01/11/84	49 FR 1458

Next Action Undetermined

Small Entity: No

Government Levels Affected: Federal

Agency Contact: Ms. Carol M. Gordon, Director, Office of Equal Opportunity, National Endowment for the Humanities, 1100 Pennsylvania Avenue, NW, Washington, DC 20506, 202 786-0410

RIN: 3136-AA04

NATIONAL ENDOWMENT FOR THE HUMANITIES (NEH)

Existing Regulations Under Review

NONDISCRIMINATION ON THE BASIS OF RACE, COLOR OR NATIONAL ORIGIN WITHIN NEH FUNDED PROGRAMS

Legal Authority: 42 USC 2000d et seq Title VI of the Civil Rights Act of 1964; EO 12250

CFR Citation: 45 CFR 1175; 45 CFR 1110

Abstract: The regulation will be applicable only to National Endowment for the Humanities grantees. Modifications will be made in procedures and definitions. The draft notice of proposed rulemaking is currently under review within the Endowment. It will be published after completion of that review and review by the Department of Justice, and the Office of Management and Budget.

Timetable:

Action	Date	FR Cite
End Review	00/00/00	

Small Entity: No

Additional Information: LEGAL AUTHORITY: 28 CFR 42 subpart F and Section 50.3 also apply.

Agency Contact: Ms. Carol M. Gordon, Director, Office of Equal Opportunity, National Endowment for the Humanities, 1100 Pennsylvania Avenue, NW, Washington, DC 20506, 202 786-0410

RIN: 3136-AA02

[FR Doc. 85-9386 Filed 04-26-85; 8:45 am]
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Part XXXII

National Science Foundation

Semiannual Regulatory Agenda

NSF

NATIONAL SCIENCE FOUNDATION

45 CFR Ch. VI

48 CFR Ch. 25

Federal Regulation; Semiannual Regulations Agenda

AGENCY: National Science Foundation.

ACTION: Publication of semiannual regulations agenda.

SUMMARY: The National Science Foundation (NSF) publishes its semiannual agenda of regulations under development or review as required by Executive Order 12291, Federal Regulation (46 FR 13193, February 17, 1981). This agenda has been prepared in accordance with OMB Bulletin No. 85-6, Unified Agenda of Federal Regulations.

FOR FURTHER INFORMATION CONTACT: For additional information regarding any particular regulatory action contained in the agenda, contact the individual identified as the contact person in the agenda. Comments or inquiries of a general nature about the agenda should be directed to Sukari S. Smith, Office of the General Counsel, National Science Foundation, Washington, D.C. 20550, (202) 357-9580.

February 21, 1985.

Sukari S. Smith,

Regulatory Contact.

NATIONAL SCIENCE FOUNDATION (NSF) — Current and Projected Rulemakings

CIVIL RIGHTS - TITLE VI REGULATIONS

Legal Authority: Section 11 of the NSF Act; Title VI of the Civil Rights Act of 1964

CFR Citation: 45 CFR 611

Abstract: These regulations prohibit discrimination on the basis of race, color, or national origin in all NSF-assisted programs.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Agency Contact: **Brenda Brush,** Director, National Science Foundation, Office of Equal Opportunity, Washington, DC 20550, **202 357-9819**

RIN: 3145-AA01

ENFORCEMENT OF NONDISCRIMINATION ON THE BASIS OF HANDICAP IN NATIONAL SCIENCE FOUNDATION

Priority: Agency Determination

Legal Authority: 29 USC 794; PL 95-602, Sec 504

CFR Citation: 45 CFR 606, (New); 45 CFR 86

Abstract: This regulation provides for the enforcement of Section 504 of the Rehabilitation Act of 1973, as amended, which prohibits discrimination on the basis of handicap, as it applies to programs or activities conducted by the National Science Foundation. Potential costs are not known. Any benefits derived will be to ensure that the handicapped will not be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity conducted by the National Science Foundation.

Timetable:

Action	Date	FR Cite
ANPRM	04/00/85	
ANPRM Comment Period Begin	04/00/85	
ANPRM Comment Period End	06/00/85	

Small Entity: No

Agency Contact: **Brenda Brush,** Director, Office of Equal Opportunity, National Science Foundation, 1800 G Street, NW, Washington, DC 20550, **202 357-9819**

RIN: 3145-AA05

EFFECTUATION OF TITLE IX OF THE EDUCATION AMENDMENTS OF 1982 (SEX DISCRIMINATION)

Legal Authority: 20 USC 1681; PL 93-568, Sec 901 to 902; PL 93-380, Sec 844

CFR Citation: 45 CFR 620, (New)

Abstract: This regulation is to effectuate Title IX of the Education Amendments of 1972, as amended, which prohibits discrimination on the basis of sex in connection with education programs and activities receiving Federal financial assistance from the National Science Foundation. Costs, if any, should be nominal since most NSF recipients are also covered by HHS regulations. Potential benefits are to ensure that any educational program or activity receiving financial assistance from NSF does not, on the basis of sex (1) exclude any person from participation in, (2) deny any person the benefits of, or subject any such person to discrimination under that program or activity.

Timetable:

Action	Date	FR Cite
Clearance with EEOC and Justice under Executive Order 12250	04/00/85	
ANPRM	06/00/85	
ANPRM Comment Period Begin	06/00/85	
ANPRM Comment Period End	08/00/85	

Small Entity: No

Agency Contact: **Brenda Brush,** Director, Office of Equal Opportunity, National Science Foundation, 1800 G Street, NW, Washington, DC 20550, **202 357-9819**

RIN: 3145-AA06

● PATENTS

Legal Authority: 42 USC 1870(a) The Natl. Sci. Found. Act of 1950, as amended; 35 USC 200 et seq The Bayh-Dole Act, as amended

CFR Citation: 45 CFR 650

Abstract: The Bayh-Dole Act (34 USC 200 et seq) was recently amended by title V of PL 98-620 (98 Stat. 3364, 3368). The Department of Commerce is preparing a Government-wide implementing regulation. When that regulation is completed, the Foundation's Patents regulation (45 CFR 650) will be conformed to it. Because the revision to the NSF Patents regulation will merely echo a Government-wide regulation on which the public will have had no opportunity to comment, the Foundation expects

that the revision will be published as a final rule. No additional costs will be imposed on the public as a result of the revision.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Additional Information: The notable changes to be made in the revision of the NSF Patents regulation will be: elimination of restrictions on the licensing of NSF-supported inventions by nonprofit organizations, including universities; modification of the criteria and procedures for determining that "exceptional circumstances" warrant restricting a grantee's right to retain principal patent rights to its employees' NSF-supported inventions; and elimination of the Foundation's authority to waive the Government license and "march-in" rights in awards not subject to the Bayh-Dole Act. All these changes are required by the recent amendments to the Bayh-Dole Act.

Agency Contact: John Chester, Intellectual Property Attorney, National Science Foundation, Office of the General Counsel, Room 501, Washington, DC 20550, 202 357-9447

RIN: 3145-AA07

NATIONAL SCIENCE FOUNDATION (NSF) Completed Actions

COMPLETED RULEMAKINGS

AGE DISCRIMINATION REGULATIONS

Priority: Agency Determination

CFR Citation: 45 CFR 617

Completed:

Reason	Date	FR Cite
Final Action	12/21/84	49 FR 247

Small Entity: No

Agency Contact: Brenda Brush 202 357-9619

RIN: 3145-AA00

NATIONAL SCIENCE FOUNDATION ACQUISITION REGULATIONS

Priority: Agency Determination

CFR Citation: 48 CFR Chapter 25

Completed:

Reason	Date	FR Cite
Final Action	11/28/84	49 FR 230

Small Entity: No

Agency Contact: Robert D. Newton 202 357-7880

RIN: 3145-AA04

[FR Doc. 85-6387 Filed 04-26-85; 8:45 am]

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Part XXXIII

Office of Management and Budget

Semiannual Regulatory Agenda

OMB

OFFICE OF MANAGEMENT AND BUDGET

5 CFR Ch. III

Federal Regulations; OMB Directives Included in the Semiannual Agenda of Upcoming Activities

AGENCY: Office of Management and Budget.

ACTION: Publication of semiannual agenda.

SUMMARY: The Office of Management and Budget (OMB) is publishing its semiannual agenda of upcoming activities on OMB Circulars and Office of Federal Procurement Policy Letters (OFPP Policy Letters). This action is in accordance with OMB's internal procedures for implementing Executive Order No. 12291. OMB directives are issued under authority derived from several sources including: Subtitles I, II, and V of Title 31, United States Code, Executive Order No. 11541, and other specific authority as cited. The agenda includes actions on issuances which are not regulations, but which are of public interest.

OMB Circulars and OFPP Policy Letters are directives that communicate significant government-wide policy of a continuing nature. For purposes of this agenda, we have included Circulars and Policy Letters which are designed to implement, interpret, or prescribe law or policy, or describe the procedure or practice requirements of an agency. Excluded are directives that outline procedures to be followed in connection with the President's budget and legislative programs, and directives that affect only the internal functions, management, or personnel of Federal agencies.

FOR FURTHER INFORMATION CONTACT: See agency person listed for each entry in the agenda, c/o Office of Management and Budget, Washington, DC 20503. On the overall agenda, contact Darrell A. Johnson at the above address.

Darrell A. Johnson,

Deputy Associate Director for Administration (Acting).

OFFICE OF MANAGEMENT AND BUDGET (OMB) — Current and Projected Rulemakings

OFFICE OF MANAGEMENT AND BUDGET'S DIRECTIVES SYSTEM TO EXECUTIVE DEPARTMENTS AND AGENCIES (CIRCULAR NO. A-1)

Legal Authority: See preamble

CFR Citation: Not applicable

Abstract: OMB Circular A-1, last revised in August 1952, describes the OMB directives system used to convey policy, provide guidance, and communicate instruction to executive departments and agencies.

Timetable:

Action	Date	FR Cite
Final Action	04/01/85	
Final Action Effective	04/01/85	

Small Entity: No

Agency Contact: Darrell A. Johnson, Deputy Assoc. Dir. for Admin. (Acting), Office of Management and Budget, Washington, D.C. 20503, 202 395-7250

RIN: 0348-AA33

GOVERNMENT PERIODICALS (CIRCULAR A-3)

Legal Authority: 44 USC 1108; See preamble

CFR Citation: Not applicable

Abstract: The Circular, last revised in 1972, describes the policies and procedures for the reporting and approval of Government periodicals. This revision clarifies definitions and simplifies reporting requirements by changing periodical approval from a one-to-five year to a one-year period. In addition to instituting an annual review and clearance process for periodicals, the revised Circular requires agencies to continue to implement an OMB-approved publications control system to monitor both periodicals and one-time publications.

Timetable:

Action	Date	FR Cite
Final draft for formal agency comment	02/06/85	
Final Action	04/00/85	

Small Entity: No

Agency Contact: Kathleen Sedlak, Task Force Coordinator, Office of Management and Budget, Management Improvement Division, Washington, D.C. 20503, 202 395-6903

RIN: 0348-AA42

WRITING AND ADMINISTERING PERFORMANCE WORK STATEMENTS (PART II OF SUPPLEMENT TO CIRCULAR NO. A-76)

Legal Authority: PL 93-400; See preamble

CFR Citation: Not applicable

Abstract: This document describes a systematic means for developing Performance Work Statements and Quality Assurance Surveillance plans for Government management of commercial activities. It also includes procedures for contracting personnel who develop, review, award, and administer service contracts.

Timetable:

Action	Date	FR Cite
Draft for public comment	03/15/85	
Final Action	06/30/85	

Small Entity: Yes

Agency Contact: David L. Muzio, Dep. Assoc. Adm. for Policy Development, Office of Management and Budget, Office of Federal Procurement Policy, Washington, D.C. 20503, 202 395-6810

RIN: 0348-AA34

PERFORMANCE OF COMMERCIAL ACTIVITIES (CIRCULAR NO. A-76)

Legal Authority: Budget and Accounting Act of 1921; PL 93-244, See preamble

CFR Citation: Not applicable

Abstract: OMB Circular No. A-76, last revised in August 1983, sets forth the policy of acquiring commercial products and services from the private sector, and provides guidance on the development of performance work statements and on comparing the cost of Government performance with contractor performance. This Circular is currently under review to incorporate changes to emphasize productivity enhancement as the Circular's main theme.

Timetable:

Action	Date	FR Cite
Begin Review	09/15/84	
Draft for public comment	03/15/85	
Final Action	06/30/85	

Small Entity: Yes

Agency Contact: David L. Muzio, Dep. Assoc. Admin. for Policy Development, Office of Management and Budget, Office of Federal Procurement Policy, Washington, D.C. 20503, 202 395-6810

RIN: 0348-AA45

FEDERAL ACQUISITION REGULATORY SYSTEM: OTHER PROCUREMENT RULES AND REGULATIONS (OFPP POLICY LETTER 80-5)

Legal Authority: PL 93-400; See preamble

CFR Citation: 48 CFR Chapter 1

Abstract: This Policy Letter established the Federal Acquisition Regulation System including some details regarding its implementation and the organization for its maintenance. During the five years of the FAR development, some of these details have changed. The Policy Letter will be amended to reflect these changes.

Timetable:

Action	Date	FR Cite
Proposed Policy Letter Changes published	07/06/84	49 FR 27863
Final Letter scheduled to be issued	03/00/85	

Small Entity: Yes

Agency Contact: William J. Maraist, Acting Assoc. Admin. for Policy Development, Office of Management and Budget, Office of Federal Procurement Policy, Washington, D.C. 20503, 202 395-3300

RIN: 0348-AA19

OFFICE OF MANAGEMENT AND BUDGET (OMB) — Existing Regulations Under Review

POLICIES ON CONSTRUCTION OF FAMILY HOUSING (CIRCULAR NO. A-18)

Legal Authority: Budget and Accounting Act of 1921; See preamble

CFR Citation: Not applicable

Abstract: OMB Circular A-18, last revised in August 1967, sets forth policies for budgeting, planning, and undertaking the construction of federally-owned housing (exclusive of military barracks) for Federal personnel and for employees of Government contractors. Housing standards, concepts of living space requirements, the housing market and economic factors bearing on it have changed significantly since the Circular was last issued; and updating and revision are appropriate.

Timetable:

Action	Date	FR Cite
End Review	12/01/85	

Small Entity: No

Agency Contact: David F. Baker, Assoc. Admin. for Management Controls, Office of Management and Budget, Office of Federal Procurement Policy, Washington, D.C. 20503, 202 395-7207

RIN: 0348-AA08

FEDERAL GOVERNMENT USER CHARGES POLICY (CIRCULAR NO. A-25)

Legal Authority: Budget and Accounting Act of 1921; PL 93-344; See preamble

CFR Citation: Not applicable

Abstract: General policies for Federal agencies on administering user charges and formulating legislative proposals regarding user charges are set forth in OMB Circular No. A-25. This Circular is under review. It is expected that modifications will be considered reflecting current policies, enacted legislation, and court decisions.

Timetable:

Action	Date	FR Cite
Preliminary Review	09/00/85	

Small Entity: Yes

Agency Contact: Ellen Balis, Financial Economist, Office of Management and Budget, Fiscal Analysis Branch, Budget Review Division, Washington, D.C. 20503, 202 395-4574

RIN: 0348-AA41

MANAGEMENT AND OPERATION CONTRACTS (CIRCULAR NO. A-49)

Legal Authority: PL 93-400; See preamble

CFR Citation: Not applicable

Abstract: This Circular was published in 1967, and is currently being examined to determine whether it is still necessary. Draft FAR regulations have been issued which may eliminate the need for the Circular.

Timetable:

Action	Date	FR Cite
End Review	06/00/85	

Small Entity: Yes

Agency Contact: Robert Bienvenue, Dep. Assoc. Admin. for Policy Development, Office of Management and Budget, Office of Federal Procurement Policy, Washington, D.C. 20503, 202 395-6810

RIN: 0348-AA10

PLANNING AND CONDUCT OF THE UNITED STATES PROGRAM IN ANTARCTICA (CIRCULAR NO. A-51)

Legal Authority: See preamble

CFR Citation: Not applicable

Abstract: More than a decade has passed since this Circular was last updated. Since that time major reviews of the U.S. Antarctic policies and program have resulted in Presidential directives that now have superseded A-51.

Timetable:

Action	Date	FR Cite
End Review	07/30/85	

Small Entity: No

Agency Contact: Norine Noonan, Program Analyst, Office of Management and Budget, Energy and Science Division, Washington, D.C. 20503, 202 395-3534

RIN: 0348-AA46

OMB

Existing Regulations Under Review

UNIFORM REQUIREMENTS FOR ASSISTANCE TO STATE AND LOCAL GOVERNMENTS (CIRCULAR NO. A-102)

Legal Authority: 31 USC 65 et seq; 42 USC 4212 et seq; 41 USC 401 et seq; See preamble

CFR Citation: Not applicable

Abstract: The purpose of the review is to develop changes to administrative policies which will further reduce the regulatory burden on state and local governments.

Timetable:

Action	Date	FR Cite
Advance Notice of Policy Review	06/18/84	49 FR 24958
Notice of Proposed Policy	03/31/85	

Small Entity: No

Agency Contact: Barbara F. Young, Grants Management Project Director, Office of Management and Budget, Financial Management Division, Washington, D.C. 20503, 202 395-3050

RIN: 0348-AA11

MAJOR SYSTEM ACQUISITIONS (CIRCULAR NO. A-109)

Legal Authority: PL 93-400; See preamble

CFR Citation: Not applicable

Abstract: Some agencies report difficulty working under the Circular. A review, in light of experience gained, is warranted with a goal of revision and simplification while maintaining the current general policy thrust of A-109.

Timetable:

Action	Date	FR Cite
End Review	04/30/85	

Small Entity: Yes

Agency Contact: Richard J. Keegan, Office of Management and Budget, Office of Federal Procurement Policy, Washington, D.C. 20503, 202 395-3254

RIN: 0348-AA12

UNIFORM ADMINISTRATIVE REQUIREMENTS FOR GRANTS AND AGREEMENTS WITH INSTITUTIONS OF HIGHER EDUCATION, HOSPITALS AND OTHER NONPROFIT ORGANIZATIONS (CIRCULAR NO. A-110)

Legal Authority: 31 USC 65 et seq; 41 USC 401 et seq; See preamble

CFR Citation: Not applicable

Abstract: The review will develop proposed changes to the Circular needed to call for "single audit" of universities.

Timetable:

Action	Date	FR Cite
Preliminary Review Completed	09/30/84	
NPRM	06/01/85	

Small Entity: No

Agency Contact: John Lordan, Deputy Assoc. Dir. for Financial Management, Office of Management and Budget, Financial Management Division, Washington, D.C. 20503, 202 395-6823

RIN: 0348-AA05

MANAGEMENT OF FEDERAL AUDIOVISUAL ACTIVITIES (CIRCULAR NO. A-114)

Legal Authority: Budget and Accounting Act of 1921; See preamble

CFR Citation: Not applicable

Abstract: Circular A-114 was issued in April 1978. The Circular prescribes policies and procedures for improving the management of Federal audiovisual activities. Since the issuance of the Circular, several recommendations have been received (including two Comptroller General's decisions) regarding the need to revise the Circular, particularly Attachment E thereto, "Contracts for Motion Picture Productions." It is OMB's intent to review the Circular in response to the various recommendations and agencies' operating experiences.

Timetable:

Action	Date	FR Cite
End Review	03/01/85	

Small Entity: Yes

Agency Contact: Charles W. Clark, Dep. Assoc. Admin. for Policy Development, Office of Management and Budget, Office of Federal Procurement Policy, Washington, D.C. 20503, 202 395-6803

RIN: 0348-AA13

FEDERAL INFORMATION RESOURCES MANAGEMENT POLICIES

Legal Authority: 44 USC 35; 5 USC 552a, 40 USC 759; 31 USC 1 et seq; EO 12046; See preamble

CFR Citation: Not applicable

Abstract: In accordance with statutory requirements, the Office of Management and Budget has issued a number of policies regarding the management of Federal information resources such as computers and personal records. Implementation of the Paperwork Reduction Act, 44 USC 35, requires that the policies be brought up-to-date, integrated and made uniform. The Assistant Secretaries for Management group made a similar recommendation. The objective of this initiative is to develop a government-wide policy structure that will provide positive incentives for the efficient and effective management of Federal information resources.

Timetable:

Action	Date	FR Cite
Notice soliciting comments published	09/12/83	48 FR 40964
Proposed Policy to be published for comment	03/00/85	
Final Action	09/00/85	

Small Entity: No

Agency Contact: Timothy Sprehe, Office of Management and Budget, Information Policy Branch, Office of Information and Regulatory Affairs, Washington, D.C. 20503, 202 395-4814

RIN: 0348-AA31

STATISTICAL POLICY DIRECTIVES

Legal Authority: 31 USC 1104 Budget & Accounting Procedures Act 1950 (Sec 103); PL 96-511 Paperwork Reduction Act of 1980; See preamble

CFR Citation: Not applicable

Abstract: General policies for the gathering, compiling, analyzing, publishing, and dissemination of

statistical information for any purpose by the various agencies in the Executive Branch of the Federal Government were last codified by the Commerce Department in 1978. Specific Directives were subsequently amended in 1980, 1981, and 1982 as provided in Executive Orders 10253, 12013, and 12318. All directives are under review. Affected agencies will be consulted on particular directives as provided in E.O. 10253.

Timetable:

Action	Date	FR Cite
Proposed Revisions for public comment	09/00/85	

Small Entity: Yes

Agency Contact: Dorothy Tella, Chief Statistician, Office of Management and Budget, Office of Information and Regulatory Affairs, Washington, D.C. 20503, **202 395-3093**

RIN: 0348-AA43

BOARD OF CONTRACT APPEALS - POSITION ALLOCATION PURSUANT TO PUBLIC LAW 95-563 (OFPP POLICY LETTER 79-2, SUPPLEMENT NO. 1)

Legal Authority: 41 USC 401 et seq; See preamble

CFR Citation: Not applicable

Abstract: The Contract Disputes Act provides for establishment of Boards of Contract Appeals (BCAs) in the various executive agencies; initial allocation of positions was made by the Administrator, OFPP, based on workload studies of existing BCAs. The Act provides for update of workload studies every three years; update of the Policy Letter appears necessary, due to update of workload studies.

Timetable:

Action	Date	FR Cite
End Review	06/00/85	
Draft Policy Letter for comment	07/00/85	

Small Entity: No

Agency Contact: Patricia A. Szervo, Assoc. Admin. for Procurement Law and Legis., Office of Management and Budget, Office of Federal Procurement Policy, Washington, D.C. 20503, **202 395-3501**

RIN: 0348-AA16

POLICY PERTAINING TO THE ACQUISITION OF COMMERCIAL PRODUCTS

Legal Authority: PL 93-400; See preamble

CFR Citation: Not applicable

Abstract: The proposed letter will promulgate policies necessary to ensure that agencies purchase commercial products whenever such products adequately satisfy the Government's essential needs.

Timetable:

Action	Date	FR Cite
Publish Draft Policy Letter for comment	06/01/85	

Small Entity: Yes

Agency Contact: Charles W. Clark, Deputy Assoc. Admin. for Policy Development, Office of Management and Budget, Office of Federal Procurement Policy, Washington, D.C. 20503, **202 395-6803**

RIN: 0348-AA39

[FR Doc. 85-9388 Filed 04-26-85; 8:45 am]

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Federal Register

Monday
April 29, 1985

Part XXXIV

Office of Personnel Management

Semiannual Regulatory Agenda

OPM

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Ch. I

Regulatory Agenda

AGENCY: Office of Personnel Management.

ACTION: Semiannual agenda of regulations.

SUMMARY: The following Office of Personnel Management regulations are scheduled for review or development from April 1, 1985 through March 31, 1986. This agenda carries out OPM's responsibilities to publish a semiannual agenda under E.O. 12291, Federal Regulation, and the Regulatory Flexibility Act (5 U.S.C. chapter 6). This publication in the **Federal Register** does not impose a binding obligation on the Office of Personnel Management with regard to any specific item on the agenda. Regulatory action in addition to the items listed is not precluded.

FOR FURTHER INFORMATION CONTACT: JoAnn G. Blackler, Issuance System Manager, Office of Executive Administration, (202) 653-7252.

U.S. Office of Personnel Management.

Donald J. Devine,

Director.

OFFICE OF PERSONNEL MANAGEMENT (OPM) — Current and Projected Rulemakings

ORGANIZATION OF THE GOVERNMENT FOR PERSONNEL MANAGEMENT; PERSONNEL MANAGEMENT IN AGENCIES

Priority: Agency Determination

Legal Authority: 5 USC 1104; 5 USC 1302; 5 USC 3301; 5 USC 3302; EO 10577

CFR Citation: 5 CFR 230; 5 CFR 250

Abstract: Deletes Part 230 and transfers its regulations to Part 250, to maintain parallel structure with 5 U.S.C. Combines material formerly in Part 230 with regulations now found in Part 250 to present all regulations on agencies' authorities for personnel management in a single part of the Code of Federal Regulations. Changes improve the technical integrity of the CFR by eliminating redundancies and improving the efficiency of OPM's regulations. No change in the coverage or substance of affected regulations.

Timetable:

Action	Date	FR Cite
NPRM	05/20/83	48 FR 22728
Final Action	04/30/85	

Small Entity: No

Agency Contact: **Walter Townsend**, Personnel Management Specialist, Office of Personnel Management, Office of Policy, Office of Policy and Communications, 1900 E St., NW, Washington, DC 20415, **202 653-5557**

RIN: 3206-AA66

PERSONNEL RECORDS

Priority: Agency Determination

Legal Authority: 5 USC 552a; 5 USC 4305; 5 USC 4314; EO 12107 (December 28, 1978); 5 USC 1103; 5 USC 1104; 5 USC 1302; 3 CFR 1954 to 1958 Comp; 5 CFR 7.2; EO 9830; 3 CFR 1943 to 1948 Comp

CFR Citation: 5 CFR 293

Abstract: Requires agencies to send a transferring employee's performance rating to his or her "gaining" agency along with the Official Personnel Folder.

Timetable:

Action	Date	FR Cite
NPRM	10/25/83	48 FR 49492
Final Action	07/00/85	

Small Entity: No

Agency Contact: **Allen B. Levan**, Chief, Policy and Operations Division, Office of Personnel Management, Office of Performance Management, Workforce Effectiveness & Development Group, 1900 E St., NW, Washington, DC 20415, **202 632-5653**

RIN: 3206-AB27

PERFORMANCE MANAGEMENT AND RECOGNITION SYSTEM

Priority: Agency Determination

Legal Authority: 5 USC 4302(a); 5 USC 5401 to 5409

CFR Citation: 5 CFR 293; 5 CFR 430; 5 CFR 530; 5 CFR 531; 5 CFR 536; 5 CFR 540; 5 CFR 595; 5 CFR 771

Abstract: To establish a Performance Management and Recognition System to appraise, recognize, and reward performance by supervisors and management officials. Included are conforming changes to Privacy Act regulations to allow performance ratings to be transferred with employees' Official Personnel Folders when the employees are transferred.

Timetable:

Action	Date	FR Cite
Interim Final Rule	03/00/85	
Final Action	05/00/85	

Small Entity: No

Agency Contact: **Allen B. Levan**, Chief, Policy and Operations Division, Office of Personnel Management, Office of Performance Management, Workforce Effectiveness & Development Group, 1900 E St., NW, Washington, DC 20415, **202 632-5653**

RIN: 3206-AB31

● PERSONNEL RECORDS

Priority: Agency Determination

Legal Authority: 5 USC 2951(2); EO 12107; EO 12196

CFR Citation: 5 CFR 293

Abstract: The Office recently established an Employee Medical File System for Federal employees that will include an Employee Medical Folder (EMF). This folder will be separate from but a companion folder to the Official Personnel Folder (OPF). These regulations, like the regulations on the OPF, provide minimal requirements on agencies with regard to use and maintenance of the EMF.

Timetable:

Action	Date	FR Cite
NPRM	03/00/85	

Small Entity: No

Agency Contact: **William H. Lynch**, Information Specialist, Office of Personnel Management, Office of Workforce Information, Compliance and Investigations Group, 1900 E St., NW; Washington, DC 20415, **202 632-5433**

RIN: 3206-AC31

AVAILABILITY OF OFFICIAL INFORMATION

Priority: Agency Determination

Legal Authority: PL 89-554 Freedom of Information Act of 1966

CFR Citation: 5 CFR 294

Abstract: Agencies are required to publish fee schedules of charges for information under the Freedom of Information Act. We plan to review our fee schedule and update it to more accurately reflect the current costs of providing the information.

Timetable:

Action	Date	FR Cite
NPRM	10/19/82	47 FR 46516
Final Action	12/31/85	

Small Entity: No

Agency Contact: William C. Duffy, Chief, Office of Personnel Management, Information Systems Plans & Policies Branch, Room 6410, 1900 E St., NW, Washington, DC 20415, 202 632-7714

RIN: 3206-AA05

PROTECTION OF PRIVACY AND PERSONNEL RECORDS

Priority: Agency Determination

Legal Authority: 5 USC 552a

CFR Citation: 5 CFR 297

Abstract: The Privacy Act (5 U.S.C. 552a) requires agencies to issue regulations to implement the Act. OPM's regulations also require that agencies follow OPM's rule for those records maintained by them that are under OPM's control. These regulations have remained unchanged since 1979 and, as OPM intends to issue FPM guidance on matters currently inappropriate for issuance in the regulations, need revision both to reflect any changes resulting from case law or in OPM policy and to remove material that is more appropriate for FPM issuance.

Timetable:

Action	Date	FR Cite
NPRM	04/01/85	

Small Entity: No

Agency Contact: John Sanet, Information Specialist, Office of Personnel Management, Office of Workforce Information, Compliance and Investigations Group, 1900 E St., NW, Washington, DC 20415, 202 632-4455

RIN: 3206-AA70

EMPLOYMENT (GENERAL); EMPLOYMENT PRACTICES

Priority: Agency Determination

Legal Authority: 5 USC 3301; 5 USC 3302; 5 USC 3304

CFR Citation: 5 CFR 300

Abstract: Clarification of the policy and appeal procedures used in developing and implementing employment practices in the recruitment, measurement and selection of individuals for appointments and promotion within the competitive service. The proposed amendments would remove a non-statutory appeal procedure which was created to provide a simple, streamlined administrative review procedure but which has, instead, become a time-consuming, convoluted process. Additionally, the proposed changes would avoid a duplicative enforcement procedure currently subject to review by OPM and MSPB, which is, more properly, within the sole jurisdiction of the EEOC.

Timetable:

Action	Date	FR Cite
NPRM	07/01/85	

Small Entity: No

Agency Contact: James S. Green, Assistant General Counsel, Office of Personnel Management, Office of the General Counsel, 1900 E Street, NW, Washington, DC 20415, 202 632-5524

RIN: 3206-AB41

OVERSEAS EMPLOYMENT

Priority: Agency Determination

Legal Authority: 5 USC 3301; 5 USC 3302

CFR Citation: 5 CFR 301

Abstract: Deletes prohibition on agency use of overseas limited appointments in certain circumstances.

Timetable:

Action	Date	FR Cite
NPRM	05/00/85	

Small Entity: No

Agency Contact: Ed McHugh, Personnel Staffing Specialist, Office of Personnel Management, Policy Analysis Division, Staffing Group, 1900 E St., NW, Washington, DC 20415, 202 632-6817

RIN: 3206-AA71

VETERANS READJUSTMENT APPOINTMENTS

Priority: Agency Determination

Legal Authority: 38 USC 2014; PL 98-543

CFR Citation: 5 CFR 307

Abstract: Extends the Veterans Readjustment Appointment (VRA) Program through September 30, 1986 and makes certain improvements upon the current program.

Timetable:

Action	Date	FR Cite
Final Action	04/00/85	

Small Entity: No

Agency Contact: Don A. Smith, Chief, Evaluation Division, Office of Personnel Management, Office of Affirmative Employment Programs, Workforce Effectiveness & Development Group, 1900 E St., NW, Washington, DC 20415, 202 632-7082

RIN: 3206-AB26

TEMPORARY AND TERM EMPLOYMENT

Priority: Agency Determination

Legal Authority: 38 USC 2014; PL 98-543

CFR Citation: 5 CFR 316

Abstract: Extends the temporary and term authorities for veterans readjustment appointment eligibles through September 30, 1986 and makes certain improvements upon the current program.

Timetable:

Action	Date	FR Cite
Final Action	04/00/85	

Small Entity: No

Agency Contact: Don A. Smith, Chief, Evaluation Division, Office of Personnel Management, Office of Affirmative Employment Programs, Workforce Effectiveness & Development Group, 1900 E St., NW, Washington, DC 20415, 202 632-7082

RIN: 3206-AB25

APPOINTMENT, REASSIGNMENT, TRANSFER, AND REINSTATEMENT IN THE SENIOR EXECUTIVE SERVICE

Priority: Agency Determination

Legal Authority: 5 USC 3392; 5 USC 3393; 5 USC 3394; 5 USC 3397

CFR Citation: 5 CFR 317

Abstract: Interim regulations to govern appointment actions in the SES, including establishment of qualifications standards, agency recruitment and selection procedures for career appointments, operations of OPM Qualifications Review Boards, and completion of the one-year probationary period for career appointees. Regulations are intended to set forth basic staffing requirements to assure compliance with merit system provisions and to implement staffing provisions of Pub. L. 98-615, November 8, 1984.

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/00/85	
Final Action	10/00/85	

Small Entity: No

Agency Contact: Neal Harwood, Personnel Management Specialist, Office of Personnel Management, Office of Policy, Office of Policy and Communications, 1900 E St., NW, Wash., DC 20415, 202 653-5882

RIN: 3206-AA09

APPOINTMENT, REASSIGNMENT, TRANSFER AND REINSTATEMENT IN THE SENIOR EXECUTIVE SERVICE (SES CAREER APPOINTMENT BY REINSTATEMENT)

Priority: Agency Determination

Legal Authority: 5 USC 3593; 5 USC 3595

CFR Citation: 5 CFR 317, Subpart G

Abstract: Revised interim regulations on reinstatement to an SES career appointment following (a) voluntary separation from SES, or (b) separation from a Presidential appointment of a former SES career appointee. These reinstatements are authorized by law. The regulations set the procedures for implementing the law.

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/05/80	45 FR 80468
Revised Interim Rule	04/00/85	

Small Entity: No

Agency Contact: Neal Harwood, Personnel Management Specialist, Office of Policy, Office of Policy and Communications, 1900 E St., NW, Washington, DC 20415, 202 653-5882

RIN: 3206-AA11

● **RECRUITMENT, SELECTION, AND PLACEMENT (GENERAL)**

Priority: Agency Determination

Legal Authority: 5 USC 3310

CFR Citation: 5 CFR 330

Abstract: Provides increased protections for preference eligibles who occupy the positions of guard, messenger, elevator operator, and custodian in contracting out situations. Establishes a formal outplacement program aimed at ensuring that section 3310 veterans do not lose employment security due to contracting out.

Timetable:

Action	Date	FR Cite
NPRM	01/25/85	50 FR 3530
Final Action	09/00/85	

Small Entity: No

Agency Contact: Don A. Smith, Chief, Evaluations Division, Office of Personnel Management, Workforce Effectiveness & Development Group, 1900 E Street, NW, Washington, DC 20415, 202 632-7082

RIN: 3206-AC32

PROMOTION AND INTERNAL PLACEMENT

Priority: Agency Determination

Legal Authority: 5 USC 3301; 5 USC 3302

CFR Citation: 5 CFR 335

Abstract: Proposed regulations and FPM instructions to revise the Federal Merit Promotion Program to strengthen management rights, and clarify important concepts.

Timetable:

Action	Date	FR Cite
NPRM	04/00/85	

Small Entity: No

Agency Contact: Raleigh M. Neville, Personnel Staffing Specialist, Office of Personnel Management, Policy Analysis Division, Staffing Group, 1900 E Street, NW, Washington, DC 20415, 202 632-6817

RIN: 3206-AA90

QUALIFICATIONS REQUIREMENTS (MEDICAL)

Priority: Agency Determination

Legal Authority: 5 USC 3301; 5 USC 3304; 5 USC 3312

CFR Citation: 5 CFR 339

Abstract: Proposed regulations and FPM instructions to clarify procedures for establishing physical requirements for jobs and for documenting and processing disabilities.

Timetable:

Action	Date	FR Cite
NPRM	09/00/85	

Small Entity: No

Agency Contact: Raleigh Neville, Personnel Management Specialist, Office of Personnel Management, Policy Analysis Division, Staffing Group, 1900 E Street, NW, Washington, DC 20415, 202 632-6013

RIN: 3206-AA91

● **REDUCTION IN FORCE, IDENTIFICATION OF EMPLOYEES FOR TRANSFER OF FUNCTION**

Priority: Agency Determination

Legal Authority: 5 USC 1302; 5 USC 3503

CFR Citation: 5 CFR 351

Abstract: Changes needed to clarify OPM policy pertaining to a transfer of function and reflect pertinent MSPB decisions.

Timetable:

Action	Date	FR Cite
NPRM	09/00/85	

Small Entity: No

Agency Contact: Tom Glennon, Personnel Staffing Specialist, Office of Personnel Management, Policy Analysis Division, Staffing Group, 1900 E St., NW; Washington, DC 20415, 202 632-6817

RIN: 3206-AC33

REEMPLOYMENT RIGHTS FOR SES PERSONNEL

Priority: Agency Determination

Legal Authority: 5 USC 3131; 5 USC 3301

CFR Citation: 5 CFR 352

Abstract: This regulation would extend reemployment rights under this part to SES personnel. The regulation is needed to correct an oversight which has resulted in the exclusion of SESers from coverage.

Timetable:

Action	Date	FR Cite
NPRM	04/00/85	

Small Entity: No

Agency Contact: John Schultz, Personnel Staffing Specialist, Office of Personnel Management, Policy Analysis Division, Staffing Group, 1900 E St., NW, Washington, DC 20415, 202 632-6817

RIN: 3206-AA18

● **RESTORATION TO DUTY FROM MILITARY SERVICE AND INJURY COMPENSATION**

Priority: Agency Determination

Legal Authority: 38 USC 2021 et seq; 5 USC 8151

CFR Citation: 5 CFR 353

Abstract: Complete revision of Part 353 and corresponding FPM chapter 353 to update, simplify, and clarify the regulations and instructions.

Timetable:

Action	Date	FR Cite
NPRM	04/00/85	

Small Entity: No

Agency Contact: Raleigh Neville, Personnel Staffing Specialist, Office of Personnel Management, Policy Analysis Division, Staffing Group, 1900 E St., NW; Washington, DC 20415, 202 632-6817

RIN: 3206-AC34

REMOVAL FROM THE SENIOR EXECUTIVE SERVICE; GUARANTEED PLACEMENT IN OTHER PERSONNEL SYSTEMS

Priority: Agency Determination

Legal Authority: 5 USC 1302; 5 USC 3596

CFR Citation: 5 CFR 359

Abstract: Revised interim regulations on (1) the removal of SES career appointees during probation or for less than fully successful executive performance, (2) the removal of other than career appointees, (3) placement rights in other personnel systems of certain SES career appointees. These actions are authorized by law. The regulations establish procedures for implementing previous law and the new Pub. L. 98-615, November 8, 1984.

Timetable:

Action	Date	FR Cite
Interim Final Rule	07/31/79	44 FR 44815
Revised Interim Rule	04/00/85	

Small Entity: No

Agency Contact: Neal Harwood, Personnel Management Specialist, Office of Personnel Management, Office of Policy, Office of Policy and Communications, 1900 E St., NW, Wash., DC 20415, 202 653-5882

RIN: 3206-AA21

REMOVAL FROM THE SENIOR EXECUTIVE SERVICE; GUARANTEED PLACEMENT IN OTHER PERSONNEL SYSTEMS

Priority: Agency Determination

Legal Authority: 5 USC 3595; 5 USC 3596

CFR Citation: 5 CFR 359

Abstract: Interim regulations to add a new subpart to implement Pub. L. 97-35, August 13, 1981, as amended by Pub.L. 97-346, October 15, 1982, and Pub. L. 98-615, November 8, 1984, which added provisions to Title 5 to govern SES reduction-in-force actions affecting career executives. Regulations are needed to cover certain areas not in the law, such as notification to employees and retention of records, and to implement the provisions in the law dealing with OPM's responsibility to help place career executives identified for reduction in force and with "fallback" rights following a RIF.

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/00/85	
Final Action	10/00/85	

Small Entity: No

Agency Contact: Neal Harwood, Personnel Management Specialist, Office of Personnel Management, Office of Policy, Office of Policy and Comunications, 1900 E St., NW, Wash., DC 20415, 202 653-5882

RIN: 3206-AA23

TRAINING

Priority: Agency Determination

Legal Authority: 5 USC 4118

CFR Citation: 5 CFR 410

Abstract: Revision of regulations on determining the source of training to reflect revision by Office of Management and Budget of Circular No. A-76 "Performance of Commercial Activities."

Timetable:

Action	Date	FR Cite
NPRM	06/30/85	
Final Action	09/30/85	

Small Entity: No

Agency Contact: Frank Masterson, Chief, Training & Development Policy Branch, Office of Personnel Management, Office of Training and Development, 1121 Vermont Avenue, PO Box 7230, Washington, DC 20415, 202 632-6659

RIN: 3206-AB23

● **OVERSIGHT OF TRAINING PROGRAMS**

Priority: Agency Determination

Legal Authority: 5 USC 4118

CFR Citation: 5 CFR 410

Abstract: Addition of a new section dealing with the Office of Personnel

Management's oversight of agencies' management of their employee training programs under chapter 41 of title 5, United States Code.

Timetable:

Action	Date	FR Cite
Final Action	11/30/85	

Small Entity: No

Agency Contact: Constance Guitian, Personnel Management Specialist, Office of Personnel Management, Office of Training and Development, 1121 Vermont Avenue, NW, PO Box 7230, Washington, DC 20044, 202 632-6659

RIN: 3206-AC35

REDUCTION IN GRADE AND REMOVAL BASED ON UNACCEPTABLE PERFORMANCE

Priority: Agency Determination

Legal Authority: 5 USC 4303; 5 USC 4305

CFR Citation: 5 CFR 432

Abstract: Proposed regulations to clarify certain aspects of existing regulations pertaining to procedures to follow in removing or reducing in grade employees whose performance is unacceptable.

Timetable:

Action	Date	FR Cite
NPRM	07/00/85	
Final Action	11/00/85	

Small Entity: No

Agency Contact: Tim Dirks, Chief, Office of Personnel Management, Appellate Policies Division, 1900 E Street, NW, Washington, DC 20415, 202 653-8551

RIN: 3206-AB21

PAY RATES AND SYSTEMS (GENERAL)

Priority: Agency Determination

Legal Authority: 5 USC 5303; EO 11721

CFR Citation: 5 CFR 530

Abstract: Comprehensive revision of regulations to (1) clarify pay-fixing procedures when special rates are initially established, further adjusted, or terminated; and (2) make technical and conforming changes to bring current regulations up to date by correcting reference errors, deleting obsolete provisions, etc..

Timetable:

Action	Date	FR Cite
NPRM	06/00/85	

Small Entity: No

Agency Contact: Barry E. Shapiro, Chief, Allowances and Special Rates Division, Office of Personnel Management, Office of Pay Programs, 1900 E Street, NW, Washington, DC 20415, 202 632-7858

RIN: 3206-AB32

PAY UNDER THE GENERAL SCHEDULE; DETERMINING RATE OF BASIC PAY

Priority: Agency Determination

Legal Authority: 5 USC 5305(a); 5 USC 5334(a); 5 USC 5338; EO 11721

CFR Citation: 5 CFR 531, Subpart B

Abstract: Under current regulations, agencies may use an employee's highest previous rate as a Federal employee, updated to account for intervening pay adjustments, as the basis for paying a higher rate than otherwise would be required by law or regulation upon promotion, demotion, reassignment, transfer, or reemployment -- without regard to the recency of the employee's previous Federal work experience. Proposed regulations would limit the use of an employee's highest previous rate by establishing a reasonable relationship between the recency of an employee's previous work experience and the current employment situation. In addition, proposed regulations would revise the current regulations to conform to the principles of the Performance Based Incentive System and correct certain longstanding basic pay administration problems. Revision may also include technical and conforming changes in 5 CFR Parts 530 and 536.

Timetable:

Action	Date	FR Cite
NPRM	07/00/85	

Small Entity: No

Agency Contact: Donald J. Winstead, Chief, Program Analysis Branch, Office of Personnel Management, Office of Pay and Benefits Policy, Compensation Group, 1900 E St., NW, Washington, DC 20415, 202 632-4634

RIN: 3206-AA32

● **PAY UNDER THE GENERAL SCHEDULE; GRADE AND PAY RETENTION**

Priority: Agency Determination

Legal Authority: 5 USC 5334(a); 5 USC 5338; 5 USC 5365

CFR Citation: 5 CFR 531; 5 CFR 536

Abstract: Under current regulations, numerous pay administration problems exist in movements between Federal pay systems. For example, the method of determining entitlement to grade retention in movements between pay systems results in unnecessary expenditures of Federal funds and false expectations for affected employees. Proposed regulations would revise definitions of "promotion" and "demotion" to improve pay administration and minimize the number of employees entitled to grade retention in movements between pay systems. Revisions may also include technical and conforming changes in 5 CFR Parts 210, 351, and 532.

Timetable:

Action	Date	FR Cite
NPRM	09/00/85	

Small Entity: No

Agency Contact: Bobby G. Williams, Pay and Benefits Specialist, Office of Personnel Management, Office of Pay and Benefits Policy, 1900 E Street, NW, Washington, DC 20415, 202 632-4634

RIN: 3206-AC36

● **PAY UNDER THE GENERAL SCHEDULE; PAY ADJUSTMENTS FOR SUPERVISORS**

Priority: Agency Determination

Legal Authority: 5 USC 5333(b)

CFR Citation: 5 CFR 531, Subpart C

Abstract: Under current regulations, General Schedule supervisors of wage employees may receive an adjustment in basic pay to exceed the rate paid wage employees under their supervision. This adjustment, however, is permanent. No reduction is permitted even if the conditions prompting the adjustment no longer exist. Proposed regulations would require a downward adjustment when conditions no longer warrant a higher rate, as suggested by the Comptroller General in a 1976 decision.

Timetable:

Action	Date	FR Cite
NPRM	06/00/85	

Small Entity: No

Agency Contact: Ronald Clark, Pay and Benefits Specialist, Office of Personnel Management, Office of Pay and Benefits Policy, 1900 E Street, NW, Washington, DC 20415, 202 254-7052

RIN: 3206-AC37

● PREVAILING RATE SYSTEMS

Priority: Agency Determination

Legal Authority: 5 USC 5343; 5 USC 5346

CFR Citation: 5 CFR 532

Abstract: Comprehensive revision of regulations to ensure prevailing rates are consistent with the intent of the law, and to make necessary technical, terminological, and conforming changes.

Timetable:

Action	Date	FR Cite
NPRM	09/00/85	

Small Entity: No

Agency Contact: Richard J. Carney, Chief, Wage Systems Division, Office of Personnel Management, Office of Pay Programs, 1900 E Street, NW, Washington, DC 20415, 202 632-7830

RIN: 3206-AC38

PAY UNDER OTHER SYSTEMS (PAY UNDER THE SES)

Priority: Agency Determination

Legal Authority: 5 USC 5385

CFR Citation: 5 CFR 534, Subpart D

Abstract: Revised interim regulations on the payment of performance awards to career appointees in the Senior Executive Service to implement Pub. L. 98-615, November 8, 1984.

Timetable:

Action	Date	FR Cite
Interim Final Rule	11/16/83	48 FR 52025
Revised Interim Rule	04/00/85	

Small Entity: No

Agency Contact: Neal Harwood, Personnel Management Specialist, Office of Personnel Management, Office of Policy, Office of Policy and Communications, 1900 E St., NW, Wash., DC 20415, 202 653-5882

RIN: 3206-AB20

PAY UNDER OTHER SYSTEMS (PAY UNDER THE SENIOR EXECUTIVE SERVICE)

Priority: Agency Determination

Legal Authority: 5 USC 5383; 5 USC 5385

CFR Citation: 5 CFR 534

Abstract: Interim regulations on setting individual basic pay under the SES. Regulations are needed to clarify the intent and application of 5 USC 5383(a) on changes in SES pay rates and to implement provisions in Pub. L. 98-615, November 8, 1984, on aggregate compensation.

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/00/85	
Final Action	10/00/85	

Small Entity: No

Agency Contact: Neal Harwood, Personnel Management Specialist, Office of Personnel Management, Office of Policy, Office of Policy and Communications, 1900 E St., NW, Washington, DC 20415, 202 653-5882

RIN: 3206-AB29

● GRADE AND PAY RETENTION

Priority: Agency Determination

Legal Authority: 5 USC 5365

CFR Citation: 5 CFR 536

Abstract: Under current regulations, Federal agencies have considerable discretion in determining whether to grant grade or pay retention to employees who are or might be affected by a reduction in force, reorganization, or other management action. Proposed regulations would limit and more clearly define those situations in which grade or pay retention appropriately may be used by agencies as a management tool.

Timetable:

Action	Date	FR Cite
NPRM	12/00/85	

Small Entity: No

Agency Contact: Bobby G. Williams, Pay and Benefits Specialist, Office of Personnel Management, Office of Pay and Benefits Policy, 1900 E Street, NW, Washington, DC 20415, 202 632-4634

RIN: 3206-AC39

PAY ADMINISTRATION, ADJUSTMENT OF WORK SCHEDULES FOR RELIGIOUS OBSERVANCES

Priority: Agency Determination

Legal Authority: 5 USC 5550a

CFR Citation: 5 CFR 550, Subpart J

Abstract: Under current law, Federal employees may request adjustment of work schedules if personal religious beliefs require abstention from work. The interim regulations published in 1978 are too broad and do not provide agencies with the authority and guidance necessary for proper administration of the law. Final regulations will (1) define key terms in the law, (2) establish administrative procedures for processing employee requests and for adjusting employee work schedules, and (3) provide administrative procedures for the proper payment and/or crediting of compensatory overtime work and compensatory time off for religious observances.

Timetable:

Action	Date	FR Cite
NPRM	10/24/83	48 FR 49023
Final Action	04/00/85	

Small Entity: No

Agency Contact: Dwight W. Brown, Pay and Benefits Specialist, Office of Personnel Management, Office of Pay and Benefits Policy, Compensation Group, 1900 E St., NW, Washington, DC 20415, 202 632-4634

RIN: 3206-AA38

● PAY ADMINISTRATION (GENERAL) AND HOURS OF DUTY

Priority: Agency Determination

Legal Authority: 5 USC 5548; 5 USC 6101

CFR Citation: 5 CFR 550; 5 CFR 610

Abstract: Technical and conforming amendments to bring current regulations up to date by correcting reference errors, deleting obsolete provisions, etc..

Timetable:

Action	Date	FR Cite
NPRM	09/00/85	

Small Entity: No

Agency Contact: Edward I Magee, Pay and Benefits Specialist, Office of Personnel Management, Office of Pay and Benefits Policy, 1900 E Street, NW, Washington, DC 20415, 202 632-4634

RIN: 3206-AC40

● PAY ADMINISTRATION (GENERAL); SEVERANCE PAY

Priority: Agency Determination

Legal Authority: 5 USC 5595; EO 11228

CFR Citation: 5 CFR 550, Subpart G

Abstract: Under current regulations, the Federal Government spends too much on severance pay because of (1) lax controls over contractors in contracting-out situations, (2) a difference in eligibility requirements for discontinued service retirement and severance pay, and (3) a loophole that allows individuals to collect both severance pay and pay from a contractor if they go to work with the contractor more than 90 days after separation from Federal employment. Final regulations would place reporting requirements on Federal agencies in contracting-out situations, make the discontinued service retirement and severance pay eligibility requirements parallel, and terminate severance pay for those who accept contract employment within 52 weeks of separation.

Timetable:

Action	Date	FR Cite
NPRM	04/00/85	
Final Action	08/00/85	

Small Entity: No

Agency Contact: Jan Karicher, Pay and Benefits Specialist, Office of Personnel Management, Office of Pay and Benefits Policy, 1900 E Street, NW, Washington, DC 20415, 202 254-7052

RIN: 3206-AC41

● PAY ADMINISTRATION (GENERAL); COLLECTIONS BY OFFSET FROM INDEBTED GOVERNMENT EMPLOYEES

Priority: Agency Determination

Legal Authority: 5 USC 5514

CFR Citation: 5 CFR 550, Subpart K

Abstract: Final regulations would amend definitions of "Agency" and "Disposable Pay" for salary offset purposes to (1) clarify the application of salary offset to legislative and judicial branch employees, as well as those employees in the executive branch; and (2) exclude union dues when determining "Disposable Pay" for offset purposes. Current regulations do not adequately reflect Congressional intent.

Timetable:

Action	Date	FR Cite
NPRM	04/00/85	
Final Action	08/00/85	

Small Entity: No

Agency Contact: Patricia A. Rochester, Pay and Benefits Specialist, Office of Personnel Management, Office of Pay and Benefits Policy, 1900 E Street, NW, Washington, DC 20415, 202 632-4634

RIN: 3206-AC42

● PAY ADMINISTRATION (GENERAL); COLLECTIONS BY OFFSET FROM INDEBTED GOVERNMENT EMPLOYEES; HEARINGS

Priority: Agency Determination

Legal Authority: 5 USC 5514

CFR Citation: 5 CFR 550, Subpart K

Abstract: Some agencies have had difficulty arranging for a salary offset hearing official "not under the control of the head of the agency." Final regulations would prescribe a process for requesting hearing officers for salary offset hearings when agencies have not been able to make other arrangements.

Timetable:

Action	Date	FR Cite
NPRM	10/31/84	49 FR 43619
Final Action	05/00/85	

Small Entity: No

Agency Contact: Patricia A. Rochester, Pay and Benefits Specialist, Office of Personnel Management, Office of Pay and Benefits Policy, 1900 E Street, NW, Washington, DC 20415, 202 632-4634

RIN: 3206-AC43

● PAY ADMINISTRATION (GENERAL); BACK PAY

Priority: Agency Determination

Legal Authority: 5 USC 5596(c)

CFR Citation: 5 CFR 550, Subpart H

Abstract: Under current regulations, the authority of Federal agencies to deduct from back pay awards the amount of State unemployment compensation received during periods covered by the award is unclear. Proposed regulations would require such a deduction to satisfy the "make-whole" purpose of the back pay law. In addition, proposed regulations would clarify the definition of other "erroneous payments" to be deducted from back pay awards.

Timetable:

Action	Date	FR Cite
NPRM	08/00/85	

Small Entity: No

Agency Contact: Margaret P. Goodell, Pay and Benefits Specialist, Office of Personnel Management, Office of Pay and Benefits Policy, 1900 E Street, NW, Washington, DC 20415, 202 632-4634

RIN: 3206-AC44

PAY ADMINISTRATION UNDER THE FLSA: COMPLIANCE

Priority: Agency Determination

Legal Authority: 29 USC 204F; 5 USC 1103(a)(5)

CFR Citation: 5 CFR 551, Subpart F

Abstract: Proposed new regulation to implement the FLSA Compliance Program and simplify the FLSA claims handling process.

Timetable:

Action	Date	FR Cite
NPRM	10/01/85	

Small Entity: No

Agency Contact: Robert Gatewood, Personnel Management Specialist, Office of Personnel Management, Compliance and Investigations Group, Agency Compliance and Evaluation, 1900 E St., NW, Washington, DC 20415, 202 632-5691

RIN: 3206-AA40

PAY ADMINISTRATION UNDER THE FAIR LABOR STANDARDS ACT; SPECIAL OVERTIME PAY PROVISIONS

Priority: Agency Determination

Legal Authority: 29 USC 204(f)

CFR Citation: 5 CFR 551, Subpart E

Abstract: Under the FLSA, a special overtime standard has been applied to Federal law enforcement employees. This overtime standard no longer differs substantially from the normal overtime standard that applies to all employees covered by the FLSA. Proposed regulations would simplify administration and eliminate the administrative costs of applying the special overtime standard to these employees, who would become subject to the normal FLSA overtime standard.

Timetable:

Action	Date	FR Cite
NPRM	09/00/85	

Small Entity: No

Agency Contact: Dwight Brown, Pay and Benefits Specialist, Office of Personnel Management, Office of Pay and Benefits Policy, 1900 E Street, NW, Washington, DC 20415, 202 632-4634

RIN: 3206-AB16

● **PAY ADMINISTRATION UNDER THE FAIR LABOR STANDARDS ACT**

Priority: Agency Determination

Legal Authority: 29 USC 204(f)

CFR Citation: 5 CFR 551

Abstract: Technical and conforming amendments to bring current regulations up to date by correcting reference errors, deleting obsolete provisions, etc..

Timetable:

Action	Date	FR Cite
NPRM	09/00/85	

Small Entity: No

Agency Contact: Dwight W. Brown, Pay and Benefits Specialist, Office of Personnel Management, Office of Pay and Benefits Policy, 1900 E Street, NW, Washington, DC 20415, 202 632-4634

RIN: 3206-AC45

PROCESSING GARNISHMENT ORDERS FOR CHILD SUPPORT AND/OR ALIMONY

Priority: Agency Determination

Legal Authority: 42 USC 659; 42 USC 661 to 662; 15 USC 1673; EO 12105

CFR Citation: 5 CFR 581

Abstract: Update regulation in response to ongoing suggestions and corrections, especially changes to Appendix A which contains an obsolete list of agents designated to accept legal process.

Timetable:

Action	Date	FR Cite
NPRM	07/01/85	

Small Entity: No

Agency Contact: Murray Meeker, Attorney, Office of Personnel Management, Office of the General Counsel, 1900 E Street, NW, Room 5H30, Washington, DC 20415, 202 632-4518

RIN: 3206-AB42

ALLOWANCES AND DIFFERENTIALS; COST OF LIVING ALLOWANCE AND POST DIFFERENTIAL--NONFOREIGN AREAS

Priority: Agency Determination

Legal Authority: 5 USC 5941; EO 10000

CFR Citation: 5 CFR 591, Subpart B

Abstract: Comprehensive revision of regulations to incorporate methodology used to establish nonforeign cost-of-living allowances. (See Alaniz v. Office of Personnel Management, 728 F. 2d 1460 (Fed. Cir. 1984).)

Timetable:

Action	Date	FR Cite
NPRM	04/00/85	

Small Entity: No

Agency Contact: Barry E. Shapiro, Chief, Allowances and Special Rates Division, Office of Personnel Management, 1900 E Street, NW, Washington, DC 20415, 202 632-7858

RIN: 3206-AB34

● **HOURS OF DUTY; FLEXIBLE AND COMPRESSED WORK SCHEDULES**

Priority: Agency Determination

Legal Authority: 5 USC 6133

CFR Citation: 5 CFR 610, Subpart D

Abstract: The current flexible and compressed work schedules law expires July 23, 1985. Regulations will be needed to implement a new program or to terminate the current program.

Timetable:

Action	Date	FR Cite
Interim Final Rule	07/00/85	

Small Entity: No

Agency Contact: Edward I. Magee, Pay and Benefits Specialist, Office of Personnel Management, Office of Pay and Benefits Policy, 1900 E Street, NW, Washington, DC 20415, 202 632-4634

RIN: 3206-AC46

ABSENCE AND LEAVE; ANNUAL AND SICK LEAVE

Priority: Agency Determination

Legal Authority: 5 USC 6311

CFR Citation: 5 CFR 630, Subparts A to E

Abstract: Revision of annual and sick leave regulations is necessary to update, improve, and refine the current regulations to ensure appropriate and consistent application of leave administration policies within all Federal agencies. Proposed rules would (1) add new rules to improve leave administration, (2) revise the current rules for clarification and consistency, and (3) reorganize the sections with the subparts in a more logical sequence. These and other changes, such as regulating a consistent and equitable method of liquidating leave indebtedness and revising the requirement to forgive leave indebtedness, would resolve some troublesome leave issues, improve leave administration, and result in cost savings.

Timetable:

Action	Date	FR Cite
NPRM	05/00/85	

Small Entity: No

Agency Contact: Betty J. Roth, Pay and Benefits Specialist, Office of Personnel Management, Office of Pay and Benefits Policy, Compensation Group, 1900 E St., NW, Washington, DC 20415, 202 254-7052

RIN: 3206-AA44

● ABSENCE AND LEAVE; RECREDIT OF LEAVE

Priority: Agency Determination

Legal Authority: 5 USC 6311

CFR Citation: 5 CFR 630, Subpart E

Abstract: Proposed regulations to extend the 3-year limitation on recrediting sick leave for dependents of civilian and military personnel who leave Federal employment to accompany their sponsors on overseas assignments. This amendment would alleviate the hardship and inequity many career employees suffer because of the limited number of Federal positions that are available to dependents overseas. This change would complement E.O. 12362, which authorizes certain placement benefits for dependents when they return from overseas.

Timetable:

Action	Date	FR Cite
NPRM	04/00/85	
Final Action	07/00/85	

Small Entity: No

Agency Contact: Margaret P. Goodell, Pay and Benefits Specialist, Office of Personnel Management, Office of Pay and Benefits Policy, 1900 E Street, NW, Washington, DC 20415, 202 632-4634

RIN: 3206-AB63

● ABSENCE AND LEAVE; HOME LEAVE

Priority: Agency Determination

Legal Authority: 5 USC 6311

CFR Citation: 5 CFR 630, Subpart F

Abstract: Proposed regulations to (1) clarify and eliminate discrepancies in application, (2) incorporate changes required by the Foreign Service Act of 1980, and (3) revise the accrual rates. Under current regulations, employees with desirable overseas assignments receive the same benefits as those on hardship assignments. Proposed regulations would relate home leave to the degree of hardship.

Timetable:

Action	Date	FR Cite
NPRM	01/00/86	

Small Entity: No

Agency Contact: Margaret P. Goodell, Pay and Benefits Specialist, Office of Personnel Management, Office of Pay and Benefits Policy, 1900 E Street,NW, Washington, DC 20415, 202 632-4634

RIN: 3206-AB64

● ABSENCE AND LEAVE; SHORE LEAVE

Priority: Agency Determination

Legal Authority: 5 USC 6311

CFR Citation: 5 CFR 630, Subpart G

Abstract: Proposed regulations would recognize changed conditions since enactment of the shore leave law, prohibit inappropriate and indiscriminate use of terminal shore leave, and eliminate discrepancies in application.

Timetable:

Action	Date	FR Cite
NPRM	05/00/85	

Small Entity: No

Agency Contact: Betty J. Roth, Pay and Benefits Specialist, Office of Personnel Management, Office of Pay and Benefits Policy, 1900 E Street, NW, Washington, DC 20415, 202 254-7052

RIN: 3206-AB65

● ABSENCE AND LEAVE; COVERAGE OF D.C. GOVERNMENT EMPLOYEES

Priority: Agency Determination

Legal Authority: 5 USC 6311; DC Law 2-139, as amended

CFR Citation: 5 CFR 630

Abstract: Current regulations contain obsolete references to D.C. government employees, who are no longer covered by chapter 63 of title 5 of the United States Code. Final regulations would delete these obsolete references.

Timetable:

Action	Date	FR Cite
NPRM	02/27/85	50 FR 7922
Final Action	05/00/85	

Small Entity: No

Agency Contact: Margaret P. Goodell, Pay and Benefits Specialist, Office of Personnel Management, Office of Pay and Benefits Policy, 1900 E Street, NW, Washington, DC 20415, 202 632-4634

RIN: 3206-AC47

● ABSENCE AND LEAVE; ANNUAL LEAVE

Priority: Agency Determination

Legal Authority: 5 USC 6311

CFR Citation: 5 CFR 630, Subpart C

Abstract: Final regulations to increase the time period in which restored annual leave may be used in extended exigencies of the public business. Without this change, employees could lose large amounts of both restored annual leave and accrued leave because of a long lasting exigency that precluded the use of the leave within the currently prescribed time limits.

Timetable:

Action	Date	FR Cite
Interim Final Rule	01/24/85	50 FR 3314
Final Action	04/00/85	

Small Entity: No

Agency Contact: Betty J. Roth, Pay and Benefits Specialist, Office of Personnel Management, Office of Pay and Benefits Policy, 1900 E Street, NW, Washington, DC 20415, 202 254-7052

RIN: 3206-AC48

● AFFIRMATIVE EMPLOYMENT PROGRAMS

Priority: Agency Determination

Legal Authority: 5 USC 7201; PL 89-554; PL 95-454; 5 USC 7151; 38 USC 2014

CFR Citation: 5 CFR 720

Abstract: Revises Part 720 to reflect: elimination of any requirement that is not specifically required by law or is administratively burdensome; less emphasis on paperwork/plan and statistical reporting requirements and more on implementing effective recruiting efforts; and more emphasis on agency accountability and flexibility for the development, implementation.

and evaluation of agency recruiting programs.

Timetable:

Action	Date	FR Cite
NPRM	09/00/85	
Final Action	03/31/86	

Small Entity: No

Additional Information: ADDITIONAL AGENCY CONTACT: Robert Franco, Chief, Technical Assistance & Operations Division, (202) 632-5607.

Agency Contact: **Don A Smith**, Chief, Evaluation Division, Office of Personnel Management, Office of Affirmative Employment Programs, Workforce Effectiveness & Development Group, 1900 E St., NW, Wash. DC 20415, **202 632-7082**

RIN: 3206-AB06

POLITICAL ACTIVITY OF FEDERAL EMPLOYEES

Priority: Agency Determination

Legal Authority: 5 USC 1308; 5 USC 3301; 5 USC 3302; 5 USC 7301; 5 USC 7321 to 7325; 5 USC 7327; 42 USC 2729; EO 10577 3 CFR, 1954-1958 Comp. p. 218; 5 USC 7701 et seq; EO 12107

CFR Citation: 5 CFR 733

Abstract: Prescribes (1) regulations under the Hatch Act and related provisions of law that restrict the political activity of Federal employees; (2) definitional and structural revisions; and (3) possible addition and/or recission of partial exceptions by the Director for municipalities or political subdivisions.

Timetable:

Action	Date	FR Cite
NPRM	07/01/85	

Small Entity: No

Agency Contact: **JoAnn Chabot**, Attorney, Office of Personnel Management, Office of the General Counsel, 1900 E St., NW, Room 5H22, Washington, DC 20415, **202 632-7746**

RIN: 3206-AA47

EXECUTIVE PERSONNEL FINANCIAL DISCLOSURE REQUIREMENTS

Priority: Agency Determination

Legal Authority: 5 USC App 207(a); PL 95-521

CFR Citation: 5 CFR 734

Abstract: Proposed new regulation to supersede portions of 5 CFR Part 735 dealing with confidential financial disclosure for grades below GS-16.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Agency Contact: **Gary Davis/David Reich**, Staff Attorneys, Office of Personnel Management, Office of Government Ethics, P.O. Box 14108, Washington, DC 20044, **202 632-7642**

RIN: 3206-AA93

● EMPLOYEE RESPONSIBILITIES AND CONDUCT

Priority: Agency Determination

Legal Authority: EO 11222; PL 95-521

CFR Citation: 5 CFR 735

Abstract: Amends portions of final regulation, 5 CFR Part 735, to clarify and update general provisions dealing with employee conduct.

Timetable:

Action	Date	FR Cite
NPRM	07/15/85	

Small Entity: No

Agency Contact: **Jane Ley**, Staff Attorney, Office of Personnel Management, Office of Government Ethics, P.O. Box 14108, Washington, DC 20044, **202 632-0569**

RIN: 3206-AB66

POST EMPLOYMENT CONFLICT OF INTEREST

Legal Authority: 18 USC 207; PL 95-521

CFR Citation: 5 CFR 737

Abstract: Proposed technical and conforming regulations to clarify the post employment rules.

Timetable:

Action	Date	FR Cite
NPRM	10/15/85	

Small Entity: No

Agency Contact: **Gary Davis/Jane Ley**, Staff Attorneys, Office of Personnel Management, Office of Government Ethics, P.O. Box 14108, Washington, DC 20044, **202 632-7642**

RIN: 3206-AB12

POST EMPLOYMENT CONFLICT OF INTEREST; DESIGNATION OF CERTAIN POSITIONS AND AGENCIES

Legal Authority: 18 USC 207(b)(1)(c); PL 95-521

CFR Citation: 5 CFR 737

Abstract: Final regulation to meet the requirement to designate annually senior employees who are subject to the conflict-of-interest provisions of the Ethics in Government Act.

Timetable:

Action	Date	FR Cite
Final Action	03/28/85	

Small Entity: No

Agency Contact: **Gary Davis/Bob Flynn**, Staff Attorney/Management Analyst, Office of Personnel Management, Office of Government Ethics, P.O. Box 14108, Washington, DC 20044, **202 632-7642**

RIN: 3206-AB13

ADVERSE ACTIONS (REGULATORY REQUIREMENTS FOR TAKING ADVERSE ACTIONS UNDER THE SENIOR EXECUTIVE SERVICE)

Priority: Agency Determination

Legal Authority: 5 USC 7543

CFR Citation: 5 CFR 752, Subpart F

Abstract: Revised interim regulations on (1) suspensions for more than 14 days and (2) removal from the civil service of SES career appointees. These actions were authorized by Pub. L. 95-454 (October 13, 1978), which was amended by Pub. L. 97-35 (August 13, 1981) and Pub. L. 98-615 (November 8, 1984). The regulations establish procedures for implementing the law.

Timetable:

Action	Date	FR Cite
Interim Final Rule	07/31/79	44 FR 44818
Revised Interim Rule	04/00/85	

Small Entity: No

Agency Contact: **Neal Harwood**, Personnel Management Specialist, Office of Personnel Management, Office of Policy, Office of Policy and Communications, 1900 E St., NW, Wash., DC 20415, **202 632-5882**

RIN: 3206-AA50

ALCOHOLISM AND DRUG ABUSE PROGRAMS

Priority: Agency Determination

Legal Authority: PL 91-616; PL 92-255

CFR Citation: 5 CFR 792

Abstract: This rule is to implement and clarify the legislative requirements for alcoholism and drug abuse programs and services for Federal civilian employees as contained in the FPM. It establishes OPM and agency responsibilities in providing prevention, treatment, and rehabilitative services to Federal civilian employees with alcohol or drug problems.

Timetable:

Action	Date	FR Cite
Interim Final Rule	07/09/84	49 FR 27921
Final Action	04/00/85	

Small Entity: No

Agency Contact: Ruby H. Giddings, Chief, Employee Health Services Branch, Office of Personnel Management, Office of Performance Management, Workforce Effectiveness & Development Group, 1900 E St., NW, Washington, DC 20415, 202 632-5558

RIN: 3206-AB11

RETIREMENT; AGENCY REQUESTS TO OPM FOR RECOVERY OF A DEBT FROM THE CIVIL SERVICE RETIREMENT AND DISABILITY FUND

Priority: Agency Determination

Legal Authority: 5 USC 8347; 31 USC 3716

CFR Citation: 5 CFR 831, Subpart R

Abstract: Final regulations to prescribe procedures for submitting agency claims for recovery of an indebtedness against benefits due from the Civil Service Retirement System. Regulations are required as part of resolution of Rhinehart v. Seneca, et al., which recognized the need to give debtors due process rights.

Timetable:

Action	Date	FR Cite
NPRM	01/04/85	50 FR 473
Final Action	06/00/85	

Small Entity: No

Additional Information: LEGAL AUTHORITY: 4 CFR Sec. 101.1 et seq. also applies.

Agency Contact: Patricia A. Rochester, Pay and Benefits Specialist, Office of Personnel Management, Office of Pay and Benefits Policy, Compensation Group, 1900 E St., NW, Washington, DC 20415, 202 632-4634

RIN: 3206-AA52

RETIREMENT

Priority: Agency Determination

Legal Authority: 5 USC 8347

CFR Citation: 5 CFR 831.1301

Abstract: Proposed regulations to revise debt collection regulations for the collection of overpayments of annuity to conform with the Debt Collection Act of 1982 (Pub. L. 97-365).

Timetable:

Action	Date	FR Cite
NPRM	11/19/84	49 FR 45588
Final Action	04/00/85	

Small Entity: No

Agency Contact: Patricial A. Rochester, Pay and Benefits Specialist, Office of Personnel Management, Office of Pay and Benefits Policy, Compensation Group, 1900 E Street, NW, Washington, DC 20415, 202 632-4634

RIN: 3206-AA94

RETIREMENT; LAW ENFORCEMENT OFFICERS AND FIREFIGHTERS

Priority: Agency Determination

Legal Authority: 5 USC 8347; 5 USC 8336(c)

CFR Citation: 5 CFR 831, Subpart I

Abstract: Current regulations do not adequately state the criteria for determining whether an employee meets the statutory definition of "law enforcement officer" or "firefighter." Proposed regulations would clarify the criteria used by OPM to establish eligibility of employees under the special retirement provisions for law enforcement officers and firefighters.

Timetable:

Action	Date	FR Cite
NPRM	06/00/85	

Small Entity: No

Agency Contact: Ray Kirk, Pay and Benefits Specialist, Office of Personnel Management, Office of Pay and Benefits Policy, 1900 E Street, NW, Washington, DC 20415, 202 632-4614

RIN: 3206-AB09

RETIREMENT; DEPOSITS FOR MILITARY SERVICE

Priority: Agency Determination

Legal Authority: 5 USC 8347

CFR Citation: 5 CFR 831, Subpart U

Abstract: Final regulations to extend eligibility to make deposits for military service to separated individuals who were prevented from making a timely deposit due to administrative error or misinformation.

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/16/84	49 FR 20631
Final Action	10/00/85	

Small Entity: No

Agency Contact: Mary Angel, Pay and Benefits Specialist, Office of Personnel Management, Office of Pay and Benefits Policy, 1900 E Street, NW, Washington, DC 20415, 202 632-9677

RIN: 3206-AB35

● **RETIREMENT, FEDERAL EMPLOYEES' GROUP LIFE INSURANCE, AND FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM**

Priority: Agency Determination

Legal Authority: 5 USC 8347(a); 5 USC 8716(a); 5 USC 8913(a)

CFR Citation: 5 CFR 831; 5 CFR 870; 5 CFR 871; 5 CFR 872; 5 CFR 873; 5 CFR 890

Abstract: Some Federal entities are often late in making payment to the Retirement, Life Insurance, and Health Benefits Funds. These late payments cause a loss of interest income to those funds. Proposed regulations would permit OPM to charge interest on late payments. This would encourage prompt payment to make the funds whole.

Timetable:

Action	Date	FR Cite
NPRM	09/00/85	

Small Entity: No

Agency Contact: Mary Angel, Pay and Benefits Specialist, Office of Personnel Management, Office of Pay and Benefits Policy, 1900 E Street, NW, Washington, DC 20415, 202 632-9677

RIN: 3206-AB67

● RETIREMENT; DEFINITIONS

Priority: Agency Determination

Legal Authority: 5 USC 8347(a)

CFR Citation: 5 CFR 831, Subpart A

Abstract: Many of the definitions used in administering civil service retirement programs are drawn from different sources (i.e., various laws, court decisions, and Comptroller General decisions). There is no comprehensive list of definitions of retirement terms to which OPM can refer agencies and employees. Publication of a general definitions section would simplify administration of the retirement program by providing a list of definitions to which agencies and employees can refer for accurate and complete information on retirement-related terms.

Timetable:

Action	Date	FR Cite
NPRM	10/00/85	

Small Entity: No

Agency Contact: Doris Reeves, Pay and Benefits Specialist, Office of Personnel Management, Office of Pay and Benefits Policy, Compensation Group, 1900 E St., N.W., Washington, D.C. 20415, 202 632-9677

RIN: 3206-AB69

● RETIREMENT; ORDER OF PRECEDENCE FOR STATUTORY WITHHOLDINGS FROM ANNUITY

Priority: Agency Determination

Legal Authority: 5 USC 8347

CFR Citation: 5 CFR 831, Subpart A

Abstract: Regulations to improve the administration of the Civil Service Retirement and Disability Fund by establishing a uniform order of precedence for purposes of offsetting civil service annuity benefits to satisfy statutory obligations, such as state income tax withholding requests and court orders directing apportionment or garnishment of such benefits. Proposed regulations would consolidate disparate rules and practices which have developed for determining the net annuity available for offset for various purposes.

Timetable:

Action	Date	FR Cite
NPRM	06/00/85	

Small Entity: No

Agency Contact: Doris Reeves, Pay and Benefits Specialist, Office of Personnel Management, Office of Pay and Benefits Policy, Compensation Group, 1900 E St., N.W., Washington, D.C. 20415, 202 632-9677

RIN: 3206-AB70

● RETIREMENT; CREDIT FOR SERVICE

Priority: Agency Determination

Legal Authority: 5 USC 8347

CFR Citation: 5 CFR 831, Subpart C

Abstract: On the basis of a series of court decisions, OPM has determined that a contract does not generally create employment in the civil service. Rather, an appointment in the civil service is necessary. Proposed regulations would specify the conditions for finding that an individual is a Federal employee for civil service retirement purposes, including the very limited exceptions to the general rule.

Timetable:

Action	Date	FR Cite
NPRM	01/00/86	

Small Entity: No

Agency Contact: John Landers, Chief, Office of Personnel Management, Office of Pay and Benefits Policy, Compensation Group, 1900 E St., N.W., Washington, D.C. 20415, 202 632-4684

RIN: 3206-AB71

● RETIREMENT; CREDIT FOR UNUSED SICK LEAVE

Priority: Agency Determination

Legal Authority: 5 USC 8347

CFR Citation: 5 CFR 831, Subpart C

Abstract: Unused sick leave at retirement is added to service credit for computation of annuity. Full-time employees receive one day of credit for eight hours of sick leave. Part-time employees receive more than one day of credit for eight hours of sick leave, on a prorated basis. Proposed regulations would treat full-time and part-time employees equally. All employees would receive one day of retirement credit for eight hours of unused sick leave.

Timetable:

Action	Date	FR Cite
NPRM	04/00/85	

Small Entity: No

Agency Contact: John Landers, Chief, Office of Personnel Management, Office of Pay and Benefits Policy, Compensation Group, 1900 E St., N.W., Washington, D.C. 20415, 202 632-4684

RIN: 3206-AB72

● RETIREMENT; CREDIT AND DEPOSITS FOR MILITARY SERVICE

Priority: Agency Determination

Legal Authority: PL 97-253, Sec 306(b); PL 98-94, Sec 1257; PL 98-369, Sec 2205

CFR Citation: 5 CFR 831, Subparts C and U

Abstract: Public Laws 97-253, 98-94, and 98-369 amend the provisions of the retirement law that deal with crediting military service and making deposits for military service. Proposed regulations would revise the affected regulations to implement these laws.

Timetable:

Action	Date	FR Cite
NPRM	04/00/85	

Small Entity: No

Agency Contact: Mary Angel, Pay and Benefits Specialist, Office of Personnel Management, Office of Pay and Benefits Policy, Compensation Group, 1900 E St., N.W., Washington, D.C. 20415, 202 632-9677

RIN: 3206-AB73

● RETIREMENT; SURVIVOR BENEFITS

Priority: Agency Determination

Legal Authority: 5 USC 8347

CFR Citation: 5 CFR 831, Subpart F

Abstract: Final regulations to require a retiring employee or Member who elects a reduced annuity with survivor benefit for a person having an insurable interest to pay the cost of providing medical evidence to show such employee or Member is in good health. Under past practice, OPM paid for these medical examinations.

Timetable:

Action	Date	FR Cite
NPRM	04/00/85	
Final Action	07/00/85	

Small Entity: No

Agency Contact: Jane Lohr, Pay and Benefits Specialist, Office of Personnel Management, Office of Pay and Benefits Policy, Compensation Group, 1900 E St., N.W., Washington, D.C. 20415, 202 632-9677

RIN: 3206-AB74

● RETIREMENT; IMPLEMENTING REGULATIONS FOR CIVIL SERVICE RETIREMENT SPOUSE EQUITY ACT OF 1984

Priority: Agency Determination

Legal Authority: 5 USC 8347; PL 98-615

CFR Citation: 5 CFR 831, Subparts F, Q, and T

Abstract: The Civil Service Retirement Spouse Equity Act of 1984 must be fully implemented by May 7, 1985. Interim regulations would include provisions for new benefits available to former spouses of deceased Federal Employees and provisions governing survivor benefits for current spouses.

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/00/85	

Small Entity: No

Additional Information: Francis J. Derby, Pay and Benefits Specialist, (202) 632-4634

Agency Contact: Harold Siegelman, Pay and Benefits Specialist, Office of Personnel Management, Office of Pay and Benefits Policy, Compensation Group, 1900 E St., N.W., Washington, D.C. 20415, 202 632-4684

RIN: 3206-AB75

● RETIREMENT; REEMPLOYMENT OF RETIRED EMPLOYEES

Priority: Agency Determination

Legal Authority: 5 USC 8347; PL 97-276

CFR Citation: 5 CFR 831, Subpart H

Abstract: Regulations to implement statutory provision that excludes annuitants reemployed between August 1, 1981, and December 31, 1985, as civilian air traffic controllers from eligibility for supplemental annuity benefits. This exclusion was enacted because such reemployed annuitants are excluded from the offset of salary by the annuity allocable to the period.

Timetable:

Action	Date	FR Cite
NPRM	06/00/85	

Small Entity: No

Agency Contact: Jane Lohr, Pay and Benefits Specialist, Office of Personnel Management, Office of Pay and Benefits Policy, Compensation Group, 1900 E St., N.W., Washington, D.C. 20415, 202 632-9677

RIN: 3206-AB76

● RETIREMENT; DISABILITY RETIREMENT

Priority: Agency Determination

Legal Authority: 5 USC 8347

CFR Citation: 5 CFR 831, Subpart L

Abstract: Comprehensive revision of disability retirement regulations to clarify (1) OPM'S authority to find a disability annuitant recovered from a disability when the annuitant is reemployed in the Federal service in a position equivalent in grade to the one from which he or she retired, and (2) the rules used to determine whether a disability annuitant has been restored to earning capacity.

Timetable:

Action	Date	FR Cite
NPRM	04/00/85	

Small Entity: No

Agency Contact: Margaret Sears, Pay and Benefits Specialist, Office of Personnel Management, Office of Pay and Benefits Policy, Compensation Group, 1900 E St., N.W., Washington, D.C. 20415, 202 632-9677

RIN: 3206-AB77

● RETIREMENT; RECOVERY OF ANNUITY OVERPAYMENTS

Priority: Agency Determination

Legal Authority: 5 USC 8347

CFR Citation: 5 CFR 831, Subpart M

Abstract: Proposed regulations to add further guidelines on debt collection activities under the Debt Collection Act of 1982. Current regulations need to be expanded to (1) add criteria for referring debts to collection agencies, (2) exclude collections made by Treasury under 31 CFR 210.10 from OPM procedures for recovery of debts, and (3) add provisions for collecting debts due the Civil Service Retirement Fund from a deceased debtor.

Timetable:

Action	Date	FR Cite
NPRM	06/00/85	

Small Entity: No

Agency Contact: Patricia A. Rochester, Pay and Benefits Specialist, Office of Personnel Management, Office of Pay and Benefits Policy, Compensation Group, 1900 E St., N.W., Washington, D.C. 20415, 202 632-4634

RIN: 3206-AB78

● RETIREMENT; ORDER OF PRECEDENCE FOR APPLICATION OF SERVICE CREDIT DEPOSITS

Priority: Agency Determination

Legal Authority: 5 USC 8347

CFR Citation: 5 CFR 831, Subpart V

Abstract: Current regulations do not state the order in which service credit deposits will be applied. Proposed regulations would specify an order of precedence for applying such deposits.

Timetable:

Action	Date	FR Cite
NPRM	04/00/85	

Small Entity: No

Agency Contact: Mary Angel, Pay and Benefits Specialist, Office of Personnel Management, Office of Pay and Benefits Policy, Compensation Group, 1900 E St., N.W., Washington, D.C. 20415, 202 632-9677

RIN: 3206-AB79

● RETIREMENT

Priority: Agency Determination

Legal Authority: 5 USC 8347

CFR Citation: 5 CFR 831

Abstract: Technical and conforming amendments to bring current regulations up to date by correcting reference errors, deleting obsolete provisions, etc..

Timetable:

Action	Date	FR Cite
NPRM	09/00/85	

Small Entity: No

Agency Contact: Margaret Sears, Pay and Benefits Specialist, Office of Personnel Management, Office of Pay and Benefits Policy, 1900 E Street, NW, Washington, DC 20415, 202 632-9677

RIN: 3206-AC28

● FEDERAL EMPLOYEES' GROUP LIFE INSURANCE

Priority: Agency Determination

Legal Authority: 5 USC 8716

CFR Citation: 5 CFR 870; 5 CFR 871; 5 CFR 872; 5 CFR 873

Abstract: Technical and conforming amendments to bring current regulations up to date by correcting reference errors, deleting obsolete provisions, etc.

Timetable:

Action	Date	FR Cite
NPRM	09/00/85	

Small Entity: No

Agency Contact: Agatha W. Gray, Pay and Benefits Specialist, Office of Personnel Management, Office of Pay and Benefits Policy, Compensation Group, 1900 E St., N.W., Washington, D.C. 20415, 202 254-7052

RIN: 3206-AB80

● FEDERAL EMPLOYEES' GROUP LIFE INSURANCE; OPEN ENROLLMENT PERIOD

Priority: Agency Determination

Legal Authority: 5 USC 8716

CFR Citation: 5 CFR 870; 5 CFR 871; 5 CFR 872; 5 CFR 873

Abstract: OPM is considering a limited open enrollment period under the FEGLI Program. Proposed regulations would establish procedures to give employees an opportunity to enroll or increase their coverage during an open enrollment period in 1985.

Timetable:

Action	Date	FR Cite
NPRM	04/00/85	

Small Entity: No

Agency Contact: Agatha W. Gray, Pay and Benefits Specialist, Office of Personnel Management, Office of Pay and Benefits Policy, Compensation Group, 1900 E St., N.W., Washington, D.C. 20415, 202 254-7052

RIN: 3206-AB81

● FEDERAL EMPLOYEES' GROUP LIFE INSURANCE PROGRAM; ASSIGNMENT OF LIFE INSURANCE BY FEDERAL JUDGES

Priority: Agency Determination

Legal Authority: PL 98-353, Sec 208

CFR Citation: 5 CFR 870; 5 CFR 871; 5 CFR 872; 5 CFR 873; 5 CFR 874

Abstract: Regulations to implement section 208 of Pub. L. 98-353, which permits Federal judges to assign their Federal Employees' Group Life Insurance.

Timetable:

Action	Date	FR Cite
Interim Final Rule	02/28/85	50 FR 8095
Final Action	09/00/85	

Small Entity: No

Agency Contact: Mary Angel, Pay and Benefits Specialist, Office of Personnel Management, Office of Pay and Benefits Policy, Compensation Group, 1900 E St., N.W., Washington, D.C. 20415, 202 632-9677

RIN: 3206-AB82

FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM; DISPUTED CLAIMS

Priority: Agency Determination

Legal Authority: 5 USC 8913

CFR Citation: 5 CFR 890, Subpart A

Abstract: Regulations to improve the administrative process used by the FEHBP to resolve disputed health insurance claims. The regulations would strengthen OPM's control over the disputed claims process and would result in more efficient plan and OPM reviews.

Timetable:

Action	Date	FR Cite
NPRM	12/28/84	49 FR 50404
Final Action	05/00/85	

Small Entity: No

Agency Contact: Mary Ann Mercer, Pay and Benefits Specialist, Office of Personnel Management, Office of Pay and Benefits Policy, 1900 E Street, NW, Washington, DC 20415, 202 632-9677

RIN: 3206-AB37

● FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM

Priority: Agency Determination

Legal Authority: 5 USC 8913

CFR Citation: 5 CFR 890

Abstract: Technical and conforming amendments to bring current regulations up to date by correcting errors, deleting obsolete provisions, etc..

Timetable:

Action	Date	FR Cite
NPRM	09/00/85	

Small Entity: No

Agency Contact: Barbara Myers, Pay and Benefits Specialist, Office of Personnel Management, Office of Pay and Benefits Policy, Compensation Group, 1900 E St., N.W., Washington, D.C. 20415, 202 632-9677

RIN: 3206-AB83

● FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM; TERMINATION OF ENROLLMENT

Priority: Agency Determination

Legal Authority: 5 USC 8913

CFR Citation: 5 CFR 890, Subpart A

Abstract: Proposed regulations to extend OPM'S authority to terminate an individual's enrollment in an FEHB group practice comprehensive medical plan to include individual practice comprehensive medical plans.

Timetable:

Action	Date	FR Cite
NPRM	09/00/85	

Small Entity: No

Agency Contact: Barbara Myers, Pay and Benefits Specialist, Office of Personnel Management, Office of Pay and Benefits Policy, Compensation Group, 1900 E St., N.W., Washington, D.C. 20415, 202 632-9677

RIN: 3206-AB84

● FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM; COVERAGE OF CERTAIN TEMPORARY EMPLOYEES

Priority: Agency Determination

Legal Authority: 5 USC 8913(a)

CFR Citation: 5 CFR 890, Subpart A

Abstract: Employees who have temporary appointments not to exceed one year or less have been excluded from coverage under the Federal Health Benefits Program. Final regulations would allow coverage of employees generally if their appointment is expected to exceed nine months.

Timetable:

Action	Date	FR Cite
NPRM	04/00/85	
Final Action	07/00/85	

Small Entity: No

Agency Contact: Ray Sparnon, Pay and Benefits Specialist, Office of Personnel Management, Office of Pay and Benefits Policy, Compensation Group, 1900 E St., N.W., Washington, D.C. 20415, 202 632-4614

RIN: 3206-AB85

● FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM; HEALTH BENEFITS PLANS

Priority: Agency Determination

Legal Authority: 5 USC 8913

CFR Citation: 5 CFR 890, Subpart B

Abstract: Proposed regulations to clarify the criteria used by OPM in reviewing applications from comprehensive medical plans seeking to participate in the Federal Employees Health Benefits Program. Regulations would focus on the plan's compliance with state licensing and operating requirements and Federal procurement regulations, health plan management, marketing, quality of the health care delivery system, and financial condition.

Timetable:

Action	Date	FR Cite
NPRM	03/00/86	

Small Entity: No

Agency Contact: Mary Ann Mercer, Pay and Benefits Specialist, Office of Personnel Management, Office of Pay and Benefits Policy, Compensation Group, 1900 E St., N.W., Washington, D.C. 20415, 202 632-9677

RIN: 3206-AB86

● FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM; REGISTRATION AND ENROLLMENT

Priority: Agency Determination

Legal Authority: 5 USC 8913

CFR Citation: 5 CFR 890, Subpart C

Abstract: Proposed Regulations to allow an employee or annuitant to change to self and family coverage if a non-federally employed spouse or former spouse loses non-Federal health insurance coverage under certain conditions.

Timetable:

Action	Date	FR Cite
NPRM	09/00/85	

Small Entity: No

Agency Contact: Barbara Myers, Pay and Benefits Specialist, Office of Personnel Management, Office of Pay and Benefits Policy, Compensation Group, 1900 E St., N.W., Washington, D.C. 20415, 202 632-9677

RIN: 3206-AB87

● FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM; CONTINUATION OF ENROLLMENT

Priority: Agency Determination

Legal Authority: 5 USC 8913

CFR Citation: 5 CFR 890, Subpart C

Abstract: Proposed regulations to reflect established OPM practice of allowing surviving family members to continue FEHBP participation under multiple enrollments in split-award survivor annuity cases. If multiple enrollments are not allowed, certain eligible family members might lose FEHBP coverage.

Timetable:

Action	Date	FR Cite
NPRM	06/00/85	

Small Entity: No

Agency Contact: Jane Lohr, Pay and Benefits Specialist, Office of Personnel Management, Office of Pay and Benefits Policy, Compensation Group, 1900 E St., N.W., Washington, D.C. 20415, 202 632-9677

RIN: 3206-AB88

● FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM; IMPLEMENTING REGULATIONS FOR CIVIL SERVICE RETIREMENT SPOUSE EQUITY ACT OF 1984

Priority: Agency Determination

Legal Authority: 5 USC 8913; PL 98-615

CFR Citation: 5 CFR 890, Subparts C and H

Abstract: Regulations to implement amendments to the Federal Employees Health Benefits (FEHB) law under the Civil Service Retirement Spouse Equity Act of 1984, effective May 7, 1985. This law allows certain former spouses of civil service employees and retirees to enroll in an FEHB plan, provided the former spouse agrees to pay the full cost of such health insurance coverage.

Timetable:

Action	Date	FR Cite
Final Action	04/00/85	

Small Entity: No

Agency Contact: May Ann Mercer, Pay and Benefits Specialist, Office of Personnel Management, Office of Pay and Benefits Policy, Compensation Group, 1900 E St., N.W., Washington, D.C. 20415, 202 632-9677

RIN: 3206-AB89

PROGRAMS FOR SPECIFIC POSITIONS AND EXAMINATIONS (MISCELLANEOUS) SUBPART A - MOTOR VEHICLE OPERATORS

Priority: Agency Determination

Legal Authority: 40 USC 471; 5 USC 1104

CFR Citation: 5 CFR 930, Subpart A

Abstract: Final regulations to permit Federal agencies to develop and use alternative procedures in the review and authorization of civilian employees to operate Government owned or leased motor vehicles. These changes would allow increased flexibility and ease the administrative burden and cost for Federal agencies without jeopardizing the safety of this program.

OPM — **Current and Projected Rulemakings**

Timetable:

Action	Date	FR Cite
NPRM	04/16/84	49 FR 14956
Final Action	04/00/85	

Small Entity: No

Agency Contact: Van K. Yee, Personnel Staffing Specialist, Office of Personnel Management, Staffing Group, 1900 E St., NW, Washington, DC 20415, 202 632-6030

RIN: 3206–AA59

● PROGRAMS FOR SPECIFIC POSITIONS AND EXAMINATIONS (MISCELLANEOUS) ADMINISTRATIVE LAW JUDGES

Priority: Agency Determination

Legal Authority: 5 USC 3323(b); PL 98-224

CFR Citation: 5 CFR 930, Subpart B

Abstract: Final regulations to permit Federal agencies to reemploy retired Administrative Law Judges on a temporary basis to help with irregular workloads. The regulations would implement Public Law 98-224, signed March 2, 1984. The law permitted the temporary reemployment of retired Administrative Law Judges under regulations to be issued by OPM.

Timetable:

Action	Date	FR Cite
NPRM	10/31/84	49 FR 43691
Final Action	05/00/85	

Small Entity: No

Agency Contact: Craig B. Pettibone, Assistant Director, Office of Personnel Management, Staffing Group, 1900 E Street, N.W., Washington, D.C. 20415, 202 632-5677

RIN: 3206–AB90

● PROGRAMS FOR SPECIFIC POSITIONS AND EXAMINATIONS (MISCELLANEOUS) ADMINISTRATIVE LAW JUDGES

Priority: Agency Determination

Legal Authority: 5 USC 553-9; 5 USC 1104(a)(2); 5 USC 1305; 5 USC 3105; 5 USC 3344; 5 USC 4301(2)(d); 5 USC 5335(a)(3)(B); 5 USC 5372; 5 USC 7521

CFR Citation: 5 CFR 930, Subpart B

Abstract: Update and clarification of OPM regulations governing examining and employment of Administrative Law Judges. These regulations have not been reviewed as a whole for many years and contain out-of-date terminology.

Timetable:

Action	Date	FR Cite
NPRM	06/30/85	

Small Entity: No

Agency Contact: Craig B. Pettibone, Assistant Director, Office of Personnel Management, Staffing Group, 1900 E Street, N.W., Washington, D.C. 20415, 202 632-5677

RIN: 3206–AB91

FEDERAL EMPLOYEES HEALTH BENEFITS ACQUISITION REGULATIONS

Priority: Agency Determination

Legal Authority: 40 USC 486(c); 5 USC 8913

CFR Citation: 48 CFR 16

Abstract: OPM is required to issue regulations reflecting contracting policy and procedures for the Federal Employees Health Benefits Program (FEHBP) that deviate from the Federal Acquisition Regulations (FAR) or that are needed to supplement the FAR to satisfy special program needs.

Timetable:

Action	Date	FR Cite
NPRM	04/00/85	
Final Action	09/00/85	

Small Entity: No

Agency Contact: Kevin J. Burns, Assistant Director for Insurance Programs, Office of Personnel Management, Compensation Group, 1900 E Street, NW, Washington, DC 20415, 202 632-9677

RIN: 3206–AB07

OPM PROCUREMENT REGULATIONS

Priority: Agency Determination

Legal Authority: 48 CFR Chapter 1

CFR Citation: 48 CFR 17

Abstract: Agencies are required to publish implementing and supplementing regulations to the Federal Acquisition Regulations (FAR). The FAR were effective April 1, 1984.

Timetable:

Action	Date	FR Cite
NPRM	04/00/85	
Final Action	12/00/85	

Small Entity: Undetermined

Agency Contact: Robert Lawshe, Chief, Acquisition Branch, Office of Personnel Management, Acquisition Branch, Room 1466, 1900 E Street, NW, Washington, DC 20415, 202 254-8492

RIN: 3206–AB28

OFFICE OF PERSONNEL MANAGEMENT (OPM) — Existing Regulations Under Review

● POLITICAL ACTIVITY OF STATE OR LOCAL OFFICERS OR EMPLOYEES

Priority: Agency Determination

Legal Authority: 5 USC 1302; 5 USC 1501 to 1508, as amended

CFR Citation: 5 CFR 151

Abstract: Comprehensive review of regulations to ensure consistency with Intergovernmental Personnel Act and related guidelines as appropriate. The review will address inadequacies created by overlap with Intergovernmental Personnel Act regulations.

Timetable:

Action	Date	FR Cite
Begin Review	03/15/85	
End Review	07/01/85	

Small Entity: No

Agency Contact: Joseph A. Morris, General Counsel, Office of Personnel Management, Office of the General Counsel, 1900 E Street, N.W., Washington, D.C. 20415, 202 632-4632

RIN: 3206–AB93

● ADMINISTRATIVE CLAIMS UNDER THE FEDERAL TORT CLAIMS ACT

Priority: Agency Determination

Legal Authority: 28 USC 2672

CFR Citation: 5 CFR 177

Abstract: Review of procedures for processing claims under the Federal Tort Claims Act (FTCA). The review will explore avenues for reducing costs to government through presentation of subrogation.

Timetable:

Action	Date	FR Cite
Begin Review	03/15/85	
End Review	07/01/85	

Small Entity: No

Agency Contact: Joseph A. Morris, General Counsel, Office of Personnel Management, Office of the General Counsel, 1900 E Street, N.W., Washington, D.C. 20415, 202 632-4632

RIN: 3206-AB94

● EMPLOYEES' PERSONAL PROPERTY CLAIMS

Priority: Agency Determination

Legal Authority: Sec. 3, 78 Stat. 767, as amended; 31 USC 241

CFR Citation: 5 CFR 180

Abstract: Comprehensive review of regulations to (1) address ambiguities in rules applicable to employee responsibilities, and (2) consider requiring reimbursed employees to surrender items for which value has been paid to the agency for donation to charity. Regulatory action will enhance various charities' ability to collect items for their use and clarify employee responsibilities to avoid inadvertent violations of law and regulations.

Timetable:

Action	Date	FR Cite
Begin Review	03/15/85	
End Review	07/01/85	

Small Entity: No

Agency Contact: Joseph A. Morris, General Counsel, Office of Personnel Management, Office of the General Counsel, 1900 E Street, N.W., Washington, D.C. 20415, 202 632-4632

RIN: 3206-AB95

● COMPETITIVE SERVICE AND COMPETITIVE STATUS

Priority: Agency Determination

Legal Authority: 5 USC 1302; 5 USC 3301; 5 USC 3302; EO 10577

CFR Citation: 5 CFR 212, Subparts C and D

Abstract: Review of regulations to determine if there is a need to redefine competitive status. The review will examine the definition of non-competitive assignment eligibility to determine whether it is sufficiently clear.

Timetable:

Action	Date	FR Cite
Begin Review	10/01/85	
End Review	01/01/86	

Small Entity: No

Agency Contact: James Byrnes, Deputy Associate Director, Office of Personnel Management, Staffing Group, 1900 E Street, N.W., Washington, D.C. 20415, 202 632-6005

RIN: 3206-AB96

● EXCEPTED SERVICE

Priority: Agency Determination

Legal Authority: 5 USC 3301; 5 USC 3302; EO 10577

CFR Citation: 5 CFR 213

Abstract: Comprehensive review of excepted service authorities. The review would focus on discontinuing obsolete authorities and revising or establishing new authorities where needed.

Timetable:

Action	Date	FR Cite
Begin Review	03/15/85	
End Review	07/01/85	

Small Entity: No

Agency Contact: James Byrnes, Deputy Associate Director, Office of Personnel Management, Staffing Group, 1900 E Street, N.W., Washington, D.C. 20415, 202 632-6005

RIN: 3206-AB97

● SENIOR EXECUTIVE SERVICE

Priority: Agency Determination

Legal Authority: 5 USC 3132

CFR Citation: 5 CFR 214

Abstract: Review of the general regulatory provisions of the Senior Executive Service. Review will take into account legislative changes to the Senior Executive Service since the Civil Service Reform Act of 1978.

Timetable:

Action	Date	FR Cite
Begin Review	03/15/85	
End Review	07/01/85	

Small Entity: No

Agency Contact: Patrick S. Korten, Executive Assistant Director, Office of Personnel Management, Office of Policy and Communications, 1900 E Street, N.W., Washington, D.C. 20415, 202 632-6106

RIN: 3206-AB98

● PERSONNEL RECORDS - BASIC POLICIES ON MAINTENANCE OF PERSONNEL RECORDS

Priority: Agency Determination

Legal Authority: 5 USC 522a; EO 12107; 5 USC 1302; EO 9830

CFR Citation: 5 CFR 293, Subpart A

Abstract: Review of policies on safeguarding automated files. The widespread problem of "computer hacking" requires consideration of special safeguards for automated records to ensure that such records are not accessible to unauthorized persons.

Timetable:

Action	Date	FR Cite
Begin Review	03/15/85	
End Review	07/01/85	

Small Entity: No

Agency Contact: George Woloshyn, Associate Director, Office of Personnel Management, Compliance and Investigations Group, 1900 E Street, N.W., Washington, D.C. 20415, 202 632-4426

RIN: 3206-AB99

● PERSONNEL RECORDS - PERSONNEL RECORDS SUBJECT TO THE PRIVACY ACT

Priority: Agency Determination

Legal Authority: 5 USC 552a; EO 12107; 5 USC 1302; EO 9830

CFR Citation: 5 CFR 293, Subpart B

Abstract: Review of records subject to the Privacy Act. Regulatory action may be needed to maintain consistency with proposed changes in Privacy Act Regulations, 5 CFR 297. (5 CFR 297 is being amended to reflect case law.)

Timetable:

Action	Date	FR Cite
Begin Review	03/15/85	
End Review	07/01/85	

Small Entity: No

Agency Contact: George Woloshyn, Associate Director, Office of Personnel Management, Compliance and Investigations Group, 1900 E Street, N.W., Washington, D.C. 20415, 202 632-4426

RIN: 3206-AC00

● EMPLOYMENT (GENERAL); TIME-IN-GRADE RESTRICTIONS

Priority: Agency Determination

Legal Authority: 5 USC 3301; 5 USC 3302; EO 10577; 5 USC 3324; 5 USC 1104

CFR Citation: 5 CFR 300, Subpart F

Abstract: Review of time-in-grade restrictions. Review will address time-in-grade as it applies to promotion policy.

Timetable:

Action	Date	FR Cite
Begin Review	03/15/85	
End Review	07/01/85	

Small Entity: No

Agency Contact: James Byrnes, Deputy Associate Director, Office of Personnel Management, Staffing Group, 1900 E Street, N.W., Washington, D.C. 20415, 202 632-6005

RIN: 3206-AC01

● EMPLOYMENT IN THE EXCEPTED SERVICE

Priority: Agency Determination

Legal Authority: 5 USC 1301; 5 USC 3301; 5 USC 3302; 5 USC 8151; EO 10577

CFR Citation: 5 CFR 302

Abstract: Review of reemployment rights criteria for excepted service. The review will address the need to reduce hardship in cutbacks.

Timetable:

Action	Date	FR Cite
Begin Review	03/15/85	
End Review	07/01/85	

Small Entity: No

Agency Contact: James Byrnes, Deputy Associate Director, Office of Personnel Management, Staffing Group, 1900 E Street, N.W., Washington, D.C. 20415, 202 632-6005

RIN: 3206-AC02

● EXECUTIVE ASSIGNMENT SYSTEM

Priority: Agency Determination

Legal Authority: 5 USC 1302; 5 USC 3301; 5 USC 3302; 5 USC 3324; EO 10577

CFR Citation: 5 CFR 305

Abstract: Review of regulations on executive assignment system (GS-16/18). Regulations need to be reviewed in light of the establishment of the Senior Executive Service, which incorporated most GS-16/18 positions.

Timetable:

Action	Date	FR Cite
Begin Review	03/15/85	
End Review	07/01/85	

Small Entity: No

Agency Contact: Patrick S. Korten, Executive Assitant Director, Office of Personnel Management, Office of Policy and Communications, 1900 E Street, N.W., Washington, D.C. 20415, 202 632-6106

RIN: 3206-AC03

● VOLUNTEER SERVICE

Priority: Agency Determination

Legal Authority: 5 USC 3111

CFR Citation: 5 CFR 308

Abstract: Review of regulations for volunteer service. Current regulations only apply to student volunteers. Use of other volunteers may require broader regulations to assure appropriate use.

Timetable:

Action	Date	FR Cite
Begin Review	03/15/85	
End Review	07/01/85	

Small Entity: No

Agency Contact: James Byrnes, Deputy Associate Director, Office of Personnel Management, Staffing Group, 1900 E Street, N.W., Washington, D.C. 20415, 202 632-6005

RIN: 3206-AC04

● CAREER-CONDITIONAL EMPLOYMENT

Priority: Agency Determination

Legal Authority: 5 USC 1302; 5 USC 3301; 5 USC 3302; EO 10577; PL 93-113; EO 11103

CFR Citation: 5 CFR 315

Abstract: Review of regulations on conversion to career or career-conditional employment. The review will address eligibility for entry into the competitive service from other types of appointments.

Timetable:

Action	Date	FR Cite
Begin Review	03/01/85	
End Review	07/01/85	

Small Entity: No

Agency Contact: James Byrnes, Deputy Associate Director, Office of Personnel Management, Staffing Group, 1900 E Street, N.W., Washington, D.C. 20415, 202 632-6005

RIN: 3206-AC05

● APPOINTMENT, REASSIGNMENT, TRANSFER AND REINSTATEMENT IN THE SENIOR EXECUTIVE SERVICE

Priority: Agency Determination

Legal Authority: 5 USC 3397; PL 95-454, Sec 413(k)

CFR Citation: 5 CFR 317, Subparts B and C

Abstract: Review of regulations on general provisions pertaining to the Senior Executive Service and conversion to the SES. Regulations may need to be revised to take into account legislative changes to the Senior Executive Service since the 1979 conversion.

Timetable:

Action	Date	FR Cite
Begin Review	03/15/85	
End Review	07/01/85	

Small Entity: No

Agency Contact: Patrick S. Korten, Executive Associate Director, Office of Personnel Management, Office of Policy and Communciations, 1900 E Street, N.W., Washington, D.C. 20415, 202 632-6106

RIN: 3206-AC06

OPM

Existing Regulations Under Review

● GENERAL RECRUITMENT/PLACEMENT PRINCIPLES

Priority: Agency Determination

Legal Authority: 5 USC 1302; 5 USC 3302; EO 10577

CFR Citation: 5 CFR 330

Abstract: Comprehensive review of Reemployment Priority List (RPL) and Displaced Employee Program (DEP) authorities. Review would focus on the need to provide assistance to employees in cutbacks.

Timetable:

Action	Date	FR Cite
Begin Review	07/15/85	
End Review	08/30/85	

Small Entity: No

Agency Contact: James Byrnes, Deputy Associate Director, Office of Personnel Management, Staffing Group, 1900 E Street, N.W., Washington, D.C. 20415, 202 632-6106

RIN: 3206-AC07

● GENERAL PRINCIPLES OF COMPETITION

Priority: Agency Determination

Legal Authority: 5 USC 1302; 5 USC 3301; 5 USC 3302; EO 10577

CFR Citation: 5 CFR 332

Abstract: Comprehensive review of regulations to determine the need for updating recruitment and selection authorities. The review would focus on the removal of obsolete references, e.g., filling postmaster positions.

Timetable:

Action	Date	FR Cite
Begin Review	03/15/85	
End Review	07/01/85	

Small Entity: No

Agency Contact: James Byrnes, Deputy Associate Director, Office of Personnel Management, Staffing Group, 1900 E Street, N.W., Washington, D.C. 20415, 202 632-6005

RIN: 3206-AC08

● STANDARDS FOR TEMPORARY AND TERM APPOINTMENT OUTSIDE THE REGISTER

Priority: Agency Determination

Legal Authority: 5 USC 3375; EO 11589, 3 CFR 557

CFR Citation: 5 CFR 333

Abstract: Comprehensive review of applicant supply file requirements to determine whether veterans are accorded appropriate preference for temporary positions.

Timetable:

Action	Date	FR Cite
Begin Review	03/15/85	
End Review	07/01/85	

Small Entity: No

Agency Contact: James Byrnes, Deputy Associate Director, Office of Personnel Management, Staffing Group, 1900 E Street, N.W., Washington, D.C. 20415, 202 632-6005

RIN: 3206-AC09

● TEMPORARY ASSIGNMENT OF EMPLOYEES BETWEEN FEDERAL AGENCIES AND STATE, LOCAL, AND INDIAN TRIBAL GOVERNMENT, INSTITUTIONS OF HIGHER EDUCATION, AND OTHER ELIGIBLE ORGANIZATIONS

Priority: Agency Determination

Legal Authority: 5 USC 3376; EO 11589, 5 CFR 557

CFR Citation: 5 CFR 334

Abstract: Comprehensive review of regulations to address agency responsibility for personnel mobility assignments. The review will focus on providing for more cost efficient assignments.

Timetable:

Action	Date	FR Cite
Begin Review	03/15/85	
End Review	07/01/85	

Small Entity: No

Agency Contact: Terry W. Culler, Associate Director, Office of Personnel Management, Workforce Effectiveness & Development Group, 1900 E Street, N.W., Washington, D.C. 20415, 202 632-5796

RIN: 3206-AC10

● GENERAL EVALUATION PRINCIPLES

Priority: Agency Determination

Legal Authority: 5 USC 3376; EO 11589, 3 CFR 557

CFR Citation: 5 CFR 337

Abstract: Comprehensive review of regulatory requirements for rating applicants. The review will assess the appropriateness of procedures for assigning numerical ratings.

Timetable:

Action	Date	FR Cite
Begin Review	03/15/85	
End Review	07/01/85	

Small Entity: No

Agency Contact: James Byrnes, Deputy Associate Director, Office of Personnel Management, Staffing Group, 1900 E Street, N.W., Washington, D.C. 20415, 202 632-6005

RIN: 3206-AC11

● EXECUTIVE AND MANAGEMENT DEVELOPMENT

Priority: Agency Determination

Legal Authority: 5 USC 3397

CFR Citation: 5 CFR 412, Subparts A and E

Abstract: Review of executive and management development program authority for possible reconstructing. The review will explore a more comprehensive view of management development that includes supervisors as well as managers and executives.

Timetable:

Action	Date	FR Cite
Begin Review	03/15/85	
End Review	07/01/85	

Small Entity: No

Agency Contact: Terry W. Culler, Associate Director, Office of Personnel Management, Workforce Effectiveness & Development Group, 1900 E Street, N.W., Washington, D.C. 20415, 202 632-5796

RIN: 3206-AC12

● PERSONNEL MANAGEMENT RESEARCH PROGRAMS AND DEMONSTRATION PROJECTS

Priority: Agency Determination

Legal Authority: 5 USC 4701; 5 USC 4703; 5 USC 4705; 5 USC 4706

CFR Citation: 5 CFR 470

Abstract: Review of OPM oversight responsibility for administering demonstration projects. The review will

address possible clarification of OPM's oversight role.

Timetable:

Action	Date	FR Cite
Begin Review	03/15/85	
End Review	07/01/85	

Small Entity: No

Agency Contact: Patrick S. Korten, Executive Assistant Director, Office of Personnel Management, Office of Policy and Communications, 1900 E Street, N.W., Washington, D.C. 20415, 202 632-6106

RIN: 3206-AC13

● CLASSIFICATION UNDER THE GENERAL SCHEDULE

Priority: Agency Determination

Legal Authority: 5 USC 5115; 5 USC 5338; 5 USC 5351

CFR Citation: 5 CFR 511

Abstract: Comprehensive review of regulations concerning the application of classification decisions. The review would focus on improving cost-effectiveness in processing appeals and uniformity in both inter- and intra-agency application of classification decisions.

Timetable:

Action	Date	FR Cite
Begin Review	03/15/85	
End Review	07/01/85	

Small Entity: No

Agency Contact: George Woloshyn, Associate Director, Office of Personnel Management, Compliance and Investigations Group, 1900 E Street, N.W., Washington, D.C. 20415, 202 632-4426

RIN: 3206-AC14

● CLASSIFICATION UNDER THE GENERAL SCHEDULE

Priority: Agency Determination

Legal Authority: 5 USC 5115; 5 USC 5338; 5 USC 5351

CFR Citation: 5 CFR 511, Subparts A and B

Abstract: Review of white collar classification requirements. Comprehensive study now underway of classification system for white collar jobs is expected to identify need for desirable regulatory changes.

Timetable:

Action	Date	FR Cite
Begin Review	03/15/85	
End Review	07/01/85	

Small Entity: No

Agency Contact: James Byrnes, Deputy Associate Director, Office of Personnel Management, Staffing Group, 1900 E Street, NW, Washington, DC 20415, 202 632-6005

RIN: 3206-AC29

● PAY RATES AND SYSTEMS (GENERAL)

Priority: Agency Determination

Legal Authority: 5 USC 1104; 5 USC 5351 to 5353; 5 USC 5361; 5 USC 5385; 5 USC 5541

CFR Citation: 5 CFR 530, Subpart C

Abstract: Review of special rate authorities to determine (1) whether they continue to be justified, and (2) whether new special rate authorities need to be established to solve recruitment and retention problems. This review may result in the need for public notice of special rate authorities.

Timetable:

Action	Date	FR Cite
Begin Review	06/00/85	
End Review	08/00/85	

Small Entity: No

Agency Contact: James W. Morrison, Jr., Associate Director, Office of Personnel Management, Compensation Group, 1900 E Street, NW, Washington, DC 20415, 202 632-1854

RIN: 3206-AC30

● PREVAILING RATE SYSTEMS

Priority: Agency Determination

Legal Authority: 5 USC 5343; 5 USC 5346

CFR Citation: 5 CFR 532

Abstract: Review of existing wage schedule for U.S. citizens overseas to ensure currency of wage rates.

Timetable:

Action	Date	FR Cite
Begin Review	01/00/85	
End Review	04/00/85	

Small Entity: No

Agency Contact: James W. Morrison, Jr., Associate Director, Office of Personnel Management, Compensation Group, 1900 E Street, NW, Washington, DC 20415, 202 632-1854

RIN: 3206-AC17

● PAY ADMINISTRATION (GENERAL)

Priority: Agency Determination

Legal Authority: 5 USC 5545(d); 5 USC 5548(b)

CFR Citation: 5 CFR 550, Subpart I

Abstract: Review of regulations concerning pay for irregular or intermittent duty involving physical hardship or hazard. The review will address whether proper payment is being made for work situations involving hardship or hazard.

Timetable:

Action	Date	FR Cite
Begin Review	04/00/85	
End Review	10/00/85	

Small Entity: No

Agency Contact: James W. Morrison, Jr., Associate Director, Office of Personnel Management, Compensation Group, 1900 E Street, NW, Washington, DC 20415, 202 632-1854

RIN: 3206-AC18

● SUITABILITY – SUITABILITY DISQUALIFICATIONS

Priority: Agency Determination

Legal Authority: 5 USC 3301; 5 USC 3302; 5 USC 7301; EO 10577; EO 11222

CFR Citation: 5 CFR 731, Subpart B

Abstract: Comprehensive review of suitability standards. Current revision of personnel security program by Presidentially directed task force will likely result in the need for conforming changes in personnel suitability standards.

Timetable:

Action	Date	FR Cite
Begin Review	11/01/85	
End Review	01/01/86	

Small Entity: No

Agency Contact: George Woloshyn, Associate Director, Office of Personnel Management, Compliance and Investigations Group, 1900 E Street, NW, Washington, DC 20415, 202 632-4428

RIN: 3206-AC19

● SUITABILITY -- SUITABILITY RATING ACTIONS

Priority: Agency Determination

Legal Authority: 5 USC 3301; 5 USC 3302; 5 USC 7301; EO 10577; EO 11222

CFR Citation: 5 CFR 731, Subpart C

Abstract: Review of subject-to-investigation time limit to determine whether the time limit is inadequate.

Timetable:

Action	Date	FR Cite
Begin Review	03/15/85	
End Review	07/01/85	

Small Entity: No

Agency Contact: George Woloshyn, Associate Director, Office of Personnel Management, Compliance and Investigations Group, 1900 E Street, NW, Washington, DC 20415, 202 632-4428

RIN: 3206-AC20

● PERSONNEL SECURITY AND RELATED PROGRAMS

Priority: Agency Determination

Legal Authority: 5 USC 3301; 5 USC 3302; 5 USC 7312; 50 USC 403; EO 10450; EO 10577

CFR Citation: 5 CFR 732

Abstract: Review of suitability security distinctions. Evidence of inconsistent application of security/suitability standards among agencies points up the need for clarifying regulations.

Timetable:

Action	Date	FR Cite
Begin Review	11/01/85	
End Review	01/01/86	

Small Entity: No

Agency Contact: George Woloshyn, Associate Director, Office of Personnel Management, Compliance and Investigations Group, 1900 E Street, NW, Washington, DC 20415, 202 632-4428

RIN: 3206-AC21

● INVESTIGATIONS

Priority: Agency Determination

Legal Authority: PL 93-579; 5 USC 522a

CFR Citation: 5 CFR 736

Abstract: Review of enforcement procedures for governmentwide background investigations standards. The review will focus on the need for clarification and greater consistency in application of agency background investigation standards.

Timetable:

Action	Date	FR Cite
Begin Review	11/01/85	
End Review	01/01/86	

Small Entity: No

Agency Contact: George Woloshyn, Associate Director, Office of Personnel Management, Compliance and Investigations Group, 1900 E Street, N.W., Washington, D.C. 20415, 202 632-4426

RIN: 3206-AB92

● EMPLOYEE CONDUCT AND RESPONSIBILITIES

Priority: Agency Determination

Legal Authority: EO 11222

CFR Citation: 5 CFR 739

Abstract: Review of Part 735 for purposes of (a) removing sections that are not part of the authorized functions of the Office of Government Ethics, but are the responsibilities of other offices in the Office of Personnel Management or individual agencies; and (b) adding to the new part a prohibition against unauthorized tape recording of the conversations of employees by any other employee within departments and agencies.

Timetable:

Action	Date	FR Cite
Begin Review	03/15/85	
End Review	07/01/85	

Small Entity: No

Agency Contact: Joseph A. Morris, General Counsel, Office of Personnel Management, Office of the General Counsel, 1900 E Street, NW, Washington, DC 20415, 202 632-4632

RIN: 3206-AC22

● ADVERSE ACTIONS

Priority: Agency Determination

Legal Authority: 5 USC 1302; 5 USC 3301; 5 USC 3302; 5 USC 7502; 5 USC 7543; 5 USC 7504; 5 USC 7514

CFR Citation: 5 CFR 752, Subparts B and D

Abstract: Comprehensive review of regulations on adverse actions. Review would focus on the need to clarify adverse action procedures.

Timetable:

Action	Date	FR Cite
Begin Review	07/00/85	
End Review	11/00/85	

Small Entity: No

Agency Contact: Patrick S. Korten, Executive Assistant Director, Office of Personnel Management, Office of Policy and Communications, 1900 E Street, NW, Washington, DC 20415, 202 632-6106

RIN: 3206-AC23

● RETIREMENT, ADMINISTRATION AND GENERAL PROVISIONS

Priority: Agency Determination

Legal Authority: 5 USC 8336

CFR Citation: 5 CFR 831, Subpart A

Abstract: Review of voluntary early retirement criteria in major RIF or reorganization. The review would focus on developing improved criteria to assure proper use of the authority and minimize the additional cost to the Civil Service Retirement Fund.

Timetable:

Action	Date	FR Cite
Begin Review	02/00/85	
End Review	09/01/85	

Small Entity: No

Agency Contact: James Byrnes, Deputy Associate Director, Office of Personnel Management, Staffing Group, 1900 E Street, NW, Washington, DC 20415, 202 632-6005

RIN: 3206-AC24

● FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM

Priority: Agency Determination

Legal Authority: 5 USC 8913

CFR Citation: 5 CFR 890, Subpart E

Abstract: Review of the reserves policy under the FEHBP. Reserve levels have fluctuated radically over the past few

years. In consequence, we have decided to review our policy concerning reserve goals and our interim governmental payments from OPM's contingency reserve to the carriers. The review may lead to proposed modifications in 5 CFR 890, Subpart E.

Timetable:

Action	Date	FR Cite
Begin Review	04/00/85	
End Review	10/00/85	

Small Entity: No

Agency Contact: James W. Morrison, Jr., Associate Director, Office of Personnel Management, Compensation Group, 1900 E Street, NW, Washington, DC 20415, 202 632-1854

RIN: 3206-AC25

● RETIRED FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM

Priority: Agency Determination

Legal Authority: 5 USC 8913

CFR Citation: 5 CFR 891

Abstract: Review of the Retired Federal Employees Health Benefits Program. The REHBP covers a closed group with an aging population. Experience under the program can be expected to deteriorate. Some efforts have been made in the past to encourage voluntary transfer from REHB to FEHB where better coverage is available at lower rates. These efforts may have to be reviewed and regulatory action may be required.

Timetable:

Action	Date	FR Cite
Begin Review	04/00/85	
End Review	10/00/85	

Small Entity: No

Agency Contact: James W. Morrison, Jr., Associate Director, Office of Personnel Management, Compensation Group, 1900 E Street, NW, Washington, DC 20415, 202 632-1854

RIN: 3206-AC26

● INTERGOVERNMENTAL PERSONNEL ACT PROGRAMS

Priority: Agency Determination

Legal Authority: 42 USC 4728; 42 USC 4763; EO 11589

CFR Citation: 5 CFR 900

Abstract: Review of the Standards for a Merit System of Personnel Administration. Review will focus on consistency of the regulations with Administration positions on IPA appeal.

Timetable:

Action	Date	FR Cite
Begin Review	03/15/85	
End Review	07/01/85	

Small Entity: No

Agency Contact: Patrick S. Korten, Executive Assistant Director, Office of Personnel Management, Office of Policy and Communications, 1900 E Street, NW, Washington, DC 20415, 202 632-6106

RIN: 3206-AC27

OFFICE OF PERSONNEL MANAGEMENT (OPM) Completed Actions

COMPLETED RULEMAKINGS

PERSONNEL RECORDS AND FILES; AVAILABILITY OF OFFICIAL INFORMATION; EMPLOYMENT (GENERAL); CLASSIFICATION UNDER THE GENERAL SCHEDULE; PREVAILING RATE SYSTEMS; GRADE & PAY ETC

CFR Citation: 5 CFR 293; 5 CFR 294; 5 CFR 300; 5 CFR 511; 5 CFR 532; 5 CFR 536; 5 CFR 736

Completed:

Reason	Date	FR Cite
Final Action	01/24/85	50 FR 3307
Final Action Effective	02/25/85	

Small Entity: No

Agency Contact: William C. Duffy 202 632-7714

RIN: 3206-AA04

EMPLOYMENT (GENERAL)

CFR Citation: 5 CFR 300

Completed:

Reason	Date	FR Cite
Withdrawn Merged with RIN 3206-AB41.	03/01/85	

Small Entity: No

Agency Contact: Helen Christrup 202 632-5440

RIN: 3206-AB05

PROBATIONARY PERIOD FOR MANAGERS AND SUPERVISORS

CFR Citation: 5 CFR 315, Subpart I

Completed:

Reason	Date	FR Cite
Final Action	10/05/84	49 FR 39287
Final Action Effective	11/05/84	

Small Entity: No

Agency Contact: Ellen Russell 202 632-6817

RIN: 3206-AA07

APPOINTMENT, REASSIGNMENT, TRANSFER, AND REINSTATEMENT IN THE SENIOR EXECUTIVE SERVICE

CFR Citation: 5 CFR 317

Completed:

Reason	Date	FR Cite
Final Action	02/14/85	50 FR 6153
Final Action Effective	03/18/85	

Small Entity: No

Agency Contact: Loretta Terando 202 632-4695

RIN: 3206-AA10

REEMPLOYMENT RIGHTS AFTER SERVICE WITH THE PANAMA CANAL COMMISSION

Priority: Agency Determination

CFR Citation: 5 CFR 352

Completed:

Reason	Date	FR Cite
Final Action	04/09/85	50 FR 13963
Final Action Effective	05/09/85	

OPM

Completed Actions

Small Entity: No

Agency Contact: Leota Shelkey 202 632-6817

RIN: 3206-AA19

MERIT PAY SYSTEM

CFR Citation: 5 CFR 540.102; 5 CFR 540.106(a); 5 CFR 540.106(d); 5 CFR 540.108(b)(3); 5 CFR 540.110(a)(3); 5 CFR 540.110(d)

Completed:

Reason	Date	FR Cite
Withdrawn Merged into RIN 3206-AB31.	03/01/85	

Small Entity: No

Agency Contact: Allen B. Levan 202 632-5653

RIN: 3206-AB18

MERIT PAY SYSTEM

CFR Citation: 5 CFR 540

Completed:

Reason	Date	FR Cite
Withdrawn Merged into RIN 3206-AB31.	03/01/85	

Small Entity: No

Agency Contact: Allen B. Levan 202 632-5653

RIN: 3206-AB19

PERFORMANCE MANAGEMENT AND RECOGNITION SYSTEM

CFR Citation: 5 CFR 540

Completed:

Reason	Date	FR Cite
Withdrawn Merged with RIN 3206-AB31.	03/01/85	

Small Entity: No

Agency Contact: Allen B. Levan 202 632-5653

RIN: 3206-AB30

DEDUCTIONS FROM CIVILIAN PAY FOR INCREASES IN UNIFORMED SERVICE RETIRED OR RETAINER PAY

CFR Citation: 5 CFR 553

Completed:

Reason	Date	FR Cite
Final Action Revocation of 5 CFR 553.	01/15/85	50 FR 2039
Final Action Effective	01/15/85	

Small Entity: No

Agency Contact: Bobby G. Williams 202 632-4634

RIN: 3206-AB33

VOLUNTARY PERSONNEL ACTIONS IN THE INTEREST OF THE EMPLOYEE

CFR Citation: 5 CFR 715

Completed:

Reason	Date	FR Cite
Withdrawn	03/01/83	

Small Entity: No

Agency Contact: Tim Dirks 202 254-5200

RIN: 3206-AA45

EXECUTIVE PERSONNEL FINANCIAL DISCLOSURE REQUIREMENTS

Priority: Agency Determination

CFR Citation: 5 CFR 734; 5 CFR 735; 5 CFR 737

Completed:

Reason	Date	FR Cite
Final Action	01/10/85	50 FR 1203
Final Action Effective	02/11/85	

Small Entity: No

Agency Contact: Norman Smith/David Reich 202 632-7642

RIN: 3206-AB14

LIFE INSURANCE AND OPTIONAL INSURANCE

CFR Citation: 5 CFR 870; 5 CFR 871; 5 CFR 872; 5 CFR 873

Completed:

Reason	Date	FR Cite
Final Action	02/28/85	50 FR 7903
Final Action Effective	03/28/85	

Small Entity: No

Agency Contact: Agatha Gray 202 632-9677

RIN: 3206-AB36

FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM

CFR Citation: 5 CFR 890

Completed:

Reason	Date	FR Cite
Final Action	12/17/84	49 FR 48905
Final Action Effective	12/17/84	

Small Entity: No

Agency Contact: Barbara Meyers 202 632-9677

RIN: 3206-AB38

FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM

CFR Citation: 5 CFR 890

Completed:

Reason	Date	FR Cite
Final Action	02/27/85	50 FR 8315
Final Action Effective	02/27/85	

Small Entity: No

Agency Contact: John Ray 202 632-9677

RIN: 3206-AB39

FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM

CFR Citation: 41 CFR 16

Completed:

Reason	Date	FR Cite
Withdrawn Merged with RIN 3206-AB39, published 2/27/85.	02/27/85	

Small Entity: No

Agency Contact: Kenneth A. Lease 202 254-5094

RIN: 3206-AB40

[FR Doc. 85-7907 Filed 04-26-85; 8:45 am]

BILLING CODE 6325-01-T

federal register

Monday
April 29, 1985

Part XXXV

Panama Canal Commission

Semiannual Regulatory Agenda

PANAMA

PANAMA CANAL COMMISSION

35 CFR Ch. I

Unified Agenda of Federal Regulations

AGENCY: Panama Canal Commission.

ACTION: Publication of semiannual agenda of regulations.

SUMMARY: The purpose of this agenda is to report the proposed rulemaking activities of the Panama Canal Commission. This information will allow the public to participate in the rulemaking process.

FOR FURTHER INFORMATION CONTACT: For information about a particular regulatory project, contact the person listed in the subheading "Agency Contact" for that project. For general information, contact Michael Rhode, Jr., Secretary, Panama Canal Commission, Suite 312, Pennsylvania Building, 425 13th Street, N.W., Washington, D.C. 20004, (202) 724-0104; or John L. Haines, Jr., Esquire, General Counsel, Panama Canal Commission, APO Miami 34011.

SUPPLEMENTARY INFORMATION: Executive Order 12291, Federal Regulation, and the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.* require that executive agencies publish in the **Federal Register** a semiannual notice of regulations which are under development or review or for which action has been completed. The Panama Canal Commission agenda contains certain regulations which are limited in public impact, but they are included to increase public awareness of Commission activities and to allow for increased public participation in the agency's regulatory review and development process. This agenda was prepared under the guidelines established by OMB Bulletin No. 85-6.

DATED: February 15, 1985.

Michael Rhode, Jr.,

Secretary, Panama Canal Commission.

PANAMA CANAL COMMISSION (PANAMA) — Current and Projected Rulemakings

DANGEROUS CARGO

Legal Authority: 22 USC 3811 Panama Canal Act of 1979

CFR Citation: 35 CFR 113, (Revision); 35 CFR 101, (Revision); 35 CFR 103, (Revision); 35 CFR 123, (Revision); 35 CFR 107, (Revision); 35 CFR 111.23, (Revision)

Abstract: Many of the International Maritime Conventions concerning hazardous cargoes, tank ships, gas carriers, training and other maritime matters have been adopted by the United States and other maritime nations using the Panama Canal. New hazardous cargoes are being added to the trade. The existing regulations should be revised. Revisions would substitute the provisions of certain international conventions. Using international standards would improve safety through ease of compliance and enforcement.

Timetable:

Action	Date	FR Cite
NPRM	06/00/85	

Small Entity: No

Additional Information: The thrust of the revision is toward dangerous cargoes, 35 CFR 113. The Arrival Requirements, 35 CFR 101, General Provisions, 35 CFR 103, Manning of Vessels, 35 CFR 107, and Radio Communications, 35 CFR 123, are related and require revision for compatibility.

Agency Contact: Michael Rhode, Jr., Secretary, Panama Canal Commission, Suite 312, Penn Building, 425 13th Street, NW, Washington, DC 20004, 202 724-0104

RIN: 3207-AA07

COLLECTION BY SALARY OFFSET FROM FEDERAL EMPLOYEES INDEBTED TO THE UNITED STATES

Priority: Agency Determination

Legal Authority: 5 USC 5514; PL 97-365 Debt Collection Act 1982, 96 Stat.1751, Oct. 25, 1982

CFR Citation: 35 CFR 256, (New)

Abstract: The Debt Collection Act of 1982 authorizes the Federal Government to collect debts owed to it by its own current and retired military and civilian employees through the use of a salary offset. The Act requires each Federal agency to promulgate regulations to effect this collection. This regulation contains the requisite safeguards, including the right to a hearing, to insure that employees are protected from unwarranted seizure of their property.

Timetable:

Action	Date	FR Cite
NPRM	06/00/85	
NPRM Comment Period Begin	00/00/00	
NPRM Comment Period End	00/00/00	

Small Entity: No

Agency Contact: Michael Rhode, Jr., Secretary, Panama Canal Commission, Suite 312, Penn. Building, 425 13th Street, NW, Washington, DC 20004, 202 724-0104

RIN: 3207-AA09

● PANAMA CANAL ACQUISITION REGULATIONS

Priority: Agency Determination

Legal Authority: 22 USC 3712(c) to 3712(d); PL 98-369

CFR Citation: 48 CFR Chapter 35

Abstract: These proposed regulations will provide guidelines for the procurement of goods and services for the Panama Canal Commission within the framework of the Federal Acquisition Regulations.

Timetable:

Action	Date	FR Cite
NPRM	03/00/86	

Small Entity: Undetermined

Agency Contact: R. D. Morgan, Procurement Executive, Panama Canal Commission, APO Miami FL 34011, 202 724-0104

RIN: 3207-AA10

PANAMA CANAL COMMISSION (PANAMA)

Existing Regulations Under Review

CLASSIFIED INFORMATION

Legal Authority: EO 12356

CFR Citation: 35 CFR 60

Abstract: Revision of the regulation will bring agency into compliance with E.O. 12356 which mandated changes concerning the maintenance, classification, downgrading, declassification, and disposition of official information requiring protection against unauthorized disclosure in the interest of the national security.

Timetable:

Action	Date	FR Cite
NPRM	05/15/85	
Final Action	06/28/85	
Interim Final Rule	00/00/00	

Small Entity: No

Additional Information: AGENCY CONTACT TELEPHONE NUMBER: 52-7757, in Balboa Heights, Republic of Panama.

Agency Contact: Thomas C. Duty, Chief, Administrative Services Division, Panama Canal Commission, APO Miami, 34011, 202 724-0104

RIN: 3207-AA01

RULES FOR MEASUREMENT OF VESSELS

Legal Authority: 22 USC 3791 Panama Canal Act of 1979

CFR Citation: 35 CFR 135

Abstract: In July 1982 forty-eight nations, representing more than eighty percent of world shipping, began implementing a new, uniform method for tonnage determination in accordance with the International Convention on Tonnage Measurement of Ships, 1969. The present Panama Canal measurement system is based upon the old national tonnage measurement systems. To continue the present Panama Canal System may require that new ships be measured twice, once under the new system and again under the now out-dated national system. No timetable for rulemaking has been established. This proposal is still under study by the Panama Canal Commission. If the Commission Board of Directors approves a proposed plan, the Commission will pursue a change in the measurement system before April 1986. Actual implementation of the new system would be subsequent to that time.

Timetable:

Action	Date	FR Cite
End Review	00/00/00	

Small Entity: No

Agency Contact: Michael Rhode, Jr., Secretary, Panama Canal Commission, Suite 312, Penn Building, 425 13th Street NW, Washington, DC 20004, 202 724-0104

RIN: 3207-AA03

ENFORCEMENT OF NONDISCRIMINATION ON THE BASIS OF HANDICAP IN PANAMA CANAL COMMISSION PROGRAMS

Legal Authority: 29 USC 794

CFR Citation: 35 CFR 257

Abstract: These regulations are designed to implement Section 504 of the Rehabilitation Act of 1974, as amended. The prototype regulation provided by the Department of Justice under Executive Order 12250 has been modified to accommodate the special circumstances of the agency. The regulation will be published after it has been reviewed by the Department of Justice and the Equal Employment Opportunity Commission, as required by Executive Order 12250 and 12067 respectively.

Timetable:

Action	Date	FR Cite
End Review	06/00/85	
NPRM	06/00/85	

Small Entity: No

Agency Contact: John L. Haines, Jr., General Counsel, Panama Canal Commission, Office of General Counsel, APO Miami, Florida 34011, 202 724-0104

RIN: 3207-AA08

[FR Doc. 85-6389 Filed 04-26-85; 8:45 am]

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Monday
April 29, 1985

Part XXXVI

Peace Corps

Semiannual Regulatory Agenda

PEACE

PEACE CORPS

22 CFR Ch. III

Executive Order 12291, Federal Regulations, Semiannual Agenda of Regulations

AGENCY: Peace Corps.

ACTION: Publication of semiannual agenda.

SUMMARY: This agenda announces the regulations that Peace Corps will have under development during the 12 month period from April 1, 1985 through March 31, 1986. The purpose for publishing this agenda is to give notice of any regulatory activity by the Agency in order to allow the public an opportunity to participate in the rulemaking process.

FOR FURTHER INFORMATION CONTACT: The public is encouraged to contact the Agency official listed for the particular agenda item. For other information concerning Peace Corps regulations or this semiannual agenda contact Robert Martin, Associate General Counsel, Peace Corps, 806 Connecticut Avenue, N.W., Washington, D.C. 20526, (202) 254-3114.

SUPPLEMENTARY INFORMATION: In accordance with Executive Order 12291, Federal Regulation, and the Regulatory Flexibility Act (5 U.S.C. 605) executive agencies are required to publish in the **Federal Register** semiannual regulatory agendas in April and October of each year.

The regulations being considered by Peace Corps are not "major" rules within the meaning of E.O. 12291 and no Regulatory Impact Analysis is required. Peace Corps has determined that the regulations under consideration will not impose compliance costs or reporting burdens on the public; and that the regulations will not have a significant economic impact on a substantial number of small entities. Accordingly, no Regulatory Analysis is required under 5 U.S.C. 602.

DATED: February 26, 1985

Alexander B. Cook,

General Counsel.

PEACE CORPS (PEACE) — Current and Projected Rulemakings

● COLLECTION OF CLAIMS BY ADMINISTRATIVE OFFSET

Legal Authority: 31 USC 3701 et seq; 4 CFR 102

CFR Citation: 22 CFR 309

Abstract: Regulation prescribes the procedures and requirements for collection of debts owed to Peace Corps by administrative offset in accordance with the Federal Claims Collection Act of 1966 (80 Stat. 309) and Debt Collection Act of 1982 (PL 97-365).

Timetable:

Action	Date	FR Cite
NPRM	10/01/85	

Small Entity: Not Applicable

Agency Contact: Thomas F. Wilson, Director, Office of Financial Management, Peace Corps, 806 Connecticut Ave, NW M-401, Washington, DC 20526, 202 254-7960

RIN: 0420-AA00

● EMPLOYEE DISCRIMINATION COMPLAINT PROCEDURE

Legal Authority: 42 USC 2000e-16 Title VII of the Civil Rights Act; 29 USC 701 Rehabilitation Act of 1973, as amended; 29 USC 621 et seq Age Discrimination in Employment Act

CFR Citation: 22 CFR 310

Abstract: Comprehensive regulations for processing individual and class EEO complaints of Peace Corps employees. Under development.

Timetable:

Action	Date	FR Cite
NPRM	10/01/85	

Small Entity: Not Applicable

Agency Contact: H. Zeke Rodriguez, Equal Opportunity Manager, Peace Corps, 806 Connecticut Avenue NW, Washington, DC 20526, 202 254-8320

RIN: 0420-AA01

[FR Doc. 85-6391 Filed 04-25-85; 8:45am]

BILLING CODE 8051-01-T

Federal Register

Monday
April 29, 1985

Part XXXVII

Pennsylvania Avenue Development Corporation

Semiannual Regulatory Agenda

PADC

PENNSYLVANIA AVENUE DEVELOPMENT CORPORATION

36 CFR Ch. IX

Unified Agenda of Federal Regulations

AGENCY: Pennsylvania Avenue Development Corporation.

ACTION: Unified Agenda of Federal Regulations.

SUMMARY: This document sets forth the Pennsylvania Avenue Development Corporation's regulatory agenda issued under Executive Order 12291 and the Regulatory Flexibility Act. The Agenda lists regulations currently under rulemaking review that PADC expects to have as a final rule during the next twelve months.

FOR FURTHER INFORMATION CONTACT: Ms. Janet Bruner, Attorney, Office of the General Counsel, Pennsylvania Avenue Development Corporation, 425 13th Street, N.W., Washington, D.C. 20004; (202) 566-1078.

M. J. Brodie,

Executive Director.

PENNSYLVANIA AVENUE DEVELOPMENT CORPORATION (PADC) — Current and Projected Rulemakings

● PROCEDURES AND UNIFORM STANDARDS FOR PUBLIC USE OF PARKS AND PLAZAS

Priority: Undetermined

Legal Authority: 40 USC 875(5)

CFR Citation: 36 CFR 915

Abstract: The Pennsylvania Avenue Development Corporation (PADC) has received an increasing number of requests for public use of parks and plazas within the Pennsylvania Avenue Development Area. The proposed regulations would ensure equality of opportunity for use of PADC parks and plazas while protecting public property, safety, and tranquility.

Timetable:

Action	Date	FR Cite
ANPRM	00/00/00	

Small Entity: No

Agency Contact: Madeleine B. Schaller, Attorney, Pennsylvania Avenue Development Corporation, 425 13th Street, NW, Suite 1148, Washington, DC 20004, 202 566-1078

RIN: 3208-AA01

● RESTRICTIONS ON THE PLACEMENT AND MAINTENANCE OF NEWSPAPER VENDING MACHINES

Priority: Agency Determination

Legal Authority: 40 USC 875(5)

CFR Citation: 36 CFR 911

Abstract: The Pennsylvania Avenue Development Corporation (PADC) is responsible for rejuvenating Pennsylvania Avenue into an attractive and pleasant physical setting which offers comfortable places for residents and visitors to stroll, rest, sit and talk, eat, and shop. The PADC recognizes the value of allowing access to the Pennsylvania Avenue Development area for the sale and distribution of publications. However, the unregulated use of newspaper vending machines presents inconvenience and safety hazards, constituting a public nuisance as well as being unsightly. The proposed regulations are designed to eliminate these problems by imposing reasonable time, place, and manner restrictions on the use of newspaper vending machines.

Timetable:

Action	Date	FR Cite
ANPRM	00/00/00	

Small Entity: No

Agency Contact: Madeleine B. Schaller, Attorney, Pennsylvania Avenue Development Corporation, 425 13th Street, NW, Suite 1148, Washington, DC 20004, 202 566-1078

RIN: 3208-AA02

PENNSYLVANIA AVENUE DEVELOPMENT CORPORATION (PADC) — Existing Regulations Under Review

POLICY AND PROCEDURES TO FACILITATE SUCCESSFUL RELOCATION OF BUSINESS AND RESIDENTS WITHIN PENNSYLVANIA AVENUE DEVELOPMENT AREA

Priority: Agency Determination

Legal Authority: 40 USC 875 Pennsylvania Avenue Dev Corporation Act of 1972

CFR Citation: 36 CFR 908

Abstract: Supplements existing relocation regulations by providing additional relocation assistance as required by the PADC plan. No definite timetable.

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/13/83	48 FR 55458
End Review	12/00/85	

Small Entity: No

Agency Contact: Mr. Jerry Smedley, Director of Real Estate, Pennsylvania Avenue Development Corporation, 425 13th Street, NW, Washington, DC 20004, 202 523-3726

RIN: 3208-AA00

[FR Doc. 85-6390 Filed 04-26-85; 8:45 am]

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Monday
April 29, 1985

Part XXXVIII

Pension Benefit Guaranty Corporation

Semiannual Regulatory Agenda

PBGC

PENSION BENEFIT GUARANTY CORPORATION

29 CFR Ch. XXVI

Agenda of Regulations Under Development

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Agenda of regulations.

SUMMARY: This document sets forth the Pension Benefit Guaranty Corporation's regulatory agenda issued under Executive Order 12291 and the Regulatory Flexibility Act. The agenda lists regulations that are currently under development or that PBGC expects to have under development during the next twelve months and regulations that are currently under review for possible amendment. The effect of this agenda is to advise the public of PBGC's current and future regulatory activities.

ADDRESS: Corporate Policy and Regulations Department (611), Pension Benefit Guaranty Corporation, 2020 K Street, N.W., Washington, D.C. 20006.

FOR FURTHER INFORMATION CONTACT: For further information on the agenda in general, contact Renae R. Hubbard, Special Counsel, Corporate Policy and Regulations Department, 202-254-6476. For information about a specific regulation project listed on the agenda, contact the person designated in the agenda for that regulation.

SUPPLEMENTARY INFORMATION: Under the President's Order on Federal Regulation, Executive Order 12291, 46 FR 13193, each agency is required to publish in April and October an agenda of regulations currently or soon to be under development. The Executive Order requires that the agenda also include those currently effective regulations that are being reviewed by the agency pursuant to the Executive Order. The Regulatory Flexibility Act, 5 U.S.C. 601, Pub. L. 96-354, 94 Stat. 1164, has a similar agenda requirement. Under that law, the agenda must list any regulation that is likely to have a significant economic impact on a substantial number of small entities.

The Office of Management and Budget has issued guidelines (OMB Bulletin No. 85-6) prescribing the form and content of the regulatory agenda. Under those guidelines, the agenda must list all regulatory activities being conducted or reviewed in the next twelve months and provide certain specified information on each regulation. Most of the items on this agenda are current or projected rulemakings. Three items are existing regulations that PBGC has under review pursuant to the Executive Order.

The guidelines also require that "priority regulations" be identified. Priority regulations are those designated for priority development and review by the agency head or those that are "major rules" under the Executive Order. PBGC has determined that all the regulatory activities listed in this agenda are necessary to the effective implementation of the insurance program and, therefore, each is considered a "priority regulation."

Finally, the guidelines require a description of the potential costs and benefits of each regulation. The regulations listed on the agenda fall into three general categories. Some lessen statutory requirements, thereby lowering costs to the public and minimizing burden on plans and plan sponsors. Others simply implement statutory requirements and, although costs may be imposed because of these statutory requirements, the public is benefited by clear and unambiguous rules that lessen the probability of disputes, litigation and public confusion. Others of the regulations in the agenda reallocate costs necessarily imposed by the statute so that, although certain contributing employers may experience greater costs, others will experience an equivalent reduction in costs resulting in a net effect of zero. Where applicable, additional costs and benefits are stated separately in the item relating to the particular regulation.

Unless otherwise indicated, all citations in the agenda are to sections of the Employee Retirement Income Security Act of 1974, Pub. L. No. 93-406, 88 Stat. 829, as amended by the Multiemployer Pension Plan Amendments Act of 1980 ("the Multiemployer Act"), Pub. L. No. 96-364, 94 Stat. 1208 ("ERISA"), 29 U.S.C. 1001 *et seq.* (1982).

C. C. Tharp,

Executive Director, Pension Benefit Guaranty Corporation.

PENSION BENEFIT GUARANTY CORPORATION (PBGC) — Current and Projected Rulemakings

ARBITRATION OF DISPUTES IN MULTIEMPLOYER PLANS

Priority: Agency Determination

Legal Authority: 29 USC 1302(b)(3) ERISA; 29 USC 1321(a)(2) ERISA

CFR Citation: 29 CFR 2641

Abstract: Section 4221 of ERISA provides that any dispute between an employer and the sponsor of a multiemployer plan regarding the determination of the employer's withdrawal liability to the plan shall be resolved through arbitration. Section 4221(a)(2) of ERISA provides that an arbitration proceeding under this section shall be conducted in accordance with fair and equitable procedures prescribed by the PBGC. The regulation will set forth those procedures. This regulation is needed to provide the rules of procedure under which an arbitration proceeding will be conducted. PBGC expects that the rule will minimize costs on plan sponsors and contributing employers because it provides a clear set of rules designed to clarify the Act's provisions and the responsibilities of the respective parties.

Timetable:

Action	Date	FR Cite
NPRM	07/07/83	48 FR 31251
NPRM Comment Period Begin	07/07/83	
NPRM Comment Period End	09/06/83	
Final Action	00/00/00	

Small Entity: No

Agency Contact: Mrs. Renae Hubbard, Special Counsel, Pension Benefit Guaranty Corporation, Corporate Policy and Regulations Department, (611), 2020 K St. NW, Washington, DC 20006, 202 254-6476

RIN: 1212-AA05

POWERS AND DUTIES OF PLAN SPONSORS OF PLANS TERMINATED BY MASS WITHDRAWAL: NOTICES OF BENEFIT REDUCTIONS AND SUSPENSIONS

Priority: Agency Determination

Legal Authority: 29 USC 1302(b)(2) ERISA; 29 USC 1441(c) ERISA; 29 USC 1441(d) ERISA

CFR Citation: 29 CFR 2675

Abstract: Section 4281 of ERISA contains rules relating to the administration and payment of benefits under multiemployer plans that have terminated by mass withdrawal. Under certain circumstances, the plan sponsor is required to amend the plan to eliminate benefits not eligible for PBGC's guarantee under Section 4022A. In addition, if the terminated plan becomes insolvent, the sponsor is required to suspend payment of any benefits that are in excess of those guaranteed under Section 4022A. The PBGC is authorized to modify the statutory duties of the plan sponsor, including the duty to provide participants and beneficiaries with notice of benefit reductions, and is required to prescribe rules that ensure that plan participants and beneficiaries receive adequate notice of the benefit suspensions. This regulation will prescribe the requirements for these two notices, and will also modify the statutory rules concerning when a plan sponsor must make determinations of plan solvency. This regulation will benefit multiemployer plans by reducing the number of notices that would otherwise be required under ERISA, thus reducing plan costs. In addition, the regulation will (cont)

Timetable:

Action	Date	FR Cite
NPRM	06/13/83	48 FR 27092
NPRM Comment Period Begin	06/13/83	
NPRM Comment Period End	08/12/83	
Final Action	00/00/00	

Small Entity: No

Additional Information: ABSTRACT CONT: benefit plan participants and beneficiaries by requiring that they receive timely and informative notices of benefit reductions and suspensions. These benefits cannot be quantified. While providing the notices required by the regulation will obviously entail a cost to plans, the aggregate cost will be low: PBGC estimates that fewer than 10 plans per year will terminate by mass withdrawal, and only a very few of those will ever be required to reduce or suspend benefits.

Agency Contact: Mr. J. Ronald Goldstein, Attorney, Pension Benefit Guaranty Corporation, Corporate Policy and Regulations Department, (611), 2020 K St. NW, Washington, DC 20006, 202 254-4862

RIN: 1212-AA07

NOTICE OF INSOLVENCY

Priority: Agency Determination

Legal Authority: 29 USC 1302(b)(3) ERISA; 29 USC 1426(e) ERISA

CFR Citation: 29 CFR 2674

Abstract: Section 4245(e) of ERISA requires the plan sponsor of a multiemployer plan, upon determining that the plan may become insolvent, to give notice of that fact to the PBGC, contributing employers, affected employee organizations and plan participants. In addition, the plan sponsor must inform those parties of the plan's resource benefit level for the insolvency year. Section 4245(e)(4) of ERISA requires that the notices be given in accordance with regulations prescribed by the PBGC. This regulation will establish the procedures for issuing and the contents of the insolvency notices. The early notice of potential plan insolvency to the collective bargaining parties will enable the parties, if they so choose, to negotiate additional contributions in order to avoid insolvency and the consequent benefit suspensions. This is of benefit to plan participants and beneficiaries, although it is not possible to quantify that benefit.

Timetable:

Action	Date	FR Cite
Final Action	00/00/00	

Small Entity: No

Agency Contact: Mr. J. Ronald Goldstein, Attorney, Pension Benefit Guaranty Corporation, Corporate Policy and Regulations Department, (611), 2020 K St., NW, Washington, DC 20006, 202 254-4862

RIN: 1212-AA09

REDUCTION OR WAIVER OF COMPLETE WITHDRAWAL LIABILITY

Priority: Agency Determination

Legal Authority: 29 USC 1302(b)(3) ERISA; 29 USC 1387(a) ERISA

CFR Citation: 29 CFR 2647

Abstract: Section 4207(a) of ERISA requires the PBGC to establish rules for reducing or waiving the liability of an employer who has completely withdrawn from a multiemployer plan and subsequently resumes covered operations or renews the obligation to contribute under the plan. This regulation will prescribe the circumstances under which an employer's liability will be reduced or waived and the rules for computing the employer's liability for a complete or partial withdrawal after it has reentered the plan. This regulation will benefit multiemployer plans by encouraging some employers who have withdrawn from these plans to renew their participation in the plans. By the same token these employers will benefit by having some or all of their withdrawal liability waived. While the plans will incur the cost of foregoing collection of some of the withdrawal liability owed them, the assumption underlying this statutory provision is that these costs will be offset by the contributions employers will make to the plans after their reentry. PBGC is unable to quantify these benefits and costs, because it cannot predict the number of employers who will avail themselves of this rule.

Timetable:

Action	Date	FR Cite
NPRM	03/05/84	49 FR 8036
NPRM Comment Period Begin	03/05/84	49 FR 8036
NPRM Comment Period End	05/04/84	
Final Action	00/00/00	

Small Entity: No

Agency Contact: Mr. Steven Rothenberg, Attorney, Pension Benefit Guaranty Corporation, Corporate Policy and Regulations Department, (611), 2020 K St., NW, Washington, DC 20006, 202 254-4862

RIN: 1212-AA14

REDETERMINATION OF WITHDRAWAL LIABILITY UPON MASS WITHDRAWAL

Priority: Agency Determination

Legal Authority: 29 USC 1302(b)(13) ERISA; 29 USC 1389(c) ERISA; 29 USC 1389(d) ERISA; 29 USC 1399(c)(1)(D) ERISA

CFR Citation: 29 CFR 2648

Abstract: The rules for determining an employer's withdrawal liability do not necessarily allocate a plan's total unfunded vested benefits because of the rules reducing or eliminating withdrawal liability, such as the de minimis rule. Therefore, if all or substantially all the employers in a plan withdraw,.there may be large unallocated amounts that would constitute a potential claim on the insurance system. In order to avoid this result, section 4219(c)(1)(D) requires the determination or redetermination of withdrawal liability, in order to fully allocate a plan's unfunded vested benefits, upon either the termination of the plan through the withdrawal of every employer, or the withdrawal of substantially all the employers pursuant to an agreement or arrangement to withdraw. This regulation will set forth rules implementing this requirement. This regulation primarily benefits the multiemployer insurance program and the plans that are required to pay premiums under it, by insuring that in the event of a mass withdrawal (or the withdrawal of substantially all the employers pursuant to an agreement to withdraw), the liability for all unfunded vested benefits is allocated to the (cont)

Timetable:

Action	Date	FR Cite
NPRM	11/14/84	49 FR 45018
NPRM Comment Period Begin	11/14/84	49 FR 45019
NPRM Comment Period End	01/14/85	
Interim Final Rule	00/00/00	

Small Entity: No

Additional Information: ABSTRACT CONT: withdrawing employers. In addition, in the case of the withdrawal of substantially all employers, the rule will benefit the employers remaining in the plan by preventing them from being left with more than their fair share of the plan's unfunded vested benefits.

Agency Contact: Mr. J. Ronald Goldstein, Attorney, Pension Benefit Guaranty Corporation, Corporate Policy and Regulations Department, (611), 2020 K St., NW, Washington, DC 20006, 202 254-4862

RIN: 1212-AA16

VALUATION OF PLAN ASSETS AND PLAN BENEFITS FOLLOWING MASS WITHDRAWAL

Priority: Agency Determination

Legal Authority: 29 USC 1302(b)(3) ERISA; 29 USC 1441(b) ERISA

CFR Citation: 29 CFR 2676

Abstract: A plan that has terminated by mass withdrawal is required under section 4281(b) of ERISA to perform an annual valuation of the plan's nonforfeitable benefits and assets (including outstanding claims for withdrawal liability). This valuation is to be done in accordance with PBGC regulations. In addition, when a plan experiences a mass withdrawal, section 4219(c)(1)(D) requires the plan sponsor to allocate fully the plan's unfunded vested benefits to all withdrawing employers. In order to do this allocation, the plan sponsor must first value the plan's benefits and assets. This regulation will prescribe the rules for these valuations. The regulation on valuing outstanding claims for withdrawal liability listed on previous PBGC agendas (RIN 1212-AA17) has been merged into this regulation.

Timetable:

Action	Date	FR Cite
NPRM	02/19/85	50 FR 6956
NPRM Comment Period Begin	02/19/85	50 FR 6956
NPRM Comment Period End	04/16/85	
Final Action	00/00/00	

Small Entity: No

Agency Contact: Ms. Deborah Murphy, Attorney, Pension Benefit Guaranty Corporation, Corporate Policy and Regulations Department, (611), 2020 K St., NW, Washington, DC 20006, 202 254-4862

RIN: 1212-AA18

RULES UNDER SECTIONS 4041A AND 4281 FOR PLANS TERMINATED BY MASS WITHDRAWAL

Priority: Agency Determination

Legal Authority: 29 USC 1302(b)(3) ERISA; 29 USC 1341a ERISA; 29 USC 1441(d) ERISA

CFR Citation: 29 CFR 2675

Abstract: Section 4041A of ERISA provides rules with respect to the termination of multiemployer plans and the payment of benefits under those plans. Under section 4041A(f)(2), PBGC is authorized to prescribe rules for the administration of those plans that are appropriate to protect the interests of plan participants and beneficiaries or to prevent unreasonable loss to the insurance system. Under section 4281(b), the plan sponsor of a plan that has terminated by mass withdrawal is required annually to determine the value of the plan's nonforfeitable benefits and assets. If the value of the benefits exceeds the value of the assets, the sponsor must amend the plan to eliminate benefits not eligible for PBGC's guarantee under section 4022A(b), to the extent necessary to insure that the plan assets are sufficient to pay all nonforfeitable benefits. This determination of sufficiency is to be made in accordance with rules prescribed by PBGC. This regulation would establish the rules for administering plans that have terminated by mass withdrawal, including the rules for determining sufficiency in the circumstances described above. The primary purpose (cont)

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Additional Information: ABSTRACT CONT: and benefit of this regulation will be to establish rules that encourage the efficient administration of these plans. By thus helping to preserve plan assets, these rules will, in the first instance, benefit plan participants and

beneficiaries and secondarily, the multiemployer insurance system and premium payers. PBGC lacks adequate data to be able to quantify these benefits.

Agency Contact: Mr. J. Ronald Goldstein, Attorney, Pension Benefit Guaranty Corporation, Corporate Policy and Regulations Department, (611), 2020 K St., NW, Washington, DC 20006, 202 254-4862

RIN: 1212-AA19

TRANSFERS FROM MULTIEMPLOYER PLANS TO SINGLE-EMPLOYER PLANS

Priority: Agency Determination

Legal Authority: 29 USC 1302(b)(3); 29 USC 1412; 29 USC 1414

CFR Citation: 29 CFR 2679

Abstract: Sections 4232 and 4234 of ERISA prescribe rules governing the transfer of liabilities and assets from a multiemployer plan to a single-employer plan and prohibit certain transfers unless approved by PBGC. The regulation will establish procedures for requesting and criteria for PBGC approval of transfers which require approval and guidelines for satisfying the statutory requirements pertaining to other transfers.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Agency Contact: Mr. J. Ronald Goldstein, Attorney, Pension Benefit Guaranty Corporation, Corporate Policy and Regulations Department, (611), 2020 K St., NW, Washington, DC 20006, 202 254-4862

RIN: 1212-AA20

ALLOCATING UNFUNDED VESTED BENEFITS

Priority: Agency Determination

Legal Authority: 29 USC 1302(b)(3); 29 USC 1391(c)

CFR Citation: 29 CFR 2642

Abstract: On January 19, 1981, PBGC issued an interim regulation dealing with alternative methods for allocating unfunded vested benefits in multiemployer pension plans. PBGC now plans to re-promulgate that regulation in order to correct ambiguities that have arisen under it, to conform the procedures contained in it to other PBGC regulations, and to reduce the information reporting requirements in the regulation. The regulation will impose no new costs on the public and may reduce costs for plans adopting certain alternative allocation rules by reducing the reporting requirements.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Agency Contact: Deborah Murphy, Attorney, Pension Benefit Guaranty Corporation, Corporate Policy and Regulations Department, (611), 2020 K St., NW, Washington, DC 20006, 202 254-4862

RIN: 1212-AA21

REDUCTION OR WAIVER OF PARTIAL WITHDRAWAL LIABILITY

Priority: Agency Determination

Legal Authority: 29 USC 1302(b) (3); 29 USC 1388(e) (3)

CFR Citation: 29 CFR 2649

Abstract: Section 4208(e)(3) of ERISA requires PBGC to issue a procedural regulation under which a multiemployer plan may adopt rules for the reduction or elimination of partial withdrawal liability. This regulation will allow plans to ease the statutory partial withdrawal liability rules where, for example, the rules are harmful to the plan because they discourage an employer from increasing its participation under the plan, or where the statutory rules create administrative burdens which outweigh the protections afforded by the rules.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Agency Contact: J. Ronald Goldstein, Attorney, Pension Benefit Guaranty Corporation, Corporate Policy and Regulations Department, (611), 2020 K St., NW, Washington, DC 20006, 202 254-4862

RIN: 1212-AA22

LIMITATIONS ON WITHDRAWAL LIABILITY FOR SALES AND EMPLOYER LIQUIDATIONS

Priority: Agency Determination

Legal Authority: 29 USC 1302(b) (3); 29 USC 1405

CFR Citation: 29 CFR 2650

Abstract: Section 4225 of ERISA limits the amount of unfunded vested benefits under a multiemployer plan that can be allocated to an employer in the event that the employer (1) sells all or substantially all of its assets, or (2) is insolvent and undergoing liquidation or dissolution. The regulation will provide guidance on the application of the limits, including their application in the case of withdrawals from more than one plan.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Agency Contact: J. Ronald Goldstein, Attorney, Pension Benefit Guaranty Corporation, Corporate Policy and Regulation Department, (611), 2020 K St., NW, Washington, DC 20006, 202 254-4862

RIN: 1212-AA23

APPROVAL OF PLAN AMENDMENTS UNDER SECTION 4220

Priority: Agency Determination

Legal Authority: 29 USC 1302(b) (3); 29 USC 1400

CFR Citation: 29 CFR 2677

Abstract: Under section 4220, certain amendments that multiemployer plans are authorized by ERISA to adopt and which are adopted after April 29, 1983, are effective only if PBGC approves the amendment or fails to disapprove the amendment within 90 days after being notified of it. This regulation will prescribe the procedures for requesting PBGC approval of these plan amendments.

Timetable:

Action	Date	FR Cite
Final Action	00/00/00	

Small Entity: No

Agency Contact: J. Ronald Goldstein, Attorney, Pension Benefit Guaranty Corporation, Corporate Policy and Regulations Department, (611), 2020 K St., NW, Washington, DC 20006, 202 254-4862

RIN: 1212-AA24

● NON-STATUTORY ALLOCATION METHODS NOT REQUIRING PRIOR PBGC APPROVAL

Priority: Agency Determination

Legal Authority: 29 USC 1302(b) (3); 29 USC 1391(c) (5) (B)

CFR Citation: Not yet determined

Abstract: This regulation will set forth alternative approaches that multiemployer plans may use in reallocating otherwise nonassessable withdrawal liability to employers in the plan. Plans currently using the presumptive method or the modified presumptive method must reallocate certain of these amounts because of the provisions in the Deficit Reduction Act of 1984 (DEFRA) concerning retroactive withdrawal liability. Under this regulation, a plan using the presumptive method will be permitted to adopt an amendment either to allocate, in the plan year in which DEFRA was effective, the unamortized balance of amounts otherwise allocable to employers that withdrew before DEFRA, or to treat the last plan year ending before DEFRA's effective date as the initial year for purposes of computing annual changes. The regulation also will permit a plan using the modified presumptive method to adopt an amendment that maintains the allocation fraction that the plan used before DEFRA. This regulation is intended to ease the administrative costs that the recomputations required by DEFRA would otherwise impose on affected multiemployer plans.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Agency Contact: J. Ronald Goldstein, Attorney, Pension Benefit Guaranty Corporation, Corporate Policy and Regulations Department, (611), 2020 K Street, NW, Washington, DC 20006, 202 254-4860

RIN: 1212-AA31

NOTICE OF INTENT TO TERMINATE FOR NON-MULTIEMPLOYER PENSION PLANS

Priority: Agency Determination

Legal Authority: 29 USC 1302; 29 USC 1341

CFR Citation: 29 CFR 2616

Abstract: Section 4041(a) of ERISA requires that a plan administrator file with the PBGC a notice that the plan is to be terminated. This rule would amend PBGC's regulation on Notice of Intent to Terminate for Single-Employer Plans, 29 CFR Part 2616, to provide that a notice or action document shall be deemed filed on the date on which it is received by the PBGC. The current regulation provides that a document is generally deemed filed on the date of the U.S. Postal Service postmark. Confusion has resulted because of the widespread use of private postage meters and the fact that the date on which a document is placed in a mailbox may not correspond with the U.S. Postal Service postmark. This amendment also would clarify the procedures for filing a notice of intent to terminate when a plan administrator chooses to use an alternative procedure for demonstrating sufficiency under PBGC's regulation on Determination of Plan Sufficiency and Termination of Sufficient Plans, 29 CFR Part 2617. This amendment, which will minimize confusion over the correct date and manner of filing, will be issued in conjunction with the amendment to 29 CFR Part 2617.

Timetable:

Action	Date	FR Cite
Final Action	00/00/00	

Small Entity: No

Agency Contact: Mrs. Renae R. Hubbard, Special Counsel, Pension Benefit Guaranty Corporation, Corporate Policy and Regulation Department, (611), 2020 K St., NW, Washington, DC 20006, 202 254-6476

RIN: 1212-AA00

RULES FOR VALUING GROUP INSURANCE CONTRACTS (AMENDMENT TO THE VALUATION OF PLAN ASSETS REGULATION)

Priority: Agency Determination

Legal Authority: 29 USC 1302(b)(3) ERISA; 29 USC 1341 ERISA; 29 USC 1344 ERISA; 29 USC 1362(b)(1) ERISA

CFR Citation: 29 CFR 2620

Abstract: This amendment to the existing PBGC regulation on valuing plan assets, 29 CFR Part 2620, will set forth rules for valuing group insurance contracts as plan assets. This regulation applies to single-employer plans. This rule is necessary to provide uniform standards for plan administrators and employers to use in valuing insurance contracts. The rule will enable plans which are funded through insurance contracts to have clear guidance on how this asset should be treated in the plan termination context, and alleviate time-consuming costly delays due to uncertainty on how this commonly used plan funding vehicle should be valued.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	
Final Action	00/00/00	

Small Entity: Not Applicable

Agency Contact: Mrs. Renae R. Hubbard, Special Counsel, Pension Benefit Guaranty Corporation, Corporate Policy and Regulations Department, (611), 2020 K St., NW, Washington, DC 20006, 202 254-6476

RIN: 1212-AA01

DETERMINATION OF PLAN SUFFICIENCY AND TERMINATION OF SUFFICIENT PLANS

Priority: Agency Determination

Legal Authority: 29 USC 1302; 29 USC 1341; 29 USC 1344

CFR Citation: 29 CFR 2617

Abstract: On January 28, 1981, PBGC issued a final rule on Determination of Plan Sufficiency and Termination of Sufficient Plans, requiring administrators of plans that are not "clearly insufficient" to follow a specified procedure for demonstrating whether the plan is sufficient. Pursuant to this procedure, the plan administrator must, inter alia, value the plan's assets and liabilities as of a proposed distribution date and submit the valuation data to the PBGC. In light of its experience in processing plans under this regulation, the PBGC has concluded that for some plans the data submission requirement is unnecessary. Accordingly, PBGC now plans to amend that regulation to set forth, as an alternative method for demonstrating sufficiency, the submission of an

enrolled actuary's statement certifying that the value of plan assets determined in accordance with the regulation equals or exceeds the value of plan benefits determined in accordance with the regulation. This amendment sets forth a simplified optional procedure for demonstrating sufficiency and may reduce costs for terminating plans. The regulation currently provides that an employer may, before the date of plan (cont)

Timetable:

Action	Date	FR Cite
NPRM	11/02/84	49 FR 44106
NPRM Comment Period Begin	11/02/84	49 FR 44106
NPRM Comment Period End	01/02/85	
Final Action	00/00/00	

Small Entity: No

Additional Information: ABSTRACT CONT: termination, make a commitment to pay any sum necessary to make an otherwise insufficient plan sufficient. This amendment would permit such commitment also to be made after the date of termination at the discretion of the PBGC.

Agency Contact: **Mrs. Renae R. Hubbard**, Special Counsel, Pension Benefit Guaranty Corporation, Corporate Policy and Regulations Department, (611), 2020 K St., NW, Washington, DC 20006, **202 254-6476**

RIN: 1212-AA25

VALUATION OF PLAN BENEFITS IN NON-MULTIEMPLOYER PLANS

Priority: Agency Determination

Legal Authority: 29 USC 1302; 29 USC 1341; 29 USC 1344; 29 USC 1362

CFR Citation: 29 CFR 2619

Abstract: This rule would amend PBGC's regulation on Valuation of Plan Benefits in Non-Multiemployer Plans, 29 CFR Part 2619. That regulation sets forth the rules for valuing benefits in terminating plans that are covered by the insurance program under ERISA, which valuation is needed to determine if plan assets are sufficient to provide for plan benefits and to properly allocate assets to those benefits. After review of this regulation pursuant to Executive Order 12291, the PBGC is amending the rules for valuing benefits payable as lump sums upon termination. The effect of this amendment is to prescribe the range of interest rates that may be used to value lump sums that are paid in lieu of annuities. The amendment, in the form of an interim final rule, is needed to protect recipients of lump sum distributions from loss of benefit value resulting from the use of inappropriate interest rates to compute the lump sum amounts.

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/00/85	

Small Entity: No

Agency Contact: **Mrs. Renae R. Hubbard**, Special Counsel, Pension Benefit Guaranty Corporation, Corporate Policy and Regulations Department, (611), 2020 K St., NW, Washington, DC 20006, **202 254-6476**

RIN: 1212-AA26

PAYMENT OF PREMIUMS

Priority: Agency Determination

Legal Authority: 29 USC 1302; 29 USC 1306; 29 USC 1307

CFR Citation: 29 CFR 2610

Abstract: Section 4007 of ERISA provides that premiums under Title IV are payable at the time, and on an estimated, advance, or other basis, as determined by PBGC. This rule would amend PBGC's regulation on Payment of Premiums, 29 CFR Part 2610, to accelerate collection of PBGC premium revenue from plans with 500 or more participants. The amendment would change the premium due date for such plans to the last day of the second month following the close of the plan year. This amendment is needed to bring PBGC practice in line with the collection practices of other governmental programs and typical insurance industry practice.

Timetable:

Action	Date	FR Cite
NPRM	01/09/85	50 FR 1065
NPRM Comment Period Begin	01/09/85	50 FR 1065
NPRM Comment Period End	01/24/85	
Final Action	03/29/85	

Small Entity: No

Agency Contact: **Mrs. Renae R. Hubbard**, Special Counsel, Pension Benefit Guaranty Corporation, Corporate Policy and Regulations Department, (611), 2020 K St., NW, Washington, DC 20006, **202 254-6476**

RIN: 1212-AA29

● VALUATION OF PLAN BENEFITS IN NON-MULTIEMPLOYER PLANS

Priority: Agency Determination

Legal Authority: 29 USC 1302; 29 USC 1341; 29 USC 1344; 29 USC 1362

CFR Citation: 29 CFR 2619

Abstract: The PBGC's regulation on Valuation of Plan Benefits in Non-Multiemployer Plans, 29 CFR Part 2619, prescribes actuarial assumptions and methods to be used in valuing benefits in terminated single-employer pension plans. The PBGC intends to amend this regulation to adopt the approach to valuation employed in proposed regulation on valuation of benefits in multiemployer plans terminated by mass withdrawal, 29 CFR Part 2676 that was published on February 19, 1985 (50 FR 6956), in order to conform more precisely to generally accepted actuarial practice. The proposed amendment would enable PBGC valuations to more accurately reflect interest and other assumptions that underlie the insurance annuity market place.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Agency Contact: **Renae R. Hubbard**, Special Counsel, Pension Benefit Guaranty Corporation, Corporate Policy and Regulation Department, (611), 2020 K Street, NW, Washington, DC 20006, **202 254-6476**

RIN: 1212-AA32

PENSION BENEFIT GUARANTY CORPORATION (PBGC) — Existing Regulations Under Review

TRANSACTIONS INVOLVING REVERSIONS OF RESIDUAL ASSETS

Priority: Agency Determination

Legal Authority: 29 USC 1302; 29 USC 1322; 29 USC 1322B; 29 USC 1341; 29 USC 1344

CFR Citation: 29 CFR 2613; 29 CFR 2617; 29 CFR 2618; 29 CFR 2621

Abstract: On May 23, 1984, the PBGC announced that it, along with the Treasury Department and the Department of Labor, had adopted implementation guidelines for processing defined benefit pension plan terminations involving asset reversions to the plan sponsor. The PBGC has initiated a review of its regulations on Guaranteed Benefits (formerly RIN 1212-aa28), 29 CFR Part 2613, Allocation of Assets in Non-Multiemployer Plans, 29 CFR Part 2618, Determination of Plan Sufficiency and Termination of Sufficient Plans, 29 CFR Part 2617, and Limitation on Guaranteed Benefits, 29 CFR Part 2621, in order to determine what amendments may be needed to reflect the conclusions of the May 23, 1984 guidelines concerning the legal effect of certain transactions that result in reversions of pension plan assets to the sponsors of terminated plans. The review also covers the types of annuity contract that may be purchased to close out a plan that has residual assets at the time of its termination.

Timetable:

Action	Date	FR Cite
End Review	00/00/00	

Small Entity: No

Agency Contact: Mrs. Renae R. Hubbard, Special Counsel, Pension Benefit Guaranty Corporation, Corporate Policy and Regulations Department, (611), 2020 K St., NW, Washington, DC 20006, 202 254-6476

RIN: 1212-AA27

● ALLOCATION OF ASSETS IN NON-MULTIEMPLOYER PLANS

Priority: Agency Determination

Legal Authority: 29 USC 1302(b)(3); 29 USC 1344

CFR Citation: 29 CFR 2618

Abstract: Section 4044 of ERISA provides rules for the allocation of assets in a terminating single-employer plan to benefits in priority categories 1 through 6. The PBGC's regulation on Allocation of Assets interprets those rules and describes procedures for the allocation and distribution of plan assets to participants in the terminating plan. Section 301 of the Retirement Equity Act of 1984 provides that an amendment that eliminates an early retirement benefit or retirement-type subsidies, or an optional benefit form will be treated as an impermissible reduction in accrued benefit under certain conditions. The PBGC has initiated a review of its Allocation of Assets regulation in order to determine whether an amendment is needed for guidance in the proper allocation of these "section 301 accrued benefits."

Timetable:

Action	Date	FR Cite
Begin Review	04/01/85	
End Review	00/00/00	

Small Entity: No

Agency Contact: Renae R. Hubbard, Special Counsel, Pension Benefit Guaranty Corporation, Corporate Policy and Regulations Department, (611), 2020 K Street, NW, Washington, DC 20006, 202 254-6476

RIN: 1212-AA30

● EMPLOYER LIABILITY FOR SINGLE-EMPLOYER PLAN TERMINATIONS; RULES PERTAINING TO WITHDRAWALS FROM AND TERMINATIONS OF PLANS TO WHICH MORE THAN ONE EMPLOYER CONTRIBUTES OTHER THAN (CONT)

Priority: Agency Determination

Legal Authority: 29 USC 1302; 29 USC 1362; 29 USC 1363; 29 USC 1364; 29 USC 1367; 29 USC 1368

CFR Citation: 29 CFR 2622

Abstract: The PBGC's regulation on Employer Liability prescribes rules for the determination and payment of employer liability that is due under ERISA if a plan lacks sufficient assets to pay for guaranteed benefits. Employer liability is due as of the date of plan termination, but often is not paid in a timely fashion. The PBGC has initiated a review of this regulation in order to determine what, if any, amendments could be adopted to provide employers with greater incentive to make timely payments of employer liability owed to the PBGC.

Timetable:

Action	Date	FR Cite
Begin Review	05/15/85	
End Review	00/00/00	

Small Entity: No

Additional Information: TITLE CONT: Multiemployer Plans

Agency Contact: Renae R. Hubbard, Special Counsel, Pension Benefit Guaranty Corporation, Corporate Policy and Regulation Department, (611), 2020 K Street, NW, Washington, DC 20006, 202 254-6476

RIN: 1212-AA33

PENSION BENEFIT GUARANTY CORPORATION (PBGC) — Completed Actions

COMPLETED RULEMAKINGS

SUPPLEMENTAL GUARANTEE PROGRAM

Legal Authority: 29 USC 1302(b)(3) ERISA; 29 USC 1322a(g)(2) ERISA

CFR Citation: 29 CFR 2690 to 2699

Abstract: Section 4022A(g)(2) of ERISA requires PBGC to issue regulations establishing a supplemental program to guarantee benefits under multiemployer plans that would otherwise be guaranteed but for the limitations in section 4022A(c) of ERISA. Participation by plans in this supplemental program is optional. ERISA requires that the supplemental guarantee program be entirely self-supporting. The information PBGC has indicates there is very little public interest in this program. Therefore, PBGC has determined that the program is financially unfeasible, and accordingly this project has been withdrawn.

Timetable:

Action	Date	FR Cite
NPRM	02/01/83	48 FR 4632
NPRM Comment Period Begin	02/01/83	

PBGC **Completed Actions**

Action	Date	FR Cite
NPRM Comment Period End	04/04/83	
Withdrawn	10/30/84	

Small Entity: No

Agency Contact: Mr. J. Ronald Goldstein, Attorney, Pension Benefit Guaranty Corporation, Corporate Policy and Regulations Department, (611), 2020 K St., NW, Washington, DC 20006, 202 254-4862

RIN: 1212-AA12

RULES DEFINING THE "BUILDING AND CONSTRUCTION INDUSTRY"

Legal Authority: 29 USC 1302(b)(3) ERISA; 29 USC 1383(b) ERISA

CFR Citation: 29 CFR 2646

Abstract: Section 4203(b) of ERISA contains special withdrawal rules applicable to the building and construction industry. Because ERISA does not define certain terms that are critical to the special rules, the PBGC issued an advance notice of proposed rulemaking. The notice was published in order to obtain the views of the public on whether a regulation is needed and on what it might contain. Because there are conflicting views among the public as to the need for this regulation, and because of the difficulty in developing appropriate definitions, the PBGC has decided that it will not proceed with this regulation.

Timetable:

Action	Date	FR Cite
ANPRM	09/28/82	47 FR 42588
ANPRM Comment Period Begin	09/28/82	
ANPRM Comment Period End	11/29/82	
Withdrawn	02/27/85	

Small Entity: No

Agency Contact: Mr. J. Ronald Goldstein, Attorney, Pension Benefit Guaranty Corporation, Corporate Policy and Regulations Department, (611), 2020 K St., NW, Washington, DC 20006, 202 254-4862

RIN: 1212-AA13

TRANSFERS OF LIABILITIES TO SINGLE-EMPLOYER PLANS: WAIVER OF MULTIEMPLOYER PLAN'S CONTINGENT LIABILITY

Legal Authority: 29 USC 1302(b)(3) ERISA; 29 USC 1412(c) ERISA

CFR Citation: 29 CFR 2679

Abstract: Under section 4232(c), a multiemployer plan that transfers liabilities to a single-employer plan is contingently liable to PBGC, up to the amounts specified in section 4232(c), if the single-employer plan terminates within five years after the transfer. PBGC is authorized, however, to waive the contingent liability if it determines that its interests and the interests of plan participants and beneficiaries are adequately protected. This regulation will provide procedures for applying to PBGC for a waiver and standards under which waivers will be granted. Because of the small number of waiver requests received to date, PBGC has determined that this project is not a high priority, and that limited staff resources can be better applied to other projects. Accordingly, this regulation is withdrawn. To the extent that waiver procedures and standards are later shown to be needed, they will be incorporated into the regulation on Transfers From Multiemployer Plans to Single-Employer Plans, RIN 1212-AA20.

Timetable:

Action	Date	FR Cite
Withdrawn	10/30/84	

Small Entity: No

Agency Contact: Mr. J. Ronald Goldstein, Attorney, Pension Benefit Guaranty Corporation, Corporate Policy and Regulations Department, (611), 2020 K St., NW, Washington, DC 20006, 202 254-4862

RIN: 1212-AA15

BENEFIT REDUCTIONS IN TERMINATED SINGLE-EMPLOYER PENSION PLANS AND RECOUPMENT OF BENEFIT OVERPAYMENTS

Priority: Agency Determination

Legal Authority: 29 USC 1302(b)(3) ERISA; 29 USC 1322 ERISA; 29 USC 1341 ERISA; 29 USC 1342 ERISA; 29 USC 1344 ERISA; 29 USC 1361 ERISA

CFR Citation: 29 CFR 2623

Abstract: The PBGC issued a final regulation to set forth rules designed: (a) to reduce benefit overpayments made to plan participants after the date of plan termination by requiring plan administrators to reduce benefit payments to the estimated level of Title IV benefits payable; (b) to define the circumstances under which the PBGC will recover overpayments from plan participants; and (c) to describe the method(s) by which the PBGC will recover overpayments. The regulation applies only to single-employer plans. This regulation is needed to establish rules and procedures for the prompt reduction of benefits after the date of plan termination in order to minimize overpayments to participants and to establish a formal procedure for PBGC recovery of overpayments to participants. This regulation will provide guidance to plan administrators and participants and minimize costs to the insurance system. No new costs will be added to plan sponsors because PBGC presently requests plan administrators to cut back benefits after termination to estimated guaranteed benefits. The effect of the rule in this respect will be simply to provide clear (cont)

Timetable:

Action	Date	FR Cite
NPRM	10/31/83	48 FR 50111
NPRM Comment Period Begin	10/31/83	48 FR 50111
NPRM Comment Period End	12/30/83	
Final Action	01/29/85	50 FR 3892
Final Action Effective	02/28/85	50 FR 3892

Small Entity: No

Additional Information: ABSTRACT CONT: guidance as to the method and form of the cutback. The rule will greatly minimize losses to the insurance system because it will be far more likely that the overpayments in benefits will be small and will be capable of complete recoupment during the participant's lifetime.

Agency Contact: Mrs. Renae Hubbard, Special Counsel, Pension Benefit Guaranty Corporation, Corporate Policy and Regulations Department, (611), 2020 K St., NW, Washington, DC 20006, 202 254-6476

RIN: 1212-AA02

COMPLETED REVIEWS GUARANTEED BENEFITS

Priority: Agency Determination

PBGC

Completed Actions

Legal Authority: 29 USC 1302; 29 USC 1322

CFR Citation: 29 CFR 2613

Abstract: The PBGC has expanded its review of transactions involving reversions of residual assets, to include additional PBGC regulations. Accordingly, this review has been merged with that expanded review, RIN 1212-aa27, which has been retitled "Transactions Involving Reversions of Residual Assets."

Timetable:

Action	Date	FR Cite
Withdrawn	02/27/85	

Small Entity: No

Agency Contact: Mrs. Renae R. Hubbard, Special Counsel, Pension Benefit Guaranty Corporation, Corporate Policy and Regulations Department, (611), 2020 K St., NW, Washington, DC 20006, 202 254-6476

RIN: 1212-AA28

[FR Doc. 85-6392 Filed 04-26-85; 8:45 am]

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federal register

Monday
April 29, 1985

Part XXXIX

Railroad Retirement Board

Semiannual Regulatory Agenda

RRB

RAILROAD RETIREMENT BOARD

20 CFR Ch. II

Semiannual Agenda of Regulations Under Development or Review

AGENCY: Railroad Retirement Board.

ACTION: Agenda of regulations under development or review.

SUMMARY: This agenda contains lists of regulations that the Board is developing or proposes to develop in the next twelve months and regulations that are scheduled to be reviewed in that period.

ADDRESS: 844 Rush Street, Chicago, Illinois 60611.

FOR FURTHER INFORMATION CONTACT: Steven A. Bartholow, Deputy General Counsel, Railroad Retirement Board, 844 Rush Street, Chicago, Illinois 60611, (312) 751-4935 (FTS 387-4935).

SUPPLEMENTARY INFORMATION: Regulations that are routine in nature or pertain solely to internal agency management have not been included in the agenda. Current regulations that are proposed to be modified based on a completed review of the regulations are listed in the agenda as regulations under development.

DATED: February 20, 1985.
By Authority of the Board.
For the Board.

Beatrice Ezerski,
Secretary to the Board.

Current and Projected Rulemakings

Sequence Number	Title	Regulation Identifier Number
1	Part 220 Disability Determinations	3220-AA01
2	Primary Insurance Amount Determinations	3220-AA02
3	Computing the Employee and Spouse Annuity	3220-AA03
4	Disclosure of Business Information	3220-AA10
5	Initial Determinations Under the Railroad Unemployment Insurance Act and Reviews of and Appeals from Such Determinations	3220-AA11
6	Annuity Beginning and Ending Dates	3220-AA13
7	Evidence Required For Payment	3220-AA14
8	Eligibility for an Annuity	3220-AA15
9	Application for Annuity or Lump Sum	3220-AA16
10	Computing Supplemental Annuities	3220-AA17
11	Lump-Sum Payments	3220-AA18
12	Payments Pursuant to Court Decree or Property Settlement	3220-AA19
13	Garnishment of Benefits Paid Under the Railroad Retirement Act, the Railroad Unemployment Insurance Act, and Under any Other Act Administered by the Board	3220-AA21
14	Enforcement of Nondiscrimination on the Basis of Handicapped in Programs or Activities Conducted by the Railroad Retirement Board	3220-AA22
15	Waiver of Interest Penalties and Collection Costs with Respect to Collection of Certain Debts	3220-AA23
16	*Temporary Reduction in Benefit Payments Under the Railroad Unemployment Insurance Act	3220-AA24

*Indicates priority regulation.

Completed Actions

Sequence Number	Title	Regulation Identifier Number
17	Definition and Creditability of Service	3220-AA04
18	Military Service	3220-AA05
19	Definition and Creditability of Compensation	3220-AA06
20	Reports and Information to be Filed by Employers	3220-AA07
21	Regulations Under the Regional Rail Reorganization Act of 1973	3220-AA09
22	Employers' Contributions And Contribution Reports	3220-AA20

RAILROAD RETIREMENT BOARD (RRB)

Current and Projected Rulemakings

1. PART 220 DISABILITY DETERMINATIONS

Legal Authority: 45 USC 231f(b)(5)

CFR Citation: 20 CFR 220

Abstract: The Board's regulations with respect to disability determinations have not been updated for several years and they are, in certain respects, obsolete. When revised, this regulation should ease the administration of disability benefits and result in greater consistency in disability determinations.

Timetable:

Action	Date	FR Cite
NPRM	09/00/85	

Small Entity: Not Applicable

Additional Information: FTS 387-4715

Agency Contact: John R. Feldheim, Chief of Planning and Procedures, Railroad Retirement Board, Bureau of Retirement Claims, 844 Rush Street, Chicago, IL 60611, 312 751-4715

RIN: 3220-AA01

2. PRIMARY INSURANCE AMOUNT DETERMINATIONS

Legal Authority: 45 USC 231f(b)(5)

CFR Citation: 20 CFR 225

Abstract: The computation of benefits under the Railroad Retirement Act of 1974 is quite complex and is not easily understood by beneficiaries. This proposed regulation would explain primary insurance amount determinations in a manner that will enable claimants and beneficiaries to more easily understand this phase of benefit computations.

Timetable:

Action	Date	FR Cite
NPRM	09/07/83	48 FR 40390
Final Action	03/00/85	

Small Entity: Not Applicable

Additional Information: FTS 387-4715

Agency Contact: John R. Feldheim, Chief of Planning and Procedures, Railroad Retirement Board, Bureau of Retirement Claims, 844 Rush Street, Chicago, IL 60611, 312 751-4715

RIN: 3220-AA02

3. COMPUTING THE EMPLOYEE AND SPOUSE ANNUITY

Legal Authority: 45 USC 231f(b)(5)

CFR Citation: 20 CFR 226

Abstract: The Board's regulations on the computation of employee and spouse annuities must be updated to conform to the Railroad Retirement Act of 1974 and to amendments to the Act made by the Omnibus Budget Reconciliation Act of 1981 and the Railroad Retirement Solvency Act of 1983.

Timetable:

Action	Date	FR Cite
NPRM	09/00/85	

Small Entity: Not Applicable

Additional Information: FTS 387-4715

Agency Contact: John R. Feldheim, Chief of Planning and Procedures, Railroad Retirement Board, Bureau of Retirement Claims, 844 Rush Street, Chicago, IL 60611, 312 751-4715

RIN: 3220-AA03

4. DISCLOSURE OF BUSINESS INFORMATION

Legal Authority: 5 USC 552

CFR Citation: 20 CFR 200.3

Abstract: The Department of Justice recently directed Federal agencies to establish procedures, preferably as regulations, to cover requests under the Freedom of Information Act for business information provided by private business concerns. A regulation is under development to comply with this directive.

Timetable:

Action	Date	FR Cite
NPRM	03/00/85	

Small Entity: Not Applicable

Additional Information: FTS 387-4935

Agency Contact: Steven A. Bartholow, Deputy General Counsel, Railroad Retirement Board, 844 Rush Street, Chicago, IL 60611, 312 751-4935

RIN: 3220-AA10

5. INITIAL DETERMINATIONS UNDER THE RAILROAD UNEMPLOYMENT INSURANCE ACT AND REVIEWS OF AND APPEALS FROM SUCH DETERMINATIONS

Legal Authority: 45 USC 355(b); 45 USC 362(l)

CFR Citation: 20 CFR 320

Abstract: The Board's regulation setting forth the procedures to be followed in rendering initial decisions and in requesting and handling reconsiderations and appeals from these decisions has been reviewed and a proposal to make certain revisions in this regulation is being developed. The proposed regulation would conform the procedures more closely to those applicable under the Railroad Retirement Act.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: FTS 387-4810

Agency Contact: Walter Witkovich, Chief of Adjudication, Railroad Retirement Board, Bur of Unemployment and Sickness Insurance, 844 Rush Street, Chicago, IL 60611, 312 751-4610

RIN: 3220-AA11

6. ANNUITY BEGINNING AND ENDING DATES

Legal Authority: 45 USC 231f(b)(5)

CFR Citation: 20 CFR 218

Abstract: Part 218 is being revised to incorporate changes required as a result of amendments to the Railroad Retirement Act of 1974 made by the Omnibus Budget Reconciliation Act of 1981 and the Railroad Retirement Solvency Act of 1983.

Timetable:

Action	Date	FR Cite
NPRM	06/00/85	

Small Entity: Not Applicable

Additional Information: FTS 387-4715

Agency Contact: John R. Feldheim, Chief of Planning and Procedures, Railroad Retirement Board, Bureau of Retirement Claims, 844 Rush St., Chicago, IL 60611, 312 751-4715

RIN: 3220-AA13

7. EVIDENCE REQUIRED FOR PAYMENT

Legal Authority: 45 USC 231f(b)(5)

CFR Citation: 20 CFR 219

Abstract: Part 219 is being revised to incorporate changes required as a result of amendments to the Railroad Retirement Act of 1974 made by the Omnibus Budget Reconciliation Act of 1981 and the Railroad Retirement Solvency Act of 1983.

Timetable:

Action	Date	FR Cite
NPRM	06/00/85	

Small Entity: Not Applicable

Additional Information: FTS 387-4715

Agency Contact: John R. Feldheim, Chief of Planning and Procedures, Railroad Retirement Board, Bureau of Retirement Claims, 844 Rush St., Chicago, IL 60611, 312 751-4715

RIN: 3220-AA14

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8. ELIGIBILITY FOR AN ANNUITY

Legal Authority: 45 USC 231f(b)(5)

CFR Citation: 20 CFR 216

Abstract: Part 216 is being revised to incorporate changes required as a result of amendments to the Railroad Retirement Act of 1974 made by the Omnibus Budget Reconciliation Act of 1981 and the Railroad Retirement Solvency Act of 1983.

Timetable:

Action	Date	FR Cite
NPRM	06/00/85	

Small Entity: Not Applicable

Additional Information: FTS 387-4715

Agency Contact: John R. Feldheim, Chief of Planning and Procedures, Railroad Retirement Board, Bureau of Retirement Claims, 844 Rush St., Chicago, IL 60611, 312 751-4715

RIN: 3220-AA15

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9. APPLICATION FOR ANNUITY OR LUMP SUM

Legal Authority: 45 USC 231f(b)(5)

CFR Citation: 20 CFR 217

Abstract: Part 217 is being revised to incorporate changes required as a result of amendments to the Railroad Retirement Act of 1974 made by the Omnibus Budget Reconciliation Act of 1981 and the Railroad Retirement Solvency Act of 1983.

Timetable:

Action	Date	FR Cite
NPRM	06/00/85	

Small Entity: Not Applicable

Additional Information: FTS 387-4715

Agency Contact: John R. Feldheim, Chief of Planning and Procedures, Railroad Retirement Board, Bureau of Retirement Claims, 844 Rush St., Chicago, IL 60611, 312 751-4715

RIN: 3220-AA16

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10. COMPUTING SUPPLEMENTAL ANNUITIES

Legal Authority: 45 USC 231f(b)(5)

CFR Citation: 20 CFR 227

Abstract: Part 227 is being developed to describe how supplemental annuities as provided by the Railroad Retirement Act of 1974 are computed.

Timetable:

Action	Date	FR Cite
NPRM	09/07/83	48 FR 40390
Final Action	03/00/85	

Small Entity: Not Applicable

Additional Information: FTS 387-4715

Agency Contact: John R. Feldheim, Chief of Planning and Procedures, Railroad Retirement Board, Bureau of Retirement Claims, 844 Rush St., Chicago, IL 60611, 312 751-4715

RIN: 3220-AA17

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11. LUMP-SUM PAYMENTS

Legal Authority: 45 USC 231f(b)(5)

CFR Citation: 20 CFR 234

Abstract: Part 234 is being revised to incorporate changes required by amendments to the Railroad Retirement Act and to simplify and clarify the language of that Part.

Timetable:

Action	Date	FR Cite
NPRM	06/00/85	

Small Entity: Not Applicable

Additional Information: FTS 387-4715

Agency Contact: John R. Feldheim, Chief of Planning and Procedures, Railroad Retirement Board, Bureau of Retirement Claims, 844 Rush St., Chicago, IL 60611, 312 751-4715

RIN: 3220-AA18

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12. PAYMENTS PURSUANT TO COURT DECREE OR PROPERTY SETTLEMENT

Legal Authority: 45 USC 231f(b)(5)

CFR Citation: 20 CFR 295

Abstract: Section 419 of Public Law 98-76 amended section 14 of the Railroad Retirement Act of 1974 to make certain portions of annuities subject to division in connection with court decrees of divorce, annulment or legal separation. Part 295 will implement this amendment.

Timetable:

Action	Date	FR Cite
NPRM	06/00/85	

Small Entity: Not Applicable

Additional Information: FTS 387-4941

Affected Sectors: None

Government Levels Affected: Local, State, Federal

Agency Contact: Karl T. Blank, General Attorney, Railroad Retirement Board, 844 Rush Street, Chicago, IL 60611, 312 751-4941

RIN: 3220-AA19

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13. ● GARNISHMENT OF BENEFITS PAID UNDER THE RAILROAD RETIREMENT ACT, THE RAILROAD UNEMPLOYMENT INSURANCE ACT, AND UNDER ANY OTHER ACT ADMINISTERED BY THE BOARD

Legal Authority: 15 USC 1673(b)(2); 42 USC 659; 42 USC 661 to 662; 45 USC 231f(b)(5); 45 USC 362(1)

CFR Citation: 20 CFR 350.1(a); 20 CFR 350.5

Abstract: The Railroad Retirement Board (Board) proposes to revise 20 CFR 350. These regulations currently inform the public of procedures which must be followed to garnish, for purposes of satisfaction of an obligation to pay alimony or child support, benefits paid under the Railroad Retirement and Railroad Unemployment Insurance Acts. The revised regulations include garnishment of benefits paid under other Acts administered by the Board, and reduce the administrative burden on the Board resulting from garnishments.

Timetable:

Action	Date	FR Cite
NPRM	03/00/85	

Small Entity: Not Applicable

Additional Information: FTS 387-4929

Affected Sectors: None

Government Levels Affected: State, Federal

Agency Contact: Michael C. Litt, General Attorney, Railroad Retirement Board, 844 Rush Street, Chicago, IL 60611, 312 751-4929

RIN: 3220-AA21

14. ● ENFORCEMENT OF NONDISCRIMINATION ON THE BASIS OF HANDICAPPED IN PROGRAMS OR ACTIVITIES CONDUCTED BY THE RAILROAD RETIREMENT BOARD

Legal Authority: 29 USC 791; 29 USC 792; 29 USC 794 Rehabilitation Act of 1973; 42 USC 4151 to 4157; EO 12067; EO 12250; PL 95-602, Sec 119

CFR Citation: 20 CFR 364; 28 CFR 41; 28 CFR 41.3(f); 28 CFR 41.5(b)(2); 28 CFR 41.31; 28 CFR 41.32; 28 CFR 41.51; 28 CFR 41 56 to .58; 29 CFR 1613; 41 CFR 101-19.600 to .607

Abstract: The proposed regulation provides for the enforcement of Section 504 of the Rehabilitation Act of 1973, as amended (29 USC 794), which prohibits discrimination on the basis of handicap, as it applies to programs or activities conducted by the Railroad Retirement Board.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: Not Applicable

Additional Information: FTS 387-4925

Affected Sectors: None

Government Levels Affected: Federal

Agency Contact: Lawrence D. Smith I, Equal Employment Opportunity Officer, Railroad Retirement Board, 844 Rush Street, Chicago, IL 60611, 312 751-4925

RIN: 3220-AA22

15. ● WAIVER OF INTEREST PENALTIES AND COLLECTION COSTS WITH RESPECT TO COLLECTION OF CERTAIN DEBTS

Legal Authority: 31 USC 3717

CFR Citation: 20 CFR 200.6; 4 CFR 102.13

Abstract: The Railroad Retirement Board (Board) proposes to amend its regulations to provide for waiver of interest, penalties, and collection costs, as authorized by section 11 of the Debt Collection Act of 1982 (PL 97-365), in connection with the collection of certain debts arising from erroneous benefit payments under the several Acts administered by the Board.

Timetable:

Action	Date	FR Cite
NPRM	04/00/85	

Small Entity: Not Applicable

Additional Information: FTS 387-4935

Affected Sectors: None

Government Levels Affected: Federal

Agency Contact: Steven A. Bartholow, Deputy General Counsel, Railroad Retirement Board, 844 Rush Street, Chicago, IL 60611, 312 751-4935

RIN: 3220-AA23

16. ● TEMPORARY REDUCTION IN BENEFIT PAYMENTS UNDER THE RAILROAD UNEMPLOYMENT INSURANCE ACT

Priority: Agency Determination

Legal Authority: 45 USC 352(b); 45 USC 362(e)

CFR Citation: 20 CFR 302

Abstract: The Railroad Retirement Solvency Act of 1983 amended section 10(d) of the Railroad Unemployment Insurance Act to prohibit borrowing by the railroad unemployment insurance account from the Railroad Retirement Account after September 30, 1985. Without such borrowing authority and in the absence of corrective legislation, the railroad unemployment insurance system will not have sufficient funds after September 30, 1985, to pay full benefits. Part 302 would describe the methodology and procedures that the Board will follow in determining how and in what amounts benefits would be paid in the event full funding is unavailable.

Timetable:

Action	Date	FR Cite
NPRM	05/00/85	

Small Entity: Not Applicable

Additional Information: FTS 387-4810

Affected Sectors: None

Government Levels Affected: Federal

Agency Contact: Walter Witkovich, Chief of Adjudication, Railroad Retirement Board, Bureau of Unemployment and Sickness Insurance, 844 Rush Street, Chicago, IL 60611, 312 751-4810

RIN: 3220-AA24

RAILROAD RETIREMENT BOARD (RRB) — Completed Actions

COMPLETED RULEMAKINGS

17. DEFINITION AND CREDITABILITY OF SERVICE

CFR Citation: 20 CFR 210

Completed:

Reason	Date	FR Cite
Final Action	11/26/84	49 FR 46728

Small Entity: Not Applicable

Agency Contact: Robert Elling 312 751-4877

RIN: 3220-AA04

18. MILITARY SERVICE

CFR Citation: 20 CFR 212

Completed:

Reason	Date	FR Cite
Final Action	11/28/84	49 FR 46728

Small Entity: Not Applicable

Agency Contact: Robert Elling 312 751-4877

RIN: 3220-AA05

19. DEFINITION AND CREDITABILITY OF COMPENSATION

CFR Citation: 20 CFR 211

Completed:

Reason	Date	FR Cite
Final Action	11/28/84	49 FR 46728

Small Entity: Not Applicable

Agency Contact: Robert Elling 312 751-4877

RIN: 3220-AA06

20. REPORTS AND INFORMATION TO BE FILED BY EMPLOYERS

CFR Citation: 20 CFR 209

RRB

Completed Actions

Completed:

Reason	Date	FR Cite
Final Action	11/28/84	49 FR 46728

Small Entity: Not Applicable

Agency Contact: Robert Elling 312 751-4877

RIN: 3220-AA07

21. REGULATIONS UNDER THE REGIONAL RAIL REORGANIZATION ACT OF 1973

CFR Citation: 20 CFR 395

Completed:

Reason	Date	FR Cite
Final Action	11/06/84	49 FR 44277

Small Entity: Not Applicable

Agency Contact: Walter Witkovich 312 751-4810

RIN: 3220-AA09

22. EMPLOYERS' CONTRIBUTIONS AND CONTRIBUTION REPORTS

CFR Citation: 20 CFR 345

Completed:

Reason	Date	FR Cite
Final Action	02/07/85	50 FR 5234

Small Entity: Not Applicable

Agency Contact: William Oczkowski 312 751-4590

RIN: 3220-AA20

[FR Doc. 85-6393 Filed 04-26-85; 8:45 am]

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federal register

Monday
April 29, 1985

Part XL

Selective Service System

Semiannual Regulatory Agenda

SSS

SELECTIVE SERVICE SYSTEM

32 CFR Ch. XVI

Regulatory Agenda

AGENCY: Selective Service System.

ACTION: Regulatory agenda.

SUMMARY: The purpose of this agenda is to report the proposed rulemaking activities of the Selective Service System that might affect the processing of registrants under the Military Selective Service Act (50 U.S.C. App. 451 *et seq.*). This information will allow the public to participate in the System's decision-making at an early stage.

FOR FURTHER INFORMATION CONTACT: Henry N. Williams, General Counsel, Selective Service System, Washington, D.C. 20435, telephone (202) 724-1167.

SUPPLEMENTARY INFORMATION: The agenda is published in accord with the requirements of E.O. 12291. Selective Service Regulations appear in 32 CFR Chapter XVI.

DATED: February 15, 1985.

Thomas K. Turnage,

Director of Selective Service.

The agenda follows:

SELECTIVE SERVICE SYSTEM (SSS) — Current and Projected Rulemakings

SELECTIVE SERVICE REGULATIONS; DEFERMENT OR EXEMPTION FROM MILITARY SERVICE

Legal Authority: 50 USC App. 451 et seq Military Selective Service Act; EO 11623

CFR Citation: 32 CFR Chapter XVI

Abstract: Various sections in 32 CFR Chapter XVI will be revised to increase clarity or expression and make them consistent with 32 CFR Part 1656 which was added at 48 FR 16675 (April 19, 1983). 32 CFR Parts 1662 and 1665 were published as final rules at 47 FR 7223 (February 18, 1982). The remainder of 32 CFR Chapter XVI (except 32 CFR Part 1660 which appears in 32 CFR Part 1660 (July 1, 1981)) was published as final rules at 47 FR 4640 (February 1, 1982).

Timetable:

Action	Date	FR Cite
NPRM	10/00/85	
NPRM Comment Period Begin	10/00/85	

Small Entity: No

Agency Contact: Henry N. Williams, General Counsel, Selective Service System, 1023 31st Street, NW, Washington, DC 20435, 202 724-1167

RIN: 3240-AA01

[FR Doc. 85-6394 Filed 04-26-85; 8:45 am]

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Federal Register

Monday
April 29, 1985

Part XLI

Small Business Administration

Semiannual Regulatory Agenda

SBA

SMALL BUSINESS ADMINISTRATION

13 CFR Ch. I

Improving Government Regulations; Semiannual Agenda

AGENCY: Small Business Administration.

ACTION: Publication of the semiannual agenda of regulations under review or development by the Small Business Administration.

SUMMARY: This is SBA's 12th semiannual agenda of regulations. Although not a regulatory Agency, SBA has attempted to draft agendas that met both the criteria and the spirit of the regulatory review process. This agenda is published pursuant to Executive Order 12291 and the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, Pub. L. 96-354, effective January 1, 1981.

FOR FURTHER INFORMATION CONTACT: For further information on agenda items, the public is encouraged to contact the individual Agency official listed for the particular item.

For information concerning SBA overall Regulatory Review and Development Program or general semiannual agenda questions, contact Martin D. Teckler, Deputy General Counsel, Small Business Administration, 1441 L Street, N.W., Washington, D.C. 20416, 202/653-6642.

SUPPLEMENTARY INFORMATION: The SBA agenda will contain many regulations which are limited in public impact, but they are included to increase public knowledge of all SBA regulatory activities and allow for increased public participation in the review and development process.

Public comments on SBA's previous agendas have been general, and all were positive. None were directed at specific contents, nor were any changes suggested or recommended.

The agenda format has three parts. Part I, Current and Projected Rulemakings, includes rulemaking currently underway and scheduled to be completed shortly. Part II, Existing Regulations Under Review, includes existing regulations being reviewed within the Agency to determine whether to propose modifications through rulemaking. Part III, Completed Actions, includes regulations completed or withdrawn, and reviews completed since the preceding agenda.

Publication of this agenda does not impose any binding obligation on SBA with regard to any specific item in the agenda. Additional regulatory action not listed on the agenda is not precluded.

DATED: February 26, 1985.

James C. Sanders,

Administrator.

SMALL BUSINESS ADMINISTRATION (SBA) — Current and Projected Rulemakings

ELIGIBILITY REQUIREMENTS FOR CERTIFICATE OF COMPETENCY APPLICANTS

Legal Authority: 15 USC 637(b)(7)

CFR Citation: 13 CFR 125.5

Abstract: Revision of the conditions under which SBA will provide a certificate of competency relative to a small concern's ability to perform a government contract.

Timetable:

Action	Date	FR Cite
Interim Final Rule	08/12/82	47 FR 34972
NPRM	08/00/85	

Small Entity: No

Agency Contact: Robert J. Moffitt, Director, Office of Industrial Support Serv., Small Business Administration, Office of Industrial Assistance, 1441 L Street, NW, Washington, DC 20416, 202 653-7035

RIN: 3245-AA03

MINORITY SMALL BUSINESS AND CAPITAL OWNERSHIP DEVELOPMENT

Priority: Agency Determination, Major

Legal Authority: 15 USC 637(a)

CFR Citation: 13 CFR 124

Abstract: These regulations would completely revise eligibility and program management for the SBA's Minority Enterprise Program.

Timetable:

Action	Date	FR Cite
NPRM	12/22/83	48 FR 56686
NPRM Comment Period Begin	12/22/83	
Comment Period extended to 3/21/84	02/17/84	49 FR 6103
NPRM Comment Period End	02/21/84	
Final Action	09/00/85	

Small Entity: Yes

Agency Contact: Carlos Sanchez, Acting Associate Administrator, Small Business Administration, 1441 L Street, NW, Room 317, Washington, DC 20416, 202 653-6407

RIN: 3245-AA12

CIVIL RIGHTS COMPLIANCE: DISCRIMINATION ON THE BASIS OF HANDICAP

Legal Authority: 42 USC 2000d-1

CFR Citation: 13 CFR 136

Abstract: Prohibition of discrimination in SBA programs on the basis of handicap.

Timetable:

Action	Date	FR Cite
NPRM	07/02/84	49 FR 27164
NPRM Comment Period Begin	07/02/84	
NPRM Comment Period End	10/30/84	
Final Action	05/00/85	

Small Entity: No

Agency Contact: George H. Robinson, Director, Small Business Administration, Office of EEO&C, 1441 L Street, NW, Washington, DC 20416, 202 653-6050

RIN: 3245-AA21

SIZE PROTESTS FOR SUBCONTRACTORS

Priority: Undetermined

Legal Authority: 15 USC 632(a)

CFR Citation: 13 CFR 121

Abstract: Procedures for Size Protests for subcontractors.

Timetable:

Action	Date	FR Cite
NPRM	07/00/85	

Small Entity: Yes

Agency Contact: Donald P. Young, Associate Administrator, Small Business Administration, Office of Procurement & Technical Assistance, 1441 L Street, NW, Washington, DC 20416, 202 653-6635

RIN: 3245-AA25

AMENDMENTS TO INDUSTRIAL SIZE STANDARDS

Legal Authority: 15 USC 632(a); 15 USC 634(b)

CFR Citation: 13 CFR 121

Abstract: Size Standard for Dredging.

Timetable:

Action	Date	FR Cite
ANPRM	12/04/84	49 FR 47414
ANPRM Comment Period Begin	12/04/84	49 FR 47414
NPRM	12/04/84	49 FR 47412
NPRM Comment Period Begin	12/04/84	
ANPRM Comment Period End	01/18/85	
NPRM Comment Period End	01/18/85	
Final Action	05/00/85	

Small Entity: Yes

Agency Contact: Andrew Canellas, Director, Small Business Administration, Office of Size Standards, 1441 L Street, NW, Washington, DC 20416, 202 653-6373

RIN: 3245-AA29

SIZE STANDARDS

Priority: Agency Determination

Legal Authority: 15 USC 632(a)

CFR Citation: 13 CFR 121

Abstract: Revision of substantive rules governing compliance with small business size standards.

Timetable:

Action	Date	FR Cite
NPRM	07/00/85	

Small Entity: Yes

Agency Contact: David R. Kohler, Associate General Counsel, Small Business Administration, 1441 L Street, NW, Washington, DC 20416, 202 653-6373

RIN: 3245-AA40

MANAGEMENT ASSISTANCE

Legal Authority: 15 USC 634(b); 15 USC 637(b)(1)

CFR Citation: 13 CFR 129

Abstract: Authorization of professional and trade associations as identified volunteer programs under section 8(b)(1)(B) of the Small Business Act, 15 USC 637(b)(1)(B).

Timetable:

Action	Date	FR Cite
NPRM	08/09/84	49 FR 31899
NPRM Comment Period Begin	08/09/84	
NPRM Comment Period End	09/24/84	
Final Action	09/00/85	

Small Entity: Yes

Agency Contact: Barbara Jackson, Program Manager, Office of MA, Small Business Administration, 1441 L Street, NW, Washington, DC 20416, 202 653-6287

RIN: 3245-AA45

SMALL BUSINESS SIZE STANDARD: ENGINEERING SERVICES

Legal Authority: 15 USC 632(a)

CFR Citation: 13 CFR 121

Abstract: Revising small business size standard for the engineering services industry.

Timetable:

Action	Date	FR Cite
Begin Review	06/01/84	
End Review	12/01/84	
NPRM	04/00/85	

Small Entity: Yes

Agency Contact: Andrew A. Canellas, Director, Office of Size Standards, Small Business Administration, 1441 L Street, NW, Washington, DC 20416, 202 653-6373

RIN: 3245-AA49

SMALL BUSINESS SIZE STANDARDS; DEFINITION OF SMALL BUSINESS

Legal Authority: 15 USC 631 et seq

CFR Citation: 13 CFR 121

Abstract: Establishment of new size standards, one each for business and secretarial schools, vocational schools, job training services, child care services, telephone communication, individual and family social services, and general services.

Timetable:

Action	Date	FR Cite
Interim Final Rule	07/09/84	49 FR 27924
Individual and Family Social Services Size Standard Interim Final Rule	08/30/84	49 FR 34346
Interim Final Rule - General Services Size Standard	10/12/84	49 FR 39996
NPRM	04/00/85	

Small Entity: Yes

Agency Contact: Andrew A. Canellas, Director, Office of Size Standards, Small Business Administration, 1441 L Street, NW, Washington, DC 20416, 202 653-6373

RIN: 3245-AA55

● **SIZE STANDARDS; TRAVEL AGENCIES**

Legal Authority: 15 USC 632; 15 USC 634(b)(6)

CFR Citation: 13 CFR 121

Abstract: Review of Size Standards necessitated by GSA awards of travel contracts resulted in decision to proposed standard.

Timetable:

Action	Date	FR Cite
NPRM	04/00/85	

Small Entity: Yes

Agency Contact: Andrew Canellas, Director, Size Standards Staff, Small Business Administration, 1441 L Street, NW, Washington, DC 20416, 202 653-6373

RIN: 3245-AA58

● **SIZE STANDARD; PETROLEUM REFINING**

Legal Authority: 15 USC 632; 15 USC 634(b)(6)

CFR Citation: 13 CFR 121

Abstract: Barrels of throughput limitation revised for Petroleum Refining industry.

Timetable:

Action	Date	FR Cite
NPRM	04/00/85	

Small Entity: Yes

Agency Contact: Andrew Canellas, Director, Size Standards Staff, Small Business Administration, 1441 L Street, NW, Washington, DC 20416, 202 653-6373

RIN: 3245-AA60

● **BUSINESS LOANS; SECONDARY MARKET SUBSTANTIVE RULES**

Priority: Agency Determination

Legal Authority: PL 98-352

CFR Citation: 13 CFR 122, Subparts G & H

Abstract: Substantive rules governing Secondary Market sales of SBA guaranteed portions sold either individually or as part of pools composed solely of such guaranteed portions.

Timetable:

Action	Date	FR Cite
NPRM	12/18/84	49 FR 49106
NPRM Comment Period Begin	12/18/84	49 FR 49106
NPRM Comment Period End	02/01/85	
Final Action	04/00/85	

Small Entity: Yes

Agency Contact: James W. Hammersley, Financial Analyst, Small Business Administration, 1441 L Street, NW, Room 800C, Washington, DC 20416, 202 653-5954

RIN: 3245-AA61

● **BUSINESS AND SPECIAL PURPOSE LOANS**

Priority: Major

Legal Authority: 15 USC 634(b)(7); 15 USC 636(a); PL 97-35

CFR Citation: 13 CFR 118; 13 CFR 119; 13 CFR 120; 13 CFR 122; 13 CFR 130

Abstract: Incorporation of all basic loan policies, including borrower eligibility and participant eligibility into Part 120 and descriptions of and procedures relating to specific loan programs into Part 122 of Title 13, CFR.

Timetable:

Action	Date	FR Cite
NPRM	09/25/84	49 FR 37614
NPRM Comment Period Begin	09/25/84	49 FR 37614
NPRM Comment Period End	11/26/84	
Final Action	06/00/85	

Small Entity: Yes

Agency Contact: Everett Shell, Chief, Loan Processing, Small Business Administration, Office of Business Loans, 1441 L Street, NW, Washington, DC 20416, 202 653-6470

RIN: 3245-AA63

● **SIZE STANDARDS; WHOLESALE**

Legal Authority: 15 USC 634(b)(6); 15 USC 632

CFR Citation: 13 CFR 121

Abstract: Review of wholesale size standard as a result of February 9, 1984 general revision of size standards.

Timetable:

Action	Date	FR Cite
NPRM	04/00/85	

Small Entity: Yes

Agency Contact: Andrew Canellas, Director, Size Standards Staff, Small Business Administration, 1441 L Street, NW, Washington, DC 20416, 202 653-6373

RIN: 3245-AA64

● **BUSINESS LOAN POLICY**

Legal Authority: 15 USC 634(b)(6)

CFR Citation: 13 CFR 120

Abstract: Elimination of exception from media policy rule for radio and TV stations.

Timetable:

Action	Date	FR Cite
NPRM	04/00/85	
NPRM Comment Period Begin	04/00/85	
NPRM Comment Period End	06/00/85	

Small Entity: Yes

Agency Contact: Charles R. Hertzberg, Deputy Associate Administrator for FA, Small Business Administration, 1441 L Street, NW, Washington, DC 20416, 202 653-6574

RIN: 3245-AA65

● **PROCUREMENT ASSISTANCE BREAK-OUT PROCUREMENT CENTER REPRESENTATIVES**

Legal Authority: PL 98-577

CFR Citation: 13 CFR 125

Abstract: Revise regulations dealing with Break-out Procurement Center Representatives and Break-out procedures.

Timetable:

Action	Date	FR Cite
NPRM	08/00/85	

Small Entity: Undetermined

Agency Contact: Donald P. Young, Associate Administrator for PTA, Small Business Administration, 1441 L Street, NW, Washington, DC 20416, 202 653-6635

RIN: 3245-AA73

● **CERTIFICATE OF COMPETENCY**

Priority: Undetermined

Legal Authority: 15 USC 634(b)(6)

CFR Citation: 13 CFR 125.5

Abstract: Overall revision to COC regulations.

Timetable:

Action	Date	FR Cite
NPRM	08/00/85	

Small Entity: Yes

Agency Contact: Robert Moffitt, Director, Office of Industrial Support Serv., Small Business Administration, 1441 L Street, NW, Room 626, Washington, DC 20416, 202 653-6582

RIN: 3245-AA74

● **PROCUREMENT ASSISTANCE, CERTIFICATION OF COMPETENCY**

Legal Authority: PL 98-577

CFR Citation: 13 CFR 125.5

Abstract: Amend to eliminate referral option for contract actions under $10,000.

Timetable:

Action	Date	FR Cite
NPRM	04/00/85	

Small Entity: Yes

Agency Contact: Robert Moffitt, Director, Office of Industrial Support Serv., Small Business Administration, 1441 L Street, NW, Room 626, Washington, DC 20416, 202 653-6582

RIN: 3245-AA75

● SMALL BUSINESS INVESTMENT COMPANIES; COMPUTATION OF NET GAIN IN MARKETABLE SECURITIES

Legal Authority: 15 USC 634(b)(6); 15 USC 686(a)

CFR Citation: 13 CFR 107

Abstract: Clarifies the meaning of "marketable securities" by excluding any securities which are restricted in any manner or form from the definition set forth in 13 CFR 107.303(b)(1).

Timetable:

Action	Date	FR Cite
NPRM	11/27/84	49 FR 46553
NPRM Comment Period Begin	11/27/84	49 FR 46553
NPRM Comment Period End	12/27/84	
Final Action	04/00/85	

Small Entity: No

Agency Contact: Robert G. Lineberry, Deputy Associate Administrator/Investment, Small Business Administration, 1441 L Street, NW, Washington, DC 20416, 202 653-6848

RIN: 3245-AA79

● SMALL BUSINESS INVESTMENT COMPANIES; LIMITATIONS ON PORTFOLIO INVESTMENTS

Legal Authority: 15 USC 687

CFR Citation: 13 CFR 107

Abstract: Limitations on Portfolio Investments of SBIC's.

Timetable:

Action	Date	FR Cite
NPRM	11/01/84	49 FR 44062
NPRM Comment Period Begin	11/01/84	49 FR 44062
NPRM Comment Period End	12/03/84	
Extension of comment period proposed rule	12/11/84	49 FR 48201
Final Action	04/00/85	

Small Entity: No

Agency Contact: Robert G. Lineberry, Deputy Associate Administrator/Investment, Small Business Administration, 1441 L Street, NW, Washington, DC 20416, 202 653-6848

RIN: 3245-AA80

● SIZE STANDARD; CONSTRUCTION

Legal Authority: 15 USC 632; 15 USC 634(b)(6)

CFR Citation: 13 CFR 121

Abstract: Revision of standard for construction industry.

Timetable:

Action	Date	FR Cite
NPRM	05/00/85	

Small Entity: Yes

Agency Contact: Andrew Canellas, Director, Size Standards Staff, Small Business Administration, 1441 L Street, NW, Washington, DC 20416, 202 653-6373

RIN: 3245-AA82

● SIZE STANDARDS, EXPORT TRADING COMPANIES

Priority: Undetermined

Legal Authority: 15 USC 634(b)(6); 15 USC 632

CFR Citation: 13 CFR 121

Abstract: Propose size standard for Export Trading Companies

Timetable:

Action	Date	FR Cite
NPRM	04/00/85	

Small Entity: Yes

Agency Contact: Andrew Canellas, Director, Size Standards Staff, Small Business Administration, 1441 L Street, NW, Washington, DC 20416, 202 653-6373

RIN: 3245-AA83

SMALL BUSINESS ADMINISTRATION (SBA) — Existing Regulations Under Review

R&D POOL INCLUSION IN DEFENSE PRODUCTION POOL

Priority: Undetermined

Legal Authority: 15 USC 637(d); 15 USC 644

CFR Citation: 13 CFR 125.7

Abstract: Expansion of Defense Production Pool regulations to include R&D and other pooling requirements.

Timetable:

Action	Date	FR Cite
Begin Review	06/00/84	
End Review	08/00/85	

Small Entity: Yes

Agency Contact: Gene VanArsdale, Deputy Associate Admin./Procurement, Small Business Administration, 1441 L Street, NW, Washington, DC 20416, 202 653-6588

RIN: 3245-AA24

SIZE STANDARD FOR MARINE ENGINEERING AND NAVAL ARCHITECTURE

Legal Authority: 15 USC 632(a)

CFR Citation: 13 CFR 121

Abstract: Revising small business size standard for the marine engineering and naval architecture industry.

Timetable:

Action	Date	FR Cite
Begin Review	06/01/84	
End Review	04/00/85	
NPRM	05/00/85	

Small Entity: Yes

Agency Contact: Andrew A. Canellas, Director, Office of Size Standards, Small Business Administration, 1441 L Street, NW, Washington, DC 20416, 202 653-6373

RIN: 3245-AA50

SBA — Existing Regulations Under Review

● **SIZE STANDARDS; SHIPBUILDING AND REPAIR**

Legal Authority: 15 USC 634(b)(6); 15 USC 632

CFR Citation: 13 CFR 121

Abstract: Whether ship repair component of the industry should have a separate size standard.

Timetable:

Action	Date	FR Cite
Begin Review	03/01/85	
End Review	06/00/85	

Small Entity: Undetermined

Agency Contact: Andrew Canellas, Director, Size Standards Staff, Small Business Administration, 1441 L Street, NW, Washington, DC 20416, 202 653-6373

RIN: 3245-AA66

● **PROCUREMENT ASSISTANCE**

Legal Authority: PL 98-577

CFR Citation: 13 CFR 125

Abstract: Review to ensure compliance with Pub. L. 98-577, the Competition in Contracting Act.

Timetable:

Action	Date	FR Cite
Begin Review	04/00/85	
End Review	08/00/85	

Small Entity: Yes

Agency Contact: Gene VanArsdale, Director, Office of Policy and Liaison, Small Business Administration, 1441 L Street, NW, Washington, DC 20416, 202 653-6588

RIN: 3245-AA76

● **PROCUREMENT ASSISTANCE**

Legal Authority: 15 USC 634(b)(6)

CFR Citation: 13 CFR 125

Abstract: Disposition of logs from set-aside sales.

Timetable:

Action	Date	FR Cite
Begin Review	04/00/85	
End Review	09/00/85	

Small Entity: Undetermined

Agency Contact: Joseph Kernan, Director, Office of Natural Resource Sales, Small Business Administration, 1441 L Street, NW, Washington, DC 20416, 202 653-6078

RIN: 3245-AA77

SMALL BUSINESS ADMINISTRATION (SBA) — Completed Actions

COMPLETED RULEMAKINGS

SIZE STANDARD - SALVAGE TIMBER SALES

Legal Authority: 15 USC 632(a)

CFR Citation: 13 CFR 121

Abstract: Size standard for special salvage timber sale by Bureau of Land Management's new program.

Timetable:

Action	Date	FR Cite
NPRM	10/18/84	49 FR 40877
NPRM Comment Period Begin	10/18/84	
NPRM Comment Period End	11/19/84	
Final Action	02/15/85	50 FR 6337
Final Action Effectve	02/15/85	50 FR 6337

Small Entity: Yes

Agency Contact: Joseph E. Kernan, Director, Office/Natural Resources/Sales Ast, Small Business Administration, 1441 L Street, NW, Washington, DC 20416, 202 653-6072

RIN: 3245-AA22

PREFERRED LENDER PROGRAM

Priority: Major

Legal Authority: 15 USC 634(b)(7)

CFR Citation: 13 CFR 120.300

Abstract: Implementation of Preferred Lender Program.

Timetable:

Action	Date	FR Cite
NPRM	10/29/84	49 FR 43476
NPRM Comment Period Begin	10/29/84	
NPRM Comment Period End	11/28/84	
Final Action	12/31/84	49 FR 50605
Final Action Effective	12/31/84	49 FR 50605

Small Entity: Yes

Agency Contact: Edwin T. Holloway, Associate Administrator, Small Business Administration, Office of Finance and Investment, 1441 L Street, NW, Washington, DC 20416, 202 653-6632

RIN: 3245-AA28

SIZE STANDARD FOR FINANCIAL INSTITUTIONS

Legal Authority: 15 USC 632(a)

CFR Citation: 13 CFR 121

Abstract: Size standard applicable to financial institutions -- needed to implement Notice of Policy found at 49 FR 13091 (April 2, 1984).

Timetable:

Action	Date	FR Cite
NPRM	04/02/84	49 FR 13052
NPRM Comment Period Begin	04/02/84	
NPRM Comment Period End	06/01/84	
Final Action	10/16/84	49 FR 40398
Final Action Effective	11/15/84	49 FR 40398

Small Entity: Yes

Agency Contact: Andrew A. Canellas, Director, Office of Size Standards, Small Business Administration, 1441 L Street, NW, Washington, DC 20416, 202 653-6373

RIN: 3245-AA41

SMALL BUSINESS INVESTMENT COMPANIES

Legal Authority: 15 USC 683(b); 15 USC 687(c)

CFR Citation: 13 CFR 107

Abstract: Provides for the imposition of a one-time user fee on Small Business Investment Companies whose debentures are purchased or guaranteed by SBA.

SBA

Completed Actions

Timetable:

Action	Date	FR Cite
NPRM	04/13/84	49 FR 14764
NPRM Comment Period Begin	04/13/84	
Amendment adds information required under Paperwork Reduction Act	05/07/84	49 FR 19309
NPRM Comment Period End	06/12/84	
Final Action	10/29/84	49 FR 43540

Small Entity: No

Agency Contact: Robert G. Lineberry, Deputy Associate Administrator/Investment, Small Business Administration, 1441 L Street, NW, Washington, DC 20416, **202 653-6818**

RIN: 3245-AA42

BUSINESS LOANS; SALES OF THE GUARANTEED PORTION

Legal Authority: 15 USC 634(b)(6)

CFR Citation: 13 CFR 120

Abstract: Requirement that all secondary market sales be evidenced by SBA Form 1086, Secondary Participation Guaranty and Certification Agreement, and prescription of proper execution of such form.

Timetable:

Action	Date	FR Cite
NPRM	07/02/84	49 FR 27162
NPRM Comment Period Begin	07/02/84	
NPRM Comment Period End	08/31/84	
Final Action	11/02/84	49 FR 44091
Final Action Effective	11/02/84	49 FR 44091

Small Entity: No

Agency Contact: James B. Ramsey, Director of Secondary Market Activities, Small Business Administration, New York Regional Office, 26 Federal Plaza 31st Floor, New York, New York 10278, **212 264-5877**

RIN: 3245-AA44

DISASTER LOANS; ECONOMIC INJURY

Legal Authority: 15 USC 634; 15 USC 636

CFR Citation: 13 CFR 123

Abstract: Loans to small businesses located in an area of economic dislocation that is the result of the drastic fluctuation in the currency of a country contiguous to the United States.

Timetable:

Action	Date	FR Cite
NPRM	08/14/84	49 FR 32530
NPRM Comment Period Begin	08/14/84	
NPRM Comment Period End	08/29/84	
Final Action	10/04/84	49 FR 39268
Final Action Effective	10/04/84	49 FR 39268

Small Entity: Yes

Agency Contact: Bernard Kulik, Deputy Associate Administrator, Small Business Administration, 1441 L Street, NW, Disaster Assistance Division, Washington, DC 20416, **202 653-6879**

RIN: 3245-AA46

DISCLOSURE OF INFORMATION

Legal Authority: 15 USC 634

CFR Citation: 13 CFR 102

Abstract: Revision of Disclosure of Information Regulations: disclosure of commercial debts to credit agencies.

Timetable:

Action	Date	FR Cite
Final Action	10/17/84	49 FR 40564
Final Action Effective	10/17/84	49 FR 40564

Small Entity: No

Agency Contact: Nicholas Kalcounos, Director, Freedom of Information/Priv. Acts, Small Business Administration, 1441 L Street, NW, Washington, DC 20416, **202 653-6460**

RIN: 3245-AA52

DISASTER LOANS

Priority: Undetermined

Legal Authority: 15 USC 634(b)(6); 15 USC 636(b)(3)

CFR Citation: 13 CFR 123

Abstract: Rules concerning loans made for substantial economic injury caused by, or as a consequence of, action of the Federal Government.

Timetable:

Action	Date	FR Cite
NPRM	08/21/84	49 FR 33198
NPRM Comment Period Begin	08/21/84	
NPRM Comment Period End	09/20/84	
Final Action	12/24/84	49 FR 50008
Final Action Effective	01/07/85	49 FR 50008

Small Entity: Yes

Agency Contact: Bernard Kulik, Deputy Associate Administrator, Small Business Administration, Disaster Assistance, 1441 L Street, NW, Washington, DC 20416, **202 653-6879**

RIN: 3245-AA53

SMALL BUSINESS SIZE STANDARDS

Legal Authority: 15 USC 632(a)

CFR Citation: 13 CFR 121.5

Abstract: Delays the implementation of the nonmanufacturer rule as it applies to Government procurement requirements from the Defense Fuel Supply Center for certain refined petroleum products.

Timetable:

Action	Date	FR Cite
Temporary Emergency Rule takes effect	06/29/84	49 FR 27925
Temporary Emergency Rule	07/09/84	49 FR 27925
Temporary Emergency Rule ends	12/31/84	49 FR 27925

Small Entity: Yes

Agency Contact: Charlie L. Dean, Chief Counsel for Special Programs, Small Business Administration, 1441 L Street, NW, Washington, DC 20416, **202 653-6699**

RIN: 3245-AA56

COMPLETED REVIEWS

COOPERATIVE PROGRAMS WITH EXPORT-IMPORT BANK

Legal Authority: 15 USC 636(a)

CFR Citation: 13 CFR 107

Abstract: Extension of SBA lending authority for export loans.

SBA

Completed Actions

Timetable:

Action	Date	FR Cite
Begin Review	04/01/84	
End Review	10/15/84	49 FR 40238

Small Entity: Yes

Agency Contact: Edwin T. Holloway, Associate Administrator, Small Business Administration, Office of Finance and Investment, 1441 L Street, NW, Washington, DC 20416, 202 653-6632

RIN: 3245-AA32

ACTIONS THAT STARTED AND ENDED BETWEEN ISSUES OF THE UNIFIED AGENDA

● BUSINESS LOANS; FISCAL AND TRANSFER AGENT

Priority: Agency Determination

Legal Authority: 15 USC 634(b)(6); PL 98-352 (98 Stat. 329)

CFR Citation: 13 CFR 122, Subpart F

Abstract: Rules and procedures with respect to central registration provisions affecting SBA guaranteed loans sold in the secondary market.

Timetable:

Action	Date	FR Cite
Final Action	10/11/84	49 FR 39837
Final Action Effective	02/15/85	49 FR 39837

Small Entity: No

Agency Contact: James W. Hammersley, Financial Analyst, Small Business Administration, 1441 L Street, NW, Room 800C, Washington, DC 20416, 202 653-5954

RIN: 3245-AA62

● NONDISCRIMINATION IN FEDERALLY ASSISTED PROGRAMS OF SBA

Legal Authority: 15 USC 634(b)(6)

CFR Citation: 13 CFR 112

Abstract: Effectuation of Title VI of the Civil Rights Act of 1964; defining "Federal financial assistance" for purposes of nondiscrimination and listing of affected programs.

Timetable:

Action	Date	FR Cite
NPRM	02/09/84	49 FR 4948
NPRM Comment Period Begin	02/09/84	
NPRM Comment Period End	03/12/84	
Final Action	01/11/85	50 FR 1441
Final Action Effective	01/11/85	50 FR 1441

Small Entity: No

Agency Contact: Adelino Sanchez, Chief, Office of Civil Rights Compliance, Small Business Administration, 1441 L Street, NW, Room 501, Washington, DC 20416, 202 653-6054

RIN: 3245-AA69

● NONDISCRIMINATION IN FEDERALLY ASSISTED PROGRAMS OF SBA; EFFECTUATION OF POLICIES OF FEDERAL GOVERNMENT AND SBA

Legal Authority: 15 USC 634(b)(6)

CFR Citation: 13 CFR 113

Abstract: Revise Appendix A of Part 133 by updating listing of programs.

Timetable:

Action	Date	FR Cite
Final Action	01/11/85	50 FR 1442
Final Action Effective	01/11/85	50 FR 1442

Small Entity: No

Agency Contact: Adelino Sanchez, Chief, Office of Civil Rights Compliance, Small Business Administration, 1441 L Street, NW, Room 501, Washington, DC 20416, 202 653-6054

RIN: 3245-AA70

● STANDARDS OF CONDUCT

Legal Authority: 15 USC 634(b)(6)

CFR Citation: 13 CFR 105

Abstract: Responsibilities of Agency Standards of Conduct Counselor and Agency Ethics Officer transferred to Associate General Counsel for Financial Law.

Timetable:

Action	Date	FR Cite
Final Action Effective	08/07/84	49 FR 45742
Final Action	11/20/84	49 FR 45742

Small Entity: No

Agency Contact: Michael F. Kinkead, Attorney Adviser, Small Business Administration, 1441 L Street, NW, Room 722, Washington, DC 20416, 202 653-6381

RIN: 3245-AA81

[FR Doc. 85-9395 Filed 04-26-85; 8:45 am]

BILLING CODE 8025-01-T

Federal Register

Monday
April 29, 1985

Part XLII

Tennessee Valley Authority

Semiannual Regulatory Agenda

TVA

TENNESSEE VALLEY AUTHORITY

18 CFR Ch. XIII

Regulatory Agenda

AGENCY: Tennessee Valley Authority.

ACTION: Regulatory agenda.

SUMMARY: As a nonregulatory agency, TVA originates very few regulations and thus does not ordinarily have agenda items to announce. However, TVA has one regulation under development and is therefore publishing a regulatory agenda in voluntary compliance with Executive Order No. 12291.

FOR FURTHER INFORMATION CONTACT: For further information please contact the person listed.

W. F. Willis,

General Manager.

TENNESSEE VALLEY AUTHORITY (TVA)

Current and Projected Rulemakings

PROTECTION OF ARCHAEOLOGICAL RESOURCES

Legal Authority: 16 USC 470aa to 470ll

CFR Citation: 18 CFR 1312

Abstract: The planned regulations will implement provisions of the Archaeological Resources Protection Act of 1979 by providing protection of archaeological resources on public lands in TVA custody and control. TVA will seek to protect such resources through permits authorizing excavation or removal of resources, through civil penalties for unauthorized excavation or removal through preservation of archaeological resource collections and data, and through assuring confidentiality of information about resources when disclosure would threaten the resources. The planned regulations will supplement existing uniform regulations by assigning specific responsibilities within TVA.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Agency Contact: Maxwell D. Ramsey, Program Manager, Cultural Resources, Tennessee Valley Authority, 241 Natural Resources Building, Norris, Tennessee 37828. **615 632-6450**

RIN: 3316-AA02

[FR Doc. 85-6396 Filed 04-26-85; 8:45 am]

BILLING CODE 8120-01-T

Federal Register

Monday
April 29, 1985

Part XLIII

Veterans Administration

Semiannual Regulatory Agenda

VA

VETERANS ADMINISTRATION

38 CFR Ch. I

Agenda of Federal Regulations

AGENCY: Veterans Administration.

ACTION: Publication of agenda of regulations.

SUMMARY: This agenda announces the regulations that the Veterans Administration will have under review, development or revision during the 12 month period from April 1985 to April 1986. The purpose in publishing this Agency's regulatory development activities is to allow all interested persons the opportunity to participate in the rulemaking process.

ADDRESSES: Interested persons are invited to comment on the regulations listed in the agenda by contacting the individual agency contact listed for each regulation, or by writing to: Paperwork Management and Regulations Service (731), Veterans Administration, 810 Vermont Avenue, N.W., Washington, D.C. 20420.

FOR FURTHER INFORMATION CONTACT: Nancy McCoy (202) 389-2340.

SUPPLEMENTARY INFORMATION: Executive Order 12291, Federal Regulation, and the Regulatory Flexibility Act (Pub. L. 96-354) require that executive agencies publish in the **Federal Register** in April and October of each year, an agenda of regulations under development and review.

The Veterans Administration has no regulations considered major under the terms of E.O. 12291; however all of this agency's proposed rules and current rules under review, except those considered to be internal agency policy management or routine regulations, have been listed in accordance with section 5.(a) of the executive order. This agenda incorporates those categories of information required pursuant to 5 U.S.C. 602(a) and 610(c) (Regulatory Flexibility Act).

The Veterans Administration has found that all rules listed in this agenda, if promulgated, will not have a significant economic impact on a substantial number of small entities as they are defined in 5 U.S.C. 601 - 612.

This agenda has been prepared in accordance with OMB Bulletin 85-6.

DATED: February 21, 1985.

By direction of the Administrator.

Dominick Onorato,

Associate Deputy Administrator for Information Resources Management.

Current and Projected Rulemakings

Sequence Number	Title	Regulation Identifier Number
1	Eligibility for Hospital, Domiciliary, or Nursing Home Care of Persons Discharged or Released from Active Military, Naval or Air Service	2900-AA12
2	Considerations Applicable in Determining Eligibility for Domiciliary Care	2900-AB07
3	Extensions to Community Nursing Home Care	2900-AB21
4	Definition - Domiciliary Care	2900-AB24
5	Standards of Nursing Home Care for State Veterans Homes	2900-AB31
6	Community Residential Care	2900-AB32
7	Readjustment Counseling	2900-AB55
8	Telecaption Television Decoders	2900-AB56
9	Amend VA Regulations to Correct Errors and to Add Additional Items	2900-AB57
10	Amend VA Regulations for the Purpose of Correcting Certain Specific Technical Points and to Make Certain Editorial Changes	2900-AB59
11	Medical Care for Veterans Receiving Vocational Training under Chapter 15	2900-AB60
12	Disposition of Veteran's Personal Funds and Effects on Station upon Death, or Discharge, or Unauthorized Absence, and of Funds and Effects Found on Station	2900-AB61
13	Grants to States for Construction and Acquisition of State Home Facilities	2900-AB62
14	Veterans Education; Certifications of Enrollment	2900-AA58
15	Disqualification of Lenders	2900-AA89
16	Social Security Numbers in Veterans Benefits Matters	2900-AA95
17	Charging of Interest on Loan Guaranty Indebtedness	2900-AB00
18	Veterans' Group Life Insurance	2900-AB04
19	National Service Life Insurance - Dividends	2900-AB05
20	Payment of Proceeds	2900-AB06
21	Veterans Education; Foreign Medical Schools	2900-AB09
22	Veterans Education; Accreditation Level	2900-AB23
23	Incarcerated Veterans; Commencing Dates of Subsistence Allowance; Reduction or Termination Dates of Subsistence Allowance	2900-AB26
24	Acquisition of Property	2900-AB34
25	Extension of Default Reporting Requirement	2900-AB35
26	Dependents' Education; Elimination of Processing Time	2900-AB37
27	Dependents' Education: Eligibility for Special Restorative Training	2900-AB38
28	Veterans Education; Eligibility	2900-AB39
29	Veterans Education; Satisfactory Progress	2900-AB40
30	Veterans Education; Programs of Education at More Than One School	2900-AB41
31	Veterans Education; Course Substitution	2900-AB42
32	Veterans Education; VEAP Eligibility	2900-AB43

VA

Current and Projected Rulemakings—Continued

Sequence Number	Title	Regulation Identifier Number
33	Veterans Education; Cancellation of Unnecessary Regulations	2900-AB44
34	Effective Dates of Pension Awards	2900-AB46
35	Employee Fiduciaries	2900-AB50
36	Federal Fiduciary Commissions	2900-AB52
37	Temporary Program of Vocational Training for Certain New Pension Recipients	2900-AB53
38	Temporary Program for Trial Work Periods and Vocational Rehabilitation for Certain Veterans with Total Disability Ratings	2900-AB54
39	*Adjudication of Claims Based on Exposure to Dioxin or Ionizing Radiation	2900-AB64
40	Temporary Vocational Rehabilitation Programs and Automobile and Adaptive Equipment Allowance	2900-AB65
41	Incompetent-Estate Over $1500 and Hospitalized	2900-AB66
42	Veterans Education; Miscellaneous Administrative adjustments	2900-AB67
43	Veterans Education; New Monthly Rates	2900-AB68
44	Reservists Education; New Education Program for Members of the Selected Reserve	2900-AB69
45	Veterans Education; New Education Program for Veterans	2900-AB70
46	Veterans Education; Delegation of Authority	2900-AB71
47	Veterans Education; VEAP High School Rates	2900-AB72
48	Veterans Education; Right to Initially Enroll in VEAP Suspended	2900-AB73
49	Increase Specially Adapted Housing Grant	2900-AB74
50	1. Veterans Services Officer to Select and Appoint or Recommend for Appointment the Person or Legal Entity to Receive Veterans Administration Benefits in a Fiduciary Capacity 2. Direct Payment	2900-AB75
51	1. Payment to the Wife or Husband of an Incompetent Veteran 2. Legal Custodian	2900-AB76
52	Investments by Legal Custodians	2900-AB77
53	1. Veterans Services Officer's Action When Veteran's Estate Equals or Exceeds $1,500 2. Determination of Value of Estate; 38 USC 3203(b)(1)	2900-AB78
54	Subsistence Allowance	2900-AB79
55	Appeals Regulations and Rules of Practice	2900-AB29
56	Waiver of Overpayments Waiver - Third Persons Standards for Claims Collections	2900-AB33
57	Nondiscrimination on the Basis of Age in Programs and Activities Receiving Federal Financial Assistance	2900-AA21
58	Enforcement of Nondiscrimination on the Basis of Handicap in VA Programs	2900-AA87
59	Nondiscrimination on the Basis of Sex under Federal Assisted Education Programs and Activities	2900-AB51
60	Recognition of Organizations, Representatives, Agents and Attorneys	2900-AA38
61	Revision of Fees for Copies of VA Records	2900-AB18
62	Effect of General Counsel Opinions	2900-AB22
63	Inventions by Employees of Veterans Administration as Coinventors under Funding Agreements	2900-AB47
64	Environmental Effects of VA Actions	2900-AB17
65	Investigation	2900-AB28
66	Veterans Administration Acquisition Regulation	2900-AB49

*Indicates priority regulation.

Completed Actions

Sequence Number	Title	Regulation Identifier Number
67	Outreach Program, Fee Contract Program	2900-AA00
68	Medical Records Disclosure	2900-AA22
69	Definitions	2900-AB19
70	Medical Services	2900-AB30
71	Veterans Education; Educational Assistance Test Program	2900-AA01
72	Vocational Rehabilitation Amendments	2900-AA47
73	Vocational Rehabilitation Amendments	2900-AA48
74	Vocational Rehabilitation Amendments	2900-AA49
75	Vocational Rehabilitation Amendments	2900-AA50
76	Veterans Education; Special Restorative Training and Specialized Vocational Training	2900-AA74
77	Veterans Education; Change of Program	2900-AA91
78	Occupancy Requirements	2900-AA96
79	Certain Manufactured Housing Loans	2900-AA99
80	Veterans Education; Accreditation of Medical Residencies	2900-AB01
81	Premium Rates; Collection of any Indebtedness; Premium Waiver	2900-AB14
82	Dependents' Educational Assistance; Entitlement	2900-AB16
83	Categories of Administrative Separation	2900-AB20

VA

Completed Actions—Continued

Sequence Number	Title	Regulation Identifier Number
84	Veterans Education; School Reimbursement	2900-AB25
85	Increase Loan Fee for Housing Loans	2900-AB36
86	Dependency of Parents - Compensation	2900-AB45
87	Disinterments from National Cemeteries	2900-AB10
88	Amend VA Regulations to Provide an Extension to the Termination Date for Providing Contract Care Outside the United States	2900-AB58

VETERANS ADMINISTRATION (VA)

Current and Projected Rulemakings

DEPARTMENT OF MEDICINE AND SURGERY

1. ELIGIBILITY FOR HOSPITAL, DOMICILIARY, OR NURSING HOME CARE OF PERSONS DISCHARGED OR RELEASED FROM ACTIVE MILITARY, NAVAL OR AIR SERVICE

Legal Authority: PL 97-37

CFR Citation: 38 CFR 17.47(d); 38 CFR 17.47(e)

Abstract: Excludes nonservice-connected ex-POW's from the requirement to sign the oath of inability to pay for medical care.

Timetable:

Action	Date	FR Cite
NPRM	06/00/85	

Small Entity: No

Agency Contact: Jerome Hanes, Medical Administration Specialist, Veterans Administration, Department of Medicine and Surgery, 810 Vermont Avenue, NW, Washington, DC 20420, 202 389-2337

RIN: 2900-AA12

2. CONSIDERATIONS APPLICABLE IN DETERMINING ELIGIBILITY FOR DOMICILIARY CARE

Legal Authority: 38 USC 610(b); 38 USC 601(7)

CFR Citation: 38 CFR 17.48(c)(1)

Abstract: The existing regulation now defines the domiciliary program as the provision of a home with medical services as needed to veterans who have a chronic disability and who are unable to earn a living. The proposed change would clarify the mission of the domiciliary program as an integral part of the provision of health care services by the VA by refocusing the definition from the provision of housing to the provision of continuing medical and rehabilitative services at a less intensive level than that provided in a hospital or nursing home, but at a higher level than that available in a residential setting.

Timetable:

Action	Date	FR Cite
NPRM	04/00/85	

Small Entity: No

Agency Contact: Karen O. Walters, Medical Administration Specialist, Veterans Administration, Department of Medicine and Surgery, 810 Vermont Avenue, NW, Washington, DC 20420, 202 389-2337

RIN: 2900-AB07

3. EXTENSIONS TO COMMUNITY NURSING HOME CARE

Legal Authority: 38 USC 620

CFR Citation: 38 CFR 17.51a

Abstract: Existing regulations that permit an extension to an approved 6-month period of Community Nursing Home Care at VA expense are not definitive enough regarding the circumstances of an unusual nature which provide the impetus for granting such extensions. The proposed change will correct that deficiency.

Timetable:

Action	Date	FR Cite
NPRM	06/00/85	

Small Entity: No

Agency Contact: Stuart E. Mount, Medical Administration Specialist, Veterans Administration, Department of Medicine & Surgery, 810 Vermont Avenue, NW, Washington, DC 20420, 202 389-2851

RIN: 2900-AB21

4. DEFINITION - DOMICILIARY CARE

Legal Authority: 38 USC 610(b); 38 USC 601(7)

CFR Citation: 38 CFR 17.30(n)

Abstract: The existing regulation now defines the domiciliary program as the provision of a home with medical services as needed to veterans who have a chronic disability and who are unable to earn a living. The proposed change would clarify the mission of the domiciliary program as an integral part of the provision of health care services by the VA by refocusing the definition from the provision of housing to the provision of continuing medical and rehabilitative services at a less intensive level than that provided in a hospital or nursing home, but at a higher level than that available in a residential setting.

Timetable:

Action	Date	FR Cite
NPRM	04/00/85	

Small Entity: No

Agency Contact: Karen O. Walters, Medical Administration Specialist, Veterans Administration, Department of Medicine & Surgery, 810 Vermont Avenue, NW, Washington, DC 20420, 202 389-2337

RIN: 2900-AB24

5. STANDARDS OF NURSING HOME CARE FOR STATE VETERANS HOMES

Legal Authority: 38 USC 642(a)

CFR Citation: 38 CFR 17.165d

Abstract: The existing regulation now only refers to standards of care prescribed by the Administrator for State Veterans Homes. The proposed change will incorporate the nursing home standards of care into the VA Regulations.

Timetable:

Action	Date	FR Cite
NPRM	11/00/85	

Small Entity: No

Agency Contact: F. Brent Baker, Assistant State Home Program Coordinator, Veterans Administration, 810 Vermont Avenue, NW, Washington, DC 20420, **202 389-3679**

RIN: 2900-AB31

6. COMMUNITY RESIDENTIAL CARE

Legal Authority: 38 USC 630

CFR Citation: 38 CFR Not yet determined

Abstract: These regulations will clarify the legal status of the Community Residential Care program, setting standards and criteria for health and safety, facility resources, guidelines for costs of care, conditions under which the agency may cease referrals to non-complying facilities.

Timetable:

Action	Date	FR Cite
NPRM	06/00/85	

Small Entity: No

Agency Contact: J. R. Kelly, Chief, Community Care Programs, Veterans Administration, Department of Medicine and Surgery, Washington, DC 20420, **202 389-3692**

RIN: 2900-AB32

7. ● READJUSTMENT COUNSELING

Legal Authority: 38 USC 612(a); PL 98-160

CFR Citation: 38 CFR 17.57; 38 CFR 17.58

Abstract: This amendment changes the delimiting date from September 30, 1984, to September 30,1988 for which an eligible Vietnam era veteran may request readjustment counseling.

Timetable:

Action	Date	FR Cite
NPRM	06/00/85	

Small Entity: No

Agency Contact: Stuart Mount, Medical Administration Program Specialist, Veterans Administration, Department of Medicine & Surgery (136F), 810 Vermont Avenue, NW, Washington, DC 20420, **202 389-2143**

RIN: 2900-AB55

8. ● TELECAPTION TELEVISION DECODERS

Legal Authority: PL 98-528

CFR Citation: 38 CFR 17.115b; 38 CFR 17.115c

Abstract: This law authorizes the VA to furnish assistive devises to overcome the handicap of deafness, including telecaption television decoders, to any veteran who is profoundly deaf and is entitled to compensation on account of hearing impairment. As for telecaption TV decoders, VA policy previously limited the provision of this device to veterans who suffered an aberrant or morbid mental condition as a result of deafness. The law specifically authorizes the VA to provide this device but limits the provision to profoundly deaf veterans who are entitled to compensation for a hearing impairment.

Timetable:

Action	Date	FR Cite
NPRM	06/00/85	

Small Entity: Yes

Agency Contact: Donat Le Blanc, Program Analyst, Veterans Administration, Department of Medicine & Surgery (121), 810 Vermont Ave., NW, Washington, DC 20420, **202 389-2011**

RIN: 2900-AB56

9. ● AMEND VA REGULATIONS TO CORRECT ERRORS AND TO ADD ADDITIONAL ITEMS

Legal Authority: 38 USC 624; 38 USC 632

CFR Citation: 38 CFR 17.30 to 17.40

Abstract: These amendments specify for whom hospital, nursing home and intermediate care, and medical services may be provided in the Republic of the Philippines.

Timetable:

Action	Date	FR Cite
NPRM	04/00/85	

Small Entity: No

Agency Contact: Stuart Mount, Medical Administration Program Specialist, Veterans Administration, Department of Medicine & Surgery (136F), 810 Vermont Avenue, NW, Washington, DC 20420, **202 389-2143**

RIN: 2900-AB57

10. ● AMEND VA REGULATIONS FOR THE PURPOSE OF CORRECTING CERTAIN SPECIFIC TECHNICAL POINTS AND TO MAKE CERTAIN EDITORIAL CHANGES

Legal Authority: 38 USC 628

CFR Citation: 38 CFR 17.61; 38 CFR 17.80 to 17.85

Abstract: To clearly reflect the action to be taken when a patient breaks a treatment appointment. Increase the maximum allowance for prosthetic repairs and more clearly define the eligibility requirement for the benefit.

Timetable:

Action	Date	FR Cite
NPRM	06/00/85	

Small Entity: No

Agency Contact: Stuart Mount, Medical Administration Program Specialist, Veterans Administration, Department of Medicine and Surgery (136F), 810 Vermont Avenue, NW, Washington, DC 20420, **202 389-2143**

RIN: 2900-AB59

11. ● MEDICAL CARE FOR VETERANS RECEIVING VOCATIONAL TRAINING UNDER CHAPTER 15

Legal Authority: 38 USC 524; 38 USC 525; PL 98-543

CFR Citation: 38 CFR 17.56

Abstract: Section 301 of P.L. 98-543 authorizes the VA to provide certain benefits to those nonservice-connected veterans entitled to VA pension who are participating in a VA program of vocational training. Medical benefits authorized are analogous to those authorized to service-connected veterans participating in a VA vocational rehabilitation program under

38 USC Chapter 31, such as hospital care and medical services.

Timetable:

Action	Date	FR Cite
NPRM	06/00/85	

Small Entity: No

Agency Contact: **Paul Tryhus**, Medical Administration Program Specialist, Veterans Administration, Department of Medicine & Surgery (136F), 810 Vermont Avenue, NW, Washington, DC 20420, **202 389-2143**

RIN: 2900-AB60

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12. ● DISPOSITION OF VETERAN'S PERSONAL FUNDS AND EFFECTS ON STATION UPON DEATH, OR DISCHARGE, OR UNAUTHORIZED ABSENCE, AND OF FUNDS AND EFFECTS FOUND ON STATION

Legal Authority: 38 USC 210c

CFR Citation: 38 CFR 12.0 to 12.24

Abstract: Section 208 of Public Law 94-581 provides that unclaimed property or funds and effects left by a dependent or survivor of a veteran receiving medical care at a VA facility as a CHAMPVA beneficiary will be disposed of in the same or similar manner as such property left by a veteran. Also, estates of dependents or survivors of a veteran who dies intestate and without legal heirs while a patient in any VA facility or any hospital, while being furnished care or treatment therein by the VA will escheat to the U.S. Government. Some of these regulations have not been updated since 1948, therefore, editorial changes will be made which will not affect policy.

Timetable:

Action	Date	FR Cite
NPRM	06/00/85	

Small Entity: No

Agency Contact: **Paul Tryhus**, Medical Administration Program Specialist, Veterans Administration, Department of Medicine & Surgery (136F), 810 Vermont Avenue, NW, Washington, DC 20420, **202 389-2143**

RIN: 2900-AB61

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13. ● GRANTS TO STATES FOR CONSTRUCTION AND ACQUISITION OF STATE HOME FACILITIES

Legal Authority: 38 USC 5031 to 5037; PL 98-528

CFR Citation: 38 CFR 17.170 to 17.177

Abstract: The existing regulation contains construction standards which need updating. P.L. 98-528 provides for the acquisition of property for use as State Veterans Homes. The proposed revised regulations will accomplish these changes.

Timetable:

Action	Date	FR Cite
NPRM	06/00/85	

Small Entity: No

Agency Contact: **F. Brent Baker**, State Home Program Coordinator, Veterans Administration, Department of Medicine & Surgery (182C), 810 Vermont Avenue, NW, Washington, DC 20420, **202 389-3679**

RIN: 2900-AB62

DEPARTMENT OF VETERANS BENEFITS

14. VETERANS EDUCATION; CERTIFICATIONS OF ENROLLMENT

Legal Authority: PL 96-466

CFR Citation: 38 CFR 21.4137; 38 CFR 21.4203; 38 CFR 21.4204

Abstract: Limits certifications of enrollment to one term, quarter or semester at a time. This will prevent overpayments which the VA is making because of late reports of reductions or terminations in training.

Timetable:

Action	Date	FR Cite
NPRM	06/30/83	48 FR 30151
NPRM Comment Period Begin	06/30/83	
NPRM Comment Period End	08/01/83	
Final Action	00/00/00	

Small Entity: No

Agency Contact: **June Schaeffer**, Ass't Dir for Policy & Prog Administration, Veterans Administration, Department of Veterans Benefits, 810 Vermont Avenue, NW, Washington, DC 20420, **202 389-2092**

RIN: 2900-AA58

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15. DISQUALIFICATION OF LENDERS

Legal Authority: 38 USC 210(c); 38 USC 1803(c)(1); 38 USC 1819(g)

CFR Citation: 38 CFR 36.4216; 38 CFR 36.4331

Abstract: Present regulations authorize the suspension of lenders and their principals and officers for practices detrimental to the best interests of veterans or the Government. In some cases, however, individual employees of lenders are found to have committed fraud or engaged in other improprieties. The amendment would authorize suspension of these employees from further participation in the Loan Guaranty Program.

Timetable:

Action	Date	FR Cite
NPRM	04/05/84	49 FR 13553
NPRM Comment Period Begin	04/05/84	
NPRM Comment Period End	05/04/84	
Final Action	05/00/85	

Small Entity: No

Agency Contact: **George D. Moerman**, Assistant Director for Loan Policy, Veterans Administration, Department of Veterans Benefits, 810 Vermont Avenue, NW, Washington, DC 20420, **202 389-3042**

RIN: 2900-AA89

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16. SOCIAL SECURITY NUMBERS IN VETERANS BENEFITS MATTERS

Legal Authority: 38 USC 210(c); PL 97-365, Sec 4

CFR Citation: 38 CFR 1.575

Abstract: Authorizes the collection of a veteran's social security number and subsequent disclosure to the Internal Revenue Service as a condition of receiving a VA Guaranteed Home Loan or other extension of credit. This amendment is required by section 4 of Public Law 97-365, the Debt Collection Act of 1982, in order that Federal credit assistance decisions can be made with full knowledge of whether or not the applicant is a delinquent taxpayer.

Timetable:

Action	Date	FR Cite
NPRM	08/02/84	49 FR 30980
NPRM Comment Period Begin	08/02/84	
NPRM Comment Period End	09/04/84	
Final Action	08/00/85	

Small Entity: No

Agency Contact: George D. Moerman, Assistant Director for Loan Policy, Veterans Administration, Department of Veterans Benefits, 810 Vermont Avenue, NW, Washington, DC 20420 **202 389-3042**

RIN: 2900-AA95

17. CHARGING OF INTEREST ON LOAN GUARANTY INDEBTEDNESS

Legal Authority: 38 USC 210(c); 38 USC 1803(c)(1); 38 USC 1819(g); 38 USC 3115 as amended by Public Law 96-466

CFR Citation: 38 CFR 36.4285(a); 36 CFR 36.4323(e)

Abstract: Authorizes the charging of interest on Loan Guaranty Indebtedness at a rate to be prescribed from time to time by the Secretary of the Treasury. This amendment is mandated by 38 U.S.C. 3115, as amended by Public Law 96-466.

Timetable:

Action	Date	FR Cite
NPRM	07/17/84	49 FR 28887
NPRM Comment Period Begin	07/17/84	
NPRM Comment Period End	08/09/84	
Final Action	06/00/85	

Small Entity: No

Agency Contact: Raymond Brodie, Assistant Director for Loan Management, Veterans Administration, Department of Veterans Benefits, 810 Vermont Avenue, NW, Washington, DC 20420, **202 389-3668**

RIN: 2900-AB00

18. VETERANS' GROUP LIFE INSURANCE

Legal Authority: 38 USC 777(a)

CFR Citation: 38 CFR 9.36

Abstract: Under existing law, no person may carry a combined amount of Servicemen's Group Life Insurance and Veterans' Group Life Insurance in excess of $35,000 at any one time. Despite this provision, a significant number of insureds are paying premiums for both SGLI and VGLI in excess of the coverage allowed. The regulation will state that the Office of Servicemen's Group Life Insurance will be responsible only for the return of premiums paid in excess of the maximum allowable amount of coverage. There is no cost to the Government.

Timetable:

Action	Date	FR Cite
NPRM	06/12/84	49 FR 24149
NPRM Comment Period Begin	06/12/84	
NPRM Comment Period End	07/11/84	
Final Action	03/00/85	

Small Entity: No

Agency Contact: Robert W. Carey, Assistant Director for Insurance, Veterans Administration, VA Insurance Center, P.O. Box 8079, Philadelphia, PA 19101, **215 951-5360**

RIN: 2900-AB04

19. NATIONAL SERVICE LIFE INSURANCE - DIVIDENDS

Legal Authority: 38 USC 707(c)

CFR Citation: 38 CFR 8.26

Abstract: Effective July 1, 1972, a new dividend option was authorized for National Service Life Insurance, under which a NSLI policyholder may request that dividends on his or her participating policy be used to purchase additional paid-up insurance. The regulation change will update the existing regulation to reflect that paid-up addition dividend option is available.

Timetable:

Action	Date	FR Cite
NPRM	06/12/84	49 FR 24149
NPRM Comment Period Begin	06/12/84	
NPRM Comment Period End	07/11/84	
Final Action	03/00/85	

Small Entity: No

Agency Contact: Robert W. Carey, Assistant Director for Insurance, Veterans Administration, VA Insurance Center, P.O. Box 8079, Philadelphia, PA 19101, **215 951-5360**

RIN: 2900-AB05

20. PAYMENT OF PROCEEDS

Legal Authority: 38 USC 770(c)

CFR Citation: 38 CFR 9.18(d)

Abstract: Under prior law, when a Servicemen's Group Life Insurance or Veterans' Group Life Insurance claim was not filed within four years of the insured's death, the proceeds would escheat to the SGLI revolving fund. The law was amended to ensure that no claims are denied because of a failure to file within the four year period. There is no cost to the Government and beneficiaries will benefit by not being deprived of the proceeds.

Timetable:

Action	Date	FR Cite
NPRM	06/12/84	49 FR 24149
NPRM Comment Period Begin	06/12/84	
NPRM Comment Period End	07/11/84	
Final Action	03/00/85	

Small Entity: No

Agency Contact: Robert W. Carey, Assistant Director for Insurance, Veterans Administration, VA Insurance Center, P.O. Box 8079, Philadelphia, PA 19101, **215 951-5360**

RIN: 2900-AB06

21. VETERANS EDUCATION; FOREIGN MEDICAL SCHOOLS

Legal Authority: 38 USC 1676

CFR Citation: 38 CFR 21.4260

Abstract: Provides additional criteria a foreign medical school must meet before a veteran's enrollment in the school's courses may be approved. The Veterans Administration is considering whether to require a foreign medical school to meet all or some of the criteria it must meet in order to participate in the Guaranteed Student Loan Program.

Timetable:

Action	Date	FR Cite
NPRM	06/00/85	

Small Entity: No

Agency Contact: June C. Schaeffer, Ass'st Dir. for Policy and Program Admin., Veterans Administration, Department of Veterans Benefits, 810 Vermont Avenue, NW, Washington, DC 20420, **202 389-2092**

RIN: 2900-AB09

22. VETERANS EDUCATION; ACCREDITATION LEVEL

Legal Authority: 38 USC 1788

CFR Citation: 38 CFR 21.4272; 38 CFR 21.4273

Abstract: The regulations governing measurement of courses have assumed that when a college is accredited by a regional accrediting association, the accreditation extends to all the college's courses. This is not always the case. Consequently, when regulation users attempt to apply these regulations, they become confused. This proposal will rewrite the regulations to take into account the fact that some regional accrediting associations accredit colleges at various degree levels (associate degree, bachelor's degree, etc.).

Timetable:

Action	Date	FR Cite
NPRM	05/24/84	49 FR 21949
NPRM Comment Period Begin	05/24/84	
NPRM Comment Period End	06/25/84	
Final Action	04/00/85	

Small Entity: No

Agency Contact: June C. Schaeffer, Ass'st Director for Policy and Program Admin, Veterans Administration, Department of Veterans Benefits, 810 Vermont Avenue NW, Washington, DC 20420, 202 389-2092

RIN: 2900-AB23

23. INCARCERATED VETERANS; COMMENCING DATES OF SUBSISTENCE ALLOWANCE; REDUCTION OR TERMINATION DATES OF SUBSISTENCE ALLOWANCE

Legal Authority: 38 USC 1508; 38 USC 1780; 38 USC 3012

CFR Citation: 38 CFR 21.276; 38 CFR 21.322; 38 CFR 21.324

Abstract: The regulations implement provisions of 1508 & 1780 which change the condition under which payment of subsistence allowance may be made to an incarcerated veteran pursuing a program of vocational rehabilitation under chapter 31, title 38, U.S. Code. The regulations implementing provisions of 3012 implement provisions establishing new dates for terminating payment of additional amounts of subsistence allowance for dependents of veterans in vocational rehabilitation programs under chapter 31. Issuance of regulations is required. There are no significant cost increases or savings as a result of these changes.

Timetable:

Action	Date	FR Cite
Final Action	09/00/85	

Small Entity: No

Agency Contact: Dr. Karen Boies, Asst. Dir., Policy & Program Development, Veterans Administration, Dept of Veterans Benefits, 810 Vermont Avenue, NW, Washington, DC 20420, 202 389-2886

RIN: 2900-AB26

24. ACQUISITION OF PROPERTY

Priority: Undetermined

Legal Authority: 38 USC 210(c); 38 USC 1816(a); PL 98-369, Sec 2512

CFR Citation: 38 CFR 36.4320; 38 CFR 36.4319(f); 38 CFR 36.4321(a); 38 CFR 36.4300

Abstract: There are currently no specific regulatory requirements as to when the VA may or may not accept conveyance of a property on which the VA-guaranteed loan securing it has been foreclosed. Pursuant to PL 98-369 the changed regulation will provide formulas and specifically define when the VA may acquire a property. The changed regulations will also clarify establishment of a cut off date for claim computation in cases in which liquidation of a loan is unduly delayed.

Timetable:

Action	Date	FR Cite
NPRM	04/00/85	

Small Entity: No

Agency Contact: Raymond Brodie, Assistant Director for Loan Management, Veterans Administration, 810 Vermont Avenue, NW, Washington, DC 20420, 202 389-3668

RIN: 2900-AB34

25. EXTENSION OF DEFAULT REPORTING REQUIREMENT

Legal Authority: 38 USC 210(c); 38 USC 1816(a)

CFR Citation: 38 CFR 36.4600(c)(1)

Abstract: Present regulations require that lenders holding loans sold by the Veterans Administration must furnish the VA with a notice of default within 30 days after a loan has become two full installments in default. The regulatory change will require lenders to report such a default within 60 days instead of thirty. This change will provide lenders additional time to service loans and result in less defaults being reported which are subsequently cured.

Timetable:

Action	Date	FR Cite
NPRM	05/00/85	

Small Entity: No

Agency Contact: Raymond Brodie, Assistant Director for Loan Management, Veterans Administration, 810 Vermont Avenue, NW, Washington, DC 20420, 202 389-3668

RIN: 2900-AB35

26. DEPENDENTS' EDUCATION; ELIMINATION OF PROCESSING TIME

Legal Authority: 38 USC 3003(a)

CFR Citation: 38 CFR 21.3032

Abstract: This regulation will be amended to eliminate a statement that the time the VA takes to process a claim can be considered when determining how long a person will remain eligible to receive dependents' educational assistance. The law no longer allows the VA to consider processing time.

Timetable:

Action	Date	FR Cite
NPRM	11/26/84	49 FR 46441
NPRM Comment Period Begin	11/26/84	
NPRM Comment Period End	12/24/84	
Final Action	05/00/85	

Small Entity: No

Agency Contact: June C. Schaeffer, Asst. Dir. for Policy and Program Admin., Veterans Administration, Department of Veterans Benefits, Washington, DC 20420, 202 389-2092

RIN: 2900-AB37

27. DEPENDENTS' EDUCATION: ELIGIBILITY FOR SPECIAL RESTORATIVE TRAINING

Legal Authority: 38 USC 1743(b)

CFR Citation: 38 CFR 21.3330; 38 CFR 21.3332

Abstract: These regulations will be amended to make clear that only eligible children may receive special restorative training as provided by law. The language currently used has caused

confusion as to what people may be eligible for these benefits.

Timetable:

Action	Date	FR Cite
NPRM	10/09/84	49 FR 39572
NPRM Comment Period Begin	10/09/84	
NPRM Comment Period End	11/08/84	
Final Action	04/00/85	

Small Entity: No

Agency Contact: June C. Schaeffer, Asst. Dir. for Policy and Program Admin., Veterans Administration, Department of Veterans Benefits, Washington, DC 20420, **202 389-2092**

RIN: 2900-AB38

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28. VETERANS EDUCATION; ELIGIBILITY

Legal Authority: PL 98-223

CFR Citation: 38 CFR 21.1022; 38 CFR 21.1040; 38 CFR 21.3022; 38 CFR 21.4020; 38 CFR 21.4022

Abstract: These regulations implement those provisions of the Veterans' Compensation and Program Improvements Amendments of 1984 which affect people eligible to receive benefits under the dependents' educational assistance program or the G.I. Bill. The regulations deal with situations when someone is eligible for educational assistance under more than one of the programs administered by the VA.

Timetable:

Action	Date	FR Cite
NPRM	12/24/84	49 FR 49858
NPRM Comment Period Begin	12/24/84	
NPRM Comment Period End	01/24/85	
Final Action	06/00/85	

Small Entity: No

Agency Contact: June C. Schaeffer, Ass'st Dir. for Policy & Program Admin., Veterans Administration, Department of Veterans Benefits, 810 Vermont Avenue NW, Washington, DC 20420, **202 389-2092**

RIN: 2900-AB39

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29. VETERANS EDUCATION; SATISFACTORY PROGRESS

Legal Authority: 38 USC 1674

CFR Citation: 38 CFR 21.4203

Abstract: The VA wishes to amend the regulation dealing with reports of a veteran's or eligible person's unsatisfactory progress in their training under the G.I. Bill. The amended regulation will make clear that only the school's regularly prescribed standards of progress will be used in determining if a veteran's or eligible person's progress is unsatisfactory.

Timetable:

Action	Date	FR Cite
NPRM	01/11/85	50 FR 1549
NPRM Comment Period Begin	01/11/85	
NPRM Comment Period End	02/11/85	
Final Action	06/00/85	

Small Entity: No

Agency Contact: June C. Schaeffer, Ass't Dir. for Policy and Program Admin., Veterans Administration, Department of Veterans Benefits, 810 Vermont Avenue NW, Washington, DC 20420, **202 389-2092**

RIN: 2900-AB40

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30. VETERANS EDUCATION; PROGRAMS OF EDUCATION AT MORE THAN ONE SCHOOL

Legal Authority: 38 USC 1652

CFR Citation: 38 CFR 21.4252

Abstract: The VA wishes to amend this regulation to recognize that the first portion of the subjects or courses in a baccalaureate program beyond those necessary for an associate degree may be given at a private as well as a public 2-year college. The amendment will also address the fact that the remainder of these programs may be offered at private as well as a public 4-year college or university.

Timetable:

Action	Date	FR Cite
NPRM	04/00/85	

Small Entity: No

Agency Contact: June C. Schaeffer, Ass't Director for Policy & Program Admin., Veterans Administration, Department of Veterans Benefits, 810 Vermont Avenue NW, Washington, DC 20420, **202 389-2092**

RIN: 2900-AB41

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31. VETERANS EDUCATION; COURSE SUBSTITUTION

Legal Authority: 38 USC 1772

CFR Citation: 38 CFR 21.4131; 38 CFR 21.4132

Abstract: The VA wishes to amend these regulations to set a limit upon how far back in the past a State Approving Agency can set the effective date for the approval of a course. This will eliminate excessively long delays in approving courses. The VA is considering a one year time limit.

Timetable:

Action	Date	FR Cite
NPRM	04/00/85	

Small Entity: No

Agency Contact: June C. Schaeffer, Ass't Dir. for Policy and Program Admin., Veterans Administration, Department of Veterans Benefits, 810 Vermont Avenue NW, **202 389-2092**

RIN: 2900-AB42

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32. VETERANS EDUCATION; VEAP ELIGIBILITY

Legal Authority: PL 98-223

CFR Citation: 38 CFR 21.5022; 38 CFR 21.5040; 38 CFR 21.5058; 38 CFR 21.5060

Abstract: These regulations implement those provisions of the Veterans' Compensation and Program Improvements Amendments of 1984 which affect the Post-Vietnam Era Veterans' Educational Assistance Program (VEAP). The most far-reaching provision permits those veterans who are eligible for both VEAP and the G.I. Bill to elect which one they will receive benefits under.

Timetable:

Action	Date	FR Cite
NPRM	07/00/85	

Small Entity: No

Agency Contact: June C. Schaeffer, Asst. Dir. for Policy & Program Admin, Veterans Administration, Department of Veterans Benefits, 810 Vermont Avenue NW, Washington, DC 20420, **202 389-2092**

RIN: 2900-AB43

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33. VETERANS EDUCATION; CANCELLATION OF UNNECESSARY REGULATIONS

Legal Authority: 38 USC 1780(d)

CFR Citation: 38 CFR 21.4136; 38 CFR 21.4137; 38 CFR 21.4235; 38 CFR 21.4237

Abstract: The VA wishes to cancel several paragraphs in some sections dealing with the G.I. Bill. These paragraphs are redundant. The agency wishes to amend a paragraph dealing with advance payment so that it is in agreement with other paragraphs on the same subject.

Timetable:

Action	Date	FR Cite
NPRM	04/00/85	

Small Entity: No

Agency Contact: June C. Schaeffer, Asst. Dir. for Policy and Program Admin., Veterans Administration, Department of Veterans Benefits, Washington, DC 20420, 202 389-2092

RIN: 2900-AB44

34. EFFECTIVE DATES OF PENSION AWARDS

Legal Authority: PL 98-369

CFR Citation: 38 CFR 3.400

Abstract: Limits the effective date of a disability or death pension award to date of receipt of claim unless certain specific conditions are satisfied.

Timetable:

Action	Date	FR Cite
NPRM	12/31/84	49 FR 50742
NPRM Comment Period Begin	12/31/84	
NPRM Comment Period End	01/30/85	
Final Action	04/00/85	

Small Entity: No

Agency Contact: Robert M. White, Chief, Regulations Staff, Veterans Administration, Central Office, 810 Vermont Avenue NW, Washington, DC 20420, 202 389-3005

RIN: 2900-AB46

35. ● EMPLOYEE FIDUCIARIES

Legal Authority: 38 USC 210

CFR Citation: 38 CFR 0.735-21

Abstract: The existing regulation falls under the general rules of conduct for employees. The intended change will bar most employees from becoming fiduciaries for beneficiaries of VA benefits and establish an exemption to the bar under a limited number of circumstances such as when the employee is a close relative.

Timetable:

Action	Date	FR Cite
NPRM	04/00/85	

Small Entity: No

Agency Contact: William B. Saliski, Jr., Program Analyst, Veterans Administration, Department of Veterans Benefits (274), 810 Vermont Avenue, NW, Washington, DC 20420, 202 389-3644

RIN: 2900-AB50

36. ● FEDERAL FIDUCIARY COMMISSIONS

Legal Authority: PL 98-223, Sec 207; 38 USC 3202(a)

CFR Citation: 38 CFR 13.64

Abstract: This is a new regulation which gives the Veterans Services Officer authority to allow certain fiduciaries to obtain a modest fee from the incompetent beneficiary's estate for fiduciary services rendered.

Timetable:

Action	Date	FR Cite
NPRM	03/00/85	

Small Entity: No

Agency Contact: William B. Saliski, Jr., Program Analyst, Veterans Administration, Department of Veterans Benefits (274), 810 Vermont Avenue, NW, Washington, DC 20420, 202 389-3644

RIN: 2900-AB52

37. ● TEMPORARY PROGRAM OF VOCATIONAL TRAINING FOR CERTAIN NEW PENSION RECIPIENTS

Legal Authority: PL 98-543, Sec 301

CFR Citation: 38 CFR 21

Abstract: The pilot program is directed to evaluating the effectiveness of a vocational training and related services in restoring veterans to gainful employment and realizing cost benefits. During the period February 1, 1985, through January 31, 1989, veterans awarded pension may be eligible for up to 24 months or more of vocational training to prepare for and enter employment. Under this program every veteran under age 50 who begins to receive a pension award on or after February 1, 1985, will participate in a vocational evaluation to be arranged by the VA. Veterans who are age 50 and older and are awarded pension after February 1, 1985, may apply for an evaluation of their ability to profit from vocational training. Vocational training for up to 24 months or more and up to 18 months of employment services will be provided for program participants. A veteran will continue to receive pension during the period of training and employment services. Pension will be reduced or terminated following adjustment in employment when work income exceeds the annual income limitation applicable to pension.

Timetable:

Action	Date	FR Cite
NPRM	04/00/85	

Small Entity: No

Agency Contact: Dr. Karen G. Boies, Asst. Director, Policy & Program Development, Veterans Administration, Department of Veterans Benefits (282), 810 Vermont Avenue, NW, Washington, DC 20420, 202 389-2886

RIN: 2900-AB53

38. ● TEMPORARY PROGRAM FOR TRIAL WORK PERIODS AND VOCATIONAL REHABILITATION FOR CERTAIN VETERANS WITH TOTAL DISABILITY RATINGS

Legal Authority: PL 98-543, Sec 111

CFR Citation: 38 CFR 21

Abstract: The pilot program is directed at evaluating the effectiveness of a program of employment and or vocational rehabilitation services in enabling veterans in receipt of disability ratings by virtue of individual unemployability to become employed. During the period from February 1, 1985, through January 31, 1989, the veteran with a total disability rating due to IU (Individual Unemployability) who wishes to return to work will be protected for 12 consecutive months of employment. The VA will provide vocational rehabilitation and/or employment services to assist veterans to train for or to secure employment. A veteran with an IU rating prior to February 1, 1985, may choose to use these employment services or be considered for training under the VA vocational rehabilitation program. In either case, the veteran's IU rating remains protected for 12 months if he or she secures employment. For veterans

receiving an IU rating from February 1, 1985, and through January 31, 1989,an evaluation to determine if a vocational goal is feasible is required, and if it is, lack of participation will be considered in the veteran's next review of eligibility.

Timetable:

Action	Date	FR Cite
NPRM	04/00/85	

Small Entity: No

Agency Contact: Dr. Karen G. Boies, Asst. Director, Policy & Program Development, Veterans Administration, Department of Veterans Benefits (282), 810 Vermont Ave, NW, Washington, DC 20420, 202 389-2886

RIN: 2900-AB54

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39. ● ADJUDICATION OF CLAIMS BASED ON EXPOSURE TO DIOXIN OR IONIZING RADIATION

Priority: Agency Determination

Legal Authority: PL 98-542

CFR Citation: 38 CFR 1.17, (New); 38 CFR 3.102; 38 CFR 3.311a, (New); 38 CFR 3.311b, (New); 38 CFR 3.813, (New)

Abstract: These regulations provide guidelines for evaluating scientific studies, restate the reasonable doubt doctrine, provide standards and criteria for adjudicating claims based on exposure to dioxin or ionizing radiation, and provide for interim benefits in certain cases of chloracne and porphyria cutanea tarda.

Timetable:

Action	Date	FR Cite
NPRM	04/00/85	
Final Action	08/00/85	

Small Entity: No

Agency Contact: Robert M. White, Chief, Regulations Staff, Veterans Administration, Department of Veterans Benefits (211B), 810 Vermont Avenue, NW, Washington, DC 20420, 202 389-3005

RIN: 2900-AB64

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40. ● TEMPORARY VOCATIONAL REHABILITATION PROGRAMS AND AUTOMOBILE AND ADAPTIVE EQUIPMENT ALLOWANCE

Legal Authority: PL 98-543

CFR Citation: 38 CFR 3.341; 38 CFR 3.342; 38 CFR 3.343; 38 CFR 3.808

Abstract: These regulations provide for specific adjudicative actions on certain pension and total disability compensation awards when veterans required to participate in temporary vocational rehabilitation programs fail to do so. Also included are amendments increasing the automobile allowance and adaptive equipment eligibility.

Timetable:

Action	Date	FR Cite
NPRM	06/00/85	

Small Entity: No

Agency Contact: Robert M. White, Chief, Regulations Staff, Veterans Administration, Department of Veterans Benefits (211B), 810 Vermont Avenue, NW, Washington, DC 20420, 202 389-3005

RIN: 2900-AB65

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41. ● INCOMPETENT-ESTATE OVER $1500 AND HOSPITALIZED

Legal Authority: PL 98-543; 38 USC 210(c)

CFR Citation: 38 CFR 3.556; 38 CFR 3.557; 38 CFR 3.558

Abstract: These amendments provide for waiver of withholding of benefits in certain incompetent veteran cases because of financial hardship, excludes the value of an incompetent veteran's home from estate computation in certain cases, and makes other technical changes.

Timetable:

Action	Date	FR Cite
NPRM	05/00/85	

Small Entity: No

Agency Contact: Robert M. White, Chief, Regulations Staff, Veterans Administration, Department of Veterans Benefits (211B), 810 Vermont Avenue, NW, Washington, DC 20420, 202 389-3005

RIN: 2900-AB66

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42. ● VETERANS EDUCATION; MISCELLANEOUS ADMINISTRATIVE ADJUSTMENTS

Legal Authority: PL 98-525

CFR Citation: 38 CFR 21.1022; 38 CFR 21.3022; 38 CFR 21.4005; 38 CFR 21.4009; 38 CFR 21.4020; 38 CFR 21.4022; 38 CFR 21.4134; 38 CFR 21.4153; 38 CFR 21.4201; 38 CFR 21.4206; 38 CFR 21.4207; 38 CFR 21.4209; 38 CFR 21.4250

Abstract: The Veterans' Educational Assistance Act of 1984 established a new educational program for veterans and servicemembers, and a new educational program for members of the Selected Reserves. Some of the provisions of the new programs affect the administration of the GI Bill for Vietnam Era veterans. The affected regulations will be brought into agreement with the law.

Timetable:

Action	Date	FR Cite
NPRM	05/00/85	

Small Entity: No

Agency Contact: June C. Schaeffer, Ass'st Director for Policy and Program Admin, Veterans Administration, Department of Veterans Benefits (225), 810 Vermont Avenue, NW, Washington, DC 20420, 202 389-2092

RIN: 2900-AB67

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43. ● VETERANS EDUCATION; NEW MONTHLY RATES

Legal Authority: PL 98-543

CFR Citation: 38 CFR 21.1041; 38 CFR 21.1045; 38 CFR 21.3046; 38 CFR 21.3300; 38 CFR 21.3333; 38 CFR 21.4136; 38 CFR 21.4137; 38 CFR 21.4236; 38 CFR 21.4279; 38 CFR 21.4503; 38 CFR 21.4612; 38 CFR 21.4632

Abstract: The Veterans' Benefits Improvement Act of 1984 raised the monthly rate of educational assistance allowance payable to veterans training under the GI Bill. This change will bring the pertinent regulations into agreement with the law.

Timetable:

Action	Date	FR Cite
Final Action Effective	10/01/84	
Final Action	04/00/85	

Small Entity: No

Agency Contact: June C. Schaeffer, Ass'st Director for Policy and Program Admin, Veterans Administration, Department of Veterans Benefits (225), 810 Vermont Avenue, NW, Washington, DC 20420, 202 389-2092

RIN: 2900-AB68

44. ● RESERVISTS EDUCATION; NEW EDUCATION PROGRAM FOR MEMBERS OF THE SELECTED RESERVE

Legal Authority: 10 USC 2131 et seq

CFR Citation: Not yet determined

Abstract: A new education program for members of the Selected Reserve has been established by law. Regulations are needed so that the new program may be properly administered.

Timetable:

Action	Date	FR Cite
NPRM	09/00/85	

Small Entity: Undetermined

Agency Contact: June C. Schaeffer, Ass'st Director for Policy and Program Admin, Veterans Administration, Department of Veterans Benefits (225), 810 Vermont Avenue, NW, Washington, DC 20420, 202 389-2092

RIN: 2900-AB69

45. ● VETERANS EDUCATION; NEW EDUCATION PROGRAM FOR VETERANS

Legal Authority: 38 USC 1401 et seq

CFR Citation: Not yet determined

Abstract: A new education program for veterans and servicemembers has been established by law. Regulations are needed so that the new program may be properly administered.

Timetable:

Action	Date	FR Cite
NPRM	09/00/85	

Small Entity: Undetermined

Agency Contact: June C. Schaeffer, Ass'st Director for Policy and Program Admin, Veterans Administration, Department of Veterans Benefits (225), 810 Vermont Avenue, NW, Washington, DC 20420, 202 389-2092

RIN: 2900-AB70

46. ● VETERANS EDUCATION; DELEGATION OF AUTHORITY

Legal Authority: 38 USC 212

CFR Citation: 38 CFR 21.4001

Abstract: The regulation currently delegates to the Director, Education Service the authority to approve lengthy programs of special restorative training. This change will delegate this authority instead to the Director, Vocational Rehabilitation and Counseling Service.

Timetable:

Action	Date	FR Cite
NPRM	04/00/85	

Small Entity: No

Agency Contact: June C. Schaeffer, Ass'st Director for Policy and Program Admin, Veterans Administration, Department of Veterans Benefits (225), 810 Vermont Avenue, NW, Washington, DC 20420, 202 389-2092

RIN: 2900-AB71

47. ● VETERANS EDUCATION; VEAP HIGH SCHOOL RATES

Legal Authority: PL 98-543

CFR Citation: 38 CFR 21.5136

Abstract: The Veterans' Benefits Improvement Act of 1984 raised the monthly rate of educational assistance allowance payable to some veterans training in high school under VEAP. This change will bring the pertinent regulation into agreement with the law.

Timetable:

Action	Date	FR Cite
Final Action Effective	10/01/84	
Final Action	04/00/85	

Small Entity: No

Agency Contact: June C. Schaeffer, Ass'st Director for Policy and Program Admin, Veterans Administration, Department of Veterans Benefits (225), 810 Vermont Avenue, NW, Washington, DC 20420, 202 389-2092

RIN: 2900-AB72

48. ● VETERANS EDUCATION; RIGHT TO INITIALLY ENROLL IN VEAP SUSPENDED

Legal Authority: PL 98-525, Sec 704

CFR Citation: 38 CFR 21.5054

Abstract: The Department of Defense Authorization Act, 1985 prohibits a member of the Armed Forces from initially enrolling in VEAP during the period beginning on July 1, 1985 and ending on June 30, 1988. This change will bring the pertinent regulation into agreement with the law.

Timetable:

Action	Date	FR Cite
NPRM	04/00/85	

Small Entity: No

Agency Contact: June C. Schaeffer, Ass'st Director for Policy and Program Admin, Veterans Administration, Department of Veterans Benefits (225), 810 Vermont Avenue, NW, Washington, DC 20420, 202 389-2092

RIN: 2900-AB73

49. ● INCREASE SPECIALLY ADAPTED HOUSING GRANT

Legal Authority: 38 USC 210(c); 38 USC 801(b); PL 98-543

CFR Citation: 38 CFR 36.4404(b)(2)

Abstract: Specially Adapted Housing Assistance is available for service-connected disabled veterans who are blind or who have lost or lost the use of both hands. The maximum amount of this grant was increased from $5,000 to $6,000 by Public Law 98-543. A conforming change is being made to the regulations.

Timetable:

Action	Date	FR Cite
NPRM	06/00/85	

Small Entity: No

Agency Contact: George D. Moerman, Assistant Director for Loan Policy, Veterans Administration, Department of Veterans Benefits (264), 810 Vermont Avenue, NW, Washington, DC 20420, 202 389-3042

RIN: 2900-AB74

50. ● 1. VETERANS SERVICES OFFICER TO SELECT AND APPOINT OR RECOMMEND FOR APPOINTMENT THE PERSON OR LEGAL ENTITY TO RECEIVE VETERANS ADMINISTRATION BENEFITS IN A FIDUCIARY CAPACITY 2. DIRECT PAYMENT

Legal Authority: 38 USC 3202(a)

CFR Citation: 38 CFR 13.55; 38 CFR 13.56

Abstract: 38 CFR 13.55 authorizes the VSO to select and appoint a fiduciary and defines the types of payees authorized to receive payments in fiduciary cases. The intended change updates the authority language to more closely reflect changes to 38 USC 3202;

removes gender specific terminology and reference to mental illness; and, further clarifies the types of payees available for selection.

38 CFR 13.56 defines classes of beneficiaries who may be paid directly. The intended change clarifies the conditions for direct payment.

Timetable:

Action	Date	FR Cite
NPRM	07/00/85	

Small Entity: No

Agency Contact: William B. Saliski, Jr., Program Analyst, Veterans Administration, Department of Veterans Benefits (274), 810 Vermont Avenue, NW, Washington, DC 20420, **202 389-3644**

RIN: 2900-AB75

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51. ● 1. PAYMENT TO THE WIFE OR HUSBAND OF AN INCOMPETENT VETERAN
2. LEGAL CUSTODIAN

Legal Authority: 38 USC 3202

CFR Citation: 38 CFR 13.57; 38 CFR 13.58

Abstract: 38 CFR 13.57 specifies types of VA benefits that may be paid to spouse payee. The intended change broadens the class of payments to include VA insurance.

38 CFR 13.58 explains in part duties expected of a legal custodian. The intended change will clarify the custodian's authority to purchase a burial agreement for the incompetent beneficiary.

Timetable:

Action	Date	FR Cite
NPRM	07/00/85	

Small Entity: No

Agency Contact: William B. Saliski, Jr., Program Analyst, Veterans Administration, Department of Veterans Benefits (274), 810 Vermont Avenue, NW, Washington, DC 20420, **202 389-3644**

RIN: 2900-AB76

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52. ● INVESTMENTS BY LEGAL CUSTODIANS

Legal Authority: 38 USC 3202

CFR Citation: 38 CFR 13.103

Abstract: The regulation gives Federally appointed legal custodian fiduciaries authority to invest surplus VA funds in savings bonds, or interest or dividend-paying accounts in State or Federally insured institutions. The intended regulation will give authority for investments in pre-need burial plans.

Timetable:

Action	Date	FR Cite
NPRM	07/00/85	

Small Entity: No

Agency Contact: William B. Saliski, Jr., Program Analyst, Veterans Administration, Department of Veterans Benefits (274), 810 Vermont Avenue, NW, Washington, DC 20420, **202 389-3644**

RIN: 2900-AB77

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53. ● 1. VETERANS SERVICES OFFICER'S ACTION WHEN VETERAN'S ESTATE EQUALS OR EXCEEDS $1,500 2. DETERMINATION OF VALUE OF ESTATE; 38 USC 3203(B)(1)

Legal Authority: 38 USC 3203(b)(1); PL 98-543, Sec 402

CFR Citation: 38 CFR 13.108; 38 CFR 13.109

Abstract: 38 CFR 13.108 defines the VSO's action and responsibility when a veteran is subject to discontinuance of payments under 38 USC 3203(b)(1). The intended change simplifies the title, updates the language of subsection (a) and further defines the VSO responsibilities regarding waiver of discontinuance under PL 98-543.

38 CFR 13.109 defines estate for purposes of the $1,500 limitation. The intended change further defines assets and incorporates two new exclusions on the basis of PL 98-543 and an unpublished General Counsel's opinion.

Timetable:

Action	Date	FR Cite
NPRM	04/00/85	

Small Entity: No

Agency Contact: William B. Saliski, Jr., Program Analyst, Veterans Administration, Department of Veterans Benefits (274), 810 Vermont Avenue, NW, Washington, DC 20420, **202 389-3644**

RIN: 2900-AB78

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54. ● SUBSISTENCE ALLOWANCE

Legal Authority: PL 98-543, Sec 201

CFR Citation: 38 CFR 21.260

Abstract: Public Law 98-543 increased the rate for payment of subsistence allowance by 10 percent effective October 1, 1984. Issuance of regulations is required. There are no significant cost savings or increases as a result of this change.

Timetable:

Action	Date	FR Cite
NPRM	09/00/85	

Small Entity: No

Agency Contact: Dr. Karen G. Boies, Asst. Director, Policy & Program Development, Veterans Administration, Department of Veterans Benefits (282), 810 Vermont Avenue, NW, Washington, DC 20420, **202 389-2886**

RIN: 2900-AB79

BOARD OF VETERANS APPEALS

55. APPEALS REGULATIONS AND RULES OF PRACTICE

Legal Authority: PL 97-377, Sec 156 Quayle Amendment; EO 12436; 38 USC 4002; 38 USC 4004(c)

CFR Citation: 38 CFR 19.2; 38 CFR 19.157; 38 CFR 19.176; 38 CFR 19.179

Abstract: Revises the examples of the Board of Veterans Appeals' appellate jurisdiction to include claims for certain Social Security benefits under PL 97-377, Sec 156. Adds a new subsection to the Board of Veterans Appeals Rules of Practice No. 57 to reflect the Board's traditional practice of allowing an "informal hearing" by accepting written argument from some appellants' representatives. Retitles and adds a new subsection to the Board of Veterans Appeals Rules of Practice No. 76 to reflect the Board's traditional practice of requesting, in some cases, legal opinions from the General Counsel of the Veterans Administration. Retitles Board of Veterans Appeals Rules of Practice No. 79 to reflect that an appellant's representative will be given

a copy of any General Counsel opinion obtained, and will be given 60 days to respond.

Timetable:

Action	Date	FR Cite
NPRM	06/00/85	

Small Entity: No

Agency Contact: Mr. Jan Donsbach, Special (Legal) Assistant, Veterans Administration, Board of Veterans Appeals, 810 Vermont Avenue, NW, Washington, DC 20420, 202 389-2978

RIN: 2900-AB29

OFFICE OF BUDGET AND FINANCE

56. WAIVER OF OVERPAYMENTS WAIVER - THIRD PERSONS STANDARDS FOR CLAIMS COLLECTIONS

Legal Authority: 38 USC 3102; PL 97-365

CFR Citation: 38 CFR 1.962; 38 CFR 1.963(c); 38 CFR 1.900 to 1.954

Abstract: 38 CFR 1.962 will be revised by redefining the term "overpayment" to exclude those payments received by third parties who are neither payees nor beneficiaries. Section 1.963(c) will be deleted because benefit payments received by third parties, who are neither payees nor beneficiaries will no longer be considered for waiver. The revision to these two sections is done under 38 U.S.C. 3102. Sections 1.900 to 1.954 will be revised to comply with Pub. L. 97-365, which amended the Federal Claims Collection Act of 1966 and the Federal Claims Standards (4 CFR 101.1 to 101.5).

Timetable:

Action	Date	FR Cite
NPRM	11/21/84	49 FR 45870
NPRM Comment Period Begin	11/21/84	
NPRM Comment Period End	12/21/84	
Final Action	03/00/85	

Small Entity: No

Agency Contact: Peter T. Mulhern, Special Asst. for Fiscal Systems, Veterans Administration, Office of Budget and Finance, Washington, DC 20420, 202 389-3405

RIN: 2900-AB33

EQUAL OPPORTUNITY STAFF

57. NONDISCRIMINATION ON THE BASIS OF AGE IN PROGRAMS AND ACTIVITIES RECEIVING FEDERAL FINANCIAL ASSISTANCE

Legal Authority: 42 USC 6101 et seq

CFR Citation: 38 CFR 18

Abstract: To establish standards for determining what age discrimination is and procedures for enforcing the Age Discrimination Act of 1975, according to the government-wide age discrimination regulations at 45 CFR Part 90. There are no alternatives to issuing these regulations. Beneficiaries, potential beneficiaries and the general public will benefit from assisted programs which are provided free from prohibited discrimination based on age.

Timetable:

Action	Date	FR Cite
NPRM	11/18/83	48 FR 52485
NPRM Comment Period Begin	11/18/83	
NPRM Comment Period End	12/19/83	
Final Action	04/00/85	

Small Entity: No

Agency Contact: Ana M. del Toro, Equal Opportunity Specialist, Veterans Administration, Office of Equal Opportunity, 810 Vermont Avenue, NW, Washington, DC 20420, 202 389-2150

RIN: 2900-AA21

58. ENFORCEMENT OF NONDISCRIMINATION ON THE BASIS OF HANDICAP IN VA PROGRAMS

Legal Authority: 29 USC 794

CFR Citation: 38 CFR 15

Abstract: Provides for the enforcement of section 504 of the Rehabilitation Act of 1973, as amended, as it applies to programs or activities conducted by the VA. Section 504 prohibits discrimination on the basis of handicap. There is no other alternative to the issuance of this regulation since it implements a legislative mandate. Qualified handicapped individuals will be assured of equal participation in programs or activities conducted by the VA.

Timetable:

Action	Date	FR Cite
NPRM	04/00/85	

Small Entity: No

Agency Contact: Ana M. del Toro, Equal Opportunity Specialist, Veterans Administration, Office Of Equal Opportunity, 810 Vermont Avenue, NW, Washington, DC 20420, 202 389-2150

RIN: 2900-AA87

59. ● NONDISCRIMINATION ON THE BASIS OF SEX UNDER FEDERAL ASSISTED EDUCATION PROGRAMS AND ACTIVITIES

Legal Authority: 20 USC 1681 et seq; 38 USC 210(a); EO 12250

CFR Citation: 38 CFR 18

Abstract: To establish standards and procedures for enforcing Title IX of the Education Amendments of 1972 in educational programs and activities receiving Federal financial assistance from the VA. Title IX prohibits discrimination on the basis of sex. There are no alternatives to the issuance of the regulations. Participants, potential participants and the public in general will benefit from Federally assisted programs provided free from prohibited discrimination based on sex.

Timetable:

Action	Date	FR Cite
NPRM	04/25/79	44 FR 24320
NPRM Comment Period Begin	04/25/79	
NPRM Comment Period End	05/25/79	
Final Action	10/00/85	

Small Entity: Undetermined

Agency Contact: Ana M. del Toro, Equal Opportunity Specialist, Veterans Administration, Office of Equal Opportunity (006B), 810 Vermont Avenue, NW, Washington, DC 20420, 202 389-2150

RIN: 2900-AB51

OFFICE OF THE GENERAL COUNSEL

60. RECOGNITION OF ORGANIZATIONS, REPRESENTATIVES, AGENTS AND ATTORNEYS

Legal Authority: 38 USC 210(c)(1); 38 USC 3402; 38 USC 3404

CFR Citation: 38 CFR 14.664; 38 CFR 14.627 to 14.637

Abstract: Includes definitions; requirements for recognition of organizations by the VA; requirements for recognition of representatives,

agents and attorneys; powers of attorney; use of paralegals, law clerks and law students; requirements for space and office facilities.

Timetable:

Action	Date	FR Cite
NPRM	05/00/85	

Small Entity: No

Agency Contact: Andrew J. Mullen, Deputy Assistant General Counsel, Veterans Administration, Office of the General Counsel, 810 Vermont Avenue, NW, Washington, DC 20420, **202 389-2440**

RIN: 2900-AA38

61. REVISION OF FEES FOR COPIES OF VA RECORDS

Legal Authority: 38 USC 3302; 5 USC 552(a)(4)(A); 5 USC 552a(f)(5)

CFR Citation: 38 CFR 1.526; 38 CFR 1.555; 38 CFR 1.577(f)

Abstract: Revises VA fee schedules currently in effect for the Privacy Act, the Freedom of Information Act, and 38 U.S.C. Sec 3301 to remove inconsistencies and establish a comprehensive uniform fee schedule. The alternative would be to leave the regulations unchanged. This would result in continued confusion in their application and loss of revenue to the Government since an increase in the fees is contemplated. There is no increased cost to the Government due to these changes.

Timetable:

Action	Date	FR Cite
NPRM	05/00/85	

Small Entity: No

Agency Contact: David N. Stone, Director, Veterans Administration, Paperwork Management and Regulations Service, Office of Information Management & Statistic, 810 Vermont Ave., NW, Washington, DC 20420, **202 389-3616**

RIN: 2900-AB18

62. EFFECT OF GENERAL COUNSEL OPINIONS

Legal Authority: 38 USC 210(c)(1); 38 USC 4004(c)

CFR Citation: 38 CFR 14.507

Abstract: Clarifies the effect of General Counsel opinions with respect to binding and precedential legal interpretations. No alternatives are being considered. The change will assist VA personnel in understanding the effect of General Counsel opinions. It will benefit the public by enhancing the accessibility of General Counsel opinions.

Timetable:

Action	Date	FR Cite
NPRM	05/00/85	

Small Entity: No

Agency Contact: Andrew J. Mullen, Deputy Assistant General Counsel, Veterans Administration, Office of the General Counsel, 810 Vermont Avenue, NW, Washington, DC 20420, **202 389-2440**

RIN: 2900-AB22

63. INVENTIONS BY EMPLOYEES OF VETERANS ADMINISTRATION AS COINVENTORS UNDER FUNDING AGREEMENTS

Legal Authority: 35 USC 200 to 207

CFR Citation: 38 CFR 1.635 to 1.643

Abstract: Under affiliation agreements between VA Medical Centers and local Colleges or Universities, VA employees and University employees are sometimes coinventors. Universities have requested VA to assign its interest in any such inventions to the University. Pub. L. No. 96-517 authorizes the VA to so assign its interest in certain circumstances, provided the invention was made under a funding agreement between the agency and the coinventing entity. These regulations will set forth the procedure and criteria for determination of patent right ownership in these situations. No costs will be imposed on the public. The public will benefit from consolidation of patent rights on one entity because this facilitates licensing and marketing of the invention, and thereby makes the invention available for public use.

Timetable:

Action	Date	FR Cite
NPRM	03/00/85	

Small Entity: No

Agency Contact: Diana M. Bloss, Deputy Assistant General Counsel (024B), Veterans Administration, Office of General Counsel, 810 Vermont Avenue, NW, Washington, DC 20420, **202 389-3651**

RIN: 2900-AB47

OFFICE OF CONSTRUCTION

64. ENVIRONMENTAL EFFECTS OF VA ACTIONS

Legal Authority: 42 USC 4231 et seq; EO 11514; EO 11991; 40 CFR 1500 to 1508

CFR Citation: 38 CFR 26

Abstract: To implement provisions of National Environmental Policy Act of 1969 and EO 11514, as amended by EO 11991, and to provide policy and procedures for VA officials regarding environmental considerations when authorizing any VA action that affects the environment in the United States.

Timetable:

Action	Date	FR Cite
NPRM	10/00/85	

Small Entity: Undetermined

Agency Contact: Jon Baer, Director, Land Management Service, Veterans Administration, 810 Vermont Avenue, NW, Washington, DC 20420, **202 389-2922**

RIN: 2900-AB17

OFFICE OF THE INSPECTOR GENERAL

65. INVESTIGATION

Legal Authority: 5 USC Appendix Inspector General Act of 1978

CFR Citation: 38 CFR 1.450 to 1.455

Abstract: This revision publishes for the information of all concerned, the duties, responsibilities and authority of the Inspector General. No alternatives are being considered. There will be no additional costs as a result of this change.

Timetable:

Action	Date	FR Cite
NPRM	09/00/85	

Small Entity: No

Agency Contact: Mr. Jack H. Kroll, Assistant Inspector General, Veterans Administration, Office of Inspector General, 810 Vermont Avenue, NW, Washington, DC 20420, **202 389-2915**

RIN: 2900-AB28

OFFICE OF PROCUREMENT AND SUPPLY

66. ● VETERANS ADMINISTRATION ACQUISITION REGULATION

Legal Authority: PL 98-369

CFR Citation: 48 CFR 801 to 872

Abstract: The Competition in Contracting Act of 1984 substantially changed the basic statutes underlying the Federal procurement system. The changes to the Veterans Administration Acquisition Regulation will reflect these changes that the Competition in Contracting Act made to the Federal Acquisition Regulation.

Timetable:

Action	Date	FR Cite
Interim Final Rule	03/29/85	
NPRM Comment Period Begin	04/01/85	
NPRM Comment Period End	06/01/85	
Final Action	07/30/85	

Small Entity: Yes

Agency Contact: Chris A. Figg, Chief, Policy Section, Veterans Administration, Office of Procurement and Supply (90), 810 Vermont Avenue, NW, Washington, DC 20420, **202 389-2334**

RIN: 2900-AB49

VETERANS ADMINISTRATION (VA) — Completed Actions

COMPLETED RULEMAKINGS

67. OUTREACH PROGRAM, FEE CONTRACT PROGRAM

CFR Citation: Not yet determined

Completed:

Reason	Date	FR Cite
Withdrawn	02/13/85	

Small Entity: No

Agency Contact: Edward J. Lord 202 389-3303

RIN: 2900-AA00

68. MEDICAL RECORDS DISCLOSURE

CFR Citation: 38 CFR 1.514

Completed:

Reason	Date	FR Cite
Withdrawn	02/13/85	

Small Entity: No

Agency Contact: Harold Ramsey 202 389-2509

RIN: 2900-AA22

69. DEFINITIONS

CFR Citation: 38 CFR 17.30(m)

Completed:

Reason	Date	FR Cite
Final Action	12/26/84	49 FR 50029
Final Action Effective	11/21/83	

Small Entity: No

Agency Contact: Jerome J. Hanes 202 389-2337

RIN: 2900-AB19

70. MEDICAL SERVICES

CFR Citation: 38 CFR 17.48(b)

Completed:

Reason	Date	FR Cite
Final Action	12/26/84	49 FR 50029
Final Action Effective	11/21/83	

Small Entity: No

Agency Contact: Gene Lambert 202 389-2337

RIN: 2900-AB30

71. VETERANS EDUCATION; EDUCATIONAL ASSISTANCE TEST PROGRAM

CFR Citation: 38 CFR 21.5700 to 21.5900

Completed:

Reason	Date	FR Cite
Final Action	07/18/84	49 FR 29058
Final Action Effective	10/01/83	

Small Entity: No

Agency Contact: June Schaeffer 202 389-2092

RIN: 2900-AA01

72. VOCATIONAL REHABILITATION AMENDMENTS

CFR Citation: 38 CFR 21.50 to 21.98

Completed:

Reason	Date	FR Cite
Final Action	10/18/84	49 FR 40810

Small Entity: No

Agency Contact: Dr. Karen Boies 202 389-2886

RIN: 2900-AA47

73. VOCATIONAL REHABILITATION AMENDMENTS

CFR Citation: 38 CFR 21.100 to 21.102; 38 CFR 21.120 to 21.134; 38 CFR 21.140 to 21.156; 38 CFR 21.160 to 21.162; 38 CFR 21.210 to 21.224; 38 CFR 21.240 to 21.242; 38 CFR 21.250 to 21.258; 38 CFR 21.380 to 21.406; 38 CFR 21.420; 38 CFR 21.430

Completed:

Reason	Date	FR Cite
Final Action	10/18/84	49 FR 40810

Small Entity: No

Agency Contact: Dr. Karen Boies 202 389-2886

RIN: 2900-AA48

74. VOCATIONAL REHABILITATION AMENDMENTS

CFR Citation: 38 CFR 21.180 to 21.198; 38 CFR 21.280 to 21.284; 38 CFR 21.290 to 21.299; 38 CFR 21.360 to 21.362; 38 CFR 21.370 to 21.376; 38 CFR 21.410 to 21.414

Completed:

Reason	Date	FR Cite
Final Action	10/18/84	49 FR 40810

Small Entity: No

Agency Contact: Dr. Karen Boies 202 389-2886

RIN: 2900-AA49

VA

Completed Actions

75. VOCATIONAL REHABILITATION AMENDMENTS

CFR Citation: 38 CFR 21.260 to 21.276; 38 CFR 21.310 to 21.314; 38 CFR 21.320 to 21.334; 38 CFR 21.340 to 21.350

Completed:

Reason	Date	FR Cite
Final Action	10/18/84	49 FR 40810

Small Entity: No

Agency Contact: Dr. Karen Boies 202 389-2886

RIN: 2900-AA50

76. VETERANS EDUCATION; SPECIAL RESTORATIVE TRAINING AND SPECIALIZED VOCATIONAL TRAINING

CFR Citation: 38 CFR 21.3300; 38 CFR 21.3301; 38 CFR 21.3303; 38 CFR 21.3304; 38 CFR 21.3306; 38 CFR 21.3307; 38 CFR 21.3331; 38 CFR 21.4105; 38 CFR 21.4232; 38 CFR 21.4276

Completed:

Reason	Date	FR Cite
Final Action	10/24/84	49 FR 42725
Final Action Effective	09/18/84	

Small Entity: No

Agency Contact: June C. Schaeffer 202 389-2092

RIN: 2900-AA74

77. VETERANS EDUCATION; CHANGE OF PROGRAM

CFR Citation: 38 CFR 21.5232

Completed:

Reason	Date	FR Cite
Final Action	09/24/84	49 FR 37383
Final Action Effective	08/27/84	

Small Entity: No

Agency Contact: June C. Schaeffer 202 389-2092

RIN: 2900-AA91

78. OCCUPANCY REQUIREMENTS

CFR Citation: 38 CFR 36.4306

Completed:

Reason	Date	FR Cite
Final Action	10/23/84	49 FR 42570
Final Action Effective	11/23/84	

Small Entity: No

Agency Contact: George D. Moerman 202 389-3042

RIN: 2900-AA96

79. CERTAIN MANUFACTURED HOUSING LOANS

CFR Citation: 38 CFR 36.4300, Series

Completed:

Reason	Date	FR Cite
Final Action	01/24/85	50 FR 3333
Final Action Effective	01/03/85	

Small Entity: No

Agency Contact: George D. Moerman 202 389-3042

RIN: 2900-AA99

80. VETERANS EDUCATION; ACCREDITATION OF MEDICAL RESIDENCIES

CFR Citation: 38 CFR 21.4265

Completed:

Reason	Date	FR Cite
Final Action	10/09/84	49 FR 39544
Final Action Effective	09/19/84	

Small Entity: No

Agency Contact: June C. Schaeffer 202 389-2092

RIN: 2900-AB01

81. PREMIUM RATES; COLLECTION OF ANY INDEBTEDNESS; PREMIUM WAIVER

CFR Citation: 38 CFR 8.3; 38 CFR 8.85; 38 CFR 8.113

Completed:

Reason	Date	FR Cite
Final Action	08/31/84	49 FR 34483
Final Action Effective	09/01/84	

Small Entity: No

Agency Contact: Robert W. Carey 215 951-5360

RIN: 2900-AB14

82. DEPENDENTS' EDUCATIONAL ASSISTANCE; ENTITLEMENT

CFR Citation: 38 CFR 21.3044; 38 CFR 21.3045

Completed:

Reason	Date	FR Cite
Final Action	12/14/84	49 FR 48692
Final Action Effective	11/21/84	

Small Entity: No

Agency Contact: June C. Schaeffer 202 389-2092

RIN: 2900-AB16

83. CATEGORIES OF ADMINISTRATIVE SEPARATION

CFR Citation: 38 CFR 3.12

Completed:

Reason	Date	FR Cite
Final Action	11/02/84	49 FR 44099
Final Action Effective	10/01/82	

Small Entity: No

Agency Contact: Robert M. White 202 389-3005

RIN: 2900-AB20

84. VETERANS EDUCATION; SCHOOL REIMBURSEMENT

CFR Citation: 38 CFR 21.4009

Completed:

Reason	Date	FR Cite
Final Action	09/11/84	49 FR 35629
Final Action Effective	08/20/84	

Small Entity: No

Agency Contact: June C. Schaeffer 202 389-2092

RIN: 2900-AB25

85. INCREASE LOAN FEE FOR HOUSING LOANS

CFR Citation: 38 CFR 36.4232; 38 CFR 36.4254; 38 CFR 36.4312; 38 CFR 36.4504

Completed:

Reason	Date	FR Cite
Final Action	02/11/85	50 FR 5754
Final Action Effective	08/17/84	

Small Entity: No

Agency Contact: George D. Moerman 202 389-3042

RIN: 2900-AB36

VA

Completed Actions

86. DEPENDENCY OF PARENTS - COMPENSATION

CFR Citation: 38 CFR 3.250

Completed:

Reason	Date	FR Cite
Final Action	11/30/84	49 FR 47004
Final Action Effective	05/01/84	

Small Entity: No

Agency Contact: Robert M. White 202 389-3005

RIN: 2900-AB45

87. DISINTERMENTS FROM NATIONAL CEMETERIES

CFR Citation: 38 CFR 1.621(d)

Completed:

Reason	Date	FR Cite
Final Action	08/31/84	49 FR 34482
Final Action Effective	08/16/84	

Small Entity: Not Applicable

Agency Contact: Sonja McCombs 202 389-2987

RIN: 2900-AB10

ACTIONS THAT STARTED AND ENDED BETWEEN ISSUES OF THE UNIFIED AGENDA

88. ● AMEND VA REGULATIONS TO PROVIDE AN EXTENSION TO THE TERMINATION DATE FOR PROVIDING CONTRACT CARE OUTSIDE THE UNITED STATES

Legal Authority: 38 USC 601(4)(C)(v) as amended by P.L. 98-528

CFR Citation: 38 CFR 17.50b(e)

Abstract: The authority for treating veterans through contract service expired on September 30, 1984, for Puerto Rico, the Virgin Islands, and the Territories and possessions. This amendment extends the expiration date to September 30, 1985.

Timetable:

Action	Date	FR Cite
Final Action Effective	01/30/85	
Final Action	02/05/85	50 FR 4974

Small Entity: No

Agency Contact: Stuart Mount, Medical Administration Program Specialist, Veterans Administration, Department of Medicine & Surgery (136F), 810 Vermont Avenue, NW, Washington, DC 20420, 202 389-2143

RIN: 2900-AB58

[FR Doc. 85-6397 Filed 04-26-85; 8:45 am]
BILLING CODE 8320-01-T

federal register

Monday
April 29, 1985

Part XLIV

Department of Defense/General Services Administration/ National Aeronautics and Space Administration

Federal Acquisition Regulation; Semiannual Regulatory Agenda

FAR

DEPARTMENT OF DEFENSE/GENERAL SERVICES ADMINISTRATION/NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Ch. 1

Unified Agenda of Federal Regulations

AGENCY: Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Semiannual agenda.

SUMMARY: This agenda provides summary descriptions of regulations being developed by the Civilian Agency Acquisition Council and the Defense Acquisition Regulatory Council, in conformance with Executive Order 12291, Federal Regulation. This agenda is being published to allow interested persons an opportunity to participate in the rule making process.

The FAR Secretariat has attempted to list all regulations pending at the time of publication except for minor and routine or repetitive actions, but unanticipated requirements may result in the issuance of regulations that are not included in this agenda. There is no legal significance to the omission of an item from this listing. Also, the dates shown for the steps of each action are estimated and are not commitments to act on or by the dates shown.

FOR FURTHER INFORMATION CONTACT: Roger M. Schwartz, Director, FAR Secretariat, (202) 523-4755.

SUPPLEMENTARY INFORMATION: DoD, GSA, and NASA under their several statutory authorities jointly issue and maintain the Federal Acquisition Regulation (FAR) and prescribe the FAR system. Revisions to the FAR are made through periodic issuance of Federal Acquisition Circulars (FAC's). None of the regulations listed in this agenda are considered major under Executive Order 12291, Federal Regulations.

Allan W. Beres,

Assistant Administrator for Acquisition Policy.

DEPARTMENT OF DEFENSE/GENERAL SERVICES ADMINISTRATION/NATIONAL AERONAUTICS AND SPACE ADMINISTRATION (FAR)

Current and Projected Rulemakings

● FEDERAL ACQUISITION REGULATION (FAR) - FEDERAL ACQUISITION CIRCULAR 84-10

Priority: Undetermined

Legal Authority: 40 USC 486 (c); 42 USC 2453 (c); 10 USC Chapter 137

CFR Citation: 48 CFR 1-4; 48 CFR 1-9; 48 CFR 1-15; 48 CFR 1-19; 48 CFR 1-20; 48 CFR 1-22; 48 CFR 1-29; 48 CFR 1-32; 48 CFR 1-52; 48 CFR 1-53

Abstract: To revise the FAR to (1) conform with records disposition standards prescribed by the National Archives and Records Service; (2) conform with revisions in 41 U.S.C. 46-48c regarding Purchases from the Blind and Other Severely Handicapped; (3) exclude debarred and suspended contractors from conducting business with the Government as agents or representatives of other contractors; (4) require inclusion of contract identification codes on Standard Forms (SF's) 26 and 33; (5) replace interim coverage on Small Business Size Standard; (6) incorporate revisions proposed by the Small Business Administration; (7) revise SF 295 and related instructions to clarify Labor Surplus Area Subcontracting Program reporting instructions; (8) provide Government-wide acquisition policy with respect to labor standards for contracts involving construction; (9) include, for use in small purchases, a clause on federal, state, and local taxes; (10) implement the Debt Collection Act; and (11) revise SF's 1408, 1415, and Optional Form 347.

Timetable:

Action	Date	FR Cite
Final Action	07/01/85	
Final Action Federal Acquisition Circular 84-10	07/01/85	

Small Entity: Undetermined

Agency Contact: Roger M. Schwartz, Director, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VR-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000-AA00

● FEDERAL ACQUISITION REGULATION (FAR) - FEDERAL ACQUISITION CIRCULAR 84-9

Priority: Undetermined

Legal Authority: 40 USC 486(c); 42 USC 2453(c); 10 USC Chapter 137

CFR Citation: 48 CFR 1-14; 48 CFR 1-15; 48 CFR 1-27; 48 CFR 1-31; 48 CFR 1-32; 48 CFR 1-49; 48 CFR 1-52; 48 CFR 1-53

Abstract: To revise the FAR to (1) provide guidance under the rules of sealed bidding with respect to acceptable evidence in establishing the date of mailing of a late bid; (2) extend applicability of the FAR policy on evaluation of prompt payment discounts to include awards under negotiation as well as sealed bidding; (3) reinstate rules that were in the Defense Acquisition Regulation regarding items or work efforts to be included in Make-or-Buy programs; (4) provide Government-wide acquisition policy with respect to rights in data and copyrights; (5) provide a greater degree of flexibility with respect to retainage of funds from construction contract progress payments; (6) implement the Prompt Payment Act and OMB Circular A-125; (7) revise the contract cost principle on allowability of costs for compensated personal absences; (8) reinstate, in the termination clause for cost reimbursement contracts, certain language that was used in the Defense Acquisition Regulation and the Federal Procurement Regulations; and (9) discontinue Standard Form 36.

Timetable:

Action	Date	FR Cite
Final ActionFederal Acquisition Circular 84-9	06/01/85	

Small Entity: Undetermined

Agency Contact: Roger M. Schwartz, Director, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VR-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000-AA01

● FEDERAL ACQUISITION REGULATION (FAR) - FEDERAL ACQUISITION CIRCULAR 84-11

Priority: Undetermined

Legal Authority: 40 USC 486(c); 42 USC 2453(c); 10 USC Chapter 137

CFR Citation: 48 CFR 1-19; 48 CFR 1-22; 48 CFR 1-31; 48 CFR 1-35; 48 CFR 1-52

Abstract: To revise the FAR to (1) bring the FAR into conformance with the Small Business Administration's definition of the term "number of employees"; (2) raise the threshold of applicability from $10,000 to $25,000 with respect to the contract clause on "Utilization of Women-Owned Small Businesses" in order to reflect a corresponding increase in the Small Purchase limitation; (3) bring the FAR into conformance with the Small Business Act with respect to the award of a contract to a small business pending final determination of its eligibility for award under the Walsh-Healy Public Contracts Act; (4) provide coverage in the contract cost principles with respect to the allowability of public relations costs; and (5) implement OFPP Policy Letter 84-1 on Federally Funded Research and Development Centers.

Timetable:

Action	Date	FR Cite
Final ActionFederal Acquisition Circular 84-11	08/01/85	

Small Entity: Undetermined

Agency Contact: Roger M. Schwartz, Director, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VR-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000-AA02

● FEDERAL ACQUISITION REGULATION (FAR) - FEDERAL ACQUISITION CIRCULAR 84-8

Priority: Undetermined

Legal Authority: 40 USC 486(c); 42 USC 2453(c); 10 USC Chapter 137

CFR Citation: 48 CFR 1-19; 48 CFR 1-28; 48 CFR 1-36; 48 CFR 1-44

Abstract: To revise the FAR to (1) require Standard Form (SF) 1442 rather than SF 26 to be used in construction contracts under the Small Business Administration's "8(a)" program; (2) bring the FAR into conformance with Public Law 98-269 regarding responsibility for furnishing certified copies of Miller Act payment bonds; (3) revise usage requirements for three contract clauses whose use is inappropriate in cost reimbursement architect engineer contracts; and (4) revise terminology and definitions to eliminate an ambiguity with respect to industrial facilities.

Timetable:

Action	Date	FR Cite
Final ActionFederal Acquisition Circular 84-8	05/01/85	

Small Entity: Undetermined

Agency Contact: Roger M. Schwartz, Director, FAR Secretariat, DOD/GSA/NASA (FAR), GSA (VR-FAR Secretariat), 18th & F Streets, NW, Washington, DC 20405, 202 523-4755

RIN: 9000-AA03

[FR Doc. 85-7908 Filed 04-26-85; 8:45am]

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Monday
April 29, 1985

Part XLV

Commodity Futures Trading Commission

Semiannual Regulatory Agenda

CFTC

COMMODITY FUTURES TRADING COMMISSION

17 CFR Ch. I

Regulatory Flexibility Agenda

AGENCY: Commodity Futures Trading Commission.

ACTION: Publication of regulatory flexibility agenda.

SUMMARY: The Commodity Futures Trading Commission, in accordance with the requirements of the Regulatory Flexibility Act, is publishing a semiannual agenda of significant rules which the Commission expects to propose or promulgate over the next year. The Commission welcomes comments from small entities and others upon the subject area of the agenda.

ADDRESS: Comments should be sent to: Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581, Attention: Secretariat.

FOR FURTHER INFORMATION CONTACT: Harold L. Hardman, Esquire, Office of the General Counsel, Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581 (202) 254-9880.

SUPPLEMENTARY INFORMATION: The Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.* ("RFA"), sets forth a number of requirements for agency rulemaking. Among other things, the RFA requires that:

(a) During the months of October and April of each year, each agency shall publish in the **Federal Register** a regulatory flexibility agenda which shall contain:

(1) A brief description of the subject area of any rule which the agency expects to propose or promulgate which is likely to have a significant economic impact on a substantial number of small entities;

(2) A summary of the nature of any such rule under consideration for each subject area listed in the agenda pursuant to paragraph (1), the objectives and legal basis for the issuance of the rule, and an approximate schedule for completing action on any rule for which the agency has issued a general notice of proposed rulemaking; and

(3) The name and telephone number of an agency official knowledgeable concerning the items listed in paragraph (1).

5 U.S.C. 602(a). Accordingly, the Commission has prepared an agenda of significant rules which it presently expects may be considered during the course of the next year.[1] The agenda lists all significant rules which may be considered by the Commission within the next year, irrespective of their potential impact on small entities.[2]

The Commission's agenda represents its best estimate at this time of significant rules which will be considered sometime over the next twelve months. In this regard, section 602(d) of the RFA, 5 U.S.C. 602(d), provides: "Nothing in [section 602] precludes an agency from considering or acting on any matter not included in a regulatory flexibility agenda, or requires an agency to consider or act on any matter listed in such agenda." In addition to publishing the regulatory flexibility agenda, the Commission also makes available to the public, on a monthly basis, a calendar listing rules that the Commission intends to consider that month.

The Commission is publishing its April 1985 Regulatory Flexibility Agenda as part of the April 1985 Unified Agenda of Federal Regulations. The Unified Agenda of Federal Regulations is coordinated by the Office of Management and Budget pursuant to Executive Order 12291. While participation by executive agencies in that Agenda is mandatory, independent agencies, such as the Commission, participate in the Unified Agenda on a voluntary basis.

The Commission's April 1985 Regulatory Flexibility Agenda is set forth below.

Issued in Washington, D.C., on February 27, 1985, by the Commission.

Jean A. Webb,

Secretary of the Commission.

Current and Projected Rulemakings

Sequence Number	Title	Regulation Identifier Number
1	Regulations Permitting the Grant, Offer and Sale of Options on Physical Commodities (Dealer Options)	3038-AA03
2	Regulation of Leverage Transactions	3038-AA04
3	Large Trader Reporting to Exchanges	3038-AA09
4	Minimum Financial and Related Reporting Requirements for Futures Commission Merchants	3038-AA10

[1] Other than the Commission rules currently under review in conjunction with the Commission's pending and anticipated rulemakings as discussed above, the Commission does not intend to conduct any reviews of its existing regulations during the next year. In this regard, pursuant to the plan established by the Commission pursuant to section 610 of the RFA, 5 U.S.C. 610, for a ten year periodic review of its rules, the Commission will commence review of its rules in November, 1985. 46 FR 29952 (June 4, 1981).

We note that the Commission has devoted significant resources to several studies mandated by Congress in the Futures Trading Act of 1982. *See* The Futures Trading Act of 1982, Pub. L. No. 97-444, 205(4) (trading activities of large hedgers in cattle, hog and pork belly markets), 236(a) (effects on economy of trading futures markets by persons possessing material nonpublic information), and 237 (regulatory experience of National Futures Association), 96 Stat. 2300, 2324-25, and 2325-26 (1983). Some of these studies have resulted in suggestions for the issuance or revision of Commission rules.

[2] The Commission has published its definitions of small entity to be used by the Commission in connection with rulemaking proceedings. 47 FR 18618 (Apr. 30, 1982). Pursuant to those definitions, the Commission is not required to list many of the agenda items contained in this regulatory flexibility agenda. *See* 5 U.S.C. 602(a)(1). Moreover, the Commission has previously certified, pursuant to section 605 of the RFA, 5 U.S.C. 605, that certain items contained in this agenda will not have a significant economic impact on a substantial number of small entities. Accordingly, listing of an item in this regulatory flexibility agenda should not, in any event, be taken as a determination that a rule, when proposed or promulgated, will in fact require a regulatory flexibility analysis. However, the Commission hopes that the publication of an agenda which includes significant rules, regardless of their potential impact on small entities, may serve the public generally by providing an early and meaningful opportunity to participate in and comment on the formulation of new or revised regulations.

CFTC

Current and Projected Rulemakings—Continued

Sequence Number	Title	Regulation Identifier Number
5	Speculative Position Limits	3038-AA24
6	Exemption for Certain Entities from Regulation as a Commodity Pool Operator	3038-AA30
7	Regulations Governing the Offer and Sale of Foreign Futures Contracts in the United States	3038-AA33
8	Commodity Options; Margins	3038-AA34
9	Contract Market Enforcement of Floor Broker Registration Requirements	3038-AA36
10	Reporting Requirements	3038-AA38
11	Activities of Persons Possessing Material, Nonpublic Information	3038-AA39
12	Trade Time-Sequencing Standards and Exchange Audit Trail Systems	3038-AA40

Completed Actions

Sequence Number	Title	Regulation Identifier Number
13	Authorization to Perform Portions of the Commission's Registration Functions	3038-AA13
14	Risk Disclosure by Futures Commission Merchants to Customers	3038-AA15
15	Service Fees	3038-AA18
16	Exemption From Speculative Position Limits For Certain Spread Positions	3038-AA35
17	Procedures Regarding the Disclosure of Information and the Testimony of Present or Former Commission Members and Employees in Response to Subpoenas or Other Demands of a Court or ETC	3038-AA41
18	Collection of Claims Owed the United States Arising from Activities Under the Commission's Jurisdiction	3038-AA42

COMMODITY FUTURES TRADING COMMISSION (CFTC) — Current and Projected Rulemakings

1. REGULATIONS PERMITTING THE GRANT, OFFER AND SALE OF OPTIONS ON PHYSICAL COMMODITIES (DEALER OPTIONS)

Legal Authority: 7 USC 6c(b) Commodity Exchange Act, Sec 4c(b); 7 USC 6c(d) Commodity Exchange Act, Sec 4c(d); 7 USC 12a(5) Commodity Exchange Act, Sec 8a(5)

CFR Citation: 17 CFR 1; 17 CFR 3; 17 CFR 32

Abstract: Congress has directed the Commission to issue regulations permitting grantors and futures commission merchants to grant, offer and sell so-called "dealer options" on certain physical commodities subject to certain conditions specified by statute and such other uniform and reasonable requirements as the Commission may prescribe. At present, the only persons who may lawfully grant dealer options are United States domiciles who, on May 1, 1978, were in the business of buying, selling, producing or otherwise using that commodity. The Commission has reproposed rules, principally concerning registration of dealer option grantors, requirements for the segregation of customer funds, disclosure to customers and prospective customers, and minimum financial requirements. The Commission intends to re-evaluate the proposed rules in light of regulatory changes that have occurred since 1980 and expects to decide whether to adopt or repropose rules in late 1985.

Timetable:

Action	Date	FR Cite
NPRM	12/20/78	43 FR 59396
NPRM	04/27/81	46 FR 23469
Final Action	12/00/85	

Small Entity: No

Affected Sectors: Multiple

Agency Contact: Robert H. Rosenfeld, Esquire, Commodity Futures Trading Commission, Division of Trading and Markets, 2033 K Street, NW, Washington, DC 20581, 202 254-8955

RIN: 3038-AA03

2. REGULATION OF LEVERAGE TRANSACTIONS

Legal Authority: 7 USC 12a Commodity Exchange Act, Sec 8a; 7 USC 23 Commodity Exchange Act, Sec 19; 7 USC 16a Sec 237 of FTA 82, amending, Sec 26 of FTA of 78

CFR Citation: 17 CFR 1; 17 CFR 3; 17 CFR 4; 17 CFR 31; 17 CFR 145; 17 CFR 147; 17 CFR 190

Abstract: On January 16, 1984, the Commission adopted interim final rules which establish a comprehensive regulatory scheme applicable to certain leverage transactions. 49 FR 5498 (Feb. 13, 1984). The regulations, among other things, impose registration, financial, segregation, disclosure and recordkeeping requirements upon persons engaged in the business of offering and selling to the public leverage contracts for the delivery of certain commodities. The regulations generally became effective on April 13, 1984. Commission rules 31.1 and 31.2, which impose temporary moratoria on the entry of new persons or firms into the leverage business, remain in effect. Subsequently, the Commission solicited public comment concerning whether and how the interim rules could be amended to encompass the marketing of certain "short sales" of leverage transactions to the public. The Commission has determined to make such amendments to the interim rules. On January 2, 1985, certain of these

amendments which are technical in nature were published in final form without further notice and comment procedures. 50 FR 22. At that time, other more substantive amendments also were (cont)

Timetable:

Action	Date	FR Cite
NPRM Marketing of Short Sales	03/08/84	49 FR 8624
NPRM	01/02/85	50 FR 102
Final Action Technical Amendments	01/02/85	50 FR 22
Final Action	06/30/85	

Small Entity: No

Additional Information: ABSTRACT CONT: published in proposed form for public comment. The comment period ended February 1, 1985. 50 FR 102 (Jan. 2, 1985).

Agency Contact: Lawrence B. Patent, Special Counsel, Commodity Futures Trading Commission, Division of Trading and Markets, 2033 K Street, NW, Washington, DC 20581, 202 254-8955

RIN: 3038-AA04

3. LARGE TRADER REPORTING TO EXCHANGES

Legal Authority: 7 USC 6g Commodity Exchange Act, Sec 4g; 7 USC 6i Commodity Exchange Act, Sec 4i; 7 USC 7(d) Commodity Exchange Act, Sec 5(d); 7 USC 12a(5) Commodity Exchange Act, Sec 8a(5)

CFR Citation: 17 CFR 15; 17 CFR 16; 17 CFR 17; 17 CFR 18; 17 CFR 21

Abstract: The Commission has proposed a rule which would require exchanges to collect, process and forward to the Commission, in machine readable form, information which the Commission currently collects from futures commission merchants and foreign brokers on series '01 reports and form 102. The rule is intended to enhance effective market surveillance programs by the exchanges and to alleviate, to some extent, the duplicative reporting burden currently imposed on some exchange member firms.

Timetable:

Action	Date	FR Cite
NPRM	08/27/80	45 FR 57141
Final Action	00/00/00	

Small Entity: Not Applicable

Agency Contact: Lamont L. Reese, Commodity Futures Trading Commission, Division of Economic Analysis, 2033 K Street, NW, Washington, DC 20581, 202 254-3310

RIN: 3038-AA09

4. MINIMUM FINANCIAL AND RELATED REPORTING REQUIREMENTS FOR FUTURES COMMISSION MERCHANTS

Legal Authority: 7 USC 6d Commodity Exchange Act, Sec 4d; 7 USC 6f Commodity Exchange Act, Sec 4f; 7 USC 12a Commodity Exchange Act, Sec 8a

CFR Citation: 17 CFR 1.17

Abstract: The Commission has proposed amendments to certain of its minimum financial and related reporting requirements for futures commission merchants ("FCMs"), as well as the basic financial reporting form for FCMs, Form 1-FR. One proposed amendment would alter the minimum dollar amount of adjusted net capital which must be maintained by FCMs. The Commission has also proposed a further amendment to the minimum financial regulations regarding the treatment of undermargined accounts. In addition, the Commission has proposed one specific capital charge relating to concentration of positions, and has invited further comment to assist it in the development of further appropriate minimum financial regulations concerning concentration of positions.

Timetable:

Action	Date	FR Cite
NPRM	06/25/80	45 FR 42633
NPRM	12/01/80	45 FR 79498
Final Action	00/00/00	

Small Entity: Not Applicable

Agency Contact: Paul Bjarnason, Chief Accountant, Commodity Futures Trading Commission, Division of Trading and Markets, 2033 K Street, NW, Washington, DC 20581, 202 254-8955

RIN: 3038-AA10

5. SPECULATIVE POSITION LIMITS

Legal Authority: 7 USC 6a Commodity Exchange Act, Sec 4a

CFR Citation: 17 CFR 1; 17 CFR 150

Abstract: Section 4a of the Commodity Exchange Act was amended recently to provide that it is a violation of the Commodity Exchange Act for any person to violate any bylaw, rule, regulation, or resolution of any contract market which fixes speculative position limits. Rules relating to Commission set speculative position limits will be considered in light of these amendments to the Act. In addition, the Futures Trading Act of 1982 amended Section 4a of the Act, 7 U.S.C. Sec. 6a (1982), to give the Commission additional authority with respect to speculative position limits.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Agency Contact: Paul M. Architzel, Chief Counsel, Commodity Futures Trading Commission, Division of Economic Analysis, 2033 K Street, NW, Washington, DC 20581, 202 254-6990

RIN: 3038-AA24

6. EXEMPTION FOR CERTAIN ENTITIES FROM REGULATION AS A COMMODITY POOL OPERATOR

Legal Authority: 7 USC 2 Commodity Exchange Act, Sec 2(a)(1); 7 USC 6k Commodity Exchange Act, Sec 4k; 7 USC 6l Commodity Exchange Act, Sec 4l; 7 USC 6m Commodity Exchange Act, Sec 4m; 7 USC 6n Commodity Exchange Act, Sec 4n; 7 USC 6o Commodity Exchange Act, Sec 4o; 7 USC 12a Commodity Exchange Act, Sec 8a; 7 USC 18 Commodity Exchange Act, Sec 14

CFR Citation: 17 CFR 3; 17 CFR 4

Abstract: In connection with the Commission's reauthorization in 1982, the Senate Committee on Agriculture, Nutrition and Forestry recommended that the Commission should generally exempt certain otherwise regulated entities, that met certain criteria, from regulation as a commodity pool operator ("CPO") unless these entities have other attributes or features that would warrant their regulation as a CPO. These entities include an entity regulated under the Investment Company Act of 1940, an insurance company, a bank or trust company acting in its fiduciary capacity and subject to regulation by any state or the United States, and a defined benefit plan that is subject to the Employee Retirement Income Security Act of 1974 and is insured by the Pension Benefit Guaranty Corporation. See S. Rep. No. 97-384, 97th Cong., 2d Sess. 80 (1980).

The Commission has proposed a rule that, if adopted, generally would implement this Congressional recommendation.

Timetable:

Action	Date	FR Cite
NPRM	02/08/84	49 FR 4778
Final Action	03/31/85	

Small Entity: No

Agency Contact: **Barbara Stern**, Special Counsel for Commodity Pool Operators, Commodity Futures Trading Commission, and Commodity Trading Advisors, Division of Trading and Markets, 2033 K Street, NW, Washington, DC 20581, **202 254-8955**

RIN: 3038-AA30

7. REGULATIONS GOVERNING THE OFFER AND SALE OF FOREIGN FUTURES CONTRACTS IN THE UNITED STATES

Legal Authority: 7 USC 6(b) Commodity Exchange Act, Sec 4(b)

CFR Citation: Not yet determined

Abstract: Section 4(b) of the Commodity Exchange Act, as amended by the Futures Trading Act of 1982, authorizes the Commission to adopt rules and regulations proscribing fraud in the offer and sale of foreign futures contracts in the United States and requiring minimum financial standards, the keeping of books and records, the safeguarding of customer funds and the registration with the Commission of any person located in the United States who engages in the offer and sale of such contracts. The Commission has published an advance notice of proposed rulemaking to assist in determining the need for a more formal regulatory program to implement the provisions of Section 4(b) of the Act.

Timetable:

Action	Date	FR Cite
ANPRM	07/25/84	49 FR 29963
Final Action	12/00/85	

Small Entity: Undetermined

Agency Contact: **Robert H. Rosenfeld**, Esquire, Commodity Futures Trading Commission, Division of Trading and Markets, Washington, DC 20581, **202 254-8955**

RIN: 3038-AA33

8. COMMODITY OPTIONS; MARGINS

Legal Authority: 7 USC 6c Commodity Exchange Act, Sec 4c; 7 USC 6d Commodity Exchange Act, Sec 4d; 7 USC 6f Commodity Exchange Act, Sec 4f; 7 USC 7 Commodity Exchange Act, Sec 5; 7 USC 7a Commodity Exchange Act, Sec 5a; 7 USC 12a(5) Commodity Exchange Act, Sec 8a(5)

CFR Citation: 17 CFR 1; 17 CFR 33

Abstract: The Commission is proposing to amend Commission regulation 33.4(a)(2), which currently provides that a contract market applying for designation to trade commodity option contracts must require full payment of option premiums by the contract market's clearing organization. Under the proposed rule amendment, a contract market could choose instead to adopt rules permitting its members to make a deposit with respect to the option premium, subject to certain proposed requirements. In addition, the Commission is proposing to amend regulations 1.3, 1.12 and 1.17 to reflect in its minimum financial requirements for futures commission merchants the margin treatment which may be accorded option positions under proposed amendments to regulation 33.4(a)(2).

Timetable:

Action	Date	FR Cite
ANPRM	03/15/83	48 FR 10857
Rule-related Notice	10/31/83	48 FR 50073
NPRM	03/09/84	49 FR 8937
Final Action	06/30/85	

Small Entity: Undetermined

Agency Contact: **Robert H. Rosenfeld**, Esquire, Commodity Futures Trading Commission, 2033 K Street, NW, Washington, DC 20581, **202 254-8955**

RIN: 3038-AA34

9. CONTRACT MARKET ENFORCEMENT OF FLOOR BROKER REGISTRATION REQUIREMENTS

Legal Authority: 7 USC 6c Commodity Exchange Act 4c; 7 USC 6e Commodity Exchange Act 4e; 7 USC 6f Commodity Exchange Act 4f; 7 USC 7 Commodity Exchange Act 5; 7 USC 12a Commodity Exchange Act 8a; 7 USC 7a Commodity Exchange Act 5a

CFR Citation: 17 CFR 1.62

Abstract: Persons acting as floor brokers on a contract market are required to register as such with the Commission pursuant to section 4e of the Act. However, the Commission has found numerous instances in which persons apparently have acted as floor brokers without being registered as such. The Commission believes that contract markets can, as part of their own membership registration procedures and without significant additional burden, affirmatively assist the Commission to ensure that their members who engage in brokerage are registered with the Commission. The Commission thus is proposing to require that each contract market adopt a rule which provides that before a person may execute orders for others on the floor of that contract market, the person must be registered with the Commission as a floor broker. The comment period for this proposed rule ended on January 16, 1985.

Timetable:

Action	Date	FR Cite
NPRM	08/07/84	49 FR 31442
NPRM Comment Period Begin	08/07/84	
NPRM Comment Period End	01/16/85	
Final Action	06/30/85	

Small Entity: No

Agency Contact: **Lawrence B. Dolins and Jane C. Kang**, Attorneys, Commodity Futures Trading Commission, Division of Trading and Markets, 2033 K Street NW, Washington, DC 20581, **202 254-8955**

RIN: 3038-AA36

10. ● REPORTING REQUIREMENTS

Legal Authority: 7 USC 2 Commodity Exchange Act, Sec 2(a)(1); 7 USC 6c Commodity Exchange Act, Sec 4c; 7 USC 6d Commodity Exchange Act, Sec 4d; 7 USC 6f Commodity Exchange Act, Sec 4f; 7 USC 6g Commodity Exchange Act, Sec 4g; 7 USC 6k Commodity Exchange Act, Sec 4k; 7 USC 6i Commodity Exchange Act, Sec 4i; 7 USC 6m Commodity Exchange Act, Sec 4m; 7 USC 6n Commodity Exchange Act, Sec 4n; 7 USC 7 Commodity Exchange Act, Sec 5a; 7 USC 12a Commodity Exchange Act, Sec 8a

CFR Citation: 17 CFR 16; 17 CFR 17; 17 CFR 18; 17 CFR 21

Abstract: The Commission may propose changes concerning its rules for reporting by contract markets, members of contract markets, futures commission merchants, foreign brokers, and large traders. The primary purpose of the proposed amendments would be to facilitate the collection and processing of data and to clarify the type of

information that the Commission requires. Specifically, the proposed rule changes would include the following: Amendments to Part 16 which would require contract markets to provide options large trader information by expiration month and by strike price: Amendments to Part 17 which would require contract market members, future commission merchants, and foreign brokers to supply futures large trader data on Commission compatible machine readable data media. In addition, foreign brokers would be required to transmit reports on its Form 40; and Amendments to Part 21 which would require that certain information obtained on special call by the Commission be reported on machine readable media.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entity: No

Agency Contact: Lamont L. Reese, Commodity Futures Trading Commission, Division of Economic Analysis, 2033 K Street, NW, Washington, DC 20581, 202 254-3310

RIN: 3038-AA38

11. ● ACTIVITIES OF PERSONS POSSESSING MATERIAL, NONPUBLIC INFORMATION

Legal Authority: 7 USC 5 Commodity Exchange Act, Sec 3; 7 USC 6b Commodity Exchange Act, Sec 4b; 7 USC 7 Commodity Exchange Act, Sec 5; 7 USC 7a Commodity Exchange Act, Sec 5a; 7 USC 8 Commodity Exchange Act, Sec 6; 7 USC 13a Commodity Exchange Act, Sec 6b; 7 USC 12 Commodity Exchange Act, Sec 8; 7 USC 12a Commodity Exchange Act, Sec 8a; 7 USC 13 Commodity Exchange Act, Sec 9

CFR Citation: 17 CFR 1

Abstract: The Commission has proposed to adopt regulation 1.59 which would require designated self-regulatory organizations to adopt rules that prohibit their employees from trading certain futures or options contracts which are related to their employment responsibilities and from divulging material, nonpublic information obtained as a result of employment at the self-regulatory organization. It also would be a violation of proposed regulation 1.59 for an employee to divulge material, nonpublic information obtained by reason of employment at a self-regulatory organization. Finally, the proposed regulation would require exchanges to adopt rules prohibiting members of their governing boards from trading in certain markets prior to the announcement of market regulatory decisions.

Timetable:

Action	Date	FR Cite
NPRM	03/31/85	

Small Entity: No

Agency Contact: De'Ana J. Hamilton, Attorney, Commodity Futures Trading Commission, Division of Trading and Markets, 2033 K Street, NW, Washington, DC 20581, 202 254-8955

RIN: 3038-AA39

12. ● TRADE TIME-SEQUENCING STANDARDS AND EXCHANGE AUDIT TRAIL SYSTEMS

Legal Authority: 7 USC 6b Commodity Exchange Act, Sec 4b; 7 USC 6c Commodity Exchange Act, Sec 4c; 7 USC 6g Commodity Exchange Act, Sec 4g; 7 USC 6j Commodity Exchange Act, Sec 4j; 7 USC 7 Commodity Exchange Act, Sec 5; 7 USC 7a Commodity Exchange Act, Sec 5a; 7 USC 12 Commodity Exchange Act, Sec 8; 7 USC 12a Commodity Exchange Act, Sec 8a; 7 USC 12c Commodity Exchange Act, Sec 8c

CFR Citation: 17 CFR 1

Abstract: The Commission has proposed an amendment to its regulation 1.35 (g) which would require that the time of trade execution be recorded to the nearest minute by each party to all transactions executed on the contract markets. The amendments would require that this trade execution time also appear on the trade register, which the contract markets are required to maintain pursuant to Commission regulation 1.35(e). The proposed amendments also would require that a mechanical or electronic time recordation system be used by the parties to each trade, although the proposed amendments also provide that, as an interim measure, other than mechanical or electronic means may be employed to capture the trade execution time to the nearest minute. The amendments are intended to enhance the audit trail capabilities of the contract markets, thus improving the ability to detect and prosecute trade practice abuses.

Timetable:

Action	Date	FR Cite
NPRM	12/27/84	49 FR 50190
NPRM Comment Period Begin	12/27/84	50 FR 8639
NPRM Comment Period End	04/26/85	
Final Action	12/00/85	

Small Entity: No

Agency Contact: Thomas M. McGivern, Attorney, Commodity Futures Trading Commission, Division of Trading and Markets, 2033 K Street, NW, Washington, DC 20581, 202 254-8955

RIN: 3038-AA40

COMMODITY FUTURES TRADING COMMISSION (CFTC) Completed Actions

COMPLETED RULEMAKINGS

13. AUTHORIZATION TO PERFORM PORTIONS OF THE COMMISSION'S REGISTRATION FUNCTIONS

CFR Citation: 17 CFR 1; 17 CFR 3; 17 CFR 140; 17 CFR 145

Completed:

Reason	Date	FR Cite
Final Action	10/09/84	49 FR 39518
Final Action Effective	11/16/84	49 FR 45418

Small Entity: No

Agency Contact: Linda Kurjan 202 254-8955

RIN: 3038-AA13

14. RISK DISCLOSURE BY FUTURES COMMISSION MERCHANTS TO CUSTOMERS

CFR Citation: 17 CFR 1.55(d)

Completed:

Reason	Date	FR Cite
Final Action	02/08/85	50 FR 5380

Small Entity: No

Agency Contact: Kevin M. Foley 202 254-8955

RIN: 3038-AA15

15. SERVICE FEES

CFR Citation: 17 CFR 1; 17 CFR 3; 17 CFR 5; 17 CFR 12; 17 CFR 31; 17 CFR 145; 17 CFR 146; 17 CFR 147

Completed:

Reason	Date	FR Cite
Final Action	01/08/85	50 FR 928

Small Entity: No

Agency Contact: Molly G. Bayley 202 254-7556

RIN: 3038-AA18

16. EXEMPTION FROM SPECULATIVE POSITION LIMITS FOR CERTAIN SPREAD POSITIONS

CFR Citation: 17 CFR 150

Completed:

Reason	Date	FR Cite
Final Action	09/20/84	49 FR 36825

Small Entity: No

Agency Contact: Paul Architzel 202 254-6990

RIN: 3038-AA35

ACTIONS THAT STARTED AND ENDED BETWEEN ISSUES OF THE UNIFIED AGENDA

17. ● PROCEDURES REGARDING THE DISCLOSURE OF INFORMATION AND THE TESTIMONY OF PRESENT OR FORMER COMMISSION MEMBERS AND EMPLOYEES IN RESPONSE TO SUBPOENAS OR OTHER DEMANDS OF A COURT OR ETC

Legal Authority: 5 USC 301; 7 USC 4a(j) Commodity Exchange Act, Sec. 2(a)(11); 7 USC 12a(5) Commodity Exchange Act, Sec. 8a(5); 31 USC 9701

CFR Citation: 17 CFR 140.735-9; 17 CFR 144

Abstract: The Commission has adopted rules establishing formal procedures governing the manner in which subpoenas seeking information from Commission records may be served and governing requests for Commission authorization for employees, including former members and employees of the Commission, to testify pursuant to subpoena or other demand of a court or other authority.

Timetable:

Action	Date	FR Cite
NPRM	11/14/84	49 FR 45015
Final Action	03/20/85	50 FR 3149
Final Action Effective	04/19/85	50 FR 3149

Small Entity: Not Applicable

Additional Information: TITLE CONT: Other Authority

Agency Contact: Whitney Adams, Deputy General Counsel, Commodity Futures Trading Commission, Office of the General Counsel, 2033 K Street, NW, Washington, DC 20581, 202 254-9880

RIN: 3038-AA41

18. ● COLLECTION OF CLAIMS OWED THE UNITED STATES ARISING FROM ACTIVITIES UNDER THE COMMISSION'S JURISDICTION

Legal Authority: 7 USC 9 Commodity Exchange Act, Sec 6(b); 7 USC 9a Commodity Exchange Act, Sec 6(d); 7 USC 12a(5) Commodity Exchange Act, Sec 8a(5); 31 USC 3701 to 3719 Fed Claims Coll Act of 1966 as amended 1982

CFR Citation: 17 CFR 143

Abstract: The Commission has adopted rules to implement the Federal Claims Collection Act of 1966, as amended by the Debt Collection Act of 1982 and interpreted by the Department of Justice and General Accounting Office in the Federal Claims Collection Standards. These rules state the procedures the Commission will follow to collect claims owed the United States arising from activities under the Commission's jurisdiction. The rules also state under what circumstances interest and penalty charges on claims may be assessed or waived by the Commission. The rules are intended to ensure fair and expeditious collection of unpaid claims.

Timetable:

Action	Date	FR Cite
NPRM	12/10/84	49 FR 48060
Final Action	02/08/85	50 FR 5383

Small Entity: No

Agency Contact: Jeri E. Ruscoll, Attorney, Commodity Futures Trading Commission, Office of the General Counsel, 2033 K Street, NW, Washington, DC 20581, 202 254-9880

RIN: 3038-AA42

[FR Doc. 85-6496 Filed 04-26-85; 8:45 am]

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Monday
April 29, 1985

Part XLVI

Consumer Product Safety Commission

Semiannual Regulatory Agenda

CPSC

CONSUMER PRODUCT SAFETY COMMISSION

16 CFR Ch. II

Regulatory Flexibility Act; Semiannual Regulatory Flexibility and Unified Agendas

AGENCY: Consumer Product Safety Commission.

ACTION: Publication of regulatory flexibility and unified agendas.

SUMMARY: The Regulatory Flexibility Act (RFA) requires each Federal agency to publish twice each year a regulatory flexibility agenda listing for a 12-month period rules expected to be proposed or promulgated which may have a significant economic impact on a substantial number of small entities. In this document, the Commission publishes its ninth semiannual regulatory flexibility agenda.

Additionally, although not required to do so, the Commission has elected to comply voluntarily with those provisions of Executive Order 12291 which require executive agencies to publish an agenda of regulatory actions under development or review during the succeeding 12 months by the agency and which further provide that such an agenda may be incorporated with an agency's regulatory flexibility agenda published in accordance with the RFA.

DATE: The Commission welcomes comments from small entities, including small businesses, small organizations, and small governmental units, upon each subject area of the agenda. Written comments concerning the agenda should be received in the Office of the Secretary by June 29, 1985.

ADDRESS: Comments on the regulatory flexibility agenda should be sent to the Office of the Secretary, Consumer Product Safety Commission, Washington, D.C. 20207, telephone (301) 492-6800, and should be titled "Regulatory Flexibility Agenda."

FOR FURTHER INFORMATION CONTACT: For further information on the agenda in general, contact: Iris R. Liskey, Office of Program Management, Consumer Product Safety Commission, Washington, D.C. 20207, telephone (301) 492-6554. All inquiries from the press and broadcast media should be directed to Lou Brott, Office of Public Affairs, Consumer Product Safety Commission, Washington, D.C. 20207, telephone (202) 634-7780. For further information regarding a particular item on the agenda, consult the individual listed in the column headed "Contact" for that particular item.

SUPPLEMENTARY INFORMATION: The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), contains several provisions intended to reduce unnecessary and disproportionate regulatory requirements on small businesses, small governmental organizations, and other small entities. Section 602 of the Act (5 U.S.C. 602) requires each agency to publish twice each year a regulatory flexibility agenda containing a brief description of any rule expected to be proposed or promulgated which may have a "significant economic impact" on a "substantial number" of small entities. The agency must also provide a summary of the objectives and legal basis for each agenda item and a schedule for acting on each item, as well as the name and address of the agency official knowledgeable about the items listed. Further, agencies are required to provide notice of their agendas to small entities and solicit their comments by direct notification or by inclusion in publications likely to be obtained by such entities.

In addition, President Reagan's Executive Order 12291 requires executive agencies to publish, twice each year, a regulatory agenda of proposed regulations under development or review and further states that such an agenda may be incorporated with an agenda published under the RFA. While the Commission, as an independent regulatory agency, is not required to follow Executive Order 12291, the Commission is complying voluntarily with those provisions concerning publication of a regulatory agenda.

The ninth semiannual regulatory flexibility agenda, published below, lists for a 12-month period anticipated regulatory activities under development or review. These include all such activities, not only those which may have a significant economic impact on a substantial number of small entities.

The agenda contains a brief description and summary of each regulatory activity, including the objectives and legal basis for each; an approximate schedule of target dates, subject to revision, for the development or completion of each activity; and the name and telephone number of a knowledgeable agency official concerning particular items on the agenda. All agency contacts have the same address: Consumer Product Safety Commission, Washington, D.C. 20207.

DATED: March 27, 1985.

Sadye E. Dunn,

Secretary, Consumer Product Safety Commission.

Current and Projected Rulemakings

Sequence Number	Title	Regulation Identifier Number
1	*Consumer product safety standard for "chain saws and their component and replacement parts"	3041-AA00
2	*Upholstered furniture cigarette flammability standard	3041-AA01
3	Petition CP 82-6. Petition to initiate a mandatory standard to limit the formaldehyde that could be released from pressed wood products made with urea-formaldehyde resins	3041-AA03
4	Flammability classification regulations	3041-AA05
5	Asbestos in selected consumer products	3041-AA11
6	Petition AP 83-1. Petition to require labeling of constrained-spring twist-on connectors with aluminum wire	3041-AA21
7	Requirements for the special packaging of household substances; advance notice of proposed rulemaking and notice of opportunity for oral presentations	3041-AA22
8	Petition AP 83-2. Petition to require a labeling rule for crimp type electrical connectors	3041-AA26

CPSC

Current and Projected Rulemakings—Continued

Sequence Number	Title	Regulation Identifier Number
9	Petition CP 83-1. Petition to establish standards for recuperative gas furnaces to address corrosion of the furnace and its venting system	3041-AA27
10	Petition CP 83-2. Petition to establish standards for swimming pool covers	3041-AA38
11	Petition HP 84-1. Petition to request amendment to the regulations on electrical toys to exempt electronic video games	3041-AA41
12	Petition PP 84-1. Petition to require special packaging for liquid household bleach products	3041-AA45
13	Petition HP 84-2. Petition to request amendments to electrical toy regulations (16 CFR 1505)	3041-AA49
14	Petition CP 84-2. Petition to request safety standards for shoulder pads worn by Lacrosse players	3041-AA50
15	Federal Hazardous Substances Act regulations for first aid labeling of products containing more than 5 percent of benzene or 10 percent of toluene, xylene, or petroleum distillates	3041-AA52

*Indicates priority regulation.

Existing Regulations Under Review

Sequence Number	Title	Regulation Identifier Number
16	Rule review	3041-AA19
17	Rule review	3041-AA20
18	Rule review	3041-AA24
19	Rule review	3041-AA25
20	Exemption from classification as a banned toy or other banned article for use by children -- caps (paper or plastic)	3041-AA35

Completed Actions

Sequence Number	Title	Regulation Identifier Number
21	Amendments to clothing textile standard apparel revision	3041-AA04
22	Clothing textiles and vinyl plastic film flammability standards amendment	3041-AA06
23	*Hazardous substances labeling requirements	3041-AA15
24	Petition HP 83-1. Petition to halt the sale of and ban the use of potassium dichromate products in residential humidifiers	3041-AA31
25	Exemptions of cyclically administered oral contraceptives from special packaging requirements under the Poison Prevention Packaging Act	3041-AA37
26	Exemption of certain conjugated estrogens and progestins from special packaging requirements under the Poison Prevention Packaging Act	3041-AA44
27	Petition CP 84-1. Petition to require hand guards on lawn mower blades when they are shipped for consumer use	3041-AA46
28	Proposed amendment of rules governing commission involvement in voluntary standards activities	3041-AA48

*Indicates priority regulation.

CONSUMER PRODUCT SAFETY COMMISSION (CPSC) — Current and Projected Rulemakings

1. CONSUMER PRODUCT SAFETY STANDARD FOR "CHAIN SAWS AND THEIR COMPONENT AND REPLACEMENT PARTS"

Priority: Major

Legal Authority: 15 USC 2058(a) CPSA

CFR Citation: 16 CFR Chapter II

Abstract: The Commission staff has continued working with industry to develop a voluntary standard to address kickback injuries associated with chain saws. Recently a committee of the American National Standards Institute (ANSI) and representatives of the Portable Power Equipment Manufacturers Association (formerly the Chain Saw Manufacturers Association) completed work on requirements to reduce kickback injuries which will be submitted to ANSI for final approval and publication as an ANSI standard.

In the Federal Register of May 5, 1982, the Commission published an advance notice of proposed rulemaking to begin a proceeding for development of a mandatory consumer product safety standard to reduce risks of kickback injuries associated with chain saws.

If the recently developed requirements are approved and published as an ANSI voluntary standard, the Commission staff will evaluate the effectiveness of the standard and the extent to which the chain saw industry conforms to that standard. (cont)

Timetable:

Action	Date	FR Cite
ANPRM	05/05/82	47 FR 19369
ANPRM Comment Period Begin	05/05/82	47 FR 19369
ANPRM Comment Period End	07/06/82	

Next Action Undetermined

Small Entity: Undetermined

Additional Information: ABSTRACT CONT: These factors must be considered by the Commission before taking any final action with regard to the proceeding for development of a mandatory consumer product safety standard for chain saws.

Agency Contact: Carl W. Blechschmidt, Program Manager, Consumer Product Safety Commission, Office of Program Management, Washington, DC 20207, **301 492-6554**

RIN: 3041-AA00

2. UPHOLSTERED FURNITURE CIGARETTE FLAMMABILITY STANDARD

Priority: Major

Legal Authority: 15 USC 1193 FFA; 15 USC 1194 FFA

CFR Citation: 16 CFR 1633

Abstract: On August 15, 1984, the staff briefed the Commission on results of testing by the Commission's laboratory to evaluate resistance to cigarette ignition of upholstered furniture from current production. The samples tested by the Commission's laboratory were made in conformance with recently adopted changes to the Voluntary Action Program of the Upholstered Furniture Action Council for production of furniture with improved resistance to cigarette ignition. The staff reported that significant improvements had been made to cigarette ignition resistance of upholstered furniture and discussed areas in which further improvements may be possible. Cooperative efforts are being continued with industry to further improve the cigarette ignition resistance of upholstered furniture. In 1981 the Commission voted to defer mandatory regulatory action on upholstered furniture in order to work with manufacturers participating in the Voluntary Action Program of the Upholstered Furniture Action Council (UFAC). This program may eliminate the need for a mandatory standard.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: Yes

Affected Sectors: 25 FURNITURE AND FIXTURES

Agency Contact: James Hoebel, Program Manager, Consumer Product Safety Commission, Office of Program Management, Washington, DC 20207, **301 492-6554**

RIN: 3041-AA01

3. PETITION CP 82-6, PETITION TO INITIATE A MANDATORY STANDARD TO LIMIT THE FORMALDEHYDE THAT COULD BE RELEASED FROM PRESSED WOOD PRODUCTS MADE WITH UREA-FORMALDEHYDE RESINS

Legal Authority: 5 USC 553(e) Administrative Procedure Act; 15 USC 2051 Consumer Product Safety Act; 15 USC 2058 Consumer Product Safety Act

CFR Citation: Not yet determined

Abstract: During FY 1983, the Commission's work in this project focused on developing information on consumer exposure to formaldehyde from pressed wood products in conventional homes, as well as developing improved formaldehyde measurement methods that could be used by manufacturers for quality control purposes. In correspondence received August 19, 1982, the Consumer Federation of America (CFA) petitioned the Commission to institute a mandatory product safety standard to limit the amount of formaldehyde that could be released from pressed wood products made with urea-formaldehyde resin. Work on this petition has been included within the Commission's ongoing priority project on pressed wood products. A staff briefing package on the status of this project and recommendations pertaining to the CFA petition will be forwarded to the Commission in FY 1985 for their consideration.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: Undetermined

Agency Contact: James Hoebel, Program Manager, Consumer Product Safety Commission, Office of Program Management, Washington, DC 20207, **301 492-6554**

RIN: 3041-AA03

4. FLAMMABILITY CLASSIFICATION REGULATIONS

Legal Authority: 15 USC 1261(l) FHSA; 15 USC 1269(a) FHSA

CFR Citation: 16 CFR 1500.3(b)(10); 16 CFR 1500.3(c)(6); 16 CFR 1500.43

Abstract: On April 26, 1984, the Commission published in the Federal Register a proposal to amend its regulations for classifying extremely flammable, flammable and combustible hazardous substances which release ignitible vapors. These flammability classifications are used for regulatory purposes, including hazard labeling. The amendments change the definition of these classifications and specify a different test method for determining the classification of these substances. If issued on a final basis, the changes would bring the Commission's procedures into general conformity with the practices of other federal agencies and voluntary standards setting organizations.

Timetable:

Action	Date	FR Cite
NPRM	04/26/84	49 FR 17956
NPRM Comment Period Begin	04/26/84	49 FR 17956
NPRM Comment Period End	08/24/84	

Next Action Undetermined

Small Entity: No

Agency Contact: Allen Brauninger, Attorney, Consumer Product Safety Commission, Office of General Counsel, Washington, DC 20207, **301 492-6980**

RIN: 3041-AA05

5. ASBESTOS IN SELECTED CONSUMER PRODUCTS

Legal Authority: 15 USC 1261 et seq FHSA; 15 USC 2058 CPSA; 15 USC 2080(b) CPSA

CFR Citation: Not yet determined

Abstract: Hazard information shows that asbestos presents a risk of cancer and respiratory disease. During FY 1985, the Commission will decide whether additional regulatory activity, including an ANPRM, may be appropriate. In July 1983, the Commission received the report of the Chronic Hazard Advisory Panel (CHAP) on Asbestos. The CHAP was convened in January 1983, based on a Commission decision of March 1982. The Commission is continuing to test selected consumer products for release of asbestos fibers and is a charter member in the Federal Asbestos Task Force.

Timetable:

Action	Date	FR Cite
ANPRM	10/17/79	44 FR 60057
Notice of availability of CHAP report	05/25/83	48 FR 23473

Next Action Undetermined

Small Entity: Undetermined

Agency Contact: Sandra Eberle, Program Manager, Consumer Product Safety Commission, Directorate for Health Sciences, Washington, DC 20207, 301 492-6957

RIN: 3041-AA11

6. PETITION AP 83-1. PETITION TO REQUIRE LABELING OF CONSTRAINED-SPRING TWIST-ON CONNECTORS WITH ALUMINUM WIRE

Legal Authority: 15 USC 2076(e) CPSA

CFR Citation: Not yet determined

Abstract: In correspondence dated December 1, 1982, Dr. Jesse Aronstein petitioned the Commission to issue a regulation that would require the labeling of electrical wiring connectors of the constrained-spring twist-on type to advise consumers that a fire hazard may result if such connectors are used with aluminum wiring. If the Commission grants the petition, it will begin a rulemaking proceeding to issue the rule requested by the petition.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: Undetermined

Agency Contact: Melvin Spencer, Assistant Program Manager, Consumer Product Safety Commission, Office of Program Management, Washington, DC 20207, 301 492-6554

RIN: 3041-AA21

7. REQUIREMENTS FOR THE SPECIAL PACKAGING OF HOUSEHOLD SUBSTANCES; ADVANCE NOTICE OF PROPOSED RULEMAKING AND NOTICE OF OPPORTUNITY FOR ORAL PRESENTATIONS

Legal Authority: 15 USC 1472 PPPA; 15 USC 1473 PPPA

CFR Citation: 16 CFR 1700.20

Abstract: On January 19, 1983 the Commission published an Advanced Notice of Proposed Rulemaking soliciting comments on ways to amend the existing child resistant packaging requirements to improve the effectiveness and efficiency of these requirements.

Timetable:

Action	Date	FR Cite
ANPRM	01/19/83	48 FR 2389
ANPRM Comment Period Begin	01/19/83	48 FR 2389
ANPRM Comment Period End	03/21/83	

Next Action Undetermined

Small Entity: Undetermined

Agency Contact: Virginia A. White, Project Manager, Consumer Product Safety Commission, Directorate for Health Sciences, Washington, DC 20207, 301 492-6957

RIN: 3041-AA22

8. PETITION AP 83-2. PETITION TO REQUIRE A LABELING RULE FOR CRIMP TYPE ELECTRICAL CONNECTORS

Legal Authority: 15 USC 2076(e) CPSA; 5 USC 553(e) APA

CFR Citation: Not yet determined

Abstract: In correspondence dated May 1, 1983, Dr. Jesse Aronstein petitioned the Commission to issue a regulation that would require the labeling of electrical wiring connectors of the hand-tool crimp type delineating the applications for which the manufacturer considers the connectors to be suitable and would provide a warning regarding possible hazardous consequences if used in non-rated applications. If the Commission grants the petition, it will initiate a rulemaking proceeding to issue the rule requested by the petition.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: Undetermined

Agency Contact: Melvin Spencer, Assistant Program Manager, Consumer Product Safety Commission, Office of Program Management, Washington, DC 20207, 301 492-6554

RIN: 3041-AA26

9. PETITION CP 83-1. PETITION TO ESTABLISH STANDARDS FOR RECUPERATIVE GAS FURNACES TO ADDRESS CORROSION OF THE FURNACE AND ITS VENTING SYSTEM

Legal Authority: 5 USC 553(e) APA; 15 USC 2056 CPSA; 15 USC 2058 CPSA

CFR Citation: Not yet determined

Abstract: In correspondence dated April 7, 1983, the City of Cincinnati (Ohio), Department of Buildings and Inspections petitioned the Commission to establish safety standards to address the risk of injury associated with combustion products, possibly including carbon monoxide entering the living space of homes where recuperative gas furnaces are installed. If the Commission grants the petition, it will begin a rulemaking proceeding to issue the standard requested by the petition.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: Undetermined

Agency Contact: Stanley Morrow.

Project Manager, Consumer Product Safety Commission, Office of Program Management, Washington, DC 20207, 301 492-6554

RIN: 3041-AA27

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10. PETITION CP 83-2. PETITION TO ESTABLISH STANDARDS FOR SWIMMING POOL COVERS

Legal Authority: 15 USC 2056 CPSA; 15 USC 2058 CPSA

CFR Citation: Not yet determined

Abstract: In correspondence dated May 23, 1983 and July 22, 1983, Dr. Arnold Stockton petitioned the Commission to develop a standard for swimming pool covers to address the hazards to persons, especially children, who might fall on the cover. If the Commission grants the petition, it will begin a rulemaking proceeding to address this risk.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: Undetermined

Agency Contact: Ronald L. Medford, Project Manager, Consumer Product Safety Commission, Office of Program Management, Washington, DC 20207, 301 492-6554

RIN: 3041-AA38

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11. PETITION HP 84-1. PETITION TO REQUEST AMENDMENT TO THE REGULATIONS ON ELECTRICAL TOYS TO EXEMPT ELECTRONIC VIDEO GAMES

Legal Authority: 15 USC 1261 FHSA; 15 USC 1262 FHSA

CFR Citation: 16 CFR 1505

Abstract: In correspondence dated December 21, 1983, the Consumer Electronic Group of the Electronic Industries Association petitioned the Commission to request an amendment to the regulation on electrical toys that would exempt electronic video games from coverage. If the Commission grants the petition it will proceed to develop an exemption to the standard.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: Undetermined

Agency Contact: Melvin Spencer, Assistant Program Manager, Consumer Product Safety Commission, Office of Program Management, Washington, DC 20207, 301 492-6554

RIN: 3041-AA41

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12. PETITION PP 84-1. PETITION TO REQUIRE SPECIAL PACKAGING FOR LIQUID HOUSEHOLD BLEACH PRODUCTS

Legal Authority: 15 USC 1472 PPPA; 15 USC 1473 PPPA

CFR Citation: 16 CFR 1700.14

Abstract: In correspondence dated March 8, 1984, Ms. Christine F. Atkins petitioned the Commission to initiate rulemaking to require child-resistant packaging on household liquid bleach products. If the petition is granted, the Commission will begin rulemaking proceedings to issue the special packaging requested by the petition.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: Undetermined

Agency Contact: Virginia A. White, Senior Project Manager, Consumer Product Safety Commission, Directorate for Health Sciences, Washington, DC 20207, 301 492-6957

RIN: 3041-AA45

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13. ● PETITION HP 84-2. PETITION TO REQUEST AMENDMENTS TO ELECTRICAL TOY REGULATIONS (16 CFR 1505)

Legal Authority: 15 USC 1261 FHSA; 15 USC 1262 FHSA

CFR Citation: 16 CFR 1505

Abstract: In correspondence dated March 8, 1984, the Toy Manufacturers of America petitioned the Commission to amend the requirements for electronically operated toys or other articles electronically operated and intended for use by children. If the Commission grants the petition it will begin a rulemaking proceeding to amend the regulation as requested by the petitioner.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: Undetermined

Agency Contact: Melvin Spencer, Assistant Program Manager, Consumer Product Safety Commission, Consumer Product Safety Commission, 301 492-6554

RIN: 3041-AA49

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14. ● PETITION CP 84-2. PETITION TO REQUEST SAFETY STANDARDS FOR SHOULDER PADS WORN BY LACROSSE PLAYERS

Legal Authority: 5 USC 553(e) APA; 15 USC 2056 CPSA

CFR Citation: Not yet determined

Abstract: In correspondence dated August 21, 1984, Dr. Richard F. Edlich petitioned the Commission to request safety standards for shoulder pads worn by Lacrosse players. If the Commission grants the petition it will begin a rulemaking proceeding to issue the rule requested by the petitioner.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: Undetermined

Agency Contact: Stanley Morrow, Project Manager, Consumer Product Safety Commission, Consumer Product Safety Commission, 301 492-6554

RIN: 3041-AA50

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15. ● FEDERAL HAZARDOUS SUBSTANCES ACT REGULATIONS FOR FIRST AID LABELING OF PRODUCTS CONTAINING MORE THAN 5 PERCENT OF BENZENE OR 10 PERCENT OF TOLUENE, XYLENE, OR PETROLEUM DISTILLATES

Legal Authority: 15 USC 1261(p)(1) FHSA

CFR Citation: 16 CFR 1500.14(b)(3)

Abstract: After considering the recommendations of the Final Report of the Toxicological Advisory Board, the Commission voted in February 1985, to direct the staff to prepare a draft proposal to amend the FHSA regulations for first aid labeling of products containing more than 5 percent of benzene or 10 percent of toluene, xylene, or petroleum distillates

to delete the requirement that the instructions contain the direction "if swallowed, do not induce vomiting." Current expert opinion is that whether to induce vomiting as a first aid treatment is a decision that should be made on a product-by-product or case-by-case basis, depending on the toxicity and amount ingested.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: Undetermined

Agency Contact: Virginia A. White, Project Manager, Consumer Product Safety Commission, Directorate for Health Sciences, Washington, D. C.20207, **301 492-6957**

RIN: 3041-AA52

CONSUMER PRODUCT SAFETY COMMISSION (CPSC) — Existing Regulations Under Review

16. RULE REVIEW

Legal Authority: 5 USC 610 Regulatory Flexibility Act; 15 USC 2051 et seq CPSA

CFR Citation: 16 CFR 1009; 16 CFR 1019; 16 CFR 1115; 16 CFR 1201; 16 CFR 1202; 16 CFR 1205; 16 CFR 1207; 16 CFR 1209; 16 CFR 1212; 16 CFR 1301; 16 CFR 1302; 16 CFR 1303; 16 CFR 1304; 16 CFR 1305; 16 CFR 1401; ...

Abstract: On October 22, 1982, the Commission published a Federal Register notice listing seventeen (17) rules and standards (issued under the Consumer Product Safety Act), soliciting comments on these rules which it will review pursuant to the requirements of the Regulatory Flexibility Act. The Commission will review these rules to determine if they should be revoked, amended, or continued in effect without change.

Timetable:

Action	Date	FR Cite
Notice to solicit comments	10/22/82	47 FR 46861
Public Comment Period Ends	12/27/82	
Publication in Federal Register - Completion of review activity	04/00/85	

Small Entity: Yes

Agency Contact: Allen Brauninger, Attorney, Consumer Product Safety Commission, Office of General Counsel, Washington, DC 20207, **301 492-6980**

RIN: 3041-AA19

17. RULE REVIEW

Legal Authority: 5 USC 610 RFA; 15 USC 1193 FFA; 15 USC 1194 FFA; 15 USC 2079 CPSA

CFR Citation: 16 CFR 1608; 16 CFR 1610; 16 CFR 1611; 16 CFR 1615; 16 CFR 1616; 16 CFR 1630; 16 CFR 1631; 16 CFR 1632

Abstract: On February 2, 1984, the Commission published a Federal Register Notice listing eight (8) rules and standards issued under the Flammable Fabrics Act, and soliciting comments on those rules. The Commission will review these rules under the provisions of the Regulatory Flexibility Act to determine if the rules should be revoked, amended, or continued in effect without changes.

Timetable:

Action	Date	FR Cite
Notice to solicit comments	02/02/84	49 FR 4103
Public Comment Period Ends	04/02/84	49 FR 4103

Next Action Undetermined

Small Entity: Yes

Agency Contact: Allen Brauninger, Attorney, Consumer Product Safety Commission, Office of General Counsel, Washington, DC 20207, **301 492-6980**

RIN: 3041-AA20

18. RULE REVIEW

Legal Authority: 5 USC 610 Regulatory Flexibility Act; 15 USC 1471 PPPA

CFR Citation: 16 CFR 1700; 16 CFR 1701; 16 CFR 1702; 16 CFR 1704

Abstract: The Commission plans to publish a Federal Register Notice listing four (4) rules and standards issued under the Poison Prevention Packaging Act, and soliciting comments on those rules. The Commission will review these rules under the provisions of the Regulatory Flexibility Act to determine if the rules should be revoked, amended, or continued in effect without changes.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: Yes

Agency Contact: Allen Brauninger, Attorney, Consumer Product Safety Commission, Office of General Counsel, Washington, DC 20207, **301 492-6980**

RIN: 3041-AA24

19. RULE REVIEW

Legal Authority: 5 USC 610 Regulatory Flexibility Act; 15 USC 1261 FHSA

CFR Citation: 16 CFR 1500; 16 CFR 1501; 16 CFR 1505; 16 CFR 1507; 16 CFR 1508; 16 CFR 1509; 16 CFR 1510; 16 CFR 1511; 16 CFR 1512

Abstract: On February 22, 1984, the Commission published a Federal Register Notice listing nine (9) rules and standards issued under the Federal Hazardous Substances Act, soliciting comments on those rules. The Commission will review these rules under provisions of the Regulatory Flexibility Act to determine if the rules should be revoked, amended, or continued in effect without changes.

Timetable:

Action	Date	FR Cite
Notice to solicit comments	02/22/84	49 FR 6504
Public Comment Period Ends	04/23/84	49 FR 6504

Next Action Undetermined

Small Entity: Yes

CPSC — Existing Regulations Under Review

Agency Contact: Allen Brauninger, Attorney, Consumer Product Safety Commission, Office of General Counsel, Washington, DC 20207, **301 492-6980**

RIN: 3041-AA25

20. EXEMPTION FROM CLASSIFICATION AS A BANNED TOY OR OTHER BANNED ARTICLE FOR USE BY CHILDREN -- CAPS (PAPER OR PLASTIC)

Legal Authority: 15 USC 1261(f)1(D); 15 USC 1262(e)(1); 15 USC 2079(a); 15 USC 1261(q)(1)(a); 15 USC 1261(s)

CFR Citation: 16 CFR 1500.18(a)(5); 16 CFR 1500.86(a)(6)

Abstract: For more than ten years a regulation has existed under the Federal Hazardous Substances Act that was an "interim" regulation. Caps producing sound levels in the range of 138-158 decibels have been banned, but are exempt from the ban if they are properly labeled and if firms producing them report to the Commission on programs to reduce the sound levels. The Commission will be considering whether to revoke the exemption and thus ban the caps or to expand the exemption to allow their marketing without any restrictions. Any action will be based on as-yet-undetermined analyses of the various costs and benefits associated with these two approaches or any other approaches that the Commission might pursue.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Government Levels Affected: Local, State, Federal

Agency Contact: Linda Glatz, Project Manager, Consumer Product Safety Commission, Office of Program Management, Washington, DC 20207, **301 492-6554**

RIN: 3041-AA35

CONSUMER PRODUCT SAFETY COMMISSION (CPSC) — Completed Actions

COMPLETED RULEMAKINGS

21. AMENDMENTS TO CLOTHING TEXTILE STANDARD APPAREL REVISION

CFR Citation: 16 CFR 1610.37; 16 CFR 1610.38

Completed:

Reason	Date	FR Cite
Final Action	12/14/84	49 FR 48683
Final Action Effective	01/14/85	49 FR 48683

Small Entity: No

Agency Contact: James Hoebel 301 492-6554

RIN: 3041-AA04

22. CLOTHING TEXTILES AND VINYL PLASTIC FILM FLAMMABILITY STANDARDS AMENDMENT

CFR Citation: 16 CFR 1610; 16 CFR 1611

Completed:

Reason	Date	FR Cite
Final Action	03/26/85	50 FR 7754
Final Action Effective	04/29/85	50 FR 7754

Small Entity: No

Agency Contact: James Hoebel 301 492-6554

RIN: 3041-AA06

23. HAZARDOUS SUBSTANCES LABELING REQUIREMENTS

Priority: Major

CFR Citation: 16 CFR 1500.121

Completed:

Reason	Date	FR Cite
Final Action	12/28/84	49 FR 50374
Final Action Effective	12/30/85	49 FR 50374

Small Entity: Yes

Agency Contact: Charles M. Jacobson 301 492-6400

RIN: 3041-AA15

24. PETITION HP 83-1. PETITION TO HALT THE SALE OF AND BAN THE USE OF POTASSIUM DICHROMATE PRODUCTS IN RESIDENTIAL HUMIDIFIERS

CFR Citation: 00 CFR Not Yet Determined

Completed:

Reason	Date	FR Cite
Petition Denied	03/20/85	

Small Entity: Undetermined

Agency Contact: Virginia A. White 301 492-6957

RIN: 3041-AA31

25. EXEMPTIONS OF CYCLICALLY ADMINISTERED ORAL CONTRACEPTIVES FROM SPECIAL PACKAGING REQUIREMENTS UNDER THE POISON PREVENTION PACKAGING ACT

CFR Citation: 16 CFR 1700.14

Completed:

Reason	Date	FR Cite
Final Action	11/07/84	49 FR 44455
Final Action Effective	11/07/84	49 FR 44455

Small Entity: Undetermined

Agency Contact: Virginia A. White 301 492-6957

RIN: 3041-AA37

26. EXEMPTION OF CERTAIN CONJUGATED ESTROGENS AND PROGESTINS FROM SPECIAL PACKAGING REQUIREMENTS UNDER THE POISON PREVENTION PACKAGING ACT

CFR Citation: 16 CFR 1700.14

Completed:

Reason	Date	FR Cite
Final Action	12/28/84	49 FR 50386
Final Action Effective	12/28/84	49 FR 50386

Small Entity: No

Agency Contact: Virginia A. White 301 492-6957

RIN: 3041-AA44

27. PETITION CP 84-1. PETITION TO REQUIRE HAND GUARDS ON LAWN MOWER BLADES WHEN THEY ARE SHIPPED FOR CONSUMER USE

CFR Citation: 15 CFR 1205

CPSC

Completed Actions

Completed:

Reason	Date	FR Cite
Petition Denied	02/06/85	

Small Entity: Undetermined

Agency Contact: Stanley Morrow 301 492-6554

RIN: 3041-AA46

28. PROPOSED AMENDMENT OF RULES GOVERNING COMMISSION INVOLVEMENT IN VOLUNTARY STANDARDS ACTIVITIES

CFR Citation: 16 CFR 1032

Completed:

Reason	Date	FR Cite
Withdrawn	01/16/85	

Small Entity: Undetermined

Agency Contact: Douglas L. Noble 301 492-6550

RIN: 3041-AA48

[FR Doc. 85-7909 Filed 04-26-85; 8:45 am]

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Federal Register

Monday
April 29, 1985

Part XLVII

Farm Credit Administration

Semiannual Regulatory Agenda

FCA

FARM CREDIT ADMINISTRATION

12 CFR Ch. VI

Unified Agenda of Federal Regulations

AGENCY: Farm Credit Administration.

ACTION: Department Unified Agenda of Regulations and review list.

SUMMARY: The Farm Credit Administration, as an independent regulatory agency in voluntary compliance with Executive Order 12291, sets forth the following agenda of regulations which it will have under development and review during the period of April 1985 through October 1985.

FOR FURTHER INFORMATION CONTACT: Dorothy J. Acosta, Associate General Counsel, Office of General Counsel, Farm Credit Administration, 1501 Farm Credit Drive, McLean, VA 22102-5090 (703-883-4020).

SUPPLEMENTARY INFORMATION: The Regulatory Flexibility Act (5 U.S.C. 601, *et seq.*), contains several provisions intended to reduce unnecessary and disproportionate regulatory requirements on small entities. Farm Credit Administration ("FCA") regulations which apply to Farm Credit System banks and associations do not and will not have a substantial impact on small entities. None of the entities regulated by the FCA fall within the definition of small entities in the Regulatory Flexibility Act. While many associations through which banks lend are smaller in size than their banks, they are not independently operated, as they are closely supervised by the banks, which must approve most of their operating policies. The associations rely exclusively on their supervising banks for their source of funds. Furthermore, the associations do not compete with each other since, as with their supervising banks, each serves only a particular geographic area.

While FCA is an independent Agency exempt from Executive Order 12291, we believe that participating in this joint publication will further the public interest by including FCA in a single source of information concerning current and projected rulemaking and reviews of existing regulations.

Donald E. Wilkinson,

Governor.

Current and Projected Rulemakings

Sequence Number	Title	Regulation Identifier Number
1	Farm Credit Administration	3052-AA00
2	Senior Deputy Governor, Deputy Governors and General Counsel	3052-AA01
3	Other Administrative Units	3052-AA02
4	Farm Credit Districts and Institutions	3052-AA03
5	Part 601 - Employee Responsibilities and Conduct	3052-AA04
6	Part 602 - Releasing Information	3052-AA05
7	Part 602 - Releasing Information	3052-AA06
8	Part 603 - Privacy Act Regulations	3052-AA07
9	Part 604 - Meetings of the Federal Farm Credit Board	3052-AA08
10	Limitation on Special Assignments	3052-AA09
11	Liquidation of Associations	3052-AA10
12	Cooperative Eligibility	3052-AA11
13	Part 614 - Loan Policies and Operations	3052-AA12
14	Loans Outside of Bank's Territory - Banks for Cooperatives	3052-AA13
15	Methods of Financing	3052-AA36
16	Obligations Eligible for Discount or Purchase	3052-AA37
17	Part 615 - Funding and Fiscal Affairs, Loan Policies and Operations, and Funding Operations	3052-AA38
18	Part 611-Subpart G--Amendments to Association Charters and Mergers and Consolidations	3052-AA43
19	*Part 602 - Releasing Information	3052-AA49
20	Part 602 - Releasing Information	3052-AA50
21	*Part 614 - Loan Policies and Operations Subpart Q -- Banks for Cooperatives Financing International Trade	3052-AA52
22	Part 601 - Employee Responsibilities and Conduct	3052-AA53
23	*Banks for Cooperatives	3052-AA54
24	Part 603 - Privacy Act Regulations	3052-AA55
25	Part 611 - Organization	3052-AA56
26	Part 612 - Personnel Administration, Subpart A -- Human Resources Management	3052-AA57
27	Part 614 - Loan Policies and Operations	3052-AA58
28	*Banks for Cooperatives' Earnings	3052-AA59
29	Part 615 - Funding and Fiscal Affairs	3052-AA60
30	Part 615 - Funding and Fiscal Affairs	3052-AA61
31	Equal Housing Lender Poster	3052-AA62
32	*Frequency of Examinations and Audits	3052-AA63
33	Part 617 - Examination, Audits and Investigations	3052-AA64
34	Publication of Reports	3052-AA65

*Indicates priority regulation.

FCA

Existing Regulations Under Review

Sequence Number	Title	Regulation Identifier Number
35	Overall Review of 12 CFR Parts 611 - 618	3052-AA48
36	Banks for Cooperatives	3052-AA51

Completed Actions

Sequence Number	Title	Regulation Identifier Number
37	Interest Rate Programs	3052-AA22
38	Part 612-Subpart B--Standards of Conduct for Directors, Officers, and Employees	3052-AA44
39	Part 602-Subpart C--Testimony and Production of Documents in Legal Proceedings Not Involving the Farm Credit Administration	3052-AA45

FARM CREDIT ADMINISTRATION (FCA) — Current and Projected Rulemakings

1. FARM CREDIT ADMINISTRATION

Legal Authority: PL 92-181; PL 96-592; 12 USC 1141(b)

CFR Citation: 12 CFR 600.1

Abstract: Technical amendment - change of address for Farm Credit Administration.

Timetable:

Action	Date	FR Cite
NPRM	04/00/85	

Small Entity: No

Additional Information: ADDITIONAL AGENCY CONTACT: Mary K. Mathews, Director, Administrative Division, Office of Administration, Farm Credit Administration, 1501 Farm Credit Drive, McLean, VA 22102-5090 (703-883-4116)

Agency Contact: Dorothy J. Acosta, Associate General Counsel, Farm Credit Administration, 1501 Farm Credit Drive, McLean, VA 22102-5090, **703 883-4020**

RIN: 3052-AA00

2. SENIOR DEPUTY GOVERNOR, DEPUTY GOVERNORS AND GENERAL COUNSEL

Legal Authority: PL 92-181; PL 96-592; 12 USC 2211; 12 USC 2252(16)

CFR Citation: 12 CFR 600.4

Abstract: Technical amendment - correct various titles and reference incorporation of Fiscal Agency.

Timetable:

Action	Date	FR Cite
NPRM	04/00/85	

Small Entity: No

Additional Information: ADDITIONAL AGENCY CONTACT: Mary K. Mathews, Director, Administrative Division, Office of Administration, Farm Credit Administration, 1501 Farm Credit Drive, McLean, VA 22102-5090 (703-883-4116)

Agency Contact: Dorothy J. Acosta, Associate General Counsel, Farm Credit Administration, 1501 Farm Credit Drive, McLean, VA 22102-5090, **703 883-4020**

RIN: 3052-AA01

3. OTHER ADMINISTRATIVE UNITS

Legal Authority: PL 92-181; 12 USC 2252(16)

CFR Citation: 12 CFR 600.5

Abstract: Technical amendment - to reflect current organizational divisions and sections.

Timetable:

Action	Date	FR Cite
NPRM	04/00/85	

Small Entity: No

Additional Information: ADDITIONAL AGENCY CONTACT: Mary K. Mathews, Director, Administrative Division, Office of Administration, Farm Credit Administration, 1501 Farm Credit Drive, McLean, VA 22102-5090 (703-883-4116)

Agency Contact: Dorothy J. Acosta, Associate General Counsel, Farm Credit Administration, 1501 Farm Credit Drive, McLean, VA 22102-5090, **703 883-4020**

RIN: 3052-AA02

4. FARM CREDIT DISTRICTS AND INSTITUTIONS

Legal Authority: PL 92-181; 12 USC 2252(16)

CFR Citation: 12 CFR 600.10

Abstract: Technical amendment - to correct address of various district banks.

Timetable:

Action	Date	FR Cite
NPRM	04/00/85	

Small Entity: No

Additional Information: ADDITIONAL AGENCY CONTACT: Mary K. Mathews, Director, Administrative Division, Office of Administration, Farm Credit Administration, 1501 Farm Credit Drive, McLean, VA 22102-5090 (703-883-4116)

Agency Contact: Dorothy J. Acosta, Associate General Counsel, Farm Credit Administration, 1501 Farm Credit Drive, McLean, VA 22102-5090, **703 883-4020**

RIN: 3052-AA03

5. PART 601 - EMPLOYEE RESPONSIBILITIES AND CONDUCT

Legal Authority: PL 92-181; 12 USC 2252(16)

CFR Citation: 12 CFR 601.101; 12 CFR 601.126; 12 CFR 601.127; 12 CFR 601.140; 12 CFR 601.176

Abstract: Technical amendments - to correct division and agency name changes.

Timetable:

Action	Date	FR Cite
NPRM	04/00/85	

Small Entity: No

Additional Information: ADDITIONAL AGENCY CONTACT: Mary K. Mathews, Director, Administrative Division, Office of Administration, Farm Credit Administration, 1501 Farm Credit Drive, McLean, VA 22102-5090 (703-883-4116)

Agency Contact: Dorothy J. Acosta, Associate General Counsel, Farm Credit Administration, 1501 Farm Credit Drive, McLean, VA 22102-5090, **703 883-4020**

RIN: 3052-AA04

6. PART 602 - RELEASING INFORMATION

Legal Authority: PL 92-181; 12 USC 2246; 12 USC 2252(16)

CFR Citation: 12 CFR 602.200 to 602.245; 12 CFR 614.4015; 12 CFR 617.7080; 12 CFR 618.8300 to 618.8350

Abstract: Clarify existing policies and procedures with respect to the release of information and/or documents obtained in or resulting from the conduct of official business by employees of the Farm Credit Administration and the Farm Credit System.

Timetable:

Action	Date	FR Cite
NPRM	04/00/85	

Small Entity: No

Additional Information: ADDITIONAL AGENCY CONTACT: Mary K. Mathews, Director, Administrative Division, Office of Administration, Farm Credit Administration, 1501 Farm Credit Drive, McLean, VA 22102-5090 (703-883-4116)

Agency Contact: Dorothy J. Acosta, Associate General Counsel, Farm Credit Administration, 1501 Farm Credit Drive, McLean, VA 22102-5090, **703 883-4020**

RIN: 3052-AA05

7. PART 602 - RELEASING INFORMATION

Legal Authority: PL 92-181; 12 USC 2252(16)

CFR Citation: 12 CFR 602.260; 12 CFR 602.261

Abstract: Technical amendments to correct division and agency name changes.

Timetable:

Action	Date	FR Cite
NPRM	04/00/85	

Small Entity: No

Additional Information: ADDITIONAL AGENCY CONTACT: Mary K. Mathews, Director, Administrative Division, Office of Administration, Farm Credit Administration, 1501 Farm Credit Drive, McLean, VA 22102-5090 (703-883-4116)

Agency Contact: Dorothy J. Acosta, Associate General Counsel, Farm Credit Administration, 1501 Farm Credit Drive, McLean, VA 22102-5090, **703 883-4020**

RIN: 3052-AA06

8. PART 603 - PRIVACY ACT REGULATIONS

Legal Authority: PL 92-181; 12 USC 2252(16)

CFR Citation: 12 CFR 603.300; 12 CFR 603.310; 12 CFR 603.340

Abstract: Technical amendments - to indicate agency, division and address changes.

Timetable:

Action	Date	FR Cite
NPRM	04/00/85	

Small Entity: No

Additional Information: ADDITIONAL AGENCY CONTACT: Mary K. Mathews, Director, Administrative Division, Office of Administration, Farm Credit Administration, 1501 Farm Credit Drive, McLean, VA 22102-5090 (703-883-4116)

Agency Contact: Dorothy J. Acosta, Associate General Counsel, Farm Credit Administration, 1501 Farm Credit Drive, McLean,VA 22102-5090, **703 883-4020**

RIN: 3052-AA07

9. PART 604 - MEETINGS OF THE FEDERAL FARM CREDIT BOARD

Legal Authority: 12 USC 2252(16); PL 92-181

CFR Citation: 12 CFR 604.300; 12 CFR 604.305; 12 CFR 604.310; 12 CFR 604.315; 12 CFR 604.320; 12 CFR 604.325; 12 CFR 604.330; 12 CFR 604.335; 12 CFR 604.340

Abstract: Technical amendments - renumber entire Part to coincide with numbering system used on other Parts. Sections 604.325 and 604.340 will reflect agency, division and address changes.

Timetable:

Action	Date	FR Cite
NPRM	04/00/85	

Small Entity: Not Applicable

Additional Information: ADDITIONAL AGENCY CONTACT: Mary K. Mathews, Director, Administrative Division, Office of Administration, Farm Credit Administration, 1501 Farm Credit Drive, McLean, VA 22102-5090 (703-883-4116)

Agency Contact: Dorothy J. Acosta, Associate General Counsel, Farm Credit Administration, 1501 Farm Credit Drive, McLean, VA 22102-5090, **703 883-4020**

RIN: 3052-AA08

10. LIMITATION ON SPECIAL ASSIGNMENTS

Legal Authority: PL 92-181; PL 96-592; 12 USC 2211

CFR Citation: 12 CFR 611.1031

Abstract: Technical amendment - to indicate incorporation of Fiscal Agency.

Timetable:

Action	Date	FR Cite
NPRM	04/00/85	

Small Entity: No

Additional Information: ADDITIONAL AGENCY CONTACT: Mary K. Mathews, Director, Administrative Division, Office of Administration, Farm Credit Administration, 1501 Farm Credit Drive, McLean, VA 22102-5090 (703-883-4116)

Agency Contact: Dorothy J. Acosta, Associate General Counsel, Farm Credit Administration, 1501 Farm Credit Drive, McLean, VA 22102-5090, **703 883-4020**

RIN: 3052-AA09

11. LIQUIDATION OF ASSOCIATIONS

Legal Authority: PL 92-181; 12 USC 2183(b)

CFR Citation: 12 CFR 611.1130; 12 CFR 611.1140

Abstract: The Farm Credit Administration will, on a priority basis, expand its existing regulation dealing with involuntary liquidation. Present regulations provide general authority for the Governor to declare an association insolvent and place it in the hands of a receiver or conservator under such terms as the Governor may prescribe on a case-by-case basis. The new regulations will address such topics as: who may act as receiver; the powers and duties of a receiver; the standards for the exercise of the Farm Credit Administration's discretion; procedural questions; jurisdictional questions and priority of claimants against the associations.

Timetable:

Action	Date	FR Cite
NPRM	02/13/85	50 FR 6000
NPRM Comment Period Begin	02/13/85	
NPRM Comment Period End	03/15/85	

Small Entity: No

Additional Information: ADDITIONAL AGENCY CONTACT: Gary L. Norton, Senior Attorney, Office of General Counsel, 1501 Farm Credit Drive, McLean, VA 22102-5090

Agency Contact: Dorothy J. Acosta, Associate General Counsel, Farm Credit Administration, 1501 Farm Credit Drive, McLean, VA 22102-5090, **703 883-4020**

RIN: 3052-AA10

12. COOPERATIVE ELIGIBILITY

Legal Authority: PL 92-181; 12 USC 2129

CFR Citation: 12 CFR 613.3110

Abstract: Amend eligibility standards for cooperatives, and reference services of cooperatives.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Additional Information: ADDITIONAL AGENCY CONTACT: Mary K. Mathews, Director, Administrative Division, Office of Administration, Farm Credit Administration, 1501 Farm Credit Drive, McLean, VA 22102-5090 (703-883-4116)

Agency Contact: Dorothy J. Acosta, Associate General Counsel, Farm Credit Administration, 1501 Farm Credit Drive, McLean, VA 22102-5090, **703 883-4020**

RIN: 3052-AA11

13. PART 614 - LOAN POLICIES AND OPERATIONS

Legal Authority: PL 92-181; PL 96-592; 12 USC 2211

CFR Citation: 12 CFR 614.4710; 12 CFR 614.4900

Abstract: Technical amendments - to indicate Fiscal Agency incorporation.

Timetable:

Action	Date	FR Cite
NPRM	04/00/85	

Small Entity: No

Additional Information: ADDITIONAL AGENCY CONTACT: Mary K. Mathews, Director, Administrative Division, Office of Administration, Farm Credit Administration, 1501 Farm Credit Drive, McLean, VA 22102-5090 (703-883-4116)

Agency Contact: Dorothy J. Acosta, Associate General Counsel, Farm Credit Administration, 1501 Farm Credit Drive, McLean, VA 22102-5090, **703 883-4020**

RIN: 3052-AA12

14. LOANS OUTSIDE OF BANK'S TERRITORY - BANKS FOR COOPERATIVES

Legal Authority: PL 92-181; PL 96-592; 12 USC 2128

CFR Citation: 12 CFR 614.4080

Abstract: Amend international trade financing regulations to eliminate statutory conflict and address the issue of which bank will finance particular international transactions.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Additional Information: ADDITIONAL AGENCY CONTACT: Mary K. Mathews, Director, Administrative Division, Office of Administration, Farm Credit Administration, 1501 Farm Credit Drive, McLean, VA 22102-5090 (703-883-4116)

Agency Contact: Dorothy J. Acosta, Associate General Counsel, Farm Credit Administration, 1501 Farm Credit Drive, McLean, VA 22102-5090, **703 883-4020**

RIN: 3052-AA13

15. METHODS OF FINANCING

Legal Authority: PL 92-181; PL 96-592; 12 USC 2075

CFR Citation: 12 CFR 614.4600

Abstract: Loan qualification to be qualified as to eligibility requirements.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Additional Information: ADDITIONAL AGENCY CONTACT: Mary K. Mathews, Director, Administrative Division, Office of Administration, Farm Credit Administration, 1501 Farm Credit Drive, McLean, VA 22102-5090 (703-883-4116)

Agency Contact: Dorothy J. Acosta, Associate General Counsel, Farm Credit Administration, 1501 Farm Credit Drive, McLean, VA 22102-5090, **703 883-4020**

RIN: 3052-AA36

16. OBLIGATIONS ELIGIBLE FOR DISCOUNT OR PURCHASE

Legal Authority: PL 92-181; PL 96-592; 12 USC 2075

CFR Citation: 12 CFR 614.4610

Abstract: Loan participations to be qualified as to eligibility requirements.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Additional Information: ADDITIONAL AGENCY CONTACT: Mary K. Mathews, Director, Administrative Division, Office of Administration, Farm Credit Administration, 1501 Farm Credit Drive, McLean, VA 22102-5090 (703-883-4116)

Agency Contact: Dorothy J. Acosta, Associate General Counsel, Farm Credit Administration, 1501 Farm Credit Drive, McLean, VA 22102-5090, **703 883-4020**

RIN: 3052-AA37

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17. PART 615 - FUNDING AND FISCAL AFFAIRS, LOAN POLICIES AND OPERATIONS, AND FUNDING OPERATIONS

Legal Authority: PL 92-181; PL 96-592; 12 USC 2211

CFR Citation: 12 CFR 615.5010; 12 CFR 615.5103; 12 CFR 615.5105

Abstract: Technical amendments - to indicate Fiscal Agency incorporation.

Timetable:

Action	Date	FR Cite
NPRM	04/00/85	

Small Entity: No

Additional Information: ADDITIONAL AGENCY CONTACT: Mary K. Mathews, Director, Administrative Division, Office of Administration, Farm Credit Administration, 1501 Farm Credit Drive, McLean, VA 22102-5090 (703-883-4116)

Agency Contact: Dorothy J. Acosta, Associate General Counsel, Farm Credit Administration, 1501 Farm Credit Drive, McLean, VA 22102-5090, **703 883-4020**

RIN: 3052-AA38

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18. PART 611-SUBPART G--AMENDMENTS TO ASSOCIATION CHARTERS AND MERGERS AND CONSOLIDATIONS

Legal Authority: 12 USC 2252(16); PL 92-181

CFR Citation: 12 CFR 611.1120; 12 CFR 611.1121; 12 CFR 611.1123; 12 CFR 611.1124

Abstract: These amendments are intended to set forth the procedures applicable to various charter amendments and to make the merger and consolidation process operate more efficiently and to ensure that voting stockholders are adequately informed regarding the issues affecting the association.

Timetable:

Action	Date	FR Cite
NPRM	07/20/84	49 FR 29404
NPRM Comment Period Begin	07/20/84	
NPRM Comment Period End	09/19/84	
Final Action	03/00/85	

Small Entity: No

Agency Contact: Dorothy J. Acosta, Associate General Counsel, Farm Credit Administration, 1501 Farm Credit Drive, McLean, VA 22102-5090, **703 883-4020**

RIN: 3052-AA43

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19. ● PART 602 - RELEASING INFORMATION

Priority: Agency Determination

Legal Authority: 12 USC 2252(16); PL 92-181

CFR Citation: Not yet determined

Abstract: Disclosure of information by System banks to stockholders and FCA. Regulations to be developed will require annual reports to shareholders and specify the contents thereof; of Farm Credit institutions require and information statement to be sent to shareholders prior to annual meetings at which directors are elected and specify the contents thereof; require reports of condition and performance to be submitted to FCA and specify the contents thereof; and set accounting standards to be followed by institutions of the Farm Credit System.

Timetable:

Action	Date	FR Cite
NPRM	06/00/85	

Small Entity: No

Agency Contact: Dorothy J. Acosta, Associate General Counsel, Farm Credit Administration, 1501 Farm Credit Drive, McLean, VA 22102-5090, **703 883-4020**

RIN: 3052-AA49

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20. ● PART 602 - RELEASING INFORMATION

Legal Authority: 12 USC 2246; 12 USC 2252(16); PL 92-181

CFR Citation: 12 CFR 602.200; 12 CFR 602.205; 12 CFR 602.215; 12 CFR 602.265

Abstract: Technical amendments to correct division and agency title changes and agency address.

Timetable:

Action	Date	FR Cite
NPRM	06/00/85	

Small Entity: No

Agency Contact: Dorothy J. Acosta, Associate General Counsel, Farm Credit Administration, Farm Credit Administration, 1501 Farm Credit Drive, McLean, VA 22102-5090, **703 883-4020**

RIN: 3052-AA50

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21. ● PART 614 - LOAN POLICIES AND OPERATIONS SUBPART Q -- BANKS FOR COOPERATIVES FINANCING INTERNATIONAL TRADE

Priority: Agency Determination

Legal Authority: 12 USC 2128; 12 USC 2252(16); PL 92-181

CFR Citation: Not yet determined

Abstract: Regulation to define "substantial benefit" as it refers to banks for cooperatives ability to enter into international financing agreements.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Agency Contact: Dorothy J. Acosta, Associate General Counsel, Farm Credit Administration, 1501 Farm Credit Drive, McLean, VA 22102-5090, **703 883-4020**

RIN: 3052-AA52

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22. ● PART 601 - EMPLOYEE RESPONSIBILITIES AND CONDUCT

Legal Authority: 12 USC 2252(16); PL 92-181

CFR Citation: 12 CFR 601.130; 12 CFR 601.150; 12 CFR 601.165; 12 CFR 601.170; 12 CFR 601.180

Abstract: Technical amendments to correct division names and agency titles. Correct reference to OPM.

Timetable:

Action	Date	FR Cite
NPRM	06/00/85	

Small Entity: No

Agency Contact: Dorothy J. Acosta, Associate General Counsel, Farm Credit Administration, 1501 Farm Credit Drive, McLean, VA 22102-5090. **703 883-4020**

RIN: 3052-AA53

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23. ● BANKS FOR COOPERATIVES

Priority: Agency Determination

Legal Authority: 12 USC 2243; PL 92-181; 12 USC 2252(16)

CFR Citation: 12 CFR 600.60

Abstract: Technical amendment to correct reference to location of Central Bank for Cooperatives.

Timetable:

Action	Date	FR Cite
NPRM	06/00/85	

Small Entity: No

Agency Contact: Dorothy J. Acosta, Associate General Counsel, Farm Credit Administration, 1501 Farm Credit Drive, McLean, VA 22102-5090, **703 883-4020**

RIN: 3052-AA54

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24. ● PART 603 - PRIVACY ACT REGULATIONS

Legal Authority: 12 USC 2246; 12 USC 2252(16); PL 92-181

CFR Citation: 12 CFR 603.315; 12 CFR 603.320; 12 CFR 603.325; 12 CFR 603.330; 12 CFR 603.335

Abstract: Technical amendments to indicate agency title and address changes.

Timetable:

Action	Date	FR Cite
NPRM	06/00/85	

Small Entity: No

Agency Contact: Dorothy J. Acosta, Associate General Counsel, Farm Credit Administration, 1501 Farm Credit Drive, McLean, VA 22102-5090, **703 883-4020**

RIN: 3052-AA55

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25. ● PART 611 - ORGANIZATION

Legal Authority: 12 USC 2252(16); PL 92-181

CFR Citation: 12 CFR 611.300; 12 CFR 611.500; 12 CFR 611.1031; 12 CFR 611.1100

Abstract: Technical amendments to indicate agency title, division and address changes.

Timetable:

Action	Date	FR Cite
NPRM	06/00/85	

Small Entity: No

Agency Contact: Dorothy J. Acosta, Associate General Counsel, Farm Credit Administration, 1501 Farm Credit Drive, McLean, VA 22102-5090, **703 883-4020**

RIN: 3052-AA57

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27. ● PART 614 - LOAN POLICIES AND OPERATIONS

Legal Authority: 12 USC 2252(16); PL 92-181

CFR Citation: 12 CFR 614.4051; 12 CFR 614.4530; 12 CFR 614.4710; 12 CFR 614.4900

Abstract: Technical amendments to indicate title and division changes.

Timetable:

Action	Date	FR Cite
NPRM	06/00/85	

Small Entity: No

Agency Contact: Dorothy J. Acosta, Associate General Counsel, Farm Credit Administration, 1501 Farm Credit Drive, McLean, VA 22102-5090, **703 883-4020**

RIN: 3052-AA58

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28. ● BANKS FOR COOPERATIVES' EARNINGS

Priority: Agency Determination

Legal Authority: 12 USC 2252(16); PL 92-181

CFR Citation: 12 CFR 615.5370

Abstract: Amendment to lift restrictions on bank for cooperatives distribution of earnings to unallocated reserve.

Timetable:

Action	Date	FR Cite
NPRM	06/00/85	

Small Entity: No

Agency Contact: Dorothy J. Acosta, Associate General Counsel, Farm Credit Administration, 1501 Farm Credit Drive, McLean, VA 22102-5090, **703 883-4020**

RIN: 3052-AA56

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26. ● PART 612 - PERSONNEL ADMINISTRATION, SUBPART A -- HUMAN RESOURCES MANAGEMENT

Legal Authority: 12 USC 2252(16); PL 92-181

CFR Citation: 12 CFR 612.2000; 12 CFR 612.2080; 12 CFR 612.2120

Abstract: Technical amendments to indicate agency names and division changes.

Timetable:

Action	Date	FR Cite
NPRM	06/00/85	

Small Entity: No

Agency Contact: Dorothy J. Acosta, Associate General Counsel, Farm Credit Administration, 1501 Farm Credit Drive, McLean, VA 22102-5090, **703 883-4020**

RIN: 3052-AA59

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29. ● PART 615 - FUNDING AND FISCAL AFFAIRS

Legal Authority: 12 USC 2252(16); PL 92-181

CFR Citation: 12 CFR 615.5135; 12 CFR 615.5140; 12 CFR 615.5143; 12 CFR 615.5150; 12 CFR 615.5151; 12 CFR 615.5160

Abstract: Amendments to broaden, yet control, types of eligible investments.

Timetable:

Action	Date	FR Cite
NPRM	06/00/85	

Small Entity: No

Agency Contact: Dorothy J. Acosta, Associate General Counsel, Farm Credit Administration, 1501 Farm Credit Drive, McLean, VA 22102-5090, **703 883-4020**

RIN: 3052-AA60

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30. ● PART 615 - FUNDING AND FISCAL AFFAIRS

Legal Authority: 12 USC 2252(16); PL 92-181

CFR Citation: 12 CFR 615.5495; 12 CFR 615.5496

Abstract: Technical amendments to reflect current organizational, division, and section changes and to correct reference to Fiscal Agency.

Timetable:

Action	Date	FR Cite
NPRM	06/00/85	

Small Entity: No

Agency Contact: Dorothy J. Acosta, Associate General Counsel, Farm Credit Administration, 1501 Farm Credit Drive, McLean, VA 22102-5090, 703 883-4020

RIN: 3052-AA61

31. ● EQUAL HOUSING LENDER POSTER

Legal Authority: 12 USC 2252(16); PL 92-181

CFR Citation: 12 CFR 613.3170

Abstract: Technical amendment to indicate agency, division, and address changes.

Timetable:

Action	Date	FR Cite
NPRM	06/00/85	

Small Entity: No

Agency Contact: Dorothy J. Acosta, Associate General Counsel, Farm Credit Administration, 1501 Farm Credit Drive, McLean, VA 22102-5090, 703 883-4020

RIN: 3052-AA62

32. ● FREQUENCY OF EXAMINATIONS AND AUDITS

Priority: Agency Determination

Legal Authority: 12 USC 2252(16); PL 92-181

CFR Citation: 12 CFR 617.7060

Abstract: Amendment to change requirement that FLBAs be examined and audited every 18 months.

Timetable:

Action	Date	FR Cite
NPRM	06/00/85	

Small Entity: No

Agency Contact: Dorothy J. Acosta, Associate General Counsel, Farm Credit Administration, 1501 Farm Credit Drive, McLean, VA 22102-5090, 703 883-4020

RIN: 3052-AA63

33. ● PART 617 - EXAMINATION, AUDITS AND INVESTIGATIONS

Legal Authority: 12 USC 2252(16); PL 92-181

CFR Citation: 12 CFR 617.7000; 12 CFR 617.7010; 12 CFR 617.7020; 12 CFR 617.7030; 12 CFR 617.7050; 12 CFR 617.7080; 12 CFR 617.7100; 12 CFR 617.7110; 12 CFR 617.7120

Abstract: Technical amendments to reflect organizational changes.

Timetable:

Action	Date	FR Cite
NPRM	06/00/85	

Small Entity: No

Agency Contact: Dorothy J. Acosta, Associate General Counsel, Farm Credit Administration, 1501 Farm Credit Drive, McLean, VA 22102-5090, 703 883-4020

RIN: 3052-AA64

34. ● PUBLICATION OF REPORTS

Legal Authority: 12 USC 2252(16); PL 92-181

CFR Citation: 12 CFR 618.8200

Abstract: Technical amendment to change dates combined financial statements are published.

Timetable:

Action	Date	FR Cite
NPRM	06/00/85	

Small Entity: No

Agency Contact: Dorothy J. Acosta, Associate General Counsel, Farm Credit Administration, 1501 Farm Credit Drive, McLean, VA 22102-5090, 703 883-4020

RIN: 3052-AA65

FARM CREDIT ADMINISTRATION (FCA) — Existing Regulations Under Review

35. ● OVERALL REVIEW OF 12 CFR PARTS 611 - 618

Priority: Undetermined

Legal Authority: 12 USC 2252(16); PL 92-181; 12 USC 2227; 12 USC 2183; 12 USC 2129; 12 USC 2253; 12 USC 2226; 12 USC 2071; 12 USC 2011

CFR Citation: 12 CFR 611.1010(c); 12 CFR 611.1140; 12 CFR 612.2110; 12 CFR 612.2120(b); 12 CFR 612.2080; 12 CFR 612.2090; 12 CFR 613.3020(c); 12 CFR 613.3040; 12 CFR 613.3110(a)(4); 12 CFR 613.3110(b)(2); 12 CFR 614.4015; 12 CFR 614.4051; 12 CFR 614.4070; 12 CFR 614.4130; 12 CFR 614.4160(c); ...

Abstract: Under review by FCA staff to determine whether to recommend the elimination or retention of existing FCA regulatory approval requirements affecting the operations of Farm Credit System institutions or replacement with regulatory guidelines.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Additional Information: ADDITIONAL CFR CITATIONS: 12 CFR 614.4165(f); 12 CFR 614.4190(b); 12 CFR 614.4190(c); 12 CFR 614.4281; 12 CFR 614.4330(a); 12 CFR 614.4330(e); 12 CFR 614.4354(a)(4); 12 CFR 614.4354(e); 12 CFR 614.4460; 12 CFR 614.4511; 12 CFR 614.4630(a); 12 CFR 614.4630(b); 12 CFR 615.5040; 12 CFR 615.5102; 12 CFR 615.5103; 12 CFR 615.5104; 12 CFR 615.5105; 12 CFR 615.5135; 12 CFR 615.5150(a); 12 CFR 615.5150(b); 12 CFR 615.5330(a); 12 CFR 615.5340; 12 CFR 615.5370; 12 CFR 615.5420; 12 CFR 615.5453; 12 CFR 615.5550; 12 CFR 615.5160; 12 CFR 615.5220; 12 CFR 615.5290; 12 CFR 615.5320; 12 CFR 614.4345; 12 CFR 614.4450; 12 CFR 614.4455; 12 CFR 615.5100; 12 CFR 615.5140(a)(15); 12 CFR 613.3045; 12 CFR 614.4080; CFR 614.4120; 12 CFR 614.4210; 12 CFR 614.4220; 12 CFR 614.4261; 12 CFR 614.4334(c); 12 CFR 614.4770; 12 CFR 614.4710; 12 CFR 614.4720; 12 CFR 614.4800; 12 CFR 614.4900; 12 CFR 615.5151; 12 CFR 615.5320(b)(1); 12 CFR 615.5400; 12 CFR 618.8020

Agency Contact: Dorothy J. Acosta, Associate General Counsel, Farm Credit Administration, 1501 Farm Credit Drive, McLean, VA 22102-5090, 703 883-4020

RIN: 3052-AA48

36. ● BANKS FOR COOPERATIVES

Priority: Undetermined

FCA

Existing Regulations Under Review

Legal Authority: 12 USC 2252(16); PL 92-181

CFR Citation: 12 CFR 614.4354

Abstract: Changes in lending limits for banks for cooperatives.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Agency Contact: Dorothy J. Acosta, Associate General Counsel, Farm Credit Administration, 1501 Farm Credit Drive, McLean, VA 22102-5090, 703 883-4020

RIN: 3052-AA51

FARM CREDIT ADMINISTRATION (FCA)

Completed Actions

COMPLETED RULEMAKINGS

37. INTEREST RATE PROGRAMS

CFR Citation: 12 CFR 614.4321

Completed:

Reason	Date	FR Cite
Final Action	11/30/83	48 FR 54000
Final Action Effective	04/20/84	49 FR 16761

Small Entity: No

Agency Contact: Dorothy J. Acosta 703 883-4020

RIN: 3052-AA22

38. PART 612-SUBPART B--STANDARDS OF CONDUCT FOR DIRECTORS, OFFICERS, AND EMPLOYEES

CFR Citation: 12 CFR 612.2130; 12 CFR 612.2150; 12 CFR 612.2200; 12 CFR 612.2220; 12 CFR 612.2230; 12 CFR 612.2240; 12 CFR 612.2250; 12 CFR 612.2260

Completed:

Reason	Date	FR Cite
Final Action	03/25/85	50 FR 11655
Final Action Effective	05/00/85	

Small Entity: No

Agency Contact: Dorothy J. Acosta 703 883-4020

RIN: 3052-AA44

39. PART 602-SUBPART C--TESTIMONY AND PRODUCTION OF DOCUMENTS IN LEGAL PROCEEDINGS NOT INVOLVING THE FARM CREDIT ADMINISTRATION

CFR Citation: 12 CFR 602.280; 12 CFR 602.281; 12 CFR 602.282; 12 CFR 602.283; 12 CFR 602.284; 12 CFR 602.285; 12 CFR 602.286; 12 CFR 602.287; 12 CFR 602.288; 12 CFR 602.289

Completed:

Reason	Date	FR Cite
Final Action	02/22/85	50 FR 7330
Final Action Effective	03/25/85	

Small Entity: No

Agency Contact: Dorothy J. Acosta 703 883-4020

RIN: 3052-AA45

[FR Doc. 85-6398 Filed 04-26-85; 8:45 am]

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April 29, 1985

Part XLVIII

Federal Communications Commission

Semiannual Regulatory Agenda

FCC

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Ch. I

Unified Agenda of Federal Regulations

AGENCY: Federal Communications Commission.

ACTION: Publication of the Unified Agenda of Federal Regulations.

SUMMARY: The Commission publishes the Unified Agenda of Federal Regulations to provide the public with adequate notice of all major and other significant proceedings under development or review. The agenda also provides the CFR Citations and Legal Authorities which govern these proceedings. This is in accordance with Executive Order 12291 and OMB Bulletin No. 85-6. In addition, the agenda, in compliance with the Regulatory Flexibility Act of 1980 (Pub. L. 96-354) includes notations on the applicability of the Regulatory Flexibility Act to each item. The Unified Agenda will be published in the **Federal Register** in April and October of each year.

DATE: This information is current as of April 1985.

ADDRESS: Federal Communications Commission, 1919 M Street, N.W., Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Claudette Pride, Management Planning and Program Evaluation Office, (202) 632-3906.

SUPPLEMENTARY INFORMATION:

Unified Agenda of all major and other significant proceedings

The Commission encourages public participation in the FCC rule making process. To help keep the public informed of significant rule making proceedings, the Commission has prepared an agenda of important proceedings now in progress. OMB will publish the Unified Agenda in the **Federal Register** in April and October of each year.

The following terms may be helpful in understanding the status of the proceedings included in this report:

A docket number - is assigned to a proceeding if the Commission has issued either a Notice of Proposed Rule Making or a Notice of Inquiry in regard to the matter under consideration. Since January 1, 1978, the Commission has used docket numbers which consist of the last two digits of the calendar year in which the docket was established plus a sequential number which begins at 1 with the first docket initiated during a calendar year (e.g. Docket 80-1 or Docket 83-1). The abbreviation for the responsible Bureau usually precedes the docket number, as in "Docket 79-164." When a docket number consists of only five digits (e.g. Docket 29622), this indicates that the docket was established before January 1, 1978.

Notice of Inquiry (NOI) - issued by the Commission when it is seeking information on a broad subject or trying to generate ideas on a given topic. A comment period is specified during which all interested parties may submit comments.

Notice of Proposed Rule Making (NPRM) - issued by the Commission when it is proposing a specific change to the FCC Rules and Regulations. Before any changes are actually made, interested parties may submit written comments on the proposals.

Memorandum Opinion and Order (MO&O) - issued by the Commission to deny a petition for rule making, conclude an inquiry, modify a decision, or deny a petition for reconsideration of a decision.

Rule Making (RM) Number - assigned to a proceeding after the appropriate Bureau/Office has reviewed a petition for rule making, but before the Commission has taken action on the petition.

Report & Order (R&O) - issued by the Commission to state a new or amended rule or state that the FCC Rules will not be changed.

William J. Tricarico,

Secretary, Federal Communications Commission.

COMMON CARRIER BUREAU—Current and Projected Rulemakings

Sequence Number	Title	Regulation Identifier Number
1	*Competitive Carrier Rulemaking	3060-AA92
2	*Carrier Interconnection: Equal Access Requirements for Independents	3060-AC15
3	*USOA: USOA Rewrite	3060-AC16
4	*Embedded CPE: Detariffing CPE Used in Mobile Telephone Service	3060-AC29
5	*Computer II: IBM Request for Declaratory Ruling re: Southern Bell LADT	3060-AC32
6	*Computer II: ATTIS as a Reseller Providing Basic Services	3060-AC36
7	*USOA: Proposal to Amend USOA (Part 31) to Conform with Generally Accepted Accounting Principles	3060-AC37
8	*Air-ground: Amend Table of Allocations to Add Austin	3060-AC42
9	*Access Charges: Second Further Recon	3060-AC82
10	*Intnl Planning: North Atlantic Communications Facilities Planning for 1985 - 1995 Period	3060-AC84
11	*Intnl General: Designation of Private Operating Agencies	3060-AD15
12	*Land Mobile Satellite: NASA Pet for Recon of Land Mobile Satellite	3060-AD16
13	*Computer II: AT&T Petition for Relief from Structural Separation Conditions	3060-AD17
14	*Computer II: NATA Petition for Declaratory Ruling, re: Centrex	3060-AD18
15	*Mobile Services: Jurisdictional Rulemaking for Preemption of States in Mobile Services Regulation	3060-AD19
16	*Intnl Planning: Pacific Region Facilities Planning for 1985 - 1995	3060-AD20
17	*Intnl Carriers: International Competitive Carrier	3060-AD21
18	*Computer II: AT&T Reorganization Inquiry Investigation	3060-AD22
19	*Tariff General: NPRM re: Billing and Collection	3060-AD23
20	*Access Charges: Transport	3060-AD24

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COMMON CARRIER BUREAU—Current and Projected Rulemakings—Continued

Sequence Number	Title	Regulation Identifier Number
21	*Tariff General: Switched Access Centrex Rates	3060-AD25
22	*Domestic Satellite: GEOSTAR - Spectrum Allocation and Licensing for Operation	3060-AD26
23	*Intnl General: Planning for Communications Facilities in the Caribbean Region through 1995	3060-AD27
24	*CPE: Federally Tariffed CPE	3060-AD28

*Indicates priority regulation.

COMMON CARRIER BUREAU—Completed Actions

Sequence Number	Title	Regulation Identifier Number
25	*Tariff General: AT&T Private Line Structure and Volume Discount Practices	3060-AA91
26	Overseas Communications Services	3060-AA93
27	*Comsat Structure	3060-AA94
28	Direct Access to INTELSAT Space Segment	3060-AA96
29	*Rate of Return - AT&T's Earnings	3060-AA97
30	Mobile Services: Amendment of Part 22	3060-AB00
31	Procedures for Implementing the Detariffing of CPE	3060-AB05
32	*Computer II Implementation - Follow-up on Implementation of CPE Capitalization Plan Approved in Order Adopted Nov. 4, 1982	3060-AB06
33	*Revision of the Uniform System of Accounts and Financial Reporting Requirements for Telephone Companies, Parts 31, 33, 42 and 43	3060-AB15
34	*Review of Part 41	3060-AB18
35	*Gen. Docket 80-113	3060-AB23
36	*Access Charges: Average Schedule Carriers	3060-AC12
37	Cellular: Filing Procedures for Applications; Cellular Telecommunications Service - Cleanup of Miscellaneous Pending Petitions	3060-AC20
38	*Embedded CPE: Deregulation of Embedded CPE Owned by the Bell System	3060-AC22
39	Cellular: Elimination of the Separate Frequency Allocation	3060-AC23
40	*Embedded CPE: Detariffing CPE Owned by Independent Telcos	3060-AC25
41	*USOA: Amend Part 31 to Provide New Accounts for Access Charges	3060-AC26
42	*Embedded CPE: Detariffing CPE Owned by Record Carriers	3060-AC27
43	*Embedded CPE: Provision of CPE Used in National Security Systems	3060-AC28
44	*Embedded CPE: Amend Part 31 to Prescribe Accounting for Nonregulated Operations	3060-AC31
45	Computer II: Petition for Severance and Recon (NWB & AT&T) Customer Information Disclosure Order	3060-AC33
46	*Carrier Interconnection: USITA Joint Planning Agreement (NTIA) (Associated with cc78-72 ph3)	3060-AC35
47	*USOA: Notice to Amend USOA to Account for Cost of Removal and Salvage as Current Period Costs	3060-AC39
48	Computer II: Compliance Oversight - Ameritech re: cc83-115, Separate CPE	3060-AC44
49	Computer II: Compliance Oversight - South Western Bell re: cc83-115, Separate CPE	3060-AC45
50	Computer II: Compliance Oversight - Bell Atlantic re: cc83-115, Separate CPE	3060-AC46
51	Computer II: Compliance Oversight - Bell South re: cc83-115, Separate CPE	3060-AC47
52	Depreciation Rates: Annual Update of Rates for Telephone Companies Not Scheduled for Full Review in 1984	3060-AC48
53	Depreciation Rates: Represcription of Rates for Fourteen Domestic Telephone Companies	3060-AC49
54	Intnl Earth Stations: Ownership Policy	3060-AC50
55	Computer II: Compliance Oversight - Nynex re: cc83-115, Separate CPE	3060-AC51
56	Computer II: Compliance Oversight - U.S. West, re: cc83-115, Separate CPE	3060-AC52
57	Computer II: Compliance Oversight - Pacific Telesis re: cc83-115, Separate CPE	3060-AC53
58	Planning for Overseas Communications Facilities through 1995	3060-AC54
59	*Intnl Satellites--(Comsat): Equitable Access to INTELSAT Space Segment by International Service carriers	3060-AC55
60	*Access Charges: AT&T Emergency Petition	3060-AC81
61	*MDS: Technical Standards for Multipoint Distribution Service	3060-AC83
62	Computer II - Implementation: Staff Audit Report	3060-AC90
63	*Review of Part 42	3060-AB19
64	Computer II: Reconsideration of CBI/SNET Order	3060-AC30

*Indicates priority regulation.

FCC

FIELD OPERATIONS BUREAU—Current and Projected Rulemakings

Sequence Number	Title	Regulation Identifier Number
65	Age and Experience Requirements for Radiotelegraph First Class Operator License (RM-2687/RM-3785)	3060-AA01

MASS MEDIA BUREAU—Current and Projected Rulemakings

Sequence Number	Title	Regulation Identifier Number
66	*ITFS: Policies, Procedures and Regulations	3060-AA37
67	*Network/Cable Cross-Ownership	3060-AA45
68	*Character Inquiry	3060-AB09
69	*Comparative Renewal Policy	3060-AB10
70	*Fairness Doctrine: Broadcast	3060-AB57
71	*Canadian/Mexican Clear Channels	3060-AB59
72	*Comparative Preferences Within Metropolitan Areas	3060-AB61
73	*FM Allotments: Procedures for 80-90	3060-AC17
74	*UHF Impact Policy	3060-AC62
75	*Section 73.37 (e)	3060-AC76
76	*First Come, First Served	3060-AC78
77	*Cable Bill: Implementation (Effective Competition)	3060-AD01
78	*International Implementation: AM Region 2	3060-AD02
79	*Technical Deregulation: Part 73 - AM	3060-AD03
80	*Technical Deregulation: Part 73 - FM	3060-AD04
81	*Technical Deregulation: Part 74 A & I	3060-AD05
82	*Technical Deregulation: Part 76	3060-AD06
83	*Antenna Proofs	3060-AD07
84	*FM vs. Aviation: Interference Problems	3060-AD08
85	*Technical Deregulation: Part 74, G & L	3060-AD09
86	*Technical Deregulation: Part 74, E & F	3060-AD10
87	*Technical Deregulation: Part 74, D & H	3060-AD11
88	*Single Majority Shareholder (Attribution)	3060-AD12
89	*Cable Bill Implementation: EEO	3060-AD13
90	*Carroll Doctrine	3060-AD14

*Indicates priority regulation.

MASS MEDIA BUREAU—Completed Actions

Sequence Number	Title	Regulation Identifier Number
91	*Teletext Must Carry: Reconsideration	3060-AA27
92	*Aeronautical Interference	3060-AA42
93	*Alaska Petition: Protection Standards for AM	3060-AB49
94	*Radio Deregulation: 2nd R&O: Reconsideration	3060-AB50
95	*Remote Control: AM, FM, and TV	3060-AB63
96	*Technical Operation, Monitoring and Measurement of Audio Systems	3060-AB98
97	*RF Power Meters	3060-AB99
98	*Channel 6/FM Interference	3060-AC01
99	*Seller-Creditor Financing	3060-AC05
100	*LPTV Processing Procedures	3060-AC09
101	*ACSB for Auxiliary Services	3060-AC18
102	*7 - 7 - 7 : Reconsideration	3060-AC57
103	*FM: Maximum Power Limitation	3060-AC74
104	*Proofs of Performance: Deregulation	3060-AC75
105	*Vertical Blanking Interval: Deregulation	3060-AC77
106	Policy Regarding Interim Authority to Operate Broadcast Facilities	3060-AC87
107	*FM Allotments: Implementation of 80-90 Omnibus	3060-AC17

*Indicates priority regulation.

FCC

OFFICE OF GENERAL COUNSEL—Current and Projected Rulemakings

Sequence Number	Title	Regulation Identifier Number
108	Amending Environmental Rules in Response to New Rules Issued by the Council on Environmental Quality (C.E.Q.)	3060-AB30
109	Repeal of Modification of the Personal Attack and Political Editorial Rules, Sec 73.1920 & Sec 73.1930 of the Commission's Rules	3060-AB44
110	*Provision of Preferences to Female Applicants When Selection From Among Certain Competing Applicants for Mass Media Licenses Involves Random Selection or Lotteries	3060-AC60
111	Amendment of Part 1 of the Commission's Rules to Implement Section 504 of the Rehabilitation Act of 1973, As Amended, 29 U.S.C. Section 794	3060-AC86

*Indicates priority regulation.

OFFICE OF GENERAL COUNSEL—Completed Actions

Sequence Number	Title	Regulation Identifier Number
112	*Selection From Among Certain Competing Applications Using Random Selection or Lotteries Instead of Comparative Hearings	3060-AC58

*Indicates priority regulation.

PRIVATE RADIO BUREAU—Current and Projected Rulemakings

Sequence Number	Title	Regulation Identifier Number
113	*Digital Selective Calling in Marine Services and Direct Dial in VHF Services	3060-AA24
114	*Interconnection in the Private Land Mobile Radio Services in the Frequency Bands Below 800 MHz	3060-AB74
115	*Private Microwave Carrier Systems	3060-AB77
116	*Frequency Coordination in the Private Land Mobile Radio Services	3060-AB78
117	*Introduction of Narrowband Technologies into the Private Land Mobile Radio Services	3060-AB86
118	*Future Public Safety Telecommunications Requirements	3060-AB89
119	*Early Allocation of 18 and 24 MHz, 24 and 900 MHz, and 10 MHz Codification	3060-AB92
120	*Amendments to the Safety of Life at Sea	3060-AC70
121	*Eliminate the Requirement for Manufacturers to Perform Reliability Tests on Shipboard Radar	3060-AC72
122	*Combine Parts 81 and 83 into Single Part 80 for Maritime Services and Alaska Fixed Stations	3060-AC73
123	*900 MHz Allocation to the Private Land Mobile Radio Services	3060-AD29
124	*800 MHz Waiting List	3060-AD30
125	*Use of Coordinated Repeaters in the ARS	3060-AD31
126	*Implement Final Acts of WARC 1979 in the ARS	3060-AD32
127	*Petition by ARRL for a Declaratory Statement on Federal Preemption of Local Zoning Requirements as They Apply to Antennas in the ARS	3060-AD33
128	*Implement High Frequency Allocations Made by WARC 1979	3060-AD34

*Indicates priority regulation.

PRIVATE RADIO BUREAU—Completed Actions

Sequence Number	Title	Regulation Identifier Number
129	*Compulsory Ship Inspection Cycle	3060-AA25
130	*New Private Radio Service at 900 MHz	3060-AA55
131	*Great Lakes EPIRB's	3060-AB82
132	*Permissible Communications in the Private Land Mobile Radio Services	3060-AB84
133	*Radioprinter (RTTY) Communications Service for Small Commercial Vessels	3060-AB85
134	*Interconnection with the Public Switched Telephone Network (PSTN) in the Private Land Mobile Radio Service Bands Below 800 MHz	3060-AB87
135	*Delete the Requirements for Restricted Permits for Domestic Voyages	3060-AC71

*Indicates priority regulation.

FCC

OFFICE OF SCIENCE AND TECHNOLOGY—Current and Projected Rulemakings

Sequence Number	Title	Regulation Identifier Number
136	*L.A. Sheriff's Petition	3060-AA57
137	*HF Broadcasting WARC	3060-AA78
138	*Space Services WARC (1985)	3060-AA79
139	*GEOSTAR Corp. Petition for Radiodetermination Satellite	3060-AB79
140	*Study of Marine HF Bands	3060-AB88
141	*Amendment of Part 15 to Permit Operation of Field Disturbance Sensors in the Band 40.66 to 40.70 MHz	3060-AC64
142	*Amendment of Part 15 to Provide an Additional Exemption for Large Computer System	3060-AC68
143	*Update Administrative Rules in Part 18	3060-AC89
144	*Allocation of Additional Spectrum for Private Land Mobile Radio (LMCC Petition)	3060-AC91
145	*Utilization Policy - Fixed and Mobile Services 1-40 GHz (Reconsideration)	3060-AC92
146	*Additional Sharing of UHF TV Channels by Private LM Services	3060-AC93
147	*Primary Allocation for Radio Astronomy at 1610 MHz (NSF Petition)	3060-AC94
148	*Technical Standards, Medical Ultrasonic equipment - Part 18	3060-AC95
149	*DORCMA - Remote Control Security Devices	3060-AC96
150	*SEIA - Remote Control/Security Devices	3060-AC97
151	*KNOGO - Field Disturbance Sensors	3060-AC98
152	*GTE Reconsideration Cordless Phones	3060-AC99
153	*LM Technical Standards Review	3060-AD00

*Indicates priority regulation.

OFFICE OF SCIENCE AND TECHNOLOGY—Completed Actions

Sequence Number	Title	Regulation Identifier Number
154	*Air-ground Radiotelephone Service (Airfone, Inc.)	3060-AA49
155	*Air-ground Radiotelephone Service (ARINC)	3060-AA50
156	U.S.C.G. Request to Use 161.7 and 161.75 MHz	3060-AA59
157	Re-examination of Technical Regulations	3060-AA82
158	*Offshore Radio Telephone Co. RM3910, RM3924	3060-AB42
159	*Implementation of Technical Requirements from 1979 WARC	3060-AC65

*Indicates priority regulation.

FEDERAL COMMUNICATIONS COMMISSION (FCC)—COMMON CARRIER BUREAU

Current and Projected Rulemakings

1. COMPETITIVE CARRIER RULEMAKING

Priority: Agency Determination

Legal Authority: 47 USC 00

CFR Citation: 47 CFR 00

Abstract: One petition for reconsideration has been filed against the 5th R&O. The next order will consider further deregulation.

Timetable:

Action	Date	FR Cite
4th R&O	10/19/83	
5th R&O	08/08/84	
6th R&O	06/30/85	

Small Entity: No

Additional Information: DOCKET NUMBER cc79-252

Agency Contact: J. Salvatore, Federal Communications Commission, 1919 M St., N.W., Rm. 518, Washington, D.C. 20554, 202 632-6917

RIN: 3060-AA92

2. CARRIER INTERCONNECTION: EQUAL ACCESS REQUIREMENTS FOR INDEPENDENTS

Priority: Agency Determination

Legal Authority: 47 USC 201 to 205; 47 USC 211; 47 USC 218

CFR Citation: 47 CFR 00

Abstract: Proceeding considering complementary action to the MFJ and to access charges, to promote competition by 1) imposing equal access requirements on carriers not bound by the MFJ; 2) ensure that competitive interconnection is available in access tariffs; 3) promote limited joint planning among carriers.

Timetable:

Action	Date	FR Cite
MO&O (Lexitel Petition)	01/17/85	
R&O	03/31/85	

Small Entity: No

Additional Information: DOCKET NUMBER cc78-72 p3

Agency Contact: R. Dujack, Federal Communications Commission, 1919 M St., N.W., Rm. 544, Washington, DC 20554, 202 632-9342

RIN: 3060-AC15

3. USOA: USOA REWRITE

Priority: Agency Determination

Legal Authority: 47 USC 154; 47 USC 219; 47 USC 220

CFR Citation: 47 CFR 31; 47 CFR 33; 47 CFR 42

Abstract: FCC is proposing to revise USOA on a financial accounting basis to provide more detailed & relevant data for separations & costing purposes.

Timetable:

Action	Date	FR Cite
NPRM	08/00/78	
NPRM	08/00/79	
NPRM	10/00/81	
NPRM	12/19/84	
R&O	12/00/85	

Small Entity: No

Agency Contact: C. Rand, Federal Communications Commission, 2000 L St., N.W., Rm. 812, Washington, DC 20554, 202 634-1861

RIN: 3060-AC16

4. EMBEDDED CPE: DETARIFFING CPE USED IN MOBILE TELEPHONE SERVICE

Priority: Agency Determination

Legal Authority: 47 USC 00

CFR Citation: 47 CFR 00

Abstract: Establishment of guidelines for detariffing embedded CPE used in mobile telephone service (other than cellular service, which has been handled in a separate proceeding).

Timetable:

Action	Date	FR Cite
2nd R&O	06/29/84	
3rd R&O	10/26/84	
Reconsideration Pending	06/00/85	

Small Entity: No

Additional Information: DOCKET NUMBER cc81-893d

Agency Contact: R. Crellin, Federal Communications Commission, 1919 M St., N.W., Washington, DC 20554, 202 632-9342

RIN: 3060-AC29

5. COMPUTER II: IBM REQUEST FOR DECLARATORY RULING RE: SOUTHERN BELL LADT

Priority: Agency Determination

Legal Authority: 47 USC 00

CFR Citation: 47 CFR 64.702

Abstract: Whether Bell South's LADT service is an enhanced service.

Timetable:

Action	Date	FR Cite
MO&O	09/30/85	

Small Entity: No

Additional Information: DOCKET NUMBER enf 83-34

Agency Contact: G. Vogt, Federal Communications Commission, 2025 M St., N.W., Rm. 6216, Washington, DC 20554, 202 632-4887

RIN: 3060-AC32

6. COMPUTER II: ATTIS AS A RESELLER PROVIDING BASIC SERVICES

Priority: Agency Determination

Legal Authority: 47 USC 00

CFR Citation: 47 CFR 00

Abstract: ATTIS has been authorized to provide basic services via resale.

Timetable:

Action	Date	FR Cite
R&O	12/20/83	
R&O	06/27/84	
Recon order	06/30/85	

Small Entity: No

Additional Information: DOCKET NUMBER proj 84-112

Agency Contact: D. Slotten, Federal Communications Commission, 1919 M St., N.W., Rm. 544, Washington, DC 20554, 202 632-9342

RIN: 3060-AC36

7. USOA: PROPOSAL TO AMEND USOA (PART 31) TO CONFORM WITH GENERALLY ACCEPTED ACCOUNTING PRINCIPLES

Priority: Agency Determination

Legal Authority: 47 USC 00

CFR Citation: 47 CFR 00

Abstract: FCC is considering the proposal to amend its prescribed accounting system to adopt generally accepted accounting principles where possible.

Timetable:

Action	Date	FR Cite
NPRM	05/10/84	
R&O	06/30/85	

Small Entity: No

Additional Information: DOCKET NUMBER cc84-469

Agency Contact: C. Rand, Federal Communications Commission, 2000 L St., N.W., Rm. 812, Washington, DC 20554, 202 634-1861

RIN: 3060-AC37

8. AIR-GROUND: AMEND TABLE OF ALLOCATIONS TO ADD AUSTIN

Priority: Agency Determination

Legal Authority: 47 USC 00

CFR Citation: 47 CFR 00

Abstract: Considers the amendment of air-to-ground table of frequencies to add Channel 11 at Austin, TX.

Timetable:

Action	Date	FR Cite
NPRM	06/30/84	
R&O	06/00/85	

Small Entity: No

Additional Information: DOCKET NUMBER pet 4504

Agency Contact: S. Magnotti, Federal Communications Commission, 1919 M St., N.W., Rm 644, Washington, DC 20554, **202 632-6450**

RIN: 3060-AC42

9. ACCESS CHARGES: SECOND FURTHER RECON

Priority: Agency Determination

Legal Authority: 47 USC 00

CFR Citation: 47 CFR 00

Abstract: On December 6, 1983, the National Exchange Carriers Assoc. (NECA) sought a 2-year waiver of the FCC's prohibition against the simultaneous use of individual cost data for "c" and "special Services" functions with average schedule cost data for "A" and "B" functions.

Timetable:

Action	Date	FR Cite
2nd MO&O	03/31/84	
3rd MO&O	03/30/85	

Small Entity: No

Additional Information: DOCKET NUMBER cc78-72 pI

Agency Contact: T. Sugrue, Federal Communications Commission, 1919 M St., N.W. Rm. 544, Washington, D.C. 20554, **202 632-8342**

RIN: 3060-AC82

10. INTNL PLANNING: NORTH ATLANTIC COMMUNICATIONS FACILITIES PLANNING FOR 1985 - 1995 PERIOD

Priority: Agency Determination

Legal Authority: 47 USC 00

CFR Citation: 47 CFR 00

Abstract: The FCC is reviewing communications facility placement in the North Atlantic region in order to determine the most efficient satellite/cable mix for the region.

Timetable:

Action	Date	FR Cite
NOI	06/30/84	
NPRM	06/30/85	

Small Entity: No

Additional Information: DOCKET NUMBER cc79-184

Agency Contact: S. Chiron, Federal Communications Commission, 1919 M St., N.W. Rm. 534, Washington, D.C. 20554, **202 632-4047**

RIN: 3060-AC84

11. ● INTNL GENERAL: DESIGNATION OF PRIVATE OPERATING AGENCIES

Priority: Agency Determination

Legal Authority: 47 USC 00

CFR Citation: 47 CFR 00

Abstract: Policies governing designation of recognized private operating agencies. Grants of IRUs in International Facilities and assignment of data network identification codes.

Timetable:

Action	Date	FR Cite
NPRM	06/00/85	

Small Entity: No

Additional Information: DOCKET NUMBER cc83-1230

Agency Contact: J. Copes, Federal Communications Commission, 1919 M St., N.W., Rm. 534, Washington, D.C. 20554, **202 632-4047**

RIN: 3060-AD15

12. ● LAND MOBILE SATELLITE: NASA PET FOR RECON OF LAND MOBILE SATELLITE

Priority: Agency Determination

Legal Authority: 47 USC 00

CFR Citation: 47 CFR 00

Abstract: FCC is proposing to establish a Mobile Satellite Service and to authorize licensees to operate this service.

Timetable:

Action	Date	FR Cite
NPRM	01/28/85	
R&O	09/30/85	

Small Entity: No

Additional Information: DOCKET NUMBER cc84-1234

Agency Contact: A. Leib, Federal Communications Commission, 1919 M St., N.W., Washington, D.C. 20554, **202 632-6450**

RIN: 3060-AD16

13. ● COMPUTER II: AT&T PETITION FOR RELIEF FROM STRUCTURAL SEPARATION CONDITIONS

Priority: Agency Determination

Legal Authority: 47 USC 00

CFR Citation: 47 CFR 00

Abstract: The FCC is proposing to relieve AT&T from structural separations conditions re: CPE.

Timetable:

Action	Date	FR Cite
NPRM	02/22/85	
R&O	09/00/85	

Small Entity: No

Additional Information: DOCKET NUMBER enf 84-17

Agency Contact: G. Vogt, Federal Communications Commission, 2025 M St., N.W., Rm. 6216, Washington, D.C. 20554, **202 632-4887**

RIN: 3060-AD17

14. ● COMPUTER II: NATA PETITION FOR DECLARATORY RULING, RE: CENTREX

Priority: Agency Determination

Legal Authority: 47 USC 00

CFR Citation: 47 CFR 64

Abstract: Supplemental petitions have been filed. NATA is seeking a declaratory ruling declaring that certain services offered by Centrex are enhanced services.

Timetable:

Action	Date	FR Cite
MO&O	09/30/85	

Small Entity: No

Additional Information: DOCKET NUMBER enf 84-2

Agency Contact: P. Nagle, Federal Communications Commission, 2025 M St., N.W., Rm. 6216, Washington, D.C. 20554, **202 632-4887**

RIN: 3060-AD18

15. ● MOBILE SERVICES: JURISDICTIONAL RULEMAKING FOR PREEMPTION OF STATES IN MOBILE SERVICES REGULATION

Priority: Agency Determination

Legal Authority: 47 USC 00

CFR Citation: 47 CFR 00

Abstract: The FCC is considering a petition for rulemaking proposing that it preempt state regulation that seeks to prohibit or impede entry of common carriers providing paging or conventional two-way mobile services into the public land mobile service.

Timetable:

Action	Date	FR Cite
NPRM	03/00/85	

Small Entity: No

Additional Information: DOCKET NUMBER pet 4811

Agency Contact: L. Krevor, Federal Communications Commission, 1919 M St., N.W., Rm. 644, Washington, D.C. 20554, 202 632-6450

RIN: 3060-AD19

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16. ● INTNL PLANNING: PACIFIC REGION FACILITIES PLANNING FOR 1985 - 1995

Priority: Agency Determination

Legal Authority: 47 USC 00

CFR Citation: 47 CFR 00

Abstract: The FCC is reviewing communications facility placement in the Pacific region in order to determine the most efficient satellite/cable mix for the region.

Timetable:

Action	Date	FR Cite
NOI	11/08/84	
NPRM	06/30/85	

Small Entity: No

Additional Information: DOCKET NUMBER proj 83-126

Agency Contact: J. Copes, Federal Communications Commission, 1919 M St., N.W., Rm. 534, Washington, D.C. 20554, 202 632-4047

RIN: 3060-AD20

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17. ● INTNL CARRIERS: INTERNATIONAL COMPETITIVE CARRIER

Priority: Agency Determination

Legal Authority: 47 USC 00

CFR Citation: 47 CFR 00

Abstract: The FCC is considering the applicability of competitive carrier cases to the international sector.

Timetable:

Action	Date	FR Cite
NOI	03/30/85	

Small Entity: No

Additional Information: DOCKET NUMBER proj 84-117

Agency Contact: S. Goldman, Federal Communications Commission, 1919 M St., N.W., Washington, D.C. 20554, 202 632-4047

RIN: 3060-AD21

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18. ● COMPUTER II: AT&T REORGANIZATION INQUIRY INVESTIGATION

Priority: Agency Determination

Legal Authority: 47 USC 00

CFR Citation: 47 CFR 00

Abstract: AT&T is seeking to transfer some of its manufacturing plants to ATTIS. The FCC is evaluating the Computer II issues involved.

Timetable:

Action	Date	FR Cite
MO&O	09/30/85	

Small Entity: No

Additional Information: DOCKET NUMBER proj 84-199

Agency Contact: P. Nagle, Federal Communications Commission, 2025 M St., N.W., Rm. 6216, Washington, D.C. 20554, 202 632-4887

RIN: 3060-AD22

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19. ● TARIFF GENERAL: NPRM RE: BILLING AND COLLECTION

Priority: Agency Determination

Legal Authority: 47 USC 00

CFR Citation: 47 CFR 00

Abstract: The Commission will solicit comments on a proposal to detariff billing and collection services.

Timetable:

Action	Date	FR Cite
NPRM	04/00/85	

Small Entity: No

Additional Information: DOCKET NUMBER proj 84-217

Agency Contact: B. Lambergman, Federal Communications Commission, 1919 M St., N.W., Rm. 519, Washington, D.C. 20554, 202 632-6917

RIN: 3060-AD23

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20. ● ACCESS CHARGES: TRANSPORT

Priority: Agency Determination

Legal Authority: 47 USC 00

CFR Citation: 47 CFR 00

Abstract: This proceeding involves the extension of waiver of transport rules and end user charges for party-line service.

Timetable:

Action	Date	FR Cite
MO&O	03/31/85	

Small Entity: No

Additional Information: DOCKET NUMBER proj 84-288

Agency Contact: K. Nilsson, Federal Communications Commission, 1919 M St., N.W., Rm. 544, Washington, D.C. 20554, 202 632-9342

RIN: 3060-AD24

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21. ● TARIFF GENERAL: SWITCHED ACCESS CENTREX RATES

Priority: Agency Determination

Legal Authority: 47 USC 00

CFR Citation: 47 CFR 00

Abstract: The NPRM will address the manner and extent to which Centrex and Centrex-like arrangements should be covered by switched access charges (specifically, Feature Group A charges).

Timetable:

Action	Date	FR Cite
NPRM	06/30/85	

Small Entity: No

Additional Information: DOCKET NUMBER proj 84-374

Agency Contact: F. Patella, Federal Communications Commission, 1919 M St., N.W., Rm. 518, Washington, D.C. 20554, 202 632-6917

RIN: 3060-AD25

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22. ● DOMESTIC SATELLITE: GEOSTAR - SPECTRUM ALLOCATION AND LICENSING FOR OPERATION

Priority: Agency Determination

Legal Authority: 47 USC 00

CFR Citation: 47 CFR 00

Abstract: This is a frequency allocation proceeding/application processing proceeding for the Radio Determination Satellite Service. It is associated with the Land Mobile Satellite proceeding.

Timetable:

Action	Date	FR Cite
R&O	09/30/85	

Small Entity: No

Additional Information: DOCKET NUMBER proj 84-433

Agency Contact: F. Jarmulnek, Federal Communications Commission, 1200 19th St., N.W., Rm. 307B, Washington, D.C. 20554, 202 634-1624

RIN: 3060-AD26

23. ● INTNL GENERAL: PLANNING FOR COMMUNICATIONS FACILITIES IN THE CARIBBEAN REGION THROUGH 1995

Priority: Agency Determination

Legal Authority: 47 USC 00

CFR Citation: 47 CFR 00

Abstract: The FCC is reviewing the communications facility placement in the Caribbean region in order to determine the most efficient satellite/cable mix for the region.

Timetable:

Action	Date	FR Cite
NPRM	06/30/85	

Small Entity: No

Additional Information: DOCKET NUMBER cc83-525

Agency Contact: S. Chiron, Federal Communications Commission, 1919 M St., N.W., Rm. 534, Washington, D.C. 20554, 202 632-4047

RIN: 3060-AD27

24. ● CPE: FEDERALLY TARIFFED CPE

Priority: Agency Determination

Legal Authority: 47 USC 00

CFR Citation: 47 CFR 00

Abstract: The NPRM will provide procedures for detariffing embedded customer premises equipment owned by Independent telephone companies and tariffed at the federal level. It will also detariff Mobile CPE tariffed at the federal level.

Timetable:

Action	Date	FR Cite
NPRM	03/31/85	

Small Entity: No

Additional Information: DOCKET NUMBER cc81-893i

Agency Contact: R. Crellin, Federal Communications Commission, 1919 M St., N.W., Washington, D.C. 20554, 202 632-9342

RIN: 3060-AD28

FEDERAL COMMUNICATIONS COMMISSION (FCC)—COMMON CARRIER BUREAU

Completed Actions

COMPLETED RULEMAKINGS

25. TARIFF GENERAL: AT&T PRIVATE LINE STRUCTURE AND VOLUME DISCOUNT PRACTICES

Priority: Agency Determination

CFR Citation: Not applicable

Completed:

Reason	Date	FR Cite
R&O	09/22/83	

Small Entity: No

Agency Contact: W. Lavey 202 632-6910

RIN: 3060-AA91

26. OVERSEAS COMMUNICATIONS SERVICES

Completed:

Reason	Date	FR Cite
No Further Action to be taken	02/15/85	

Small Entity: No

Agency Contact: Stuart Chiron 202 632-3214

RIN: 3060-AA93

27. COMSAT STRUCTURE

Priority: Agency Determination

Completed:

Reason	Date	FR Cite
R&O	03/31/84	

Small Entity: Yes

Agency Contact: Joel Pearlman 202 632-4047

RIN: 3060-AA94

28. DIRECT ACCESS TO INTELSAT SPACE SEGMENT

Completed:

Reason	Date	FR Cite
R&O	10/30/84	

Small Entity: No

Agency Contact: G. Dechabert 202 632-4047

RIN: 3060-AA96

29. RATE OF RETURN - AT&T'S EARNINGS

Priority: Agency Determination

CFR Citation: 47 CFR 00

Completed:

Reason	Date	FR Cite
R&O	11/21/84	

Small Entity: No

Agency Contact: K. Nilsson 202 632-9342

RIN: 3060-AA97

30. MOBILE SERVICES: AMENDMENT OF PART 22

CFR Citation: 47 CFR 22

Completed:

Reason	Date	FR Cite
MO&O	06/30/84	47 FR 22

Small Entity: Yes

Agency Contact: C. Borkowski 202 632-6450

RIN: 3060-AB00

31. PROCEDURES FOR IMPLEMENTING THE DETARIFFING OF CPE

CFR Citation: 47 CFR 64.702; 47 CFR 31

Completed:

Reason	Date	FR Cite
Withdrawn - part of RIN 3060-AC22	02/15/85	

Small Entity: No

Agency Contact: John Cimko 202 632-9342

RIN: 3060-AB05

32. COMPUTER II IMPLEMENTATION - FOLLOW-UP ON IMPLEMENTATION OF CPE CAPITALIZATION PLAN APPROVED IN ORDER ADOPTED NOV. 4, 1982

Priority: Agency Determination

CFR Citation: 47 CFR 64.702

Completed:

Reason	Date	FR Cite
MO&O	01/18/85	

Small Entity: No

Agency Contact: P. Froyd 202 632-4890

RIN: 3060-AB06

33. REVISION OF THE UNIFORM SYSTEM OF ACCOUNTS AND FINANCIAL REPORTING REQUIREMENTS FOR TELEPHONE COMPANIES, PARTS 31, 33, 42 AND 43

Priority: Agency Determination

CFR Citation: 47 CFR 31; 47 CFR 33; 47 CFR 42

Completed:

Reason	Date	FR Cite
Withdrawn Duplicates 3060-AC16	02/27/85	

Small Entity: No

Agency Contact: Gerald P. Vaughan 202 634-1861

RIN: 3060-AB15

34. REVIEW OF PART 41

Priority: Agency Determination

CFR Citation: 47 CFR 41

Completed:

Reason	Date	FR Cite
No Action to be taken at this time	02/15/85	

Small Entity: No

Agency Contact: Gerald P. Vaughan 202 634-1861

RIN: 3060-AB18

35. GEN. DOCKET 80-113

Priority: Agency Determination

CFR Citation: 47 CFR 21

Completed:

Reason	Date	FR Cite
No Further Action	02/15/85	

Small Entity: Yes

Agency Contact: Kevin Kelley 202 634-1817

RIN: 3060-AB23

36. ACCESS CHARGES: AVERAGE SCHEDULE CARRIERS

Priority: Agency Determination

Completed:

Reason	Date	FR Cite
Withdrawn Duplicates 3060-AC82	02/15/85	

Small Entity: No

Agency Contact: R. Preece 202 632-9342

RIN: 3060-AC12

37. CELLULAR: FILING PROCEDURES FOR APPLICATIONS; CELLULAR TELECOMMUNICATIONS SERVICE - CLEANUP OF MISCELLANEOUS PENDING PETITIONS

CFR Citation: 47 CFR 22

Completed:

Reason	Date	FR Cite
MO&O	03/31/84	

Small Entity: No

Agency Contact: L. Krevor 202 623-6450

RIN: 3060-AC20

38. EMBEDDED CPE: DEREGULATION OF EMBEDDED CPE OWNED BY THE BELL SYSTEM

Priority: Agency Determination

CFR Citation: 47 CFR 31; 47 CFR 64.702

Completed:

Reason	Date	FR Cite
Recon R&O	01/18/85	

Small Entity: No

Agency Contact: J. Cimko 202 632-9342

RIN: 3060-AC22

39. CELLULAR: ELIMINATION OF THE SEPARATE FREQUENCY ALLOCATION

CFR Citation: 47 CFR 22

Completed:

Reason	Date	FR Cite
R&O	09/30/84	

Small Entity: Yes

Agency Contact: C. Borkowski 202 632-6450

RIN: 3060-AC23

40. EMBEDDED CPE: DETARIFFING CPE OWNED BY INDEPENDENT TELCOS

Priority: Agency Determination

CFR Citation: 47 CFR 00

Completed:

Reason	Date	FR Cite
MO&O	08/24/84	

Small Entity: No

Agency Contact: R. Crellin 202 632-9342

RIN: 3060-AC25

41. USOA: AMEND PART 31 TO PROVIDE NEW ACCOUNTS FOR ACCESS CHARGES

Priority: Agency Determination

CFR Citation: 47 CFR 31

Completed:

Reason	Date	FR Cite
No Further Action	02/15/85	

Small Entity: No

Agency Contact: M. Wilson 202 634-1965

RIN: 3060-AC26

42. EMBEDDED CPE: DETARIFFING CPE OWNED BY RECORD CARRIERS

Priority: Agency Determination

CFR Citation: 47 CFR 00

Completed:

Reason	Date	FR Cite
4th R&O	11/05/84	

Small Entity: No

Agency Contact: J. Cimko 202 632-9342

RIN: 3060-AC27

43. EMBEDDED CPE: PROVISION OF CPE USED IN NATIONAL SECURITY SYSTEMS

Priority: Agency Determination

CFR Citation: 47 CFR 00

Completed:

Reason	Date	FR Cite
R&O	12/31/84	

Small Entity: No

Agency Contact: J. Cimko 202 632-9342

RIN: 3060-AC28

44. EMBEDDED CPE: AMEND PART 31 TO PRESCRIBE ACCOUNTING FOR NONREGULATED OPERATIONS

Priority: Agency Determination

CFR Citation: 47 CFR 31

Completed:

Reason	Date	FR Cite
R&O	11/20/84	

Small Entity: No

Agency Contact: S. Steckler 202 634-1861

RIN: 3060-AC31

45. COMPUTER II: PETITION FOR SEVERANCE AND RECON (NWB & AT&T) CUSTOMER INFORMATION DISCLOSURE ORDER

CFR Citation: 47 CFR 64.702

Completed:

Reason	Date	FR Cite
MO&O	06/30/84	

Small Entity: No

Agency Contact: G. Vogt 202 632-4887

RIN: 3060-AC33

46. CARRIER INTERCONNECTION: USITA JOINT PLANNING AGREEMENT (NTIA) (ASSOCIATED WITH CC78-72 PH3)

Priority: Agency Determination

Completed:

Reason	Date	FR Cite
R&O	06/30/84	

Small Entity: No

Agency Contact: M. Slomin 202 632-9342

RIN: 3060-AC35

47. USOA: NOTICE TO AMEND USOA TO ACCOUNT FOR COST OF REMOVAL AND SALVAGE AS CURRENT PERIOD COSTS

Priority: Agency Determination

CFR Citation: 47 CFR 31

Completed:

Reason	Date	FR Cite
No Further Action to be taken	02/15/85	

Small Entity: No

Agency Contact: S. Steckler 202 634-1861

RIN: 3060-AC39

48. COMPUTER II: COMPLIANCE OVERSIGHT - AMERITECH RE: CC83-115, SEPARATE CPE

CFR Citation: 47 CFR 64.702

Completed:

Reason	Date	FR Cite
MO&O	01/18/85	

Small Entity: No

Agency Contact: P. Nagle 202 632-4887

RIN: 3060-AC44

49. COMPUTER II: COMPLIANCE OVERSIGHT - SOUTH WESTERN BELL RE: CC83-115, SEPARATE CPE

CFR Citation: 47 CFR 64.702

Completed:

Reason	Date	FR Cite
MO&O	01/08/85	

Small Entity: No

Agency Contact: J. Cantu 202 632-4887

RIN: 3060-AC45

50. COMPUTER II: COMPLIANCE OVERSIGHT - BELL ATLANTIC RE: CC83-115, SEPARATE CPE

CFR Citation: 47 CFR 64.702

Completed:

Reason	Date	FR Cite
MO&O	01/18/85	

Small Entity: No

Agency Contact: G. Vogt 202 632-4887

RIN: 3060-AC46

51. COMPUTER II: COMPLIANCE OVERSIGHT - BELL SOUTH RE: CC83-115, SEPARATE CPE

CFR Citation: 47 CFR 64.702

Completed:

Reason	Date	FR Cite
MO&O	01/18/85	

Small Entity: No

Agency Contact: G. Vogt 202 632-4887

RIN: 3060-AC47

52. DEPRECIATION RATES: ANNUAL UPDATE OF RATES FOR TELEPHONE COMPANIES NOT SCHEDULED FOR FULL REVIEW IN 1984

Completed:

Reason	Date	FR Cite
No Further Action	02/15/85	

Small Entity: No

Agency Contact: K. Moran 202 634-1861

RIN: 3060-AC48

53. DEPRECIATION RATES: REPRESCRIPTION OF RATES FOR FOURTEEN DOMESTIC TELEPHONE COMPANIES

Completed:

Reason	Date	FR Cite
No Further Action	02/15/85	

Small Entity: No

Agency Contact: K. Moran 202 634-1861

RIN: 3060-AC49

FCC—CCB

Completed Actions

54. INTNL EARTH STATIONS: OWNERSHIP POLICY

Completed:

Reason	Date	FR Cite
R&O	11/19/84	

Small Entity: No

Agency Contact: J. Pearlman 202 632-4047

RIN: 3060–AC50

55. COMPUTER II: COMPLIANCE OVERSIGHT - NYNEX RE: CC83-115, SEPARATE CPE

CFR Citation: 47 CFR 64.702

Completed:

Reason	Date	FR Cite
MO&O	01/18/85	

Small Entity: No

Agency Contact: C. Gold 202 632-4887

RIN: 3060–AC51

56. COMPUTER II: COMPLIANCE OVERSIGHT - U.S. WEST, RE: CC83-115, SEPARATE CPE

CFR Citation: 47 CFR 64.702

Completed:

Reason	Date	FR Cite
MO&O	01/18/85	

Small Entity: No

Agency Contact: P. Nagle 202 632-4887

RIN: 3060–AC52

57. COMPUTER II: COMPLIANCE OVERSIGHT - PACIFIC TELESIS RE: CC83-115, SEPARATE CPE

CFR Citation: 47 CFR 64.702

Completed:

Reason	Date	FR Cite
MO&O	01/18/85	

Small Entity: No

Agency Contact: J. Cantu 202 632-4887

RIN: 3060–AC53

58. PLANNING FOR OVERSEAS COMMUNICATIONS FACILITIES THROUGH 1995

Completed:

Reason	Date	FR Cite
No Further Action	02/15/85	

Small Entity: No

Agency Contact: R. Gosse 202 632-4047

RIN: 3060–AC54

59. INTNL SATELLITES—(COMSAT): EQUITABLE ACCESS TO INTELSAT SPACE SEGMENT BY INTERNATIONAL SERVICE CARRIERS

Priority: Agency Determination

Completed:

Reason	Date	FR Cite
No Further Action expected	02/15/85	

Small Entity: No

Agency Contact: G. Dechabert 202 632-4047

RIN: 3060–AC55

60. ACCESS CHARGES: AT&T EMERGENCY PETITION

Priority: Agency Determination

CFR Citation: 47 CFR 00

Completed:

Reason	Date	FR Cite
No Further Action	02/15/85	

Small Entity: No

Agency Contact: K. Nilsson 202 632-6363

RIN: 3060–AC81

61. MDS: TECHNICAL STANDARDS FOR MULTIPOINT DISTRIBUTION SERVICE

Priority: Agency Determination

CFR Citation: 47 CFR 00

Completed:

Reason	Date	FR Cite
R&O	03/31/84	

Small Entity: No

Agency Contact: K. Kelley 202 634-1860

RIN: 3060–AC83

62. COMPUTER II - IMPLEMENTATION: STAFF AUDIT REPORT

CFR Citation: 47 CFR 64.702

Completed:

Reason	Date	FR Cite
R&O	01/18/85	

Small Entity: No

Agency Contact: P. Nagle 202 632-4887

RIN: 3060–AC90

COMPLETED REVIEWS

63. REVIEW OF PART 42

Priority: Agency Determination

CFR Citation: 47 CFR 42

Completed:

Reason	Date	FR Cite
No Action to be taken at this time	02/15/85	

Small Entity: No

Agency Contact: Gerald P. Vaughan 202 634-1861

RIN: 3060–AB19

64. COMPUTER II: RECONSIDERATION OF CBI/SNET ORDER

CFR Citation: 47 CFR 64.702

Completed:

Reason	Date	FR Cite
MO&O	12/31/84	

Small Entity: No

Agency Contact: C. Gold 202 632-4887

RIN: 3060–AC30

[FR Doc. 85-6399 Filed 04-26-85; 8:45 am]

BILLING CODE 6712-01-T

FEDERAL COMMUNICATIONS COMMISSION (FCC)—FIELD OPERATIONS BUREAU

Current and Projected Rulemakings

65. AGE AND EXPERIENCE REQUIREMENTS FOR RADIOTELEGRAPH FIRST CLASS OPERATOR LICENSE (RM-2687/RM-3785)

Legal Authority: 47 USC 303(r) Communications Act of 1934, as amended; 47 USC 154(i) Communications Act of 1934, as amended

CFR Citation: 47 CFR 13.12

Abstract: Requests elimination of age and experience requirements for Radiotelegraph First Class Operator License as being in the public interest. Adoption would result in increased administrative costs to agency in processing greater number of licenses.

Timetable:

Action	Date	FR Cite
Petition Pending	06/00/85	

Small Entity: No

Additional Information: RM-2687/RM-3785.

Agency Contact: L. R. Clance, Attorney Advisor, Federal Communications Commission, 1919 M Street, N.W., Room 734, Washington, D.C. 20554, 202 632-7591

RIN: 3060-AA01

[FR Doc. 85-6399 Filed 04-26-85; 8:45 am]

BILLING CODE 6712-01-T

FEDERAL COMMUNICATIONS COMMISSION (FCC)—MASS MEDIA BUREAU

Current and Projected Rulemakings

66. ITFS: POLICIES, PROCEDURES AND REGULATIONS

Priority: Agency Determination

Legal Authority: 47 USC 152; 47 USC 154; 47 USC 303; 47 USC 308; 47 USC 309

CFR Citation: 47 CFR 74.903; 47 CFR 74.931; 47 CFR 74.932

Abstract: Commission revisits its policies, procedures and regulations regarding the Instructional Television Fixed Services. Matters to be examined include the nature and scope of permissible ITFS service; licensee eligibility requirements; application "cut-off" procedures; and selection methods and criteria for choosing among mutually exclusive applicants.

Timetable:

Action	Date	FR Cite
FNPRM	07/26/84	
R&O	03/31/85	

Small Entity: Yes

Additional Information: DOCKET NUMBER mm-83-523(c)

ASSOCIATED ITEMS: mm-83-523; mm-83-523(a); mm-83-523(b)

Agency Contact: Stuart Bedell, Federal Communications Commission, 1919 M St., N.W., Rm. 702, Washington, D.C. 20554, 202 632-9356

RIN: 3060-AA37

67. NETWORK/CABLE CROSS-OWNERSHIP

Priority: Agency Determination

Legal Authority: 47 USC 4(i); 47 USC 303(r)

CFR Citation: 47 CFR 76.501

Abstract: R&O to address whether the FCC should eliminate restrictions on television network-cable system cross-ownership found in Sec. 76.501.

Timetable:

Action	Date	FR Cite
NPRM	07/15/82	
R&O	04/00/85	

Small Entity: Yes

Additional Information: DOCKET NUMBER bc-82-434

Agency Contact: Marcia Glauberman, Federal Communications Commission, 2025 M St., N.W., Rm. 8308, Washington, D.C. 20554, 202 632-6302

RIN: 3060-AA45

68. CHARACTER INQUIRY

Priority: Agency Determination

Legal Authority: 47 USC 154(i); 47 USC 308(b); 47 USC 309

CFR Citation: 47 CFR 73.4280

Abstract: Formulation of a comprehensive policy statement establishing a detailed and systematic treatment of the character qualifications of broadcast licensees to enhance the fairness and efficiency of the licensing process. This was formerly an Office of General Counsel item now transferred to Mass Media.

Timetable:

Action	Date	FR Cite
MO&O	03/31/85	

Small Entity: No

Additional Information: DOCKET NUMBER gen-81-500

Agency Contact: Robert Ratcliffe, Federal Communications Commission, 2025 M St., N.W., Rm. 8002, Washington, D.C. 20554, 202 632-7792

RIN: 3060-AB09

69. COMPARATIVE RENEWAL POLICY

Priority: Agency Determination

Legal Authority: 47 USC 154(i); 47 USC 308(b); 47 USC 403

CFR Citation: 47 CFR 1

Abstract: This proceeding contemplates issuance of a Policy Statement setting forth standards for use in comparative hearings between incumbent commercial radio and TV licensees seeking renewal of their licenses and competing applicants. This item was formerly an Office of General Counsel item and now has been transferred to MMB.

Timetable:

Action	Date	FR Cite
Policy Statement	09/30/85	

Small Entity: No

Additional Information: DOCKET NUMBER bc-81-742

RIN 3060-AC61 "Further Policy Statement on Comparative Broadcast Hearings" has been incorporated into this item.

Agency Contact: Robert Ratcliffe, Federal Communications Commission, 2025 M St., N.W., Rm. 8002, Washington, D.C. 20554, 202 632-7792

RIN: 3060-AB10

70. FAIRNESS DOCTRINE: BROADCAST

Priority: Agency Determination

Legal Authority: 47 USC 4(i); 47 USC 403

CFR Citation: 47 CFR 73.1910

Abstract: A proceeding designed to reassess the general fairness doctrine obligations of broadcast licensees as well as the legal and policy considerations underlying that doctrine. This formerly was an Office of General Counsel item, now Mass Media.

Timetable:

Action	Date	FR Cite
Report	06/30/85	

Small Entity: Yes

Additional Information: DOCKET NUMBER mm-84-140

Agency Contact: **Marcia Alterman**, Federal Communications Commission, 2025 M St., N.W., Rm. 8002, Washington, D.C. 20554, **202 632-7792**

RIN: 3060-AB57

71. CANADIAN/MEXICAN CLEAR CHANNELS

Priority: Agency Determination

Legal Authority: 47 USC 00

CFR Citation: 47 CFR 73

Abstract: R&O to consider whether to amend rules in order to establish technical and eligibility criteria for new unlimited-time AM stations on Canadian, Mexican and Bahamian Class I-A clear channels.

Timetable:

Action	Date	FR Cite
NPRM	03/15/84	
R&O	03/31/85	

Small Entity: Yes

Additional Information: DOCKET NUMBER mm-84-281

ASSOCIATED ITEMS: mmb-020 NPRM

Agency Contact: **Joel Rosenberg**, Federal Communications Commission, 2025 M St., N.W., Rm. 8316, Washington, D.C. 20554, **202 634-6530**

RIN: 3060-AB59

72. COMPARATIVE PREFERENCES WITHIN METROPOLITAN AREAS

Priority: Agency Determination

Legal Authority: 47 USC 154

CFR Citation: 47 CFR 00

Abstract: Proposal to eliminate comparative preference obtained in specifying a suburban community as city of license. (Sec. 307(b)).

Timetable:

Action	Date	FR Cite
NPRM	04/15/83	
R&O	03/31/85	

Small Entity: Yes

Additional Information: DOCKET NUMBER mm-83-403

ASSOCIATED ITEMS: mmb-018-NPRM

Agency Contact: **Joel Rosenberg**, Federal Communications Commission, 2025 M St., N.W. Rm. 8316, Washington, DC 20554, **202 634-6530**

RIN: 3060-AB61

73. ● FM ALLOTMENTS: PROCEDURES FOR 80-90

Priority: Agency Determination

Legal Authority: 47 USC 154

CFR Citation: 47 CFR 73

Abstract: The Commission will consider procedures for processing the Docket 80-90 applications to be filed.

Timetable:

Action	Date	FR Cite
R&O	03/31/85	

Small Entity: No

Additional Information: DOCKET NUMBER mm-84-231(a)

ASSOCIATED ITEMS: bc-80-90; mm-84-231

Agency Contact: **Mark Lipp**, Federal Communications Commission, 2025 M St., N.W., Rm. 8322, Washington, D.C. 20554, **202 634-6530**

RIN: 3060-AC17

74. UHF IMPACT POLICY

Priority: Agency Determination

Legal Authority: 47 USC 154(i); 47 USC 303(r)

CFR Citation: 47 CFR 00

Abstract: A study designed to re-examine the Commission's UHF Impact policy, which essentially protects UHF television stations from adverse economic competition. This was formerly an Office of General Counsel item, now MMB.

Timetable:

Action	Date	FR Cite
NPRM	09/30/85	

Small Entity: Yes

Additional Information: DOCKET NUMBER mmb-210

Agency Contact: **Bruce Franca**, Federal Communications Commission, 2025 M St., N.W. Rm. 8308, Washington, D.C. 20554, **202 632-6302**

RIN: 3060-AC62

75. SECTION 73.37 (E)

Priority: Agency Determination

Legal Authority: 47 USC 73

CFR Citation: 47 CFR 73.37

Abstract: Proposal to revise or delete Sec. 73.37(e).

Timetable:

Action	Date	FR Cite
NPRM	03/31/85	

Small Entity: Yes

Additional Information: DOCKET NUMBER mmb-077

ASSOCIATED ITEMS: 18651; RM-3683

Agency Contact: **Jonathan David**, Federal Communications Commission, 2025 M St., N.W. Rm 8330, Washington, D.C. 20554, **202 632-7792**

RIN: 3060-AC76

76. FIRST COME, FIRST SERVED

Priority: Agency Determination

Legal Authority: 47 USC 00

CFR Citation: 47 CFR 73

Abstract: R&O will be considered proposing new procedures of processing FM and TV broadcast applications. NPRM suggested alternative cut-off procedures by using filing "windows" for vacant TV and FM channels in the table of allotments and first come-first serve procedures for processing applications for channel assignments.

Timetable:

Action	Date	FR Cite
NPRM	07/26/84	
R&O	03/31/85	

Small Entity: No

Additional Information: DOCKET NUMBER mm-84-750

ASSOCIATED ITEMS: mmb-058 NPRM

Agency Contact: Lane Moten, Federal Communications Commission, 2025 M St., N.W., Rm. 8002, Washington, D.C. 20554, 202 632-7792

RIN: 3060–AC78

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77. ● CABLE BILL: IMPLEMENTATION (EFFECTIVE COMPETITION)

Priority: Agency Determination

Legal Authority: 47 USC 00

CFR Citation: 47 CFR 00

Abstract: As a result of the adoption of a Cable Bill (P. L. 98-549), the Commission is required to issue rules within 180 days regarding two issues: (1) Rate Regulation and (2) Consumer Access to Cable Service.

Timetable:

Action	Date	FR Cite
NPRM	12/04/84	
R&O	03/00/85	

Small Entity: Yes

Additional Information: DOCKET NUMBER mm-84-1296

ASSOCIATED ITEMS: mmb-148 NPRM; mmb-188

Agency Contact: Bruce Franca, Federal Communications Commission, 202 632-6302

RIN: 3060–AD01

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78. ● INTERNATIONAL IMPLEMENTATION: AM REGION 2

Priority: Agency Determination

Legal Authority: 47 USC 00

CFR Citation: 47 CFR 00

Abstract: Implementation of the Plan for AM broadcasting in Region 2.

Timetable:

Action	Date	FR Cite
FNPRM	07/26/84	
R&O	03/31/85	

Small Entity: Yes

Additional Information: DOCKET NUMBER mm-84-752

ASSOCIATED ITEMS: bc-82-187(b) FNPRM

Agency Contact: Larry Olson, Federal Communications Commission, 2025 M St., N.W. Rm. 8120, Washington, D.C. 20554, 202 632-9660

RIN: 3060–AD02

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79. ● TECHNICAL DEREGULATION: PART 73 - AM

Priority: Agency Determination

Legal Authority: 47 USC 00

CFR Citation: 47 CFR 73

Abstract: This item examines all of the technical AM broadcast rules for deregulation.

Timetable:

Action	Date	FR Cite
NPRM	03/31/85	

Small Entity: No

Additional Information: DOCKET NUMBER mmb-115

Agency Contact: Michael Lewis, Federal Communications Commission, 2025 M St., N.W. Rm. 8120, Washington, D.C. 20554, 202 632-9660

RIN: 3060–AD03

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80. ● TECHNICAL DEREGULATION: PART 73 - FM

Priority: Agency Determination

Legal Authority: 47 USC 00

CFR Citation: 47 CFR 73

Abstract: This item examines all of the technical FM broadcast rules for deregulation.

Timetable:

Action	Date	FR Cite
NPRM	09/30/85	

Small Entity: No

Additional Information: DOCKET NUMBER mmb-116

Agency Contact: Michael Lewis, Federal Communications Commission, 2025 M St., N.W. Rm. 8120, Washington, D.C. 20554, 202 632-9660

RIN: 3060–AD04

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81. ● TECHNICAL DEREGULATION: PART 74 A & I

Priority: Agency Determination

Legal Authority: 47 USC 00

CFR Citation: 47 CFR 74

Abstract: This NPRM proposes technical deregulation changes to Experimental TV Broadcast stations, Experimental Facsimile Broadcast stations, Developmental Broadcast stations and Instructional TV Fixed stations.

Timetable:

Action	Date	FR Cite
NPRM	06/30/85	

Small Entity: No

Additional Information: DOCKET NUMBER mmb-117

Agency Contact: Hank Van Deursen, Federal Communications Commission, 2025 M St., N.W. Rm. 8104, Washington, D.C. 20554, 202 632-9660

RIN: 3060–AD05

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82. ● TECHNICAL DEREGULATION: PART 76

Priority: Agency Determination

Legal Authority: 47 USC 00

CFR Citation: 47 CFR 76

Abstract: This item examines all of the technical CATV rules for deregulation. Preemption of local technical regulations will be considered.

Timetable:

Action	Date	FR Cite
NPRM	03/00/85	
R&O	09/30/85	

Small Entity: No

Additional Information: DOCKET NUMBER mmb-118 (a)

ASSOCIATED ITEMS: mmb-118 NPRM

Agency Contact: Bernard Gorden, Federal Communications Commission, 2025 M St., N.W. Rm. 8114, Washington, D.C. 20554, 202 632-9660

RIN: 3060–AD06

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83. ● ANTENNA PROOFS

Priority: Agency Determination

Legal Authority: 47 USC 00

CFR Citation: 47 CFR 73

Abstract: This item examines the current AM directional antenna proof of performance rules. The rules will be revised to account for new technology.

Timetable:

Action	Date	FR Cite
NPRM	03/00/85	
R&O	09/30/85	

Small Entity: Yes

Additional Information: DOCKET NUMBER mmb-122 (a)

ASSOCIATED ITEMS: mmb-122 NPRM

Agency Contact: Howard Irvin, Federal Communications Commission, 2025 M St., N.W. Rm. 8315, Washington, D.C. 20554, 202 632-9660

RIN: 3060–AD07

84. ● FM VS. AVIATION: INTERFERENCE PROBLEMS

Priority: Agency Determination

Legal Authority: 47 USC 00

CFR Citation: 47 CFR 73

Abstract: This item addresses a continuing problem of interference to aviation receivers because of high powered FM stations. This item should end with an R&O addressing compatibility standards.

Timetable:

Action	Date	FR Cite
NOI	03/31/85	

Small Entity: Yes

Additional Information: DOCKET NUMBER mmb-124

Agency Contact: Katy Hosford, Federal Communications Commission, 2025 M St., N.W. Rm. 8112, Washington, D.C. 20554, 202 632-9660

RIN: 3060–AD08

85. ● TECHNICAL DEREGULATION: PART 74, G & L

Priority: Agency Determination

Legal Authority: 47 USC 00

CFR Citation: 47 CFR 74

Abstract: This NPRM proposes technical deregulation changes to Low Power TV and TV Translator stations and to FM Broadcast Translator stations and FM Broadcast Booster stations.

Timetable:

Action	Date	FR Cite
NPRM	09/30/85	

Small Entity: No

Additional Information: DOCKET NUMBER mmb-150

Agency Contact: Hank Van Deursen, Federal Communications Commission, 2025 M St., N.W. Rm. 8104, Washington, D.C. 20554, 202 632-9660

RIN: 3060–AD09

86. ● TECHNICAL DEREGULATION: PART 74, E & F

Priority: Agency Determination

Legal Authority: 47 USC 00

CFR Citation: 47 CFR 74

Abstract: This R&O removes and changes some technical Rules in the Aural broadcast, STL and Intercity Relay stations, and the TV auxiliary broadcast stations subparts.

Timetable:

Action	Date	FR Cite
NPRM	03/00/85	
R&O	06/30/85	

Small Entity: No

Additional Information: DOCKET NUMBER mmb-151 (a)

ASSOCIATED ITEMS: mmb-151

Agency Contact: Hank Van Deursen, Federal Communications Commission, 2025 M St., N.W. Rm. 8104, Washington, D.C. 20554, 202 632-9660

RIN: 3060–AD10

87. ● TECHNICAL DEREGULATION: PART 74, D & H

Priority: Agency Determination

Legal Authority: 47 USC 00

CFR Citation: 47 CFR 74

Abstract: This R&O removes and changes some of the technical Rules in the Remote Pickup services and Low Power Auxiliary TV services.

Timetable:

Action	Date	FR Cite
NPRM	03/00/85	
R&O	09/30/85	

Small Entity: No

Additional Information: DOCKET NUMBER mmb-152 (a)

ASSOCIATED ITEMS: mmb-152 NPRM

Agency Contact: Hank Van Deursen, Federal Communications Commission, 2025 M St., N.W. Rm. 8104, Washington, D.C. 20554, 202 632-9660

RIN: 3060–AD11

88. ● SINGLE MAJORITY SHAREHOLDER (ATTRIBUTION)

Priority: Agency Determination

Legal Authority: 47 USC 151 et seq

CFR Citation: 47 CFR 73.3555

Abstract: An R&O to review single majority stockholder provision of the Commission's attribution rules (12-12-12).

Timetable:

Action	Date	FR Cite
NPRM	03/00/85	
R&O	09/30/85	

Small Entity: Yes

Additional Information: DOCKET NUMBER mmb-175 (a)

ASSOCIATED ITEMS: mmb-175 NPRM

Agency Contact: Laurel Bergold, Federal Communications Commission, 2025 M St., N.W. Rm. 8336, Washington, D.C. 20554, 202 632-7792

RIN: 3060–AD12

89. ● CABLE BILL IMPLEMENTATION: EEO

Priority: Agency Determination

Legal Authority: 47 USC 00

CFR Citation: 47 CFR 00

Abstract: As a result of the adoption of a Cable Bill (P. L. 98-549), the Commission is required to issue rules within 270 days regarding Equal Employment Opportunity.

Timetable:

Action	Date	FR Cite
NPRM	03/00/85	
R&O	09/30/85	

Small Entity: Yes

Additional Information: DOCKET NUMBER mmb-188 (a)

ASSOCIATED ITEMS: mmb-188 NPRM; mm-84-1296

Agency Contact: Judith Herman, Federal Communications Commission, 2025 M St., N.W. Rm. 8308, Washington, D.C. 20554, 202 632-6302

RIN: 3060–AD13

90. ● CARROLL DOCTRINE

Priority: Agency Determination

Legal Authority: 47 USC 154(i); 47 USC 308(b)

CFR Citation: 47 CFR 00

Abstract: A study to re-examine the court's decision re Carroll Broadcasting Co. vs. FCC, which held that the Commission, upon a proper showing, should determine whether the economic

effect of a new station would result in a net loss of service to an extent inconsistent with the public interest.

Timetable:

Action	Date	FR Cite
NPRM	09/30/85	

Small Entity: No

Additional Information: DOCKET NUMBER mmb-211

Agency Contact: Bruce Franca, Federal Communications Commission, 2025 M St., N.W. Rm. 8308, Washington, D.C. 20554, 202 632-6302

RIN: 3060-AD14

FEDERAL COMMUNICATIONS COMMISSION (FCC)—MASS MEDIA BUREAU

Completed Actions

COMPLETED RULEMAKINGS

91. TELETEXT MUST CARRY: RECONSIDERATION

Priority: Agency Determination

CFR Citation: 47 CFR 73; 47 CFR 76

Completed:

Reason	Date	FR Cite
MO&O	11/08/84	

Small Entity: Yes

Agency Contact: Alan Stillwell 202 632-6302

RIN: 3060-AA27

92. AERONAUTICAL INTERFERENCE

Priority: Agency Determination

CFR Citation: 47 CFR 76.605

Completed:

Reason	Date	FR Cite
R&O	10/26/84	

Small Entity: Yes

Agency Contact: Freda Thyden 202 632-7792

RIN: 3060-AA42

93. ALASKA PETITION: PROTECTION STANDARDS FOR AM

Priority: Agency Determination

CFR Citation: 47 CFR 73

Completed:

Reason	Date	FR Cite
R&O	10/17/84	

Small Entity: Yes

Agency Contact: Jonathan David 202 632-7792

RIN: 3060-AB49

94. RADIO DEREGULATION: 2ND R&O: RECONSIDERATION

Priority: Agency Determination

CFR Citation: 47 CFR 73

Completed:

Reason	Date	FR Cite
MO&O	10/17/84	

Small Entity: Yes

Agency Contact: Robert Ratcliffe 202 632-7792

RIN: 3060-AB50

95. REMOTE CONTROL: AM, FM, AND TV

Priority: Agency Determination

CFR Citation: 47 CFR 73

Completed:

Reason	Date	FR Cite
R&O	11/19/84	

Small Entity: Yes

Agency Contact: John Reiser 202 632-9660

RIN: 3060-AB63

96. TECHNICAL OPERATION, MONITORING AND MEASUREMENT OF AUDIO SYSTEMS

Priority: Agency Determination

CFR Citation: 47 CFR 73

Completed:

Reason	Date	FR Cite
R&O	11/08/84	

Small Entity: Yes

Agency Contact: John Reiser 202 632-9660

RIN: 3060-AB98

97. RF POWER METERS

Priority: Agency Determination

CFR Citation: 47 CFR 73.51

Completed:

Reason	Date	FR Cite
R&O	12/12/84	

Small Entity: Yes

Agency Contact: Hank Van Deursen 202 632-9660

RIN: 3060-AB99

98. CHANNEL 6/FM INTERFERENCE

Priority: Agency Determination

CFR Citation: 47 CFR 00

Completed:

Reason	Date	FR Cite
R&O	10/26/84	

Small Entity: Yes

Agency Contact: Peter Winters 202 632-9660

RIN: 3060-AC01

99. SELLER-CREDITOR FINANCING

Priority: Agency Determination

CFR Citation: 47 CFR 00

Completed:

Reason	Date	FR Cite
R&O	12/21/84	

Small Entity: Yes

Agency Contact: Marcia Alterman 202 632-7792

RIN: 3060-AC05

100. LPTV PROCESSING PROCEDURES

Priority: Agency Determination

CFR Citation: 47 CFR 73; 47 CFR 74

Completed:

Reason	Date	FR Cite
R&O	10/17/84	

Small Entity: No

FCC—MMB

Completed Actions

Agency Contact: Larry A. Miller 202 632-3891

RIN: 3060-AC09

101. ACSB FOR AUXILIARY SERVICES

Priority: Agency Determination

CFR Citation: 47 CFR 74.462

Completed:

Reason	Date	FR Cite
R&O	10/26/84	

Small Entity: Yes

Agency Contact: Hank Van Deursen 202 632-9660

RIN: 3060-AC18

102. 7 - 7 - 7 : RECONSIDERATION

Priority: Agency Determination

CFR Citation: 47 CFR 73

Completed:

Reason	Date	FR Cite
MO&O	12/19/84	

Small Entity: Yes

Agency Contact: David Donovan 202 632-7792

RIN: 3060-AC57

103. FM: MAXIMUM POWER LIMITATION

Priority: Agency Determination

CFR Citation: 47 CFR 73.211

Completed:

Reason	Date	FR Cite
R&O	10/26/84	

Small Entity: Yes

Agency Contact: Peter Winters 202 632-9660

RIN: 3060-AC74

104. PROOFS OF PERFORMANCE: DEREGULATION

Priority: Agency Determination

CFR Citation: 47 CFR 73

Completed:

Reason	Date	FR Cite
R&O	11/08/84	

Small Entity: Yes

Agency Contact: John Reiser 202 632-9660

RIN: 3060-AC75

105. VERTICAL BLANKING INTERVAL: DEREGULATION

Priority: Agency Determination

CFR Citation: 47 CFR 73

Completed:

Reason	Date	FR Cite
R&O	11/08/84	

Small Entity: Yes

Agency Contact: Alan Stillwell 202 632-6302

RIN: 3060-AC77

106. POLICY REGARDING INTERIM AUTHORITY TO OPERATE BROADCAST FACILITIES

CFR Citation: Not applicable

Completed:

Reason	Date	FR Cite
Final Action	03/22/85	

Small Entity: Undetermined

Agency Contact: Magalie Floyd 202 632-6990

RIN: 3060-AC87

ACTIONS THAT STARTED AND ENDED BETWEEN ISSUES OF THE UNIFIED AGENDA

107. ● FM ALLOTMENTS: IMPLEMENTATION OF 80-90 OMNIBUS

Priority: Agency Determination

Legal Authority: 47 USC 154

CFR Citation: 47 CFR 73

Abstract: The Commission will consider the assignment of 684 new FM channels nationwide. These assignments will be based upon the new technical rules adopted in Docket bc-80-90.

Timetable:

Action	Date	FR Cite
NPRM	03/01/84	
R&O	12/19/84	

Small Entity: No

Additional Information: DOCKET NUMBER mm-84-231

ASSOCIATED ITEMS: RM-3245; RM-3367; mmb-024 NPRM

Agency Contact: Mark Lipp, Federal Communications Commission, 2025 M St., N.W., Rm. 8322, Washington, DC 20554, **202 634-6530**

RIN: 3060-AC17

[FR Doc. 85-6399 Filed 04-26-85; 8:45 am]

BILLING CODE 6712-01-T

FEDERAL COMMUNICATIONS COMMISSION (FCC)—OFFICE OF GENERAL COUNSEL

Current and Projected Rulemakings

108. AMENDING ENVIRONMENTAL RULES IN RESPONSE TO NEW RULES ISSUED BY THE COUNCIL ON ENVIRONMENTAL QUALITY (C.E.Q.)

Priority: Undetermined

Legal Authority: 47 USC 303(r); 47 USC 154(i)

CFR Citation: 47 CFR 1, Subpart I

Abstract: The Commission's existing environmental rules are being revised to comply with guidelines issued by the Council for Environmental Quality (C.E.Q.).

Timetable:

Action	Date	FR Cite
NPRM	07/03/79	44 FR 38913
NPRM Comment Period Begin	07/03/79	
NPRM Comment Period End	08/02/79	
R&O	00/00/00	

Small Entity: Not Applicable

Additional Information: GEN Docket - 79-163.

Agency Contact: Holly Kaufman, Staff Attorney, Federal Communications Commission, 1919 M St., N.W., Washington, D.C. 20554, **202 632-6990**

RIN: 3060-AB30

109. REPEAL OF MODIFICATION OF THE PERSONAL ATTACK AND POLITICAL EDITORIAL RULES, SEC 73.1920 & SEC 73.1930 OF THE COMMISSION'S RULES

Legal Authority: 47 USC 154(i); 47 USC 303(r)

CFR Citation: 47 CFR 73.1920; 47 CFR 73.1930

Abstract: A proceeding designed to re-examine the personal attack and political editorial rules. These rules give specific individuals or groups the right to use a broadcaster's facilities to respond to matters broadcast.

Timetable:

Action	Date	FR Cite
NPRM	06/22/83	48 FR 28295
NPRM Comment Period Begin	06/22/83	
NPRM Comment Period End	09/16/83	
MO&O	00/00/00	

Small Entity: No

Public Compliance Cost: Initial Cost: $0; Yearly Recurring Cost: $0

Agency Contact: Holly Berland, Steve Bailey, Staff Attorneys, Federal Communications Commission, 1919 M St., N.W., Washington, D.C. 20554, 202 632-6990

RIN: 3060-AB44

110. PROVISION OF PREFERENCES TO FEMALE APPLICANTS WHEN SELECTION FROM AMONG CERTAIN COMPETING APPLICANTS FOR MASS MEDIA LICENSES INVOLVES RANDOM SELECTION OR LOTTERIES

Priority: Agency Determination

Legal Authority: 47 USC 151; 47 USC 153; 47 USC 154(i); 47 USC 154(j); 47 USC 303; 47 USC 309(i); 47 USC 403; Communications Act of 1934, Secs 1,3,4(i)& (j),303,309(i) & 403

CFR Citation: 47 CFR 1.1621(b); 47 CFR 1.1622; 47 CFR 1.1623

Abstract: The FCC is considering inclusion of women as a group entitled to preferences when initial licensing in the mass media services is by lottery. The only service in which lotteries are currently used is low power television ("LPTV"). Such preference might be awarded either through inclusion of women in the "minority groups" currently entitled to the minority preference, or by creation of a special diversity preference for women. Approximately 11,000 applications for LPTV licenses are presently on file. Establishment of the preference would provide some advantage to small entities with majority female ownership seeking such licenses. Similarly, some small entities which are not majority-owned by women might be disadvantaged relative to female-controlled applicants.

Timetable:

Action	Date	FR Cite
NPRM	10/24/83	48 FR 49069
NPRM Comment Period Begin	10/24/83	48 FR 55006
Extension of Comment Period	12/08/83	48 FR 55006
NPRM Comment Period End	01/27/84	
R&O	00/00/00	

Small Entity: Undetermined

Analysis: Draft RFA 10/24/83 (48 FR 49073)

Agency Contact: Tatsu Kondo, Attorney, Legal Counsel Division, Federal Communications Commission, 1919 M St., N.W., Washington, D.C. 20554, 202 632-7020

RIN: 3060-AC60

111. AMENDMENT OF PART 1 OF THE COMMISSION'S RULES TO IMPLEMENT SECTION 504 OF THE REHABILITATION ACT OF 1973, AS AMENDED, 29 U.S.C. SECTION 794

Priority: Undetermined

Legal Authority: 29 USC 794; 47 USC 4(i); 47 USC 303(r)

CFR Citation: 47 CFR 1.1601 to 1.1699

Abstract: As originally enacted in 1974, Section 504 of the Rehabilitation Act prohibited discrimination on the basis of handicap in federally assisted programs. The Amendment of 1978 extended the nondiscrimination mandate of Section 504 to programs and activities conducted by federal agencies. Under Executive Order 12250, the Attorney General is authorized to coordinate the implementation. To assist agencies in developing rules to implement the 1978 Amendment, the Department of Justice drafted a prototype which our proposed rules follow to prohibit discrimination on the basis of handicap on FCC programs.

Timetable:

Action	Date	FR Cite
NPRM	05/07/84	
R&O	00/00/00	

Small Entity: No

Government Levels Affected: Federal

Agency Contact: Sharon Kelley, Attorney-Advisor, Federal Communications Commission, 1919 M Street, Washington, D.C. 20554, 202 632-6990

RIN: 3060-AC86

FEDERAL COMMUNICATIONS COMMISSION (FCC)—OFFICE OF GENERAL COUNSEL

Completed Actions

COMPLETED RULEMAKINGS

112. SELECTION FROM AMONG CERTAIN COMPETING APPLICATIONS USING RANDOM SELECTION OR LOTTERIES INSTEAD OF COMPARATIVE HEARINGS

Priority: Agency Determination

CFR Citation: 47 CFR 1.65; 47 CFR 1.227; 47 CFR 1.918; 47 CFR 1.953; 47 CFR 1.1601; 47 CFR 1.1602; 47 CFR 22.23; 47 CFR 22.28; 47 CFR 73.3521; 47 CFR 73.3522; 47 CFR 73.3564; 47 CFR 81.51; 47 CFR 87.48; 47 CFR 90.143; 47 CFR 94.37; ...

Completed:

Reason	Date	FR Cite
Reconsideration of Final Rule	12/20/84	49 FR 49466

Small Entity: Yes

FCC—OGC

Completed Actions

Agency Contact: Randy Thomas 202 632-6990

RIN: 3060-AC58

[FR Doc. 85-6399 Filed 04-26-85; 8:45 am]

BILLING CODE 6712-01-T

FEDERAL COMMUNICATIONS COMMISSION (FCC)—PRIVATE RADIO BUREAU

Current and Projected Rulemakings

113. DIGITAL SELECTIVE CALLING IN MARINE SERVICES AND DIRECT DIAL IN VHF SERVICES

Priority: Agency Determination

Legal Authority: 47 USC 154(i); 47 USC 303(r)

CFR Citation: 47 CFR 81; 47 CFR 83

Abstract: Provides initial guidelines for use of digital selective calling (DSC) in Marine services and provides direct-dial VHF communications between public coast and ship stations.

Timetable:

Action	Date	FR Cite
FNPRM adopted 10/18/84	10/31/84	49 FR 43718
R&O	07/31/85	

Small Entity: No

Additional Information: Docket Number: pr 83-431 DSC

Agency Contact: R. Mickley, Federal Communications Commission, 2025 M St., N.W., Room 8202, Washington, D.C. 20554, 202 632-7175

RIN: 3060-AA24

114. INTERCONNECTION IN THE PRIVATE LAND MOBILE RADIO SERVICES IN THE FREQUENCY BANDS BELOW 800 MHZ

Priority: Agency Determination

Legal Authority: 47 USC 154(i); 47 USC 303(r)

CFR Citation: 47 CFR 90

Abstract: The FCC will consider a proposal to liberalize the rules governing interconnection of private land mobile radio systems operating in the bands below 800 MHz with the public switched telephone network.

Timetable:

Action	Date	FR Cite
NPRM adopted 04/26/84	06/20/84	49 FR 25255
R&O	04/30/85	

Small Entity: Yes

Additional Information: Docket Number: pr 84-414

Agency Contact: Nia Cresham, Federal Communications Commission, 1919 M St., N.W., Washington, DC 20554, 202 634-2443

RIN: 3060-AB74

115. PRIVATE MICROWAVE CARRIER SYSTEMS

Priority: Agency Determination

Legal Authority: 47 USC 154(i); 47 USC 303(r)

CFR Citation: 47 CFR 94

Abstract: The FCC adopted a First Report and Order amending Part 94 to permit licensees of private microwave systems to provide microwave communications service on a for-profit basis to other Part 94 eligibles. A FNPRM will explore allowing common carriers and broadcasters to be customers of these private microwave systems.

Timetable:

Action	Date	FR Cite
R&O	01/31/85	
FNPRM	04/30/85	

Small Entity: Yes

Additional Information: Docket Number: pr 83-426

Agency Contact: Fred Day/Joseph Levin, Federal Communications Commission, 2025 M St., N.W., RM. 5126, Washington, DC 20554, 202 634-2443

RIN: 3060-AB77

116. FREQUENCY COORDINATION IN THE PRIVATE LAND MOBILE RADIO SERVICES

Priority: Agency Determination

Legal Authority: 47 USC 154(i); 47 USC 303(r)

CFR Citation: 47 CFR 90

Abstract: The FCC adopted a Notice of Proposed Rule Making proposing rules and standards for frequency coordination and field study procedures for the Private Land Mobile Radio Services.

Timetable:

Action	Date	FR Cite
NPRM adopted 10/17/84	11/16/84	49 FR 45454
Reply comments close	04/25/85	
R&O	10/31/85	

Small Entity: Yes

Additional Information: Docket Number: pr 83-737

Agency Contact: E. Thomson/H. Zeiler, Federal Communications Commission, 2025 M St., N.W. Rm. 5126, Washington, DC 20554, 202 634-2443

RIN: 3060-AB78

117. INTRODUCTION OF NARROWBAND TECHNOLOGIES INTO THE PRIVATE LAND MOBILE RADIO SERVICES

Priority: Agency Determination

Legal Authority: 47 USC 154(i); 47 USC 303(r)

CFR Citation: 47 CFR 90

Abstract: The FCC will consider a proposed amendment of Part 90 of the Commission's Rules to authorize the use of narrowband technologies for base and mobile communications in the Private Land Mobile Radio Services.

Timetable:

Action	Date	FR Cite
NPRM adopted 03/15/84	05/04/84	49 FR 19074
R&O	04/30/85	

Small Entity: Yes

Additional Information: Docket Number: pr 84-279

Agency Contact: Herb Zeiler, Federal Communications Commission, 2025 M St., N.W. Rm. 5126, Washington, DC 20554, 202 634-2443

RIN: 3060-AB86

118. FUTURE PUBLIC SAFETY TELECOMMUNICATIONS REQUIREMENTS

Priority: Agency Determination

Legal Authority: PL 98-214

CFR Citation: 47 CFR 2; 47 CFR 90

Abstract: This study is preparatory to establishing a plan, required by PL 98-214, to ensure that the needs of public safety authorities are taken into account in spectrum allocations, including consideration of the need for a nationwide contiguous frequency allocation for public safety purposes.

Timetable:

Action	Date	FR Cite
NOI adopted 03/01/84	03/15/84	49 FR 9754
Report on Comments	07/31/85	

Small Entity: No

Additional Information: Docket Number: pr 84-232

Agency Contact: Levin/Hess/T. Johnson/H. Salters, Federal Communications Commission, 2025 M St., N.W., Rm. 5202, Washington, DC 20554, 202 634-2443

RIN: 3060-AB89

119. EARLY ALLOCATION OF 18 AND 24 MHZ, 24 AND 900 MHZ, AND 10 MHZ CODIFICATION

Priority: Agency Determination

Legal Authority: 47 USC 154(i); 47 USC 303(r)

CFR Citation: 47 CFR 97

Abstract: Petitions for rulemaking to amend the rules regarding the frequencies available for amateur radio operation in order to implement the Final Acts of the World Administrative Radio Conference (Geneva, 1979).

Timetable:

Action	Date	FR Cite
NPRM adopted 10/04/84	10/17/84	49 FR 40611
R&O	04/30/85	

Small Entity: No

Additional Information: Docket Number: pr 84-960

Agency Contact: J. Borkowski, Federal Communications Commission, 2025 M St., N.W., Rm. 8202, Washington, DC 20554, 202 632-4964

RIN: 3060-AB92

120. AMENDMENTS TO THE SAFETY OF LIFE AT SEA

Priority: Agency Determination

Legal Authority: 47 USC 154(i); 47 USC 303(r)

CFR Citation: 47 CFR 83

Abstract: Proposes to amend Part 83 of the Rules to implement the second set of amendments to the Safety of Life at Sea (SOLAS) Convention of 1974.

Timetable:

Action	Date	FR Cite
NPRM adopted 07/30/84	08/08/84	49 FR 31736
R&O	04/30/85	

Small Entity: No

Additional Information: Docket Number: pr 84-759

Agency Contact: R. McIntyre, Federal Communications Commission, 2025 M St., N.W. Rm. 8202, Washington, D.C. 20554, 202 632-7175

RIN: 3060-AC70

121. ELIMINATE THE REQUIREMENT FOR MANUFACTURERS TO PERFORM RELIABILITY TESTS ON SHIPBOARD RADAR

Priority: Agency Determination

Legal Authority: 47 USC 154(i); 47 USC 303(r)

CFR Citation: 47 CFR 81; 47 CFR 83

Abstract: The FCC has adopted a Notice of Proposed Rulemaking to amend Part 83 of the Rules to place responsibility with manufacturers for certifying that ship radar equipment they produce is reliable.

Timetable:

Action	Date	FR Cite
NPRM	01/07/85	
R&O	07/31/85	

Small Entity: No

Additional Information: Docket Number: pr 85-8

Agency Contact: W. Berges, Federal Communications Commission, 2025 M St., N.W. Rm. 8202, Washington, D.C. 20554, 202 632-7175

RIN: 3060-AC72

122. COMBINE PARTS 81 AND 83 INTO SINGLE PART 80 FOR MARITIME SERVICES AND ALASKA FIXED STATIONS

Priority: Agency Determination

Legal Authority: 47 USC 154(i); 47 USC 303(r)

CFR Citation: 47 CFR 81; 47 CFR 83

Abstract: Proposes to amend the rules to consolidate Parts 81 and 83 into a new Part 80. Part 81 which deals with radio stations on land in the maritime service and Part 83 which deals with radio stations on ships in the maritime service have many similarities which lend themselves to consolidation.

Timetable:

Action	Date	FR Cite
NPRM	04/30/85	

Small Entity: No

Additional Information: Docket Number: New Part 80

Agency Contact: R. Mickley, Federal Communications Commission, 2025 M St., N.W. Rm. 8202, Washington, D.C. 20554, 202 632-7175

RIN: 3060-AC73

123. ● 900 MHZ ALLOCATION TO THE PRIVATE LAND MOBILE RADIO SERVICES

Priority: Agency Determination

Legal Authority: 47 USC 154(i); 47 USC 303(r)

CFR Citation: 47 CFR 90

Abstract: The FCC has adopted a Notice of Proposed Rule Making proposing the allocation of 12 MHz from the land mobile reserve for private land mobile use.

Timetable:

Action	Date	FR Cite
NPRM adopted 11/21/84	01/11/85	50 FR 1582
Reply comments close	03/29/85	
R&O	10/31/85	

Small Entity: Yes

Additional Information: Docket Number: pr 84-1233

Agency Contact: Stuart Overby, Federal Communications Commission, 2025 M St., N.W., Rm. 5114, Washington, D.C. 20554, **202 634-2443**

RIN: 3060-AD29

124. ● 800 MHZ WAITING LIST

Priority: Agency Determination

Legal Authority: 47 USC 154(i); 47 USC 303(r)

CFR Citation: 47 CFR 90

Abstract: The FCC has adopted a NPRM proposing the amendment of Section 90.360 to provide a preference on the waiting list to all applicants seeking to expand fully-loaded trunked systems operating on the old 200 frequencies governed by Subpart M of Part 90.

Timetable:

Action	Date	FR Cite
NPRM adopted 01/07/85	01/22/85	50 FR 2837
Reply comments close	03/11/85	
R&O	07/31/85	

Small Entity: Yes

Additional Information: Docket Number: pr 85-6

Agency Contact: Nia Cresham, Federal Communications Commission, 2025 M St., N.W., Rm. 5126, Washington, D.C. 20554, **202 634-2443**

RIN: 3060-AD30

125. ● USE OF COORDINATED REPEATERS IN THE ARS

Priority: Agency Determination

Legal Authority: 47 USC 154(i); 47 USC 303(r)

CFR Citation: 47 CFR 97

Abstract: Proposes to amend Part 97 to formalize the repeater coordination process in the Amateur Radio Service.

Timetable:

Action	Date	FR Cite
NPRM	01/23/85	
R&O	10/31/85	

Small Entity: No

Additional Information: Docket Number: pr 85-22

Agency Contact: J. Johnston, Federal Communications Commission, 2025 M St., N.W., Rm. 8202, Washington, D.C. 20554, **202 632-4964**

RIN: 3060-AD31

126. ● IMPLEMENT FINAL ACTS OF WARC 1979 IN THE ARS

Priority: Agency Determination

Legal Authority: 47 USC 154(i); 47 USC 303(r)

CFR Citation: 47 CFR 97

Abstract: The FCC has proposed amending Part 97 of the Rules to implement the Final Acts of the 1979 WARC, ratified by the U.S. on September 6, 1983.

Timetable:

Action	Date	FR Cite
NPRM	01/23/85	
R&O	07/31/85	

Small Entity: No

Additional Information: Docket Number: pr 85-23

Agency Contact: J. Johnston, Federal Communications Commission, 2025 M St., N.W., Rm. 8202, Washington, D.C. 20554, **202 632-4964**

RIN: 3060-AD32

127. ● PETITION BY ARRL FOR A DECLARATORY STATEMENT ON FEDERAL PREEMPTION OF LOCAL ZONING REQUIREMENTS AS THEY APPLY TO ANTENNAS IN THE ARS

Priority: Agency Determination

Legal Authority: 47 USC 154(i); 47 USC 303(r)

CFR Citation: 47 CFR 97

Abstract: Request by the American Radio Relay League for a Declaratory Ruling delineating the limitations of local zoning and other state regulatory authority over Federally-licensed amateur radio facilities.

Timetable:

Action	Date	FR Cite
Public Notice issued	08/30/84	
Declaratory Ruling	07/31/85	

Small Entity: No

Additional Information: Docket Number: PRB-1

Agency Contact: J. Johnston, Federal Communications Commission, 2025 M St., N.W., Rm. 8202, Washington, D.C. 20554, **202 632-4964**

RIN: 3060-AD33

128. ● IMPLEMENT HIGH FREQUENCY ALLOCATIONS MADE BY WARC 1979

Priority: Agency Determination

Legal Authority: 47 USC 154(i); 47 USC 303(r)

CFR Citation: 47 CFR 81; 47 CFR 83

Abstract: Proposes to amend Parts 81 and 83 to permit the voluntary use of frequencies between 2MHz and 18 MHz at an early date to smooth the transition to the Future Global Maritime Distress and Safety System.

Timetable:

Action	Date	FR Cite
NPRM	01/07/85	
R&O	07/31/85	

Small Entity: No

Additional Information: Docket Number: HF-Conform

Agency Contact: L. Reed, Federal Communications Commission, 2025 M St., N.W., Rm. 7002, Washington, D.C. 20554, **202 632-7175**

RIN: 3060-AD34

FEDERAL COMMUNICATIONS COMMISSION (FCC)—PRIVATE RADIO BUREAU

Completed Actions

COMPLETED RULEMAKINGS

129. COMPULSORY SHIP INSPECTION CYCLE

Priority: Agency Determination

CFR Citation: 47 CFR 83

Completed:

Reason	Date	FR Cite
2nd R&O adopted 11/21/84	12/05/84	49 FR 47516

Small Entity: No

Agency Contact: N. Bagnato 202 632-7175

RIN: 3060-AA25

130. NEW PRIVATE RADIO SERVICE AT 900 MHZ

Priority: Agency Determination

CFR Citation: 47 CFR 2

Completed:

Reason	Date	FR Cite
R&O adopted 11/21/84	01/07/85	50 FR 865

Small Entity: Yes

Agency Contact: Stu Overby 202 634-2443

RIN: 3060-AA55

131. GREAT LAKES EPIRB'S

Priority: Agency Determination

CFR Citation: 47 CFR 83

Completed:

Reason	Date	FR Cite
R&O adopted 10/4/84	10/15/84	49 FR 40172

Small Entity: No

Agency Contact: N. Bagnato 202 632-7175

RIN: 3060-AB82

132. PERMISSIBLE COMMUNICATIONS IN THE PRIVATE LAND MOBILE RADIO SERVICES

Priority: Agency Determination

CFR Citation: 47 CFR 90

Completed:

Reason	Date	FR Cite
R&O released	01/31/85	

Small Entity: Yes

Agency Contact: Mary Beth Hess 202 634-2443

RIN: 3060-AB84

133. RADIOPRINTER (RTTY) COMMUNICATIONS SERVICE FOR SMALL COMMERCIAL VESSELS

Priority: Agency Determination

CFR Citation: 47 CFR 81; 47 CFR 83

Completed:

Reason	Date	FR Cite
R&O adopted 10/4/84	10/15/84	49 FR 40170

Small Entity: No

Agency Contact: R. Mickley 202 632-7175

RIN: 3060-AB85

134. INTERCONNECTION WITH THE PUBLIC SWITCHED TELEPHONE NETWORK (PSTN) IN THE PRIVATE LAND MOBILE RADIO SERVICE BANDS BELOW 800 MHZ

Priority: Agency Determination

CFR Citation: 47 CFR 90

Completed:

Reason	Date	FR Cite
Withdrawn Duplicate of RIN 3060-AB74	02/27/85	

Small Entity: Yes

Agency Contact: Nia Cresham 202 634-2443

RIN: 3060-AB87

135. DELETE THE REQUIREMENTS FOR RESTRICTED PERMITS FOR DOMESTIC VOYAGES

Priority: Agency Determination

CFR Citation: 47 CFR 81; 47 CFR 83; 47 CFR 87

Completed:

Reason	Date	FR Cite
R&O adopted 1/23/85	02/11/85	50 FR 5590

Small Entity: No

Agency Contact: L. Garcia 202 632-7175

RIN: 3060-AC71

[FR Doc. 85-6399 Filed 04-26-85; 8:45 am]

BILLING CODE 6712-01-T

FEDERAL COMMUNICATIONS COMMISSION (FCC)—OFFICE OF SCIENCE AND TECHNOLOGY

Current and Projected Rulemakings

136. L.A. SHERIFF'S PETITION

Priority: Agency Determination

Legal Authority: 47 USC 303

CFR Citation: 47 CFR 2.106

Abstract: Petition requests reallocation of UHF-TV Channels 14-20 to public safety services.

Timetable:

Action	Date	FR Cite
R&O	06/30/85	

Small Entity: No

Additional Information: RM-3975.

Agency Contact: Don Precure, Federal Communications Commission, 2025 M St., N.W., Washington, D.C. 20554, 202 653-8170

RIN: 3060-AA57

137. HF BROADCASTING WARC

Priority: Agency Determination

Legal Authority: 47 USC 411

CFR Citation: Not applicable

Abstract: Develop a world-wide high frequency (short-wave) broadcasting plan.

Timetable:

Action	Date	FR Cite
R&O	03/31/85	

Small Entity: No

Additional Information: Docket 82-165

Agency Contact: Neal McNaughton, Federal Communications Commission, 2025 M St., N.W., Washington, D.C. 20554, 202 653-8102

RIN: 3060-AA78

138. SPACE SERVICES WARC (1985)

Priority: Agency Determination

Legal Authority: 47 USC 411

CFR Citation: Not applicable

Abstract: This proceeding is in preparation for the ITU World Administrative Radio Conference on the Geostationary-Satellite Orbit and the Planning of the Space Services Utilizing It.

Timetable:

Action	Date	FR Cite
NOI	10/03/83	
Fourth NOI	04/30/84	
R&O	03/31/85	

Small Entity: No

Additional Information: Docket 80-741.

Agency Contact: A. Rutkowski, Federal Communications Commission, 2025 M St., N.W., Washington, D.C. 20554, 202 653-8102

RIN: 3060-AA79

139. GEOSTAR CORP. PETITION FOR RADIODETERMINATION SATELLITE

Priority: Agency Determination

Legal Authority: 47 USC 303

CFR Citation: 47 CFR 2.106

Abstract: Petition requests reallocation of spectrum in the 1610-1626 MHz, 2450-2500 MHz and 5000-5250 MHz band for a radiodetermination satellite service system.

Timetable:

Action	Date	FR Cite
NPRM	09/07/84	
R&O	06/30/85	

Small Entity: Undetermined

Agency Contact: Mel Murray, Federal Communications Commission, 2025 M St., N.W., Washington, D.C. 20554, 202 653-8168

RIN: 3060-AB79

140. STUDY OF MARINE HF BANDS

Priority: Agency Determination

Legal Authority: 47 USC 154; 47 USC 403

CFR Citation: 47 CFR 81; 47 CFR 83

Abstract: A comprehensive review of all uses of the HF spectrum for maritime communications in preparation for the 1987 Mobile WARC. Uses include telegraphy, telephony, the Future Global Maritime Distress and Safety System (FGMDSS) and SELCALL.

This item was formerly a Private Radio Bureau item which was transferred to Office of Science & Technology.

Timetable:

Action	Date	FR Cite
NOI	06/25/84	
2nd NOI	03/31/85	

Small Entity: No

Additional Information: Docket Number Mar HF Bands.

Agency Contact: Edward Jabobs, Federal Communications Commission, 2025 M St., N.W., Washington, D.C. 20554, 202 653-8102

RIN: 3060-AB88

141. AMENDMENT OF PART 15 TO PERMIT OPERATION OF FIELD DISTURBANCE SENSORS IN THE BAND 40.66 TO 40.70 MHZ

Priority: Major

Legal Authority: 47 USC 302; 47 USC 303(a); 47 USC 303(r); Communications Act 4(i)

CFR Citation: 47 CFR 15

Abstract: In response to a petition (RM-4120) from Senstar, the Commission adopted a proposal in Dec. 1982 to amend Pt 15 to provide for the operation of a perimeter protection system to be used at prisons and other high risk facilities.

Timetable:

Action	Date	FR Cite
FNPRM	06/30/85	

Small Entity: No

Additional Information: 82-827.

Agency Contact: Liliane Volcy, Federal Communications Commission, 2025 M St., N.W., Washington, D.C. 20554, 202 653-8247

RIN: 3060-AC64

142. AMENDMENT OF PART 15 TO PROVIDE AN ADDITIONAL EXEMPTION FOR LARGE COMPUTER SYSTEM

Priority: Major

Legal Authority: 4(i),302

CFR Citation: 47 CFR 15

Abstract: Petition for rulemaking filed by Electronic Associates Inc. to amend the rules to provide an exemption from for large computers manufactured in small quantities.

Timetable:

Action	Date	FR Cite
NPRM	06/30/84	
NPRM	08/21/84	
R&O	00/00/00	

Small Entity: No

Additional Information: RM-4246

Agency Contact: Julius Knapp, Federal Communications Commission, 2025 M St., N.W., Washington, D.C. 20554, 202 653-8247

RIN: 3060-AC68

143. UPDATE ADMINISTRATIVE RULES IN PART 18

Priority: Major

Legal Authority: 47 USC 303

CFR Citation: 47 CFR 18

Abstract: Proposal to revise the present administrative requirements of Pt 18 of the Rules governing ISM equipment is expected to delete a number of obsolete requirements of Pt. 18 and streamline administrative rules.

Timetable:

Action	Date	FR Cite
R&O	06/30/85	

Small Entity: Undetermined

Additional Information: 20718

Agency Contact: Liliane Volcy, Electronics Engineer, Federal Communications Commission, 2025 M St., N.W., Washington, D.C. 20554, 202 653-8247

RIN: 3060-AC89

144. ● ALLOCATION OF ADDITIONAL SPECTRUM FOR PRIVATE LAND MOBILE RADIO (LMCC PETITION)

Priority: Agency Determination

Legal Authority: 47 USC 303

CFR Citation: 47 CFR 2; 47 CFR 22; 47 CFR 90

Abstract: Amendment of Pts. 2, 22 and 90 of the Rules to provide an additional allocation for present land mobile use, including private and cellular. LMCC petitions for allocation of all of the 900 MHz reserve bands plus investigation

of future use of UHF-TV spectrum and the 216-225 MHz band.

Timetable:

Action	Date	FR Cite
NPRM	12/31/84	
R&O	06/30/85	

Small Entity: Yes

Additional Information: rm-4829.

Agency Contact: Fred Thomas, Federal Communications Commission, 2025 M St., N.W. Rm. 7320, Washington, D.C. 20554, 202 653-8171

RIN: 3060-AC91

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145. ● UTILIZATION POLICY - FIXED AND MOBILE SERVICES 1-40 GHZ (RECONSIDERATION)

Priority: Agency Determination

Legal Authority: 47 USC 303

CFR Citation: 47 CFR 2; 47 CFR 21; 47 CFR 74; 47 CFR 78; 47 CFR 94

Abstract: Requests for reconsideration of a Commission MO&O dealing with the use of the 18 GHz band.

Timetable:

Action	Date	FR Cite
MO&O	03/30/85	

Small Entity: Undetermined

Additional Information: 82-334

Agency Contact: Don Campbell, Federal Communications Commission, 2025 M St., N.W. Rm. 7328, Washington, D.C. 20554, 202 653-8171

RIN: 3060-AC92

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146. ● ADDITIONAL SHARING OF UHF TV CHANNELS BY PRIVATE LM SERVICES

Priority: Agency Determination

Legal Authority: 47 USC 301; 47 USC 303; 47 USC 332

CFR Citation: 47 CFR 2; 47 CFR 90

Abstract: Accommodation of projected requirements of private LM services would be partially through further sharing of certain UHF-TV channels in the major markets.

Timetable:

Action	Date	FR Cite
NPRM	03/30/85	
R&O	12/31/85	

Small Entity: Yes

Agency Contact: Sam Tropea, Federal Communications Commission, 2025 M St., N.W. Rm. 7310, Washington, D.C. 20554, 202 653-8167

RIN: 3060-AC93

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147. ● PRIMARY ALLOCATION FOR RADIO ASTRONOMY AT 1610 MHZ (NSF PETITION)

Priority: Agency Determination

Legal Authority: 47 USC 303

CFR Citation: 47 CFR 2

Abstract: Amendment of Pt. 2 of the Rules to provide a primary allocation for the radio astronomy service in the band 1606.8-1613.8 MHz. NSF has petitioned for the upgrading of a current secondary allocation at 1610.6-1613.8 MHz, because of concern about increased utilization of the band.

Timetable:

Action	Date	FR Cite
MO&O	06/30/85	

Small Entity: No

Additional Information: rm-4839.

Agency Contact: Mel Murray, Federal Communications Commission, 2025 M St., N.W. Rm. 7312, Washington, D.C. 20554, 202 653-8168

RIN: 3060-AC94

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148. ● TECHNICAL STANDARDS, MEDICAL ULTRASONIC EQUIPMENT - PART 18

Priority: Agency Determination

Legal Authority: 47 USC 302

CFR Citation: 47 CFR 18.71 to 84

Abstract: In the order denying a petition from Hewlett Packard to exempt medical ultrasonic equipment from Pt. 18, the Commission stated it would review the technical standards for this equipment. This is the follow-up item.

Timetable:

Action	Date	FR Cite
NPRM	03/31/85	

Small Entity: Yes

Agency Contact: Julius Knapp, Federal Communications Commission, 2025 M St., N.W. Rm. 8302, Washington, D.C. 20554, 202 653-8247

RIN: 3060-AC95

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149. ● DORCMA - REMOTE CONTROL SECURITY DEVICES

Priority: Agency Determination

Legal Authority: 47 USC 302

CFR Citation: 47 CFR 15.201 to 215

Abstract: The Door Operators and Remote Control Manufacturers Association requests what amounts to a complete review and overhaul of the technical standards for remote control and security devices in Part 15.

Timetable:

Action	Date	FR Cite
NPRM	03/31/85	

Small Entity: Yes

Additional Information: rm-4637.

Agency Contact: John McVeigh, Federal Communications Commission, 2025 M St., N.W. Rm. 8302, Washington, D.C. 20554, 202 653-8247

RIN: 3060-AC96

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150. ● SEIA - REMOTE CONTROL/SECURITY DEVICES

Priority: Agency Determination

Legal Authority: 47 USC 302

CFR Citation: 47 CFR 15.201 to 215

Abstract: The Security Equipment Industry Association requests review and overhaul of the technical standards and measurement methods for remote control and security devices in Part 15.

Timetable:

Action	Date	FR Cite
NPRM	03/31/85	

Small Entity: Yes

Additional Information: rm-4813.

Agency Contact: John McVeigh, Federal Communications Commission, 2025 M St., N.W. Rm. 8302, Washington, D.C. 20554, 202 653-8247

RIN: 3060-AC97

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151. ● KNOGO - FIELD DISTURBANCE SENSORS

Priority: Agency Determination

Legal Authority: 47 USC 302

CFR Citation: 47 CFR 15.305

Abstract: KNOGO requests and expansion in frequencies available for wideband swept frequency field disturbance sensors used for anti-theft of merchandise.

Timetable:

Action	Date	FR Cite
NPRM	03/31/85	

Small Entity: Yes

Additional Information: rm-4427.

Agency Contact: Liliane Volcy, Federal Communications Commission, 2025 M St., N.W. Rm. 8302, Washington, D.C. 20554, 202 653-8247

RIN: 3060-AC98

152. ● GTE RECONSIDERATION CORDLESS PHONES

Priority: Agency Determination

Legal Authority: 47 USC 302; 47 USC 303(g); 47 USC 303(r)

CFR Citation: 47 CFR 15.230 et seq

Abstract: GTE requests clarification of the emission bandwidth and frequency stability requirements for cordless telephones.

Timetable:

Action	Date	FR Cite
MO&O	06/30/85	

Small Entity: Yes

Additional Information: 83-325.

Agency Contact: Julius Knapp, Federal Communications Commission, 2025 M St., N.W. Rm. 8302, Washington, D.C. 20554, 202 653-8247

RIN: 3060-AC99

153. ● LM TECHNICAL STANDARDS REVIEW

Priority: Agency Determination

Legal Authority: 47 USC 303

CFR Citation: 47 CFR 22; 47 CFR 90

Abstract: Review of technical standards dealing with mobile communications services.

Timetable:

Action	Date	FR Cite
NPRM	03/30/85	
NOI	03/30/85	

Small Entity: Yes

Agency Contact: Mike Marcus, Federal Communications Commission, 2025 M St., N.W. Rm. 7202, Washington, D.C. 20554, 202 632-7040

RIN: 3060-AD00

FEDERAL COMMUNICATIONS COMMISSION (FCC)—OFFICE OF SCIENCE AND TECHNOLOGY

Completed Actions

COMPLETED RULEMAKINGS

154. AIR-GROUND RADIOTELEPHONE SERVICE (AIRFONE, INC.)

Priority: Agency Determination

CFR Citation: 47 CFR 2.106

Completed:

Reason	Date	FR Cite
R&O	11/21/84	

Small Entity: Yes

Agency Contact: Mel Murray 202 653-8168

RIN: 3060-AA49

155. AIR-GROUND RADIOTELEPHONE SERVICE (ARINC)

Priority: Agency Determination

CFR Citation: 47 CFR 2.106

Completed:

Reason	Date	FR Cite
R&O	11/21/84	

Small Entity: Yes

Agency Contact: Mel Murray 202 653-8168

RIN: 3060-AA50

156. U.S.C.G. REQUEST TO USE 161.7 AND 161.75 MHZ

CFR Citation: 47 CFR 2.106

Completed:

Reason	Date	FR Cite
MO&O	09/24/84	

Small Entity: Yes

Agency Contact: Sam Tropea 202 653-8167

RIN: 3060-AA59

157. RE-EXAMINATION OF TECHNICAL REGULATIONS

CFR Citation: Not applicable

Completed:

Reason	Date	FR Cite
R&O	11/08/84	

Small Entity: Yes

Agency Contact: Mike Marcus 202 632-7040

RIN: 3060-AA82

158. OFFSHORE RADIO TELEPHONE CO. RM3910, RM3924

Priority: Agency Determination

CFR Citation: 47 CFR 2.106

Completed:

Reason	Date	FR Cite
R&O	09/17/84	

Small Entity: Undetermined

Agency Contact: Melvin Murray 202 653-8168

RIN: 3060-AB42

159. IMPLEMENTATION OF TECHNICAL REQUIREMENTS FROM 1979 WARC

Priority: Major

CFR Citation: 47 CFR 00

Completed:

Reason	Date	FR Cite
R&O	09/10/84	

Small Entity: No

Agency Contact: Dan Yates 202 653-6288

RIN: 3060-AC65

[FR Doc. 85-8399 Filed 04-26-85; 8:45 am]

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Monday
April 29, 1985

Part XLIX

Federal Deposit Insurance Corporation

Semiannual Regulatory Agenda

FDIC

FEDERAL DEPOSIT INSURANCE CORPORATION

12 CFR Ch. III

Semiannual Agenda of Regulations

AGENCY: Federal Deposit Insurance Corporation.

ACTION: Publication of semiannual agenda of regulations.

SUMMARY: The Federal Deposit Insurance Corporation ("FDIC") is hereby publishing items for the April 1985 Regulatory Agenda. The agenda contains information about FDIC's current and projected rulemakings, existing regulations under review, and completed rulemakings.

FOR FURTHER INFORMATION CONTACT: Persons identified under regulations listed in the agenda. The address for all FDIC staff identified in the agenda is Federal Deposit Insurance Corporation, 550 17th Street, N.W., Washington, D.C. 20429.

SUPPLEMENTARY INFORMATION: Twice each year, the FDIC publishes an agenda of regulations to inform the public of its regulatory actions and to enhance public participation in the rulemaking process. Publication of the agenda is in accordance with both the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) and the FDIC statement of policy entitled "Development and Review of FDIC Rules and Regulations" (44 FR 31007, May 30, 1979; 44 FR 32353, June 6, 1979; 44 FR 76858, December 28, 1979; 49 FR 7288, February 28, 1984).

FDIC amends its regulations under the general rulemaking authority prescribed in section 9 of the Federal Deposit Insurance Act (12 U.S.C. 1819) and under specific authority granted by the Act and other statutes.

The FDIC is voluntarily including its agenda in the "Unified Agenda of Federal Regulations." While the FDIC is an independent agency exempt from coverage by Executive Order 12291, it believes that its participation in this joint publication will further the public interest by including in a single source information concerning FDIC current and projected rulemaking and reviews of existing regulations. This agenda conforms to the standardized format of the "Unified Agenda."

Interested persons may petition the FDIC for the issuance, amendment or repeal of any regulation by submitting a written petition to the Executive Secretary, Federal Deposit Insurance Corporation, Washington, D.C. 20429. Petitioners should include complete and concise statements of their interest in the subject matter and reasons why the petitions should be granted.

DATED: February 25, 1985.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

Current and Projected Rulemakings

Sequence Number	Title	Regulation Identifier Number
1	*12 CFR 330 Brokered Deposits, Limitations on Deposit Insurance	3064-AA26
2	12 CFR 332 Powers Inconsistent with the Purposes of Federal Deposit Insurance Law; Real Estate, Insurance, Data Processing, Travel Agency, and other Financially Related Activities	3064-AA29
3	12 CFR 338 Fair Housing	3064-AA50
4	12 CFR 309 Disclosure of Information; Release of Notices of Charges	3064-AA56
5	12 CFR 329 Interest on Deposits	3064-AA32
6	12 CFR 352 Nondiscrimination on the Basis of Handicap	3064-AA39
7	12 CFR 308 Rules of Practice and Procedures; Discovery in Administrative Proceedings	3064-AA42
8	12 CFR 335 Securities of Insured Nonmember Banks	3064-AA45

*Indicates priority regulation.

Existing Regulations Under Review

Sequence Number	Title	Regulation Identifier Number
9	12 CFR 344 Securities Recordkeeping and Confirmations	3064-AA30
10	12 CFR 303 Applications, Requests, Submittals, and Delegations of Authority	3064-AA51

Completed Actions

Sequence Number	Title	Regulation Identifier Number
11	12 CFR 332 Credit Card Agreements and Check Guarantees	3064-AA01
12	12 CFR 337 Unsafe and Unsound Banking Practices; Securities Activities of Subsidiaries of Insured Nonmember Banks	3064-AA10

FDIC

Completed Actions—Continued

Sequence Number	Title	Regulation Identifier Number
13	12 CFR 303 Applications and Forms; Form Used for Obtaining Consent to Invest in Bank Service Corporations	3064-AA18
14	12 CFR 325 Capital Maintenance	3064-AA37
15	12 CFR 346 Foreign Banks; Asset Pledge and Asset Maintenance Requirements, and Limitations for Concentrations of Transfer Risk	3064-AA47
16	12 CFR 303 Applications, Requests, Submittals, Delegations of Authority, Notices of Acquisition of Control, and Rules of Practice and Procedures	3064-AA48
17	*12 CFR 304 Reporting Requirements on Deposits Placed by Deposit Brokers and Depository Institutions	3064-AA49
18	12 CFR 333 Extension of Corporate Powers	3064-AA55
19	12 CFR 303 Delegating Authority to Issue Capital Directives and Civil Money Penalties and to Terminate Deposit Insurance by Consent, and Technical Changes	3064-AA57
20	12 CFR 346 Foreign Banks; Establishing the Capital Equivalency Account Requirement at Six Percent of Adjusted Liabilities of the Branch	3064-AA58

*Indicates priority regulation.

FEDERAL DEPOSIT INSURANCE CORPORATION (FDIC) — Current and Projected Rulemakings

PROPOSALS OUTSTANDING

1. BROKERED DEPOSITS, LIMITATIONS ON DEPOSIT INSURANCE

Priority: Agency Determination

Legal Authority: 12 USC 1819 Federal Deposit Insurance Act; 12 USC 1813 Federal Deposit Insurance Act; 12 USC 1817 Federal Deposit Insurance Act; 12 USC 1821 Federal Deposit Insurance Act; 12 USC 1822 Federal Deposit Insurance Act

CFR Citation: 12 CFR 330

Abstract: On June 20, 1984, the United States District Court for the District of Columbia entered an Order declaring the Final Rule published by the FDIC at 49 FR 13003 (April 2, 1984) on limiting insurance coverage for brokered deposits to be unlawful, enjoining the Rule's implementation and directing that the Order be published. The FDIC published the Order, as directed by the Court, at 49 FR 27294 (July 3, 1984). On January 30, 1985, the U.S. Court of Appeals upheld the U.S. District Court's ruling that the FDIC did not have authority to limit insurance coverage on brokered deposits. The FDIC is considering recommending to the Justice Department that the case be appealed to the Supreme Court.

Timetable:

Action	Date	FR Cite
ANPRM	11/01/83	48 FR 50339
ANPRM Comment Period Begin	11/01/83	48 FR 50339
ANPRM Comment Period End	11/28/83	
NPRM	01/23/84	49 FR 2787
NPRM Comment Period Begin	01/23/84	49 FR 2787
NPRM Comment Period End	03/08/84	
Final Action	04/02/84	49 FR 13003
Final Action Effective	00/00/00	

Small Entity: No

Agency Contact: Joseph A. DiNuzzo, Senior Attorney, Federal Deposit Insurance Corporation, Legal Division, Washington, DC 20429, 202 389-4171

RIN: 3064-AA26

2. POWERS INCONSISTENT WITH THE PURPOSES OF FEDERAL DEPOSIT INSURANCE LAW; REAL ESTATE, INSURANCE, DATA PROCESSING, TRAVEL AGENCY, AND OTHER FINANCIALLY RELATED ACTIVITIES

Legal Authority: 12 USC 1816; 12 USC 1818(a); 12 USC 1818(b); 12 USC 1819; 12 USC 1821(f); 12 USC 1828(j)(2)

CFR Citation: 12 CFR 332

Abstract: The FDIC has proposed amending Part 332 of its regulations to: (1) prohibit any insured bank (including national banks, state banks that are members of the Federal Reserve System and Federally chartered savings banks insured by FDIC) from directly engaging in the following: underwriting of insurance; underwriting or developing real estate; reinsurance; insuring, guaranteeing, or certifying title to real estate; guaranteeing or becoming surety upon the obligations of others; insuring the fidelity of others; or engaging in a surety business, (2) require any subsidiary of an insured bank that conducts any of these activities to meet the criteria for a bona fide subsidiary set out in the regulation, (3) require notice to the FDIC of intent to invest in any such subsidiary, (4) place certain restrictions on the affiliation of an insured bank with a company that engages in any of the subject activities, (5) place certain restrictions on extensions of credit and other transactions between insured banks and their subsidiaries or affiliates that engage in any of the subject activities, (6) require all insured banks that established or acquired (cont)

Timetable:

Action	Date	FR Cite
ANPRM	09/12/83	48 FR 40900
ANPRM Comment Period Begin	09/12/83	48 FR 40900
ANPRM Comment Period End	11/14/83	
NPRM	12/13/84	49 FR 48552
NPRM Comment Period Begin	12/13/84	49 FR 48552
NPRM Comment Period End	02/11/85	
Final Action	06/00/85	

Small Entity: No

Additional Information: ABSTRACT CONT: a subsidiary or became affiliated with a company that engages in the subject activities prior to the effective date of the regulation to conform thereto within one year, (7) require any insured bank that as of the effective date of the regulation is engaging in any of the subject activities to conform to the regulation within two years, and (8) place certain restrictions on insured banks that provide electronic data processing ("EDP") services to persons or companies other than banks, or act as agent or broker for insurance, real estate, securities, or travel services.

Analysis: Preliminary RIA 12/13/84 (49 FR 48552)

Agency Contact: Pamela E. F. LeCren, Senior Attorney, Federal Deposit Insurance Corporation, Legal Division, Washington, DC 20429, 202 389-4171

RIN: 3064-AA29

3. FAIR HOUSING

Legal Authority: 12 USC 1817; 12 USC 1818; 12 USC 1819; 12 USC 1820; 15 USC 1691 et seq; 42 USC 3605; 42 USC 3608

CFR Citation: 12 CFR 338

Abstract: The FDIC has proposed amending its Fair Housing regulation, 12 CFR 338, to revise the recordkeeping exemption threshold. The FDIC now requires metropolitan banks with more than $10 million in assets to keep log sheets of home loan applications. The proposed rule would end the log sheet requirement for log sheet banks that have $50 million or less in assets and have received fewer than 25 home loan applications in the prior calendar year. Raising the threshold should improve the efficiency and effectiveness of consumer affairs examiners through more productive use of examination time and, additionally, should reduce the recordkeeping burden on banks.

Timetable:

Action	Date	FR Cite
NPRM	03/18/85	50 FR 10784
NPRM Comment Period Begin	03/18/85	50 FR 10784
NPRM Comment Period End	05/17/85	
Final Action	06/00/85	

Small Entity: No

Agency Contact: Rex J. Morthland, Director, Office of Consumer Programs, Federal Deposit Insurance Corporation, Division of Bank Supervision, Washington, DC 20429, 202 389-4473

RIN: 3064-AA50

4. ● DISCLOSURE OF INFORMATION; RELEASE OF NOTICES OF CHARGES

Legal Authority: 12 USC 1819; 5 USC 552

CFR Citation: 12 CFR 309

Abstract: The FDIC has proposed amending its regulations to provide for the release of notices of charges issued by it in administrative enforcement proceedings, as well as final orders resulting from such proceedings.

Timetable:

Action	Date	FR Cite
NPRM	02/21/85	50 FR 7184
NPRM Comment Period Begin	02/21/85	50 FR 7184
NPRM Comment Period End	03/25/85	
Final Action	06/00/85	

Small Entity: No

Agency Contact: Walter P. Doyle, Counsel, Federal Deposit Insurance Corporation, Legal Division, Washington, DC 20429, 202 389-4151

RIN: 3064-AA56

POTENTIAL ACTIONS

5. INTEREST ON DEPOSITS

Legal Authority: 12 USC 1819 Federal Deposit Insurance Act; 12 USC 1828 Federal Deposit Insurance Act; 12 USC 1832(a) Federal Deposit Insurance Act

CFR Citation: 12 CFR 329

Abstract: The Federal Deposit Insurance Corporation is developing revisions to Part 329 of its regulations. The purpose of the revisions is to conform Part 329 with the interest-rate regulations of the Depository Institutions Deregulation Committee, 12 C.F.R. Part 1204.

Timetable:

Action	Date	FR Cite
NPRM	03/00/85	
Final Action	06/00/85	

Small Entity: No

Agency Contact: Jules Bernard, Senior Attorney, Federal Deposit Insurance Corporation, Legal Division, Washington, DC 20429, 202 389-4171

RIN: 3064-AA32

6. NONDISCRIMINATION ON THE BASIS OF HANDICAP

Legal Authority: 29 USC 504 Rehabilitation Act of 1973; 12 USC 1819 Federal Deposit Insurance Act

CFR Citation: 12 CFR 352

Abstract: The FDIC is developing a regulation that forbids the FDIC, in administering its programs and activities, to discriminate on the basis of handicap against qualified handicapped persons. The regulation will require the FDIC to make reasonable accommodations to ensure that qualified handicapped individuals may participate in FDIC programs or activities. The regulation will address employment of, and communication with, qualified handicapped persons, as well as FDIC program accessibility. The regulation will apply only to the FDIC and not to insured nonmember banks.

Timetable:

Action	Date	FR Cite
NPRM	03/00/85	
Final Action	06/00/85	

Small Entity: No

Agency Contact: M. Jane Williamson, Attorney, Federal Deposit Insurance Corporation, Legal Division, Washington, D C 20429, 202 389-4151

RIN: 3064-AA39

7. RULES OF PRACTICE AND PROCEDURES; DISCOVERY IN ADMINISTRATIVE PROCEEDINGS

Legal Authority: 5 USC 504 Administrative Procedure Act; 12 USC 1819 Federal Deposit Insurance Act; 12 USC 1972 Tying Arrangements; 15 USC 78w Securities Exchange Act of 1934

CFR Citation: 12 CFR 308

Abstract: The FDIC is developing an amendment to Part 308 of its regulations to provide formal guidelines for the conduct of discovery in administrative hearings under section 8 and section 18 of the Federal Deposit Insurance Act (12 USC sections 1818 and 1828). In addition, FDIC is proposing certain changes in Part 308 to correct impediments to agency

responsiveness and capability in adjudicative hearings.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Agency Contact: James L. Meador, Counsel, Federal Deposit Insurance Corporation, Legal Division, Washington, DC 20429, 202 389-4171

RIN: 3064-AA42

8. SECURITIES OF INSURED NONMEMBER BANKS

Legal Authority: 12 USC 1819 Federal Deposit Insurance Act; 15 USC 78l(i) Securities Exchange Act of 1934

CFR Citation: 12 CFR 335

Abstract: The Securities Exchange Act of 1934 requires the FDIC to issue regulations substantially similar to regulations of the Securities and Exchange Commission, or publish reasons for not doing so. The staff will likely propose such conforming amendments for public comment following rulemaking actions by the Commission.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Agency Contact: Patrick J. Moses, Supervisory Financial Analyst, Federal Deposit Insurance Corporation, Division of Bank Supervision, Washington, DC 20429, 202 389-4651

RIN: 3064-AA45

FEDERAL DEPOSIT INSURANCE CORPORATION (FDIC) Existing Regulations Under Review

9. SECURITIES RECORDKEEPING AND CONFIRMATIONS

Legal Authority: 12 USC 1819 Federal Deposit Insurance Act; 12 USC 1817 Federal Deposit Insurance Act; 12 USC 1818 Federal Deposit Insurance Act

CFR Citation: 12 CFR 344

Abstract: Part 344 of the FDIC's regulations requires insured State nonmember banks effecting securities transactions for customers to maintain chronological and account records of transactions and underlying order tickets reflecting specified information, provide customers with timely specified information, and establish written policies and procedures applicable to the securities activities performed for customers. The regulation serves to assure that customers are provided with adequate information about their securities transactions effected by the bank and that banks are maintaining adequate business records. It was issued through the Federal Financial Institutions Examination Council on an interagency basis in 1979. All three Federal bank regulatory agencies have almost identical regulations. After several years of experience with these regulations, some changes may be desirable. The three banking agencies, as a joint effort under the Examination Council, are reviewing these regulations to determine the specific changes to be proposed.

Timetable:

Action	Date	FR Cite
Begin Review	10/20/83	
End Review	00/00/00	

Small Entity: No

Agency Contact: John F. Harvey, Review Unit Chief, Federal Deposit Insurance Corporation, Division of Bank Supervision, Washington, DC 20429, 202 389-4295

RIN: 3064-AA30

10. APPLICATIONS, REQUESTS, SUBMITTALS, AND DELEGATIONS OF AUTHORITY

Legal Authority: 12 USC 1815; 12 USC 1816; 12 USC 1817(j); 12 USC 1818; 12 USC 1819; 12 USC 1828; 12 USC 1829; 15 USC 1607

CFR Citation: 12 CFR 303

Abstract: The FDIC is reviewing the requirements of Part 303 of its regulations pertaining to delegated authority and bank application procedures to determine their appropriateness in a changing regulatory environment. The goal is to streamline the procedures to the extent possible under existing statutory requirements. Areas under consideration include applications for Federal deposit insurance for operating noninsured institutions, applications to exercise trust powers, and applications to reduce or retire capital. Also Part 303 would state the places at which forms and instructions, which are to be used in connection with applications, may be obtained. Part 303 would be reorganized in order to improve its clarity and overall utility.

Timetable:

Action	Date	FR Cite
Begin Review	04/20/84	
End Review	03/00/85	

Small Entity: No

Agency Contact: Charles R. Denesia, Chief, Applications Section, Federal Deposit Insurance Corporation, Division of Bank Supervision, Washington, DC 20429, 202 389-4345

RIN: 3064-AA51

FEDERAL DEPOSIT INSURANCE CORPORATION (FDIC) — Completed Actions

COMPLETED RULEMAKINGS

11. CREDIT CARD AGREEMENTS AND CHECK GUARANTEES

Legal Authority: 12 USC 1819 Federal Deposit Insurance Act; 12 USC 1816 Federal Deposit Insurance Act

CFR Citation: 12 CFR 332; 12 CFR 337

Abstract: The FDIC has amended Part 332 of its regulations ("Powers Inconsistent With Purposes of Federal Deposit Insurance Law") which formerly prohibited an insured nonmember bank from guaranteeing the obligations of third parties. Specifically, this amendment is in the form of an exemption designed to allow banks to do two things: (1) to issue check guaranty cards, and (2) to sponsor customers in credit card agreements with other banks.

The exemption will allow banks to enter into these undertakings as long as they meet certain criteria pertaining to safety and soundness, in conformance with Part 337 of the FDIC regulations ("Unsafe and Unsound Banking Practices"). The language of these two exemptions is broad enough to include arrangements that have similar characteristics, but have been termed differently.

Timetable:

Action	Date	FR Cite
NPRM	06/12/81	46 FR 31018
NPRM Comment Period Begin	06/12/81	46 FR 31018
NPRM Comment Period End	08/11/81	
Withdrawn	03/30/84	49 FR 12707
Revised NPRM	08/24/84	49 FR 33690
Revised NPRM Comment Period Begin	08/24/84	49 FR 33690
Revised NPRM Comment Period End	10/23/84	
Final Action	03/15/85	50 FR 10493
Final Action Effective	04/15/85	

Small Entity: No

Agency Contact: Frederic H. Karr, Attorney, Federal Deposit Insurance Corporation, Legal Division, Washington, DC 20429, **202 389-4171**

RIN: 3064-AA01

12. UNSAFE AND UNSOUND BANKING PRACTICES; SECURITIES ACTIVITIES OF SUBSIDIARIES OF INSURED NONMEMBER BANKS

Legal Authority: 12 USC 1819 Federal Deposit Insurance Act; 12 USC 1816 Federal Deposit Insurance Act; 12 USC 1818(b) Federal Deposit Insurance Act; 12 USC 1828(j)(2) Federal Deposit Insurance Act; 12 USC 378 Glass-Steagall Act

CFR Citation: 12 CFR 337

Abstract: The FDIC has determined that it is not unlawful under the Glass-Steagall Act for an insured nonmember bank to establish or acquire a bona fide subsidiary that engages in securities activities nor for an insured nonmember bank to become affiliated with a company engaged in securities activities if authorized under state law. At the same time, however, the FDIC has found that some risk may be associated with those activities. In order to address that risk the FDIC has amended its regulations to (1) define bona fide subsidiary, (2) require notice of intent to invest in a securities subsidiary, (3) limit the permissible securities activities of insured nonmember bank subsidiaries, and (4) place certain other restrictions on loans, extensions of credit, and other transactions between insured nonmember banks and their subsidiaries or affiliates that engage in securities activities.

Timetable:

Action	Date	FR Cite
ANPRM	09/24/82	47 FR 42121
ANPRM Comment Period Begin	09/24/82	47 FR 42121
ANPRM Comment Period End	10/25/82	
NPRM	05/17/83	48 FR 22155
NPRM Comment Period Begin	05/17/83	48 FR 22155
NPRM Comment Period End	07/18/83	
Revised NPRM	05/01/84	49 FR 18497
Revised NPRM Comment Period Begin	05/01/84	49 FR 18497
Revised NPRM Comment Period End	05/31/84	
Final Action	11/28/84	49 FR 46709
Final Action Effective	12/28/84	

Small Entity: No

Analysis: Draft RFA 05/01/84 (49 FR 18497); Final RFA 11/28/84 (49 FR 46709)

Agency Contact: Pamela E.F. LeGren, Senior Attorney, Federal Deposit Insurance Corporation, Legal Division, Washington, DC 20429, **202 389-4171**

RIN: 3064-AA10

13. APPLICATIONS AND FORMS; FORM USED FOR OBTAINING CONSENT TO INVEST IN BANK SERVICE CORPORATIONS

Legal Authority: 12 USC 1819 Federal Deposit Insurance Act; PL 97-320, Sec 709 Garn-St Germain Act

CFR Citation: 12 CFR 303; 12 CFR 304

Abstract: The Garn-St Germain Depository Institutions Act of 1982 empowers banks insured by the FDIC to invest in corporations that engage in "banking" activities. Banks that wish to take advantage of the authority conferred by the Garn-St Germain Depository Institutions Act of 1982 must first obtain the approval of their primary regulator.

The FDIC staff is developing a form for use by nonmember insured banks applying for the FDIC's permission to make investments of this kind.

Timetable:

Action	Date	FR Cite
Withdrawn	02/27/85	

Small Entity: No

Agency Contact: Jules Bernard, Senior Attorney, Federal Deposit Insurance Corporation, Legal Division, Washington, DC 20429, **202 389-4171**

RIN: 3064-AA18

14. CAPITAL MAINTENANCE

Legal Authority: 12 USC 1815(a); 12 USC 1815(b); 12 USC 1816; 12 USC 1818(a); 12 USC 1818(b); 12 USC 1819; 12 USC 1828(c); 12 USC 1828(d); 12 USC 1828(i); 12 USC 3907; 12 USC 3909

CFR Citation: 12 CFR 325

Abstract: The FDIC has adopted a regulation concerning Capital Maintenance. The FDIC is required to analyze capital adequacy in taking action on various types of applications, such as mergers and branches and in the conduct of its various supervisory activities related to the safety and soundness of individual banks and the banking system. Additionally, as a condition of federal deposit insurance all insured banks must remain in a safe and sound condition, including maintaining capital adequacy. The regulation: (a) defines capital; (b)

establishes minimum standards for adequate capital; (c) establishes standards to determine when an insured bank is operating in an unsafe and unsound condition by reason of the amount of its capital; and (d) establishes procedures for issuing a directive to require an insured state nonmember bank to achieve and maintain a minimum capital ratio.

Timetable:

Action	Date	FR Cite
NPRM	07/20/84	49 FR 29399
NPRM Comment Period Begin	07/20/84	49 FR 29399
NPRM Comment Period End	09/18/84	
Final Action	03/19/85	50 FR 11128
Final Action Effective	04/18/85	

Small Entity: No

Agency Contact: Robert F. Storch, Planning and Program Development Specialist, Federal Deposit Insurance Corporation, Division of Bank Supervision, Washington, DC 20429, 202 389-4761

RIN: 3064-AA37

15. FOREIGN BANKS; ASSET PLEDGE AND ASSET MAINTENANCE REQUIREMENTS, AND LIMITATIONS FOR CONCENTRATIONS OF TRANSFER RISK

Legal Authority: 12 USC 1815; 12 USC 1817; 12 USC 1819; 12 USC 1820; 12 USC 3103; 12 USC 3104; 12 USC 3108

CFR Citation: 12 CFR 346

Abstract: The FDIC made changes to its International Banking Act regulations. The changes pertained primarily to asset pledge and asset maintenance requirements and included a new section dealing with concentrations of transfer risk. In addition to the changes concerning acceptable assets, the asset pledge provision was changed in regard to the amount required; and the allowance of a credit for any other pledge-like transaction to a state or the Comptroller of the Currency was eliminated. A minimum capital equivalency ledger account evidencing funding of the branch by the parent bank replaced the former asset maintenance rule. The new rule emphasizes the FDIC's intent that there be an equivalent for capital in insured branches. Certificates of deposit without a valid waiver of offset agreement now require adjustments to the capital equivalency ledger account and may not be included in the asset pledge. Regulatory limitations for concentrations of transfer risk to the home country and to any other single country, respectively, by an insured branch were added to the regulation.

Timetable:

Action	Date	FR Cite
NPRM	05/16/84	49 FR 20714
NPRM Comment Period Begin	05/16/84	49 FR 20714
NPRM Comment Period End	07/02/84	
Final Action	12/21/84	49 FR 49614
Final Action Effective	01/22/85	

Small Entity: No

Agency Contact: Hugh W. Conway, Review Examiner, Federal Deposit Insurance Corporation, Division of Bank Supervision, Washington, DC 20429, 202 389-4345

RIN: 3064-AA47

16. APPLICATIONS, REQUESTS, SUBMITTALS, DELEGATIONS OF AUTHORITY, NOTICES OF ACQUISITION OF CONTROL, AND RULES OF PRACTICE AND PROCEDURES

Legal Authority: 5 USC 504; 12 USC 1815; 12 USC 1816; 12 USC 1817(j); 12 USC 1818; 12 USC 1819; 12 USC 1828; 12 USC 1829; 12 USC 1972; 15 USC 78w; 15 USC 1607

CFR Citation: 12 CFR 303; 12 CFR 308

Abstract: The FDIC has amended its regulations concerning the procedures for reconsideration of section 19 denials (applications for permission for an individual who has been convicted of a crime involving dishonesty or a breach of trust to serve as a director, officer, or employee of an insured bank) and the procedures for: remote service facility applications ("RSFs"), requests for reconsideration of other denied applications, petitions, or requests, and public comment on merger applications. The amendments will (1) permit establishment of additional RSFs and relocation of existing RSFs after notice to the appropriate FDIC regional director provided that the regional director does not object to the proposal, (2) expand the Director of the Division of Bank Supervision's and regional directors' authority to act on additional RSF applications and RSF relocation applications, (3) specify the content of petitions for reconsideration, (4) specify who within the FDIC will reconsider denied applications, petitions, or requests, (5) shorten the time period over which comments on merger applications may be filed from 45 days to 30 days, (cont)

Timetable:

Action	Date	FR Cite
NPRM	08/23/84	49 FR 33452
NPRM Comment Period Begin	08/23/84	49 FR 33452
NPRM Comment Period End	09/24/84	
Final Action	11/09/84	49 FR 44746
Final Action Effective	11/09/84	49 FR 44746

Small Entity: No

Additional Information: ABSTRACT CONT: (6) clarify procedures for section 19 reconsiderations, and (7) shorten the maximum waiting time for a hearing on a section 19 denial from 60 days to 30 days.

Agency Contact: Charles R. Denesia, Chief, Applications Section, Federal Deposit Insurance Corporation, Division of Bank Supervision, Washington, DC 20429, 202 389-4345

RIN: 3064-AA48

17. REPORTING REQUIREMENTS ON DEPOSITS PLACED BY DEPOSIT BROKERS AND DEPOSITORY INSTITUTIONS

Priority: Agency Determination

Legal Authority: 12 USC 1817; 12 USC 1818; 12 USC 1819; 12 USC 1820

CFR Citation: 12 CFR 304

Abstract: The Federal Deposit Insurance Corporation ("FDIC") has adopted a final regulation requiring each FDIC-insured bank with combined fully insured brokered deposits and fully insured deposits placed directly by depository institutions in excess of either the bank's total capital and reserves or five percent of the bank's total deposits to report holdings of such deposits to the FDIC for every month in which such excess exists. The purpose of this regulation is to provide the FDIC with more frequent information on each FDIC-insured bank's involvement with insured brokered deposits and insured deposits of depository institutions. With this monthly information the FDIC

hopes to mitigate somewhat the harms caused by such deposits by determining what banks are using brokered funds and to what use those funds are being put.

Timetable:

Action	Date	FR Cite
Interim Final Rule	07/05/84	49 FR 27487
Final Action	12/17/84	49 FR 48906
Final Action Effective	01/16/85	

Small Entity: No

Agency Contact: Robert F. Storch, Planning and Program Development Specialist, Federal Deposit Insurance Corporation, Division of Bank Supervision, Washington, DC 20429, 202 389-4761

RIN: 3064-AA49

ACTIONS THAT STARTED AND ENDED BETWEEN ISSUES OF THE UNIFIED AGENDA

18. ● EXTENSION OF CORPORATE POWERS

Legal Authority: 12 USC 1816; 12 USC 1819

CFR Citation: 12 CFR 333

Abstract: The FDIC has amended an interpretive ruling (12 CFR 333.101(b)) that prevents an insured nonmember bank not exercising trust powers from offering self-directed Individual Retirement and Keogh Plan accounts without the prior written consent of the FDIC. As amended, the interpretive ruling would permit the offering of such accounts with certain limitations.

Timetable:

Action	Date	FR Cite
NPRM	01/31/85	50 FR 4522
NPRM Comment Period Begin	01/31/85	50 FR 4522
NPRM Comment Period End	03/04/85	
Final Action Effective	03/11/85	
Final Action	03/18/85	50 FR 10753

Small Entity: No

Agency Contact: William G. Hrindac, Examination Specialist, Federal Deposit Insurance Corporation, Division of Bank Supervision, Washington, DC 20429, 202 389-4761

RIN: 3064-AA55

19. ● DELEGATING AUTHORITY TO ISSUE CAPITAL DIRECTIVES AND CIVIL MONEY PENALTIES AND TO TERMINATE DEPOSIT INSURANCE BY CONSENT, AND TECHNICAL CHANGES

Legal Authority: 5 USC 504; 12 USC 1815; 12 USC 1817(j); 12 USC 1818; 12 USC 1819; 12 USC 1972; 15 USC 78w; 15 USC 1607

CFR Citation: 12 CFR 303; 12 CFR 308

Abstract: The FDIC has amended its regulations to authorize its Board of Review to issue a directive to a nonmember banking institution that fails to maintain capital at or above the minimum capital requirement established by FDIC, and to issue civil money penalties for failing to comply with such a directive in violation of the International Lending Supervision Act of 1983; and to enter into certain written agreements; and delegates authority to FDIC's Executive Secretary to issue an order to terminate, by consent, the deposit insurance of a bank that has ceased to accept deposits other than trust funds. The amendment redesignates the legal officer with certain authority to take specified action in certain enforcement proceedings. Finally, the amendment corrects certain technical errors and omissions in FDIC's rules of practice and procedures and conforms those rules with the amendment to Part 303.

Timetable:

Action	Date	FR Cite
Final Action	03/25/85	50 FR 11653
Final Action Effective	03/25/85	50 FR 11653

Small Entity: No

Agency Contact: James L. Meador, Counsel, Federal Deposit Insurance Corporation, Legal Division, Washington, DC 20429, 202 389-4171

RIN: 3064-AA57

20. ● FOREIGN BANKS; ESTABLISHING THE CAPITAL EQUIVALENCY ACCOUNT REQUIREMENT AT SIX PERCENT OF ADJUSTED LIABILITIES OF THE BRANCH

Legal Authority: 12 USC 1815; 12 USC 1817; 12 USC 1819; 12 USC 1820; 12 USC 3103; 12 USC 3104; 12 USC 3108

CFR Citation: 12 CFR 346

Abstract: The FDIC has adopted an amendment to the capital equivalency ledger account provision contained in section 346.20 of its regulation. The changes were made to correspond with the provisions of FDIC's recently adopted capital maintenance regulation, 12 CFR 325. Two changes were made: the minimum required sum to be maintained in the capital equivalency ledger account was raised to six percent, rather than five percent of the branch's liabilities and, in addition, no deduction will be required for assets classified as "Doubtful."

Timetable:

Action	Date	FR Cite
Final Action	03/19/85	50 FR 11142
Final Action Effective	04/18/85	

Small Entity: No

Agency Contact: Hugh W. Conway, Review Examiner, Federal Deposit Insurance Corporation, Division of Bank Supervision, Washington, DC 20429, 202 389-4345

RIN: 3064-AA58

[FR Doc. 85-8400 Filed 04-26-85; 8:45 am]

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federal register

Monday
April 29, 1985

Part L

Federal Energy Regulatory Commission

Semiannual Regulatory Agenda

FERC

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Ch. I

Semiannual Regulatory Agenda

AGENCY: Federal Energy Regulatory Commission.

ACTION: Semiannual regulatory agenda.

SUMMARY: In response to Office of Management and Budget Bulletin No. 85-6, the Federal Energy Regulatory Commission voluntarily submits information about rulemakings under development. Of the 37 rulemakings listed, 29 are priorities, one is not priority, and seven are completed actions.

DATES: The dates provided represent goals, not commitments, and may be revised due to shifts in workload, changes in priorities, or extensive public comments. See various dates listed for each specific rulemaking.

ADDRESS: Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426.

FOR FURTHER INFORMATION CONTACT: Person listed for each specific rulemaking.

Kenneth F. Plumb,

Secretary.

FEDERAL ENERGY REGULATORY COMMISSION (FERC) — Current and Projected Rulemakings

REVISION TO FERC RULES OF PRACTICE, PART 3, DISCOVERY

Priority: Agency Determination

Legal Authority: 16 USC 791 to 828c Federal Power Act; 15 USC 717 to 717w Natural Gas Act; 15 USC 3301 to 3432 Natural Gas Policy Act; 42 USC 7101 to 7352 DOE Organization Act; EO 12009; 16 USC 2601 to 2645 PURPA

CFR Citation: 18 CFR 1.23; 18 CFR 1.26

Abstract: This will establish a uniform set of rules governing discovery in FERC trial-type hearings. Docket No. RM83-41-000.

Timetable:

Action	Date	FR Cite
NPRM	07/26/84	49 FR 30519
NPRM Comment Period Begin	07/26/84	
NPRM Comment Period End	10/01/84	
Final Action	07/00/85	

Small Entity: No

Agency Contact: Marilyn Doria, Asst. Gen. Counsel Oil & Gas Litigation, Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, DC 20426, 202 357-5756

RIN: 1902-AA13

REVISION OF FERC RULES OF PRACTICE, SEPARATION OF FUNCTIONS AND EX PARTE RULES FOR TRIAL-TYPE PROCEEDINGS

Legal Authority: 5 USC 557

CFR Citation: 18 CFR 385.2201; 18 CFR 385.2202

Abstract: Rule would establish uniform ex parte and separation of functions rules for all trial-type proceedings. Docket No. RM80-60-000.

Timetable:

Action	Date	FR Cite
NPRM	05/29/80	45 FR 36094
Final Action	00/00/00	

Small Entity: No

Agency Contact: Ellen Schall, Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, DC 20426, 202 357-5737

RIN: 1902-AA31

APPLICATION FOR AUTHORITY TO HOLD INTERLOCKING POSITIONS REQUIRING APPROVAL UNDER SECTION 305(B) OF THE FEDERAL POWER ACT

Priority: Agency Determination

Legal Authority: 16 USC 792 to 828c

CFR Citation: 18 CFR 45, (Revision)

Abstract: The proposed rule would amend the procedure for application for authority to hold interlocking positions that require Commission approval under section 305(b) of the Federal Power Act. It would provide for a less burdensome procedure for acquiring Commission approval to hold positions with companies within a single electric utility holding company system registered under the Public Utility Holding Company Act of 1935. Docket No. RM83-63.

Timetable:

Action	Date	FR Cite
NPRM	05/00/85	

Small Entity: No

Agency Contact: Lynn Hargis, Asst. General Counsel - Electric Rates, Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, DC 20426, 202 357-8488

RIN: 1902-AA32

CALCULATION OF CASH WORKING CAPITAL ALLOWANCE FOR PUBLIC UTILITIES

Priority: Agency Determination

Legal Authority: 16 USC 79 to 828c

CFR Citation: 18 CFR 35

Abstract: Proposed rule would provide that a public utility that files electric rate schedules may include in rate base no cash working capital allowance, unless it is demonstrated that the payment of certain current operating expenses by that utility is not, on the average, closely timed with the receipt of revenues from ratepayers, producing a significant "lead" or "lag" in revenue collection in relation to the payment of expenses. The new section would prescribe the expense elements includable in cash working capital, the parameters of the presumption against a cash working capital allowance, and the nature of the studies that may be submitted in support of, or in opposition to, any request for a cash working capital allowance. Docket No. RM84-9.

Timetable:

Action	Date	FR Cite
NPRM	04/05/84	49 FR 14384
NPRM Comment Period Begin	04/11/84	
NPRM Comment Period End	07/05/84	
Final Action	07/00/85	

Small Entity: No

Agency Contact: Lynn Hargis, Asst. General Counsel - Electric Rates, Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, DC 20426, **202 357-8488**

RIN: 1902-AA33

APPLICATION FOR LICENSE, PERMIT AND EXEMPTION FROM LICENSING FOR WATER POWER PROJECTS

Priority: Agency Determination

Legal Authority: 16 USC 791(a) to 828(c)

CFR Citation: 18 CFR 4, (Revision)

Abstract: The proposed rule would amend regulations governing applications for license, preliminary permit and exemption from licensing for hydroelectric projects. Docket No. RM83-56.

Timetable:

Action	Date	FR Cite
NPRM	03/05/84	49 FR 8009
NPRM Comment Period Begin	03/05/84	
NPRM Comment Period End	05/14/84	
Final Action	03/00/85	

Small Entity: No

Agency Contact: Kristina Nygaard, AGC - Hydroelectric Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, DC 20426, **202 357-8448**

RIN: 1902-AA34

TEMPORARY EMERGENCY TRANSPORTATION, SALES AND DELIVERY OF NATURAL GAS

Priority: Agency Determination

Legal Authority: Natural Gas Act, Sec 7(c)

CFR Citation: 18 CFR 2; 18 CFR 157; 18 CFR 284

Abstract: The rule would update the Commission's regulations regarding emergency transportation, sales, and delivery of natural gas, and would eliminate unnecessary reporting requirements. Docket No. RM83-31.

Timetable:

Action	Date	FR Cite
NPRM	08/15/84	49 FR 35135
NPRM Comment Period Begin	09/15/84	
NPRM Comment Period End	11/15/84	
Final Action	06/00/85	

Small Entity: No

Agency Contact: Robert Christin, Asst. Gen. Counsel - Pipeline Certificates, Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, DC 20426, **202 357-8433**

RIN: 1902-AA35

GENERIC DETERMINATION OF RATE OF RETURN ON COMMON EQUITY FOR PUBLIC UTILITIES

Priority: Agency Determination

Legal Authority: 16 USC 782 to 828c Federal Power Act; 42 USC 7101 to 7352 Dept. of Energy Organization Act

CFR Citation: 18 CFR 37

Abstract: The purpose of this proceeding is to determine an estimate of the average cost of common equity for the jurisdictional operations of public utilities for the year ending June 30, 1984 and a quarterly indexing procedure to establish benchmark rates of return on common equity for use in individual rate cases. Docket No. RM84-15-000.

Timetable:

Action	Date	FR Cite
NPRM	07/18/84	49 FR 29967
NPRM Comment Period Begin	07/18/84	49 FR 29967
NPRM Comment Period End	10/26/84	
Final Action	05/00/85	

Small Entity: No

Agency Contact: Lynn Hargis, Asst. Gen. Counsel - Electric Rates, Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, DC 20426, **202 357-8488**

RIN: 1902-AA39

FEES APPLICABLE TO NATURAL GAS PIPELINE CERTIFICATES

Priority: Agency Determination

Legal Authority: 42 USC 7101 to 7352 Department of Energy Organization Act; 31 USC 483a Independent Offices Appropriations Act

CFR Citation: 18 CFR 2; 18 CFR 152; 18 CFR 154; 18 CFR 156; 18 CFR 157; 18 CFR 281; 18 CFR 284; 18 CFR 381

Abstract: The rule will establish a schedule of fees a pipeline must pay for Commission services relating to certificates of necessity and convenience under the Natural Gas Act. Docket No. RM82-31-000.

Timetable:

Action	Date	FR Cite
NPRM	09/10/82	47 FR 40634
NPRM Comment Period Begin	09/10/82	
NPRM Comment Period End	11/09/82	
Final Action	04/00/85	

Small Entity: No

Agency Contact: Robert Christin, AGC - Pipeline Certificates, Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, DC 20426, **202 357-8433**

RIN: 1902-AA40

RETIREMENT UNITS OF NUCLEAR REACTOR PLANT EQUIPMENT

Priority: Agency Determination

Legal Authority: 16 USC 825 to 825h Federal Power Act; 42 USC 7101 DOE Organization Act

CFR Citation: 18 CFR 35

Abstract: Proposed rule would establish list of retirement units for nuclear reactor plants for purposes of the Commission's Uniform Systems of Accounts. Docket No. RM83-39-000.

Timetable:

Action	Date	FR Cite
NPRM	09/00/85	

Small Entity: No

Agency Contact: Lynn Hargis, Asst. General Counsel - Electric Rates, Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, DC 20426, **202 357-8488**

RIN: 1902-AA43

REFUND OBLIGATIONS OF SELLERS AND PURCHASERS OF FIRST-SALE NATURAL GAS UNDER NGPA

Priority: Agency Determination

Legal Authority: 15 USC 717 to 717w; 15 USC 3331 to 3432

CFR Citation: 18 CFR 154; 18 CFR 270; 18 CFR 273

Abstract: Proposed rule and statement of policy pertain to the obligations and duties of sellers and purchasers to make diligent and prudent efforts to ensure the pass-through to gas

consumers of amounts paid in excess of maximum lawful prices established pursuant to the Natural Gas Policy Act of 1978. Docket No. RM83-53-000.

Timetable:

Action	Date	FR Cite
NPRM	08/15/84	49 FR 34233
NPRM Comment Period Begin	08/27/84	
NPRM Comment Period End	10/27/84	
Final Action	06/00/85	

Small Entity: No

Agency Contact: Maynard Ugol, AGC - Producer Regulations, Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, DC 20426, **202 357-8571**

RIN: 1902-AA44

● REVISIONS OF FERC FORM NO. 80

Priority: Agency Determination

Legal Authority: 16 USC 791 to 828c Federal Power Act; 42 USC 7101 to 7352 DOE Organization Act; EO 12009

CFR Citation: 18 CFR 141.14

Abstract: Instant final rule would suspend the requirement that licensees file FERC Form No. 80, Licensed Hydropower Development Recreation Report. Docket No. RM85-14-000

Timetable:

Action	Date	FR Cite
Final Action	05/00/85	

Small Entity: No

Agency Contact: Kristina Nygaard, Asst. General Counsel - Hydroelectric Lic., Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, DC 20426, **202 357-8448**

RIN: 1902-AA45

● ACCOUNTING FOR SPENT NUCLEAR FUEL DISPOSED OF BY THE DEPARTMENT OF ENERGY

Priority: Agency Determination

Legal Authority: 16 USC 791 to 828c Federal Power Act; 42 USC 7101 to 7352 DOE Organization Act; EO 12009

CFR Citation: 18 CFR 35, 18 CFR 101; 18 CFR 141

Abstract: Rulemaking will provide accounting to track permanent disposal of spent nuclear fuel charges by the Department of Energy. Docket No. RM85-8-000

Timetable:

Action	Date	FR Cite
NPRM	09/00/85	

Small Entity: No

Agency Contact: Lynn Hargis, Asst. General Counsel - Electric Rates, Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, DC 20426, **202 357-8488**

RIN: 1902-AA46

● REVISIONS TO FPC FORM NO. 8 AND FERC FORM NO. 16

Priority: Agency Determination

Legal Authority: 15 USC 717 to 717w Natural Gas Act; 42 USC 7101 to 7352 DOE Organization Act; EO 12009

CFR Citation: 18 CFR 260.12; 18 CFR 260.11

Abstract: Rulemaking would reduce the reporting frequency of FPC Form No. 8, Underground Gas Storage Report, and streamline FERC Form No. 16, Report of Gas Supply and Requirements. The Rule would also address OMB concerns pertaining to the gas supply data collected by FERC. Docket No. RM85-13-000

Timetable:

Action	Date	FR Cite
NPRM	05/00/85	
Final Action	10/00/85	

Small Entity: No

Agency Contact: Robert Christin, Asst General Counsel - Pipeline Certificates, Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, DC 20426, 202 357-8432

RIN: 1902-AA47

● FEES FOR HYDROPOWER PROJECTS

Priority: Agency Determination

Legal Authority: 31 USC 9701 Independent Offices Appropriations Act; 16 USC 803 Federal Power Act; 42 USC 7101 to 7352 DOE Organization Act; EO 12009

CFR Citation: 18 CFR 381

Abstract: The rulemaking would establish a fee for services performed by the Commission under the FPA for hydropower projects. The rule would cover permits, licenses and exemptions. Docket No. RM83-33-000

Timetable:

Action	Date	FR Cite
NPRM	12/00/85	

Small Entity: No

Agency Contact: Kristina Nygaard, Asst. General Counsel - Hydroelectric Lic., Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, DC 20426, **202 357-8448**

RIN: 1902-AA48

● FEES FOR OIL PIPELINES

Priority: Agency Determination

Legal Authority: 31 USC 9701 Independent Offices Appropriations Act; 42 USC 7101 to 7352 DOE Organization Act; EO 12009

CFR Citation: 18 CFR 346

Abstract: The rulemaking would establish a fee structure for services performed by the Commission under the Interstate Commerce Act for oil pipeline rates. Docket No. RM83-35-000

Timetable:

Action	Date	FR Cite
NPRM	12/00/85	

Small Entity: No

Agency Contact: Colette Bohatch, Asst. General Counsel - Pipeline Rates, Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, DC 20426, **202 357-8522**

RIN: 1902-AA49

● REVISIONS TO PGA REGULATIONS

Priority: Agency Determination

Legal Authority: 15 USC 717c Natural Gas Act; 42 USC 7101 to 7352 DOE Organization Act; EO 12009

CFR Citation: 18 CFR 157

Abstract: In view of the deregulation on January 1, 1985, the rulemaking addresses whether the Commission's PGA regulations should be revised to accommodate unexpected fluctuations in pipelines' purchased gas costs, and whether the PGA regulations should be revised to update them, standardize procedures, or codify Commission policy. Docket No. RM84-12-000

Timetable:

Action	Date	FR Cite
NPRM	08/00/85	

Small Entity: No

Agency Contact: Colette Bohatch, Asst. General Counsel - Pipeline Rates, Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, DC 20426, 202 357-8522

RIN: 1902-AA50

● NUCLEAR FUEL ACCOUNTING REGULATIONS

Priority: Agency Determination

Legal Authority: 16 USC 825; 16 USC 825(c)(1); 16 USC 825(h) Federal Power Act; 42 USC 7101 Department of Energy Organization Act; EO 12009

CFR Citation: 18 CFR 101

Abstract: This rule would revise and add accounts to treat nuclear fuel stock when a plant is deferred or cancelled. The rule will codify existing practice. Docket No. RM83-28-000

Timetable:

Action	Date	FR Cite
NPRM	05/00/85	

Small Entity: No

Agency Contact: Lynn Hargis, Asst. General Counsel - Electric Rates, Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, DC 20426, 202 357-8488

RIN: 1902-AA52

● REVISED PROCEDURES FOR WELL CATEGORY DETERMINATIONS UNDER THE NGPA

Priority: Agency Determination

Legal Authority: 15 USC 3301 to 3432

CFR Citation: 18 CFR 271.804; 18 CFR 274.206

Abstract: Rulemaking would revise Commission regulations under the Natural Gas Policy Act to reduce the number of filings by 8000 in the first year, relieving burdens on industry, jurisdictional agencies and the Commission. Docket No. RM85-7-000

Timetable:

Action	Date	FR Cite
NPRM	08/00/85	

Small Entity: Undetermined

Agency Contact: Maynard Ugol, Asst. General Counsel - Producer Regulations, Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, DC 20426, 202 357-8571

RIN: 1902-AA53

● REVISIONS TO FERC FORM NO. 1

Priority: Agency Determination

Legal Authority: 16 USC 791 to 828c Federal Power Act; 42 USC 7101 to 7352 DOE Organization Act; EO 12009

CFR Citation: 18 CFR 141

Abstract: Rulemaking would revise FERC Form No. 1, Annual Report for Electric Utilities, to remove unnecessary schedules and to eliminate regulations pertaining to the now defunct FPC Form No. 12. Docket No. RM85-12-000

Timetable:

Action	Date	FR Cite
NPRM	05/00/85	

Small Entity: No

Agency Contact: Lynn Hargis, Asst. General Counsel - Electric Rates, Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, DC 20426, 202 357-8488

RIN: 1902-AA54

● PAYMENTS FOR BENEFITS FROM HEADWATER IMPROVEMENTS

Priority: Agency Determination

Legal Authority: 16 USC 803 Federal Power Act; 42 USC 7101 to 7352 DOE Organization Act; EO 12009

CFR Citation: 18 CFR 11.25; 18 CFR 11.26; 18 CFR 11.27; 18 CFR 11.30

Abstract: This rulemaking addresses the issues of whether to adopt a generic formula to govern the assessment of headwater benefits charges according to a formula first announced in the Roanoke decision, and whether to specify certain procedural steps in the determination of headwater benefits charge that would make these procedures more consistent with the Commission's rules of practice and procedure. Docket No. RM83-57-000

Timetable:

Action	Date	FR Cite
NPRM	12/29/83	49 FR 1067
NPRM Comment Period Begin	12/29/83	
NPRM Comment Period End	03/09/84	
Final Action	08/00/85	

Small Entity: No

Agency Contact: Kristina Nygaard, Asst. General Counsel - Hydroelectric Lic., Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, DC 20426, 202 357-8448

RIN: 1902-AA55

● PROCEDURES FOR COMPLIANCE WITH THE FEDERAL WATER POLLUTION ACT IN HYDROELECTRIC LICENSING

Priority: Agency Determination

Legal Authority: 16 USC 791 to 828c Federal Power Act; 42 USC 7101 to 7352 DOE Organization Act; EO 12009; 33 USC 1251 to 1376 Federal Water Pollution Control Act

CFR Citation: 18 CFR 4

Abstract: Rulemaking would clarify the Commission requirements and applicants' responsibilities in satisfying section 401 certification requirements under the Federal Water Pollution Control Act. Docket No. RM85-6-000

Timetable:

Action	Date	FR Cite
NPRM	06/00/85	

Small Entity: No

Agency Contact: Kristina Nygaard, Asst. General Counsel - Hydroelectric Lic., Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, DC 20426, 202 357-8448

RIN: 1902-AA56

● REVISION OF FERC FORM NO. 73, OIL PIPELINE RATES FOR DEPRECIATION ANALYSIS

Priority: Agency Determination

Legal Authority: 49 USC 1 to 27 (1976) Interstate Commerce Act; 42 USC 7101 to 7352 DOE Organization Act; EO 12009

CFR Citation: 18 CFR 352

Abstract: Rulemaking will revise and update FERC Form No. 73, which collects service line data from oil pipelines for use in depreciation analysis. Docket No. RM85-11-000

Timetable:

Action	Date	FR Cite
NPRM	09/00/85	

Small Entity: No

Agency Contact: Colette Bohatch, Asst. General Counsel - Pipeline Rates, Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, DC 20426, 202 357-8522

RIN: 1902-AA57

● FORM NO. 2 - CLASSIFICATION OF LNG PROJECTS

Priority: Agency Determination

Legal Authority: 15 USC 717 to 717w Natural Gas Act; 42 USC 7101 to 7352 DOE Organization Act; EO 12009

CFR Citation: 18 CFR 201; 18 CFR 260.1

Abstract: Rulemaking would require LNG companies that have suspended operations to continue filing Form No. 2. Docket No. RM85-9-000

Timetable:

Action	Date	FR Cite
NPRM	08/00/85	

Small Entity: No

Agency Contact: Robert Christin, Asst General Counsel - Pipeline Certificates, Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, DC 20426, 202 357-8432

RIN: 1902-AA58

● EXEMPTION FROM THE LICENSING REQUIREMENTS OF PART I OF THE FEDERAL POWER ACT OF CERTAIN CATEGORIES OF SMALL HYDROELECTRIC POWER PROJECTS WITH AN INSTALLED CAPACITY OF 5 MW OR LESS

Priority: Agency Determination

Legal Authority: 16 USC 823a Federal Power Act; 16 USC 2708 PURPA; 42 USC 7101 to 7352 DOE Organization Act; EO 12009

CFR Citation: 18 CFR 4.109; 18 CFR 4.110; 18 CFR 4.111; 18 CFR 4.112

Abstract: The Commission has requested a remand from the U.S. Court of Appeals for the D.C. Circuit of its categorical exemptions rule for small hydroelectric power projects in order to determine whether or not to repeal the categorical exemption regulations. Docket No. RM81-7-000

Timetable:

Action	Date	FR Cite
NPRM	05/00/85	

Small Entity: Undetermined

Agency Contact: Kristina Nygaard, Asst. General Counsel - Hydroelectric Lic., Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, DC 20426, 202 357-8448

RIN: 1902-AA59

● HIGH COST GAS PRODUCED FROM TIGHT FORMATIONS

Priority: Agency Determination

Legal Authority: 15 USC 3012; 15 USC 3013; 15 USC 3017 Natural Gas Policy Act

CFR Citation: 18 CFR 271.703

Abstract: A petition filed by the Citizens Labor Energy Coalition raised the issue of whether tight formation gas pricing circumvents NGPA ceilings by (1) permitting price exceeding market clearing price level for natural gas; (2) diverting exploration and production away from lower section 102 and 103 gas; and (3) perverse incentives not being examined. Docket No. RM82-33-000

Timetable:

Action	Date	FR Cite
NPRM	09/00/85	

Small Entity: Undetermined

Agency Contact: Maynard Ugol, Asst General Counsel - Producer Regulations, Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, DC 20426, 202 357-8571

RIN: 1902-AA60

● TREATMENT OF INVESTMENT TAX CREDITS BY NATURAL GAS PIPELINE COMPANIES

Priority: Agency Determination

Legal Authority: 15 USC 717c-d Natural Gas Act

CFR Citation: 18 CFR 2.67a

Abstract: The rule proposes a substitute Investment Tax Credit rule for natural gas pipelines that would eliminate much, if not all, of the favorable tax treatment accorded pipelines. Docket No. RM 83-8-000

Timetable:

Action	Date	FR Cite
Final Action	11/00/85	

Small Entity: No

Agency Contact: Colette Bohatch, Asst. General Counsel - Pipeline Rates, Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, DC 20426, 202 357-8522

RIN: 1902-AA61

● FEES APPLICABLE TO ELECTRIC UTILITIES, COGENERATORS AND SMALL POWER PRODUCERS

Priority: Agency Determination

Legal Authority: 31 USC 9701 Independent Offices Appropriation Act; 42 USC 7101 to 7352 DOE Organization Act; EO 12009

CFR Citation: 18 CFR 32; 18 CFR 381; 18 CFR 375

Abstract: The rules would establish a fee structure for services performed by the Commission under PURPA. Docket No. RM82-38-000

Timetable:

Action	Date	FR Cite
Final Action	07/00/85	

Small Entity: No

Agency Contact: Lynn Hargis, Asst. General Counsel - Electric Rates, Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, DC 20426, 202 357-8486

RIN: 1902-AA62

● ACCOUNTING TREATMENT FOR LINE PACK GAS

Priority: Agency Determination

Legal Authority: 15 USC 717 to 717w Natural Gas Act; 42 USC 7101 to 7352 DOE Organization Act; EO 12009

CFR Citation: 18 CFR 201

Abstract: Rulemaking would provide accounting for line pack gas that is treated as inventory. Docket No. RM85-10-000

Timetable:

Action	Date	FR Cite
NPRM	08/00/85	

Small Entity: No

Agency Contact: Robert Christin, Asst. Gen. Counsel - Pipeline Certificates, Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, DC 20426, 202 357-8432

RIN: 1902-AA63

● ACCOUNTING AND RATEMAKING TREATMENT FOR NUCLEAR PLANT DECOMMISSIONING COSTS

Priority: Agency Determination

Legal Authority: 16 USC 791 to 828c Federal Power Act; 42 USC 7101 to 7352 DOE Organization Act; EO 12009

CFR Citation: 18 CFR 35; 18 CFR 101; 18 CFR 141

Abstract: Rulemaking would establish appropriate accounting and ratemaking treatment for nuclear plant decommissioning costs that public utilities are beginning to incur. Docket No. RM85-5-000

Timetable:

Action	Date	FR Cite
NPRM	10/00/85	

Small Entity: No

Agency Contact: Lynn Hargis, Asst. General Counsel - Electric Rates, Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, DC 20246, 202 357-8488

RIN: 1902-AA64

● MARGINAL COST PRICING FOR WHOLESALE ELECTRIC UTILITIES

Priority: Agency Determination

Legal Authority: 16 USC 2601 to 2645 PURPA

CFR Citation: 18 CFR 290; 18 CFR 35

Abstract: The investigation would concentrate on examining the justifications and rationales for standards established by the Public Utilities Regulatory Policies Act of 1978 (PURPA), as well as the feasibility of implementing the rate design standards established by PURPA in wholesale requirements electric rates. Docket No. RM85-4-000

Timetable:

Action	Date	FR Cite
Notice of Inquiry Investigation	10/00/85	

Small Entity: No

Agency Contact: Lynn Hargis, Asst. General Counsel - Electric Rates, Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, DC 20426, 202 357-8488

RIN: 1902-AA65

FEDERAL ENERGY REGULATORY COMMISSION (FERC) Completed Actions

COMPLETED RULEMAKINGS

FEE RULEMAKING - GENERAL ACTIVITIES

Priority: Agency Determination

CFR Citation: 18 CFR 1; 18 CFR 3; 18 CFR 375; 18 CFR 381; 18 CFR 385; 18 CFR 389

Completed:

Reason	Date	FR Cite
Final Action	08/31/84	

Small Entity: No

Agency Contact: Roland Frye 202 357-8511

RIN: 1902-AA06

ELIMINATION OF COMMODITY CHARGES FROM NATURAL GAS PIPELINE MINIMUM BILL PROVISIONS

Priority: Agency Determination

CFR Citation: 18 CFR 154

Completed:

Reason	Date	FR Cite
Final Action	05/23/84	49 FR 31259

Small Entity: No

Agency Contact: Jack O. Kendall 202 357-8033

RIN: 1902-AA21

FIRST SALES OF PIPELINE PRODUCTION UNDER THE NGPA

Priority: Agency Determination

CFR Citation: 18 CFR 270.203

Completed:

Reason	Date	FR Cite
Final Action	08/21/84	49 FR 4215

Small Entity: No

Agency Contact: Richard Mattingly 202 357-8511

RIN: 1902-AA22

REFUNDS RESULTING FROM BTU MEASUREMENT ADJUSTMENTS

Priority: Agency Determination

CFR Citation: 18 CFR 154.38; 18 CFR 154.102

Completed:

Reason	Date	FR Cite
Final Action	09/20/84	49 FR 37735

Small Entity: No

Agency Contact: Victor Blakeway 202 357-8511

RIN: 1902-AA38

METHODOLOGY FOR SALES OF ELECTRIC POWER TO BONNEVILLE POWER ADMINISTRATION

Priority: Agency Determination

CFR Citation: 18 CFR 301

Completed:

Reason	Date	FR Cite
Final Action	10/01/84	49 FR 39293
Final Action Effective	10/01/84	

Small Entity: No

Agency Contact: Janice Macpherson 202 357-8033

RIN: 1902-AA41

NGPA PRICING CHANGES ON JANUARY 1, 1985

Priority: Agency Determination

CFR Citation: 18 CFR 271; 18 CFR 272; 18 CFR 273; 18 CFR 274

Completed:

Reason	Date	FR Cite
Final Action	11/15/84	

Small Entity: No

Agency Contact: Kenneth Malloy 202 357-8033

RIN: 1902-AA42

FERC

Completed Actions

ACTIONS THAT STARTED AND ENDED BETWEEN ISSUES OF THE UNIFIED AGENDA

● COLLECTION OF SECTION 110 ALLOWANCES AFTER JANUARY 1, 1985

Priority: Agency Determination

Legal Authority: 16 USC 3301 to 3342 Natural Gas Policy Act; 42 USC 7101 to 7352 DOE Organization Act; EO 12009

CFR Citation: 18 CFR 271

Abstract: This rule clarified that updated data is to be used in computing the cost of service components for certain production related costs. Docket No. RM85-22-000

Timetable:

Action	Date	FR Cite
Final Action	12/19/84	49 FR 49623
Final Action Effective	01/01/85	

Small Entity: No

Agency Contact: Peter Rodakis, Attorney, Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, DC 20426, 202 357-8307

RIN: 1902-AA51

[FR Doc. 85-6480 Filed 04-26-85; 8:45 am]

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federal register

Monday
April 29, 1985

Part LI

Federal Home Loan Bank Board

Semiannual Regulatory Agenda

FHLBB

FEDERAL HOME LOAN BANK BOARD

12 CFR Ch. V

[No. 85-178]

Agenda of Federal Regulations

AGENCY: Federal Home Loan Bank Board.

ACTION: Publication of agenda items.

SUMMARY: The Federal Home Loan Bank Board is hereby publishing items for the April Regulatory Agenda.

ADDRESS: Information Services Division, Office of the Secretariat, Federal Home Loan Bank Board, 1700 G Street, N.W., Washington, D.C. 20552.

FOR FURTHER INFORMATION CONTACT: See persons listed below for specific agenda items.

DATED: March 13, 1985.

Federal Home Loan Bank Board.

John F. Ghizzoni,

Assistant Secretary.

FEDERAL HOME LOAN BANK BOARD (FHLBB) — Current and Projected Rulemakings

MONITORING FAIR LENDING PRACTICES

Legal Authority: 12 USC 2901; 15 USC 1691; 42 USC 3601 to 3619; 42 USC 1981; EO 11063; 14 USC 1437; 12 USC 1725; 12 USC 1726; 12 USC 1730; 12 USC 1464; Reorg. Plan No. 3 of 1947

CFR Citation: 12 CFR 528.6

Abstract: The Board is proposing to amend its Loan Application Register and Data Submission Report currently required to be maintained by all institutions that are members of the Federal Home Loan Bank System, for the purposes of monitoring fair lending practices. The proposed amendments would provide for efficient monitoring pursuant to Title VIII of the Civil Rights Act of 1968, the Equal Credit Opportunity Act, and the Community Reinvestment Act, while reducing paperwork of regulated institutions.

Timetable:

Action	Date	FR Cite
Public Comment Period End date	06/06/82	

Next Action Undetermined

Small Entity: No

Additional Information: SMALL BUSINESSES CONT: The proposal would benefit small associations by reducing paperwork and eliminating certain reporting requirements for those receiving a small number of loan applications.

Agency Contact: Peggy W. Spohn, Deputy Director, Federal Home Loan Bank Board, Office of Examinations and Supervision, 1700 G Street, NW, Washington, DC 20552, 202 377-6947

RIN: 3068-AA01

SECURITIES OFFERINGS

Legal Authority: 12 USC 1725; 12 USC 1726; 12 USC 1730; 12 USC 1464

CFR Citation: 12 CFR 563.7-4; 12 CFR 563.8; 12 CFR 563.8-1; 12 CFR 563.8-4; 12 CFR 563c.1; 12 CFR 563g, (Proposed new Part)

Abstract: The proposal is intended to establish uniform rules for securities offerings applicable to all institutions whose accounts are insured by, or who are applying for insurance from, the Federal Savings and Loan Insurance Corporation, and to relieve current restrictions on securities activities by such institutions at their offices. The current lack of uniform rules puts institutions in danger of inadvertently violating the disclosure-oriented antifraud provisions of the Securities Act of 1933 and the Securities Exchange Act of 1934, and the use of inadequate or misleading disclosures by individual institutions could have a significant adverse impact on the capability of other thrift institutions to raise capital and could result generally in illiquid and disorderly markets for the securities of insured institutions.

The alternatives under consideration are: (1) do nothing (no adoption of rules); (2) adopt unique disclosure rules for thrifts; or (3) adopt SEC-like rules (as proposed-public market recognition and comparability).

Costs/benefits have not been quantified; general (cont)

Timetable:

Action	Date	FR Cite
NPRM	03/14/83	48 FR 10684
NPRM Comment Period Begin	03/14/83	
NPRM Comment Period End	05/09/83	

Next Action Undetermined

Small Entity: No

Additional Information: ABSTRACT CONT: weighing of the industry cost of producing disclosure documents (and disclosing possibly unfavorable elements) vs. the cost of antifraud litigation, inability to raise capital, and FSLIC liability for institutions materially weakened by such adverse actions.

Agency Contact: John P. Harootunian, Attorney, Div of Securities & Corporate Anal, Federal Home Loan Bank Board, OGC, 1700 G Street, NW, Washington, DC 20552, 202 377-6415

RIN: 3068-AA04

● CONSUMER PROTECTIONS; UNFAIR AND DECEPTIVE TRADE PRACTICES

Legal Authority: 12 USC 1437; Reorg. Plan No. 3 of 1947

CFR Citation: 12 CFR 535, (New)

Abstract: The Board is statutorily required, with certain exceptions, to promulgate rules for thrifts similar to the consumer protection rules issued by the Federal Trade Commission. The Commission has published a rule, effective March 1, 1985, which prohibits the use of four consumer contract provisions and finds two other contract provisions to be unfair and deceptive. The Board therefore proposed a similar rule. Alternatives to its adoption would be to do nothing, based on a finding that one or more of the practices are not unfair or deceptive to thrifts' customers, or to modify the proposed rule in connection with the practices of thrifts. The proposal would require thrifts to review their contract forms to eliminate use of certain provisions and might add to the cost of credit; the benefit to consumers would be the elimination of purportedly egregious credit practices.

FHLBB **Current and Projected Rulemakings**

Timetable:

Action	Date	FR Cite
NPRM	01/14/85	50 FR 1863
NPRM Comment Period Begin	01/14/85	50 FR 1863
NPRM Comment Period End	03/15/85	
Final Action	05/01/85	

Small Entity: No

Agency Contact: Ben F. Dixon, Specialist, Federal Home Loan Bank Board, Office of Community Investment, 1700 G Street, NW, Washington, DC 20552, 202 377-6836

RIN: 3068-AA05

[FR Doc. 85-9880 Filed 04-26-85; 8:45 am]
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Monday
April 29, 1985

Part LII

Federal Maritime Commission

Semiannual Regulatory Agenda

FMC

FEDERAL MARITIME COMMISSION

46 CFR Ch. IV

Unified Regulatory Agenda

AGENCY: Federal Maritime Commission.

ACTION: Unified Agenda of Federal Regulations.

SUMMARY: Pursuant to section 5 of E.O. 12291 and the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) the Commission anticipates having under consideration during the period from April 1, 1985, to March 30, 1986, actions in the areas listed below.

FOR FURTHER INFORMATION CONTACT: For further information concerning Commission rulemaking proceedings or the status of any matter listed below, contact: John Robert Ewers, Director, Office of Regulatory Overview, 1100 L Street, N.W., Washington, D.C. 20573, (202) 523-5866.

SUPPLEMENTARY INFORMATION: Section 602 of the Regulatory Flexibility Act (5 U.S.C. 602) requires the publication of an agenda of items for which regulatory agencies may propose or promulgate a rule which is likely to have a significant economic impact on a substantial number of small entities. Section 5 of Executive Order 12291 also requires executive agencies to publish a regulatory agenda; the Commission voluntarily complies with this section. The agendas include information on regulatory activities being conducted or reviewed during the succeeding 12 months by the Commission.

The following is the Commission's Unified Regulatory Agenda. The agenda does not necessarily include petitions for rulemakings which are under staff review.

In addition, the Commission is publishing a compilation of the status of pending rulemaking proceedings and a listing of rules that have become final since the publication of the most recent regulatory agenda (October 1984). This list will be made available to the press and interested groups.

Bruce A. Dombrowski,

Assistant Secretary.

FEDERAL MARITIME COMMISSION (FMC) — Current and Projected Rulemakings

PUBLISHING AND FILING TARIFFS BY COMMON CARRIERS IN THE FOREIGN COMMERCE OF THE UNITED STATES - CO-LOADING PRACTICES BY NVOCCS

Legal Authority: 5 USC 553; 46 USC app 817(a); 46 USC app 820; 46 USC app 841(a); 46 USC app 843; 46 USC app 844; 46 USC app 845; 46 USC app 845a; 46 USC app 846; 46 USC app 1702; 46 USC app 1707; 46 USC app 1709; 46 USC app 1716

CFR Citation: 46 CFR 580

Abstract: Docket No. 84-20 - Non-Vessel-Operating Common carrier tariff regulations are being revised and updated, especially for co-loading practices.

Timetable:

Action	Date	FR Cite
NPRM	07/25/84	49 FR 29980
NPRM Comment Period Begin	07/25/84	49 FR 29980
NPRM Comment Period End	09/24/84	
Final Action	04/00/85	

Small Entity: No

Additional Information: Docket No. 84-27

Agency Contact: Robert G. Drew, Director, Bureau of Tariffs, Federal Maritime Commission, 1100 L Street, NW, Washington, DC 20573, 202 523-5796

RIN: 3072-AA29

● COSTS OF PROCEEDINGS

Priority: Agency Determination

Legal Authority: 5 USC 553; 46 USC app 1716; 46 USC app 1717(a)(4)

CFR Citation: 46 CFR 502

Abstract: Section 18(a)(4) of the Shipping Act requires the Commission to collect and analyze data concerning the impact of the Act on the costs of major types of regulatory proceedings before the Commission. This action will provide the regulations needed to obtain this information.

Timetable:

Action	Date	FR Cite
NPRM	04/00/85	
NPRM Comment Period Begin	04/00/85	
NPRM Comment Period End	05/00/85	

Small Entity: No

Agency Contact: John Robert Ewers, Director, Office of Regulatory Overview, Federal Maritime Commission, 1100 L Street, NW, Washington, DC 29573, 202 523-5866

RIN: 3072-AA45

● RULES OF PRACTICE AND PROCEDURE - MISCELLANEOUS AMENDMENTS

Legal Authority: 5 USC 553; 46 USC app 822; 46 USC app 841a; 46 USC app 1810 to 1811; 46 USC app 1816

CFR Citation: 46 CFR 502

Abstract: The Commission's Rules on Practice and Procedure are being reviewed to accommodate special situations such as requirements for filing appeals and requests for oral argument, petitions outside the scope of present Part 502 and special dockets, especially with regard to the date of shipment.

Timetable:

Action	Date	FR Cite
NPRM	04/00/85	
NPRM Comment Period Begin	04/00/85	
NPRM Comment Period End	05/00/85	

Small Entity: No

Agency Contact: John Robert Ewers, Director, Office of Regulatory Overview, Federal Maritime Commission, 1100 L Street, NW, Washington, DC 20573, 202 523-5866

RIN: 3072-AA46

● CONFORM REPORTS OF DOMESTIC OPERATORS TO MARAD'S UNIFORM SYSTEM OF ACCOUNTS

Legal Authority: 5 USC 553; 46 USC app 841a; 46 USC app 843 to 848

CFR Citation: 46 CFR 552

Abstract: In order to better process filings of financial reports by domestic carriers under the Intercoastal Shipping Act, 1933 and to eliminate conflicting

requirements, this action will conform reports filed at the Commission with the format of those filed at the Maritime Administration.

Timetable:

Action	Date	FR Cite
NPRM	04/00/85	
NPRM Comment Period Begin	04/00/85	
NPRM Comment Period End	05/00/85	

Small Entity: No

Agency Contact: John Robert Ewers, Director, Office of Regulatory Overview, Federal Maritime Commission, 1100 L Street, NW, Washington, DC 20573, 202 523-5866

RIN: 3072-AA47

● MARINE TERMINAL AGREEMENTS

Priority: Agency Determination

Legal Authority: 5 USC 553; 46 USC app 801; 46 USC app 814; 46 USC app 833a; 46 USC app 841a; 46 USC app 1701 to 1705; 46 USC app 1706; 46 USC app 1715 to 1716

CFR Citation: 46 CFR 516. (New); 46 CFR 558 to 560; 46 CFR 572

Abstract: The Shipping Act of 1984 created new procedures for agreements required to be filed with the Commission. This action institutes a new part 516 to accommodate terminal agreements which may involve both domestic and foreign commerce and establish exemptions for those types of terminal agreements which are not likely to have anti-competitive effects.

Timetable:

Action	Date	FR Cite
NPRM	03/00/85	
NPRM Comment Period Begin	03/00/85	
NPRM Comment Period End	05/00/85	

Small Entity: No

Additional Information: This action treats one of the issues in former Docket 83-38 Notice of Inquiry and Intent to Review Regulation of Ports and Marine Terminal Operators (RIN - 3072-AA30).

Agency Contact: John Robert Ewers, Director, Office of Regulatory Overview, Federal Maritime Commission, 1100 L Street, NW, Washington, DC 20573, 202 523-5866

RIN: 3072-AA48

● ELECTRONIC FILING OF TARIFFS BY COMMON CARRIERS IN THE FOREIGN AND DOMESTIC OFFSHORE COMMERCE OF THE UNITED STATES

Legal Authority: 5 USC 553; 46 USC app 817; 46 USC app 841a; 46 USC app 1707; 46 USC app 1715

CFR Citation: 46 CFR 550.2; 46 CFR 550.3; 46 CFR 580.2; 46 CFR 580.3

Abstract: This action in Docket 84-35 provides that electronic tariff filing, now in operation, may be transmitted to commercial offices located outside of the Commission's offices under certain conditions.

Timetable:

Action	Date	FR Cite
NPRM	10/18/84	49 FR 40940
NPRM Comment Period Begin	10/18/84	
NPRM Comment Period End	11/19/84	
Final Action	03/00/85	
Final Action Effective	04/00/85	

Small Entity: No

Agency Contact: John Robert Ewers, Director, Office of Regulatory Overview, Federal Maritime Commission, 1100 L Street, NW, Washington, DC 20573, 202 523-5866

RIN: 3072-AA49

● GUIDELINES FOR ACTION ON AGREEMENTS

Legal Authority: 5 USC 553; 46 USC app 1703 to 1706; 46 USC app 1709 to 1710; 46 USC app 1712; 46 USC app 1715 to 1717

Abstract: The Commission is considering the publication of guidelines to clarify the types of agreements and situations which would occasion commission action on agreements for the enlightenment of the shipping industry.

Timetable:

Action	Date	FR Cite
Publication of Guidelines	09/00/85	

Small Entity: No

Agency Contact: John Robert Ewers, Director, Office of Regulatory Overview, Federal Maritime Commission, 1100 L Street, NW, Washington, DC 20573, 202 523-5866

RIN: 3072-AA51

● MISCELLANEOUS MODIFICATIONS TO EXISTING AGREEMENTS - EXEMPTION

Priority: Agency Determination

Legal Authority: 5 USC 553; 46 USC app 1715 to 1716

CFR Citation: 46 CFR 572.307; 46 CFR 572.605

Abstract: The amendments to 46 CFR 572 exempt from the Information Form, notice and waiting period requirements, agreement modifications which provide for cancellations of agreements or reflect changes in conference membership, officials of agreements, and neutral body authority or procedures. Copies of such modifications must still be submitted to the Commission for information purposes (Docket 85-4).

Timetable:

Action	Date	FR Cite
NPRM	02/08/85	50 FR 5401
NPRM Comment Period Begin	02/08/85	
NPRM Comment Period End	03/11/85	
Final Action	05/00/85	
Final Action Effective	06/00/85	

Small Entity: No

Agency Contact: John Robert Ewers, Director, Office of Regulatory Overview, Federal Maritime Commission, 1100 L Street, NW, Washington, DC 20573, 202 523-5866

RIN: 3072-AA56

FEDERAL MARITIME COMMISSION (FMC)

Existing Regulations Under Review

PUBLIC INFORMATION - FREEDOM OF INFORMATION ACT

Priority: Agency Determination

Legal Authority: 5 USC 552(b)(4); 46 USC 841(a)

CFR Citation: 46 CFR 503

Abstract: Amendments to current rules governing treatment of FOIA requests will provide for notification to filers of "business confidential" information to permit responses before a decision to release or not to release information requested under the Act.

Timetable:

Action	Date	FR Cite
End Review	03/00/85	
NPRM	03/00/85	

Small Entity: No

Agency Contact: Francis C. Hurney, Secretary, Federal Maritime Commission, 1100 L St., NW, Washington, DC 20573, 202 523-5725

RIN: 3072-AA12

● INFORMATION REQUIRED FOR SECTION 18 STUDY

Priority: Agency Determination

Legal Authority: 5 USC 553; 46 USC app 1714; 46 USC app 1716; 46 USC app 1717(a)

CFR Citation: 46 CFR . (New)

Abstract: Section 18(a) of the Shipping Act of 1984 requires the Commission to collect information concerning the impact of the Act upon the international ocean shipping industry for a period of 5 years ending on March 20, 1989. To the extent such data are not available, this review will consider Commission rules or orders to develop such information from the regulated industry.

Timetable:

Action	Date	FR Cite
Begin Review	09/01/84	
End Review	07/00/85	

Small Entity: No

Agency Contact: John Robert Ewers, Director, Office of Regulatory Overview, Federal Maritime Commission, 1100 L Street, NW, Washington, DC 20573, 202 523-5866

RIN: 3072-AA50

● INDEPENDENT ACTION: REPORTING

Priority: Agency Determination

Legal Authority: 46 USC 553; 46 USC app 1704; 46 USC app 1709; 46 USC app 1716

Abstract: Section 5(b)(8) of the Shipping Act of 1984 requires that conference members be allowed to take independent rate action under certain conditions. The Commission is considering a rule to require accurate and complete reporting with regard to this statutory right to ensure compliance.

Timetable:

Action	Date	FR Cite
Begin Review	01/25/85	
End Review	05/00/85	

Small Entity: No

Agency Contact: John Robert Ewers, Director, Office of Regulatory Overview, Federal Maritime Commission, 1100 L Street, NW, Washington, DC 20573, 202 523-5866

RIN: 3072-AA53

● NON-VESSEL OPERATING COMMON CARRIERS - MISCELLANEOUS AMENDMENTS

Priority: Undetermined

Legal Authority: 5 USC 553; 46 USC app 801; 46 USC app 817; 46 USC app 841a; 46 USC app 1702; 46 USC app 1707; 46 USC app 1709; 46 USC app 1716

CFR Citation: 46 CFR 505; 46 CFR 550; 46 CFR 580; 46 CFR 582

Abstract: The Commission is considering problems peculiar to certain common carriers which do not operate vessels including tariff malpractices and lack of financial responsibility. This action could result in rules to correct these problems.

Timetable:

Action	Date	FR Cite
Begin Review	01/25/85	
End Review	04/00/85	

Small Entity: Undetermined

Agency Contact: John Robert Ewers, Director, Office of Regulatory Overview, Federal Maritime Commission, 1100 L Street, NW, Washington, DC 20573, 202 523-5866

RIN: 3072-AA54

● INFORMATION FORM FOR AGREEMENTS: MISCELLANEOUS AMENDMENTS

Priority: Undetermined

Legal Authority: 5 USC 553; 46 USC app 1703 to 1705; 46 USC app 1716

CFR Citation: 46 CFR 572.405; 46 CFR 572, Appendix A

Abstract: The information form that must accompany certain types of agreements filed under 46 CFR Part 572 may need to be amended to ensure Commission jurisdiction and to show the affiliates of the filing parties.

Timetable:

Action	Date	FR Cite
Begin Review	01/25/85	
End Review	04/00/85	

Small Entity: No

Agency Contact: John Robert Ewers, Director, Office of Regulatory Overview, Federal Maritime Commission, 1100 L Street, NW, Washington, DC 20573, 202 523-5866

RIN: 3072-AA55

● COORDINATE PROVISIONS IN TARIFFS, SERVICE CONTRACTS AND AGREEMENTS

Legal Authority: 5 USC 553; 46 USC app 1704 to 1705; 46 USC app 1707; 46 USC app 1709; 46 USC app 1716

CFR Citation: 46 CFR 572; 46 CFR 580

Abstract: Certain provisions of tariffs, service contracts and agreements cover the same matters. This action will consider whether or not such provisions can be better coordinated through, for example, standardization, cross-referencing, etc.

Timetable:

Action	Date	FR Cite
Begin Review	01/25/85	
End Review	09/00/85	

Small Entity: No

Agency Contact: John Robert Ewers, Director, Office of Regulatory Overview, Federal Maritime Commission, 1100 L Street, NW, Washington, DC 20573, 202 523-5866

RIN: 3072-AA60

● AUTOMATED TARIFF FILING

Priority: Agency Determination

Legal Authority: 5 USC 553; 46 USC app 816; 46 USC app 817; 46 USC app 841a; 46 USC app 1707; 46 USC app 1708; 46 USC app 1715; 46 USC app 1716; 46 USC app 1717

CFR Citation: 46 CFR 515; 46 CFR 550; 46 CFR 580

Abstract: The Commission is considering the development of a fully automated system whereby tariff matters can be made available to the public and to the Commission through automatic data processing in order to reduce the paperwork and other burdens

Timetable:

Action	Date	FR Cite
Begin Review	09/01/84	
End Review	01/00/86	

Small Entity: No

Agency Contact: John Robert Ewers, Director, Office of Regulatory Overview, Federal Maritime Commission, 1100 L Street, NW, Washington, DC 20573, 202 523-5866

RIN: 3072-AA61

● SERVICE CONTRACTS - MISCELLANEOUS AMENDMENTS

Priority: Agency Determination

Legal Authority: 5 USC 553; 46 USC app 1702; 46 USC app 1709, 46 USC app 1712; 46 USC app 1714 to 1716; 46 USC app 1718

CFR Citation: 46 CFR 580.7

Abstract: Service Contract Rule at 46 CFR 580.7 is being reviewed to: clarify ambiguities and legal distinctions; provide for rational limitations to properly implement the Shipping Act of 1984 and to allow the maximum flexibility of use by carriers so as to promote wider use of service contracts in foreign commerce.

Timetable:

Action	Date	FR Cite
Begin Review	01/01/85	
End Review	12/00/85	

Small Entity: Undetermined

Agency Contact: John Robert Ewers, Director, Office of Regulatory Overview, Federal Maritime Commission, 1100 L Street, NW, Washington, DC 20573, 202 523-5866

RIN: 3072-AA62

● COMMON AND CONTRACT CARRIAGE - MISCELLANEOUS PROVISION

Priority: Agency Determination

Legal Authority: 5 USC 553; 46 USC app 801; 46 USC app 841a; 46 USC app 1702, 46 USC app 1716

CFR Citation: 46 CFR 510, 46 CFR 515 46 CFR 525; 46 CFR 550; 46 CFR 552; 46 CFR 553, 46 CFR 560; 46 CFR 572, 46 CFR 580

Abstract: This review will attempt to clarify the status of common carriers vis-a-vis contract carriers and provide reasonable regulations for operations by common carriers subject to the shipping statutes.

Timetable:

Action	Date	FR Cite
Begin Review	01/25/85	
End Review	04/00/85	

Small Entity: No

Agency Contact: John Robert Ewers, Director, Office of Regulatory Overview, Federal Maritime Commission, 1100 L Street, NW, Washington, DC 20573, 202 523-5866

RIN: 3072-AA63

● INDEX OF DOCUMENTS FOR AGREEMENTS

Priority: Agency Determination

Legal Authority: 5 USC 553; 46 USC app 1703 to 1706; 46 USC app 1709; 46 USC app 1712; 46 USC app 1714; 46 USC app 1716; 46 USC app 1717

CFR Citation: 46 CFR 572.704

Abstract: Section 572.704 of Title 46 Code of Federal Regulations requires agreement parties who are required to file minutes to maintain an index of certain reports, studies and documents used for certain decisions, and to file such an index quarterly with the Commission. Some segments of the industry have requested relaxation of this requirement which the Commission will consider after the receipt of the first indices filed under the present rule.

Timetable:

Action	Date	FR Cite
Begin Review	01/25/85	
End Review	09/00/85	

Small Entity: No

Agency Contact: John Robert Ewers, Director, Office of Regulatory Overview, Federal Maritime Commission, 1100 L Street, NW, Washington, DC 20573, 202 523-5866

RIN: 3072-AA64

● EXEMPT COMMODITIES - MISCELLANEOUS PROVISIONS

Priority: Agency Determination

Legal Authority: 5 USC 553; 46 USC app 1702 to 1707; 46 USC app 1709; 46 USC app 1715, 46 USC app 1716

CFR Citation: 46 CFR 572; 46 CFR 580

Abstract: Section 8(a)(1) of The Shipping Act of 1984 exempts from tariff filing certain commodities such as bulk cargo, forest products, recycled metal scrap, waste paper and paper waste. This review will clarify the legal consequences of conferences which agree to fix rates on such commodities

Timetable:

Action	Date	FR Cite
Begin Review	01/25/85	
End Review	04/00/85	

Small Entity: No

Agency Contact: John Robert Ewers, Director, Office of Regulatory Overview, Federal Maritime Commission, 1100 L Street, NW, Washington, DC 20573, 202 523-5866

RIN: 3072-AA65

● INDEPENDENT ACTION - ENSURE PROPER AND UNRESTRICTED AVAILABILITY

Priority: Agency Determination

Legal Authority: 5 USC 553; 46 USC app 1704(b)(8); 46 USC app 1707; 46 USC app 1709; 46 USC app 1716

CFR Citation: 46 CFR 572; 46 CFR 580

Abstract: Section 5(b)(8) of the Shipping Act of 1984 provides that a conference member may take independent rate action upon not more than ten days' notice. By this review, the Commission intends to ensure that the law is properly complied with and that no unreasonable restrictions inhibit the statutory right of independent action.

Timetable:

Action	Date	FR Cite
Begin Review	01/25/85	
End Review	04/00/85	

Small Entity: No

FMC — Existing Regulations Under Review

Agency Contact: John Robert Ewers, Director, Office of Regulatory Overview, Federal Maritime Commission, 1100 L Street, NW, Washington, DC 20573, 202 523-5866

RIN: 3072-AA66

● TERMINAL OPERATOR TARIFFS-EXCULPATORY PROVISIONS

Priority: Agency Determination

Legal Authority: 5 USC 553; 46 USC app 816; 46 USC app 817; 46 USC app 841a; 46 USC app 1707; 46 USC app 1709(d)(1); 46 USC app 1716

CFR Citation: 46 CFR 515

Abstract: The Commission has had a number of formal adjudication proceedings involving the legality of certain tariff clauses which exculpate, indemnify or save harmless the terminal operator for negligence. This action would provide needed clarification and specific guidelines for such clauses.

Timetable:

Action	Date	FR Cite
Begin Review	01/25/85	
End Review	06/00/85	

Small Entity: No

Agency Contact: John Robert Ewers, Director, Office of Regulatory Overview, Federal Maritime Commission, 1100 L Street, NW, Washington, DC 20573, 202 523-5866

RIN: 3072-AA67

● REGULATION OF AGREEMENTS OF DOMESTIC CARRIERS - MISCELLANEOUS AMENDMENTS

Legal Authority: 5 USC 553; 46 USC app 801 et seq

CFR Citation: 46 CFR 558 to 569

Abstract: The Shipping Act, 1916, after amendment by the Shipping Act of 1984, applies only to domestic operations. In order to properly implement the 1984 Act, the Commission made the essential, limiting changes to its domestic regulations of agreements within the deadline established by the 1984 Act. This review will now determine what further, substantive changes in the domestic agreements rules are necessary.

Timetable:

Action	Date	FR Cite
Begin Review	01/25/85	
End Review	11/00/85	

Small Entity: No

Agency Contact: John Robert Ewers, Director, Office of Regulatory Overview, Federal Maritime Commission, 1100 L Street, NW, Washington, DC 20573, 202 523-5866

RIN: 3072-AA68

● OCEAN FREIGHT FORWARDERS - MISCELLANEOUS AMENDMENTS

Legal Authority: 5 USC 553; 46 USC app 1716; 46 USC app 1718

CFR Citation: 46 CFR 510

Abstract: Various amendments to 46 CFR Part 510 are being considered to clarify Ocean Freight Forwarder regulations and to better implement the Shipping Act of 1984.

Timetable:

Action	Date	FR Cite
Begin Review	01/25/85	
End Review	08/00/85	

Small Entity: Undetermined

Agency Contact: John Robert Ewers, Director, Office of Regulatory Overview, Federal Maritime Commission, 1100 L Street, NW, Washington, DC 20573, 202 523-5866

RIN: 3072-AA69

● USER FEES TO RECOVER AGENCY COSTS

Priority: Agency Determination

Legal Authority: 5 USC 552 to 553

CFR Citation: 46 CFR 503.43

Abstract: The Commission is reviewing existing fees for services in order to determine whether they are adequate to recover costs.

Timetable:

Action	Date	FR Cite
Begin Review	01/25/85	
End Review	08/00/85	

Small Entity: No

Agency Contact: John Robert Ewers, Director, Office of Regulatory Overview, Federal Maritime Commission, 1100 L Street, NW, Washington, DC 20573, 202 523-5866

RIN: 3072-AA70

● DOMESTIC RATE CASES - PROCEDURAL AMENDMENTS

Legal Authority: 5 USC 553; 46 USC app 841a; 46 USC app 843-848

CFR Citation: 46 CFR 502.67

Abstract: This action would amend 46 CFR 502.67 to take into account proceedings commencing after the effective date of rates.

Timetable:

Action	Date	FR Cite
Begin Review	01/25/85	
End Review	07/00/85	

Small Entity: No

Agency Contact: John Robert Ewers, Director, Office of Regulatory Overview, Federal Maritime Commission, 1100 L Street, NW, Washington, DC 20573, 202 523-5866

RIN: 3072-AA71

● ATTORNEYS FEES IN REPARATION PROCEEDINGS

Priority: Agency Determination

Legal Authority: 5 USC 553; 46 USC app 821; 46 USC app 841a; 46 USC app 1710(g)

CFR Citation: 46 CFR 502

Abstract: Section 11(g) of the Shipping Act of 1984 provides for reasonable attorneys' fees in Commission reparation proceedings. The action here would establish Commission policy with regard to eligibility, reasonableness and when to award.

Timetable:

Action	Date	FR Cite
Begin Review	01/25/85	
End Review	05/00/85	

Small Entity: No

Agency Contact: John Robert Ewers, Director, Office of Regulatory Overview, Federal Maritime Commission, 1100 L Street, NW, Washington, DC 20573, 202 523-5866

RIN: 3072-AA72

FEDERAL MARITIME COMMISSION (FMC) — Completed Actions

COMPLETED RULEMAKINGS

NOTICE OF INQUIRY AND INTENT TO REVIEW REGULATION OF PORTS AND MARINE TERMINAL OPERATORS

Legal Authority: 46 USC 816; 46 USC 820; 46 USC 841(a); 46 USC app 1709; 46 USC app 1714; 46 USC app 1716

CFR Citation: 46 CFR 515

Abstract: Docket No. 83-38 - Marine Terminal Operator duties are classified and defined.

Timetable:

Action	Date	FR Cite
ANPRM	09/14/83	48 FR 41199
Notice of Inquiry	09/14/83	48 FR 41199
Notice of Procedure	10/28/83	48 FR 49879
Notice of Oral Hearing	02/22/84	49 FR 6507
Notice of availability of Initial Report	10/02/84	49 FR 38987
Withdrawn Final Report available	01/25/85	50 FR 3368

Small Entity: Not Applicable

Additional Information: Docket No. 83-38.

Affected Sectors: 446 Services Incidental to Water Transportation

Agency Contact: Hubert E. Bradford, Chief, Office of Domestic Tariffs, Federal Maritime Commission, 1100 L Street, NW, Washington, DC 20573, 202 523-5858

RIN: 3072-AA30

RULES OF PRACTICE AND PROCEDURE; FINANCIAL REPORTS OF COMMON CARRIERS BY WATER IN THE DOMESTIC OFFSHORE TRADES; PUBLISHING, FILING AND POSTING OF TARIFFS IN DOMESTIC OFFSHORE COMMERCE

Legal Authority: 5 USC 553; 46 USC app 817(a); 46 USC app 820; 46 USC app 841(a); 46 USC app 843; 46 USC app 844; 46 USC app 845a; 46 USC app 847

CFR Citation: 46 CFR 502; 46 CFR 550; 46 CFR 552

Abstract: This proposal would remove certain financial reporting requirements affecting vessel operating common carriers serving the trades between the continental United States and Puerto Rico and the U.S. Virgin Islands and make other rule changes. The proposal is made in response to a petition filed by a major common carrier and is intended to alleviate the regulatory burden on carriers in the Puerto Rican trades. Commission General Orders 11, 16 and 38 would be affected.

Docket No. 84-2

Timetable:

Action	Date	FR Cite
NPRM	01/26/84	49 FR 3228
NPRM Comment Period Begin	01/26/84	
NPRM Comment Period End	04/25/84	
Order of Discontinuance	09/28/84	49 FR 38316

Small Entity: Not Applicable

Additional Information: Docket No. 84-2.

Affected Sectors: 442 Deep Sea Domestic Transportation

Agency Contact: Robert G. Drew, Director, Bureau of Tariffs, Federal Maritime Commission, 1100 L Street, NW, Washington, DC 20573, 202 523-5796

RIN: 3072-AA33

FILING OF AGREEMENTS BETWEEN COMMON CARRIERS OF FREIGHT BY WATER IN THE FOREIGN COMMERCE OF THE UNITED STATES - CHARTER ARRANGEMENTS

Legal Authority: 46 USC app 1703 to 1706; 46 USC app 1716

CFR Citation: 46 CFR 560

Abstract: This interpretive ruling will define the types of charter arrangements that are subject to the Commission's approval requirements prior to any consideration of possible rulemaking to grant exemption under Commission General Order 24.

Timetable:

Action	Date	FR Cite
Begin Review	10/00/84	
End Review	12/00/84	
Withdrawn	02/01/85	

Small Entity: No

Affected Sectors: 441 Deep Sea Foreign Transportation

Agency Contact: Edward F. Hawkins, Deputy Director, Bureau of Agreements, Federal Maritime Commission, 1100 L Street, NW, Washington, DC 20573, 202 523-5787

RIN: 3072-AA35

FREE TIME AND DEMURRAGE; FILING OF TARIFFS BY TERMINAL OPERATORS; PROTECTION OF THE PUBLIC ON PASSENGER VESSELS; FILING OF TARIFFS BY TERMINAL BARGE OPERATORS; TRUCK DETENTION AT NEW YORK

Priority: Agency Determination

Legal Authority: 5 USC 553; 46 USC app 816; 46 USC app 817d; 46 USC app 817e; 46 USC app 820; 46 USC app 841(a); 46 USC app 844; 46 USC app 1707; 46 USC app 1709; 46 USC app 1714; 46 USC app 1716

CFR Citation: 46 CFR 515; 46 CFR 520; 46 CFR 525; 46 CFR 530; 46 CFR 540

Abstract: The rules are designed to put into place all the Commission's basic regulations for passenger vessel operators and terminal operations. The rules contain no substantive changes to existing regulations but implement the Shipping Act of 1984.

Docket No. 84-18

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/03/84	49 FR 18846
Final Action	09/14/84	49 FR 36303
Final Action Effective	10/15/84	
Correction	10/25/84	49 FR 42924

Small Entity: Undetermined

Additional Information: Docket No. 84-18

Affected Sectors: 445 Local Water Transportation; 446 Services Incidental to Water Transportation

Agency Contact: Robert G. Drew, Director, Bureau of Tariffs, Federal Maritime Commission, 1100 L Street, NW, Washington, DC 20573, 202 523-5796

RIN: 3072-AA37

CERTIFICATION OF COMPANY POLICIES AND EFFORTS TO COMBAT REBATING IN THE FOREIGN COMMERCE OF THE UNITED STATES

Priority: Agency Determination

Legal Authority: 46 USC app 1701; 46 USC app 1702; 46 USC app 1707; 46 USC app 1709; 46 USC app 1712; 46 USC app 1714 to 1716

CFR Citation: 46 CFR 582

Abstract: The Commission is modifying its rules on the filing of certifications of company practices to combat rebating in the foreign commerce of the United States to bring them into conformity

with the Shipping Act of 1984. The modification expands the application of the annual certification requirement from vessel operating common carriers to all common carriers.

Docket No. 84-25

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/29/84	49 FR 22294
Final Action	09/20/84	49 FR 36856
Final Action Effective	10/22/84	

Small Entity: Undetermined

Additional Information: Docket No. 84-25

Affected Sectors: 441 Deep Sea Foreign Transportation

Agency Contact: Robert G. Drew, Director, Bureau of Tariffs, Federal Maritime Commission, 1100 L Street, NW, Washington, DC 20573, 202 523-5796

RIN: 3072-AA38

PUBLISHING AND FILING TARIFFS BY COMMON CARRIERS IN THE FOREIGN COMMERCE OF THE UNITED STATES

Priority: Agency Determination

Legal Authority: 46 USC app 1703 to 1705; 46 USC app 1707 to 1709; 46 USC app 1714 to 1716

CFR Citation: 46 CFR 580

Abstract: These new rules modify and add to definitions contained in the existing tariff filing rules, amend rules governing the filing of intermodal tariffs, delete references to dual rate contracts, make provision for time/volume and related contracts and implement the statutory exemptions to bring them into conformity with the Shipping Act of 1984.

Docket No. 84-24

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/23/84	49 FR 21713
Enlargement of Time to Comment	06/11/84	49 FR 24023
Interim Rule - Amendment	06/14/84	49 FR 24703
Interim Rule - Correction	06/27/84	49 FR 26231
Final Action	11/15/84	49 FR 45364
Final Action Effective	12/15/84	
Correction	12/17/84	49 FR 48927

Small Entity: Undetermined

Additional Information: Docket No. 84-24

Affected Sectors: 441 Deep Sea Foreign Transportation

Agency Contact: Robert G. Drew, Director, Bureau of Tariffs, Federal Maritime Commission, 1100 L Street, NW, Washington, DC 20573, 202 523-5796

RIN: 3072-AA39

FILING OF TARIFFS AND DUAL RATE CONTRACT SYSTEMS IN THE FOREIGN COMMERCE OF THE UNITED STATES

Priority: Agency Determination

Legal Authority: 46 USC app 1703 to 1705; 46 USC app 1707 to 1709; 46 USC app 1714 to 1716

CFR Citation: 46 CFR 580.16

Abstract: This rule implements the new legislation as it applies to loyalty (dual rate) contracts by removing regulations contained in 46 CFR 538 governing the present use of such contracts and by amending the regulations contained in 46 CFR 580 governing the filing of tariffs by carriers and conferences of carriers.

Docket No. 84-23

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/17/84	49 FR 20817
Interim Rule - Response	06/14/84	49 FR 24696
Final Action	11/15/84	49 FR 45364
Final Action Effective	12/15/84	
Correction	12/17/84	49 FR 48927

Small Entity: Undetermined

Additional Information: Docket No. 84-23

Affected Sectors: 441 Deep Sea Foreign Transportation

Agency Contact: Robert G. Drew, Director, Bureau of Tariffs, Federal Maritime Commission, 1100 L Street, NW, Washington, DC 20573, 202 523-5796

RIN: 3072-AA40

PUBLISHING AND FILING TARIFFS BY COMMON CARRIERS IN THE FOREIGN COMMERCE OF THE UNITED STATES - SERVICE CONTRACTS AND TIME/VOLUME CONTRACTS

Priority: Agency Determination

Legal Authority: 46 USC app 1703 to 1705; 46 USC app 1707 to 1709; 46 USC app 1714 to 1716

CFR Citation: 46 CFR 580.7

Abstract: This rule governs the form and use of service contracts authorized by the Shipping Act of 1984 and time/volume and revenue contracts between shippers or shipper's associations and between ocean common carriers or conferences. A service contract is an agreement between a shipper and a carrier or conference wherein the shipper makes a commitment to provide a certain minimum amount of cargo over a fixed time period and the carrier commits to a certain rate or rate schedule and defined service level.

Docket No. 84-21

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/03/84	49 FR 18849
Interim Rule - Amendment	06/14/84	49 FR 24701
Final Action	11/15/84	49 FR 45364
Final Action Effective	12/15/84	
Correction	12/17/84	49 FR 48927

Small Entity: Undetermined

Additional Information: Docket No. 84-21

Affected Sectors: 441 Deep Sea Foreign Transportation

Agency Contact: Robert G. Drew, Director, Bureau of Tariffs, Federal Maritime Commission, 1100 L Street, NW, Washington, DC 20573, 202 523-5796

RIN: 3072-AA41

LICENSING OF OCEAN FREIGHT FORWARDERS

Priority: Agency Determination

Legal Authority: 46 USC app 1702; 46 USC app 1707; 46 USC app 1709; 46 USC app 1714; 46 USC app 1716; 46 USC app 1718

CFR Citation: 46 CFR 510

FMC

Completed Actions

Abstract: This rulemaking amends the Commission's regulations pertaining to the ocean freight forwarding industry to comply with the requirements of the Shipping Act of 1984. Other amendments have been made relating to, among others, forwarder-shipper affiliation notice requirements, invoicing, certification requirements, accounting to principals, anti-rebate policy declarations, and Federal Register notice requirements.

Docket No. 84-19

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/03/84	49 FR 18839
Final Action	09/14/84	49 FR 36296
Correction	10/01/84	49 FR 38544
Final Action Effective	10/15/84	

Small Entity: Undetermined

Additional Information: This rulemaking is docketed as Docket No. 84-19. It supersedes the rulemaking proceeding in Docket No. 83-35, which was discontinued on 04/24/84. It incorporated the changes to the forwarder regulations under consideration in Docket No. 83-35 and contains the required amendments to the forwarder regulations necessitated by passage of the Shipping Act of 1984 (46 USC app. 1701).

Affected Sectors: 446 Services Incidental to Water Transportation

Agency Contact: Jeremiah D. Hospital, Chief, Office of Freight Forwarders, Federal Maritime Commission, 1100 L Street, NW, Washington, DC 20573, 202 523-5843

RIN: 3072-AA42

APPLICATION OF THE SHIPPING ACT OF 1984 TO CERTAIN TRANSSHIPMENT AGREEMENTS - DOCKET NO. 84-37

Priority: Agency Determination

Legal Authority: 5 USC 553; 46 USC app 1715; 46 USC app 1716

CFR Citation: 46 CFR 572.104(ff)

Abstract: This proposed rule with request for public comment would clarify the status of certain transshipment agreements where one party operates in the foreign commerce of the United States, and therefore is subject to the Shipping Act of 1984, and another party that operates in the United States domestic offshore trades and is still subject to the Shipping Act, 1916. The proposed rule would consider the domestic segment of such arrangements involving a through movement of cargo via transshipment in the foreign commerce of the United States to also be in the foreign commerce of the United States and therefore subject to the Shipping Act of 1984.

Timetable:

Action	Date	FR Cite
ANPRM	12/14/84	49 FR 48764
ANPRM Comment Period Begin	12/24/84	
ANPRM Comment Period End	01/28/85	
Final Action	02/19/85	50 FR 6944
Final Action Effective	03/21/85	

Small Entity: No

Affected Sectors: 441 Deep Sea Foreign Transportation; 442 Deep Sea Domestic Transportation

Agency Contact: Joseph C. Polking, Director, Bureau of Agreements, Federal Maritime Commission, 1100 L Street, NW, Washington, DC 20573, 202 523-5787

RIN: 3072-AA43

RULES GOVERNING AGREEMENTS BY OCEAN COMMON CARRIERS AND OTHER PERSONS SUBJECT TO THE SHIPPING ACT OF 1984

Priority: Agency Determination

Legal Authority: 5 USC 553; 46 USC app 1701 to 1710; 46 USC app 1712; 46 USC app 1714 to 1717

CFR Citation: 46 CFR 572

Abstract: These interim and final rules implement those sections of the Shipping Act of 1984 that govern agreements by or among ocean common carriers and other persons subject to the Act in the foreign commerce of the United States. The final rules will indicate the extent to which the authority conferred by agreements involving concerted activity needs to be express and specific, as to leave no doubt as to the activities being specifically authorized, including any limitations or restrictions upon such activities. Included in the rules are provisions that 1) define an "agreement", 2) set forth those types of agreements that are within the scope of the Act, 3) require parties to an agreement to file a copy of the agreement and other information, 4) establish procedures for Commission review and exemption and 5) for the filing of minutes and other reports.

Docket No. 84-26

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/29/84	49 FR 22296
Interim Rule - Amendment	06/14/84	49 FR 24697
Interim Rule - Modification	06/14/84	49 FR 24521
Final Action	11/15/84	49 FR 45320
Final Action Effective	12/15/84	
Correction	12/17/84	49 FR 48927
Correction	02/19/85	50 FR 6943

Small Entity: Undetermined

Additional Information: Docket No. 84-26

Affected Sectors: 441 Deep Sea Foreign Transportation; 446 Services Incidental to Water Transportation

Agency Contact: Joseph C. Polking, Director, Bureau of Agreements, Federal Maritime Commission, 1100 L Street, NW, Washington, DC 20573, 202 523-5787

RIN: 3072-AA44

ACTIONS THAT STARTED AND ENDED BETWEEN ISSUES OF THE UNIFIED AGENDA

● FINAL RULES IN SUBCHAPTER C - 46 CFR PARTS 550-569

Legal Authority: 5 USC 553; 46 USC app 801; 46 USC app 814; 46 USC app 816 to 817; 46 USC app 841a; 46 USC app 843 to 848

CFR Citation: 46 CFR 550 to 569

Abstract: As a result of the Shipping Act of 1984, many of the Commission's previous regulations are limited to the domestic trade and placed in Subchapter C, Parts 550-569.

Timetable:

Action	Date	FR Cite
Previous Final Rule	05/29/84	49 FR 22289
Final Action	10/01/84	49 FR 38836
Corrections	10/25/84	49 FR 42924
Final Action Effective	10/31/84	

Small Entity: No

FMC

Completed Actions

Agency Contact: John Robert Ewers, Director, Office of Regulatory Overview, Federal Maritime Commission, 1100 L Street, NW, Washington, DC 20573, 202 523-5866

RIN: 3072-AA52

● ACTIONS TO ADDRESS CONDITIONS UNDULY IMPAIRING ACCESS OF U.S.-FLAG VESSELS TO OCEAN TRADE BETWEEN FOREIGN PORTS

Priority: Agency Determination

Legal Authority: 5 USC 553; 46 USC app 1712(b)(5); 46 USC app 1714; 46 USC app 1716

CFR Citation: 46 CFR 587

Abstract: This final rule in Docket 84-22 implements section 13(b)(5) of the Shipping Act of 1984 by providing regulations on actions to address conditions unduly impairing access of U.S.-Flag vessels to Ocean trade between foreign ports.

Timetable:

Action	Date	FR Cite
Interim Rule (First Rule)	05/16/84	49 FR 20654
Correction to Interim Rule	05/24/84	49 FR 21931
Comments on Intermin Rule due	08/14/84	
Final Action - Final Revision of Part 587	11/15/84	49 FR 45397
Final Action Effective	12/15/84	

Small Entity: No

Agency Contact: Robert A. Ellsworth, Director, Office of Policy Planning, Federal Maritime Commission, 1100 L Street, NW, Washington, DC 20573, 202 523-5870

RIN: 3072-AA57

● REGULATIONS TO ADJUST OR MEET CONDITIONS UNFAVORABLE TO SHIPPING IN THE FOREIGN TRADE OF THE UNITED STATES

Legal Authority: 5 USC 553; 46 USC app 876(1)(b); 46 USC app 1714; 46 USC app 1716; Reorg Plan No 7 of 1961 (75 Stat 840)

CFR Citation: 46 CFR 585

Abstract: This final rule makes technical and style changes to regulations to Adjust or Meet Conditions Unfavorable to Shipping in the Foreign trade of the United States and redesignates this former Part 506 as Part 585 of Title 46 CFR.

Timetable:

Action	Date	FR Cite
Final Rule - Part 585 First Revision	05/17/84	49 FR 20816
Final Action - Final Revision of Part 585	11/15/84	49 FR 45397
Final Action Effective	12/15/84	
Corrections	12/17/84	49 FR 48927

Small Entity: No

Agency Contact: Robert A. Ellsworth, Director, Office of Policy Planning, Federal Maritime Commission, 1100 L Street, NW, Washington, DC 20573, 202 523-5870

RIN: 3072-AA58

● FINAL RULES IN SUBCHAPTER A; GENERAL AND ADMINISTRATIVE PROVISIONS

Priority: Agency Determination

Legal Authority: 5 USC 552 to 553; 5 USC 559; 18 USC 207 to 208; 42 USC 4332(2)(b); 42 USC 6362; 46 USC app 817; 46 USC app 820 to 821; 46 USC app 826; 46 USC app 831; 46 USC app 841a; 46 USC app 1705; 46 USC app 1707 to 1716; 46 USC app 1111; 46 USC app 1114(b); 5 CFR 535; ...

CFR Citation: 46 CFR 500; 46 CFR 501; 46 CFR 502; 46 CFR 503; 46 CFR 504; 46 CFR 505

Abstract: Subchapter A (General and Administrative Provisions) is being completely revised and updated to implement the Shipping Act of 1984, to make technical and style corrections, and to provide for more effective regulations. The parts revised are Part 500 - Standards of Conduct; 501 - Seal; 502 - Rules of Practice and Procedure; 503 - Public Information; 504 - Procedures for Environmental Policy Analysis; and 505 - Compromise, Assessment and Settlement of Civil Penalties.

Timetable:

Action	Date	FR Cite
Final Rules Parts 500-505, First Revision	04/23/84	49 FR 16694
NPRM Part 505	05/03/84	49 FR 18874
NPRM Comment Period Begin	05/03/84	
Correction - Part 505 Comment Date	06/01/84	49 FR 22837
NPRM Comment Period End	06/18/84	
Final Action - Final Revision of Subchapter A	11/06/84	49 FR 44362
Correction	12/04/84	49 FR 47393
Final Action Effective	12/06/84	

Small Entity: No

Agency Contact: Francis C. Hurney, Secretary, Federal Maritime Commission, 1100 L Street, NW, Washington, DC 20573, 202 523-5725

RIN: 3072-AA59

[FR Doc. 85-6401 Filed 04-26-85; 8:45 am]
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Monday
April 29, 1985

Part LIII

Federal Reserve System

Semiannual Regulatory Agenda

FRS

FEDERAL RESERVE SYSTEM

12 CFR Ch. II

Semiannual Regulatory Flexibility Agenda

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Semiannual agenda.

SUMMARY: The Board is issuing this Agenda under the Regulatory Flexibility Act and the Board's Statement of Policy Regarding Expanded Rulemaking Procedures. The Board anticipates having under consideration regulatory matters as indicated below during the period from April 1 through October 1, 1985. The next Semiannual Agenda will be published in October 1985.

DATE: Comments about the form or content of the Agenda may be submitted any time during the next six months.

ADDRESS: Comments should be addressed to William W. Wiles, Secretary of the Board, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

FOR FURTHER INFORMATION CONTACT: A staff contact for each item is indicated with the regulatory description below.

SUPPLEMENTARY INFORMATION: The Board is publishing its April 1985 Agenda as part of the April 1985 Unified Agenda of Federal Regulations, which is coordinated by the Office of Management and Budget under Executive Order 12291. Participation by the Board in the Unified Agenda is on a voluntary basis.

The Board's Agenda is divided into three sections. The first, Current and Projected Rulemakings, reports on regulatory matters that have been proposed and are under Board consideration, and other regulatory matters (designated by a plus sign (+)) the Board may consider for public comment during the next six months. The second section, Existing Regulations Under Review, reports on any major regulatory reviews under the Board's Regulatory Improvement Project that are scheduled for the next 12 months. A third section, Completed Rulemaking, reports on regulatory matters the Board has completed or is not expected to consider further.

A dot (●) preceding an entry indicates a new matter that was not a part of the Board's previous Agenda, and which the Board has not completed.

Barbara R. Lowrey,

Associate Secretary of the Board.

Current and Projected Rulemakings

Sequence Number	Title	Regulation Identifier Number
1	Regulation: B - Equal Credit Opportunity (Docket Number: R-0473)	7100-AA28
2	+ Regulation: F - Securities of State Member Banks	7100-AA32
3	+ Regulation: G - Securities Credit by Persons other than Banks, Brokers, or Dealers (Docket Number: R-0529)	7100-AA54
4	+ Regulation: J - Collection of Checks and Other Items and Wire Transfers of Funds	7100-AA55
5	Regulation: K - International Banking Operations (Docket Number: R-0498)	7100-AA35
6	Regulation: K - International Banking Operations (Docket Number: R-0520)	7100-AA44
7	Regulation: Q - Interest on Deposits (Docket Number: R-0514)	7100-AA36
8	+ Regulation: Q - Interest on Deposits	7100-AA56
9	Regulation: T - Credit by Brokers and Dealers (Docket Number: R-0538)	7100-AA53
10	+ Regulation: U - Credit by Banks For The Purpose of Purchasing or Carrying Margin Stocks (Docket Number: R-0510)	7100-AA38
11	Regulation: Y - Bank Holding Companies and Change in Bank Control (Docket Number: R-0511)	7100-AA17
12	Regulation: Y - Bank Holding Companies and Change in Bank Control (Docket Number: R-0491)	7100-AA40
13	+ Regulation: Y - Bank Holding Companies and Change in Bank Control	7100-AA41
14	Regulation: Y - Bank Holding Companies and Change in Bank Control (Docket Number: R-0537)	7100-AA52
15	Regulation: Y - Bank Holding Companies and Change in Bank Control (Docket Number: R-0536)	7100-AA51
16	Regulations: Y - Bank Holding Companies and Change in Bank Control; Regulation: H - "State Bank Membership"; and Rules of Practice for Hearings (Docket Number: R-0526)	7100-AA45
17	+ Regulation: Z - Truth in Lending	7100-AA50
18	Regulation: AA - Unfair or Deceptive Acts or Practices (Docket Number: R-0006)	7100-AA42
19	+ Regulation: AA - Unfair or Deceptive Acts or Practices	7100-AA49
20	Regulation: Equal Employment Opportunity (Docket Number: R-0527)	7100-AA46
21	Proposals to Reduce Risk on Large Dollar Transfer Systems (Docket Number: R-0515)	7100-AA47

+ Indicates regulatory matter the Board may consider for public comment

Existing Regulations Under Review

Sequence Number	Title	Regulation Identifier Number
22	Regulatory Improvement Project	7100-AA14

FRS

Completed Actions

Sequence Number	Title	Regulation Identifier Number
23	Regulation: E - Electronic Fund Transfers (Docket Number: R-0502)	7100-AA34
24	Regulation: J - Collection of Checks and Other Items and Wire Transfers of Funds (Docket Number: R-0357 and R-0522)	7100-AA43
25	Regulation: Y - Bank Holding Companies and Change in Bank Control	7100-AA26
26	Regulation: Z - Truth in Lending (Docket Number: R-0501)	7100-AA37

FEDERAL RESERVE SYSTEM (FRS) — Current and Projected Rulemakings

1. REGULATION: B - EQUAL CREDIT OPPORTUNITY (DOCKET NUMBER: R-0473)

Legal Authority: 15 USC 1691b Equal Credit Opportunity Act

CFR Citation: 12 CFR 202

Abstract: In March 1985, the Board published for comment proposed revisions to Regulation B (cite not yet available). The proposal stems from the Board's commitment to review its regulations every five years. The review of Regulation B focussed on how the regulation could be clarified, and whether any burdens on creditors could be reduced without diminishing consumer protections.

The proposal contains some technical changes, including a streamlined procedure dealing with incomplete applications and a broader selection of sample forms for informing applicants of the reasons for a credit denial. The proposal also would change the data notation requirements applicable to residential mortgage transactions and revise the definition of "applicant" to give a guarantor (who already has certain protections under Regulation B) legal standing in the courts when there is an alleged violation of the regulation. The Board is also publishing for comment an official staff commentary that would replace existing staff and Board Interpretations.

The proposal would apply to all creditors equally. Small (cont)

Timetable:

Action	Date	FR Cite
ANPRM	06/21/83	48 FR 28285
Propose specific revisions for comment	03/01/85	

Small Entity: No

Additional Information: ABSTRACT CONT:creditors will incur some additional burden in complying with the expanded monitoring data requirements, but the shortening of the regulation and the clarification and streamlining of other rules such as treatment of incomplete applications, should reduce some burdens and the addition of a staff commentary and sample notice forms should make compliance easier for small creditors

Agency Contact: Lucy Griffin or John Wood, Senior Attorneys, Federal Reserve System, Division of Consumer and Community Affairs, **202 452-2412**

RIN: 7100-AA28

2. + REGULATION: F - SECURITIES OF STATE MEMBER BANKS

Legal Authority: 15 USC 78(l) Securities Exchange Act of 1934

CFR Citation: 12 CFR 206

Abstract: The Board will consider issuing for comment a proposal to amend Regulation F to conform that regulation with a series of recent changes in the securities disclosure regulations of the Securities and Exchange Commission. Pursuant to section 12(i) of the Securities Exchange Act of 1934, the Board is required to periodically update its securities disclosure regulations to make them substantially identical to comparable regulations of the Securities and Exchange Commission or to publish reasons why they should not be so revised.

Adoption of the proposal is not expected to have a significant economic impact on a substantial number of small member banks, since only a few banks are subject to the Board's regulation and the revisions of the disclosure requirements are not likely to be severe.

Timetable:

Action	Date	FR Cite
Board will consider issuing for comment a proposal to amend Regulation F by	10/00/85	

Small Entity: No

Additional Information: ADDITIONAL AGENCY CONTACT: J. Virgil Mattingly, Associate General Counsel, Legal Division, (202) 452-3430.

Agency Contact: Walter McEwen, Attorney, Federal Reserve System, Legal Division, **202 452-3321**

RIN: 7100-AA32

3. ● + REGULATION: G - SECURITIES CREDIT BY PERSONS OTHER THAN BANKS, BROKERS, OR DEALERS (DOCKET NUMBER: R-0529)

Legal Authority: 15 USC 78g Securities Exchange Act of 1934, as amended; 15 USC 78h Securities Exchange Act of 1934, as amended; 15 USC 78w Securities Exchange Act of 1934, as amended

CFR Citation: 12 CFR 207

Abstract: The Board will consider proposing for public comment an amendment to Regulation G that would provide an exemption for lenders subject to that regulation who make loans to qualified employee stock option plans (ESOPs). If adopted by the Board, the exemption would parallel one already provided to lenders subject to Regulation U (Credit by Bankers for the Purpose of Purchasing or Carrying Margin Stocks). Currently, Regulation G

lenders must comply with the margin requirements if they make loans to ESOPs and secure that loan by margin stock. It is not anticipated that the proposal would have a substantial impact on a significant number of small firms.

Timetable:

Action	Date	FR Cite
Board will consider issuing proposal for public comment by	04/00/85	

Small Entity: No

Additional Information: ADDITIONAL AGENCY CONTACT: Robert Lord, Attorney, Division of Banking Supervision and Regulation, (202) 452-2781.

Agency Contact: Laura Homer, Securities Credit Officer, Federal Reserve System, Div of Banking Supervision and Regulation, 202 452-2781

RIN: 7100-AA54

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4. ● +REGULATION: J - COLLECTION OF CHECKS AND OTHER ITEMS AND WIRE TRANSFERS OF FUNDS

Legal Authority: 12 USC 342 Federal Reserve Act; 12 USC 248(o) Federal Reserve Act; 12 USC 360 Federal Reserve Act; 12 USC 248(i) Federal Reserve Act

CFR Citation: 12 CFR 210

Abstract: The Board will consider issuing for public comment proposed amendments to Regulation J intended to clarify certain issues that have arisen regarding Federal Reserve payments mechanism activities. The amendments would include (1) permitting the owner or other subsequent holder injured by a Reserve Bank's alleged failure to exercise ordinary care in handling a check to bring suit against the Reserve Bank; (2) establishing a two-year limitation for actions against a Reserve Bank for alleged mishandling of the collection checks or processing wire transfers and for actions against payor institutions for failure to follow the notification of nonpayment requirement; (3) permitting Reserve Banks to require any prior endorser to defend a suit even if the Reserve Bank has not been sued directly; (4) authorizing depository institutions to deposit with Reserve Banks for collection checks drawn on institutions in foreign countries where Reserve Banks have made arrangements for their collection; (5) clarifying that Reserve Banks are not liable for consequential damages in handling wire transfers; (6) adding the northern Mariana Islands to the Twelfth District for (cont)

Timetable:

Action	Date	FR Cite
Board will consider issuing for comment a proposal to amend Regulation J by	04/00/85	

Small Entity: No

Additional Information: ABSTRACT CONT: check collection purposes; and (7) clarifying the definitions in subpart A by incorporating by reference definitions in the uniform commercial code.

It is not expected that the proposals will have a significant economic impact on a substantial number of small entities.

Agency Contact: Joseph R. Alexander, Attorney, Federal Reserve System, Legal Division, 202 452-2489

RIN: 7100-AA55

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5. REGULATION: K - INTERNATIONAL BANKING OPERATIONS (DOCKET NUMBER: R-0498)

Legal Authority: 12 USC 3901 et seq International Lending Supervision Act, 1983

CFR Citation: 12 CFR 211

Abstract: In February and March 1984, the Board adopted regulations implementing the International Lending Supervision Act of 1983 (Title IX, Pub. L. 98-181) with respect to maintenance of reserves against certain international assets, disclosure of information on international assets, and accounting rules for fees on certain international loans. In publishing these regulations the Board requested comment on whether and to what extent the Act should apply to U.S. branches, agencies, and commercial lending company subsidiaries of foreign banks. By action of February 13, 1984 (49 FR 5587, 5591), the Board left open the comment period on this issue in order to allow for further public comment.

If the Board determines to propose regulations affecting foreign banks under the Act, such regulations would not have a significant economic impact on a substantial number of small businesses since the rules would affect only international banks.

Timetable:

Action	Date	FR Cite
Board adopted regulations implementing the International Lending Supervision Act of 1983	02/13/84	49 FR 5591
Board adopted additional regulations	03/29/84	49 FR 12192
Board may propose further regulations by	12/00/85	

Small Entity: No

Additional Information: ADDITIONAL AGENCY CONTACT: Kathleen O'Day, Senior Counsel, Legal Division, (202) 452-3786.

Agency Contact: Michael G. Martinson, Projects Manager-International Activities, Federal Reserve System, Div of Banking Supervision and Regulation, 202 452-3621

RIN: 7100-AA35

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6. REGULATION: K - INTERNATIONAL BANKING OPERATIONS (DOCKET NUMBER: R-0520)

Legal Authority: 12 USC 601 to 604a; 12 USC 611 et seq; 12 USC 1841 et seq

CFR Citation: 12 CFR 211

Abstract: In June 1984, the Board proposed for comment revisions to its Regulation K governing the international operations of U.S. banking organizations (49 FR 26002, June 25, 1984). The review and proposed revision of the regulation were undertaken pursuant to a provision of the International Banking Act of 1978 which requires a review every five years of the rules governing Edge Corporations.

The proposed regulation presents several alternatives designed to enable Edge Corporations to provide a broader range of banking services than is currently permitted in order to improve the competitive position of Edge Corporations. This rule incorporates,

with several modifications, a previous proposal that was published for comment in February 1979 (44 FR 10509, February 21, 1979). Other major provisions include an increase in the Edge Corporation lending limit; a change in the capitalization requirement to conform to the Board's Capital Adequacy Guidelines; relaxation of the limits on investments in other organizations; establishment of procedures governing a change in control of an Edge Corporation; and several (cont)

Timetable:

Action	Date	FR Cite
Proposal to improve competitive position of Edge Corporations	02/21/79	44 FR 10509
Earlier proposal included in revised Regulation K	06/25/84	49 FR 26002
Comment period extended until	10/12/84	49 FR 33895
Further Board action by	04/00/85	

Small Entity: No

Additional Information: ABSTRACT CONT: provisions governing U.S. operations of foreign banks.

It is not expected that the revisions would have a significant economic impact on a substantial number of small businesses. The Board will review the public comments and is expected to take further action within the near future.

ADDITIONAL AGENCY CONTACT: James S. Keller, Manager, International Banking Applications, Division of Banking Supervision and Regulation, (202) 452-2523.

Agency Contact: Kathleen O'Day, Senior Counsel, Federal Reserve System, Legal Division, **202 452-3786**

RIN: 7100-AA44

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7. REGULATION: Q - INTEREST ON DEPOSITS (DOCKET NUMBER: R-0514)

Legal Authority: 12 USC 371b

CFR Citation: 12 CFR 217

Abstract: In March 1984, the Board proposed amendments to its rules concerning advertising interest on deposits to incorporate a policy statement concerning advertisements for split rate time deposits and for deposits used as Individual Retirement Account (IRA) investments (49 FR 11642, March 27, 1984). Under the proposal, in the case of a split rate account where a schedule of fixed rates to be paid is established in advance and the first rate to be paid is higher than subsequent rates, the Board would regard any advertisement of a rate as misleading unless the advertisement includes each rate to be paid in equal size type together with a conspicuous statement as to how long each rate will be in effect and a conspicuous statement of the average effective annual yield. In addition, advertisements should refer to IRAs as "tax deferred" and not as "tax exempt" or "tax free." The proposal would not adversely affect small businesses because no additional reporting or recordkeeping requirements are imposed.

The Board will review the public comments and is expected to take further action during the next six months.

Timetable:

Action	Date	FR Cite
Board proposed amendments	03/27/84	49 FR 11642
Next Board action by	10/00/85	

Small Entity: No

Agency Contact: Daniel L. Rhoads, Attorney, Federal Reserve System, Legal Division, **202 452-3711**

RIN: 7100-AA36

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8. ● +REGULATION: Q - INTEREST ON DEPOSITS

Legal Authority: 12 USC 371b

CFR Citation: 12 CFR 217

Abstract: In March 1984, the Board proposed amendments to its rules concerning advertising interest on deposits to incorporate a policy statement regarding advertisements for split-rate time deposits and for deposits used as Individual Retirement Account investments. (See entry RIN: 7100-AA36). In response to comments received in that proceeding, the Board may consider whether to propose amending Regulation Q further in order to update and incorporate all the Board's existing requirements governing advertisement of interest on deposits. The Board might also request comment on whether additional requirements are necessary to provide depositors with accurate and adequate information in advertisements or at the time of opening an account. It has been suggested by some that such new requirements should be imposed to enable depositors to evaluate the many deposit options now available as a result of deregulation of interest rates. If the Board proposes any new rules, they are not likely to be severe nor to require reporting or recordkeeping. Therefore, it is expected that any such proposals would not have a significant adverse effect on small entities.

Timetable:

Action	Date	FR Cite
Board will consider issuing for comment a proposal to amend Regulation Q by	10/00/85	

Small Entity: No

Agency Contact: John Harry Jorgenson, Senior Attorney, Federal Reserve System, Legal Division, **202 452-3778**

RIN: 7100-AA56

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9. ● REGULATION: T - CREDIT BY BROKERS AND DEALERS (DOCKET NUMBER: R-0538)

Legal Authority: 15 USC 78g Securities Exchange Act of 1934, as amended; 15 USC 78w Securities Exchange Act of 1934, as amended

CFR Citation: 12 CFR 220

Abstract: In February 1985, the Board proposed for comment an amendment to Regulation T that would set the initial margin requirement for the writing of options on equity securities at the same level as the maintenance margin that is required by the national securities exchange or association and that has been approved by the Securities and Exchange Commission (50 FR 5766, February 12, 1985). Currently, the margin requirement for these instruments is set at 30 percent of the value of the underlying securities plus any unrealized loss or minus any unrealized gain. If adopted, the margin for writing options on equity securities will be similar to that of the writing of other options, that is, the initial margin will be identical to that of the

Securities and Exchange Commission approved maintenance margin. It is not anticipated that this proposal would have a significant impact on a substantial number of small firms. The Board will review the comments and is expected to take further action within the next six months.

Timetable:

Action	Date	FR Cite
Board requested comment	02/12/85	50 FR 5766
Further Board action by	10/00/85	

Small Entity: No

Additional Information: ADDITIONAL AGENCY CONTACT: Carolyn Davis, Economist, Division of Research and Statistics, (202) 452-3633.

Agency Contact: Laura Homer, Securities Credit Officer, Federal Reserve System, Div. of Banking Supervision and Regulation, 202 452-2781

RIN: 7100-AA53

10. + REGULATION: U - CREDIT BY BANKS FOR THE PURPOSE OF PURCHASING OR CARRYING MARGIN STOCKS (DOCKET NUMBER: R-0510)

Legal Authority: 15 USC 78g Securities Exchange Act of 1934, as amended; 15 USC 78h Securities Exchange Act of 1934, as amended; 15 USC 78w Securities Exchange Act of 1934, as amended

CFR Citation: 12 CFR 221

Abstract: In 1985, the Board may review a proposal submitted on behalf of a banking institution calling for an amendment to Regulation U that would permit banks to extend credit for options transactions in the same manner that broker-dealers may do so under Regulation T (Credit by Brokers and Dealers). In particular, the petitioner has requested the Board to change, if necessary, what is perceived to be a regulatory disparity between the treatment of banks and broker-dealers with respect to the financing of options transactions.

It is not anticipated that this proposal would affect a significant portion of the overall lending activities of a substantial number of small firms.

Timetable:

Action	Date	FR Cite
Board may review a proposal to amend Regulation U by	12/00/85	

Small Entity: No

Additional Information: ADDITIONAL AGENCY CONTACTS: Robert Lord, Attorney; and Susan S. Meyers Securities Regulation Analyst, Division of Banking Supervision and Regulation, (202) 452-2781.

Agency Contact: Laura Homer, Securities Credit Officer, Federal Reserve System, Div. of Banking Supervision and Regulation, 202 452-2781

RIN: 7100-AA38

11. REGULATION: Y - BANK HOLDING COMPANIES AND CHANGE IN BANK CONTROL (DOCKET NUMBER: R-0511)

Legal Authority: 12 USC 1843(c)(8) Bank Holding Company Act

CFR Citation: 12 CFR 225

Abstract: In March 1984, the Board proposed for public comment an amendment to Regulation Y that would list certain additional nonbanking activities as generally permissible for bank holding companies under section 4(c)(8) of the Bank Holding Company Act and that may be applied for under the procedures of that section (49 FR 9215, March 12, 1984). The activities proposed to be included in Regulation Y for the first time include: 1. commodity trading advisory services; 2. check guaranty services; 3. consumer financial counseling; 4. armored car services; 5. tax planning and tax preparation; and 6. operating a credit agency and credit bureau.

Consumer financial counseling and check guaranty services have been permitted previously by Board order on individual applications.

In addition the Board has proposed to expand the activities of property appraisal and providing advice in connection with future commission merchant activities. These activities have been included previously in the list of permissible activities (cont)

Timetable:

Action	Date	FR Cite
Board requested comment	03/12/84	49 FR 9215
Further Board action by	06/00/85	

Small Entity: No

Additional Information: ABSTRACT CONT: in Regulation Y, although in a more restricted manner.

The Board has proposed to define and clarify the insurance agency and underwriting activities generally permissible for bank holding companies so as to conform the regulation to Title VI of the Garn-St. Germain Depository Institutions Act, which was adopted in October 1982.

Adoption of the proposal would enable bank holding companies to engage in additional activities and would impose no additional burden on any bank holding company.

The Board will review the comments and is expected to take further action within the next three months.

Agency Contact: James Scott, Attorney Federal Reserve System, Legal Division 202 452-3779

RIN: 7100-AA17

12. REGULATION: Y - BANK HOLDING COMPANIES AND CHANGE IN BANK CONTROL (DOCKET NUMBER: R-0491)

Legal Authority: 12 USC 1843(c)(8) Bank Holding Company Act

CFR Citation: 12 CFR 225

Abstract: In November 1983, the Board published for comment a proposal to eliminate the requirement in Regulation Y that bank holding companies engaging in credit life and credit accident and health insurance underwriting provide rate reductions or increased policy benefits in order to engage in this activity (48 FR 53125, November 25, 1983.) The Board took this action as a result of the suggestions of several commenters to the Board's recent revision of Regulation Y, who advocated elimination of the rate reduction requirement from the regulation. These commenters stated that in their view the requirement puts bank holding companies at a competitive disadvantage with respect to other providers of this service, and that they knew of no significant

evidence that the performance of this activity has resulted in the adverse effects on the public considered by the Board in its 1972 decision approving this activity. It is expected that adoption of this proposal would lead to a relaxation of the regulatory burden on bank holding companies which engage in this activity.

The Board will review the public comments and is expected to take further action within the next three months.

Timetable:

Action	Date	FR Cite
Board requested comment	11/25/83	48 FR 53125
Further Board action by	06/00/85	

Small Entity: No

Additional Information: ADDITIONAL AGENCY CONTACT: Michael J. O'Rourke, Attorney, Legal Division, (202) 452-3288.

Agency Contact: J. Virgil Mattingly, Associate General Counsel, Federal Reserve System, Legal Division, 202 452-3430

RIN: 7100-AA40

13. + REGULATION: Y - BANK HOLDING COMPANIES AND CHANGE IN BANK CONTROL

Legal Authority: 12 USC 1843 Bank Holding Company Act; 12 USC 1844(b) Bank Holding Company Act

CFR Citation: 12 CFR 225

Abstract: A provision of Regulation Y permits a state bank subsidiary of a bank holding company to engage through a nonbank subsidiary in any activity that is permissible under state law for the bank subsidiary itself, subject to the same limits as if the bank engages in the activity directly. (A similar rule applies to national bank subsidiaries regarding activities permissible for such banks under federal law.) The Board received comments on this provision in connection with its general request for comments in May 1983 regarding the proposed revision of Regulation Y. Some of the commenters challenged the Board's authority to issue this provision, although it has been part of Regulation Y since 1971. In taking final action on the revision of Regulation Y, the Board deferred consideration of the comments on this provision and allowed the existing rule to remain in effect in the interim (49 FR 794, January 5, 1984).

The Board plans to review this provision of the regulation in the near future. A determination to reverse the rule could have an adverse impact on many small banks that are subsidiaries of holding companies because they might be required to (cont)

Timetable:

Action	Date	FR Cite
Board requested comments	05/25/83	48 FR 23520
Board allows existing rule to remain in effect	01/05/84	49 FR 794
Board will review further by	10/00/85	

Small Entity: Yes

Additional Information: ABSTRACT CONT: restructure their nonbanking activities or to take other action.

Agency Contact: J. Virgil Mattingly, Associate General Counsel, Federal Reserve System, Legal Division, 202 452-3430

RIN: 7100-AA41

14. ● REGULATION: Y - BANK HOLDING COMPANIES AND CHANGE IN BANK CONTROL (DOCKET NUMBER: R-0537)

Legal Authority: 12 USC 1841 Bank Holding Company Act; 12 USC 221 Federal Reserve Act; 12 USC 3901 International Lending Supervision Act of 1983

CFR Citation: 12 CFR 225

Abstract: In January 1985, the Board requested public comment regarding whether, and to what extent, the Board should exercise its authority under the Bank Holding Company Act, the Federal Reserve Act, and the International Lending Supervision Act to authorize or limit the conduct of real estate investment activities by bank holding companies and their nonbank subsidiaries (50 FR 4519, January 31, 1985). The Board has not proposed a specific regulation at this time, and has only requested comment on the general question of whether, and in what direction Board regulation in this area is appropriate. In the event the Board determines to propose a regulation in this area, the public will be invited to comment on the regulation. Comment in this area was requested in response to enactment of a number of state laws that have recently authorized state banks to conduct a broad array of nonbanking activities that previously were not authorized for state banks or bank holding companies, including real estate investment activities. Until the Board reviews the public comments on this activity, it is unclear whether the Board will act in this area or (cont)

Timetable:

Action	Date	FR Cite
ANPRM	01/31/85	50 FR 4519
Further Board action by	10/00/85	

Small Entity: Yes

Additional Information: ABSTRACT CONT: what specific action the Board may take. Therefore, the effect on small entities cannot be accurately predicted. However, if the Board should take restrictive measures, bank holding companies of all sizes and their subsidiaries participating in this activity would be affected.

Agency Contact: J. Virgil Mattingly, Associate General Counsel, Federal Reserve System, Legal Division, 202 452-3430

RIN: 7100-AA52

15. ● REGULATION: Y - BANK HOLDING COMPANIES AND CHANGE IN BANK CONTROL (DOCKET NUMBER: R-0536)

Legal Authority: 12 USC 1841 et seq Bank Holding Company Act

CFR Citation: 12 CFR 225

Abstract: In January 1985, the Board requested public comment as to whether the Board should permit bank holding companies that own nonbank banks to provide internal administrative services to, and establish management interlocks with, those nonbank banks (50 FR 2057, January 15, 1985). ("Nonbank banks" are institutions that are chartered as banks but which either do not accept demand deposits or do not make commercial loans.) The Board took this action to resolve a number of questions that had been raised regarding the appropriate scope of relationships between nonbank banks and their affiliates. It is likely that any action the Board might take would primarily affect larger bank holding systems and would relax a requirement or prohibition.

Therefore, it is expected that Board action would not have a significant economic impact on a substantial number of small entities. The Board will review the public comments and take further action within the near future.

Timetable:

Action	Date	FR Cite
Board requested comment	01/15/85	50 FR 2057
Further Board action by	04/00/85	

Small Entity: No

Agency Contact: Carl Howard, Senior Counsel, Federal Reserve System, Legal Division, 202 452-3786

RIN: 7100-AA51

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16. REGULATIONS: Y - BANK HOLDING COMPANIES AND CHANGE IN BANK CONTROL; REGULATION: H - "STATE BANK MEMBERSHIP"; AND RULES OF PRACTICE FOR HEARINGS (DOCKET NUMBER: R-0526)

Legal Authority: 12 USC 3907 International Lending Supervision Act of 1983; 12 USC 3903 International Lending Supervision Act of 1983; 12 USC 1844(b) Bank Holding Company Act; 12 USC 1818 Financial Institutions Supervisory Act of 1966; 12 USC 248 Federal Reserve Act; 12 USC 324 Federal Reserve Act; 12 USC 329 Federal Reserve Act

CFR Citation: 12 CFR 208, Appendix A; 12 CFR 225, Appendix A; 12 CFR 263

Abstract: In July 1984, the Board proposed for comment amended Capital Adequacy Guidelines for bank holding companies and State member banks as well as a regulation embodying procedures to enforce these Guidelines (49 FR 30317, July 30, 1984). This proposal is designed to implement the requirement in the International Lending Supervision Act of 1983 that the Board "cause banking institutions to achieve and maintain adequate capital." The proposal seeks to establish uniform minimum capital levels for all federally regulated banks (in conjunction with the Federal Deposit Insurance Corporation and the Comptroller of the Currency). The proposal would also raise the minimum capital requirements for larger regional and multinational state member banks and bank holding companies, and would establish a uniform minimum capital level for large and small banks and bank holding companies. The impact on small institutions would be a slight easing of minimum primary capital requirements.

The Board will review the comments and is expected to take further action within the near future.

Timetable:

Action	Date	FR Cite
Board requested comment	07/30/84	49 FR 30317
Further Board action by	03/00/85	

Small Entity: No

Additional Information: ADDITIONAL AGENCY CONTACT: Richard Spillenkothen, Assistant Director, Division of Banking Supervision and Regulation, (202) 452-2594.

Agency Contact: James E. Scott, Senior Attorney, Federal Reserve System, Legal Division, 202 452-3513

RIN: 7100-AA45

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17. ● +REGULATION: Z - TRUTH IN LENDING

Legal Authority: 15 USC 1604, as amended Truth in Lending Act

CFR Citation: 12 CFR 226

Abstract: Regulation Z currently requires that creditors provide information to consumers regarding variable rate features in credit transactions. In the last several years, adjustable rate mortgages have become increasingly common and complex, and concern has been expressed in Congress and elsewhere as to whether Truth in Lending disclosures adequately convey to consumers the terms and potential costs of these mortgages. The Board, as the agency charged with implementing the Truth in Lending Act, is considering whether to propose more extensive disclosure of the variable rate feature in order to provide consumers with the information needed for informed credit decisions, in keeping with the purpose of Truth in Lending. It is likely that any proposed amendment would involve an expansion of section 226.18(f) of the regulation, which outlines the required variable rate information, and that such an amendment might be limited to mortgage transactions. The Board is also concerned about the creditor burdens associated with compliance with the variable rate regulations of several federal agencies and will consider what actions could be taken to minimize (cont)

Timetable:

Action	Date	FR Cite
Board to determine appropriate action by	10/00/85	

Small Entity: Yes

Additional Information: ABSTRACT CONT: the burdens of overlapping regulation in this area.

If the Board adopts revisions, mortgage creditors, including small business engaged in mortgage lending, could incur some costs in implementing the revised disclosure by revising and reprinting forms and changing certain procedures to comply with the requirement. Before any final action, the Board would consider appropriate actions to minimize the burdens and costs of compliance.

Agency Contact: Margaret Stewart or Susan Werthan, Senior Attorneys, Federal Reserve System, Division of Consumer and Community Affairs, 202 452-2412

RIN: 7100-AA50

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18. REGULATION: AA - UNFAIR OR DECEPTIVE ACTS OR PRACTICES (DOCKET NUMBER: R-0006)

Legal Authority: 15 USC 57a Federal Trade Commission Act

CFR Citation: 12 CFR 227

Abstract: The Federal Trade Commission (FTC) Act requires that whenever the FTC enacts a rule covering unfair or deceptive acts or practices, the Federal Reserve Board must, within 60 days of the rule's effective date, promulgate a substantially similar rule governing banks. The Board may decline to issue such a rule only if the Board determines that such acts or practices of banks are not unfair or deceptive or that implementation of the rule with respect to banks would seriously conflict with essential monetary and payment systems policies of the Board.

In March 1984, the FTC published a trade regulations rule known as the Credit Practices Rule (49 FR 7740, March 1, 1984), which will prohibit certain provisions that sometimes appear in consumer credit contracts to aid in the collection of unpaid debts. It

will also impose certain specific disclosure and contractual requirements on creditors. The rule will go into effect on March 1, 1985 and will apply only to non-financial institution creditors.

When the FTC first published the proposed Credit Practices Rule in 1975, the Board published a substantially similar (cont)

Timetable:

Action	Date	FR Cite
FTC proposed Credit Practices Rule	04/00/75	40 FR 16347
Similar proposal published by Board	04/00/75	40 FR 19495
FTC adopted Credit Practices Rule	03/01/84	49 FR 7740
Board published similar proposal	11/30/84	49 FR 47041
Board to determine action by	05/00/85	

Small Entity: Yes

Additional Information: ABSTRACT CONT: proposal (40 FR 19495). The Board received public comments and made them available to the FTC. In November 1984, the Board published for comment a proposal substantially similar to the FTC's final Credit Practices Rule (49 FR 47041, November 30, 1984), and requested comment on whether the FTC's rule should apply to banks. The Board will review the public comments and is expected to take further action within the near future.

Agency Contact: Steven Zeisel or Richard Garabedian, Staff Attorneys, Federal Reserve System, Division of Consumer and Community Affairs, **202 452-3867**

RIN: 7100-AA42

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19. ● +REGULATION: AA - UNFAIR OR DECEPTIVE ACTS OR PRACTICES

Legal Authority: 15 USC 57a Federal Trade Commission Act

CFR Citation: 12 CFR 227

Abstract: In November 1984, the Federal Trade Commission (FTC) published a final trade regulation rule on the sale of used motor vehicles, known as the "Used Car Rule," (49 FR 45692 November 29, 1984), effective May 9, 1985. In adopting the Used Car Rule, the FTC specifically excluded banks and other financial institutions from the rule's "dealer" definition. This conclusion was based upon the determination that banks do not engage in the sale of used motor vehicles in a retail sales environment, and, absent such an environment, the risk of the deceptive practices found to be characteristic of used car sales presentations was substantially diminished.

The FTC Act, generally, requires the Federal Reserve Board to issue a substantially similar rule to prohibit substantially similar acts or practices of banks within 60 days of the effective date of an FTC rule covering unfair or deceptive acts or practices. The Act provides that the Board may decline to issue a rule if the Board determines that such acts or practices of banks are not unfair or deceptive or that (cont)

Timetable:

Action	Date	FR Cite
FTC adopted the "Use Car Rule"	11/29/84	49 FR 45692
Board to determine appropriate action by	04/00/85	

Small Entity: No

Additional Information: ABSTRACT CONT: implementation of the rule with respect to banks would seriously conflict with essential monetary and payment systems policies of the Board.

The Board is currently examining the rule, the FTC's conclusion, and its responsibilities under the FTC Act to determine whether any action by the Board would be necessary or appropriate. To the extent that the Board takes any action, it is unlikely that the action would have a significant impact on a substantial number of small entities.

Agency Contact: Gerald Hurst, Senior Attorney, Federal Reserve System, Division of Consumer and Community Affairs, **202 452-3667**

RIN: 7100-AA49

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20. REGULATION: EQUAL EMPLOYMENT OPPORTUNITY (DOCKET NUMBER: R-0527)

Legal Authority: 12 USC 248(I) Federal Reserve Act, Sec 11(I)

CFR Citation: 12 CFR 268

Abstract: In August 1984, the Board issued for public comment proposals to revise and expand its Equal Employment Opportunity regulation for the following purposes: (1.) to conform the regulation in so far as possible to existing regulations of the Equal Employment Opportunity Commission governing the substantive rights of employees and applicants for employment with Federal agencies; (2.) to designate clear responsibility for equal employment opportunity functions in light of changes in the Board's organizational structure; and (3.) to prohibit discrimination against the handicapped in programs and activities conducted by the Board.

It is not expected that this proposal would have a significant economic impact on a substantial number of small entities as it focuses primarily on Board personnel and management policies and practices.

The Board will review the public comments and is expected to take further action during the next six months.

Timetable:

Action	Date	FR Cite
Board requested comment	08/24/84	49 FR 33822
Further Board action by	10/00/85	

Small Entity: No

Additional Information: ADDITIONAL AGENCY CONTACT: Stephen L. Siciliano, Senior Counsel, Legal Division, (202) 452-3920.

Agency Contact: Portia Thompson, EEO Programs Officer, Federal Reserve System, Office of Staff Director for Management, **202 452-3549**

RIN: 7100-AA46

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21. PROPOSALS TO REDUCE RISK ON LARGE DOLLAR TRANSFER SYSTEMS (DOCKET NUMBER: R-0515)

Legal Authority: 12 USC 221 et seq

Abstract: In April 1984, the Board requested public comment on several proposals to reduce risks on large-dollar wire transfer systems (49 FR 13186, April 3, 1984). The Board took this action in response to its concern that developments that might arise in connection with such networks could destabilize financial markets and the economy. The proposals, if adopted,

would likely apply only to financial institutions, although customers of such institutions may be affected indirectly. Because large-dollar funds transfer systems are typically used frequently only by the largest financial institutions, it is not anticipated that these proposals, if adopted, would have a significant economic impact on a substantial number of small entities.

The Board will review the public comments and is expected to take further action within the next three months.

Timetable:

Action	Date	FR Cite
Board requested comment	04/03/84	49 FR 13186
Board extended comment period until	10/29/84	49 FR 24595
Further Board action by	06/00/85	

Small Entity: No

Agency Contact: Edward C. Ettin, Deputy Director, Federal Reserve System, Division of Research and Statistics, 202 452-3368

RIN: 7100-AA47

FEDERAL RESERVE SYSTEM (FRS) — Existing Regulations Under Review

22. REGULATORY IMPROVEMENT PROJECT

Legal Authority: 12 USC 3501 Financial Regulation Simplification Act of 1980; 5 USC 605 Regulatory Flexibility Act

Abstract: The Board's Regulatory Improvement Project involves, among other things, a substantive, zero-based review of all Federal Reserve regulations that affect the public to determine: (1) the fundamental objectives of the regulation and the extent to which it is meeting current policy goals, (2) nonregulatory alternatives that would accomplish the objectives, (3) costs and benefits of the regulation, (4) unnecessary burdens imposed by the regulation, and (5) the clarity of the regulation. The Project also participates in the development of proposals listed in this agenda to ensure that the objectives of the Project are met.

Since publication of the last semiannual Agenda, specific revision of Regulation B ("Equal Credit Opportunity") has been proposed. (See Entry RIN 7100-AA28). In addition, comments on a proposed revision of Regulation K ("International Banking Operations") are being reviewed. (See Entry RIN 7100-AA44). It is expected that both of these reviews will be completed during the next twelve months. Consideration will be given to commencing within the next twelve months the zero-based (cont)

Timetable:

Action	Date	FR Cite
ANPRM Regulation B	06/21/83	48 FR 28285
Revision of Regulation K proposed for comment	06/25/84	49 FR 26002
Revision of Equal Employment Opportunity Regulation proposed for comment	08/24/84	49 FR 33822
Revision of Regulation B proposed for comment	03/01/85	

Small Entity: No

Additional Information: ABSTRACT CONT: review of the following regulation: P--"Minimum Security Devices and Procedures" (12 CFR 216); Q--"Interest on Deposits" (12 CFR 217); R--"Relations with Dealers in Securities under Section 32, Banking Act of 1933" (12 CFR 218); and AA--"Unfair or Deceptive Acts or Practices" (12 CFR 227). Consideration will also be given to beginning major reviews of the Board's "Rules of Procedure" (12 CFR 262) and the "Rules Regarding Availability of Information" (12 CFR 261), and to developing a simplified draft of the Board's "Equal Employment Opportunity" regulation (12 CFR 268).

Commenters are invited to submit any suggestions they may have for possible changes in this regulatory agenda for the next twelve months.

Agency Contact: Barbara R. Lowrey, Associate Secretary, Federal Reserve System, Office of the Secretary, 202 452-3742

RIN: 7100-AA14

FEDERAL RESERVE SYSTEM (FRS) — Completed Actions

COMPLETED RULEMAKINGS

23. REGULATION: E - ELECTRONIC FUND TRANSFERS (DOCKET NUMBER: R-0502)

Legal Authority: 15 USC 1693b Electronic Fund Transfer Act

CFR Citation: 12 CFR 205

Abstract: In January 1984, the Board published for comment two proposed amendments to Regulation E (49 FR 2204, January 18, 1984). The first proposal would bring within the definition of an electronic fund transfer, and thus within the coverage of the Electronic Fund Transfer Act and the regulation, transfers resulting from point-of-sale debit card transactions that are processed electronically but do not involve an electronic terminal at the point of sale. In addition, it would provide additional time in these cases for error resolution.

The second proposal would give financial institutions the option to disclose charges for electronic fund transfers -- on periodic statements -- either on a transaction-by-transaction basis, or as a total sum. After considering the public comments the Board, in October 1984, adopted the second proposal as proposed and the first proposal with some changes (49 FR 40794, October 18, 1984). As adopted, the first proposal brings within the definition of an electronic fund transfer all transfers resulting from debit card transactions; extends the time periods for error resolution for all point-of-sale transactions; (cont)

Timetable:

Action	Date	FR Cite
Board published for comment two proposed amendments to Regulation E	01/18/84	49 FR 2204
Board adopted amendments	10/18/84	49 FR 40794

Small Entity: No

Additional Information: ABSTRACT CONT: and provides an exemption from the debit card requirement that an account be provisionally recredited with the amount of an unresolved error within 10 or 20 business days, if the account is subject to the Board's Regulation T.

The amendments are not expected to have a significant economic impact on a substantial number of small entities since the compliance requirements are unlikely to be very burdensome and in some cases such as the longer error resolution times, compliance burdens are being reduced.

Agency Contact: Gerald Hurst, Senior Attorney, Federal Reserve System, Division of Consumer and Community Affairs, 202 452-3667

RIN: 7100-AA34

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24. REGULATION: J - COLLECTION OF CHECKS AND OTHER ITEMS AND WIRE TRANSFERS OF FUNDS (DOCKET NUMBER: R-0357 AND R-0522)

Legal Authority: 12 USC 342 Federal Reserve Act; 12 USC 248(o) Federal Reserve Act; 12 USC 360 Federal Reserve Act; 12 USC 248(i) Federal Reserve Act

CFR Citation: 12 CFR 210

Abstract: In February 1985, the Board adopted a proposal to improve the process by which checks are returned. The Board has amended Subpart A of Regulation J to require the paying bank to provide timely notice to the depository institution at which the check was originally deposited that the check is being returned unpaid (50 FR 5734, February 12, 1985). The Federal Reserve Banks will enhance the notification service they currently provide to assist paying banks in meeting this requirement, and also will make an enhanced notification service available to depository institutions for checks collected outside the Federal Reserve. The proposal that was adopted is a change in an earlier Board proposal issued in May 1981 and adopted in part by the Board in August 1981 (46 FR 42059, August 19, 1981). At that time the Board deferred action on three proposals: two have been incorporated in the proposal that was adopted and the other (an amendment incorporating provisions for collecting coupons and other securities similar to provisions regarding the payment and return of cash items) has been deferred pending further study. The Board has concluded that the proposal that was (cont)

Timetable:

Action	Date	FR Cite
Board solicited comment on proposals to amend Subpart A	05/01/81	46 FR 24576
Board adopted one proposal and deferred action on others	08/19/81	46 FR 42059
Board requested comment on revised proposals	06/28/84	49 FR 26597
Board adopted revised proposal	02/12/85	50 FR 5734

Small Entity: No

Additional Information: ABSTRACT CONT: adopted should not have a significant economic impact upon a substantial number of small entities.

Agency Contact: Robert G. Ballen, Attorney, Federal Reserve System, Legal Division, 202 452-3265

RIN: 7100-AA43

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25. REGULATION: Y - BANK HOLDING COMPANIES AND CHANGE IN BANK CONTROL

Legal Authority: 12 USC 1861 Bank Service Corporation Act

CFR Citation: 12 CFR 225

Abstract: The October 1984 Agenda referred to a possible proposal to amend Regulation Y by adding authority for member banks to invest individually or jointly in bank service corporations under an amendment to the Bank Service Corporation Act made by section 709 of the Garn-St Germain Depository Institutions Act of 1982. The Board's staff has been processing applications under this Act by adapting existing procedures to these applications and believes that the Board may adequately continue to do so without need for further regulation. Therefore, an amendment to Regulation Y is no longer being considered.

Timetable:

Action	Date	FR Cite
Board action not expected	02/27/85	

Small Entity: No

Agency Contact: J. Virgil Mattingly, Associate General Counsel, Federal Reserve System, Legal Division, 202 452-3430

RIN: 7100-AA26

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26. REGULATION: Z - TRUTH IN LENDING (DOCKET NUMBER: R-0501)

Legal Authority: 15 USC 1604, as amended Truth in Lending Act

CFR Citation: 12 CFR 226

Abstract: In January 1984, the Board published for comment a proposed amendment to Regulation Z, which would clarify that all credit cards issued for use in transactions that are generally exempt from Regulation Z are still subject to the Regulation Z provisions that prohibit the unsolicited issuance of credit cards and that limit the cardholder's liability for unauthorized use to a maximum of $50 (49 FR 2210, January 18, 1984). Following review of public comments, the Board in November 1984 adopted the proposal in substantially the form proposed (49 FR 46989, November 30, 1984).

The vast majority of the credit cards that are affected by this amendment are telephone credit cards; therefore, the entities most affected will be in the telecommunications industry. However, cards issued for use with other types of exempt transactions (such as those issued for use with fixed credit lines over $25,000 that are not secured by real estate or a dwelling) are also subject to the provisions on issuance and liability for unauthorized use. The amendment should not (cont)

Timetable:

Action	Date	FR Cite
Board requested comment	01/18/84	49 FR 2210
Board adopted amendment	11/30/84	49 FR 46989

FRS **Completed Actions**

Small Entity: No

Additional Information: ABSTRACT CONT: have a significant adverse impact on small entities. To facilitate compliance, the Board set a delayed effective date of January 29, 1985 for complying with the unsolicited issuance prohibition.

Agency Contact: Ruth R. Amberg, Senior Attorney, Federal Reserve System, Division of Consumer and Community Affairs, **202 452-3667**

RIN: 7100–AA37

[FR Doc. 85-9686 Filed 04-26-85; 8:45am]

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Monday
April 29, 1985

Part LIV

Federal Trade Commission

Semiannual Regulatory Agenda

FTC

FEDERAL TRADE COMMISSION

16 CFR Ch. I

Semiannual Regulatory Agenda

AGENCY: Federal Trade Commission.

ACTION: Semiannual regulatory agenda.

SUMMARY: The following agenda of Commission proceedings is published in accordance with the Federal Trade Commission Improvements Act of 1980, Pub. L. 96-252 and the Regulatory Flexibility Act, Pub. L. 96-354. Each projected event reflects the FTC staff's assessment of events that it expects will occur in the listed proceedings during the coming year. No Commission determination on the need for or the substance of a trade regulation rule or any other procedural option should be inferred from the projected events included in this agenda.

Several agenda items concern proceedings that may affect a substantial number of small businesses as that term is used in the Regulatory Flexibility Act. Whether any such proceeding will result in a rule which is likely to have a significant economic impact on such entities depends upon final Commission determinations on the need for or on the substance of a trade regulation rule.

Except for notice of completed actions, the information in this agenda represents judgments of the FTC staff, based upon information now available. These views should not be regarded as a final staff position, nor should they be attributed to the Commission itself. The Commission will address the issues presented on the rulemaking record in the final consideration of each proceeding.

Agenda items include the projected timing of any future Commission action. In most instances the dates of future events are listed by month, not a specific day. Further details may be obtained from the agency contact responsible for a particular proceeding. Discovery of new information, changes in circumstances, or in the law may alter the information set forth in this agenda.

By direction of the Commission.

Emily H. Rock,

Secretary.

Current and Projected Rulemakings

Sequence Number	Title	Regulation Identifier Number
1	Ophthalmic Practice Rules (formerly Eyeglasses II)	3084-AA03
2	Health Spas	3084-AA06
3	Hearing Aids	3084-AA07
4	Amendment to Trade Regulation Rule Concerning Preservation of Consumers Claims and Defenses ("Holder-in-Due Course Rule")	3084-AA08
5	Amendment to Labeling and Advertising of Home Insulation Rule	3084-AA09
6	Mobile Home Sales and Service	3084-AA10
7	Proprietary Vocational and Home Study Schools	3084-AA11
8	Standards and Certification	3084-AA13
9	Amendment to the Rules and Regulations Under the Wool Products Labeling Act of 1939 and the Textile Fiber Products Identification Act.	3084-AA29

Existing Regulations Under Review

Sequence Number	Title	Regulation Identifier Number
10	Pre-Sale Availability of Written Warranty Terms (Existing Regulation; Modifications under Consideration)	3084-AA15
11	Retail Food Store Advertising and Marketing Practices	3084-AA17
12	Cooling-Off Period for Door-to-Door Sales	3084-AA18
13	Mail Order Merchandise	3084-AA19
14	*Review of the Premerger Notification Rules and Report Form	3084-AA23
15	Games of Chance in the Food Retailing and Gasoline Industries Rule	3084-AA24
16	Franchising and Business Opportunities	3084-AA25
17	Rules for Using Energy Cost and Consumption Information Used in Labeling and Advertising of Consumer Appliances under the Energy Policy and Conservation Act	3084-AA26
18	Labeling and Advertising of Home Insulation Rule	3084-AA27
19	Informal Dispute Settlement Procedures	3084-AA30
20	Amendments to Octane Posting and Certification Rule	3084-AA32

*Indicates priority regulation

FTC

Completed Actions

Sequence Number	Title	Regulation Identifier Number
21	Protein Supplements	3084-AA12
22	Used Motor Vehicles	3084-AA14
23	Amendments to Octane Posting and Certification Rule	3084-AA16

FEDERAL TRADE COMMISSION (FTC) — Current and Projected Rulemakings

1. OPHTHALMIC PRACTICE RULES (FORMERLY EYEGLASSES II)

Legal Authority: 15 USC 45 Federal Trade Commission Act; 15 USC 57(a) Federal Trade Commission Act

CFR Citation: 16 CFR 456, (Revision)

Abstract: The staff of the FTC's Bureau of Consumer Protection has identified several state and private restrictions on the delivery of eye care goods and services which may decrease consumer access to vision care services, increase the cost of those services, and impede the growth of alternative methods of organizing eye-care practices. The principal question the Commission is exploring is the impact of such restrictions on the price, quality and availability of vision care. The Commission's investigation has sought, through the development of empirical market research, to determine whether higher prices result from these restrictions and, if so, whether offsetting consumer benefits also result. The primary impact of a rule on small businesses could stem from the increased competition in the vision care industry which can be anticipated as a result of deregulatory effect of the rule. Rule provisions removing certain restraints on commercial ophthalmic practice could enhance competition by permitting small entities (i.e., optometrists and opticians) to engage in alternate modes of practice; or to expand, should they desire to do so. The affirmative requirements of a rule could impose additional (cont)

Timetable:

Action	Date	FR Cite
ANPRM	12/01/80	45 FR 79823
ANPRM Comment Period Begin	12/01/80	
ANPRM Comment Period End	02/02/81	
NPRM	01/04/85	50 FR 598
NPRM Comment Period End	04/05/85	
Public Hearings Begin	05/20/85	

Small Entity: Undetermined

Additional Information: ABSTRACT CONT: record-keeping, postage, and photocopying costs. The alternatives to an FTC trade regulation rule include: a formal complaint against a professional association or an ophthalmic board alleged to have engaged in illegal acts or practices; a voluntary guide defining unfair acts or practices; legislative recommendations to Congress or to the States; or the release of a public report setting forth the findings of the staff.

Government Levels Affected: Local, State

Agency Contact: Gary Hailey, Federal Trade Commission, Division of Service Industry Practices, Bureau of Consumer Protection, Washington, DC 20580, 202 523-3452

RIN: 3084-AA03

2. HEALTH SPAS

Legal Authority: 15 USC 45 Federal Trade Commission Act; 15 USC 57(a) Federal Trade Commission Act

CFR Citation: 16 CFR 443, (New)

Abstract: The rule proposed at the outset of this proceeding would require that health spa membership contracts provide consumers with a right to cancel and receive a full refund during a three-day cooling-off period. If a seller's facilities are not yet fully operational, the consumer would have ten days to cancel after notice that the spa facilities are fully operational. After this period, the consumer would have a right to cancel by paying up to a 5 percent cancellation fee plus a pro-rated portion of the contract price. Other provisions of the proposed rule would prescribe the form of the cancellation notices, limit contracts to two years, and prohibit the receipt of more than 5 percent of the contract price from consumers if a spa is not fully operational and available for use at the time the contract is signed. All industry members would incur costs for printing new contracts in order to comply with the proposed rule. Membership cancellations attributable to the requirements of the proposed rule would adversely affect the cash flow of health spas. Consumers would benefit from the proposed rule's unlimited cancellation rights to the extent they are not currently (cont)

Timetable:

Action	Date	FR Cite
NPRM	08/18/75	40 FR 34615
Presiding Officer's Report	04/00/79	
Staff Report	01/22/85	50 FR 2829
Written Comment Period Ends	03/25/85	

Small Entity: Yes

Additional Information: ABSTRACT CONT: granted by the industry. Alternatives under consideration include (1) a rule that would prohibit certain business practices by industry members and would require full disclosures of all ramifications of a health spa membership purchase; (2) changes in the nature of the refund requirement; (3) changes in other provisions of the rule; (4) case by case enforcement; and (5) consumer and business education. The proposed rule would have a significant economic impact on a substantial number of

small entities by varying required contract terms and imposing monetary refund requirements where none presently exist.

Agency Contact: John Crowley, Federal Trade Commission, Division of Service Industry Practices, Bureau of Consumer Protection, Washington, DC 20580, 202 523-3376

RIN: 3084-AA06

3. HEARING AIDS

Legal Authority: 15 USC 45 Federal Trade Commission Act; 15 USC 52 Federal Trade Commission Act; 15 USC 55 Federal Trade Commission Act; 15 USC 57(a) Federal Trade Commission Act

CFR Citation: 16 CFR 440, (New)

Abstract: The proposed regulation currently under consideration would afford hearing aid purchasers a right to cancel the transaction within 30 days of purchase subject only to specified cancellation charges. Staff has explored alternative rule proposals that would require hearing aid dispensers to disclose whether they offer a trial period or would contain specific advertising prohibitions. In addition, staff has explored case by case enforcement and other alternatives to a Commission rule. If a trial period is required, the costs of the rule would be the dispenser's loss on the returned aid and the administrative expense of complying with the rule. This loss would be mitigated, among other things, by a cancellation fee and by the opportunity to re-sell the used aid. The greatest impact would be felt by dealers who do not currently offer customers trial periods with the sale of a hearing aid, particularly dealers with a high percentage of dissatisfied customers. Many dealers now offer trials. For those dealers the rule would be expected to have little impact beyond the administrative cost of complying with the rule, or any mandated changes in cancellation fees or other charges associated (cont)

Timetable:

Action	Date	FR Cite
NPRM	06/00/75	40 FR 26646
Presiding Officer's Report	08/00/77	
Original Staff Report	11/00/78	
Initial Commission consideration	10/00/79	
Commission consideration of appropriate action	07/00/85	

Small Entity: Yes

Additional Information: ABSTRACT CONT: with trials. The benefit would be to protect consumers from deceptive and unfair sales practices, and from the risk that a hearing aid will not significantly enhance hearing. The purposes of this rule would be to prevent deceptive and unfair sales practices in the sale of hearing aids and to give consumers contractual remedies against the risk that a hearing aid device will provide no significant benefit to the user. Since most hearing aids are sold by small businesses, the rule is expected to affect a large number of small businesses. Should some costs of implementing the rule be passed from dispensers to manufacturers of hearing aids (e.g., return of aids rejected by customer), there would be some impact on small manufacturers of aids as well.

Agency Contact: Paul J. Petruccelli, Federal Trade Commission, Division of Marketing Practices, Bureau of Consumer Protection, Washington, DC 20580, 202 523-1642

RIN: 3084-AA07

4. AMENDMENT TO TRADE REGULATION RULE CONCERNING PRESERVATION OF CONSUMERS CLAIMS AND DEFENSES ("HOLDER-IN-DUE COURSE RULE")

Priority: Undetermined

Legal Authority: 15 USC 45 Federal Trade Commission Act; 15 USC 57(a) Federal Trade Commission Act

CFR Citation: 16 CFR 433

Abstract: The objective of the proposed amendment is to ensure that a purchaser's duty to pay is not separated from sellers' duty to perform when consumer sales are financed by third party creditors or purchase money lenders. The original rule requires sellers to ensure that credit contracts used in consumer installment sales and purchase money loans contain a provision that makes any holder of the contract subject to all legal claims and defenses related to the sale transaction which the buyer may have against the seller. The proposed amendment would extend to creditors the obligation to ensure that credit contracts contain the required provision. Benefits from the proposed amendments may include improvement in the retail market due to increased scrutiny by creditors of the sellers with whom they do business and availability to consumers of additional claims and defenses against creditors. Some creditors may have increased costs associated with screening contracts and monitoring the reputations of retailers with whom they deal. Alternatives considered by the Commission include: rejection of the amendment; postponement of decision pending additional information on (cont)

Timetable:

Action	Date	FR Cite
Notice of Proposed Amendment	11/18/75	40 FR 53530
Rule & Statement of Basis & Purpose	11/18/75	40 FR 53506
Final Notice of Proposed Amendment	02/05/76	41 FR 5305
Guidelines on TRR	05/14/76	41 FR 20022
Statement of Enforcement Policy	08/16/76	41 FR 34594
Open End Consumer Credit Contracts	09/16/77	42 FR 46509
Presiding Officer's Report	02/16/78	43 FR 6810
Staff Report	11/24/78	43 FR 54950
Tentative Cmsn Approval and Request for Comment	11/15/79	44 FR 65771
Staff Recommendations to Commission	11/00/85	

Small Entity: Undetermined

Additional Information: ABSTRACT CONT: compliance with the original rule; adoption of the amendment extending the rule to creditors and also making additional technical amendments. The amendment would shift some compliance costs from small businesses to creditors that control the contract form. Otherwise, because the

existing rule already applies to retail sellers, the amendment should have no appreciable effect on other small businesses.

Agency Contact: Jonathan D. Jerison, Federal Trade Commission, Division of Credit Practices, Bureau of Consumer Protection, Washington, DC 20580, 202 724-1160

RIN: 3084-AA08

5. AMENDMENT TO LABELING AND ADVERTISING OF HOME INSULATION RULE

Legal Authority: 15 USC 57(a) Federal Trade Commission Act

CFR Citation: 16 CFR 460.10; 16 CFR 460.18; 16 CFR 460.19; 16 CFR 460, Appendix B

Abstract: The Commission's home insulation trade regulation rule became effective on September 29, 1980. Among other things, it requires advertisers to disclose specific additional information in advertisements or other promotional materials when they make energy savings claims about an insulation product or refer to the product's thickness, R-Value or price. The Commission temporarily stayed the effective date of those disclosure requirements as they applied to television ads pending completion of these amendment proceedings. The Commission has announced its intention to reopen the rulemaking proceeding to consider whether it should amend the rule's disclosure requirements insofar as they apply to television advertising. (ANPR, 46 FR 47236, Sept. 25, 1981.) The TV ad disclosure requirements in the rule benefit consumers by ensuring that they have an opportunity to understand and evaluate claims that may otherwise lead to misguided purchasing decisions. The major cost to consumers is the possible displacement of other valuable information in advertisements by the required disclosures. The major cost to industry members is the (cont)

Timetable:

Action	Date	FR Cite
Final Rule Published	08/29/79	44 FR 50218
Rule Promulgated	08/31/79	
Temp. stay of certain requirements	08/15/80	45 FR 54702
Rule effective except requirmt stay	09/29/80	
ANPRM	09/25/81	46 FR 47236
Lift test requirement stay	08/24/82	47 FR 36806
Commission consideration of TV disclosure requirements	11/00/85	

Small Entity: Undetermined

Additional Information: ABSTRACT CONT: time necessary to make the required disclosures. Possible alternatives to the disclosure requirements include: amended disclosures or disclosure language; shortened disclosures; no disclosures; and different requirements as to the manner in which required disclosures must be made.

Agency Contact: Kent Howerton, Federal Trade Commission, Division of Enforcement, Bureau of Consumer Protection, Washington, DC 20580, 202 376-8834

RIN: 3084-AA09

6. MOBILE HOME SALES AND SERVICE

Legal Authority: 15 USC 45 Federal Trade Commission Act; 15 USC 47(a) Federal Trade Commission Act

CFR Citation: 16 CFR 441, (New)

Abstract: Almost all mobile homes are sold with a manufacturer's warranty but many buyers may not receive adequate and timely service under the warranty. The rule would address possibly inadequate performance of mobile home warranties through a number of possible remedies: setting specific service deadlines, prohibiting exclusion of set-up and transportation from warranty coverage, requiring written service agreements between warrantors and their service agents, and requiring maintenance of service records. Compliance costs estimated by staff will be approximately $145 per home for most firms affected, and could be less, depending on what provisions are actually adopted. An estimated 20% of buyers would benefit by saving about $242 for warranty repairs they would otherwise not get; another 15% of buyers would have service time cut by an estimated 4 months. The incidence of warranted defects could be reduced, increasing the useful life of homes. Buyers could also receive better financing terms due to lowering the incidence of defects that diminish resale value. Consumers might benefit from better information, if warranties accurately reflected what service is included (cont)

Timetable:

Action	Date	FR Cite
Previous NPRM	05/29/75	40 FR 23334
NPRM	05/23/77	42 FR 26398
Presiding Officer's Report	09/11/79	
Staff Report	08/13/80	
Staff Recommendation to Commission	09/00/85	

Small Entity: Yes

Additional Information: ABSTRACT CONT: in the purchase price of the home. The proposed rule will have an impact on 200 mobile home manufacturers and 12,000 mobile home dealers, most of which are small businesses. There are alternatives to rule provisions. Instead of specific time deadlines for warranty repairs, manufacturers and dealers could set their own deadlines as long as they are disclosed in their warranties; instead of requiring manufacturers to disseminate consumer questionnaires, to monitor effectiveness of factory and dealer warranty repairs, manufacturers could select their own monitoring devices; some responsibilities and duties of the manufacturers may not be needed (e.g., pre-occupancy inspection, set-up and transportation damage).

Agency Contact: Allen Hile, Federal Trade Commission, Division of Marketing Practices, Bureau of Consumer Protection, Washington, DC 20580, 202 523-3554

RIN: 3084-AA10

7. PROPRIETARY VOCATIONAL AND HOME STUDY SCHOOLS

Priority: Undetermined

Legal Authority: 15 USC 45 Federal Trade Commission Act; 15 USC 57(a) Federal Trade Commission Act

CFR Citation: 16 CFR 438, (New)

Abstract: In 1979, the Second Circuit Court of Appeals set aside the rule as originally issued by the Commission.

citing problems with some of the remedies that the rule provided to purchasers of proprietary vocational training. The Staff has prepared recommendations as to how the Commission should respond to the Court's decision. Alternatives under consideration include a rule that would give schools the option of providing either a strict pro rata refund remedy or a track record disclosure, a rule requiring some refunds but not on a strict pro rata basis, and a rule with no refund requirements at all. Alternatives to rulemaking include case-by-case enforcement, and FTC intervention before other state and federal agencies having jurisdiction over vocational schools to prevent deceptive practices. The rule may benefit consumers by enabling them to avoid expenditures on inappropriate courses and increasing the effectiveness of the vocational school industry in training and placing people in productive jobs. The cooling-off track record disclosures and refund components of the rule variations under consideration would impose real social costs on schools covered (cont)

Timetable:

Action	Date	FR Cite
NPRM	09/15/74	39 FR 29385
Previous Final Rule published	12/18/78	43 FR 60796
Rule set aside & remanded by Court	12/13/79	
New Staff Recommendation published	07/10/81	46 FR 35666
Staff Recommendations to Commission	12/00/85	

Small Entity: Yes

Additional Information: ABSTRACT CONT: including administrative costs associated with processing and collecting and disseminating information. Price increases may result from these costs as well as the possibility of paying out increased refunds. The rule should be most costly to schools that use unfair or deceptive practices to induce students to enroll in their courses. Schools that do not use these practices may not incur significant cost increases. The rule seeks to deter deceptive sales practices by requiring schools to provide material information to prospective students, and to provide students with contractual remedies which they can use to protect themselves when necessary. Most of the 6,000 schools that would be affected by the rule are small businesses.

Agency Contact: Walter Gross, Federal Trade Commission, Division of Service Industry Practices, Bureau of Consumer Protection, Washington, DC 20580, 202 523-3826

RIN: 3084-AA11

8. STANDARDS AND CERTIFICATION

Priority: Undetermined

Legal Authority: 15 USC 45 Federal Trade Commission Act; 15 USC 46(g) Federal Trade Commission Act

CFR Citation: 15 CFR 457, (New)

Abstract: Standards for products ranging from nuts and bolts to computers are set by trade associations, professional societies, testing laboratories, and other private sector groups. They are relied on by consumers, building code officials, government agencies, and others for regulatory and procurement purposes. These standards can provide significant benefits, such as lowering the cost of communications between buyers and sellers; improving the transfer of technology; encouraging efficiencies in design, production, and inventory; and assuring the safety, fitness, energy efficiency, or other aspects of product performance. However, substantial injury to competition and consumers can occur if standards or certification actions block the use of superior or lower cost technology, inflate product prices, or deceive consumers about the quality or safety of a product. In the proceeding, the Commission is examining whether a rule, guide, or other enforcement action is needed to address these competitive and consumer injuries. The Commission is particularly interested in the impact on injurious practices of other events, such as promulgation of OMB Circular A-119 and recent court (cont)

Timetable:

Action	Date	FR Cite
NPRM	12/07/78	43 FR 57269
Staff Report	04/11/83	48 FR 15484
Presiding Officer's Report	06/06/83	48 FR 25218
Post Record Comments Due	09/06/83	
Rebuttal Comments Due	10/21/83	
Staff Recommendations to Commission	05/00/85	

Small Entity: Undetermined

Additional Information: ABSTRACT CONT: actions. An alternative to a rule is a case-by-case approach to any standards-related problems. The rule might have a significant economic effect - both positive and negative - on small businesses. Many complaints about injurious standards and certification actions were filed by small businesses. The rule is aimed at alleviating these injuries. On the other hand, most of the standards and certification organizations that would be subject to the rule and subject to any compliance costs are small businesses.

Agency Contact: Dean Graybill, Federal Trade Commission, Division of Service Industry Practices, Bureau of Consumer Protection, Washington, DC 20580, 202 523-3914

RIN: 3084-AA13

9. ● AMENDMENT TO THE RULES AND REGULATIONS UNDER THE WOOL PRODUCTS LABELING ACT OF 1939 AND THE TEXTILE FIBER PRODUCTS IDENTIFICATION ACT

Priority: Undetermined

Legal Authority: 15 USC 68b(d); 15 USC 70j

CFR Citation: 16 CFR 300; 16 CFR 303

Abstract: The Wool Products Labeling Act of 1939 requires all wool products to bear a label showing the percentage of wool, recycled wool, and non-wool fibers contained in the product and the name of the manufacturer or other distributor. The Textile Fiber Products Identification Act requires each household textile product to bear a label showing the percentage of each fiber contained in the product, the name of the manufacturer or distributor, and the country of origin if the product was manufactured principally in a foreign country. Each Act prohibits misbranding and false advertising of the fiber content of covered products and, in the case of textile products, requires that the appropriate generic name be used for all fibers. Each Act and accompanying rules are designed to

protect producers and consumers from being deceived by misbranding and false advertising of covered products. Since the rules closely follow statutory requirements, most of the costs imposed on affected industry members may not be attributable to the rules. The rules apply to textile fiber product manufacturers and certain marketers some of which may be small businesses. (cont)

Timetable:

Action	Date	FR Cite
NPRM	11/13/84	49 FR 44913
Staff Recommendation to Commission	01/00/85	
Final Rule Promulgated	05/00/85	

Small Entity: Yes

Additional Information: ABSTRACT CONT: On September 24, 1984 Congress amended these Acts. (Title III, Pub. Law 98-417). Effective December 24, 1984, the country of origin must be added to the information on the label, all products must be labeled, labels must be located in the neck of any garment having a neck, and mail order catalogues and other mail order promotional material must contain the disclosure for each covered product whether it was made in the U.S.A., imported, or both.

Agency Contact: Earl Johnson, Federal Trade Commission, Division of Enforcement, Federal Trade Commission, Washington, D.C. 20580, 202 376-2891

RIN: 3084-AA29

FEDERAL TRADE COMMISSION (FTC) — Existing Regulations Under Review

10. PRE-SALE AVAILABILITY OF WRITTEN WARRANTY TERMS (EXISTING REGULATION; MODIFICATIONS UNDER CONSIDERATION)

Legal Authority: 15 USC 2302(b)(1)(A); 15 USC 2309(a) Magnuson-Moss Warranty–FTC Improvements Act

CFR Citation: 16 CFR 702

Abstract: The Magnuson-Moss Warranty Act (15 U.S.C. 2302(b)(1)(A)) requires that the Federal Trade Commission promulgate a rule to require that the terms of written warranties for consumer products be made available to consumers prior to purchase. The Rule modifications currently being considered are intended to achieve the Congressional objective more effectively by making the Rule requirements more flexible and thus lessening the costs and burdens of compliance while still ensuring consumers access to warranties prior to purchase. The current Pre-Sale Availability Rule requires that retailers of consumer products costing more than $15 make warranty texts available to consumers prior to purchase by placing the warranty text in one or a combination of four specified locations: (1) on the product, (2) in a binder, (3) on the package, or (4) on a sign. Manufacturers are required to provide materials sufficient for retailers to meet their obligations. The Rule modifications currently under consideration would reduce retailers' obligations by requiring only that warranties accompany the product or be made readily available on request prior to sale. Changes in the Rule could (cont)

Timetable:

Action	Date	FR Cite
Promulgation of Original Rule	12/31/75	45 FR 60168
Begin Review	11/04/81	
Commission Consideration	01/17/85	
NPRM	04/00/85	

Small Entity: Yes

Additional Information: ABSTRACT CONT: produce benefits by reducing the total costs of compliance with the present rule for retailers. The Commission has issued a Notice of Proposed Rulemaking to solicit comments on the proposed revisions and to pose questions regarding (among other issues) retailers' responses to the changes and requirements for disclosure of warranty availability during television advertising.

Agency Contact: Rebecca Johnson, Federal Trade Commission, Division of Marketing Practices, Bureau of Consumer Protection, Washington, DC 20580, 202 523-3357

RIN: 3084-AA15

11. RETAIL FOOD STORE ADVERTISING AND MARKETING PRACTICES

Legal Authority: 15 USC 41 et seq Federal Trade Commission Act

CFR Citation: 16 CFR 424

Abstract: The Commission's Rule on Retail Food Store Advertising and Marketing Practices seeks to ensure that consumers receive the prices and goods offered in grocery stores' advertisements, and to enable the stores to compete fairly on the basis of price. Since the rule applies to all retail food stores, it may have had a significant effect on a substantial number of small grocery stores. The rule states that it is a violation of Section 5 of the Federal Trade Commission Act for grocery stores to advertise products at a particular price unless such products are in stock and conspicuously and readily available for sale at the advertised price during the effective period of the advertisement. The rule is intended to benefit consumers by ensuring that advertised items are available, that advertising-induced purchasing trips are not fruitless, and that store prices accurately reflect the prices appearing in the ads. The rule may cause costs to be incurred in maintaining sufficient inventory to meet anticipated demand, and costs associated with the monitoring of price changes, changing marked prices, and training of employees to comply with the rule. (cont)

Timetable:

Action	Date	FR Cite
Comment on Reg Flex Act Review	12/00/83	
ANPRM	12/10/84	49 FR 48059
ANPRM Comment Period End	02/08/85	
Commission Consideration	06/00/85	

Small Entity: Yes

Additional Information: ABSTRACT CONT: Because more information is needed to assess the relative costs and

benefits of the rule and whether or not the rule should be amended, staff will be recommending acquiring additional information by means of an advance notice of proposed rulemaking.

Agency Contact: Lewis Franke, Federal Trade Commission, Division of Enforcement, Bureau of Consumer Protection, Washington, DC 20580, 202 376-2891

RIN: 3084-AA17

12. COOLING-OFF PERIOD FOR DOOR-TO-DOOR SALES

Legal Authority: 15 USC 41 et seq Federal Trade Commission Act

CFR Citation: 16 CFR 429

Abstract: The rule states that sellers of consumer goods or services with a purchase price of $25.00 or more who sell away from their place of business must furnish to the buyer certain information regarding the buyer's right to cancel sales within three business days and must give the buyer a full refund of any down payment upon the buyer's cancellation. The rule requires a seller to furnish the buyer with a complete receipt or copy of a contract, along with a notice informing the buyer of the right to cancel the transaction, to furnish the buyer with a completed Notice of Cancellation. The rule is intended to benefit consumers by permitting them to reflect on their purchase and the terms of any contract, to compare the purchase with offerings of other sellers, and to ascertain the accuracy of any representations made. The resulting costs to sellers include the costs associated with cancellation (processing cancelled orders, returning downpayments, retrieving delivered goods, and returning traded-in merchandise) and the additional cost of printing the required cancellation notices. Since the rule affects all door-to-door sellers, it may have a significant economic effect on a (cont)

Timetable:

Action	Date	FR Cite
Begin Review	03/00/83	
End Review	12/00/85	

Small Entity: Undetermined

Additional Information: ABSTRACT CONT: substantial number of small entities. The Commission is continuing its review of the rule in accordance with Section 610 of the Regulatory Flexibility Act. Staff is exploring non-substantive changes in the notices required by the rule.

Agency Contact: Lewis Franke, Federal Trade Commission, Division of Enforcement, Bureau of Consumer Protection, Washington, DC 20580, 202 376-2891

RIN: 3084-AA18

13. MAIL ORDER MERCHANDISE

Legal Authority: 15 USC 41 et seq Federal Trade Commission Act

CFR Citation: 16 CFR 435

Abstract: The Commission's rule concerning mail order merchandise was promulgated on October 22, 1975. The rule requires mail order sellers to possess a reasonable basis for any claims made concerning shipping date or, in the absence of any specifically stated date, to ship the ordered merchandise within thirty (30) days of receipt of an order. In the event of delays in shipment, the rule establishes notification procedures whereby buyers have the option either to agree to the delay or to cancel the order and receive a prompt refund. The Commission's rule is designed to address a number of significant consumer problems described on the record of the rulemaking proceeding, including failure to deliver ordered merchandise, unexplained delays in delivery, failure to make prompt (or any) refunds upon cancellation of an order, and inability to obtain responses to inquiries about pending orders. The rule enables consumers to obtain ordered merchandise within a reasonable time period or, if delays occur, to cancel the order and obtain a prompt refund, so that losses due to undelivered merchandise, delays, and inadequate or nonexistent refunds can be avoided. By subjecting sellers (cont)

Timetable:

Action	Date	FR Cite
Rule Promulgated	10/22/75	40 FR 49492
Initiation of Reg Flex Act Review	10/20/83	
ANPRM	12/00/84	
Final Report to Commission	12/00/85	

Small Entity: Undetermined

Additional Information: ABSTRACT CONT: who solicit orders they cannot fill within a reasonable time to the risk of cancellation, the rule may provide competitive benefits, since buyers may shift their business to more efficient merchants. Costs relating to the rule may include the cost of establishing a system for monitoring and recording orders, deliveries, delays, cancellations, consents to delays, and refunds; the costs of complying with the rule's notification requirements regarding delays (printing, postage, etc.); the cost of processing refunds; and additional inventory costs. Pursuant to Sec. 610 of the Regulatory Flexibility Act, the Commission is undertaking a review of this rule to determine whether the rule has had a significant economic impact on a substantial number of small entities and, if so, whether the rule should be amended to minimize any such impact. The rule applies to all members of the mail order industry, including small firms. In addition, the staff is considering whether the rule should be amended to cover orders placed by telephone or other electronic means.

Agency Contact: Raymond L. Rhine, Federal Trade Commission, Division of Enforcement, Bureau of Consumer Protection, Washington, DC 20580, 202 376-2863

RIN: 3084-AA19

14. REVIEW OF THE PREMERGER NOTIFICATION RULES AND REPORT FORM

Priority: Agency Determination

Legal Authority: 15 USC 18a Clayton Act

CFR Citation: 16 CFR 801; 16 CFR 802; 16 CFR 803; 16 CFR 803, Appendix

Abstract: The Premerger Notification Rules and the Antitrust Improvements Act Notification and Report Form were adopted pursuant to Section 7A of the Clayton Act. Section 7A requires firms of a certain size contemplating mergers or acquisitions of a specified size to file notification with the Federal Trade Commission (FTC) and the Department of Justice (DOJ) and to wait a designated period before consummating the transaction. It also requires the FTC, with the concurrence of the Assistant Attorney General for Antitrust, to promulgate rules requiring that notification be in a form and contain information necessary to enable the FTC and DOJ to determine whether the proposed acquisition may, if consummated, violate the antitrust laws. Review of these rules and the

Form focuses on reducing the paperwork burden imposed on the business community. On July 29, 1981, the Commission proposed several changes in the current premerger rules (46 Fed. Reg. 38710). These proposed changes, with some modification, were adopted in July 1983. On July 2, 1982, the Commission requested comments on several approaches to reduce further the burden imposed by the premerger rules and the Form. The staff (cont)

Timetable:

Action	Date	FR Cite
NPRM Clarification/Burden Reduction	07/29/81	46 FR 38710
Begin Review	09/30/81	
Notice of Request for Comments	07/02/82	47 FR 29182
Final Action Clarification/Burden Reduction	07/29/83	48 FR 34427
Final Action Effective Clarification/Burden Reduction	08/29/83	
Staff Proposal to Commission - Review	04/00/85	

Small Entity: No

Additional Information: SMALL ENTITY CONT: The Premerger Notification Rules do not affect nonbusiness entities or small businesses. A firm must have sales or assets of at least $10 million to be subject to any reporting obligation. Moreover, any transaction is exempt under the rules if it is valued at less than $15 million and will not result in the acquiring person's holding 50% of the voting securities of a corporation with sales or assets of $25 million or more.

ABSTRACT CONT: plans to submit to the Commission, in the Spring of 1985, proposed changes in the Premerger rules that will pertain, in part, to the burden reduction initiative.

Agency Contact: John M. Sipple, Federal Trade Commission, Premerger Notification Office, Bureau of Competition, Washington, DC 20580, 202 523-3404

RIN: 3084-AA23

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15. GAMES OF CHANCE IN THE FOOD RETAILING AND GASOLINE INDUSTRIES RULE

Legal Authority: 15 USC 45 Federal Trade Commission Act; 15 USC 57(a) Federal Trade Commission Act

CFR Citation: 16 CFR 419.1

Abstract: The Commission's trade regulation rule concerning games of chance became effective on October 17, 1969. The rule establishes requirements for food and gasoline retailers in conducting and advertising games of chance by requiring disclosure of odds-of-winning and prize information in broadcast and print advertisements, as well as in point of sale information. During January, 1983, the Commission granted a temporary partial exemption to allow supermarkets and gas stations to advertise their games on radio and television without disclosing full information on prizes and odds-of-winning. In addition, the Commission also published an advance notice of proposed rulemaking on whether to make the broadcast exemption permanent. Finally, the Commission has proposed to reduce the recordkeeping requirements of the rule from three years to one year in keeping with the goals of the Paperwork Reduction Act, and requests public comment on other possible areas where amendments to the rule may be appropriate. The rule benefits consumers by allowing contestants to enter games of chance with full knowledge of all material information to enable equal competition for (cont)

Timetable:

Action	Date	FR Cite
Promulgation of Original Rule	08/19/69	34 FR 13302
ANPRM	01/04/83	48 FR 265
Temporary Partial Exemption	01/10/83	48 FR 1046
Submit Staff Analysis to Commission	06/00/85	

Small Entity: Undetermined

Additional Information: ABSTRACT CONT: prizes. The major costs to industry are the possible burdensomeness of the electronic media disclosure and recordkeeping provisions of the rule, both of which are currently being reconsidered. Possible alternatives include different disclosures, reduced disclosures, or no disclosures.

Agency Contact: John M. Mendenhall, Attorney, Federal Trade Commission, Cleveland Regional Office, Suite 500-Mall Building, 118 St. Clair Ave, Cleveland, Ohio 44114, 216 522-4207

RIN: 3084-AA24

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16. FRANCHISING AND BUSINESS OPPORTUNITIES

Legal Authority: 15 USC 41 et seq Federal Trade Commission Act

CFR Citation: 16 CFR 436

Abstract: The franchise trade regulation rule was adopted in response to evidence of deceptive and unfair practices in connection with the sale of the types of businesses covered by the rule. In some instances prospective franchisees lack a ready means of obtaining essential and reliable information about their proposed business investment. This lack of information reduces the ability of prospective franchisees either to make an informed investment decision or otherwise verify the representations of the business' salespersons. The rule attempts to deal with these problems by requiring franchisors and franchise brokers to furnish prospective franchisees with information about the franchisor, the franchise business and the terms of the franchise agreement. Franchisors and franchise brokers must furnish additional information if they have made any claim about actual or potential earnings, either to the prospective franchisee or in the media. All disclosures must be made (i) before any sale is made and (ii) by means of disclosure documents whose form and content are set forth in the rule. The rule requires disclosure of (cont)

Timetable:

Action	Date	FR Cite
Rule promulgated	12/21/78	43 FR 59614
Initiation of Reg Flex Act Review	03/00/84	
Consideration of Appropriate Action	07/00/85	

Small Entity: Undetermined

Additional Information: ABSTRACT CONT: certain information. It does not regulate the substantive terms of the franchisor-franchisee relationship. It does not require registration of the offering or the filing of any documents with the Federal Trade Commission in

connection with the sale of franchises. In accordance with Section 610 of the Regulatory Flexibility Act, the Commission will review this rule to examine its impact on small entities and assess whether any modifications are needed.

Agency Contact: John M. Tifford, Federal Trade Commission, Division of Enforcement, Bureau of Consumer Protection, Washington, DC 20580, 202 376-2805

RIN: 3084-AA25

17. RULES FOR USING ENERGY COST AND CONSUMPTION INFORMATION USED IN LABELING AND ADVERTISING OF CONSUMER APPLIANCES UNDER THE ENERGY POLICY AND CONSERVATION ACT

Legal Authority: 42 USC 6294 National Energy Conservation Policy Act; PL 94-163 Energy Policy and Conservation Act, Sec 324, 1975

CFR Citation: 16 CFR 305

Abstract: The Energy Policy and Conservation Act (EPCA) required the Commission to consider labeling rules for the disclosure of energy information, based on standard test procedures prescribed by the Department of Energy, for at least 13 categories of major household appliances. The Commission adopted a labeling rule for seven appliance categories: (1) refrigerators and refrigerator- freezers; (2) freezers; (3) dishwashers; (4) clothes washers; (5) water heaters; (6) room air conditioners; and (7) furnaces. The Commission exempted five other categories of appliances. Following DOE's adoption of final test procedures for central air conditioners (and heat pumps), the Commission initiated a rulemaking to consider including these products. The Commission is also considering including two new types of furnaces in the rule's current coverage of furnaces.

The rule mandates that specific energy costs or efficiency information for covered products be disclosed in catalogs and on a label (fact sheets are required for furnaces). The label must include a highlighted energy cost or efficiency disclosure, a range indicating the highest and lowest energy costs or (cont)

Timetable:

Action	Date	FR Cite
NPRM (Air Conditioners)	08/11/80	45 FR 53340
NPRM (Furnaces)	07/24/81	46 FR 38105
Publication of Staff Reports	08/00/83	
Final Rec. to Commission	02/00/85	
Initiation of Reg Flex Act Review	05/00/85	

Small Entity: Undetermined

Additional Information: ABSTRACT CONT: efficiencies for all similar appliance models, and a chart that permits an individual to estimate how much it will cost to run the appliance each year based on local utility rates. The primary purpose of the rule is to permit consumers to compare the energy usage of competing appliances and to weigh that information along with other product features.

Since the Commission's rule implements the statutory directives in EPCA, most of the costs imposed on industry members may not be attributable to the rule. The rule applies mainly to manufacturers of household appliances, but does impose some burdens on distributors and retailers. Some of these entities may be small businesses pursuant to Section 610 of the Regulatory Flexibility Act; therefore, the Commission will initiate a review of the rule during FY 1984 to determine whether the rule has had a significant economic impact on a substantial number of small entities and, if so, whether the rule should be amended.

Agency Contact: James Mills, Federal Trade Commission, Division of Enforcement, Bureau of Consumer Protection, Washington, DC 20580, 202 376-3646

RIN: 3084-AA26

18. LABELING AND ADVERTISING OF HOME INSULATION RULE

Legal Authority: 15 USC 45 Federal Trade Commission Act; 15 USC 57(a) Federal Trade Commission Act

CFR Citation: 16 CFR 460

Abstract: The Commission's home insulation trade regulation rule became effective on September 29, 1980. In summary, the major provisions of the rule: (1) prescribe standardized test methods for determining the R-values, or effectiveness, of home insulation materials; (2) mandate prepurchase point-of-sale disclosures of R-values and related information to consumers on labels and fact sheets; (3) require installers and new home sellers to disclose to consumers information about the insulation installed; (4) require disclosure of R-values or related information in advertisements which make specific claims about home insulation products; and (5) require substantiation and qualifying disclosures in advertisements which make energy savings claims about home insulation products. The rule is designed to enable consumers to evaluate and compare the thermal performance characteristics of these materials, and to ensure that promotional claims for home insulation products will be fair and nondeceptive. The disclosure requirements of the rule may benefit smaller manufacturers and other sellers, whose insulation products often compare favorably on an R-value basis with (cont)

Timetable:

Action	Date	FR Cite
Rule promulgated	08/29/79	44 FR 50218
Rule effective	09/29/80	45 FR 54704
Initiation of Reg Flex Act Review	05/25/84	49 FR 22104
Commission consideration of appropriate action	05/00/85	

Small Entity: Undetermined

Additional Information: ABSTRACT CONT: products produced by the dominant manufacturers in the industry. The resulting costs to covered sellers include the costs of conducting tests, preparing test reports, maintaining records, preparing labels and fact sheets, making disclosures in advertisements, and making disclosures in sales contracts or receipts given to consumers. Since the rule applies to all manufacturers, installers and other retail sellers of home insulation products, and to all retail new home and mobile home sellers, it may have a significant economic effect on a substantial number of small entities. To assess the possible impact of the rule on such small entities, the Commission is commencing a review of the rule in accordance with Section 610 of the Regulatory Flexibility Act.

Agency Contact: Kent C. Howerton, Federal Trade Commission, Division of Enforcement, Bureau of Consumer Protection, Washington, DC 20580, 202 376-8934

RIN: 3084-AA27

19. ● INFORMAL DISPUTE SETTLEMENT PROCEDURES

Priority: Undetermined

Legal Authority: 15 USC 2309; 15 USC 2310(a)(2) Magnuson-Moss Warranty--FTC Improvements Act

CFR Citation: 16 CFR 703

Abstract: The Magnuson-Moss Warranty act, enacted on January 4, 1975, requires that the Federal Trade Commission promulgate a rule prescribing the minimum requirements for any informal dispute settlement procedure which is incorporated into the terms of a written warranty subject to the Act. Because warrantors are not required to incorporate such procedures into warranties, the rule applies only to warrantors who voluntarily choose to do so. The present rule sets forth detailed procedural, recordkeeping, and reporting requirements for dispute settlement mechanisms designed to insure their fairness. In accordance with Section 610 of the Regulatory Flexibility Act, The Commission will begin a review of the rule during fiscal 1985 to examine whether the rule has had a significant economic impact on a substantial number of small entities and to assess whether any changes are needed. The review process will focus on whether changes in the rule would advance the Congressional objective of encouraging warrantors to establish informal dispute settlements. The review will also consider possible incentives for additional warrantors to participate in dispute (cont)

Timetable:

Action	Date	FR Cite
Promulgation of Original Rule	12/31/75	
Begin Review	12/00/84	
Request for Public Comment on Regulatory Flexibility Review	05/00/85	

Small Entity: No

Additional Information: ABSTRACT CONT: settlement mechanisms while continuing to ensure the fairness of mechanism procedures.

Agency Contact: Joseph Kattan, Federal Trade Commission, Division of Marketing Practices, Federal Trade Commission, Washington, D.C. 20580, 202 523-3860

RIN: 3084-AA30

20. ● AMENDMENTS TO OCTANE POSTING AND CERTIFICATION RULE

Priority: Undetermined

Legal Authority: 15 USC 2801 et seq Petroleum Marketing Practices Act

CFR Citation: 16 CFR 306

Abstract: The Federal Trade Commission, in accordance with the Regulatory Flexibility Act and publication of a Plan for the Periodic Review of Commission Rules, 46 FR 35118 (July 7, 1981), is soliciting comments and data on whether the Octane Certification and Posting Rule, 16 CFR Part 306 ("the Rule"), has had a significant economic impact on small entities, and if it has, whether the Rule should be amended to minimize any such significant economic impact on small entities.

The Rule establishes standard procedures for determining, certifying and posting (by means of a label on the fuel dispenser) the octane rating of automotive gasoline intended for sale to consumers. In addition, the Rule contains recordkeeping requirements that require gasoline refiners and importers to retain octane rating test records and gasoline distributors and retailers to retain octane certification records pertaining to the gasoline they sell in commerce for one year.

The Rule is intended to enable consumers to buy gasoline with an octane rating that is high enough to prevent (cont)

Timetable:

Action	Date	FR Cite
Previous Rule promulgated	03/30/79	44 FR 19160
Previous Rule effective	06/01/79	
Begin Regulatory Flexibility Review	04/00/85	
End Regulatory Flexibility Review	12/00/85	

Small Entity: Yes

Additional Information: ABSTRACT CONT: inefficient and harmful "engine knock" and to help consumers to avoid buying gasoline with an octane rating that is needlessly higher than the requirements of their automobiles.

The purpose of this review is limited to determining whether the Rule should be continued without change, or should be amended or rescinded, consistent with the stated objectives of applicable statutes, to minimize any significant economic impact of the Rule upon a substantial number of small entities.

Agency Contact: James Mills, Federal Trade Commission, Division of Enforcement, Bureau of Consumer Protection, Washington, DC 20580, 202 376-3645

RIN: 3084-AA32

FEDERAL TRADE COMMISSION (FTC) Completed Actions

COMPLETED RULEMAKINGS

21. PROTEIN SUPPLEMENTS

Legal Authority: 15 USC 45 Federal Trade Commission Act; 15 USC 52 Federal Trade Commission Act

CFR Citation: 16 CFR 454, (New)

Abstract: The proposed rule addressed the advertising and labeling of protein supplements in three ways. First, there were provisions designed to inform consumers of certain possible health hazards. Second, the rule would have prohibited certain false or deceptive claims. Third, the rule would have required a general disclosure in the advertising and labeling of these products that most Americans receive all the protein they need from the food they eat. Adoption of the proposed rule may have benefitted the public by reducing the incidence of hazardous, false, or misleading representations concerning the composition, use, and effects of protein supplements. The cost to the public of adopting the rule would have included the cost of changing

labels and costs attributable to advertising disclosures. Large firms make most sales of protein supplements. However, a sizeable number of small firms also produce such products, and would have been subject to the rule. (cont)

Timetable:

Action	Date	FR Cite
Previous NPRM	09/05/71	40 FR 41144
NPRM	03/10/76	41 FR 10232
Additions & Modifications to Notice	06/04/76	41 FR 22593
Presiding Officer's Report	06/15/78	
Staff Report	07/24/79	
Staff Recommendation to Commission	10/00/84	
Rulemaking Terminated	12/20/84	
Withdrawn because the record did not justify regulatory intervention.	12/20/84	49 FR 5555

Small Entity: Yes

Additional Information: ABSTRACT CONT: The Commission has voted to terminate the rulemaking proceeding in favor of case-by-case enforcement against deceptive infant-use claims. The Commission determined that the rulemaking record failed to establish that infant-use or other deceptive claims were sufficiently prevalent to justify an industry-wide rule, and that case-by-case enforcement would fully address any isolated problems that might occur.

Agency Contact: Harrison Sheppard, Federal Trade Commission, San Francisco Regional Office, 450 Golden Gate Avenue, San Francisco, CA 94102, 415 556-1270

RIN: 3084-AA12

22. USED MOTOR VEHICLES

Priority: Undetermined

Legal Authority: 15 USC 45; 15 USC 57(a); 15 USC 2309(b)

CFR Citation: 16 CFR 455, (NEW)

Abstract: On September 14, 1983, pursuant to a joint stipulation between the Commission and the petitioners for review, the Second Circuit remanded the rule to the Commission. (Miller Motor Car Corp. v. FTC, Nos. 81-4144 et al.) On July 10, 1984, the Commission tentatively adopted a rule that would require dealers to post a window form on used cars sold to consumers which discloses, in plain language, information concerning warranty coverage offered (if any), the meaning of an "As Is" sale (in which neither express warranties nor implied warranties are offered), and other important information. The form also informs consumers that oral promises are difficult to enforce and suggests that consumers ask about independent inspections. Alternatives that were considered included required inspections, voluntary inspections, and a requirement to disclose "known defects." The tentatively adopted rule was published for 30 days of technical comments and substantive comment on survey data that was included in the rulemaking record.

Timetable:

Action	Date	FR Cite
NPRM	01/06/76	41 FR 1089
Final Rule Published	08/14/81	46 FR 41328
Rule Promulgated	08/18/81	
Concurrent Resolution of Disapproval	05/26/82	
Second Circuit reinstated petitions to review Rule	07/26/83	
Rule Remanded to Commission	09/14/83	
Invitation for public comment on "known defects" portions of the Rule	12/16/83	48 FR 55874
Staff Recommendation to Commission	05/00/84	
Tentative Adoption	07/10/84	
Invitation for Comment	07/31/84	49 FR 30511
Revised Final Rule Published	11/19/84	49 FR 45692
Final Action	11/19/84	49 FR 45692
Final Action Effective	05/09/85	

Small Entity: Yes

Agency Contact: Lemuel W. Dowdy, Federal Trade Commission, Division of Enforcement, Bureau of Consumer Protection, Washington, DC 20580, 202 376-2893

RIN: 3084-AA14

23. AMENDMENTS TO OCTANE POSTING AND CERTIFICATION RULE

Legal Authority: 15 USC 2801 et seq Petroleum Marketing Practices Act

CFR Citation: 16 CFR 306

Abstract: Title II of the Petroleum Marketing Practices Act ("PMPA", Pub. L. 95-297, June 19, 1978) required the Commission to promulgate a rule which establishes standard procedures for determining, certifying and posting, by means of a label on the fuel dispenser, the octane rating of automotive gasoline intended for sale to consumers. The Commission's rule was promulgated on March 30, 1979 and became effective on June 1, 1979. The rule is intended to enable consumers to buy a gasoline with an octane rating that is high enough to prevent inefficient and harmful "engine knock," and to avoid buying gasoline with an octane rating that is too high for their needs. Although compliance imposes costs on affected industry members, the rule's requirements parallel those in PMPA; therefore, the rule adds little, if any, additional cost. The rule requires refiners and importers to retain test records and distributors and retailers to retain octane certification records for one year, to facilitate tracing the source of inaccurate octane representations. While the Commission has attempted to minimize the burden on small business, the staff is considering (cont)

Timetable:

Action	Date	FR Cite
Previous Rule promulgated	03/30/79	44 FR 19160
Previous Rule effective	06/01/79	
Withdrawn because of staff determination not to recommend changes.	01/00/85	

Small Entity: Yes

Additional Information: ABSTRACT CONT: whether the recordkeeping requirements are unnecessary and whether sufficient incentives exist to

retain the records voluntarily. The rule may have a significant economic impact on a substantial number of small entities. The rule's octane posting requirements apply to all 180,000 retail gasoline dealers, and its certification requirements apply to approximately 20,000 wholesalers and distributors. Staff has determined that the recordkeeping requirements are not a burden within the meaning of 5 CFR 1320.7(b)(1) implementing the Paperwork Reduction Act because the records are kept in the ordinary course of business to keep track of the source, amount, type, cost, and tax paid relative to gasoline transferred. Therefore, staff has concluded that no amendment to this rule is necessary

Agency Contact: James Mills, Federal Trade Commission, Division of Enforcement, Bureau of Consumer Protection, Washington, DC 20580, 202 376-3646

RIN: 3084-AA16

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Part LV

Interstate Commerce Commission

Semiannual Regulatory Agenda

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INTERSTATE COMMERCE COMMISSION

49 CFR Ch. X

[Ex Parte No. 420 (Sub-No. 8)]

Semiannual Regulatory Agenda

AGENCY: Interstate Commerce Commission.

ACTION: Notice of semiannual regulatory agenda to be part of a Unified Agenda of Federal Regulations.

SUMMARY: Pursuant to OMB Bulletin No. 85-6, issued under section 6(b) of E.O. 12291 to implement the provisions of section 5 of the Executive Order concerning Regulatory Agendas, the Commission is publishing an agenda of (1) current and projected rulemakings, and (2) existing regulations being reviewed to determine whether to propose modifications through rulemaking. Listed below are the regulatory actions to be developed or reviewed during the next 12 months. Following each rule identified is a brief description of the rule including its purpose and legal basis.

FOR FURTHER INFORMATION CONTACT: A contact person is identified for each of the rules listed below.

SUPPLEMENTARY INFORMATION: Two lists of proceedings appear below. The first contains information about subject areas in which the Commission is currently conducting rulemaking proceedings or may institute such proceedings in the near future. The second contains information about existing regulations being reviewed to determine whether to propose modifications through rulemaking.

The agenda identifies regulations likely to have a significant economic impact on a substantial number of "small entities." Accordingly, this information will satisfy the requirements of section 602 of the Regulatory Flexibility Act, 5 U.S.C. 602.

Finally, this agenda will comprise part of a Unified Agenda of Federal Regulations compiled by the Office of Management and Budget which is to be published in a single issue of the **Federal Register** in April 1985. The purpose of the Unified Agenda is to provide the public with more comprehensive documentation of the Federal government's current regulatory plans, and to provide a systematic means of monitoring regulatory activity in each agency.

This notice is issued pursuant to 49 U.S.C. 10321 and 5 U.S.C. 553.

Decided: February 20, 1985.

By the Commission, Chairman Taylor, Vice Chairman Gradison, Commissioners Sterrett, Andre, Simmons, Lamboley, and Strenio.

James H. Bayne,

Secretary.

INTERSTATE COMMERCE COMMISSION (ICC) — Current and Projected Rulemakings

RAILROAD CONSOLIDATION PROCEDURES - TRACKAGE RIGHTS EXEMPTION, EX PARTE NO. 282 (SUB-NO. 9)

Priority: Agency Determination

Legal Authority: 49 USC 10505; 49 USC 11343 to 11346; 5 USC 553

CFR Citation: 49 CFR 1180, (formerly 49 CFR 1111)

Abstract: We propose to exempt from regulation, as a class, trackage rights transactions under 49 U.S.C. 11343 that are: 1) based on written agreements: and 2) not sought as responsive applications to rail consolidation proceedings.

Timetable:

Action	Date	FR Cite
NPRM	09/15/82	47 FR 40668
NPRM Comment Period Begin	09/15/82	47 FR 40668
NPRM Comment Period End	10/15/82	
Pending Final Decision	00/00/00	

Small Entity: No

Public Compliance Cost: Initial Cost: $200; Yearly Recurring Cost: $0; Base Year for Dollar Estimates: 1981

Government Levels Affected: Local, State, Federal

Analysis: Draft RFA 09/15/82 (47 FR 40668)

Agency Contact: Louis E. Gitomer, Deputy Director, Rail Section, Interstate Commerce Commission, Room 5417, Washington, DC 20423, 202 275-7245

RIN: 3120-AA09

ZONE OF REASONABLENESS FOR CAR HIRE CHARGES, EX PARTE NO. 334 (SUB-NO. 5)

Priority: Agency Determination

Legal Authority: 49 USC 10321, 49 USC 10706; 49 USC 10734; 49 USC 11122; 5 USC 553

CFR Citation: 49 CFR 1033; 49 CFR 1036

Abstract: The Commission is considering whether to increase carrier flexibility in establishing car hire charges.

Timetable:

Action	Date	FR Cite
NPRM	10/22/80	
NPRM Comment Period Begin	11/03/80	45 FR 73524
NPRM Comment Period End	12/22/80	
Presently under internal evaluation	00/00/00	

Small Entity: No

Agency Contact: Louis E. Gitomer, Deputy Director, Rail Section, Interstate Commerce Commission, Washington, DC 20423, 202 275-7245

RIN: 3120-AA13

SPECIAL TEMPORARY AUTHORITY PROCEDURES, EX PARTE NO. MC-64 (SUB-NO. 2A)

Legal Authority: 49 USC 10321; 5 USC 553

CFR Citation: 49 CFR 1131

Abstract: Proposal to add categories of emergency situations in which special temporary operating authority for motor carriers may be granted.

Timetable:

Action	Date	FR Cite
NPRM	06/05/80	45 FR 37912
NPRM Comment Period Begin	06/05/80	45 FR 46459
NPRM Comment Period End	08/11/80	

Action	Date	FR Cite
Draft under internal evaluation	00/00/00	

Small Entity: Not Applicable

Agency Contact: Howell I. Sporn, Deputy Director, Interstate Commerce Commission, Motor Section, Washington, DC 20423, 202 275-7691

RIN: 3120-AA19

BRANCH LINE ACCOUNTING SYSTEM-RAILROADS

Legal Authority: 49 USC 10362(b)(7)

CFR Citation: 49 CFR 1201

Abstract: These rules establish a standardized system of accounting which will permit the collection and publication by railroads of information necessary to determine accurately the revenues attributable, avoidable costs, and service units of light density lines scheduled for abandonment under 49 CFR 1121 or 1125. This proceeding is a continuing matter, by statute, based upon the Regional Rail Reorganization Act of 1973, modified by the Railroad Revitalization & Regulatory Reform Act of 1976; therefore, completion dates are inappropriate.

Timetable:

Action	Date	FR Cite
NPRM	01/11/78	43 FR 1732
Continuing proceeding by statute	00/00/00	

Small Entity: Not Applicable

Agency Contact: James R. Wells, Transportation Industry Analyst, Interstate Commerce Commission, Section of Rail Services Planning, Washington, DC 20423, 202 275-0840

RIN: 3120-AA23

PETITION TO EXPAND PASSENGER MOTOR CARRIER SUPERHIGHWAY AND DEVIATION RULES, EX PARTE NO. MC-65 (SUB-NO. 6)

Legal Authority: 49 USC 10321; 5 USC 553

CFR Citation: 49 CFR 1042

Abstract: Proposal to expand the amount by which a motor carrier of passengers may deviate from its certificated route in order to perform authorized service in an efficient and timely way.

Timetable:

Action	Date	FR Cite
NPRM	02/01/79	44 FR 6580
Under internal evaluation	00/00/00	

Small Entity: Not Applicable

Agency Contact: S. David Berger, Supervising Attorney Advisor, Interstate Commerce Commission, Motor Section, Washington, DC 20423, 202 275-7980

RIN: 3120-AA24

DORMANCY, DIVISION OF OPERATING RIGHTS, AND NEW COMPETITIVE SERVICE IN MOTOR CARRIER ACQUISITION CASES, EX PARTE NO. MC-155

Legal Authority: 49 USC 10926; 49 USC 11343; 49 USC 11344

CFR Citation: 49 CFR 1132; 49 CFR 1134

Abstract: New rules would propose to deal with the handling of sales of motor carrier operating rights involving dormant rights or rights which create additional competition by sale.

Timetable:

Action	Date	FR Cite
Draft under internal evaluation	00/00/00	

Small Entity: Undetermined

Public Compliance Cost: Initial Cost: $0; Yearly Recurring Cost: $957,300; Base Year for Dollar Estimates: 1983

Government Levels Affected: Federal

Analysis: Draft RFA 01/20/83

Agency Contact: Warren Wood, Senior Attorney, Motor Section, Interstate Commerce Commission, 12th & Constitution Avenue, NW, Room 2330, Washington, DC 20423, 202 275-7977

RIN: 3120-AA27

COSTING METHODOLOGIES FOR THE NORTHEAST CORRIDOR; COMMUTER SERVICE

Legal Authority: PL 97-35, Sec 1163(a) Northeast Rail Service Act of 1981

Abstract: These rules establish an appropriate costing methodology for compensating Amtrak for the use of its trackage in the Northeast Corridor and other areas by commuter rail passenger and freight services. It is based on an avoidable costing methodology concept. Amtrak is treated as the dominant user and the other users of its properties as the minority users; this is for purposes of assigning joint costs. This proceeding is a continuing matter under the Northeast Rail Services Act of 1981; as such, completion dates are not pertinent.

Timetable:

Action	Date	FR Cite
ANPRM	09/04/81	46 FR 44999
NPRM	01/25/82	47 FR 3418
NPRM Comment Period Begin	01/25/82	47 FR 3418
NPRM Comment Period End	03/01/82	
Continuing proceeding by statute	00/00/00	

Small Entity: No

Agency Contact: Stephen M. Grimm, Transportation Industry Analyst, Interstate Commerce Commission, Washington, DC 20423, 202 275-0839

RIN: 3120-AA31

REASONABLY EXPECTED COSTS

Legal Authority: 49 USC 10705a(b)(2) Staggers Rail Act of 1980

CFR Citation: 49 CFR 1129

Abstract: A railroad may impose a surcharge on traffic originating or terminating on certain light density lines. These surcharges may be applied without Commission interference unless the surcharge increases the carrier's share of joint-line revenues above 110 percent of variable cost plus 100 percent of the carrier's reasonably expected costs of continuing to operate the line itself; i.e., its on-branch costs. These rules establish the methodology for determining "reasonably expected costs." It will benefit the public by permitting shippers a mechanism to monitor and determine the appropriateness of a light density line surcharge. This proceeding is "open" pursuant to the Staggers Rail Act of 1980 and therefore, completion dates are not appropriate.

Timetable:

Action	Date	FR Cite
"Open" pursuant to statute	00/00/00	

Small Entity: No

Agency Contact: James Wells, Accountant, Interstate Commerce Commission, Washington, DC 20423, 202 275-0840

RIN: 3120-AA32

STANDARDS FOR DETERMINING RAIL SERVICE CONTINUATION

Legal Authority: 45 USC 715(d)(6) Regional Rail Reorganization Act of 1973; 49 USC 10362(b)(6) RR Revitalization & Reg. Reform Act of 1976

CFR Citation: 49 CFR 1125

Abstract: The standards define the terms "revenue attributable to the rail properties," the "avoidable costs of providing service," a "reasonable return on the value," and a "reasonable management fee." When a railroad receives Commission approval to abandon a portion of rail property because it is a burden on interstate commerce, a financially responsible person may offer an operating subsidy (i.e., a rail service continuation payment) to keep the rail line in operation. The standards establish a formula for calculating the estimated first year subsidy payment; the formula utilizes the terms defined above. This standard benefits the public by facilitating the continuation of essential freight service that would otherwise cease; it further provides a mechanism adequately compensating a carrier for the service provided. This proceeding is a continuing matter by statute based upon the Regional Rail Reorganization Act of 1973, modified by the Railroad Revitalization & Regulatory Reform Act of 1976; therefore, completion dates are inappropriate.

Timetable:

Action	Date	FR Cite
Continuing proceeding by statute	00/00/00	

Small Entity: Not Applicable

Agency Contact: James Wells, Accountant, Interstate Commerce Commission, Section of Rail Services Planning, Washington, DC 20423, 202 275-0840

RIN: 3120-AA33

STANDARDS FOR DETERMINING COMMUTER RAIL SERVICE CONTINUATION SUBSIDIES AND EMERGENCY OPERATING PAYMENTS

Legal Authority: 45 USC 715 Regional Rail Reorganization Act of 1973; 49 USC 10362(b)(5); PL 94-210 RR Revitalization & Reg. Reform Act of 1976

CFR Citation: 49 CFR 1127

Abstract: These standards establish a methodology by which a subsidy amount may be calculated. This subsidy would be offered by a financially responsible party (usually a state agency or commuter authority) to a railroad to fund the deficits incurred in providing rail passenger commuter service in the Northeast. These standards benefit the public by facilitating the continuation of essential rail passenger service and providing a mechanism for adequately compensating a carrier for the service provided. This proceeding is a continuing matter, by statute, based upon the Regional Rail Reorganization Act of 1973, modified by the Railroad Revitalization & Regulatory Reform Act of 1976; therefore, completion dates are inappropriate.

Timetable:

Action	Date	FR Cite
ANPRM	06/05/81	
Continuing proceeding by statute	00/00/00	

Small Entity: Not Applicable

Agency Contact: Stephen M. Grimm, Transportation Industry Analyst, Interstate Commerce Commission, Section of Rail Services Planning, Washington, DC 20423, 202 275-0839

RIN: 3120-AA34

INTERCHANGE POLICIES AT INTERNATIONAL BOUNDARY LINES, EX PARTE NO. MC-73 (SUB-NO. 1)

Legal Authority: 49 USC 10101; 49 USC 10321; 49 USC 11107; 5 USC 552; 5 USC 553; 5 USC 559

CFR Citation: 49 CFR 1004; 49 CFR 1057

Abstract: Proposal to permit licensed motor carriers to interchange equipment at international boundary lines with licensed Mexican and Canadian carriers.

Timetable:

Action	Date	FR Cite
NPRM	06/23/81	46 FR 32460
NPRM Comment Period Begin	06/23/81	
NPRM Comment Period End	08/07/81	
Draft under internal evaluation	00/00/00	

Small Entity: Undetermined

Agency Contact: Andrew L. Lyon, Principal Attorney, Interstate Commerce Commission, Motor Section, Washington, DC 20423, 202 275-7805

RIN: 3120-AA36

REVOCATION PROCEDURES FOR FAILURE TO FILE AND MAINTAIN INSURANCE (MOTOR CARRIERS), OR SURETY BONDS (MOTOR CARRIERS, BROKERS AND FREIGHT FORWARDERS), EX PARTE NO. MC-5 (SUB-NO.3)

Legal Authority: 49 USC 10925; 49 USC 10927

CFR Citation: 49 CFR 1043.7(f); 49 CFR 1084.8(g)

Abstract: Motor carriers, brokers and forwarders are required to file evidence of security for public protection in prescribed amounts. This proceeding involves improvement of the procedures by which revocation of certificates, licenses and permits is accomplished for failure to file or maintain the required security.

Timetable:

Action	Date	FR Cite
NPRM	12/13/82	47 FR 55980
NPRM Comment Period Begin	12/13/82	47 FR 55980
NPRM Comment Period End	01/13/83	
Final Action	09/02/85	
Final Action Effective	10/09/85	

Small Entity: No

Agency Contact: Margaret Ginyard, Transportation Industry Analyst, Interstate Commerce Commission, Office of Compliance & Consumer Assistance, Room 6328, Washington, DC 20423, 202 275-6749

RIN: 3120-AA39

REGULATIONS GOVERNING THE ADEQUACY OF INTERCITY MOTOR COMMON CARRIER PASSENGER SERVICE, EX PARTE NO. MC-95 (SUB-NO. 3)

Legal Authority: 49 USC 10321; 5 USC 553

CFR Citation: 49 CFR 1063

Abstract: Proposal to develop rules governing adequacy of service, equipment, and facilities on buses.

Timetable:

Action	Date	FR Cite
NPRM	09/06/79	44 FR 53092
NPRM Comment Period Begin	12/03/84	49 FR 49117
NPRM Comment Period End	02/01/85	
Comments under review	00/00/00	

Small Entity: Not Applicable

Agency Contact: James Brown, Attorney Advisor, Interstate Commerce Commission, Motor Section, Washington, DC 20423, **202 275-7898**

RIN: 3120-AA40

HANDLING OF C.O.D. SHIPMENTS, EX PARTE NO. MC-42

Priority: Agency Determination

Legal Authority: 49 USC 10101; 49 USC 10321; 49 USC 10762; 49 USC 11101; 5 USC 553

CFR Citation: 49 CFR 1052

Abstract: The Commission is considering whether to revise its existing regulations to authorize individual carriers to establish their own nondiscriminatory C.O.D. collection and remittance rules and to eliminate the requirement in existing recordkeeping.

Timetable:

Action	Date	FR Cite
NPRM	03/19/81	46 FR 17814
NPRM Comment Period Begin	03/20/81	
NPRM Comment Period End	05/04/81	
Draft Decision under internal evaluation	00/00/00	

Small Entity: No

Agency Contact: Tom Barry, Attorney Advisor, Interstate Commerce Commission, Washington, DC 20423, **202 275-7540**

RIN: 3120-AA42

IMPROVEMENT OF TOFC/COFC REGULATION (RAILROAD AFFILIATED MOTOR CARRIERS AND OTHER MOTOR CARRIERS), EX PARTE NO. 230 (SUB-NO. 6)

Priority: Agency Determination

Legal Authority: 49 USC 10321(a); 49 USC 10505; 5 USC 553; 5 USC 559

CFR Citation: 49 CFR 1039

Abstract: The Commission has voted to extend to non-rail affiliated motor carriers its exemption from 49, Subchapter IV of the U.S. Code motor transportation of trailers and of containers used in continuous intermodal movements (TOFC and COFC service). The date the exemption will become effective is not yet determined.

Timetable:

Action	Date	FR Cite
ANPRM	08/22/79	44 FR 49279
ANPRM Comment Period Begin	08/22/79	44 FR 49279
ANPRM Comment Period End	10/22/79	
NPRM	02/27/81	46 FR 14365
NPRM Comment Period Begin	02/27/81	46 FR 14365
NPRM Comment Period End	03/30/81	
Vote of the Commission	09/20/84	
Draft Final Decision under internal evaluation	00/00/00	

Small Entity: No

Agency Contact: Louis E. Gitomer, Deputy Director, Rail Section, Interstate Commerce Commission, Washington, DC 20423, **202 275-7245**

RIN: 3120-AA47

COAL RATE GUIDELINES - NATIONWIDE, EX PARTE NO. 347 (SUB-NO. 1)

Priority: Agency Determination

Legal Authority: 5 USC 553; 49 USC 10321; 49 USC 10701a; 49 USC 10704; 49 USC 10709(a)

CFR Citation: Not yet determined

Abstract: The Commission is proposing a maximum rail rate policy applicable to captive coal traffic. Under the proposed "constrained market pricing" approach, rail carriers' pricing of market dominant coal traffic would be subject to four upward constraints. First, a coal shipper could not be charged more than the "stand-alone cost" of serving its traffic. Second, captive shippers would not be required to bear the cost of obvious management inefficiencies. Third, carriers which have adequate revenues, as we have defined them, would not be permitted to increase their rates on captive coal traffic. Finally, carriers would generally not be permitted to increase their rates on captive coal traffic by more than 15 percent in a single year (after allowing for inflation).

Timetable:

Action	Date	FR Cite
NPRM	11/18/80	45 FR 80370
NPRM Comment Period Begin	11/18/80	46 FR 2204
NPRM Comment Period End	04/17/81	
Comment End Extended to 05/11/81	04/17/81	46 FR 22497
Interim Final Rule	12/16/81	46 FR 62958
Additional comments requested	02/10/82	47 FR 6109
Decision reopening 12/16 decision	08/05/82	
NPRM	02/08/83	
Public Comment Period Begins	02/22/83	
Public Comment Period Ends	07/28/83	
Oral Hearing	10/04/84	
Final Action	04/00/85	

Small Entity: Undetermined

Agency Contact: Leslie J. Selzer, Assistant to the Director, Interstate Commerce Commission, Bureau of Accounts, Washington, DC 20423, **202 275-7627**

RIN: 3120-AA52

STANDARDS FOR RAILROAD REVENUE ADEQUACY, EX PARTE NO. 393 AND EX PARTE NO. 393 (SUB-NO. 1)

Priority: Major

Legal Authority: 49 USC 10704(a)(2)

CFR Citation: Not yet determined

Abstract: To assist the Commission in determining whether railroads are revenue adequate as prescribed by the IC Act. A final decision in the lead proceeding was issued on 03/30/81. The present NPRM (Sub-No.1) is to resolve several issues left outstanding in the earlier decision.

Timetable:

Action	Date	FR Cite
NPRM	11/26/80	
NPRM	02/28/83	
NPRM Comment Period Begins	03/01/83	
NPRM Comment Period Ends	04/15/83	
Comment Period Extended to	09/16/83	48 FR 29964
Comments due	09/23/83	48 FR 42876
Final Action	04/00/85	
Final Action Effective	04/00/85	
Draft Decision under internal evaluation	00/00/00	

Small Entity: Undetermined

Agency Contact: Ward L. Ginn, Jr., Chief, Section of Financial Analysis, Interstate Commerce Commission, 12th & Constitution Avenue, NW, Washington, DC 20423, 202 275-7488

RIN: 3120-AA61

ADOPTION OF UNIFORM RAIL COSTING SYSTEM FOR DETERMINING VARIABLE COST FOR JURISDICTIONAL THRESHOLD AND SURCHARGE PURPOSES (URCS), EX PARTE NO. 431

Priority: Major

Legal Authority: 49 USC 10705(a); 49 USC 10709

CFR Citation: Not yet determined

Abstract: Develops new cost methodology applicable to the rail industry as mandated in the 1976 4-R Act and the 1980 Staggers Rail Act.

Timetable:

Action	Date	FR Cite
NPRM	01/31/83	48 FR 4562
NPRM Comment Period Begin	01/31/83	48 FR 25290
NPRM Comment Period End	09/28/83	
Decision to hold in abeyance until further notice	11/13/84	49 FR 45080
Next Action Undetermined		

Small Entity: Yes

Agency Contact: William T. Bono, Chief, Section of Cost Development, Interstate Commerce Commission, 12th & Constitution Avenue, NW, Washington, DC 20423, 202 275-7354

RIN: 3120-AA63

AGRICULTURAL COOPERATIVE EXEMPTION

Legal Authority: 49 USC 10529

CFR Citation: 49 CFR 1047.21 to 1047.23

Abstract: The draft final rules would modify existing regulations to enhance the Commission's enforcement powers over cooperatives. Cooperatives would be required to compile simple reports and maintain certain records in one location. Non-resident cooperatives would have to make such reports and records available in the United States, and the Notice Form OCP 102 required to be filed with the Commission would expire one year from the filing date.

Timetable:

Action	Date	FR Cite
NPRM	06/10/81	49 FR 30668
NPRM Comment Period Begin	06/10/81	49 FR 30668
NPRM Comment Period End	07/27/81	
Final Action	09/02/85	
Final Action Effective	10/09/85	

Small Entity: Yes

Agency Contact: Patricia M Schulze, Transportation Industry Analyst, Interstate Commerce Commission, OCCA, Washington, DC 20423, 202 275-7841

RIN: 3120-AA74

TRANSFERS OF OPERATING RIGHTS, EX PARTE NO. MC-111 (SUB-NO. 1)

Legal Authority: 49 USC 10101; 49 USC 10926; 5 USC 553; 5 USC 559

CFR Citation: 49 CFR 1045.11; 49 CFR 1132; 49 CFR 1133; 49 CFR 1141; 49 CFR 1151

Abstract: When motor carriers, water carriers, brokers, and freight forwarders seek to transfer their operating rights, they must follow Commission procedures. Proposed regulations will seek to consolidate the various regulations, streamline them, and simplify the entire procedure.

Timetable:

Action	Date	FR Cite
NPRM	10/01/82	
NPRM Comment Period Begin	10/01/82	
NPRM Comment Period End	10/31/82	
Draft NPRM under internal evaluation	00/00/00	

Small Entity: Yes

Agency Contact: Suzanne Higgins, Attorney Advisor, Interstate Commerce Commission, Motor Section, Washington, DC 20423, 202 275-7181

RIN: 3120-AA81

SPECIAL INTERMODAL AUTHORITY, EX PARTE NO. 282 (SUB-NO. 7)

Legal Authority: 49 USC 11344(e)

CFR Citation: 49 CFR 1111.11

Abstract: The rules will implement a provision allowing special applications to provide the motor portion of a motor-rail movement as a substitute for impaired rail service.

Timetable:

Action	Date	FR Cite
NPRM	10/18/80	
NPRM Comment Period Begin	10/18/80	
Interim Final Rule	10/18/80	
NPRM Comment Period End	11/18/80	
Presently under internal evaluation	00/00/00	

Small Entity: No

Government Levels Affected: Federal

Agency Contact: Louis E. Gitomer, Deputy Director, Rail Section, Interstate Commerce Commission, Room 5417, Washington, DC 20423, 202 275-7245

RIN: 3120-AA82

REVISION OF ACCOUNTING AND REPORTING REQUIREMENTS FOR MOTOR CARRIERS OF PROPERTY, DOCKET NO. 38904

Priority: Agency Determination

Legal Authority: 49 USC 11142

CFR Citation: 49 CFR 1207; 49 CFR 1249

Abstract: This rule would eliminate all the Commission's accounting and reporting rules for Class I and II

common and contract motor carriers of property.

Timetable:

Action	Date	FR Cite
NPRM	02/21/85	50 FR 7201
NPRM Comment Period Begin	02/21/85	
NPRM Comment Period End	04/08/85	

Small Entity: No

Agency Contact: Francis R. Grisetti, Jr., Chief, Section of Accounting and Reporting, Interstate Commerce Commission, 12th & Constitution Avenue, N.W., Washington, D.C. 20423. 202 275-7448

RIN: 3120-AA84

REVISION TO ACCOUNTING RULES FOR CLASS I AND CLASS II COMMON AND CONTRACT MOTOR CARRIERS OF PROPERTY, DOCKET NO. 38837

Priority: Agency Determination

Legal Authority: 5 USC 553; 49 USC 11142

CFR Citation: 49 CFR 1207

Abstract: The proposed rule would revise the regulations to: (1) make the uniform system of accounts a single-class system, generally based on the present requirements for Class II carriers; (2) eliminate recognition of gains on trade-ins of operating equipment; (3) eliminate the requirement for household goods carrier principals to obtain financial reports from their carrier agents; and (4) make miscellaneous technical changes to clarify the regulations.

Timetable:

Action	Date	FR Cite
NPRM	01/18/83	48 FR 2557
NPRM Comment Period Begin	01/20/83	48 FR 2557
NPRM Comment Period End	03/07/83	
Final Action	12/00/85	

Small Entity: No

Agency Contact: Francis R. Grisetti, Jr., Chief, Section of Accounting and Reporting, Interstate Commerce Commission, 12th & Constitution Avenue, N.W., Washington, D.C. 20423, 202 275-7448

RIN: 3120-AA85

REVISION TO THE UNIFORM SYSTEM OF ACCOUNTS FOR RAILROADS

Priority: Agency Determination

Legal Authority: 49 USC 11166

CFR Citation: 49 CFR 1201

Abstract: The purpose of this regulation is to update the uniform system of accounts for railroads. This includes incorporating various suggestions from users and carriers and recommendations from Commission staff. It also addresses such areas as compliance with GAAP, clarity of presentation, and logic for level of detail in account classifications. Further, the operating expense account explanations will be revised for clarity

Timetable:

Action	Date	FR Cite
NPRM	06/13/84	49 FR 24554
NPRM Comment Period Begin	06/13/84	49 FR 24554
NPRM Comment Period End	07/30/84	
Final Action	06/00/85	

Small Entity: No

Agency Contact: Francis R. Grisetti, Jr., Chief, Section of Accounting and Reporting, Interstate Commerce Commission, 12th & Constitution Avenue, N.W., Washington, D.C. 20423, 202 275-7448

RIN: 3120-AA86

PROCEDURES GOVERNING THE PROCESSING, INVESTIGATION, AND DISPOSITION OF OVERCHARGE, DUPLICATE PAYMENT, OR OVERCOLLECTION CLAIMS

Legal Authority: 49 USC 10741; 49 USC 10761(a)

CFR Citation: 49 CFR 1008

Abstract: This action is considering the modification of rules governing processing of overcharge, duplicate payment, and overcollection claims to lessen burdens on small shippers.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	
NPRM Comment Period Begin	00/00/00	
NPRM Comment Period End	00/00/00	

Small Entity: Yes

Agency Contact: Patricia M. Schulze Transportation Industry Analyst, Interstate Commerce Commission, Office of Compliance and Consumer Assistance, Washington, D.C. 20423, 202 275-7841

RIN: 3120-AA95

ELECTRONIC FILING OF TARIFFS, EX PARTE NO. 444

Priority: Agency Determination

Legal Authority: 49 USC 10321, 49 USC 10762

CFR Citation: 49 CFR 1300; 49 CFR 1303; 49 CFR 1304; 49 CFR 1305; 49 CFR 1306; 49 CFR 1307; 49 CFR 1308; 49 CFR 1309; 49 CFR 1310

Abstract: Commission regulations require filing of tariffs in printed form. The Commission is considering establishing rules and procedures to permit carriers to file tariffs electronically. The advance notice of proposed rulemaking seeks comments from interested parties.

Timetable:

Action	Date	FR Cite
ANPRM	03/08/83	
ANPRM Comment Period Begin	03/08/83	48 FR 18861
ANPRM Comment Period End	06/22/83	
Presently under internal evaluation	00/00/00	

Small Entity: Undetermined

Agency Contact: Charles E. Langyher, III, Chief, Section of Tariffs, Interstate Commerce Commission, Bureau of Traffic, Washington, D.C. 20423, 202 275-7739

RIN: 3120-AA99

ACCEPTABLE FORMS OF REQUESTS FOR OPERATING AUTHORITY FOR MOTOR CARRIERS AND BROKERS OF PROPERTY, EX PARTE NO. MC-55 (SUB-NO. 43A)

Priority: Major

Legal Authority: 5 USC 553; 49 USC 10101; 49 USC 10321; 49 USC 10922; 49 USC 10923; 49 USC 10924; 49 USC 11102

CFR Citation: 49 CFR 1160

Abstract: To permit applications for any reasonably broad commodity description.

Timetable:

Action	Date	FR Cite
NPRM	08/08/83	
NPRM Comment Period Begin	08/08/83	
NPRM Comment Penod End	09/26/83	
Most rules effective	05/18/84	49 FR 15205
Supplemental NPR (bulk commodities only)	07/02/84	49 FR 27182
Comments due	08/16/84	
Comments under review	00/00/00	

Small Entity: No

Agency Contact: Suzanne Higgins, Attorney Advisor, Interstate Commerce Commission, Motor Section, Washington, DC 20423, 202 275-7181

RIN: 3120-AB05

RAIL GENERAL EXEMPTION AUTHORITY - MISCELLANEOUS PROCESSED AND MANUFACTURED COMMODITIES

Priority: Agency Determination

Legal Authority: 49 USC 10505

CFR Citation: 49 CFR 1039

Abstract: 49 USC 10505 requires that the Commission exempt from regulation the movement by rail of traffic for which it finds continued regulation no longer necessary to serve the Nation's transportation policy objectives and to protect shippers from abuse of market power by the railroads. In examining the transportation characteristics and markets of various commodities moving by rail, there appear to be many products for which sufficient competition exists among transportation alternatives so that regulation may no longer be necessary. Exemption of such commodities should provide increased rate and service flexibility for railroads to meet shippers' needs and to compete more effectively for the subject traffic. Anticipated benefits include lower rates and improved service, at a possible "cost" of increased price instability and competition to alternative transport firms.

Timetable:

Action	Date	FR Cite
NPRM	03/00/85	

Small Entity: Undetermined

Agency Contact: Robert Lundy, Economist, Interstate Commerce Commission, Washington, DC 20423, 202 275-6853

RIN: 3120-AB08

ELIMINATION OF PRESERVATION OF RECORDS RULES, DOCKET NO. 38849 (SUB-NO. 1)

Priority: Agency Determination

Legal Authority: 5 USC 553; 49 USC 10321; 49 USC 11145

CFR Citation: 49 CFR 1220

Abstract: This rule would eliminate the record preservation rules. These rules dictate the minimum length of time records must be preserved. The Commission believes the rules are no longer necessary and that their elimination will reduce costs and burdens substantially.

Timetable:

Action	Date	FR Cite
NPRM	01/26/84	49 FR 3493
NPRM Comment Period Begin	01/26/84	49 FR 3493
NPRM Comment Period End	03/12/84	
Final Action	04/00/85	

Small Entity: Yes

Agency Contact: Francis R. Grisetti, Jr., Chief, Section of Accounting and Reporting, Interstate Commerce Commission, 12th & Constitution Avenue, N.W., Washington, DC 20423, 202 275-7448

RIN: 3120-AB10

PRACTICES OF MOTOR COMMON CARRIERS OF HOUSEHOLD GOODS (REVISION OF OPERATIONAL REGULATIONS)

Legal Authority: 49 USC 11110

CFR Citation: 49 CFR 1056

Abstract: This proceeding involves a plenary review of the household goods regulations in which the Commission invites public comment and proposals which would minimize the regulatory burden on movers to the maximum extent consistent with the protection of individual shippers.

Timetable:

Action	Date	FR Cite
ANPRM	10/26/83	48 FR 49561
ANPRM Comment Period Begin	10/26/83	48 FR 49561
ANPRM Comment Period End	01/12/84	
NPRM	09/02/85	
NPRM Comment Period Begin	09/09/85	
NPRM Comment Period End	10/09/85	

Small Entity: Yes

Agency Contact: Patricia M. Schulze, Transportation Industry Analyst, Interstate Commerce Commission, Room 5331, Washington, DC 20423, 202 275-7841

RIN: 3120-AB17

BOX CAR HIRE AND CAR SERVICE, EX PARTE NO. 346 (SUB-NO. 19)

Priority: Agency Determination

Legal Authority: 49 USC 10321; 49 USC 10505; 5 USC 553

CFR Citation: 49 CFR 1039

Abstract: This proceeding considers alternatives to present car-hire and car service rules affecting boxcars and to the proposals made in Ex Parte No. 346 (Sub-No. 8), Exemption From Regulation - Boxcar Traffic (48 FR 20412, May 6, 1983).

Timetable:

Action	Date	FR Cite
ANPRM	06/27/84	49 FR 26745
ANPRM Comment Period Begin	07/03/84	49 FR 26745
ANPRM Comment Period End	11/20/84	
Reply comments due	04/25/85	

Small Entity: Undetermined

Agency Contact: Louis E. Gitomer, Deputy Director, Rail Section, Interstate Commerce Commission, Room 5417, Washington, DC 20423, 202 275-7245

RIN: 3120-AB19

POLICY ON RELEASE OF DATA FROM THE ICC WAYBILL SAMPLE

Priority: Undetermined

ICC — Current and Projected Rulemakings

Legal Authority: 49 USC 10321; 49 USC 11144; 5 USC 552; 5 USC 553

CFR Citation: 49 CFR 1244.8

Abstract: The Commission, in recognition of the sensitivity of unaggregated waybill data and the potential for competitive harm to shippers and railroads, proposes to establish a policy for the release of waybill sample data. The policy will balance the need of the users of the data and assure that confidential carrier or shipper information is not disclosed. The policy will be added to 49 C.F.R. 1244 as Section 1244.8.

Timetable:

Action	Date	FR Cite
NPRM	03/00/85	

Small Entity: No

Agency Contact: James A Nash, Transportation Industry Analyst, Interstate Commerce Commission, Washington, DC 20423, 202 275-6864

RIN: 3120-AB20

● STAGGERS RAIL ACT OF 1980 - CONFERENCE OF INTERESTED PARTIES, EX PARTE NO. 456

Priority: Agency Determination

Legal Authority: 49 USC 10321, 49 USC 10311

Abstract: The Commission instituted this proceeding to (1) gather information from carriers and shippers regarding the problems and benefits arising from the implementation of recent legislation, particularly the Staggers Rail Act of 1980, and (2) provide a forum for direct discussion among these affected parties. The Commission hopes that this conference will lead to a more complete understanding of the changes that have occurred in rail transportation as a result of such legislation, and its implementation, and that it will assist the parties in resolving any problems that may exist.

Timetable:

Action	Date	FR Cite
Record & results of sub-conference groups under internal evaluation	00/00/00	

Small Entity: Undetermined

Agency Contact: David H. Allard, Chief Administrative Law Judge, Interstate Commerce Commission, 12th and Constitution Avenue, NW, Room 3123, Washington, DC 20423, 202 275-7502

RIN: 3120-AB23

INTERSTATE COMMERCE COMMISSION (ICC) — Existing Regulations Under Review

PROCEDURES FOR REQUESTING RAIL VARIABLE COST AND REVENUES DETERMINATION FOR JOINT RATES SUBJECT TO SURCHARGE OR CANCELLATION, EX PARTE NO. 389

Priority: Agency Determination

Legal Authority: 49 USC 10321, 49 USC 10705a, 5 USC 553

CFR Citation: 49 CFR 1031A

Abstract: The Commission has proposed procedures for obtaining relevant revenue and variable cost data under 49 USC 10705a.

Timetable:

Action	Date	FR Cite
Previous NPRM	11/03/80	45 FR 72665
NPRM	03/30/81	46 FR 19238
NPRM Comment Period Begin	03/30/81	46 FR 19238
NPRM Comment Period End	04/29/81	
End Review	00/00/00	
Presently under internal evaluation	00/00/00	

Small Entity: No

Agency Contact: Louis E. Gitomer, Deputy Director, Rail Section, Interstate Commerce Commission, Washington, DC 20423, 202 275-7245

RIN: 3120-AA57

● EX PARTE NO. 394 (SUB-NO. 1), COST RATIO FOR RECYCLABLES - 1983 DETERMINATION

Priority: Undetermined

Legal Authority: 49 USC 10731(e)

Abstract: The purpose of the proceeding is (1) to recalculate the revenue to variable cost (r/vc) ratio for rates on nonferrous recyclables under the statutory standard of 49 U.S.C. 10731(e); (2) to decide if this ratio should be calculated periodically and, if so, how often; (3) to determine the magnitude of change which would require a revision of the prescribed ratio; (4) to determine when the change should be applicable; and (5) to determine what effect any changes would have on future refund or reparation orders.

Timetable:

Action	Date	FR Cite
NPRM	06/29/83	48 FR 29925
Draft final decision under internal review	00/00/00	

Small Entity: No

Agency Contact: Louis E. Gitomer, Deputy Director, Rail Section, Interstate Commerce Commission, 12th and Constitution Ave., NW, Room 5417, Washington, DC 20423, 202 275-7245

RIN: 3120-AB21

INTERSTATE COMMERCE COMMISSION (ICC) — Completed Actions

COMPLETED RULEMAKINGS

MODIFY RULES GOVERNING TARIFF AMENDMENTS, EX PARTE NO. 435

Priority: Agency Determination

CFR Citation: 49 CFR 1300; 49 CFR 1306 49 CFR 1307; 49 CFR 1309; 49 CFR 1310 49 CFR 1312

Completed:

Reason	Date	FR Cite
Final Action	01/04/85	50 FR 459
Final Action Effective	02/04/85	50 FR 459

ICC

Completed Actions

Small Entity: No

Agency Contact: Lawrence C. Herzig 202 275-7358

RIN: 3120-AA65

CONSOLIDATION OF TARIFF PUBLISHING RULES, DOCKET NO. 37321

Priority: Agency Determination

CFR Citation: 49 CFR 1300; 49 CFR 1303; 49 CFR 1304; 49 CFR 1305; 49 CFR 1306; 49 CFR 1307; 49 CFR 1308; 49 CFR 1309; 49 CFR 1310; 49 CFR 1312

Completed:

Reason	Date	FR Cite
Final Action	10/01/84	49 FR 38614
Final Action Effective	10/30/84	49 FR 38614

Small Entity: Yes

Agency Contact: Charles Langyher 202 275-7739

RIN: 3120-AA66

REVISION OF RAIL, MOTOR, WATER, AND FREIGHT FORWARDER CREDIT REGULATIONS, EX PARTE NOS. MC-1 AND 73 ET AL

CFR Citation: 49 CFR 1051; 49 CFR 1320; 49 CFR 1321; 49 CFR 1322; 49 CFR 1323; 49 CFR 1324

Completed:

Reason	Date	FR Cite
Final Action	01/16/85	50 FR 2289
Final Action Effective	05/01/85	

Small Entity: Undetermined

Agency Contact: Louis E. Gitomer 202 275-7245

RIN: 3120-AA94

EXEMPTION OF TRANSACTIONS UNDER 49 U.S.C. 11343, EX PARTE NO. 55 (SUB-NO. 57)

CFR Citation: 49 CFR 1002; 49 CFR 1181; 49 CFR 1182; 49 CFR 1183; 49 CFR 1186

Completed:

Reason	Date	FR Cite
Final Action	12/11/84	49 FR 48314
Final Action Effective	12/12/84	

Small Entity: Yes

Agency Contact: Warren C. Wood 202 275-7977

RIN: 3120-AB09

ELIMINATION OF THIRTY DAY LEASING REQUIREMENT, EX PARTE NO. MC-43 (SUB-NO. 15)

CFR Citation: 49 CFR 1057

Completed:

Reason	Date	FR Cite
Final Action	12/06/84	49 FR 47850
Final Action Effective	01/07/85	

Small Entity: Yes

Agency Contact: Robert G. Rothstein 202 275-7912

RIN: 3120-AB11

INVESTIGATION INTO PRACTICES OF MOTOR COMMON CARRIERS OF PROPERTY ON RESIDENTIAL AND REDELIVERED SHIPMENTS, EX PARTE NO. MC-97 (SUB-NO. 2)

Priority: Undetermined

CFR Citation: 49 CFR 1310

Completed:

Reason	Date	FR Cite
Final Action	02/04/85	
Final Action Effective	05/06/85	

Small Entity: Undetermined

Agency Contact: Thomas Vining 202 275-7196

RIN: 3120-AB12

WITHDRAWAL OF ANTITRUST IMMUNITY FOR COLLECTIVE RATEMAKING ON SMALL SHIPMENTS, EX PARTE NO. MC-172

Priority: Agency Determination

Completed:

Reason	Date	FR Cite
Final Action	12/13/84	49 FR 48774
Final Action Effective	12/14/84	

Small Entity: Undetermined

Agency Contact: Thomas T. Vining 202 275-7196

RIN: 3120-AB13

ACQUISITION OF MOTOR CARRIERS BY RAILROADS, EX PARTE NO. 438

Priority: Agency Determination

Completed:

Reason	Date	FR Cite
Final Action	07/30/84	49 FR 30376
Final Action Effective	08/29/84	

Small Entity: No

Agency Contact: Louis E. Gitomer 202 275-7245

RIN: 3120-AB16

LEASE AND INTERCHANGE REGULATIONS (MASTER LEASES), EX PARTE NO. MC-43 (SUB-NO. 14)

CFR Citation: 49 CFR 1057

Completed:

Reason	Date	FR Cite
Final Action	11/30/84	49 FR 47268
Final Action Effective	12/03/84	

Small Entity: Undetermined

Agency Contact: Judy Ann Barnes 202 275-7962

RIN: 3120-AB18

COMPLETED REVIEWS

REVISION OF 49 CFR 1041, EX PARTE NO. 55 (SUB-NO. 51)

CFR Citation: 49 CFR 1041

Completed:

Reason	Date	FR Cite
Withdrawn Action Will Not Be Initiated	02/27/85	

Small Entity: Undetermined

Agency Contact: Andrew L. Lyon 202 275-7805

RIN: 3120-AA72

CLARIFICATION OF CERTIFICATE OF REGISTRATION RULES, EX PARTE NO. 55 (SUB-NO. 50)

CFR Citation: 49 CFR 1100 245

Completed:

Reason	Date	FR Cite
Withdrawn Action Will Not Be Initiated	02/27/85	

Small Entity: Undetermined

Agency Contact: Marie Simpson 202 275-7108

RIN: 3120-AA73

ICC

Completed Actions

ACTIONS THAT STARTED AND ENDED BETWEEN ISSUES OF THE UNIFIED AGENDA

● MODIFICATION OF SMALL CARRIER TRANSFER REGULATIONS FOR TRANSACTIONS INVOLVING MOTOR CARRIERS OF PROPERTY, EX PARTE NO. 55 (SUB-NO. 57A)

Priority: Agency Determination

Legal Authority: 49 USC 10321; 49 USC 11343(e); 5 USC 553

CFR Citation: 49 CFR 1181; 49 CFR 1186

Abstract: These are the procedural regulations for processing small carrier transfers of motor property authority subject to 49 U.S.C. 10926 and the decision in Ex Parte No. 55 (Sub-No 57).

Timetable:

Action	Date	FR Cite
Final Action	02/15/85	50 FR 6348
Final Action Effective	02/15/85	

Small Entity: Undetermined

Agency Contact: Warren Wood, Senior Attorney, Motor Section, Interstate Commerce Commission, 12th & Constitution Avenue, NW, Room 2330, Washington, DC 20423, 202 275-7977

RIN: 3120-AB22

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National Credit Union Administration

Semiannual Regulatory Agenda

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NCUA

NATIONAL CREDIT UNION ADMINISTRATION

12 CFR Ch. VII

Semiannual Agenda of Regulations

AGENCY: National Credit Union Administration (NCUA).

ACTION: Semiannual agenda of regulations.

SUMMARY: Pursuant to its ongoing policy of reviewing regulations, NCUA is publishing a list of current and projected rulemaking, reviews of existing regulations, and completed actions as of February 8, 1985. NCUA is also including this Agenda in the "Unified Agenda of Federal Regulations."

DATE: This information is current as of February 25, 1985.

ADDRESS: National Credit Union Administration, 1776 G Street, N.W., Washington, D.C. 20456.

FOR FURTHER INFORMATION CONTACT: On a particular regulation, contact the person named in the listing for that regulation at the above address.

SUPPLEMENTARY INFORMATION: The purpose of this Agenda is to enable the credit union community and the public to track regulatory development and review at NCUA and to enable interested parties to more effectively participate in that process. The Agenda is divided into three parts describing, respectively, (1) current rulemaking proceedings and regulatory reviews, (2) projected rulemaking and reviews and (3) actions completed since the last Agenda.

The Agenda is published pursuant to the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) and NCUA's statement of policy concerning development and review of regulations (IRPS 81-4, 46 FR 2948).

NCUA will voluntarily include this Agenda in the Office of Management and Budget's next publication of its "Unified Agenda of Federal Regulations." The NCUA Board believes that participation in this joint publication will further the public interest by including NCUA in a single source of information concerning current and projected rulemaking and reviews of existing regulations.

Accordingly, the following updates NCUA's last semiannual agenda.

Approved by the NCUA Board this 25th day of February 1985.

Rosemary Brady,

Secretary of the Board

Current and Projected Rulemakings

Sequence Number	Title	Regulation Identifier Number
1	Supervisory Committee Audit	3133-AA13
2	Payout Priorities for Involuntary Liquidation of Federally Insured Credit Unions	3133-AA28
3	*Enforcement of Nondiscrimination on the Basis of Handicap in Programs or Activities Conducted by the National Credit Union Administration	3133-AA29
4	Federal Credit Union Insurance and Group Purchasing Activities	3133-AA30
5	Credit Union Service Organizations	3133-AA46

*Indicates priority regulation.

Existing Regulations Under Review

Sequence Number	Title	Regulation Identifier Number
6	Mergers of Credit Unions, Division of Assets, Liabilities, and Capital	3133-AA08
7	Requirements for Insurance	3133-AA09
8	Advertisement of Insured Status	3133-AA10
9	Reserves	3133-AA12
10	Nondiscrimination Requirements	3133-AA17
11	Description of Office, Disclosure of Official Records, Availability of Information, Promulgation of Regulations	3133-AA32
12	Establishment of a Cash Fund	3133-AA34
13	Operational Systems	3133-AA35
14	Refund of Interest	3133-AA36
15	Community Development Credit Union Program	3133-AA37
16	Rules of Board Procedure	3133-AA39
17	Operational Procedures for Share Draft Programs; Federally Insured State Chartered Credit Unions	3133-AA42
18	Other Applications	3133-AA44
19	Definitions	3133-AA47
20	Financial and Statistical and Other Reports	3133-AA48
21	Loan Participation	3133-AA49
22	Purchase, Sale and Pledge of Eligible Obligations	3133-AA50
23	Compensation of Officials	3133-AA51
24	Federal Credit Unions Acting as Depositories and Financial Agents of the Government	3133-AA53
25	Borrowed Funds From Natural Persons	3133-AA54
26	Clarification and Definition of Account Insurance Coverage	3133-AA55

NCUA

Existing Regulations Under Review—Continued

Sequence Number	Title	Regulation Identifier Number
27	Records Preservation Programs	3133-AA56

Completed Actions

Sequence Number	Title	Regulation Identifier Number
28	Federal Credit Union Ownership of Fixed Assets	3133-AA06
29	Corporate Credit Unions	3133-AA18
30	Fees Paid by Federal Credit Unions	3133-AA31
31	Rebate Procedures for Federally Insured Credit Unions	3133-AA40
32	National Credit Union Share Insurance Fund	3133-AA43
33	Share, Share Draft and Share Certificate Accounts	3133-AA45

NATIONAL CREDIT UNION ADMINISTRATION (NCUA) — Current and Projected Rulemakings

1. SUPERVISORY COMMITTEE AUDIT

Legal Authority: 12 USC 1761d; 12 USC 1766; 12 USC 1789

CFR Citation: 12 CFR 701.12

Abstract: This regulation sets forth the responsibilities of the Supervisory Committee of Federal credit unions to make, or cause to be made, an annual audit. The review will cover issues related to the use of audits in conjunction with NCUA's examination responsibilities.

Timetable:

Action	Date	FR Cite
ANPRM	09/07/83	48 FR 41598
ANPRM Comment Period Begin	09/07/83	
ANPRM Comment Period End	12/15/83	
NPRM	04/26/84	49 FR 17951
NPRM Comment Period Begin	04/26/84	49 FR 17951
NPRM Comment Period End	07/18/84	
Final Rule to be presented to NCUA Board	03/01/85	

Small Entity: No

Agency Contact: Louis P. Acuna, Director, National Credit Union Administration, Department of Supervision and Examination, 1776 G Street, NW, Washington, DC 20456, 202 357-1065

RIN: 3133-AA13

2. PAYOUT PRIORITIES FOR INVOLUNTARY LIQUIDATION OF FEDERALLY INSURED CREDIT UNIONS

Legal Authority: 12 USC 1766(a); 12 USC 1766(b); 12 USC 1787(a)(2); 12 USC 1787(d); 12 USC 1789(11)

CFR Citation: 12 CFR 744

Abstract: This regulation would implement a change in the manner in which NCUA currently makes payouts as the liquidating agent of federally insured credit unions.

Review of comments received indicate that further evaluation is necessary.

Timetable:

Action	Date	FR Cite
NPRM	11/00/83	48 FR 52588
NPRM Comment Period Begin	11/00/83	48 FR 52588
NPRM Comment Period End	01/20/84	
No present schedule for further Board action	00/00/00	

Small Entity: No

Agency Contact: James J. Engel, Assistant General Counsel, National Credit Union Administration, 1776 G Street, N.W., Washington, DC 20456, 202 357-1030

RIN: 3133-AA28

3. ENFORCEMENT OF NONDISCRIMINATION ON THE BASIS OF HANDICAP IN PROGRAMS OR ACTIVITIES CONDUCTED BY THE NATIONAL CREDIT UNION ADMINISTRATION

Priority: Agency Determination

Legal Authority: 12 USC 1766(a)

CFR Citation: 12 CFR 794

Abstract: The proposed rule is a uniform rule to be adopted by Federal agencies which provides for the enforcement of section 504 of the Rehabilitation Act of 1973, as amended. The Act prohibits discrimination on the basis of handicap as it applies to programs or activities conducted by the NCUA.

Timetable:

Action	Date	FR Cite
NCUA Board approved a Proposed Rule	01/18/84	
NPRM Comment Period End	12/26/84	

Next Action Undetermined

Small Entity: No

Agency Contact: Benny R. Henson, Department of Administration, National Credit Union Administration, 1776 G Street, NW, Washington, DC 20456, 202 357-1055

RIN: 3133-AA29

4. FEDERAL CREDIT UNION INSURANCE AND GROUP PURCHASING ACTIVITIES

Legal Authority: 12 USC 1757(15); 12 USC 1766(a)

CFR Citation: 12 CFR 721

Abstract: The proposed rule eliminates the reimbursement restrictions for the functions FCU's perform in connection with credit-related insurance.

Timetable:

Action	Date	FR Cite
NPRM	08/01/84	49 FR 30739
NPRM Comment Period Begin	08/01/84	49 FR 30739
NPRM Comment Period End	11/30/84	
Board action is expected by	04/30/85	

Small Entity: No

Agency Contact: Robert Fenner, Director, National Credit Union Administration, Department of Legal Services, 1776 G Street, N.W., Washington, DC 20456, 202 357-1030

RIN: 3133-AA30

5. ● CREDIT UNION SERVICE ORGANIZATIONS

Legal Authority: 12 USC 1757; 12 USC 1766; 12 USC 1784

CFR Citation: 12 CFR 701.27

Abstract: The notice of proposed rulemaking requests comment on several issues in an effort to revise and clarify the credit union service organization regulation.

Timetable:

Action	Date	FR Cite
NPRM	02/01/85	50 FR 4698
NPRM Comment Period Begin	02/01/85	50 FR 4698
NPRM Comment Period End	03/29/85	

Small Entity: No

Agency Contact: Robert M. Fenner, Director, National Credit Union Administration, Department of Legal Services, 1776 G Street, NW, Washington, DC 20456, 202 357-1030

RIN: 3133-AA46

NATIONAL CREDIT UNION ADMINISTRATION (NCUA) — Existing Regulations Under Review

6. MERGERS OF CREDIT UNIONS, DIVISION OF ASSETS, LIABILITIES, AND CAPITAL

Legal Authority: 12 USC 1766 to 1789

CFR Citation: 12 CFR 708; 12 CFR 709

Abstract: These regulations set forth procedural requirements for a credit union to merge with another credit union. The regulations also prescribe procedures to enable members of a Federal credit union who are in a separately identifiable group to undertake an equitable division of their assets, liabilities and capital and to charter a new Federal credit union. The regulations will be reviewed to determine whether mandatory requirements are necessary or whether the subject may be covered in a manual.

Timetable:

Action	Date	FR Cite
NPRM will be presented to NCUA Board by	06/30/85	

Small Entity: No

Agency Contact: Wilmer A. Theard, National Credit Union Administration, Department of Supervision and Examination, 1776 G Street, NW, Washington, DC 20456, 202 357-1065

RIN: 3133-AA08

7. REQUIREMENTS FOR INSURANCE

Legal Authority: 12 USC 1781 to 1790

CFR Citation: 12 CFR 741

Abstract: These regulations set forth criteria for determining the insurability of a credit union which makes application for insurance of its accounts pursuant to Title II of the Federal Credit Union Act. The review of this regulation will determine the need to update, revise and simplify these requirements. Sections 741.5 and 741.7 were revised in October 1984 pursuant to the capitalization of the National Credit Union Share Insurance Fund.

Timetable:

Action	Date	FR Cite
End Review	06/30/85	

Small Entity: No

Agency Contact: Thomas C. Buckman, Director, National Credit Union Administration, Department of Insurance, 1776 G Street, NW, Washington, DC 20456, 202 357-1010

RIN: 3133-AA09

8. ADVERTISEMENT OF INSURED STATUS

Legal Authority: 12 USC 1785; 12 USC 1789

CFR Citation: 12 CFR 740

Abstract: These regulations prescribe requirements with regard to the official sign which insured credit unions must display and also pertain to requirements for advertising. The regulations will be reviewed to determine whether mandatory requirements are necessary and to update, simplify and revise, if necessary.

Timetable:

Action	Date	FR Cite
End Review	06/30/85	

Small Entity: No

NCUA

Existing Regulations Under Review

Agency Contact: Thomas C. Buckman, Director, National Credit Union Administration, Department of Insurance, 1776 G Street, NW, Washington, DC 20456, 202 357-1010

RIN: 3133-AA10

9. RESERVES

Legal Authority: 12 USC 1762; 12 USC 1766; 12 USC 1789

CFR Citation: 12 CFR 702.1; 12 CFR 702.2

Abstract: These regulations set forth the requirements for the establishment and maintenance of a regular reserve (as provided by the Federal Credit Union Act) and set forth procedures for applications for approval to decrease reserves.

Timetable:

Action	Date	FR Cite
Further review to be completed by	06/30/85	

Small Entity: No

Additional Information: ADDITIONAL AGENCY CONTACT: Robert M. Fenner, Deputy General Counsel, Department of Legal Services, (202) 357-1030

Agency Contact: Charles W. Filson, Director, National Credit Union Administration, Office of Programs, 1776 G Street, NW, Washington, DC 20456, 202 357-1132

RIN: 3133-AA12

10. NONDISCRIMINATION REQUIREMENTS

Legal Authority: 12 USC 1757; 12 USC 1759; 12 USC 1766; 12 USC 1786; 12 USC 1789; 24 USC 3601 to 3610; 24 USC 1981; 15 USC 1601 et seq

CFR Citation: 12 CFR 701.31

Abstract: This regulation sets forth prohibitions against discrimination by Federal credit unions in making real estate related loans and appraisals. The regulation also sets forth guidelines for compliance with the Fair Housing Act and court decisions rendered thereunder. The regulation will be reviewed to simplify and revise as necessary.

Timetable:

Action	Date	FR Cite
End Review	06/30/85	

Small Entity: No

Agency Contact: Hattie M. Ulan, Attorney, National Credit Union Administration, Department of Legal Services, 1776 G Street, NW, Washington, DC 20456, 202 357-1030

RIN: 3133-AA17

11. DESCRIPTION OF OFFICE, DISCLOSURE OF OFFICIAL RECORDS, AVAILABILITY OF INFORMATION, PROMULGATION OF REGULATIONS

Legal Authority: 12 USC 1752a

CFR Citation: 12 CFR 790

Abstract: These regulations set forth the organizational format of the central and regional offices, information which may or may not be made available to the public and the procedures and costs for obtaining such information, procedures for the promulgation of agency rules and regulations, and National Security Information procedures.

Timetable:

Action	Date	FR Cite
End Review	06/30/85	

Small Entity: No

Agency Contact: Benny R. Henson, National Credit Union Administration, Department of Administration, 1776 G Street, NW, Washington, DC 20456, 202 357-1055

RIN: 3133-AA32

12. ESTABLISHMENT OF A CASH FUND

Legal Authority: 12 USC 1757(12)

CFR Citation: 12 CFR 701.10

Abstract: This rule provides the regulatory authority to cash checks and money orders. The review will determine the need to update, revise, and simplify.

Timetable:

Action	Date	FR Cite
Recommendation to be made to NCUA Board	06/30/85	

Small Entity: No

Agency Contact: Steven R. Bisker, Asst. General Counsel, National Credit Union Administration, Department of Legal Services, 1776 G Street, NW, Washington, DC 20456, 202 357-1030

RIN: 3133-AA34

13. OPERATIONAL SYSTEMS

Legal Authority: 12 USC 1766

CFR Citation: 12 CFR 723

Abstract: This regulation allows credit unions, associations of credit unions, and other parties interested in credit union programs to submit pilot programs relating to electronic funds transfer through remote service units, loan programs, and other operational systems to the NCUA for evaluation and approval. The Agency designates a program as a pilot program if it will benefit all credit unions and the parties they serve.

Timetable:

Action	Date	FR Cite
End Review	03/00/85	

Small Entity: No

Agency Contact: Martin Kushner, National Credit Union Administration, Department of Supervision and Examination, 1776 G Street, NW, Washington, DC 20456, 202 357-1065

RIN: 3133-AA35

14. REFUND OF INTEREST

Legal Authority: 12 USC 1766(a); 12 USC 1761b(9)

CFR Citation: 12 CFR 701.24

Abstract: This rule provides the conditions and limitations on an FCU making interest payment refunds to members who paid interest on loans during a dividend period. The review will determine the need to update, revise and simplify the rule.

Timetable:

Action	Date	FR Cite
Recommendation to be made to NCUA Board	06/30/85	

Small Entity: No

NCUA

Existing Regulations Under Review

Agency Contact: Hattie M. Ulan, Staff Attorney, National Credit Union Administration, Department of Legal Services, 1776 G Street, NW, Washington, DC 20456, 202 357-1030

RIN: 3133-AA36

15. COMMUNITY DEVELOPMENT CREDIT UNION PROGRAM

Legal Authority: 12 USC 1754; 12 USC 1758; 12 USC 1759; 12 USC 1766(f); 42 USC 2981; 42 USC 2985(e)

CFR Citation: 12 CFR 705

Abstract: This rule implements a demonstration program called the Community Development Credit Union (CDCU) Program. The program provides for seed capital funds and technical assistance to strengthen a limited number of credit unions and thereby enable them to deliver improved services to, and to aid in the revitalization and the economic development of, their communities.

Timetable:

Action	Date	FR Cite
End Review	01/31/85	
Recommendation to be made to NCUA Board	06/30/85	

Small Entity: No

Agency Contact: Wilmer A. Theard, National Credit Union Administration, Department of Supervision and Examination, 1776 G Street, NW, Washington, DC 20456, 202 357-1065

RIN: 3133-AA37

16. RULES OF BOARD PROCEDURE

Legal Authority: 12 USC 1752a(d)

CFR Citation: 12 CFR 722

Abstract: This regulation sets forth the rules of procedure governing how the Board will conduct its business. The review will determine the need to update, revise and simplify.

Timetable:

Action	Date	FR Cite
End Review	06/30/85	

Small Entity: No

Agency Contact: Rosemary Brady, Secretary of the NCUA Board, National Credit Union Administration, 1776 G Street, NW, Washington, DC 20456, 202 357-1100

RIN: 3133-AA39

17. OPERATIONAL PROCEDURES FOR SHARE DRAFT PROGRAMS; FEDERALLY INSURED STATE CHARTERED CREDIT UNIONS

Legal Authority: 12 USC 1766(a); 12 USC 1785(f)(1)

CFR Citation: 12 CFR 761

Abstract: The rule provides the regulatory authority for federally insured state credit unions to offer share draft accounts. The review will determine the need to update, revise and simplify.

Timetable:

Action	Date	FR Cite
Recommendation to be made to NCUA Board	06/30/85	

Small Entity: No

Agency Contact: Hattie M. Ulan, Staff Attorney, National Credit Union Administration, Department of Legal Services, 1776 G Street, NW, Washington, DC 20456, 202 357-1030

RIN: 3133-AA42

18. OTHER APPLICATIONS

Legal Authority: 12 USC 1766(a)

CFR Citation: 12 CFR 701.5

Abstract: This rule specifies the manner in which applications, requests, or submittals to NCUA, not addressed in other sections of the regulations, shall be presented to the Agency. The review will determine the need to update, revise and simplify.

Timetable:

Action	Date	FR Cite
Recommendation to be made to NCUA Board	06/30/85	

Small Entity: No

Agency Contact: Steven R. Bisker, Assistant General Counsel, National Credit Union Administration, Department of Legal Services, 1776 G Street, NW, Washington, DC 20456, 202 357-1030

RIN: 3133-AA44

19. ● DEFINITIONS

Legal Authority: 12 USC 1752(5); 12 USC 1757(6); 12 USC 1766(a)

CFR Citation: 12 CFR 700.1

Abstract: The regulation sets forth basic definitions applicable in all of NCUA's regulations. The definitions will be revised for accuracy and simplification.

Timetable:

Action	Date	FR Cite
Initial staff review to be completed by	06/30/85	

Small Entity: No

Agency Contact: Hattie M. Ulan, Staff Attorney, National Credit Union Administration, Department of Legal Services, 1776 G Street, NW, Washington, DC 20456, 202 357-1030

RIN: 3133-AA47

20. ● FINANCIAL AND STATISTICAL AND OTHER REPORTS

Legal Authority: 12 USC 1756; 12 USC 1766; 12 USC 1782; 12 USC 1789

CFR Citation: 12 CFR 701.13

Abstract: This regulation sets forth reporting requirements for Federal credit unions. The regulation will be reviewed for accuracy and consistency with other regulations.

Timetable:

Action	Date	FR Cite
Initial staff review to be completed by	06/30/85	

Small Entity: No

Agency Contact: Hattie M. Ulan, Staff Attorney, National Credit Union Administration, Department of Legal Services, 1776 G Street, NW, Washington, DC 20456, 202 357-1030

RIN: 3133-AA48

21. ● LOAN PARTICIPATION

Legal Authority: 12 USC 1757; 12 USC 1766; 12 USC 1789

CFR Citation: 12 CFR 701.22

Abstract: This regulation sets forth definitions and requirements for Federal credit unions that wish to participate in making loans with other credit unions, credit union organizations or financial organizations. The regulation will be reviewed to determine the need to update, revise and simplify it.

Timetable:

Action	Date	FR Cite
Initial staff review to be completed by	06/30/85	

Small Entity: No

Agency Contact: Yvonne Gilmore, Staff Attorney, National Credit Union Administration, Department of Legal Services, 1776 G Street, NW, Washington, DC 20456, 202 357-1030

RIN: 3133-AA49

22. ● PURCHASE, SALE AND PLEDGE OF ELIGIBLE OBLIGATIONS

Legal Authority: 12 USC 1757; 12 USC 1766; 12 USC 1789

CFR Citation: 12 CFR 701.23

Abstract: This regulation sets forth definitions and requirements for Federal credit unions that wish to purchase, sell or pledge a loan or group of loans. The regulation will be reviewed to determine the need to update, review and simplify it.

Timetable:

Action	Date	FR Cite
Initial staff review to be completed by	06/30/85	

Small Entity: No

Agency Contact: Yvonne Gilmore, Staff Attorney, National Credit Union Administration, Department of Legal Services, 1776 G Street, NW, Washington, DC 20456, 202 357-1030

RIN: 3133-AA50

23. ● COMPENSATION OF OFFICIALS

Legal Authority: 12 USC 1761; 12 USC 1761a, 12 USC 1766; 12 USC 1789

CFR Citation: 12 CFR 701.33

Abstract: This regulation sets out the restrictions on compensation to Federal credit union directors and credit and supervisory committee members. The regulation will be reviewed for accuracy and consistency with the Federal Credit Union Act.

Timetable:

Action	Date	FR Cite
Initial staff review to be completed by	06/30/85	

Small Entity: No

Agency Contact: Hattie M. Ulan, Staff Attorney, National Credit Union Administration, Department of Legal Services, 1776 G Street, NW, Washington, DC 20456, 202 357-1030

RIN: 3133-AA51

24. ● FEDERAL CREDIT UNIONS ACTING AS DEPOSITORIES AND FINANCIAL AGENTS OF THE GOVERNMENT

Legal Authority: 12 USC 1757; 12 USC 1766, 12 USC 1767; 12 USC 1787; 12 USC 1789

CFR Citation: 12 CFR 701.37-2

Abstract: This regulation sets out the authority for and requirement of federally insured credit unions when they serve as depositories and financial agents of the United States government. It also lists the functions credit unions may perform in this capacity. The regulation will be reviewed for clarification and simplification.

Timetable:

Action	Date	FR Cite
Initial staff review to be completed by	06/30/85	

Small Entity: No

Agency Contact: Steven R. Bisker, Assistant General Counsel, National Credit Union Administration, Department of Legal Services, 1776 G Street, NW, Washington, DC 20456, 202 357-1030

RIN: 3133-AA53

25. ● BORROWED FUNDS FROM NATURAL PERSONS

Legal Authority: 12 USC 1757; 12 USC 1766; 12 USC 1789

CFR Citation: 12 CFR 701.38

Abstract: This regulation sets forth the requirements a Federal credit union must meet when it borrows funds from natural persons. The regulation will be reviewed to determine whether clarification or simplification is necessary.

Timetable:

Action	Date	FR Cite
Initial staff review to be completed by	06/30/85	

Small Entity: No

Agency Contact: Steven R. Bisker, Assistant General Counsel, National Credit Union Administration, Department of Legal Services, 1776 G Street, NW, Washington, DC 20456, 202 357-1030

RIN: 3133-AA54

26. ● CLARIFICATION AND DEFINITION OF ACCOUNT INSURANCE COVERAGE

Legal Authority: 12 USC 1781; 12 USC 1782; 12 USC 1783; 12 USC 1784; 12 USC 1785; 12 USC 1786; 12 USC 1787; 12 USC 1788; 12 USC 1789; 12 USC 1790; 17 USC 1766

CFR Citation: 12 CFR 745

Abstract: This regulation sets forth definitions, general principles, and types of accounts that are insured by the National Credit Union Share Insurance Fund. This regulation will be reviewed for any necessary clarification and simplification.

Timetable:

Action	Date	FR Cite
Initial staff review to be completed by	06/30/85	

Small Entity: No

Agency Contact: Thomas C. Buckman, Director, National Credit Union Administration, Department of Insurance, 1776 G Street, NW, Washington, DC 20456, 202 357-1010

RIN: 3133-AA55

27. ● RECORDS PRESERVATION PROGRAMS

Legal Authority: 12 USC 1766; 12 USC 1789

CFR Citation: 12 CFR 749

Abstract: This regulation mandates that Federal credit unions maintain a

records preservation program. It sets forth program implementation procedures and also lists what records must be stored. This regulation will be reviewed to determine the need to update, revise and simplify.

Timetable:

Action	Date	FR Cite
Initial staff review to be completed by	06/30/85	

Small Entity: No

Agency Contact: Hattie M. Ulan, Staff Attorney, National Credit Union Administration, Department of Legal Services, 1776 G Street, NW, Washington, DC 20456, 202 357-1030

RIN: 3133-AA56

NATIONAL CREDIT UNION ADMINISTRATION (NCUA)

Completed Actions

COMPLETED RULEMAKINGS

28. FEDERAL CREDIT UNION OWNERSHIP OF FIXED ASSETS

Legal Authority: 12 USC 1757(4); 12 USC 1766

CFR Citation: 12 CFR 701.36

Abstract: This regulation requires credit unions to do certain financial planning and reporting prior to investing more than 5 percent of its assets in fixed assets. The regulation was revised to eliminate certain reporting requirements and to clarify and simplify others. Section (c) of the rule imposes limitations on FCU's with $1 million or more in assets investing in excess or 5% of shares and retained earnings in fixed assets. Other sections apply to all FCU's and restrict insider dealing and place limits on acquisition for future expansion.

Timetable:

Action	Date	FR Cite
NPRM Comment Period Begin	01/00/84	49 FR 3087
NPRM Comment Period End	05/21/84	
Final Action	12/28/84	49 FR 50365
Final Action Effective	12/31/84	49 FR 50365

Small Entity: No

Agency Contact: Charles Filson, Director, Office of Programs, National Credit Union Administration, 1776 G Street, NW, Washington, DC 20456, 202 357-1140

RIN: 3133-AA06

29. CORPORATE CREDIT UNIONS

Legal Authority: 12 USC 1761; 12 USC 1766; 12 USC 1789

CFR Citation: 12 CFR 704

Abstract: These regulations set forth operational requirements particular to corporate central Federal credit unions, including special reserve requirements, management requirements, and annual audit requirements. Passage of the Garn-St Germain Depository Institutions Act of 1982 requires updating of this rule. Corporate central issues, such as chartering guidelines, bylaws, and operational programs, have been reviewed independent of this rule. The rule grants authority to corporate credit unions to develop new services for member credit unions in the area of investments, liquidity management, payment system and corporate services.

Timetable:

Action	Date	FR Cite
ANPRM	09/07/83	
ANPRM Comment Period Begin	09/07/83	
ANPRM Comment Period End	12/15/83	
NPRM	04/26/84	49 FR 17953
NPRM Comment Period Begin	04/26/84	49 FR 29619
NPRM Comment Period End	08/31/84	
Final Action	12/28/84	49 FR 50368
Final Action Effective	01/01/85	49 FR 50368

Small Entity: No

Agency Contact: Robert A. Duff, National Credit Union Administration, Department of Supervision and Examination, 1776 G Street, NW, Washington, DC 20456, 202 357-1065

RIN: 3133-AA18

30. FEES PAID BY FEDERAL CREDIT UNIONS

Legal Authority: 12 USC 1755

CFR Citation: 12 CFR 701.6

Abstract: This regulation sets forth the basis for assessing operating fees paid by Federal credit unions to the National Credit Union Administration and the administrative procedures involved in payment of this fee. Under the revised rule operating fees are based on total assets as of June 30 rather than December 31. Operating fees are due on January 31 or as otherwise directed by the Board. This change should eliminate errors and allow NCUA ample time to review FCU financial reports.

Timetable:

Action	Date	FR Cite
Final Action	11/27/84	49 FR 46541
Final Action Effective	12/26/84	49 FR 46541

Small Entity: No

Agency Contact: Robert M. Fenner, Director, National Credit Union Administration, Department of Legal Services, 1776 G Street, NW, Washington, DC 20456, 202 357-1030

RIN: 3133-AA31

31. REBATE PROCEDURES FOR FEDERALLY INSURED CREDIT UNIONS

Legal Authority: 12 USC 1786

CFR Citation: 12 CFR 746

Abstract: This regulation sets forth the requirements for the entitlement and rebate of share insurance premiums paid to the National Credit Union Share Insurance Fund by a federally insured credit union that is closed for liquidation, voluntarily or involuntarily. This regulation was deleted with the capitalization of the share insurance fund.

Timetable:

Action	Date	FR Cite
Final Action Regulation Deleted	10/17/84	49 FR 40561
Final Action Effective	12/01/84	49 FR 40561
End Review Regulation Deleted	06/30/85	

Small Entity: No

NCUA

Completed Actions

Agency Contact: Charles Filson, Director, National Credit Union Administration, Department of Programs, 1776 G Street, NW, Washington, DC 20456, 202 357-1142

RIN: 3133-AA40

32. NATIONAL CREDIT UNION SHARE INSURANCE FUND

Legal Authority: 12 USC 1789(b)(2)

CFR Citation: 12 CFR 741; 12 CFR 746

Abstract: Recently enacted legislation provides for an increase in the capitalization of the National Credit Union Share Insurance Fund by the placing of a deposit in the Fund from each insured credit union in an amount equaling one percent of the credit union's insured shares. This rule will provide procedures to implement the capitalization. Part 741 was modified and Part 746 was repealed.

Timetable:

Action	Date	FR Cite
NPRM	08/01/84	49 FR 30740
NPRM Comment Period Begin	08/01/84	49 FR 30740
NPRM Comment Period End	09/07/84	
Final Action	10/17/84	49 FR 40561
Final Action Effective	12/01/84	49 FR 40561

Small Entity: No

Agency Contact: Charles Filson, Director, National Credit Union Administration, Office of Programs, 1776 G Street, NW, Washington, DC 20456, 202 357-1142

RIN: 3133-AA43

ACTIONS THAT STARTED AND ENDED BETWEEN ISSUES OF THE UNIFIED AGENDA

33. ● SHARE, SHARE DRAFT AND SHARE CERTIFICATE ACCOUNTS

Legal Authority: 12 USC 1757(6); 12 USC 1766; 12 USC 1789(a)(11)

CFR Citation: 12 CFR 701.35

Abstract: This final rule clarifies that state laws that attempt to regulate disclosures, funds availability and service fees are not applicable to Federal credit union share, share draft and share certificate accounts.

Timetable:

Action	Date	FR Cite
NPRM	11/27/84	49 FR 46552
NPRM Comment Period Begin	11/27/84	49 FR 46552
NPRM Comment Period End	12/24/84	
Final Action	02/01/85	50 FR 4636
Final Action Effective	02/01/85	50 FR 4636

Small Entity: No

Agency Contact: Robert M. Fenner, Deputy General Counsel, National Credit Union Administration, Department of Legal Services, 1776 G Street, NW, Washington, DC 20456, 202 357-1030

RIN: 3133-AA45

[FR Doc. 85-9411 Filed 04-26-85; 8:45 am]
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Federal Register

Monday
April 29, 1985

Part LVII

Nuclear Regulatory Commission

Semiannual Regulatory Agenda

NRC

NUCLEAR REGULATORY COMMISSION

10 CFR Ch. I

Regulatory Agenda

AGENCY: Nuclear Regulatory Commission.

ACTION: Semiannual publication of NRC regulatory agenda.

SUMMARY: The Nuclear Regulatory Commission (NRC) is publishing its semiannual Regulatory Agenda in accordance with Pub. L. 96-354, "the Regulatory Flexibility Act," and Executive Order 12291, "Federal Regulations." The Agenda is a compilation of all rules on which the NRC has recently completed action or has proposed, or is considering action. This issuance updates any action occurring on rules since publication of the last semiannual Agenda on October 22, 1984 (49 FR 42478).

ADDRESSES: Comments on any rule in the Agenda may be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch. Comments may also be hand delivered to Room 1131, 1717 H Street, N.W., Washington, D.C. between 8:15 a.m. and 5:15 p.m. Comments received on rules for which the comment period has closed will be considered if it is practical to do so, but assurance of consideration cannot be given except as to comments received on or before the closure dates specified in the Agenda.

The Agenda and any comments received on any rule listed in the Agenda are available for public inspection, and copying at a cost of seven cents per page, at the Nuclear Regulatory Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. 20555. Single copies of the NRC Quarterly Agenda can be purchased from the NRC/GPO Sales Program, Division of Technical Information and Document Control, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555 at a cost of $6.00 each or $16.00 for an annual subscription.

FOR FURTHER INFORMATION CONTACT: For further information concerning NRC rulemaking procedures or the status of any rule listed in this Agenda, contact John D. Philips, Chief, Rules and Procedures Branch, Division of Rules and Records, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Telephone (301) 492-7086. Persons outside the Washington, D.C. metropolitan area may call toll-free: (800) 368-5642. For further information on the substantive content of any rule listed in the Agenda, contact the individual listed under the heading "Agency Contact" for that rule.

SUPPLEMENTARY INFORMATION: Although publication of the Agenda is only required semiannually in April and October, the NRC has chosen to update and publish its Agenda each quarter. However, the information contained in this semiannual publication is updated to reflect any action which has occurred on rules since publication of the last NRC semiannual Agenda on October 22, 1984 (49 FR 42478).

Organization of the Agenda

Rules in this Agenda are divided into two main categories, "Action Completed Rules" and "Current and Projected Rulemakings." Rules in the "Action Completed" category include all rules which have been finally promulgated or withdrawn since publication of the last semiannual Agenda.

"Current and Projected Rulemakings" contain those rules currently under development. This category is subdivided into three sections. Section I includes all rules which have been published in the **Federal Register** as proposed rules. Section II includes all rules which have been published in the **Federal Register** as advance notices of proposed rulemaking. Section III includes all unpublished rules on which the NRC expects to take action.

Within each category and section, the rules are ordered from lowest to highest 10 CFR part, and when more than one rule appears under the same part, the rules are arranged within the part according to the date of most recent publication. If a rule contains changes to more than one 10 CFR part, the rule is listed under the lowest affected part.

The information in this Agenda has been updated through March 7, 1985. The date included under the heading "timetable," for next scheduled action indicates the date the rule is scheduled to be published in the **Federal Register**. The date is considered tentative and is not binding on the Commission or its staff. This Regulatory Agenda is intended to provide increased notice and opportunity for public participation in the NRC rulemaking process. The NRC may, however, consider or act on any rulemaking even if it is not included in the Regulatory Agenda.

Rulemakings Approved by the Executive Director for Operations (EDO)

The Executive Director for Operations (EDO) initiated a procedure for the review of the regulations being prepared by staff offices that report to him to ensure that staff resources were being allocated to achieve most effectively NRC's regulatory priorities. This procedure requires EDO approval before staff resources may be expended on the development of any new rulemaking. Furthermore, all existing rules must receive EDO approval prior to the commitment of additional resources.

Rules that have received EDO approval to date are identified by the symbol (+) at the beginning of the title. As additional rules receive EDO approval, they will be identified in subsequent editions of this Agenda. Those unpublished rules whose further development has been terminated will be noted in this edition of the Agenda and deleted from subsequent editions. Rules whose termination was directed subsequent to publication of a notice of proposed rulemaking will be removed from the Agenda after publication of a notice of withdrawal.

The NRC Agenda lists 107 rulemaking actions. Of these, no rulemaking items are considered to be priority or major as defined in section 1(b) of Executive Order 12291. In the "Action Completed" category there are 22 completed actions. In the "Current and Projected Rulemaking" category: section I contains 36 proposed rulemakings; section II contains 10 advance notices of proposed rulemakings and section III contains 39 unpublished rulemakings. Nine rules potentially will have a "significant economic impact on a substantial number of small entities" as defined in the Regulatory Flexibility Act.

Dated at Bethesda, Maryland this 7th day of March 1985.

For the Nuclear Regulatory Commission.

John Philips,

Acting Director, Division of Rules and Records, Office of Administration.

NRC

Current and Projected Rulemakings

Sequence Number	Title	Regulation Identifier Number
1	Procedures Involving the Equal Access to Justice Act: Implementation	3150-AA01
2	Licensing and Regulatory Policy and Procedures for Environmental Protection; Alternative Site Reviews	3150-AA03
3	Possible Amendments to "Immediate Effectiveness" Rules	3150-AA04
4	Modifications to the NRC Hearing Process (Limited Interrogatories and Factual Basis for Contentions)	3150-AA05
5	Commission Review Procedures for Power Reactor Construction Permits; Immediate Effectiveness Rule	3150-AA55
6	Hybrid Hearing Procedures for Expansions of Onsite Spent Fuel Storage Capacity at Civilian Nuclear Power Reactors	3150-AB19
7	Exceptions to Notice and Comment Rulemaking Procedures	3150-AB41
8	Nondiscrimination on Basis of Age in Federally Assisted Commission Programs	3150-AA06
9	Production or Disclosure in Response to Subpoenas or Demands of Courts or Other Authorities	3150-AB63
10	Reports of Theft or Loss of Licensed Material	3150-AA64
11	Residual Contamination in Smelted Alloys	3150-AA10
12	Decommissioning Criteria for Nuclear Facilities	3150-AA40
13	Patient Dosage Measurement	3150-AA12
14	+ Implementation of the Convention on the Physical Protection of Nuclear Material	3150-AA92
15	Uranium Mill Tailings Regulations: Conforming NRC Requirements to EPA Standards	3150-AB50
16	Uranium Mill Tailings Regulations: Ground Water Protection and Other Issues	3150-AB56
17	Technical Specifications for Nuclear Power Reactors	3150-AA22
18	Fitness for Duty of Personnel with Access to Nuclear Power Plants	3150-AA27
19	Safeguards Requirements for Nonpower Reactor Licensees Possessing Formula Quantities of Strategic Special Nuclear Material	3150-AA30
20	Changes in Property Insurance Requirements for NRC Licensed Nuclear Power Plants	3150-AA47
21	Revision of Backfitting Process for Power Reactors	3150-AA59
22	Notice and Comment on, Procedures for State Consultation on, and Standards for Making Determinations about Whether License Amendments Involve No Significant Hazards Considerations	3150-AA61
23	Operator's Licenses	3150-AA88
24	Personnel Access Authorization Requirements for Nuclear Power Plants (Part of Insider Package)	3150-AA90
25	Pressurized Thermal Shock	3150-AB05
26	Protection of Contractor Employees	3150-AB07
27	Refinement of Emergency Planning Regulations	3150-AB48
28	Limiting The Use of Highly Enriched Uranium in Domestic Research and Test Reactors	3150-AB60
29	Consideration of Earthquakes in the Context of Emergency Preparedness	3150-AB75
30	Explanation to Table S-3 Uranium Fuel Cycle Environmental Data	3150-AA31
31	Additional Technical Criteria for the Disposal of High-Level Radioactive Wastes in Geological Repositories Located in the Unsaturated Zone	3150-AB44
32	Disposal of High-Level Radioactive Wastes in Geologic Repositories: Procedural Amendments	3150-AB47
33	Material Control and Accounting Requirements for Licensees Possessing Formula Quantities of Strategic Special Nuclear Material	3150-AA50
34	Miscellaneous Amendments Concerning Physical Protection of Nuclear Power Plants (Part of Insider Rule Package)	3150-AA36
35	Modification of Protection Requirements for Spent Fuel Shipments	3150-AA96
36	Searches of Individuals at Power Reactor Facilities (Part of Insider Package)	3150-AB17
37	Regulatory Reform of the Rules of Practice and Rules for Licensing of Production and Utilization Facilities	3150-AB04
38	Rules of Practice for Domestic Licensing Proceedings: Role of NRC Staff in Adjudicatory Licensing Hearings	3150-AB42
39	Standards for Protection Against Radiation	3150-AA38
40	Accreditation of Personnel Dosimeter Processors	3150-AA39
41	Emergency Preparedness for Fuel Cycle and Other Radioactive Materials Licensees	3150-AA41
42	Certification of Industrial Radiographers	3150-AA43
43	Acceptance Criteria for Emergency Core Cooling Systems for Light-Water-Cooled Nuclear Power Plants	3150-AA44
44	Design and Other Changes in Nuclear Power Plant Facilities After Issuance of Construction Permit	3150-AA46
45	Modification of the Policy and Regulatory Practice Governing the Siting of Nuclear Power Reactors	3150-AA49
46	Seismic and Geologic Siting Criteria for Nuclear Power Plants	3150-AA51
47	Revised Rules of Practice for Domestic Licensing Proceedings	3150-AB66
48	Jurisdiction of Adjudicatory Boards	3150-AA53
49	Separation of Functions and Ex Parte Communications in On-the-Record Adjudications	3150-AA00
50	Independent Storage of Spent Fuel and High-Level Radioactive Waste	3150-AB70
51	Adjudications -- Special Procedures for Resolving Conflicts Concerning the Disclosure or Nondisclosure of Information	3150-AB78
52	Criteria for Reopening Records in Formal Licensing Proceedings	3150-AB79
53	Retention Periods for Records	3150-AB43
54	Nondiscrimination on the Basis of Sex - Title IX of the Education Amendments of 1972, as Amended	3150-AB53
55	Nondiscrimination on the Basis of Handicap in Nuclear Regulatory Commission Programs	3150-AB54
56	+ Conforming Amendments to Prenotification, Quality Assurance, and Package Monitoring Requirements	3150-AB51
57	Residual Radioactive Contamination Limits for Decommissioning	3150-AB52
58	Proposed Revisions to the Criteria and Procedures for the Reporting of Defects and Noncompliance	3150-AA68

NRC

Current and Projected Rulemakings—Continued

Sequence Number	Title	Regulation Identifier Number
59	Access to and Protection of National Security Information and Restricted Data	3150-AB67
60	Access Authorization for Licensee Personnel	3150-AB80
61	Licensing of Sources and Devices	3150-AB34
62	+ Financial Responsibility of Materials Licensees for Cleanup After Accidental and Unexpected Releases	3150-AB58
63	Regional Nuclear Materials Licensing for Certain Federal Facilities	3150-AB81
64	Informal Hearing Procedures for Materials Licenses Proceedings	3150-AB83
65	Radiation Surveys and In-House Inspection Systems in Radiography	3150-AB12
66	+ Medical Use of Byproduct Material	3150-AA73
67	+ Physician's Use of Radioactive Drugs	3150-AB72
68	+ Licenses and Radiation Safety Requirements for Well-logging Operations	3150-AB35
69	+ Material Balance Reports	3150-AB82
70	Extension of Criminal Penalties	3150-AA80
71	+ Codes and Standards for Nuclear Power Plants (1983 Edition, Winter 1982 through Summer 1984 Addenda)	3150-AA83
72	Primary Reactor Containment Leakage Testing for Water-Cooled Power Reactors	3150-AA86
73	+ Radon 222 Estimate for Table S-3	3150-AA87
74	General Design Criterion on Human Factors	3150-AB13
75	Station Blackout	3150-AB38
76	+ Communications Procedures Amendments	3150-AB61
77	+ Modifications to GDC 4 Requirements for Protection Against Postulated Pipe Ruptures	3150-AB76
78	Deletion of the Unusual Event Emergency Classification	3150-AB84
79	Update of Table S-4, Part 51	3150-AB36
80	Financial Responsibility Standards for Long Term Care for Low Level Waste Disposal Sites	3150-AB57
81	+ Material Status Reports	3150-AB26
82	Rule to Amend the Transportation Provisions Pertaining to the Shipment of Low Specific Activity (LSA) Material	3150-AB33
83	+ Physical Protection Requirements for Independent Spent Fuel Storage Installations (ISFSIs)	3150-AB27
84	+ Reporting Requirements for Safeguards Events	3150-AB46
85	Criteria for an Extraordinary Nuclear Occurrence	3150-AB01

Completed Actions

Sequence Number	Title	Regulation Identifier Number
86	Export/Import of Nuclear Equipment and Material	3150-AB00
87	Elimination of Review of Financial Qualifications of Electric Utilities in Operating License Reviews and Hearings for Nuclear Power Plants	3150-AB69
88	Changes in Radiation Dose-Limiting Standards	3150-AA08
89	+ Authority for the Copying of Records and Retention Periods for Security Records	3150-AA63
90	+ General Design Criteria for Fuel Reprocessing Plants	3150-AA15
91	Interim Requirements Related to Hydrogen Control	3150-AA21
92	Requirements for Licensee Action Regarding the Disposition of Spent Fuel Upon Expiration of the Reactors' Operating License	3150-AB20
93	Environmental Qualification of Safety-Related Electrical Equipment	3150-AB40
94	Criteria and Procedures for Determining the Adequacy of Available Spent Nuclear Fuel Storage Capacity	3150-AB22
95	+ Material Control and Accounting Requirements for Low Enriched Uranium Fuel Cycle Facilities	3150-AA93
96	Severe Accident Design Criteria	3150-AA45
97	Lower Radiation Exposure Levels for Fertile Women	3150-AA07
98	Performance Testing of Bioassay Labs	3150-AA67
99	+ Periodic and Systematic Reevaluation of Parts 30 and 32	3150-AA70
100	+ Revision of Consumer Product Approval Criteria and Regulations	3150-AB37
101	Glass Enamel and Glass Enamel Frit Containing Small Amounts of Uranium	3150-AB49
102	Extension of Construction Completion Date	3150-AB06
103	Additional Scram System Requirement for Westinghouse Nuclear Power Plants	3150-AB29
104	Experience Requirements for Senior Operators at Nuclear Power Plants	3150-AB64
105	Requirements for Senior Managers at Nuclear Power Plants	3150-AB31
106	+ Clarification of General Physical Protection Requirements	3150-AB45
107	Minor Correcting Amendments	3150-AB77

PROPOSED RULES

1. PROCEDURES INVOLVING THE EQUAL ACCESS TO JUSTICE ACT: IMPLEMENTATION

Legal Authority: 5 USC 504

CFR Citation: 10 CFR 1; 10 CFR 2

Abstract: The proposed rule provides new provisions intended to implement the Equal Access to Justice Act (EAJA). The provisions would provide for the payment of fees and expenses to certain eligible individuals and businesses that prevail in adjudications with the agency when the agency's position is determined not to have been substantially justified. The basis for these proposed regulations is a set of model rules issued by the Administrative Conference of the United States (ACUS) that have been modified to conform to NRC's established rules of practice. The proposed rule would further the EAJA's intent by insuring the development of government-wide "uniform" agency regulations and by providing NRC procedures and requirements for the filing and disposition of EAJA applications. A final draft rule was sent to the Commission in June 1982, but Commission action has been suspended pending a decision by the Comptroller General on the availability of funds to pay awards to intervenor parties. The decision from the Comptroller General has been rendered and is currently being analyzed.

More recently than the actions just discussed, however, (cont)

Timetable:

Action	Date	FR Cite
NPRM	10/28/81	46 FR 53189
NPRM Comment Period Begin	10/28/81	46 FR 53189
NPRM Comment Period End	11/28/81	

Next Action Undetermined

Small Entity: No

Additional Information: ABSTRACT CONT: the President vetoed a version of a bill that would renew with some change the EAJA and requested that Congress submit another version. (November 12, 1984, Memorandum of Disapproval on H.R. 5479, Weekly Compilation of Presidential Documents, Volume 20, pp.1814 1816). This rule is being held in abeyance until another version of the EAJA has been passed.

Agency Contact: Beverly Segal, Nuclear Regulatory Commission, Office of the General Counsel, Washington, DC 20555, 202 634-3224

RIN: 3150-AA01

2. LICENSING AND REGULATORY POLICY AND PROCEDURES FOR ENVIRONMENTAL PROTECTION; ALTERNATIVE SITE REVIEWS

Legal Authority: 42 USC 2201; 42 USC 4332; 42 USC 5841

CFR Citation: 10 CFR 2; 10 CFR 50; 10 CFR 51

Abstract: The proposed rule would focus on six major issues associated with alternative site selection for nuclear power plants; (1) information requirements, (2) timing, (3) region of interest, (4) selection of candidate sites, (5) comparison of the proposed sites with alternative sites, and (6) reopening of the alternative site decision. The proposed rule would provide procedures and performance criteria for reviewing alternative sites for nuclear power plants under the National Environmental Policy Act of 1969 (NEPA). The proposal is intended to stabilize alternative site review of a license application by codification of the lessons learned in past and recent review of nuclear power plant sites into an environmentally sensitive rule. The proposed rule would develop understandable written NRC review and decision making criteria to permit a rational and timely decision concerning the sufficiency of the alternative site analysis.

Alternatives to this rulemaking would include publishing a policy statement or regulatory guide or withdrawing the proposed rule. Each of these alternatives would be less efficient than completing the rulemaking. The provisions of the proposed (cont)

Timetable:

Action	Date	FR Cite
NPRM	04/09/80	45 FR 24168
NPRM Comment Period Begin	04/09/80	45 FR 24168
NPRM Comment Period End	06/09/80	

Next Action Undetermined

Small Entity: No

Additional Information: ABSTRACT CONT: rule provide a flexible and reasoned approach to siting that would facilitate license review and make decisions more predictable. Confusion and controversy over this issue would be reduced. There would be no significant impact on costs other than savings that would result from greater certainty regarding the Commissions requirements. NRC resources necessary to complete this rulemaking are minimal. Approximately two-man months of staff time will be required to finalize this rule if the Commission decides to complete the rulemaking.

After considering the comments on the proposed rule, the Commission published a final rule on May 28, 1981 (46 FR 28630). That final rule addressed the sixth issue, reopening the construction permit or early site review stages insofar as it relates to operating license proceedings. Finalization of other portions of the proposed rule has been deferred until completion of a comprehensive review of radionuclide source terms from reactor accidents.

Agency Contact: William R. Ott, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, 301 427-4615

RIN: 3150-AA03

3. POSSIBLE AMENDMENTS TO "IMMEDIATE EFFECTIVENESS" RULES

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 2; 10 CFR 50

Abstract: The proposed rule indicates that the Commission is considering five alternative amendments to the "immediate effectiveness" rule for construction permit proceedings. Under the original "immediate effectiveness" rule (36 FR 828, January 19, 1971) construction of a nuclear power plant could begin on the basis of an initial decision by the Atomic Safety and Licensing Board (ASLB) even though that decision was subject to further review by the Commission. The Commission is concerned that the rule often prevented it from reviewing a case until construction was well underway and that this might have (1) allowed commitment of large sums of money to altering sites before a final decision was made on site-related issues and (2) promoted piecemeal review rather than promoting early resolution of all licensing issues to be considered. Present rules provide for limited review of ASLB decisions by the Atomic Safety and Licensing Appeal Board (ASLAB) and the Commission

prior to issuance of construction permits.

This proposed rule would help to determine whether NRC should return to the former "immediate effectiveness" rule or adopt one of the following alternatives:(1) require the ASLAB (cont)

Timetable:

Action	Date	FR Cite
NPRM	05/22/80	45 FR 34279
Interim Final Rule	04/00/85	

Small Entity: No

Additional Information: ABSTRACT CONT: to make a separate ruling on the question of effectiveness, or (2) require final ASLAB and Commission decisions on the merits of certain construction-related issues prior to authorizing issuances of the construction permit; (3) require final ASLAB and Commission decisions on the merits of all issues prior to authorizing issuances of the construction permit; and, return to the former "immediate effectiveness" rule, but relax the standards for obtaining a stay of the ASLAB decisions.

The public comment period on the "Regulatory Reform Proposal Concerning the Rules of Practice and Rules for Licensing of Production and Utilization Facilities" (49 FR 14698) closed June 11, 1984. As a result of staff evaluation of these comments and further staff review of the "immediate effectiveness" issues, a rule is being proposed that will supersede this proposed rule and another entitled, "Commission Review Procedures for Power Reactor Construction Permits; Immediate Effectiveness Rule."

Agency Contact: Beverly Segal, Nuclear Regulatory Commission, Office of the General Counsel, Washington, DC 20555, 202 634-3224

RIN: 3150-AA04

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4. MODIFICATIONS TO THE NRC HEARING PROCESS (LIMITED INTERROGATORIES AND FACTUAL BASIS FOR CONTENTIONS)

Legal Authority: 42 USC 2239

CFR Citation: 10 CFR 2

Abstract: The proposed rule would expedite conduct of NRC adjudicatory proceedings by requiring intervenors in formal NRC hearings to set forth the facts on which contentions are based and the sources or documents used to establish those facts and limit the number of interrogatories that a party may file in an NRC proceeding. The proposed rule would expedite the hearing process by, among other things, requiring intervenors to set forth at the outset the facts upon which their contention is based and the supporting documentation to give other parties early notice of intervenor's case so as to afford opportunity for early dismissal of contentions where there is no factual dispute. Expediting the hearing process should ultimately provide cost savings to all participants in the process. The content of this rule is being considered as part of the regulatory reform rulemaking package. The package was published in the Federal Register on April 12, 1984 (49 FR 14698).

Timetable:

Action	Date	FR Cite
NPRM	06/08/81	46 FR 30349
Regulatory Reform Rule	12/00/84	

Next Action Undetermined

Small Entity: No

Agency Contact: James Tourtellote, Nuclear Regulatory Commission, Regulatory Reform Task Force, Washington, DC 20555, 202 634-1461

RIN: 3150-AA05

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5. COMMISSION REVIEW PROCEDURES FOR POWER REACTOR CONSTRUCTION PERMITS; IMMEDIATE EFFECTIVENESS RULE

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 2

Abstract: The proposed rule would amend the immediate effectiveness rule with regard to rules of practice for granting a power reactor construction permit to conform to those for granting an operating license. It (1) would retain the requirement that the Commission conduct a limited review of an Atomic Safety and Licensing Board's decision to grant a construction permit pending completion of administrative appeals and (2) would delete the requirement that an Atomic Safety and Licensing Appeal Board conduct a similar review. The proposed rule would not affect the separate Appeal Board and Commission appellate reviews of the merits of Licensing Board decisions. It would reduce somewhat the time required for administrative review of construction permit decisions while retaining direct Commission oversight prior to permit issuance.

The comment period closed November 24, 1982. Nine comments were received. Half of the comments favored the proposed rule while half opposed it. This proposed rule does not preclude further action on five alternatives for amending the "Immediate effectiveness" rule presented in an earlier notice on (cont)

Timetable:

Action	Date	FR Cite
NPRM	10/25/82	47 FR 47260
NPRM Comment Period Begin	10/25/82	47 FR 47260
NPRM Comment Period End	11/24/82	
Final Action	04/00/85	

Small Entity: No

Additional Information: ABSTRACT CONT: May 22, 1980 (45 FR 34279).

The public comment period on the "Regulatory Reform Proposal Concerning the Rules of Practice and Rules for Licensing of Production and Utilization Facilities" (49FR 14698) closed June 11, 1984. As a result of staff evaluation of these comments and further staff review of the "immediate effectiveness" issues, a rule is being proposed that will supersede this proposed rule and another entitled, "Possible Amendments to 'Immediate Effectiveness' Rules."

Agency Contact: Martin G. Malsch, Nuclear Regulatory Commission, Office of the General Counsel, Washington, DC 20555, 202 634-1465

RIN: 3150-AA55

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6. HYBRID HEARING PROCEDURES FOR EXPANSIONS OF ONSITE SPENT FUEL STORAGE CAPACITY AT CIVILIAN NUCLEAR POWER REACTORS

Legal Authority: 42 USC 2201; 42 USC 2239

CFR Citation: 10 CFR 2; 10 CFR 72

Abstract: The proposed rule contains two options for implementing the hybrid hearing process in Section 134 of the Nuclear Waste Policy Act of 1982. That section sets forth a hybrid hearing process for certain contested proceedings on applications for a license or a license amendment to

expand the spent nuclear fuel storage capacity at the site of a civilian nuclear power reactor. Either version of the proposed rule would provide for an oral argument in the early stage of the hearing process and would designate only genuine and substantial issues for resolution in an adjudicatory hearing. Option 1 would add a new Subpart K to Part 2. Subpart K would require the use of hybrid procedures in all proceedings to which section 134 applies. It would also change the initial stages of the existing hearing process by allowing a person whose interest is affected to participate as a party and to obtain discovery without the need to plead contentions. Option 2 would permit the use of hybrid procedures at the request of any party to the proceeding. It would be implemented by means of an alternative form of summary disposition under a new Sec. 2.749a. (cont)

Timetable:

Action	Date	FR Cite
NPRM	12/05/83	48 FR 54499
NPRM Comment Period Begin	12/05/83	49 FR 414
NPRM Comment Period Extended to 02/20/84	01/04/84	49 FR 414
NPRM Comment Period End	02/20/84	
Final Action	07/00/85	

Small Entity: No

Additional Information: ABSTRACT CONT: In all other respects, the existing Part 2 procedures would apply. The Commission sought comments on both proposals to aid in its choice of procedures for the final rule.

The hybrid hearing procedures are intended to simplify and expedite the licensing process for spent fuel storage facility expansions and transshipments. The proposed rule is needed to permit full realization of those statutory purposes. Because section 134 applies by its terms to applications filed after January 7, 1983, a final rule should be developed as soon as practicable. There are no alternatives to rulemaking that would meet the statutory objectives. The rule will simplify and expedite the hearing process resulting in less costly and shorter hearings for license applicants, intervenors, the NRC staff, and the Licensing Boards. Members of the public who seek to participate in NRC licensing proceedings will have an opportunity to request an oral argument but will be required to make a stronger showing of need in order to require that an adjudicatory hearing be held.

Agency Contact: Linda S. Gilbert, Nuclear Regulatory Commission, Office of Executive Legal Director, Washington, DC 20555, 301 492-7678

RIN: 3150-AB19

7. EXCEPTIONS TO NOTICE AND COMMENT RULEMAKING PROCEDURES

Legal Authority: 42 USC 2201; 42 USC 2231; 42 USC 2241; 42 USC 5841

CFR Citation: 10 CFR 2

Abstract: This proposed rule would amend the Commission's rules of practice by revising NRC procedures contained in Sections 2.804 and 2.805 to clarify the Commission's use of the exceptions to notice and comment rulemaking contained in the Administrative Procedure Act (5 U.S.C. 553(b)). Exception to notice and comment rulemaking may be applied (1) to interpretive rules, general statements of policy, or rules of agency organization, procedure, or practice (5 U.S.C. 553(b)(A)) or (2) when the agency for good cause finds that notice and comment are impracticable, unnecessary, or contrary to the public interest (5 U.S.C. 553(b)(B)). This clarification is necessary in light of the U.S. Court of Appeals for the District of Columbia decision in Union of Concerned Scientists v. Nuclear Regulatory Commission, No. 82-2000 (D.C. Cir. June 30, 1983) which vacated a Commission rulemaking on the Environmental Qualification of electrical equipment. The court held that by making the rule immediately effective, instead of providing for notice and comment, the NRC had among other things, violated 10 CFR 2.804 of the Commission regulations which the Court read as a requirement for notice and comment in all (cont)

Timetable:

Action	Date	FR Cite
NPRM	04/02/84	49 FR 13043
NPRM Comment Period Begin	04/02/84	49 FR 13043
NPRM Comment Period End	05/02/84	
Final Action	03/00/85	

Small Entity: No

Additional Information: ABSTRACT CONT: Commission rulemakings. The proposed rule will provide explicitly for Commission discretion to invoke in appropriate situations the APA exceptions to notice and comment rulemakings cited above. There are no satisfactory alternatives to this proposed clarification. It will have little or no impact on the public or the regulated industry because it merely clarifies existing Commission practice. Development and promulgation of the rule will involve approximately 320 hours of NRC staff time, at $60 per hour for a total of $119,200.

Agency Contact: Francis X. Cameron, Nuclear Regulatory Commission, Office of the Executive Legal Director, Washington, DC 20555, 301 492-8689

RIN: 3150-AB41

8. NONDISCRIMINATION ON BASIS OF AGE IN FEDERALLY ASSISTED COMMISSION PROGRAMS

Legal Authority: 42 USC 6101

CFR Citation: 10 CFR 4

Abstract: The proposed rule would implement the provisions of the Age Discrimination Act of 1975, as amended. The proposed amendment makes it unlawful for any recipient of Federal financial assistance to discriminate on the basis of age in programs or activities receiving Federal financial assistance from the NRC. The Act also contains certain exceptions that permit, under limited circumstances, continued use of age distinctions or factors other than age that may have a disproportionate effect on the basis of age. The Act applies to persons of all ages. The proposed rule is necessary to comply with the Age Discrimination Act of 1975, which directs that all Federal agencies empowered to provide Federal financial assistance issue rules, regulations, and directives consistent with standards and procedures established by the Secretary of Health and Human Services (HHS). NRC's proposed and final regulations have been modeled after those HHS guidelines as published in 45 CFR 90. (cont)

Timetable:

Action	Date	FR Cite
NPRM	09/21/81	46 FR 46582
Final Action	07/00/85	

Small Entity: No

Additional Information: ABSTRACT CONT: On November 23, 1981, a copy of the draft final regulations was transmitted to the Office of the General Counsel of the Civil Rights Division, HHS, for review to comply with the requirement that final agency regulations not be published until the Secretary of HHS approved them. On July 13, 1984, HHS transmitted a letter to NRC indicating its approval of the regulation, as proposed.

Public Compliance Cost: Initial Cost: $0; Yearly Recurring Cost: $0

Agency Contact: Edward E. Tucker, Nuclear Regulatory Commission, Office of Small and Disadvantaged, Business Utilization/Civil Rights, Washington, DC, 301 492-7697

RIN: 3150-AA06

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9. PRODUCTION OR DISCLOSURE IN RESPONSE TO SUBPOENAS OR DEMANDS OF COURTS OR OTHER AUTHORITIES

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 9

Abstract: The proposed rule would add Subpart D to 10 CFR Part 9 to prescribe procedures with respect to the production of documents or disclosure of information in response to subpoenas or demands of courts or other judicial or quasi-judicial authorities in state and Federal proceedings. The proposed rule would clarify the procedures to be followed by Commission employees in responding to demands for testimony, information, or documents and would ensure that the responsibility for determining the response to the demands is placed on the appropriate Commission official.

Timetable:

Action	Date	FR Cite
NPRM	07/10/84	49 FR 28012
NPRM Comment Period Begin	07/10/84	49 FR 28012
NPRM Comment Period End	08/09/84	
Final Action	05/01/85	

Small Entity: No

Agency Contact: Theresa W. Hajosh, Nuclear Regulatory Commission, Office of General Counsel, Washington, DC 20555, 202 634-1493

RIN: 3150-AB63

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10. REPORTS OF THEFT OR LOSS OF LICENSED MATERIAL

Legal Authority: 42 USC 2073

CFR Citation: 10 CFR 20

Abstract: The proposed rule would remove a discretionary clause that requires each NRC licensee to report a loss or theft of licensed material only when it appears to the licensee that the loss or theft would pose a substantial hazard to persons in an unrestricted area. The proposed rule would provide increased radiological safety to the public by requiring that all losses or thefts of licensed material be reported to the NRC if the loss exceeds the minimum quantity specified in the regulations. The estimated total annual cost to affected licensees is $6,000, or approximately $200 per license. The estimated cost to the NRC is $2,000 annually.

Timetable:

Action	Date	FR Cite
NPRM	05/09/83	48 FR 20721
NPRM Comment Period Begin	05/09/83	
NPRM Comment Period End	06/23/83	
Final Action	12/00/85	

Small Entity: No

Agency Contact: Donald R. Hopkins, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, 301 443-7878

RIN: 3150-AA64

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11. RESIDUAL CONTAMINATION IN SMELTED ALLOYS

Legal Authority: 42 USC 2021; 42 USC 2073; 42 USC 2077; 42 USC 2111; 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 30; 10 CFR 32; 10 CFR 70; 10 CFR 150

Abstract: The proposed rule would exempt from licensing and regulatory requirements technetium-99 and low-enriched uranium as residual contamination in any smelted alloy. The proposed rule would remove the Commission's present specific licensing requirement that has the effect of inhibiting trade in and recycling of metal scrap contaminated with small amounts of these radioactive materials. This requirement also prevents recycling by the secondary metals industry of smelted alloys containing these two radioactive materials. The NRC issued the proposed rule in response to a Department of Energy request. A draft environmental statement for this action has been prepared.

Timetable:

Action	Date	FR Cite
NPRM	10/27/80	45 FR 70874
NPRM Comment Period Begin	10/27/80	45 FR 70874
NPRM Comment Period End	12/11/80	
Environmental Impact Statement	04/30/84	

Next Action Undetermined

Small Entity: No

Analysis: Draft Environmental Statement 10/27/80 (45 FR 20874)

Agency Contact: D. R. Hopkins, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, 301 443-7878

RIN: 3150-AA10

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12. DECOMMISSIONING CRITERIA FOR NUCLEAR FACILITIES

Legal Authority: 42 USC 2201

CFR Citation: 10 CFR 30; 10 CFR 40; 10 CFR 50; 10 CFR 51; 10 CFR 70; 10 CFR 72

Abstract: The advance notice of proposed rulemaking sought comment on a proposal to develop a more explicit policy for decommissioning nuclear facilities. The proposal would provide more specific guidance on decommissioning criteria for production and utilization facility licensees and byproduct, source, and special nuclear material licenses. This action is intended to protect public health and safety and to provide the applicant or licensee with appropriate regulatory guidance for implementing and accomplishing nuclear facility decommissioning. Although it is planned to provide additional guidance through regulatory guides, it is necessary to amend the regulations in order to achieve appropriate assurances that funds for decommissioning will be available.

The major cost impact of the proposed rule would involve proper planning at all stages of nuclear facility operation. Proper planning includes providing for (1) financial assurance that funding will be available for decommissioning, (2) maintenance of records that could

affect decommissioning, and (3) careful(cont)

Timetable:

Action	Date	FR Cite
ANPRM	03/13/78	43 FR 10370
NPRM	02/11/85	50 FR 5600
NPRM Comment Period Begin	02/11/85	50 FR 5600
NPRM Comment Period End	05/13/85	

Small Entity: Yes

Additional Information: ABSTRACT CONT: planning of procedures at the time of decommissioning. For non-reactor facilities affected by financial assurance requirements, it is estimated that the major impact will result in an aggregate expenditure of 85 staff-years ($6.4 million) spread over 5 years (or 1.28 million per year).

For the approximately 80 operating reactors plus 75 research and test reactors, it is estimated that the major impact will result in an aggregate expenditure of 8.5 staff-years ($638,000) spread over 3 years. These expenditures will ensure that adequate measures have been taken to protect the health and safety of occupational workers, the public, and the environment within the confines of optimum cost benefit consideration.

Analysis: Draft Environmental Statement 02/10/81 (46 FR 11666)

Agency Contact: Keith G. Steyer/Catherine Mattsen, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 443-7910**

RIN: 3150-AA40

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13. PATIENT DOSAGE MEASUREMENT

Legal Authority: 42 USC 2111; 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 35

Abstract: The proposed rule would require that the activity of each radiopharmaceutical dosage be measured before it is administered to a patient. Each of NRC's specific medical licensees is currently required to perform these measurements by a license condition. This action is intended to ensure the consistent application of the requirement and to simplify licensing by replacing the individual license conditions with a single regulatory requirement that would apply to all current and future medical licensees. Because, the only way to impose a requirement on all medical licensees is by license condition or regulation; no alternative action was considered. The proposed rule will require licensees to measure each dosage and make a record of each measurement. Because, the requirement is currently imposed by license condition, there will not be cost savings or additional burden; however, the industry and NRC will benefit by having a clear, concise requirement in the regulation. The proposed rule is being incorporated into a proposed revision of 10 CFR Part 35 (See RIN-3150-AA73 Medical Use of Byproduct Material).

Timetable:

Action	Date	FR Cite
NPRM	09/01/81	46 FR 43840
NPRM Comment Period Begin	09/01/81	46 FR 43840
NPRM Comment Period End	11/30/81	
Final Action	04/00/85	

Small Entity: No

Public Compliance Cost: Initial Cost: $690,000; Yearly Recurring Cost: $690,000; Base Year for Dollar Estimates: 1981

Analysis: Preliminary RIA 09/00/81

Agency Contact: Norman L. McElroy, Nuclear Regulatory Commission, Office of Nuclear Material Safety and, Safeguards, Washington, DC 20555, **301 427-4108**

RIN: 3150-AA12

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14. + IMPLEMENTATION OF THE CONVENTION ON THE PHYSICAL PROTECTION OF NUCLEAR MATERIAL

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 40; 10 CFR 70; 10 CFR 73; 10 CFR 110

Abstract: The NRC is amending its regulations in order to implement the provisions of the Convention on the Physical Protection of Nuclear Material. Since NRC is responding to implementing legislation enacted by Congress and signed by the President, no alternatives were considered. The proposed amendments would require (1) the physical protection of transient shipments of special nuclear material of moderate and low strategic significance and irradiated reactor fuel, (2) advance notification to NRC concerning the export of Convention-defined nuclear materials, and (3) advance notification and assurance of protection to NRC concerning the importation of Convention- defined nuclear materials from countries that are not parties to the Convention, and (4) advance notification and assurance of protection concerning transient shipments of Convention-defined nuclear material shipped between countries that are not party to the Convention. The adoption of the proposed amendments would result in improved security for Convention-defined nuclear material during international transport. (cont)

Timetable:

Action	Date	FR Cite
NPRM	07/14/83	48 FR 32182
NPRM Comment Period Begin	07/14/83	48 FR 32182
NPRM Comment Period End	10/13/83	
Rule is currently pending before the Commission	00/00/00	

Small Entity: No

Additional Information: ABSTRACT CONT:

Compliance with the new regulations is expected to cost licensees about $230,000 annually. Public comments have been received and analyzed.

Public Compliance Cost: Yearly Recurring Cost: $230,000; Base Year for Dollar Estimates: 1983

Agency Contact: Carl Sawyer, Nuclear Regulatory Commission, Office of Nuclear Material Safety, and Safeguards, Washington, DC 20555, **301 427-4186**

RIN: 3150-AA92

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15. URANIUM MILL TAILINGS REGULATIONS: CONFORMING NRC REQUIREMENTS TO EPA STANDARDS

Legal Authority: 42 USC 2014; 42 USC 2092; 42 USC 2093; 42 USC 2094; 42 USC 2095; 42 USC 2111; 42 USC 2113; 42 USC 2114; 42 USC 2201; 42 USC 2232; 42 USC 2233; 42 USC 2236; 42 USC 2282; 42 USC 2021; 42 USC 5841

CFR Citation: 10 CFR 40

Abstract: The proposed rule would revise the Nuclear Regulatory Commission's regulations governing the disposal of uranium mill tailings to conform them to regulations recently

published by the Environmental Protection Agency that set standards for protecting the environment from these wastes. The proposed rule would remove inconsistencies between NRC and EPA requirements and incorporate in NRC regulations the stability, radon release, and other provisions of the EPA standard not related to groundwater. This action is necessary to comply with provisions of the Uranium Mill Tailings Radiation Control Act and the NRC Authorization Act for FY 1983; therefore no alternatives to this action need to be considered. EPA has estimated that compliance with their recently published regulations would cost the uranium milling industry from about $310 million to $540 million to dispose of all existing tailings and tailings to be generated by the year 2000. This includes the costs of the groundwater protection provisions which are to be addressed in future NRC rule changes. The EPA regulations are binding on NRC licensees in the interim. The final rule should be in place within 6 months after (cont)

Timetable:

Action	Date	FR Cite
NPRM	11/26/84	49 FR 48418
NPRM Comment Period Begin	11/26/84	50 FR 2293
NPRM Comment Period End	02/10/85	
Final Action	05/00/85	

Small Entity: No

Additional Information: ABSTRACT CONT: publication of the proposed rule and require only nominal (less than at $25,044) NRC staff resources.

Agency Contact: Kitty S. Dragonette, Nuclear Regulatory Commission, Office of Nuclear Material Safety and, Safeguards, Washington, DC 20555, **301 427-4300**

RIN: 3150-AB50

16. URANIUM MILL TAILINGS REGULATIONS: GROUND WATER PROTECTION AND OTHER ISSUES

Legal Authority: 42 USC 2201; 42 USC 5841; 42 USC 7901 Note

CFR Citation: 10 CFR 40

Abstract: The advance notice of proposed rulemaking seeks comment on NRC's tentative approach to making further amendments to its uranium mill tailings regulations. The contemplated rulemaking proceeding is intended to incorporate groundwater provisions and other requirements established by the Environmental Protection Agency for similar hazardous wastes into NRC regulations. This action is necessary to make NRC regulations consistent with EPA standards as required by the Uranium Mill Tailings Radiation Control Act, and consequently no alternatives to this action need to be considered. Comments on the ANPRM will help define the nature and scope of the action. EPA has estimated that compliance with their groundwater standards and with the stability, radon release, and other requirements recently promulgated will cost the industry from about $310 million to $540 million for all tailings generated by the year 2000. The range depends on the eventual cost of groundwater protection for future tailings. The EPA regulations are binding on NRC licensees in the interim. NRC resources and schedules are still being developed.

Timetable:

Action	Date	FR Cite
ANPRM	11/26/84	49 FR 48425
ANPRM	11/26/84	50 FR 2293
Comment Penod Begin		
ANPRM	03/01/85	
Comment Period End		

Next Action Undetermined

Small Entity: No

Agency Contact: Kitty S. Dragonette, Nuclear Regulatory Commission, Office of Nuclear Material Safety and, Safeguards, Washington, D.C. 20555, **301 427-4300**

RIN: 3150-AB56

17. TECHNICAL SPECIFICATIONS FOR NUCLEAR POWER REACTORS

Legal Authority: 42 USC 2201

CFR Citation: 10 CFR 50

Abstract: The proposed rule would amend current regulations pertaining to technical specifications for nuclear power reactors. Specifically, the proposed rule would (1) establish a standard for deciding which items derived from the safety analysis report must be incorporated into technical specifications, (2) modify the definitions of categories of technical specifications to focus more directly on reactor operations, (3) define a new category of requirements that would be of lesser immediate significance to safety than technical specifications, and (4) establish appropriate conditions that must be met by licensees to make changes to the requirements in the new category without prior NRC approval.

The changes are needed because of disagreement among parties to proceedings as to what items should be included in technical specifications, and concern that the substantial growth in the volume of technical specifications may be diverting the attention of licensees from matters most important to the safe operation of the plant.(cont)

Timetable:

Action	Date	FR Cite
ANPRM	07/08/80	45 FR 45916
ANPRM Comment Period Begin	07/08/80	45 FR 45916
ANPRM Comment Period End	09/08/80	
NPRM	03/30/82	47 FR 13369
NPRM Comment Period Begin	03/30/82	47 FR 13369
NPRM Comment Period End	06/01/82	

Next Action Undetermined

Small Entity: No

Additional Information: ABSTRACT CONT:

The proposed rule would improve the safety of nuclear power by placing more emphasis on those specifications of high safety significance, and provide more efficient use of NRC and licensee resources. The NRC staff has estimated that each of the affected 21 licensees should utilize the proposed method for changing supplemental specifications approximately twice a year. The total additional yearly burden to resubmit a revoked change for all 21 affected licensees would be approximately 101 staff hours.

Agency Contact: Don Beckham, Nuclear Regulatory Commission, Office of Nuclear Reactor Regulation, Washington, DC 20555, **301 492-7803**

RIN: 3150-AA22

18. FITNESS FOR DUTY OF PERSONNEL WITH ACCESS TO NUCLEAR POWER PLANTS

Legal Authority: 42 USC 2236; 42 USC 2237

CFR Citation: 10 CFR 50

Abstract: At a Commission meeting, October 17, 1984, the Commission directed the staff to draft a policy statement on programs for training and qualification in lieu of publishing this proposed "Fitness for Duty" rule and other proposed training and qualification amendments. On December 10, 1984, the NRC decided to separate the policy statement on fitness for duty from the policy statement on training and qualifications. Therefore, this proposed rule is being withdrawn. The policy is being established to allow power reactor applicants and licensees to develop and implement their own fitness-for-duty programs during a 2-year period. Nothing in the policy statement limits NRC's authority or responsibility to follow up on operational events or its enforcement authority when regulatory requirements are not met.

The proposed rule would have required licensees to establish and implement controls to provide reasonable assurance that persons with unescorted and escorted access to vital areas of nuclear power plants are fit for duty. The Commission initiated the rule in response to concern by members of the public that nuclear power plant personnel, like airline pilots, should (cont)

Timetable:

Action	Date	FR Cite
NPRM	08/05/82	47 FR 33980
NPRM Comment Period Begin	08/05/82	47 FR 33980
NPRM Comment Period End	10/04/82	
Final Action	04/00/85	

Small Entity: No

Additional Information: ABSTRACT CONT: not be permitted to perform activities that could degrade the public health and safety while unfit for duty as a result of actions such as the consumption of alcoholic beverages. The result of the proposed rule would have been the further protection of the public health and safety by requiring persons with unescorted or escorted access to vital areas of nuclear power plants to be fit for duty.

Agency Contact: Thomas Ryan, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 443-7619**

RIN: 3150-AA27

19. SAFEGUARDS REQUIREMENTS FOR NONPOWER REACTOR LICENSEES POSSESSING FORMULA QUANTITIES OF STRATEGIC SPECIAL NUCLEAR MATERIAL

Legal Authority: 42 USC 2071; 42 USC 2073; 42 USC 2133; 42 USC 2134, 42 USC 2152; 42 USC 2201; 42 USC 2232; 42 USC 2233; 42 USC 2236; 42 USC 2239; 42 USC 2273; 42 USC 5841; 42 USC 5842; 42 USC 5846

CFR Citation: 10 CFR 50; 10 CFR 70; 10 CFR 73

Abstract: When the Commission approved the set of final physical protection requirements for fuel cycle facilities possessing formula quantities (five formula kilograms or more) of strategic special nuclear material (SSNM), they exempted nonpower reactors from these requirements and, instead specified a set of interim requirements. At that time the staff was directed to develop a set of permanent physical protection requirements for this class of nonpower reactors. This rulemaking is needed: (1) to replace current interim regulations and establish permanent physical security requirements for nonpower reactor licensees who possess a nonexempt formula quantity of SSNM, (2) to provide protection against insiders, and (3) to arrange for a response by local law enforcement or other agencies in time to prevent a theft of a formula quantity. The staff is using a performance-oriented regulatory approach which would give affected licensees flexibility in designing cost-effective measures for implementing the requirements of the final rule by allowing licensees to take advantage of existing facility design features. Not more than three facilities are expected to have to implement these (cont)

Timetable:

Action	Date	FR Cite
Interim Final Rule	11/28/79	44 FR 68199
Previous NPRM	09/18/81	46 FR 46333
NPRM	07/27/83	
NPRM Comment Period Begin	07/27/83	48 FR 34056
Proposed Rule limited to Part 73	07/27/83	48 FR 34056
NPRM Comment Period End	11/28/83	

Next Action Undetermined

Small Entity: No

Additional Information: ABSTRACT CONT: requirements at an estimated cost increase of $1,100 to $5,100 for improvements and $300 to $7,900 for annual operating costs per facility. Public comments on the new NPRM have been received and analyzed. Further action has been deferred pending resolution of other related issues.

Public Compliance Cost: Initial Cost: $12,000; Yearly Recurring Cost: $21,000; Base Year for Dollar Estimates: 1983

Agency Contact: Carl J. Withee, Nuclear Regulatory Commission, Office of Nuclear Materials Safety, and Safeguards, Washington, DC 20555, **301 427-4768**

RIN: 3150-AA30

20. CHANGES IN PROPERTY INSURANCE REQUIREMENTS FOR NRC LICENSED NUCLEAR POWER PLANTS

Legal Authority: 42 USC 2201

CFR Citation: 10 CFR 50

Abstract: An advance notice of proposed rulemaking requested comments on the Long Report (NUREG-0891) entitled "Nuclear Property Insurance: Status and Outlook," in order to determine the adequacy of the NRC's property insurance requirements. This report, prepared by Dr. John D. Long, Professor of Insurance at Indiana University, was written as an outgrowth of the Three Mile Island-2 accident after it became apparent that nuclear utilities may need more property insurance than has previously been required. Based on comments responding to the advance notice, the staff prepared a final rule for the Commission's approval. Upon review, the Commission directed the staff instead to develop a proposed rule that would increase the amount of insurance required and to evaluate the legal issues of Federal preemption of state prohibitions against utilities buying certain types of insurance and of a decontamination priority. The staff is

currently reviewing comment letters received in response to the recently published proposed rule.

Timetable:

Action	Date	FR Cite
ANPRM	06/24/82	47 FR 27371
ANPRM Comment Period Begin	06/24/82	47 FR 27371
ANPRM Comment Period End	09/22/82	
NPRM	11/08/84	49 FR 44645
NPRM Comment Period Begin	11/08/84	
NPRM Comment Period End	02/07/85	
Final Action	08/00/85	

Small Entity: No

Agency Contact: Robert S. Wood, Nuclear Regulatory Commission, Office of State Programs, Washington, DC 20555, **301 492-9885**

RIN: 3150-AA47

21. REVISION OF BACKFITTING PROCESS FOR POWER REACTORS

Legal Authority: 42 USC 2021; 42 USC 2133; 42 USC 2134; 42 USC 2201; 42 USC 2232; 42 USC 2233; 42 USC 2239; 42 USC 4332; 42 USC 4334; 42 USC 4335; 42 USC 5841; 42 USC 5842; 42 USC 5846

CFR Citation: 10 CFR 50

Abstract: The proposed rule is being initiated by the Nuclear Regulatory Commission to establish requirements for long-term management of its review process for the imposition of new regulatory requirements on power reactors. More specifically, the objective of the rulemaking is to address "backfitting", a process which can include both plant specific changes and generic changes as applied to one or more classes of power reactors. this rulemaking would revise 10 CFR 50.54, 50.109, 2.204, and add a conforming amendment to Appendix O. The rule is intended to reduce costs of "backfitting" for licensees through better management of this review process.

Timetable:

Action	Date	FR Cite
ANPRM	09/28/83	48 FR 44217
ANPRM Comment Period End	10/28/83	
NPRM	11/30/84	49 FR 47034
NPRM Comment Period Begin	11/30/84	49 FR 47034
NPRM Comment Period End	01/29/85	
Final Action	06/00/85	

Small Entity: No

Agency Contact: James Tourtellotte, Nuclear Regulatory Commission, Regulatory Reform Task Force, Washington, DC 20555, **202 634-1461**

RIN: 3150-AA59

22. NOTICE AND COMMENT ON, PROCEDURES FOR STATE CONSULTATION ON, AND STANDARDS FOR MAKING DETERMINATIONS ABOUT WHETHER LICENSE AMENDMENTS INVOLVE NO SIGNIFICANT HAZARDS CONSIDERATIONS

Legal Authority: 42 USC 2201; PL 97-415

CFR Citation: 10 CFR 2; 10 CFR 50

Abstract: The NRC is publishing a single final rule that combines the proposed action of two interim final rules implementing, in part, PL 97-415. Modifications to the final rule are based on further staff review and evaluation of public comments received on the interim rules. The interim final rules were published April 6, 1983 (48 FR 14868). The two rules specify criteria for notice and public comment on, procedures for State consultation on, and standards for making determinations about whether amendments to operating licenses for certain facilities involve no significant hazards considerations. In addition, the rules specify procedures for consultation on these determinations with the State in which the facility of the licensee requesting the amendment is located. The rule permits the Commission to act expeditiously if circumstances surrounding a request for amendment require prompt response and to issue an amendment before holding any required hearing, unless a significant hazards consideration is involved.

Regarding costs for this rule, the NRC receives about 600 amendment requests each year, 98 percent of which are (cont)

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/06/83	48 FR 14876
Final Action	06/30/85	

Small Entity: No

Additional Information: ABSTRACT CONT: deemed to involve no significant hazards consideration. This may result in an average increase in burden for the licensee preparing the amendment request of four hours per amendment. However, implementation of this rule's procedures is expected to cost the NRC approximately five professional-staff years (PSYE) each year. Expected distribution of these resources would be 3.0 PSYE to significant hazards determination, 0.5 PSYE to additional requested hearings, 0.3 PSYE to State consultations, and 1.0 PSYE to publication of monthly notices. At $60 per PSYE of 2087 hours for each of 5 years, the total cost would be approximately $626,100.

Agency Contact: Thomas F. Dorian, Nuclear Regulatory Commission, Office of the Executive Legal Director, Washington, DC 20555, **301 492-8690**

RIN: 3150-AA61

23. OPERATOR'S LICENSES

Legal Authority: 42 USC 2137; 42 USC 2201; 42 USC 5841; 42 USC 10226

CFR Citation: 10 CFR 50; 10 CFR 55

Abstract: The Nuclear Regulatory Commission proposes to amend its regulations to (1) require each holder of and each applicant for a license to operate a commercial nuclear power plant to establish and use a systems approach in developing training programs and establishing qualifications requirements for civilian nuclear power plant operators, supervisors, technicians, and, as appropriate, operating personnel; (2) clarify the regulations for the issuance of licenses to operators and senior operators; (3) revise the requirements and scope of written examinations and operating tests for operators and senior operators; (4) codify procedures for the administration of requalification examinations; and (5) describe the form and content for operator license applications. The proposed rule is in response to Section 306 of the Nuclear Waste Policy Act of 1982. A regulatory analysis was performed which shows a

public risk reduction of 268,000 person-rem at a cost of $240.4 million dollars resulting in a value/impact ratio of 1,100 person/rem/ $million. Coordinated industry objections to the rulemaking were the subject of a Commission meeting on (cont)

Timetable:

Action	Date	FR Cite
NPRM	11/26/84	49 FR 46428
NPRM Comment Period Begin	11/26/84	
NPRM Comment Period End	02/24/85	
Final Action	12/00/85	

Small Entity: No

Additional Information: ABSTRACT CONT: April 9, 1984. Industry's proposal was for an NRC policy rather than a rule. At a Commission meeting, October 17, 1984, the Commission directed the staff to publish the portion of this proposed rule revising 10 CFR Part 55, "Operators' Licenses," and to draft a Policy Statement on programs for training and qualification of nuclear power plant personnel. The regulatory analysis is being revised to reflect only the costs and benefits of implementing the proposed revision to 10 CFR Part 55 and any significant comments received on the rule and analysis originally prepared. The Policy Statement would replace the portion of this rule adding requirements to 10 CFR Part 50 on training and qualification of plant personnel. The training programs are to be developed and implemented by industry during a two-year period. The policy statement will provide guidance regarding NRC's support of the industry-managed training accreditation program and stating NRC's continuing responsibility to independently evaluate applicant's and licensees' implementation of training improvement programs.

Agency Contact: Don Beckham, Nuclear Regulatory Commission, Office of Nuclear Reactor Regulation, Washington, DC 20555, **301 492-4868**

RIN: 3150-AA88

24. PERSONNEL ACCESS AUTHORIZATION REQUIREMENTS FOR NUCLEAR POWER PLANTS (PART OF INSIDER PACKAGE)

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 50; 10 CFR 73

Abstract: The proposed rule would require nuclear power plant licensees and applicants to establish an access authorization program for individuals requiring unescorted access to the protected and vital areas of nuclear power plants. These amendments represent the culmination of several years of development which included publication of an earlier proposed rule; public hearings; the establishment and recommendations of a Hearing Board; and establishment and recommendations of the NRC Safety/Safeguards Review Committee. Adoption of the amendments as currently proposed will result in increased assurance of the trustworthiness of licensee employees and contractor personnel. Each licensee will be required to submit for Commission approval an Access Authorization Plan which will consist of three major industry-run components; background investigation, psychological assessment, and continual behavioral observation programs.

Other alternatives considered were to maintain the status quo, endorse an ANSI Standard through an NRC Regulatory Guide, impose license conditions, and use staff position papers. The other alternatives were rejected because use of those approaches (cont)

Timetable:

Action	Date	FR Cite
NPRM	08/01/84	49 FR 30726
NPRM Comment Period Begin	08/01/84	
NPRM Comment Period End	03/07/85	
Final Action	09/00/85	

Small Entity: No

Additional Information: ABSTRACT CONT: established for and administered by nuclear power plant licensees. The proposed rule will provide for this program and will include personnel screening to determine the suitability of an employee to be permitted unescorted access to either protected or vital areas of nuclear power plants. The screening program would cost each individual applicant and licensee approximately $155,000 initially and $300,000 per year thereafter.

Agency Contact: Kristina Z. Jamgochian, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 443-7687**

RIN: 3150-AA90

25. PRESSURIZED THERMAL SHOCK

Legal Authority: 42 USC 2133; 42 USC 2134; 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 50

Abstract: The proposed rule would codify the NRC staff's recommended near-term actions for protection against pressurized thermal shock (PTS) events. Specifically, the provisions of the proposed rule would establish screening criteria for axial and circumferential welds; require licensees with operating plants to submit data concerning their reactor vessels to the NRC staff for review; require certain licensees to submit an analysis and schedule for implementation of flux-reduction programs; and require certain licensees with operating pressurized water reactors (PWRs) to submit a PTS safety analysis to the NRC staff for review. The issue of pressurized thermal shock arises because in PWRs, transients and accidents can occur that result in severe overcooling (thermal shock) of the reactor pressure vessel concurrent with, or followed by, repressurization. In these PTS events, rapid cooling of the reactor vessel internal surface results in thermal stress with a maximum tensile stress at the inside surface of the vessel. The provisions of the proposed rule would apply only to PWRs. The major considered alternative to the proposed rule was taking no action.(cont)

Timetable:

Action	Date	FR Cite
NPRM	02/07/84	48 FR 4498
NPRM Comment Period Begin	02/07/84	48 FR 4498
NPRM Comment Period End	05/07/84	
Final Action	08/00/85	

Small Entity: No

Additional Information: ABSTRACT CONT:

With the possible exception of a few plants where large flux reduction options may be initiated in the near future, the only significant costs will be future analysis costs for those few plants that are expected to approach

the screening RT-NDT limit. A cost analysis will be prepared for those plant after receipt of the plant specific analysis and the resulting determination of the particular corrective regulatory action necessary and expedient for the plant. It is anticipated that the value of such identified corrective actions will be large in comparison to the relatively low cost of performing the analyses necessary to identify those actions, and therefore the presently proposed rule is justified. An estimate of the cost for performing the plant- specific analyses by the staff is four staff-weeks time 10,000 for each evaluation.

Agency Contact: Roy H. Woods, Nuclear Regulatory Commission, Office of Nuclear Reactor Regulation, Washington, DC 20555, 301 492-4714

RIN: 3150-AB05

26. PROTECTION OF CONTRACTOR EMPLOYEES

Legal Authority: 42 USC 2236; 42 USC 2282; 42 USC 5851

CFR Citation: 10 CFR 50

Abstract: The proposed rule would require 10 CFR Part 50 licensees, permittees, and applicants to ensure that procurement documents they issue or modify, specify that contractors and subcontractors post a notice to employees related to employee protection. The required notice would contain information notifying employees that an employer is prohibited from discriminating against an employee engaging in protected activities and that an employee may seek a remedy for prohibited discrimination by filing a complaint with the Department of Labor. The proposed amendment would affect licensees, permittees, applicants, and their contractors and subcontractors who are contractually responsible for construction of basic components or production and utilization facilities. Although there is no health and safety reason for addressing the issue, NRC is interested in protecting employees from discrimination. However, because Section 210 of the Energy Reorganization Act does not give the NRC direct authority over contractors and subcontractors and it clearly envisioned that the Department of Labor would be the principal agency in ensuring the rights of nuclear industry (cont)

Timetable:

Action	Date	FR Cite
NPRM	07/06/83	48 FR 31050
NPRM Comment Period Begin	07/06/83	48 FR 31050
NPRM Comment Period End	09/06/83	
Final Action	04/00/85	

Small Entity: No

Additional Information: ABSTRACT CONT: employees, the NRC is considering the termination of this rulemaking action.

Agency Contact: Anthony J. DiPalo, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, 301 443-7613

RIN: 3150-AB07

27. REFINEMENT OF EMERGENCY PLANNING REGULATIONS

Legal Authority: 42 USC 2133; 42 USC 2134; 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 50

Abstract: The proposed rule would amend the Commission's emergency planning regulations to reflect experience gained since 1980 and reorganize the emergency planning requirements for clarity. Research studies on reactor risk and practical emergency planning experience have led to a refined portrayal of reactor risks and consequences. The proposed rule would require a graduated emergency response capability to reflect a more realistic program for dealing with radiological emergencies at nuclear power plants.

Timetable:

Action	Date	FR Cite
NPRM	08/00/85	

Small Entity: Undetermined

Agency Contact: Michael Jamgochian, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, 301 443-7615

RIN: 3150-AB48

28. LIMITING THE USE OF HIGHLY ENRICHED URANIUM IN DOMESTIC RESEARCH AND TEST REACTORS

Legal Authority: 42 USC 2133; 42 USC 2134; 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 50

Abstract: The proposed rule would require that non-power reactors use only low-enriched uranium fuel (LEU), with certain exceptions. The proposed rule is intended to reduce the high-enriched uranium fuel (HEU) in the United States and thereby reduce the potential for theft or diversion. The majority of licensees affected by the proposed rule would be universities operating research and training reactors. To date, four of the 25 affected universities have made the decision to curtail the operation of their research/training reactors. Delay in the implementation of the proposed rule could have an adverse impact on the remaining affected licensees and their decisions regarding continuance or discontinuance of their respective reactor operations.

Other alternatives that have been and will continue to be considered include retaining the status quo and leaving the highly enriched uranium in place while upgrading security over the life of the facility.

The estimated identified and quantifiable costs to the affected licensees range between $9-12 million. In addition, there will be other identifiable costs that are difficult to assess (cont)

Timetable:

Action	Date	FR Cite
NPRM	07/06/84	49 FR 27769
NPRM Comment Period Begin	07/06/84	
NPRM Comment Period End	11/02/84	
Final Action	03/31/85	

Small Entity: Not Applicable

Additional Information: ABSTRACT CONT: costs that are difficult to assess quantitatively, such as societal costs. The estimated impact on NRC resources is approximately $400,000.

Agency Contact: William R. Lahs, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, 301 443-7874

RIN: 3150-AB60

29. ● CONSIDERATION OF EARTHQUAKES IN THE CONTEXT OF EMERGENCY PREPAREDNESS

Legal Authority: 42 USC 2133; 42 USC 2134; 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 50

Abstract: The proposed rule would consider the need to take into account the complicating effects of earthquakes on emergency preparedness. Existing regulations require that nuclear power plants be designed to safely shut down for most earthquakes. The probability of earthquakes large enough to cause major onsite damage that would result in a significant radiological release from the plant is low; and for large earthquakes, offsite damage could make prior offsite emergency plans premised on normal conditions marginally useful.

One alternative to the proposed rule change would be not to require that the emergency plans specifically address the impact of earthquakes. The staff believes this to be an inappropriate alternative because of the flexibility of existing emergency plans as well as the very low probability of the occurrence of an earthquake of substantial magnitude and a radiological release from the plant. Another alternative would be to adjudicate the issue on a case-by-case basis. The staff believes this to be an inappropriate alternative because it would be extremely time consuming and at the same time would necessitate the unwarranted

Timetable:

Action	Date	FR Cite
NPRM	12/21/84	49 FR 49640
NPRM Comment Period Begin	12/21/84	49 FR 49640
NPRM Comment Period End	01/22/85	
Final Action	04/00/85	

Small Entity: No

Additional Information: ABSTRACT CONT: extensive NRC staff resources. The proposed rule change is the best alternative for achieving the specific regulatory objective. The proposed amendment will not greatly affect the industry since licensees are required to have approved emergency response plans which are flexible enough to assure that appropriate protective measures can be taken to mitigate the consequences of a nuclear emergency. The public will not be affected as adequate emergency preparedness at nuclear reactors will be assured. The staff anticipates that there will be no increase in cost to the NRC, State, and local governments and to licensees associated with the proposed rule change because it is interpretative in nature.

Agency Contact: Mike Jamgochian, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 443-7615**

RIN: 3150-AB75

30. EXPLANATION TO TABLE S-3 URANIUM FUEL CYCLE ENVIRONMENTAL DATA

Legal Authority: 42 USC 2011; 42 USC 4321

CFR Citation: 10 CFR 51

Abstract: The proposed rule provides a narrative explanation of the numerical values established in Table S-3, "Table of Uranium Fuel Cycle Environmental Data," that appears in the Commission's environmental protection regulations. The proposed rule describes the basis for the values contained in Table S-3, the significance of the uranium fuel cycle data in the table, and the conditions governing the use of the table. The narrative explanation also addresses important fuel cycle impacts (e.g., environmental dose commitments, health effects, socioeconomic impacts) and the cumulative impacts of the nuclear fuel cycle for the whole nuclear power industry so that it may be possible to consider these impacts generically rather than repeatedly in individual licensing proceedings. The proposed rule was published for public review and comment in 1981 (46 FR 15154, March 4, 1981) but the final rulemaking was deferred pending the outcome of a suit (Natural Resources Defense Council, et al. v. NRC, No. 74-1486) in the U.S. Court of Appeals. The U.S. Court of Appeals (D.C. Circuit) decision on April 27,1982 invalidated the entire Table S-3 rule. The Supreme Court reversed this decision (cont)

Timetable:

Action	Date	FR Cite
NPRM	03/04/81	46 FR 15154
NPRM Comment Period Begin	03/04/81	46 FR 15154
NPRM Comment Period End	05/04/81	
Court invalidates Table S-3 rule	04/27/82	
Petition for Rehearing Denied	06/30/82	
Appeal to Supreme Court filed	09/27/82	
Supreme Court reverses the 04/27/82 court decision	06/06/83	
Final Action	04/00/86	

Small Entity: No

Additional Information: ABSTRACT CONT: on June 6, 1983. The proposed rule to provide a narrative explanation for Table S-3 was revised to reflect new developments and the passage of time while the rulemaking was deferred. The proposed rule, SECY 84-149 was submitted to the Commission for consideration on April 6, 1984.

Agency Contact: Glenn A. Terry, Nuclear Regulatory Commission, Office of Nuclear Material Safety, and Safeguards, Washington, DC 20555, **301 427-4283**

RIN: 3150-AA31

31. ADDITIONAL TECHNICAL CRITERIA FOR THE DISPOSAL OF HIGH-LEVEL RADIOACTIVE WASTES IN GEOLOGICAL REPOSITORIES LOCATED IN THE UNSATURATED ZONE

Legal Authority: 42 USC 2201; 42 USC 5842; 42 USC 10141

CFR Citation: 10 CFR 60

Abstract: The Nuclear Regulatory Commission (NRC) is publishing amendments related to the disposal of high-level radioactive wastes in geologic repositories within the unsaturated zone. These amendments, in addition to the existing provisions of 10 CFR Part 60 would ensure that the regulations will apply in an appropriate manner to geologic media within either the saturated or the unsaturated hydrogeologic zone. This action is necessary to ensure that the NRC regulations address considerations relevant to all geologic repositories, whether sited in the saturated or the unsaturated zone. The major benefit of the final amendments would be to provide NRC with the maximum flexibility with respect to reviewing license applications for high-level radioactive waste disposal. The cost to NRC would be approximately 1.0 staff year.

Timetable:

Action	Date	FR Cite
NPRM	02/16/84	49 FR 5934
NPRM Comment Period Begin	02/16/84	49 FR 5934
NPRM Comment Period End	04/16/84	
Interim Final Rule	06/30/85	

Small Entity: No

Agency Contact: Colleen Ostrowski, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, 301 427-4615

RIN: 3150-AB44

32. DISPOSAL OF HIGH-LEVEL RADIOACTIVE WASTES IN GEOLOGIC REPOSITORIES: PROCEDURAL AMENDMENTS

Legal Authority: 42 USC 2071; 42 USC 2111; 42 USC 2201; 42 USC 2232; 42 USC 5842; 42 USC 5846; 42 USC 2021a; 42 USC 5851; 42 USC 4332; 42 USC 10141; 42 USC 2273; 42 USC 2201(o)

CFR Citation: 10 CFR 60

Abstract: The proposed rule would revise procedures regarding NRC reviews of license applications for disposal of high-level radioactive wastes in geologic repositories. The procedures are being revised principally to conform to the provisions of the Nuclear Waste Policy Act of 1982. Specifically, the proposed rule would clarify that NRC begins its review in this licensing process after DOE provides NRC a site characterization plan and that usual rules of practice apply to licensing of these repositories. It would also provide that the NRC may publish a notice of receipt of a site characterization plan and a notice inviting comments on its analysis of a plan.

The proposed rule would also change some of the procedures for the participation of States and Indian tribes in the licensing process. Without the proposed rule, there would be major incongruities between the Nuclear Waste Policy Act and 10 CFR Part 60. Alternatives to the proposed rule would be changing the Nuclear Waste Policy Act or doing nothing and allowing incongruities to exist, with subsequent risk of litigation against NRC.(cont)

Timetable:

Action	Date	FR Cite
NPRM	01/17/85	49 FR 2579
NPRM Comment Period Begin	01/17/85	49 FR 2579
NPRM Comment Period End	03/18/85	

Small Entity: No

Additional Information: ABSTRACT CONT:

State and Indian tribes will be affected in that procedures for State and Indian tribes participation in the licensing process for geologic repositories will be changed. This should not result in any additional costs or expenditures of resources on the part of the public, NRC, or the nuclear waste management system. The public, and especially States and Indian tribes, will benefit from increased clarity in procedures for licensing.

Agency Contact: Enrico F. Conti, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, 301 427-4616

RIN: 3150-AB47

33. MATERIAL CONTROL AND ACCOUNTING REQUIREMENTS FOR LICENSEES POSSESSING FORMULA QUANTITIES OF STRATEGIC SPECIAL NUCLEAR MATERIAL

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 70

Abstract: The proposed rulemaking would replace existing material control and accounting (MC&A) requirements for fuel cycle facilities that are authorized to possess and use formula quantities of strategic special nuclear material (SSNM).

It would establish a performance oriented regulation that emphasizes timely detection of formula quantity SSNM losses and provides for more conclusive resolution of discrepancies than is currently achievable. Experience with existing regulations has demonstrated weaknesses in the area of alarm resolution principally because of a lack of timely detection of anomalies and poor loss localization capabilities. The rulemaking would alleviate these liabilities by requiring tests on a more timely basis on small plant subdivisions.

An alternative to the rule would be to implement the concepts through license amendments for the four involved licensees; however, such an action would be inconsistent with the Administrative Procedures Act and the direction provided in NRC's Policy and Program Guidance document. The protection of the public health and safety will be enhanced through earlier (cont)

Timetable:

Action	Date	FR Cite
ANPRM	11/18/81	46 FR 45144
ANPRM	11/18/81	46 FR 56625
Comment Period Begin		
ANPRM Comment Period End	02/09/82	
NPRM	02/02/84	49 FR 4091
NPRM Comment Period Begin	02/02/84	49 FR 4091
NPRM Comment Period End	09/05/84	
Final Action	04/00/86	

Small Entity: No

Additional Information: ABSTRACT CONT: detection and more prompt resolution of anomalies potentially indicative of an SSNM loss. In response to public comments, the staff is currently revising the earlier cost figures to reflect costs on a site-specific basis. The initial cost to the industry may be offset by the reduction or elimination of unnecessary requirements with the principal one being a reduction in the frequency of physical inventories. The cost to NRC to complete this rulemaking is estimated to be four staff years which includes time for the review of the plans submitted in response to the rule.

Public Compliance Cost: Initial Cost: $2,300,000; Yearly Recurring Cost: -$800,000

Agency Contact: C. W. Emeigh, Nuclear Regulatory Commission, Office of Nuclear Material Safety, and Safeguards, Washington, DC 20555, 301 427-4769

RIN: 3150-AA50

34. MISCELLANEOUS AMENDMENTS CONCERNING PHYSICAL PROTECTION OF NUCLEAR POWER PLANTS (PART OF INSIDER RULE PACKAGE)

Legal Authority: 42 USC 2101; 42 USC 5841

CFR Citation: 10 CFR 73

Abstract: The proposed rule would require in Nuclear Power Plants (1) the designation of vital areas (to allow vital islands), (2) access controls to vital islands, (3) the protection of certain physical security equipment, (4) revised requirements for key and lock controls, and (5) revised searches of hand-carried items at protected area entry points. The requirements will clarify policy in these areas and reduce unnecessary burden on the industry while maintaining plant protection. This rule is a revision of the proposed rule entitled "Access Controls to Nuclear Power Plant Vital Areas." Initial development of a final rule produced significant changes, particularly the criteria for personnel access controls to vital areas, resulting in the need to publish a revised proposed rule. This proposed rule and the other components of the insider rule package were reviewed by the NRC Safety/Safeguards Review Committee which considered a number of alternative approaches to vital island configurations and provided recommendations that are reflected in the proposed rule.

Since requirements for protecting vital areas have been in effect for some time, and modifications to those (cont)

Timetable:

Action	Date	FR Cite
NPRM	08/01/84	49 FR 30726
NPRM Comment Period Begin	08/01/84	
Comment period extended	12/11/84	49 FR 48200
NPRM Comment Period End	03/07/85	
Final Action	09/00/85	

Small Entity: No

Additional Information: ABSTRACT CONT: requirements are needed, alternatives to this rulemaking such as revised guidance would be inappropriate in that they would carry the force of a regulation.

Costs for these improvements are estimated at $850,000 per site. The impact on NRC operations will occur in the area of licensing review of amended licensee security plans and Inspection and Enforcement staff support time. Initial cost to the NRC is estimated to be $299,500 and estimated annual cost in subsequent years is $37,400.

Agency Contact: Tom R. Allen, Nuclear Regulatory Commission, Office of Nuclear Material Safety, and Safeguards, Washington, DC 20555, 301 427-4910

RIN: 3150-AA36

35. MODIFICATION OF PROTECTION REQUIREMENTS FOR SPENT FUEL SHIPMENTS

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 73

Abstract: The proposed rule would moderate the present interim requirements for the protection of shipments of irradiated reactor fuel cooled for 150 days or more. Recent research shows that the quantity of radioactive material that would be released as a result of successful sabotage is much smaller than was supposed at the time that the interim rule was issued. The alternatives considered during the development of the proposal were: (1) let the current interim requirements continue in force; (2) moderate the current requirements; and (3) eliminate all interim requirements. The alternative of moderating the requirements was selected because the moderated requirements would provide for (1) shipments to be accompanied by an unarmed escort, who may be driver or carrier employee and may have other duties, (2) on-board communications, and (3) immobilization capability for trucked shipments. Present interim requirements will continue to be effective for shipments of irradiated reactor fuel cooled less than 150 days. The benefit of the proposed rule would be the elimination of unnecessarily strict requirements which presently apply to spent fuel shipments. It is estimated that the (cont)

Timetable:

Action	Date	FR Cite
NPRM	06/08/84	49 FR 23867
NPRM Comment Period Begin	06/08/84	
NPRM Comment Period End	09/10/84	
Final Rule to Commission	02/00/85	
Final Action	09/00/85	

Small Entity: No

Additional Information: ABSTRACT CONT: modified requirements will result in a savings to licensees of about $20,000 to $30,000 annually, assuming the present rate of 135 shipments annually. Adoption of the proposed amendments would free about 1.5 NRC staff-years annually for other assignments and would reduce NRC travel cost by about $8,000 annually. A proposed rule has been published for public comment.

Agency Contact: Carl B. Sawyer, Nuclear Regulatory Commission, Office of Nuclear Material Safety, and Safeguards, Washington, DC 20555, 301 427-4186

RIN: 3150-AA96

36. SEARCHES OF INDIVIDUALS AT POWER REACTOR FACILITIES (PART OF INSIDER PACKAGE)

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 73

Abstract: The proposed rule would revise the search requirements for individuals entering the protected area of nuclear power plants. Under the proposed requirements, all persons would be subject to equipment searches for firearms, explosives and incendiary devices. Physical searches would be required only when search equipment is not working properly or when the licensee suspects that an individual is attempting to carry into the plant prohibited devices or material. Random searches were considered as an alternative, but were dismissed as being possibly disruptive. Since licensees already possess the necessary equipment, this rule will affect only licensee procedures at negligible additional cost.

Since requirements for searches have been in effect for some time, and modifications to those requirements are needed, alternatives to this rulemaking such as revised guidance would be inappropriate in that they would not carry the force of a regulation. (cont)

Timetable:

Action	Date	FR Cite
NPRM	08/01/84	49 FR 30726
NPRM Comment Period Begin	08/01/84	49 FR 30726
Comment Period Extended	12/11/84	49 FR 48200
NPRM Comment Period End	03/07/85	
Final Action	09/00/85	

Small Entity: No

Additional Information: ABSTRACT CONT:

The estimated average annual cost to each affected licensee is $8,000. The impact on NRC operations will occur in the area of licensing review of amended licensee security plans. Initial cost to the NRC is estimated to be $46,100 and estimated annual cost in subsequent years is $5,800.

Agency Contact: Tom R. Allen, Nuclear Regulatory Commission, Office of Nuclear Material Safety, and Safeguards, Washington, DC 20555, 301 427-4010

RIN: 3150-AB17

ADVANCE NOTICES OF PROPOSED RULEMAKING

37. REGULATORY REFORM OF THE RULES OF PRACTICE AND RULES FOR LICENSING OF PRODUCTION AND UTILIZATION FACILITIES

Legal Authority: 42 USC 2201; 42 USC 2231; 42 USC 5841; 42 USC 5842; 42 USC 5846

CFR Citation: 10 CFR 2; 10 CFR 50

Abstract: This proposed rule would amend thirty-three sections of two parts affecting the hearing process associated with the issuance of all NRC licenses. Streamlining the hearing process would ultimately provide cost savings to all participants in the process. However, intervenors may initially be required to provide more information than is now required at some added expense.

In the screening process, the most significant changes would (1) establish a screening Atomic Safety and Licensing Board (ASLB) to act as a clearing house for all requests for hearings, petitions for leave to intervene, and proposed contentions, (2) require a participant in a hearing to show that he or she has an interest to protect in the proceeding, and (3) require evidence of a factual dispute for a contention to be admitted.

During the conduct of hearings, the most significant changes would (1) not hear discovery requests requiring the staff to support positions other than its own, (2) permit the ASLB to decide the case on the basis of written material, (3) permit the ASLB to appoint a panel of technical experts if needed, (cont)

Timetable:

Action	Date	FR Cite
ANPRM	04/12/84	49 FR 14698
ANPRM Comment Period Begin	04/12/84	49 FR 14689
ANPRM Comment Period End	06/11/84	

Next Action Undetermined

Small Entity: No

Additional Information: ABSTRACT CONT: (4) allow presiding officers to raise issues on their own motion (sua sponte) only in unusual cases, (5) allow summary disposition motions to be filed at any stage of the proceeding, (6) allow the Commission to designate a hearing examiner in lieu of a three-member ASLB, and (7) require the filing of cross examination plans.

During the decision-making process, the most significant changes would (1) remove the ASLB as an independent appeal board but place it organizationally directly under the Commission to review, as before, ASLB decisions, and give its recommendations to the Commission, (2) allow and generic issue resolved in an initial licensing proceeding to be codified, allowing a 45 day comment period (3) allow an intervenor to participate in discussing only those items he or she introduced, and (4) reinstate the immediate effectiveness of an ASLB decision on an operating license, construction permit, or work authorization. The proposals, submitted by the Commission's Regulatory Reform Task Force suggest ways to improve the reactor licensing process.

Agency Contact: James R. Tourtellotte, Nuclear Regulatory Commission, Regulatory Reform Task Force, Washington, DC 20555, 202 634-1461

RIN: 3150-AB04

38. RULES OF PRACTICE FOR DOMESTIC LICENSING PROCEEDINGS: ROLE OF NRC STAFF IN ADJUDICATORY LICENSING HEARINGS

Legal Authority: 42 USC 2201; 42 USC 2231

CFR Citation: 10 CFR 2

Abstract: The role of the NRC staff in initial proceedings was among the issues discussed in an enclosure to a January 2, 1985, memorandum to the Chairman of the House Subcommittee on Energy and Water Development from Chairman Palladino. This discussion stated that the Commission has decided that the NRC's role in these proceedings should not be changed. Therefore, the action proposed by this advance notice of proposed rulemaking will be terminated. The Commission is considering amending its Rules of Practice concerning what role the NRC staff should have in adjudicatory licensing hearings to most effectively contribute to the protection of the public health and safety. This notice invites public comments and suggestions on four options and related questions, briefly described below. Option 1 would limit staff participation in contested initial licensing proceedings to only those controverted factual issues it disagrees with on a technical basis or rationale. This option is similar to the proposal of a Part 2 unpublished rule (3150-AB08), "Participation of the NRC Staff in Initial Licensing Proceedings," published in NRC's October-December 1984 agenda. Option 2 would require (cont)

Timetable:

Action	Date	FR Cite
ANPRM	11/02/83	48 FR 50550
ANPRM Comment Period Begin	11/02/83	48 FR 50550
ANPRM Comment Period Extended	01/03/84	48 FR 54243
ANPRM Comment Period End	01/03/85	

Next Action Undetermined

Small Entity: No

Additional Information: ABSTRACT CONT: the NRC staff to supply the Commission and the Licensing Board with its view and analyses on every substantive issue raised in an initial licensing proceeding but would prohibit the staff's participation in any procedural matter. Option 3 would retain status quo, i.e., the NRC staff would participate as full party on all issues. Option 4 would expand public involvement in the prehearing stage of initial licensing proceedings, and this option could be used in conjunction with any of the first three options. The staff would subsequently address each substantive issue raised in the Safety Evaluation Report.

Alternatives to rulemaking could include a policy statement or no action, depending on the option chosen. The possible means of addressing this issue through rulemaking are discussed above. The effects of the rulemaking, including benefits and costs, will depend on the option chosen. NRC resources needed for this rulemaking are estimated at 500 staff hours.

Agency Contact: James R. Tourtellotte, Nuclear Regulatory Commission, Regulatory Reform Task Force, Washington, DC 20555, 301 492-7678

RIN: 3150-AB42

39. STANDARDS FOR PROTECTION AGAINST RADIATION

Legal Authority: 42 USC 2073; 42 USC 2093; 42 USC 2095; 42 USC 2111; 42 USC 2133; 42 USC 2134, 42 USC 2201; 42 USC 2273, 42 USC 5841; 42 USC 5842

CFR Citation: 10 CFR 20

Abstract: Radiation protection philosophy and technology have changed markedly since the present Part 20 was promulgated nearly thirty years ago. Since Part 20 contains the NRC standards for protection against radiation which are used by all licensees and affects exposures of workers and members of the public, it should be the most basic of the NRC regulations. However, because the present Part 20 has become outdated, most radiation protection actions occur through licensing actions independent of Part 20. A complete revision is necessary to provide better assurance of protection against radiation; establish a clear health protection basis for the limits; reflect current information on health risk, dosimetry, and radiation protection practices and experience; provide NRC with a health protection base from which it may consider other regulatory actions taken to protect public health; be consistent with recommendations of world authorities (ICRP); and apply to all licensees in a consistent manner.

Alternatives to the complete revision considered were no action; delay for further guidance; and partial revision of the standards. They were rejected as ignoring scientific (cont)

Timetable:

Action	Date	FR Cite
ANPRM	03/20/80	45 FR 18023
ANPRM Comment Period Begin	03/20/80	45 FR 18023
ANPRM Comment Period End	06/18/80	
NPRM	12/00/85	

Small Entity: Yes

Additional Information: ABSTRACT CONT: advancements: being unresponsive to international and national guidance; and correcting only some of the recognized problems with the present Part 20. Benefits would include updating the regulations to reflect contemporary scientific knowledge and radiation protection philosophy; implementing regulations which reflect the ICRP risk-based rationale; reducing lifetime doses to individuals receiving highest exposures; implementing provisions for summation of doses from internal and external exposures; providing clearly identified dose limits for the public; providing understandable health-risk base for protection; and placing constraints on collective dose evaluations at levels where risks are trifles.

Initial estimates of the cost of implementing the revision is about $23 million the initial year and about $7 million in subsequent years. This cost does not include any savings which might also be realized by the revision.

Agency Contact: Robert E. Baker, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, 301 427-4570

RIN: 3150-AA38

40. ACCREDITATION OF PERSONNEL DOSIMETER PROCESSORS

Legal Authority: 42 USC 2073; 42 USC 2093; 42 USC 2095; 42 USC 2111; 42 USC 2134; 42 USC 2201; 42 USC 2273; 42 USC 5841; 42 USC 5842

CFR Citation: 10 CFR 20

Abstract: The notice of proposed rulemaking seeks comment on a proposal to add amendments to 10 CFR Part 20 that would improve the accuracy and consistency of reported occupational radiation dose measurement by requiring proficiency tests of dosimetry processors who perform dosimetry for NRC licensees. The proposed amendments would require NRC licensees to have personnel dosimeters (devices carried or worn by each radiation worker to measure radiation exposure received during work) processed by a dosimetry service that is accredited by NBS/NVLAP. The Commission considered five alternatives for establishing a regulatory program intended to improve personnel dosimetry processing. These alternatives included: no change in current requirements; requiring licensees to participate in performance testing without specifying a testing laboratory; requiring licensees to participate in performance testing conducted by an NRC-specified testing laboratory; a request from Congress for the authority for NRC to license personnel dosimetry processors directly; and requiring licensees to obtain dosimetry services from an NRC-operated or contracted dosimetry service. (cont)

Timetable:

Action	Date	FR Cite
ANPRM	03/28/80	45 FR 20493
ANPRM Comment Period Begin	05/12/80	45 FR 31118
ANPRM Comment Period End	06/27/80	
NPRM	01/10/84	49 FR 1205
NPRM Comment Period Begin	01/10/84	49 FR 1205
NPRM Comment Period End	03/12/84	
Final Action	09/01/85	

Small Entity: Yes

Additional Information: ABSTRACT CONT:

An evaluation of estimated annual costs to the dosimetry processing industry resulting from an NRC rule requiring licensees to utilize dosimetry processors accredited under an NBS/NVLAP program was projected to be about $717,000. This would result in an estimated net annual increase in the cost of providing monitoring for each worker per year of $0.51, a 2.1% annual increase. The major benefit of the proposed rule would be increased accuracy and reliability of dose measurement to workers in licensed installations. Other benefits include continued assurance of personnel dosimeter processor competence with minimal NRC staff and resource

allocation; formulation of a program that can easily be utilized by other agencies; value to the industrial licensee through legal credibility of a nationally-recognized accreditation program; and value to the worker through more accurate assignment of dose. The staff is currently analyzing the comments received on the NPRM.

Agency Contact: Don Nellis, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, 301 427-4588

RIN: 3150-AA39

41. EMERGENCY PREPAREDNESS FOR FUEL CYCLE AND OTHER RADIOACTIVE MATERIALS LICENSEES

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 30; 10 CFR 40; 10 CFR 70; 10 CFR 72

Abstract: The proposed rule would require about 130 fuel cycle and other radioactive materials licensees to submit an emergency plan that would among other actions, require the notification of local authorities in case of an accident and that the licensee recommend protective actions for the public. The proposed rule is intended to further protect the public from accidental exposure to radiation. The affected licensees are those whose possession limits indicate the potential for an accident that could deliver a radiation dose offsite exceeding one rem effective dose equivalent or 5 rems to the thyroid or could cause a soluble uranium inhalation of 9 milligrams (a chemical toxicity hazard).

Based on preliminary data contained in the draft regulatory analysis for this proposed rule, the costs of emergency preparedness are expected to exceed the benefits in terms of protecting public health and safety. However, the proposed requirements may be justifiable in terms of the intangible benefit of being able to reassure the public that if an accident does occur, they will be warned and told what to do to protect themselves.

Timetable:

Action	Date	FR Cite
ANPRM	06/03/81	46 FR 29712
ANPRM Comment Period Begin	06/03/81	46 FR 29712
ANPRM Comment Period End	08/03/81	
NPRM	05/00/85	

Small Entity: Yes

Analysis: Preliminary RIA 06/00/81

Agency Contact: Stephen A. McGuire, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, 301 443-7636

RIN: 3150-AA41

42. CERTIFICATION OF INDUSTRIAL RADIOGRAPHERS

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 34

Abstract: The advance notice of proposed rulemaking would have required all individuals who use byproduct material in the conduct of industrial radiography to be certified by a third party. Radiography licensees account for over 60 percent of the reported overexposures greater than five rems to the whole body. NRC regulations permit industrial radiographers to perform radiography independently. The NRC grants radiography licensees the authority to train and designate individuals competent to act as radiographers. The advance notice of proposed rulemaking sought comment on a proposal that would enable NRC to verify the effectiveness of this training, thereby assuring that all radiographers possess adequate training and experience to operate radiographic equipment safely.

Following a series of public meetings, many comments were received. The thrust of the comments was that current training programs and examination procedures administered by licensees were adequate for determining the competence of individuals to be industrial radiographers. An ad hoc Radiography Steering Committee formed to improve radiation safety in the (cont)

Timetable:

Action	Date	FR Cite
ANPRM	05/04/82	47 FR 19152
ANPRM Comment Period Begin	05/04/82	47 FR 19152
ANPRM Comment Period End	09/03/82	
Final Action	07/01/85	

Small Entity: Undetermined

Additional Information: ABSTRACT CONT: performance of industrial radiography agreed that the costs associated with a third party certification program would not result in significant benefits through a reduction of accidents that would not result in overexposures to individuals. Therefore, the staff is considering whether this rulemaking action should be terminated.

Agency Contact: Nathan Bassin, Nuclear Regulatory Commission, Office of Nuclear Material Safety and, Safeguards, Washington, DC 20555, 301 427-9027

RIN: 3150-AA43

43. ACCEPTANCE CRITERIA FOR EMERGENCY CORE COOLING SYSTEMS FOR LIGHT-WATER-COOLED NUCLEAR POWER PLANTS

Legal Authority: 42 USC 2133; 42 USC 2134; 42 USC 2201; 42 USC 2232; 42 USC 2233

CFR Citation: 10 CFR 50

Abstract: The advance notice of proposed rulemaking seeks comment on several questions concerning the acceptance criteria for Emergency Core Cooling Systems (ECCS) in light-water-cooled nuclear power plants. Specifically, some of the questions to be commented on are (1) under what circumstances should corrections to ECCS models be used during licensing reviews without necessitating complete reanalysis of a given plant or an entire group of plants; (2) what would be the impact of the proposed procedure-oriented and certain specific technical rule changes; and (3) how should safety margins be quantified. The Commission is considering changing certain technical and nontechnical requirements within the existing ECCS rule. The technical changes would include consideration of new research information. The nontechnical changes would be procedure-oriented and would, among other things, allow for corrections to be made to vendor ECCS analysis codes during the construction

review and during construction of the plant. (cont)

Timetable:

Action	Date	FR Cite
ANPRM	12/06/78	43 FR 57157
ANPRM Comment Period Begin	12/06/78	43 FR 57157
ANPRM Comment Period End	02/05/79	
NPRM	04/00/85	

Small Entity: No

Additional Information: ABSTRACT CONT:

The changes would provide improvements to the ECCS rule which would eliminate previous difficulties encountered in applying the rule and improve licensing evaluation in the light of present knowledge, while preserving a level of conservatism consistent with that knowledge.

Agency Contact: Morton R. Fleishman, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 443-7616**

RIN: 3150-AA44

44. DESIGN AND OTHER CHANGES IN NUCLEAR POWER PLANT FACILITIES AFTER ISSUANCE OF CONSTRUCTION PERMIT

Legal Authority: 42 USC 2201

CFR Citation: 10 CFR 50

Abstract: The proposed rule will prescribe improved approaches for reducing and better controlling the level of change in reactor design and construction. These approaches will be based on recommendations found in NUREG-1055, "Improving Quality and the Assurance of Quality in the Design and Construction of Nuclear Power Plants" (QA Report), which the NRC submitted to Congress in April 1984. The QA Report, prepared by the NRC's Office of Inspection and Enforcement (IE), cited deficiencies in the management of design changes as a key factor contributing to significant quality problems in reactor design and construction that have occurred in the past several years. The QA Report recommended that the NRC consider requiring more complete designs prior to the beginning of construction and the adoption, as a discipline, of change management (known generically as configuration management) as approaches to overcoming the design management deficiencies. Since this rulemaking deals with issues closely related to design completion and control of changes, responsibility for this rulemaking was transferred from the NRC's Office of Nuclear Regulatory Research to IE in September 1984.(cont)

Timetable:

Action	Date	FR Cite
ANPRM	12/11/80	45 FR 81602
ANPRM Comment Period Begin	12/11/80	45 FR 81602
ANPRM Comment Period End	02/09/81	
Final Action	11/00/87	

Small Entity: No

Additional Information: ABSTRACT CONT:

Staff is working toward a refinement of the QA Report findings and the development of a regulatory analysis which will discuss the economic impact of the rulemaking on affected licensees.

Agency Contact: Wayne Scott, Nuclear Regulatory Commission, Office of Inspection and Enforcement, Washington, DC 20555, **301 492-4220**

RIN: 3150-AA46

45. MODIFICATION OF THE POLICY AND REGULATORY PRACTICE GOVERNING THE SITING OF NUCLEAR POWER REACTORS

Legal Authority: 42 USC 2133; 42 USC 2134; 42 USC 2201; 42 USC 2232; 42 USC 5842

CFR Citation: 10 CFR 50; 10 CFR 51; 10 CFR 100

Abstract: This rulemaking is intended to review and revise the Commission's siting regulations to reflect experience gained since the Commission's current reactor siting regulations were published on April 12, 1962 (27 FR 3509). Many developments in this period including work to establish a Commission safety goal and the review of reactor accident source terms, have brought into the question both the existing regulations and their technical support. This rulemaking will resolve those questions. In the present circumstances a lack of applications for new plants argue that these changes are not needed. However, the new information that is now available and the lead time between the decision to site and the time when a reactor begins producing power commercially make it prudent for the Commission to address these changes in a timely manner. The alternatives to rulemaking in this case are restricted to no action. If action is taken based on the new and more reliable data now becoming available, the regulations themselves must be changed. Intermediate remedies such as policy statements and regulatory guides would not have adequate authority to supplant existing regulations. (cont)

Timetable:

Action	Date	FR Cite
ANPRM	07/29/80	45 FR 50350
NPRM	03/00/86	

Small Entity: No

Additional Information: An advance notice of rulemaking was published (45 FR 50350) seeking public comment on various approaches to this rulemaking. A proposed rule will be structured to achieve resolution of these comments and reflect recent information from the reactor accident source term review and the trial implementation period for the Safety Goal. These revised regulations will make the siting and review of power reactor sites more predictable through application of clearer requirements. There is no indication that the criteria would increase costs or have a significant adverse affect on safety. On the contrary clear requirements will allow for more informed and more efficient siting decisions. This rulemaking would require additional NRC resources of approximately two man years and minimal contract support. This rulemaking is presently in hold pending completion of the reactor accident source term review. A schedule for resumption of this activity is to be presented to the Commission in March, 1985.

Agency Contact: William R. Ott, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 427-4631**

RIN: 3150-AA49

46. SEISMIC AND GEOLOGIC SITING CRITERIA FOR NUCLEAR POWER PLANTS

Legal Authority: 42 USC 2133; 42 USC 2134; 42 USC 2201; 42 USC 2232; 42 USC 5842

CFR Citation: 10 CFR 100

Abstract: The advance notice of proposed rulemaking was published to solicit public comment on the need for a reassessment of the Commission's criteria for the siting of nuclear power plants. The Commission determined that this action was necessary as a result of experience gained with application of current criteria and the rapid advancement in the state of the art of earth sciences. The NRC staff was particularly interested in finding out about problems that have arisen in the application of existing siting criteria. The public was invited to state the nature of the problems encountered and describe them in detail. The public was also asked to submit proposed corrective actions. Two petitions for rulemaking filed with the Commission, PRM-50-20 and PRM-100-2 will be addressed as part of this rulemaking.

Timetable:

Action	Date	FR Cite
ANPRM	01/19/78	43 FR 2729
NPRM	12/00/87	

Small Entity: No

Agency Contact: Leon L. Beratan, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, 301 427-4370

RIN: 3150-AA51

UNPUBLISHED RULES

47. REVISED RULES OF PRACTICE FOR DOMESTIC LICENSING PROCEEDINGS

Legal Authority: 42 USC 2201; 42 USC 2231; 42 USC 2241; 42 USC 5841; 5 USC 552

CFR Citation: 10 CFR 0; 10 CFR 1; 10 CFR 2; 10 CFR 9; 10 CFR 50

Abstract: The Nuclear Regulatory Commission is proposing an amendment that would revise its procedural rules governing the conduct of all adjudicatory proceedings, with the exception of export licensing proceedings. The proposed rule would comprehensively restate current practice, retitle the hearing office, and revise and reorganize the Commission's procedural rules. The changes set out in this proposed rule are intended to enable the Commission to render decisions in a more timely fashion and reduce the burden and expense to the parties participating in the proceedings.

Timetable:

Action	Date	FR Cite
NPRM	04/00/85	

Small Entity: No

Agency Contact: B. Paul Cotter, Jr., Nuclear Regulatory Commission, Atomic Safety and Licensing Board Panel, Washington, DC 20555, 301 492-7787

RIN: 3150-AB66

48. JURISDICTION OF ADJUDICATORY BOARDS

Legal Authority: 42 USC 2201; 42 USC 2241

CFR Citation: 10 CFR 1; 10 CFR 2

Abstract: The final rule would amend the Statement of Organization and Rules of Practice to make explicit the jurisdiction of NRC's adjudicatory boards in certain ancillary licensing matters which may arise in the course of an operating license proceeding for a nuclear power reactor. The amendments clarify the board's authority to decide issues related to a license application for the receipt of cold fuel at a reactor site prior to issuance of an operating license.

This proposed rulemaking would reduce NRC costs by eliminating the requirement that a separate adjudicatory board reconvene to rule on whether an applicant may receive cold fuel. This action would, thereby, provide the licensee a slight time savings in obtaining an operating license.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Public Compliance Cost: Initial Cost: $0; Yearly Recurring Cost: $0

Agency Contact: William M. Shields, Nuclear Regulatory Commission, Office of the Executive Legal Director, Washington, DC 20555, 301 492-8693

RIN: 3150-AA53

49. SEPARATION OF FUNCTIONS AND EX PARTE COMMUNICATIONS IN ON-THE-RECORD ADJUDICATIONS

Legal Authority: 5 USC 554; 5 USC 557

CFR Citation: 10 CFR 2

Abstract: The proposed rule would amend the Commission's rules of practice regarding the separation of functions and ex-parte communications in on the-record adjudications. The proposed rule would allow the Commission greater flexibility in communicating with its staff by relaxing the restrictions on Commission-staff communications in initial licensing cases. The proposal would permit Commissioners to consult with staff members who were not personally involved in the proceeding and who did not consult privately with interested persons outside the agency. The proposed rule is intended to provide the Commission with better access to the expertise of its staff. It would conform the Commission's rules to those of the Administrative Procedures Act. It would also supersede a prior proposed rule entitled "Ex Parte Communications and Separation of Adjudicatory and Non-Adjudicatory Functions" published in the Federal Register on March 7, 1979 (44 FR 12428).

The issues encompassed in this rule were considered in the "Regulatory Reform Proposal Concerning the Rules of Practice and Rules for Licensing of Production and Utilization Facilities" (49 FR 14698). As a result of staff evaluation of comments (cont)

Timetable:

Action	Date	FR Cite
Previous NPRM	03/07/79	44 FR 12428
Next Action Undetermined		

Small Entity: No

Additional Information: ABSTRACT CONT: received on this proposal and further staff review, a rule addressing these issues is being proposed for Commission consideration.

NRC resources needed for this rulemaking are estimated at 500 staff hours. This proposed rule and other regulatory reform hearing process should ultimately provide cost savings to all participants in the process.

Agency Contact: James R. Tourtellotte, Nuclear Regulatory Commission, Regulatory Reform Task Force, Washington, D.C. 20555, **202 634-1461**

RIN: 3150-AA00

50. INDEPENDENT STORAGE OF SPENT FUEL AND HIGH-LEVEL RADIOACTIVE WASTE

Legal Authority: 42 USC 2021; 42 USC 2071; 42 USC 2073; 42 USC 2077; 42 USC 2093; 42 USC 2095; 42 USC 2099; 42 USC 2111; 42 USC 2201; 42 USC 2232; 42 USC 2233; 42 USC 2234; 42 USC 2236; 42 USC 2237; 42 USC 2282

CFR Citation: 10 CFR 2; 10 CFR 19; 10 CFR 20; 10 CFR 21; 10 CFR 51; 10 CFR 70; 10 CFR 72; 10 CFR 73; 10 CFR 75; 10 CFR 150

Abstract: The proposed rule will revise existing regulations to cover specific licensing requirements for the storage of spent nuclear fuel and high-level radioactive waste in a monitored retrievable storage installation (MRS). This revision, required by the Nuclear Waste Policy Act, is intended to ensure that the Commission has in place the appropriate regulations to fulfill the requirements contained in the Nuclear Waste Policy Act of 1982 concerning the licensing of facilities which could be part of the MRS program. Paragraph (2) of Section 141 of the NWPA provides that any monitored retrievable storage installation pursuant to Section 141 shall be subject to licensing by the Commission. The Commission could await further development of the MRS option before proposing its MRS rules. However, this approach could result in unnecessary delay in reviewing a license application if congress authorizes construction of an MRS. The Deparment of Energy (DOE) is required to complete a detailed study of the need for and feasibility of a MRS installation. In a proposal to be submitted to Congress on or before June 1, 1985, DOE must include the establishment of a federal program (cont)

Timetable:

Action	Date	FR Cite
NPRM	07/00/85	

Small Entity: No

Additional Information: ABSTRACT CONT: for the siting, development, construction, and operation of facilities capable of storing spent fuel and high-level radioactive waste. Site-specific designs, specifications, and cost estimates must also be included in the proposal.

Agency Contact: William R. Pearson, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 443-7910**

RIN: 3150-AB70

51. ● ADJUDICATIONS -- SPECIAL PROCEDURES FOR RESOLVING CONFLICTS CONCERNING THE DISCLOSURE OR NONDISCLOSURE OF INFORMATION

Legal Authority: 42 USC 2201; 42 USC 2231; 42 USC 2241; 42 USC 5841

CFR Citation: 10 CFR 2

Abstract: The Nuclear Regulatory Commission is considering amending its rules of practice to provide special procedures for resolving conflicts concerning the disclosure or nondisclosure of information relating to an NRC investigation or inspection or provided by a confidential source and deemed relevant and material to an adjudication. Prepared at the express direction of the Commission, the proposed amendments apply to all NRC offices that have information relevant and material to an adjudication. The proposed amendments provide for in camera presentations and follow guidance contained in the Commission's recent statement of policy on investigations, inspections, and adjudicatory proceedings.

Timetable:

Action	Date	FR Cite
NPRM	03/00/85	

Small Entity: No

Agency Contact: Jane R. Mapes, Nuclear Regulatory Commission, Office of the Executive Legal Director, Nuclear Regulatory Commission, Washington, DC 20555, **301 492-8695**

RIN: 3150-AB78

52. ● CRITERIA FOR REOPENING RECORDS IN FORMAL LICENSING PROCEEDINGS

Legal Authority: 42 USC 2201; 42 USC 2231; 42 USC 2241; 42 USC 5841

CFR Citation: 10 CFR 2

Abstract: The Nuclear Regulatory Commission is considering amending its regulations to codify and refine NRC case law criteria for reopening a closed evidentiary record in a formal licensing proceeding. This rulemaking would affect any party who wishes to reopen an evidentiary record .

Timetable:

Action	Date	FR Cite
NPRM	12/27/84	49 FR 50189
NPRM Comment Period Begin	12/27/84	49 FR 50189
NPRM Comment Period End	02/11/85	
Final Action	04/00/85	

Small Entity: No

Agency Contact: Carole F. Kagan, Nuclear Regulatory Commission, Office of the General Counsel, Washington, DC 20555, **202 634-1493**

RIN: 3150-AB79

53. RETENTION PERIODS FOR RECORDS

Legal Authority: 42 USC 2201

CFR Citation: 10 CFR 4; 10 CFR 11; 10 CFR 21; 10 CFR 25; 10 CFR 30; 10 CFR 31; 10 CFR 32; 10 CFR 34; 10 CFR 35; 10 CFR 40; 10 CFR 50; 10 CFR 60; 10 CFR 61; 10 CFR 70; 10 CFR 71; ...

Abstract: This proposed rule would establish a specific retention period for certain NRC-required records. It would also provide a uniform standard acceptable to the NRC for the condition of a record throughout a specified retention period. Further, the rule would establish throughout NRC regulations, with some exceptions, uniform retention periods of three years, five years, ten years, and the life of a license. This rule would bring NRC regulations into compliance with the Office of Management and Budget's (OMB) regulation (5 CFR 1320.6) that requires a specified retention period for each required record. It also implements NRC's 1982 commitment to OMB to establish a record retention period of determinable length for each required record. Amending twenty-one parts of NRC regulations to specify clearly what records to retain, how long to retain them, and the condition of a record useful for NRC inspection, will be mutually beneficial to applicants and licensees and to the NRC. Recordkeeping labor for NRC's approximately 6,700 licensees who would be affected by the rule can be divided into four functions: (1) preparing the report, (2) storing the report, (3) maintaining the report (cont)

Timetable:

Action	Date	FR Cite
NPRM	04/00/85	

Small Entity: No

Additional Information: ABSTRACT CONT: files, and (4) retrieving the report information. The principal savings to the licensee, dispersed over the period licensed, would be in physical storage space and associated storage equipment and materials. The burden of recordkeeping would be reduced approximately 10 percent annually for these licensees by the proposed rule. An estimated 466,323 hours associated with recordkeeping or $28,000,000 annually would be saved. Preparing and publishing this rule would cost NRC approximately 500 hours of staff time at $60 per hour for an estimated total of $30,000.

Agency Contact: R. Stephen Scott, Nuclear Regulatory Commission, Office of Administration, Washington, DC 20555, 301 492-8585

RIN: 3150-AB43

54. NONDISCRIMINATION ON THE BASIS OF SEX - TITLE IX OF THE EDUCATION AMENDMENTS OF 1972, AS AMENDED

Legal Authority: 42 USC 2201; 42 USC 5841; 20 USC 1681; 20 USC 1682; 20 USC 1683; 20 USC 1685; 20 USC 1686

CFR Citation: 10 CFR 4

Abstract: The proposed rule would implement the provisions of Title IX of the Education Amendments of 1972, as amended, that prohibit discrimination on the basis of sex in programs and activities receiving Federal financial assistance from the Nuclear Regulatory Commission. The proposed rule sets out the requirements necessary to comply with the legislation and the procedures to be followed by appropriate officials within the NRC in enforcing the requirements. The requirements of the proposed rule would apply to each recipient of Federal financial assistance from the NRC.

Timetable:

Action	Date	FR Cite
NPRM	06/00/85	

Small Entity: No

Analysis: Regulatory Analysis 02/00/84

Agency Contact: Edward E. Tucker, Nuclear Regulatory Commission, Office of Small and Disadvantaged, Business Utilization/Civil Rights, 301 492-7697

RIN: 3150-AB53

55. NONDISCRIMINATION ON THE BASIS OF HANDICAP IN NUCLEAR REGULATORY COMMISSION PROGRAMS

Legal Authority: 42 USC 2021; 42 USC 2201; 42 USC 5841; 29 USC 794; 29 USC 706

CFR Citation: 10 CFR 4

Abstract: The proposed rule would provide for the enforcement of section 504 of the Rehabilitation Act of 1973, as amended, which prohibits discrimination on the basis of handicap, in programs or activities conducted by the Nuclear Regulatory Commission. The proposed rule would make it unlawful for the NRC to discriminate, on the basis of handicap, in employment or the conduct of its activities. The proposed rule would place the same obligations on the NRC that are placed on the recipients of Federal financial assistance.

Timetable:

Action	Date	FR Cite
NPRM	06/00/85	

Small Entity: No

Agency Contact: Edward E. Tucker, Nuclear Regulatory Commission, Office of Small and Disadvantaged, Business Utilization/Civil Rights, Washington, DC 20555, 301 492-7697

RIN: 3150-AB54

56. + CONFORMING AMENDMENTS TO PRENOTIFICATION, QUALITY ASSURANCE, AND PACKAGE MONITORING REQUIREMENTS

Legal Authority: 42 USC 2073; 42 USC 2093; 42 USC 2111; 42 USC 2232; 42 USC 2233; 42 USC 2273; 42 USC 5842

CFR Citation: 10 CFR 20; 10 CFR 71

Abstract: The proposed amendments would revise the requirement for advance notification of waste shipments to provide a more uniform level of hazard at which the report is required. The proposed level of hazard is expected to conform to the level at which the Department of Transportation imposes motor vehicle routing requirements. The proposed amendments would also clarify which of the general licenses in 10 CFR Part 71 require quality assurance programs. The proposed amendments would also adjust the limits for package monitoring on receipt in 10 CFR 20.205 to conform to the new A1/A2 system of Part 71.The proposed amendments are expected to result in no overall net increase in costs to affected licensees.

Timetable:

Action	Date	FR Cite
NPRM	09/00/85	

Small Entity: No

Agency Contact: Kathryn A. Bissell, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, 301 443-7920

RIN: 3150-AB51

57. RESIDUAL RADIOACTIVE CONTAMINATION LIMITS FOR DECOMMISSIONING

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 20

Abstract: The proposed rule would establish residual radioactive contamination limits that must be met before buildings, structures, equipment, materials, and lands may be released for use on an unrestricted basis. Licensed facilities with residual levels of radioactive contamination below these limits would be eligible for unrestricted release and termination of the license. The proposed amendments are necessary to provide licensees with quantitative criteria to use in the decommissioning and cleanup of buildings, structures, equipment, materials, and lands used in NRC licensed activities. The primary alternative to rulemaking is to continue case-by-case evaluations based on regulatory guides until such time as EPA may establish such standards. The proposed rule is intended to ensure that buildings, structures, equipment, materials, and lands used in NRC licensed activities will be decommissioned and decontaminated in a consistent manner that protects public health. The cost analysis for this proposal is being completed.

Timetable:

Action	Date	FR Cite
NPRM	02/00/86	

Small Entity: No

Agency Contact: Don R. Harmon, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, 301 427-4566

RIN: 3150-AB52

58. PROPOSED REVISIONS TO THE CRITERIA AND PROCEDURES FOR THE REPORTING OF DEFECTS AND NONCOMPLIANCE

Legal Authority: 42 USC 2201; 42 USC 2282; 42 USC 5841; 42 USC 5846

CFR Citation: 10 CFR 21; 10 CFR 50

Abstract: This proposed rule would amend Part 21 and Sec. 50.55(e) of Part 50, both of which require the reporting of safety defects by licensees. This effort was prompted by TMI Action Plan Task II,J. 4 and has as its main objectives: (1) elimination of duplicate reporting among all requirements, (2) consistent reporting among all reporting requirements, (3) establishment of uniform and clear definitions for defects which need to be reported, (4) establishment of uniform time limits within which a defect must be reported and evaluated and, (5) establishment of a uniform format for reporting of defects. Approximately 300 and 5000 reports are issued annually under Part 21 and Sec. 50.55(e) respectively. The reports identify plant specific safety concerns and potential generic safety concerns for further NRC followup. These reports form the basis for numerous NRC bulletins and information notices. This proposed rulemaking will reduce the potential for duplicate reporting and evaluation that now exists and will establish a more coherent regulatory framework that is expected to reduce industry and NRC burden in this area without sacrificing safety effectiveness. Alternatives to this (cont)

Timetable:

Action	Date	FR Cite
NPRM	05/00/85	

Small Entity: No

Additional Information: ABSTRACT CONT: approach varied from establishment of a single rule for all reporting to maintaining a Status Quo for defect reporting. All alternatives were rejected since they would not result in any substantial improvement to the present regulatory framework. Current costs of reporting under Part 21 and 50.55(e) are estimated at $5,000,000 annually for industry and $2,600,000 annually for NRC evaluations. It is anticipated that industry reporting burden with the proposed rulemaking will be reduced by 231,750 hours or $2,484,000 while NRC burden should be reduced by 10,950 hours or $657,000. Additional burden to industry and NRC, while minimal, is anticipated in the areas of adherence to time schedules and enforcement, respectively.

Agency Contact: John Zudans, Nuclear Regulatory Commission, Office of Inspection and Enforcement, Washington, DC 20555, 301 492-8030

RIN: 3150-AA68

59. ACCESS TO AND PROTECTION OF NATIONAL SECURITY INFORMATION AND RESTRICTED DATA

Legal Authority: 42 USC 2165; 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 25; 10 CFR 95

Abstract: The proposed rule would incorporate a recently approved exception to the personnel security background investigation requirement for access to Communications Security (COMSEC) information, provide a procedure for affected licensees to obtain NRC approval for any substantive changes a licensee may contemplate making to the approved security plan, and adopt various ministerial revisions to bring certain provisions in conformance with current policy, practice, and procedure. These amendments are necessary to incorporate experience gained under the current regulations and implement an exception to current policy recently approved by the National Communications Security Committee.

Because this rulemaking would apply only to those licensees and others who need to use, process, store, reproduce or otherwise handle classified information, it is expected that this rulemaking would have a negligent effect upon the general public. These amendments are viewed as regulatory improvements, benefitting the NRC licensees. NRC staff resources should total about 400 hours.

Timetable:

Action	Date	FR Cite
NPRM	03/30/85	

Small Entity: No

Agency Contact: Richard A. Dopp, Nuclear Regulatory Commission, Office of Administration, Washington, DC 20555, 301 427-4549

RIN: 3150-AB67

60. ● ACCESS AUTHORIZATION FOR LICENSEE PERSONNEL

Legal Authority: 42 USC 2165; 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 25

Abstract: The proposed rule would adopt revised National policy, initiated by the National Security Council and approved by the President, which prescribes that a new, standardized form titled "Classified Information Nondisclosure Agreement" (SF-189) be completed by all licensees who request NRC access authorization under this Part 25. The proposed rule also requires that a security indoctrination be given to the affected individuals prior to completing the new form. These amendments are necessary in order to comply with National Security Decision Directive (NSDD) 84, Safeguarding National Security Information."

Timetable:

Action	Date	FR Cite
NPRM	04/00/85	

Small Entity: No

Agency Contact: Richard A. Dopp, Nuclear Regulatory Commission, Office of Administration, Nuclear Regulatory Commission, Washington, DC 20555, 301 427-4549

RIN: 3150-AB80

61. LICENSING OF SOURCES AND DEVICES

Legal Authority: 42 USC 2111; 42 USC 2201; 42 USC 2071; 42 USC 2092

CFR Citation: 10 CFR 30; 10 CFR 32; 10 CFR 40; 10 CFR 70

Abstract: The proposed rule would require manufacturers or distributors of sealed sources or devices containing sealed sources to obtain a license from the NRC prior to the initial transfer of the sealed sources or devices to specific licensees. The rule would also require

manufacturers or distributors of sealed sources or devices to provide the NRC with information on such products relating to design, manufacture, testing, operation, safety and hazards as a condition for obtaining a license.If the proposed requirements were applied to the 800 material license applications and amendments reviewed in 1982 as a statistical base, total costs to suppliers would rise from $148,025 under the current voluntary program to $152,950. At the same time, the proposed rule would eliminate the $48,000 cost to material licensees of preparing 800 license amendments.

Timetable:

Action	Date	FR Cite
NPRM	06/00/85	

Small Entity: Yes

Agency Contact: Donald R. Hopkins, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, 301 443-7878

RIN: 3150-AB34

62. + FINANCIAL RESPONSIBILITY OF MATERIALS LICENSEES FOR CLEANUP AFTER ACCIDENTAL AND UNEXPECTED RELEASES

Legal Authority: 42 USC 2201

CFR Citation: 10 CFR 30; 10 CFR 40; 10 CFR 61; 10 CFR 70; 10 CFR 72

Abstract: The advance notice of proposed rulemaking (ANPRM) seeks comments on the advisability of having NRC require a mechanism to assure financial capability on the part of certain NRC materials licensees (e.g., fuel fabricators and users of sealed radiation sources) to undertake prompt cleanup of accidental releases or contamination, both on and off site. Estimates for cleanup costs in the recent past have ranged up to $2 million for a single event. To date, cleanup has been conducted by the state or Federal government, but frequently public monies are used only after lengthy delays. Use of an alternative, i.e., the 1980 Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), is effectively blocked by EPA policy. CERCLA provides funds for cleanup if the owner or operator is unable to do so and if the release is not covered by "Price-Anderson" provisions, which address liability and do not provide funds for cleanup per se. EPA maintains that NRC has full authority to require cleanup of accidental releases by licensees; thus, CERCLA public funds should not be used for this purpose. (cont)

Timetable:

Action	Date	FR Cite
ANPRM to States	09/00/84	
NPRM	06/00/85	

Small Entity: Undetermined

Additional Information: ABSTRACT CONT: Costs to licensees of the possible different financial assurance mechanisms are based on proprietary information. Staff is inviting comments in response to the ANPRM to address costs aspects, as well as scope of coverage and availability of alternative mechanisms.The NRC resources necessary for the ANPRM are about 0.6 FTE in 1984 and 0.3 in 1985.

Agency Contact: Mary Jo Seeman, Nuclear Regulatory Commission, Office of Nuclear Material Safety and, Safeguards, Washington, DC 20555, 301 427-4647

RIN: 3150-AB58

63. REGIONAL NUCLEAR MATERIALS LICENSING FOR CERTAIN FEDERAL FACILITIES

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 30; 10 CFR 40; 10 CFR 70

Abstract: The final rule amends provisions concerning the domestic licensing of byproduct, source, and special nuclear materials. The final rule is intended to provide information about the further implementation of NRC's decentralized licensing program. This amendment implements another phase of the process by broadening the scope of the program in all regions to include licensees at certain Federal facilities. The final rule is necessary to inform present and prospective NRC licensees of current NRC practices and procedures.

Timetable:

Action	Date	FR Cite
Final Action	04/00/85	

Small Entity: Not Applicable

Agency Contact: Donald R. Chapell, Nuclear Regulatory Commission, Office of Nuclear Material Safety and, Safeguards, Washington, DC 20555, 301 427-4152

RIN: 3150-AB81

64. ● INFORMAL HEARING PROCEDURES FOR MATERIALS LICENSES PROCEEDINGS

Legal Authority: 42 USC 2201; 42 USC 2111

CFR Citation: 10 CFR 30; 10 CFR 32; 10 CFR 33; 10 CFR 34; 10 CFR 35; 10 CFR 40; 10 CFR 70; 10 CFR 71; 10 CFR 50; 10 CFR 61; 10 CFR 72

Abstract: This proposed rule, being prepared at Commission direction, would provide comprehensive treatment of hearing procedures to be implemented by the Commission for materials licensing proceedings. It would clarify the obligations of each participant in the proceeding. There are no reasonable alternatives to rulemaking for implementing these procedures. The informal hearing procedures are expected to reduce the economic burden imposed on a participant in a proceeding.

Timetable:

Action	Date	FR Cite
NPRM	07/00/85	

Small Entity: No

Agency Contact: Marjorie Nordlinger, Nuclear Regulatory Commission, Office of the General Counsel, Washington, DC 20555, 202 634-3214

RIN: 3150-AB83

65. RADIATION SURVEYS AND IN-HOUSE INSPECTION SYSTEMS IN RADIOGRAPHY

Legal Authority: 42 USC 2111; 42 USC 2201; 42 USC 2232; 42 USC 2233; 42 USC 5841

CFR Citation: 10 CFR 34

Abstract: The proposed rule would require that the in-house inspection description in a radiography license application specify a method for inspecting each radiographer and radiographer's assistant's knowledge of applicable regulations, license conditions, and performance of established procedures at intervals not exceeding three months. This action is intended to further ensure that

radiographic operations are conducted safely.

The cost of performing the inspection is estimated to be $120.00 per worker or $432,960 per year for the entire industry. There is no impact on the NRC staff. The proposed rule would also require a licensee to perform and record a radiation survey of a radiographic exposure device made when storing the device after use instead of recording the results of the radiation survey made after the last exposure. This action, which is taken in response to petition for rulemaking (PRM-34-3) is intended to provide an acceptable procedure for assuring that the sealed source has been properly stored within the device. Alternatives to rulemaking were considered including preparation of guidance recommending a time-of-storage survey or (cont)

Timetable:

Action	Date	FR Cite
Petition for Rulemaking (PRM-34-3)	11/23/82	47 FR 52722
NPRM	10/04/84	49 FR 39168
NPRM Comment Period Begin	10/04/84	49 FR 39168
NPRM Comment Period End	11/18/84	
Final Action	10/00/85	

Small Entity: Undetermined

Additional Information: ABSTRACT CONT: license condition. These approaches would not have a regulatory basis and also would not be adaptable by agreement states. Requiring an additional radiation survey at the time of storage provides additional assurance that accidental exposures will not occur to members of the public as well as workers. The cost of this survey requirement to the entire industry is estimated to be $541,200 annually ($150.00 per radiographer). There are no additional recordkeeping costs. Impact on NRC staff is negligible since inspectors will review the time-of-storage survey record rather than the last use survey record. NRC staff time for processing this rule to final publication is estimated to be 0.4 staff years.

Agency Contact: Donald O. Nellis, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 427-4588**

RIN: 3150-AB12

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66. + MEDICAL USE OF BYPRODUCT MATERIAL

Legal Authority: 42 USC 2111; 42 USC 2201; 42 USC 2232; 42 USC 2233

CFR Citation: 10 CFR 35

Abstract: The proposed rule would revise Part 35 to modify the process for licensing and regulating the medical use of radioactive byproduct material. Requirements that apply to medical licensees are scattered in the regulations, license conditions, the individual licensee's application, and licensing branch policy statements. The purpose of the proposed rule is to consolidate and codify the requirements in the regulation. This rule will result in a clearer understanding of NRC requirements for all medical licensees. This revision is necessary in order to provide a clear consolidated statement of requirement. The only way to impose requirements on all licensees is by license condition or regulation; therefore no alternative action was considered. Because most of the requirements contained in this regulation are currently imposed by regulation or license condition, there will be no significant cost savings or additional burden; the industry and NRC will benefit by having a clear, concise, complete regulation. The proposed revision is currently before the Commission for their consideration. (cont)

Timetable:

Action	Date	FR Cite
NPRM	04/00/85	

Small Entity: Yes

Additional Information: ABSTRACT CONT: The NRC will use about 0.3 staff-year to complete the proposed revision and forward it to the Commissioners for their consideration in the fall.

Analysis: Preliminary RIA 03/00/83

Agency Contact: Norman L. McElroy, Nuclear Regulatory Commission, Office of Nuclear Material Safety, and Safeguards, Washington, DC 20555, **301 427-4108**

RIN: 3150-AA73

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67. + PHYSICIAN'S USE OF RADIOACTIVE DRUGS

Legal Authority: 42 USC 2111; 42 USC 2201; 42 USC 2232; 42 USC 2233; 42 USC 5841

CFR Citation: 10 CFR 35

Abstract: As new uses for FDA approved drugs are developed, NRC proposes to amend its regulations to provide physicians an exception from its requirement to only use a radiopharmaceutical for the methods of use listed on the package label. This rule will facilitate potentially beneficial new uses of approved drugs. The only alternative to the rulemaking would be to amend individual licenses to authorize these new methods of use which would consume an inordinate amount of staff time. The proposed rule would allow NRC licensed physicians to use certain currently available diagnostic radiopharmaceuticals for some recently developed methods of use that are not listed on the respective package labels.

Timetable:

Action	Date	FR Cite
NPRM	04/00/85	

Small Entity: No

Agency Contact: Norman L. McElroy, Nuclear Regulatory Commission, Office of Nuclear Material Safety, and Safeguards, Washington, DC 20555, **301 427-4108**

RIN: 3150-AB72

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68. + LICENSES AND RADIATION SAFETY REQUIREMENTS FOR WELL-LOGGING OPERATIONS

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 39

Abstract: The proposed rule would establish specific radiation safety requirements applicable to licensees who perform operations such as well-logging, mineral-logging, radioactive markers, and subsurface use of radioactive materials in tracer studies. The proposed rule is necessary because current NRC regulations address these operations in a general way without providing the specific guidance necessary to ensure that these operations are performed safely. As an alternative to the status quo, the proposed rule would adopt the requirements in the suggested State Regulations for Control of Radiation Part W as new NRC regulations. The potential costs for industry to implement these requirements would be about $1,300,000/yr. However, because most of the requirement is already

imposed by license conditions, the net increase in cost would be about $350,000 per year for the industry or about $2000 per licensee. The proposed rule would establish a consistent, comprehensive set of requirements that would minimize the effort required to obtain reciprocity for NRC licensees to operate (cont)

Timetable:

Action	Date	FR Cite
NPRM	04/00/85	

Small Entity: No

Additional Information: ABSTRACT CONT: in Agreement States or vice versa. The proposed rule would require about one professional staff-year effort by NRC.

Agency Contact: Anthony N. Tse, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, 301 443-7901

RIN: 3150-AB35

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69. ● + MATERIAL BALANCE REPORTS

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 40; 10 CFR 70; 10 CFR 150

Abstract: The proposed rule would amend the requirements applicable to the submission of source material and special nuclear material inventory reports. The proposed rule would eliminate the requirement to report inventories on Form 742 for all licensees except those reporting under the US/IAEA Safeguards Agreement. The proposed rule would also eliminate the requirement to report inventories for all licensees except those for nuclear reactors and those reporting under the agreement. The NRC would generate an equivalent inventory report, based on the data submitted by each affected licensee; and the licensee would verify the accuracy of the report. This amendment would reduce the reporting burden imposed on the licensee without adversely affecting the domestic safeguards program on the ability to satisfy international commitments. The proposed reduction would result in a total cost savings of $39,000 for affected licensees.

Timetable:

Action	Date	FR Cite
NPRM	05/00/85	

Small Entity: No

Agency Contact: June Robertson, Nuclear Regulatory Commission, Office of Nuclear Material Safety, and Safeguards, Washington, DC, 301 427-4004

RIN: 3150-AB82

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70. EXTENSION OF CRIMINAL PENALTIES

Legal Authority: 42 USC 2201

CFR Citation: 10 CFR 50

Abstract: The proposed rule, in accordance with the provisions of the NRC Authorization Act for Fiscal Year 1980, would extend the application of the criminal penalties provision of the Atomic Energy Act (AEA) of 1954, as amended, to any individual director, officer, or employee of a firm constructing or supplying the components of a nuclear power plant who knowingly and willfully violates any NRC regulation, order, or license condition during construction of a nuclear power plant. Section 223(b) of the AEA essentially directs the Commission to establish a limit for potential unplanned off-site releases of radioactive material which would trigger consideration of possible criminal penalties. As directed in Section 223(b)(3), the proposed rule establishes, in its definition of a "basic component," the limits for potential unplanned releases of radioactive material that could trigger application of criminal penalties.

Timetable:

Action	Date	FR Cite
NPRM	01/00/86	

Small Entity: No

Agency Contact: Donald R. Hopkins, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, 301 443-7878

RIN: 3150-AA80

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71. + CODES AND STANDARDS FOR NUCLEAR POWER PLANTS (1983 EDITION, WINTER 1982 THROUGH SUMMER 1984 ADDENDA)

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 50

Abstract: The proposed rule would incorporate by reference the Winter 1982 Addenda, Summer 1983 Addenda, Winter 1983 Addenda, Summer 1984 Addenda, and the 1983 Edition of Section III, Division I, of the American Society of Mechanical Engineers Boiler and Pressure Vessel Code (ASME Code), and the Winter 1982 Addenda, Summer 1983 Addenda, and the 1983 Edition of Section XI, Division I, of the ASME Code. The ASME Code sets standards for the construction of light-water-reactor nuclear power plant components in Section III, Division 1, and specifies requirements for the inservice inspection of those components in Section XI, Division I. The proposed rule would update the existing reference to the ASME Code and would thereby permit the use of improved methods for the construction and inservice inspection of nuclear power plant components.

Incorporating by reference the latest edition and addenda of the ASME Code will save applicants/licensees and the NRC staff both time and effort by providing uniform detailed criteria against which the staff can review any single submission. Revisions to the ASME code are achieved through the (cont)

Timetable:

Action	Date	FR Cite
NPRM	04/00/85	

Small Entity: No

Additional Information: ABSTRACT CONT: process to which the NRC contributes. This consensus process ensures a proper balance between utility, regulatory, and other interests concerned with the code and ensures that the value of any revisions to the code is consistent with its impact.

Agency Contact: Gilbert C. Millman, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, 301 443-7860

RIN: 3150-AA83

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72. PRIMARY REACTOR CONTAINMENT LEAKAGE TESTING FOR WATER-COOLED POWER REACTORS

Legal Authority: 42 USC 2133; 42 USC 2134; 42 USC 5841

CFR Citation: 10 CFR 50

Abstract: The proposed rule would update and revise the 1973 criteria for preoperational and periodic pressure testing for leakage of primary and secondary containment boundaries of water-cooled power reactors. Problems have developed in application and interpretation of the existing rule. These result from changes in testing technology, test criteria, and a relevant national standard that needs to be recognized. It is proposed to revise the rule as noted to make it current and improve its usefulness. The benefits anticipated include elimination of inconsistencies and obsolete requirements, and the addition of greater usefulness and a higher confidence in the leak-tight integrity of containment system boundaries under post-loss of coolant accident conditions. The majority of the effort needed by NRC to issue the rule has already been expended. Still remaining are resolution of issues peripheral to, but important to, the rule, presentation of the proposed rule for public comment and integration of appropriate public comments.

Timetable:

Action	Date	FR Cite
NPRM	07/00/85	

Small Entity: No

Agency Contact: Gunter Arndt, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 443-7860**

RIN: 3150-AA86

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73. + RADON 222 ESTIMATE FOR TABLE S-3

Legal Authority: 42 USC 2201; 42 USC 5841; 42 USC 5842

CFR Citation: 10 CFR 50; 10 CFR 51

Abstract: In a Federal Register notice published on April 14, 1979 (43 FR 15613) the Commission deleted the radon-222 value from Table S-3 because it was recognized to be underestimated. Pending rulemaking action to provide a new estimate for radon-222 in Table S-3, the environmental effects of radon are subject to litigation in individual nuclear power plant licensing proceedings. The purpose of the proposed rule would be to deal with this question generically for all nuclear power plants, thus saving the time and cost of repetitive consideration of the effects of radon-222 in individual nuclear power plant licensing proceedings. The only alternative to generic treatment of the environmental impact of radon-222 is to continue to allow these environmental impacts to be brought into litigation in individual licensing cases. By the proposed rulemaking action, new estimates for the environmental releases of rn-222 will be added to Table S-3, and the narrative explanation of Table S-3 will be modified accordingly. This will complete Table S-3 and will remove all environmental impacts of the uranium fuel cycle from further consideration and litigation in individual nuclear power (cont)

Timetable:

Action	Date	FR Cite
U.S. Court of Appeals D.C. Circuit Invalidates Table S-3	04/27/82	
EPA's New Standards promulgated	10/01/84	
New Estimates for Table S-3	12/31/84	
NPRM	12/00/85	

Small Entity: No

Additional Information: ABSTRACT CONT: plant licensing cases.

This rulemaking action will not impose additional work or requirements on the public, the industry, license applicants, or the Commission staff. It will reduce the time required and the effort needed to complete nuclear power plant licensing proceedings. NRC resources to develop the rulemaking are estimated to be 0.5 FTE scientific staff, with no contractual support.

Agency Contact: William E. Thompson, Nuclear Regulatory Commission, Office of Nuclear Material Safety, and Safeguards, Washington, DC 20555, **301 427-9024**

RIN: 3150-AA87

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74. GENERAL DESIGN CRITERION ON HUMAN FACTORS

Legal Authority: 42 USC 2201; 42 USC 5846

CFR Citation: 10 CFR 50

Abstract: The proposed rule would establish a new general design criterion on human factors considerations. The specific factors to be addressed include operability, surveillance, maintainability, and human engineering criteria. The revised human factors criterion is necessary because post-TMI reviews and operating experience indicate that the human factors discipline is rarely applied when needed at the design and construction stage.

Alternatives to the proposed criterion are described in the Regulatory Analysis and include (1) continuation of the current ad hoc requirements; (2) modification to specific existing criteria in 10 CFR Part 50, Appendix A; and (3) delaying action until the development of an industry standard and preparing a regulatory guide to document the NRC position.

Alternative 1 may not meet the objective of timely incorporation of sound human factors principles into the design, construction and operation of nuclear power plants; alternative 2 would probably prove more costly and less efficient to implement, and alternative 3 may not implement the human factors principles in the time frame recommended by TMI investigative groups. (cont)

Timetable:

Action	Date	FR Cite
NPRM	05/00/85	

Small Entity: Not Applicable

Additional Information: ABSTRACT CONT:

When all effects of the proposed Human Factors General Design Criterion are quantitatively evaluated, a net benefit is expected. The results indicate that the nuclear industry will experience an overall cost increase as a result of applying human factors principles to the design, installation and operation of an average system. However, new plants that have human factors principles applied throughout the entire design, construction, and operations phases can expect a net savings of $1.1 million on each system. Operating plants or plants with an already approved design that apply human factors principles to new or replacements systems may experience a net cost increase of about $3.1 million.

A qualitative analysis for this proposed rule showed that benefits will accrue in the areas of occupational exposure, public health, regulatory efficiency and economic risks to onsite and offsite property.

Agency Contact: James P. Jenkins, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, 301 443-7657

RIN: 3150-AB13

75. STATION BLACKOUT

Legal Authority: 42 USC 2133; 42 USC 2134; 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 50

Abstract: NRC is proposing to amend its regulations to require light water nuclear power plants to be capable of withstanding a total loss of alternating current (AC) electrical power, called Station Blackout, to the essential and nonessential switchgear buses for a specified duration. A proposed regulatory guide, to be issued at the same time as the proposed rule, would provide guidance on how to determine the duration.

The proposed requirements were developed in response to information generated by the Commission's study of Unresolved Safety Issue A-44, Station Blackout. The proposed rule is intended to provide further assurance that a loss of both off-site and emergency on-site electric AC power systems will not adversely affect the public health and safety.

A regulatory analysis has been prepared for the proposed rule. The estimated public risk reduction is 80,000 person-rem over 25 years, and the estimated total cost for industry to comply with the proposed rule is $40 million. This results in an overall cost benefit ratio of about 2,000 person-rem per million dollars.

The alternatives to this proposed rulemaking are to (cont)

Timetable:

Action	Date	FR Cite
NPRM	09/00/85	

Small Entity: Not Applicable

Additional Information: ABSTRACT CONT: take no action or to provide only guidance for plants to be able to cope with a station blackout period. To take no action would not yield any reduction in public risk from station blackout events. To provide guidance only, since there is presently no requirement for nuclear power plants to be able to cope with a total loss of AC power, would not result in any basis for enforcement. The proposed rule is the recommended alternative based on its enforceability and, in part, on the favorable cost/benefit ratio.

Agency Contact: Alan Rubin, Nuclear Regulatory Commission, Office of Nuclear Reactor Regulation, Washington, DC 20555, 301 492-8303

RIN: 3150-AB38

76. + COMMUNICATIONS PROCEDURES AMENDMENTS

Legal Authority: 42 USC 2201

CFR Citation: 10 CFR 50

Abstract: This proposed rule would amend the regulations which establish the procedures for submitting correspondence, reports, applications, or other written communications pertaining to the domestic licensing of production and utilization facilities.

The proposed amendments are expected to resolve confusion regarding submittal procedures and improve the communication process with the affected applicants and licensees.

The proposed amendments would (1) simplify the procedures for making Part 50 submittals to the NRC; (2) facilitate the timely dissemination of Part 50 submittals to NRC staff; (3) reduce postage and copying costs for applicants and licensees by requiring fewer copies of submittals; (4) establish a central NRC receipt point for Part 50 submittals; (5) include the NRC Resident Inspectors in the formal communications; and (6) supersede all outdated submittal directions contained in other sources of submittal guidance, such as Regulatory Guide 10.1 (Revision 4) and NRR Generic Letter 82-14. Although these documents addressed the problem, they did not entirely resolve the confusion. Moreover, subsequent changes in the (cont)

Timetable:

Action	Date	FR Cite
NPRM	05/00/85	

Small Entity: No

Additional Information: ABSTRACT CONT: organizational structure of NRC were not reflected in the guidance documents.

The current regulations also cause unnecessary delays in the dissemination of information to NRC staff. For example, any document submitted to an NRC Regional Office will not usually be disseminated to NRC Headquarters staff until two weeks later.

These problems can be resolved only by amending 10 CFR Part 50, since the current regulations are the source of the problems. The proposed rule is expected to reduce postage and copying costs for licensees and applicants subject to 10 CFR Part 50. An annual savings of $140,000 is estimated. In addition, the NRC is expected to realize a small savings in postage costs. Preparing and publishing this rule would cost NRC approximately 320 hours of staff time at $60 per hour for a total of $19,200.

Agency Contact: Steve Scott, Nuclear Regulatory Commission, Office of Administration, Nuclear Regulatory Commission, 301 492-8585

RIN: 3150-AB61

77. ● + MODIFICATIONS TO GDC 4 REQUIREMENTS FOR PROTECTION AGAINST POSTULATED PIPE RUPTURES

Legal Authority: 42 USC 2201; 42 USC 5846

CFR Citation: 10 CFR 50

Abstract: The proposed rule would permit licensees to use newly developed analytical methods involving widely accepted advanced fracture mechanics theories for determining that certain pipe ruptures need not be treated in the design basis for dynamic effects. Implementation of the rule would facilitate the removal of unnecessary pipe whip restraints and jet shields from existing nuclear power plants. This would reduce inservice inspection cost and, in addition, would reduce inspector radiation exposure. The need and urgency for addressing the issue stems from the widespread acceptance of the analysis results and the research findings pertaining to pipe rupture coupled with increasing confidence in its applicability. Prior to the last few years, there was no sound technical basis for excluding certain pipe ruptures from the design basis. Now it is clear that it is possible to defend the exclusion of PWR primary loop double-ended guillotine pipe ruptures, and that the scope may be extended to other piping. A benefit derived from the rule would be avoidance of extensive exemptions to General Design Criterion 4 which would

be the only acceptable alternate to the proposed rule. (cont)

Timetable:

Action	Date	FR Cite
NPRM	07/00/85	

Small Entity: No

Additional Information: ABSTRACT CONT: The rule may only require minimum addition and for modification of the existing text of GDC 4. Two staff years will be needed to complete this rulemaking.

Agency Contact: John A. O'Brien, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 443-7860**

RIN: 3150-AB76

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78. ● DELETION OF THE UNUSUAL EVENT EMERGENCY CLASSIFICATION

Legal Authority: 42 USC 2133; 42 USC 2234; 42 USC 5841

CFR Citation: 10 CFR 50

Abstract: The proposed rule would delete the "Unusual Events" emergency class from the Commission's emergency classification scheme. The current emergency classifications are: (1) notification of unusual events, (2) alert, (3) site area emergency and (4) general emergency. This emergency classification scheme has been used by the NRC, FEMA, licensees and State and local governments for at least four years. During this time, the Commission has noted that the reporting of unusual events not only significantly strains the NRC resources, but tends to establish a "cry wolf" syndrome with State and local governments. The NRC emergency operations center receives approximately 20 notifications of unusual events per week. The purposes of the unusual events offsite notifications are to (1) assure that the first step in any response later found to be necessary has been carried out, (2) bring the operating staff to a state of readiness, and (3) provide systematic handling of unusual events information and decisionmaking. All of these purposes are redundant to the purposes and required licensee actions associated with the "alert" classification. (cont)

Timetable:

Action	Date	FR Cite
NPRM	04/00/85	

Small Entity: No

Additional Information: ABSTRACT CONT: One alternative to the proposed rule would be to not remove the unusual events classification. Another alternative simply would be to delete the unusual event from NUREG-0654. These alternatives would not satisfactorily accomplish the staff's objectives. The staff believes that the deletion of the "unusual events" classification would not impair or decrease the state of preparedness at nuclear power plants. The proposed change would require the NRC to approve revised emergency plans. However, the staff believes that the deletion of "unusual events" will represent a substantial savings to the industry both in dollars and in human resources, approximately one-half staff year per plant. The NRC resources expended through 1985 in order to develop this rulemaking will be approximately two staff-years per year.

Agency Contact: Michael Jamgochian, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 443-7615**

RIN: 3150-AB84

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79. UPDATE OF TABLE S-4, PART 51

Legal Authority: 42 USC 2201; 42 USC 4332

CFR Citation: 10 CFR 51

Abstract: Table S-4 helps provide a means for meeting the NEPA requirements for an environmental assessment at the construction permit stage of a new reactor. The technical basis for this table, WASH-1238, was published in 1972. A revised and updated version of WASH-1238 (NUREG/CR-2325) that includes current transportation data and impacts was published in December 1983. In addition, staff calculations are available on the impacts of the higher burnups and increased enrichments currently in use in many reactors. The proposed rule would amend Table S-4 to include the impacts from these two studies and ensure that the table reflects the current environmental impacts. Prior to developing this rule, an Environmental Impact Assessment will be developed to satisfy the requirements of the National Environmental Policy Act of 1969.This proposed rule would probably have no impact on licensees but would require one to two NRC professional staff years to develop.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Agency Contact: William R. Lahs, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 443-7874**

RIN: 3150-AB36

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80. FINANCIAL RESPONSIBILITY STANDARDS FOR LONG TERM CARE FOR LOW LEVEL WASTE DISPOSAL SITES

Legal Authority: 42 USC 10171

CFR Citation: 10 CFR 61

Abstract: The proposed rule is designed to provide standards to ensure that each licensee responsible for the disposal of low-level radioactive waste possesses an adequate bond, surety, or other financial arrangement to insure completion of all requirements established by the Commission for decontamination, decommissioning, and site closure. Section 151 of the Nuclear Waste Policy Act authorizes the NRC to develop standards for financial arrangements for low-level radioactive waste site closure. Comments on the ANPRM will help define the nature and scope of the action. NRC resource scheduling is being developed.

Timetable:

Action	Date	FR Cite
NPRM	09/00/85	

Small Entity: No

Agency Contact: Mary Jo Seeman, Nuclear Regulatory Commission, Office of Nuclear Material Safety and, Safeguards, Washington, DC 20555, **301 427-4647**

RIN: 3150-AB57

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81. + MATERIAL STATUS REPORTS

Legal Authority: 42 USC 5841

CFR Citation: 10 CFR 70

Abstract: The NRC is amending its regulations in section 70.53 to require

affected licensees to report data summarizing the results of physical inventories of special nuclear material (SNM). The affected licensees are required by section 70.51 to conduct the physical inventories but would be required by section 70.53 to report the summary of the results. In the past, licensees voluntarily provided this information, which is used to determine compliance with NRC regulations and to provide data for NUREG- 0430, "Licensed Fuel Facility Status Report." Without a regulatory requirement or without licensee's voluntary submittals, NRC would have to conduct inspections to acquire SNM physical inventory data. In conjunction with this rulemaking, the form that licensees use to report summaries of SNM physical inventory data has been modified to include definitions of required data elements.

Since the affected licensees are already supplying this information voluntarily, there will be no additional costs to these licensees.

Timetable:

Action	Date	FR Cite
NPRM	10/30/85	

Small Entity: No

Agency Contact: Sandra Frattali, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, 301 443-7880

RIN: 3150-AB26

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82. RULE TO AMEND THE TRANSPORTATION PROVISIONS PERTAINING TO THE SHIPMENT OF LOW SPECIFIC ACTIVITY (LSA) MATERIAL

Legal Authority: 42 USC 2073; 42 USC 2093; 42 USC 2111; 42 USC 2232; 42 USC 2233; 42 USC 2273; 42 USC 5842

CFR Citation: 10 CFR 71

Abstract: The proposed rule would define two classes of LSA materials with specified shipping or packaging requirements. The two classes represent a consolidation of five classes of LSA materials and solid contamination objects (SCO) now in the 1985 regulations of the International Atomic Energy Agency (IAEA). In addition, the proposed rule provides special consideration for the inherent safety associated with the shipment of solid, nonflammable objects which are not dispersible in water. A new requirement of the amended rule would impose a dose rate limit on LSA materials. This requirement, which is philosophically consistent with the proposed IAEA regulations, is considered necessary to keep current and future LSA shipments within the envelope of safety originally conceived for such materials. This proposed rule would be responsive to PRM-71-1, PRM-71-2 and PRM-71-4.A regulatory analysis is currently being developed by the staff.

Timetable:

Action	Date	FR Cite
NPRM	06/00/85	

Small Entity: Yes

Agency Contact: Donald R. Hopkins, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, 301 443-7878

RIN: 3150-AB33

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83. + PHYSICAL PROTECTION REQUIREMENTS FOR INDEPENDENT SPENT FUEL STORAGE INSTALLATIONS (ISFSIS)

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 73

Abstract: Requirements for the physical protection of spent nuclear fuel at independent storage sites are currently contained in 10 CFR 73.50. Those requirements were originally developed for a broad range of materials and facilities, and were not developed specifically for independent spent fuel storage installations, (ISFSIs). Preliminary studies, some of which are related to transportation and require extrapolations to fixed installations, indicate that some of the current requirements for ISFSIs may not be at the appropriate level. If ongoing assessments confirm that existing regulations should be changed to be more commensurate with the consequences of a sabotage attack, a proposed performance-oriented rule would be developed to allow licensees the flexibility of using the most cost-effective measures available to meet the regulatory requirements. The necessity and urgency of addressing this issue is to have safeguards requirements in place that are commensurate with the risk of storing spent nuclear fuel in dry casks at reactor sites. An alternative to rulemaking is to continue use of the existing regulations, issuing exemptions and adding license (cont)

Timetable:

Action	Date	FR Cite
NPRM	12/31/85	

Small Entity: No

Additional Information: ABSTRACT CONT: conditions as necessary.

In accordance with NRC Policy and Planning Guidance, rulemaking is to be utilized when numerous licensees are affected. As work on resolution of the technical issues continues, analyses regarding the effects of the rule on the public, industry and NRC will be developed. It will take about one year to publish a final rule after the Commission approves the proposed rule for publication. The estimated resources needed from now until a final rule is prepared are approximately 1-1/2 staff years.

Agency Contact: Frank Davis, Nuclear Regulatory Commission, Office of Nuclear Material Safety, and Safeguards, Washington, DC 20555, 301 427-4765

RIN: 3150-AB27

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84. + REPORTING REQUIREMENTS FOR SAFEGUARDS EVENTS

Legal Authority: 42 USC 2201; 42 USC 5842

CFR Citation: 10 CFR 70; 10 CFR 73

Abstract: The proposed rule would amend reporting requirements of section 73.71 for reports of unaccounted for shipments, suspected thefts, unlawful diversion, and other safeguards events. The staff has found the present requirements confusing to licensees and, therefore, difficult for licensees to properly implement. These difficulties have contributed to safeguards event reports that lack uniformity and contain insufficient data for NRC analysis purposes. Safeguards event reporting requirements are necessary to permit timely response by the NRC to safeguards incidents and to identify possible generic deficiencies in safeguards systems. Until the requirements for reporting are clarified and simplified, the problems identified above will continue to exist. This is considered to be a matter of moderate urgency. An alternative to rulemaking is issuance of additional or revised

guidance on the present requirement. However, such guidance would lack regulatory authority. Since the problems have arisen over the abstract nature of the present requirement, it appears the best solution is to correct the source of the problem by amending the existing rule. The proposed amendments redefine, in (cont)

Timetable:

Action	Date	FR Cite
NPRM	06/00/85	

Small Entity: No

Additional Information: ABSTRACT CONT: clearer terms, the events to be reported and classify certain of these events into different reporting categories. The current 24 hour telephonic notification is deleted. All events would be either telephonically reported within one hour or logged in licensee records to be submitted to the NRC quarterly. Concurrent with the rule revision, a revised regulatory guide is being developed which provides a format for reporting to the NRC and gives examples of what types of events should be reported and under what category.

There is expected to be no cost impact to the public. Benefits to licensees will be clearer, simpler regulations, and a reduction in telephonic and written report making. While the proposed regulations will require more detailed, standardized written reports, the reduction in the number of telephone and written reports is expected to result in a net cost decrease to industry of $641.6K incurred on an annual basis.

Agency Contact: Priscilla A. Dwyer, Nuclear Regulatory Commission, Office of Nuclear Material Safety and, Safeguards, Washington, DC 20555, **301 427-4773**

RIN: 3150-AB46

85. CRITERIA FOR AN EXTRAORDINARY NUCLEAR OCCURRENCE

Legal Authority: 42 USC 2201; 42 USC 2210; 42 USC 5841; 42 USC 5842

CFR Citation: 10 CFR 140

Abstract: The proposed rule would revise the criteria the Commission currently follows in determining an extraordinary nuclear occurrence (ENO), in order to overcome the problems that were encountered following the Three Mile Island (TMI) accident when the present criteria were applied. The proposed criteria would focus on items that can be readily counted or estimated within a relatively short time following an accident (i.e., substantial release of radioactive material or radiation offsite and substantial exposure levels). The revised criteria will provide for speedy satisfaction of legitimate claims in the event of an ENO. Because ENO criteria are administrative criteria for use by the Commission, they do not impose any requirement upon a licensee.

Timetable:

Action	Date	FR Cite
NPRM	05/01/85	

Small Entity: No

Agency Contact: Harold Peterson, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 427-4578**

RIN: 3150-AB01

NUCLEAR REGULATORY COMMISSION (NRC) Completed Actions

COMPLETED RULEMAKINGS

86. EXPORT/IMPORT OF NUCLEAR EQUIPMENT AND MATERIAL

Legal Authority: 42 USC 2073; 42 USC 2074; 42 USC 2077; 42 USC 2092; 42 USC 2094; 42 USC 2111; 42 USC 2112; 42 USC 2139; 42 USC 5841; 42 USC 5842

CFR Citation: 10 CFR 110

Abstract: The final rule simplifies licensing requirements for the export of nuclear equipment and material that does not have significance from a nuclear proliferation perspective by expanding or establishing general licenses for nuclear reactor components, gram quantities of special nuclear material, and certain kinds of source or byproduct material. The general licenses ease current licensing restrictions by removing the requirement to obtain a specific export or import license for certain material and equipment. The general licenses include a policy of facilitating nuclear cooperation with countries sharing U.S. non-proliferation goals. The final rule should increase international commerce and reduce the regulatory burden on the public and the NRC without increasing the risk to public health and safety or the common defense and security. The final rule reduces NRC's minor case licensing workload by about 75%. The information collection burden is approximately 35% annually for licensees affected by this final rule. An estimated 212 hours annually associated with the filing of export license applications and other (cont)

Timetable:

Action	Date	FR Cite
NPRM	03/01/84	49 FR 7572
NPRM Comment Period Begin	03/01/84	49 FR 7572
NPRM Comment Period End	04/17/84	
Final Action	12/03/84	49 FR 47191
Final Action Effective	01/02/85	49 FR 47191

Small Entity: No

Additional Information: ABSTRACT CONT: information collection requirements is saved (12,730). Preparing and publishing this rule will cost NRC approximately 450 hours of staff time $60 per hour for an estimated total of $27,000.

Agency Contact: Marvin R. Peterson, Nuclear Regulatory Commission, Office of International Programs, Washington, DC 20555, **301 492-4599**

RIN: 3150-AB00

87. ELIMINATION OF REVIEW OF FINANCIAL QUALIFICATIONS OF ELECTRIC UTILITIES IN OPERATING LICENSE REVIEWS AND HEARINGS FOR NUCLEAR POWER PLANTS

Legal Authority: 42 USC 2201; 42 USC 2231; 42 USC 2241; 42 USC 5841

CFR Citation: 10 CFR 2; 10 CFR 50

Abstract: In response to a remand by the U.S. Court of Appeals for the D.C. Circuit, the Nuclear Regulatory Commission has issued a rule that would eliminate financial qualifications review and findings for electric utilities that are applying for operating licenses for utilization facilities if the utility is a regulated public utility or is authorized to set its own rates. This final rule would not affect financial qualification

review of a medical utilization, research and development, or a testing facility. The NRC is seeking comment on an alternative proposal that would eliminate financial qualification reviews for all NRC license or permit applicants.

Timetable:

Action	Date	FR Cite
NPRM	04/02/84	49 FR 13044
NPRM Comment Period Begin	04/02/84	49 FR 24748
NPRM Comment Period End	06/28/84	
Final Action	09/12/84	49 FR 35747
Final Action Effective	09/12/84	49 FR 35747

Small Entity: No

Agency Contact: Carole F. Kagan, Nuclear Regulatory Commission, Office of the General Counsel, Washington, DC 20555, **202 634-1493**

RIN: 3150-AB69

88. CHANGES IN RADIATION DOSE-LIMITING STANDARDS

Legal Authority: 42 USC 2111; 42 USC 2201

CFR Citation: 10 CFR 19; 10 CFR 20

Abstract: The issues addressed in this proposed rule will be dealt with in, and the notice of proposed rulemaking published 2/20/79 will be superseded by, the comprehensive revision of Part 20. As a result, this rulemaking was terminated by the EDO on February 1, 1985. The proposed rule was published because of the desire of the Commission to reduce the risk of occupational radiation doses in Commission-licensed activities. In particular, the Commission desired to cut off individual exposures greater than 5 rems/year that are permitted by the 5 (N-18) dose averaging provisions in section 20.101 (b). Other considerations included the Commissions's continuing systematic assessment of exposure patterns, and recommendations in Publication 26 of the International Commission on Radiological Protection for controlling radiation dose. The Commission took into account recently published interpretations of epidemiological data and associated recommendations for lower dose standards, PRM-20-6 and PRM-20-6a. The proposed rule would have eliminated the accumulated dose averaging formula and the associated Form NRC-4 "Occupational External Radiation Exposure History" and (cont)

Timetable:

Action	Date	FR Cite
NPRM	02/20/79	44 FR 10388
Withdrawn	02/01/85	

Small Entity: Yes

Additional Information: ABSTRACT CONT: imposed annual dose-limiting standards while retaining quarterly standards. In addition, the proposed rule contained provisions that would have expressed in terms of new annual standards, the standard for dose to minors, and the requirements for control of total dose to all workers, including transient and moonlighting workers.

Agency Contact: William A. Mills, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 427-4353**

RIN: 3150-AA08

89. + AUTHORITY FOR THE COPYING OF RECORDS AND RETENTION PERIODS FOR SECURITY RECORDS

Legal Authority: 42 USC 2073; 42 USC 2207

CFR Citation: 10 CFR 19; 10 CFR 21; 10 CFR 30; 10 CFR 40; 10 CFR 50; 10 CFR 70; 10 CFR 71; 10 CFR 73; 10 CFR 110

Abstract: The purpose of this proposed rule was to define more clearly the authority of an NRC inspector to copy and take away a licensee record that is needed for inspection and enforcement activities. It also specified the period that a licensee physical security record must be maintained. Due to licensee cooperation I&E no longer sees the need for explicit authority to copy and take away records. The rulemaking is therefore being withdrawn. For that portion of the rule which codifies licensee practice for retention of physical security records a new rulemaking will be initiated.

Timetable:

Action	Date	FR Cite
NPRM	11/22/82	47 FR 52452
NPRM Comment Period Begin	11/22/82	47 FR 52452
NPRM Comment Period End	01/21/83	
Withdrawn	07/00/85	

Small Entity: No

Agency Contact: Sandra Frattali, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 443-7880**

RIN: 3150-AA63

90. + GENERAL DESIGN CRITERIA FOR FUEL REPROCESSING PLANTS

Legal Authority: 42 USC 2133; 42 USC 2134; 42 USC 2201; 42 USC 2232; 42 USC 2233

CFR Citation: 10 CFR 50

Abstract: On January 22, 1985, the Office of the Executive Director For Operations issued a memorandum directing the staff to discontinue development of this rule. The proposed rule would have established general criteria for designing fuel reprocessing plants in order to provide reasonable assurance that fuel reprocessing plants can be operated without undue risk to the health and safety of the public. The general criteria contain the minimum requirements that an applicant must use in the selection of principal design criteria for a fuel reprocessing plant. The principal criteria would have established design, fabrication, construction, testing, and performance requirements for structures, systems, and components important to the safety of the facility.

Timetable:

Action	Date	FR Cite
NPRM	07/18/74	39 FR 26293
Withdrawn	01/22/85	

Small Entity: No

Agency Contact: Charles W. Nilsen, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 443-7910**

RIN: 3150-AA15

91. INTERIM REQUIREMENTS RELATED TO HYDROGEN CONTROL

Legal Authority: 42 USC 2133; 42 USC 2134; 42 USC 2152; 42 USC 2201; 42 USC 2232; 42 USC 2233; 42 USC 2234; 42 USC 2236; 42 USC 2239; 42 USC 2273; 42 USC 5841; 42 USC 5842; 42 USC 5846

CFR Citation: 10 CFR 50

Abstract: The final rule improves hydrogen control capability for boiling water reactors (BWRs) with MARK III containments and for pressurized water reactors (PWRs) with ice condenser containments. The amendments require

improved hydrogen control systems that can handle large amounts of hydrogen during and following an accident. For those of the affected reactors not relying upon an inerted atmosphere for hydrogen control, the rule requires that certain systems and components be able to function during and following hydrogen burning. The rule is needed to improve the capability of the PWRs and BWRs to withstand the effects of a large amount of hydrogen generation and release to containment from an accident, as occurred at Three Mile Island. The new requirements will result in greater assurance that nuclear power reactor containments and safety systems and components will continue to function properly so that the reactors can be safely shut down following a Three Mile Island-type of accident. (cont)

Timetable:

Action	Date	FR Cite
NPRM	12/23/81	46 FR 62281
NPRM Comment Period Begin	12/23/81	46 FR 62281
NPRM Comment Period End	02/22/82	
Final Action	01/25/85	50 FR 3498
Final Action Effective	02/25/85	50 FR 3498

Small Entity: No

Additional Information: ABSTRACT CONT:

An alternative to the final rule was to maintain the status quo with licensing decisions being treated on a case-by-case basis. However, this alternative would not result in any savings to NRC or the industry, since the requirements of the rule would still be implemented. Because of the potential for time-consuming and costly litigation for each case, maintaining the status quo would have resulted in additional costs.

The estimated cost to the affected licensees is $9 million (for the assumed 14 plants that would be affected). The additional cost to the NRC is estimated to be $280,000.

Agency Contact: Morton R. Fleishman, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 443-7616**

RIN: 3150-AA21

92. REQUIREMENTS FOR LICENSEE ACTION REGARDING THE DISPOSITION OF SPENT FUEL UPON EXPIRATION OF THE REACTORS' OPERATING LICENSE

Legal Authority: 42 USC 2201; 42 USC 5841; 42 USC 5842; 42 USC 4332; 42 USC 4334; 42 USC 4335

CFR Citation: 10 CFR 50; 10 CFR 51

Abstract: The final amendment to Part 50 provides procedures to be followed by nuclear reactor operating licensees to ensure the continued safe management of spent fuel beyond the expiration date of the reactor operating license. It requires licensees to submit plans concerning how spent fuel at these sites will be managed to NRC for review and approval five years before their operating licenses expire. The final amendment to Part 51 addresses the environmental aspects of extended spent fuel storage past the expiration date of reactor operating licenses; licensing for storage at the reactor site; or storage at an independent spent fuel storage installation.

Timetable:

Action	Date	FR Cite
NPRM	10/25/79	44 FR 61372
NPRM	05/20/83	48 FR 50746
NPRM Comment Period Begin	05/20/83	48 FR 50746
NPRM Comment Period End	12/06/83	
Final Action	08/31/84	49 FR 34658
Final Action Effective	08/31/84	49 FR 34658

Small Entity: No

Agency Contact: Dennis Rathbun or Clyde Jupiter, Nuclear Regulatory Commission, Office of Policy Evaluation, Washington, DC 20555, **301 634-3295**

RIN: 3150-AB20

93. ENVIRONMENTAL QUALIFICATION OF SAFETY-RELATED ELECTRICAL EQUIPMENT

Legal Authority: 42 USC 2133; 42 USC 2134; 42 USC 2201; 42 USC 2232; 42 USC 2233

CFR Citation: 10 CFR 50

Abstract: The Commission approved on September 4, 1984 a final rule which deletes from NRC regulations a June 30, 1982 deadline for environmental qualification of safety-related electrical equipment imposed upon certain nuclear power plant licensees by previous Commission order.

Timetable:

Action	Date	FR Cite
NPRM	03/07/84	48 FR 8445
NPRM Comment Period Begin	03/07/84	48 FR 8445
NPRM Comment Period End	08/13/84	
Final Rule Approved	09/04/84	
Final Action	11/19/84	49 FR 45571
Final Action Effective	11/19/84	49 FR 45571

Small Entity: Not Applicable

Agency Contact: William Shields, Nuclear Regulatory Commission, Office of the Executive Legal Director, Washington, DC 20555, **301 492-8693**

RIN: 3150-AB40

94. CRITERIA AND PROCEDURES FOR DETERMINING THE ADEQUACY OF AVAILABLE SPENT NUCLEAR FUEL STORAGE CAPACITY

Legal Authority: 42 USC 2011; 42 USC 2092; 42 USC 2201; 42 USC 4332; 42 USC 5801; 42 USC 5841; 42 USC 5847; 42 USC 10152; 42 USC 10155

CFR Citation: 10 CFR 53

Abstract: The final rule implements procedures and criteria that the update NRC will use to determine whether a person owning and operating a civilian nuclear power plant is able to store the spent nuclear fuel generated at the plant. This determination is necessary before the Secretary of the Department of Energy may enter into a contractual arrangement with the owner of the plant to provide interim Federal storage for limited amounts of spent fuel that the owner is unable to store. Alternative procedures considered for the NRC to determine a licensee's need to use interim Federal storage were that (1) the licensee, without NRC guidance, provide sufficient information for the NRC to make this determination; (2) the Commission itself, rather than the EDO relying on the technical staff's review, make the determination; or (3) the NRC restate the statutory criteria for making the determination without providing further guidance as to how the Commission would make its determination.

It is anticipated that a licensee will expend an average of nine (9) months of professional staff resources to

prepare a request for a Commission determination. (cont)

Timetable:

Action	Date	FR Cite
NPRM	04/29/83	48 FR 19382
NPRM Comment Period Begin	04/29/83	48 FR 19382
NPRM Comment Period End	06/28/83	
Final Action	02/11/85	50 FR 5548
Final Action Effective	03/13/85	50 FR 5548

Small Entity: No

Additional Information: ABSTRACT CONT: This is equivalent to $75,000 per request. A maximum of seven requests is expected in the 1984-1989 time period, for a maximum industry cost of $525,000. NRC will be required to expend approximately two (2) months of staff time per request. This is equivalent to $19,200. With not more than seven requests anticipated in the 1984-1989 time period, total NRC costs should not exceed $135,000.

The Nuclear Waste Policy Act of 1982 assigned the responsibility for this determination to the NRC.

Agency Contact: Donald R. Hopkins, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 443-7878**

RIN: 3150-AB22

95. + MATERIAL CONTROL AND ACCOUNTING REQUIREMENTS FOR LOW ENRICHED URANIUM FUEL CYCLE FACILITIES

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 70; 10 CFR 74

Abstract: Under currently applicable regulations, material control and accounting (MC&A) requirements for low enriched uranium (LEU) and strategic special nuclear material (SSNM) differ very little. However, both NRC-sponsored and independent studies have concluded that safeguards risks associated with LEU are far less significant than risks associated with SSNM. Current requirements do not sufficiently reflect this fact. The objective of this rule is to eliminate unnecessarily burdensome regulatory requirements. Because of the generic application of this action, it should be accomplished through rulemaking rather than through individual license conditions. This rulemaking action establishes more cost effective MC&A requirements for LEU and reduces these requirements to a level commensurate with the material's low safeguards significance.

Although MC&A requirements for LEU are reduced by this rulemaking, the public will not be affected since the new requirements provide appropriate protection for the public health and safety consistent with the low strategic significance of the material. The total estimated savings for the industry is (cont)

Timetable:

Action	Date	FR Cite
NPRM	12/14/82	47 FR 55951
NPRM Comment Period Begin	12/14/82	47 FR 55951
NPRM Comment Period End	02/14/83	
Final Action	02/25/85	50 FR 7575
Final Action Effective	03/27/85	50 FR 7575

Small Entity: No

Additional Information: ABSTRACT CONT: $3.2 million per year with an additional potential gain of $725, 000 resulting from additional operating time from the elimination of one inventory per year. Since the rule has been completed, the bulk of NRC resources yet to be expended will be approximately 0.5 staff year for review of the fundamental nuclear material control plans submitted in response to the new requirements.

Agency Contact: Carl J. Withee, Nuclear Regulatory Commission, Office of Nuclear Material Safety and, Safeguards, Washington, DC 20555, **301 427-4768**

RIN: 3150-AA93

96. SEVERE ACCIDENT DESIGN CRITERIA

Legal Authority: 42 USC 2201

CFR Citation: 10 CFR 50

Abstract: The Executive Director approved termination of the advance notice of proposed rulemaking on February 1, 1985. This rulemaking activity has been supplanted by the Severe Accident Policy Statement (SECY-84-370) now before the Commission. The advance notice of proposed rulemaking would have provided the nuclear industry and the public an opportunity to submit advice and recommendations to the Commission on what should be the content of a regulation requiring improvements to cope with degraded core cooling and with accidents not covered adequately by traditional design envelopes.

Timetable:

Action	Date	FR Cite
ANPRM	10/02/80	45 FR 65474
ANPRM Comment Period Begin	10/02/80	45 FR 65474
ANPRM Comment Period End	12/31/80	
Policy Statement Comment Per. Beg	04/13/83	48 FR 16014
Policy Statement Comment Per. Ends	07/09/83	48 FR 16014
Withdrawn	02/01/85	

Small Entity: No

Agency Contact: Morton R. Fleishman, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 443-7616**

RIN: 3150-AA45

97. LOWER RADIATION EXPOSURE LEVELS FOR FERTILE WOMEN

Legal Authority: 42 USC 2111; 42 USC 2201

CFR Citation: 10 CFR 19; 10 CFR 20

Abstract: The issue addressed in this proposed rule and the notice of proposed rulemaking published 01/03/75 (40 FR 799) will be superseded by, the comprehensive revision of Part 20. As a result, this rulemaking was terminated by the EDO on February 1, 1985. The proposed rule would have recognized that an embryo/ fetus is especially radiosensitive during critical states of embryogenesis in the early months of a pregnancy. Consideration was given to several alternative means of assuring protection for the unborn including lower dose limits for fertile women, pregnant women, all women, or for all workers. There was concern regarding sociolegal questions including the potential for invasion of privacy, the potential impact on the employability of women and other discriminatory actions against women, and concern regarding the impact on licensees of a lower limit for all workers. The proposed amendments

would have incorporated the intent of the recommendations of the National Council of Radiation Protection and Measurements (NCRP) in Report No. 39 that the radiation exposure to an embryo or fetus be minimized. It would help provide assurance that radiation exposures (cont)

Timetable:

Action	Date	FR Cite
NPRM	01/03/75	40 FR 799
Withdrawn	02/01/85	

Small Entity: Yes

Additional Information: ABSTRACT CONT: of fertile women and fetuses will be kept well within the limit of 0.5 rem during the entire pregnancy as recommended by NCRP without undue restriction on activities involving radiation and radioactive material. The proposed rule would have implemented a policy of informed consent, requiring licensees to instruct workers regarding health protection problems associated with exposure to radiation and radioactive materials by providing information about biological risks to embryos and fetuses. Regulatory Guide 8.13, "Instruction Concerning Prenatal Radiation Exposure", provides the information considered necessary for this instruction. The proposed rule would also have contained a Commission statement that licensees should make particular efforts to keep the radiation exposure of an embryo or fetus to the very lowest practicable level during the entire gestation periods as recommended by the NCRP.

Agency Contact: William A. Mills, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 427-4353**

RIN: 3150-AA07

98. PERFORMANCE TESTING OF BIOASSAY LABS

Legal Authority: 42 USC 5841

CFR Citation: 10 CFR 20

Abstract: The Executive Director for Operations approved termination of the proposed rule on February 1, 1985. The rulemaking was terminated because the Health Physics Society Standards Committee is preparing Standard on Performance Testing of Bioassay Labs, which will be completed in about two years. Following an evaluation of the performance of bioassay labs against the standard, a decision will be made regarding the necessity of rulemaking. The proposed rule would have required licensees, who provide bioassay services for individuals to assess internal radiation exposure, to use accredited laboratories after an accreditation program is established. An expert, primarily industry-based, committee of the Health Physics Society wrote a draft standard. The draft standard was revised to take into account early comments that the NRC solicited and received from industry. The NRC, in cooperation with the DOE, established a performance testing study to test the standard, and to design and set up and accreditation program. Results of Phase I measuring radioactivity in human excretion samples, showed that ways must be found for more uniform quality control of analytical methods, or that some criteria (cont)

Timetable:

Action	Date	FR Cite
Withdrawn	02/01/85	

Small Entity: No

Additional Information: ABSTRACT CONT: of the standard may be more restrictive than appropriate for these kinds of analyses. The majority of persons in the affected industry still appear to favor a rule requiring accreditation (with testing) of laboratories providing radiobioassay services to NRC licensees.

Agency Contact: Allen Brodsky, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 427-4394**

RIN: 3150-AA67

99. + PERIODIC AND SYSTEMATIC REEVALUATION OF PARTS 30 AND 32

Legal Authority: 42 USC 2111; 42 USC 2201; 42 USC 2232; 42 USC 2233; 42 USC 2234; 42 USC 5846

CFR Citation: 10 CFR 30; 10 CFR 32

Abstract: On November 6, 1984, the Office of the Executive Director for Operations issued a memorandum directing the staff to discontinue development of this rule. The NRC has met the objective of this Agenda entry through amending or proposing to amend 10 CFR Parts 30 and 32. The proposed rulemaking would have provided an editorial revision of the regulations governing the domestic licensing of byproduct material and the exemptions from domestic licensing requirements. The proposed rule would have reflected the application of good regulatory drafting practices. The proposed rule would have simplified and clarified the format of the present regulations so that persons subject to byproduct material regulations can conveniently use and understand them.

Timetable:

Action	Date	FR Cite
Withdrawn	11/00/84	

Small Entity: No

Agency Contact: James J. Henry, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 443-7614**

RIN: 3150-AA70

100. + REVISION OF CONSUMER PRODUCT APPROVAL CRITERIA AND REGULATIONS

Legal Authority: 42 USC 2093; 42 USC 2111; 42 USC 2201

CFR Citation: 10 CFR 30; 10 CFR 40

Abstract: The Executive Director for Operations approved the termination of this rule on February 6, 1985. The purpose of the proposed rule was to reevaluate the policy, criteria, and regulations that govern the use of radioactive material in consumer products. This action was taken in order to determine whether a proposed rule was needed to : (1) codify the NRC policy on consumer product approval criteria; (2) review and revise regulations in Part 30 providing exemptions for consumer products; (3) review, revise, and reorganize regulations in Part 40 providing exemptions for consumer products. The NRC terminated this rulemaking effort because (1) the consumer product approval criteria, although not codified, has been used satisfactorily for nearly 20 years, and (2) consumer product regulations appear in most cases, to be adequate. However, the need for a proposed rule in this area will be considered after one year.

Timetable:

Action	Date	FR Cite
Withdrawn	02/06/85	

Small Entity: No

NRC

Completed Actions

Agency Contact: Anthony N. Tse, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 443-7902**

RIN: 3150-AB37

101. GLASS ENAMEL AND GLASS ENAMEL FRIT CONTAINING SMALL AMOUNTS OF URANIUM

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 40

Abstract: The Nuclear Regulatory Commission is issuing an amendment that removes provisions to its regulations that exempt the possession and use of glass enamel and glass enamel frit containing uranium from the licensing requirements applicable to source material. These materials are used as a glaze to produce brightly colored surfaces on consumer products such as cloisonne jewelry. The final amendment is necessary to prevent the unnecessary exposure to radiation that might be received by artists who use the materials or by consumers who use products containing the materials. The final rule will accomplish this by prohibiting the future domestic manufacture or importation of glass enamel and glass enamel frit containing small amounts of uranium unless specifically approved by the NRC. (cont)

Timetable:

Action	Date	FR Cite
NPRM	04/30/84	49 FR 18308
NPRM Comment Period Begin	04/30/84	49 FR 18308
NPRM Comment Period End	06/29/84	
Final Action	09/11/84	49 FR 35611
Final Action Effective	09/11/84	49 FR 35611

Small Entity: No

Additional Information: ABSTRACT CONT: On July 25, 1983 (48 FR 33697), the Nuclear Regulatory Commission suspended a portion of its regulations that provide an exemption from the licensing requirements applicable to the possession and use of source material. The suspended exemption covers glass enamel and glass enamel frit containing small amounts of source material. The suspension is superseded by the completion of this rulemaking.

Agency Contact: Anthony N. Tse, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 443-7902**

RIN: 3150-AB49

102. EXTENSION OF CONSTRUCTION COMPLETION DATE

Legal Authority: 42 USC 2235

CFR Citation: 10 CFR 50

Abstract: The Office of Executive Legal Director has recommended that the staff discontinue development of this rule. The proposed rule would have clarified the provision of Section 50.55 (b) which describes both the procedure for renewal of a construction permit for a nuclear power plant following its expiration (a showing of "good cause") and the circumstances under which the Commission will consider granting a request for an extension of a construction completion date. The proposed rule would have also addressed two essentially identical petitions for rulemaking filed with the Commission by the State of Illinois (PRM-50-25) and the Porter County Chapter of the Izaak Walton League of America, et al. The petitioners requested that Section 50.55 (b) be amended or rescinded, and that the Commission promulgate a regulation which would not limit a "good cause" showing to the reasons why construction was not completed before the latest completion date specified in the construction permit.

Timetable:

Action	Date	FR Cite
Withdrawn	02/00/85	

Small Entity: No

Agency Contact: Linda S. Gilbert, Nuclear Regulatory Commission, Office of the Executive Legal Director, Washington, DC 20555, **301 492-7678**

RIN: 3150-AB06

103. ADDITIONAL SCRAM SYSTEM REQUIREMENT FOR WESTINGHOUSE NUCLEAR POWER PLANTS

Legal Authority: 42 USC 2133; 42 USC 2134; 42 USC 2201; 42 USC 2232; 42 USC 2233; 42 USC 5842; 42 USC 5846

CFR Citation: 10 CFR 50

Abstract: The Commission issued a decision directing the staff not to publish a proposed rule on ATWS that would require diverse SCRAM system for Westinghouse plants. The proposed rule would have required an improvement in the design of light-water-cooled nuclear power plants manufactured by Westinghouse. A specific provision contained in the proposed rule requires the installation of a diverse scram system from sensor output to interruption of power to the control rods. The NRC staff estimates that the proposed scram system would cost all affected licensees and CP holders combined a total of $50 million. The benefit of the proposed action is that the diverse scram system would have reduce the likelihood of an accident if the existing reactor protection system fails to shut down the reactor following an anticipated transient.

Timetable:

Action	Date	FR Cite
Withdrawn	12/03/84	

Small Entity: No

Analysis: Preliminary RIA 08/00/83

Agency Contact: David W. Pyatt, Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, Washington, DC 20555, **301 443-7631**

RIN: 3150-AB29

104. EXPERIENCE REQUIREMENTS FOR SENIOR OPERATORS AT NUCLEAR POWER PLANTS

Legal Authority: 42 USC 2201; 42 USC 5841; 42 USC 5843; 42 USC 10152; 42 USC 10155; 42 USC 10226

CFR Citation: 10 CFR 50

Abstract: On October 17, 1984, the Commission reconsidered the need for this rule. Following the reconsideration, W.J. Dircks, Executive Director for Operations, NRC, wrote J.H. Miller, Chairman, Nuclear Utility Management and Human Resources Committee stating that the Commission had directed the staff to discontinue development of this rule and preferred that industry implement its own initiatives in this matter. The proposed rule would have amended the NRC regulations to require (1) that all applicants for a senior operator's license to have been licensed as an operator for at least one year, including 250 hours at the controls of an operating commercial nuclear power plant; and (2) that each shift have at least one senior operator who has

served as a licensed senior operator at an operating commercial nuclear power plant for one year.

Timetable:

Action	Date	FR Cite
Withdrawn	11/00/84	

Small Entity: No

Agency Contact: Jennifer Koontz, Nuclear Regulatory Commission, Office of Nuclear Reactor Regulation, Washington, DC 20555, **301 492-8682**

RIN: 3150-AB64

105. REQUIREMENTS FOR SENIOR MANAGERS AT NUCLEAR POWER PLANTS

Legal Authority: 42 USC 2201; 42 USC 5841; 42 USC 5843; 42 USC 10152; 42 USC 10155; 42 USC 10226

CFR Citation: 10 CFR 50

Abstract: On November 5,1984, the Commission met to reconsider the need for this rule. The Commission directed the staff to discontinue development of the rule and indicated a preference for industry's implementation of its own initiatives in this matter.

The proposed rule would have amended NRC regulations to require that licensees of nuclear power plants have on each shift a senior manager responsible for integrated management of shift operations who holds a bachelor's degree in engineering or a related physical science from an accredited institution, has five years nuclear power operating experience, and holds a senior operator's license. The objective of the new senior manager position was to increase on-shift management involvement for all aspects of plant operations (e.g., maintenance, health physics, chemistry operation, security).

Timetable:

Action	Date	FR Cite
Withdrawn	11/05/84	

Small Entity: No

Agency Contact: Clare Goodman, Nuclear Regulatory Commission, Office of Nuclear Reactor Regulation, Washington, DC 20555, **301 492-4894**

RIN: 3150-AB31

106. + CLARIFICATION OF GENERAL PHYSICAL PROTECTION REQUIREMENTS

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 73

Abstract: The general physical protection requirement for fixed sites (Sec. 73.40(a)) is being amended to clarify that the threat of either radiological sabotage or theft, or both, must be treated in a licensee's physical security plan in accordance with the more detailed requirements of other sections of 10 CFR Part 73 which apply to specific classes of licensees or specific types of material. This action is being taken because an Atomic Safety and Licensing Board, in a recent ruling, has made an interpretation of the general requirement which differs from the interpretation currently being applied. This action will clarify the Commission's policy regarding the rule's intent and will codify present application of the general physical protection requirement. No economic impact on a licensee will result from this action.

In a memorandum dated June 13, 1984, the Commission declined staff's request to initiate a rulemaking proceeding which was made by the staff following the Licensing Board's interpretation of 10 CFR 73.40(a) which the staff stated was contrary to NRC licensing practice. The disputed interpretation arose (cont)

Timetable:

Action	Date	FR Cite
Withdrawn	06/13/84	

Small Entity: No

Additional Information: ABSTRACT CONT: out of the license renewal of UCLA's Argonaut research reactor (LBP-83- 25A, 17 NRC 927 (1983) and LBP-83-67, 18 NRC 802 (1983)).

Agency Contact: Carl J. Withee, Nuclear Regulatory Commission, Office of Nuclear Material Safety and, Safeguards, Washington, DC 20555, **301 427-4040**

RIN: 3150-AB45

ACTIONS THAT STARTED AND ENDED BETWEEN ISSUES OF THE UNIFIED AGENDA

107. ● MINOR CORRECTING AMENDMENTS

Legal Authority: 42 USC 2201; 42 USC 5841

CFR Citation: 10 CFR 1; 10 CFR 20; 10 CFR 30; 10 CFR 40; 10 CFR 50; 10 CFR 55; 10 CFR 70; 10 CFR 73

Abstract: The NRC is amending its regulations to indicate a change in the mailing address for NRC's Region II Office, to correct the zip code for NRC's Region IV Office, and to correct the address of a location where IEEE Std 83-1983 may be inspected. This action is necessary to inform the public of these administrative changes to NRC regulations.

Timetable:

Action	Date	FR Cite
Final Action	12/07/84	49 FR 47823
Final Action Effective	12/07/84	49 FR 47823

Small Entity: No

Agency Contact: John Philips, Nuclear Regulatory Commission, Office of Administration, Washington, DC 20555, **301 492-7066**

RIN: 3150-AB77

[FR Doc. 85-9491 Filed 04-26-85; 8:45 am]

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Monday
April 29, 1985

Part LVIII

Securities and Exchange Commission

Semiannual Regulatory Agenda

SEC

SECURITIES AND EXCHANGE COMMISSION

17 CFR Ch. II

[Release No. 33-6567, 34-21796, 35-23616, 39-964, IC-14395, and IA-957; File No. S7-8-85]

Regulatory Flexibility Agenda and Rules Scheduled for Review

AGENCY: Securities and Exchange Commission.

ACTION: Publication of regulatory flexibility agenda and rules scheduled for review.

SUMMARY: The Securities and Exchange Commission is today publishing an agenda of its open and anticipated rulemaking actions, pursuant to Chapter Six of the Administrative Procedure Act and Office of Management and Budget Bulletin 85-6. The agenda is a general announcement to the public intended to provide advance notice of rulemaking actions which may have a significant economic impact on a substantial number of small entities. The Commission is also publishing a list of rule reviews anticipated to be completed during the next twelve months. The Commission invites questions and public comment on individual agenda entries.

DATE: Public Comments are due by June 30, 1985.

ADDRESSES: Persons wishing to submit written views should file three copies with John Wheeler, Secretary, Securities and Exchange Commission, 450 5th Street, N.W., Room 6184, Stop 6-9, Washington, D.C. 20549. All submissions should refer to File No. S7-8-85, and will be available for public inspection at the Commission's Public Reference Room, Room 1026, at the same address.

FOR FURTHER INFORMATION CONTACT: Joseph A. Meiburger, Jr., Directorate of Economic and Policy Analysis, Securities and Exchange Commission, 450 5th Street, N.W., Room 7169, Stop 7-6, Washington, D.C. 20549 (202-272-7110). Additional names of persons to contact are identified with each entry.

SUPPLEMENTARY INFORMATION: The Regulatory Flexibility Act ("RFA") (Pub. L. No. 96-354, 94 Stat. 1164 [September 19, 1980]) requires each federal agency during April and October of each year to publish in the **Federal Register** a regulatory flexibility agenda identifying rules which the agency expects to propose, adopt or review which are likely to have a significant economic impact on a substantial number of small entities (the "significant impact criterion").[1] Part I of this agenda contains 52 entries for all open and anticipated rulemaking actions which may meet this criterion.

The RFA also requires the review of existing rules.[2] The Commission published in June 1981 a plan for the periodic review of all rules issued by the agency which may meet the significant impact criterion.[3] The plan provides for the review of all such rules in effect on January 1, 1981 within ten years of that date and for the review of such rules adopted thereafter within ten years of their adoption as final rules. The RFA further requires publication each year of a list of those rules which are to be reviewed during the succeeding twelve months.[4] Part II of the agenda contains 15 of these entries. The Commission's continuing review of its rules, begun before the effective date of the statute (January 1, 1981), extends beyond the requirements of the RFA. Consequently, some rules listed in this part of the agenda may not be required to be reviewed. The Commission is identifying them here in order to inform the public of its intention to review them. Part III of the agenda identifies the 22 rulemaking actions and rule reviews which have been completed since the last RFA release was approved by the Commission on September 5, 1984.[5] The agenda relies on the definitions of the term "small entity" for purposes of the RFA which were adopted by the Commission for the various categories of regulated entities.[6]

The statute specifically provides that the agenda does not preclude the Commission from considering or acting on any matter not included, nor is the Commission required to consider or act on any matter which is included.[7] Furthermore, the inclusion of a rule in the Commission's agenda reflects only the staff's preliminary judgment that the rule, if adopted or as it exists, may have a significant economic impact on a substantial number of small entities. This preliminary judgment may be changed upon further analysis.

Below is an index and the text of the Commission's entries to this April 1985 Unified Agenda of Federal Regulations. The agenda contains new entries as well as items carried over from the October 1984 publication. New entries are marked with a bullet. Copies of this preamble and a list of the entries (including next action dates and identifying a staff contact) are available from the Commission's Office of Public Affairs (Room 1015). The entries themselves are also available for inspection and copying in the Public Reference Room (Room 1026) (File S-8-85), as noted above.

The Commission invites public comment on the individual entries in its agenda of rulemaking actions and rules scheduled for review in 1985. By the Commission.

February 27, 1985.

John Wheeler,

Secretary.

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[1] 5 U.S.C. 602(a).

[2] 5 U.S.C. 610(a).

[3] Securities Act Release No. 6362 (June 24, 1981) (46 FR 33287).

[4] 5 U.S.C. 610(c).

[5] Securities Act Release No. 6547 (September 5, 1984) (49 FR 42518).

[6] Securities Act Release No. 6380 (January 28, 1982) (47 FR 5215).

[7] 5 U.S.C. 602(d).

SEC

Current and Projected Rulemakings

Sequence Number	Title	Regulation Identifier Number
1	17 CFR Not yet determined Allocation of Expenses and Related Disclosure in Financial Statements of Subsidiaries, Divisions or Lesser Business Components of Another Entity	3235-AB17
2	17 CFR 210 Synopsis of Impairment Tests Under the Successful Efforts Method	3235-AB67
3	17 CFR 210 Off-Balance Sheet Financing Arrangements	3235-AB68
4	17 CFR 210.1-02(v)(3) Rescission of Obsolete Rules and Technical Revisions and Corrections	3235-AA74
5	17 CFR 210.5-02 Proposals Regarding Industry Segment and Other Interim Financial Reporting Matters, Management's Discussion and Analysis, and Off Balance Sheet Financing Disclosures	3235-AB15
6	17 CFR 210.9 Specific Disclosure Requirements for Savings and Loan Holding Companies	3235-AB65
7	17 CFR 210.9-03(7)(e) Financial Statement Disclosure by Bank Holding Companies About Loans to Related Parties	3235-AB45
8	17 CFR 229.304 Disagreements With Accountants on Accounting and Financial Disclosure	3235-AB63
9	17 CFR 231 Standards for Disclosure Regarding Foreign Public Sector Debt	3235-AB69
10	00 CFR Not yet determined Small Issuer Periodic Reports	3235-AA91
11	*17 CFR Not yet determined Registration of Partnership Interests	3235-AB47
12	17 CFR 230.100 to 230.180 General Rules under the Securities Act of 1933--The "100 Series"-- Rules 100 through 180 (excluding Rules 137, 138 and 139)	3235-AA52
13	17 CFR 230.134 Rule 134 under the Securities Act of 1933	3235-AB80
14	17 CFR 230.501 Form D of Regulation D	3235-AB77
15	17 CFR 239.16b Form S-8 Registration Statement under the Securities Act of 1933	3235-AB79
16	17 CFR 239.25, (New) Proposed Form S-4 and Other Rules	3235-AA01
17	17 CFR 239.34 Proposed Form F-4 and Other Rules	3235-AB76
18	17 CFR 240.14a-1 to 240.14a-12 Regulation 14A -- Rules Relating to Proxy Contests	3235-AA03
19	17 CFR 240.14a-1 to 240.14a-12 Regulation 14A -- Solicitation of Proxies	3235-AA23
20	17 CFR 240.14a-13 Regulation 14A: Solicitation of Proxies - Rule 14a-13 Obligation of registrants. Rule 14b-1 Obligation of registered brokers	3235-AB78
21	17 CFR 240.14c-1 to 240.14c-7 Regulation 14C -- Distribution of Information Pursuant to Section 14(c)	3235-AA24
22	17 CFR 240.14d-1 to 240.14d-101 Proposed Tender Offer Rule Amendments	3235-AA50
23	17 CFR 240.16a-1 to 240.16a-11 Reports of Directors, Officers and Principal Stockholders	3235-AB14
24	17 CFR 260 Trust Indenture Act Rules	3235-AB43
25	17 CFR 240.3a4-1 Rule 3a4-1 -- Associated Persons of an Issuer Deemed Not to be Brokers	3235-AB53
26	17 CFR 240.3a12-9 Rule 3a12-9	3235-AB51
27	17 CFR 240.3b-9 Proposed Rule 3b-9: Applicability of Broker-Dealer Registration to Banks	3235-AB49
28	17 CFR 240 10b-10 Rule 10b-10 -- Confirmation Disclosure for Reported Securities	3235-AB81
29	17 CFR 240.11A-1 Proposed Rule 11A-1-- Customer Order Exposure	3235-AA39
30	17 CFR 240.15c2-4 Rule 15c2-4 -- Transmission or Maintenance of Payments Received in Connection with Underwritings	3235-AB57
31	17 CFR 240.17Ad-5 Rule 17Ad-5 -- Response to Inquiries	3235-AB12
32	17 CFR 230.180 Amendment to Rule 180 -- Exemption from Registration of Certain Interests and Participations in Certain H.R. 10 Plans	3235-AA08
33	17 CFR 239.14 Prospectus Simplification Amendments to Form N-2	3235-AB40
34	17 CFR 239 15A Revisions to Expense-Related Disclosure Requirements of Form N-1A	3235-AB73
35	17 CFR 239.16 Simplification of Registration Statements Filed by Unit Investment Trusts	3235 AA47
36	17 CFR 210.3-05 Registration of Investment Company Securities Issued in Business Combination Transactions	3235-AB42
37	17 CFR 240.13a-12 Rules 30b1-(T) and 27d-4(T) under the Investment Company Act of 1940, temporary suspension of quarterly reporting obligation of certain investment companies	3235-AB75
38	17 CFR 240.14a-1 to 240.14a-102 Revision of Investment Company Proxy Rules	3235-AA69
39	17 CFR 249.325 Simplification of Procedures for Managers Requesting Confidential Treatment for Open Risk Arbitrage Positions Reported on Form 13F	3235-AB72
40	17 CFR 250 45 (b)(6), (New) Loans, Extensions of Credit, Donations and Capital Contributions to Associate Companies	3235-AB98
41	17 CFR 250 70 Exemptions from Section 17(c) of the Act	3235-AB99
42	00 CFR Not yet determined Mutual Fund Governance	3235-AA44
43	00 CFR Not yet determined Proposed Rule 2a-41 (formerly designated Rule 2a-9) under the Investment Company Act	3235-AB38
44	17 CFR 270.3a-4 Proposed Rule 3a-4 -- Individualized Investment Management Services	3235-AA12
45	17 CFR 270.11a-3 Proposed Rules 11a-3 and 11a-4 Under the Investment Company Act	3235-AA14
46	17 CFR 270.17g-1 Proposed Amendment to Rule 17g-1 Under the Investment Company Act	3235-AA16
47	17 CFR 270 17j-1 Rule 17j-1 under the Investment Company Act of 1940	3235-AA68
48	17 CFR 270.22c-1 Pricing of Redeemable Securities for Distribution, Redemption and Repurchase	3235-AB58
49	17 CFR 215.205-3 Proposed Rule 205-3 Under the Investment Advisers Act of 1940	3235-AB70
50	17 CFR 206(3)-3 Method for Compliance with Section 206(3) of the Investment Advisers Act of 1940 with respect to Certain Transactions	3235-AB74
51	17 CFR 279.1 Amendments to Form ADV	3235-AB71

*Indicates priority regulation.

SEC

Existing Regulations Under Review

Sequence Number	Title	Regulation Identifier Number
52	17 CFR 240.7c2-1 7c2-1 Exemption from Section F (c) (2) of Certain Securities Exempted from Registration or Admitted to Trading on Exchanges Exempted from Registration	3235-AB97
53	17 CFR 240.10b-16 Disclosure of Credit Terms in Margin Transactions	3235-AB96
54	17 CFR 240.12d1-1 Rule 12a-4 -- Exemption of Certain Warrants from Section 12(a)	3235-AB84
55	17 CFR 240.12d1-1 Rule 12a-5 -- Temporary Exemption of Substituted or Additional Securities	3235-AB85
56	17 CFR 240.3b-1 Rule 12a-6 -- Exemption of Securities Underlying Certain Options from Section 12(a)	3235-AB86
57	17 CFR 240.12d1-1 Rule 12f-1 -- Applications for Permission to Extend Unlisted Trading Privileges	3235-AB87
58	17 CFR 240.12d1-1 Rule 12f-2 -- Changes in Securities Admitted to Unlisted Trading Privileges	3235-AB88
59	17 CFR 240.12f-1 Rule 12f-3 -- Termination or Suspension of Unlisted Trading Privileges	3235-AB89
60	17 CFR 240.12f-1 Rule 12f-4 -- Exemption of Securities Admitted to Unlisted Trading Privileges from Sections 13, 14 and 16	3235-AB90
61	17 CFR 240.12f-1 Rule 12f-6 -- Continuance of Unlisted Trading Privileges on Merged Exchanges	3235-AB93
62	17 CFR 240.17Ab2-1 Rule 17Ab2-1 -- Registration of Clearing Agencies	3235-AB83
63	17 CFR 240.19c-1 Rule 19c-1 -- Governing Certain Off-Board Agency Transactions by Members of National Securities Exchanges	3235-AB91
64	17 CFR 240.12f-2 Form 27 -- Changes in Securities Admitted Unlisted Trading Privileges	3235-AB92
65	17 CFR 240.12f-3 Form 28 -- Notification of Changes in Securities Admitted to Unlisted Trading Privileges	3235-AB94
66	17 CFR 240.17Ab2-1 Form CA-1 -- Application For Registration or For Exemption from Registration as a Clearing Agency and for Amendment to Registration Pursuant to The Securities Exchange Act of 1934	3235-AB82

Completed Actions

Sequence Number	Title	Regulation Identifier Number
67	17 CFR 210.5-04 Proposed Rules and Guide for Disclosures Concerning Reserves for Unpaid Losses and Loss Adjustment Expenses for Property-Casualty Underwriters	3235-AA75
68	17 CFR 229.401(f) Directors, Executive Officers, Promoters, and Control Persons	3235-AB50
69	17 CFR 230 Consents to Service	3235-AA56
70	17 CFR 230.137 Rule 137, 138, & 139 - Definition of "Offer for Sale" and "Offer to Sell" in Sections 2(10) and 5(c) in Relation to Certain Publications	3235-AB10
71	*17 CFR 230.499 Temporary Rules and Forms for the Pilot Electronic Disclosure System	3235-AA77
72	17 CFR 239.35 Proposed Form F-5 and Other Rules Relating to Disclosure in Connection with Business Combinations Involving Foreign Companies	3235-AB59
73	17 CFR 240.12d1-3 Securities Exchange Act Rule 3b-1 -- Definition of "Listing"	3235-AB55
74	17 CFR 240.11Aa2-1 Rule 11Aa2-1 -- Designation of National Market System Securities	3235-AB52
75	17 CFR 240.15c2-11 Securities Exchange Act Rule 15c2-11--Initiation or Resumption of Quotations Without Specified Information	3235-AA48
76	17 CFR 240.17Ad-2(e) Rule 17Ad-2(e)	3235-AB13
77	17 CFR 240.13a-1 Form N-SAR -- Semi-Annual Report for Registered Investment Companies	3235-AB18
78	00 CFR Not yet determined Utilizing Private Entities in Investment Company Examinations and Imposing Examination Fees	3235-AA42
79	17 CFR 270.7d-1,(Revision) Exemption for Custody of Investment Company Assets Outside the United States	3235-AB48
80	17 CFR 270.2a-5 Rule 2a19-1 Certain Persons Not Deemed Interested Persons; Definition of Regular Broker or Dealer	3235-AA11
81	17 CFR 270.3a-5 Rule 3a-5 (proposed as a revision to Rule 6c-1) Exemption for Subsidiaries Organized to Finance the Operations of Domestic or Foreign Companies	3235-AA13
82	17 CFR 270.10b-1 Rule 10b-1-- Definition of Regular Broker or Dealer	3235-AB39
83	17 CFR 270.22d-6 Proposed Rule 22d-6 Under the Investment Company Act	3235-AA17
84	17 CFR 275.204-2 Rule 204-2 Under Investment Advisers Act of 1940 ("Adviser's Act") -- Books and Records to be Maintained by Investment Advisers	3235-AA18
85	17 CFR 240.3a12-5 Rule 3a12-5 -- Exemption of Certain Investment Contract Securities from Sections 7(c) and 11(d)(1)	3235-AB56
86	17 CFR 240.11d1-1 Rule 11d1-1 -- Exemption of Certain Securities from Section 11(d)(1)	3235-AB54
87	17 CFR 240.15c2-4 Rule 15c2-4 -- Transmission or Maintenance of Payments Received in Connection with Underwritings	3235-AB57
88	17 CFR 210.1-01 Rule 1-01. Application of Regulation S-X	3235-AB64
89	17 CFR 210.1-02 Rule 1-02. Definition of Terms Used in Regulation S-X	3235-AB66

*Indicates priority regulation.

SECURITIES AND EXCHANGE COMMISSION (SEC) — Current and Projected Rulemakings

Accounting Rules

1. ALLOCATION OF EXPENSES AND RELATED DISCLOSURE IN FINANCIAL STATEMENTS OF SUBSIDIARIES, DIVISIONS OR LESSER BUSINESS COMPONENTS OF ANOTHER ENTITY

Priority: Undetermined

Legal Authority: 15 USC 77f; 15 USC 77g; 15 USC 77h; 15 USC 77j; 15 USC 77s(a); 15 USC 77aa(25); 15 USC 77a(26); 15 USC 78l; 15 USC 78m; 15 USC 78n; 15 USC 78o(d); 15 USC 79w(a)

CFR Citation: 17 CFR Not yet determined

Abstract: The staff is considering whether to recommend that the Commission propose rules regarding the allocation of expenses and related disclosure in financial statements of subsidiaries, divisions or lesser business components of another entity.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: Undetermined

Agency Contact: Robert Lavery, Staff Accountant, Securities and Exchange Commission, 450 5th Street, NW, Washington, DC 20549, **202 272-2130**

RIN: 3235-AB17

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2. ● SYNOPSIS OF IMPAIRMENT TESTS UNDER THE SUCCESSFUL EFFORTS METHOD

Priority: Undetermined

Legal Authority: 15 USC 77f; 15 USC 77g; 15 USC 77j; 15 USC 77s(a); 15 USC 77aa(25); 15 USC 77aa(26); 15 USC 78l; 15 USC 78m; 15 USC 78n; 15 USC 78w(a); 15 USC 79e; 15 USC 79n; 15 USC 79t; 15 USC 80a-8; 15 USC 80a-29

CFR Citation: 17 CFR 210

Abstract: The Commission plans to consider whether to propose amendments to require oil and gas producing companies following the successful efforts accounting methods to provide for impairment of proved properties in financial statements. The purpose of such a requirement would be to achieve greater comparability in financial reporting by oil and gas producers. Oil and gas producers following the full cost accounting method are presently required to make provisions for impairment.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: Undetermined

Agency Contact: John W. Albert, Assistant Chief Accountant, Securities and Exchange Commission, Office of the Chief Accountant, 450 5th Street, N.W., Washington, D.C. 20549, **202 272-2130**

RIN: 3235-AB67

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3. ● OFF-BALANCE SHEET FINANCING ARRANGEMENTS

Priority: Undetermined

Legal Authority: 15 USC 77f; 15 USC 77g; 15 USC 77j; 15 USC 77s(a); 15 USC 78l; 15 USC 78m; 15 USC 78n; 15 USC 78w(a); 15 USC 79e; 15 USC 79n; 15 USC 79t; 15 USC 80a-8; 15 USC 80a-29

CFR Citation: 17 CFR 210

Abstract: The staff is considering whether to recommend that the Commission propose rules calling for increased disclosure of off-balance sheet financing arrangements. During recent years off-balance sheet financing arrangements have increased in number and complexity, and disclosure of such arrangements may currently appear in various places throughout the financial statement footnotes. The identification and analysis of the aggregate impact of the various types of arrangements may therefore be difficult. The staff is considering various alternatives - including possible centralized footnote disclosure - to provide for improved disclosure of the effects of off-balance sheet financing arrangements. The concept for such improved disclosure was announced in Securities Act Release No. 6514 (49 FR 6737; February 23, 1984).

Timetable:

Action	Date	FR Cite
ANPRM	02/15/84	49 FR 7637
ANPRM Comment Period Begin	02/15/84	
ANPRM Comment Period End	05/15/84	
Next Action Undetermined		

Small Entity: Undetermined

Agency Contact: John W. Albert, Assistant Chief Accountant, Securities and Exchange Commission, Office of the Chief Accountant, 450 5th Street, N.W., Washington, D.C. 20549, **202 272-2130**

RIN: 3235-AB68

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4. RESCISSION OF OBSOLETE RULES AND TECHNICAL REVISIONS AND CORRECTIONS

Priority: Undetermined

Legal Authority: 15 USC 77f; 15 USC 77g; 15 USC 77j; 15 USC 77s(a); 15 USC 78l; 15 USC 78m; 15 USC 78n; 15 USC 78o(d); 15 USC 78w; 15 USC 79e; 15 USC 79n; 15 USC 79t; 15 USC 80a-8; 15 USC 80a-30; 15 USC 80a-37(a)

CFR Citation: 17 CFR 210.1-02(v)(3); 17 CFR 210.3-15(a); 17 CFR 210.4-08(j); 17 CFR 210.4-08(k); 17 CFR 210.4-08(l); 17 CFR 210.4-10(k)(7) and (8); 17 CFR 210.5A-01 to 5A-03; 17 CFR 210.8-01 to 8-03

Abstract: The Commission may consider whether to propose the rescission of various obsolete rules, such as Articles 5A and 8 and related rules of Regulation S-X, and the amendment of other rules to make technical revisions and corrections or update the rules to reflect current financial reporting experience. These rules will be reviewed concurrently with any rulemaking action.

Timetable:

Action	Date	FR Cite
Final Action	06/00/85	

Small Entity: Undetermined

Agency Contact: Dorothy Walker, Professional Accounting Fellow, Securities and Exchange Commission, Office of the Chief Accountant, 450 5th Street, NW, Washington, DC 20549, **202 272-2130**

RIN: 3235-AA74

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5. PROPOSALS REGARDING INDUSTRY SEGMENT AND OTHER INTERIM FINANCIAL REPORTING MATTERS, MANAGEMENT'S DISCUSSION AND ANALYSIS, AND OFF BALANCE SHEET FINANCING DISCLOSURES

Priority: Undetermined

Legal Authority: 15 USC 77f; 15 USC 77g; 15 USC 77h; 15 USC 77j; 15 USC 77s(a); 15 USC 77aa(25) and (26); 15 USC 78l; 15 USC 78m; 15 USC 78o(d); 15 USC 78w(a); 15 USC 79e(b); 15 USC 79n; 15 USC 79t(a); 15 USC 80a-8; 15 USC 80-29

CFR Citation: 17 CFR 210.5-02; 17 CFR 210.10-01; 17 CFR 210.11-02; 17 CFR 229.303

Abstract: The Commission proposed amendments to require (1) presentation of certain industry segment information for interim periods; (2) a discussion of reportable segments in management's discussion and analysis; and (3) modifications of other miscellaneous interim reporting requirements. The release also provides advance notice of possible future rulemaking regarding (1) additional segment reporting disclosures and (2) uniform disclosure of off balance sheet financing arrangements. The proposals are designed to enhance analysis of financial information. They may entail some new recordkeeping but any such costs have not been determined. The Commission's interim reporting rules will be reviewed as a part of this action.

Timetable:

Action	Date	FR Cite
NPRM	02/15/84	49 FR 6737
NPRM Comment Period Begin	02/15/84	
NPRM Comment Period End	05/15/84	
Final Action	09/00/85	

Small Entity: Undetermined

Additional Information: This entry replaces the following three entries from the October 1983 agenda. RIN 3235-AA53 -- Off Balance Sheet Obligations. RIN 3235-AA54 -- Segment Information. RIN 3235-AA55 -- Quarterly Financial Reporting.

Agency Contact: John W. Albert, Assistant Chief Accountant, Securities and Exchange Commission, 450 5th Street, NW, Washington, DC 20549, 202 272-2130

RIN: 3235-AB15

6. ● SPECIFIC DISCLOSURE REQUIREMENTS FOR SAVINGS AND LOAN HOLDING COMPANIES

Priority: Undetermined

Legal Authority: 15 USC 77f; 15 USC 77g; 15 USC 77h; 15 USC 77j; 15 USC 77s(a); 15 USC 77aa(25); 15 USC 77aa(26); 15 USC 78l; 15 USC 78m; 15 USC 78n; 15 USC 78w(a); 15 USC 79e; 15 USC 79n; 15 USC 79t; 15 USC 80a-29

CFR Citation: 17 CFR 210.9; 17 CFR 231; 17 CFR 241

Abstract: The staff is considering whether to propose amendments to Industry Guide 3, statistical disclosure by bank holding companies and Article 9 of Regulation S-X. The formation of savings and loans holding companies has increased during the past several years to the point where approximately 60 savings and loan holding companies file with the Commission. In addition, a number of other registrants own savings institutions. The Commission's regulations do not specifically address the filing requirements for savings and loans, which have certain practices peculiar to the industry. The amendments, if proposed, would focus on disclosure requirements to enhance the comparability among registrants.

Timetable:

Action	Date	FR Cite
NPRM	03/00/85	
Final Action	09/00/85	

Small Entity: Undetermined

Agency Contact: Michael McLaughlin, Professional Accounting Fellow, Securities and Exchange Commission, Office of the Chief Accountant, 450 5th Street, N.W., Washington, D.C. 20549, 202 272-2130

RIN: 3235-AB65

7. FINANCIAL STATEMENT DISCLOSURE BY BANK HOLDING COMPANIES ABOUT LOANS TO RELATED PARTIES

Priority: Undetermined

Legal Authority: 15 USC 77f; 15 USC 77g; 15 USC 77h; 15 USC 77j; 15 USC 77s(a); 15 USC 77a(25); 15 USC 77a(26); 15 USC 78l; 15 USC 78m; 15 USC 78n; 15 USC 78o(d); 15 USC 78w(a)

CFR Citation: 17 CFR 210.9-03(7)(e)

Abstract: The staff is considering whether to recommend that the Commission propose amendments to its rules in Article 9 of Regulations S-X requiring disclosure by bank holding companies about loans to related parties. Assertions have been made that accumulation of the required information may be unreasonably costly.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: No

Agency Contact: Michael McLaughlin, Professional Accounting Fellow, Securities and Exchange Commission, 450 5th Street, NW, Washington, DC 20549, 202 272-2130

RIN: 3235-AB45

8. ● DISAGREEMENTS WITH ACCOUNTANTS ON ACCOUNTING AND FINANCIAL DISCLOSURE

Priority: Undetermined

Legal Authority: 15 USC 77f; 15 USC 77g; 15 USC 77j; 15 USC 77s(a); 15 USC 77aa(25); 15 USC 77aa(26); 15 USC 78l; 15 USC 78m; 15 USC 78n; 15 USC 78w(a); 15 USC 79t(a); 15 USC 80a-38; 15 USC 80b-11

CFR Citation: 17 CFR 229.304; 17 CFR 239.28; 17 CFR 240.14a-101; 17 CFR 240.14c-101; 17 CFR 240.308; 17 CFR 249.308a

Abstract: The Staff is considering whether to recommend that the Commission propose amendments to Item 304 of Regulation S-K and related forms and schedules to remove the dependence of that item on the prior filing of a Form 8-K. Presently, certain registrants who had no Form 8-K filing requirement at the time a change in accountants occurred are not specifically required to provide Item 304 disclosure regarding disagreements with their former accountants. The amendments, if proposed, would provide for such disclosure in initial public offerings among other filings.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: Undetermined

Agency Contact: Robert Burns, Chief Counsel, Securities and Exchange Commission, Office of the Chief Accountant, 450 5th Street, N.W., Washington, D.C. 20549, 202 272-2130

RIN: 3235-AB63

9. ● STANDARDS FOR DISCLOSURE REGARDING FOREIGN PUBLIC SECTOR DEBT

Priority: Undetermined

Legal Authority: 15 USC 77f; 15 USC 77g; 15 USC 77j; 15 USC 77s(a); 15 USC 77aa(25); 15 USC 77aa(26); 15 USC 78l; 15 USC 78m; 15 USC 78n; 15 USC 78w(a)

CFR Citation: 17 CFR 231; 17 CFR 241

Abstract: The staff is considering whether to propose an amendment to Industry Guide 3, statistical disclosure by bank holding companies. Since 1982, a number of foreign countries have restructured significant portions of their debt owed to multinational consortiums of financial institutions. These restructurings can impact individual bank holding companies differently because of the relative exposures to these foreign countries. The amendment, if proposed, would focus on uniform disclosures of the terms of the restructurings and the impact to the bank holding company. This disclosure would enhance the comparability between registrants.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: Undetermined

Agency Contact: Michael McLaughlin, Professional Accounting Fellow, Securities and Exchange Commission, Office of the Chief Accountant, 450 5th Street, N.W., Washington, D.C. 20549, 202 272-2130

RIN: 3235-AB69

10. SMALL ISSUER PERIODIC REPORTS

Legal Authority: 15 USC 77s(a)

CFR Citation: Not yet determined

Abstract: The Securities Exchange Act of 1934 (the "Exchange Act") imposes periodic reporting requirements on companies subject to Sections 13(a) and 15(d) of the Exchange Act. Because these reporting requirements may not be entirely appropriate for companies of all sizes, the Commission plans to review the Exchange Act reporting system as it pertains to small businesses, with a view toward relieving certain small businesses from some of the requirements therein. The Commission has not yet determined the alternatives available or the costs of revising these requirements.

Timetable:

Action	Date	FR Cite
NPRM	12/31/85	

Small Entity: Undetermined

Agency Contact: Steve Holtzman, Special Counsel, Securities and Exchange Commission, Division of Corporation Finance, 450 5th Street, NW, Washington, DC 20549, 202 272-2644

RIN: 3235-AA91

11. REGISTRATION OF PARTNERSHIP INTERESTS

Priority: Agency Determination

Legal Authority: 15 USC 77g; 15 USC 77j; 15 USC 77s(a)

CFR Citation: 17 CFR Not yet determined

Abstract: Currently, there are no disclosure requirements specially tailored for issuers of partnership interests. Thus, they currently must refer to requirements which have been designed for use by corporations. Special disclosure requirements have developed as a matter of administrative practice. These requirements differ depending upon the type of partnership interest involved. This project will involve development of uniform disclosure requirements for all varieties of partnership offerings, with a focus on those characteristics common to all or most limited partnerships, such as tax implications. It also will involve codification of informal practices and streamlining of registration to the extent appropriate. These efforts are expected to facilitate the preparation of registration statements concerning such interests and to improve the disclosure provided to investors.

Timetable:

Action	Date	FR Cite
NPRM	04/30/85	
NPRM Comment Period Begin	04/30/85	
NPRM Comment Period End	07/31/85	
Final Action	10/31/85	
Final Action Effective	11/30/85	

Small Entity: Yes

Agency Contact: Leslie Murphy, Attorney-advisor, Securities and Exchange Commission, Division of Corporation Finance, 450 5th Street, NW, Washington, DC 20549, 202 272-2589

RIN: 3235-AB47

12. GENERAL RULES UNDER THE SECURITIES ACT OF 1933—THE "100 SERIES"— RULES 100 THROUGH 180 (EXCLUDING RULES 137, 138 AND 139)

Priority: Undetermined

Legal Authority: 15 USC 77s Securities Act

CFR Citation: 17 CFR 230.100 to 230.180

Abstract: The Commission is conducting a "sunset" review of the thirty-nine rules contained in the "100 series" of general rules under the Securities Act. Generally, these rules define key terms used in the Securities Act. The object of this review is to eliminate any inconsistencies, to delete unnecessary, outmoded or duplicative rules and to update and revise the remaining provisions. This project is in addition to the separate project to review Rules 137, 138 and 139.

Timetable:

Action	Date	FR Cite
NPRM	08/31/85	

Small Entity: Undetermined

Additional Information: CFR cite excludes 17 CFR 230.137, .138 and .139.

Agency Contact: Thomas E. Sweeney, Jr., Special Counsel, Securities and Exchange Commission, Division of Corporation Finance, 450 5th Street, NW, Washington, DC 20549, 202 272-2589

RIN: 3235-AA52

13. ● RULE 134 UNDER THE SECURITIES ACT OF 1933

Priority: Undetermined

Legal Authority: 15 USC 77b(10); 15 USC 77s(a)

CFR Citation: 17 CFR 230.134

Abstract: The rule is being examined in response to informal requests from the public that its scope be broadened. The Commission is considering changes which would permit the inclusion in communications under the rule of information that is relevant in informing

investors of the existence of certain types of securities, while ensuring that any efforts to sell such securities are conducted by means of a prospectus meeting the requirements of Section 10 of the Securities Act of 1933. In the context of this rule-making action, Rule 134 is being fully reviewed.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: Undetermined

Agency Contact: Ann M. Glickman, Special Counsel, Securities and Exchange Commission, Corporation Finance, 450 5th Street, N.W., Washington, D.C. 20549, 202 272-2573

RIN: 3235-AB80

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14. ● FORM D OF REGULATION D

Priority: Undetermined

Legal Authority: 15 USC 77c(b); 15 USC 77d(2); 15 USC 77s(a); 15 USC 77c(3)

CFR Citation: 17 CFR 230.501; 17 CFR 230.502; 17 CFR 230.503; 17 CFR 230.504; 17 CFR 230.505; 17 CFR 230.506; 17 CFR 239.500

Abstract: The Securities Act of 1933 ("Securities Act") requires securities to be registered with the Securities and Exchange Commission ("SEC") prior to an offer or sale unless an appropriate exemption from registration exists. Section 3(b) and 4(2) of the Securities Act provide for exemption from registration and Regulation D was promulgated thereunder. Regulation D requires the filing of a Form D 15 days after the first sale pursuant to the Regulation D exemption. The Commission plans to revise Form D to eliminate certain information currently required by the Form and to clarify other questions therein in order to minimize the filing burdens on issuers using the Regulation. In the context of this rulemaking, Form D will be fully reviewed for purposes of the Regulatory Flexibility Act.

Timetable:

Action	Date	FR Cite
NPRM	06/30/85	

Small Entity: Yes

Agency Contact: Mary M. Jackley, Special Counsel, Securities and Exchange Commission, Corporation Finance, 450 5th Street, N.W., Washington, D.C. 20549, 202 272-2644

RIN: 3235-AB77

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15. ● FORM S-8 REGISTRATION STATEMENT UNDER THE SECURITIES ACT OF 1933

Priority: Undetermined

Legal Authority: 15 USC 77f; 15 USC 77g; 15 USC 77j; 15 USC 77s(a); 15 USC 78l; 15 USC 78m; 15 USC 78n; 15 USC 78w(a)

CFR Citation: 17 CFR 239.16b

Abstract: The Commission intends to revise the disclosure requirements under the federal securities laws relating to registration under the Securities Act of 1933 of securities to be offered to employees of an issuer pursuant to certain plans. Such registration currently is made on Form S-8 (17 CFR 239.16b). The Commission has found that the extensive disclosures required under Form S-8 are burdensome to issuers and may not produce benefits to employees, who already have access to much of the required information under ERISA and reports under the Securities Exchange Act of 1934. The Commission is developing proposals in this area and considering alternative approaches to the problem of reducing burdens while ensuring the availability of sufficient information to employees.

In the context of this rulemaking, Form S-8 will be fully reviewed for purposes of the Regulatory Flexibility Act.

Timetable:

Action	Date	FR Cite
Next Action Undetermined		

Small Entity: Undetermined

Agency Contact: Thomas E. Sweeney, Jr., Special Counsel, Securities and Exchange Commission, Division of Corporation Finance, 450 5th Street, N.W., Washington, D.C. 20549, 202 272-2589

RIN: 3235-AB79

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16. PROPOSED FORM S-4 AND OTHER RULES

Priority: Undetermined

Legal Authority: 15 USC 77f Securities Act; 15 USC 77g Securities Act; 15 USC 77j Securities Act; 15 USC 77s(a) Securities Act; 15 USC 78l Exchange Act; 15 USC 78m Exchange Act; 15 USC 78n Exchange Act; 15 USC 78w(a) Exchange Act

CFR Citation: 17 CFR 239.25, (New)

Abstract: As part of its review of proxy rules, regulations, and schedules, the Commission intends to revise the disclosure requirements under the federal securities laws relating to mergers, acquisitions, and other business combinations, focusing primarily on Form S-14 (17 CFR 239.23). Form S-14 is used for the registration of securities in business combination transactions under Rule 145 (17 CFR 230.145). The Commission has found that in many cases the sheer volume of disclosure in connection with mergers, acquisitions and other business combinations tends to be confusing to security holders and burdensome for registrants to prepare. The Commission intends to revise the existing disclosure requirements of Form S-14 to provide streamlined, comprehensible disclosure to shareholders and to reduce compliance burdens on issuers consistent with the protection of investors. In developing proposals in this area and considering alternative approaches to the problem of reducing burdens while ensuring that sufficient information is available to security holders, the Commission will attempt to apply the techniques used in its integrated disclosure system, such as incorporation (cont)

Timetable:

Action	Date	FR Cite
NPRM	03/30/84	
NPRM Comment Period Begin	05/18/84	49 FR 20833
NPRM Comment Period End	08/17/84	
Final Action	03/14/85	

Small Entity: Yes

Additional Information: ABSTRACT CONT: by reference and multiple document delivery. The proposed revisions are expected to benefit both issuers and investors and are not expected to result in significant additional burdens. A review of the

rules and forms will be included in any rulemaking actions. In connection with this initiative, the Commission will propose to amend rules governing exchange offers pursuant to certain recommendations made by the Commission's Advisory Committee on Tender Offers.

Agency Contact: Patricia B. Magee, Special Counsel, Securities and Exchange Commission, Division of Corporation Finance, 450 5th Street, NW, Washington, DC 20549, **202 272-2589**

RIN: 3235-AA01

17. ● PROPOSED FORM F-4 AND OTHER RULES

Priority: Undetermined

Legal Authority: 15 USC 77e; 15 USC 77f; 15 USC 77g; 15 USC 77j; 15 USC 77s(a); 15 USC 78n(a); 15 USC 78n(c); 15 USC 78w(a)

CFR Citation: 17 CFR 239.34

Abstract: The Commission intends to develop special forms and rules for the disclosure requirements for mergers, acquisitions and other business combinations involving foreign issuers. The Commission intends to revise the existing disclosure requirements of Form S-14 (17 CFR 239.23) to provide streamlined, comprehensible disclosure to shareholders and to reduce compliance burdens on issuers consistent with the protection of investors. In developing proposals in this area and considering alternative approaches to this problem, the Commission will attempt to apply the techniques used in its integrated disclosure system, such as incorporation be reference and multiple document delivery. The proposed revisions are expected to benefit both issuers, and investors and are not expected to result in significant additional burdens. A review of the rules and forms will be included in any rulemaking actions. In connection with this initiative, the Commission will propose to amend rules governing exchange offers pursuant to certain recommendations made by the Commission's Advisory Committee on Tender Offers.

Timetable:

Action	Date	FR Cite
NPRM	03/30/84	49 FR 20852
NPRM Comment Period Begin	05/18/84	
NPRM Comment Period End	08/17/84	
Final Action	03/14/85	

Small Entity: Yes

Agency Contact: Martin L. Meyrowitz, Special Counsel, Securities and Exchange Commission, OICF, Corporation Finance, 450 5th Street, N.W., Washington, D.C. 20549, **202 272-3250**

RIN: 3235-AB76

18. REGULATION 14A -- RULES RELATING TO PROXY CONTESTS

Priority: Undetermined

Legal Authority: 15 USC 78n(a) Exchange Act

CFR Citation: 17 CFR 240.14a-1 to 240.14a-12; 17 CFR 240.14a-101; 17 CFR 240.14a-102

Abstract: As part of its proxy review program, the Commission intends to review the rules governing proxy contests, which are contained in Regulation 14A, promulgated under Section 14(a) of the Exchange Act. Regulation 14A regulates the solicitation of proxies in regard to securities registered under Section 12 of the Exchange Act. In general, Regulation 14A specifies the information required to be disclosed to security holders to enable them to make informed decisions concerning authorization of proxies. This review focuses only on regulations concerning proxy contests. Rules 14a-3 through 14a-10 prescribe certain filing, dissemination and disclosure requirements with respect to all proxy solicitations, including proxy contests. Rule 14a-11 prescribes special requirements relating only to contested elections of directors. The number of proxy contests has risen in recent years and the rules relating to them have not been reexamined in some time. The Commission's goal in this review is to make sure that the rules pertaining to proxy contests still operate effectively in addressing this dynamic area, thus benefiting shareholders and issuers.

Timetable:

Action	Date	FR Cite
NPRM	01/31/85	

Next Action Undetermined

Small Entity: Undetermined

Agency Contact: Thomas E. Sweeney, Jr., Attorney, Securities and Exchange Commission, Division of Corporation Finance, 450 5th Street, NW, Washington, DC 20549, **202 272-2589**

RIN: 3235-AA03

19. REGULATION 14A -- SOLICITATION OF PROXIES

Priority: Undetermined

Legal Authority: 15 USC 78n(a) Exchange Act; 15 USC 78w(a) Exchange Act

CFR Citation: 17 CFR 240.14a-1 to 240.14a-12; 17 CFR 240.14a-101; 17 CFR 240.14a-102

Abstract: Regulation 14A specifies the information required to be disclosed to security holders to enable them to make informed decisions concerning authorization of proxies. Regulation 14A consists of twelve rules and Schedules 14A and 14B. These provisions contain requirements regarding disclosures in, and dissemination and filing of, proxy solicitations with respect to a security registered pursuant to Section 12 of the Exchange Act, opposition solicitations with respect to the election of directors and annual reports to security holders accompanying or preceding a proxy solicitation with respect to a security registered pursuant to Section 12 of the Exchange Act. This regulation is being reviewed in conjunction with the Commission's examination of its proxy rules and will encompass any provisions not specifically covered in other related proxy review projects. The review will attempt to identify ineffective or outmoded rules and, as appropriate, rescind or replace such rules with alternatives designed to maximize shareholder protection while minimizing burdens on registrants.

Timetable:

Action	Date	FR Cite
NPRM	03/31/85	

Small Entity: Undetermined

Agency Contact: Sarah A. Miller, Attorney Advisor, Securities and Exchange Commission, Division of Corporation Finance, 450 5th Street, NW, Washington, DC 20549, 202 272-2589

RIN: 3235-AA23

20. ● REGULATION 14A: SOLICITATION OF PROXIES - RULE 14A-13 OBLIGATION OF REGISTRANTS. RULE 14B-1 OBLIGATION OF REGISTERED BROKERS

Priority: Undetermined

Legal Authority: 15 USC 78n; 15 USC 78w(a)

CFR Citation: 17 CFR 240.14a-13; 17 CFR 240.14b-1

Abstract: Proposed Rule 14a-13 and 14b-1 are designed to improve the process by which registrants communicate with the beneficial owners of securities registered in the name of a broker- dealer or other nominee.

In the context of this rulemaking Rule 14b-1 will be fully reviewed for purposes of the Regulatory Flexibility Act.

Timetable:

Action	Date	FR Cite
NPRM	03/28/85	

Small Entity: Undetermined

Agency Contact: Sarah A. Miller, Attorney - Adviser, Securities and Exchange Commission, Division of Corporation Finance, 450 5th Street, N.W., Washington, D.C. 20549, 202 272-2589

RIN: 3235-AB78

21. REGULATION 14C – DISTRIBUTION OF INFORMATION PURSUANT TO SECTION 14(C)

Priority: Undetermined

Legal Authority: 15 USC 78n(a) Exchange Act; 15 USC 78w(a) Exchange Act

CFR Citation: 17 CFR 240.14c-1 to 240.14c-7; 17 CFR 240.14c-101

Abstract: Regulation 14C consists of seven rules and Schedule 14C, which contain requirements as to the dissemination, content and filing of information statements in connection with annual or other meetings of holders of securities registered pursuant to Section 12 of the Exchange Act and annual reports to security holders accompanying or preceding such information statements. The Rules are intended to enable security holders to make informed voting decisions in any matters to be acted upon at annual or other meetings in those situations where proxies are not being solicited. This regulation is being reviewed in conjunction with the Commission's examination of its proxy rules. The review will attempt to identify ineffective or outmoded rules and, as appropriate, rescind or replace such rules with alternatives designed to maximize shareholder protection while minimizing burdens on issuers. The review also will update rules where necessary to accord with changes in state law.

Timetable:

Action	Date	FR Cite
NPRM	03/31/85	

Small Entity: Undetermined

Agency Contact: Sarah A. Miller, Attorney Advisor, Securities and Exchange Commission, Division of Corporation Finance, 450 5th Street, NW, Washington, DC 20549, 202 272-2589

RIN: 3235-AA24

22. PROPOSED TENDER OFFER RULE AMENDMENTS

Priority: Undetermined

Legal Authority: 15 USC 77g; 15 USC 77j; 15 USC 77s(a); 15 USC 78c(b); 15 USC 78n(d); 15 USC 78n(e); 15 USC 78w(a)

CFR Citation: 17 CFR 240.14d-1 to 240.14d-101; 17 CFR 240.14e-1 to 240.14e-3

Abstract: The Advisory Committee on Tender Offers conducted an extensive examination of the tender offer process and other techniques for acquiring control of public companies. It recommended to the Commission legislative and regulatory changes necessary or appropriate to the current regulatory scheme. On July 8, 1983, the Committee submitted to the Commission its Report of Recommendations. Among other things, the Committee made recommendations with respect to the economic implications of tender offers and other acquisition techniques, the need for, nature and objectives of such activities and appropriate statutory and regulation modifications. The Commission intends to promulgate proposed regulatory changes related to the recommendations of the Committee.

Timetable:

Action	Date	FR Cite
ANPRM	06/29/84	49 FR 26751
ANPRM Comment Period Begin	06/29/84	49 FR 26751
ANPRM Comment Period End	09/26/84	

Next Action Undetermined

Small Entity: Undetermined

Agency Contact: Thomas E. Sweeney, Jr., Special Counsel, Securities and Exchange Commission, Division of Corporation Finance, 450 5th Street, NW, Washington, DC 20549, 202 272-2589

RIN: 3235-AA50

23. REPORTS OF DIRECTORS, OFFICERS AND PRINCIPAL STOCKHOLDERS

Legal Authority: 15 USC 78m(d); 15 USC 78p(a); 15 USC 78p(b); 15 USC 78p(c); 15 USC 78p(e); 15 USC 78w(a)

CFR Citation: 17 CFR 240.16a-1 to 240.16a-11; 17 CFR 240.16b-1 to 240.16b-11; 17 CFR 240.16c-1 to 240.16c-3; 17 CFR 240.16e-1; 17 CFR 240.13d-3; 17 CFR 240.14d-1; 17 CFR 229.403; 17 CFR 249.103; 17 CFR 249.104

Abstract: The Commission will review the existing rules and reporting forms intended to implement the provisions of Section 16 of the Securities Exchange Act. Section 16 seeks to deter misuse of inside information by imposing certain periodic and transactional reporting requirements on the officers, directors and principal beneficial shareholders of companies registered under that Act as well as certain limitations on equity transactions by those persons. Over the years the Commission has adopted a number of rules and forms to clarify the applicability of Section 16's requirements to particular circumstances. The Commission will examine their current suitability in light of the purposes of the statute. The Commission also will examine the concept of beneficial ownership for purposes of Sections 13, 14 and 16 of the Securities Exchange Act. Section 13 provides notice of possible changes in control of a registrant by imposing certain reporting requirements on persons acquiring beneficial ownership

of 5% or more of a registrant's equity securities. Section 14, which regulates the proxy solicitation process, contains a (cont)

Timetable:

Action	Date	FR Cite
NPRM	04/01/85	

Small Entity: Undetermined

Additional Information: ABSTRACT CONT: requirement calling for disclosure of the extent of beneficial ownership by certain persons. In 1978, the Commission, after a series of public hearings, adopted a definition of beneficial ownership for purposes of Section 13 and Section 14. That standard was not applied to Section 16 in view of its distinct purpose. This has resulted in some confusion as well as reporting and interpretive difficulties. The Commission will review the area to determine whether a single comprehensive definition can be adopted. The Commission believes that these actions will result in savings to persons subject to these provisions with no reduction in investor protection. This initiative is a consolidation of five projects that were previously listed separately in the October 1983 agenda.

Agency Contact: Elliot M. Pinta, Special Counsel, Securities and Exchange Commission, Division of Corporation Finance, 450 5th Street, NW (Stop 2-10), Washington, DC 20549, 202 272-2589

RIN: 3235-AB14

24. TRUST INDENTURE ACT RULES

Legal Authority: 15 USC 77s

CFR Citation: 17 CFR 260

Abstract: The Trust Indenture Act and the rules promulgated thereunder are being examined comprehensively in order to update their requirements in light of current commercial and business practices. The Commission is considering both rule changes and proposed amendments to the Act itself. The primary areas of the Commission's focus are the qualifications for eligibility of, the duties imposed on and the procedures for qualification of indenture trustees.

Timetable:

Action	Date	FR Cite
NPRM	12/31/84	

Next Action Undetermined

Small Entity: Undetermined

Agency Contact: William Morley, Chief Counsel, Securities and Exchange Commission, Division of Corporation Finance, 450 5th Street, NW, Washington, DC 20549, 202 272-2573

RIN: 3235-AB43

Securities Markets and Securities Industry Rules

25. RULE 3A4-1 -- ASSOCIATED PERSONS OF AN ISSUER DEEMED NOT TO BE BROKERS

Priority: Undetermined

Legal Authority: 15 USC 240.3a4-1

CFR Citation: 17 CFR 240.3a4-1

Abstract: The proposed rule would provide a non-exclusive safe harbor from liability under the broker-dealer provisions of the Securities Exchange Act of 1934 to associated persons of an issuer who participate in sales of the issuer's securities and who meet the conditions of the rule. Over the years, the question of whether a issuer's employees who participate in sales of the issuer's securities must register as brokers has generated numerous requests for interpretive advice. Rule 3a4-1 would codify past positions and provide guidance to future issuers. As an alternative, the staff could continue to provide advice on a case by case basis. Rule 3a4-1 is designed to strike a balance between the compelling need of issuers, particularly small issuers, to raise inexpensive capital and the Commission's statutory responsibility to protect investors. The rule should reduce the number of interpretive requests received by the staff with a corresponding reduction in costs to issuers of requesting such advice

Timetable:

Action	Date	FR Cite
NPRM	05/09/84	49 FR 20512
NPRM Comment Period Begin	05/15/84	49 FR 20512
NPRM Comment Period End	06/29/84	

Next Action Undetermined

Small Entity: Undetermined

Analysis: Draft RFA 05/09/84 (49 FR 20512)

Agency Contact: Susan J. Walters, Branch Chief, Securities and Exchange Commission, Division of Market Regulation, 450 5th Street, NW, Washington, DC 20549, 202 272-2848

RIN: 3235-AB53

26. RULE 3A12-9

Priority: Undetermined

Legal Authority: 15 USC 78c(a)(12); 15 USC 78g; 15 USC 78k

CFR Citation: 17 CFR 240.3a12-9

Abstract: Proposed Rule 3a12-9 would provide an exemption from Sections 7(c) and 11(d)(1) of the Exchange Act for public offerings of direct participation interests with installment payment features. This rule is being proposed, in part, as a response to a proposal made by the National Association of Securities Dealers and has the concurrence of the staff of the Federal Reserve Board. If adopted, the rule would enhance investor protection by encouraging registration of interests in direct participation programs that are sold on an installment basis and by requiring that these programs become subject to and remain in compliance with the reporting requirements of Section 12(g) of the Exchange Act until the total purchase price of the program security is discharged.

Timetable:

Action	Date	FR Cite
NPRM	11/27/84	49 FR 46556
NPRM Comment Period Begin	02/21/85	

Next Action Undetermined

Small Entity: No

Agency Contact: Kathryn V. Natale, Attorney-Adviser, Securities and Exchange Commission, Division of Market Regulation, 450 5th Street, NW, Washington, DC 20549, 202 272-2848

RIN: 3235-AB51

27. PROPOSED RULE 3B-9: APPLICABILITY OF BROKER-DEALER REGISTRATION TO BANKS

Priority: Undetermined

Legal Authority: 15 USC 78b; 15 USC 78c; 15 USC 78o; 15 USC 78w(a)

CFR Citation: 17 CFR 240.3b-9

Abstract: Under proposed Rule 3b-9, a bank could not rely on the exclusion for banks in Sections 3(a)(4) and 3(a)(5) of the Securities Exchange Act of 1934 when it: (i) publicly solicits brokerage business; (ii) receives transaction related compensation for providing brokerage services for trust, managing agency accounts or other accounts to which the bank provides investment advice; or (iii) deals in or underwrites (on either a firm commitment or best efforts basis) securities other than exempted or municipal securities.

Timetable:

Action	Date	FR Cite
NPRM	11/15/83	48 FR 51930
NPRM Comment Period Begin	11/15/83	48 FR 51930
NPRM Comment Period End	02/15/84	

Next Action Undetermined

Small Entity: Undetermined

Agency Contact: Mary Chamberlin, Chief Counsel, Division of Market Regulation, Securities and Exchange Commission, 450 5th Street, NW, Washington, DC 20549, 202 272-2848

RIN: 3235-AB49

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28. ● RULE 10B-10 – CONFIRMATION DISCLOSURE FOR REPORTED SECURITIES

Priority: Undetermined

Legal Authority: 15 USC 78b; 15 USC 78c; 15 USC 78i; 15 USC 78j; 15 USC 78k; 15 USC 78k-l; 15 USC 78o; 15 USC 78q; 15 USC 78w

CFR Citation: 17 CFR 240.10b-10

Abstract: The amendment to Rule 10b-10 would require broker-dealers to report to customers on confirmations, the trade prices and mark-ups on principal transactions in reported securities.

Timetable:

Action	Date	FR Cite
NPRM	02/04/85	
NPRM Comment Period Begin	02/04/85	50 FR 5766
NPRM Comment Period End	03/29/85	

Small Entity: Undetermined

Agency Contact: Leland Goss, Attorney, Securities and Exchange Commission, Division of Market Regulation, 450 5th Street, N.W., Washington, D.C. 20549, 202 272-2827

RIN: 3235-AB81

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29. PROPOSED RULE 11A-1--CUSTOMER ORDER EXPOSURE

Priority: Undetermined

Legal Authority: 15 USC 78b Exchange Act; 15 USC 78c Exchange Act; 15 USC 78f Exchange Act; 15 USC 78i Exchange Act; 15 USC 78j Exchange Act; 15 USC 78k Exchange Act; 15 USC 78k-1 Exchange Act; 15 USC 78o Exchange Act; 15 USC 78o-3 Exchange Act; 15 USC 78q Exchange Act; 15 USC 78w Exchange Act

CFR Citation: 17 CFR 240.11A-1

Abstract: In connection with the partial removal of exchange off-board trading restrictions through Rule 19c-3, the Commission has proposed a revised rule, Rule 11A-1, to address order exposure concerns. Proposed Rule 11A-1 would require exchange and over-the-counter market makers in Rule 19c-3 securities, prior to executing an order as principal, to hold the order out for 30 seconds, thereby allowing other market makers to compete for that order. Alternatively, the proposed rule would permit the market maker to compete for orders by maintaining competitive quotations in the National Association of Securities Dealers' Computer Assisted Execution System or the Cincinnati Stock Exchange's National Securities Trading System, and routing orders to those systems. The proposed rule also contains a number of specific exceptions to order exposure requirements. The Commission will consider public comment on the impact of the proposed rule on small broker-dealers in connection with its final rulemaking.

Timetable:

Action	Date	FR Cite
NPRM Comment Period Begin	12/23/82	
NPRM	12/30/82	47 FR 58287
NPRM Comment Period End	03/01/83	

Next Action Undetermined

Small Entity: Undetermined

Additional Information: The Commission deferred adopting the Rule on an indefinite basis on July 28, 1983.

Agency Contact: Andrew E. Feldman, Staff Attorney, Securities and Exchange Commission, Division of Market Regulation, 450 5th Street, NW, Washington, DC 20549, 202 272-2388

RIN: 3235-AA39

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30. ● RULE 15C2-4 – TRANSMISSION OR MAINTENANCE OF PAYMENTS RECEIVED IN CONNECTION WITH UNDERWRITINGS

Priority: Undetermined

Legal Authority: 15 USC 78o; 15 USC 78w

CFR Citation: 17 CFR 240.15c2-4

Abstract: Rule 15c2-4 applies to best-efforts distribution of securities that are conducted on any basis where payment will no be made to the issuer until some further event or contingency occurs. It requires a broker-dealer participant either promptly to deposit investor's funds into a separate bank account, or promptly to transmit such funds to a bank escrow agent, pending the occurrence of the contingency. The purpose of the rule is to insulate offering proceeds from unlawful activities by, or the financial reverses of, the broker-dealer, pending the occurrence of the contingency. Amendments to the rule are being considered that would resolve ambiguities and to codify interpretive positions taken by the staff since the rule's adoption in 1962. An interpretive release is being considered as an alternative. Neither action would increase the costs of complying with the rule since either action would simply clarify, not change, the application of the rule. The benefits of either action would be eliminating confusion and ambiguity, more clearly defining a broker-dealer's responsibilities under the rule, and greater uniformity in industry practice.

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: Undetermined

Agency Contact: Nancy J. Burke, Branch Chief, Securities and Exchange Commission, Division of Market Regulation, 450 5th Street, N.W., Washington, D.C. 20549, **202 272-2848**

RIN: 3235-AB57

31. RULE 17AD-5 -- RESPONSE TO INQUIRIES

Priority: Undetermined

Legal Authority: 15 USC 78q-1(d) Exchange Act

CFR Citation: 17 CFR 240.17Ad-5

Abstract: The proposed amendment to Rule 17Ad-5 would require registered transfer agents to respond to securityholder inquiries respecting dividend and interest claims within five business days of receipt. The registered transfer agent would not be required, however, to pay those claims within the time frame set forth in the proposed amendment. This amendment is designed to accelerate the time frame within which dividend claims are researched and settled. The proposed amendment will be evaluated in light of the relative costs and benefits to the public and the transfer agent industry.

Timetable:

Action	Date	FR Cite
NPRM	06/10/83	48 FR 28109
NPRM Comment Period Begin	06/10/83	48 FR 28109
NPRM Comment Period End	09/01/83	
Reproposed Amendments	09/30/84	
Final Action Effective	05/00/85	

Small Entity: Undetermined

Agency Contact: Sandra Sciole, Branch Chief, Securities and Exchange Commission, 450 Fifth Street, NW, Washington, DC 20549, **202 272-2775**

RIN: 3235-AB12

Investment Management Rules

32. AMENDMENT TO RULE 180 -- EXEMPTION FROM REGISTRATION OF CERTAIN INTERESTS AND PARTICIPATIONS IN CERTAIN H.R. 10 PLANS

Priority: Undetermined

Legal Authority: 15 USC 77c(a)(2); 15 USC 77s(a)

CFR Citation: 17 CFR 230.180

Abstract: Rule 180 provides an exemption from the registration requirements of the Securities Act for interests and participations issued in connection with certain qualified H.R. 10 plans. In order for interests in funding media issued to plans established by financially inexperienced employers to qualify for the rule's exemption, the rule, as adopted, requires those employers to obtain financial advice from an independent expert prior to adopting the H.R. 10 plan. Among other things, the Commission is considering proposing an amendment to Rule 180 that would codify a present "no-action" position regarding the situation where a financially unsophisticated employer has already established a plan for its employees without obtaining advice from an independent expert, and intends either to change the funding medium or add another funding medium to the choices already available to employees. The issuer of the funding medium in such a case would be in compliance with the rule if the issuer has reasonable grounds to believe and, after having made reasonable inquiry, does believe, that an independent financial expert reviewed the funding medium prior to the investment of the (cont)

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: Undetermined

Additional Information: ABSTRACT CONT: plan's assets in that funding medium. The type of amendment being considered would impose no additional compliance cost, and would increase the flexibility of existing plans and the number of investment choices available to participating employees.

Agency Contact: Elizabeth M. Knoblock, Special Counsel, Securities and Exchange Commission, Division of Investment Management, 450 5th Street, NW (Stop 5-2), Washington, DC 20549, **202 272-3036**

RIN: 3235-AA08

33. PROSPECTUS SIMPLIFICATION AMENDMENTS TO FORM N-2

Legal Authority: 15 USC 80a-8 Investment Company; 15 USC 77g Securities Act; 15 USC 77j Securities Act

CFR Citation: 17 CFR 239.14; 17 CFR 274.11a-1

Abstract: Form N-2 is the registration statement form under the Investment Company Act of 1940 and the Securities Act of 1933 for closed-end management investment companies other than small business investment companies and companies which issue periodic payment plan certificates or which are sponsors or depositors of companies issuing such certificates. Included within the registration statement are the companies' prospectuses used in offering their securities to the public. The Commission believes a simplified prospectus is necessary because current prospectuses have become too cumbersome for the average investor to understand and because current requirements result in the disclosure of much information that is not necessarily material to an investment decision. Simplification will, therefore, make disclosure easier for investors to understand and reduce the costs and burdens of of preparing and distributing prospectuses. Accordingly, the Commission is proposing a new form N-2A that most likely would be structured as a three-part form, one part of which would be a new simplified prospectus. There does not currently exist (cont)

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: Undetermined

Additional Information: ABSTRACT CONT: a basis upon which to quantify the reduced costs and burdens of such action on those registrants affected. The contemplated amendments are still in the developmental stage and have not yet been formally proposed by the Commission. Thus, the extent of the simplification of investment companies' prospectuses actually proposed and the attendant reductions in costs and burdens are as yet largely unknown, but are expected to reduce the cost of registration for both the industry and government.

Agency Contact: Stephen C. Beach, Attorney, Securities and Exchange Commission, 450 5th Street, NW (Stop 5-2), Washington, DC 20549, **202 272-3040**

RIN: 3235-AB40

34. ● REVISIONS TO EXPENSE-RELATED DISCLOSURE REQUIREMENTS OF FORM N-1A

Legal Authority: 15 USC 77g; 15 USC 77j; 15 USC 77s

CFR Citation: 17 CFR 239.15A; 17 CFR 274.11A

Abstract: On November 9, 1984, the Commission issued a release (Investment Company Act Release No. 14230; 49 FR 45172) soliciting public comment on proposed revisions to Item 5, Management of the Fund, of Form N-1A, the registration form under the Securities Act of 1933 and the Investment Company Act of 1940 used by open-end, management investment companies other than registered separate accounts of insurance companies. The revised Item 5 would require a consolidation of all narrative information in the prospectus concerning significant expenses of the registrant and would add a tabular presentation setting forth the major types of expenses, the names of the payees, and the amount of the expense, expressed as a percentage of average net assets.

Timetable:

Action	Date	FR Cite
NPRM	11/09/84	49 FR 45172
NPRM Comment Period End	01/14/85	
Final Action	06/00/85	

Small Entity: No

Agency Contact: Stephen C. Beach, Attorney, Securities and Exchange Commission, Investment Management, 450 5th Street, N.W. (Stop 5-2), Washington, D.C. 20549, 202 272-3040

RIN: 3235-AB73

35. SIMPLIFICATION OF REGISTRATION STATEMENTS FILED BY UNIT INVESTMENT TRUSTS

Priority: Undetermined

Legal Authority: 15 USC 80a-8; 15 USC 77g; 15 USC 77j

CFR Citation: 17 CFR 239.16; 17 CFR 274.12

Abstract: Forms S-6 and N-8b-2 are the registration statement forms under the Securities Act of 1933 and the Investment Company Act of 1940, respectively, for unit investment trusts. Included within Form S-6 is the trust's prospectus used in offering securities to the public. A substantial amount of the information required by Form N-8b-2 is also required by Form S-6. Consequently, one goal of the Commission with regard to simplification of registration statements for unit investment trusts is the integration of the disclosure requirements of Forms S-6 and N-8b-2. The Commission also believes that current prospectuses for unit investment trusts have become too cumbersome for the average investor to understand and that current disclosure requirements result in the dissemination of much information that is not necessarily material to an investment decision. Simplification of prospectus requirements for unit investment trusts will, therefore, make disclosure easier for investors to understand and reduce the costs and burdens on those registrants affected. Since the action will apply to all unit investment trust registrants it is expected to have a significant economic impact on a (cont)

Timetable:

Action	Date	FR Cite
NPRM	03/00/85	

Small Entity: Yes

Additional Information: ABSTRACT CONT: substantial number of small entities. However, the contemplated amendments are still in the developmental stage and have not been formally proposed by the Commission. Thus, the extent of the simplification of unit investment trust prospectuses actually proposed and the attendant reductions in costs and burdens are as yet largely unknown, but are anticipated to be significant.

Agency Contact: Stephen C. Beach, Attorney, Securities and Exchange Commission, Division of Investment Management, 450 5th Street, NW (Stop 5-2), Washington, DC 20549, 202 272-3040

RIN: 3235-AA47

36. REGISTRATION OF INVESTMENT COMPANY SECURITIES ISSUED IN BUSINESS COMBINATION TRANSACTIONS

Legal Authority: 15 USC 77f; 15 USC 77g; 15 USC 77j; 15 USC 77s(a); 15 USC 78n; 15 USC 78w; 15 USC 80a-20; 15 USC 80a-37

CFR Citation: 17 CFR 210.3-05; 17 CFR 230; 17 CFR 240.14a-3; 17 CFR 240.14a-6; 17 CFR 239; 17 CFR 274

Abstract: Rule 145 under the Securities Act of 1933 states that certain mergers and business combination transactions involve an offer or sale of securities subject to separate registration under section 5 of the Act. Transactions subject to the rule must either be registered on Form S-14 or, in the case of open-end investment companies, the registrant may register on its usual form as long as the disclosure requirements of Form S-14 are satisfied. The filing of the registration statement satisfies the requirement for filing a proxy statement and form of proxy or information statement and the transmittal of such material to security holders satisfies the requirements of the Securities Act for the furnishing of a prospectus. Included within Form S-14 is the company's prospectus used in offering the securities issued in the transaction. The disclosure required by Form S-14 results in prospectuses that are too long and complex, particularly with regard to business combination transactions that involve relatively small acquired companies. Moreover, the separate registration requirement does not permit (cont)

Timetable:

Action	Date	FR Cite
Final Action	03/31/85	
NPRM	04/30/85	

Small Entity: Undetermined

Additional Information: ABSTRACT CONT: registrants to supply their current prospectus or other filed documents to satisfy any of the information requirements. Proposed Form N-14 would reduce and simplify the amount of information required in the prospectus and reduce the cost and burden on investment company registrants by permitting those companies to substitute documents currently on file with the Commission in place of certain information required to be contained in the prospectus. The action is expected to have a significant economic impact of a substantial number of small entities but the extent of this impact is unknown at this time.

Agency Contact: Mary Podesta, Chief, Securities and Exchange Commission, Office of Disclosure and Adviser Regulation, 450 5th Street, N.W., Washington, D.C. 20549, 202 272-2107

RIN: 3235-AB42

37. ● RULES 30B1-(T) AND 27D-4(T) UNDER THE INVESTMENT COMPANY ACT OF 1940, TEMPORARY SUSPENSION OF QUARTERLY REPORTING OBLIGATION OF CERTAIN INVESTMENT COMPANIES

Legal Authority: 15 USC 78m; 15 USC 78o(d); 15 USC 78w(a); 15 USC 80a-8; 15 USC 80a-29; 15 USC 80a-37

CFR Citation: 17 CFR 240.13a-12; 17 CFR 240.15d-12; 17 CFR 270.27d-3; 17 CFR 270.30b1-1; 17 CFR 270.30b1-2; 17 CFR 240.13a-1; 17 CFR 240.13a-16; 17 CFR 240.15d-13; 17 CFR 240.15d-16; 17 CFR 274.106; 17 CFR 274.127d-2

Abstract: In Release No. IC-14299 (January 11, 1985), the Commission proposed for public comment the withdrawal of Form N-1Q, the quarterly report form for management investment companies; Form N-27D-2, the quarterly report form for investment companies that are issuers of periodic payment plan certificates; and Rule 30b1- 2 under the Investment Company Act, which prescribes the quarterly report for wholly-owned registered investment companies. Form N-27D-2 is no longer necessary. Questions serving the same purpose as Rule 30b1-2 and the items of Form N-1 Q have been incorporated into form N-SAR in connection with adoption of the new semi-annual report for investment companies. The release also adopts Rule 27d-4(T), which suspends temporarily the obligation to file Form N-27D-2; and Rule 30b1-5 (T), which suspends temporarily the obligation to file Form N-1Q. Withdrawal of the quarterly reports was proposed to eliminate costly, burdensome, and unnecessary filing requirements.

Timetable:

Action	Date	FR Cite
NPRM	01/11/85	50 FR 1442
NPRM Comment Period Begin	01/11/85	50 FR 1442
Interim Final Rule	01/11/85	50 FR 1442
NPRM Comment Period End	03/05/85	

Small Entity: Yes

Agency Contact: Elizabeth K. Norsworthy, Chief, Office of Regulatory Policy, Securities and Exchange Commission, Investment Management, 450 5th Street, N.W. (Stop 5-2), Washington, D.C. 20549, 202 272-2048

RIN: 3235-AB75

38. REVISION OF INVESTMENT COMPANY PROXY RULES

Priority: Undetermined

Legal Authority: 15 USC 78n; 15 USC 78w; 15 USC 80a-20; 15 USC 80a-37

CFR Citation: 17 CFR 240.14a-1 to 240.14a-102; 17 CFR 240.14b-1; 17 CFR 240.14c-1 to 240.14c-101; 17 CFR 270.20a-1; 17 CFR 270.20a-2; 17 CFR 270.20a-3

Abstract: Absent an exception, every solicitation of a proxy, authorization or consent in respect of any security with respect to which a registered investment company is the issuer, is subject to rules adopted pursuant to the Securities Exchange Act of 1934 and the Investment Company Act of 1940 concerning solicitations of proxies. Solicitations to which the rules apply may not commence unless each person solicited is furnished or has previously been furnished with a proxy statement containing specified information prepared in accordance with certain rules and the material has been filed with the Commission. The existing proxy rules were adopted in piecemeal fashion and have been the subject of frequent changes. This has led to certain duplicative and, in certain cases, complex requirements. To the extent that a proxy statement contains repetitive material or is overly complicated and difficult to read, it may not effectively perform its intended function of communicating meaningful information to security holders in order that they may make informed voting decisions. In order to update the proxy regulations and, in doing so, improve the (cont)

Timetable:

Action	Date	FR Cite

Next Action Undetermined

Small Entity: Undetermined

Additional Information: ABSTRACT CONT: readability of proxy statements and eliminate unnecessary disclosure costs, the Commission has commenced a comprehensive review of the proxy regulations as they relate to investment companies. There does not currently exist a basis upon which to quantify the reduced costs and burdens of such action on those registrants affected. Since the action will apply to all registered investment companies soliciting proxies, unless the solicitation is excepted, the Action is expected to have a significant impact on a substantial number of small entities. However, the contemplated revisions are still in the developmental stage and have not yet been formally proposed by the Commission. Thus, the extent of the revision actually proposed and the attendant reductions in costs and burdens are as yet largely unknown, but are anticipated to be significant.

Agency Contact: Stephen C. Beach, Attorney, Securities and Exchange Commission, Division of Investment Management, 450 5th Street, NW (Stop 5-2), Washington, DC 20549, 202 272-3040

RIN: 3235-AA69

39. ● SIMPLIFICATION OF PROCEDURES FOR MANAGERS REQUESTING CONFIDENTIAL TREATMENT FOR OPEN RISK ARBITRAGE POSITIONS REPORTED ON FORM 13F

Legal Authority: 15 USC 78c(b); 15 USC 78m(f); 15 USC 78(w)

CFR Citation: 17 CFR 249.325

Abstract: On December 5, 1984, The Commission proposed for public comment amendments to the instructions to Form 13F under the Securities Exchange Act of 1934. The amendments would simplify the procedures for requesting confidential treatment of certain risk arbitrage positions filed on the form, and place time limitations on confidential treatment requests for securities holdings where the holdings constitute confidential commercial information. It is estimated that the proposed amendment will reduce the time necessary to prepare Form 13F with a related confidential treatment request of open risk arbitrage positions by 75%.

Timetable:

Action	Date	FR Cite
NPRM	12/05/84	49 FR 48318
NPRM Comment Period Begin	12/05/84	
NPRM Comment Period End	01/14/85	
Final Action	03/15/85	

Small Entity: No

Agency Contact: Susan P. Hart, Attorney, Securities and Exchange Commission, Investment Management, 450 5th Street, N.W., Washington, D.C. 20549, 202 272-3088

RIN: 3235-AB72

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40. ● LOANS, EXTENSIONS OF CREDIT, DONATIONS AND CAPITAL CONTRIBUTIONS TO ASSOCIATE COMPANIES

Legal Authority: 15 USC 79 (l)(b)

CFR Citation: 17 CFR 250.45 (b)(6), (New)

Abstract: Section 12 (b) of the Public Utility Holding Company Act of 1935 makes it unlawful for a registered holding company or subsidiary company to lend or in any manner extend its credit to or indemnify any company in the same system in contravention of rules, regulations and orders of the Commission. Rule 45(a) provides that such extensions and indemnifications will be determined on a case by case basis pursuant to application and Commission order. Rule 45(b) grants certain limited exceptions to 45(a). Increasingly the parent company has been seeking Commission approval to act as surety guarantor or indemnifier for its subsidiaries because this avoids such subsidiaries from either having to pay to third party premiums or to pay greatly reduced premiums. A rule exempting from prior Commission approval would save the holding company system companies the filing fees and other expenses such as attorney fees. Staff time would be saved because staff would no longer have to process applications.

Timetable:

Action	Date	FR Cite
NPRM	06/30/85	

Small Entity: No

Agency Contact: Michael L. Haase, Special Counsel, Securities and Exchange Commission, Office of Public Utility Regulation, 450 5th Street, N.W., Washington, D.C. 20549, 202 272-7686

RIN: 3235-AB98

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41. ● EXEMPTIONS FROM SECTION 17(C) OF THE ACT

Legal Authority: 15 USC 79q(c)

CFR Citation: 17 CFR 250.70

Abstract: Under Section 17(c) of the Public Utility Holding Company Act of 1935 officers or representatives of certain financial institutions are disqualified from serving as officers or directors of registered holding company system companies. Current Rule 70 provides certain exemptions. The registered holding companies have indicated that too many otherwise qualified persons are excluded because of Section 17(c). The rule is presently being re-evaluated to determine if it is possible to broaden the current exemptions. In dollar terms there will be no costs or benefits. In non-dollar terms, there will be a greater number of persons eligible to serve on the boards or registered holding company system companies.

Timetable:

Action	Date	FR Cite
NPRM	06/30/85	

Small Entity: No

Agency Contact: Michael L. Haase, Special Counsel, Securities and Exchange Commission, Office of Public Utility Regulation, 450 5th Street, N.W., Washington, D.C. 20549, 202 272-7686

RIN: 3235-AB99

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42. MUTUAL FUND GOVERNANCE

Priority: Undetermined

Legal Authority: 15 USC 80a-16(c); 15 USC 80a-35; 15 USC 80a-6(c)

CFR Citation: Not yet determined

Abstract: On December 10, 1982, the Commission issued an advance concept release (Investment Company Act Release No. 12888, (47 FR 56509)) soliciting public comment on whether the Commission should propose rules or recommend legislation which would provide for an alternative form of mutual fund governance. Specifically, this release requests comment on whether mutual funds should be exempted from shareholder voting and/or director requirements under the Investment Company Act of 1940 (the "Act") and, if so, whether conditions could be fashioned which would adequately insure against loss of investor protection. Although such changes might be effected through rulemaking, the Commission has indicated that, in its preliminary judgment, changes of this magnitude should be effected through legislative rather than administrative action. Since the costs and benefits of providing for an alternative scheme of mutual fund governance cannot be estimated at the present time, the release solicits specific comment on the costs and benefits which would result from such changes. Extension of comment period until April 18, 1983 was announced in Investment Company Act Release No. 13012 (cont)

Timetable:

Action	Date	FR Cite
ANPRM	12/10/82	47 FR 56509
Ext'n of Comment Period to 4/18/83	02/07/83	48 FR 6354
ANPRM Comment Period End	04/18/83	48 FR 6354

Next Action Undetermined

Small Entity: Undetermined

Additional Information: ABSTRACT CONT: (February 7, 1983) 48 FR 6354

Agency Contact: Elizabeth M. Knoblock, Special Counsel, Securities and Exchange Commission, Division of Investment Management, 450 5th Street, NW (Stop 5-2), Washington, DC 20549, 202 272-3036

RIN: 3235-AA44

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43. PROPOSED RULE 2A-41 (FORMERLY DESIGNATED RULE 2A-9) UNDER THE INVESTMENT COMPANY ACT

Priority: Undetermined

Legal Authority: 15 USC 80a-6c; 15 USC 80a-37

CFR Citation: Not yet determined

Abstract: The Commission is considering whether to propose a rule that would permit investment companies to acquire standby commitments solely for the purpose of facilitating portfolio liquidity and to value such commitments in a fashion consistent with their limited purpose. Such a rule would obviate the need for investment companies to file applications for exemptive relief from sections 2(a)(41) and 12(d)(3) of the Investment Company Act.

Timetable:

Action	Date	FR Cite
NPRM	06/30/85	

Small Entity: Undetermined

Agency Contact: Elizabeth Norsworthy, Attorney, Securities and Exchange Commission, 450 5th Street NW (Stop 5-2), Washington, DC 20549, 202 272-2048

RIN: 3235-AB38

44. PROPOSED RULE 3A-4 -- INDIVIDUALIZED INVESTMENT MANAGEMENT SERVICES

Priority: Undetermined

Legal Authority: 15 USC 80a-6(c); 15 USC 80a-37(a); Investment Company Act, Sec 6(c); Investment Company Act, Sec 38(a)

CFR Citation: 17 CFR 270.3a-4

Abstract: In Investment Company Act Release No. 11391 (October 10, 1980) (45 FR 69479) the Commission proposed for public comment Rule 3a-4, which would deem investment management services providing their clients with individualized treatment not to be investment companies for purposes of the Act. The rule provides a "safe harbor" for any investment manager providing its clients with treatment based on the needs and goals of each client. Under such circumstances, regulation of investment management services under the Act appears unnecessary. The proposed rule was intended to clarify the Commission's position on the question of "mini-accounts" by providing a safe harbor for certain investment management services and thereby provide some certainty to the public. The Commission does not expect any final action taken on the proposal to significantly affect the cost of providing investment management services. The public comment letters on the proposal have been reviewed and alternatives for final action are being formulated.

Timetable:

Action	Date	FR Cite
NPRM Comment Period Begin	10/10/80	45 FR 69479
NPRM	10/21/80	45 FR 69479
NPRM Comment Period End	01/31/81	

Next Action Undetermined

Small Entity: Undetermined

Additional Information: NPRM is Release No. IC-11391 (10/10/80)

Agency Contact: William C. Gibbs, Esq., Attorney, Securities and Exchange Commission, Division of Investment Management, 450 5th Street, NW (Stop 5-2), Washington, DC 20549, 202 272-2147

RIN: 3235-AA12

45. PROPOSED RULES 11A-3 AND 11A-4 UNDER THE INVESTMENT COMPANY ACT

Priority: Undetermined

Legal Authority: 15 USC 80a-6(c); 15 USC 80a-11(a); 15 USC 80a-37(a)

CFR Citation: 17 CFR 270.11a-3; 17 CFR 270.11a-4

Abstract: The Commission is considering whether to propose a Rule 11a-3 and a Rule 11a-4 which would exempt certain persons from the requirements of Section 11(a) of the Investment Company Act. That section generally prohibits any registered open-end investment company and the principal underwriter of its shares from making an offer to a shareholder to exchange his security for another security on any basis other than the net asset values of the securities to be exchanged without approval of the Commission. Section 11(c) extends the prohibitions of Section 11(a) to offers of the securities of unit investment trusts. The Commission has issued numerous orders permitting open-end management companies and the principal underwriter(s) of their shares to make exchange offers on the basis of the relative net asset value of the securities being exchanged plus a sales load equal to the difference between the sales load which would otherwise be charged on the securities to be acquired and on the securities to be exchanged. The Commission has also issued orders permitting unit investment trusts and their sponsors to make offers of exchange based on the relative net asset (cont)

Timetable:

Action	Date	FR Cite
NPRM	12/31/85	

Small Entity: Undetermined

Additional Information: ABSTRACT CONT: value of the respective securities plus a fixed fee to cover expenses. The proposed rules would codify such orders (Rule 11a-3 for management companies; Rule 11a-4 for unit investment trusts) thereby eliminating the cost for small companies of preparing applications seeking the orders. Thus, the proposed rules would have a beneficial economic impact on such companies. The proposed rules would contain several conditions to assure the protection of investors. Any such conditions would be included in the rule in order to adequately protect investors against the abuses addressed by Section 11.

Agency Contact: Elizabeth M. Knoblock, Special Counsel, Securities and Exchange Commission, Division of Investment Management, 450 5th Street, NW (Stop 5-2), Washington, DC 20549, 202 272-3036

RIN: 3235-AA14

46. PROPOSED AMENDMENT TO RULE 17G-1 UNDER THE INVESTMENT COMPANY ACT

Priority: Undetermined

Legal Authority: 15 USC 80a-6(c); 15 USC 80a-17(g); 15 USC 80a-37(a)

CFR Citation: 17 CFR 270.17g-1

Abstract: The Commission is considering whether to adopt an amendment to Rule 17g-1 under the Investment Company Act. The amendment was proposed for public comment in Investment Company Act Release No. 11193 (June 2, 1980) (45 FR 38407). Rule 17g-1 requires every registered investment company to provide and maintain a bond against larceny and embezzlement covering officers and employees of the company. In some circumstances, the officers and employees of a company's depositor, trustee, investment adviser or other manager and various affiliates of such persons, because they have access to the company's assets, function as officers and employees of the investment company. The proposed amendment to the rule would clarify the scope of the rule by explicitly requiring the bonding of such persons. The principal cost associated with this rule would be the cost of a bond. That cost would vary according to the persons required to be bonded by the rule. In this regard, before adopting any amendment to the rule, the Commission will carefully consider what persons should be bonded to protect investors adequately, weighing the benefits of the protection against the cost of a bond.

SEC

Current and Projected Rulemakings

Timetable:

Action	Date	FR Cite
NPRM	06/02/80	45 FR 38407
NPRM Comment Period Begin	06/02/80	45 FR 38407
NPRM Comment Period End	07/16/80	
Final Action	06/30/85	

Small Entity: Undetermined

Agency Contact: William C. Gibbs, Esq., Attorney, Securities and Exchange Commission, Division of Investment Management, 450 5th Street, NW (Stop 5-2), Washington, DC 20549, 202 272-2147

RIN: 3235-AA16

47. RULE 17J-1 UNDER THE INVESTMENT COMPANY ACT OF 1940

Priority: Undetermined

Legal Authority: 15 USC 80a-17(j); 15 USC 80a-37(a)

CFR Citation: 17 CFR 270.17j-1

Abstract: Rule 17j-1 requires every access person of a registered investment company, or of an investment adviser of or principal underwriter for the investment company to report to the investment company certain of his securities transactions. The Commission is considering whether to propose an amendment to this rule which would reduce the reporting requirement for investment company directors who are interested persons with respect to the investment company by reason of their affiliation with a registered broker-dealer. Members of the industry have characterized these reporting requirements as unnecessarily burdensome in some instances. Any such rule amendment would have the effect of lessening the reporting requirements currently imposed by the rule. As a result, the staff believes that the costs, which should be insignificant, of complying with any amendment would be significantly less than the benefits it would provide. The staff is concurrently reviewing similar reporting requirements for investment advisers under Rule 204-2(a)(12) and (13) under the Investment Advisers Act, in order to (cont)

Timetable:

Action	Date	FR Cite
NPRM	10/31/85	

Small Entity: Undetermined

Additional Information: ABSTRACT CONT: harmonize the provisions of Rule 17j-1 and Rule 204-2 to the extent possible.

Agency Contact: Elizabeth M. Knoblock, Special Counsel, Securities and Exchange Commission, Division of Investment Management, 450 5th Street, N.W. (Stop 5-2), Washington, D.C. 20549, 202 272-3036

RIN: 3235-AA68

48. PRICING OF REDEEMABLE SECURITIES FOR DISTRIBUTION, REDEMPTION AND REPURCHASE

Priority: Undetermined

Legal Authority: 15 USC 80a-22c; 15 USC 37(a)

CFR Citation: 17 CFR 270.22c-1

Abstract: On November 21, 1984, The Commission proposed for comment an amendment to Rule 22c-1(b) and a new Rule 22e-2 under the Investment Company Act of 1940. The amendment to Rule 22c-1(b) would require investment companies subject to its provisions to compute the current net asset value of their redeemable securities at least every weekday (Monday through Friday) except for: (i) days which are customary United States business holidays that are stated in the prospectus, (ii) days on which no security is tendered for redemption and no customer order is received, or (iii) days when the degree of trading in the investment company's portfolio securities is such that the current net asset value of the investment company's redeemable securities will not be affected by changes in the value of the portfolio securities. New Rule 22e-2 would make it clear that an investment company would not be required to price redemption requests on days on which pricing would not be required under Rule 22c-1.

Timetable:

Action	Date	FR Cite
NPRM Comment Period Begin	11/27/84	49 FR 46558
NPRM Comment Period End	01/28/85	
Final Action	05/31/85	

Small Entity: No

Agency Contact: Jay B. Gould, Attorney, Securities and Exchange Commission, Division of Investment Management, 450 5th Street, NW, Washington, DC 20549, 202 272-2107

RIN: 3235-AB58

49. ● PROPOSED RULE 205-3 UNDER THE INVESTMENT ADVISERS ACT OF 1940

Priority: Undetermined

Legal Authority: 15 USC 806-6a

CFR Citation: 17 CFR 215.205-3

Abstract: Section 205 prohibits, with certain limited exceptions registered investment advisers from being compensated on a basis of a share of capital gains upon, or capital appreciation of, the kinds or any portion of the funds of a client. The Commission will consider whether to propose for comment a rule under Section 205 of the Advisers Act which would allow investment advisers to receive performance-based advisory fees under certain circumstances. The effect of a rule, if adopted, would be to allow advisers greater flexibility in striking their compensation arrangements than is now permitted. The staff is of the opinion that the benefits of complying with the proposed rule would far outweigh the costs and believes the costs, if any, associated with compliance would be insignificant.

Timetable:

Action	Date	FR Cite
NPRM	03/31/85	

Small Entity: Yes

Agency Contact: Forrest R. Foss, Special Counsel, Securities and Exchange Commission, Investment Management, 450 5th Street, N.W. (Stop 5-2), Washington, D.C. 20549, 202 272-7318

RIN: 3235-AB70

50. ● METHOD FOR COMPLIANCE WITH SECTION 206(3) OF THE INVESTMENT ADVISERS ACT OF 1940 WITH RESPECT TO CERTAIN TRANSACTIONS

Legal Authority: 15 USC 80b-11(a)

CFR Citation: 17 CFR 206(3)-3

Abstract: Section 206(3) of the Investment Advisers Act of 1940 makes

it unlawful for any investment adviser, by use of the mail or any means or instrumentality of interstate commerce, directly or indirectly, knowingly to effect a securities transaction (a) with a client while acting as principal or (b) for a client while acting as broker for a person other than such client, without disclosing in writing to such client before the completion of the transaction the capacity on which he is acting and obtaining the consent of the client to the transaction. The Commission is considering whether to propose a rule that would provide a nonexclusive method for compliance with the provisions of Section 206(3) of the Investment Advisers Act of 1940 in connection with purchases of securities from an underwriting syndicate for an advisory client under specified conditions. Because the proposed rule is still in the developmental stages, its potential effect on small entities and its potential costs and benefits as a whole are unknown at this time.

Timetable:

Action	Date	FR Cite
NPRM	09/00/85	

Small Entity: Undetermined

Agency Contact: Stephen C. Beach, Attorney, Securities and Exchange Commission, Investment Management, 450 5th Street, N.W. (Stop 5-2), Washington, D.C. 20549, 202 272-3040

RIN: 3235-AB74

51. ● AMENDMENTS TO FORM ADV

Priority: Undetermined

Legal Authority: 15 USC 80b-3; 15 USC 80b-4; 15 USC 80b-11(a)

CFR Citation: 17 CFR 279.1

Abstract: The Commission and The North American Securities Administrators Association (NASAA) are working on developing a uniform registration system for investment advisers to be used by the Commission and those states which require advisers to register such. NASAA and members of the Commission staff have undertaken to develop uniform requirements for the filing of adviser forms, amendments and annual reports and a uniform approach to a "brochure" rule governing the kinds of disclosure advisers must make to clients and prospective clients. It is expected that a uniform registration form, based on the Commission's Form ADV, will be presented to the NASAA membership for adoption in April 1985 and that, if adopted, it will be considered by the Commission in mid-1985. Because the form, if adopted, would provide greater uniformity in the registration process, it is expected to relieve investment advisers of significant burdens and costs. However, the extent to which a uniform Form ADV would provide cost savings and relieve burdensome requirements is unknown at this time.

Timetable:

Action	Date	FR Cite
NPRM	06/30/85	

Small Entity: Undetermined

Agency Contact: Mary Podesta, Chief, Office of Disclosure and Adviser Reg., Securities and Exchange Commission, Investment Management, 450 5th Street, N.W., Washington, D.C. 20549, 202 272-2107

RIN: 3235-AB71

SECURITIES AND EXCHANGE COMMISSION (SEC) — Existing Regulations Under Review

Securities Markets and Securities Industry Rules

52. ● 7C2-1 EXEMPTION FROM SECTION F (C) (2) OF CERTAIN SECURITIES EXEMPTED FROM REGISTRATION OR ADMITTED TO TRADING ON EXCHANGES EXEMPTED FROM REGISTRATION

Priority: Undetermined

Legal Authority: 15 USC 78c(a)(12); 15 USC 78c(b); 15 USC 78w(a)

CFR Citation: 17 CFR 240.7c2-1

Abstract: The Rule exempts securities from the provisions of Section 7(c) (2) of the Securities Exchange Act which are listed on a National Securities Exchange and are exempt from the operation of Section 12(a) of the Securities Exchange ACt pursuant to a rule which specifically states that the Rule 7c2-1 will be applicable to the security. In addition, Rule 7c2-1 provides that securities which have listed or unlisted trading privileges on exchanges exempt from registration as a National Securities Exchange are eligible for the extension of credit to the same extent under Section 7(c)(2) of the Securities Exchange Act as are securities registered on a National Securities Exchange.

Timetable:

Action	Date	FR Cite
End Review	12/31/85	

Small Entity: Undetermined

Agency Contact: Edward L. Pittman, Attorney, Securities and Exchange Commission, Division of Market Regulation, 450 5th Street, N.W., Washington, D.C. 20549, 202 272-2848

RIN: 3235-AB97

53. ● DISCLOSURE OF CREDIT TERMS IN MARGIN TRANSACTIONS

Priority: Undetermined

Legal Authority: 15 USC 78b

CFR Citation: 17 CFR 240.10b-16

Abstract: Rule 10b-16 requires broker-dealers who extend credit to customers to finance securities transactions to furnish specified information with respect to the amount of and reasons for the credit charges. Rule 10b-16 is the Commission's response to an instruction from Congress to develop, to the extent practicable, rules implementing the policies of the Truth-in-Lending Act. The Rule deals with disclosure of both interest charges and collateral requirements. The Rule requires specific disclosure in the case of changes in the rate of interest which a broker- dealer may put into effect without notice to the customer. If the rate of interest is subject to change without notice, the broker must specify the particular conditions under which it may be changes. The provision is aimed at the general practice in the industry under which interest rates changes on margin accounts change with shifts in call money rates. The broker must also describe any other credit changes that may be imposed, the method of determining them, and must disclose its requirements with respect to additional collateral.

SEC

Existing Regulations Under Review

Timetable:

Action	Date	FR Cite
End Review	12/31/85	

Small Entity: Undetermined

Agency Contact: Edward L. Pittman, Attorney Adviser, Securities and Exchange Commission, Division of Market Regulation, 450 5th Street, N.W., Washington, D.C. 20549, 202 272-2848

RIN: 3235-AB96

54. ● RULE 12A-4 -- EXEMPTION OF CERTAIN WARRANTS FROM SECTION 12(A)

Priority: Undetermined

Legal Authority: 15 USC 78b; 15 USC 78c(b); 15 USC 78w

CFR Citation: 17 CFR 240.12d1-1; 17 CFR 240.12d1-3; 17 CFR 240.12d1-5; 17 CFR 240.12d2-1(a); 17 CFR 240.12d2-2; 17 CFR 240.12f-1; 17 CFR 240.12f-2; 17 CFR 240.12f-3; 17 CFR 240.12f-4; 17 CFR 240.12f-6

Abstract: Rule 12a-4 ("rule") addresses the problem of registration under Section 12(a) of the Securities Exchange Act of 1934 ("Act") of temporary warrants that are admitted to trading on the national securities exchange. The rule provides an exemption from the operation of Section 12(a) of the Act, to the extent necessary to render legal transactions on a national securities exchange, for any warrant admitted to trading on such national securities exchange where such warrant by its terms will expire within 90 days of its issuance. No alternatives are being considered.

Timetable:

Action	Date	FR Cite
End Review	12/31/85	

Small Entity: No

Agency Contact: Thomas C. Etter, Jr., Attorney, Securities and Exchange Commission, Division of Market Regulation, 450 5th Street, N.W., Washington, D.C. 20549, 202 272-2826

RIN: 3235-AB84

55. ● RULE 12A-5 -- TEMPORARY EXEMPTION OF SUBSTITUTED OR ADDITIONAL SECURITIES

Priority: Undetermined

Legal Authority: 15 USC 78b; 15 USC 78c(b); 15 USC 78w

CFR Citation: 17 CFR 240.12d1-1; 17 CFR 240.12d1-3; 17 CFR 240.12d1-5; 17 CFR 240.12d2-1(a); 17 CFR 240.12d2-2; 17 CFR 240.12f-1; 17 CFR 240.12f-2; 17 CFR 240.12f-3; 17 CFR 240.12f-4; 17 CFR 240.12f-5; 17 CFR 240.12f-6

Abstract: Rule 12a-5 addresses the problem of an additional issuance of or substitution for a class of securities (as by a security distribution or a corporate takeover and issuance of another security) that are admitted to trading on a national securities exchange, where the additional or substituted securities would not be registered under Section 12 of the Securities Exchange Act of 1934 ("Act"). Under Rule 12a-5 such additional or substituted securities would be exempt from the operations of Section 12(a) of the Act, to the extent necessary to render legal transactions on any national securities exchange, for up to 120 days which ordinarily would allow time for registration of or the granting of unlisted trading privileges for the additional or substituted securities. No alternatives are being considered.

Timetable:

Action	Date	FR Cite
End Review	12/31/85	

Small Entity: No

Agency Contact: Thomas C. Etter, Jr., Attorney, Securities and Exchange Commission, Division of Market Regulation, 450 5th Street, N.W., Washington, D.C. 20549, 202 272-2826

RIN: 3235-AB85

56. ● RULE 12A-6 -- EXEMPTION OF SECURITIES UNDERLYING CERTAIN OPTIONS FROM SECTION 12(A)

Priority: Undetermined

Legal Authority: 15 USC 78b; 15 USC 78c(b); 15 USC 78w

CFR Citation: 17 CFR 240.3b-1; 17 CFR 240.12-6

Abstract: Rule 12a-6 ("rule") addresses the problem of registration under Section 12(a) of the Securities Exchange Act of 1934 ("Act") for securities underlying options listed on a national securities exchange. The rule (1) defines the terms "option" and "underlying security" and (2) provides an exemption from the registration provisions of Section 12(a) of the Act for securities that underlie options where: (i) the option itself is registered on a national securities exchange, (ii) the only transactions on such exchange with respect to such underlying securities consist of delivery and payment for the underlying security pursuant to the terms of the options, and (iii) the underlying security is registered and listed on another national securities securities exchange. Accordingly, the rule relieves such a national securities exchange from the need to register the underlying securities. No alternatives are being considered.

Timetable:

Action	Date	FR Cite
End Review	12/31/85	

Small Entity: No

Agency Contact: Thomas C. Etter, Jr., Attorney, Securities and Exchange Commission, Division of Market Regulation, 450 5th Street, N.W., Washington, D.C. 20549, 202 272-2826

RIN: 3235-AB86

57. ● RULE 12F-1 -- APPLICATIONS FOR PERMISSION TO EXTEND UNLISTED TRADING PRIVILEGES

Priority: Undetermmned

Legal Authority: 15 USC 78b; 15 USC 78c(b); 15 USC 78l(e); 15 USC 78l(f)

CFR Citation: 17 CFR 240.12d1-1; 17 CFR 240.12d1-3; 17 CFR 240.12d1-4; 17 CFR 240.12d1-5; 17 CFR 240.12d2-1; 17 CFR 240.12d2-2; 17 CFR 240.12f-2; 17 CFR 240.12f-3; 17 CFR 240.12f-4; 17 CFR 240.12f-6

Abstract: Rule 12f-1 under the Securities Exchange Act of 1934 ("Act") which was originally adopted by the Commission in 1934 pursuant to Section 12(f) and 23(a) of the Act sets forth the information which an exchange must include in an application for unlisted trading privileges. An application must provide the name of the issuer, the title of the security, the names of any national securities exchange, if any, on which the security is listed or admitted to unlisted trading privileges, whether transaction information concerning the security is reported in the consolidated transaction reporting system, and any other pertinent information. This information is designed to enable the Commission to make findings required by the Act, to grant applications for unlisted trading privileges and, to make information available to members of the public who may wish to comment on the application. Without this information collection, the Commission

would be unable to make such findings. The operational costs of processing a typical Rule 12f-1 application are approximately $17 (based on 1/2 hour of staff time valued at $25 per hour with related overhead at 35% of the value of (cont)

Timetable:

Action	Date	FR Cite
End Review	12/31/85	

Small Entity: No

Additional Information: ABSTRACT CONT: staff time). The annual cost is approximately $16,390 based on an estimated 670 applications a year. Based on an informal survey of respondents we estimate that the cost of completing rule 12f-1 applications on average is $41.

Agency Contact: Thomas C. Etter, Jr., Attorney, Securities and Exchange Commission, Division of Market Regulation, 450 5th Street, N.W., Washington, D.C. 20549, 202 272-2826

RIN: 3235-AB87

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58. ● RULE 12F-2 – CHANGES IN SECURITIES ADMITTED TO UNLISTED TRADING PRIVILEGES

Priority: Undetermined

Legal Authority: 15 USC 78b; 15 USC 78c(b); 15 USC 78w

CFR Citation: 17 CFR 240.12d1-1; 17 CFR 240.12d1-3; 17 CFR 240.12d1-4; 17 CFR 240.12d1-5; 17 CFR 240.12d2-1(a); 17 CFR 240.12d2-2; 17 CFR 240.12f-1; 17 CFR 240.12f-3; 17 CFR 240.12f-4; 17 CFR 240.12f-6

Abstract: Rule 12f-2 under the Securities Exchange Act of 1934 ("Act") was originally adopted in 1934 pursuant to Sections 12(f) and 23(a) of the Act. Rule 12f-2 requires that a national securities exchange report certain changes in a security admitted to unlisted trading privileges on such exchange. In general, the national security exchange would do so by filing Form 27 (17 CFR 249.27) which would provide the Commission with the name of the exchange filing the notice, the name of the issuer, a description of the security, and a brief summary of the changes effected in the security. The notices provided by Rule 12f-2 and Form 27 are designed to provide the Commission with information which is consistent with the maintenance of fair and orderly markets and the protection of investors, and generally to update the Commission's records regarding such security. We estimate the operational costs of a typical application to amount to approximately $17 (based on 1/2 hour of staff time valued at $25 per hour with related overhead at 35% of staff time). Because the limited information required by the form is readily available, we estimate the cost of completing Form 27 to be (cont)

Timetable:

Action	Date	FR Cite
End Review	12/31/85	

Small Entity: No

Additional Information: ABSTRACT CONT: approximately $27. No alternatives are being considered.

Agency Contact: Thomas C. Etter, Jr., Attorney, Securities and Exchange Commission, Division of Market Regulation, 450 5th Street, N.W., Washington, D.C. 20549, 202 272-2826

RIN: 3235-AB88

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59. ● RULE 12F-3 – TERMINATION OR SUSPENSION OF UNLISTED TRADING PRIVILEGES

Priority: Undetermined

Legal Authority: 15 USC 78l(e); 15 USC 78l(f); 15 USC 78w

CFR Citation: 17 CFR 240.12f-1; 17 CFR 240.12f-2; 17 CFR 240.12f-3; 17 CFR 249.28

Abstract: Rule 12f-3 ("rule") addresses the problem of how the termination or suspension of unlisted trading privileges in a particular security traded on a national securities exchange may be initiated by the parties involved. The rule provides that: (1) the issuer of the security, a broker-dealer creating or making a market in the security, or other interested person may file an application for termination or suspension of unlisted trading privileges together with certain information about the applicant, the issuer, and the security; and (2) the national securities exchange on which the security is traded may in accordance with its rules terminate or suspend the security and must promptly file a Form 28 (17 CFR 249.28) notifying the Commission of such action. No alternatives are being considered.

Timetable:

Action	Date	FR Cite
End Review	12/31/85	

Small Entity: No

Agency Contact: Thomas C. Etter, Jr., Attorney, Securities and Exchange Commission, Division of Market Regulation, 450 5th Street, N.W., Washington, D.C. 20549, 202 272-2826

RIN: 3235-AB89

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60. ● RULE 12F-4 – EXEMPTION OF SECURITIES ADMITTED TO UNLISTED TRADING PRIVILEGES FROM SECTIONS 13, 14 AND 16

Priority: Undetermined

Legal Authority: 15 USC 78l(f); 15 USC 78w

CFR Citation: 17 CFR 240.12f-1; 17 CFR 240.12f-2; 17 CFR 240.12f-6

Abstract: Rule 12f-4 ("rule") addresses the problem of subjecting securities admitted to unlisted trading privileges on a national securities exchange to the filing requirements of Section 13, 14, and 16 of the Securities Exchange Act of 1934 ("Act"). The rule exempts any security admitted to unlisted trading privileges on a national securities exchange from the filing requirements of Section 13, 14, and 16 of the Act unless: (1) the security or another security of the same issuer is listed and registered on a national securities exchange or registered under Section 12(g)(1) of the Act or (2) the issuer is subject to the filing requirements of Section 15(d) of the Act. No alternatives are being considered.

Timetable:

Action	Date	FR Cite
End Review	12/31/85	

Small Entity: No

Agency Contact: Thomas C. Etter, Jr., Attorney, Securities and Exchange Commission, Division of Market Regulation, 450 5th Street, N.W., Washington, D.C. 20549, 202 272-2826

RIN: 3235-AB90

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61. ● RULE 12F-6 – CONTINUANCE OF UNLISTED TRADING PRIVILEGES ON MERGED EXCHANGES

Priority: Undetermined

Legal Authority: 15 USC 78l(e); 15 USC 78l(f); 15 USC 78w

CFR Citation: 17 CFR 240.12f-1; 17 CFR 240.12f-2

Abstract: Rule 12f-6 ("rule") of the Securities Exchange Act of 1934 addresses the problem of avoiding an interruption in unlisted trading privileges in a security where a national securities exchange that has unlisted trading privileges in such security is absorbed by another exchange. The rule provides that in event of such an absorption, the unlisted trading privileges may be continued on the surviving national securities exchange. No alternatives are being considered.

Timetable:

Action	Date	FR Cite
End Review	12/31/85	

Small Entity: No

Agency Contact: Thomas C. Etter, Jr., Attorney, Securities and Exchange Commission, Division of Market Regulation, 450 5th Street, N.W., Washington, D.C. 20549, 202 272-2826

RIN: 3235-AB93

62. ● RULE 17AB2-1 – REGISTRATION OF CLEARING AGENCIES

Priority: Undetermined

Legal Authority: 15 USC 78q2-1

CFR Citation: 17 CFR 240.17Ab2-1

Abstract: Rule 17Ab2-1 requires applications for registration or exemption as a clearing agency as defined in Section 3(a)(23), or related amendments, to be filed on Form CA-1. If such an application was filed by November 24, 1975, the rule provided that the applicant is exempt from the requirements of Rule 17A(b) for described activities until the Commission grants or denies registration, or exempts the applicant. The rule also authorizes the Commission to register an applicant but exempt it from one or more requirements of Section 17A(b)(3)(A)-(I) for up to eighteen months. However, within nine months of such registration, the Commission must either fully register the applicant without exemption or institute proceedings to determine whether to deny registration. The rule also provides that filing an amendment extends the Commission's period for action by ninety days. In addition, if information contained in Form CA-1 Items 1-3 becomes inaccurate, incomplete or misleading, the clearing agency must correct the information promptly. Finally, applications, as well as amendments and related documents, constitute "reports" or "applications" within the meaning of Section 17.17A.19,or (cont)

Timetable:

Action	Date	FR Cite
End Review	12/31/85	

Small Entity: No

Additional Information: ABSTRACT CONT: 32(a) of the Act.

Agency Contact: John F. Connolly, Staff Attorney, Securities and Exchange Commission, Market Regulation, 450 5th Street, N.W., Washington, D.C. 20549, 202 272-2413

RIN: 3235-AB83

63. ● RULE 19C-1 – GOVERNING CERTAIN OFF-BOARD AGENCY TRANSACTIONS BY MEMBERS OF NATIONAL SECURITIES EXCHANGES

Priority: Undetermined

Legal Authority: 15 USC 78b; 15 USC 78c(b); 15 USC 78w

CFR Citation: 17 CFR 240.19c-1

Abstract: Rule 19c-1 ("rule") under the Securities Exchange Act of 1934 requires that a member of a national security exchange be permitted to effect over-the-counter agency transactions in securities listed or admitted to unlisted trading privileges on such an exchange with any other person not also represented as agent by that member (excluding only in-house agency cross transactions). The purpose of this rule is to provide certain persons, including third market brokers such as Instinet, a fair opportunity to compete. No other alternatives are being considered.

Timetable:

Action	Date	FR Cite
End Review	12/31/85	

Small Entity: No

Agency Contact: Thomas C. Etter, Jr., Attorney, Securities and Exchange Commission, Division of Market Regulation, 450 5th Street, N.W., Washington, D.C. 20549, 202 272-2826

RIN: 3235-AB91

64. ● FORM 27 – CHANGES IN SECURITIES ADMITTED UNLISTED TRADING PRIVILEGES

Priority: Undetermined

Legal Authority: 15 USC 78l(e); 15 USC 78l(f); 15 USC 78w

CFR Citation: 17 CFR 240 12f-2

Abstract: Form 27 provides the Commission with notice (pursuant to 17 CFR 240.12f-3(b)) of certain changes in a security admitted to unlisted trading privileges on a national securities exchange. Such notice to the Commission is necessary for the Commission to carry out its regulatory oversight responsibilities and is consistent with the maintenance of fair and orderly markets and the protection of investors. No alternatives are being considered.

Timetable:

Action	Date	FR Cite
End Review	12/31/85	

Small Entity: No

Agency Contact: Thomas C. Etter, Jr., Attorney, Securities and Exchange Commission, Division of Market Regulation, 450 5th Street, N.W., Washington, D.C. 20549, 202 272-2826

RIN: 3235-AB92

65. ● FORM 28 – NOTIFICATION OF CHANGES IN SECURITIES ADMITTED TO UNLISTED TRADING PRIVILEGES

Priority: Undetermined

Legal Authority: 15 USC 78l(3), 15 USC 78l(f), 15 USC 78w

CFR Citation: 17 CFR 240.12f-3, 17 CFR 240.12f-2

Abstract: Form 28 provides the Commission with notice (pursuant to 17 CFR 240.12f-3(b)) of termination or suspension by a national securities exchange of unlisted trading privileges in any security. Such notice to the Commission is necessary for the Commission to carry out its regulatory oversight responsibilities.

Timetable:

Action	Date	FR Cite
End Review	12/31/85	

Small Entity: No

Agency Contact: Thomas C. Etter, Jr., Attorney, Securities and Exchange Commission, Division of Market Regulation, 450 5th Street, N.W., Washington, D.C. 20549, 202 272-2826

RIN: 3235-AB94

66. ● FORM CA-1 – APPLICATION FOR REGISTRATION OR FOR EXEMPTION FROM REGISTRATION AS A CLEARING AGENCY AND FOR AMENDMENT TO REGISTRATION PURSUANT TO THE SECURITIES EXCHANGE ACT OF 1934

Priority: Undetermined

Legal Authority: 15 USC 78q-1(b)

CFR Citation: 17 CFR 240.17Ab2-1

Abstract: Rule 17Ab2-1 requires applications for registration or for exempt ion from registration as a clearing agency, as defined in Section 3(a)(23) of the Exchange Act, to be made on Form CA-1. Reference to Form CA-1 includes the form and any required schedules, exhibits, or attachments. Information provided on Form CA-1 is used to determine whether applicants for registration have met the statutory standards of Section 17A(b) (3). These standards include requirements that clearing agencies: (1) safeguard securities and funds in its custody or control; (2) assure fair representation of shareholders (or members) and participants in the selection of its directors and in its administration; (3) have rules designed to promote accurate clearance and settlement of securities transactions, and (4) in general, have rules protecting investors and the public interest.

Timetable:

Action	Date	FR Cite
End Review	12/31/85	

Small Entity: No

Agency Contact: John F. Connolly, Staff Attorney, Securities and Exchange Commission, Market Regulation, 450 5th Street, N.W., Washington, D.C. 20549, 202 272-2413

RIN: 3235-AB82

SECURITIES AND EXCHANGE COMMISSION (SEC) Completed Actions

COMPLETED RULEMAKINGS

67. PROPOSED RULES AND GUIDE FOR DISCLOSURES CONCERNING RESERVES FOR UNPAID LOSSES AND LOSS ADJUSTMENT EXPENSES FOR PROPERTY-CASUALTY UNDERWRITERS

Priority: Undetermined

CFR Citation: 17 CFR 210.5-04; 17 CFR 210.7-05; 17 CFR 210.12-18; 17 CFR 210.12-19; 17 CFR 229.60; 17 CFR 231

Completed:

Reason	Date	FR Cite
Final Action Final Rules and Guide Adopted	11/27/84	49 FR 47594
Final Action Effective	12/15/84	49 FR 47594

Small Entity: Undetermined

Agency Contact: Jeremiah Harrington 202 272-2130

RIN: 3235-AA75

68. DIRECTORS, EXECUTIVE OFFICERS, PROMOTERS, AND CONTROL PERSONS

CFR Citation: 17 CFR 229.401(f); 17 CFR 229.401(g)

Completed:

Reason	Date	FR Cite
Final Action	08/16/84	49 FR 32762
Final Action Effective	01/01/85	49 FR 32762

Small Entity: Yes

Agency Contact: Betsy Callicott Goodell 202 272-2589

RIN: 3235-AB50

69. CONSENTS TO SERVICE

Priority: Undetermined

CFR Citation: 17 CFR 230

Completed:

Reason	Date	FR Cite
Final Action The staff has discontinued this project.	02/13/85	

Small Entity: Yes

Agency Contact: Martin Meyrowitz 202 272-3250

RIN: 3235-AA56

70. RULE 137, 138, & 139 - DEFINITION OF "OFFER FOR SALE" AND "OFFER TO SELL" IN SECTIONS 2(10) AND 5(C) IN RELATION TO CERTAIN PUBLICATIONS

Priority: Undetermined

CFR Citation: 17 CFR 230.137; 17 CFR 230.138; 17 CFR 230.139

Completed:

Reason	Date	FR Cite
Final Action	09/20/84	49 FR 37569
Final Action Effective	10/25/84	49 FR 37569

Small Entity: No

Agency Contact: Patricia B. Magee 202 272-2589

RIN: 3235-AB10

71. TEMPORARY RULES AND FORMS FOR THE PILOT ELECTRONIC DISCLOSURE SYSTEM

Priority: Agency Determination

CFR Citation: 17 CFR 230.499; 17 CFR 239.62; 17 CFR 239.63; 17 CFR 239.64; 17 CFR 240.12b-37; 17 CFR 249.444; 17 CFR 249.445; 17 CFR 249.446; 17 CFR 260.0-12; 17 CFR 269.5; 17 CFR 269.6; 17 CFR 269.7

Completed:

Reason	Date	FR Cite
Final Action	06/27/84	49 FR 28044

Small Entity: Undetermined

Agency Contact: Patricia M. Jayne 202 272-2589

RIN: 3235-AA77

72. PROPOSED FORM F-5 AND OTHER RULES RELATING TO DISCLOSURE IN CONNECTION WITH BUSINESS COMBINATIONS INVOLVING FOREIGN COMPANIES

Priority: Undetermined

CFR Citation: 17 CFR 239.35; 17 CFR 240.12g; 17 CFR 240.12g3-2(d)(2); 17 CFR 240.15c2-8; 17 CFR 240.15d-3; 17 CFR 240.15d-5

SEC

Completed Actions

Completed:

Reason	Date	FR Cite
Final Action The staff has discontinued this project.	02/13/85	

Small Entity: Undetermined

Agency Contact: Martin Meyrowitz 202 272-3250

RIN: 3235-AB59

73. SECURITIES EXCHANGE ACT RULE 3B-1 -- DEFINITION OF "LISTING"

Priority: Undetermined

CFR Citation: 17 CFR 240.12d1-3; 17 CFR 240.12d1-4; 17 CFR 240.12d1-5; 17 CFR 240.12d2-1; 17 CFR 240.12d2-2; 17 CFR 240.12f-1; 17 CFR 240.12f-2; 17 CFR 240.12f-3; 17 CFR 240.12f-4; 17 CFR 240.12f-6; 17 CFR 240.12g-2

Completed:

Reason	Date	FR Cite
End Review	01/27/85	

Small Entity: No

Agency Contact: Brandon C. Becker 202 272-2889

RIN: 3235-AB55

74. RULE 11AA2-1 -- DESIGNATION OF NATIONAL MARKET SYSTEM SECURITIES

Priority: Undetermined

CFR Citation: 17 CFR 240.11Aa2-1

Completed:

Reason	Date	FR Cite
Final Action	12/18/84	
Final Action Effective	01/22/85	50 FR 730

Small Entity: Undetermined

Agency Contact: Andrew E. Feldman 202 272-2388

RIN: 3235-AB52

75. SECURITIES EXCHANGE ACT RULE 15C2-11--INITIATION OR RESUMPTION OF QUOTATIONS WITHOUT SPECIFIED INFORMATION

Priority: Undetermined

CFR Citation: 17 CFR 240.15c2-11

Completed:

Reason	Date	FR Cite
Final Action	11/08/84	49 FR 45117
Final Action Effective	01/14/85	49 FR 45117

Small Entity: Undetermined

Agency Contact: Nancy J. Burke 202 272-2848

RIN: 3235-AA48

76. RULE 17AD-2(E)

Priority: Undetermined

CFR Citation: 17 CFR 240.17Ad-2(e)

Completed:

Reason	Date	FR Cite
Final Action	10/05/84	49 FR 40573
Final Action Effective	10/05/84	49 FR 40573

Small Entity: Undetermined

Agency Contact: Sandra Sciole 202 272-2775

RIN: 3235-AB13

77. FORM N-SAR -- SEMI-ANNUAL REPORT FOR REGISTERED INVESTMENT COMPANIES

Priority: Undetermined

CFR Citation: 17 CFR 240.13a-1; 17 CFR 240.15d-1; 17 CFR 270.30a-1; 17 CFR 270.30a-2; 17 CFR 274.101; 17 CFR 274.102; 17 CFR 240.12b-25; 17 CFR 249.322; 17 CFR 270.30e1-3

Completed:

Reason	Date	FR Cite
Final Action	01/11/85	50 FR 1442
Final Action Effective	04/30/85	

Small Entity: Yes

Agency Contact: Gene A. Gohlke 202 272-2024

RIN: 3235-AB18

78. UTILIZING PRIVATE ENTITIES IN INVESTMENT COMPANY EXAMINATIONS AND IMPOSING EXAMINATION FEES

Priority: Undetermined

CFR Citation: Not yet determined

Completed:

Reason	Date	FR Cite
Discontinued The staff has decided not to recommend any further action.	01/02/85	

Small Entity: Undetermined

Agency Contact: Mary S. Podesta 202 272-2107

RIN: 3235-AA42

79. EXEMPTION FOR CUSTODY OF INVESTMENT COMPANY ASSETS OUTSIDE THE UNITED STATES

CFR Citation: 17 CFR 270.7d-1.(Revision); 17 CFR 270.17f-4(b), (Revision); 17 CFR 270.17f-5

Completed:

Reason	Date	FR Cite
Final Action	09/07/84	99 FR 36080
Final Action Effective	09/14/84	

Small Entity: Undetermined

Agency Contact: Elizabeth M. Knoblock 202 272-3036

RIN: 3235-AB48

80. RULE 2A19-1 CERTAIN PERSONS NOT DEEMED INTERESTED PERSONS; DEFINITION OF REGULAR BROKER OR DEALER

Priority: Undetermined

CFR Citation: 17 CFR 270.2a-5; 17 CFR 270.2a19-1; 17 CFR 270.10b-1; 17 CFR 274

Completed:

Reason	Date	FR Cite
Final Action	10/12/84	49 FR 40569
Final Action Effective	11/12/84	

Small Entity: Undetermined

Agency Contact: Elizabeth M. Knoblock 202 272-3036

RIN: 3235-AA11

81. RULE 3A-5 (PROPOSED AS A REVISION TO RULE 6C-1) EXEMPTION FOR SUBSIDIARIES ORGANIZED TO FINANCE THE OPERATIONS OF DOMESTIC OR FOREIGN COMPANIES

Priority: Undetermined

CFR Citation: 17 CFR 270.3a-5

SEC

Completed Actions

Completed:

Reason	Date	FR Cite
Final Action	12/13/84	
Final Action Effective	12/14/84	

Small Entity: No

Agency Contact: William C. Gibbs, Esq. 202 272-2147

RIN: 3235-AA13

82. RULE 10B-1-- DEFINITION OF REGULAR BROKER OR DEALER

Priority: Undetermined

CFR Citation: 17 CFR 270.10b-1

Completed:

Reason	Date	FR Cite
Final Action	10/12/84	49 FR 40569
Final Action Effective	11/12/84	

Small Entity: No

Agency Contact: Elizabeth M. Knoblock 202 272-3036

RIN: 3235-AB39

83. PROPOSED RULE 22D-6 UNDER THE INVESTMENT COMPANY ACT

Priority: Undetermined

CFR Citation: 17 CFR 270.22d-6

Completed:

Reason	Date	FR Cite
Final Action	02/21/85	

Small Entity: Yes

Agency Contact: Elizabeth M. Knoblock, Esq. 202 272-3036

RIN: 3235-AA17

84. RULE 204-2 UNDER INVESTMENT ADVISERS ACT OF 1940 ("ADVISER'S ACT") -- BOOKS AND RECORDS TO BE MAINTAINED BY INVESTMENT ADVISERS

Priority: Undetermined

CFR Citation: 17 CFR 275.204-2

Completed:

Reason	Date	FR Cite
Final Action	01/11/85	
Final Action Effective	01/17/85	50 FR 2542

Small Entity: Undetermined

Agency Contact: Mary S. Podesta 202 272-2079

RIN: 3235-AA18

COMPLETED REVIEWS

85. RULE 3A12-5 -- EXEMPTION OF CERTAIN INVESTMENT CONTRACT SECURITIES FROM SECTIONS 7(C) AND 11(D)(1)

Priority: Undetermined

CFR Citation: 17 CFR 240.3a12-5

Completed:

Reason	Date	FR Cite
End Review	01/23/85	

Small Entity: No

Agency Contact: Colleen Curran Harvey 202 272-2848

RIN: 3235-AB56

86. RULE 11D1-1 -- EXEMPTION OF CERTAIN SECURITIES FROM SECTION 11(D)(1)

Priority: Undetermined

CFR Citation: 17 CFR 240.11d1-1

Completed:

Reason	Date	FR Cite
End Review	01/21/85	

Small Entity: No

Agency Contact: Colleen Curran Harvey 202 272-2848

RIN: 3235-AB54

87. RULE 15C2-4 -- TRANSMISSION OR MAINTENANCE OF PAYMENTS RECEIVED IN CONNECTION WITH UNDERWRITINGS

Priority: Undetermined

CFR Citation: 17 CFR 240.15c2-4

Completed:

Reason	Date	FR Cite
End Review	01/25/85	

Small Entity: Undetermined

Agency Contact: Nancy J. Burke 202 272-2848

RIN: 3235-AB57

ACTIONS THAT STARTED AND ENDED BETWEEN ISSUES OF THE UNIFIED AGENDA

88. ● RULE 1-01. APPLICATION OF REGULATION S-X

Priority: Undetermined

CFR Citation: 17 CFR 210.1-01

Timetable:

Action	Date	FR Cite
End Review	12/20/84	

Small Entity: Undetermined

Agency Contact: Robert Burns, Chief Counsel, Securities and Exchange Commission, Office of the Chief Accountant, 450 5th Street, N.W., Washington, D.C. 20549, 202 272-2130

RIN: 3235-AB64

89. ● RULE 1-02. DEFINITION OF TERMS USED IN REGULATION S-X

Priority: Undetermined

CFR Citation: 17 CFR 210.1-02

Timetable:

Action	Date	FR Cite
End Review	12/20/84	

Small Entity: Undetermined

Agency Contact: Robert Burns, Chief Counsel, Securities and Exchange Commission, Office of the Chief Accountant, 450 5th Street, N.W., Washington, D.C. 20549, 202 272-2130

RIN: 3235-AB66

[FR Doc. 85-9882 Filed 04-26-85; 8:45 am]
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General Services Administration

Grant Programs—Energy
Conservation and Renewable Energy Office

Hazardous Materials Transportation
Research and Special Programs Administration

Hazardous Waste
Environmental Protection Agency

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Federal Register
Vol. 50, No. 83
Tuesday, April 30, 1985

Presidential Documents

Title 3—

The President

Proclamation 5330 of April 26, 1985

Prayer for Peace
Memorial Day, May 27, 1985

By the President of the United States of America

A Proclamation

Memorial Day is the one day we set aside each year for a special observance of the sacrifices Americans have made throughout our history for the ideals of peace, freedom, and justice for all. It is fitting upon this occasion that we look forward with hope to the future and also back with remembrance to the commitment and bravery of previous generations of Americans.

This year, we observe the fortieth anniversary of the end of the most destructive war the world has ever known—a war the United States did not want but nevertheless fought with total commitment to protect the most cherished human ideals. Throughout that war, and in our foreign relations afterward, we have sought to achieve true and lasting peace for all the people of the world.

Today, our desire for peace is equally great. In our observances this Memorial Day, we honor the brave Americans who paid the highest price for their commitment to the ideals of peace, freedom, and justice. Our debt to them can be paid only by our own recommitment to preserving those same ideals. But our recommitment cannot be for ourselves alone. It must also be for our children, and for the generations yet to come. Peace, freedom, and justice are not things that were won for us two hundred years ago or forty years ago; they must be won again and again by each successive generation.

And so today, let us pray for peace; and let us remember those who gave so much for peace that the ideals of the West may survive.

In recognition of those Americans to whom we pay tribute today, the Congress, by joint resolution of May 11, 1950 (64 Stat. 158), has requested the President to issue a proclamation calling upon the people of the United States to observe each Memorial Day as a day of prayer for permanent peace and designating a period on that day when the people of the United States might unite in prayer.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby designate Memorial Day, Monday, May 27, 1985, as a day of prayer for permanent peace, and I designate the hour beginning in each locality at 11 o'clock in the morning of that day as a time to unite in prayer. I urge the press, radio, television, and all other information media to cooperate in this observance.

I also request the Governors of the United States and the Commonwealth of Puerto Rico, and the appropriate officials of all local units of government, to direct that the flag be flown at half-staff during this Memorial Day on all buildings, grounds, and naval vessels throughout the United States and in all areas under its jurisdiction and control, and I request the people of the United States to display the flag at half-staff from their homes for the customary forenoon period.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-sixth day of April, in the year of our Lord nineteen hundred and eighty-five, and of the Independence of the United States of America the two hundred and ninth.

Ronald Reagan

[FR Doc. 85-10567
Filed 4-26-85; 3:59 pm]
Billing code 3195-01-M

Rules and Regulations

Federal Register
Vol. 50, No. 83
Tuesday, April 30, 1985

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

MERIT SYSTEMS PROTECTION BOARD

5 CFR Part 1201

Voluntary Expedited Appeals Procedure

AGENCY: Merit Systems Protection Board.

ACTION: Final rule.

SUMMARY: The Merit Systems Protection Board is adopting as final the previously published interim rules and extending the coverage of the voluntary expedited appeals procedure to the Board's regional offices not previously covered: New York, Philadelphia, Atlanta, St. Louis and Washington, DC. This expedited process is a simplified alternative dispute resolution procedure which will provide employees and agencies with a faster, less costly process than Subpart B procedures to resolve appealed actions, while also assuring an impartial third-party forum with full concern for fairness and the rights of all parties.

EFFECTIVE DATE: April 30, 1985.

FOR FURTHER INFORMATION CONTACT: Paul E. Trayers, Legislative Counsel, Office of the Legislative Counsel, U.S. Merit Systems Protection Board, 1120 Vermont Avenue, NW., Washington, DC 20419. Telephone: (202) 653–7175.

SUPPLEMENTARY INFORMATION:

Backgrounds

Upon publication of this notice, the interim rules of the Merit Systems Protection Board governing the voluntary expedited appeals procedure for resolving matters subject to the appellate jurisdiction of the Board are final. The interim rules were first published at 48 FR 11399 (March 18, 1983) and amended at 49 FR 26697 (June 29, 1984). On September 18, 1984 (49 FR 36495), the expiration date was extended to December 17, 1984. On December 17, 1984 (49 FR 48906), the Board extended the expiration date to April 30, 1985; proposed extending the voluntary expedited appeals procedure to cover the remaining five regional offices; and invited interested parties to comment on use of the procedure.

Voluntary Expedited Appeals Procedure

The voluntary expedited appeals procedure (VEAP) is a simplified alternative dispute resolution procedure which will provide employees and agencies with a faster, less costly process than Subpart B procedures to resolve appealed actions, while also assuring an impartial third-party forum with full concern for fairness and the rights of all parties.

Comments were received from four Federal agencies. Upon review, the Board has determined to adopt the interim rules as final. Technical changes have been made to the interim rules for the limited purpose of clarification. The significant comments received are discussed below.

Several commentators were concerned that the absence of a transcript in the expedited procedure would make later Board and court review difficult. Because the cases suitable for this procedure are routine and non-precedential, there is less of a need for a transcript for review purposes.

In order to invoke the expedited process initially, the parties, as well as a regional director or designee of the Board, must agree that the case is in fact appropriate for resolution under this process. And, the Board may convert the case to the formal appeals process in the event circumstances warrant, such as when it appears that discovery is required or novel issues are raised in the course of a proceeding. Requiring an official verbatim record of the proceeding would hamper the Board's ability to offer the parties an expedited, less costly procedure in the more routine cases.

In addition, proper use of the Joint Appeals Record (JAR) will provide the parties the opportunity to set forth the essential facts necessary to support the evidentiary basis of their respective positions. Presiding officials are required, under VEAP as well as the formal procedure, to issue initial decisions that identify all material issues of fact, summarize the evidence on each issue sufficiently to disclose the evidentiary basis for the findings of fact, set forth those findings clearly and explain how any issues of credibility were resolved. *Spitholer* v. *OPM*, 2 MSPB 2 (1980).

Several commentators urged that the Board retain the voluntary nature of VEAP. No change in this regard was proposed and the final rules reflect that the appellant must elect and the agency must consent before a case may be processed under the expedited procedure.

One agency commented that difficulty has been encountered in assembling the Joint Appeals Record (JAR) jointly and effectively to narrow the disputed issues in the case. Through familiarity with the JAR, the parties will become more adept at narrowing issues. The parties need not agree on the issues in the case but are simply expected to recognize their differences and state them clearly prior to the hearing. If logistical problems arise or if the parties are unable, after significant good faith efforts, to submit a single pleading, the JAR may be submitted individually by the parties.

One commentator suggested that settlement procedures be expressly delineated. It is the Board's intent to keep the settlement process informal; standard procedures are not deemed necessary. The settlement process is strictly voluntary. The Board's presiding officials are available to assist the parties in settlement but discussions may be terminated at a party's request. Again, increased use of the expedited process will lead to familiarity with the settlement process.

Another commentator suggested that in order to avoid disruption, an appeal should not be subject to conversion to the formal appeals process absent mutual agreement of the parties. The Board is ultimately responsible for ensuring that the due process rights of the parties are satisfied. Therefore, the Board reserves the authority to determine whether a case should be removed from the expedited process. If circumstances arise which indicate a case is no longer routine, requires discovery, presents novel and complex factual or legal issues, or otherwise requires additional time for adjudication, the case will be converted to the formal appeals process. No disruption to the parties should result

from the conversion. The parties will simply be given additional time to present their case.

One comment dealt with delineating the type of case suitable for VEAP. The Board reiterates that only routine, non-precedential cases that do not require discovery are appropriate for resolution in the expedited process. It was also suggested that certain types of cases, such as mixed cases, performance-based actions, cases with intervenors or involving criminal conduct, be expressly excluded from this process. There is no apparent reason to exclude these cases if they are routine, nonprecedential and do not require discovery. If the parties and a regional director or designee agree that the case is routine and non-precedential, the case is suitable for resolution under VEAP. If the case becomes complicated, it may be converted to the formal appeals process.

One commentator suggested that the 15-day time limit from the date of the Board's acknowledgment order for the agency to consent to use the expedited process is too short; it was suggested that the rule be changed to allow for 15 days from receipt of the acknowledgment order. When an acknowledgment order is issued, the regional director or designee will often contact the agency by telephone. In addition, the 15-day time limit is extendable on request. It should be noted, however, that one of the advantages of the expedited process is that the parties can expect an expedient adjudication. In order to reap that benefit, the parties must cooperate to that end.

List of Subjects in 5 CFR part 1201

Government employees.

Accordingly, the interim regulations published on March 18, 1983 (48 FR 11399) and June 29, 1984 (49 FR 26697), at 5 CFR 1201.21, 1201.24 and 1201.25, and Subpart G, are made final rules. The regulations are further amended as set forth below.

PART 1201—PRACTICES

1. The authority for Part 1201 continues to read as follows:

Authority: 5 U.S.C. 1101 et seq., unless otherwise noted.

Subpart B—Hearing Procedures for Appellate Cases

2. Section 1201.21 and the undesignated center heading text preceding it are revised to read as follows:

Petitions for Review of Agency Action, Pleadings

§ 1201.21 Notice of appeal rights.

When an agency issues a decision notice to an employee on a matter appealable to the Board the agency shall provide:

(a) Notice of the time limits for appealing to the Board and the address of the appropriate Board office for filing the appeal;

(b) A copy of the Board's regulations;

(c) A copy of the appeal from set forth in Appendix I or I–A of this part.

(d) Notice of any applicable rights to a grievance procedure.

(e) Notice of the opportunity to request the voluntary expedited appeals procedure set forth at § 1201.200 through § 1201.222, including a description of the procedure, as set forth in the Attachment to the appeal form in Appendix I–A.

3. Section 1201.24 is revised to read as follows:

§ 1201.24 Content of petition for appeal, right to hearing.

(a) *Contents.* Petitions for appeal must be filed by the employee, his/her designated representative or a party properly substituted under § 1201.35. Petitions may use any format, including letter form, but must contain the following:

(1) The name of the appellant and the acting agency;

(2) The action taken by the agency and its effective date;

(3) A request for hearing if desired;

(4) A statement of the reasons why the appellant believes the agency action to be wrong;

(5) A statement of the action the appellant would like the presiding official to order;

(6) The name of the appellant's representative, if any;

(7) Attachment of any relevant documents including the decision notice;

(8) A statement as to whether the appellant or anyone acting on his/her behalf has filed a grievance or complaint with any agency regarding this matter;

(9) Signature by the appellant and representative, if any. Failure to raise a claim or defense in the petition shall not bar its submission later unless to do so would prejudice the rights of the other parties and unduly delay the proceedings;

(10) A request, if an appellant desires, to have matter processed under the voluntary expedited appeals procedure set forth at §§ 12.1.200 through 1201.222.

(b) *Use of the form.* Completion of the form in Appendix I or I–A of this part shall constitute compliance with paragraph (a) of this section and § 1201.31 if a representative is designated in the form.

(c) *Right to hearing.* Under 5 U.S.C. § 7710, an appellant has a right to a hearing. Alternatively, the appellant may choose to have the determination based on the record. If the parties choose to utilize the voluntary expedited appeals procedure, the procedures for a hearing shall be in accordance with § 1201.205.

4. Section 1201.25 is revised to rad as follows:

§ 1201.25 Content of agency response, request for hearing.

(a) *Content.* Agency responsse to petitions for appeal shall contain the following:

(1) The name of the appellant and the acting agency;

(2) A statement of the agency action taken against the appellant and the reasons therefor;

(3) A specific response to each allegation of the appellant's petition admitting, denying or explaining each in whole or in part;

(4) All documents contained in the agency record of the proceeding;

(5) Request for hearing and the reasons therefor;

(6) A declination by the agency, if the voluntary expedited appeals procedure has been requested by the appellant and the agency declines to use the process; and

(7) Designation of and signature by the authorized agency representative.

(b) *Request for hearing.* The agency may request a hearing on the appeal which may be granted at the discretion of the presiding official.

5. 5 CFR Part 1201, Subpart G is revised to read as follows:

Subpart G—Voluntary Expedited Appeals Procedure

General

Sec.

1201.200 Scope and policy.

Election of and Filing for Voluntary Expedited Appeals Procedure

1201.201 Election of voluntary expedited appeals procedure.
1201.202 Filing of request for voluntary expedited appeals procedure; contents; time limits.
1201.203 Joint appeals record.
1201.204 Procedures for cases involving allegations of discrimination.

Presiding Official and Hearing

1201.205 Selection and authority of presiding official.
1201.206 Hearing.

Sec.

Parties and Witnesses

1201.207 Witnesses.
1201.208 Intervenors.

Evidence

1201.209 Service of documents.
1201.210 Admissibility.
1201.211 Production of evidence or witnesses by request of presiding official.
1201.212 Stipulations.
1201.213 Official notice.

Sanctions

1201.214 Sanctions.

Hearing Procedure; Settlement; Expedited Initial Decision

1201.215 Burden of proof.
1201.216 Closing the record.
1201.217 Settlement.
1201.218 Expedited Initial Decision.

Petitions for Review

1201.219 Petitions for Review
1201.220 Standard of Review
1201.221 Final Decision
1201.222 Judicial Review.

Authority: 5 U.S.C. 7701(j).

Subpart G—Voluntary Expedited Appeals Procedure

General

§ 1201.200 Scope and policy.

The rules in this subpart apply to the voluntary expedited appeals procedure (VEAP) of the Board. It is the objective of the Board to establish a simplified alternative dispute resolution procedure which will provide employees and agencies with a faster, less costly process than Subpart B procedures to resolve appealed actions, while also assuring an impartial third-party forum with full concern for fairness and the rights of all parties.

Election of and Filing for Voluntary Expedited Appeals Procedure

§ 1201.201 Election of voluntary expedited appeals procedure.

(a) The appellant may request that his/her case be processed under the voluntary expedited appeals procedure at the time of filing a petition for appeal. In the event the appellant has not elected VEAP at the time of filing, appellant will be allowed 10 days from the date of the Board's acknowledgment order to elect the alternate procedure. Such election must be in writing. The date of filing shall be determined by the date of mailing indicated by the postmark date.

(b) If an appellant elects VEAP in the petition for appeal, notice of that election will be served on the agency in the Board's order of acknowledgment. If an appellant elects VEAP during the 10-day period following the acknowledgment order, the Board will notify the agency of that election. Within 15 days from the date of the Board's order, the agency will file either a consent to use the voluntary expedited process and a designation of representative form or a declination. Included in the consent will be a brief summary of facts and legal issues raised in the appeal. In the event the agency declines to use the expedited process, it must timely file its response to the petition for appeal in accordance with § 1201.25 and note its declination of the process.

(c) The regional director or designee of the MSPB office having jurisdiction over the appeal retains final discretion to process the case under the voluntary expedited appeals procedure or the formal MSPB procedure. Such decision will be made after receipt of the agency's consent and summary of the case. The regional director or designee also retains the right to convert the case to adjudication under Subpart B procedures in the event circumstances warrant, such as whenever it appears that discovery is required, novel questions of law are raised at the hearing or in briefs, or issues arise that do not lend themselves to resolution in an expedited process.

§ 1201.202 Filing of request for the voluntary expedited appeals procedure; contents; time limits.

(a) The filing, time limits and content requirements of the petition for appeal processed under this subpart shall comply with the provisions of §§ 1201.22–1201.26 of Subpart B, unless these regulations expressly provide otherwise.

(b) Within 15 days from the date of the Board's order of acknowledgment, the agency will file a designation of representative and consent form, including a summary of facts and legal issues raised in the case or decline to use the process.

§ 1201.203 Joint appeals record.

(a) Within 30 days from the date of the Board's order of acknowledgment, the parties will file a Joint Appeals Record including, but not limited to:

(1) Each Party's statement of issues;

(2) Each Party's statement of position with respect to those issues limited to three pages;

(3) Requests for hearing;

(4) Witness lists, including a statement of the anticipated testimony of each witness;

(5) Any objections to the appearance of any witness requested by the opposing party;

(6) The agency response required by § 1201.25; and

(7) Two dates, mutually agreed upon by the parties for the hearing, no later than 15 days beyond the day the Joint Appeals Record is to be received by the Regional Office.

(b) The parties must submit all known relevant material in the Joint Appeals Record. Evidence may not be submitted at the hearing unless the presiding official determines that good cause is shown for the late submission.

§ 1201.204 Procedures for cases involving allegations of discrimination.

The provisions for the processing of cases involving discrimination are not abridged by the use of the voluntary expedited appeals procedure. Section 1201.152, however, does not apply to the adjudication of cases involving allegations of discrimination if they are processed under VEAP.

Presiding Official and Hearing

§ 1201.205 Selection and authority of presiding official.

(a) The regional director will appoint the presiding official taking due account of scheduling difficulties, workload requirements or conflicts of interest.

(b) The presiding official shall have the authority to rule on parties' procedural requests. However, the presiding official shall issue the expedited initial decision no later than 60 days from the date of the Board's order of acknowledgment.

(c) The presiding official shall have the authority to take all necessary action to avoid delay in the disposition of the proceeding and to conduct a fair and impartial hearing including the authority to regulate the hearing, maintain decorum and exclude from the hearing any disruptive person.

(d) Unless these regulations expressly provide otherwise, the presiding official will follow the regulations under 5 CFR Part 1201, Subpart B.

§ 1201.206 Hearing.

(a) If the appellant requests a hearing, or if the presiding official approves any agency request for a hearing, the hearing will be scheduled no later than 15 days following the due date or receipt of the Joint Appeals Record, whichever is earlier.

(b) The hearing will be informal. Election of VEAP constitutes a waiver by the parties of a verbatim record.

(c) The hearing will be held at the employment site.

Parties and Witnesses.

§ 1201.207 Witnesses.

Every Federal agency will make its employees available to furnish sworn statements or to appear as witnesses at the hearing when requested by the presiding official. Witnesses are on official duty status when providing such statements or testimony.

§ 1201.208 Intervenors.

(a) The Director of the Office of Personnel Management may intervene as a matter of right pursuant to 5 U.S.C. 7701(d)(1). Such intervention shall be made at the earliest practicable time.

(b) The Special Counsel may intervene as a matter of right pursuant to 5 U.S.C. 1206(i). Such intervention shall be made at the earliest practicable time.

Evidence

§ 1201.209 Service of documents.

Any documents submitted to the presiding official shall be served upon all parties to the proceeding.

§ 1201.210 Admissibility.

Formal rules as to admissibility of evidence will not be applied although they will be used as guidance for the conduct of the proceeding. Rules of procedure shall be liberally construed to facilitate full and frank disclosure by both parties. Parties have the duty of including all known relevant materials in their submissions.

§ 1201.211 Production of evidence or witnesses by request of presiding official.

The presiding official may request the production of information or witnesses if he or she has a reasonable basis to believe that it will be germane to the case.

§ 1201.212 Stipulations.

The parties may stipulate to any matter of fact.

§ 1201.213 Official notice.

The presiding official, on his or her own motion or on motion of a party, may take official notice of matters of common knowledge or matters that can be verified. Official notice taken of any fact satisfies a party's burden of providing the fact noticed.

Sanctions

§ 1201.214 Sanctions.

The presiding official may impose sanctions upon the parties as necessary to serve the ends of justice, including but not limited to the instances set forth in paragraphs (a), (b), and (c) of this section.

(a) *Failure to comply with a request.* If a party fails to comply with a presiding official's request for information or witnesses within the party's control which the presiding official believes to be necessary to resolve the issues, or a party fails to cooperate or act in good faith, the presiding official may:

(1) Draw an inference in favor of the requesting party with regard to the information sought;

(2) Prohibit the party failing to comply with such request from introducing evidence concerning or otherwise relying upon testimony relating to the information sought;

(3) Permit the requesting party to introduce secondary evidence concerning the information sought; or

(4) Strike any part of the submissions of the party failing to comply with such request dealing with the subject matter of the request.

(b) *Failure to prosecute or defend.* If a party fails to prosecute or defend an appeal, the presiding official may dismiss the action with prejudice or rule for the appellant.

(c) *Failure to make timely filing.* The presiding offical may refuse to consider any information which is not filed in a timely fashion in compliance with this subpart or with his or her request.

Hearing Procedure; Settlement; Expedited Initial Decision

§ 1201.215 Burden of proof.

Section 1201.56 of Subpart B applies.

§ 1201.216 Closing the record.

(a) When a hearing is convened, the record will close at the conclusion of the hearing unless otherwise specified by the presiding official.

(b) When a hearing is not convened, the record will close on the date set by the presiding official as the final date for the receipt of submissions of the parties.

(c) In any event, the record will be closed no later than 15 days from the due date of the Joint Appeals Record.

(d) Once the record is closed, no additional evidence or argument will be accepted unless, in the presiding official's discretion, he or she determines that the party seeking such admission has shown that new and material evidence has become available which was not readily available prior to the closing of the record.

§ 1201.217 Settlement.

(a) *Settlement discussion.* Informal settlement of the dispute will be raised by the presiding official with the parties prior to the hearing or, if no hearing is requested, within 15 days after the filing of the Joint Appeals Record. Prohibitions against ex parte communications during settlement discussions will be waived by the parties. If either party does not wish to discuss settlement or the matter cannot be settled informally, the presiding official will proceed with the adjudication of the case. At any time until the issuance of an expedited initial decision the parties may enter into a settlement agreement.

(b) *Agreement.* If the parties agree to resolve the dispute without a decision on the merits of the case, upon notification to the presiding official, the settlement agreement will be the final and binding resolution of the appeal and the presiding official will dismiss the appeal with prejudice.

(1) If the agreement is offered into the record by the parties and reviewed by the presiding official for legality and lack of fraud, it will be made a part of the record, and the Board will retain jurisdiction to ensure compliance with the agreement;

(2) If the agreement is not entered into the record, the Board will not retain jurisdiction to ensure compliance.

§ 1201.218 Expedited initial decision.

(a) If settlement is not reached, the presiding official will adjudicate the appeal and issue a written decision within 15 days after the record is closed but no later than 60 days from the date of the Board's order of acknowledgment. The decision will include a summary of the basic issues, findings of fact and conclusions of law, a holding affirming, reversing or modifying the appealed action and order appropriate relief.

(b) Expedited initial decisions are not precedential.

(c) This expedited initial decision will become final after 35 days and is binding upon the parties if no petition for review is filed or the Board does not reopen on its own motion pursuant to § 1201.117.

Petitions for Review

§ 1201.219 Petitions for review.

(a) Any party may file a petition for review with the Board of the expedited initial decision before it becomes final.

(b) Petitions for review must be filed within 35 days from the date of the decision. Supportive briefs must accompany the petitions for review and be limited to 15 pages. Opposition briefs must be received by the Board within 15 days from the date of the Board's forwarding of a copy of the petition for review to the opposing party and be limited to 10 pages. The record shall close at the time the brief in opposition is scheduled to be received by the Board.

§ 1201.220 Standard of review.

Section 1201.115 of Subpart B shall apply.

§ 1201.221 Final decision.

The Board will issue a final decision no later than 35 days from the date the file is certified as complete for review.

§ 1201.222 Judicial review.

Any employee or applicant for employment adversely affected by a final order or decision of the Board may obtain judicial review under the provisions of 5 U.S.C. 7703.

6. Appendix I–A to Part 1201 (Title 5 C.F.R., January 1, 1985 edition) is republished with minor technical changes for the convenience of the reader as follows:

BILLING CODE 7400-01-M

APPENDIX I-A

UNITED STATES MERIT SYSTEMS PROTECTION BOARD

APPEAL

AGENCY USE ONLY

INSTRUCTIONS: The purpose of this form is to help you provide valuable information to the U.S. Merit Systems Protection Board ("The Board") when you file an appeal. You are not required to use this form, and you are not limited to answering the questions on the form if you feel there is other information you wish to provide. However, if you do not use the form, your appeal documents must comply with the Board's regulations. Your agency's personnel office will provide you with a copy of these regulations upon request and the Board advises you to review them.

All appellants who elect to use this form should complete Parts I through III. Only those who are appealing Reduction-in-Force (RIF) actions are required to complete Part IV. ALL APPELLANTS should also sign and date the form in the space provided at the end of Page 4 indicating approval of the contents of the entire form.

In filling out this form, wherever the space provided is insufficient you may add additional pages. If you do so, please put your name and Social Security Number at the top of the page, and indicate by number which question you are answering.

WHERE TO FILE—You or your representative are required to file one original and three copies of this form, together with its attachments with the Board's field office identified in the decision notice provided by the Agency. Filing must be made either by personal delivery during normal business hours to the appropriate Board field office or by mail addressed to that office. The Board recommends but does not require that you use certified mail.

PRIVACY ACT STATEMENT

This form requests personal information which is relevant and necessary to reach a decision in your appeal. The U.S. Merit Systems Protection Board collects this information in order to process appeals under its statutory and regulatory authority. Since your appeal is a voluntary action you are not required to provide any personal information in connection with it. However, failure to supply the U.S. Merit Systems Protection Board with all the information essential to reach a decision in your case could result in the rejection of your appeal.

You should know that the decisions of the U.S. Merit Systems Protection Board on appeal are final administrative decisions and, as such, are available to the public under the provisions of the Freedom of Information Act. Additionally, it is possible that information contained in your appeal file may be released as required by the Freedom of Information Act. Some information about your appeal will also be used in depersonalized form as a data base for program statistics.

PART I. APPELLANT IDENTIFICATION

1. NAME *(Last, first, middle)*	2. SOCIAL SECURITY NUMBER
3. PRESENT ADDRESS *(Number and street, city, state, and ZIP code)*	4. HOME PHONE *(Include area code)*
	5. OFFICE PHONE *(Include area code)*

PART II. APPEALED ACTION

6. BRIEFLY DESCRIBE *AGENCY ACTION* YOU WISH TO APPEAL AND ATTACH ANY RELEVANT DOCUMENTS

6A. VOLUNTARY EXPEDITED APPEALS PROCEDURE. FOR A MATTER APPEALABLE TO THE BOARD, ANY APPELLANT MAY ELECT THE VOLUNTARY EXPEDITED APPEALS PROCEDURE AS AN ALTERNATIVE TO THE FORMAL MSPB APPEALS PROCESS. (A detailed explanation of the Voluntary Expedited Appeals Procedure is attached to this form.) PLEASE CHECK ONE OF THE BOXES BELOW.

☐ YES, I ELECT THE VOLUNTARY EXPEDITED APPEALS PROCEDURE

☐ NO, I DO NOT ELECT THE VOLUNTARY EXPEDITED APPEALS PROCEDURE

7. NAME AND ADDRESS OF ACTING AGENCY *(Including Bureau, or other Division as well as street address, city, state, and ZIP code)*	8. APPELLANT'S POSITION TITLE AT TIME OF ACTION	
	9. GRADE AT TIME OF ACTION	10. SALARY AT TIME OF ACTION $ PER

11. ARE YOU A VETERAN OR ENTITLED TO THE EMPLOYMENT RIGHTS OF A VETERAN? ☐ NO ☐ YES	12. TYPE OF APPOINTMENT ☐ Temporary ☐ Applicant ☐ Permanent ☐ Term	13. TYPE OF SERVICE ☐ Competitive ☐ Excepted	14. LENGTH OF GOVERNMENT SERVICE	15. LENGTH OF SERVICE WITH ACTING AGENCY

16. ARE YOU RETIRED? ☐ NO ☐ YES	16A. IF YES, DATE OF RETIREMENT *(Month, day, year)*	17. WERE YOU SERVING A PROBATIONARY OR TRIAL PERIOD AT TIME ACTION WAS TAKEN BY THE AGENCY? ☐ NO ☐ YES
18. DATE WRITTEN PROPOSED ACTION NOTICE RECEIVED *(Month, day, year) (Attach copy)*	19. DATE FINAL DECISION NOTICE RECEIVED *(Month, day, year)*	20. EFFECTIVE DATE OF ACTION *(Month, day, year)*

21. WHY DO YOU THINK THE AGENCY WAS WRONG IN TAKING THIS ACTION? *(Explain briefly)*

22 WHAT ACTION WOULD YOU LIKE THE BOARD TO TAKE ON THIS CASE?

23 HAVE YOU, OR ANYONE ON YOUR BEHALF, FILED A FORMAL GRIEVANCE OR COMPLAINT, INCLUDING AN UNFAIR LABOR PRACTICE CHARGE, WITH YOUR AGENCY OR ANY OTHER AGENCY CONCERNING THIS MATTER?

☐ NO ☐ YES *(Attach copy)*

23A IF YES, DATE FILED *(Month, day, year)*	23B PLACE FILED *(Agency and location)*	23C HAS DECISION BEEN ISSUED? ☐ NO ☐ YES
23D IF YES, DATE ISSUED *(Month, day, year)*	23E NAME OF ISSUING OFFICIAL	23F TITLE OF ISSUING OFFICIAL

24 IF YOU BELIEVE YOU WERE DISCRIMINATED AGAINST BY THE AGENCY BECAUSE OF EITHER YOUR RACE, COLOR, RELIGION, SEX, NATIONAL ORIGIN, MARITAL STATUS, POLITICAL AFFILIATION, HANDICAPPING CONDITION, OR AGE, INDICATE SO AND EXPLAIN WHY YOU BELIEVE IT TO BE TRUE. YOU MUST INDICATE, BY EXAMPLES, HOW YOU WERE DISCRIMINATED AGAINST

25. HAVE YOU FILED A DISCRIMINATION COMPLAINT WITH YOUR AGENCY OR ANY OTHER AGENCY? ☐ NO ☐ YES *(Attach copy)*

25A IF YES, DATE FILED *(Month, day, year)*	25B. PLACE FILED *(Agency and location)*	25C HAS THERE BEEN A DECISION? ☐ NO ☐ YES

PART III. HEARING

26. YOU HAVE A RIGHT TO A HEARING ON THIS APPEAL. IF YOU DO NOT WANT A HEARING, THE BOARD WILL MAKE ITS DECISION ON THE BASIS OF THE DOCUMENT YOU AND THE AGENCY SUBMIT. DO YOU WANT A HEARING?
☐ NO ☐ YES
IF YOU CHOOSE TO HAVE A HEARING, THE BOARD WILL NOTIFY YOU WHEN AND WHERE IT IS TO BE HELD.

27. YOU HAVE THE RIGHT TO DESIGNATE SOMEONE TO REPRESENT YOU ON THIS APPEAL IF HE/SHE AGREES TO DO SO. THIS PERSON DOES NOT HAVE TO BE A ATTORNEY. THE AGENCY HAS A RIGHT TO CHALLENGE YOUR CHOICE OF A REPRESENTATIVE IF THERE IS A CONFLICT OF INTEREST OR POSITION. YOU MA CHANGE YOUR DESIGNATION OF A REPRESENTATIVE AT A LATER DATE, IF YOU SO DESIRE, BUT MUST NOTIFY THE BOARD PROMPTLY OF ANY CHANGE.

27A. "I HEREBY DESIGNATE _____ TO SERVE AS MY REPRESENTATIVE DURING THE COURSE OF THI APPEAL. I UNDERSTAND THAT MY REPRESENTATIVE IS AUTHORIZED TO ACT ON MY BEHALF."

27B. YOUR SIGNATURE	27C. DATE	27D. REPRESENTATIVE'S SIGNATURE *(if any)*	27E. DATE

27F. REPRESENTATIVE'S ADDRESS	27G. REPRESENTATIVE'S EMPLOYER

28. YOU MAY BE PERMITTED TO CALL WITNESSES AT A HEARING UPON THE APPROVAL OF THE PRESIDING OFFICIAL. IF YOU INTEND TO DO SO, PROVIDE THEIR NAME AND A BRIEF STATEMENT OF THEIR RELATIONSHIP TO THE CASE. YOU WILL BE PERMITTED TO REQUEST OTHER WITNESSES LATER IF YOU DO NOT LIST THE NOW.

A. NAME	B. RELATIONSHIP TO CASE

PART IV. REDUCTION-IN-FORCE (RIF)

INSTRUCTIONS: FILL OUT THIS PART ONLY IF YOU ARE APPEALING FROM A REDUCTION-IN-FORCE (RIF). YOUR AGENCY'S PERSONNEL OFFICE CA FURNISH YOU MOST OF THE INFORMATION REQUESTED BELOW.

29. TENURE OF SUB-GROUP	30. SERVICE COMPUTATION DATE	31. HAS YOUR AGENCY OFFERED YOU ANOTHER POS TION RATHER THAN SEPARATING YOU? ☐ NO ☐ YES
32. TITLE OF OFFERED POSITION	33. GRADE OF POSITION OFFERED	34. SALARY OF POSITION OFFERED $ PER

35. LOCATION OF OFFERED POSITION	36. DID YOU ACCEPT THIS POSITION? ☐NO ☐YES

37. EXPLAIN WHY YOU BELIEVE YOU SHOULD NOT HAVE BEEN AFFECTED BY THE REDUCTION-IN-FORCE. *(Explanations could include: You were placed in the wron tenure subgroup; an error was made in the computation of your service computation date; competitive area was too narrow; improperly reached for separation from competitive level; an exception was made to the regular order of selection; full 30-day notice was not given; you believe you can "bump" a person in a lower tenure sub group; or any other reasons. Please provide as much information as possible regarding each reason.)*

(Continue on the next page

37 *(Continued from Page 3.)*

ATTENTION—THIS APPEAL MUST BE SIGNED

I CERTIFY that all of the statements made in the Appeal are true, complete, and correct to the best of my knowledge and belief	SIGNATURE OF APPELLANT	DATE SIGNED

* U.S. GOVERNMENT PRINTING OFFICE : 1991 O - 341-526 (6462)

BILLING CODE 7400-01-C

Attachment to Appendix I–A—Voluntary Expedited Appeals Procedure

Employees or applicants for employment who are entitled to file and appeal before the Board may elect the voluntary expedited procedure as an alternative to the formal Board procedures. The goal of this expedited process is the issuance of a nonprecedential decision in routine cases within 60 days of the election of the voluntary expedited appeals procedure.

If an employee or an applicant for employment elects to use this alternative procedure, the employing agency will be allowed to elect or decline the procedure as well. In the event the employing agency does not wish to use the expedited procedure, the appeal will be processed in accordance with the existing Board procedures.

If the agency also elects the voluntary expedited appeals procedure, the regional director will review the summary of the case filed by the agency and determine whether the case is appropriate for the expedited procedure. The standards used in making this determination will be the routine, non-precedential nature of the appeal as well as workload requirements and availability of resources in the regional office.

If the case is processed under this expedited process, the parties will be notified by an Order of Acknowledgment of their obligation to file a Joint Appeals Record containing statements of issues and positions with respect to those issues, requests for hearing, witness lists, the agency's file and two dates agreed upon by the parties of the hearing. A presiding official specially trained in informal dispute resolution will contact the parties during this time to ensure that the parties understand their obligations and help promote an environment conducive to informal settlement.

In the event settlement is not achieved, a hearing, if requested will be held at *the employment site* within 15 days from the date the Joint Appeals Record is due. The presiding official will then issue an expedited initial decision no later than 15 days from the close of the hearing. If no hearing is requested, a decision on the record will be issued no later then 60 days from the date of the Board's acknowledgment order.

Any party may file a petition for Board review of the expedited initial decision 35 days from the date of the decision. The criteria for review are the same under both the voluntary expedited appeals procedure and the formal appeals procedure.

Dated: April 25, 1985.
For the Board.

Robert E. Taylor,
Clerk of the Board.

[FR. Doc. 85–10473 Filed 4–29–85; 8:45 am]
BILLING CODE 7400–01–M

FEDERAL RESERVE SYSTEM

12 CFR Parts 207, 220, 221 and 224

Regulations G, T, U and X; Securities Credit Transactions

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Final rule.

SUMMARY: The List of Marginable OTC Stocks is comprised of stocks traded over-the-counter (OTC) that have been determined by the Board of Governors of the Federal Reserve System to be subject to the margin requirements under certain Federal Reserve regulations. The List is published from time to time by the Board as a guide for lenders subject to the regulations and the general public. This document sets forth additions to or deletions from the previously published List effective February 12, 1985 and will serve to give notice to the public about the changed status of certain stocks.

EFFECTIVE DATE: May 14, 1985.

FOR FURTHER INFORMATION CONTACT: Jamie Lenoci, Financial Analyst, Division of Banking Supervision and Regulation, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, 202–452–2781.

SUPPLEMENTARY INFORMATION: Set forth below are stocks representing additions to or deletions from the Board's List of Marginable OTC Stocks. A copy of the complete List incorporating these additions and deletions was filed with the original of this document. This List supersedes the last complete List which was effective February 12, 1985 (50 FR 4495, January 31, 1985). The List includes those stocks that the Board of Governors has found meet the criteria specified by the Board and thus have the degree of national investor interest, the depth and breadth of market, and the availability of information respecting the stock and its issuer to warrant incorporating such stocks within the requirements of Regulations G, T, U and X (12 CFR 207, 220, 221 and 224, respectively). It also includes, as a result of an amendment to the margin regulations (49 FR 35756, September 12, 1984), any stock designated under an SEC rule as qualified for trading in a national market system (NMS Security). The List of Marginable OTC Stocks, as it is now called, is a composite of the List of OTC Margin Stocks and all NMS securities. Additional OTC securities may be designated as NMS securities in the interim between the Board's quarterly publications. They will become automatically marginable at broker-dealers upon the effective date of their designation. The names of these securities are available at the Board and the Securities and Exchange Commission and will be subsequently incorporated into the Board's next quarterly List. Copies of the current List may be obtained from any Federal Reserve Bank.

The requirements of 5 U.S.C. 553 with respect to notice and public participation were not followed in connection with the issuance of this amendment due to the objective character of the criteria for inclusion and continued inclusion on the List specified in 12 CFR 207.6 (a) and (b), 220.17 (a) and (b), and 221.7 (a) and (b). No additional useful information would be gained by public participation. The full requirements of 5 U.S.C. 553 with respect to deferred effective date have not been followed in connection with the issuance of this amendment because the Board finds that it is in the public interest to facilitate investment and credit decisions based in whole or in part upon the composition of this List as soon as possible. The Board has responded to a request by the public and allowed a two-week delay before the List is effective.

List of Subjects

12 CFR Part 207

Banks, banking, Credit, Federal Reserve System, Margin, Margin requirements, National Market System (NMS Security), Reporting requirements, Securities.

12 CFR Part 220

Banks, banking, Brokers, Credit, Federal Reserve System, Margin, Margin requirement, Investments, National Market System (NMS Security); Reporting requirements, Securities.

12 CFR Part 221

Banks, banking, Credit, Federal Reserve System, Margin, Margin requirements, Securities, National Market System (NMS Security), Reporting requirements.

12 CFR Part 224

Banks, banking, Borrowers, Credit, Federal Reserve System, Margin, Margin requirements; Reporting requrements, Securities.

Accordingly, pursuant to the authority of sections 7 and 23 of the Securities Exchange Act of 1934, as amended (15 U.S.C. 78g and 78w), and in accordance with § 207.2(k) and 6(c) of Regulation G, § 220.2(s) and 17(c) of Regulation T, and § 221.2(j) and 7(c) of Regulation U, there

is set forth below a listing of additions to and deletions from the Board's List:

Additions to the List

AST RESEARCH, INC.
No par common
A.T.&E. CORPORATION
$.01 par common
ACTMEDIA, INC.
$.01 par common
ADIA SERVICES, INC.
$.25 per common
AID AUTO STORES, INC.
$.01 par common
ALTRON INCORPORATED
$.05 per common
AMERICAN BANK OF CONNECTICUT
$1.00 par common
AMERICAN ECOLOGY CORPORATION
No par common, $1.00 stated value
AMERICAN EXPLORATION COMPANY
$.05 per common
AMERICAN LAND CRUISERS, INC.
$.01 par common
ANDOVER CONTROLS CORPORATION
$.01 par common
APPLIED DATA COMMUNICATIONS, INC.
$.01 par common
ASSOCIATED COMPANIES, INC.
No par common
BALDWIN & LYONS, INC.
No par common
BANKNORTH GROUP, INC.
$1.00 par common
BARRICK RESOURCES CORPORATION
No par common
BEGLEY COMPANY
$1.66⅔ par common
BLACK INDUSTRIES, INC.
$1.00 par common
BOOTH, INC.
$.50 par common
BRIDGFORD FOODS CORPORATION
$1.00 par common
BRITTON LEE, INC.
No par common
CCX NETWORK, INC.
$2.00 par common
CVB FINANCIAL CORP.
No par common
CALIFORNIA JOCKEY CLUB
Paired certificates
CANAL-RANDOLPH LIMITED PARTNERSHIP
Units of Limited Partnership
CAPITOL TRANSAMERICA CORPORATION
$1.00 par common
CARDIS CORPORATION
$.75 par common
CARLSBERG CORPORATION
$.25 par common
CENTRAL PENNSYLVANIA SAVINGS ASSOCIATION
$1.00 par common
CENTRAL RESERVE LIFE CORPORATION
No par common, $.50 stated value
CENTRAL WISCONSIN BANKSHARES, INC.
$5.00 par common
CENTURY PAPERS, INC.
$1.00 par common
CHARTER FEDERAL SAVINGS AND LOAN ASSOCIATION (Virginia)
$.01 par common
CHEROKEE GROUP, THE
No par common
CHIEF AUTOMOTIVE SYSTEMS, INC.
$.10 par common
CITIZENS SAVINGS & LOAN, F.A. (Virginia)
$1.00 par common
COLONIAL GAS COMPANY
$1.80 cumulative convertible preferred
COLUMBIA FEDERAL SAVINGS BANK (Washington)
$1.00 par common
COLUMBUS MILLS, INC.
$1.00 par common
COMMERCE BANCORP, INC. (New Jersey)
$6.25 par common
Series A, no par cumulative convertible preferred
COMMUNITY SHARES LTD.
$.10 par common
COMP-U-CHECK, INC.
$.10 par common
COMPUSAVE CORPORATION
$.01 par common
COMPUTER SYNERGY, INC.
$.001 par common
COMSTOCK GROUP, INC.
$.25 par common
CONSOLIDATED-TOMOKA LAND CO.
$1.00 par common
CONSUMERS FINANCIAL CORPORATION
No par common
CONVENIENT FOOD MART, INC.
$.10 par common
COURIER DISPATCH GROUP, INC.
$.001 par common
CROWN AUTO, INC.
$.25 par common
CYBERTEK COMPUTER PRODUCTS, INC.
No par common
DNA PLANT TECHNOLOGY CORPORATION
$.01 par common
DATAMARINE INTERNATIONAL, INC.
$.01 par common
DECOM SYSTEMS, INC.
No par common
DEVRY, INC.
$.10 par common
DURAKON INDUSTRIES, INC.
No par common
DYCOM INDUSTRIES, INC.
$.33⅓ par common
EMPI, INC.
$.10 par common
ENERGYNORTH, INC.
$1.00 par common
ENVIRONMENTAL TECTONICS CORPORATION
$.10 par common
EQUION CORPORATION, THE
$1.00 par common
EXPEDITORS INTERNATIONAL OF WASHINGTON, INC.
$.01 par common
F & M NATIONAL CORPORATION
$2.00 par common
FIDELCOR, INC.
Series A, $1.00 par convertible preferred
FINANCIAL SECURITY SAVINGS AND LOAN ASSOCIATION (Florida)
Class A, $5.00 par common
FIRST COMMERCIAL BANCORP
No par common
FIRST FEDERAL SAVINGS BANK OF MONTANA
$.01 par common
FIRST INTERSTATE CORPORATION OF WISCONSIN
$10.00 par commmon
FIRST NATIONAL BANCORP (Georiga)
$6.25 par common
FIRST NATIONAL CORPORATION (California)
No par common
FIRST SECURITY CORPORATION OF KENTUCKY
$6.25 par common
FREEDOM FEDERAL SAVINGS BANK (Illinois)
$.01 par common
GALOOB, LEWIS TOYS, INC.
No par common
GENEVE CAPITAL GROUP, INC.
$.10 par common
GRAPHIC MEDIA, INC.
$.01 par common
GREY ADVERTISING INC.
$1.00 par common
GUARANTY COMMERCE CORPORATION
$10.00 par common
HAMMOND COMPANY, THE
No par common
HETRA COMPUTER AND COMMUNICATIONS INDUSTRIES, INC.
$.01 par common
HOME FEDERAL SAVINGS AND LOAN ASSOCIATION OF ATLANTA
$1.00 par common
HOUSTON OIL FIELDS COMPANY
Series C, 1.375% cumulative convertible preferred
IBI SECURITY SERVICE, INC.
Class A, $.10 par common
IEC ELECTRONICS CORPORATION
$.05 par common
II MORROW, INC.
$1.00 par common

IPC COMMUNICATIONS, INC.
Class A, $.01 par common
IMATRON INC.
No par common
Warrants (expire 08-02-88)
INFORMATION SCIENCE INCORPORATED
$.01 par common
INFORMATION SOLUTIONS, INC.
$.001 par common
INMED CORPORATION
$.01 par common
INTECH INCORPORATED
$.20 par common
INTERNATIONAL HOLDING CAPITAL CORPORATION
$1.00 par common
INTERPHASE CORPORATION
No par common
INTERTRANS CORPORATION
No par common
ITEL CORPORATION
Warrants (expire 09-15-89)
KEANE, INC.
$.10 par common
KEYSTONE FINANCIAL, INC.
$2.00 par common
KREISLER MANUFACTURING CORPORATION
$.50 par common
KUSTOM ELECTRONICS, INC.
$.10 par common
LAIDLAW TRANSPORTATION LIMITED
Class B, no par common
LESCO INC.
No par common
MAGNA INTERNATIONAL INC.
Class A, no par subordinate voting shares
MARKET FACTS, INC.
$1.00 par common
MASSACHUSETTS COMPUTER CORPORATION
$.01 par common
McGRATH RENT CORPORATION
No par common
MECHTRON INTERNATIONAL CORPORATION
$.10 par common
MESABA AVIATION, INC.
$.01 par common
MID-AMERICA BANCORP
No par common
MID-AMERICAN NATIONAL BANK AND TRUST COMPANY (Ohio)
$10.00 par common
MIDWEST COMMERCE CORPORATION
No par common
MODERN CONTROLS INC.
$.10 par common
MUTUAL SAVINGS LIFE INSURANCE COMPANY
$1.00 par common
NASHVILLE CITY BANK AND TRUST COMPANY
$4.00 par common
NATIONAL PIZZA COMPANY
$.01 par common
NATIONAL SHOES, INC.
$1.00 par common
NATURE'S SUNSHINE PRODUCTS, INC.
No par common
NEW YORKER MAGAZINE, INC., THE
$5.00 par common
NORTHWESTERN STATES PORTLAND CEMENT COMPANY
$10.00 par common
OIL-DRI CORPORATION OF AMERICA
$.10 par common
OLD NATIONAL BANCORP (Indiana)
No par common
OPTROTECH LTD.
Ordinary Shares, IS 1.4 par value
PACIFIC WESTERN BANCSHARES
No par common
PAGE AMERICA GROUP, INC.
$.01 par common
PANATECH RESEARCH AND DEVELOPMENT CORPORATION
$.01 par common
PERFECT FIT, INC.
$.01 par common
PETROMINERALS CORPORATION
$.10 par common
PHOENIX MEDICAL TECHNOLOGY, INC.
No par common
PIEDMONT BANKGROUP, INCORPORATED
$5.00 par common
PIONEER FEDERAL SAVINGS AND LOAN ASSOCIATION (Virginia)
$1.00 par common
PLASMINE CORPORATION, THE
$.10 par common
PREFERRED SAVINGS & LOAN ASSOCIATION (North Carolina)
$2.50 par common
PRESENTIAL LIFE CORPORATION
$.01 par common
PRODIGY SYSTEMS, INC.
$.01 par common
PUBCO CORPORATION
$.40 par common
QUAREX INDUSTRIES, INC.
$.05 par common
QUINTEL CORPORATION
No par common
REAL ESTATE INVESTMENT TRUST OF CALIFORNIA
No par shares of beneficial interest
REID-ASHMAN, INC.
No par common
RESERVE OIL AND MINERALS CORPORATION
$1.00 par common
RESTAURANT MANAGEMENT SERVICES, INC.
$.10 par common
ROCKY MOUNT UNDERGARMENT CO., INC.
$.01 par common
RULE INDUSTRIES, INC.
$.01 par common
SCIENTIFIC COMMUNICATIONS, INC.
$.10 par common
SECOND NATIONAL BUILDING, INC.
LOAN, INC. (Maryland)
$1.00 par common
SERVAMATIC SYSTEMS, INC.
No par common
SIGMA RESEARCH, INC.
No par common
SKY EXPRESS, INC.
$.01 par common
SOFTWARE PUBLISHING CORPORATION
No par common
SPECIALTY COMPOSITES CORPORATION
$.01 par common
SPECTRUM GROUP INC.
$.01 par common
STANDARD COMMERCIAL TOBACCO COMPANY, INC., THE
$.20 par common
STANFORD TELECOMMUNICATIONS, INC.
No par common
SUNAIR ELECTRONICS, INC.
$.10 par common
SUNSTATES CORPORATION
$1.00 par common
SUSQUEHANNA BANCSHARES, INC.
$5.00 par common
SYMBION, INC.
$.01 par common
SYMBOLICS, INC.
$.01 par common
TECHNALYSIS CORPORATION
$.10 par common
TOPSY'S INTERNATIONAL, INC.
Class A, $.10 par common
UNION BANCORP INC. (Michigan)
$1.00 par common
UNION FEDERAL SAVINGS & LOAN ASSOCIATION (California)
No par common
U.S. HEALTH, INC.
$.25 par common
UNITED TOTE, INC.
$.01 par common
UNITED VERMONT BANCORPORATION
$.50 par common
VALLEY NATIONAL BANCORP (New Jersey)
No par common
VARI-CARE, INC.
$.01 par common
VERMONT FINANCIAL SERVICES CORP.
$1.00 par common
VOIT CORPORATION
$.0005 par common
WAVERLY PRESS, INC.
$2.00 par common
WESTERN CAPITAL INVESTMENT CORPORATION
$1.00 par common
WILAND SERVICES, INC.
$.10 par common

WISCONSIN SOUTHERN GAS COMPANY, INC.
$5.00 par common
WYSE TECHNOLOGY
No par common
ZEHNTEL, INC.
$.01 par common

Deletions From List

Stocks Removed for Failing Continued Listing Requirements

BOWLINE CORPORATION
$.02 par common
COLUMBIA DATA PRODUCTS, INC.
$.01 par common
COMPUTER USAGE COMPANY
$.25 par common
CRIME CONTROL, INC.
No par common
DAVID JAMISON CARLYLE CORPORATION, THE
$.01 par common
ECONO-THERM ENERGY SYSTEMS CORPORATION
$.15 par common
EXCALIBUR TECHNOLOGIES CORPORATION
$.01 par common
FIRST COINVESTORS, INC.
$.05 par common
GREAT EASTERN ENERGY AND DEVELOPMENT CORPORATION
$.10 par common
HARWYN INDUSTRIES CORPORATION
$.10 par common
HOE, R. & CO., INC.
$.01 par common
MAGNETIC INFORMATION TECHNOLOGY, INC.
$.01 par common
S.A.L. COMMUNICATIONS, INC.
$.01 par common
SPEX GROUP, INC.
$.01 par common
STANDARD LOGIC, I. 'C.
$.025 par common
SYSTEMS & COMPUTER TECHNOLOGY CORPORATION
$.01 par common
TELERAM COMMUNICATIONS CORPORATION
$.01 par common
TRANSIERRA EXPLORATION CORPORATION
$.10 par common
UNIVERSAL VOLTRONICS CORPORATION
$.05 par common
VITALITY UNLIMITED, INC.
$.03 par common

Stocks Removed for Listing on a National Securities Exchange or Being Involved in an Acquisition

BITCO CORPORATION
$1.00 par common
CAROLINA CASUALTY INSURANCE COMPANY
$1.00 par common
CENVILL DEVELOPMENT CORP.
CENVILL PROPERTIES INC.
Paired Certificates, $.01 par common
CHARTERCORP
$6.25 par common
CONTINENTAL INFORMATION SYSTEMS CORPORATION
$.03 par common
CONWED CORPORATION
$5.00 par common
DYSAN CORPORATION
No par common
ELECTRONICS MODULES CORPORATION
$.10 par common
ENGINEERED SYSTEMS & DEVELOPMENT CORPORATION
$.01 par common
FIRST NATIONWIDE FINANCIAL CORPORATION
$.10 par common
GENERAL HOMES CORPORATION
$.01 par common
INDEPENDENCE BANCORP, INC.
$2.50 par common
INTERNATIONAL THOROUGHBRED BREEDERS, INC.
$.10 par common
KEYSTONE CAMERA PRODUCTS CORPORATION
$.02 par common
LIBERTY FEDERAL SAVINGS AND LOAN ASSOCIATION (Pennsylvania)
$1.00 par common
MARK IV INDUSTRIES, INC.
$.01 par common
MEDIFLEX SYSTEMS CORPORATION
$.01 par common
MINNESOTA FABRICS, INC.
$.05 par common
NORTHEASTERN BANCORP, INC. (Pennsylvania)
$10.00 par common
POSI-SEAL INTERNATIONAL, INC.
$.01 par common
RADICE CORPORATION
No par common, $.20 stated value
REHAB HOSPITAL SERVICES CORPORATION
$.01 par common
ROYAL INTERNATIONAL OPTICAL CORPORATION
$.10 par common
SHOREWOOD CORPORATION, THE
$1.00 par common
SIERRA SPRING WATER COMPANY
$.01 par common
SPENDTHRIFT FARM, INC.
No par common
TENNESSEE NATURAL RESOURCES, INC.
$1.00 par common
TEXAS ENERGIES, INC.
$.10 par common
UNITED MICHIGAN CORPORATION
$5.00 par common
VIDEO CORPORATION OF AMERICA
$.01 par common
WARNER ELECTRIC BRAKE & CLUTCH COMPANY
$1.00 par common
WESTERN MARINE ELECTRONICS COMPANY, INC.
$.01 par common
XIDEX MAGNETICS CORPORATION
No par common

By order of the Board of Governors of the Federal Reserve System acting by its Director of the Division of Banking Supervision and Regulation pursuant to delegated authority (12 CFR § 265.2(c)(18)), April 29, 1985.

William W. Wiles,

Secretary of the Board.

[FR Doc. 85-10211 Filed 4-29-85; 8:15 am]

BILLING CODE 6210-01-M

FEDERAL HOME LOAN BANK BOARD

12 CFR Part 571

[No. 85-291]

Accounting Policy Relating to Acquisition, Development and Construction Loans

Dated: April 18, 1985.

AGENCY: Federal Home Loan Bank Board.

ACTION: Final rule.

SUMMARY: The Federal Home Loan Bank Board is adopting a statement of accounting policy relating to acquisition, development and construction loans to be used by all insured institutions when preparing reports or financial statements for filing with the Board or the Corporation. By adopting this statement of policy, the Board is notifying the public that insured institutions are expected to apply the "Notices to Practitioners" that have been issued by the American Institute of Certified Public Accountants ("AICPA") that describe factors to be considered when determining whether a transaction characterized as an acquisition, development and construction loan is in fact a loan or whether, in substance, it is a real estate investment or a joint venture.

EFFECTIVE DATE: April 29, 1985.

FOR FURTHER INFORMATION CONTACT: Douglas J. McEachern, Professional Accounting Fellow, Office of Examinations and Supervision (202-377-6392), or James H. Underwood, Attorney, Corporate and Securities Division, Office of General Counsel (202-377-6649), Federal Home Loan Bank Board, 1700 G Street, N.W., Washington, D.C. 20552.

SUPPLEMENTARY INFORMATION: By Board Resolution No. 84–579, dated October 19, 1984 (49 FR 43557; Oct. 30, 1984), the Federal Home Loan Bank Board ("Board"), as the operating head of the Federal Savings and Loan Insurance Corporation ("FSLIC" or "Corporation"), proposed to adopt a statement of policy concerning the regulatory accounting for certain real estate activities. Issuance of a proposed policy in this area was in response to the increasing activity by insured institutions in acquisition, development and construction ("ADC") loans in an environment that lacked authoritative accounting guidance. The Board and the accounting profession found that the accounting for ADC transactions varied in practice. In response, the AICPA's Accounting Standards Executive Committee ("AcSEC"), in November 1983, and the Savings and Loan Committee, in November 1984, issued two notices to practitioners addressing ADC transactions. The first notice, published in the *Journal of Accountancy*, specifies certain characteristics that generally exist in real estate activities that may be classified as loans in contrast to those that should be classified as investments or joint ventures. The second notice dealt primarily with the "personal guarantee" issue inherent in some ADC transactions and secondarily indicated that the first notice applied to purchased participations in ADC transactions and highlighted the fact that some profit participation arrangements may be oral rather than included as part of the transaction documentation.

While the guidance provided by the AICPA is perceived as helpful, the Board is concerned that, since AICPA "Notices to Practitioners" are not considered to be a primary accounting source, some institutions do not necessarily feel required to follow them. The resulting lack of standardization and failure of some institutions to apply appropriate accounting principles to these transactions has led to confusion and has created obstacles in the monitoring and examination techniques employed by the Board to ensure the safety and soundness of insured institutions. The Board therefore proposed to adopt the "Notices to Practitioners" as its accounting policy in this area.

The Board received 51 comment letters on the proposal: 31 comments were received from insured institutions, 9 from trade groups, 2 from law firms, 4 from other regulatory bodies, 3 from accounting firms, one from the AICPA and one from the Financial Accounting Standards Board ("FASB"). While quite a few of the letters supported the Board's action in this area, a number of commenters made suggestions and raised additional issues which are discussed below. After consideration of the comments and other available information, the Board has decided to adopt the statement of policy with modifications as described.

Discussion of Comments

Establishment of Generally Accepted Accounting Principles ("GAAP") by the Board

A number of commenters took exception to language in the proposed statement of policy that was interpreted as an attempt by the Board to establish GAAP. The Board recognizes and acknowledges that since 1973 the FASB has been the organization in the private sector designated to establish standards of financial accounting and reporting. It is and was the Board's intention to rely upon the private sector to establish GAAP.

To avoid any confusion or misunderstanding regarding the scope or applicability of this statement of policy, the Board has made the following modifications to the proposal:

(1) The wording of the prefatory language of § 571.17 (to be codified at 12 CFR 571.17) has been modified to state, "the accounting treatment described . . . is to be used by all insured institutions when preparing reports or financial statements for filing with the Board or the Corporation".

(2) The wording in the proposed policy statement that set forth the required accounting for financial statements prepared in accordance with GAAP has been deleted.

Failure To Incorporate All Factors in the November 1983 AICPA "Notice to Practitioners"

A number of commenters noted that the proposed statement of policy failed to incorporate all criteria included in the November 1983 "Notice to Practitioners". The proposal omitted the following factors which tend to change the nature of the risks and rewards of an arrangement that otherwise may be similar to a real estate investment.

> The borrower has substantive equity investment in the project that is not funded by the lender. The investment may be in the form of cash payments by the borrower or contribution by the borrower of land (without considering value expected to be added by future development or construction) or other contributed assets or, during construction, a reasonable compensation for the builder's efforts not funded by the lender . . .
>
> The lender has recourse to substantive net assets of the borrower other than the ADC project, or the borrower has provided an irrevocable letter of credit to the lender for the full amount of the loan and the entire term of the loan.
>
> A take-out commitment for the full amount of the financial institution's loan(s) has been obtained from a substantial, independent third party. Take-out commitments often are conditional. If so, the conditions must be reasonably attainable.
>
> Noncancelable sales contracts or lease commitments are currently in effect that, on completion of the project, will provide sufficient net cash flow to service normal loan amortization, that is, principal and interest.

The Board agrees with the commenters that all the criteria included in the notice should be included in its statement of policy dealing with this subject. Accordingly, the final policy statement incorporates the omitted factors with the one modification described in the following paragraph.

In November 1984, the AICPA Savings and Loan Committee published a "Notice to Practitioners on ADC Loans" in the *CPA Letter*. This notice provided, among other things additional guidance to be considered when assessing personal guarantees that may be included in ADC transactions. This guidance, which the Board has additionally determined to include in its policy, was as follows:

> . . . Some ADC arrangements might include personal guarantees of the borrowers or third parties. The enforceability of such guarantees in the applicable jurisdiction (of the borrower or third party) should be considered. Also, business reasons that might preclude the financial institution from pursuing such guarantees should be assessed. Those business reasons could include the length of time required to enforce a personal guarantee. Even if the guarantee is legally enforceable, there is a presumption that a guarantee should not affect the accounting unless it is normal business practice in that jurisdiction to enforce guarantees on similar transactions. The financial statements and other pertinent information of the guarantors should be considered in determining the value of such guarantees . . .

Criticism of Criteria Contained in the November 1983 AICPA "Notice to Practitioners"

A number of commenters were concerned that the Board was adopting flawed criteria to be used when assessing the proper classification of ADC transactions. Other commenters stated that the proposed statement of policy contained ambiguities and should be replaced with specific rules or guidelines that could be used when structuring transactions or when reviewing particular classifications.

While sensitive to these concerns, the Board does not want to develop specific

regulatory criteria to be used by insured institutions when assessing whether a particular ADC transaction is a loan, joint venture or real estate investment. It is the Board's belief that this process should be left to the accounting standard-setting bodies.

Controlling or Regulating Real Estate Loan Transactions

Certain commenters objected to adoption of policies in this area on the grounds that the Board was attempting to regulate or control the substance of ADC transactions through the proposed policy statement, and thus to "trigger" the Board's restrictions on direct investments by insured institutions.

The Board did not, nor does it now, intend to control regulate or limit, through this policy statement, the involvement by insured institutions in ADC transactions. The purpose of the policy statement was and continues to be the codification of guidance to be used when assessing the proper classification of ADC transactions.

The Board regulatorily limits the real estate investment capacity of federally chartered institutions and has recently imposed a supervisory-review threshold and minimum regulatory net-worth requirement on direct investment (defined as investments in service corporations, operating subsidiaries, real estate and equity securities). To the extent that real estate investments are incorrectly classified as loans, the intent of the Board's regulation of real estate investments will be frustrated. Adoption of this statement of policy will assist in minimizing inconsistent balance-sheet classifications and income recognition in connection with these arrangements.

The proposed policy statement was intended to put into regulatory format the accounting guidance that had been developed by the accounting profession and to state that there was *no substantive difference* between the Board's regulatory treatment and GAAP with regard to these transactions: if an ADC transaction is deemed to be a loan in accordance with GAAP, it would be classified in the same manner for regulatory purposes.

While the classification will be the same, the regulatory and GAAP accounting for the transaction may still differ. For example, an insured institution may recognize loan fees as set forth in 12 CFR 563.23–1(g)(3)(i)(*b*):

> . . . two and one-half percent of the amount of the amount of the loan, if the loan . . . is for the purpose of construction. . . .

For GAAP, the AICPA *Audit and Accounting Guide—Savings and Loan Associations* (1979) provides the following guidance:

> Saving and loan associations usually receive fees for originating loans in-house. The normal origination fee is essentially a reimbursement for the costs of the underwriting process of obtaining appraisals, processing the loan application, reviewing legal title to the real estate and other procedures. Origination fees, to the extent they are a reimbursement for such costs, should be recognized in income at the time the loans are made, since the cost of the services are normally charged to expense as incurred. . . .

Other differences may arise between regulatory and GAAP accounting for these transactions. Such differences would not, however, extend to the classification of these transactions.

Accounting for the Sale of Equity Kickers

The proposed policy statement addressed accounting for the sale of residual profit interests ("equity kickers") in ADC transactions. In general, proceeds from the sale of a right to share in residual profits would be credited to the investment if the transaction were classified as an investment; the proposal was silent as to the accounting for the sale of the equity kicker when the transaction is classified as either a loan or a joint venture.

This section of the policy statement has been deleted as unnecessary, because of the evolving GAAP guidelines in this area. Consistent with the general guidance in the notices, it is anticipated that the accounting treatment for proceeds from the sale of an equity kicker in connection with a loan would be deferred and recognized on the "level yield" method as additional interest over the life of the loan; for investments generally, if sold for cash they would be recognized at the date of sale and if sold for other consideration, recognition would depend upon the nature of the consideration; for joint ventures, the accounting would depend upon the particular transaction. If necessary, further clarification of these matters may be furnished in Board staff memoranda.

Examiner Challenge of Classification Decisions

Concern was raised by commenters that the adoption of this statement of policy would lead to examiner challenges of the classification decisions made by insured institutions in consultation with their independent public accountants. The Board wants to take this opportunity to restate its belief that the classification of ADC transactions is best left to the insured institution and its independent public accountant. The Board does expect, however, that classification decisions made by the institutions will be documented by reference to the criteria included in the AICPA "Notices to Practitioners" and in the policy statement being adopted today. The Board further expects examiners to review this documentation just as they review other decisions and classification issues during the examination process. Should a question arise as to the classification of specific transactions, the Board expects its Supervisory Agents to review the examiner's comments and discuss the issue with the institution and its independent public accountants.

Market Value Versus Net Realizable Value

The November 1983 AICPA "Notice to Practitioners" contains the following comment:

> If the risks and rewards are deemed to be similar to those a loan, interest should be recognized as income as specified in the loan agreement, subject to recoverability under the net realizable value test . . .

For other regulatory purposes, the Board has adopted a "market value" approach to the valuation of real estate. This concept as applied by the Board is, in some cases, in conflict with the net realizable value ("NRV") test referred to above. To avoid a conflict with the Board's longstanding approach to real estate valuation, the Board has decided to replace the NRV test in the AICPA "Notice to Practitioners" with the market-value concept outlined in staff memorandum R 41b "Appraisal Policies and Practices of Insured Institutions and Service Corporations" (March 12, 1982). Further, the Board intends that market-value test to be applied to all potential classifications of ADC transactions: loan, joint venture and real estate investment. The text of the statement of policy has been modified accordingly.

Regulatory Flexibility Analysis

Pursuant to section 3 of the Regulatory Flexibility Act, Publ. L. No. 96–354, 94 Stat. 1164 (Sept. 19, 1980), the Board is providing the following regulatory flexibility analysis:

1. *Reasons, objectives, and legal bases underlying the policy.* These elements have been discussed elsewhere in the supplementary information.

2. *Small entities to which the policy would apply.* The rules would apply to all insured institutions.

3. *Impact of the policy on small institutions.* To the extent that the rules would affect small institutions, this has been discussed elsewhere in supplementary information.

4. *Overlapping or conflicting federal rules.* There are no federal rules which duplicate, overlap, or conflict with the policy.

5. *Alternatives to the policy.* No other alternative would provide for consistency in accounting treatment of the covered activities.

The Board finds that observance of the 30-day delay of effective date of S.U.S.C. & SS3(d) and 12 CFR 508.14 is unnecessary because the Board action is adoption of a statement of policy, and because it is necessary for insured institutions to have policy guidance regarding accounting policies in this area as quickly as possible to avoid disruption and confusion.

List of Subjects in 12 CFR Part 571

Savings and loan associations, Federal Savings and Loan Insurance Corporation.

Accordingly, the Board hereby amends Part 571, Subchapter D, Chapter V, Title 12 of the Code of Federal Regulations, as set forth below.

Subchapter D—Federal Savings and Loan Insurance Corporation

PART 571—STATEMENTS OF POLICY

Add a new § 571.17, as follows:

§ 571.17 Accounting for acquisition, development and construction loans.

(a) The accounting treatment described in this section for acquisition, development and construction ("ADC") loans is to be used by all insured institutions when preparing reports or financial statements for filing with the Board or the Corporation.

(b) Insured institutions, to the extent that they have legal authority to do so, may engage in or purchase participations in ADC loans, including transactions originated by the institution and participations purchased, that may be structured as loans which have virtually the same risks and potential rewards as those of owners or joint venturers. Generally, in these transactions there is little or no borrower equity and the institution recognizes loan fees, interest and/or profits which are funded entirely by loan proceeds. This statement of policy sets forth the policy and general criteria for determining whether transactions are real estate investments, joint ventures or loans and specifies the accounting principles and procedures that shall be used to account for such transactions in reports to, and financial statements filed with, the Board or the Corporation.

(c) These ADC transactions are usually structured so that the lender participates in the expected residual profit on the ultimate sale or use of the property. Expected residual profit is the amount of profit, whether called interest, fees, or another name, above a reasonable amount of interest and fees earned by the lender plus profit for the builder's efforts. Beyond the lender's participation in expected residual profits, these ADC arrangements usually have most of the following characteristics:

(1) The lender commits to provide all or substantially all necessary funds to acquire the property and to complete the project. The borrower has title to, but little or no equity in, the underlying property.

(2) The lender funds the loan commitment or origination fees or both by including them in the amount of the loan. Often, the transaction is structured to maximize the immediate or early recognition of such fees as income.

(3) The lender completely funds interest during the term of the loan by adding the interest to the loan balance.

(4) The loan is secured only by the ADC project. The lender has no recourse to other assets of the borrower, and the borrower does not guarantee the debt.

(i) While some ADC arrangements might include personal guarantees of the borrowers or third parties, the enforceability of such guarantees in the applicable jurisdiction (of the borrower or third party) should be considered. Also, business reasons that might preclude the financial institution from pursuing such guarantees should be assessed. Those business reasons could include the length of time required to enforce a personal guarantee. Even if the guarantee is legally enforceable, there is a presumption that a guarantee should not affect the accounting unless it is normal business practice in that jurisdiction to enforce guarantees on similar transactions. The financial statements and other pertinent information of the guarantors should be considered in determining the value of such guarantees.

(5) In order for the lender to recover the investment in the project, the property must be sold to independent third parties, the borrower must obtain refinancing from another source or the property must be placed in service and generate sufficient net cash flow to service debt principal and interest.

(6) The arrangement is structured so that foreclosure during the project's development is unlikely because the borrower is not required to fund any payments until the project is complete, and, therefore, the loan cannot become delinquent.

(d) The following factors tend to change the nature of the risks and rewards of an arrangement that otherwise may be similar to a real estate investment. These factors should be considered as indications that the risks and rewards to the lender are similar to those expected to be associated with a loan:

(1) The borrower has a substantive equity investment in the project that is not funded by the lender. The investment may be in the form of cash payments by the borrower or contribution by the borrower of land (without considering value expected to be added by future development or construction) or other contributed assets or, during construction, a reasonable compensation for the builder's efforts not funded by the lender.

(2) The lender has recourse to substantive net assets of the borrower other than the ADC project, or the borrower has provided an irrevocable letter of credit to the lender for the full amount of the loan and the entire term of the loan.

(3) A take-out commitment for the full amount of the financial institution's loan(s) has been obtained from a substantial independent third party. Take-out commitments often are conditional. If so, the conditions must be reasonably attainable.

(4) Noncancelable sales contracts or lease commitments are currently in effect that, on completion of the project, will provide sufficient net cash flow to service normal loan amortization, i.e., principal and interest.

(e) If, after considering all of the factors associated with a particular arrangement, the risks and rewards are deemed to be similar to those of an investment in real estate, the following guidance is to be followed:

(1) If the lender will receive a majority of the expected residual profit from the project (a determination of that fact will require a critical analysis of all the terms), the lender should account for the transaction and the income or loss from the arrangement as a real estate investment as specified by FASB Statement No. 67, "Accounting for Costs and Initial Rental Operations of Real Estate Projects," and FASB Statement No. 66, "Accounting for Sales of Real Estate," unless other accounting is permitted by Board regulation.

(2) If the lender has less than a majority participation in the expected

residual profit, the entire arrangement may be in essence a real estate joint venture. Although the provisions of Statement of Position (SOP) No. 78–9, "Accounting for Investments in Real Estate Ventures," and FASB Statement No. 34, "Capitalization of Interest Cost," as modified by FASB Statement No. 58, "Capitalization of Interest Cost in Financial Statements that Include Investments Accounted for by the Equity Method," do not apply explicitly, they may nevertheless provide useful guidance.

(3) If the risks and rewards are deemed to be similar to those of a loan, interest should be recognized as income as specified in the loan agreement.

(4) The institution's loan and accrued interest, real estate investment or joint venture investment is subject to recoverability under the market-value concept discussed in the Board's staff memorandum R 41b, "Appraisal Policies and Practices of Insured Institutions and Service Corporations."

(Secs. 402, 403, 407, 48 Stat. 1250, 1257, 1260, as amended; 12 U.S.C. Secs. 1725, 1726, 1730; Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1943–48 Comp., p. 1071)

By the Federal Home Loan Bank Board.

Jeff Sconyers,

Secretary.

[FR Doc. 85–10408 Filed 4–29–85; 8:45 am]

BILLING CODE 6720–01–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 85–ASW–12; Amdt. 39–5038]

Airworthiness Directives; Messerschmitt-Bolkow-Blohm GmbH (MBB), Model BO–105 Series Helicopters

April 30, 1985.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) requiring reinforcement of the vertical fin or certain MBB Model BO–105 series helicopters. Serious cracks have occurred in the tail fin of these helicopters. Reinforcement of the tail fins will prevent cracks and possible failure of the tail fin and resulting loss of directional control.

DATES: Effective April 26, 1985.

Compliance required within 50 hours' time in service after the effective date of this AD, unless already accomplished.

The Director of the Federal Register approved the incorporation by reference for this AD on April 26, 1985.

ADDRESSES: The applicable service information may be obtained from MBB Helicopter Corporation, P.O. Box 2349, West Chester, Pennsylvania 19380, telephone (215) 431–4150.

These documents may be examined at the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, 4400 Blue Mound Road, Fort Worth, Texas.

FOR FURTHER INFORMATION CONTACT: Chris Christie, Manager, Aircraft Certification Office, FAA, Europe, Africa, and Middle East Office, c/o American Embassy, Brussels, Belgium, APO NY 09667, or James H. Major, Helicopter Policy and Procedures Staff, Aircraft Certification Division, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101, telephone (817) 877–2549.

SUPPLEMENTARY INFORMATION: The FAA has determined that serious cracks and deformation may occur in the vertical fin of the MBB Model BO–105 series helicopters, Serial Numbers (S/N) S1 through S350. The cracks occur in the tail fin of the empennage, Part Number (P/N) 105–30101. The cracks may result in possible failure of the tail fin and resulting loss of directional control.

Since this condition is likely to exist or develop on other helicopters of the same type design, an AD is being issued which requires compliance with Service Bulletin No. 30–13, Rev. 2, and No. 30–18, Rev. 3, within 50 hours' time in service after the effective date of the AD. Service Bulletin No. 30–13 applies to helicopters with S/N's S1 through S310, and Service Bulletin No. 30–18 applies to helicopters with S/N's S1 through S350 and should be complied with by March 31, 1985, according to the bulletin. The first bulletin provides for a fin reinforced vertical spar and adds external doubler plates. The second bulletin provides for a redesigned tail rotor gearbox mount and a reinforced upper area of the fin. Prior to or in conjunction with complying with Service Bulletin No. 30–18, Rev. 3, compliance with Service Bulletin No. 30–13, Rev. 2, must be accomplished on helicopters with S/N's S1 through S310.

The two service bulletins are incorporated by reference rather than repeat the extensive content of the bulletins in the AD. These bulletins will not be subject to frequent change.

Since a situation exists that requires the immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

The FAA has determined that this regulation only involves approximately 9 or 10 aircraft for an estimated total cost for both service bulletins of $7,600 for each aircraft. Therefore, I certify that this action: (1) Is not a "major rule" under Executive Order 12291, and (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979). A copy of the final evaluation prepared for this action is contained in the regulatory docket. A copy of it may be obtained by contacting the person identified under the caption "**FOR FURTHER INFORMATION CONTACT**."

List of Subjects 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety, Incorporation by reference.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new airworthiness directive:

MESSERSCHMITT-BOLKOW-BLOHM GmbH: Applies to Model BO–105 series helicopters, S/N's S1 through S350, certificated in all categories, that are equipped with empennage P/N 105–30101.

Compliance is required within 50 hours' time in service after the effective date of this AD, unless already accomplished.

To prevent cracks in the vertical fin spar and skins and possible failure of the vertical fin, accomplish the following modifications:

(a) For helicopters with S/N's S1 through S310, incorporate the tail fin modification and reinforcement specified in MBB BO–105 Service Bulletin No. 30–13, Rev. 2, dated April 24, 1978.

(b) For helicopters with S/N's S1 through S350, incorporate the gearbox mount and upper fin modification specified in MBB BO–105 Service Bulletin No. 30–18, Rev. 3, dated October 30, 1984.

(c) Aircraft may be flown in accordance with FAR §§ 21.197 and 21.199 to a base where compliance may be accomplished.

(d) Equivalent means of complying with this AD must be approved by the Manager, Aircraft Certification Office, FAA, Europe, Africa, and Middle East Office, c/o American Embassy, Brussels, Belgium.

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part thereof pursuant to 5 U.S.C. 552(a)(1). All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies of the service bulletins upon request to MBB Helicopter Corporation, P.O. Box 2349, West Chester, Pennsylvania 19380. The documents

also may be examined at the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, 4400 Blue Mound Road, Fort Worth, Texas.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); 49 U.S.C. 106(g) [Revised, Pub. L. 97-449, January 12, 1983]; 14 CFR 11.89)

This amendment becomes effective April 26, 1985.

Issued in Fort Worth, Texas, on April 2, 1985.

Richard L. Failor,

Acting Director, Southwest Region.

[FR Doc. 85-10394 Filed 4-26-85; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 84-NM-98-AD; Amdt. 39-5049]

Airworthiness Directives; Airbus Industrie Model A300 B2 and B4 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adds a new airworthiness directive (AD) applicable to certain Airbus Industrie Model A300 B2 and B4 series airplanes which requires repetitive inspections and operational tests of the tailplane trim actuators. Incidents of broken actuator gears, damaged seals, and other in-service difficulties concerning the actuators have been reported. This action is necessary to prevent jammed control surfaces which could lead to hazardous flight conditions.

EFFECTIVE DATE: June 6, 1985.

ADDRESSES: The service bulletins specified in this AD may be obtained upon request to Airbus Industrie, Airbus Support Division, Centreda, Avenue Didier Daurat, 31700 Blagnac, France. This information may also be examined at the Seattle Aircraft Certification Office, FAA, Northwest Mountain Region, 9010 East Marginal Way South, Seattle, Washington.

FOR FURTHER INFORMATION CONTACT: Mr. Sulmo Mariano, Foreign Aircraft Certification Branch, ANM-150S; telephone (206) 431-2979. Mailing address: FAA, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

SUPPLEMENTARY INFORMATION: The French Civil Aviation Authority (DGAC) has issued a Consigne de Navigabilité which mandates compliance with Airbus Industrie (AI) Service Bulletins A300-27-130 and A300-27-132, and Lucas Aerospace (LA) Service Bulletins 723-27-584 and 723-27-582. These service bulletins prescribe corrective action on in-service difficulties concerning the tailplane trim actuators.

A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring inspections and operational tests of the tailplane trim actuators to prevent jamming control surfaces was published in the **Federal Register** on September 20, 1984 (49 FR 36862). The comment period closed on November 9, 1984, and interested persons have been afforded an opportunity to participate in the making of this amendment. Two comments were received. The manufacturer indicated that the AD should describe in more detail the required action of each service bulletin for each affected part. In this manner, operators of these airplanes can rapidly determine the type and magnitude of the mandated action. This has been done in the final document. The other commenter had no objection to the AD.

It is estimated that 33 U.S. registered airplanes will be affected by this AD, that it will take approximately 10 manhours per airplane to accomplish the required actions, and that the average labor cost will be $40 per manhour. Based on these figures, the total cost impact of this AD is estimated to be $13,200.

For reasons discussed above, the FAA has determined that this regulation is not considered to be major under Executive Order 12291 or significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and it is further certified under the criteria of the Regulatory Flexibility Act that this rule will not have a significant economic effect on a substantial number of small entities because few, if any, Airbus Industrie Model A300 airplanes are operated by small entities. A final evaluation has been prepared for this regulation and has been placed in the docket. A copy of it may be obtained by contacting the person identified under the caption "**FOR FURTHER INFORMATION CONTACT.**"

Therefore, the FAA has determined that air safety and the public interest require the adoption of the rule with the change previously noted.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

Adoption of the Amendment

PART 39--[AMENDED]

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new airworthiness directive:

Airbus Industrie: Applies to Models A300 B2 and B4 series airplanes, certificated in all categories. To detect failure of the trim actuators for the horizontal stabilizers, accomplish the following, unless previously accomplished:

A. Within 120 days after the effective date of this AD or upon reaching 4,000 flight hours time in service, whichever occurs later, perform a jamming detection test on actuators, part numbers: CHA723-30XX, CHA723-20XX, and CHA723-010 through CHA723-018, in accordance with the accomplishment instructions of Airbus Industrie (AI) Service Bulletin A300-27-132, Revision 4, dated October 30, 1981. Any actuator that malfunctions during the jamming detection test must be replaced before further flight.

B. Repeat the jamming detection test of paragraph A., above, as follows:

(1) On actuators, part numbers CHA723-30XX and CHA723-20XX, at intervals not to exceed 1,000 flight hours; and

(2) On actuators, part numbers CHA723-010 through CHA723-018, at intervals not to exceed 550 flight hours.

C. Within 120 days after the effective date of the AD or prior to the accumulation of 7,500 flight hours, whichever occurs later, overhaul actuators, part numbers CHA723-20XX and CHA723-010 through CHA723-018, and replace certain actuator's pinions and needle bearings listed in Lucas Aerospace (LA) Service Bulletin 723-27-584, dated January 5, 1980.

D. Within 120 days after the effective date of this AD or prior to the accumulation of 6,500 flight hours, whichever occurs later, perform an endoscopic inspection on actuators, part numbers CHA723-010 through CHA723-018, in accordance with the instructions of AI Service Bulletin A300-27-130, Revision 2, dated October 10, 1980 and LA Service Bulletin 723-27-582, Revision 1 dated July 27, 1979.

E. Upon request of an operator, an FAA Maintenance Inspector, subject to prior approval of the Manager, Seattle Aircraft Certification Office, FAA, Northwest Mountain Region, may adjust the inspection times specified in this AD to permit compliance at an established inspection period of that operator, if the request contains substantiating data to justify the change for that operator.

F. Alternate means of compliance which provide an acceptable level of safety may be used when approved by the Manager, Seattle Aircraft Certification Office, FAA, Northwest Mountain Region.

G. Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base for the accomplishment of inspections and/or modifications required by this AD.

All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to Airbus Industrie, Airbus Support Division, Centreda, Avenue Didier Daurat, 31700 Blagnac, France. These

documents may also be examined at FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or Seattle Aircraft Certification Office, 9010 East Marginal Way South, Seattle, Washington.

This amendment becomes effective June 6, 1985.

(Secs. 313(a), 314(a), 601 through 610, and 1102 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421 through 1430, and 1502); 49 U.S.C. 106(g) (Revised, Pub. L. 97-449, January 12, 1983); and 14 CFR 11.89)

Issued in Seattle, Washington, on April 22, 1985.

Charles R. Foster,

Director, Northwest Mountain Region.

[FR Doc. 85-10391 Filed 4-29-85; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 84-NM-57-AD; Amdt. 39-5048]

Airworthiness Directive; Airotech, Inc. Force I(A) Harness/Container Assembly

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) which requires inspection for proper alignment of the parachute rip cord cable housing on Airotech, Inc., Force I(A) harness/container assembly. The AD is prompted by a report of improper rip cord housing alignment which could result in jamming during the rip cord pull.

DATES: Effective: May 13, 1985.

Compliance required within thirty days after the effective date of this AD, unless already accomplished.

ADDRESSES: The applicable engineering drawing may be examined at the Federal Aviation Administration, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington, or at the Western Aircraft Certification Office, 15000 Aviation Boulevard, Hawthorne, California.

FOR FURTHER INFORMATION CONTACT: Mr. Walter Eierman, Aerospace Engineer, Systems & Equipment Section, ANM-173W; telephone (213) 536-6388. Mailing address: FAA, Northwest Mountain Region, Western Aircraft Certification Office, ANM-173W, P.O. Box 92007, Worldway Postal Center, Los Angeles, California 90009.

SUPPLEMENTARY INFORMATION: It has been reported that an Airotech Force I(A) reserve parachute container failed to open due to high rip cord pull forces. The rip cord cable housing was not aligned with the flap grommet, preventing a straight line pull of the rip cord pin. In this situation, the rip cord pin could jam when entering the cable housing. Since this condition is likely to exist on other harness/container assemblies of the same type design, an airworthiness directive is being issued which requires the inspection of the rip cord cable housing to determine if it is satisfactorily aligned and, if not, install it with proper alignment.

Since a situation exists that requires the immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

The FAA has determined that this regulation is an emergency regulation that is not considered to be major under Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12991 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft equipment. It has been further determined that this document involves emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve significant/major regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise an evaluation is not required). A copy of it, when filed, may be obtained by contacting the person identified under the caption **"FOR FURTHER INFORMATION CONTACT."**

List of Subjects in 14 CFR Part 39

Aviation safety, Parachute safety.

Adoption of the Amendment

PART 39—[AMENDED]

Accordingly, pursuant to the authority delegated to be by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new airworthiness directive:

Airotech, Inc.: Applies to Airotech, Inc. Force I(A) harness/container assemblies. Compliance is required within thirty (30) days from the effective date of this AD, unless previously accomplished.

To prevent high rip cord pull forces due to jamming of the rip cord pin when it enters the cable housing, accomplish the following:

A. Inspect the installation of the rip cord cable housing to determine if it is installed in accordance with Airotech, Inc. drawing number FC-2B, revised April 25, 1984. If it is not in conformance, install in accordance with this drawing. Ripcord pin must be started into the end of the ripcord housing as required by the note in current packing instructions.

B. Alternate means of compliance which provide an acceptable level of safety may be used when approved by the Manager, Western Aircraft Certification Office, FAA, Northwest Mountain Region.

All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to FAA, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

This amendment becomes effective May 13, 1985.

(Secs. 313(a), 314(a), 601 through 610, and 1102 of the Federal Aviation Act of 1958, (49 U.S.C. 1354(a), 1421 through 1430, and 1502); 49 U.S.C. 106(g) (Revised, Pub. L. 97-449, January 12, 1983); and 14 CFR 11.89)

Issued in Seattle, Washington, on April 22, 1985.

Charles R. Foster,

Director, Northwest Mountain Region.

[FR Doc. 85-10389 Filed 4-29-85; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 85-NM-01-AD; Amdt. 39-5047]

Airworthiness Directives; British Aerospace Model 125 800A Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action publishes in the **Federal Register** and makes effective as to all persons a new airworthiness directive (AD) which was previously made effective as to all known U.S. owners and operators of British Aerospace Model 125 800A series airplanes by individual priority letter. In addition, the AD is amended by changing the applicability statement; two airplanes are deleted from the requirements of the AD. This AD requires a one-time inspection of the electrical wires associated with the engine's fire bottle circuits and correction of wiring, if necessary. This action is prompted by the discovery that the electrical wiring of the engine fire protection system had been incorrectly installed. Fire extinguishing material may be discharged on the wrong engine.

DATES: Effective May 13, 1985.

This AD was effective earlier to all recipients of priority letter AD 85-01-05 dated January 15, 1985.

ADDRESSES: The service bulletin specified in this AD may be obtained upon request to British Aerospace, Inc. Librarian, Box 12414, Dulles International Airport, Washington, D.C.

20041 or may be examined at the Seattle Aircraft Certification Office, FAA, Northwest Mountain Region, 9010 East Marginal Way South, Seattle, Washington.

FOR FURTHER INFORMATION CONTACT: Mr. Sulmo Mariano, Foreign Aircraft Certification Branch, ANM-150S; telephone (206) 431-2979. Mailing address: FAA, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

SUPPLEMENTARY INFORMATION: The United Kingdom Civil Aviation Authority (CAA) has classified British Aerospace 125 Service Bulletin 26-A25(253028) as mandatory. The manufacturer discovered that certain airplanes had the electrical wiring of the engine fire protection system incorrectly installed. Fire extinguishing material may be discharged on the wrong engine.

To correct this problem, the manufacturer issued Alert Service Bulletin 26-25 which prescribes a one-time inspection of the engine fire bottle electrical wiring and correction of this wiring, if improperly installed. Service Bulletin 26-A25(253028) provides more complete instructions than the Alert Service Bulletin but the burden to the operator does not change.

Since it was found that immediate corrective action was required, notice and public procedure thereon were impracticable and contrary to public interest, and good cause existed to make the AD effective by individual priority letters issued on January 15, 1985 to all known U.S. owners and operators of British Aerospace Model 125 800A Series Airplanes. These conditions still exist and an AD requiring the action mentioned above is hereby published in the **Federal Register** as an Amendment to § 39.13 of Part 39 of the Federal Aviation Regulations to make it effective as to all persons.

The FAA has determined that this regulation is an emergency regulation that is not major under section 8 of Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been further determined that this document involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant/major regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation or analysis is not required). A copy of it, when filed, may by obtained by contacting the person identified under the caption **"FOR FURTHER INFORMATION CONTACT."**

Further, since a situation existed and still exists that requires the immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable, and good cause exists for making this amendment effective in less than 30 days.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

Adoption of the Amendment

PART 39—[AMENDED]

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new airworthiness directive:

British Aerospace: Applies to Model 125 800A series airplanes with manufacturer serial numbers 258003 through 258020, certificated in all categories. To detect the lack of engine fire protection caused by improper wiring which would result in the wrong fire bottle operating, accomplish the following, unless previously accomplished:

(A) Within ten (10) hours time in service after the effective date of this AD, inspect and rewire, if necessary, the electrical circuits of the engines' fire protection system, in accordance with the accomplishment instructions of British Aerospace 125 Service Bulletin 26-A25(253028), dated December 20, 1984.

(B) Special flight permits may be issued in accordance with FAR 21.197 and 12.199 to operate airplanes to a base for the accomplishment of inspections required by this AD.

(C) Alternate inspections, modifications, or other actions which provide an acceptable level of safety may be used when approved by the Manager, Seattle Aircraft Certification Office, FAA, Northwest Mountain Region.

All persons affected by this directive who have not already received these documents from their manufacturer may obtain copies upon request to British Aerospace, Inc. Librarian, Box 12414, Dulles International Airport, Washington, D.C. 20041.

This amendment becomes effective May 13, 1985, and was effective earlier to those recipients of AD 85-01-05 dated January 15, 1985, distributed by priority letter.

(Secs. 313(a), 314(a), 601 through 610, and 1102 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421 through 1430, and 1502); 49 U.S.C. 106(g) (Revised, Pub. L. 97-449, January 12, 1983); and 14 CFR 11.89)

Issued in Seattle, Washington, on April 22, 1985.

Charles R. Foster,

Director, Northwest Mountain Region.

[FR Doc. 85-10390 Filed 4-29-85; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 84-ASW-41; Amdt. 39-5043]

Airworthiness Directive; Costruzioni Aeronautiche Giovanni Agusta S.p.A. Model A109A and A109A II Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action publishes in the **Federal Register** and makes effective as to all persons an amendment adopting a new airworthiness directive (AD) which was previously made effective as to all known U.S. owners and operators of Agusta Model A109A and A109A II series helicopters by individual letter. The AD requires an initial inspection and repetitive checks for cracks in the tail rotor blade grip. The AD is needed to prevent failure of the tail rotor blade and subsequent loss of the helicopter.

DATE: Effective May 13, 1985, as to all persons except those persons to whom it was made immediately effective by priority letter AD 84-13-06, issued June 29, 1984, which contained this amendment.

Compliance schedule—As prescribed in body of AD.

ADDRESSES: The applicable service information may be obtained from Agusta Aviation Corporation, NE. Service Center, Norcom and Red Lion Roads, Philadelphia, Pennsylvania 19154.

A copy of the service bulletin is contained in the Rules Docket at the Office of the Regional Counsel, FAA, Southwest Region, 4400 Blue Mound Road, Fort Worth, Texas 76106.

FOR FURTHER INFORMATION CONTACT: Harvey Chimerine, Brussels Aircraft Certification Office, Federal Aviation Administration, c/o American Embassy, APO New York 09667, or Sam Brodie, Helicopter Policy and Procedures Staff, Federal Aviation Administration, Southwest Region, 4400 Blue Mound Road, Forth Worth, Texas 76106, telephone (817) 877-2577.

SUPPLEMENTARY INFORMATION: On June 29, 1984, priority letter AD 84-13-06 was issued and made effective immediately as to all known U.S. owners and operators of Agusta Model A109A amd A109A II series helicopters. The AD

requires an initial inspection and repetitive checks for cracks in the tail rotor blade grip. The AD is necessary to prevent failure of the tail rotor blade and subsequent loss of the helicopter..

Since it was found that immediate corrective action was required, notice and public procedure thereon were impracticable and contrary to public interest, and good cause existed to make the AD effective immediately by individual letter issued June 29, 1984, to all known U.S. owners and operators of Agusta Model A109A and A109A II series helicopters. These conditions still exist and the AD is hereby published in the **Federal Register** as an amendment to § 39.13 of Part 39 of the Federal Aviation Regulations (FAR) to make it effective as to all persons.

The FAA has determined that this regulation only involves a cost per inspection of $30 with a maximum of 50 affected rotorcraft for a total cost of $1,500 per fleet inspection. Therefore, I certify that this action (1) is not a "major rule" under Executive Order 12291, and (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). A copy of the final evaluation prepared for this action is contained in the regulatory docket. A copy of it may be obtained by contacting the person identified under the caption **"FOR FURTHER INFORMATION CONTACT."**

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

Adoption of the Amendment

PART 39—[AMENDED]

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new AD:

Costruzioni Aeronautiche Giovanni Agusta S.p.A.: Applies to Model A109A and A109A II series helicopters certificated in all categories.

Compliance is required as indicated (unless already accomplished).

To prevent possible hazards in flight associated with cracking of the tail rotor blade grip accomplish the following:

(a) Within the next 10 hours' time in service, inspect the tail rotor blade grip in accordance with Part 1 of Agusta Service Bulletin 109–51 or FAA-approved equivalent, and at each additional 25 hours' time in service accomplish the inspection of Part III of Agusta Service Bulletin 109–51 or FAA-approved equivalent.

(b) Prior to the first flight of each day, accomplish the airworthiness check of Part II of Agusta Service Bulletin 109–51 or FAA-approved equivalent. The check required by this AD may be performed by the pilot.

(c) Remove from service any tail rotor blade where cracking is found and replace with a serviceable part prior to next flight.

(d) An equivalent method of compliance with this AD may be used when approved by the Manager, Brussels Aircraft Certification Office. This amendment becomes effective May 13, 1985, as to all persons except those persons to whom it was made immediately effective by priority mail AD 84–13–06 issued June 29, 1984, which contained this amendment.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); 49 U.S.C. 106(g) [Revised, Pub. L. 97–449, January 12, 1983]; 14 CFR 11.89)

Issued in Forth Worth, Texas, on April 12, 1985.

F. E. Whitfield,

Acting Director, Southwest Region.

[FR Doc. 85–10392 Filed 4–29–85; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 39

[Docket Nos. 20421 and 83–CE–14–AD; Amdt. 39–5045]

Airworthiness Directives; Short Brothers and Harland, Ltd. Model SC–7, Series 2 and 3 Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment rescinds Airworthiness Directives (AD) 80–13–04 (Amendment 39–3802) and 83–06–04 (Amendment 39–4592), applicable to Short Brothers and Harland, Ltd. Model SC–7, Series 2 and 3 airplanes. Subsequent to the issuance of the ADs, the FAA has learned that the conditions addressed by the United Kingdom's mandatory Dowty Rotol Service Bulletins, which were the basis for these two ADs, are design improvements in nature and do not address unsafe conditions. The withdrawl of these ADs is in the public interest and will not adversely affect the safety of the affected airplanes.

EFFECTIVE DATE: April 30, 1985.

Compliance: Not required.

ADDRESSES: Dowty Rotol Service Bulletins (S/B) No. 32–4M, dated September 5, 1978; S/B No. 32–4M, Revision 3, dated February 15, 1982; S/B No. 32–9M, dated February 15, 1982; and S/B No. 32–9M, Revision 2, dated June 22, 1983, applicable to this rescission may be obtained from Dowty Rotol Inc., Staverton West Suly Road, Post Office Box 5000, Sterling, Virginia 22170. A copy of this information is also contained in the Rules Docket, FAA, Office of the Regional Counsel, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106.

FOR FURTHER INFORMATION CONTACT: Mr. M. Cook, Brussels Aircraft Certification Office, AEU–100, Europe, Africa and Middle East Office, FAA, c/o American Embassy, 1000 Brussels, Belgium; Telephone 513.38.30; or Mr. John Dow, FAA, ACE–109, 601 East 12th Street, Kansas City, Missouri 64106; Telephone (816) 374–6932.

SUPPLEMENTARY INFORMATION: A proposal to amend Part 39 of the Federal Aviation Regulations by rescinding ADs 80–13–04 and 83–06–04 was published in the **Federal Register** on February 6, 1985 (50 FR 5397, 5398). These ADs require inspections and modifications of the main and nose landing gear on Short Brothers and Harland Ltd. Model SC–7 Skyvan Series 2 and Series 3 airplanes. The rescission proposal resulted from the FAA receiving Dowty Rotol S/B No. 32–4M, Revision 3, dated February 15, 1982, and S/B No. 32–9M, Revision 2, dated June 22, 1983, which establish the previous Service Bulletins, described below, as being design improvements in nature and not related to unsafe conditions.

More specifically, AD 80–13–04, Amendment 39–3802 (45 FR 39832) was issued to require crack inspections and modifications of the main and nose landing gear on Short Brothers and Harland Ltd. Model SC–7 Skyvan Series 2 and Series 3 airplanes in accordance with Dowty Rotol Service Bulletin (S/B) No. 32–4M, dated September 5, 1978.

AD 83–06–04, Amendment 39–4592 (48 FR 12342/43) was issued to require crack inspections and modifications of the main landing gear on Short Brothers and Harland Ltd. Model SC–7 Skyvan Series 3 airplanes in accordance with Dowty Rotol S/B No. 32–9M, dated February 15, 1982.

Subsequently, the manufacturer issued S/B No. 32–4M, Revision 3, dated February 15, 1982, and S/B No. 32–9M, Revision 2, dated June 22, 1983, which pertain to a design improvement only and do not correct unsafe conditions in the original type design.

The FAA examined the available information related to the issuance of the service bulletins, as revised, and the

mandatory classification of these bulletins by the United Kingdom. The FAA determined that the conditions addressed by these revised service bulletins, as well as ADs 80–13–04 and 83–06–04, which reference the original service bulletins, are design improvements in nature and do not pertain to unsafe conditions as required by Part 39 of the FARs. Therefore, the Agency issued the aforementioned NPRM.

No comments or objections were received on the proposal or the related cost to the public. Accordingly, the proposal is adopted without change.

There are approximately 13 U.S. registered airplanes affected by this amendment. The cost of compliance is estimated to be negligible to the private sector. Therefore, I certify that this action (1) is not a major rule under the provisions of Executive Order 12291, (2) is not a significant rule under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979) and (3) will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation has been prepared for this action and has been placed in the public docket. A copy of it may be obtained by contacting the Rules Docket at the location identified under the caption "**ADDRESSES**".

List of Subjects in 14 CFR Part 39

Air transportation, Aviation safety, Aircraft, Safety.

Adoption of the Amendment

PART 39—[AMENDED]

Accordingly pursuant to the authority delegated to me by the Administrator, § 39.13 of the Federal Aviation Regulations (14 CFR 39.13) is amended by rescinding AD 80–13–04, Amendment 39–3802, and AD 83–06–04, Amendment 39–4592.

(Secs. 313(a), 601 and 603 of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421 and 1423); 49 U.S.C. 106(g) (Revised, Pub. L. 97–449, January 12, 1983); Sec. 11.89 of the Federal Aviation Regulations (14 CFR 11.89)

This amendment becomes effective on April 30, 1985.

Issued in Kansas City, Missouri, on April 19, 1985.

Murray E. Smith,

Director, Central Region.

[FR Doc. 85–10393 Filed 4–29–85; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 271

[Docket No. RM80–53]

Ceiling Prices; Maximum Lawful Prices and Inflation Adjustment Factors

AGENCY: Federal Energy Regulatory Commission.

ACTION: Order of the Director, OPPR.

SUMMARY: Pursuant to the authority delegated by 18 CFR 357.307(1), the Director of the Office of Pipeline and Producer Regulation revises and publishes the maximum lawful prices prescribed under Title I of the Natural Gas Policy Act (NGPA) for the months of May, June and July, 1985. Section 101(b)(6) of the NGPA require that the Commission compute and publish the maximum lawful prices before the beginning of each month for which the figures apply.

EFFECTIVE DATE: May 1, 1985.

FOR FURTHER INFORMATION CONTACT: Kenneth A. Williams, Director, OPPR, (202) 357–8500.

Order of the Director, OPPR

Publication of prescribed maximum lawful prices under the Natural Gas Policy Act of 1978, Docket No. RM80–53.

Issued April 14, 1985.

Section 101(b)(6) of the Natural Gas Policy Act of 1978 (NGPA) requires that the Commission compute and make available maximum lawful prices and inflation adjustments prescribed in Title I of the NGPA before the beginning of any month for which such figures apply.

Pursuant to this requirement and § 375.307(1) of the Commission's regulations, which delegates the publication of such prices and inflation adjustments to the Director of the Office of Pipeline and Producer Regulation, the maximum lawful prices for the months of May, June and July, 1985 are issued by the publication of price tables for the applicable quarter. Pricing tables are found in § 271.101(a) of the Commission's regulations. Table I of § 271.101(a) specifies the maximum lawful prices for gas subject to NGPA sections 102, 103(b)(1)(2), 105(b)(3), 106(b)(1)(B), 107(c)(5), 108 and 109. Table II of § 271.101(a) specifies the maximum lawful prices for sections 104 and 106(a) of the NGPA. Table III of § 271.102(c) contains the inflation adjustment factors. The maximum lawful prices and the inflation adjustment factors for the periods prior to May 1985 are found in the tables in §§ 271.101 and 271.102.

List of Subjects in 18 CFR Part 172

Natural gas.

Kenneth A. Williams,

Director, Office of Pipeline and Producer Regulation.

PART 271—[AMENDED]

1. Section 271.101(a) is amended by inserting the maximum lawful prices for May, June and July, 1985 in Tables I and II and inserting footnote numbers one and three in the text of Table I.

2. Section 271.102(c) is amended by inserting the inflation adjustment for the months of May, June and July, 1985 in Table III.

§ 271.101 [Amended]

(a) * * *

TABLE I.—NATURAL GAS CEILING PRICES

[Other than NGPA §§ 104 and 106(a)]

Subpart of part 271	NGPA section	Category of gas	Maximum lawful price per MMBtu for deliveries in—		
			May 1985	June 1985	July 1985
B	102	New Natural Gas, Certain OCS Gas[4]	$3.962	$3.992	$4.022
C	103(b)(1)	New Onshore Production Wells[5]	2.991	3.004	3.017
	103(b)(2)	New Onshore Production Wells[5]	3.477	3.498	3.520
E	105(b)(3)	Existing Intrastate Contracts	3.950	3.977	4.004
F	106(b)(1)(B)	Alternative Maximum Lawful Price for Certain Intrastate Rollover Gas[1]	1.711	1.719	1.727
G	107(c)(5)	Gas Produced from Tight Formations[3]	5.982	6.008	6.034
H	108	Stripper Gas	4.242	4.274	4.306
I	109	Not Otherwise covered	2.478	2.489	2.500

[1] Section 271.602(a) provides that for certain gas sold under an intrastate rollover contract the maximum lawful price is the higher of the price paid under the expired contract, adjusted for inflation or an alternative Maximum Lawful Price specified in this Table. This alternative Maximum Lawful Price for each month appears in this row of Table I. Commencing January 1, 1985, the price of some intrastate rollover gas is deregulated. (See Part 272 of the Commission's regulations.)

[3] The maximum lawful price for tight formation gas is the lesser of the negotiated contract price or 200% of the price specified in Subpart C of Part 271. The maximum lawful price for tight formation gas applies on or after July 16, 1979. (See § 271.703 and § 271.704.)

[4] Commencing January 1, 1985, the price of natural gas finally determined to be new natural gas under section 102(c) is deregulated. (See Part 272 of the Commission's regulations.)

[5] Commencing January 1, 1985, the price of some natural gas finally determined to be natural gas produced from a new, onshore production well under section 103 is deregulated. (See Part 272 of the Commission's regulations.)

TABLE II.—NATURAL GAS CEILING PRICES: NGPA §§ 104 and 106(a)

[Subpart D, Part 271]

Category of natural gas	Type of sale or contract	Maximum lawful price per MMBtu for deliveries made in—		
		May 1985	June 1985	July 1985
Post-1974 gas	All producers	$2.478	$2.489	$2.500
1973-1974 Biennium gas	Small producer	2.096	2.105	2.114
	Large producer	1.596	1.605	1.612
Interstate Rollover gas	All producers	920	924	928
Replacement contract gas or recompletion gas.	Small producer	1.177	1.182	1.187
	Large producer	.901	.905	.909
Flowing gas	Small producer	.596	.599	.602
	Large producer	.504	.506	.508
Certain Permian Basin gas	Small producer	.700	.703	.706
	Large producer	.619	.622	.625
Certain Rocky Mountain gas	Small producer	.700	.703	.706
	Large producer	.596	.599	.602
Certain Appalachian Basin gas	North subarea contracts dated after 10-7-69	.565	.568	.571
	Other contracts	.522	.524	.526
Minimum rate gas [1]	All producers	.308	.309	.310

[1] Prices for minimum rate gas are expressed in terms of dollars per Mcf, rather than MMBtu.

§ 271.102 [Amended]

* * * * *

TABLE III.—INFLATION ADJUSTMENT

Month of delivery 1985	Factor by which price in preceding month is multiplied
May	1.00447
June	1.00447
July	1.00447

[FR Doc. 85-10409 Filed 4-29-85; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Parts 436 and 440

[Docket No. 85N-0012]

Antibotic Drugs; Sterile Amdinocillin; Correction

AGENCY: Food and Drug Administration.

ACTION: Final rule; correction.

SUMMARY: The Food and Drug Administration (FDA) is correcting the document that amended the antibiotic drug regulations to provide for the inclusion of accepted standards for a new antibiotic drug, sterile amdinocillin. This document makes editorial changes.

EFFECTIVE DATE: February 26, 1985.

FOR FURTHER INFORMATION CONTACT: Joan M. Eckert, Center for Drugs and Biologics (HFN-815), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4190.

SUPPLEMENTARY INFORMATION: In FR Doc. 85-4587 appearing on page 7764 in the issue of Tuesday, February 26, 1985, the following corrections are made:

1. On page 7764, in the third column, under § 436.353 *High-performance liquid chromatographic assay for amdinocillin*, paragraph (b)(1) is redesignated as paragraph (b); the last sentence in redesignated paragraph (b) is revised to read "Record the peak responses and calculate the prescribed system suitability requirements as described for the system suitability test in paragraph (c) of this section."; paragraph (b)(2) is redesignated as paragraph (c); and paragraph (b)(2)(i) is redesignated as paragraph (c)(1).

2. On page 7765:

a. In the first column, the following corrections are made: "(iii) *Resolution factor*" is revised to read "(3) *Resolution factor*"; "(iv) *Coefficient of variation (relative standard deviation)*" is revised to read "(4) *Coefficient of variation (relative standard deviation)*"; and in the last line, "(b)(1)" is revised to read "(b)".

b. In the second column, the following corrections are made: "(ii) *Efficiency of the column*" is revised to read "(2) *Efficiency of the column*"; and the word "content" in two places in paragraph (a)(1)(i) under § 440.2a *Sterile amdinocillin* is revised to read "potency".

c. In the third column under § 440.2a *Sterile amdinocillin*, the following corrections are made: paragraph (a)(3)(i) is revised to read: "Results of tests and assays on the batch for amdinocillin potency, and if packaged for dispensing, amdinocillin potency and container content, sterility, pyrogens, moisture, pH, crystallinity, and identity." and the heading for paragraph (b)(1) that reads "*Amdinocillin content*" is revised to read "*Amdinocillin potency and container content.*"

3. On page 7766, in the second column, last line in paragraph (b)(1)(iii)(*d*), "§ 436.353(b)(1)" is corrected to read "§ 436.353(b)".

Dated: April 19, 1985.

Daniel L. Michels,

Director, Office of Compliance, Center for Drugs and Biologics.

[FR Doc. 85-10383 Filed 4-29-85; 8:45 am]

BILLING CODE 4160-01-M

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21 CFR Part 442

[Docket No. 85N-0011]

Antibiotic Drugs; Sterile Ceftriaxone Sodium; Correction

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is correcting the final rule that amended the antibiotic drug regulations to provide for the inclusion of accepted standards for a new antibiotic drug, sterile ceftriaxone sodium (50 FR 9998; March 13, 1985). In the "Preparation of test solution" paragraph, a word was inadvertently omitted. This document corrects that error.

EFFECTIVE DATE: March 13, 1985.

FOR FURTHER INFORMATION CONTACT: Joan M. Eckert, Center for Drugs and Biologics (HFN-815), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4290.

SUPPLEMENTARY INFORMATION: In FR Doc. 85-5772, appearing on page 9998 in the **Federal Register** of Wednesday, March 13, 1985, the following correction is made on page 10000, in the middle column: In § 442.55a *Sterile ceftriaxone sodium*, paragraph (b)(1)(iii)(*b*), eighth line, the word "activity" is inserted between "ceftriaxone" and "per".

Dated: April 19, 1985.

Daniel L. Michels

Director, Office of Compliance, Center for Drugs and Biologics.

[FR Doc. 85-10380 Filed 4-29-85; 8:45 am]

BILLING CODE 4160-01-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[T.D. 8016]

Effect of Windfall Profit Tax Overpayments on Estimated Income Tax Payments

Correction

In FR Doc. 85–7020, beginning on page 11853 in the issue of Tuesday, March 26, 1985, make the following correction:

On page 11855, second column, in the first line of "Par. 5.", "Section 1.6654–Z" should have read "Section 1.6654–2".

BILLING CODE 1505-01-M

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26 CFR Part 1

[T.D. 8014]

Income Tax—Energy Investment Credit for Leased Qualified Intercity Buses

Correction

In FR Doc. 85–7022, beginning on page 11852, in the issue of Tuesday, March 26, 1985, make the following correction:

On page 11853, second column, in the first line of the amendatory language, "Section 1.48–9(g)(8)" should have read "Section 1.46(q)(8)".

BILLING CODE 1505-01-M

Fiscal Service

31 CFR Part 204

Allocation of Responsibilities and Liabilities Under Letter of Credit—Treasury Financial Communications System (LOC–TFCS)

AGENCY: Financial Management Service, Fiscal Service, Treasury.

ACTION: Interim rule with request for comments.

SUMMARY: This Interim Rule contains the substance of a revised agreement between the Department of the Treasury ("Treasury") and financial institutions that wish to participate (or continue participating) in the Letter of Credit—Treasury Financial Communications System (LOC–TFCS). The purpose of the revision is to reduce the quantity of Federal regulation of financial institutions participating in this system and to obviate the need for individual agreements with each participating financial institution.

DATES: This Interim Rule is effective April 30, 1985. However, the Department will consider comments from interested parties prior to issuance of a final rule. Comments must be received on or before July 1, 1985.

ADDRESS: All comments or inquiries should be mailed to Mr. Paul J. Gist, Manager, TFCS Programs Branch, Financial Management Service, U.S. Department of the Treasury, Treasury Annex # 1, PB–704, Washington, D.C. 20226.

FOR FURTHER INFORMATION CONTACT: Mr. Dale M. Walton, Senior Advisor—Payments Management, on (202) 634–5775.

SUPPLEMENTARY INFORMATION: LOC–TFCS is an electronic funds transfer system. It uses the Federal Reserve Communications System (FRCS) to deliver Federal funds under a Federal letter-of-credit arrangement. Ordinarily under LOC–TFCS, the recipient organization presents a request for funds to its financial institution. The financial institution reviews the request for funds and, if it is satisfied that the request was made by an appropriate individual(s) and is complete on it face, immediately thereafter transmits the request electronically to Treasury via the FRCS for payment pending Federal program agency review and approval. If the financial institution is not on-line to the FRCS, the financial institution will use a correspondent bank or local Federal Reserve bank or branch to transmit the request to Treasury. Treasury will either wire the payment no later than the next workday or wire notification that the request for funds has been rejected. The funds are transferred to the financial institution, which then credits the recipient organization's account. At this time, over 1,000 financial institutions offer this service to their customers.

Presently, the respective responsibilities and liabilities of the recipient organization's financial institution and Treasury are set forth in individual agreements between Treasury and each participating financial institution. As more and more financial instutions participate in this program, it will become increasingly impractical to execute individual written agreements.

Under the LOC–TFCS, Treasury presently uses a SF–1194, Authorized Signature Card for Payment Vouchers on Letter of Credit, as a safeguard to ensure that financial institutions properly identify those individuals who are authorized to request funds on behalf of the recipient organization and/or authorized to withdraw funds from the recipient organization's account. This notifies all interested parties that use of the SF–1194 will be eliminated in calendar year 1986. Treasury views this identification procedure as a matter between the recipient organization, its financial institution, and the respective Federal program agency.

All financial institutions that desire to participate in LOC–TFCS will be subject to the terms of this Interim Rule. Those that participate for the first time after the effective date of the Interim Rule will be subject to its terms immediately. Each financial institution that has signed an agreement with Treasury will become subject to the terms of the Interim Rule ninety (90) days after the effective date of the Interim Rule.

This Interim Rule has not been preceded by a Notice of Proposed Rulemaking (NPRM). Because this Interim Rule involves a matter relating to loans, grants, and contracts, it is not subject to the notice and comment and delayed effective date requirements of 5 U.S.C. 553.

The changes made by this Interim Rule will not have a direct impact on the general public. Rather, these changes will modify the relationship between Treasury and participating financial institutions. Thus, no matters of interest to the general public are likely to be raised. Moreover, to the extent that a NPRM would delay implementation of the substance of the Interim Rule, with a resultant increase in paperwork and a sustained high level of government regulation of banks participating in LOC–TFCS, the publication of a NPRM would be contrary to the public interest.

It has been determined that this Interim Rule is not a "major rule" as defined by Executive Order 12291, dated February 17, 1981. This determination is based on the fact that the Rule's purpose and effect is to reduce the regulatory and administrative burdens on recipient organizations' financial institutions.

Furthermore, because no notice of proposed rulemaking is required for this Interim Rule, it is not subject to the provisions of the Regulatory Flexibility Act (5 U.S.C. 601, *et seq.*).

List of Subjects in 31 CFR Part 204

Banks, Banking, Electronic funds transfer, Federal Reserve system, Federal aid programs.

Therefore, title 31 CFR is amended by adding a new Part 204 to read as follows:

PART 204—RESPONSIBILITIES AND LIABILITIES UNDER LETTER OF CREDIT—TREASURY FINANCIAL COMMUNICATIONS SYSTEM (LOC-TFCS)

Sec.
204.1 Purpose.
204.2 Scope.
204.3 Applicability.
204.4 Definitions.
204.5 General Regulations.
204.6 Sanctions.

Authority: 31 U.S.C. 321; 31 U.S.C. 3325; 31 U.S.C. 3332; 31 U.S.C. 6503.

§ 204.1 Purpose.

The purpose of this Part is to establish the terms of the contract that will be applicable to transactions involving the Letter of Credit—Treasury Financial Communications System (LOC–TFCS). It describes the responsibilities and liabilities of financial institutions participating in LOC–TFCS.

§ 204.2 Scope.

This Part applies to:

(a) All financial institutions that begin participating in LOC–TFCS on or after the effective date of this Interim Rule, and

(b) Those financial institutions that are presently participating in LOC–TFCS whose agreements are being terminated and who desire to continue to participate in LOC–TFCS.

§ 204.3 Applicability.

(a) All financial institutions that desire to participate in LOC–TFCS will ultimately be subject to the terms of this Interim Rule. Those that participate for the first time after the effective date of the Interim Rule shall be subject to its terms immediately. Each financial institution that has signed an agreement with Treasury shall be subject to the terms of the Interim Rule ninety (90) days after the effective date of the Interim Rule. This Interim Rule constitutes notice by Treasury that each existing agreement is terminated effective ninety (90) days after the effective date of this Interim Rule.

(b) A financial institution's acceptance and handling of a recipient organization's request for funds issued pursuant to this Part shall constitute its agreement to the provisions of this Part.

§ 204.4 Definitions.

In this Part,

(a) "Federal program agency" means any entity of the Federal government that administers a program in connection with which Federal funds are spent.

(b) "Letter-of-Credit method" means the method by which a recipient organization receives payment by drawing against a commitment (certified by a responsible official of a Federal program agency) which specifies a dollar amount available.

(c) "Letter of Credit—Treasury Financial Communications System" or "LOC–TFCS" means the electronic funds transfer system whereby the letters of credit are maintained and serviced by the Department of the Treasury and payment to a recipient organization is made by electronic funds transfer. This system provides for Federal program agency pre-audit of cash advances made to recipient organizations and a fixed payment time.

(d) "Recipient organization" means any organization outside the Federal government (including any State or local government, educational institution, international organization and any other public or private organization or individual) receiving cash advances under a Federal grant or other program either directly from a Federal program agency or indirectly through another recipient organization.

(e) "Recipient organization financial institution" or "ROFI" means a bank, savings and loan, or other financial institution that the recipient organization uses to provide the LOC–TFCS services.

§ 204.5 General Regulations.

(a) A ROFI shall transmit requests for funds only when authorized, and in the amount requested, by the recipient organization.

(b) A ROFI shall exercise reasonable care in knowing its customers (*i.e.*, those individuals identified as having authority to request funds on behalf of the recipient organization and/or authorized to withdraw funds from the recipient's account) in accordance with commonly accepted business standards.

(c) A ROFI shall credit to the recipient organization's account the full amount of funds received from the United States Treasury in response to a request for funds on the same day the ROFI receives those funds.

(d) A ROFI shall provide notice of credit to the recipient organization on the same day the funds are credited to the recipient organization.

§ 204.6 Sanctions.

If the failure of a ROFI to act in accordance with § 204.5 of this Part causes Treasury to make an erroneous payment or if a ROFI fails to timely transfer a payment to a recipient organization, the ROFI shall be liable to Treasury for the amount of the erroneous payment and for interest on an untimely payment. Interest shall be calculated at the weekly Federal funds rate published in the Federal Reserve Bulletin in Table A–27 entitled "Interest Rates, Money and Capital Markets" and shall be due for the entire period of time that the amount of the payment remains outstanding.

Dated: April 15, 1985.

Carole Jones Dineen,
Fiscal Assistant Secretary.

[FR Doc. 85–10290 Filed 4–29–85; 8:45 am]
BILLING CODE 4810-35-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A–8–FRL–2825–7]

Approval and Promulgation of State Implementation Plans; Call for CO SIP Revision for Provo, UT

AGENCY: Environmental Protection Agency.

ACTION: Notice of State Implementation Plan (SIP) Inadequacy and Call for SIP Revision for Provo, Utah—Information Notice.

SUMMARY: EPA here gives notice that it has notified the Governor of Utah on December 19, 1984, that the Utah State Implementation Plan (SIP) for carbon monoxide (CO) for Provo, Utah (Utah County) is substantially inadequate to assure attainment and maintenance of the CO national ambient air quality standards (NAAQS). In a letter dated February 11, 1985, the Governor of Utah submitted a schedule for revision of the SIP for CO in Utah County. The schedule commits to a December 19, 1985 deadline for submittal of the required CO SIP.

DATES: SIP revisions are due within one year of the date EPA notified the State.

ADDRESSES: Written comments should be addressed to: Robert R. DeSpain, Chief, Air Programs Branch, Environmental Protection Agency, 1860 Lincoln Street, Denver, Colorado 80295.

Copies of the schedule are available for public inspection between 8:00 a.m. and 4:00 p.m. Monday through Friday at the following office: Environmental Protection Agency, Region VIII, Air Programs Branch, 1860 Lincoln Street, Denver, Colorado 80295.

FOR FURTHER INFORMATION CONTACT: Lee Hanley, Air Programs Branch, Environmental Protection Agency, 1860 Lincoln Street, Denver Colorado 80295, (303) 293–1757.

SUPPLEMENTARY INFORMATION:

I. Background

The 1970 Clean Air Act Amendments established deadlines for attainment of the primary NAAQS and required States to adopt SIP's providing for attainment within the deadlines. In many areas of the country, the first SIP's failed to bring about timely attainment. In 1976, EPA found these plans inadequate under section 110(a)(2)(H), 42 U.S.C. 7410(a)(2)(H), and called for SIP revisions under section 110(c)(1)(C), 42 U.S.C. 7410(c)(1)(C). See e.g., 41 FR 28842 (July 13, 1976).

In 1977, Congress amended the Clean Air Act to address the problem of continuing nonattainment of the NAAQS. New section 107(d), 42 U.S.C 7407(d), required each State to designate immediately all areas as either attaining the NAAQS, not attaining the NAAQS, or unclassifiable for lack of data. Section 107(d) further required EPA to review, modify, and promulgate these designations by February 1978. New section 110(a)(2)(I), 42 U.S.C. 7410(a)(2)(I), required each State to revise its SIP to prohibit major stationary source construction or modification after July 1, 1979, in any nonattainment area whose SIP did not meet the requirements of Part D of the amended Act. Section 172(a)(1) of that part required each nonattainment area SIP to "provide for" primary NAAQS attainment as soon as practicable, but no later than December 31, 1982. (These were called "Part D plans" because the requirement was in Part D of the amended Clean Air Act.) The 1977 Amendments, however, retained the authority in section 110(a)(2)(H) and 100(c)(1)(C) to issue notices of deficiency and calls for SIP revisions as an additional remedial mechanism.

By July 1, 1979, few of the over 400 nonattainment areas designated by EPA had in effect a SIP meeting the requirements of Part D. As a result, on July 2, 1979 (44 FR 39471), EPA published a regulation inserting the statutory construction ban into SIP's and automatically imposing the ban as of July 1, 1979, in each nonattainment area without an approved or promulgated Part D plan. EPA stated it would lift the ban when the necessary Part D provisions were in place.

Since 1979, EPA has approved, fully on conditionally, all portions of Part D plans for the majority of nonattainment areas with the 1982 attainment deadline. However, many of those areas continued to experience NAAQS violations after the 1982 deadline.

On February 3, 1983, EPA proposed two sets of findings for Part D plans for nonattainment areas with the 1982 deadline (48 FR 4972). First, EPA proposed to find as a factual matter that many of these SIPs had failed to attain the NAAQS by the end of 1982. Second, EPA proposed that the legal consequences of such failures should be disapproval of the SIP and the imposition of a section 110(a)(2)(I) construction ban.

After evaluating the comments on these proposals, EPA issued a final policy notice on November 2, 1983. This notice revised the Agency's position on the legal consequences of a failure to meet the 1982 deadline (48 FR 50686). In that policy, EPA agreed with many past commenters that imposition of the section 110(a)(2)(I) ban was not a legal consequence in any case where EPA had previously fully or conditionally approved a State plan.

In that final policy, EPA, however, stated its intent to find inadequate any approved or conditionally approved Part D plan that failed to bring about attainment by 1982. For such inadequate plans pursuant to section 110(a)(2)(H) of the Act, EPA specified it would call for corrective SIP revisions. The Agency would take further action to impose construction bans under section 173(4) and funding restrictions under section 176(b) in any area that fails to submit a revision in a timely manner.

II. Finding of Inadequacy

The Provo CO SIP was approved on December 21, 1983 (48 FR 56378), with a revision to the attainment date in the July 11, 1984 **Federal Register** (49 FR 28243). The approval was based on CO monitored levels for the base year 1980–1981 of a 2nd high 8-hour average of 12.5 ppm (14.4 mg/m^3). According to the SIP, a 25% reduction on CO emissions was required, and the attainment date was established as February 1, 1986. The SIP further stated that based on Mobile 2 emission factors for typical winter conditions of a 35 °F and 25 mph for "all modes", a 40% reduction would be attained by 1987 under the Federal Motor Vehicle Emission Control program. Transportation controls were expected to result in an additional 1% reduction.

Since the approval of this SIP, CO levels in Provo have shown increased levels from the base year 1980–1981. Data indicate the following:

Year	Date of second high day	Second high 8-hour average
1980–1981	Base year	14.4 mg/m^3.
January 1982 to December 1982.	Jan. 25, 1982	19.0 mg/m^3
January 1983 to December 1983.	Nov. 15, 1983	16.4 mg/m^3.

Based on the 1982 2nd maximum, a reduction of 51% in CO emissions would be required to meet the air quality standards. Calculations using the latest mobile emission factors (Mobil 3) indicate that the Federal Motor Vehicle Emission Control program will only result in a 37% CO reduction by the end of 1987. Even with the additional transportation measures, the Provo CO SIP will still not be capable of meeting the CO standard by 1987.

Mobile 3 suggests that a reduction in CO emissions of more than 50% can be obtained by the end of 1987 with the addition of an Inspection/Maintenance (I/M) program that includes anti-tampering measures for new cars. Such a program is presently operating in Salt Lake and Davis Counties. The main difference between Mobil 2 and Mobil 3 is that Mobil 3 has been adjusted for the level of tampering and fuel switching that EPA surveys have found is occurring nationwide.

III. Call for SIP Revision

This finding of inadequacy requires Utah, pursuant to the provisions of section 110(a)(2)(H), to carry out their SIP obligations and to adopt and submit to EPA for approval whatever additional control measures are necessary to assure timely attainment and maintenance of the CO NAAQS.

Under section 110(c), 42 U.S.C. 7410(c), EPA is extending a period of one year to the State of Utah to submit the necessary measures after receiving notification of the inadequacy. Failure to correct the inadequacy may result in possible sanctions; construction ban under section 173(4) and funding restrictions under section 176 and possibly section 316(b).

In a letter dated February 11, 1985, the Governor of Utah submitted a schedule for revision of the SIP for CO in Utah County. The schedule commits to a December 19, 1985 deadline for submittal of the required CO SIP.

IV. Final Action

In EPA's view, this finding of inadequacy does not constitute final actions that are reviewable inasmuch as they are not ripe for review. The determinations will not be sufficiently concrete for judicial resolution until additional action is taken by EPA in reliance on them. Further, Utah will not suffer hardship from delaying review

because the findings do not have an immediate, direct and substantial impact. Also, Utah will have a later opportunity to obtain judicial review of the findings.

The 60-day time period for filing a petition for review under section 307(b) is tolled until EPA makes the findings ripe by taking additional action in reliance on them, such as imposing sanctions or promulgating revisions, because a time limitation on petitions for judicial review can only run against challenges ripe for review.

List of Subjects in 40 CFR Part 52

Air pollution control, Carbon monoxide.

Authority: Secs. 101, 107, 110, 116, 171–178 and 301(a) of the Clean Air Act, as amended (42 U.S.C. 7401, 7407, 7410, 7416, 7501–08, and 7601(a); sec. 129(a) of the Clean Air Act Amendments of 1977 (Pub. L. No. 95-95, 91 Stat. 685 (August 7, 1977).

Dated: April 10, 1985.

John G. Wells,

Regional Administrator.

[FR Doc. 85–10147 Filed 4–29–85; 8:45 am]

BILLING CODE 6560-50-M

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40 CFR Part 60

[AD–FRL–2804–4]

Standards of Performance for New Stationary Sources; Surface Coating of Metal Furniture

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule; revision.

SUMMARY: The purpose of this action is to revise 40 CFR Part 60, Subpart EE, Standard of Performance for Surface Coating of Metal Furniture. The intended effect of this action is to exempt small metal furniture surface coating facilities using less than 3,842 liters (1,000 gallons) of coating per year from the provisions of the standard.

EFFECTIVE DATE: April 30, 1985.

Under Section 307(b)(1) of the Clean Air Act, judicial review of the actions taken by this notice is available *only* by the filing of a petition for review in the U.S. Court of Appeals for the District of Columbia Circuit within 60 days of today's publication of the revision. Under Section 307(b)(2) of the Clean Air Act, the requirements that are the subject of today's notice may not be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

ADDRESSES: *Background Information Document:* In preparing this revision, EPA is relying partly on the background information documents (BID's) for the metal furniture surface coating standards proposed on November 28, 1980 (45 FR 79390) and promulgated on October 28, 1982 (47 FR 49278). These documents may be obtained from the U.S. EPA Library (MD–35), Research Triangle Park, North Carolina 27711, telephone number (919) 541–2777. Please refer to "Surface Coating of Metal Furniture—Background Information for Proposed Standards" (EPA–450/3–80–007a). The BID for the promulgated standard is EPA–450/3–80–007b.

Docket. A docket, No. A–84–15, containing information considered by EPA in developing the promulgated revision, is available for public inspection and copying between 8:00 a.m. and 4:00 p.m., Monday through Friday, at EPA's Central Docket Section, West Tower Lobby, Gallery 1, Waterside Mall, 401 M Street SW., Washington, DC 20460. A reasonable fee may be charged for copying.

Docket A–79–47 containing information considered by EPA in development of the promulgated standards is also available for public inspection at the above address. A reasonable fee may be charged for copying.

FOR FURTHER INFORMATION CONTACT: Mr. Doug Bell or Ms. Shirley Tabler (919) 541–5624, Standards Development Branch, concerning regulatory decisions and the standard, and Mr. James Berry, (919) 541–5605, Chemicals and Petroleum Branch, concerning technical aspects of the industry. The address for both parties is Emission Standards and Engineering Division (MD–13), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711.

SUPPLEMENTARY INFORMATION:

The Revision

Standards of Performance for Surface Coating of Metal Furniture were promulgated in the **Federal Register** on October 29, 1982 (47 FR 49278). In the absence of information indicating the need for a lower size cutoff, the new source performance standard (NSPS) was promulgated without provisions for exempting small metal furniture surface coating facilities. Subsequent to promulgation, it was determined that, although complying coatings and appropriate application equipment are available at reasonable cost for plants using 3,842 liters (1,000 gallons) or more of coating per year, it had not been specifically demonstrated that emission control technology is available at reasonable costs for smaller plants. This action exempts small metal furniture coating operations, inlcuding industrial firms that periodically refinish metal furniture onsite, that use less than 3,842 liters (1,000 gallons) of coating (as applied) per year from the standards, provided purchase or inventory records or other data necessary to substantiate annual coating usage are maintained. This type of small operation will be investigated further during the 4–year review of the NSPS scheduled for 1986.

Summary of Environmental, Energy, and Economic Impacts

There are no economic or energy impacts associated with this action. The additional nationwide VOC emission reduction that would result if small operations were not exempted would be minimal (less than 150 Mg per year).

Public Participation

This revision was proposed in the **Federal Register** on October 16, 1984 (49 FR 40542). Public comments were solicited at the time of proposal. The proposal provided for a public hearing if anyone requested the opportunity to orally present data, views, or arguments concerning the proposed revision. No such requests were received. In addition, no comment letters were received during the public comment period which was from October 16, 1984, to December 10, 1984.

Significant Comments and Changes to the Proposed Revision

No comments on the proposed revision were received. No changes have been made to the final revision because the Agency's review of the proposed revision indicated that none were necessary.

Docket

The docket is an organized and complete file of all the information considered by EPA in the development of this rulemaking. The docket is a dynamic file, since material is added throughout the rulemaking development. The docketing system is intended to allow members of the public and industries involved to readily identify and locate documents so that they can intelligently and effectively participate in the rulemaking process. Along with the statement of basis and purpose of the proposed and promulgated revisions, the contents of the docket will serve as the record in case of judicial review (Section 307(d)(7)(A)).

Miscellaneous

The effective date of this revision is April 30, 1985. Section 111 of the Clean Air Act provides that standards of

performance and revision thereof become effective upon promulgation and apply to affected facilities, construction or modification of which was commenced after the date of proposal. Because EPA was not aware of the existance of facilities falling below this cutoff at the time it proposed the NSPS, the appropriate applicability date of this revision is November 29, 1980 (the date after proposal of the existing standard).

Office of Management and Budget Review

The requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.* are not applicable because no information collection requirements result from this final revision.

Under Executive Order 12291, EPA must judge whether a regulation is "major" and therefore subject to the requirement of a Regulatory Impact Analysis. This final revision is not major because it exempts small operations from the existing standard and would result in none of the adverse economic effects set forth in Section I of the Order as grounds for finding a regulation or revision to be major. The final rule was submitted to the Office of Management and Budget for review as required under Executive Order 12291. Any comments from OMB to EPA and any EPA response to those comments are included in Docket A–84–15. This docket is available for public inspection at EPA's central docket section that is listed under the **ADDRESSES** section of this notice.

Regulatory Flexibility Act Compliance

Pursuant to the provisions of 5 U.S.C. 605(b), I hereby certify that this rule will not have a significant economic impact on small business entities because it exempts certain small entities from the requirements of an existing standard. During the development of the background information document for the existing standard, the smallest model plant subjected to economic and other impact analyses used 3,842 liters (1,000 gallons) of coating per year. Small coating operations using less than 3,842 liters (1,000 gallons) of coating annually were not studied during the development of the existing standard and therefore are being exempted from the standard.

List of Subjects in 40 CFR Part 60

Air pollution control, Aluminum, Ammonium sulfate plants, Asphalt, Cement industry, Coal, Copper, Electric power plants, Glass and glass products, Grains, Intergovernmental relations, Iron, Lead, Metals, Metallic minerals, Motor vehicles, Nitric acid plants, Paper and paper products industry, Petroleum, Phosphate, Sewage disposal, Steel sulfuric acid pants, Waste treatment and disposal, Zinc, Tires, Incorporation by Reference, Can surface coating Sulfuric acid plants, Industrial organic chemicals, Organic solvent cleaners, Fossil fuel-fired steam generators, Fiberglass insulation, Synthetic fibers.

Authority: Secs. 111 and 301(a) of the Clean Air Act.

Dated: April 22, 1985.

Lee M. Thomas,

Administrator.

PART 60—[AMENDED]

40 CFR Part 60 is amended by adding paragraph (c) to § 60.310 as follows:

§ 60.310 Applicability and designation of affected facility

* * * * *

(c) Any owner or operator of a metal furniture surface coating operation that uses less than 3,842 liters of coating (as applied) per year and keeps purchase or inventory records or other data necessary to substantiate annual coating usage shall be exempt from all other provisions of this subpart. These records shall be maintained at the source for a period of at least 2 years.

[FR Doc. 85–10361 Filed 4–29–85; 8:45 am]

BILLING CODE 6560–50–M

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40 CFR Part 463

[OW–FRL–2826–6]

Plastics Molding and Forming Point Source Category Effluent Limitations Guidelines; Pretreatment Standards and New Source Performance Standards; Correction

AGENCY: Environmental Protection Agency.

ACTION: Final rule; correction.

SUMMARY: On December 17, 1984, the Agency published final effluent limitations guidelines, pretreatment standards and new source performance standards for the Plastics Molding and Forming Point Source Category. 40 CFR Part 463; 49 FR 49026. The applicability section for this regulation provides that processes used to regenerate cellulose and to produce a product from the regenerated cellulose are not subject to the Part 463 regulations. 40 CFR 463.1(g). That provision is correct and is not affected by today's notice.

However, the applicability section also states that processes used to regenerate cellulose and to produce a product from the regenerated cellulose are subject to effluent limitations guidelines and standards for the Organic Chemicals, Plastics, and Synthetic Fibers Point Source Category. That provision is not correct and is being deleted by today's correction notice. Processes used to regenerate cellulose and to produce a product from the regenerated cellulose are not currently subject to the Part 414 regulations for the Organic Chemicals Manufacturing Point Source Category and the Agency has not completed further rulemaking to establish additional effluent limitations guidelines and standards for the more expansive Organic Chemicals, Plastics, and Synthetic Fibers Point Source Category. Any decisions regarding the future applicability of the organics regulations will be made as part of that rulemaking. Such a decision should not be made, and was not intended to be made, as part of the plastics molding and forming rulemaking.

To avoid any inference that the Agency intended to determine in the plastics molding and forming rulemaking the applicability of future organic chemical rules to processes used to regenerate cellulose and to produce a product from the regenerated cellulose, the Agency is today deleting such references from the plastics molding and forming rulemaking. These corrections involve deletion of two sentences from the December 17, 1984 preamble and one sentence from 40 CFR 463.1(g).

FOR FURTHER INFORMATION CONTACT: Mr. Robert M. Southworth at (202) 382–7150.

Dated: April 19, 1985.

Henry Longest II,

Acting Assistant Administrator for Water.

PART 463—[CORRECTED]

The following corrections are made in FRL–2716–4 appearing on 49026 in the issue of December 17, 1984:

1. On page 49029 at the top of column three delete the sentence: "However, it is subject to the effluent limitations guidelines and standards for the organic chemicals, plastics, and synthetic fibers category."

2. On page 49044 in the second full paragraph of column one delete the sentence: "That process is subject to the regulations for the organic chemicals, plastics, and synthetic fibers (OCPSF) category."

§ 463.1 [Corrected]

3. On page 49047, 40 CFR 463.1(g) is corrected by removing the sentence: "* * * They are subject to the effluent limitations guidelines and standards for

the organic chemicals, plastics, and synthetic fibers category. * * *"

[FR Doc. 85-10366 Filed 4-29-85; 8:45 am]
BILLING CODE 6560-50-M

GENERAL SERVICES ADMINISTRATION

41 CFR Ch. 201

[FIRMR Temp. Reg. 12]

Establishing Integrated Records Management Provisions for the Federal Information Resources Management Regulation (FIRMR)

Correction

In FR Doc. 85-8517 beginning on page 14220 in the issue of Thursday, April 11, 1985, make the following corrections:

1. On page 14221, in the second column, in the nineteenth line from the bottom, "101-11.103.3" should read "101-11.103-3".

2. In the same column, in the twelfth line from the bottom, the entry should not be indented.

3. In the same column, in the second line from the bottom, "201-45.001" should read "201-2.001".

4. On the same page, in the third column, in the thirty-eighth line, "201-45.001" should read "201-2.001".

5. In the same column, in the forty-third line, "201-45.001" should read "201-2.001".

6. On page 14222, in the first column, under "FPMR sources", the thirty-third line, "101- 1.808" should read "101-11.808".

7. In the same column, under "FIRMR sections", the forty-ninth line, "21-45.001" should read "21-2.001".

8. On page 14237, in the third column, in § 201-45.502(e), in the last line, "users" should read "user".

BILLING CODE 1505-01-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 69

[CC Docket No. 78-72; Phase I; FCC 85-149]

MTS and WATS Market Structure

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Federal Communications Commission addresses petitions for reconsideration of modifications made to the access charge plan on further reconsideration, published on March 2, 1984, at 48 FR 7810. The MO&O amends the non-premium rate structure by eliminating flat-rate charges and requiring that all non-premium access services be billed on a usage-sensitive basis. This action is taken in order to eliminate unreasonable discrimination against smaller, newer carriers and to promote competition in the interexchange market.

EFFECTIVE DATES: Amendments to §§ 69.205, 69.206, and 69.207 will become effective on January 1, 1986. Amendments to §§ 69.305, 69.501, and 69.502 will become effective May 30, 1985.

FOR FURTHER INFORMATION CONTACT: Thomas Sugrue or Sandra Eskin, (202) 632-9342.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 69

Access charges, Communications common carriers, Telephone.

Memorandum Opinion and Order

In the matter of MTS and WATS Market Structure, CC Docket No. 78-72, Phase I.

Adopted: March 28, 1985.
Released: April 23, 1985.

By the Commission: Commissioner Rivera dissenting in part and issuing a statement at a later date; Commissioner Dawson dissenting and issuing a statement at a later date.

I. Introduction

1. In the *Third Report and Order* in this docket (*Access Charge Order*),[1] we adopted rules establishing a comprehensive system through which local telephone companies are to recover most of the costs of their facilities and services assigned to the interstate jurisdiction through the separations process.[2] The rules provide for the imposition of charges on interexchange carriers and end users who lease or use local exchange facilities that may be used to complete interstate or foreign telecommunications. These charges are assessed through tariffs filed by the exchange carriers with this Commission, which replace the variety of compensation mechanisms through which interexchange carriers and other subscribers had been paying exchange carriers for interstate and foreign access services. In adopting this access charge plan, we sought to achieve a balance among the following four policy objectives: (1) Preservation of universal service; (2) elimination of unreasonable discrimination and undue preferences among rates for interstate services; (3) efficient use of the local network; and (4) prevention of uneconomic bypass.[3] In addition, we sought to maximize the opportunities for full and fair competition among interexchange carriers during the transition to "equal access," when the existing inequalities between the interconnection options offered interexchange carriers will be eliminated.[4] We did this in part by providing that AT&T would pay a premium access charge during this transition because the access it receives to the local exchange is superior to that available to other interexchange carriers ("OCCs").

2. In two orders on reconsideration in this proceeding, we reaffirmed our commitment to the objectives set out in the *Access Charge Order*, while modifying in certain respects the means we had selected to achieve those objectives. In our *First Reconsideration Order*,[5] we modified the original access charge plan by ordering, (i) a more gradual transition to customer line charges for residential and Centrex-CO subscribers; (ii) replacement of the lump-sum premium charge on AT&T with a percentage differential in the per minute charges assessed for premium and non-premium access; (iii) establishment of a surcharge on private lines with the capacity to "leak" interstate traffic into the local exchange; and (iv) certain other changes in the distribution of access costs among users of access services. In our *Second Reconsideration Order*,[6] we further

[1] MTS/WATS Market Structure, Third Report and Order, 93 FCC 2d 241 (1983) (hereinafter *Access Charge Order*), *modified on reconsideration*, 97 FCC 2d 682 (1983) (hereinafter *First Reconsideration Order*), *modified on further reconsideration*, 97 FCC 2d 834 (1984) (hereinafter *Second Reconsideration Order*), *aff'd and remanded in part, Nat'l Ass'n of Regulatory Comm'rs v. FCC*, 737 F.2d 1095 (D.C. Cir. 1984), *cert. denied*, 53 U.S.L.W. 3583, 3595 (U.S. Feb. 19, 1985) (No. 84-95) (*NARUC v. FCC*).

[2] The separations rules, which govern the apportionment of local telephone company investment and expense between the interstate and the intrastate jurisdictions, are set out in Part 67 of the Commission's Rules. *See* 47 CFR 67.1-67.701 (1984).

[3] *See Access Charge Order* at para. 122.

[4] The District Court decree providing for the reorganization of AT&T requires that the divested local Bell Operating Companies ("BOCs") provide all interexchange carriers with local exchange access "on an unbundled, tariffed basis that is equal in type, quality, and price to that provided to AT&T and its affiliates." *United States v. American Tel. and Tel. Co.*, 522 F.Supp. 131, 227 (D.D.C. 1982) (*Modification of Final Judgment* or *"MFJ"*), *aff'd sub nom. Maryland v. United States*, 460 U.S. 1001 (1983). In another phase of this docket, we have recently established comparable "equal access" obligations for independent (*i.e.*, non-BOC) local telephone companies, subject to certain conditions. *See* MTS/WATS Market Structure (Phase III), Report and Order in CC Docket No. 78-72, Phase III, FCC 85-88 (released March 19, 1985) (hereinafter *Phase III Order*).

[5] 97 FCC 2d 682 (1983).

[6] 97 FCC 2d 834 (1984).

modified the access charge plan by deferring customer line charges for residential and single-line business customers to June 1, 1985, pending further examination of various issues concerning the implementation of such charges, including their effects on universal service and small telephone companies. In that order we also (i) increased the differential between premium and non-premium access charges; (ii) provided that the latter would be assessed on a flat-rate, per line basis for interexchange carriers providing MTS–WATS equivalent services; (iii) revised the method of phasing out the differential during the transition to equal access; and (iv) clarified or modified the application of access charges to, *inter alia*, the closed end of WATS lines, the open end of foreign exchange (FX) lines, and "leaky" private lines. The conformance of the principal parts of the access change plan to the requirements of the Communications Act and other applicable legal standards was affirmed by the United States Court of Appeals for the D.C. Circuit in *NARUC v. FCC.*[7]

3. The first set of tariffs implementing the access charge plan were filed by the exchange carriers by October 3, 1983, to be effective January 1, 1984. We suspended these tariffs for three months in order to permit a thorough investigation of their terms and rates.[8] After such an investigation, which included a careful review of the extensive comments and replies submitted by interested parties and the issuance of a series of orders directing the exchange carriers to revise certain terms and rates,[9] we permitted the switched access provisions of the tariffs (as revised according to our directions) to go into effect on May 25, 1984, but we continued our review of the provisions governing special access (basically local private lines used for access). We subsequently found those provisions to be unlawful.[10] The exchange carriers submitted revised special access tariffs, which (as further revised according to our orders) were recently allowed to go into effect.[11]

4. Shortly after the issuance of the *Second Reconsideration Order*, we issued a *Further Notice of Proposed Rulemaking*[12] requesting comments on four issues: (1) Customer line charges for residential and single-line business subscribers; (2) the transitional mechanism for implementing such charges; (3) lifeline exemptions or other assistance for low-income subscribers; and (4) additional assistance for small telephone companies. At the same time, we asked the existing Federal-State Joint Board to prepare recommendations concerning those issues.[13] In an Order released November 23, 1984, the Joint Board recommended several modifications to our existing plan, including the implementation of customer line charges for residential and single-line business subscribers of $1.00 per month for the June 1, 1985 to May 31, 1986 period, and $2.00 per month beginning June 1, 1986.[14] We adopted the Joint Board's recommendations with a few minor changes and clarifications in an Order released December 28, 1984.[15]

5. We also decided in the *Second Reconsideration Order* to examine further two other issues: (1) The effects of customer line charges (and federal decisions generally) on universal service, and (2) the extent and dangers of bypass. Staff studies addressing these two issues were initiated shortly after the issuance of the *Second Reconsideration Order.*[16] These studies were presented to the Commission on December 19, 1984, and published as Commission Reports. The first, confirming the findings of the *Michigan Report*,[17] concluded that there is no persuasive evidence that Commission decisions have had or will have a deleterious impact on universal service.[18] The Report also recommended that Commission resources be focused on monitoring possible impacts on universal service based on actual data, rather than attempting to predict such impacts based on hypothetical models. The second study confirmed earlier findings that bypass is presently occurring and will continue to grow, and found that service bypass (i.e., the use of private lines to access the facilities of an

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[7] 737 F.2d 1095. However, the Court remanded to the Commission for further consideration those parts of the plan dealing with the computation of customer line charges for party lines and the conditions under which exchange companies may elect to compute access costs based on an average schedule. We issued a Notice of Proposed Rulemaking in late 1984 requesting comments on, *inter alia*, these two sets of remanded issues. MTS/WATS Market Structure, Notice of Proposed Rulemaking, 49 FR 50413 (1984), Current Service, Rad. Reg. 2d (P&F) 64:47 (1984). We recently issued an order addressing, *inter alia*, the party-line issues. MTS/WATS Market Structure, Memorandum Opinion and Order in CC Docket No. 78–72, Phase I, FCC 85–87 (released February 27, 1985). The average schedule issues will be addressed in a subsequent order. Furthermore, one important transitional part of the access charge plan—that involving the differential between premium and non-premium access charges—is the subject of a separate appeal. *AT&T v. FCC, appeal docketed*, No. 84–1087 (D.C. Cir. March 9, 1984).

[8] Investigation of Access/Divestiture Tariffs, Memorandum Opinion and Order, 48 FR 49918, 54 Rad. Reg. 2d (P&F) 1119 (1983), *reconsideration denied*, FCC 83–568 (released December 29, 1983) (suspending the switched access tariffs until April 3, 1984); Memorandum Opinion and Order in CC Docket No. 83–1145, FCC 84–104 (released March 27, 1984) (further suspending some of the tariffs until June 13, 1984).

[9] Investigation of Access/Divestiture Tariffs, Memorandum Opinion and Order, 97 FCC 2d 1082 (1984) (hereinafter *ECA Tariff Order*); Investigation of Access/Divestiture Tariffs, Memorandum Opinion and Order, 49 FR 13075, 55 Rad. Reg. 2d (P&F) 869 (1984); Investigation of Access/Divestiture Tariffs, Memorandum Opinion and Order, 49 Fed. Reg. 19,821, 55 Rad. Reg. 2d (P&F) 1422 (1984) (hereinafter *April Tariff Order*); Investigation of Access/Divestiture Tariffs, Memorandum Opinion and Order, 49 FR 23924 (1984) (hereinafter *May Cost Order*).

[10] Investigation of Access/Divestiture Tariffs, Memorandum Opinion and Order, 49 FR 50457, 57 Rad. Reg.2d (P&F) 188 (1984) (hereinafter *Special Access Tariff Order*).

[11] Investigation of Access/Divestiture Tariffs, Memorandum Opinion and Order in CC Docket No. 83–1145, Phase I and Phase II, Part I, Mimeo No. 2647 (released February 19, 1985).

[12] MTS/WATS Market Structure and Amendment of Part 67, Further Notice of Proposed Rulemaking, 49 FR 18318, Current Service, Rad. Reg. 2d (P&F) 64:41 (1984) (hereinafter *Further Notice*).

[13] *Id.* at para. 3.

[14] MTS/WATS Market Structure and Amendment of Part 67, Recommended Decision and Order, 49 F.R. 48325, 57 Rad. Reg.2d (P&F) 267 (1984) (hereinafter *Joint Board Order*). The Joint Board also recommended that exchange carriers be entitled to file alternative interstate tariffs for the recovery of carrier common line costs where a state commission or the Joint Board has found that alternative tariffs are necessary to combat bypass. Any revenue shortfall created by an alternative tariff would be recovered by a 35-cent surcharge on the customer line charge. In addition, the Joint Board proposal included three other recommended actions: (1) A reduction of the customer line charge for customers who meet a state-established means test subject to verification; (2) initiation of a further proceeding by the Joint Board to examine the effect of customer line charges and the alternative anti bypass tariffs on universal service, bypass, economic efficiency, and interexchange competition; and (3) implementation of changes in the methodology for calculating the amount of high-cost assistance to local telephone companies to direct more assistance to small telephone companies and those with higher cost levels.

[15] MTS/WATS Market Structure and Amendment of Part 67, Decision and Order, 50 F.R. 939, 57 Rad. Reg.2d (P&F) 511 (1984) (hereinafter *Decision and Order*). We modified the Joint Board's proposal for changes in the language of Part 69 of our rules to reflect its recommendation that 90 days notice be required for the filing of alternative tariff provisions *Id.* at para. 7 n. 11. We also directed the Joint Board to undertake a further study of issues relating to lifeline assistance measures and directed the Common Carrier Bureau to request additional comments concerning the effect of subscriber line charges on small business subscribers. *Id.* at para. 7.

[16] Public Notice, "Commission Seeks Further Information on the Effects of Federal Decisions on Local Rates and Services," Mimeo No. 3246 (released March 30, 1984); Public Notice, "Request for Data, Information, and Studies Pertaining to Bypass of the Public Switched Network," Mimeo No. 3208 (released March 28, 1984). *See also* Public Notice, "Request for Comments on Bypass Studies," Mimeo No. 6784 (released September 21, 1984).

[17] Local Telephone Service, A Report after Inquiry in CC Docket No. 83–788, 96 FCC 2d 491 (1984) (hereinafter *Michigan Report*).

[18] Further Report on the Effects of Federal Decisions on Universal Telephone Service, Order in CC Docket No. 78–72, Phase IV, FCC 84–636 (released January 4, 1985) (hereinafter *Michigan II Report*).

interexchange carrier) is likely to be the major form of bypass in the immediate future.[19]

6. In light of these related proceedings that address various issues concerning customer line charges, parties seeking reconsideration of the *Second Reconsideration Order* have for the most part properly focused their petitions on the other principal part of our access charge plan—that dealing with the assessment of access charges on interexchange carriers for their use of local exchange facilities in originating or terminating their customers' interstate communications.[20] These petitioners request that we reconsider certain modifications to our access charge rules for interexchange carriers and services that we made in the *Second Reconsideration Order*. The principal issues raised concern the non-premium rate structure we prescribed for access services provided OCCs for MTS–WATS equivalent services and the manner in which non-premium access charges are to be phased out as equal access in phased in. Petitioners have also objected to various aspects of our decision to treat the closed end of WATS lines under the switched access provisions of the rules and to the allocation of certain costs between the switched and special access categories. Our decision to order revised special access tariffs, filed December 3, 1984, prompted us to resolve one of the cost allocation issues separately because we did not anticipate acting on all the issues raised in this reconsideration round before the revised tariffs were filed. In the first part of the *Third Reconsideration Order* in this docket, we addressed the assignment of Category 5 station equipment costs to the special access element and adopted one amendment to the Part 69 rule.[21] In this Order, we reaffirm both the overall objectives and provisions of the access charge plan and the specific provisions we adopted in the *Second Reconsideration Order*, with one important modification—we amend the non-premium rate structure by eliminating flat-rate charges and requiring that all non-premium access services be billed on a usage-sensitive basis.

II. Discussion

A. Non-Premium Access Charges

7. In the various stages of this proceeding, we have considered at length how the access charges paid by interexchange carriers should reflect the differences between the premium access to the local exchange afforded AT&T for its MTS and WATS services and the inferior access afforded OCCs for their MTS-WATS equivalent services.[22] In the *Access Charge Order*, we held that a lump-sum premium access charge would be assessed on AT&T to reflect the opportunity cost of premium access.[23] We set this premium charge equal to the costs of interstate Customer Premises Equipment (CPE), which in 1984 were approximately $1.4 billion and which will be declining at the rate of 25 percent during the period 1984–87, the approximate period during which equal access is to be phased in. In the *First Reconsideration Order*, we concluded that (i) our original estimate of the opportunity cost of premium access was too low, and (ii) a differential in the per minute charges for premium and non-premium access would provide a better mechanism for reflecting the value of premium access.[24] We decided that a discount of 35 percent applied to the carrier common line charges assessed OCCs for their non-premium access would provide a reasonable measure of the value of premium access in 1984, which we estimated would be approximately $2.2 billion. Again, we provided that the differential would be phased out as equal access was phased in, but revised the schedule for that phase-out to conform it explicitly to the equal access implementation schedule in the *MFJ*.

8. In the *Second Reconsideration Order*, we decided that our efforts to establish the value of premium access by reference to an opportunity cost analysis, while conceptually sound and focused on the relevant factors, produced results that were too imprecise and unstable to provide a reliable basis for establishing the differential between premium and non-premium access charges.[25] We did conclude, however, that material submitted during the second reconsideration round had made a convincing case that the premium value was somewhat larger than our $2.2 billion estimate in the *First Reconsideration Order*, although how much larger was difficult, if not impossible, to determine with much precision. Accordingly, we decided to adopt a suggestion made by the National Telecommunications and Information Agency (NTIA) that we establish a total differential for all relevant access elements, based not on a complex and problematic opportunity cost analysis, but on the total differential produced by the ENFIA rates then in effect.[26] ENFIA, despite its shortcomings,[27] was the rate structure the industry had been operating under for a number of years. In light of our concerns and those of many parties that there be a smooth transition from ENFIA to equal access that would not undermine the OCC's ability to compete effectively, it made sense to use the ENFIA rates as an initial benchmark for beginning that transition. Again adopting a suggestion of NTIA, we determined the non-premium discount for 1984 by reducing the then-existing ENFIA discount for all relevant access elements (estimated to be about 70 percent) by approximately one quarter, to 55 percent.

9. In making this determination, we expressed the concern that, while the 55 percent discount would produce a

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[19] Bypass of the Public Switched Network, Order in CC Docket No. 78–72, Phase I, FCC 84–635 (released January 18, 1985) (hereinafter *Bypass Report*).

[20] A list of parties submitting pleadings in this reconsideration round is attached as Appendix A.

[21] MTS/WATS Market Structure, Memorandum Opinion and Order, 49 FR 46,383 (1984) (hereinafter *Third Reconsideration Order, Part I*). The Order amends § 69.303(c) of the rules, which provides the methodology for allocating Category 5 station equipment costs between special and switched access. Pursuant to the amended rule, only special access lines subject to the special access surcharge are counted in determining the allocation factor, which is based on the relative number of switched and special access equivalent lines.

[22] While other carriers provide interstate MTS and WATS with premium access (e.g., larger independent telephone companies) and are subject to the premium charge, we will refer to that charge as an assessment on AT&T because AT&T receives most of the MTS and WATS revenues and pays most of the premium charges. *See First Reconsideration Order* at para. 92 n.75.

[23] See Access Charge Order at paras. 151–68.

[24] *First Reconsideration Order* at paras. 91–127.

[25] *Second Reconsideration Order*, at paras. 51–92.

[26] The Exchange Network Facilities for Interstate Access (ENFIA) tariffs, which were the result of an agreement between the pre-divestiture AT&T and some of the OCCs, governed the charges OCCs would pay for their use of local exchange facilities in completing their customers' interstate calls. The agreement constituted an interim measure to bridge the gap between court decisions permitting OCCs to offer services in direct competition with MTS and WATS. *MCI Telecommunications Corp. v. FCC*, 561 F.2d 365 (D.C.Cir. 1977), *cert. denied*, 434 U.S. 1040 (1978) *motion for an order directing compliance with mandate granted*, 580 F.2d 590 (D.C. Cir. 1978), *cert. denied*, 439 U.S. 980 (1978), and our determination in this proceeding of an appropriate access charge structure for all interexchange carriers. *See* Exchange Network Facilities (ENFIA), Memorandum Opinion and Order, 71 FCC 2d 440 (1979). Thus, the system of access charges we have provided in the Part 69 rules was intended to supplant the ENFIA rate structure. *Second Reconsideration Order*, at paras. 51–55. Indeed, when the switched access tariffs became effective on May 25, 1984, the ENFIA system lapsed and no longer governs the compensation paid by OCCs to exchange carriers for the use of exchange facilities.

[27] *See* MTS/WATS Market Structure, Second Supplemental Notice of Inquiry and Proposed Rulemaking, 77 FCC 2d 224, paras. 28–35 (hereinafter *Second Supplemental Notice*).

smooth transition from ENFIA to equal access for most OCCs, the change from the per line ENFIA charges to the usage-based access charges would result in a substantial and abrupt increase in costs for those OCCs with above-average usage per line. Accordingly, we held that non-premium access charges should be computed on a per line basis, consistent with the practice under ENFIA.[28] We found that a 9,000 minutes per line factor should be used to compute the initial monthly per line charge because that figure was a reasonable estimate of average OCC usage.[29] In addition, to provide further assurance that the flat-rate methodology would facilitate the transition to equal access, we stated that we would initiate a proceeding in 1985 to review the non-premium rate structure and make any necessary revisions for future access years. Finally, we provided that the non-premium rates would be phased out as equal access is phased in on an end-office-by-end-office basis.[30]

10. The principal objections raised in this reconsideration round to the non-premium rate structure we adopted in the *Second Reconsideration Order* concern the use of flat-rate, as opposed to a usage-sensitive, charges for OCC non-premium access. In this Order, we find these objections meritorious and direct that non-premium access charges be assessed on a usage-sensitive basis as of January 1, 1986. While we have decided to institute a usage-based structure for non-premium access charges, it is still necessary to address certain objections related to three specific features of the flat-rate structure, since it will be in effect through the end of December 1985: (i) The existence of an "FX loophole," which gives OCCs the option of obtaining usage-priced FX lines as an alternative to flat-rate FGA lines; (ii) the selection of 9,000 minutes per line as the basis for calculating the discounted flat rate; and (iii) the availability of LATA-wide access for terminating Feature Group A (FGA) traffic as part of non-premium access.[31]

1. The Use of a Flat Rate for OCC Non-Premium Access

11. AT&T, Pacific, and NYNEX object to the flat-rate structure for non-premium OCC access on the grounds that it is inefficient and discriminatory, and they urge us to return to usage-based charges for such access.[32] The flat rate encourages inefficient use of the local network, these parties argue, because OCCs, by increasing their minutes of use per line, impose additional costs on local exchange carriers without paying any additional charges. They argue that a per line charge based on an estimate of average OCC minutes of use discriminates in favor of those OCCs with higher than average usage per line, which tend to be the larger, more established OCCs, and against those with lower than average usage per line, which tend to be the smaller, newer OCCs. This advantage for larger OCCs, they contend, undercuts the Commission's goal of promoting equal competition in the interexchange marketplace. In addition, Pacific maintains that, by effectively increasing the discount above 55 percent for AT&T's largest competitors, the flat-rate structure provides a further incentive for AT&T to bypass local exchange networks.

12. The OCCs that filed pleadings in this reconsideration round all support the flat-rate structure for non-premium access.[33] They generally assert that the per line charge for OCC access both adequately compensates exchange carriers and fairly reflects the relative value of the different quality access provided AT&T and the OCCs.[34] Many OCCs also argue that charging for access on a per line basis promotes a smooth transition from the ENFIA arrangements to the usage-based rate structure of equal access.

13. When we implemented the flat-rate structure for non-premium access in the *Second Reconsideration Order*, we viewed it as the best method for avoiding a very abrupt increase in access costs for those OCCs with per line usage levels that substantially exceeded the industry average.[35] While we recognized that the use of a per line charge might disadvantage new entrants, we believed that the experience with the ENFIA tariffs, which used per line charges for all elements, indicated that this rate structure would not create a significant entry barrier. We stated that "[a] number of carriers have entered the market while the ENFIA tariff has been in effect and most have apparently succeeded in achieving average usage levels fairly quickly."[36] However, it is now our view that, for a number of reasons, this reliance on our past experience under ENFIA may have been misplaced. First, for most of the period those tariffs were in effect, there were only a relatively few OCCs; more recently, many smaller carriers have entered the market and are attempting to compete, not only with AT&T, but also with the larger OCCs. Second, as a number of parties point out, the average usage levels for the OCC industry on which the ENFIA flat-rate was based, which ranged from 3,000 to approximately 5,400 minutes per line, were substantially less than the 9,000 minutes we found to be a reasonable estimate of the current industry average on which we based the flat rate for non-premium access.[37]

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[28] *Second Reconsideration Order*, at para. 85.

[29] The non-premium per line charge is obtained by multiplying a hypothetical premium charge per access minute for each relevant access element by 4.050 (45 percent of 9,000) minutes. *See Second Reconsideration Order*, at para. 87. We provided for two different adjustments to this initial per line charge for the period beginning June 1, 1985. First, we provided that the initial charge would be increased to reflect changes in the Consumer Price Index ("CPI"). Second, we stated that a reduction in the charge might be considered for the 1985–1986 period in light of any adjustments we might make to customer line charges in the supplemental proceedings addressing such charges. As discussed in para. 4, *supra*, we have adopted Joint Board recommendations that residential and single-line business customer line charges be set at $1.00 for the year beginning June 1, 1985, and $2.00 thereafter. *See Decision and Order, supra* note 15. In order to implement our commitment in the *Decision and Order* that the full amount of the revenue generated from such charges be flowed through to consumers in the form of reduced interstate toll rates, we recently provided that the flat-rate charge for non-premium access should be recalculated for the year beginning June 1, 1985, rather than simply adjusted by the CPI. MTS/WATS Market Structure and Amendment of Part 67, Memorandum Opinion and Order in CC Docket No. 78–72, Phase I, and No. 80–286, FCC 85–71 (released February 26, 1985).

[30] *Second Reconsideration Order*, at para. 89–90.

[31] Objections to the provisions governing the phase-out of the non-premium rate structure are discussed *infra* section II.B.1.

[32] AT&T Petition at 10–14; Pacific Petition at 6–8; NYNEX Opposition at 9 n.*; AT&T Opposition at 6; NYNEX Reply at 4–5; Pacific Reply at 10–13. *See also* Rochester Opposition at 6–10. Furthermore, Ameritech urges us to return to a lump-sum premium charge on AT&T, as originally provided in the *Access Charge Order*. Ameritech Petition at 7–14. Our decision to abandon the lump-sum premium charge and recover the value of premium access from AT&T on a usage basis was made in the *First Reconsideration Order* and was not changed in the *Second Reconsideration Order*. Hence, Ameritech's request is untimely in this reconsideration round and is denied as such. *See* § 1.429(i) of the Commission's Rules, 47 CFR 1.429(i)(1984).

[33] Allnet Petition at 4; GTE Sprint Opposition at 3–6; Lexitel Opposition at 7–9; SBS Opposition at 3–7; USTS Opposition at 7–11; Teltec Opposition at 3; MCI Opposition at 10; GTE Sprint Reply at 6–8.

[34] *See, e.g.*, SBS Opposition at 7.

[35] *Second Reconsideration Order* at paras. 85–86.

[36] *Id.* at para 86.

[37] The flat-rate charge for non-premium access in the NECA tariff is slightly more than $330. NECA Tariff FCC No. 1. The flat-rate charges under ENFIA ranged from slightly under $100 to slightly over $225. *See, e.g.*, AT&T (ENFIA), Memorandum Opinion and Order, 91 FCC 2d 1079, 1088 (1982); Memorandum Opinion and Order in CC Docket No. 78–371, Mimeo No. 4671 (released June 10, 1983). *See also* AT&T Opposition at 7 n.***. Allnet questions our reliance on the ENFIA experience as the basis for finding that the flat rate we adopted in the *Second Reconsideration Order* will not be an entry barrier:

Continued

14. With many more competing firms and a higher industry average usage level, the disadvantage to new entrants created by the per line charge, which we characterized as "minimal" in the *Second Reconsideration Order*, is arguably much greater than was the case under ENFIA. Accordingly, we are no longer sanguine about the ability of new entrants to move rapidly and easily to usage levels close to the industry average [38], and thus, about our previous finding that flat-rate non-premium charges would not harm small OCCs or serve as a barrier to entry. Furthermore, in opting for the per line charge, we were concerned that exchange carriers would incur substantial administrative costs in switching to usage-sensitive billing for non-premium access services. It now appears that the measurement capability sufficient to implement a usage-based non-premium rate structure does exist in the vast majority of end offices, thereby lessening the administrative burdens of assessing such charges on a usage-sensitive basis.[39]

15. Therefore, in order to avoid any unreasonable discrimination against smaller, newer OCCs [40] and thereby promote equal competition in the interexchange marketplace, we have decided to establish a usage-based rate structure for all non-premium access services. The amendments to the rules implementing this decision are set out in Appendix B. This new rate structure for non-premium access will go into effect as of January 1, 1986.

2. Specific Objections to the Flat Rate Structure

16. As indicated above, despite our adoption today of usage-based charges for all non-premium access services, it is necessary to address certain objections to the flat-rate structure since it will remain in effect until January 1, 1986.

(a) The "FX Loophole"

17. One question about the present non-premium rate structure that should be clarified at this time is whether the Part 69 rules and the current access tariffs permit OCCs to avoid paying the flat rate for FGA lines by ordering usage-based FX lines and reselling them to form an MTS–WATS equivalent service. A large number of parties address this issue, and all but one agree that OCCs have this option,[41] although they differ as to whether this is a desirable result. AT&T and a number of exchange carriers characterize this option as an "FX loophole", which they assert undercuts the Commission's stated rationale in establishing a flat-rate structure for non-premium access and demonstrates the need to return to usage-based charges. A number of OCCs argue that the availability of this option is a positive feature of the present non-premium rate structure that primarily benefits the smaller OCCs.

18. While we did not focus on this question in the *Second Reconsideration Order*, and hence the present rules and our explanation of their provisions in that Order are somewhat ambiguous on this point,[42] we agree with the commenting parties who assert that OCCs should have the option of ordering and reselling usage-based FGA. The alternative, which would involve restricting resale by OCCs of access services or limiting the access services available to OCCs, would be contrary to our policies against prohibitions on resale and discrimination in services and rates based on the nature of the customer.[43] Furthermore, in light of the concerns discussed above about the effect of the flat rate on smaller OCCs, we find that such restrictions could harm competition in the interexchange market.[44] Accordingly, the present non-premium rate structure, including the availability of usage-based FX lines as an alternative to flat-rate FGA connections, will continue in effect until the flat-rate structure is eliminated.[45]

(b) The use of 9,000 minutes per line as the assumed OCC monthly usage

19. A number of parties have objected to our selection of a 9,000 minutes per line usage rate as the basis for computing the flat-rate charge. Allnet argues that 9,000 minutes per line is too high and does not reflect an industry-wide average usage level.[46] It asserts

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The Commission . . . states, however, that past experience with ENFIA 'indicates that per line charges do not create a significant entry barrier.' The experience with ENFIA is inappropriate in this instance. The ENFIA rate was based upon minutes which ranged from approximately 3,000 minutes to slightly more than 5,000 minutes. These figures as a barrier to entry, are a far lower barrier than 9,000 minutes.

Allnet Petition at 4–5 (citation omitted).

[38] In a recently filed Petition for Clarification, Lexitel noted that current average usage on its FGA access lines is approximately 7,500 minutes. Petition for Clarification in CC Docket Nos. 78–72, Phase I, and 83–1145, Phase I, at 2 (filed February 21, 1985) (hereinafter Lexitel Petition for Clarification). Allnet, in a Supplement to its Petition for Reconsideration in this proceeding, stated that its own average monthly usage level is 6,905 minutes per line. *See infra* note 51. Both Lexitel and Allnet entered the market in 1981. These are two of the "larger" of the relatively new carriers. If their usage levels fall considerably short of the industry average, the monthly usage levels for some of the very new and small OCCs are probably significantly below the 9,000 minutes per line figure.

[39] *See* the BOC Waiver Petition, discussed *infra* para. 30, and other documents in that record, which indicate that in most cases exchange companies can measure the total amount of non-premium traffic delivered to an OCC POP (although they cannot generally determine from which end office that traffic originated). *See also* AT&T Reply at 3 n.*. Furthermore, exchange carriers are now providing non-premium FGA service on a usage-sensitive basis in the form of FX lines.

[40] Lexitel states that, under the flat rate in the NECA tariff, it pays $0.045 per minute for an average 7,500 minutes per line per month, while GTE Sprint, with over 12,000 average monthly usage minutes per line, pays $0.028 per minute, a difference of 61%. Lexitel Petition for Clarification, *supra* note 38, at 11. Thus, the flat-rate structure produces the anomalous result that the new, smaller OCCs may be paying substantially more for non-premium access than their larger, more established competitors. Indeed, an OCC with a usage level below 4,050 minutes per line is paying more for inferior access than AT&T is paying for premium access. This result could have a particularly deleterious impact on the ability of small regional OCCs, which serve limited geographic areas, to expand their operations by entering new markets and competing with AT&T and the established OCCs now serving those markets. We view this result as discriminatory and a significant burden on competition in the interexchange marketplace.

[41] *See* AT&T Petition at 12; AT&T Reply at 2–4; Rochester Opposition at 6–7; NYNEX Opposition at 9 n.*; NYNEX Reply at 4–5; Pacific Reply at 12; SBS Opposition at 6–7; Teltec Opposition at 3 n.4; MCI Opposition at 10 n.14. GTE Sprint is the only party that takes the position that OCCs may not use FX lines in this fashion. *See* GTE Sprint Opposition at 3–6; GTE Sprint Reply at 6–8.

[42] *But see* Separate Statement of Commissioner Dawson, *Second Reconsideration Order*, 97 FCC 2d at 895 ("Absent such restrictions [on resale of FGA services], there would be no basis to prohibit an OCC from ordering FX service on a non-premium per-minute basis and reselling it to form an MTS/WATS equivalent service.")

[43] *See, e.g., ECA Tariff Order, supra* note 9, at para. 69 and page 2–85.

[44] Lexitel, in a recently filed petition, asks us to issue a ruling clarifying that all consumers of access services may obtain non-premium FGA lines at usage-sensitive as well as flat rates. *See supra* note 38. Lexitel states that it had been the widespread practice among exchange carriers to permit OCCs to order either type of FGA, but that recently some exchange carriers have been refusing to fill new OCC orders for usage-based FGA. A similar petition for declaratory ruling was filed by TDX Systems, Inc. The action we take today has the effect of providing Lexitel and TDX with the relief they seek until flat-rate FGA is eliminated entirely. Accordingly, we will dismiss the Lexitel and TDX petitions as moot.

[45] While we recognize that, as AT&T argues, providing this option to OCCs will result in an aggregate discount to OCCs as a group that is somewhat greater than 55%, we believe that this possible deviation from the discount established in the *Second Reconsideration Order* is outweighed by our concerns with discrimination against smaller OCCs inherent in a strict application of the flat rate, particularly since the deviation will only remain in effect for a short period of time. Furthermore, by requiring a usage-based rate structure for all non-premium access services, effective January 1, 1986, we are adopting the "solution" urged on us by AT&T and the exchange carriers, the parties that view the availability of this option for OCCs as a flaw in the transitional plan for non-premium access established in the *Second Reconsideration Order*.

[46] Allnet Petition at 3–5. Allnet also asserts that, in states in which intrastate access charges are assessed on a usage basis, the Commission's formula will result in OCCs paying both intrastate and interstate access charges for the same usage.

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that, in adopting the 9,000-minute figure, we relied on flawed data that overstate OCC interstate minutes.[47] AT&T and NYNEX also challenge the accuracy of the 9,000-minute figure, but argue that it is too low. These parties maintain that the data on which the Commission relied are now two years old and probably understate actual OCC usage levels.[48] In particular, AT&T states that GTE Sprint has admitted to at least 12,000 minutes of use per line as of 1983, and argues that the steady increase in OCC usage levels, from an accepted average of 3000 minutes per line in 1980 and 1981 to GTE Sprint's 12,000 minutes per line in 1983, demonstrates that the 9,000 minute figure is likely to understate significantly actual OCC usage during the current period.[49] In response to these arguments by AT&T, SBS states that, with many OCCs rapidly entering new markets, per line usage levels are more likely to be below, than above, 9,000 minutes.[50]

20. We reaffirm our choice of 9,000 minutes per line as a reasonable estimate of average OCC monthly usage. None of the parties have demonstrated that the actual average usage rate is different from the figure we selected or have suggested an alternative figure that we might use. Merely identifying a particular OCC whose usage is above or below 9,000 minutes of use per line does not impeach the reliability of the figure selected.[51] Indeed, if anything, the reliability of our selection is further supported by the fact that the parties can point to OCCs whose usage levels fall on each side of the estimated average.[52] Therefore, while 9,000 minutes per line is only an estimate of OCC average usage, we are not persuaded that this estimate is unreasonable or that another figure would be more reasonable. Accordingly, in the absence of any relevant evidence in this record undermining our selection, we believe changes to the estimated average used in the flat-rate calculation are not necessary.

(c) LATA-wide access

21. AT&T and a large number of exchange carriers complain about the fact that subscribers to non-premium FGA receive LATA-wide terminating access without paying any distance-sensitive charges.[53] These parties identify two sets of problems with such an arrangement, one concerning OCCs and the other concerning end users. First, with respect to the OCCs, AT&T asserts that providing LATA-wide access for payment of the flat-rate charge bestows an unfair competitive advantage on these carriers, allowing them to limit their Points of Presence (POPs) in a LATA without incurring transport charges comparable to those AT&T would incur if it used similar arrangements. Furthermore, AT&T argues that the assumed average hauls reflected in the access tariffs are unrealistically low, with the result that the non-premium discount will be effectively increased above the 55 percent level set by the Commission. The exchange carriers argue that LATA-wide access for OCCs represents a divergence from the Commission's general principle of requiring parties to bear the costs they cause and encourages OCCs to configure their networks in an inefficient manner, leading to revenue shortfalls for exchange carriers. Furthermore, AT&T and the exchange carriers point out that LATA-wide access is inconsistent with the ENFIA model, under which OCCs were only provided with access to a non-toll calling area for payment of the flat-rate charges.[54]

22. Second, with respect to end users, exchange carriers complain that inclusion of LATA-wide access as part of FGA leads to substantial intrastate toll avoidance by such customers.[55] They argue that, when FGA service with LATA-wide access is used as a terminating service, it becomes in effect at LATA-wide, OutWATS service. Thus, whenever the discounted FGA rates are lower than intrastate toll or WATS rates, end users with substantial levels of intraLATA toll calling have an economic incentive to substitute the former services for the latter.[56]

23. A number of OCCs respond that, although the transitional transport charges are not distance sensitive, they are based on average transport levels and were derived from the total revenue requirement for the transport element. Therefore, they argue, there should be no underrecovery of exchange carriers' revenue requirements.[57] For similar reasons, they contend that AT&T's arguments that LATA-wide access effectively increases the non-premium discount above 55 percent and bestows other competitive advantages on OCCs are incorrect. Rather, OCCs are simply paying an average charge for transport, as they do for other access elements, instead of specific transport charges for each OCC POP. Further, the OCCs argue that the problem of intraLATA toll avoidance by end users, to the extent it exists, can be alleviated by measures short of eliminating LATA-wide

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Allnet explains that, when an OCC uses a line for both inter- and intrastate traffic and the interstate use is less than 9,000 minutes, it will pay twice for its intrastate minutes to the extent of the difference between interstate minutes and 9,000 minutes. For example, a carrier that uses a line for 5,000 minutes of interstate use and 5,000 minutes of intrastate use will, according to Allnet, pay for 9,000 interstate minutes under the Commission's formula and 5,000 intrastate minutes under a state tariff—for a total of 14,000 paid minutes, which is 4,000 minutes more than it actually used. *Id.* at 9–12. While Allnet characterizes this as a double billing problem, its complaint seems simply to be a restatement of its position that 9,000 interstate minutes per line is too high.

[47] Allnet Petition at 3 nn.8–9; Allnet Reply at 4–5. Lexitel, while not explicitly endorsing Allnet's arguments, urges us to "carefully consider" them. Lexitel Opposition at 9 n.12.

[48] AT&T Opposition at 6–7; *see also* NYNEX Opposition at 13–14.

[49] AT&T Opposition at 7 n. * * *.

[50] SBS Opposition at 6.

[51] Allnet, in a Supplement to its Petition for Reconsideration, stated that its own average monthly usage level is 6,905 minutes per line. AT&T and NYNEX have argued that we should refuse to consider this information because the Allnet pleading was untimely filed. AT&T Opposition at 7 n.**; NYNEX Opposition at 14. Allnet's Supplement was filed late and was unaccompanied by an appropriate motion for acceptance. *See* § 1.429(d) of the Commission's Rules, 47 CFR 1.429(d) (1984). However, in its Supplement, Allnet stated that, at the time it filed its petition for reconsideration, it was "in the process of conducting a study to determine usage for all of its access lines," and that it filed its Supplement shortly after this study was completed. Allnet Supplement at 1–2. We shall treat this explanation as in effect a motion for acceptance and for this purpose waive the requirement of § 1.429(d) of our rules that such a motion be stated in a separate pleading. We therefore accept Allnet's Supplement, and we have considered the data presented therein. For the reasons states in the text, however, those data do not refute the accuracy of the average figure we have selected.

[52] Furthermore, we are unpersuaded by Allnet's complaints that both of the sources we used to derive the 9,000 minute figure are tainted by the inclusion of intrastate minutes of use. The 1983 recalculation of ENFIA minutes, which was the principal basis for our estimate, purports to exclude intrastate mintues. *See* Comments of the BOCs and CSO, CC Doket No. 83–1145 (Phase I), (filed December 22, 1983) at App. II, pp. 53, 56. However, our secondary reliance on the figures reported in MCI's Petition for Reconsideration in the last reconsideration round was misplaced. These figures appear to relate solely to Texas intrastate minutes.

[53] AT&T Petition at 11 n.**; AT&T Opposition at 18–20; AT&T Reply at 4; U.S. West Opposition at 1–5; Ameritech Petition at 2–7; Pacific Petition at 2–3; NYNEX Opposition at 9 n.*; Rochester Opposition at 7–8; Southwestern Bell Opposition at 2–4; Pacific Reply at 7–10.

[54] AT&T Petition at 10 n.**; Ameritech Petition at 2–4; Rochester Opposition at 7–8; Pacific Reply at 8–9.

[55] Ameritech Petition at 5–7; Pacific Petition at 7–8; NYNEX Opposition at 9 n.*; Rochester Opposition at 7–8; U.S. West Opposition at 4–5; Southwestern Bell Opposition at 1–4; U.S. West Reply at 3–4.

[56] Some exchange carriers assert that intraLATA toll avoidance by end users is a particularly serious problem becuase of the availability of flat-rate FGA connections. *See, e.g.*, Ameritech Petition at 4; Rochester Opposition at 8; U.S. West Opposition at 4–5.

[57] Lexitel Opposition at 5–7; GTE Sprint Opposition at 6–7; ALTEL Opposition at 6; Ad Hoc Reply at 9.

terminations for flat-rate FGA.[58] Thus, the OCCs assert that an averaged, flat-rate transport charge including LATA-wide access is a reasonable mechanism for recovering the cost of transport during the transition to equal access, when transport charges will be distance sensitive. Finally, GTE Sprint argues that the LATA-wide access issue is grounded in the access tariff provisions and, therefore, should be resolved in the tariff process.[59]

24. The LATA-wide access issue raised by AT&T and the exchange carriers results from the interaction of our rules governing transitional, non-premium access charges and access tariff provisions filed by the exchange carriers. As adopted in the *Second Reconsideration Order*, the rules provide that transport is among the relevant access elements factored into the per line charge for OCC non-premium access.[60] However, those rules do not specify any particular geographic scope for the transport element, *i.e.*, they do not specify the area to which a subscriber obtains access for payment of the access charge. Thus, LATA-wide access terminations do not derive from the Part 69 rules. Rather, exchange carriers are providing LATA-wide access as part of FGA pursuant to the provisions in their access tariffs governing the transport component of FGA switched access.[61] We agree with GTE Sprint, therefore, that the tariff process is the proper forum for the resolution of the issue of LATA-wide access for terminating non-premium FGA traffic. Exchange carriers seeking to limit terminating FGA access to an area smaller than a LATA would not be constrained by any provision of the Part 69 rules from filing tariff provisions that would accomplish this end.[62]

25. If the BOCs conclude that they must offer LATA-wide access in order to satisfy *MFJ* requirements, the elimination of flat rates for non-premium access should enable them to solve any problems that are caused by the interaction of a flat rate with LATA-wide access. The revised rules that we are adopting will enable all local exchange carriers to impose distance-sensitive charges for premium and non-premium transport. If the BOCs believe that any problems are sufficiently urgent to require revisions in non-premium transport before the new rules become effective, the BOCs may present such claims in petitions for a waiver of the present rules.

B. Equal Access Implementation Issues

1. Phase-Out of the Non-Premium Access Charge Differential

26. As discussed above, in the *Second Reconsideration Order* we established premium and non-premium rate categories for access services provided by exchange carriers during the transition to equal access. Non-premium charges apply to FGA and Feature Group B (FGB) services and are calculated on the basis of a 55 percent discount (compared to premium access charges). We also provided in the *Second Reconsideration Order* that this discount is to be phased out as equal access becomes available on an end-office-by-end-office basis, *i.e.*, when an end office is converted to equal access, the non-premium discount will no longer apply to FGA and FGB traffic originating or terminating in that end office.[63]

27. In petitions seeking reconsideration of the *Second Reconsideration Order*, a number of parties object to certain features of our end-office-by-end-office approach to phasing out the non-premium discount. First, a number of OCCs assert that equal access should be deemed to be available for purposes of phasing out the discount only when "tandem access" becomes available, *i.e.*, when it is possible to access multiple Feature Group D (FGD) end offices through a single tandem switching arrangement.[64] Second, some OCCS go even further and assert that, because of problems with marketing equal access service until they are widely available in an area, we should abandon the end-office approach to phasing out the discount and provide instead that the discount will stay in effect until all or almost all the end offices in a LATA have been converted to equal access.[65]

28. We decline these invitations to abandon our end-office approach to phasing out the non-premium discount in favor of requirements of "tandem access" or LATA-wide equal access. It was our intent in the *Second Reconsideration Order* to tie the phase-out of the discount to the phase-in of equal access that would be taking place pursuant to the schedule established in the *MFJ*. For the purposes of that schedule, equal access services are deemed to be available in all end offices that are actually converted to equal access, and not only in those converted end offices accessible through access tandems or in LATAs in which virtually all end offices are converted.[66]

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[58] For example, USTS argues that such intrastate use of FGA connections by end users would violate the access tariffs and rules. It states that there is no reason to assume that such abuse will be widespread, but if it does become a serious problem, the exchange carriers are competent to devise "structural remedies" to control it, and the Commission could be expected to be responsive to such efforts. It concludes that a major, and otherwise salutory, feature of the access charge transition for OCCs should not be abandoned on the basis of what is now at least a largely hypothetical problem. USTS Opposition at 12–14. MCI makes a similar argument, but adds that if the Commission wishes to guard against the possibility of intraLATA toll avoidance by end users, it could provide that end users ordering FGA be required to certify that all traffic over such lines will be interstate. MCI Opposition at 4–11. *See also* GTE Sprint Reply at 8.

[59] GTE Sprint Opposition at 6–7 and Reply at 9–10.

[60] *See Second Reconsideration Order* at para. 87; § 69.206 of the Commission's Rules, 47 CFR 69.206 (1984).

[61] When the initial access tariffs were filed by the exchange carriers in the fall of 1983, LATA-wide terminations were provided as part of the transport component of switched access, which included usage- and distance-sensitive charges. When the *Second Reconsideration Order* adopted the flat-rate approach for non-premium charges for all access elements, including transport, the LATA-wide feature of transport remained in the access tariffs. Hence, the flat-rate charge for FGA non-premium access includes a flat-rate component based on an average transport charge for FGA traffic. However, at the time of those initial tariff filings there was nothing in the Part 69 rules or any of the orders in this docket that compelled the exchange carriers to provide LATA-wide access; and none of the modifications we made to the non-premium rate structure in the *Second Reconsideration Order* changed that situation. Accordingly, no amendment to the Part 69 rules would be required to alter the LATA-wide access provisions of the access tariffs.

[62] On August 6, 1984, NECA submitted a request for special permission to file an amendment to its tariff eliminating LATA-wide terminations for FGA services on one day's notice and without the supporting material required by § 61.38 of our rules. The Chief, Tariff Division, by letter to NECA, waived § 61.58 to permit such amendments to be filed on 45 days' notice, denied the request to waive the requirements of § 61.38, and specified certain information that should be included in the § 61.38 submission. Letter from Chief, Tariff Division to G. R. Evans, Director, Tariff and Regulatory Affairs (August 10, 1984). While NECA has not refiled its tariff amendment, Pacific Northwest Bell and Northwestern Bell filed changes to their tariffs to make FGA available only for use in conjunction with interstate communications. Those tariffs are now in effect. *See* Pacific Northwest Bell, Transmittal No. 126 (filed September 21, 1984) and Northwestern Bell, Transmittal No. 966 (filed September 28, 1984).

[63] Specifically the *Second Reconsideration Order* provides:

> OCCs that receive equal access will pay the same per minute charges that are assessed for MTS and WATS usage as equal access becomes available in each end office. Access charges in end offices not converted to equal access shall continue to be assessed at a non-premium rate.
>
> If equal access is available but the OCC does not elect to use it, the OCC will normally pay the equivalent of the subelement 1 charge for Local Switching . . . and the full equal access charge for other elements.

Second Reconsideration Order at paras. 79–80 (footnote and paragraph numbers omitted).

[64] Western Union Petition at 5–6; USTS Opposition at 3–6; GTE Sprint Reply at 2–5.

[65] Allnet Petition at 7; SBS Petition at 2–9; Lexitel Opposition at 9–13; SBS Opposition at 11–13; SBS Reply at 2–6; Allnet Reply at 3–4; GTE Sprint Reply at 2–5.

[66] We wish to clarify two points about our end-office approach to phasing out the discount, in light

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Furthermore, the 55 percent discount and the end office-by-end-office approach to phasing out that discount are complementary parts of the transitional plan for non-premium access we adopted in the *Second Reconsideration Order*. Were we to accept one of the alternative approaches to phasing out the discount suggested by the petitioning OCCs, we would find it necessary to consider reducing the level of the discount below 55 percent. It is not clear that these petitioners would find the combined results of such complementary changes to be in their best interests. In any event, we find that making either type of change at this time would not be in the best interests of the industry as a whole or the public.

29. A number of petitioners claim there is a different type of problem with our end-office approach to phasing out the discount, which involves its practical implementation. Both exchange and interexchange carriers have asserted that it is generally not possible to determine the originating end office for FGA traffic; therefore where some, but not all, end offices in an area have been converted to equal access, it is not possible to determine precisely how much originating FGA traffic should be charged at premium, and how much at non-premium, rates.[67] As a result, these parties argue that our intent in mandating an end-office approach to phasing out the non-premium discount can best be realized by allocating originating FGA traffic between converted and unconverted end offices on some estimated basis.

30. Subsequent to the conclusion of the pleading cycle in this reconsideration round, the twenty-two BOCs submitted a petition for waiver of section 69.206 of our rules to permit them to implement a system for charging premium and non-premium rates for FGA and FGB traffic in areas partially converted to equal access.[68] The BOCs proposed formulas for estimating the amount of premium and non-premium originating FGA traffic and for making adjustments in the non-premium flat rate charged for FGA lines and FGB trunks to reflect the fact that some of the traffic on those lines and trunks would be billed at premium rates.[69] We invited comments on the BOC proposal from interested parties,[70] and a large number of comments and replies were filed. These comments and replies include most of the arguments raised on this issue in the third reconsideration pleadings. Indeed, those arguments in many cases are presented in a more complete and focused fashion in the BOC Waiver Petition pleadings than in the reconsideration pleadings. In order to consider fully the issues involved in implementing our end-office approach to phasing out the non-premium discount, we have decided to resolve these issues in a separate order addressing the BOC proposal. The reconsideration pleadings that address this aspect of the end-office approach to phasing out the discount have been incorporated into the record of the waiver request and will be dealt with in that separate order.

2. Notice of End Office Conversions

31. In the *Second Reconsideration Order*, we provided that premium access rates for FGA and FGB traffic in an end office where equal access in available may not be imposed on an OCC until six months after it receives notice that the end office will be converted to equal access.[71] Allnet argues that, because the BOCs have been providing OCCs with many different kinds of information concerning planned conversions of end offices, including tentative, long-term conversion schedules and informal communications, OCCs are confused as to what constitutes the "notice" required by the Commission. Allnet contends that the situation would be improved if we were to establish certain additional, formal requirements for such notice.[72] No other parties addressed this issue in their pleadings.

32. The purpose of the six months' notice requirement is to provide sufficient time for the OCCs to respond to the opportunity for equal access.[73] We agree with Allnet that tentative schedules of end office conversions and informal communications between exchange carrier and interexchange carrier personnel, while no doubt useful, are not adequate substitutes for the requisite six months' notice. We do not agree, however, that detailed specification of the form and sufficiency of the conversion notice is necessary at this time. Any reasonable form of notice is acceptable provided that two conditions are met: the exchange carrier clearly identifies the requisite notice as such, and the notice unambiguously sets out the end offices to be converted and the dates of those conversions.[74]

33. It appears that the BOCs have not been withholding information concerning conversion schedules from the OCCs. Indeed, Allnet's arguments seem to be that it is receiving too much, rather than too little, information on end-office conversions. The clarifications concerning the notice requirements we have provided in this Order should alleviate whatever confusion may have existed among the carriers. Absent any further indications of problems with the end-office conversion notice provided by exchange carriers, we will not add further requirements to the access rules on the form and sufficiency of that notice.

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of our reliance, in part, on the *MFJ* equal access schedule in fashioning that approach. First, while the *MFJ* schedule applies only to the BOCs, we intend for the end-office approach to the phase-out of the non-premium discount to apply to the independent telephone companies as well. GTE will be implementing equal access pursuant to a consent decree entered into with the Department of Justice to settle an antitrust challenge to its acquisition of the Occ. Sprint. *See United States v. GTE Corp.*, No. 83–1298 (D.D.C. December 13, 1984). Other independent telephone companies will be implementing equal access in certain end offices pursuant to the *Phase III Order*, *supra* note 4. Second, while the *MFJ* provides that, subject to certain exceptions, all end offices should offer equal access services by September 1, 1986 (*See MFJ supra* note 4, at App. B, para. A.1), it is not our intent that the discount automatically terminate on that or any other particular date. There will still be BOC end offices unconverted after September 1, 1986, because they fall within one of the exceptions provided in the decree. Furthermore, it is likely that many independent telephone company end offices will not be converted by that date. In the absence of any future modifications to our rules, the discount will continue to apply in all end offices not in fact converted to equal access.

[67] *See, e.g.*, Pacific Petition at 3–6; MCI Opposition at 21–25.

[68] Petition of Waiver, CC Docket Nos. 83–1145, Phase I, and 78–72, Phase I (July 18, 1984) (hereinafter "BOC Waiver Petition").

[69] By letter dated August 31, 1984, the Chief, Common Carrier Bureau informed the BOCs that they could implement their proposal on an interim basis pending a final decision on the proposal by the Commission. NECA filed tariff revisions implementing this proposal in accordance with the August 31 letter, and the Commission subsequently denied petitions filed by ARINC, Allnet, Lexitel, Republic, and SBS opposing the tariff revisions. Memorandum Opinion and Order, Transmittal Nos. 21 and 28, Mimeo No. 1244 (released December 7, 1984).

[70] Public Notice, "Pleading Cycle Established for Comments on Bell Operating Companies Petition" (released July 25, 1984).

[71] *See Second Reconsideration Order* at para. 80; § 69.205(a) of the Commission's Rules, 47 CFR 69.205(a) (1984).

[72] Allnet Petition at 7–8

[73] *Second Reconsideration Order* at para. 80 n.42.

[74] Ameritech, for example, has proposed providing its end office conversion notices in newsletters it sends to its access customers. *See* Letter from Ameritech to the Commission (April 2, 1984) (OC Docket 78–72). Ameritech's proposal is satisfactory provided its customers are informed that the requisite six months' notice will appear in the newsletter, the notice is clearly distinguishable from any other information on end office conversions that may appear in the newsletter, and it unambiguously identifies the end offices to be converted and the dates on which equal access will be available in those end offices.

C. Treatment of Closed End WATS Access Lines

34. In the *Second Reconsideration Order*, we amended the access charge rules to conform the treatment of closed end WATS access lines under those rules to the treatment of such lines under the separations rules.[75] Prior to the *Second Reconsideration Order*, the access charge rules included both closed end WATS lines and private lines in the special access category. The separations rules, on the other hand, include all WATS access lines and all ordinary subscriber access lines in the same separations category, while access lines for private line service are placed in a separate category. The combined investment in the former category is apportioned between the inter- and intrastate jurisdictions through the application of the frozen Subscriber Plant Factor (SPF), while investment in the latter category is directly assigned to the appropriate jurisdiction.[76] Concluding in the *Second Reconsideration Order* that these inconsistent apportionment procedures could produce anomalous results, we decided that for access charge purposes closed end WATS lines should be moved into the switched access category, with the interstate allocation of investment in such lines included in the common line element. As a result, closed end WATS access minutes are subject to the same carrier common line charges as MTS and open end WATS access minutes, and WATS subscribers are subject to customer line charges.

35. A number of parties object to this change in treatment of the closed ends of WATS lines.[77] They argue that such lines should be treated like other dedicated lines, which are included in the special access category and are not assessed carrier common line charges. AT&T in particular argues that the current treatment of WATS lines results in substantial discrimination against its WATS service because OCC WATS-type services use the same type of dedicated line providing the same access as AT&T's WATS, but are subject only to special access charges. These parties also argue that the access rules need not reflect the separations treatment of WATS lines and that our concerns about consistency in this area are misplaced. Other parties support our current treatment of WATS closed ends.[78] In particular, a number of OCCs challenge AT&T's assertion that the access they receive for their WATS-type services is identical to that provided AT&T for its WATS service.

36. Those seeking a change in the access charge treatment of the closed ends of WATS lines have not presented any arguments we have not already considered in the *Second Reconsideration Order*. The present access charge treatment of closed end WATS lines derives from our conclusion in the *Second Reconsideration Order* that, pending further Joint Board review of the separations treatment of WATS access lines, it is undesirable to treat such lines and private lines consistently for the purpose of recovering interstate investment where the method of apportioning investment in these lines between jurisdictions is different.[79] Petitioners have presented nothing in this reconsideration round to convince us to alter that conclusion.

37. In addition, Pacific objects to the assessment of customer line charges on intrastate WATS lines, arguing that the Commission has no jurisdiction over intrastate lines. As stated above, the separations rules presently apportion federal and state investment in all WATS lines through the application of frozen SPF and do not distinguish between interstate and intrastate WATS lines.[80] Thus, a portion of the investment in each intrastate WATS line is assigned to interstate operations and must be recovered through interstate charges. In these circumstances, the application of interstate charges (such as customer line charges) to recover the interstate share of the costs of such lines is proper and within our jurisdiction.

38. Finally, Western Union has suggested an amendment to § 69.305 of our rules to reflect the switched access treatment of closed end WATS lines adopted in the *Second Reconsideration Order*.[81] As presently written, the Part 69 rules distinguish between two parts of a WATS access line: that portion running between a customer's premises and the first end office—which is treated as customer outside plant (customer OSP)—and that portion running from that end office to the WATS screening office—which is treated as carrier outside plant (carrier OSP). The interstate allocation of investment in WATS access lines is assigned to the various access charge rate elements pursuant to § 69.304 for customer OSP and § 69.305 for carrier OSP. Western Union argues that, when we modified our treatment of closed end WATS lines in the *Second Reconsideration Order*, we properly amended § 69.304 to reflect that change, but failed to make the necessary, corresponding amendment to § 69.305. As a result, the second part (*i.e.*, the carrier OSP part) of the WATS access line is still treated as a special access line. We agree with Western Union that it was our intent to include both parts of WATS closed ends in the switched access category.[82] Accordingly, we are adopting Western Union's proposal to amend § 69.305 so that carrier OSP used to provide WATS closed end access is included in the switched access category.[83]

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[75] *Second Reconsideration Order* at paras. 102–08. The Joint Board has previously recommended that we amend the separations rules to provide for the direct assignment of investment in closed end WATS lines to the federal or state jurisdiction in the same manner as private lines. Amendment of Part 67, Second Recommended Decision and Order, 48 FR 46556, paras. 81–82 (1983). A number of OCCs objected to direct assignment of WATS lines on the grounds that this treatment—at least if implemented without a substantial phase-in period—would cause distortions in the marketplace that would operate to their disadvantage. We decided to defer any changes in the separations treatment of WATS access lines pending further study by the Joint Board. Amendment of Part 67, Decision and Order, 96 FCC 2d 781 (1984) (hereinafter *Separations Order*), *reconsideration pending, appeal docketed sub nom. Rural Radio Coalition* v. *FCC*, No. 84–1110 and consolidated appeals No. 84–1125 and No. 84–1139 (D.C. Cir. March 22, 1984).

[76] *See* section 67.124 of the Commission's Rules, 47 CFR 67.124 (1984). The Commission has adopted a Federal-State Joint Board proposal to replace SPF with a nationwide, uniform 25 percent interstate allocation factor, which will be phased in beginning January 1, 1986. See *Separations Order*, *supra* note 76, at paras. 3, 49–51; *Decision and Order*, *supra* note 15, at paras. 1, 5 (extending phase-in period).

[77] AT&T Petition at 3–9; Pacific Petition at 8–10; Rochester Opposition at 10–11; Teltec Opposition at 1–2; Pacific Reply at 13–15; National Data Petition at 1–15 and Reply at 1–10.

[78] ALTEL Opposition at 3–4; GTE Sprint Opposition at 9–11; MCI Opposition at 12–16; SBS Opposition at 8–11; USTS Opposition at 15–16.

[79] The Joint Board is presently reviewing the separations treatment of closed end WATS lines. Amendment of Part 67, Order Inviting Comments, 49 FR 18746 (1984) (hereinafter *Order Inviting Comments*).

[80] *See supra* note 76 and accompanying text.

[81] Western Union Petition at 2–3. *See also* ARINC Opposition at 7–8.

[82] Western Union's proposal has not been opposed on its merits. AT&T argues against the proposal, but only on the ground that both parts of WATS closed end lines should be included in the special access category. AT&T Opposition at 21. ARINC, while urging a prompt review of the separations treatment of WATS lines and adoption of the Joint Board recommendation for direct assignment of such lines, supports Western Union's position that given our current treatment of WATS closed ends, the interoffice part of those lines belongs in the switched access category. ARINC Opposition at 5–8.

[83] The amended rule appears in Appendix B. In response to a request by NECA, the Bureau has granted a waiver of § 69.305 of the rules that allows NECA to treat the carrier OSP portion of closed end WATS lines in a manner consistent with the amendment we are adopting today. Memorandum Opinion and Order in CC Docket No. 78–72 and CC Docket No. 83–1145, Mimeo No. 6929 (released October 1, 1984). The Bureau found that grant of a

Continued

D. Implementation of Multiline Business Customer Line Charges

39. In the *Second Reconsideration Order*, we deferred the implementation of residential and single-line business customer line charges until June 1, 1985, to permit us to conduct supplemental proceedings on how best to ensure that such charges do not have a negative impact on universal service or small telephone companies. We found that customer line charges for multiline businesses, on the other hand, do not raise comparable concerns, and such charges were not deferred.

40. Several parties have challenged these findings and urge modifications in our approach to customer line charges.[84] The National Federation of Independent Business (NFIB) argues that, under our plan, small businesses are bearing a disproportionate share of the redistribution of interstate NTS costs.[85] NFIB requests that the Commission base the level of customer line charges assessed a subscriber on the corresponding savings realized by that subscriber as the result of reductions in interstate toll charges. Thus, under NFIB's proposal, customer line charges would vary according to a subscriber's usage of interstate telephone service.[86] NIFB does not present any details on how to effectuate its proposal, but encourages the Commission to undertake a further proceeding to design a usage-based approach to the application of customer line charges.[87] In support of its arguments, NIFB relies on a survey of its membership purportedly showing that many small businesses make few interstate calls. NFIB asserts that the survey demonstrates the unfairness of applying the full customer line charge to all multiline businesses.[88] Numerous parties have objected to NFIB's petition. Ad Hoc, AT&T, Southwestern Bell, and UTS argue that NFIB's petition amounts to an untimely attack on the use of flat-rate customer line charges to recover interstate NTS costs.[89] These parties also level a variety of attacks on the validity of the NFIB survey. ARINC argues that NFIB's complaints would be more properly addressed in the Commission's separate investigation of the impact of customer line charges on small business.[90]

41. We agree with the opponents of NFIB's petition that its proposal constitutes a belated challenge to the use of flat-rate customer line charges. These charges are designed to recover NTS costs of local exchange plant, which do not vary according to the use of that plant. Attempts to tie customer line charges to reductions in interstate toll costs would differentiate the charges paid to recover NTS costs on a usage basis. This proposal would be contrary to the basic economic rationale underlying the access charge plan—that is, charges should be based on costs and, absent compelling public policy reasons to the contrary, costs that do not vary with usage should be recovered through charges that do not vary with usage. In addition, the implementation of such a scheme appears to be unduly cumbersome and involves substantial administrative costs.[91]

42. Finally, NFIB's concerns do not reflect the long-term benefits to small businesses from the changes in the pricing of interstate telephone services that will result from the access charge plan. That plan will not only lead to reductions in interstate toll rates, thereby providing opportunities for small business to make use of telecommunications services that perhaps are now too expensive, but it will also increase the efficiency of the public switched network and discourage uneconomic bypass of the network. The economic and technological vitality of the public network is obviously of crucial importance to small businesses, which—unlike major corporations—lack the ability to participate in the telecommunications revolution by constructing or leasing their own private telephone systems or otherwise avoiding the use of the public network in making interstate calls. In the long run, small businesses should enjoy lower telecommunications costs and better and more varied services as a result of the access charge plan.

43. Rural Telephone Company ("Rural") states that its local exchange tariff does not distinguish between residential and business subscribers because such a distinction would be arbitrary in its operating territory—rural Idaho and Nevada—where there are many farmers, ranchers, and miners whose residences serve as their places of business. As a result, Rural argues, it does not know which of its customers should be assessed customer line charges.[92] Rural is concerned that, since our rules provide that a line is "residential" if the rate for the line "is described as a residential rate in the local exchange service tariff," [93] all of Rural's undifferentiated lines might be deemed business lines for purposes of assessing customer line charges.

44. With respect to these complaints, we note first that any problems Rural might have with the business/residential distinction would apply only to multiline subscribers, since all single-line subscribers, whether residential or business, will pay the same customer line charge, *i.e.*, $1.00 beginning in June 1985 and $2.00 beginning in June 1986.[94]

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waiver to permit the allocation of the entire costs of WATS access lines to switched access was necessary in light of our *April Tariff Order*, *supra* note 9, which required exchange carriers to price WATS access lines entirely under the switched access provisions of the tariffs. The Commission continued the waiver and extended it to non-NECA exchange carriers in the *Special Access Tariff Order*, *supra* note 10, at para. 68 n.60.

[84] Clear Lake Independent Telephone Company (Clear Lake) asks us either to defer the multiline business charges until residential and single-line business charges go into effect or to redefine "multiline" as five or more lines. Clear Lake's petition has been considered and denied in the *May Cost Order*, *supra* note 9, at para. 124.

[85] NFIB Petition at 12. NFIB's petition seeks reconsideration of the *May Cost Order*, *supra* note 9. Because the arguments relate to the policy reasons for implementing the multiline business charge, we have incorporated NFIB's petition and the responsive pleadings into the record of this third reconsideration round.

[86] NFIB Petition at 13–15.

[87] Until a further study is completed, NFIB recommends a suspension or reduction of the current multiline business charge, particularly for those businesses with six or fewer lines. *Id.* at 15.

[88] *Id.* at 3–5.

[89] Ad Hoc Opposition to NFIB Petition at 3–4; AT&T Opposition to NFIB Petition at 3–6; Southwestern Bell Opposition to NFIB Petition at 1–3; and UTS Opposition to NFIB Petition at 1–8.

[90] ARINC Opposition to NFIB Petition at 1–4 (citing Public Notice, "Commission Seeks Information on the Effect of Federal Decisions on Local Rates and Services", Mimeo No. 5346 (released July 12, 1984)). The comments filed in response to this Public Notice were analyzed in the *Michigan II Report*, *supra* note 18, which concluded that transitional relief for small businesses is not necessary to preserve universal service to those businesses at reasonable rates. *Id.* at 56. We recently invited further comments on this report and two other studies addressing the impact of customer line charges on small businesses. MTS/WATS Market Structure and Amendment of Part 67, Order Inviting Comments, 50 FR 2594 (1985).

[91] Furthermore, NFIB's survey, which provides the basis for NFIB's challenge to the multiline business customer line charge, is flawed. Only 12,400 of NFIB's 560,000 members responded to the mail survey. The low response rate of a little over 2 percent undermines the usefulness of the survey. In addition to this probable source of bias, NFIB itself admits that potential respondents were not selected by random sampling, and therefore the survey lacks statistical validity. NFIB Petition at 3.

[92] Rural Petition at 1–2.

[93] Section 69.202(e) of the Commission's Rules, 47 CFR 69.202(e) (1984).

[94] Rural also complains that it will have difficulty determining when it is providing a customer with more than one line, particularly since it operates in several exchanges in two states. Rural Petition at 1. We note that the NECA tariff, which Rural indicates it joins in, provides that a multiline subscriber is one "provided more than one local exchange service in a state by the same Telephone Company." NECA Tariff FCC No. 1, §§ 4.6(D), (E), (F). Thus, Rural need only identify the subscribers who receive more than one line in a given state. We do not think this places an unreasonable burden on Rural or other telephone companies.

We do not know as a practical matter whether, among the relatively small number of subscribers in Rural's area,[95] there are a substantial number of multiline subscribers who might fairly be considered residential customers. Second, we doubt whether subscribers who have ordered multiple lines to a business/residence location are likely to cancel telephone service entirely as the result of customer line charges. Thus, it does not appear that the problem Rural has identified raises the universal service concerns that led us to defer some customer line charges. In any event, while Rural asks us to modify our rules, it is unclear what form of modification it is seeking. To the extent Rural is asking us to defer multiline business customer line charges or limit them to the single-line business rate, we decline to do so.[96] To the extent Rural is asking us to provide an alternative classification system for residences and businesses, we reiterate the position we have expressed previously in this proceeding, that problems of identifying the classifying residential and business subscribers are best left in the first instance to the local exchange companies and the state regulatory agencies.[97] Accordingly, we will make no modifications to the application of the multiline business customer line charge at this time.

E. Miscellaneous Issues

1. The AT&T Emergency Petition

45. AT&T filed a petition on February 27, 1984, which it described as an emergency petition to reconsider both the *Second Reconsideration Order* and the *ECA Tariff Order* ("AT&T Emergency Petition"). AT&T asserted that emergency reconsideration was necessary because the combined effect of those two orders would reduce its return from interstate services to a confiscatory level. AT&T proposed that this result be avoided by reducing the differential between premium and non-premium charges and by reducing the exchange carrier access charges by the amount of any "shortfall" in revenues resulting from that differential.

46. The AT&T Emergency Petition did not present any new arguments or information with respect to the appropriate differential for non-premium access. Accordingly, we will deny that petition insofar as it seeks a reduction in the total differential established in the *Second Reconsideration Order*.

47. The AT&T contention that the access charges should be reduced to enable AT&T to earn a return that would not be confiscatory was considered in connection with the investigation of access and divestiture related tariffs in CC Docket No. 83–1145. In the *May Cost Order*, we stated:

> AT&T in its emergency petition contended that the *Second Reconsideration Order* and the access tariffs would have the effect of forcing upon it a confiscatorily low return. Its proposed solution was to increase OCC rates and reduce BOC rates of return until equal access is available. Our analysis and conclusions in this order, however, make it unnecessary to consider AT&T's proposal. Its factual premise is in error or has been altered by our decisions on proper access rates. AT&T, we conclude, can offer at least a 6.1 percent rate reduction and still earn the allowed 12.75 percent return. We therefore do not address whether, if the facts were different, or indeed if the facts should change, some or all of the rule changes AT&T seeks should be granted. We could dismiss AT&T's Emergency Petition at this time. Out of an abundance of caution, however, we will hold it in abeyance until we have had an opportunity to review six months of actual operating results under the rates prescribed herein.[98]

48. We have now reviewed AT&T's operating results for the June–November 1984 period. The data submitted to us indicate that the AT&T achieved interstate rate of return for that period was 9.16%.[99] This figure reflects the combined return for MTS, WATS, and private line services. AT&T has recently stated that continuation of existing private line rates would produce a return of 6.2% for interstate private line services. We infer that the achieved rate of return for interstate MTS and WATS must have exceeded the 9.16% combined return.[100] Thus, actual experience confirms that no changes are required in the rules relating to switched access rates to avoid reducing the AT&T return from switched services to a confiscatory level. Therefore, we deny the AT&T Emergency Petition.

2. Treatment of Maritime Radio Common Carriers

49. In the *Second Reconsideration Order*, we examined, whether radio common carriers in the public mobile service (RCCs) were subject to access charges as end users, interexchange carriers, or users of exchange facilities subject to special access surcharges.[101] We held that, for purposes of the Part 69 rules, RCCs were neither end users (except to the extent they use exchange facilities for administrative purposes), nor interexchange carriers (because they provide exchange, not interexchange, communications services). Furthermore, we held that the jurisdictionally interstate interexchange lines subject to special access surcharges did not include the facilities provided to RCCs. We concluded, therefore, that access charges filed in compliance with the Part 69 rules should not be imposed on RCCs.[102] Mobile Marine Radio, Inc., a common carrier serving maritime users, requests clarification of our ruling so as to provide explicitly that maritime radio common carriers, like RCCs, are not subject to access charges.

50. We agree that maritime radio common carriers should be treated in the same manner as RCCs. Although maritime carriers and RCCs are regulated under different parts of the our rules,[103] they provide similar services and stand in a similar relationship to the local exchange carriers.[104] As in the case of the RCCs, interconnection of maritime carriers with exchange telephone companies is governed by agreements negotiated between the parties, a process we did not intend to supplant when we promulated the Part 69 rules and required that charges for interstate access services be assessed pursuant to access tariffs. By contrast, the ENFIA rates, which we did intend to replace with access charges, did not apply to maritime carriers. Furthermore, VHF and coastal harbor maritime mobile stations are classified as mobile radio

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[95] Rural states that it serves 140 people. Rural Petition at 1.

[96] *See supra* note 84.

[97] *See Second Reconsideration Order* at para. 49 n.32. Rural asks, as an alternative to our amending our rules, that we grant it a waiver of our rules. But, as with its request for a rule amendment, Rural does not identify the specific relief it seeks in the form of a waiver. If it is seeking permission to implement, in its special circumstances, a reasonable method for identifying residential multiline subscribers, we would be willing to consider any specific proposal Rural may develop. On the other hand, if it is seeking permission simply to treat all its multiline subscribers as residences (another possible interpretation of its request), the waiver is denied.

[98] *May Cost Order*, *supra* note 9, at para. 112.

[99] AT&T Communications Interstate Financial and Operating Data Summary, Interstate Monthly Report No. 1, for June 1984—November 1984.

[100] Letter from R.L. Rains, AT&T Communications Administration of Rates Tariffs, to Secretary, Federal Communications Commission (January 18, 1985)

[101] *Second Reconsideration Order* at paras. 144–49.

[102] *Id.* at paras. 148–49.

[103] The maritime carriers are regulated under Part 81 of the Commission's Rules, while the RCCs are regulated under Part 22.

[104] While it is true that maritime stations often serve much larger areas than those typically served by an RCC, the size of the service area does not determine whether a carrier is providing exchange-type service. Indeed, cellular operators may in some cases be authorized to provide service to land areas encompassing thousands of square miles. *See* Cellular Lottery Rulemaking, Report and Order, 98 FCC 2d 175 (1985), *reconsideration pending*.

services providing "exchange telecommunications services" under section II(D)(3) of the *MFJ*.[105] Thus, we conclude that access charges provided for in Part 69 should not be imposed on maritime radio common carriers.[106]

3. Access Charges for FX–type Services

51. The Ad Hoc Committee on Telecommunications Users ("Ad Hoc") argues that, in light of the significant differences between the access services used by MTS-type services and FX-type services and in order to "resolve the current uncertainty facing the end users who purchase FX-type service," we should establish different access charge treatments for the two types of services.[107] Ad Hoc argues that rates for FX users will increase dramatically as end offices are converted to equal access, only to decline again as NTS costs are phased out of carrier charges and into customer line charges. This fluctuation in rates, it argues, will produce unnecessary price dislocations for FX service.[108] AT&T opposes the request, and argues that FX open ends and MTS-type services utilize local exchange services in the same manner, impose the same access costs on the exchange, and should be assessed the same access charges. AT&T concludes that, "FX customers now, in fact, obtain a substantial interim discount only because of Commission concerns regarding the *value* of line-side access when utilized for MTS-type services—a concern not even applicable to FX customers."[109]

52. In the *Second Reconsideration Order*, we considered and rejected the substance of Ad Hoc's position that the access charge plan be modified to provide that open end FX lines be treated differently from MTS-WATS equivalent services.[110] Nothing has occurred in the interim that would cause us to revise that conclusion. Accordingly, we deny the Ad Hoc petition.

4. Computation of Local Switching Charges

53. Allnet argues that when we increased the discount for non-premium access from 35 percent to 55 percent in the *Second Reconsideration Order*, we mistakenly failed to reflect this change in § 69.205(c) of the rules, which sets out the method for computing transitional premium charges for local switching elements LS1 and LS2. As a result, the charge for an LS1 minute is computed by multiplying the charge for an LS2 minute by .65 (reflecting, according to Allnet, the previous 35 percent discount), rather than by .45 (which would reflect the current 55 percent discount). Allnet asks us to amend § 69.205(c) by substituting .45 for .65 as the discount factor applicable to LS1.[111] NYNEX argues in response that Allnet has confused the discount applicable, to premium local switching minutes after equal access is available, with the non-premium discount applicable to all access elements until equal access becomes available.[112] NYNEX points out that the former, which is derived from the toll weighting factor, is based on differences in switching costs and is unrelated to the non-premium discount.[113]

54. On this point, Allnet is wrong, and NYNEX is right. While prior to the *Second Reconsideration Order* the LS1 discount and the transitional discount for non-premium access were the same (*i.e.*, 35 percent), the two factors are, NYNEX argues, completely unrelated. Accordingly, contrary to Allnet's suggestion, § 69.205(c) should not be amended to reflect the change in the non-premium discount from 35 to 55 percent.

5. Adjustments to Access Minutes

55. Allnet argues that the Commission should recognize intracompany traffic, rounded minutes, and off-peak usage as deductions from access minutes.[114] Allnet asserts that, while it raised these issues in the second reconsideration round, we did not specifically address them in the *Second Reconsideration Order*. NYNEX argues that Allnet's requests are untimely and repetitious.[115] AT&T agrees with NYNEX, but voices support for lower access charges for off-peak usage of exchange facilities for all carriers.[116]

56. We agree that Allnet's arguments are untimely. Allnet is essentially seeking to apply to access minutes certain deductions that were applied to "billed minutes," which was the measure of usage under the ENFIA arrangements.[117] Those discounts were not included in the Part 69 rules as adopted in the *Access Charge Order*, which used "conversation minutes" as the measure of usage. In the *First Reconsideration Order*, we changed the term "conversation minutes" to "access minutes" and defined the latter in order to clarify when the measurement period begins and ends at each end of a call.[118] We again, however, did not provide for any of the deductions sought by Allnet. Thus, Allnet's requests to incorporate these deductions into the access charge rules were stale when raised in the second reconsideration round, and were properly included in the requests "to reconsider facets of the access charge plan adopted in the *Access Charge Order* that the *Reconsideration Order* left unchanged" that we denied as "untimely or repetitious" in the *Second Reconsideration Order*.[119] Accordingly, they are denied again as untimely and repetitious.

6. Apportionment of Investment in Category 6 Central Office Equipment

57. SBS argues that the toll weighting factor applied to Category 6 Traffic Sensitive Central Office Equipment (COE) costs, which are recovered through local switching charges, should

[105] *Memorandum of the Court*, Civil Action No. 82–0192 (D.D.C. November 1, 1983).

[106] We also take this opportunity to clarify the treatment of Specialized Mobile Radio Services (SMRS) licensees under the access charge rules. SMRS is a private carrier service providing mobile communications to users eligible under Part 90 of our rules. Under section 332(c)(2) of the Communications Act, an SMRS—like other firms offering private land mobile service—is not "deemed a common carrier for any purpose under this chapter." 47 U.S.C. 332(c)(2)(1982). Consequently, since the SMRS licensee is neither an exchange carrier nor an interexchange carrier, it is an end user and must be charged the applicable business customer line charge.

[107] Ad Hoc Petition at 7–8.

[108] Ad Hoc Reply at 2–8; *see also* ARINC Opposition at 2–5.

[109] AT&T Opposition at 9.

[110] *Second Reconsideration Order* at para. 99.

[111] Allnet Petition at 8–9.

[112] NYNEX Opposition at 11–12.

[113] We held in the *Second Reconsideration Order* that, as equal access was phased in, the 55 percent discount for non-premium access would be phased out. Thus, we provided that an OCC continuing to use inferior connections after equal access became available would pay a premium rate for such connections. However, we also provided that such an OCC would "pay a lower premium rate for Local Switching to reflect differences in switching costs." *Second Reconsideration Order* at para. 76 n.40; *see also id.* at para. 80. This lower charge is described in the access rules as the LS1 charge and, for the transition provided in Subpart C of the Part 69 rules, is set at 65% of the LS2 charge, which is the local switching charge applicable to equal access services. As NYNEX argues, this .65 factor is based on the toll weighting factor, which is used in the separations process to apportion the traffic sensitive costs of switching equipment "to reflect the difference in average cost per toll minute of use as compared to the average cost per exchange minute of use." Section 67.138(c) of the Commission's Rules, 47 CFR 67.138(c)(1984). *See Access Charge Order* at paras. 217–23.

[114] Allnet Petition at 1–3; Allnet Reply at 4.

[115] NYNEX Opposition at 12–13.

[116] AT&T Opposition at 7–8.

[117] *See, e.g.*, AT&T Co., Memorandum Opinion and Order, 91 FCC 2d 1079, (1982), *modified on reconsideration*, 93 FCC 2d 739 (1983) *aff'd in part, remanded on other ground sub. nom. MCI Telecommunications Corp. v. FCC*, 712 F. 2d 517 (D.C. Cir. 1983).

[118] *First Reconsideration Order* at paras. 70–74.

[119] *Second Reconsideration Order* at para. 140.

also be applied to Category 6 NTS COE costs, which are recovered through line termination charges.[120] Not only is SBS' complaint two reconsideration rounds too late, [121] but it is also misplaced in this proceeding. The treatment of Category 6 COE investment in the access charge rules derives from the treatment of that investment in the separation rules. We recently adopted a Joint Board recommendation that the NTS portion of Category 6 COE investment continue to be allocated pursuant to the frozen SPF pending a comprehensive review of all COE separations issues. [122] SBS will, of course, be free to make its views on these issues known in that proceeding.

7. Segregation of Common Line Revenue Requirement

58. In the *Second Reconsideration Order*, we amended sections of Subpart F of Part 69 of our rules, Segregation of Common Line Revenue Requirement, to reflect changes we made at that time in the transitional plan for customer line charges. We take this opportunity to make certain perfecting amendments to that Subpart. First, section 69.503 was deleted from the rules in the *Second Reconsideration Order*, but a cross-reference to that section remains in § 69.501(e). We now amend the latter section to delete this cross-reference.

59. Second, section 69.502, which governs the apportionment of the "base factor portion" of the common line revenue requirement, was limited by its terms to the period ending May 31, 1985. This limitation was to apply pending our reexamination of the transitional plan for residential and single-line business customer line charges. In light of our recent decision establishing a $1.00 charge for such customers for the year June 1, 1985 to May 31, 1986, and a $2.00 charge thereafter, the base factor allocation rule set out in section 69.502 should be extended past May 31, 1985.[123] We inadvertently failed to make the necessary change to this section when we adopted the new transitional rules for customer line charges, but we correct that situation by amending the rule roday to delete the limitation to the period ending May 31, 1985.

[120] SBS Petition at 9–11.

[121] The relevant parts of §§ 69.106(b) and 69.306(g), which govern the allocation and recovery of Category 6 COE (local dial switching equipment) NTS costs, were promulgated in the *Access Charge Order*. Hence, SBS' complaint about the absence of the a toll weighting factor in these rules should have been raised in the first reconsideration round.

[122] *See Decision and Order, supra* note 15.

[123] *See Id.*

III. Ordering Clauses

60. Accordingly, it is hereby ordered, that pursuant to 47 U.S.C. 154 (i) and (j), 201, 202, 203, 205, 218, and 403 and 5 U.S.C. 553, the *Second Reconsideration Order* adopted in this proceeding is modified to the extent set forth in this *Memorandum Opinion and Order*.

61. It is further ordered, that the petitions for further reconsideration or clarification are granted to the extent set forth in this *Memorandum Opinion and Order*, and are otherwise denied.

62. It is further ordered, that the Petition for Clarification filed by Lexitel is dismissed.

63. It is further ordered, that the Petition for Declaratory Relief filed by TDX is dismissed.

64. It is further ordered, that the Supplement to the Petition for Clarification filed by Allnet is accepted.

65. It is further ordered, that the AT&T Emergency Petition, as described herein, is denied.

66. It is further ordered, that the Motion to Accept Late Filed Pleading filed by NYNEX is granted.

67. It is further ordered, that §§ 69.205, 69.206, and 69.207 of the Commission's rules are amended as set forth in Appendix B, effective January 1, 1986.

68. It is further ordered, that §§ 69.305, 69.501, and 69.502 of the Commission's rules are amended as set forth in Appendix B, effective 30 days after publication in the **Federal Register**.

69. It is further ordered, that the Secretary shall cause this order to be published in the **Federal Register**.

(Secs. 4, 303, 48 stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

William J. Tricarico,

Secretary.

Appendix A

The following parties submitted petitions for reconsideration or clarification:

The Ad Hoc Committee of Telecommunications Users (Ad Hoc)
Allnet Communication Services, Inc.
American Telephone and Telegraph Company (AT&T)
The Ameritech Operating Companies
Mobile Marine Radio, Inc.
National Data Corporation
Pacific Bell and Nevada Bell (Pacific)
Satellite Business Systems (SBS)
Western Union Telegraph Company

Clear Lake Independent Telephone Company and Rural Telephone Company filed letters, which we have treated as petitions for reconsideration.

The following parties submitted oppositions to, or comments on, the petitions:

Aeronautical Radio, Inc. (ARINC)
American Telephone and Telegraph Company
The Association of Long Distance Telephone Companies (ALTEL)
GTE Sprint Communications Corporation
Lexitel Corporation
MCI Telecommunications Corporation
Mountain States Telephone and Telegraph Company, Northwestern Bell Telephone Company, and Pacific Northwest Bell Telephone Company (U.S. West)
New York Telephone Company and New England Telephone and Telegraph Company (NYNEX)
Rochester Telephone Corporation
Satellite Business Systems
Southwestern Bell Telephone Company
Teltec Saving Communications Company, Satelco Incorporated, and Clark Telecommunications Corporation
United States Transmission Systems, Inc. (USTS)

The following parties submitted replies to the oppositions or comments:

The Ad Hoc Telecommunications Users Committee
Allnet Communication Services, Inc.
American Telephone and Telegraph Company Pacific Bell and Nevada Bell
GTE Sprint Communications Corporation
Mountain States Telephone and Telegraph Company, Northwestern Bell Telephone Company and Pacific Northwest Bell Telephone Company
National Data Corporation
New York Telephone Company and New England Telephone and Telegraph Company
Satellite Business Systems

The following parties submitted responsive pleadings to Western Union's Petition for Rulemaking to amend section 69.303(c):

Dow Jones & Company
Pacific Bell and Nevada Bell

The following parties submitted responsive pleadings to National Federation of Independent Business' petition for further reconsideration:

The Ad Hoc Telecommunications Users Committee
Aeronautical Radio, Inc.
American Telephone and Telegraph Company
Southwestern Bell Telephone Company
United Telephone System, Inc. (UTS)

Appendix B

47 CFR Part 69 is amended to read as follows:

1. Section 69.250(b) is revised to read as follows:

§ 69.205 Transitional Premium Charges.

* * * * *

(b) The transitional premium charges for the Carrier Common Line, Line Termination and Intercept elements shall be expressed in dollars and cents per access minute. Such charges shall be computed by dividing the revenue requirement for each such element by the sum of the projected premium access minutes for such element for such period and a number that is computed by multiplying the projected non-premium access minutes for each element for such period by .45.

* * * * *

2. Section 69.206 is revised in its entirety to read as follows:

§ 69.206 Transitional Non-Premium Charges for MTS–WATS Equivalent Services.

(a) Charges that are computed in accordance with this section shall be assessed upon interexchange carriers or other persons that receive access that is not deemed to be premium access in lieu of carrier charges that are computed in accordance with §§ 69.105–69.108 and 69.111–69.112.

(b) The transitional non-premium charges for the Carrier Common Line, Line Termination and Intercept elements shall be computed by multiplying the premium charge for such element by .45.

(c) The transitional non-premium charge for the Local Switching element shall be computed by multiplying a hypothetical premium charge for such element by .45. The hypothetical premium charge for such element shall be computed by dividing the annual revenue requirement for such element by the sum of the projected premium access minutes for such element for such period and a number that is computed by multiplying the projected non-premium minutes for such element for such period by .45.

(d) The transitional non-premium charge or charges for the Transport element or elements shall be computed by multiplying the corresponding premium charge or charges by .45.

§ 69.207 [Removed]

3. Section 69.207 is removed.

4. Section 69.305(b) is revised to read as follows:

§ 69.305 Carrier OSP.

* * * * *

(b) Carrier OSP used for interexchange services that use switching facilities for origination and termination that are also used for local exchange telephone service shall be apportioned between the Dedicated Transport and Common Transport elements. Such OSP shall be assigned to the Dedicated Transport element if it is used exclusively for the interexchange services of a particular carrier.

* * * * *

5. Section 69.501(e) is revised to read as follows:

§ 69.501 General.

* * * * *

(e) Any portion of the Common Line element revenue requirement that is not assigned to Carrier Common Line elements pursuant to paragraphs (a), (b), (c) and (d) of this section shall be apportioned between End User Common Line and Carrier Common Line pursuant to § 69.502. Such portion of the Common Line element annual revenue requirement shall be described as the base factor portion for purposes of this Subpart.

6. Section 69.502 is revised in its entirety to read as follows:

§ 69.502 Base factor allocation.

The projected revenues from the End User Common Line charages and Special Access surcharges shall be deducted from the base factor portion to determine the amount that is assigned to the Carrier Common Line element.

[FR Doc. 85–10443 Filed 4–29–85; 8:45 am]
BILLING CODE 6712–01–M

GENERAL SERVICES ADMINISTRATION

48 CFR Parts 525 and 552

[GSAR AC–85–3]

Restriction on Procurement of Hand and Measuring Tools

AGENCY: Office of Acquisition Policy, GSA.

ACTION: Temporary regulation.

SUMMARY: This Acquisition Circular temporarily amends §§ 525.105 and 552.225 of the General Services Administration Acquisition Regulation (GSAR), 48 CFR Ch. 5 (APD 2800.12), to reflect procurement restrictions in the current GSA and DOD Appropriation Acts on the acquisition of hand and measuring tools. The intended effect is to implement the appropriation restrictions and provide procedures and guidance to GSA contracting activities.

DATES: Effective: April 19, 1985.

Expiration Date: This circular expires June 18, 1985, unless cancelled earlier or extended.

Comment Date: Comments must be submitted by May 30, 1985.

ADDRESS: Comments may be submitted to Ida Ustad, Office of GSA Acquisition Policy and Regulations, 18th and F Sts., NW, Washington, D.C. 20405, (202) 523–4754.

FOR FURTHER INFORMATION CONTACT: Edward J. McAndrew, Office of GSA Acquisition Policy and Regulations, (202) 566–1224.

SUPPLEMENTARY INFORMATION: Pursuant to 41 U.S.C. 450(h)(1), a determination has been made to waive the requirement for publication of procurement procedures for public comment before the regulation takes effect. The need to comply with the FY 1985 Appropriation Act creates an urgent and compelling circumstance which makes advance publication impracticable. The Director, Office of Management and Budget (OMB), by memorandum dated December 14, 1984, exempted certain agency procurement regulations from Executive Order 12291. The exemption applies to this rule. The General Services Administration (GSA) certifies that this document will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 et. seq.). Therefore, no regulatory flexibility analysis has been prepared. This circular does not contain information collection requirements which require the approval of OMB under 44 U.S.C. 3501 et. seq.

List of Subjects in 48 CFR Parts 525 and 552

Government procurement.

Authority: 40 U.S.C. 486(c).

In 48 CFR Ch. 5, the following acquisition circular is added to Appendix C to read as follows:

General Services Administration Acquisition Regulation Acquisition Circular AC–85–3

To: All contracting activities.

Subject: Restrictions on Procurements of Hand and Measuring Tools.

1. *Purpose.* This Acquisition Circular temporarily amends Section 525.105 and 552.225 of the General Services Administration Acquisition Regulation (GSAR), 48 CFR Ch. 5 (APD 2800.12), to reflect procurement restrictions in the current GSA and DOD Appropriation Acts on the acquisition of hand and measuring tools.

2. *Background.* The FY 1985 GSA Appropriation Act continues the

procurement restrictions on the acquisition of hand and measuring tools and stainless steel flatware from the FY 1984 GSA Appropriation Act. However, the procurement restrictions in the FY 1985 DOD Appropriation Act are changed for acquisitions of electric and air motor driven hand tools from the FY 1984 DOD Appropriation Act. All other procurement restrictions on the acquisition of hand and measuring tools in support of DOD requirements that were in the FY 1984 DOD Appropriation Act are continued in the FY 1985 DOD Appropriation Act. The procurement restrictions in the FY 1985 DOD Appropriation Act shall be applied in GSA procurements where such procurements satisfy requirements that are predominantly DOD requirements.

3. *Effective date.* April 19, 1985.

4. *Expiration date.* This circular expires 6 months after issuance (June 18, 1985) unless cancelled earlier.

5. *Reference to regulation.* Sections 525.105–70(c), 525.105–71, and 552.225–71 of the General Services Administration Acquisition Regulation.

6. *Explanation of change.*

a. Section 525.105–70(c) is amended as follows to cite the FY 1985 GSA Appropriation Act:

525.105–70 Evaluating offers—Hand and measuring tools for other than the Department of Defense.

(a) * * *

(b) * * *

(c) *GSA Appropriation Act restrictions.* Section 101(j) of Pub. L. 98–473, October 12, 1984, makes GSA appropriations subject to H.R. 5798 as passed by the House of Representatives on September 12, 1984. Section 506 of H.R. 5798 continues the Congressional policy contained in previous GSA Appropriation Acts that requires GSA purchases of hand and measuring tools be from domestic sources or be made in accordance with procedures prescribed by § 6–104.4(b) of the Armed Services Procurement Regulation (ASPR) (now the Defense Acquisition Regulation) as such regulation existed on June 15, 1970, and further provides that a factor of 75 percent in lieu of 50 percent shall be used for evaluating foreign source end products in § 6–104.4(b).

* * * * *

b. Section 525.105–71 is retitled and amended as follows to cite the FY 1985 DOD Appropriation Act, codify GSA's determination to apply the current DOD Appropriation Act restrictions in GSA procurements for requirements that are predominantly DOD requirements, and provide policy guidance on the requirements for full and open competition in acquisitions where the current DOD Appropriation Act restrictions are to be applied:

525.105–71 Acquisition of hand and measuring tools for the Department of Defense (DOD).

(a) *DOD Appropriation Act restrictions.*

(1) Congressional policy on DOD's acquisition of hand and measuring tools is expressed in section 101(h) of Pub. L. 98–473, which contains the DOD Appropriation Act of 1985, and the House of Representatives Report No. 98–1086 on the DOD Appropriation bill for FY 1985. The following restrictions applicable to DOD's acquisition of hand and measuring tools are set forth in the current DOD Appropriation Act:

(i) Except for electric or air-motor driven hand tools, DOD is prohibited from acquiring hand and measuring tools that are not wholly produced or manufactured in the United States.

(ii) Electric or air-motor driven hand tools shall be considered of domestic origin if the cost of components produced or manufactured in the United States exceeds 75 percent of the cost of all components in the end product.

(2) Pursuant to subsection 6–104.4(d)(3)(ii) of the Armed Services Procurement Regulation (now the Defense Acquisition Regulation) as it existed on June 15, 1970, GSA has determined that accepting offers from firms offering foreign products is not in the national interest when DOD is the predominant user of the items being procured. As a result, the current DOD Appropriation Act restrictions shall apply in GSA procurements rather than the current GSA Appropriation Act restrictions where such procurements satisfy requirements that are predominantly DOD requirements. The bases for this determination are:

(i) The current DOD Appropriation Act prohibits DOD's acquisition of foreign hand and measuring tools. This restriction also applies when DOD requisitions such items through the GSA stock program.

(ii) It is not feasible for GSA to maintain separate supply systems to satisfy the requirements of civilian and military agencies.

(iii) The current GSA Appropriation Act prescribes the use of the procedures in the ASPR 6–104.4, dated June 15, 1970. These procedures provide that offers may be rejected when it is considered necessary for reasons of national interest.

(3) Acquisitions of hand and measuring tools, pursuant to the current DOD Appropriation Act restrictions, meet the requirements for full and open competition in FAR Subpart 6.1 if all responsible sources offering domestic end products, as defined by the current DOD Appropriation Act restrictions, are permitted to submit offers.

(4) Acquisitions of hand and measuring tools pursuant to the DOD Appropriation Act restrictions without full and open competition (i.e., all otherwise responsible sources are not permitted to submit offers) shall be made under the authorities in FAR Subparts 6.2 or 6.3 and comply with the respective requirements of these FAR Subparts for determinations and findings or approved justifications.

(b) *Solicitation provision.* The contracting officer shall insert the provision at § 552.225–71, Procurement Restriction—Hand or Measuring Tools, in solicitations for the acquisition of hand or measuring tools for the Department of Defense.

c. Section 552.225–71 is retitled and amended as follows to incorporate the procurement restrictions in the FY 1985 DOD Appropriation Act:

552.225–71 Procurement Restriction—Hand or Measuring Tools.

As prescribed in § 525.105–71(b), insert the following provision in solicitations and contracts for the acquisition of hand or measuring tools for the Department of Defense.

Procurement Restriction—Hand or Measuring Tools (Apr 1985)

(a) The current Department of Defense (DOD) Appropriation Act prohibits DOD from directly or indirectly acquiring hand or measuring tools classified under Federal Supply Classification (FSC) Group 51, Hand Tools, or FSC Group 52, Measuring Tools, that are not domestic end products.

"Domestic end product," as used in this provision, means—

(1) Any hand or measuring tool, except for any electric or air motor driven hand tool, wholly produced or manufactured, including all components, in the United States or its possessions; or,

(2) Any electric or air motor driven hand tool if the cost of its components produced or manufactured in the United States exceeds 75 percent of the cost of all its components.

"Components," as used in this provision, means those articles, materials, and supplies incorporated directly into the hand or measuring tools.

(b) Awards under this solicitation will only be made to offerors that will furnish hand or measuring tools that are domestic end products.

(c) Tool kits or sets, being procured under this solicitation, will not be considered domestic end products if any individual tool classified in FSC Group 51 or 52 and included in a tool kit or set is not a domestic end product as defined in paragraph (a) of this provision. The restrictions of this clause do not apply to individual hand or measuring tools that are contained in the tool kit or set but are not classified in FSC Group 51 or 52.

(d) Offers of hand and measuring tools that are not domestic end products are unacceptable and will not be considered for award under this solicitation.

(End of Clause)

Dated: April 19, 1985.

Richard H. Hopp, III,

Acting Deputy Assistant Administrator for Acquisition Policy.

[FR Doc. 85-10434 Filed 4-29-85; 8:45 am]

BILLING CODE 6820-61-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 681

[Docket No. 50460-5060]

Western Pacific Spiny Lobster Fisheries

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Emergency interim rule.

SUMMARY: The Secretary of Commerce (Secretary) issues this emergency interim rule to resolve an enforcement problem in the fishery for spiny lobsters in the Northwestern Hawaiian Islands (NWHI). The action defines a legal-sized spiny lobster by using only one tail-width measurement and eliminates the present 15 percent tolerance for sublegal spiny lobsters. These changes will make it easier to enforce the regulations and to monitor the landings of spiny lobsters taken in this fishery.

DATES: In § 681.2, the current definition is suspended and a new definition for *Tail width* is added and in § 681.21, paragraphs (a) and (b) are suspended and a new paragraph (c) is added effective from April 25, 1985, to July 24, 1985. Comments are invited on this rule until May 28, 1985.

ADDRESS: Send comments to Mr. E.C. Fullerton, Director, Southwest Region, National Marine Fisheries Service, 300 South Ferry Street, Terminal Island, CA 90731. A copy of the environmental assessment prepared for this rule may be obtained from Mr. Fullerton.

FOR FURTHER INFORMATION CONTACT: Robert T.B. Iverson, Western Pacific Program Office, P.O. Box 3830, Honolulu, HI 96812, 808-955-8831.

SUPPLEMENTARY INFORMATION: Regulations for the Spiny Lobster Fisheries of the Western Pacific Region (FMP) became effective March 9, 1983 (48 FR 5560, February 7, 1983). There have been two amendments to the FMP. Amendment 1 became effective December 20, 1983 (48 FR 52922, November 23, 1983). It adopted Hawaii State regulations covering spiny lobsters in the territorial sea around the main Hawaiian Islands, east of 161°W. longitude, as Federal regulations in the adjacent fishery conservation zone (FCZ). Amendment 2 became effective January 9, 1984 (49 FR 407, January 4, 1984). It changed the specifications of the required entryway openings for lobster traps used in the NWHI west of 161° W. longitude to protect the Hawaiian monk seal, an endangered species which is protected under the Endangered Species Act of 1973 (Pub. L. 93-205) and the Marine Mammal Protection Act of 1972 (Pub. L. 92-522).

The existing spiny lobster regulations presently specify the following: (1) *Whole lobsters.* Only spiny lobsters with a carapace length of 7.7 cm or greater may be retained; (2) *Lobster tails.* If the carapace length cannot be determined, only lobsters with tails at least 5.0 cm wide may be retained, except for an allowance of up to 15 percent by number of the total catch per trip, which may have tail widths greater than or equal to 4.5 and less than 5.0 cm.

It has become apparent that these regulations are unenforceable. After review and analysis, the Western Pacific Fishery Management Council (Council) concluded that the most effective way to enforce regulations covering the taking of legal-sized spiny lobsters is (1) to eliminate the present 15 percent tolerance for sublegal spiny lobsters with a tail-width measurement between 4.5 and 5.0 cm; (2) to define a legal-sized spiny lobster as one with a tail width of 4.8 cm or more, and (3) to stop using a carapace measurement to define a legal-sized spiny lobster, and use only a single tail-with measurement.

The present 15 percent tolerance for sublegal spiny lobsters was originally introduced because the Council believed that using tail width to determine a legal lobster without a tolerance for sublegal lobsters was impracticable since the fishermen were measuring carapace length at sea. Use of a new measurement site that everyone uses with a new size limit should make it practical to determine a legal lobster without any tolerance for undersized lobsters.

A 4.8 cm tail width for legal-sized spiny lobsters is based on a statistical regression analysis by NMFS to convert the present 7.7 cm minimum carapace length in male and female lobsters to its corresponding tail width at the new measurement site.

The fishery land spiny lobsters in three forms: frozen whole lobsters, live whole lobsters, and frozen lobster tails. An estimated 94 percent of the landings is frozen tails. When the lobsters are taken from the traps, they are measured by the fishermen either by carapace length or tail width at the first abdominal segment. Those lobsters destined for the live lobster trade are placed in holding tanks. The rest are either frozen whole or the tails are separated from the carapace portion. The tails are frozen and packed in plastic bags or cardboard boxes containing about 60-100 tails. At this stage, no effort is made to segregate the lobster tails by size.

During the tailing and packaging process some of the lobster meat often curls back over the tail, thus obscuring the measurement location and making a check measurement impossible. Further, the triangular structures forming the lateral notches between which the present tail-width measurement is made often break off, or ice builds up on the frozen tails, making remeasurement very difficult. Also, it is impractical for enforcement officers to recheck tail width measurements because of poor lighting in the offloading area and the discomfort of working in the refrigerated holds where the lobsters are stored. The time required to measure entire loads of up to 77,000 frozen lobster tails to determine if the 15 percent tolerance for sublegal tails had been exceeded would shut down the unloading operations.

Further, the method of fishing for spiny lobsters and subsequent stowage at sea make it impossible for enforcement officers to obtain a random sample of frozen lobster tails upon which to base a determination that the 15 percent tolerance has, or has not, been exceeded. Because of this tolerance, enforcement officers have reported that some fishermen may fish for legal-sized lobsters and then switch grounds to fish for sublegals up to the tolerance limit. This results in a size segregation at sea by bag or box of a substantial portion of the catch.

These regulations redefine the tail-width measurement site as the straight line distance across the tail at the widest spot between the first and second abdominal spines (figure 2). The

handling and processing of the lobster tails should not obscure this location; thus remeasurement by enforcement officers is possible. Also, because the 15 percent tolerance is abolished, it is no longer necessary for enforcement officers to be able to measure all tails or to obtain a random sample.

Because the market for frozen spiny lobster tails puts a premium on tails between 4.5 and 5.0 cm, these emergency regulations are expected to be controversial among those fishermen who specifically fish for sublegal lobsters up to the 15 percent tolerance limit. However, the primary purpose of the existing regulations is to protect the fisherman from inadvertently taking sublegal lobsters and not to provide a method to fish for sublegal lobsters.

Section 305(e)(2)(B) of the Magnuson Fishery Conservation and Management Act authorizes the Secretary to implement emergency regulations if the Council finds that an emergency exists. By a vote of 10 for, 1 against, at its December 6, 1984 meeting, the Council determined that an emergency exists in the spiny lobster fishery in NWHI because the present regulations that define a legal-sized spiny lobster and that allow for a 15 percent tolerance of sublegal spiny lobsters with a tail width between 4.5 and 5.0 cm are unenforceabe.

Specifically, the Council voted (1) to define a legal-sized spiny lobster as one with a tail width of 4.8 cm or greater; (2) to eliminate the present 15 percent tolerance for sublegal spiny lobsters with tail widths between 4.5 and 5.0 cm; and (3) to eliminate a carapace measurement and use only a single tail-width measurement to determine a legal-sized spiny lobster.

At is meeting on February 22, 1985, the Council heard additional testimony from lobster fishermen and NMFS scientists. Based upon the comments received, the Council decided that a legal-sized spiny lobster should be defined as one with a tail width of 4.8 cm or greater unless future study by the Southwest Fishery Center indicates that 4.8 cm is inadequate to protect the resource. Decisions on the other measures related to the emergency action were reaffirmed.

These changes should make it possible for enforcement officers to monitor landings and ensure that the fishery takes only legal-sized spiny lobsters. The regulations also will promote the reproductive potential of the lobster stocks by protecting female spiny lobsters until they have attained a tail width of 4.8 cm which allows them a chance to spawn before becoming vulnerable to this fishery.

If these regulations prove to be enforceable, the Council will prepare an amendment to its spiny lobster FMP that will permanently establish this rule. When completed, the Council's amendment will include an environmental assessment, a regulatory flexibility analysis as required by the Regulatory Flexibility Act, and a determination of consistency of the amendment with the approved coastal zone management programs of Hawaii, American Samoa, and Guam as required by section 307(c) of the Coastal Zone Management Act.

Classification

The Assistant Administrator for Fisheries, NOAA, has determined that this rule is necessary to respond to an emergency situation and is consistent with the Magnuson Act and other applicable law. Because the present regulations are unenforceable as written, placing the resource in jeopardy, immediate action is necessary to achieve appropriate conservation and management.

The Assistant Administrator also finds that the reasons justifying promulgation of this rule on an emergency basis make it impracticable and contrary to the public interest to provide notice and a prior opportunity for public comment or to delay for 30 days the effective date of this rule, under the provisions of sections 553(b) and (d) of the Administrative Procedure Act.

This emergency rule is exempt from the normal review procedures of Executive Order 12291, as provided in section 8(a)(1) of that order. A copy of this emergency rule has been transmitted to the Director of the Office of Management and Budget with an explanation of why it is not possible to follow the procedures of that order.

It is impracticable to defer the effectiveness of this emergency rule to give the Hawaii Department of Planning and Economic Development 90 days to review a determination that the rule is consistent to the maximum extent practicable with Hawaii's approved coastal zone management plan. While different from current State regulations applicable to State waters, this emergency rule has been determined to be consistent to the maximum extent practicable with Hawaii's approved coastal zone management plan, as required by regulations under the Coastal Zone Management Act, 15 CFR 930.32. When the Western Pacific Fishery Management Council adopts an amendment to the FMP permitting adoption of the emergency measure on a permanent basis, a formal consistency determination will be provided in accordance with 15 CFR 930.34(b).

The Director, Southwest Region, NMFS, prepared an environmental assessment for this rule and concluded that no significant impact on the human environment will result from its implementation.

This rule is exempt from the procedures of the Regulatory Flexibility Act, because it is issued without opportunity for prior public comment.

This rule does not contain a collection of information requirement and therefore is not subject to the provisions of the Paperwork Reduction Act.

List of Subjects in 50 CFR Part 681

Fish, Fisheries, Reporting requirements.

Dated: April 24, 1985.

William G. Gordon,

Assistant Administrator for Fisheries, National Marine Fisheries Service.

PART 681—WESTERN PACIFIC SPINY LOBSTER FISHERIES

For reasons set out in the preamble, 50 CFR Part 681 is amended as follows:

1. The authority citation for Part 681 reads as follows:

Authority: 16 U.S.C. 1801 *et seq.*

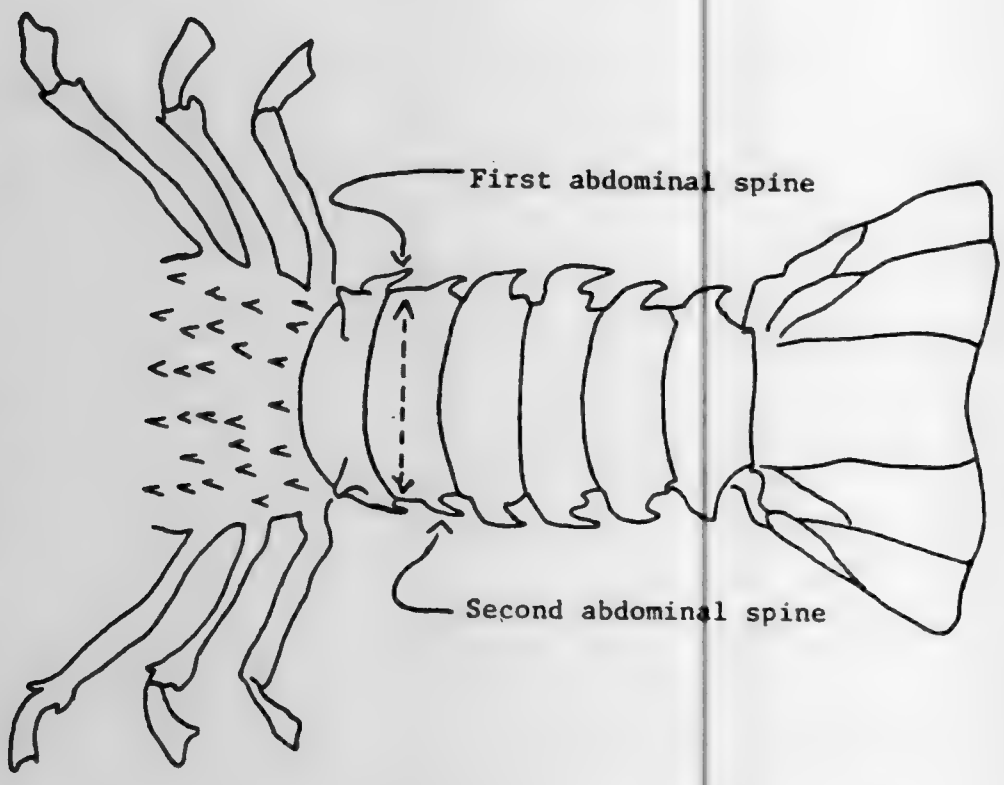
§ 681.2 [Amended]

2. In § 681.2, the definition of *Tail width* is suspended from April 25, 1985 to July 24, 1985, and a new definition of *Tail width* is added, effective from April 25, 1985, to July 24, 1985, to read as follows:

* * * * *

Tail width means the straight line distance across the tail measured at the widest spot between the first and second abdominal spines (see Figure 2).

FIGURE 2. TAIL WIDTH



* * * * *

§ 681.7 [Amended]

3. In § 681.7(b)(2), the comma is changed to a semicolon and the phrase "except for the tail-width allowance of § 681.21(b);" is removed.

4. In § 681.7(b)(3), the phrase "neither its carapace length nor" is removed; "can" is changed to "cannot".

§ 681.21 [Amended]

5. In § 681.21, paragraphs (a) and (b) are suspended from April 25, 1985, to July 24, 1985 and a new paragraph (c) is added, effective from April 25, 1985, to July 24, 1985, to read as follows:

* * * * *

(c) Only spiny lobsters with a tail width of 4.8 cm or greater may be retained.

[FR Doc. 85-10204 Filed 4-25-85; 9:18 am]

BILLING CODE 3510-22-M

Proposed Rules

Federal Register
Vol. 50, No. 83
Tuesday, April 30, 1985

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 550

Pay Administration (General)

AGENCY: Office of Personnel Management.

ACTION: Proposed regulations.

SUMMARY: The Office of Personnel Management (OPM) proposes to revise the definition of "agency" in the regulations previously published for Federal agency salary offset regulations. This action is necessary to make the definition clearly reflect the intent of the law. These regulations would also delete extraneous material inadvertently included in the existing regulations.

DATE: Comments must be received on or before July 1, 1985.

ADDRESS: Send comments to Jean M. Barber, Assistant Director for Pay and Benefits Policy, Compensation Group, P.O. Box 57, Washington, D.C. 20044, or deliver to OPM, Room 4351, 1900 E Street, N.W., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Patricia A. Rochester, (202) 632–4634.

SUPPLEMENTARY INFORMATION: On July 3, 1984, OPM published final regulations implementing the salary offset provisions of 5 U.S.C. 5514 (49 FR 27470). The final regulations specified the required contents of agency salary offset regulations. They also established guidelines for requesting salary offsets when the debtor's employing agency and the agency responsible for collecting the debt are not the same.

Questions OPM has received since publication of the existing regulations have prompted us to amend the definition of "agency" in 5 CFR 550.1103 to more clearly reflect the intent of the law in § 5514.

The Definition of Agency

The current regulations say "agency" is an executive agency as defined by 5 U.S.C. 105, and includes the U.S. Postal Service, the U.S. Postal Rate Commission, and military departments as defined by 5 U.S.C. 102. However, this limitation to Executive agencies and military departments is not strictly in accord with the intent of the law. When salary offset was originally authorized in Pub. L. 83–497, enacted July 15, 1954, it applied to agencies and employees in the executive, legislative and judicial branches. So agencies will not be misled on the question of who has the authority to use § 5514, we propose to expand the difinition to include all branches of the Government.

Deletion of Extraneous Material

In § 550.1106(b)(3), we are deleting extraneous material that was inadvertently inserted in the final regulations.

E.O. 12291, Federal Regulation

OPM has determined that this is not a major rule as defined under Section 1(b) of E.O. 12291, Federal Regulation.

Regulatory Flexibility Act

I certify that these regulations will not have a significant economic impact on a substantial number of small entities because these regulations concern administrative practices and will affect only the Federal Government.

List of Subjects in 5 CFR Part 550

Government employees, Personnel Management Office, Wages.

U.S. Office of Personnel Management.

Loretta Cornelius,

Acting Director.

Accordingly, OPM proposes to amend 5 CFR Part 550 as follows:

PART 550—PAY ADMINISTRATION (GENERAL)

* * * * *

Subpart K—Collection by Offset from Indebted Government Employees

1. The authority citation for Subpart K of Part 550 reads as follows:

Authority: 5 U.S.C. 5514; sec. 8(1), E.O. 11609, 3 CFR, 1971–1975 Comp., 586; redesignated in sec. 2–1, E.O. 12107, 3 CFR, 1978 Comp., 264.

2. In section 550.1103, the definition of "Agency" is revised to read as follows:

§ 550.1103 Definition.

* * * * *

"Agency" means (a) an Executive agency as defined by § 105 of title 5, United States Code, including the U.S. Postal Service and the U.S. Postal Rate Commission, (b) a military department as defined by § 102 of title 5, United States Code, (c) an agency or court of the judicial branch, and (d) an agency of the legislative branch, including the U.S. Senate and the U.S. House of Representatives.

* * * * *

§ 550.1106 [Amended]

3. In § 550.1106, paragraph (b)(3) is corrected by removing the last three sentences in the paragraph, commencing with the sentence—"Ordinarily, hearings may consist of informal conferences. * * *"

[FR Doc. 85–10472 Filed 4–29–85; 8:45 am]
BILLING CODE 6325–01–M

NUCLEAR REGULATORY COMMISSION

10 CFR Part 60

[Docket No. PRM–60–2]

States of Nevada and Minnesota; Filing of Petition for Rulemaking

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of Receipt of Petiton for Rulemaking from the States of Nevada and Minnesota.

SUMMARY: The Nuclear Regulatory Commission is publishing for public comment this notice of receipt of a petition for rulemaking. This petition, filed by the States of Nevada and Minnesota, and dated January 21, 1985, was docketed by the Commission on January 28, 1985, and assigned Docket No. PRM–60–2. The petitioner requests that the Commission adopt a regulation governing the implementation of certain environmental standards which have been proposed by the Environmental Protection Agency.

DATE: Comment period expires July 1, 1985. Comments received after this date will be considered if it is practical to do so, but assurance of consideration cannot be given except as to comments received on or before this date.

ADDRESSES: All persons who desire to submit written comments concerning the petition for rulemaking should send their comments to the Secretary of the

Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Service Branch.

Single copies of the petition may be obtained free by writing to the Division of Rules and Records, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

The petition, copies of comments, and accompanying documents to the petition may be inspected and copied for a fee at the NRC Public Documents Room, 1717 H Street, NW, Washington, DC.

FOR FURTHER INFORMATION CONTACT: John Philips, Chief, Rules and Procedures Branch, Division of Rules and Records, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Telephone: 301–492–7086 or Toll Free: 800–368–5642.

SUPPLEMENTARY INFORMATION:

Background

I. Statement of Grounds and Interest

The State of Nevada filed this rulemaking petition as a state notified pursuant to the Nuclear Waste Policy Act (NWPA), that a potentially acceptable site for a repository has been identified within the state.

The State of Nevada avers that it may become affected for purposes of participation in site characterization, pursuant to section 113 or the NWPA. The State of Minnesota joins this petition as a state informed that it is being considered for site characterization for second repository. The State of Minnesota avers that it may be directly affected by the substance of standards for the development of repositories. The States of Nevada and Minnesota ground this petition on their respective interest in, and the prevailing responsibility for, the protection of the future health and safety of their citizens.

II. Statement in Support of Petition

The petitioner notes that the NWPA, enacted by Congress on December 20, 1982, and approved by the President on January 7, 1983, requires that the President recommend a first, high-level nuclear waste respository location to Congress by March 31, 1987 (section 114(a)(2)(A), 42 U.S.C. 10134(a)(2)(A)) or March 31, 1988, if he determines an extension is necessary (section 114(a)(2)(B), 42 U.S.C. 10134(a)(2)(B)). The Nuclear Regulatory Commission (Commission) must act upon an application for construction authorization for that repository by January 1, 1989, or within three years of the application's filing (section 114(d)(1), (2), 42 U.S.C. 10134(d)(1), (2)). The President's recommendation must be based upon Department of Energy (DOE) site characterization at a site which must have been recommended by January 1, 1985 (section 112(b)(1)(D), 42 U.S.C. 10133(b)(1)(D)). Site characterization must be performed pursuant to a plan reviewed by the Commission and the affected state (section 113(b)(1), 42 U.S.C. 10133(b)(1)) before characterization begins. That plan must include criteria to be used by DOE to determine the "suitability of such candidate site for the location of repository, developed pursuant to (section 112(a);" (section 113(b)(1)(A)(iv); 42 U.S.C. 10133(b)(1)(A)(iv)). DOE's section 112(a) guidelines, as concurred in by the Commission on June 22, 1984 (49 FR 28130) require that evidence used to apply those guidelines include "analysis of expected repository performance to assess the likelihood of demonstrating compliance with 40 CFR Part 191 and 10 CFR Part 60. . . ." Section 121(a) of the NWPA requires Environmental Protection Agency (EPA) to promulgate by rule, not later than one year after the date of the enactment of the NWPA, or January 7, 1984, "generally applicable standards for protection of the general environment from offsite releases from radioactive material in repositories." The EPA published a proposed rule, "Environmental Standards for the Management and Disposal of Spent Nuclear Fuel, High-Level and Transuranic Radioactive Wastes" on December 29, 1982 (47 FR 58196). The proposed rule contained a section entitled "Assurance Requirements—40 CFR 191.14." According to petitioner, such assurance requirements are clearly "generally applicable standards" within the meaning of section 121(a) of NWPA.

In response to its published notice of proposed rulemaking, EPA received objections regarding the authority of EPA to promulgate the proposed "Assurance Requirements." These objections were based on legal arguments that section 121(a) of the NWPA specifically clarifies that EPA's authority to promulgate the proposed rule arises "under other provisions of law." Those "other provisions of law" include the Atomic Energy Act of 1954, as amended and the President's Reorganization Plan No. 3 of 1970. According to petitioner, the essence of the objection was that Reorganization Plan No. 3 placed within the Federal Radiation Council, which is no longer in existence, rather than EPA, the authority for requirements such as those contained within proposed 40 CFR 191.14.

The statutory deadline for the promulgation of the EPA standards has passed without promulgation of the standards. Petitioner states that the primary reason for that failure is the jurisdictional dispute over EPA's authority to issue the requirements contained in 40 CFR 191.14. The petitioner states that because proposed 40 CFR 191.14 contains generally applicable standards for the protection of the general evironment for offsite releases from radioactive materials in repositories, the EPA should proceed to finalize 40 CFR Part 191. It is also argued that DOE could not make nomination decisions or recommendations for characterization until EPA standards are final.

Petitioner asserts that disputes as to the question of authority preclude EPA from issuing its final standards. The petitioner states further that the general authority of the Commission to protect the health and safety of the public against radiation hazards under the Atomic Energy Act endows the Commission with the power to enact regulations of the nature contained in proposed 40 CFR 191.14 notwithstanding the question over EPA's authority. Therefore, the petitioner suggests that since no objections have been raised regarding the substance of proposed 40 CFR 191.14, and because the proposed rule does provide confidence that the containment requirements of 40 CFR 191.13 would be met by a repository, the NRC should enact under its authority the proposed regulations originally published by EPA on December 29, 1982 (47 FR 58196), thereby removing the jurisdictional issue as an impediment to the EPA's promulgation of the proposed section. According to the petition, once this impediment is removed, the EPA could move to final adoption of its rule. The petition also recites certain proposed Commission findings, including a finding that the EPA's standards must be final before environmental assessments can be finally published and before DOE may nominate a site or recommend a site for characterization.

III. Conclusion

The assurance requirements referred to by the petitioner have been the subject of prior consideration by the Commission. As a result of such consideration, the Commission on May 17, 1984, directed the staff to continue discussions with EPA on those assurance requirements, with the objective of coming to a mutual agreement on provisions that could be

incorporated into 10 CFR Part 60.[1] If the NRC and EPA staffs arrive at such agreement, appropriate rule changes will be recommended to the Commission. If approved by the Commission, such changes will be published in the **Federal Register**. There would be an opportunity for further public comment before the final amendments are adopted.

As a matter of orderly administrative procedure, the Commission may elect to continue its efforts to resolve any outstanding differences with EPA, and to deny the instant petition. This would avoid duplicative, and indeed possibly conflicting, rulemaking activities. The issues raised in the petition would not be disregarded, but would, on the contrary, be considered in the development of rules acceptable to EPA which the Commission may propose for adoption. Commenters are invited to express their views as to the appropriateness of this course of action.

Dated at Washington, DC this 25th day of April, 1985.

For the Nuclear Regulatory Commission.

John C. Hoyle,

Assistant Secretary of the Commission.

[FR Doc. 85-10484 Filed 4-29-85; 8:45 am]

BILLING CODE 7590-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 85-NM-28-AD]

Airworthiness Directives; Boeing Model 727 and Model 737 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Proposed Rulemaking (NPRM).

SUMMARY: This notice proposes a new airworthiness directive (AD) which would improve fire safety in lavotories on Boeing Model 727 and Model 737 airplanes. This AD would require installation of divider panels on Model 727 airplanes to isolate the lavatory waste enclosure, and "No Stowage" placards in areas not suitable for storing combustible materials on both the Model 727 and Model 737 airplanes. Stowage of combustible materials in these areas could result in a fire if a component overheats or otherwise fails. An AD is proposed to ensure adequate fire safety.

[1] The Commission direction to the staff, along with other pertinent materials, has been placed in the file of this proceeding.

DATES: Comments must be received on or before June 21, 1985.

ADDRESSES: Send comments on the proposal in duplicate to the Federal Aviation Administration, Northwest Mountain Region, Office of the Regional Counsel, Attention: Airworthiness Rules Docket No. 85-NM-28-AD, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168. The applicable service information may be obtained from the Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington 98124, or may be examined at the Seattle Aircraft Certification Office, FAA, Northwest Mountain Region 9010 East Marginal Way South, Seattle, Washington.

FOR FURTHER INFORMATION CONTACT: Mr. Jeff Gardlin, Aerospace Engineer, Airframe Branch, ANM-120S; telephone (206) 431-2932. Mailing address: Seattle Aircraft Certification Office, FAA, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or agruments as they may desire. Communications should identify the regulatory docket number and be submitted in duplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed in light of the comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of the proposed AD will be filed in the Rules Docket.

Availability of NPRM

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Northwest Mountain Region, Attention: Airworthiness Rules Docket No. 85-NM-28-AD, Office of the Regional Counsel, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

Discussion

Service experience has indicated that combustible materials are being stored in compartments which house electrical and/or heat producing components on Boeing Model 727 and Model 737 airplane lavatories. Storage of combustible materials in these areas represents a fire hazard since the compartments were not intended for storage and were not designed for fire containment. Boeing Service Bulletins 727-25-277 and 737-25-1171 call for adding "No Stowage" placards to these areas. In addition, on certain Model 727 forward lavatories, the waste enclosure area is not adequately isolated from other areas and could allow a fire to spread beyond the waste enclosure. To remedy this situation, Service Bulletin 727-25-277 also calls for installation of a divider panel to isolate the waste compartment. Since a situation exists which could contribute to the propagation of a lavatory fire, an AD is proposed to require modification of Model 727 and 737 lavatories in accordance with Boeing Service Bulletins 727-25-277 and 737-25-1171, respectively.

It is estimated that 1500 planes of U.S. registry would be affected by this AD. Approximately 4 manhours at an average cost of $40 per manhour would be required to modify each airplane. The cost of parts is estimated at $100 per airplane. Based on these figures, the total cost impact of this AD on U.S. operators is estimated to be $390,000.

For the reasons discussed above the FAA has determined that this document (1) involves a proposed regulation which is not major under Executive Order 12291 and (2) is not a significant rule pursuant to the Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and it is certified under the criteria of the Regulatory Flexibility Act that this proposed rule, if promulgated, will not have a significant economic impact on a substantial number of small entities because few, if any, Boeing Model 727 or Model 737 airplanes are operated by small entities. A copy of a draft regulatory evaluation prepared for this action is contained in the public docket. A copy may be obtained by contacting the person identified under the caption **"FOR FURTHER INFORMATION CONTACT."**

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

The Proposed Amendment

PART 39—[AMENDED]

Accordingly, the Federal Aviation Administration (FAA) proposes to amend § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) by

adding the following new airworthiness directive (AD):

Boeing: Applies to Model 727 and Model 737 series airplanes as specified in Boeing Service Bulletins 727–25–277 dated February 23, 1984, and 737–25–1171 dated August 10, 1984, respectively, certificated in all categories. To assure adequate lavatory fire protection, accomplish the following within one year after the effective date of this amendment, unless previously accomplished:

(A) For Boeing Model 727 airplanes, modify lavatories in accordance with Boeing Service Bulletin 727–25–277 dated February 23, 1984, or later FAA approved revisions.

(B) For Boeing Model 737 airplanes, install lavatory placards in accordance with Boeing Service Bulletin 737–25–1171 dated August 10, 1984, or later FAA approved revisions.

(C) An alternate means of compliance which provides an acceptable level of safety may be used when approved by the Manager, Seattle Aircraft Certification Office, FAA, Northwest Mountain Region.

(D) Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base in order to comply with the requirements of this AD.

All persons affected by this directive who have not already received Boeing Service Bulletins 727–25–277 and 737–25–1171 may obtain copies upon request to Boeing Commerical Airplane Company, P.O. Box 3707, Seattle, Washington 98124. These documents may also be examined at the FAA, Northwest Mountain Region, 9010 East Marginal Way South, Seattle, Washington.

(Secs. 313(a), 314(a), 601 through 610, and 1102 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421 through 1430 and 1502); 49 U.S.C. 106(g) (Revised, Pub. L. 97–449, January 12, 1983); and 14 CFR 11.85)

Issued in Seattle, Washington, on April 22, 1985.

Charles R. Foster,

Director, Northwest Mountain Region.

[FR Doc. 85–10385 Filed 4–29–85; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 39

[Docket No. 85–NM–41–AD]

Airworthiness Directives; McDonnell Douglas Model DC–8–70 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Proposed Rulemaking (NPRM).

SUMMARY: This notice proposes a new airworthiness directive (AD) that would require modification of the drain mast assemblies on CFM–56–2 engines installed on DC–8–70 series aircraft. The proposed AD is prompted by 18 reported instances of damage to the engine drain mast and transfer gear box horizontal drive shaft housing due to drain mast contact with the runway during landing. This action is necessary to minimize the potential of inflight shutdown if drain mast failure is not detected during preflight inspection.

DATES: Comments must be received on or before June 21, 1985.

ADDRESSES: Send comments on the proposal in duplicate to Federal Aviation Administration, Northwest Mountain Region, Office of the Regional Counsel, Attention: Airworthiness Rules Docket No. 85–NM–41–AD, 17900 Pacific Highway South, C–68966, Seattle, Washington 98168. The applicable service information may be obtained from McDonnell Douglas Corporation, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Director, Publications and Training, CI–750 (54–60). This information also may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or at 4344 Donald Douglas Drive, Long Beach, California.

FOR FURTHER INFORMATION CONTACT: Mr. Roy A. McKinnon, Aerospace Engineer, Propulsion Branch, ANM–140L, FAA, Northwest Mountain Region, Los Angeles Aircraft Certification Office, 4344 Donald Douglas Drive, Long Beach, California. 90808; telephone, (213) 548–2835.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket number and be submitted in duplicate to the address specified above. All communications received on or before the closing date for comments specified above will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this Notice may be changed in light of the comments received. All comments submitted will be available, both before and after the closing date for comments in the Rules Docket for examination by interested persons. A report summarizing each FAA/public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Availability of NPRM

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the FAA, Northwest Mountain Region, Office of the Regional Counsel, Attention: Airworthiness Rules Docket No. 85–NM–41–AD, 17900 Pacific Highway South, C–68966, Seattle, Washington 98168.

Discussion

There have been 18 reported cases of damage to the engine drain mast and/or transfer gear box horizontal drive shaft housing due to drain mast contact with the runway. In three cases, both engines on one side of the fuselage sustained drain mast damage. Damage to the outboard engines has been more severe than to the inboard engines. If the drain mast damage is not detected in a ground walk-around inspection, on the next flight, engine oil loss can force an inflight shutdown of both engines on the same side of the fuselage. The manufacturer has issued Service Bulletin 71–96, dated February 12, 1985, which provides for a modification calling for trimming the existing drain mast, installation of a new flange on the modified mast, and installation of a new flexible mast on the modified drain mast manifold. This modification will minimize gearbox damage resulting from engine pod impacts during landing, which could lead to an inflight shutdown due to oil loss.

Therefore, in consideration of the hazardous consequence of the potential for drain mast contact with the runway, the proposed AD is considered to be necessary.

Since this condition is likely to exist or develop on other airplanes of the same type design, an airworthiness directive (AD) is being proposed which would require compliance with the McDonnell Douglas Service Bulletin described above, or later revisions approved by the Manager, Los Angeles Aircraft Certification Office, FAA, Northwest Mountain Region.

Approximately 76 airplanes of U.S registry would be affected by this AD. Each airplane contains four nacelles which would be affected by the proposed actions. It is estimated that 6.5 manhours per engine are needed to accomplish the required modification. Average labor cost is $40 per manhour. Based on these figures, the total cost impact of this AD to U.S. registered owners is estimated to be $79,040.

For these reasons, the FAA has determined that this document (1) involves a proposed regulation which is not major under Executive Order 12291 and (2) is not a significant rule pursuant to the Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and it is further certified under the criteria of the Regulatory Flexibility Act that this proposed rule, if promulgated, will not have a significant economic impact on a

substantial number of small entities because few, if any, Model DC–8–70 series airplanes are operated by small entities. A copy of a draft regulatory evaluation prepared for this action is contained in the regulatory docket. A copy may be obtained by contacting the person identified under the caption "**FOR FURTHER INFORMATION CONTACT.**"

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

The Proposed Amendent

PART 39—[AMENDED]

Accordingly, the Federal Aviation Administration proposes to amend § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) by adding the following new airworthiness directive:

McDonnell Douglas: Applies to McDonnell Douglas Model DC–8–71, –72 and –73 series airplanes, certificated in all categories. To preclude potential for oil loss resulting in inflight shutdown, compliance is required within eighteen (18) months after the effective date of this AD, as indicated, unless previously accomplished.

(A) Complete the modification defined in McDonnell Douglas Service Bulletin 71–96, dated February 12, 1985, or later revisions approved by the Manager, Los Angeles Aircraft Certification Office, FAA, Northwest Mountain Region. The modification calls for trimming the existing drain mast, installation of a new flange on the modified mast, and installation of a new flexible mast on the modified drain mast manifold.

(B) Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base in order to comply with the requirements of this AD.

(C) Alternate means of compliance which provide an acceptable level of safety may be used when approved by the Manager, Los Angeles Aircraft Certification Office, FAA, Northwest Mountain Region.

All persons affected by this proposal who have not already received these documents from the manufacturer may obtain copies upon request to the McDonnell Douglas Corporation, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Director, Publications and Training, C1–750 (54–60). These documents also may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or at 4344 Donald Douglas Drive, Long Beach, California.

(Sec. 313(a), 314(a), 601 through 610, and 1102 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421 through 1430, and 1502); 49 U.S.C. 106(g) (Revised, Pub. L. 97–449, January 12, 1983); and 14 CFR 11.85)

Issued in Seattle, Washington, on April 22, 1985.

Charles R. Foster,

Director, Northwest Mountain Region.

[FR Doc. 85–10384 Filed 4–29–85; 8:45 am]

BILLING CODE 4910–13–M

14 CFR Part 71

[Airspace Docket No. 85–AGL–11]

Proposed Alteration of Transition Area—Shell Lake, Wisconsin

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to alter the Shell Lake, Wisconsin, transition area to accommodate existing conditions and to ensure that the Shell Lake Municipal Airport instrument approach procedure will be contained within controlled airspace.

The intended effect of this action is to ensure segregation of the aircraft using approach procedures in instrument conditions from other aircraft operating under visual weather conditions in controlled airspace.

DATE: Comments must be received on or before June 7, 1985.

ADDRESS: Send comments on the proposal in triplicate to: Federal Aviation Administration, Regional Counsel, AGL–7, Attn: Rules Docket No. 85–AGL–11, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

The official docket may be examined in the Office of the Regional Counsel, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois.

An informal docket may also be examined during normal business hours at the Airspace, Procedures, and Automation Branch, Air Traffic Division, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois.

FOR FURTHER INFORMATION CONTACT: Edward R. Heaps, Airspace, Procedures, and Automation Branch, Air Traffic Division, AGL–530, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018, telephone (312) 694–7360.

SUPPLEMENTARY INFORMATION: The current description of the Shell Lake, Wisconsin, transition area identifies a "bearing to" in lieu of a "bearing from" the Shell Lake NDB (SSQ) and, as a result, does not properly describe the airspace required for the Shell Lake NDB Runway 31 instrument procedure. This action reduces the radius of the designated airspace area from 6.5 to 5 miles around Shell Lake Municipal Airport, eliminates the northwest extension, and designates the necessary southeast extension from the 5-mile radius to 8.5 miles southeast of the Shell Lake NDB.

Aeronautical maps and charts will reflect the defined areas which will enable other aircraft to circumnavigate the area in order to comply with applicable visual flight rule requirements.

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposal. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 85–AGL–11." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Rules Docket, FAA, Great Lakes Region, Office of Regional Counsel, 2300 East Devon Avenue, Des Plaines, Illinois, both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NRPM's

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA–430, 800 Independence Avenue, SW., Washington, DC 20591, or by calling (202) 426–8058. Communications must identify the notice number of this NRPM. Persons interested in being placed on a mailing list for future NRPM's should also request a copy of Advisory Circular No. 11–2, which describes the application procedure.

The Proposal

The FAA is considering an amendment to § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR

Part 71) to alter the designated airspace associated with the Shell Lake, Wisconsin, Municipal Airport so as to include airspace necessary to accommodate the existing Shell Lake NDB Runway 31 instrument approach procedure and to return unneeded airspace to a noncontrolled status.

Section 71.181 of Part 71 of the Federal Aviation Regulations was republished in Handbook 7400.6 dated January 2, 1985.

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Transition areas, Aviation safety.

The Proposed Amendment

PART 71—[AMENDED]

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend § 71.181 of Part 71 of the Federal Aviation Regulation (14 CFR Part 71) as follows:

Shell Lake, WI

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Shell Lake Municipal Airport (latitude 45° 43' 48" N, longitude 91° 55' 14" W) and within 3 miles each side of the 139° bearing from the Shell Lake NDB (latitude 45° 43' 55" N longitude 91° 55' 05" W) extending from the 5-mile radius to 8.5 miles southeast of the Shell Lake NDB.

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 [49 U.S.C. 1348(a) and 1354(a)]; [49 U.S.C. 106(g) (Revised, Pub. L. 97-449, January 12, 1983]; and 14 CFR 11.65)

Issued in Des Plaines, Illinois, on April 16, 1985.

Paul K. Bohr,

Director, Great Lakes Region.

[FR Doc. 85-10386 Filed 4-29-85; 8:45 am]

BILLING CODE 4910-13-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-5-FRL-2827-3]

Approval and Promulgation of Implementation Plans; Wisconsin

AGENCY: U.S. Environmental Protection Agency (USEPA).

ACTION: Notice of Proposed Rulemaking.

SUMMARY: The intent of today's rulemaking action is twofold. First, USEPA is proposing to approve Wisconsin's general New Source Review (NSR) Program for sources located in attainment and unclassified areas, because it meets the general requirements outlined at 40 CFR 51.18 (a) through (h). On April 17, 1981 (46 FR 22374), USEPA approved portions of the Wisconsin State Statutes, Chapter 144, and the Wisconsin Administrative Code, Chapter NR 154, with respect to the NSR requirements identified at 40 CFR 51.18 (a) through (h) for sources located in nonattainment areas, as well as the detailed major source nonattainment area requirements identified at 40 CFR 51.18(j), but USEPA did not rulemake on the state's submittal as meeting the NSR requirements identified at 40 CFR 51.18 (a) through (h) for sources in attainment and unclassified areas. Furthermore, at that time USEPA was requested by the State of Wisconsin not to rulemake on the Prevention of Significant Deterioration (PSD) requirements, identified at 40 CFR 51.24, for major new sources and major modifications located in attainment and unclassified areas because the State anticipated further development of the PSD rules. Today, USEPA is proposing to approve Chapter 144 and Chapter NR 154, with respect to the general NSR requirements for sources in attainment and unclassified areas (40 CFR 51.18 (a) through (h)). The version of Chapter NR 154 under consideration today has been revised since the April 17, 1981 (46 FR 22374), approval for nonattainment areas.

Second, on June 15, 1984 (49 FR 24752), USEPA proposed to approve several permit exemptions in the revised Chapter NR 154, as they applied to nonattainment areas. In the June 15, 1984, notice of proposed rulemaking, USEPA took no action on Section NR 154.25 (Alteration of Permits by Petition) because additional clarification was needed from the State of Wisconsin. The State submitted the requested clarification during the public comment period. Therefore, USEPA now proposes to approve NR 154.25 for nonattainment, attainment, and unclassified areas, but does not approve NR 154.25 as meeting the PSD program requirements.

USEPA plans to combine the final action on today's proposal, approving Chapter 144 and Chapter NR 154 for attainment and unclassified areas, with the final action on the June 15, 1984 (49 FR 24752) proposal, approving amendments to Chapter NR 154 for nonattainment areas. The approval of these final actions, combined with the April 17, 1981 (46 FR 22374) notice of final rulemaking approving the NSR regulations for nonattainment areas, will result in a series of regulations representing Wisconsin's NSR program for both attainment and nonattainment areas, which will be codified at 40 CFR 52.2570. This codification will specifically exclude the PSD program because, as explained below, review of the PSD program is not included in this notice and will be addressed at a future date.

USEPA's action is based upon State Implementation Plan (SIP) revision requests that were submitted by the State of Wisconsin on July 12, 1979, and October 13, 1983. The intent of today's rulemaking is to present a discussion of the material submitted by the State to support the revisions, and to provide an opportunity for public comment on the revisions and on USEPA's proposed action.

DATE: Comments on this revision, and on USEPA's proposed action, must be received by May 30, 1985.

ADDRESSES: Copies of the proposed SIP revisions and the supporting technical documents are available for review at the following address: (It is recommended that you telephone Colleen W. Comerford, at (312) 886-6034, before visiting the Region V office.)

U.S. Environmental Protection Agency, Region V, Air and Radiation Branch, 230 South Dearborn Street, Chicago, Illinois 60604

Wisconsin Department of Natural Resources, Bureau of Air Management, 101 South Webster, Madison, Wisconsin 53707

Comments on these rule revisions should be addressed to (Please submit an original and five copies, if possible): Gary Gulezian, Chief, Regulatory Analysis Section, Air and Radiation Branch (5AR-26), U.S. Environmental Protection Agency, Region V, 230 South Dearborn Street, Chicago, Illinois 60604.

FOR FURTHER INFORMATION CONTACT: Colleen W. Comerford, (312) 886-6034.

SUPPLEMENTARY INFORMATION:

Background

The criteria for an approvable SIP are described in 40 CFR Part 51, in the April 4, 1979, **Federal Register** (44 FR 20372), and in supplements dated July 2, August 28, September 17, and November 23, 1979 (44 FR 38583, 50371, 53761, 67182). One of these criteria is that each SIP require permits for the construction and operation of new or modified major stationary sources. These permits are to be issued in conformance with the requirements of section 173 of the Clean Air Act for major sources in nonattainment areas, and section 165 for major sources in attainment areas. Regulatory requirements related to NSR, and relevant to today's proposal, are contained in 40 CFR 51.18 (a) through (h) for major and minor sources in attainment and nonattainment areas, and 40 CFR 51.18(j) for sources in nonattainment areas. USEPA wishes to clarify that it is proposing for approval today those proposed SIP revisions that meet the NSR requirements of 40 CFR 51.18 (a) through (h), and Section NR 154.25 with respect to 40 CFR 51.18(j). USEPA is not approving these proposed SIP revisions with respect to the PSD requirements in 40 CFR 51.24. However, USEPA is proposing to approve all SIP revisions submitted by Wisconsin that help the State met the NSR requirements outlined at 40 CFR 51.18 (a) through (h).

New Source Review Program For Sources in Attainment and Unclassified Areas

In order to satisfy the requirements of 40 CFR 51.18 (a) through (h) and (j) for a NSR program, the State of Wisconsin submitted revisions to its SIP on July 12, 1979. Additional background material was provided by the State on September 4, 1979. Following the original submittal, Wisconsin submitted a series of amendments to its NSR program as additional SIP revisions. These SIP revision requests were submitted on November 27, 1979, May 1, 1980, and February 18, 1981.

The November 27, 1979, submittal consisted of portions of the air pollution control statutes, Wisconsin State Statutes Chapter 144, and the administrative regulations implementing those statutes, Wisconsin Administrative Code Chapter NR 154. The statutes and regulations that were submitted on November 27, 1979, incorporated the changes that had been made to these rules since the Wisconsin SIP was federally approved in 1973. The November 27, 1979, submittal stated that the revised statutes and regulations contained therein were intended to supersede all previous submittals of Chapter 144, which had previously been approved as the basis for the Wisconsin NSR SIP.

On May 1, 1980, Wisconsin submitted to USEPA, as a SIP revision, several recent significant changes to its air pollution control laws, including its NRS procedures. On February 18, 1981, Wisconsin once again submitted a revised version of Chapter 144. At the same time, Wisconsin requested that USEPA not rulemake on those portions of the NSR statutes and regulations as they pertained to the PSD program because the State anticipated further development of these rules.

On April 17, 1981 (46 FR 22374), USEPA approved portions of Chapter 144 and Chapter NR 154 with respect to major and minor source NSR requirements for nonattainment areas only. USEPA did not take action on the above cited submittals with respect to the general permitting requirements in 40 CFR 51.18 (a) thru (h) for attainment and unclassified areas. This notice proposes to supplement the April 17, 1981, approval by proposing to approve the 1979, 1980, and 1981 submittals of Chapter 144 and revised Chapter NR 154 (the relevant parts of which were submitted on October 13, 1983, as Board Order Number A–39–81) with respect to sources located in attainment and unclassified areas. The revisions in Chapter NR 154 were made after the April 17, 1981, approval (46 FR 22374) and are the subject of a June 15, 1984, notice of proposed rulemaking with respect to nonattainment areas.

The following sections of Chapter 144 of the Wisconsin Statutes, and Chapter NR 154 of the Wisconsin Administrative Code, contain Wisconsin's authority and regulations for its NSR program for sources located in attainment and unclassified areas. USEPA plans to combine the final action on today's proposal approving Chapter 144 and Chapter NR 154 for attainment and unclassified areas, with the final action on the June 15, 1984 (49 FR 24752) proposal approving amendments to Chapter NR 154 for nonattainment areas. The approval of these final actions, combined with the April 17, 1981 (46 FR 22374) notice of final rulemaking approving the NSR regulations for nonattainment areas, will result in a series of federally approved regulations representing Wisconsin's NSR program for both attainment and nonattainment areas, as listed below.

The regulations in the following list will address all NSR activities in the State of Wisconsin, except for those covering lead sources, which have been approved previously (49 FR 26762), the PSD program, which has not been submitted to USEPA per the State's request, and certain permit exemptions for nonattainment areas, on which USEPA deferred action. (Sections NR 154.01 (118), 154.04(3)(a), 154.04(5), and 154.04(6)(b); June 15, 1984; 49 FR 24752).

(1) From Chapter 144:

Section 144.01 (1), (2), (3), (9m), and (12)—Definitions
Section 144.30—Air Pollution Definitions
Section 144.31—Air Pollution Control Powers and Duties
Section 144.34—Inspections
Section 144.375—Air Pollution Control, Standards and Determinations
Section 144.38—Classification and Reporting
Section 144.391—Air Pollution Control Permits
Section 144.392—Permit Application and Review
Section 144.393—Criteria for Permit Review
Section 144.394—Permit Conditions
Section 144.395—Alteration, Suspension and Revocation of Permits
Section 144.396—Permit Duration
Section 144.397—Operation Permit Review
Section 144.398—Failure to Adopt Rules or Issue Permits or Exemption
Section 144.399—Fees
Section 144.402—Petition for Alteration
Section 144.403—Hearings on Certain Air Pollution Actions
Section 144.423—Violations: Enforcement
Section 144.426—Penalties for Violations
Section 144.98—Enforcement: Duty of Department of Justice

(2) From Chapter NR 154:

Section 154.01—Definitions
Section 154.04—Permit Requirements and Exemptions [1]
Section 154.05—Action on Applications
Section 154.055—Relocation of Portable Sources
Section 154.06—Source Reporting, Recordkeeping, Testing, Inspection and Operation
Section 154.08—Enforcement and Penalties
Section 154.21—Limitations on County, Regional, or Local Regulations
Section 154.24—Procedures for Non-contested Case Public Hearings
Section 154.25—Procedures for Alteration of Permits by Petition

[1] The April 17, 1981, approval of Chapter NR 154 included Section NR 154.04, entitled "Notice of Intent." The October 13, 1983, submittal included revisions to Section 154.04, which changed the title to "Permit Requirements and Exemptions" and listed source sizes and categories that could be exempted from the permitting requirements. The June 15, 1984 (49 FR 24752), **Federal Register** proposed to approve this section, as it applied to nonattainment areas, with the exceptions of NR 154.04(3)(a), NR 154.04(5), and 154.04(6)(b). However, NR 154.04, as noted in the listing above, is proposed for approval in its entirety for minor sources in attainment and unclassified areas.

USEPA has reviewed the relevant portions of these statutes and regulations in light of the requirements of 40 CFR 51.18. USEPA has determined that the Wisconsin NSR rules contained in Chapter 144 and revised Chapter NR 154 meet the general permitting requirements identified at 40 CFR 51.18 (a) through (h), as those requirements apply to sources located in attainment and unclassified areas. However, Section 144.394(2) addresses variances and Section 144.394(5) addresses emission reduction options. USEPA proposes to approve these sections provided that all variances and emission reduction options are submitted to USEPA as SIP revisions. In the final approval, this provision will be noted in the codification identified at 40 CFR 52.2570. USEPA wishes to clarify that a practice of prior approval by USEPA is a necessary condition to approval of this proposed SIP revision.

Therefore, USEPA proposes approval of the Wisconsin NSR statutes and regulations listed above, as they apply in attainment and unclassified areas. This approval does not extend to the PSD program. Variances and emission reduction options granted by Wisconsin that have not been submitted to USEPA and approved as SIP revisions will not be federally recognized.

Proposed Revisions to Section NR 154 for Nonattainment Areas

On October 13, 1983, the State of Wisconsin submitted Natural Resources Board Order Number A–39–81 to USEPA and requested that USEPA consider several of the revisions to Chapter 154 of the Wisconsin Administrative Code contained in the Order, as amendments to the Wisconsin SIP. Wisconsin requested that USEPA only approve those parts of the submittal that pertained to exemptions from construction, modification, and operation permits, and other permit program requirements. The State requested that USPA not review the submittal as it pertained to the Lead SIP or to the State PSD program, because those revisions would be submitted and reviewed under separate rulemaking actions. The permit exemption revisions are discussed in the June 15, 1984, notice of proposed rulemaking (49 FR 24752).

In the June 15, 1984, notice of proposed rulemaking, USEPA also requested further clarification from the State of Wisconsin concerning Section NR 154.25 of the Wisconsin Administrative Code, procedures for alteration of permits by petition. USEPA stated that it would approve NR 154.25 if appropriate clarification were received prior to the close of the public comment period, which ended on July 16, 1984. On July 13, 1984, Wisconsin submitted a letter stating that decisions made, pursuant to NR 154.25, would be subject to the permitting criteria outlined in Section 144.393 of the Wisconsin Statutes. Since Section 144.393 is part of the federally approved Wisconsin SIP for nonattainment areas, and is being proposed for approval today for attainment and unclassified areas, this satisfies USEPA's request for a demonstration that permit alteration decisions are based on procedures that are part of the approved SIP. Therefore, USEPA proposes to approve Section NR 154.25 for sources located in nonattainment, attainment and unclassified areas.

Conclusion

USEPA is proposing to approve Wisconsin's NSR program for attainment and unclassified areas. USEPA is not approving the NSR rules as they pertain to the PSD program. In effect, USEPA is proposing to approve Chapter 144 and revised Chapter 154 for the general NSR requirements in 40 CFR 51.18 (a) through (h). USEPA is also proposing to approve a revision to the Wisconsin Administrative Code, Section NR 154.25, as it pertains to sources located in nonattainment, attainment and unclassified areas.

Interested persons are invited to submit comments on each of these actions. USEPA will consider all comments received by May 30, 1985.

Under 5 U.S.C. 605(b), the Administrator has certified that SIP approvals do not have a significant economic impact on a substantial number of small entities. (See 46 FR 8709).

The Office of Management and Budget has exempted this rule from the requirements of Section 3 of Executive Order 12291.

List of Subjects in 40 CFR Part 52

Air pollution control, Ozone, Sulfur oxides, Nitrogen dioxide, Particulate matter, Carbon monoxide, Hydrocarbons, Intergovernmental relations.

(Sec. 110, 172 and 301(a) of the Clean Air Act, as amended (42 U.S.C. 7410, 7502, and 7601(a))

Dated: March 29, 1985.

Valdas V. Adamkus,

Regional Administrator.

[FR Doc. 85–10369 Filed 4–29–85; 8:45 am]

BILLING CODE 6560–50–M

40 CFR Part 52

[NC–012; A–4–FRL–2826–9]

Approval and Promulgation of Implementation Plans; North Carolina; Miscellaneous Editorial Changes

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: EPA today proposes to approve numerous editorial changes which North Carolina has made in its air pollution control regulations. The State submitted the changes as implementation plan revisions on December 12, 1984. The effect of the changes is to update, simplify, and clarify the regulations; no substantive changes have been made.

DATE: To be considered, your comments must reach us by May 30, 1985.

ADDRESSES: Copies of the materials submitted by the State may be examined during normal business hours at the following locations:

Environmental Protection Agency, Region IV, Air Management Branch, 345 Courtland Street, N.E., Atlanta, Georgia 30365

Division of Environmental Management, North Carolina Department of Natural Resources and Community Development, Archdale Building, 512 N. Salisbury Street, Raleigh, North Carolina 27611

FOR FURTHER INFORMATION CONTACT: Mr. Walter Bishop, Air Management Branch, EPA Region IV, at the above address, telephone 404/881–3966 (FTS 257–3966).

SUPPLEMENTARY INFORMATION: On December 17, 1984, the North Carolina Division of Environmental Management submitted as implementation plan revisions a number of editorial changes in regulations 15 NCAC 2D.0501, .0506 through .0517, .0519 through .5023, .0525, .0527 through .0532, .0901, .0903, .0905 through .0910, and .0912 through .0940. Also, the State deleted regulation 15 NCAC 2D.0609 and portions of 15 NCAC 2H.0601, .0604, and .0605. These changes received public hearing on July 10, 1984, and were adopted by the North Carolina Environmental Management Commission on November 8, 1984.

There are no substantive differences in the effect of the North Carolina air pollution control regulations as a result of the changes. Terms have been changed to make them consistent with current usage, references to test methods have been updated, corrections have been made in some of the emission limit tables, metric units of measurement

have been suppressed in favor of English units, references to the Code of Federal Regulations have been corrected and updated, and other changes have been made in order to standardize nomenclature and to clarify the intent and applicability of the regulations. Regulation 15 NCAC 2D.0609, Monitoring Condition in Permit, and portions of the permit regulations of Section 2H.0600 have been deleted because they merely paraphrase the language of the North Carolina statutes. Interim compliance dates in the categorical compliance schedules for equipment installation and modification and use of low-solvent content coatings by sources of volatile organic compounds (VOC) have been deleted since they are no longer needed; the final compliance dates, of which January 31, 1983 is the latest, are still specified.

Proposed Action. EPA proposes to approve these changes because they are routine wording changes and have no effect on the meaning of the regulations.

In the process of revising regulation 2D.0917, [VOC Emissions from] Automobile and Light-Duty Truck Manufacture, an error has been introduced: The original regulation specified limits for top coat and surface application in subparagraph (c)(2) and for final repair application in subparagraph (c)(3); as revised, however, both specify "top coat and surface" and so the original wording of (c)(3) ("final repair") needs to be restored. The State has indicated that they will make this correction; EPA will defer approval action on the revised regulation until the correction is received.

Also, in the case of regulation 2D.0527, Emissions from Spodumene Ore Roasting, EPA proposes partial approval only. EPA on May 15, 1981 (46 FR 26769) withdrew its earlier approval of limits North Carolina had set for emissions of sulfuric acid mist from this process. The Agency took this action to forestall any problem in Federal enforcement of emission limits not required by any provision of the Clean Air Act and the Agency's implementing regulations. EPA proposes to approve the revised language of the regulation only as it pertains to sulfur dioxide.

Under 5 U.S.C. 605(b), the Administrator has certified that SIP approvals do not have a significant economic impact on a substantial number of small entities. (See 46 FR 8709.)

The Office of Management and Budget has exempted this rule from the requirements of Section 3 of Executive Order 12291.

List of Subjects in 40 CFR Part 52

Air pollution control, Intergovernmental relations, Ozone, Sulfur oxides, Nitrogen dioxide, Lead, Particulate matter, Carbon monoxide, Hydrocarbons, Incorporation by reference.

(Sec. 110, Clean Air Act (42 U.S.C. 7410))

Dated: April 2, 1985.

John A. Little,

Acting Regional Administrator.

[FR Doc. 85-10363 Filed 4-29-85; 8:45 am]

BILLING CODE 6560-50-M

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40 CFR Parts 220, 227, 228, and 234

[FRL-2826-8]

Ocean Incineration Regulation; Extension of Public Comment Period

AGENCY: Environmental Protection Agency.

ACTION: Proposed rulemaking; Extension of public comment period.

SUMMARY: On February 28, 1985 (50 FR 8222), EPA proposed rules which would regulate the incineration of liquid wastes at sea, and asked that written public comments on the proposed rule be submitted by May 29, 1985. EPA has determined that additional time should be allowed, to ensure that all interested parties have sufficient opportunity to submit comments. Consequently, EPA is extending the public comment period to June 28, 1985.

DATE: The deadline for submitting written public comments is extended to June 28, 1985

ADDRESS: Marjorie A. Pitts, Criteria and Standards Division (WH-585), U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Majorie A. Pitts, (202) 755-0100.

Dated: April 23, 1985.

Jack E. Raven,

Assistant Administrator for Water.

[FR Doc. 85-10368 Filed 4-29-85; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 0, 1, and 90

[PR Docket No. 83-737]

Frequency Coordination in the Private Land Mobile Radio Services

AGENCY: Federal Communications Commission.

ACTION: Proposed rule; Extension of reply comment period.

SUMMARY: The FCC is extending the time for submission of reply comments in this proceeding concerning frequency coordination in the Private Land Mobile Radio Services. The Commission has taken this action in order to give all interested parties ample opportunity to prepare reply comments and thus assure a complete record in this proceeding.

EFFECTIVE DATE: Reply comments are now due by June 10, 1985.

ADDRESS: Federal Communications Commission, 1919 M Street NW., Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Eugene Thomson, Private Radio Bureau, (202) 634-2443.

SUPPLEMENTARY INFORMATION:

Order Extending Reply Comment Period

In the matter of Frequency Coordination in the Private Land Mobile Radio Services PR Docket No. 83-737.

Adopted: April 19, 1985.
Released: April 23, 1985.

By the Chief, Private Radio Bureau.

1. On October 17, 1984, the Commission adopted a *Notice of Proposed Rule Making* (NPRM) in the above captioned matter. The NPRM was released on November 9, 1984, and appeared in the **Federal Register**, 49 FR 45454, on November 16, 1984. Comments on the NPRM were due by March 11, 1985, and reply comments are due April 25, 1985.

2. Petitions for an extension of time of the reply comment period were received from the International Association of Fire Chiefs, Inc. (IAFC) filing jointly with the International Municipal Signal Association (IMSA), the American SMR Network Association, Inc. (ASNA), and the Special Committee on Communications of the American Association of State Highway and Transportation Officials, Inc. (AASHTO). IAFC/IMSA requested an extension to July 1, 1985, ASNA to July 15, 1985, and AASHTO requested a 90 day extension (July 25, 1985).

3. IAFC/IMSA filed joint comments requesting certification as the frequency advisory committee for the Fire, Special Emergency, and Local Government Radio Services. IAFC/IMSA requested a time extension to enable them to develop comprehensive responses to the comments of other parties, particularly positions concerning the designation of coordinators for the Public Safety and Special Emergency Radio Services. ASNA argued that in order to facilitate the development of a complete record in

this proceeding, additional time was necessary for further dialogue between the participants to develop meaningful reply comments. AASHTO stated that due to the complexity of the issues and the large number of comments submitted, it will not have sufficient time to review, analyze, and develop meaningful reply comments by April 25, 1985.

4. We have reviewed the three requests for an extention of time to prepare reply comments which we believe have merit. We wish to ensure a complete record in this proceeding on which to base our decision, however, we have already provided a substantial amount of time for comments and reply comments in this matter. In order to provide relief for the petitioners to conclude their dialogue and to develop a complete record with which the Commission can proceed expeditiously to a decision, we will double the reply time by entending the reply comment period by 45 days. Accordingly, it is ordered, pursuant to the authority set forth in Section 0.331 of the Commission's Rules and Regulations, that interested parties will have until June 10, 1985, to file reply comments in this proceeding.

Federal Communications Commission.

Robert S. Foosaner,

Chief, Private Radio Bureau.

[FR Doc. 85-10466 Filed 4-29-85; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 67

[CC Docket Nos. 78-72 and 80-286]

MTS and WATS Market Structure and Amendment of the Rules and Establishment of a Joint Board; Order Extending Time for Filing Comments and Reply Comments

AGENCY: Federal Communications Commission.

ACTION: Recommended Interim Order and Request for Comments; extension of comment/reply comment period.

SUMMARY: This Order grants an extension of time to file data, comments and replies in response to the Joint Board's *Recommended Interim Order and Request for Comments.* In that *Order,* the Joint Board requested information and comments regarding permanent measures for the allocation and recovery of costs in Account 645, changes in the allocation and recovery of costs in Account 662, and the definition and allocation of equal access and network reconfiguration costs between the interstate and intrastate jurisdictions. A limited extension of time is warranted because the issues dealt with are complex and the preparation of data requested will require detailed analysis by the parties. The additional time for filing will facilitate development of a complete record concerning these issues.

DATES: Comments are due April 29, 1985. Replies are due May 15, 1985.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Margot Bester, (202) 632-6363.

SUPPLEMENTARY INFORMATION: The Recommended Interim Order was published on April 15, 1985 (50 FR 14729).

Order

In the Matter of MTS and WATS market structure, Amendment of Part 67 of the Commission's rules and establishment of a Joint Board, CC Docket No. 78-72; CC Docket No. 80-286.

Adopted: April 17, 1985.
Released: April 18, 1985.

By the Chief, Common Carrier Bureau:

1. On March 25, 1985, the Federal-State Joint Board released a *Recommended Interim Order and Request for Comments (Recommended Interim Order)* [1] in the above-captioned proceeding. In the *Recommended Interim Order,* the Joint Board requested comments concerning permanent measures for the allocation and recovery of costs in Account 645 (Local Commercial Operations) as well as the need for changes in the allocation and recovery of costs in Account 662 (Accounting Department Costs) that involve billing and collection services. The Joint Board also solicited comments concerning the definition and allocation of equal access and network reconfiguration (EANR) costs between the interstate and intrastate jurisdictions.[2] Finally, the Joint Board asked the Bell Operating Companies (BOCs) to file data concerning EANR costs and the costs in Accounts 645 and 662. The requested data and comments were to be filed on April 22, 1985, with replies due May 13, 1985.

2. The BellSouth Corporation, Southwestern Bell Telephone Company, and U.S. West (Mountain States Telephone and Telegraph Company, Northwestern Bell Telephone Company and Pacific Northwest Bell Telephone Company), pursuant to § 1.46 of the Commission's rules, have filed Motions for Extension of Time to file comments and reply comments in response to the Joint Board's *Recommended Interim Order.* BellSouth requests that the comment and reply dates be extended 14 days, until May 6, 1985, and May 27, 1985, respectively. Southwestern Bell requests a one-week extension, until April 29, 1985, of the date for filing comments, with no extension of the date for filing replies. U.S. West requests an extension of the date for filing data and comments to June 3, 1985, and an extension for replies to June 17, 1985.

3. All three companies state that the extensions of time they requested are necessary for them to prepare and file detailed, accurate, and complete responses to the data request contained in the *Recommended Interim Order.* The companies believe that such extentions are warranted due to the complexity of the issues and the level of detail specified for the data filings. The companies also state that a grant of their requests will serve the public interest by allowing for the development of a complete record without jeopardizing the expeditious resolution of the questions raised by the *Recommended Interim Order.*

4. Under the circumstances, we find that a limited extension of time in which to file comments and replies is warranted. We recognize that the issues dealt with in the Joint Board's *Recommended Interim Order* are complex and that preparation of the data requested therein will require detailed analysis by the BOCs if it is to be useful to the Joint Board in its resolution of these issues. However, expeditious resolution of these issues is also very important. Therefore, we are granting an extension of time to file data and comments from April 22, 1985, to April 29, 1985, and an extension of time to file replies from May 13, 1985, to May 15, 1985. We believe that this extension of time will enable the parties to provide an appropriate and meaningful response to the Joint Board's request for data and comments without jeopardizing the expeditious resolution of the questions raised by the *Recommended Interim Order.* We strongly urge all of the BOCs to use this additional time to prepare complete responses to the Joint Board's request for information.

5. Accordingly, it is ordered, pursuant to the delegation of authority contained in Section 0.291 of the Commission's Rules, 47 CFR § 0.291, that the date for filing the information and comments

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[1] *MTS and WATS Market Structure* and *Amendment of Part 67 of the Commission's Rules and Establishment of a Joint Board,* CC Docket Nos. 78-72 and 80-286, Mimeo No. CC 3400, released March 25, 1985.

[2] The Joint Board also recommended interim measures for the allocation of the costs in Account 645.

discussed above is extended until April 29, 1985. The date for filing replies is extended unitl May 15, 1985.

6. The Motions for Extension of Time filed by BellSouth, Southwestern Bell and U.S. West are granted to the extent set forth above and are otherwise denied.

Federal Communications Commission.

William Adler,

Deputy Chief, Policy, Common Carrier Bureau.

[FR Doc. 85-10439 Filed 4-29-85; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 74

[MM Docket No. 85-36]

Review of Technical and Operational Requirements; Order Extending Time for Filing Comments and Reply Comments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule; extension of comment/reply comment period.

SUMMARY: This Order extends the time for submitting comments in MM Docket No. 85-36, concerning Technical and Operational Requirements in response to a Motion for Extension of Time filed by the Society of Broadcast Engineers (SBE).

DATES: Comments due by June 28, 1985, and Reply Comments due by July 28, 1985.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Hank VanDeursen, Mass Media Bureau, (202) 632-9660.

SUPPLEMENTARY INFORMATION: The Notice of Proposed Rulemaking in this proceeding was published on February 28, 1985 (50 FR 8172).

Order

In the matter of Review of Technical and Operational Requirements: Part 74-E Aural Broadcast STL and ICR Stations; and Part 74-F TV Auxiliary Broadcast Stations, MM Docket No. 85-36.

Adopted: April 24, 1985.
Released: April 25, 1985.

By the Chief, Mass Media Bureau:

1. The Commission has under consideration a Motion for Extension of Time to Submit Comments, filed by the Society of Broadcast Engineers (SBE), in the above captioned proceeding. the SBE requested that the comment period be extended 60 days to allow a thorough investigation of the proposed rule changes, which they allege are highly technical and will, if adopted, affect a broad range of services.

2. Accordingly, it is ordered that the date for submitting comments in MM Docket No. 85-36 is extended to June 28, 1985 and the date for filing reply comments is extended to July 29, 1985.

Federal Communications Commission.

William H. Johnson,

Acting Chief, Mass Media Bureau.

[FR Doc. 85-10438 Filed 4-29-85; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 90

[PR Docket No. 83-737; FCC 85-34]

Frequency Coordination in the Private Land Mobile Radio Services

AGENCY: Federal Communications Commission.

ACTION: Memorandum Opinion and Order granting petitions for reconsideration.

SUMMARY: The Commission has adopted a *Memorandum Opinion and Order* granting two Petitions for Reconsideration of the *Notice of Proposed Rule Making* in Docket No. 83-737, concerning Frequency Coordination in the Private Land Mobile Radio Services, 49 FR 45454 (Nov. 16, 1984). This action is taken to allow the licensing of new, one-way, private carrier systems on paging-only frequencies.

FOR FURTHER INFORMATION CONTACT: Nia Chirigos Cresham, Private Radio Bureau, Land Mobile and Microwave Division, Rules Branch, (202) 634-2443.

SUPPLEMENTARY INFORMATION:

Memorandum Opinion and Order

In the matter of Frequency Coordination in the Private Land Mobile Radio Services: PR Docket No. 83-737, FCC 85-34.

Adopted: January 18, 1985.
Released: January 25, 1985.

By the Commission:

Background

1. On November 9, 1984, the Commission released a *Notice of Proposed Rule Making* in Docket No. 83-737.[1] The *Notice* proposed amendments to the private land mobile radio frequency coordination procedures in response to the comments received on a *Notice of Inquiry* issued earleir in this Docket.[2] We solicited comments in the *Notice of Inquiry*, and again in the *Notice of Proposed Rule Making*, in order to evaluate and update our policies governing the operation of frequency coordinating committees.

2. Our objectives in this proceeding are to improve the quality of frequency recommendations, to minimize processing delays, to encourage intersection frequency sharing where appropriate, and to facilitate the introduction of new technologies into the private land mobile radio services. In order to achieve these objectives, we must maintain an accurate and up-to-date private land mobile data base to facilitate applications processing and spectrum management for these radio services.

3. The *Notice of Proposed Rule Making* highlighted several of the problems currently encountered in the frequency coordination process. Coordinating committees must be able to determine which licensees are on the frequency, how many control stations are being operated, and how many mobiles are on the frequency to select the best frequencies for applicants. Recently, the accuracy of the data base has been a matter of concern to the Commission due to the conversion of community repeaters to private carrier operations. These conversions often result in one applicant substituting itself for a number of separate licensees. The new applicant may or may not be acting in conjunction with the other licensees on the frequency and it is not clear to the coordinators whether the new applicant is to be substituted for the previous licensees' mobiles and control stations, or whether the new applicant's requested mobiles and control stations are in addition to those already on the frequency.[3] These inaccuracies obviously affect the data base used by the Commission and the coordinating committees. Without access to accurate and current information from the data base, a coordinator cannot make sound frequency recommendations to applicants and the Commission loses its ability to review effectively the frequency recommendations before licensing.

4. In order to alleviate this problem, the *Notice* adopted a freeze on: (1) The conversion of community repeater operations to private carrier systems; and (2) the licensing of new private carrier systems, except on the 900 MHz paging frequencies and the 800 MHz Specialized Mobile Radio Service (SMRS) frequencies.[4] The freeze will

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[1] *Notice of Proposed Rule Making*, Docket No. 83-737, 49 FR 45, 454 (November 16, 1984).

[2] *Notice of Inquiry*, Docket No. 83-737, 48 FR 35149, (August 3, 1983).

[3] *Notice of Proposed Rule Making*, *supra*, at paragraph 10.

[4] *Id.* at footnote 11.

remain in effect pending adoption of final rules that specify what information must be submitted to the frequency coordinators and the Commission.

Petitions for Reconsideration

5. We have received two petitions for reconsideration of our freeze on licensing of new private carriers and conversions of community repeaters to private carriers. National Page, Inc. (National Page), filed its petition on December 3, 1984, and Bob McCreadle d/b/a Page Call (Page Call) filed its petition on December 17, 1984. Both petitioners are applicants for one-way, private carrier paging-only facilities in the Business Radio Service, and have been unable to obtain authorizations due to the freeze on the licensing of new private carrier systems.

6. National Page is an applicant to operate one-way paging-only facilities in the Business Radio Service, on 462.825 MHz at five locations in and around Greenville, South Carolina. On the application, National Page indicated its intent to operate as a private carrier pursuant to 47 CFR 90.179. Consequently, National Page's application has not been processed.

7. National Page argues that the Commission should restrict its freeze on new private carriers to applications for two-way base/mobile channels in the private land mobile radio services. In support of this argument, National Page asserts that the Commission's reasons for initiating the freeze relate to two-way mobile systems that operate on a private carrier basis and not to one-way paging-only systems. National Page claims that users of a private land mobile paging-only system are not required to individually license their paging units. Consequently, a typical paging-only system has only one licensee and does not skew the accuracy of the data base.

8. The second argument made by National Page is that the freeze on private carrier paging-only systems is contrary to the public interest, congressional intent and recent Commission action to make communications services available to the public as rapidly as possible. National Page claims that there are currently over three hundred potential users who require paging service in the Greenville area. National Page also cites "The Communications Amendments Act of 1982,"[5] to assert that private carrier for-profit paging systems are permitted by the Congress.

9. Page Call is an applicant for three one-way paging-only facilities in the Business Radio Service in the San Francisco Bay area. On its applications Page Call indicated its intent to operate on a private carrier basis pursuant to 47 CFR 90.179. Consequently, Page Call's applications have not been processed. Page Call already has received Commission authorization to operate a one-way paging-only system on 152.48 MHz,[6] and seeks authorization of its other three applications in order to serve the entire Bay area.

10. The first argument asserted by Page Call is that the three applications it has filed with the Commission do not constitute "new" private carrier systems as defined by footnote 11 in the *Notice*. Page Call reasons that the three applications currently on file with the Commission would simply complete the paging system started with the first authorization issued by the Commission on August 28, 1984.

11. Page Call's second argument is that the imposition of the freeze is contrary to the Commission's objective to minimize processing delays. Page Call claims that by withholding action on Page Call's three remaining applications, the Commission is not acting in the public interest by delaying authorization and development of private radio paging facilities.

12. Finally, Page Call argues for consistent treatment of its applications. Page Call filed four applications with identical requests. One was authorized by the Commission prior to the imposition of the freeze, while the other three have been returned by the Commission due to the freeze on the authorization of new private carrier systems.

Discussion and Decision

13. We have reviewed the two petitions in light of our freeze on the conversion of community repeaters to private carrier systems and on the licensing of new private carrier systems (except on the 900 MHz paging frequencies and the 800 MHz SMRS frequencies). Our objective in imposing the freeze was to preserve the integrity of the data base to enable the coordinating committees to recommend frequencies quickly and accurately and to allow the Commission to review thoroughly their recommendations.

14. Upon reconsideration, we conclude that the authorization of applications for new, one-way, private carrier systems on paging-only frequencies does not cause the problems discussed in the *Notice of Proposed Rule Making*. We will therefore lift the freeze in so far as it pertains to these applications and permit the authorization of applications for new, one-way, private carrier systems on paging-only frequencies. We will retain the freeze on the conversion of community repeaters to private carrier systems and on the licensing of new private carrier systems, with the exception of the 900 MHz paging frequencies, the 800 MHz SMRS frequencies, and the systems described above. Those applications for new one-way, paging-only, private carrier systems which have been returned to applicants by the Commission may be re-submitted to the Licensing Division of the Private Radio Bureau in Gettysburg, Pennsylvania.

15. Accordingly, it is ordered That the petitions for reconsideration are granted and the petition for waiver filed by National Page, Inc. is dismissed as moot, pursuant to the authority contained in Section 4(1) and 303 of the Communications Act of 1934, as amended.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 85-10441 Filed 4-29-85; 8:45 am]

BILLING CODE 6712-01-M

[5] "The Communications Amendments Act of 1982," Pub. L. 97-259, 96 Stat 1087, Sept. 13, 1982; See section 120 (Section 331 of the Communications Act of 1934, as amended, is codified at 47 U.S.C. 332).

[6] This application was granted on August 28, 1984, prior to the imposition of the freeze.

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

49 CFR Part 174

[Docket No. HM-197; Notice No. 85-2]

Shippers; Use of Cargo Tanks, Portable Tanks, IM Portable Tanks, and Multi-Unit Tank Car Tanks in TOFC and COFC Service

AGENCY: Materials Transportation Bureau (MTB), Research and Special Programs Administration, DOT.

ACTION: Advance notice of proposed rulemaking (ANPRM) and notice of public hearing.

SUMMARY: The Federal Railroad Administration (FRA) and MTB are considering development of safety standards that would permit the use of cargo tanks, portable tanks, IM portable tanks, and multi-unit tank car tanks in trailer-on-flatcar (TOFC) and container-on-flatcar (COFC) service. Use of these tanks when transporting a hazardous

material is currently prohibited except where specific approval has been granted under conditions approved by FRA.

DATES: (1) *Written Comments*: Written comments must be received by June 27, 1985.

(2) *Public Hearing*: A public hearing will be held at 10:00 a.m. on June 11, 1985. Any person who desires to make an oral statement at the hearing should notify the Docket Clerk before June 6, 1985.

ADDRESSES: (1) *Written Comments*: Address comments to the Dockets Branch, Materials Transportation Bureau, U.S. Department of Transportation, Washington, D.C. 20590. Comments should identify the docket and notice number and be submitted in five copies. Persons wishing to receive confirmation of receipt of their comments should include a self-addressed stamped post card. The Dockets Branch is located in Room 8426 of the Nassif Building, 400 7th Street SW., Washington, D.C. Public dockets may be reviewed between the hours of 8:30 a.m. and 5:00 p.m. Monday through Friday.

(2) *Public Hearing*: A public hearing will be held in Room 6244 of the Nassif Building, 400 7th Street SW., Washington, D.C. 20590. Persons desiring to make an oral statement at the hearing should notify the Docket Clerk by telephone (202–426–3148) or by writing to: Dockets Branch, Materials Transportation Bureau, U.S. Department of Transportation, Washington, D.C. 20590. Five copies of the statement should be provided at the hearing, if possible.

FOR FURTHER INFORMATION CONTACT: Philip Olekszyk, Deputy Associate Administrator for Safety, Federal Railroad Administration, Washington, D.C. 20590, Telephone 202–426–0896.

SUPPLEMENTARY INFORMATION: The use of multi-modal freight containers to transport both hazardous and non-hazardous materials by rail is a common practice in the United States and internationally. However, the use of portable tanks, IM portable tanks, and multi-unit tank car tanks, which are all tanks designed for use in more than one mode of transportation, is generally prohibited in rail transportation in trailer-on-flatcar (TOFC) and container-on-flatcar (COFC) service. (See 49 CFR 174.61 and 174.63). An identical prohibition against TOFC/COFC transportation of hazardous materials applies to cargo tanks. (See 49 CFR 174.61.) Cargo tanks are tanks designed for highway use, but which potentially could be used in TOFC/COFC service.

Notwithstanding the general prohibition, the current regulations provide that specific approval can be given for tank TOFC and COFC service under conditions approved by the FRA. Four approvals for TOFC and COFC service of DOT specification 51, IM 101, and IM 102 tanks have been granted in the past several years. Recently, both the number of requests and the scope of the requests for approval of tank TOFC/COFC service have expanded. MTB and FRA believe this trend will continue as shippers perceive benefits in using containers (tanks) capable of use in several modes of transportation.

MTB and FRA believe that more complete safety criteria for TOFC and COFC service of tanks transporting hazardous material need to be established. Identification and development of appropriate safety criteria are needed, whether to guide a case-by-case approval process or to establish regulatory standards. It is appropriate to establish safety criteria at this time since, in many cases, they can be implemented without adversely affecting established transportation practices.

Tank TOFC/COFC service of hazardous materials involves many of the same safety issues as transportation in a traditional railroad tank car (single-unit tank car tank). These safety issues include pressure relief, identification, special commodity requirements, and special handling requirements. However, TOFC/COFC service involves other or different safety issues. In particular, securement of the container to the flatcar or in the highway trailer, and securement of the highway trailer to the flatcar are concerns unique to TOFC/COFC service. MTB and FRA believe that tank TOFC/COFC service of hazardous materials has its place in the overall transportation system. However, neither MTB nor FRA is now convinced that tank TOFC/COFC would provide the same level of safety in all instances as a traditional railroad tank car given the wide range of hazardous materials involved and the differences in tank design. The adequacy of securement of a trailer to the flatcar and the trailer's potential vulnerability in TOFC service are areas of most interest to FRA.

In order to identify and develop safety criteria for tank TOFC/COFC service of hazardous materials, MTB and FRA request all interested parites to address the topic areas listed below.

1. Securement and cushioning of trailers and containers. *E.g.*, are the Association of American Railroads' specifications M–952–82, M–943–80, M–931–83, and M–1002 (paragraph 600–19 of the January 1, 1983 revision) adequate minimum safety standards?

2. Surge prevention. *E.g.*, would a minimum filling density requirement provide adequate protection?

3. Special handling requirements. *E.g.*, are train placement restrictions similar to, or identical with, those in 49 CFR §§ 174.91 to 174.93 necessary or appropriate?

4. Special commodity requirements. *E.g.*, should thermal protection and puncture resistance requirements be established for tanks in TOFC/COFC service transporting materials such as flammable gases, ethylene oxide, and anhydrous ammonia?

5. Commodity restrictions. *E.g.*, should certain hazardous materials currently authorized in the various tanks under consideration be forbidden in TOFC service, COFC service, or both types of service?

6. Lading transfer. *E.g.*, should transfer of lading from a tank while in TOFC/COFC be prohibited or would safety standards similar to, or identical with, those in 49 CFR 173.10, 177.834, 177.837, and 179.67 provide an adequate level of safety?

7. Identification. *E.g.*, what marking should be required on a tank that indicates it is authorized for TOFC/COFC service and that identifies its special features (pressure relief devices, bottom outlets, special structural features)?

8. Pressure relief. *E.g.*, should all tanks in TOFC/COFC service transporting a flammable liquid be required to have safety relief valves in lieu of, or in addition to, safety vents?

9. System performance test requirements. *E.g.*, how many, if any, impact tests of a complete TOFC or COFC system are needed to demonstrate the adequacy of the system?

Commenters are not limited to responding to the questions raised above and may submit any facts and views consistent with the intent of this notice. In addition, commenters are encouraged to provide comments on "major rule" considerations under terms of Executive Order 12291, "significant rule" considerations under the DOT regulatory procedures (44 FR 11034), potential environmental impacts subject to the Environmental Policy Act, information collection burdens which must be reviewed under the Paperwork Reduction Act, and economic impact on small entities subject to the Regulatory Flexibility Act. A transcript of the

hearing will be made and placed in the public docket.

List of Subjects in 49 CFR Part 174

Hazardous materials transportation, Railroad safety.

(49 U.S.C. 1803, 1804, 1808; 49 CFR 1.53, App. A to Part 1 and paragraph (a)(4) of App. A to Part 106)

Issued in Washington, D.C., on April 25, 1985.

Alan I. Roberts,

Associate Director for Hazardous Materials Regulation, Materials Transportation Bureau.

[FR Doc. 85-10398 Filed 4-29-85; 8:45 am]

BILLING CODE 4910-60-M

Notices

Federal Register
Vol. 50, No. 83
Tuesday, April 30, 1985

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Forest Service

Energy Fuels Nuclear, Inc., Canyon Mine, Kaibab National Forest, Coconino County, AZ; Intent To Prepare an Environmental Impact Statement

Pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, will prepare an environmental impact statement for the development of a uranium mine on the Kaibab National Forest. The proposed mine would encompass approximately 20 acres within Section 20, T.29N., R.3E., G&SRBM of the Tusayan Ranger District, Kaibab National Forest.

Energy Fuels Nuclear, Inc. submitted a plan of operations for development of an underground uranium mine, known as the Canyon Mine, to the Kaibab National Forest in October of 1984. The plan of operations identifies the proposed mine site, safety and environmental protection measures, procedures for operation on the mine and ore haulage and restoration of the mine site mining has been completed.

A range of alternatives for the development of the proposed mine, including, but not limited to, approval of the proposal, approval of the proposal with specific mitigation measures and no action, will be considered.

Federal, state and local agencies, and other individuals or organizations who may be interested in or affected by the proposal are invited to participate in the scoping process. The process will address issues and concerns such as the potential social and economic impacts of the proposal on Tusoyan and Coconino counties, the potential impacts of the proposal on surface and ground water quality, wildlife, vegetative cover, grazing, cultural resources and air quality, alternative transportation routes and reclamation measures and the cumulative impact of this proposal and others in the affected area. The process will also identify potential cooperating agencies.

The Forest Supervisor will hold a public scoping session on May 15, 1985 at the Chemistry Building on the campus of Northern Arizona University in Flagstaff, Arizona. Written comments and suggestions concerning preparation of the EIS should be sent to: Leonard A. Lindquist, Forest Supervisor, Kaibab National Forest, 800 South Sixth Street, Williams, Arizona 86046. Qustions should be directed to R. Dennis Lund, Lands & Minerals Staff Officer, Kaibab National Forest, (602) 635–2681.

Leonard A. Lindquist, Forest Supervisor of the Kaibab National Forest is the responsible official.

Preparation of the EIS is expected to take about six months. The draft EIS should be available for public reviews by August, 1985. A final EIS will be prepared after comments are received on the draft EIS. The Final EIS and Record of Decision is expected to be completed by November, 1985.

Dated: April 19, 1985.

Leonard A. Lindquist,

Forest Supervisor.

[FR Doc. 85–10329 Filed 4–29–85; 8:45 am]

BILLING CODE 3410–11–M

Sitgreaves National Forest Grazing Advisory Board; Meeting

The Sitgreaves National Forest Grazing Advisory Board will meet at 10:00 a.m., May 20, 1985 at the Soil Conservation Service Office, 152 W. Arizona, Holbrook, AZ.

The purpose of the meeting is to include a discussion of expenditures of range betterment funds for the Sitgreaves National Forest. A discussion of management planning will be included.

The meeting will be open to the public. Persons who wish to attend should notify the Forest Supervisor, P.O. Box 640, Springerville, Arizona 85938, (602) –333–4301. Written statements may be filed with the Board before or after the meeting.

The Board has established the following rules for public participation: any interested persons besides the Advisory Board Members are welcome to attend, and will be afforded the opportunity to speak after being duly recognized by the Chairman of the Board.

Dated: April 22, 1985.

Douglas G. Smith,

Acting Forest Supervisor.

[FR Doc. 85–10205 Filed 4–29–85; 8:45 am]

BILLING CODE 3410–11–M

DEPARTMENT OF COMMERCE

International Trade Administration

Consolidated Decision on Applications for Duty-Free Entry of Electron Microscopes

Correction

In FR Doc. 85–9812 beginning on page 16119 in the issue of Wednesday, April 24, 1985, make the following correction: On page 16119, in the third column, in the second paragraph, in the first line, "Docket No. 85–273" should read "Docket No. 84–273".

BILLING CODE 1505–01–M

[Case No. 653]

Paul C. Carlson and C–O Manufacturing Co. Inc.; Order

In the matter of: Paul C. Carlson, 87 Springhill Avenue, Bridgewater, Massachusetts, 02324, and P.O. Box 3125, Brockton, Massachusetts, 02403, and C–O Manufacturing Company, Inc., P.O. Box 3125, Brockton, Massachusetts, 02403, Respondents.

This Order amends an Order, issued March 5, 1985 (50 Fed. Reg. 9699 (March 11, 1985)), that approved the Consent Agreement between the Respondents and the U.S. Department of Commerce and that denied the Respondents' export privileges for 15 years. This Order amends the March 5, 1985 Order by adding, in the caption, the Respondents' addresses, which were inadvertently omitted from the March 5, 1985 Order.

The Office of Export Enforcement, International Trade Administration, U.S. Department of Commerce (Department), initiated administrative proceedings pursuant to section 11(c) of the Export Administration Act of 1979, as amended (50 U.S.C. app. Sections 2401–2420 (1982)) (the Act),[1] and Part 388 of the

[1] The authority granted by the Act terminated on March 30, 1984. The Regulations have been

Continued

Export Administration Regulations (currently codified at 15 CFR Parts 368–399 (1984)) (the Regulations) against Paul C. Carlson (Carlson) and C–O Manufacturing Company, Inc. by issuing Charging Letters alleging that Carlson and C–O Manufacturing Company, Inc. violated §§ 387.2, 387.3, 387.5 and 387.6 of the Regulations.

The Department, Carlson and C–O Manufacturing Company, Inc. have entered into a Consent Agreement whereby each party has agreed that the matter will be settled by denying Carlson and C–O Manufacturing Company, Inc. all validated license export privileges and reexport authorizations for a period of 15 years from the date of this Order.

The Hearing Commissioner approves the Consent Agreement.

It is therefore ordered, First, For a period ending 15 years from the date of this Order, Carlson and C–O Manufacturing Company, Inc. are denied all privileges of participating, directly or indirectly, in any manner or capacity, in any transaction which requires a validated export license or reexport authorization from the Office of Export Administration:

(a) Without limiting the generality of the foregoing, participation prohibited in any such transaction, either in the United States or abroad, shall include, but not be limited to, participation: (i) As a party or as a representative of a party to any validated export license application submitted to the Department; (ii) in preparing or filing with the Department any export license application or request for reexport authorization, or any document to be submitted therewith; (iii) in obtaining from the Department or using any validated export license or other export control document; (iv) in carrying on negotiations with respect to, or in receiving, ordering, buying, selling, delivering, storing, using, or disposing of any commodities or technical data, in whole or in part, exported or to be exported from the United States and subject to the Regulations; and (v) in financing, forwarding, transporting, or other servicing of such commodities or technical data. Such denial of export privileges shall extend only to commodities and technical data which require a validated license or reexport authorization under the Regulations;

(b) Such denial of export privileges shall extend not only to Carlson and C–O Manufacturing Company, Inc. but also to their agents, employees and successors. After notice and opportunity for coment, such denial may also be made applicable to any person, firm, corporation, or business organization with which Carlson or C–O Manufacturing Company, Inc. is now or hereafter may be related by affiliation, ownership, control, position of responsibility, or other connection in the conduct of export trade or related services;

(c) No person, firm, corporation, partnership or other business organization, whether in the United States or elsewhere, without prior disclosure to and specific authorization from the Office of Export Administration, shall, with respect to U.S.-origin commodities and technical data which are subject to the denial of export privileges set out herein, do any of the following acts, directly or indirectly, or carry on negotiations with respect thereto, in any manner or capacity, on behalf of or in any association with Carlson, C–O Manufacturing Company, Inc. or anyone who is now or may be subsequently named as a related party, or whereby Carlson, C–O Manufacturing Company, Inc. or any related party may obtain any benefit therefrom or have any interest in or participation therein, directly or indirectly: (i) Apply for, obtain, transfer, or use any license, Shipper's Export Declaration, bill of lading, or other export control document relating to any reexport, transshipment, or diversion of any commodity or technical data exported in whole or in part, or to be exported by, to, or for Carlson, C–O Manufacturing Company, Inc. or any related party denied export privileges; or (ii) order, buy, receive, use, sell, deliver, store, dispose of, forward, transport, finance, or otherwise service or participate in any export, reexport, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States;

Second, The Charging Letters, the Consent Agreement and this Order shall be made available to the public, and this Order shall be published in the **Federal Register.**

This Order is effective April 19, 1985.

Dated: April 19, 1985.

Thomas W. Hoya,

Hearing Commissioner.

[FR Doc. 85–10379 Filed 4–29–85; 8:45 am]

BILLING CODE 3510-DT-M

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continued in effect by Executive Order 12470, 49 FR 13099, April 3, 1984, under the authority of the International Emergency Economic Powers Act (50 U.S.C. 1701–1706 (1982)).

National Oceanic and Atmospheric Administration

National Advisory Committee on Oceans and Atmosphere; Closed Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. 1 (1982), as amended, notice is hereby given that the National Advisory Committee on Oceans and Atmosphere (NACOA) will hold an intersessional Shipbuilding Panel meeting on May 13–14, 1985 in San Francisco, CA. This meeting will be closed on both days and will be held at the Military Sealift Command-Pacific, Naval Supply Center, Building 310, San Francisco, CA, in a secure conference room. At this time the Shipbuilding Panel will examine in further detail the assumptions and methodology of Department of the Defense studies—classified SECRET—on sealift and shipyard mobilization requirements; discuss NACOA's review of surge capacity in U.S. shipyards, including some data which are proprietary in nature and some which are classified SECRET; and consider in detail reviewers' comments on NACOA's draft report on shipping, shipyards, and sealift, especially the conclusions and recommendations concerning national defense requirements which are based on classified studies.

The Committee, consisting of 18 non-Federal members appointed by the President from academia, business and industry, public interest organizations, and State and local governments was established by Congress by Public Law 95–63 on July 5, 1977. Its duties are to: (1) Undertake a continuing review, on a selective basis, of national ocean policy, coastal zone management, and the status of the marine and atmospheric science and service programs of the United States; (2) advise the Secretary of Commerce with respect to the carrying out of the programs administered by the National Oceanic and Atmospheric Administration; and (3) submit an annual report to the President and to the Congress setting forth an assessment, on a selective basis, of the status of the Nation's marine and atmospheric activities, and submit such other reports as may from time to time be requested by the President or Congress.

The Assistant Secretary for Administration, with the concurrence of the General Counsel, formally determined on April 25, 1985, pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended, by Section

5(c) of the Government in the Sunshine Act, Pub. L. 94–409, that the matters to be disclosed during this intersessional 2-day meeting should be exempt from the provisions of the Act relating to open meetings and public participation therein, because it will be considered within the purview of 5 U.S.C. 552b(c)(1), i.e., to discuss matters that are authorized to be kept secret in the interest of national defense.

A copy of the determination to close a portion of this meeting is available for public inspection and copying in the Central Reference & Records Inspection Facility, Room 6628, U.S. Department of Commerce, Washington, DC 20230, area code 202/377–3271.

Additional information concerning this meeting may be obtained through the Committee's Executive Director, Steven N. Anastasion, whose mailing address is: National Advisory Committee on Oceans and Atmosphere, 3300 Whitehaven Street, NW., Washington, DC 20235. The telephone number is 202/653–7818.

Dated: April 25, 1985.

Steven N. Anastasion,

Executive Director.

This is certified to be a true copy of the original.

[FR Doc. 85–10337 Filed 4–29–85; 8:45 am]

BILLING CODE 3510–12–M

Marine Mammals; Issuance of Permit; Oregon Department of Fish and Wildlife

On January 7, 1985, notice was published in the **Federal Register** (50 FR 873) that an application had been filed by Oregon Department of Fish and Wildlife, Marine Science Drive, Building Number 3, Newport, Oregon 97365, for a permit to take marine mammals for the purpose of scientific research.

Notice is hereby given that on April 18, 1985, as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407), the National Marine Fisheries Service issued a Permit for the above taking, subject to certain conditions set forth therein.

The Permit is available for review by interested persons in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, NW., Washington, D.C.; and

Regional Director, Northwest Region, National Marine Fisheries Service, 7600 Sand Point Way, NE., BIN C15700, Seattle, WA 98115.

Dated: April 18, 1985.

Joseph W. Angelovic,

Deputy Assistant Administrator for Science and Technology, National Marine Fisheries Service.

[FR Doc. 85–10470 Filed 4–29–85; 8:45 am]

BILLING CODE 3510–22–M

Marine Mammals; Issuance of Permit; San Antonio Zoological Gardens and Aquarium

On February 25, 1985, notice was published in the **Federal Register** (50 FR 7626) that an application had been filed by *the San Antonio Zoological Gardens and Aquarium, 3903 North St. Mary's Street, San Antonio, Texas 78212 for a permit to take three (3) California sea lions (Zalophus californianus) and three (3) harbor seals (Phoca vitulina) for public display.*

Notice is hereby given that on April 18, 1985 as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407), the National Marine Fisheries Service issued a Permit for the above taking, subject to certain conditions set forth therein.

The Permit is available for review by interested persons in the following offices.

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, N.W., Washington, D.C.;

Regional Director, Southeast Region, National Marine Fisheries Service, 9450 Koger Blvd., St. Petersburg, Florida 33702.

Dated: April 18, 1985.

Joseph W. Angelovic,

Deputy Assistant Administrator for Science and Technology, National Marine Fisheries Service.

[FR Doc. 10485 Filed 4–29–85; 8:45 am]

BILLING CODE 3510–22–M

[P77 9]

Modification No. 1 to Permit No. 464

Notice is hereby given that pursuant to the provisions of §§ 216.33 (d) and (e) of the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216), scientific research Permit No. 464 issued to the Northwest and Alaska Fisheries Center, National Marine Fisheries Service, 2725 Montlake Boulevard East, Seattle, Washington 98112, is modified as follows:

Section B–4 is deleted and replaced by:

4. A dose rate of 2.0 to 4.0 mg of Ketamine hydrochloride per kg of estimated weight will be used. A pre-Ketamine hydrochloride injection of the sedative Xylazine at the dose rate of 0.11 mg/kg of estimated weight will be used to reduce the chances of elephant seals exhibiting breath-holding behavior. In the event of the death or injury of five (5) seals the Holder shall suspend capture activities and submit a report within 10 days describing the circumstances of the incidents and the steps that were taken to reduce death or injury. Written authorization from the Assistant Administrator will be required to continue activities.

Section B–8 is added:

8. The Permit Holder shall coordinate with the Regional Director, Southwest Region, to ensure that any animals killed are used to the maximum extent practical.

These modifications became effective on April 18, 1985.

The Permit, as modified, is available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, N.W., Washington, D.C. 20235;

Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731; and Regional Director, National Marine Fisheries Service, Northwest Region, 7600 Sand Point Way, NE, BIN C15700, Seattle, Washington 98115.

Dated: April 18, 1985.

Joseph W. Angelovic,

Deputy Assistant Administrator for Science and Technology, National Marine Fisheries Service.

[FR Doc. 10486 Filed 4–29–85; 8:45 am]

BILLING CODE 3510–22–M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Import Restraint Limit for Certain Cotton Textile Products Produced or Manufactured in India

April 25, 1985.

On March 8, 1985 a notice was published in the **Federal Register** (50 FR 9483) announcing that, on January 30, 1985 the United States Government, under the terms of the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of December 21, 1982, had requested the Government of India to enter into consultations concerning exports to the United States of cotton sheeting in Category 313, porduced or manufactured in India.

No agreement has reached in consultations on a mutually satisfactory

solution. The United States Government has decided, therefore, until such time as a defferent solution is agreed, to control imports of cotton textile products in Category 313 at the prorated twelve-month limit of 10,602,245 square yards for Category 313, exported during the period which began on January 30, 1985 and extends through December 31, 1985.

Accordingly, in the letter published below, the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs to prohibit entry into the United States for consumption, or withdrawal from warehouse for consumption, of cotton textile products in Category 313, exported during the designated period, in excess of 10,602,245 square yards.

EFFECTIVE DATE: April 30, 1985.

FOR FURTHER INFORMATION CONTACT: Diana Solkoff, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, Washington, D.C. (202) 377–4212.

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

April 25, 1985.

Committee for the Implementation of Textile Agreements

Commissioner of Customs,
Department of the Treasury, Washington, D.C. 20229

Dear Mr. Commissioner: Under the terms of Section 204 of the Agricultrual Act of 1956, as amened (7 U.S.C. 1854), and the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as extended on December 15, 1977 and December 22, 1981; pursuant to the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of December 21, 1982, between the Governments of the United States and India; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended, you are directed to prohibit, effective on April 30, 1985, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textile products in Category 313, produced or manufactured in India and exported during the period which began on January 30, 1985 and extends though December 31, 1985 in excess of 10,602,245 square yards.[1]

Textile products in Category 313 which have been exported to the United during the ninety-day period which began on January 30, 1985, shall be subject to this directive.

A description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on December 13, 1982 (47 FR 55709), as amended on April 7, 1983 (48 FR 15175), May 3, 1983 (48 FR 19924), December 14, 1983 (48 FR 55607), December 30, 1983 (48 FR 57584), April 4, 1984 (49 FR 13397), June 28, 1984 (49 FR 26622), July 16, 1984 (49 FR 28754), November 9, 1984 (49 FR 44782), and in Statistical Headnote 5, Schedule 3 of the Tariff Schedules of the United States Annotated (1985).

In carrying out the above directions, the Commissioner of Customs should construe entry into the United States for consumption to include entry for consumption into the Commonwealth of Puerto Rico.

The Committee for the Implementation of Textile Agreements has determined that this action falls within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553.

Walter C. Lenahan,

Chairman, Committee for the Implementation for Textile Agreements.

[FR Doc. 85–10322 Filed 4–29–85; 8:45 am]

BILLING CODE 3510-DR-M

[1] The limit has not been adjusted to reflect any imports exported after January 29, 1985

DEPARTMENT OF DEFENSE

Department of Air Force

Intent To Prepare a Draft Environmental Impact Statement (EIC)

The United States Air Force proposes to withdraw from the public domain approximately 35,000 acres of land located near North Alkali Lake, Oregon and currently under the control of the US Department of Interior Bureau of Land Management for the purpose of establishing an Air National Guard air-to-surface weapons range. Approximately 30,000 acres of the withdrawn land would remain available for grazing and, when the range is not in use, recreation. The remainder would be fenced and posted as an exclusive-use weapons impact area.

An Environmental Impact Statement will be prepared which will examine the nature, scope, degree and extent of the impacts associated with the establishment and operation of the weapons range.

Participation in the environmental analysis process by interested federal, state, and local agencies, as well as interested private organizations and individuals, is invited. A public scoping meeting will be held in early July 1985 to review the proposed action and to solicit issues to be addressed in the EIS and facilitate public involvement in the environmental analysis. Exact time and place of meetings will be announced in the local news media.

It is estimated that the draft EIS will be available for public review and comment in November 1985.

For further information concerning the preparation of the EIS, contact Mr. David C. Van Gasbeck, ANGSC/DEV, STOP 18, Andrews AFB, MD 20331–6008, Telephone Number: (301) 981–2461.

Norita C. Koritko,

Air Force Federal Register Liaison Officer.

[FR Doc. 85–10452 Filed 4–29–85; 8:45 am]

BILLING CODE 3910-01-M

USAF Scientific Advisory Board; Meeting

April 22, 1985.

The USAF Scientific Advisory Board C³ Subcommittee of the Ad Hoc Committee on Options for Attack of Strategic Relocatable Targets will meet at the Strategic Air Command Headquarters, Offutt AFB, Nebraska, on May 17, 1985 from 8:30 a.m. to 5:00 p.m.

The purpose of the meeting will be to receive classified briefings and hold classified discussions on ways in which existing and programmed systems may be effectively applied to attack of mobile ballistic missiles. The meeting will be closed to the public in accordance with Section 552b(c) of Title 5, United States Code, specifically subparagraph (1) thereof.

For further information contact the Scientific Advisory Board Secretariat at (202) 697–4811.

Norita C. Koritko,

Air Force Federal Register Liaison Officer.

[FR Doc. 85–10451 Filed 4–29–85; 8:45 am]

BILLING CODE 3910-01-M

USAF Scientific Advisory Board; Air Force Office of Scientific Research

April 22, 1985.

The USAF Scientific Advisory Board Ad Hoc Committee on Enhancement of Special Operations Forces will meet 13–14 May at 8:00 a.m. to 6:00 p.m. each day.

The purpose of the meeting will be to assess Army research and development programs with a potential application to Air Force SOF weapons needs. The meeting concerns matters listed in Section 552b(c) of Title 5, United States Code, specifically, subparagraphs (1) and (4) thereof and is closed to the public.

For further information, contact the Scientific Advisory Board Secretariat at 202–697–8404.

Norita C. Koritko,

Air Force Federal Register Liaison Officer.

[FR Doc. 85–10453 Filed 4–29–85; 8:45 am]

BILLING CODE 3910-01-M

Department of the Army

Standard Rules and Class Rate Solicitations for Motor Carrier Rates and Services

AGENCY: Military Traffic Management Command, DOD.

ACTION: Notification of procedural changes in DOD freight rate acquisition programs.

SUMMARY: The Military Traffic Management Command (MTMC), on behalf of the Department of Defense (DOD), intends to modify the procedures used to acquire rates and charges from the commercial carrier industry for the movement of its freight traffic. These modifications include the issuance of a series of rules and baseline rate publications designed to standardize and simplify the procurement of carrier rates and services under 49 U.S.C. 10721. The first two publications in this series, the MTMC Freight Traffic Rules Solicitation No. 1 and the MTMC Class Rate Solicitation No. 100, are now available in draft form for public review and comment. Copies of the two solicitations may be obtained by contacting Mrs. Marilyn Tyson, HQ, Military Traffic Management Command, Attn: MT-INN-G, Room 621, 5611 Columbia Pike, Falls Church, Virginia 22041-5050, Telephone: (202) 756-1585. Written comments concerning the two proposed publications will be considered if received not later than May 30, 1985. Address comments to: Commander, Military Traffic Management Command, Attn: Negotiations Division (MT-INN-G), Room 621, 5611 Columbia Pike, Falls Church, Virginia 22041-5050.

FOR FURTHER INFORMATION CONTACT: Allen Kirby, HQ, Military Traffic Management Command, Attn: MT-INN-T, 5611 Columbia Pike, Falls Church, Virginia 22041-5050, Telephone: (202) 756-1149.

SUPPLEMENTARY INFORMATION: The transportation regulatory reform legislation enacted over the past several years has brought about an influx of carriers into the business, a corresponding proliferation of rate publications, and a great diversity in the way carriers' rates, rules and services are expressed within those publications. As a result, the automation of carriers' rates and charges is essential to the formulation of a successful and manageable rate comparison program.

Automation is feasible, of course, only if carriers' rates and charges are expressed and filed in a uniform manner compatible with electronic data processing.

In order to achieve this uniformity, MTMC intends to issue a series of rules solicitations to govern each mode of transportation handling DOD freight shipments and a series of baseline rate solicitations to govern the movement of DOD shipments weighing less than 10,000 pounds. The first two solicitations of these series, which are now available for public review and comment, are described below:

MTMC Freight Traffic Rules Solicitation No. 1 (MFTRS No. 1). This solicitation contains rules, accessorial services, and baseline accessorial charges to govern the rates and services of motor carriers doing business with DOD, including those rates and services offered by surface freight forwarders, shipper associations and shipper agents which utilize motor carrier services. It will govern the movement of all DOD shipments by motor EXCEPT (1) bulk commodities requiring tank truck service, (2) vehicles moving in driveaway/towaway/truckaway service, (3) privately owned mobile homes, (4) shipments moving in courier and package express service, and (5) Foreign Military Sales (FMS) shipments. Separate rules solicitations to govern these shipments (except for FMS) are now under development. Guaranteed Traffic (GT) solicitations will not be made subject to MFTRS No. 1 unless specific reference is made in the GT solicitation itself.

MTMC Class Rate Solicitation No. 100 (MCRS No. 100). This solicitation contains a baseline class rate and minimum charge structure upon which motor carriers can base their actual rates and charges for the movement of DOD shipments weighing less than 10,000 pounds. It is designed to provide a simple, flexible, computer-oriented method of expressing rates for Freight All Kinds and specific class-rated commodities without substantially changing the manner in which those rates have traditionally been expressed.

Both of these solicitations are designed to be used with the proposed Standard Tender of Freight Services (tender) which is now under review by the Office of Management and Budget. A copy of the proposed tender is incorporated into each solicitation.

John O. Roach II,

Army Liaison Officer With the Federal Register.

[FR Doc. 85-10422 Filed 4-29-85; 8:45 am]

BILLING CODE 3710-08-M

Military Traffic Management Command Announces Toll-Free HOTLINE Telephone Numbers for Commercial Transportation Emergency Notification

AGENCY: Military Traffic Management Command, Army Department, Defense.

ACTION: HOTLINE Numbers Established for Commercial Transportation of Military Shipments.

SUMMARY: For those carriers doing business with the Department of Defense (DOD) and the Military Traffic Management Command, toll-free (800) HOTLINE telephone numbers were established at its area commands in Bayonne, NJ (Eastern Area), and Oakland, CA (Western Area). These numbers are to be used for reporting intransit accidents, incidents, delays or other emergencies involving DOD shipments.

The HOTLINE number may also be used by military transportation officers (TO's) or carriers to obtain advice on shipment transportation protective services, safe haven/refuge assistance, or other shipment problems. The numbers are as follows:

Eastern Area, Bayonne, NJ	(800) 524-0331
In New Jersey, Only	(800) 624-1361
Western Area, Oakland, CA	(800) 331-1822
In California, Only	(800) 348-4639

For further information on transportation protective services or the HOTLINE numbers, please contact Betty Yanowsky at (202) 756-1356 or CPT Virginia Closs at (202) 756-2030.

John O. Roach II,

Army Liaison Officer With the Federal Register.

[FR Doc. 85-10423 Filed 4-29-85; 8:45 am]

BILLING CODE 3710-08-M

Army Science Board; Open Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following Committee Meeting:

Name of the committee: Army Science Board (ASB).

Dates of meeting: Wednesday-Thursday, 15-16 May 1985.

Times and places: 0900-1630 hours (Open) on 15 May at Program Manager Training Devices (PM TRADE), Orlando, Florida; 0900-1630 hours (Open) on 16 May at Department of Defense Training Data Analysis Center (TDAC), Orlando, Florida.

Agenda: Both the Training Technology and Training Effectiveness Subpanels of the Army Science Board 1985 Summer Study on Training and Training Technology—Applications for AirLand Battle and Future Concepts/Army 21 will meet for briefings and discussions on training methods that can be

identified or envisioned that can increase readiness significantly and how their effectiveness can be measured and to identify emerging technologies that best contribute to more effective training and how applications of existing technologies can be used to alleviate training contraints. This meeting is open to the public. Any interested person may attend, appear before, or file statements with the committee at the time and in the manner permitted by the committee. The ASB Administrative Officer, Sally Warner, may be contacted for further information at (202) 695–3039/7046.

Sally A. Warner,

Administrative Officer, Army Science Board.

[FR Doc. 10458 Filed 4–29–85; 8:45 am]

BILLING CODE 3710-08-M

Army Science Board; Partially Closed Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), announcement is made of the following Committee Meeting:

Name of the committee: Army Science Board (ASB).

Date of meeting: Thursday, 16 May 1985.

Times: 0800–1200 hours (Open) and 1300–1600 hours (Closed).

Place: Fort Eustic, Virginia.

Agenda: The Army Science Board Functional Subgroup on Logistics and Support Systems will met to observe the Promotion Logistics (PRO–LOG) '85 demonstration. This meeting is the Spring meeting of this subgroup and serves as a tutorial for its new members and keeps other members up-to-date in this functional area. The open portions of the meeting are open to the public. Any person may attend, appear before, or file statements with the committee at the time and in the manner permitted by the committee. The closed portions of the meeting are closed to the public in accordance with Section 552b(c) of Title 5, U.S.C. specifically subparagraph (1) thereof, and Title 5, U.S.C., Appendix 1, subsection 10(d). The classified and nonclassified matters to be discussed in this portion of the meeting are so inextricably intertwinded so as to preclude opening them to the public. The Army Science Board Administrative Officer, Sally Warner, may be contacted for further information at (202) 695–3039 or 695–7046.

Sally A. Warner,

Administrative Officer, Army Science Board.

[FR Doc. 85–10459 Filed 4–29–85; 8:45 am]

BILLING CODE 3710-08-M

Office of the Secretary

Establishment of the Defense Financial and Investment Review Special Advisory Committee

Under the provisions of Pub. L. 92–463, Federal Advisory Committee Act, notice is hereby given that the Defense Financial and Investment Review Advisory Committee has been found to be in the public interest in connection with the performance of duties imposed on the Department by law.

The Committee will serve as a temporary advisory body to the Secretary of Defense. They will review the methodology, and conclusions of the current Defense Financial and Investment Review Study which was undertaken to evaluate Department of Defense procurement policies relating to contract pricing, financing, and profit to ensure effective and efficient expenditures of public funds while maintaining a viable defense industrial base.

Patricia H. Means,

OSD Federal Register Liaison Officer, Department of Defense.

April 25, 1985.

[FR Doc. 85–10445 Filed 4–29–85; 8:45 am]

BILLING CODE 3810-01-M

DEPARTMENT OF EDUCATION

Proposed Information Collection Requests

AGENCY: Department of Education.

ACTION: Notice of Proposed Information Collection Requests.

SUMMARY: The Deputy Under Secretary for Management invites comments on the proposed information collection requests as required by the Paperwork Reduction Act of 1980.

DATE: Interested persons are invited to submit comments on or before May 30, 1985.

ADDRESSES: Written comments should be addressed to the Office of Information and Regulatory Affairs, Attention: Desk Officer, Department of Education, Office of Management and Budget, 726 Jackson Place, NW., Room 3208, New Executive Office Building, Washington, D.C. 20503. Requests for copies of the proposed information collection requests should be addressed to Margaret B. Webster, Department of Education, 400 Maryland Avenue, SW., Room 4074, Switzer Building, Washington, D.C. 20202.

FOR FURTHER INFORMATION CONTACT: Margaret B. Webster (202) 426–7304.

SUPPLEMENTARY INFORMATION: Section 3517 of the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations.

The Deputy Under Secretary for Management publishes this notice containing proposed information collection requests prior to the submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, e.g., new, revision, extension, existing or reinstatement; (2) Title; (3) Agency form number (if any); (4) Frequency of the collection; (5) The affected public; (6) Reporting burden; and/or (7) Recordkeeping burden; and (8) Abstract.

OMB invites public comment at the address specified above. Copies of the requests are available from Margaret Webster at the address specified above.

Dated: April 25, 1985.

Linda M. Combs,

Deputy Under Secretary for Management.

Office of Bilingual Education and Minority Languages Affairs

Type of Review Requested: Revision
Title: Application for New and Non-Competing Participation in Bilingual Education Fellowship Program
Agency Form Numbers: ED 4561–2
Frequency: Annually
Affected Public: Non-profit institutions
Reporting Burden: Responses: 45; Burden Hours: 1,800
Recordkeeping Burden: Recordkeepers: 40; Burden Hours: 1,200

Abstract: The form is used by institutions of higher education to request approval of their graduate programs of study so that they may nominate students for fellowship awards. The student nomination form becomes part of the award document and is used by institutions to report annually on the amount of funds spent per fellowship.

Type of Review Requested: Revision
Title: Demonstration of Compliance with Terms and Conditions of the Bilingual Education Fellowship Contract
Agency Form Numbers: ED 4561–3
Frequency: Annually
Affected Public: Individuals or households
Reporting Burden: Responses: 500; Burden Hours: 1,000
Recordkeeping Burden: Recordkeepers: 0; Burden Hours: 0

Abstract: Regulations (34 CFR 562.41) require Fellowship recipients to demonstrate compliance with terms and

conditions of assistance awarded under the Bilingual Education Fellowship Program. Recipients must either work in an approved activity, repay financial assistance or have repayment deferred by the Secretary.

Type of Review Requested: New
Title: Application and Survey Form for the Bilingual Education State Educational Agency Agency Program
Agency Form Numbers: T85-2P
Frequency: Annually
Affected Public: State educational agencies
Reporting Burden: Responses: 57; Burden Hours: 7,410
Recordkeeping Burden: Recordkeepers: 57; Burden Hours: 8 208

Abstract: This specific information collection is mandated in section 732 of the Bilingual Education Act as amended by Pub. L. 98-511, 20 U.S.C. 3221-3262. The data and information collected will be reported to the Department. The respondents are all State educational agencies that apply for assistance.

Office of Postsecondary Education

Type of Review Requested: Revision
Title: Guarantee Agency Quarterly/Annual Report
Agency Form Numbers: ED 1130
Frequency: Quarterly: Annually
Affected Public: State or local governments
Reporting Burden: Responses: 300; Burden Hours: 360
Recordkeeping Burden: Recordkeepers: 60; Burden Hours: 2,220

Abstract: The Guarantee Agency Quarterly/Annual Report is submitted by 60 agencies operating student loan insurance programs under agreement with the Department of Education. The reports are used to evaluate agency operations, to make payments to agencies as authorized by law, and to make reports to Congress and others.

Office of Elementary and Secondary Education

Type of Review Requested: Extension
Title: Indian Fellowship Application (New and Continuation) and Financial Report
Agency Form Numbers: ED 501, 501-1, 501-2
Frequency: Annually
Affected Public: Individuals
Reporting Burden: Response: 1105; Burden Hours: 1,699
Recordkeeping Burden: Recordkeepers: 0; Burden Hours: 0

Abstract: The application will be used to obtain information needed to determine eligibility for funds, select fellows, and determine the amounts to be awarded to each fellow The applicants are Indian graduate and undergraduate students. The financial report is used to obtain information on any other funding that is being received by the fellow for the same academic year that the fellowship has been awarded.

[FR Doc. 85-10371 Filed 4-29-85; 8:45 am]
BILLING CODE 4000-01-M

Office of Postsecondary Education

College Housing Program; Application Notice for New Awards for Fiscal Year 1985

Applications are invited for new projects under the College Housing Program for fiscal year 1985.

This program is authorized under Title IV of the Housing Act of 1950, 12 U.S.C. 1749-1749d, and administered by the Secretary of Education under section 306 of the Department of Education Organization Act, 20 U.S.C. 3446.

Under this program, the Secretary is authorized to award low-interest loans to assist eligible institutions (1) in providing housing and other educational facilities for students and faculty members, and (2) in conserving energy and reducing related operating costs.

Closing Date for Transmittal of Applications

Applications for awards must be mailed or hand delivered on or before June 7, 1985.

Applications Delivered by Mail: An application sent by mail must be addressed to the U.S. Department of Education, Attention: 84.142, Division of Higher Education Incentive Programs, 400 Maryland Avenue, SW., (ROB-3, Room 3022), Washington, D.C. 20202.

An applicant must show proof of mailing consisting of one of the following:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the U.S. Secretary of Education.

If an application is sent through the U.S. Postal Service, the Secretary does not accept either of the following as proof of mailing: (1) A private metered postmark, or (2) a mail receipt that is not dated by the U.S.Postal Service.

An applicant should note that the U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an applicant should check with its local post office. An applicant is encouraged to use registered or at least first class mail.

Applications Delivered by Hand: An application that is hand delivered must be taken to the U.S. Department of Education, Division of Higher Education Incentive Programs, Room 3022, Regional Office Building 3, 7th and D Streets, SW., Washington, D.C. between 8:00 a.m. and 4.30 p.m. (Washington, D.C. time) daily except Saturdays, Sundays, or Federal holidays. Applications that are hand delivered will not be accepted after 4:00 p.m. on the closing date.

Program Information: The College Housing Program provides three percent interest loans to postsecondary educational institutions for the construction, rehabilitation or acquisition of student and faculty housing and related facilities, and for conserving energy and reducing related operating costs in existing facilities. The maximum amount that may be borrowed by an institution is $3,500,000, and the minimum amount is $100,000.

The program regulations specify selection criteria for the two types of loans available under this program. All applications are ranked according to the criteria contained in 34 CFR 614.31 and 614 32.

Available Funds: Under this program, the Secretary is authorized to make available for new College Housing Loan commitments in fiscal year 1985, the amount of income from repayments, less expenses, up to a ceiling of $40,000,000. Twenty-five percent of the available funds will be apportioned for energy conservation loans and seventy-five percent of the available funds will be apportioned for housing loans. These estimates do not bind the U.S. Department of Education to a specific number of loans or to the amount of any loan, unless that amount is otherwise specified by statute or regulations. However, the Administration has proposed to withdraw authority to make new loans for fiscal year 1985. Applicants should prepare and submit applications pending further notice.

In accordance with the program regulations (34 CFR 614.34) the Secretary may deviate from the rank order of applications, as necessary, to ensure that not less than 10 percent of total funds available and not less than 10 percent of the number of loans made are reserved for applications from Historically Black Colleges.

Application Forms: Application packages will not routinely be mailed to all institutions of higher education. Copies may be obtained by writing to

the Division of Higher Education Incentive Programs, U.S. Department of Education, 400 Maryland Avenue, S.W., (ROB–3, Room 3022), Washington, D.C. 20202, Telephone: (202) 245–3253.

Applications must be prepared and submitted in accordance with the regulations, instructions, and forms included in the program information package. However, the program information package is only intended to aid applicants in applying for assistance under this program. Nothing in the program information package is intended to impose any paperwork, application content, reporting, or grantee performance requirement beyond those imposed under the statute and regulations. The application form is approved by the Office of Management and Budget under control number 1840–0095, expiration 4/86.

Applicable Regulations: The regulations applicable to this program are as follows:

(a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR Part 74, Subpart P; Part 75, §§ 75.600–73.615 (Construction); Part 77, § 77.1 (Definitions); and Part 79.

(b) The regulations governing the College Housing Program (34 CFR Part 614).

Intergovernmental Review: On June 24, 1983, the Secretary published in the **Federal Register** final regulations (34 CFR Part 79, published at 48 FR 29158 et seq.) implementing Executive Order 12372 entitled "Intergovernmental Review of Federal Programs." The regulations took effect September 30, 1983.

The objective of Executive Order 12372 is to foster an intergovernmental partnership and a strengthened federalism by relying on State and local processes for State and local government coordination and review of proposed Federal financial assistance.

The Executive Order—

- Implements Section 401 of the Intergovernmental Cooperation Act of 1968 (31 U.S.C. 8506) and Section 204 of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3334);
- Allows States after consultation with local officials to establish their own process for review and comment on proposed Federal financial assistance;
- Increases Federal responsiveness to State and local officials by requiring Federal agencies to accommodate State and local views or explain why those views will not be accommodated; and
- Revokes OMB Circular A–85

For programs subject to section 204 of the Demonstration Cities and Metropolitan Development Act, State review and comment is obtained in accordance with the procedures set forth in that Act.

This program is listed in the Department's regulations as subject to section 204. Accordingly any applicant whose project comes within the criteria of section 204 should immediately contact the State Single Point of Contact established under the Executive Order and follow the procedures established in that state to meet requirements of section 204.

Section 204 requires that—

1. Each application be accompanied by comments and recommendations from the areawide agency;
2. Each application contain a statement by the applicant that such comments and recommendations have been considered prior to formal submission of the application; and
3. In the absence of comments and recommendations, the applicant certifies that the areawide agency was provided at least 60 days to comment on the application and did not do so.

Any applicant subject to section 204 must submit its applications by the May 24 closing date and shall supplement its application with the comments or assurances required by section 204 by July 8, 1985.

Special Procedures: On or before the deadline for submitting its application to the Secretary, the applicant shall submit a copy of its application to the appropriate State agency for postsecondary education for review. Comments, if any, are to be addressed to the Division of Higher Education Incentive Programs, U.S. Department of Education, 400 Maryland Avenue, S.W., (ROB–3, 3022), Washington, D.C. 20202. Comments must be received within 20 days after the deadline date if they are to be considered.

Technical Assistance Workshops: Applicants are invited to participate in technical assistance workshops to be held in three regional locations to assist applicants in application preparation. The workshops will take place in San Francisco on May 10, 1985, New Orleans on May 15, 1985, and Washington D.C. on May 20, 1985. For specific information on these workshops, please contact the Division of Higher Education Incentive Programs on (202) 245–3253.

Further Information: For further information, contact the Division of Higher Education Incentive Programs (College Housing Program), Department of Education, 400 Maryland Avenue, S.W., (ROB–3, 3022), Washington, D.C. 20202. Telephone: (202) 245–3253.

(12 U.S.C. 1749d)

Dated: April 22, 1985.

(Catalog of Federal Domestic Assistance Number 84.142, College Housing Program)

William J. Bennett,

Secretary of Education.

[FR Doc. 85–10372 Filed 4–29–85; 8:45 am]

BILLING CODE 4000–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 7873–001]

Bethel Associates; Surrender of Preliminary Permit

April 24, 1985.

Take notice that the Bethel Associates, Permittee for the Crooked Creek Dam Project No. 7873 located on Crooked Creek in Armstrong County, Pennsylvania has requested that its preliminary permit be terminated. The preliminary permit was issued on July 30, 1984, and would have expired on December 31, 1985. The Permittee states that analysis of the Crooked Creek Dam Project did not indicate feasibility for development.

The Permittee filed the request on April 8, 1985, and the preliminary permit for Project No. 7873 shall remain in effect through the thirtieth day after issuance of this notice unless that day is a Saturday, Sunday or holiday as described in 18 CFR 385.2007, in which case the permit shall remain in effect through the first business day following that day. New applications involving this project site, to the extent provided for under 18 CFR Part 4, may be filed on the next business day.

Kenneth F. Plumb,

Secretary.

[FR Doc. 85–10410 Filed 4–29–85; 8:45 am]

BILLING CODE 6717–01–M

[Project No. 8187–001]

Cuddebackville Associates; Surrender of Preliminary Permit

April 25, 1985.

Take notice that the Cuddebackville Associates, Permittee for the Cuddebackville Project No. 8187 located on Neversink River in Orange County, New York has requested that its preliminary permit be terminated. The preliminary permit was issued on September 25, 1984, and would have expired on February 28, 1986. The Permittee states that analysis of the Cuddebackville Project did not indicate feasibility for development.

The Permittee filed the request on April 8, 1985, and the preliminary permit for Project No. 8187 shall remain in effect through the thirtieth day after issuance of this notice unless that day is a Saturday, Sunday or holiday as described in 18 CFR 385.2007, in which case the permit shall remain in effect through the first business day following that day. New applications involving this project site, to the extent provided for under 18 CFR Part 4, may be filed on the next business day.

Kenneth F. Plumb,

Secretary.

[FR Doc. 85-10411 Filed 4-29-85; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 8028-001]

East Sidney Associates; Surrender of Preliminary Permit

April 25, 1985.

Take notice that the East Sidney Associates, Permittee for the East Sidney Project No. 8028 located on Ouleout Creek in Delaware County, New York, has requested that its preliminary permit be terminated. The preliminary permit was issued on July 31, 1984, and would have expired on December 31, 1985. The Permittee states that analysis of the East Sidney Project did not indicate feasibility for development.

The Permittee filed the request on April 8, 1985, and the preliminary permit for Project No. 8028 shall remain in effect through the thirtieth day after issuance of this notice unless that day is a Saturday, Sunday or holiday as described in 18 CFR 385.2007, in which case the permit shall remain in effect through the first business day following that day. New applications involving this project site, to the extent provided for under 18 CFR Part 4, may be filed on the next business day.

Kenneth F. Plumb,

Secretary.

[FR Doc. 85-10412 Filed 4-29-85; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. ST79-100-002, et al.]

Houston Pipe Line Co. et al.; Extension Reports

April 25, 1985.

The companies listed below have filed extension reports pursuant to section 311 of the Natural Gas Policy Act of 1978 (NGPA) and Part 284 of the Commission's regulations giving notice of their intention to continue transportation and sales of natural gas for an additional term of up to 2 years. These transactions commenced on a self-implementing basis without case-by-case Commission authorization. The sales may continue for an additional term if the Commission does not act to disapprove or modify the proposed extension during the 90 days preceding the effective date of the requested extension.

The table below lists the name and addresses of each company selling or transporting pursuant to Part 284; the party receiving the gas; the date that the extension report was filed; and the effective date of the extension. A letter "B" in the Part 284 column indicates a transportation by an interstate pipeline which is extended under § 284.105. A letter "C" indicates transportation by an intrastate pipeline extended under § 284.125. A "D" indicates a sale by an intrastate pipeline extended under § 284.146. A "G" indicates a transportation by an interstate pipeline pursuant to § 284.221 which is extended under § 284.105. The following symbols are used for transactions pursuant to a blanket certificate issued under § 284.222 of the Commission's Regulations: a "G(HT)", "G(HS)" or "G(HA)", respectively, indicates transportation, sale or assignments by a Hinshaw pipeline; a "G(LS)" indicates sales or assignments by a local distribution company.

Any person desiring to be heard or to make any protests with reference to said extension report should on or before May 24, 1985, file with the Federal Energy Regulatory Commission, Washington, DC 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants party to a proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

Docket No	Transporter/seller	Recipient	Date filed	Part 248 subpart	Effective date
ST79-100-002	Houston Pipe Line Co., P.O. Box 1188, Houston, Tx 77001	Texas Eastern Transmission Corp	03-25-85	C	06-29-85
ST80-81-006	Northwest Pipeline Corp., P.O. Box 1526 Salt Lake City, UT 84110	Pacific Gas & Electric Co.	03-29-85	B	07-01-85
ST81-256-002 [1]	Louisiana Intrastate Gas Corp., P.O. Box 1352, Alexandria, LA 71301	Southern Natural Gas Co.	03-25-85	C	05-12-85
ST81-447-002	Pacific Gas Transmission Co., 245 Market St., San Francisco, CA 94105	Natural Gas Corp. of California	03-25-85	B	06-24-85
ST83-510-001	Caprock Pipeline Co., P.O. Box 9831, Amarillo, TX 79105	Transwestern Pipeline Co	03-29-85	C	07-01-85
ST83-545-001	El Paso Natural Gas Co., P.O. Box 1492, El Paso, TX 79978	El Paso Hydrocarbons Co	03-26-85	B	06-24-85
ST83-552-001	Northern Natural Gas Co. 2223 Dodge St., Omaha, NE 68102	Intratex Gas Co	03-27-85	B	07-01-85
ST83-558-001	Natural Gas Pipeline Co. of America, P.O. Box 1208, Lombard, IL 60148	Dow Pipeline Co	03-20-85	B	06-23-85
ST83-569-001	United Gas Pipe Line Co., P.O. Box 1478, Houston, TX 77001	LGS Intrastate, Inc	03-21-85	B	06-29-85
ST83-634-001	Producer's Gas Co., 4925 Greenville Ave., Dallas, TX 75206	Washington Gas Light Co	03-22-85	D	06-22-85
ST83-637-001	Northern Natural Gas Co., 2223 Dodge St., Omaha, NE 68102	Endevco Oil & Gas Co	03-27-85	B	08-04-85
ST83-656-001 [1]	ANR Pipeline Co., 500 Renaissance Center, Detroit, MI 48243	Louisiana Intrastate Gas Corp	03-27-85	B	06-21-85
ST84-101-001	Producer's Gas Co., 4925 Greenville Ave., Dallas TX 75206	Louisiana Industrial Gas Supply System	03-22-85	C	07-02-85
ST84-506-001	Dow Pipeline Corp., P.O. Box 4286 Houston, TX 77210	Northern Natural Gas Co.	03-26-85	C	07-01-85

[1] These extension reports were filed after the date specified by the Commission's Regulation, and shall be the subject of a further Commission order

NOTE—The noticing of these filings does not constitute a determination of whether the filings comply with the Commission's Regulations

[FR Doc. 85-10413 Filed 4-29-85; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA85-2-47-002]

MIGC Inc.; Motion To Amend Purchased Gas Adjustment Filing

April 24, 1985.

Take notice that MIGC, Inc., on April 19, 1985, filed with the Commission a motion to amend its semi-annual purchased gas adjustment filing submitted in Docket No. TA85-2-47-000 on March 15, 1985. The amendment requested by MIGC would reduce MIGC's proposed rate decrease in this docket from 43.12 cents per MMBtu to 38.50 cents per MMBtu.

MIGC states that its proposed amendment to its purchased gas adjustment filing is necessary to correct

an error that occurred in the preparation of its filing. Amounts attributable to Btu measurement adjustments recovered from certain suppliers in accordance with 18 CFR 154.38(h) were incorrectly included in the calculation of MIGC's proposed adjustment. MIGC has requested permission to correct this oversight before its proposed revised rates take effective on May 1, 1985.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 385.214 and 385.211 of the Commission's regulations. All such motions or protests should be filed on or before May 2, 1985. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 85-10414 Filed 4-29-85; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP85-135-000]

Pacific Interstate Offshore Company; Proposed Change in Rate

April 24, 1985.

Take notice that Pacific Interstate Offshore Company (PIOC) on April 19, 1985, tendered for filing as part of its FERC Gas Tariff, Volume No. 1, Second Revised Sheet No. 4.

The reason for submittal of this general rate case filing is to comply with Commission order dated June 21, 1983, requiring, in part, PIOC to submit a general rate change filing within 60 days of the termination of the Initial Rate Period, all as more fully described in the subject filing. This proposed change is submitted in compliance therewith.

Copies of the filing were served upon the Company's sole purchaser under its FERC Gas Tariff, Pacific Lighting Gas Supply Company.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 N. Capitol Street, NE., Washington, D.C. 20426, in accordance with the requirements of Rule 214 or Rule 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211). All such motions or protests should be filed on or before May 2, 1985. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 85-10415 Filed 4-29-85; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA85-3-7-000 and TA85-3-7-001]

Southern Natural Gas Company; Proposed Changes in FERC Gas Tariff

April 24, 1985.

Take notice that Southern Natural Gas Company (Southern) on April 19, 1985, tendered for filing a proposed change to its FERC Gas Tariff, Sixth Revised Volume No. 1, to become effective May 1, 1985. Such filing is pursuant to Section 17 (Purchased Gas Adjustment) of the General Terms and Conditions of Southern's FERC Gas Tariff, Sixth Revised Volume No. 1. The proposed change reflects a net decrease in Southern's rates of 24.45¢ per Mcf as a result of a revised Current Adjustment pursuant to Section 17.3 of the General Terms and Conditions of Southern's tariff, reflecting an annual decrease in the cost of purchased gas to jurisdictional customers of $107,345,952. In order to implement Southern's proposed out-of-period PGA rate decrease Southern has requested such Commission waivers as may be necessary to approve its filing effective May 1, 1985.

Copies of the filing were served upon the Company's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with the Commission's Rules of Practice and Procedure (18 CFR 385.211 or 385.214). All such motions or protests should be filed on or before May 2, 1985. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 85-10416 Filed 4-29-85; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 8186-001]

Stockport Associates; Surrender of Preliminary Permit

April 25, 1985.

Take notice that the Stockport Associates, Permittee for the Claverack Project No. 8186 located on Claverack Creek in Columbia County, New York has requested that its preliminary permit be terminated. The preliminary permit was issued on September 25, 1984, and would have expired on February 28, 1986. The Permittee states that analysis of the Claverack Project did not indicate feasibility for development.

The Permittee filed the request on April 8, 1985, and the preliminary permit for Project No. 8186 shall remain in effect through the thirtieth day after issuance of this notice unless that day is a Saturday, Sunday or holiday as described in 18 CFR 385.2007, in which case the permit shall remain in effect through the first business day following that day. New applications involving this project site, to the extent provided for under 18 CFR Part 4, may be filed on the next business day.

Kenneth F. Plumb,

Secretary.

[FR Doc. 85-10417 Filed 4-29-85; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP84-108-004]

Texas Eastern Transmission Corp.; Proposed Changes in FERC Gas Tariff

April 24, 1985.

Take notice that Texas Eastern Transmission Corporation (Texas Eastern) on *April 18*, 1985 tendered for filing as part of its FERC Gas Tariff, Fourth Revised Volume No. 1, the following sheets:

Effective February 13, 1985

Substitute Revised Seventy-second Revised Sheet No. 14
Substitute Seventy-first Revised Sheet No. 14A

Effective March 1, 1985

Substitute Second Revised Seventy-second Revised Sheet No. 14
Substitute Seventy-second Revised Sheet No. 14A

On February 7, 1985 Texas Eastern filed a Motion in Docket No. RP84–108, to place into effect in accordance with the Commission's September 12, 1984 order in that docket, a primary set of revised tariff sheets to be effective February 13, 1985 as subsequently approved by Commission order dated March 8, 1985.

Also, on March 14, 1985 Texas Eastern made a filing with the Commission, in Docket No. TA85–2–17, tracking the effect of Texas Eastern exercising its "Market Out" provisions in certain of its gas supplier contracts. These tariff sheets were approved by Commission order dated April 12, 1985 to be effective March 1, 1985.

Within the affected tariff sheets of the aforementioned filings the rate for the TS, TS–1 and TS–2 Rate Schedules in Zone A for transportation from 0–200 miles was misrepresented as 0.0844 $/dth. Such rate was set forth in the filing of Docket No. RP84–108 as 0.0884 $/dth which should have also been the rate for such transportation service in Texas Eastern's Motion filing of February 7, 1985 and subsequently in its "Market Out" filing of March 14, 1985.

The sole purpose of this filing is to set forth the appropriate rate of 0.0884 $/dth for such rate schedules which were incorrect in the previous filings of February 7, 1985 and March 14, 1985.

The proposed effective dates for the above tariff sheets are as indicated above.

Copies of the filing were served on Texas Eastern's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such motions or protests should be filed on or before 5/2/85. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth P. Plumb,

Secretary.

[FR Doc. 85–10418 Filed 4–29–85; 8:45 am]

BILLING CODE 6717–01–M

[Project No. 8033–001]

Thompson Associates; Surrender of Preliminary Permit

April 24, 1985

Take notice that the Thompson Associates, Permittee for the West Thompson Lake Project No. 8033 located on the Quinebaug River in Windham County, Connecticut has requested that its preliminary permit be terminated. The preliminary permit was issued on July 31, 1984, and would have expired on December 31, 1985. The Permittee states that analysis of the West Thompson Lake Project did not indicate feasibility for development.

The Permittee filed the request on April 8, 1985, and the preliminary permit for Project No. 8033 shall remain in effect through the thirtieth day after issuance of this notice unless that day is a Saturday, Sunday or holiday as described in 18 CFR 385.2007, in which case the permit shall remain in effect through the first business day following that day. New applications involving this project site, to the extent provided for under 18 CFR Part 4, may be filed on the next business day.

Kenneth F. Plumb,

Secretary.

[FR Doc. 85–10419 Filed 4–29–85; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP83–137–000, Docket No. CP85–446–000]

Transcontinental Gas Pipe Line Corporation, Producers-Suppliers of Transco Gas Supply Company and Transpcontinental Gas Pipe Line Corporation; Application and Petition To Amend

April 24, 1985.

Take notice that on April 18, 1985, Transcontinental Gas Pipe Line Corporation (Transco) and Transco Gas Supply Company (Gasco) (jointly, referred to as Applicants), P.O. Box 1396, Houston, Texas 77251, filed in Docket Nos. RP83–137–000 and CP85–446–000 an application and petition to amend pursuant to Section 7 of the Natural Gas Act authorizing Applicants and their producer suppliers all abandonment and sales authorizations necessary to implement Transco's DS and SMP programs, all as more fully set forth in the application and petition to amend which is on file with the Commission and open to public inspection.

Applicants state that on September 26, 1984, the Commission issued an order establishing standard conditions applicable to all special marketing programs (SMP's), and that one of the conditions containted in that omnibus SMP order was ordering paragraph (M)(a) which identifies markets eligible to purchase SMP gas under a 10 percent customter purchase option. It is claimed that was not able to implement a standard SMP, because the 10 percent condition would have undermined Transco's gas cost containment efforts instituted in Transco's Market Retention Program (MRP) and Market Maintenance Plan (MMP).

Applicants state that Transco declined to accept a certificate under the September 6 SMP order, and instead, on December 26, 1984, Transco submitted a settlement offer in Docket Nos. RP83–137–000, *et al.*, which would enable Transco to implement an SMP and a tailor-made 10 percent customer purchase option that did not conflict with Transco's MMP and MRP. It is stated that under the settlement Transco would implement a new discount transporation program to Rate Schedule DS, which would provied a pool of discounted gas supplies delivered at discounted transporation rates.

It is alleged that as of March 27, 1985, the Commission had reviewed Transco's settlement offer, had approved it with modifications, and intended that it become effective as of April 1, 1985. Applicants assert, however, that the Commission construed its March 27 order as requiring leave of the United States Court of Appeals for the District of Columbia Circuit to make the Order effective because the record in the omnibus SMP orders was already on review before the Court. Therefore, it is claimed the Commission in ordering paragraph (G) of the March 27 order indicated that Transco's SMP and DS programs could not become effective "unless and until leave of the United States Court of Appeals for the District of Columbia Circuit is obtained to modify our omnibus (SMP) orders."

It is averred that the unanticipated consequences of ordering paragraph (G) of the Commission's March 27 order have resulted in thwarting the timely implementation of Transco's SMP and DS programs, on a purely procedural basis, even though those programs have been found to be in the public interest. Applicants assert that the United States Court of Appeals for the District of Columbia Circuit issued an order on March 28, 1985, in which it, *sua sponte*, stayed all proceedings in the appeal of the omnibus SMP orders, and that on April 9, 1985, the Court issued an order which stated that "in keeping with the stay entered March 28, 1985 . . . the Commission should await release of the

[Court's] decision No. 84–109 [an appeal of an earlier SMP order issued to Columbia Gas Transmission Corporation] before presenting applications concerning these cases [Case Nos. 85–1029 and 85–1086] to the Court." It is averred that the United States Court of Appeals for the District of Columbia Circuit has determined that it would not perform the ministerial act of permitting the Commission's March 27 order to become effective and would not entertain further pleadings with the Court until the issuance of the Court's decision in a separate case, which decision Applicants speculate, may not be rendered for weeks or even months. Applicants contend that event though the Court has taken no substantive position on the merits of Transco's DS and related SMP programs, the programs are effectively stayed indefinitely unless the Commission acts.

Applicants assert that all other SMP programs remain in effect and that there is no basis to conclude that the Court would have Transco's special marketing efforts, and Transco's alone, remain inoperative. Applicants submit that it is not in the public interest to permit the present situation to continue and thus delay the implementation of those cost reduction programs on a purely procedural basis.

Applicants state that if the Commission had issued Transco the necessary authorizations to implement its tailor-made special marketing efforts in a self-contained order without incorporating by reference the conditions in the omnibus SMP order, or using such earlier dockets, there would have been no need for ministerial action by the Court. Applicants state that because this is not the case they request that their producer-suppliers be granted *de novo* authorization for partial abandonment of sales to Transco and Gasco for the limited period of April 1, 1985, through October 31, 1985, and also limited-term certificates of public convenience and necessity for the period April 1, 1985, through October 31, 1985, with pre-granted abandonment authorization, authorizing sales which the producers elect to make to Transco's customers under the DS or SMP programs. Applicants contend that approval by the Commission of the proposed authorizations would raise no issues not already considered and resolved by the Commission in its March 27 order, but would permit Transco's DS and SMP programs to be implemented without becoming further entangled in, or delayed by, the pending review proceedings.

Applicants also request that the Commission amend its March 27 order. Specifically, Applicants request that (1) the March 27 order be amended so as to be issued only in Docket Nos. RP83–137–000 and CP85–446–000 and (2) the requirement for leave of the Court to make the order effective be deleted.

Any person desiring to be heard or to make any protest with reference to said application and petition to amend should on or before May 15, 1985, filed with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction confered upon the Federal Energy Regulatory Commission's by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and permission and approval for the proposed abandonment are required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 85–10420 Filed 4–29–85; 8:45 am]

BILLING CODE 6717–01–M

Office of Hearings and Appeals

Implementation of Special Refund Procedures; Mallard Resources, Inc.

AGENCY: Office of Hearings and Appeals, DOE.

ACTION: Notice of Implementation of Special Refund Procedures.

SUMMARY: The Office of Hearings and Appeals of the Department of Energy announces the procedures for filing Applications for Refund from funds obtained as the result of DOE enforcement proceedings involving alleged Entitlements Program reporting violations by Mallard Resources, Inc., a refiner located in Houston, Texas.

DATE AND ADDRESS: Applications for refund must be postmarked by July 29, 1985, should conspicuously display a reference to Mallard Resources, Inc. (Case No. HEF–0474) and should be addressed to: Office of Hearings and Appeals, Department of Energy, 1000 Independence Avenue, SW., Washington, D.C. 20585.

FOR FURTHER INFORMATION CONTACT: Thomas O. Mann, Deputy Director, Office of Hearings and Appeals, 1000 Independence Avenue, S.W., Washington, D.C. 20585, (202) 252–2094.

SUPPLEMENTARY INFORMATION: In accordance with § 205.282(c) of the procedural regulations of the Department of Energy (DOE), 10 CFR 205.282(c), notice is hereby given of the issuance of the Decision and Order set out below. The Decision and Order establishes procedures to distribute funds obtained as a result of a consent order entered into between the DOE and Mallard Resources, Inc. That consent order settled all disputes between the firm and DOE concerning allegations that MRI violated DOE regulations governing monthly reports by refiners in connection with the Domestic Crude Oil Allocation (Entitlements) Program during the period July through August 1979. A portion of the consent order funds have been paid to DOE and are being held in escrow under the jurisdiction of DOE pending receipt of instructions from OHA regarding their final distribution.

Any members of the public who believe that they are entitled to a refund in this proceeding may file Applications for Refund. All Applications should be postmarked by July 29, 1985, and should be sent to the address set forth at the beginning of this notice. Applications for refunds must be filed in duplicate and will be made available for public inspection between the hours of 1:00 and 5:00 p.m., Monday through Friday,

except federal holidays, in the Public Docket Room of the Office of Hearings and Appeals, located in Room 1E-234, 1000 Independence Avenue, SW, Washington, D.C. 20585.

Dated: April 22, 1985

George B. Breznay,

Director, Office of Hearings and Appeals

April 22, 1985.

Decision and Order of the Department of Energy

Implementation of Special Refund Procedures

Name of Firm: Mallard Resources, Inc.
Date of Filing: October 13, 1983.
Case Number: HEF-0474.

This proceeding involves a Petition for the Implementation of Special Refund Procedures filed by the Economic Regulatory Administration (ERA) with the Office of Hearings and Appeals (OHA) pursuant to the provisions of 10 CFR Part 205, Subpart V. Under those procedural regulations, ERA may request that OHA formulate and implement a specially-designed process to distribute funds received as a result of enforcement proceedings in order to remedy the effects of alleged violations of the Department of Energy (DOE) regulations. On October 13, 1983, the ERA filed a Petition for the Implementation of Special Refund Procedures in connection with a consent order which it entered into with Mallard Resources, Inc. (hereinafter referred to as MRI). Pursuant to this consent order, MRI agreed to refund $800,000 in settlement of allegations that it had violated the DOE regulations governing the Crude Oil Entitlements Program, 10 CFR § 211.67. The portion of those funds which has been paid to the DOE is being held in an escrow account under the jurisdiction of the DOE pending receipt of instructions from the OHA regarding its final distribution.

Background

DOE regulations in effect during the consent order period required crude oil refiners[1] to file monthly reports with the Economic Regulatory Administration (ERA) which specified their crude oil runs to stills[2] and their crude oil receipts,[3] including volumes of lower and upper tier crude oil. *See*[10] 10 CFR 211.66 (b) and (h). In the event that an error was made in the monthly report, the regulations required the refiner to correct the errors by the filing of an amended report for the particular month in which the error occurred. 10 CFR 211.67(j).The Refiner's Monthly Reports and amended reports were subsequently used by the ERA in determining a firm's purchase or sales obligations under the Entitlements Program.

The Entitlements Program, 10 CFR 211.67, was part of the comprehensive program administered by the DOE for the mandatory pricing and allocation of crude oil, residual fuel oil and refined petroleum products. The federal regulations governing the price of crude oil created a price disparity between, on the one hand, foreign crude and uncontrolled domestic crude oil, and old and upper-tier (price-controlled) oil on the other hand. These price controls had an unequal effect on refiners and their downstream customers because some refiners had greater access to the cheap old oil than others. Firms which had little or no access to price-controlled oil were forced to purchase uncontrolled domestic or similarly expensive foreign crude oil. As a result, many small, independent firms, with little or no access to price-controlled domestic reserves, experienced crude oil acquisition costs so high relative to the industry as a whole that those costs threatened their viability. To remedy these imbalances, the DOE established the Entitlements Program 39 Fed. Reg. 31650 (1974); 39 FR 39740 (1974). Under the Entitlements Program, refiners with proportionally greater access to cheap price-controlled oil made cash payments, in the form of the purchase of entitlements, to refiners with less access to price-controlled oil. The program was designed to generally equalize access to the benefits of price-controlled domestic crude oil. If, however, a firm received excessive entitlement benefits because it violated regulations governing reporting of crude oil receipts and runs to stills, the extra expense was borne by all other participants in the Entitlements Program and their downstream customers. Because of the way the Entitlements Program worked, reporting errors like those which formed the basis for the MRI settlement had the same effect as crude oil overcharges.

MRI is a refiner of crude oil located in Houston, Texas. According to the Petition for Implementation of Special Refund Procedures filed by the ERA, the consent order involving MRI resulted from an audit by the DOE in which it was determined that MRI had under-reported its crude oil receipts in Refiner's Monthly Reports during July and August 1979 and that it had not subsequently filed amended reports correcting the errors. As a result, MRI allegedly received benefits from the Entitlements Program to which it would not otherwise have been entitled. In order to settle the dispute between the parties, MRI and the ERA signed a Consent Order on April 24, 1981, in which the Government agreed to terminate the pending investigation and administrative proceedings and MRI agreed to pay a stipulated sum of money to the DOE in a series or monthly installments. To date, MRI has paid a total of approximately $188,500 into the escrow account. However, it is uncertain whether MRI will pay any additional amounts into the escrow account, since the firm is in bankruptcy.

On February 15, 1985, we issued a Proposed Decision and Order which tentatively set forth procedures to distribute refunds to parties who were injured by MRI's alleged violations. 50 FR 7637 (February 25, 1985) In the proposed decision we described a two-stage process for the distribution of the funds made available by the consent order. We stated that a second stage of the refund procedure may be necessary if funds remain after meritorious claims are paid in the first stage. In response to our proposed decision, several interested parties filed comments.

This decision establishes procedures for filing claims in the first stage of the MRI refund proceeding and describes the information that a claimant should submit in order to demonstrate that it is eligible to receive a portion of the funds. In establishing these requirements, we have considered comments filed by Sun Company, Inc. (Sun) in response to the first-stage proposals in the February 15 decision. We will not, however, determine procedures for a second stage of the refund process in this decision. Although we received comments from the States of Florida and Texas

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[1] The term "refiner" was defined in the regulations as a firm which owns, operates, or controls the operations of one or more refineries. 10 CFR 211.62.

[2] "Crude oil runs to stills" was defined in 10 CFR 211.62 as follows.

"Crude oil runs to stills" means in the case of a refiner other than a petrochemical producer, the total number of barrels of crude oil input to distillation units processed by a refiner and measured in accordance with Bureau of Mines Form 6-1300-M and, in the case of a petrochemical producer, the total number of barrels producer, the total number of barrels of crude oil input to processing units for conversion into petrochemicals

[3] "Crude oil receipts" was defined in 10 CFR 211.62, in part, as follows:

"Crude oil receipts" means, as to a particular refiner, the volume of crude oil (i) booked into its refineries in accordance with accounting procedures generally accepted and consistently and historically applied by the refiner concerned, for its own account or for the account of a firm other than a refiner or (ii) if not previously so booked into its refineries, delivered by that refiner for its account to another refiner pursuant to a processing agreement with that other refiner. Crude oil receipts shall not include crude oil received by a refiner for the purpose of processing at its refineries for the account of another

regarding disposition of funds remaining at the conclusion of the first stage of the refund proceedings, it is premature for us to address the issues raised by the States until all the first-stage claims have been paid.[4]

Jurisdiction

In previous Subpart V decisions, we have discussed at length our jurisdiction and authority to fashion special refund procedures. *See, e.g., Office of Enforcement,* 9 DOE ¶ 82.553 at 85.284 (1982). The DOE regulations provide that the Subpart V process may be used in situations where the Department of Energy is unable to readily identify persons who were or may have been injured by the alleged violations or where it is unable to readily ascertain the amount of their alleged injuries. After reviewing the record developed in this proceeding, we have concluded that it may be difficult to identify potentially injured parties and to determine to what extent a refund applicant may have been injured by MRI's entitlements program reporting practices. Under these circumstances, Subpart V provides a useful mechanism for devising a procedure to effect restitution. The Office of Hearings and Appeals therefore will accept jurisdiction over the funds which MRI paid to the DOE in settlement of the enforcement proceedings underlying the Petition for Implementation of Special Refund Proceedings.

Refund Procedures

We have previously established refund procedures for consent orders involving the same type of crude oil-related violations as those which are the subject of the present proceeding. In *Office of Enforcement: In the Matter of Alfred B. Alkek,* 9 DOE ¶ 82.521 (1982), 47 FR 2196 (January 14, 1982)[1] (hereinafter cited as *Alkek*) and *Office of Enforcement: In the Matter of Adams Resources and Energy, Inc.*, 9 DOE ¶ 82.553 (1982), 47 FR 16381 (April 16, 1982) (hereinafter cited as *Adams*), which involved consent orders and remedial orders with 58 firms, we established a two-stage refund procedure for consent order and remedial order funds received as a result of alleged crude oil regulatory violations.[5] *See also A. Johnson & Co., Inc.*, 12 DOE ¶ 85,102 (1984), 49 FR 44541 (November 7, 1984) (establishing refund procedures like those in *Alkek* and *Adams* for funds obtained from 194 firms) (hereinafter cited as *A. Johnson*). The types of alleged violations that underlie the present proceedings are the same as those that were the subject of the *Alkek, Adams,* and *A. Johnson* proceedings. After having considered the comments we received concerning the first-stage proceedings tentatively adopted in our proposed decision, we have determined that it is appropriate to formulate a two-stage refund proceeding modeled after the *Alkek, Adams,* and *A. Johnson* proceedings. We therefore will establish first-stage refund procedures in which we will accept refund applications to be adjudicated in the same manner and using the same principles as those first-stage refund applications that were filed pursuant to the *Alkek, Adams,* and *A. Johnson* determinations.

In its comments on the proposed MRI decision, Sun suggested that the so-called "regulatory methodology" which it advocated for distributing the Stripper Well overcharges would also be appropriate in this case. For an explanation of Sun's position see *Stripper Well Exemption Litigation,* 12 DOE ¶ 85,017 (1984), and Documents No. 00200 and 00235 filed therein. Sun alternatively suggested that, regardless of whether we adopt its "methodology," the Entitlements-related portions of the settlement funds in the present proceeding should be distributed in the same way as the Stripper Well overcharges. Sun's position is premised on the reasonable assumption that the cost of the alleged violations underlying the present case was spread through the Entitlements Program in a manner similar to that of the Stripper Well overcharges. *See Union Oil* v. *DOE,* 688 F.2d 797 (Temp. Emer. Ct. App. 1982). We anticipate that we will adopt a method of granting refunds in the consolidated *Alkek, Adams* and *A. Johnson* proceeding which is consistent with that which OHA ultimately recommends to the District Court in the Stripper Well Exemption Litigation. However, because those matters are all currently under active consideration, it would be inappropriate to evaluate the merits of Sun's proposal in this determination.

We will now accept applications for refund for portions of the escrow accounts established with funds received from MRI. *See* 10 CFR 205.283. Parties who have filed claims in the *Alkek, Adams,* or *A. Johnson* refund proceedings, but who have not yet had a decision on those claims, will be deemed to have filed similar applications in this proceeding and therefore need not file a separate application. Other potential claimants should file an application for refund following the guidelines outlined below. As we noted in *Alkek,* it would be premature for consumers and consumer groups to file applications for refund until the refiners' claim have been resolved. *Alkek* at 85.136.

An application must be in writing, signed by the applicant, and must specify that it pertains to Mallard Resources, Inc. Special Refund Proceeding (Case No. HEF-0474). Each applicant should indicate the basis for its belief that it was injured by MRI alleged Entitements Program reporting violations. In addition, a claimant who was subject to the DOE regulations must show that it was unable to pass through to its customers the price increases caused by MRI's alleged violations. Each applicant should report any past or present involvement as a party in DOE enforcement actions. If these actions have terminated, the applicant should furnish a copy of a final order issued in the matter. If the action is ongoing, the applicant should briefly describe the action and its current status. An applicant is under a continuing obligation to keep OHA informed of any change in status while its application for refund is being considered. *See* 10 CFR 205.9(d). Each application must also include the following statement: "I swear (or affirm) that the information submitted is true and accurate to the best of my knowledge and belief." *See* 10 CFR 205.283(c); 18 U.S.C. 1001. In addition, the applicant should furnish us with the name, position title, and telephone number of a person who may be contacted by us for additional information concerning the application.

Refund applications must be filed in duplicate. A copy of each application will be available for public inspection in the Public Docket Room of the Office of Hearings and Appeals, Forrestal Building, Room 1E-234, 1000 Independence Avenue, SW., Washington, D.C. Any applicant that believes that its application contains confidential information must so indicate on the first page of its

[4] In its comments regarding the Proposed Decision and Order, Texas criticized the threshold presumption utilized in some Subpart V proceedings involving firms which sold refined products. We need not address the merits of those comments in the present proceeding, as MRI's alleged regulatory violation concerns its compliance with the crude oil Entitlements Program.

[5] We subsequently added to the Alkek/Adams "pool" the portion of the Amoco consent order funds that was allocated for crude oil claims. *See* Office of Special Counsel, 10 DOE ¶ 85,048 at 88,203. We have also discussed the potential distribution of crude oil overcharge funds in In re Stripper Well Exemption Litigation, Case No. HEF-0025, 48 FR 57608 (1983).

application and submit two additional copies of its application form which the confidential information has been deleted, together with a statement specifying why any such information is privileged or confidential.

All applications should be sent to: Mallard Resources, Inc. Refund Proceeding, Office of Hearings and Appeals, Department of Energy, 1000 Independence Avenue, SW., Washington, D.C. 20585. Applications for refund of a portion of the consent order funds must be postmarked within 90 days after publication of this Decision and Order in the Federal Register. *See* 10 CFR 205.286. All applications for refund received within the time limit specified will be processed pursuant to 10 CFR 205.284.

Conclusion

The refund mechanisms and procedures outlined above for first-stage claims filed with DOE will be adopted. Because of the difficulty inherent in establishing the level of injury to parties in the present case, there may be a portion of the refund moneys remaining after all successful first-stage claimants have been paid even though MRI has paid less into the escrow account than it is obligated to pay. As in previous cases, we shall hold in abeyance our determination as to appropriate second-stage procedures for these cases until we know how much money will remain after first-stage claims are paid. *See Office of Enforcement*, 9 DOE ¶ 82,508 (1982).

It is Therefore Ordered That:

(1) Applications for Refunds from the funds remitted to the Department of Energy by Mallard Resources, Inc. pursuant to the Consent Order executed on April 24, 1981 may now be filed.

(2) All applications must be postmarked within 90 days after publication of this Decision and Order in the **Federal Register.**

Dated: April 22, 1985.

George B. Breznay,

Director, Office of Hearings and Appeals.

[FR Doc. 85-10462 Filed 4-29-85; 8:45 am]

BILLING CODE 6450-01-M

Implementation of Special Refund Procedures; Southern Union Co.

AGENCY: Office of Hearings and Appeals, DOE.

ACTION: Notice of Implementation of Special Refund Procedures.

SUMMARY: The Office of Hearings and Appeals of the Department of Energy announces the procedures for filing Applications for Refund from a fund of $220,000 obtained from Southern Union Company, its wholly owned subsidiary, Southern Union Refining Company, and the following predecessors in interest to the Southern Union Refining Company: Famariss Oil Corporation, Famariss Oil & Refining Company, Southern Union Oil Products Company, and Southern Union Products Company, in settlement of enforcement proceedings brought by DOE's Economic Regulatory Administration.

DATE AND ADDRESS: Applications for refund must be postmarked by July 29, 1985, should conspicuously display a reference to case number HEF-0223, and should be addressed to: Office of Hearings and Appeals, Department of Energy, 1000 Independence Avenue, SW., Washington, D.C. 20585.

FOR FURTHER INFORMATION CONTACT: Thomas O. Mann, Deputy Director, Office of Hearings and Appeals, 1000 Independence Avenue, SW., Washington, D.C. 20585, (202) 252-2094.

SUPPLEMENTARY INFORMATION: In accordance with § 205.282(c) of the procedural regulations of the Department of Energy, 10 CFR 205.282(c), notice is hereby given of the issuance of the Decision and Order set out below. The Decision and Order establishes procedures to distribute funds obtained as a result of consent order between Southern Union Company and DOE. The consent order settled all disputes between DOE and Southern Union concerning possible violations of DOE price regulations with respect to the firm's sales of refined petroleum products to its customers, and possible violations concerning Southern Union's participation in the Entitlements Program, during the period August 1973 through January 1981.

Any members of the public who believe that they are entitled to a refund in this proceeding may file Applications for Refund. All Applications should be postmarked by July 29, 1985, and should be sent to the address set forth at the beginning of this notice. Applications for refunds must be filed in duplicate and these applications will be made available for public inspection between the hours of 1:00 and 5:00 p.m., Monday through Friday, except federal holidays, in the Public Docket Room of the Office of Hearings and Appeals, located in Room 1E-234, 1000 Independence Avenue, SW., Washington, D.C. 20585.

Dated: April 18, 1985.

George B. Breznay,

Director, Office of Hearings and Appeals

Decision and Order of the Department of Energy

Implementation of Special Refund Procedures

April 19, 1985

Name of Firm: Southern Union Company.

Date of Filing: October 13, 1983.

Case Number: HEF-0223.

Under the procedural regulations of the Department of Energy (DOE), the Economic Regulatory Administration (ERA) may request the Office of Hearings and Appeals (OHA) to formulate and implement a specially-designed process to distribute funds obtained at the resolution of an enforcement proceeding in order to remedy the effects of alleged or actual violations of DOE regulations. 10 CFR Part 205, Subpart V. Pursuant to the provisions of Subpart V, on October 13, 1983, the ERA filed a Petition for the Implementation of Special Refund Procedures in connection with a consent order that it entered into with Southern Union Company (Southern).

On February 21, 1985, we issued a Proposed Decision and Order tentatively setting forth procedures to distribute refunds to parties who were injured by Southern's alleged violations. In the proposed decision we described a two-stage process for the distribution of the funds made available by the Southern consent order. In the first stage, we will refund money to identifiable purchasers of covered products who may have been injured by Southern's pricing practices during the period August 19, 1973 through January 27, 1981. This decision describes the information that a purchaser of Southern petroleum products should submit in order to demonstrate eligibility to receive a portion of the consent order funds. After meritorious claims are paid in the first stage, a second stage refund procedure may become necessary. *See generally Office of Special Counsel*, 10 DOE ¶ 85,048 (1982) (hereinafter cited as *Amoco*) (refund procedures established for first stage applicants, second stage refund procedures proposed). However, because our determination concerning the disposition of any remaining funds will necessarily depend on the size of the fund, it is premature for us to address this issue. In response to our February 21, 1985 proposed decision, the States of New Mexico and Texas filed comments concerning the disposition of possible funds remaining at the

conclusion of the first stage proceedings. Those comments will not be discussed here, for the reasons noted above.

I. Jurisdiction

We have considered ERA's Petition for the Implementation of Special Refund Procedures and determined that it is appropriate to establish such a proceeding with respect to the Southern consent order fund. In our proposed decision and in other recent decisions, we have discussed at length our jurisdiction and authority to fashion special refund procedures. *See, e.g., Office of Enforcement, Economic Regulatory Administration: In re Adams Resources and Energy, Inc.*, 9 DOE ¶ 82.284 (1982). We have received no comments challenging our authority to fashion special refund procedures in this case. We will therefore grant ERA's petition and assume jurisdiction over the distribution of the Southern consent order funds.

II. Background

Southern was a refiner, as that term is defined in 10 CFR 212.31, which maintained its headquarters in Dallas, Texas, and based its refining operations in Hobbs, New Mexico. Two DOE audits of Southern's records revealed possible regulatory disputes by the firm. In order to settle all claims and disputes between Southern and the DOE regarding the firm's compliance with DOE regulations during the period August 19, 1973 through January 27, 1981, Southern and the DOE entered into a consent order on October 20, 1981. Under the terms of the consent order, Southern agreed to remit $220,000 to the DOE, and $200,000 to the Defense Fuel Supply Center (DFSC). These funds are being held in an interest-bearing escrow account established with the United States Treasury pending a determination of their proper distribution, and as of March 31, 1985, the Southern escrow account had earned $91,068 in interest. This Decision concerns the distribution of the funds in the escrow account, plus the accrued interest.

III. Proposed Refund Procedures

A. Crude Oil Claims

Because the consent order resolves two different kinds of violations, we shall divide the escrow account funds into two pools. According to information filed by the ERA in connection with the Petition for Implementation of this proceeding, $20,000 of the total settlement amount of $220,000 relate to Southern's participation in the Crude Oil Entitlements Program during the consent order period. A division of the consent order funds on that basis is reasonable and has been used in the past.

See Office of Special Counsel, 10 DOE ¶ 85,048 (1982). We therefore propose that a pro rata portion of the consent order fund—a pool of $20,000 plus accrued interest—be set aside to satisfy claims filed by participants in the Crude Oil Entitlements Program. Claimants in this category must show that they were injured by Southern's alleged violations of those regulations.

We have previously established refund procedures for consent orders involving crude oil-related violations comparable to those resolved in the current consent order. Southern is alleged to have reported as its own crude oil runs to stills, crude oil located at a different refinery. This alleged misrepresentation would have increased the number of entitlements issued to Southern, and thereby reduced the value of the entitlement benefits available to all other refiners. This would in turn have increased the cost of crude oil to all domestic refiners. Inn *Office of Enforcement: In the Matter of Alfred B. Alkek*, 9 DOE ¶ 82,521 (1982), 47 FR 2196 (January 14, 1982) (hereinafter cited as *Alkek*) and *Office of Enforcement: In the Matter of Adams Resources and Energy, Inc.*, 9 DOE ¶ 82,553 (1982), 47 FR 16381 (April 16, 1982) (hereinafter cited as *Adams*) and *A. Johnson & Company, Inc.*, 12 DOE ¶ 85,102 (1984) (hereinafter cited as *Johnson*) which involved settlements with 252 firms, we established a two-stage refund procedure for consent orders funds received as a result of alleged crude oil regulatory violations. Because the types of alleged violations that underlie the crude oil-related portion of the present proceeding would have an impact similar to those that were the subject of the *Alkek*, *Adams*, and *Johnson* proceedings, we have determined that it is appropriate to formulate a two-stage refund proceeding modeled after those proceedings. We therefore shall establish first-stage refund procedures for the Southern crude oil pool in which we will accept first-stage refund applications to be adjudicated in the same manner and using the same principles as those refund applications that were filed pursuant to the *Alkek*, *Adams*, and *Johnson* determinations.

Parties who have filed claims in the *Alkek*, *Adams*, or *Johnson* refund procedings, and have not had a decision on those claims, will be deemed to have filed similar applications in this proceeding and therefore will not need to file a separate application. As we noted in *Alkek*, it would be premature for consumers and consumer groups to file applications for refund until the refiners' and resellers' claims have been resolved. *Alkek* at 85,136.

B. Refunds to Refined Product Purchasers

The remainder of the Southern settlement funds $200,00 plus accrued interest, shall be distributed to claimants who can demonstrate that they have been adversely affected by Southern's alleged violations in sales of refined petroleum products during the consent order period. The petroleum products purchased by these claimants were purchased either directly from Southern or from other firms in a chain of distribution leading back to Southern. In order to receive a refund, each claimant will be required to submit a schedule of its monthly purchases of Southern refined petroleum product for the period August 1973 to January 1981. If the product was not purchased directly from Southern the claimant must include a statement setting forth its reasons for maintaining the product originated with Southern. In addition, a reseller or retailer that files a claim generally will be required to establish that it absorbed the alleged overcharges and was thereby injured. To make this showing, a reseller or retailer claimant will be required to show initially that it maintained "banks" of unrecovered increased product costs in order to demonstrate that it did not subsequently recover those costs by increasing its prices. *See Office of Enforcement*, 10 DOE ¶ 85,029 at 88,125 (1982) (hereinafter cited as *Ada*). In addition, it will have to demonstrate that it was injured by the alleged overcharges. *Id.*

As in many prior special refund cases, we will adopt certain presumptions. First, we will adopt a presumption that the alleged overcharges were dispersed equally in all sales of products made by Southern during the consent order period. OHA has referred to this presumption in the past as a volumetric refund amount. Second, we will adopt a presumption of injury with respect to small claims.

Presumptions in refund cases are specifically authorized by applicable DOE procedural regulations. Section 205 282(e) of those regulations states that:

> [I]n establishing standards and procedures for implementing refund distributions, the Office of Hearings and Appeals shall take into account the desirability of distributing the refunds in an efficient, effective and equitable manner and resolving to the maximum extent practicable all outstanding claims. In order to do so, the standards for evaluation of invidual claims may be based upon appropriate presumptions.

10 CFR 205.282(e). The presumptions we will adopt in this case are used to permit claimants to participate in the refund process without incurring disporportionate expenses, and to enable the OHA to consider the refund applications in the most efficient way possible in view of the limited resources available.[1]

The pro rata, or volumetric, refund presumption assumes that alleged overcharges were spread equally over all gallons of product marketed by a particular firm. In the absence of better information, this assumpltion is sound because the DOE price regylations generally required a regulated firm to account for increased costs on a firm-wide basis in determining its prices. However, we also recognize that the impact on an individual purchase could have been greater, and any purchaser is allowed to file a refund application based on a claim that the impact of the alleged overcharge on it was greater than the pro rata amount determined by the volumetric presumption. *See, e.g., Sid Richardson Carbon and Gasoline Co. and Richardson Products Co./ Siouxland Propane Co.*, 12 DOE ¶ 85,054 (1984) and cases cited therein at 88,164.

The presumption that claimants seeking smaller refunds were injured by the pricing practices settled in the Southern consent order is based on a number of considerations. *See, e.g., Uban Oil Co.*, 9 DOE ¶ 82,541 (1982). As we have noted in many previous refund decisions, there may be considerable expenses involved in gathering the types of data needed to support a detailed claim of injury. In order to prove such a claim, an applicant must compile and submit detailed factual information regarding the impact of alleged overcharges which took place many years ago. This procedure is generally time-consuming and expensive, and in the case of small claims, the cost (to the firm) of gathering this factual information, and the cost (to the OHA) of analyzing it, may be many times the expected refund amount. Failure to allow simplified application procedures for small claims could therefore operate to deprive injured parties of the opportunity to obtain a refund. The use of presumptions is also desirable from an administrative standpoint, because it allows the OHA to process a large number of routine refund claims quickly, and use its limited resources more efficiently. Finally, these smaller claimants did purchase covered products from Southern and were in the chain of distribution where the alleged overcharges occurred. Therefore, they bore some impact of the alleged overcharges, at least initially. The presumption eliminates the need for a claimant to submit and the OHA to analyze detailed proof of what happened downstream of that initial impact.

Under the presumptions we are adopting, a reseller or retailer claimant will not be required to submit any additional evidence of injury beyond purchase volumes if its refund claim is based on purchases below a threshold level. Previous OHA refund decisions have expressed the threshold either in terms of a ceiling on purchases from the consenting firm, or as a dollar refund amount. However, in *Texas Oil & Gas Corp.*, 12 DOE ¶ 85,069 (1984), we noted that describing the threshold in terms of a dollar amount rather than a purchase volume figure would better effectuate our goal of facilitating disbursements to applicants seeking relatively small refunds. *Id.* at 88,210. We believe that the same approach should be followed in this case. The adoption of a threshold level below which a claimant is not required to submit any further evidence of injury beyond volumes purchased is based on several factors. As noted above, we are especially concerned that the cost to the applicant and the government of compiling and analyzing information sufficient to show injury not exceed the amount of the refund to be gained. In this case, where the refund amount is fairly low, and the time period of the consent order is quite distant, we believe that the establishment of a presumption of injury for all claims of $5,000 is reasonable.[2] *See Texas Oil & Gas Corp.*, 12 DOE ¶ 85,069 (1984); *Office of Special Counsel: In the Matter of Conoco, Inc.*, 11 DOE ¶ 85,226 (1984) and cases cited therein.

In addition to the presumptions we are adopting, we are making a finding that end-users or ultimate consumers whose business is unrelated to the petroleum industry were injured by the alleged overcharges settled in the consent order. Unlike regulated firms in the petroleum industry, members of this group generally were not subject to price controls during the consent order period, and they were not required to keep records which justified selling price increases by reference to cost increases. For these reasons, an analysis of the impact of the alleged overcharges on the final prices of non-petroleum goods and services would be beyond the scope of a special refund proceeding. *See Office of Enforcement, Economic Regulatory Administration: In the Matter of PVM Oil Associates, Inc.*, 10 DOE ¶ 85,072 (1983); *see also Texas Oil & Gas Corp.*, 12 DOE at 88,209 and cases cited therein. We have therefore concluded that end-users of Southern petroleum products need only document their purchase volumes from Southern to make a sufficient showing that they were injured by the alleged overcharges.

We note that if a reseller or retailer made only spot purchases from Southern, it is not likely to have suffered an injury. As we have previously stated with respect to spot purchasers:

> [T]hose customers tend to have considerable discretion in where and when to make purchases and would therefore not have made spot market purchases of [the firm's product] at increased prices unless they were able to pass through the full amount of [the firm's] quoted selling price at the time of purchase to their own customers.

Vickers at 85,396–97. We believe the same rationale holds true in the present case. Accordingly, a spot purchaser which files a claim should submit specific and detailed evidence to establish that it was unable to recover the increased prices it paid for Southern petroleum products. *See Amoco* at 88,200.

We have concluded that the DFSC is not eligible for any further refunds from the Southern settlement. Under the terms of the consent order, the DFSC has already received $200,000 in direct restitution from Southern, in settlement of any claims between the agency and the firm. Any additional refund to the DFSC would be beyond the scope of the Southern settlement as embodied in the consent order. Therefore, the calculation of the volumetric refund amount is based on the total number of gallons of covered products which were sold to Southern customers other than the DFSC.

A successful refund applicant will receive a refund based upon a volumetric method of allocating refunds. Under this method, a volumetric refund amount is calculated by dividing the settlement amount by our estimate of the total gallonage of products covered by the consent order. In the present case, based on the information available

[1] The State of Texas has objected to some aspects of the use of presumptions in this case. We have considered and ultimately rejected identically worded comments from Texas in several recent cases. *See e.g., Amtel, Inc.* 12 DOE ¶ 85,073 (1984). Because no new arguments have been offered, we will not further address the merits of these arguments in the present decision.

[2] Resellers or retailers whose monthly purchases during the period for which a refund is claimed result in a volumetric refund of greater than $5,000 but who cannot establish that they did not pass through the price increases, or who limit their claims to the threshold amount, will be eligible for a refund of the $5,000 threshold amount without being required to submit additional evidence of injury. *See Vickers* at 85,396; *see also Ada* at 88,122.

to us at this time, the volumetric refund amount is $.000176 per gallon, exclusive of interest.[3] As of March 31, 1985, accumulated interest increased the per gallon refund amount to $.000249 per gallon.

As in previous cases, we will establish a minimum refund amount of $15.000 for first stage claims. We have found through our experience in prior refund cases that the cost of processing claims in which refunds are sought for amounts less than $15.00 outweighs the benfits of restitution in those situations. *See e.g., Uban Oil Co.*, 9 DOE ¶ 82,541 at 85,225 (1982).

IV. Applications for Refund

After having considered all the comments received concerning the first stage proceedings, tentatively adopted in our February 21, 1985 proposed decision, we have concluded that applications for refund should now be accepted from parties who purchased Southern petroleum products. An application must be in writing, signed by the applicant, and specify that it pertains to the Southern Union Refund Proceeding, Case Number HEF-0223.

An applicant should indicate from whom the covered product was purchased and, if the applicant is not a direct purchaser from Southern, it should also indicate the basis for its belief that the pretroleum product purchased originated from Southern or Ida Gasoline Company. Each applicant should report its volume of purchases by month for the period of time for which it is claiming it was injured by the alleged overcharges. Each applicant should specify how it used the Southern petroleum product, such as whether it was a reseller or ultimate consumer. If the applicant is a reseller, it should state whether it maintained banks of unrecouped product cost increases from the date of the alleged violation through January 27, 1981. An applicant who did maintain banks should furnish the OHA with a schedule of its cumulative banks calculated on a quarterly basis from November 1973 through January 27, 1981. The applicant must submit evidence to establish that it did not pass on the alleged injury to its customers, if the applicant is a reseller. For example, a firm may submit market surveys or information about changes in its profit margins or sales volume to show that price increases to recover alleged overcharges were infeasible. The applicant should report any past or present involvement as a party in DOE enforcement actions. If these actions have terminated, the applicant should furnish a copy of a final order issued in the matter. If the action is ongoing, the applicant should briefly describe the action and its current status. The applicant is under a continuing obligation to keep the OHA informed of any change in status while its application for refund is being considered. *See* 10 CFR 205.9(d).

Each application must also include the following statment: "I swear (or affirm) that the information submitted is true and accurate to the best of my knowledge and belief." *See* 10 CFR 205.283(c); 18 U.S.C. 1001. In addition, the applicant should furnish us with the name, position title, and telephone number of a person who may be contacted by us for additional information concerning the application.

All applications for refund must be filed in duplicate. A copy of each application will be available for public inspection in the Public Docket Room of the Office of Hearings and Appeals, Forrestal Building, Room 1E-234, 1000 Independence Avenue, Washington, D.C. Any applicant that believes that its application contains confidential information must so indicate on the first page of its applications and submit two additional copies of its application from which the confidential information has been deleted, together with a statement specifying why any such information is privileged or confidential.

All applications should be sent to: Southern Union Company Special Refund Proceedings, Office of Hearings and Appeals, U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, D.C. 20585. Applications for refund of a portion of the Southern consent order funds must be postmarked within 90 days after publication of this Decision and Order in the **Federal Register**. *See* 10 CFR 205.286. All applications for refund received within the time limit specified will be processed pursuant to 10 CFR 205.284.

V. Distribution of the Remainder of the Consent Order Funds.

In the event that money remains after all first stage claims have been disposed of, undistributed funds could be distributed in a number of different ways. However, we will not be in a position to decide what should be done with any remaining funds until the first stage refund procedure is completed.

It is Therefore Ordered That:

(1) Applications for Refunds from the funds remitted to the Department of Energy by Southern Union Company and the Ida Gasoline Company pursuant to ther consent order executed on August 31, 1979, may now be filed.

(2) All applications must be postmarked within 90 days after publication of this Decision and Order in the **Federal Register.**

Dated: April 18, 1985.

George B. Breznay,

Director, Office of Hearings and Appeals.

[FR Doc. 85-10464 Filed 4-29-85; 8:45 am]

BILLING CODE 6450-01-M

[3] During the consent order period, Southern sold 1,135,927,254 gallons of petroleum products to customers other than DFSC. The volumetric refund amount is obtained by dividing the portion of money remitted by Southern set aside for refunds to refined product purchasers by the volume of products sold ($200,000 divided by 1,135,927,254 gallons = $0.000176 per gallon.)

Implementation of Special Refund Procedures; U.S.A. Petroleum

AGENCY: Office of Hearings and Appeals, DOE.

ACTION: Notice of Implementation of Special Refund Procedures and Solicitation of Comments.

SUMMARY: The Office of Hearings and Appeals of the Department of Energy solicits comments concerning the appropriate procedures to be followed in refunding $1,750,000 plus interest in consent order funds to members of the public. This money is being held in escrow following the settlement of enforcement proceedings involving U.S.A. Petroleum and its subsidiaries: USA Gasoline Corporation, USA Lubricants (formerly M-K Oil Company), Transworld Oil Company, Supersave Petroleum, Inc., and Gasoline de Puerto Rico Corporation (together hereinafter referred to as USAP). U.S.A. Petroleum is a refiner of petroleum products located in Santa Monica, California.

DATE AND ADDRESS: Comments must be filed within 30 days of publication of this notice in the **Federal Register** and should be addressed to the Office of Hearings and Appeals, Department of Energy, 1000 Independence Avenue, SW., Washington, D.C. 20585. All comments should conspicuously display a reference to case number HEF-0500.

FOR FURTHER INFORMATION CONTACT: Thomas O. Mann, Deputy Director, Office of Hearings and Appeals, 1000 Independence Avenue, SW., Washington, D.C. 20585, (202) 252-2094.

SUPPLEMENTARY INFORMATION: In accordance with § 205.282(b) of the procedural regulations of the Department of Energy, 10 CFR 205.282(b), notice is hereby given of the issuance of the Proposed Decision and Order set out below. The Proposed Decision relates to consent order

entered into by U.S.A. Petroleum which settled possible violations of DOE price controls in sales of all refined petroleum products by the firm and its predecessors to their customers, and possible violations concerning U.S.A. Petroleum's participation in the Entitlements Program, during the August 19, 1973 through January 27, 1981 period.

The Proposed Decision sets forth the procedures and standards that the DOE has tentatively formulated to distribute the contents of an escrow account funded by U.S.A. Petroleum pursuant to the consent order. The DOE has tentatively established procedures under which purchasers of covered U.S.A. Petroleum products and participants in the Entitlements Program during the audit period may file claims for refunds from the consent order fund. Applications for Refund should *not* be filed at this time. Appropriate public notice will be given when the submission of claims is authorized.

Any member of the public may submit written comments regarding the proposed refund procedures. Parties are requested to submit two copies of their comments. Comments should be submitted within 30 days of publication of this notice in the Federal Register, and should be sent to the address set forth at the beginning of this notice. All comments received in this proceeding will be available for public inspection between the hours of 1:00 to 5:00 p.m., Monday through Friday, except federal holidays, in the Public Docket Room of the Office of Hearings and Appeals, located in Room 1E-234, 1000 Independence Avenue, SW., Washington, D.C. 20585.

Dated: April 18, 1985

George B. Breznay,

Director, Office of Hearings and Appeals.

Proposed Decision and Order of the Department of Energy

Implementation of Special Refund Procedures

April 18, 1985.

Name of Firm: U.S.A. Petroleum.
Date of Filing: April 12, 1984
Case Number: HEF-0050

Under the procedural regulations of the Department of Energy (DOE), the Economic Regulatory Administration (ERA) may request the Office of Hearing and Appeals (OHA) to formulate and implement a specifically-designed process to distribute funds obtained at the resolution of an enforcement proceeding in order to remedy the effects of alleged or actual violations of DOE regulations. 10 CFR Part 205, Subpart V. Pursuant to the provisions of Subpart V, on April 12, 1984 the ERA filed a Petition for the Implementation of Special Refund Procedures in connection with a consent order that it entered into with U.S.A. Petroleum and its subsidiaries: USA Gasoline Corporation, USA Lubricants (formerly M-K Oil Company), Transworld Oil Company, Supersave Petroleum, Inc., and Gasolinas de Puerto Rico Corporation (together hereinafter referred to as USAP).

I. Background

USAP was a reseller-retailer of petroleum products from August 19, 1973 to February 1, 1976, and a refiner from February 1, 1976 to January 27, 1981, as those terms were defined in 10 CFR 212.31. It maintained its headquarters in Santa Monica, California. USAP operated motor gasoline retail stations in 30 states and the Commonwealth of Puerto Rico, with the vast majority of its stations located in California, Florida, Nevada, and Washington. Several separate DOE audits of USAP and its subsidiaries revealed possible regulatory violations by the firm. The audits resulted in three Notices of Probable Violation (NOPV's), all relating to the firm's participation in the Entitlements Program. However, other aspects of USAP's business were also audited at various times.

In order to settle all claims and disputes between USAP and the DOE regarding the firm's compliance with DOE regulations during the period August 20, 1973 through 27, 1981, USA and the DOE entered into a consent order on July 22, 1982. Under the terms of the consent order, USAP agreed to remit $1,750,000 plus interest to the DOE. These funds are being held in an interest-bearing escrow account established with the United States Treasury pending a determination of their proper distribution, and as of March 31, 1985, the USAP escrow account had totaled $2,207,205, including interest. This Proposed Decision concerns the distribution of the funds in the escrow account, plus the accrued interest.

II. Proposed Refund Procedures

A. Crude Oil Claims

Because the consent order resolves two different kinds of violations, we propose to divide the escrow account funds into two pools. *See Office of Special Counsel*, 10 DOE ¶ 85,048 (1982). According to the **Federal Register** Notice announcing the USAP consent order (47 FR 50084, November 4, 1982) (hereinafter referred to as the Notice) $787,500 of the Consent Order funds plus accrued interest relate to USAP's participation in the Crude Oil Entitlements Program during the consent order period. USAP is alleged to have to have engaged in a scheme whereby Entitlements obligations that should have been incurred by USAP, were instead incurred by other refiners. Since the other refiners had received exception relief from their entitlements purchase obligations, this alleged scheme would have reduced the value of the entitlement benefits available for all other refiners. We therefore propose that a pro rata portion of the consent order fund—a pool of $787,500 plus accrued interest—be set aside to satisfy claims filed by participants in the Crude Oil Entitlements Program and their downstream customers who may have suffered from increased costs relating to these alleged violations. Claimants in this category must show that they were injured by USAP's alleged violations of those regualtions.

We have previously established refund procedures for consent orders involving crude oil-related violations comparable to those resolved in the present consent order. In *Office of Enforcement: In the Matter of Alfred B. Alkek*, 9 DOE ¶ 82,521 (1982), 47 FR 2196 (January 14, 1982) (hereinafter cited as *Alkek*) and *Office of Enforcement, In the Matter of Adams Resources and Energy, Inc.*, 9 DOE ¶ 82,553 (1982), 47 FR 16381 (April 16, 1982) (hereinafter cited as *Adams*) and *A. Johnson & Company, Inc.*, 12 DOE ¶ 85,102 (1984) (hereinafter cited as *Johnson*) which involved settlements with a total of 252 firms, we established a two-stage refund procedure for funds received as a result of alleged crude oil-related regulatory violations. Because the type of alleged violation that underlies the crude oil-related portion of the present proceeding would have an impact similar to those that were the subject of the *Alkek*, *Adams*, and *Johnson* proceedings, we have determined that it is appropriate to formulate a two-stage refund proceeding modeled after those proceedings. We therefore propose to establish refund procedures for the USAP crude oil pool in which we will accept refund applications to be adjudicated in the same manner and using the same principles as those refund applications that were filed pursuant to the *Alkek*, *Adams*, and *Johnson* determinations. For details regarding those procedures, see those determinations.

B. Refunds to Refined Product Purchasers

We propose that the remainder of the USAP settlement remitted to DOE,

$962,500 plus accrued interest, be distributed to claimants who can demonstrate that they have been adversely affected by USAP's alleged violations in sales of refined petroleum products during the consent order period. The information available to us at this time regarding USAP's operations during that period does not provide names and addresses of all of the firm's customers. We are aware, however, that USAP produced and marketed motor gasoline, that it sold virtually no petroleum products other than motor gasoline, and that roughly 94% of its sales were at the retail level, through company-owned stations. Further, from our experience with Subpart V proceedings, we believe that the claimants in this proceeding will fall into the following categories: (1) Resellers (including retailers), and (2) firms, individuals, or organizations that were consumers (end-users). The petroleum products purchased by these claimants were purchased either directly from USAP or from other firms in a chain of distribution leading back to USAP. These claimants may file refund applications. In order to receive a refund, each claimant will be required to submit a schedule of its monthly purchases of USAP motor gasoline or other covered products for the period August 19, 1973 through January 28, 1981. If the product was not purchased directly from USAP the claimant must include a statement setting forth its reasons for maintaining the product originated with USAP.

In addition, a reseller or retailer that files a claim generally will be required to establish that it was injured by the alleged overcharges. To make this showing, a reseller or retailer claimant will be required to show initially that it maintained "banks" of unrecovered increased product costs in order to demonstrate that it did not subsequently recover those costs by increasing its prices. *See Office of Enforcement*, 10 DOE ¶ 85,029 at 88,125 (1982) (hereinafter cited as *Ada*). The maintenance of a bank will not, however, automatically establish injury. See, *e.g., National Helium Corp./ Atlantic Richfield Company*, 11 DOE ¶ 85,257 (1984) and cases cited therein. In addition, a reseller must provide some further evidence of injury. *See Amoco* at 88,215.

As in many prior special refund cases, we will adopt certain presumptions. First, we will adopt a presumption that the alleged overcharges were dispersed equally in all sales of products made by USAP during the consent order period. OHA has referred to this presumption in the past as a volumetric refund amount. Second, we will adopt a presumption of injury with respect to small claims.

Presumptions in refund cases are specifically authorized by applicable DOE procedural regulations. Section 205.282(e) of those regulations states that:

> [I]n establishing standards and procedures for implementing refunds distributions, the Office of Hearings and Appeals shall take into account the desirability of distributing the refunds in an efficient, effective and equitable manner and resolving to the maximum extent practicable all outstanding claims. In order to do so, the standards for evaluation of individual claims may be based upon appropriate presumptions.

10 CFR 205.282(e). The presumptions we will adopt in this case are used to permit claimants to participate in the refund process without incurring disproportionate expenses, and to enable the OHA to consider the refund applications in the most efficient way possible in view of the limited resources available.

The pro rata, or volumetric, refund presumption assumes that alleged overcharges were spread equally over all gallons of product marketed by a particular firm. In the absence of better information, this assumption is sound because the DOE price regulations generally required a regulated firm to account for increased costs on a firm-wide basis in determining its prices. However, we also recongnize that the impact on an individual purchaser could have been greater, and any purchaser is allowed to file a refund applicaion based on a claim that it suffered a disproportionate share of the injury from USAP's alleged pricing practices. *See, e.g., Sid Richardson Carbon and Gasoline Co. and Richardson Products Co./Siouxland Propane Co.*, 12 DOE ¶ 85,054 (1984) and cases cited therein at 88,164.

The presumption that claimants seeking smaller refunds were injured by the pricing practices settled in the USAP consent order is based on a number of considerations. *See, e.g., Uban Oil Co.*, 9 DOE ¶ 82,541 (1982). As we have noted in many previous refund decisions, there may be considerable expenses involved in gathering the types of data needed to support a detailed claim of injury. In order to prove such a claim, an applicant must compile and submit detailed factual information regarding the impact of alleged overcharges which took place many years ago. This procedure is generally time-consuming and expensive, and in the case of small claims, the cost (to the firm) of gathering this factual information, and the cost (to the OHA) of analyzing it, may be many times the expected refund amount. Failure to allow simplified application procedures for small claims could therefore operate to deprive injured parties of the opportunity to obtain a refund. The use of presumptions is also desirable from an administrative standpoint, because it allows the OHA to process a large number of routine refund claims quickly, and use its limited resources more efficiently. Finally, these smaller claimants did purchase covered products from USAP and were in the chain of distribution where the alleged overcharges occured. Therefore, they bore some impact of the alleged overcharges, at least initially. The presumption eliminates the need for a claimant to submit and the OHA to analyze detailed proof of what happened downstream of that initial impact.

Under the presumptions we are adopting, a reseller or retailer claimant will not be required to submit any additional evidence of injury beyond purchase volumes if its refund claim is based on purchases below a threshold level. Previous OHA refund decisions have expressed the threshold either in terms of a ceiling on purchases from the consenting firm, or as a dollar refund amount. However, in *Texas Oil & Gas Corp.*, 12 DOE ¶ 85,069 (1984), we noted that describing the threshold in terms of a dollar amount rather than a purchase volume figure would better effectuate our goal of facilitating disdursements to applicants seeking relatively small refunds. *Id.* at 88,210. We believe that the same approach should be followed in this case. The adoption of a threshold level below which a claimant is not required to submit any further evidence of injury beyond volumes purchased is based on several factors. As noted above, we are especially concerned that the cost to the applicant and the government of compiling and analyzing information sufficient to show injury not exceed the amount of the refund to be gained. In this case, where the refund amount is fairly low, and the time period of the consent order is quite distant, we believe that the establishment of a presumption of injury for all claims of $5,000 is reasonable.[1] *See Texas Oil & Gas Corp.*, 12 DOE ¶ 85,069 (1984); *Office of Special Counsel: In the Matter of Conoco, Inc.*, 11 DOE ¶ 85,226 (1984) and cases cited therein.

In addition to the presumptions we are adopting, we are making a finding that end-users or ultimate consumers whose business is unrelated to the petroleum industry were injured by the alleged overcharges settled in the consent order. Unlike regulated firms in

[1] Resellers or retailers whose monthly purchases during the period for which a refund is claimed result in a volumetric refund of greater than $5,000 but who cannot establish that they did not pass through the price increases, or who limit their claims to the threshold amount, will be eligible for a refund of the $5,000 threshold amount without being required to submit additional evidence of injury. *See Vickers* at 85,396; *see also Ada* at 88,122.

the petroleum industry, members of this group generally were not subject to price controls during the consent order period, and they were not required to keep records which justified selling price increases by reference to cost increases. For these reasons, an analysis of the impact of the alleged overcharges on the final prices of non-petroleum goods and services would be beyond the scope of a special refund proceeding. *See Office of Enforcement, Economic Regulatory Administration: In the Matter of PVM Oil Associates, Inc.*, 10 DOE ¶ 85,072 (1983); *see also Texas Oil & Gas Corp.*, 12 DOE at 88,209 and cases cited therein. We have therefore concluded that end-users of USAP petroleum products need only document their purchase volumes from USAP to make a sufficient showing that they were injured by the alleged overcharges.

We note that if a reseller or retailer made only spot purchases from Southern it is not likely to have suffered an injury. As we have previously stated with respect to spot purchases:

> [T]hose customers tend to have considerable discretion in where and when to make purchases and would therefore not have made spot market purchases of [the firm's product] at increased prices unless they were able to pass through the full amount of [the firm's] quoted selling price at the time of purchase to their own customers.

Vickers at 85,396–97. We believe the same rationale holds true in the present case. Accordingly, a spot purchaser which files a claim should submit specific and detailed evidence to establish that it was unable to recover the increased prices it paid for USAP petroleum products. *See Amoco* at 88,200.

A successful refund applicant will receive a refund based upon a volumetric method of allocating refunds. Under this method, a volumetric refund amount is calculated by dividing the settlement amount by the total gallonage of products covered by the consent order. In the present case, based on the information available to us at this time, the volumetric refund amount is $0.000384 per gallon, exclusive of interest. As of March 31, 1985, accumulated interest increased the per gallon refund amount to $.000484 per gallon.

As in previous cases, we will establish a minimum refund amount of $15.00 for first stage claims. We have found through our experience in prior refund cases that the cost of processing claims in which refunds are sought for amounts less than $15.00 outweighs the benefits of restitution in those situations. *See, e.g., Uban Oil Co.*, 9 DOE ¶ 82,541 at 85,225 (1985).

Detailed procedures for filing applications will be provided in a final Decision and Order. Before disposing of any of the funds received as a result of the consent order involved in this proceeding, we intend to publicize the distribution process to solicit comments on the proposed refund procedures and to provide an opportunity for any affected party to file a claim. In addition to publishing notice in the **Federal Register**, notice will be provided to the Independent Gasoline Marketers Council, the National Association of Manufacturers, the Petroleum Marketers Association of America, the Service Station Dealers of America, the National Association of Truck Stop Operators, and the Society of Independent Gasoline Marketers of America. These organizations should be helpful in advising potential claimants of this proceeding.

C. Distribution of the Remained of the Consent Order Funds

According to the Notice and the petition for implementation (hereinafter referred to as petition) filed by the ERA, the non-crude oil-related portion of the consent order funds concerns violations relating to sales by USAP's subsidiaries of motor gasoline through retail outlets. The Notice proposes that this portion of the settlement be divided between the state governments of the states in which USAP owned retail outlets. Four states would receive money: California, $776,160; Washington, $73,727.50; Florida, $64,198.75; and Nevada, $48,413.75. The petition notes that the ERA "continue[s] to believe that this disposition is appropriate," and asks that OHA accept jurisdiction only if individual injured parties can be located. The petition asks that if the OHA determines that injured parties cannot be located, the refined product portion of the consent order fund should be remanded to the ERA, which will distribute the funds to the affected states. In addition, the ERA has requested that any money left over after the completion of the first-stage refund proceeding for Entitlements violations be deposited in the United States Treasury, in accordance with the terms of the Consent Order and the **Federal Register** Notice. The OHA will retain jurisdiction over this matter, and in the event that any money is left after completion of the first stage procedures, we intend to implement these proposals.

It is Therefore Ordered That:

The refund amount remitted to the Department of Energy by the U.S.A. Petroleum Company pursuant to the consent order executed on July 22, 1982 will be distributed in accordance with the foregoing Decision.

[FR Doc. 85–10465 Filed 4–29–85; 12:35 pm]

BILLING CODE 6450–01–M

Office of the Secretary

Procurement and Assistance Management Directorate; Restriction of Eligibility for Grant Award; East-West Center

AGENCY: Department of Energy (DOE).

ACTION: Notice of Restriction of Eligibility for Grant Award.

SUMMARY: DOE announces that it plans to award a grant to East-West Center pursuant to § 600.7(b) of the DOE Financial Assistance Rules, 10 CFR Part 600. DOE has determined that eligibility for this grant award shall be limited to the East-West Center.

Procurement Request Number: 01–85FE60740.000

Project Scope

The East West Center is hosting a Conference on "New Coal Technologies." This Conference is structured to provide a unique perspective on issues pertaining to the impact of new coal technologies on energy and development policies. As representatives of both the public and private sector will be in attendance, questions of technology transfer costs and the role of each sector in promoting the use of these technologies can be more realistically explored.

DOE has a vital interest in coal technologies and their impact on the energy industry and national development as a whole. This Conference bringing together technological and public policy personnel is a unique opportunity to identify major issues that will need to be addressed as new technologies become operational. Therefore, DOE has determined that DOE's partial support of $25,000 in the form of a grant to East-West Center on a restricted eligibility basis is appropriate.

FOR FURTHER INFORMATION CONTACT: Shirely Jones/James Beiriger, MA–452.1, U.S. Department of Energy, Office of Procurement Operations, 1000 Independence Avenue, SW., Washington, DC 20585.

Issued in Washington, D.C., on April 22, 1985.

Ben Goldman,

Director, Contract Operations Division "A", Office of Procurement Operations.

[FR Doc. 85–10463 Filed 4–29–85; 8:45 am]

BILLING CODE 6450–01–M

ENVIRONMENTAL PROTECTION AGENCY

[OW-8-FRL-2827-2]

North Dakota New Rockford Aquifer Petition for Sole Source Designation Extension of Public Comment Period

AGENCY: Region VIII U.S. Environmental Protection Agency.

ACTION: Notice.

SUMMARY: Notice is hereby given that a decision has been made by the Region VIII office of EPA to extend the deadline for receipt of public comments on the New Rockford Sole Source Petition for forty-five (45) days. The original deadline for public comments was set at April 8. In response to numerous requests for an extension, EPA has decided to extend the deadline to May 23, 1985.

FOR FURTHER INFORMATION CONTACT: Laura Clemmens, Project Officer, U.S. EPA Region VIII (8WM-DW), 1860 Lincoln Street, Denver, Colorado. Phone: (303) 293-1419.

SUPPLEMENTARY INFORMATION: A public hearing on the potential designation of the New Rockford Aquifer as a sole or principal source of drinking water was held in Fessenden, North Dakota on Tuesday, March 4, 1985. Notice of the hearing and a request for public comments was published in the **Federal Register** on February 1, *The Bismarck Tribune* on February 5 and the *Harvey Herald* on February 6.

The Safe Drinking Water Act was enacted on December 16, 1974. Section 1424(e) of the Act states:

> If the Administrator determines on his own initiative or upon petition that an area has an aquifer which is the sole or principal drinking water source for an area and which, if contaminated, would create a significant hazard to public health, he shall publish notice of that determination in the Federal Register. After the publication of any such notice, on commitment for Federal Financial Assistance (through a grant, contract, loan guarantee, or otherwise) may be entered into for any project which the Administrator determines may contaminate such aquifer through a recharge zone so as to create a significant hazard to public health, but a commitment for Federal financial assistance may, if authorized under another provison of law, be entered into to plan or design the project to assure that it will not so contaminate the aquifer.

In summary, Section 1424(e) authorizes EPA: (1) To designate sole or principal drinking water source aquifers; and (2) once a designation has been made, to review federal financially assisted projects which may contaminate a sole or principal drinking water source aquifer through a recharge zone so as to create a significant hazard to public health.

On May 5, 1984, Orval Hovey, of Fessenden, North Dakota, petitioned the Regional Administrator of Region VIII to designate the New Rockford Aquifer as the sole source of drinking water for the City of Fessenden, North Dakota, and the surrounding farms. Mr. Hovey claims that the New Rockford Aquifer, if contaminated, would create a significant hazard to public health.

On September 25, 1984, the EPA Region VIII Regional Administrator found Mr. Hovey's application to be complete, and advised him that a determination would be made as to whether or not formal designation procedures were merited.

At this time, EPA is again announcing the availability of the petition and other relevant information for public review at the EPA office in Denver, and is requesting public comments on the petition. In particular, information is sought concerning: (1) Population dependent on the aquifer as its sole or principal source of water supply; (2) aquifer boundaries; (3) boundaries of the recharge zone of the aquifer; (4) location of water wells, and (5) alternative sources of drinking water currently in use.

After reviewing all relevant information and responding to all comments received on the petition, the EPA Administrator will publish notice of his decision (whether to designate the aquifer or not) in the **Federal Register** and in local newspapers.

Comments, data and references in response to this notice should be addressed to Laura Clemmens at the address shown above.

John G. Welles,

Regional Administrator

[FR Doc. 85-10365 Filed 4-29-85; 8:45 am]

BILLING CODE 6560-50-M

[OA-FRL-2827-5]

Privacy Act of 1974, Revision of Notices of Systems of Records

SUMMARY: The Debt Collection Act of 1982 (Pub. L. 97-365) amends the Privacy act of 1974 to provide a new general disclosure authority, codified at 5 U.S.C. 552a(b)(12), which permits agencies to disclose from their systems of records certain information about delinquent consumer debtors. Disclosures may only be made to consumer reporting agencies.

The Environmental Protection Agency is amending three of its systems of records to provide for such disclosures to consumer reporting agencies and to reflect minor administrative and editorial revisions which have occurred since publication of the systems in the **Federal Register.** The systems are EPA-1 (Payroll System), EPA-7 (Travel Voucher Folders, Advance Cards, and Payee Files), published on September 18, 1975, and EPA-9 (Freedom of Information Act Request File), published on January 25, 1978.

This publication does not establish a new routine use as defined in the Privacy Act and does not require public comment.

EFFECTIVE DATE: This new general disclosure notice shall become effective April 30, 1985.

FOR FURTHER INFORMATION CONTACT: Please contact Joe Nemargut, Financial Management Division, Office of the Comptroller, U.S. Environmental Protection Agency, 401 M Street SW., Washington, D.C. (202-382-5657), for EPA-1 and EPA-7; Jeralene Green, Office of Executive Support, Office of the Administrator, U.S. Environmental Protection Agency, 401 M Street SW., Washington, D.C. (202-382-4048), for EPA-9.

Dated: April 18, 1985.

Seymond D. Greenstone,

Acting Assistant Administrator for Administration and Resources Management.

EPA-1

SYSTEM NAME:

Payroll System (EPAYS; Payroll Accounting Master File; and Detail History File).

SYSTEM LOCATION:

EPA National Computer Center, Research Triangle Park, NC 27711; HSMA Computer Facility, HHS, Parklawn Bldg., Rockville, MD 20203; Financial Management Division, EPA, 401 M St., SW., Washington, DC 20460.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

EPA employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Salary and related payroll cost data and reports.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 44 U.S.C. 3301; Title 6, GAO Policy and Procedures Manual, pursuant to 31 U.S.C. 66(a) and sections 112(a) and 113 of the Budget and Accounting Procedures Act of 1950.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To conduct all necessary and appropriate intra-agency payroll activities. To furnish information requested by the U.S. Treasury for it to issue paychecks and distribute pay according to employees' directions. To report tax withholding to IRS and appropriate State and local taxing authorities; FICA deduction to SSA; dues deductions to labor unions; withholdings for health and life insurance to insurance carriers and U.S. O.P.M.; charity contribution deductions to agents of charitable institutions; annual W–2 statements to taxing authorities and the individual.

For additional routine uses see routine use paragraphs in Prefatory Statement to EPA systems published in 40 FR 43194 (September 18, 1975).

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Disclosure to credit reporting agencies: Pursuant to 5 U.S.C. 552a (b)(12), disclosure may be made to a consumer reporting agency as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f)) or the Federal Claims Collection Act of 1966 (31 U.S.C. 3701(a)(3)).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Computer records maintained on tape, others on paper.

RETRIEVABILITY:

Name and employee number.

SAFEGUARDS:

Paper records in locked metal file cabinets and automated filing banks within locked room.

RETENTION AND DISPOSAL:

Retained and disposed of according to EPA Records Control Schedules.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Payroll Accounts Office, EPA, 401 M St., SW., Washington, D.C. 20460.

NOTIFICATION PROCEDURE:

Inquiries may be addressed to System Manager.

RECORD ACCESS PROCEDURES:

Requests should be addressed to System Manager.

CONTESTING RECORD PROCEDURES:

Requests should be addressed to System Manager.

RECORD SOURCES CATEGORIES:

Individuals, supervisors, timekeepers, official personnel records, IRS.

EPA–7

SYSTEM NAME:

Travel Voucher Folders, Advance Cards, and Payee Files-EPA.

SYSTEM LOCATION:

Financial Management Division, EPA, 401 M St., SW., Washington, D.C. 20460.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees of EPA, consultants, and private citizens who travel or perform services for EPA.

CATEGORIES OF RECORDS IN THE SYSTEM:

Travel vouchers with reimbursable details for specific trips. Travel advance cards with details of advances received and trip expenses applied. Payee files with itemized invoices.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Travel Expense Amendments Act of 1975 (Pub. L. 84–22); Budget and Accounting Act of 1921; Accounting and Auditing Act of 1950; Federal Claim Collection Act of 1966 (as amended).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Subgroups of files are used to determine amounts due an individual for authorized and official travel for EPA, and to conduct other payee-related activities. Transmittal to U.S. Treasury for payment. For additional routine uses see routine use paragraphs of Prefatory Statement to EPA systems published in 40 FR 43194 (September 18, 1975).

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Disclosure to Credit Reporting Agencies: Pursuant to 5 U.S.C. 552a(b)(12), disclosures may be made to a consumer reporting agency as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f)) or the Federal Claims Collection Act of 1966 (31 U.S.C. 3701(a)(3)).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Manual.

RETRIEVABILITY:

Name.

SAFEGUARDS:

Voucher files are kept in locked room. Advance cards in lockable metal file cabinets. Payee files in locked cabinets.

RETENTION AND DISPOSAL:

Retained and disposed of according to EPA Records Control Schedules.

SYSTEM MANAGER(S) AND ADDRESS:

Accountant-In-Charge, Financial Management Division, EPA, 401 M St., SW., Washington, DC 20460.

NOTIFICATION PROCEDURES:

Inquiries may be addressed to System Manager.

RECORD ACCESS PROCEDURES:

Requests should be addressed to System Manager.

CONTESTING RECORD PROCEDURES:

Requests should be addressed to System Manager.

RECORD SOURCE CATEGORIES:

Individuals, supervisors, and finance (or accounting) office standard references.

EPA–9

SYSTEM NAME:

Freedom of Information Act Request File.

SYSTEM LOCATION:

(a) Freedom of Information Section, Office of the Administrator, EPA, 401 M St., SW., Wash., DC 20460.

(b) EPA, Region I, Room 2303, John F. Kennedy Federal Building, Boston, MA 02203.

(c) EPA, Region II, Room 1005, 26 Federal Plaza, New York, NY 10278.

(d) EPA, Region III, 841 Chestnut Street, Philadelphia, PA 19106.

(e) EPA, Region IV, 345 Courtland Street, NE., Atlanta, GA 30365.

(f) EPA, Region V, 230 S. Dearborn St., Chicago, IL 60604.

(g) EPA, Region VI, First International Building, 1201 Elm St., Dallas, TX 75270.

(h) EPA, Region VII, 726 Minnesota Ave., Kansas City, KS 66101.

(i) EPA, Region VIII, Suite 900, 1860 Lincoln Street, Denver, CO 80295.

(j) EPA, Region IX, 215 Fremont St., San Francisco, CA 94105.

(k) EPA, Region X, 1200 Sixth Ave., Seattle, WA 98101.

(l) EPA, Office of General Counsel, 401 M St, SW., Wash., DC 20460.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All persons requesting information under the Freedom of Information Act.

CATEGORIES OF RECORDS IN THE SYSTEM:

Copy of each Freedom of Information Act request received and a copy of the Agency's response and other pertinent correspondence and records.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

EPA Order 1550.1C, dated August 23, 1978 and 40 CFR Part 2, dated September 1, 1976.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM; INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To conduct all necessary and appropriate intra-agency Freedom of Information activities. To compile the reports required by 5 U.S.C. 552(d).

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Disclosure to Credit Reporting Agencies: Pursuant to 5 U.S.C. 552a(b)(12), disclosures may be made to a consumer reporting agency as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f)) or the Federal Claims Collection Act of 1966 (31 U.S.C. 3701(a)(3)).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

These records are maintained in file folders and in locked cabinets (Duplicate copies of FOIA requests and agency responses are filed in binders and are available for public inspection).

RETRIEVABILITY:

Name and request identification control number.

RETENTION AND DISPOSAL:

Records are maintained in accordance with EPA Records Control Schedules.

SYSTEM MANAGER(S) AND ADDRESS:

For records at (a) through (k) Freedom of Information Office, address as given in system location. For records at (l) Grants, Contracts and General Administration Division, address as given in system location above.

NOTIFICATION PROCEDURE:

Inquiries may be addressed to system manager.

RECORD ACCESS PROCEDURE:

Requests should be addressed to system manager.

CONTESTING RECORD PROCEDURES:

Requests should be addressed to system manager.

RECORD SOURCE CATEGORIES:

Information in this system comes from the individual to whom it applies.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Pursuant to 5 U.S.C. 522a(k)(5), all information and material which meets the criteria of these subsections are or may be exempted from notice, access, and contest requirements.

[FR Doc. 85-10362 Filed 4-29-85; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL COMMUNICATIONS COMMISSION

[CC Docket No. 80-634; FCC 85-178]

Changes in the Corporate Structure and Operations of the Communications Satellite Corporation

AGENCY: Federal Communications Commission.

ACTION: Final report and order adopting form modifications.

SUMMARY: The Report and Order adopts modifications to the annual Form M and monthly Form 901 financial reports which Comsat is currently required to submit to the Commission. The Order implements specific aspects of the Second Comsat Structure Order, 49 FR 19118 (May 4, 1984), by updating of Comsat's reporting system consistent with its current organizational structure. This Order strengthens reports necessary for regulatory purposes, while deleting or simplifying others where possible.

FOR FURTHER INFORMATION CONTACT: Glenn E. deChabert, International Policy Division, Common Carrier Bureau, Federal Communications Commission, Washington, D.C. 20554, (202) 632-4047.

EFFECTIVE DATE: April 30, 1985.

Report and Order

In the Matter of Changes in the corporate structure and operations of the Communications Satellite Corporation; CC Docket No. 80-634.

Adopted: April 11, 1985
Released: April 19, 1985.

By the Commission.

I. Introduction and Background

1. On August 8, 1984, we adopted a *Second Notice of Proposed Rulemaking* in the above-captioned proceeding[1] for the purpose of modifying the common carrier reporting system of the Communications Satellite Corporation ("Comsat" or "the corporation") to reflect the cost allocation processes established by us in the *Second Comsat Structure Order*,[2] and to eliminate information which we no longer regarded as useful or necessary for regulatory purposes. In response to the *Second Notice*, comments were filed by Comsat and TRT Telecommunications Corporation (TRT). Reply comments were filed by both parties. Below we: (a) Describe Comsat's current filing requirements; (b) outline our proposed revisions to these requirements as contained in the *Second Notice;* and (c) summarize the comments and reply comments. We then analyze the record and discuss our reasons for adopting with certain modifications the proposals set forth in the *Second Notice*.

A. Current Filing Requirements

2. Pursuant to sections 219 and 220 of the Communications Act of 1934, 47 U.S.C. 219, 220 (1983), section 401 of the Communications Satellite Act of 1962, 47 U.S.C 741 (1976) and §§ 43.21 and 43.31 of the Commission's Rules and Regulations, 47 CFR 43.21, 43.31 (1983), Comsat files three different annual (Form M) and monthly (Form 901) reports.[3] First, the "Comsat-unconsolidated" annual and monthly reports cover the activities of the World Systems Division ("WSD") and Headquarters operations before consolidation with Comsat's wholly-owned subsidiaries.[4] Second, the "Comsat-consolidated" annual and monthly reports cover the activities of Comsat as a whole, including its wholly-owned subsidiaries and its partnership investments. Third, the "COMSAT General Corporation unconsolidated" annual and monthly reports cover the activities of COMSAT General.[5]

B. Proposed Revisions

3. We proposed in the *Second Notice* to revise and streamline the annual Form M and monthly Form 901 financial and corporate activity reports which Comsat currently files. Specifically, we

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[1] FCC 84-392, released August 14, 1984, 49 FR 34041 (August 28, 1984), with Erratum, Mimeo No 6089, released August 20, 1984 ("Second Notice").

[2] Comsat, 97 FCC 2d 145 (1984), *recon. granted in part*, CC Docket No. 80-634, FCC 84-565 (released December 11, 1984) ("Second Comsat Structure Order"). In the Second Comsat Structure Order, we directed Comsat to revise its methodology for allocating directly assigned expenses and common costs between and among its jurisdictional (INTELSAT/INMARSAT) and nonjurisdictional (competitive or unregulated) accounts.

[3] Form M is an annual report filed by common carriers which provides detailed financial, corporate structure, corporate activities, employee, and shareholder information in a variety of schedules and forms. Form 901 is a monthly summary of revenues, expenses, assets and traffic

[4] WSD and Headquarters operations include Comsat's "jurisdictional" functions. The term "jurisdictional" refers to the INTELSAT and INMARSAT activities in which Comsat participates under the mandates of the Communications Satellite Act of 1962, as amended, 47 U.S.C. 701-44 (1976), 47 U.S.C. Supp IV 751-7 (1980) and the INTERSAT and INMARSAT Agreements.

[5] These reports do not cover the activities of COMSAT General's subsidiaries.

tentatively concluded that: (a) Comsat's "unconsolidated" Forms M and 901 for the WSD and Headquarters operations be recast to show separately the percentage shares of balance sheet and income entries that Comsat allocates among the corporation's INTELSAT jurisdictional, INMARSAT jurisdictional an nonjurisdictional accounts;[6] (b) Comsat report on its "consolidated" Forms M and 901 for the entire corporation all data pertaining to the allocation process (*e.g.*, personnel, expenses, assets, investments, expenditure etc.) individually for its jurisdictional INTELSAT and INMARSAT activities, the nonjurisdictional activities of the parent legal entity, Comsat's whlloy-owned subsidiaries, and all partnerships in which it participates;[7] (c) Comsat file, in lieu of the "COMSAT General Corporation unconsolidated" Forms M and 901, reports reflecting all intracorporate transactions with COMSAT General and Comsat's other subsidiaries and affiliates; and (d) COMSAT General file only those reports required of similarly situated domestic carriers.[8] We also provided opportunity in the *Second Notice* for interested parties to comment on our proposals and to suggest other ways in which Comsat's reports could be further simplified, revised or eliminated were appropriate and in the public interest.

C. Comments and Reply Comments

4. In response to the *Second Notice*, Comsat states that it fully supports our objectives and the thrust of the proposals set forth in the *Second Notice*, its sole objection being to our tentative conclusions as to its obligation to submit separately and individually reports on the financial activities or its wholly-owned subsidiaries and partnerships. Otherwise, to meet our tentatives requirements, Comsat has proposed to file a single set of "consolidating" [9] financial statements which would replace the current bifurcated "COMSAT-unconsolidated" and "COMSAT-consolidated" forms. The monthly 901 reports would have six separate columns for INTELSAT, INMARSAT, other WSD (nonjurisdictional), total WSD, other nonjurisdictional (wholly-owned subsidiaries and Headquarters) and total Comsat.[10] In addition, the monthly statements would include a schedule showing the results of Comsat's costs allocations and bases therefor for home office, shared facilities and research and development (R&D) project expenses at Comsat Laboratories. Annual Form M reports would remain the same under Comsat's proposal except that the formats of the Schedule 10 Balance Sheets and the Schedule 11 Income Statements would be modified as above to conform with the category breakouts Comsat has proposed for its 901 reports.[11]

5. In proposing to replace separate "unconsolidated" and "consolidated" reports with "consolidating" financial statements, Comsat states that these statements are sufficient for regulatory oversight purposes. Moreover, Comsat asserts that it should not be ordered to file nonjurisdictional financial data by individual subsidiary and partnership rather than on an aggregate basis. It argues that the *Second Comsat Structure Order* does not require disaggregation and that such a requirement may compromise corporate proprietary information.

6. Comsat supports our tentative conclusion that filings for COMSAT General need not submit financial activity data on domestic satellite operations other than that which is required of similarly situated domestic carriers. In addition, Comsat seeks authority to cease filing the supplemental schedules which previously it appended to its Forms M and 901. Comsat states that the information contained in these schedules would be available in its new consolidating statements, and that, in any event, the information made available in these supplemental submissions appears not to have been a subject of significant outside interest in the past. Finally, Comsat proposes the elimination of Schedules 60B (Pensions Paid) and 71 (Accidents to Employees) on the grounds that pensions are covered under the Employee Retirement Income Security Act (ERISA) and virtually no accidents have been reflected in recent Schedule 71 reports.

7. The other party filing comments in this proceeding, TRT Telecommunications Corporation (TRT), seeks assurance that Comsat's financial reports will accurately convey the corporation's application of manpower and economic resources so as to enable the Comission to detect any cross-subsidization of Comsat's competitive ventures with revenues derived from its jurisdictional activities. TRT also expresses the concern that without stringent reporting requirements, Comsat may be able to cross-subsidize certain of its "competitive" activities with revenues derived from its "monopoly" INTELSAT activities. TRT states that these competitive activities include INTELSAT business services,[12] end-to-end services provided by a separate subsidiary [13] and future earth station services.[14]

8. TRT also states to facilitate Commission oversight of these financial reports, Comsat must be required to show the numerical bases for its prescribed cost allocations between jurisdictional and nonjurisdictional activities and between "competitive" and "monopoly" jurisdictional activities, the specific data sources used, the specific allocation factors used, and their derivation. Recognizing the additional burden which may be imposed upon Comsat in order to comply with the revised reporting requirements proposed in the *Second Notice* and its pleading, TRT suggests that we consider changing Form 901 from a monthly to a quarterly report.

9. In reply to TRT, Comsat asserts that if approved, its proposal to report separately INTELSAT, INMARSAT,

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[6] *Second Notice*, *supra* at paras. 8-9.

[7] *Id.* at para. 14.

[8] *Id.* at para. 11. Erratum, *supra* p. 2. We tentatively concluded that this new approach would be consistent with our recent endeavors to streamline regulatory requirements for non-dominant domestic carriers. *See* Policy and Rules Concerning Rates for Competitive Carrier Services and Facilities Authorizations Therefore (Fourth Report and Order), 95 FCC 2d 554 (1984).

[9] Comsat distinguishes between "consolidating" and "consolidated" financial statements as follows: "'consolidated' implies that similar accounts would be combined into one category. To the contrary, the 'consolidating' financial statements proposed by Comsat would list each account separately and, in addition, include the aggregated amounts." Letter to William J. Tricarico, Secretary, FCC, from Ruth E. Sigler, General Attorney, World Systems Division and Paul Weeks, Assistant General Counsel, Comsat, dated November 8, 1984, appended to Motion for Leave to Respond to Reply Comments, dated November 8, 1984, which motion we grant below.

[10] There are not such levels of detail in the line items of the two separate reports Comsat currently submits. Heretofore, to derive a picture of overall activities, one would have had to compare "Comsat-consolidated" to "Comsat-unconsolidated" annual and monthly reports to ascertain the relationship of Comsat's jurisdictional investments and obligations to the nonjurisdictional.

[11] Samples of Comsat's proposed revised financial statements are included here as Appendix A.

[12] See, e.g., Communications Satellite Corporation, File No. CSC-83-004-P/L, released April 11, 1984.

[13] Report and Order in CC Docket No. 82-540, Modification of policy on ownership and operation of U.S. earth stations that operate with the INTELSAT global communication satellite system, FCC 84-605, released December 18, 1984.

[14] Proposed Modifications of the Commission's Authorized User Policy Concerning Access to the International Satellite Services of the Communications Satellite (Report and Order), 90 FCC 1394, *vacated and remanded*, ITT World Communications Inc. v. FCC, 725 F. 2d 732 (D.C. Cir 1984); *order on remand* (Second Report and Order), FCC 84-633, —— FCC 2d —— (released January 11, 1985).

other (non-jurisdictional) WSD, total WSD, other (nonjurisdictional) and total Comsat activities, and to include a reporting of the results of the prescribed cost allocations and the base therefore, will provide information of sufficient detail to enable the Commission to fulfill its oversight responsibilities with respect to Comsat's jurisdictional activities. Comsat reiterates that while it has no objection to providing a schedule of nonjurisdictional activities in the aggregated form, it is opposed to breaking down this category of nonjurisdictional activities on an individual line-of-business basis. As to the distinctions TRT would draw between "competitive" and "monopoly" jurisdictional activities, Comsat asserts that it is premature to mandate a separate accounting for its prospective new service offerings. IBS earth station construction is being handled through a separate subsidiary and will be accounted for as a separate line item, and it is not clear, Comsat argues, how future earth station ventures will be treated in a competitive environment.

10. In its reply, TRT states that rather than seeking to address the proposals set forth in the *Second Notice* Comsat has responded with a vague counter-propoal of a single six-column report that will give less visibility to Comsat's operations, make it more difficult to detect cross-subsidies between Comsat's "competitive" and "monopoly" activities, and make comparisons with preexisting Form M's and 901's difficult if not impossible. TRT also states that Comsat's proposal to include all Headquarters activities within the "other (nonjurisdictional)" category gives the impression that no Headquarters investment and expenses will be allocated to jurisdictional accounts and that Comsat Headquarters engages in no jurisdictional activities. Noting that Comsat has proposed only to provide aggregated data for its wholly-owned subsidiaries, TRT asserts that Comsat also must be required to comply with our tentative conclusion in the *Second Notice* that it hereforth must report all data pertaining to the allocative process separately for each subsidiary and partnership. Also, TRT states that should we adopt Comsat's proposals, we also should provide for purpose of comparison a two-year transition period during which both the old and new Forms M and 901 reports would be filed.

11. In a letter dated November 8, 1984, Comsat states that TRT misunderstands the manner in which Comsat proposes to treat its Headquarters expenses.[15] Also, Comsat opposes the filing of reports in both the existing and new formats because comparison of the two would be unproductive. In Comsat's view, its proposed revised financial activity reports would be of a much greater level of detail than its current Forms M and 901. Moreover, Comsat avers that any comparison would nevertheless be virtually impossible because certain activities previously classified as jurisdictional (*e.g.*, INTELSAT contracts) are now classified as nonjurisdictional as a result of the *Second Comsat Structure Order* and related decisions.

II. Discussion

A. Overview

12. We stated in the *Second Notice* that the improper assignment of costs and expenses to Comsat's jurisdictional accounts could result in an inflated revenue requirement, excessive rates to the users of the INTELSAT and INMARSAT satellite systems and impermissible subsidies to Comsat's nonjurisdictional ventures.[16] With these considerations in mind, we tentatively concluded that Comsat's reporting system should be revised to achieve four basic objectives: (a) To facilitate the ability of the staff to monitor Comsat's jurisdictional INTELSAT and INMARSAT activities; (b) to enable the staff to ensure that Comsat's rates for INTELSAT and INMARSAT services are cost-based and that the revenues derived from such services are not used to improperly cross-subsidize other Comsat activities; (c) to provide an accurate picture of the corporation's overall activities to ensure that Comsat meets its statutory obligations and that Comsat's nonjurisdictional activities do not adversely affect the financial health of the corporation to the detriment of the jurisdictional ratepayer; and (d) to relieve Comsat of the burden of expending funds and manpower on reports or schedules not useful to the above objectives.

13. We find that Comsat's proposed revisions to its annual Form M and monthly Form 901's essentially comport with the tentative conclusions submitted under the reporting formats Comsat suggests will be sufficient to render a clear picture of the financial activity of the entire Comsat enterprise, we shall not require Comsat to supplement its annual and monthly reports schedules with allocation data individually for each Comsat subsidiary and partnership. We shall require, however, that Comsat supplement its schedules with a submission depicting all intracorporate transactions between the parent company and each of these entities. Thus, we shall grant Comsat's requests that it no longer be required to file: (a) Separate sets of "Comsat-consolidated" and "Comsat-unconsolidated" annual and monthly reports; (b) separate supplements to its monthly Form 901 financial statements; and (c) separate Form M and Form 901 schedules for COMSAT General. Aslo, we shall no longer require Comsat to submit Schedule 71 on employee accidents.

14. Under these new reporting requirements, the staff will have at its disposal the requisite information to effectively monitor Comsat's activities and the concerns expressed by TRT will be mitigated. Consequently, we shall deny as of little, if any, public interest benefit TRT's request that Comsat be required for two years to file reports on both the preexisting formats and the formats we adopt today. We find this requirement would be overburdensome both to the staff and to Comsat. However, we shall adopt TRT's suggestion that Comsat henceforth report separately on all Form M and 901 reports the financial activities of the subsidiaries it intends to establish to offer so-called "competitive jurisdictional" activities, such as earth station and end-to-end services.

B. Monthly Form 901

15. In lieu of filing two sets of monthly reports, "Comsat-unconsolidated" and "Comsat-consolidated", Comsat seeks permission to submit a single set of three "consolidating" reports. As shown in Appendix A, these would consist of: "Consolidating Statement of Operations" (Chart 1); "Consolidating Balance Sheet" (Chart 2); and "Allocation of Home Office Costs, Research and Development Costs, and Shared Facilities" (Chart 3). On Chart 1, Comsat proposes to list operating revenues, operting expenses, operating income, other income and net income in six categories (INTELSAT, INMARSAT, Other—WSD (nonjurisdictional), Total WSD, Other nonjurisdictional and Total). Comsat's second monthly chart, "Consolidating Balance Sheet" is intended to show the assets, capital and liabilities of the corporation for each of the six categories listed in Chart 1. The third report, "Allocation of Home Office Costs, Research and Development

[15] Comsat's letter was attached to a motion for leave to respond to reply comments. *See* n. 9 *supra*. We grant this motion because we find the information presented in Comsat's letter helpful to the resolution of the issues before us.

[16] Second Notice, *supra* at para. 6.

Costs, and Shared Facilities" ("Home Office Costs schedule"), is intended, pursuant to our prescriptions in the *Second Comsat Structure* and *Second Comsat Structure Reconsideration* orders, to provide all data pertaining to Comsat's process for allocating these costs among the six categories described in Chart. 1. Comsat opposes any further breakdown of the "other nonjurisdictional" category on two grounds: first, that a more detailed accounting is not required to enable us to carry out our regulatory duties, and second, that Comsat should not be forced to disclose to competitors the financial status of its various individual competitive lines of business. We agree.

16. In the *Second Notice*, we stated that in order for the staff to determine whether Comsat is properly allocating common expenses and common plant costs among its various jurisdictional and nonjurisdictional accounts, Comsat must provide separate entries for its INTELSAT, INMARSAT and nonjurisdictional activities. The formats for monthly financial reports which Comsat has proposed are of sufficient detail to satisfy our requirements. As we already require Comsat to submit financial information for each separate wholly-owned affiliate and partnership in its annual Capitalization Plan submissions,[17] we shall not require Comsat also to file a separate report showing the breakdown of the "other-nonjurisdictional" categories for each individual wholly-owned subsidiary and partnership in the new monthly "consolidating" schedules Comsat proposes to submit.

17. We anticipate that Comsat's proposed 901 reports, which we are prescribing by this order, will enable the staff to monitor Comsat's financial activities to protect against any potential abuses stemming from Comsat's unique position as sole supplier of INTELSAT space segment facilities in the United States, as a future competitive supplier of earth station services, and as potential end-to-end service carrier. In particular, we find that Comsat's proposed "Home Office Costs" schedule will provide the cost allocations justifications sought by TRT. As such, we do not agree with TRT that our revised reporting requirements will be less effective mechanisms for regulatory oversight than current requirements. To the contrary, we believe that as presented in the formats we have prescribed, Comsat's modified financial activity reports will enable interested parties such as TRT to obtain a more clear and concise picture of Comsat's corporate structure and operations than the current 901's provide. In fact, there may be merit to TRT's suggestion that Comsat's monthly Forms 901 be submitted only on a quarterly basis. As a practical matter, given the amount of detail which we are requiring in the three 901 schedules, and the time it may take Comsat to prepare and the staff to review them, it ultimately may prove unnecessary for Comsat to engage in the laborious process of assembling and collating the data on these schedules on a monthly basis, as is required of all common carriers under disposed to initiate a rulemaking to grant in Section 43.31 an exception for Comsat in recognition that its reporting requirements may be more comprehensive and stringent than required by the public interest.

C. Annual Form M

18. Comsat seeks authority to revise its existing Form M Schedule 10 Balance Sheet and Schedule 11 Income Statement to provide separate columns for INTELSAT, INMARSAT, other WSD (nonjurisdictional), total WSD, other nonjurisdictional and total Comsat. As this approach would provide considerably more detail to the schedules we currently receive, we find it acceptable for our purposes. Comsat has proposed to provide on its monthly "Home Office Costs" schedules cumulative information on all allocations (e.g., personnel, payroll, treasurer and treasury operations, shareholder meeting and common stock service costs, residual pool and research and development) under separate "year-to-date" line items.[18] Therefore, we find it unnecessary to require Comsat to submit a separate annual "Home Office Costs" schedule (i.e., a report reflecting on a twelve-month basis the information to be provided monthly). We shall however require Comsat to supplement its new monthly "Home Office Costs" schedules with year-to-date entries for each of the four categories comprising the "Shared Facilities" line item: Headquarters, Maintenance and Supply Center, Laboratories, and Computer.

19. With these additions, Comsat's annual submissions should provide the information and data necessary to scrutinize Comsat's methodology for allocating shared general and administrative and research and development expenses among its jurisdictional and nonjurisdictional accounts, and mitigate the concerns of TRT as to the credibility of Comsat's cost allocations process.

D. Reporting Requirements for COMSAT General and Intracorporate Transfer Reports

20. In the *Second Notice*, we tentatively concluded that the Form M and 901 schedules currently filed by COMSAT General are of marginal value to the regulation of Comsat's jurisdictional international common carrier activities. As COMSAT General is principally involved in domestic satellite operations, we found no reason to treat the company differently than other domestic satellite carriers. Therefore we proposed to relieve COMSAT General of the obligation to file Forms M and 901 and to have COMSAT General file in the future only those financial reports which are required of similarly situated domestic carriers.[19] Nevertheless, to meet our overall objective of gaining sufficient information to derive an accurate picture of the overall activities of the corporation and to meet our regulatory responsibilities, we stated our intention to require Comsat to submit additional data on all intracorporate transactions between the parent company and COMSAT General, Comsat's other wholly-subsidiaries, and the partnerships in which Comsat is a participant.

21. The above tentative proposals were unopposed by the parties to this proceeding. As they are consistent with our efforts to streamline the regulatory requirements for competitive domestic common carriers generally, while retaining (and fine-tuning) those filing requirements which are necessary to carry out our oversight responsibilities, we shall adopt these proposals without modification. We instruct the Chief, Common Carrier Bureau, to take such steps as may be necessary to develop expeditiously a schedule or schedules for Comsat's intracorporate transactions and to report to the Commission when this task has been completed.

E. Other Schedules

22. In response to our request for suggestions of other Comsat reports which either can be simplified or eliminated, Comsat asks that we no longer require it to file the supplemental

[17] *See* Consolidated Capitalization Plan for 1983-1985 of the Communications Satellite Corporation, COMSAT, 94 FCC 2d 1149 (1983), *recon. granted in part*, FCC 83-381 (released August 17, 1983).

[18] *See* Appendix A, Chart 3.

[19] *See* Second Notice, supra at para. 11, as amended by Erratum. We stated, however, that Part 43 of our rules would remain applicable to COMSAT General, Comsat's other wholly owned affiliates and Comsat's partnerships were these entities to offer services other than domestic satellite operations. *Id*

schedules it currently attaches to its Form M and 901 reports because the data contained therein henceforth will be made available in its "consolidating" statements. Comsat also seeks relief from filing Schedules 60B (Pensions Paid) and 71 (Accidents to Employees). We shall grant these requests with respect to the supplemental annual and monthly schedules and Schedule 71. We also find insufficient public interest benefit to justify the duplication of data contained in the supplemental Forms M and 901 schedules, information which will be made available under the new reporting formats adopted today. Similarly, we will no longer require Comsat to file Schedule 71 with us because the same information must be provided to the Department of Labor pursuant to the Occupational Health and Safety Act of 1970. Therefore, Schedule 71 is superfluous and need no longer be filed by Comsat. Schedule 60B, however, is required of all communications common carriers with operation revenues in excess of $1,000,000, pursuant to § 43.42 of our Rules and Regulations. As we see no compelling reason to exempt Comsat alone from this filing requirement, we decline to do so.

F. "Competitive" Jurisdictional Activities

23. TRT argues that Comsat's financial and corporate activity reports should reflect separately the various activities, such as ownership and management of interntional earth stations, in which Comsat will engage competitively, but which appear to be "jurisdictional" in nature. Comsat responds that it would be premature to impose such a requirement at this time. We disagree. Comsat is to establish a separate subsidiary for the provision of earth station services on or before May 20, 1985. Also, in the immediate future, Comsat will determine whether to enter the end-user market, and if it decides to do so, end-to-end services must also be provided through a separate subsidiary. Given this rush of events, we place Comsat on notice that all activities which may be described as "competitive" jurisdictional activities must be reflected in the aggregate "other nonjurisdictional" categories included on its annual and monthly Balance Sheet, Statement of Income and Home Office Costs schedules. Moreover, these specific "competitive" jurisdictional activities must be accounted for individually in the separate breakout of the "other jurisdictional" line items Comsat is to file. It will be no imposition on Comsat to provide for these modifications now, in anticipation of its implementation of our *Authorized User II* and *Earth Station Owership* decisions.

G. Transition Period

24. As a final matter, we deny TRT's request that we establish a two-year transition period during which Comsat would file reports under both preexisting and new formats. We are unconvinced of the public interest benefit of this approach. While it may be somewhat difficult for interested parties to compare the information presented in the new reporting formats with that in the Form M and 901 reports Comsat has heretofore submitted, we are confident that useful comparisions can be made and analyses undertaken. We also note that much of the information contained in the preexisting annual and monthly schedules will be of decreasing interest as Comsat restructures and its service offerings become subject of additional competition. Furthermore, we decline to impose upon Comsat a burden borne by no other carrier simply to reassure TRT that Comsat is acting in good faith. We are confident that the staff will be able to ascertain any discrepancies in Comsat's future accounting and reporting practices and take the necessary action to ensure that Comsat's conduct is consistent with this order. TRT's request for a transitional dual reporting period is therefore denied as lacking in public interest benefit.

III. Summary

25. This phase of the *Comsat Structure* proceeding was instituted for the purpose of revising and simplifying Comsat's reporting requirements to better reflect the new cost allocation methodologies adopted in the *Second Comsat Structure Order*. We conclude that the annual and monthly financial activity reporting requirements we are adopting today, in conjunction with the updates to its three-year Capitalization Plan which Comsat files on an annual basis, will enable the staff more effectively to monitor Comsat's jurisdictional INTELSAT and INMARSAT activities. At the same time, we believe today's decision will serve to relieve Comsat of the burden of filing reporting schedules which are superfluous to the regulatory oversight process.

IV. Ordering Clauses

26. Accordingly, It IS ORDERED, pursuant to section 4(i), 4(j), 219 and 220 of the Communications Act of 1934, as amended, 47 U.S.C. sections 4(i), 219–220 (1983), section 401 of the Communications Satellite Act of 1962, 47 U.S.C. section 741 (1976) and §§ 43.21 and 43.31 of the Commission's Rules and Regulations, 47 CFR 43.21 and 43.31 (1983), that Communications Satellite Corporation (Comsat) shall revise its current monthly "Comsat-consolidated" and "Comsat-unconsolidated" Form 901 reports in the Balance Sheet, Statement of Income, Intracorporate Transfers, and Allocation of Home Office Costs, Research and Development Costs and Shared Facilities schedule formats, and supplements thereto, as provided above in paragraphs 16 and 17. Comsat shall file such revised financial schedules with the Commission within forty (40) days after the end of the calendar month during which this Order published in the **Federal Register**, and within forty (40) days of the end of every calendar month thereafter.

27. It is further ordered, that, in lieu of its annual "Comsat-consolidated" and "Comsat-unconsolidated" Form M reports, Comsat henceforth shall substitue therefor and timely file with the Commission not later than March 31 of each year for the preceding calendar year, the modifications to the annual Schedules 10 and 11, and the supplemental thereto, described above in paragraph 18.

28. It is further ordered, that, henceforth, COMSAT General Corporation shall file with the Commission only such financial information as is currently required of similarly situated domestic carriers.

29. It is further ordered, that any Comsat subsidiary, or partnership in which Comsat is a participant, which offers common carrier services other than domestic satellite operations, shall remain subject to the reporting requirements set forth in Part 43 of the Commission's Rules and Regulations and other applicable Commission decisions.

30. It is further ordered, that the Chief, Common Carrier Bureau is directed to take such steps as are necessary to develop a schedule or schedules depicting all intracorporate transfers between Comsat and its various subsidiaries and partnership ventures, as provided above in paragraphs 20 and 21, and to report back to the Commission upon completion of this task.

31. Pursuant to section 605(b) of the Regulatory Flexibility Act 5 U.S.C. 605, it is certified, that sections 603 and 604 of the Act do not apply because the annual and monthly reporting requirements, and the instant modifications thereof as provided for above, are rules of particular applicability to Communications Satellite Corporation

and are, hence, not subject to the Regulatory Flexibility Act. *Id.* at section 601(2).

32. It is further ordered that the request of Communications Satellite Corporation to respond to the reply comments of TRT Telecommunications Corporation is hereby GRANTED.

33. It is further ordered that the policies adopted herein are effective upon **Federal Register** publication.

34. It is further ordered, that CC Docket No. 80–634 is hereby terminated.

35. It is further ordered, that the Secretary shall cause this Report and Order to be published in the **Federal Register** and shall mail a copy of this decision to the Chief for Advocacy of the Small Business Administration.

Federal Communications Commissio

William J. Tricarico,

Secretary.

Appendix A—Chart 1

COMMUNICATIONS SATELLITE CORPORATION, CONSOLIDATING STATEMENT OF OPERATIONS

[$(000)]

	INTELSAT	INMARSAT	Other WSD (non-jurisdictional)	Current month total, WSD	Other (non-jurisdictional)	Period June 1984 Total
Operating revenues						
International Satellite Systems						
INTELSAT Ownership—Net						
Maritime Services						
Technical Services and Other						
Total Operating Revenues						
Operating expenses						
Depreciation & Amortization						
Use Charges						
Departmental Expenses						
Research and Development						
Share of INTELSAT Expenses						
Operating & Maintenance						
Research and Development						
Share of INMARSAT						
INMARSAT Utilization—Net						
Total Operating Expenses						
OPERATING INCOME (Before Income Taxes)						
Provision for Income Taxes						
Net operating income						
Other Income (expense)						
Interest from Temporary Cash Investments						
Other Income						
Amortization of Investment Credit						
Provision for Income Taxes						
Allowance for Funds Used During Constitution						
Total Other Income (Net)						
Net income						

Appendix A—Chart 2

COMMUNICATIONS SATELLITE CORPORATION, CONSOLIDATING BALANCE SHEET

[$(000)]

	Period ended June 30, 1964					
	INTELSAT	INMARSAT	Other WSD (Non-jurisdictional)	Total WSD	Other (nonjurisdictional)	Total
Assets						
Property						
Communications Plant in Service						
Accumulated Depreciation						
Net Communications Plant in Service						
Communications Plant Under Construction						
Plant Held for Future Use						
Property (Net)						
Investments						
Current Assets						
Cash and Temporary Cash Investments						
Receivables						
Customers						
Other Participants						
Accured Interest						
Materials, Supplies & Spare Parts						
Prepayments to INTELSAT and INMARSAT						
Other						
Total Current Assets						

COMMUNICATIONS SATELLITE CORPORATION, CONSOLIDATING BALANCE SHEET—Continued

[$(000)]

	Period ended June 30, 1984					
	INTELSAT	INMARSAT	Other-WSD (Non-jurisdictional)	Total WSD	Other (nonjurisdictional)	Total
Note Receivable						
Goodwill						
Other Assets						
Total Assets						
Capitalization and Liabilities						
Current liabilities						
Accounts Payable						
Accured Liabilities						
Total Current Liabilities						
Deferred credits & other liabilities						
Deferred Income Taxes						
Investment Credit (Net)						
Total Deferred & Other Liabilities						
Net capitalization						
Total Capitalization and Liabilities						

Appendix A—Chart 3

COMMUNICATIONS SATELLITE CORPORATION—ALLOCATION OF HOME OFFICE COSTS, RESEARCH & DEVELOPMENT COSTS, AND SHARED FACILITIES

[June 1984]

	INTELSAT	INMARSAT	Other—WSD (non-jurisdictional)	Total WSD	Other (non-jurisdictional)	Total
Cost Benefit Pools						
Personnel						
Curent Month:						
Headcount						
Percentage						
Allocation						
Year-To-Date Allocation						
Payroll:						
Current Month:						
Headcount						
Percentage						
Allocation						
Year-To-Date Allocation						
Treasurer and Treasury Operations:						
Current Month:						
Gross Expenditures						
Percentage						
Allocation						
Year-To-Date Allocation						
Shareholder Meeting & Common Stock Service Costs:						
Current Month:						
Total Assets						
Percentage						
Allocation						
Year-To-Date Allocation						
Residual Pool						
Current Month:						
Operating Expenses						
Percentage						
Allocation						
Year-To-Date Allocation						
Research and Development Pool						
Current Month:						
Operating Expenses						
Percentage						
Allocation						
Year-To-Date Allocation						
Shared Facilities						
Headquarters						
Square Footage						
Percentage						
Maintenance & Supply Center						
Expenses						
Percentage						
Laboratories:						
Expenses						
Percentage						
Computer						
Usage						

[FR Doc. 85-10258 Filed 4-29-85; 8:45 am]

BILLING CODE 6712-01-M

Travel Reimbursement Experiment

AGENCY: Federal Communications Commission.

ACTION: Publishing of Quarterly Report on Travel Reimbursement Experiment.

SUMMARY: In Pub. L. 97–259, the Congress authorized the Federal Communications Commission to accept reimbursement from non-government organizations for travel of employees of the Commission. The Federal Communications Commission must keep records of such travel by each event and prepare a report each quarter of all reimbursements allowed and provide copies of each quarterly report to the Senate Committee on Appropriations, House Committee on Appropriations, Senate Committee on Commerce, Science and Transportation, and the House Committee on Energy and Commerce. This must be done each quarter until September 30, 1985. In addition the Federal Communications Commission must publish each quarterly report in the Federal Register until September 30, 1985.

DATE: This report is for the period from January 1, 1985 through March 31, 1985.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Geoffrey Sherman, Office of the Managing Director, (202) 632–6900.

SUPPLEMENTARY INFORMATION: The report for the quarter ending March 31, 1985 is as follows:

Summary Report

Total Number of Sponsored Events: 11.

Total Number of Sponsoring Organizations: 11.

Total Number of Commissioners/Employees Attending: 25.

Total Amount of Reimbursement:

Transportation	$7,441.50
Room	5,006.21
Board	720.10
Other Expenses	600.52
Total	13,768.33

Individual Event Reports Attached.

Individual Event Report

Sponsoring Organization (Name and Address): International Thomson Communications, Inc., 600 Grant Street, Suite 600, Denver, Colorado 80203.

Date of the Event: February 11–15, 1985

Description of the Event: To participate in the Mobile Communications Exposition in Anaheim, CA.

Number of Commissioners Attending: 0.

Number and Title of Employees Attending: 1, Bureau Chief; 1, Deputy Bureau Chief, Private Radio Bureau.

Amount of Reimbursement:

Transportation	$769.00
Room	480.15
Board	163.85
Other Expenses	80.48
Total	[1] 1,493.48

[1] *Reimbursement Estimated*—travel processing not complete or Reimbursement billed, but not received

Sponsoring Organization (Name and Address): National Translator Association, P.O. Box 628, Riverton, Wyoming 8251.

Date of the Event: March 21–25, 1985.

Description of the Event: To attend the National Translator Association seminar in Denver, Colorado.

Number of Commissioners Attending: 0.

Number and Title of Employees Attending: 1 electronics Engineer, Mass Media Bureau.

Amount of Reimbursement:

Transporatation	$239.00
Room	200.00
Board	100.00
Other Expenses	25.00
Total	[1] $564.00

[1] *Reimbursement Estimated*—travel processing not complete or Reimbursement billed, but not received

Sponsoring Organization (Name and Address): Community Broadcasters Association, 1830 Jefferson Place NW., Washington, DC 20036.

Date of the Event: January 11–16, 1985.

Description of the Event: To participate on a panel on Low Power TV rules and the FCC lottery system in San Francisco, CA.

Number of Commissioners Attending: 0.

Number and Title of Employees Attending: 1, Supervisory General Attorney, Mass Media Bureau.

Amount of Reimbursement:

Transportation	$428.00
Room	0
Board	0
Other Expenses	0
Total	[1] 428.00

[1] *Reimbursement Estimated*—travel processing not complete or Reimbursement billed, but not received

Sponsoring Organization (Name and Address): Association of Long Distance Telephone, Companies of Missouri, 18040 Edison Avenue, Chesterfield, Missouri 63017.

Date of the Event: March 26–27, 1985.

Description of the Event: To address the annual meeting of the Missouri Chapter of the Association of Long Distance Telephone Companies in Springfield, Missouri.

Number of Commissioners Attending: 1.

Number and Title of Employees Attending: 1, Commissioner Patrick; 1 Attorney Adviser, Office of Commissioner Patrick.

Amount of Reimbursement:

Transportation	$772.00
Room	120.00
Board	66.00
Other Expenses	50.00
Total	[1] 1,008.00

[1] *Reimbursement Estimated*—travel processing not complete or Reimbursement billed, but not received

Sponsoring Organization (Name and Address): United States Telephone Association, 1801 K. Street NW., Suite 1201, Washington, DC 2006.

Date of the Event: March 26, 1985.

Description of the Event: To speak at the United States Telephone Association seminar in New York City.

Number of Commissioners Attending: 1.

Number and Title of Employees Attending: 1, Commissioner Dawson.

Amount of Reimbursement:

Transportation	$100.00
Room	0
Board	5.00
Other Expenses	22.25
Total	[1] 127.25

[1] *Reimbursement Estimated*—travel processing not complete or Reimbursement billed, but not received

Sponsoring Organization (Name and Address): Energy Telecommunications and Electrical Association, 1150 17th Street NW., Washington, DC 20036.

Date of the Event: March 10–14, 1985.

Description of the Event: To participate in the Energy Telecommunications and Electrical Association Symposium in San Antonio, Tx.

Number of Commissioners Attending: 0.

Number and Title of Employees Attending: 1, Bureau Chief, Private Radio Bureau.

Amount of Reimbursement:

Transportation	$268.00
Room	200.00
Board	43.75
Other Expenses	60.00
Total	[1] 571.75

[1] *Reimbursement Estimated*—travel processing not complete or Reimbursement billed, but not received

Sponsoring Organization (Name and Address): American Bankers Association, 1120 Connecticut Avenue NW., Washington, DC 20036.

Date of the Event: February 1–6, 1985.

Description of the Event: To speak at the American Bankers Association Telecommunications and Financial Networks Conference in New Orleans, LA.

Number of Commissioners Attending: 0.

Number and Title of Employees Attending: 1 Deputy Bureau Chief, Common Carrier Bureau.

Amount of Reimbursement:

Transportation	$359.50
Room	150.00
Board	0
Other Expenses	81.50
Total	[1] 591.00

[1] *Reimbursement Estimated*—travel processing not complete or Reimbursement billed, but not received.

Sponsoring Organization (Name and Address): Southwest Communications Association, P.O. Box 53417, Houston, Texas 77052.

Date of the Event: February 11–15, 1985.

Description of the Event: To attend the Texas Telecommunications Conference in Houston, TX.

Number of Commissioners Attending: 0.

Number and Title of Employees Attending: 1, General Attorney Common Carrier Bureau.

Amount of Reimbursement:

Transportation	$228.00
Room	100.00
Board	50.00
Other Expenses	50.00
Total	[1] 428.00

[1] *Reimbursement Estimated*—travel processing not complete or Reimbursement billed, but not received

Sponsoring Organization (Name and Address): Oklahoma Communications, Managers Association, 3815 North Santa Fe Street, Oklahoma City, Oklahoma 73125.

Date of the Event: March 8–12, 1985.

Description of the Event: To attend the Oklahoma Communications Managers Association convention in Oklahoma City, OK.

Number of Commissioners Attending: 0.

Number and Title of Employees Attending: 1, General Attorney, Common Carrier Bureau.

Amount of Reimbursement:

Transportation	$287.00
Room	0
Board	0
Other Expenses	9.00
Total	[1] 296.00

[1] *Reimbursement Estimated*—travel processing not complete or Reimbursement billed, but not received.

Sponsoring Organization (Name and Address): Association of Independent Television Stations, Inc., 1200 Eighteenth Street NW., Washington, DC. 20036.

Date of the Event: January 6–10, 1985.

Description of the Event: To attend the Association of Independent Television Stations Convention in Los Angeles, CA.

Number of Commissioners Attending: 3.

Number and Title of Employees Attending: 1, Commissioner Dawson, 1, Commissioner Quello; 1, Commissioner Rivera; 1, Senior Adviser, Office of Commissioner Rivera; 1, Senior Adviser, Officer of Commissioner Patrick; 1, Attorney Adviser, Office of the Chairman; 1, Attorney Adviser, Mass Media Bureau; 1, Senior Adviser, Office of Commissioner Dawson.

Amount of Reimbursement:

Transportation	$2,287.50
Room	1,914.75
Board	291.50
Other Expenses	172.29
Total	[1] 4,666.04

[1] *Reimbursement Estimated*—travel processing not complete or Reimbursement billed, but not received

Sponsoring Organization (Name and Address) NAPTE International, 342 Madison Avenue, Suite 933, New York, NY 10173.

Date of the Event: January 9–14, 1985.

Description of the Event: To attend the NATPE convention in San Francisco, CA.

Number of Commissioners Attending: 3.

Number and Title of Employees Attending: 1, Commissioner Patrick; 1, Commissioner Quello; 1, Commissioner Rivera; 1, Senior Adviser, Office of Commissioner Rivera; 1, Senior Adviser Office of Commissioner Patrick; 1, Attorney Adviser, Mass Media Bureau; 1, Senior Advisor Office of Commissioner Dawson.

Amount of Reimbursement:

Transportation	$1,703.50
Room	1,841.31
Board	0
Other Expenses	50.00
Total	[1] 3,594.81

[1] *Reimbursement Estimated*—travel processing not complete or Reimbursement billed, but not received

William J. Tricarico,

Secretary, Federal Communications Commission.

[FR Doc. 85–10442 Filed 4–29–85; 8:45 am]

BILLING CODE 6712–01–M

A Closed Circuit Test of the Emergency Broadcast System During the Week of May 27, 1985

April 24, 1985.

A test of the Emergency Broadcast System (EBS) has been scheduled during the week of May 27, 1985. Only ABC, CBS, MBS, NBC, NPS, AP Radio and UPI Audio Radio Network affiliates will receive the Test Program for the Closed Circuit test. The ABC, CBS, NBC and PBS television networks are not participating in the Test.

Network and press wire service affiliates will be notifed of the test procedures via their network approximately 30 to 45 minutes prior to the test.

Final evaluation of the test is scheduled to be made about one month after Test.

THIS IS A CLOSED CIRCUIT TEST AND WILL NOT BE BROADCAST OVER THE AIR.

William J. Tricarico,

Secretary, Federal Communications Commission.

[FR Doc. 85–10437 Filed 4–29–85; 8:45 am]

BILLING CODE 6712–01–M

FEDERAL MARITIME COMMISSION

Agreement(s) Filed

The Federal Maritime Commission hereby gives notice of the filing of the following agreement(s) pursuant to section 5 of the Shipping Act of 1984.

Interested parties may inspect and obtain a copy of each agreement at the Washington, D.C. Office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10325. Interested parties may submit comments on each agreement to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 10 days after the date of the **Federal Register** in which this notice appears. The requirements for comments are found in § 572.603 of Title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

Agreement No.: 202–009548–028.

Title: United States Atlantic Ports Eastern Mediterranean and North African Freight Conference.

Parties:

Constellation Lines S.A.
Farrell Lines, Inc.
Prudential Lines, Inc.

Synopsis: The proposed amendment would add Lykes Bros. Steamship Co., Inc. as a party to the agreement. The parties have requested a shortened review period.

Agreement No.: 202–009882–003.

Title: Pacific Australia Direct Line Joint Service Agreement.

Parties:

Associated Container Transportation (Australia) Ltd.
PAD Shipping Australia Pty. Ltd.
Rederiaktiebolaget Transatlantic.

Synopsis: The proposed amendment would modify the termination provisions of the agreement by extending the date by which notice of termination of the agreement may be given from April 20, 1985 to June 30, 1985. It would also provide that the rights of the parties with regard to any antecedent breaches of the agreement and any prior events giving grounds for termination, are unaffected by the amendment. The parties have a waiver of the format requirements of the Commission's regulations.

Agreement No.: 202–010071–004.

Title: Cruise Lines International Association (CLIA).

Parties:

American Cruise Lines
American Hawaii Cruises
Bahama Cruise Line, Inc.
Carnival Cruise Lines
Commodore Cruise Line, Ltc.
Casta Cruises
Cunard Line Ltd.
Cunard/Norwegian American Cruises
Delta Queen Stremboat Co.
Eastern/Western Cruise Lines
Epirotiki Lines, Inc.
Hellenic Mediterranean Lines
Holland America Westours
Home Lines Cruises Inc.
Norwegian Caribbean Lines
Ocean Cruise Lines, Inc.
Paquet Cruises, Inc.
Pearl Cruises of Scandinavia, Inc.
Premier Cruise Lines
Princess Cruises
Royal Caribbean Cruise Line, Inc.
Royal Cruise Line
Royal Viking Line
Sitmar Cruises
Sun Line Cruises

Synopsis: The proposed amendment would add a new section providing that the Association may allow travel agents listed in CLIA's Master List of Independent Travel Agents to participate at reduced rates, in CLIA's cruise industry promotional, education and travel agency training programs. It would also restate the agreement to conform with the Commission's format, organization and content requirements.

Agreement No.: 224–010750.

Title: Tacoma Terminal Agreement.

Parties:

Sea-Land Service, Inc. (Sea-Land)
Tacoma Terminals, Inc. (TTI)

Synopsis: Agreement No. 224–010750 provides that TTI will provide terminal services and functions as listed in the agreement, for Sea-Land at the Tacoma Marine Terminal located in the City of Tacoma, Washington. The term of the agreement shall commence on the date it is determined to be effective by the Commission and shall run for one year. The parties have requested a shortened review period for the agreement.

By Order of the Federal Maritime Commission.

Dated: April 25, 1985.

Bruce A. Dombrowski,

Acting Secretary.

[FR Doc. 85–10447 Filed 4–29–85; 8:45 am]

BILLING CODE 6730–01–M

FEDERAL RESERVE SYSTEM

Agency Forms Under Review

April 24, 1985.

Background

On June 15, 1984, the Office of Managment and Budget (OMB) delegated to the Board of Governors of the Federal Reserve System (Board) its approval authority under the Paperwork Reduction Act of 1980, as per 5 CFR § 1320.9, "to approve of an assign OMB control numbers to collection of information requests and requirements conducted or sponsored by the Board under conditions set forth in 5 CFR § 1320.9." Board-approved collections of information will be incorporated into the official OMB inventory of currently approved collections of information. A copy of the SF 83 an supporting statement and the approved collection of information instrument(s) will be placed into OMB's public docket files. The following forms, which are being handled under this delegated authority, have received initial Board approval and are hereby published for comment. At the end of the comment period, the proposed information collection, along with an analysis of comments and recommendations received, will be submitted to the Board for final approval under OMB delegated authority.

DATE: Comments must be received within fifteen working days of the date of publication in the **Federal Register.**

ADDRESS: Comments, which should refer to the OMB Docket number (or Agency form number in the case of a new information collection that has not yet been assigned an OMB number), should be addressed to Mr. William W. Wiles, Secretary, Board of Governors of the Federal Reserve System, 20th and C Streets, N.W., Washington, D.C. 20551, or delivered to room B–2223 between 8:45 a.m. and 5:15 p.m. Comments received may be inspected in room B–1122 between 8:45 a.m and 5:15 p.m., except as provided in § 261.6(a) of the Board's Rules Regarding Availability of Information, 12 CFR § 261.6(a).

A copy of the comments may also be submitted to the OMB desk officer for the Board: Robert Neal, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 3208, Washington, D.C. 20503.

FOR FURTHER INFORMATION CONTACT: A copy of the proposed form, the request for clearance (SF 83), supporting statement, instructions, and other documents that will be placed into OMB's public docket files once approved may be requested from the agency clearance officer, whose name appears below.

Federal Reserve Board Clearance Officer—Cynthia Glassman—Division of Research and Statistics, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 (202–452–3829).

Proposal to approve under OMB delegated authority the extention with revision of the following report:

1. Report title: Commerical Bank Report of Consumer Credit

Agency form number: FR 2571

OMB Docket number: 7100–0080

Frequency: Monthly

Reporters: Commerical Banks

Small businesses are affected.

General description of report: This information collection is voluntary (12 U.S.C. 248 (a)(2) and is given confidential treatment (5 U.S.C. 552(b)(4).

This report collects information from a sample of member banks on the amount of consumer credit outstanding by types of loan. This information forms a component of estimates of total consumer credit, which is used in general financial analysis for monetary policy purposes.

Board of Governors of the Federal Reserve System, April 24, 1985.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 85-10333 Filed 4-29-85; 8:45 am]

BILLING CODE 6210-01-M

Bancshares 2000, Inc. et al.; Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under the section 3 of the Bank Holding Company Act (12 U.S.C. 1842) and § 225.14 of the Board's Regulation Y (12 CFR 225.14) to become a bank holding company or to acquire a bank or bank holding company. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank or to the offices of the Board of Governors. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Unless otherwise noted, comments regarding each of these applications must be received not later than May 22, 1985.

A. Federal Reserve Bank of Richmond (Lloyd W. Bostian, Jr., Vice President) 701 East Byrd Street, Richmond, Virginia 23261:

1. *Bancshares 2000, Inc.*, McLean, Virginia; to become a bank holding company by acquiring 100 percent of the voting shares of Bank 2000, N.A., McLean,Virginia.

B. Federal Reserve Bank of Minneapolis (Bruce J. Hedblom, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. *State Bond and Mortgage Company*, New Ulm, Minnesota; to acquire 100 percent of the voting shares of National Bank of Commerce in Mankato, Mankato, Minnesota.

C. Federal Reserve Bank of Kansas City (Thomas M. Hoenig, Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. *Adams Bankcorp, Inc.*, Northglenn, Colorado; to acquire 100 percent of the voting shares of Citywide Bank of Thornton, Thornton, Colorado.

2. *First National Holding Company*, Tulsa, Oklahoma; to become a bank holding company by acquiring 100 percent of the voting shares of First Jenks Bancorporation, Inc., Jenks, Oklahoma, thereby indirectly acquiring First National Bank, Jenks, Oklahoma.

3. *Kingfisher Bancorp, Inc.*, Kingfisher, Oklahoma; to become a bank holding company by acquiring 100 percent of the voting shares of Kingfisher Bank and Trust Company, Kingfisher, Oklahoma.

D. Federal Reserve Bank of Dallas (Anthony J. Montelaro, Vice President) 400 South Akard Street, Dallas, Texas 75222:

1. *First Richardson Bancshares, Inc.*, Richardson, Texas; to become a bank holding company by acquiring 80 percent of the voting shares of First National Bank of Richardson, Richardson, Texas.

Board of Governors of the Federal Reserve System, April 24, 1985.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 85-10334 Filed 4-29-85; 8:45 am]

BILLING CODE 6210-01-M

Citizens and Southern Georgia Corporation et al.; Formations of, Acquisitions by; and Mergers of and Acquisitions of Nonbanking Companies

The companies listed in this notice have applied under § 225.14 of the Board's Regulation Y (12 CFR 225.14) for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) to become a bank holding company or to acquire voting securities of a bank or bank holding company. The listed companies have also applied under § 225.23(a)(2) of Regulation Y (12 CFR 225.23(a)(2)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to acquire or control voting securities or assets of a company engaged in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies, or to engage in such an activity. Unless otherwise noted, these activities will be conducted throughout the United States.

The applications are available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the office of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than May 22, 1985.

A. Federal Reserve Bank of Atlanta (Robert E. Heck, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303:

1. *Citizens and Southern Georgia Corporation*, Atlanta, Georgia; through a proposed subsidiary, Citizens and Southern Acquisition Corporation, Atlanta, Georgia to acquire Landmark Banking Corporation of Florida, Ft. Lauderdale, Florida, thereby indirectly acquiring the following banks: Landmark Bank of Brevard, Melbourne; Landmark First National Bank, Ft. Lauderdal; Charlotte County National Bank, Port Charlotte; First Bank of Marco Island, N.A., Marco Island; First National Bank and Trust Company of Naples, Naples; First County Bank, Riverview; Landmark Bank of Tampa, Tampa; Peoples Bank of Hillsborough County, Tampa; East First National Bank, East Ft. Myers; First Commercial Bank of Ft. Myers, Ft. Myers; The First National Bank of Ft. Myers, Ft. Myers; Gulf Coast First National Bank, Ft. Myers Beach; North First Bank, North Ft. Myers; The Palmetto Bank and Trust Company, Palmetto; Landmark Bank of Orlando, Orlando; Landmark Bank of Palm Beach County, Boca Raton; Peoples Bank of Pasco County, Elfers; Gulf Coast Bank of Pinellas, Maderia Beach; Landmark Union Trust Bank of St. Petersburg, N.A., St. Peterburg; Palm State Bank, Palm Harbor; Gulf Coast National Bank, Sarasota; National Bank of Sarasota, Sarasota; and South County Bank, Venice, all located in the State of Florida.

Applicant have also applied for permission to acquire the following

nonbank companies: Capital Group, Inc., Ft. Lauderdale (indirectly engages in equipment leasing through Capital America, Inc., Ft. Lauderdale, and Capital Associates, Inc., Pompano Beach); Landmark Financial Services, Inc., Ft. Lauderdale, (credit life insurance agency activities and real estate appriasal activities); Landmark Mortgage Corporation, Tampa (residential real estate mortgage lending activities including loan origination, sale and servicing); The National Trust Company, Ft. Myers (trust and fiduciary activities); Florida Interchange Group, Inc., Orlando (data processing and electronic funds transfer), all located in the State of Florida.

Board of Governors of the Federal Reserve System, April 24, 1985.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 85-10335 Filed 4-29-85; 8:45 am]

BILLING CODE 6210-01-M

Commercial Bancshares, Inc., et al.; Notice of Applications To Engage de Novo in Permissible Nonbanking Activities

The companies listed in this notice have filed an application under § 225.23(a)(1) of the Board's Regulation Y (12 CFR 225.23(a)(1)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to commence or to engage *de novo*, either directly or through a subsidiary, in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Unless otherwise noted, comments regarding the applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than May 20, 1985.

A. **Federal Reserve Bank of New York** (A. Marshall Puckett, Vice President) 33 Library Street, New York, New York 10045:

1. *Commercial Bancshares, Inc.*, Jersey City, New Jersey; to engage *de novo*, directly in the activities of making, acquiring, and servicing all types of consumer loans, on a secured and unsecured basis; and selling as agent, life insurance directly related to such extensions of credit.

B. **Federal Reserve Bank of Cleveland** (Lee S. Adams, Vice President) 1455 East Sixth Street, Cleveland, Ohio 44101:

1. *AmeriTrust Company*, Cleveland, Ohio; to engage *do novo* through its subsidiary, AT Investment Services Corp., Cleveland, Ohio, in securities brokerage services, related securities credit activities pursuant to the Board's Regulation T (12 CFR 220), and incidential activities such as offering custodial services, individual retirement accounts, and cash management services. These securities brokerage services will be restricted to buying and selling securities solely as agent for the account of customers.

C. **Federal Reserve Bank of St. Louis** (Delmer P. Weisz, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

1. *Mid-American Bancorp*, Louisville, Kentucky; to engage *de novo* through its subsidiary, The Loan Store, Inc., Louisville, Kentucky (d.b.a. Amity American Corp.), in making acquiring, or servicing loans or other extensions of credit for the company's account or for the account of others, including the following types of credit transactions; consumer financing, mortgage financing and commercial financing; and to engage *de novo* in the sale of insurance sales, by acting as insurance agent or broker with respect to any insurance that is directly related to an extension of credit by a bank or bank related firm. These activities would be conducted in the Commonwealth of Kentucky and the States of Ohio and Indiana.

2. *Monticello Bankshares, Inc.*, Monticello, Kentukcy; to engage *de novo*, in the activities of acting as agent in the sale of insurance directly related to extensions of credit by the subsidiary bank. These activities would be conducted in the Commonwealth of Kentucky.

Board of Governors of the Federal Reserve System, April 24, 1985.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 85-10336 Filed 4-29-85; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

Retirement Policy Studies; Applications for Grants

Pursuant to section 1110A of the Social Security Act, the Assistant Secretary for Planning and Evaluation (hereafter the Assistant Secretary) is seeking applications from researchers affiliated with non-profit organizations for grants for research in the area of retirement policy.

A. Type of Application Requested

This announcement seeks applications for projects to develop and conduct a program of research relating to national policy concerns in the area of retirement policy. The following paragraphs describe a high priority area for research; the questions they contain are intended as illustrations of specific concerns in this area. Other, closely related issues may also be included if they are shown to be relevant to the general area of interest.

1. The high priority area for which applications for the proposed program of research are most desired is as follows:

How do characteristics of older workers' jobs affect their decisions to retire, given the financial incentives they face, their health status, and other relevant variables?

Applications should explore the labor supply of older workers and their decisions to retire with reference to the characteristics of particular jobs and with careful characterization of the financial incentives (including wages and retirement income) facing these individuals and other relevant variables such as health status. Both job characteristics and financial incentives must be included in an analysis for it to yield a useful understanding of this problem.

It is critical that measurement of job characteristics be handled in a technically competent manner that will meet professional scrutiny. Applicants should specifically address this concern.

The study of job characteristics and the retirement decision is important in order to improve understanding of the labor supply of older workers and of retirement behavior and, thus, to improve the ability to predict labor supply and retirement patterns in the future. In particular, better information in this area can help exploration of how changes in the sectoral composition of the economy—such as the secular shift of employment out of manufacturing and into the service sector—may affect retirement behavior through changes in job characteristics. Further, high quality estimates of the labor supply of older workers are necessary for understanding the effects of legal and institutional changes in public and private retirement income programs. Finally—although not a primary focus of the project—identification of how or whether or not particular job features delay, advance, or have no effect on retirement decisions can suggest how jobs might be redesigned to retain older workers, should such retention become a focus of policy.

a. Previous research

Over the past several years, the labor economics literature on retirement and the labor supply of older workers has grown substantially, and it has grown progressively in sophistication. [For example, see the research summarized in an article by Sheldon Danziger, Robert Haveman, and Robert Plotnick, "How Income Transfer Programs Affect Work, Savings, and the Income Distribution: A Critical Review," *Journal of Economic Literature*, Vol. XIX (September 1981), pp. 975–1028.] In general, these studies have concentrated on a detailed characterization of the financial incentives facing the individual as he makes decisions about how much to work and when to retire, and on his behavior in response to these incentives.

Thus, careful attention has been paid to likely returns from continued work (from wages and from accrual of additional pension and social security benefits) and to expected income (from social security, pensions, and other sources) once retired. Since the magnitudes of social security and pension benefits depend in very complicated ways on variables such as the age of retirement, earnings in the years immediately preceding retirement, and what the individual does after retirement, careful characterization of these effects and careful estimation of the individual's response to them is of central importance.

Other features of the individual's retirement decision—in particular, how an employee's work situation may influence his decision to leave work and retire—have received very little attention in this literature. For instance, a worker who performs repetitive tasks, engages in stressful interpersonal encounters, or works outdoors, may be inclined to work less or retire earlier than workers in comparable financial circumstances whose jobs are less demanding in particular ways; yet we have not studied the retirement decision with this in mind.

A few studies, mostly from literature other than that of labor economics, have concentrated on job characteristics and how they affect the behavior of older workers. These studies suffer from one or more defects. First, their choice of respondents raises questions about the generalizability of their results, e.g., some have more homogeneous samples than might be desirable. Second, job characteristic variables employed have been very general and vague or have been imputed from other data sources. Third, some have inadequately captured the effect of financial incentives and other important variables.

In short, available research in this area appears to be limited by failure to account adequately for at least one group of causal factors. Desirable studies are those that examine both the job characteristics and the financial incentives aspects in an empirical framework that explicitly allows each aspect to condition the impact of the other. Of course empirical research in this area must also attempt to measure the effects of health, demographic characteristics, and other factors.

b. Variables of interest

Particular job characteristics that may be of interest include, but are not limited to, features such as:

- *Nature of physical environment:* E.g., does the job involve exposure to loud noises, extremes of heat, glare, dust, or pollution?
- *Nature of interpersonal relations:* E.g., does the job involve stressful exchanges with co-workers, clients, or the public?
- *Level of responsibility:* E.g., is the job supervisory? Does it otherwise entail high levels of responsibility?
- *Individualization of pace of work and flexibility of schedule:* E.g., can the employee set his/her own pace? Can he influence how many hours a day or a week he/she works and starting and quitting times? Is the work highly repetitive?
- *Nature of physical demands:* E.g., does the job involve lifting heavy weights, lengthy standing, etc.?

Whatever job characteristics are deemed relevant for the study, researchers must explain in detail the manner in which they would measure the characteristics.

Applicants should note that retirement is not a well-defined concept. A great variety of definitions is possible, and the appropriate definition to employ in analysis of this problem is not entirely clear. Alternatives that may be most useful for the proposed study include the following: (a) Beginning to draw retirement benefits from social security or employer pensions, (b) withdrawing entirely from the labor force, or (c) leaving a particular job, especially a relatively long-term, "career" job. The possible effects of mandatory retirement provisions should be explicitly considered if appropriate.

Applicants should also note that retirement is not the only labor supply measure of interest. Analysis of hours or weeks worked or in the labor force may also be revealing. Researchers may need to examine the effect of constraints imposed by employers on the ability of workers to choose to work less than full time.

c. Possible methods

The best methods for addressing this question are not entirely clear, and investigators may wish to consider a variety of possible approaches. The resources available for this project effectively preclude any attempt at large-scale, nationally representative data collection.

Use of existing data would be a valuable alternative, if national data on a large scale were available. However, a preliminary review of large-scale microdata bases has failed to identify any that would obviously support such an investigation, since such data sets tend to lack either detailed information on job characteristics or the financial and other attributes of the respondents. The National Longitudinal Survey, the Retirement History Survey, the Current Population Survey, and other such large-scale national data bases either provide the respondent's job title only or supply just a few descriptive characteristics along with the job title.

Some researchers have attempted to use this information together with the Dictionary of Occupational Titles to impute more job characteristics, but it is not clear that this procedure has captured the true nature of the respondents' jobs. [At least two investigators have in this manner imputed job characteristics. These attempts have not been fully successful at reliably capturing both job characteristics as well as the financial and other attributes of the respondents.

See Melissa Hardy and Mark Hayward, "Toward an Understanding of Occupational Differences in Early Retirement: An Examination of the Indirect Mechanisms by which Occupations Condition the Retirement Transaction," *Research on Aging* (forthcoming in 1985) and Melissa Hardy, "Occupational Structure and Retirment," in Zena Blau, ed., *Current Perspectives on Aging and the Life Course* (Greenwich, Conn: JAI Press, forthcoming in 1985). For an early attempt, see Joseph Quinn, "Microeconomic Determinants of Early Retirement: A Cross-Sectional View of White Married Men," *Journal of Human Resources* v. 12, no. 3 (Summer 1977): pages 329-46.] (Note: Citations are given for illustrative value only. They are not critical for construction of a proposal, may not have been published in 1985, and are not available from the Federal government.)

In short, using these data sets requires imputation of variables central to the analysis. While more sophisticated methodologies might improve this process, it appears that conditions drawn from an analysis involving such a technique would be inherently suspect. Potential applicants are nonetheless encouraged to consider ways in which these problems might be dealt with effectively.

Alternatively, other data sets of which we are unaware might be suitable for an investigation. In particular, potential applicants may wish to consider whether employers (or associations of employers) may have gathered data on their workers that could be useful and that might be made available for research.

Finally, potential applicants may consider whether a small-scale, carefully targeted microdata gathering effort might be appropriate, provided that its design would reveal the behavior in question and allow for generalizability to large segments of the national population. Examination of groups of employees whose work situation is likely to be very different from the rest of the population (such as college professors) should be avoided. Researchers proposing such an approach are urged to choose artfully areas where respondents are employed in various types of jobs and where respondents in each job type are thought to be representative of other such workers.

Since the problem under study is an interdisciplinary one, an interdisciplinary team approach might be used. Whatever method is chosen, it is important that researchers have, in advance, assurances that they will be able to carry out the plan. In particular, written assurance that researchers will have access to employer data sets and/or to employees for interview are required if such data is proposed for the study.

In addition to completing the research, investigators on funded projects will be invited to comment, on the basis of their findings, on the desirability and possible design of future data-collection efforts.

2. Potential users. Potential users of the research include policy makers at Federal, State and local levels of government, employers, unions, financial institutions, investors, and providers of health insurance, pensions and other fringe benefits. Because many of those who will be interested in this research lack advanced technical training, it is important that the results of projects be presented in a fashion accessible to such an audience. Nevertheless, researchers should not be discouraged from employing methods of whatever degree of sophistication is appropriate to the questions they are addressing.

3. *Type of project excluded.* In consideration of the intent of this announcement, applications concentrating primarily on the local concerns of a local service delivery organization will not be considered for funding.

4. *Content and organization of the application.* The application must begin with a cover sheet followed by the required application forms and an abstract (of not more than two pages) of the application. Failure to include the abstract may result in delays in processing the application. Each application should carefully describe the issues to be examined, the methodology proposed for testing the hypotheses, data sources to be used, and anticipated products of the research. Applications should clearly specify how the intended approach is expected to improve our knowledge over that contained in earlier studies. Application packages must provide letters of assurance from those whose cooperation will be necessary or other forms opf evidence demonstrating that the methodology is practicable. Resumes of staff should be included, as should a full budget for the proposed project.

B. Applicable Regulations

1. "Grant Programs Administered by the Office of the Assistant Secretary for Planning and Evaluation" (45 CFR Part 63).

2. "Administration of Grants" (45 CFR Part 74).

c. Effective Date and Duration

1. The grant (or grants) awarded pursuant to this announcement (are) expected to be made on or about June 28, 1985.

2. In order to avoid unnecessary delays in the preparation and receipt of applications, this notice is effective immediately. The closing dates for applications are specified in Section F and G below.

3. Applicants should present a work plan and budget covering a one-year period.

D. Statement of Funds Available

1. A total of $150,000 has been set aside for grants to be awarded as a result of this announcement. Applications may be for single projects costing as much as $150,000, but it is expected that most awards will be for single projects of less than $75,000.

Applicants are encouraged to seek additional funds from other sources for this project. Applicants should discuss any commitments, plans, or hopes for additional funds, including size and sources.

2. Nothing in this application should be construed as committing the Assistant Secretary to dividing available funds among all qualified applicants or to make any award.

E. Cost Sharing

Applicants submitting an application in response to this announcement must share costs of the project. This may be in the form of institutional or individual cost sharing. Whichever method is proposed, that method must be stated in Block 12 of Standard form 424 and/or specified in the budget section of the application.

F. Application Processing

1. Applications will be screened initially for relevance to the needs defined in section A (as well as for additional areas of interest persuasively shown to be relevant by the grantee). If judged relevant, the application will then be reviewed by a government review panel, possibly augmented by outside experts. Three (3) copies of each application are required. Applicants are encouraged to send an additional seven (7) copies of their application to ease processing, but applicants will not be penalized if these extra copies are not included.

2. Applications will be judged as to eligibility, quality, relevance, and cost

effectiveness, according to the criteria set forth in item 5.

3. An unacceptable rating on any individual criterion may render the application unacceptable. Consequently, applications should take care to ensure that all criteria are fully addressed in the application.

4. Applications should be as brief and concise as is consistent with the information requirements of the reviewers. Applications should be limited to 25 double-spaced typed pages, exclusive of forms, abstract, resumes, and the proposed budget; they should neither be unduly elaborate nor contain voluminous supporting documentation.

5. *Criteria for evaluation.* Evaluation of applications will employ the following criteria. The relative weights are shown in parentheses.

a. The potential usefulness of the objectives and anticipated results of the proposed project for providing individuals and organizations concerned with the issues discussed in Section A above with improved bases for making decisions about these issues. The potential usefulness of the proposed project for the advancement of scientific knowledge. (30 points)

b. The cost effectiveness of the proposal and the clarity of statement of objectives, methods, and anticipated results. (15 points)

c. The appropriateness and soundness of methodology (which may include an interdisciplinary approach), including research design, statistical techniques, modeling strategies, choice of data, and other procedures. Demonstration of a technically rigorous means of defining and measuring job characteristics and evidence showing that the methodology is practicable. Probability of successful completion of the study. (25 points)

d. The qualifications and experience of personnel (30 points)

G. Applications Sent by Mail

Applications may be sent by either the U.S. Postal Service or a commercial carrier. Applications sent by U.S. Postal Service will be considered to be received on time by the Grant Officer if the application was sent by first class, registered or certified mail not later than June 14, 1985, as evidenced by the U.S. Postal Service postmark on the wrapper or envelope, or on the original receipt from the U.S. Postal Service. Applications sent by a commercial carrier will be considered to be received on time by the Grants Officer if sent not later than June 14, 1985, as evidenced by a receipt from the commercial carrier.

H. Hand-Delivered Applications

An application to be hand-delivered must be taken to the Grants Officer at the address listed at the end of this announcement. Hand-delivered applications will be accepted daily between 9:00 a.m. and 4:30 p.m., Washington, D.C., time, except Saturdays, Sundays, or Federal holidays. Applications will not be accepted after close-of-business on June 14, 1985.

I. Disposition of Applications

1. *Approval, disapproval, or deferral.* On the basis of the review of the application, the Assistant Secretary will either: (a) Approve the application whole or in part; (b) disapprove the application; or (c) defer action on the application for such reasons as lack of funds or a need for further review. Awards will not necessarily be made in all of the high priority areas indentified in section A.

2. *Notification of disposition.* The Assistant Secretary will notify the applicants of the disposition of their application. A signed notification of grant award will be issued to the contact person listed in block 4 of the application to notify the applicant of the approved application.

J. Application Instructions and Forms

Requests for and copies of applications should be submitted to: Grants Officer, Office of the Assistant Secretary for Planning and Evaluation, Department of Health and Human Services, 200 Independence Avenue SW., Room 457F, Hubert H. Humphrey Building, Washington, D.C. 20201, Phone (202) 245–1794. Questions concerning the preceding information should be submitted to the Grants Officer at the same address. Neither questions nor requests for applications should be submitted after May 31, 1985.

K. Federal Domestic Assistance Catalog

This announcement is not listed in the Federal Domestic Assistance Catalog.

L. Intergovernmental Review

This program is not subject to Executive Order 12372, "Intergovernmental Review of Federal Programs" nor to its implementing regulations at 45 CFR Part 100.

Dated: April 23, 1985.

Robert B. Helms,

Acting Assistant Secretary for Planning and Evaluation.

[FR Doc. 85–10358 Filed 4–29–85; 8:45 am]

BILLING CODE 4150–04–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[U–47295]

Cancellation of Notice of Realty Action, Utah

AGENCY: Bureau of Land Management, Interior.

ACTION: Cancellation of realty action: Sale of Public Lands U–47295.

SUMMARY: Notice is hereby given that the sale of public land in Box Elder County, Utah that was published as a Notice of Realty Action on Thursday, March 7, 1985 in 50 FR 9331 is hereby cancelled.

Further information can be obtained by writing or calling the Salt Lake District Office, 2370 South 2300 West, Salt Lake City, Utah 84119 (801–524–6772).

Frank W. Snell,

Salt Lake District Manager.

[FR Doc. 85–10350 Filed 4–29–85; 8:45 am]

BILLING CODE 4310–DQ–M

[F–14823–A]

Alaska Native Claims Selection; Akiachak, Ltd.

In accordance with Departmental regulation 43 CFR 2650.7(d), notice is hereby given that a decision to issue conveyance under the provisions of Sec. 14(a) of the Alaska Native Claims Settlement Act of December 18, 1971 (ANCSA), 43 U.S.C. 1601, 1613, will be issued to Akiachak, Limited, for 62.64 acres. The lands involved are in the vicinity of Akiachak, Alaska: U.S. Survey No. 5737, Alaska, Lot 3, situated on the right bank of the Kuskokwim River immediately east of the village of Akiachak.

A notice of the decision will be published once a week for four (4) consecutive weeks, in THE TUNDRA DRUMS. Copies of the decision may be obtained by contacting the Bureau of Land Mangement, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513. ((907) 271–5960).

Any party claiming a property interest which is adversely affected by the decision shall have until May 30, 1985 to file an appeal. However, parties receiving service by certified mail shall have 30 days from the date of receipt to file an appeal. Appeals must be filed in the Bureau of Land Management, Division of Conveyance Management (960), address identified above, where the requirements for filing an appeal may be obtained. Parties who do not file

an appeal in accordance with the requirements of 43 CFR Part 4, Subpart E (1983) (as amended, 49 Fed. Reg. 6371, February 21, 1984) shall be deemed to have waived their rights.

Ruth Stockie,

Section Chief, Branch of ANCSA Adjudication.

[FR Doc. 85-10401 Filed 4-29-85; 8:45 am]

BILLING CODE 4310-JA-M

[F-14918-A]

Alaska Native Claims Selection; Pilot Station, Inc.

In accordance with Departmental regulation 43 CFR 2650.7(d), notice is hereby given that a decision to issue conveyance under the provisions of Sec. 12(a) of the Alaska Native Claims Settlement Act of December 18, 1971 (ANCSA), 43 U.S.C. 1601, 1611, will be issued to Pilot Station, Incorporated for approximately 0.85 acre. The lands involved are a portion of Lot 1 of U.S. Survey No. 4011, Alaska.

A notice of the decision will be published once a week for four (4) consecutive weeks, in The Tundra Drums. Copies of the decision may be obtained by contacting the Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513. ((907) 271-5960).

Any party claiming a property interest which is adversely affected by the decision shall have until May 30, 1985 to file an appeal. However, parties receiving service by certified mail shall have 30 days from the date of receipt to file an appeal. Appeals must be filed in the Bureau of Land Management, Division of Conveyance Management (960), address identified above, where the requirements for filing an appeal can be obtained. Parties who do not file an appeal in accordance with the requirements of 43 CFR Part 4, Subpart E (1983) (as amended, 49 FR 6371, February 21, 1984) shall be deemed to have waived their rights.

Ruth Stockie,

Section Chief, Branch of ANCSA Adjudication.

[FR Doc. 85-10400 Filed 4-29-85; 8:45 am]

BILLING CODE 4310-JA-M

[AA-11130]

Alaska Native Claims Selection; Point Possession, Inc.

In accordance with Departmental regulation 43 CFR 2650.7(d), notice is hereby given that a decision to issue conveyance under the provisions of Sec. 14(h)(2) of the Alaska Native Claims Settlement Act of December 18, 1971 (ANCSA), 43 U.S.C. 1601, 1613(h)(2), will be issued to Point Possession, Inc. for 4,481.32 acres. The lands involved are in the vicinity of Point Possession, within T. 11 N., R. 6 W., Seward Meridian, Alaska.

A notice of the decision will be published once a week for four (4) consecutive weeks, in THE ANCHORAGE DAILY NEWS. Copies of the decision may be obtained by contracting the Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513, (907) 271-5960.

Any party claiming a property interest which is adversely affected by the decision shall have until May 30, 1985 to file an appeal. However, parties receiving service by certified mail shall have 30 days from the date of receipt to file an appeal. Appeals must be filed in the Bureau of Land Management, Division of Conveyance Management (960), address identified above, where the requirements for filing an appeal can be obtained. Parties who do not file an appeal in accordance with the requirements of 43 CFR Part 4, Subpart E (1983) (as amended, 49 Fed. Reg. 6371, February 21, 1984) shall be deemed to have waived their rights.

Olivia Short,

Section Chief, Branch of ANCSA Adjudication.

[FR Doc. 85-10399 Filed 4-29-85; 8:45 am]

BILLING CODE 4310-JA-M

[AZ-027-85-30]

Lower Gila North Draft Management Framework; Plan Amendment/ Decision Record; Phoenix District, AZ; Availability and Public Comment

AGENCY: Bureau of Land Management (BLM), Interior.

ACTION: Notice of availability of the Management Framework Plan amendment decision record and public comment period.

SUMMARY: Pursuant to section 102(2)(c) of the National Environmental Policy Act of 1976, a draft Management Framework Plan Amendment/ Environmental Assessment (MFP Amendment/EA) was prepared for the Lower Gila North Planning Area. A subsequent Decision Record and Finding of No Significant Impact (FONSI) is available for public comment for 30 days, after which the Decision will become final.

The Decision amends the Land Tenure Adjustment section of the Lower Gila North MFP by changing the last paragraph to read: "Public lands within the planning area not identified in this list will be considered for disposal to accommodate the following lands actions only: (1) State land selections and State exchanges; (2) mineral estate exchanges; and (3) special legislation."

Public Participation

Copies of the Decision Record and FONSI are available upon request from the Phoenix District Office, 2015 West Deer Valley Road, Phoenix, Arizona 85027, (602) 863-4464. Public reading copies may also be reviewed there and at the Bureau of Land Management, Arizona State Office, 2707 N. 7th Street, Phoenix, Arizona 85019, (602) 241.5504.

The Decision Record and FONSI will be available 30 days from the date of publication in the Federal Register for public review. Written comments should be sent by that date to the State Director, Arizona State Office, Bureau of Land Management, 2707 N. 7th Street, Phoenix, Arizona 85019.

FOR FURTHER INFORMATION CONTACT: William T. Childress, Area Manager; Bureau of Land Management; Phoenix District Office; 2015 West Deer Valley Road; Phoenix, Arizona 85027; (602) 863-4464.

Marlyn V. Jones,

District Manager.

[FR Doc. 85-10370 Filed 4-29-85; 8:45 am]

BILLING CODE 4310-32-M

Restricted Vehicle Use Closure Order

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Restricted Vehicle Use Closure Order.

SUMMARY: Notice is hereby given in accordance with Title 43 CFR Group 6000—Outdoor Recreation and in conformance with the principles established by the National Environmental Policy Act of 1969 and the Federal Land Policy and Management Act of 1976, that approximately 3,694 acres of public land located within the Hagerman Fauna Sites National Natural Landmark in Twin Falls County, Idaho, are closed to motorized vehicles except on designated roads.

Careful review and analysis in cooperation with other agencies, professionals in the field of paleontology, and the public has determined that use of this area by motorized vehicles operated off-road is causing severe damage to scientific and natural features. Continued off road use by motorized vehicles will continue to

cause damage to paleontological features of international importance and to the terrain, soil and vegetation of the area. An early closure, published in the **Federal Register** of September 1978, was based on inadequate data and was insufficient to provide appropriate protection to the area.

All forms of motorized vehicles, including those used for outdoor recreation purposes, mining exploration, farming operations, scientific investigations, and resource management, are excluded from the area except for use on designated roads.

The closure applies to all public lands administered by the Bureau of Land Management within the area known commonly as the Hagerman Fossil Beds (and officially designated as the Hagerman Fauna Sites National Natural Landmark). The area is bounded on the east by Lower Salmon Falls Reservoir on the Snake River, on the west by developed farms, on the north by an imaginary line along or through sections 3, 4 and 5, T. 8 S., R. 13 E., BM.

The legal description of the area is:

T. 7 S., R. 13 E., Boise Meridian, Idaho.
Sec. 9, SE¼SW¼, E½SE¼, SW¼SE¼;
Sec. 10, Lot 3, 6, NW¼SE¼, SW¼;
Sec. 17, E½E½, SW¼NE¼, NE¼SW¼, NW¼SE¼;
Sec. 20, E½E½;
Sec. 21, Lot s, 3, 4, 7, 8, W½W½, SE¼NW¼, NE¼;
Sec. 28, Lot 2, 3, 6, 7, NW¼NW¼;
Sec. 29, E½E½, S½SW¼, W½SW¼;
Sec. 32, All;
Sec. 33, Lot 2, 3, 6, 7, SW¼SW¼.
T. 8 S., R. 13 E., Boise Meridian, Idaho.
Sec. 3, Lot 4, 5, SW¼;
Sec. 4, Lot 2, 3, 4, 6, S½NW¼, S½;
Sec. 5, Lot 1, 2, 3, 4, S½N½.

All Federal lands within the above described areas administered by the Bureau of Land Management are closed to vehicle use except on designated roads on a year-round basis until further notice. Signs will be posted to identify the exterior boundaries and to mark roads open and trails closed to motorized use. A map of the closure areas is posted at the Twin Falls and Hagerman Post Offices, Twin Falls County Courthouse, and at the Boise District Office located at 3948 Development Avenue, Boise, Idaho, 83705. Cooperation of all will be sincerely appreciated.

FOR FURTHER INFORMATION CONTACT: Further information is available at the Bureau of Land Management, Boise District Office, 3948 Development Avenue, Boise, Idaho 83705, phone (208) 334–1582.

Martin J. Zimmer,
District Manager.
April 12, 1985.
[FR Doc. 85–10435 Filed 4–29–85; 8:45 am]
BILLING CODE 4310–GG–M

Realty Action; Proposed Exchange Marquette County, MI

AGENCY: Bureau of Land Management, Interior.

ACTION: Proposed Exchange ES–38726.

SUMMARY: The following Bureau of Land Management (BLM) administered public land has been examined and found to be suitable for disposal by exchange under the section 206 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1716:

Michigan Meridian, Michigan

T. 47 N., R. 25 W.,
Sec. 32: W½NE¼ and E½NW¼ (160 acres).

The proposed exchange also includes six small Forest Service administered parcels in Alger County, comprising 36.44 acres.

Cleveland Cliffs Iron Company is offering the followng non-federal lands in exchange:

Michigan Meridian, Michigan

T. 46 N., R. 20 W.,
Sec. 4: all except N½NW½ and SE¼SW¼;
Sec. 6: S½SW¼NW¼ (531.69 acres).

The purpose of the exchange is to acquire non-federal lands within the Hiawatha National Forest in order to consolidate ownership, eliminate isolated holdings and facilitate more effcient management. The exchange is consistent with BLM's land use plans. The value of the lands are approximately equal. The acreage may be adjusted or money used to equalize the values, if necessary.

Title to the BLM land will be issued subject to a restrictive convenant providing for protection of cultural values. Title to the non-federal land will be subject to a reservation of all ores and minerals, including the right to mine and remove same; and easements for established or existing roads, highways, railroads and utilities.

Upon publication of this notice, the Federal land will be segregated from all appropriations under the public land laws, including the mining laws, except exchanges, for a period of two (2) years or upon issuance of patent or other documents of conveyance, whichever occurs first. After acquisition, the non-federal land will become a part of the National Forest System.

Comments: For a period of 45 days from the date of publication of this notice, interested parties may submit comments to: District Manager, Milwaukee District Office, Bureau of Land Management, P.O. Box 631, Milwaukee, Wisconsin 53201–0631. Any adverse comments will be evaluated by the District Manager who may vacate or modify this classification. In the absence of any action by the State Director, this Realty Action will become the final determination of the Department of the Interior.

FOR FURTHER INFORMATION CONTACT: Detailed information concerning this exchange is available for review at the Hiawatha National Forest Supervisor's Office, P.O. Box 316, Escanaba, Michigan 49829 and at the Milwaukee District Office, Suite 225, 310 W. Wisconsin Ave., Milwaukee, Wisconsin 53201, or by calling Priscilla McLain at, (414) 291–4427.

Wink Hastings,
Acting District Manager.
[FR Doc. 85–10431 Filed 4–29–85; 8:45 am]
BILLING CODE 4310–84–M

Roswell District Advisory Council; Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Roswell District Advisory Council Meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda of a forthcoming meeting of the Roswell District Advisory Council.

DATE: Wednesday, May 29, 1985, beginning at 10:00 a.m. A public comment period will be held at 2:00 p.m.

Location: BLM Roswell District Office, 1717 West Second St., Roswell, NM 88201.

FOR FURTHER INFORMATION CONTACT: Dave Mari, Associate District Manager, or Guadalupe Martinez, Public Affairs Specialist, Bureau of Land Management, P.O. Box 1397, Roswell, NM 88201 (505) 622–9042.

SUPPLEMENTARY INFORMATION: The proposed agenda will include: (1) The BLM/FS Land Interchange Proposal, (2) Update on Grazing Fee Study, and (3) Public Comment Period.

The meeting is open to the public. Interested persons may make oral statements to the Council during the public comment period or may file written statements. Anyone wishing to make an oral statement should notify the Associate District Manager by May 22, 1985. Summary minutes will be

maintained in the District Office and will be available for public inspection during regular business hours within 30 days following the meeting. Copies will be available for the cost of duplication.

Timothy R. Kreager,

Acting District Manager.

[FR Doc. 85-10432 Filed 4-29-85; 8:45 am]

BILLING CODE 4310-FB-M

[OR 38420(WASH)]

Washington; Proposed Withdrawal and Reservation of Lands and Opportunity for Public Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The U.S. Department of Energy has filed an application to withdraw 1,000.75 acres of land for protection of the Hanford Site. This notice closes the lands to mining, but not mineral leasing, pending final action on the application.

FOR FURTHER INFORMATION CONTACT: Champ Vaughan, BLM, Oregon State Office, P.O. Box 2965, Portland, Oregon 97208, (Telephone: 503-231-6905).

SUPPLEMENTARY INFORMATION: On April 5, 1985, the U.S. Department of Energy filed application OR 38420(WASH) to withdraw the following described lands from entry and location under the United States mining laws, but not the mineral leasing laws, subject to valid existing rights:

Willamette Meridian

Hanford Site

T. 11 N., R. 24 E.,
Sec. 14, NE¼ and NE¼SE¼.
T. 12 N., R. 24 E.,
Sec. 12, N½ and SE¼.
T. 13 N., R. 25 E.,
Sec. 30, lots 1, 2, and E½NW¼.
T. 14 N., R. 25 E.,
Sec. 22, NE¼.

The areas described aggregate 1,000.75 acres in Benton and Grant Counties, Washington.

The purpose of the proposed withdrawal is to protect portions of the Hanford Site which have not been previously withdrawn or segregated. The surface estate of the lands has been acquired by the United States and is currently under the administrative jurisdiction of the U.S. Department of Energy; however, the mineral estate is public domain. The lands are located within the exterior boundary of the Hanford Site.

For a period of 90 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management.

Notice is hereby given that an opportunity for a public meeting is afforded in connection with the proposed withdrawal. All interested persons who desire a public meeting for the purpose of being heard on the proposed withdrawal must submit a written request to the undersigned officer within 90 days from the date of publication of this notice. If the State Director, Bureau of Land Management, determines that a public meeting will be held, the time and place will be announced.

The application will be processed in accordance with the regulations set forth in Title 43 CFR Part 2300.

For a period of two years from the date of publication of this notice in the **Federal Register**, the lands will be segregated as specified above unless the application is rejected or the withdrawal is approved prior to that date.

Dated: April 22, 1985.

Harold A. Berends,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 85-10430 Filed 4-29-85; 8:45 am]

BILLING CODE 4310-33-M

Availability of the Draft Oregon Wilderness Environmental Impact Statement

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Availability of the Draft Oregon Wilderness Environmental Impact Statement (draft EIS).

SUMMARY: Pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969, the Bureau of Land Management has prepared a draft Environmental Impact Statement on wilderness suitability recommendations involving 77 wilderness study areas located primarily in eastern Oregon. Notice is hereby given of the availability of that Statement.

DATE: Comments will be accepted until August 31, 1985.

ADDRESS: Comments should be sent to: Wilderness Studies (935), Bureau of Land Management, P.O. Box 2965, Portland, OR 97208.

FOR FURTHER INFORMATION CONTACT: Jerry Magee (935), Bureau of Land Management, P.O. Box 2965, Portland, OR 97208, Telephone (503) 231-6256.

SUPPLEMENTARY INFORMATION: Pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969, the Bureau of Land Management has prepared a draft Environmental Impact Statement on wilderness suitability recommendations involving 77 wilderness study areas located primarily in eastern Oregon.

The Proposed Action recommends 949,989 acres in 41 Wilderness Study Areas as suitable for wilderness designation and 1,345,153 acres as nonsuitable for wilderness designation. Six other alternatives are analyzed in the draft Environmental Impact Statement. The alternatives and the acres recommended as being suitable for wilderness are: All Wilderness (2,304,142 acres), Wilderness Emphasis (1,959,963 acres), Conflict Resolution Emphasis (1,111,741 acres), Ecosystem Diversity Emphasis (1,042,936 acres), Commodity Development Emphasis (336,335 acres), and No Wilderness/No Action (0 acreas).

A limited number of individual copies of the draft Environmental Impact Statement may be obtained upon request to the above mentioned contact person. In addition, copies are available for review at the following locations:

Office of Public Affairs, Bureau of Land Management, Main Interior Bldg., Room 5600, 18th and C Streets, N.W., Washington, D.C. 20240.
Oregon State Office, Bureau of Land Management, 825 N.E. Multnomah Street, Portland, OR.
Nevada State Office, BLM, 300 Booth St., Reno, NV.
Burns District Office, BLM, 74 S. Alvord St., Burns, OR.
Coos Bay District Office, BLM, 333 S. Fourth St., Coos Bay, OR.
Eugene District Office, BLM, 1255 Pearl St., Eugene, OR.
Lakeview District Office, BLM, 1000 Ninth St. South, Lakeview, OR.
Medford District Office, BLM, 3040 Biddle Road, Medford, OR.
Prineville District Office, BLM, 185 E. Fourth St., Prineville, OR.
Roseburg District Office, BLM, 77 NW Garden Valley Blvd., Roseburg, OR.
Salem District Office, BLM, 1717 Fabry Road, SE, Salem, OR.
Spokane District Office, BLM, 4217 Main Ave., Spokane, WA.
Vale District Office, BLM, 100 Oregon St., Vale, OR.
Winnemucca District Office, BLM, 705 East 4th St., Winnemucca, NV.

Public hearings on the draft Environmental Impact Statement will be conducted at the following times and locations:

June 18, 1985, 7:00 p.m. to 10:00 p.m., Oregon Room, Medford District

Office, 3040 Biddle Road, Medford, Oregon
June 19, 1985, 7:00 p.m. to 10:00 p.m., Curry County Fairgrounds, Gold Beach, Oregon
June 20, 1985, 7:00 p.m. to 10:00 p.m., Public Meeting Room, Klamath County Library, 126 South Third, Klamath Falls, Oregon
June 26, 1985, 7:00 p.m. to 10:00 p.m., Conference Room, Lakeview District Office, 1000 South Ninth Street, Lakeview, Oregon
June 27, 1985, 7:00 p.m. to 10:00 p.m., Harney County Museum Clubroom, 18 West D Street, Burns, Oregon
July 9, 1985, 7:00 p.m. to 10:00 p.m., The Riverhouse, North Highway 97, Bend, Oregon
July 10, 1985, 7:00 p.m. to 10:00 p.m., Courtroom, Gilliam County Courthouse, Condon, Oregon
July 11, 1985, 7:00 p.m. to 10:00 p.m., South Sherman Elementary School, Grass Valley, Oregon
July 16, 1985, 7:00 p.m. to 10:00 p.m., Weese Building, Room W–10, Treasure Valley Community College, Ontario, Oregon
July 17, 1985, 7:00 p.m. to 10:00 p.m., Copper Kitchen Meeting Room, 480 Campbell (just off the Interstate), Baker, Oregon
July 18, 1985, 7:00 p.m. to 10:00 p.m., Hoke Hall, Room 201, Eastern Oregon State College, LaGrande, Oregon
July 23, 1985, 2:00 p.m. to 5:00 p.m. and 7:00 p.m. to 10:00 p.m., Hearing Room/Auditorium, Second Floor, Portland Building, 1120 S.W. Fifth Avenue, Portland, Oregon
July 25, 1985, 7:00 p.m. to 10:00 p.m., City Council Chambers, 777 Pearl Street, Eugene, Oregon
July 30, 1985, 7:00 p.m. to 10:00 p.m., Utah Room, Holiday Inn, 1000 East Sixth Street, Reno, Nevada

An informal open house will be provide for questions and discussion during the hour preceding each public hearing.

Stanley D. Butzer,

Acting State Director.

April 26, 1985.

[FR Doc. 85–10486 Filed 4–29–85; 8:45 am]

BILLING CODE 4310–33–M

Minerals Management Service

Development Operations Coordination Document; Amoco Production Co.

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the Receipt of a Proposed Development Operations Coordination Document (DOCD).

SUMMARY: Notice is hereby given that Amoco Production Company has submitted a DOCD describing the activities it proposes to conduct on Lease OCS–G 1085, Block 75, West Delta Area, offshore Louisiana. Proposed plans for the above area provide for the development and production of hydrocarbons with support activities to be conducted from an onshore base located at Fourchon, Louisiana.

DATE: The subject DOCD was deemed submitted on April 19, 1985.

ADDRESSES: A copy of the subject DOCD is available for public review at the Office of the Regional Director, Gulf of Mexico OCS Region, Minerals Management Service, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana (Office Hours: 9 a.m. to 3:30 p.m., Monday through Friday).

FOR FURTHER INFORMATION CONTACT: Ms. Angie Gobert; Minerals Management Service; Gulf of Mexico OCS Region; Rules and Production; Plans, Platform and Pipeline Section; Exploration/Development Plans Unit; Phone (504) 838–0876.

SUPPLEMENTARY INFORMATION: The purpose of this Notice is to inform the public, pursuant to Sec. 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the DOCD and that it is available for public review.

Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in DOCDs available to affected states, executives of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in revised § 250.34 of Title 30 of the CFR.

Dated: April 19, 1985.

John L. Rankin,

Regional Director, Gulf of Mexico OCS Region.

[FR Doc. 85–10321 Filed 4–29–85; 8:45 am]

BILLING CODE 4310–MR–M

National Park Service

Gateway National Recreation Area; Meeting

AGENCY: National Park Service—Gateway Advisory Commission, Interior.

ACTION: Notice of meeting.

SUMMARY: This notice sets forth the date of the forthcoming meeting of the Gateway Advisory Commission. Notice of this meeting is required under the Federal Advisory Committee Act.

DATE: May 14, 1985, commencing at 3 p.m.

ADDRESS: Gateway National Recreation Area, William Fitts Ryan Visitor Center, Floyd Bennett Field, Brooklyn, New York.

FOR FURTHER INFORMATION CONTACT: Robert W. McIntosh, Jr., Superintendent, Gateway National Recreation Area, Headquarters, Building No. 69, Floyd Bennett Field, Brooklyn, New York 11234, (718) 338–3578.

SUPPLEMENTARY INFORMATION: The Advisory Commission was established by Pub. L. 92–592, to meet and consult with the Secretary of the Interior on general policies and specific matters relating to the development of Gateway National Recreation Area. The agenda for the meeting will include: (1) Status, New York City's request to extend Fountain Avenue Landfill beyond 12/31/85; (2) Fountain/Pennsylvania Avenue landfill presentation by N.Y.C. Dept. of Sanitation; (3) Presentation, Waterborne Debris Problem, by N.Y.C. Dept. of Environmental Protection; (4) Other Business as may come before the board; (5) Fall Meeting Schedule.

The meeting will be open to the public. The facility at which the meeting will be held is considered physically accessible. If interpretive services for the deaf or hearing impaired will be needed, they should be requested within five working days before the meeting. Facilities and space to accommodate members of the public are limited, and persons will be accommodated on a first-come, first-served basis. Any member of the public may file with the Commission a written statement concerning agenda items to be discussed. The statement should be addressed to the Commission, c/o Gateway National Recreation Area, Building No. 69, Headquarters, Floyd Bennett Field, Brooklyn, New York 11234. Minutes of the meeting will be available for inspection four weeks after the meeting at Gateway National Recreation Area Headquarters Building in Brooklyn, New York.

Dated: April 19, 1985

Robert W. McIntosh, Jr.,

Superintendent, Gateway National Recreation Area.

[FR Doc. 85–10381 Filed 4–29–85; 8:45 am]

BILLING CODE 4310–70–M

National Register of Historic Places; Notification of Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by

the National Park Service before April 20, 1985. Pursuant to § 60.13 of 36 CFR Part 60 written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the National Register, National Park Service, U.S. Department of the Interior, Washington, DC 20243. Written comments should be submitted by May 15, 1985.

Carol D. Shull,

Chief of Registration, National Register.

ALABAMA

Morgan County

Decatur, *Bank Street-Old Decatur Historic District (Boundary Increase)*, Roughly bounded by Bank, Market, Well and Lee Sts.

CALIFORNIA

Los Angeles County

Pasadena, *Singer Building*, 16 S. Oakland Ave. and 520 E. Colorado Blvd.

San Diego County

Santee, *Edgemoor Farm Dairy Barn*, 9004 Edgemoor Dr., Edgemoor Geriatric Hospital

COLORADO

Boulder County

Longmont, *Callahan, T.M., House* 312 Terry St.

Longmont, *Longmont Fire Department*, 667 Fourth Ave.

Chaffee County

Salida vicinity, *Chaffee County Poor Farm*, 8495 County Rd. 160

Gunnison County

Crystal vicinity, *Crystal Mill*, County Rd. 3, 7 Miles SE of Marble

Larimer County

Fort Collins, *Kissock Block Building*, 115–121 E. Mountain Ave.

Park County

Tarryall, *Tarryall School*, 31000 County Rd. 77

Summit County

Frisco, *Wildhack's Grocery Store-Post Office*, 510 Main St.

CONNECTICUT

New Haven County

Branford, *Frisbie, Edward, Homestead*, 240 Stoney Creek Rd.

GEORGIA

Baldwin County

Milledgeville vicinity, *Roe-Harper House*, Off US 441

Hall County

Gainesville, *Dixie Hunt Hotel*, 209 Spring St., SW

KENTUCKY

Grayson County

Leitchfield, *Hunter House*, 118 W. Walnut St.

MASSACHUSETTS

Essex County

Amesbury, *Amesbury and Salisbury Mills Village Historic District*, Market Square, Millyard, Main, Market, Elm, Water, High and Ring Sts.

Swampscott, *Swampscott Fish House*, Humphrey St.

Hampshire County

Northhampton, *Northhampton Downtown Historic District (Boundary Increase)*, East of RR Tracks including 2—10 Bridge and 1—30 Market Sts.

MISSISSIPPI

Amite County

Liberty, *Liberty Presbyterian Church*, North Church St.

Hinds County

Brownsville vicinity, *Cates, John F., House*, MS 22

MISSOURI

Jackson County

Independence, *Truman, Harry S., National Historic Site*, 219 N. Delaware St.

NEBRASKA

Douglas County

Omaha, *Leone, Florentine, and Carpathia Apartment Buildings*, 832 S. 24th St., 834 S. 24th St. and 907—911 S. 25th St.

Omaha, *Nash Block*, 902—912 Farnam

Omaha, *Packer's National Bank Building*, 4939, S. 24th St.

Omaha, *Rosewater School*, 3764 S. 13th St.

Hamilton County

Aurora, *Hamilton County Courthouse*, Courthouse Square

Hayes County

St. John's Evangelical Lutheran German Church and Cemetery

NEW MEXICO

Chavez County

Roswell, *Garrett, Pat, House (Roswell New Mexico MRA)*, Rt. 2, East of US 380

Roswell, *Slaughter-Hill Ranch (Roswell New Mexico MRA)*, 1601 E. Second St.

Roswell, *Urton Orchards (Roswell New Mexico MRA)*, Rt. 3, Box 209 M

NEW YORK

New York County

New York, *Merchants Refrigerating Company Warehouse*, 501 W. 16th St.

Onondaga County

Syracuse, *Pi Chapter House of Psi Upsilon Fraternity*, 101 College Pl.

TEXAS

El Paso County

El Paso, *Old San Francisco Historic District*, Missouri St. between No. 325 and 527

Fayette County

Fayetteville, *Sarrazin Store*, Washington St.

Wichita County

Wichita Falls, *Morningside Historic District*, Roughly bounded by 9th St., Morningside Dr., Pembroke Lane and Buchanan St.

VIRGINIA

Accomack County

Scarborough House Archaeological Site (44AC4)

WASHINGTON

Jefferson County

Port Townsend, *Bosh, Henry, House (Victorian Residences in Port Townsend TR)*, 718 F St.

Port Townsend, *Coleman-Furlong House (Victorian Residences in Port Townsend TR)*, 1253 Umatilla Ave.

Port Townsend, *Fitzgerald, Thomas, House (Victorian Residences in Port Townsend TR)*, 832 T St.

Port Townsend, *Gagen-Sherlock House (Victorian Residences in Port Townsend TR)*, 1906 Cherry St.

Port Townsend, *Griffiths, J. W., House (Victorian Residences in Port Townsend TR)*, 2030 Monroe St.

Port Townsend, *House at 30 Tremont Street (Victorian Residences in Port Townsend TR)*, 30 Tremont St.

Port Townsend, *Lake-Little House (Victorian Residences in Port Townsend TR)*, 1607 Sheridan St.

Port Townsend, *Laubach, J. N., House (Victorian Residences in Port Townsend TR)*, 613 F St.

Port Townsend, *Morgan, O. L. and Josephine, House (Victorian Residences in Port Townsend TR)*, 1033 Pierce St.

Port Townsend, *Pearson House (Victorian Residences in Port Townsend TR)*, 1939 27th St.

Port Townsend, *Petersen, H. S., House (Victorian Residences in Port Townsend TR)*, 50th & Kuhn St.

Port Townsend, *Pettygrove, Benjamin S., House (Victorian Residences in Port Townsend TR)*, 1000 G St.

Port Townsend, *Ralston, Judge, House (Victorian Residences in Port Townsend TR)*, 1523 Madison St.

Port Townsend, *Saunders, James C., House (Victorian Residences in Port Townsend TR)*, 902 Sims Way

Port Townsend, *Stegerwald, Andrew, House (Victorian Residences in Port Townsend TR)*, 1710 Fir St.

Port Townsend, *Trumbull, John, House (Victorian Residences in Port Townsend TR)*, 925 Wilson St.

Port Townsend, *Ward, Milo P., House (Victorian Residences in Port Townsend TR)*, 1707 Jackson St.

[FR Doc. 85–10382 Filed 4–29–85; 8:45 am]

BILLING CODE 4310–70–M

INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Agency for International Development

Latin America and the Caribbean Region; Redelegation of Authority No. 133.3

AGENCY: Agency for International Development, IDCA.

ACTION: Notice; Correction.

SUMMARY: This document amends the Latin America and the Caribbean Region; Redelegation of Authority to include a numerical designation.

EFFECTIVE DATE: April 18, 1985.

FOR FURTHER INFORMATION CONTACT: Nancy D. Frame, Assistant General Counsel for Employee and Public Affairs, Agency for International Development, Washington, D.C. 20523 (202) 632–8218.

Accordingly, the Agency for International Development is amending Latin America and the Caribbean Region: Redelegation of Authority published in 50 FR 7405 dated February 22, 1985 to read as follows:

Latin America and the Caribbean Region: Redelegation of Authority No. 133.3

Marshall Brown,

Acting Assistant Administrator for Latin America and the Caribbean.

[FR Doc. 85–10330 Filed 4–29–85; 8:45 am]

BILLING CODE 6116–01–M

INTERSTATE COMMERCE COMMISSION

[Docket No. AB–1; Sub-173X]

Chicago and North Western Transportation Co.; Abandonment Exemption in Du Page County, IL

AGENCY: Interstate Commerce Commission.

ACTION: Notice of Exemption.

SUMMARY: The Interstate Commerce Commission exempts from 49 U.S.C., 10903 *et seq.*, the abandonment by the Chicago and North Western Transportation Company of 5.1 miles of rail line extending from milepost 25.5 near Carol Stream to milepost 20.4 near Lombard, in Du Page County, IL, subject to standard labor protective conditions.

DATES: This exemption will be effective on May 30, 1985. Petitions for reconsideration must be filed by May 20, 1985. Petitions for stay must be filed by May 10, 1985.

ADDRESSES: Send pleadings referring to Docket No. AB–1 (Sub-No. 173X) to:

(1) Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423

(2) Petitioner's representative: Miles L. Tobin, One North Western Center, Chicago, IL 60606.

FOR FURTHER INFORMATION CONTACT: Louis E. Gitomer (202) 275–7245.

SUPPLEMENTARY INFORMATION:

Additional information is contained in the Commission's decision. To purchase a copy of the full decision write to T.S. InfoSystem, Inc., Room 2227, Interstate Commerce Commission, Washington, DC, 20423, or call 289–4357 (DC Metropolitan area) or toll free (800) 424–5403.

Decided: April 23, 1985.

By the Commission, Chairman Taylor, Vice Chairman Gradison, Commissioners Sterrett, Andre, Simmons, Lamboley, and Strenio. Commissioner Simmons did not participate.

James H. Bayne,

Secretary.

[FR Doc. 85–10403 Filed 4–29–85; 8:45 am]

BILLING CODE 7035–01–M

[Finance Docket No. 30645]

Western Pacific Railroad Co.; Construction and Operation in Alameda County, CA

AGENCY: Interstate Commerce Commission.

ACTION: Application Accepted for Consideration.

SUMMARY: The Commission is accepting for consideration the application of Western Pacific Railroad Company to construct and operate 980 feet of railroad from its San Jose Branch to the New United Motor Corporation plant in Fremont, Alameda County, CA.

DATES: Written comments must be filed by May 14, 1985. Replies must be filed by May 20, 1985.

ADDRESSES: An original and 10 copies of all comments referring to Finance Docket No. 30645 should be sent to:

Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423

Charles A. Miller, Covington & Burling, 1201 Pennsylvania Ave., NW., Washington, DC 20044.

FOR FURTHER INFORMATION CONTACT:

Louis E. Gitomer (202) 275–7245

Elaine Sehrt (202) 275–7899

Joseph Levin (202) 275–7936.

SUPPLEMENTARY INFORMATION: Western Pacific Railroad Company (WPRR) seeks Commission authority to construct and operate 980 feet of railroad from its San Jose Branch (milepost 5.41) to an automobile assembly plant in Fremont, Alameda County, CA. The proposed construction will cross 3 tracks of the Southern Pacific Transportation Company (SP), and a public street, Lopes Court.

WPRR proposes to operate over the new track in order to provide rail service to the automobile manufacturing plant now owned by New United Motor Manufacturing, Inc., a joint venture of General Motors Corporation and Toyota Motor Company. WPRR will use the new track to transport carloads of finished automobiles from the plant site. Applicant intends to commence construction of the new track immediately on receipt of regulatory approval with operations over the track to begin on completion of construction.

WPRR is controlled by the Union Pacific Railroad Corporation.

Finance Docket No. 30568, *et al, Southern Pac. T. Co.—Petition for Declaratory Order—Extension of Rail Line* (not printed), served March 29, 1985, the Commission ruled that WPRR's proposal was not an exempt spur under 49 U.S.C. 10907(b). In response to that decision, WPRR filed an application and renewed a request for exemption under 49 U.S.C. 10505 from the requirements of 49 U.S.C. 10901. The alternative exemption request in Finance Docket No. 30568, is also being considered by the Commission.

In the application, filed on April 9, 1985 WPRR seeks a certificate under 49 U.S.C. 10901(a). WPRR also seeks an order under 49 U.S.C. 10901(d) requiring SP to allow WPRR to cross the SP lines that lie between San Jose Branch and the plant to be served.

In a decision served April 11, 1985 WPRR was granted a waiver of the 6-month prefiling environmental notification requirement of 49 CFR 1105.9(b). It has, however, submitted environmental information with the application. In a separate notice, published April 8, 1985, environmental comments were invited.

The application contains the information required by 49 CFR Part 1150 and is accepted for consideration. Interested persons are invited to comment on the application by the dates set forth above.

Decided: April 17, 1985.

By the Commission, Heber P. Hardy, Director, Office of Proceedings.

James H. Bayne,

Secretary.

[FR Doc. 85–10404 Filed 4–29–85; 8:45 am]

BILLING CODE 7035–01–M

Release of Waybill Data for Use by the Association of American Railroads

The Commission has received a request from the Association of American Railroads (AAR) for permission to use the Commission's 1983 Carload Waybill Sample and any 1984 waybill data when available. AAR's Freight Equipment Management Program is investigating the feasibility and benefits of potential inter-railroad pooling projects and they need the waybill data to prepare certain statistics necessary for their analyses.

Specifically, one study covers a potential pooling project of covered hoppers. AAR indicates that access to the covered hopper waybill data will identify loaded origin-destination flow volumes and mileages. They state that this information, when combined with empty mileage data and an optimization program, will enable them to determine the potential benefits of improved utilization, such as in a pooling project.

The second area for which they seek the waybill data involves multi-level auto racks. The railroads already operate pooling projects for these cars but the three projects operate independently. AAR would like to quantify the utilization benefits of combining these projects into one single project. This, however, requires AAR's access to the loaded origin-destination flow volumes and mileages for multi-levels.

AAR states that they will release only aggregated statistics for the entire U.S. rail industry as a whole, except detailed data for the railroads' own movements might be provided to the particular railroads involved in each movement.

The Commission requires rail carriers to file waybill sample information if in any of the past three years, they terminated on their lines at least: (1) 4,500 revenue carloads or (2) 5 percent of revenue carloads in any one State (49 CFR Part 1244). From this waybill information, the Commission has developed a Public Use Waybill File that has satisfied the majority of all our waybill data requests while protecting the confidentiality of proprietary data submitted by the railroads. However, if confidential waybill data are requested, as in this case, we will consider releasing the data only after certain protective conditions are met and public notice is given. More specifically, under the Commission's current policy for handling waybill requests, we will not release any confidential waybill data until after: (1) Certain requirements designed to protect the data's confidentiality are agreed to by the requesting party and (2) public notice is provided so affected parties have an opportunity to object. (48 FR 40328, September 6, 1983).

Accordingly, if any parties object to this request, they should file their objections (an original and 2 copies) within 14 calendar days of the date of this notice. They should also include all grounds for objection to the full or partial disclosure of the requested data. The Commission's Director of the Office of Transportation Analysis will consider these objections in determining whether to release the requested waybill data. any parties who filed objections will be timely notified of the Director's decision.

Contact: Elaine K. Kaiser, (202) 275-0907.

James H. Bayne,

Secretary.

[FR Doc. 10351 Filed 4-29-85; 8:45 am]

BILLING CODE 7035-01-M

[Finance Docket No. 30640]

Rarus Railway Corporation—Exemption From 49 U.S.C. 10901 and 11301

AGENCY: Interstate Commerce Commission.

ACTION: Notice of Exemption.

SUMMARY: The Interstate Commerce Commission exempts Rarus Railway Corportion from the requirements of (a) 49 U.S.C. 10901 with respect to the lease and operation of the entire line of railroad of the Butte, Anaconda & Pacific Railway Company located in Deer Lodge and Silver Bow Counties, MT, and (b) 49 U.S.C. 11301 with respect to the directly related issuance of 1,000 shares of $100 par value capital stock and a promissory note in an amount not to exceed $300,000.

DATES: These exemptions will be effective on April 26, 1985. Petitions to reopen must be filed by May 20, 1985.

ADDRESSES: Send Pleadings referring to Finance Docket No. 30640 to:

(1) Office of the Secretary, Case Control Branch, Interstate Commerce Commission Washington, DC 20423

(2) Petitioner's representative: Mark M. Levin, Suite 350, 1575 Eye Street, NW., Washington, DC 20005

FOR FURTHER INFORMATION CONTACT: Louis E. Gitomer, (202) 275-7245.

SUPPLEMENTARY INFORMATION: Additional information is contained in the Commission's decision. To purchase a copy of the full decision, write to T.S. InfoSystems, Inc., Room 2227, Interstate Commerce Commission, Washington, DC 20423, or call 289-4357 (DC Metropolitan area) or toll free (800) 424-5403.

Decided: April 12, 1985.

By the Commission, Chairman Taylor, Vice Chairman Gradison, Commissioners Sterrett, Andre, Simmons, Lamboley, and Strenio. Commissioner Lamboley dissented in part with a separate expression. Commissioner Simmons did not participate.

James H. Bayne,

Secretary.

[FR Doc. 85-10402 Filed 4-29-85; 8:45 am]

BILLING CODE 7035-01-M

[Finance Docket No. 30634]

Union Pacific Railroad Co. et al.—Trackage Rights Exemption; Corrected Decision [1]

On March 6, 1985, Union Pacific Railroad Company (UP) and its lessor, Oregon-Washington Railroad & Navigation Company, filed a notice of exemption for trackage rights over a line of track of Burlington Northern Railroad Company (BN) between milepost 69.5 and milepost 72.3 in Grays County, WA.

UP operates over a line adjacent to the line of BN. UP's trackage at times is under water due to flooding. Because BN's parallel trackage is higher, it does not incur the same water problem. Operations over the BN trackage and construction of the necessary connections will permit continued service to all of the active industries that presently are being served by UP.

The joint project involves the relocation of a line of railroad that does not disrupt service to shippers and falls within the class of transactions identified at 49 CFR 1180.2(d)(5) that the Commission has found to be exempt under 49 U.S.C. 10505. See *Railroad Consolidation Procedures*, 366 I.C.C. 75 (1982). The Commission determined that line relocations embrace trackage rights transactions such as the one proposed here. See *D.T.&I.R.)Trackage Rights*, 363 I.C.C. 878 (1981).

As a condition to the use of this exemption, any employees affected by the trackage rights agreement shall be

[1] This decision corrects the decision served April 5, 1985, to reflect the trackage rights involve a line between milepost 69.5 and milepost 72.3 in lieu of milepost 54.228 and milepost 56.69.

protected pursuant to *Norfolk and Western Ry. Co.—Trackage Rights—BN*, 354 I.C.C. 605 (1978), as modified by *Mendocino Coast Ry., Inc.,—Lease and Operate*, 360 I.C.C. 653 (1980).

Decided: March 20, 1985.

By the Commission, Heber P. Hardy, Director, Office of Proceedings.

James H. Bayne,

Secretary.

[FR Doc. 85–10395 Filed 4–29–85; 8:45 am]

BILLING CODE 7035–01–M

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research Act of 1984—Oncogen Limited Partnership

Notice is hereby given that pursuant to section 6(a) of the National Cooperative Research Act of 1984, Pub. L. No. 98–462 (the "Act"), Oncogen Limited Partnership ("Oncogen") has filed a written notification simultaneously with the Attorney General and the Federal Trade Commission disclosing (1) the identities of the parties to Oncogen and (2) the nature and objectives of Oncogen. The notification was filed for the purpose of invoking the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Pursuant to section 6(b) of the Act, the identities of the parties to Oncogen, and its general areas of planned activities are given below.

Oncogen is a limited partnership, consisting of the following general partners: Wallingford Research, Inc., ("WRI"), a wholly owned subsidiary of Bristol-Myers Company; Cancer Research, Inc., a wholly owned subsidiary of Genetic Systems Corporation ("GSC"); and Sygenic Company, a wholly owned subsidiary of Syntex (U.S.A.) Inc. The limited partner of Oncogen is ONKEM Limited Partnership ("ONKEM"). The general partners of ONKEM are WRI, GSC, and Syva Company. The limited partners of ONKEM are employees and consultants of ONCOGEN.

Oncogen is organized to engage in the research and development of commercial products for the diagnosis or treatment of human cancer.

Joseph H. Widmar,

Director of Operations, Antitrust Division.

[FR Doc. 85–10477 Filed 4–29–85; 8:45 am]

BILLING CODE 4410–01–M

Drug Enforcement Administration

[Docket No. 85–17]

Johnson Matthey's Fentanyl Application for Registration as Manufacturer of Controlled Substances; Notice of Objections, Request for Hearing, and Hearing

On February 19, 1985 at 50 FR 7007, notice was given that Johnson Matthey, Inc., 1401 King Road, West Chester, Pennsylvania 19380, had made application to the Drug Enforcement Administration (DEA) for registration as a bulk manufacturer of two basic classes of controlled substances listed in Schedule II of the Controlled Substances Act of 1970, sufentanil and fentanyl. Opportunity was given for the filing of comments, objections and requests for hearing with respect to the application.

A request for hearing with respect to Johnson Matthey's application for registration as a bulk manufacturer of fentanyl was filed on behalf of Mallinckrodt, Inc.

Mallinckrodt is presently an applicant for registration as a bulk manufacturer of fentanyl itself and states its belief that the granting of the application for registration of Johnson Matthey should not affect Mallinckrodt's own pending application. Mallinckrodt's request for a hearing is intended to insure that Johnson Matthey's application has no such adverse effect. Mallinckrodt further states that if DEA determines that it is in the public interest to register only one company to manufacture fentanyl, then it, Mallinckrodt, can produce the substance most efficiently and with maximum regard for security.

Mallinckrodt also requests that all proceedings with respect to the registration of bulk manufacturers of fentanyl be consolidated.

Accordingly, notice is hereby given pursuant 21 CFR 1301.43 that a hearing will be held on the aforesaid application of Johnson Matthey, Inc., for registration as a bulk manufacturer of fentanyl, commencing at 10:15 a.m. on Friday, June 28, 1985, in Room 1213, Drug Enforcement Administration, 1405 I Street, NW., Washington, D.C. 20537, the proceedings on that day to be limited to a preliminary discussion to identify proper parties and issues, and to determine procedures and set dates and locations for further proceedings, and to determine whether any consolidation of proceedings is appopriate. Any person entitled to participate in said hearing and desiring to do so should file a notice of appearance pursuant to 21 CFR 1301.54 and 1316.48 within thirty days of the date of publication of this notice. A person who has filed a request for hearing, i.e., Mallinckrodt, need not also now file a notice of appearance.

Dated: April 24, 1985.

John C. Lawn,

Acting Administrator, Drug Enforcement Administration.

[FR Doc. 85–10407 Filed 4–29–85; 8:45 am]

BILLING CODE 4410–09–M

[Docket No. 85–11]

Mallinckrodt's Fentanyl Application for Registration as Manufacturer of Controlled Substances; Notice of Objections, Requests for Hearing, and Hearing

Notice was published in the **Federal Register** that on October 15, 1984, Mallinckrodt, Inc., Mallinckrodt and Second Streets, St. Louis, Missouri 63147, had made application to the Drug Enforcement Administration (DEA) for registration as a bulk manufacturer of the Secedule II controlled substance fentanyl. Opportunity was given for the filing of comments, objections and requests for hearing with respect to the application.

Abbott Laboratories filed comments in support of the registration of Mallinckrodt stating its belief that the public interest would be served by having "sufficient competition" among the suppliers of fentanyl and that the registration of Mallinckrodt would allow authorized purchasers such as Abbott the opportunity to select between one or more vendors of the product.

Requests for hearing were filed on behalf of Janssen, Inc., and Johnson Matthey, Inc.

Janssen, INc., has also filed an application for registration with DEA as a bulk manufacturer of fentanyl and states that its only interest in a hearing in this matter is to assure that Mallinckrodt's application would not adversely affect approval of its own application.

Johnson Matthey, Inc., is presently registered as a bulk manufacturer of fentanyl and states its desire to be heard on whether it is consistent with the public interest to register Mallinckrodt when, according to Johnson Matthey, there is no legitimate outlet for Mallinckrodt's proposed bulk manufacturing activities. Johnson Matthey states that it has or is in the process of establishing long term supply agreements with the only three firms that presently can lawfully distribute a fentanyl product for human beings in interstate commerce under the Federal Food, Drug and Cosmetic Act (FFDA).

Further, Johnson Matthey asserts that the only interstate marketer of an animal drug containing fentanyl approved under the FFDA, McNeil Laboratories, obtains its fentanyl from Janssen. In addition Johnson Matthey has agreed to provide fentanyl for all development needs to two other formulators who are planning to obtain a new drug application (NDA) for fentanyl products. Johnson Matthey also supplies fentanyl to persons engaged in pure scientific research, and it is ready, willing and able to supply fentanyl to any other lawful customer.

Therefore, since all proved distributors utilize, will utilize or may utilize fentanyl produced by Johnson Matthey, Johnson Matthey alleges that there is no apparent legitimate outlet for Mallinckrodt's proposed bulk production of fentanyl. Under these circumstances, Johnson Matthey concludes that granting Mallinckrodt's subject application would be contrary to the public health and safety and requests a hearing.

Accordingly, noticle is hereby given pursuant to 21 CFR 1301.43 that a hearing will be held on the aforesaid application of Mallinckrodt, Inc., for registration as a bulk manufacturer of fentanyl commencing at 10:00 a.m. on Friday, June 28, 1985, in Room 1213, Drug Enforcement Administration, 1405 I Street, NW., Washington, D.C. 20537, the proceeding on that day to be limited to a preliminary discussion to identify proper parties and issues, and to determine whether any consolidation of proceedings is appropriate. Any person entitled to participate in said hearing and desiring to do so should file a notice of appearance pursuant to 21 CFR 1301.54 and 1316.48 within thirty days of the date of publication of this notice. A person who has filed a request for hearing need not also now file a notice of appearance.

Dated: April 24, 1985.

John C. Lawn,

Acting Administrator, Drug Enforcement Administration.

[FR Doc. 85-10406 Filed 4-29-85; 8:45 am]

BILLING CODE 4410-09-M

DEPARTMENT OF LABOR

Employment and Training Administration

Job Training Partnership Act; Program Year 1985 State Allotments for Migrant and Seasonal Farmworker Programs

AGENCY: Employment and Training Administration, Labor.

ACTION: Notice.

SUMMARY: This Notice announces the formula and Program Year July 1, 1985–June 30, 1986, proposed final alllotments to States for programs funded under Title IV, section 402 of the Job Training Partnership Act (JTPA) (Pub. L. 97–300) of October 13, 1982.

Direct questions and comments to: Paul A. Mayrand, Director, Office of Special Targeted Programs, 601 D Street, N.W., Room 6122, Washington, D.C. (202) 376–6225. Written comments are to be postmarked no later than 30 days from the date of this Notice.

SUPPLEMENTARY INFORMATION: On October 19, 1984, the Department announced State planning estimates in the **Federal Register** for organizations interested in submitting funding applications pursuant to the published Solicitation for Grant Awards for Program Year 1985. The planning estimates were based on the same formula and are the same as the Program Year 1984 allotments, but did not reflect the August Fiscal Year 1984 supplemental appropriation action. These Program Year 1984 allotments were based on the total number of people in each States who worked in qualifying agricultural occupations and reported a poverty level income in response to questions asked in the conduct of the 1980 Decennial Census of Population and reflected a 75 percent hold-harmless factor. The Notice further indicated that the final Program Year 1985 allotment levels would be based on the Fiscal Year 1985 appropriation and may be subject to: (1) The last of the three announced hold-harmless applications and (2) data-base adjustments, if any, resulting from the deliberations of the Interagency Task Force on Farmworker Data.

However, the Department has decided to republish the October 19, 1984, planning estimates as the proposed final allotments. Each State will, therefore, receive for Program Year 1985 the allotment it received in Program Year 1984 minus any supplemental funds. The Department is taking this action because of the following two factors: (1) The current Program Year 1984 final appropriation level contains the aforementioned supplemental funds which caused affected States to operate at a higher level during Program Year 1984 than aniticipated. The application of the initial hold-harmless strategy at this time would cause a more severe disruption of activities than might otherwise occur without additional time to adjust to a lower level of service, and (2) The Department does not now expect to receive the report of the Interagency Task Force on Farmworker Data in time for review and comment until after Program Year 1985 has begun. Program Year 1985 will afford the Department and interested organizations a full opportunity to consider the results of the report and implement changes, if any, to become effective Program Year 1986. If such changes result in significant allotment shifts among the States, those shifts might be less disruptive without the application of the initial hold-harmless strategy at this time.

Signed at Washington, D.C., this 24th day of April, 1985.

Paul A. Mayrand,

Director, Office of Special Targeted Programs.

[FR Doc. 85-10475 Filed 4-29-85; 8:45 am]

BILLING CODE 4510-30-M

Mine Safety and Health Administration

Summary of Decision Granting in Whole or in Part Petitions for Modification

AGENCY: Mine Safety and Health Administration (MSHA), Labor.

ACTION: Notice of affirmative decisions issued by the Administrators for Coal Mine Safety and Health and Metal and Nonmetal Mine Safety and Health on petitions for modification of the application of mandatory safety standards.

SUMMARY: Under section 101(c) of the Federal Mine Safety and Health Act of 1977, the Secretary of Labor may modify the application of a mandatory safety standard to a mine if the Secretary determines either or both of the following: That an alternate method exists at the petitioner's mine that will guarantee no less protection for the miners affected than that provided by the standard, or that the application of the standard to the petitioner's mine will result in a diminution of safety to the affected miners.

Summaries of petitions received by the Secretary appear periodically in the **Federal Register.** Final decisions on these petitions are based upon the petitioner's statement, comments and information submitted by interested persons and a field investigation of the conditions at the petitioner's mine. The Secretary has granted or partially granted the requests for modification submitted by the petitioners listed below. In some instances the decisions are conditioned upon the petitioner's compliance with stipulations stated in the decision.

FOR FURTHER INFORMATION CONTACT: The petitions and copies of the final decisions are available for examination by the public in the Office of Standards, Regulations and Variances, MSHA, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203.

Dated: April 24, 1985.

Patricia W. Silvey,

Director, Office of Standards, Regulations and Variances.

AFFIRMATIVE DECISIONS ON PETITIONS FOR MODIFICATION

Docket No	FR Notice	Petitioner	Regulations affected	Summary of findings
M-83-24-M	48 FR 57641	Tenneco Minorals Co	30 CFR 57.21-53	Petitioner's proposal to construct stoppings in any crosscut with styrofoam blocks with joints and perimeter sealed with rigid urethane foam considered acceptable alternate method. Granted with conditions.
M-83-30-M	49 FR 672	International Minerals and Chemical Corp.	30 CFR 57.4-61A	Petitioner's proposal to install a reversible fan on the surface at the number 3 shaft with specified conditions considered acceptable alternate method. Granted with conditions
M-84-1-M	49 FR 10389	Hecla Mining Co	30 CFR 57.11-59	Proposal to provide a respirable atmosphere independent of the mine atmosphere for hoist operators as part of each mine's escape and evacuation plan with specified conditions considered acceptable alternate method. Granted with conditions.
M-84-4-M	49 FR 18199	ASARCO, Inc	30 CFR 57.11-37	Petitioner's proposal to reduce the size of the manway opening where certain ground conditions diminish the structural competence of the raise caps considered acceptable alternate method. Granted with conditions.
M-84-14-M	49 FR 23256	Duval Corp	30 CFR 57.4-27	Petitioner's proposal to mount the fire extinguishers on each of the face electrical safety centers in lieu of mounting them on the equipment considered acceptable alternate method. Granted
M-84-17-M	49 FR 40495	ASARCO, Inc	30 CFR 57.4-35	Petitioner's proposal, as a research and development program, to convert one 35-ton haul truck and one loader to a dual fuel system of diesel and propane considered acceptable alternate method. Granted with conditions.
M-84-22-M	49 FR 47444	Kaiser Sand & Gravel Co	30 CFR 56.16-2	Proposal to conduct repairs inside bunkers or silos with specified conditions considered acceptable alternate method. Granted with conditions.
M-83-124-C	49 FR 675	Eastern Mingo Coal Co	30 CFR 75.326	Use of air from the belt entry to ventilate the working face with specified conditions considered acceptable alternate method. Granted with conditions.
M-83-125-C	49 FR 680	Southern Mingo Coal Co	30 CFR 75.326	Use of air from the belt entry to ventilate the working face with specified conditions considered acceptable alternate method. Granted with conditions.
M-83-126-C	49 FR 681	Western Mingo Coal Co	30 CFR 75.326	Use of air from the belt entry to ventilate the working face with specified conditions considered acceptable alternate method. Granted with conditions.
M-83-146-C	49 FR 5217	Tums Coal Co	30 CFR 75.503	Use of a harness snap device in lieu of a padlock to secure screw caps in place on plugs of battery-powered machinery considered acceptable alternate method. Granted with conditions.
M-83-147-C	49 FR 4566	Bethlehem Mines Corp	30 CFR 75.305	Due to numberous roof falls, petitioner's proposal to establish two methane monitoring stations at specified locations with specified conditions considered acceptable alternate method. Granted with conditions.
M-83-157-C	49 FR 5215	Eastern Coal Corp	30 CFR 75.305	Due to a roof fall, petitioner's proposal to install mandoors in the stoppings on the inby and outby sides of the fall and the use of evaluation points located at each side of the fall considered acceptable alternate method. Granted with conditions.
M-84-1-C	49 FR 13764	Inland Steel Coal Co	30 CFR 75.503	Petitioner's proposal to put a bracket on the battery with a set screw-type arrangement to lock it down on the mine's scoops considered acceptable alternate method. Granted with conditions.
M-84-6-C	49 FR 13768	U.S. Steel Mining Co., Inc	30 CFR 75.1700	Plugging and mining through abandoned oil and gas wells with specified precautions in lieu of establishing and maintaining barriers around such wells considered acceptable alternate method. Granted with conditions.
M-84-33-C	49 FR 15158	Shannopin Mining Co	30 CFR 75.305	Proposal to establish and maintain air monitoring checkpoints at specified locations to routinely monitor both air quantity and quality in the airway considered acceptable alternate method. Granted with conditions.
M-84-48-C	49 FR 13762	Deep Mine Coal Co., Inc	30 CFR 75.1400	Proposed operation of mancage or steel gunboat with secondary safety connections securely fastened around the gunboat and to the hoisting rope above the main connecting device considered acceptable alternate method. Granted with conditions
M-84-69-C	49 FR 23263	Spring Creek Coal Co	30 CFR 77.216-3(a)	Petitioner's proposal to perform the inspection and recording requirements on an annual basis considered acceptable alternate method. Granted with conditions
M-84-85-C	49 FR 21133	Pyro Mining Co	30 CFR 75.1710	Use of cabs or canopies in specified low mining heights would result in a diminution of safety. Granted with conditions.
M-84-92-C	49 FR 18198	White County Coal Corp	30 CFR 75.503	Use of a modified bolt and nut locking device in lieu of a padlock to secure screw caps in place on plugs of battery operated scoop tractors considered acceptable alternate method. Granted with conditions
M-84-99-C	49 FR 23264	Warrior Coal Mining Co	30 CFR 75.326	Petitioner's proposal to use a belt slope into the coal bed as a return aircourse from the mine workings with specified conditions considered acceptable alternate method. Granted with conditions
M-84-102-C	49 FR 22573	AMAX Coal Co	30 CFR 77.803	Use of the present 4,160 volt electrical pole line system to supply power to portable and mobile equipment in addition to the stationary electrical equipment it presently supplies with specified conditions considered acceptable alternate method. Granted with conditions
M-84-127-C	49 FR 23264	Western Mingo Coal Co	30 CFR 75.1103-4(a)	Use of a carbon monoxide monitoring system in lieu of point-type heat sensors at every belt drive, at the section loading point, and at intervals not to exceed 2,000 feet along the belt considered acceptable alternate method. Granted with conditions
M-84-128-C	49 FR 23257	Eastern Mingo Coal Co	30 CFR 75.1103-4(a)	Use of a carbon monoxide monitoring system in lieu of point-type heat sensors at every belt drive, at the section loading point, and at intervals not to exceed 2,000 feet along the belt considered acceptable alternate method. Granted with conditions
M-84-129-C	49 FR 23263	Southern Mingo Coal Co	30 CFR 75.1103-4(a)	Use of a carbon monoxide monitoring system in lieu of point-type heat sensors at every belt drive, at the section loading point, and at intervals not to exceed 2,000 feet along the belt considered acceptable alternate method. Granted with conditions.
M-84-132-C	49 FR 26162	Ray Coal Co	30 CFR 75.326	Use of air from belt haulage entries to ventilate active working places with specific precautions considered acceptable alternate method. Granted with conditions
M-84-133-C	49 FR 23261	Ray Coal Co	30 CFR 75.1103-4(a)	Installation of a fire detection system using low level carbon monoxide monitoring devices in all belt entries used as intake air courses considered acceptable alternate method. Granted with conditions.

AFFIRMATIVE DECISIONS ON PETITIONS FOR MODIFICATION—Continued

Docket No	FR Notice	Petitioner	Regulations affected	Summary of findings
M-84-139-C	49 FR 26163	Southern Ohio Coal Co	30 CFR 75.503	Use of metal locking devices consisting of a fabricated metal bracket and a metal locking device (harness snap) in lieu of padlocks to secure battery plugs to machine-mounted receptacles on permissible, mobile, battery-powered machines considered acceptable alternate method. Granted with conditions.
M-84-142-C	49 FR 35053	Southern Ohio Coal Co	30 CFR 75.503	Use of metal locking devices consisting of a fabricated metal bracket and a metal locking device (harness snap) in lieu of padlocks to secure battery plugs to machine-mounted receptacles on permissible, mobile, battery-powered machines considered acceptable alternate method. Granted with conditions.
M-84-160-C	49 FR 35053	T A G Coal Co.	30 CFR 75.1400	Operation of mancage or steel gunboat with secondary safety connections securely fastened around the gunboat and to the hoisting rope above the main connecting device considered acceptable alternate method. Granted with conditions.
M-84-161-C	49 FR 35051	Estep Coal Corp	30 CFR 75.1710	Use of cabs or canopies in specified low mining heights would result in a diminution of safety. Granted with conditions.
M-84-164-C	49 FR 35051	Neumeister Coal Co	30 CFR 75.1400	Operation of mancage or steel gunboat with secondary safety connections securely fastened around the gunboat and to the hoisting rope above the main connection device considered acceptable alternate method. Granted with conditions.
M-84-170-C	49 FR 26161	Johnson Brothers Coal Co	30 CFR 75.1710	Use of cabs or canopies in specified low mining heights would result in a diminution of safety. Granted with conditions.
M-84-178-C	49 FR 31182	Wolfgang Brothers Coal Co	30 CFR 75.902	Petitioner's proposal to deenergize and lock out all low-voltage, three-phase circuits, lock out the pumps from the surface, and post a warning sign at the mine's entry while personnel are underground considered acceptable alternate method. Granted with conditions.

[FR Doc. 85-10476 Filed 4-29-85; 8:45 am]

BILLING CODE 4510-43-M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 85-24]

National Commission on Space; Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, as amended, the National Aeronautics and Space Administration announces a forthcoming meeting of the National Commission on Space (NCS).

DATE AND TIME: May 15, 1985, 9:00 a.m. to 5:15 p.m.; May 16, 1985, 9:00 a.m. to 4:45 p.m.; May 17, 1985, 9:00 a.m. to 12:00 noon.

ADDRESS: Smithsonian Institution, National Air and Space Museum, 6th St. and Independence Avenue, SW, Washington, DC 20560.

FOR FURTHER INFORMATION CONTACT: Mrs. Mechthild E. "Mitzi" Peterson, Code RS, National Aeronautics and Space Administration, Washington, DC 20546 (202/453-2733).

SUPPLEMENTARY INFORMATION: The National Commission on Space was established to study existing and proposed U.S. space activities; formulate an agenda for the U.S. civilian space program; and identify long-range goals, opportunities, and policy options for civilian space activity for the next twenty years. The Commission, chaired by Dr. Thomas O. Paine, consists of 15 voting members. The meeting will be open to the public for the stated times up to the seating capacity of the room (approximately 40 persons including Commission members and other participants).

The meeting will be closed to the public from 1:30 p.m. to 4:45 p.m. on May 16, 1985, and from 9:00 a.m. to 12:00 noon on May 17, 1985, for discussions relating to the national defense and foreign policy. Since this session will be concerned with matters listed in 5 U.S.C. 522b(c)(1), it has been determined that the meeting will be closed to the public for this period of time. The remainder of the meeting will be open to the public. Visitors will be requested to sign a visitor's register.

Type of meeting: Open, except for a closed session as noted in the agenda below.

Agenda

May 15, 1985

9:00 a.m.—Introductory Remarks, Discussion, Administrative Arrangements.

NASA Presentations

10:00 a.m.—NASA Perspective.
10:30 a.m.—Transportation/Space Flight.
1:00 p.m.—Space Station.
2:30 p.m.—Science and Applications.
3:45 p.m.—Commercial Programs.
4:15 p.m.—Technology.
5:15 p.m.—Adjourn.

May 16, 1985

9:00 a.m.—Chairman's Remarks.

Non-NASA Civilian Presentations

9:15 a.m.—National Oceanic and Atmospheric Administration (NOAA).
10:15 a.m.—National Telecommunications and Information Agency (NTIA).
11:30 a.m.—Department of Transportation (DOT).

National Security Planning (Closed Session)

1:30 p.m.—International Planning (closed).
2:30 p.m.—Department of Defense (DOD) Planning (closed).
3:45 p.m.—Strategic Defense Initiative (SDI) (closed).
4:45 p.m.—Adjourn.

May 17, 1985

9:00 a.m.—Executive Discussion (closed).
12:00 noon—Adjourn.

Richard L. Daniels,

Deputy Director, Logistics Management and Information Programs Division, Office of Management.

April 24, 1985.

[FR Doc. 85-10331 Filed 4-29-85; 8:45 am]

BILLING CODE 7510-01-M

NATIONAL FOUNDATION ON THE ARTS AND HUMANITIES

Design Arts Advisory Panel (Exploration/Research Section); Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 94-463), as amended notice is hereby given that a meeting of the Design Arts Advisory Panel (Exploration/Research Section) to the National Council on the Arts will be held on May 16-17, 1985, from 9:00 a.m.-5:30 p.m. in room M-07 of the Nancy Hanks Center, 1100 Pennsylvania Avenue, NW., Washington, DC.

This meeting is for the purpose of Panel review, discussion, evaluation and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information

given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the **Federal Register** of February 13, 1980, these sessions will be closed to the public pursuant to subsections (c)(4), (6) and 9(b) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, DC 20506, or call (202) 682–5433.

Dated: April 23, 1985.

John H. Clark,

Director, Council and Panel Operations, National Endowment for the Arts.

[FR Doc. 85–10429 Filed 4–29–85; 8:45 am]

BILLING CODE 7537-01-M

Design Arts Advisory Panel (Fellowships Section); Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), as amended, notice is hereby given that a meeting of the Design Arts Advisory Panel (Fellowships Section) to the National Council on the Arts will be held on May 22–24, 1985, from 9:00 a.m.–5:30 p.m. in room M–07 of the Nancy Hanks Center, 1100 Pennsylvania Avenue, N.W., Washington, D.C. 20506.

This meeting is for the purpose of Panel review, discussion, evaluation and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the **Federal Register** of February 13, 1980, these sessions will be closed to the public pursuant to subsections (c)(4), (6) and 9(b) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 682–5433.

Dated: April 23, 1985.

John H. Clark,

Director, Council and Panel Operations, National Endowment for the Arts.

[FR Doc. 85–10428 Filed 4–29–85; 8:45 am]

BILLING CODE 7537-01-M

Museum Advisory Panel (Special Exhibitions Section); Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), as amended, notice is hereby given that a meeting of the Museum Advisory Panel (Special Exhibitions Section) to the National Council on the Arts will be held on May 14–17, 1985, from 9:00 a.m.–5:30 p.m. in room 730 of the Nancy Hanks Center, 1100 Pennsylvania Avenue, N.W., Washington, D.C.

This meeting is for the purpose of Panel review, discussion, evaluation and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the **Federal Register** of February 13, 1980, these sessions will be closed to the public pursuant to subsections (c)(4), (6) and 9(b) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 682–5433.

Dated: April 22, 1985.

John H. Clark,

Director, Council and Panel Operations, National Endowment for the Arts.

[FR Doc. 85–10424 Filed 4–29–85; 8:45 am]

BILLING CODE 7537-01-M

Music Advisory Panel (Opera-Musical Theater Challenge Section); Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), as amended, notice is hereby given that a meeting of the Music Advisory Panel (Opera-Musical Theater Challenge Section) to the National Council on the Arts will be held on May 17, 1985, from 9:00 a.m.–5:30 in Room M–14 of the Nancy Hanks Center, 1100 Pennsylvania Avenue, N.W., Washington, D.C. 20506.

This meeting is for the purpose of Panel review, discussion, evaluation and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the **Federal Register** of February 13, 1980, these sessions will be closed to the public pursuant to subsections (c)(4), (6) and 9(b) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 682–5433.

Dated: April 22, 1985.

John H. Clark,

Director, Council and Panel Operations, National Endowment for the Arts.

[FR Doc. 85–10427 Filed 4–29–85; 8:45 am]

BILLING CODE 7537-01-M

Music Advisory Panel (Solo Recitalists Fellowships, Section); Meeting

Pursuant to section 10 (a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), as amended, notice is hereby given that a meeting of the Music Advisory Panel (Solo Recitalists Fellowships Section) to the National Council on the Arts will be held on May 14–16, 1985 from 9:00 am-5:50 pm in Room 714 of the Nancy Hanks Center, 1100 Pennsylvania Avenue, NW, Washington, DC 20506.

A portion of this meeting will be open to the public on May 16, 1985 from 1:30 pm-5:30 pm to discuss guidelines, policy, and the five-year planning document.

The remaining sessions of this meeting on May 14–15, 1985 from 9:00 am-5:30 pm and on May 16, 1985 from 9:00 am-12:30 pm are for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation of the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the **Federal Register** of February 13, 1980, these sessions will be closed to the public pursuant to subsections (c)(4), (6) and 9(b) of sections 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, 1100 Pennsylvania Ave., NW, Washington, DC 20506, or call (202) 682–5433.

John H. Clark,

Director, Council and Panel Operations, National Endowment for the Arts.

[FR Doc. 85–10426 Filed 4–29–85; 8:45 am]

BILLING CODE 7537-01-M

Visual Arts Panel (Painting Fellowships Section); Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub.

L. 92–463), as amended, notice is hereby given that a meeting of the Visual Arts Panel (Painting Fellowships Section) to the National Council on the Arts will be held on May 13–16, 1985, from 9:00 a.m.-8:00 p.m.; and on May 17, 1985, from 9:00 a.m.-6:00 p.m. in room 716 of the Nancy Hanks Center, 1100 Pennsylvania Avenue, N.W., Washington, D.C. 20506.

This meeting is for the purpose of Panel review, discussion, evaluation and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the **Federal Register** of February 13, 1980, these sessions will be closed to the public pursuant to subsections (c) (4), (6) and 9(b) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 682–5433.

Dated: April 22, 1985.

John H. Clark,

Director, Council and Panel Operations, National Endowment for the Arts.

[FR Doc. 85–10425 Filed 4–29–85; 8:45 am]

BILLING CODE 7537-01-M

NATIONAL SCIENCE FOUNDATION

Advisory Panel for Biophysics; Meeting

In accordance with the Federal Advisory Committee Act, as amended, Pub. L. 92–463, the National Science Foundation announces the following meeting:

Name: Advisory Panel for Biophysics.

Date and time: Monday and Tuesday, May 20, and 21, 1985, from 8:30 A.M. to 6:00 P.M.

Place: Room 1141, The National Science Foundation 1800 G Street, NW., Washington, D.C. 20550.

Type of meeting: Closed.

Contact: Dr. Arthur Kowalsky, Program Director, Biophysics Program, Room 329, Phone: (202) 357–7777.

Purpose of advisory panel: To provide advice and recommendations concerning support for research.

Agenda: To review and evaluate research proposals as part of the selection process for awards.

Reason for closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

Authority to close meeting: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of Pub. L. 92–463. The Committee Management Officer was delegated the authority to make such determinations by the Director, NSF, on July 6, 1979.

April 25, 1985.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 85–10323 Filed 4–29–85; 8:45 am]

BILLING CODE 7555-01-M

Advisory Committee for the Mathematical Sciences; Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92–463, as amended, the National Science Foundation announces the following meeting:

Name: Advisory Committee for the Mathematical Sciences.

Date and time: May 20, 1985—8:30 a.m. to 5:30 p.m.; May 21, 1985—8:30 a.m. to 4:30 p.m.

Place: Room 543, National Science Foundation, 1800 G Street, NW., Washington, D.C. 20550.

Type of meeting: May 20—Open; May 21—Closed—8:30 a.m. to 9:30 a.m. May 21—Open—9:30 a.m. to finish.

Contact person: Dr. Judith S. Sunley, Deputy Division Director, Division of Mathematical Sciences, Room 339, National Science Foundation, Washington, D.C. 20550. Telephone (202) 357–9669. Anyone planning to attend this meeting should notify Dr. Sunley no later than May 15, 1985.

Purpose of committee: To provide advice and recommendations concerning support for research in the mathematical sciences.

Agenda:

Monday, May 20, 1985—8:30 a.m. to 5:30 p.m.—Open
- Introductory Remarks
- Current Status of the Division including:
  1. Activities in FY 1985 cycle
  2. Status of FY 1986 Budget request
- Mathematical Sciences at other Federal agencies
- Computational Mathematics
- Setting priorities for the next five years

Tuesday, May 21, 1985—8:30 a.m. to 9:30 a.m.—Closed
- Discussion and review of pending proposals with policy implications.

Tuesday, May 21, 1985—9:30 a.m. to finish—Open
- Mathematics and Science Education
- Committee on Equal Opportunity in Science and Technology
- International activities
- Setting priorities for the next five years
- Other business

Reason for closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information, financial data, such as salaries, and personal information concerning individuals associated with the proposal. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

Authority to close meeting: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of P.L. 92–463. The Committee Management Officer was delegated the authority to make such determinations by the Director, NSF, on July 6, 1979.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 85–10324 Filed 4–29–85; 8:45 am]

BILLING CODE 7555-01-M

Advisory Panel for Decision and Management Science; Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92–463, as amended, the National Science Foundation announces the following meeting:

Name: Advisory Panel for Decision and Management Science.

Type of meeting: Closed.

Date and Time: May 23–24, 1985, 8:30 a.m. to 5:00 p.m.

Place: National Science Foundation, 1800 G Street, NW., Washington, D.C. 20550, Room 628.

Contact Person: Dr. Robert M. Thrall, Acting Program Director, National Science Foundation, Room 335, Phone (202) 357–7589.

Purpose of advisory panel: To provide advice and recommendations concerning research in Decision and Management Science.

Agenda: Closed: to review and evaluate research proposals as part of the selection process for awards.

Reason for closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

Authority to close meeting: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of Pub. L. 92–463. The Committee Management Officer was delegated the authority to make such determinations by the Director, NSF on July 6, 1979.

Dated: April 25, 1985.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 85–10325 Filed 4–29–85; 8:45 am]

BILLING CODE 7555-01-M

Advisory Panel for Cellular Physiology; Meeting

In accordance with the Federal Advisory Committee Act, as amended,

Pub. L. 92–463, the National Science Foundation announces the following meeting.

Name: Advisory Panel for Cellular Physiology.

Date and time: Monday, Tuesday and Wednesday, May 20, 21, and 22, 1985, from 9:00 a.m. until 5:00 p.m.

Place: Room 523, National Science Foundation, 1800 G Street NW., Washington, D.C. 20550.

Type of meeting: Closed.

Contact person: Maryanna P. Henkart, Program Director, Cellular Physiology, Room 332, Telephone: 202/357–7377.

Purpose of advisory panel: To provide advice and recommendations concerning support for research in Cellular Physiology.

Agenda: To review and evaluate research proposals as part of the selection process for awards.

Reason for closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information, financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

Authority to close meeting: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of Pub. L. 92–463. The Committee Management Officer was delegated the authority to make such determinations by the Director, NSF, on July 6, 1979.

M.R. Winkler,

Committee Management Officer.

[FR Doc. 85–10326 Filed 4–29–84; 8:45 am]

BILLING CODE 7555–01–M

Advisory Committee for Ocean Sciences (ACOS); Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92–463, as amended, the National Science Foundation announces the following meeting:

Name: Advisory Committee for Ocean Sciences (ACOS).

Date and time: May 23, 24, 1985—9:00 A.M. to 5:00 P.M. each day.

Place: Room 351, National Academy of Sciences, 21st and Pennsylvania Avenue, NW., Washington, D.C.

Type of meeting: Open.

Contact person: Dr. M. Grant Gross, Director, Division of Ocean Sciences Room 609, National Science Foundation, Washington, D.C. Telephone: (202) 3357–9639.

Summary Minutes: May be obtained from the contact person.

Purpose of committee: To provide advice and recommendations concerning oceanographic research and its support by the NSF Division of Ocean Sciences.

Agenda

The Committee will hold morning and afternoon Sessions on both days following opening remarks and introductions. The Committee will hear briefings and status reports of current topical interest from various officials and representatives from NSF, other Governmental Departments and Agencies, and other organizations active in ocean science matters. The Committee will also hear reports from several Subcommittees and reflect upon a proper course of action based on the information presented. The Committee will also discuss the current status and future directions of the draft Long-Range Plan for Ocean Sciences, and formulate appropriate guidance and direction for the continuing planning process. The Committee will also conduct necessary administrative functions in accordance with established practice with respect to approval of the minutes of the previous meeting determination of the time and place of the next meeting; as well as any other appropriate business.

M. Rebecca Winkler,

Committee Management Officer.

April 25, 1985.

[FR Doc. 85–10327 Filed 4–29–85; 8:45 am]

BILLING CODE 7555–01–M

Biochemistry Advisory Panel; Meeting

In accordance with the Federal Advisory Committee Act, as amended, Pub. L. 92 463, The National Science Foundation announces the following meeting.

Name: Biochemistry Advisory Panel.

Date: Monday and Tuesday, May 20 and 21, 1985, from 9:00 am to 5:00 pm.

Place: The Bavarian Inn and Lodge, Shepherdstown, West Virginia 25443.

Type of meeting: Closed.

Contact person: Arnold Revzin, Program Director, Biochemistry Program, Room 329–D, Telephone: (202) 357–7945.

Purpose of advisory panel: To provide advice and recommendations concerning support for Biochemistry research proposals.

Agenda: To review and evaluate research proposals as part of the selection process for awards.

Reason for closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information, financial data, such as salaries, and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b (c), Government in the Sunshine Act.

Authority to close meeting: This determination was made by the Committee Management Officer pursuant to provisions of Section 10 (d) of Pub. L. 463. The Committee Management Officer was delegated the authority to make such determinations by the Director, NSF on July 6, 1979.

Rebecca Winkler,

Committee Management Officer.

April 25, 1985.

[FR Doc. 85–10328 Filed 4–29–85; 8:45 am]

BILLING CODE 7555–01

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–440 and 50–441]

Cleveland Electric Illuminating Co. et. al.; Perry Nuclear Power Plant, Units 1 and 2; Receipt of Request for Action

Notice is hereby given that by petition dated March 8, 1985, Susan L. Hiatt on behalf of the Ohio Citizens for Reponsible Energy, Inc., requested that the Director of the Office of Inspection and Enforcement initiate an investigation and show-cause proceeding with respect to the financial condition of the licensees of the Perry Nuclear Power Plant. The petitioner alleges that the licensees' precarious financial position may result in unsafe construction or sabotage of the plant and its nuclear fuel. The petition is being handled pursuant to 10 CFR 2.206 by the Office of Nuclear Reactor Regulation, and accordingly appropriate action will be taken on the petition within a reasonable time.

Copies of the petition are available for public inspection in the Commission's Public Document Room at 1717 H Street, NW., Washington, D.C. 20555 and in the local public document room at the Perry Public Library, 3753 Main Street, Perry, Ohio 44081.

Dated at Bethesda, Maryland, this 24th day of April, 1985.

For the Nuclear Regulatory Commission.

Harold R. Denton,

Director, Office of Nuclear Reactor Regulation.

[FR Doc. 85–10482 Filed 4–29–85; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 70–3002]

Duke Power Co.; Finding of No Significant Impact Issuance of Special Nuclear Material License No. SNM–1949; New County, SC

The U.S. Nuclear Regulatory Commission (the Commission) is considering the issuance of Special Nuclear Material License No. SNM–1949 to permit the receipt, possession, inspection, and storage of unirradiated nuclear fuel assemblies at the Catawba Nuclear Station in York County, South Carolina. The unirradiated fuel assemblies will be for evantual use in the Catawba Nuclear Station, Unit 2, once its operating license is issued.

The Commission's Division of Fuel Cycle and Material Safety has prepared an Environmental Assessment related to the issuance of Special Nuclear Material

License No. SNM–1949. On the basis of this assessment, the Commission has concluded that the environmental impact created by the proposed licensing action would not be significant and does not warrant the preparation of an Environmental Impact Statement. Accordingly, it has been determined that Finding of No Significant Impact is appropriate. The Environmental Assessment is available for public inspection and copying at the Commission's Public Document Room 1717 H Street, NW., Washington, D.C. Copies of the Environmental Assessment may be obtained by calling (301) 427–4510 or by writing to the Uranium Fuel Licensing Branch, Division of Fuel Cycle and Material Safety, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

Dated at Silver Spring, Maryland, this 24th day of April 1985.

For Nuclear Regulatory Commission

W.T. Crow,

Acting Chief, Uranium Fuel Licensing Branch, Division of Fuel Cycle and Material Safety, NMSS.

[FR Doc. 85–10483 Filed 4–29–85; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–245]

Northeast Nuclear Energy Co.; Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an exemption from certain testing requirements of Appendix J to 10 CFR Part 50 to the Northeast Nuclear Energy Company (NNECO) (the licensee) for Millstone Unit 1, located at the licensee's site in New London County, Connecticut.

Environmental Assessment

Identification of Proposed Action

The proposed action would grant an exemption from certain requirements of Appendix J to 10 CFR Part 50 for type A testing of containment penetrations with expansion bellows, testing main steam isolation valves (MSIVs) at 43 psig, and testing air locks at design basis accident pressure prior to conditions requiring containment integrity.

The Need For The Proposed Action

The licensee reports that the various containment pipe penetration expansion bellows were constructed so that they could not be type B tested as required by 10 CFR Part 50 Appendix J section II G.1, the MSIVs on the containment inboard were not designed to withstand the 43 psig pressure with flow in the reverse direction, and airlock testing at 43 psig following outages and prior to conditions requiring containment integrity is excessively time consuming.

Environmental Impact of the Proposed Action

The proposed exemption affects selected tests to assure containment integrity and acceptable alternatives deemed equivalent. Thus, post-accident radiological releases will not differ from those determined previously, and the proposed exemption does not otherwise affect facility radiological effluents or occupational exposures. With regard to potential nonradiological impacts, the proposed exemption does not affect plant nonradiological effluents and has no other environmental impact. Therefore, the Commission concludes there are no measurable radiological or nonradiological environmental impacts associated with the proposed exemption.

Alternatives to the Proposed Action

Since the Commission has concluded there is no measurable environmental impact associated with the proposed exemption, any alternatives with equal or greater environmental impact need not be evaluated. The principal alternative to the exemption would be to require rigid compliance with the Appendix J requirements. Such action would not enhance the protection of the environment and would result in unjustified costs.

Alternative Use of Resources

This action does not involve the use of resources not considered previously in the Final Environmental Statement for Millstone Unit 1.

Agencies and Persons Consulted

The NRC staff reviewed the licensee's request and did not consult other agencies or persons.

Finding of No Significant Impact

The Commission has determined not to prepare an environmental impact statement for the proposed exemption. Based upon the environmental assessment, the NRC staff concludes that the proposed action will not have a significant effect on the quality of the human environment.

For further details with respect to this proposed action, see the licensee's letters dated November 14, 1975; July 29, 1977; May 31, 1978; September 20, 1978; May 9, September 9, October 15, and November 6, 1980; February 26, 1981; September 16, 1983; and December 7, 1984. These letters are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the Waterford Public Library, 49 Rope Ferry Road, Waterford, Connecticut 06385.

Dated at Bethesda, Maryland, this 23 day of April 1985.

For the Nuclear Regulatory Commission.

Dennis M. Crutchfield,

Assistant Director for Safety Assessment, Division of Licensing.

[FR Doc. 85–10481 Filed 4–29–85; 8:45 am]

BILLING CODE 7590–01–M

[Docket Nos. 50–282 and 50–306]

Northern States Power Co.; Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an exemption from the requirements of 10 CFR 50.48(c) to Northern States Power Company (the licensee), for the Prarie Island Nuclear Generating Plant, Unit Nos. 1 and 2, located in Goodhue County, Minnesota.

Environmental Assessment

Identification of Proposed Action

The exemption would extend the implementation date in 10 CFR 50.48(c)(2) to allow time to complete the modifications in six fire areas required by 10 CFR 50 Appendix R. The exemption would extend the deadline for a period of five months from December 31, 1984 to June 1, 1985.

The exemption is responsive to the licensee's application for exemption dated December 21, 1984, as supplemented by letter dated January 30, 1985.

The Need for the Proposed Action

The proposed exemption is needed because of an expanded scope of studies and the unforeseen difficulties encountered in the procurement of material to complete the modifications.

Environmental Impacts of the Proposed Action

The proposed exemption is schedular in nature and does not in any way impact the degree of fire protection that is equivalent to that required by Appendix R in regard to an increase in the risk of fires at these facilities. Consequently, the probability of fires has not been increased and the post-fire radiological releases will not be greater than previously determined nor does the proposed exemption otherwise affect radiological plant effluents. Therefore, the Commission concludes that there are no significant radiological

environmental impacts associated with this proposed exemption.

With regard to potential non-radiological impacts, the proposed exemption involves features located entirely within the restricted area as defined in 10 CFR Part 20. It does not affect non-radiological plant effluents and has no other environmental impact. Therefore, the Commission concludes that there are no significant non-radiological environmental impacts associated with the proposed exemption.

Alternative Use of Resources

This action involves no use of resources not previously considered in the Final Environmental Statement for the Prairie Island Nuclear Generating Plant, Unit Nos. 1 and 2.

Agencies and Persons Consulted

The NRC staff reviewed the licensee's request and did not consult other agencies or persons.

Finding of No Significant Impact

The Commission has determined not to prepare an environmental impact statement for the proposed exemption.

Based upon the foregoing environmental assessment, we conclude that the proposed action will not have a significant effect on the quality of the human environment.

For further details with respect to this action, see the application for the exemption dated December 21, 1984 and the supplement dated January 30, 1985 which are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the Environmental Conservation Library, Minneapolis Public Library, 300 Nicollet Mall, Minneapolis, Minnesota.

Dated at Bethesda, Maryland, this 24th day of April 1985.

For the Nuclear Regulatory Commission.

Gus C. Lainas,

Assistant Director, for Operating Reactors.

[FR Doc. 85-10480 Filed 4-29-85; 8:45 am]

BILLING CODE 7590-01-M

Advisory Committee on Reactor Safeguards; Meeting

In accordance with the purposes of sections 29 and 182b of the Atomic Energy Act (42 U.S.C. 2039, 2232b), the Advisory Committee on Reactor Safeguards will hold a meeting on May 9-11, 1985, in Room 1046, 1717 H Street, NW, Washington, DC. Notice of this meeting was published in the **Federal Register** on March 19, 1985.

The agenda for the subject meeting will be as follows:

Thursday, May 9, 1985

8:30 A.M.-8:45 A.M.: Report of ACRS Chairman (Open)—The ACRS Chairman will report briefly regarding items of current interest to the Committee.

8:45 A.M.-11:00 A.M.: Safeguards and Security at Nuclear Facilities (Open/Closed)—The members will discuss provisions to preclude sabotage at nuclear installations. Representatives of the NRC Staff and its contractors will participate as appropriate.

Portions of this session will be closed as required to discuss Proprietary Information, detailed safeguards information, and National Security Information applicable to this matter.

11:00 A.M.-12:00 Noon: Emergency Planning and Preparedness for Production and Utilization Facilities (Open)—The members will hear and discuss the report of its Subcommittee as well as representatives of the NRC Staff in the Committee's consideration of the proposed NRC rule regarding the consideration of earthquakes in emergency planning and preparedness for production and utilization facilities.

12:00 Noon-12:45 P.M.: Future ACRS Activities (Open)—The members will discuss anticipated ACRS Subcommittee meetings and items proposed for consideration by the full Committee including plans for preparation of the ACRS report to the NRC Commissioners for the proposed NRC safety research program and budget for FY-1987.

1:45 P.M.-6:00 P.M.: General Electric Standard Safety Analysis Report (GESSAR II) (Open/Closed)—The Committee will continue its consideration of the request for an FFDA for this type of facility. Representatives of the NRC Staff and the Applicant will make presentations and respond to questions regarding the proposed facility design.

Portions of this session will be closed as needed to discuss Proprietary Information applicable to this facility and detailed safeguards information as appropriate.

Friday, May 10, 1985

8:30 A.M.-11:30 A.M.: Quantitative Safety Goals (Open)—The members will continue their review of the NRC Staff evaluation of the two-year trial period for the use of quantitative safety goals and the proposed plan for implementation of quantitative goals as a regulatory mechanism. Members of the NRC Staff will participate in the discussion.

11:30 A.M.-12:00 Noon: Palo Verde Nuclear Generating Station (Open)—Report of Subcommittee meeting on April 26, 1985

12:00 Noon-12:30 P.M.: Scram Reliability (Open)—Discuss ACRS Subcommittee review of scram system reliability for PWRs (WK/MME) System

1:30 P.M.-2:00 P.M.: Preparation for Meeting with NRC Commissioners (Open)—The members will discuss the basis for its report of April 15, 1985 to the NRC regarding the ACRS role in the civilian radioactive waste management program.

2:00 P.M.-3:00 P.M.: Meeting with NRC Commissioners (Open)—The members of the ACRS will meet with the members of the Nuclear Regulatory Commission to discuss the topic noted above.

3:00 P.M.-4:30 P.M.: Operating Incidents and Events at Nuclear Power Stations (Open)—The members of the Committee will hear and discuss a report by representatives of the NRC Staff regarding recent incidents and operating events at nuclear power plants.

Portions of this session will be closed as necessary to discuss Proprietary Information applicable to the matters being discussed.

4:30 P.M.-6:30 P.M.: Generic Safety Issues (Open)—The members of the Committee will discuss the prioritization proposed by the NRC Staff for resolution of several new unresolved generic issues. Members of the NRC Staff will participate in the discussion.

Saturday, May 11, 1985

8:30 A.M.-12:00 Noon: Preparation of ACRS Reports (Open/Closed).

The members of the Committee will discuss proposed ACRS reports to the Nuclear Regulatory Commission regarding items considered during this meeting.

Portions of this session will be closed as required to discuss detailed security plans, and Proprietary Information applicable to the facilities being discussed and National Security Information.

1:00 P.M.-3:00 P.M.: ACRS Subcommittee Activities (Open/Closed)—The members will hear and discuss the reports of ACRS subcommittee chairmen and members regarding assigned subcommittee activities including scram system reliability in pressurized water reactors, simplification of technical specifications, proposed guidelines regarding the nongovernmental activities of ACRS members and emergency core cooling systems, etc.

Portions of this session will be closed as necessary to discuss Proporietary

Information applicable to the matters being considered, National Security Information, and information the release of which would represent an unwarranted invasion of personal privacy.

Procedures for the conduct of and participation in ACRS meetings were published in the **Federal Register** on October 3, 1984 (49 FR 193). In accordance with these procedures, oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Committee, its consultants, and Staff. Persons desiring to make oral statements should notify the ACRS Executive Director as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements. Use of still, motion picture and television cameras during this meeting may be limited to selected portions of the meeting as determined by the Chairman. Information regarding the time to be set aside for this purpose may be obtained by a prepaid telephone call to the ACRS Executive Director, R. F. Fraley, prior to the meeting. In view of the possibility that the schedule for ACRS meetings may be adjusted by the Chairman as necessary to facilitate the conduct of the meeting, persons planning to attend should check with the ACRS Executive Director if such rescheduling would result in major inconvenience.

I have determined in accordance with Subsection 10(d) Pub. L. 92–463 that it is necessary to close portions of this meeting as noted above to discuss National Security Information (5 U.S.C. 552b(c)(1)), Proprietary Information (5 U.S.C. 552b(c)(4)), detailed security information (5 U.S.C. 552b(c)(3)) and information the release of which would represent an unwarranted invasion of personal privacy (5 U.S.C. 552b(c)(6)).

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted can be obtained by a prepaid telephone call to the ACRS Executive Director, Mr. Raymond F. Fraley (telephone 202/634–3265), between 8:15 A.M. and 5:00 P.M. EDT.

Dated: April 25, 1985.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 85–10479 Filed 4–29–85; 8:45 am]

BILLING CODE 7590–01–M

Draft Regulatory Guide; Issuance and Availability

The Nuclear Regulatory Commission has issued for public comment a draft of a proposed revision to a guide in its Regulatory Guide Series together with a draft of the associated value/impact statement. This series has been developed to describe and make available to the public methods acceptable to the NRC staff of implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain of the information needed by the staff in its review of applications for permits and licenses.

The draft, temporarily identified by its task number, FC 409–4 (which should be metioned in all correspondence concerning this draft guide), is proposed Revision 2 to Regulatory Guide 10.4, "Guide for the Preparation of Applications for Licenses to Process Source Material." The guide is being revised to provide guidance on the preparation of applications in conformance with the revised NRC Form 313 for licenses to process source material.

This draft guide and the associated value/impact statement are being issued to involve the public in the early stages of the development of a regulatory position in this area. They have not received complete staff review and do not represent an official NRC staff position.

Public comments are being solicited on both drafts, the guide (including any implementation schedule) and the draft value/impact statement. Comments on the draft value/impact statement should be accompanied by supporting data. Comments on both drafts should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch, by July 1, 1985.

Although a time limit is given for comments on these drafts, comments and suggestions in connection with (1) items for inclusion in guides currently being developed or (2) improvements in all published guides are encouraged at any time.

Regulatory guides are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Requests for single copies of draft guides (which may be reproduced) or for placement on an automatic distribution list for single copies of future draft guides in specific divisions should be made in writing to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Technical Information and Document Control. Telephone requests cannot be accommodated. Regulatory guides are not copyrighted, and Commission approval is not required to reproduce them.

(5 U.S.C. 552(a))

Dated at Silver Spring, Maryland, this 24th day of April 1985.

For the Nuclear Regulatory Commission.

Robert B. Minogue,

Director, Office of Nuclear Regulatory Research.

[FR Doc. 85–10478 Filed 4–29–85; 8:45 am]

BILLING CODE 7590–01–M

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Determination Regarding the Application of Certain International Agreements

This notice modifies the determination published in the **Federal Register** of January 4, 1980 (45 FR 1181), as amended by determinations published at 45 FR 18547, 45 FR 36569, 45 FR 63402, 45 FR 85239, 46 FR 24059, 46 FR 40624, 46 FR 46263, 46 FR 48391, 47 FR 16697, 40 FR 47467, 50 FR 8428, 50 FR 9342 and 50 FR 11471.

Under section 1–103(b) of Executive Order 12188 of January 2, 1980, the functions of the President under section 2(b) of the Trade Agreements Act of 1979 (the Act) and section 701(b) of the Tariff Act of 1930 as amended, are delegated to the United States Trade Representative who shall exercise such authority with the advice of the Trade Policy Committee.

Now, therefore, William E. Brock, United States Trade Representative, in conformance with the provisions of section 2(b) of the Act, section 701(b) of the Tariff Act of 1930 as amended, and section 1–103(b) of Executive Order 12188, does hereby determine, effective on the date of signature of this Notice that:

The Government of the United Mexican States has assumed obligations with respect to the United States which are substantially equivalent to obligations under the Agreement on the Interpretation and Application of Articles VI, XVI and XXIII of the General Agreement on Tariffs and Trade.

In accordance with section 701(b) of the Tariff Act of 1930, as amended (19 U.S.C. 1671(b)), as of April 23, 1985,

Mexico is a "country under the Agreement."

William E. Brock,

United States Trade Representative.

April 23, 1985.

[FR Doc. 85–10454 Filed 4–29–85; 8:45 am]

BILLING CODE 3190–01–M

PACIFIC NORTHWEST ELECTRIC POWER AND CONSERVATION PLANNING COUCIL

Residential Model Conservation Standards (MCS) Technical Task Force; Meeting

AGENCY: Residential Model Conservation Standards (MCS) Technical Task Force of the Pacific Northwest Electric Power and Conservation Planning Council (Northwest Power Planning Council).

ACTION: Notice of meeting to be held pursuant to the Federal Advisory Committee Act, 5 U.S.C. Appendix I, 1–4. Activities will include:

- Review agenda.
- Presentation and task force discussion of staff recommendations on MCS implementation schedule and programs.
- Update on preliminary cost data from Residential Standards Demonstration Program.
- Presentation and discussion on markup for builder overhead, fees and profit.
- Status reports:

1. Thermal performance monitoring—Bonneville staff.

2. Builder exit survey and anlyses—State Energy Agency Staff.

Status: Open.

SUMMARY: The Northwest Power Planning Council hereby announces a forthcoming meeting of its Residential Model Conservation Standards (MSC) Technical Task Force.

DATE: Friday, May 3, 1985, 10:00 a.m.–4:00 p.m.

ADDRESS: The meeting will be held at the Council's Central Office, 850 SW. Broaday: Suite 1100, Portland, Oregon.

FOR FURTHER INFORMATION CONTACT: Tom Echman at (503) 222–5161.

Edward Sheets,

Executive Director.

[FR Doc. 85–10349 Filed 4–29–85; 8:45 am]

BILLING CODE 0000–00–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–21968; File No. SR–MSRB–85–11]

Self-Regulatory Organizations; Proposed Rule Change by Municipal Securities Rulemaking Board Relating to Recordkeeping and Disclosures in Connection With New Issues

The Municipal Securities Rulemaking Board ("Board") on March 11, 1985 filed with the Commission pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 and Rule 19b–4 thereunder, a proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

(a) The Board is filing amendments to rules G–8 and G–9 on recordkeeping and rule G–32 on disclosures in connection with new issues (hereafter referred to as "the proposed rule change"), as follows:[1]

Rule G–8. Books and Records to be Made by Municipal Securities Brokers and Municipal Securities Dealers

(a) Description of Books and Records Required to be Made. Except as otherwise specifically indicated in this rule, every municipal securities broker and municipal securities dealer shall make and keep current the following books and records, to the extent applicable to the business of such municipal securities broker or municipal securities dealer:

(i) through (xii) No change.

(xiii) Records Concerning Deliveries of Official Statements. A record of all deliveries, to purchasers of new issue securities, of official statements or other disclosures concerning the underwriting arrangements required under rule G–32.

Rule G–9. Preservation of Records

(a) No change.

(b) Records to be Preserved for Three Years. Every municipal securities broker and municipal securities dealer shall preserve the following records for a period of not less than three years:

(i)–(ix) No change.

(x) All records of deliveries of rule G–32 disclosures required to be retained as described in rule G–8(a)(xiii).

(c) through (g) No change.

Rule G–32. Disclosures in Connection with New Issues

(a) Disclosure Requirements. No [municipal securities] broker, *dealer* or municipal securities dealer shall sell, whether as principal or agent, any new issue municipal securities to a customer unless [, at or prior to sending a final written confirmation of the transaction to the customer indicating money amount due,] such [municipal securities] broker, *dealer* or municipal securities dealer [sends] *delivers* to the customer *no later than the settlement of the transaction:*

(i) A copy of the official statement in final form [voluntarily furnished] *prepared* by or on behalf of the issuer [(or an abstract or other summary of such statement which is prepared by such municipal securities broker or municipal securities dealer)] *or if a final official statement will not be prepared by or on behalf of the issuer a written notice to that effect;* and

(ii) In connection with a negotiated sale of new issue municipal securities, the following information concerning the underwriting arrangements:

(A) The underwriting spread;

(B) The amount of any fee received by the [municipal securities] broker, *dealer* or municipal securities dealer as agent for the issuer in the distribution of the securities;

(C) The initial offering price for each maturity in the issue that is offered or to be offered in whole or in part by the underwriters.

In the event an official statement in final form [is] *will* not *be prepared by or on behalf of the issuer,* [available at the time the final confirmation indicating money amount due is sent to a customer,] an official statement in preliminary form, if any, shall be sent to the customer [, provided that an official statement in final form, or an abstract or summary thereof, must be sent to the customer promptly after such official statement becomes available to the municipal securities broker or municipal securities dealer.] *with a written notice that no final official statement is being prepared.*

Every [municipal securities] broker, *dealer* or municipal securities dealer shall promptly furnish the documents and information referred to in this section (a) to any broker, dealer or municipal securities dealer to which it sells new issue municipal securities, upon the request of such broker, dealer or municipal securities dealer.

(b) Responsibility of Managing Underwriters, Sole Underwriters and Financial Advisors.

[1] Italics indicate new language; brackets indicate deletions.

(i) Managing Underwriters and Sole Underwriters. When a final official statement is prepared by or on behalf of an issuer, the managing underwriter or sole underwriter, upon request, shall provide all brokers, dealers and municipal securities dealers that purchase the new issue securities with an official statement and other information required by paragraph (a)(ii) of this rule and not less than one additional official statement in final form per $100,000 par value of the new issue purchased by the broker, dealer or municipal securities dealer and shall provide all purchasing brokers, dealers and municipal securities dealers with instructions how to order additional copies of the final official statement directly from the printer. A managing underwriter or sole underwriter that prepares an official statement on behalf of an issuer shall print the final official statement and other information required by paragraph (a)(ii) of this rule and make them available promptly after the date of sale of the issue but no later than two business days before the date all securities are delivered by the syndicate manager to the syndicate members.

(ii) Financial Advisors. A broker, dealer or municipal securities dealer that, acting as financial advisor, prepares a final official statement on behalf of an issuer, shall make that official statement in final form available to the managing underwriter or sole underwriter promptly after the award is made. If the financial advisor is responsible for printing the final official statement, it shall make adequate copies of the final official statement available to the managing underwriter or sole underwriter promptly after the award is made but no later than two business days before the date all securities are delivered by the syndicate manager to the syndicate members to permit their compliance with paragraph (b)(i) of this rule.

[(b)] (*c*) Definition of New Issue Municipal Securities and Official Statement. For purposes of this rule, the following terms have the following meanings:

(i) The term "new issue municipal securities" shall mean securities of an issue that are sold by a [municipal securities] broker, *dealer* or municipal securities dealer [to a customer] during the underwriting period defined in rule G–11 of the Board, and

(ii) The term "official statement" shall mean a document prepared by the issuer or its representatives setting forth, among other matters, information concerning the issuer and the proposed issue of securities. A notice of sale shall not be deemed to be an "official statement" for purposes of this rule.

II. Self-Regulatory Organization's Statement on the Purpose of, and Statutory Basis for, the Proposed Rule Change

A. Self-Regulatory Organization's Statement on the Purpose of, and Statutory Basis for, the Proposed Rule Change

(a) Rule G–32 currently prohibits a municipal securities broker or dealer from selling during the underwriting period new issue municipal securities to a customer unless, at or prior to sending the final confirmation of the transaction, a copy of the final official statement, if one is prepared by or on behalf of the issuer, and, in the case of negotiated sales, certain additional written information concerning the underwriting arrangements, are provided to the customer. The rule also requires dealers to furnish copies of official statements and other rule G–32 disclosures upon request to any broker, or municipal securities dealer to which it sells new issue municipal securities. The Board has stated that if sufficient copies of official statement are not available, a dealer must reproduce the official statement at its own expense. These requirements apply to all dealers who sell new issue securities, not solely to underwriters of the issue. The rule is designed to ensure that a purchaser of new issue securities is provided with all available information relevant to his investment decision.

The Board published for comment draft amendments in March and June 1984. In September 1984, the Board adopted amendments to rules G–8, G–9 and G–32 which were filed with the Commission on October 23, 1984. At its December 1984 meeting, after considering additional comments concerning these amendments, the Board determined to withdraw the amendments from the Commission pending further consideration by the Board at its February 1985 meeting. In adopting the proposed rule change, the Board reviewed its prior drafts of amendments as well as all of the comments received thereon. The amendments will become effective 30 days after their approval by the Commission.

The proposed rule change is designed to delineate more clearly the responsibilities of dealers that sell new issue securities as well as to strengthen and facilitate enforcement of rule G–32.

Specifically, the proposed rule change would require that the rule G–32 disclosures, including an official statement in final form if any, be delivered by settlement of the transaction with a customer. Rule G–32 currently requires that the rule G–32 disclosures be delivered to customers at or prior to sending the money confirmation of the transaction. The proposed rule change would delay the deadline for delivery until settlement of the transaction with a customer. The Board has extended the deadline for delivering rule G–32 disclosures to assure that a dealer has adequate time to deliver the disclosures to a customer and that the customer will receive the disclosures prior to paying for the securities.

In addition, the proposed rule change would require that when a final official statement is being prepared by or on behalf of an issuer, the final version must be delivered to a customer new issue securities by the settlement of the transaction. Under current rule G–32, a dealer may have to bear the expense of mailing both the preliminary and, when it is prepared, the final official statement to customers. A number of dealers suggested that, in light of the expenses associated with obtaining and delivering official statements, the industry should only be required to send one disclosure document. The Board concluded that delivery of a preliminary official statement by itself would not be adequate in those instances in which a final version also is being prepared since the final official statement frequently differs materially from its preliminary version. The Board believes that requiring that final official statements be delivered is not unreasonable in light of the proposed extension of the deadline by which rule G–32 disclosures must be delivered and other new requirements that would be placed on managing underwriters and financial advisors summarized below.

For issues for which no final official statement will be prepared on or on behalf of an issuer, the proposed rule change would require that a dealer selling the new issue securities to a customer disclose that fact in writing by settlement of the transaction.

The proposed rule change would eliminate, in most instances, the requirement that a preliminary official statement be sent. Rule G–32 currently provides that when a final official statement is not prepared in time to send with the money confirmation, the preliminary version, if any, must be sent and the final official statement must be sent as soon as it becomes available from the issuer. As noted above, the proposed rule change would require that the final version of the official statement

be delivered by settlement of transactions in the new issue securities with customers. Under these circumstances, therefore there would be no need to deliver a preliminary official statement except in those instances in which a preliminary official statement is the only disclosare document prepared by or on behalf of the issuer. The Board understands that in some competitive sales, the issuers may prepare preliminary official statements only. In those circumstances, the proposed rule change would require a dealer selling the new issue securities to deliver by settlement of the transaction with the customer the preliminary version along with written notice that no final official statement will be prepared.

The proposed rule change would place certain responsibilities on managing underwriters and financial advisors. When a final official statement will be prepared by or on behalf of the issuer the proposed rule change would require the financial advisor and/or the managing underwriter to make the final official statement available in a timely manner. The proposed rule change would require managing underwriters to assure that rule G–32 disclosures are printed in final form no later than two business days prior to the date the securities are delivered by the managers to the syndicate members. A financial advisor that is subject to the Board's rules and perpares an official statement on behalf of an issuer but is not responsible for printing it would be required to deliver the final version to the managing underwriter promptly after the award is made so that the managing underwriter can complete printing within two business days prior to the date it delivers the securities to the syndicate members. If the financial advisor is responsible for printing the official statement, it must provide sufficient copies (as defined in paragraph (b)(i) of rule G–32) of the final version to the managing underwriter no later than two business days before the date the manager delivers the securities to the syndicate members. The Board has adopted these provisions because it understands that many dealers settle their customer transactions on the day the securities are delivered to the syndicate. It therefore concluded that it was necessary to specify these printing deadlines to facilitate compliance with the rule by these dealers.

In addition, the proposed rule change specifies that a managing underwriter must be prepared to provide to any broker, dealer or municipal securities dealer which has purchased the new issue, one copy of the final official statement and other documents specified by subsection (a)(ii) of rule G–32 and one additional official statement per $100,000 par value of the new issue purchased. A number of commentators suggested that it is difficult for dealers to comply with rule G–32 because some managing underwriters give the distribution of official statements a low priority. The Board believes that managing underwriters should be responsible for ensuring that final official statements are printed in sifficient time and numbers to permit dealers to deliver them to customers by the settlement of transactions in the securities. This provision also would require a manager to provide instructions how to obtain additional copies of the final official statement from the printer to any dealer seeking a larger number of the documents than is specified by the rule. These provisions are designed to achieve some balance between the costs associated with dissemination of official statements borne by underwriters and those borne by dealers selling new issue securities.

The proposed rule change retains the existing rule G–32 provision that purchasing dealers must request the rule G–32 disclosures. In September 1984, the Board adopted amendments to rule G–32 which would have required that purchasing dealers automatically receive the rule G–32 disclosures. After further consideration, the Board concluded that the primary purpose of the rule is to assure that public customers (rather than dealers) obtain the disclosures. The Board concluded that compliance with the new requirement might delay, rather than facilitate, delivery of the disclosures to customers, for example, when the securities trade among dealers several times in one or two days. Accordingly, the Board determined to delete the new requirement and restore the "on request" provision. The Board also concluded that a dealer at the end of a chain of inter-dealer transaction, which sells to a customer, should be able to obtain the disclosures directly from the syndicate manager and thereby avoid any lengthy delivery delays attendant to its seeking them through the transaction chain. The final text of rule G–32, therefore, would require selling dealers and syndicate managers to provide rule G–32 disclosures promptly to such dealers on request. Thus, a purchasing dealer which must deliver rule G–32 disclosures to a customer could obtain them from the dealer which sold the securities to it or from the managing underwriter whichever way is appropriate to effect compliance with the rule.

Finally, the proposed rule change would impose certain recordkeeping requirements on dealers. Rules G–8 and G–9 set forth the recordkeeping and record retention requirements respectively for brokers, dealers, and municipal securities dealers. The proposed rule change would add a new section to rule G–8 requiring a dealer to maintain a record of deliveries of rule G–32 disclosures and would amend rule G–9 to require that these records be retained for a period of not less than three years. The primary purpose of the proposed recordkeeping requirements is to facilitate enforcement of rule G–32 since the enforcement agencies generally cannot determine from a dealer's internal records whether a dealer is complying with the rule; these amendments were strongly supported by the regulatory agencies commenting on the exposure drafts. The recordkeeping requirements also are designed to encourage dealers to formalize procedures for delivering the disclosures required under rule G–32 and would allow dealers flexibility to determine how to maintain records of deliveries of these disclosures.

(b) The Board has adopted the amendments to rule G–32 under Section 15B(b)(2)(C) of the Act which establishes the Board's authority to adopt rules designed to prevent fraudulent and manipulative acts and practices, promote just and equitable principles of trade, remove impediments to and perfect the mechanism of a free and open market and to protect investors. The amendments to rules G–8 and G–9 were adopted pursuant to Section 15B(b)(2)(G) of the Act which authorizes the Board to adopt rules which prescribe records to be made and kept by municipal securities brokers and dealers.

B. Self-Regulatory Organization's Statement on Burden on Competition

The proposesd rule change would apply uniformly to all brokers, dealers, or municipal securities dealers that sell new issue municipal securities. The Board therefore believes that the proposed rule change would not impose any burden on competition.

C. Self-Regulatory Organization's Statement of Comments on the Proposesd Rule Change Received From Members, Participants, or Others

March Exposure Draft

In March 1984, the Board published for comment draft amendments to rules G–8, G–9 and G–32. The draft

amendments to rule G–32 would have required delivery of an official statement, or if no official statement was prepared by the issuer a notice stating that fact, for a 40-day period commencing with the date of sale. In the case of a syndicate that maintained an unsold balance beyond the 40-day period, the draft amendments would have required syndicate members to deliver an official statement for sales of the new issue until the account was closed.

The draft amendment to rule G–8 proposed to add a new section requiring a dealer to maintain a record of deliveries of the disclosures required by rule G–32 and the draft amendment to rule G–9 proposed to require that these records be retained for a period of not less than three years.

Many of the commentators focused on the current requirements of rule G–32. Several stated that dealers find it difficult to obtain copies of official statements and suggested that the Board place more responsibility for obtaining sufficient copies of official statements upon managing underwriters. One commentator stated that it physically is impossible for a dealer which is not a member of a syndicate to provide a copy of the official statement to customers by the date the money confirmation is sent. It also stated that it is too expensive to send out final and preliminary official statements, particularly in competitive deals and suggested that the Board require delivery of only the final official statement.

With respect to the proposed amendments to rules G–8 and G–9, one commentator stated that the current rule G–32 is difficult to enforce and supported the draft recordkeeping requirements. Another characterized the proposed requirements as a "time consuming manual process." It also was suggested, as an alternative, that the Board required that confirmation indicate whether an official statement is enclosed, is being sent, or is unavailable.

June Exposure Draft

After considering these comments the Board published in June 1984, a second exposure draft of amendments to rules G–8, G–9 and G–32. The draft amendments proposed to

—Place primary responsibility on managing underwriters for assuring that adequate numbers of official statements are made available;

—Require that non-underwriter dealers who purchase new issue securities automatically be sent official statements and other rule G–32 disclosures;

—Differentiate to a limited extent between underwriters and other dealers for purposes of when official statements must be sent to purchasers. The Board stated that it continued to believe it appropriate to require syndicate members to deliver final official statements prior to or with the money confirmation of a transaction in new issue municipal securities. It proposed, however, to permit a non-underwriter dealer that is unable to obtain the official statement by the date on which it sends the money confirmation, to send the information within one business day of its receipt from the selling dealer;

—Define the term "promptly" for purposes of sending out the final official statement when it is prepared after the sending of the money confirmations. The Board proposed to clarify the "promptly" standard by requiring an underwriter to deliver the final official statement within one business day of its preparation by the issuer to any person or non-underwriter dealer to which it sold the new issue securities. A non-underwriter dealer, in turn, would have been required to send the final official statement to any person or dealer to which it sold the new issue securities within one business day of its receipt from the underwriter or other dealer from which it purchased the new securities; and,

—Exempt project notes from rule G–32.

1. Forty-Day Delivery Period

The Board received some comments in favor and some opposed to the 40-day delivery period. Several commentators suggested that there was no logical basis for specifying a different delivery period for syndicate members than for non-underwriters. One commentator suggested that the current requirement that official statements be delivered during the underwriting period is preferable.

After considering these comments, the Board determined to retain the current requirement that the rule G–32 disclosures be delivered during the underwriting period which applies to all dealers selling new issue securities.

2. Delivery of Preliminary and Final Official Statements When Final Version Is Not Available in Time To Send With Money Confirmation

Several commentators suggested that it is too costly and burdensome to send out both the preliminary and final official statement and suggested that only one—the final version—be required to be sent out. Another supported delivery of both documents as specified by the current rule.

The Board has determined that when a final official statement will be prepared for a new issue, it must be sent to a customer purchasing the new issue securities by settlement of the transaction. When no final official statement will be prepared, the preliminary official statement, if any, would be sent. Thus a dealer would be required to deliver only one disclosure document to a customer. This would reduce the costs of dissemination currently borne by dealers selling new issue securities while assuring that a customer obtains the most complete disclosure document available from the issuer of the securities prior to paying for the securities.

3. Differentiation Between Syndicate Members and Non-Underwriter Dealers for Purposes of When Official Statements must be delivered

The Board asked for comments whether it would be appropriate to permit a non-underwriter dealer, when it cannot obtain the official statement before the mailing of the final confirmation, to send out these disclosures to its customers or other purchasing dealers within one business day of their receipt from the syndicate member or other dealer from which it purchased the new issue securities. The proposal generally was acceptable to most of the commentators. One commentator preferred the current requirement that non-underwriter dealers deliver the official statement with the final confirmation on the grounds that investors should receive the final information about the issue when it is most beneficial.

The Board has determined that when a final official statement will be prepared for a new issue, it must be delivered to customers who have bought the new issue securities. The Board has extended the date by which the rule G–32 disclosures must be delivered from at or prior to sending the money confirmation until settlement of the transaction to give dealers more time to obtain and deliver the disclosures. It should be noted that under the proposed rule change a customer should receive the rule G–32 disclosures before he pays for the securities.

4. Responsibilities of Managing Underwriters

A number of commentators supported the proposal that managing underwriters be required to assure that adequate copies of official statements are made available to syndicate members and other dealers selling new issue securities so as to permit compliance

with the rule. Several commentators suggested that the Board permit the manager to provide members with information how to obtain copies directly from the issuer presumably at their own expense.

The Board believes that managing underwriters should bear primary responsibility for assuring that the rule G–32 disclosures are printed in sufficient time and numbers to permit compliance with the rule by other dealers. Accordingly the Board has adopted amendments that would require managing underwriters or, when appropriate, financial advisors to print final official statements in a timely manner. The proposed rule change also would require managers to be prepared to provide dealers who have purchased the new issue securities, on request, a minimum number of official statements. These amendments should strike some balance between the costs of dissemination borne by managers and those borne by other dealers selling new issue securities.

5. Amendments to Rules G–8 and G–9

Some commentators opposed the proposed recordkeeping requirements on the grounds that they would be burdensome and costly although one acknowledged, however, that such requirements would facilitate compliance inspections by the enforcement agencies. One commentator suggested, as an alternative, that the Board require dealers to develop written policies and procedures for complying with the rule. Other commentators supported the draft recordkeeping requirements; both emphasized that the current rule is difficult to enforce.

While the alternative suggestion that the Board require dealers to develop written procedures for the distribution of rule G–32 disclosures is plausible, the Board concluded that it would not be as effective an enforcement tool. The Board wishes to ensure that rule G–32 is capable of enforcement as the effectiveness of the rule might be viewed as a measure of the Board's commitment to disclosure. The Board notes that the proposed recordkeeping provisions allow dealers flexibility to determine how to keep records of deliveries and, therefore, should not be unduly burdensome or costly.

September Amendments

At its September 1984, meeting that Board adopted amendments to rule G–32 that would have modified the provision that dealers purchasing the new issue securities must request the rule G–32 disclosures from the selling dealer. The amendment would have provided that all dealers who purchase the new issue securities automatically receive the disclosures in the same way as customers do. The Board also adopted the draft amendments to rules G–8 and G–9. The Board file the amendments with the Commission which noticed the filing on November 2, 1984.

One of the commentators suggested that the Board should place explicit responsibility on managing underwriters to facilitate the distribution process noting that they would be forced to violate rule G–32 when they could not obtain official statements from managers; another commentator disagreed. Two brokers opposed the requirement that all purchasing dealers receive official statements and other rule G–32 disclosures because it would require them to obtain and forward these documents. Other commentators generally interpreted the rule as prohibiting a dealer from sending money confirmations on transactions in new issue securities unless the dealer could comply with the requirements of the rule and suggested that under current industry practice, it was virtually impossible to comply with the rule.

As noted earlier, the proposed rule change would respond to these comments in that it would place more responsibility on managing underwriters and financial advisors to prepare an adequate supply of official statements in a timely manner, extends the deadline for delivering the final official statement, and restores the requirement that purchasing dealers request the rule G–32 disclosures.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) by order approve such proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section. Copies of such filing also will be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted by May 21, 1985.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: April 19, 1985.

John Wheeler,

Secretary.

[FR Doc. 85–10339 Filed 4–29–85; 8:45 am]

BILLING CODE 8010–01–M

Forms Under Review of Office of Management and Budget

Agency Clearance Officer: Kenneth A. Fogash, (202) 272–2142.

Upon Written Request Copy Available From: Securities and Exchange Commission, Office of Consumer Affairs and Information Services, 450 Fifth Street, NW., Washington D.C. 20549.

Revision/Extension

Form BD, File No. 270–19
Rule 15b1-3, File No. 270–8
Rule 17a-3, File No. 270–26
Form ADV, File No. 270–39
Rule 204–1, File No. 270–41

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission has submitted for OMB clearance revised Form BD (17 CFR 249.501), which must be filed pursuant to Rule 15b1-1 by applicants for registration as broker-dealers; Rule 15b1-3 (17 CFR 240.15b1-3) registration of successor to registered broker-dealer; Rule 17a-3 (17 CFR 240.17a-3) standards with respect to business records made by broker-dealers; Form ADV (17 CFR 279.1) a uniform form for registration of investment advisers with the Commission and with the states; and related amendments to Rule 204–1 to conform that rule to requirements of the form.

Comments should be submitted to OMB Desk Officer: Ms. Katie Lewin, (202) 395–7231, Office of Information and Regulatory Affairs, Room 3235 NEOB, Washington, D.C. 20503.

Dated: April 23, 1985.

John Wheeler,

Secretary.

[FR Doc. 85–10340 Filed 4–29–85; 8:45 am]

BILLING CODE 8010–01–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Radio Technical Commission for Aeronautics (RTCA) Executive Committee; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463; 5 U.S.C. App. I) notice is hereby given of a meeting of the RTCA Executive Committee to be held on May 17, 1984, in the RTCA Conference Room, One McPherson Square, 1425 K Street NW., Suite 500, Washington, D.C. commencing at 9:30 a.m.

The Agenda for this meeting is as follows: (1) Chairman's Opening Remarks (2) Approval of Minutes of Meeting Held on March 22, 1985; (3) Chairman's Report on RTCA Administration and Activities; (4) Special Committee Activities Report for March and April 1985; (5) Report of the RTCA Fiscal and Management Sub-Committee; (6) Approval of the RTCA Budget; (7) Report of the Ad Hoc Committee on Minimum Operational Performance Standards for 406 MHz Emergency Locator Transmitters; (8) Consideration of Proposals to Establish New Special Committees; and (9) Other Business.

Attendance is open to the interested public but limited to space available. With the approval of the Chairman, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the RTCA Secretariat, One McPherson Square, 1425 K Street, NW., Suite 500, Washington, D.C. 20005, (202) 682–0266. Any member of the public may present a written statement to the committee at any time.

Issued in Washington, D.C., on April 22, 1985.

Karl F. Bierach,

Designated Officer.

[FR Doc. 85–10387 Filed 4–29–85; 8:45 am]

BILLING CODE 4910–13–M

[Summary Notice No. PE–85–7]

Summary of Petitions Received and Dispositions of Petitions Issued

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petitions for exemption received and of dispositions of prior petitions.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for exemption (14 CFR Part 11), this notice contains a summary of certain petitions seeking relief from specified requirements of the Federal Aviation Regulations (14 CFR Chapter I), dispositions of certain petitions previously received and corrections. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of any petition or its final dispostion.

DATE: Comments on petitions received must identify the petition docket number involved and must be received on or before May 14, 1985.

ADDRESS: Send comments on any petition in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC–204), Petition Docket No. ———, 800 Independence Avenue SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT: The petition, any comments received and a copy of any final disposition are filed in the assigned regulatory docket and are available for examination in the Rules Docket (AGC–204), Room 916, FAA Headquarters Building (FOB 10A), 800 Independence Avenue, SW., Washington, D.C. 20591; telephone (202) 426–3644.

This notice is published pursuant to paragraphs (c), (e), and (g) of § 11.27 of Part 11 of the Federal Aviation Regulations (14 CFR Part 11).

Issued in Washington, D.C., on April 24, 1985.

John H. Cassady,

Assistant Chief Counsel, Regulations and Enforcement Division.

PETITIONS FOR EXEMPTION

Docket No.	Petitioner	Regulations affected	Description of relief sought
24384–1	Pan Aviation, Inc	14 CFR 91.303	To allow petitioner to operate Stage 1 Boeing 707 cargo aircraft at U.S. airports until hush kits are installed.
23999–1	Aerotransportes Entre Rios	14 CFR 91.303	To allow petitioner to operate one Stage 1 B–707–338C aircraft to New York and Miami until hush kits are installed.
24352–1	Aer Turas Teoranta	14 CFR 91.303	To allow petitioner to operate one Stage 1 DC–8–63F at U.S. airports until hush kits are installed.

[FR Doc. 85–10388 Filed 4–29–85; 8:45 am]

BILLING CODE 4910–13–M

National Highway Traffic Safety Administration

[Docket No. IP84–3; Notice 2]

Ford Motor Co., Denial of Petition for Exemption From Notice and Remedy for Inconsequential Noncompliance

This notice denies the petition by Ford Motor Company of Dearborn, Michigan, to be exempted from the notification and remedy requirements of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1381 et seq.) for an apparent noncompliance with 49 CFR 471.108, Motor Vehicle Safety Standard No. 108, *Lamps, Reflective Devices and Associated Equipment*, on the basis that it is inconsequential as it relates to motor vehicle safety.

Notice of the petition was published on March 14, 1984, and an opportunity afforded for comment (49 FR 9669).

The petition related to paragraph S4.1.36(d)(3) of Standard No. 108. In pertinent part, this paragraph requires a replaceable bulb headlamp to show no surface deterioration, coating delamination, fractures, or deterioration of bonding materials when tested to the chemical resistance test established in paragraph S6.4. Pursuant to the relevant portion of this paragraph, the entire lens surface and top surface of the lens-reflector joint is to be wiped once to the left and once to the right by a 6-square inch cotton cloth saturated once in a

container with 2 ounces of unleaded gasoline "89 octane or above". The lamp is then stored for 48 hours and examined afterwards. In December 1983, the National Highway Traffic Safety Administration conducted chemical resistance tests using 91.0 octane premium unleaded gasoline to test six replaceable bulb headlamps used in 1984 Continental Mark VII passenger cars. All units tested failed, manifesting cracks at the bottom of the lamps at the end of the 48-hour period, which, in subsequent days propagated in number and extent and thus compromised the structural integrity of the headlamp. The agency's investigation is File CIR 2726.

Ford's initial certification of the lamp appears to have been based upon two tests, the first conducted by Ford in which a lamp was exposed to 91.5 octane fuel and the second by Sylvania using 89 octane fuel. Ford also conducted three tests on early production samples using 91.5 octane fuel, and all three tested lamps passes. After notification by NHTSA of the test failures, Ford and Sylvania, the lamp fabricator, conducted various tests using regular unleaded 89 octane gasoline, gasohol, and 100 octane leaded aviation fuel. The 39 headlamps that were tested all passed. However, tests on 19 other lamps that Ford conducted in December 1983, using unleaded 91.5 octane gas, after notification of NHTSA's test failures, produced 11 failures in 19 lamps. Apparently, based on the test results for the 22 lamps tested with 91.5 octane fuel, Ford estimates that up to 50% of the lamps produced before December 20, 1983, may fail to comply. Ford initially estimated that there were 23,000 lamps used on 11,500 cars but later informed NHTSA that there were a total of 26,766 headlamps of which 24,054 had been installed on 12,027 passenger cars, the remainder intended as replacement equipment. Ford believes that a change it instituted on December 20, 1983, precludes the condition's reoccurrence on cars manufactured after that date.

Ford argued that the noncompliance is inconsequential. It stated that such cracking as a result of exposure to gasoline is highly unlikely to occur on vehicles in service, for two major reasons: (1) As a practical matter, the weld joint is rendered inaccessible to a wiping cloth by a rubber seal and by vehicle sheet metal, and (2) as a practical matter, it is highly unlikely that headlamps in service will be wiped with rags so thoroughly soaked with gasoline as the test rag was as to permit runoff of the gasoline into the weld joint area. Ford believed that the precise cause of the noncompliance was "rapid stress relief of the polycarbonate lens and reflector induced by the gasoline test fluid". A urethane coating is intended to prevent exposure of the weld joint area to chemicals which might induce cracking, but, on the Ford lamps in question, the coating was thinner than expected; further, not all of the linear weld flash had been removed from the weld joint area. As a consequence, the remaining flash projected through the urethane coating and the gasoline, when applied to the lamp, wicked through the coating via the projecting flash to the weld joint area. Ford believed that its tests show that the potentially affected lamps are sensitive only to premium unleaded gas, which it estimated comprised only 12.4 percent of the market. Ford's previous experience with plastic lamps on the 1980 Lincoln, which did not have the protective coating in the weld joint area, has shown a low number of problems with cracking. Its examination of 65 such headlamps uncovered no failures, while complaints from the field on other plastic headlamps in service over the years show an above-normal breakage/cracked repair rate of 0.73 percent. Ford also argued that because of the annealing process, the weld joint area becomes less susceptible to gasoline-induced cracking as the lamp grows older.

In summary, Ford's position was that only 50% of the lamps produced before December 20, 1983, were likely to be affected, that an estimated 12.4 percent of Mark VII owners use premium unleaded gas, that an estimated 0.73 percent of the lamps may be wiped with a cloth sufficiently saturated for gas to flow to the weld joint area, and that therefore only an estimated 10 of the 23,000 lamps may develop the conditions in service, discounting a reduction factor due to annealing.

In conclusion, Ford stated that the risk to motor vehicle safety introduced by this very low estimated number of headlamps which might crack on in-service cars owing to contact with unleaded gasoline is inconsequential.

The only commenter on the petition was Sylvania GTE Products Corporation, the manufacturer of the headlamps which failed compliance testing and which were the subject of the petition. Sylvania recommended granting the petition because in its view a "highly unlikely" chain of events would have to take place before a crack would develop. Sylvania submits that five events would have to occur. These events are listed and discussed in the order that they were presented by Sylvaina:

"(1) The headlamp would have to be wiped with a cloth *drenched* in gasoline. While a service station attendant might use a cloth containing gasoline, it is highly unlikely that it would be drenched".

Sylvania's remarks are its assessment of the probability of gasoline exposure in the most likely environment in whch this exposure may occur. In essence, it is arguing that the test requirement bears little relation to the real world. NHTSA has encountered this argument before in its attempts to enforce other standards, most notably those relating to high speed and endurance tests of motor vehicle tires. Because of the impossibility of exactly replicating real-world situations, test procedures which are adopted must insure a high degree of repeatability, and the standards must be "reasonable, practicable, and appropriate", as well as meeting the need for motor vehicle safety.

In developing the standard for replaceable bulb headlamps, NHTSA found it 'reasonable" to distinguish between those which would be manufactured with glass lenses and those which, like the Ford/Sylvania units, would have lenses of plastic. Because of the characteristics of plastic, NHTSA sought to insure lifetime performance of a plastic-lensed lamp equal to its newly manufactured state by requiring it to meet abrasion resistance, impact, and chemical resistance tests while not requiring this of lamps with glass lenses (S4.1.1.36(c)). In formulating appropriate tests, NHISA began with Ford's original rulemaking petition of August 21, 1981, which stated that the company had included in its headlamp development program, areas of investigation that included "corrosion testing with chemicals to which the headlamps may reasonably be expected to be exposed to in service". The petition described a chemical resistance test to "evaluate the headlamps' susceptiblity to damage caused by inadvertent contract with commonly corrosive substances". In Ford's chemical resistance test, a headlamp woud be coated with one of five fluids: Motor oil, tar remover, power steering fluid, windshield washer fluid, and anti-freeze. NHTSA agreed with the necessity of a chemical resistance test, though noting the absence of gasoline. Gasoline is the most predominant and accessible automotive fluid, and, as a solvent, it is often used for removing road tar and oil spatters from car body surfaces including headlamp lenses, even though this is contrary to

recommended practice. Ford explained that gasoline had been considered a candidate chemical agent but that it had been omitted due to "inherent dangers" in handling gasoline in a laboratory or testing enviornment. In Ford's view, the solvent effect of gasoline would be essentially similar to the two other petroleum based fluids it has included as candidate chemical agents: tar remover and motor oil.

The chemical resistance test proposed by NHTSA in January 1983 included gasoline, as well as brake fluid, bringing the number of candidate fluids to seven. Further, the NPRM proposed immersion of headlamp assemblies in a test fluid for five minutes. In response to te proposal, Sylvania objected to the inclusion of gasoline because it could envision no situations in which it was likely to be placed on a headlamp lens. Ford reiterated its arguments of hazard and duplicatve effect, asking NHTSA to remove motor oil and tar remover from the final rule if the agency decided to adopt gasoline as a test fluid. There was widespread opposition to five-minute immersion because of its apparent over-severity. In the final rule, NHTSA adopted the current requirement of cloth saturation with a single back and forward wipe across the lens surface. In accordance with Ford's recommendation, motor oil was not included in the final list of test fluids; in its petition for reconsideration, Ford did not protest the inclusion of gasoline in the rule.

Thus, the issue presented is not the likelihood of a drenched cloth being used to wipe the headlamp lens, but whether the requirement for a chemical resistance test using gasoline is reasonable, practicable, and appropriate, and meets the needs for motor vehicle safety. For the reasons discussed above and in its rulemaking notices, NHTSA has determined that it does, and that the requirement was adopted in accordance with statutory rulemaking procedures.

The second of five events presented by Sylvania was:

"(2) If a cloth containing gasoline was used, and if it was drenched, the gasoline would have to be certain brands of unleaded 91.5 octane gas. Not all premium unleaded 91.5 octane brands will cause a crack".

Sylvania also commented that:

"Paragraph S6.4 requires use of '89 octane or above' gasoline. This is very ambiguous. Many tests have been conducted with 89 octane gas and there has not been a cracking problem. If the intention is for headlamps to pass a test using 91.5 octane gas, then the test procedure should so state and not state '89 octane or above' as it presently does."

Sylvania's comment is addressed to the representativeness of the chemical resistance test. NHTSA's tests were conducted with 91.0 octane Hess premium unleaded gasoline. NHTSA's found 6 failures in 6 lamps tested. Ford's initial certification test used unleaded minimum 91.5 octane gasoline and that of Sylvania, 89 octane. Three Ford tests prior to NHTSA's notification of test failure used 91.5 octane Amoco premium unleaded gasoline, and all three lamps passed. These three tests were conducted on early production samples. Nineteen Ford and Sylvania tests were conducted after NHTSA's notification of test failure. These tests used 91.5 octane Amoco premium unleaded gasoline, and Ford found 11 failures. Of the 8 lamps that passed tests conducted after NHTSA notification, six were built after Ford instituted a production change to preclude additional failures. Therefore only 2 of 11 lamps produced after NHTSA notification and before Ford's production change passed.

The fact that Ford recorded a substantial number of failures using a different brand of gas than NHTSA used indicated to NHTSA that brand differences *per se* had little discernible effect upon test results. The fact that some of the Ford lamps passed is at least as likely to be attributable to differences in production repeatability among lamps, for Ford itself determined that the lamps that failed had been manufactured with excessive weld flash and inadequate protective coating. Some of the lamps also passed because of tighter production controls that were initiated after NHTSA notification.

For these reasons, test representativeness has not been shown to be a major factor in the results of these tests. However, because of the concern about repeatability and the possible misinterpretation of the specification, NHTSA takes this opportunity to clarify this requirement.

The intent is that any plastic-lens replaceable bulb headlamp pass the test when subjected to any motor vehicle gasoline with an octane rating between 89 and 100.

Another phenomenon which came to light subsequent to the tests discussed above is the effect of some hydrocarbons in old gasoline upon plastics. In March 1984, when its initial conformance problems had been corrected, Ford found test failures occurring in a mode not previously encountered while employing a sample it had obtained from NHTSA of the Hess 91.0 octane gas used in NHTSA's test three months previously. Further, a headlamp which had previously passed a test using 91.5 octane Amoco gas failed when retested with the Hess fluid. Examination showed that the aromatic hydrocarbons had increased in the Hess fuel from 45.5% in December to 59.7% in March; continued reopening of the containers and/or storage apparently had altered the percentage of the remaining hydrocarbons. When Ford tested with both "fresh" Hess (47.5%) and Amoco (26.6%), it found no failures. Because the standard does not address the age of the test fluid, NHTSA which tested the Ford lamps using freshly obtained gasoline has continued to use such gas for its tests, that is to say, gasoline which is obtained from a retail pump within a week of the test.

"(3) If a cloth containing gas was used, and if it was drenched, and if a certain brand of premium unleaded 91.5 octane gas was used, then gas would have to penetrate under the rubber seal and the sheet metal."

While both Sylvania and Ford raised this issue, no data was submitted to demonstrate that gasoline could not penetrate under the rubber seal and sheet metal of the car when the headlamp is mounted on the car.

"(4) If a cloth containing gas was used, and if it was drenched, and if a certain brand of premium unleaded 91.5 octane gas was used, and if it penetrated under the rubber seal and sheet metal, then it *might* cause a crack on a headlamp, but that particular headlamp would have to have sufficient stress present and at the same time has an insufficient amount of protective coating."

Ford admitted that the headlamps were inadequately coated. No stress was needed for the cracks to occur in the test lamps.

"(5) If this unlikely chain of events were to happen and the lens to reflector seal cracked, the inner halogen bulb would still continue to operate and the headlamp would continue to function safely."

Sylvania's comments assume that the failure consists only of the cracking of the lens to reflector seal. In fact, the cracks propagated into the plastic lenses and reflectors of the headlamps, affecting their ability over time to cast a beam of light equivalent to that required of headlamps in service. The fact that there would be no effect upon the bulb is immaterial in this context.

Ford's arguments are similar to those made by Sylvania and the agency's response is correspondingly similar. The failure did not consist solely of the cracking of the lens to reflector seal, but the cracks propagated into the plastic

lenses and reflectors of the headlamps. Once a crack has begun, further propagation will be caused by operation of the vehicle subject to normal road shocks and ambient temperatures. Such cracks allow the admission of contaminants such as dust and moisture into the headlighting chamber, which in time will affect the performance of the headlamp reflector and detract from its ability to provide the photometrics for which it was designed.

NHTSA cannot accept Ford's estimate that only 10 of the 23,000 headlamps may be noncompliant under real world circumstances. Ford's assumption was based upon these considerations: that 50% of the 23,000 headlamps are susceptible to gasoline induced cracking, that 12.4% of vehicle buyers use gasoline of sufficiently high aromatic hydrocarbon content to cause lamp cracking, and that 0.73 percent of lamps may be wiped with a cloth sufficiently saturated with gasoline to cause gasoline flow into the weld joint area. Ford based the value of 50% susceptibility on Ford and Sylvania tests that had a 50% failure rate, it based the 12.4% use or exposure to gasoline cracking on Department of Energy data that noted only 12.4% of gasoline produced domestically was premium gasoline, and it based the value of 0.73% on an above-normal repair rate of similarly made, sealed beam headlamps that had been installed on 1980 Lincolns. Ford's conclusion is that even the figure of 10 may be excessive because it has assumed that the entire 0.73 percent estimated above-normal repair rate that it found on the 1980 Lincoln lamps was attributable only to gasoline-induced failures rather than all possible causes.

NHTSA does not agree with these calculations. First, NHTSA tests showed that the lamps had a 100% failure rate, not a 50% failure rate as estimated by Ford. Ford has not presented convincing evidence that its failure rate is more correct. Second, it is not appropriate to assume that only 12.4% of the Continental Mark VII owners will use premium unleaded gasoline simply because that percentage of gasoline is produced domestically. It would seem more appropriate to assume that these owners of a luxury automobile would be highly likely to use a premium gasoline. Third, the 0.73% above-normal repair rate seems to have been based on Ford dealer repair records. The relatively low cost of a headlamp would increase the probability that a number of non-dealer repairs were made, which would understate Ford's above-normal repair rate. Therefore, a *minimum*, above-normal repair rate would seem to be more on the order of 0.73 percent with no adjustment for susceptibility or exposure. And, if this above-normal rate is due to gasoline-induced failures, multiplying the 23,000 headlamps here involved by 0.73 results in 168 headlamps for an unreported time period (the reporting period of the Ford data is unknown). If it is assumed that the time period is two years and the average life of a car is ten years, then 840 headlamps could be a more reasonable worst case estimate than the 10 headlamps of Ford's estimate.

In summary, given the high percentage of replaceable bulb headlamps that failed gasoline exposure tests conducted by both NHTSA and Ford, the agency believes that the noncompliance cannot be deemed to have an inconsequential relationship to safety.

Accordingly, it is hereby found that the petitioner has failed to meet its burden of persuasion that the noncompliance herein described is inconsequential as it relates to motor vehicle safety, and its petition is denied.

The engineer and attorney principally responsible for this notice are respectively Jere Medlin and Taylor Vinson.

(Sec. 102, Pub. L. 93–492, 88 Stat. 1470 (15 U.S.C. 1417); delegations of authority at 49 CFR 1.50 and 49 CFR 501.8)

Issued on: April 25, 1985.

Barry Felrice,

Associate Administrator for Rulemaking.

[FR Doc. 85–10469 Filed 4–29–85; 8:45 am]

BILLING CODE 4910-59-M

[Docket No. IP85–7; Notice 1]

Volvo White Truck Corp.; Receipt of Petition for Determination of Inconsequential Noncompliance

Volvo White Truck Corporation, of Greensboro, North Carolina, has petitioned to be exempted from the notification and remedy requirements of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1381 *et seq.*) for an apparent noncompliance with 49 CFR 571.101, Motor Vehicle Safety Standard No. 101, *Controls and Displays*, on the basis that it is inconsequential as it relates to motor vehicle safety.

This Notice of Receipt of a petition is published under Section 157 of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1417) and does not represent any agency decision or other exercise of judgment concerning the merits of the petition.

Paragraph S5.2.1 of Federal Motor Vehicle Safety Standard No. 101, in conjunction with Table I, requires that the windshield defroster and the fan be labeled with the appropriate identifying symbols; words are optional. Volvo White has produced up to 2,789 heavy duty trucks which use the optional identifying words for the defroster and the fan instead of the required symbols. The trucks involved are the Volvo F7, F10, and N12 series.

Volvo White claims that the drivers of such heavy duty trucks are professionals and would be unlikely to be unfamiliar with the operation of the controls, as an "average" driver might be when using a rented or borrowed passenger car. Volvo White also states that the Table I words were mandatory prior to the 1960 amendment to the standard. In addition, Volvo White is unaware of any complaints, accidents, or potential accidents relating to this noncompliance. Volvo White believes that the owners and operators of the vehicles would find the noncompliance to be inconsequential and would view any recall as a nuisance.

Interested persons are invited to submit written data, views and arguments on the petition of Volvo White Truck Corporation described above. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5109, 400 Seventh Street, SW., Washington, D.C. 20590. It is requested but not required that five copies be submitted.

All comments received before the close of business on the closing date indicating below will be considered. The application and supporting materials, and all comments received after the closing date will also be filed and will be considered to the extent possible. When the petition is granted or denied, the Notice will be published in the **Federal Register** pursuant to the authority indicated below.

Comment closing date: May 30, 1985.

(Sec. 102, Pub. L. 93–492, 88 Stat. 1470 (15 U.S.C. 1417); delegations of authority at 49 CFR 1.50 and 49 CFR 501.8)

Issued on April 25, 1985.

Barry Felrice,

Associate Administrator for Rulemaking.

[FR Doc. 85–10357 Filed 4–29–85; 8:45 am]

BILLING CODE 4910-59-M

Sunshine Act Meetings

Federal Register
Vol. 50, No. 83
Tuesday, April 30, 1985

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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1

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 50 FR 15699.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 9:30 AM (Eastern Time), Tuesday, April 30, 1985.

CHANGE IN THE MEETING: Correction of title of matter to be considered in part open to the public:

6. Proposed Change in Procedures for Obtaining Commission Approval of a Recommendation to Participate as Amicus Curiae

CONTACT PERSON FOR MORE INFORMATION: Cynthia C. Matthews, Executive Officer, Executive Secretariat, at (202) 634–6748.

Dated: April 25, 1985.

Cynthia C. Matthews,
Executive Officer, Executive Secretariat.

This Notice Issued April 25, 1985.

[FR Doc. 85–10506 Filed 4–26–85; 11:43 am]
BILLING CODE 6750-06-M

2

FARM CREDIT ADMINISTRATION

SUMMARY: Notice is hereby given, pursuant to the Government in the Sunshine Act (5 U.S.C. 552b(e)(3)), of a special meeting of the Federal Farm Credit Board ("Federal Board").

DATES AND TIMES: The special meeting is scheduled as follows: Monday, May 6—8:00 a.m. to 4:30 p.m., and Tuesday, May 7—8:00 a.m. to 3:00 p.m.

ADDRESS: Federal Farm Credit Board Special Meeting, Sheraton Inn West Springfield, 1080 Riverdale Street, West Springfield, Massachusetts 01090–0151.

FOR FURTHER INFORMATION CONTACT: Kenneth J. Auberger, Secretary to the Federal Farm Credit Board, 1501 Farm Credit Drive, McLean, VA 22102–5090 (703–883–4010).

SUPPLEMENTARY INFORMATION: A special meeting of the Federal Farm Credit Board has been called and will be held on May 6–7, 1985. The maters to be considered at the special meeting are:

Monday, May 6

*1. Ofice of Examination and Supervision Report
2. Regulation Changes—*Proposed* Finanical Disclosure, Accounting and Reporting

Tuesday, May 7

Joint Meeting with Farm Credit Board of Springfield
1. Overview of the Springfield District by Management
2. Discussion of Issues:
   a. Proposed Legislation Granting the FCA Intermediate Enforcement Authorities
   b. FCA's Position on Central Entity—Who Speaks for the System.
   c. Methods of Consolidating System Capital
   * d. Systemwide Financial Assistance Programs
   e. Implications of Legislation to Authorize Merger of Unlike Banks
   f. Class B Stock Insurance Proposal

* This session of the meeting will be closed to the public pursuant to the exemptions set forth in 5 U.S.C. 552b(c)(8) and (9).

Dated: April 25, 1985.

Donald E. Wilkinson,
Governor.

[FR Doc. 85–10487 Filed 4–26–85; 9:35 am]
BILLING CODE 6705-01-M

3

FEDERAL HOME LOAN BANK BOARD

TIME AND DATE: Time to be determined, Thursday, May 2, 1985.

PLACE: In the Board Room, 6th Floor, 1700 G St., NW., Washington, D.C.

STATUS: Open Meeting.

CONTACT PERSON FOR MORE INFORMATION: Ms. Gravlee (202–377–6677).

MATTERS TO BE CONSIDERED:

Use of Preferred Stock as Regulatory New Worth
High-Yield Debt Securities and Related Matters

Jeff Sconyers,
Secretary.
No. 7, April 25, 1985.

[FR Doc. 85–10471 Filed 4–25–85; 5:00 pm]
BILLING CODE 6720-01-M

4

LEGAL SERVICES CORPORATION

Special Committee on Presidential Search

TIME AND DATE: Meeting will commence at 8 P.M., May 22, 1985 and continue until all official business is completed.

PLACE: Capitol Holiday Inn, 550 C Street, SW., Washington, D.C. 20024.

STATUS OF MEETING: Closed to discuss matters related to Presidential Search as authorized under the Government in the Sunshine Act (5 U.S.C. 552b(c)(2), (6) and (9)(B)) and 45 CFR 1622.5(a), (e), and (g) and 1622.6(b).

MATTERS TO BE CONSIDERED:

1. Adoption of Agenda
2. Adoption of Draft Minutes—April 23, 1985
3. Review of Procedures (Closed)
4. Report on Investigations (Closed)

CONTACT PERSON FOR MORE INFORMATION: Tim Baker, Office of General Counsel, (202) 272–4010.

DATE ISSUED: April 26, 1985.

Dennis Daugherty,
Acting Secretary.

[FR Doc. 85–10546 Filed 4–26–85; 3:37 pm]
BILLING CODE 6820-35-M

5

MERIT SYSTEMS PROTECTION BOARD

TIME AND DATE: 10:00 A.M., Thursday, May 9, 1985.

PLACE: Eighth Floor, 1120 Vermont Avenue, NW., Washington, D.C. 20419.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. *Kelmon* v. *Department of Justice*, MSPD Docket No. SF07528411070.
2. *Berube* v. *General Services Administration*, MSPB Docket No. DC07528410055.
3. *Ferguson* v. *Department of Commerce*, MSPB Docket No. AT07528410532.
4. *Crampton* v. *Department of Treasury*, MSPB Docket No. AT03518090013.

CONTACT PERSON FOR ADDITIONAL INFORMATION: Robert E. Taylor, Clerk of the Board, (202) 653–7200.

For the Board.

Dated: April 26, 1985.

Robert E. Taylor,

Clerk of the Board.

[FR Doc. 85-10547 Filed 4-26-85; 3:37 pm]

BILLING CODE 7400-01-M

6

SECURITIES AND EXCHANGE COMMISSION

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: [50 FR 15275 April 17, 1985.

STATUS: Closed meeting.

PLACE: 450 Fifth Street, NW., Washington, D.C.

DATE PREVIOUSLY ANNOUNCED: Monday, April 15, 1985.

CHANGE IN THE MEETING: Additional meeting.

The following additional item was considered at a closed meeting held on Monday, April 22, 1985, at 1:00 p.m.

Institution of injunctive action.

Chairman Shad and Commissioners Cox and Peters determined that Commission business required the above change and that no earlier notice thereof was possible.

At times changes in Commission, priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: Angela Hall at (202) 272-3085.

John Wheeler,

Secretary.

April 25, 1985.

[FR Doc. 10519 Filed 4-26-85; 12:40 pm]

BILLING CODE 8010-01-M

Federal Register

Tuesday
April 30, 1985

Part II

Department of Energy

Office of Conservation and Renewable Energy

10 CFR Part 455

Grant Programs for Schools and Hospitals and for Buildings Owned by Units of Local Government and Public Care Institutions; Final Rule

DEPARTMENT OF ENERGY

Office of Conservation and Renewable Energy

10 CFR Part 455

[Docket No. CAS-RM-78-503]

Grant Programs for Schools and Hospitals and for Buildings Owned by Units of Local Government and Public Care Institutions

AGENCY: Conservation and Renewable Energy Office, DOE.

ACTION: Final rule.

SUMMARY: The Department of Energy is issuing a final rule today amending the regulation for the operation of its Grant Programs for Schools and Hospitals and for Buildings Owned by Units of Local Government and Public Care Institutions, commonly called the Institutional Conservation Programs (ICP). The principal amendments in this action are: Ceasing to allow grant funds to be used for costs associated with the installation and connection of leased equipment; permitting the States to establish criteria for, and accept, alternatives to energy audits; allowing demand charges for electricity to be included in energy price calculations; changing the payback limits on projects eligible for funding; adding the quality of technical assistance programs to the factors considered in ranking grant applications; and adding a requirement for DOE approval before certain changes in a grant project can be made. In addition, in this action DOE clarifies how the program regulation would be applied to an institution's use of savings-based financing agreements as matching contributions for ICP grants.

The amendments in the final rule improve the program's ability to assist institutions in conserving energy and reducing energy costs, and thereby increasing the productivity of the institutional sector.

EFFECTIVE DATE: September 1, 1985 for all changes with the exception of the change to § 455.63, which shall become effective October 1, 1985.

FOR FURTHER INFORMATION CONTACT:
Thomas Stapp, Institutional Conservation Programs Division, Conservation and Renewable Energy, Department of Energy, Mail Stop 5G-070, CE-26, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C. 20585, (202) 252-2198
Daniel Ruge, Office of General Counsel, Department of Energy, Mail Stop 6B-144, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C. 20585, (202) 252-9519.

SUPPLEMENTARY INFORMATION:

I. Introduction and Description of the Program
II. Savings-Based Financing Agreements as Matching Contributions for ICP Grants
III. Amendments to the Grant Institutional Conservation Programs
IV. Environmental, Regulatory Impact, Small Entity Impact and Paperwork Reduction Act Reviews

I. Introduction and Description of the Program

The Department of Energy (DOE) is amending the regulation for the Grant Programs for Schools and Hospitals and for Buildings Owned by Units of Local Government and Public Care Institutions, also known as the Institutional Conservation Program (program, Institutional Conservation Program, or ICP), 10 CFR Part 455, issued under Title III of the National Energy Conservation Policy Act, Pub. L. 95-619, 92 Stat. 3238, 42 U.S.C. 6371 *et seq.* (the Act).

The purpose of today's action is to improve the operation of the Institutional Conservation Program. The Department is taking this action based in part on the responses to a Notice of Inquiry (NOI) published by DOE in the **Federal Register** on January 23, 1984 (49 FR 2846), and to a Notice of Proposed Rulemaking (NOPR) published by DOE in the **Federal Register** on August 28, 1984 (49 FR 34164). The NOI and NOPR solicited public comments about a number of specific areas of program policy and management and about the program generally.

The Act established that the program's basic goal is to reduce energy use and costs in institutional buildings. To accomplish this goal, the Act authorizes DOE to establish cost sharing (the terms cost sharing and matching are used interchangeably in this preamble and in the program's regulations) energy conservation grant programs to fund detailed energy audits, called technical assistance programs (TA's), of public and private nonprofit schools, hospitals, and buildings owned by units of local government and public care institutions, and to fund the purchase and installation of energy conservation materials and equipment, called energy conservation measures (ECM's), in schools and hospitals.

The TA analyses identify changes in maintenance and operating procedures and identify new equipment or materials which would cost effectively conserve energy in an institution's buildings. Implementation of the maintenance and operating procedures and installation of the new energy conservation measures contribute to energy conservation not only in the building concerned, but also, by extension, in other buildings, by demonstrating the validity of energy conservation efficiency and management.

II. Savings-Based Financing Agreements as Matching Contributions for ICP Grants

The NOPR addressed a number of areas relating to the use of savings-based agreements as matching contributions for ICP grants. Much of the discussion in the NOPR was based on concerns expressed, or approaches to the issue suggested by letters responding to the NOI. A number of further concerns have arisen as a result of the discussion in the NOPR. The principle concerns are discussed below. For the original discussion on this matter, see the August 28, 1984 NOPR (49 FR 34164).

Savings-based financing agreements provide for the purchase and installation of energy conservation equipment or materials based on the savings produced by the ECM. In general, such agreements do not require an initial capital investment on the part of the institution for the equipment installed under the agreement.

DOE believes that such agreements could aid institutions to reduce their energy use and costs and thus further the goal of institutional energy conservation. In order to maximize the use of Federal program funds and enhance energy conservation, DOE urges institutions wishing to install conservation improvements to explore all possible funding sources and apply for an ICP grant only if alternative financing is not feasible.

Savings-based agreements may also be used as a match for an ICP grant, if the agreements meet the requirements of program regulations. Therefore, DOE is taking this opportunity to explain how the regulations apply to these types of agreements.

Savings-based agreements offered to meet the matching or cost sharing requirements of § 455.82(e) may not provide for the retention of title or ownership in any equipment by the supplier or other party beyond the date of project closeout.

In order to avoid conflict of interest, prohibited by the regulations, a savings-based agreement may not provide for a TA analyst to participate in the subsequent installation of the ECM's recommended in the TA. Even though Energy Service Companies will do their own engineering analysis as the basis

for the energy service contract, this analysis may not be used as the Technical Assistance Analysis (TA) in the grant application. The TA must be done by an independent analyst.

The regulations require that costs must be established by adequate documentation. In the case of a savings-based agreement compliance with this provision may be achieved by submitting invoices of the supplier or similar documentation.

DOE considers a project ready for closeout under the regulations when the improvements have been made, the equipment has been installed, and all activities specified in the grant award have been completed. Closeout need not be delayed until the end of the period during which the savings are to be shared under a savings-based agreement.

DOE hopes this discussion clarifies its position relating to the possible use of savings-based agreements to match DOE grants. Since these financing arrangements are relatively new, changes to the regulations may be warranted in the future. For the present, however, the current regulations appear sufficient.

III. Amendments to the Institutional Conservation Programs

In this document, DOE has made several changes to the regulation which will better enable the program to achieve its purposes of reducing energy use and costs in institutional buildings and demonstrating the validity of energy conservation efficiency and management in actual situations.

Many commenters expressed concern that the changes might apply to ICP funding Cycle VII, which is currently underway. DOE recognizes that it is too late to make these changes applicable to Cycle VII, and has accordingly established two effective dates to coincide with the closing dates of Cycle VII. September 1, 1985 was established as the effective date for all revisions with the exception of § 455.63. The effective date of the revisions to § 455.63(b)(5) (requirement for quarterly financial assistance reports from States) is October 1, 1985. Although final action may not be taken under Cycle VIII prior to the appropriate effective date, affected parties are not precluded from preparing for the necessary changes in advance of those dates.

The principal changes made to the regulation are: Ceasing to allow grant funds to be used for some costs associated with leasing equipment; permitting the States to establish criteria for, and accept, alternatives to energy audits; allowing demand charges for electricity to be included in energy prices; changing the payback limits on projects eligible for funding; adding the quality of technical assistance programs to the factors considered in ranking grant applications; and adding a requirement for DOE approval before certain changes in a grant project can be made. In addition, technical changes are made, including clarification of Davis-Bacon requirements, adding the Northern Mariana Islands to the listed areas where institutions are eligible to receive grants, and simplifying the references to renewable resource reviews. The changes are in response to experience gained in administering the program, and to comments submitted in response to the NOI and the NOPR.

A number of the changes proposed in the NOPR are not being made, because of persuasive arguments made by commenters to the NOPR. Those proposed changes were: Changing the definition of "energy conservation measure" to eliminate measures required primarily because existing measures have been poorly maintained, requiring technical assistance program analysts to identify measures which have been poorly maintained, and establishing more detailed requirements for applications for State Administrative grants.

Proposed Changes to Each Section, Comments Received, and DOE's Final Action

The following discussion describes DOE's proposed change(s) to each section, comments received regarding those proposed changes, and DOE's final action.

Section 455.1 Purpose and scope.

DOE proposed to amend this section (and all subsequent sections where the same phrase exists) by changing the term "solar energy or other renewable resource measures" to simply "renewable resource measures". Nine favorable comments were received on this change, and no unfavorable comments were received. Accordingly, DOE has finalized the change as proposed.

Section 455.2 Definitions.

DOE proposed to amend the definition of "Energy Conservation Measure" to state that DOE does not consider as an ECM, and consequently will not fund, measures which are necessary primarily because existing equipment or material has poorly maintained, or not maintained at all. Over half of all the commenters to the NOPR addressed this issue, with the majority opposed to the change, primarily because of concerns about the subjectivity of the term "poorly maintained," the difficulty of ascertaining neglect (particularly with older equipment where normal wear and tear might be confused with neglect), and the inability of DOE or the States to enforce this on a consistent basis. Some commenters even felt that DOE should not penalize institutions which may, in the past, have neglected maintenance, by refusing to fund replacement improvements. While DOE continues to be concerned about neglected equipment, and wants to encourage proper maintenance, DOE felt the arguments against this change were persuasive, and is therefore not adopting this change (or the related change in § 455.42 which will be discussed later under that section).

DOE also proposed to amend the definition of "Energy Conservation Measure" to eliminate costs associated with the installation and connection of leased equipment as an allowable cost, because it no longer served the original purpose. A number of commenters supported DOE's proposal and some of them pointed out that if an institution can obtain equipment by means of lease-purchase, it should not need an ICP grant for that equipment. Those objecting to the proposal did not disagree with this reasoning. They did, however, raise the larger question of whether DOE should fund leased-equipment. That question is beyond the scope of this proposal and the commenters did not advance any reasons to broaden the scope of the rulemaking and to cause DOE to reconsider its existing policy in the treatment of leased-equipment.

DOE proposed expanding the definition of "Energy Conservation Measure" to include energy use evaluations. No significant comments were received on this proposed change, and it has been adopted as proposed.

DOE proposed adding a definition for "energy use evaluation" to conform to the proposed new § 455.20. One commenter indicated some concern that DOE might be intending to drop the energy audit requirement as part of this change, which DOE was not, in fact, proposing. The energy use evaluation is an added option which each State can decide to use or not. The other comments on this change were positive, and the change has been adopted as proposed.

DOE proposed to amend the definition of "heating and cooling system" by eliminating the word "conditioned." There were no significant comments received on this proposed change, and it is being adopted as proposed.

DOE proposed to amend the definition of "State" to include the Northern Mariana Islands. This proposal was based on section 502(a) of Article V of the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America, 48 U.S.C. 1681 note. Additionally, shortly after the NOPR was published, Pub. L. 98–454 was enacted into law, 98 Stat. 1732 (October 5, 1984). Section 601(e) of the law amended the Energy Policy and Conservation Act to specify that the Northern Mariana Islands are included in the ICP definition of "State." Accordingly, the change is being adopted as proposed.

DOE proposed amending the definition of "unit of local government" by eliminating references to governmental entities already included in the definition of "State." There were no comments on this change and it is being adopted as proposed.

Section 455.3 Administration of grants.

DOE proposed to amend this section to delete references to a variety of documents from other agencies because the provisions of these documents are now covered by the DOE Financial Assistance Rules, 10 CFR Part 600. There were no comments on this change and it is being adopted as proposed.

Section 455.4 Recordkeeping.

DOE proposed amending this section to refer to the DOE Financial Assistance Rules, 10 CFR Part 600, as they relate to recordkeeping requirements for the program. No significant comments were received on this change and it is being adopted as proposed.

Section 455.5 Suspension and termination of grants.

DOE proposed amending this section to refer to the DOE Financial Assistance Rules, 10 CFR 600, as they relate to procedures for suspension and termination of grants. No significant comments were received on this change and it is being adopted as proposed.

Section 455.20 Contents of any energy use evaluation.

DOE proposed adding this section to describe the information required to be submitted in lieu of an energy audit in cases where an energy audit has not been performed on a building, and where the State has elected to accept an alternative energy use evaluation in accordance with new § 455.90(1). A number of commenters felt the existing energy audit (which requires more information than an energy use evaluation) should continue to be the only choice. Other commenters felt that neither an energy audit nor an energy use evaluation should be required, since they are no longer funded by DOE. On the other hand, a good many commenters felt that the energy use evaluation was a worthwhile option. Because of the necessity for certain information, DOE has always required an energy audit or its equivalent as a qualifying step for obtaining a grant for a technical assistance program. Therefore DOE feels it cannot drop the requirement for an energy audit of its equivalent altogether. However, DOE does feel it is appropriate to offer the States an option to adopt a simpler energy use evaluation if they choose to do so, in order to reduce the burden on applicants who have not already had energy audits done previously in the ICP program. Therefore, this section is being added as proposed.

Section 455.42 Contents of program.

DOE proposed amending paragraph (a) of this section to make it clear that a TA report should be acceptable with regard both to DOE's requirements as to content, cost and savings calculations, and other factors set forth in § 455.42 and to the State's procedures for implementing those DOE requirements. All the commenters who addressed this change thought it was a good idea, and it is being finalized as proposed. DOE notes that the TA should be considered an energy and financial management tool to assist an institution in implementing all future energy conservation actions, not just those associated with an ICP grant.

DOE also proposed to amend paragraph (b) of this section to add a sentence at the end of the paragraph to require that the technical assistance analyst identify any energy conservation improvement in the TA which is necessary primarily because the existing energy conservation equipment or material it would replace has been poorly maintained, or not maintained at all. Most of the commenters who addressed this issue expressed the concern that it would be very difficult (in some cases impossible) to determine when equipment had been neglected, and that the very idea of neglect was subjective. DOE has decided not to adopt this proposed change. A more complete discussion of this issue occurs above under the § 455.2 Definitions part of this preamble, where a related proposed change in the definition of ECM has also not been adopted.

DOE proposed amending paragraphs (c)(1) and (b)(5)(vi) of this section to drop the exclusion of demand charges for electricity from current prices, and permit those demand charges to be included in calculating energy cost savings. Over half of the commenters addressed this issue, virtually all of whom thought it was a good idea. A number of commenters, however, apparently interpreted the word "permit" in the preamble to the NOPR to mean that DOE was not requiring demand charges to be included in energy costs, and expressed concern that if it was optional, then such charges would only be included when they would favorably affect payback. DOE did not intend this to be an optional change, and is adding specific references to demand charges in the appropriate places in each of the affected paragraphs to make it clear that demand charges are to be included in current energy prices. However, DOE would like to reiterate here what was stated in the NOPR, that DOE hopes that technical assistance analysts and institutions will continue their efforts to direct energy usage away from peak periods wherever possible.

DOE also proposed dropping paragraph (d)(5)(vii)(C) from this section. This paragraph related to costs associated with leased equipment. There were no comments on this proposed change and it is being adopted as proposed. The issue of costs associated with leased equipment has already been discussed in more detail in this preamble under § 455.2 Definitions.

Section 455.51 Eligibility.

DOE proposed amending paragraph (b) of this section to change the permissible payback period range from "shall not be less than 1 year nor greater than 15 years" to "shall not be less than 2 years nor greater than 10 years." This change was proposed in response both to the NOI comments and to DOE's experience with the program. It was primarily motivated by the awareness that there were limited grant funds available, and literally thousands of potentially eligible institutions seeking assistance. Therefore, it was time for DOE to concentrate on funding those measures which had paybacks (1) somewhat beyond the range of what most institutions could reasonably be expected to be able to fund out of operating funds or other readily available resources, yet (2) not so long that meaningful savings projections (or even equipment durability or technological up-to-dateness) are impossible to determine. A 2 to 10 year payback range was felt to be reasonable in light of these considerations.

Most of the commenters (47 of 60) addressed this issue. A number of commenters thought the proposed change was a good one, but the majority objected, particularly to raising the minimum to 2 years. These commenters pointed out that there were still many 1 to 2 year payback measures which had not been funded, and expressed concern that if the change were adopted, such measures might never be installed. A few commenters were also concerned about lowering the maximum payback to 10 years, pointing out that there were worthwhile ECM's with over 10 year paybacks (particularly renewable measures).

DOE acknowledges these concerns, but still believes it is necessary to focus the resources of ICP on those measures which cannot be easily funded through other means yet which have the best chance of achieving estimated savings over future years.

A number of respondents to the NOPR pointed out that over the program's six funding cycles a great many institutions have benefited from ICP grants, and often those institutions have gone on to pursue other conservation efforts on their own, based on the favorable experience gained through the ICP grant process. In addition, recipient institutions often serve as positive examples to others wanting to conserve energy. DOE recognizes this important aspect of the program, and feels that ICP has by now amply demonstrated the wisdom of implementing relatively short payback conservation improvements (i.e., those with less than a 2 years payback). DOE believes it is now time to move the demonstration to the next step by limiting ICP grant funding to measures with paybacks of 2 years or more. Therefore, this change has been finalized as proposed.

A number of commenters on this change also raised a question about the definition of operations and maintenance procedures. Because § 455.42(d)(5)(vi)(A) requires that TA's must "Assume that all energy savings obtained from energy conservation maintenance and operating procedures have been realized," some commenters inferred that DOE meant to require that all measures with paybacks of less than 2 years would be considered maintenance and operating procedures, and all such measures would have to be implemented before an applicant would qualify for an ECM grant. This is not DOE's intention, and, in fact, maintenance and operating procedures are not defined in terms of payback. A list of examples of maintenance and operating procedures is provided in § 455.19(b)(2).

Evidently some commenters felt that any conservation improvement with a payback of less than a year was automatically considered a maintenance and operating procedure under the old payback range of 1 to 15 years. That was never the case, and, as one commenter correctly pointed out, there conceivably could be some operating and maintenance procedures with longer than 1 or 2 year paybacks, but they would not become ECM's once their payback exceeded some period of time. Conversely, a measure with a payback of less than 1 or 2 years would not become an operating and maintenance procedure by virtue of its payback.

In a related matter, one commenter thought that life cycle costing might be a better approach to use, to evaluate conservation investments, than simple payback. DOE has considered the use of life cycle costing in ICP, and allows for the inclusion of a life cycle cost analysis in a TA if the institution elects it, § 455.42(d)(vii). Because simple payback is easier to understand and less speculative to calculate, it remains the primary evaluation mechanism under the program.

Section 455.62 Grant applications State administrative expenses.

DOE proposed to amend paragraph (b)(2) of this section to require more specific plans from the States concerning how they propose to administer the program and how they propose to use their administrative grants. About one fourth of the commenters addressed this issue, with most indicating that this would place an added burden on the States, which do not all have the resources available to handle additional tasks, due to limited administrative grants. (States administrative grants are restricted to $30,000 or 5 percent of the schools and hospitals grants awarded in a year, whichever is greater.) While DOE continues to be concerned that States provide it with meaningful applications for administrative grants, DOE recognizes that State resources vary considerably. DOE is therefore not adopting this change. However, DOE would encourage States which must (because of State requirements) prepare plans along the lines of the proposed change, or other detailed annual plans, to forward copies of such plans to DOE. States should also keep in mind the budget reporting requirements set forth in the DOE Financial Assistance Rules, (10 CFR 600.10), which apply to State administrative grants.

Section 455.63 Grantee records and reports.

DOE proposed amending paragraph (b)(3) of this section to require the reports concerning State administrative grants to discuss the State's progress toward accomplishing the State responsibilities set forth in the annualized plans submitted in accordance with proposed new § 455.62(b)(2). For reasons discussed above under § 455.62, DOE has decided not to adopt the proposed new § 455.62(b)(2). Consequently, DOE has decided not to adopt this proposed change to § 455.63.

DOE also proposed amending this section to require financial status reports for State administrative grants to be filed on a quarterly basis, rather than a semi-annual basis. There were relatively few comments on this proposed change, and most were in favor of it. DOE has therefore decided to adopt this change as proposed.

Section 455.71 State ranking of grant applications.

DOE proposed amending this section to add a new § 455.71(b)(4) to require that TA report quality be added to the ranking factors used to determine which applications are accepted for grants. This proposed change was based on comments received in response to the NOI and on DOE's awareness, from its experience in operating the program, that TA's often inadequately reflect the work needing to be done in a building, or include cost estimates and other calculations which turn out to be incorrect, sometimes causing problems later with cost overruns, etc. Over two-thirds of the commenters addressed this issue, with the majority opposed to the change because of concerns that judging TA quality would be too subjective, too time consuming or otherwise too difficult to do in a realistic way. Even some commenters who thought the change was a good idea felt it might be difficult to define what TA quality was. However, a number of commenters also felt the change was a good one, and would help to encourage better quality TA's.

DOE and the States have now managed ICP through six funding cycles. Thousands of TA and ECM grants have been made. Many States have developed guidelines for TA's, or have otherwise specified what they expected in a TA. The Pacific Northwest Laboratory has prepared a manual for DOE which includes an extensive section on TA reports. The National Society of Professional Engineers has

worked closely with DOE on a project to develop a suggested TA format, based on extensive ICP experience (this TA report should be available early in 1985). In addition, DOE has sponsored regional training sessions on TA's and many States have regular or occasional training or briefing sessions on TA preparation. Therefore, DOE believes that it will be possible for each State to define TA quality based on its particular needs, its experience, and the experience of others in reviewing and monitoring TA and ECM grants. Consequently, DOE is adopting this change as proposed.

Section 455.80 Approval of grant applications.

DOE proposed adding a new paragraph (f) to § 455.82, to require that a grantee request approval from DOE before (1) transferring DOE funds or matching amounts between buildings when the State ranks applications by buildings, or (2) transferring DOE funds or matching amounts between measures when the State ranks applications by measure. The proposed change would have applied only when the transfer of amounts increased the payback of the measure or building for which the transferred funds were to be used. DOE subsequently decided that this new requirement would more appropriately be included in § 455.80, and, consequently, a new paragraph (g) is being added to § 455.80 instead of the proposed new paragraph (f) to § 455.82.

In the preamble to the NOPR, DOE indicated that there was some question as to the necessity of obtaining a deviation from the Office of Management and Budget (OMB) to implement this change, since it might exceed the prior approval and rebudgeting requirements of OMB Circulars A–102 and A–110. It has been determined that this prior approval requirement is programmatic rather than budgetary, and is therefore authorized pursuant to the DOE Financial Assistance Rules, 10 CFR 600.114(d)(2). Consequently, no deviation is required.

While the comments varied on this proposed change, most commenters felt it was a good idea. DOE believes that this change is necessary to ensure the integrity of the ranking process, which is largely based on payback, and has adopted the change. However, it has been pointed out that adding costs to a measure or a building would always increase the payback, so DOE should review all transfers of funds from one measure or building to another. DOE has therefore revised the wording of this paragraph to reflect this reality, and has made some revisions to more clearly relate this requirement to the DOE Financial Assistance Rules. DOE notes, however, that the review required by this change is limited to the matter of payback as it relates to the ranking process. Prior review of proposed budget or project changes shall not be required for any other purpose unless otherwise authorized by the DOE Financial Assistance Rules.

With regard to the change just discussed, a number of commenters raised questions about DOE's intentions in cases where a measure or a building would not have ranked at the higher cost resulting from a funds transfer from another measure or building. Concern was expressed that DOE might insist that the grantee return the entire amount budgeted for the measure or building in question, if it did not rank at the higher cost. In fact, DOE would not do this, but DOE might not approve use of DOE funds or matching grant funds for the entire additional cost. In such a situation, DOE would limit approval of cost increases to amounts which are not so large as to reduce the ranking of the building or ECM in question below the cutoff for the the State in the grant program cycle during which that grant was awarded.

Section 455.81 Grant awards for units of local government and public care institutions.

In response to the need expressed by institutions in the territories, DOE proposed to amend this section, and §§ 455.82 and 455.83 to eliminate the 50 percent matching requirement for the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands, as permitted under section 501(d) of the Omnibus Territories Act of 1977, as amended, 48 U.S.C. 1469a(d). Only a few comments were received on these changes, all in favor of them. DOE is therefore adopting these changes as proposed.

Section 455.82 Grant awards for schools and hospitals.

As discussed previously under § 455.81, DOE proposed to amend paragraph (b) to waive the requirement for matching funds for certain insular areas. No comments were received on this proposed change, and it is adopted as proposed.

DOE proposed to amend paragraph (e) to make it clear that DOE does not intend for the Davis-Bacon Act to apply to projects which are being used as a credit toward meeting the matching non-federal funds requirement. No significant comments were received on this proposed change, and it has been adopted as proposed.

Section 455.83 Grant awards for State administrative expenses.

As discussed under § 455.81, DOE proposed amending paragraphs (a)(1) and (a)(2) to waive the requirement for matching funds for certain insular areas. No comments were received on this proposed change, and it is adopted as proposed.

DOE proposed amending paragraph (c)(3) to change the threshold amount that might be paid for a single item of equipment from $300 to $500, to bring the program regulations into agreement with the DOE Financial Assistance Rules. There were no comments on this proposed change, and it is being adopted as proposed.

Section 455.90 Contents of State plan.

DOE proposed amending this section to allow each State to decide under what circumstances it will accept a briefer alternative to the EA, and what information it will require in lieu of an EA. There were no significant comments received on this proposed change, and it is being adopted as proposed.

IV. Environmental Regulatory Impact, Small Entity Impact, and Paperwork Reduction Act Reviews

A. Environmental Review

Pursuant to the requirements of the National Environmental Policy Act of 1969 (NEPA), Pub. L. 91–190, 83 Stat. 852 (42 U.S.C. 4321 *et seq.*), DOE published a Notice of Availability of an Environmental Assessment (EA) of the entire Title III program on March 12, 1979 in the **Federal Register**, 44 FR 13554. Based on this assessment DOE determined that the NECPA Title III program did not constitute a major Federal action significantly affecting the quality of the human environment, and the therefore no Environmental Impact Statement (EIS), was required.

DOE has reviewed the environmental impacts of the program amendment issued today. It is DOE's judgment that the program amendment will result in no environmental impacts not previously analyzed in the EA on the program. Accordingly, DOE has determined that the enviromental impacts of the program as modified by today's amendment have been adequately analyzed in the March 1979 EA, and that these impacts are not significant. Hence, the previous negative determination is still applicable, and no additional EA or EIS is required.

B. Review Under Executive Order 12291

Today's issuance was reviewed under Executive Order 12291 (46 FR 13193 February 19, 1981). DOE has concluded

that the rule is not a "major rule" under the Executive Order, because it will not result in: (1) An annual effect on the economy of $10 million or more; (2) a major increase in costs or prices for consumers, individual industries, State, Federal, or local government agencies, or geographic regions; or (3) significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of the United States-based enterprises to compete with foreign-based enterprises in domestic or export markets. Pursuant to section 3(c)(3) of Executive Order 12291, this rule was submitted to the Director of OMB for a ten-day review. The Director has concluded his review under that Executive Order.

C. Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) requires, in part, that an agency prepare a final regulatory flexibility analysis for any final rule, unless it determines that the rule will not have "significant economic impact on a substantial number or small entities." In the event that such an analysis is not required for a particular rule, the agency must publish a certification and an explanation of that determination in the **Federal Register.** The changes made in this final rule primarily add flexibility to the existing program. Thus, these changes have a minimal effect on small entities. Accordingly, pursuant to section 695(a) of the Regulatory Flexibility Act, DOE certifies that this rule will not have a significant economic impact on a substantial number of small entities.

D. Paperwork Reduction Act

The information collection requirements adopted in this amendment have been approved by OMB in accordance with section 3504(b) of the Paperwork Reduction Act, Pub. L. 96–511, 94 Stat. 2812 (44 U.S.C. 3501 *et seq.*) and procedures implementing that Act (5 CFR 1320.1 *et seq.*) The OMB control number is 1910–1400.

E. Catalogue of Federal Domestic Assistance

The Catalogue of Federal Domestic Assistance number for the Grant Programs for Schools and Hospitals is 81.052.

List of Subjects in 10 CFR Part 455

Buildings, Community facilities, Energy audits, Energy conservation, Grant programs, Energy, Health facilities, Hospitals, Reporting and recordkeeping requirements, Schools, Solar energy, Technical assistance.

In consideration of the foregoing, DOE hereby revises Chapter II, Title 10, Part 455, Code of Federal Regulations, as set forth below.

Issued in Washington, D.C., April 12, 1985.

Donna R. Fitzpatrick,

Acting Assistant Secretary, Conservation and Renewable Energy.

Part 455 is revised to read as set forth below:

PART 455—GRANT PROGRAMS FOR SCHOOLS AND HOSPITALS AND BUILDINGS OWNED BY UNITS OF LOCAL GOVERNMENT AND PUBLIC CARE INSTITUTIONS

Subpart A—General Provisions

Sec.
455.1 Purpose and scope.
455.2 Definitions.
455.3 Administration of grants.
455.4 Recordkeeping.
455.5 Suspension and termination of grants.

Subpart B—Preliminary Energy Audit and Energy Audit Grant Procedures

455.10 Purpose and scope
455.11 Financial assistance.
455.12 Cost sharing.
455.13 Allocation of funds.
455.14 Submission and review of applications.
455.15 Content of applications.
455.16 Use of funds.
455.17 Reporting requirements.
455.18 Contents of a preliminary energy audit.
455.19 Contents of an energy audit.
455.20 Contents of an energy use evaluation.

Subpart C—Technical Assistance Programs for Schools, Hospitals, Units of Local Government and Public Care Institutions

455.40 Purpose and scope.
455.41 Eligibility.
455.42 Contents of program.

Subpart D—Energy Conservation Measures for Schools and Hospitals

455.50 Purpose and scope.
455.51 Eligibility.
455.52 Contents of program.

Subpart E—Applicant Responsibilities

455.60 Grant application submittals.
455.61 Applicant certifications.
455.62 Grant applications for State administrative expenses.
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Subpart F—State Responsibilities

455.70 State evaluation of grant applications.
455.71 State ranking of grant applications.
455.72 Forwarding of applications.
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Subpart G—Grant Awards

455.80 Approval of grant applications.
455.81 Grant awards for units of local government and public care institutions.
455.82 Grant awards for schools and hospitals.
455.83 Grant awards for State administrative expenses.

Subpart H—State Plan Development and Approval

455.90 Contents of State plan.
455.91 Submission and approval of State plans
455.92 State plans developed by the Secretary.

Subpart I—Allocation of Appropriations Among the States

455.100 Allocation of funds.
455.101 Allocation formulas.
455.102 Reallocation of funds.

Authority: Title III of the National Energy Conservation Policy Act, Pub. L. 95–619, 92 Stat. 3238 (42 U.S.C. 6371 *et seq.*); and Department of Energy Organization Act, Pub. L. 95–91, 91 Stat. 565 (42 U.S.C. 7101 *et seq.*)

Subpart A—General Provisions

§ 455.1 Purpose and scope.

(a) This part establishes programs of financial assistance pursuant to Parts 1 and 2 of Title III of the National Energy Conservation Policy Act, Pub. L. 95–619, 92 Stat. 3238 (42 U.S.C. 6371 *et seq.*) which add Parts G and H, respectively, to Title III of the Energy Policy and Conservation Act, Pub. L. 94–163, 89 Stat. 901 (42 U.S.C. 6291).

(b) This subpart authorizes grants to States or to public or nonprofit schools and hospitals to assist them in conducting preliminary energy audits and energy audits, in identifying and implementing energy conservation maintenance and operating procedures, and in evaluating, acquiring and installing energy conservation measures, including renewable resource measures, to reduce the energy use and anticipated energy costs of buildings owned by schools and hospitals.

(c) This subpart also authorizes grants to States or units of local government and public care institutions to assist them in conducting preliminary energy audits and energy audits, in identifying and implementing energy conservation maintenance and operating procedures, and evaluating energy conservation measures, including renewable resource measures, to reduce the energy use and anticipated energy costs of buildings owned by units of local government and public care institutions.

§ 455.2 Definitions.

"Act," as used in this part, means the Energy Policy and Conservation Act, Pub. L. 94–163, 89 Stat. 871 (42 U.S.C. 6201 *et seq.*), *as amended* by Title III of the National Energy Conservation Policy Act, Pub. L. 95–619, 92 Stat. 3238 (42 U.S.C. 6371).

"Auditor" means any person who is qualified in accordance with 10 CFR 450.44 to conduct an energy audit.

"Building" means any structure, the construction of which was completed on or before April 20, 1977, which includes a heating or cooling system, or both.

"Civil rights requirements" means civil rights responsibilities of applicants and grantees pursuant to the Nondiscrimination in Federally Assisted Programs regulation of the Department of Energy (10 CFR Part 1040).

"Complex" means a closely situated group of buildings on a contiguous site, or a closely situated group of buildings served by a central utility plant, such as a college campus or a multi-building hospital.

"Construction completion" means the date of issuance of an occupancy permit for a building or the date the building is ready for occupancy as determined by DOE.

"Cooling degree days" means the annual sum of the number of Fahrenheit degrees of each day's mean temperature above 65° for a given locality.

"Coordinating agency" means any public or nonprofit organization legally constituted within a State for either administrative control or services for a group of institutions within a State and which acts, and is authorized by eligible institutions to so act, as the agent for such institutions with respect to their participation in the program.

"DOE" means the Department of Energy.

"Energy audit" means any survey of a building or complex conducted in accordance with the requirements of § 455.19.

"Energy conservation maintenance and operating procedures" means modifications in the maintenance and operations of a building, and any installation therein, which are designed to reduce the energy use in such building and which require no significant expenditure of funds.

"Energy conservation measure" means an installation or modification of an installation in a building which is primarily intended to reduce energy consumption or allow the use of an alternative energy source and which may contain integral control and measurement devices, but which is not an installation of leased equipment, including, but not limited to—

(a) Insulation of the building structure and systems within the building;

(b) Storm windows and doors, multiglazed windows and doors, heat absorbing or heat reflective glazed and coated windows and door systems, additional glazing, reductions in glass area, and other window and door systems modifications;

(c) Automatic energy control systems which would reduce energy consumption;

(d) Equipment required to operate variable steam, hydraulic, and ventilating systems adjusted by automatic energy control systems;

(e) Active or passive solar space heating or cooling systems, solar electric generating systems, or any combination thereof;

(f) Active or passive solar water heating systems;

(g) Furnace or utility plant and distribution system modifications including—

(1) Replacement burners, furnaces, boilers, or any combination thereof, which substantially increase the energy efficiency of the heating system;

(2) Devices for modifying flue openings which will increase the energy efficiency of the heating system;

(3) Electrical or mechanical furnace ignition systems which replace standing gas pilot lights; and

(4) Utility plant system conversion measures including conversion of existing oil and gas-fired boiler installations to alternative energy sources, including coal;

(h) Addition of caulking and weatherstripping;

(i) Replacement or modification of lighting fixtures to increase the energy efficiency of the lighting system without increasing the overall illumination of a facility, unless such increase in illumination is necessary to conform to any applicable State or local building code or, if no such code applies, the increase is considered appropriate by the Secretary;

(j) Energy recovery systems;

(k) Cogeneration systems which produce steam or forms of energy such as heat, as well as electricity for use primarily within a building or a complex of buildings owned by an eligible institution and which meet such fuel efficiency requirements as the Secretary may by rule prescribe;

(l) Such other measures as the Secretary identifies by rule for purposes of this part, as set forth in Subpart D of 10 CFR Part 450; and

(m) Such other measures as a grant application shows will save a substantial amount of energy and are identified in an energy audit in accordance with § 455.19, its equivalent, an energy use evaluation, or a technical assistance report.

"Energy use evaluation" means an evaluation of the energy use characteristics of a building, which may be used in place of an energy audit when a State has made provision for such use in its State plan and must contain the information set forth in § 455.20.

"Fuel" means any commercial source of energy used within the building or complex being surveyed such as natural gas, fuel oil, electricity, or coal.

"Governor" means the chief executive officer of a State, including the Mayor of the District of Columbia, or a person duly designated in writing by the Governor to act on her or his behalf.

"Grantee" means the entity or organization named in the Notice of Financial Assistance Award as the recipient of the grant.

"Grant program cycle" means the period of time specified by DOE which relates to the fiscal year or years for which monies are appropriated for grants under this part, during which one complete cycle of DOE grant activity occurs, including fund allocations to the States; applications receipt, review, approval or disapproval; and award of grants by DOE, but which does not include the grantee's performance period.

"Gross square feet" means the sum of all heated or cooled floor areas enclosed in a building, calculated from the outside dimensions, or from the centerline of common walls.

"Heating or cooling system" means any mechanical system for heating, cooling or ventilating areas of a building, including a system of through-the-wall air conditioning units.

"Heating degree days" means the annual sum of the number of Fahrenheit degrees for each day's mean temperature below 65° for a given locality.

"Hospital" means a public or nonprofit institution which is a general hospital, tuberculosis hospital, or any other type of hospital, other than a hospital furnishing primarily domiciliary care; and which is duly authorized to provide hospital services under the laws of the State in which it is situated.

"Hospital facilities" means buildings housing a hospital and related facilities, including laboratories, laundries, outpatient departments, nurses' home and training facilities and central service facilities operated in connection with a hospital, and also includes buildings housing education or training facilities for health professions personnel operated as a integral part of a hospital.

"Indian tribe" means any tribe, band, nation, or other organized group or community of Indians, including any Alaska native village, or regional or village corporation, as defined in or

established pursuant to the Alaska Native Claims Settlement Act, Pub. L. 92–203; 85 Stat. 688, which (a) is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians; or (b) is located on, or in proximity to, a Federal or State reservation or rancheria.

"Local educational agency" means a public board of education or other public authority or a nonprofit institution legally constituted within, or otherwise recognized by, a State for either administrative control or direction of, or to perform administrative services for, a group of schools within a State.

"Maintenance" means activities undertaken in a building to assure that equipment and energy-using systems operate effectively and efficiently.

"Native American" means a person who is a member of an Indian tribe.

"Operating" means the operation of equipment and energy-using systems in a building to achieve or maintain specified levels of environmental conditions of service.

"Owned" or "Owns" means property interest, including without limitation a leasehold interest, which is, or shall become, a fee simple title in a building or complex.

"Preliminary energy audit" means any survey of a building or complex conducted in accordance with the requirements of § 455.18.

"Primarily occupied" means that in excess of 50 percent of a building's square footage or time of occupancy is occupied by a public care institution or an office or agency of a unit of local government.

"Public care institution" means a public or nonprofit institution which owns—

(a) A facility for long-term care, rehabilitation facility, or public health center, as described in section 1633 of the Public Health Service Act (42 U.S.C. 300s-3; 88 Stat. 2270); or

(b) A residential child care center, which is an institution, other than a foster home, operated by a public or nonprofit institution and is primarily intended to provide full-time residential care with an average length of stay of at least 30 days for at least 10 minor persons who are in the care of such institution as a result of a finding of abandonment or neglect or of being persons in need of treatment or supervision.

"Public or nonprofit institution" means an institution owned and operated by—

(a) A State, a political subdivision of a State or an agency or instrumentality of either; or

(b) A school or hospital which is, or would be in the case of such entities situated in American Samoa, Guam, Puerto Rico, the Commonwealth of the Northern Mariana Islands, and the Virgin Islands, exempt from income tax under section 501(c)(3) of the Internal Revenue Code of 1954; or

(c) A unit of local government or public care institution which is, or would be in the case of such entities situated in American Samoa, Guam, Puerto Rico, the Commonwealth of the Northern Mariana Islands, and the Virgin Islands, exempt from income tax under section 510(c)(3) or 501(c)(4) of the Internal Revenue Code of 1954

"School" means a public or nonprofit institution which—

(a) Provides, and is legally authorized to provide, elementary education or secondary education, or both, on a day or residential basis;

(b) (1) Provides, and is legally authorized to provide, a program of education beyond secondary education, on a day or residential basis;

(2) Admits as students only persons having a certificate of graduation from a school providing secondary education, or the recognized equivalent of such certificate;

(3) Is accredited by a nationally recognized accrediting agency or association; and

(4) Provides an educational program for which it awards a bachelor's degree or higher degree or provides not less than a two-year program which is acceptable for full credit toward such a degree at any institution which meets the preceding requirements and which provides such a program;

(c) Provides not less than a one-year program of training to prepare students for gainful employment in a recognized occupation and which meets the provisions cited in paragraphs (b) (1), (2) and (3) of this definition; or

(d) Is a local educational agency.

"School facilities" means buildings housing classrooms, laboratories, dormitories, athletic facilities, or related facilities operated in connection with a school.

"Secretary" means the Secretary of the Department of Energy, or his/her designee.

"State" means, in addition to the several States of the Union, the District of Columbia, Puerto Rico, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands and the Virgin Islands.

"State energy agency" means the State agency responsible for developing State energy conservation plans pursuant to section 362 of the Energy Policy and Conservation Act (42 U.S.C. 6322), or, if no such agency exists, a State agency designated by the Governor of such State to prepare and submit the State Plan required under section 394 of the Energy Policy and Conservation Act.

"State hospital facilities agency" means an existing agency which is broadly representative of the public hospitals and the nonprofit hospitals, or, if no such agency exists, an agency designated by the Governor of such State which conforms to the requirements of this definition.

"State school facilities agency" means an existing agency which is broadly representative of public institutions of higher education, nonprofit institutions of higher education, public elementary and secondary schools, nonprofit elementary and secondary schools, public vocational education institutions, nonprofit vocational education institutions, and the interests of handicapped persons in a State or, if no such agency exists, an agency which is designated by the Governor of such state which conforms to the requirements of this definition.

"Technical assistance" means a program or activity for (1) the conduct of specialized studies to identify and specify energy savings and related cost savings that are likely to be realized as a result of modifying maintenance and operating procedures in a building, acquiring and installing one or more specified energy conservation measures in a building, or both; and (2) the planning or administration of such specialized studies. For schools and hospitals which are eligible to receive grants to carry out energy conservation measures, the term also means the planning or administration of specific remodeling, renovation, repair, replacement, or insulation projects related to the installation of energy conservation, or renewable resource measures in a building.

"Unit of local government" means the government of a county, municipality, parish, borough, or township, which is a unit of general purpose government below the State (determined on the basis of the same principles as are used by the Bureau of the Census for general statistical purposes) and the District of Columbia. Such term also means the recognized governing body of an Indian tribe which governing body performs substantial governmental functions and includes libraries which serve all residents of a political subdivision below the State level (such as a community, district or region) free of charge and which derive at least 40 percent of their operating funds from tax

revenues of a taxing authority below the State level.

§ 455.3 Administration of grants.

Grants provided under this part shall comply with applicable law, regulation or procedure including, without limitation, the requirements of:

(a) The DOE Financial Assistance Rules (10 CFR Part 600 as amended), except as otherwise provided in this rule;

(b) Executive Order 12372 entitled "Intergovernmental Review of Federal Programs," (48 FR 3130, January 24, 1983), and the DOE regulation implementing this Executive Order entitled "Intergovernmental Review of Department of Energy Programs and Activities" (10 CFR Part 1005);

(c) Office of Management and Budget Circular A-97, entitled "Rules and Regulations Permitting Federal Agencies to Provide Specified or Technical Services to State and Local Units of Government under Title III of the Inter-Governmental Coordination Act of 1968";

(d) DOE regulation entitled "Nondiscrimination in Federally Assisted Programs" (10 CFR part 1040) which implements the following public laws: Title VI of the Civil Rights Act of 1964; section 16 of the Federal Energy Administration Act of 1974; section 401 of the Energy Reorganization Act of 1974; Title IX of the Education Amendments of 1972; The Age Discrimination Act of 1975; and section 504 of the Rehabilitation Act of 1973; and

(e) Such other procedures applicable to this part as DOE may from time to time prescribe for the administration of financial assistance.

§ 455.4 Recordkeeping.

Each State or other entity within a State receiving financial assistance under this part shall make and retain records required and specified by the DOE Financial Assistance Rules, 10 CFR Part 600.

§ 455.5 Suspension and termination of grants.

Suspension and termination procedures shall be as set forth in the DOE Financial Assistance Rules, 10 CFR Part 600.

Subpart B—Preliminary Energy Audit and Energy Audit Grant Procedures

§ 455.10 Purpose and scope.

(a) This subpart contains the regulations whereby the Federal Government shall provide financial assistance for preliminary energy audits and energy audits.

(b) Preliminary energy audits are to be performed by States for the purpose of—

(1) Determining the energy use characteristics of eligible school and hospital facilities, and buildings owned by units of local government and public care institutions, including the size, type, rate of energy use and major energy using systems of such buildings within the State;

(2) Establishing a data base from which reasonably accurate estimates can be made of the number of eligible institutions, the number of qualifying buildings, and patterns of energy conservation needs including an indication of the opportunities for use of renewable energy sources; and

(3) Assisting States in development of a sound and complete State Plan which is a prerequisite to receipt of financial assistance for technical assistance or energy conservation measures, including renewable resource measures.

(c) Energy audits are to be performed by States or eligible schools, hospitals, units of local government and public care institutions for the purpose of—

(1) Determining the energy use characteristics of eligible school and hospital facilities, and buildings owned by units of local government and public care institutions, including the size, type, rate of energy use and major energy using systems of such buildings within the State;

(2) Identifying and encouraging adoption of energy conservation maintenance and operating procedures;

(3) Indicating potential, if any, for acquiring and installing energy conservation measures, including possible use of renewable resources; and

(4) Providing, to the greatest extent practicable, consistent information necessary to identify those buildings to receive priority for additional financial assistance.

§ 455.11 Financial assistance.

(a) DOE shall provide financial assistance from sums appropriated only upon application in accordance with the provisions of this subpart.

(b) The Secretary may make grants for purposes of conducting preliminary energy audits and energy audits of school facilities and hospital facilities.

(c) The Secretary may make grants for purposes of conducting preliminary energy audits and energy audits of buildings owned by units of local government and public care institutions.

§ 455.12 Cost sharing.

(a) Amounts made available under this subpart, together with any other amounts made available from other Federal sources, may not be used to pay more than 50 percent of the costs of a preliminary energy audit or an energy audit, except as provided in paragraph (b) of this section.

(b) The Governor of a State may request a grant of up to 100 percent of the costs of any preliminary energy audit or energy audit for schools or hospitals. When financial assistance in excess of the 50 percent cost share limitation is provided to a State, the sum allocated to that State for technical assistance and energy conservation measures, including renewable resource measures shall be reduced by an equal amount. Such funds shall be reallocated among all other States on the same basis as the initial allocation. The Secretary may make such a grant if the State has demonstrated that—

(1) The State would otherwise be unable to participate in the program; and

(2) The amount of the additional financial assistance requested is the minimum necessary to allow the State to participate.

(c) Where a State has expended funds without financial assistance under this subpart for the conduct of preliminary energy audits or energy audits commenced on or after November 9, 1978, the Secretary may, upon application and approval under this subpart, accept all or any portion of such expenditures as constituting State matching funds.

(d) To the extent that funds allocated to a State for preliminary energy audits and energy audits are not needed because all potentially eligible buildings have had or will have an energy audit or its equivalent conducted, such funds may be made available for technical assistance or energy conservation measures. DOE shall, upon request by the State, redistribute funds not needed for preliminary energy audits and energy audits to the State allocation for technical assistance or energy conservation measures, as appropriate, and such funds shall be in addition to those which would otherwise be available for such purposes.

(e) Amounts to be used to meet the cost-sharing requirements described in Subpart G of this part must meet the requirements for cost-sharing set forth in the DOE Financial Assistance Rules, 10 CFR 600.107.

§ 455.13 Allocation of funds.

(a) Financial assistance for conducting preliminary energy audits and energy audits of school facilities and hospital facilities shall be allocated among the

States by multiplying the sum available by the allocation factor (F).

(b) Financial assistance for conducting preliminary energy audits and energy audits of buildings owned by units of local government and public care institutions shall be allocated among the States by multiplying the sum available by the allocation factor (F).

(c) The allocation factor (F) shall be determined by the formula—

$$F = \frac{(.1)}{(n)} + \frac{(.7SP)}{(NP)} + \frac{(.2SC)}{(NC)}$$

where, as determined by DOE—

(1) n is the total number of States;

(2) SP is the population of the State, as determined from 1976 census estimates, "Current Population Reports" Series p–25, number 642, or territory as determined from 1973 census estimates, "Current Population Reports", Series p–25, number 603;

(3) NP is 217,820,000, the total population of all States;

(4) SC is the sum of the State's heating and cooling degree days, as determined from National Oceanic and Atmospheric Administration data for the thirty year period, 1941 through 1970; and

(5) NC is 347,729, the sum of all States' heating and cooling degree days.

(d) Financial assistance allocated to a State pursuant to this subpart for a grant program cycle which remains unobligated at the end of the grant program cycle shall, if available, be reallocated under paragraph (a) or (b) of this section, as appropriate, in the subsequent grant program cycle.

§ 455.14 Submission and review of applications.

(a) To be eligible to receive financial assistance, a State shall complete and submit an original copy of the application to the Secretary. Such application shall be signed by the Governor or his designee.

(b) The first State application shall be submitted not later than 30 days after the effective date of this subpart. Subsequent State applications shall be submitted for each grant program cycle on or before the date established by the Secretary for—

(1) Schools and hospitals;

(2) Buildings owned by units of local government and public care institutions; or

(3) Both.

(c) The State shall consult with representatives of schools, hospitals, units of local government and public care institutions during the preparation of applications for financial assistance for preliminary energy audits and energy audits.

(d) The Governor may request an extension of the submission date for a State's application by sending a written request to the Secretary prior to the date upon which it is due. An extension will only be provided for good cause shown. Such a request shall include a brief discussion of work remaining to be done on the application and time required for its completion. An extension shall not exceed 60 days except where additional time may be required by a State to enact enabling legislation, or where the Secretary finds an additional extension to be consistent with the overall objectives of the Act and the requirements of this subpart.

(e) The Secretary shall review each timely State application and provide financial assistance if the Secretary determines that the application meets the objectives of the Act and the requirements of this part.

(f) All or any portion of an application under this section may be disapproved to the extent that funds are not available under this subpart to carry out such application or portion thereof.

(g) The Secretary shall state in writing the reasons any application is disapproved. Applications not approved by the Secretary may be resubmitted by the applicant at any time within the grant program cycle in the same manner as the original application, and the Secretary shall approve such resubmitted application if it is found to be in compliance with the requirements of this subpart. Amendments of an application shall, except as the Secretary may otherwise provide, be subject to approval in the same manner as the original application.

§ 455.15 Content of applications.

(a) An application shall contain—

(1) The name and mailing address of the proposed State grantee;

(2) A budget which shall include identification of the sources, amounts, and intended use of non-Federal funds required to meet the cost-sharing provisions of § 455.12; and

(3) Assurance that preliminary energy audit and energy audit procedures to be employed will meet the requirements of §§ 455.18 and 455.19.

(b) For each program for which financial assistance is sought, a State application shall also contain—

(1) A timetable, including a listing of milestones for the activities to be carried out by calendar quarters for each program for which financial assistance will be provided;

(2) A description of materials to be developed and adopted, or an identification of existing materials to be used, to meet the requirements for conducting preliminary energy audits and energy audits set forth in §§ 455.18 and 455.19, including provision of data concerning heating degree days, cooling degree days, insolation, and wind speed for regions within the State;

(3) A description of the training to be provided to those persons who will conduct energy audits. Such training shall, at a minimum, use as instructors, architects or engineers who have had practical experience in performing energy audits. The minimum qualifications of those attending the training course, and the minimum qualifications of those who will be permitted to perform energy audits without having attended the training course, shall also be described.

(4) An explanation of how the size of the sample and the selection of sample buildings will be determined in those instances where a sampling methodology is used in the conduct of preliminary energy audits.

(5) A description of the methods which will be used to advise eligible institutions of the availability of assistance under this subpart, and the amounts available by categories of institutions as determined under paragraphs (c)(3) and (d)(2) of this section.

(c) A State application for financial assistance to conduct preliminary energy audits and energy audits of school and hospital facilities shall contain—

(1) A description of the procedures the State will use to provide funding or services to those schools and hospitals which are willing and able to conduct their own energy audits;

(2) A justification for any funding applied for in excess of the 50 percent limit provided in paragraph (a) of § 455.12;

(3) A description of the method by which funds will be apportioned between school facilities and hospital facilities, including a justification for the apportionment if fewer than all such facilities will be audited;

(4) An explanation of the manner in which activities to be conducted shall be consistent with—

(i) Related State programs for educational facilities in such State; and

(ii) State health plans under sections 1524(c)(2) (42 U.S.C. 300m–3; 88 Stat. 2247) and 1603 (42 U.S.C. 300o–2; 88 Stat. 2259) of the Public Health Service Act; and

(5) A description of the actions taken by the State to solicit and consider the views of representatives of schools and hospitals during the preparation of the State's application.

(d) A State application for financial assistance to conduct preliminary energy audits and energy audits of buildings owned by the units of local government and public care institutions shall contain a description of—

(1) The procedures the State will use to provide funding or services to those units of local government and public care institutions which are willing and able to conduct their own energy audits.

(2) The method by which funds will be apportioned between buildings owned by units of local government and public care institutions including a justification for the apportionment if fewer than all these buildings will be audited; and

(3) The action taken by the State to solicit and consider the views of representatives of units of local government and public care institutions during the preparation of the State's application.

(e) A State application shall set forth procedures—

(1) By which buildings or complexes eligible for preliminary energy audits and energy audits will be identified, and a listing thereof prepared and maintained;

(2) For the State to participate, on a selective sampling basis, in the performance of on-site energy audits to assure that the findings present a reasonably thorough and accurate assessment of the buildings surveyed; and

(3) For the State to conduct followup visits, on a selective sampling basis, to ascertain the degree of implementation of energy audit results.

§ 455.16 Use of funds.

(a) A State shall either carry out preliminary energy audits and energy audits of schools and hospitals, or provide for the conduct of such audits by schools and hospitals, through use of funds which the State has received pursuant to paragraph (b) of § 455.11.

(b) A State shall either carry out preliminary energy audits and energy audits of buildings owned by units of local government and public care institutions, or provide for the conduct of such audits by units of local goverment and public care institutions, through the use of funds which the State has received pursuant to paragraph (c) of § 455.11.

(c) No financial assistance provided under this subpart shall be expended for—

(1) The audit of—

(ii) A vacant, unused or condemned building;

(ii) A stadium which is part of a school facility used primarily for exhibitions for which admission is charged and which is not also generally used for intramural sports and physical fitness programs generally available to all students; or

(iii) A building or complex owned by a unit of local government or a public care institution—

(A) Not primarily occupied by such institution; or

(B) Which is intended for seasonal use; and

(2) The purchase or acquisition of any single piece of equipment or tangible personal property costing more than $500 to be used in conducting preliminary energy audits or energy audits, unless prior written approval has been obtained from DOE.

(d) Of the financial assistance provided to a State under this subpart, not more than 25 percent shall be expended for—

(1) Administrative expenses;

(2) Development of materials for the conduct of preliminary energy audits and energy audits;

(3) Training of personnel to conduct energy audits;

(4) For conducting preliminary energy audits and sample energy audits; and

(5) For monitoring and evaluation.

(e) At least 75 percent of the financial assistance provided under this subpart shall be used in conducting energy audits of buildings, including costs of personnel attending training sessions conducted by the State preparatory to performing energy audits.

(f) A State may request, and the Secretary may approve, a waiver of the limitations required under paragraph (d) and (e) of this section, provided the State demonstrates that such a waiver would permit the conduct of more energy audits than would otherwise be conducted under the provisions of this section.

§ 455.17 Reporting requirements.

(a) Each State receiving financial assistance under this part shall submit to DOE a quarterly program performance report and a quarterly financial status report. The reports shall be submitted to DOE within 30 days following the end of each calendar quarter.

(b) The quarterly program performance report shall include—

(1) For those building which have received a preliminary energy audit or an energy audit, a summary of the categories, types of ownership, functional uses, gross square feet and energy use levels; and

(2) For those buildings which have received an energy audit—

(i) An estimate of the savings anticipated from energy conservation operation and maintenance procedure changes identified; and

(ii) An approximation of the energy savings indicated from applicable energy conservation measures if the procedure used by the State results in such information or a summary of the number of buildings for which the energy audit indicates potential for energy conservation measures, including renewable resource measures.

(c) The second quarterly report shall also include—

(1) The total sum required for energy audits of buildings whose owners have been advised of selection to receive an energy audit;

(2) A copy of the materials adopted by the State for conducting energy audits;

(3) The apportionment of funds pursuant to paragraphs (c)(3) and (d)(2) of § 455.15 and the data on which such apportionment was based;

(4) The listing of institutions and their buildings compiled pursuant to the provisions of paragraph (e)(1) of § 455.15, summarized by category, types of ownership, and functional use;

(5) Any necessary revisions to the estimate of the characteristics and energy conservation potential of buildings owned by eligible institutions resulting from the sample preliminary energy audits, if a sampling approach was used.

(d) Copies of preliminary energy audit and energy audit reports made by or furnished to the State under § 450.45 of this chapter shall be submitted to DOE together with the quarterly report.

(e) Reports shall contain such other information as may be required by DOE.

§ 455.18 Contents of a preliminary energy audit.

(a) A preliminary energy audit shall provide a description of the building or complex audited and determine its energy-using characteristics, including—

(1) The name or other identification, and address of the building;

(2) A statement that the building meets the requirements of one of the following categories—

(i) A school facility;

(ii) A hospital facility; or

(iii) A building owned and primarily occupied either by offices or agencies of a unit of local government or by a public care institution, neither of which shall include any building intended for seasonal use or any building used primarily by a school or hospital;

(3) A description of the functional use made of the building identifying whether it is a—

(i) School—

(A) Elementary;

(B) Secondary;
(C) College or university;
(D) Vocational;
(E) Other;
(ii) Hospital—
(A) General;
(B) Tuberculosis; or
(C) Other;
(iii) Local government building—
(A) Office;
(B) Storage;
(C) Service;
(D) Library;
(E) Police station;
(F) Fire station; or
(G) Other; or
(iv) Public care building—
(A) Nursing home;
(B) Long term care other than a nursing home;
(C) Rehabilitation facility;
(D) Public health center; or
(E) Residential child care center;
(4) The name and address of the owner of record, indicating whether owned by a public institution, private nonprofit institution or an Indian tribe;
(5) The size of the building, expressed in gross square feet;
(6) The age of the building;
(7) Approximate daily hours of operation, including periods of partial use if applicable;
(8) An indication of whether the building is partially used during vacation periods or other times when the building is not fully utilized, for periods of a week or more, by quarter;
(9) An identification of major energy-using systems, including—
(i) Type of heating system or cooling system or both;
(ii) Fuel used for heating system, cooling system;
(iii) Fuel used for domestic hot water, such as electric or natural gas;
(iv) Special energy using systems, such as food service or laundry; and
(v) Lighting, such as incandescent or fluorescent;
(10) Fuel use in physical units and cost data by type for a preceding 12 month period, by month if practicable, using actual data or an estimate if actual figures are unavailable; and
(11) Total annual energy use expressed in Btu's per gross square foot and energy cost per gross square foot.
(b) A preliminary energy audit shall provide a brief description of activities which have been undertaken to conserve energy in the building or complex being audited, including whether—
(1) A person has been designated to monitor and evaluate energy use;
(2) Work partially or fully satisfying the requirements of an energy audit has been performed;
(3) Detailed studies have been conducted by architects, engineers or architect-engineer teams of energy use and energy conservation; and
(4) Any major energy conservation measures have been implemented, together with a listing of such measures, and estimates of their costs and energy savings if available.
(c) A preliminary energy audit shall provide information regarding site, building, and heating and hot water systems related to renewable resource potential, including—
(1) An indication of whether open land, such as fields, yards and parking areas, is available within the immediate vicinity of the building which is not heavily shaded by tall buildings, trees or other obstructions;
(2) A statement of whether the building is located generally within an urban, suburban or rural area;
(3) An approximation of whether more than half the building's roof area or southern oriented wall surface is heavily shaded by shrubs, trees, buildings or other obstructions for more than about four hours per day;
(4) The number of stories;
(5) A general description of the building's shape, such as square, rectangular, E-shaped, H-shaped or L-shaped;
(6) An indication of whether the roof is flat or pitched, and if pitched whether is has a southern orientation;
(7) Whether there are existing roof-top obstructions, such as chimneys, space conditioning equipment, water towers, mechanical rooms, stairwells or other permanent structures;
(8) An indication of the exterior material of the southern facing wall, such as masonry, wood, aluminum;
(9) An approximation of the proportion of glass area of the southern facing wall, such as less than 25 percent, 25–75 percent, more than 75 percent; and
(10) Location of primary space heating and water heating systems—
(i) Whether outside of or within the building;
(ii) If within the building, whether on the ground floor, in the basement, or on the roof; and
(iii) If within the building, whether centrally located, in multiple units, or a combination thereof.

§ 455.19 Contents of an energy audit.

(a) An energy audit shall contain the information required for a preliminary energy audit, in accordance with § 455.18, and shall also include a description of—
(1) Major changes in functional use or mode of operation planned in the next fifteen years, such as demolition, disposal, rehabilitation, or conversion from office to warehouse;
(2) For a building in excess of 200,000 gross square feet, if available—
(i) Peak electric demand for both daily and annual cycle; and
(ii) Annual energy use by fuel type of the major mechanical or electrical systems if the information is available or can be reasonably estimated;
(3) Terminal heating or cooling, or both, such as radiators, unit ventilators, fancoil units, or double-duct reheat systems;
(4) Building site and structural characteristics related to renewable resource potential, including but not limited to—
(i) Climatic factors, specifically—
(A) Average annual heating degree days and cooling degree days;
(B) Average solar insolation by month;
(C) Average monthly wind speed; and
(ii) Roof characteristics, including—
(A) An identification of primary structural component such as steel, wood, concrete; and
(B) Type of roofing material such as shingles, slate or built-up material; and
(5) A description of general building conditions.
(b) An energy audit shall—
(1) Indicate that appropriate energy conservation maintenance and operating procedures have been implemented for the building, supported by a demonstration based on actual records, that energy use has been reduced in a given year through changes in maintenance and operating procedures, by not less than 20 percent from a corresponding based period having a degree day variance of less than 10 percent; or
(2) Recommended appropriate energy conservation maintenance and operating procedures, on the basis of an on-site inspection and review of any scheduled preventive maintenance plan, together with a general estimate or range of energy and cost savings if practical, which may result from—
(i) Effective operation of ventilation systems and control of infiltration conditions, including—
(A) Repair of caulking or weatherstripping around windows and doors;
(B) Reduction of outside air intake, shutting down ventilation systems in unoccupied areas, and shutting down ventilation systems when the building is not occupied; and
(C) Assuring central or unitary ventilation controls, or both, are operating properly;
(ii) Changes in the operation of heating or cooling systems through—

(A) Lowering or raising indoor temperatures;
(B) Locking thermostats;
(C) Adjusting supply or heat transfer medium temperatures; and
(D) Reducing or eliminating heating or cooling at night or at times when a building or complex is unoccupied;
(iii) Changes in the operation of lighting systems through—
(A) Reducing illumination levels;
(B) Maximizing use of daylight;
(C) Using higher efficiency lamps; and
(D) Reducing or eliminating evening cleaning of buildings;
(iv) Changes in the operation of water systems through—
(A) Repairing leaks;
(B) Reducing the quantity of water used, e.g., flow restrictors;
(C) Lowering settings for hot water temperatures; and
(D) Raising settings for chilled water temperatures; and
(v) Changes in the maintenance and operating procedures of the utility plant and distribution system through—
(A) Cleaning equipment;
(B) Adjusting air/fuel ratio;
(C) Monitoring combustion;
(D) Adjusting fan, motor, or belt drive systems;
(E) Maintaining steam traps; and
(F) Repairing distribution pipe insulation; and
(vi) Such other actions as the State may determine useful or necessary, consistent with the purposes of the energy audit and acceptable cost constraints of § 450.46.

(c) Based on information gathered under paragraphs (a) and (b) of § 455.18, and paragraphs (a) (1) and (2) of this section, an energy audit shall indicate the need, if any, for the acquisition and installation of energy conservation measures and shall include an evaluation of the need and potential for retrofit based on consideration of one or more of the following—

(1) An energy use index or indices, for example, Btu's per gross square foot per year;

(2) An energy cost index or indices, for example, annual energy costs per gross square foot; or

(3) The physical characteristics of the building envelope and major energy-using systems.

(d) Based on information gathered under paragraph (c) of § 455.18 and paragraph (a)(4) of this section, an energy audit shall include an indication of whether building conditions or characteristics present an opportunity for use of solar heating and cooling systems or solar hot water systems.

(e) An energy audit may include an assessment of the estimated costs and energy and cost savings likely to result from the purchase and installation of one or more energy conservation measures.

§ 455.20 Contents of an energy use evaluation.

(a) An energy use evaluation may be used in lieu of an energy audit in cases where no energy audit has been performed, in accordance with § 455.19, and where the State has made provision for such use in its State plan, in accordance with § 455.90(1).

(b) An energy use evaluation shall contain the information required in § 455.18(a) through 455.18(b)(4), and shall also include a description of—

(1) The building's potential suitability for renewable resource applications;

(2) Major changes in functional use or mode of operation planned in the next fifteen years, such as demolition, disposal, rehabilitation, or conversion from office to warehouse;

(3) Appropriate energy conservation maintenance and operating procedures which have been implemented for the building;

(4) The need, if any, for the acquisition and installation of energy conservation measures, including an assessment of the estimated costs and energy and cost savings likely to result from the purchase and installation of one or more energy conservation measures and an evaluation of the need and potential for retrofit based on consideration of one or more of the following:

(i) An energy use index or indices, for example, Btu's per gross square foot per year;

(ii) An energy cost index or indices, for example, annual energy costs per gross square foot; or

(iii) The physical characteristics of the building envelope and major energy-using systems; and

(5) Such other information as the State has determined useful or necessary, in accordance with § 455.90(1)

Subpart C—Technical Assistance Programs for Schools, Hospitals, Units of Local Government and Public Care Institutions

§ 455.40 Purpose and scope.

This subpart specifies what constitutes a technical assistance program eligible for financial assistance under this part, and sets forth the eligibility criteria for schools, hospitals, units of local government and public care institutions to receive grants for technical assistance to be performed in buildings owned by such institutions.

§ 455.41 Eligibility.

To be eligible to receive financial assistance for a technical assistance program, an applicant must—

(a) Be a school, hospital, unit of local government, public care institution or coordinating agency, all as defined in § 455.2, except that—

(1) Financial assistance for units of local government and public care institutions will be provided only for buildings which are owned and primarily occupied by offices or agencies of a unit of local government or public care institution and which are not intended for seasonal use and not utilized primarily as a school or hospital eligible for assistance under this program; and

(2) Financial assistance provided to a school which is a local education agency as defined in § 455.2 must not be used for a technical assistance program or acquisition or installation of any energy conservation measure in any building of such agency which is used principally for administration.

(b) Be located in a State which has an approved State Plan as described in Subpart H of this part;

(c) Have conducted an energy audit, its equivalent or an energy use evaluation for the building for which financial assistance is to be requested, subsequent to the most recent construction, reconfiguration or utilization change which significantly modified energy use within the building;

(d) Give assurance that it has implemented all energy conservation maintenance and operating procedures identified as a result of the energy audit or its equivalent, identified in the energy use evaluation, or provide a written justification satisfactory to the Secretary, pursuant to § 455.90(j); and

(e) Submit an application in accordance with the provisions of this part and the approved State Plan.

§ 455.42 Contents of program.

(a) The purpose of a technical assistance program is to provide a report which meets the requirements of this section and the State's procedures for implementing this section. A technical assistance program should be designed—

(1) To identify and document energy conservation maintenance and operating procedure changes and energy conservation measures in sufficient detail to support possible application for financial assistance, and to provide reviewers and decisionmakers handling such applications sufficient information upon which to base judgments as to their reasonableness; and

(2) To provide the institution with a description of its current characteristics, procedures, operating and maintenance procedure changes and potential for cost-effective capital improvements such that the report can be used to guide those responsible for the energy and financial management of the institution in implementing energy conservation actions without regard to possible financial assistance under this program.

(b) A technical assistance program shall be conducted by a technical assistance analyst, who has the qualifications established in the State Plan in accordance with § 455.90(p) and who shall consider all feasible energy conservation operating and maintenance procedure changes and energy conservation measures for a building, including renewable resource measures. A technical assistance program shall identify the estimated costs of, and the energy and cost savings likely to be realized from, implementing energy conservation maintenance and operating procedures. A technical assistance program shall also provide a detailed engineering analysis to specify the estimated cost of, and the energy and cost savings likely to be realized from, acquiring and installing each energy conservation measure, including renewable resource measures, that indicate a significant potential for saving energy based upon the technical assistance analyst's initial consideration.

(c) The technical assistance analyst shall use the following factors in calculating costs—

(1) Current prices, including demand charges.

(2) Marginal prices where incremental prices apply.

(d) At the conclusion of a technical assistance program, the technical assistance analyst shall prepare a report which shall include—

(1) A description of building characteristics and energy data including—

(i) The results of the energy audit, its equivalent, or energy use evaluation of the building, together with a statement as to the accuracy of the energy audit data as required in § 455.42(d)(7), and completeness of the energy audit recommendations;

(ii) The operation characteristics of energy using systems; and

(iii) The estimated remaining useful life of the buildings;

(2) An analysis of the estimated energy consumption of the building, by fuel type in total Btu's and Btu/sq. ft./yr. using conversion factors prescribed by the State, at optimum efficiency (assuming implementation of all energy conservation maintenance and operating procedures);

(3) An evaluation of the building's potential for renewable resource conversions; including water heating systems;

(4) A listing of any known local zoning ordinances and building codes which may restrict the installation of solar or renewable resource systems;

(5) A description and analysis of all identified operating and maintenance procedures changes, if any, and energy conservation measures, including renewable resource measures, setting forth—

(i) A description of each operating and maintenance procedure change and an estimate of the costs of adopting such operating and maintenance procedure changes;

(ii) An estimate of the cost of design, acquisition and installation of each energy conservation measure, discussing pertinent assumptions as necessary;

(iii) Estimated useful life of each energy conservation measure;

(iv) An estimate of increases or decreases in maintenance and operating costs that would result from each conservation measure if any;

(v) An estimate of the salvage value or disposal cost of each energy conservation measure at the end of its useful life, if any;

(vi) An estimate supported by all data and assumptions used in arriving at the estimate, of the annual energy and energy cost savings (using current energy prices including demand charges) expected from each operating and maintenance procedure change and the acquisition and installation of each energy conservation measure. In calculating the potential energy cost savings or energy savings of each energy conservation measure, including renewable resource measures, the technical assistance analyst shall—

(A) Assume that all energy savings obtained from energy conservation maintenance and operating procedures have been realized;

(B) Calculate the total energy and energy cost savings, by fuel type, expected to result from the acquisition and installation of all feasible energy conservation measures, taking into account the interaction among the various measures;

(C) Calculate that portion of the total energy and energy costs savings, as determined in paragraph (d)(5)(vi)(B) of this section attributable to each individual energy conservation measure; and

(D) Consider climate and other variables;

(vii) The simple payback period of each energy conservation measure, taking into account the interactions among the various measures. The simple payback period is calculated by dividing the estimated total cost of the measure, as determined pursuant to § 455.42(d)(5)(ii), by the estimated annual cost saving accruing from the measure, as determined pursuant to § 455.42(d)(5)(vi). For the purposes of ranking applications, the simple payback period shall be calculated using the cost savings resulting from energy savings only, determined on the basis of current energy prices except:

(A) For energy conservation measures which result in conversion from oil, natural gas, other petroleum products or electricity to coal, the simple payback period shall be calculated based on the annual cost savings (using current energy prices) associated with the change in fuels; or

(B) For renewable resource energy conservation measures, the simple payback period shall be calculated using the cost of the fuels displaced (using current energy prices) as the annual cost savings; and

(viii) The estimated cost of the measure which shall be the total cost for design and other professional service (excluding cost of a technical assistance program), if any, and acquisition and installation costs. At the request of the applicant, the technical assistance report shall provide a life cycle cost analysis, which considers all costs and cost savings, such as maintenance costs and/or savings, resulting from an energy conservation measure for use by the institution;

(6) Energy use and cost data, actual or estimated, for each fuel type used for the prior 12-month period, by month if possible; and

(7) A signed and dated certification that the technical assistance program has been conducted in accordance with the requirements of this section and that the data presented is accurate to the best of the technical assistance analyst's knowledge.

Subpart D—Energy Conservation Measures for Schools and Hospitals

§ 455.50 Purpose and scope.

This subpart indicates what constitutes an energy conservation measure that may receive financial assistance under this part and sets forth the eligibility criteria for schools and hospitals to receive grants for energy conservation measures, including renewable resource measures.

§ 455.51 Eligibility.

(a) To be eligible to receive financial assistance for an energy conservation measure, including renewable resource measures, an applicant must—

(1) Be a school, hospital or coordinating agency as defined in § 455.2, provided that financial assistance provided to a school which is a local education agency as defined in § 455.2 must not be used for a technical assistance program or acquisition or installation of any energy conservation measure in any building of such agency which is used principally for administration;

(2) Be located in a State which has an approved State Plan as described in Subpart H of this part;

(3) Have completed a technical assistance program or its equivalent, as determined by the State in accordance with the State Plan, for the building for which financial assistance is to be requested, subsequent to the most recent construction, reconfiguration or utilization change to the building which significantly modified energy use within the building;

(4) Have implemented all energy conservation maintenance and operating procedures which are identified as the result of a technical assistance program, or have provided a satisfactory written justification for not implementing any specific maintenance and operating procedures so identified, as described in §455.90(j).

(5) Have no plan or intention at the time of application to close or otherwise dispose of the building for which financial assistance is to be requested within the simple payback period of any energy conservation measure recommended for that building; and

(6) Submit an application in accordance with the provisions of this part and the approved State Plan.

(b) To be eligible for financial assistance, the simple payback period of each energy conservation measure for which financial assistance is requested shall not be less than 2 years nor greater than 10 years, and the estimated useful life of the measure shall be greater than its simple payback period.

§ 455.52 Contents of program.

The programs to be funded under this part will be for the design, acquisition and installation of energy conservation measures to reduce energy consumption or measures to allow the use of solar or other alternative energy resources for schools and hospitals. Such measures include, but are not necessarily limited to those included in the definition of "energy conservation measures" in §455.2.

Subpart E—Applicant Responsibilities

§ 455.60 Grant application submittals.

(a) Each eligible applicant desiring to receive financial assistance shall file an application in accordance with the provisions of this subpart and the approved State Plan of the State in which such building is located. The application, which may be amended in accordance with applicable State procedures at any time prior to the State's final determination thereon, shall be filed with the State energy agency designated in the State Plan.

(b) Applications from schools, hospitals, units of local government, public care institutions and coordinating agencies for financial assistance for technical assistance programs shall include the certifications contained in § 455.61 and—

(1) The applicant's name and mailing address;

(2) The energy audit, its equivalent, or an energy use evaluation (as determined by the State) for each building for which financial assistance is requested;

(3) A project budget, by building, which stipulates the intended use of all Federal and non-Federal funds; including in-kind contributions (valued in accordance with the guidelines in 10 CFR 600.107(e)), to be used to meet the cost-sharing requirements described in Subpart G of this part;

(4) A brief description, by building, of the proposed technical assistance program, including a schedule, with appropriate milestone dates, for completing the technical assistance program; and

(5) Additional information required by the applicable State Plan, and any other information which the applicant desires to have considered, such as information to support an application from a school or hospital for financial assistance in excess of the 50 percent Federal share on the basis of severe hardship or an application which proposes the use of Federal funds, paid under and authorized by another Federal agreement, to meet cost sharing requirements.

(c) Applications from schools and hospitals and coordinating agencies for financial assistance for energy conservation measures, including renewable resource measures, shall include the certifications contained in § 455.61 and—

(1) The applicant's name and mailing address;

(2) Identification of each building pursuant to § 455.18(a) (1) through (5), or an equivalent identification if no preliminary energy audit was performed, for which financial assistance is requested, including—

(i) Name or other identification of each building and its address;

(ii) Building category;

(iii) Description of functional use;

(iv) Ownership; and

(v) Size of building expressed in gross square feet.

(3) A project budget, by measure or by building as provided in the State Plan, which stipulates the intended use of all Federal and non-Federal funds, and identifies the sources and amounts of non-Federal funds, including in-kind contributions (valued in accordance with the guidelines in 10 CFR 600.107(e)) to be used to meet the cost sharing requirements described in Subpart G of this part;

(4) A schedule, including appropriate milestone dates, for the completion of the design, acquisition and installation of the proposed energy conservation measures for each building;

(5) For each energy conservation measure proposed for funding, the projected cost, and the projected simple payback period as contained in § 455.42(d)(5) (vii) and (viii). Applications with more than one energy conservation measure per building shall include projected costs and paybacks for each measure, and the average simple payback period for all measures proposed for the building;

(6) Unless waived by DOE, the report of the technical assistance analyst. This report must have been completed since the most recent construction, reconfiguration or utilization change to the building, which significantly modified energy use, for each building.

(7) If the applicant is aware of any adverse environmental impact which may arise from adoption of any energy conservation measure, and analysis of that impact and the applicant's plan to minimize or avoid such impact; and

(8) Additional information required by the applicable State Plan, and any additional information which the applicant desires to have considered, such as information to support an application for financial assistance in excess of the 50 percent Federal share on the basis of severe hardship, or an application which proposes the use of Federal funds, paid under and authorized by another Federal agreement, to meet cost sharing requirements.

§ 455.61 Applicant certifications.

Applications for financial assistance for technical assistance programs and energy conservation measures, including

renewable resource measures, shall include certification that the applicant—

(a) Is eligible under § 455.41 for technical assistance or § 455.51 for energy conservation measures;

(b) Has satisified the requirements set forth in § 455.60;

(c) For applications for technical assistance, has implemented all energy conservation maintenance and operating procedures recommended as a result of the energy audit, its equivalent, or identified in the energy use evaluation, and for applications for energy conservation measures, those recommended in the report obtained under a technical assistance program. If any such procedure has not been implemented, the application shall contain a satisfactory written justification for not implementing that procedure as prescribed pursuant to § 455.90(j);

(d) Will obtain from the technical assistance analyst, before the analyst performs any work in connection with a technical assistance program or energy conservation measure, a signed statement certifying that the technical assistance analyst has no conflicting financial interests and is otherwise qualified to perform the duties of technical assistance analyst in accordance with the standards and criteria established in the approved State Plan;

(e) For a project under this Part having a total estimated cost of more than $5,000, any construction contract or subcontract in excess of $2,000 using any grant funds awarded under this part must include those contract labor standards provisions set forth in 29 CFR 5.5 and a provision for payment of laborers and mechanics at the minimum wage rates determined by the Secretary of Labor in accordance with the Davis-Bacon Act (40 U.S.C. 276a) as set forth in 29 CFR Part 1. For the purpose of this section "project" means an undertaking to acquire and install one or more energy conservation measures in a building which is eligible under this part; and

(f) Will comply with all reporting requirements contained in § 455.63.

§ 455.62 Grant applications for State administrative expenses.

(a) Each State desiring to receive grants to help defray State administrative expenses shall file an application in accordance with the provisions of this section. At any time after notice by DOE of the amounts allocated to each State for a grant program cycle, each State may apply to the Secretary for an amount for administrative expenses not exceeding $30,000 or 2 percent of its total allocation for technical assistance and energy conservation measures, whichever is higher. In addition, each State, after it makes the submittal to DOE required under § 455.72, may apply for a further grant not exceeding 5 percent of the total of all grant awards for technical assistance and energy conservation measures within that State in that grant program cycle, less any amounts previously awarded the State for administrative expenses in the same grant program cycle. In the event that a State cannot or decides not to use the amount available to it for an administrative grant under this section for administrative purposes, these funds may, at the discretion of the State, be used for technical assistance and energy conservation grants to eligible institutions within that State, in accordance with this part.

(b) Applications for financial assistance to defray State administrative expenses shall include—

(1) The name and address of the person designated by the State to be responsible for the State's functions under this part;

(2) An identification of intended use of all Federal and non-Federal funds, for the State administrative expenses listed in § 455.63(c) and a list of the sources and amounts of the required matching non-Federal funds, including in-kind contributions valued in accordance with the guidelines in the DOE Financial Assistance Rules (10 CFR 600.107(e)) to be used to meet the cost-sharing requirements described in Subpart G of this part; and

(3) Any other information required by DOE.

§ 455.63 Grantee records and reports.

(a) Each State, school, hospital, unit of local government, public care institution and coordinating agency which receives a grant for a technical assistance program, energy conservation measure, including renewable resource measures, or State administrative expenses shall keep all the records required by § 455.4 in accordance with DOE Financial Assistance Rules.

(b) Each grantee shall submit reports as follows—

(1) For technical assistance projects, two copies of a final report of the analysis completed on each building for which financial assistance was provided shall be submitted to the State energy agency no later than 90 days following completion of the analysis. These reports shall contain—

(i) The report submitted to the institution by the technical assistance analyst, and

(ii) The institution's plan to implement energy conservation maintenance and operating procedures.

(2) For energy conservation measure projects—

(i) Grantee shall submit semi-annual progress reports. Two copies shall be submitted to the State energy agency no later than the end of July and January and shall detail and discuss milestones accomplished, those not accomplished, status of in-progress activities, and remedial actions if needed to achieve project objectives. A final report may be submitted in lieu of the last semi-annual report if it satisfies the semi-annual progress report and final report designated time frames;

(ii) Grantees shall submit a final report. Two copies shall be submitted to the State within 90 days of the completion of the project and shall list and describe the energy conservation measures acquired and installed, contain a final estimated simple payback period for each measure and the project as a whole, and include a statement that the completed energy conservation measures conform to the approved grant application.

(iii) Grantees shall submit annual energy use reports. Two copies shall be submitted to the State within 60 days of the close of each 12-month period following project completion for a period of three years, or for the life of this Federal program, whichever is shorter, and shall identify each building and provide data on energy use for that building for the preceding 12-month period.

(3) For State administrative grants, each State shall submit a semi-annual program performance report to DOE by the close of each February and August. The report will provide:

(i) A discussion of administrative activities pursuant to § 455.63(c), and a discussion of milestones accomplished, those not accomplished, status of in-progress activities, problems encountered, and remedial actions, if any, planned pursuant to § 455.73(f);

(ii) A summary of grantee reports received by the State during the report period pursuant to paragraphs (b)(1) and (b)(2) of this section; and

(iii) For the report due to be submitted to DOE by the close of each August, an estimate of annual energy use reductions in the State, by energy source, attributable to implementation of energy conservation maintenance and operating procedure and installation of energy conservation measures under this program. Such estimates shall be based upon a sampling of institutions participating in the technical assistance

phase of this program and upon the reports submitted to the State pursuant to paragraph (b)(2)(iii) of this section.

(4) Such other information as the Secretary may, from time to time request.

(5) Each copy of any technical assistance, energy conservation measures, or State administrative report shall be accomplished by a financial status report completed in accordance with the documents listed in § 455.3. A financial status report shall not be required for annual reports submitted pursuant to paragraph (b)(2)(iii) of this section. In addition, States shall file quarterly financial status reports for the quarters which occurs between the semi-annual report periods covered in their program performance reports. These quarterly reports are due within 30 days following the end of the applicable quarters.

(6) Grantee technical assistance, energy conservation measure, and financial status reports submitted to the State shall be submitted by the State to DOE as required by the Secretary.

Subpart F—State Responsibilities

§ 455.70 State evaluation of grant applications.

(a) If an application received by a State is reviewed and evaluated by that State and determined to be in compliance with Subparts C, D and E of this part, § 455.70(b), any additional requirements of the approved State Plan, State environmental laws, and other applicable laws and regulations, then such application will be eligible for financial assistance.

(b) Concurrently with its evaluation and ranking of grant applications pursuant to § 455.71, the State will forward applications for technical assistance or for energy conservation measures for a school or hospital to the State school facilities agency or the State hospital facilities agency, as the case may be, for review and certification that each school application is consistent with related State programs for educational facilities, and each hospital application is consistent with State health plans under sections 1524(c)(2) and 1603 of the Public Health Service Act (42 U.S.C. 300m–3 and 300o–2, respectively), and that each has been coordinated through abbreviated review mechanisms under section 1523 of the Public Health Service Act (42 U.S.C. 300m–2) and section 1122 of the Social Security Act. No application from a school or hospital shall be eligible for funding until such certification has been issued.

§ 455.71 State ranking of grant applications.

All eligible applications received by the State will be ranked by the State in accordance with its approved State Plan.

(a) For technical assistance programs, buildings shall be ranked in descending priority based upon the energy conservation potential of the building as determined from an energy audit, its equivalent, or an energy use evaluation if an energy audit has not been performed, in accordance with the procedures established in the State Plan and one or more of the methods indicated in § 455.19(c) or § 455.20(d). In the case of buildings having equivalent energy conservation potential, preference shall be given to those buildings which have completed an energy audit or evaluation without the use of Federal funds. Each State shall develop separate rankings for all buildings covered by eligible applications for—

(1) Technical assistance programs for units of local government and public care institutions, and

(2) Technical assistance programs for schools and hospitals.

(b) All eligible applications for energy conservation measures received will be ranked by the State on an individual building-by-building or a measure-by-measure basis. Several buildings may be ranked as a single building if the application proposes a single energy conservation measure which directly involves all of the buildings. Buildings or measures shall be ranked in accordance with the procedures established by the State Plan, on the basis of the information developed during a technical assistance program (or its equivalent) for the building and the criteria for ranking applications, which are listed below in the descending order in which weights for each criterion are to be applied by the State—

(1) Payback, calculated in accordance with § 455.42(d)(5)(vii);

(2) The types of energy sources to which conversion is proposed, including in descending priority—

(i) Renewable; and

(ii) Coal;

(3) The types and quantities of energy to be saved, including oil, natural gas, or electricity, in a priority as established in the approved State Plan;

(4) The quality of the technical assistance program report; and

(5) Other factors as determined by the State.

(c) A State is exempt from the ranking requirements of this section when—

(1) The total amount requested by all applications for schools and hospitals for technical assistance and energy conservation measures in a given grant program cycle for grants up to 50 percent is less than or equal to the funds available to the State for such grants and the total amount recommended for hardship funding is less than or equal to the amounts available to the State for such grants.

(2) The total amount requested by all applications for buildings owned by units of local government and public care institutions in a given grant program cycle is less than or equal to the total amount allocated to the State for technical assistance program grants in the State.

(d) Within the rankings of school and hospital buildings for technical assistance and energy conservation measures, including renewable resource measures, to the extent that approvable applications are submitted, a State shall initially assure that—

(1) Schools receive at least 30 percent of the total funds allocated for schools and hospitals to the State in any grant program cycle; and

(2) Hospitals receive at least 30 percent of the total funds allocated for schools and hospitals to the State in any grant program cycle.

(e) To the extent provided in § 455.100(d), financial assistance will be initially available for schools and hospitals experiencing severe hardship based upon an applicant's long-term need or inability to provide the 50 percent non-Federal share. This financial assistance will be available only to the extent necessary to enable such institutions to participate in the program.

(1) The State shall recommend funds for severe hardship applications wholly or partially from the funds reserved in accordance with § 455.100(d) and as stated in an approved State Plan.

(2) Applications for Federal funding in excess of 50 percent based on claims of severe hardship shall be given an additional evaluation by the State to assess on a quantifiable basis, to the maximum extent practicable, the relative need among eligible institutions. The minimum amount of additional Federal funding necessary for the applicant to participate in the program will be determined by the State in accordance with the procedures established in the State Plan and will be based upon one or more of the following—

(i) The ratio of the cost of the proposed technical assistance programs or energy conservation measures to the institution's total annual budget;

(ii) The borrowing capacity of the institution;

(iii) The average unemployment rate for the institution's locality at the time the application is submitted;

(iv) The ratio of the amount expended annually by the institution for energy to the institution's total annual operating budget;

(v) The median annual family income of the institution's locality; and

(vi) Other special conditions of the institution or its locality as determined by the State.

(3) A State shall indicate, for those schools and hospitals with the highest rankings, determined pursuant to paragraphs (a) and (b) of this section—

(i) The amount of additional hardship funding requested by each eligible applicant for each building determined to be in a class of severe hardship; and

(ii) The amount of hardship funding recommended by the State based upon relative need as determined in accordance with the State Plan, to the limit of the hardship funds available.

(f) Only schools, hospitals, and hardship applicants shall be recommended for funding from the appropriate allocation specified in paragraphs (d) and (e) of this section, unless after the State deadline for submitting applications has passed, there are insufficient applications meeting the requirements of paragraphs (d) and (e) of this section and otherwise qualifying for funding under this part, in which case the State may recommend use of the remaining funds in those allocations to fund applications under this part without regard to the limitations of paragraphs (d) and (e) of this section.

§ 455.72 Forwarding of applications.

(a) Each State shall forward all applications recommended for funding within its allocation to the Secretary once each grant program cycle along with a listing of buildings or measures covered by eligible applications for schools, hospitals, units of local government and public care institutions, and ranked by the State pursuant to the provisions of § 455.71. If ranking has been employed the list shall include the standings of buildings or measures.

(1) Measure by measure rankings will be recombined for the respective building with more than one recommended measure.

(2) Buildings will be consolidated under one grantee application.

(b) The State shall indicate the amount of financial assistance requested by the applicant for each eligible building and, for those buildings recommended for funding within the limits of the State's allocation, the amount recommended for funding. If the amount recommended is less than the amount requested by the applicant, the list shall also indicate the reason for that recommendation.

(c) States shall certify applications submitted are eligible pursuant to § 455.70(a).

§ 455.73 State liaison, monitoring and reporting.

Each State shall be responsible for—

(a) Consulting with eligible institutions and coordinating agencies representing such institutions in the development of its State Plan;

(b) Notifying eligible institutions and coordinating agencies of the content of the approved State Plan and any amendment to a State Plan;

(c) Notifying each applicant how the applicant's building or measure ranked among other applications, and whether and to what extent its application will be recommended for funding or, if not to be recommended for funding, the specific reason(s) therefor;

(d) Certifying that each institution has given its assurance that it is willing and able to participate on the basis of any changes in amounts recommended for that institution in the State ranking pursuant to § 455.71;

(e) Reporting requirements pursuant to § 455.63(b)(3); and

(f) Direct program oversight and monitoring of the activities for which grants are awarded as defined in the State Plan. States shall immediately notify the Secretary of any non-compliance or indication thereof.

Subpart G—Grant Awards

§ 455.80 Approval of grant applications.

(a) The Secretary shall review and approve applications submitted by a State in accordance with § 455.72 if the Secretary determines that the applications meet the objectives of the Act, and comply with the applicable State Plan and the requirements of this part. The Secretary may disapprove all or any portion of an application to the extent funds are not available to carry out a program or measure (or portion thereof) contained in the application, or for such other reason as the Secretary may deem appropriate.

(b) The Secretary shall notify a State and the applicant of the final approval or disapproval of an application at the earliest practicable date after the Secretary's receipt of the application, and, in the event of disapproval, shall include a statement of the reasons therefor.

(c) An application which has been disapproved for reasons other than lack of funds may be amended to correct the cause of its disapproval and resubmitted in the same manner as the original application at any time within the same grant program cycle. Such an application will be considered to the extent funds have not already been designated for institutions by the ranking process at the time of resubmittal. However, nothing in this provision shall obligate either the State or the Secretary to take final action regarding a resubmitted application within the grant program cycle. An application not acted upon may be resubmitted in a subsequent grant program cycle.

(d) The Secretary shall not provide supplemental funds beyond those awarded for technical assistance projects and shall fund only one technical assistance project per building.

(e) The Secretary shall not provide supplemental funds beyond those awarded for all energy conservation measures funded under a grant in a given grant program cycle. An institution may apply for, and the Secretary may make, grant awards in another grant program cycle for energy conservation measures for which financial assistance was not previously and specifically provided, even though the measures relate to a building which previously received grants for other energy conservation measures.

(f) The Secretary may fund costs incurred by an institution for technical assistance and energy conservation measure projects after the date of the grant application, so long as that date is no earlier than the close of the preceding grant program cycle. Such costs may be funded when, in the judgment of the Secretary, the institution has complied with program requirements and the costs incurred are allowable under applicable cost principles and the approved project budget. The applicant bears the responsibility for the entire project cost unless the application is approved by the Secretary in accordance with this part.

(g) In addition to the prior approval requirements for project changes as specified in the DOE Financial Assistance Rules (10 CFR 600.114(c)), a grantee shall request prior written approval from DOE before—

(1) Transferring DOE or matching amounts between buildings included in an approved application when the State ranks applications on a building-by-building basis, or

(2) Transferring DOE or matching amounts between energy conservation

measures included in an approved application when the State ranks on a measure-by-measure basis.

§ 455.81 Grant awards for units of local government and public care institutions.

(a) The Secretary may make grants to units of local government, public care institutions and coordinating agencies for up to 50 percent of the costs of performing technical assistance programs for buildings covered by an application approved in accordance with § 455.80; except that in the case of units of local government and public care institutions a majority of whose operating and capital funds are provided by the government of the Virgin Islands, Guam, American Samoa, or the Commonwealth of Northern Mariana Islands, a grant may be made for up to 100 percent of such costs.

(b) Total grant awards within any State to units of local government and public care institutions are limited to funds allocated to each State in accordance with Subpart I of this part.

(c) Units of local government and public care institutions are not eligible for financial assistance for severe hardship.

(d) No grant awarded under this section for a technical assistance program shall include funding for the purchase of any single item of equipment or tangible personal property having an acquisition cost in excess of $500.

§455.82 Grant awards for schools and hospitals.

(a) The Secretary may make grants to schools, hospitals and coordinating agencies for up to 50 percent of the costs of performing technical assistance programs for buildings covered by an application approved in accordance with § 455.80; except that in the case of schools and hospitals a majority of whose operating and capital funds are provided by the government of the Virgin Islands, Guam, American Samoa, or the Commonwealth of the Northern Mariana Islands a grant may be made for up to 100 percent of such costs. Grant awards for technical assistance programs in any State within any grant program cycle shall be limited to a portion of the total allocation as specified in the Subpart I.

(b) The Secretary may make grants to schools, hospitals and coordinating agencies for up to 50 percent of the costs of acquiring and installating energy conservation measures, including renewable resource measures, for buildings covered by an application approved in accordance with § 455.80; except that in the case of schools and hospitals a majority of whose operating and capital funds are provided by the government of the Virgin Islands, Guam, American Samoa, or the Commonwealth of the Northern Mariana Islands, a grant may be made for up to 100 percent of such costs.

(c) The Secretary may award up to 10 percent of the total amount allocated to a State for schools and hospitals in a case of severe hardship, ascertained by the State in accordance with the State Plan, for buildings recommended and in amounts determined by the State pursuant to §455.71(e).

(d) No grant awarded under this section for a technical assistance program shall include funding for the purchase of any single item of equipment or other tangible personal property having an acquisition cost in excess of $500.

(e) Applicant expenditures for a technical assistance program or installation or one of more energy conservation measures commenced after November 8, 1978 for a building may be wholly or partially credited, in the discretion of the Secretary, toward meeting the matching non-Federal funds requirement for a grant for additional energy conservation measures in the same building. Credit will be considered only when the projects for which credit is sought meet program requirements, except that the project need not comply with the Davis-Bacon Act regarding labor standards or wage rates. Credit for energy conservation measures will be considered only when supported by a technical assistance analysis performed prior to the installation of the energy conservation measures. Applications for credit for completed or partially completed energy conservation measures will be considered in conjunction with applications for additional energy conservation measures. The application shall reflect both the work done and the work to be done and will be reviewed and ranked on that basis. In no case shall the credit exceed an amount equal to the non-Federal share of the proposed additional energy conservation measures.

§ 455.83 Grant awards for State administrative expenses.

(a) For the purpose of defraying State expenses in the administration of technical assistance programs in accordance with Subpart C and energy conservation measures in accordance with Subpart D, the Secretary may make grant awards to a State—

(1) Immediately following public notice of the amounts allocated to a State for the grant program cycle, and upon approval of the application for administrative costs, in an amount not exceeding $30,000 or 2 percent of that State's allocation for a given grant program cycle for technical assistance and energy conservation measures, whichever is higher. Grants for such purposes may be made for up to 50 percent of a State's projected administrative expenses, or in the case of grants to the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands, for up to 100 percent of the projected administrative expenses, as approved by the Secretary; and

(2) Concurrently with grant awards for approved applications for technical assistance or energy conservation measures for institutions in that State, and upon approval of an application for administrative costs, in an amount not exceeding the difference between the amount granted pursuant to paragraph (a)(1) of this section and 5 percent of the total amount of grants awarded within the State for technical assistance programs and energy conservation measures in the applicable grant program cycle. Grants for such purposes may be made for up to 50 percent of a State's projected administrative expenses or in the case of grants to the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands, for up to 100 percent of the projected administrative expenses, as approved by the Secretary. The total of all grants for State administrative costs, technical assistance programs and energy conservation measures in that State shall not exceed the total amount allocated for that State for any grant program cycle.

(b) In the event that a State cannot or decides not to use the amount available to it for an administrative grant under this section for administrative purposes, these funds may, at the discretion of the State, be used for technical assistance and energy conservation grants to eligible institutions within that State in accordance with this part.

(c) A State's administrative expenses shall be limited to those directly related to administration of technical assistance programs and energy conservation measures including costs associated with—

(1) Personnel, whose time is expended directly in support of such administration;

(2) Supplies, and services, expended directly in support of such administration;

(3) Equipment purchased or acquired solely for, and utilized directly in support of such administration, provided that no single item of equipment or other

tangible personal property costing more than $500 shall be acquired without the prior written approval of DOE;

(4) Printing, directly in support of such administration; and

(5) Travel, directly related to such administration.

Subpart H—State Plan Development and Approval

§ 455.90 Contents of State plan.

Each State shall develop a State Plan for technical assistance programs and energy conservation measures, including renewable resource measures. The State Plan shall include—

(a) A statement setting forth the procedures by which the views of eligible institutions or coordinating agencies representing such institutions, or both, were solicited and considered during development of the State Plan, and any amendment to a State Plan;

(b) The procedures the State will follow to notify eligible institutions and coordinating agencies of the content of the approved State Plan, or any approved amendment to a State Plan;

(c) The procedures for submittal of grant applications to the State;

(d) A description and evaluation of the results of preliminary energy audits (described in Subpart B of this part) which have been conducted in the State including, but not limited to—

(1) In the case of a State which has completed preliminary energy audits of all potentially eligible buildings, a summary of the data gathered pursuant to §455.18 for all such buildings;

(2) In the case of a State which has completed preliminary energy audits of a sample of all potentially eligible buildings within the State—

(i) Reasonably accurate estimates of the preliminary energy audit data required by § 455.18 for all potentially eligible buildings within the State; and

(ii) A plan which describes further actions to be taken to complete preliminary energy audits of all potentially eligible buildings;

(e) The procedures to be used by the State for evaluating and ranking technical assistance and energy conservation measure grant applications pursuant to § 455.71, including the weights assigned to each criterion set forth in § 455.71(b). In addition, the State shall determine the order of priority given to fuel types that include oil, natural gas, and electricity, under § 455.71(b)(3).

(f) The procedures that the State will follow to insure that funds will be allocated equitably among eligible applicants within the State, including procedures to insure that funds will not be allocated on the basis of size or type of institution but rather on the basis of relative need taking into account such factors as cost, energy consumption and energy savings, in accordance with § 455.71;

(g) The procedures that the States will follow for identifying schools and hospitals experiencing severe hardship and for apportioning the funds that are available for schools and hospitals in a case of severe hardship. Such policies and procedures shall be in accordance with § 455.71(e);

(h) A statement setting forth the extent to which, and by which methods, the State will encourage utilization of solar space heating, cooling and electric systems and solar water heating systems;

(i) The procedures to assure that all financial assistance under this part will be expended in compliance with the requirements of the State Plan, in compliance with the requirements of this part, and in coordination with other State and Federal energy conservation programs;

(j) The procedures to insure implementation of energy conservation maintenance and operating procedures in those buildings for which financial assistance is requested under this part. At a minimum, the plan shall provide all maintenance and operating procedure changes recommended in an energy audit report, the equivalent of an energy audit report, an energy use evaluation, a technical assistance report, or a combination of these that have been implemented as provided under this part. An assurance that the maintenance and operating procedures will be implemented in the future, or a justification for not implementing such a procedure, as appropriate, may be acceptable in lieu of implementation if it is shown that—

(1) The recommendation is infeasible because of factors not considered by the auditor or analyst;

(2) There is a cost involved which exceeds the institution's limit in operating expenditures, provided it is shown a budget request has been made to implement the recommendation, and assurance is given that the change will be effected at some specified future date;

(3) The implementation of the change requires some item of supply or material which is not presently available; or

(4) Other factors subject to approval by the Secretary on a case-by-case basis;

(k) The procedures designed to insure that financial assistance under this part will be used to supplement, and not to supplant, State, local or other funds;

(l) The circumstances under which the State will accept an energy use evaluation in lieu of an energy audit, and the information the State will require to be contained in that evaluation;

(m) The procedures for determining that energy audits performed without the use of Federal funds have been performed in substantial compliance with the eligibility requirements contained in § 455.41(c);

(n) The procedures for determining that technical assistance programs performed without the use of Federal funds have been performed in compliance with the requirements of § 455.42, for the purposes of satisfying the eligibility requirements contained in § 455.51(a)(3);

(o) The procedures for State management, monitoring and evaluation of technical assistance programs and energy conservation measures receiving financial assistance under this part;

(p) A description of the State's program for establishing and insuring compliance with qualifications for technical assistance analysts. Such policies shall require that technical assistance analysts have experience in energy conservation and—

(1) Be a registered professional engineer licensed under the regulatory authority of the State;

(2) Be an architect-engineer team, the principal members of which are licensed under the regulatory authority of the State; or

(3) Be otherwise qualified in accordance with such criteria as the State may prescribe in its State Plan to insure that individuals conducting technical assistance programs possess the appropriate training and experience in building energy systems. Such policies shall also require that technical assistance analysts be free from financial interests which may conflict with the proper performance of their duties;

(q) A statement setting forth—

(1) An estimate of energy savings which may result from the modification of maintenance and operating procedures and installation of energy conservation measures;

(2) A recommendation as to the types of energy conservation measures considered appropriate within the State; and

(3) An estimate of the costs of carrying out technical assistance and energy conservation measures programs; and

(r) For purposes of the technical assistance program, § 455.42, a statement setting forth uniform

conversion factors to be used in the technical assistance analysis for conversion of fuels to Btu equivalents.

§ 455.91 Submission and approval of State plans.

(a) Proposed State Plans or amendments necessitated by a change in regulations shall be submitted to the Secretary within 90 days of the effective date of this subpart or any amended regulations. The Secretary, upon request and for good cause shown, may grant an extension of time.

(b) The Secretary shall, within 60 days of receipt of a proposed State Plan, review each plan and, if it is found to conform to the requirements of this part, approve the State Plan. If the Secretary does not disapprove a State Plan within the 60-day period, the Secretary will be deemed to have approved the State Plan.

(c) If the Secretary determines that a proposed State Plan fails to comply with the requirements of this part the Secretary shall return the plan to the State with a statement setting forth the reasons for disapproval.

(d) The Secretary shall review each amendment submitted by the State and, if it is found to conform to the requirements of this part, approve the amendment. If the Secretary determines that a proposed State Plan amendment fails to comply with the requirements of this part, the Secretary shall return the amendment to the State with a statement setting forth the reasons for disapproval. With the consent of the Secretary, the State may submit a new or amended plan at any time.

§ 455.92 State plans developed by the Secretary.

(a) If a State Plan has not been approved by February 7, 1981, or within 90 days after completion of the preliminary energy audits, whichever is later, the Secretary may develop and implement a State Plan on behalf of the schools and hospitals in the State.

(b) Subsequent to the development of a State Plan by the Secretary, the State may submit its own State Plan and the Secretary shall approve or disapprove such plan within 60 days after receipt by the Secretary. If the proposed plan meets the requirements of this part, and is not inconsistent with any plan developed and implemented by the Secretary, the Secretary shall approve the State Plan which shall automatically replace the plan developed by the Secretary.

Subpart I —Allocation of Appropriations Among the States

§ 455.100 Allocation of funds.

(a) The Secretary will allocate available funds among the States for the purpose of awarding grants to schools, hospitals, units of local government, and public care institutions and coordinating agencies to implement technical assistance and energy conservation measures grant programs in accordance with this part.

(b) The Secretary shall notify each Governor of the total amount allocated for grants within the State for any grant program cycle—

(1) For schools and hospitals, the allocation amount shall be for technical assistance programs, together with any limitation placed on technical assistance, and energy conservation measures; and

(2) For units of local government and public care institutions, the allocation amount shall be solely for technical assistance programs.

(c) The Secretary shall notify each Governor of the period for which funds allocated for a grant program cycle will be made available for grants within the State.

(d) Each State shall make available up to 10 percent of its allocation for schools and hospitals in each grant program cycle to provide financial assistance, not to exceed a 90 percent Federal share, for technical assistance programs and energy conservation measures for schools and hospitals determined to be in a class of severe hardship. Such determinations shall be made in accordance with § 455.71(e).

§ 455.101 Allocation formulas.

(a) Financial assistance for conducting technical assistance programs for units of local government and public care institutions shall be allocated among the States by multiplying the sum available by the allocation factor set forth in paragraph (c) of this section.

(b) Financial assistance for conducting technical assistance programs and acquiring and installing energy conservation measures including renewable resource measures, shall be allocated among the States by multiplying the sum available by the allocation factor set forth in paragraph (c) of this section.

(c) The allocation factor (K) shall be determined by the formula—

$$K = \frac{0.07}{N} + 0.1\frac{(Sfc)}{(Nfc)} + 0.83\frac{(SP)(SC)}{(NPC)}$$

where, as determined by DOE—

(1) Sfc is the projected average retail cost per million Btu's of energy consumed within the region in which the State is located, as contained in current regional energy cost projections obtained from the Energy Information Administration.

(2) Nfc is the summation of the Sfc numerators for all States;

(3) N is the total number of eligible States;

(4) SP is the population of the State, as contained in the most recent Bureau of the Census, Department of Commerce, Official Census documents;

(5) SC is the sum of the State's heating and cooling degree days, as contained in the National Oceanic and Atmospheric Administration's most recent editions of "State, Regional and National Monthly and Seasonal Heating Degree Days, Weighted by Population;" and "State, Regional and National Monthly and Seasonal Cooling Degree Days, Weighted by Population;" and

(6) NPC is the summation of the (SP)(SC) numerators for all States.

(d) Except for the District of Columbia, Puerto Rico, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and the Virgin Islands, no allocation available to any State may be less than 0.5 percent of all amounts allocated in any grant program cycle. No State will be allocated more than 10 percent of the funds allocated in any grant program cycle.

§ 455.102 Reallocation of funds.

(a) If a State Plan has not been approved and implemented by a State by the close of the period for which allocated funds are available as set forth in the notice issued by the Secretary pursuant to § 455.100(c), funds allocated to that State for technical assistance and energy conservation measures will be reallocated among all States for the next grant program cycle, if available.

(b) If a State Plan has not been approved by February 7, 1981, or within 90 days after completion of the preliminary energy audits, whichever is later, the Secretary may develop and implement a State Plan on behalf of the schools and hospitals within the State. If the Secretary does not develop a State Plan for a State, the funds reserved for that grant program cycle for schools and hospitals in that State will be reallocated for the next grant program cycle among all States for schools and hospitals.

(c) The Secretary shall reallocate the funds which remain unobligated by DOE at the end of any grant program cycle among all States in the next grant program cycle.

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Part III

Environmental Protection Agency

40 CFR Parts 260, 264, 265, and 270

Hazardous Waste Management System; Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities; Final Rule

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 260, 264, 265, and 270

[SWH–FRL 2789–1]

Hazardous Waste Management System; Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: Under authority of the Resource Conservation and Recovery Act (RCRA), EPA is promulgating a rule that requires the use of a paint filter test to determine the absence or presence of free liquids in either a containerized or bulk waste. This rule applies to owners and operators of hazardous waste landfills regulated under 40 CFR Parts 264 and 265. This rule is based on public comments received on a proposed paint filter test and laboratory testing of six test protocols designed to detect the presence of free liquids. The rule includes conforming amendments to several other sections of the regulations.

DATES: Effective Date: This final rule becomes effective on June 14, 1985. The incorporation by reference of the publication listed in these regulations is approved by the Director of the Federal Register as of June 14, 1985.

FOR FURTHER INFORMATION CONTACT: For general information, contact the RCRA Hazardous Waste Hotline, Office of Solid Waste (WH–563), U.S. Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460, telephone 800/424–9346 (382–3000 in Washington, D.C.). For specific information on this amendment, contact Paul Cassidy, Office of Solid Waste (WH–565), U.S. Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460 (202) 382–4682.

SUPPLEMENTARY INFORMATION:

I. Background

On May 19, 1980, EPA promulgated regulations that established most of the basic elements of the hazardous waste management program required by Subtitle C of the Resource Conservation and Recovery Act of 1976, as amended, 42 U.S.C. 6921 et seq. See 45 FR 33066 (May 19, 1980). Part 265 of these regulations sets forth standards that apply to owners and operators of existing interim status hazardous waste treatment, storage, and disposal facilities. These regulations included limitations on the placement in a landfill of both bulk or non-containerized and containerized liquid waste or waste containing free liquids.

The May 19, 1980 regulations defined "free liquids" a "liquids which readily separate from the solid portion of a waste under ambient temperature and pressure." See 40 CFR 260.10. In the preamble to the May 19, 1980 regulations, the Agency suggested that an inclined plane test to determine whether sludges or semi-solids contained free liquids be used until a more rigorous test was devised.

On February 25, 1982, the Agency proposed a paint filter test for landfill operators to use to determine the presence of free liquids in sludges, semi-solids, slurries, and other wastes that are commonly received in containers. See 48 FR 57144 (February 25, 1982).

On July 26, 1982, EPA issued standards for use in issuing permits for facilities that treat, store, or dispose of hazardous wastes. See 47 FR 32274 (July 26, 1982). These regulations also included standards for the landfilling of both bulk or non-containerized and containerized liquid waste or waste containing free liquids.

On December 28, 1983, EPA issued a notice of availability of information and request for comments. This notice made available the results of laboratory tests conducted to evaluate the suitability of six test protocols in determining the presence of free liquids in waste samples. A summary of this information is presented in this preamble.

II. Final Rulemaking on Paint Filter Test

(A) Comments Concerning Proposed Paint Filter Test

The Agency initially proposed a paint filter test on February 25, 1982, and solicited comments on this proposed method as well as on any other test protocols that were capable of determining whether or not a waste sample contained free liquids.

The proposed paint filter test protocol called for a 100 ml representative sample of the waste to be placed in a 400 micron conical paint filter for five minutes. The filter was to be supported by a funnel on a ring stand with a beaker or cylinder below the funnel to capture any liquid that passed through the filter. If any amount of liquid passed through the filter, the waste would be considered to hold free liquids.

The comments received on the paint filter test proposed on February 25, 1982 were favorable. Commenters felt that the Agency had proposed a needed and straightforward test; they also believed that the test was simple and practical. Some commenters questioned the length of the test (5 minutes); they generally felt that a longer test period was needed to accurately determine the amount of free liquids. One commenter stated that unless EPA identifies a specific brand of filter or provides specifications for the filter mesh, application of the February 25, 1982 test may produce inconsistent results.

Comments received on the December 28, 1983 Notice of Availability also endorsed the use of the paint filter test as the appropriate test protocol for determining the presence of free liquids in a waste material. Commenters questioned why hazardous wastes were not used in the testing program and also why a greater number (range) of hazardous materials were not evaluated with the six test protocols.

Although most of those commenting on the December 28, 1983 Notice of Availability agreed that the paint filter test was the appropriate test method, a few requested that EPA finalize several tests as suitable and that the owners or operators of hazardous waste landfill facilities be given the option of selecting any one of the optional test protocols.

Most commenters agreed that five minutes was an appropriate duration in order to determine the presence of free liquids on a pass/fail basis. A few commenters recommended a longer duration to completely assure that free liquids do not exist in a waste material.

The laboratory testing done on the paint filter test (see December 28, 1983, notice of Availability) incorporated the use of a fluted funnel and standard watchglass. These items were not part of the apparatus of the paint filter test as initially proposed in February, 1982. Therefore, commenters addressed the appropriateness of these measures for the first time following the Notice of Availability issued in December of 1983.

Commenters questioned the use of a standard watchglass in the paint filter test. One commenter claimed that evaporation is a negligible factor particularly when the duration is short. Commenters opposed using the standard watchglass to simulate landfill pressures. Commenters argued that there are no standardized conditions that could be suggested and any attempts to go beyond an evaluation of the waste itself will inevitably complicate the testing and interfere with the results.

Commenters also questioned the use of a fluted paint filter to facilitate moisture flow. Commenters stated that most laboratories do not use a funnel; instead, the paint filter alone is supported by a ring stand of about 100 mm ID. Another commenter stated that

in his use of the paint filter test, the support funnel used was of a different conical cross section than the paint filter. Contact between the two occurred only at the lip of the funnel. In this situation, use of a fluted funnel would be an unnecessary refinement.

A final comment requested that the quantity of waste be specified as 100g rather than 100ml. The commenter argued that measuring volume was not practicable when dealing with viscous materials.

(B) Evaluation of Various Test Protocols and Response to Comments

EPA has evaluated a variety of testing methods that could potentially determine the presence of free liquids in waste materials. The results of this study were made available to the public in the December 28, 1983, Notice of Availability. The test protocols evaluated were an inclined plane test, a lab press, a filtration test, a graduated cylinder test, a sieve test, and a paint filter test.

Five waste materials were used to evaluate these test methods. The selected wastes were drilling mud, air pollution control equipment sludge, paint sludge, separator sludge, and paper sludge. These waste materials were not hazardous wastes, but were selected because their textural consistencies were representative of the range of consistencies of hazardous wastes. The waste materials included those that could be classified as gelatinous, granular, oily, and fibrous.

The Agency has concluded that the paint filter test is the correct selection for a free liquid test protocol. The test protocols that simulate landfill pressures (lab press and filtration unit) have more disadvantages than any of the other test methods.[1] These disadvantages are:

(1) Required operator training;

(2) Difficulties in running the test methods; and

(3) Difficulties in cleaning the test equipment.

The operational problems of the pressure tests could lead to inaccurate results. Due to the complexity of the equipment used in the pressure tests, operator training is necessary to gain familiarity with the equipment and understanding of the procedures. Even if an operator has been trained, the pressure tests have characteristics that make them difficult to run. Proper alignment of the piston and test cylinder is critical to proper execution of the lab press test. When the alignment is not perfect, the test plunger will jam against the sides of the cylinder. The lab press must also be cleaned after every test. This is a tedious job due to the numerous parts in the cylinder. If the test cylinder is not thoroughly cleaned between tests, accuracy of the test may be impaired. A drawback encountered when testing with the filtration unit included the need to monitor the pressure. Since the pressure must always be maintained during testing with the filtration unit, continual monitoring of the equipment is necessary, thereby increasing the complexity of the test.

The other four test methods evaluated were gravity tests (only atmospheric pressure was applied to the samples). The sieve test is too erratic and the results are not reproducible. The graduated cylinder test that takes 24 hours is too lengthy to be used by owners and operators in the field. The Agency was concerned that such a lengthy test could interrupt landfill operations and possibly result in environmental damage. In addition, such a test could be difficult for EPA enforcement personnel to use.

This left the Agency with a choice between the inclined plane test and the paint filter test. The inclined plane test had a few minor disadvantages compared to the paint filter test. The overall test results indicate that the inclined plane test is less accurate than the paint filter test in determining the presence of free liquids. Occasionally during testing, the entire waste sample moved down the inclined plane. It would be difficult to interpret whether this indicated the presence or absence of free liquids. Also, during testing of the inclined plane, liquid adhered to the underside of the glass surface, making interpretation of the test results difficult.

The Agency has concluded that on a pass/fail basis, the paint filter test is the most appropriate test to use in order to determine the presence of free liquids and therefore determine which wastes will require further treatment before they can be landfilled.

A commenter from the regulated community agreed that the selection of the paint filter test, as opposed to the inclined plane test, was the correct choice as the appropriate test method by saying "* * * it was found that the paint filter method gave test results with a much lower standard deviation and a higher degree of agreement between operators than the sloping plate test [the inclined plane test]."

The length of the test should not create undue operational burdens because the test period is only five minutes. The five minute duration of the test was selected as opposed to a longer period of time, because the laboratory testing indicates that, on a pass/fail basis five minutes is adequate to detect the presence of free liquids. Since this regulation is intended only to indicate if free liquids are present in a waste, a quantitative test that determines the absolute amount of free liquids in wastes is not necessary. The five-minute duration also provides a minimal testing burden for owners or operators in terms of the length of the test.

In response to the comment that EPA should specify a specific brand of paint filter or provide specifications for the filter mesh, EPA agrees and has provided a specification for the filter mesh. The laboratory tests were done with a conical paint filter that had a mesh number of 60. The proposed test (February 25, 1982) called for a 400 microm filter. The mesh number indicates the number of holes per linear inch; a filter with a mesh number of 60 has an opening every 0.0167 inch. A 400 micron filter has an opening every 0.0137 inch. EPA believes that a 400 micron filter and a filter with a mesh number of 60 are equivalent for the purposes of this test. However, to promote uniformity and provide specification for the filter mesh, a conical paint filter with a mesh number of 60 is specified for future testing.

In response to comments that EPA should not require the use of a standard watchglass as part of the paint filter testing, EPA agrees and has elected to not require the use of the watchglass. EPA agrees that evaporation will be a negligible factor during testing since the duration fo the test will only be five minutes.

With regard to the use of a fluted paint filter to facilitate moisture flow, the Agency believes that one of the approaches outlined by the commenters has merit. Therefore, the Agency provides three options in the final test: (1) The paint filter alone can be supported by the ring stand, (2) the paint filter can be supported by a fluted glass funnel, or (3) the paint filter can be supported by a glass funnel with an open mouth that allows at least one inch of the filter mesh to protrude. All three of these are capable of supporting the paint filter yet not interfering with the movement of the liquid that passes through the filter mesh to the graduated cylinder. The option of using a support funnel of different conical cross section has not been allowed in the final test

[1] In addition to the factors cited in the text, the pressure test equipment was more expensive and had higher operating costs than the other test methods. In light of the fact that the pressure test methods were also less reliable, the Agency believes that it would not be cost-effective to require these methods.

due to the anticipated difficulty of supporting the waste sample and the paint filter.

The Agency has allowed the quantity of material being tested to be 100g as an alternative to 100ml for those cases where a viscous material is to be tested for the presence of free liquids.

(C) Paint Filter Test

Today's rule makes the use of the paint filter test mandatory for determining whether a waste sample contains free liquids. This means that for the purposes of §§ 264.314 and 265.314, dealing with liquids in landfills, owners and operators must use the paint filter test in order to demonstrate the presence or absence of free liquids in a containerized or bulk waste. This requirement has been added in §§ 264.314(c) and 265.314(d).

The final rule, which requires that the paint filter test be used for both bulk and containerized waste, is a logical outgrowth of the proposed rule. The proposal, 46 FR 8313, provided that the Agency would adopt the paint filter test as a test method to determine whether a waste contains free liquids, and expressly required that this test be used to determine whether a waste sample from a container contains free liquids. Although the proposal did not specifically address the issue of testing samples from bulk liquid wastes, the test methods examined in the proposal were generally described as capable of determining whether any waste sample contains free liquids. In its Notice of Availability, 48 FR 57144, the Agency provided a broader rationale for the rule. The notice stated that the test protocols that were being considered could be used to determine the existence of free liquids in sludges, semi-solids, slurries, and other waste types, and it placed no limitation on the types of wastes to which the test would be applicable. Based on comments received in response to the Notice, and on its own analysis, the Agency has concluded that there is no basis to distinguish between bulk and containerized liquids for the purposes of this test. In addition, inasmuch as the definition of "free liquids" is the same for both bulk and containerized liquids, the Agency considers it appropriate that the same free liquids test apply to both bulk and containerized liquids.

The paint filter test is also applicable with regard to the new statutory ban on bulk liquid hazardous wastes in section 3004(c)(1) of RCRA, which was added by the Hazardous and Solid Waste Amendments of 1984 (HSWA). Beginning on May 8, 1985, section 3004(c)(1) bans the placement of bulk liquid hazardous wastes and free liquids contained in hazardous wastes in any permitted or interim status landfill. In enacting the restrictions on liquids in landfills in section 3004(c), Congress intended to use EPA's current definition of "free liquids." See S. Rep. No. 284, 98th Cong., 1st Sess. 22 (1983). The legislative history to the new ban provision reveals that Congress was aware that EPA was evaluating test protocols for free liquids (notably, the paint filter test and the inclined plane). The Agency was authorized to specify appropriate test protocols in connection with the ban provision. *Id.* In view of these explicit references to EPA's current regulations and to the Agency's evaluation of test protocols, EPA believes that it is consistent with congressional intent to require that the paint filter test be used to implement the ban on bulk liquid hazardous wastes and hazardous wastes containing free liquids.

The finalized paint filter test requires that a predetermined amount of material be placed in the paint filter (mesh number of 60) and any portion that passes through and drops from the filter is what is considered to be a free liquid. A 100ml or 100g representative sample is required for the test. The sample must be placed in the filter for 5 minutes.

The paint filter test has been written in EPA's standard test protocol format and placed in EPA's test methods manual, EPA Publication No. SW–846 (*Test Methods for Evaluating Solid Wastes*) as Method 9095. SW–846 is incorporated by reference in several sections of EPA's regulations. Today's amendment to the test methods manual is now also incorporated by reference by virtue of its incorporation into this manual.

The paint filter test will be referred to as "Update II to SW–846" and is available from the Superintendent of Documents, U.S. Government Printing Office (GPO), Washington, D.C. 20401 (202–783–3228) (GPO Number 055–002–81001–2). Persons holding a subscription to the second edition of SW–846 will automatically receive this amendment. Others may purchase both the second edition of the manual and this amendment from GPO.

Method 9095, as set out in "Update II to SW–846", will be substituted for the version of Method 9095 that is currently printed in SW–846. As currently printed in SW–846, the "Scope and Application" provision of Method 9095 erroneously states that the paint filter test *must* be used to determine compliance with § 261.21 (characteristic of ignitability) and § 261.22 (characteristic of corrosivity). This reference is in error because today's rule makes this test mandatory only for the purpose of determining whether free liquids are present in materials that are to be placed in landfills. In addition, Method 9095 as currently printed in SW–846 includes a procedure to determine the percent free liquid in a sample. Today's rule, which imposes a "pass-fail" test, does not require that such a procedure be used. "Update II to SW–846" deletes these inaccurate provisions.

(D) Conforming Changes

As a result of adding the requirement for the paint filter test to §§ 264.314 and 265.314, several minor conforming changes are being made. These conforming changes will add references to existing reference lists in Subparts B and E of Part 264 and in Subparts B, E, and N of Part 265. Specifically, technical conforming changes are being made to §§ 264.13 (General Waste Analysis), 264.73 (Operating record), 265.13 (General Waste Analysis), 265.73 (Operating record), and 265.302 (General operating requirements).

(E) Ignitable and Corrosive Liquids

As noted in section C of this preamble, today's rule requires that the paint filter test be used to determine the presence of free liquids in wastes that are to be placed in a landfill. Thus, the test must be used to determine whether free liquids are present in ignitable or corrosive wastes that are to be landfilled.

The Agency recommends that the test also be used on ignitable wastes under § 261.21 and corrosive wastes under § 261.22 in order to determine the characteristics of the material (i.e., whether it is considered a liquid or a solid). Sections 261.21 and 261.22 use the term "liquid;" however, "liquid" (or "aqueous," as a subset of liquid) was never precisely defined. EPA believes that, for purposes of the characteristics of ignitability and corrosivity, it will generally be obvious whether or not the waste is a liquid. Nevertheless, for mixed-phase wastes, EPA suggests that the paint filter test be used whenever the question arises. The paint filter test may also be used to obtain the liquid portion of the waste for subsequent flash point evaluation (in the case of an ignitable waste) or for corrosivity evaluation (in the case of a corrosive waste).

EPA believes that this test provides a practical method of testing ignitable and corrosive materials to determine the presence of liquids, and assists the regulated community in complying with

the Part 261 requirements until further evaluation is done.

III. State Authority

(A) Applicability of Rules in Authorized States

Under section 3006 of RCRA, EPA may authorize qualified States to administer and enforce the RCRA program within the State. (See 40 CFR Part 271 for the standards and requirements for authorization.) Following authorization, EPA retains enforcement authority under sections 3008, 7003, and 3013 of RCRA, although authorized States have primary enforcement responsibility.

Prior to the Hazardous and Solid Waste Amendments of 1984 (HSWA) amending RCRA, a State with final authorization administered its hazardous waste program entirely in lieu of the Federal program. The Federal requirements no longer applied in the authorized State, and EPA could not issue permits for any facilities within the State that the State was authorized to permit. When new, more stringent Federal requirements were promulgated or enacted, the State was obligated to enact equivalent authority within specified time frames. New Federal requirements did not take effect in an authorized State until the State adopted the requirements as State law.

In contrast, under newly enacted section 3006(g) of RCRA, 42 U.S.C. 6926(g), new requirements and prohibitions imposed by the HSWA take effect in authorized States at the same time that they take effect in nonauthorized States. EPA is directed to carry out those requirements and prohibitions in authorized States, including the issuance of permits, until the State is granted authorization to do so. While States must still adopt HSWA-related provisions as State law to retain final authorization, HSWA applies in authorized States in the interim.

Today's promulgation of a test protocol to determine the presence of free liquids will be applicable in authorized States because the requirements are being imposed pursuant to the Amendments. Therefore, these requirements take effect in authorized States at the same time that they take effect in nonauthorized States. This rule is regarded as a requirement of HSWA because the Paint Filter Liquids Test will be used to implement HSWA's ban on bulk liquid hazardous wastes, and because Congress anticipated that such a test protocol would be necessary to implement the new bulk hazardous liquid waste ban. See S. Rep. No. 284, 98th Cong., 1st Sess. 22 (1983).

(b) Effect on State Authorizations

Today's announcement promulgates standards that are effective in all States since the requirements are designed to implement Section 3004(c)(1) of the Hazardous and Solid Waste Amendments of 1984, 42 U.S.C. 6905, 6912(a), 6924, and 6925. Accordingly, under Section 3006(g), EPA will implement the standards in nonauthorized States, and in authorized States until they revise their programs to adopt these rules and the revision is approved by EPA.

A State may apply to receive either interim or final authorization under section 3006(g)(2) or 3006(b), respectively, on the basis of requirements that are substantially equivalent or equivalent to EPA's. The procedures and schedule for State adoption of these regulations is described in 40 CFR 271.21 for section 3006(b). See 49 FR at 21678 (May 22, 1984). Similar procedures should be followed for Section 3006(g)(2).

Applying § 271.21(e)(2), States that have final authorization must revise their programs within a year of promulgation of EPA's regulations if only regulatory changes are necessary, or within two years of promulgation if statutory changes are necessary. These deadlines can be extended in exceptional cases (40 CFR 271.21(e)(3)).

States that submit official applications for final authorization less than 12 months after promulgation of EPA's regulations may be approved without including standards equivalent to those promulgated. However, once authorized, a State must revise its program to include standards substantially equivalent or equivalent to EPA's standards within the time period discussed above.

IV. Effective Date

Section 3010(b) of RCRA, as amended by HSWA, establishes the general requirement that EPA's hazardous waste regulations and revisions thereto take effect six months after their promulgation. The purpose of this statutory requirement is to allow sufficient lead time for persons affected by the regulations to prepare to comply with major new regulatory requirements. Section 3010(b) allows the Administrator to provide an effective date less than six months after promulgation. This can happen when the Administrator determines that the regulated community does not need six months to come into compliance with the new regulatory requirements.

Today's amendment does impose a new requirement. The Agency believes, based on its analysis and on comments received on the test, that 45 days is more than sufficient to obtain the apparatus necessary to conduct the paint filter test. One commenter noted that, "this method is very simple, requires very little skill and uses readily available, relatively inexpensive equipment. The method can be put into use within a short period (0–2 weeks) with virtually no hardship to generators or disposal site operators." The apparatus needed to conduct the test includes a paint filter, ring stand and ring or tripod, beaker or graduated cylinder, and a glass funnel (if necessary). The Agency also believes that familarity with the test procedure can be achieved within 45 days. The same commenter noted that, "* * * the method can (be) taught to unskilled workers within a few hours."

V. Compliance With Executive Order 12291

Executive Order 12291 (Section 3(b)) requires that regulatory agencies prepare a Regulatory Impact Analysis for all "major" rules. Section 1(b) defines "major" rules as those which are likely to result in:

1. An annual effect on the economy of $100 million or more;

2. A major increase in costs or prices for consumers or individual industries; or

3. Significant adverse effects on competition, employment, investment, productivity, innovation, or international trade.

EPA's analysis indicates that this test protocol and its associated cost does not constitute a "major" rule.

VI. Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601 et seq) requires a Federal Agency to prepare a Regulatory Flexibility Analysis (RFA) for all regulations that have "a significant economic impact on a substantial number of small entities."

This rule will not have a significant economic impact on a substantial number of small entities because the apparatus required by today's promulgation is inexpensive to buy and operate. Accordingly, I hereby certify that pursuant to 5 U.S.C. 605(b), this regulation will not have a significant impact on a substantial number of small entities.

VII. Paperwork Reduction Act

The information collection requirements in this rule have been approved by the Office of Management

and Budget (OMB) under the Paperwork Reduction Act of 1980, 44 U.S.C. 3501–3520 and have been assigned the following control numbers: 2050–0012 and 2050–0013.

VIII. List of Subjects

40 CFR Part 260

Administrative practice and procedure, Hazardous materials, Waste treatment and disposal.

40 CFR Part 264

Hazardous materials, Packaging and containers, Reporting and recordkeeping requirements, Security measures, Surety bonds, Waste treatment and disposal, Water supply.

40 CFR Part 265

Hazardous materials, Packaging and containers, Reporting and recordkeeping requirements, Security measures, Surety bonds, Waste treatment and disposal, Water supply.

40 CFR Part 270

Administrative practice and procedure, Reporting and recordkeeping requirements, Hazardous materials, Waste treatment and disposal, Water pollution control, Water supply, Intergovernmental relations, Penalties, Confidential business information, Incorporation by reference.

Dated: April 22, 1985.

Lee M. Thomas,

Administrator.

For the reasons set forth in the preamble, 40 CFR Parts 260, 264, 265 and 270 are amended as set forth below.

PART 260—HAZARDOUS WASTE MANAGEMENT SYSTEM: GENERAL

1. The authority citation for Part 260 reads as follows:

Authority: Secs. 1006, 2002(a), 3001 through 3007, 3010, and 7004 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976 as amended, (42 U.S.C. 6905, 6912(a), 6921 through 6927, 6930 and 6974).

2. Section 260.11 is amended by revising the fourth reference in paragraph (a) to read as follows:

§ 260.11 References.

(a) * * *

"Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", EPA Publication SW–846 [Second Edition, 1982 as amended by Update I (April, 1984), and Update II (April, 1985)]. The second edition of SW–846 and Updates I and II are available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20401, (202) 783–3228, on a subscription basis.

* * * * *

PART 264—STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE TREATMENT, STORAGE, AND DISPOSAL FACILITIES

3. The authority citation for Part 264 reads as follows:

Authority: Secs. 1006, 2002(a), 3004, and 3005 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, as amended (42 U.S.C. 6905, 6912(a), 6924, and 6925).

4. Section 264.13 is amended by revising paragraph (b)(6) and by adding an OMB control number to the end of the section to read as follows:

§ 264.13 General waste analysis.

* * * * *

(b) * * *

(6) Where applicable, the methods which will be used to meet the additional waste analysis requirements for specific waste management methods as specified in §§ 264.17, 264.314, and 264.341.

* * * * *

(Information collection requirements in paragraph (b)(6) approved by OMB under control number 2050–0012)

5. Section 264.73 is amended by revising paragraph (b)(3) and by adding an OMB control number to the end of the section to read as follows:

§ 264.73 Operating record.

* * * * *

(b) * * *

(3) Records and results of waste analyses performed as specified in §§ 264.13, 264.17, 264.314, and 264.341;

* * * * *

(Information collection requirements in paragraph (b)(3) approved by OMB under control number 2050–0013)

6. Section 264.314 is amended by revising its title and by adding a new paragraph (c) to read as follows:

§ 264.314 Special requirements for bulk and containerized liquids.

* * * * *

(c) To demonstrate the absence or presence of free liquids in either a containerized or a bulk waste, the following test must be used: Method 9095 (Paint Filter Liquids Test) as described in "Test Methods for Evaluating Solid Wastes, Physical/Chemical Methods." [EPA Publication No. SW–846].

PART 265—INTERIM STATUS STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE TREATMENT, STORAGE, AND DISPOSAL FACILITIES

7. The authority citation for Part 265 reads as follows:

Authority: Secs. 1006, 2002(a), 3004, and 3005 of the Solid Waste Disposal Act, as amended (42 U.S.C. 6905, 6908, 6912(a), 6924, and 6925).

8. Section 265.13 is amended by revising paragraph (b)(6) and by adding an OMB control number to the end of the section to read as follows:

§ 265.13 General waste analysis.

* * * * *

(b) * * *

(6) Where applicable, the methods which will be used to meet the additional waste analysis requirements for specific waste management methods as specified in §§ 265.193, 265.225, 265.252, 265.273, 265.314, 265.345, 265.375, and 265.402.

* * * * *

(Information collection requirements approved by OMB under control number 2050–0012)

9. Section 265.73 is amended by revising paragraph (b)(3) and by adding an OMB control number to the end of the section to read as follows:

§ 265.73 Operating record.

* * * * *

(b) * * *

(3) Records and results of waste analyses and trial tests performed as specified in §§ 265.13, 265.193, 265.225, 265.252. 265.273, 265.314, 265.341, 265.375, and 265.402;

* * * * *

(Information collection requirements approved by OBM under control number 2050–0013)

10. Section 265.302 as amended by revising the comment to read as follows:

§ 265.302 General operating requirements.

* * * * *

[*Comment*: As required by § 265.13, the waste analysis plan must include analyses needed to comply with §§ 265.312, 265.313, and 265.314. As required by § 265.73, the owner or operator must place the results of these analyses in the operating record of the facility].

11. Section 265.314 is amended by revising its title and by adding a new paragraph (d) to read as follows:

§ 265.314 Special Requirements for Bulk and Containerized Liquids.

* * * * *

(d) To demonstrate the absence or presence of free liquids in either a

containerized or a bulk waste, the following test must be used: Method 9095 (Paint Filter Liquids Test) as described in "Test Methods for Evaluating Solid Wastes, Physical/Chemical Methods." [EPA Publication No. SW–846].

PART 270—EPA ADMINISTERED PERMIT PROGRAMS: THE HAZARDOUS WASTE PERMIT PROGRAM

12. The authority citation for Part 270 reads as follows:

Authority: Secs. 1006, 2002, 3005, 3007, and 7004 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, as amended (42 U.S.C. 6905, 6912, 6925, 6927, and 6974).

13. Section 270.6 is amended by revising the first reference in paragraph (a) to read as follows:

§ 270.6 References

(a) * * *

"Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", EPA Publication SW–846 [Second Edition, 1982 as amended by Update I (April, 1984) and Update II April, 1985]. The second edition of SW–846 and Updates I and II are available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20401, (202) 783–3238, on a subscription basis.

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April 30, 1985

Part IV

Environmental Protection Agency

40 CFR Part 261

Hazardous Waste Management System; Identification and Listing of Hazardous Waste; Proposed Rule

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 261

[SWH–FRL 2780–3]

Hazardous Waste Management System; Identification and Listing of Hazardous Waste

AGENCY: U.S. Environmental Protection Agency.

ACTION: Proposed Rule and Request for Comments.

SUMMARY: The U.S. Environmental Protection Agency (EPA) today is proposing to amend the list of hazardous wastes adopted pursuant to the Resource Conservation and Recovery Act (RCRA) by redefining the universe of solvents considered hazardous wastes. EPA is taking this action to close a major regulatory loophole created by the manner in which spent solvents were originally listed as hazardous wastes. The effect of today's proposal will be to bring certain spent solvent mixtures under RCRA Subtitle C control.

DATES: EPA will accept comments on this proposed rule until May 30, 1985.

Any person may request a public hearing on this proposed rule by filing a request with Eileen B. Claussen, Director, Characterization and Assessment Division, whose address appears below by May 15, 1985.

ADDRESSES: Comments on the proposed rule should be sent to Docket Clerk, Office of Solid Waste (WH–562B), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460. Comments should identify the regulatory docket number "Section 3001—Spent solvent listings." Request for a hearing should be addressed to Eileen B. Claussen, Director, Characterization and Assessment Division (WH–562B), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460.

The docket for this proposed rule is located in Room S–212A, U.S. Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460, (202) 382–4646, and is available for viewing from 9:00 a.m. to 4:00 p.m., Monday through Friday, excluding holidays.

FOR FURTHER INFORMATION CONTACT: RCRA Hotline, toll free at (800) 424–9346 or at (202) 382–3000. For technical information contact Jacqueline Sales, Office of Solid Waste (WH–562B), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460, (202) 382–4770.

SUPPLEMENTARY INFORMATION:

I. Background

On May 19, 1980, the Environmental Protection Agency (EPA) promulgated the first phase of the hazardous waste regulations under the Resource Conservation and Recovery Act (RCRA) of 1976, as amended. As part of these regulations, EPA listed 27 commonly used organic solvents as hazardous wastes, when spent or discarded. These solvents are identified as EPA Hazardous Waste Nos. F001, F002, F003, F004, and F005.[1]

Currently, the spent solvent listings apply only to the *individual* solvents that are technical grade or in pure form. These solvents are considered "spent" and are regulated under Subtitle C of RCRA when they no longer meet the specifications for which the solvent was originally used either because they have outlasted their shelf life, have become contaminated so as to requirement treatment, or are intended to be reused, recycled, or reclaimed. The listing does not cover manufacturing process wastes contaminated with solvents used as chemical intermediates or feedstocks. Such wastes are listed individually by industry category in § 261.32 of the regulations.

The Agency realized that limiting the universe of spent solvents considered hazardous waste to only single ingredient solvents of technical grade or in pure form would create a major regulatory loophole by allowing mixtures containing one or more of the listed solvents to remain unregulated. ("Solvent mixtures," as described in today's notice, include the following: (1) 100 percent listed solvents; (2) one or more listed solvents and other non-solvent constituents; (3) one or more listed solvents and other non-listed solvents; (4) one or more listed solvents, and other non-listed solvents and non-solvent constituents; or (5) any other mixture combination that includes a listed solvent.) Nonetheless, the Agency was unable to establish levels at which a solvent would be considered a "spent solvent" or at which a "spent solvent" would be considered hazardous; therefore, we were unable to establish levels at which mixtures of solvents would pose a hazard, when spent or discarded.

The Agency clearly indicated its interpretation regarding solvent mixtures in response to a petition submitted by Safety-Kleen Corporation (April 16, 1981). The petition requested clarification or modification of the regulations as they pertain to Safety-Kleen's closed-loop solvent recycling operation in which one of the solvents is a blend of four components—three of which are listed under 40 CFR § 261.31.[2] In response to Safety-Kleen's petition, the Agency stated that the spent solvent blend does not constitute a listed hazardous waste for reasons stated earlier. Safety-Kleen's spent solvent would be considered a hazardous waste only if it exhibited one or more of the characteristics of hazardous waste (*i.e.*, ignitability, corrosivity, EP toxicity, or reactivity). (See letter from John Lehman (EPA) to Theodore Mueller (Safety-Kleen Corporation), July 21, 1981, in the docket.)

II. Reason and Basis for Today's Proposed Rule

A. EPA's Concern With Solvent Mixtures

EPA is concerned that the present interpretation of the solvent listings allows many toxic spent solvent wastes to remain unregulated. The Agency has determined that a diverse group of industries (*e.g.*, printing, coatings, furniture, chemicals and shoe industries) use solvent mixtures. For example, the majority of solvents used in degreasing operations are blends. Although some generators may mix solvents on-site, the majority of solvent blends used in industry are commercial solvent mixtures. Solvents are typically and frequently blended to achieve increased solvent power, faster drying, and to decrease flammability. These virgin solvent mixtures typically contain from 15–50 percent or more of chlorinated solvents. In general, blends will contain 50 percent or more total solvents.[3]

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[1] The list of solvents are as follows: F001—The following spent halogenated solvents used in degreasing: tetrachloroethylene, trichloroethylene, methylene chloride, 1,1,1-trichloroethane, carbon tetrachloride, and chlorinated fluorocarbons; and sludges from the recovery of these solvents in degreasing operations (T); F002—The following spent halogenated solvents: tetrachloroethylene, methylene chloride, trichloroethylene, 1,1,1-trichloroethylene, chlorobenzene, 1,1,2 trichloro-1,2,2,-trifluoroethane, ortho-dichlorobenzene, and trichlorofluoromethane, and the still bottoms from the recovery of these solvents (T); F003—The following spent non-halogenated solvents: xylene, acetone, ethyl acetate, ethyl benzene, ethyl ether, methyl isobutyl ketone, n-butyl alcohol, cyclohexanone, and methanol and the still bottoms from the recovery of those solvents (I); F004—The following spent non-halogenated solvents: cresols and cresylic acid, and nitrobenzene, and the still bottoms from the recovery of these solvents (T); F005—The following spent non-halogenated solvents: toluene, methyl ethyl ketone, carbon disulfide, isobutanol, and pyridine, and still bottoms from the recovery of these solvents (I)(T).

[2] The Safety-Kleen solvent blend contains cresylic acid 14%, methylene chloride 29%, ortho-dichlorobenzene 29%, and water 28%

[3] Safety Kleen's solvent mixture contains 58 percent chlorinated solvent and 72 percent total

Continued

When EPA promulgated the first phase of the hazardous waste regulations, solvents were listed based on toxicity and ignitability. The Agency also considered factors such as bioaccumulation, persistence, and mobility (see "Criteria for Listing Hazardous Waste" at 40 CFR 261.11). At that time, we listed the most commonly used solvents. (Solvent mixtures used in commerce often contain one or more of these toxic solvents.) Many are known carcinogens, teratogens, mutagens, or neurotoxins. Others are associated with acute and chronic adverse health effects (see the background documents to the solvent listings, available in the docket). In addition, these solvents are mobile and persist in the environment. Also, they may solubilize and mobilize other hazardous constitutents. Since solvents are known to degrade synthetic (Lyman et al., 1983; Schwope, 1983) and clay (Ely, R.L., 1983) landfill liners, these toxic constituents, once mobilized, may readily migrate to ground water. In addition, many solvents are highly volatile (*e.g.*, trichlorofluoromethane, carbon disulfied, methylene chloride, carbon tetrachloride, 1,1,1-trichloroethane); thus, exposure to toxic vapors may result during handling and land disposal when no provisions have been made to minimize volatilization.

As stated earlier, virgin solvent mixtures typically contain 50 percent or more of these toxic solvents, which is a concentration orders of magnitude above levels known to cause adverse health effects in laboratory animals and humans (see Appendix A to the listing background document for health effects data on the individually listed sovlents, October 30, 1980). The Agency, therefore, is concerned that these wastes, when improperly managed, may pose health or environmental hazards identical to or greater than those posed by the individual solvents. We recognize that the acute toxicity of mixtures, in general, is uncertain because of the large number of possible chemical interactions; nonetheless, in the majority of cases, such mixtures will not be less toxic than the individual solvent constituents.

B. Rationale for Establishing a Cut-off Level for Solvent Mixtures

In order to close this serious regulatory loop-hole, we are proposing to expand the universe of wastes considered "solvents" to include "solvent mixtures" which typically contain toxic or ignitable solvents in concentrations that are known to cause damage to public health or the environment and to establish a quantity and volume cut-off for these mixtures. At this time, however, the Agency has not developed health-based standards for the 27 listed sovlents. Thus, the Agency is faced with establishing a regulatory threshold for solvents without the benefit of pre-established health-based levels. The Agency is working to develop health-based thresholds for several of the listed solvents; however, until these standards are promulgated, we are proposing to use of the approach outlined in today's notice.

In developing a threshold for these waste, the Agency considered the lowest concentration of total solvents typically used in solvent mixtures (*i.e.*, 15 percent); however, the Agency believes that establishing a 15 percent threshold would encourage solvent formulators to re-formulate solvent mixtures to 14 percent or lower (total solvents) to avoid managing such materials as hazardous waste, when spent or discarded. Therefore, the Agency is proposing to regulate spent solvent mixtures containing ten percent or more total listed solvent by volume. We believe that a ten percent threshold limit represents a level well below the minimum solvent concentration needed to impart the characteristics for which solvents are typically used.

The Agency realizes that ten percent may not be the appropriate threshold limit. Although, the ten percent threshold is well above levels known to cause adverse health effects in humans, the Agency is concerned that establishing a lower threshold limit will bring commercial cleaning products (such as office cleaning products) and solvent waste streams containing de minimis concentrations of listed solvent into the hazardous waste management system. Establishing a higher cut-off level would allow many toxic solvent mixtures used by industry to remain unregulated. The Agency, therefore, concludes that establishing a ten percent threshold limit will bring the majority of solvent mixtures used by industry into the hazardous waste management system, while excluding dilute mixtures.

As stated earlier, the Agency is working to develop health-based standards for several of the listed solvents; however, promulgation of such regulations will take several years. The Agency is also developing a new hazardous waste characteristic, the Toxicity Characteristic, which will establish regulatory thresholds for many organic compounds, including some solvents. We expect to promulgate thresholds for a significant number of compounds within the next few years. When promulgated, these threshold limits will override the approach proposed in today's notice. We are proposing in the interim, therefore, to institute the approach outlined in today's notice. We believe this approach will bring most mixed solvent wastes under Subtitle C control. In addition, pursuant to the new provisions of the Hazardous and Solid Waste Amendments of 1984 (HSWA) (Pub. L. 98–616) and as indicated in an Advanced Notice of Proposed Rulemaking published on February 15, 1984 (49 FR 5854–5859), we are evaluating land disposal of solvents. Under the HSWA, EPA is required to determine by November 8, 1986, whether the land disposal of spent solvents should be prohibited.

Today's proposal only partially fulfills EPA's obligation under the HSWA to list additional wastes as hazardous wastes. In addition, within the next few months the Agency will propose to add four additional solvents to the list of hazardous wastes. The provisions set forth in this amendment also will apply to these newly listed solvents when both proposals become final.

III. Re-Numbering of the Solvent Listings

As a result of today's proposal, persons who generate or manage certain solvent mixtures will be required to notify the Agency pursuant to the notification requirements under Section 3010 of RCRA.[4] The Agency is concerned that many of these persons will be uncertain as to the correct hazardous waste number for reporting solvent mixtures containing several listed solvents. Furthermore, at this time, we see no reason to continue to classify listed solvents according to use and chemical constituents (*e.g.*, F001—identifies spent halogenated solvents used in degreasing and F003—identifies spent halogenated solvents). We are

solvents. Another solvent mixture typically used in parts cleaning (trade name—"SS–25") contains approximately 32 percent chlorinated solvent and 100 percent total solvent. "Freon-TMC," a commonly used fluoro-carbon degreasing and cleaning mixture, contains 50 percent chlorinated hydrocarbons and 50 percent chlorofluorocarbon.

[4] In order to effectively "track" hazardous waste described in today's notice and implement enforcement action, the Agency is requiring that newly regulated generators notify the Agency according to the section 301 notification requirements. In addition, pursuant to the HSWA RCRA reauthorization bill, Congress amended section 3005(3) of RCRA by providing that facilities in existence on the effective date of regulatory changes under the Act qualify for interim status if they make an application for a permit and comply with the Section 3010 notification requirements.

proposing today to recode the list of solvents in § 261.31 by deleting F002, F003, F004, F005, and modifying F001 to include all solvents formerly listed in F001 through F005. As a practical matter, this means that all listed spent solvents (and solvent mixtures) will be designated as F001. We believe that such action also will ease recordkeeping and reporting for those who generate and manage these wastes.

IV. Effect of Today's Proposal

Under this proposed rule, newly regulated persons who generate, treat, store or dispose of solvent mixtures (as defined in today's notice) would be required to notify the Agency pursuant to the notification requirements of section 3010 of RCRA and comply with the hazardous waste regulations, as they pertain to listed hazardous wastes. If a generator does not either mix the solvents before use or purchase mixed solvents for use, but mixes spent solvent wastes after use, the mixed spent solvent wastes are already regulated under RCRA, pursuant to the "mixture rule" contained in 40 CFR 261.3.

Since today's action is taken pursuant to the provisions in HSWA, when finalized, the rule will take effect immediately in all States regardless of authorization status. (See "State Authority" section of this notice for further details.)

The Agency believes that today's action will not place substantial burdens on generators of solvent mixtures because many such generators are handling their waste as hazardous because they are not aware of the "loophole," the waste exhibits one or more of the characteristics of hazardous waste, or they believe the waste should be handled as hazardous waste. In addition, 28 States currently regulate solvent mixtures which account for approximately 70 percent of total solvents generated (see the report entitled "Potential Costs and Impacts of Proposed Changes in the Listing of Solvent Wastes", Industrial Economics, Inc., October 30, 1984, available in the docket). Since there is a strong likelihood that solvent generators also generate other RCRA hazardous wastes, we do not expect that substantial numbers of generators will be newly regulated.

V. Effective Date of Regulation

The Agency believes the regulatory loophole created by the manner in which solvents orginally were listed should be closed as soon as possible. This loophole permits very toxic mixtures to remain unregulated. Accordingly, EPA intends to make this rule effective immediately, pursuant to 42 U.S.C. 6930(b) and 5 U.S.C. 552(b)(B), if and when it is promulgated. The Agency specifically requests comments on this point.

VI. Request for Comments

The Agency invites comments on all aspects of this proposal. In particular, we request information on solvent formulations typically used in commerce; that is, the concentration of solvent needed to impart the desired characteristics for which solvents are blended. Such data will enable the Agency to further assess the feasibility of a ten percent cut-off level. EPA also invites comments on whether we should continue to list certain solvents as hazardous wastes based solely on their exhibiting the characteristic of ignitability. Finally, we invite comments on renumbering of the solvent listings, in particular, whether solvents should be listed under a single hazardous waste number, or whether halogenated solvents should be listed separately from non-halogenated solvents.

VII. Regulatory Impact

Under Executive Order 12291, EPA must judge whether a proposed or final rule is "major" and therefore subject to the requirement of a Regulatory Impact Analysis. This proposed rule is not a major rule because it is not expected to result in an effect on the economy of $100 million or more. Although some generators may be newly regulated, data from the RCRA notification data base indicate that many solvent generators also generate other RCRA hazardous wastes. The Agency believes, therefore, that the majority of solvent generators are already regulated under RCRA. Some of these generators may experience increased regulatory requirements when the proposal is promulgated as a final rule; however, as stated earlier in today's notice, many generators of solvent mixtures are currently regulated under State hazardous waste regulations.

The Agency has completed an initial analysis of the potential impacts of today's proposal. The analysis indicates that worst-case costs may be substantial, but they are expected to be experienced by only a few generators. There will be no adverse impact on the ability of U.S.-based enterprises to compete with the foreign-based enterprises in domestic or export markets. Since this amendment is not a major regulation, no Regulatory Impact Analysis is being conducted.

This proposed amendment was submitted to the Office of Management and Budget (OMB) for review as required by Executive Order 12291. Any comments from OMB to EPA and any EPA response to those comments are available for public inspection in Room S–212A at EPA.

VIII. Regulatory Flexibility Act

Pursuant to the Regulatory Flexibility Act, 5 U.S.C. §§ 601–612, whenever an Agency is required to publish a general notice of rulemaking for any proposed or final rule, it must prepare and make available for public comment a regulatory flexibility analysis which describes the impact of the rule on small entities (*i.e.*, small businesses, small organizations and small governmental jurisdictions). The Administrator may certify, however, that the rule will not have a significant economic impact on a substantial number of small entities.

Although some generators will be newly regulated and some will experience an increased regulatory burden, this amendment is not expected to have a significant economic impact on a substantial number of small entities. Worst-case costs are more likely to be experienced by generators with a large volume of difficult to manage wastes (*i.e.*, wastes not suitable for landfilling or recycling). This regulation, therefore, does not require a regulatory flexibility analysis.

IX. Paperwork Reduction Act

This rule does not contain any information collection requirements subject to OMB review under the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et. seq.*

X. Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) Impacts

The solvent mixtures designated as hazardous waste by today's proposed rule, if listed, become hazardous substances under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA). (See CERCLA section 101 (14).) CERCLA requires that persons in charge of vessels or facilities from which hazardous substances have been released in quantities that are equal to or greater than the reportable quantities (RQs) immediately notify the National Response Center for release. (See CERCLA section 103 and 48 *FR* 23552, May 25, 1983.)

XI. State Authority

A. Applicability of Rules in Authorized States

Under section 3006 of RCRA, EPA may authorize qualified States to administer and enforce the RCRA

program within the State. (See 40 CFR Part 271 for the standards and requirements for authorization.) Following authorization EPA retains enforcement authority under sections 3008, 7003 and 3013 of RCRA, although authorized States have primary enforcement responsibility.

Prior to the enactment of HSWA, a State with final authorization administered its hazardous waste program entirely in lieu of the Federal Program. The Federal requirements no longer applied in the authorized State, and EPA could not issue permits for any facilities in the State which the State was authorized to permit. When new, more stringent Federal requirements were promulgated or enacted, the State was obligated to enact equivalent authority within specified time frames. New Federal requirements did not take effect in an authorized State until the State adopted the requirements as State law.

In contrast, under newly enacted Section 3006(g) of RCRA, 42 U.S.C. 6926(g), new requirements and prohibitions imposed by the HWSA take effect in authorized States at the same time that they take effect in nonauthorized States. EPA is directed to carry out those requirements and prohibitions in authorized States, including the issuance of permits, until the State is granted authorization to do so. While States must still adopt HSWA-related provisions as State law to retain final authorization, the HSWA applies in authorized States in the interim.

B. Effect on State Authorizations

Today's announcement proposes standards that will be effective in all States since the requirements are imposed pursuant to Section 3001(e)(2) of RCRA as amended by the Hazardous and Solid Waste Amendments of 1984. Thus, EPA will implement the standards in nonauthorized States, and in authorized States until they revise their programs to adopt these rules and the revision is approved by EPA.

A State may apply to receive either interim or final authorization under section 3006(g)(2) or 3006(b), respectively, on the basis of requirements that are substantially equivalent or equivalent to EPA's. The procedures and schedule for State adoption of these regulations is described in 40 CFR 271.21. See 49 FR at 21678 (May 22, 1984).

Applying § 271.21(e)(2), States that have final authorization must revise their programs within a year of promulgation of EPA's regulations if only regulatory changes are necessary, or within two years of promulgation if statutory changes are necessary. These deadlines can be extended in exceptional cases (40 CFR 217.21(e)(3)).

States that submit official applications for final authorization less than 12 months after promulgation of EPA's regulations may be approved without including standards equivalent to those promulgated. However, once authorized, a State must revise its program to include standards substantially equivalent to EPA's within the time period discussed above.

List of Subjects in 40 CFR Part 261

Hazardous materials, Waste treatment and disposal, Recycling.

Dated: April 22, 1985.

Lee M. Thomas,

Administrator.

References

Ely, R.L., Jr., et al. Performance of Clay Caps and Liners for Disposal Facilities. Final Report under EPA contract No. 68–03–3149. March 1983.

Lyman, W.J., et al. Expected Life of Synthetic Liners and Caps. Draft final report to EPA under EPA Contract No. 68–01–6160, March 1983.

Schwope, A.D., Arthur D. Little, Inc. Data on Swelling and Permeability of Barrier Materials, September 1983.

For reasons set out in the preamble, 40 CFR Part 261 is proposed to be amended as follows:

1. The authority citation for Part 261 reads as follows:

Authority: Secs. 1006, 2002(a), 3001, and 3002 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, as amended [42 U.S.C. 6905, 6912(a), 6921, and 6922].

2. 40 CFR 261.31 is amended by deleting EPA Hazardous Waste Nos. F002, F003, F004, and F005 and revising F001 to read as follows:

* * * * *

§ 261.31 Hazardous wastes from non-specific sources.

Industry and EPA hazardous waste No	Hazardous waste	Hazard code
Generic F001	The following spent solvents and spent solvent mixtures/blends containing, in total, ten percent (or more) by volume of one or more of the following solvents and still bottoms from the recovery of these solvents and solvent mixtures tetrachloroethylene (T), trichloroethylene (T), methylene chloride (T), 1,1,1-trichloroethane (T), carbon tetrachloride (T) chlorinated fluorocarbons (T), chlorobenzene (T), 1,1,2-trichloro-1,2,2-trifluoroethane (T), orthodichlorobenzene (T), trichlorofluoromethane (T), xylene (I), acetone (I) ethyl acetate (I), ethyl benzene (I), ethyl ether (I), methyl isobutyl ketone (I), n-butyl alcohol (I), cyclohexanone (I), methanol (I), cresols and cresylic acid (T), nitrobenzene (T), toluene (I,T), methyl ethyl ketone (I,T), carbon disulfide (I,T), isobutanol (I,T), and pyridine (I,T)	(T, I, OR T, I)

* * * * *

3. Appendix VII to Part 261 is amended by removing EPA Hazardous Waste Nos. F002, F003, F004 and F005 and revising F001 to read as follows:

* * * * *

Appendix VII—Basis for Listing Hazardous Waste

F001	Tetrachloroethylene, methylene chloride, trichloroethylene, 1,1,1-trichloroethane, carbon tetrachloride, chlorinated fluorocarbons chlorobenzene, 1,1,2-trichloro-1,2,2-trifluoroethane, orthodichlorobenzene, trichlorofluoromethane, cresols and cresylic acid, nitrobenzene, toluene, methyl ethyl ketone, carbon disulfide, isobutanol, and pyridine

* * * * *

[FR Doc. 85–10277 Filed 4–29–85; 8:45 am]

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federal register

Tuesday
April 30, 1985

Part V

Department of Education

Office of Special Education and Rehabilitative Services

Handicapped Special Studies Program; Final Annual Evaluation Priority and Closing Date for Transmittal of New Grant Applications

DEPARTMENT OF EDUCATION

Office of Special Education and Rehabilitative Services

Handicapped Special Studies Program; Final Annual Evalution Priority

AGENCY: Department of Education.

ACTION: Notice of final annual evaluation priority.

SUMMARY: The Secretary announces a Fiscal Year 1985 annual evaluation priority for cooperative agreements under the Handicapped Special Studies program. This priority has been selected to ensure effective use of program funds and to meet the requirements included in section 618(d) of the Education of the Handicapped Act.

EFFECTIVE DATE: This priority will take effect either 45 days after publication in the Federal Register or later if Congress takes certain adjournments. If you want to know the effective date of this final annual funding priority, call or write the Department of Education contact person.

FOR FURTHER INFORMATION CONTACT: Nancy Safer, Research Projects Branch, Division of Educational Services, Office of Special Education Programs, Department of Education, 400 Maryland Avenue, SW. (Room 3511–M/S 2313), Washington, D.C. 20202. Telephone: (202)732–1084.

SUPPLEMENTARY INFORMATION: The Handicapped Special Studies program, authorized by Section 618 of Part B of the Education of the Handicapped Act, as amended, supports studies to evaluate the impact of the Act, including States' efforts towards the provision of a free appropriate public education to handicapped children, 20 U.S.C. 1401, 1411 *et seq.* Section 618 of the Act requires that the results of these studies be included in the annual report submitted to the Congress by the Department.

Under section 618(c) of the Act, as amended by the Education of the Handicapped Act Amendments of 1983, Pub. L. 98–199, the Secretary is expressly required to submit to the appropriate committees of each House of the Congress and publish in the Federal Register for review and comment proposed annual priorities for evaluations conducted under section 618 of the Act. A State and local financing study mandated under Section 618(e)(2), as added by the Education of the Handicapped Act Amendments of 1983, was initiated in fiscal year 1984 and will be continued in fiscal year 1985.

A Notice of Proposed Annual Funding Priorities was published in the Federal Register on October 26, 1984 (49 FR 43090) which contained the following five proposed priorities for fiscal year 1985 awards under the Handicapped Special Studies program:

(a) Educational Progress of Handicapped Students;

(b) Programming Features of Special Purpose Facilities;

(c) State Educational Agency/Federal Evaluation Studies Projects;

(d) Identification and Clarification of Emerging Issues; and

(e) Evaluation Assistance.

The Secretary intends to award individual contracts to carry out the studies described under priorities (a), (b), (d), and (e). Under the Department's procedures, requests for proposals for individual contracts are announced in the *Commerce Business Daily (see* the Education Department General Administrative Regulations at 34 CFR 75.4), and are not subject to section 431 of the General Education Provisions Act, which establishes procedures for promulgating rules and regulations that apply to the Department's programs. The priority described under (c), *State Educational Agency/Federal Evaluation Studies Projects*, has been selected as a final priority for cooperative agreements to be entered into by the Secretary and State educational agencies and, therefore, is included in this notice of final annual priority, in accordance with Section 431.

Summary of Comments and Responses

The "Notice of Proposed Annual Evaluation Priorities" which was published in the Federal Register on October 26, 1984 (49 FR 43090) invited comments on the five proposed priorities for fiscal year 1985 projects under the Handicapped Special Studies program. A total of five comments were received concerning the five priorities. Comments addressing proposed contractual activities will be considered when requests for proposals are developed. The comments relating to the priority on State Educational Agency/Federal Evaluation Studies and the Department's responses are summarized below:

Comment. One commenter suggested that attention be paid to the needs of families of handicapped students, to changes in parents and the family system, relationships with school programs, or models and methods for facilitating collaboration and reducing conflict.

Response. The Secretary agrees that this is an important area for study. These issues are more appropriate for a research design than an evaluation study. This priority area, therefore, has been added to the list of priorities for the Research in Education of the Handicapped program under Part E of the Act rather than to the evaluation priorities under this program.

Comment. One commenter recommended the addition of priorities on early intervention. One suggested priority would focus on programming in early intervention and the other on the state-of-the-art systems in early intervention.

Response. No change has been made. The Secretary agrees that these are important issues and might well be the focus of a project funded under priority (c), *State Educational Agency/Federal Evaluation Studies Projects.* However, funding under section 623 of the Act, Early Education for Handicapped Children, is available to States for the planning, development, and implementation of educational and related services needed by handicapped children from birth through five years of age. In addition, there are two Research Institutes and several demonstration projects that focus on early childhood programs for handicapped children. In view of the wide range of target priorities that have been and will be supported in this area, the Secretary chooses not to establish additional priorities in this under the Handicapped Special Studies program.

Comment. One commenter recommended that the influence of recreation as a "related service" be specifically included in the study of secondary program options provided handicapped students in relation to competency testing, graduation and transition under priority (c), *State Educational Agency/Federal Evaluation Studies Projects.*

Response. No change has been made. The area of study recommended by the commenter is appropriate for inclusion under the stated priority. There is nothing to prohibit an applicant from submitting a proposal under this priority that addresses this issue.

Priority

State Educational Agency/Federal Evaluation Studies Projects. This priority supports evaluation studies to assess the impact and effectiveness of programs assisted under the Education of the Handicapped Act. Within this priority, studies are invited that address: (1) The impact and effectiveness of criteria used to determine eligibility and placement of students in various program options; (2) the effectiveness of instructional programming options and screening procedures used prior to referral for placement of children in

special education; or (3) the impact of secondary program options provided handicapped students in relation to competency testing, graduation, and transition. In accordance with Section 618(d) of the Act, as added by the Education of the Handicapped Act Amendments of 1983, the Secretary proposes to enter into cooperative agreements with State educational agencies to carry out these studies.

Intergovernmental Review

This program is subject to the requirements of Executive Order 12372 and the regulations in 34 CFR Part 79 (48 FR 29158; June 24, 1983). The objective of the Executive Order is to foster an intergovernmental partnership and a strengthened federalism by relying on State and local processes for State and local government coordination and review of proposed Federal financial assistance.

In accordance with the Order, this document provides early notification of the Department's plans and actions for this program.

(29 U.S.C. 1418)

(Catalog of Federal Domestic Assistance Number 84.159; Handicapped Special Studies)

Dated: April 24, 1985.

William J. Bennett,

Secretary of Education.

[FR Doc. 85-10375 Filed 4-29-85; 8:45 am]

BILLING CODE 4000-01-M

Handicapped Special Studies Program: State Educational Agency/Federal Evaluation Studies

AGENCY: Department of Education.

ACTION: Application Notice Establishing the Closing Date for Transmittal of Fiscal Year 1985 New Grant Applications—Handicapped Special Studies Program: State Educational Agency/Federal Evaluation Studies.

Applications are invited for new projects under the Handicapped Special Studies program: State Educational Agency/Federal Evaluation Studies under the Education of the Handicapped Act.

Authority for this program is contained in section 618(d) of Part B of the Education of the Handicapped Act, as amended by the Education of the Handicapped Act Amendments of 1983. Under section 618(d)(1), the Secretary is authorized to support studies to assess the impact and effectiveness of programs assisted under the Education of the Handicapped Act. (20 U.S.C. 1418(d))

Applications may be submitted by State educational agencies to enter into cooperative agreements with the Secretary to conduct evaluation studies.

Closing Date for Transmittal of Applications: Applications for new awards must be mailed or hand delivered by June 17, 1985.

Applications Delivered by Mail: Applications sent by mail must be addressed to the Department of Education, Application Control Center, (Attention: 84.159), 400 Maryland Avenue, SW., Washington, D.C. 20202.

An applicant must show proof of mailing consisting of one of the following:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the U.S. Secretary of Education.

If an application is sent through the U.S. Postal Service, the Secretary does not accept either of the following as proof of mailing: (1) A private metered postmark, or (2) a mail receipt that is not dated by the U.S. Postal Service.

An applicant should note that the U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an applicant should check with its local post office.

An applicant is encouraged to use registered or at least first class mail. Each late applicant will be notified that its application will not be considered.

Applications Delivered by Hand: An application that is hand delivered must be taken to the Department of Education, Application Control Center, Room 5673, Regional Office Building 3, 7th and D Streets, SW., Washington, D.C.

The Application Control Center will accept hand-delivered applications between 8:00 a.m. and 4:30 p.m. (Washington, D.C. time) daily, except Saturdays, Sundays, and Federal holidays.

An application that is hand delivered will not be accepted after 4:30 p.m. on the closing date.

Program Information: On December 2, 1983, the Education of the Handicapped Act Amendments of 1983, Pub. L. 98-199, was enacted. As amended by Pub. L. 98-199, section 618(d) of the Act authorizes the Secretary to enter into cooperative agreements with State educational agencies to assess the impact and effectiveness of programs assisted under the Education of the Handicapped Act (20 U.S.C. 1401 *et seq.*). The legislative history of Pub. L. 98-199 includes the statement from the Senate Committee on Labor and Human Resources that: "The Committee believes that local educational agencies, State educational agencies, and the Federal special education agency working together could produce comprehensive and useful information on the impact and effectiveness of programs assisted under the Act which could lead to program improvements at the Federal, State, and local levels." S. Rep. No. 19, 98th Cong., 1st Sess. 12 (1983).

In accordance with section 618(d)(2)(B) of the Act, projects supported under this program must be developed in consultation with the State Advisory Panel established under the Act, local educational agencies, and others involved in or concerned with the education of handicapped children and youth.

The Secretary invites applications for evaluation studies that address the priority published in this issue of the **Federal Register**. This priority would support evaluation studies to assess the impact and effectiveness of programs assisted under the Education of the Handicapped Act. Within this priority, studied are invited that address: (1) The impact and effectiveness of criteria used to determine eligibility and placement of students in various program options; (2) the effectiveness of instructional programming options and screening procedures used prior to referral for placement of children in special education; or (3) the impact of secondary program options provided handicapped students in relation to competency testing, graduation, and transition.

Intergovernmental Review

On June 24, 1983, the Secretary published in the **Federal Register** final regulations (34 CFR Part 79, published at 48 FR 29158 *et seq.*) implementing Executive Order 12372, entitled: "Intergovernmental Review of Federal Programs." The regulations took effect on September 30, 1983.

This program is subject to the requirements of the Executive Order and the regulations in 34 CFR Part 79. The objective of Executive Order 12372 is to foster an intergovernmental partnership and a strengthened federalism by relying on State and local processes for State and local government coordination and review of proposed Federal financial assistance.

The Executive Order—

- Allows States, after consultation with local officials, to establish their own process for review and comment on proposed Federal financial assistance;

- Increases Federal responsiveness to State and local officials by requiring Federal agencies to accommodate State and local views or explain why those views will not be accommodated; and
- Revokes OMB circular A–95.

Transactions with nongovernmental entities, including State postsecondary educational institutions and federally recognized Indian tribal governments, are not covered by Executive Order 12372. Also excluded from coverage are research, development, or demonstration projects that do not have a unique geographic focus and are not directly relevant to the governmental responsibilities of a State or local government within that geographic area.

The Handicapped Special Studies Program—State Educational Agency/Federal Evaluation Studies is a new program, and States have not yet made a determination as to whether it will be included or excluded from review under the State review process. Therefore, immediately upon receipt of this notice an applicant should contact the appropriate State single point of contact to see if this assistance will be included under its review process and to comply with the State's process under Executive Order 12372. A list containing the single point of contact for each State is included in the application package for this program.

In States that have not established a process or chosen this program for review, State, areawide, regional, and local entities may submit comments directly to the Department.

All comments from State single points of contact and all comments from State, areawide, regional, and local entities must be mailed or hand delivered, by August 16, 1985 to the following address:

The Secretary, U.S. Department of Education, Room 4181, (CFDA Number: 84.159), 400 Maryland Avenue, SW., Washington, D.C. 20202. (Proof of mailing will be determined on the same basis as applications.) Please note that the above address is not the same address as the one to which the applicant submits its completed application. *Do not send applications to the above address:*

Available Funds: It is estimated that approximately $1 million will be available for support of 10 cooperative agreements to carry out new evaluation studies under this program in fiscal year 1985. These estimates of funding level do not bind the U.S. Department of Education to a specific number of awards or to the amount of any award, unless that amount is otherwise specified by statute or regulations. Award approval is for an 18 month period. In accordance with Section educational agency must provide at least 40 percent of the total cost of the study.

Application Forms: Application forms and program information packages are expected to be ready for mailing by May 1, 1985. These materials may be obtained by writing to the Research Projects Branch, Special Education Programs, U.S. Department of Education, 400 Maryland Avenue, S.W. (Switzer Building, Room 3511—M/S 2313), Washington, D.C. 20202.

Applications must be prepared and submitted in accordance with the regulations, instructions, and forms included in the program information package. However, the program information is only intended to aid applicants in applying for assistance. Nothing in the program information package is intended to impose any paperwork, application content, reporting, or performance requirements beyond those imposed under the statute and regulations.

The Secretary strongly urges that the narrative portion of the application not exceed 20 pages in length. The Secretary further urges that applicants submit only the information that is requested. (Approved by the Office of Management and Budget under Control Number 1820–0028)

Applicable Regulations: Regulations applicable to this program include the following:

(a) When adopted in final form, regulations governing the Handicapped Special Studies program (proposed for codification in 34 CFR Part 327). The proposed regulations for this program were published in the **Federal Register** on February 6, 1985 (50 FR 5080). A notice of Annual Funding Priority is published in this issue of the **Federal Register.** Applicants should prepare their applications based on the proposed regulations and the annual funding priority for these projects. If there are any substantive changes made in the regulations when published in final form, applicants will be given the opportunity to revise or resubmit their applications.

(b) The Education Department General Administrative Regulations (EDGAR) (34 CFR Parts 74, 75, 77, 78, and 79).

For further information contact Nancy Safer, Research Projects Branch, Special Education Programs, U.S. Department of Education, 400 Maryland Avenue, SW. (Room 3511—M/S 2313), Washington, D.C. 20202. Telephone: (202) 732–1084.

(20 U.S.C. 1418(d))

(Catalog of Federal Domestic Assistance Number 84.159; Handicapped Special Studies Programs)

Dated: April 24, 1985.

William J. Bennett,

Secretary of Education.

[FR Doc. 85–10376 Filed 4–29–85; 8:45 am]

BILLING CODE 4000–01–M

Federal Register

Tuesday
April 30, 1985

Part VI

Department of Education

Office of Special Education and Rehabilitative Services

Rehabilitation Long-Term Training Program; Proposed Funding Priority for FY 1985, and Closing Date for Transmittal of Applications for FY 1985; Notices

DEPARTMENT OF EDUCATION

Rehabilitation Long-term Training Program; Proposed Funding Priority for Fiscal Year 1985

AGENCY: Department of Education.

ACTION: Notice.

SUMMARY: The Secretary proposes a funding priority for long-term training grants in the field of Rehabilitation Counseling in order to ensure effective use of program funds and direct funds to an area of identified need during Fiscal Year 1985. The Secretary will reserve funds for applications meeting this priority.

DATE: Comments must be received on or before May 30, 1985.

ADDRESS: All written comments and suggestions should be sent to Martin W. Spickler, Division of Resource Development, Office of Special Education and Rehabilitative Services, Department of Education, 400 Maryland Avenue SW., Room 3319, Switzer Building, Washington, D.C. 20202.

FOR FURTHER INFORMATION CONTACT: Martin W. Spickler, Division of Resoruce Development, Rehabilitation Services Administration. Telephone: (202) 732–1352.

SUPPLEMENTARY INFORMATION: Grants for the Rehabilitation Training Program are authorized by Title III, Section 304 of the Rehabilitation Act of 1973, as amended. Program regulations for the Rehabilitation Long-Term Training Program are established at 34 CFR Part 386. The purpose of the Rehabilitation Long-Term Training Program is to support projects designed for training personnel to be available for employment in public and private agencies involved in the rehabilitation of physically and mentally handicapped individuals, especially those who are the most severely handicapped. Applicants are notified that the Secretary will be collecting data to enable him, in accordance with the Rehabilitation Amendments of 1984 (Pub. L. 98–221), to target more closely awards made in future years to areas of personnel shortages.

Eligible Applicants

Awards are made under this program to State vocational rehabilitation agencies and other public or nonprofit agencies or organizations, including institutions of higher education.

Proposed Priority

In accordance with the Education Department General Administrative Regulations (EDGAR) at 34 CFR 75.105(c)(3)(i), the Secretary proposes to give an absolute preference to applications submitted in the field of rehabilitation counseling in Fiscal Year 1985 in response to the designated priority. An absolute priority is one which permits the Secretary to select only those applications that address the priority.

Applications submitted in the field of rehabilitation counseling must address the master's degree level training of rehabilitation counseling personnel. The proposed training curriculum must include placement content that will expose students to the direct involvement of business and industry in providing rehabilitation services to severely physically and mentally disabled individuals. The placement component should include coursework to enable the student's acquisition of skills and knowledge in the areas of: job development/job analysis/job modification/job restructuring; workmen's compensation; forecasting labor market trends; the applicability of sections 503 and 504 of the Rehabilitation Act and their implications for placement of disabled individuals; and effective consultation with employers and potential employers to identify employment opportunities for disabled individuals, to assist in the removal of barriers to the employment of disabled individuals, and to educate or train about various disabilities and any vocational implementations of those disabilities. Practicum training must include placement activities that involve students directly in business and industry settings.

Invitation to Comment

Interested persons are invited to submit comments and recommendations regarding the proposed priority. Written comments and recommendations may be sent to the address given at the beginning of this document. All comments received on or before the 30th day after publication of this document will be considered before the Secretary issues the final priority. All comments submitted in response to this proposed priority will be available for public inspection, during and after the comment period, in Room 3319, Mary E. Switzer Building, 330 C Street SW., Washington, D.C. between the hours of 8:30 a.m. and 4:00 p.m., Monday through Friday of each week except Federal holidays.

(Catalog of Federal Domestic Assistance No. 84.129, Rehabilitation Training Program)

(29 U.S.C. 774)

Dated: April 22, 1985.

William J. Bennett,

Secretary of Education.

[FR Doc. 85–10373 Filed 4–29–85; 8:45 am]

BILLING CODE 4000–01–M

Rehabilitation Long-Term Training; Establishing Closing Date for Transmittal of New Rehabilitation Long-Term Training Program Applications in Fiscal Year 1985

AGENCY: Department of Education.

ACTION: Application Notice.

Applications are invited for new Rehabilitation Long-Term Training projects in the field of Rehabilitation Counseling for Fiscal Year 1985.

Authority for this program is contained in Section 304 of the Rehabilitation Act of 1973, as amended. (29 U.S.C. 774)

Closing Date for Transmittal of Applications: Applications for grant awards must be mailed or hand delivered by June 18, 1985.

Applications Delivered by Mail: Applications for new projects must be addressed to the Department of Education, Application Control Center, Attention: (CFDA No. 84.129), 400 Maryland Avenue SW., Washington, D.C. 20202.

An applicant must show proof of mailing consisting of one of the following:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other evidence of mailing acceptable to the U.S. Secretary of Education.

If an application is sent through the U.S. Postal Service, the Secretary does not accept either of the following as proof of mailing: (1) A private metered postmark, or (2) a mail receipt that is not dated by the U.S. Postal Service.

An applicant should note that the U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an applicant should check with its local post office.

Applicants are encouraged to use registered or at least first class mail. Each late applicant for a new award will be notified that its application will not be considered.

Applications Delivered by Hand: Hand delivered applications must be taken to the U.S. Department of Education, Application Control Center,

Room 5673, Regional Office Building #3, 7th and D Streets SW., Washington, D.C.

The Application Control Center will accept hand delivered applications between 8:00 a.m. and 4:30 p.m. (Washington, D.C. time) daily, except Saturdays, Sundays, and Federal holidays. An application that is hand delivered will not be accepted after 4:30 p.m. on the closing date.

Program Information: Awards are made under this program to State vocational rehabilitation agencies and other public or nonprofit agencies or organizations, including institutions of higher education. Historically Black colleges and universities are encouraged to participate in this program.

The purpose of the Rehabilitation Long-Term Training Program is to support projects designed to train skilled personnel who would be available for employment in public and private agencies involved in the rehabilitation of physically and mentally handicapped individuals, especially those who are the most severely handicapped.

All applications will be evaluated according to Selection Criteria which appear in program regulations in 34 CFR 386.30.

Available Funds: The total amount of funds available for rehabilitation training in Fiscal Year 1985 is $22,000,000, including $7,820,000 for the funding of new rehabilitation long-term training projects. Of this amount, approximately $1,294,000 will be reserved for new rehabilitation counseling projects that address the proposed funding priority published in this issue of the **Federal Register**. These estimates do not bind the Department of Education to a specific number of grants or to the amount of any grant unless that amount is otherwise specified by statute or regulations.

Application Forms: Application forms and program information packages for new awards are available and may be obtained by writing to the Office of Developmental Programs, Rehabilitation Services Administration, Office of Special Education and Rehabilitative Services, U.S. Department of Education, 400 Maryland Avenue SW., (Mary E. Switzer Building, Room 3030–M/S 2312), Washington, D.C. 20202.

Application forms and program information packages will be mailed to grantees who are completing long-term training projects in the field of rehabilitation counseling during the 1984–1985 academic year.

Applications must be prepared and submitted in accordance with the regulations, instructions, and forms included in the program information package. However, the program information is only intended to aid applicants in applying for assistance. Nothing in the program information package is intended to impose any paperwork, application content, reporting, or grantee performance requirements beyond those imposed under the statute and regulations.

The Secretary strongly urges that the narrative portion of the applications for new awards not exceed 25 pages in length. The Secretary further urges that applicants not submit information that is not requested. (Approved by the Office of Management and Budget under control number 1820–0018)

Applicable Regulations: Regulations applicable to this program include the following:

(a) Education Department General Administrative Regulations (EDGAR) (34 CFR Parts 74, 75, 77 and 78); and

(b) Regulations governing the Rehabilitation Long-Term Training Program (34 CFR Parts 385 and 386). A notice of proposed funding priority is published in this same issue of the **Federal Register.** If substantive changes are made to the proposed funding priority when published in final form, applicants will be given an opportunity to amend or resubmit their applications to address the revised funding priority.

Further Information: Martin W. Spickler, Ph.D., Director, Division of Resource Development, Rehabilitation Services Administration, U.S. Department of Education, 400 Maryland Avenue SW. (Mary E. Switzer Building, Room 3319–M/S 2312), Washington, D.C. 20202. Telephone: (202) 732–1352.

(Catalog of Federal Domestic Assistance No. 84.129, Rehabilitation Training)

(29 U.S.C. 774)

Dated: April 22, 1985.

William J. Bennett,

Secretary of Education.

[FR Doc. 85–10374 Filed 4–29–85; 8:45 am]

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April 30, 1985

Part VII

Department of Education

Office of Bilingual Education and Minority Languages Affairs

Discretionary Grant Programs, Application Notice for Transmittal of Certain Fiscal Year 1985 Applications

DEPARTMENT OF EDUCATION

Office of Bilingual Education and Minority Languages Affairs

Discretionary Grant Programs, Application Notice for Transmittal of Certain Fiscal Year 1985 Applications

AGENCY: Department of Education.

ACTION: Application Notice Describing Selection Criteria and Establishing Closing Dates for Transmittal of Certain Fiscal Year 1985 Applications.

SUMMARY: The purpose of this application notice is to inform potential applicants of selection criteria, other fiscal and programmatic information, and closing dates for transmittal of applications for awards under certain programs administered by the Department of Education.

This notice contains three parts. Part I includes general information on applicable definitions, regulations, selection criteria, and mailing and delivery instructions. Part II contains a listing of programs and closing dates. Part III consists of individual announcements for each program with specific administrative and fiscal information.

Part I

On October 19, 1984, Title VII of the Elementary and Secondary Education Act, 20 U.S.C. 3221–3262, (Title VII), was amended by Pub. L. 98–511.

In Section 702 of Title VII, Congress declared it to be the policy of the United States, in order to establish equal educational opportunity for all children and to promote educational excellence, to provide financial assistance—

- To encourage the establishment and operation, where appropriate, of educational programs using bilingual educational practices, techniques, and methods; and
- To encourage the establishment of special alternative instructional programs for students of limited English proficiency in school districts where appropriate.

The programs assisted under Title VII include programs in elementary and secondary schools as well as related preschool and adult programs which are designed to meet the educational needs of individuals of limited English proficiency, with particular attention to children having the greatest need for these programs. Programs shall be designed to enable students to achieve full competence in English and may additionally provide for the development of student competence in a second language.

Section 721(i) provides that programs authorized under Title VII in the Commonwealth of Puerto Rico may, notwithstanding any other provision of Title VII, include programs of instruction, teacher training, curriculum development, research, evaluation, and testing designed to improve the English proficiency of children, and may also make provision for serving the needs of students of limited proficiency in Spanish.

Definitions

The following definitions provided in section 703 of Title VII apply to the terms used in this notice:

"Limited English proficiency" and "limited English proficient" when used with reference to individuals mean—

(1) individuals who were not born in the United States or whose native language is a language other than English;

(2) individuals who come from environments where a language other than English is dominant; and

(3) individuals who are American Indian and Alaskan Natives and who come from environments where a language other than English has had a significant impact on their level of English language proficiency;

and who, by reason thereof, have sufficient difficulty speaking, reading, writing, or understanding the English language to deny such individuals the opportunity to learn successfully in classrooms where the language of instruction is English or to participate fully in our society.

"Native language," when used with reference to an individual of limited English proficiency, means the language normally used by such individuals, or in the case of a child, the language normally used by the parents of the child.

"Low-income" when used with respect to a family means an annual income for such a family which does not exceed the poverty level determined pursuant to section 111(c)(2) of title I of the Elementary and Secondary Education Act of 1965.

"Program of transitional bilingual education" means a program of instruction, designed for children of limited English proficiency in elementary or secondary schools, which provides, with respect to the years of study to which such program is applicable, structured English language instruction, and, to the extent necessary to allow a child to achieve competence in the English language, instruction in the child's native language. Such instruction shall incorporate the cultural heritage of such children and of other children in American society. Such instruction shall, to the extent necessary, be in all courses or subjects of study which will allow a child to meet grade-promotion and graduation standards.

In order to prevent the segregation of children on the basis of national origin in programs of transitional bilingual education, and in order to broaden the understanding of children about languages and cultural heritages other than their own, a program of transitional bilingual education may include the participation of children whose language is English, but in no event shall the percentage of such children exceed 40 percent. The program may provide for centralization of teacher training and curriculum development, but it shall serve such children in the schools which they normally attend.

In such courses or subjects of study as art, music, and physical education, a program of transitional bilingual education shall make provision for the participation of children of limited English proficiency in regular classes.

Children enrolled in a program of transitional bilingual education shall, if graded classes are used, be placed, to the extent practicable, in classes with children of approximately the same age and level of educational attainment. If children of significantly varying ages or levels of educational attainment are placed in the same class, the program of transitional bilingual education shall seek to insure that each child is provided with instruction which is appropriate for his or her level of educational attainment.

"Program of developmental bilingual education" means a fulltime program of instruction in elementary and secondary schools which provides, with respect to the years of study to which such program is applicable, structured English-language instruction and instruction in a second language. Such programs shall be designed to help children achieve competence in English and a second language, while mastering subject matter skills. Such instruction shall, to the extent necessary, be in all courses or subjects of study which will allow a child to meet grade-promotion and graduation standards.

Where possible, classes in programs of developmental bilingual education shall be comprised of approximately equal numbers of students whose native language is English and limited English proficient students whose native language is the second language of instruction and study in the program.

"Special alternative instructional programs" means programs of

instruction designed for children of limited English proficiency in elementary and secondary schools. Such programs are not transitional or developmental bilingual education programs, but have specially designed curricula and are appropriate for the particular linguistic and instructional needs of the children enrolled. Such programs shall provide, with respect to the years of study to which such program is applicable, structured English language instruction and special instructional services which will allow a child to achieve competence in the English language and to meet grade-promotion and graduation standards.

"Family English literacy program" means a program of instruction designed to help limited English proficient adults and out-of-school youth achieve competence in the English language. Such programs of instruction may be conducted exclusively in English or in English and the student's native language. Where appropriate, such programs may include instruction on how parents and family members can facilitate the educational achievement of limited English proficient children. To the extent feasible, preference for participation in such programs shall be accorded to the parents and immediate family members of children enrolled in programs assisted under this title.

"Programs of academic excellence" means programs of transitional bilingual education, developmental bilingual education, or special alternative instruction which have an established record of providing effective, academically excellent instruction and which are designed to serve as models of exemplary bilingual education programs and to facilitate the dissemination of effective bilingual educational practices.

Selection Criteria

In order for timely awards to be made in Fiscal Year 1985, the Secretary has determined that applications for awards will be evaluated competitively under the selection criteria for grant programs that do not have regulations, in the Education Department General Administrative Regulations (EDGAR), 34 CFR 75.210. The programs will be governed by the statute and the EDGAR provisions in 34 CFR Parts 74, 75, 77, 78, and 79.

Applications will be evaluated under the following selection criteria in 34 CFR 75.210. The maximum score for each criterion is indicated in parentheses following the criterion, including an additional 15 points distributed by the Secretary as authorized by 34 CFR 75.210(c).

(a) *Meeting the purpose of the authorizing statute.* (30 points)

(1) The Secretary reviews each application for information that shows how well the project will meet the purposes of the statute that authorizes the program.

(2) In conducting this review, the Secretary looks for information that describes—

(i) The objectives of the project; and

(ii) How the objectives of the project further the purposes of the authorizing statute.

(b) *Extent of need for the project.* (25 points)

(1) The Secretary reviews each application for information that shows the project meets specific needs recognized in the statute that authorized the program.

(2) In conducting this review, the Secretary looks for information that—

(i) Describes the needs addressed by the project;

(ii) Describes how the applicant identified those needs;

(iii) Describes how those needs will be met by the project; and

(iv) Describes the benefits to be gained by meeting those needs.

(c) *Plan of operation.* (15 points)

(1) The Secretary reviews each application for information that shows the quality of the plan of operation for the project.

(2) The Secretary looks for information that shows—

(i) High quality in the design of the project;

(ii) An effective plan of management that insures proper and efficient administration of the project;

(iii) A clear description of how the objectives of the project relate to the purpose of the program;

(iv) The way the applicant plans to use its resources and personnel to achieve each objective;

(v) A clear description of how the applicant will provide equal access and treatment for eligible project participants who are members of groups that have been traditionally under represented, such as—

(A) Members of racial or ethnic minority groups;

(B) Women;

(C) Handicapped persons;

(D) The elderly; and

(vi) For grants under a program that requires the applicant to provide an opportunity for participation of students enrolled in private schools—a clear description of how the applicant will provide that opportunity.

(d) *Quality of key personnel.* (7 points)

(1) The Secretary reviews each application for information that shows the qualifications of the key personnel the applicant plans to use on the project.

(2) The Secretary looks for information that shows—

(i) The qualifications of the project director (if one is to be used);

(ii) The qualifications of each of the other key personnel to be used in the project;

(iii) The time that each person referred to in paragraphs (d)(2)(i) and (ii) will commit to the project; and

(iv) The extent to which the applicant, as part of its nondiscriminatory employment practices, encourages applications for employment from persons who are members of groups that have been traditionally underrepresented, such as—

(A) Members of racial or ethnic minority groups;

(B) Women;

(C) Handicapped persons; and

(D) The elderly.

(3) To determine personnel qualifications, the Secretary considers experience and training, in fields related to the objectives of the project, as well as other information that the applicant provides.

(e) *Budget and cost effectiveness.* (5 points)

(1) The Secretary reviews each application for information that shows that the project has an adequate budget and is cost effective.

(2) The Secretary looks for information that shows—

(i) The budget for the project is adequate to support the project activities; and

(ii) Costs are reasonable in relation to the objectives of the project.

(f) *Evaluation plan.* (15 points)

(1) The Secretary reviews each application for information that shows the quality of the evaluation plan for the project. Cross-reference. See 34 CFR 75.590, Evaluation by the grantee, and where applicable the requirements in section 733 of Title VII.

(2) The Secretary looks for information that shows methods of evaluation that are appropriate for the project and, to the extent possible, are objective and produce data that are quantifiable.

(g) *Adequacy of resources.* (3 points)

(1) The Secretary reviews each application for information that shows that the applicant plans to devote adequate resources to the project.

(2) The Secretary looks for information that shows—

(i) The facilities that the applicant plans to use are adequate; and

(ii) The equipment and supplies that the applicant plans to use are adequate.

Instructions for Transmittal of Applications

Applicants should note specifically the instructions for the transmittal of applications included below.

Transmittal of applications: Applications must be mailed or hand delivered on or before the closing date given in the individual program announcements included in this document. Each late applicant will be notified that its application will not be considered.

Applications delivered by mail: Applications must be addressed to the U.S. Department of Education, Application Control Center, *Attention:* (insert appropriate CFDA Number), Washington, D.C. 20202.

An applicant must show proof of mailing consisting of one of the following:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other evidence of mailing acceptable to the U.S. Secretary of Education.

If an application is sent through the U.S. Postal Service, the Secretary does not accept either of the following as proof of mailing: (1) A private metered postmark, or (2) a mail receipt that is not dated by the U.S. Postal Service.

An applicant should note that the U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an applicant should check with its local post office.

An applicant is encouraged to use registered or at least first class mail.

Applications delivered by hand: Hand-delivered applications must be taken to the U.S. Department of Education, Application Control Center, Room 5673, Regional Office Building #3, 7th and D Streets, SW., Washington, D.C.

The Application Control Center will accept hand-delivered applications between 8:00 a.m. and 4:30 p.m. (Washington, D.C. time) daily, except Saturdays, Sundays, and Federal holidays.

An application that is hand delivered will not be accepted by the Application Control Center after 4:30 p.m. on the closing date.

Intergovernmental review: On June 24, 1983, the Secretary published in the **Federal Register** final regulations, 34 CFR Part 79 (published at 48 FR 29158) implementing Executive Order 12372 entitled: "Intergovernmental Review of Federal Programs." The regulations took effect September 30, 1983.

The objective of Executive Order 12372 is to foster an intergovernmental partnership and a strengthened federalism by relying on State and local processes for State and local government coordination and review of proposed Federal financial assistance.

The Executive Order—

- Allows States, after consultation with local officials, to establish their own process for review and comment on proposed Federal financial assistance;
- Increases Federal responsiveness to State and local officials by requiring Federal agencies to accommodate State and local views or explain why those views will not be accommodated; and
- Revokes OMB Circular A-95.

Transactions with nongovernmental entities, including State postsecondary educational institutions and federally recognized Indian tribal governments, are not covered by Executive Order 12372. Also excluded from coverage are research, development, or demonstration projects that do not have a unique geographic focus and are not directly relevant to the governmental responsibilities of a State or local government within that geographic area.

The following is a current list of States that have established a process, designated a single point of contact, and have selected these programs for review:

Alabama
Arizona
Arkansas
California
Connecticut
Delaware
Florida
Hawaii
Illinois
Indiana
Kansas
Louisiana
Maine
Massachusetts
Michigan
Mississippi
Montana
Nebraska
Nevada
New Hampshire
New Jersey
New Mexico
North Dakota
Ohio
Oklahoma
Oregon
Pennsylvania
South Carolina
South Dakota
Tennessee
Texas
Vermont
Virginia
West Virginia
Washington
Wyoming
Virgin Islands
Guam
Northern Mariana Islands

Immediately upon receipt of this notice, applicants that are governmental entities, including local educational agencies, must contact the appropriate State single point of contact to find out about, and to comply with, the State's process under the Executive Order. Applicants proposing to perform activities in more than one State should, immediately upon receipt of this notice, contact the single point of contact for each State and follow the procedures established in those States under the Executive Order.

In States that have not established a process or chosen this program for review, State, areawide, regional, and local entities may submit comments directly to the Department.

All recommendations and comments from State single points of contact and all comments from State, areawide, regional, and local entities must be mailed or hand delivered by the date indicated in Part II to the following address.

The Secretary, U.S. Department of Education, Room 4181 (84.003 and appropriate letter), 400 Maryland Avenue, SW., Washington, D.C. 20202. (Proof of mailing will be determined on the same basis as applications.)

Please Note That the Above Address is Not the Same Address as the One to Which the Applicant Submits Its Application. Do Not Send Applications to the Above Address

Part II—Programs With Closing Dates for New Awards Listed in Chronological Order

CFDA number	Program	Closing date for applications	Closing date for State intergovernmental review comments
84.003T	Program of transitional bilingual education	June 17, 1985	July 17, 1985
84.003D	Program for developmental bilingual education	do	Do.
84.003A	Special alternative instructional program	do	Do
84.003L	Family english literacy program	do	Do.
84.003P	Special populations program	do	Do
84.003M	Program for the development of instructional materials	do	Do
84.003J	Educational personnel training program	do	Do

Part III—Individual Announcements for Programs With New Awards Listed Under Part II

84.003T—Program of Transitional Bilingual Education

Closing Date: June 17, 1985.

Applications are invited for new projects under the Program of Transitional Bilingual Education.

Authority for this program is contained in section 721(a)(1) of Title VII of the Elementary and Secondary

Education Act, as amended by Pub. L. 98–511 (Title VII).

(20 U.S.C. 3221–3262)

The Secretary makes awards under this program to local educational agencies (LEAs) (see definition of "local educational agency" in 34 CFR Part 77) and institutions of higher education applying jointly with one or more LEAs.

The purpose of the awards is to establish, operate, and improve programs of transitional bilingual education. The term "program of transitional bilingual education" means a program of instruction, designed for children of limited English proficiency in elementary or secondary schools, which provides, with respect to the years of study to which such program is applicable, structured English language instruction, and, to the extent necessary to allow a child to achieve competence in the English language, instruction in the child's native language. Such instruction shall incorporate the cultural heritage of such children and of other children in American society. Such instruction shall, to the extent necessary, be in all courses or subjects of study which will allow a child to meet grade-promotion and graduation standards.

Closing date for transmittal of applications: An application for a grant must be mailed or hand delivered by June 17, 1985.

Applications delivered by mail: An application sent by mail must be addressed to the U.S. Department of Education, Application Control Center, Attention, 84.003T, Washington, D.C. 20202.

Program Information

A. Definitions

An applicant should read carefully the definitions of "limited English proficiency," "low-income," "native language," and "program of transitional bilingual education," contained in Part I of this notice.

(20 U.S.C. 3223)

B. Application Requirements

An applicant shall meet the following requirements pertaining to the submission of an application for assistance:

1. An application for a grant under this program must contain the information required under section 721(c)(2) of Title VII.

(20 U.S.C. 3231(c)(2))

2. An application for a grant under this program must be developed in consultation with an advisory council, of which a majority shall be parents and other representatives of the children to be served in the program. The application must be accompanied by documentation of the consultation and by the comments which the council makes on the application. The application must contain assurances that, after the application has been approved, the applicant will provide for the continuing consultation with, and participation by, the committee of parents, teachers, and other interested individuals which shall be selected by and predominantly composed of parents of children participating in the program, and in the case of a program carried out in secondary schools, representatives of the secondary students to be served.

(20 U.S.C. 3231(e)(1), (e)(2), and (e)(3))

3. An application for a grant must include evidence that the State educational agency has been notified of the application and has been given the opportunity to offer recommendations thereon to the applicant and to the Secretary.

(20 U.S.C. 3231(e)(4))

Cross-reference. See 34 CFR 75.155–75.160.

4. A grant may be approved only if the Secretary determines that an applicant, in designing the program for which the application is made, takes into account the needs of the children in nonprofit private elementary and secondary schools through consultation with appropriate private school officials. Consistent with the number of children enrolled in these schools in the area to be served whose educational needs are of the type and whose language and grade levels are of a type similar to that which the program is intended to address, and after consultation with appropriate private school officials, the applicant shall make provision for the participation of these children on a basis comparable to that provided for public school children.

If the Secretary determines that an applicant for assistance is unable or unwilling to provide for the participation in the project for which assistance is sought of children of limited English proficiency enrolled in nonprofit, private schools, the Secretary shall—

(i) Withhold approval of the application until the applicant demonstrates that it is in compliance with the requirements; or

(ii) Reduce the amount of the grant to the applicant by the amount which is required for the Secretary to arrange to assess the needs of the children in the area to be served for programs of the type authorized and to carry out these programs for the children.

(20 U.S.C. 3231(f)(2), (j))

C. Required Activities

1. During the first six months of the grant, an applicant shall engage exclusively in preservice activities. These activities may include program design, materials development, staff recruitment and training, development of evaluation mechanisms and procedures, and the operation of programs to involve parents in the educational program and to enable parents and family members to assist in the education of limited English proficient children. This requirement may be waived by the Secretary upon a determination that an applicant is prepared to operate successfully the proposed instructional program.

(20 U.S.C. 3231(d)(1)(B))

2. A grant will be approved only if the Secretary determines that the program will be evaluated in accordance with a plan that meets the requirements of section 733 of Title VII.

(20 U.S.C. 3231(f)(3))

Cross-reference. See 34 CFR 75.590 (Evaluation by the grantee). See also, (f) (*Evaluation plan.*) in the selection criteria in Part I of this notice.

3. A grant may be approved only if the Secretary determines that the applicant will provide or secure training for personnel participating, or preparing to participate, in the program and that, to the extent possible, college or university credit will be awarded for this training.

(20 U.S.C. 3231(f)(6))

4. Parents or legal guardians of students identified for enrollment in a program of transitional bilingual education shall be informed of: the reasons for the selection of their child as in need of a program of transitional bilingual education; the alternative educational programs that are available; and the nature of the program of transitional bilingual education and of the instructional alternatives. Parents shall also be informed that they have the option of declining enrollment of their children in a program and shall be given an opportunity to do so if they so choose. Parents of children participating in the program shall be informed of the instructional goals of the program and the progress of their children in the program.

(20 U.S.C. 3231(d)(1)(D), 3223(c))

D. Other Requirements

1. See the definition of "program of transitional bilingual education" in Part I of this notice for additional program

requirements. In particular, a program of transitional bilingual education may include the participation of children whose language is English, but in no event shall the percentage of such children exceed 40 percent.

(20 U.S.C. 3223(a)(4))

2. An application for a grant may be approved only if the Secretary determines that the program will use qualified personnel, including only those personnel who are proficient in the language or languages used for instruction.

(20 U.S.C. 3231(f)(1))

3. An application for a grant may be approved only if the Secretary determines that Federal funds made available for the project or activity will be used so as to supplement the level of State and local funds that, in the absence of those Federal funds, would have been expended for special programs for children of limited English proficiency and in no case to supplant such State and local funds.

(20 U.S.C. 3231(f)(4))

4. An application for a grant may be approved only if the Secretary determines that the assistance provided under the application will contribute toward building the capacity of the applicant to provide a program on a regular basis, similar to that proposed for assistance, which will be of sufficient size, scope, and quality to promise significant improvement in the education of children of limited English proficiency, and that the applicant will have the resources and commitment to continue the program when assistance under Title VII is reduced or no longer available.

(20 U.S.C. 3231(f)(5))

5. An application for a grant may be approved only if the Secretary determines that the provision of assistance proposed in the application is consistent with criteria established by the Secretary after consultation with the State educational agency, following the submission of applications to SEAs from LEAs as required in B. 3. (*Application requirements.*) of this notice, for the purpose of achieving an equitable distribution of assistance within the State in which the applicant is located, taking into consideration—

(i) the geographic distribution of children of limited English proficiency;

(ii) the relative need of persons in different geographic areas within the State for the kinds of services and activities authorized under Title VII;

(iii) the relative ability of particular LEAs within the State to provide services and activities; and

(iv) the relative numbers of persons from low-income families sought to be benefited.

(20 U.S.C. 3231(f)(7))

E. Priorities

In consideration of applications from LEAs to carry out programs authorized under section 721 of the Act, the Secretary gives priority to applications from local educational agencies which are located in various geographical regions of the Nation and which propose to assist children of limited English proficiency who have historically been underserved by programs of bilingual education, taking into consideration the relative numbers of these children in the schools of the local educational agencies and the relative need for the programs. In approving applications, the Secretary, to the extent feasible, allocates funds appropriated in proportion to the geographical distribution of children of limited English proficiency throughout the Nation, with due regard for the relative ability of particular local educational agencies to carry out programs and the relative number of persons from low-income families sought to be benefited by the programs.

(20 U.S.C. 3231(h))

F. Project Period

An application will be approved for a project period of three years.

Upon reapplication, grants authorized under this program shall be renewed for two additional years unless the Secretary determines that—

(1) The applicant's program does not comply with the requirements set out in Title VII;

(2) The applicant's program has not made substantial progress in achieving the specific educational goals set out in the original application; or

(3) There is no longer a need for the applicant's program.

(20 U.S.C. 3231(d)(1)(A), (C))

Intergovernmental Review

Any State process recommendation and other comments submitted by a State single point of contact and any comments from State, areawide, regional, and local entities must be mailed or hand delivered by July 17, 1985 to the address in Part I of this notice.

Available funds: It is expected that approximately $11,900,000 will be available for the Program of Transitional Bilingual Education for Fiscal Year 1985.

It is estimated that these funds could support 80 projects.

However, these estimates do not bind the U.S. Department of Education to a specific number of grants or to the amount of any grant unless that amount is otherwise specified by statute or regulations.

Application forms: Applications are expected to be ready for mailing by May 10, 1985. A copy of the application package may be obtained by writing to Ray Chavez, Regulations Coordinator, Office of Bilingual Education and Minority Languages Affairs, U.S. Department of Education, 400 Maryland Avenue, SW., (Reporters Building, Room 421), Washington, D.C. 20202.

Applications must be prepared and submitted in accordance with the regulations, instructions, and forms included in the program information package. However, the program information is only intended to aid applicants in applying for assistance. Nothing in the program information package is intended to impose paperwork, application content, reporting, or grantee performance requirements beyond those imposed under the statute and regulations.

The Secretary strongly urges that the narrative portion of the application not exceed 40 pages in length. The Secretary further urges that applicants not submit information that is not requested. (Approved by the Office of Management and Budget under control number 1885-0003.)

Applicable regulations: Regulations applicable to this program are the Education Department General Administrative Regulations (EDGAR), 34 CFR Parts 74, 75, 77, 78, and 79.

Further information: For further information contact Dr. Rudy Cordova, Director, Division of State and Local Programs, Office of Bilingual Education and Minority Languages Affairs, U.S. Department of Education, 400 Maryland Avenue, SW. (Reporters Building, Room 421), Washington, D.C. 20202. Telephone (202) 245-2609.

(20 U.S.C. 3231(a)(1))

84.003D—Program of Developmental Bilingual Education

Closing date: June 17, 1985.

Applications are invited for new projects under the Program of Developmental Bilingual Education.

Authority for this program is contained in section 721(a)(2) of Title VII of the Elementary and Secondary Education Act, as amended by Pub. L. 98-511 (Title VII).

(20 U.S.C. 3221-3262)

The Secretary makes awards under this program to local educational agencies (LEAs) (see definition of "local educational agency" in 34 CFR Part 77) and institutions of higher education applying jointly with one or more LEAs.

The purpose of the awards is to establish, operate, and improve programs of developmental bilingual education. The term "program of developmental bilingual education" means a full-time program of instruction in elementary and secondary schools which provides, with respect to the years of study to which such program is applicable, structured English-language instruction and instruction in a second language. Such programs shall be designed to help children achieve competence in English and a second language, while mastering subject matter skills. Such instruction shall, to the extent necessary, be in all courses or subjects of study which will allow a child to meet grade-promotion and graduation standards.

Closing date for transmittal of applications: An application for a grant must be mailed or hand delivered by June 17, 1985.

Applications delivered by mail: An application sent by mail must be addressed to the U.S. Department of Education, Application Control Center, Attention, 84.003D, Washington, D.C. 20202.

Program Information

A. Definition

An applicant should read carefully the definitions of "limited English proficiency," "low-income," "native language," and "program of developmental bilingual education," contained in Part I of this notice.

(20 U.S.C. 3223)

B. Application Requirements

An applicant shall meet the following requirements pertaining to the submission of an application for assistance:

1. An application for a grant under this program must contain the information required under section 721(c)(2) of Title VII.

(20 U.S.C. 3231(c)(2))

2. An application for a grant under this program must be developed in consultation with an advisory council, of which a majority shall be parents and other representatives of the children to be served in the program. The application must be accompanied by documentation of the consultation and by the comments which the council makes on the application. The application must contain assurances that, after the application has been approved, the applicant will provide for the continuing consultation with, and participation by the committee of parents, teachers, and other interested individuals which shall be selected by and predominantly composed of parents of children participating in the programs, and in the case of a program carried out in secondary schools, representatives of the secondary students to be served.

(20 U.S.C. 3231(e)(1), (e)(2), and (e)(3))

3. An application for a grant must include evidence that the State educational agency has been notified of the application and has been given the opportunity to offer recommendations thereon to the applicant and to the Secretary.

(20 U.S.C. 3231(e)(4))

Cross-reference. See 34 CFR 75.155–75.160.

4. A grant may be approved only if the Secretary determines that an applicant, in designing the program for which application is made, takes into account the needs of the children in nonprofit private elementary and secondary schools through consultation with appropriate private school officials. Consistent with the number of children enrolled in these schools in the area to be served whose educational needs are of the type and whose language and grade levels are of a type similar to that which the program is intended to address, and after consultation with appropriate private school officials, the applicant shall make provision for the participation of these children on a basis comparable to that provided for public school children.

If the Secretary determines that an applicant for assistance is unable or unwilling to provide for the participation in the project for which assistance is sought of children of limited English proficiency enrolled in nonprofit, private schools, the Secretary shall—

(i) Withhold approval of the application until the applicant demonstrates that it is in compliance with the requirements; or

(ii) Reduce the amount of the grant to the applicant by the amount which is required for the Secretary to arrange to assess the needs of the children in the area to be served for programs of the type authorized and to carry out these programs for the children.

(20 U.S.C. 3231(f)(2), (j))

C. Required Activities

1. During the first six months of the grant an applicant shall engage exclusively in preservice activities. These activities may include program design, materials development, staff recruitment and training, development of evaluation mechanisms and procedures, and the operation of programs to involve parents in the educational program and to enable parents and family members to assist in the education of limited English proficient children. This requirement may be waived by the Secretary upon a determination that an applicant is prepared to operate successfully the proposed instructional program.

(20 U.S.C. 3231(d)(1)(B))

2. A grant may be approved only if the Secretary determines that the program will be evaluated in accordance with a plan that meets the requirements of Section 733 of Title VII.

(20 U.S.C. 3231(f)(3))

Cross-reference. See 34 CFR 75.590 (Evaluation by the grantee). See also, (f) (*Evaluation plan.*) in the selection criteria in Part I of this notice.

3. A grant may be approved only if the Secretary determines that the applicant will provide or secure training for personnel participating, or preparing to participate, in the program and that, to the extent possible, college or university credit will be awarded for this training.

(20 U.S.C. 3231(f)(6))

4. Parents or legal guardians of students identified for enrollment in a program of development bilingual education shall be informed of: the reasons for the selection of their child as in need of a program of developmental bilingual education; the alternative educational programs that are available; and the nature of the program of developmental bilingual education and of the instructional alternatives. Parents shall also be informed that they have the option of declining enrollment of their children in a program and shall be given an opportunity to do so if they so choose. Parents of children participating in the program shall be informed of the instructional goals of the program and the progress of their children in the program.

(20 U.S.C. 3231(d)(1)(D), 3223(c))

D. Other Requirements

1. Where possible, classes in programs of developmental bilingual education shall be comprised of approximately equal numbers of students whose native language is English and limited English proficient students whose native language is the second language of instruction and study in the program.

(20 U.S.C. 3223(5)(B))

2. An application for a grant may be approved only if the Secretary determines that the program will use qualified personnel, including only those personnel who are proficient in the language or languages used for instruction.

(20 U.S.C. 3231(f)(1))

3. An application for a grant may be approved only if the Secretary determines that Federal funds made available for the project or activity will be used so as to supplement the level of State and local funds that, in the absence of those Federal funds, would have been expended for special programs for children of limited English proficiency and in no case to supplant State and local funds.

(20 U.S.C. 3231(f)(4))

4. An application for a grant may be approved only if the Secretary determines that the assistance provided under the application will contribute toward building the capacity of the applicant to provide a program on a regular basis, similar to that proposed for assistance, which will be of sufficient size, scope, and quality to promise significant improvement in the education of children of limited English proficiency, and that the applicant will have the resources and commitment to continue the program when assistance under Title VII is reduced or no longer available.

(20 U.S.C. 3231(f)(5))

5. An application for a grant may be approved only if the Secretary determines that the provision of assistance proposed in the application is consistent with criteria established by the Secretary after consultation with the State educational agency, following the submission of applications to SEAs from LEAs as required in B. 3. (*Application requirements.*) of this notice, for the purpose of achieving an equitable distribution of assistance within the State in which the applicant is located, taking into consideration—

(i) the geographic distribution of children of limited English proficiency;

(ii) the relative need of persons in different geographical areas within the State for the kinds of services and activities authorized under Title VII;

(iii) the relative ability of particular LEAs within the State to provide services and activities; and

(iv) the relative number of persons from low-income families sought to be benefited.

(20 U.S.C. 3231(f)(7))

E. Priorities

In consideration of applications from LEAs to carry out programs authorized under Section 721 of the Act, the Secretary gives priority to applications from local educational agencies which are located in various geographical regions of the Nation and which propose to assist children of limited English proficiency who have historically been underserved by programs of bilingual education, taking into consideration the relative number of these children in the schools of local educational agencies and the relative need for the programs. In approving applications, the Secretary, to the extent feasible, allocates funds appropriated in proportion to the geographical distribution of children of limited English proficiency throughout the Nation, with due regard for the relative ability of particular local educational agencies to carry out the programs and the relative numbers of persons from low-income families sought to be benefited by the programs.

(20 U.S.C. 3231(h))

F. Project Period

An application will be approved for a project period of three years.

Upon reapplication, grants authorized under this program shall be renewed for two additional years unless the Secretary determines that—

(1) The applicant's program does not comply with the requirements set out in Title VII;

(2) The applicant's program has not made substantial progress in achieving the specific educational goals set out in the original application; or

(3) There is no longer a need for the applicant's program.

(20 U.S.C. 3231(d)(1)(A), (C))

Intergovernmental Review

Any State process recommendation and other comments submitted by a State single point of contact and any comments from State, areawide, regional, and local entities must be mailed or hand delivered by July 17, 1985 to the address in Part I of this notice.

Available funds: It is expected that approximately $250,000 will be available for the Program of Developmental Bilingual Education for Fiscal Year 1985.

It is estimated that these funds could support 2 projects. However, these estimates do not bind the U.S. Department of Education to a specific number of grants or to the amount of any grant unless that amount is otherwise specified by statute or regulations.

Application forms: Applications are expected to be ready for mailing by May 10, 1985. A copy of the application package may be obtained by writing to Ray Chavez, Regulations Coordinator, Office of Bilingual Education and Minority Languages Affairs, U.S. Department of Education, 400 Maryland Avenue, SW. (Reporters Building, Room 421), Washington, D.C. 20202.

Applications must be prepared and submitted in accordance with the regulations, instructions, and forms included in the program information package. However, the program information is only intended to aid applicants in applying for assistance. Nothing in the program information package is intended to impose any paperwork, application content, reporting, or grantee performance requirements beyond those imposed under the statute and regulations.

The Secretary strongly urges that the narrative portion of the application not exceed 40 pages in length. The Secretary further urges that applicants not submit information that is not requested.

(Approved by the Office of Management and Budget under control number 1885–0003)

Applicable regulations: Regulations applicable to this program are the Education Department General Administrative Regulations (EDGAR), 34 CFR Parts 74, 75, 77, 78, and 79.

Further information: For further information contact the Dr. Rudy Cordova, Director, Division of State and Local Programs, Office of Bilingual Education and Minority Languages Affairs, U.S. Department of Education, 400 Maryland Avenue, SW. (Reporters Building, Room 421), Washington, D.C. 20202. Telephone (202) 245–2609.

(20 U.S.C. 3231(a)(1))

84.003A—Special Alternative Instructional Program

Closing Date: June 17, 1985.

Applications are invited for new projects under the Special Alternative Instructional Program.

Authority for this program is contained in section 721(a)(3) of Title VII of the Elementary and Secondary Education Act, as amended by Pub. L. 98–511 (Title VII).

(20 U.S.C. 3221–3262)

The Secretary makes awards under this program to local educational agencies (LEAs) (see definition of "local educational agency" in 34 CFR Part 77) and institutions of higher education applying jointly with one or more LEAs.

The purpose of the awards is to establish, operate, and improve special

alternative instructional programs. The term "special alternative instructional programs" means programs of instruction designed for children of limited English proficiency in elementary and secondary schools. Such programs are not transitional or developmental bilingual education programs, but have specially designed curricula and are appropriate for the particular linguistic and instructional needs of the children enrolled. Such programs shall provide, with respect to the years of study to which such program is applicable, structured English language instruction and special instructional services which will allow a child to achieve competence in the English language and to meet grade-promotion and graduation standards.

Closing date for transmittal of applications: An application for a grant must be mailed or hand delivered by June 17, 1985.

Applications delivered by mail: An application sent by mail must be addressed to the U.S. Department of Education, Application Control Center, Attention, 84.003A, Washington, D.C. 20202.

Program Information

A. Definitions

An applicant should read carefully the definitions of "limited English proficiency," "low-income," and "native language," and "special alternative instructional programs," contained in Part I of this notice.

(20 U.S.C. 3223)

B. Application Requirements

An applicant shall meet the following requirements pertaining to the submission of an application for assistance:

1. An application for a grant under this program must contain the information required under section 721(c)(2) of Title VII.

(20 U.S.C. 3231(c)(2))

2. An application for a grant under this program must be developed in consultation with an advisory council, of which a majority shall be parents and other representatives of the children to be served in the programs. The application must be accompanied by documentation of the consultation and by the comments which the council makes on the applications. The application must contain assurances that, after the application has been approved, the applicant will provide for the continuing consultation with, and participation by, the committee of parents, teachers, and other interested individuals which shall be selected by and predominantly composed of parents of children participating in the program, and in the case of a program carried out in secondary schools, representatives of the secondary students to be served.

(20 U.S.C. 3231(e)(1), (e)(2), and (e)(3))

3. An application for a grant must include evidence that the State educational agency has been notified of the application and has been given the opportunity to offer recommendations thereon to the applicant and to the Secretary.

(20 U.S.C. 3231(e)(4))

Cross-reference. See 34 CFR 75.155–75.160.

4. A grant may be approved only if the Secretary determines that an applicant, in designing the program for which the application is made, takes into account the needs of the children in nonprofit private elementary and secondary schools through consultation with appropriate private school officials. Consistent with the number of children enrolled in these schools in the area to be served whose educational needs are of the type and whose language and grade levels are of a type similar to that which the program is intended to address, and after consultation with appropriate private school officials, the applicant shall make provisions for the participation of these children on a basis comparable to that provided for public school children.

If the Secretary determines that an applicant for assistance is unable or unwilling to provide for the participation in the project for which assistance is sought of children of limited English proficiency enrolled in nonprofit, private schools, the Secretary shall—

(i) Withhold approval of the application until the applicant demonstrates that it is in compliance with the requirements; or

(ii) Reduce the amount of the grant to the applicant by the amount which is required for the Secretary to arrange to assess the needs of the children in the area to be served for programs of the type authorized and to carry out these programs for the children.

(20 U.S.C. 3231(f)(2), (j))

C. Required Activities

1. During the first six months of the grant, an applicant shall engage exclusively in preservice activities. These activities may include program design, materials development, staff recruitment and training, development of evaluation mechanisms and procedures, and the operation of programs to involve parents in the educational program and to enable parents and family members to assist in the education of limited English proficient children. This requirement may be waived by the Secretary upon a determination that an applicant is prepared to operate successfully the proposed instructional program.

(20 U.S.C. 3231(d)(1)(B))

2. A grant may be approved only if the Secretary determines that the program will be evaluated in accordance with a plan that meets the requirements of section 733 of Title VII.

(20 U.S.C. 3231(f)(3))

Cross-reference. See 34 CFR 75.590 (Evaluation by the grantee). See also, (f) (*Evaluation plan.*) in the selection criteria in Part I of this notice.

3. A grant may be approved only if the Secretary determines that the applicant will provide or secure training for personnel participating, or preparing to participate, in the program and that, to the extent possible, college or university credit will be awarded for this training.

(20 U.S.C. 3231(f)(6))

4. Parents or legal guardians of students identified for enrollment in a special alternative instructional program shall be informed of: the reasons for the selection of their child as in need of a special alternative instructional program; the other educational programs that are available; and the nature of the special alternative program and of the other instructional options. Parents shall also be informed that they have the option of declining enrollment of their children in a program and shall be given an opportunity to do so if they so choose. Parents of children participating in the program shall be informed of the instructional goals of the program and the progress of their children.

(20 U.S.C. 3231(d)(1)(D), 3223(c))

D. Other Requirements

1. An application for a grant may be approved only if the Secretary determines that the program will use qualified personnel, including only those personnel who are proficient in the language or languages used for instruction.

(20 U.S.C. 3231(f)(1))

2. An application for a grant may be approved only if the Secretary determines that Federal funds made available for the project or activity will be used so as to supplement the level of State and local funds that, in the absence of those Federal funds, would have been expended for special

programs for children of limited English proficiency and in no case to supplant State and local funds.

(20 U.S.C. 3231(f)(4))

3. An application for a grant may be approved only if the Secretary determines that the assistance provided under the application will contribute toward building the capacity of the applicant to provide a program on a regular basis, similar to that proposed for assistance, which will be of sufficient size, scope, and quality to promise significant improvement in the education of children of limited English proficiency, and that the applicant will have the resources and commitment to continue the program when assistance under the Title VII is reduced or no longer available.

(20 U.S.C. 3231(f)(5))

4. An application for a grant may be approved only if the Secretary determines that the provision of assistance proposed in the application is consistent with criteria established by the Secretary after consultation with the State educational agency, following the submission of applications to SEAs from LEAs as required in B. 3. (*Application requirements.*) of this notice, for the purpose of achieving an equitable distribution of assistance within the State in which the applicant is located, taking into consideration—

(i) the geographic distribution of children of limited English proficiency;

(ii) the relative need of persons in different geographic areas within the State for the kinds of services and activities authorized under Title VII;

(iii) the relative ability of particular LEAs within the State to provide services and activities; and

(iv) the relative numbers of persons from low-income families sought to be benefited.

(20 U.S.C. 3231(f)(7))

An applicant for a grant under this program may receive priority based upon the information provided by the applicant in its application regarding the administrative impracticability of establishing a bilingual education program due to the presence of a small number of students of a particular native language; the unavailability of personnel qualified to provide bilingual instructional services; or the applicant's current or past efforts to establish a bilingual education program.

(20 U.S.C. 3231(c)(3))

E. Priorities

In consideration of applications from LEAs to carry out programs authorized under Section 721 of the Act, the Secretary gives priority to applications from local educational agencies which are located in various geographical regions of the Nation and which propose to assist children of limited English proficiency who have historically been underserved by programs of bilingual education, taking into consideration the relative numbers of these children in the schools of the local educational agencies and the relative need for the programs. In approving applications, the Secretary, to the extent feasible, allocates funds appropriated in proportion to the geographical distribution of children of limited English proficiency throughout the Nation, with due regard for the relative ability of particular local educational agencies to carry out programs and the relative numbers of persons from low-income families sought to be benefited by the programs.

(20 U.S.C. 3231(h))

F. Project Period

An application will be approved for a project period of three years.

Upon reapplication, grants authorized under this program shall be renewed for two additional years unless the Secretary determines that—

(1) The applicant's program does not comply with the requirements set out in Title VII;

(2) The applicant's program has not made substantial progress in achieving the specific educational goals set out in the original application; or

(3) There is no longer a need for the applicant's program.

(20 U.S.C. 3231(d)(1)(A), (C))

Intergovernmental Review

Any State process recommendation and other comments submitted by a State single point of contact and any comments from State, areawide, regional, and local entities must be mailed or hand delivered by July 17, 1985 to the address in Part I of this notice.

Available funds: It is expected that approximately $5,370,600 will be available for the Special Alternative Instructional Program for Fiscal Year 1985.

It is estimated that these funds could support 37 to 53 projects.

However, these estimates do not bind the U.S. Department of Education to a specific number of grants or to the amount of any grant unless that amount is otherwise specified by statute or regulations.

Application forms: Applications are expected to the ready for mailing by May 10, 1985. A copy of the application package may be obtained by writing to Ray Chavez, Regulations Coordinator, Office of Bilingual Education and Minority Languages Affairs, U.S. Department of Education, 400 Maryland Avenue, SW. (Reporters Building, Room 421), Washington, D.C. 20202.

Applications must be prepared and submitted in accordance with the regulations, instructions, and forms included in the program information package. However, the program information is only intended to aid applicants in applying for assistance. Nothing in the program information package is intended to impose any paperwork, application content, reporting, or grantee performance requirements beyond those imposed under the statute and regulations.

The Secretary strongly urges that the narrative portion of the application not exceed 40 pages in length. The Secretary further urges that applicants not submit information that is not requested.

(Approved by the Office of Management and Budget under control number 1885–0003.)

Applicable regulations: Regulations applicable to this program are the Education Department General Administrative Regulations (EDGAR), 34 CFR Parts 74, 75, 77, 78, and 79.

Further Information: For further information contact Dr. Rudy Cordova, Director, Division of State and Local Programs, Office of Bilingual Education and Minority Languages Affairs, U.S. Department of Education, 400 Maryland Avenue, SW. (Reporters Building, Room 421), Washington, D.C. 20202. Telephone (202) 245–2609.

(20 U.S.C. 3231(a)(1))

84.003L—Family Engish Literacy Program

Closing date: June 17, 1985.

Applications are invited for new projects under the Family English Literacy Program.

Authority for this program is contained in section 721(a)(5) of Title VII of the Elementary and Secondary Education Act, as amended by Pub. L. 98–511 (Title VII).

(20 U.S.C. 3221–3262)

The Secretary makes awards under this program to local educational agencies (LEAs) (see definition of "local educational agency" in 34 CFR Part 77), institutions of higher education, including junior or community colleges, and private nonprofit organizations. Eligible applicants may apply separately or jointly.

The purpose of the awards is to establish, operate, and improve family

English literacy programs. The term "family English literacy program" means a program of instruction designed to help limited English proficient adults and out-of-school youth achieve competence in the English language. These programs of instruction may be conducted exclusively in English or in English and the student's native language. Where appropriate, these programs may include instruction on how parents and family members can facilitate the educational achievement of limited English proficient children. To the extent feasible, preference for participation in programs shall be accorded to the parents and immediate family members of children enrolled in programs assisted under Title VII.

Closing date for transmittal of applications: An application for a grant must be mailed or hand delivered by June 17, 1985.

Applications delivered by mail: An application sent by mail must be adddressed to the U.S. Department of Education, Application Control Center, Attention, 84.003L, Washington, D.C. 20202.

Program Information

A. Definitions

An applicant should read carefully the definitions of "limited English proficiency," "low-income," "native language," and "family English literacy program," contained in Part I of this notice.

B. Application Requirements

An application for a grant under this program must contain the information required under section 721(c)(5) of Title VII.

(20 U.S.C. 3231(c)(5))

C. Priorities

In consideration of applications from LEAs to carry out programs authorized under Section 721 of the Act, the Secretary gives priority to applications from LEAs which are located in various geographical regions of the Nation and which propose to assist children of limited English proficiency who have historically been underserved by programs of bilingual education, taking into consideration the relative numbers of these children in the schools of the LEAs and the relative need for the programs. In approving applications, the Secretary, to the extent feasible, allocates funds appropriated in proportion to the geographical distribution of children of limited English proficiency throughout the Nation, with due regard for the relative ability or particular local educational agencies to carry out the programs and the relative numbers of persons from low-income families sought to be benefited by these programs.

(20 U.S.C. 3231(h))

D. Projected Period

An Application will be approved for a project period of three years.

(20 U.S.C. 3231(d)(2))

Intergovernmental Review

Any State process recommendation and other comments submitted by a State single point of contact and any comments from State, areawide, regional, and local entities must be mailed or hand delivered by July 17, 1985 to the address in Part I of this notice.

Available funds: It is expected that approximately $250,000 will be available for the Family English Literacy Program for Fiscal Year 1985.

It is estimated that these funds could support 2 projects.

However, these estimates do not bind the U.S. Department of Education to a specific number of grants or to the amount of any grant unless that amount is otherwise specified by statute or regulations.

Application forms: Applications are expected to be ready for mailing by May 10, 1985. A copy of the application package may be obtained by writing to Ray Chavez, Regulations Coordinator , Office of Bilingual Education and Minority Languages Affairs, U.S. Department of Education, 400 Maryland Avenue, SW. (Reporters Building, Room 421), Washington, D.C. 20202.

Applications must be prepared and submitted in accordance with the regulations, instructions, and forms included in the program information package. However, the program information is only intended to aid applicants in applying for assistance. Nothing in the program information package is intended to impose any paperwork, application content, reporting, or grantee performance requirements beyond those imposed under the statute and regulations.

The Secretary strongly urges that the narrative portion of the application not exceed 40 pages in length. The Secretary further urges that applicants not submit information that is not requested.

(Approved by the Office of Management and Budget under control number 1885–0003.)

Applicable regulations: Regulations applicable to this program are the Education Department General Administrative Regulations (EDGAR), 34 CFR Parts 74, 75, 77, 78, and 79.

Further Information: For further information contact Mr. Rudy Munis, Director, Division of National Programs, Office of Bilingual Education and Minority Languages Affairs, U.S. Department of Education, 400 Maryland Avenue, SW. (Reporters Building, Room 421), Washington, D.C. 20202. Telephone (202)245–2595.

(20 U.S.C. 3231(a)(5))

84.003P—Special Populations Program

Closing date: June 17, 1985.

Applications are invited for new projects under the Special Populations Program.

Authority for this program is contained in Section 721(a)(6) of Title VII of the Elementary and Secondary Education Act, as amended by Pub. L. 98–511 (Title VII).

(20 U.S.C. 3221–3262)

The Secretary makes awards under this program to local educational agencies (LEAs), institutions of higher education, including junior and community colleges; and private nonprofit organizations. Eligible applicants may apply separately or jointly.

The purpose of the awards is to establish, operate, and improve bilingual preschool, special education, and gifted and talented programs that are preparatory or supplementary to programs such as those assisted under Title VII.

Closing date for transmittal of applications: An application for a grant must be mailed or hand delivered by June 17, 1985.

Applications delivered by mail: An application sent by mail must be addressed to the U.S. Department of Education, Application Control Center, Attention, 84.003P, Washington, D.C. 20202.

Program Information

A. Definitions

An applicant should read carefully the definitions of "limited English proficiency," "low-income," and "native language," contained in Part I of this notice.

B. Required Activities

Parents or legal guardians of students identified for enrollment in a special populations program shall be informed of: the reasons for the selection of their child as in need of a special populations program; the alternative educational programs that are available; and the nature of the special populations program and of the instructional alternatives. Parents shall also be

informed that they have the option of declining enrollment of their children in a program and shall be given an opportunity to do so if they so choose. Parents of children participating in the program shall be informed of the instructional goals of the program and the progress of their children in the program.

(20 U.S.C. 3231(d)(1)(D), 3223(c))

C. Priorities

In consideration of applications from LEAs to carry out programs authorized under section 721 of the Act, the Secretary gives priority to applications from LEAs which are located in various geographical regions of the Nation and which propose to assist children of limited English proficiency who have historically been underserved by programs of bilingual education, taking into consideration the relative numbers of these children in the schools of the LEAs and the relative need for the programs. In approving applications, the Secretary, to the extent feasible, allocates funds appropriated in proportion to the geographical distribution of children of limited English proficiency throughout the Nation, with due regard for the relative ability of particular local educational agencies to carry out the programs and the relative numbers of persons from low-income families sought to be benefited by the programs.

(20 U.S.C. 3231(h))

D. Project Period

An application may be approved for a project period of one to three years.

For Fiscal Year 1985, an application will be approved for a project period of one year only.

(20 U.S.C. 3231(d)(3))

Intergovernmental Review

Any State process recommendation and other comments submitted by a State single point of contact and any comments from State, areawide, regional, and local entities must be mailed or hand delivered by July 17, 1985 to the address in Part I of this notice.

Available funds: It is expected that approximately $2,500,000 will be available for the Special Populations Program for Fiscal Year 1985.

It is estimated that these funds could support 16 projects.

However, these estimates do not bind the U.S. Department of Education to a specific number of grants or to the amount of any grant unless that amount is otherwise specified by statute or regulations.

Application forms: Applications are expected to be ready for mailing by May 10, 1985. A copy of the application package may be obtained by writing to Ray Chavez, Regulations Coordinator, Office of Bilingual Education and Minority Languages Affairs, U.S. Department of Education, 400 Maryland Avenue, SW. (Reporters Building, Room 421), Washington, DC 20202.

Applications must be prepared and submitted in accordance with the regulations, instructions, and forms included in the program information package. However, the program information is only intended to aid applicants in applying for assistance. Nothing in the program information package is intended to impose any paperwork, application content, reporting, or grantee performance requirements beyond those imposed under the statute and regulations.

The Secretary strongly urges that the narrative portion of the application not exceed 40 pages in length. The Secretary further urges that applicants not submit information that is not requested.

(Approved by the Office of Management and Budget under control number 1885–0003.)

Applicable regulations: Regulations applicable to this program are the Education Department General Administrative Regulations (EDGAR), 34 CFR Parts 74, 75, 77, 78, and 79.

Further information: For further information contact Mr. Rudy Munis, Director, Division of National Programs, Office of Bilingual Education and Minority Languages Affairs, U.S. Department of Education, 400 Maryland Avenue, SW. (Reporters Building, Room 421), Washington, DC 20202. Telephone (202) 245–2595.

(20 U.S.C. 3231(a)(6))

84.003M—Program for the Development of Instructional Materials

Closing date: June 17, 1985.

Applications are invited for new projects under the Program for the Development of Instructional Materials.

Authority for this program is contained in section 721(a)(7) of Title VII of the Elementary and Secondary Act, as amended by Pub. L. 98–511 (Title VII).

(20 U.S.C. 3221–3262)

The purpose of these awards is to establish, operate, and improve programs to develop instructional materials in languages for which materials are commercially unavailable.

(20 U.S.C. 3231(a)(7))

Closing date for transmittal of applications: An application for a grant must be mailed or hand delivered by June 17, 1985.

Applications delivered by mail: An application sent by mail must be addressed to the U.S. Department of Education, Application Control Center, Attention, 84.003M, Washington, D.C. 20202.

Program Information

A. Definitions

An applicant should read carefully the definitions of "limited English proficiency," "low-income," and "native language," contained in Part I of this notice.

B. Priorities

In consideration of applications from LEAs to carry out programs authorized under section 721 of the Act, the Secretary gives priority to applications from LEAs which are located in various geographical regions of the Nation and which propose to assist children of limited English proficiency who have historically been underserved by programs of bilingual education, taking into consideration the relative numbers of these children in the schools of the LEAs and the relative need for the programs. In approving applications, the Secretary, to the extent feasible, allocates funds appropriated in proportion to the geographical distribution of children of limited English proficiency throughout the Nation, with due regard for the relative ability of particular local educational agencies to carry out the programs and the relative numbers of persons from low-income families sought to be benefited by the programs.

(20 U.S.C. 3231(h))

C. Project Period

An application may be approved for a project period of one to three years.

For Fiscal Year 1985, an application will be approved for a project period of one year only.

(20 U.S.C. 3231(d)(3))

Intergovernmental Review

Any State process recommendation and other comments submitted by a State single point of contact and any comments from State, areawide, regional, and local entities must be mailed or hand delivered by July 17, 1985 to the address in Part I of this notice.

Available funds: It is expected that approximately $250,000 will be available for the Program for the Development of

Instructional Materials for Fiscal Year 1985.

It is estimated that these funds could support 2 projects.

However, these estimates do not bind the U.S. Department of Education to a specific number of grants or to the amount of any grant unless that amount is otherwise specified by statute or regulations.

Application forms: Applications are expected to be ready for mailing by May 10, 1985. A copy of the application package may be obtained by writing to Ray Chavez, Regulations Coordinator, Office of Bilingual Education and Minority Languages Affairs, U.S. Department of Education, 400 Maryland Avenue, SW. (Reporters Building, Room 421), Washington, D.C. 20202.

Applications must be prepared and submitted in accordance with the regulations, instructions, and forms included in the program information package. However, the program information is only intended to aid applicants in applying for assistance. Nothing in the program information package is intended to impose any paperwork, application content, reporting, or grantee performance requirements beyond those imposed under the statute and regulations.

The Secretary strongly urges that the narrative portion of the application not exceed 40 pages in length. The Secretary further urges that applicants not submit information that is not requested.

(Approved by the Office of Management and Budget under control number 1885-0003.)

Applicable regulations: Regulations applicable to this program are the Education Department General Administrative Regulations (EDGAR), 34 CFR Parts 74, 75, 77, 78, and 79.

Further Information: For further information contact Mr. Rudy Munis, Director, Division of National Programs, Office of Bilingual Education and Minority Languages Affairs, U.S. Department of Education, 400 Maryland Avenue, SW. (Reporters Building, Room 421), Washington, D.C. 20202. Telephone (202) 245-2595.

(20 U.S.C. 3231(a)(7))

84.003J—Educational Personnel Training Program

Closing date: June 17, 1985.

Applications are invited for new projects under the Educational Personnel Training Program.

Authority for this program is contained in Section 741(a)(1) of Title VII of the Elementary and Secondary Act, as amended by Pub. L. 98-511 (Title VII)

(20 U.S.C. 3221-3262)

The Secretary makes awards under this program to institutions of higher education.

The purpose of the awards is to establish, operate, and improve training programs for educational personnel preparing to participate in, or personnel participating in, the conduct of programs of bilingual education or special alternative instructional programs for limited English proficient students, which shall emphasize opportunities for career development, advancement, and lateral mobility, and may provide training to teachers, administrators, counselors, paraprofessionals, teacher aides, and parents.

Closing date for transmittal of applications: An application for a grant must be mailed or hand delivered by June 17, 1985.

Applications delivered by mail: An application sent by mail must be addressed to the U.S. Department of Education, Application Control Center, Attention, 84.003J, Washington, D.C. 20202.

Program Information

A. Application Requirements

1. An application for a grant for preservice or inservice training activities shall be developed in consultation with an advisory council, of which a majority shall be parents and other representatives of the children to be served in such programs. The application shall be accomplished by documentation of such consultation and by the comments which the council makes on the application. The application shall contain assurances that, after the application has been approved, the applicant will provide for the continuing consultation with, and participation by, the committee of parents, teachers, and other interested individuals which shall be selected by and predominantly composed of parents of children participating in the program that will benefit from the training of the personnel under this project, and in the case of programs carried out in secondary schools, representatives of the secondary students to be served.

(20 U.S.C. 3251(c), 3231(e))

2. An application for a grant for preservice or inservice training activities shall include evidence that the State educational agency has been notified of the application and has been given the opportunity to offer recommendations thereon to the applicant and to the Secretary.

(20 U.S.C. 3251(c), 3231(e))

B. Other Requirements

Preservice training programs shall be designed to ensure that participants become proficient in English and a second language of instruction.

(20 U.S.C. 3251(d))

C. Priorities

1. In making a grant for preservice training programs, the Secretary gives preference to programs which contain coursework in teaching English as a second language; use of a non-English language for instructional purposes; linguistics; evaluation and assessment; and involving parents in the education process.

(20 U.S.C. 3251(d))

2. In making grants under this program, the Secretary gives priority to eligible applicants with demonstrated competence and experience in programs and activities such as those authorized under Title VII.

(20 U.S.C. 3254)

D. Project Period

An application will be approved for a project period of one year.

(20 U.S.C. 3231(d)(3))

E. Stipends

The Secretary provides for the payment, to persons participating in educational personnel training programs, stipends (including allowances for subsistence and expenses for these persons and their dependents) as the Secretary may determine to be consistent with prevailing practices under comparable federally supported programs.

(20 U.S.C. 3255)

Intergovernmental Review

Any State process recommendation and other comments submitted by a State single point of contact and any comments from State, areawide, regional, and local entities must be mailed or hand delivered by July 17, 1985 to the address in Part I of this notice.

Available funds: It is expected that approximately $37,000,000 will be available for the Educational Personnel Training Program for Fiscal Year 1985.

It is estimated that these funds could support 40 projects.

However, these estimates do not bind the U.S. Department of Education to a specific number of grants or to the amount of any grant unless that amount is otherwise specified by statute or regulations.

Application forms: Applications are expected to be ready for mailing by May 10, 1985. A copy of the application package may be obtained by writing to Ray Chavez, Regulations Coordinator, Office of Bilingual Education and Minority Languages Affairs, U.S. Department of Education, 400 Maryland Avenue, SW. (Reporters Building, Room 421), Washington, D.C. 20202.

Applications must be prepared and submitted in accordance with the regulations, instructions, and forms included in the program information package. However, the program information is only intended to aid applicants in applying for assistance. Nothing in the program information package is intended to impose any paperwork, application content, reporting, or grantee performance requirements beyond those imposed under the statute and regulations.

The Secretary strongly urges that the narrative portion of the application not exceed 40 pages in length. The Secretary further urges that applicants not submit information that is not requested.

(Approved by the Office of Management and Budget under control number 1885–0003.)

Applicable regulations: Regulations applicable to this program are the Education Department General Administrative Regulations (EDGAR), 34 CFR Parts 74, 75, 77, 78, and 79.

Further information: For further information contact Mr. Rudy Munis, Director, Division of National Programs, Office of Bilingual Education and Minority Languages Affairs, U.S. Department of Education, 400 Maryland Avenue, SW. (Reporters Building, Room 421), Washington, D.C. 20202. Telephone (202) 245–2595.

(20 U.S.C. 3241(a)(1))

Dated: April 24, 1985.

William J. Bennett,

Secretary of Education.

[FR Doc. 85–10436 Filed 4–29–85; 8:45 am]

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federal register

Tuesday
April 30, 1985

Part VIII

Department of Education

Office of Elementary and Secondary Education

34 CFR Parts 200, 201, 203, and 204

Migratory Children and Neglected or Delinquent Children in Institutions, and General Definitions and Administrative, Project, Fiscal, and Due Process Requirements; Financial Assistance to State Educational Agencies; Final Rule

DEPARTMENT OF EDUCATION

Office of Elementary and Secondary Education

34 CFR Parts 200, 201, 203, and 204

Chapter 1, Education Consolidation and Improvement Act of 1981; Financial Assistance to State Educational Agencies To Meet Special Educational Needs of Migratory Children and Neglected or Delinquent Children in Institutions, and General Definitions and Administrative, Project, Fiscal, and Due Process Requirements

AGENCY: Department of Education.

ACTION: Final regulations.

SUMMARY: The Secretary issues final regulations for the programs authorized under Chapter 1 of the Education Consolidation and Improvement Act of 1981 (ECIA) that provide financial assistance to (1) State educational agencies (SEAs) for programs designed to meet the special educational needs of migratory children, and (2) State agencies for programs to meet the special educational needs of neglected or delinquent children in institutions. In addition, the Secretary issues general regulations that apply to these programs, as well as to the State-operated program for handicapped children authorized under Chapter 1 of the ECIA, and to the program in 34 CFR Part 200 that provides financial assistance to local educational agencies (LEAs) for programs designed to meet the special educational needs of educationally deprived children. The Secretary is not issuing final regulations in this document for the Chapter 1 program that provides financial assistance to State agencies to meet the special educational needs of handicapped children in Part 202. Those regulations will be published in a separate document.

EFFECTIVE DATE: These regulations take effect either 45 days after publication in the Federal Register or later if Congress takes certain adjournments. If you want to know the effective date of these regulations, call or write the Department of Education contact person.

FOR FURTHER INFORMATION CONTACT: Dr. Bruce Gaarder, Director, Division of Program Support, Compensatory Education Programs, U.S. Department of Education, 400 Maryland Avenue, SW. (Room 3624, ROB–3), Washington, D.C. 20202. Telephone: (202) 245–9846.

SUPPLEMENTARY INFORMATION:

A. Overview of Chapter 1

Chapter 1 of the Education Consolidation and Improvement Act of 1981 (Chapter 1) was enacted as part of Subtitle D of Title V of the Omnibus Budget Reconciliation Act of 1981 (Pub. L. 97–35). Chapter 1 supersedes Title I of the Elementary and Secondary Education Act of 1965, as amended (Title I). The purpose of Chapter 1 is to continue to provide financial assistance to SEAs and LEAs to meet special educational needs, on the basis of allocations calculated under Title I, but to do so in a manner which will eliminate burdensome, unnecessary, and unproductive paperwork and free the SEAs and LEAs of unnecessary Federal supervision, direction, and control.

The programs authorized by Chapter 1 provide financial assistance to—

(a) LEAs for projects designed to meet the special educational needs of educationally deprived children and children in local institutions for neglected or delinquent children;

(b) SEAs for projects designed to meet the special educational needs of migratory children of migratory agricultural workers or migratory fishers and SEAs for special projects designed to improve interstate and intrastate coordination of migrant education activities;

(c) State agencies and eligible LEAs for projects designed to meet the special educational needs of children who are or have been served in institutions, schools, or programs for handicapped children;

(d) State agencies for projects designed to meet the special educational needs of children in institutions for neglected or delinquent children, or in adult correctional institutions; and

(e) The Secretary of the Interior to meet the special educational needs of Indian children.

An NPRM governing the Chapter 1 programs designed to meet the special educational needs of migratory children, handicapped children, and neglected or delinquent children and general provisions applicable to all Chapter 1 programs was published in the Federal Register on December 3, 1982 at 47 FR 54718.

Subsequent to publication of the proposed regulations, Congress enacted on December 8, 1983 the Education Consolidation and Improvement Act of 1981 Technical Amendments (Pub. L. 98–211) to improve implementation of the ECIA. The technical amendments require that corresponding changes be made to certain sections of the proposed regulations. These changes are discussed in subsections C and E below.

Final regulations governing financial assistance to LEAs for projects designed to meet the special educational needs of educationally deprived children were published in the Federal Register at 47 FR 52340 (Nov. 19, 1982) as 34 CFR Part 200. Certain amendments to those regulations were proposed on August 9, 1984 (49 FR 31914). Final regulations governing interstate and intrastate coordination of migrant education activities were published in the Federal Register at 48 FR 34644 (July 29, 1983) as 34 CFR Part 205.

B. Overview of These Regulations

These regulations include—

- Revisions to Part 200 removing certain sections now included in Part 204.
- Part 201 which contains regulations for the program of assistance to SEAs for projects designed to meet the special educational needs of migratory children of migratory agricultural workers or migratory fishers.
- Part 203 which contains regulations for the program of assistance to State agencies for projects designed to meet the special educational needs of children in institutions for neglected or delinquent children, or in adult correctional institutions.
- Part 204 which contains general regulations for programs covered by Parts 201 and 203, the Chapter 1 State-operated program for handicapped children, and the program of assistance to LEAs to meet the special educational needs of educationally deprived children and children in local institutions for neglected or delinquent children covered in 34 CFR Part 200. Part 204 does not apply to the program to improve interstate and intrastate coordination of migrant education activities covered in 34 CFR Part 205.

This document does not include final regulations specifically for the Chapter 1 program for handicapped children. Those regulations will be published in a separate document.

In summary, the regulations in Parts 201 and 203 relate to—

- Applying for Chapter 1 Funds (Subpart A);
- Procedures for Determining the Amount of Grants and Subgrants (Subpart B); and
- Project Requirements (Subpart C).

The general regulations in Part 204 relate to—

- General Definitions and Applicability (Subpart A);
- General Administrative Requirements (Subpart B);
- Project Requirements (Subpart C);

- Fiscal Requirements (Subpart D); and
- Due Process Procedures (Subpart E).

C. Summary of Major Changes From the December 3, 1982 Proposed Regulations

Definitions (201.3(b))—

This section continues to use the definitions of "currently migratory child," "migratory agricultural worker," and "migratory fisher," in effect in Department regulations on June 30, 1982, rather than the definitions of those terms used in the proposed regulations, except that the definitions of "currently migratory child" has been modified to incorporate the change enacted in Pub. L. 98–312, June 12, 1984, concerning children of migratory fishers residing in the geographically largest school districts.

SEA application (§ 201.11(b)) and Frequency of submission (§ 203.12(a))—

These sections require periodic updates of applications for the programs to meet the special needs of migratory children and neglected or delinquent children in institutions where substantial changes of circumstances have occurred in any fiscal year.

Contents of an SEA's application and updating information (§ 201.12) and Submission of LEA project applications to the SEA (§ 201.17)—

These sections contain additional information on the contents of State and local educational agency applications for the program to meet the special needs of migratory children. The regulations specify, by statutory provision, the items which must be included. Requirements for parent involvement (§ 201.35)—

This section requires parent advisory councils at the State and local levels for the program to meet the special needs of migratory children with appropriate procedures to be established by each SEA.

The changes in §§ 201.3(b) and 201.35 result from technical amendments to ECIA enacted December 8, 1983 (Pub. L. 98–211) and the technical amendment to ECIA enacted June 12, 1984 (Pub. L. 98–312). Since extensive comment was received on those issues in response to the NPRM, no further need for comment is evident. These final regulations also incorporate the requirements of Pub. L. 98–211 and Pub. L. 98–312 related to other portions of Part 201, such as § 201.12 concerning the content of the State's application, but do not expand on them.

D. Summary of Regulatory Provisions in Parts 201 and 203

(1) *Applying for Chapter 1 Funds (Subparts A).* Each Subpart A contains definitions of several key terms used in each Part and explains the procedures for applying for funds for each Chapter 1 program.

With regard to applications, each Subpart A provides generally that an SEA that wishes to receive Chapter 1 funds must submit an application and have on file with the Secretary assurances that meet the applicable requirements in Section 435 of the General Education Provisions Act (GEPA) pertaining to fiscal control and fund accounting procedures.

The regulations also indicate that other agencies must submit an application to an SEA and meet the requirements for SEA approval of an application, in order to receive a grant from the SEA to operate a project.

(2) *Procedures for Determining the Amount of Grants and Subgrants (Subparts B).* Each Subpart B describes how a grant is made to an SEA, including the method for determining the amount available for an SEA's grant, and the amount available for SEA administration. In addition, each Subpart B describes how grants to other agencies within a State are made. Section 201.24 indicates the circumstances under which the Secretary may make a special arrangement (a bypass) for migrant education services.

(3) *Project Requirements (Subparts C).* Although the Chapter 1 statute retains most of the basic project design characteristics found in Title I, it reflects the Congressional intent to simplify the requirements. Each Subpart C contains the few special requirements, in addition to those in Subpart A, that apply to the design and operation of each type of program supported with Chapter 1 funds.

E. Summary of Regulatory Provisions in Parts 200 and 204

As noted above, the Department has published final regulations in 34 CFR Part 200 governing the Chapter 1 program of financial assistance to LEAs for projects designed to meet the special educational needs of educationally deprived children and children in local institutions for neglected or delinquent children. Part 200 currently contains certain provisions that are included in Part 204 in these regulations. These provisions are those in 34 CFR 204.3, Acronyms that are frequently used; § 204.10, Recordkeeping requirements; § 204.11, Access to records and audits; § 204.12, Audit claims; § 204.14, Availability of funds; § 204.20, Sufficient size, scope, and quality of project; § 204.40, General; § 204.41, Jurisdiction; § 204.42, Definitions; § 204.44, Written notice; § 204.45, Filing an application for review; § 204.46, Review of the written notice; § 204.47, Acceptance of the application; § 204.48, Rejection of the application; § 204.49, Intervention; § 204.51, The Panel's decision; § 204.52, Opportunity to comment on the Panel's decision; § 204.54, Cease and desist hearing; § 204.55, Cease and desist written report and order; and § 204.56, Enforcement of a cease and desist order.

The provisions in Part 204 replace those included in 34 CFR Part 200. When Part 204 takes effect, the duplicate provisions will be removed from Part 200.

Several sections which were published in the December 3, 1982 proposed regulations were affected by the technical amendments enacted on December 8, 1983 (Pub. L. 98–211). As a result, in an NPRM published in the **Federal Register** at 49 FR 31916 (Aug. 9, 1984), the Secretary reproposed those sections in Part 204 affected by the technical amendments. That document also proposed certain changes in the due process procedures in Part 204.

The sections that were reproposed on August 9 are: § 204.13, State rulemaking and other SEA responsibilities; § 204.21, Annual meeting of parents; § 204.22, Allowable costs; § 204.23, Evaluation; § 204.30, Maintenance of effort; § 204.31, Waiver of the maintenance of effort requirements; § 204.32, Supplement, not supplant; § 204.43, Eligibility for review; § 204.50, Practice and procedure; and § 204.53, The Secretary's decision. Because these sections have been published for additional public comment, the final regulations for Part 204 reserve those sections. When these sections become final, they too will be removed from Part 200.

The final regulations for Part 204 are summarized below:

(1) *General Definitions and Applicability (Subpart A).* Subpart A contains definitions of several key terms that apply to the programs covered in 34 CFR Parts 200, 201, and 203 and the Chapter 1 State-operated program for handicapped children. This subpart also contains commonly-used acronyms that apply to Chapter 1 programs.

(2) *General Administrative Requirements (Subparts B)* and *Project Requirements (Subpart C).* Subparts B and C contain requirements that apply to the design and operation of all projects supported with Chapter 1 funds. These requirements relate to—

- Recordkeeping requirements (204.10);
- Access to records and audits (204.11);
- Audit claims (204.12);

- Availability of funds (204.14); and
- Sufficient size, scope, and quality of project (204.20).

With regard to § 204.11(b)(1) concerning the responsibility of State and local governments to conduct audits in accordance with 34 CFR 74.62, the Secretary calls attention to the Single Audit Act of 1984, Pub. L. 98–502, 31 U.S.C. 7501 *et seq.*, enacted on October 19, 1984. This Act applies to any State or local government with respect to any of its fiscal years which begin after December 31, 1984. To the extent 34 CFR 74.62 is inconsistent with that Act, State and local governments should comply with the provisions of the Act. The Secretary expects to amend 34 CFR 74.62 in the future to conform that regulation to the provisions of the Single Audit Act.

(3) *Fiscal Requirements (Subpart D).* This subpart is reserved.

(4) *Due Process Procedures (Subpart F).* Subpart E contains specific provisions that afford due process protections to SEAs concerning—

- Final audit determinations.
- Determinations to withhold funds.
- Cease and desist complaints.
- Other Chapter 1 proceedings that may be designated by the Secretary.

These regulations are consistent with the Administration's efforts to reduce regulatory burden while increasing State and local flexibility. To the extent feasible, the Secretary will give deference to an SEA's interpretation of a Chapter 1 requirement if that interpretation is not inconsistent with the Chapter 1 statute, legislative history, regulations, and other applicable provisions of law.

F. Application of Other Statutes and Regulations

(1) Recipients of funds under Chapter 1 are recipients of Federal financial assistance and, therefore, must comply with Federal civil rights laws generally applicable to recipients of Federal financial assistance. Consequently, those statutes, as well as the regulations that implement them, apply to Chapter 1 programs. The applicable civil rights regulations are found in 34 CFR Parts 100, 104, and 106. Although final regulations implementing the Age Discrimination Act of 1975 have not yet been published, recipients of Chapter 1 funds must comply with the provisions of that Act.

(2) Section 596 of the ECIA, as amended by Pub. L. 98–211, makes certain sections of GEPA specifically applicable to Chapter 1 programs. Subject to the exceptions stated below, the provisions of GEPA are applicable to Chapter 1.

(A) Section 408(a)(1) of GEPA (authorizing the Secretary to promulgate regulations), 20 U.S.C. 1221e–3(a)(1), is superseded by Section 591(a) of the ECIA.

(B) Section 426(a) of GEPA (relating to technical assistance from the Department), 20 U.S.C. 1231c(a), is superseded by Section 591(b) of the ECIA.

(C) Section 427 of GEPA (regarding the promulgation of Federal regulations or criteria relating to parental participation), 20 U.S.C. 1231d, is superseded by Section 556(b)(3) of Chapter 1.

(D) Section 430 of GEPA (regarding applications to receive Federal financial assistance), 20 U.S.C. 1231g, is superseded by Section 556 of Chapter 1.

(E) Section 431A of GEPA (relating to maintenance of effort determinations), 20 U.S.C. 1232–1, is superseded by Section 558(a) of Chapter 1 relating to the same topic.

(F) In accordance with Section 596(a) of the ECIA, Sections 434 (SEA monitoring and enforcement), 435 (single State application), and 436 (single LEA application) of GEPA do not apply except to the extent that they relate to fiscal control and fund accounting procedures (including the title to property acquired with Federal funds). Section 435 of GEPA applies to Chapter 1 only with respect to paragraphs (b)(2) and (b)(5), which pertain to two assurances concerning fiscal control and funds accounting procedures. Seciton 436 of GEPA applies to Chapter 1 with regard to similar assurance in paragraphs (b)(2) and (b)(3).

(G) Section 453 of GEPA (relating to withholding), 20 U.S.C. 1234b, is superseded by Section 592 of the ECIA relating to the same topic.

(H) Section 455 of GEPA, 20 U.S.C. 1234d, is superseded by Section 593 of the ECIA with respect to judicial review of withholding actions.

(3) Section 1741 (distribution of block grant funds), Section 1742 (reports on the proposed use of funds and public hearings), Section 1743 (transition provisions), and Section 1745 (State audit requirements) of the Omnibus Budget Reconciliation Act of 1981 do not apply to Chapter 1. However, Section 1744 regarding access to records by the Comptroller General does apply, and its provisions have been incorporated in § 204.11 of these regulations.

(4) The Education Department General Administrative Regulations (EDGAR), with the exception noted in paragraph 5 below, do not apply to these programs. EDGAR includes 34 CFR Part 74, which incorporates Office of Management and Budget (OMB) Circulars A–21, A–87, A–102, A–110, and A–122, and 34 CFR Part 76, which deals with State-administered programs. Rather than complying with the provisions contained in these parts, agencies may apply equivalent procedures of their own for financial management and control of their programs. However, agencies continuing to comply with the provisions in 34 CFR Part 74 will considered to be considered to be in compliance with the fiscal control and fund accounting procedures required by Sections 435 and 436 of GEPA that apply to Chapter 1. The parts of EDGAR that do not apply to Chapter 1 also include 34 CFR Part 77 (Definitions That Apply to Department Regulations) and Part 78 (Education Appeal Board).

(5) Subject to any changes necessitated by the Single Audit Act, referred to above, 34 CFR 74.62, related to non-Federal audits, applies to Chapter 1. This section incorporates the audit requirements contained in Attachment P to OMB Circular A–102.

Public Participation

Proposed regulations were published on December 3, 1982, with a comment period of 60 days. In response to public request, the original period for comment was increased to 105 days. During the comment period, over 13,000 letters containing comments were received. Comments were also received in the course of briefing sessions conducted by the Department for State and local officials. A summary of significant comments and responses to them are contained in the appendix to these regualtions. The appendix will not be codified in the Code of Federal Regulations.

The Department has carefully considered all comments received and has made changes warranted by those comments. The appendix summarizes these changes.

Executive Order 12291

These regulations have been reviewed in accordance with Executive Order 12291. They are not classified as major because they do not meet the criteria for major regulations established in the Order.

Regulatory Flexibility Act Certification

The Secretary certifies that these regulations will not have a significant economic impact on a substantial number of small entities.

To the extent that these regulations affect States and State agencies, they will not have an impact on small entities because States and State agencies are

not considered to be small entities under the Regulatory Flexibility Act.

These regulations will affect all small LEAs receiving Federal financial assistance under Chapter 1. However, the regulations will not have a significant economic impact on the small LEAs affected because the regulations do not impose excessive regulatory burdens or require unnecessary Federal supervision.

The regulations impose minimal requirements to ensure the proper allocation and expenditure of program funds. Wherever possible, SEAs will have maximum authority and responsibility for supervising the State agencies and LEAs in administering the programs. Program funds may be used for LEA administrative expenses. For these reasons, the regulations will not have a significant economic impact on the small entities affected.

Intergovernmental Review

The program for financial assistance to SEAs to meet the special educational needs of migratory children (Part 201) is subject to the requirements of Executive Order 12372 and the regulations in 34 CFR Part 79 (48 FR 29158; June 24, 1983). The objective of the Executive Order is to foster an intergovernmental partnership and a strengthened federalism by relying on State and local processes for State and local government coordination and review of proposed Federal financial assistance.

In accordance with the Order, this document is intended to provide early notification of the Department's specific plans and actions for this program.

List of Subjects

34 CFR Part 200

Education, Education of disadvantaged, Education of handicapped, Elementary and secondary education, Grant programs—education, Juvenile delinquency, Migrant labor, *Neglected, Private schools.

34 CFR Part 201

Education, Education of disadvantaged, Elementary and secondary education, Grant programs—education, Migrant labor, *Neglected, *Private schools.

34 CFR Part 203

Education, Education of disadvantaged, Elementary and secondary education, Grant programs—education, Juvenile delinquency, *Neglected.

34 CFR Part 204

Education, Education of disadvantaged, Education of handicapped, Elementary and secondary education, Grant programs—education, Juvenile delinquency, Migrant labor, *Neglected, *Private schools.

Citation of Legal Authority

A citation of statutory or other legal authority is placed in parentheses on the line following each substantive provision of these regulations. Except as otherwise indicated, references to "Sec." in these citations refer to sections of the Education Consolidation and Improvement Act of 1981.

Dated: April 23, 1985.

William J. Bennett,

Secretary of Education.

(Catalog of Federal Domestic Assistance No. 84.009, Programs for Education of Handicapped Children in State Operated or Supported Schools; No. 84.010, Educationally Deprived Children—Local Educational Agencies; No. 84.011, Migrant Education—Basic State Formula Grant Program; No. 84.012, Educationally Deprived Children—State Administration; and No. 84.013, Educationally Deprived Children in State Administered Institutions Serving Neglected or Delinquent Children)

The Secretary amends Title 34 of the Code of Federal Regulations by revising Parts 200, 203, and 204 and establishing a new Part 201 as follows:

1. Part 200 is amended by removing the sections listed below:

PART 200—FINANCIAL ASSISTANCE TO LOCAL EDUCATIONAL AGENCIES TO MEET SPECIAL EDUCATIONAL NEEDS OF DISADVANTAGED CHILDREN

Sec.
200.4 Acronyms that are frequently used.
200.51 Sufficient size, scope, and quality of project.
200.56 Recordkeeping requirements.
200.57 Audits and access to records.
200.58 Compromise of audit claims.
200.64 Availability of funds.
200.90 General.
200.91 Jurisdiction.
200.92 Definitions.
200.94 Written notice.
200.95 Filing an application for review of a final audit determination or a withholding hearing.
200.96 Review of the written notice.
200.97 Acceptance of the application.
200.98 Rejection of the application.
200.99 Intervention.
200.101 The Panel's decision.
200.102 Opportunity to comment on the Panel's decision.
200.104 Cease and desist hearing.
200.105 Cease and desist written report and order.
200.106 Enforcement of a cease and desist order.

(Sec. 552–558, 591–596 of Pub. L. 97–35, 95 Stat. 464–469, 480–482 (20 U.S.C. 3801–3807, 3871–3876), as amended by Pub. L. 98–211, unless otherwise noted).

2. Part 204 (Migrant Education Program) is revised and redesignated as Part 201 to read as follows:

PART 201—FINANCIAL ASSISTANCE TO STATE EDUCATIONAL AGENCIES TO MEET SPECIAL EDUCATIONAL NEEDS OF MIGRATORY CHILDREN

Subpart A—Applying for Chapter 1 Migrant Education Program Funds

General

Sec.
201.1 Purpose.
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201.11 Documents an SEA must submit to receive a grant.
201.12 Contents of an SEA's application and updating information.
201.13 Approval of an SEA's application.
201.14–201.15 [Reserved]

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201.16 Documents that an LEA must submit to apply for a subgrant.
201.17 Submission of an LEA's project application to the SEA.
201.18 Approval of an LEA's project application for a subgrant.
201.19 [Reserved]

Subpart B—Determining the Amount of Grants and Subgrants

201.20 Amount available for an SEA grant.
201.21 Determination of an SEA grant.
201.22 Reallocation of excess funds.
201.23 Amount available for State administration.
201.24 Secretary's special arrangement for services (bypass).
201.25 Amount of a subgrant to an LEA.
201.26–201.29 [Reserved]

Subpart C—Project Requirements

201.30 Eligibility of a child to participate.
201.31 Service priorities.
201.32 Annual needs assessment.
201.33 Special allowable costs for migrant programs.
201.34 Coordination with other migrant programs and projects.
201.35 Requirements for parent involvement.
201.36–201.39 [Reserved]

Authority: Secs. 552–558, 591–596 of Pub. L. 97–35, 95 Stat. 464–469, 480–482 (20 U.S.C. 3801–3807, 3871–3876), unless otherwise noted.

Subpart A—Applying for Chapter 1 Migrant Education Program Funds

General

§ 201.1 Purpose.

The migrant education program, authorized by Section 554(a) of Chapter 1 of the Education Consolidation and Improvement Act of 1981 (ECIA) (Chapter 1), is designed to—

(a) Provide financial assistance to State educational agencies (SEAs) to establish or improve programs of education designed to meet the special educational needs of migratory children of migratory agricultural workers or migratory fishers; and

(b) Enable these SEAs to coordinate their migrant education programs and local migrant education projects with similar programs and projects in other States, including the transfer of school records and other information about eligible migratory children.

(Sec. 554(a), 20 U.S.C. 3803(a); Sec. 552, 20 U.S.C. 3801; Title I, Secs. 141–142, 20 U.S.C. 2761–2762)

§ 201.2 Applicable regulations.

The regulations in this part, 34 CFR Part 204, and 34 CFR 74.62 apply to migrant education programs and projects for which the Secretary provides financial assistance under Chapter 1 pursuant to the formula contained in Section 141 of Title I of Elementary and Secondary Education Act of 1965, as amended (Title I). Regulations for interstate and intrastate coordination program grants are contained in 34 CFR Part 205.

(Secs. 552–558, 20 U.S.C. 3801–3807)

§ 201.3 Definitions for this program.

(a) The definitions in 34 CFR 204.2 apply to the programs and projects covered by this part.

(b) In addition to the definitions referred to in paragraph (a) of this section, the following definitions apply to this Part:

"Agricultural activity" means—

(1) Any activity directly related to the production or processing of crops, dairy products, poultry, or livestock for initial commercial sale or as a principal means of personal subsistence;

(2) Any activity directly related to the cultivation or harvesting of trees; or

(3) Any activity directly related to fish farms.

"Currently migratory child" means a child—

(1) Whose parent or guardian is a migratory agricultural worker or a migratory fisher; and

(2) Who has moved within the past 12 months from one school district to another—or, in a State that is comprised of a single school district, has moved from one school administrative area to another—to enable the child, the child's guardian, or a member of the child's immediate family to obtain temporary or seasonal employment in an agricultural or fishing activity. This definition includes a child who has been eligible to be served under the requirements in the preceding sentence, and who, without the parent or guardian, has continued to migrate annually to enable him or her to secure temporary or seasonal employment in an agricultural or fishing activity. This definition also includes children of migratory fishermen, if those children reside in a school district of more than 18,000 square miles and migrate a distance of 20 miles or more to temporary residences to engage in fishing activity.

"Fishing activity" means any activity directly related to the catching or processing of fish or shellfish for initial commercial sale or as a principal means of personal subsistence.

"Formerly migratory child" means a child who—

(1) Was eligible to be counted and served as a currently migratory child within the past five years, but is not now a currently migratory child;

(2) Resides in the area served by the agency carrying out a Chapter 1 migrant education program or project; and

(3) Has the concurrence of his or her parent or guardian to continue to be considered a migratory child.

"Guardian" means a person who—

(1) Has been appointed to be the legal guardian of a child through formal proceedings in accordance with State law;

(2) An SEA determines would be appointed to be the legal guardian of a child under the law of the child's domiciliary State if formal guardianship proceedings were undertaken; or

(3) Is standing in the place of a parent to a child.

"Migratory agricultural worker" means a person who has moved within the past 12 months from one school district to another—or, in a State that is comprised of a single school district, has moved from one school administrative area to another—to enable him or her to obtain temporary or seasonal employment in an agricultural activity.

"Migratory children" means children who qualify under either the definition of "currently migratory child" or "formerly migratory child" described in this section.

"Migratory fisher" means a person who has moved within the past 12 months from one school district to another—or, in a State that is comprised of a single school district, has moved from one school administrative area to another—to enable him or her to obtain temporary or seasonal employment in a fishing activity.

"Operating agency" means—

(1) A local educational agency (LEA) to which an SEA makes a subgrant of migrant education program funds;

(2) A public or nonprofit private agency with which an SEA or the Secretary makes an arrangement to carry out a migrant education project; or

(3) An SEA, if the SEA operates the State's migrant education program or projects directly.

(Secs. 552–558, 20 U.S.C. 3801–3807; Title I, Sec. 142(b), 20 U.S.C. 2762(b))

§§ 201.4–201.9 [Reserved]

Applying for a State Grant

§ 201.10 Eligibility of an SEA to participate as a grantee.

(a) An SEA may apply to the Secretary for a grant to operate a State migrant education program directly, through subgrants to LEAs, or through arrangements with public or nonprofit private agencies.

(b) Two or more SEAs may apply jointly for a grant to support a migrant education program that benefits eligible migratory children in those States.

(Sec. 554(a), 20 U.S.C. 3803(a); Title I, Sec. 141(a), 20 U.S.C. 2761(a))

§ 201.11 Documents an SEA must submit to receive a grant.

(a) *SEA assurances.* An SEA that wishes to receive Chapter 1 migrant education program funds under this Part shall have on file with the Secretary assurances that—

(1) Meet the requirements in Section 435(b) (2) and (5) of the General Education Provisions Act (GEPA) as they relate to fiscal control and fund accounting procedures;

(2) Meet the requirements of Section 142(a)(5) of Title I regarding when preschool children may be served; and

(3) Have been properly submitted to the Secretary by the SEA.

(b) *SEA application.* To receive a Chapter 1 migrant education program grant, an SEA shall submit to the Secretary an application to cover a period of not more than three fiscal years, including the first fiscal year for which a grant is made under that application. During subsequent years, the SEA's application must incorporate any updating reports required by § 201.12(b) to assure that the State's program and projects annually comply with the Chapter 1 requirements. The application must be specific and contain

sufficient information to allow the Secretary to determine whether the State's program and projects will satisfy the requirements of Chapter 1 and the applicable regulations for each year.

(Sec. 554(a), 20 U.S.C. 3803(a); Sec. 596, 20 U.S.C. 3876; Title I, Sec. 141 (a) and (b), 20 U.S.C. 2761 (a) and (b))

(Approved by the Office of Management and Budget under control number 1810-0029)

§ 201.12 Contents of an SEA's application and updating information.

(a) *Contents of an application.* The SEA's application must address the following topics sufficiently to permit the Secretary to evaluate the proposed program and determine that the State's program and projects will be administered and carried out in a manner that complies with the Chapter 1 statute, the applicable regulations, and applicable assurances:

(1) How, in accordance with Section 142(a) of Title I, the SEA plans to spend Chapter 1 migrant education program funds, including the estimated unused amount of its preceding year's migrant education program grant—

(i) To administer and operate the program and projects (including the acquisition of equipment and where necessary the construction of school facilities) which are designed to meet the special educational needs of migratory children; and

(ii) To coordinate the program and projects with those of other States, including the transmittal of pertinent information with respect to school records of migratory children.

(2) How, in accordance with Section 142(a)(2) of Title I, the SEA in planning and carrying out its program and projects shows there has been and will be appropriate coordination with programs administered under the Community Services Block Grant Act of 1981 (45 U.S.C. 9901) and under Section 402 of the Job Training Partnership Act of 1982 (29 U.S.C. 1672).

(3) How, in accordance with Section 142(a)(3) of Title I and Section 556 of Chapter 1—

(i) The SEA will ensure that LEAs and other operating agencies will expend Chapter 1 migrant education funds only on the basis of applications approved by the SEA;

(ii) The annual assessment of the State's identified migrant children with special educational needs has affected the program design;

(iii) The children selected for services are those who have the greatest need for special assistance and how the needs of these children are sufficiently specified to permit concentration on them;

(iv) The size, scope, and quality of the program and projects offered are sufficient to give reasonable promise of substantial progress toward meeting the special educational needs of the migrant children being served;

(v) The program and projects are designed and will be implemented in consultation with parents and teachers;

(vi) The effectiveness of the program and projects in achieving program goals will be evaluated in objective, measurable terms of educational achievement in basic skills and will include a determination whether improved performance is sustained;

(vii) The SEA will ensure that results of evaluations will be used to improve the provision of services to eligible migrant children; and

(viii) Services will be provided to eligible migrant children enrolled in private schools.

(4) How, in accordance with Section 142(A)(3) of Title I and Section 558 of Chapter 1, the State's administration and implementation of the program and projects for eligible migrant children are consistent with the basic objectives of project requirements contained in Section 558 of Chapter 1 regarding maintenance of effort, supplementing of non-Federal assistance, and comparability of services.

(5) How, in accordance with Section 142(a)(4) of Title I, the SEA has planned and will carry out its program and projects in consultation with parent advisory councils at the State and local levels.

(b) *Amendments to the application: annual updating of information in the application.* An SEA shall annually update its application by submitting to the Secretary—

(1) A request for the next fiscal year's allocation of migrant education program funds;

(2) A statement of the estimated unused amount of its preceding year's migrant education program grants;

(3) A budget for the expenditure of the succeeding year's Chapter 1 migrant education funds; and

(4) Any additional updating arising from significant changes in the number or needs of children to be served, or the services to be provided.

(c) *Further updating of information in the application.* If, during the course of a project year, there are significant changes in the number or needs of the children to be served or the services to be provided, the SEA shall submit a description of those changes to the Secretary together with the impact of the changes on the Chapter 1 migrant education budget, program, and projects.

(Sec. 554(a), 20 U.S.C. 3803(a); Sec. 556, 20 U.S.C. 3805; Sec. 558, 20 U.S.C. 3807; Title I, Sec. 142(a), 20 U.S.C. 2762(a); 29 U.S.C. 1592; 45 U.S.C. 9912)

(Approved by the Office of Management and Budget under control number 1810-0029)

§ 201.13 Approval of an SEA's application.

(a) *Standards for approval.* The Secretary approves an SEA's application and any updating amendments if the proposed State migrant education program—

(1) Complies with the Chapter 1 statute and the applicable regulations;

(2) Is designed to meet the special educational needs of eligible migratory children; and

(3) Holds reasonable promise of making substantial progress toward meeting those needs.

(b) *Effect of approval.* The Secretary's approval of an application under this section requires the SEA to perform in accordance with its application, application requirements, and updating amendments, if any.

(Sec. 554(a), 20 U.S.C. 3803(a); Sec. 556, 20 U.S.C. 3805; Title I, Sec. 142(a), 20 U.S.C. 2762(a))

(Approved by the Office of Management and Budget under control number 1810-0504)

§§ 201.14-201.15 [Reserved]

Applying to an SEA for a Subgrant

§ 201.16 Documents that an LEA must submit to apply for a subgrant.

An LEA that desires to receive a subgrant shall submit to the SEA, under the procedures in § 201.17, a project application that is specific enough to allow the SEA to determine if the proposed local migrant education project satisfies the applicable requirements in the Chapter 1 statute, the applicable regulations, and the provisions of the approved SEA application.

(Sec. 554(a), 20 U.S.C. 3803(a); Sec. 556, 20 U.S.C. 3805)

(Approved by the Office of Management and Budget under control number 1810-0504)

§ 201.17 Submission of an LEA's project application to the SEA.

(a) *Frequency of submission.* An LEA shall submit a project application to the SEA for a period of not more than three fiscal years, including the first fiscal year for which a subgrant would be made under that application.

(b) *Contents of the application.* The project application must include—

(1) A description of the local Chapter 1 migrant education project to be conducted;

(2) A budget for the expenditure of Chapter 1 migrant education program funds;

(3) The assurances in Section 556(b)(2) through (b)(5) of Chapter 1;

(4) The assurances in Section 436(b)(2) and (b)(3) of GEPA; and

(5) Information that the SEA needs to ensure that the project comports with activities described in the SEA's application as provided in § 201.12.

(c) *Annual updating of information in the application.* An LEA shall annually update its project application by submitting to its SEA—

(1) Data showing that the LEA has maintained fiscal effort on the same basis as is required for LEAs by Section 558(a) of Chapter 1;

(2) A budget for the expenditure of Chapter 1 migrant education funds;

(3) Any additional updating resulting from significant changes in the number or needs of children to be served, or the services to be provided; and

(4) Other information that the SEA may request.

(Sec. 555, 20 U.S.C. 3804; Sec. 556, 20 U.S.C. 3805; Sec. 596, 20 U.S.C. 3876; Title I, Sec. 142(a), 20 U.S.C. 2762(a))

§ 201.18 Approval of an LEA's project application for a subgrant.

(a) *Standards for approval.* An SEA may approve an LEA's application for a subgrant if it complies with the requirements in the Chapter 1 statute, the applicable regulations, and the provisions of the approved SEA application.

(b) *Effect of approval.* SEA approval of a project application under paragraph (a) of this section requires the LEA to administer and operate its project in accordance with its application, any amendments, and project requirements in §§ 201.30–201.35. That approval, however, does not create for the LEA an entitlement to receive a subgrant for a period other than the first fiscal year.

(Sec. 555, 20 U.S.C. 3804; Sec. 556, 20 U.S.C. 3805; Title I, Secs. 141–142, 20 U.S.C. 2761–62)

§ 201.19 [Reserved]

Subpart B—Determining the Amount of Grants and Subgrants

§ 201.20 Amount available for an SEA grant.

(a) *General.* (1) The Secretary determines for each fiscal year the amount of the Chapter 1 migrant education program grant for which the SEA in each State may apply according to Section 141 of Title I.

(2) In applying Section 141(b)(1) of Title I, the Secretary determines for each fiscal year the number of migratory children aged five to seventeen in each State on the basis of statistics from the Migrant Student Record Transfer System (MSRTS) or from any other system that the Secretary determines most accurately and fully reflects the actual number of migratory children residing in the State. Each SEA is required to submit accurate data that are necessary to make these determinations.

(b) *Special summer formula.* In making the adjustment required by Section 141(b) of Title I to reflect the special needs of migratory children for summer projects and the additional costs of operating those projects, the Secretary uses the best available information from the MSRTS or other system about the cost of operating summer projects and the number of children in each State participating in those projects.

(Sec. 554(a), 20 U.S.C. 3803(a); Title I, Sec. 141(b), 20 U.S.C. 2761(b))
(Approved by the Office of Management and Budget under control number 1810–0520)

§ 201.21 Determination of an SEA grant.

(a) *Estimated cost of a State migrant education program.* (1) An applicant SEA is entitled to receive a Chapter 1 migrant education grant in the amount the Secretary determines for each fiscal year, on the basis of the best information available to the Secretary at the time, is necessary to carry out the activities in its application.

(2) This amount may not exceed the total amount available to that SEA as determined by the Secretary under § 201.20.

(b) *Consideration of the cost of past and future activities and the amount of funds available.* In determining the amount of the Chapter 1 migrant education program grant to which an SEA is annually entitled, the Secretary considers—

(1) The amount for which the SEA may apply, as determined under § 201.20;

(2) The cost of completed program activities under previous migrant education program grants, under Section 554(a)(2) of Chapter 1 or Section 141 of Title I, and the number of children who were served;

(3) The estimated cost of activities not yet begun under the preceding grant and the number of children who will be served;

(4) In the case of a request for an increase in the grant that the Secretary previously determined to be necessary to carry out the annual activities in the approved SEA application, the estimated cost of providing additional program services before the end of the grant period and the number of children who would receive additional services;

(5) The unused amount of the SEA's preceding migrant education program grant; and

(6) Any other relevant information.

(Sec. 554(a), 20 U.S.C. 3803(a); Title I, Sec. 141, 20 U.S.C. 2761)

§ 201.22 Reallocation of excess funds.

(a) If the Secretary determines that the annual amount for which an SEA may apply, as determined under § 201.20, is more than the amount needed to carry out the activities in its application for that year, the Secretary may allocate some or all of this excess to one or more other SEAs whose amounts available under §§ 201.20 and 201.21 would otherwise be insufficient to serve the eligible migratory children in those States.

(b) The Secretary notifies an SEA if part of the amount available to it is being considered for reallocation. The SEA may—within 15 days after receiving that notice—request an opportunity to explain why a reallocation is not warranted. If the SEA does not request an opportunity to explain, or if—after the explanation—the Secretary determines that the total amount available to the SEA for that fiscal year exceeds the amount needed, the Secretary may reallocate the amount in excess.

(Sec. 554(a), 20 U.S.C. 3803(a); Sec. 554(b), 20 U.S.C. 3803(b); Title I, Sec. 141, 20 U.S.C. 2761)

§ 201.23 Amount available for State administration.

To defray the State's costs of administering all Chapter 1 programs in the State, including the migrant education program, the Secretary pays each State an amount equal to the amount spent by it for the proper and efficient performance of its duties under Chapter 1—provided that the amount paid by the Secretary for any fiscal year does not exceed the limits imposed by Section 554(b) and (d) of Chapter 1.

(Sec. 554(b), 20 U.S.C. 3803(b); Sec. 554(d), 20 U.S.C. 3803(d); Title I, Sec. 194, 20 U.S.C. 2844)

§ 201.24 Secretary's special arrangement for services (bypass).

(a) *General.* The Secretary may make a special arrangement with one or more public or nonprofit private agencies to carry out the migrant education program in a State if the Secretary determines that—

(1) An SEA is unwilling or unable to conduct an educational program for the

migratory children who are eligible to be served;

(2) The arrangement would result in more efficient and economic administration of the program; or

(3) The arrangement would add substantially to the welfare or educational attainment of the migratory children who are eligible to be served.

(b) *Availability of funds.* The Secretary may use all or part of the total amount of the Chapter 1 migrant education program grant available to the affected SEA—under §§ 201.20 and 201.21—to make one or more special arrangements.

(c) *Notice to the SEA.* The Secretary does not make a special arrangement until after the affected SEA has had reasonable notice and an opportunity for a hearing.

(d) *Obligations of the operating agency.* If the Secretary makes a special arrangement for services through a public or nonprofit private agency, that operating agency shall administer its project in a manner consistent with an SEA's obligations under the regulations in this part.

(Sec. 554(a), 20 U.S.C. 3803(a); Title I, Sec. 142(c), 20 U.S.C. 2762(c))

§ 201.25 Amount of a subgrant to an LEA.

An SEA shall determine the amount of a subgrant to an LEA or other agency based on—

(a) The number of children to be served;

(b) The nature, scope, and cost of the proposed project; and

(c) Any other relevant criteria developed by the SEA consistent with the provisions of § 201.31, including the SEA's priorities concerning ages and grade levels of children to be served, areas of the State to be served, and types of services to be provided.

(Sec. 554(a), 20 U.S.C. 3803(a); Title I, Secs. 141–142, 20 U.S.C. 2761–2762)

§§ 201.26–201.29 [Reserved]

Subpart C—Project Requirements

§ 201.30 Eligibility of a child to participate.

(a) A child may not be counted under § 201.20, or be provided with Chapter 1 migrant education program services, until an SEA or its operating agency has—

(1) Determined that the child is either a currently or formerly migratory child as defined under § 201.3; and

(2) Indicated in writing how the child's eligibility was determined.

(b) In determining the eligibility of a child, an SEA and its operating agency may seek and obtain credible information from any source, including that provided by the child or his or her parent or guardian. Neither the SEA nor its operating agency is required to obtain documentary proof of either the child's eligibility of civil status from the child or his or her parent or guardian. However, the SEA and its operating agency are responsible for implementing procedures that ensure the correctness of the information on which the SEA or the operating agency relies.

(Sec. 554(a), 20 U.S.C. 3803(a); Title I, Sec. 141–142, 20 U.S.C. 2761–2762)

(Approved by the Office of Management and Budget under control number 1810–0520.)

§ 201.31 Service priorities.

(a) An SEA and its operating agencies shall serve eligible migratory children—according to their needs—in the following order:

(1) School-aged currently migratory children.

(2) School-aged formerly migratory children.

(3) Preschool currently migratory children.

(4) Preschool formerly migratory children.

(b) If in order to provide Chapter 1 instructional services to school-aged currently migratory children, it would be necessary to provide day care or similar services to preschool-aged currently migratory children, and no other funds—other than Chapter 1 funds—are available for that purpose, an SEA or an operating agency may provide Chapter 1 instructional services instead of day care services to those preschool children as if those children had a priority higher than school-aged formerly migratory children.

(Sec. 554(a), 20 U.S.C. 3803(a); Title I, Sec. 142 (a) and (b), 20 U.S.C. 2762 (a) and (b))

§ 201.32 Annual needs assessment.

An SEA and its operating agencies that receive Chapter 1 migrant education program funds shall base their Chapter 1 migrant education program and projects on an annual assessment of educational needs that—

(a) Identifies migratory children who are eligible to be served under § 201.20(a);

(b) Requires, consistent with the service priorities in § 201.31, the selection of those migratory children in the greatest need of special assistance; and

(c) Determines the educational needs of the children selected to participate with sufficient specificity to ensure concentration on those needs.

(Sec. 555, 20 U.S.C. 3804; Sec. 556(b)(2), 20 U.S.C. 3805(b)(2); Title I, Sec. 142(a), 20 U.S.C. 2762(a))

§ 201.33 Special allowable costs for migrant programs.

In addition to the allowable costs for all Chapter 1 programs described in 34 CFR Part 204, the SEA may use funds available under § 201.20 (amount available for an SEA grant) to pay for necessary administrative functions that are unique to the State's Chapter 1 migrant education program as long as those functions resulted from the SEA's dual role of administering the program and providing program services.

(Sec. 544(a), 20 U.S.C. 3803(a); Sec. 555(c), 20 U.S.C. 3804(c); Sec. 556(b)(2), 20 U.S.C. 3805(b)(2); Sec. 556(b)(3), 20 U.S.C. 3805(b)(3); Title I, Sec. 141, 20 U.S.C. 2761)

§ 201.34 Coordination with other migrant programs and projects.

An SEA and its operating agencies shall plan and operate the activities described in their applications in coordination with migrant programs and projects of other groups or agencies that provide services to migrants in the area served by the SEA and its operating agencies, including migrant and seasonal farmworker projects administered under Section 402 of the Job Training Partnership Act of 1982 and under the Community Services Block Grant Act of 1981.

(Sec. 554(a), 20 U.S.C. 3803(a); Title I, Sec. 142, 20 U.S.C. 2762; 29 U.S.C. 1592; 45 U.S.C. 9912)

§ 201.35 Requirements for parent involvement.

(a) *General.* An agency that receives Chapter 1 funds shall design and implement its Chapter 1 program or projects in consultation with teachers of children being served and in consultation with the parents of the children being served.

(b) *Requirements for an operating agency advisory council.* An SEA shall require each operating agency to—

(1) Establish and consult with a parent advisory council; and

(2) Solicit actively parental involvement in the planning, operation, and evaluation of its projects.

(c) *Requirements for the State advisory council.* An SEA shall—

(1) Establish and consult with a parent advisory council; and

(2) Solicit actively parental involvement in the planning, operation, and evaluation of the State's migrant education program.

(d) *Advisory council procedures.* The SEA is responsible for ensuring that appropriate procedures are devised and made available to the State's migrant parents for establishment of and consultation with State and local parent

advisory councils. Those procedures must be consistent with the requirements of Section 125(a) of Title I.

(Sec. 554(a), 20 U.S.C. 3803(a); Sec. 556(b)(3), 20 U.S.C. 3805(b)(3); Title I, Sec. 142(a)(4), 20 U.S.C. 2762(a)(4))

§§ 201.36–201.39 [Reserved]

3. Part 203 is revised to read as follows:

PART 203—FINANCIAL ASSISTANCE TO STATE AGENCIES TO MEET SPECIAL EDUCATIONAL NEEDS OF INSTITUTIONALIZED NEGLECTED OR DELINQUENT CHILDREN INCLUDING CHILDREN IN ADULT CORRECTIONAL INSTITUTIONS

Subpart A—Applying for Chapter 1 Funds for Grants to State Agencies Serving Institutionalized Neglected or Delinquent Children

General

Sec.
203.1 Purpose.
203.2 Applicable regulations.
203.3 Definitions for this program.
203.4–203.9 [Reserved]

Application Procedure

203.10 State assurances.
203.11 State agencies that may receive Chapter 1 funds.
203.12 Submission of a project application by the State agency to the SEA.
203.13 SEA approval of an application.
203.14–203.19 [Reserved]

Subpart B—Determining the Amount of Grants

203.20 Amount of funds available for Chapter 1 grants.
203.21–203.29 [Reserved]

Subpart C—Project Requirements

203.30 Annual needs assessment.
203.31 Consultation with teachers and parents.
203.32–203.39 [Reserved]

Authority: Secs. 552–556, 558, 591–596 of Pub. L. 97–35, 95 Stat. 464–466, 468–469, 480–482 (20 U.S.C. 3801–3805, 3807, 3871–3876), unless otherwise noted.

Subpart A—Applying for Chapter 1 Funds for Grants to State Agencies Serving Institutionalized Neglected or Delinquent Children

General

§ 203.1 Purpose.

Under Chapter 1 of the Education Consolidation and Improvement Act of 1981 (Chapter 1), the Secretary provides financial assistance to State agencies for projects designed to meet the special educational needs of neglected or delinquent children—

(a) In institutions for neglected children;

(b) In institutions for delinquent children; and

(c) In adult correctional institutions.

(Sec. 552, 20 U.S.C. 3801; Sec. 554(a)(2)(C), 20 U.S.C. 3803(a)(2)(C); Title I, Secs. 151–152, 20 U.S.C. 2781–2782)

§ 203.2 Applicable regulations.

The regulations in this Part, 34 CFR 74.62, and 34 CFR Part 204 apply to projects for neglected or delinquent children for which the Secretary provides financial assistance under Chapter 1 to State agencies, as defined in § 203.3.

(Secs. 552–556, 20 U.S.C. 3801–3805; Sec. 558, 20 U.S.C. 3807)

§ 203.3 Definitions for this program.

(a) The definitions in 34 CFR 204.2 apply to the programs covered by this Part.

(b) In addition to the definitions referred to in paragraph (a) of this section the following definitions apply to this Part:

"Adult correctional institution" means a facility in which persons are confined as a result of a conviction of a criminal offense, including persons under 21 years of age.

"Custody" means custody as defined by State law. However, for the purposes of this Part, a child who resides in an institution 24 hours a day is considered to be in the custody of the public agency that assigned him or her to the institution.

"Institution" means either an institution for neglected children, an institution for delinquent children, or an adult correctional institution.

"Institution for delinquent children" means a facility which has an average length of stay of at least 30 days and which is operated for the care of children who are in the custody of a public agency as a result of a determination under State law that they are delinquent.

"Institution for neglected children" means a facility which has an average length of stay of at least 30 days and which is operated for the care of children who are in the care of a public agency as a result of a determination of neglect under State law.

"Organized program of instruction" means an educational program (not beyond grade 12) which consists of classroom instruction in basic school subjects such as reading, mathematics, and vocationally-oriented subjects, and which is supported by other than Federal funds. Neither the manufacture of goods within the institution nor activities related to institutional maintenance are considered classroom instruction.

"State agency" means and agency of State government directly responsible for the free public education of children in institutions for neglected or delinquent children or in adult correctional institutions. This education may be provided in schools operated or supported by the State agency or in schools under contract or other arrangement with that agency. The term does not include an agency whose responsibility for these children is limited to the distribution of State financial assistance to other agencies that State law makes directly responsible for the free public education of these children.

(Secs. 552–556, 20 U.S.C. 3801–3805; Sec. 558, 20 U.S.C. 3807; Title I, Secs. 151 and 152(a), 20 U.S.C. 2781)

§§ 203.4–203.9 [Reserved]

Application Procedure

§ 203.10 State assurances.

A State that wishes to receive Chapter 1 funds for a project under this Part shall have on file with the Secretary assurances that—

(a) Have been properly submitted to the Secretary by the State educational agency (SEA) of that State; and

(b) Meet the requirements in Section 435 of the General Education Provisions Act as they relate to fiscal control and fund accounting precedures.

(Sec. 596, 20 U.S.C. 3876)

§ 203.11 State agencies that may receive Chapter 1 funds.

A State agency that is eligible to receive funds for a fiscal year may receive those funds through a grant from the SEA, if the State agency has on file with the SEA a current Chapter 1 project application that—

(a) Describes the projects to be conducted with the Chapter 1 funds; and

(b) Has been approved by the SEA.

(Sec. 555, 20 U.S.C. 3804; Sec. 556, 20 U.S.C. 3805)

(Approved by the Office of Management and Budget under control number 1810–0504)

§ 203.12 Submission of a project application by the State agency to the SEA.

(a) *Frequency of submission.* A State agency shall submit a Chapter 1 project application to the SEA for a period of not more than three fiscal years, including the first fiscal year for which a grant is made under that application. During subsequent years, the State agency's application must incorporate any updating reports required by paragraph (c) of this section.

(b) *Contents of the application.* The Chapter 1 project application submitted

by the State agency under this subpart must include—

(1) A satisfactory description of the Chapter 1 project to be conducted;

(2) The assurances in Section 556(b)(2)–(4) of Chapter 1;

(3) Data showing that the State agency has maintained fiscal effort on the same basis as is required for local educational agencies by Section 558(a) of Chapter 1; and

(4) A budget for the expenditure of Chapter 1 funds.

(c) *Amendments to the application: annual updating of information in a Chapter 1 application.* A State agency shall annually update its Chapter 1 application by submitting to its SEA—

(1) Data showing that the State agency has maintained fiscal effort on the same basis as is required for LEAs by Section 558(a) of Chapter 1;

(2) A budget for the expenditure of Chapter 1 funds;

(3) Any additional updating resulting from significant changes in the number or needs of children to be served, or the services to be provided; and

(4) Other information the SEA may request.

(Sec. 555, 20 U.S.C. 3804; Sec. 556, 20 U.S.C. 3805)

(Approved by the Office of Management and Budget under control number 1810–0504)

§ 203.13 SEA approval of an application.

(a) Standards for approval. An SEA may approve a State agency's application for Chapter 1 funds if that application meets the requirements of the Chapter 1 statute and the applicable regulations.

(b) *Effect of SEA approval.* SEA approval of an application under paragraph (a) of this section requires the State agency to administer and operate its project in accordance with its application, any amendments, and project requirements in § 203.30–203.31. That approval, however, does not create for the State agency an entitlement to receive a subgrant for a period other than the first fiscal year.

(Sec. 556, 20 U.S.C. 3805; Title I, Sec. 152, 20 U.S.C. 2762)

§§ 203.14–203.19 [Reserved]

Subpart B—Determining the Amount of Grants

§ 203.20 Amount of funds available for Chapter 1 grants.

(a) *Grants to State agencies.* (1) The Secretary annually notifies the SEA of the amount of funds that each State agency is eligible to receive in accordance with the provisions of Section 151 of Title I.

(2) The SEA shall notify each State agency of the amount available to it under paragraph (a) of this section, and from that amount shall make funds available to the State agency equal to the cost of programs and projects approved by the SEA in accordance with the procedures prescribed in §§ 203.12 and 203.13. The amount of funds made available to a State agency may not exceed the amount the agency is entitled to receive under paragraph (b)(1) of this section.

(b) *Amount of grants.* (1) The Secretary computes grants under Section 151 of Title I based on—

(i) Average daily attendance data determined in accordance with the provisions of paragraph (c) of this section, in the schools operated or supported by the State agencies; and

(ii) The applicable average per pupil expenditure data.

(2) On a date specified by the Secretary for each year, the SEA shall provide the Secretary with the data described in paragraphs (b)(1) (i) and (ii) of this section necessary for this computation.

(c) *Determination of average daily attendance.* (1) Average daily attendance is computed for each institution by—

(i) Calculating from daily attendance records the total number of days of attendance of children in the organized program of instruction, as defined in § 203.3, during the most recently completed school year; and

(ii) Dividing that total by 180.

(2) For the purpose of computing average daily attendance—

(i) A child is counted as being in a full day of attendance for each day he or she attends the organized programs of institution for three (3) or more hours; and

(ii) A child is counted as being in one-half (½) day of attendance for each day he or she attends the organized program of instruction for at least one (1) hour, but less than three (3) hours.

(3) To be counted in average daily attendance a child must be—

(i) In the custody of the public agency that assigned him or her to an institution;

(ii) One for whom a State agency is providing a free public education; and

(iii) For at least ten hours a week in an organized program of instruction for which daily attendance records are kept.

(4) For the purpose of computing an allocation under this Part, the Secretary may not count a child who is counted in average daily attendance under the provisions of Part B, Subpart 2 of Title I (Programs for Handicapped Children).

(Sec. 554, 20 U.S.C. 3803; Title I, Sec. 151, 20 U.S.C. 2781)

(Approved by the Office of Management and Budget under control number 1810–0060)

§§ 203.21–203.29 [Reserved]

Subpart C—Project Requirements

§ 203.30 Annual needs assessment.

A State agency that receives Chapter 1 funds shall base its Chapter 1 project on an annual assessment of educational needs of the children in the institution that—

(a) Requires the selection of those institutionalized children in the greatest need of special assistance; and

(b) Determines the educational needs of the children selected to participate with sufficient specificity to ensure concentration on those needs.

(Sec. 555, 20 U.S.C. 3804; Sec. 556(b)(2), 20 U.S.C. 3805(b)(2))

(Approved by the Office of Management and Budget under control number 1810–0504)

§ 203.31 Consultation with teachers and parents.

(a) An agency that receives Chapter 1 funds for programs supported under this Part shall design and implement its Chapter 1 project in consultation with teachers of the children being served and, to the extent feasible, in consultation with parents of the children being served.

(b) To meet the consultation requirement in paragraph (a) of this section, an agency operating projects for neglected or delinquent children may, but is not required to, establish and use parent advisory councils.

(Sec. 554(a), 20 U.S.C. 3803(a); Sec. 556(b)(3), 20 U.S.C. 3805(b)(3))

§§ 203.32–203.39 [Reserved]

4. New Part 204 is added to read as follows:

PART 204—GENERAL DEFINITIONS AND ADMINISTRATIVE, PROJECT, FISCAL, AND DUE PROCESS REQUIREMENTS FOR CHAPTER 1 PROGRAMS

Subpart A—General Definitions and Applicability

Sec.

204.1 Applicability of regulations in this Part.
204.2 Definitions.
204.3 Acronyms that are frequently used.
204.4–204.9 [Reserved].

Subpart B—General Administrative Requirements

204.10 Recordkeeping requirements.
204.11 Access to records and audits.
204.12 Audit claims.

Sec.
204.13 State rulemaking and other SEA responsibilities. [Reserved]
204.14 Availability of funds.
204.15–204.19 [Reserved]

Subpart C—Project Requirements

204.20 Sufficient size, scope, and quality of project.
204.21 Annual meeting of parents. [Reserved]
204.22 Allowable costs. [Reserved]
204.23 Evaluation. [Reserved]
204.24–204.29 [Reserved]

Subpart D—Fiscal Requirements

204.30 Maintenance of effort. [Reserved].
204.31 Waiver of the maintenance of effort requirement. [Reserved]
204.32 Supplement, not supplant. [Reserved]
204.33–204.39 [Reserved]

Subpart E—Due Process Procedures

204.40 General.
204.41 Jurisdiction.
204.42 Definitions.
204.43 Eligibility for review. [Reserved].
204.44 Written notice.
204.45 Filing an application for review.
204.46 Review of the written notice.
204.47 Acceptance of the application.
204.48 Rejection of the application.
204.49 Intervention.
204.50 Practice and procedure. [Reserved]
204.51 The Panel's decision.
204.52 Opportunity to comment on the Panel's decision.
204.53 The Secretary's decision. [Reserved]
204.54 Cease and desist hearing.
204.55 Cease and desist written report and order.
204.56 Enforcement of a cease and desist order.
204.57–204.59 [Reserved]

Authority: Secs. 552–556, 558, 591–596 of Pub. L. 97–35, 95 Stat. 464–465, 468–469, 480–482 (20 U.S.C. 3801–3805, 3807, 3871–3876), unless otherwise noted.

Subpart A—General Definitions and Applicability

§ 204.1 Applicability of regulations in this Part.

The regulations in this Part apply to all Chapter 1 programs except where otherwise noted.

(Secs. 552–556, 20 U.S.C. 3801–3805; Sec. 558, 20 U.S.C. 3807; Secs. 591–596, 20 U.S.C. 3871–3876)

§ 204.2 Definitions.

(a) The definitions in Section 595 of the Education Consolidation and Improvement Act of 1981 apply to the programs covered by this part.

(b) In addition to the definitions referred to in paragraph (a) of this section, the following definitions apply to this Part:

"Chapter 1" means Chapter 1 of the Education Consolidation and Improvement Act of 1981.

"Children" means, except where otherwise stated—

(1)(i) Persons up to age 21 who are entitled to a free public education not above grade 12;

(ii) Preschool children; and

(2) For the purposes of the Chapter 1 State-operated program for handicapped children, persons aged birth to 21.

"Fiscal year" means the Federal fiscal year—a period beginning on October 1 and ending on the following September 30—or another 12-month period normally used by the SEA for recordkeeping.

"Preschool children" means children who are—

(1) Below the age and grade level at which the agency provides free public education; and

(2) Of the age or grade level at which they can benefit from an organized instructional program provided in a school or instructional setting.

"Public," as applied to an agency, organization, or institution, means under the administrative supervision or control of a government other than the Federal Government.

"Title I" means Title I of the Elementary and Secondary Education Act of 1965, as amended.

(c) Any term used in the provisions of Title I referenced in Section 554 of the Education Consolidation and Improvement Act of 1981 and not defined in Section 595 of Chapter 1 has the same meaning as that term was given in Title I.

(d) The definitions in 34 CFR Part 77 (Definitions That Apply to Department Regulations) that apply generally to education programs do not apply to programs covered by this Part.

(e) Additional definitions pertaining to the due process procedures in §§ 204.40–204.56 are found in § 204.42.

(Secs. 552–556, 20 U.S.C. 3801–3805; Sec. 558, 20 U.S.C. 3807; Sec. 595, 20 U.S.C. 3875)

§ 204.3 Acronyms that are frequently used.

The following acronyms are used frequently in this Part and in 34 CFR Parts 200 through 203:

"LEA" means local educational agency.

"SEA" means State educational agency.

(Secs. 525–556, 20 U.S.C. 3801–3805; Sec. 558, 20 U.S.C. 3807; Sec. 595, 20 U.S.C. 3875)

§§ 204.4–204.9 [Reserved]

Subpart B—General Administrative Requirements

§ 204.10 Recordkeeping requirements.

(a) The SEA and any other agency that receives Chapter 1 funds shall use fiscal control and fund accounting procedures that will ensure proper disbursement of and accounting for Chapter 1 funds.

(b) The SEA and any other agency that receives Chapter 1 funds shall keep—

(1) Records of the amount and disposition of all Chapter 1 funds, including records that show the share of the cost provided from non-Chapter 1 sources;

(2) Other records that are needed to facilitate an effective audit of the Chapter 1 project and that show compliance with Chapter 1 requirements; and

(3) Evaluation data collected under Chapter 1.

(c) All records required under this section must be retained—

(1) For five years after the completion of the activity for which the funds were used;

(2) Until all pending audits or reviews concerning the Chapter 1 project have been completed; and

(3) Until all findings and recommendations arising out of any audits concerning the Chapter 1 project have been finally resolved.

(Sec. 555(d), 20 U.S.C. 3804(d); Sec. 556(b), 20 U.S.C. 3805(b); Sec. 437(a) of GEPA, 20 U.S.C. 1232f(a); Sec. 596(a), 20 U.S.C. 3876(a))

(Approved by the Office of Management and Budget under control number 1810–0504)

§ 204.11 Access to records and audits.

(a) *Federal responsibilities.* (1)(i) For the purpose of evaluating and reviewing the use of Chapter 1 funds, the Secretary and the Comptroller General of the United States, and their authorized representatives, shall have access to any records and personnel that may be related or pertinent to programs assisted with Chapter 1 funds.

(ii) Any agency that receives Chapter 1 funds shall agree to cooperate with the Inspector General of the Department in the conduct of audits authorized by the Inspector General Act of 1978, including providing access to information and access to agency personnel for the purpose of obtaining explanations of the information.

(2) Unless the Secretary decides to compromise an audit claim under § 204.12(b), an SEA shall repay to the Department the amount of Chapter 1 funds that the Department determines after an audit was not spent in accordance with applicable law.

(b) *State and local responsibilities.* (1) Any State or local government that receives Chapter 1 funds shall comply with the audit requirements in 34 CFR 74.62, which implements the Office of

Management and Budget Circular A-102, Attachment P.

(2)(i) An agency that receives Chapter 1 funds shall repay to the SEA the amount of Chapter 1 funds determined by the State not to have been spent in accordance with applicable law.

(ii) If the SEA recovers funds under paragraph (b)(2)(i) of this section during the period in which the misspent Chapter 1 funds are still available for obligation under the terms of Section 412(b) of GEPA (relating to the availability of appropriations), the SEA shall treat the recovered funds as Chapter 1 funds and—

(A) If the agency repaying is an LEA or operating agency—

(*1*) Reallocate those funds for proper use to eligible LEAs and operating agencies other than the agency that was found to have misspent the funds;

(*2*) Return the funds for proper use to the LEA or operating agency from which they were recovered; or

(*3*) Return the funds to the Department; and

(B) If the agency repaying is a State agency—

(*1*) Return the funds for proper use to the agency from which they were recovered; or

(*2*) Return the funds to the Department.

(iii) If the Chapter 1 funds that an SEA recovers under paragraph (b)(2)(i) of this section are no longer available for obligation under the terms of Section 412(b) of GEPA, the SEA shall return those funds to the Department.

(Sec. 555(d), 20 U.S.C. 3804(d); Sec. 556(b), 20 U.S.C. 3805(b); Sec. 437(b) of GEPA, 20 U.S.C. 1232f(b); Sec. 452 of GEPA, 20 U.S.C. 1234a; Sec. 1744 of the Omnibus Budget Reconciliation Act of 1981, 31 U.S.C. 7304; Secs. 3, 4, and 6 of the Inspector General Act of 1978, Pub. L. 95-452 (5 U.S.C. App.); Sec. 202 of the Intergovernmental Cooperation Act of 1968, Pub. L. 90-577 (42 U.S.C. 4212))

§ 204.12 Audit claims.

(a) *Establishment of claims.* After a State or Federal audit is conducted, the Department may establish an audit claim.

(b) *Compromise.* In deciding whether to compromise audit claims, or in recommending possible compromise to the United States Department of Justice (the Federal agency that reviews proposed compromises of claims in excess of $50,000), the Secretary takes into account—

(1) The cost of collecting the claim;

(2) The probability of the claim being upheld;

(3) The nature of the violation;

(4) Whether the practices of the agency receiving Chapter 1 funds that resulted in the audit findings have been corrected and will not recur;

(5) Whether collection would be in the public interest or practical;

(6) Whether the agency receiving Chapter 1 funds is in all respects in compliance with Chapter 1;

(7) The extent to which the agency receiving Chapter 1 funds agrees to use non-Federal funds to supplement Chapter 1 programs; and

(8) Other relevant considerations.

(Sec. 555(d), 20 U.S.C. 3804(d); Sec. 556(b), 20 U.S.C. 3805(b); Sec. 452 of GEPA, 20 U.S.C. 1234a; Federal Claims Collection Act, 31 U.S.C. 951 *et seq.*; 4 CFR Part 103)

§ 204.13 State rulemaking and other SEA responsibilities. [Reserved]

§ 204.14 Availability of funds.

(a) An SEA or any other agency that receives Chapter 1 funds may obligate funds during the Federal fiscal year for which the funds were appropriated and during the succeeding Federal fiscal year.

(b) The SEA or any other agency shall return to the Department any funds not obligated by the end of the succeeding Federal fiscal year.

(c)(1) Chapter 1 funds are obligated when an SEA or any other agency—

(i) Commits funds, according to State law or practice, to the support of specific programmatic or administrative activities; and

(ii) Identifies Chapter 1 funds allocated for a particular Federal fiscal year as supporting those specific programmatic or administrative activities.

(2) For purposes of this section, the SEA's distribution of funds to any other agency is not the obligation of those funds.

(Sec. 596, 20 U.S.C. 3876; Sec. 412(b) of GEPA, 20 U.S.C. 1225(b))

§§ 204.15-204.19 [Reserved]

Subpart C—Project Requirements

§ 204.20 Sufficient size, scope, and quality of project.

An agency that receives Chapter 1 funds shall use those funds for a project that is of sufficient size, scope, and quality to give reasonable promise of substantial progress toward meeting the special educational needs of the children being served.

(Sec. 555, 20 U.S.C. 3804; Sec. 556(b)(3), 20 U.S.C. 3805(b)(3))

§ 204.21 Annual meeting of parents. [Reserved]

§ 204.22 Allowable costs. [Reserved]

§ 204.23 Evaluation. [Reserved]

§§ 204.24-204.29 [Reserved]

Subpart D—Fiscal Requirements

§ 204.30 Maintenance of effort. [Reserved]

§ 204.31 Waiver of the maintenance of effort requirement. [Reserved]

§ 204.32 Supplement, not supplant. [Reserved]

§§ 204.33-204.39 [Reserved]

Subpart E—Due Process Procedures

§ 204.40 General.

(a) Sections 204.41 through 204.56 contain rules for the conduct of proceedings arising under Chapter 1 regarding—

(1) The review of final audit determinations;

(2) Withholding hearings;

(3) Cease and desist proceedings; and

(4) Other proceedings designated by the Secretary.

(b) If the Secretary designates other proceedings to the Education Appeal Board under paragraph (a)(4) of this section, the designation may specify that certain of the rules governing Board proceedings are modified as may be appropriate.

(Sec. 592, 20 U.S.C. 3872; Sec. 451(a) of GEPA, 20 U.S.C. 1234(a); Sec. 452 of GEPA, 20 U.S.C. 1234a; Sec 454 of GEPA, 20 U.S.C. 1234c)

§ 204.41 Jurisdiction.

Under Chapter 1, the Education Appeal Board has jurisdiction to—

(a) Review final audit determinations;

(b) Conduct withholding hearings;

(c) Conduct cease and desist proceedings; and

(d) Conduct other proceedings designated by the Secretary.

(Sec. 592, 20 U.S.C. 3872; Sec. 451(a) of GEPA, 20 U.S.C. 1234(a); Sec. 452 of GEPA, 20 U.S.C. 1234a; Sec. 454 of GEPA, 20 U.S.C. 1234c)

§ 204.42 Definitions.

For the purposes of §§ 204.40 through 204.56, the following definitions apply:

"Appellant" means an SEA that requests—

(a) A review of a final audit determination;

(b) A withholding hearing; or

(c) A hearing in other proceedings designated by the Secretary.

"Authorized Department official" means—

(a) The Secretary; or

(b) A person employed by the Department who has been designated to act under the Secretary's authority.

"Board" means the Education Appeal Board of the Department.

"Board Chairperson" means the Board member designated by the Secretary to serve as administrative officer of the Board.

"Cease and desist" means to discontinue a prohibited practice or initiate a required practice.

"Final audit determination" means a written notice by an authorized Department official issued after an audit disallowing expenditures made by a recipient under Chapter 1.

"Hearing" means any review proceeding conducted by the Board.

"Panel" means an Education Appeal Board Panel, consisting of at least three members of the Board, designated by the Board Chairperson to conduct any case.

"Panel Chairperson" means the person designated by the Board Chairperson to serve as the presiding officer of a Panel.

"Party" means—

(a) The recipient requesting or appearing at a hearing under the regulations in this part;

(b) The authorized Department official who issued the final audit determination being appealed, notice of an intent to withhold funds, the cease and desist complaint, or any other notice that the Board has jurisdiction to review; and

(c) Any person, group, or agency whose application to intervene is approved.

"Recipient" means the named party or entity that initially received Federal funds under Chapter 1.

"Withholding" means stopping payment of Federal funds under Chapter 1 to a recipient and stopping the recipient's authority to charge costs under Chapter 1 for the period of time the recipient is in violation of a requirement.

(Sec. 592, 20 U.S.C. 3872; Sec. 451(a), (e) of GEPA, 20 U.S.C. 1234(a), (e); Sec. 452 of GEPA, 20 U.S.C. 1234a; Sec. 454 of GEPA, 20 U.S.C. 1234c)

§ 204.43 Eligibility for review [Reserved]

§ 204.44 Written notice.

(a) *Written notice of a final audit determination.* (1) An authorized Department official issues a written notice of a final audit determination to a recipient in connection with Chapter 1.

(2) In the written notice, the authorized Department official—

(i) Lists the disallowed expenditures made by the recipient;

(ii) Indicates the reasons for the final audit determination in sufficient detail to allow the recipient to respond;

(iii) Cites the requirements with which the recipient has allegedly failed to comply; and

(iv) Advises the recipient that it must repay the disallowed expenditures to the Department or, within 30 calendar days of its receipt of the written notice, request a review by the Board of the final audit determination.

(3) The authorized Department official sends the written notice to the recipient by certified mail with return receipt requested.

(b) *Written notice of an intent to withhold funds.* (1) An authorized Department official issues a written notice to a recipient under Chapter 1 of an intent to withhold funds.

(2) In the written notice, the authorized Department official—

(i) Indicates the reasons for finding that the recipient failed to comply substantially with a requirement that applies to the funds;

(ii) Cites the requirement with which the recipient has allegedly failed to comply; and

(iii) Advises the recipient that it may, within 30 calendar days of its receipt of the written notice, request a hearing before the Board.

(3) The authorized Department official sends the written notice to the recipient by certified mail with return receipt requested.

(c) *Written notice of a cease and desist complaint.* (1) The Secretary issues a written notice of a cease and desist complaint to a recipient under Chapter 1. The cease and desist proceeding may be used as an alternative to a withholding hearing.

(2) In the written notice, the Secretary—

(i) Indicates the reasons for finding that the recipient failed to comply substantially with a requirement that applies to the funds;

(ii) Cites the requirement with which the recipient has allegedly failed to comply; and

(iii) Gives notice of a hearing that is to be held at least 30 calendar days after the date the recipient receives the written notice.

(3) The Secretary sends the written notice to the recipient by certified mail with return receipt requested.

(d) *Written notice of other determinations.* (1) The Secretary may issue a written notice to a recipient under Chapter 1 of any other determination with regard to the recipient's use of these funds.

(2) That notice indicates that the Secretary has designated the Board to hear any application for review that the recipient may file and specifies that the recipient may file an application for review within 30 calendar days of recpeint of the notice.

(3) The Secretary sends the written notice to the recipient by certified mail with return receipt requested.

(Sec. 592(a), 20 U.S.C. 3872(a); Sec. 451 (a), (e) of GEPA, 20 U.S.C. 1234 (a), (e); Sec. 452(a) of GEPA, 20 U.S.C. 1234a(a); Sec. 454(a) of GEPA, 20 U.S.C. 1234c(a))

§ 204.45 Filing an application for review.

(a) An appellant seeking review of a final audit determination, a withholding hearing, or other determination designated by the Secretary shall file a written application with the Board Chairperson no later than 30 calendar days after the date it receives the written notice.

(b) In the application, the appellant shall attach a copy of the written notice and shall, to the satisfaction of the Board Chairperson—

(1) Identify the issues and facts in dispute; and

(2) State the appellant's position, together with the pertinent facts and reasons support that position.

(Sec. 592(a), 20 U.S.C. 3872(a); Sec. 451 (a), (e) of GEPA, 20 U.S.C. 1234 (a), (e); Sec. 452(b) of GEPA, 20 U.S.C. 1234a(b))

§ 204.46 Review of the written notice.

(a) The Board Chairperson reviews the written notice of the final audit determination, intent to withhold funds, or other determination after an application is received under § 204.45 to ensure that the written notice meets the applicable requirements in § 204.44.

(b) If the Board Chairperson decides that the written notice does not meet the applicable requirements in § 204.44, the Board Chairperson—

(1) Returns the determination to the official who issued it so that the determination may be properly modified; and

(2) Notifies the appellant of that decision.

(c) If the official makes the appropriate modifications and the appellant wishes to pursue its appeal to the Board, the appellant shall amend its application within 30 calendar days of the date it receives the modifications.

(Sec. 592(a), 20 U.S.C. 3872(a); Sec. 451 (a), (e) of GEPA, 20 U.S.C. 1234 (a), (e); Sec. 452(b) of GEPA, 20 U.S.C. 1234a(b))

§ 204.47 Acceptance of the application.

If the appellant files an application that meets the requirements of § 204.45, the Board Chairperson—

(a) Issues, within 45 days of receiving the application, a notice of the acceptance of the application to the appellant and to the authorized Department official who issued the written notice;

(b) Publishes a notice of acceptance of the application in the **Federal Register** prior to the scheduling of initial proceedings;

(c) Refers the appeal to a Panel;

(d) Arranges for the scheduling of initial proceedings; and

(e) Forwards to the Panel and the parties an initial hearing record that includes—

(1) The written notice;

(2) The appellant's application; and

(3) Other relevant documents, such as audit reports.

(Sec. 592(a), 20 U.S.C. 3872(a); Sec. 451 (a), (e) of GEPA, 20 U.S.C. 1234 (a), (e); Sec. 452(b) of GEPA, 20 U.S.C. 1234a(b))

§ 204.48 Rejection of the application.

(a) If the Board Chairperson determines that an application does not satisfy the requirements of § 204.45, the Board Chairperson, within 45 days of receiving the application, returns the application to the appellant, together with the reasons for the rejection, by certified mail with return receipt requested.

(b) The appellant has 20 calendar days after the date it receives the notice of rejection to file an acceptable application.

(c) If an application is rejected twice, the Department may take appropriate administrative action to—

(1) Collect the expenditures disallowed in the final audit determination;

(2) Withhold funds; or

(3) Carry out the decision described in the written determination.

(Sec. 592(a), 20 U.S.C. 3872(a); Sec. 451 (a), (e) of GEPA, 20 U.S.C. 1234 (a), (e); Sec. 452(b) of GEPA, 20 U.S.C. 1234a(b))

§ 204.49 Intervention.

(a) A person, group, or agency with an interest in and having relevant information about a case before the Board may file with the Board Chairperson an application to intervene.

(b) The application to intervene must contain—

(1) A statement of the applicant's interest; and

(2) A summary of the relevant information.

(c)(1) If the application is filed before a case is assigned to a Panel, the Board Chairperson decides whether approval of the application to intervene will aid the Panel in its disposition of the case.

(2) If the application is filed after the Board Chairperson has assigned the case to a Panel, the Panel decides whether approval of the application to intervene will aid the Panel in its disposition of the case.

(d) The Board Chairperson notifies the applicant seeking to intervene and the other parties of the approval or disapproval of the application to intervene.

(e) If an application to intervene is approved, the intervenor becomes a party to the proceedings.

(f) If an application to intervene is disapproved, the applicant may submit to the Board Chairperson an amended application to intervene.

(Sec. 451 (a), (e) of GEPA, 20 U.S.C. 1234 (a), (e))

§ 204.50 Practice and procedure. [Reserved]

§ 204.51 The Panel's decision.

(a) The Panel issues a decision, based on the record as a whole, in an appeal from a final audit determination, a notice of an intent to withhold funds, or other final determination within 180 days after receiving the parties' final submissions, unless the Board Chairperson, for good cause shown, grants the Panel an extension of this deadline.

(b) The Board Chairperson submits the Panel's decision to the Secretary and sends a copy to each party by certified mail with return receipt requested.

(Sec. 592(a), 20 U.S.C. 3872(a); Sec. 451 (a), (e) of GEPA, 20 U.S.C. 1234 (a), (e); Sec. 452(d) of GEPA, 20 U.S.C. 1234a(d))

§ 204.52 Opportunity to comment on the Panel's decision.

(a) *Initial comments and recommendations.* Each party has the opportunity to file comments and recommendations on the Panel's decision in § 204.51 with the Board Chairperson within 15 calendar days of the date the party receives the Panel's decision.

(b) *Responsive comments and recommendations.* The Board Chairperson sends a copy of a party's initial comments and recommendations to each of the other parties by certified mail with return receipt requested. Each party may file responsive comments and recommendations with the Board Chairperson within seven days of the date the party receives the initial comments and recommendations.

(c) *Forwarding comments.* The Board Chairperson forwards the parties' initial and responsive comments on the Panel's decision to the Secretary.

(Sec. 592(a), 20 U.S.C. 3872(a); Sec. 451 (a), (e) of GEPA, 20 U.S.C. 1234 (a), (e); Sec. 452(d) of GEPA, 20 U.S.C. 1234a(d))

§ 204.53 The Secretary's decision. [Reserved]

§ 204.54 Cease and desist hearing.

(a) *Right to appear at the cease and desist hearing.* The recipient has the right to appear at the cease and desist hearing, which is held before a Panel of the Board on the date specified in the complaint.

(b) *Opportunity to show cause.* At the hearing, the recipient may present reasons why a cease and desist order should not be issued by the Board based on the violation of law stated in the complaint.

(Sec. 451 (a), (e) of GEPA, 20 U.S.C. 1234 (a), (e); Sec. 454(b) of GEPA, 20 U.S.C. 1234c(b))

§ 204.55 Cease and desist written report and order.

(a) If, after the hearing, the Panel decides that the recipient has violated a legal requirement as stated in the complaint, the Panel—

(1) Makes a written report stating its findings of fact; and

(2) Issues a cease and desist order.

(b) The Board Chairperson sends the report and order to the recipient by certified mail with return receipt requested.

(c) The order becomes final 60 calendar days after the date the order is received by the recipient.

(d) The Secretary does not review the order issued by the Board under this section.

(Sec. 451 (a), (e) of GEPA, 20 U.S.C. 1234 (a), (e); Sec. 454 (c), (d) of GEPA, 20 U.S.C. 1234c (c), (d))

§ 204.56 Enforcement of a cease and desist order.

(a) If the Panel issues a cease and desist report and order, the recipient shall take immediate steps to comply with the order.

(b) If, after a reasonable period of time, the Secretary determines that the recipient has not complied with the cease and desist order, the Secretary may—

(1) Withhold funds payable to the recipient under Chapter 1 without any further proceedings before the Board; or

(2) Certify the facts of the matter to the Attorney General for enforcement through appropriate proceedings.

(Sec. 451 (a), (e) of GEPA, 20 U.S.C. 1234(a), (e); Sec. 454 (e) of GEPA, 20 U.S.C. 1234c(e))

§§ 204.57–204.59 [Reserved]

Note.—This Appendix will not be codified in the Code of Federal Regulations.

Appendix—Summary of Comments and Responses

The following is a summary of the comments received on the notice of proposed rulemaking—for the migrant education program, the institutionalized neglected or delinquent children program, and the general definitions and administrative, project, fiscal and due process requirements for Chapter 1 programs—published on December 3, 1982. Each comment is followed by a response that indicates a change has been made or why no change is considered necessary. Specific comments are arranged in order of the sections of these final regulations to which they pertain.

Part 201—General

Comment. Many commenters recommended that the Secretary include specific language in the final regulations that requires SEAs, LEAs, and other operating agencies to participate fully in the Migrant Student Record Transfer System (MSRTS) as was required in 34 CFR 204.54(c).

Response. No change has been made. The Secretary believes that the statute (Sections 141(b) and 142(a)(1) of Title I), as incorporated into Chapter 1, provides sufficient direction and incentive for the SEAs' full participation in MSRTS. Sections 201.12, 201.20, and 201.33 of these regulations imply that SEAs and their operating agencies must participate fully in and implement MSRTS as one of a series of functions of migrant education.

Comment. Several commenters raised concerns about the decreasing amount of funds available annually for the Migrant Education Basic State Formula Grant Program.

Response. No change has been made. The amount of funds made available annually for the operation of the Migrant Education Basic State Formula Grant Program is determined each year through the Congressional appropriations process.

Comment. Several commenters recommended that these regulations be amended to contain language that specifically authorizes interstate and intrastate projects to provide services for eligible migratory children.

Response. No change has been made. Section 142(a)(1) of Title I provides that payments will be used for programs and projects designed to meet the special educational needs of migratory children and to coordinate such programs and projects with similar programs and projects in other States. Further, Section 141(a)(1) expressly makes Migrant Education Basic State Formula Grant funds available to an SEA "or a combination of such agencies." Section 201.10(b) of these regulations clarifies that a combination of SEAs may apply for migrant education program funds that benefit eligible migratory children in those States.

Comment. Several commenters recommended that the revision of the proposed regulations include a continuing authorization for the discretionary Migrant Education Interstate and Intrastate Coordination Program. This program was previously included in the final regulations for the basic program.

Response. No change has been made. Final regulations for the Migrant Interstate and Intrastate Coordination Program (34 CFR Part 205) were published separately in the **Federal Register**, July 29, 1983 at 48 FR 34644.

Comment. Many commenters recommended that the regulations be revised to continue the provision of day care services to eligible migratory families who require the services. Commenters stated that the availability of these types of services is critical to ensuring that all migratory children attend school.

Response. No change has been made. The statute in Section 142(a)(5) and (b) of Title I establishes a service priority in favor of school-aged migratory children. By law, services to school-aged migratory children must take precedence over services to preschool children. Day care services can be authorized only in special circumstances. The SEA's program plan must demonstrate that identified currently and formerly migratory children will be served, and day care services will be provided only as a supporting service when necessary to enable eligible, school-aged migratory children to participate in Chapter 1 educational services.

Comment. Several commenters recommended that the Secretary revise the proposed regulations to include language contained in the former regulations with regard to the withholding of funds. The commenters believed that inclusion of a section on withholding would clarify the situation for the program participants.

Response. No change has been made. It is not necessary to restate in the regulations the authority to withhold funds, or the conditions under which funds may be withheld from a State. Those subjects are treated in Section 592 of the ECIA. Due process procedures that are applicable, if a decision to withhold funds is made, are found in Subpart E of Part 204.

Section 201.1 Purpose.

Comment. One commenter observed that § 201.1(a) states that the purpose of the migrant education program is to establish or improve programs, while the statute adds the phrase ". . . either directly or through local educational agencies . . ." (Section 141(a)(1), 20 U.S.C. 2761(a)(1)). The commenter asked why, while the rest of the regulations shows LEAs can be involved, this part of the statute was omitted from the statement of purpose.

Response. No change has been made. It is not necessary to repeat provisions of the Act in their entirety. The statute specifically provides that services to eligible migratory children may be rendered directly by the SEA, or through LEAs or other operating agencies. This purpose is reinforced in § 201.10 of these regulations.

Comment. A commenter called attention to § 201.1(b) which reads ". . . including the transfer of school records and other information about eligible migratory children." The commenter observed that the statute reads ". . . including the transmittal of pertinent information with respect to school records of such children . . ." and asked why the wording was changed (the regulation appears to expand the class of information).

Response. No change has been made. The Secretary has determined that the Title I statute, as incorporated into Chapter 1, authorizes the transmittal of pertinent and useful educational and health records from school district to school district so as to promote the well-being of children served by the system. Educational materials may include mathematics, reading, and language arts skill achievement records, as well as other essential data.

Section 201.2 Applicable regulations.

Comment. Several commenters expressed concern about the change in interpretation regarding applicability of 34 CFR Part 76 (EDGAR) and other regulations that were formerly applicable to the final regulations for the Title I migrant education program.

Response. No change has been made. The provisions contained in EDGAR, with the exception of 34 CFR 74.62, do not apply to Chapter 1 formula grant programs, including the migrant education formula grant program. The Secretary previously announced the inapplicability of EDGAR to the Chapter 1 programs in the **Federal Register**, 34 CFR 76.1, published November 19, 1982, at 47 FR 52354. Rather than continuing to comply with the provisions of EDGAR,

SEAs have the flexibility to apply equivalent procedures of their own that facilitate effective financial management and control. However, agencies choosing to comply with the provisions of EDGAR will meet the requirements for fiscal accountability contained in Chapter 1.

Section 201.3 Definitions for this program.

Definition of "currently migratory child"

Comment. Many commenters offered a variety of remarks and objections to the proposed definition that would require regular schooling to be interrupted as a condition of eligibility. These included expressions of belief that the proposal would encourage transiency of children during the school term, and would result in a much greater data gathering burden. Some commenters also questioned the Secretary's authority to change the definition from that in the previous Title I migrant education program regulations.

Response. A change has been made. Section 1 of Pub. L. 98–211 (Technical Amendments to ECIA enacted December 8, 1983) mandates use of the definition of "currently migratory child" in effect on June 30, 1982, in regulations published under Title I. The final regulation reflects the statutory requirement.

Definition of "migratory agricultural worker" and "migratory fisherman"

Comment. Many commenters objected to the "primary occupation requirement" included in the proposed definitions of "migratory agricultural worker" and "migratory fisherman." Commenters objected to the possible increased data burden they believed might result from such a definition, and questioned the efficacy of making this change.

Response. A change has been made. Section 1 of Pub. L. 98–211 mandates use of the definition of "migratory agricultural worker" and "migratory fisher" in effect on June 30, 1982, in regulations published under Title I. The final regulations reflect the statutory requirement.

Definition of "formerly migratory child"

Comment. Many commenters were concerned about a reduction in the period of eligibility for program services for those children who are classified as formerly migratory children. Conversely, several commenters recommended a decrease in the period of eligibility from five to two or three years during which a child could be considered to be formerly migratory rather than any restrictive change in the definition of "currently migratory child."

Response. No change has been made. The proposed regulations did not provide for a reduction in the number of years a child could remain eligible as a formerly migratory child. The statute provides that a formerly migratory child is eligible to be served for a period not in excess of five years following the determination the child is no longer eligible as currently migratory.

Comment. One commenter recommended that the eligibility criteria for the program be expanded to include children of refugees who may ultimately join the established migratory streams. Although children of these refugees are not currently eligible, the commenter observed that they have been involved in agriculture in their home countries and have had to relocate in the United States for many varied reasons.

Response. No change has been made. Chapter 1 of the ECIA does not provide a special authorization for children of refugees, who do not come to this country for the purpose of seeking temporary or seasonal work in agricultural or fishing activities. Children of refugees can become eligible only if they meet the statutory conditions.

Definition of "agricultural activity"

Comment. Several commenters recommended that the Secretary expand the proposed definition of "agricultural activity" to include workers whose employment is not in, but is dependent upon, seasonal agricultural work. The proposed additions would include mill yard workers who unload logs from vehicles at the lumber mill site and initially process them.

Response. No change has been made. The inclusion as eligible migratory workers of those who are involved in such industrial processing of forest products would violate the statutory purpose for which the Chapter 1 migrant education funds are appropriated and distributed.

Other definitions.

Comment. Several commenters objected to the elimination of the definition of the term "guardian" that was included in prior regulations for the program. The commenters recommended that the Department define the term in order to avoid confusion that might result if States apply different meanings to it.

Response. A change has been made. The definition contained in the prior regulations under Title I has been included.

Section 201.10 Eligibility of an SEA to participate as a grantee.

Comment. A commenter indicated that Section 141(a) of Title I, 20 U.S.C. 2761(a), does not expressly authorize grants to States to allow them to conduct programs" . . . through arrangements with public or nonprofit agencies. . . ." The commenter observed that such groups are only mentioned in the Section 142(c) "By-Pass Provision" as eligible for direct action by the Secretary. The commenter asked why the regulations permit SEAs to subgrant to or make special arrangements with these agencies, and requested the specific statutory authority for this inclusion in the regulations.

Response. No change has been made. Sections 141 and 142 of Title I, as incorporated into Chapter 1 of the ECIA, make the SEA responsible for the proper administration of the State's migrant education program. In the exercise of that responsibility and subject to the Secretary's approval of the State plan, the SEA has authority to determine how the State's program will best be conducted. Therefore, in those instances where the State operates its migrant education program and projects through subgrants to LEAs, the SEA has authority to bypass LEAs not choosing or failing to serve eligible migratory children. If the SEA refuses or fails to provide services to eligible migrant children, the Secretary may intervene and exercise the formal "bypass authority" contained in Section 142(c) of Title I. These regulations are substantially the same as § 204.1(b) of the former Title I regulations.

Section 201.11 Documents an SEA must submit to receive a grant.

Comment. Several commenters recommended modifications to this section of the regulations, such as requiring a State monitoring and enforcement plan, and changing the submission schedule for State plans. Another commenter asked what the Secretary means by the phrase "properly submitted to the Secretary."

Response. No change has been made. Sections 141(a) and 142(a) of Title I provide that the Secretary shall provide migrant program funding to an SEA for any fiscal year upon his determination that the SEA's program and projects so funded meet applicable program requirements. The statute does not require the SEA annually to submit descriptions of its State's program and projects where the programs and projects do not materially change from

one year to another. Therefore, in keeping with the purpose of the Chapter 1 program to eliminate burdensome and unnecessary paperwork, and consistent with the three-year applicant provision for LEAs under both Title I (Section 121) and Chapter 1 (Section 556), the SEA will only be required to submit an application once every three years.

However, as provided in § 201.12(b), the SEA will continue to be required to submit annually a request for funding and an update describing any significant changes in its program and projects that result from changes in the number of eligible migrant children or their specific needs. These updates will be incorporated into the State's application. The Secretary is aware that the mobility of migrant children and resultant changes in funding and program needs may make it impractical to address all the requirements contained in § 201.12 for a three-year period. In these circumstances, annual updates should include the required information.

Chapter 1 does not authorize submission of a State monitoring and enforcement plan. Specific requirements for the content of the application and areas to be covered in updates can be found in § 201.12. The regulations contain only those requirements specified in Chapter 1. In addition, the language "properly submitted to the Secretary" means submitted in accordance with State law and procedures.

Comment. Several commenters recommended that a change be made in proposed § 201.11 to require specificity in the content of a State plan. The commenters believed that the proposed regulations would not ensure that the Secretary would have sufficiently current knowledge of specific on-going program activities in each SEA to permit a determination that the State plan meets the statutory requirements of Section 142 of Title I.

Response. A change has been made. The regulations require the application to be specific and contain suffficient information to permit the Secretary to determine whether it complies with the statute and regulations. Section 201.12 of the regulations now enumerates the specific types of information that must be included in an SEA's State plan for the Secretary's approval prior to its receipt of funds for the operation of a program. The modified requirements are discussed further in the response to comments made on § 201.12.

Section 201.12 Contents of an SEA's application and updating information.

Comment. Many commenters recommended that the Secretary be much more specific about the types and sufficiency of information that must be included in the State plan in order for an SEA to receive the Secretary's approval and funding. The commenters believed that the proposed regulations are too vague and do not require the SEAs to supply sufficient information to enable the Secretary to determine that the SEA's program and projects will comply, at a minimum, with the statutory requirements contained in Section 142 of Title I as incorporated by reference into Section 554(a)(2) of Chapter 1.

In addition, the commenters believed that before approving an application the Secretary should be assured that the SEA had assessed the special educational needs of the children to be served, provided information on identification and recruitment strategies, planned for staff training, proposed interstate and intrastate coordination of programs, and developed program goals and objectives. Some commenters maintained that the content of a State plan prepared in accordance with § 201.12 of the proposed regulations appears to be too minimal when the plan is considered as the primary SEA planning document.

Response. A change has been made. This section has been amended to provide the application requirements specifically included in Section 142(a) of Title I and Sections 556 and 558 of the ECIA that must be addressed in the SEA's application for migrant education program services. This section also provides the circumstances in which an SEA must update its application.

Comment. Many commenters recommended that the Secretary retain the Title I requirement that SEAs perform an annual assessment of educational needs of eligible children. The commenters believed that the preparation of an annual needs assessment is crucial to the Secretary's ability to determine that the SEA has appropriately designed the program to benefit the State's eligible children.

Response. A change has been made. As provided in Section 556 of the Act (made a part of Section 142 by the Technical Amendments), and included in § 201.12 and § 201.32 of the final regulations, an annual assessment of educational needs continues to be required. The annual assessment must identify the eligible migratory children, require the selection of the migratory children in the greatest need of special assistance, and determine needs with sufficient specificity to ensure concentration on them.

Comment. Several commenters believed that the Secretary had proposed to remove existing requirements for assessment of eligible children's health, nutritional, and social service needs. The commenters believed that these needs have to be met before the children will be adequately prepared to participate in normal educational programs. Commenters stated that failure to permit services to be provided for such needs may affect the performance of children in the educational programs.

Response. No change has been made. Section 555(c) of Chapter 1 permits "other expenditures authorized under Title I." The authorization to meet the special educational needs of migrant children contained in Sections 141 and 142 of Title I encompasses the provision of necessary supporting services.

Section 201.13 Approval of an SEA's application.

Comment. Several commenters proposed that an addition be made that specifically authorizes the Secretary to require revisions to the State plan submitted by an SEA if the Secretary does not consider its initial submission adequate. The commenters recommended that, in addition to permitting the Secretary to request revisions, the regulations should discuss review procedures similar to those contained in § 204.14 of the Title I regulations. In addition, some commenters were concerned about how the Secretary will determine compliance with § 201.13 and with the limited requirements contained in § 201.12.

Response. A change has been made. Section 201.13 now states the standards for approval the Secretary will use the effect of approving the application and any updates. Section 201.12 has been rewritten to specify the information that must be included in each application and any updates to permit the Secretary to evaluate properly an application for assistance and to approve it. The regulations, as written, provide the Secretary the authority to review the content of the application and to award grants only if satisfied that the State had demonstrated that the requirements of Chapter 1 have been and will be met. The Secretary has the necessary implicit authority to seek supplemental SEA information and application revisions.

Comment. A commenter asked why the Section 556(b)(3) requirement on substantial progress is set out and highlighted, when other requirements, e.g., evaluation, are not. The commenter also asked why the requirements in Section 142(a) of Title I, still applicable under Chapter 1, are omitted.

Response. No change has been made. Pub. L. 98-211 clarifies the requirements

for approval of an SEA's application. As amended, Section 142(a)(3) provides that the basic objectives of Section 556, other than paragraph (b)(1), and Section 558 of the ECIA are applicable to the migrant education program and must be addressed in the SEA's application. Those specific requirements are incorporated into § 201.12 of these regulations. Chapter 1 regulations continue to emphasize as did the former Title I regulations (34 CFR 204.14) that the Secretary will approve an SEA's application, if, among other conditions, the SEA's proposed program and projects hold "resonable promise of making substantial progress" toward meeting the educational needs of migratory children.

Section 201.17 Submission of an LEA's project application to the SEA.

Comment. Several commenters recommended that the Secretary adopt more stringent LEA and operating agency application requirements. Other commenters believed that the flexibility permitted in the proposed regulations would result in irresponsible use of LEA staff time, lax documentation and monitoring, and aduits and other accountability problems.

Response. A change has been made. The regulations provides that the SEA, as the grantee, is responsible for ensuring that LEA projects fulfill the SEA's migrant education program requirements efficiently and economically. Information necessary for the Secretary to evaluate and approve an SEA's application is specified in the revised § 201.12. The SEA is responsible to the Secretary for the use of all migrant education program funds. The SEA has the authority and responsibility to request the operating agencies to frunish data and information which are required for the SEA to submit an appropriate program application that meets the Chapter 1 and regulatory requirements. It also has the authority to permit LEAs and other operating agencies to submit subgrant applications once every three years, provided that those applications are annually updated to reflect changes in the number and needs of migrant children to be served.

Comment. Several commenters recommended that the Secretary revise the requirements for subgrantee applications. The commenters believed that subgrantees should prepare a descriptive application which specifies the project's objectives, demonstrates consistency with the State plan, and describes how limited-English proficiency children will benefit fully from the services provided. Specifically, the commenters recommended that the Secretary retain the requirements described in §§ 204.32 and 204.33 of the Title I regulations.

Response. A change has been made. The regulations specify that the LEA application shall contain information necessary to determine that the project comports with the SEA program application. Further, § 201.12 has been written to provide the minimum requirements for proposed State agency applications. Requirements contained in §§ 201.16 and 201.17 are sufficient to enable the State to fulfill its responsibility to ensure that the State's and LEAs' projects comply with Chapter 1 and regulatory requirements and meet the objectives of the migrant education formula grant program.

Section 201.18 Approval of an LEA's project application for a subgrant, and

Section 201.23 Amount for State administration.

Comment. One commenter believed it unnecessary to include these two sections in regulations since they appear to duplicate the statute.

Response. No change has been made. The Secretary believes the relationship between the SEA's application and the LEAs' applications requires clarification. Section 201.18 provides that in addition to the standards prescribed by statute and regulations, the SEA will utilize provisions of the approved State application to review applications the operating agencies submit to the SEA. Because the migrant education program is, by statute, State administered, the SEA's description of programs and projects to be supported with Chapter 1 funds is the basis on which the SEA may fund local operating agency projects. The SEAs, thereby, retain discretion to fund varied local projects that are within the scope of their own approved State applications.

Section 201.23 serves as a reminder to SEAs that Federal funds allotted specifically for SEA administration of Chapter 1 include a portion for the administration of the migrant education program.

Comment. One commenter asked the rationale for § 201.18(b) and what potential problem it addresses.

Response. A change has been made. The proposed regulations were intended to clarify LEA responsibilities in implementing the SEA's migrant education program. Thus, when an LEA's application, or amended portion of it, is approved by the SEA without the SEA's knowledge of all of the relevant facts, the SEA's approval of the project application does not diminish the LEA's responsibility to adhere to program requirements. The regulations have been amended to clarify the LEA's affirmative responsibilities as agent of the SEA in administering and operating the State's migrant education program and projects.

The SEA is responsible to the Department for administering and operating the State's Chapter 1 migrant education program and projects. Because it must have the necessary latitude to assure its program plan annually reflects changes in the needs and numbers of the State's migrant children, § 201.18(b) has also been revised to clarify that the SEA's approval of a project application for up to three years will not obligate the SEA to fund that project in years other than the first fiscal year.

Comment. One commenter implied concern that the public would have difficulty confirming that an LEA's migrant education project conforms with the State's application and applicable requirements unless the approved State application could be reviewed.

Response. No change has been made. As was previously announced, 34 CFR Parts 74, 76, 77, and 78 (except § 74.62) do not apply to programs funded under Chapter 1. The SEAs may instead apply equivalent procedures of their own for financial management and control of programs. Public review of approved project applications has previously been provided for in § 76.106 of EDGAR. The Secretary is confident that all SEAs and LEAs receiving Chapter 1 funds will continue to be responsive to public inquiries regarding the use of public funds.

Section 201.20 Amount available for an SEA grant.

Comment. Several commenters pointed out that the statute authorizes an adjustment to the funding formula to calculate an SEA's entitlement under the program to compensate for the additional costs of providing summer projects for eligible children. They urged that the regulations should be revised to reflect a different adjustment than is now being used.

Response. No change has been made. The Secretary recognizes that the statutory language provides for adjustment to the funding formula for eligible currently migratory children in attendance at summer projects. The Department's formula for determining a State's entitlement already provides for adding summer full-time equivalents (FTEs) to the FTE of children in the State during the calendar year. The Secretary believes this provision appropriately recognizes costs of operating summer programs.

Comment. Several commenters recommended that the formula utilized to calculate funding levels for SEAs be adjusted to compensate for those students 18 years old or older who are still enrolled in a high school program or are otherwise attempting to earn a secondary school diploma.

Response. No change has been made. The funding parameters in § 201.20 reflect the funding formula provided in Section 141(b) of Title I, which limits the number of migratory children who generate migrant education program funding to those migratory children five through seventeen years of age.

Comments. A commenter cited the portion of proposed § 201.20(a)(2) "* * * or any other system the Secretary believes most accurately reflects the actual number of migratory children * * *" and Section 141(b)(1) of Title I which reads "* * * or such other system as he may determine most accurately and fully reflects the actual number of migratory children. * * * *" and Section 141(b)(1) of Title I which reads "* * * or such other system as he may determine most accurately and fully reflects the actual number of migratory children * * *" The commenter questioned whether the proposed change in language was intended to increase the Secretary's discretion.

Response. A change has been made. No additional discretion was intended. The final regulations express the statutory language.

Comment. One commenter noted that if the amount of migrant education program grant funds allocated to each State is to be properly determined, the Department will need to receive accurate estimates of the number of eligible migrant children in each State. The commenter implied that the proposed regulations did not provide sufficient clarification of the SEA's responsibilities to provide accurate data on the status of the migrant children in question.

Response. A change has been made. An SEA's responsibility to provide accurate information to the national system for record transfers is implicit in its participation in that system. The Secretary agrees that § 201.20 should be amended to clarify the SEA's continued responsibility to ensure the accuracy of eligibility and other information it submits to the MSRTS so the number of FTEs obtained annually reflects those currently and formerly migratory children, aged five to seventeen, who are eligible to be served.

Section 201.21 Determination of an SEA grant.

Comment. One commenter questioned by paragraph (a)(2) of the proposed regulations concerning the maximum amount available to the SEA as determined by the Secretary refers to § 201.22.

Response. A change has been made. The reference to § 201.22 was in error and has been deleted.

Section 201.23 Amount available for State administration.

Comment. One commenter recommended that the Secretary consider setting regulatory standards for State-level administrative organization of the migrant education program. The commenter believed that duplicative services such as regional offices within a State need to be eliminated.

Response. No change has been made. The proposal that the Secretary set regulatory standards for State-level administrative organization and the elimination of substructures that are purported to be duplicative of services provided at other administrative levels, would conflict with the declared policy of the ECIA. Section 552 of the Act states assistance is to be provided in "* * * a manner which will eliminate burdensome, unnecessary, and unproductive paperwork and free the schools of unnecessary Federal supervision, direction, and control * * * Congress also finds that Federal assistance * * * will be more effective if education officials * * * are freed from overly prescriptive regulations and administrative burdens * * *." Creation and utilization of regional offices that are reasonable and necessary are matters of State discretion and are outside the scope of Federal Government involvement.

Comment. One commenter expressed the belief that, as drafted, the regulation was confusing because it did not expressly refer to the SEA's use of migrant education program funds.

Response. A change has been made. Under Section 194 of Title I, incorporated into ECIA by Section 554 of Chapter 1, the State receives a separate allocation of up to one percent of its total Chapter 1 funds to defray costs of administering the Chapter 1 programs. Thus, separately distributed migrant education program funds may not be used to defray these general and usual administrative expenses. Section 201.23 has been amended to clarify that these expenses are to be paid from the up-to-one percent allotment. However, expenses that are unique to the SEA's administration of the migrant education program may be paid from the SEA's Chapter 1 migrant education program funds, as provided in § 201.33.

Section 201.24 Secretary's special arrangement for services (bypass).

Comment. Several commenters recommended that the Secretary revise this section to include the specific standards that will be used to determine that a special arrangement for services is warranted. In addition, the commenters believed that there is a greater need to bypass LEAs than to bypass SEAs.

Response. A change has been made. The Secretary does not believe that the creation of such express standards is warranted. Procedures remain flexible to permit application to a variety of situations with may arise. The SEA is the responsible agency to establish or improve education programs which meet the special educational needs of children of migratory agricultural workers or migratory fishers. The SEA may determine whether the most effective means of delivering services to those children is satisfactorily accomplished by providing the services directly, through LEAs, or through public or nonprofit private agencies.

In reviewing these comments, the Secretary has noted that, as proposed § 201.24(d) would require that if a special arrangement is made with a public or nonprofit private agency to operate the State's migrant education program, that agency should administer the program according to obligations of the operating agency under the regulations. The reference to the "operating agency's" responsibilities was inadvertent. Because the public or nonprofit private agency would act as the SEA in the State, it would be responsible for administering the program consistent with the SEA's obligations under the regulations. An appropriate change to this effect has been made.

Comment. One commenter requested clarification as to when the three criteria listed in § 201.24(a) are met. Specifically, information was requested as to when and how the Secretary determines that a bypass will result in more efficient administration of the program.

Response. No change has been made. The Secretary believes the regulations adequately state the conditions that the Secretary must find to exist before a special arrangement may be made.

Comment. A commenter stated the statute reads "* * * would result in more efficient *and economic*

administration * * *" and asked why the term was omitted.

Response. A change has been made. The omission of "and economic administration" was not intentional, and the phrase has been included in § 201.24.

Section 201.25 Amount of a subgrant to an LEA.

Comment. A commenter questioned whether paragraph (c) of the regulations would authorize the SEA to determine the amount of an LEA's subgrant on relevant criteria that conflicted with the service priorities contained in § 201.31.

Response. A change has been made. Because the SEA is responsible to the Department for administering and operating the State's approved migrant education program and projects, the service priorities contained in § 201.31 apply to the migrant education program and projects in the State. For clarity, appropriate conforming language has been added to § 201.25.

Section 201.30 Eligibility of a child to participate.

Comment. Many commenters believed that the requirement that SEAs and LEAs provide adequate documentation to verify "primary employment," "interruption," and "regular school year" pursuant to proposed changes in the definition of a migratory child, would be very difficult and costly to meet and is inconsistent with the purpose of the ECIA.

Response. A change has been made. Consistent with Pub. L. 98–211, the definitions of currently migratory child, migratory agricultural worker, and migratory fisher remain the same as those in the previous Title I regulations. Consequently, the regulations do not require documentation of "primary employment," "interruption," or "regular school year."

Comment. Many commenters were concerned about whether, if a postexpenditure audit is conducted, an SEA's or LEA's eligibility determination made on credible information from any source would be questioned. Many commenters recommended that more specific guidance be given both to individuals responsible for identification and recruitment and to the audit agency so that it may accept the State's judgment.

Response. A change has been made. The Secretary believes the regulations provide the SEA and LEA sufficient authority and flexibility to establish reliable and valid means of identifying and verifying eligible migratory children, and providing for their special educational needs. In order to ensure accountability for the use of Federal grant funds, SEAs and LEAs must implement procedures for ensuring they accurately obtain all information pertinent to child eligibility, as provided in § 201.30. Section 201.30 has been amended to reflect this SEA and LEA responsibility.

Section 201.31 Service priorities.

Comment. Many commenters recommended that the Secretary amend the proposed language that allows project services to be provided for formerly migratory children to clarify that such services may be provided only when the needs of the currently migratory children have been met. Other commenters recommended that more emphasis should be placed on children classified as formerly migratory children, as many were still experiencing a disadvantage in educational attainment.

Response. A change has been made. While many children classified as formerly migratory may have special educational needs that are unmet, Section 142(b) of Title I, as incorporated into Chapter 1 of the ECIA, requires that currently migratory children be "given priority to . . . consideration of programs and activities" contained in the SEA's Chapter 1 migrant education program application. The Secretary believes that, as drafted, the proposed § 201.31 may have appeared to conflict with the statute by seeming to authorize SEAs and operating agencies to provide services to formerly migratory children at the expense of some currently migratory children with unmet special educational needs. State and local agencies continue to have some latitude to determine that, without detriment to the State's currently migratory children, a program or project serving such children may also serve children who are formerly migratory. However, in order to emphasize the service priorities required by Section 142(b) of Title I, § 201.31 has been modified by eliminating the potentially confusing references to situations when formerly migratory children may be served.

Comment. Many commenters recommended that the Secretary utilize the language contained in the current regulations to clarify the intended service priorities. The commenters believed that the current language more clearly expresses the statute's intent.

Response. A change has been made. The regulations now contain the language contained in the Title I regulations.

Comment. One commenter recommended that the proposed regulations be rewritten to place the priority for program services on preschool-aged migratory children before providing services to school-aged children.

Response. No change has been made. Section 142(a)(5) of Title I, as incorporated into Chapter 1, requires that provisions made for the preschool educational needs of migratory children ". . . not detract from the operation of programs and projects . . ." for older migratory children ". . . after considering funds available . . ." for their operation.

Comment. Several commenters recommended a revision to this section that more clearly indicates the Secretary's intent. The commenters feared that the language in the proposed regulations might cause a decrease in services to mobile migratory children because operating agencies might find it easier to provide services to children who are not transitory.

Response. A change has been made. As described above, § 201.31 has been modified to clarify the statutory requirement that priority is given to currently migratory children in the receipt of special educational services and, as necessary, support services.

Comment. One commenter suggested that this section might be improved if it were made clearer that the SEA or LEA is to make a specific determination that providing services to preschool children will not detract from services to be provided to other eligible migratory children.

Response. No change has been made. The Secretary does not believe that such a proposal is necessary. Moreover, because the provision of services must be made on the basis of an annual needs assessment (§201.32), the SEA and operating agencies will have already made that determination.

Section 201.32 Annual needs assessment.

Comment. One commenter stated that the requirement of an annual needs assessment will take an inordinate amount of time and involve an appreciable amount of data gathering. For these reasons, the commenter recommended that the Secretary revise this requirement to permit needs assessments to be conducted less frequently.

Response. No change has been made. The requirement that the assessment of educational needs be conducted annually is found in Section 556(b) of the ECIA, whose basic objectives are incorporated into Section 142(a)(3) of Title I. Section 19 of Pub. L. 98–211 clarified the annual nature of the requirement for the migrant education

program by its express incorporation of Section 556(b) into Section 142(a)(3) of Title I.

Comment. A commenter questioned the rationale for applying this provision to State programs, since Section 556(b)(2) of Chapter 1 seems to apply only to LEAs.

Response. No change has been made. As noted above, the requirement of an annual needs assessment to be conducted by the SEA and operating agencies is not a new requirement but was carried over from the Title I program by Section 142(a)(3) of Title I as incorporated into Section 554 of the ECIA. Pub. L. 98–211 subsequently has clarified that the annual needs assessment requirement applies to the SEA's programs.

Comment. One commenter questioned why the requirement that migrant programs be based on annual needs assessments was not applicable to both the SEA and its operating agencies.

Response. A change has been made. The regulations have been changed to clarify their applicability to both the SEA and its operating agencies.

Comment. One commenter recommended that the annual needs assessment used by the SEA and its operating agencies requires that the migrant children receiving assistance be those with the greatest need for it. The commenter asserted that, otherwise, the needs assessment might not serve as the focus for determining what kind of program and projects migrant children need.

Response. A change has been made. The proposed regulations were intended to ensure that the needs assessment would provide the SEA and its operating agencies with sufficient detailed information on the needs of eligible migratory children to permit appropriate program planning to meet those needs. In view of the commenter's concern, and in keeping with the needs assessment requirement in Section 556(b)(2) of the ECIA, as amended by Section 2(c) of Pub. L. 98–211, the regulations have been changed to reflect that the SEA and its operating agencies must serve those migratory children who are in the greatest need for assistance as determined by the annual needs assessment. Conversely, the SEA and its operating agencies should eliminate the provision of services to those migratory children who may be technically eligible, but who lack special educational needs.

Comment. Several commenters recommended that the process of selecting children in most need of assistance on the basis of the annual needs assessment be consistent with the service priorities favoring currently migratory children in Section 142 (a)(5) and (b) of Title I.

Response. A change has been made. Paragraph (b) of § 201.32 has been modified to reflect that the selection of children to be served must be consistent with applicable service priorities contained in § 201.31 of these regulations.

Section 201.33 Special allowable costs for migrant programs.

Comment. Several commenters believed that the proposed regulations were too vague. They questioned whether the proposed regulations were intended to change the scope of allowable costs previously permitted under Title I and requested clarification of the possible types of permissible special allowable costs that the regulations anticipate.

Response. No change has been made. Enactment of the ECIA has not changed the scope of allowable costs previously permitted under the Title I program. However, the Secretary believes that inclusion of a list of possible types of permissible costs would not add to the regulation, and may be incorrectly viewed as restrictive or exclusive.

Comment. Several commenters recommended that the proposed regulations be amended to include specific authorization for the use of program funds to provide necessary supporting services such as health and clothing needs. The commenters believed that in some cases provision of these services is necessary before eligible children will benefit from school attendance.

Response. No change has been made. The migrant education program is authorized as a program supplying educational services; SEAs and their operating agencies must determine the special educational needs of the migratory children who will participate in the program. It is not specifically a program that provides family support services. If an SEA or its operating agency determines that providing a supporting service is necessary to help meet those educational needs, it may authorize the provision of that service, including health services.

Section 201.34 Coordination with other migrant programs and projects.

Comment. A commenter recommended that the regulations be amended to clarify that the requirement exists for both the SEA and its operating agencies to coordinate with other migrant education programs and projects.

Response. A change has been made. Section 201.34 now requires both the SEA and its operating agencies to plan and operate migrant activities with appropriate coordination with other migrant programs and projects.

Comment. Some commenters recommended that this section be specifically amended to include a requirement that the SEA plan and operate the activities in its annual program in coordination with migrant and seasonal farmworker projects administered under Section 402 of the Job Training Partnership Act of 1982.

Response. A change has been made. The regulation provides for coordination with programs administered under either Section 402 of the Job Training Partnership Act of 1982 or the Community Services Block Grant Act of 1981. These laws superseded Section 303 of the Comprehensive Employment and Training Act and Title III of the Economic Opportunity Act of 1964, respectively. Coordination is an express requirement of the SEA's State plan by virtue of Section 142(a)(2) of Title I.

Comment. A commenter asked for the specific statutory authority for this requirement.

Response. A change has been made. Section 554(a) of ECIA and Section 142(a) (1) and (2) of Title I require adequate coordination with other migrant programs and projects. The citation of statutory authority has been changed to reflect both of these provisions, as well as the statutory provisions that clarify that Section 303 of the Comprehensive Employment and Training Act and Title III of the Economic Opportunity Act of 1964, cited in Section 142(a)(2) of Title I, have been superseded by the statutes cited in these regulations.

Section 201.35 Requirements for parent involvement.

Comment. Many commenters recommended that the Department continue to require parent advisory councils at the State and operating agency levels. Many commenters believed that the Department's position would have deprived parents of their right and opportunity to participate in their children's education, and that the position violates statutory requirements.

Response. A change has been made. By the enactment of the Technical Amendments to ECIA, December 8, 1983, Congressional action made clear that parental participation in the migrant education program through local and State parent advisory councils is a requirement of the Act. The final

regulation reflects the statutory requirement.

Section 142(a)(4) of Title I states: ". . . that in planning and carrying out programs and projects at both the State and local educational agency level, there has been and will be appropriate consultation with parent advisory councils established in accordance with regulations of the Commissioner (consistent with the requirements of Section 125(a))." Section 554 of the ECIA retains Section 142(a)(4), and § 201.35 of the regulations repeats the statutory provision that parent advisory councils must be established in a way that is consistent with Section 125(a) of Title I.

Section 203.2 Applicable regulations.

Comment. One commenter, noting that Section 554(a)(2)(C) of Chapter 1 incorporated all of Subpart 3 of Part B of Title I, questioned why the Department was issuing new regulations to carry out this program.

Response. No change has been made. The regulations that governed programs operating under Subpart 3 of Part B of Title I were published on April 4, 1978, prior to the enactment of the Education Amendments of 1978, and therefore do not completely reflect the provisions of Subpart 3 of Part B. Morever, certain Title I provisions which applied by reference to Subpart 3 of Part B do not apply to Chapter 1. Accordingly, new regulations are appropriate.

Comment. Several commenters recommended that this section be revised to make 34 CFR Parts 76 and 77 applicable to projects operated under Part 203.

Response. No change has been made. In order to afford SEAs and LEAs maximum flexibility, the Secretary has decided not to require agencies to comply with 34 CFR Parts 76 or 77 in administering and implementing Chapter 1 projects.

Section 203.3 Definitions for this program.

Comment. One commenter recommended that the definition of the term "institution for delinquent children" be revised to eliminate the requirement that the average length of stay be at least 30 days.

Response. No change has been made. The requirement that the average length of stay be at least 30 days first appeared in the Title I regulations to help ensure the effective use of Federal funds. Education activities of lesser duration are unlikely to benefit the child, and so this long-standing requirement has been retained.

Comment. One commenter questioned the meaning of the final sentence in the definition of the term "State agency" in this section, asking what type of agency it was directed to.

Response. No change has been made. That sentence clarifies the statutory requirement that these Chapter 1 funds go only to State agencies directly responsible for providing free public education for children in institutions for neglected or delinquent children or in adult correctional institutions. Clearly, an agency whose institutionalized neglected or delinquent youth are, by State law, provided a free public education by an LEA or another agency is not directly responsible for providing that education.

Section 203.10 State assurances.

Comment. Several commenters interpreted § 203.10 as containing all requirements governing applications submitted by a State agency to an SEA and recommended that language be added to state specifically what information must be included in such an application.

Response. No change has been made. Section 203.10 requires a State to have on file with the Secretary certain assurances. The State agencies that actually operate the projects must submit applications to the SEA that meet the requirements of § 203.12. Requiring more detailed items to be included in an application would inappropriately limit an SEA's flexibility.

Section 203.12 Submission of project applications by the State agency to the SEA.

Comment. Several commenters recommended that this section be revised to require annual applications.

Response. A change has been made. The statute authorizes applications for a period of not more than three years. In determining the frequency of applications and updates, SEAs should consider the nature of the population to be served by the project. The revised regulation requires updating of applications resulting from significant changes in the number or needs of children to be served, or the services to be provided.

Comment. Several commenters recommended that language be added to this section to specify which requirements from Section 556(b) (2) through (4) of Chapter 1 are applicable to programs operated under Part 203.

Response. A change has been made. The word "applicable" has been deleted, clarifying that all of the requirements in Secion 556(b) (2) through (4) apply to projects operated under Part 203.

Section 203.20 Amount of funds available for Chapter 1 grants.

Comment. A number of commenters questioned the rationale for the provisions in §203.20(c)(3)(iii) requiring children to be in State-funded organized programs of instruction for at least ten hours per week in order to qualify for Chapter 1 services. Under Title I, children were required to be in a State-funded organized program of instruction for at least five hours per week.

Response. No change has been made. An instructional program of only five hours per week does not form an adequate basis for Chapter 1 to supplement. This issue was discussed at length during the 1978 reauthorization hearing conducted by the Subcommittee on Elementary, Secondary, and Vocational Education of the House Education and Labor Committee. Review of the information requested by that Committee regarding (1) the number of hours per week instructional classes are usually offered by State supported institutions participating in the program, and (2) the hours per week children usually attend classes reveals that the average in both cases is greater than the ten-hour requirement established by these regulations. U.S. Congress, House, Committee on Education and Labor, *A Report on the Education Amendments of 1978*, H.R. 15, 95th Cong., 2d sess., 1978, p. 40.

Comment. One commenter questioned the authority for the provision prohibiting a child from being counted both under Part 203 and under the Chapter 1 State-operated Programs for Handicapped Children.

Response. No change has been made. Funds under Part 203 are distributed on the basis of average daily attendance in schools in institutions for neglected or delinquent children or in adult correctional institutions. Funds under the Chapter 1 State-operated Programs for Handicapped Children are distributed on the basis of the average daily attendance in schools, operated or supported by a State agency, for handicapped children. A particular school might be operated for handicapped children or for children in institutions for neglected or delinquent children, but not for both. Accordingly, the child should be counted based on which type of school he or she attends.

Comment. One commenter recommended revising this section to provide that State agencies' grants be determined on the basis of either class enrollment or October 1 caseload.

Response. No change has been made. The statute specifies different criteria

for determining grants to State and to local institutions. Section 151 of Title I, incorporated into the ECIA by Section 554 of Chapter 1, requires that State agencies' grants be distributed on the basis of per pupil expenditure and average daily attendance data.

Section 203.30 Annual needs assessment.

Comment. One commenter questioned the rationale for applying Section 556(b)(2) of Chapter 1 (annual needs assessment) to State agencies operating projects under Part 203. The commenter pointed out that the statute appears to make Section 556(b)(2) applicable only to LEAs.

Response. No change has been made. The technical amendments to ECIA, Pub. L. 98–211, clarify that all of Section 556, except paragraph (b)(1), applies to this program.

Comment. Several commenters recommended including specific guidelines, such as those contained in the former §203.12(b), for State agencies to use in conducting needs assessments.

Response. No change has been made. Including these guidelines in regulations could interfere with SEAs' and State agencies' discretion in the matter.

Section 204.1 Applicability of regulations in this part.

Comment. Several commenters questioned the rationale for not making 34 CFR Part 76 applicable to all Chapter 1 programs. The commenters felt that not requiring compliance with 34 CFR Part 76 might result in many inefficiently managed projects.

Response. No change has been made. The decision to make 34 CFR Part 76, as well as nearly all the other EDGAR provisions, inapplicable to Chapter 1 was intended to allow States greater flexibility in administering this program than they had under Title I. Even though EDGAR does not apply, agencies must use fiscal control and fund accounting procedures that ensure the proper disbursement of, and accounting for, Chapter 1 funds, according to Section 596(a) of the ECIA. Agencies may meet this requirement by relying on the provisions in EDGAR or by applying equivalent procedures of their own.

Section 204.2 Definitions.

Comment. One commenter, noting that the term "agency" is used throughout Part 204, suggested that the term be defined in this section.

Response. No change has been made. Generally, when the term "agency" is used, it applies to any entity that receives Chapter 1 funds. When the regulations refer to a particular type of agency, the term SEA, LEA, or State agency is used.

Comment. One commenter questioned whether the definition of "preschool children," by including children below the age at which an agency provides free public education, authorized agencies to charge parents a fee for services supported with Chapter 1 funds.

Response. No change has been made. An agency may not require parents to pay for services supported with Chapter 1 funds.

Section 204.10 Recordkeeping requirements.

Comment. One commenter questioned whether SEAs and LEAs would have complete discretion for developing procedures for ensuring accountability, and whether the Department would be bound to accept whatever procedures are adopted. The commenter further questioned whether auditors would "second-guess" agencies' procedures.

Response. No change has been made. Sections 555(d) and 556(b) of Chapter 1 require agencies to keep records and provide information as may be required for fiscal audit and program evaluation. Under their application approval authority in Section 556(b) of Chapter 1, SEAs may specify what records agencies that receive Chapter 1 funds must keep. The Secretary will not question an agency's procedures for ensuring accountability as long as these procedures ensure the proper disbursement of, and accounting for, Chapter 1 funds according to the applicable statutory and regulatory requirements.

Comment. One commenter, stating that the statute appears to treat SEAs and LEAs differently with regard to recordkeeping, questioned why the regulations did not do so. The commenter further questioned whether and to what degree SEAs could impose specific recordkeeping requirements on LEAs.

Response. No change has been made. The statute requires both SEAs and other agencies that receive Chapter 1 funds to keep records and provide information as may be required for fiscal audit and program evalution. An SEA may, under Section 556(b), impose on other agencies that receive Chapter 1 funds whatever specific recordkeeping requirements it believes are necessary for the SEA to fulfill its responsibilities for fiscal audit and program evaluation.

Comment. One commenter recommended that the regulations be revised to specify what information an SEA will be expected to report to the Secretary.

Response. No change has been made. There are no reporting requirements that an SEA would have to meet pursuant to §204.10.

Sections 204.11 Access to records and audits.

Comment. Several commenters questioned the rationale for applying the requirements of 34 CFR 74.62 to Chapter 1 grantees. The Commenters felt that these requirements are overly burdensome and unnecessary.

Response. No change has been made. Attachment P to OMB Circular A–102 establishes audit requirements that apply generally to all State and local governmental agencies receiving Federal assistance, and so it applies implicitly to Chapter 1 grantees. 34 CFR 74.62 makes these requirements expressly applicable to agencies participating in programs administered by the Department of Education.

Comment. One commenter recommended that the regulations include a list of the specific items that Federal auditors will review during audits of SEAs.

Response. No change has been made. Under the Inspector General Act of 1978 (Pub. L. 95–452), financial and compliance audits conducted by the Department's Inspector General will cover selected Federal requirements that apply to the agency being audited. Because specific areas are reviewed in different audits, it is not possible to specify which areas will be reviewed in all audits. However, the Office of Managment and Budget (OMB) issued a compliance supplement to Attachment P of OMB Circular A–102. This supplement contains information on the major compliance requirements of Chapter 1 which must be reviewed as part of organization–wide audits.

Comment. One commenter, interpreting this section to exempt private nonprofit operating agencies receiving Chapter 1 funds from the requirement that they be audited, recommeneded that language be added requiring these agencies to be audited.

Response. No change has been made. This issue will be treated separately in regard to regulations issued under the Single Audit Act.

Comment. One commenter noted that Section 1744 of the Omnibus Budget Reconciliation Act of 1981 authorized access to records by the Comptroller General but not the Secretary, and questioned whether Section 437(b) of the General Education Provisions Act (GEPA) should be cited as authority for § 204.11(a).

Response. A change has been made. Section 437(b) of GEPA has been added as authority for this section.

Comment. One commenter questioned why Section 434 of GEPA was not cited as authority for this section.

Response. No change has been made. The provision in Section 434 of GEPA pertaining to audits that applies to Chapter 1 is paragraph (a)(2) which authorizes, but does not require, the Secretary to request a plan on audits. Because § 204.11 does not require an audit plan, there is no need to cite Section 434 of GEPA as authority.

Comment. Two commenters remarked that the Title I regulations provide for broad access to project records but that access would be unduly restricted under the proposed regulations.

Response. No change has been made. Section 204.11 accurately reflects the statutory provisions pertaining to access to records that are applicable to Chapter 1 programs.

Section 204.12 Audit claims.

Comment. One commenter questioned why § 204.12(d) omitted the requirement in Section 452(f)(1) of GEPA that the practice not only has been corrected, but also that it will not recur. The commenter also questioned why the dollar limit on the Secretary's authority to compromise audit claims was not mentioned.

Response. Both changes have been made. The regulations have been revised to include a provision that the Department considers whether the practice has been corrected and will not recur in compromising audit claims and to specify that compromises of claims in excess of $50,000 must be approved by the U.S. Department of Justice.

Section 204.14 Availability of funds.

Comment. One commenter questioned whether this section authorized agencies to refrain from spending Chapter 1 funds in the fiscal year for which they were appropriated and to spend them in the next fiscal year. Several commenters were confused about the meaning of this section.

Response. No change has been made. Agencies that receive Chapter 1 funds are expected to spend those funds according to plan in the project year for which they are appropriated. However, subject to SEAs' and the Department's reallocation authority in 34 CFR 200.45–200.46, and 34 CFR 201.22, agencies that have carryover funds may expend those funds according to plan in the fiscal year succeeding the year for which the funds were appropriated.

Section 204.20 Sufficient size, scope, and quality of project.

Comment. Several commenters recommended adding language to this section establishing standards for determining whether projects meet the size, scope, and quality requirements. One commenter was particularly concerned that the SEA and auditors would apply different standards, thereby leading to unnecessary audit exceptions.

Response. No change has been made. The imposition of any such standards in these regulations would be inconsistent with the Secretary's goal of affording agencies that receive Chapter 1 funds flexibility in operating their Chapter 1 projects.

Comment. Several commenters recommended adding language to this section requiring Chapter 1 projects to be based on needs assessment and other data.

Response. No change has been made. There is no need to add the suggested language to this section because Section 556(b)(2) of Chapter 1 already requires Chapter 1 projects to be based on an annual assessment of educational needs. This requirement is implemented in the individual program regulations for Chapter 1.

Comment. One commenter recommended adding language to strongly encourage the use of individualized educational plans for Chapter 1 participants.

Response. No change has been made. Although Section 129 of Title I encouraged the use of individualized educational plans, the Chapter 1 statute does not incorporate that Title I provision and contains no such suggestion. As Section 554(c) of Chapter 1 states, provisions of Title I that are not specifically made applicable by Chapter 1 are not applicable to programs authorized under Chapter 1. The Secretary notes, however, that the provisions of Part B of the Education of the Handicapped Act relating to individualized education programs apply to recipients of funds under that Act with respect to handicapped children.

Section 204.41 Jurisdiction.

Comment. Several commenters recommended revising this section to include termination hearings held in connection with an agency's use of Chapter 1 funds.

Response. No change has been made. Neither ECIA nor applicable language in GEPA discusses termination hearings in connection with Chapter 1, and the Secretary has therefore chosen not to give such jurisdiction to the Education Appeal Board (EAB).

Comment. Several commenters recommended qualifying the terms "withholding hearings" and "cease and desist proceedings" with the language "initiated by an authorized Department official in connection with the Chapter 1 program."

Response. No change has been made. The suggested language is inappropriate in this section because an authorized Department official does not initiate proceedings. Rather, as clearly indicated in § 204.44, the Secretary or an authorized Department official issues the written notice from which a recipient of Chapter 1 funds may appeal.

Comment. Several commenters recommended including "other proceedings as designated by the Secretary" in this section.

Response. A change has been made. As authorized by Section 541(a) of GEPA, the Secretary may designate other proceedings under Chapter 1 to be heard by the EAB.

Section 204.42 Definitions.

Comment. Several commenters recommended revising the definition of the term "appellant" to include an SEA or other recipient.

Response. No change has been made. Under Chapter 1, the Secretary normally makes final audit determinations, conducts withholding hearings, and designates other proceedings only with respect to SEAs.

Comment. Several commenters recommended that the definition of the term "hearing" be revised to include "a conference, review of written submissions, an oral argument, or a full evidentiary hearing."

Response. No change has been made. The definition provided is sufficiently broad to include the recommendation.

Comment. Several commenters recommended revising the definition of the term "party" to include authorized Department officials who issue termination hearings or hearings regarding a matter described in 34 CFR 78.2(a)(4).

Response. A change has been made. The current definition of "party" has been amended to include the authorized Department official who issues a Chapter 1 determination that is designated by the Secretary to be reviewed by the EAB.

Comment. Several commenters recommended adding definitions for the terms "suspension" and "termination."

Response. No change has been made. These terms are not used in the provisions in §§ 204.40–204.56.

Section 204.44 Written notice.

Comment. One commenter questioned the authority for using a cease and desist hearing as an alternative to a withholding hearing.

Response. No change has been made. Section 454(a) of GEPA specifically authorizes the Secretary to issue a cease and desist order in lieu of proceeding to withhold funds.

Section 204.48 Restriction of the application.

Comment. One commenter questioned the authority for allowing the Board Chairperson to decide whether to accept or reject an application for review of a final audit determination or an intent to withhold funds.

Response. No change has been made. Section 451(e)(6) of GEPA authorizes the Secretary to issue regulations on matters necessary to carry out the functions of the Board. Section 452(b) authorizes the Board to accept or reject applications for review. The Secretary has determined that this function can best be handled by the Board Chairperson.

Section 204.52 Opportunity to comment on the Panel's decision.

Comment. One commenter questioned why the timelines for steps listed in this section are short.

Response. The timelines in this section are the same as those used for several years under Title I and other programs. These timelines have proven to be reasonable and therefore are being retained in these regulations. *Additional Comments: Consultation with teachers and parents.*

Several comments regarding the requirements for consultation with teachers and parents, published in the proposed rules at § 204.21, were also received. In response to these comments, the Secretary has determined that regulations on this matter should be included in the individual program regulations rather than in Part 204. Final regulations can be found in 34 CFR 200.53 (Financial Assistance to Local Educational Agencies to Meet Special Educational Needs of Disadvantaged Children); § 201.35 (Financial Assistance to State Educational Agencies to Meet the Special Educational Needs of Migratory Children); and 34 CFR 203.31 (Financial Assistance to State Agencies to Meet Special Educational Needs of Institutionalized Neglected or Delinquent Children Including Children in Adult Correctional Institutions.)

Part 204 will contain the requirement for an annual meeting of parents.

Comment. Many commenters recommended revising § 204.21 to require the use of parent advisory councils (PACs) to meet the parent consultation requirement. Their recommendations were generally based on their experience that PACs contribute to the program. Some commenters believe that Section 142(a)(4) of Title I requiring PACs for migrant programs remains in effect.

Response. A change has been made in § 201.35 in view of the technical amendments to the ECIA (Pub. L. 98–211), which clarify that Congress intended that parent advisory councils be required for the Chapter 1 migrant education program at the State and local levels. No change has been made in §§ 200.53 and 203.31. The legislative history makes clear that LEAs may, but are not required to, establish PACs to comply with the consultation requirement. See 127 Cong. Rec. H5645 (daily ed. July 29, 1981).

Comment. A number of commenters questioned the authority and justification for adding the phrase "to the extent feasible" to the provision requiring that Chapter 1 projects be designed and implemented in consultation with the parents of the children being served.

Response. A change has been made. The phrase "to the extent feasible" has been deleted from § 201.35(a). The phrase is only used in § 203.31 so that agencies serving institutionalized neglected or delinquent youth can operate projects that comply with the Chapter 1 requirement without undue burden.

Comment. Several commenters questioned why the regulations required consultation with parents of the children "to be served" when the statute uses the phrase "being served."

Response. A change has been made. Sections 200.53, 201.35, and 203.31 use the language "children being served."

Comment. One commenter questioned why the regulations referred to an LEA's discretionary use of PACs in negative terms, i.e., "is not required to establish and use parent advisory councils" when the congressional report language upon which the provision is based makes the same point using positive terms, i.e., "it is an option of the LEA. . . ."

Response. No change had been made in Parts 200 and 203. Sections 200.53 and 203.31 state that an agency may use parent advisory councils, thereby indicating that their use is optional. However, at the LEA level, PACs are required for the migrant education program (§ 201.35)

Comment. One commenter recommended that § 204.21 be revised to require that Chapter 1 project designs reflect teacher/parent input and ongoing involvement.

Response. No change has been made. The language in §§ 200.53, 201.35, and 203.31 is consistent with the statute and legislative intent regarding teacher and parent consultation.

Comment. One commenter questioned whether § 204.21 would, by no longer requiring PACs, require an excessive amount of documentation by LEAs to demonstrate compliance.

Response. No change has been made. In general, the elimination of the requirement that LEAs use advisory councils should decrease, not increase, the compliance burden associated with this requirement. LEAs are nevertheless required to document appropriate consultation with parents and teachers.

Comment. One commenter recommended adding language to § 204.21 to require agencies to consult with PACs or appoint surrogate parents if parents are not available.

Response. No change has been made. Nothing in the Chapter 1 statute authorizes the Secretary to impose this requirement.

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Tuesday
April 30, 1985

Part IX

Department of Health and Human Services

Social Security Administration

20 CFR Parts 404 and 416

Old-Age, Survivors, and Disability Insurance and Supplemental Security Income for the Aged, Blind, and Disabled; Determining Disability and Blindness; Proposed Rules

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Social Security Administration

20 CFR Parts 404 and 416

[Reg. Nos. 4 and 16]

Old-Age, Survivors, and Disability Insurance and Supplemental Security Income for the Aged, Blind, and Disabled; Determining Disability and Blindness

AGENCY: Social Security Administration, HHS.

ACTION: Proposed rules.

SUMMARY: Section 2 of the Social Security Disability Benefits Reform Act of 1984, Pub. L. 98–460, provides a standard of review for determining whether disability continues—such disability being the major requirement for payment of disability benefits under the Social Security Act. This statute provides that disability entitlement stops for those beneficiaries who have any medical improvement in their impairment(s) and who can perform substantial gainful activity (SGA) or to whom certain exceptions to medical improvement apply. The standard of review provision is intended to promote uniform administration of the disability programs.

These proposed regulations set out a review process the objective of which is to assure an accurate, fair, administratively efficient and nationally consistent review process within the meaning of the law. The proposed regulations are designed to clearly explain how the new review process will work including the definition of medical improvement—that no benefits will be terminated unless substantial evidence shows that medical improvement has occurred or one of the exceptions to medical improvement applies and that (except for certain limited situations) the person can do SGA.

DATE: Comments must be received on or before June 14, 1985.

ADDRESSES: Comments should be submitted in writing to the Commissioner of Social Security, Department of Health and Human Services, P.O. Box 1585, Baltimore, Maryland 21203, or delivered to the Office of Regulations, Social Security Administration, 3–B–4 Operations Building, 6401 Security Boulevard, Baltimore, Maryland 21235, between 8:00 a.m. and 4:30 p.m. on regular business days. Comments received may be inspected during these same hours by making arrangements with the contact person shown below.

FOR FURTHER INFORMATION CONTACT: Harry J. Short, Office of Regulations, Social Security Administration, 6401 Security Boulevard, Baltimore, Maryland 21235, telephone (301) 594–7337.

SUPPLEMENTARY INFORMATION:

Background

The purpose of these proposed regulations is to implement section 2 of Pub. L. 98–460, which provides the standard of review for determining whether disability continues.

Under the Social Security Act and regulations prior to October 9, 1984, (the effective date of Pub. L. 98–460) there was no requirement that there be any medical improvement in a person's impairment(s) before his or her benefits based on disability could be terminated. A decision to continue or cease benefits was based on current evidence which established whether a person was able to do SGA. A sequential evaluation process (see 20 CFR 404.1520 and 416.920) was followed.

A person's entitlement to benefits could also be terminated if he or she demonstrated the ability to do SGA following completion of a trial work period, actually performed SGA (where he or she was not entitled to a trial work period); failed to cooperate with us in a review of whether he or she remained disabled; his or her whereabouts were unknown (except in title XVI cases in which suspension would be the proper action); or he or she failed, without good cause, to follow prescribed treatment that could be expected to restore the ability to work.

Pub. L. 98–460 (section 2) requires that the Secretary prescribe regulations to implement the standard of review for determining whether disability continues, including a medical improvement provision (with certain exceptions). Section 2 is intended to promote administration of the program in a uniform manner nationwide by making explicit to the public, to State agencies which make disability determinations for the Social Security Administration (SSA), and to other adjudicators in the system the standard to be applied in determining continuing eligibility for benefits—the standard as set forth in statute.

The Congressional Conference Committee Report on the new statute noted that agreement was reached "to strike a balance between the concern that a medical improvement standard could be interpreted to grant claimants a presumption of eligibility, which might make it extremely difficult to remove ineligible individuals from the benefit rolls, and the concern that the absence of an explicit standard of review * * * could be interpreted to imply a presumption of ineligibility or to allow arbitrary termination decisions, which might lead to many individuals being improperly removed from the rolls."

This provision, which is reflected in these proposed implementing regulations, permits that a recipient of Social Security disability benefits or Supplemental Security Income (SSI) disability benefits or related benefits may be "determined not to be entitled to such benefits on the basis of a finding that the physical or mental impairment(s) on the basis of which such benefits are provided has ceased, does not exist, or is not disabling only if such finding is supported by" substantial evidence of at least one of the following:

1. There has been any medical improvement in the individual's impairment(s) (other than improvement not related to his or her ability to work) and is able to engage in substantial gainful activity (SGA);

2. That (except for SSI recipients eligible to receive benefits under section 1619) new medical evidence and a new assessment of the individual's residual functional capacity demonstrate that, although there has not been any medical improvement in the individual's impairment(s), (a) he or she is a beneficiary of advances in medical or vocational therapy or technology, related to his or her ability to work, and is able to perform SGA, or (b) he or she has undergone vocational therapy, related to his or her ability to work, and is able to perform SGA;

3. That, as determined on the basis of new or improved diagnostic techniques or evaluations, the individual's impairment(s) is not as disabling as it was considered to be at the time of the most recent prior disability determination and that, therefore, the individual is able to engage in SGA; or

4. That, as demonstrated on the basis of evidence on the record at the time of any prior favorable disability determination or newly obtained evidence relating to that determination, a prior determination was in error.

Regardless of the new medical improvement provision, disability can be found to have ceased if the prior determination was fraudulently obtained or if the beneficiary is engaged in SGA (except for SSI recipients eligible to receive benefits under section 1619 of the Social Security Act), cannot be located, or fails, without good cause,

to cooperate in the continuing disability review (CDR) or to follow prescribed treatment which would be expected to restore his or her ability to engage in SGA.

The law requires that any determination under this standard be made on a neutral basis—without any initial inference being drawn from the fact that an individual had previously been determined to be disabled—and on the basis of all evidence (both prior and new) available in the case file concerning the individual's prior or current condition.

Similar provisions, modified to reflect the concept of ability to perform gainful activity, apply to widows, widowers, and surviving divorced spouses.

It should be noted that these proposed regulations generally do not address the issue of when benefits or a period of disability will be terminated under these rules. This issue was the subject of an earlier Notice of Proposed Rulemaking. (See 48 FR 21970, May 16, 1983.) The final regulations will include the changes resulting from both proposals.

Regulatory Provisions

The following discussion outlines how the regulations implement the various statutory provisions.

The proposed regulations set out standards of review for continuing eligibility to Social Security disability benefits. Those standards make it clear that decisions will be made on a neutral basis—without any initial inference being drawn from the fact that the individual had been determined to be disabled—and based upon all evidence (both prior and new) available in the case file concerning the individual's prior or current condition. They also make clear that upon review, eligibility for such benefits will cease only if substantial evidence shows that there has been any medical improvement in the individual's impairment(s) (or one of the exceptions to medical improvement applies) and that (except in certain limited situations) the person can do SGA.

Existing regulations provide a sequential evaluation process which is used in determining whether individuals are disabled. Under the existing regulations applicable to decisions of continuing disability, current work activity, severity and duration of the impairment(s), ability to do past work, and (considering age, education and work experience) ability to do other work are considered, in that order. These proposed regulations provide that the issue of medical improvement and the exceptions to medical improvement will be considered after a decision of medical severity is reached, before any determination is made that an individual can perform past work or other work.

These proposed regulations define medical improvement as any increase in the individual's ability to do basic work activities since the most recent favorable medical determination as demonstrated by the medical evidence (and other evidence) relating to the impairment(s) which was present at the time of the most recent medical decision that a person was disabled or continued to be disabled. The basis for this definition is twofold: first, the statutory definition of disability is related to functional capacity to do basic work activities, i.e., the inability to engage in SGA; and second, the statute requires that medical improvement not related to the person's ability to work be disregarded. ("Functional capacity to do basic work activities" is not a new concept in the disability program. It is simply a more descriptive phrase that is equivalent to "ability to do basic work activities".)

Further, under these regulations medical improvement is decided based on whether there has been any medical improvement in the impairment(s) which was present at the time of the most recent medical decision that a person was disabled or continued to be disabled.

There are two groups of exceptions to medical improvement.

The first group of exceptions to medical improvement include situations where although medical improvement has not occurred, the ability to do SGA is now shown by current evidence. The basic objective of defining this first group of exceptions is to indicate situations where the person's entitlement to benefits should be terminated because the person is shown to be presently able to engage in SGA, even though medical improvement had not occurred. As the Senate Finance Committee report (Report No. 98–466, p.9) indicates, it was not Congress' intention "to grandfather people onto the benefit rolls who can perform substantial gainful activity, . . ."

The second group covers certain congressionally recognized situations where cessation is appropriate without a finding that the individual can engage in SGA.

These regulations define all of the exceptions in a straightforward manner to show what types of cases will be excepted from medical improvement.

The exceptions are:

1. Substantial evidence shows that the person can do SGA and has been the beneficiary of advances in medical or vocational therapy or technology (related to the person's ability to work).

2. Substantial evidence shows that the person can do SGA and has undergone vocational therapy (related to ability to work).

3. Substantial evidence shows that based on new or improved diagnostic techniques or evaluations, the person is not so disabled as was believed at the time of the most recent prior decision and therefore the person can do SGA.

4. Substantial evidence shows that a prior decision was in error.

5. The person is actually performing substantial gainful activity.

6. The prior decision was fraudulently obtained.

7. The person fails (without good cause) to cooperate in a review of his or her entitlement to benefits.

8. The person cannot be located.

9. The person fails (without good cause) to follow prescribed treatment which would be expected to restore ability to do substantial gainful activity.

The last four exceptions represent situations where benefits will be terminated without a finding that the individual can engage in substantial gainful activity.

There are about 4.7 million people receiving disability benefits and all are subject to review. The review process is carried out by 54 State agencies, over 800 federal reviewers and almost 800 administrative law judges. The magnitude of the task and the need for a nationally consistent determination system mandate a clearly stated process of review which assures fair, equitable, accurate and administratively efficient decisions. Therefore, a review process is described in these proposed regulations which is partially based on the well-established sequential evaluation process used to determine ability to do SGA in initial disability decisions. It is, however, modified to include medical improvement as a distinct step, making it clear that any decision that disability has stopped must be based on a decision that medical improvement occurred or that one of the exceptions applies.

Decisions of medical improvement (or that an exception applies) require certain basic findings (i.e., those concerning medical severity and, where appropriate, residual functional capacity) as do decisions that a person *cannot* do SGA. Thus, these regulations direct that decisions regarding inability to do SGA (i.e., continuance decisions) can be made in accordance with the present sequential evaluation process. When supported by the evidence a decision of continuance can be made

without consideration of whether medical improvement has occurred.

A decision to find disability to have stopped, however, can only be made if medical improvement (or one of the exceptions) is shown. An explanation of the basis for the decision and how it was reached will be required to support both continuance and cessation decisions. Where more than one basis for cessation is known to apply, that fact will be reflected.

The proposed rules in §§ 404.1579, 404.1586, 404.1594, and 416.994 tell how we will apply the standards, discuss the evaluation process we will use to determine whether an individual continues to be disabled, and provide explanations of terms used in these proposed regulations.

These proposed regulations have been written to carry out both the letter and intent of the law in order to provide for a fair, accurate, nationally consistent review of continuing entitlement to disability benefits in accordance with statutory requirements.

Regulatory Procedures

Executive Order No. 12291—Executive Order 12291 requires that a regulatory impact analysis be performed for any "major rule".

We have determined that any major cost impact has been produced by section 2 of Pub. L. 98–460 and not these proposed regulations, which would merely implement the statutory provision. Cost impacts directly resulting from the regulations themselves are minor. Therefore, we have determined that these regulations do not constitute a "major rule" under Executive Order 12291, and a regulatory impact analysis is not required.

Paperwork Reduction Act of 1980—These proposed regulations will impose no new reporting and recordkeeping requirements subject to clearance by the Office of Management and Budget.

Regulatory Flexibility Act—We certify that these proposed regulations, if promulgated, will not have a significant impact on a substantial number of small entities since they primarily affect only individuals receiving title II or title XVI benefits because of disability. They will have some effect on those States which supplement the Federal SSI benefit and those States where Medicaid eligibility is tied to SSI eligibility. However, a regulatory flexibility analysis as required under Pub. L. 96–354, the Regulatory Flexibility Act, is not necessary.

(Catalog of Federal Domestic Assistance Program No. 13.802, Disability Insurance; No. 13.807, Supplemental Security Income Program)

List of Subjects

20 CFR Part 404

Administrative practice and procedure, Death benefits, Disability benefits, Old-Age, Survivors and Disability Insurance.

20 CFR Part 416

Administrative practice and procedure, Aged, Blind, Disability benefits, Public assistance programs, Supplemental Security Income (SSI).

Dated: February 8, 1985.

Martha A. McSteen,

Acting Commissioner of Social Security.

Approved: March 8, 1985.

Margaret M. Heckler,

Secretary of Health and Human Services.

PART 404—[AMENDED]

Part 404 of Chapter III of Title 20 of the Code of Federal Regulations is proposed to be amended as follows:

1. The authority citation for Subpart P of Part 404 is revised to read as follows:

Authority: Secs. 202, 205, 216, 221, 222, 223, 225, and 1102 of the Social Security Act, as amended; 49 Stat. 623, as amended 53 Stat. 1368, as amended, 68 Stat. 1080, 1081, and 1082, as amended, 70 Stat. 815 and 817, as amended, 49 Stat. 647, as amended (42 U.S.C. 402, 405, 416, 421, 422, 423, 425, and 1302); sec. 505(a) and (c) of Pub. L. 96–265, 94 Stat. 473, sec. 2 of Pub. L. 98–460, 98 Stat. 1794, unless otherwise noted.

2. Section 404.1501 is amended by revising paragraphs (d) and (j) to read as follows:

§ 404.1501 Scope of subpart.

* * * * *

(d) Our general rules on evaluating disability if you are filing a new application are stated in §§ 404.1520 through 404.1523. We describe the steps that we go through and the order in which they are considered.

* * * * *

(j) Our rules on when disability continues and stops are contained in §§ 404.1579 and 404.1588 through 404.1598. We explain what your responsibilities are in telling us of any events that may cause a change in your disability status, when you may have a trial work period, and when we will review to see if you are still disabled. We also explain how we consider the issue of medical improvement (and the exceptions to medical improvement) in deciding whether you are still disabled.

3. Section 404.1579 is revised to read as follows:

§ 404.1579 How we will decide whether your disability continues.

(a) *General.* If you are entitled to benefits as a disabled widow, widower, or surviving divorced spouse, there are a number of factors we consider in deciding whether your disability continues.

(1) *Evidence and basis for decision.* Our decisions under this section will be made on a neutral basis without any initial inference as to the presence or absence of disability being drawn from the fact that you have previously been determined to be disabled. We will consider all evidence you submit, as well as all evidence we obtain from your treating physician(s) or other medical or nonmedical sources. Our procedures for obtaining evidence are set out in §§ 404.1512 through 404.1518. Our determination regarding whether your disability continues will be made on the basis of the weight of the evidence.

(2) *Medical Condition.* By medical condition, we mean your impairment(s) and its effect on your ability to do basic work activities. In deciding whether there has been any medical improvement in your impairment(s) and whether the other provisions of this section are applicable, we will consider whether there has been any medical improvement in the impairment(s) which was present at the time of the most recent medical decision that you were disabled or continued to be disabled.

(3) *Point of Comparison.* For purposes of medical improvement and those exceptions to medical improvement which require comparison, we will compare your current functional capacity to do basic work activities with your functional capacity to do basic work activities as it relates to your impairment(s) which was present at the time of the most recent medical decision that you were disabled or continued to be disabled.

(4) *Evaluation Steps.* To assure that all relevant factors are considered in evaluating your disability and to help us determine at the earliest possible point in the evaluation process whether you are still disabled we will consider—

(i) Are your engaging in substantial gainful activity? If yes (and any applicable trial work period has been completed), we will find disability to have ceased .

(ii) Does your impairment(s) meet or equal the Listing of Impairments in Appendix 1?

(iii) Has there been any medical improvement in your impairment(s) i.e. has your functional capacity to do basic work activities increased or does not of

the exceptions to medical improvement apply?

Evaluation steps (i) and (ii) are stated in § 404.1578 and explained in more detail throughout this subpart. Medical improvement is explained in paragraph (b) of this section. The first group of exceptions to medical improvement is explained in paragraph (c) of this section, and the second group of exceptions to medical improvement is explained in paragraph (d) of this section. If at any point in this evaluation process the evidence shows that you continue to be disabled, we will find that your disability continues without further consideration unless some other basis for cessation exists. If there has not been any medical improvement in your impairment(s) and none of the exceptions to medical improvement applies, we will find that your disability continues. We will find that your disability ends if—

(iv) there has been any medical improvement in your impairment(s) or one of the first group of exceptions to medicial improvement applies, and

(v) we determine under evaluation step (i) or (ii) of this subsection that you are able to engage in gainful activity.

We will also find that your disability ends if one of the second group of exceptions to medical improvement applies. In this situation the decision will be made without a determination that you can engage in gainful activity.

(b) *Medical Improvement.* Medical improvement is any increase in your functional capacity to do basic work activities since the most recent favorable medical determination. This will be determined by a comparison of prior and current evidence, including medical and other relevant evidence as it relates to your impairment(s) which was present at the time of the most recent medical decision that you were disabled or continued to be disabled. A substitution of judgment alone regarding your functional capacity to do basic work activities based on unchanged medical findings will not be considered medical improvement. (How functional capacity to do basic work activities is assessed is set out in § 404.1545).

Example: You were awarded disability benefits due to rheumatoid arthritis of a severity as described in Listing 1.02 of Appendix 1 to this subpart. At that time you had joint pain, swelling and tenderness of your fingers and wrists which persisted in spite of therapy. Laboratory findings were positive for rheumatoid arthritis. Current medical evidence shows that your condition has responded favorably to therapy so that your fingers and wrists are no longer swollen or painful. You have only mild limitation of motion and some reduced strength in your hands. Since your ability to do basic work activities has increased, we will find that there has been medical improvement in your impairment(s).

A finding that your impairment(s) meets or equals an impairment listed in Appendix 1 of this subpart means that you are presumed to be unable to perform basic work activities.

(c) *First group of exceptions to medical improvement.* If substantial evidence shows that there has not been any medical improvement in your impairment(s) (see paragraph (b) of this section), we will consider the following exceptions to medical improvement. If one of these exceptions applies and your are able to engage in gainful activity, we will find that your disability ends.

(1) *Substantial evidence shows that you are the beneficiary of advances in medical therapy or technology (related to your ability to work).* Advances in medical therapy or technology are improvements in treatment methods which may favorably affect your ability to perform basic work activities. We will apply this exception when you have been the beneficiary of services which reflect these advances. This decision will be based on new medical evidence.

(2) *Substantial evidence shows that based on new or improved diagnostic or evaluative techniques your condition is not as disabling as it was considered to be at the time of the most recent favorable decision.* This exception applies when substantial evidence demonstrates that, as determined on the basis of new or improved diagnostic techniques or evaluations, your impairment(s) is not as disabling as it was considered to be at the time of the most recent medical decision that you were disabled or continued to be disabled. New or improved diagnostic or evaluative techniques are techniques which may disclose that your condition is less disabling than was originally thought at the time of the most recent favorable medical decision. Changing methodologies and advances in medical and other diagnostic and evaluative techniques have given rise to improved methods for documenting and evaluating medical evidence and residual functional capacity. Where such methods, properly used, permit the development of more accurate, objective and valid results, they will be used. Where these new or improved diagnostic or evaluative techniques are used to determine or document your functional capacity to do basic work activities and where this new determination shows that you are not as disabled as was previously considered, such evidence may serve as a basis for finding that you are no longer disabled. This exception includes only those new or improved diagnostic or evaluative techniques which became generally available after the most recent favorable decision. Changes in diagnostic or evaluative techniques appearing in the Listing of Impairments found in Appendix 1 of this Subpart will be regarded as one type of new or improved evaluative techniques, as illustrated by the following example.

Example: Serum creatinine levels (Listing 6.02C) have replaced blood urea nitrogen (BUN) levels as indicators of renal dysfunction since the time of your last favorable medical decision. Current evidence including serum creatinine and creatinine clearance levels could show that your condition, which was previously evaluated based on BUN levels, is not now as disabling as was previously thought.

(3) *Substantial evidence demonstrates that any prior disability decision was in error.* We will apply the exception to medical improvement based on error if substantial evidence shows that the evidence we considered in making any prior favorable determination demonstrates that an error was made, e.g., the evidence in your file does not pertain to you or some of the evidence in your file, such as pulmonary function study values, was misread. We will also apply this exception if new and material evidence relating to any prior favorable decision shows that it was in error, e.g., a tumor thought to be malignant was later shown to be benign. If the evidence supporting our prior decision does not conform to our documentation standards including but not limited to those in Appendix 1 of this Subpart, the lack of documentation may be considered an error. Additionally, error includes situations where evidence now includes a better, more conclusive diagnostic technique or evaluation which was available at the time of the prior decision but not used in the prior decision. Substantial evidence must show that had the current evidence been available at the time of the prior decision the claim would not have been allowed or continued. A substitution of current judgment alone for that used in the prior favorable decision will not be the basis for applying this exception. In addition, error will not be found where the prior file has been lost and relevant portions cannot be reconstructed. We will, as in other cases, obtain current evidence to evaluate your present condition. This exception to medical improvement based on error will be applied under the conditions set out above, even though some of the conditions for reopening the prior decision (§ 404.988) may not be met.

(4) *You are currently engaging in substantial gainful activity.* Before we determine whether you are no longer disabled because of your work activity, we will consider whether you are entitled to a trial work period as set out in § 404.1592. We will find that your disability has ended in the month in which you demonstrated your ability to engage in substantial gainful activity (following completion of a trial work period, where it applies). This exception does not apply in determining whether you continue to have a disabling impairment(s) (§ 404.1511) for purposes of deciding your eligibility for a reentitlement period (§ 404.1592a).

(d) *Second group of exceptions to medical improvement.* In addition to the first group of exceptions to medical improvement, the following exceptions may result in a determination that you are no longer disabled. In these situations the decision will be made without a determination that you can engage in gainful activity.

(1) *A prior determination was fraudulently obtained.* If we find that any prior favorable determination was obtained by fraud, we may find that you are not disabled. In addition, we may reopen your claim under the rules in § 404.988.

(2) *You do not cooperate with us.* If there is a question about whether you continue to be disabled and we ask you to give us medical or other evidence or to go for a physical or mental examination by a certain date, we will find that your disability has ended if you fail (without good cause) to do what we ask. Section 404.911 discusses how we will decide whether you have good cause for failure to cooperate. The month in which your disability ends will be the first month in which you failed to do what we asked.

(3) *We are unable to find you.* If there is a question about whether you continue to be disabled and we are unable to find you to resolve the question, we will determine that your disability has ended. The month your disability ends will be the first month in which the question arose and we could not find you.

(4) *You fail to follow prescribed treatment which would be expected to restore your ability to engage in gainful activity.* If treatment has been prescribed for you which would be expected to restore your ability to work, you must follow that treatment in order to be paid benefits. If you are not following that treatment and you do not have good cause for failing to follow that treatment, we will find that your disability has ended (see § 404.1530(c)). The month your disability ends will be the first month in which you failed to follow the prescribed treatment.

(e) *Before we stop your benefits.* Before we stop your benefits or a period of disability, we will give you a chance to explain why we should not do so. Sections 404.1595 and 404.1597 describe your rights (including appeal rights) and the procedures we will follow.

4. Section 404.1586 is amended by revising paragraph (a)(1) to read as follows:

§ 404.1586 Why and when we will stop your cash benefits.

(a) * * *

(1) The month your vision, as shown by current medical evidence, does not meet the definition of blindness and your disability does not continue under the rules in § 404.1594.

* * * * *

5. Section 404.1592 is amended by revising paragraph (e)(2) to read as follows:

§ 404.1592 The trial work period.

* * * * *

(e) * * *

(2) The month in which new evidence, other than evidence relating to any work you did during the trial work period, shows that you are not disabled, even though you have not worked a full 9 months. We may find that your disability has ended at any time during the trial work period if the medical or other evidence shows that you are no longer disabled (see § 404.1594).

6. Section 404.1593 is amended by revising the cross-reference in the last sentence to § 404.1594(d)(2).

7. Section 404.1594 is revised to read as follows:

§ 404.1594 How we will decide whether your disability continues.

(a) *General.* If you are entitled to disability benefits as a disabled worker or as a person disabled since childhood, there are a number of factors we consider in deciding whether your disability continues.

(1) *Evidence and basis for decision.* Our decisions under this section will be made on a neutral basis without any initial inference as to the presence or absence of disability being drawn from the fact that you have previously been determined to be disabled. We will consider all evidence you submit, as well as all evidence we obtain from your treating physician(s) or other medical or nonmedical sources. Our procedures for obtaining evidence are set out in §§ 404.1512 through 404.1518. Our determination regarding whether your disability continues will be made on the basis of the weight of the evidence.

(2) *Medical Condition.* By medical condition, we mean your impairment(s) and its effect on your functional capacity to do basic work activities. In deciding whether there has been any medical improvement in your impairment(s) and whether the other provisions of this section are applicable, we will consider whether there has been any medical improvement in the impairment(s) which was present at the time of the most recent medical decision that you were disabled or continued to be disabled.

(3) *Point of Comparison.* For purposes of medical improvement and those exceptions to medical improvement which require comparison, we will compare your current functional capacity to do basic work activities with your functional capacity to do basic work activities as it relates to your impairment(s) which was present at the time of this most recent medical decision that you were disabled or continued to be disabled.

(4) *Evaluation Steps.* To assure that all relevant factors are considered in evaluating your disability and to help us determine at the earliest possible point in the evaluation process whether or not you are still disabled we will consider the following factors and take the actions described.

(i) Are you engaging in substantial gainful activity? If yes (and any applicable trial work period has been completed), we will find disability to have ceased (see (c)(5) below).

(ii) Do you currently have a severe impairment or a severe combination of impairments? If you do not have a severe impairment or a severe combination of impairments, has there been any medical improvement in your impairment(s) (see paragraph (b) of this section), i.e., has your functional ability to do basic work activities increased? If there has been any medical improvement in your impairment(s), disability will be found to have ceased. If there has not been any medical improvement in your impairment(s), disability will be found to continue unless one of the exceptions to medical improvement applies.

(iii) If you have a severe impairment (or a severe combination of impairments), does it meet or equal the severity of an impairment listed in Appendix 1? If yes, disability will be found to continue. If no, a residual functional capacity assessment will be prepared. We will then determine whether there has been any medical improvement in your impairment(s) (see paragraph (b) of this section). If there has not been any medical improvement

in your impairment(s), does one of the exceptions apply? If there has not been any medical improvement in your impairment(s) and none of the exceptions to medical improvement applies, disability will be found to continue.

(iv) If there has been medical improvement or if one of the first group of exceptions to medical improvement applies, we will use the residual functional capacity assessment in determining whether you can do work you have done in the past. If yes, disability will be found to have ceased.

(v) If you are not able to do work you have done in the past, we will consider one final step. Given the residual functional capacity assessment and considering your age, education and past work experience can you do other work? If yes, disability will be found to have ceased. If no, disability will be found to continue.

These evaluation steps are explained in more detail throughout this subpart. Medical improvement is explained in paragraph (b) of this section. The first group of exceptions to medical improvement are explained in paragraph (c) of this section, and the second group of exceptions to medical improvement are explained in paragraph (d) of this section. If at any point in this evaluation process the evidence shows that you continue to be disabled, we will find that your disability continues without further consideration unless some other basis for cessation exists. We will find that your disability continues if there has not been any medical improvement in your impairment(s) and none of the exceptions to medical improvement applies unless some other basis for cessation exists. We will also find that your disability continues if we determine that you are not able to engage in substantial gainful activity. We will find that your disability ends if there has been any medical improvement in your impairment(s) and you are able to engage in substantial gainful activity; or if one of the first group of exceptions to medical improvement applies and you are able to engage in substantial gainful activity; or if one of the second group of exceptions to medical improvement applies.

(b) *Medical Improvement.* Medical improvement is any increase in your functional capacity to do basic work activities since the most recent favorable medical determination. This will be determined by a comparison of prior and current evidence, including medical and other relevant evidence as it relates to your impairment(s) which was present at the time of the most recent medical decision that you were disabled or continued to be disabled. A substitution of judgment alone regarding your functional capacity to do basic work activities based on unchanged medical findings will not be considered medical improvement. How your functional capacity to do basic work activities is assessed is set out in § 404.1545.

Examples

Example 1: You have a back problem and had a laminectomy to relieve the nerve root impingement and weakness in your left leg. At the time of our prior decision you were able to lift no more than 10 pounds occasionally, stand less than 6 hours, and sit no more than one-half hour at a time. You had a successful fusion operation on your back about one year before our current review of your entitlement. At the time of our review the weakness in your leg has decreased, but you have some loss of range of motion in your back. However, you are now able to lift 15 pounds frequently and 25 pounds occasionally and have no limitation on your ability to sit, walk, or stand. Medical improvement has occurred because there has been an increase in your ability to do basic work activities.

Example 2: You are 65 inches tall and weighed 246 pounds at the time your disability was established. You had venous insufficiency and edema in your legs. At that time you were able to sit for 6 hours but were able to stand or walk only occasionally. At the time of our review of your continuing entitlement to disability benefits, you had undergone a vein stripping operation. You now weigh 239 pounds and have intermittent edema. Other than some decrease in your discomfort on walking there has been no change in your functional capacity to do basic work activities. Medical improvement has not occurred because there has been no increase in your ability to do basic work activities.

A finding that your impairment(s) meets or equals an impairment listed in Appendix 1 of this Subpart means that you are presumed to be unable to do basic work activities (see § 404.1525(a)). A finding that your current impairment(s) is not severe (see § 404.1521) means there is no significant limitation of your ability to do basic work activities.

(c) *First group of exceptions to medical improvement.* If substantial evidence shows that there has not been any medical improvement in your impairment(s) (see paragraph (b) of this section), we will consider the following exceptions to medical improvement. If one of these exceptions applies and you are able to engage in substantial gainful activity, we will find that your disability ends.

(1) *Substantial evidence shows that you are the beneficiary of advances in medical or vocational therapy or technology (related to your ability to work).* Advances in medical or vocational therapy or technology are improvements in treatment or rehabilitative methods which may favorably affect your ability to do basic work activities. We will apply this exception when you have been the beneficiary of services which reflect these advances. This decision will be based on new medical evidence and a new residual functional capacity assessment. (See § 404.1545.)

(2) *Substantial evidence shows that you have undergone vocational therapy (related to your ability to work).* Vocational therapy (related to your ability to work) may include but is not limited to additional education, training, or work experience. This decision will be based on new medical evidence and a new residual functional capacity assessment. (See § 404.1545.)

Example 1: You enrolled in and completed a specialized training course which qualifies you for a job in data processing and new medical evidence and a new assessment of your residual functional capacity demonstrate that you can engage in substantial gainful activity.

Example 2: Your vocational rehabilitation agency sent you to a trade school. Upon completion of the course, you are qualified to do small appliance repair and new medical evidence and a new assessment of your residual functional capacity demonstrate that you can engage in substantial gainful activity.

(3) *Substantial evidence shows that based on new or improved diagnostic or evaluative techniques your condition is not as disabling as it was considered to be at the time of the most recent favorable decision.* This exception applies when substantial evidence demonstrates that, as determined on the basis of new or improved diagnostic techniques or evaluations, your impairment(s) is not as disabling as it was considered to be at the time of the most recent medical decision that you were disabled or continued to be disabled. New or improved diagnostic or evaluative techniques are techniques which may disclose that your condition is less disabling than was originally thought at the time of the most recent favorable medical decision. Changing methodologies and advances in medical and other diagnostic and evaluative techniques have given rise to improved methods for documenting and evaluating medical evidence and residual functional capacity. Where such methods, properly used, permit the development of more accurate, objective and valid results, they will be used. Where these new or improved

diagnostic or evaluative techniques are used to determine or document your functional capacity to do basic work activities and where this new determination shows that you are not as disabled as was previously considered, such evidence may serve as a basis for finding that you are no longer disabled. This exception includes only those new or improved diagnostic or evaluative techniques which became generally available after the most recent favorable decision. Changes in diagnostic or evaluative techniques appearing in the Listing of Impairments found in Appendix 1 of this Subpart will be regarded as one type of new or improved evaluative techniques, as illustrated by the following example.

Example: Serum creatinine levels (Listing 6.02C) have replaced blood urea nitrogen (BUN) levels as indicators of renal dysfunction since the time of your last favorable medical decision. Current evidence including serum creatinine and creatinine clearance levels could show that your condition, which was previously evaluated based on BUN levels, is not now as disabling as was previously thought.

(4) *Substantial evidence demonstrates that any prior disability decision was in error.* We will apply the exception to medical improvement based on error if substantial evidence shows that the evidence we considered in making any prior favorable determination demonstrates that an error was made, e.g., the evidence in your file does not pertain to you or was misread. We will also apply this exception if new and material evidence relating to any prior favorable decision shows that it was in error, e.g., a tumor thought to be malignant was later shown to be benign. If the evidence supporting our prior determination is available but does not conform to our documentation standards including but not limited to those reflected in Appendix 1 of this Subpart, the lack of documentation may be considered an error. Additionally, error includes situations where evidence now includes a better, more conclusive diagnostic technique or evaluation which was available at the time of the prior decision but not used in the prior decision. Some additional examples of error are:

(i) some of the evidence in your file was misinterpreted e.g., pulmonary function study values were misread;

(ii) an adjudicative standard was misapplied e.g., the wrong vocational rule was applied.

Substantial evidence must show that had the current evidence been available at the time of the prior decision the claim would not have been allowed or continued. A substitution of current judgment alone for that used in the prior favorable decision will not be the basis for applying this exception. In addition, error will not be found where the prior file has been lost and relevant portions cannot be reconstructed. We will, as in other cases, obtain current evidence to evaluate your present condition. This exception to medical improvement based on error will be applied under the conditions set out above, even though some of the conditions for reopening the prior decision (§ 404.988) may not be met.

(5) *You are currently engaging in substantial gainful activity.* Before we determine whether you are no longer disabled because of your work activity, we will consider whether you are entitled to a trial work period as set out in § 404.1592. We will find that your disability has ended in the month in which you demonstrated your ability to engage in substantial gainful activity (following completion of a trial work period, where it applies). This exception does not apply in determining whether you continue to have a disabling impairment(s) (§ 405.1511) for purposes of deciding your eligibility for a reentitlement period (§ 404.1592a).

(d) *Second group of exceptions to medical improvement.* In addition to the first group of exceptions to medical improvement, the following exceptions may result in a determination that you are no longer disabled. In these situations the decision will be made without a determination that you can engage in substantial gainful activity.

(1) *A prior determination was fraudulently obtained.* If we find that any prior favorable determination was obtained by fraud, we may find that you are not disabled. In addition, we may reopen your claim under the rules in § 404.988.

(2) *You do not cooperate with us.* If there is a question about whether you continue to be disabled and we ask you to give us medical or other evidence or to go for a physical or mental examination by a certain date, we will find that your disability has ended if you fail (without good cause) to do what we ask. Section 404.911 discusses how we will decide whether you have good cause for failure to cooperate. The month in which your disability ends will be the first month in which you failed to do what we asked.

(3) *We are unable to find you.* If there is a question about whether you continue to be disabled and we are unable to find you to resolve the question, we will determine that your disability has ended. The month your disability ends will be the first month in which the question arose and we could not find you.

(4) *You fail to follow prescribed treatment which would be expected to restore your ability to engage in substantial gainful activity.* If treatment has been prescribed for you which would be expected to restore your ability to work, you must follow that treatment in order to be paid benefits. If you are not following that treatment and you do not have good cause for failing to follow that treatment, we will find that your disability has ended (see § 404.1530(c)). The month your disability ends will be the first month in which you failed to follow the prescribed treatment.

(e) *Before we stop your benefits.* Before we stop your benefits or a period of disability, we will give you a chance to explain why we should no do so. Sections 404.1595 and 404.1597 describe your rights (including appeal rights) and the procedures we will follow.

. 8. Section 404.1598 is revised to read as follows:

§ 404.1598 If you become disabled by another impairment(s).

If a new severe impairment(s) begins in or before the month in which your last impairment(s) ends, we will find that your disability is continuing. The new impairment(s) need not be expected to last 12 months or to result in death, but it must be severe enough to keep you from doing substantial gainful activity, or severe enough so that you are still disabled under § 404.1594.

PART 416—[AMENDED]

Part 416 of Chapter III of title 20 of the Code of Federal Regulations is proposed to be amended to read as follows:

1. The authority citation for Subpart I of Part 416 is revised to read as follows:

Authority: Secs. 1102, 1614, and 1631 of the Social Security Act; 49 Stat. 647, as amended, 86 Stat. 1471, as amended by 88 Stat. 52, 86 Stat. 1475 (42 U.S.C. 1302, 1382, and 1383); sec. 2 of Pub. L. 98-460, 98 Stat. 1794.

2. Section 416.901 is amended by revising paragraphs (d) and (l) to read as follows:

§ 416.901 Scope of subpart.

* * * * *

(d) Our general rules on evaluating disability if you are filing a new application are stated in §§ 416.920 through 416.923. We describe the steps that we go through and the order in which they are considered.

* * * * *

(l) Our rules on when disability or blindness continues and stops are

contained in §§ 416.986 and 416.988 through 416.998. We explain what your responsibilities are in telling us of any events that may cause a change in your disability or blindness status, when you may have a trial work period, and when we will review to see if you are still disabled. We also explain how we consider the issue of medical improvement (and the exceptions to medical improvement) in determining whether you are still disabled.

* * * * *

3. Section 416.992 is amended by revising paragraph (d)(2) to read as follows:

§ 416.992 The trial work period.

* * * * *

(d) * * *

(2) The month in which new evidence, other than evidenc relating to any work you did during the trial work period, shows that you are not disabled, even though you have not worked a full 9 months. We may find that your disability has ended at any time during the trial work period if the medical or other evidence shows that you are no longer disabled (see § 416.994).

§ 416.933 [Amended]

4. Section 416.993 is amended by revising the cross-references in the last sentence to §§ 416.994(b)(8)(ii) and 416.994(c)(4)(ii).

5. Section 416.994 is revised to read as follows:

§ 416.994 How we will decide whether your disability continues.

(a) *General.* There are a number of factors we consider in deciding whether your disability continues. Different rules apply depending on whether you are an adult or a child (under age 18) Additional rules apply if you were found disabled under a State plan. All these rules are explained in paragraphs (b), (c), and (d). The following factors are common to all decisions under this section.

(1) *Evidence and basis for decision.* Our decisions under this section will be made on a neutral basis without any initial inference as to the presence or absence of disability being drawn from the fact that you have previously been determined to be disabled. We will consider all evidence you submit, as well as all evidence we obtain from your treating physician(s) or other medical or nonmedical sources. Our procedures for obtaining evidence are set out in §§ 416.912 through 416.918. Our determination regarding whether your disability continues will be made on the basis of the weight of the evidence.

(2) *Medical condition.* By medical condition, we mean your impairment(s) and its effect on your functional capacity to do basic work activities. In deciding whether there has been any medical improvement in your impai. nent(s) and whether the other provisions of this section are applicable, we will consider whether there has been any medical improvement in the impairment(s) which was present at the time of the most recent medical decision that you were disabled or continued to be disabled.

(3) *Point of comparison.* For purposes of medical improvement and those exceptions to medical improvement which require comparison, we will compare your current functional capacity to do basic work activities with your functional capacity to do basic work activities as it relates to your impairment(s) which was present at the time of the most recent medical decision that you were disabled or continued to be disabled.

(4) *Before we stop your benefits.* If we find you are no longer disabled, before we stop your benefits, we will give you a chance to explain why we should not do so. Subparts M and N of this Part describe your rights and the procedures we will follow.

(b) *Disabled persons age 18 or over (Adults).* To assure that all relevant factors are considered in evaluating your disability and to help us determine at the earliest possible point in the evaluation process whether or not you are still disabled, we will consider the following factors and take the actions described.

(1) Are you engaging in substantial gainful activity? If yes (and any applicable trial work period has been completed), we will find disability to have ceased (see (b)(7)(v) below).

(2) Do you currently have a severe impairment or a severe combination of impairments? If you do not have a severe impairment or a severe combination of impairments, has there been any medical improvement in your impairment(s), (see paragraph (b)(6) of this section) i.e., has your functional capacity to do basic work activities increased? If t..ere has been any medical improvement in your impairment(s), disability will be found to have ceased. If there has not been any medical improvement in your impairment(s), disability will be found to continue unless one of the exceptions to medical improvement applies.

(3) If you have a severe impairment (or a severe combination of impairments), does it meet or equal the severity of an impairment listed in Appendix 1 of Subpart P of Part 404 of this chapter? If yes, disability will be found to continue. If no, a residual functional capacity assessment will be prepared. We will then determine whether there has been any medical improvement in your impairment(s). If there has not been any medical improvement in your impairment(s), does one of the exceptions apply? If there has not been any medical improvement in your impairment(s) (see paragraph (b)(6) of this section) and none of the exceptions to medical improvement applies, disability will be found to continue.

(4) If there has been medical improvement or if one of the first group of exceptions to medical improvement applies, we will use the residual functional capacity assessment in determining whether you can do work you have done in the past. If yes, disability will be found to have ceased.

(5) If you are not able to do work you have done in the past, we will consider one final step. Given the residual functional capacity assessment and considering your age, education and past work experience can you do other work? If yes, disability will be found to have ceased. If no, disability will be found to continue.

These evaluation steps are explained in more detail throughout this Subpart. Medical improvement is explained in paragraph (b)(6) of this section.The first group of exceptions to medical improvement are explained in paragraph (b)(7) of this section, and the second group of exceptions to medical improvement are explained in paragraph (b)(8) of this section. If at any point in this evaluation process the evidence shows that you continue to be disabled, we will find that your disability continues without further consideration unless some other basis for cessation exists. We will find that your disability continues if there has not been any medical improvement in your impairment(s) and none of the exceptions to medical improvement applies.We will also find that your disability continues if we determine that you are not able to engage in substantial gainful activity unless some other basis for cessation exists. We will find that your disability ends if there has been any medical improvement in your impairment(s) and you are able to engage in substantial gainful activity; or if one of the first group of exceptions to medical improvement applies and you are able to engage in substantial gainful activity; or if one of the second group of exceptions to medical improvement applies.

(6) *Medical Improvement.* Medical improvement is any increase in your functional capacity to do basic work activities since the most recent favorable medical determination. This will be determined by a comparison of prior and current evidence, including medical and other relevant evidence, as it relates to your impairment(s) which was present at the time of the most recent medical decision that you were disabled or continued to be disabled. A substitution of judgment alone regarding your functional capacity to do basic work activities based on unchanged medical findings will not be considered medical improvement. How your functional capacity to do basic work activities is assessed is set out in § 416.945.

Examples

Example 1: You have a back problem and had a laminectomy to relieve nerve root impingement and weakness in your left leg. At the time of our prior decision you were able to lift no more than 10 pounds occasionally, stand less than 6 hours and sit no more than one-half hour at a time. You had a successful fusion operation on your back about one year before our current review of your entitlement. At the time of our review the weakness in your leg has decreased, but you have some loss of range of motion in your back. However, you are now able to lift 15 pounds frequently and 25 pounds occasionally and have no limitation on your ability to sit, walk, or stand. Medical improvement has occurred because there has been an increase in your ability to do basic work activities.

Example 2: You are 65 inches tall and weighed 246 pounds at the time your disability was established. You had venous insufficiency and edema in your legs. At that time you were able to sit for 6 hours but were able to stand or walk only occasionally. At the time of our review of your continuing entitlement to disability benefits, you had undergone a vein stripping operation. You now weigh 239 pounds and have intermittent edema. Other than some decrease in your discomfort on walking there has been no change in your functional capacity to do basic work activities. Medical improvement has not occurred because there has been no increase in your ability to do basic work activities.

A finding that your impairment(s) meets or equals an impairment listed in Appendix 1 of Subpart P of Part 404 of this chapter means that you are presumed to be unable to perform work-related functions (basic work activities) (see § 416.925(a)). A finding that your current impairment(s) is not severe (see § 416.921) means there is no significant limitation of your ability to do basic work activities.

(7) *First group of exceptions to medical improvement.* If substantial evidence shows that there has not been any medical improvement in your impairment(s) (see paragraph (b)(6)), we will consider the following exceptions to medical improvement. If one of these exceptions applies and you are able to engage in substantial gainful activity, we will find that your disability ends.

(i) *Substantial evidence shows that you are the beneficiary of advances in medical or vocational therapy or technology (related to your ability to work).* Advances in medical or vocational therapy or technology are improvements in treatment or rehabilitative methods which may favorably affect your ability to do basic work activities. We will apply this exception when you have been the beneficiary of services which reflect these advances. This decision will be based on new medical evidence and a new residual functional capacity assessment. (See § 416.945.) This exception does not apply if you are eligible to receive special SSI cash benefits as explained in § 416.261.

(ii) *Substantial evidence shows that you have undergone vocational therapy (related to your ability to work).* Vocational therapy (related to your ability to work) may include but is not limited to additional education, training, or work experience. This decision will be based on new medical evidence and a new residual functional capacity assessment. (See § 416.945.) This exception is not applicable if you are eligible to receive special SSI cash benefits as explained in § 416.261.

Example 1: You enrolled in and completed a specialized training course which qualifies you for a job in data processing and new medical evidence and a new assessment of your residual functional capacity demonstrate that you can engage in substantial gainful activity.

Example 2: Your vocational rehabilitation agency sent you to a trade school. Upon completion of the course, you are qualified to do small appliance repair and new medical evidence and a new assessment of your residual functional capacity demonstrate that you can engage in substantial gainful activity.

(iii) *Substantial evidence shows that based on new or improved diagnostic or evaluative techniques your condition is not as disabling as it was considered to be at the time of the most recent favorable decision.* This exception applies when substantial evidence demonstrates that, as determined on the basis of new or improved diagnostic techniques or evaluations, your impairment(s) is not as disabling as it was considered to be at the time of the most recent medical decision that you were disabled or continued to be disabled. New or improved diagnostic or evaluative techniques are techniques which may disclose that your condition is less disabling that was originally thought at the time of the most recent favorable medical decision. Changing methodologies and advances in medical and vocational diagnostic and evaluative techniques have given rise to improved methods for documenting and evaluating medical evidence and residual functional capacity. Where such methods, properly used, permit the development of more accurate, objective and valid results, they will be used. Where these new or improved diagnostic or evaluative techniques are used to determine or document your functional capacity to do basic work activities and where this new determination shows that you are not as disabled as was previously considered, such evidence may serve as a basis for finding that you are no longer disabled. This exception includes only those new or improved diagnostic or evaluative techniques which became generally available after the most recent favorable decision. Changes in diagnostic or evaluative techniques appearing in the Listing of Impairments found in Appendix 1 of Subpart P of Part 404 of this chapter will be regarded as one type of new or improved evaluative techniques, as illustrated by the following example.

Example: Serum creatinine levels (Listing 6.02C) have replaced blood urea nitrogen (BUN) levels as indicators of renal dysfunction since the time of your last favorable medical decision. Current evidence including serum creatinine and creatinine clearance levels could show that your condition, which was previously evaluated based on BUN levels, is not now as disabling as was previously thought.

(iv) *Substantial evidence demonstrates that any prior disability decision was in error.* We will apply the exception to medical improvement based on error if substantial evidence shows that the evidence we considered in making any prior favorable determination demonstrates that an error was made, e.g. the evidence in your file does not pertain to you or was misread. We will also apply this exception if new and material evidence relating to any prior favorable decision shows that it was in error, e.g. a tumor thought to be malignant was later shown to be benign. If the evidence supporting our prior determination is available but does not conform to our documentation standards including but not limited to those reflected in Appendix 1 of Subpart P of Part 404 of this chapter, the lack of documentation may be considered as error. Additionally, error includes situations where evidence now includes

a better, more conclusive diagnostic technique or evaluation which was available at the time of the prior decision but not used in the prior decision. Some additional examples of error are:

(A) some of the evidence in your file was misinterpreted e.g., pulmonary function study values were misread;

(B) an adjudicative standard was misapplied e.g., the wrong vocational rule was applied.

Substantial evidence must show that had the current evidence been available at the time of the prior decision the claim would not have been allowed or continued. A substitution of current judgment alone for that used in the prior favorable decision will not be the basis for applying this exception. In addition, error will not be found where the prior file has been lost and relevant portions cannot be reconstructed. We will, as in other cases, obtain current evidence to evaluate your present condition. This exception to medical improvement based on error will be applied under the conditions set out above, even though some of the conditions for reopening the prior decision (§ 416.1488) may not be met.

(v) *You are currently engaging in substantial gainful activity.* Before we determine whether you are no longer disabled because of your work activity, we will consider whether you are entitled to a trial work period as set out in § 416.992. We will find that your disability has ended in the month in which you demonstrated your ability to engage in substantial gainful activity (following completion of a trial work period, where it applies). This exception does not apply if you are eligible to receive special SSI cash benefits as explained in § 416.261. This exception also does not apply in determining whether you continue to have a disabling impairment(s) (§ 416.911) for purposes of deciding your eligibility for a reentitlement period (§ 416.992a).

(8) *Second group of exceptions to medical improvement.* In addition to the first group of exceptions to medical improvement, the following exceptions may result in a determination that you are no longer disabled. In these situations the decision will be made without a determination that you can engage in substantial gainful activity.

(i) *A prior determination was fraudulently obtained.* If we find that any prior favorable determination was obtained by fraud, we may find that you are not disabled. In addition, we may reopen your claim under the rules in § 416.1488.

(ii) *You do not cooperate with us.* If there is a question about whether you continue to be disabled and we ask you to give us medical or other evidence or to go for a physical or mental examination by a certain date, we will find that your disability was ended if you fail (without good cause) to do what we ask. § 416.1411 discusses how we will decide whether you have good cause for failure to cooperate. The month in which your disability ends will be the first month in which you failed to do what we asked.

(iii) *We are unable to find you.* If there is a question about whether you continue to be disabled and we are unable to find you to resolve the question, we will suspend your benefits until we are able to locate you. If we cannot locate you within 12 calendar months, your eligibility for benefits will be terminated (see § 416.1335).

(iv) *You fail to follow prescribed treatment which would be expected to restore your ability to engage in substantial gainful activity.* If treatment has been prescribed for you which would be expected to restore your ability to work, you must follow that treatment in order to be paid benefits. If you are not following that treatment and you do not have good cause for failing to follow that treatment, we will find that your disability has ended (see § 416.930(c)). The month your disability ends will be the first month in which you failed to follow the prescribed treatment.

(c) *Disabled persons under age 18 (Children).* In deciding whether your disability continues, there are a number of factors we consider.

(1) *Evaluation Steps.* To assure that all relevant factors are considered in evaluating your disability and to help us determine at the earliest possible point in the evaluation process whether you are still disabled we will consider the following factors and take the actions described.

(i) Are you engaging in substantial gainful activity? If yes (and any applicable trial work period has been completed), we will find disability to have ceased.

(ii) Does your impairment(s) meet or equal the Listing of Impairments in Appendix 1 of Subpart P of Part 404 of this chapter, and

(iii) Has there been any medical improvement in your impairment(s) (see paragraph (c)(2) of this section) i.e., has your functional capacity to do basic work activities increased or does one of the exceptions to medical improvement apply?

Evaluation steps (i) and (ii) are stated in § 416.923 and explained in more detail throughout this subpart. Medical improvement is explained in paragraph (c)(2) of this section. The first group of exceptions to medical improvement are explained in paragraph (c)(3) of this section, and the second group of exceptions to medical improvement are explained in paragraph (c)(4) of this section. If at any point in this evaluation process the evidence shows that you continue to be disabled, we will find that your disability continues without further consideration unless some other basis for cessation exists. If there has not been any medical improvement in your impairment(s) and none of the exceptions to medical improvement applies, we will find that your disability continues. We will find that your disability ends if—

(iv) There has been any medical improvement in your impairment(s) or one of the first group of exceptions to medical improvement applies, and

(v) We determine under evaluation step (ii) of this subsection that the severity of your impairment(s) no longer compares to the severity which would make an adult (a person age 18 or over) disabled.

We will also find that your disability ends if one of the second group of exceptions to medical improvement applies. In this situation the decision will be made without a comparison of the severity of your impairment(s) to the severity of that which would make an adult disabled.

(2) *Medical Improvement.* Medical improvement is any increase in your functional capacity to perform age-appropriate activities since the most recent favorable medical determination. This will be determined by a comparison of prior and current evidence, including medical and other relevant evidence as it relates to your impairment(s) which was present at the time of the most recent medical decision that you were disabled or continued to be disabled. A substitution of judgment alone regarding your functional capacity based on unchanged medical findings will not be considered medical improvement.

Examples

Example 1: A child was allowed as meeting Listing 101.08 due to chronic osteomyelitis of the knee. At that time he had redness and drainage of the infected site which persisted despite therapy. Current evidence shows that he has responded to intensive medication and treatment. He has had no episodes of acute activity or drainage for the past 8 months and has only mild limitation of knee motion. Because the child's functional

capacity has increased he is found to have medical improvement in his impairment.

Example 2: Under the medical equivalence provisions of § 416.926, a child was found disabled based on a deformed leg and a hearing impairment. At the time the child's disability was reevaluated, an operation had resulted in minor improvement in the leg deformity, the hearing impairment had deteriorated somewhat, and, in addition, the child now had a seizure disorder with infrequent seizures. Medical improvement will not be found, because considering the impairments present at the time of the prior favorable medical decision, the child's functional capacity has not increased.

A finding that your impairment(s) meets or equals an impairment listed in Appendix 1 of Subpart P of Part 404 of this chapter means that you are presumed to be unable to perform age-appropriate activities.

(3) *First group of exceptions to medical improvement.* If substantial evidence shows that there has not been any medical improvement in your impairment(s) (see paragraph (c)(2)), we will consider the following exceptions to medical improvement. We will find that your disability ends if one of these exceptions applies and the severity of your impairment(s) no longer compares to the severity which would make an adult (a person age 18 or over) disabled.

(i) *Substantial evidence shows that you are the beneficiary of advances in medical therapy or technology.* Advances in medical therapy or technology are improvements in treatment methods which may favorable affect your condition. We will apply this exception when you have been the beneficiary of services which reflect these avances. This decision will be based on new medical evidence. This exception does not apply if you are eligible to receive special SSI cash benefits as explained in § 416.261.

(ii) *Substantial evidence shows that based on new or improved diagnostic or evaluative techniques your condition is not as disabling as it was considered to be at the time of the most recent favorable decision.* This exception applies when substantial evidence demonstrates that, as determined on the basis of new or improved diagnostic techniques or evaluations, your impairment(s) is not as disabling as it was considered to be at the time of the most recent medical decision that you were disabled or continued to be disabled. New or improved diagnostic or evaluative techniques are techniques which may disclose that your condition is less disabling than was originally thought at the time of the most recent favorable medical decision. Changing methodologies and advances in medical and other diagnostic and evaluative techniques have given rise to improved methods for documenting and evaluating medical evidence and residual functional capacity. Where such methods, properly used, permit the development of more accurate, objective and valid results, they will be used. Where these new or improved diagnostic or evaluative techniques are used to determine or document your functional capacity to do age-appropriate activities and where this new determination shows that you are not as disabled as was previously considered, such evidence may serve as a basis for finding that you are no longer disabled. This exception includes only those new or improved diagnostic or evaluative techniques which became generally available after the most recent favorable decision. Changes in diagnostic or evaluative techniques appearing in the Listing of Impairments found in Appendix 1 of Subpart P of Part 404 of this chapter will be regarded as one type of new or improved evaluative techniques.

(iii) *Substantial evidence demonstrates that any prior disability decision was in error.* We will apply the exception to medical improvement based on error if substantial evidence shows that the evidence we considered in making any prior favorable determination demonstrates that an error was made, e.g., the evidence in your file does not pertain to you or some of the evidence in your file, such as pulmonary function study values, was misread. We will also apply this exception if new and material evidence relating to any prior favorable decision shows that it was in error, e.g., a tumor thought to be malignant was later shown to be benign. If the evidence supporting our prior determination is available but does not conform to our documentation standards including but not limited to those in Appendix 1 of Subpart P of Part 404 of this chapter, the lack of documentation may be considered an error. Additionally, error includes situations where evidence now includes a better, more conclusive diagnostic technique or evaluation which was available at the time of the prior decision but not used in the prior decision. Substantial evidence must show that had the current evidence been available at the time of the prior decision the claim would not have been allowed or continued. A substitution of current judgment alone for that used in the prior favorable decision will not be the basis for applying this exception. In addition, error will not be found where the prior file has been lost and relevant portions cannot be reconstructed. We will, as in other cases, obtain current evidence to evaluate your present condition. This exception to medical improvement based on error will be applied under the conditions set out above, even though some of the conditions for reopening the prior decision (§ 416.1488) may not be met.

(iv) *You are currently engaging in substantial gainful activity.* Before we determine whether you are no longer disabled because of your work activity, we will consider whether you are entitled to a trial work period as set out in § 416.992. We will find that your disability has ended in the month in which you demonstrated your ability to engage in substantial gainful activity (following completion of a trial work period, where it applies). This exception does not apply if you are eligible to receive special SSI cash benefits as explained in § 416.261. This exception also does not apply in determining whether you continue to have a disabling impairment(s) (§ 416.911) for proposes of deciding your eligibility for a reentitlement period (§ 416.992a).

(4) *Second group of exceptions to medical improvement.* In addition to the first group of exceptions to medical improvement, the following exceptions may result in a determination that you are no longer disabled. In these situations the decision will be made without a determination that the severity of your impairment(s) no longer compares to the severity which would make an adult (a person age 18 or over) disabled.

(i) *A prior determination was fraudulently obtained.* If we find that any prior favorable determination was obtained by fraud, we may find that you are not disabled. In addition, we may reopen your claim under the rules in § 416.1488.

(ii) *You do not cooperate with us.* If there is a question about whether you continue to be disabled and we ask you to give us medical or other evidence or to go for a physical or mental examination by a certain date, we will find that your disability has ended if you fail (without good cause) to do what we ask. Section 416.1411 discusses how we will decide whether you have good cause for failure to cooperate. The month in which your disability ends will be the first month in which you failed to do what we asked.

(iii) *We are unable to find you.* If there is a question about whether you continue to be disabled and we are unable to find you to resolve the question, we will suspend your benefits until we are able to locate you. If we cannot locate you within 12 calendar

months, your eligibility for benefits will be terminated (see § 416.1335).

(iv) *You fail to follow prescribed treatment which would be expected to restore your ability to perform age-appropriate activities.* If treatment has been prescribed for you which would be expected to restore your ability to perform age-appropriate activities, you must follow that treatment in order to be paid benefits. If you are not following that treatment and you do not have good cause for failing to follow that treatment, we will find that your disability has ended (see § 416.930(c)). The month your disability ends will be the first month in which you failed to follow the prescribed treatment.

(d) *Persons who were found disabled under a State plan.* If you became entitled to benefits because you were found to be disabled under a State plan, we will first evaluate your condition under the rules explained in paragraphs (a), (b), or (c) above. If we are not able to find that your disability continues on the basis of these rules, we will then evaluate your condition under the appropriate State plan. If we are not able to find that your disability continues under these State plan criteria, we will find that your disability ends.

6. Section 416.998 is revised to read as follows:

§ 416.998 If you become disabled by another impairment(s).

If a new severe impairment(s) begins in or before the month in which your last impairment(s) ends, we will find that your disability is continuing. The new impairment(s) need not be expected to last 12 months or to result in death, but it must be severe enough to keep you from doing substantial gainful activity, or severe enough so that you are still disabled under § 416.994.

[FR Doc. 85-10474 Filed 4-29-85; 8:45 am]

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